



APPLICATION ACCEPTED: May 21, 2010  
BOARD OF ZONING APPEALS: July 14, 2010  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

---

July 7, 2010

**STAFF REPORT  
SPECIAL PERMIT APPLICATION NO. SP 2010-DR-037  
DRANESVILLE DISTRICT**

**APPLICANT:** Hendrik van Voorthuizen

**OWNERS:** Hendrik and Sylvia van Voorthuizen

**SUBDIVISION:** Devon Park

**STREET ADDRESS:** 6831 Lemon Road

**TAX MAP REFERENCE:** 40-2((26))53

**LOT SIZE:** 10,500 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of a carport addition 23.1 feet from the front lot.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2010-DR-037 for the carport addition subject to the proposed development conditions contained in Appendix 1.

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

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.

*Susan Langdon/Reports*

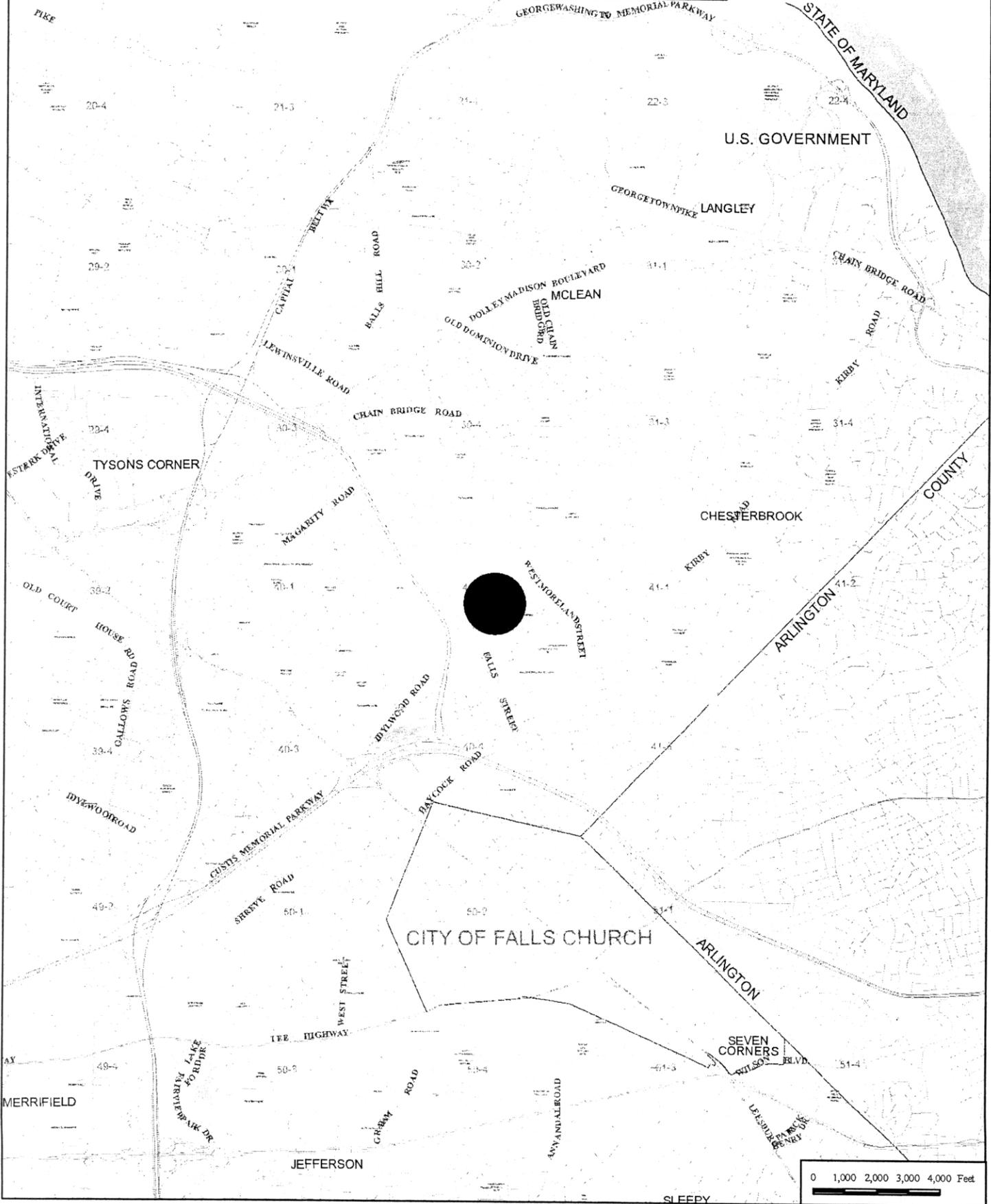
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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



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

**Special Permit**  
**SP 2010-DR-037**  
HENDRICK VAN VOORTHUIZEN





NOTES:

- TAX MAP 040-2-26-0053
- PROPERTY SHOWN HEREON IS ZONED:  
R-3 (RESIDENTIAL 3 DU/AC)
- MINIMUM YARD REQUIREMENTS IN ZONE R-3  
FRONT: 30'  
SIDE: 12'  
REAR: 25'
- PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "A" AND "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 515525 0083 D EFFECTIVE DATE, MARCH 5, 1990.
- THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.

7. FLOOR AREA:

EXISTING GROSS FLOOR AREA HOUSE	1,824 SQ. FT.
EXISTING GROSS FLOOR AREA PORCH	228 SQ. FT.
EXISTING GROSS FLOOR AREA GARAGE	408 SQ. FT.
PROPOSED GROSS FLOOR AREA CARPORT	300 SQ. FT.
PROPOSED GROSS FLOOR AREA ADDITION	346 SQ. FT.
PROPOSED GROSS FLOOR AREA DECK	316 SQ. FT.

TOTAL FLOOR AREA 3,422 SQ. FT.

FLOOR AREA RATIO: 32%

HEIGHT TABLE

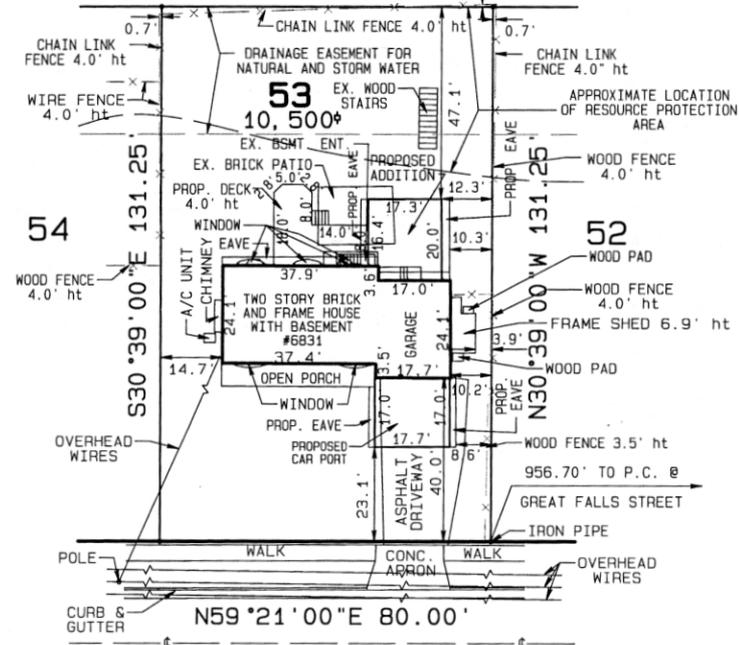
EXISTING HOUSE HEIGHT:	22.4'
PROPOSED CARPORT AND ONE STORY ADDITION HEIGHT:	14.2'
PROPOSED ADDITION EAVE HEIGHT:	10.0'



RECORD PLAT NORTH

FAIRFAX COUNTY PARK AUTHORITY

S59°21'00"W 80.00'



LEMON ROAD

RTE. #2672 - 50' R/W

SPECIAL PERMIT PLAT

LOT 53, SECTION 1

DEVON PARK

DRANESVILLE MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

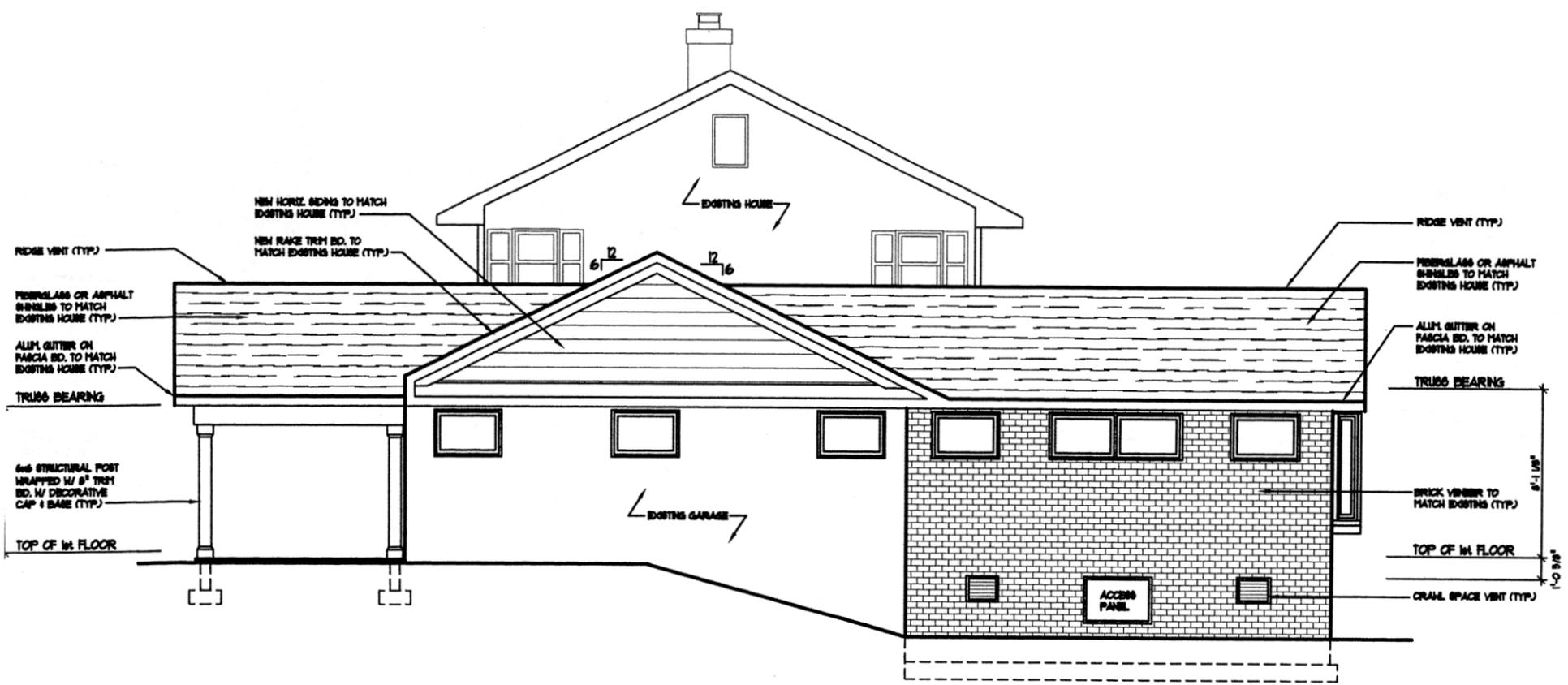
SCALE: 1"=30'

DATE: FEBRUARY 22, 2010

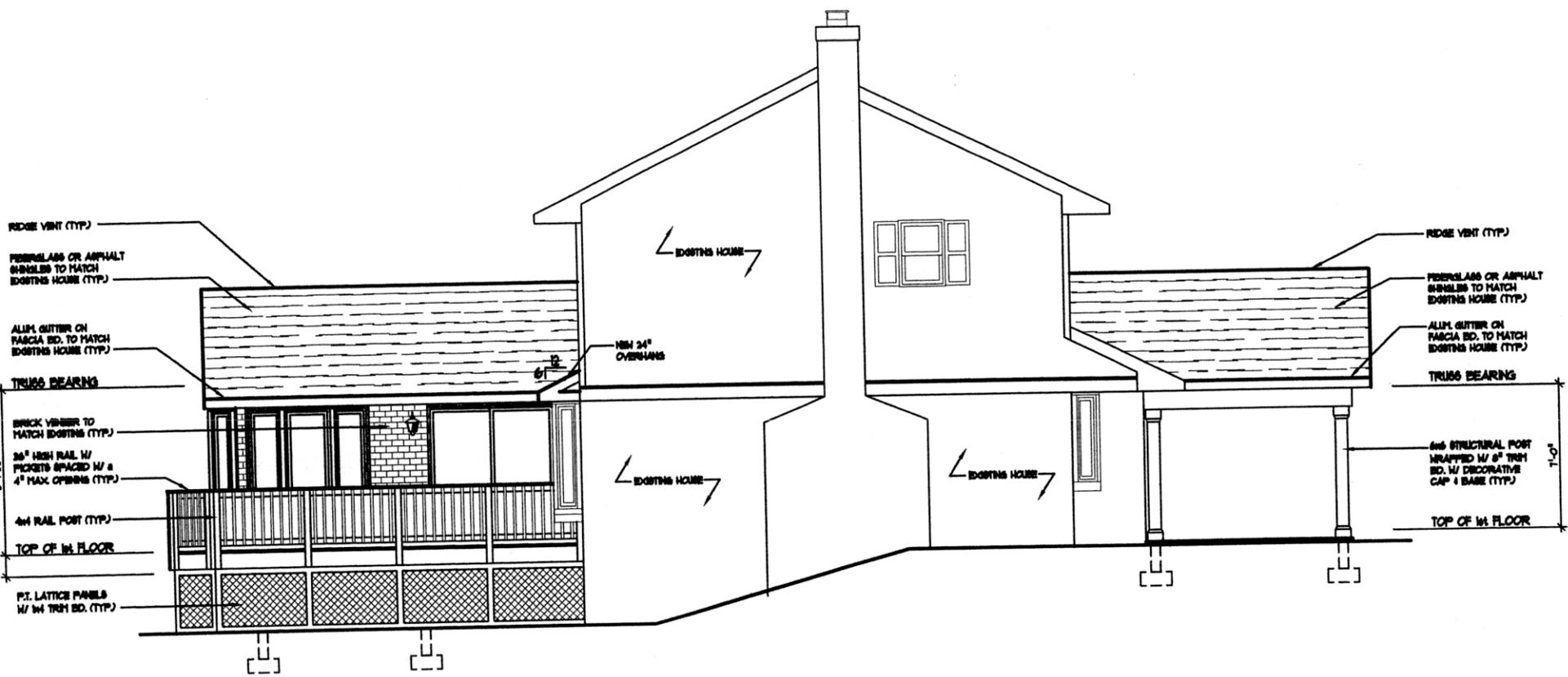
CASE NAME: VAN VOORHUIZEN SCHUYLER AHRENS	NO TITLE REPORT FURNISHED. PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE. FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
<b>SCARTZ SURVEYS</b>	
LARRY N. SCARTZ CERTIFIED LAND SURVEYOR WOODBRIIDGE, VIRGINIA	LOCAL (703) 494-4181 FAX (703) 494-3330 LARRY.SCARTZ@SCARTZ.COM





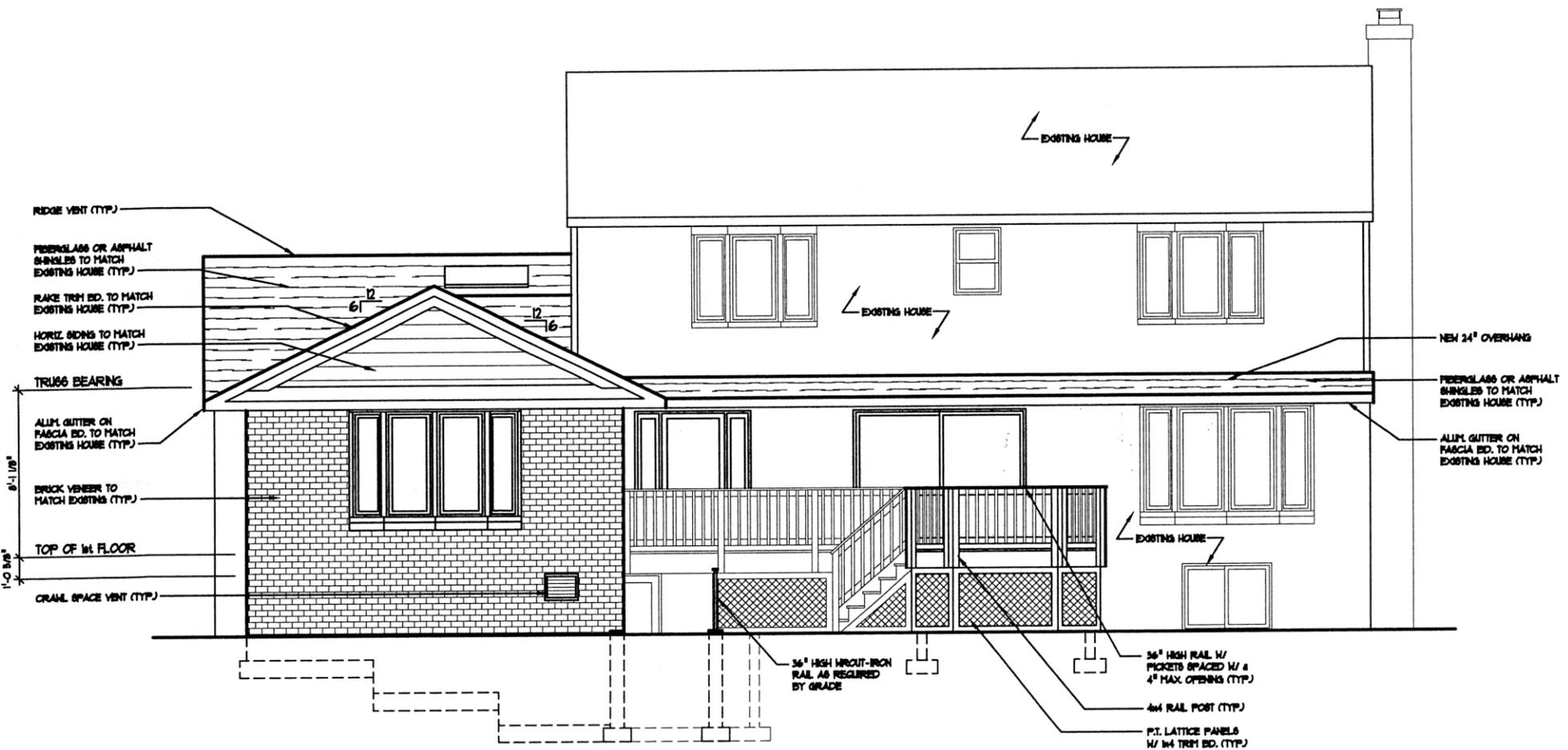


**RIGHT SIDE ELEVATION**



**LEFT SIDE ELEVATION**

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



RIDGE VENT (TYP.)  
 FIBERGLASS OR ASPHALT SHINGLES TO MATCH EXISTING HOUSE (TYP.)  
 RAKE TRIM ED. TO MATCH EXISTING HOUSE (TYP.)  
 HORIZ. SIDING TO MATCH EXISTING HOUSE (TYP.)  
 TRUSS BEARING  
 ALUM. GUTTER ON FASCIA ED. TO MATCH EXISTING HOUSE (TYP.)  
 BRICK VENEER TO MATCH EXISTING (TYP.)  
 TOP OF 1st FLOOR  
 CRANK SPACE VENT (TYP.)

EXISTING HOUSE

EXISTING HOUSE

NEW 24" OVERHANG

FIBERGLASS OR ASPHALT SHINGLES TO MATCH EXISTING HOUSE (TYP.)

ALUM. GUTTER ON FASCIA ED. TO MATCH EXISTING HOUSE (TYP.)

EXISTING HOUSE

36" HIGH WROUGHT-IRON RAIL AS REQUIRED BY GRADE

36" HIGH RAIL W/ PICKETS SPACED W/ 4" MAX. OPENING (TYP.)

4x4 RAIL POST (TYP.)

P.T. LATTICE PANELS W/ 1/4" TRIM ED. (TYP.)

**REAR ELEVATION**

RECEIVED  
 Department of Planning & Zoning  
 MAY 12 2010  
 Zoning Evaluation Division

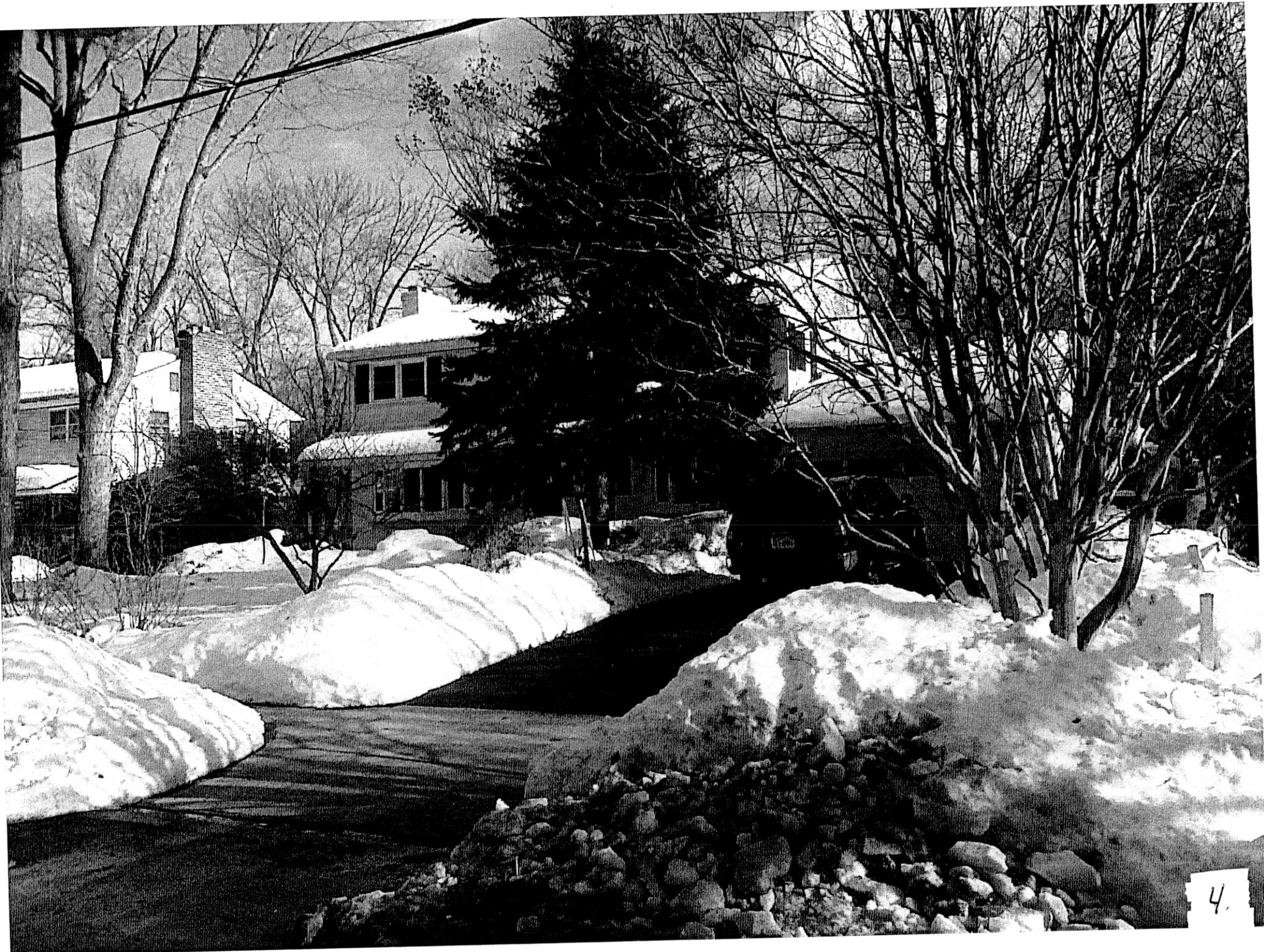






2.

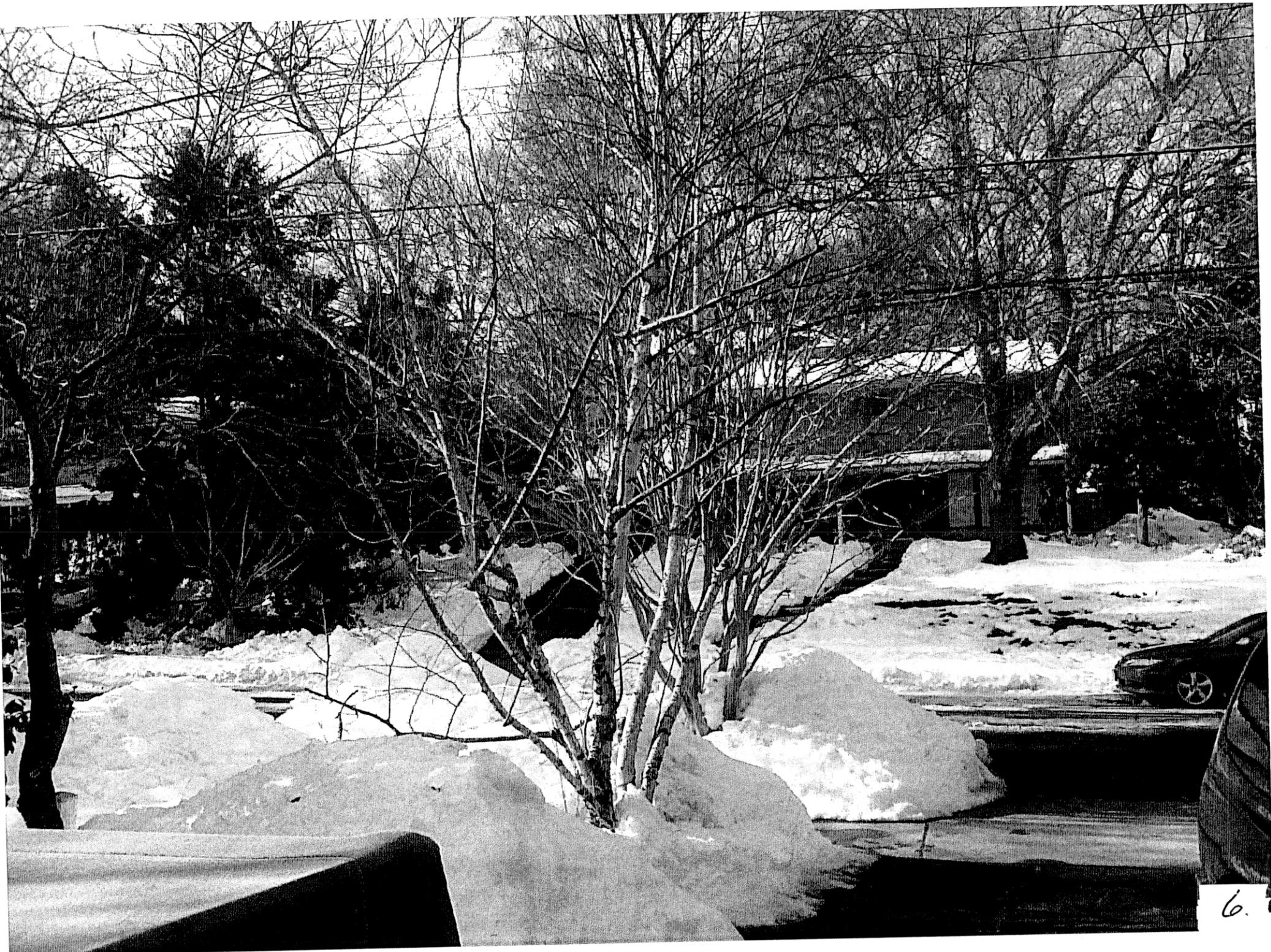




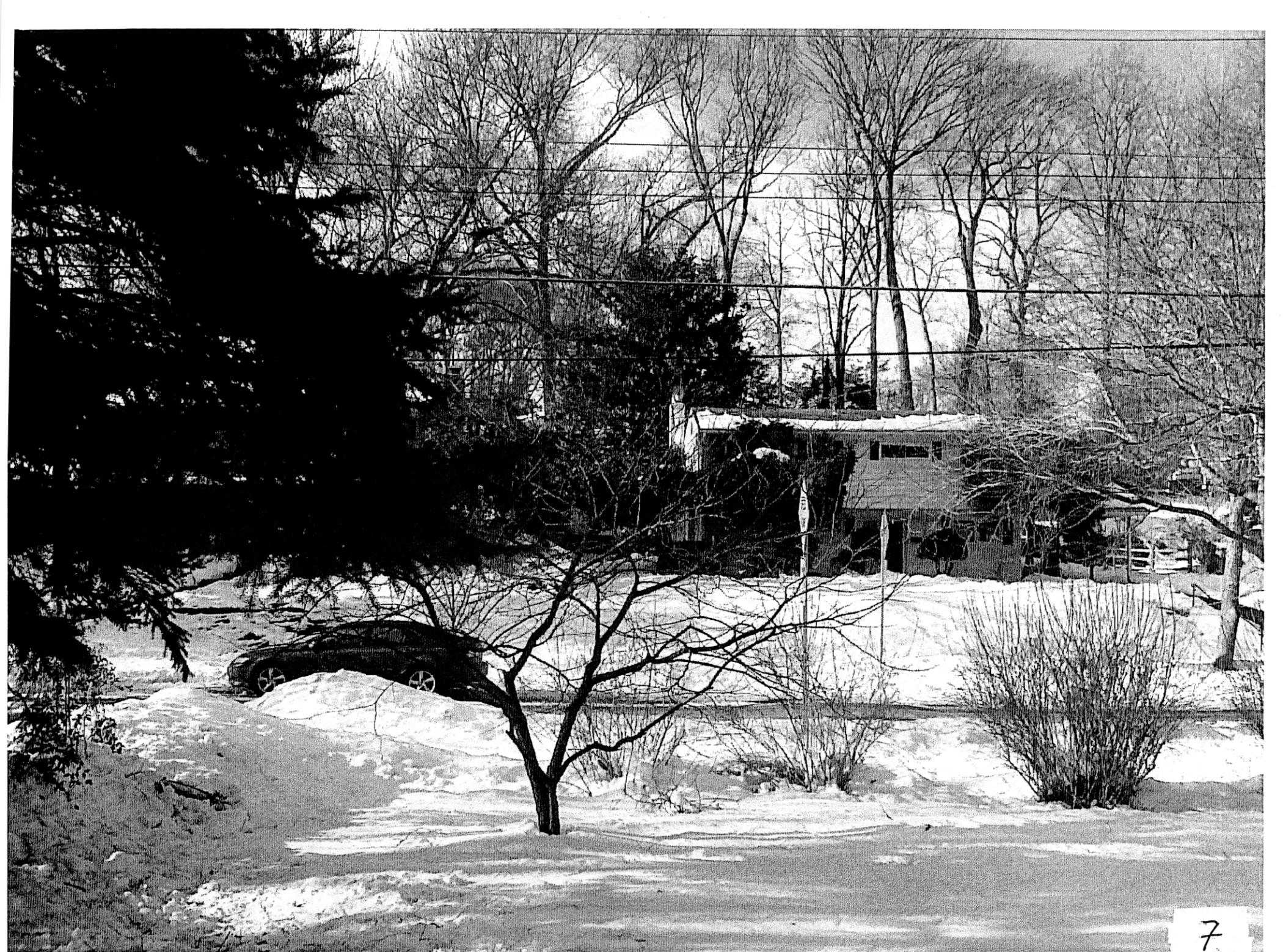
4.



5.



6.





8.

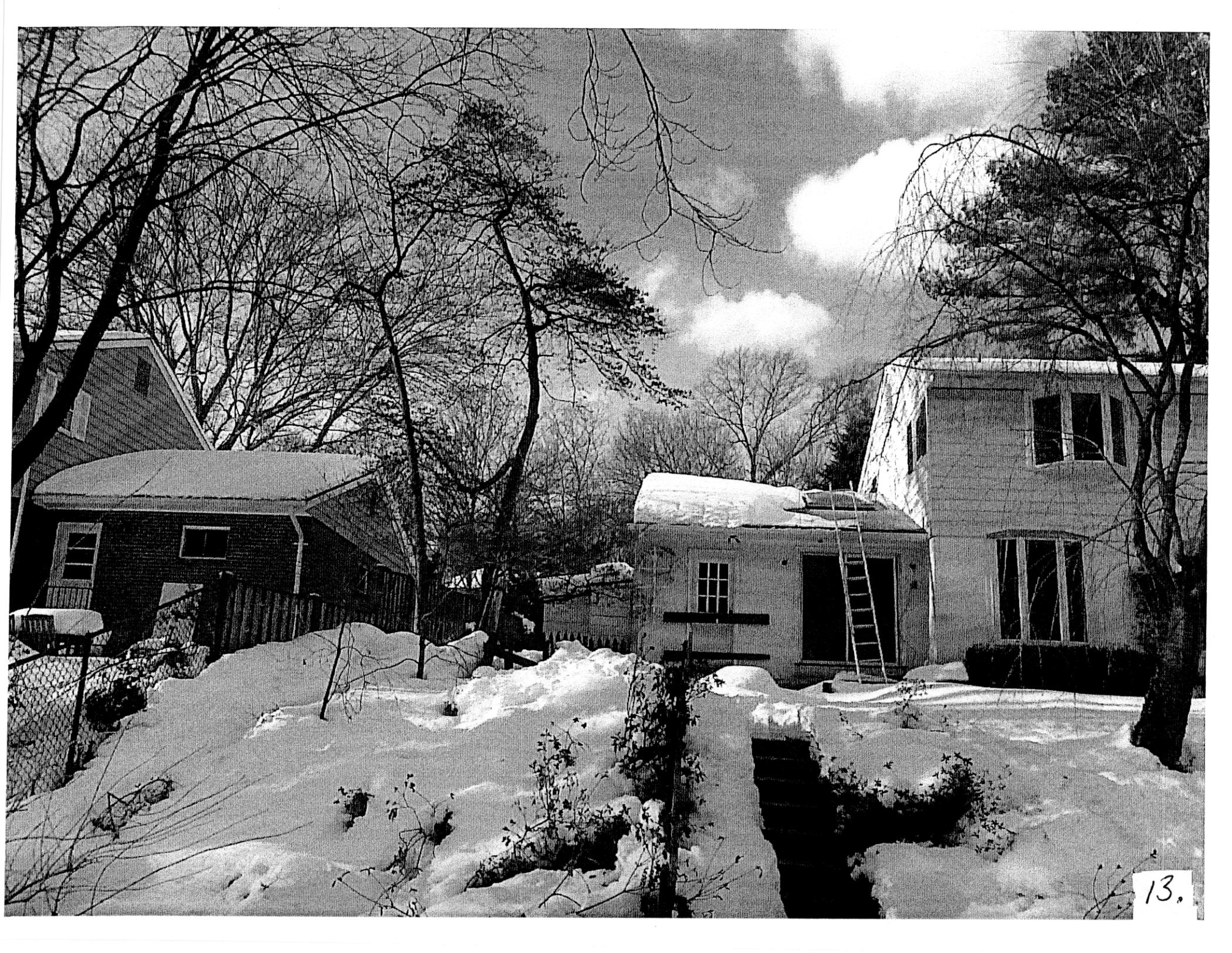




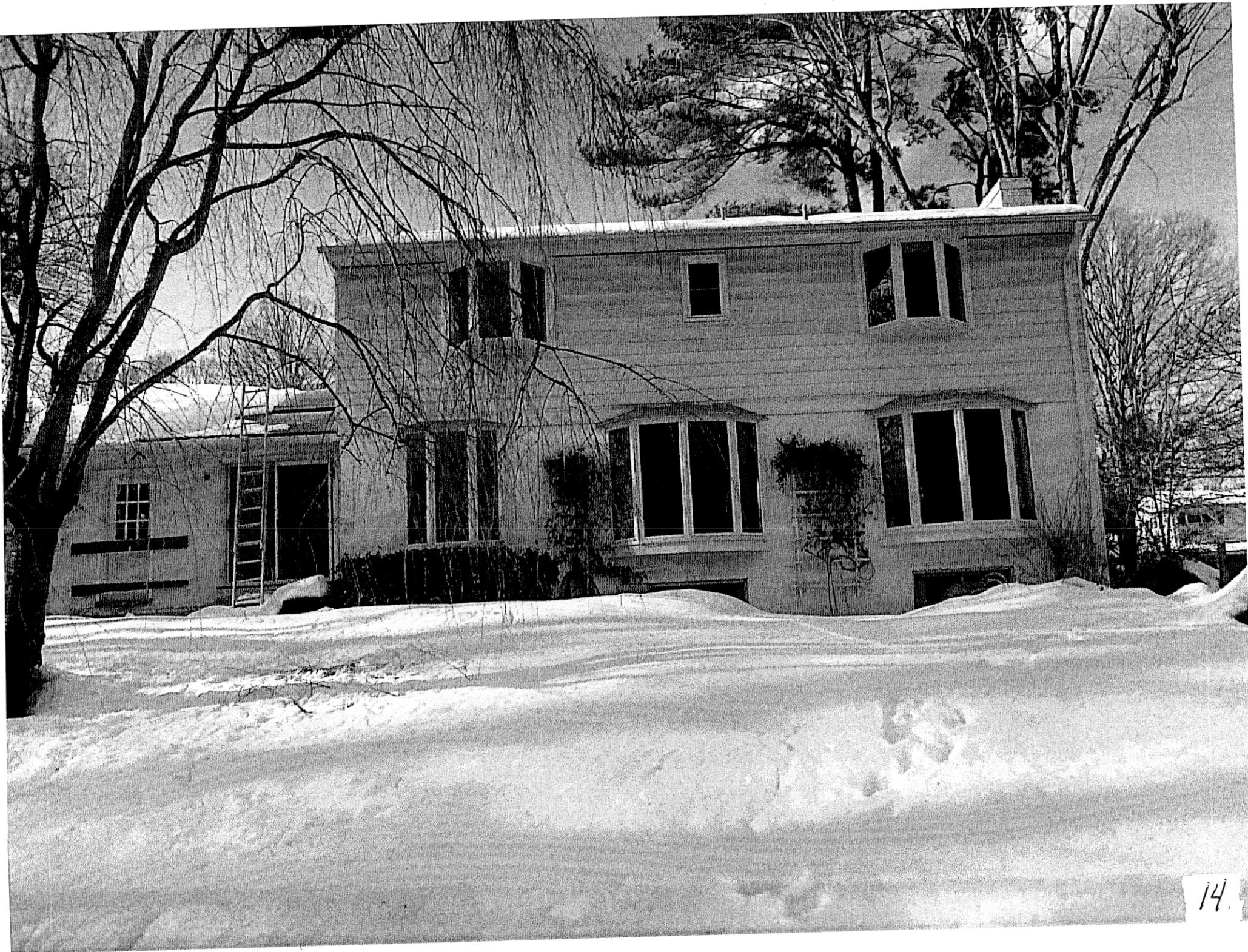




12

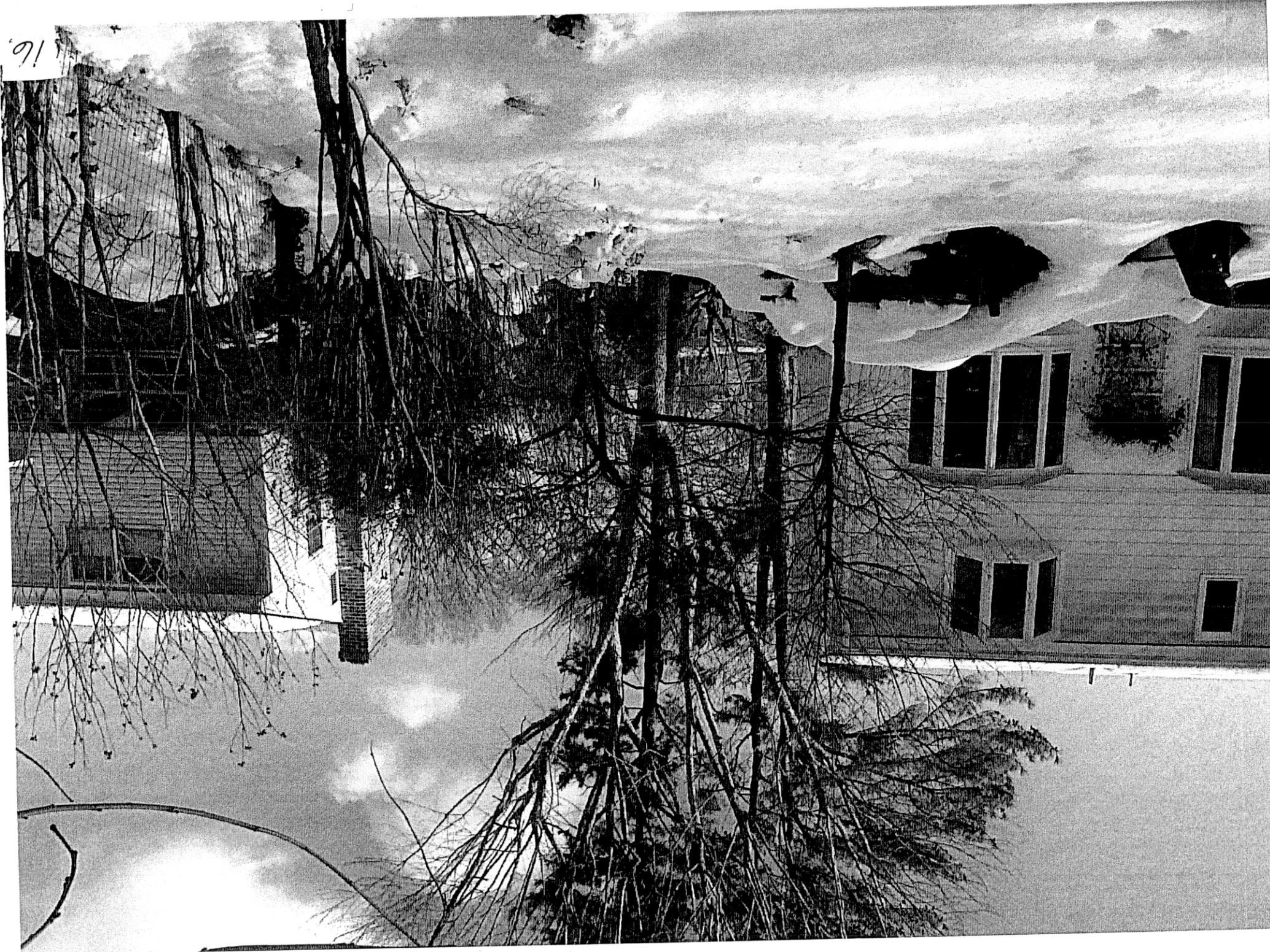


13.





16



**DESCRIPTION OF THE APPLICATION**

The applicant is seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of a carport addition to be located 23.1 feet from the front lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	<b>Carport</b>	Front	30.0 feet*	23.1 feet	6.9 feet	23%

\*Minimum yard requirement per Section 3-307

**EXISTING SITE DESCRIPTION**

The 10,500 square-foot lot is currently zoned to the R-3 Zoning District and is developed with a two-story brick and frame house with basement constructed in approximately 1970. The existing dwelling (with the proposed rear addition) consists of approximately 2,578 square feet of gross floor area and is 22.4 feet in height. The application property contains a 30 foot wide drainage easement and a Resource Protection Area (RPA) encompassing over 1/2 of the rear yard. The site is accessed via an asphalt-paved driveway that extends from Lemon Road. The property contains mature vegetation consisting of large shade and deciduous trees, shrubs and ground cover scattered throughout the lot. The front of the property is flat and the rear slopes gradually to the RPA.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3	Single Family Detached Dwellings
<b>East</b>	R-3	Single Family Detached Dwellings
<b>South</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-3	Single Family Detached Dwellings

**BACKGROUND**

The Board of Zoning Appeals (BZA) heard the following similar variance application in

the vicinity of the application parcel:

- *Variance 87-D-131* was approved on January 20 1988, for Tax Map 40-2 ((26))136, zoned R-3, at 1827 Rupert Street, to permit construction of a carport addition 4.0 feet from a side lot line (7 foot minimum side yard required).

**ANALYSIS**

**Special Permit Plat** (Copy at front of staff report)

**Title of SP Plat:** Special Permit Plat, Lot 53, Section 1, Devon Park

**Prepared By:** Scartz Surveys, dated February 22, 2010

**Proposal:**

The applicant is requesting special permit approval to permit a one-story carport addition measuring 17 feet in depth and 17.7 feet in width. The carport is proposed to be constructed in front of the existing house as a garage constructed with the original house was converted by a past owner into livable space. The carport is proposed to be located 23.1 feet from the front lot line where a 30 foot minimum front yard is required. It is proposed to be located 8.6 feet from the western side lot line. A carport is permitted to extend 5 feet into a side yard, therefore a minimum side yard of 7 feet is required, which the carport would meet. The special permit plat also depicts a proposed by-right addition at the rear of the house.

**ZONING ORDINANCE REQUIREMENTS**

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 4:

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

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

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

*observation of the neighborhood, staff believes that the proposed addition will not adversely affect the use or development of neighboring properties. The minimum required front yard is 30 feet, with the carport proposed to be located 23.1 feet from the front lot line. There are numerous attached carports in the neighborhood and though none intrude into the front yard, with the carport proposed to be open on three sides, it will not add significant bulk to the house. The peak of the carport roof will be low and will not extend higher than even the lowest portion of the house. Staff believes that the request is minimal and is the most logical location on the property for the carport as it will cover area over an existing driveway and except for the eave, will not be closer to the side lot line than the existing house. Therefore, this standard has been met.*

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

The 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 4 relates to gross floor area of an addition, and an open structure such as a carport does not add gross floor area. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to imposed development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8 and 9.

*Standard 6 states 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 carport is proposed to be 14.2 feet in height while the existing house is 22.4 feet in height. This addition will be lower than the existing structure and will be open on three sides with the existing 1 story portion of the dwelling visible through the front of the garage. The ridge of the carport will be lower than the lowest portion of the 1 story part of the house. The addition is clearly subordinate in bulk and scale to the principal dwelling and proposed building materials are to match the existing façade of the dwelling. Staff believes the proposed addition will not be out of character with existing on-site development.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. No trees are located in the area of the proposed addition; in fact it is proposed to be located over the existing driveway, so no new impervious area will be created. After reviewing county records, staff believes that the proposed improvements are compatible with the surrounding houses in the neighborhood. A number of the homes in the surrounding neighborhood contain carports additions, similar in both size and height, one with a location approved by the BZA. Staff believes that 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 storm water runoff. *DPWES has indicated that there are no storm water complaints in the area. The sides of the carport will be open, therefore neither the flow of air or light will be affected by the addition. The carport is proposed over an existing driveway, so storm water runoff will be not affected. Staff believes that the application meets this provision of the Ordinance.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The proposed scale of the carport is consistent with the existing dwelling and is proposed in a logical location over an existing driveway. The carport will be open on three sides, so it will not contribute additional bulk along the side lot line. No vegetation will be removed to construct the carport. Normally staff would be hesitant to support an addition located within a front yard, however with the narrow width of the lot, and a storm drain easement and RPA covering almost the entire rear yard, there is no other location for the carport. Other concerns regarding well and/or septic easements and preservation are not applicable to this site. Staff believes that this standard has been met.*

## **CONCLUSION**

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

## **RECOMMENDATION**

Staff recommends approval of SP 2010-DR-037 for the addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

**APPENDICES**

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

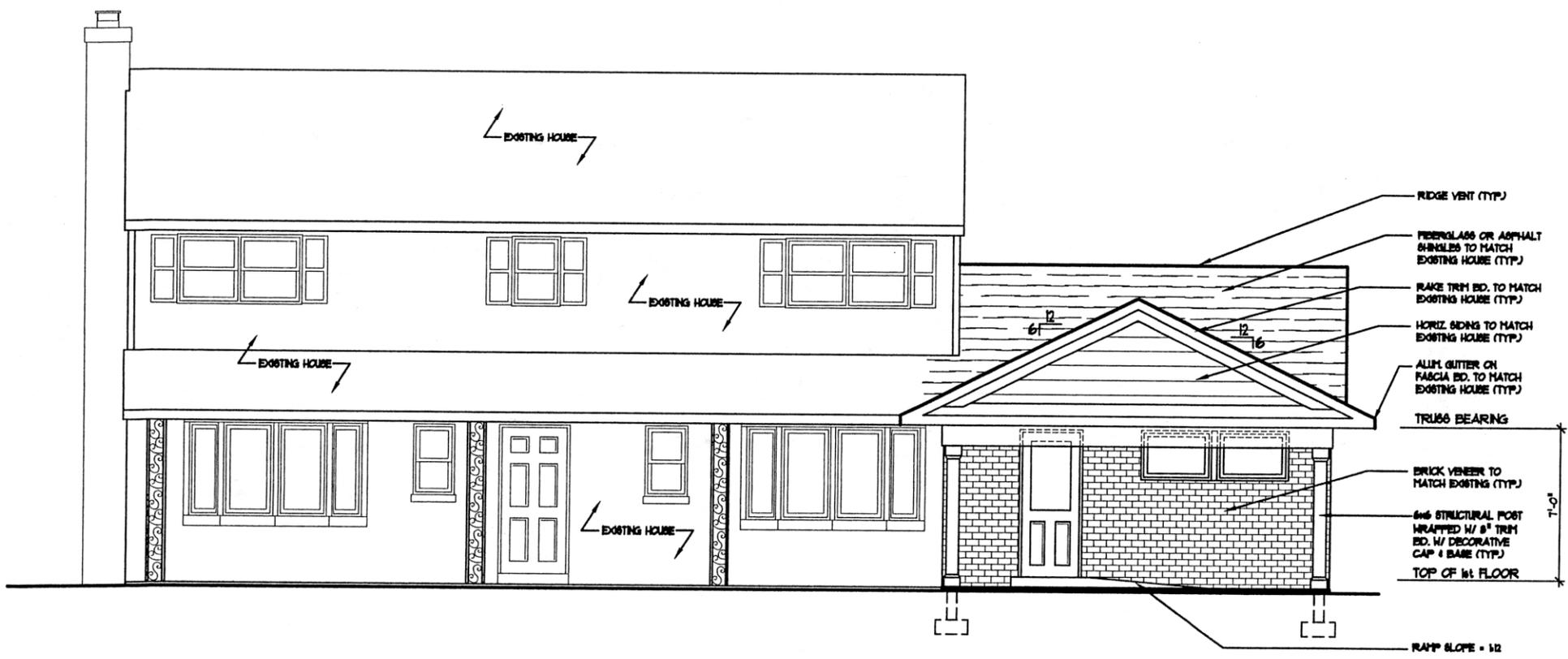
**PROPOSED DEVELOPMENT CONDITIONS****July 7, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-DR-037 located at Tax Map 40-2((26))53 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location and size of the carport addition as shown on the plat prepared by Scartz Surveys, dated February 22, 2010, submitted with this application and is not transferable to other land.
2. Building permits for the carport addition shall be obtained prior to construction and all final inspections shall be obtained.
3. The carport addition shall be consistent with the architectural renderings included as Attachment 1 to these conditions.

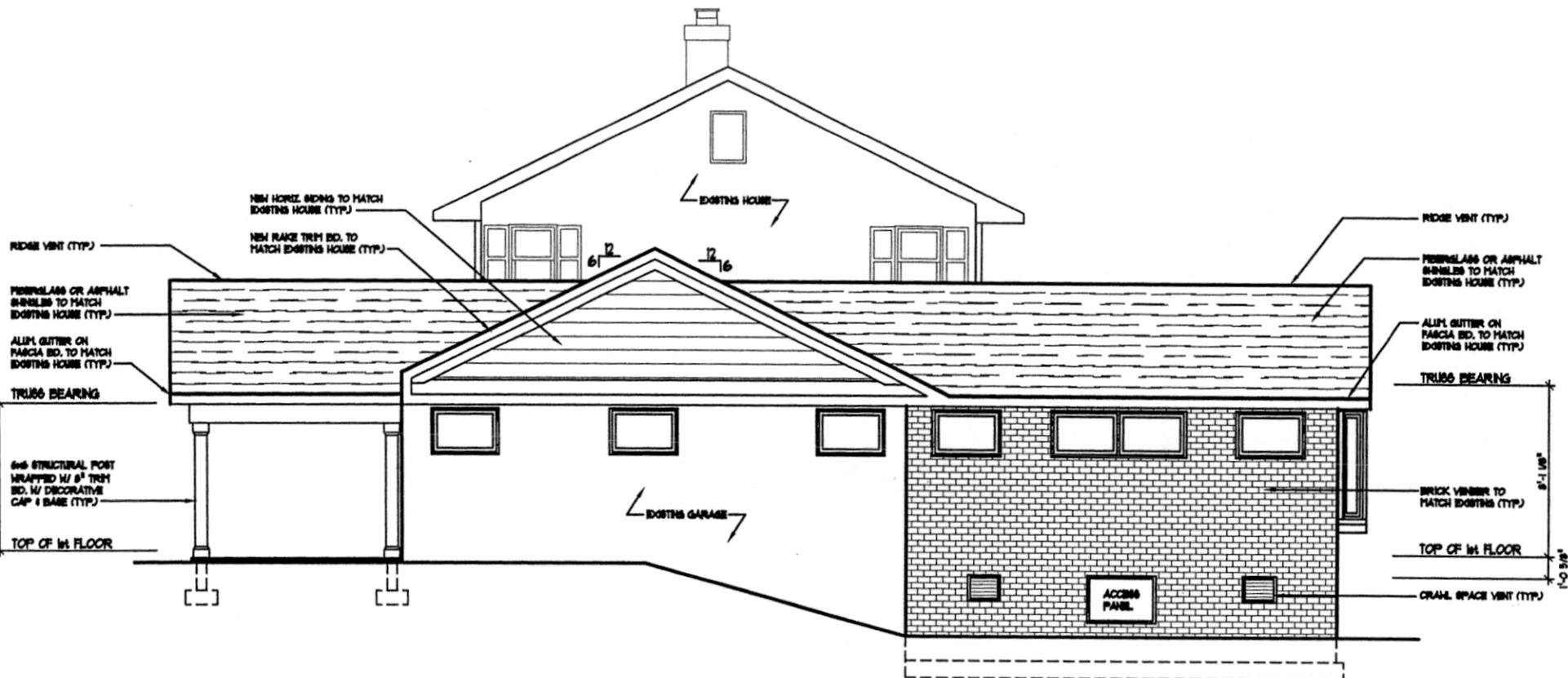
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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

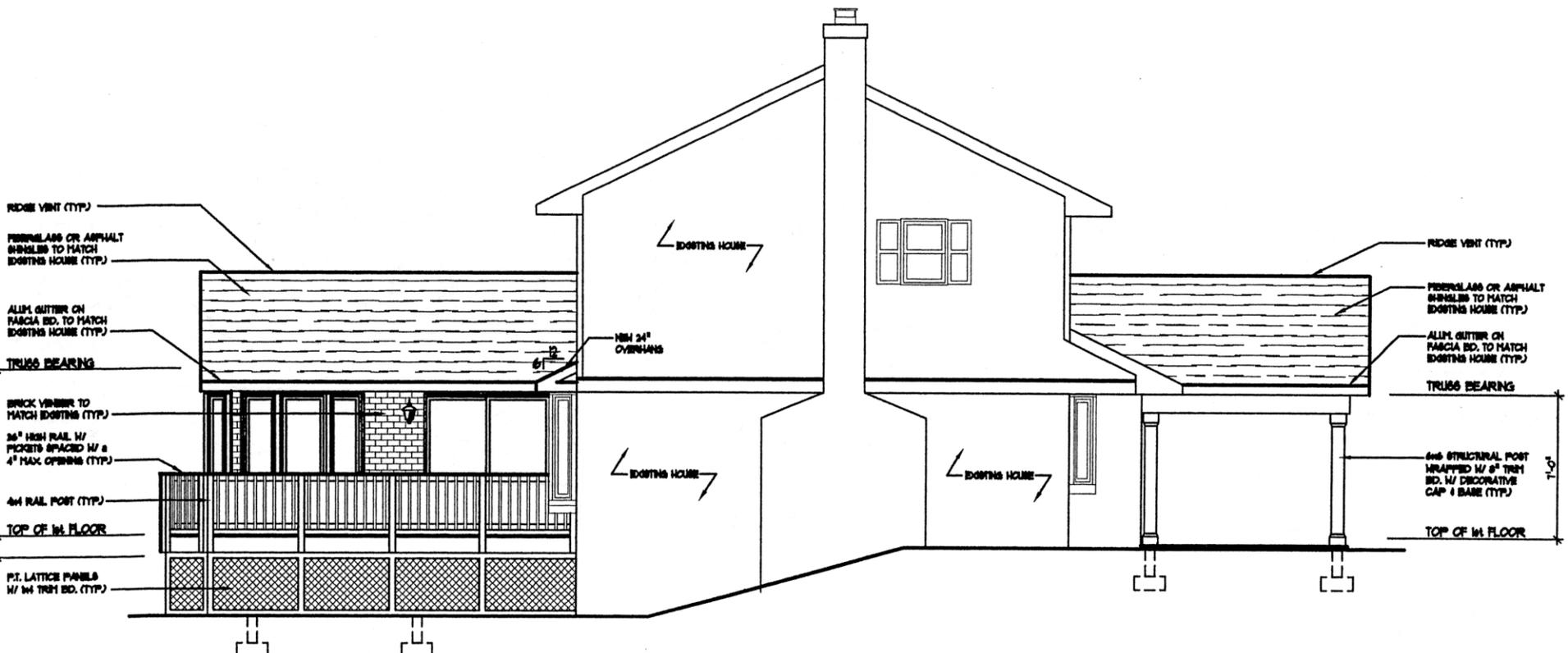


**FRONT ELEVATION**

RECEIVED  
 Department of Planning  
 MAY 12 2010  
 Zoning Evaluation Division

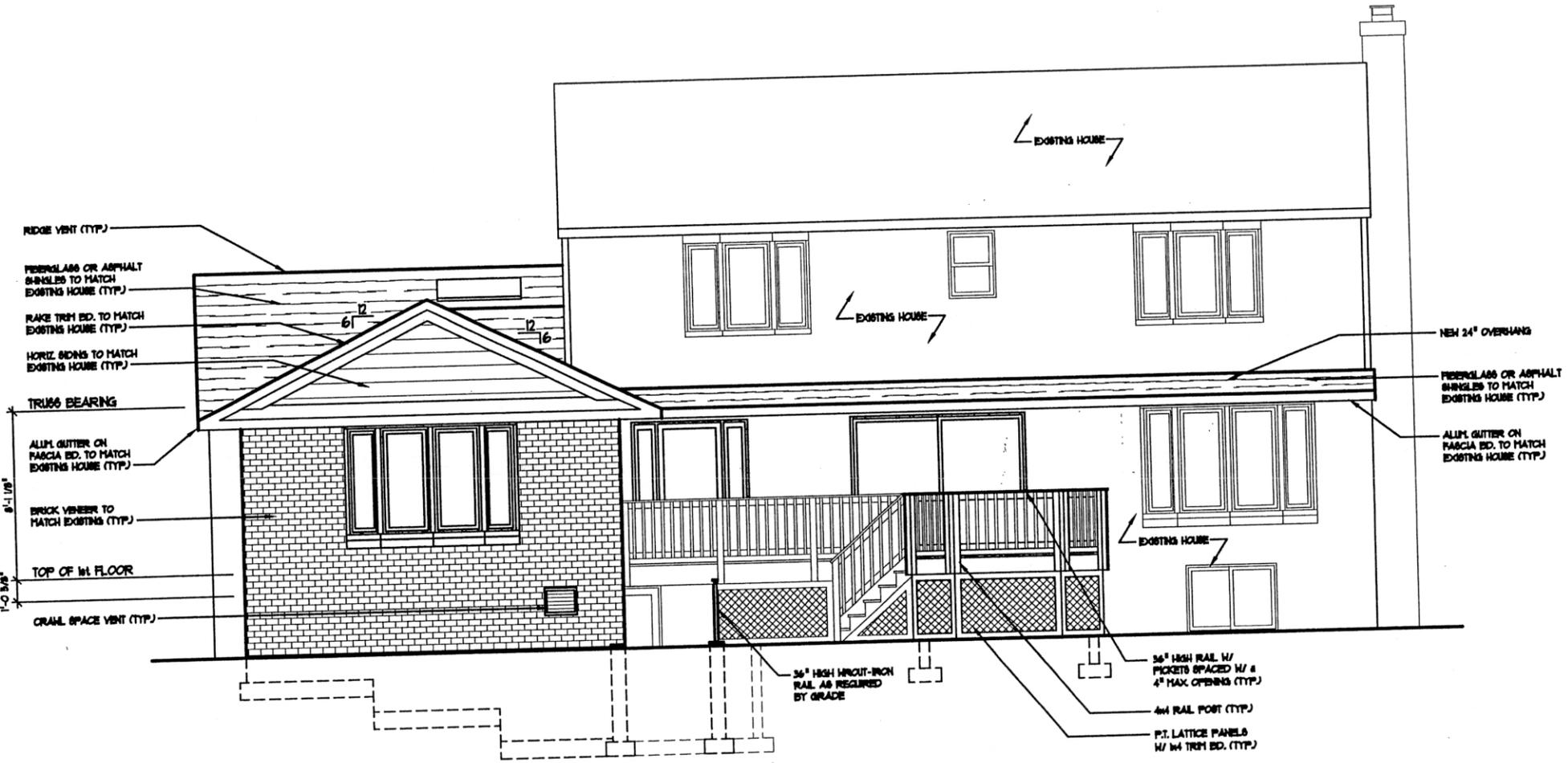


**RIGHT SIDE ELEVATION**



**LEFT SIDE ELEVATION**

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



**REAR ELEVATION**

RECEIVED  
 Department of Planning & Zoning  
 MAY 12 2010  
 Zoning Evaluation Division

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/19/10  
(enter date affidavit is notarized)

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

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

107881

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)
Hendrik van Voorhuizen	6831 Lemon Rd. McLean VA, 22101	Applicant/Title Owner
Sylvia van Voorhuizen	6831 Lemon Rd McLean VA, 22101	Applicant/Title Owner
Schuyler Paul Ahrens D/B/A Ec Cad Designs	4871 Benecialh. Dumfries VA, 22025	Agent

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

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/19/10  
(enter date affidavit is notarized)

107881

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

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

**CORPORATION INFORMATION**

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

*(Sole Proprietor) Schuyler Paul Ahrens D/B/A Ez Cad Designs  
4871 Benecia lane Dumfries VA, 22025*

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

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

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

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/19/10  
(enter date affidavit is notarized)

107881

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/19/10  
(enter date affidavit is notarized)

107881

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

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

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

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

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

*None*

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/19/10  
(enter date affidavit is notarized)

107881

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

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

*None*

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

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

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

WITNESS the following signature:

(check one)

[ ] Applicant

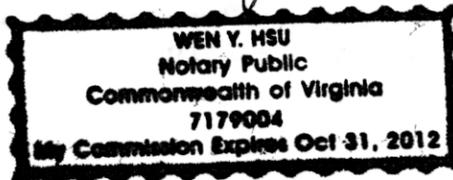
[X] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 19 day of March 20 10, in the State/Comm. of Virginia, County/City of Fairfax.

*Wen Y. HSU*  
Notary Public

My commission expires: 10/31/2012



## Statement of Justification

RECEIVED  
Department of Planning & Zoning

MAY 12 2010

Zoning Evaluation Division

**Re: Voorthuizen Residence  
6831 Lemon Rd.  
McLean VA, 22101  
Proposed Front Single Story Carport**

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to the proposed one story carport- encroaching into the front lot property line- in an R-3 zone within 23.1' and encroaching into the side lot property line- in an R-3 zone within 8.6' from the proposed eave.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached screened-in-porch. The total proposed floor area would be 300 SQ. Feet.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site. The proposed floor area ratio to the existing dwelling is at 32 percent.
6. The proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The proposed carport will be smaller in height than the existing dwelling and it will be in with character with the current façade.
7. The proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of the significant trees as determined by the Director. The proposed addition will require little land disturbance. Runoff is not an issue because this area is currently already used as the driveway. There are also surrounding properties that nearly have the exact style and size structure in similar locations.

- 8. The proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion and storm water runoff. The neighborhood is very quite and with very friendly neighbors who welcome the proposed structure.**
  
- 9. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Currently there are future plans for the existing garage to be converted into habitable space. The homeowners also need a wheel chair ramp on the outside and need it to covered for safe access to their vehicles during harsh weather. There are several nearby dwellings in the neighborhood that have very similar carports encroaching into the front and side yards like this proposed project.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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