



APPLICATION ACCEPTED: March 3, 2010  
DATE OF PUBLIC HEARING: May 19, 2010  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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May 12, 2010

### STAFF REPORT

**SPECIAL PERMIT APPLICATION No. SP 2010-BR-018**

### BRADDOCK DISTRICT

**APPLICANT & OWNER:** Daniel and Tamara Freeman

**ZONING:** R-1

**LOCATION:** 8517 Chapel Drive

**ZONING ORDINANCE PROVISION:** 8-922

**TAX MAP:** 70-1 ((2)) 152

**LOT SIZE:** 21,782 Square Feet

**SP PROPOSAL:** Reduction of certain yard requirements to permit construction of addition 11.6 feet from the eastern side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2010-BR-018 for the addition subject to the proposed development conditions contained in Appendix 1.

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

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

---

Mary Ann Godfrey

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



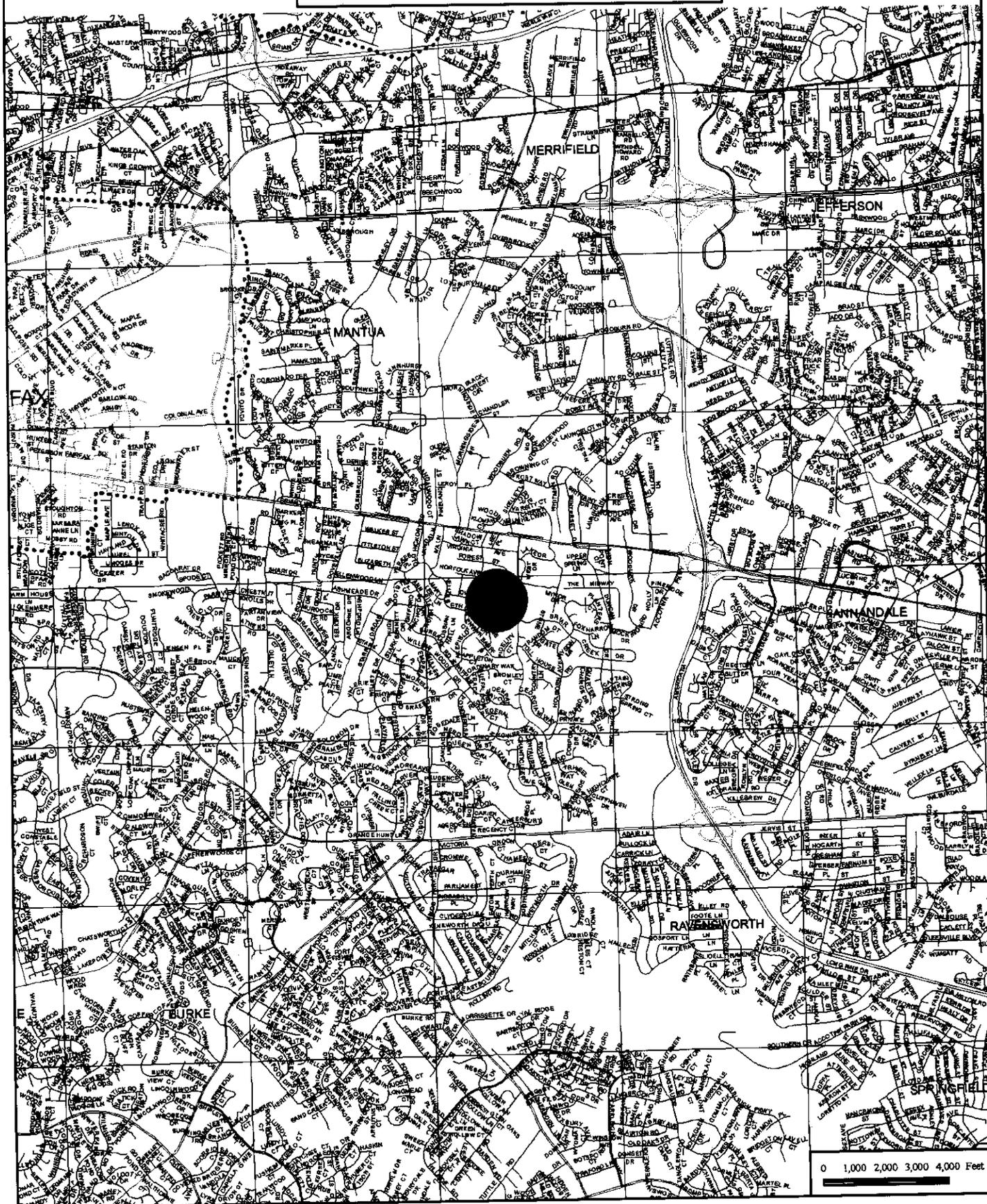
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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.**

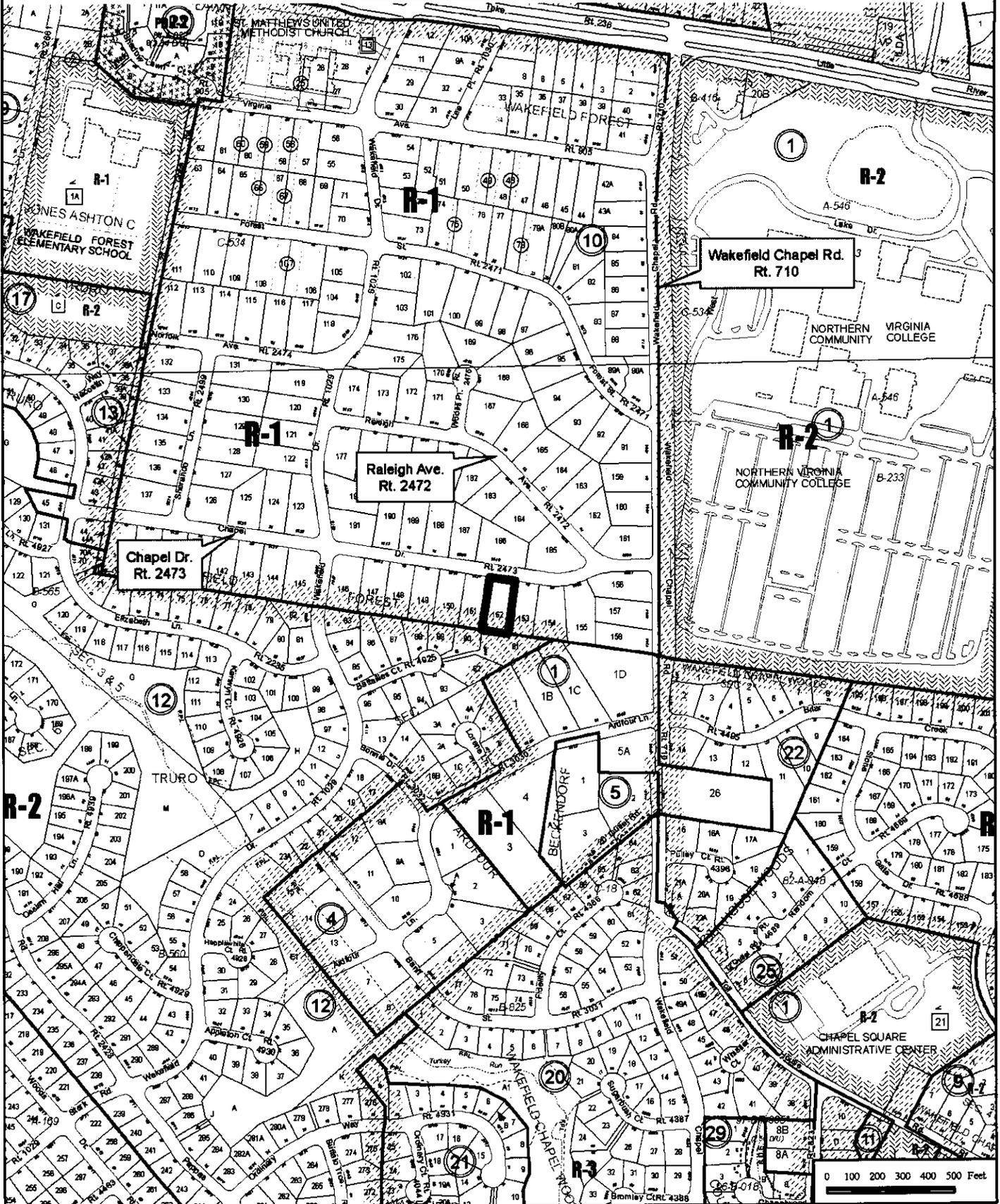


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2010-BR-018**  
**DANIEL & TAMARA FREEMAN**



**Special Permit**  
**SP 2010-BR-018**  
**DANIEL & TAMARA FREEMAN**



COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED. THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

**NOTES:**

1. TAX MAP 070-1-02-0152
2. PROPERTY SHOWN HEREON IS ZONED: R-1 (RESIDENTIAL 1 DU/AC)
3. MINIMUM YARD REQUIREMENTS IN ZONE R-1  
FRONT: 40'  
SIDE: 20'  
REAR: 25'
4. PROPERTY IS SERVED BY PRIVATE WELL AND SEPTIC.
5. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 515250100 D EFFECTIVE DATE, MARCH 5, 1990.
6. THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
7. ELEVATION DATUM IS ASSUMED.
8. FLOOR AREA:  
EXISTING GROSS FLOOR AREA HOUSE 1,424 SQ. FT.  
PROPOSED GROSS FLOOR AREA ADDITION 1,652 SQ. FT.  
TOTAL GROSS FLOOR AREA 3,076 SQ. FT.  
PROPOSED FLOOR AREA RATIO: 0.

**HEIGHT TABLE**

EXISTING HOUSE HEIGHT:	18.0'
PROPOSED ADDITION HEIGHT:	22.0'

GRAPHIC SCALE 1"=50'



CASE NAME: FREEMAN RESIDENCE SCHUYLER AHRENS

NO TITLE REPORT FURNISHED.  
PLAY SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.  
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.

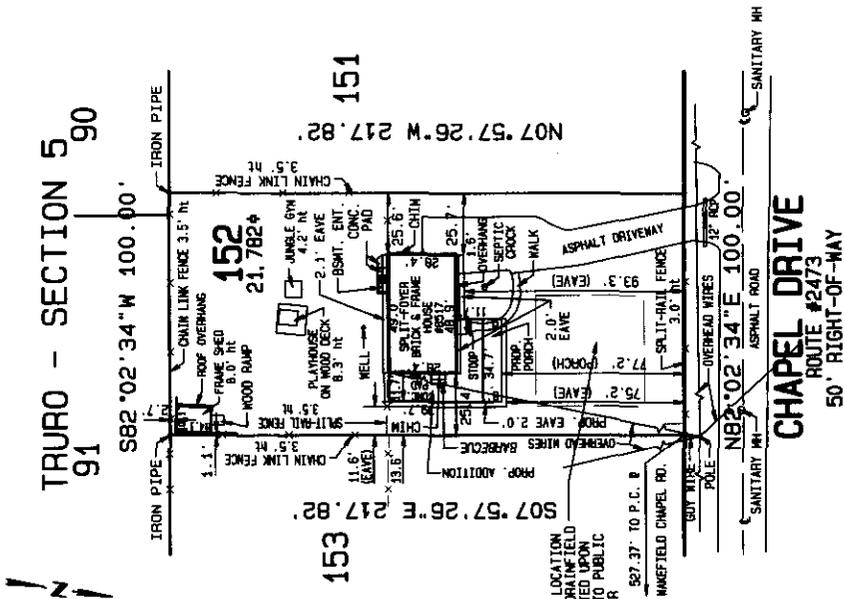
**SCARTZ SURVEYS**

LARRY N. SCARTZ LOCAL (703) 494-4181  
CERTIFIED LAND SURVEYOR FAX (703) 494-3330  
WOODBRIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM

TAX MAP #070-1-02-0152

JOB# 2009-2109

DSE

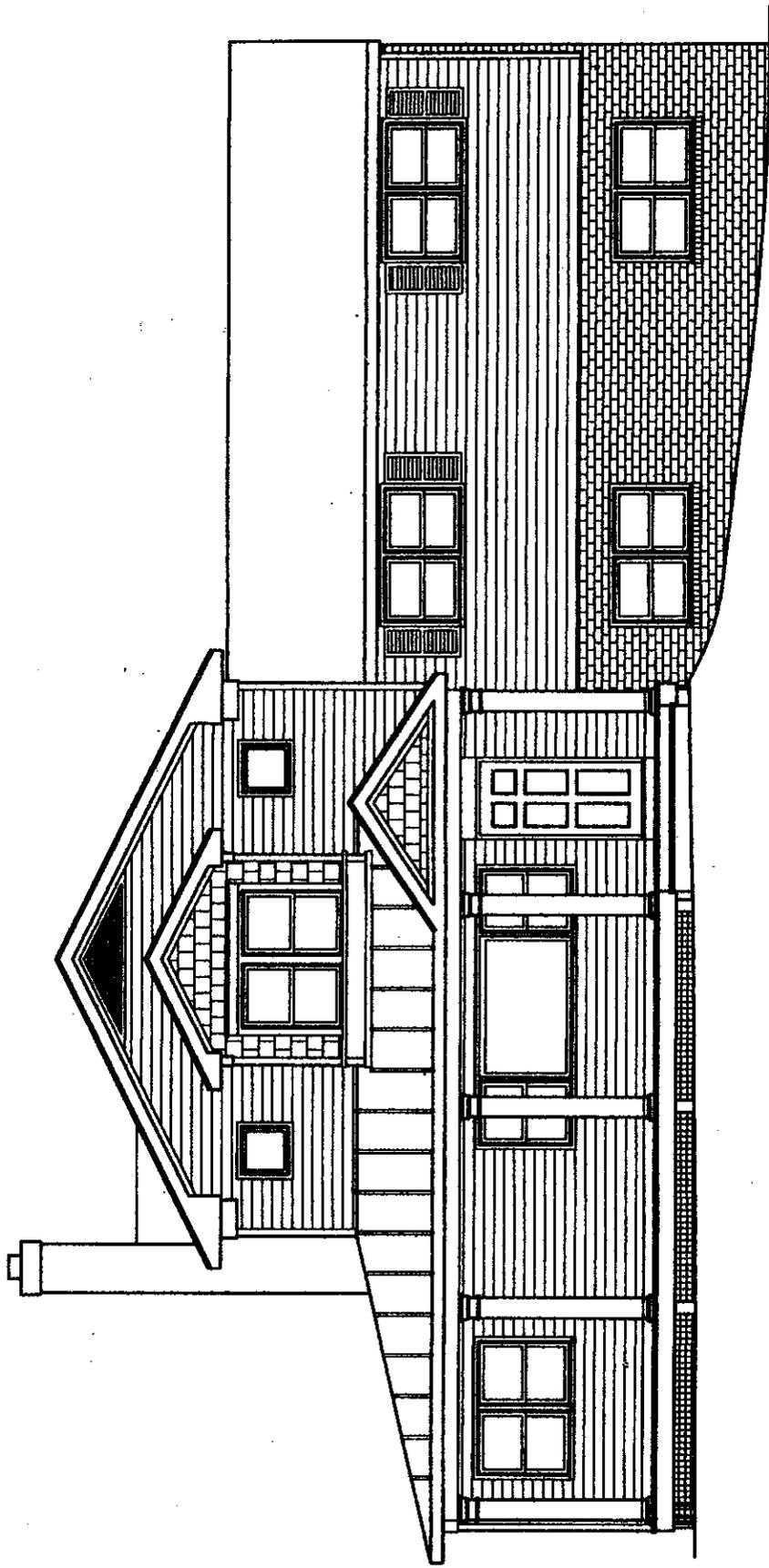


**CHAPEL DRIVE**  
ROUTE #2473  
50' RIGHT-OF-WAY

**SPECIAL PERMIT PLAT**  
LOT 152, SECTION 3

**WAKEFIELD FOREST**  
LEE MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=50' DATE: DECEMBER 1, 2009

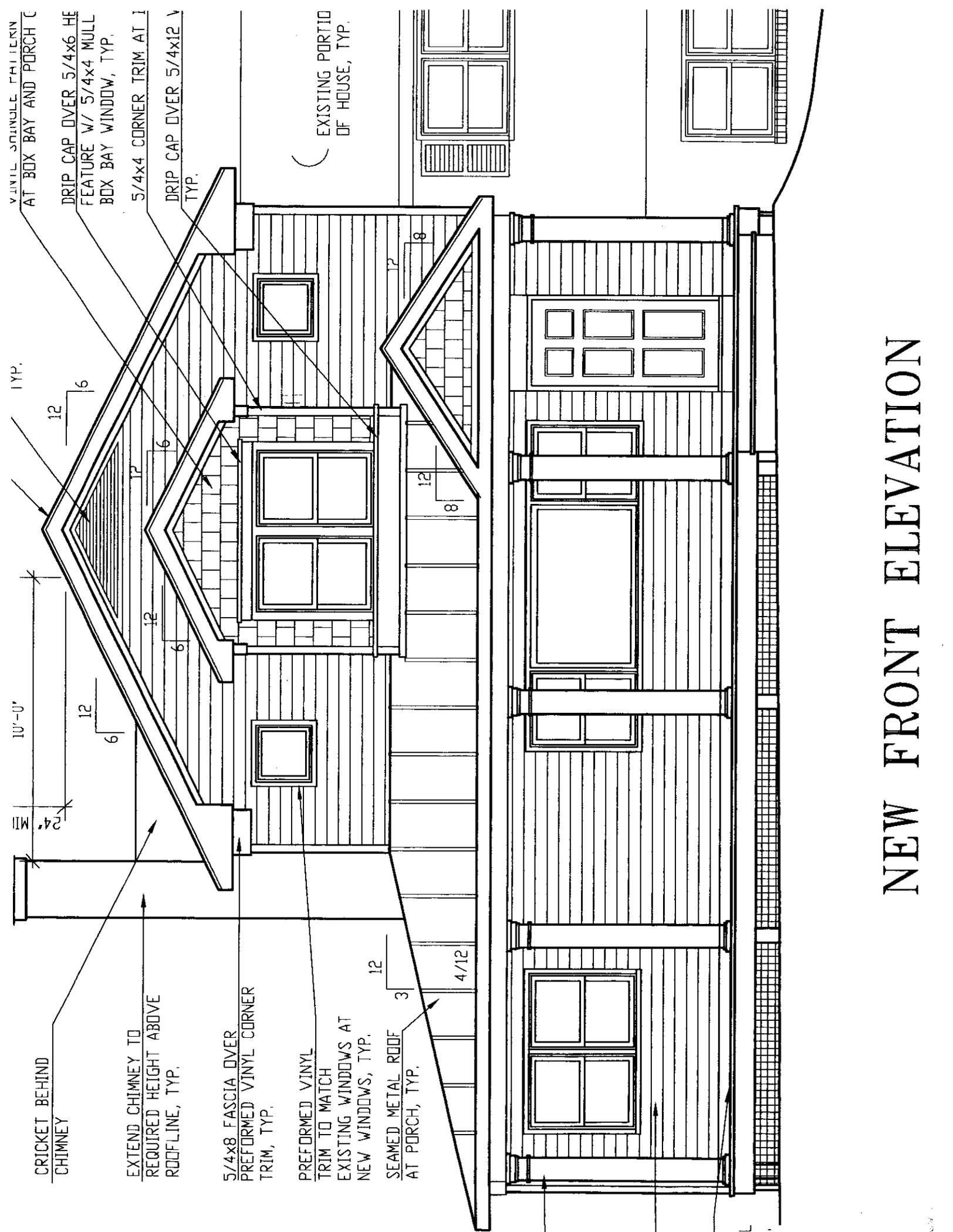


NEW FRONT ELEVATION

RECEIVED  
Department of Planning & Zoning

FEB 25 2010

Zoning Evaluation Division



VINYL SHINGLE TRIM AT BOX BAY AND PORCH C...

DRIP CAP OVER 5/4x6 HE...

5/4x4 CORNER TRIM AT I...

DRIP CAP OVER 5/4x12 V...

EXISTING PORTIO OF HOUSE, TYP.

TYP.

10'-0"

24"

CRICKET BEHIND CHIMNEY

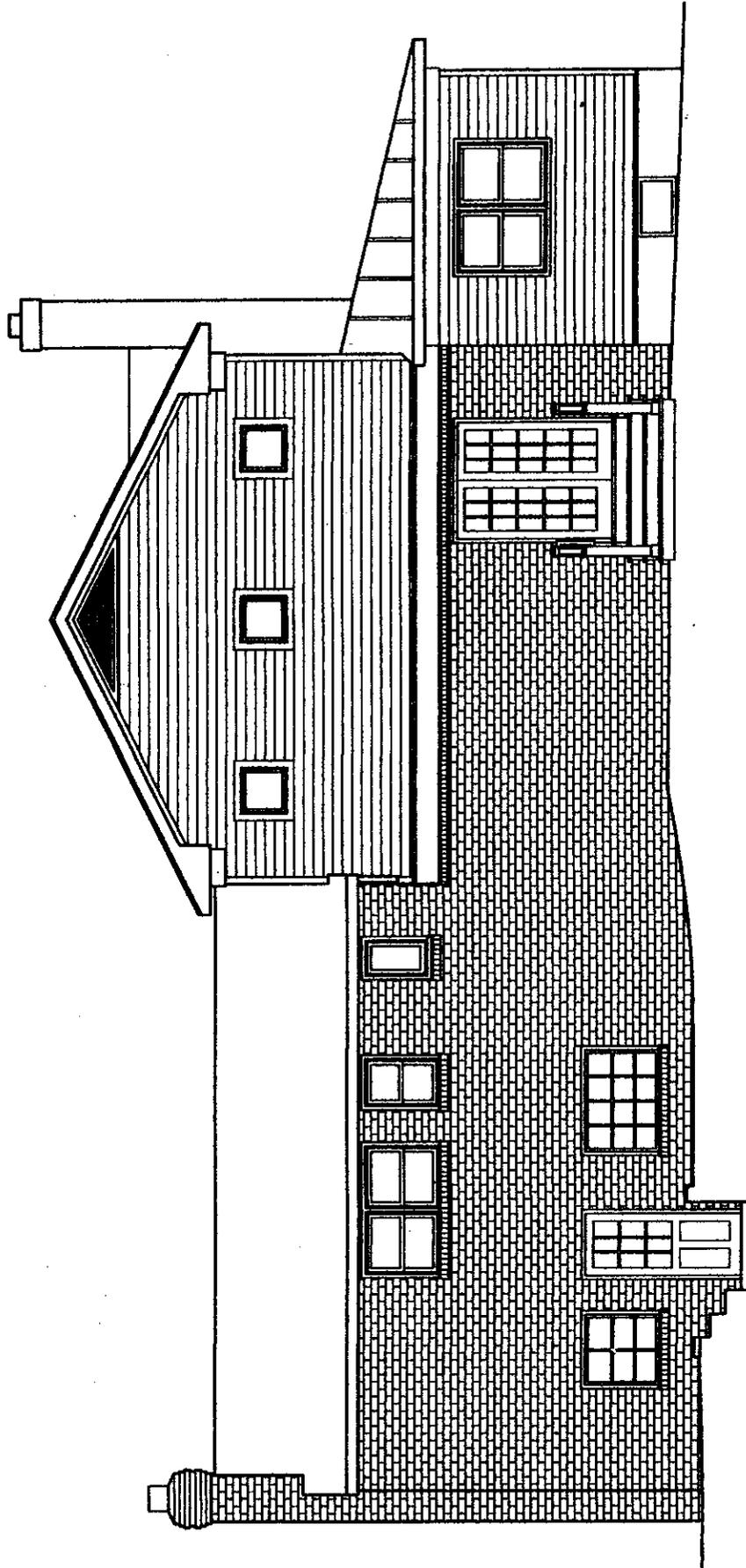
EXTEND CHIMNEY TO REQUIRED HEIGHT ABOVE ROOFLINE, TYP.

5/4x8 FASCIA OVER PREFORMED VINYL CORNER TRIM, TYP.

PREFORMED VINYL TRIM TO MATCH EXISTING WINDOWS AT NEW WINDOWS, TYP.

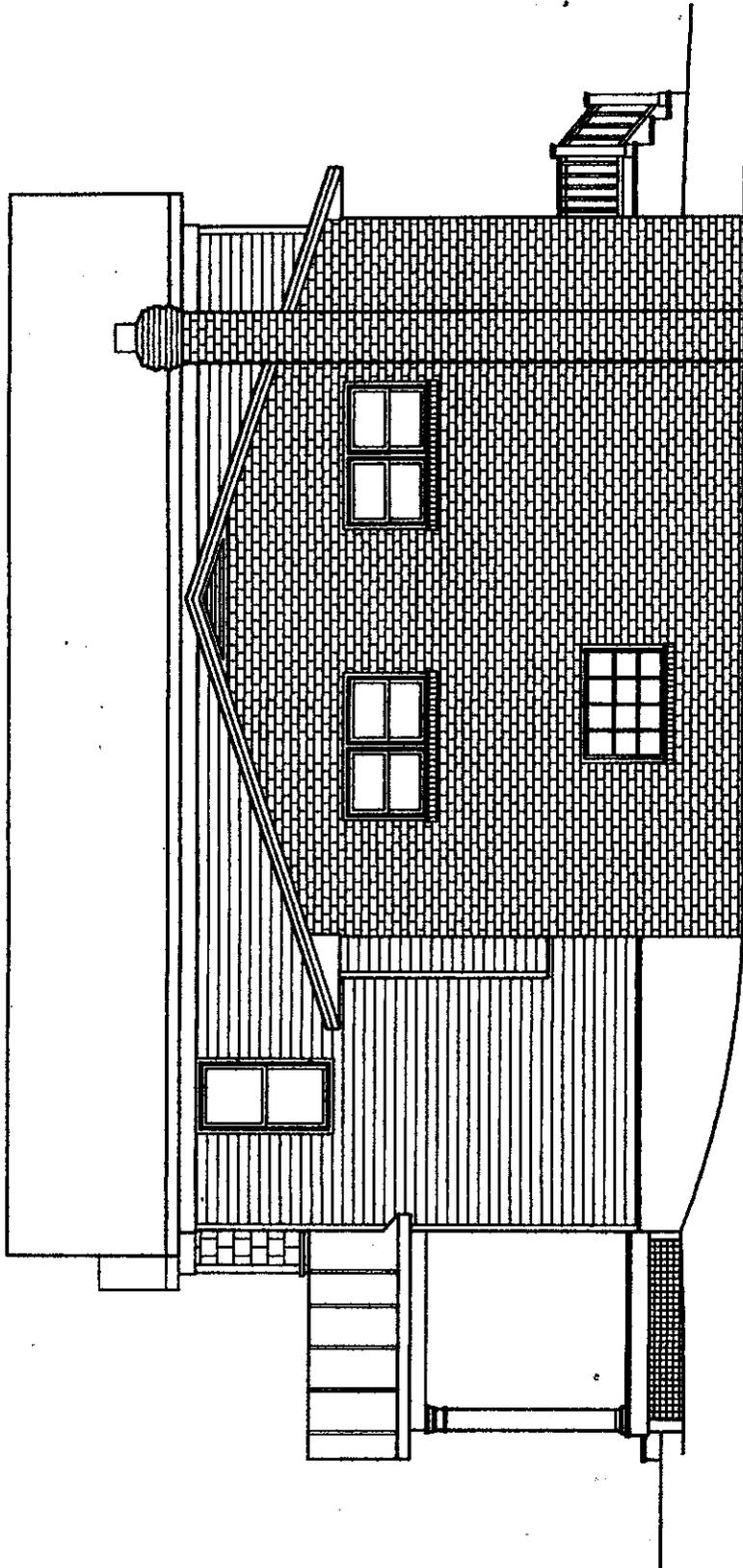
SEAMED METAL ROOF AT PORCH, TYP.

# NEW FRONT ELEVATION



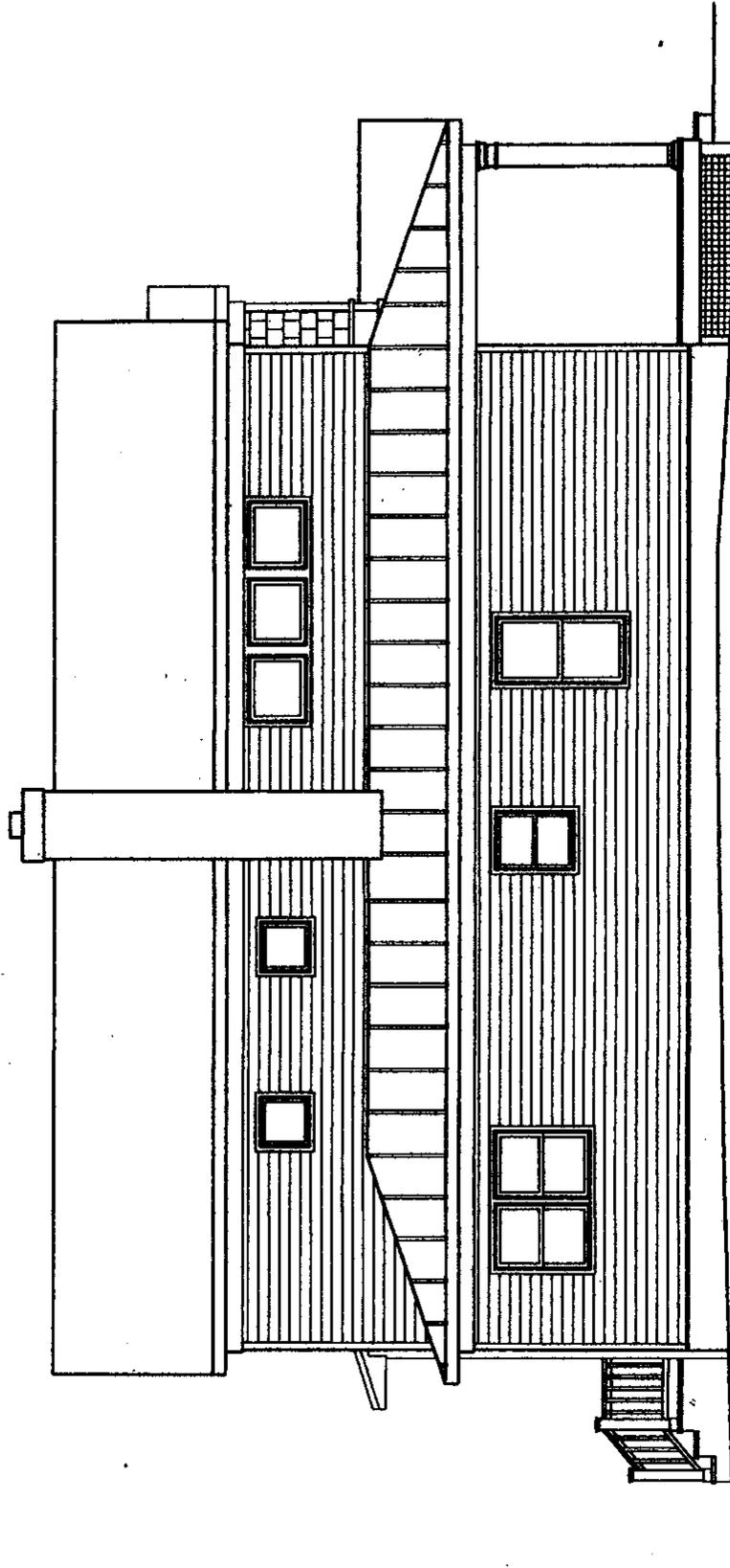
**NEW REAR ELEVATION**

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Department of Planning & Zoning  
FEB 25 2010  
Zoning Evaluation Division



**NEW RIGHT SIDE ELEVATION**

RECEIVED  
Department of Planning & Zoning  
FEB 25 2010  
Zoning Evaluation Division



NEW LEFT SIDE ELEVATION

RECEIVED  
Department of Planning & Zoning

FEB 25 2010

Zoning Evaluation Division

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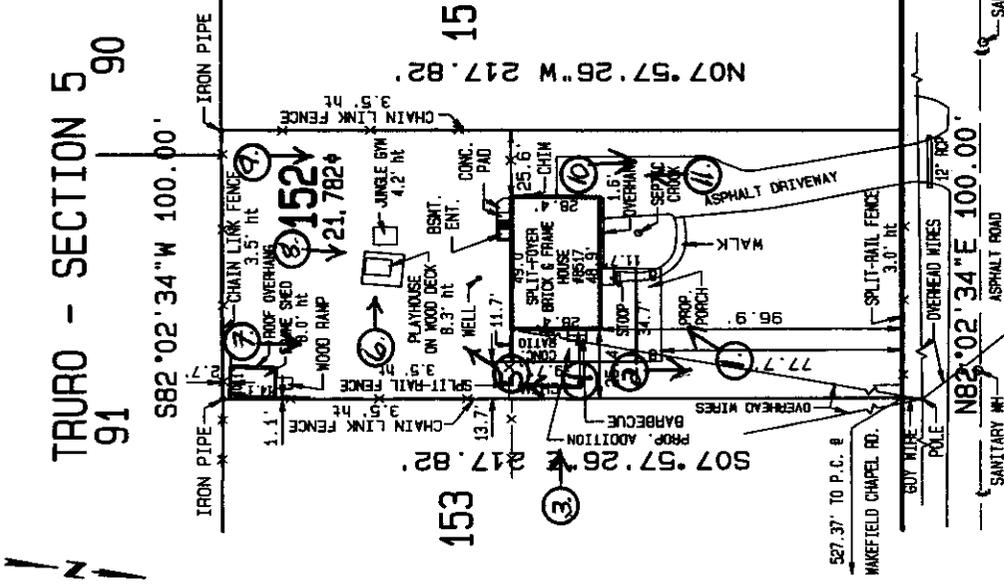


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ROUTE #2473  
50' RIGHT-OF-WAY

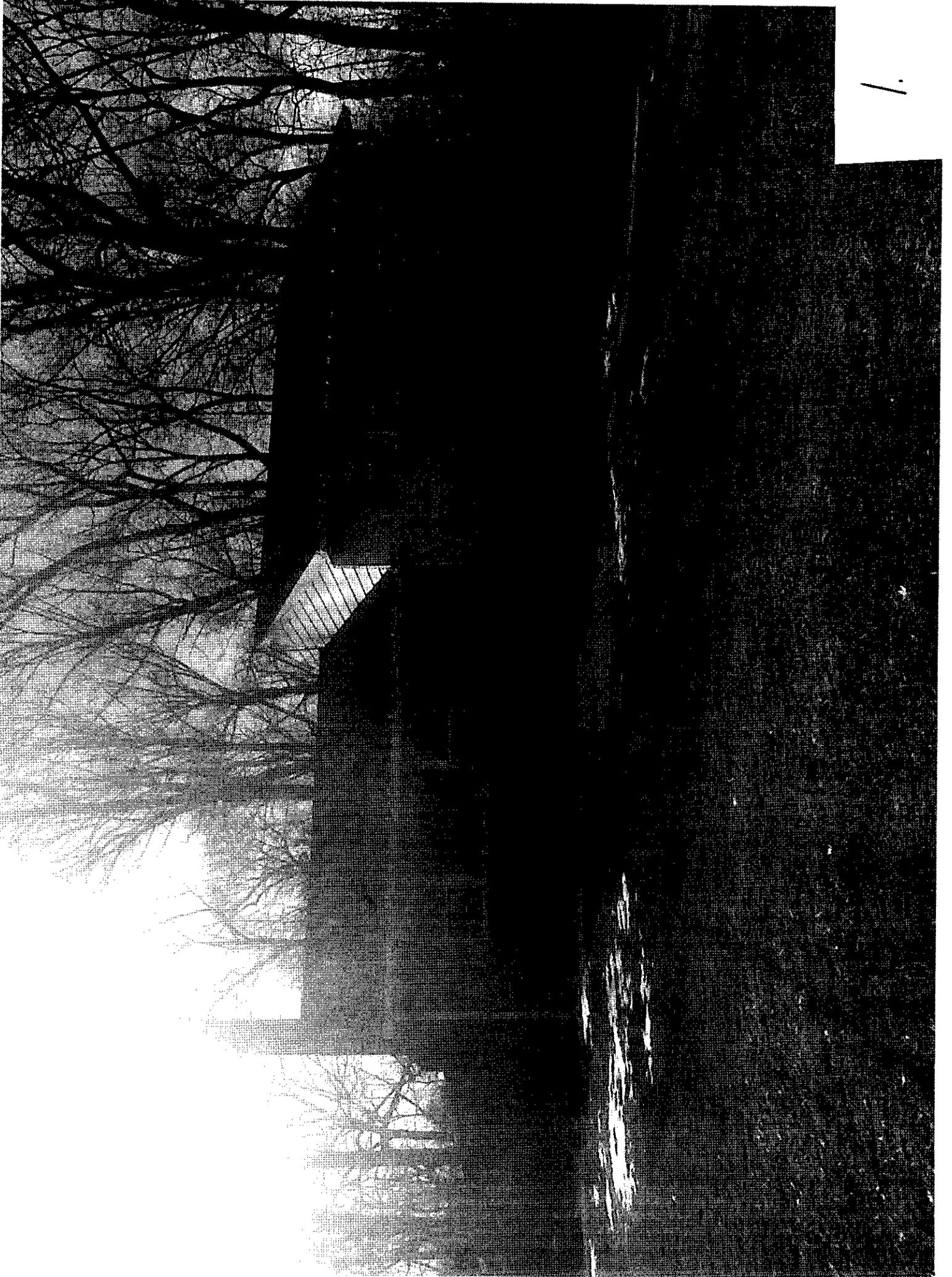
**SPECIAL PERMIT PLAT**  
LOT 152, SECTION 3

**WAKEFIELD FOREST**

LEE MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

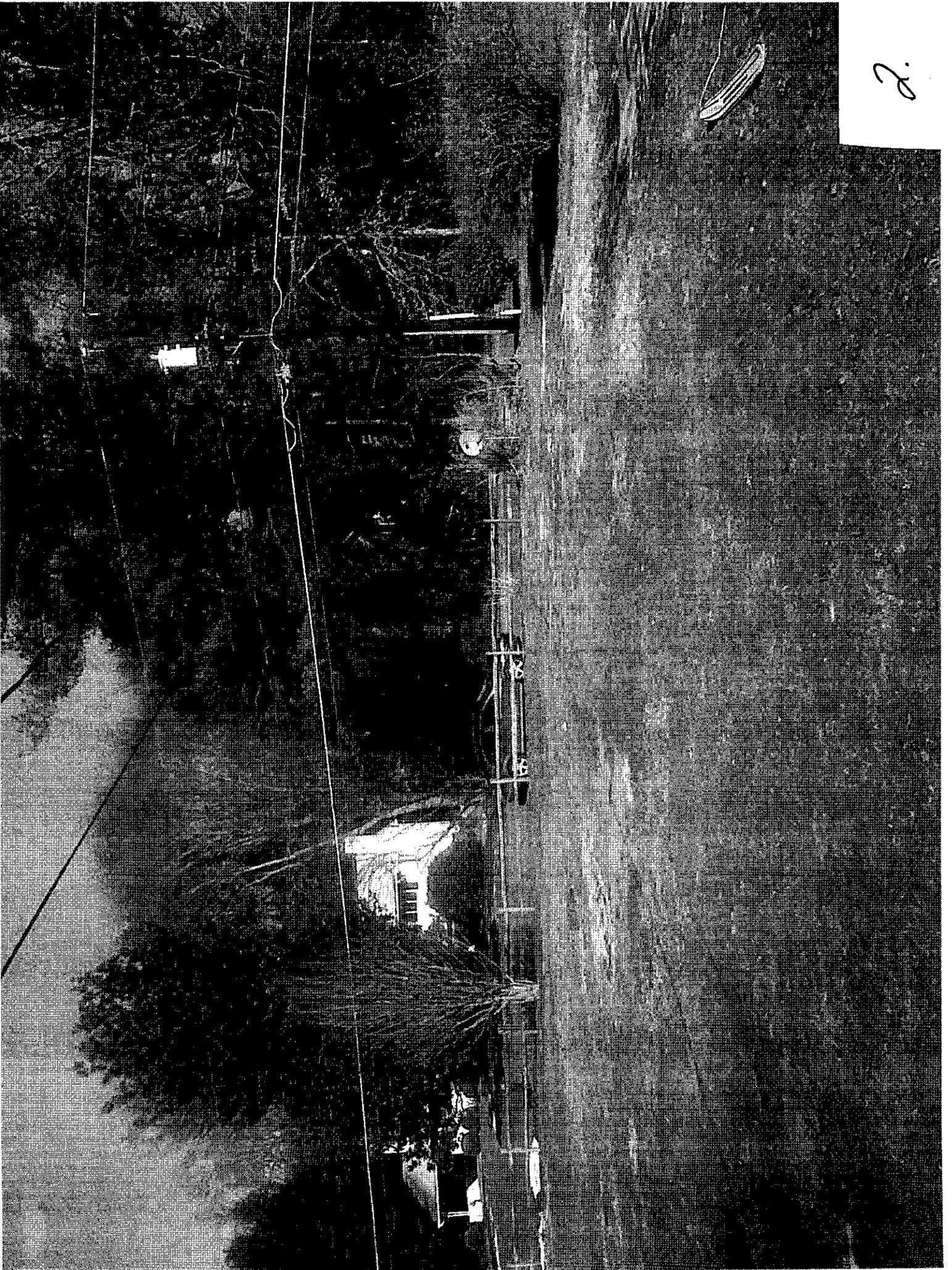
SCALE: 1"=50' DATE: DECEMBER 1, 2009



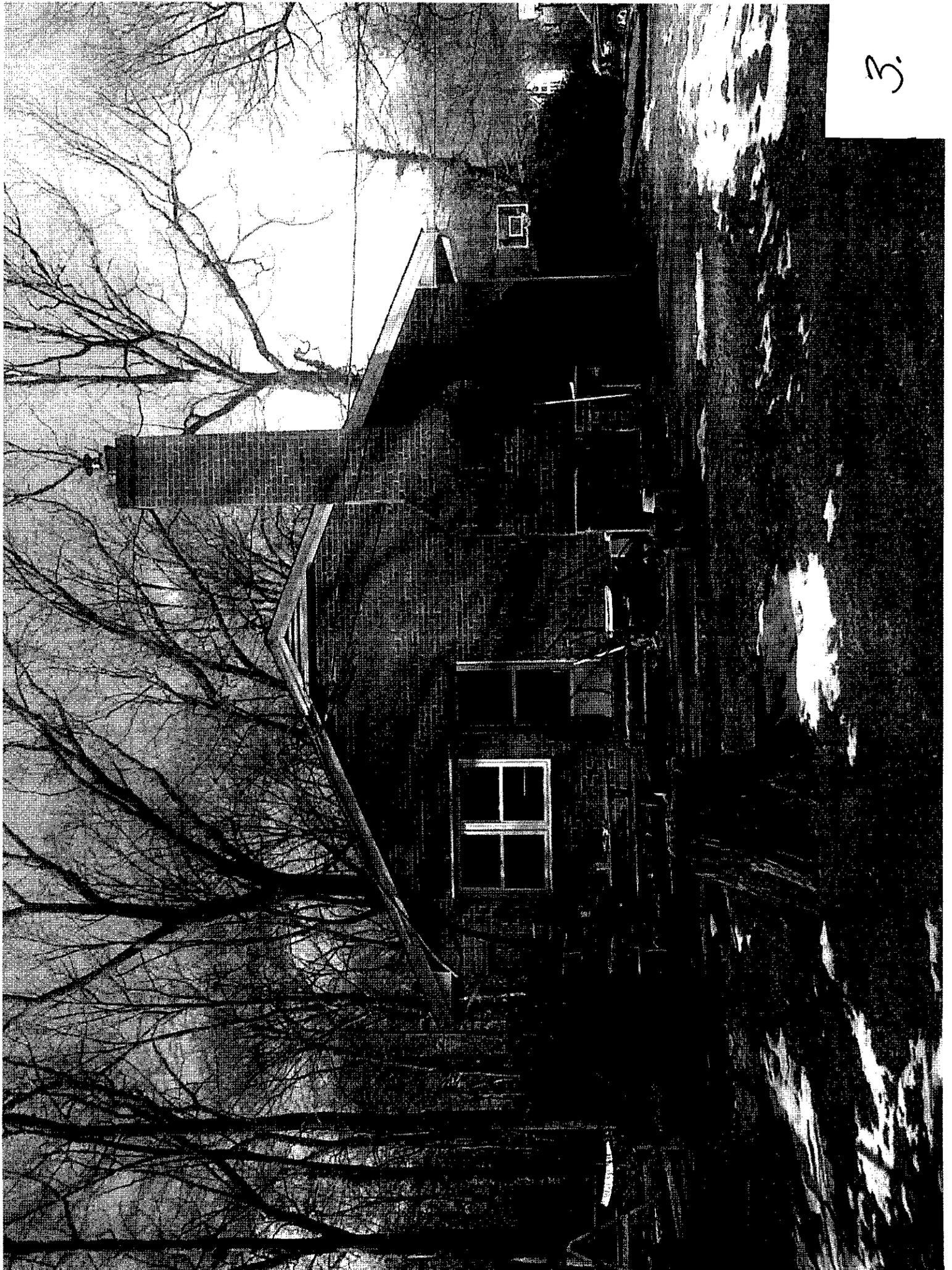


1

2.



3.



4.



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**DESCRIPTION OF THE APPLICATION**

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a two-story addition 11.6 feet from the eastern side lot line.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Addition	Side	20 feet	11.6 feet	8.4 feet	42 %

\* Minimum yard requirement per Section 3-107

**LOCATION AND CHARACTER**

**Existing Site Description**

The site is currently zoned R-1 and is developed with a split level with daylight basement single family detached dwelling that was built in 1955. The total above grade area of the dwelling is 1,424 square feet. There is a one-car basement garage on the west side of the dwelling. The SP Plat shows an accessory storage structure located in the southeast corner of the property that is 8 feet high and measures 12' x 14' in area (168 square feet). A 3.5 foot high chain link fence encloses the entire rear yard. The lot contains 21,782 square feet and is level. There are trees and shrubs along the site periphery. The subject property is surrounded by single family detached homes on all sides.

**Character of the Area**

	Zoning	Use
North	R-1	Single-Family Detached Dwelling
South	R-2 C	Single Family Detached Dwelling
East	R-1	Single Family Detached Dwelling
West	R-1	Single Family Detached Dwelling

## **BACKGROUND**

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

- Variance VC 92-B-130, approved on March 10, 1993, on Tax Map Number 7-1 ((2)) 122, at 4212 Wakefield Drive, zoned R-1, northwest of the subject property to allow construction of decks and an addition 36.7 feet from the front lot line of a corner lot.
- Variance VC 94-B-112, approved on December 9, 1994, on Tax Map Number 7-1 ((2)) 189, at 8608 Chapel Drive, zoned R-1, northwest of the subject property to allow construction of an addition 15 feet from a side lot line and 32 feet from a front lot line.
- Variance VC 95-B-110, approved on June 12, 1998, on Tax Map 7-1 ((2)) 187, at 8600 Chapel Drive, zoned R-1, northwest of the subject property to permit construction of a second story addition 17.9 feet from the side lot line.
- Variance VC 99-B-049, approved on June 30, 1999, on Tax Map 7-1 ((2)) 187, at 8600 Chapel Drive, zoned R-1, northwest of the subject property to permit the construction of additions 7.8 feet and 19.1 feet from the side lot line. (A garage was denied).
- Special Permit SP 95-B-064, approved on December 31, 1995, on Tax Map 7-1 ((2)) 187, at 8600 Chapel Drive, zoned R-1, northwest of the subject property to reduce minimum yard requirements based on error in building location to permit an accessory structure to remain 3.4 feet from the rear lot line and 18.6 feet from the side lot line.

## **ANALYSIS OF SPECIAL PERMIT APPLICATION**

- Title of SP Plat: Special Permit Plat Lot 152, Section 3, Wakefield Forest
- 
- Prepared By: Scartz Surveys, dated December 1, 2009

## **Proposal**

The applicant proposes to construct a two-story addition to the eastern half of the existing home. The addition is in conformance with front and rear yard setbacks of 40 feet and 25 feet, respectively, but is proposed to be built 11.6 feet from the eastern side lot line where a 20 foot setback is required. The addition is

proposed to contain a living area/bedroom and bathroom for an elderly mother who needs to minimize her use of stairs and second floor bedroom space. The addition also includes a covered porch at the front of the dwelling. The applicant states that there will be no kitchen in the addition. The addition will be 1,652 square feet in size and 22 feet in height, which is higher than the existing dwelling height of 18 feet. The submitted building elevations show the addition to be constructed of siding with a standing seam metal roof over the porch.

## **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 the dwelling is located in an older neighborhood with varying size homes. Many of the homes have been enlarged or have had additions constructed. The existing home is one of the smaller dwellings. In addition, the applicant has agreed to construct the addition of materials to match the existing dwelling. Therefore, staff believes that the proposed addition will not have any adverse impact on neighboring properties.*

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

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

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing structure is 1,424 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 2,136 square feet; which makes a combined total of*

*3,560 square feet. The proposed addition will be 1,652 square feet for a total of 3,076 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 dwelling is 18 feet in height and the proposed addition will be 22 feet in height. The dwelling is currently 1,424 square feet and the proposed addition will be 1,652 square feet. Based on the architectural renderings, with the exception of the standing seam metal roof that will be used over the porch, the proposed addition will be constructed with materials and an appearance matching the existing dwelling. Staff believes the proposed addition will not be out of character with existing on-site development.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. The bulk and scale of the proposed addition will not adversely affect the neighboring properties due to the fact that the neighborhood is characterized by varying house sizes, many of which have had additions constructed. The fact that the proposed addition will have a height that is only four (4) feet higher than the principal structure will minimize the appearance of bulk that will be added to the residence and will be in scale with the existing dwelling. As stated previously, the addition will be constructed of materials consistent or compatible with those used in the principal dwelling.*

*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. The fact that a portion of the addition will be constructed over the existing dwelling will minimize the amount of increased impervious area. There are no trees that will be affected by the construction along the eastern side of the site. Staff believes that the proposed addition shall not have any adverse impact on neighboring properties.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The subject property is a small R-1 zoned lot with a well located at the rear of the dwelling and a septic crock and drainfield*

*located in front of the house, which limit the possible locations for an addition. A note on the SP Plat states that the drainfield will be vacated upon connection to public sewer; however, connection to public sewer has not yet occurred. The memorandum from Urban Forest Management (UFM), included as Appendix 4, states that there are no tree save issues in this area of the property. The rear and western side yard are wooded with a number of existing trees that will not be disturbed by the proposed construction.*

## **CONCLUSION**

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

## **RECOMMENDATION**

Staff recommends approval of special permit application SP 2010-DR-018 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. Urban Forestry Analysis
5. Zoning Ordinance Provisions

## PROPOSED DEVELOPMENT CONDITIONS

SP 2010-DR-018

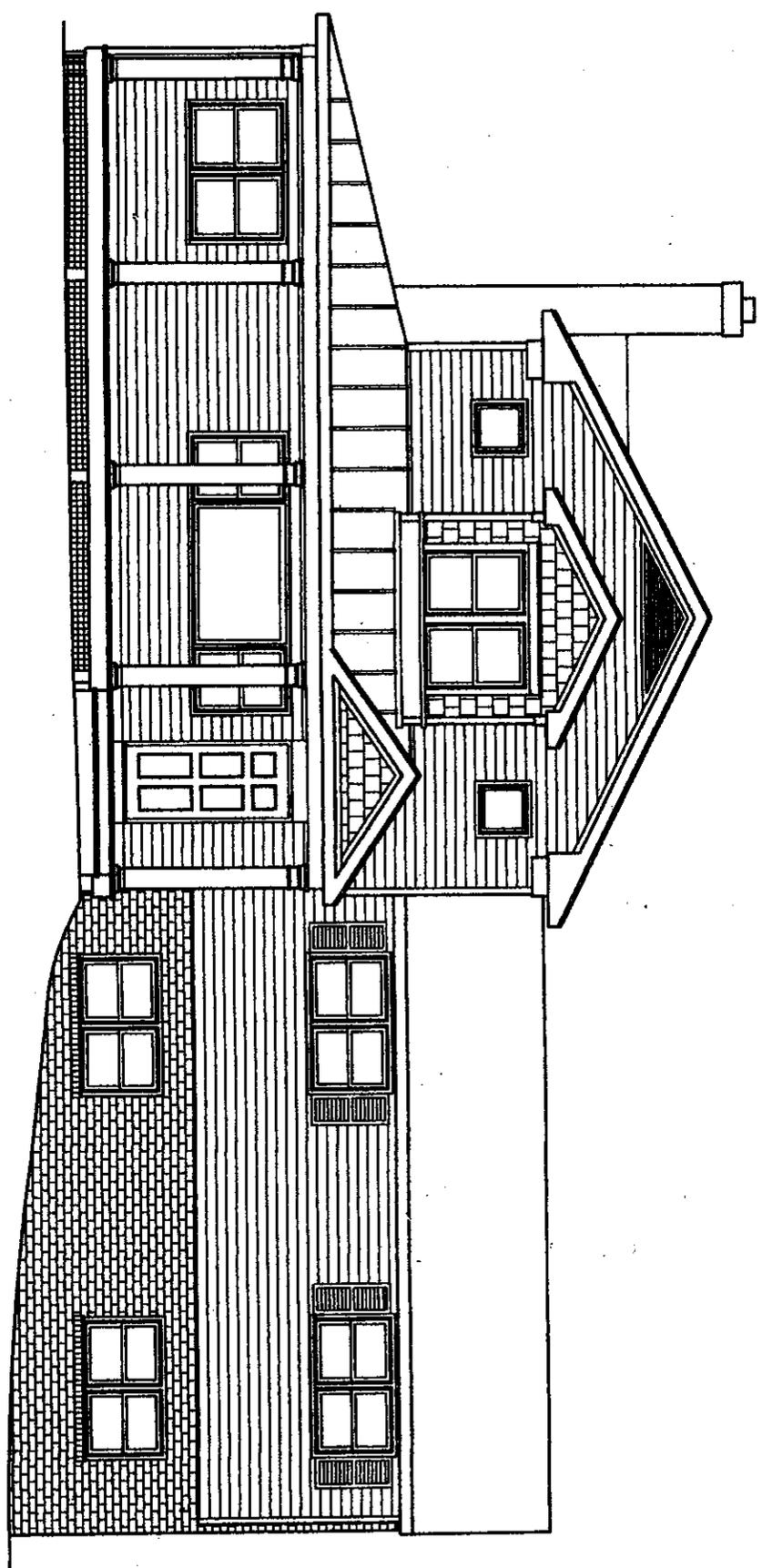
May 12, 2010

If it is the intent of the Board of Zoning Appeals to approve SP 2010-DR-018 located at Tax Map Number 70-1 ((2)) 152 (8517 Chapel Drive, Annandale), to permit a reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the proposed addition as shown on the plat prepared by Scartz Surveys, dated December 1, 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 (1,424 square feet existing + 2,136 (150%) = 3,560 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 shown in Attachment 1 of 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.



NEW FRONT ELEVATION

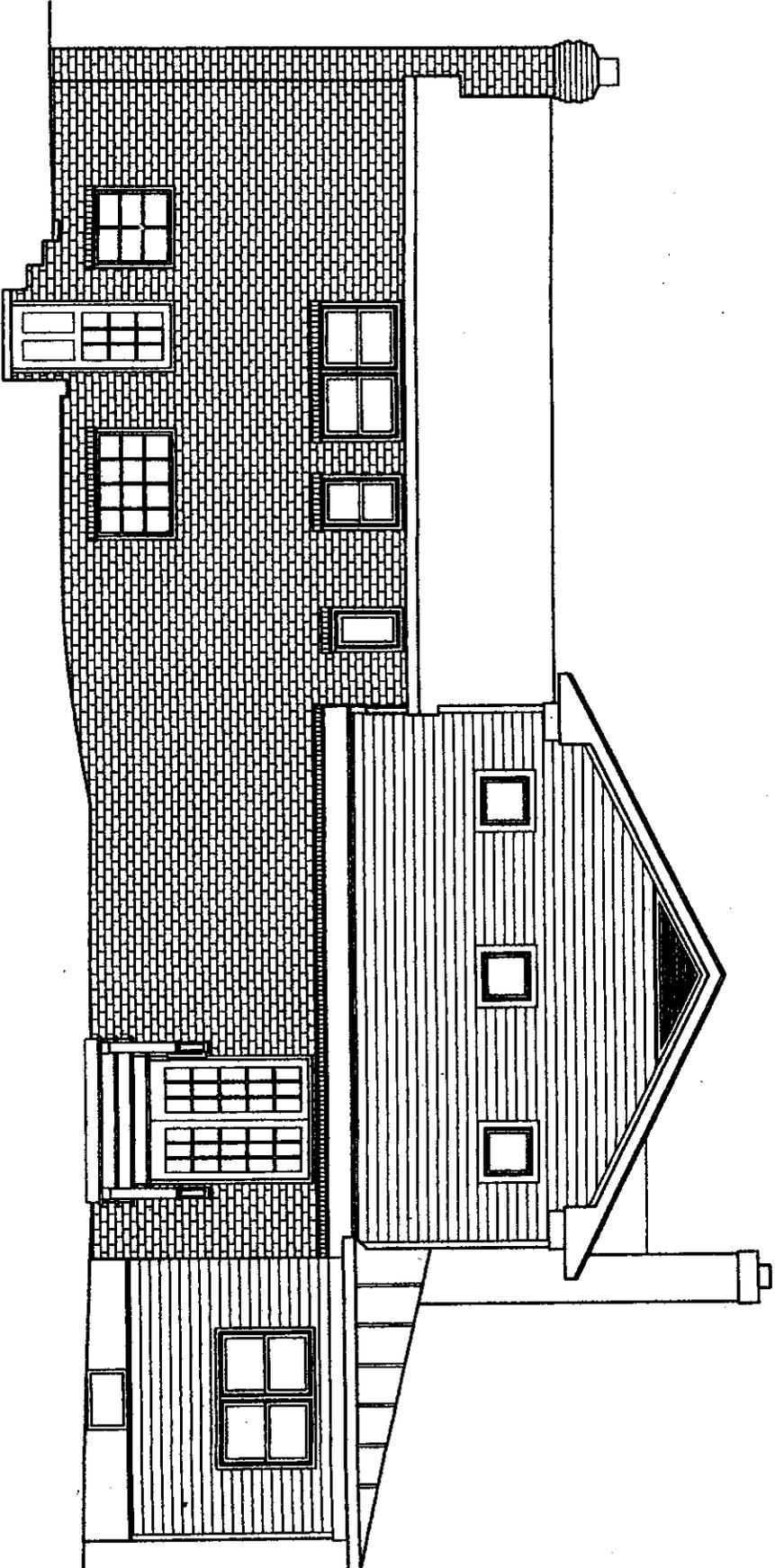
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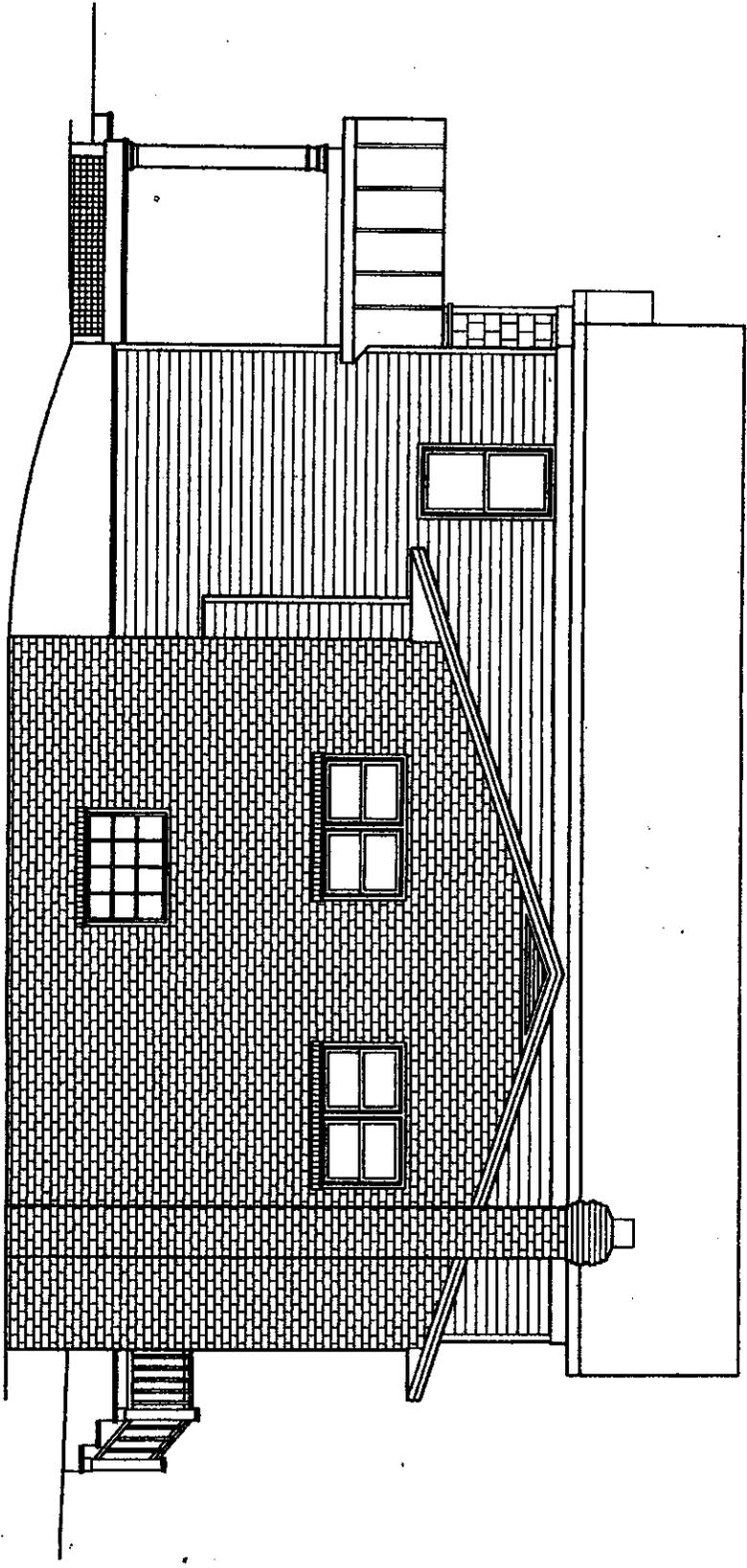
**NEW REAR ELEVATION**

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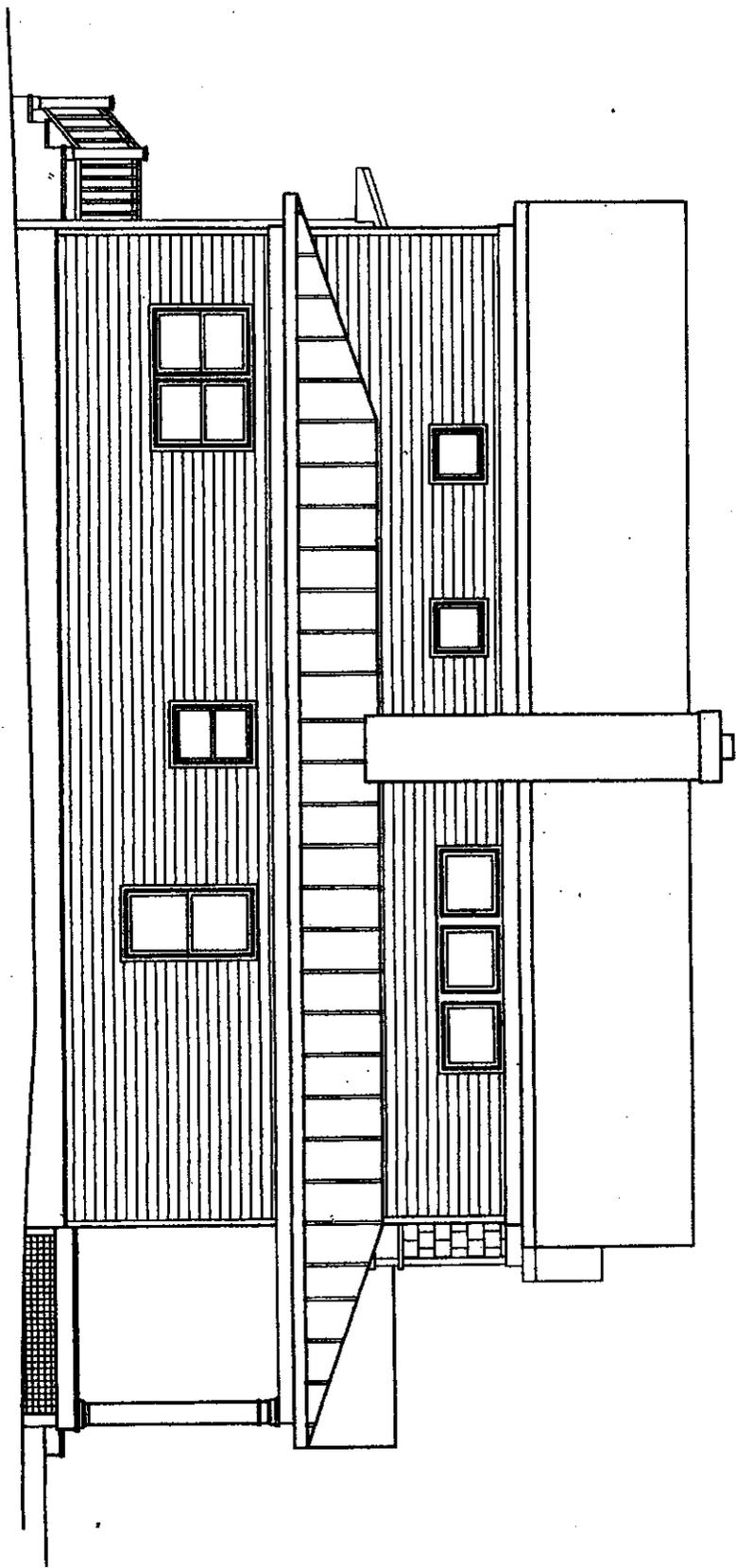
**NEW RIGHT SIDE ELEVATION**

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NEW LEFT SIDE ELEVATION

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Zoning Evaluation Division

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 19, 2010  
 (enter date affidavit is notarized)

I, Schuyler P. Ahrens, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant  
                           applicant's authorized agent listed in Par. 1(a) below

107288

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 <b>BOLD</b> above)
Daniel B. Freeman	8517 Chapel Drive Annandale VA, 22003	Applicant/Title Owner
Tamara S. Freeman	8517 Chapel Drive Annandale VA, 22003	Applicant/Title Owner
Schuyler P. Ahrens D/B/A Ec Cad Designs	4871 Benecia lane Dumfries VA, 22025	Agent

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 19, 2010  
(enter date affidavit is notarized)

107288

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

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

**CORPORATION INFORMATION**

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

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

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 19, 2010  
(enter date affidavit is notarized)

107288

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

**PARTNERSHIP INFORMATION**

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

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

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

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

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

Application No.(s): \_\_\_\_\_  
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Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

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107288

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 19, 2010  
(enter date affidavit is notarized)

107288

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)

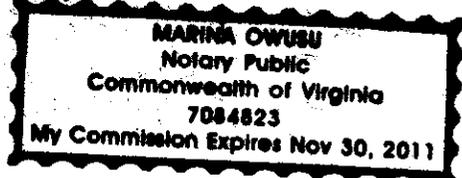
*Schuyler Ahrens*  
[ ] Applicant [x] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 19th day of JANUARY 2010, in the State/Comm. of VIRGINIA, County/City of PRINCE WILLIAM

*M. Owen*  
Notary Public

My commission expires: Nov. 30th 2011



## Statement of Justification

**Re: Freeman Residence  
8517 Chapel Dr.  
Annandale VA, 22003  
Proposed Single Story Side Addition**

RECEIVED  
Department of Planning & Zoning  
FEB 25 2010  
Zoning Evaluation Division

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to the proposed one story bedroom addition and porch - encroaching into the side lot property line- in an R-1 zone within 11.6'.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached screened-in-porch. The total proposed floor area would be 1,652 SQ. Feet.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site. The proposed floor area ratio to the existing dwelling is at 0.14 percent.
6. The proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The only area of this project that is encroaching into the side setback is the one story side addition which has been considered in the design for the entire remodeling permit that is being pursued by right.
7. The proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of the significant trees as determined by the Director. Currently there are some neighbors doing their own home renovations and some have even received

**Fairfax county approval to do a complete demolition and rebuild. This proposed project will require minimal grading and disturbance.**

- 8. The proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion and storm water runoff. The neighborhood is very quite and with very friendly neighbors who welcome the proposed structure.**
  
- 9. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The single story addition and porch is necessary to the family because it is to be the living area for an elderly mother and must be located on the first level of the existing house in hopes to provide minimal stair travel in the dwelling. Currently- there are no habitable rooms available on the first level where she would need to sleep. No second kitchen or dwelling of any kind will be built, only a room, bathroom and porch which would be accessible from the inside of the existing dwelling. The existing house has a well located about 10 feet behind and leaves no options for any rear additions.**



## County of Fairfax, Virginia

**MEMORANDUM**

March 23, 2010

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

**FROM:** Ineke Dickman, Urban Forester II  
Forest Conservation Branch, DPWES

**SUBJECT:** Wakefield Forest Section 3 Lot 152 (8517 Chapel Drive), SP 2010-BR-018

Urban Forest Management Division staff has reviewed the above referenced Special Permit request for a reduction of certain side yard requirements, stamped as received by the Department of Planning and Zoning, Zoning Evaluation Division, January 20, 2010 and the SP plat stamped as received Department of Planning and Zoning, Zoning Evaluation Division February 25, 2010. A site visit was performed March 23, 2010. There are no tree issues related to this project and we recommend approval of this SP request.

Please let me know if you have any questions.

AID/  
UFMID #: 148940

cc: RA File  
DPZ File

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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](http://www.fairfaxcounty.gov/dpwes)



### **8-006 General Standards**

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

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

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

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

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

### **8-922 Provisions for Reduction of Certain Yard Requirements**

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

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

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

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

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

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

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

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.