



APPLICATION ACCEPTED: June 18, 2010
DATE OF PUBLIC HEARING: November 3, 2010
MOVED AT APPLICANT'S REQUEST
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 27, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2010-PR-043

PROVIDENCE DISTRICT

APPLICANTS & OWNERS: Scott and Patricia Birkhead, Trustees

ZONING: R-3

LOCATION: 3402 Sherwood Court

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 60-1 ((2)) 19

LOT SIZE: 10,500 Square Feet

SP PROPOSAL: Reduction of certain yard requirements to permit construction of addition 12.6 feet from the rear side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-PR-043 for the addition subject to the proposed development conditions contained in Appendix 1.

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

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

Mary Ann Godfrey

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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

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

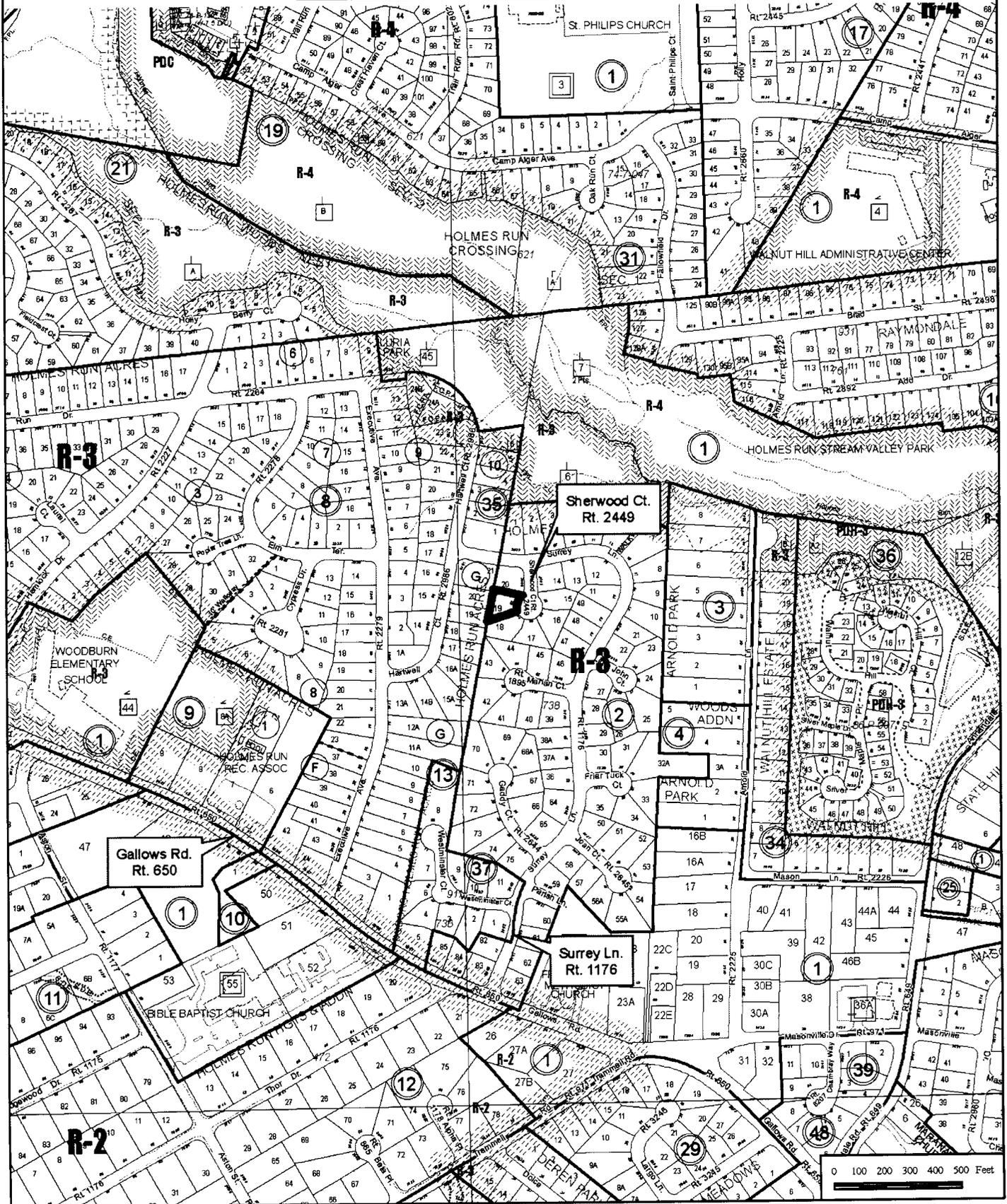
H:\SP Reports\ SP 2010-PR-043,yard reduct.Cover.doc



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-PR-043

SCOTT AND PATRICIA BIRKHEAD, TRUSTEES

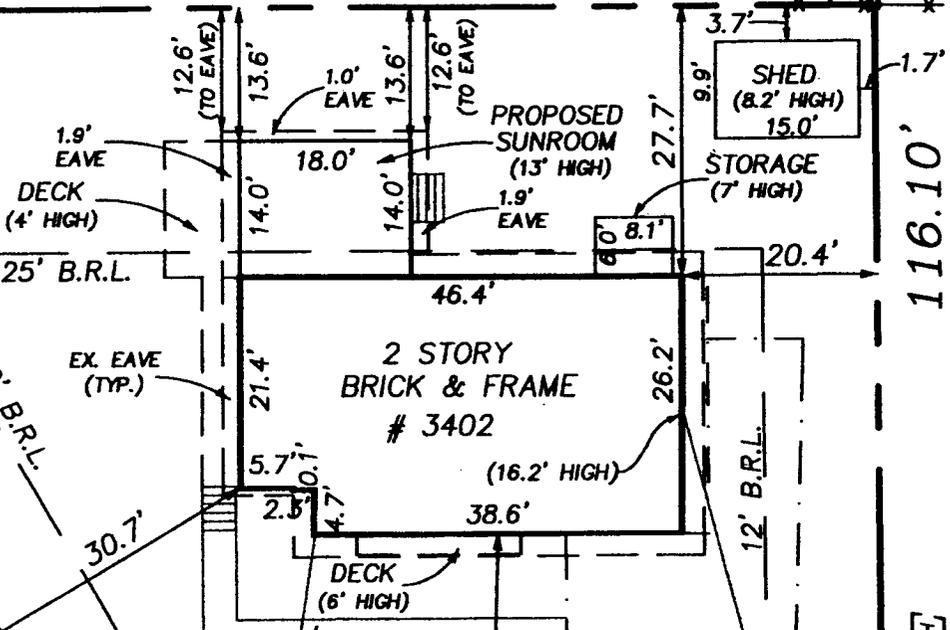


19
N 11°40'00" E

130.80'

5' HIGH WOOD FENCE

19
10,500 s.f.



116.10'

20

18

123.19'

S 78°43'16" E

IPF

87.8' TO P.C. SURREY LANE

R=52.00'
A=61.09'

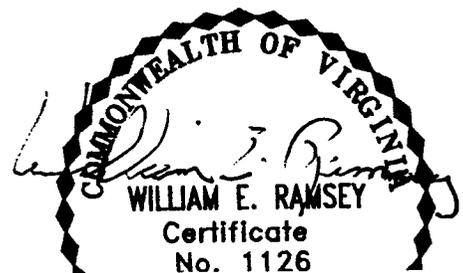
FACE OF CURB

R=40.00'
A=13.60'

RECEIVED
Department of Planning & Zoning
MAY 24 2010
Zoning Evaluation Division

SHERWOOD COURT
(50' WIDE)

SPECIAL PERMIT APPLICATION
LOT 19
SECTION 11



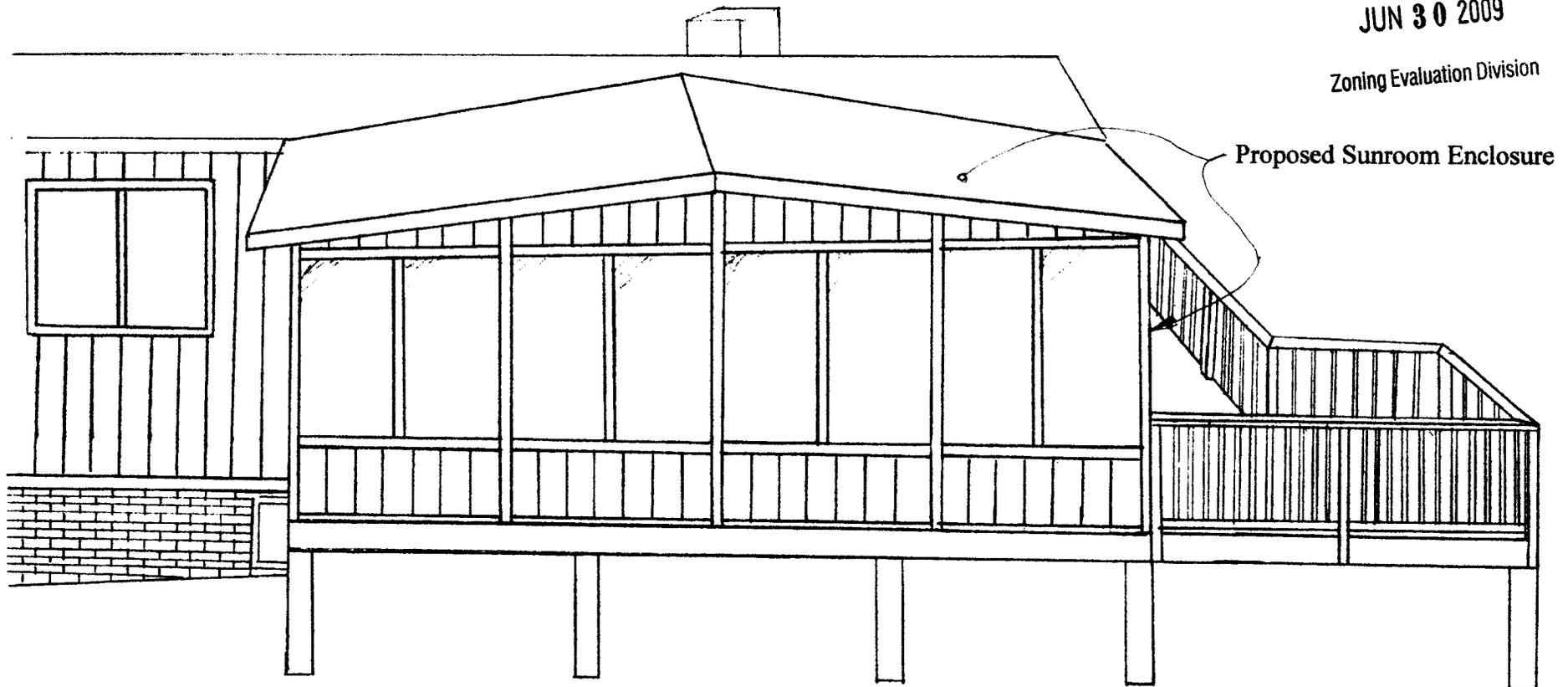
Notes:

1. Provide roof and walls to enclose portion of the existing deck.
2. Room shall be for 3 season use.
3. Roof slope to match slope of existing roof.
4. New roof to be roll roofing similar to existing roof.
5. New tongue and groove siding above and below windows to match existing house siding.
6. Large operable windows are in keeping with the architecture of the existing house.
7. New gutters and downspouts to match existing half-round gutters.

RECEIVED
Department of Planning & Zoning

JUN 30 2009

Zoning Evaluation Division

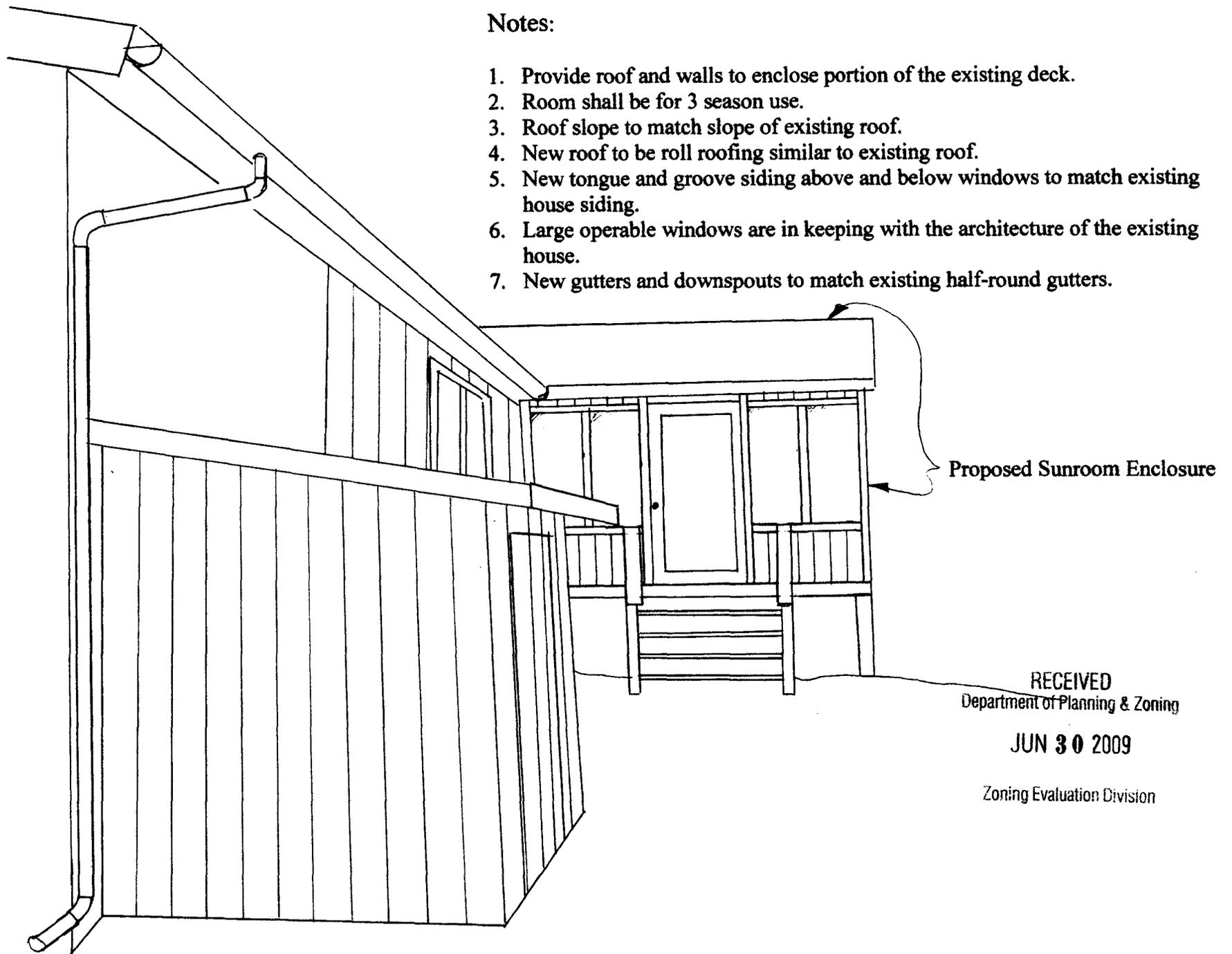


**PROPOSED SUNROOM ENCLOSURE
AS VIEWED FROM WEST**

6-30-09

Notes:

1. Provide roof and walls to enclose portion of the existing deck.
2. Room shall be for 3 season use.
3. Roof slope to match slope of existing roof.
4. New roof to be roll roofing similar to existing roof.
5. New tongue and groove siding above and below windows to match existing house siding.
6. Large operable windows are in keeping with the architecture of the existing house.
7. New gutters and downspouts to match existing half-round gutters.



RECEIVED
Department of Planning & Zoning

JUN 30 2009

Zoning Evaluation Division

**PROPOSED SUNROOM ENCLOSURE
AS VIEWED FROM NORTH**

6-30-09

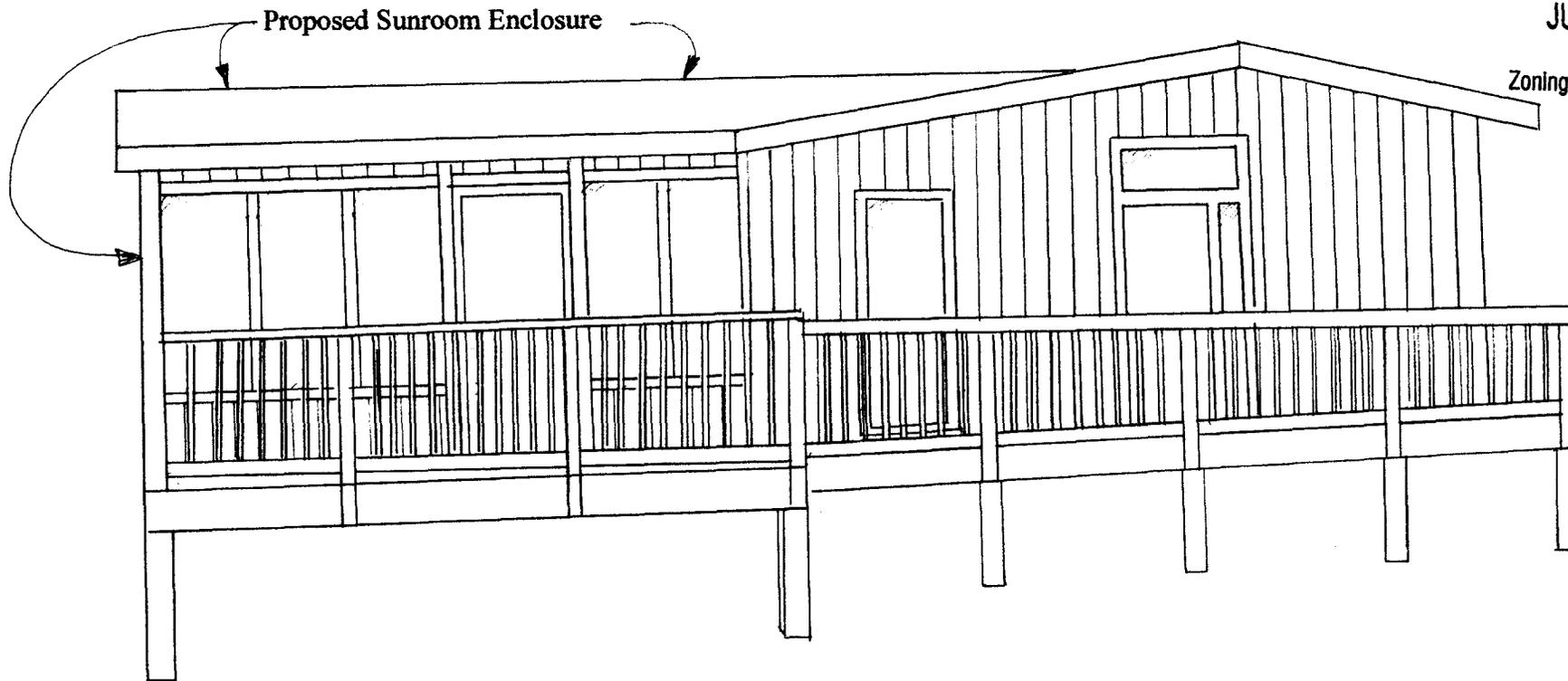
Notes:

1. Provide roof and walls to enclose portion of the existing deck.
2. Room shall be for 3 season use.
3. Roof slope to match slope of existing roof.
4. New roof to be roll roofing similar to existing roof.
5. New tongue and groove siding above and below windows to match existing house siding.
6. Large operable windows are in keeping with the architecture of the existing house.
7. New gutters and downspouts to match existing half-round gutters.

RECEIVED
Department of Planning & Zoning

JUN 30 2009

Zoning Evaluation Division



**PROPOSED SUNROOM ENCLOSURE
AS VIEWED FROM SOUTH**

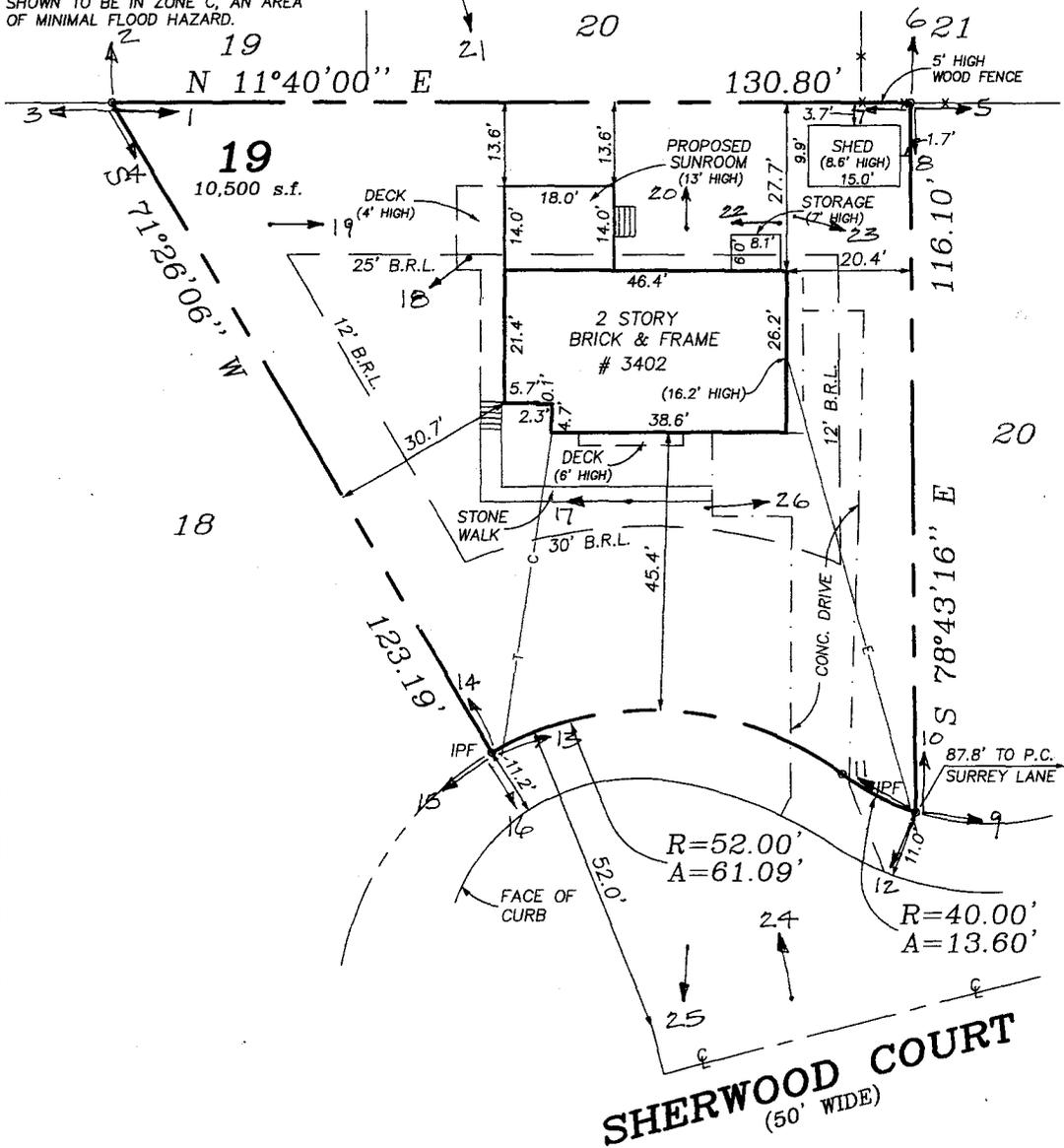
6-30-09

NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 60-1-02-0019 AND IS PRESENTLY ZONED R-3.
2. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
3. R-3 BUILDING RESTRICTION LINES:
FRONT-30'.
SIDE-12'.
REAR-25'
4. IPF-DENOTES IRON PIPE FOUND.
5. ACCORDING TO HUD-FIA MAP FOR FAIRFAX COUNTY, THIS PROPERTY IS SHOWN TO BE IN ZONE C, AN AREA OF MINIMAL FLOOD HAZARD.

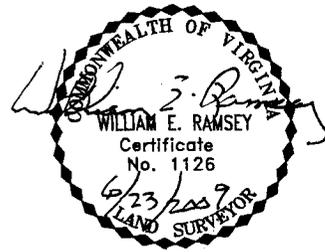
RECEIVED
Department of Planning & Zoning
JUN 30 2009
Zoning Evaluation Division

HOLMES RUN ACRES
SECTION 9, BLOCK 10



SPECIAL EXCEPTION PLAT
LOT 19
SECTION 11
HOLMES RUN ACRES
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

JUNE 22, 2009 1"=20'



WILLIAM E. RAMSEY, P.C.
LAND SURVEYOR
FAIRFAX, VIRGINIA
703-385-4499

PHOTOGRAPH ORIENTATION PLAT

PHOTOGRAPH 1

6-21-09



PHOTOGRAPH 2

6-21-09



PHOTOGRAPH 3

3 6-21-09



PHOTOGRAPH 4

4 6-21-09



PHOTOGRAPH 5

6-21-09

5



PHOTOGRAPH 6

6-21-09

6



PHOTOGRAPH 7

6-21-09

7



PHOTOGRAPH 8

6-21-09

8



PHOTOGRAPH 9

6-21-09

9



PHOTOGRAPH 10

6-21-09

10



PHOTOGRAPH 11

11 6-21-09



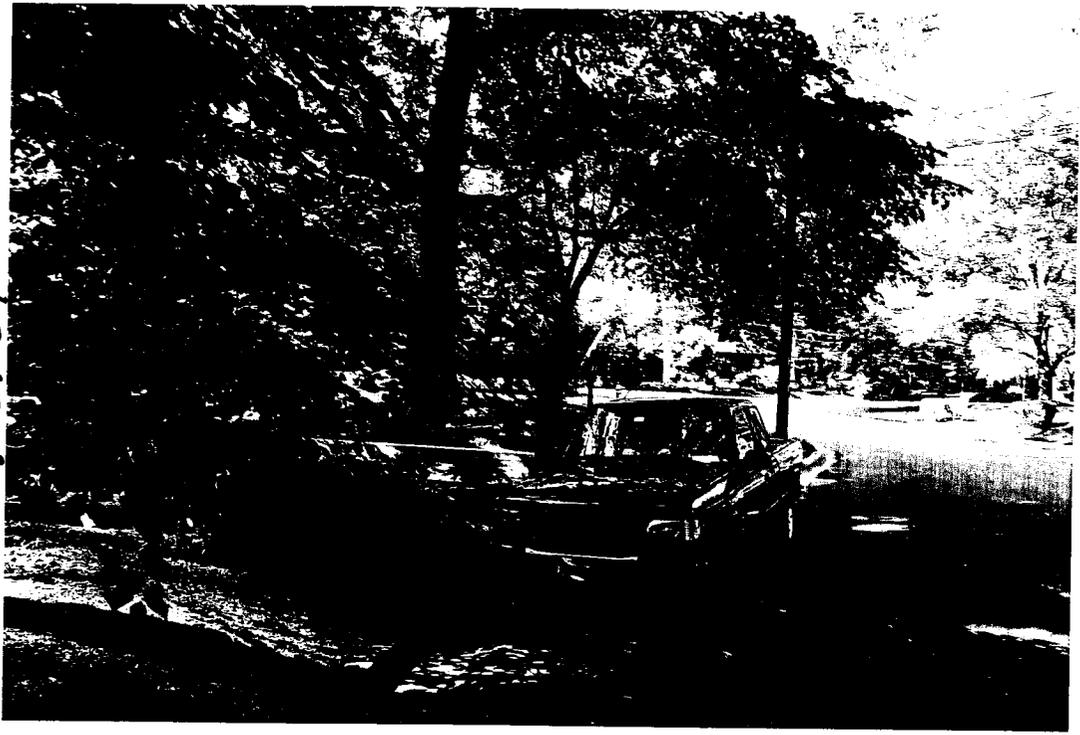
PHOTOGRAPH 12

12 6-21-09



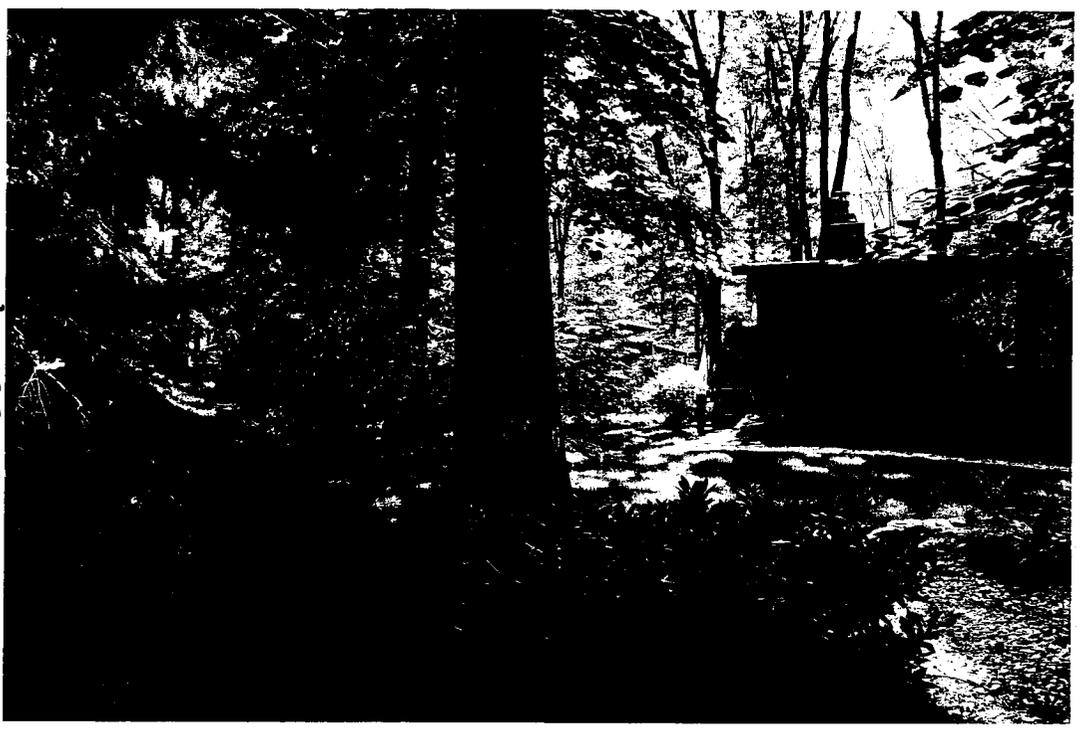
PHOTOGRAPH 13

13 6-21-09



PHOTOGRAPH 14

14 6-21-09



PHOTOGRAPH 15

6-21-09

15



6-21-09

PHOTOGRAPH 16

6-21-09

16



6-21-09

PHOTOGRAPH 17

17 6-22-09



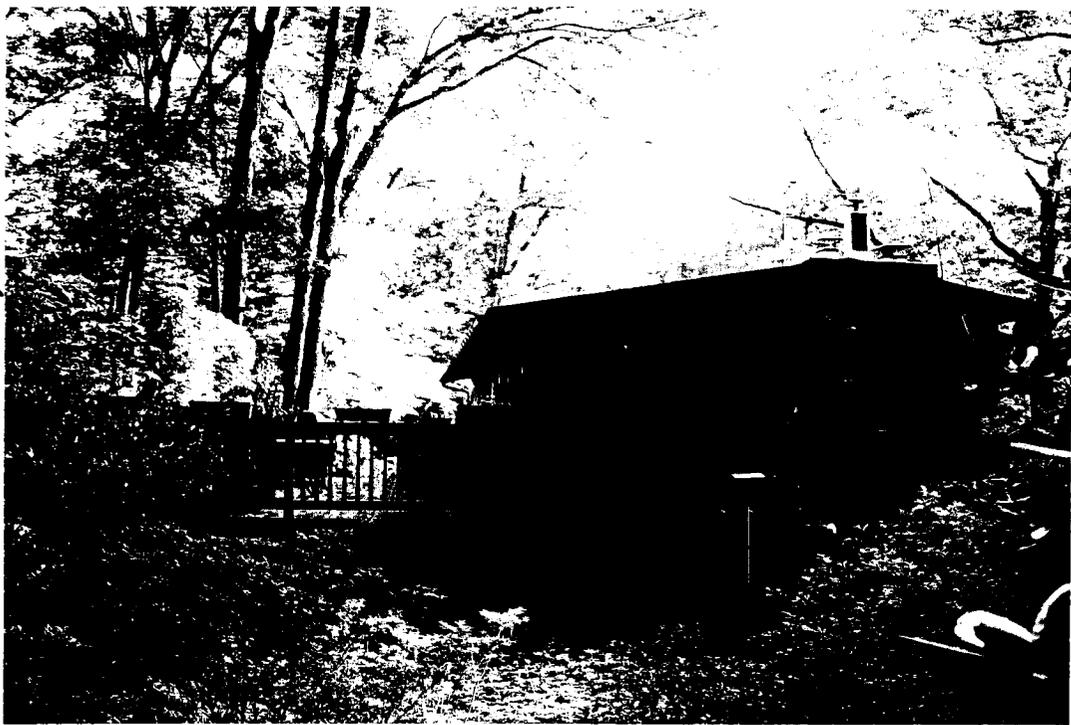
PHOTOGRAPH 18

18 6-22-09



PHOTOGRAPH 19

19 6-30-09



PHOTOGRAPH 20

20 6-22-09



PHOTOGRAPH 21

21 6-20-09



PHOTOGRAPH 21

PHOTOGRAPH 22

22 6-22-09



PHOTOGRAPH 22

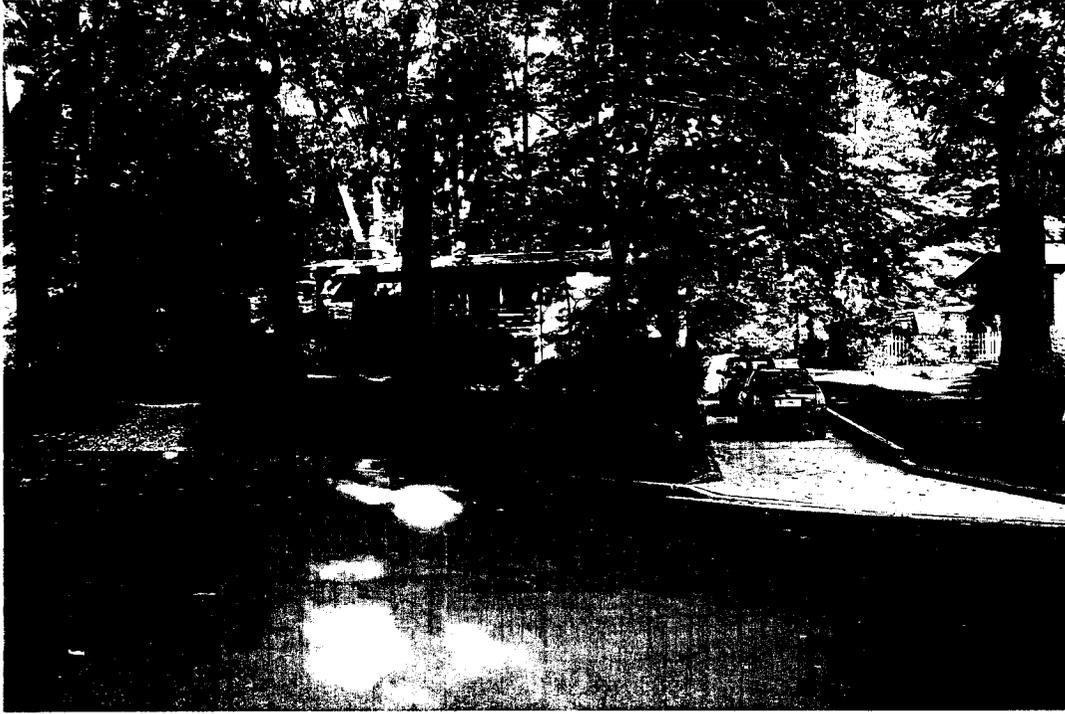
PHOTOGRAPH 23

23 6-30-09



PHOTOGRAPH 24

24 6-30-09



DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a sunroom addition 12.6 feet from the rear lot line.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Sunroom Addition	Rear	25 feet	12.6 feet	12.4 feet	49.6 %

* Minimum yard requirement per Section 3-307

LOCATION AND CHARACTER

Existing Site Description

The site is currently zoned R-3 and is developed with a split level with daylight basement single family detached dwelling that was built in 1954. A brick patio and deck were added in 1993. The total above grade area of the dwelling is 1,144 square feet. There is a 48 square foot attached shed 7 feet in height at the northwest corner of the dwelling. A shed 9.9' x 15' and 8.2 feet in height is located in the northwest corner of the lot. A 5 foot high wooden fence runs along approximately 10 feet of the north side of the western property line adjacent to the shed. An existing 4' high deck at the southwest corner of the house will be removed for the proposed one-story sunroom addition. The property is well vegetated with trees and shrubs as are neighboring lots. The subject property is surrounded by single family detached homes on all sides.

Character of the Area

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

BACKGROUND

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

- Variance VC 93-P-022, approved on June 8, 1993, on Tax Map Number 60-1 ((5)) 3, at 3409 Annandale Road, zoned R-3, southeast of the subject property to allow construction of an addition 10 feet from a side lot line.
- Variance VC 2002-PR-039, approved on June 11, 2002, on Tax Map 60-1 ((2)) 58, at 3440 Joan Court, zoned R-3, south of the subject property to permit construction of an addition with eaves 14.5 feet from the front lot line of a corner lot and to permit walls greater than 7.0 feet in height to remain in a side yard.
- Variance VC 2004-PR-023, approved on May 5, 2004, on Tax Map 60-1 ((2)) 83, at 3446 Surrey Lane, zoned R-3, south of the subject property to permit the construction of a carport 25.4 feet with eave 22.9 feet from the front lot line of a corner lot.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- Title of SP Plat: Special Permit Plat, Lot 19, Section 11, Holmes Run Acres
- Prepared By: William E. Ramsey, P.C., Land Surveyor, dated June 22, 2009, Revised February 1, 2010

Proposal

The applicant proposes to construct a one-story sunroom addition to the southeastern corner of the existing home over a portion of an existing. The addition is in conformance with the required side yard of 12 feet, but is proposed to be built 12.6 feet from the rear, or western lot line where a 25 foot yard is required. The addition is proposed to be a sunroom measuring 14' x 18' with a height of 13 feet. The attached exhibits of the proposed sunroom indicate that the room will be for three season use and that the roof, siding, and windows will match the existing house. The addition will be 252 square feet in size and at 13 feet in height, lower than the existing dwelling height of 16 feet.

ZONING ORDINANCE REQUIREMENTS (See Appendix 5)

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

Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes that the special permit application satisfies this condition based the fact that the dwelling is located in an older neighborhood with ample buffering provided by mature vegetation. The proposed sunroom addition will be at a lower height than the rest of the house and constructed of materials to match the existing dwelling. Therefore, staff believes that the proposed addition will not have any adverse impact on neighboring properties.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. According to the County tax records and the applicant's statement, the original structure was 1,144 square feet in size, but was enlarged in 1993 to its current 2,190 square foot size. Therefore 150% of the total gross floor area could result in an addition up to 3,285 square feet; which makes a combined total of 5,475 square feet. The proposed addition will be 252 square feet for a total of 2,442 square feet for the existing house and addition. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The existing dwelling is 16.2 feet in height and the proposed addition will be 13 feet in height. The dwelling is currently 2,190 square feet and the proposed addition will be 252 square feet. Based on the architectural renderings, the proposed addition will be

constructed with materials and an appearance matching the existing 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 bulk and scale of the proposed addition will not adversely affect the neighboring properties due to the fact that size of the proposed addition is relatively small and its height will be lower than the existing dwelling, which will minimize the appearance of bulk that will be added to the residence and it will be in scale with the existing dwelling. As stated previously, the addition will be constructed of materials consistent or compatible with those used in the principal dwelling.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. No downstream complaints have been indicated by DPWES. The fact that the addition will be constructed over a portion of the existing deck; the amount of increased impervious area will be negligible. The applicant states that no significant existing vegetation or trees will be impacted on the property. Staff believes that the proposed addition shall not have any adverse impact on neighboring properties.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The subject property is a small 10,500 square foot lot located on a cul-de-sac so that the rear of the lot is wider than the front. The proposed location of the sunroom addition is over an existing deck and will not require the removal of trees that could be required in other locations on the property. The proposed location is well buffered by vegetation from Lot 20 at the rear and will not be visible from the front of the house. Pursuant to the UFM Memorandum in Appendix 4, staff has proposed a development condition to require the establishment of tree save areas on the southern and western sides of the property to protect off-site vegetation on the adjacent properties.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of special permit application SP 2010-PR-043 for the addition subject to the proposed development conditions contained in Appendix 1 of the staff report.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Urban Forestry Analysis
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2010-PR-043

October 27, 2010

If it is the intent of the Board of Zoning Appeals to approve SP 2010-PR-043 located at Tax Map Number 60-1 ((2)) 19 (3402 Sherwood Court, to permit a reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the proposed addition as shown on the plat prepared by William E. Ramsey, P.C., dated June 22, 2009, and revised to February 1, 2010, submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,190 square feet existing + 3,285 (150%) = 5,475 permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction, special permit or variance. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials shown in Attachment 1 of these conditions.
5. Prior to the commencement of construction the applicant shall designate tree save areas along the southern and western sides of the property to protect off-site trees and shrubs on adjacent Lots 18 and 20 from construction activities, and shall install tree protection fencing at the outer limits of the drip lines of said vegetation. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that inappropriate activities such as the storage of construction equipment do not occur within these tree save areas.

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

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

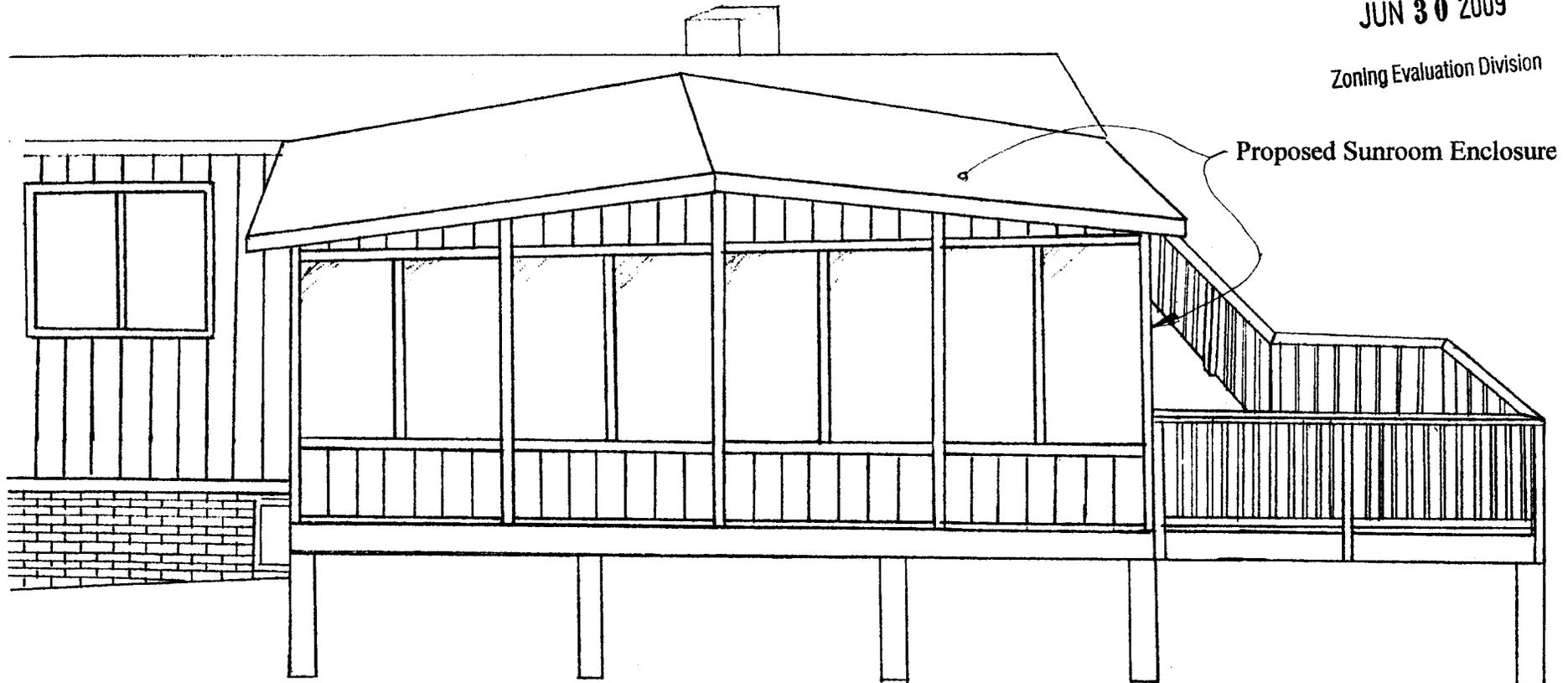
Notes:

1. Provide roof and walls to enclose portion of the existing deck.
2. Room shall be for 3 season use.
3. Roof slope to match slope of existing roof.
4. New roof to be roll roofing similar to existing roof.
5. New tongue and groove siding above and below windows to match existing house siding.
6. Large operable windows are in keeping with the architecture of the existing house.
7. New gutters and downspouts to match existing half-round gutters.

RECEIVED
Department of Planning & Zoning

JUN 30 2009

Zoning Evaluation Division

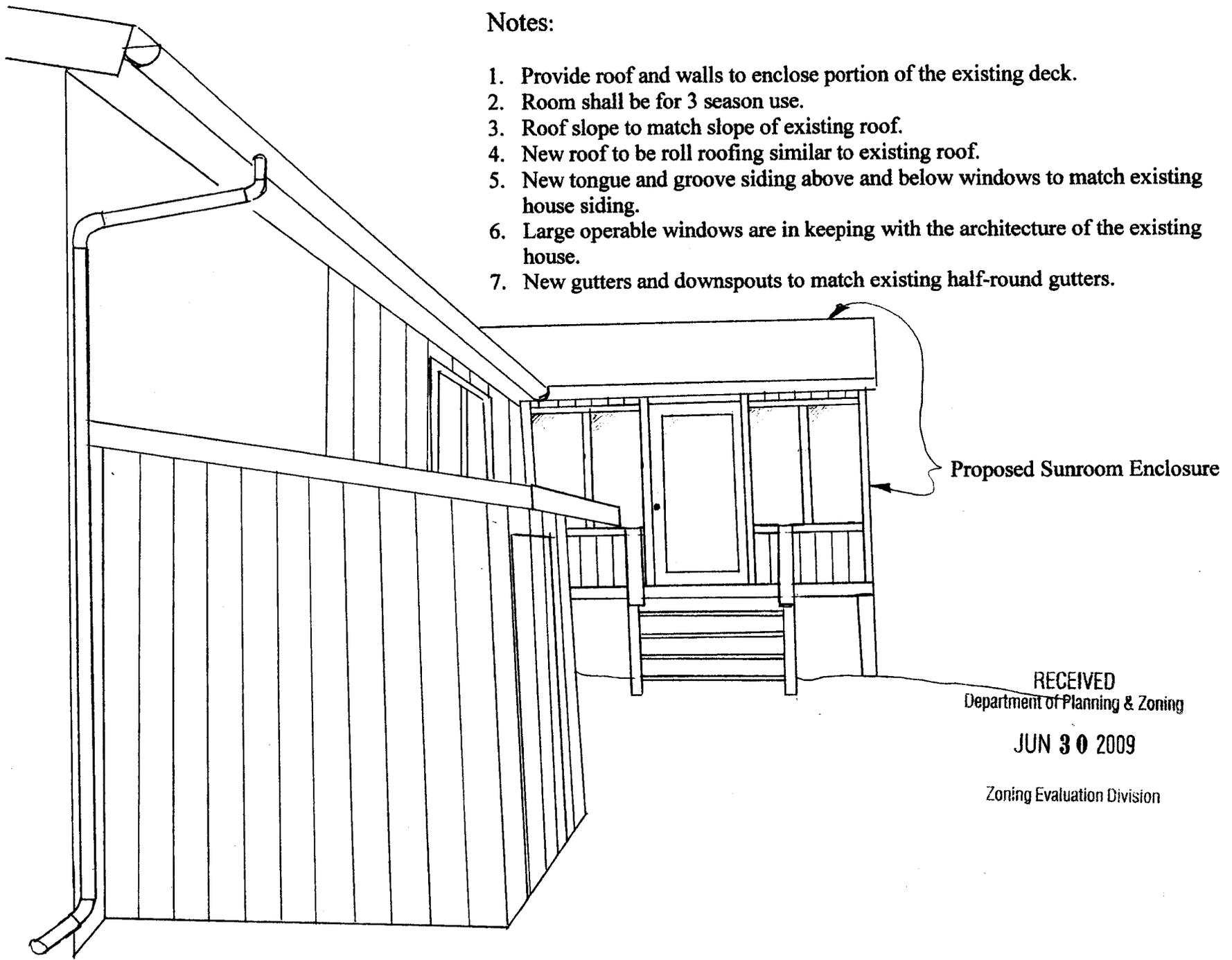


**PROPOSED SUNROOM ENCLOSURE
AS VIEWED FROM WEST**

6-30-09

Notes:

1. Provide roof and walls to enclose portion of the existing deck.
2. Room shall be for 3 season use.
3. Roof slope to match slope of existing roof.
4. New roof to be roll roofing similar to existing roof.
5. New tongue and groove siding above and below windows to match existing house siding.
6. Large operable windows are in keeping with the architecture of the existing house.
7. New gutters and downspouts to match existing half-round gutters.



RECEIVED
Department of Planning & Zoning

JUN 30 2009

Zoning Evaluation Division

**PROPOSED SUNROOM ENCLOSURE
AS VIEWED FROM NORTH**

6-30-09

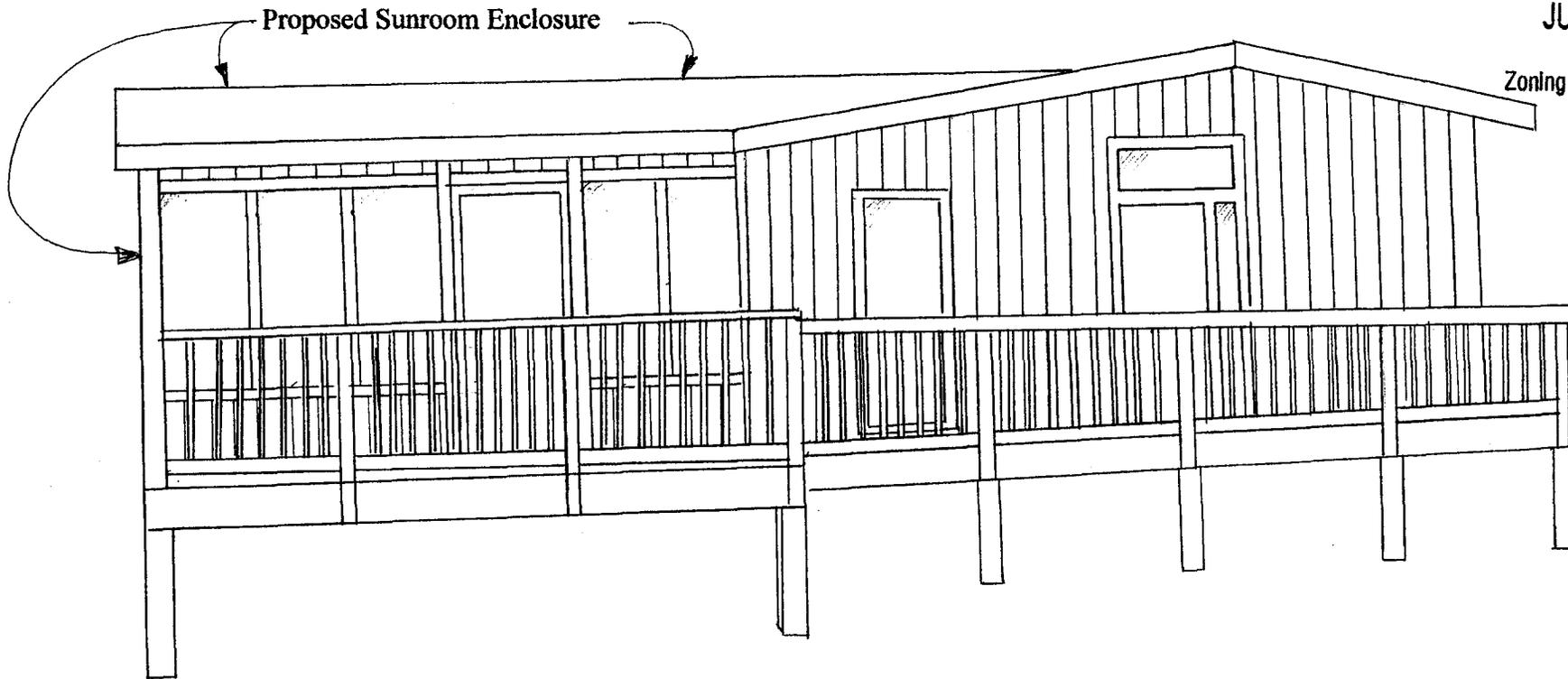
Notes:

1. Provide roof and walls to enclose portion of the existing deck.
2. Room shall be for 3 season use.
3. Roof slope to match slope of existing roof.
4. New roof to be roll roofing similar to existing roof.
5. New tongue and groove siding above and below windows to match existing house siding.
6. Large operable windows are in keeping with the architecture of the existing house.
7. New gutters and downspouts to match existing half-round gutters.

RECEIVED
Department of Planning & Zoning

JUN 30 2009

Zoning Evaluation Division



**PROPOSED SUNROOM ENCLOSURE
AS VIEWED FROM SOUTH**

6-30-09

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08/05/09
 (enter date affidavit is notarized)

I, Scott Birkhead, Trustee, 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 1051844

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)
Scott Birkhead, Trustee of the Birkhead Family Trust 29SEP00	3402 Sherwood Court Falls Church, VA 22042	Applicant/Title Owner
Patricia Birkhead, Trustee of the Birkhead Family Trust 29SEP00	3402 Sherwood Court Falls Church, VA 22042	Applicant/Title Owner
Sara M. Birkhead	2040 Royal Fern Court, #11A Reston, VA 20191	Beneficiary of the Birkhead Family Trust 29SEP00
Lauren B. Birkhead	3810 Martin Avenue Richmond, VA 23222	Beneficiary of the Birkhead Family Trust 29SEP00

(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: 08/05/09
(enter date affidavit is notarized)

1051846

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)

None

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: 08/05/09
(enter date affidavit is notarized)

1051846

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)

None

(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: 08/05/09
(enter date affidavit is notarized)

105184 ✓

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: 08/05/09
(enter date affidavit is notarized)

1051845

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:

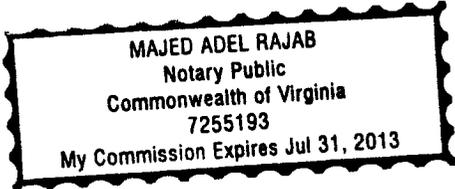
(check one) Applicant Scott Birkhead, Trustee Applicant's Authorized Agent

SCOTT BIRKHEAD TRUSTEE APPLICANT/TITLE OWNER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 05 day of Aug 2009, in the State/Comm. of VA, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 07/31/2013



RECEIVED
Department of Planning & Zoning

MAY 24 2010

Zoning Evaluation Division

Written Statement regarding Special Permit request for:
3402 Sherwood Court
Falls Church, VA 22042
SP 2009-0191

This request is to allow the construction of an addition which would involve covering and enclosing a portion of the existing deck in the rear yard for use as a seasonal space. Included in this package are sketches showing the proposed concept for the space. As shown in these sketches the addition will be in keeping with the style, size and construction features of the existing house. The roof line of the addition will be lower than the roof of the existing house and will be of a similar slope to match the style of the house. It will all be located in the rear of the house and with the exception of a roof overhang will not be visible from the street.

The addition will extend 14 feet from the rear of the existing house which is currently located 27'-6" from the rear property line. In addition there will be a rear overhang on the addition not to exceed 1' (exact overhang to be determined during final design) which will result in a maximum rear yard reduction of 12'-6".

The addition will not adversely impact the use or enjoyment of adjacent properties. The addition shall have the same footprint as the current existing deck on the rear of the house and will be used for similar uses as the deck, such as seasonal dining and relaxation outside of the house. The proposed window walls will allow for extended seasonal use of the addition, as compared to the deck, but this should not impact adjacent properties. The stormwater runoff should not be impacted as the hard surface areas will remain the same as currently exist.

The location of the proposed addition is deemed to be the optimal location because it will not be visible from the street (except perhaps for the roof overhang on the south end of the addition), will not impact any significant existing vegetation or trees and will not create a larger construction footprint than the existing house and deck.

The existing house, which was built in the early 1950s with an addition added in the early 1990s, is 2190 square feet and the proposed addition is approximately 252 square feet. This results in a current FAR of 0.21 and a proposed FAR of 0.23.

In order to maintain the character of the house and keep in line with the historic designation of the neighborhood, the addition will incorporate the same roof slope and material, utilize the same siding and include large window areas in keeping with the style of the existing house. The roofing material will be similar to the existing brai torch applied roofing.

There are numerous large, mature oak trees in the yard, as there are throughout the neighborhood. None of these trees will be impacted by this addition. There are also numerous other mature plantings, such as large azaleas, holly trees, etc. and none of these plantings will be impacted by this addition. There is currently an ivy covered trellis on the rear face of the deck and this trellis and ivy will be removed and the rear wall of the addition will be located in the same location as this current trellis.

As an alternative to the proposed location, an addition could be added on the south side of the house and comply with minimum yard requirements. However, this location would be fully visible from the street, would increase storm water runoff due to increased hard surface area, would not relate to the existing house as well as the proposed location and would require that several large azaleas and other vegetation be removed.

RECEIVED
Department of Planning & Zoning

MAY 24 2010

Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning

JUN 30 2009

Zoning Evaluation Division

Written Statement regarding Special Permit request for:
3402 Sherwood Court
Falls Church, VA 22042

This request is to allow the construction of an addition which would involve covering and enclosing a portion of the existing deck in the rear yard for use as a seasonal space. Included in this package are sketches showing the proposed concept for the space. It will all be located in the rear of the house and with the exception of a roof overhang will not be visible from the street.

The addition will extend 14 feet from the rear of the existing house which is currently located approximately 27'-6" from the rear property line resulting in a rear yard reduction of 11'-6" which is less than half of the required 25'.

The existing house, which was built in the early 1950s with an addition added in the early 1990s, is approximately 2184 square feet and the proposed addition is approximately 252 square feet.

In order to maintain the character of the house and keep in line with the historic designation of the neighborhood, the addition will incorporate the same roof slope and material, utilize the same siding and include large window areas. The roofing material will be similar to the existing brai torch applied roofing.

The yard has many large, mature trees. None of these trees will be removed or impacted by the addition.



County of Fairfax, Virginia

MEMORANDUM

July 19, 2010

TO: Mary Ann Godfrey, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II
Forest Conservation Branch, DPWES 

SUBJECT: 3402 Sherwood Court; SP 2010-PR-043

RE: Request for assistance dated July 1, 2010

This review is based on the Special Permit/Variance application SP 2010-PR-043 and the Special Exception plat for "Lot 19, Section 11, Holmes Run Acres" stamped "Received, Department of Planning and Zoning, May 24, 2010." A site visit was conducted on July 15, 2010.

Site Description: This site is developed with a 2 story brick and frame single family detached dwelling with an attached wooden deck and detached shed. There are several off-site trees and shrubs located on lot 20 adjacent to the western property boundary consisting of red oak, holly, rhododendron, and azalea. There are also several off-site trees and shrubs located on lot 18 adjacent to the southern property boundary consisting of white oak, red oak, and azalea. These off-site trees and shrubs appear to be in fair to good condition and should be considered a priority for preservation.

- 1. Comment:** There are several off-site trees and shrubs located on lot 20 adjacent to the western property boundary consisting of red oak, holly, rhododendron, and azalea. There are also several off-site trees and shrubs located on lot 18 adjacent to the southern property boundary consisting of white oak, red oak, and azalea. These off-site trees and shrubs appear to be in fair to good condition and should be considered a priority for preservation.

Recommendation: A tree save area, or areas, should be provided at the western and southern portions of the lot to protect the existing off-site trees and shrubs from construction activities.

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 151740

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



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.