



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-010

DRANESVILLE DISTRICT

APPLICANTS & OWNERS: Wen J. Hsu & Tsan H. Liu

ZONING: R-1 (Cluster)

LOCATION: 1103 Riva Ridge Drive

SUBDIVISION: Lockmeade

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 12-1 ((5)) 26

LOT SIZE: 21,979 Square Feet

SP PROPOSAL: Reduction of certain yard requirements to permit construction of an addition 14.2 feet from the rear lot line and deck 11.5 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-DR-⁰¹⁰~~110~~ for the addition and deck subject to the proposed development conditions contained in Appendix 1.

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

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

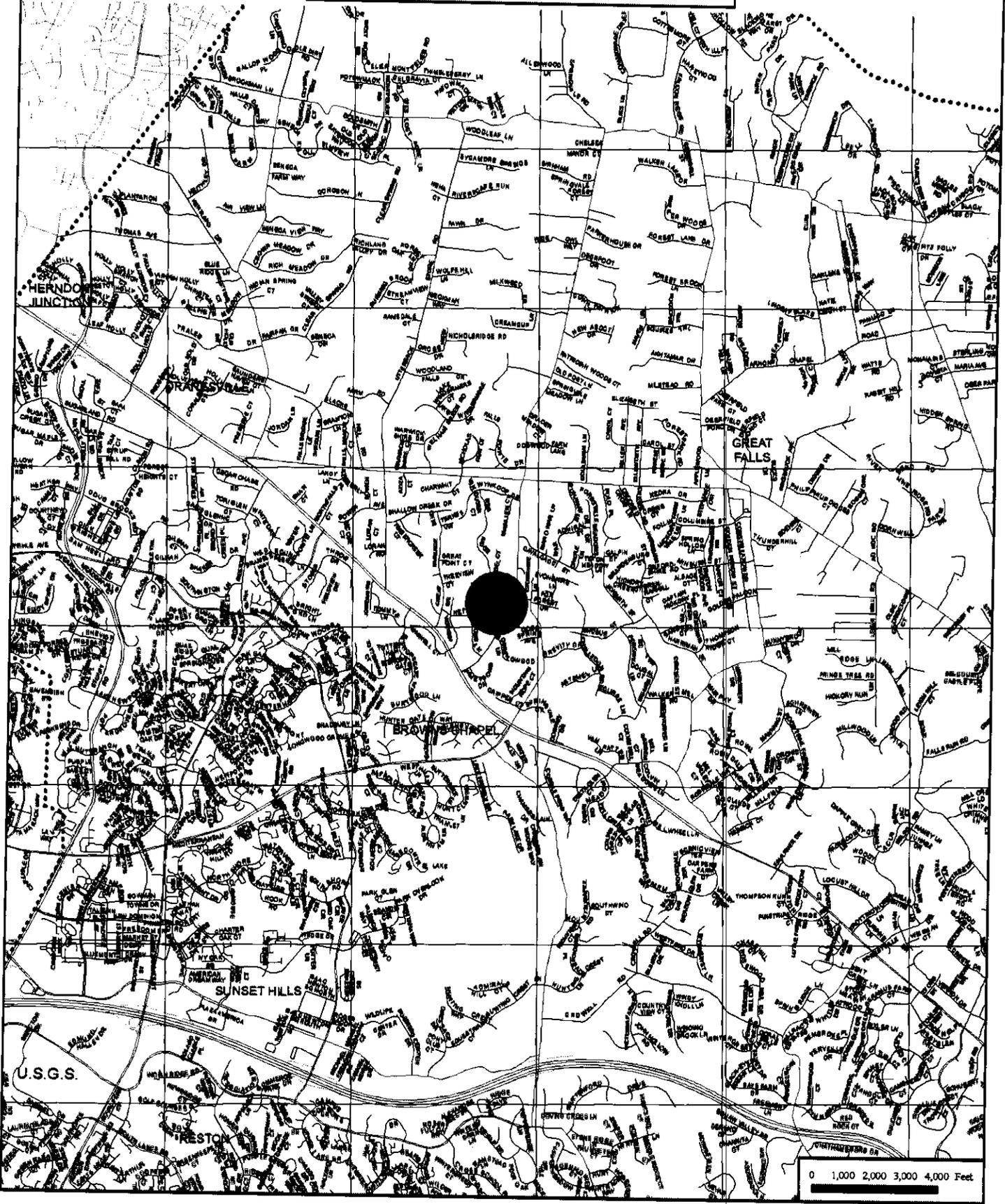
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

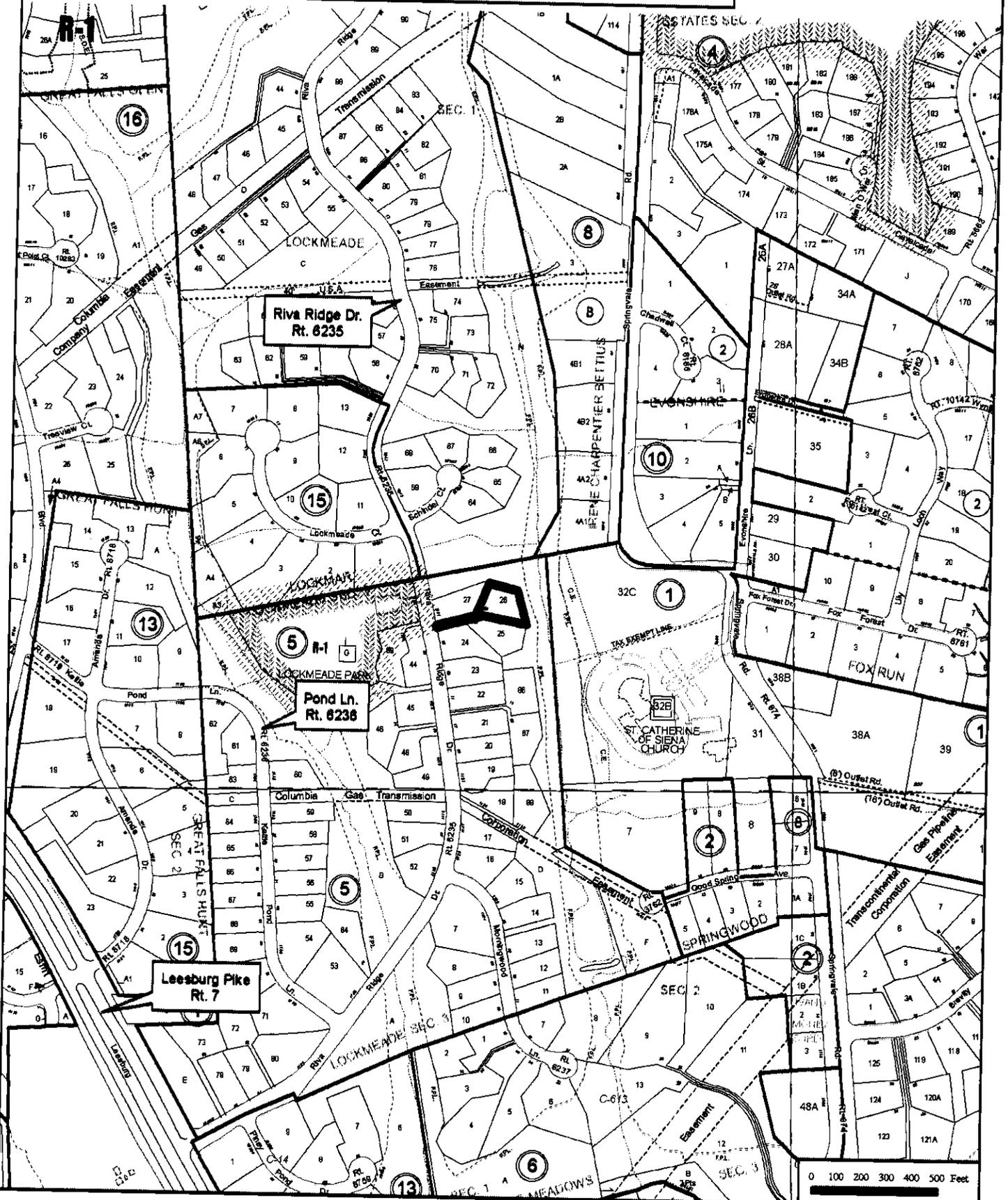


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2010-DR-010
WEN J. HSU & TSAN H. LIU



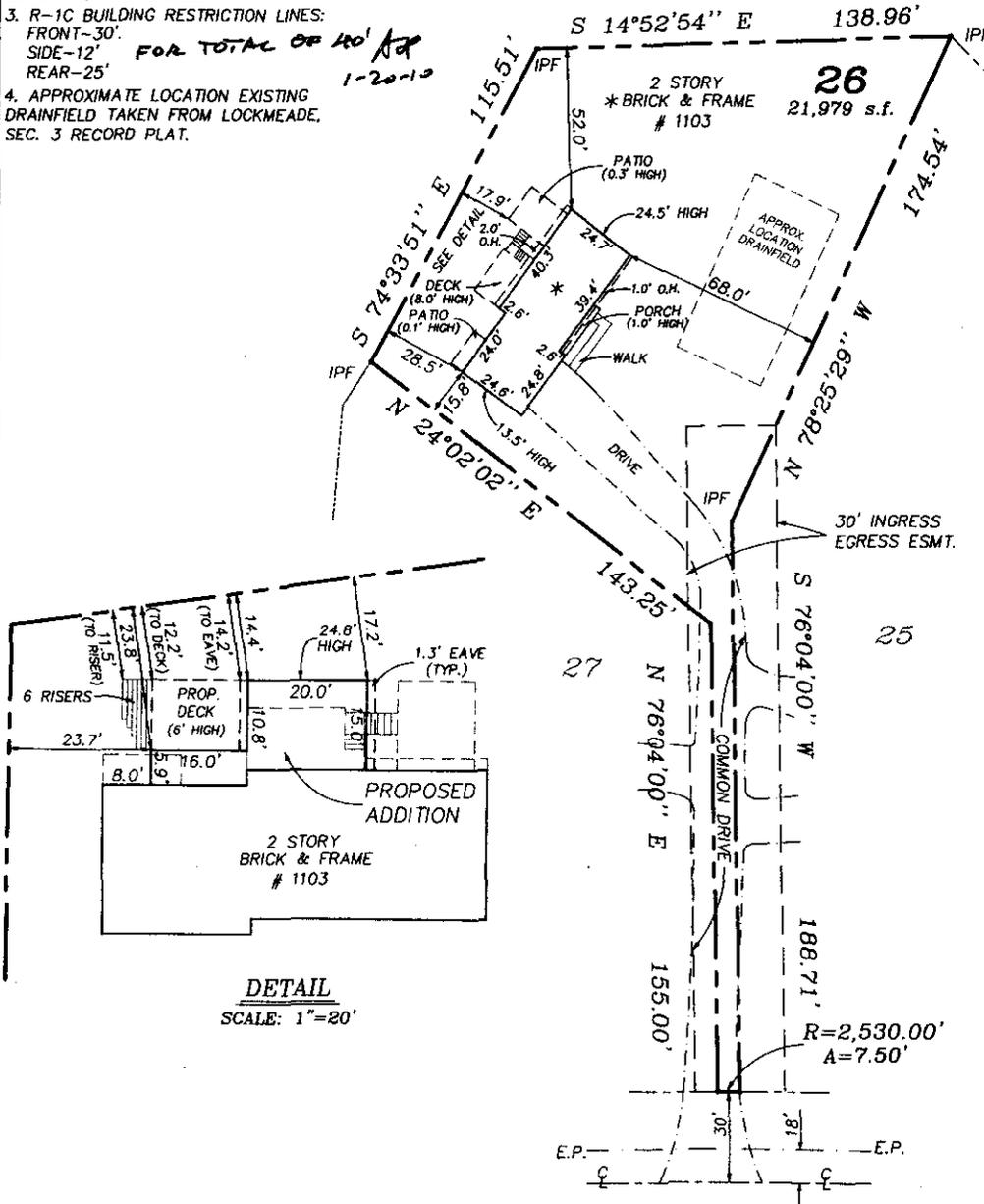
**Special Permit
SP 2010-DR-010
WEN J. HSU & TSAN H. LIU**



NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 12-1-05-0026 AND IS PRESENTLY ZONED R-1C.
2. PROPERTY IS SERVED BY PUBLIC WATER, SEWER NOT AVAILABLE.
3. R-1C BUILDING RESTRICTION LINES:
FRONT-30'.
SIDE-12' *FOR TOTAL OF 40' AS 1-20-10*
REAR-25'
4. APPROXIMATE LOCATION EXISTING DRAINFIELD TAKEN FROM LOCKMEADE, SEC. 3 RECORD PLAT.

PARCEL "D"

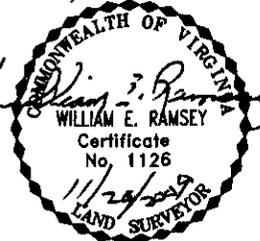


DETAIL
SCALE: 1"=20'

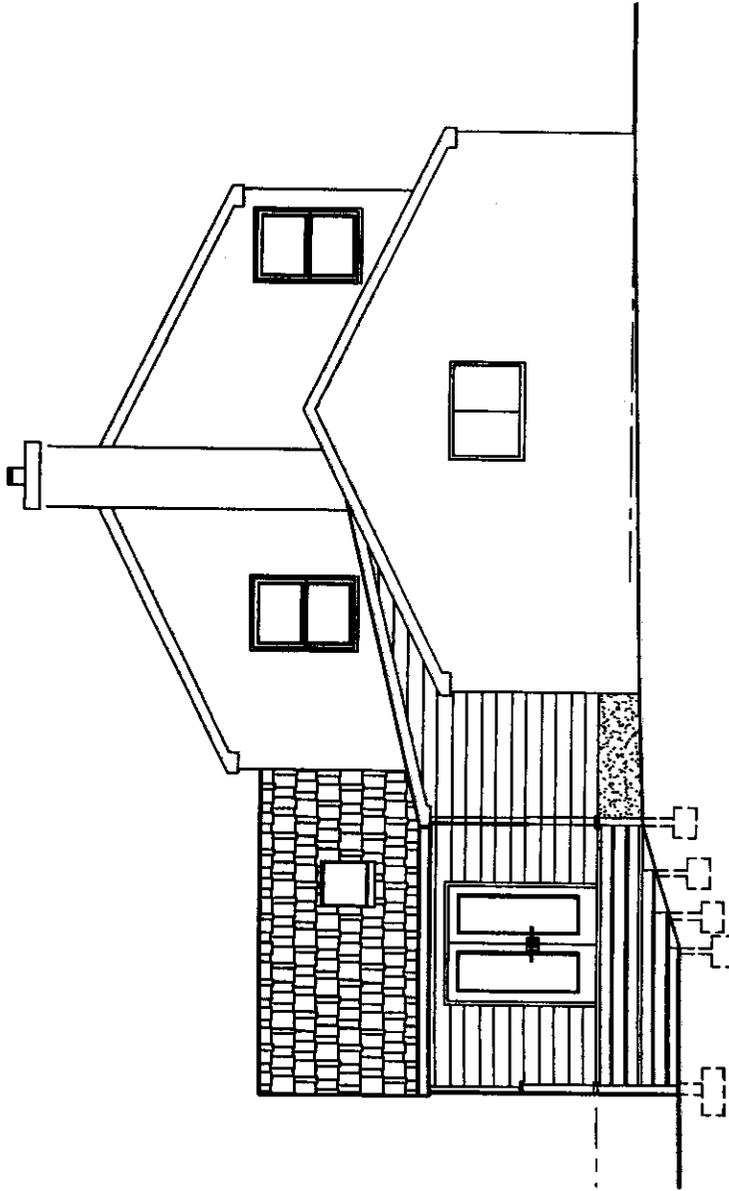
RIVA RIDGE DRIVE
(60' WIDE)

SPECIAL PERMIT PLAT
LOT 26
SECTION THREE
LOCKMEADE
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA
OCTOBER 12, 2009 1"=40'
REVISED: NOVEMBER 5, 2009
REVISED: NOVEMBER 17, 2009

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Department of Planning & Zoning
NOV 30 2009
Zoning Evaluation
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JAN 22 2010
Zoning Evaluation Division



WILLIAM E. RAMSEY, P.C.
LAND SURVEYOR
FAIRFAX, VIRGINIA
703-365-4499

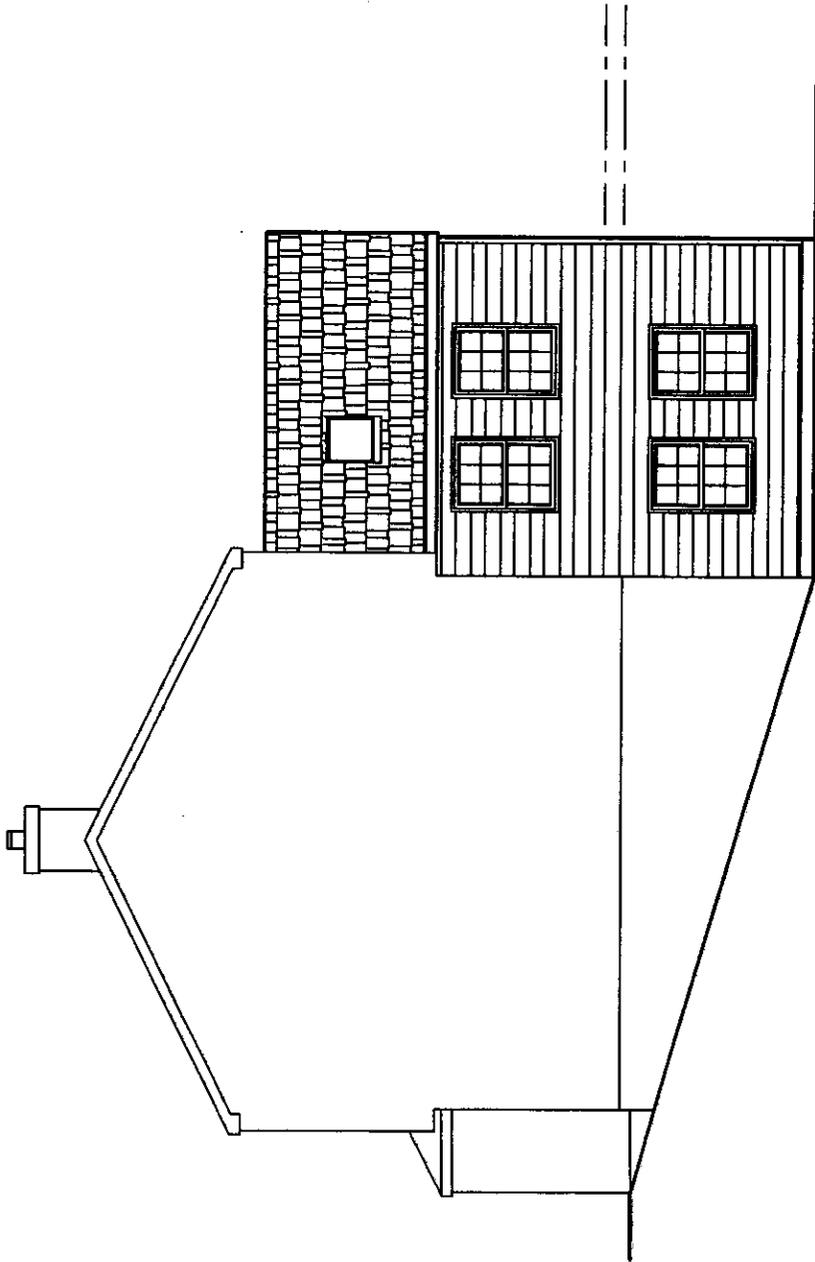


1 1/2\"/>

LEFT SIDE ELEVATION

1/8" = 1'-0"

HSU ADDITION 1103 RIVA RIDGE DR GREAT FALLS, VIRGINIA 22066	0929 PROJECT NO.
HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600	SP-5
	DATE: 10/08/09

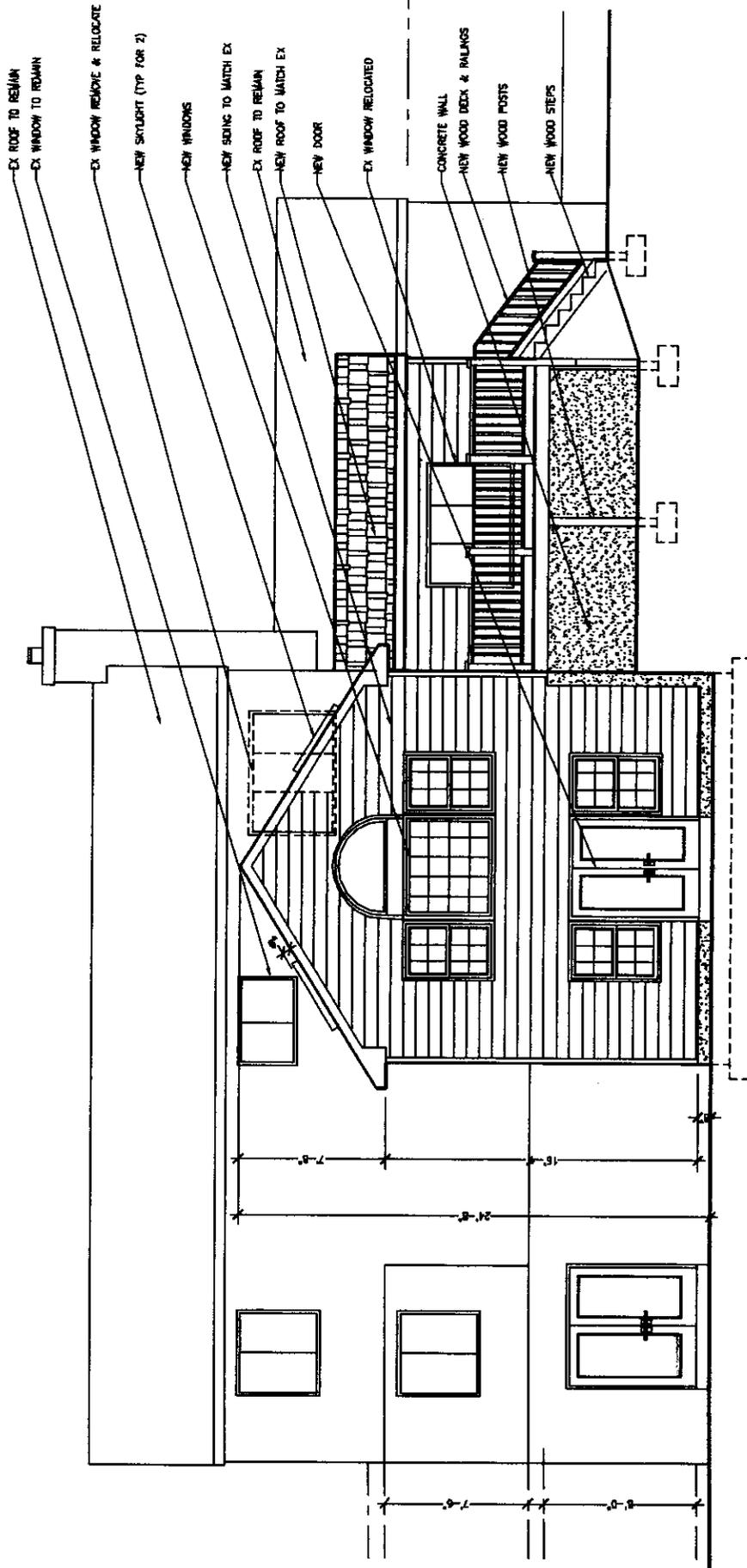


RIGHT SIDE ELEVATION

RIGHT SIDE ELEVATION

1/8" = 1'-0"

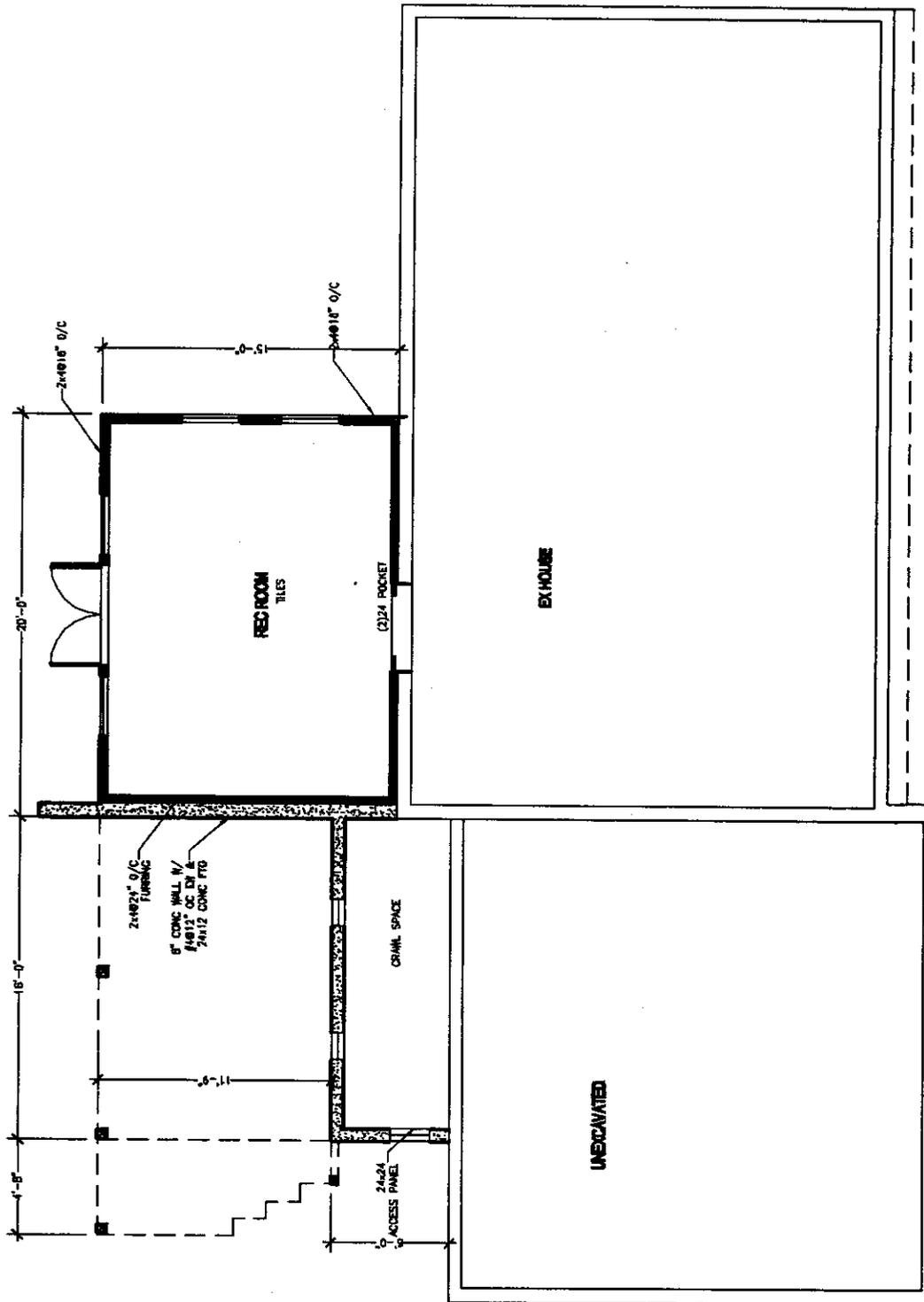
HSU ADDITION 1103 RIVA RIDGE DR GREAT FALLS, VIRGINIA 22066	0929 PROJECT NO.
HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600	SP-4
	DATE: 10/08/09



<p>0929 PROJECT NO.</p>	<p>HSU ADDITION 1103 RIVA RIDGE DR. GREAT FALLS, VIRGINIA 22066</p>
<p>SP-3</p>	<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>
<p>DATE: 10/08/09</p>	

REAR ELEVATION

1/8" = 1'-0"

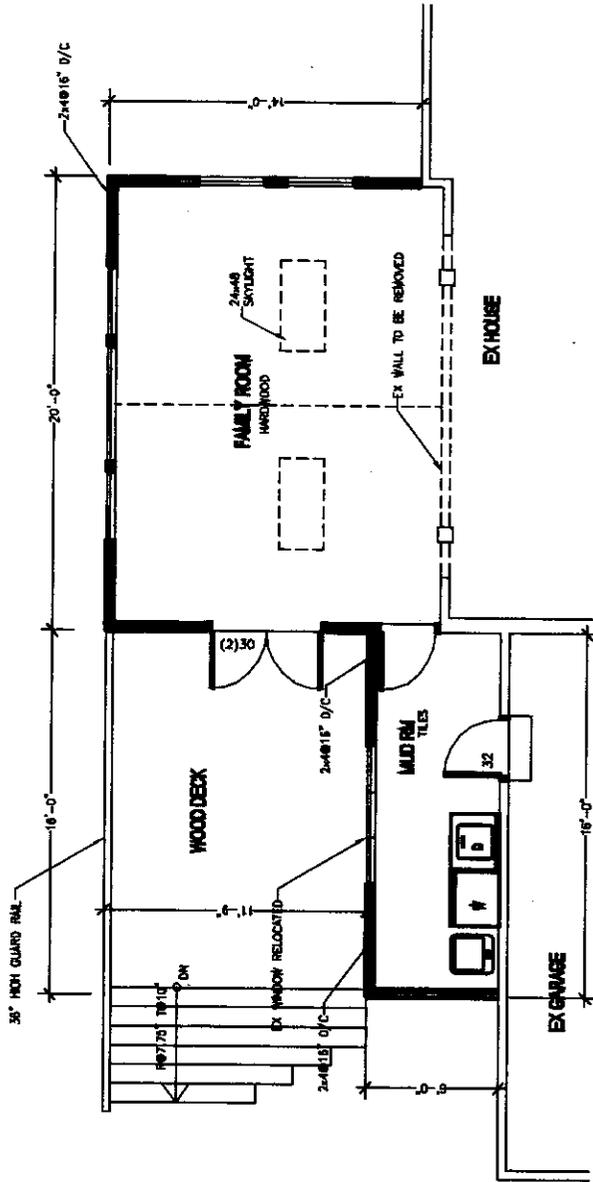


HSU ADDITION 1103 RIVA RIDGE DR GREAT FALLS, VIRGINIA 22066	0929 PROJECT NO.
HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600	SP-1
DATE: 10/08/09	

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BASEMENT FLOOR PLAN

1/8" = 1'-0"



HSU ADDITION 1103 RIVA RIDGE DR GREAT FALLS, VIRGINIA 22066	0929 PROJECT NO.
HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600	SP-2
DATE: 10/08/09	

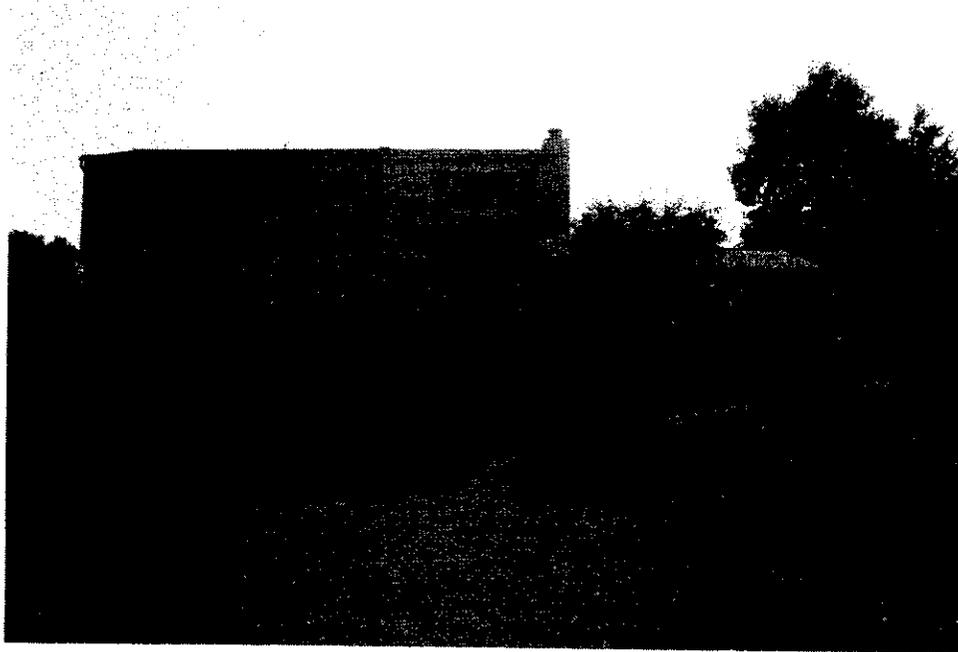
FIRST FLOOR PLAN

1/8" = 1'-0"



October 12, 2009

1103 Riva Ridge Drive



1. REAR VIEW OF THE HOUSE



2. REAR RIGHT CORNER OF THE HOUSE

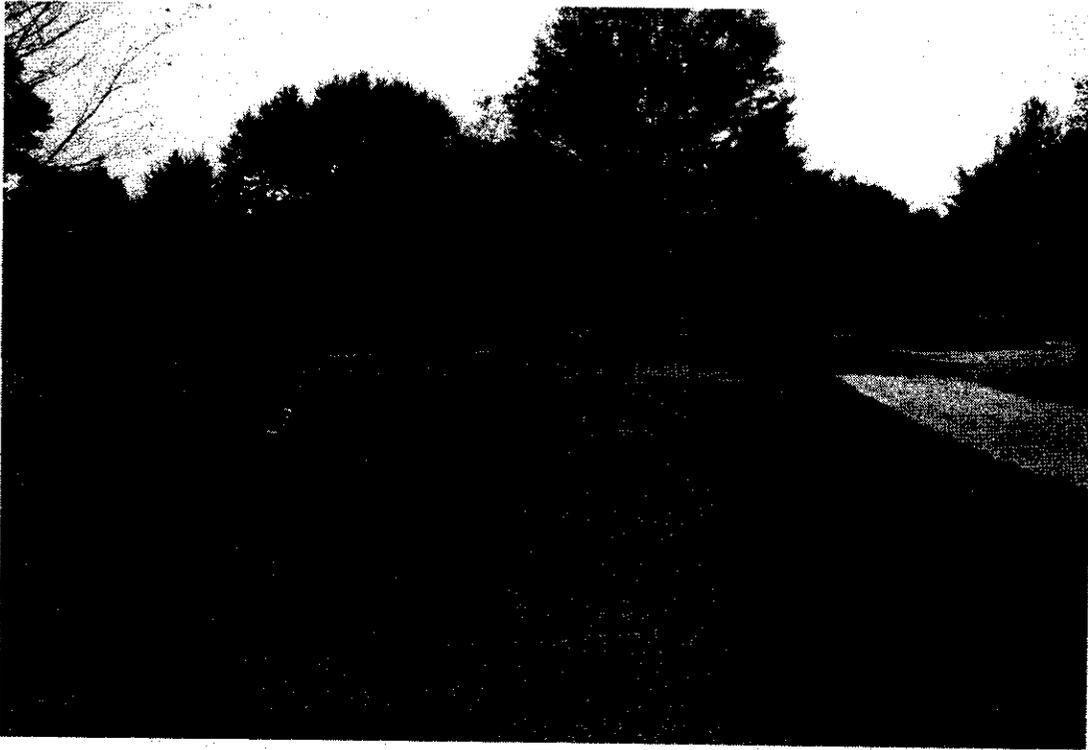
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October 12, 2009

1103 Riva Ridge Drive



13. FROM FRONT OF THE HOUSE TO FRONT YARD



14. FROM LEFT FRONT CORNER TO FRONT YARD

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Zoning Evaluation

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1103 Riva Ridge Drive



11. FROM RIGHT SIDE OF THE HOUSE TO SIDE YARD



12. FROM RIGHT FRONT CORNER TO SIDE AND FRONT YARD

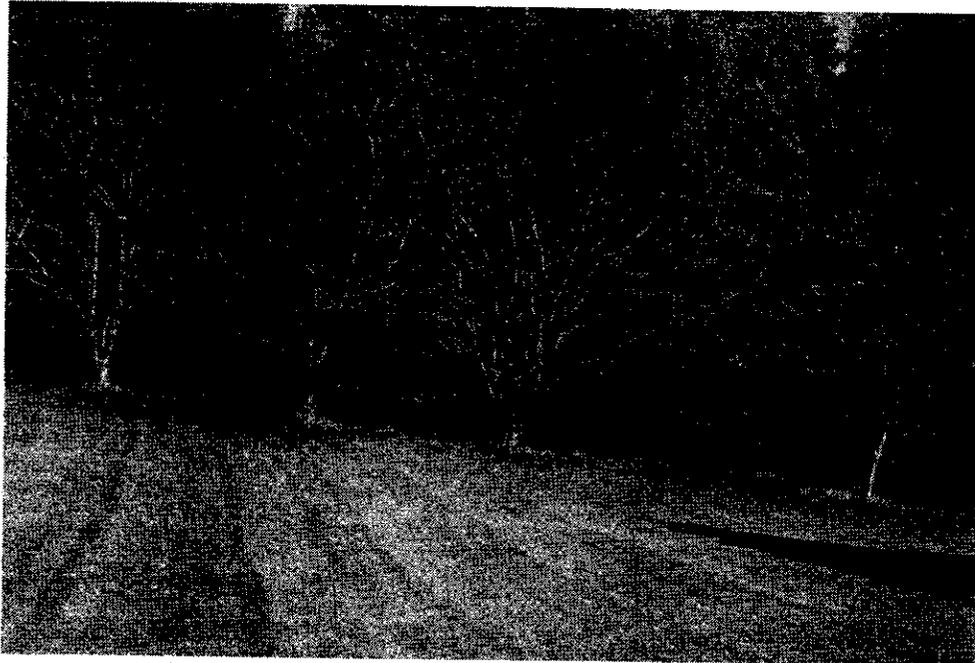
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Zoning Evaluation Division

October 12, 2009

1103 Riva Ridge Drive



9. FROM REAR OF THE HOUSE TO THE REAR YARD



10. FROM REAR RIGHT CORNER TO THE SIDE YARD

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NOV 30 2009

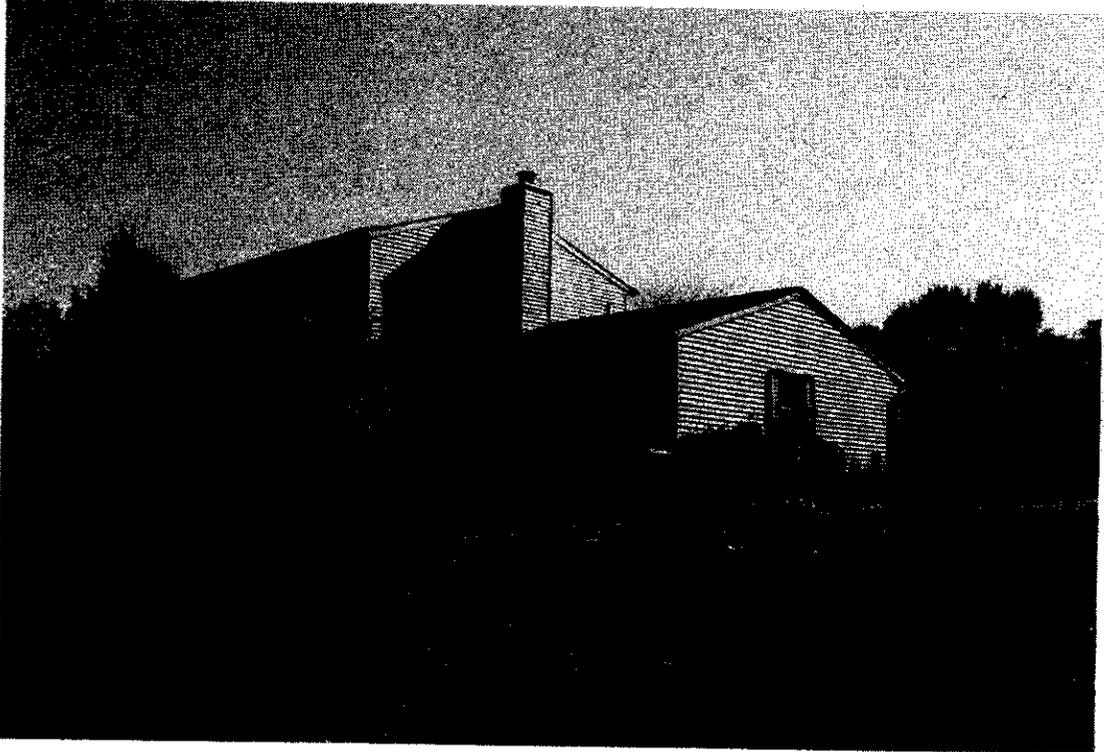
Zoning Evaluation Division

October 12, 2009

1103 Riva Ridge Drive



7. LEFT SIDE OF THE HOUSE

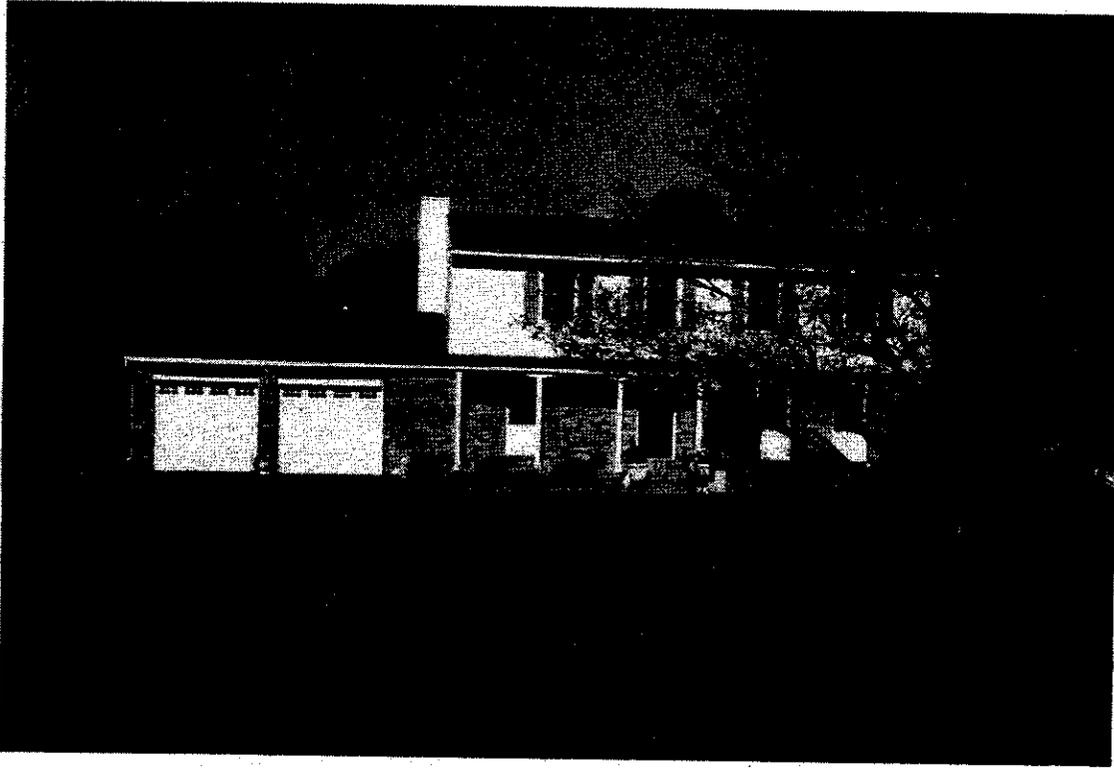


8. LEFT REAR VIEW OF THE HOUSE

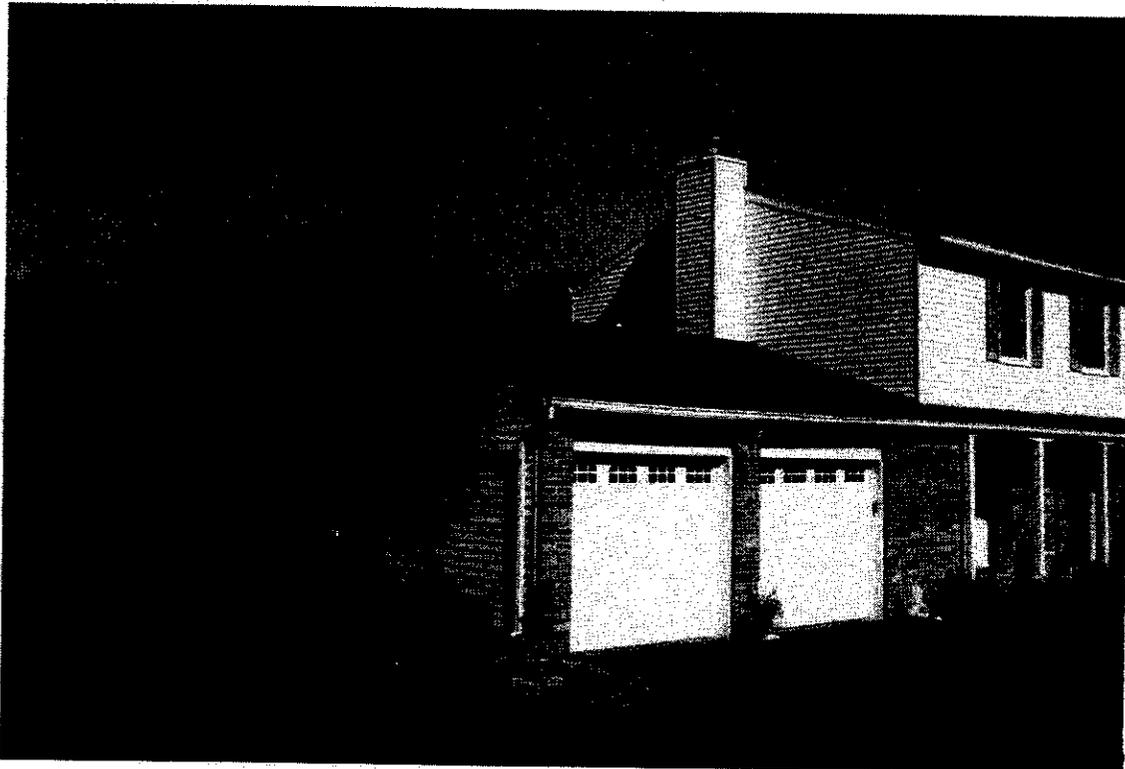
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October 12, 2009

1103 Riva Ridge Drive



5. FRONT ELEVATION



6. LEFT FRONT CORNER OF THE HOUSE

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Department of Planning & Zoning

NOV 30 2009

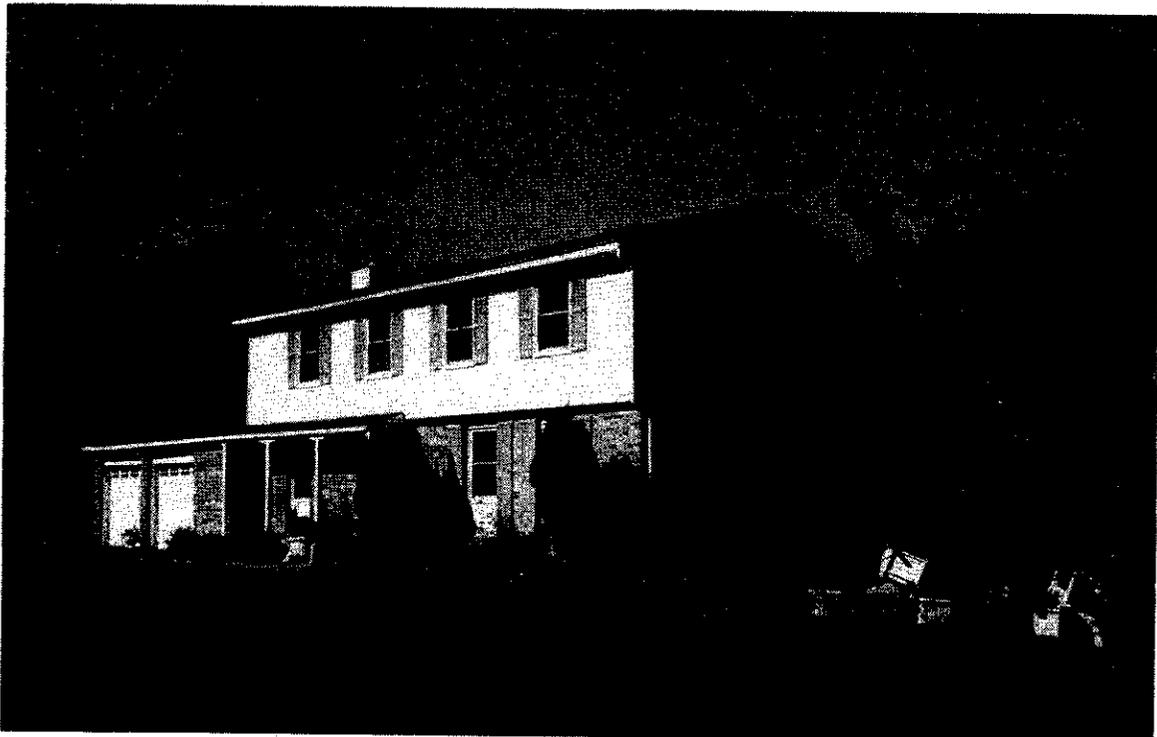
Zoning Evaluation Division

October 12, 2009

1103 Riva Ridge Drive



3. RIGHT SIDE OF THE HOUSE



4. FRONT RIGHT CORNER OF THE HOUSE

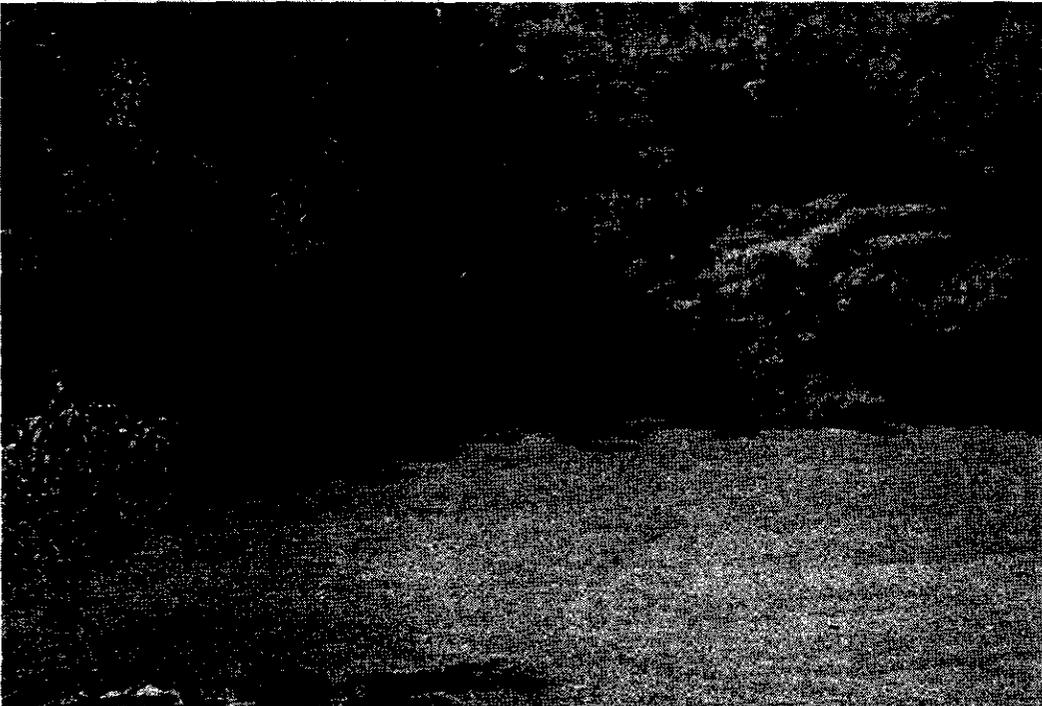
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NOV 30 2009
Zoning Evaluation Division

October 12, 2009

1103 Riva Ridge Drive



15. FROM LEFT SIDE OF THE HOUSE TO SIDE YARD



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

DESCRIPTION OF THE APPLICATIONS

The applicant seeks approval of two special permits for the subject property. The first special permit request is for a reduction of certain yard requirements to permit construction of an addition 14.2 feet from the rear lot line. The second special permit request is for a reduction of certain yard requirements to permit construction of a deck 11.5 feet from the rear lot line.

	Structure	Yard	Min. Yard Required *	Permitted Extension **	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit 1	Addition	Rear	25 feet	None	14.2 feet	10.8 feet	43.2 %
Special Permit 2	Deck	Rear	25 feet	12 feet	11.5 feet	1.5 feet	11.5 %

* Minimum yard requirement per Section 3-207

** Permitted Extensions per Section 2-412

LOCATION AND CHARACTER

Existing Site Description

The site is currently zoned R-1 Cluster and contains a two story with basement single-family detached dwelling which was originally constructed in 1979. The lot consists of 21,979 square feet and is surrounded by single family detached homes to the west and south. To the north and east there is open space and further east is a place of worship. There is a significant change in topography across the lot beginning from the northern end of the property sloping downward toward the southern end of the property. Vegetation is scattered throughout the property. The topography is such that the basement is almost completely exposed at the rear of the dwelling. Vehicular access is provided by a 30 foot wide ingress/egress easement extending from Riva Ridge Drive. Aerial Imagery has been provided in Appendix 4 to show the subject property and the surrounding properties.

Character of the Area

	Zoning	Use
North	R-1 (Cluster)	Single family Detached Dwellings & Open Space
West	R-1 (Cluster)	Single Family Detached Dwellings & Open Space (Lockmeade Park)
East	R-1 (Cluster)	Open Space & Place of Worship (St. Catherine of Siena Church)
South	R-1 (Cluster)	Single Family Detached Dwellings

BACKGROUND

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

- Special Permit SP 2007-DR-111, granted on December 11, 2007, on Tax Map Number 12-1 ((7)) 4, on 10708 Wynkoop Drive, zoned R-1 Cluster, north of the subject property for a reduction of certain yard requirements to permit addition 19.3 feet from the rear lot line.
- Variance VC 89 D-053, granted on August 4, 1989, on Tax Map Number 12-1 ((7)) 76, on 1023 Riva Ridge Drive, zoned R-1 Cluster, north of the subject property to allow enclosure of existing deck for a screened porch 16.6 feet from the rear lot line.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat, Lot 26, Section Three, Lockmeade
- **Prepared By:** William E. Ramsey dated October 12, 2009 revised through November 17, 2009 and signed November 20, 2009.

Proposal

The applicant proposes to construct a one story with basement level addition which will adjoin a proposed open deck. The addition will be livable space on both the first floor and basement level and constructed in an L-shaped configuration; approximately 596 square feet in size and 24.6 feet in overall height. The open deck will be approximately 20.6 feet by 11.75 feet (including the stairs) and 6 feet in height. There is an existing deck which is located where the addition is proposed to be constructed.

ZONING ORDINANCE REQUIREMENTS (See Appendix 5)

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

Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes that the special permit application satisfies this condition based the fact that there is a modest request and that the screen porch is proposed to replace an existing deck. The most affected property is "Parcel D" which is located to the north and is undisturbed open space. 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 2,586 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,879 square feet; which makes a combined total of 6,465 square feet. The proposed addition will be 596 square feet in size for a total of 3,182 square feet for the existing house and the addition. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The proposed addition will extend over and replace the footprint of an existing deck and is proposed at an overall height of 24.6 feet and to be only 596 square feet in size. The existing single family detached dwelling is 24.5 feet in height to the midpoint of the roof and 2,586 square feet in size; therefore the proposed addition will be in character with existing on-site development in terms of height and bulk respectively. The proposed addition will be constructed with materials similar to the existing dwelling. The proposed deck will be approximately 242 square feet in size and 6 feet in height and is a minimal extension beyond what is permitted by-

right. Staff believes the proposed addition and deck 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 its small size and scope and that the most affected property is undisturbed open space. Minimal land disturbance shall take place because of the proposed addition replacing an existing deck and the proposed deck will be open below. There are no significant trees and/or vegetation proposed for removal for the proposed construction. Therefore, staff believes the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. No downstream complaints have been indicated by DPWES and there is minimal increase of impervious area due to the proposed addition replacing an existing deck. Currently there is minimal tree cover on the subject property and no vegetation is proposed for removal. There is dense tree cover on the adjacent Parcel D which serves as a buffer and will not be adversely affected by the proposed construction. Aerial imagery is provided in appendix 4 to show these existing conditions. Given that the proposed construction abuts Parcel D, which is undisturbed open space, staff believes that the proposed addition and deck 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. Given the configuration of the lot lines, shape of the lot and the existing dwelling's location 28.5 feet from the rear property line, there are no alternate locations for the proposed addition to be constructed. Since no significant trees will be removed as part of the proposed construction and the location of the dwelling on the property provides no viable alternate locations for the proposed construction, staff believes this application satisfies this provision.

CONCLUSION

Staff believes that the subject application for the addition and deck 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-010 for the addition and deck 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
5. Zoning Ordinance Provisions

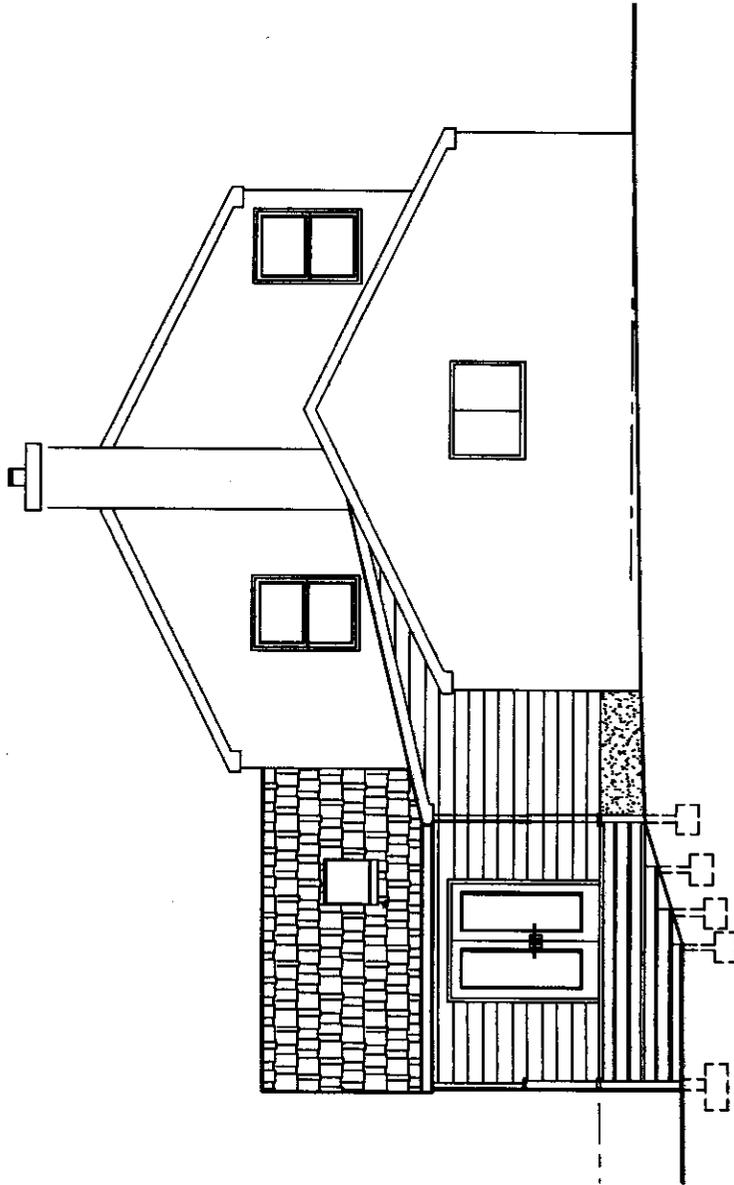
PROPOSED DEVELOPMENT CONDITIONS**SP 2010-DR-010****April 7, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-DR-010 located at Tax Map Number 12-1 ((5)) 26 (1103 Riva Ridge Drive), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a proposed addition and deck as shown on the plat prepared by William E. Ramsey dated October 12, 2009 revised through November 17, 2009 and signed November 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 (2,586 square feet existing + 3,879 (150%) = 6,465 permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction, special permit or variance. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials included in Attachment 1 to these conditions.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

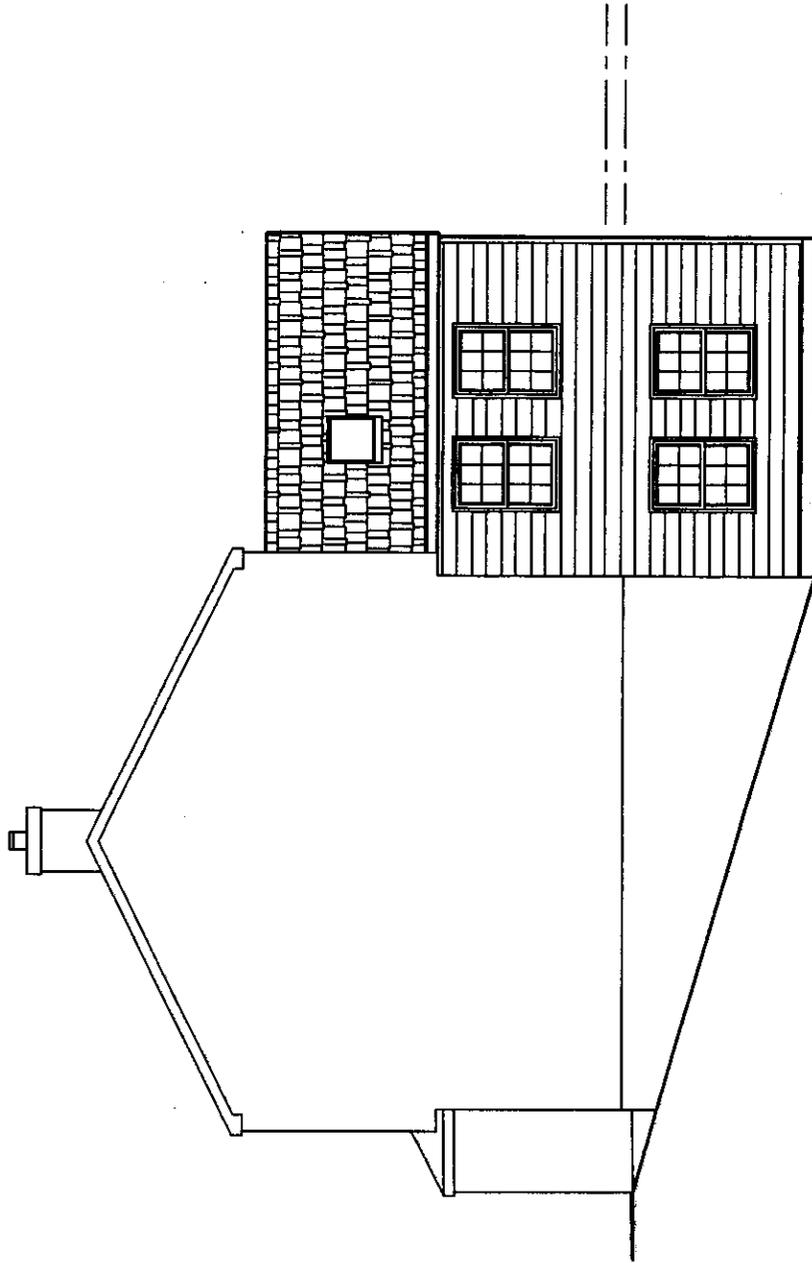


1 FT AIR PIPES

LEFT SIDE ELEVATION

1/8" = 1'-0"

HSJ ADDITION 1103 RIVA RIDGE DR GREAT FALLS, VIRGINIA 22066	0929 PROJECT NO.
HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600	SP-5
	DATE: 10/08/09

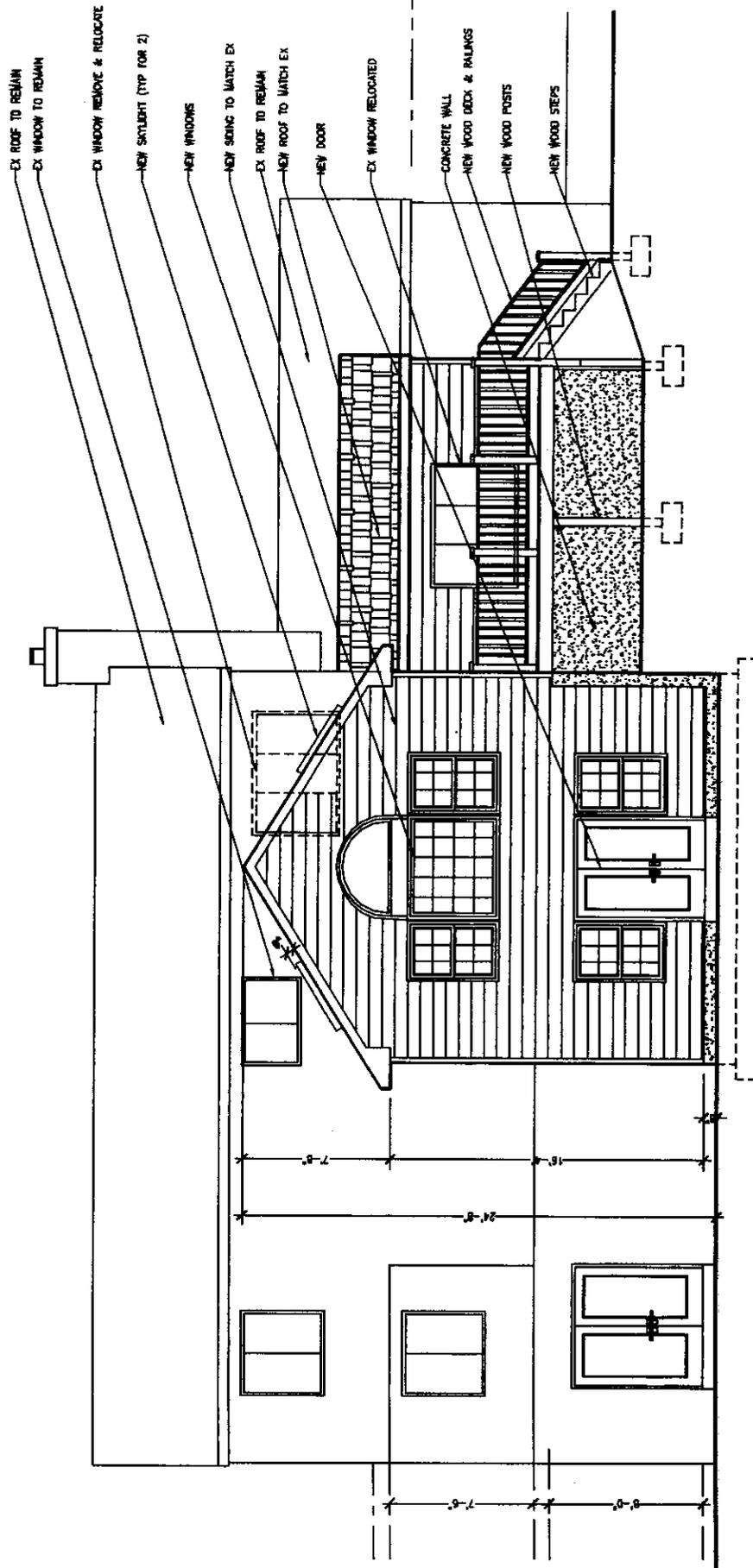


RIGHT SIDE ELEVATION

RIGHT SIDE ELEVATION

1/8" = 1'-0"

HSU ADDITION 1103 RIVA RIDGE DR GREAT FALLS, VIRGINIA 22066	0929 PROJECT NO.
HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600	SP-4
	DATE: 10/08/09



<p>0929 PROJECT NO.</p>	<p>HSU ADDITION 1103 RIVA RIDGE DR. GREAT FALLS, VIRGINIA 22066</p>
<p>SP-3</p>	<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>
<p>DATE: 10/08/09</p>	

REAR ELEVATION

1/8" = 1'-0"

Application No.(s): SP 2010-DR-010
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: NOVEMBER 6, 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

106860

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)
WEN J. HSU TSAN H. LIU	1103 RIVA RIDGE DR GREAT FALLS, VA 22066	APPLICANTS/ OWNER
ARIF H. HODZIC HODZIC ARCHITECTS, PC	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).

Application No.(s): SP 2010-DR-010
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: NOVEMBER 6, 2009 106860
(enter date affidavit is notarized)

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

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

HODZIC ARCHITECTS, PC
1003 SNAPPER COVE LANE
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-DR-010
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

106860

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.

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

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

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

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

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

NONE

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

Application No.(s): SP 2010-DR-010
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

106860

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.)

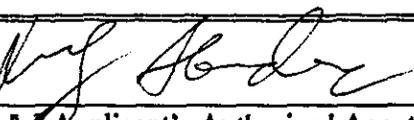
(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

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

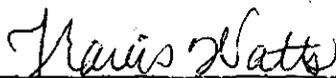


[X] Applicant's Authorized Agent

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



Notary Public

My commission expires: 12-18-10

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



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Pasadena, MD 21122
Tel: (410) 255-2600
Fax: (410) 255-2680

ah@hodzicarchitects.com
www.hodzicarchitects.com

RECEIVED
Department of Planning & Zoning
JAN 22 2010
Zoning Evaluation Division

Re: Special Permit Application
Hsu House Addition
1103 Riva Ridge Drive
Great Falls, Virginia 22066

Revised January 20, 2010
November 27, 2009

Statement of Justification

The purpose of this addition is to provide Recreation Room, Family Room, Mud/Laundry Room and replace existing Wood Deck with new one, to allow the Owners better use of the house.

Existing house is two stories with walkout basement and wood deck. Front setback is 68 FT, left side yard setback is 15.8 FT, right yard setback is 52 FT. Rear setback to the existing house is 28.5 FT and to the existing wood deck was 16 FT. There is also a brick patio 17.9 feet from the rear lot line. House was built in 1979.

The following are answers to the questions in paragraph 912.00:

1. Addition will be encroaching 10.8 feet into the rear yard set back. Reducing rear yard to 14.2 feet from 25 feet required. New wood deck, 6 feet high, will be 12.2 feet from rear lot line with steps 11.5 feet from rear lot line.
2. Not applicable
3. This is an existing house with wood deck. Deck will be replaced with new House Addition and new deck will be built on side of the addition.
4. Existing house is 2,586SF and addition is 596 SF or 16.6% of the existing house.
5. Addition is subordinated use of the house.
6. Addition is similar to all other Additions in the County.
7. Proposed addition is in harmony with the surrounding structures.
8. Proposed addition will not adversely impact the use and/or enjoyment of any adjacent properties with regard to issues such as noise, light, air, safety and storm water runoff.

9. The proposed addition is similar in size of wood deck, which was in the same place and will be removed. New smaller deck will be added.

10. Additional information:

5.07 Addition will be two story frame structure with siding and shingle roof to match existing house. Windows doors and trim will match existing on the house. Wood deck will be made of pressure treated wood.

5.08 There are no hazardous or toxic materials in this addition.

5.09 Proposed addition conforms to all applicable ordinances, regulations and adopted standards.

930.02 Proposed addition will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing house on the lot.

930.03 Proposed addition is harmonious with 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.

930.05 This is the smallest addition necessary to accommodate reasonable room. Therefore we need to reduce rear yard set back. Another difficulty is how the rear yard is established. This side could have been side yard if the main door is on the other side.

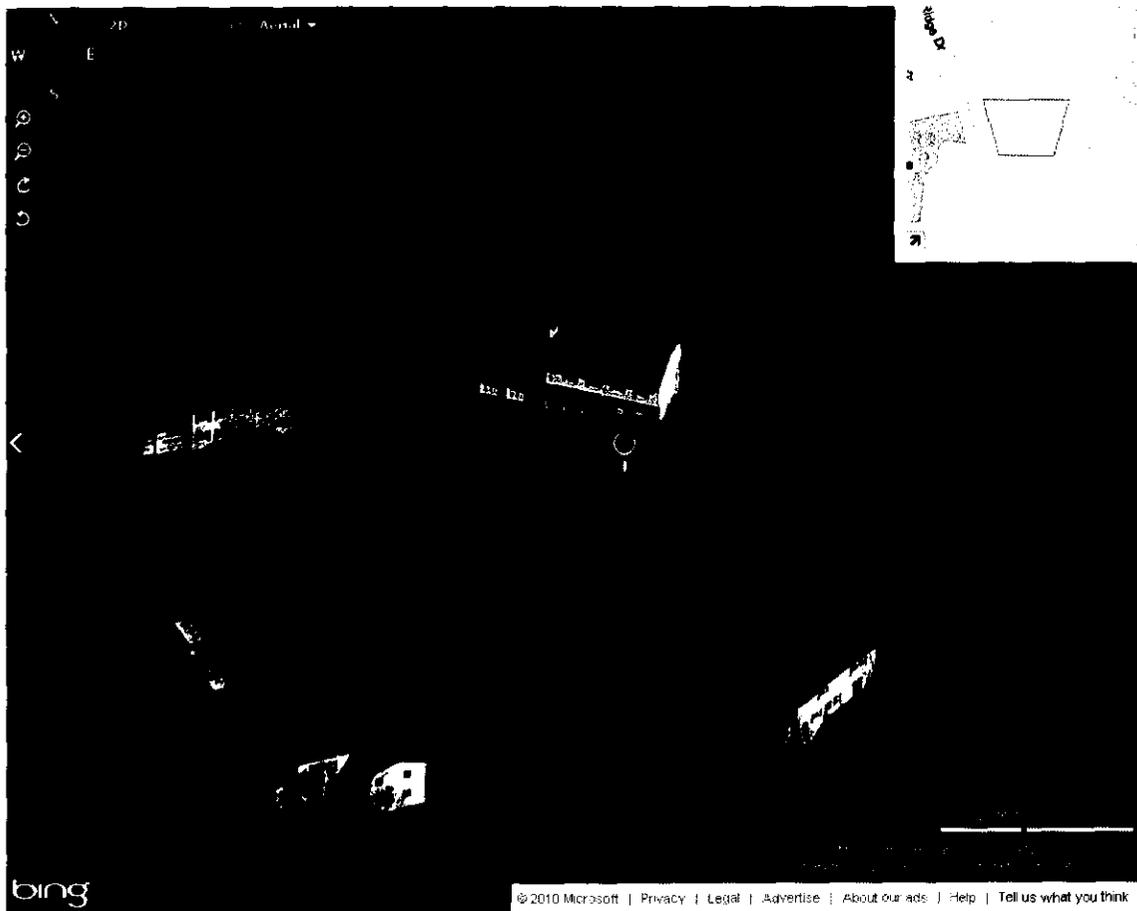
We would appreciate if you approve this Special Permit, because it would allow better living space in the house.

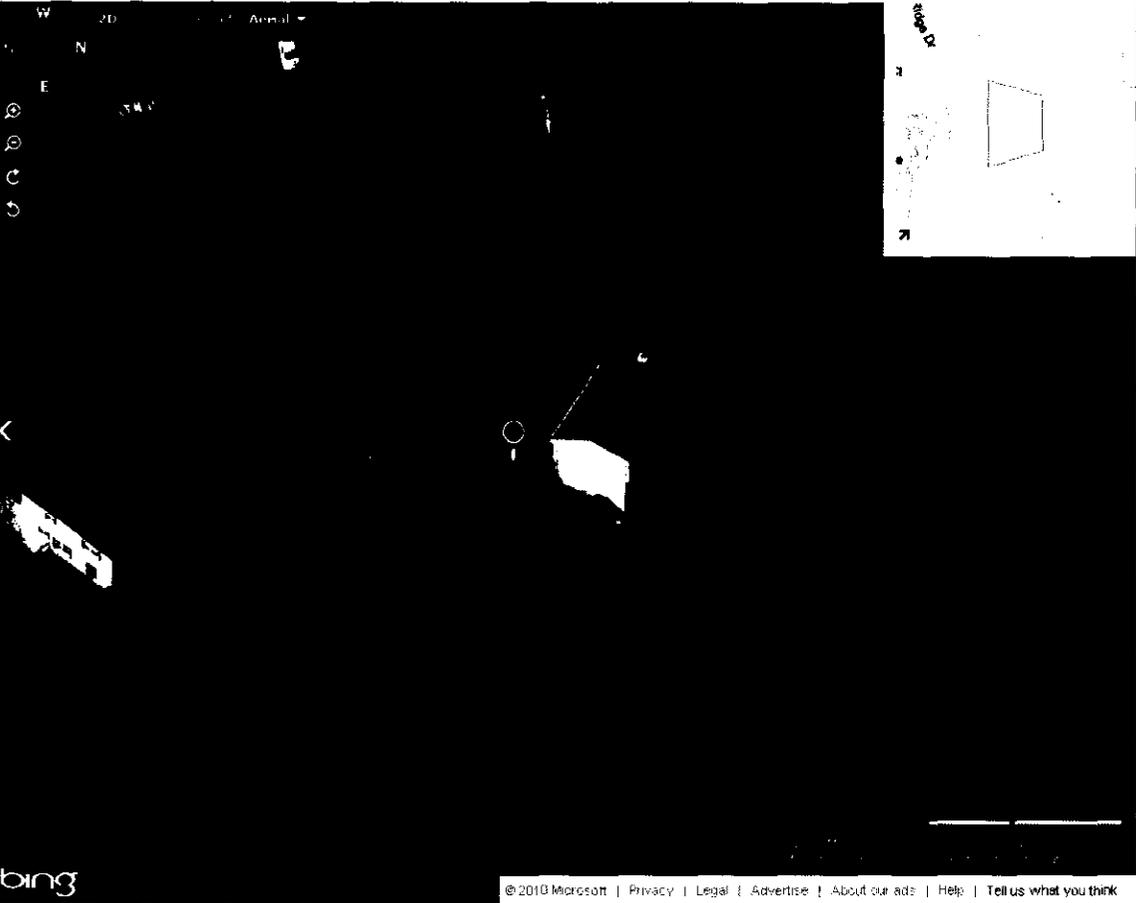
If you have any questions please give me a call.

Prepared by:



Arif H. Hodzic, AIA
Agent for the Owner





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.