



APPLICATION ACCEPTED: January 29, 2010
DATE OF PUBLIC HEARING: April 14, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 7, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2010-DR-012

DRANESVILLE DISTRICT

APPLICANT & OWNER: Liliana Van Gilder

ZONING: R-3, Cluster

LOCATION: 6702 Pine Creek Court

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 40-2 ((35)) 10

LOT SIZE: 8,418 Square Feet

SP PROPOSAL: Reduction of certain yard requirements to permit construction of addition 13.7 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-DR-012 for the addition subject to the proposed development conditions contained in Appendix 1.

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

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

Mary Ann Godfrey

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/



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

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

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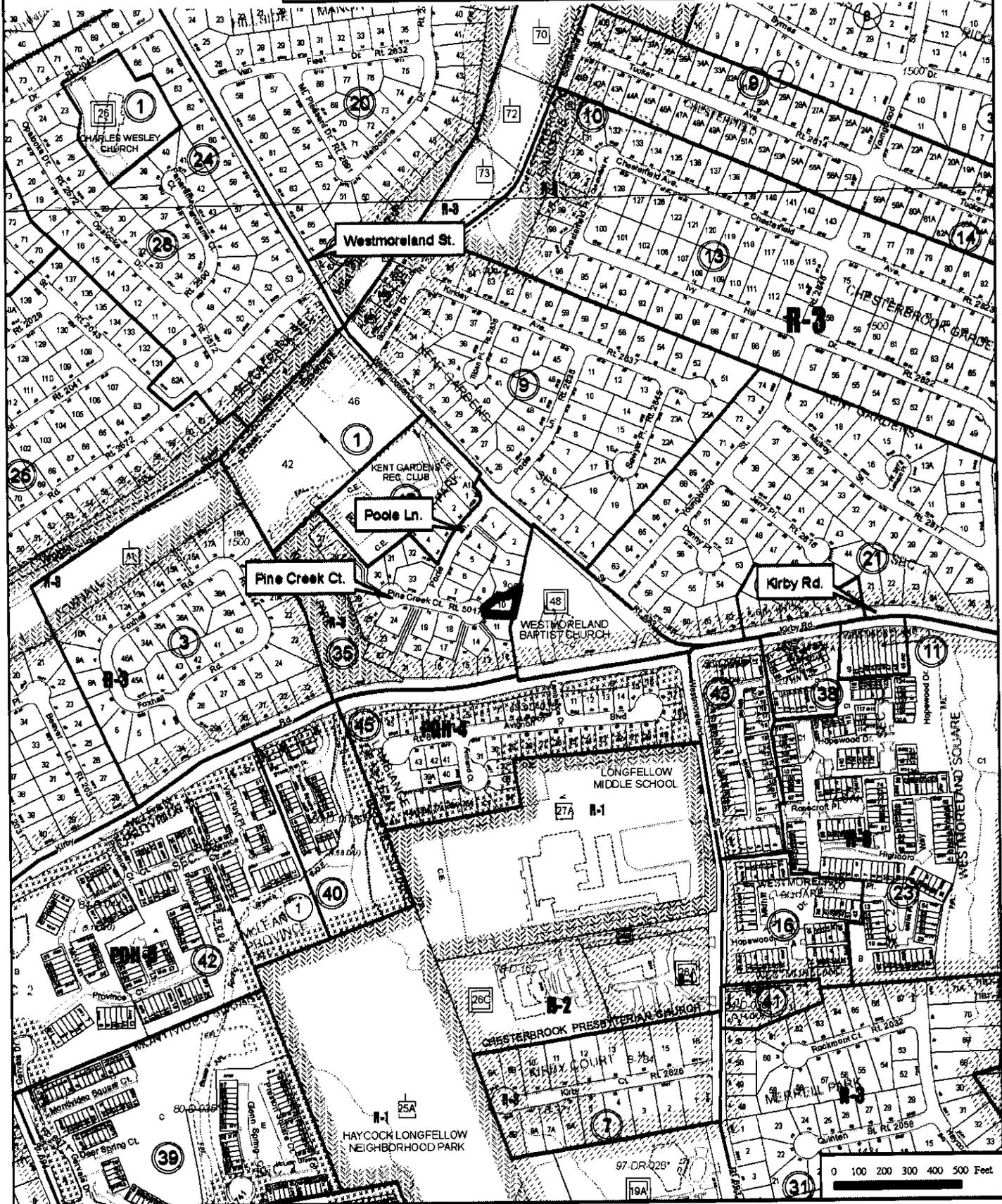


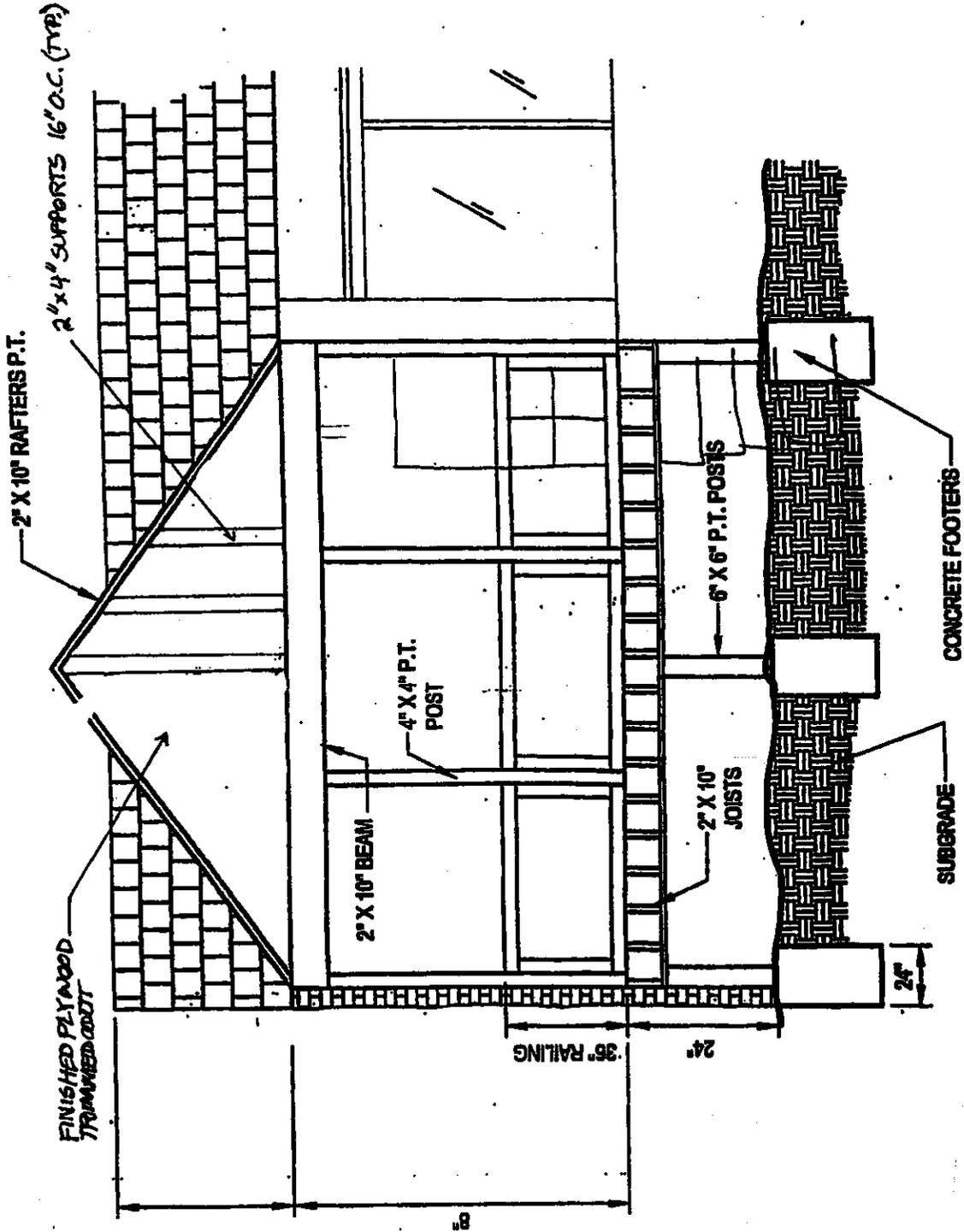
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

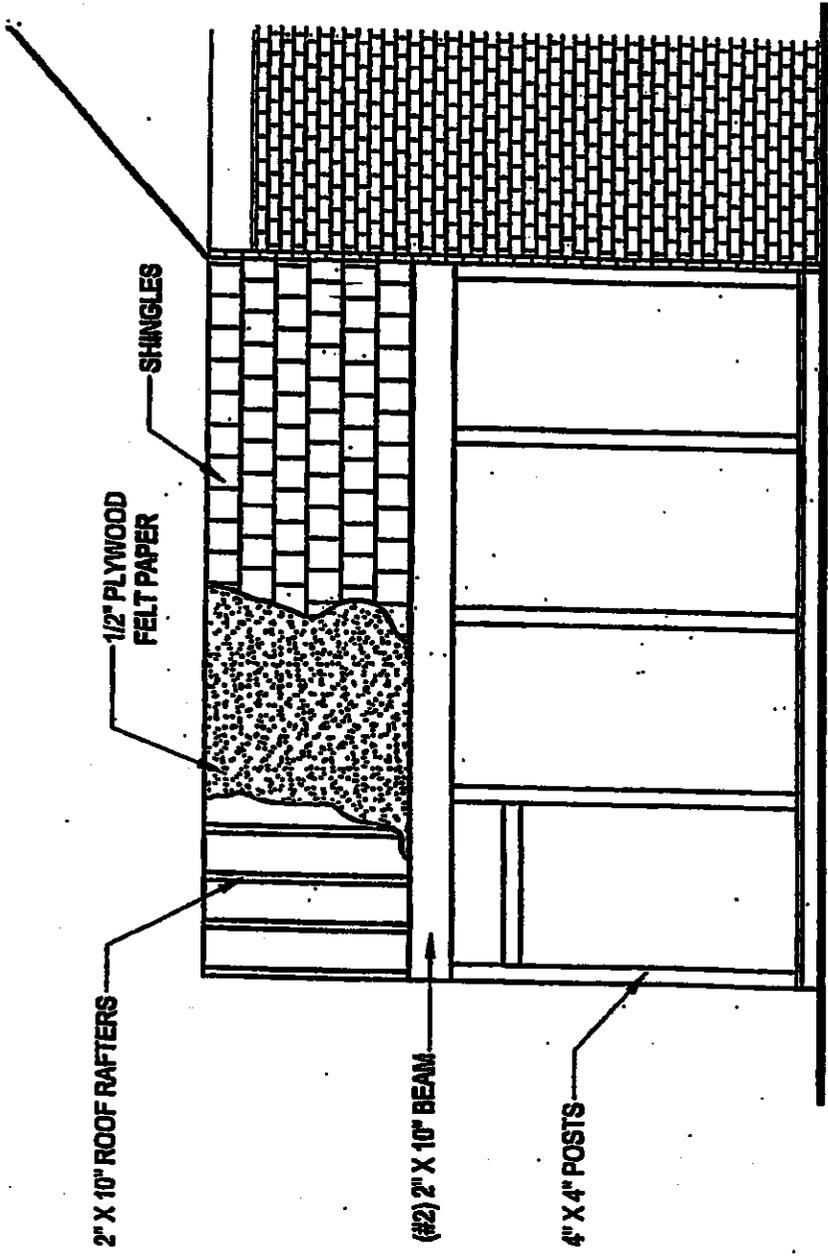
Special Permit
SP 2010-DR-012
LILIANA VAN GILDER



Special Permit
SP 2010-DR-012
LILIANA VAN GILDER



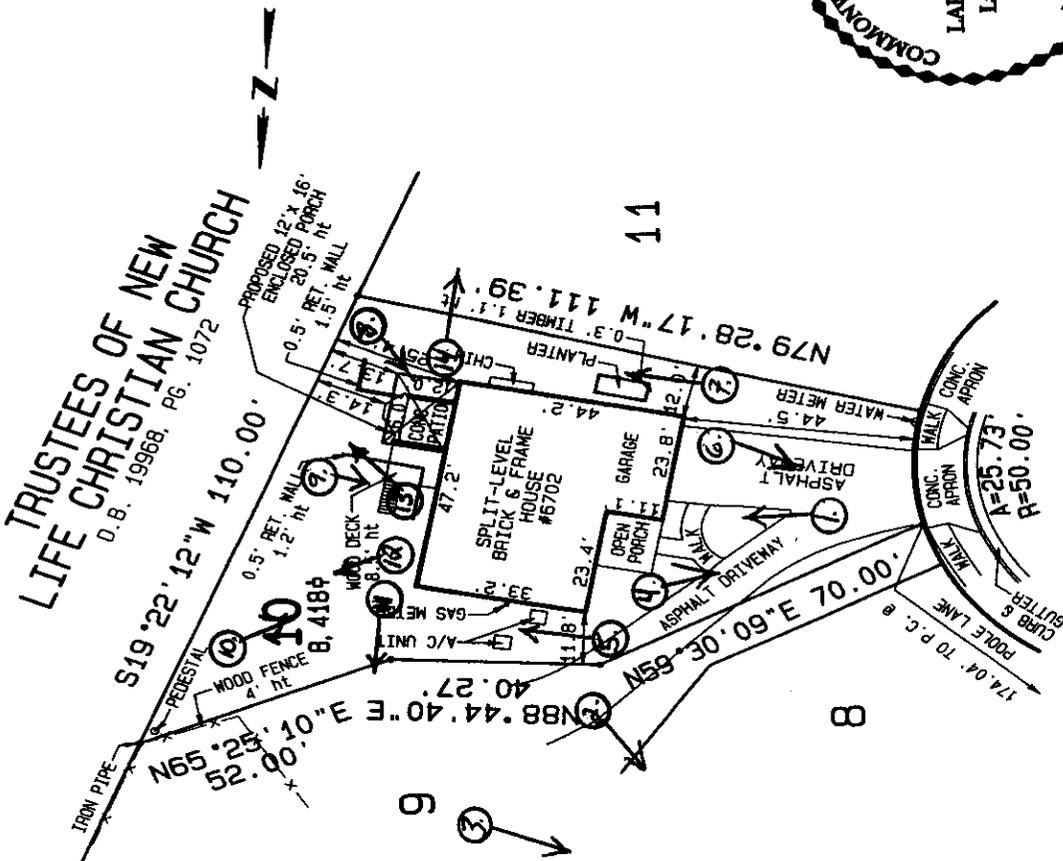




EXISTING HOUSE

PORCH ELEVATION

SCALE: N.T.S.



PINE CREEK COURT
 RIE: #5017
 50' R/W

SPECIAL PERMIT PLAT
 LOT 10

THE CROSSWOODS
 DRANESVILLE MAGISTERIAL DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1"=30' DATE: JANUARY 5, 2010

- NOTES:**
- TAX MAP 040-2-35-0010
 - PROPERTY SHOWN HEREON IS ZONED: R-3C (R-3 W/CLUSTER DEV)
 - MINIMUM YARD REQUIREMENTS IN R-3C
 FRONT YARD: 20'
 SIDE YARD: 8', BUT A TOTAL MINIMUM OF 20'
 REAR YARD: 25'
 - PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 - THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 515525 0083 D EFFECTIVE DATE, MARCH 5, 1990.
 - THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
 - ELEVATION DATUM IS ASSUMED.
 - FLOOR AREA:
 EXISTING GROSS FLOOR AREA HOUSE 1,920 SQ. FT.
 EXISTING GROSS FLOOR AREA GARAGE 504 SQ. FT.
 EXISTING GROSS FLOOR AREA DECK 83 SQ. FT.
 PROPOSED GROSS FLOOR AREA ADDITION 192 SQ. FT.
 TOTAL FLOOR AREA 2,699 SQ. FT.
 PROPOSED FLOOR AREA RATIO: 0.32

HEIGHT TABLE

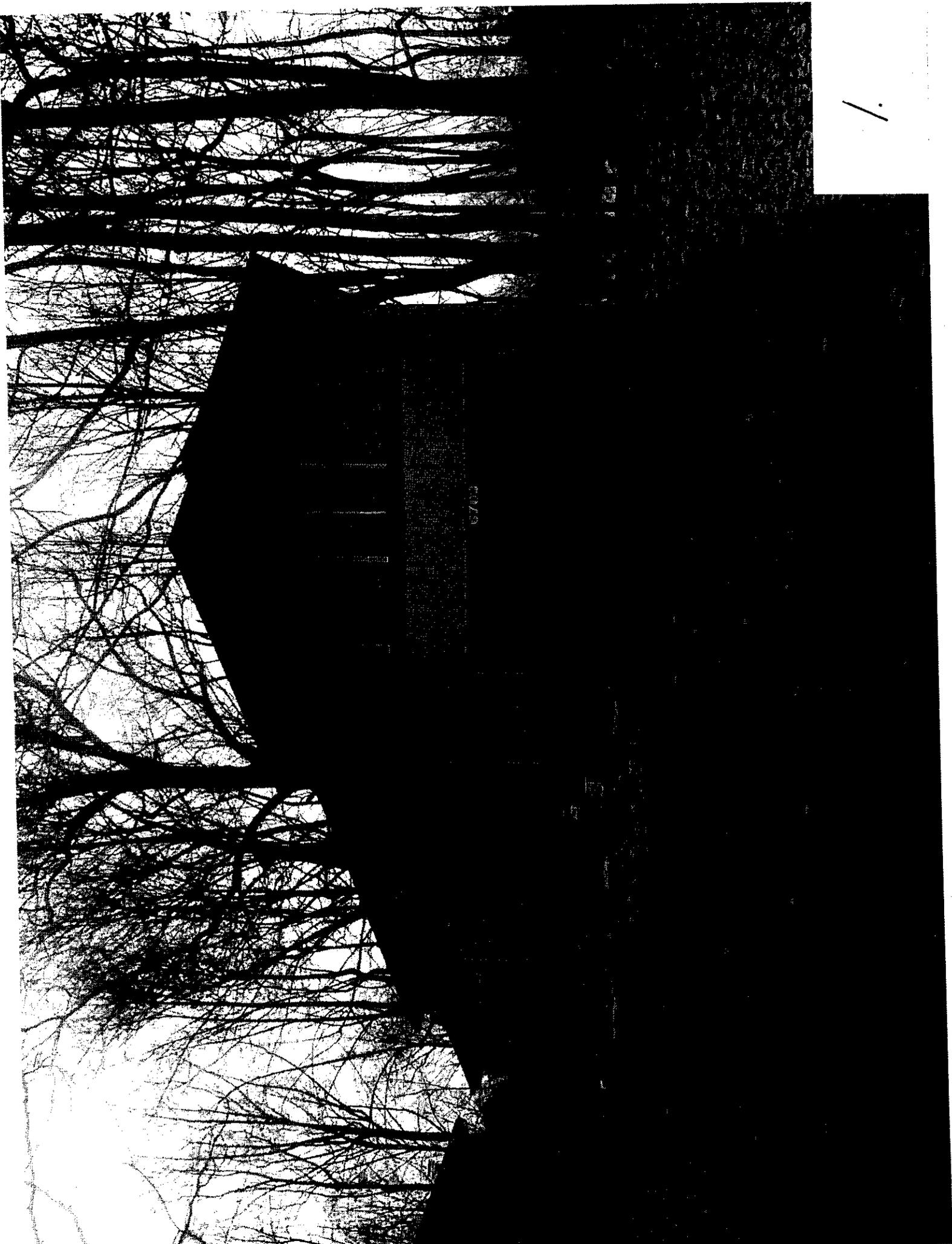
EXISTING HOUSE IS 22.3'
 PROPOSED ADDITION IS 20.5'

GRAPHIC SCALE 1"=30'



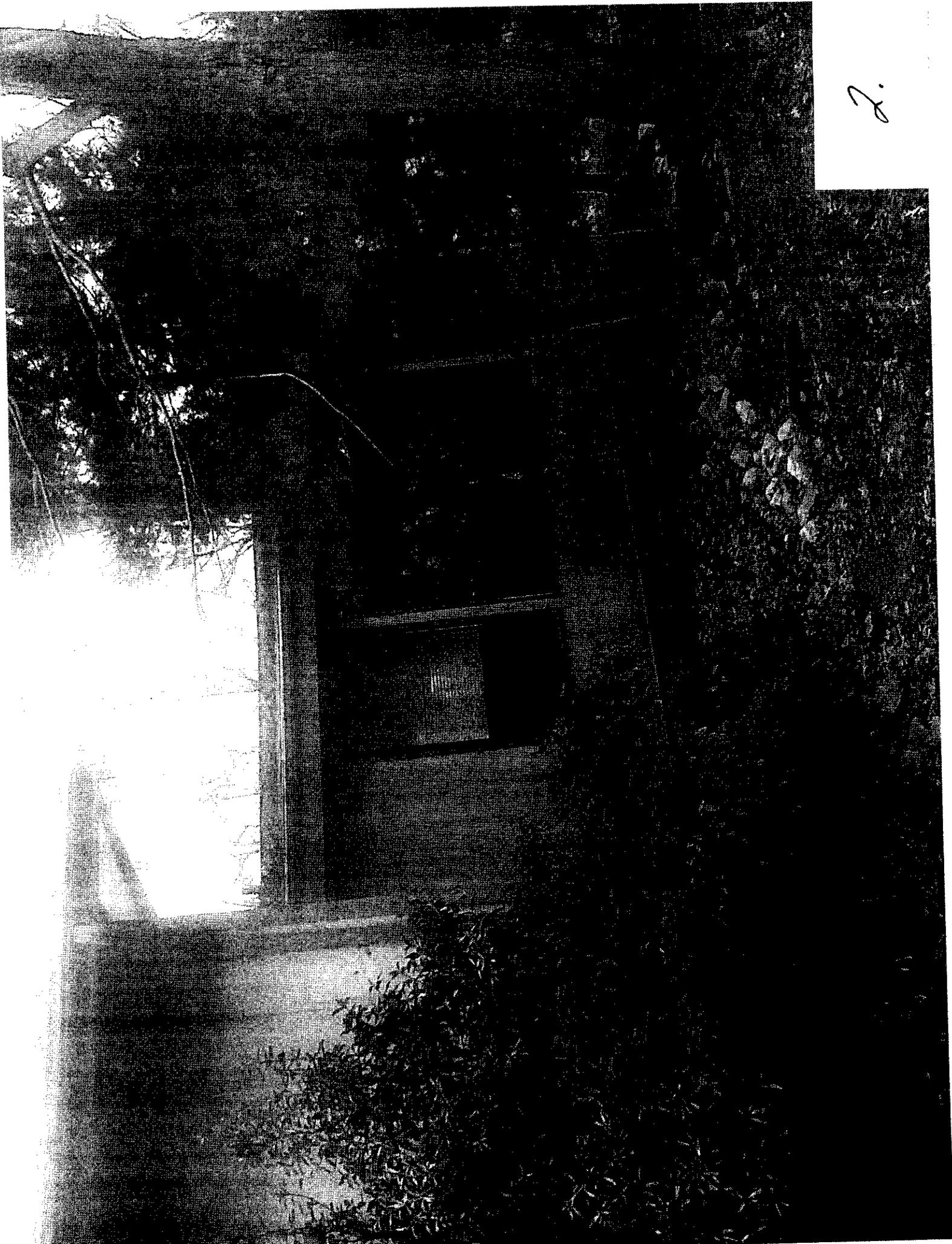
Photo Key, N.T.S.

CASE NAME: LILIANA VAN GILDER, TRUST	NO TITLE REPORT FURNISHED. PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE. FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
	 SCARTZ SURVEYS LARRY N. SCARTZ LOCAL (703) 494-4181 CERTIFIED LAND SURVEYOR FAX (703) 494-3330 WOODBRIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM

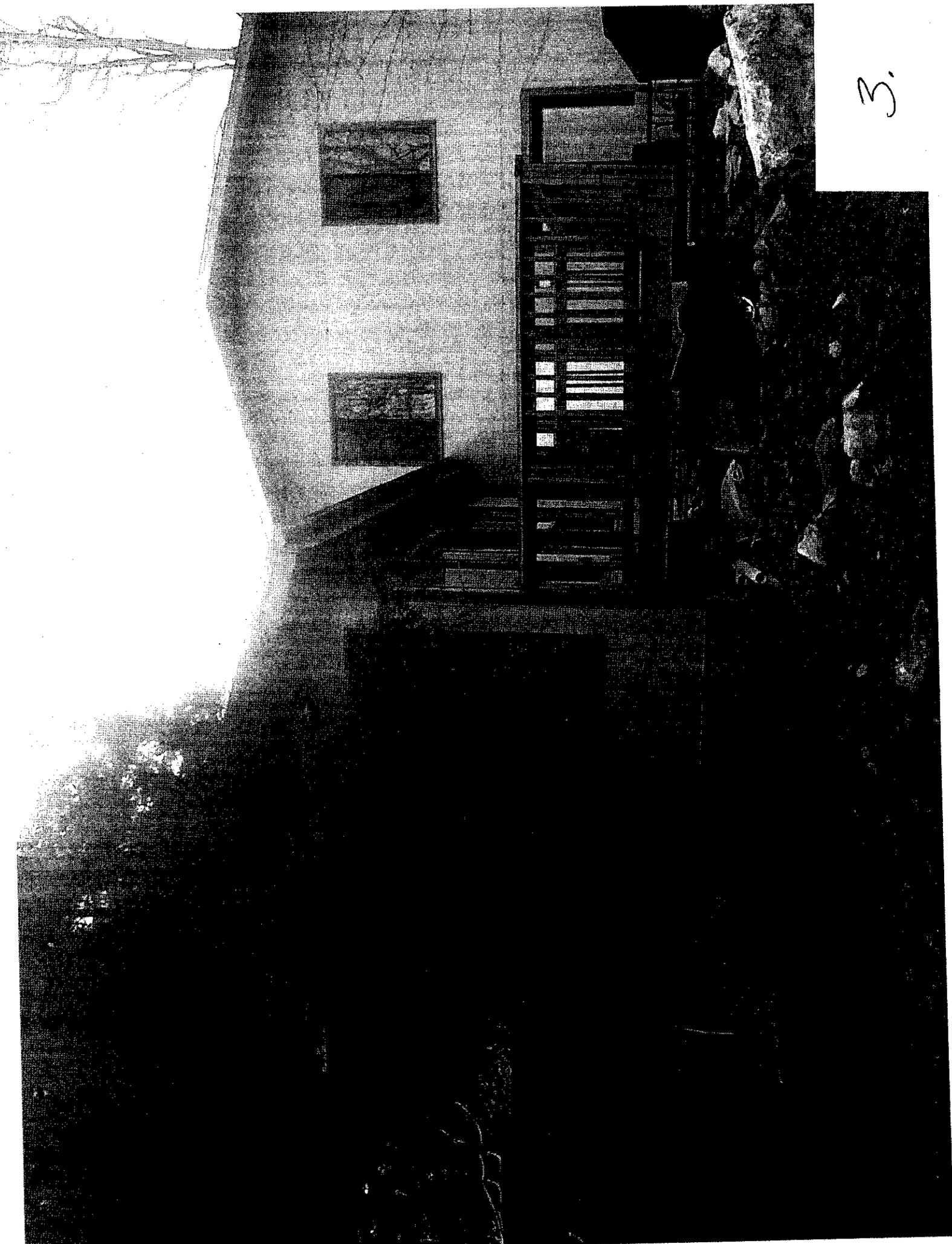


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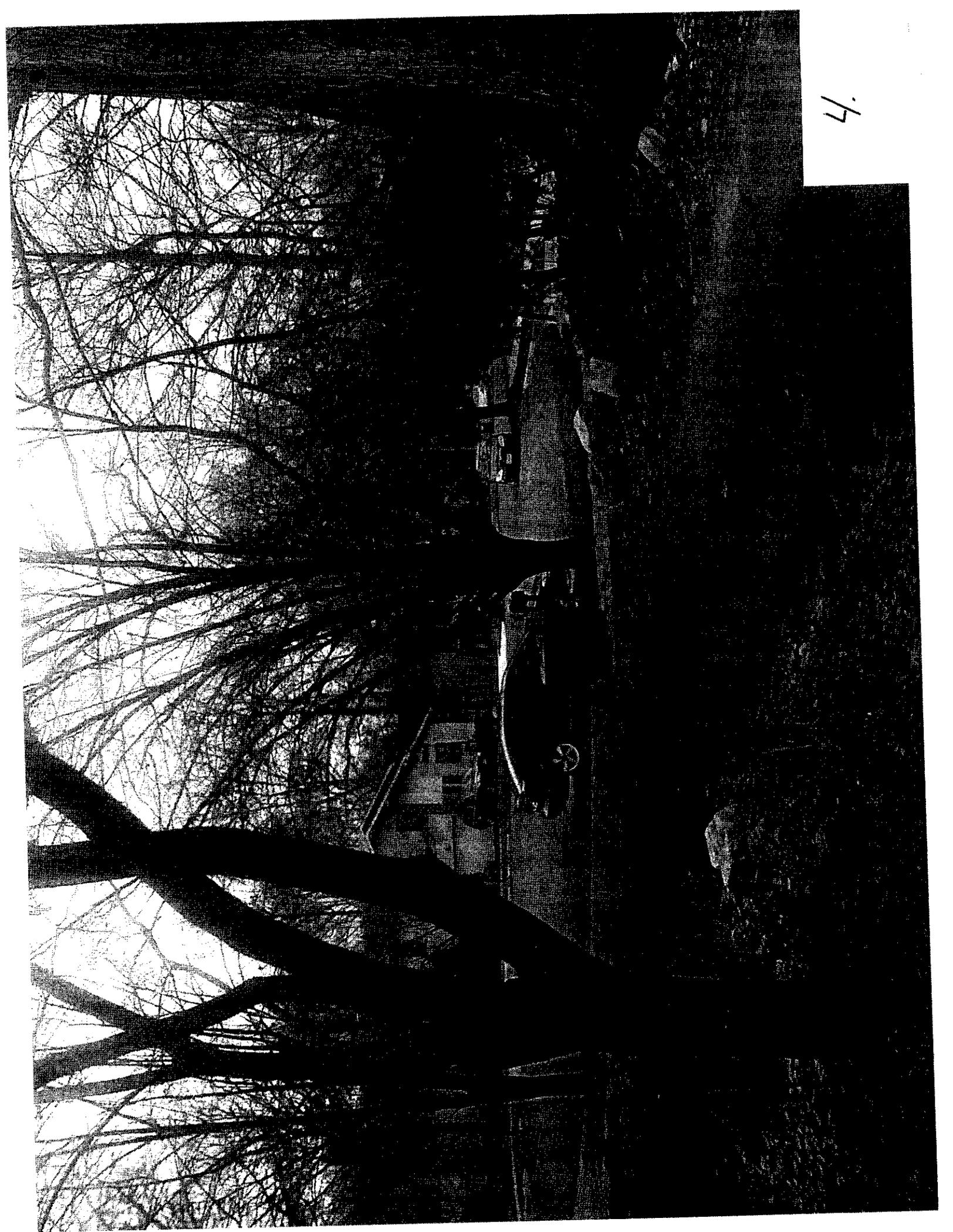
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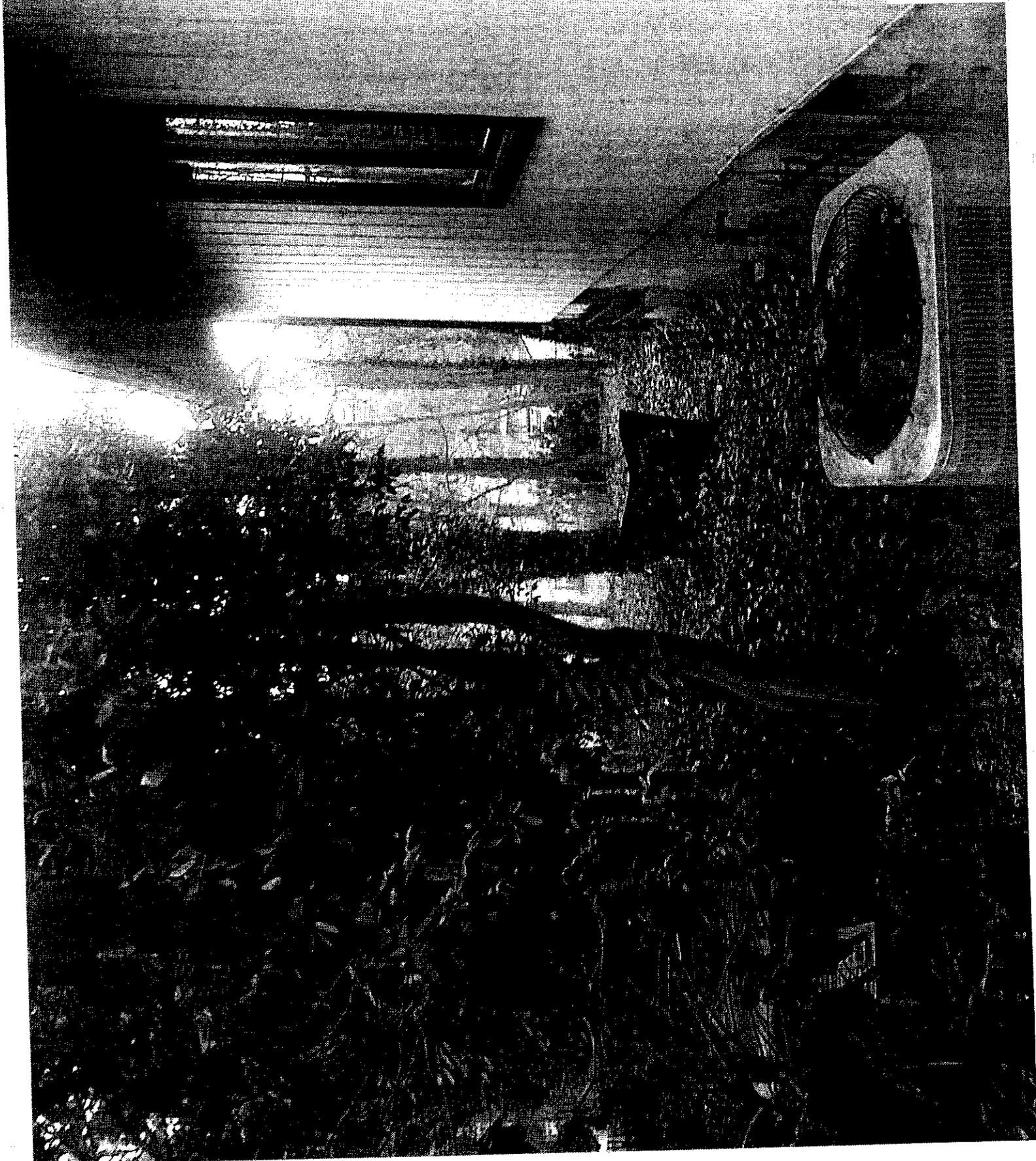
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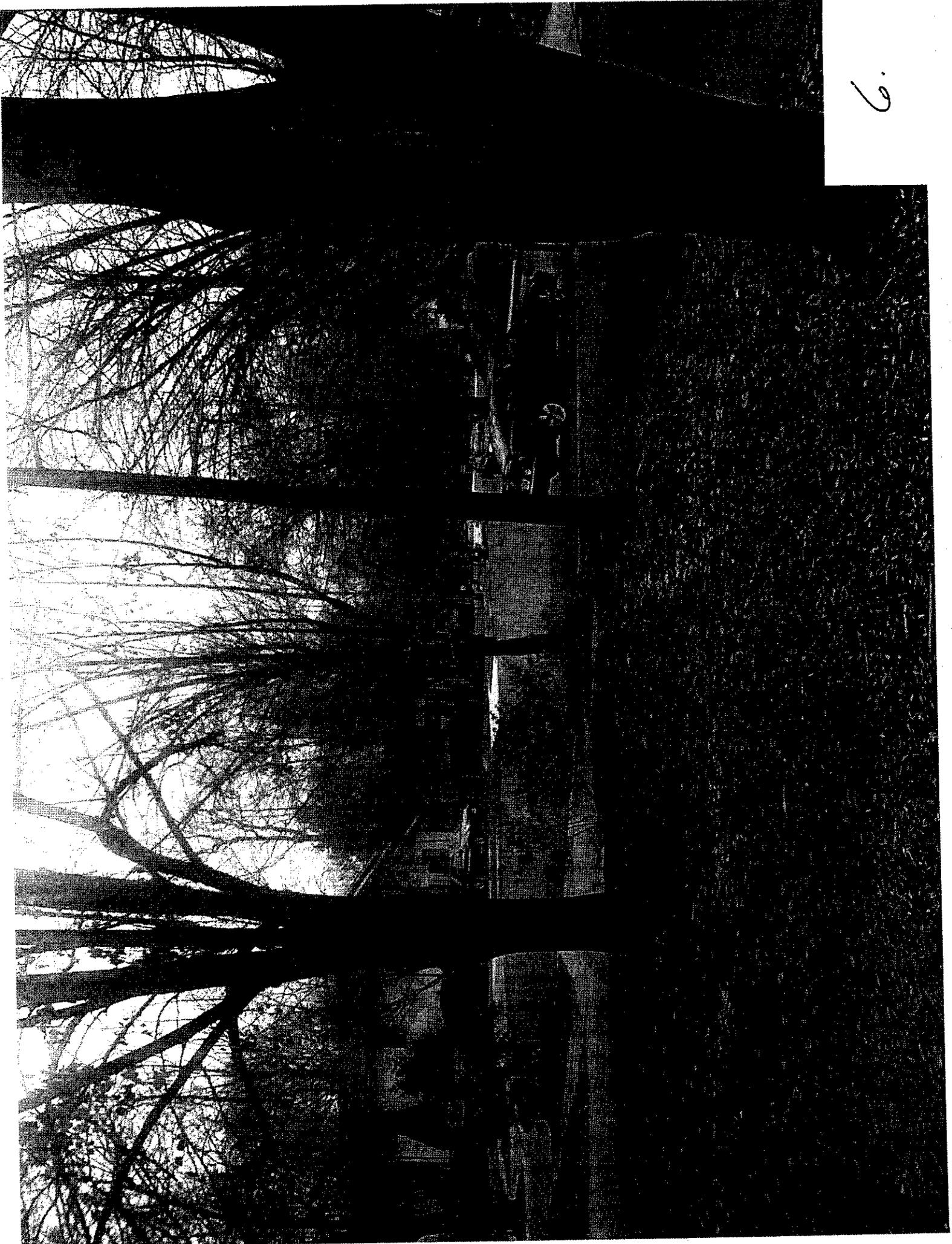
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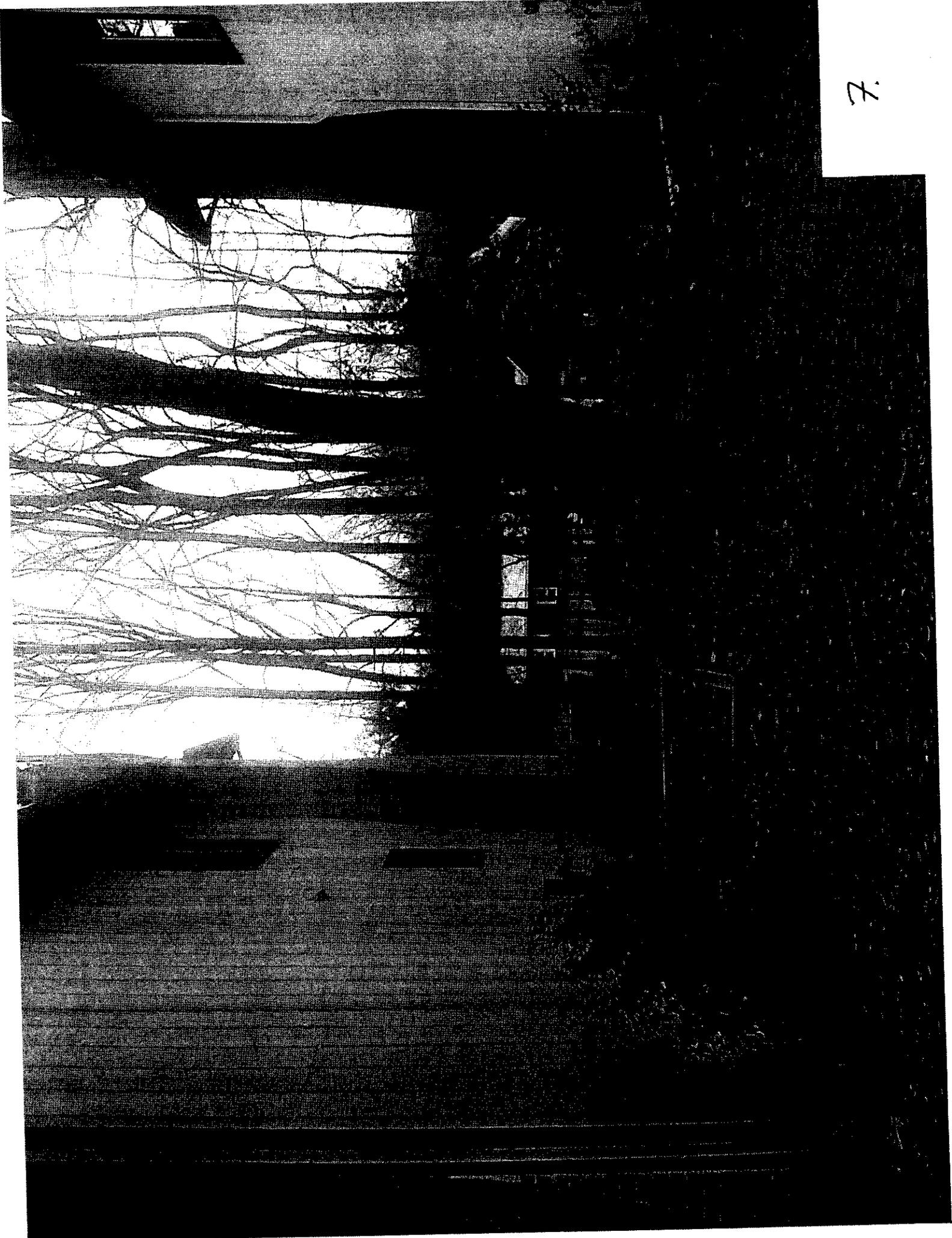
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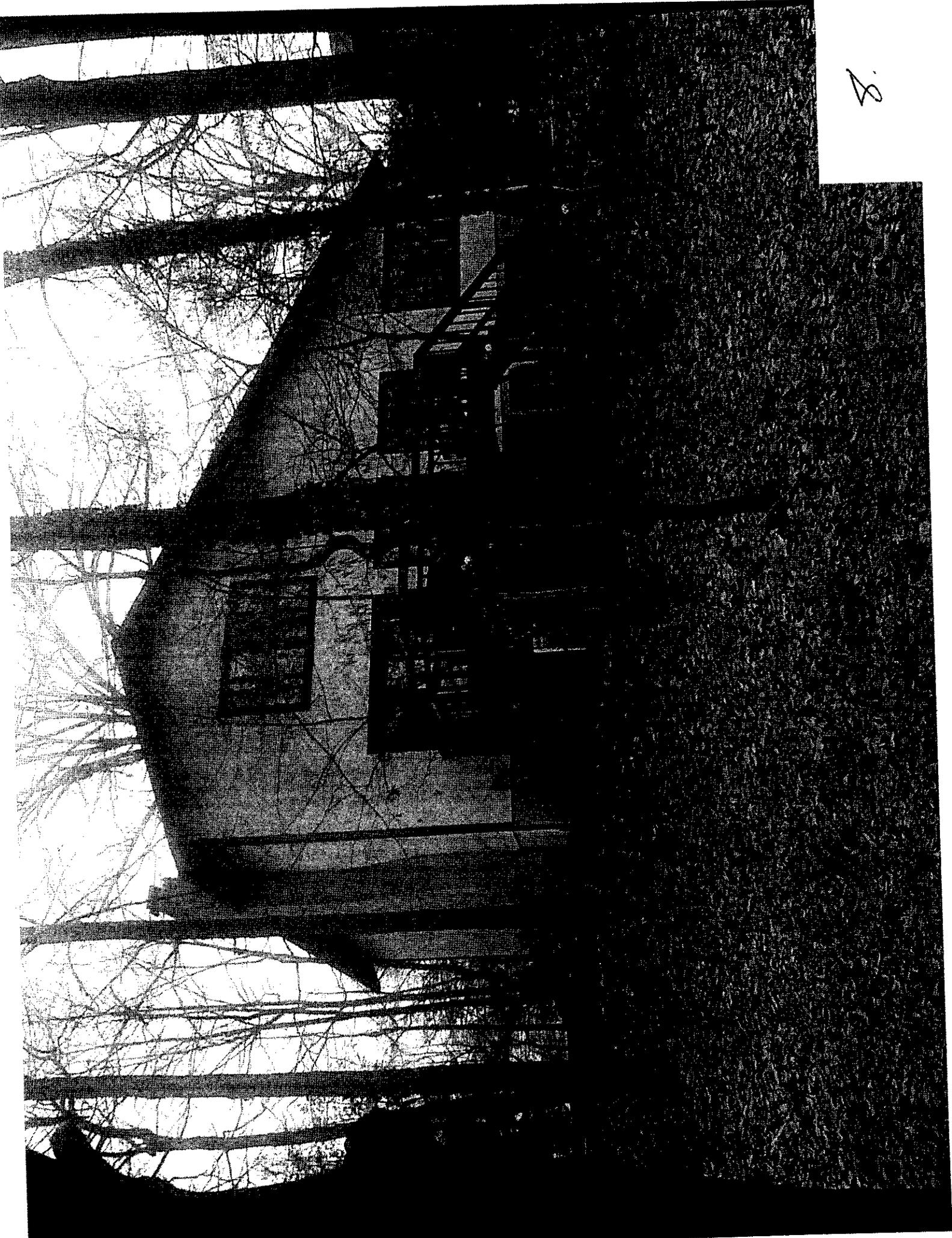
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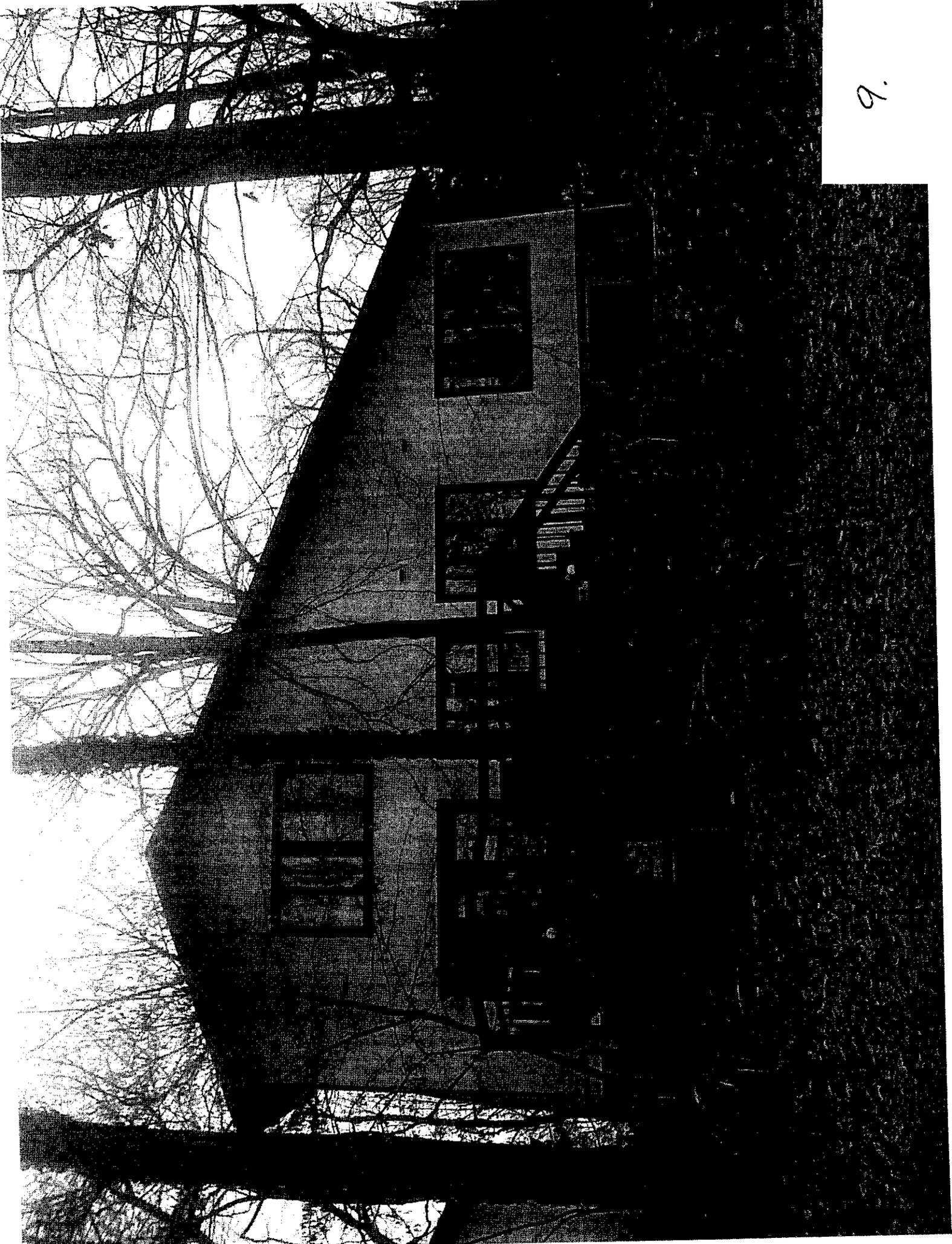
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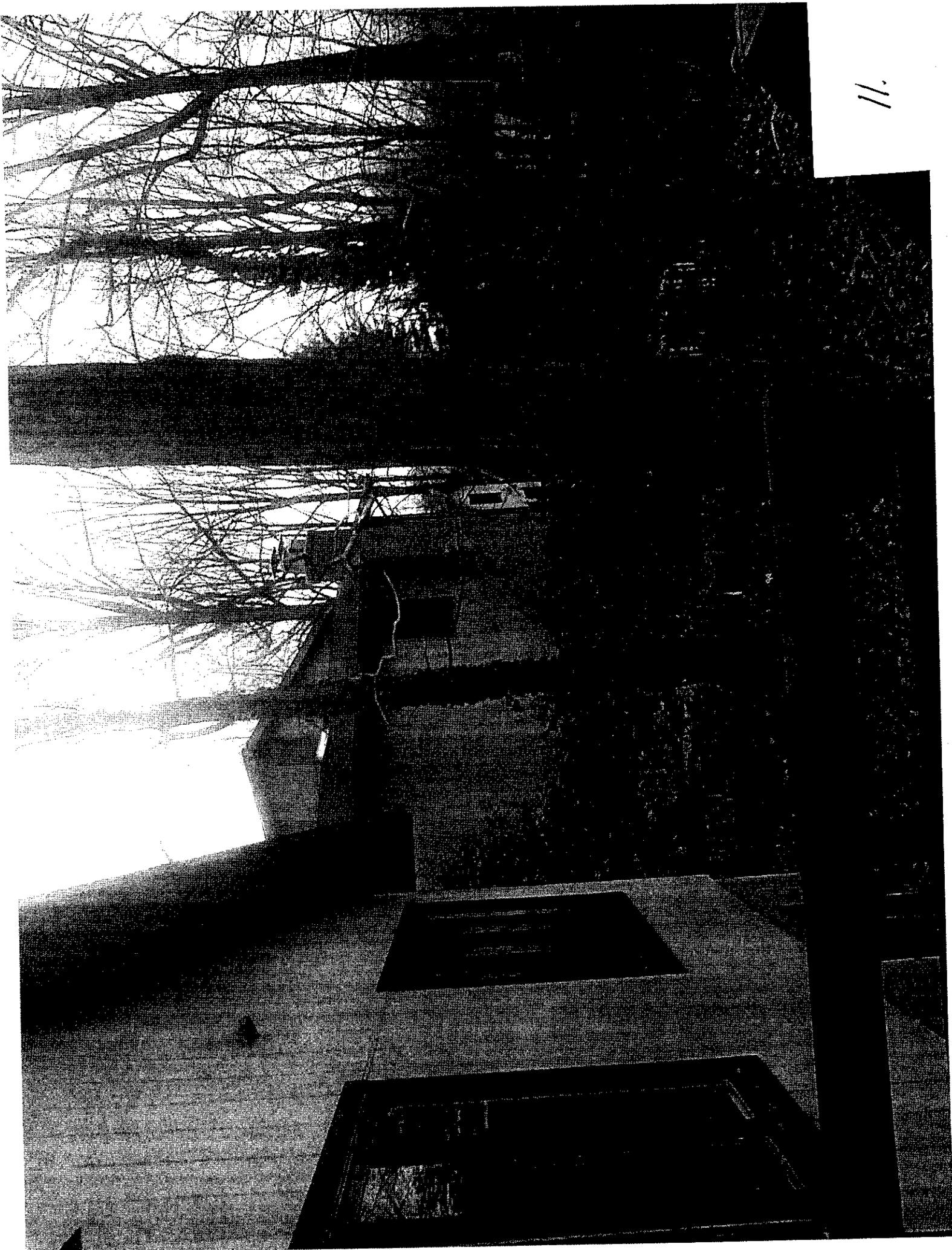


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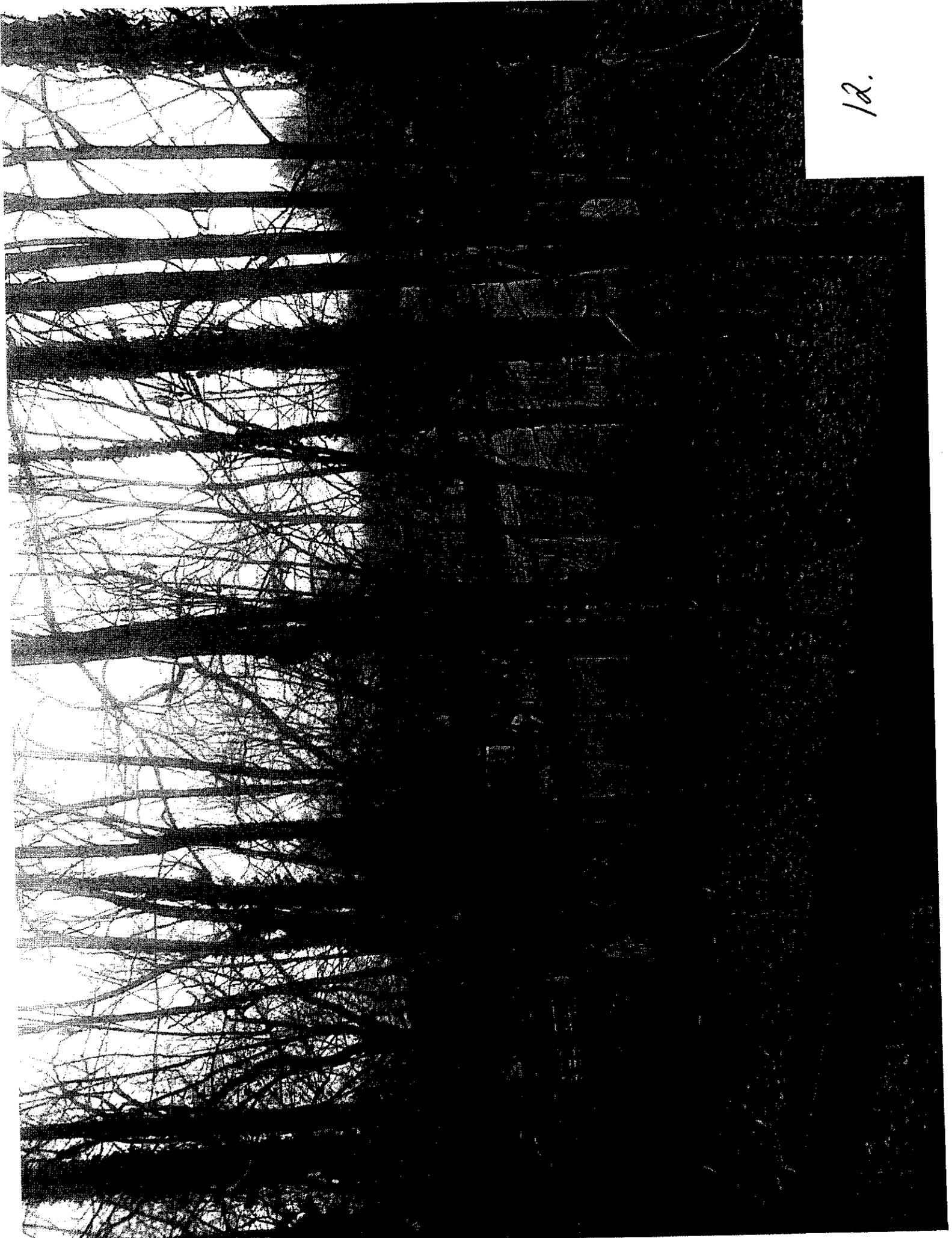


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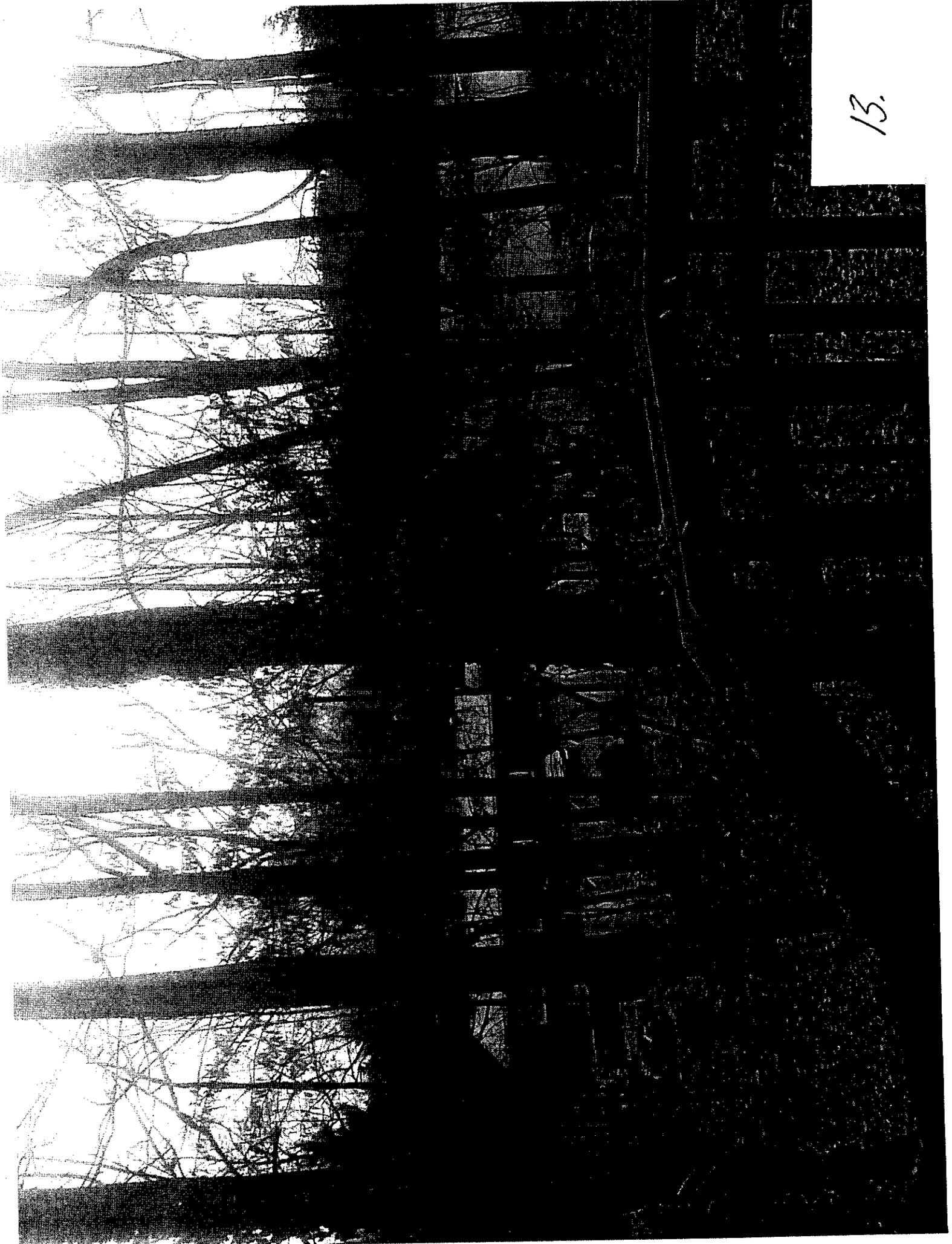




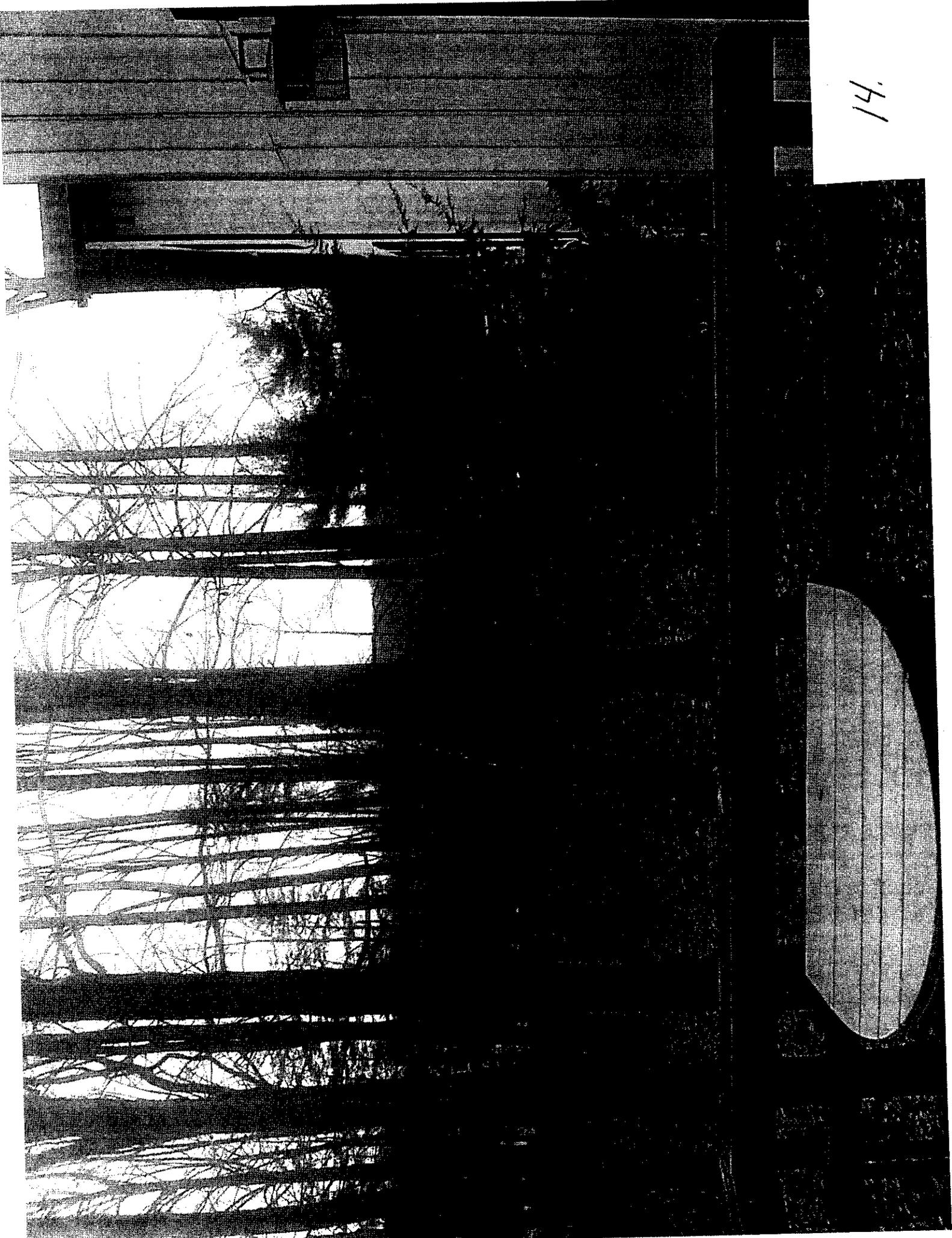
12.



13.



14.



DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a second story screened porch addition 13.7 feet from the eastern rear lot line.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Addition	Side	25 feet	13.7 feet	11.3 feet	45.2 %

* Minimum yard requirement per Section 3-207

LOCATION AND CHARACTER

Existing Site Description

The site is currently zoned R-3 Cluster and is developed with a three-story with daylight basement single family detached dwelling that was built in 1975. The total above grade area of the dwelling is 2,424 square feet. There is a 143 square foot open porch, a 192 square foot wooden deck, and a 504 square foot attached garage. The SP Plat shows a 4' high wooden fence along the northern property boundary. On March 16, 1976, the Board of Zoning Appeals (BZA) approved variance V-242-75 to permit a deck wider than ten (10) feet to remain within 16.7 feet of the rear property line. A copy of the BZA resolution is contained in Attachment 4. The lot contains 8,418 square feet, is level near the front and slopes down toward the rear. The lot is vegetated with a variety of trees. The subject property is surrounded by single family detached homes on the north, south, and west. To the east is the Westmoreland Baptist Church property.

Character of the Area

	Zoning	Use
North	R-3C	Single-Family Detached Dwelling
South	R-3C	Single Family Detached Dwelling
East	R-3	Church
West	R-3C	Single-Family Detached Dwelling

BACKGROUND

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

- Variance VC 99-D-051, approved on June 30, 1999, on Tax Map Number 40-2 ((9)) 63, on 6700 Kirkley Avenue, zoned R-3, north of the subject property to allow construction of an accessory structure 5.7 feet from a side lot line.
- Variance VC 2003-DR-104, approved on October 8, 2003, on Tax Map Number 40-2 ((9)) 62, on 6652 Kirkley Avenue, zoned R-3, north of the subject property to allow construction of an addition 7.2 feet from a side lot line.
- Special Permit 2009-DR-011, approved on March 3, 2010, on Tax Map 40-2 ((9)) 25A, on 6631 Kirkley Avenue, zoned R-3, north of the subject property to permit an addition 12.7 feet from the rear lot line, reduction to the minimum yard requirements based on error in building location, and to permit an accessory storage structure to remain 7.1 feet from a side lot line and 4.6 feet from the rear lot line.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat Lot 10, The Crosswoods
- **Prepared By:** Scartz Surveys, dated January 5, 2010

Proposal

The applicant proposes to construct a second story screened porch addition on the eastern side of the existing home over an existing 192 square foot deck. The addition will be 192 square feet in size and 20.5 feet in height, which is lower than the existing dwelling at 22.3 feet. The addition will be supported on posts and constructed with a pitched roof.

ZONING ORDINANCE REQUIREMENTS (See Appendix 6)

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

Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes that the special permit application satisfies this condition based the fact that the rear of the subject property is adjacent to a church and is adequately screened by existing vegetation in the rear yard. Therefore, staff believes that the proposed addition will not have any adverse impact on neighboring properties.*

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing structure is 2,424 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,636 square feet; which makes a combined total of 6,060 square feet. The proposed addition will be 192 square feet for a total of

2,616 square feet for the existing house and screened porch addition. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The existing dwelling is 22.3 feet in height and the proposed addition will be 20.5 feet in height. The dwelling is currently 2,424 square feet and the proposed addition will only be 192 square feet. Based on the architectural renderings, the proposed addition will be constructed with materials and an appearance matching the existing dwelling. Staff believes the proposed addition will not be out of character with existing on-site development.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. The proposed addition will not adversely affect the neighboring properties due to the fact that the addition will be located at the rear of the dwelling, which faces a church use. The church parking lot is located adjacent to this property. In addition, the rear yard contains significant vegetation that will provide screening. The fact that the proposed addition will have a height that is less than the principal dwelling will minimize the amount of bulk that will be added to the residence and will be in scale with the existing dwelling. In addition, the fact that the addition will be screened will reduce the appearance of bulk.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. No downstream complaints have been indicated by DPWES and there is relatively small increase of impervious area due to the proposed addition being constructed over an existing deck. Trees at the rear of the dwelling will be retained. Therefore, staff believes that the proposed addition shall not have any adverse impact on neighboring properties.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The subject property is a small, odd-shaped lot that slopes downward toward the rear. The front portion of the lot is narrow and becomes wider closer to the rear lot line. The existing dwelling is set back 44.5 feet from the right-of-way of Pine Creek Court, which places the rear of the house 25.4 feet from the rear lot line. The proposed porch addition will be

located over an existing deck, which will reduce site disturbance and have less impact on the existing vegetation than another location. There are no Resource Protection areas on the subject property and the topography suggests no change in grade. The memorandum from Urban Forest Management (UFM), included as Appendix 5, states that an existing 10-inch diameter Red Maple that appears to be in good condition is located at the right front corner of the garage, and a 14-inch diameter Ash tree that appears to be in fair condition is located on the southern boundary. This tree is either co-owned or off-site. The rear of the property contains existing mature, native trees including hickory, oak, and tulip trees that appear to be in fair to good condition. UFM recommends that the applicant provide a tree preservation plan and detail how access to the proposed screened porch with materials and equipment will be accomplished without damaging the afore-mentioned trees.

Staff has proposed a development condition that requires the applicant to provide a tree save area along the side and rear of the dwelling.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of special permit application SP 2010-DR-012 for the addition subject to the proposed development conditions contained in Appendix 1 of the staff report.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. March 16, 1976, BZA Resolution for V-242-75
5. Urban Forestry Analysis
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2010-DR-012

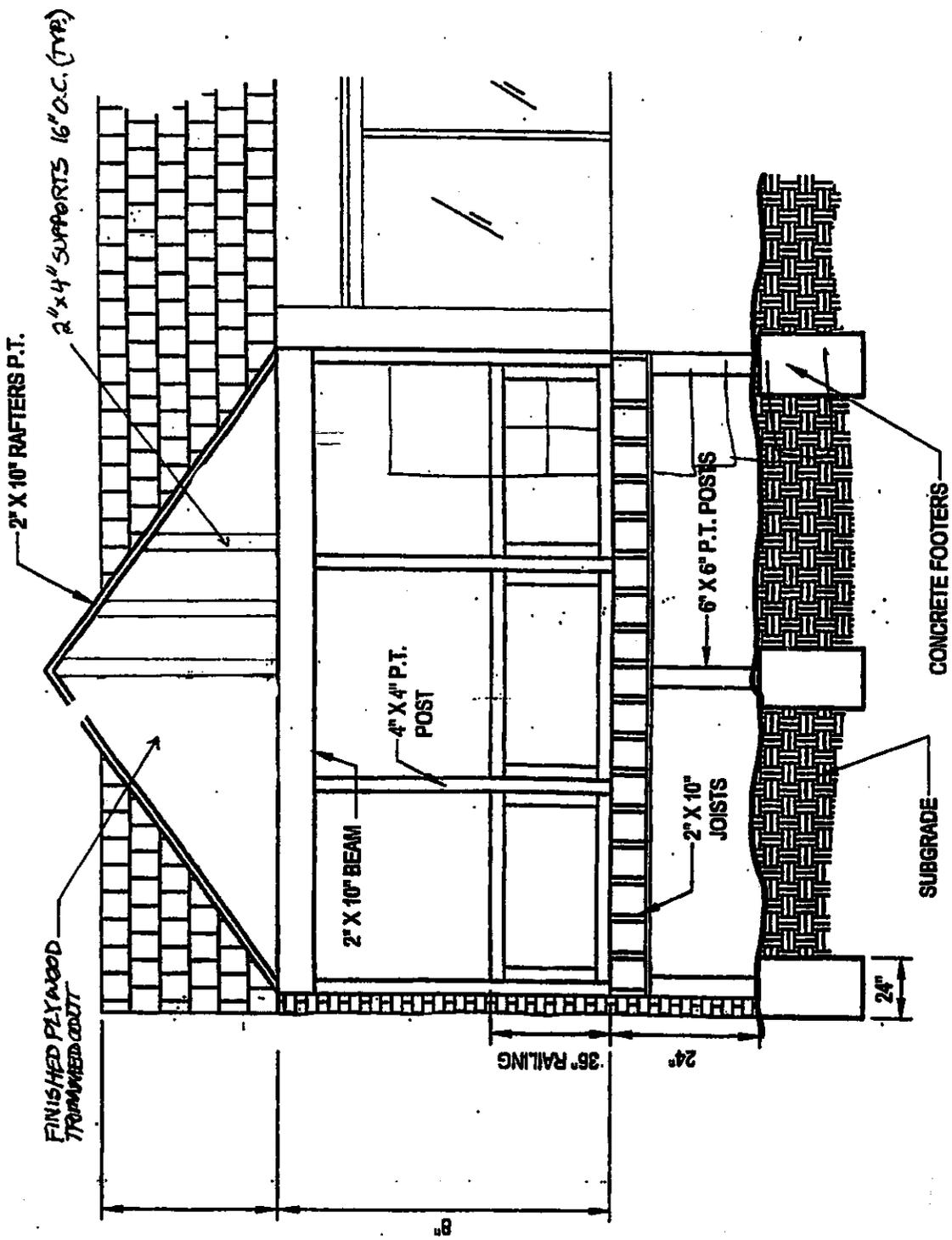
April 21, 2010

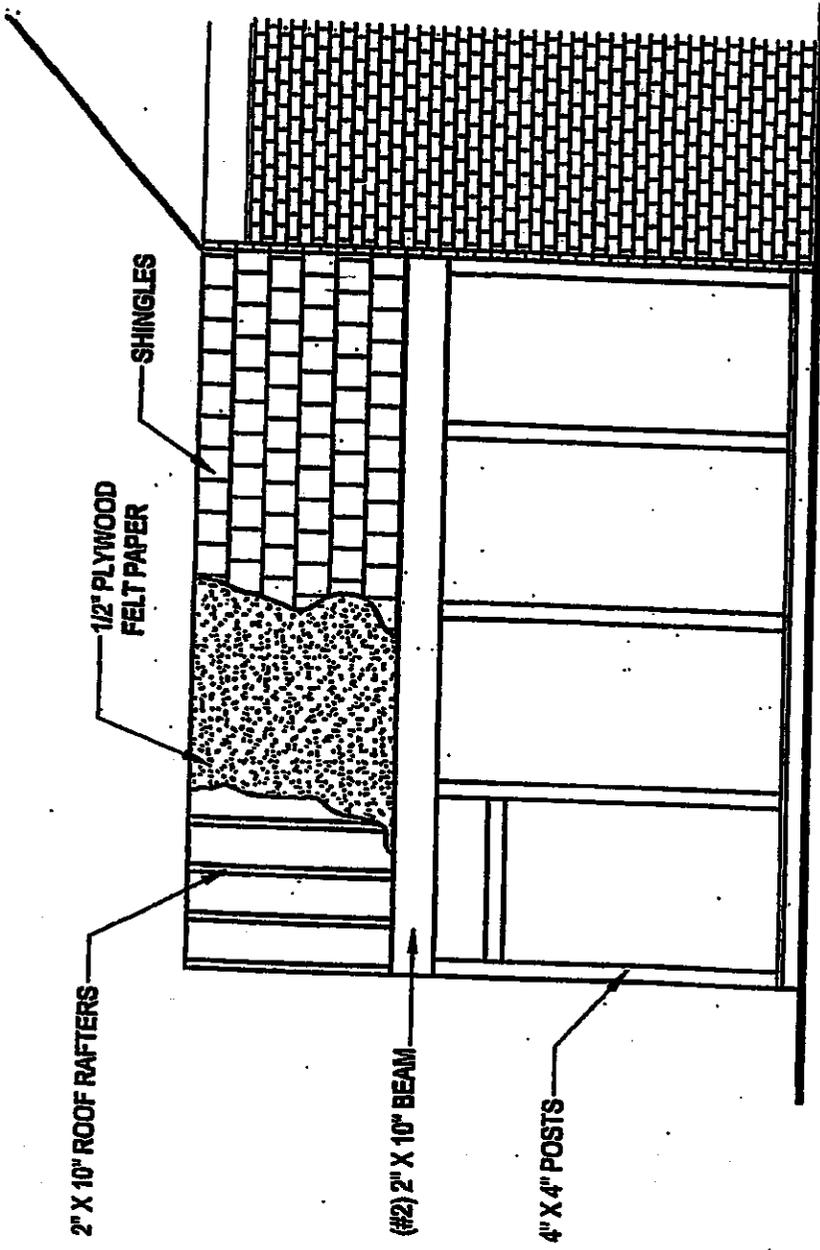
If it is the intent of the Board of Zoning Appeals to approve SP 2010-DR-012 located at Tax Map Number 40-2 ((35)) 10 (6702 Pine Creek Court, McLean), to permit a reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the proposed addition as shown on the plat prepared by Scartz Surveys, dated January 5, 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 (2,424 square feet existing + 3,636 (150%) = 6,060 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 screened porch addition shall be consistent with the architectural renderings and materials shown in Attachment 1 of these conditions.
5. The applicant shall designate the trees located in the rear and side yards as tree save areas and shall install tree protection fencing prior to commencement of the construction process to protect the trees 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 these tree save areas.

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.





EXISTING HOUSE

PORCH ELEVATION

SCALE: N.T.S.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 4, 2010
 (enter date affidavit is notarized)

I, Schuyler P. Ahrens, 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

107287a

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)
Liliana Van Gilder, Trustee of the Liliana Van Gilder Revocable Trust	6702 Pine Creek Ct. McLean VA, 22101	Applicant/Title owner
Michelle Van Gilder	6702 Pine Creek Ct. McLean VA, 22101	Beneficiary
Nicole Van Gilder	2524 13th St. N.W. Washington, DC 20009	Beneficiary
Erik Van Gilder	19 Whitetail Way Fredericksburg VA, 22406	Beneficiary
Schuyler Paul Ahrens DBA- EZ Cad Designs (check if applicable)	4871 Benecia lane Dumfries VA, 22025	Agent

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 4, 2010
(enter date affidavit is notarized)

107287a

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)

*(Sole Proprietor) Schuyler P. Ahrens D/B/A Ez Cad Designs
4871 Benecia lane - Dumfries VA, 22025*

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 4, 2010
(enter date affidavit is notarized)

107287a

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 4, 2010
(enter date affidavit is notarized)

107287a

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

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

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

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

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

None

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 4, 2010
(enter date affidavit is notarized)

107287a

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

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

None

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

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

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

WITNESS the following signature:

(check one)

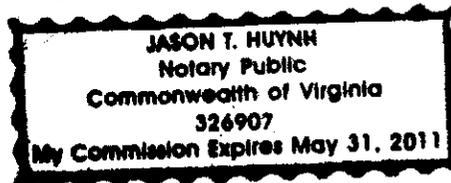
[] Applicant [x] Applicant's Authorized Agent

Schuyler P. Ahrens
Schuyler P. Ahrens - Agent of Applicant.
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 4th day of February 2010, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Jason T. Huynh
Notary Public
JASON T. HUYNH

My commission expires: May 31st 2011



JAN 20 2010

Zoning Evaluation Division

Statement of Justification

**Re: Van Gilder Residence
6702 Pine Creek Ct.
McLean VA, 22101**

Proposed Rear Screened-In-Porch, On An Existing/Modified Deck

- 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 the proposed second story screened-in-porch addition- encroaching into the rear lot property line- in an R-3 cluster zone within 13.7'.**
- 4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached screened-in-porch. The total proposed floor area would be 192 SQ. Feet.**
- 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. The proposed floor area ratio to the existing dwelling is at 0.32 percent.**
- 6. 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 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 the significant trees as determined by the Director. Currently some of the neighbors have similar structures located on their properties that encroach into their setbacks exactly like this proposed screened-in-porch.**

- 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 storm water runoff. The neighborhood is very quiet and with very friendly neighbors who welcome the proposed structure. The property to the rear- directly adjacent is larger with a church-private day school that is set further in on the property with a parking lot between that structure and this rear property line, making this proposed screened-in-porch non-problematic to the encroached property.**
- 9. 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 existing house is already located 25.4' away from the rear property line in the proposed area, which leaves no option for any comparable sized screened-in-porch to meet current setbacks.**

Page 137, March 16, 1976

12:25 - EDMUND VAN GILDER & COLIN DEVELOPMENT CORP. appl. under Section 30-6.6.5.4 of Ord. to permit deck wider than 10' to remain within 16.7' from rear property line, 25' required, 6702 Pine Creek Court, 40-2((35))10, (8,418 sq. ft.), Dranesville District, (R-12.5Cluster). Deferred from 12-17-75 and again from 2-10-76 for notices, V-242-75.

Mr. Edward Dove, 11438 Vale Spring Drive, secretary-treasurer of Colin Development Corporation, submitted notices to property owners which were in order. He stated that about two years ago Colin Development purchased 32 home sites in the McLean area. He and his partner, William Plank, were involved in other businesses at that time on a full time basis. They entered into an agreement with another builder, Kerge and Moore, to construct the 32 homes on these sites. At some point during construction, they were requested by their salesperson, Diane Winn, to place decks slightly larger than 10'x10' on lots 11, 10 and 26. Kerge and Moore constructed these decks, the homes were purchased, the new owners moved in and then Colin Development found out that the decks were, in fact, larger than 10' wide. He went back to the builder and found that the builder had interpreted the width of the deck to mean the area of the deck that extends into the rear yard. The Ordinance reads that a deck can extend into the rear yard as long as that deck is no wider than 10'. The builder interpreted the depth of the deck as the width, instead of interpreting the length along the house as the width. Therefore, the houses were in violation because of the width of the decks. He stated that he came into the Zoning Office when he found out about this and discussed this with Mr. Covington and Mr. Knowlton. They ruled that the decks were, in fact, in violation. He submitted a copy of the building permit to the Board. He stated that he did not discuss this with Mr. Covington prior to construction of these decks. Colin Development Corp. takes full responsibility for this mistake, since they are the owners and the developer of the property. Kerge and Moore were builders working for them.

Mr. Dove assured the Board that on his next project, there would be no mistakes such as this. He stated that he was going to run the project, personally. He stated that he is an engineer for Trico, Inc. and he has never made a mistake such as this before.

There was no one present to speak in favor or in opposition to this application.

RESOLUTION

In application V-242-75 by Edmund VanGilder and Colin Development Corp. under Section 30-6.6.5.4 of the Ord. to permit deck wider than 10' to remain 16.7' from the rear property line, 25' required, 6702 Pinecreek Court, 40-2((35))10, County of Fairfax, Mr. Kelley moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and the by-laws of the Fairfax County Board of Zoning Appeals, and

WHEREAS, following proper notice to the public by advertisement, posting, letters to contiguous and nearby property owners, and a public hearing by the Board held on March 16, 1976, and

WHEREAS, the Board has made the following findings of fact:

1. That the owner of the property is Edmund Van Gilder.
2. That the present zoning is R-12.5Cluster.
3. That the area of the lot is 8,418 sq. ft.

AND, WHEREAS, the Board has reached the following conclusions of law:

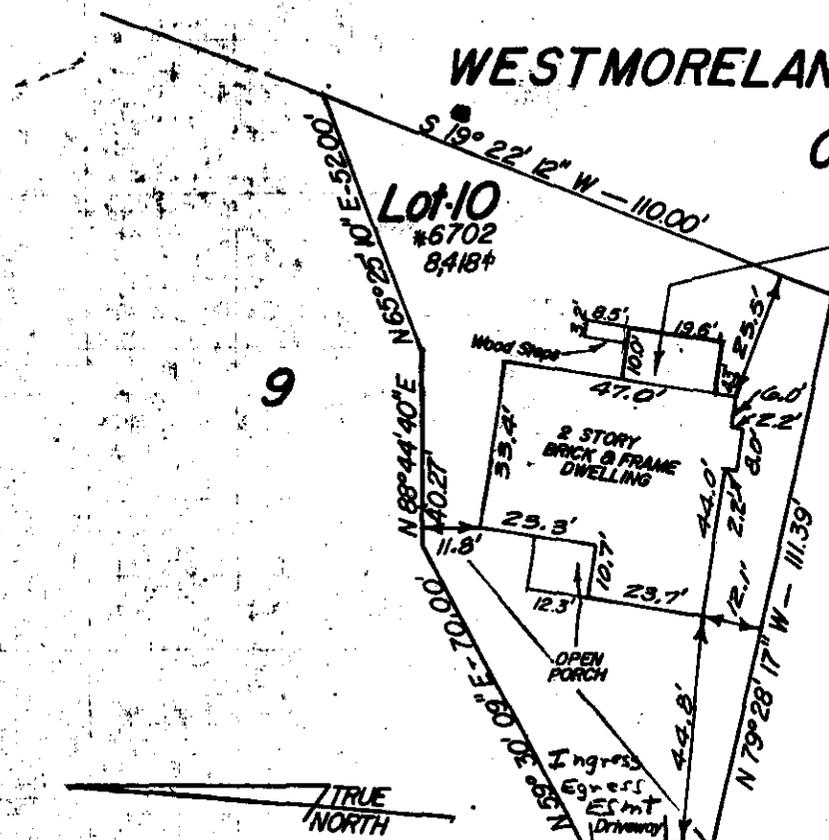
1. That the Board has found that non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit, and
2. That the granting of this variance will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.

NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted.

Mr. Barnes seconded the motion. The motion passed 5 to 0.

P-109902

WESTMORELAND BAPTIST CHURCH



11

3-18-76
Completed
C.F.H.

3-16-76
BZA granted
variance
C.F.H.

FINAL APPROVAL

MAR 25 1976

PINE CREEK COURT 50' RW

[Signature]
Planning Administrator

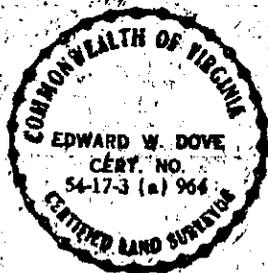
PLAT SHOWING HOUSE LOCATION

LOT 10 BLOCK 2 SECTION 2

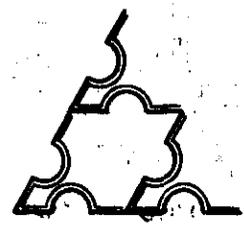
THE CROSSWOODS

Final: 7-17-75

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA



TRICO ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS



Falls Church, Virginia

Winchester, Virginia

CERTIFIED CORRECT

[Signature]

Scale: 1"=30'

Date: 11-25-74

Drawn By: *[Signature]*

Ch'd By: *[Signature]*

Co. No. 73002

F.B. 20 p. 39



County of Fairfax, Virginia

MEMORANDUM

March 15, 2010

TO: Mary Ann Godfrey, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Craig Herwig, Urban Forester III *CH*
Forest Conservation Branch, DPWES

SUBJECT: The Crosswoods Lot 10 (6702 Pine Creek Court), SP 2010-DR-012

RE: Request for assistance dated March 2, 2010

This review is based on the Special Permit application SP 2010-DR-012 and the Special Permit plat "The Crosswoods Lot 10," stamped "Received, Department of Planning and Zoning, January 20, 2010." A site visit was conducted on March 10, 2010.

Site Description: This site is developed with an existing split-level brick and frame house with an associated driveway at the front of the site. Existing vegetation along the south and west portion of the property includes a 10-inch diameter red maple that appears to be in good condition at the right front corner of the garage, a 14-inch diameter ash tree that appears to be in fair condition located at the southern property boundary (right side of house). This tree appears to be co-owned or off-site. There is a significant cavity at the base of this tree. The west portion of the property (rear of house) contains existing mature, native trees including hickory, oak and tulip trees that appear to be in fair to good condition. The native trees at the rear of the property should be considered a priority for preservation.

- 1. Comment:** It is unclear how the applicant proposes to access the proposed enclosed porch with equipment and materials without damaging the maple tree at the right front of the garage and the co-owned or off-site ash tree at the right side of the house.

Recommendation: The applicant should provide a tree preservation plan and detail that includes how access to the proposed enclosed porch with materials and equipment necessary to construct the porch will be gained without causing damage the above and below ground portions of the 10-inch diameter red maple tree at the right front corner of the garage and the co-owned or off-site, 14-inch diameter ash tree at the right side of the house.

- 2. Comment:** The existing mature, native trees including hickory, oak and tulip trees at the rear of the house should be considered a priority for preservation.

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



The Crosswoods Lot 10 (6702 Pine Creek Court)

SP 2010-DR-012

March 15, 2010

Page 2 of 2

Recommendation: A tree preservation area should be provided along the rear of the proposed addition to adequately protect these trees from construction activities including materials storage.

Please feel free to contact me at 703-324-1770 if you have any questions or concerns about this review.

CSH/

UFMID #: 148806

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
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8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

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

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first 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.