



APPLICATION ACCEPTED: January 28, 2010
BOARD OF ZONING APPEALS: April 14, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 7, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-DR-008

DRANESVILLE DISTRICT

APPLICANTS/OWNERS: Luke P. Levasseur
Kathryn D. Ray

STREET ADDRESS: 1815 MacArthur Drive

SUBDIVISION: Chesterbrook

TAX MAP REFERENCE: 31-3 ((6)) 135

LOT SIZE: 10,018 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 9.3 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends **approval in-part**. Staff recommends approval for the proposed one (1) car garage addition with floor above only. Staff recommends denial of the one (1) story family/dining room addition (approximately 15 feet x 23 feet).

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:\dhedr\Special Permits(4-14) SP 2010-DR-008 Levasseur & Ray\SP 2010-DR-008 Levasseur & Ray staff report.doc
Deborah Hedrick

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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



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.**

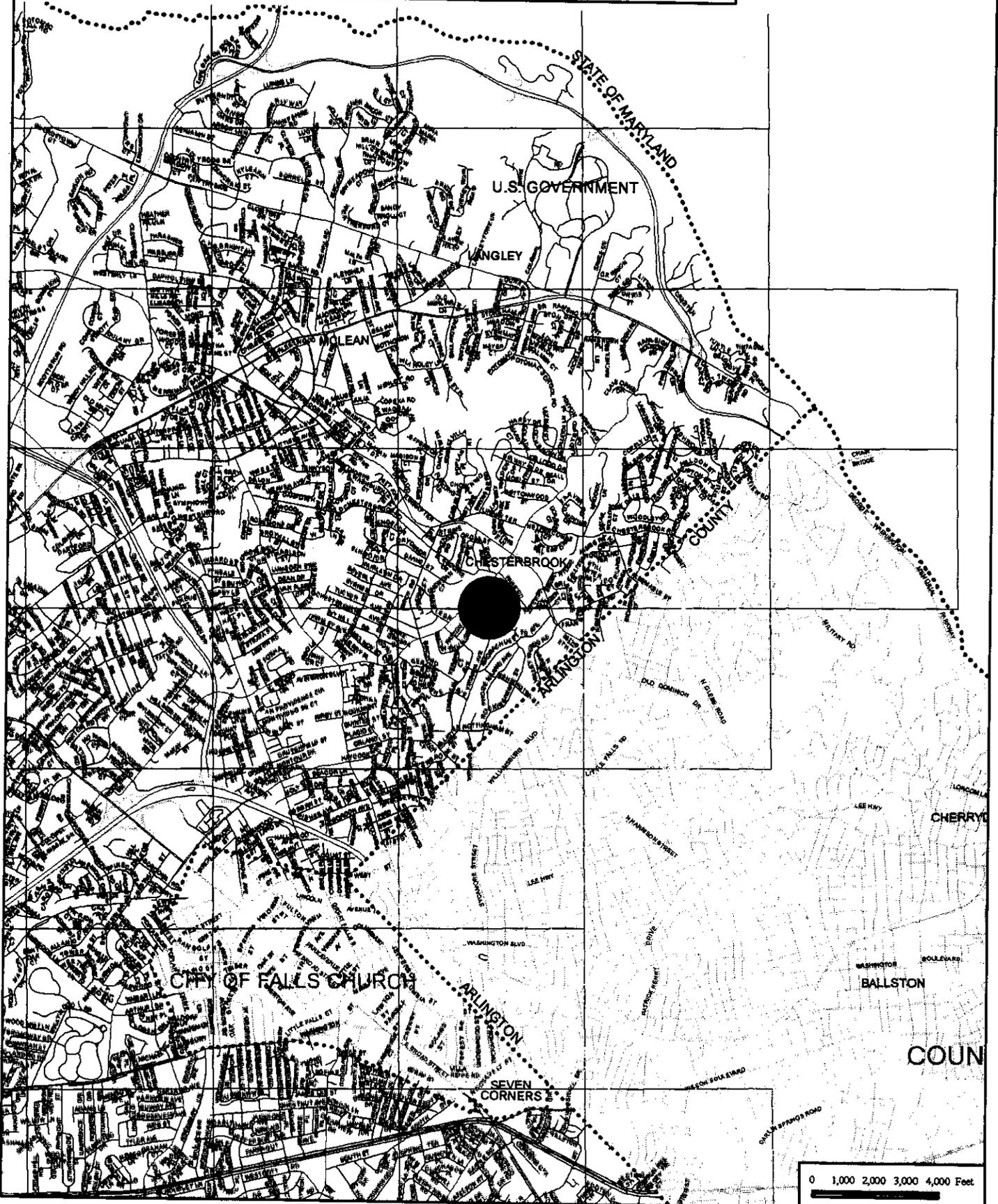


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2010-DR-008

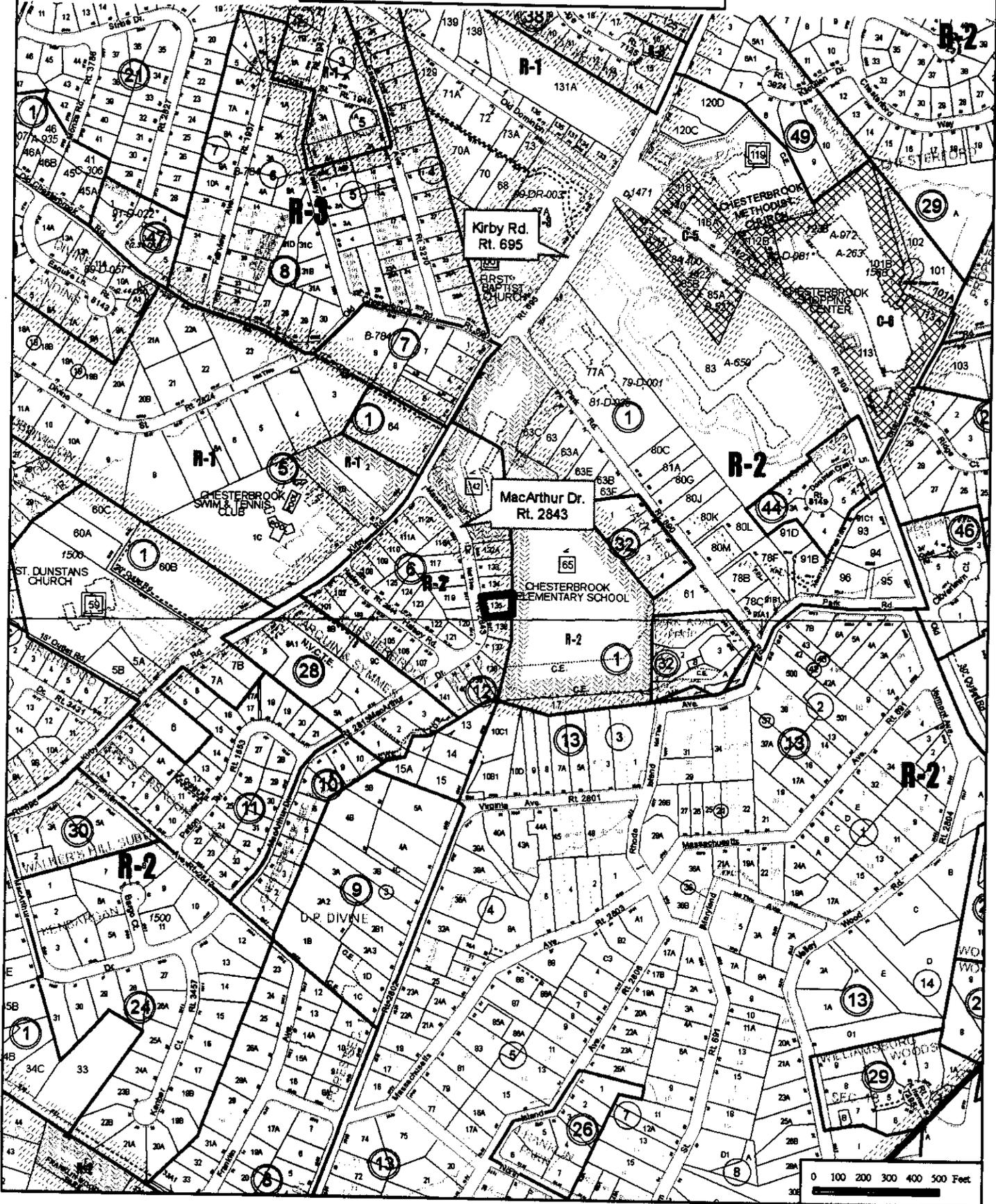
LUKE LEVASSEUR & KATHRYN D. RAY



Special Permit

SP 2010-DR-008

LUKE LEVASSEUR & KATHRYN D. RAY

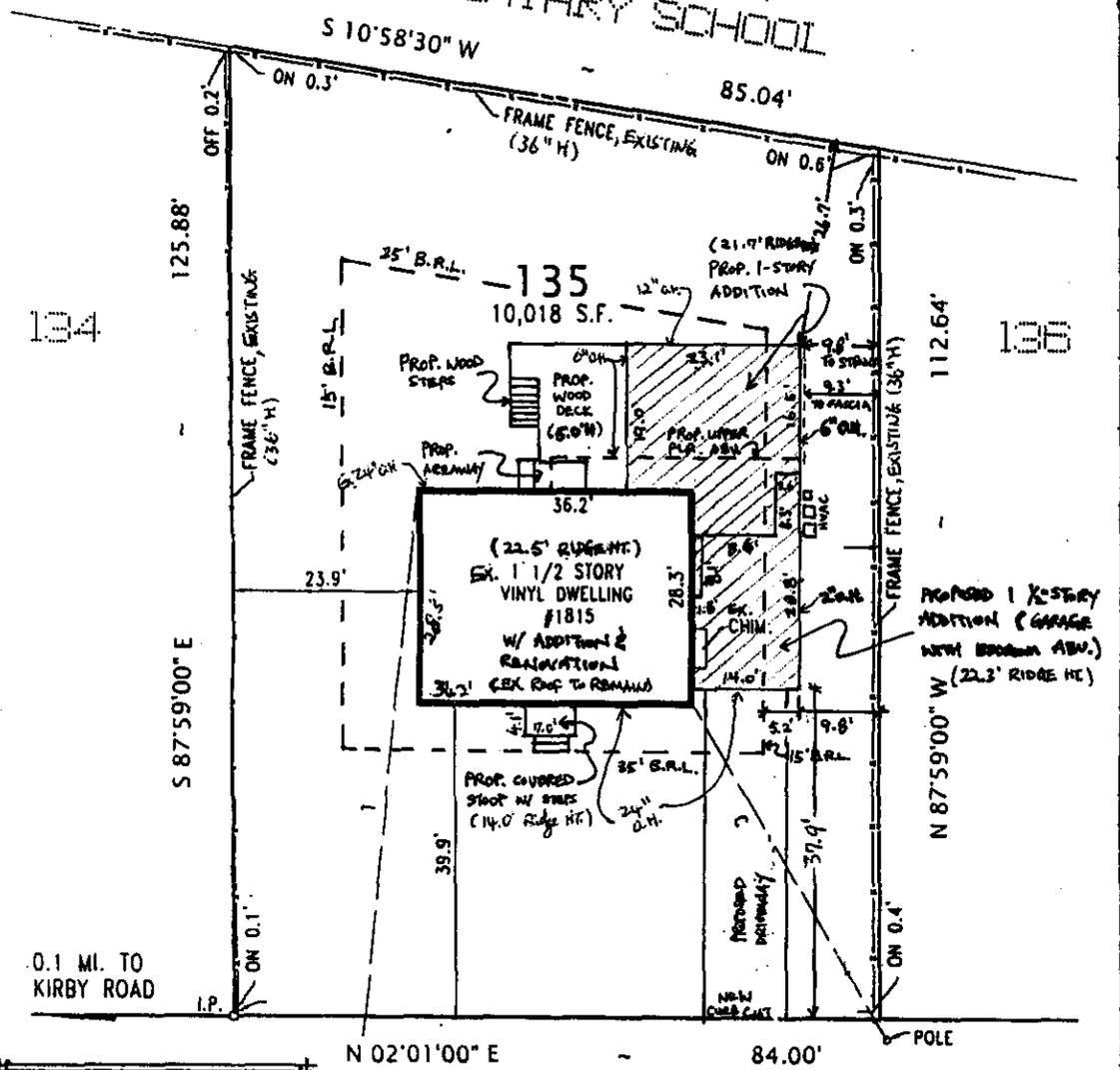


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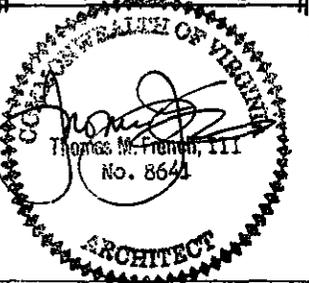
NOTE: ELECTRIC IS UNDERGROUND



CHESTERBROOK ELEMENTARY SCHOOL



PROPOSED ADDITION DRAWN BY:
 THOMAS FRENCH ARCHITECT, P.C.
 OCT. 16, 2009, DEC. 22, 2009 (REV.),
 JUN 21, 2010 (REV.)
 MAR. 10, 2010 (REV.)



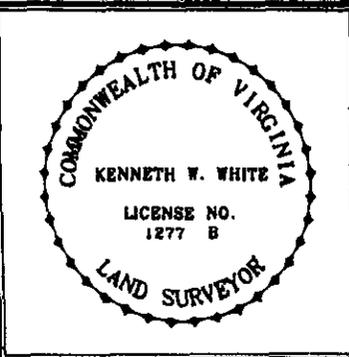
MacARTHUR DRIVE

50' R/W

PLAT
 SHOWING HOUSE LOCATION ON
 LOT 135 SECTION 2
CHESTERBROOK
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20' APRIL 26, 2001

RECEIVED
 DEPARTMENT OF PLANNING
 AND ZONING
 MAR 12 2010
 SPECIAL PERMIT &
 VARIANCE BRANCH

PLAT SUBJECT TO RESTRICTIONS OF RECORD.
 TITLE REPORT NOT FURNISHED.



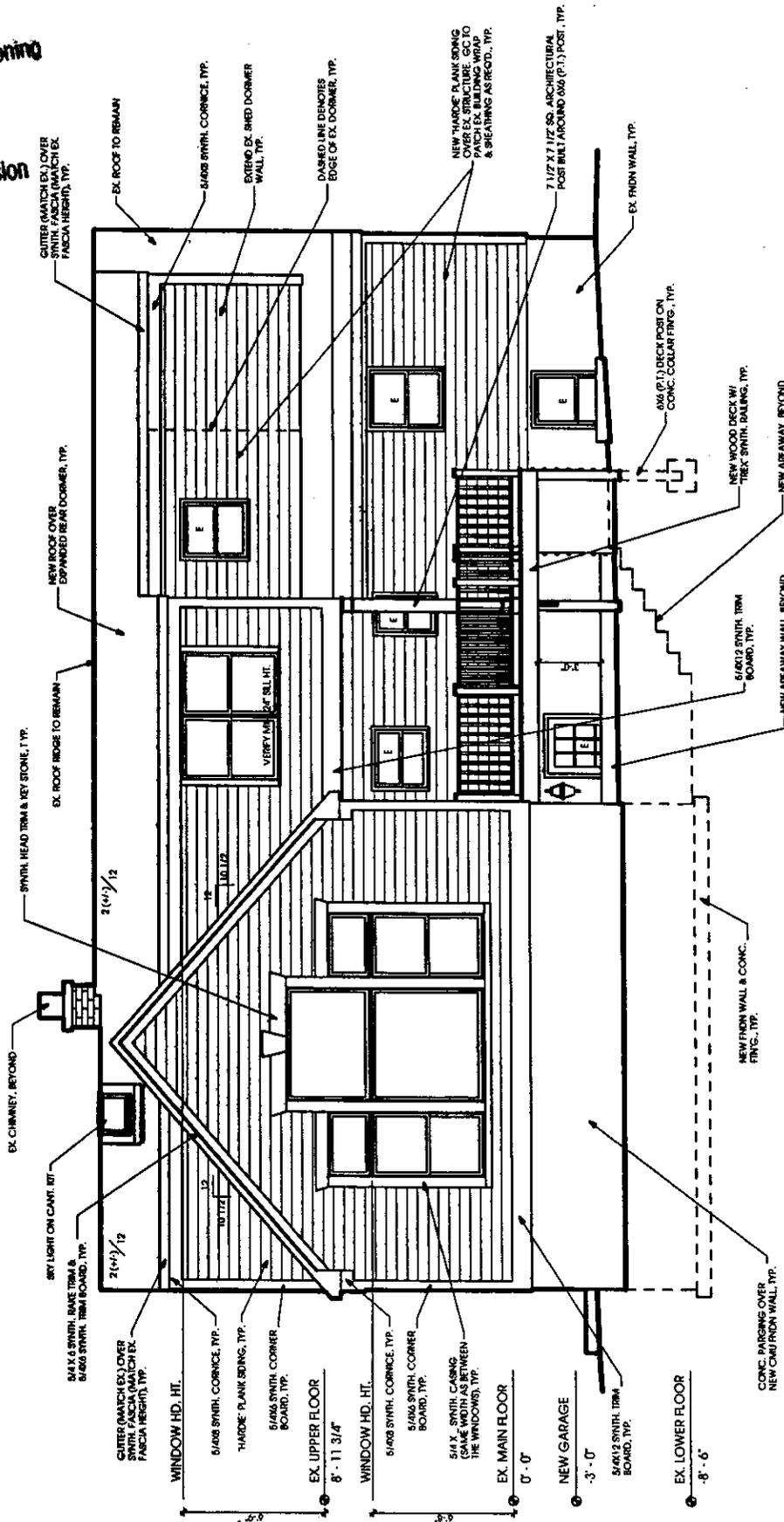
CASE NAME
 SHINE - LEVASSEUR/RAY
 ALLEN

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.
 KENNETH W. WHITE L.S.

ALEXANDRIA SURVEYS, INC.
 6343 SOUTH KINGS HIGHWAY
 ALEXANDRIA, VIRGINIA 22306
 703-660-6615
 FAX 703-788-7764

RAY-LEVASSEUR RESIDENCE
 1815 MacArthur Drive
 McLean, VA 22101

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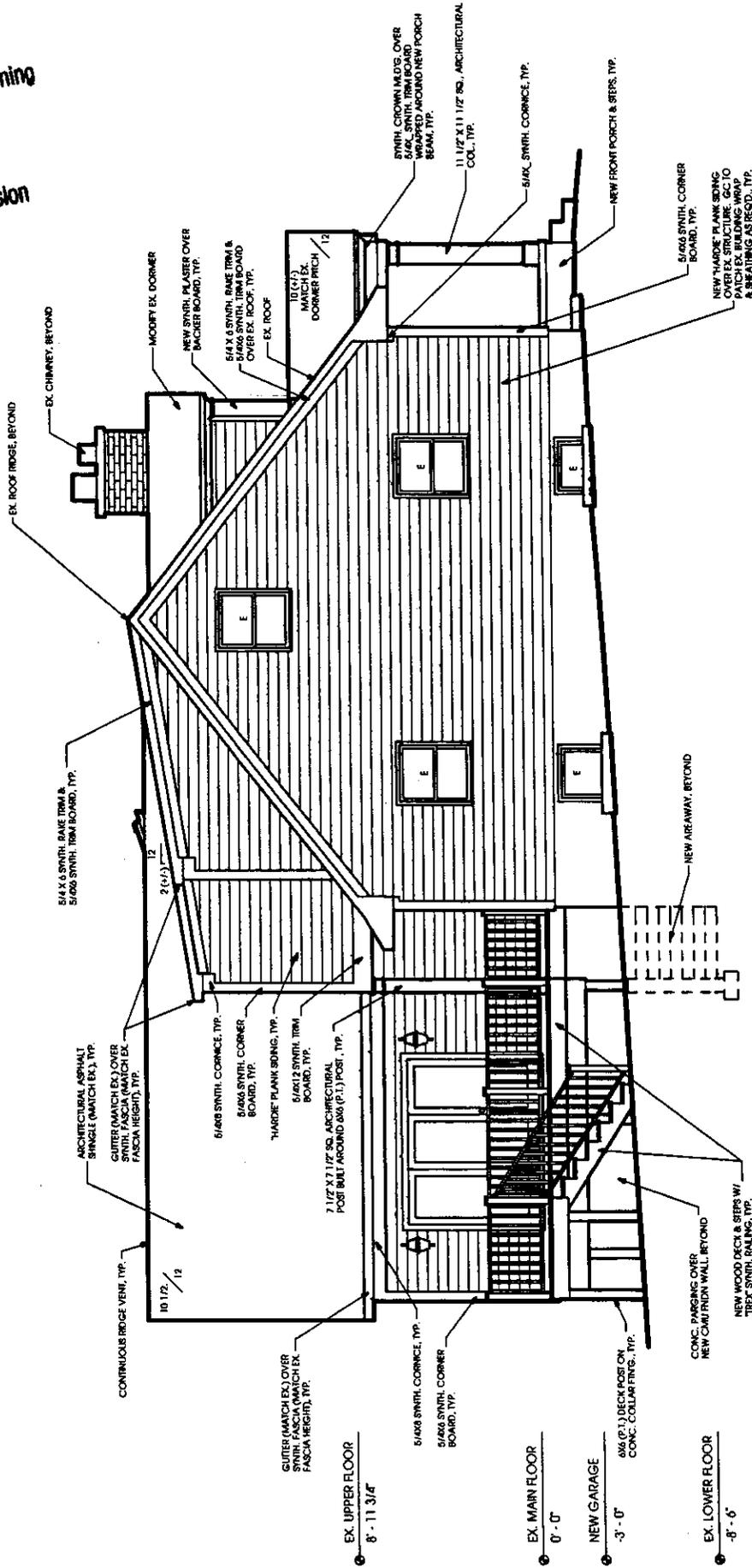


Thomas French Architects, PC
 6723 Whittier Ave.
 Suite 402
 McLean, VA 22101
 Tele. 703 734 0084
 Fax. 703 734 1984

PROPOSED REAR ELEVATION
 1/8" = 1' - 0"

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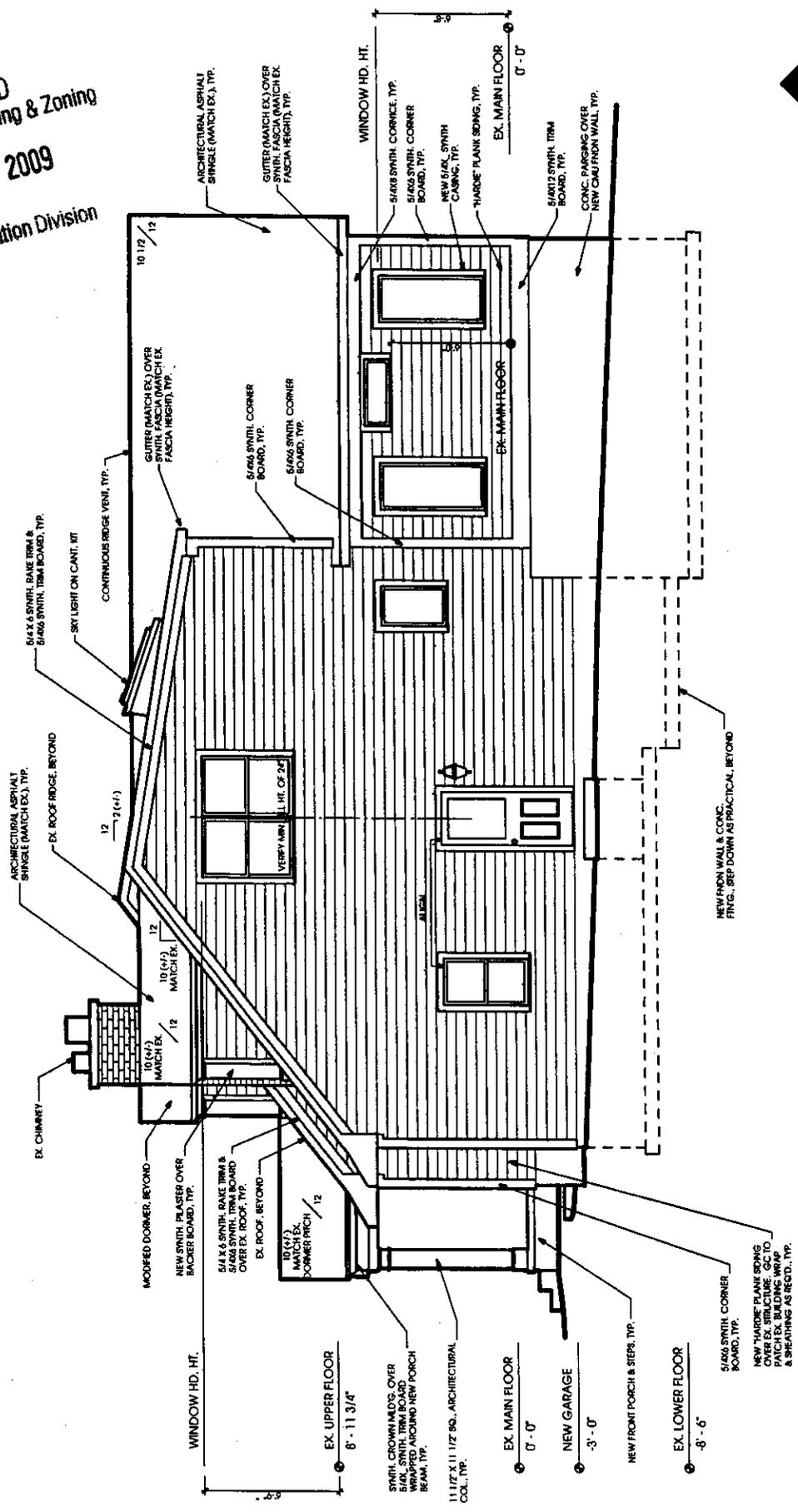


PROPOSED LEFT SIDE ELEVATION
 1/8" = 1' - 0"

Thomas French Architect PC
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 Suite 402
 McLean, VA 22101
 Tele. 703 734 0084
 Fax. 703 734 1964

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PROPOSED RIGHT SIDE ELEVATION
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Thomas French Architect PC
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 Suite 402
 McLean, VA 22101
 Tele. 703.734.0084
 Fax. 703.734.1964

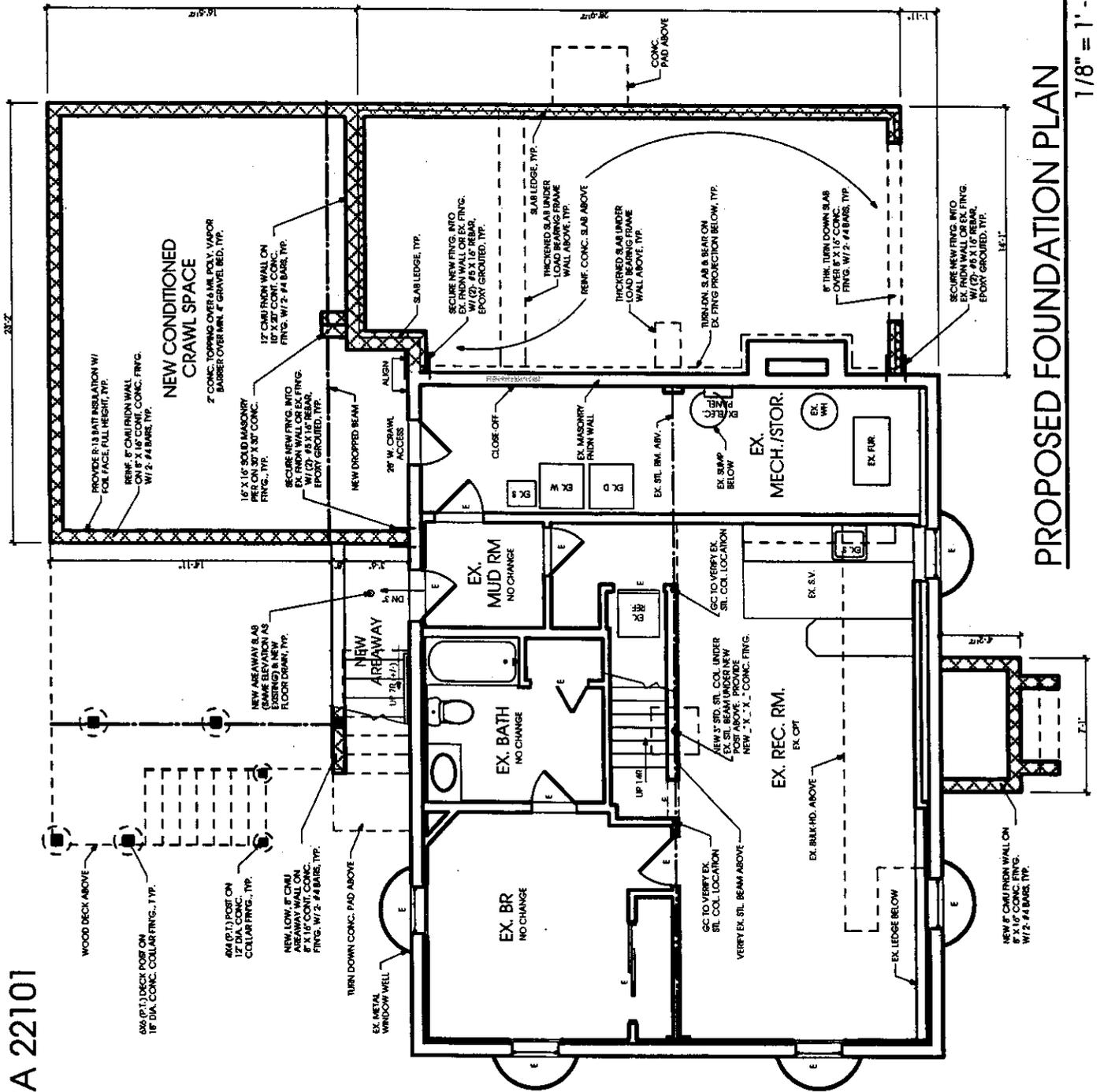
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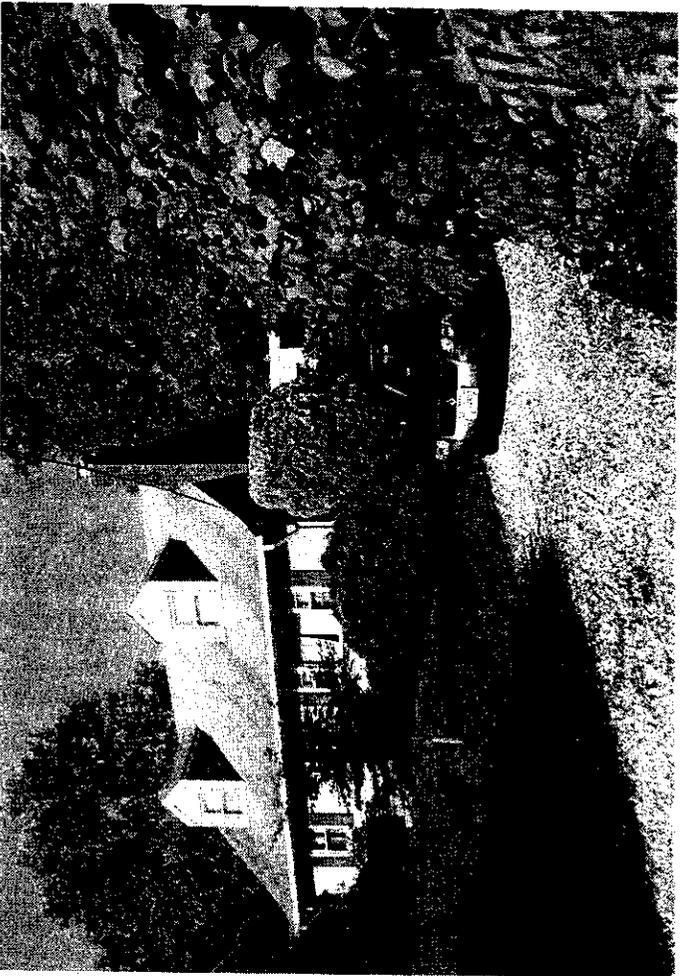
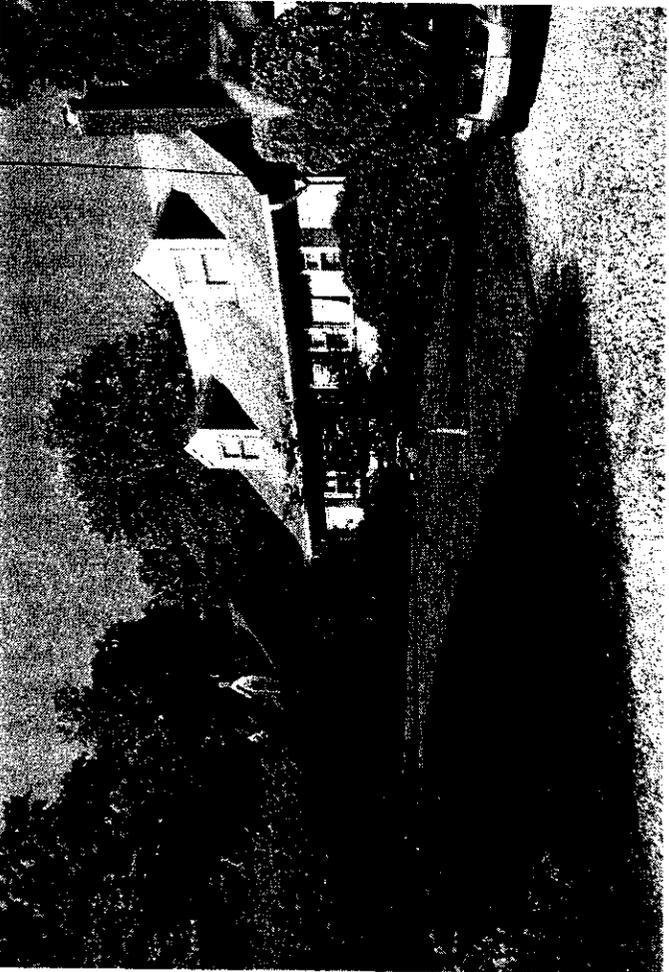
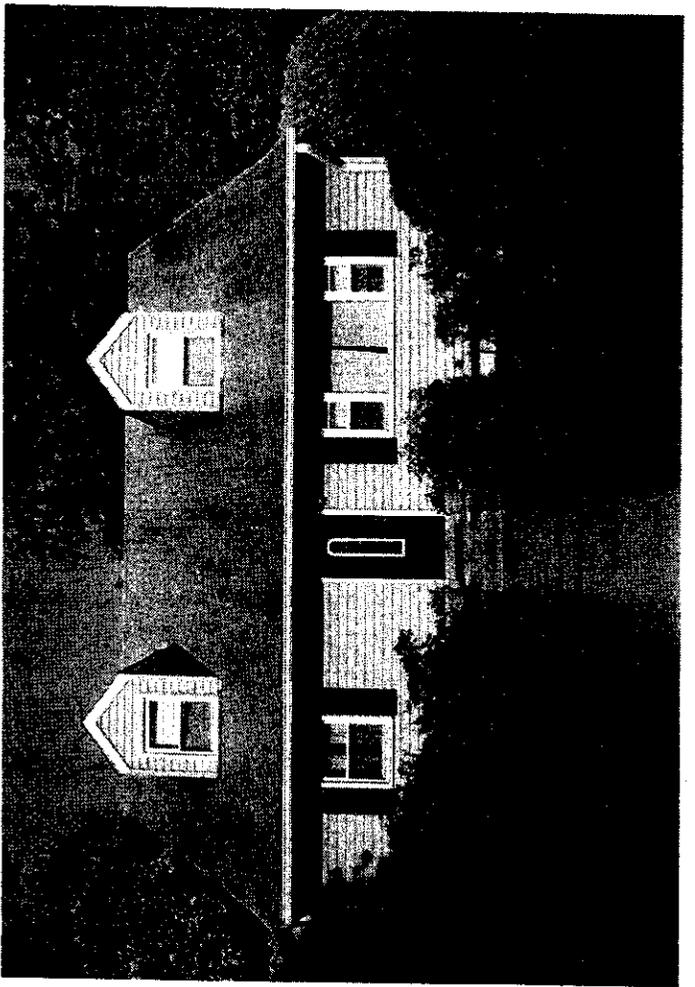
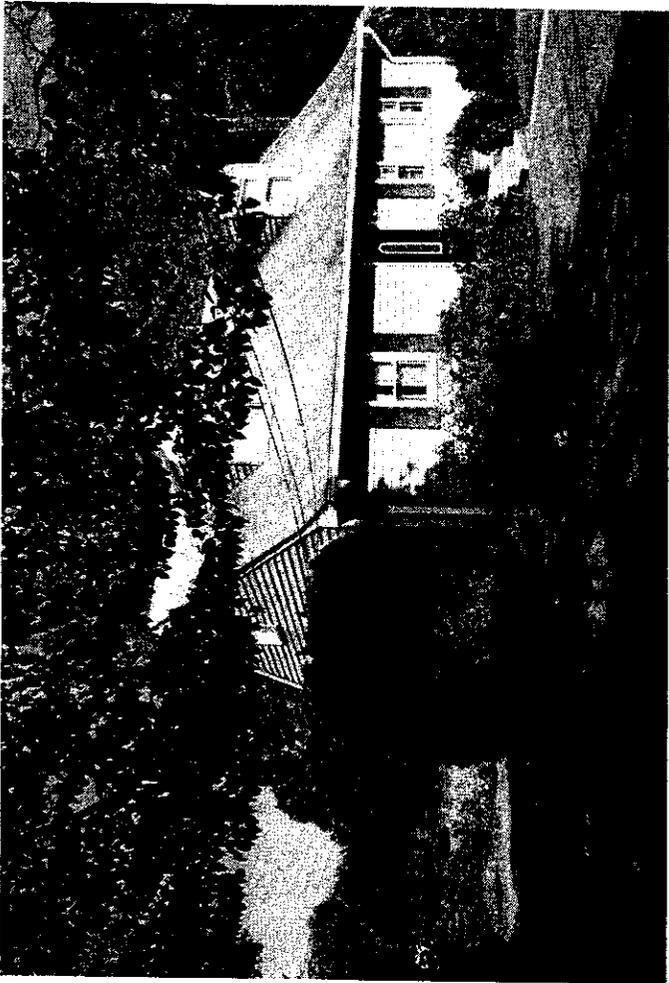
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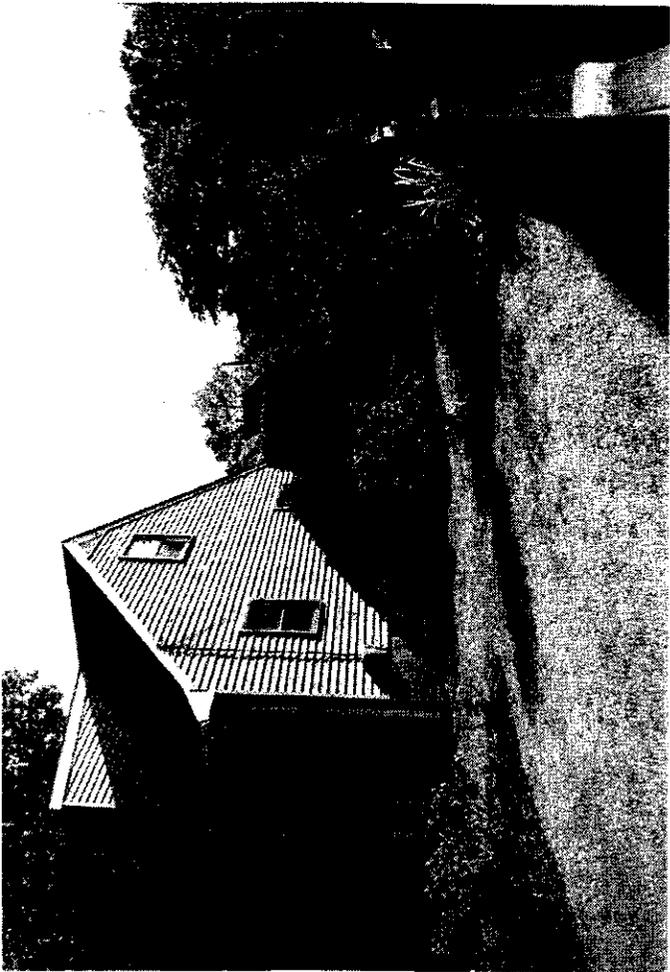
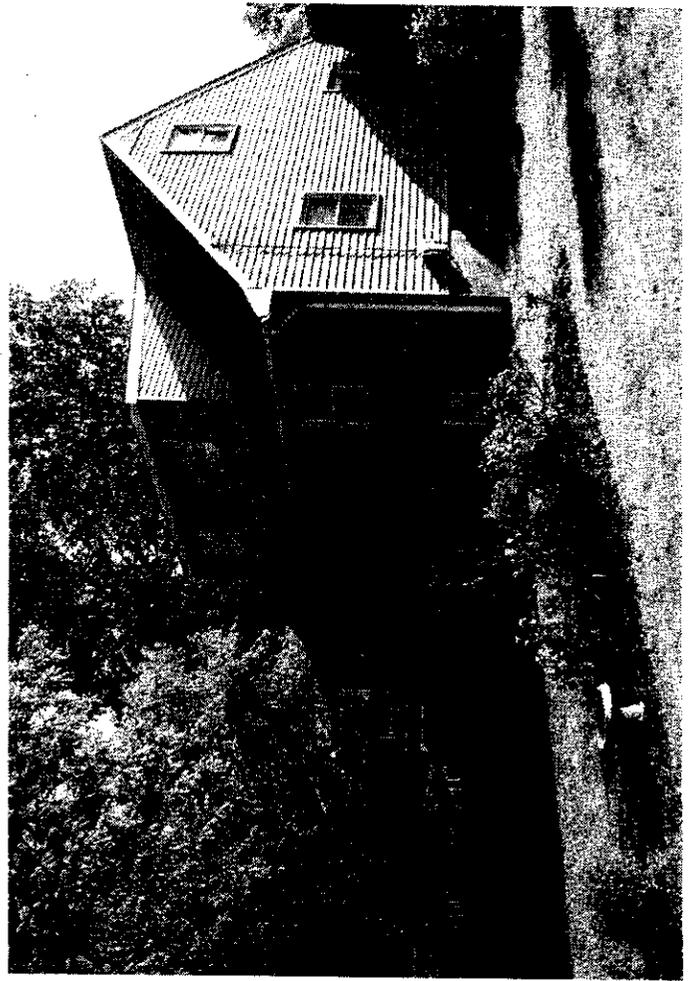
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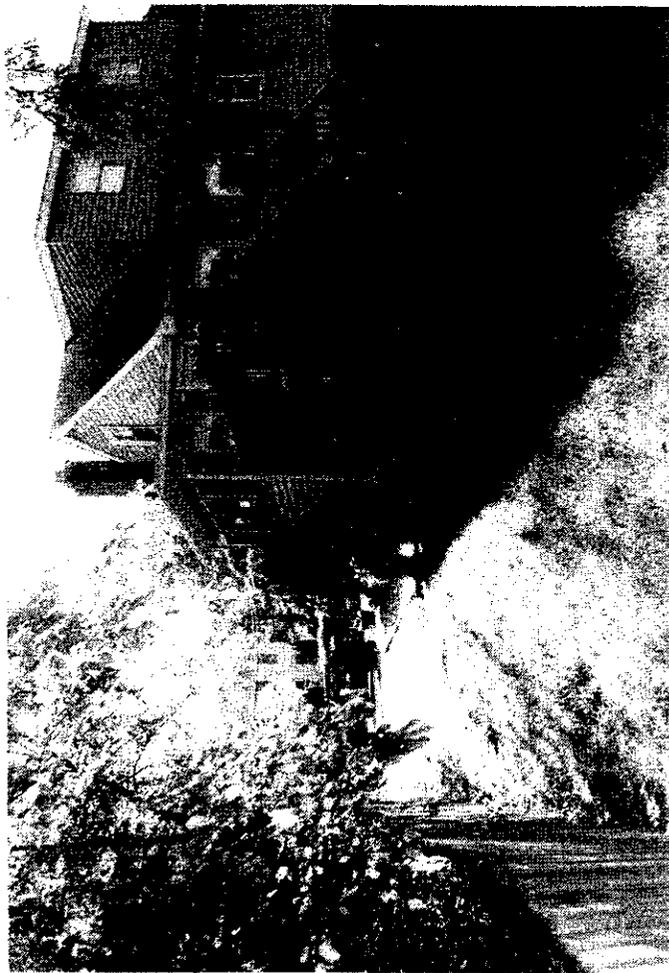


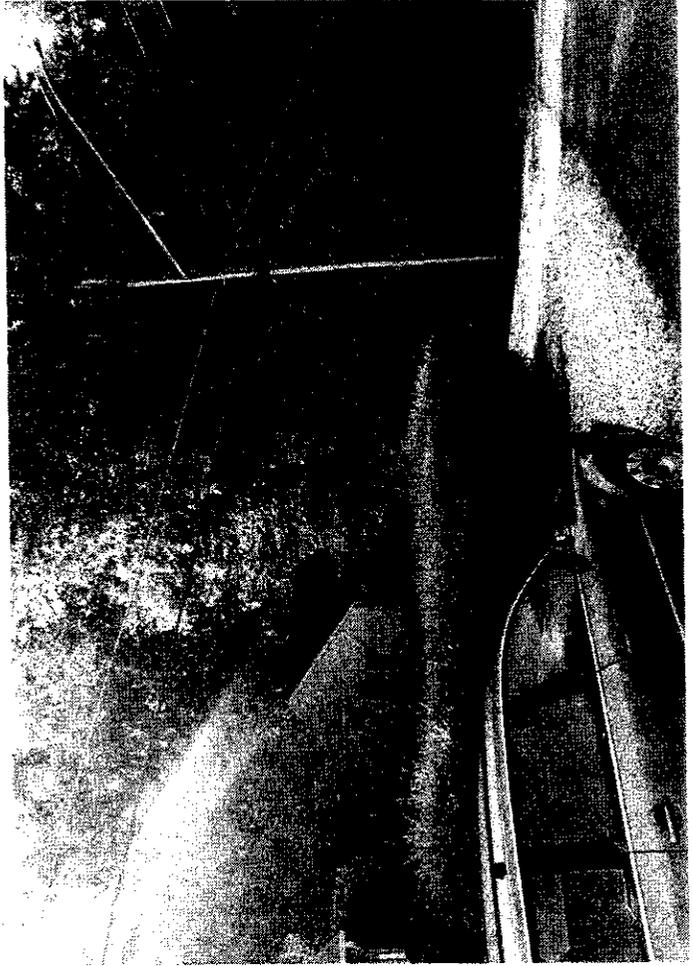
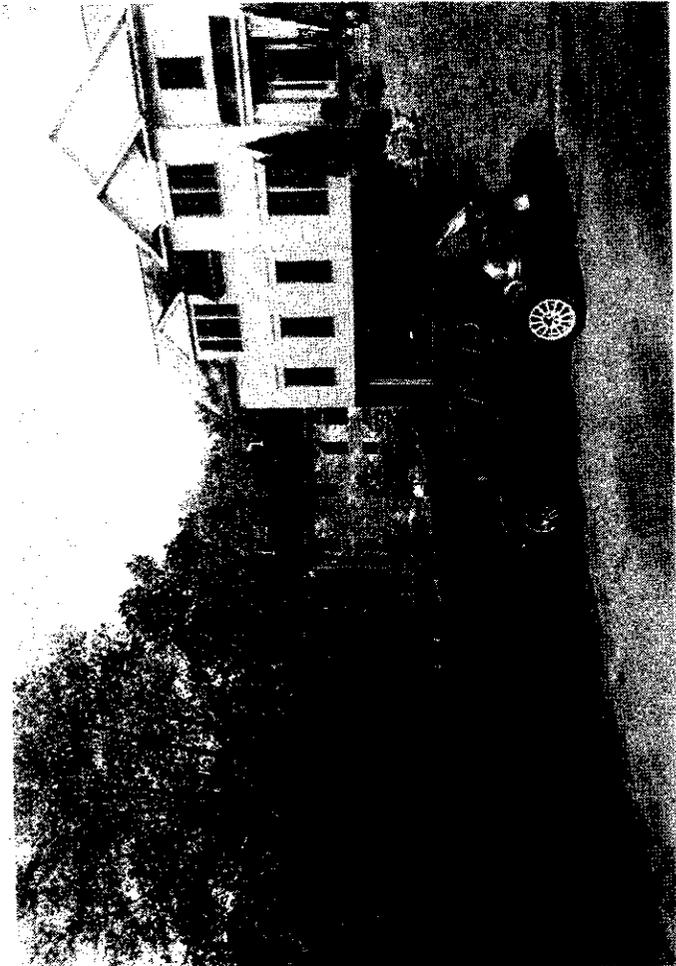
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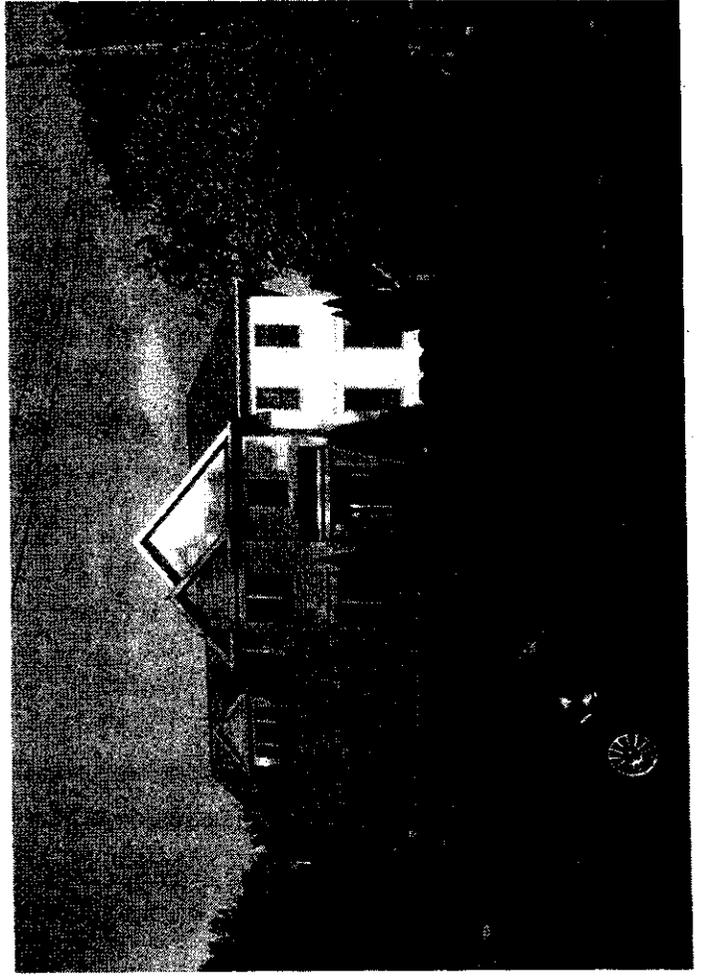
1/8" = 1'-0"











DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a special permit to permit construction of additions, one a garage with bedroom above, and a 1-story family/dining room with vaulted ceiling, both to be located 9.3 feet from the southern side lot line.

	Structure	Yard	Min. Yard Required *	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Additions	Side	15.0	9.3 feet	5.7 feet	38%

* Minimum yard requirements per Sect. 3-207

EXISTING SITE DESCRIPTION

The 10,018 square foot site is currently zoned R-2 and is developed with a one and a half story cape-cod style single family detached dwelling. According to County records the dwelling was constructed in 1953 and remodeled in 2000. The property is currently accessed via a gravel driveway which terminates at the dwelling. The lot has a variety of mature trees and shrubs scattered throughout.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2	Single Family Detached Dwellings
South	R-2	Single Family Detached Dwellings
East	R-2	Chesterbrook Elementary School
West	R-2	Single Family Detached Dwellings

BACKGROUND

Following the adoption of the current Ordinance, the BZA has heard the following similar special permits or variances in the vicinity of the application parcel:

- Variance VC 2003-DR-096 was approved on August 5, 2003 for Tax Map 31-3 ((6)) 125, zoned R-2, to permit construction of addition 7.4 feet and eave 6.4 feet from side lot line.

- Variance VC 01-D-152 was approved on December 12, 2001 for Tax Map 31-3 ((6)) 134, zoned R-2, at 1813 MacArthur Drive, to permit construction of an addition 7.9 feet from the side lot line.
- Variance VC 98-D-052 was approved on June 30, 1998 for Tax Map 41-1 ((12)) 140, zoned R-2 to permit construction of deck 7.2 feet from side lot line.
- Variance VC 97-D-120 was approved on February 18, 1998 for Tax Map 31-3 ((6)) 103, zoned R-2, at 6329 Halsey Road, to permit construction of additions 8.6 feet from side lot line and 29.9 feet from front lot line and fence higher than 7.0 feet to remain in rear yard.
- Variance VC 97-D-073 was approved on October 15, 1997 for Tax Map 41-1 ((12)) 140, zoned R-2, to permit construction of addition 7.2 feet from side lot line.
- Special Permit SP 97-D-058 was approved on February 18, 1998 for Tax Map 31-3 ((6)) 103, zoned R-2, at 6329 Halsey Road, to permit reduction to minimum yard requirements based on error in building location to permit dwelling to remain 13.3 feet from side lot line and accessory structure to remain 0.7 feet from rear lot line and 1.7 feet from side lot line.
- Special Permit SP 97-D-034 was approved on October 15, 1997 for Tax Map 41-1 ((12)) 140, zoned R-2, to permit reduction to minimum yard requirements based on error in building location to permit dwelling to remain 13.2 feet from side lot line and stairs 9.2 feet from side lot line.
- Variance VC 94-D-154 was approved on February 17, 1995 for Tax Map 41-1 ((12)) 141, zoned R-2, to permit construction of deck 7.0 feet from side lot line.
- Variance VC 90-D-058 was approved on August 7, 1990 for Tax Map 31-3 ((6)) 123, zoned R-2, at 6324 Halsey Road, to allow construction of addition 7 feet from side lot line.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Plat Showing House Location on Lot 135, Section 2, Chesterbrook
- **Prepared By:** Alexandria Surveys, Inc., dated April 26, 2001, as signed by Thomas M. French, III, Architect, P.C., dated October 16, 2009 as revised through March 10, 2010

Proposed Use:

The applicants propose construction of two additions adjacent to the southern side lot line. The first addition is a proposed one and a half story addition to provide a one (1) car garage with a small mud room, as well as a half floor above to provide an additional bedroom and expansion of a portion of the existing upper level of the home. This addition is proposed approximately 30 feet in length and is in keeping with the character of the cape-cod style home. The second addition is a one (1) story family/dining room with vaulted ceiling approximately 15 feet in length accessible through the proposed mud room as well as a door from a proposed new deck on the rear of the dwelling. Both additions together create a side wall 45.3 feet in length. Staff has included an outline, attached as Appendix 4, which depicts the portion of the special permit request staff is recommending for approval.

The applicant will also be constructing a new driveway to the proposed garage, as well as an approximate 19 foot x 16 foot wood deck on the rear of the existing dwelling. This construction will comply with Zoning Ordinance location regulations and does not require special permit approval.

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 request to construct a one and a half story garage addition with bedroom, 9.3 feet from the side lot line meets all of the Zoning Ordinance standards. The lot is small for an R-2 zoned lot, it is logical to put a garage on a side of a house, and an addition on either side in this instance would require a modification of the side yard requirement. The family/dining room addition however could be shifted north to meet minimum yard requirements. Except for the loss of a kitchen window, there is sufficient space at the rear of the house for the 1- story addition, the deck could still be constructed and access could still be provided from the house. The architecture of the house would change little, except that the side wall of the addition within the minimum yard would only be approximately 30 feet rather than 45 feet in length. Outlined below are the Standards for consideration.

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 proposed one and a half story addition for a one (1) car garage with half floor above will be harmonious with and not adversely impact the neighboring properties. Many properties within the neighborhood have expanded their homes either through variance approval, as noted on page 3, or have constructed larger homes with garages within the buildable envelope, without requiring the need for a special permit or*

variance. This seems the logical place for a garage, and it is a minimal size for only one car. However, though the one-story addition is architecturally compatible, it is really more of an addition in the rear of the existing dwelling and can be shifted north to be within both the minimum rear and side yards. This would reduce the side yard intrusion from approximately 45 feet to 30 feet and be more in keeping with other additions approved by variances.

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 meets or does not meet the remaining standards as outlined below:

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 1,632 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 2,448 square feet in size for a possible total square footage at build out of 4,080. The proposed addition in its entirety is 1,214 square feet, for a total square footage of the house with the addition of 2,846 square feet. The one car garage addition with floor above would appear to calculate at approximately 940 square feet, for a total square footage for just the garage addition with floor above of 2,572. 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 additions will be compatible with the architecture of the existing cape-cod style home on the lot. The height of the proposed additions will not exceed the height of the existing dwelling. From the front of the lot the additions will be in character with the existing dwelling, however the bulk of the structure will shift to the east/southeast of the lot with a significant portion outside the permitted setbacks.

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 applicants propose to construct a one car garage addition, with a small mud room, to also include a half-story above for a new bedroom and expansion of existing living space, as well as

a one (1) story addition, with a vaulted ceiling, to the rear of the garage addition for a new dining room and den. No vegetation is proposed to be removed to accommodate the construction of the addition. However, in terms of location, bulk and scale, the addition proposed is approximately 45 feet in length. Staff believes the one (1) story addition located to the rear of the garage addition could be reconfigured in such a way that would not require special permit approval if shifted further north away from the side lot line. While the addition will maintain the existing roofline of the dwelling, staff believes the increase in the amount of bulk and scale proposed, with a 45 foot long addition along the side lot line, could be significant and interfere with the character of off-site uses. Although there have been other applications approved by the Board of Zoning Appeals for additions within minimum side lot yards, those applications were variance requests, and the standards for approval are completely different than these special permit standards. Staff does not support the construction of the rear portion of the proposed addition in its current proposed location and does not believe that the construction in its entirety meets this standard.

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. Although there have been no downstream complaints indicated by DPWES, staff believes, as noted above, that the proposed development, by adding an addition 45 feet in length 9.3 feet from a side lot line, could in fact adversely impact the use and/or enjoyment of the adjacent property. It will diminish light and air between properties, and will decrease the area between the dwelling and the adjacent lot where water can infiltrate into the soil.

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. Staff believes that the proposed one (1) car garage addition, with a half floor above, represents the minimum amount of reduction necessary to accommodate this particular structure on the lot. The request is a modest request for a one (1) car garage and the addition of the floor above is in keeping with the character of the cape-cod style home; therefore, staff supports this portion of the request. However, the one (1) story addition proposed on the rear of the garage could be shifted north while still maintaining the interior flow of the dwelling. While the applicant maintains that it is not economically feasible due to the placement of the existing interior layout, the floor plan shows that if the addition were moved north, access can still be obtained from the existing kitchen and the deck can still be constructed completely within the rear of the house and minimum yards.. Other than the fact that the lot is small, it has no other exceptional characteristics which would prohibit the applicant from reconfiguring the proposed addition on the lot. The proposed by-right wood deck could easily be shifted and encompass more the rear of the dwelling and the rear yard, which would allow the proposed one (1) story addition,

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with vaulted ceiling, to be relocated within the minimum yard requirements and meet the 15 foot side yard requirement. Due to the availability of an alternate location for this structure, staff does not believe the application meets this provision.

CONCLUSION

Staff believes that the subject application for the one (1) car garage addition with half floor above is in conformance with the applicable Zoning Ordinance provisions as outlined above. Staff does not support the one (1) story addition located to the rear of the garage addition.

RECOMMENDATION

Staff recommends approval-in-part of SP 2010-DR-008. Staff recommends approval for the one (1) car garage addition with half floor above, 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, the BZA should 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 and Attachments
4. Staff's Proposed Outline for Addition
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2010-DR-008****April 7, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-DR-008 located at Tax Map Number 31-3 ((6)) 135 (1815 MacArthur 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 record of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the proposed one and a half story garage addition, as shown on the plat prepared by Alexandria Surveys, Inc., dated April 26, 2001, as revised and signed by Thomas M. French, III, Architect, P.C., dated October 16, 2009 as revised through March 10, 2010, 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 (1,632 square feet existing + 2,448 (150%) = 4,080 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 garage 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.

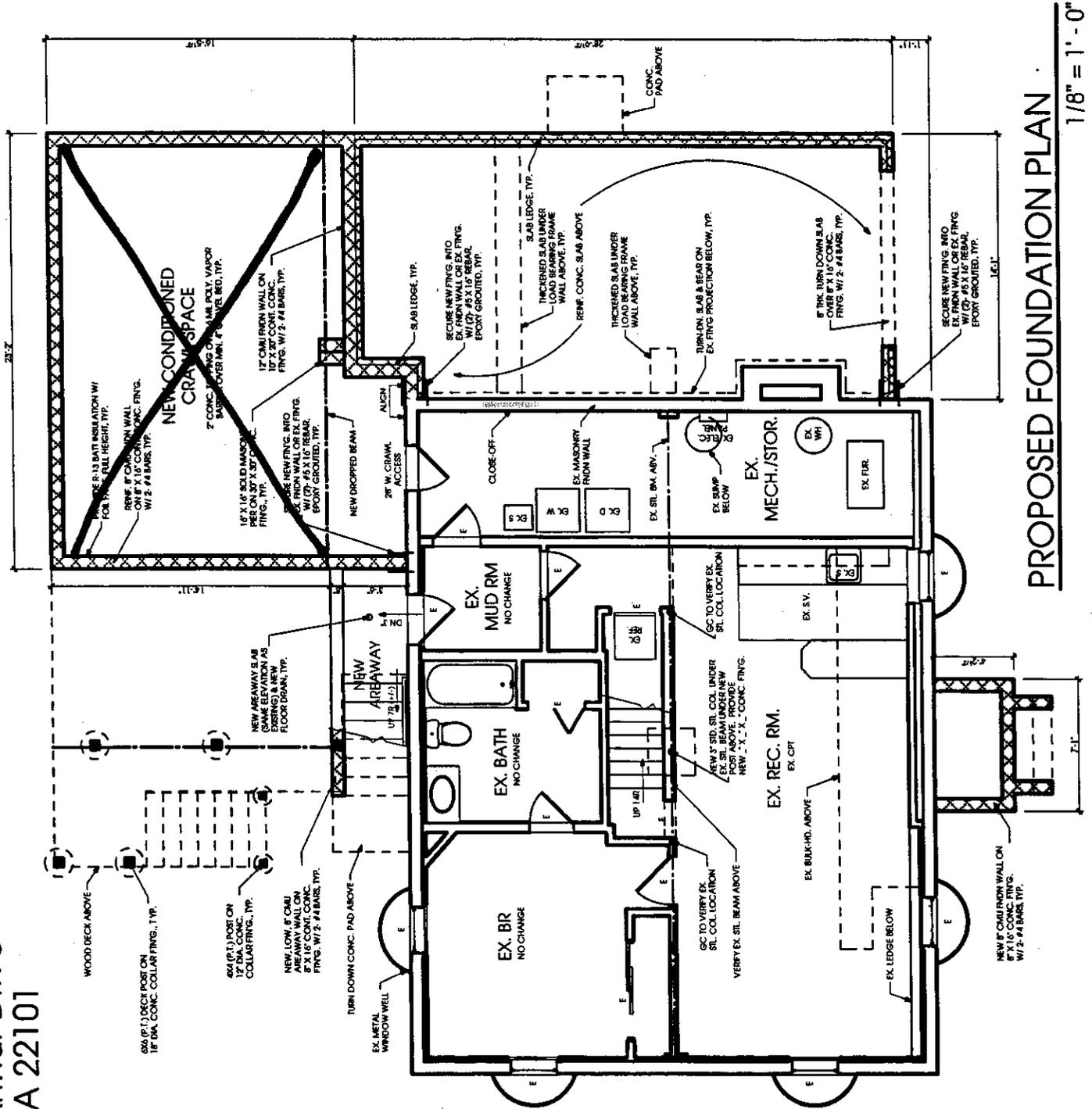
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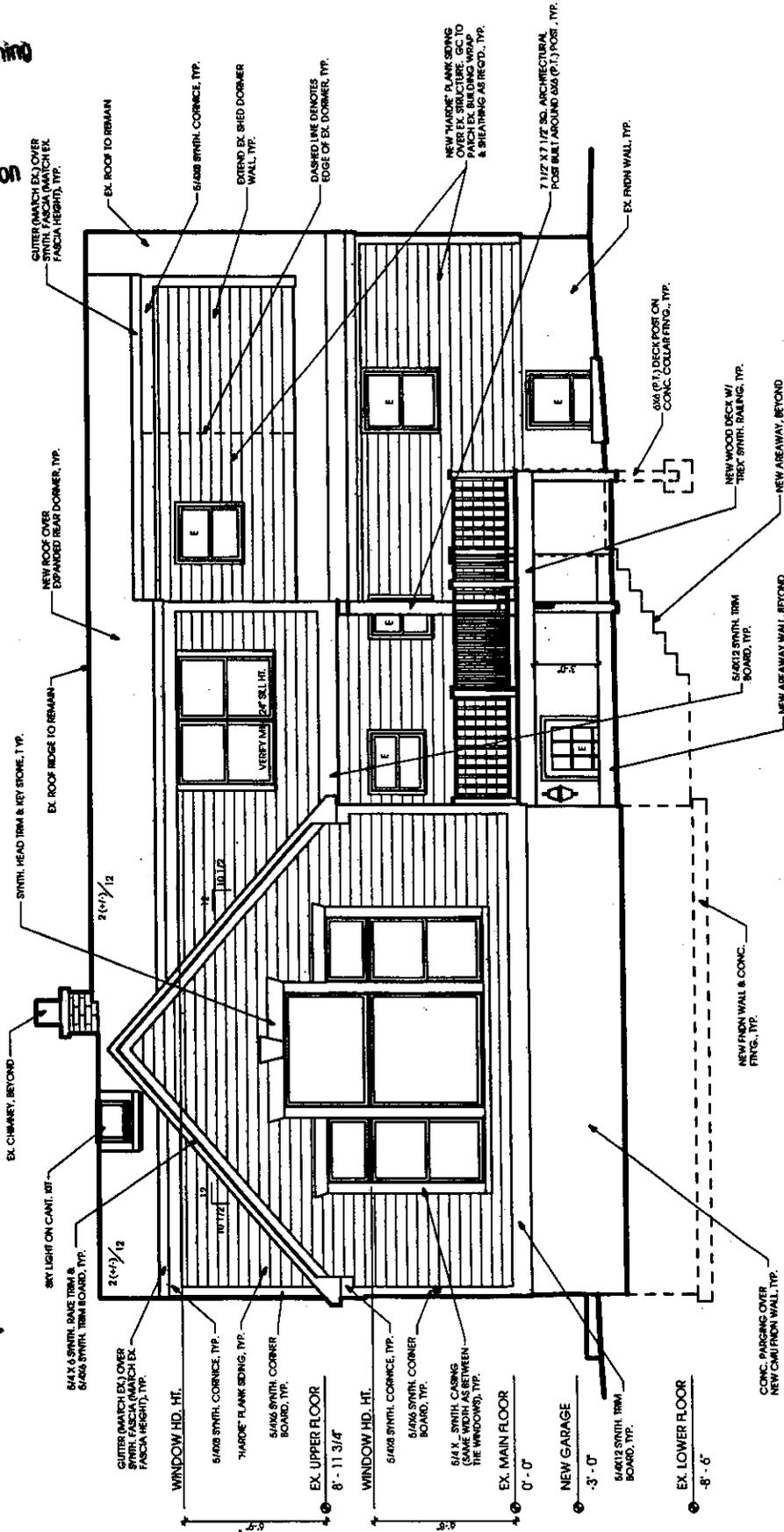


PROPOSED FOUNDATION PLAN

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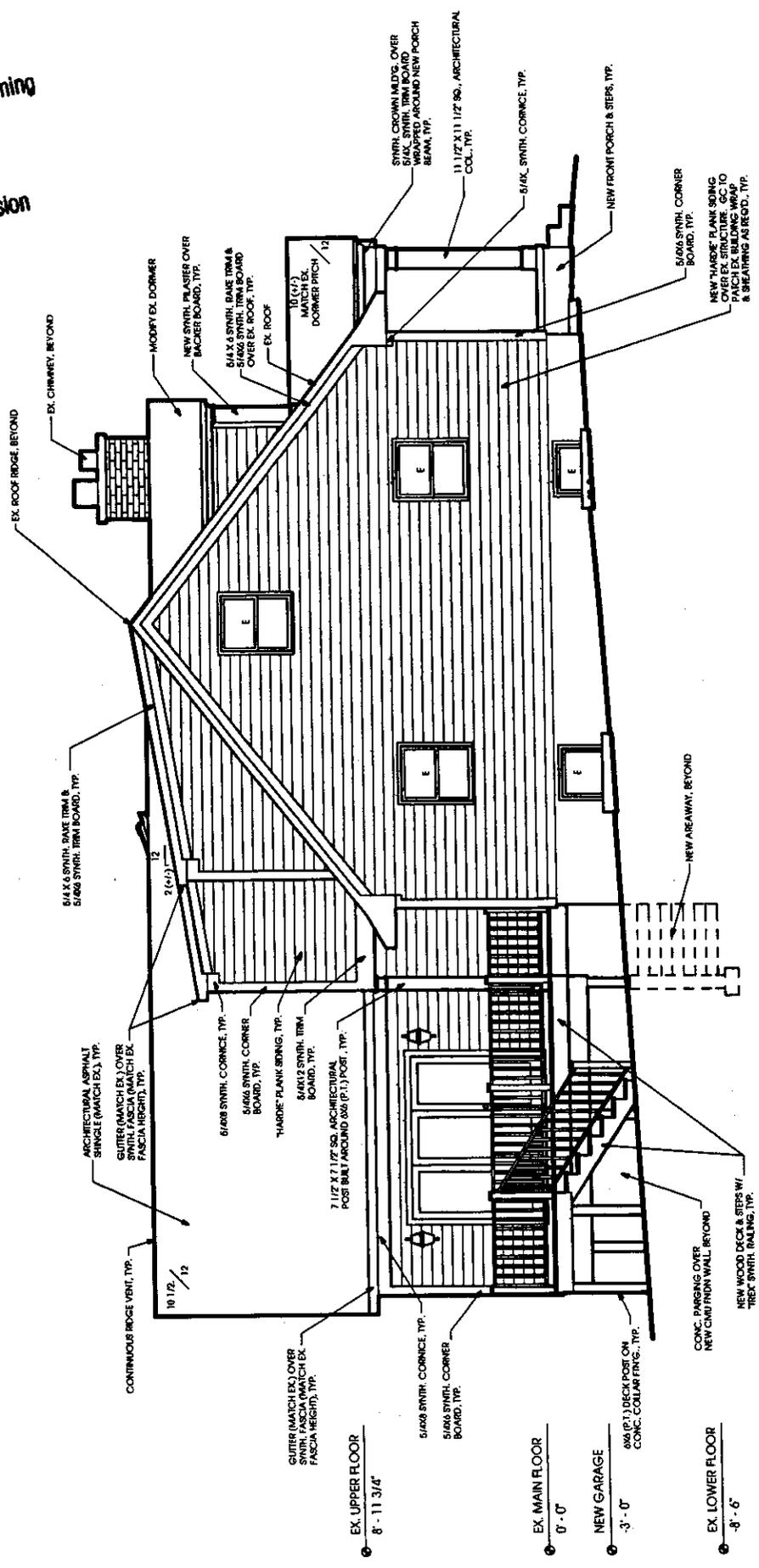


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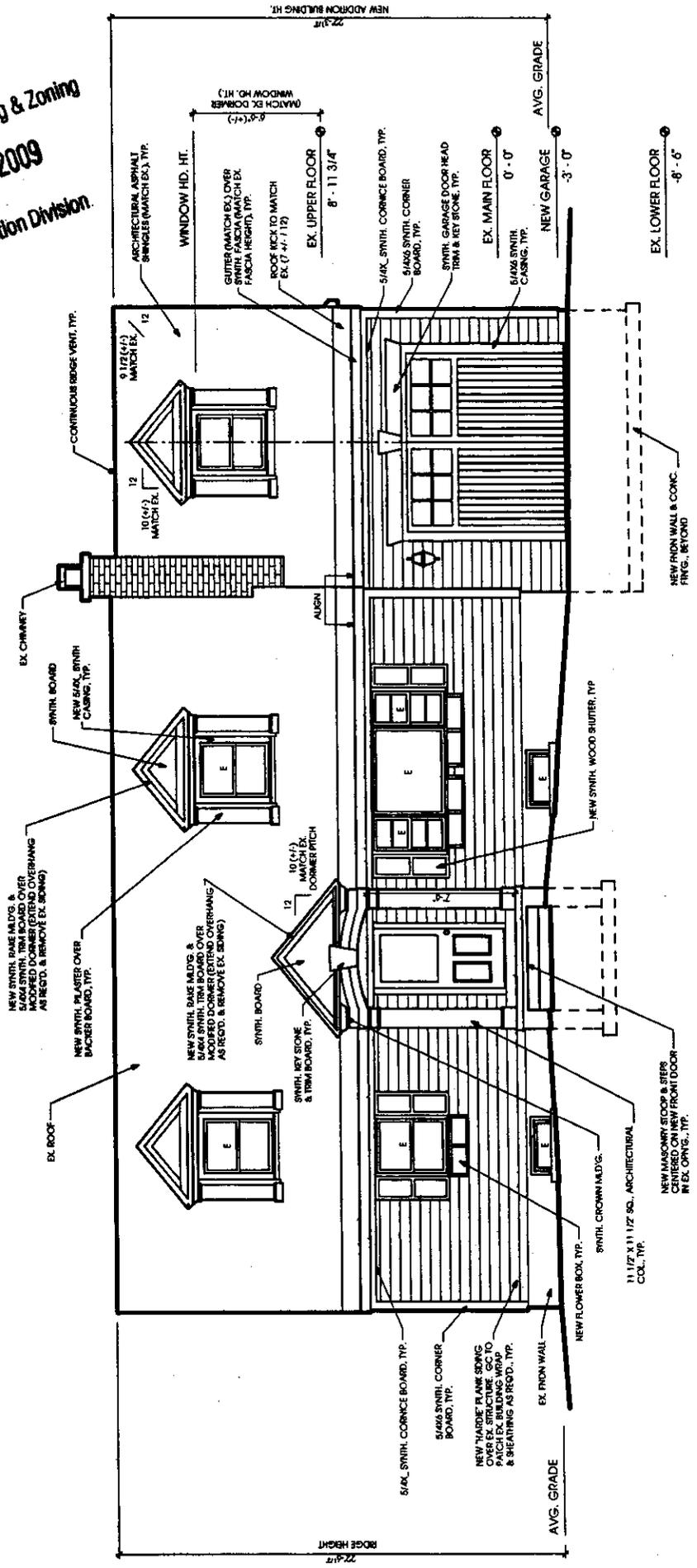


PROPOSED LEFT SIDE ELEVATION
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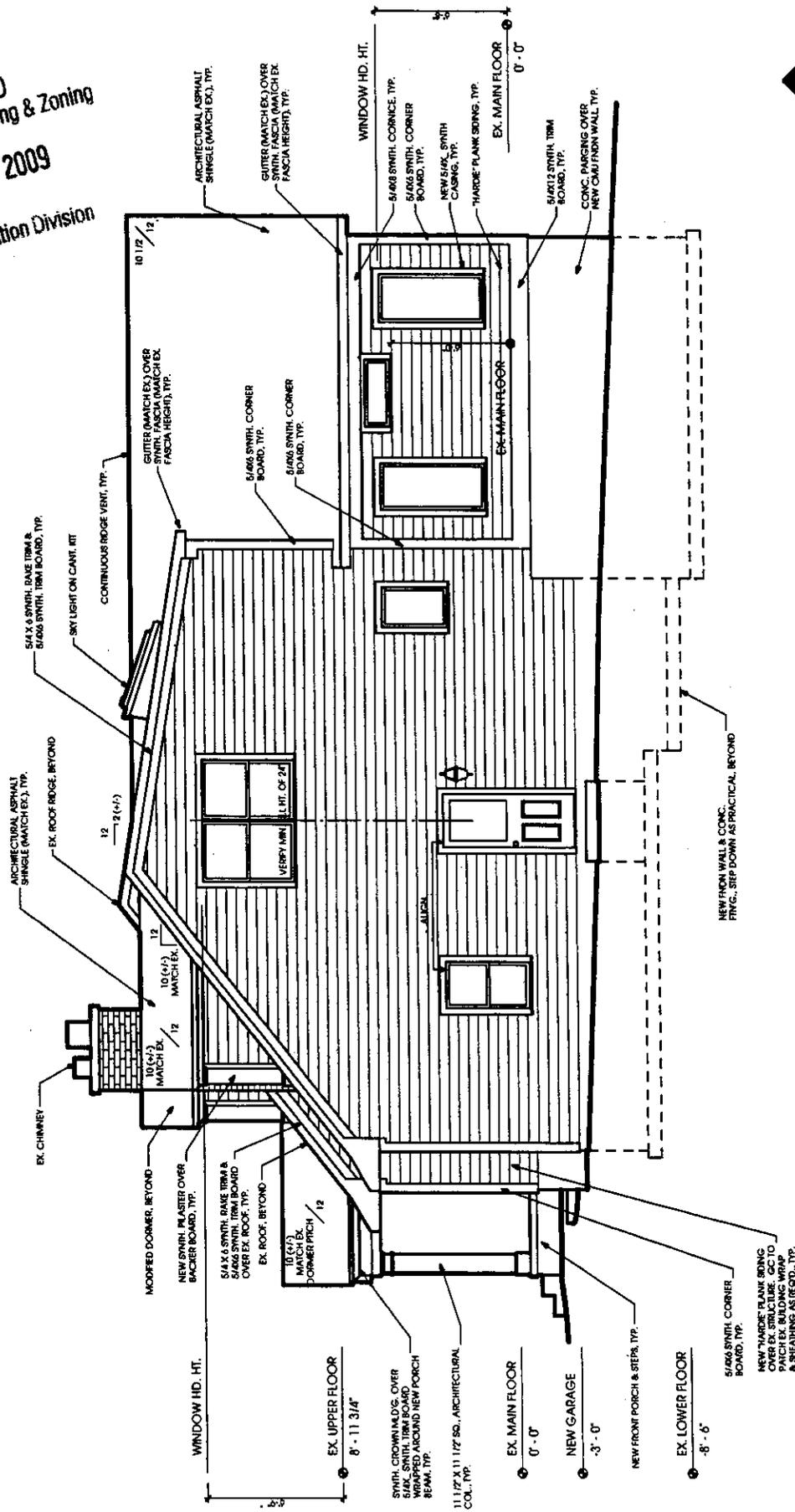
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PROPOSED FRONT ELEVATION
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 McLean, VA 22101
 Tele. 703 734 0084
 Fax. 703 734 1964



PROPOSED RIGHT SIDE ELEVATION
 1/8" = 1' - 0"

SP 2010-DH-008

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13, 2009
 (enter date affidavit is notarized)

I, Luke Levasseur, 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 106733

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)
Luke Levasseur	1815 MacArthur Dr, McLean, VA 22101	Applicant (and homeowner)
Kathryn D. Ray	Same	Applicant's Spouse (and homeowner)

(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-008
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13, 2009
(enter date affidavit is notarized)

106733

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)

Not applicable

(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.

SP 2010-DR-008

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13, 2009
(enter date affidavit is notarized)

106733

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)

Not applicable

(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-008
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13, 2009
(enter date affidavit is notarized)

106733

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-008
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13, 2009
(enter date affidavit is notarized)

106733

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: Luke P. Levasseur
(check one) [x] Applicant [] Applicant's Authorized Agent

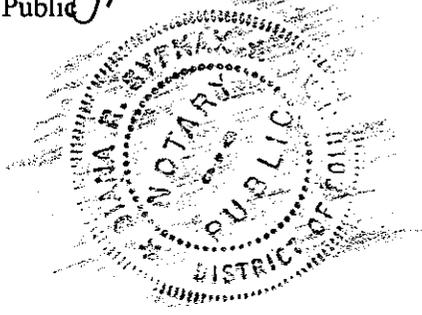
Luke P. Levasseur
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 13th day of November 2009, in the State/Comm. of Columbia, County/City of Washington District

Diana R. Syphax
Notary Public

My commission expires: February 14, 2012

Diana R. Syphax
Notary Public, District of Columbia
My Commission Expires 2/14/2012



Special Permit Application County of Fairfax, Virginia

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DEPARTMENT OF PLANNING
AND ZONING

MAR 12 2010

SPECIAL PERMIT &
VARIANCE BRANCH

Additional Information Requested by the Staff of the Department of Planning and Zoning Regarding Our Need For a Reduction In the Side Yard Requirement for the Dining Room/Den (Rear 16.5') Portion of Our Proposed Addition

Prepared for:

County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Prepared by:

Luke Levasseur and Kathryn D. Ray
1815 MacArthur Drive
McLean, Virginia 22101
703-303-8822 (mobile)
202-263-3469 (Luke's office)
703-734-1196 (home)
levaray@hotmail.com
levaray@verizon.net

March 11, 2010

Preliminary Statement

We understand that the Staff of the Board of Zoning and Planning believes our request for a Special Permit conforms with the requirements under Section 8-922 in most respects. For instance, we understand that our proposed addition is not excessive and is in keeping with the character of the existing structure, and with the houses in the neighborhood. As we explained in our original application, we spent a considerable amount of time and money with our architects, trying to develop a design that would provide our family (and growing children) the space required but (unlike several recent nearby projects) be consistent with the character of the surrounding neighborhood.

The Zoning and Planning Board's Staff has questioned whether an alternative design of the rear portion of the proposed addition (*i.e.*, the one-story dining room/den) could provide the needed space but (with respect to that portion of the proposal) not require a reduction in the side-yard requirement. We understand the Staff believes our request for space for a one-car garage (with ½-story above for an additional children's room) is reasonable; the Staff would thus recommend approving our Special Permit request with respect to the that area, as well as the area required for the stairs, landing, and "mud room" adjoining the garage (all of which is slightly more than the depth of the original house). The Staff's question regarding a possible alternative design, as we understand it from our discussions, focuses only on the last 16.5' of our proposal, *i.e.*, the space along the requested 9.8' minimum side-yard for the proposed dining room/den area.

Before addressing the feasibility of an alternative design that would provide a dining room/den area but not require reduced side-yard requirements for that portion of the proposed addition, it seems appropriate (though probably not dispositive) to reiterate an issue with respect to the zoning of our lot. In short, our lot is appears to be mis-zoned as R2, which we understand is generally used for developments with ½-acre lots. If our lot, which is approximately one-quarter acre, were zoned as R4, which would be consistent with the applicable County Ordinance (§ 3-201), our request constitute would constitute a *de minimis* reduction (0.2') of the 10-yard side yard requirement applicable to such lots. Given the actual size and character of the lot at issue (which is the same size as most lots the neighborhood)—and the zoning restrictions that are generally applicable to such lots—we believe the proposed reduction is minimal and should be granted. That our neighbor to the South, who owns the most directly affected property, supports our request further indicates that the Special Permit should be granted.

Clarifications (Revisions) To The Submitted Plat

We understand that there was some confusion with respect to statements on the plat we submitted (as revised) with our application. Accordingly, we asked our architect to further revise the plat and are submitting that revised document to the Board. Our architect sought to make the following points clear.

First, there is no additional story being added to the current structure. The Cape Cod design is currently classed a 1½ story structure, and the existing house will remain as such. The only modifications to what currently exists is a change to the roofline affecting only in the rear of the ½-story (to accommodate additional space for the planned children's room and bathroom, as well as a walk-in closet in the master

bedroom). These changes, which (to fully disclose the plans) our architect notes on the revised plat as “w/ addition & renovation (ex. roof to remain),” do not alter height of the existing structure, which will remain a 1&½ story.

Second, the proposed addition to the (South) side will similarly be a 1&½ story Cape Cod design (and thus constitute a 1 &½ story structure). This has (hopefully) been clarified on the plat with the language “proposed 1 ½ story addition (garage with bedroom above).”

Third, we understand that there was some question regarding the size of the addition in the rear of the home for the dining room/den. To be clear, the proposed rear addition (*i.e.*, the area behind the proposed mud room on the main level), is a 1-story structure, as indicated on the plat with “prop. 1-story addition.” There is a planned vaulted ceiling (and thus roof), but no rooms or living space above that dining room/den.

Reasons Potential Alternative Designs of the Dining Room/Den (Rear 16.5') Portion of Our Proposed Addition Are Not Economically Feasible

Our goal with the proposed addition has always been to add several rooms to our home to accommodate the needs of our family while maintaining the character of the house as consistent with the surrounding neighborhood. As demonstrated by the plans submitted with our application, we have sought to expand our home in an economically feasible manner by minimizing the number and scope of any changes to the existing structure.

The Board's Staff apparently understands our need to add a garage and believes that, because our proposed addition is consistent with the existing house and neighborhood, the side yard requirements should be reduced for the garage, as well as the adjoining mud room (which extends a few feet behind the existing rear line of the house, where the beginning of a deck currently stands). However, the Board's Staff has questioned the appropriateness of the proposed massing along the requested 9.8' side yard that would occur with respect to the dining room/den (which would add 16.5' behind the proposed mud room). The Staff has asked us to evaluate whether an alternative design within the area in which we could build “of right” would provide the needed space while reducing the massing along the rear part of the Southern side of the proposed addition.

We have met with our architects to analyze this issue and do not believe it is possible to shift the proposed rear-room addition over by approximately 5.2' can be done in an economically feasible or aesthetic manner. This is true for at least three reasons.

First, the addition, *in toto*, cannot be simply shifted over, as doing so would obstruct the basement rear-door (and thus egress from the basement of the home). In turn, that door could not be shifted over by five feet because doing so would require a re-design of the adjoining (existing) bathroom (which is not part of the scope of the project), and thus require substantially more expense.

Second, although it would be theoretically possible to shift part of the proposed addition over but leave the proposed basement egress, doing so would create additional problems. Among other things, such a change would obstruct the only remaining window (and

natural light) into the kitchen; it would require redesign (and reduction) of the passage way between the kitchen and the dining room/den; and it would reduce the space for an egress window from our child's bedroom upstairs. Such a change would also reduce the amount of usable space in the dining room/den, and would increase the expense of the overall project.

Third, we recognize that it is possible for us to reduce the width of the proposed dining room/den in back, from 23.2' to 18'. However, that room is intended as a dual use space to accommodate the only planned dining area in the home, as well as a family room (or den). A reduction in the width to only 18' would make that plan extremely difficult, if not impossible to accomplish.

Finally, as noted above, we spent a significant amount of time working with our architects to reduce the amount of impact of the proposed addition on the neighborhood. For instance, the garage is planned to begin further back (by approximately 2') and to appear smaller than (*i.e.*, it tucks into) the existing structure. This approach was adopted to reduce any potential, negative aesthetic impact of the proposed addition from the front curb. It was also designed that way because the proposed rear addition would provide needed space for our family. Although the proposed back room would result in some additional massing along the proposed 9.8' line, it is (as explained above) a 1-story structure with a roof sloping away from Southern property line. What is more, the proposed back room will be partially obstructed from view from the park behind our house by a large tree on our property, as well as the large number of trees on the park behind our house and in Mr. McKinnon's back yard (our neighbor to the South).

In sum, the proposed addition of the one-story dining room/den to the requested 9.8' side yard requirement would not have a material negative effect on any adjoining property or the neighborhood. Accordingly, we request that the Staff recommend approval of our request for a Special Permit, and/or that the Board grant such a permit.

Special Permit Application
County of Fairfax, Virginia

Supplemental Information Provided Pursuant To
Department of Planning and Zoning's December 7,
2009 Letter (by Virginia H. Ruffner, Planner III)

Prepared for:

County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Prepared by:

Luke Levasseur and Kathryn D. Ray
1815 MacArthur Drive
McLean, Virginia 22101
703-303-8822 (mobile)
202-263-3469 (Luke's office)
703-734-1196 (home)
levaray@hotmail.com
levaray@verizon.net

January 14, 2010

RECEIVED
Department of Planning & Zoning
JAN 15 2010
Zoning Evaluation Division

JAN 15 2010

Zoning Evaluation Division

Item 1.00 (Revised Application Form)

An original plus four copies of the revised application are included as **Exhibit 1** to this supplemental application. Per the notes in the Zoning Board's December 7 letter:

- The size/acreage entry has been corrected.
- The "proposed use" has been revised.
- Both owners have signed the application.

Item 5.00 (Revised Statement From The Applicant)

We are revising the statement previously submitted in our November 13, 2009 application to address the Zoning Ordinance 8-922 Standards and the Additional Submission Requirements. For your convenience (so everything is in one place), we have copied our original statement and added the supplemental information after that statement.

5. Statement of Justification

We are requesting a special permit to slightly exceed the minimum side setback restriction on the south side of our property. We are making this request because we wish to make improvements to our home that will increase its attractiveness, usability, and overall value. However, we are not able to accomplish the needed improvements within the setback requirements that apply to our lot. The proposed modifications to our house will provide more functional living and sleeping areas, additional storage, and a garage—all of which will benefit us as well as Fairfax County. These improvements will be consistent with the character of our neighborhood and will not adversely affect the aesthetics, usability, or value of any of the neighboring properties. Additionally, these improvements are in harmony with the comprehensive plan and will not harm neighboring properties.

We have lived in our house for eight years and plan to live there indefinitely. During the past several years, we have explored numerous alternative plans for an addition that would not involve seeking a special permit. Our goal is to add a much-needed garage and dining area on the main level of the home, and a bedroom for our youngest child on the upstairs level. Unfortunately, due to the size and configuration of our lot and existing house, we have been unable to develop an economically feasible plan that does not encroach on the setback on the south side of the lot.

We have a narrow and small lot for the R2 zoning category. We understand that the R2 category typically provides for two lots per acre. Fairfax County Zoning Ordinance § 3-201. However, our property is approximately one-quarter of an acre. If our lot were zoned as an R4 lot, as would seem more appropriate given its size, the set-back would be very close to what we are seeking. Ordinance § 3-410(4)(A)(2).

We understand that other property owners in our area have the same situation. One method of dealing with this issue has been for builders to tear down modest and older homes on small lots, with new, much larger and more functional homes being built to

replace them. There are several large homes on our street that have replaced modest dwellings during the last several years. See, for example, Nos. 14-16 of the pictures attached with this application. We are also aware that the zoning board has made adjustments when needed to accommodate the needs of homeowners who wish to modernize their dwellings. In fact, our neighbor directly to the north of our house, at 1813 MacArthur Drive, previously had the exact same floor plan on a similarly-sized lot. In approximately 2003, he was able to obtain approval from the Board of Zoning Appeals to encroach on the side setback abutting our property to add a garage, a dining area, and an additional bedroom on the upstairs level. (With respect to the encroachment on the side setback, the addition we would like to build is similar to our neighbors' addition). We supported our neighbors' request, because we believed the addition would be consistent with the character of the neighborhood and would not adversely affect our property value. We believe the completed addition bears out our prediction that the addition of a garage and extension of the Cape Code style roofline to provide additional bedroom space would be tasteful and entirely in harmony with the character of the neighborhood and the comprehensive plan. As shown in the plans we are submitting with this application, the addition we are proposing would appear similarly from the street and south side neighbor as that at 1813 MacArthur Drive.

In working with our architect, we have attempted to plan the smallest, least intrusive, and most tasteful addition possible that will meet the needs of ourselves and our growing children. Our immediate neighbors at 1813 and 1817 MacArthur Drive support our desire to build the proposed addition. Similarly, our neighbors directly across the street at 1816 MacArthur Drive support our request for a special permit.

Supplemental Statement Related To Zoning Ordinance 8-922 Standards

Section 1. A special permit for our property is permissible under 8-922(1)(A). In addition, the requested reduction shall not result in any yard that is less than 50% of the requirements or in any yard that is less than 5 feet.

Section 2. No detached accessory structure in the front yard is planned.

Section 3. Our request satisfies this requirement as the principle structure and use complied with the minimum yard requirements in effect when the structure was established.

Section 4. As explained with respect to section 930.00 below, the resulting gross floor area of the addition to the existing principal structure will be less than 150%. Even though a small portion of the existing structure will be removed, it will be much less than 50%. The proposed addition otherwise complies with this Section 4.

Section 5. No issues regarding accessory structures are presented by this Application.

Section 6. As demonstrated by the design plans and original statement, the proposed addition is in character with the existing house.

Section 7. As further demonstrated by the design plans and original statement, the proposed addition is also harmonious with the surrounding off-site uses and structures.

Section 8. As explained in our original statement, the proposed addition will not adversely impact the use and/or enjoyment of any adjacent property in any way. Indeed, as shown in the original applications, our closest neighbors all support the addition.

Section 9. We believe the proposed addition to our home, and related reduction in yard, represents the minimum amount necessary to accommodate the needed structure. As explained in our previous statement, we worked extensively with our architect and attempted to plan the smallest, least intrusive, and most tasteful addition possible that will meet the needs of ourselves and our growing children. In terms of the criteria set out in Section 9, we believe our proposed addition accomplishes that goal.

Section 10. We believe no further conditions or restrictions are necessary under Ordinance 8-922.

Section 11. As noted in response to Item 7.00 below, a revised plat with an 8 ½ X 11 inch size copy is included with this submission.

Revisions Related To Several Of The Submission Requirements From 930.00 to 930.20

930.00. The proposed addition gross floor area is 1213.6 square feet. That additional area constitutes 42.9% of the existing gross floor area, which is 2829.6 square feet. Thus, the addition is less than the 150% maximum. In addition, the proposed demolition of the existing structure is only 4.3%, which is much less than the allowable amount (up to 50%).

930.01. There is no existing accessory structure, and no addition to such a structure is planned.

930.02, 930.03, 930.04, 930.05. As explained in response to Ordinance 8-922 Sections 6-10 above (and in the original design plans and statement of justification), we believe these requirements have been satisfied.

930.10. The revised plat being submitted with this supplement includes all of the information requested with respect to this requirement.

930.11. The revised plat being submitted with this supplement includes all of the information requested with respect to this requirement.

930.15. The required information is as follows:

- Existing Gross floor area = 2829.6 square feet.
- New Gross floor area = 4043.2 square feet
- Floor area ratio = 0.4

930.16. There are no existing utility easements having a width of 25 feet or any major utility easements on our property.

930.17. The revised plat being submitted with this supplement includes all of the information requested with respect to this requirement.

930.18. The proposed application does not affect (and is not close to) any floodplain, resource protection or management area, or environmental quality corridor.

930.20. The revised plat being submitted with this supplement includes the required seal and signature.

Item 7.00 (Revision To Submitted Plat)

A copy of an 8½ X 11 inch reduction of the special permit plat is included.

Special Permit Application County of Fairfax, Virginia

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

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Department of Planning & Zoning

NOV 16 2009

Zoning Evaluation Division

Prepared for:

County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Prepared by:

Luke Levasseur and Kathryn D. Ray
1815 MacArthur Drive
McLean, Virginia 22101
703-303-8822 (mobile)
202-263-3469 (Luke's office)
703-734-1196 (home)
levaray@hotmail.com
levaray@verizon.net

November 13, 2009

Table of Contents

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Department of Planning

NOV 16 2009

Zoning Evaluation Division

Objective

Reduction of side yard requirement (set back restriction) for the South side of our home

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NOV 16 2009

Zoning Evaluation

Summary Of Requested Special Permit

We are requesting this special permit to allow us to expand our single family home, and only residence, by adding a single-car garage, a family room, a mud room, and an additional bed room. To implement the design described below, we are requesting a reduction of certain yard requirements (*i.e.*, a reduction of the set-back requirements) to allow us to put the proposed addition on the only side of the house on which an addition is economically feasible, given the current design of our home. A full statement of justification is provided in section 7 below.

The reduction to the side-yard requirements (to the set-back regulations) that we are requesting is shown in the design drawings being submitted with this Application. We intend for these drawing to be sufficient to demonstrate the relatively modest scope of our addition. Our proposed plans are included as Attachment A to this application.

Statements of support for this application from our three most directly affected neighbors are included as Attachment B to this application.

We note that no hazardous or toxic substances or storage tanks are in existence and are not proposed in this permit application.

The following special permit justification questions do not apply to this request, as our submission relates to a single family home.

- Type of operation(s)
- Hours of operation
- Estimated number of patrons
- Proposed number of employees
- Estimated traffic impact, vicinity, or general area to be served by the use.

Finally, a Storm Water Management Plan Waiver Request is included as Attachment C to this application.

For ease of the Zoning Evaluation Division's (and Department of Planning and Zoning's) review, we have arranged the information and materials in this submission in the same order as it set forth at pages 7-8 of the "Special Permit Application Information" package available from the Zoning and Evaluation Division of the Fairfax County Government.

1. The Required Application Form

We have completed the "Application Form" provided in the Fairfax County "Special Application" package (at page 9) and have included the original and four copies as **Exhibit 1** to this submission.

2. Copies of Special Permit Plats

We have attached twenty-three copies of a special permit plat as **Exhibit 2** to this submission, pursuant to the instructions provided by the County.

3. Official Zoning Map Fairfax County

We have attached as **Exhibit 3** a copy of the current zoning map from Fairfax County, showing our lot at 1815 MacArthur Drive, and an area of at least 500 foot radius around the property.

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

NOV 16 2009

Zoning Evaluation Division

4. Photographs of the Application Property and Abutting Properties

Nineteen photographs of the application property from all street lines, showing with terrain and vegetation, are provided below.

Existing Structure from
SW Lot Line

(Photo File 01)



Terrain-Vegetation from
SW Lot Line

(Photo File 02)



NOV 16 2009

Existing Structure from W
Lot Line

(Photo File 03)



Existing Structure from
NW Lot Line

(Photo File 04)



Vegetation Along N Lot
Line (from NW)

(Photo File 05)

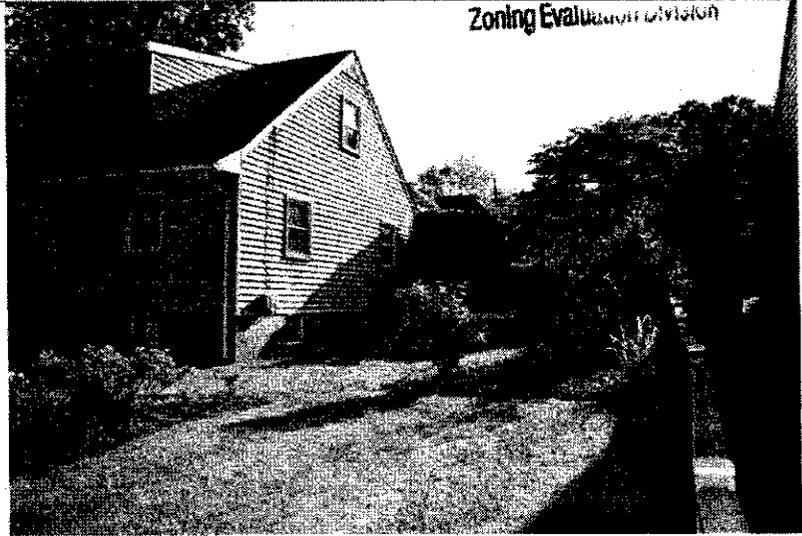


NOV 16 2009

Zoning Evaluation Division

Vegetation Along N Lot
Line (from NE)

(Photo File 06)



Existing Structure from
NE Lot Line

(Photo File 07)



Vegetation from NE

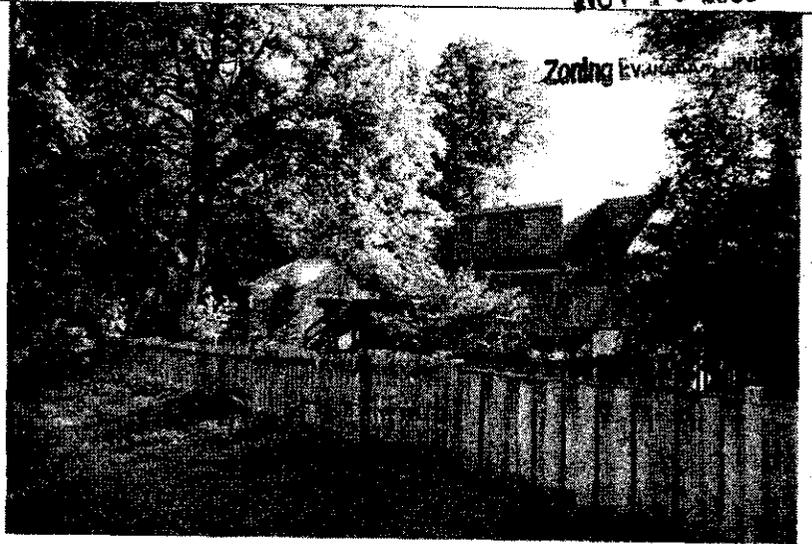
(Photo File 08)



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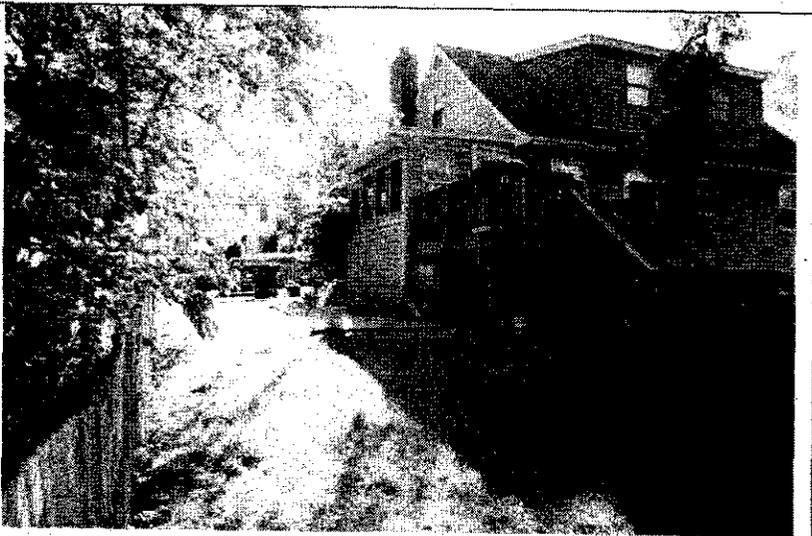
Vegetation Along E
Property Line (from NE)

(Photo File 09)



Existing Structure from
SE Lot Line

(Photo File 10)



Vegetation from SE Lot
Line

(Photo File 11)



NOV 16 2009

Adjoining Property to E
(Chesterbrook School)

(Photo File 12)



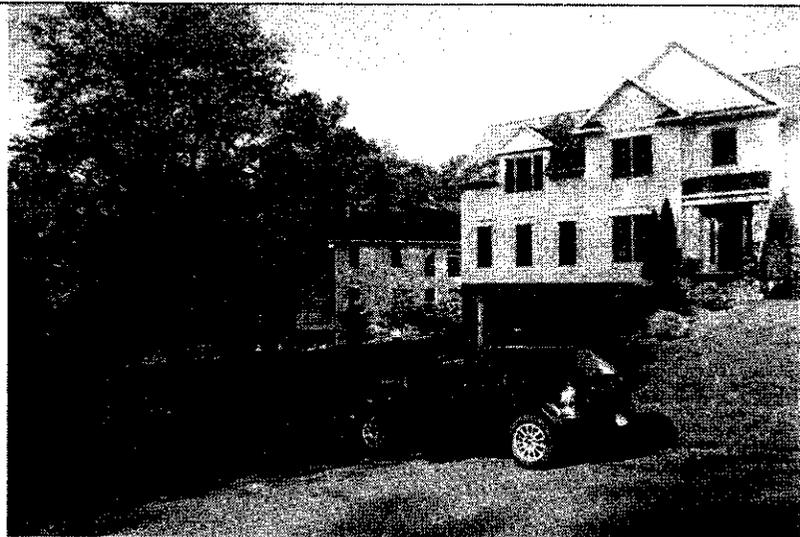
Adjoining Property to S

(Photo File 13)



Property Across Street to
SE (1st picture)

(Photo File 14)

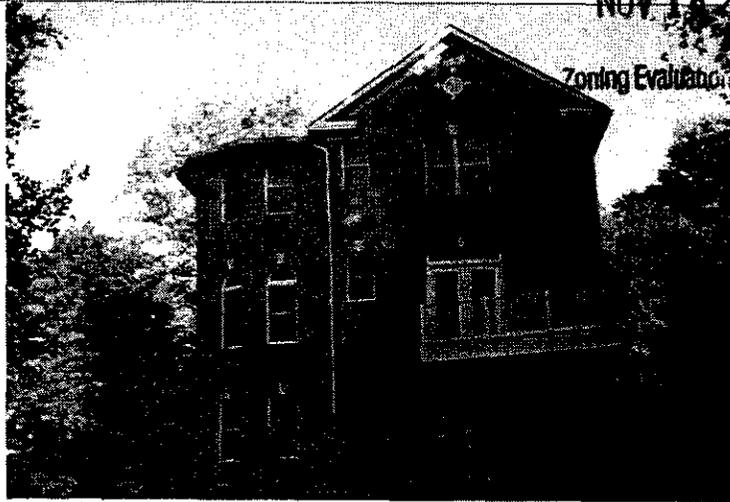


NOV 16 2008

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Property Across Street to
SE (2d picture)

(Photo File 15)



Property Across Street to
SE (3d picture)

(Photo File 16)



Property Across Street to
E

(Photo File 17)



NOV 19 2009

Planning Division

Property Across Street to
NE

(Photo File 18)



Adjoining Property to N

(Photo File 19)



As requested in the Special Permit application packet, we are also providing a CD containing JPG files of these pictures. (The files on the CD are numbered and described in the same manner as set forth below.) Pictures 1-11 were taken on May 30, 2009; pictures 12-14, 17-19 were taken on August 5, 2009; pictures 15-16 were taken September 2, 2009.

5. Statement of Justification

We are requesting a special permit to slightly exceed the minimum side setback restriction on the south side of our property. We are making this request because we wish to make improvements to our home that will increase its attractiveness, usability, and overall value. However, we are not able to accomplish the needed improvements within the setback requirements that apply to our lot. The proposed modifications to our house will provide more functional living and sleeping areas, additional storage, and a garage—all of which will benefit us as well as Fairfax County. These improvements

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will be consistent with the character of our neighborhood and will not adversely affect the aesthetics, usability, or value of any of the neighboring properties. Additionally, these improvements are in harmony with the comprehensive plan and will not harm neighboring properties.

We have lived in our house for eight years and plan to live there indefinitely. During the past several years, we have explored numerous alternative plans for an addition that would not involve seeking a special permit. Our goal is to add a much-needed garage and dining area on the main level of the home, and a bedroom for our youngest child on the upstairs level. Unfortunately, due to the size and configuration of our lot and existing house, we have been unable to develop an economically feasible plan that does not encroach on the setback on the south side of the lot.

We have a narrow and small lot for the R2 zoning category. We understand that the R2 category typically provides for two lots per acre. Fairfax County Zoning Ordinance § 3-201. However, our property is approximately one-quarter of an acre. If our lot were zoned as an R4 lot, as would seem more appropriate given its size, the set-back would be very close to what we are seeking. Ordinance § 3-410(4)(A)(2).

We understand that other property owners in our area have the same situation. One method of dealing with this issue has been for builders to tear down modest and older homes on small lots, with new, much larger and more functional homes being built to replace them. There are several large homes on our street that have replaced modest dwellings during the last several years. See, for example, Nos. 14-16 of the pictures attached with this application. We are also aware that the zoning board has made adjustments when needed to accommodate the needs of homeowners who wish to modernize their dwellings. In fact, our neighbor directly to the north of our house, at 1813 MacArthur Drive, previously had the exact same floor plan on a similarly-sized lot. In approximately 2003, he was able to obtain approval from the Board of Zoning Appeals to encroach on the side setback abutting our property to add a garage, a dining area, and an additional bedroom on the upstairs level. (With respect to the encroachment on the side setback, the addition we would like to build is similar to our neighbors' addition). We supported our neighbors' request, because we believed the addition would be consistent with the character of the neighborhood and would not adversely affect our property value. We believe the completed addition bears out our prediction that the addition of a garage and extension of the Cape Code style roofline to provide additional bedroom space would be tasteful and entirely in harmony with the character of the neighborhood and the comprehensive plan. As shown in the plans we are submitting with this application, the addition we are proposing would appear similarly from the street and south side neighbor as that at 1813 MacArthur Drive.

In working with our architect, we have attempted to plan the smallest, least intrusive, and most tasteful addition possible that will meet the needs of ourselves and our growing children. Our immediate neighbors at 1813 and 1817 MacArthur Drive support our desire to build the proposed addition. Similarly, our neighbors directly across the street at 1816 MacArthur Drive support our request for a special permit.

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Zoning Evaluation Division

6. Notarized Affidavit Information

An completed and properly executed affidavit from the Special Permit package is included as **Exhibit 6**.

7. Statement Confirming Ownership

We purchased the residence that is the subject of this application in May 2001 and have lived exclusively in that residence since then. A copy of the Fairfax County tax records demonstrating ownership are attached as **Exhibit 7**.

8. Additional Information Related To Overlay Districts

No additional information is required with respect Overlay Districts (Articles 7 of the Zoning Ordinance).

9. Information Regarding Payment for Consideration of This Application

A check for the appropriate amount will be included with this application.

Conclusion

We ask that our Application for a Special Permit be favorably reviewed. In the event the Zoning Evaluation Division (or Department of Planning and Zoning) has any questions or comments regarding this application, please contact us at any of the following phone numbers, which are also found on the application form.

Luke Levasseur: 202-263-3469 (work), 703-303-8822 (mobile), 703-734-1196 (home)
Kathryn Ray: 202-874-0775 (work), 703-220-6667 (mobile), 703-734-1196 (home)

Thank you in advance for your consideration of our request.

STATEMENT OF OWNERSHIP

I CONTACT

homepage - tax administration



Main Property Search

Address Map Number

Profile

MAP #: 0313 06 0135
LEVASSEUR LUKE P

1815 MACARTHUR DR CUF

Sales

Values

Residential

Commercial

Map

Structure Size

Owner

Name LEVASSEUR LUKE P, RAY KATHRYN D
Mailing Address 1815 MACARTHUR DR MCLEAN VA 22101
Book 11893
Page 2158

Return

Neigh

Parcel

Property Location 1815 MACARTHUR DR
Map # 0313 06 0135
Tax District 20101
District Name DRANESVILLE DIST. #1A
Land Use Code Single-family, Detached
Land Area (acreage)
Land Area (SQFT) 10,018
Zoning Description R-2(Residential 2 DU/AC)
Utilities WATER CONNECTED
SEWER CONNECTED
GAS CONNECTED

County Historic Overlay District

NO
For further information about Historic Overlay Districts,
[Click here](#)

Street/Road

PAVED

Site Description

BUILDABLE-AVERAGE LOT

Legal Description

Legal Description CHESTERBROOK
LT 135 SEC 2

Last Refresh Date

Data last refreshed: 08-OCT-09

General Information

Need Help?

For questions and requests for information about the Real Estate site, call 703-222-8234 or [CLICK HERE](#)

Disclaimer

Under Virginia State law these records are public information. Display of this information on the Internet is specifically authorized by Va. Code 58.1-3122.2 (1998). See the [Virginia State Code](#) to read the pertinent enabling statute.

If you believe any data provided is inaccurate or if you have any comments about this site, we would like to hear from you. Owner names will be withheld from the Internet record upon request. Comments or requests may be made via e-mail to the Real Estate Division at [Real Estate Division](#) or by phone at (703) 222-8234.

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Storm Water Management Plan Waiver Request

November 13, 2009

Fairfax County
Department of Planning and Zoning
Zoning Evaluation Division

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Department of Planning & Zoning
NOV 16 2009
Zoning Evaluation Division

Dear Madam or Sir:

I am requesting that the requirement for a complete site plan, including topography, trees, landscape, drainage, storm water management and related calculations be waived for the purpose of the Special Permit Application regarding building location of an addition to a residence located at 1815 MacArthur Drive, McLean, Virginia 22101.

I am including a site plan delineating the property lines, existing building location and proposed building location(s) as part of the application. I understand that a full site plan (including a storm water management) may be required as part of my submission for a building permit.



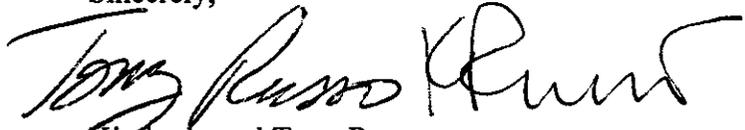
Luke Levasseur
1815 MacArthur Drive
McLean, Virginia 22101
202-263-3469 (office)
703-303-8822 (mobile)
703-734-1196 (home)

August 5, 2009

To Whom It May Concern:

We are the property owners at 1816 MacArthur Drive, McLean, VA 22101. We live directly across from 1815 MacArthur Drive. The property owners, Kathryn Ray and Luke LeVasseur, have reviewed their plans for an addition with us. We support their application for a special permit. We believe the addition would be in keeping with the character of the neighborhood and would not adversely affect neighboring properties.

Sincerely,



Kimberly and Tony Russo

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Department of Planning & Zoning
NOV 16 2009
Zoning Evaluation Division

September 12th, 2009

To Whom It May Concern:

We are the property owners at 1813 MacArthur Drive, McLean, VA 22101. We live in the house next to Kathryn Ray and Luke LeVasseur, immediately to the north. Ms. Ray and Mr. LeVasseur have reviewed their plans for an addition with us. We support their application for a special permit. We believe the addition would be in keeping with the character of the neighborhood and would not adversely affect neighboring properties.

Sincerely,

Handwritten signatures of Delores and Ted Shine in cursive script.

Delores and Ted Shine

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Department of Planning & Zoning

NOV 16 2009

Zoning Evaluation Division

September 3
August __, 2009

To Whom It May Concern:

I am the property owner at ¹⁶⁰⁹1817 MacArthur Drive, McLean, VA 22101. I live in the house next to Kathryn Ray and Luke LeVasseur, immediately to the south. Ms. Ray and Mr. LeVasseur have reviewed their plans for an addition with me. I support their application for a special permit. I believe the addition would be in keeping with the character of the neighborhood and would not adversely affect neighboring properties.

Sincerely,



Duncan MacKinnon

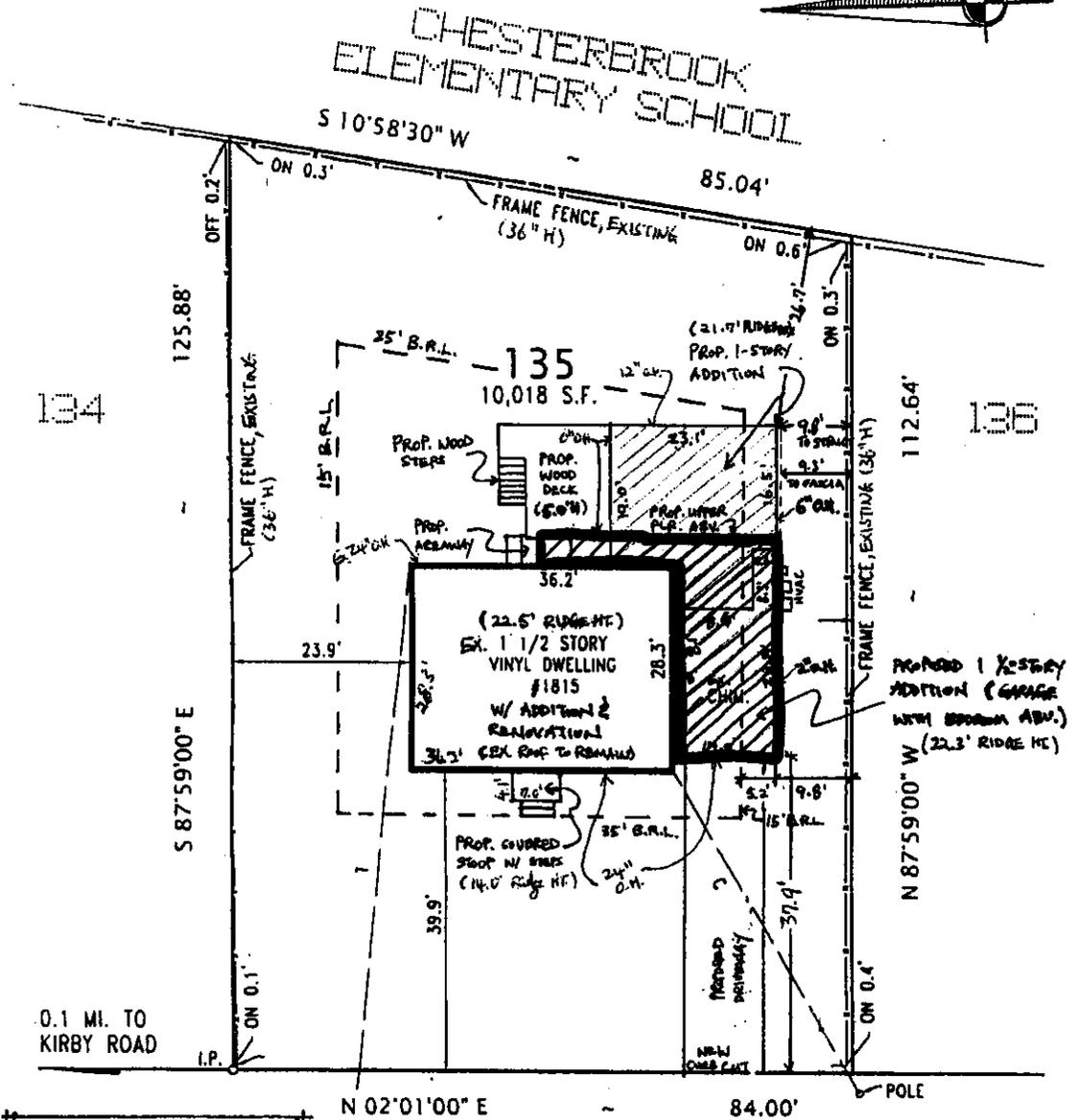
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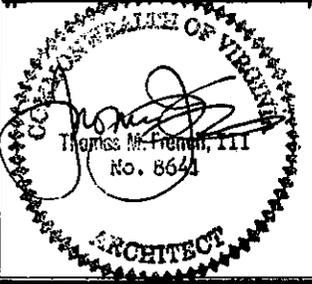
Zoning Evaluation Division

NOTE: ELECTRIC IS UNDERGROUND

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PROPOSED ADDITION DRAWN BY:
 THOMAS FRENCH ARCHITECT, P.C.
 OCT. 16, 2009, DEC. 22, 2009 (REV.),
 MAY 21, 2010 (REV.)
 MAR. 10, 2010 (REV.)



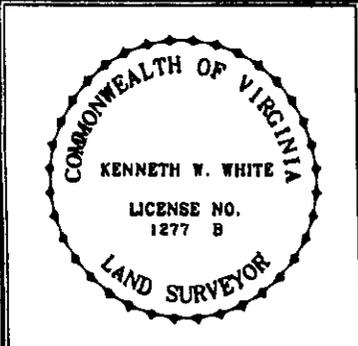
MACARTHUR DRIVE
 50' R/W

PLAT

SHOWING HOUSE LOCATION ON
 LOT 135 SECTION 2
CHESTERBROOK
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20' APRIL 26, 2001

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 AND ZONING
 MAR 12 2010
 SPECIAL PERMIT &
 VARIANCE BRANCH

PLAT SUBJECT TO RESTRICTIONS OF RECORD.
 TITLE REPORT NOT FURNISHED.



CASE NAME
 SHINE - LEVASSEUR/RAY ALLEN

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.
 KENNETH W. WHITE L.S.

ALEXANDRIA SURVEYS, INC.
 6343 SOUTH KINGS HIGHWAY
 ALEXANDRIA, VIRGINIA 22306
 703-680-6615
 FAX 703-766-7764

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.