



County of Fairfax, Virginia

September 8, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-BR-044

BRADDOCK DISTRICT

APPLICANTS/OWNERS: Glenda K. Williams
Robert L. Williams

STREET ADDRESS: 8602 Forest Street

SUBDIVISION: Wakefield Forest

TAX MAP REFERENCE: 59-3 ((10)) 69

LOT SIZE: 16,800 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an open deck 14.6 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-BR-044 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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

O:\dhedri\Special Permits\9-15 SP 2010-BR-044 Williams\SP 2010-BR-044 Williams staff report.doc

Deborah Hedrick

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

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

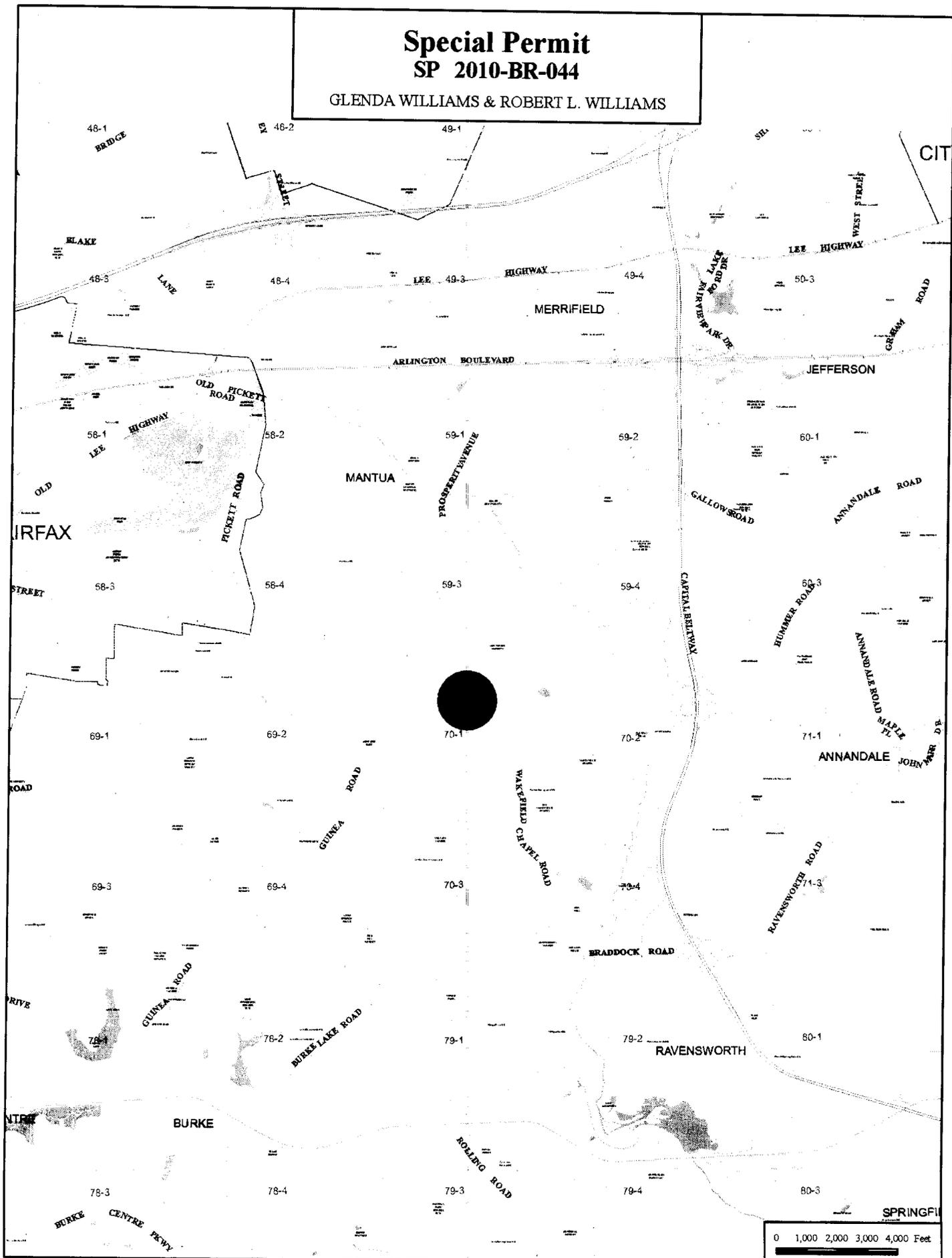
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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

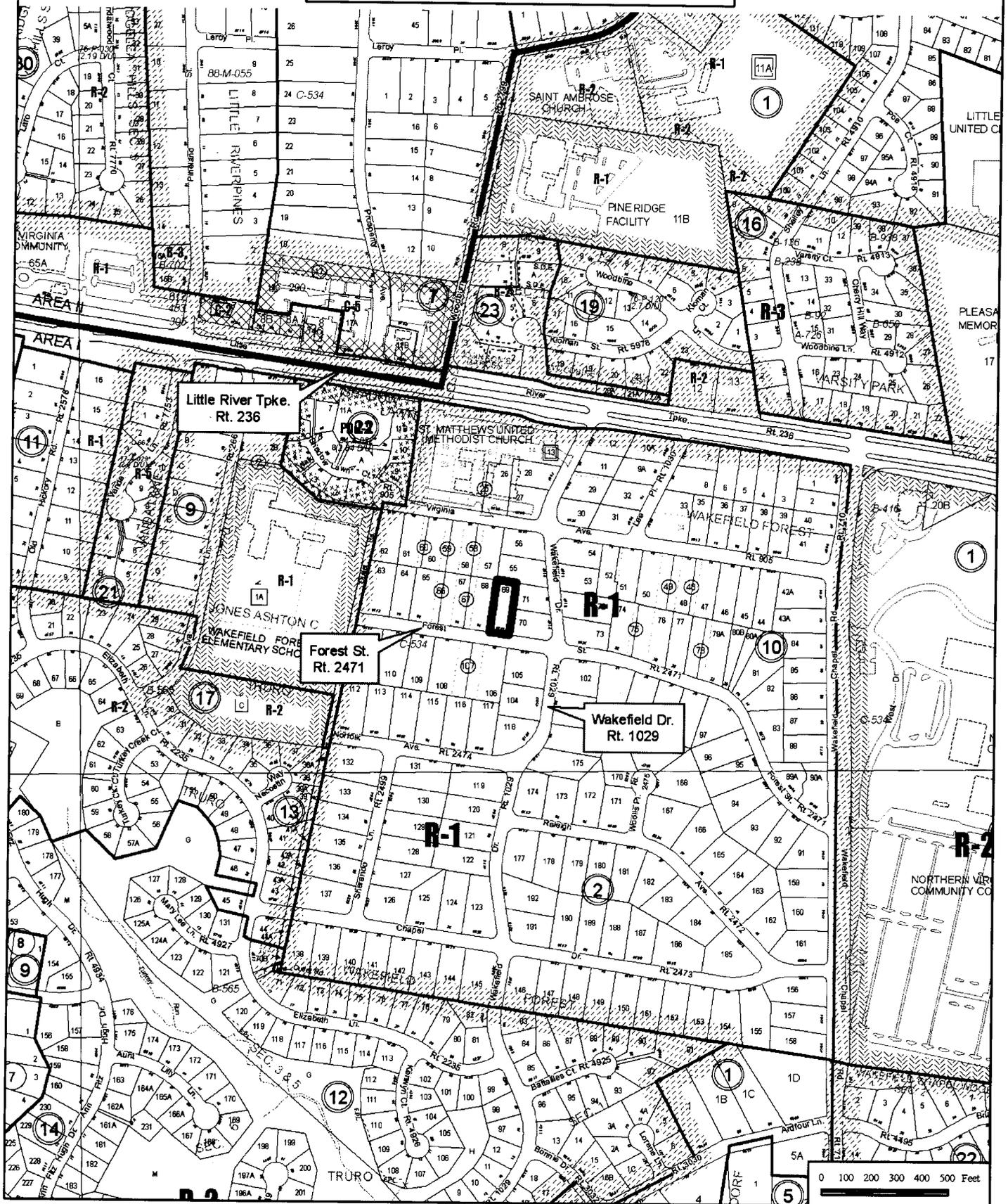
Special Permit SP 2010-BR-044

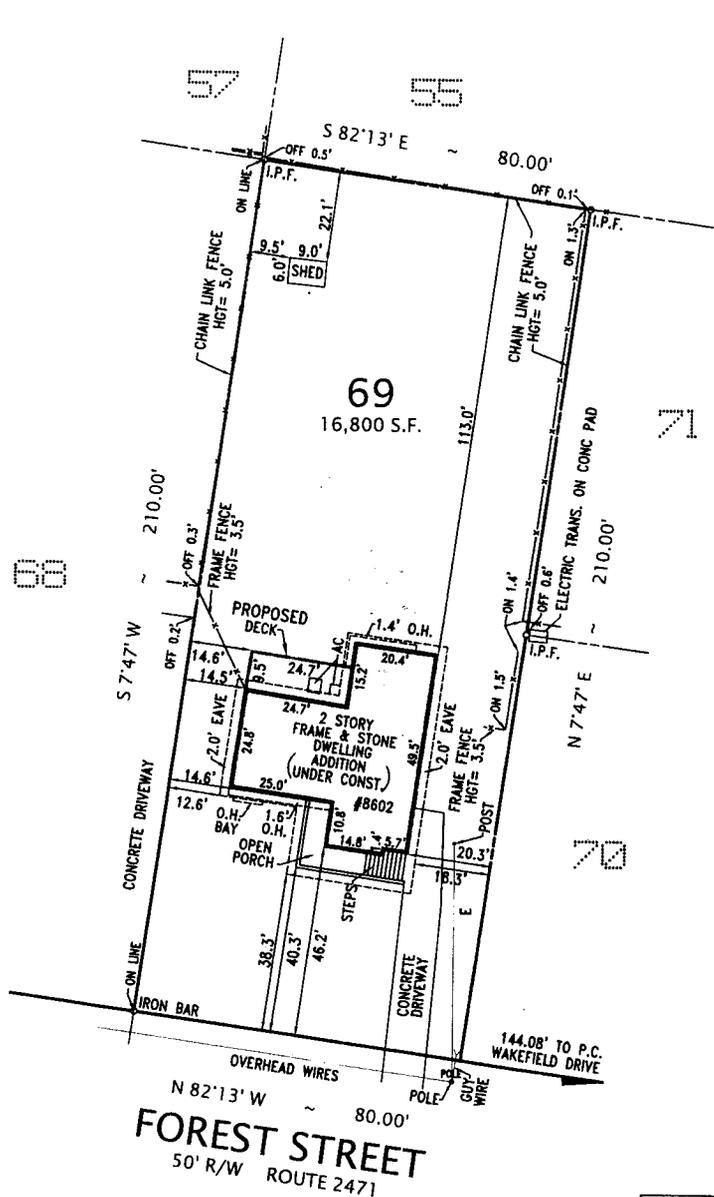
GLENDIA WILLIAMS & ROBERT L. WILLIAMS



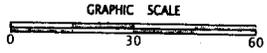
Special Permit SP 2010-BR-044

GLENDIA WILLIAMS & ROBERT L. WILLIAMS





FOREST STREET
50' R/W ROUTE 2471



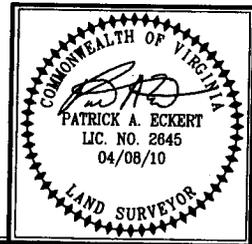
NOTES

- TAX MAP: 0593 10 0069
- ZONE: R-1
- LOT AREA: 16,800 SQUARE FEET
- REQUIRED YARDS:

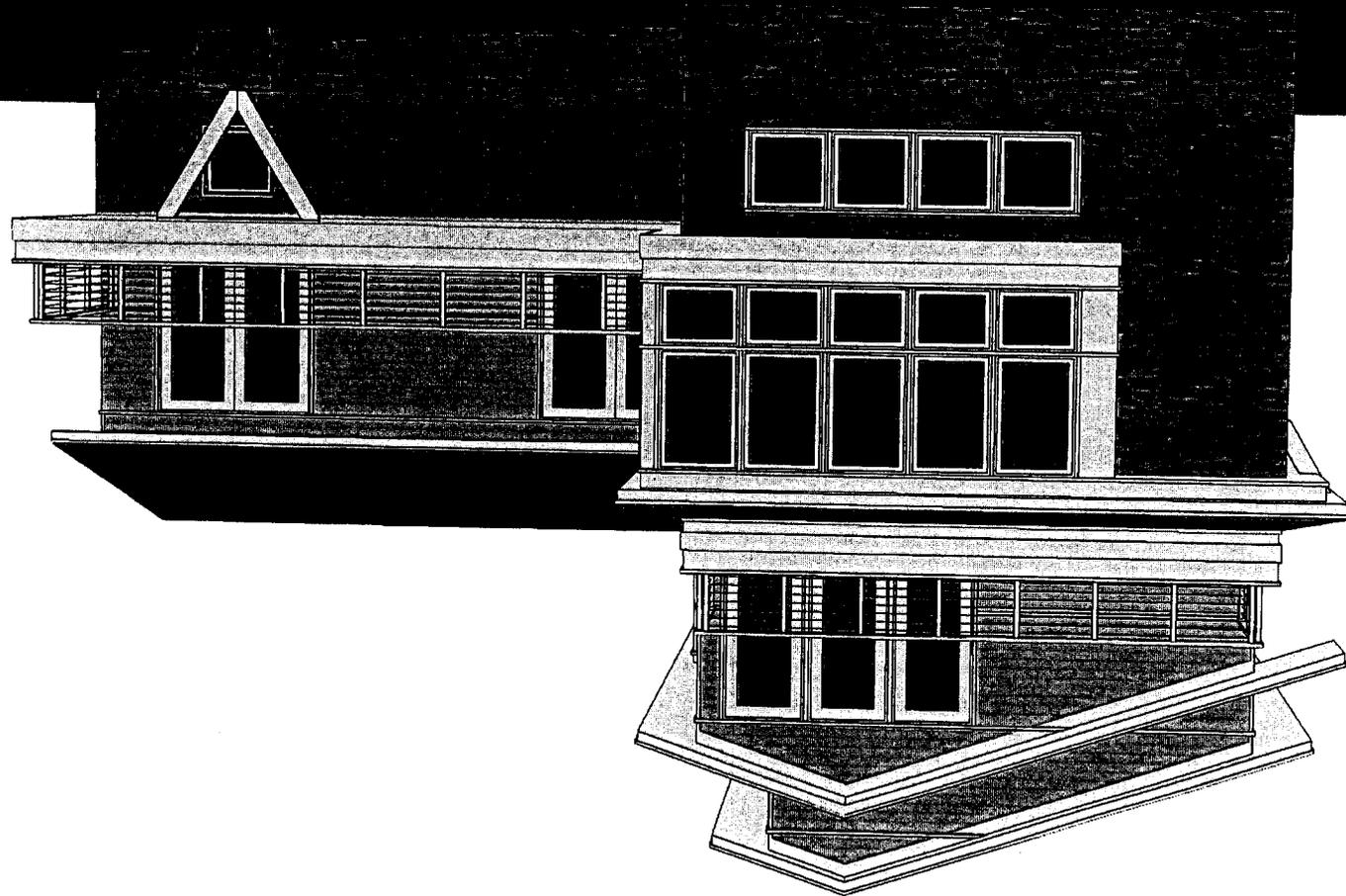
FRONT:	=	40 FEET
SIDE:	=	20 FEET
REAR:	=	25 FEET
- HEIGHTS:

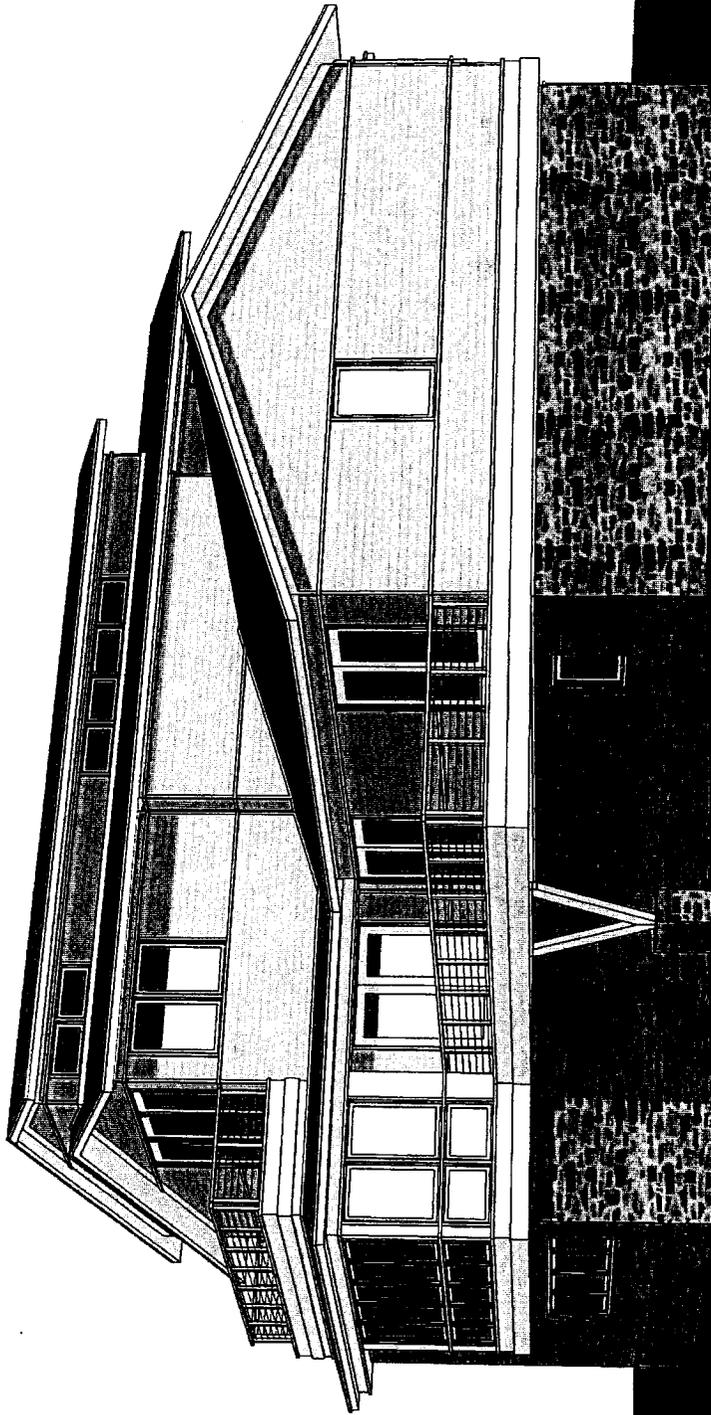
DWELLING	=	29 FEET
SHED	=	6.2 FEET
PORCH (ROOF)	=	18 FEET
FENCES	=	AS NOTED
PROPOSED DECK	=	8.7 FEET
- THIS PROPERTY IS NOW SERVED BY PUBLIC WATER AND SEWER.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- THERE ARE NO FLOOD PLAINS, FLOOD HAZARD AREAS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- COUNTY RECORDS SHOW THE EXISTING DWELLING WAS BUILT IN 1967 AN ADDITION IS NOW UNDER CONSTRUCTION. THE WEST SIDE WALL IS NOT BEING ALTERED.

PLAT
SHOWING HOUSE LOCATION ON
LOT 69 SECTION 1
WAKEFIELD FOREST
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' MARCH 9, 2010



CASE NAME:	WILLIAMS
PLAT SUBJECT TO RESTRICTIONS OF RECORD. TITLE REPORT NOT FURNISHED.	REQUESTED BY: GLENDA WILLIAMS
ALEXANDRIA SURVEYS INTERNATIONAL, LLC 11216 WAPLES MILL ROAD SUITE 102 FAIRFAX, VIRGINIA 22030 TEL. NO. 703-660-6615 FAX NO. 703-768-7764	





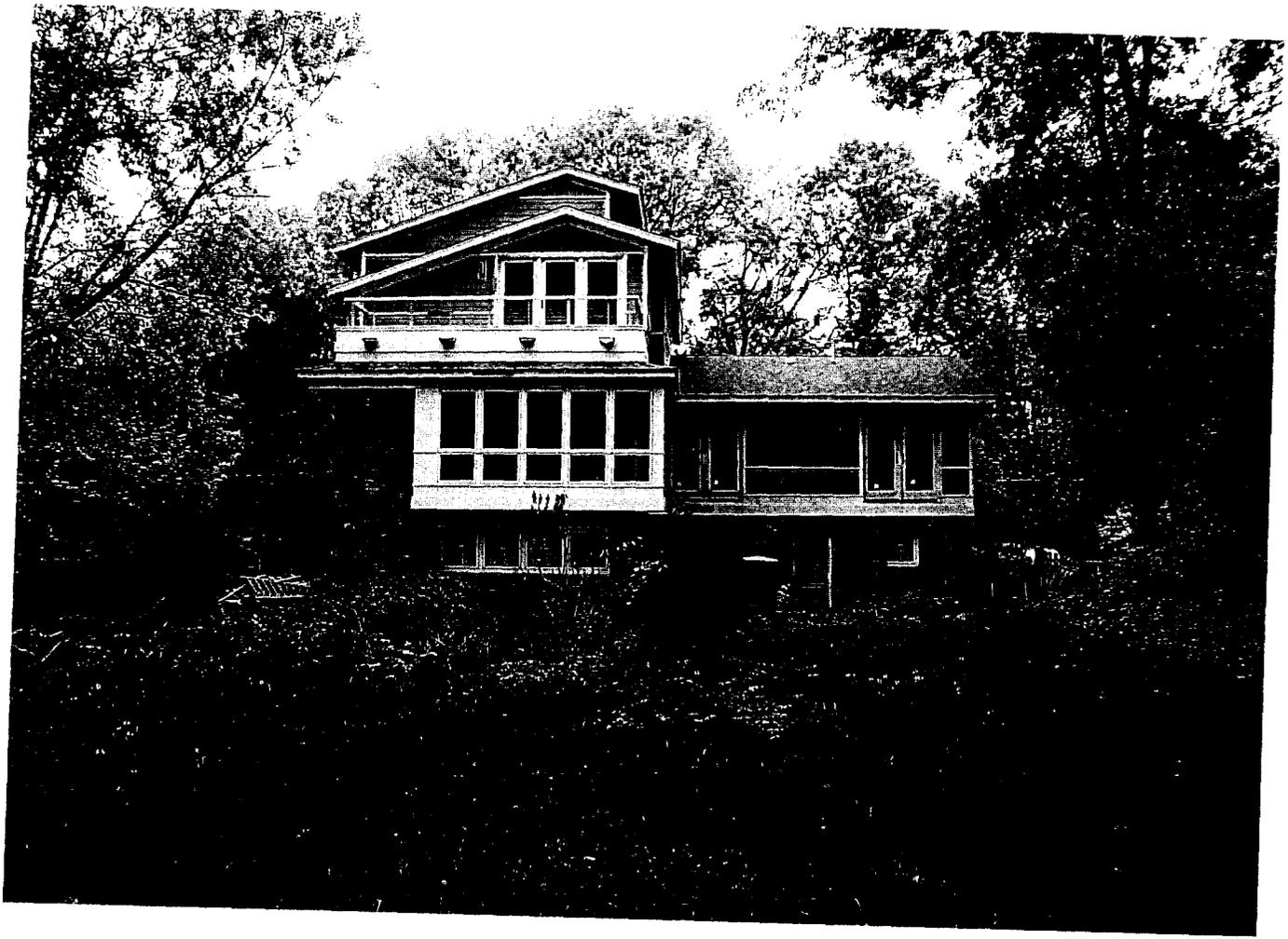
MARCH 2009

NORTH LOT LINE FACING SOUTH



Photos of dwelling prior to ongoing renovations

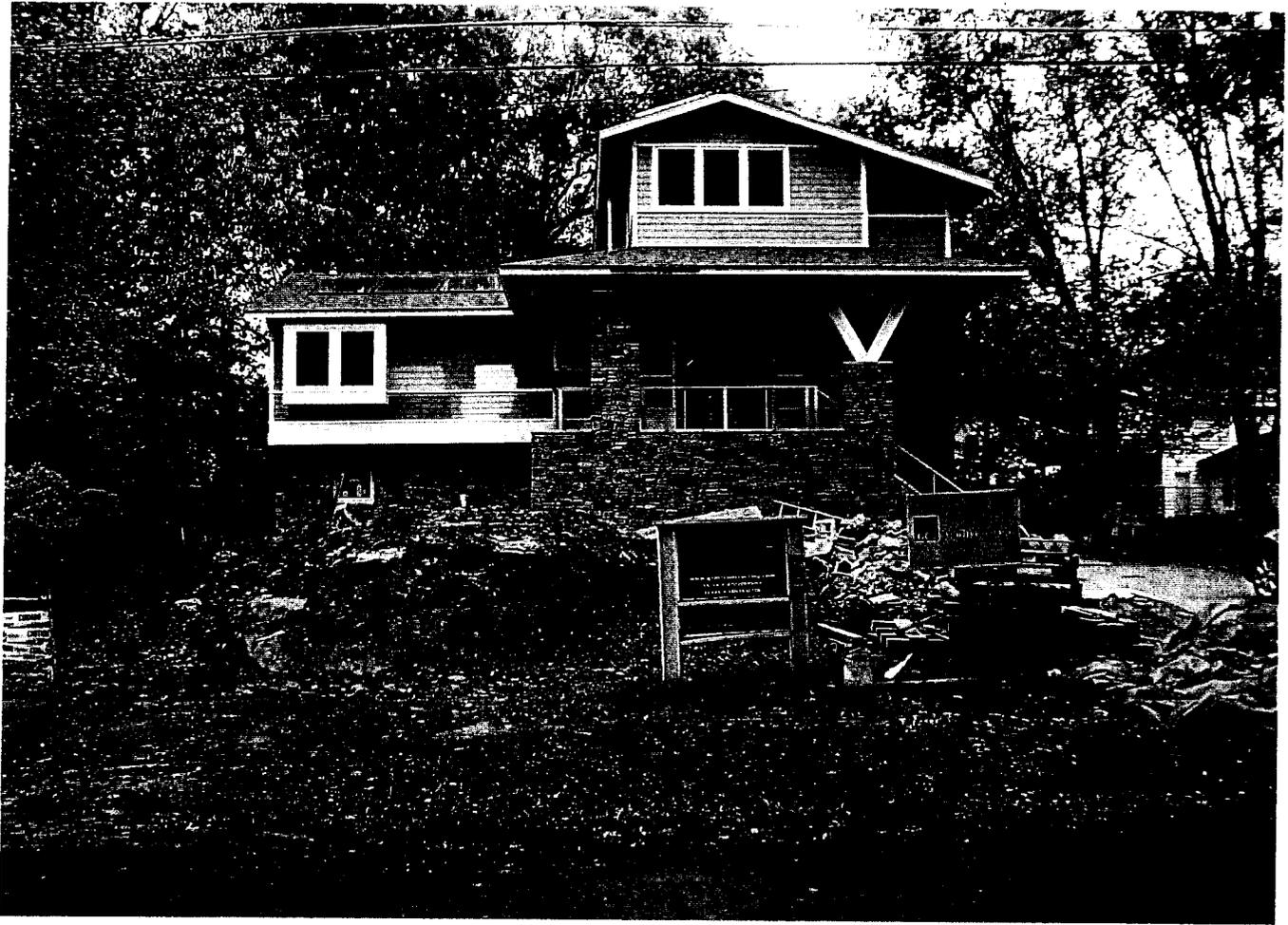
March 2009 - NORTH LOT LINE FACING SOUTH.



April 24, 2010

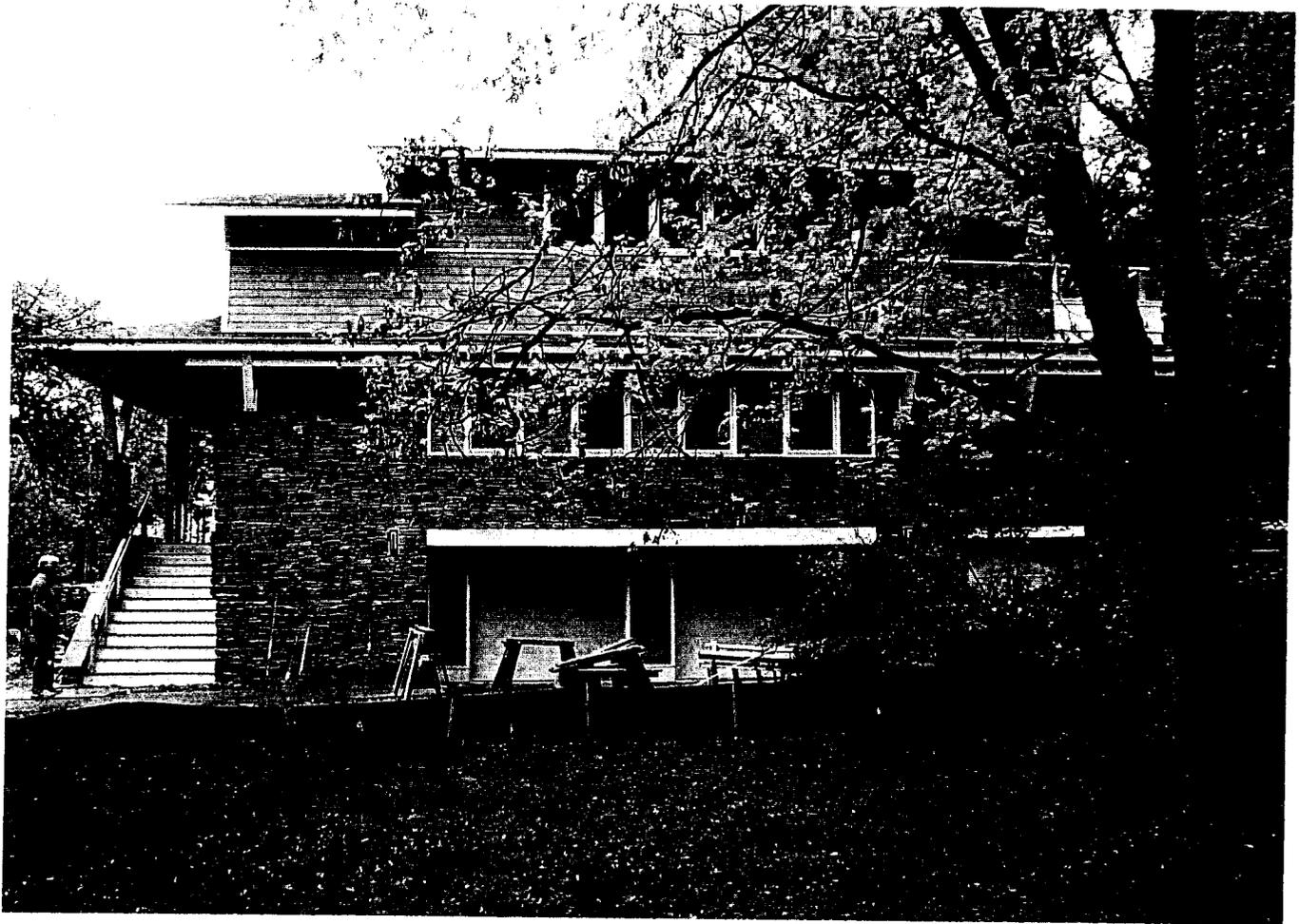
FROM NORTH LOT LINE LOOKING SOUTH.

Photos of dwelling during renovations



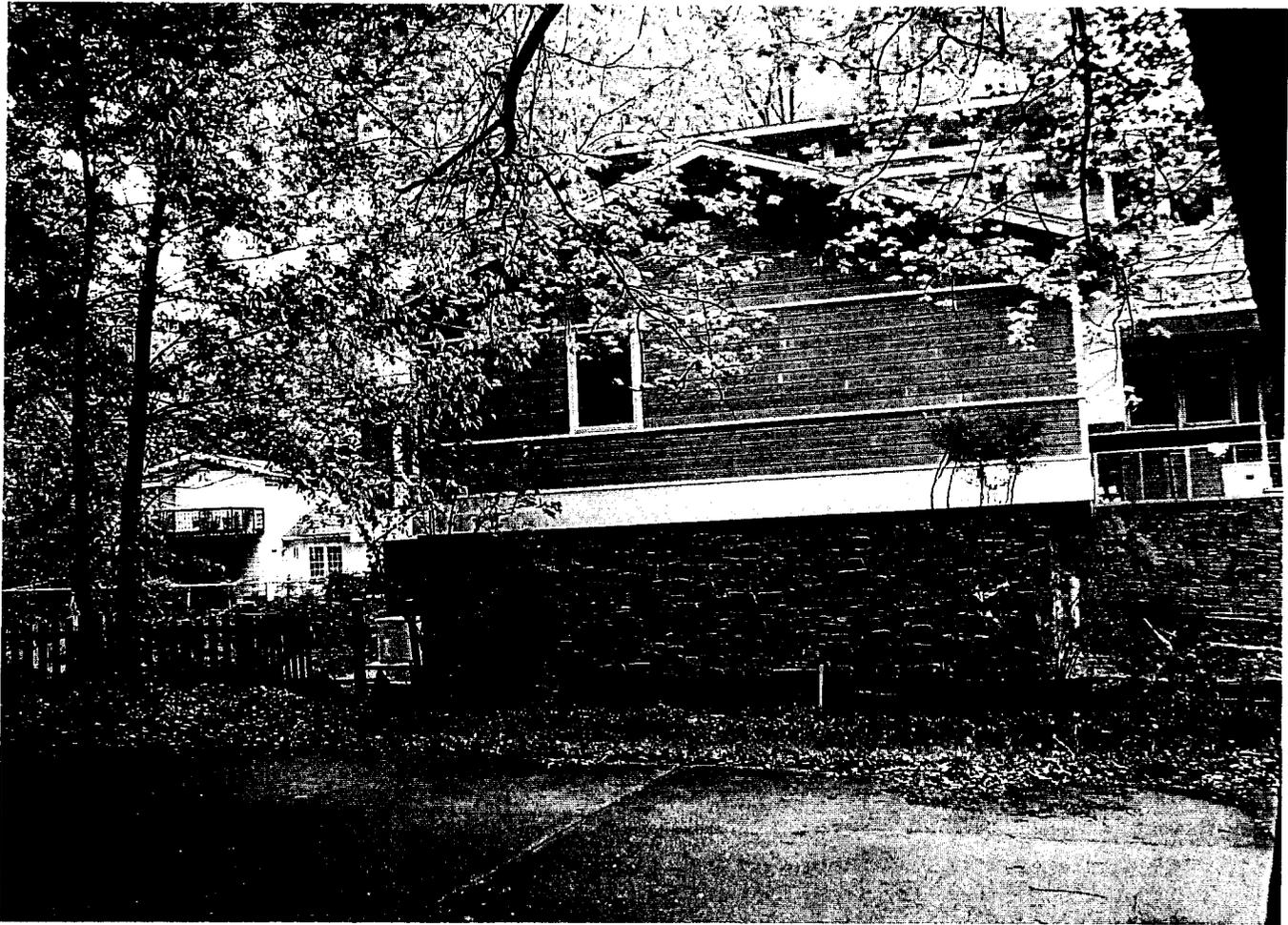
April 24, 2010

FROM SOUTH LOT LINE LOOKING NORTH.



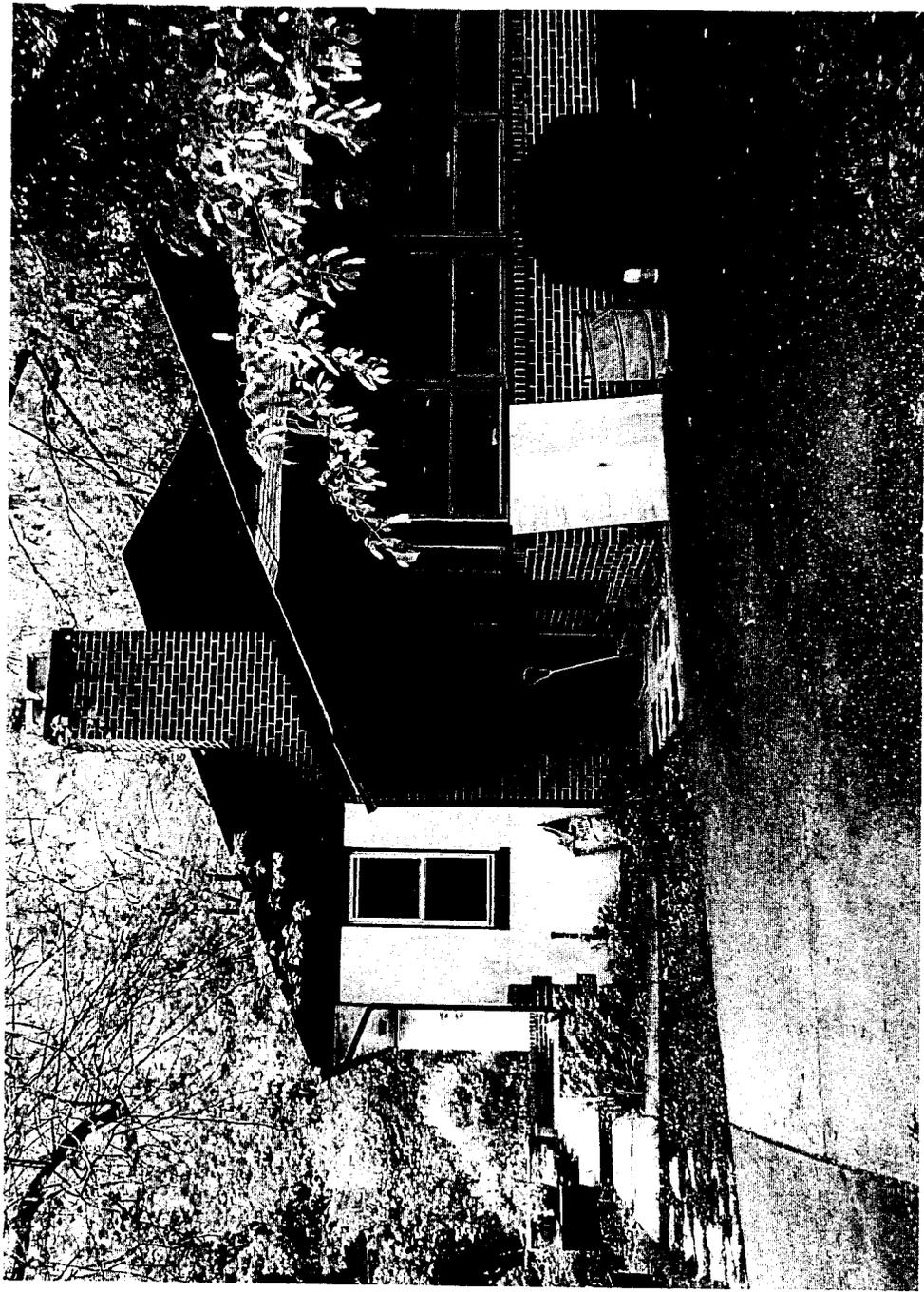
April 24, 2010

FROM EAST LOT LINE LOOKING WEST ~~TOWARDS~~
FROM THE CENTER OF LOT 70.



April 24, 2010

STANDING ON WEST LOT LINE LOOKING EAST.



April 24, 2010

STANDING ON WEST LOT LINE LOOKING WEST.



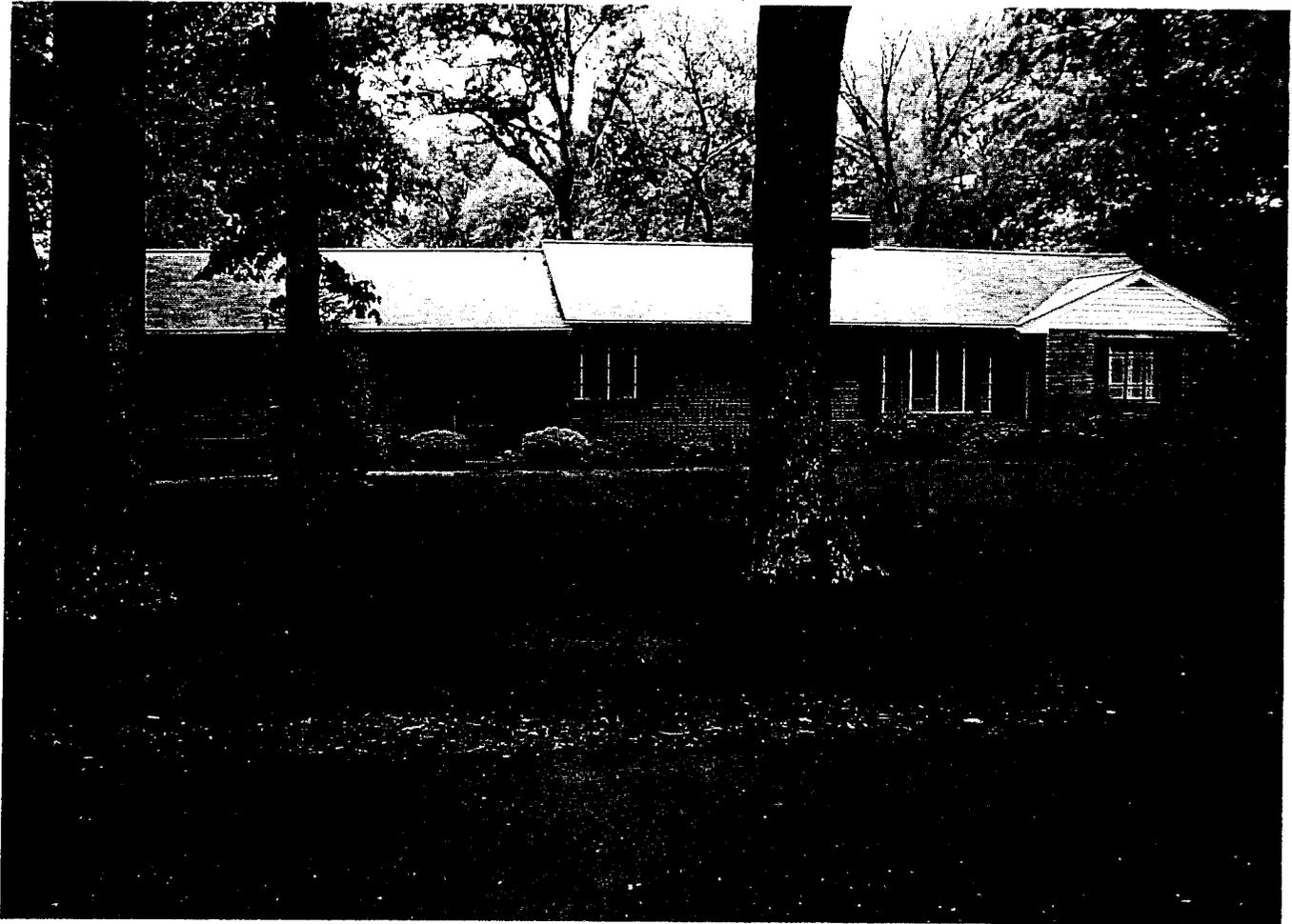
April 24, 2010

FROM EAST LOT LINE LOOKING EAST
AT LOT 70.



April 24, 2010

FROM CENTER OF OUR LOT LOOKING EAST
AT LOT 71.



April 24, 2010

FROM SOUTH LOT LINE LOOKING SOUTH



April 24, 2010

STANDING IN BACK YARD LOOKING NORTH
TOWARDS LOT 55 AND SOME OF LOT 57
(ON LEFT).



06/16/2010

Shed. View from House facing NORTH + West
lot line.

RECEIVED
Department of Planning & Zoning

JUN 17 2010

Zoning Evaluation Division

WILLIAMS - SP 2010-0075



06/16/2010

Shed - Taken from E. lot line

facing West lot line.

RECEIVED
Department of Planning & Zoning

JUN 17 2010

Zoning Evaluation Division

WILLIAMS - SP 2010 -0075



06/16/2010

Shed - Taken from corner of
West and North lot Lines,
Facing South.

RECEIVED
Department of Planning & Zoning

JUN 17 2010

Zoning Evaluation Division

WILLIAMS - SP 2010 - 0075

DESCRIPTION OF THE APPLICATION

To permit reduction of certain yard requirements to permit construction of an open deck 14.6 feet from the western side lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Open Deck	Side	20.0 feet	14.6 feet	5.4 feet	27%

*Minimum yard requirement per Section 3-107

EXISTING SITE DESCRIPTION

The site is currently zoned R-1 and contains a single family detached dwelling originally constructed in 1967. The dwelling is currently undergoing several by-right renovations changing the façade from a bi-level construction of brick and wood, to a two story dwelling consisting of frame and stone. The lot consists of 16,800 square feet and is surrounded by single family detached homes along all lot lines. The dwelling, which is situated toward the front of the lot, was constructed prior to adoption of the current Zoning Ordinance and therefore met the requirements at the time of construction. The lot is relatively narrow and flat with existing mature vegetation. The lot is accessed via a concrete driveway on Forest Street.

CHARACTER OF THE AREA

	Zoning	Use
North	R-1	Single Family Detached Dwellings
East	R-1	Single Family Detached Dwellings
South	R-1	Single Family Detached Dwellings
West	R-1	Single Family Detached Dwellings

BACKGROUND

Following the adoption of the current Ordinance, the BZA has heard the following similar special permits or variances in the vicinity of the application parcel:

- Variance VC 99-B-053 was approved on July 14, 1999, on Tax Map 59-3 ((10)) 117, located at 8602 Norfolk Avenue, zoned R-1, to permit construction of addition 9.0 feet from a side lot line and an accessory structure 10.0 feet from a rear lot line and 7.0 feet from a side lot line.
- Special Permit SP 99-B-027 was approved on July 14, 1999, on Tax Map 59-3 ((10)) 117, located at 8602 Norfolk Avenue, zoned R-1, to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 10.6 feet from a side lot line.
- Variance Amendment VCA 68-A-776 was approved on March 17, 2004, on Tax Map 59-3 ((10)) 175, located at 4107 Wakefield Drive, zoned R-1, to permit addition 15.0 feet with eave 13.4 feet from a side lot line.

ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Plat, Showing House Location on Lot 69, Section 1, Wakefield Forest
- **Prepared by:** Alexandria Surveys International, LLC, dated March 9, 2010

Proposal:

The applicants propose to construct an open deck, approximately 25 x 9 ½ feet in size (237.5 square feet), to be located along a portion of the rear of the existing dwelling adjacent to the western side lot line. The dwelling is currently undergoing by-right renovations, to include additions to the front and rear of the dwelling, a second story addition and a front porch. The proposed open deck would be located along a portion of the rear of the existing dwelling, and would replace and slightly enlarge the footprint of an existing deck.

ZONING ORDINANCE REQUIREMENTS

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

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

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

Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of an open deck will not adversely affect the use or development of neighboring properties since the structure will be located in the same location as an existing deck and will not extend beyond the side plane of the existing dwelling. Therefore, staff believes this standard has been met.*

General Standard 5 requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The proposed open deck will not require the removal of any existing vegetation. There currently exists mature vegetation along the shared western side lot line. Additionally, the deck will be placed along the side lot line of the driveway on the adjacent lot; therefore, staff does not believe additional landscaping or screening should be required and this standard has been met.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 4 relates to gross floor area of an addition, and Standard 5 relates to accessory structures, neither of which apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 6, 7, 8, and 9.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed open deck will be compatible with the architecture of the dwelling on the lot. The open deck will replace a prior smaller open deck and has been designed to match the architecture of the newly renovated exterior of the existing dwelling. Staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The applicant proposes to construct an open deck, approximately 237.5 square feet in size, to replace an existing deck. There is mature vegetation located both on and off-site, consisting of mature trees and shrubs. Many of the surrounding homes also have second level open decks. Staff believes the open deck will be harmonious with surrounding off-site uses and meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a 237.5 square foot open deck will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety since the structure will be placed in the essentially the same location as an existing deck, and, will be located adjacent to the neighboring lots driveway. Staff believes the request is modest and does not believe it will increase runoff or erosion significantly. Staff believes that the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The request to construct an open deck is shown in the most logical location given that it is proposed alongside the rear of the existing renovated dwelling. The dwelling was constructed in 1967, prior to adoption of the current Zoning Ordinance requirements; therefore, the construction of any structure along the western side lot line would require the need for such an application. The open deck is proposed to in a location where the applicants had a smaller deck; however, since the dwelling is under renovations, both exterior and

interior, the proposed open deck will maintain the architecture of the dwelling and is placed in the most logical location. The open deck is in character with the surrounding neighborhood, as several of the adjacent homes also have second story open decks. Given that no existing vegetation is proposed to be removed, staff believes the application meets this provision. Other issues of well, floodplains and/or Resource Protection Areas are not applicable to this site.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of SP 2010-BR-044 for a garage addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

APPENDICES

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

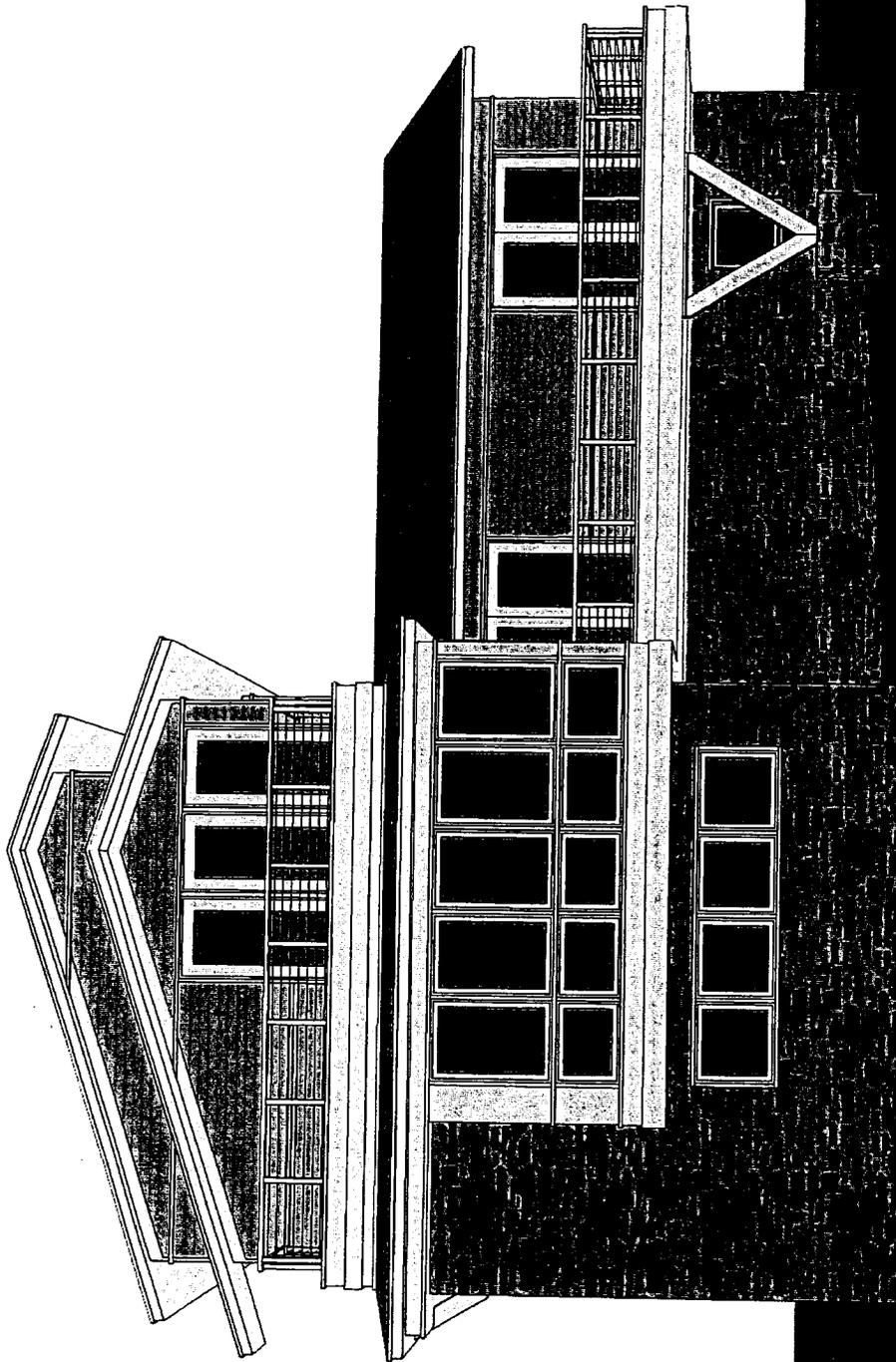
PROPOSED DEVELOPMENT CONDITIONS**SP 2010-BR-044****September 8, 2010**

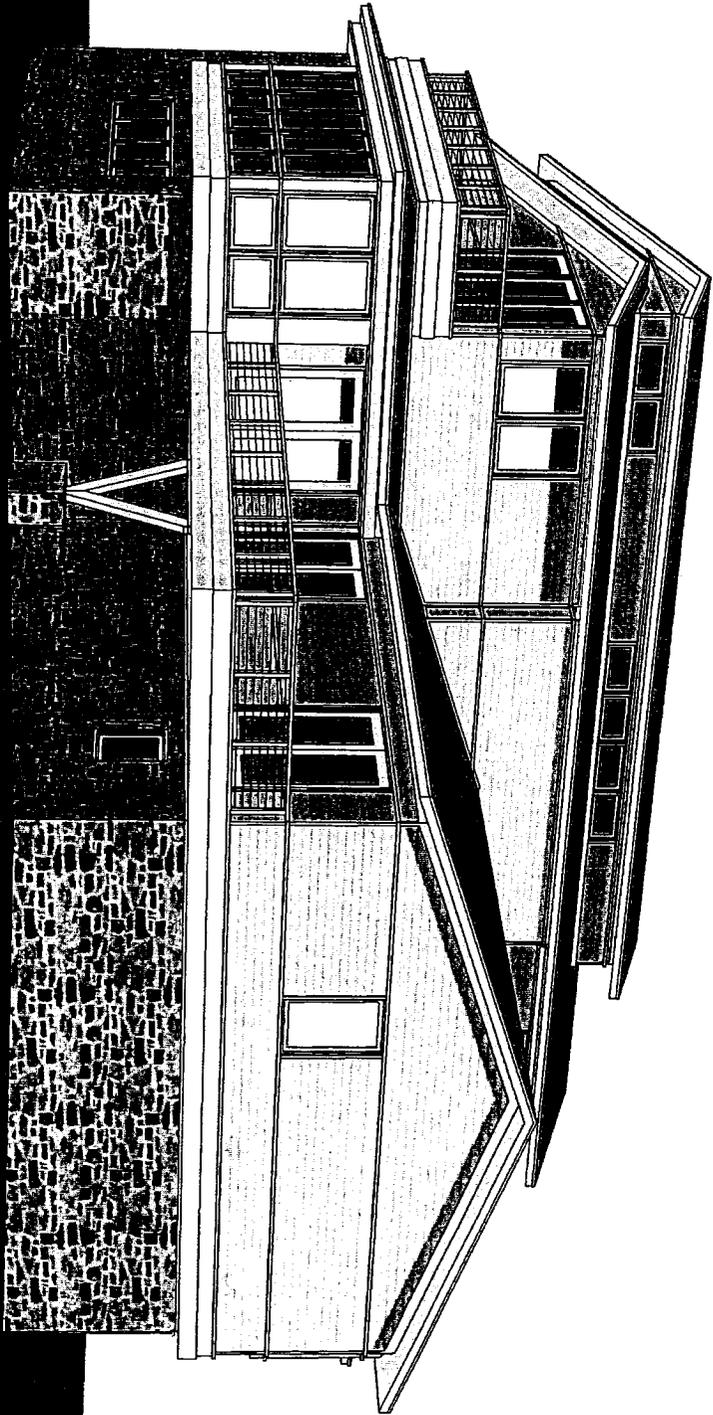
If it is the intent of the Board of Zoning Appeals to approve SP 2010-BR-044 located at Tax Map 59-3 ((10)) 69 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location and size of an open deck (approximately 237.5 square feet), as shown on the plat prepared by Alexandria Surveys International, LLC, dated March 9, 2010, as submitted with this application and is not transferable to other land.
2. The open deck shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
3. Building permits and approved final inspections shall be obtained for the deck.

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.





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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-27-2010
 (enter date affidavit is notarized)

I, Glenda K. Williams, 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

108364

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)
Glenda K. Williams	8602 Forest Street, Annandale, VA 22003	Applicant/Title Owner
Robert L. Williams	8602 Forest Street, Annandale, VA 22003	Title Owner

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

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

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

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-27-2010
(enter date affidavit is notarized)

108364

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-27-2010
(enter date affidavit is notarized)

108364

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)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-27-2010
(enter date affidavit is notarized)

108964

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

108364

DATE: 04-27-2010
(enter date affidavit is notarized)

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:

Glenda K. Williams

(check one)

Applicant

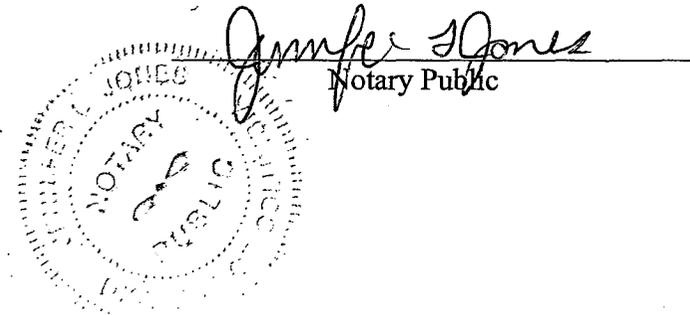
Applicant's Authorized Agent

Glenda K. Williams, Applicant/Title Owner

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

Subscribed and sworn to before me this 27 day of April 2010, in the State/Comm. of District of Columbia, County/City of _____.

My commission expires: 1/31/2012



June 14, 2010

Statement of Justification for Special Permit

We are requesting approval of a special permit to build a deck on our property at 8602 Forest Street, Lot 69, Section 1, Wakefield Forest, Braddock District, Fairfax County, Virginia under Article 8 – Special Permits.

This is a request for the reduction of certain yard requirements to permit the building of an open deck 14.6 feet from the side lot line. This is a single family home that was recently renovated and had an open deck attached to it. We would like to keep the current location of the old open deck and extend the open deck along the length of the back of the house. This new deck will be no closer to the side of the lot than the old deck, which is 14.6 feet from the existing side lot line.

The current house and deck were built before the current zoning requirements (setbacks) were put into place. Because of this, the original deck and the proposed deck are both non-conforming to the current requirements.

This non-conformance is incidental and does not have any adverse affects on the house, the neighborhood, or the neighbor's view of our house. Also, our pictures of our neighbor's property show that there is precedence for decks of this type in our neighborhood.

We believe that the new deck will meet all requirements of the Fairfax County Zoning Ordinance, Article 8, Special Permits, 8-922 Provisions for Reduction of Certain Yard Requirements.

The new deck will be constructed from a cellular PVC product called Azek decking material and wood.

There are no known hazardous or toxic substances on the property as set forth in title 40, CFR 116.4, 302.4, and 355 and all other Virginia and Federal codes as set out in section 5.08 of the submission checklist report.

This proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards and we are requesting a variance from the current property setbacks to reconstruct the deck for the same use as the original house.

The gross floor area of the deck addition to the existing principle structure 10% of the total gross floor area of the principle structure. The gross floor area of the proposed deck structure is subordinate in purpose, scale, use and intent to the principle structure on the site.

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 site.

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 does not disturb or change any trees on the site.

The proposed development will not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, erosion and stormwater runoff.

The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot.

The existing gross floor area is 2369 square feet, the proposed gross floor area is 240 square feet, and the floor area ratio is 10%.

The architectural depictions of the proposed structure, as provided, show the deck from the lot lines from which the open deck can be seen. The deck cannot be seen from the street line. There are no changes to the current landscaping and/or screening. The deck will contain no roof or window treatments. The deck will be constructed from AZEK PVC decking material and wood.

Respectfully submitted,

Robert and Glenda Williams
8602 Forest Street
Annandale, VA 22003

April 26, 2010

Statement of Justification for Special Permit

We are requesting approval of a special permit to build a deck on our property at 8602 Forest Street, Lot 69, Section 1, Wakefield Forest, Braddock District, Fairfax County, Virginia under Article 8 – Special Permits.

This is a single family home that had a deck attached to it. We would like to keep the current location of the old deck and extend the deck along the length of the back of the house. This new deck will be no closer to the side of the lot than the old deck, which is 15 feet from the existing lot line.

The current house and deck were built before the current zoning requirements (setbacks) were put into place. Because of this, the original deck and the proposed deck are both non-conforming to the current requirements.

This non-conformance is incidental and does not have any adverse affects on the house, the neighborhood, or the neighbor's view of our house. Also, our pictures of our neighbor's property show that there is precedence for decks of this type in our neighborhood.

We believe that the new deck will meet all requirements of the Fairfax County Zoning Ordinance, Article 8, Special Permits, 8-922 Provisions for Reduction of Certain Yard Requirements.

Respectfully submitted,

Robert and Glenda Williams

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Department of Planning & Zoning
APR 29 2010
Zoning Evaluation Division

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.