



APPLICATION ACCEPTED: April 7, 2010  
DATE OF PUBLIC HEARING: June 16, 2010  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

June 9, 2010

## STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2010-SP-025

### SPRINGFIELD DISTRICT

**APPLICANT:** James O. Younts III  
**OWNERS:** James O. Younts, III & Angela D. Younts  
**ZONING:** R-5 (Cluster)  
**LOCATION:** 7413 Carath Court  
**SUBDIVISION:** Glenwood Manor  
**ZONING ORDINANCE PROVISION:** 8-922  
**TAX MAP:** 88-4 ((12)) 18  
**LOT SIZE:** 7,840 Square Feet  
**SP PROPOSAL:** Reduction of certain yard requirements to permit construction of addition 14.2 feet and bay window 13.7 feet from the rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2010-SP-025 for the addition and bay window subject to the proposed development conditions contained in Appendix 1.

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

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

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

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

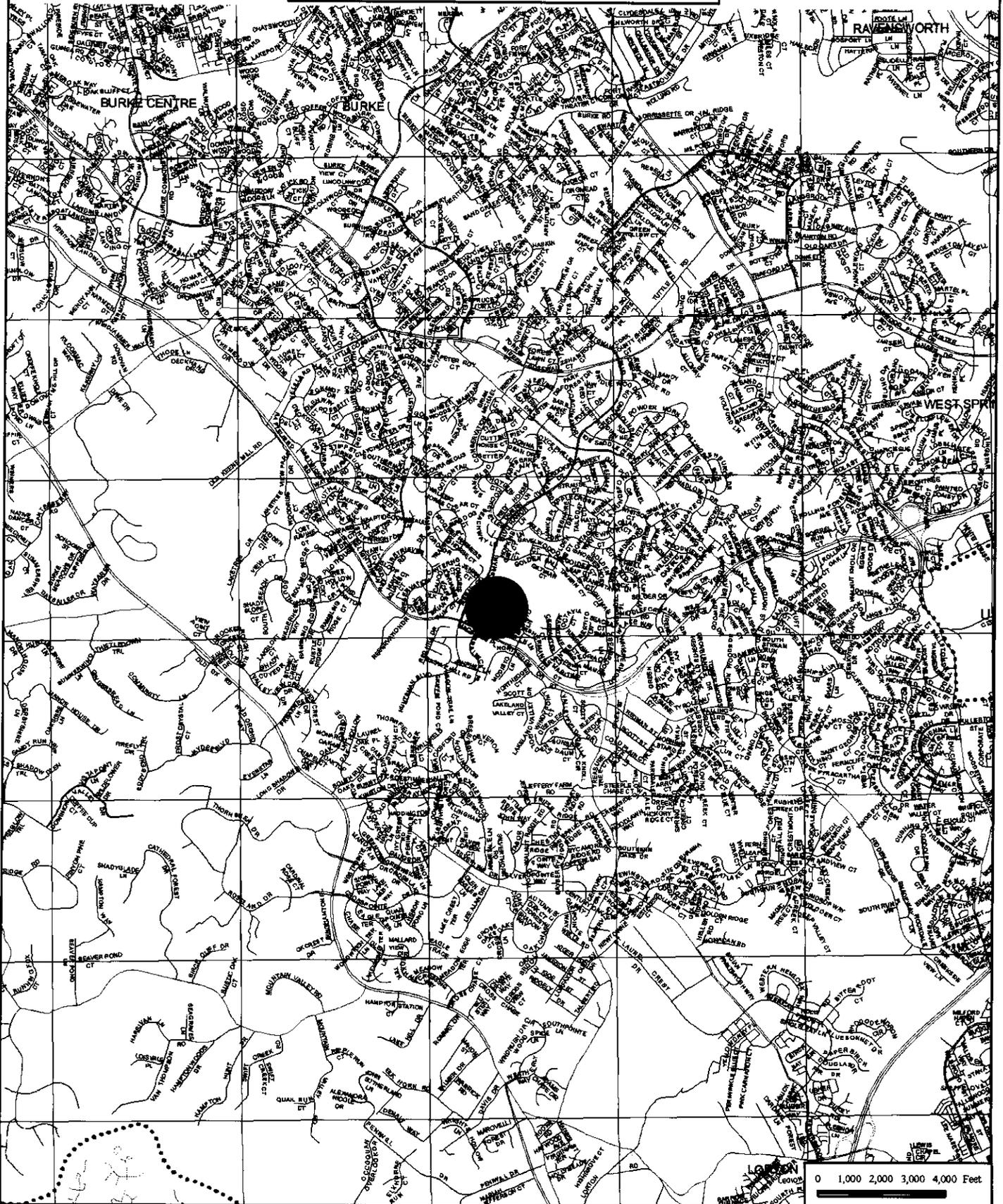


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

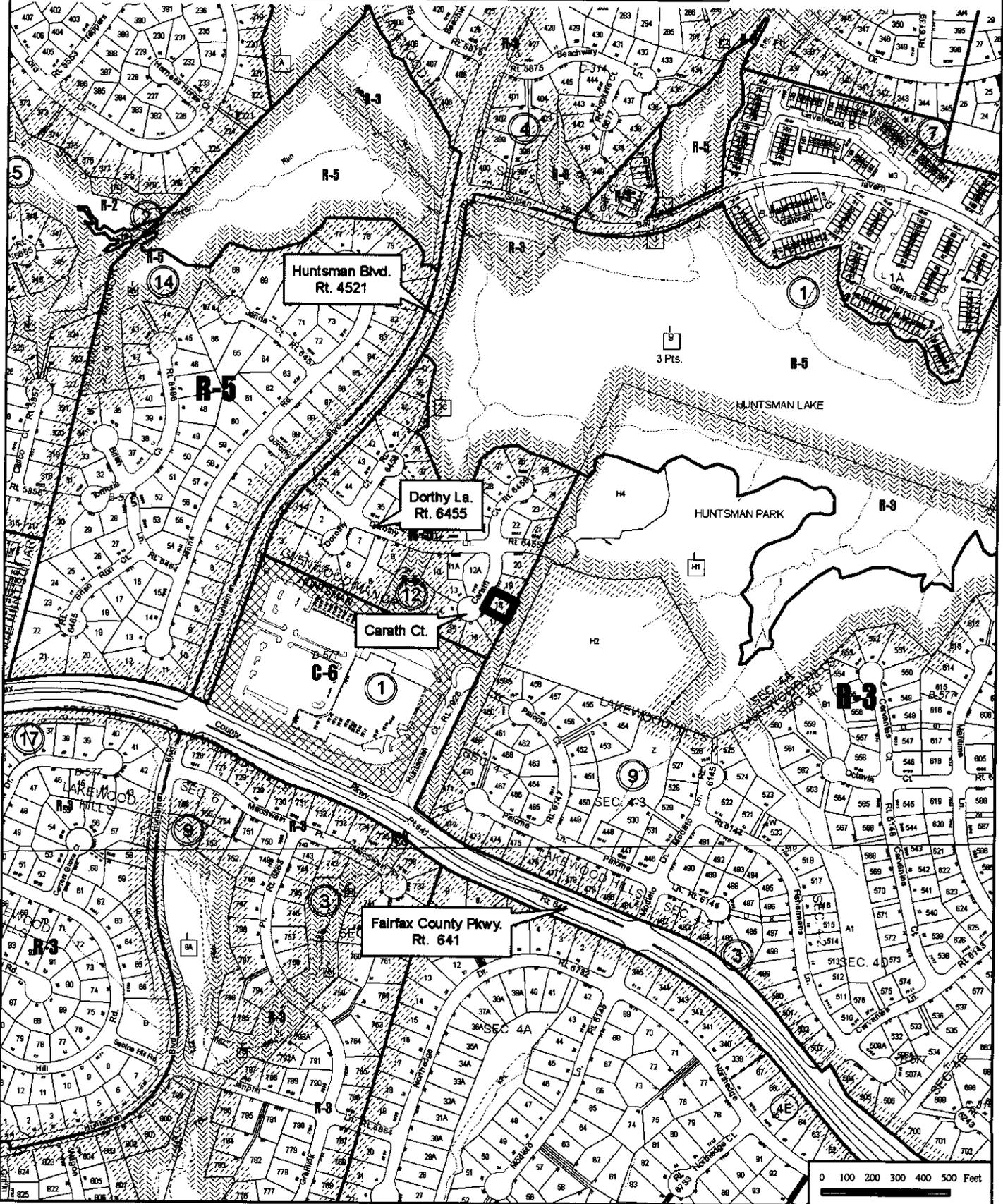
# Special Permit

SP 2010-SP-025

JAMES O. YOUNTS III



**Special Permit**  
**SP 2010-SP-025**  
**JAMES O. YOUNTS III**

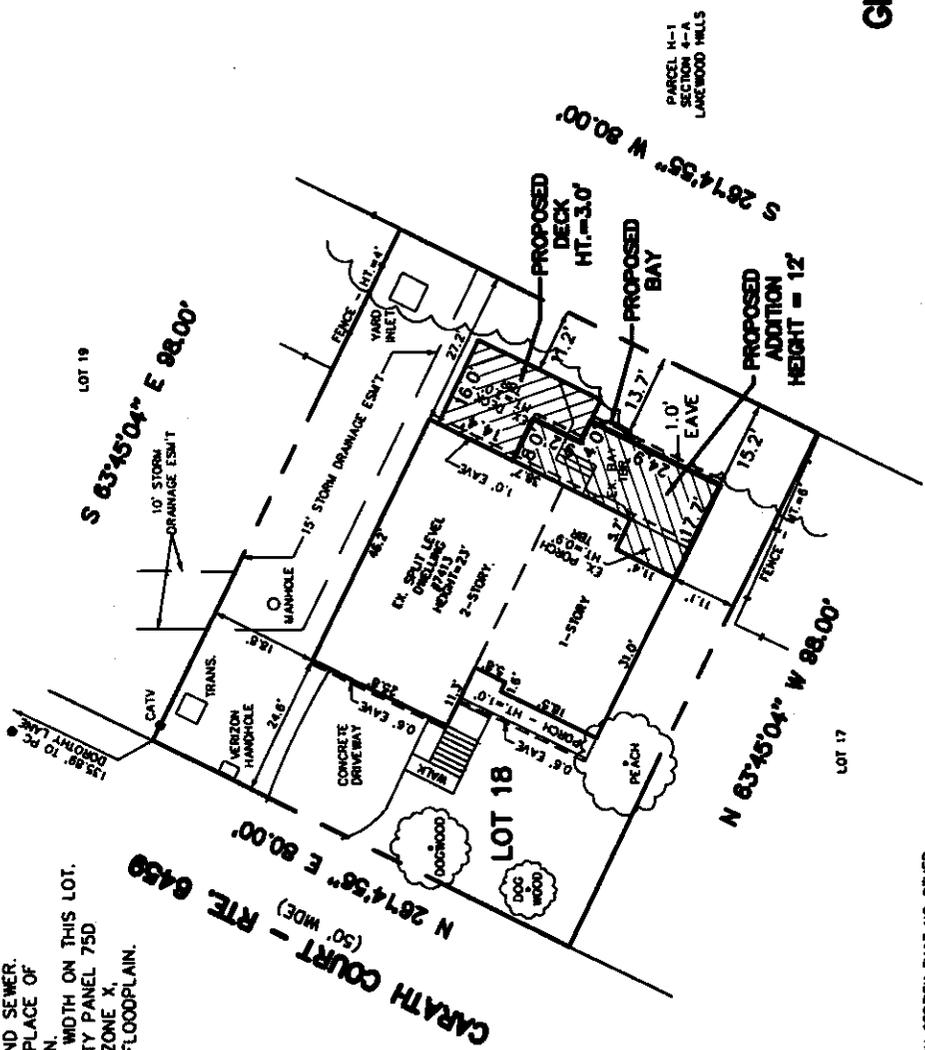


**GROSS FLOOR AREA TABULATION**

PROPOSED ADDITION = 410 S.F. GFA = 13.7%  
 EXISTING DWELLING = 2,997 S.F. GFA

**NOTES**

1. TAX MAP - 088-4-12-0018
2. ZONED - R-5C
3. LOT AREA = 7,840 S.F.
4. NO TITLE REPORT FURNISHED
5. MINIMUM YARD REQUIREMENTS  
 FRONT YARD = 20'  
 SIDE YARD = 8'  
 REAR YARD = 25'
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. NO GRAVE, OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL WAS OBSERVED DURING FIELD INSPECTION.
8. THERE ARE NO EASEMENTS 25' OR GREATER IN WIDTH ON THIS LOT.
9. THIS LOT IS IN AN AREA SHOWN FIRM COMMUNITY PANEL 75D. MAP REVISED MARCH 5, 1990, DESIGNATED AS ZONE X<sub>1</sub>. AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.
10. THERE ARE NO RPA'S ON THIS SITE.
11. TBR = TO BE REMOVED



PARCEL M-1  
 SECTION TWO  
 LARCHWOOD HILLS

**SPECIAL PERMIT PLAT**  
**LOT 18**  
 SECTION TWO  
**GLENWOOD MANOR**

FAIRFAX COUNTY, VIRGINIA  
 SEPTEMBER 30, 2009  
 SCALE - 1" = 20'  
**DAGULIAN ASSOCIATES, P.C.**  
 LAND SURVEYORS  
 7000-D NEWINGTON ROAD  
 LORTON, VIRGINIA 22079  
 703-339-7449



GRAPHIC SCALE

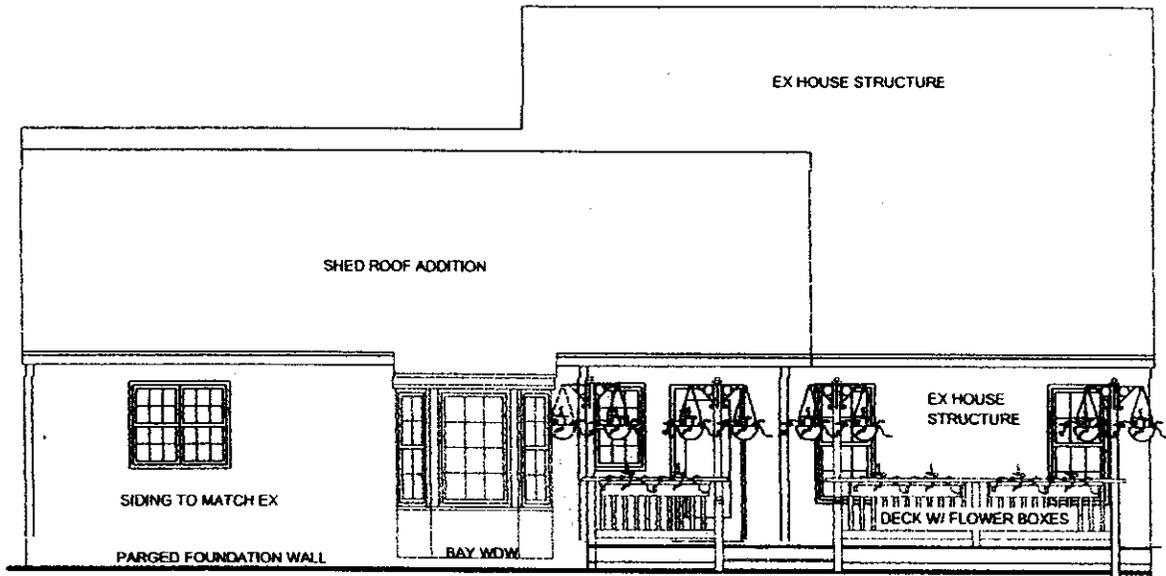
REV. 3-16-10

SHEET 1 OF 1

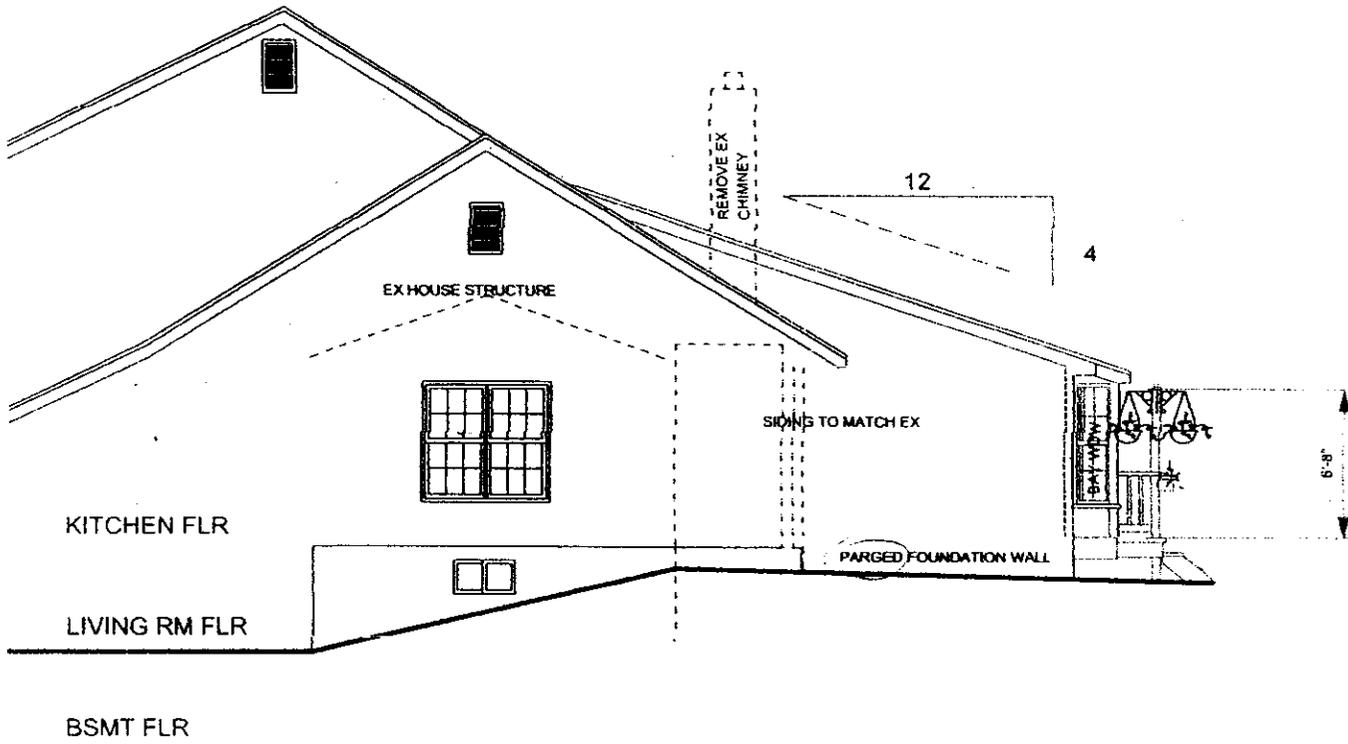
I HEREBY CERTIFY THAT NO OTHER CHANGES HAVE BEEN MADE ON THIS PLAT FROM THAT PREVIOUSLY SUBMITTED OR APPROVED.

*Joseph W. Brondler*  
 JOSEPH W. BRONDLER

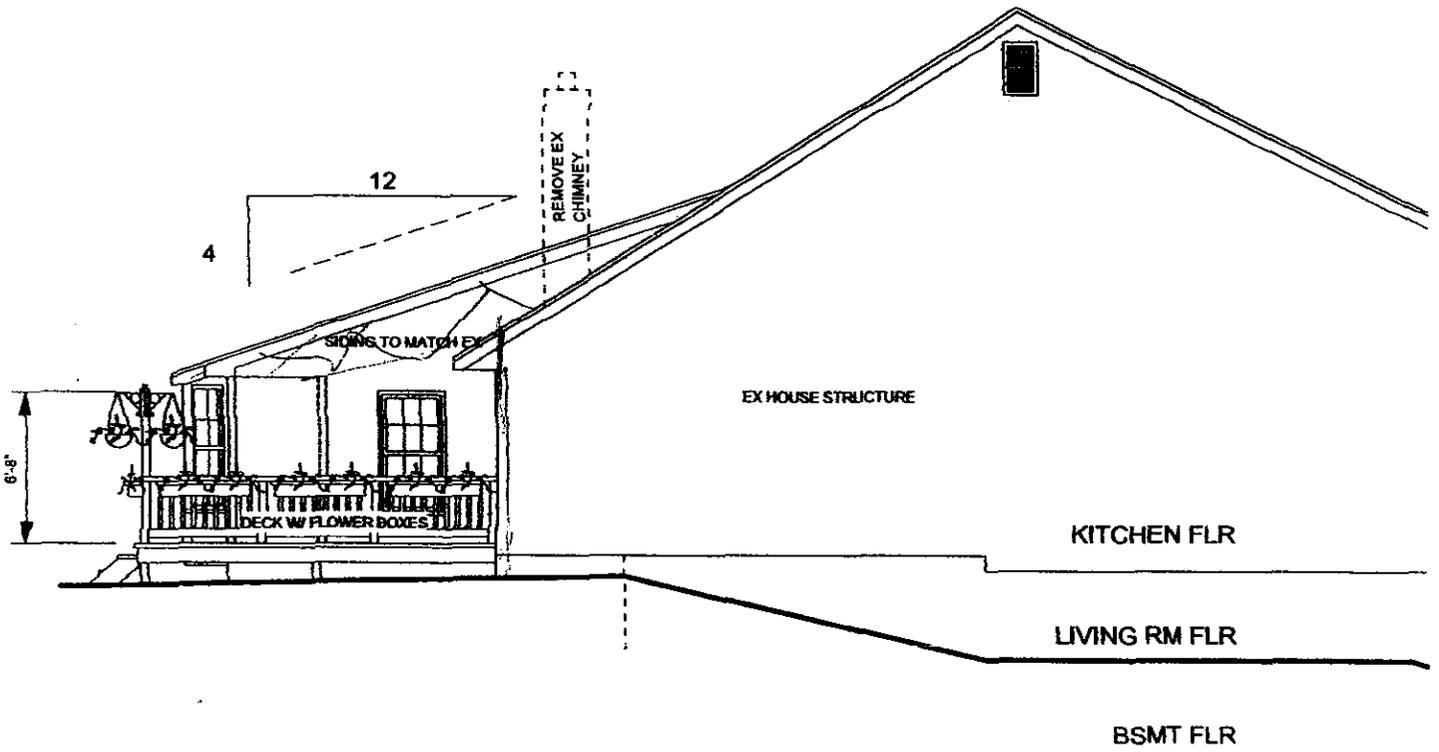
NO.	ADD OFFSET DISTANCE FROM BAY WINDOW TO REAR PROPERTY LINE	DESCRIPTION	REVISION BLOCK



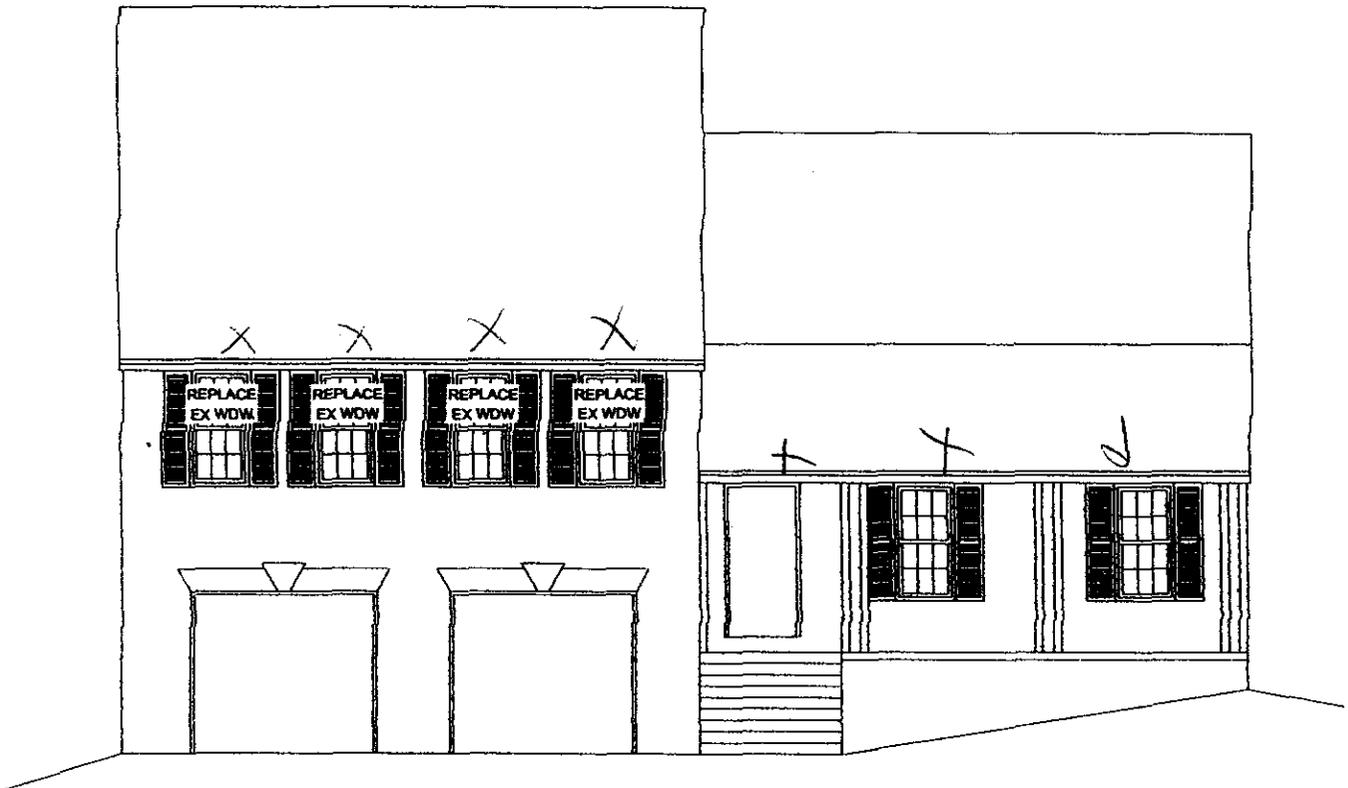
5.7 Younts - Proposed Rear Elev  
 Scale: 1/8" = 1'-0"



5.7 Younts - Proposed Side Elev  
 Scale: 1/8" = 1'-0"



5.7 Younts - Proposed Side Elev  
 Scale: 1/8" = 1'-0"



5.7 Younts - Existing Front Elevation  
 Scale: 1/8" = 1'-0"



VIEW AT APPROX. 85 DEGREES FROM REAR PROPERTY OF 7411/7413 CARATH COURT SHOWING PROPERTY AT 7411 CARATH COURT.



VIEW AT APPROX. 310 DEGREES FROM REAR OF PROPERTY LINE AT 7413 CARATH COURT.



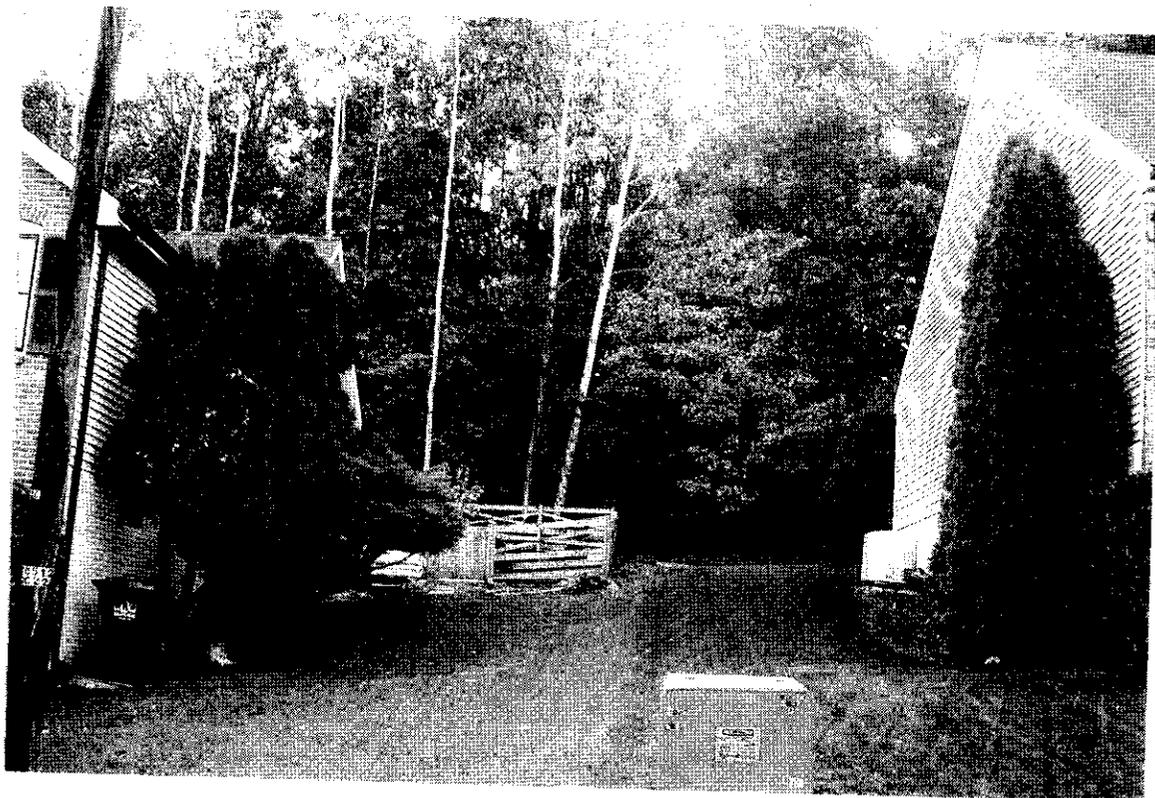
VIEW FROM MIDDLE OF STREET (AT APPROX. 130 DEGREES) OR PROPERTY AT 7413 CARATH COURT.



VIEW AT APPROX. 40 DEGREES FROM 7415/7413 PROPERTY LINE SHOWING BACKYARD AT 7413 CARATH COURT AND PROPERTY AT 7411 CARATH COURT IN BACKYARD.



VIEW AT APPROX. 85 DEGREES FROM BACK INTERSECTION OF 7415/7413 PROPERTY LINES  
SHOWING AREA TO BE EXTENDED.



VIEW FROM STREET AT APPROX. 130 DEGREES SHOWING 7411 CARATH COURT (LEFT) AND OUR  
HOME (RIGHT) AT 7413 CARATH COURT.



VIEW AT APPROX. 40 DEGREES FROM 7411/7413 PROPERTY LINE SHOWING PROPERTY AT 7411 CARATH COURT.



VIEW AT APPROX. 265 DEGREES FROM REAR PROPERTY LINE OF 7413/7415 CARATH COURT SHOWING PROPERTY AT 7415 CARATH COURT.



VIEW AT APPROX. 130 DEGREES SHOWING 7415 CARATH COURT ON RIGHT AND OUT HOME (7413 CARATH COURT) ON LEFT.



VIEW FROM REAR PROPERTY LINE AT APPROX. 310 DEGREES SHOWING 7411 CARATH COURT (RIGHT) AND OUT HOME (LEFT).

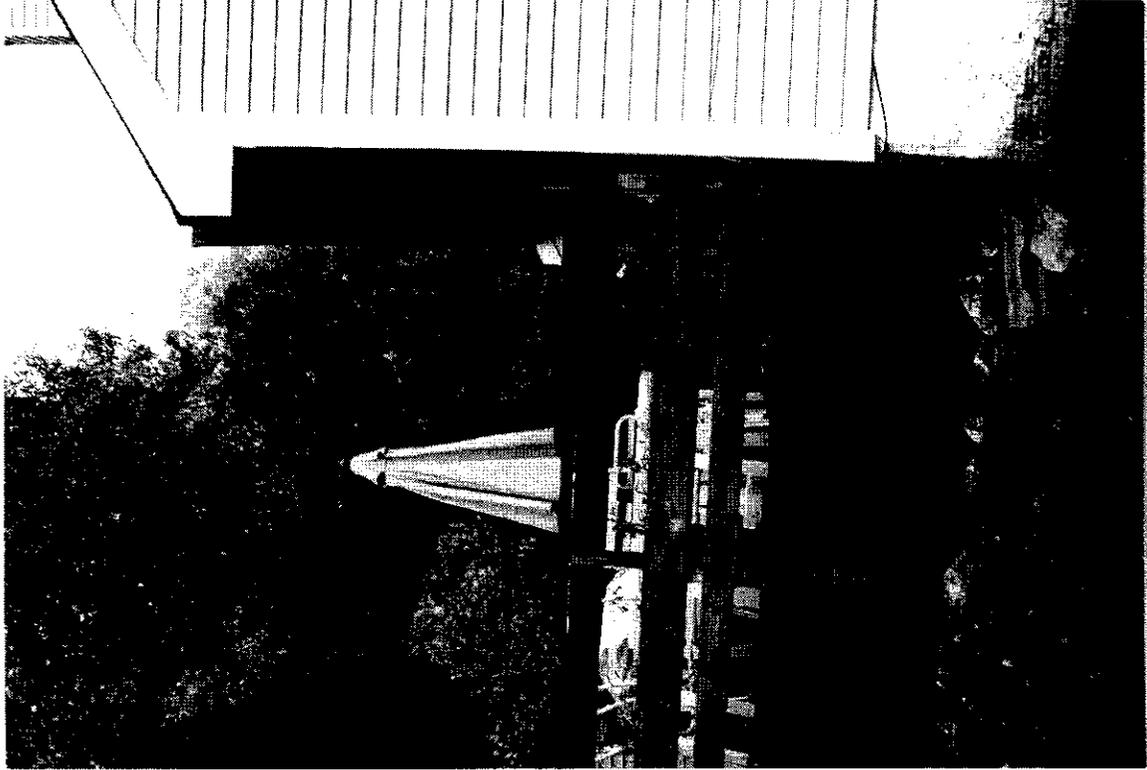


VIEW AT APPROX 220 DEGREES FROM 7411/7413 PROPERTY LINE SHOWING BACKYARD AT 7413 CARATH COURT AND PROPERTY AT 7415 CARATH COURT IN BACKGROUND.

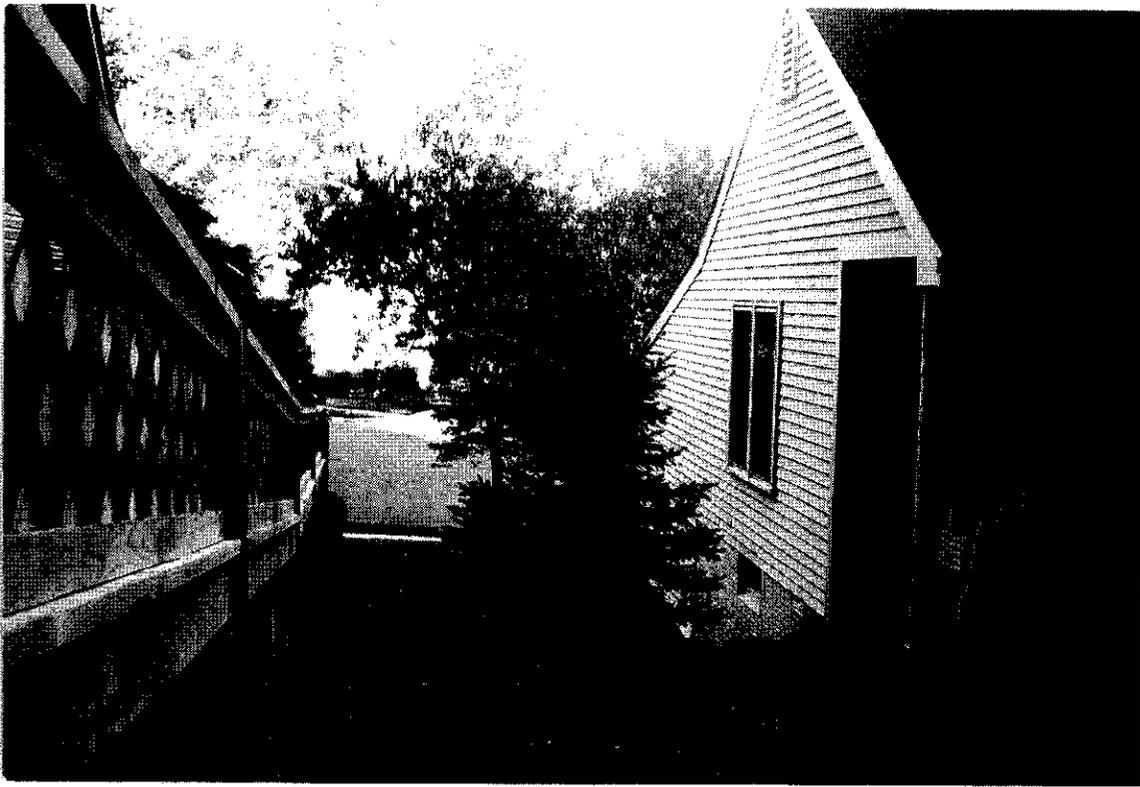


VIEW AT APPROX. 220 DEGREES FROM 7411/7415 PROPERTY LINE SHOWING PROPERTY AT 7415 CARATH COURT.

VIEW FROM 7413/7415 PROPERTY LINE AT APPROX. 40 DEGREES SHOWING REAR OF HOUSE THAT WILL BE EXTENDED.



VIEW FROM 7413/7411 PROPERTY LINE. VIEW IS APPROX. 220 DEGREES SHOWING REAR OF OUR HOUSE AND DECK. THIS PORTION OF BACK OF HOUSE WILL NOT BE EXTENDED.

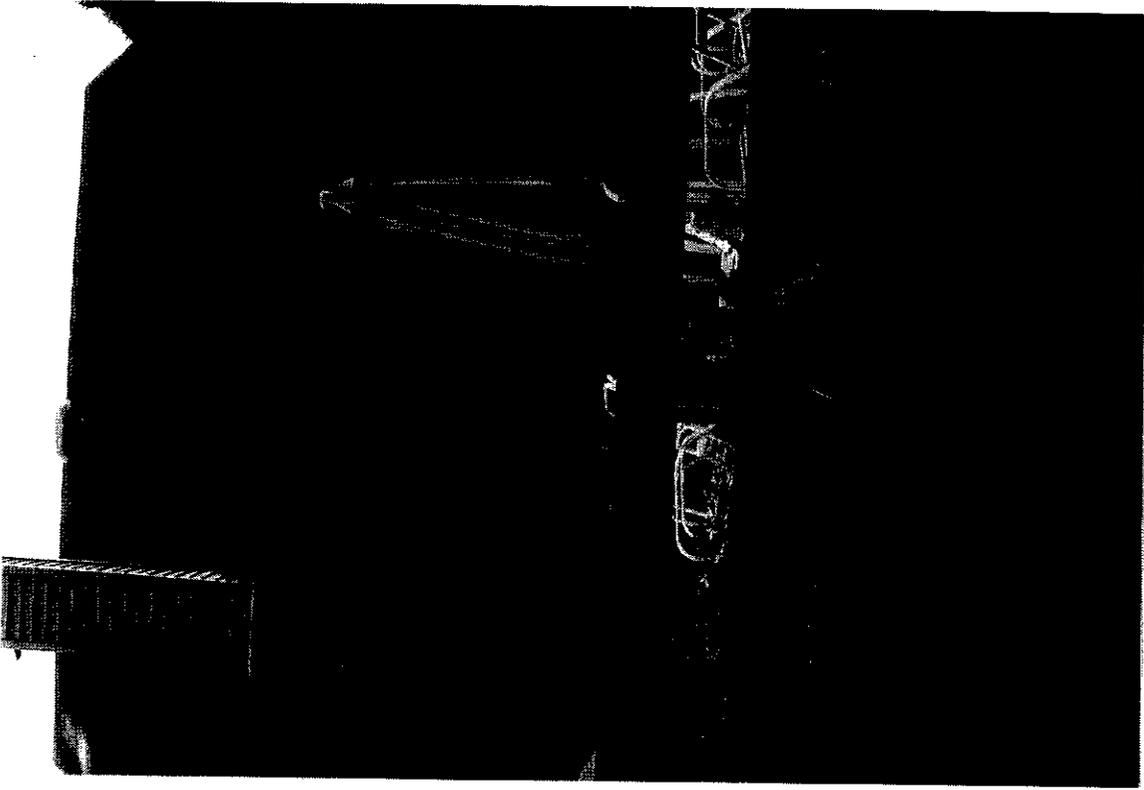


VIEW AT APPROX. 310 DEGREES ALONG PROPERTY LINE SHOWING 7415 CARATH COURT ON LEFT AND OUR HOME AT 7413 CARATH COURT ON RIGHT.



VIEW AT APPROX. 130 DEGREES TAKEN FROM REAR PROPERTY LINE AT 7413 CARATH COURT.

VIEW FROM BACK YARD AT APPROX. 310 DEGREES SHOWING DECK TO BE REPLACED.



VIEW AT APPROX. 130 DEGREES ALONG PROPERTY LINE SHOWING MY HOME (7413) ON LEFT AND 7415 CARATH COURT ON RIGHT.

**DESCRIPTION OF THE APPLICATION**

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a one story addition with eave 14.2 feet from the rear lot line and a bay window 13.7 feet from the rear lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Min. Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percent of Reduction Requested</b>
<b>Special Permit</b>	Addition	Rear	25 feet	14.2 feet	10.8 feet	43.2 %
<b>Special Permit</b>	Bay Window	Rear	25 feet	13.7 feet	11.3 feet	45.2 %

\* Minimum yard requirement per Section 3-507

**LOCATION AND CHARACTER**

**Existing Site Description**

The site is currently zoned R-5 Cluster and contains a split level with basement single-family detached dwelling which was originally constructed in 1980. The lot consists of 7,840 square feet and is surrounded by single family detached homes and Huntsman Park. The topography rises across the lot from the front to the rear lot line and there are mature trees in the rear yard close to the lot line which will not be removed to accommodate the proposed construction. There is an existing 15 foot wide storm drainage easement located along the northern side of the property.

**Character of the Area**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-5 (Cluster)	Single Family Detached Dwellings
<b>West</b>	R-5 (Cluster)	Single Family Detached Dwellings
<b>East</b>	R-3 (Cluster)	Single Family Detached Dwellings and Public Open Space (Huntsman Park)
<b>South</b>	R-5 (Cluster)	Single Family Detached Dwellings

## **BACKGROUND**

The Board of Zoning Appeals (BZA) has heard no similar cases in the vicinity of the subject property.

## **ANALYSIS OF SPECIAL PERMIT APPLICATION**

- **Title of SP Plat:** Special Permit Plat, Lot 18, Section Two, Glenwood Manor
- **Prepared By:** Joseph W. Bronder, DiGuilian Associates, P.C. Land Surveyors dated September 30, 2009 and signed through March 16, 2010.

### **Proposal**

The applicant proposes to construct a one story addition with a bay window at the rear of the dwelling. The footprint of the proposed addition will be approximately 410 square feet in size and is proposed to be 12 feet in height. The applicant also proposes to replace an existing deck with construction of an open deck on the northern side of the addition; however, this construction is permitted without special permit approval.

### **ZONING ORDINANCE REQUIREMENTS (See Appendix 5)**

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

#### **Sect. 8-006 General Special Permit Standards**

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

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes that the special permit application satisfies this condition based the fact that there is a modest request and there is dense tree cover along the rear property line provided primarily by Huntsman Park which will serve as a buffer between the proposed construction and the most affected neighbor. Therefore, staff believes the application meets this provision.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and

Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing structure is 2,997 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 4,495.5 square feet; which makes a combined total of 7,492.5 square feet. The proposed addition will be 410 square feet in size for a total of 3,407 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 proposed one story addition is proposed at a height of 12 feet and to be only 410 square feet in size. The existing split level single family detached dwelling is 23 feet in height and 2,997 square feet in size; therefore the proposed one story and bay window additions will be in character with existing on-site development in terms of height and bulk respectively. The proposed addition and bay window will be constructed with materials similar to the existing dwelling. Staff believes the proposed addition will not be out of character with existing on-site development and meets this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. The proposed addition will not adversely affect the neighboring properties due to the small size and scope. Minimal land disturbance will take place because of its small size and little vegetation will be removed. The most affected neighboring property is to the east which is public open space provided by Huntsman Park. There is dense tree cover on this adjacent property which mitigates any adverse impacts of the proposed one story addition.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. No downstream complaints have been indicated by DPWES and there is minimal increase of impervious area due to the relatively small size of the one story addition. Currently there is dense tree cover along the rear property line. This tree cover is provided by both the adjacent and subject property which will serve as a buffer between the proposed addition and the adjacent property. Therefore, staff believes that the proposed addition shall not have any adverse impact on neighboring properties.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the*

structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. *Given the configuration of the lot lines, shape of the lot and the existing dwelling's location 27.2 feet from the rear property line, there are no alternate locations for the proposed addition to be constructed. There is also a 15 foot storm drainage easement located in the northern side yard which restricts any construction on that portion of the lot. Also, no significant trees will be removed as part of the proposed construction. Therefore, staff believes the application satisfies this provision.*

## **CONCLUSION**

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

## **RECOMMENDATION**

Staff recommends approval of special permit application SP 2010-SP-025 for the addition and bay window 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. Zoning Ordinance Provisions

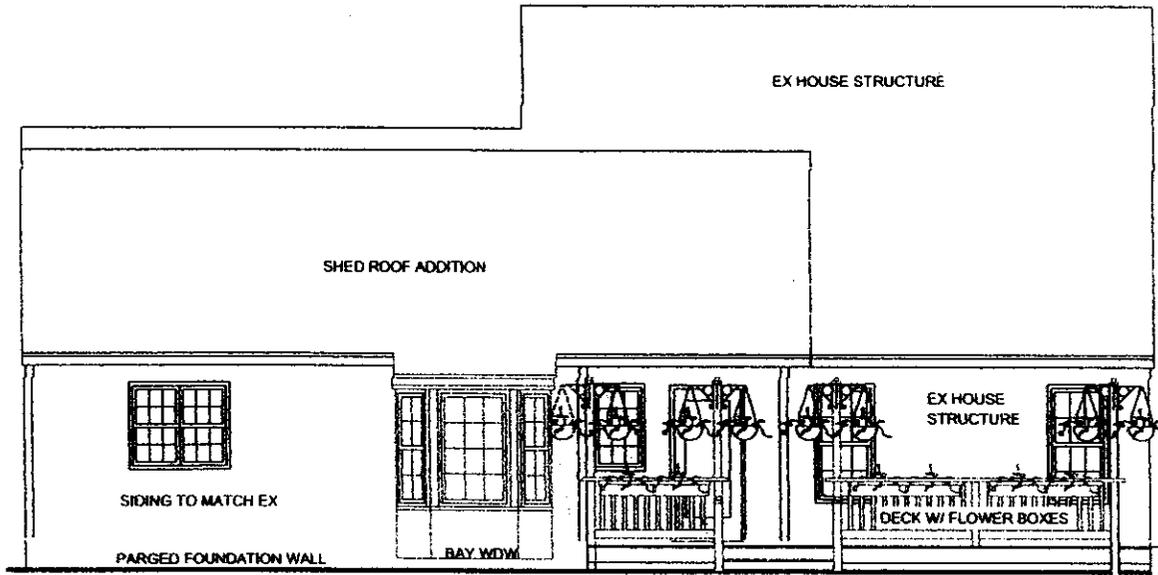
**PROPOSED DEVELOPMENT CONDITIONS****SP 2010-SP-025****June 9, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-SP-025 located at Tax Map Number 88-4 ((12)) 18 (7413 Carath Court), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

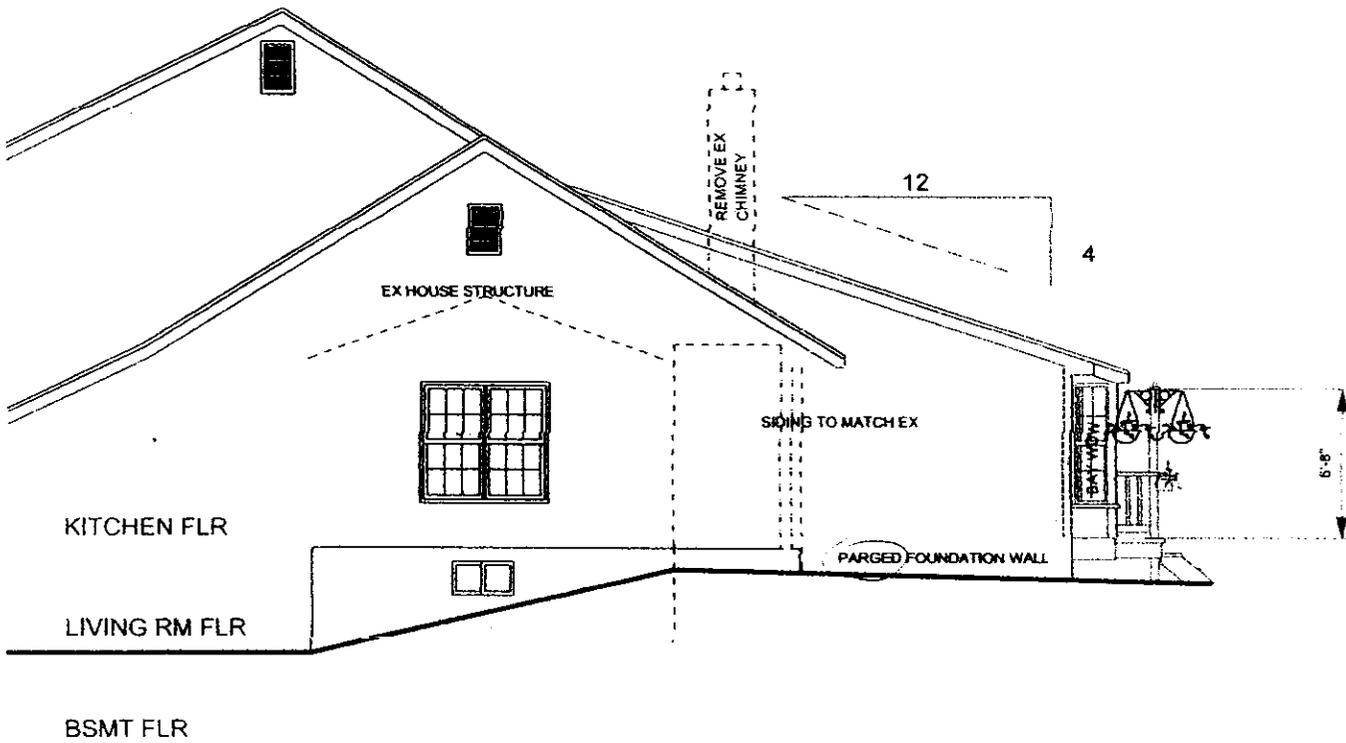
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a proposed addition and bay window as shown on the plat prepared by Joseph W. Bronder, DiGiulian Associates, P.C. Land Surveyors dated September 30, 2009 and signed through March 16, 2010, submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,997 square feet existing + 4,495.5 (150%) = 7,492.5 permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction, special permit or variance. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials included in Attachment 1 to these conditions.

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

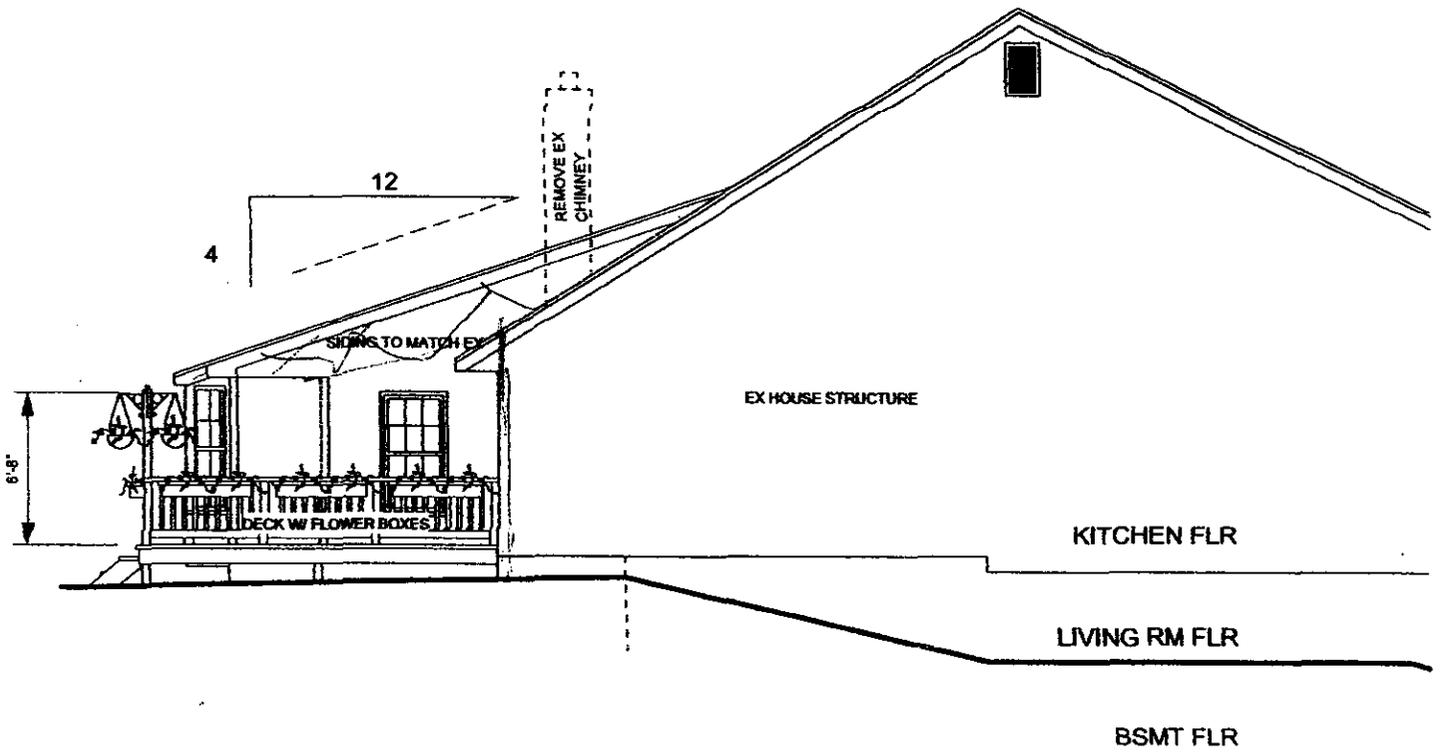
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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



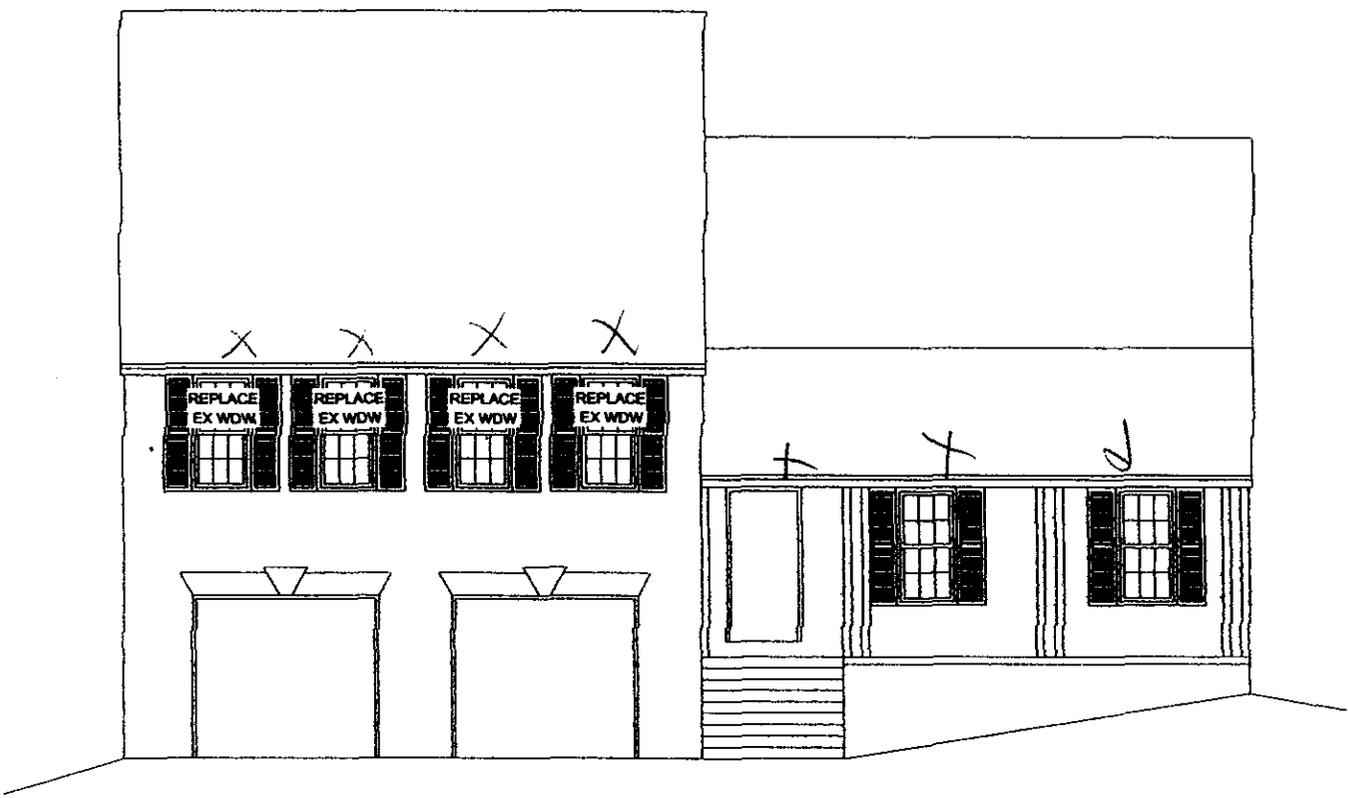
5.7 Younts - Proposed Rear Elev  
Scale: 1/8" = 1'-0"



5.7 Younts - Proposed Side Elev  
Scale: 1/8" = 1'-0"



5.7 Younts - Proposed Side Elev  
 Scale: 1/8" = 1'-0"



5.7 Younts - Existing Front Elevation  
 Scale: 1/8" = 1'-0"

Application No.(s): SP 2010-SP-025  
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 28 December, 2009  
(enter date affidavit is notarized)

I, JAMES O. YOUNTS III, 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 106787a

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)
JAMES O. YOUNTS III	7413 CARATH CT. SPRINGFIELD, VA 22153-1606	<b>APPLICANT AND TITLE OWNER</b>
ANGELA D. YOUNTS	7413 CARATH CT. SPRINGFIELD, VA 22153-1606	<b>TITLE OWNER</b>

(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-SP-025  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 28 December, 2009  
(enter date affidavit is notarized)

106787a

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)

**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-SP-025  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 28 December, 2009  
(enter date affidavit is notarized)

106787a

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):

SP 2010-SP-025

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 28 December, 2009  
(enter date affidavit is notarized)

106787a

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

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

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

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

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

NONE

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 28 December, 2009  
(enter date affidavit is notarized)

106787a

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:

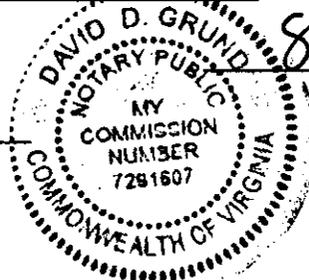
(check one)

James O. Younts III  
 Applicant [ ] Applicant's Authorized Agent

JAMES O. YOUNTS III  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 28th day of December 2009, in the State/Comm. of Virginia, County/City of Arlington.

My commission expires: 31 July 2013



David D. Grund  
Notary Public  
ID# 7291607

RECEIVED  
Department of Planning & Zoning

MAR 30 2010

Zoning Evaluation Division

March 27, 2010

Re: Special Permit Application 2009-0280

Ms. Virginia Ruffner, Planner III  
Application Acceptance Section, ZED, DPZ  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia  
22035-5509

Dear Ms. Ruffner,

The following comments are in response to the deficiencies noted in your February 23, 2010 response to my application and reflect your guidance from our subsequent phone conversation.

Deficiency " Please revise statement to address 8-922 standards (copy attached)"

Response: The application is revised in accordance with specific sub paragraphs of zoning ordinance 8-922 as listed below. The applicable portions of Zoning Ordinance Section 8-922 were copied and pasted to be used as a reference.

Deficiency 930.10 "Provide distance from proposed bay window to rear lot line".

Response: The current bay window is cantilevered. The enclosed revised plat shows the proposed bay window is cantilevered. The revised plat shows the distance from the bay window to the rear lot line is 13 feet 7 inches. The distance from the foundation under the cantilevered bay window to the rear lot line is 15 feet 2 inches. This is shown on the revised signed, sealed and dated plat.

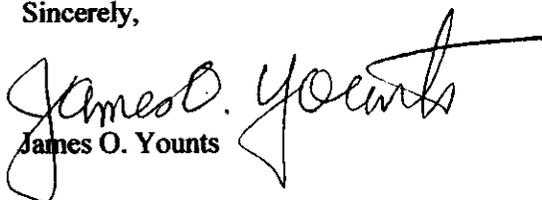
Deficiency 930.11 "Provide distance from proposed bay window to rear lot line". This deficiency is identical to deficiency 930.10 so the response is the same."

Response: The current bay window is cantilevered. The enclosed revised plat shows the proposed bay window is cantilevered. The revised plat shows the distance from the bay window to the rear lot line is 13 feet 7 inches. The distance from the foundation under the cantilevered bay window to the rear lot line is 15 feet 2 inches. This is shown on the revised signed, sealed and dated plat.

Response: Deficiency 7.00 "Please provide a revised signed, sealed and dated plats.

Response: The plat was revised by Mr. Bonder of DiJulian Associates. It is signed, sealed and dated. Enclosed is one 8.5" x 11" reduction as well as several larger copies of the plat for your convenience.

Sincerely,

  
James O. Younts

February 1, 2010

Re: Special Permit Application 2009-0280

Ms. Virginia Ruffner, Planner III  
Application Acceptance Section, ZED, DPZ  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia  
22035-5509

Zoning Evaluation Division  
RECEIVED  
Department of Planning & Zoning  
FEB 1 2 2010

Dear Ms. Ruffner

My review on January 5 with you of the deficiencies in my original application was most helpful. Thank you for your time. The following comments are in response to the deficiencies noted in your December 09, 2009 response to my application and reflect your guidance from our January 5 phone conversation.

Deficiency 1.00 "Please revise application as follows:

- 1) "Zoning ordinance section 8-922."

Response: The application is revised in accordance with specific sub paragraphs of zoning ordinance 8-922 as listed below beginning with zoning ordinance sub paragraph number 4 which is specific deficiency 930.02. The applicable portions of Zoning Ordinance Section 8-922 were copied and pasted to be used as a reference.

- 2) " Proposed use: reduction of certain yard requirements to permit addition 14.2 feet from rear lot line."

Response: See specific sub paragraphs of ordinance 8-922 below.

- 3) "Provide revised signed application."

A letter from the office of the county attorney, ATTN: Ms Bette Davis, also requested revisions to the application and an updated signature and date. I provided that letter to Ms Davis, a copy of that letter and the newly signed application is enclosed

.Deficiency 5.00 " Please revised statement to address 8-922 standards (copy attached)"

Response: The application is revised in accordance with specific sub paragraphs of zoning ordinance 8-922 as listed below beginning with zoning ordinance sub paragraph number 4 which is specific deficiency 930.02. The applicable portions of Zoning Ordinance Section 8-922 were copied and pasted to be used as a reference.

Deficiency item 930.02 " 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. "

**Response:** The proposed development will be in character with our existing structure (house). The location will become the rear of the existing structure and will extend the back of the house. As shown on the diagrams, the height, bulk, and scale are in keeping with the existing structure. The interior height will be a standard eight foot ceiling. The exterior height will be as shown in the drawings.

**Deficiency item 930.03** “ 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.”

**Response:** The proposed development is in harmony with the surroundings. The additional space will be joined to the existing house as shown in the attached drawings. We propose adding an extension to the rear of the house to increase house size by 13.7% which is under the 50% limitation. The proposed addition is 410 SF and the existing dwelling is 2,997 SF. The calculated percentage is 13.7%. The proposed addition will not have an impact on the location, height, bulk and scale of surrounding structures. The surrounding structures are the homes on both sides of our house. Our neighbors on both sides were asked if they had a problem with our addition and both said there was no problem. The addition will not affect the topography or vegetation around our property. There are no “significant trees as determined by the Director”.

**Deficiency item 930.04** “ 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.”

**Response:** No adjacent property will be impacted by the proposed 412 SF addition. The addition is for our family use and there will not be an increase in noise, light, air, safety, erosion or stormwater run off. My lawn is well maintained and I will quickly reseed those portions of the yard used by the contractor.

**Deficiency item 930.05**” 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.”

**Response:** The layout of the proposed addition to the structure represents an increase of 13.7% to the existing dwelling. Because both the existing kitchen and den have a wall along the rear of the house, the best location to increase their size is to the rear of the house. The orientation of the structure on the lot is that it will be an extension of the existing house into the present back yard. Basically part of the back of the house will be pushed out (expanded). The only vegetation affected is the grass where the new “footprint” will go. The house does not have a septic field and there is no well on the property. An easement along the side of our house does exist as reflected on the Special Permit Plat provided by Mr. Bronder of DiGuilan Associates.

**Deficiency 930.10** “Provide distance from proposed bay window to rear lot line”.

Response: The current bay window is cantilevered. The provided Proposed Rear Elevation diagram shows the proposed bay window is cantilevered. The distance from the bay window to the rear lot line is 11 feet 7 inches. The distance from the foundation under the cantilevered bay window to the rear lot line is 13 feet 1 inch.

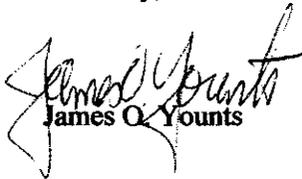
Deficiency 930.11 "Provide distance from proposed bay window to rear lot line). This deficiency is identical to deficiency 930.10 so the response is the same."

Response: The current bay window is cantilevered. The provided Proposed Rear Elevation diagram shows the proposed bay window is cantilevered. The distance from the bay window to the rear lot line is 11 feet 7 inches. The distance from the foundation under the cantilevered bay window to the rear lot line is 13 feet 1 inch.

Deficiency 7.00 "Please provide a revised signed, sealed and dated plats.

Response: One 8.5" by 11" reduction of the special permit plat is enclosed.

Sincerely,

  
James O. Younts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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