



APPLICATION ACCEPTED: January 21, 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-SP-009

SPRINGFIELD DISTRICT

APPLICANTS & OWNERS: Robert W. Milford & Deborah L. Milford

ZONING: R-2 (Cluster)

LOCATION: 9208 Setter Place

SUBDIVISION: First Addition to Orange Hunt Estates

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 88-2 ((6)) 39

LOT SIZE: 10,745 Square Feet

SP PROPOSAL: Reduction of certain yard requirements to permit construction of addition 7.2 feet from the side lot line such that side yards total 18.1 feet.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-SP-009 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.

O:\Scaff2\Case Files\Special Permits\SP 2010-SP-009 MILFORD\Milford_Cover.doc

Shannon Caffee

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.**

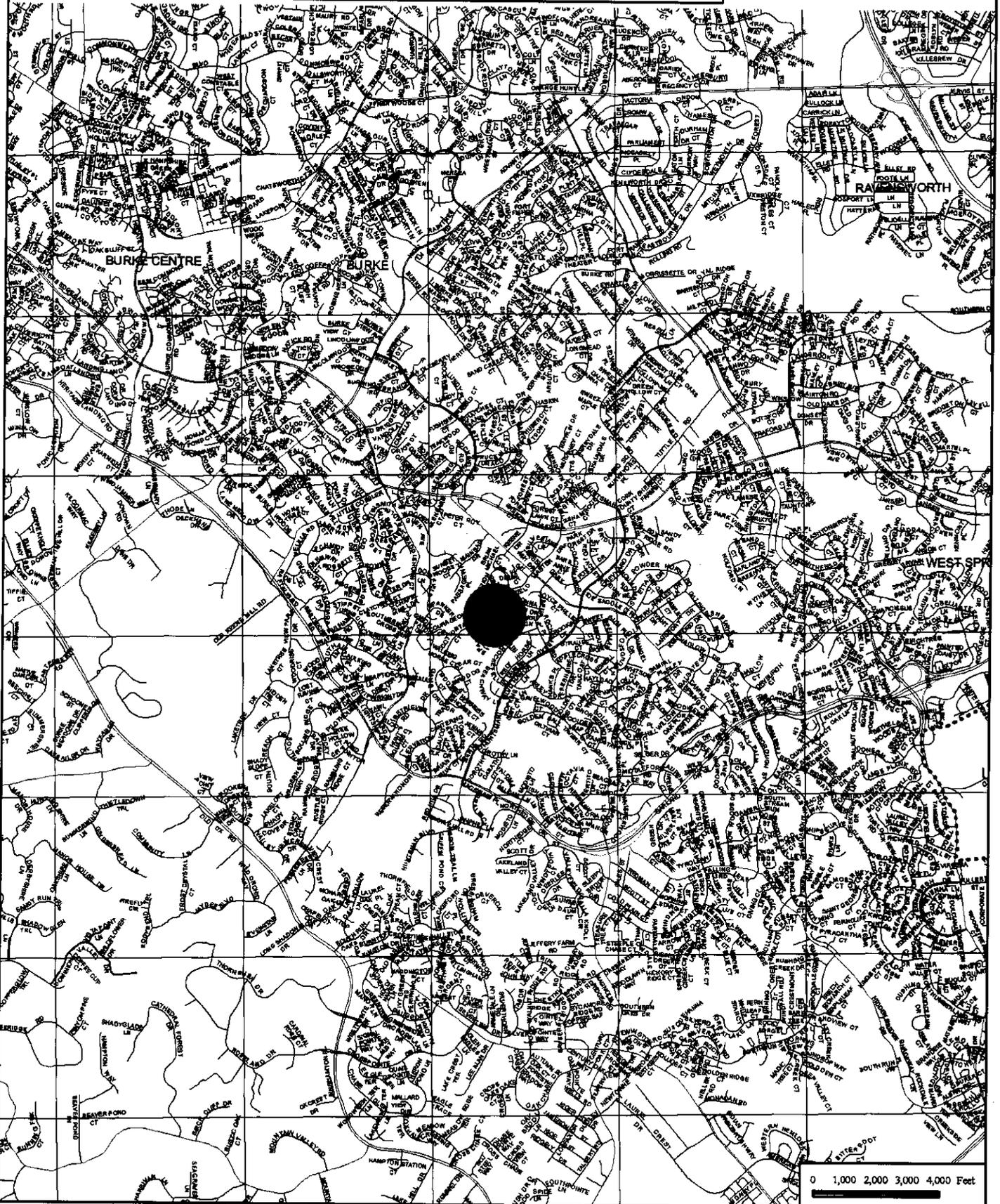


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2010-SP-009

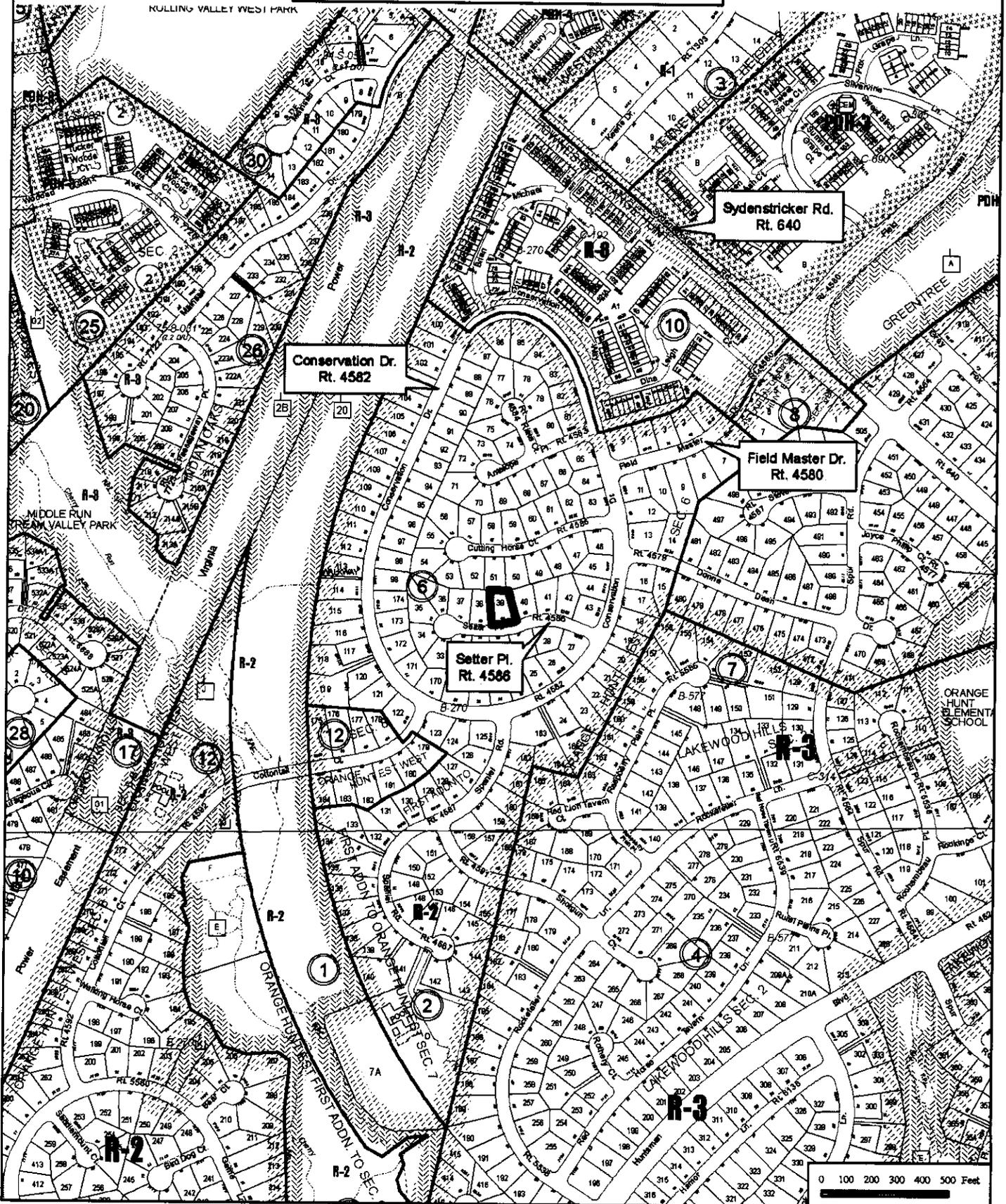
ROBERT W. MILFORD & DEBORAH L. MILFORD



Special Permit

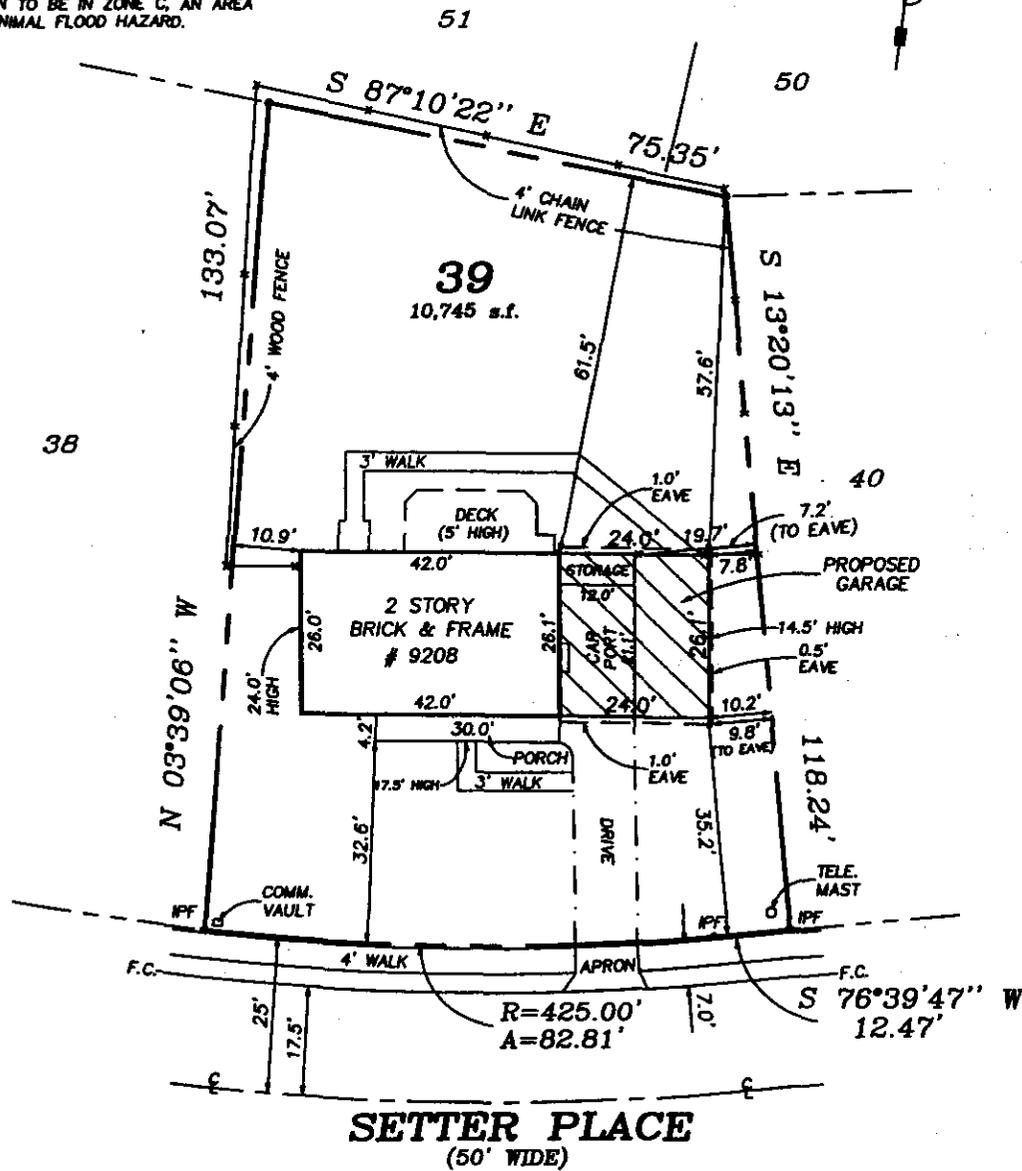
SP 2010-SP-009

ROBERT W. MILFORD & DEBORAH L. MILFORD



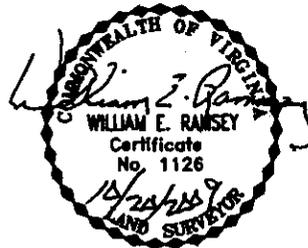
NOTES:

- 1. PROPERTY IS LOCATED ON TAX MAP NO. 88-2-06-0039 AND IS PRESENTLY ZONED R-2C.
- 2. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- 3. R-2C BUILDING RESTRICTION LINES:
FRONT-25'
SIDE-8' (BUT A TOTAL MIN. OF 24')
REAR-25'
- 4. IPF-DENOTES IRON PIPE FOUND.
- 5. ACCORDING TO HUD-FIA MAP FOR FAIRFAX COUNTY, THIS PROPERTY IS SHOWN TO BE IN ZONE C, AN AREA OF MINIMAL FLOOD HAZARD.

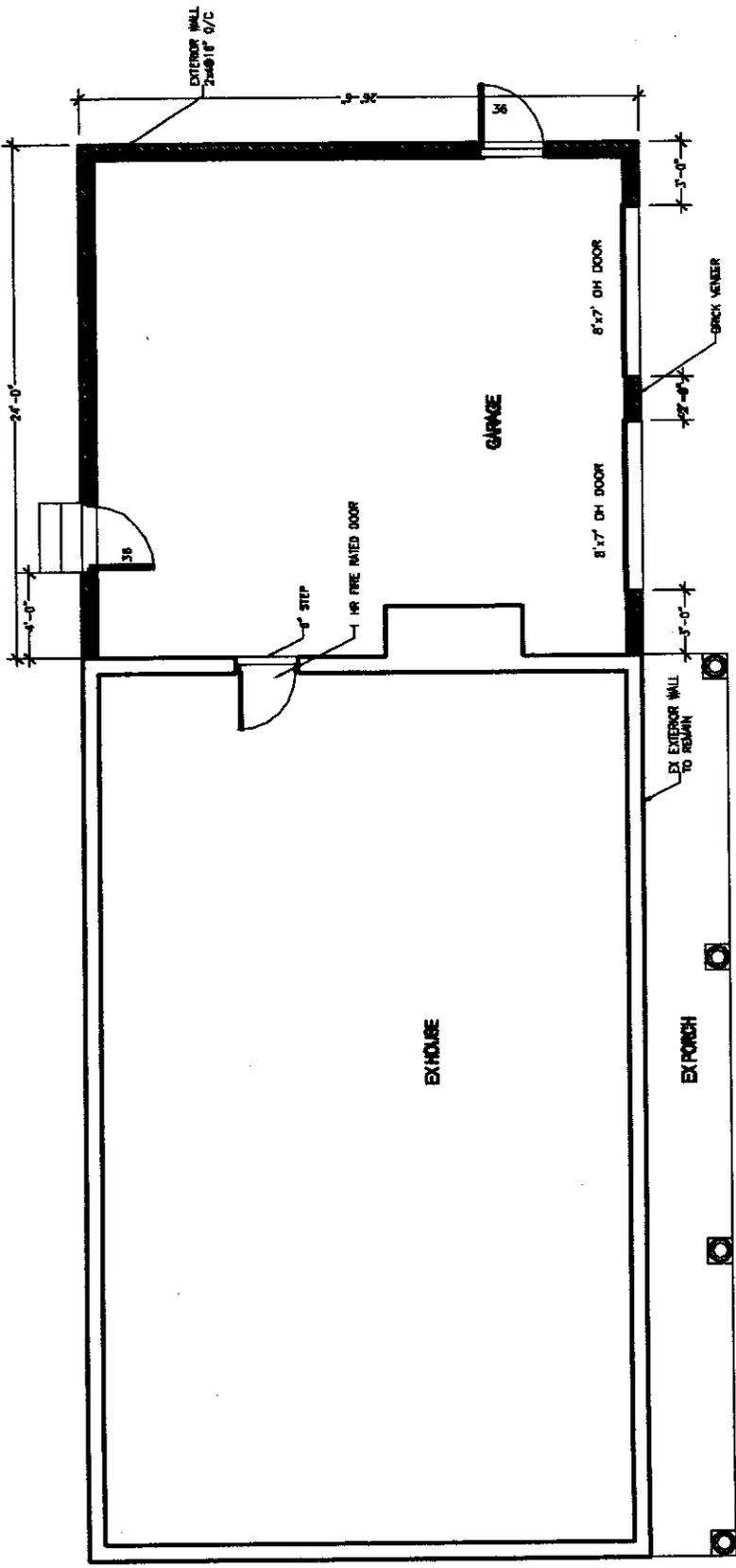


SETTER PLACE
(50' WIDE)

SPECIAL PERMIT PLAT
LOT 39
SECTION SIX
FIRST ADDITION TO
ORANGE HUNT ESTATES
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA
OCTOBER 8, 2009 SCALE: ~~1"=40'~~



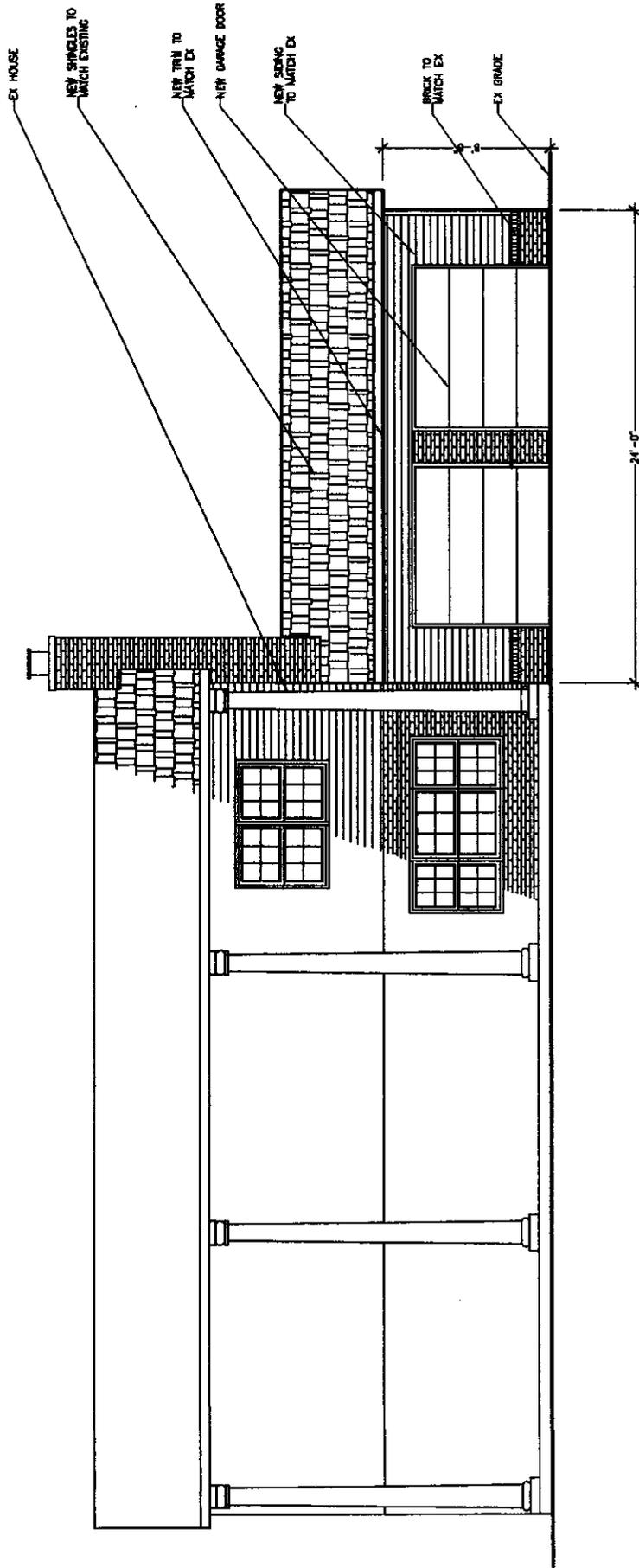
WILLIAM E. RAMSEY, P.C.
LAND SURVEYOR
FAIRFAX, VIRGINIA
703-385-4499



<p>MILFORD ADDITION 9208 SETTER PLACE SPRINGFIELD, VA 22153</p>	<p>0954 PROJECT NO.</p>
<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	<p>SP-1 DATE: 10/12/09</p>

FIRST FLOOR PLAN

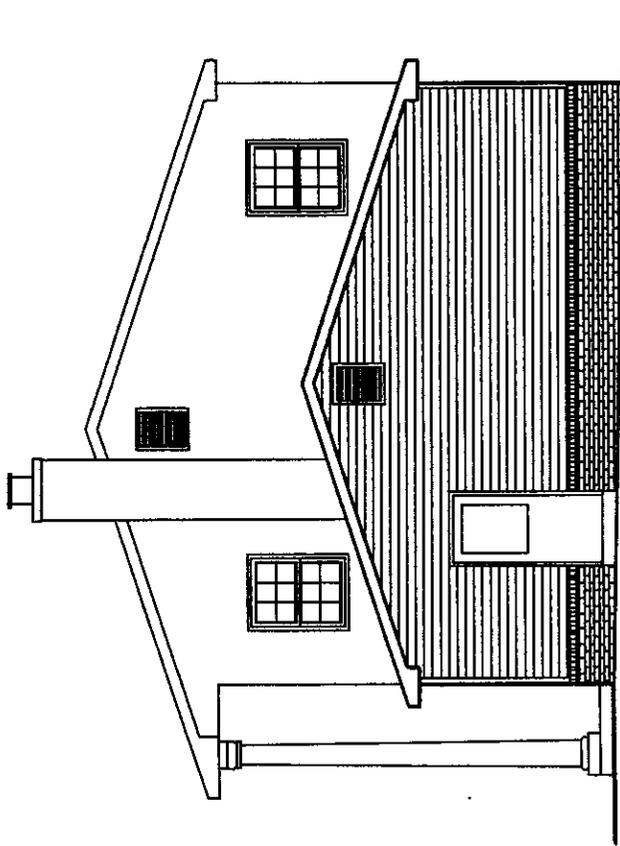
1/8" = 1'-0"



FRONT ELEVATION

1/8" = 1'-0"

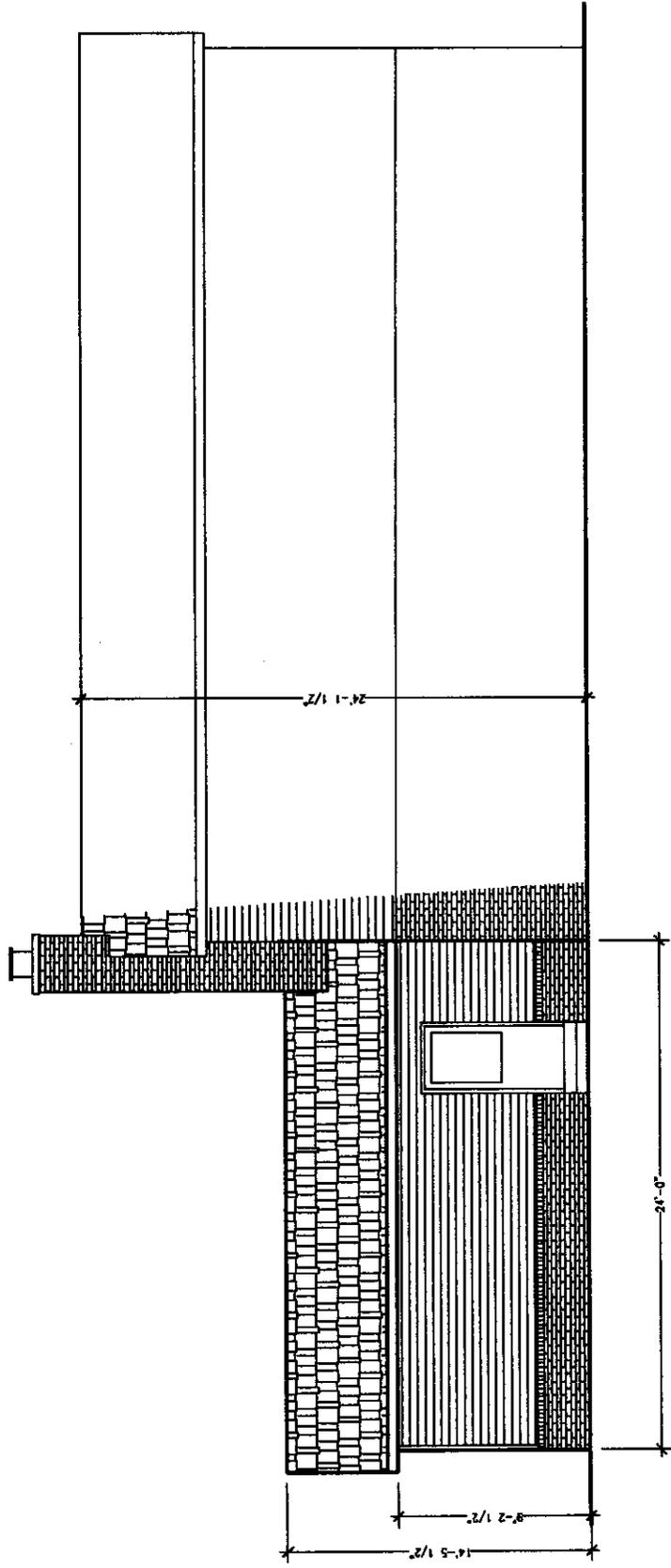
<p>MILFORD ADDITION 9208 SETTER PLACE SPRINGFIELD, VA 22153</p>	<p>0954 PROJECT NO.</p>
<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	<p>SP-2</p>
<p>DATE: 10/12/09</p>	



RIGHT SIDE ELEVATION

1/8" = 1'-0"

MILFORD ADDITION 9208 SETTER PLACE SPRINGFIELD, VA 22153	0954 PROJECT NO.
HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600	SP-3
	DATE: 10/12/09



REAR ELEVATION

1/8" = 1'-0"

<p>MILFORD ADDITION 9208 SETTER PLACE SPRINGFIELD, VA 22153</p>	<p>0954 PROJECT NO.</p>
<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	<p>SP-4 DATE: 10/12/09</p>

October 12, 2009

9208 Setter Place



1. REAR VIEW OF THE HOUSE



2. REAR RIGHT CORNER OF THE HOUSE

RECEIVED
Department of Planning & Zoning
NOV 12 2009
Zoning Evaluation Division

October 12, 2009

9208 Setter Place



3. RIGHT SIDE OF THE HOUSE



4. RIGHT FRONT CORNER OF THE HOUSE

RECEIVED
Department of Planning & Zoning
NOV 12 2009
Zoning Evaluation

October 12, 2009

9208 Setter Place



5. FRONT VIEW OF THE HOUSE



6. FRONT LEFT CORNER OF THE HOUSE

RECEIVED
Department of Planning & Zoning
NOV 12 2009
Zoning Evaluation Division

October 12, 2009

9208 Setter Place



7. LEFT SIDE OF THE HOUSE



8. LEFT REAR CORNER OF THE HOUSE

RECEIVED
Department of Planning & Zoning
NOV 12 2009
Zoning Evaluation

October 12, 2009

9208 Setter Place



9. FROM REAR OF THE HOUSE TO REAR YARD

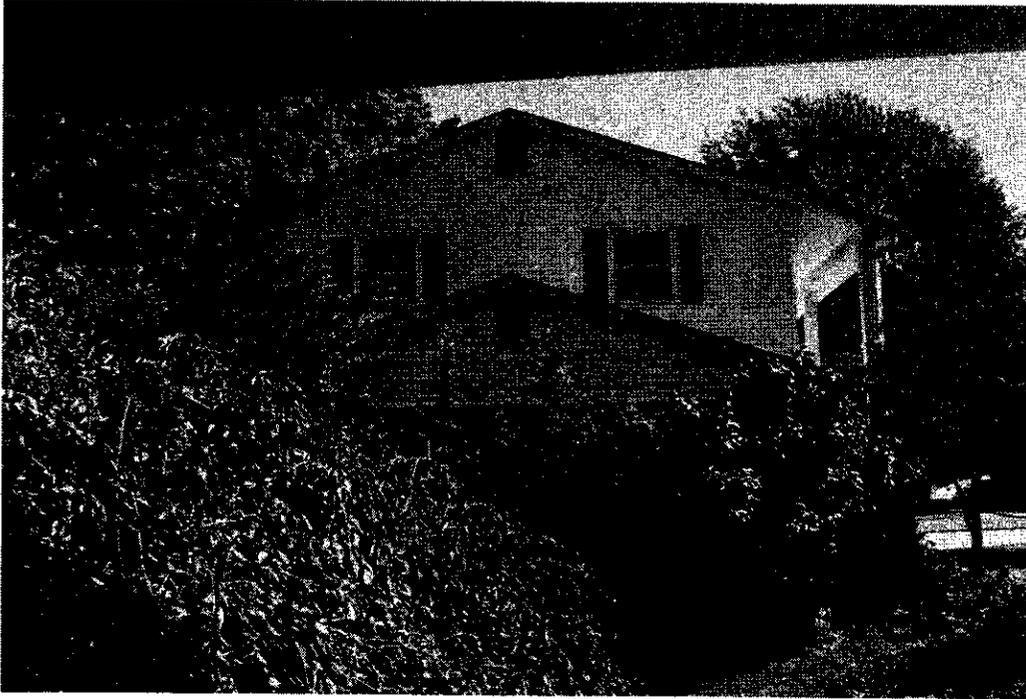


10. FROM REAR RIGHT CORNER OF THE HOUSE TO REAR YARD

RECEIVED
Department of Planning & Zoning
NOV 12 2009
Zoning Evaluation Division

October 12, 2009

9208 Setter Place



11. FROM RIGHT SIDE OF THE HOUSE TO SIDE YARD

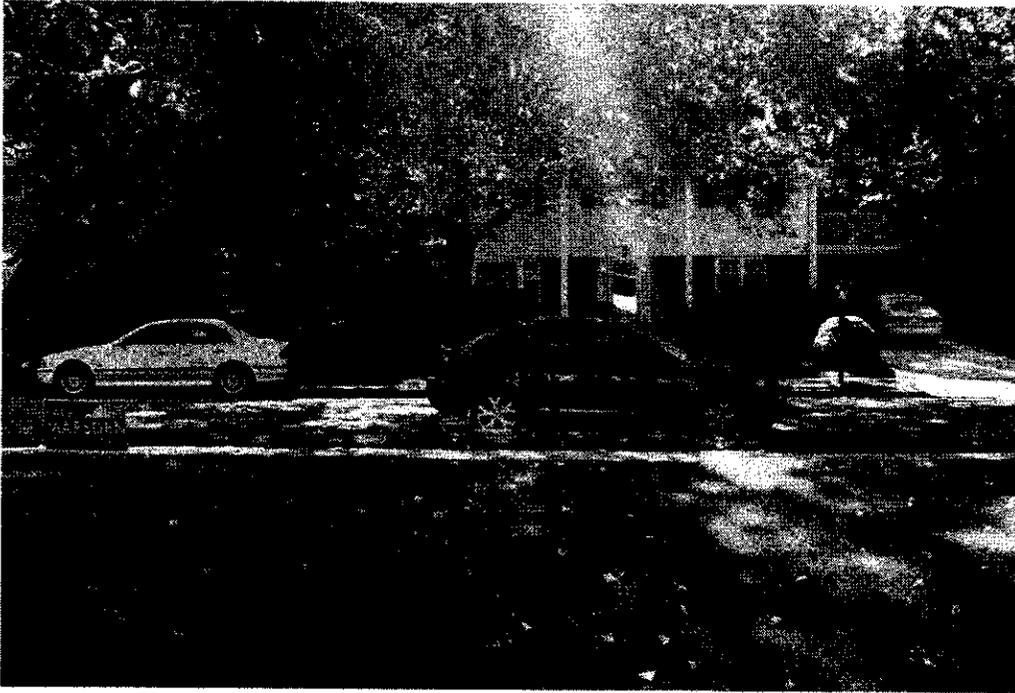


12. FROM RIGHT FRONT CORNER OF THE HOUSE TO ACROSS SUTTER PLACE

RECEIVED
Department of Planning & Zoning
NOV 12 2009
Zoning Evaluation Division

October 12, 2009

9208 Setter Place



13. FROM FRONT OF THE HOUSE TO ACROSS SUTTER PLACE



14. FROM FRONT LEFT CORNER OF THE HOUSE TO ACROSS SUTTER PLACE

RECEIVED
Department of Planning & Zoning
NOV 12 2009
Zoning Evaluation Division

October 12, 2009

9208 Setter Place



15. FROM LEFT SIDE OF THE HOUSE TO SIDE YARD



16. FROM LEFT REAR CORNER OF THE HOUSE TO SIDE YARD

RECEIVED
Department of Planning & Zoning
NOV 12 2009
Zoning Evaluation Division

DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a garage addition 7.2 feet from the eastern side lot line such that side yards total 18.1 feet.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Addition	Side	8 feet	7.2 feet	0.8 feet	10 %
Special Permit	Addition	Total Side Yards	24 feet	18.1 feet	5.9 feet	24.5 %

* Minimum yard requirement per Section 3-207

LOCATION AND CHARACTER

Existing Site Description

The site is currently zoned R-2 cluster and contains a two story with basement single-family detached dwelling which was originally constructed in 1971. The lot consists of 10,745 square feet and is surrounded by single family detached homes on all sides. There is little change in topography and there are mature trees in the rear yard which will not be affected by the proposed construction. Aerial imagery obtained from the internet has been provided in Appendix 4 to show the property and the surrounding neighborhood.

Character of the Area

	Zoning	Use
North	R-2 Cluster	Single Family Detached Dwellings
West	R-2 Cluster	Single Family Detached Dwellings
East	R-2 Cluster	Single Family Detached Dwellings
South	R-2 Cluster	Single Family Detached Dwellings

BACKGROUND

The existing carport and attached storage structure was constructed in conjunction with the building permit for the original house which was issued in 1971.

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

- Variance VC 2002-SP-109, granted on October 23, 2002, on Tax Map Number 88-2 ((6)) 16, on 9125 Donna Dean Drive, zoned R-2 Cluster, east of the subject property to permit construction of addition to dwelling 6 feet from the side lot line such that side yards total 21.5 feet on a corner lot.
- Variance VC 89-S-081, granted on October 4, 1981, on Tax Map Number 88-2 ((6)) 59, on 9208 Cutting Horse Court, zoned R-2 Cluster, north of the subject property to allow construction of garage addition to dwelling to 3.6 feet from the side lot line such that side yards total 14.8 feet.
- Variance VC 83-S-065, granted on July 12, 1983, on Tax Map Number 88-2 ((6)) 69, on 9209 Antelope Place, zoned R-2 Cluster, north of the subject property to allow construction of double garage addition to dwelling to 5.0 feet from side lot line such that total side yards would be 20.7 feet.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat, Lot 39, Section Six, First Addition to Orange Hunt Estates
- **Prepared By:** William E. Ramsey, dated October 8, 2009 and signed October 20, 2009.

Proposal

The applicant proposes to replace an existing one-car carport with a two-car garage 7.2 feet from the eastern side lot line. The proposed one-story garage will be approximately 636 square feet in size and 14.5 feet in height. The existing two story dwelling is 2,492 square feet in size and 24 feet in height. The proposed addition will be constructed of similar materials to the existing dwelling.

The proposed garage may require removal of some existing trees per the memorandum from the Forest Conservation Branch, DPWES; therefore, staff will provide a development condition in accordance with their suggested language. The memo can be found in Appendix 5.

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 there is a minimal extension into the side yard beyond what would be permitted by-right. The applicant's propose to replace an existing carport with a garage; many homes in the neighborhood have garages as can be seen in the aerial imagery provided in Appendix 4. There are also a number of variances approved in the vicinity of the property which requested a reduced side yards. Therefore, staff believes the application meets this provision.*

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing structure is 2,492 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,738 square feet; which makes a combined total of 6,230 square feet in size. The proposed addition will be 636 square feet in size for a total of 3,128 square feet for the existing house and addition. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The existing one-car carport will be replaced to accommodate a two-car garage which will extend 12 feet further into the side yard than what currently exists. The structure will be 14.5 feet in height which is shorter than the existing dwelling which is 24 feet in height. The garage is proposed to only be 636 square feet in size and the existing dwelling is 2, 492 square feet in size; therefore the proposed garage addition will be in character with existing on-site

development in terms of height and bulk respectively. The proposed garage will be constructed with materials similar to the existing dwelling. Staff believes the proposed addition will not be out of character with existing on-site development and meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. The proposed addition will not adversely affect the neighboring properties due to the small size and scope. Minimal land disturbance and increase in impervious will take place due to the existing carport. There is little change in topography on the lot and the Forest Conservation Branch has identified the need for the replanting of trees to provide adequate screening to the adjacent property to the east, which the development conditions address. Given that the applicant's propose to replace an existing carport which will be lower in height than the dwelling and the fact that there are many garages throughout the neighborhood, staff believes the proposed construction will be harmonious with surrounding off-site uses and structures.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. No downstream complaints have been indicated by DPWES and there is minimal increase of impervious area due to the proposed addition replacing an existing carport. Currently there is dense tree cover in the rear of the property which will not be affected by the proposed construction. There are some trees and vegetation which will have to be removed for construction of the two-car garage; however, the Forest Conservation Branch has addressed this in the memo dated February 23, 2010. Per the memo, the applicants should plant additional trees adjacent to the proposed garage to provide adequate screening. Therefore, staff believes that the proposed addition will not have any adverse impact on neighboring properties.

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

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of special permit application SP 2010-SP-009 for the addition subject to the proposed development conditions contained in Appendix 1 of the staff report.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Aerial Imagery of Property
5. Memo from Forest Conservation Branch
6. Zoning Ordinance Provisions

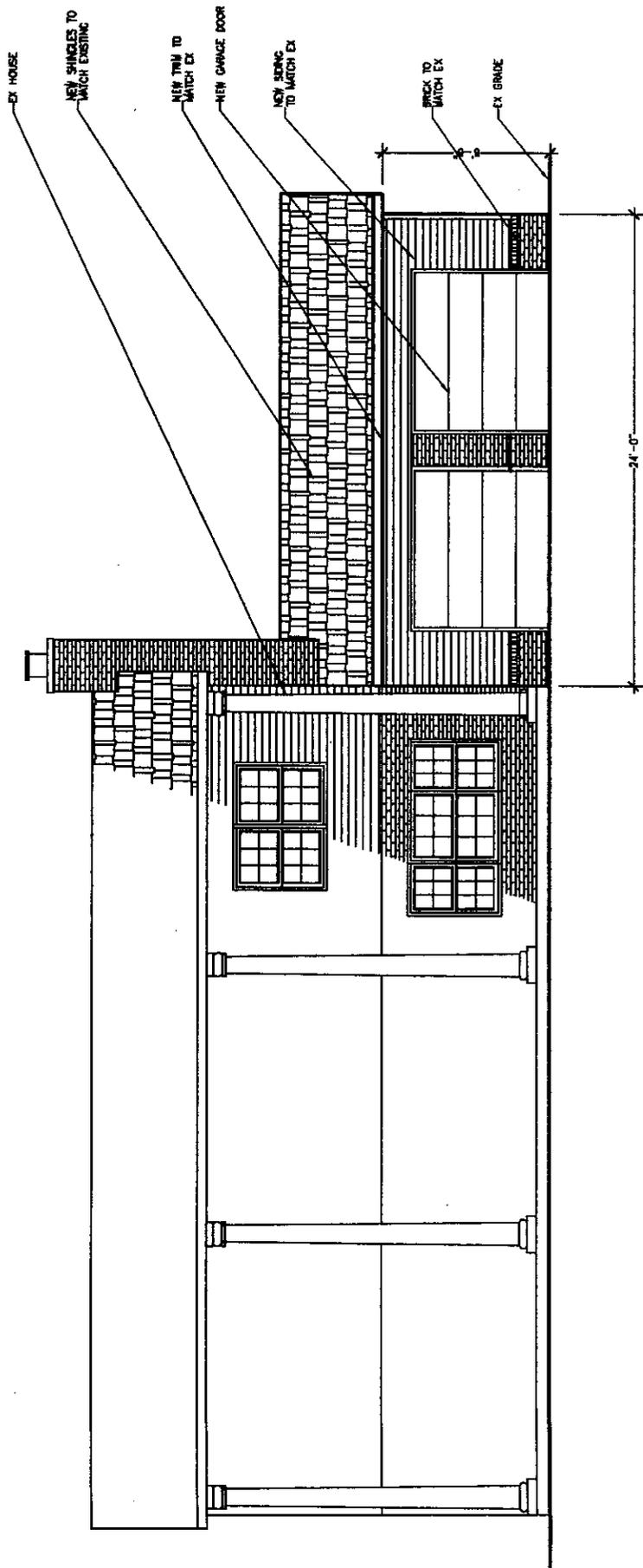
PROPOSED DEVELOPMENT CONDITIONS**SP 2010-DP-009****April 7, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-SP-009 located at Tax Map Number 88-2 ((6))39 (9208 Setter Place), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a proposed garage addition as shown on the plat prepared by William E. Ramsey, dated October 8, 2009 and signed October 20, 2009, submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,492 square feet existing + 3,738 (150%) = 6,230 permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction, special permit or variance. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials included in Attachment 1 to these conditions.
5. A minimum of one small flowering tree, such as a Japanese styrax, Kousa dogwood or star magnolia, a minimum of six feet tall at time planting, and a minimum of four medium shrubs such as rhododendron, cherry laurel, or viburnum, with a mature height of 4 to 8 feet, and size at time of planting of 30-36 inches tall, shall be planted between the garage and the eastern property line once construction has been completed and prior to final building inspection of the garage.

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.

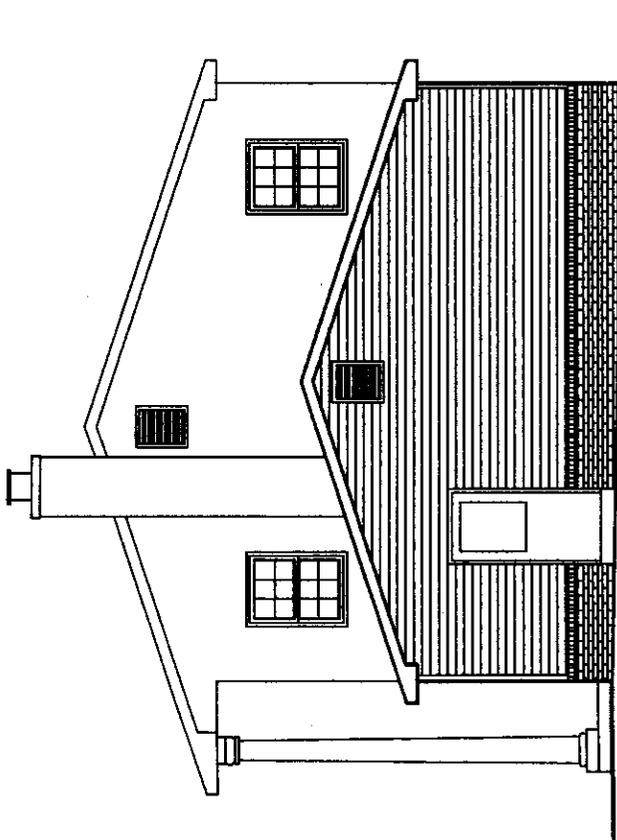
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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



<p>0954 PROJECT NO.</p>	<p>SP-2 DATE: 10/12/09</p>
<p>MILFORD ADDITION 9208 SETTER PLACE SPRINGFIELD, VA 22153</p>	<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>

FRONT ELEVATION

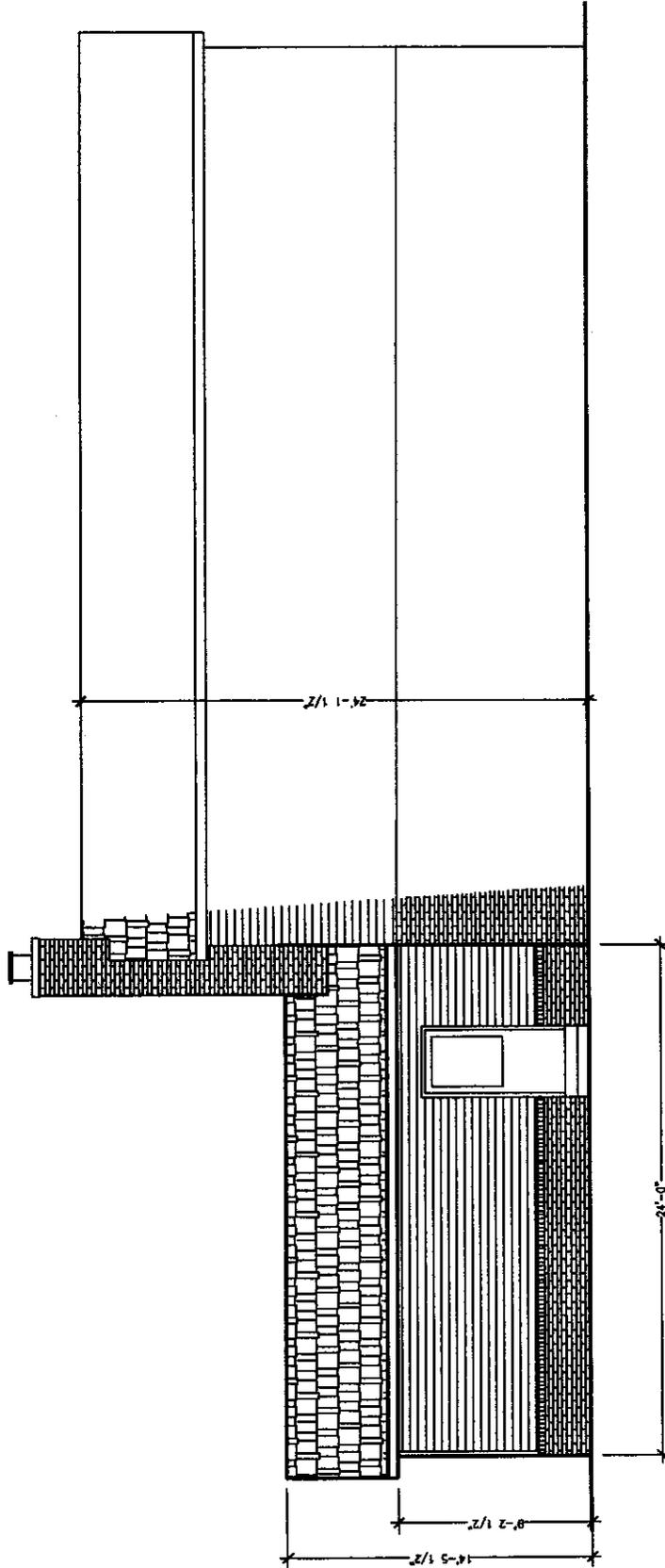
1/8" = 1'-0"



RIGHT SIDE ELEVATION

1/8" = 1'-0"

MILFORD ADDITION 9208 SETTER PLACE SPRINGFIELD, VA 22153	0954 PROJECT NO.
HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600	SP-3
	DATE: 10/12/09



REAR ELEVATION

1/8" = 1'-0"

<p>MILFORD ADDITION 9208 SETTER PLACE SPRINGFIELD, VA 22153</p>	<p>0954 PROJECT NO.</p>
<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	<p>SP-4 DATE: 10/12/09</p>

Application No.(s): SP 200-SP-009
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 4, 2009
(enter date affidavit is notarized)

I, ARIF H. HODZIC, 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

106662

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)
ROBERT W. MILFORD } DEBORAH L. MILFORD }	9208 SETTER PL SPRINGFIELD, VA. 22153	OWNER/APPLICANTS
ARIF H. HODZIC HODZIC ARCHITECTS, P.C.	1003 SNAPPER COVE LN PASADENA, MD. 21122	AGENTS

(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).

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 6, 2009
(enter date affidavit is notarized)

106662

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)

HODZIC ARCHITECTS, P.C.
1003 SNAPPER COVE LN
PASADENA, MD. 21122

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)

ARIF H. HODZIC

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

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

Application No.(s): SP 2010-SP-009
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 6, 2009
(enter date affidavit is notarized)

106662

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)

N/A

(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.*

6P 200-SP-009

Application No.(s):

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 6, 2009
(enter date affidavit is notarized)

106662

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-SP-009
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 6, 2009
(enter date affidavit is notarized)

106662

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

Applicant's Authorized Agent

ARIF H. HODZIC, AGENT

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

Subscribed and sworn to before me this 6th day of November, 2009, in the State/Comm. of Maryland, County/City of Anne Arundel

Travis Watts
Notary Public

My commission expires: 12-18-10

TRAVIS WATTS
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
MY COMMISSION EXPIRES DEC. 18, 2010



Hodzic Architects, P.C.

1003 Snapper Cove Lane
Pasadena, MD 21122
Tel: (410) 255-2600
Fax: (410) 255-2680

arif@hodzicarchitects.com
www.hodzicarchitects.com

Tel: (703) 941-0666

**Re: Special Permit Application
Milford House Addition
9208 Setter Place
Springfield, Virginia 22153**

**November 5, 2009
Revised December 29, 2009**

Statement of Justification

The purpose of this addition is to provide a garage for two cars.

Existing house is two stories on a very small lot. In order to construct a garage we need to encroach into side yard by 5.3.1 feet. Minimum allowed side yard on right side of the lot is 13.1 feet (24 feet less 10.9 feet on left side). House was built in 1971.

The following are answers to the questions in paragraph 912.00:

1. Addition will be encroaching 5.3 feet into the side yard set back. Reducing side yard to 7.2 feet such that side yards total is 18.1 feet.
 2. Not applicable
 3. This is an existing house with carport. Carport will be replaced with new Garage. Addition will be constructed with face brick and siding which is similar to the finishes of the existing house. Roof will be sloping shingle roof similar to the roof of the existing house.
 4. Existing house is 2,492 SF and addition is 636 SF or 25% of the existing house.
 5. Garage is subordinated use of the house.
 6. Garage is similar to all other Garages in the County.
- 930.02 Existing house with the proposed Garage addition will be similar in character, location, height, bulk and scale to other houses in the area.

RECEIVED
Department of Planning & Zoning

DEC 30 2009

Zoning Evaluation Division

Milford House Addition

7. Proposed addition is in harmony with the surrounding structures.
930.03 The existing house and the proposed addition will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures. Existing vegetation will remain without change.
8. Proposed addition will not adversely impact the use and/or enjoyment of any adjacent properties.
930.04 The proposed addition will not adversely impact the use of and/of enjoyment of any adjacent property with regard to issues such as noise, light, air, erosion and storm water runoff.
9. The proposed addition will replace the existing carport.
10. There is no hazardous or toxic material in the existing house or in the proposed addition.
11. The proposed addition conforms to the provisions of all applicable ordinances, regulations and adopted standards.

The following are additional information as requested:

0930.05 This is the minimum amount required to construct two-car garage. The similar garages exist on the houses in the area.

We would appreciate if you approve this Special Permit, because it would allow better use of the house. This will allow owners to access the Garage and the cars without being exposed to the elements.

If you have any questions please give me a call.

Prepared by:



Arif H. Hodzic, AIA
Agent for the Owner

2 of 2

Milford House Addition

We would appreciate if you approve this Special Permit, because it would allow better living space in the house.

If you have any questions please give me a call.

Prepared by:

A handwritten signature in black ink, appearing to read 'Arif H. Hodzic', written in a cursive style.

Arif H. Hodzic, AIA
Agent for the Owner

ORANGE HUNT ESTATES COMMUNITY ASSOCIATION
P.O. Box 523095 Springfield, VA 22152

Contractor: MICHAEL NASH Phone: 703-641-9800

AGREEMENTS:

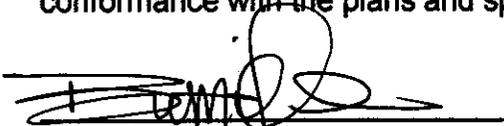
I understand and agree that no work on this proposed change shall commence until I receive written approval from the Architectural Review Committee. Once approved, construction must be completed within six (6) months (unless additional time is requested and approved) and must be done in a way that does not unreasonably interfere with neighboring units.

I agree the proposed changes~ if approved, will be constructed in conformance with all applicable state, county, and city building codes and, if applicable~ a building permit from the County of Fairfax will be obtained prior to the commencement of any changes.

I understand that I am responsible for removal, in a prompt and timely manner, of any debris resulting from construction.

I further understand that I shall retain and convey to future owners a copy of this signed agreement as proof of approval.

I represent and warrant that the proposed changes herein requested strictly conform to the appropriate Architectural Guidelines and that these changes shall be made in strict conformance with the plans and specifications submitted by me.


Owner's Signature


Co-owner's Signature

16 Oct 2009
Date

ARCHITECTURE REVIEW COMMITTEE RESPONSE

Date Application Received: 17 Oct 09

Request approved as submitted.
 Request approved subject to: _____

Response suspended pending submission of: _____

Request disapproved because: _____


Signature -ARC Member

17 Oct 09
Date

ORANGE HUNT ESTATES COMMUNITY ASSOCIATION
P.O. Box 523095 Springfield, VA 22152

Denise McNally John Pasierb Eric Hommel Bob Stumpff Chris Shukis Patrick Sherrill
913-1788 912-6424 913-6151 569-5306 451-3832 440-0230

ARCHITECTURAL CONTROL APPROVAL FORM

Please use this form when you plan any architectural changes to your existing home and property. The form and any attachments enables the Architectural Review Committee (ARC) to serve you by having a clear understanding of your proposed changes. Please remember the ARC must review and approve any fence, deck, garage, addition, wall, shed, or other structure or external home modification before work can begin. Contact Eric Hommel for an initial concept discussion should you need help in this regard.

If you are unsure whether your project needs approval, please contact an ARC member. It is always safer to check than to take remedial steps! More details regarding architectural review can be found in your Orange Hunt Estates Restrictive Covenants.

Where applicable, utility easements are to be marked before excavation is started. This service is provided free of charge by Miss Utility and is required in order to provide for your safety. Putting up a fence, a new driveway or just landscaping? For location of underground telephone, cable TV, electric, gas, water and sewer lines, REMEMBER - 48 HOURS BEFORE YOU DIG...CALL MISS UTILITY at 1-800-257-7777. Please note there is a FINE if underground cables or conduits are severed.

(please print or type)

Name: ROBERT + DEBORAH MILFORD

Address: 9208 SETTER PL

Orange Hunt Section Number (on your Deed or plat): LOT 39 SECTION 6

Phone# Day 703-866-9583 Evening 703-866-9583

Description of architectural changes requested – give full details of location, materials, color, Style, etc. Please include any information which may be helpful to the committee, such as copies of plans and product brochures. ARC will arrange to visit the existing site prior to granting approval. (ATTACH ADDITIONAL SHEETS IF NEEDED.)

2-CAR GARAGE TO RIGHT OF HOUSE (REPLACING EXISTING CARPORT) SIDING TO MATCH HOUSE

RECEIVED
Department of Planning & Zoning
NOV 12 2009
Zoning Evaluation Unit

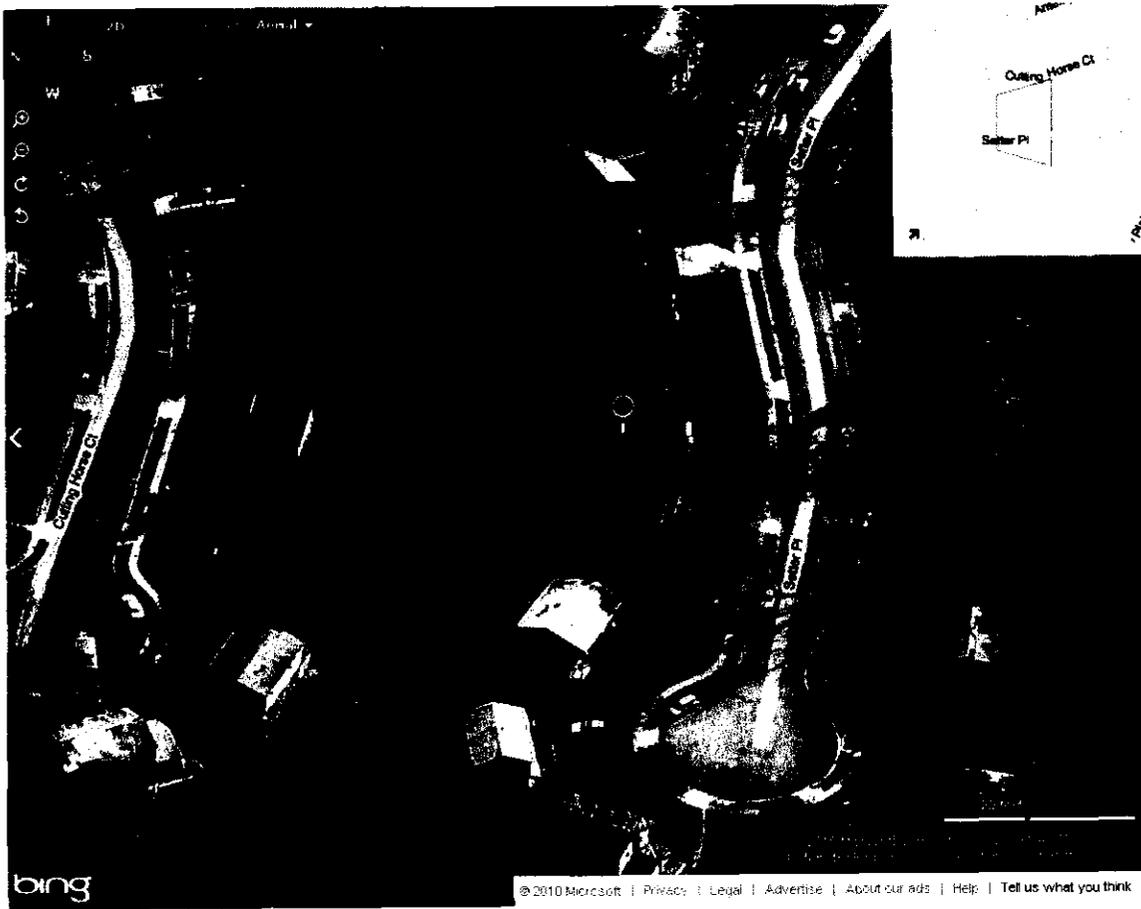
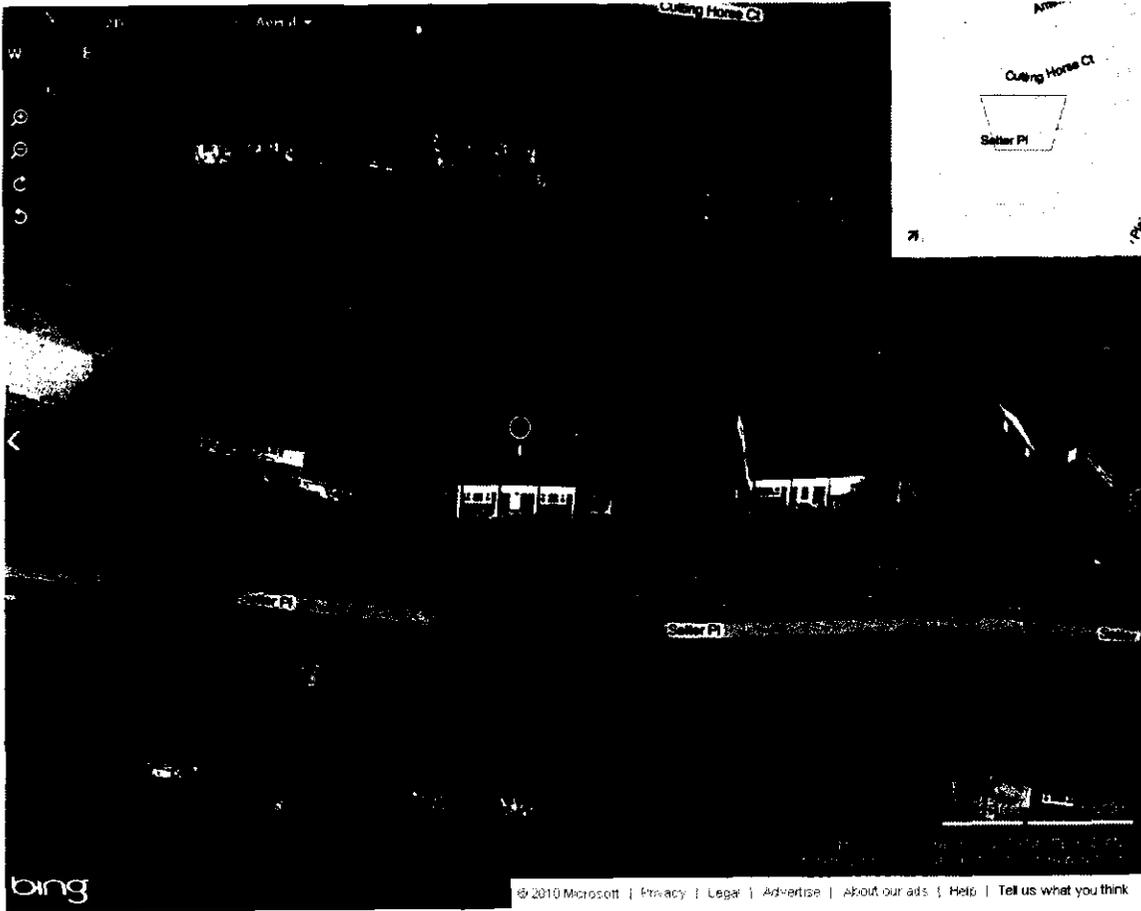
Re: House Addition
For Deborah L. Milford & Robert W Milford
9208 Setter Place
Springfield, Virginia 22153

October 8, 2009

To whom it may concern:

This is to certify that we have reviewed the plans for addition and renovation of the above-mentioned house and we do not have an objection. We understand that the Owner is applying for Special Permit.

Name	Address	Signature
Richard H. Williams	9209 Setter Pl.	Richard H. Williams
Christine Clarke	9205 Setter Pl	Christine Clarke
Pathee Mackenzie	9204 Setter Place	Pathee Mackenzie
Carolyn Rogers	9206 Setter Pl.	Carolyn Rogers
Matt Laskoski	9207 Setter Place	Matt Laskoski
BARR, MARIANA AND BLEN	9210 Setter Pl	Mariana Barr
Pemberton, Tandy J.	9211 Cuttinghorse Ct.	Tandy Pemberton
DANIEL S. TOMMY	9202 SETTER PLACE	Daniel S. Tommy
EGYPTON HOLLINS Clinton Hollins	9215 SETTER PLACE	Clinton Hollins
Julie Miller	9211 Setter Pl	Julie Miller





County of Fairfax, Virginia

MEMORANDUM

February 23, 2010

TO: Shannon Caffee, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Hugh Whitehead, Urban Forester II
Forest Conservation Branch, DPWES *HW*

SUBJECT: Orange Hunt Estates Section 6 Lot 39 (9208 Setter Place), SP 2010-SP-009

I have reviewed the above referenced Special Permit application, stamped as received by the Zoning Evaluation Division, DPZ, on December 30, 2009. The following comment is based on this review and a site visit conducted on February 23, 2010.

1. **Comment:** Construction of the proposed two-car garage will require removal of a 8 to 10-inch diameter weeping cherry tree located on the east side of the existing carport. The area between the proposed two-car garage and the adjacent residence to the east is otherwise open with no vegetative cover. In addition, it appears that topography on the site would require fill to elevate the portion of the garage extended beyond the existing carport, increasing the height above grade at the eastern elevation of the garage. Permission to encroach into the side yard warrants planting to help screen the proposed garage from the adjacent property.

Recommendation: Condition approval of the Special Permit on planting to screen the garage from the adjacent property to the east. Recommended language for the condition is as follows: SP 2-2010-SP-009 is conditionally approved, based on a requirement that the Applicant plant the following:

- 1) one small flowering tree such as Japanese styrax (*Styrax japonicus*), kousa dogwood (*Cornus kousa*), or star magnolia (*Magnolia stellata*) on the east side of the proposed garage. Trees should be 2 to 2.5 inches in caliper at the time of planting.
- 2) four medium shrubs such as rhododendron sp., Schipkaensis cherry laurel (*Prunus laurocerasus* 'Schipkaensis'), or viburnums such as chesapeake or carlesii. Shrubs should reach a mature height of 4 to 8 feet, and size at time of planting should be 30-36 inches tall.

If there are any questions, please contact me at (703)324-1770.

HCW/
UFMID #: 148662

cc: RA File
DPZ File

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



8-006**General Standards**

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

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

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

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

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

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross

floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.

5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.