APPLICATION ACCEPTED: February 26, 2010
BOARD OF ZONING APPEALS: May 19, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

May 12, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-MV-015

MOUNT VERNON DISTRICT

APPLICANTS/OWNERS:	Ashwini Kumar Reeta S. Kumar
STREET ADDRESS:	8530 Wild Spruce Drive
SUBDIVISION:	Middle Run Estates
TAX MAP REFERENCE:	89-3 ((26)) 33
LOT SIZE:	8,500 square feet
ZONING DISTRICT:	R-3 (Cluster)
ZONING ORDINANCE PROVISION:	8-922
SPECIAL PERMIT PROPOSAL:	To permit reduction of certain yard requirements to permit construction of an addition 13.5 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-MV-015 for a sunroom 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 the provisions of any applicable ordinances, regulations, or adopted standards.

O:\dhedri\Special Permits\(5-19) SP 2010-MV-015 Kumar\SP 2010-MV-015 Kumar staff report.doc
Deborah Hedrick

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/

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Integrity * Teamwork * Public Service

DEPARTMENT OF PLANNING & ZONING

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

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

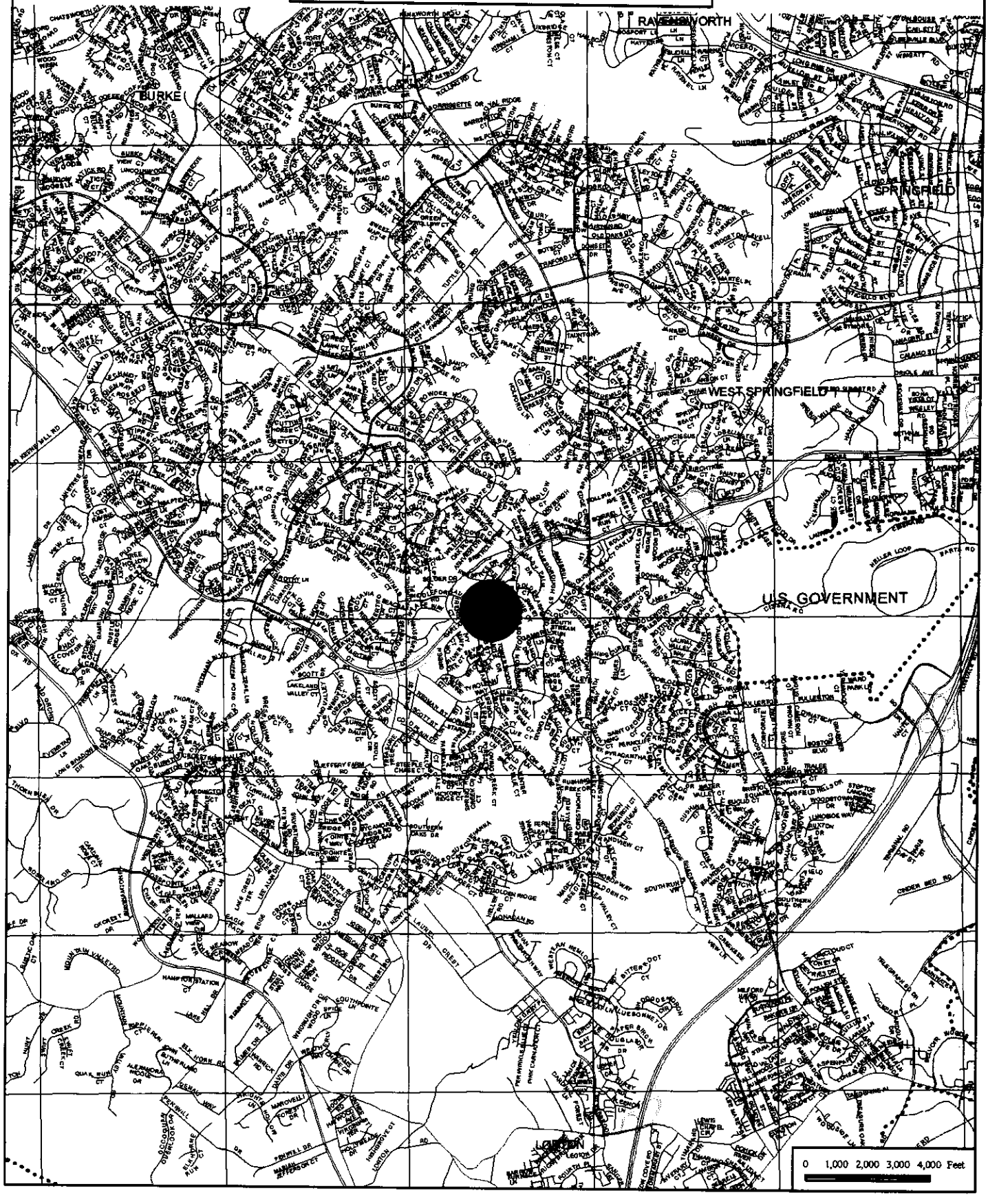
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**.

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

Special Permit

SP 2010-MV-015

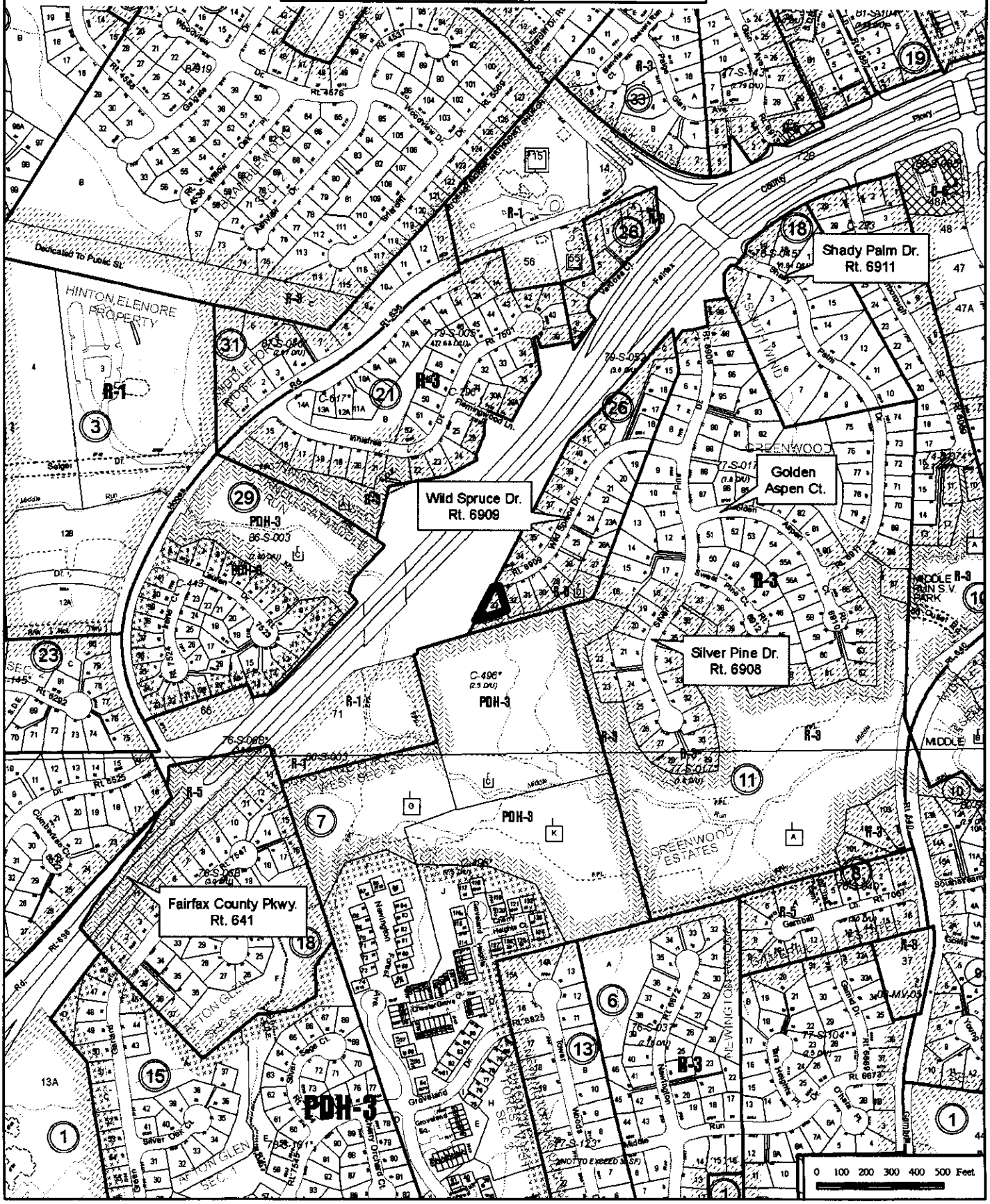
ASHWINI & REETA S KUMAR

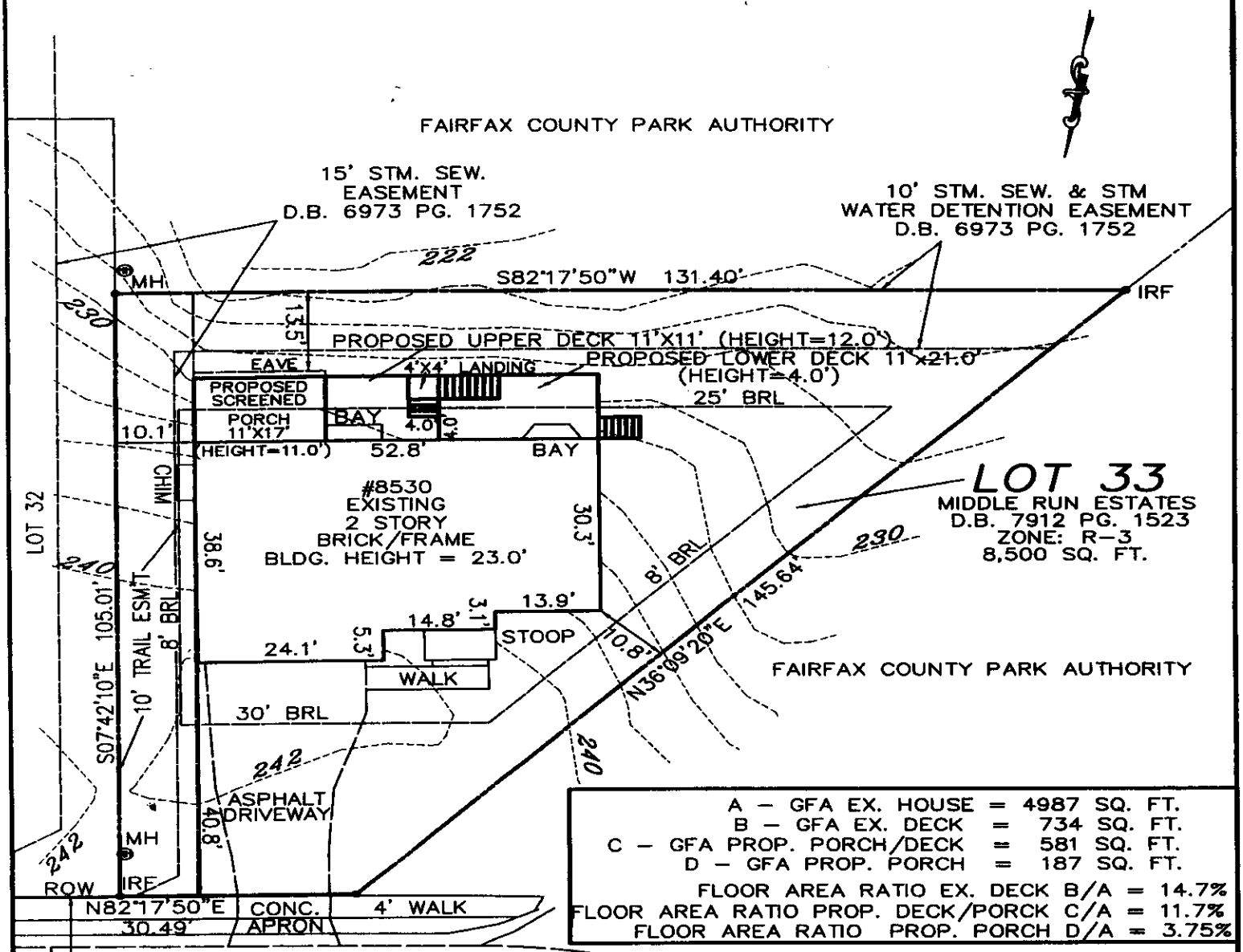


Special Permit

SP 2010-MV-015

ASHWINI & REETA S KUMAR





A – GFA EX. HOUSE	= 4987 SQ. FT.
B – GFA EX. DECK	= 734 SQ. FT.
C – GFA PROP. PORCH/DECK	= 581 SQ. FT.
D – GFA PROP. PORCH	= 187 SQ. FT.
FLOOR AREA RATIO EX. DECK B/A	= 14.7%
FLOOR AREA RATIO PROP. DECK/PORCK C/A	= 11.7%
FLOOR AREA RATIO PROP. PORCH D/A	= 3.75%

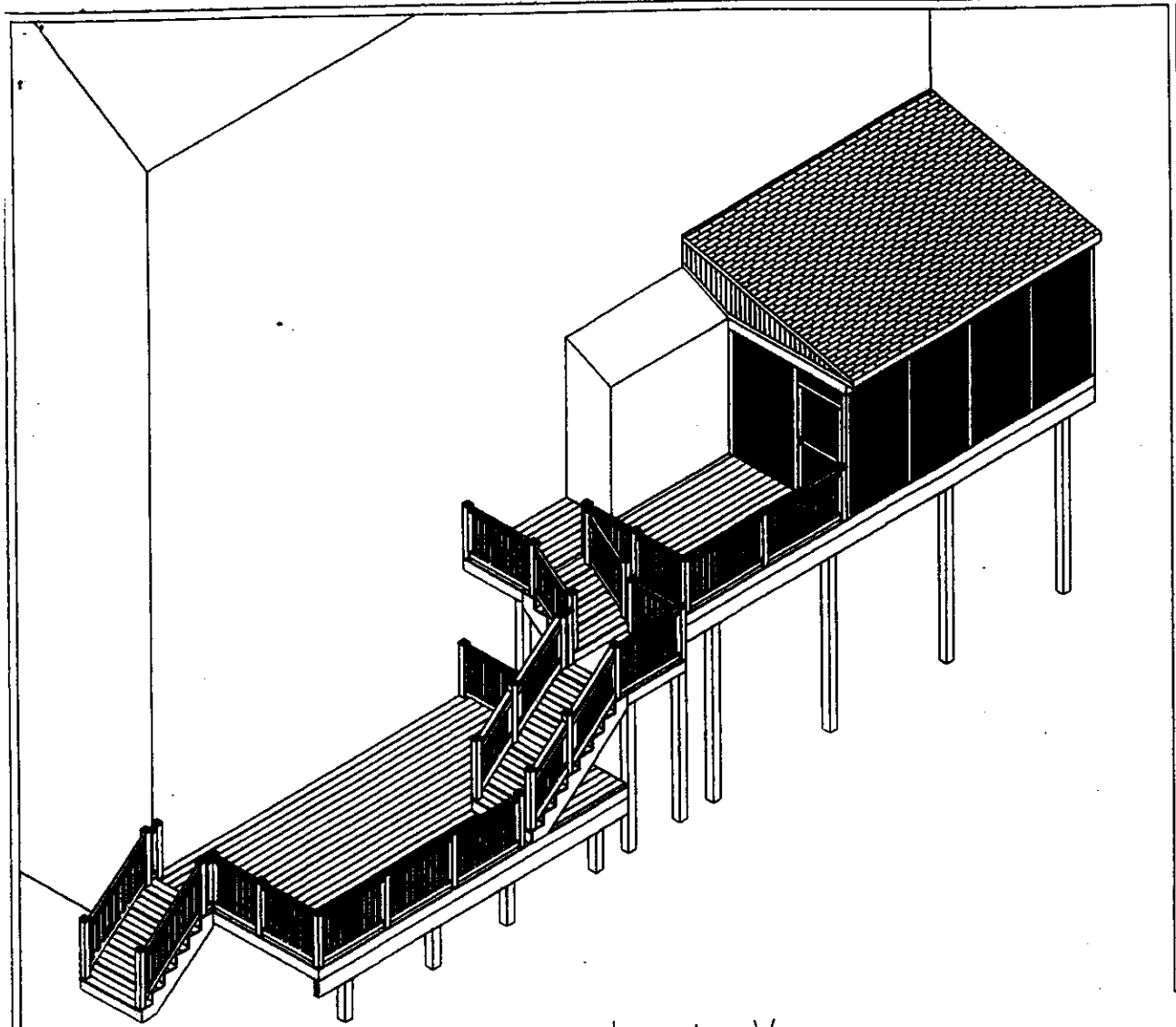
LOCATION SURVEY

LOT 33
MIDDLE RUN ESTATES
D.B. 7912 PG. 1523
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE 1"=20' DATE 1-26-10

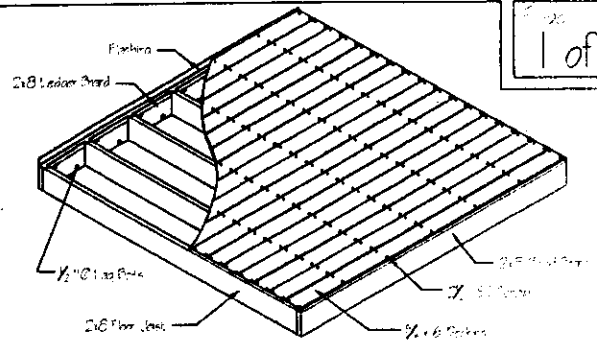
COMMONWEALTH OF VIRGINIA
MICHAEL L. FLYNN
Lic. No. 2489
1-26-10
LAND SURVEYOR

1.) *NO TITLE REPORT FURNISHED.*
2.) *THE PROPERTY SHOWN HEREON IS SERVICED BY PUBLIC WATER AND SEWER.*
3.) *CONTOUR ELEVATIONS SHOWN HEREON ARE FROM GPS MEASURMENTS AND FIELD RUN TOPOGRAPHY. CONTOUR INTERVALS ARE 2 FOOT.*
4.) *AVERAGE BUILDING HEIGHT = 23.0' FEET PER FAIRFAX COUNTY STANDARDS.*

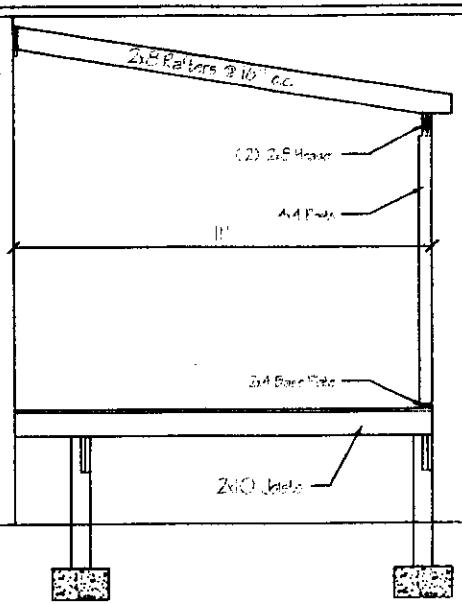
MERESTONE LAND SURVEYING PLLC
LAND SURVEYING & G.P.S. SERVICES
MERESTONE LAND SURVEYING PLLC
196 SEQUESTER DRIVE STAFFORD, VA 22556
(540)752-9197 FAX (540)752-9198



Isometric View



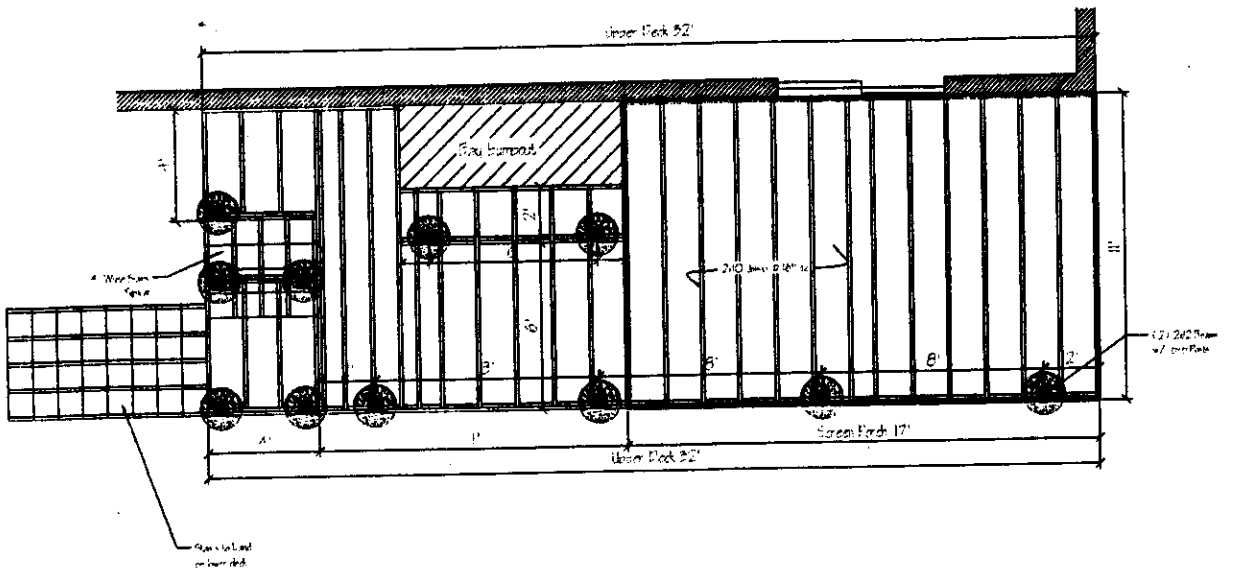
Typical Floor Section



Cut Through Section

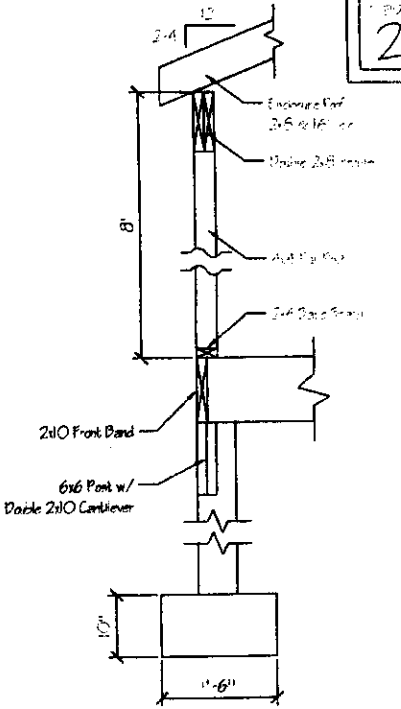
Name
Ashwini & Reeta Kumar

Address
8530 Wild Spruce dr Springfield, VA 22153



Upper Deck Plan View

Scale: 3/16" = 1'



Typical Wall Section

Notes:

1) Joist to be 2x10 P.T. @ 16" o.c.
2) Beam - Double 2x12 P.T.
3) Footers 24" deep - 18" across - 10" x x concrete
4) Decking to be 5/4" x6 Composite
5) Stairs and railing to be built per county typical deck detail
6) Deck to be built to county typical deck detail.
7) Elevation is 12'-0"

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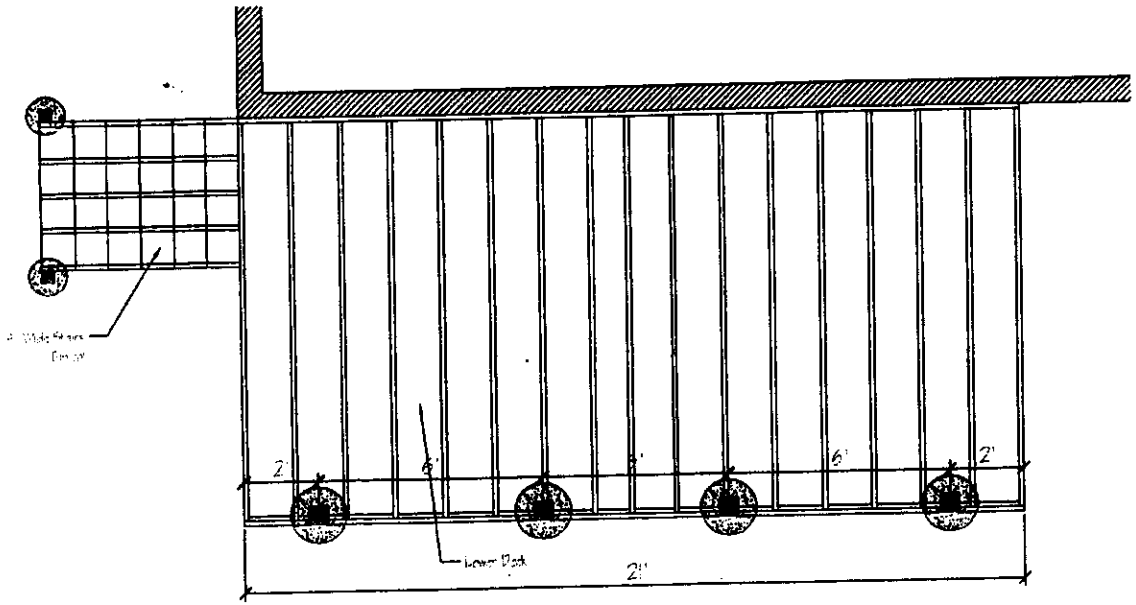
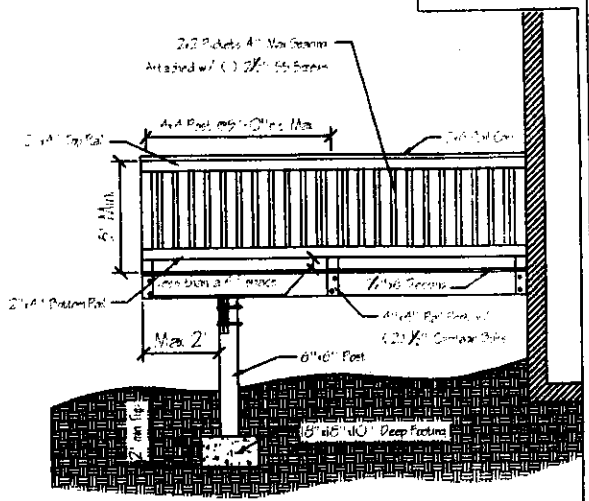


Lower Deck Plan View

Scale: 1/2" = 1'



Typical Cross Section

Typical Wall Section

Notes:

1) Joist to be 2x10 P.T. @ 16" o.c.
2) Beam - Double 2x12 P.T.
3) Footers 24" deep - 18" across - 10' max. centers
4) Decking to be 5/4"x6 Composite
5) Stairs and railing to be built per county typical accessible
6) Deck to be built to county typical deck detail
7) Elevation is 4'-0"

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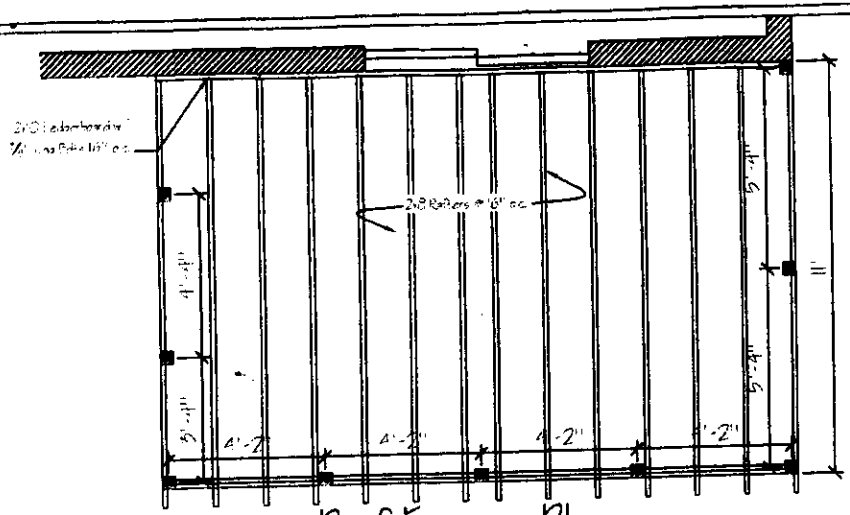
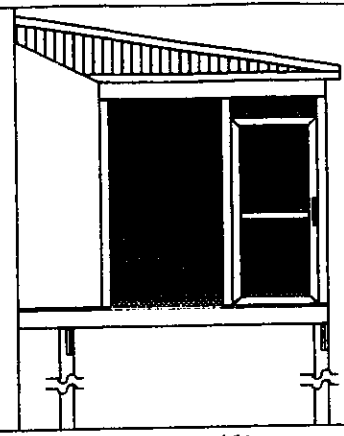
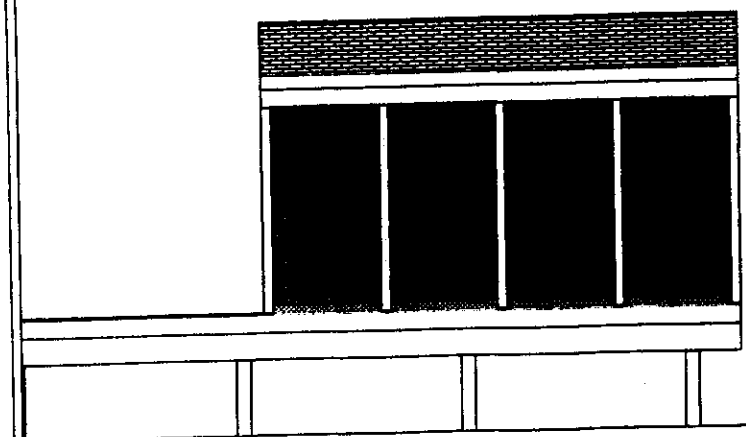


Roof Framing Plan

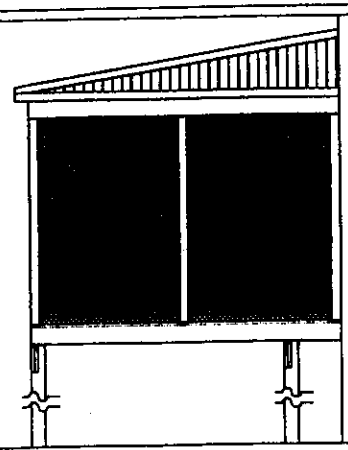
Scale = 1/2" = 1'



Left Side Elevation



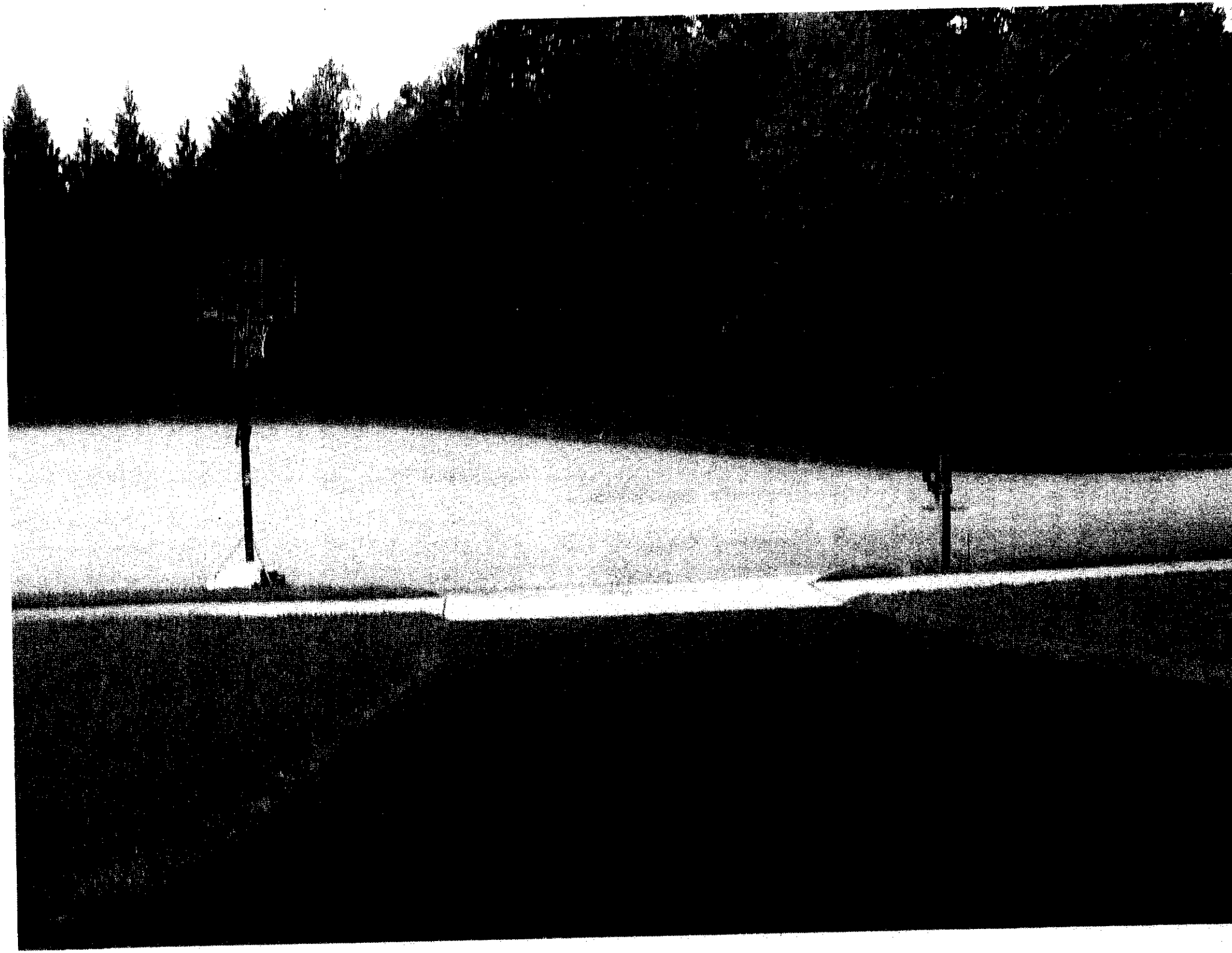
Front Elevation

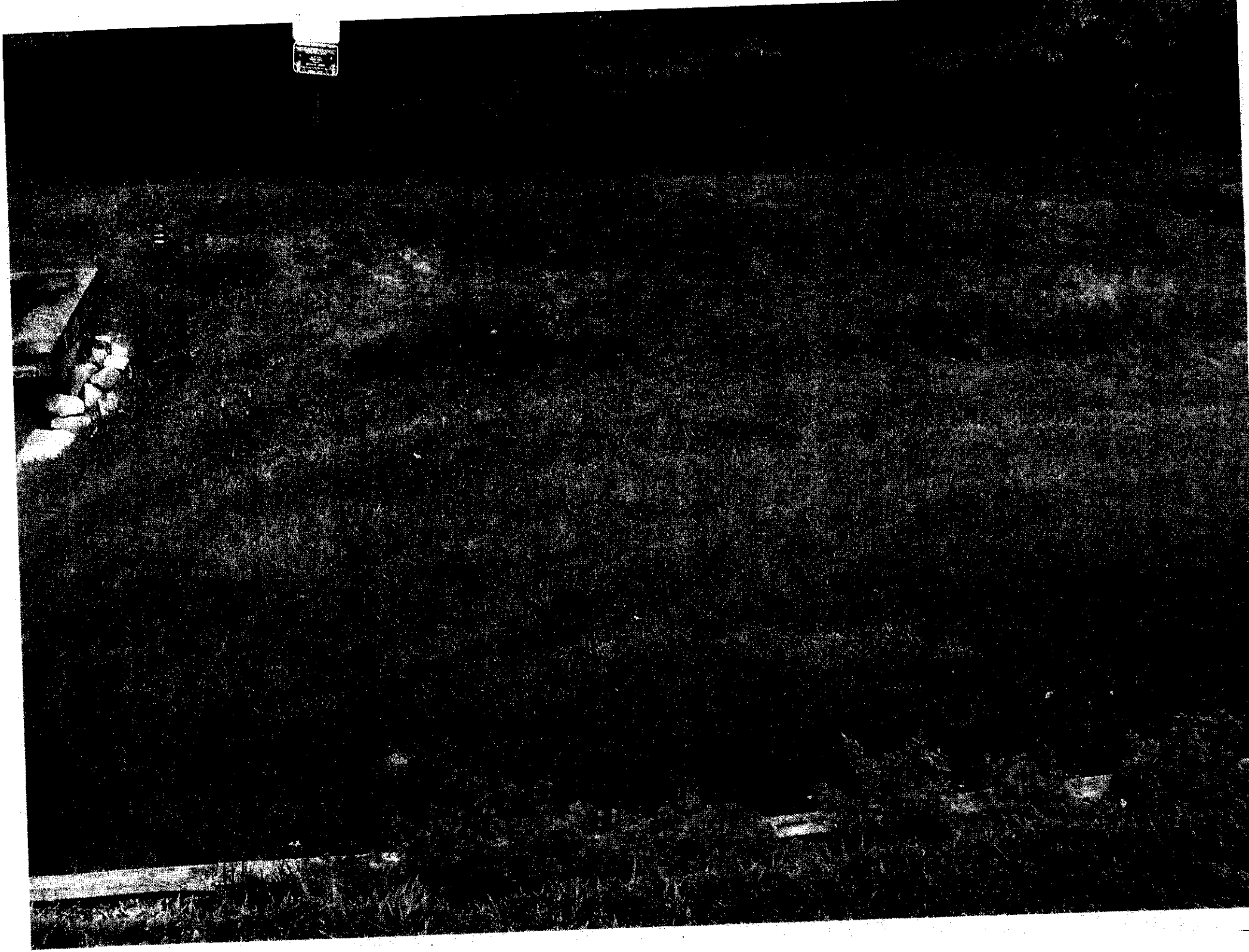


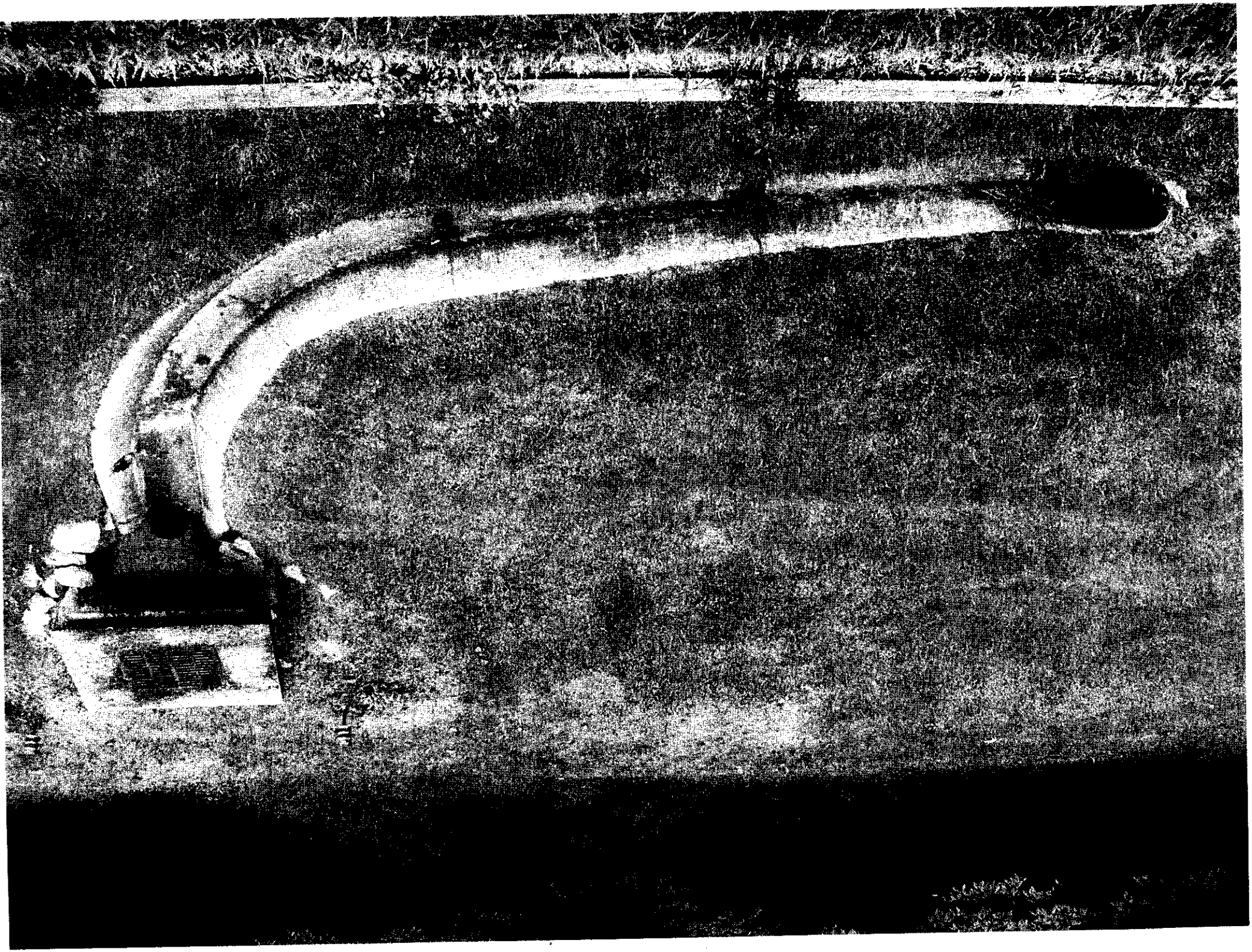
Right Side Elevation

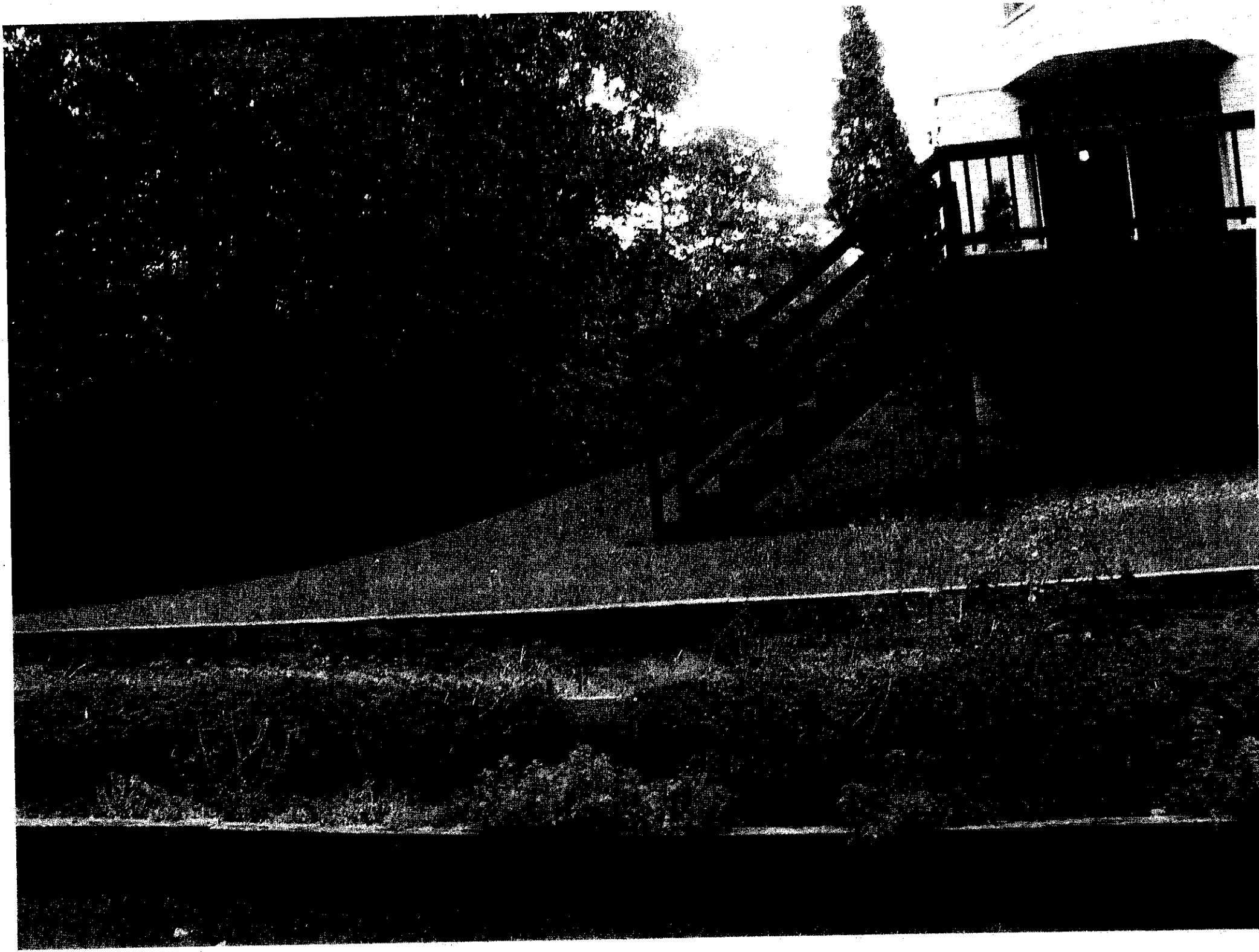
Name
Ashwini & Reeta Kumar

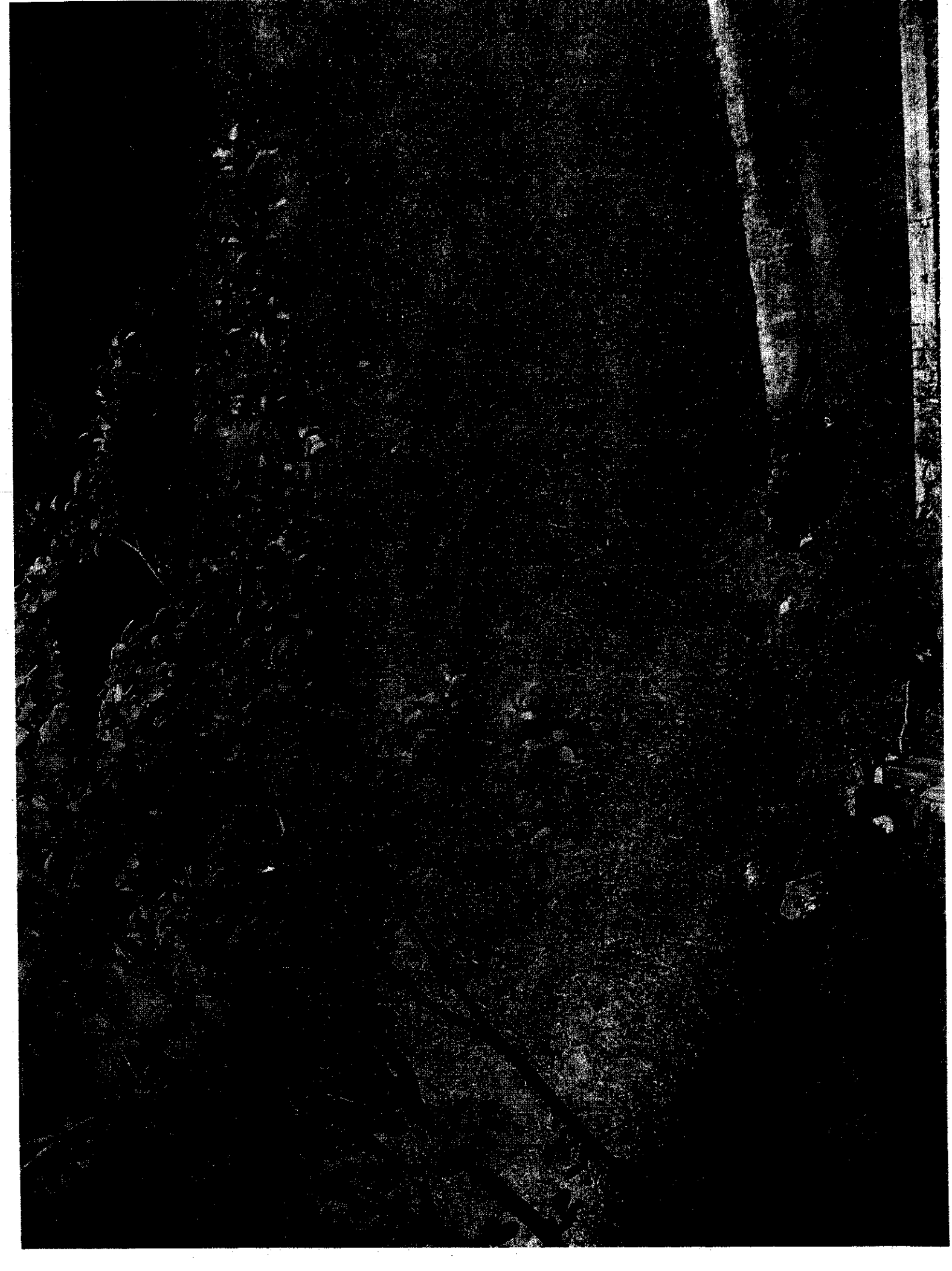
Address
8530 Wild Spruce dr Springfield, VA 22153

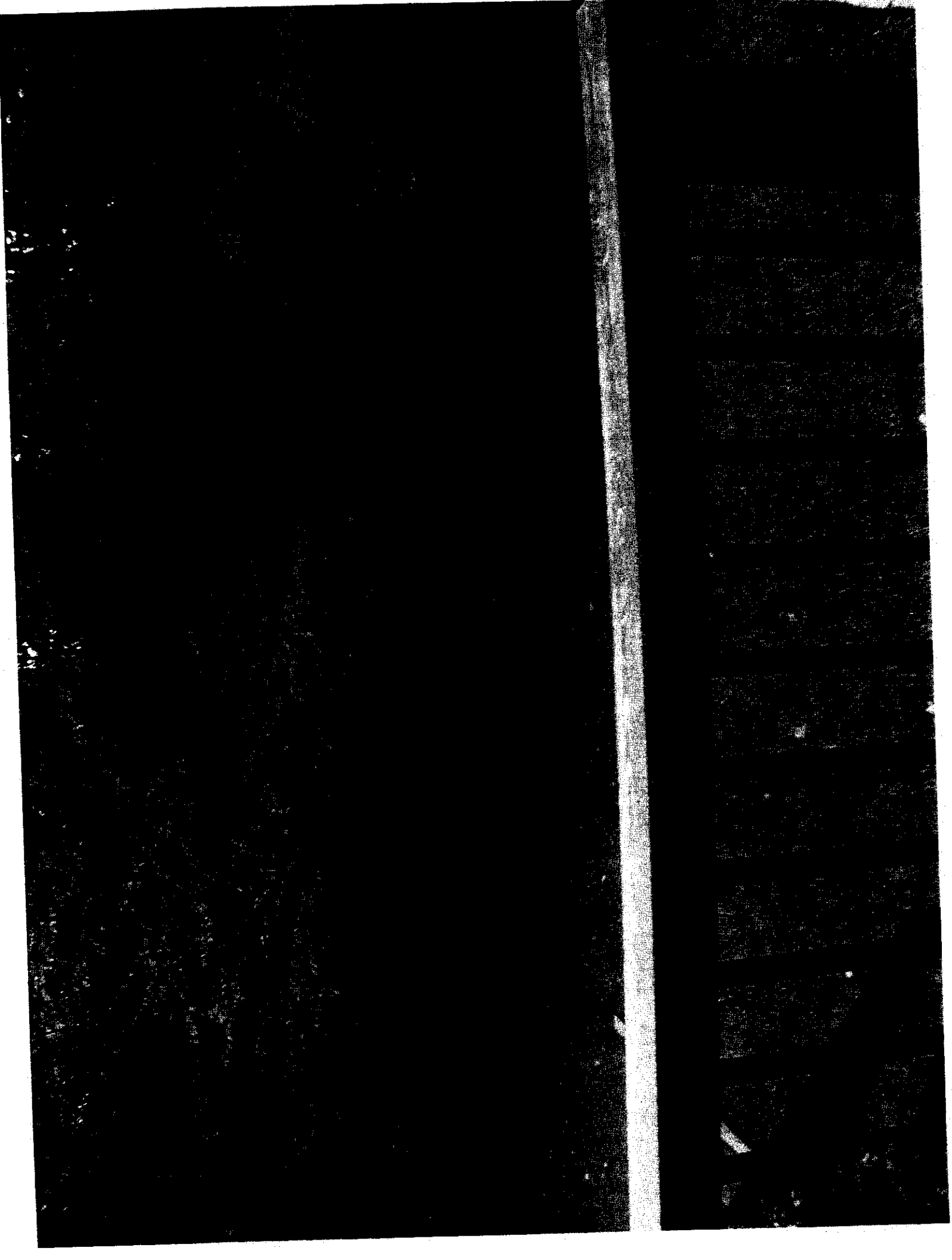


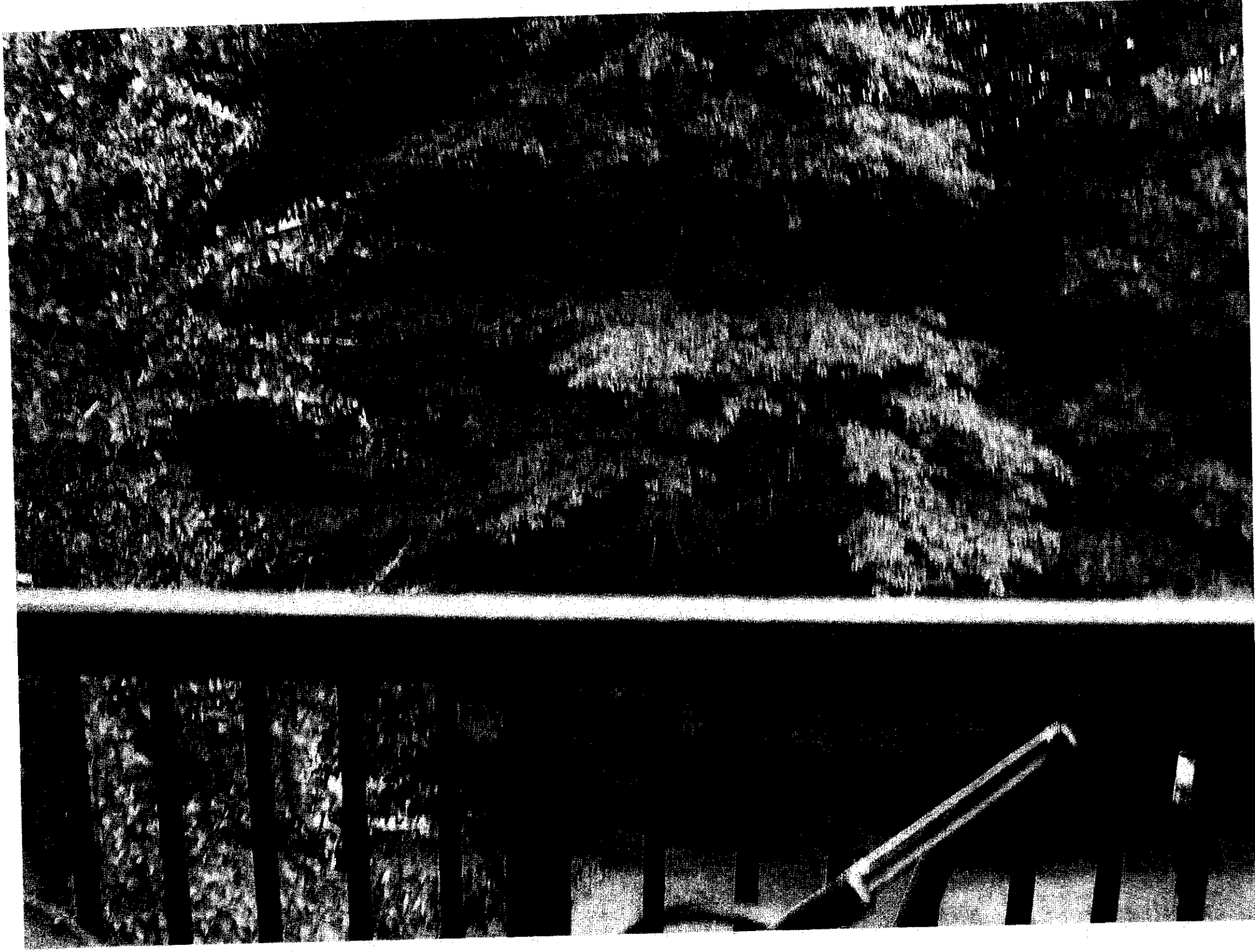












DESCRIPTION OF THE APPLICATION

To permit reduction of certain yard requirements to permit construction of a sunroom addition to be located 13.5 feet from the rear lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Rear	25.0 feet	13.5 feet	11.5 feet	46%

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The site is currently zoned R-3 and developed under the Cluster regulations, and contains a two-story single family detached dwelling with an attached deck, built in 1991. The irregularly shaped lot consists of 8,500 square feet, which abuts Fairfax County Park Authority property to the north, south and west and single family detached homes to the east. There are existing 10 foot storm sewer and stormwater detention easements located along the entire rear lot line. There is an existing 15 foot storm sewer easement located along the entire eastern side lot line, and a 10 foot trail easement located within the storm sewer easement. The lot is accessed via an asphalt driveway on Wild Spruce Drive. The yard is well manicured with low lying shrubs and mature trees.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3 (Cluster)	Single Family Detached Dwellings
East	R-3 (Cluster)	Single Family Detached Dwellings
South	R-3	Fairfax County Park Authority
West	R-3 (Cluster)	Single Family Detached Dwellings

BACKGROUND

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

During review of the application, the Environmental and Site Review Division indicated that construction of the sunroom addition might create a stormwater issue with regard to the foundation piers for the structure. They have noted that the loading planes for the foundations need to be more than 5 feet from the storm drain pipes in the easements along the eastern and southern boundaries of this parcel, per Public Facilities Manual (PFM) requirements. Staff has informed the applicant of this requirement.

ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Location Survey, Lot 33, Middle Run Estates
- **Prepared by:** Merestone Land Surveying PLLC, dated January 26, 2010

Proposal:

The applicants propose to construct a sunroom addition to be located 13.5 feet from the rear lot line, 187 square feet in size. The applicants propose to replace existing decking with the sunroom addition and construct approximately 581 square feet of additional levels of open decking, which would be permitted by-right.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application must meet all of the following standards, copies of which are attached as Appendix 4:

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

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application are General Standards 3 and 5.

General Standard 3 requires that the proposed use 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 by observation of the neighborhood through submitted photographs that the construction of the sunroom addition will not adversely affect the use or development of neighboring properties since the structure will be located in place of an existing deck. Therefore, staff does not believe the addition would adversely affect the use or development of neighboring properties and this standard has been met.*

General Standard 5 requires that 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. *The proposed addition will consist of a 187 square foot sunroom where there currently exists wood decking. No vegetation is proposed to be removed to accommodate the construction. There is existing mature vegetation located along the rear and side lot lines which abuts Park Authority property. Therefore, staff believes no additional landscaping or screening would be required and this standard has been met.*

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 of 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 dwelling is 4,987 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 7,480.5 square feet in size for a possible total square footage at build out of 12,467.5. The proposed addition is 187 square feet, for a total square footage of the house with the addition of 5,174 square feet. Therefore the application meets this provision.*

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed sunroom addition will be compatible with the architecture of the existing dwelling on the lot. The addition will be placed on the footprint of a portion of an existing deck and is proposed to be one story in height (11.0 feet). The existing dwelling is 23.0 feet in height; therefore, the*

proposed sunroom addition will be in character with existing on-site development. Staff believes that the application 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 applicant proposes to construct the sunroom addition in the same footprint of a portion of existing decking. There is ample mature, heavy vegetation located both on and off-site, consisting of mature trees and shrubs. No vegetation is proposed to be removed with the new construction. Fairfax County Park Authority property borders the subject property to the north and south and is heavily wooded. There is only one affected property, located on Lot 32, which could be affected by the construction; however, as shown in the photographs, there is mature vegetation between the two properties which would lessen the visual impacts. Staff believes the addition will be harmonious with surrounding off-site uses and 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. *Staff believes that the application meets the erosion and stormwater runoff portion of the standards since DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a sunroom, in the same footprint of the existing deck, except to reduce noise by replacing a portion of open deck, will not increase runoff or erosion. Staff believes that the application meets this provision.*

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 request to construct a sunroom addition, which will replace a portion of existing open decking, is the most logical location given that no additional impervious surfaces will be created to accommodate the addition. The irregularly shaped lot, with existing storm sewer and stormwater detention easements located along the entire rear and eastern side lot lines, limits the use of the rear yard. Given that no existing vegetation is proposed to be removed, and the addition will replace an existing structure on the site, staff believes the addition would in fact lessen the overall impact on the property and believes the application meets this provision. Other issues of well, floodplains and/or Resource Protection Areas and preservation are not applicable to this site.*

CONCLUSION

Staff believes that the request 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 SP 2010-MV-015 for a sunroom addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2010-MV-015

May 12, 2010

If it is the intent of the Board of Zoning Appeals to approve SP 2010-MV-015 located at Tax Map 89-3 ((26)) 33 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that 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 recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.

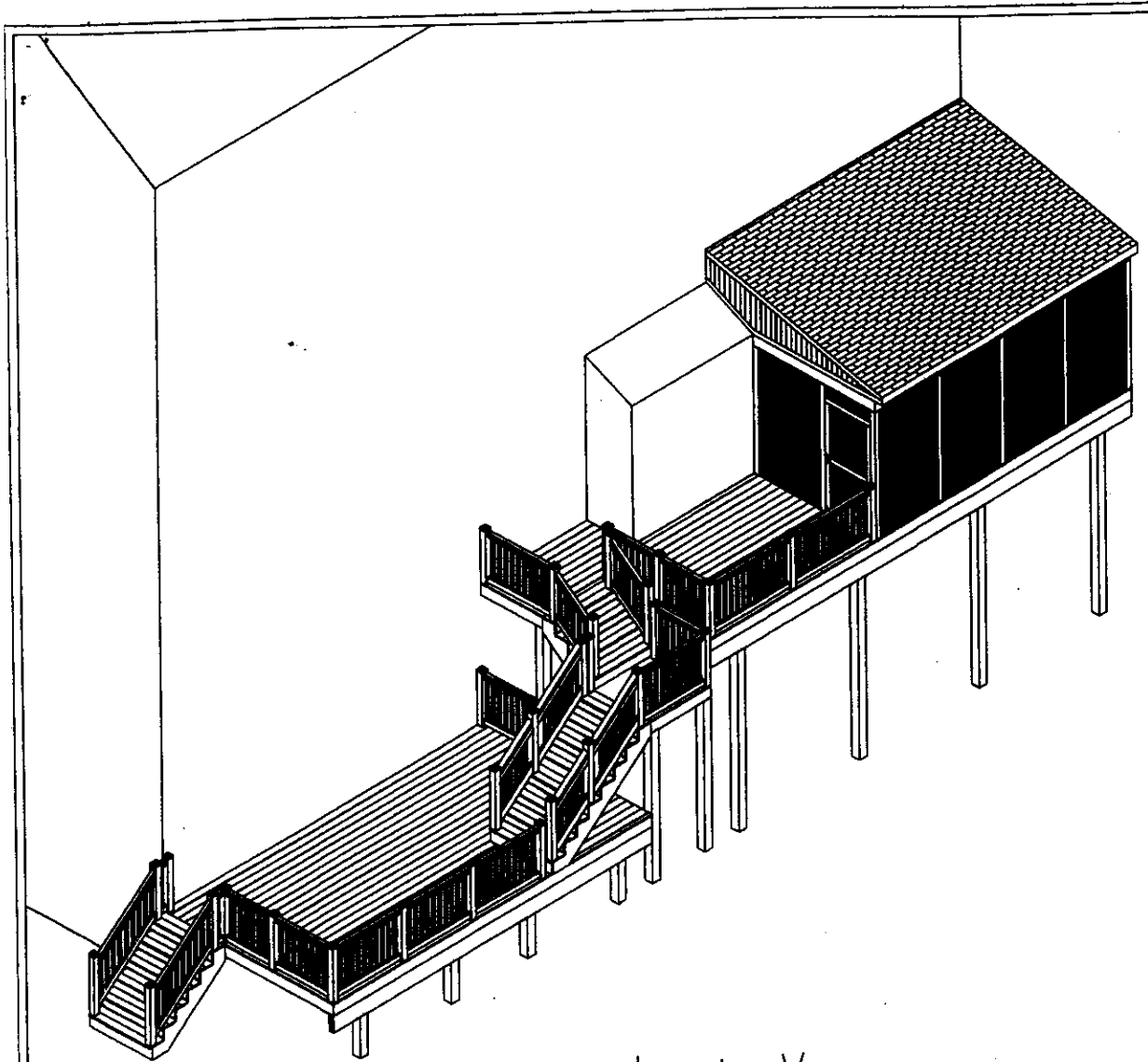
2. This special permit is approved for the location and size of a sunroom addition (187 square feet), as shown on the plat prepared by Merestone Land Surveying PLLC, dated January 26, 2010, as submitted with this application and is not transferable to other land.

3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (4,987 square feet existing + 7480.5 square feet (150%) = 12,467.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. 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.

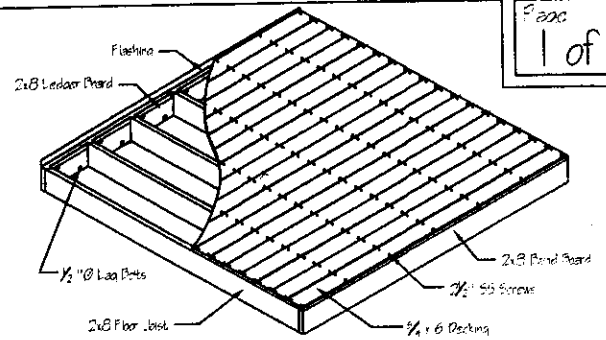
4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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.

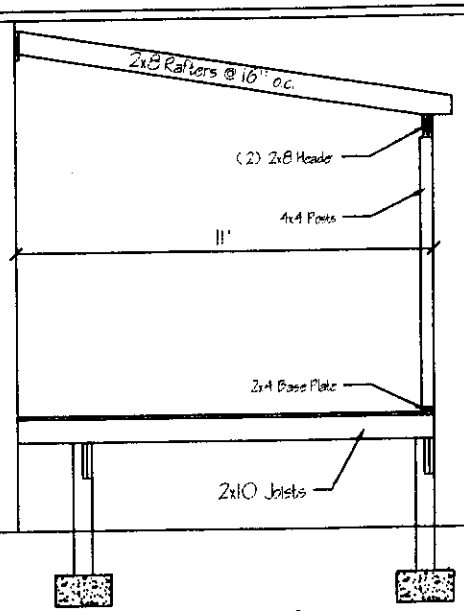
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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



Isometric View



Typical Floor Section



Cut Through Section

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Ashwini & Reeta Kumar

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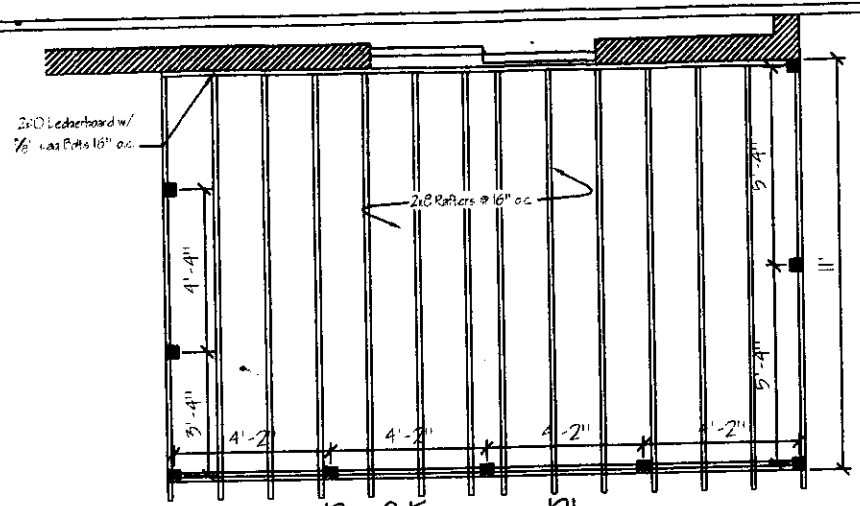
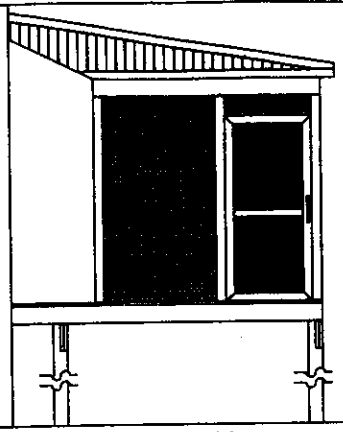
8530 Wild Spruce dr Springfield, VA 22153

ATTACHMENT 1

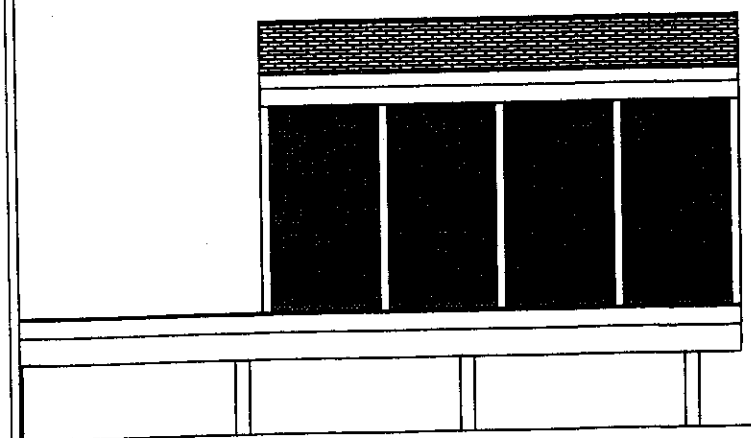


Roof Framing Plan

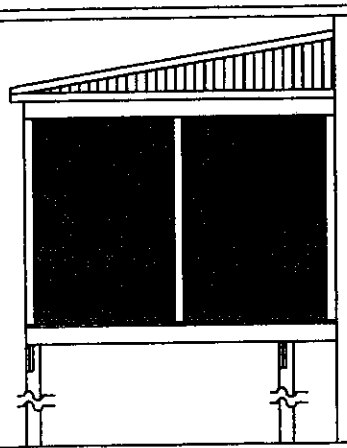
Scale = ¼" = 1'



Left Side Elevation



Front Elevation



Right Side Elevation

Name
Ashwini & Reeta Kumar
Address
8530 Wild Spruce dr Springfield, VA 22153

APPENDIX 2

Application No.(s): SP 2010-MV-015
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/6/10
(enter date affidavit is notarized)

I, Reeta S. Kumar, 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

106417a

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)
Ashwini Kumar	8530 Wild Spruce Drive, Springfield, VA 22153	Applicant/Title Owner
Reeta S. Kumar	8530 Wild Spruce Drive, Springfield, VA 22153	Applicant/Title Owner

(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-MU-015

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/6/10

(enter date affidavit is notarized)

10641 7a

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)

N/A

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): SP 2010-MU-015

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/6/10

(enter date affidavit is notarized)

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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.

Application No.(s): SP 2010-MV-015

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/6/10

(enter date affidavit is notarized)

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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-NV-015

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/6/10

(enter date affidavit is notarized)

106417a

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: X Reeta Srivastava

(check one) [✓] Applicant [ ] Applicant's Authorized Agent

REETA S. KUMAR

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

Subscribed and sworn to before me this 6 day of JANUARY 2010, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Yvonne Norwood

Notary Public

My commission expires: 9/30/13

YVONNE NORWOOD
Notary Public
Commonwealth of Virginia
356973
My Commission Expires Sep 30, 2013

RECEIVED
Department of Planning & Zoning
DEC 28 2009
Zoning Evaluation Division

Special Permit Statement of Justification

This application is for construction of a new deck and screened porch.
The proposed porch and deck is a replacement of an existing deck.
Applying for a reduction in minimum yard because the proposed porch does not meet the setback requirements.

The construction is for personal use for a family of four.
The proposed porch and deck is for use all year round.
There are no hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Part 116.4,
302.4 and 355.
There are no hazardous wastes as set forth in Commonwealth of Virginia/Department of Waste Management regulations
VR 672-10-1 Virginia Waste Management Regulations.
There are no petroleum products as defined in Title 40, Code of Federal Regulations part 280
to be generated, utilized, stored, treated and /or disposed of on site.
There are no existing or proposed storage tanks or container.
The proposed development confirms to the provisions of all applicable ordinances, regulations and
adopted standards except for the proposed addition.
The proposed development will be in character with the existing on site development in terms of
location, height, bulk and scale of the existing structures on the lot.
The proposed development is harmonious with the surrounding off site structures in terms of
location, height, bulk and scale of surrounding topography and existing vegetation.
Lot is adjacent to heavily crowded vegetation. Proposed addition does not disturb existing vegetation.
There is no traffic impact, increase in noise or disturbance to surrounding environment due to this construction.
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, erosion and storm water runoff.
The proposed porch and deck does not infringe on neighborhood privacy, as the extension is towards the woods.
See attached letter of support from neighbor and Home Owners Association.
The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot.
There is no where else to add the addition to meet the setback requirement, because of the location of the lot and the
location of the property on the lot. All existing vegetation and trees will be preserved.
There are no steep slopes, floodplains and/or resource protection areas on the property.
The property is not a historic resource. All easements shown on the property are recorded

on the certified plat.
There are no historic easements on the property.
The property is served by public water and sewer facility.
The structure of the proposed deck will use standard deck wood. Proposed porch will have standard frame, siding, windows
and roof.
The gross floor area of the existing structure is: 4987 sq feet
The proposed porche gross floor area will be: 187 sq feet
% of addition to existing structure: 3.75%
The proposed porche and deck gross floor area will be: 581 sq feet
Existing Deck gross floor area is: 734 sq feet

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

This application request is for the construction of a screened porch for strictly personal residential use. The special permit is requested for reduction in minimum yard requirements.

RECEIVED
Department of Planning & Zoning
OCT 23 2009
Zoning Evaluation Division

September 14, 2009

To Whom It May Concern

We understand that my neighbor, Mr. Ashwini Kumar and Mrs. Reeta Kumar are planning to redesign their existing deck and add a screened porch to it. The Kumar's have gone over the proposed design and layout of the deck and porch, and we do not have any objection to their proposed construction plan.

Cheryll Battle

(Huey Battle/Cheryll Battle)

8528 Wild Spruce Drive

Springfield, VA 22153

RECEIVED
Department of Planning & Zoning
OCT 23 2009
Zoning Evaluation Division

(ATTACHMENT II)

MIDDLE RUN ESTATES HOMEOWNERS' ASSOCIATIION
ARCHITECTURAL REVIEW BOARD
8508 WILD SPRUCE DRIVE
SPRINGFIELD, VIRGINIA 22153
703-644-2495

October 11, 2009

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

REFERENCE: Kumar Application for Deck Expansion

TO WHOM IT MAY CONCERN

The Architectural Review Board of the Middle Run Estates Homeowners' Association has reviewed and approved Mr. Kumar's deck extension and screened porch.

Pete Conklin

PETE CONKLIN
Chair, Architectural Review Board

RECEIVED
Department of Planning & Zoning
OCT 23 2009
Zoning Evaluation Division

(ATTACHMENT I)

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.