



APPLICATION ACCEPTED May 6, 2010
DATE OF PUBLIC HEARING: July 14, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 7, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2010-SP-033

SPRINGFIELD DISTRICT

APPLICANT: Janette Schaeffer

OWNERS: Janette L. Schaeffer, William T. Schaeffer and Patricia A. Charitan

ZONING: R-3 (Cluster) & WS

LOCATION: 6808 Marleigh Court

SUBDIVISION: Compton Heights

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 65-4 ((5)) 23

LOT SIZE: 8,250 Square Feet

SP PROPOSAL: Reduction of certain yard requirements to permit construction of addition 16.1 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-SP-033 for the addition subject to the proposed development conditions contained in Appendix 1.

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

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

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.**

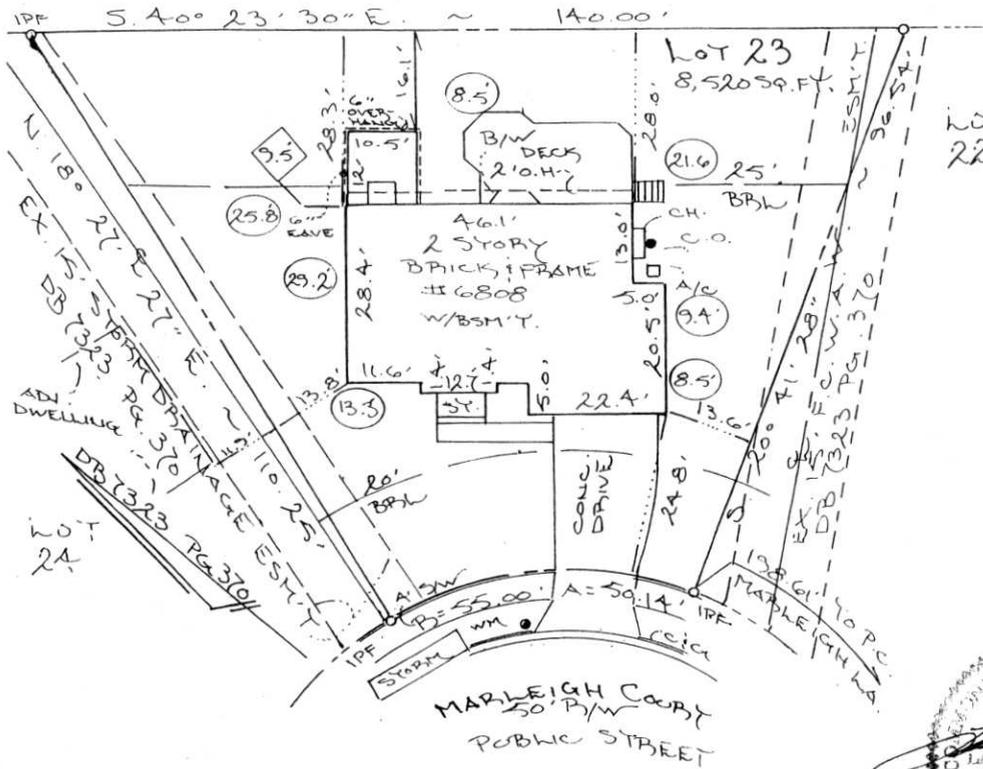


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2010-SP-033
JANETTE SCHAEFFER



PARCEL "B"

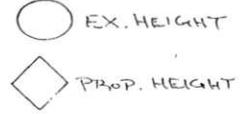


- NOTES:
1. THIS PROPERTY IS SHOWN ON TAX MAP NO. 65-4-05-0023 AND IS ZONED R-3C.
 2. OWNER: WILLIAM T. SCHAEFFER, D.B. 19300, PG. 1708
 3. NO TITLE REPORT FURNISHED.
 4. THIS PROPERTY IS NOT LOCATED IN A RESOURCE PROTECTION AREA OR 100 YR. FLOOD PLAIN.
 5. THERE ARE NO KNOWN GRAVES ON THIS SITE.
 6. THIS LOT IS SERVED BY PUBLIC WATER AND SEWER.
 7. A SPECIAL PERMIT IS REQUESTED TO CONSTRUCT A SUNROOM AT THE BASEMENT LEVEL ON THE REAR OF THE DWELLING.
 8. THERE ARE NO PUBLIC UTILITY ESM'TS 25' OR GREATER IN WIDTH ON SITE.
 9. THERE IS NO SCREENING / FENCING LOCATED ON THIS PROPERTY.

WETLANDS STATEMENT
 I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCEMENT OF LAND DISTURBING ACTIVITIES.

SIGNATURE: *[Signature]*
 OWNER/DEVELOPER: D. S. OLSHAM PROJECT MANAGER.
 NAME TITLE

R3-C ZONING:
 FRONT: 20'
 SIDE: 8' WITH A TOTAL OF 20'
 REAR: 25'
 FLOOR AREA RATIO: N/A FOR RESIDENTIAL
 GROSS FLOOR AREA: 3,723.36 SQ. FT.
 EXISTING MAXIMUM HEIGHT: 29.2'
 PROPOSED MAXIMUM HEIGHT: 9.5'



PROP. ADDN = 126 SQ. FT. OR 3.38% OF EX. SQ. FT.

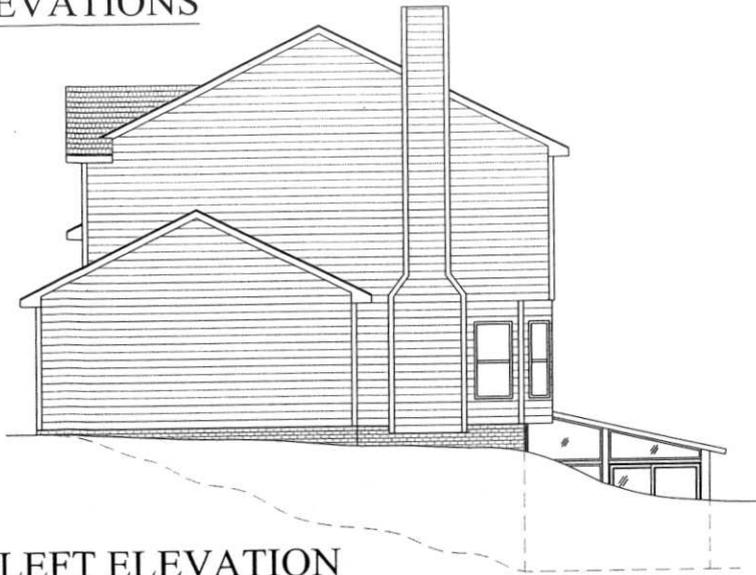


SPECIAL PERMIT PLAT
 LOT 23, SECTION 3
COMPTON HEIGHTS
 SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA
 TAX MAP NO. 65-4-05-0023
 SCALE: 1" = 20' DATE: MARCH 26, 2010
 JOB NO: LLS 6206

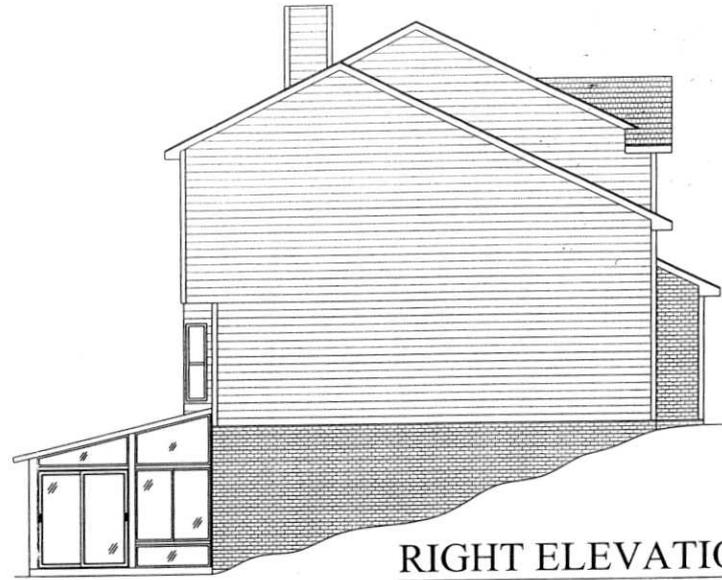
LOT LEGALITY STATEMENT
 I HEREBY CERTIFY THAT ALL APPROPRIATE COUNTY APPROVALS WERE OBTAINED IN ACCORDANCE WITH THE PROCESS REQUIRED BY THE SUBDIVISION ORDINANCE IN EFFECT AT THE TIME OF THE CREATION OF LOT 23. THIS LOT WAS CREATED AS PART OF THE COMPTON HEIGHTS SUBDIVISION, SECTION 3, AS RECORDED IN DEED BOOK 7323 AT PAGE 370 AND APPROVED BY THE BOARD OF SUPERVISORS ON 10/10/88.

LAURA LEE SCOTT SURVEYS, INC.
 12326 BEECHNUT COURT, WOODBRIDGE, VA. 22192
 (703) 494-6261 FAX (703) 494-7225

ELEVATIONS



LEFT ELEVATION



RIGHT ELEVATION



FRONT ELEVATION

RECEIVED
 Department of Planning & Zoning
 APR 19 2010
 Zoning Evaluation Division



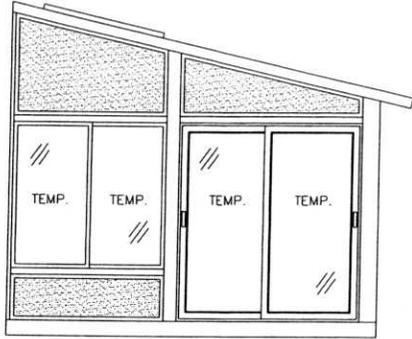
BAW
 ENGINEERING
 WALZ ENGINEERING LLC
 11111 HALL RD., SUITE 110
 UTICA, MI 48317

FILE # CWDG-AJ-SCHAEFFER DATE: 10/28/09
 DEALER: CHAMPION WINDOW OF WASHINGTON DC
 SCHAEFFER
 6808 MARLEIGH CT.
 CLIFTON, VA 20124
 DRAWN BY: ALEX BUECHEL
 SCALE: 1/4" = 1'

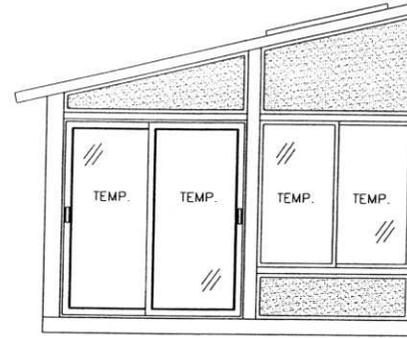
SHEET
E1

APPROVED, SIGNED AND SEALED ON: 10/30/09
 COMMONWEALTH OF VIRGINIA
 ROBERT ALAN WALZ
 No. 0402 035439
 PROFESSIONAL ENGINEER
 ROBERT A. WALZ, P.E.
 PHONE: (888) 262-9259 FAX: (586) 323-1645

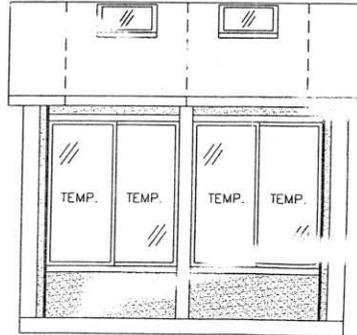
ELEVATIONS



1



3



2

TOTAL WEIGHT OF PRODUCTS: 1560 lbs.

MINIMUM DESIGN LOADS:

DEAD LOADS:

- 1) ROOF: 6 PSF
- 2) WALLS: 5 PSF

LIVE LOADS:

- 1) ROOF: 30 PSF
- 2) WALLS: 90 MPH - 3 SEC. WIND GUST

DEFLECTION LIMITS:

- 1) ROOF: L/180
- 2) WALLS: L/175



PRINTED, SIGNED AND DATED 10/30/09
ROBERT ALAN WALZ
No. 0462-03439

PROFESSIONAL
ROBERT A. WALZ
PHONE: (888) 262-9259
FAX: (586) 323-1645

BW
ENGINEERING
WALZ ENGINEERING LLC
11111 HALL RD., SUITE 110
UTICA, MI 48317

FILE # CWDC-AJ-SCHAEFFER
DEALER: CHAMPION WINDOW OF WASHINGTON DC
DATE: 10/28/09

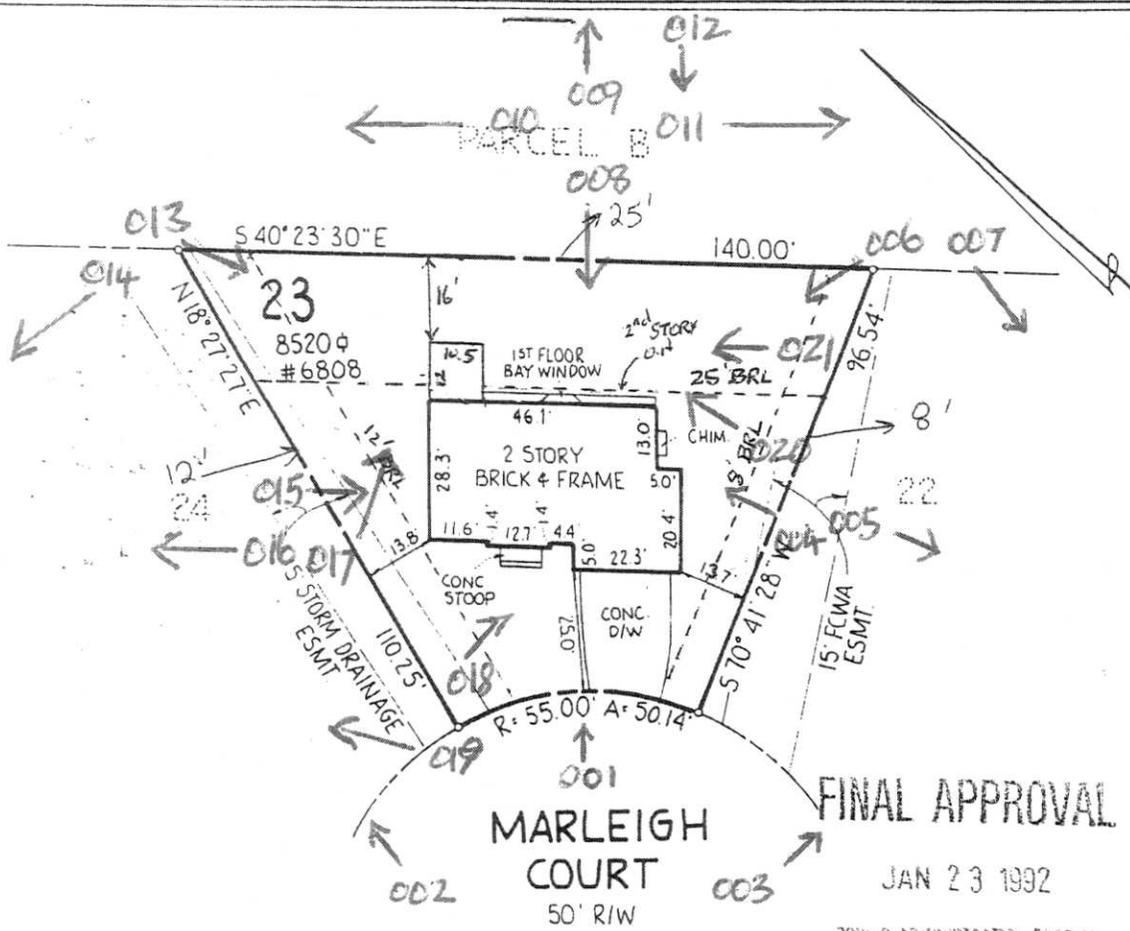
SCHAEFFER
6808 MARLEIGH CT.
CLIFTON, VA 20124

DRAWN BY: ALEX BUECHEL
SCALE: 1/4"=1'

SHEET
2 OF 4

SCHAEFFER

PHOTO KEY



FINAL APPROVAL
 JAN 23 1992
 ZONING ADMINISTRATION DIVISION
 OFFICE OF COMPREHENSIVE PLANNING

NOTES

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON ASSESSMENT MAP 65-4-(5)-23.
2. NO TITLE REPORT FURNISHED.
3. THE PROPERTY SHOWN ON THIS PLAT DOES NOT LIE WITHIN A HUD DESIGNATED AREA OF SPECIAL FLOOD HAZARD.

WALL CHECK: MAY 24, 1991
 FINAL: AUGUST 13, 1991



HOUSE LOCATION SURVEY
 LOT 23
COMPTON HEIGHTS
SECTION THREE
 DEED BOOK 7323, PAGE 370
 SPRINGFIELD DISTRICT
 FAIRFAX COUNTY VIRGINIA
 SCALE: 1" = 30' DATE: AUGUST, 1991

MANASSAS
 10759 Ambassador Drive
 Suite 201
 Manassas, VA 22110
 Local 368-0603
 Metro 631-8387
 Fax 368-3946

LEESBURG
 2 Cardinal Park Drive
 Suite 101A
 Leesburg, VA 22075
 Local 771-1393
 Metro 478-8139
 Fax 771-4875

RECEIVED
 Department of Planning & Zoning
 APR 19 2010
 Zoning Evaluation Division

001



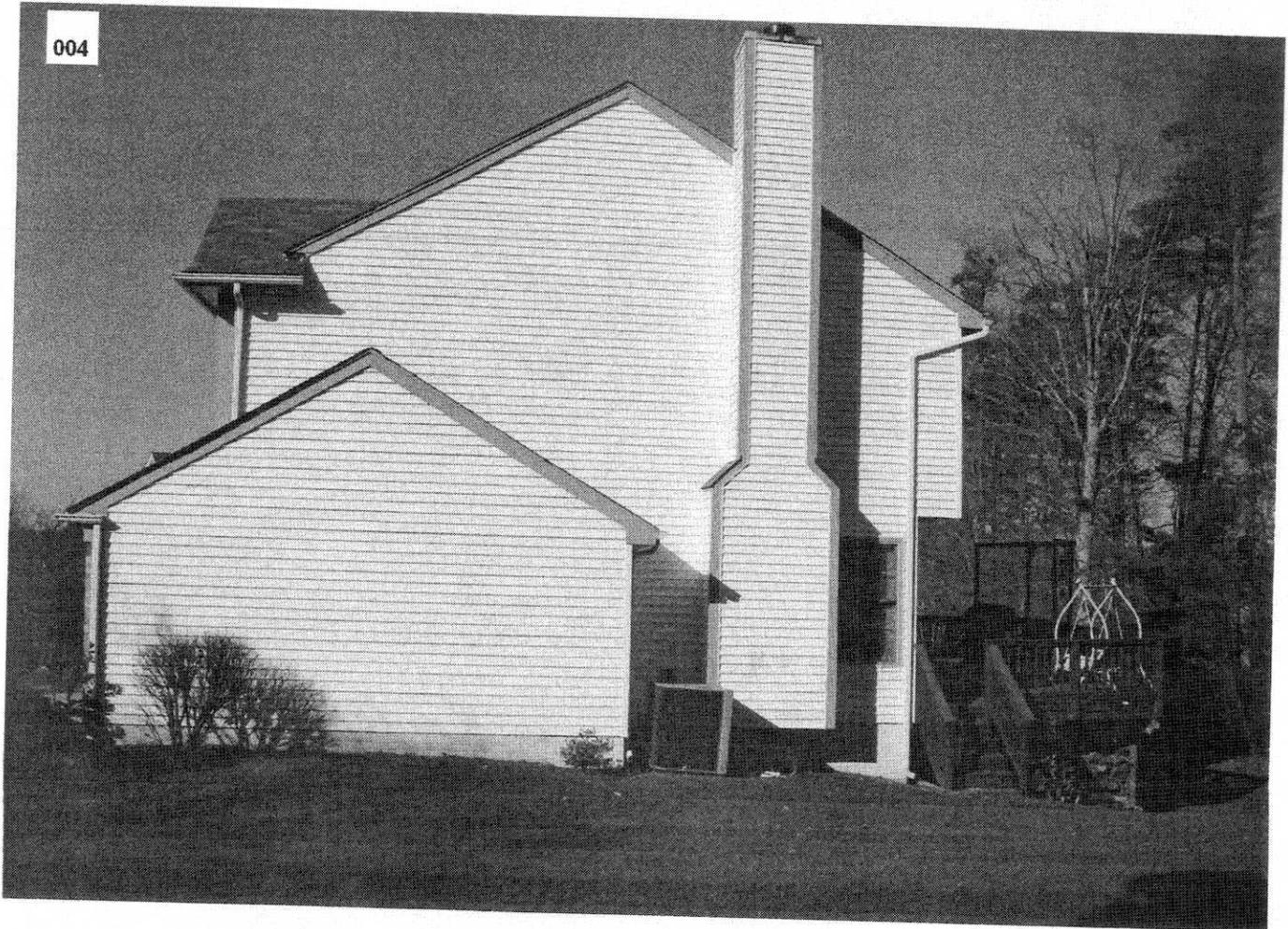
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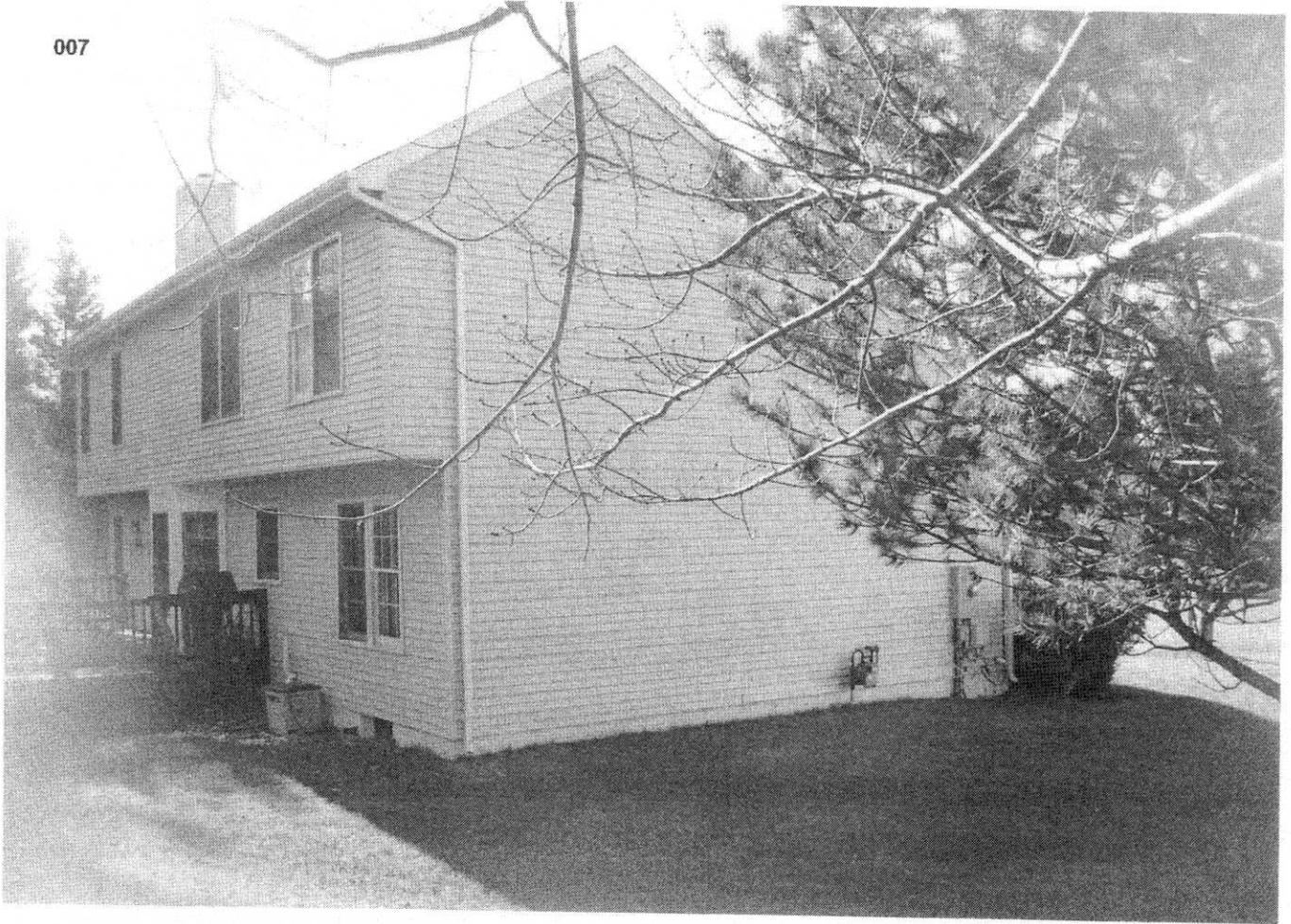
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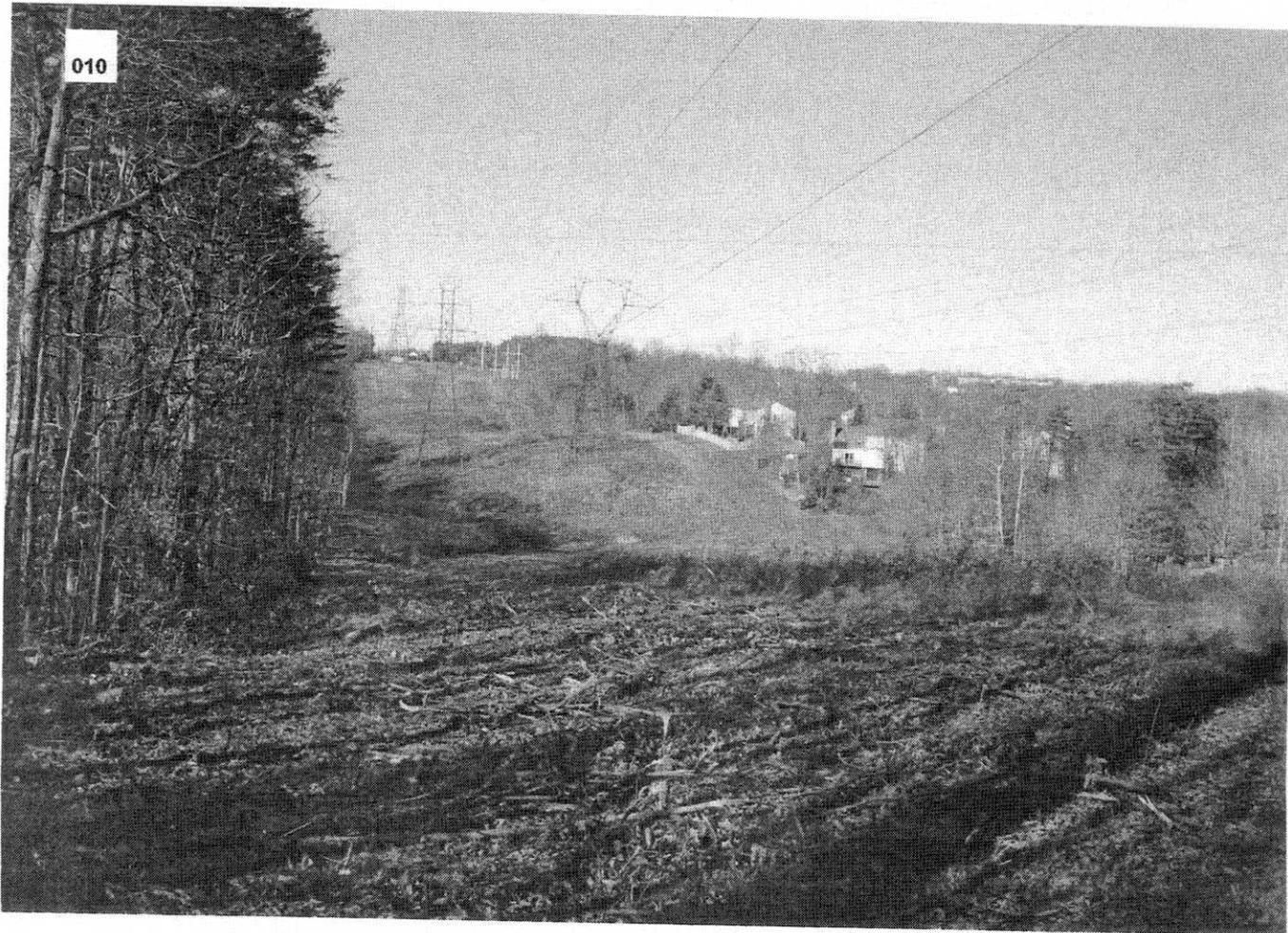
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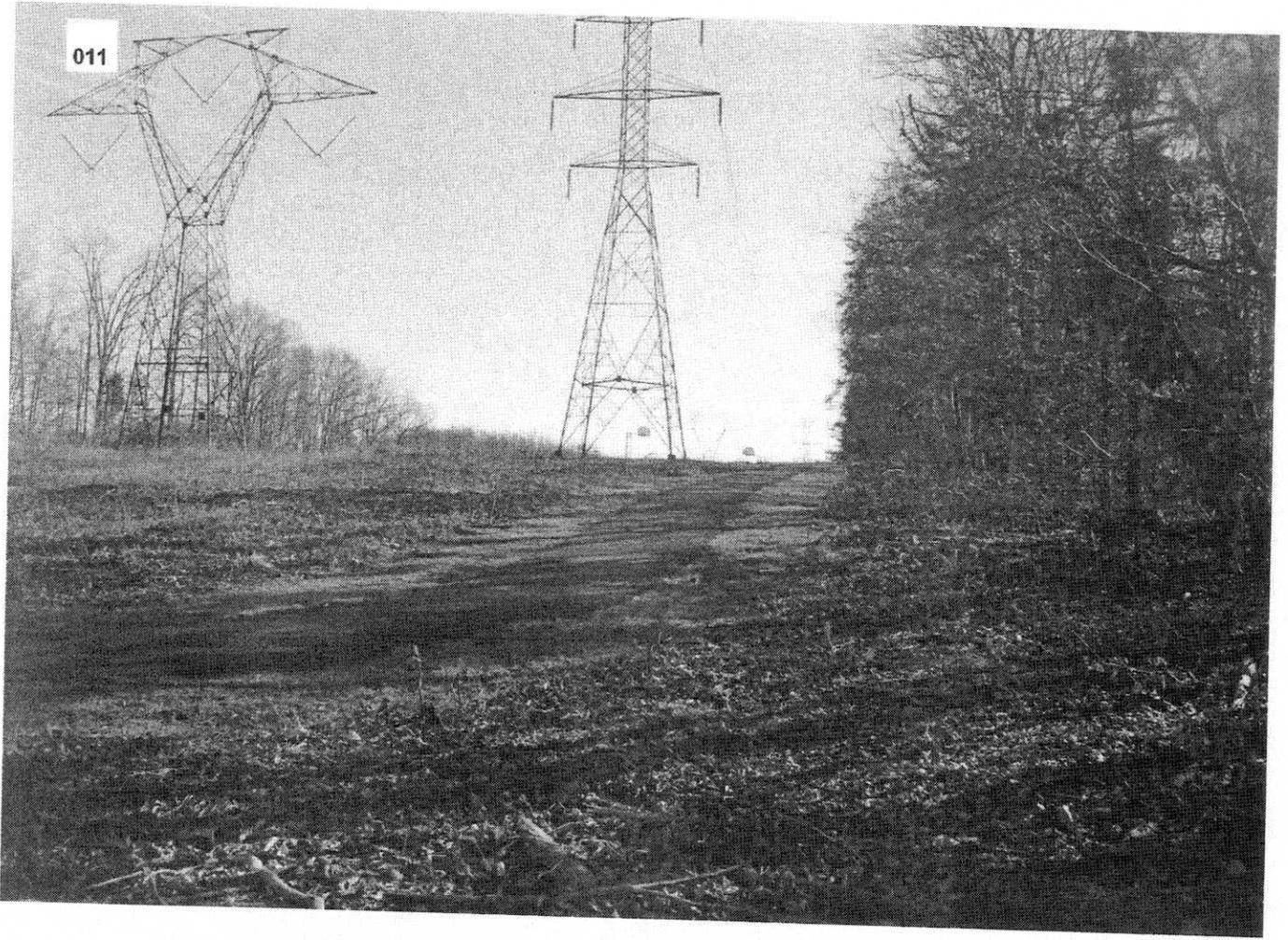
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010



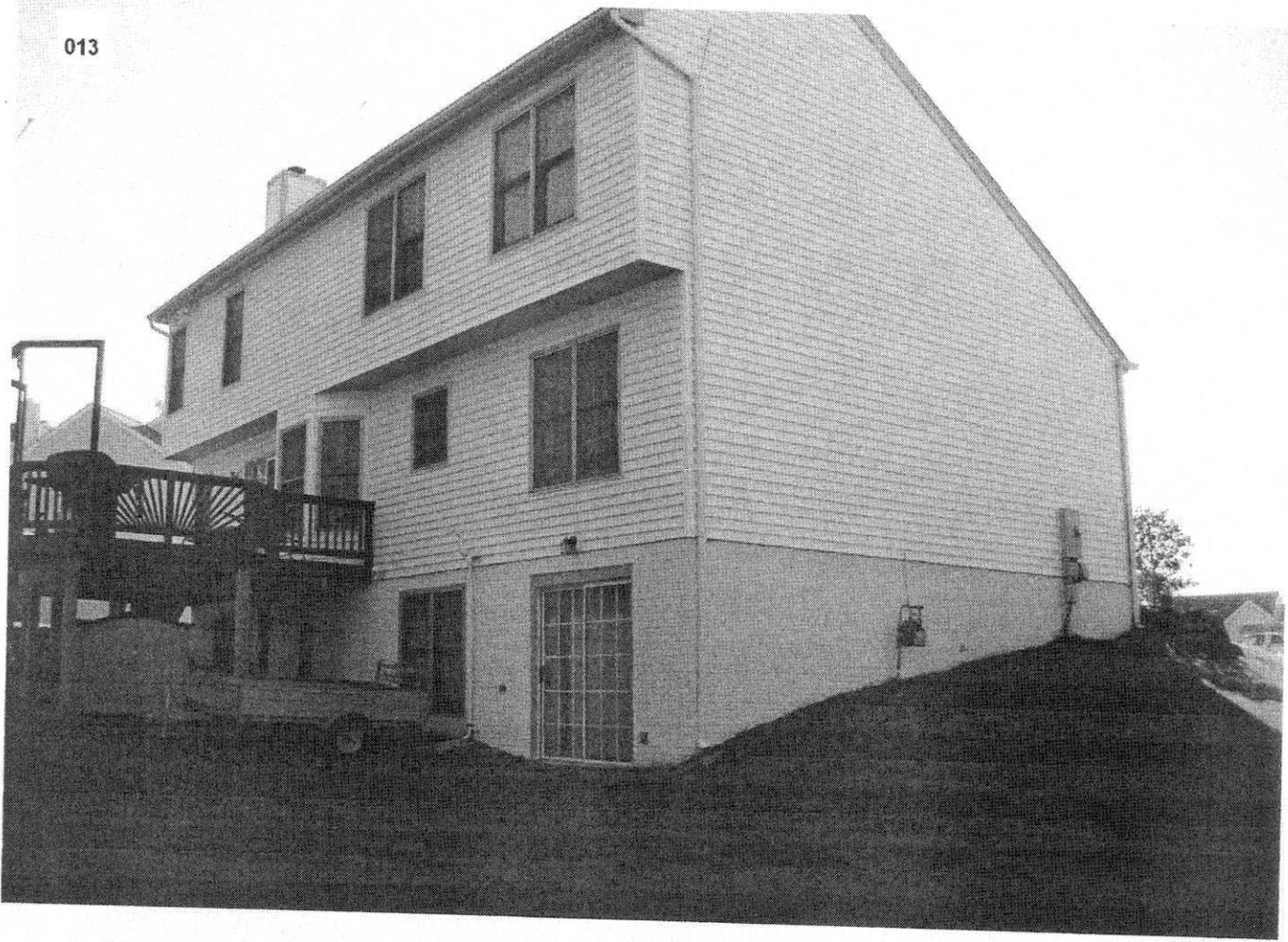
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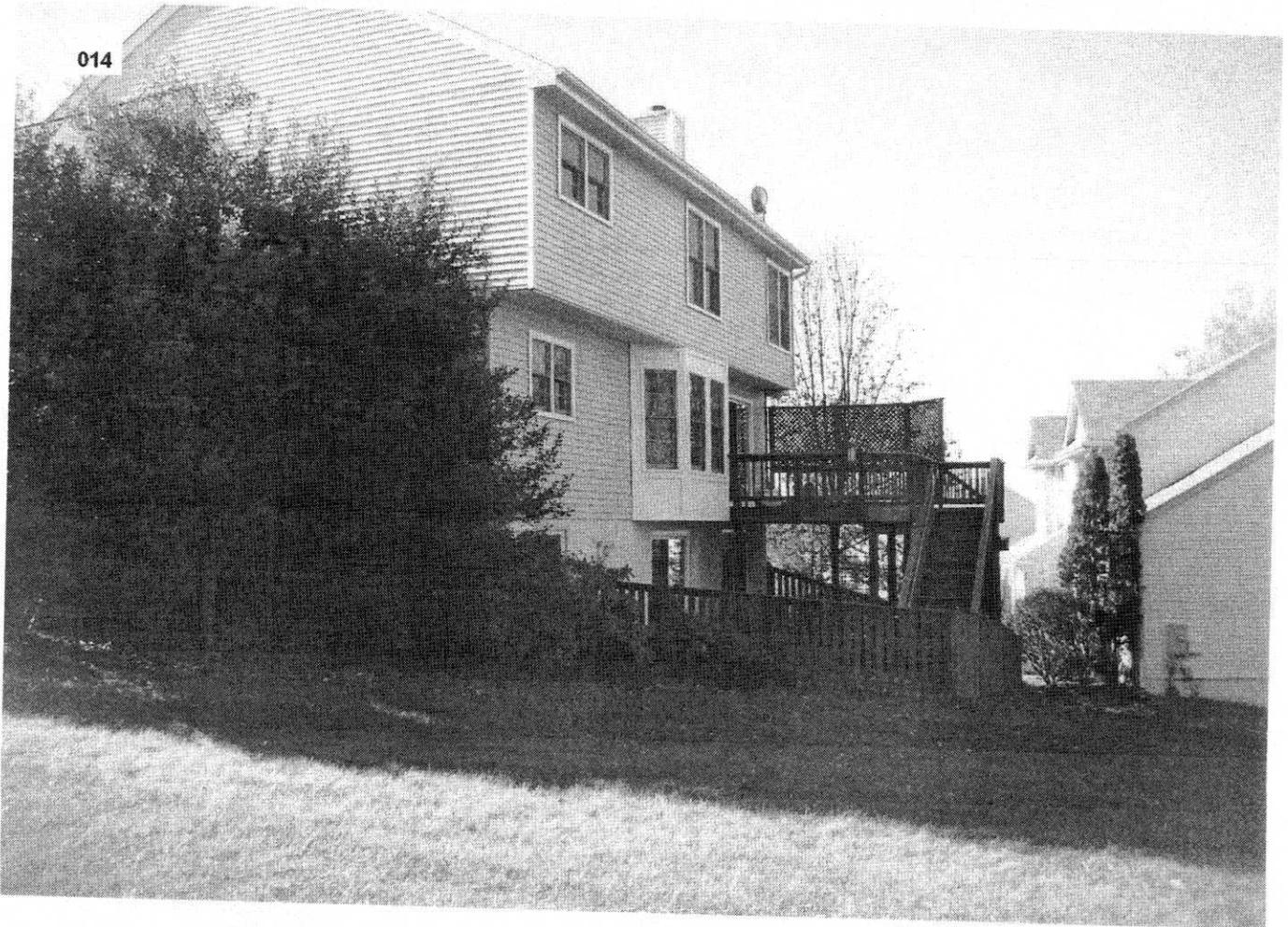
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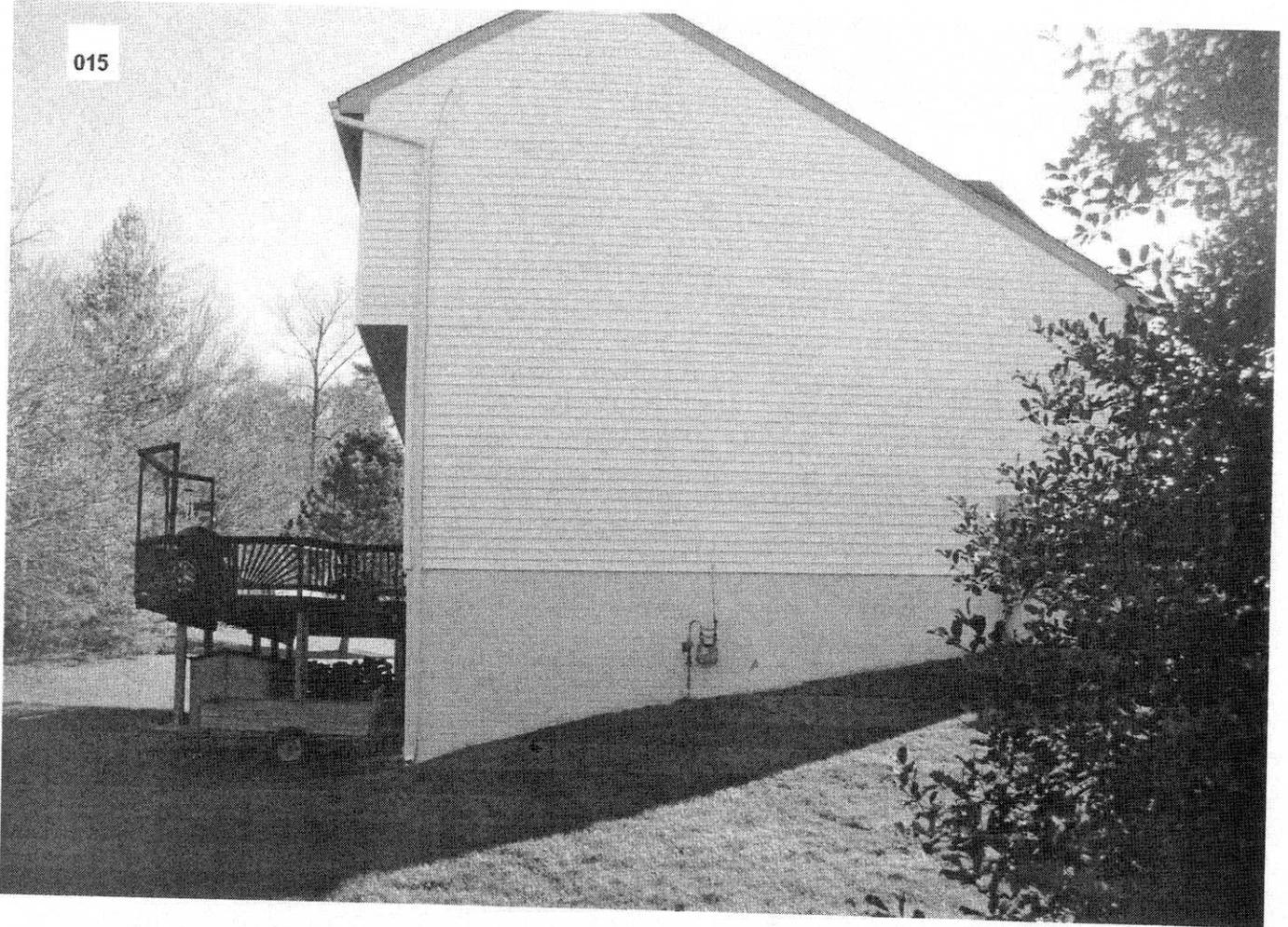
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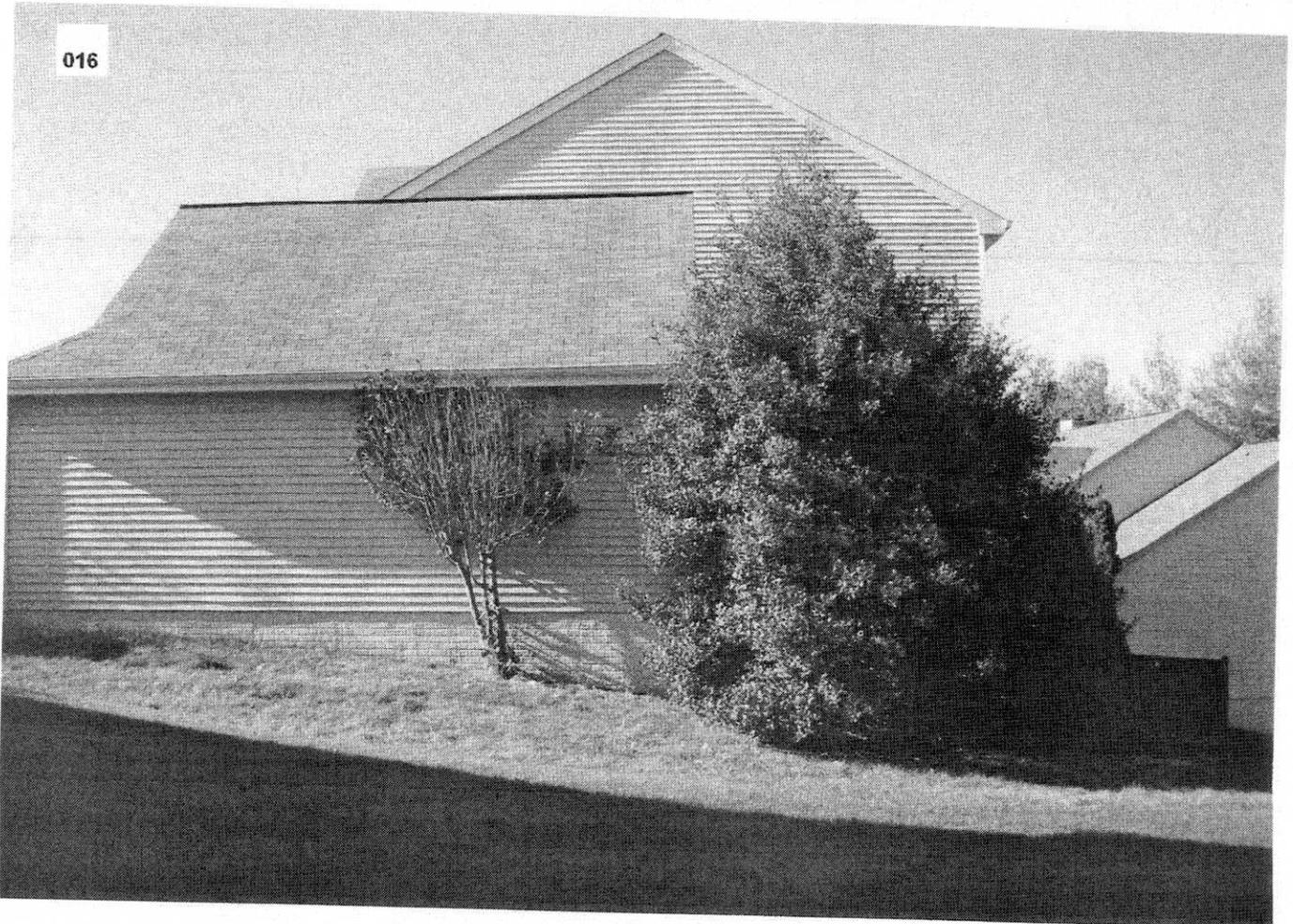
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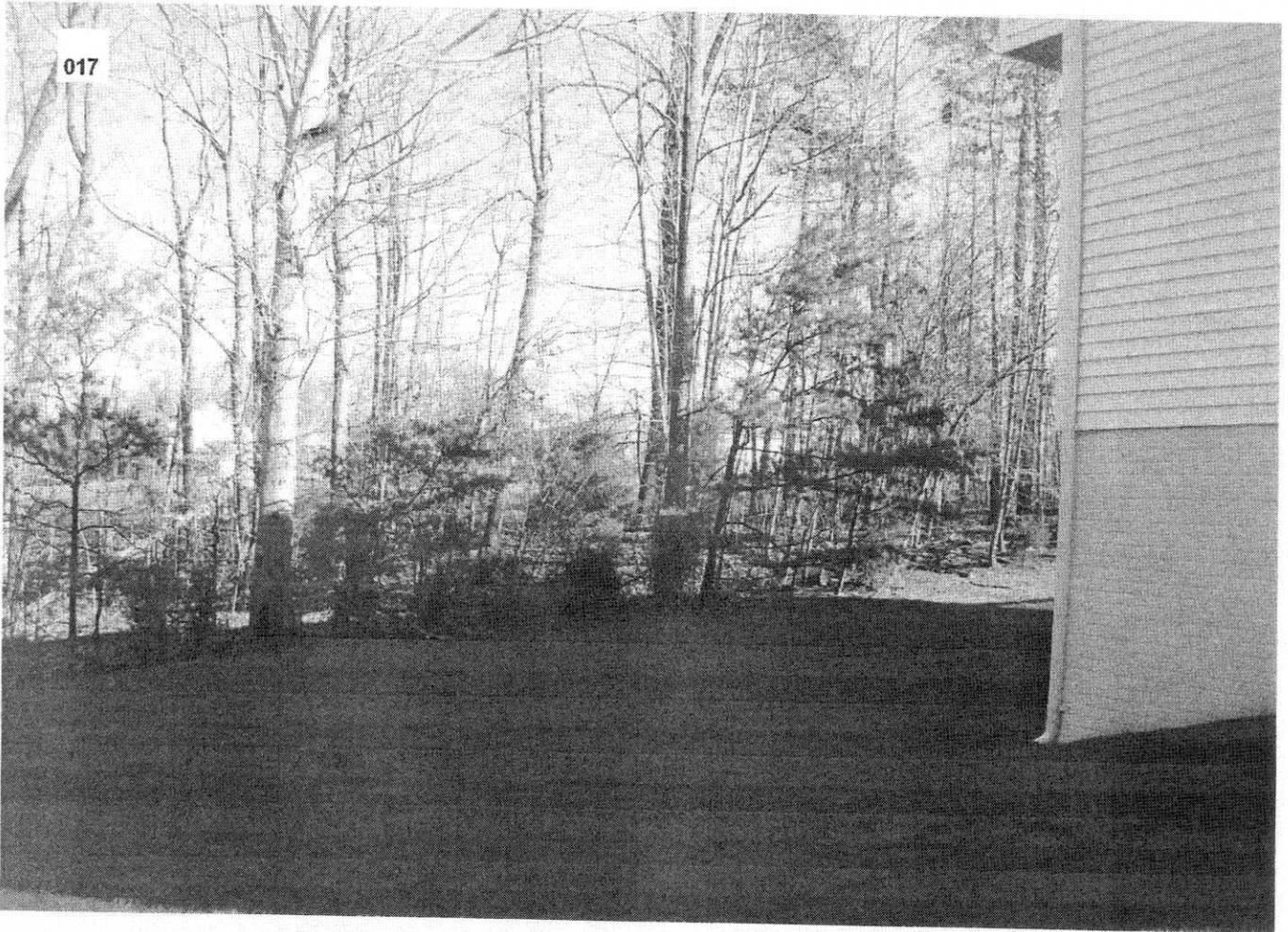
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016



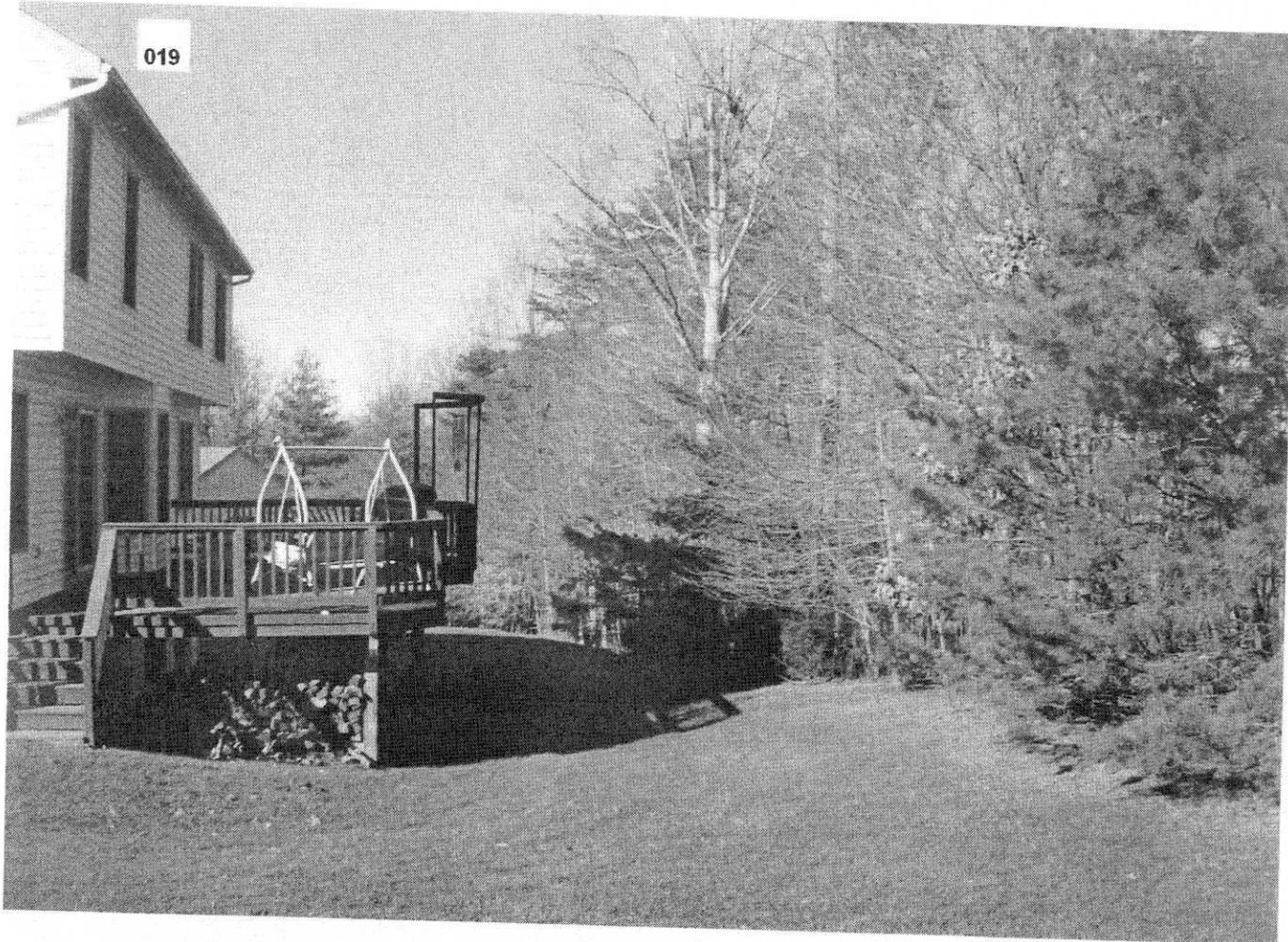
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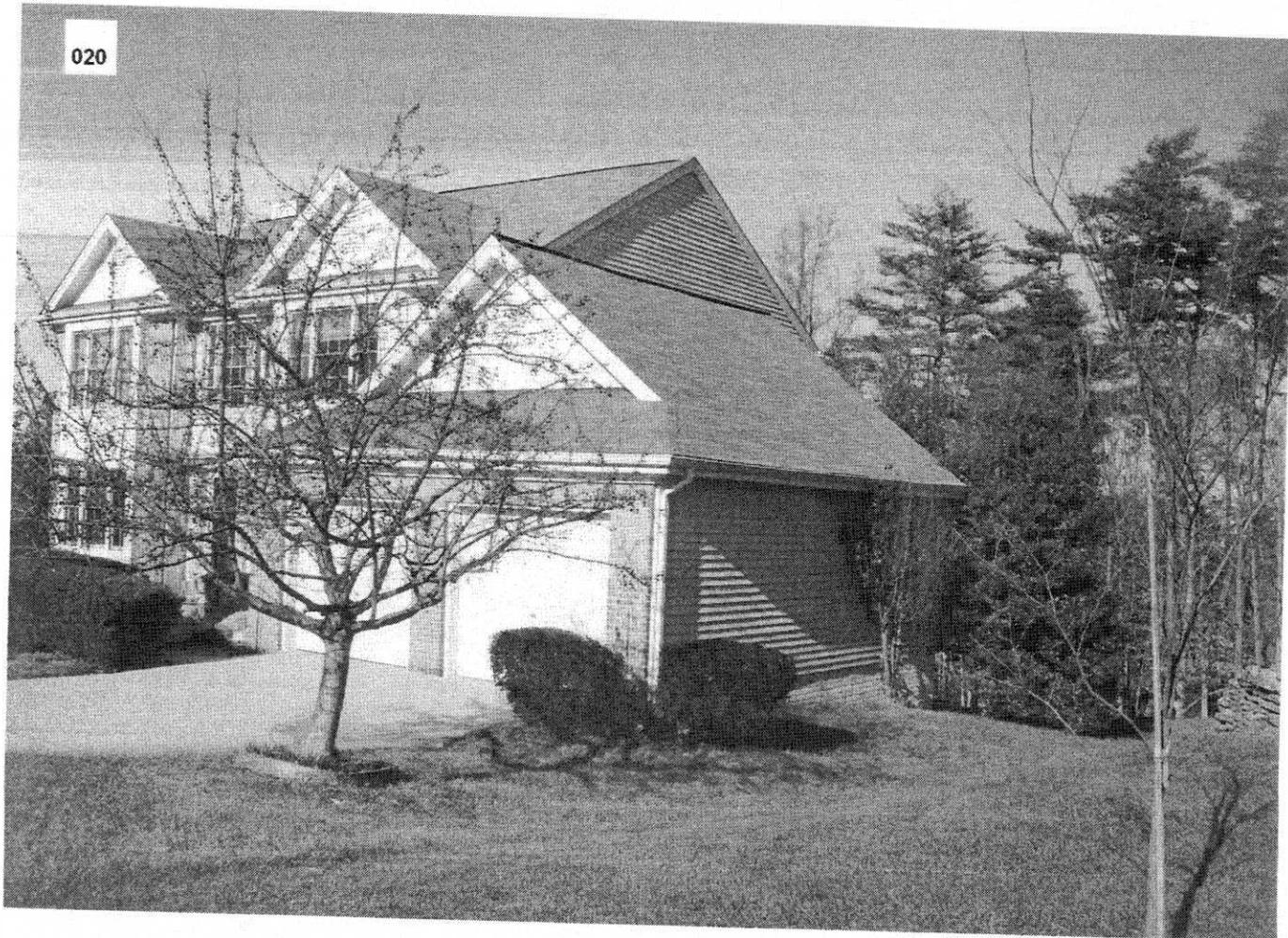
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019



020



021



DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a sunroom addition 16.1 feet from the rear lot line.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Addition	Rear	25 feet	16.1 feet	8.9 feet	35.6 %

* Minimum yard requirement per Section 3-307

LOCATION AND CHARACTER

Existing Site Description

The site is currently zoned R-3 Cluster and contains a two story with basement single-family detached dwelling which was originally constructed in 1991. The lot consists of 8,520 square feet and is surrounded by single family detached homes to the west and south. To the north and east, directly adjacent to the subject property, a Virginia Power Easement runs along the rear of the property. The topography slopes downward from the east towards the west in the rear of the property. Vehicular access is provided by a driveway off of Marleigh Court. Along the eastern side lot line there is a 15 foot wide Fairfax County Water Authority easement and along the western side is a 15 foot storm drainage easement.

Character of the Area

	Zoning	Use
North	R-3 Cluster	Single Family Detached Dwellings
West	R-3 Cluster	Single Family Detached Dwellings
East	R-3 Cluster	Single Family Detached Dwellings
South	R-3 Cluster	Single Family Detached Dwellings

BACKGROUND

There is an existing deck on the subject property which currently has an trellis/arbor above the railing. Per an interpretation by the Zoning Administration Division, this structure would be considered like an addition and would have to meet the 25 foot

minimum required rear yard. Given this information, the applicant has agreed to remove the trellis/arbor to be in compliance with the Zoning Ordinance. A copy of the agreement email provided by the applicant's agent can be found in Appendix 4.

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

- Variance VC 01-Y-077, denied on July 25, 2001, on Tax Map Number 65-4 ((5)) 6, on 14019 Marleigh Lane, zoned R-3 Cluster, south of the subject property to permit construction of addition 15.4 feet from the rear lot line.
- Variance VC 92-Y-052, granted on July 31, 1992, on Tax Map Number 65-4 ((5)) 31, on 6864 Compton Heights Circle, zoned R-3 Cluster, west of the subject property to permit construction of addition 17.9 feet from the rear lot line.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat, Lot 23, Section 3, Compton Heights
- **Prepared By:** Laura A. Scott, Laura Lee Scott Surveys, Inc. dated March 26, 2010 and signed April 26, 2010

Proposal

The applicant proposes to construct a three season sunroom at the basement level off the rear of the existing dwelling. The footprint of the proposed sunroom will be approximately 10.5 feet x 12 feet (126 square feet) in size and the height is proposed at 14 feet. There is an existing deck which is 8.5 feet in height located to the east of the proposed sunroom. The trellis/arbor on the deck will be removed, which will bring the structure into conformance with Zoning Ordinance requirements.

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 on the fact that there is a minimal extension further into the rear yard than what currently exists. The sunroom is proposed to be constructed at level with the basement of the dwelling. The*

most affected property by the proposed expansion is to the northeast, which is where there is a Virginia Power Easement (along the rear of the property). As observed in photos presented at the front of this report, there are a significant number of trees within the rear yard that also serve as a buffer to the proposed addition and topography on the lot is such that only a portion of the addition will be visible from the southern lot line. 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 2,469 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,703.5 square feet; which makes a combined total of 6,172.5 square feet. The proposed addition will be 126 square feet in size for a total of 2,595 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 sunroom addition will be one story in height (14 feet to the peak) and only 126 square feet in size. The existing single family detached dwelling is 29.2 feet in height and 2,469 square feet in size; therefore the proposed sunroom addition will be in character with existing on-site development in terms of height and bulk respectively. The proposed sunroom 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 its small size and scope. Minimal land disturbance will take place due to its small size and no significant trees or vegetation will be removed for the proposed construction. Additionally, the topography on the lot will serve to partially hide the addition. Therefore, the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to

issues such as noise, light, air, safety, erosion, and stormwater runoff. *No downstream complaints have been indicated by DPWES and there is minimal increase of impervious area due to the small size of the addition. Currently there is dense tree cover on the adjacent property along the site's rear lot line which is where the proposed addition will take place. This tree cover is provided by trees in the Virginia Power Easement which serves as a buffer between the proposed addition and the adjacent properties. 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. Since the addition is small in size and that there is an existing deck which extends into the rear yard by-right, staff believes this is a minimal addition. There are no potential alternate locations for a sunroom given the orientation of the existing dwelling on the subject lot with the dwelling located 28 feet from the rear lot line and easements along both side lot lines. Therefore, staff believes the application satisfies this provision.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of special permit application SP 2010-SP-033 for the addition subject to the proposed development conditions contained in Appendix 1 of the staff report.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Email from Agent Confirming Removal of the Trellis/Arbor on the Deck
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2010-SP-033****July 7, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-SP-033 located at Tax Map Number 65-4 ((5)) 23 (6808 Marleigh 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.

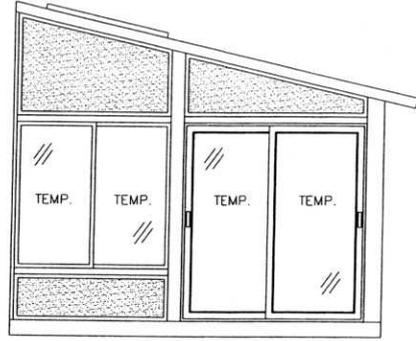
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a proposed sunroom addition as shown on the plat prepared by Laura A. Scott, Laura Lee Scott Surveys, Inc. dated March 26, 2010 and signed April 26, 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 (2,469 square feet existing + 3,703.5 (150%) = 6,172.5 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.
5. Prior to final inspection for the one-story addition, the trellis/arbor above the existing deck shall be removed.

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.

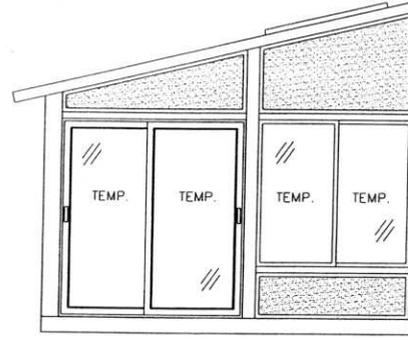
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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

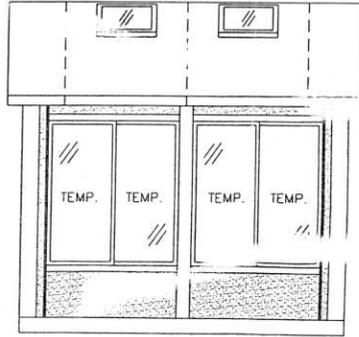
ELEVATIONS



1



3



2

TOTAL WEIGHT OF PRODUCTS: 1560 lbs.

MINIMUM DESIGN LOADS:

DEAD LOADS:

- 1) ROOF: 6 PSF
- 2) WALLS: 5 PSF

LIVE LOADS:

- 1) ROOF: 30 PSF
- 2) WALLS: 90 MPH - 3 SEC. WIND GUST

DEFLECTION LIMITS:

- 1) ROOF: L/180
- 2) WALLS: L/175



PRINTED AND SIGNED ON 10/30/09
 ROBERT ALAN WALZ
 No. 0462-63439

Walz
 ENGINEERING
 WALZ ENGINEERING LLC
 11111 HALL RD., SUITE 110
 UTICA, MI 48317

FILE # CWC-AJ-SCHAEFFER DATE: 10/28/09
 DEALER: CHAMPION WINDOW OF WASHINGTON DC

SCHAEFFER
 6808 MARLEIGH CT.
 CLIFTON, VA 20124

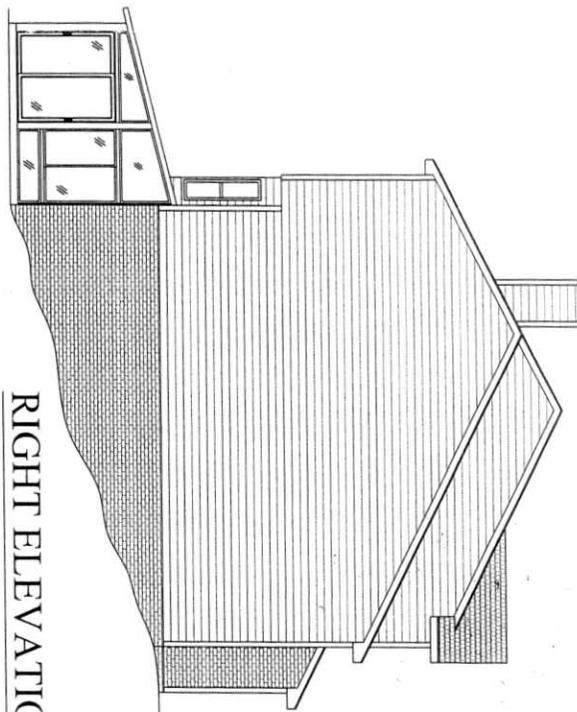
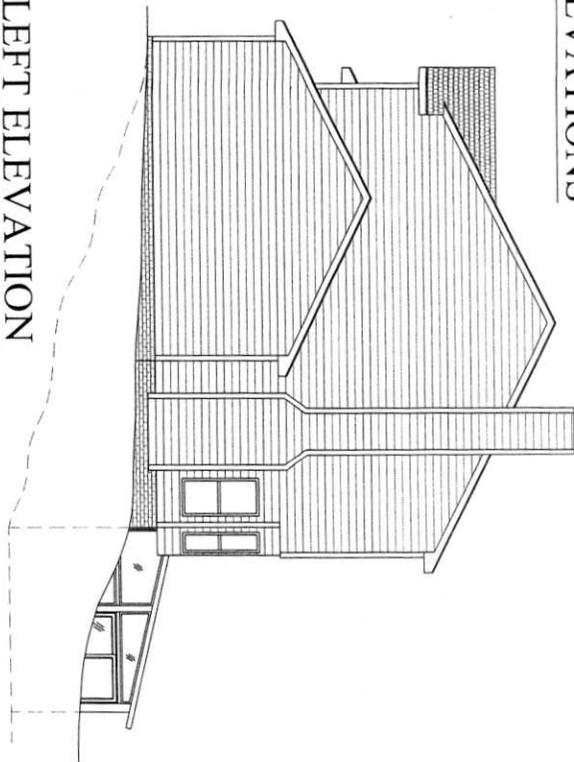
DRAWN BY: ALEX BUECHEL
 SCALE: 1/4"=1'

SHEET
2 OF 4

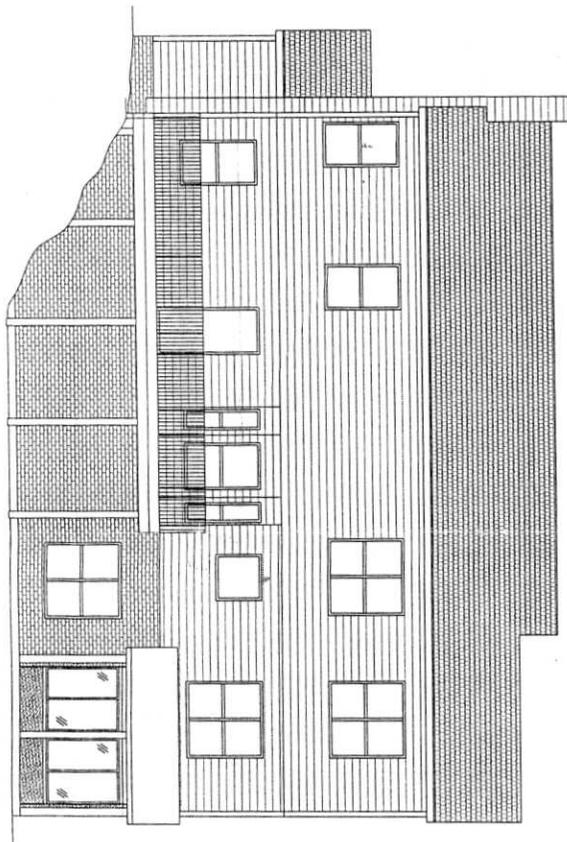
ROBERT A. WALZ
 PROFESSIONAL ENGINEER
 PHONE: (888) 263-3959 FAX: (586) 323-1645

ELEVATIONS

LEFT ELEVATION



RIGHT ELEVATION



FRONT ELEVATION

RECEIVED
 Department of Planning & Zoning
 APR 19 2010
 Zoning Evaluation Division

COMMONWEALTH OF VIRGINIA
 ROBERT ALAN WALZ
 No. 0402 035439
 REGISTERED, SIGNED AND SEALED ON: 10/30/09
 PROFESSIONAL ENGINEER

FILE # CWOC-AJ-SCHAEFFER	DATE: 10/28/09
DEALER: CHAMPION WINDOW OF WASHINGTON DC	
SCHAEFFER 6808 MARLEIGH CT. CLIFTON, VA 20124	P
DRAWN BY: ALEX BUECHEL	SCALE: 1/4"=1'

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 WALZ ENGINEERING LLC
 11111 HALL RD., SUITE 110
 UTICA, MI 48317

ROBERT A. WALZ - P.E.
 PHONE: (888) 262-9259 FAX: (586) 323-1645

SHEET
 E1

Application No.(s): SP 2010-SP-033
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 23, 2010
 (enter date affidavit is notarized)

I, Derek J. Oldham, 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 107351a

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)
Janette L. Schaeffer, also known of record as Janette L. Boggs	6808 Marleigh Court, Clifton, VA 20124	Applicant / Title Owner
William T. Schaeffer	6808 Marleigh Court, Clifton, VA 20124	Title Owner
Patricia A. Charitan	7837 Olympus, Las Vegas, NV 89131	Title Owner
Chanpion Window Company of Gaithersburg, LLC	8340 Helgerman Ct., Gaithersburg, MD 20877	Agent
Derek J. Oldham	8340 Helgerman Ct., Gaithersburg, MD 20877	Agent
Jeremy Clancy	8340 Helgerman Ct., Gaithersburg, MD 20877	Agent

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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DATE: April 23, 2010
(enter date affidavit is notarized)

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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)

Champion Window Company of Gaithersburg, LLC
8340 Helgerman Ct.
Gaithersburg, MD 20877

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)

Scott A. Halle
Champion RetailCo ¹

(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.

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Special Permit/Variance Attachment to Par. 1(b)

DATE: April 23, 2010
(enter date affidavit is notarized)

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

Champion RetailCo
12121 Champion Way
Cincinnati, OH 45241

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

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

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(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)

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

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

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

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

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DATE: April 23, 2010
(enter date affidavit is notarized)

10735/a

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: April 23, 2010
(enter date affidavit is notarized)

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3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

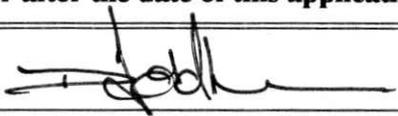
NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

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

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

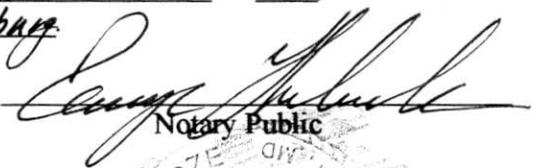
WITNESS the following signature:



(check one) Applicant Applicant's Authorized Agent

Derek J. Oldham
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 23rd day of April 2010, in the State/Comm. of Maryland, County/City of Crailheersburg.


Notary Public

My commission expires:

GEORGE KAVILADZE
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES JUNE 19, 2012



RECEIVED
Department of Planning & Zoning

APR 28 2010

Zoning Evaluation Division

Letter of Justification

To Whom It May Concern:

We are requesting a special permit to allow a shorter rear yard setback than the required 25'. We are proposing to construct a very modest 10.5' x 12' sunroom addition. We desperately need the additional living space and cannot afford to move in this economy. Moreover, this small addition is the most that we can extend ourselves. Yet despite the size, it will make a tremendous difference in the living space for our family.

Our lot is of peculiar shape. It sits at the end of a cul-de-sac and thus has a squatty rear yard. The house had to be built in such a manner to leave only 2' of space between the existing house and the building restriction line. There is no other location on the lot that the addition could fit without substantial construction to modify the house. In fact, there is an existing door at the location we have proposed the addition.

If you look at the subdivision plat you will notice that our lot is shallower than most others. We seem to have slightly more width, but no possibility of expansion in the rear without a special permit. Again, since the rear is the only plausible location for the addition, we have to request the special permit.

The living space necessity is because we are moving my mother in with us. We cannot afford outside care for her and found that her being with us is the best option. We did not want to propose an addition that would impact the overall area design, thus we did not propose a 2-story addition or second kitchen. We are simply proposing a 126 square foot room addition to offer just a small amount of additional living space. This will be one story only, at a maximum of 14' tall at the peak. If the special permit were not granted, I am unsure if we will be able to make the necessary relocation for her and the hardship would be great.

The following is in response to Section 8-922 of the Fairfax County Zoning Ordinance:

1. The special permit in this case is pursuant to section A. which deals with yard requirements. We need the special permit because of minimum required yards and are in a residential district as described in Articles 3, 4, 5, and 6, and our yard is not subject to proffered conditions or development conditions related to yards and/or our yard is not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.

Section B, C, & D of this sub-section do not apply to this application. Also, the approval of this application will not result in a yard that is less than 50% of the requirement and will not result in a yard less than 5'.

2. This reduction will not result in a detached accessory structure in the front yard as this is an attached structure in the rear.
3. This lot does contain a principal structure and the use does comply with the minimum yard requirements in effect at the time the use or structure was established.
4. The resulting gross floor area will only be 126 square feet. This is well under the allowable 150% of the total gross floor area. This is the first addition to this property.
5. This addition's square footage is clearly subordinate in purpose, scale, use and intent to the principal structure.
6. The proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure on the lot.
7. The proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The proposed construction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Because of the orientation, shape of the lot, and construction features of the house, all as described above, this holds true.

Thank you in advance for your consideration in this matter.

Sincerely,

Janette Schaeffer

Caffee, Shannon M.

From: Washington PRmgr [washington.prmgr@Championfactorydirect.com]
Sent: Thursday, June 10, 2010 9:59 AM
To: Caffee, Shannon M.
Cc: Scott Halle
Subject: Schaeffer Special Permit

Shannon:

This is just to confirm that Mr. Schaeffer has agreed (under duress!!) to remove the structure on the deck above the handrail.

Thanks,

Derek Oldham
Installation Manager, Patio Rooms

301-990-3001 x109
301-990-3022 (FAX)
301-672-8372 (Cell)
Washington.PRMgr@ChampionFactoryDirect.com

RECEIVED
DEPARTMENT OF PLANNING
AND ZONING

JUN 10 2010

Take a look at some of our rooms:

<http://picasaweb.google.com/DJ.Oldham>

<http://www.championwindow.com/washingtondc/>

SPECIAL PERMIT &
VARIANCE BRANCH

Champion
FACTORY DIRECT • SINCE 1953
WINDOWS • SIDING PATIO ROOMS®

Derek,

Please send an email to Ms. Caffee and tell her that we will remove the arbor from the deck.

Thank you,

William (Ted) Schaeffer
Contract Specialist
A/LM/AQM/WWD/SB
Phone: 571-226-9619

6/10/2010

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.