



County of Fairfax, Virginia

November 10, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-SU-055

SULLY DISTRICT

APPLICANT/OWNER: Patricia P. Lawless, Trustee
for the Patricia P. Lawless 2003 Revocable Trust

STREET ADDRESS: 15328 Blueridge View Drive

SUBDIVISION: Pleasant Hill

TAX MAP REFERENCE: 53-3 ((3)) 21

LOT SIZE: 10,766 square feet

ZONING DISTRICT: R-C and WS

ZONING ORDINANCE PROVISION: 8-914 and 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit an open deck to remain 6.2 feet from one side lot line and another open deck to remain 0.0 feet from the other side lot line and to permit reduction of certain yard requirements to permit construction of roofed deck 34.1 feet from front lot line and addition 10.2 feet from the side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-SU-055 for the roofed deck and addition (garage) 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:\dhedr\Special Permits\11-17) SP 2010-SU-055 Lawless (50 & error)\SP 2010-SU-055 Lawless 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.**

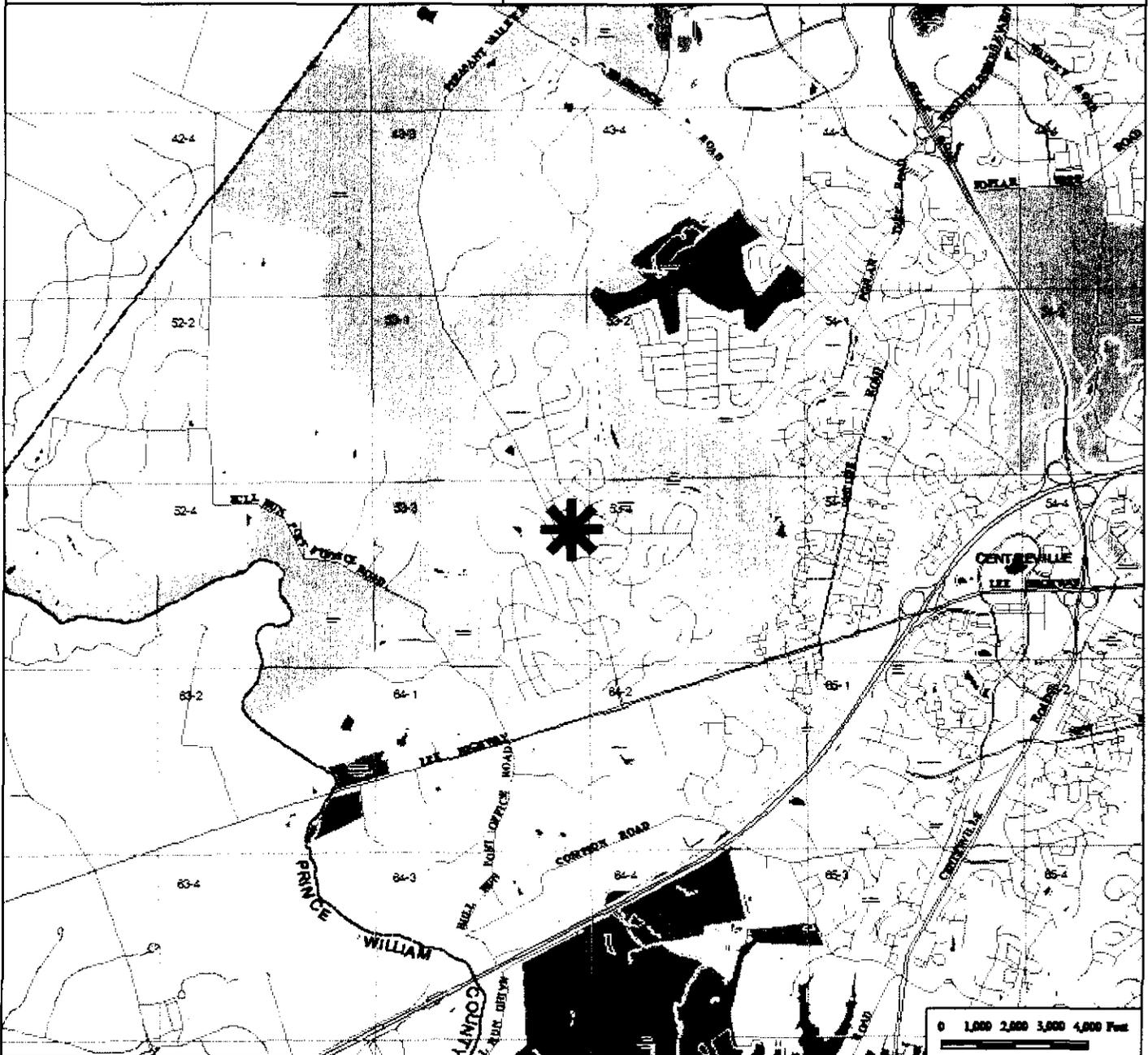
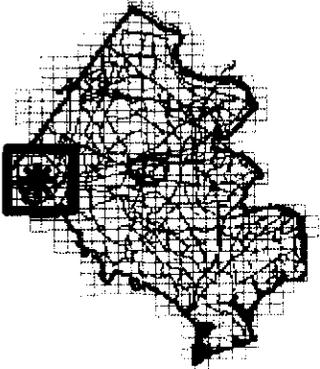


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2010-SU-055

Applicant:
Accepted:

PATRICIA P. LAWLESS TRUSTEE
09/20/2010





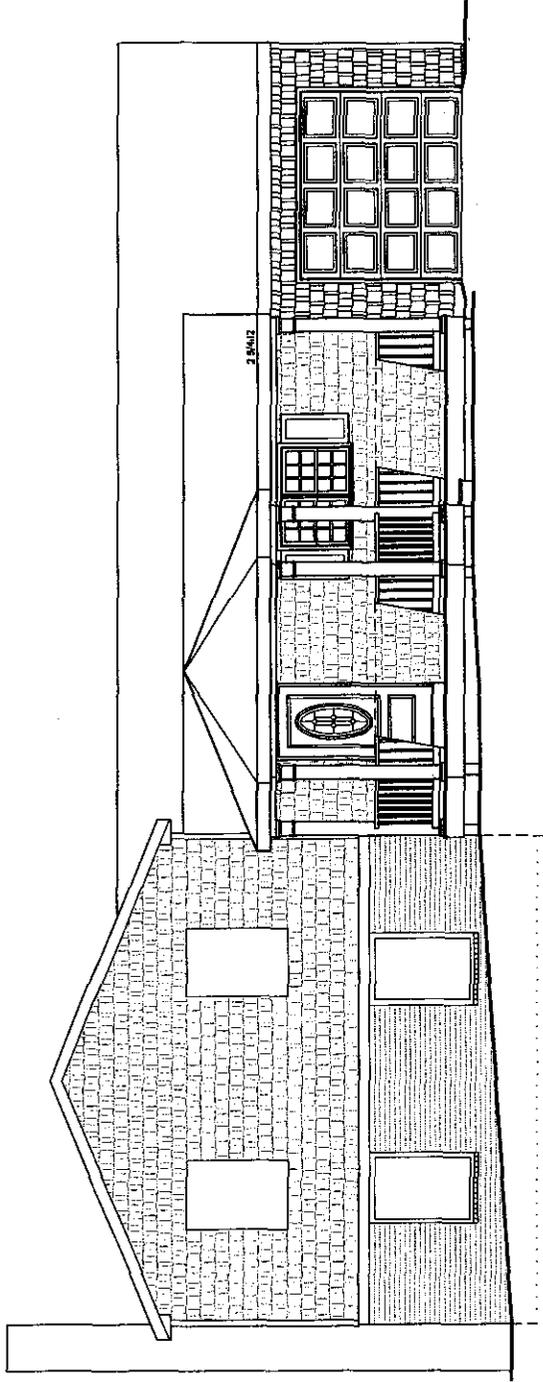
NOTES:

1. THIS PROPERTY IS LOCATED BY TAX MAP: 63-3-005-CO-0021 AND IS ZONED R-C.
2. PROPERTY OWNERS ARE PATRICK LAMLESS AND RECORDED IN DEED BOOK 19916 AT PAGE 1189 OF THE PARRIS COUNTY LAND RECORDS.
3. THIS PROPERTY IS SERVED BY PUBLIC SEWER AND WATER.
4. NO TITLE REPORT FURNISHED AND ALL EASEMENTS OF RECORD MAY NOT BE SHOWN.
5. ZONING YARD REQUIREMENTS:
FRONT = 40 FEET SIDE YARD = 20 FEET REAR = 25 FEET
6. HEIGHT REQUIREMENT: 35 FEET
7. HEIGHTS:
Dwelling = 18.2 FEET
WOOD DECK = 3.2 FEET
SEED = 9.0 FEET
PROPOSED PORCH = 11.0 FEET
PROPOSED GARAGE = 12.2 FEET
FENCES AS NOTED
8. THERE IS NO EVIDENCE OF A BURIAL SITE ON THIS PROPERTY.
9. THERE ARE NO EASEMENTS OF 25 FEET OR MORE IN WIDTH THAT AFFECTS THIS PROPERTY.
10. PROPOSED GARAGE SQUARE FOOTAGE = 258 SQ. FT.



SPECIAL PERMIT PLAT
LOT 21 SECTION 1
PLEASANT HILL
DEED BOOK 4362 PAGE 490
BULLY DISTRICT

LAWLESS ALTERATION & ADDITION

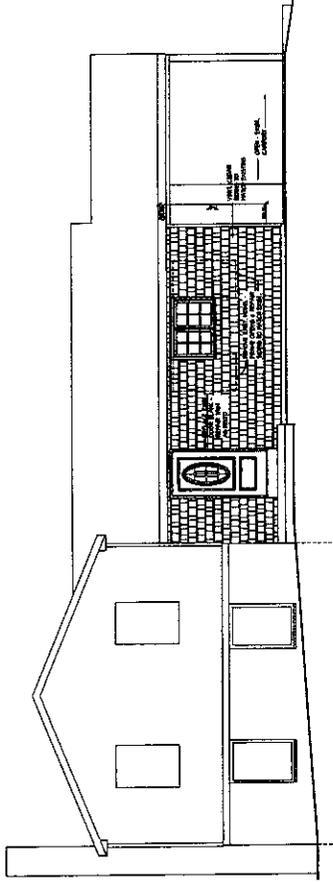


FRONT ELEVATION

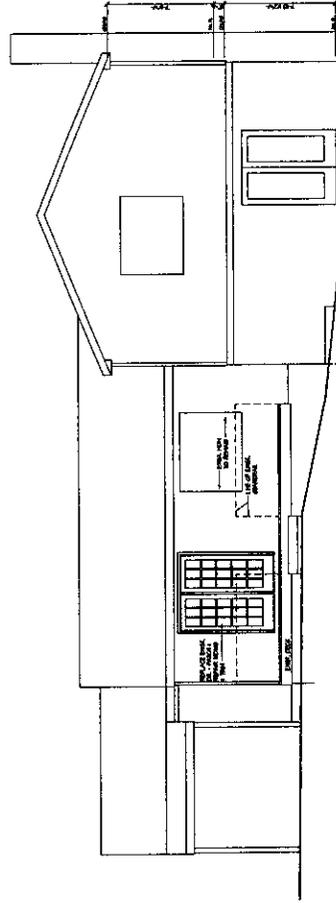
Proposed.

1/8" = 1'-0"

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 Department of Planning & Zoning
 AUG 11 2010
 Zoning Evaluation Division



EXISTING FRONT ELEVATION
Illustrating new components
 1/4" = 1'-0"



EXISTING REAR ELEVATION
Illustrating new components
 1/4" = 1'-0"

RECEIVED
 Department of Planning & Zoning

AUG 11 2010

Zoning Evaluation Division

PRELIMINARY CONSTRUCTION DOCUMENTS
 NOT FOR CONSTRUCTION - 11 July 2010

Lawless

*15328 Bluemidge View Dr.
 Centerville, Va 20120*

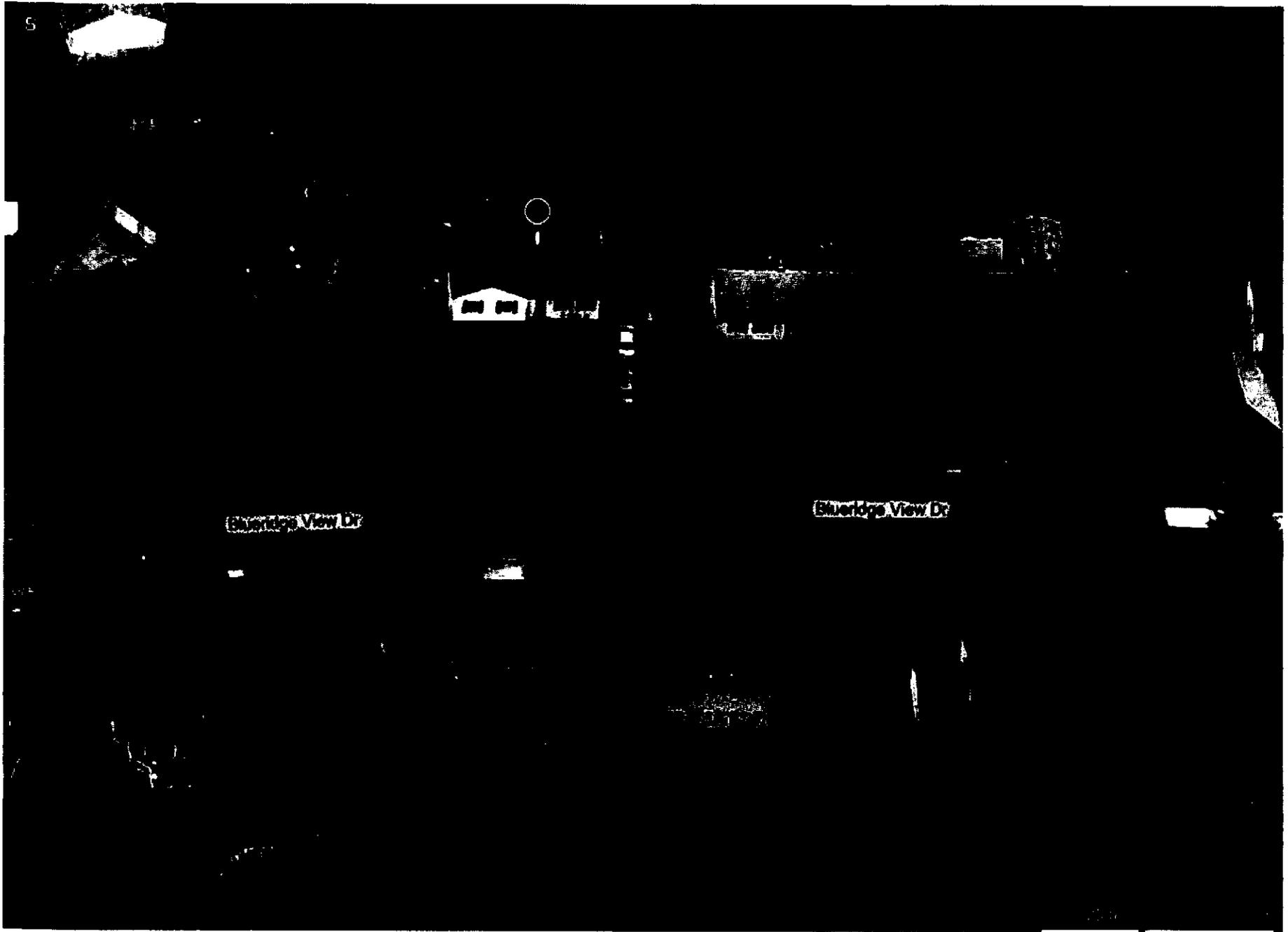
A3

FRONT & REAR ELEVATION

Refer elevation to:
 Ms. Patricia Lowless
 15328 Bluemidge View Drive
 Centerville, Virginia

M.E. SMITH CONSTRUCTION, INC.
 12500 Koraa Road
 Manassas, Virginia 22146
 540-451-3543

5



Shrub where "covered deck" extension would reach.

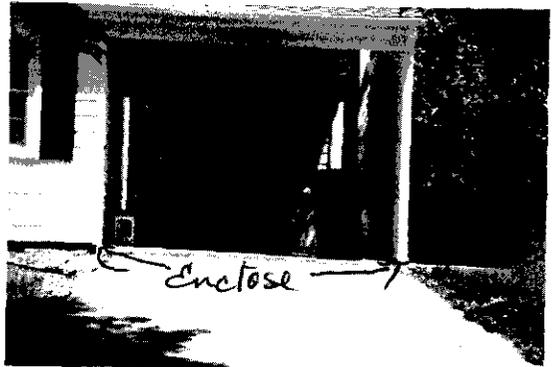


Carport footprint as existing.

Proposal is to drop sides (enclose) on existing footprint.



Closer detail



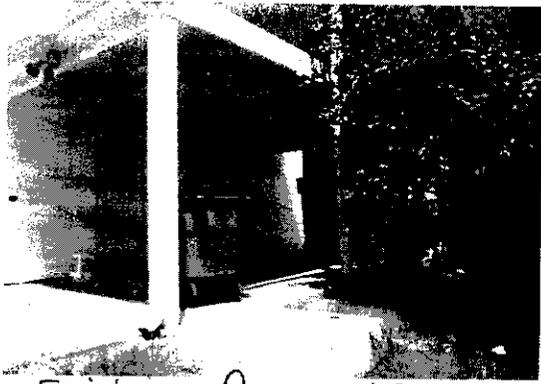
Outsidportion of carport and existing overgrown landscaping in side yard.



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Zoning Evaluation Division

15328

Blueridge View Drive, Centerville, VA 20120



Existing Carport



Existing Front



side yard between houses



side yard between houses

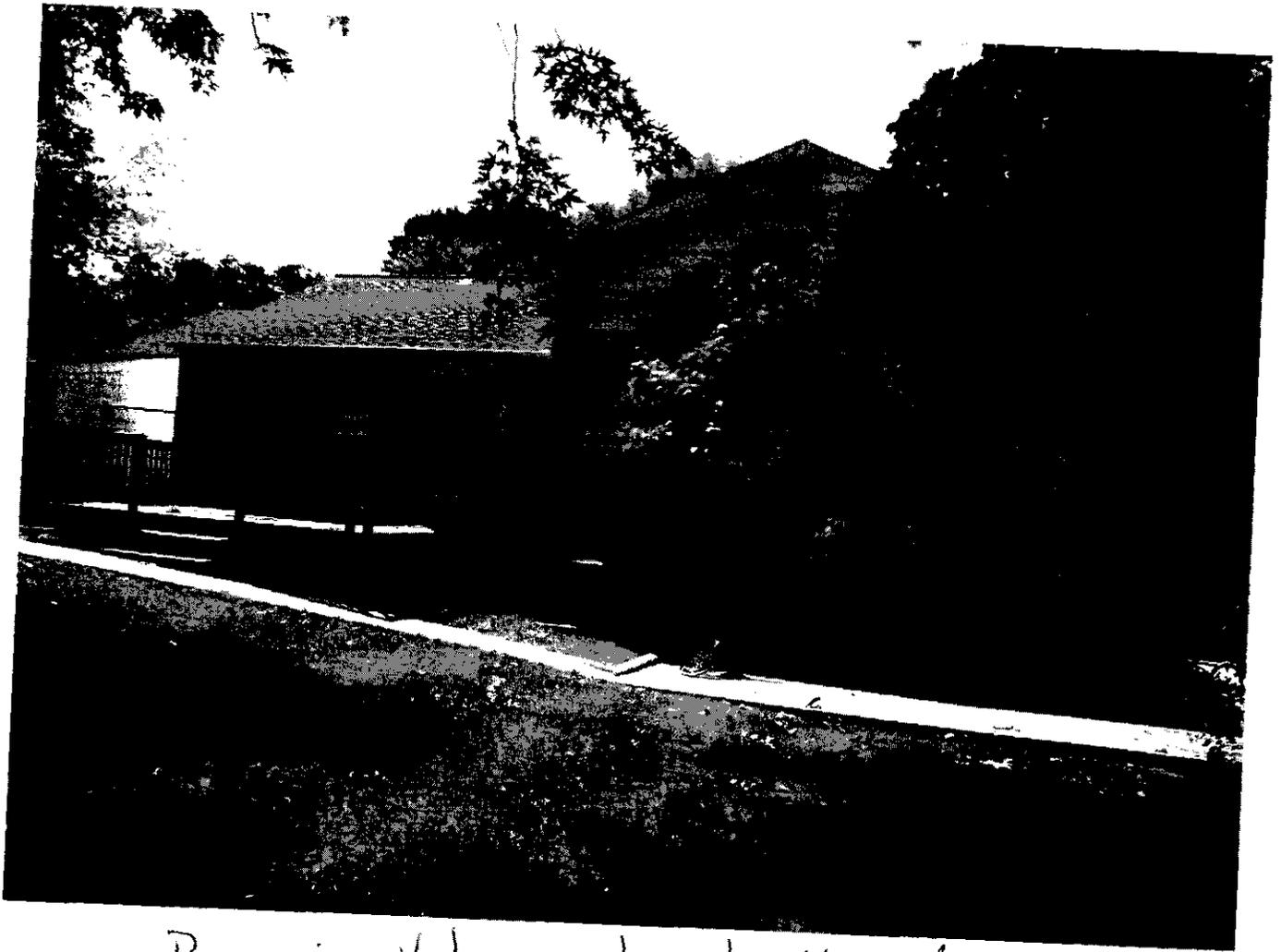
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Zoning Evaluation Division



Existing Front



Existing Carport



Rear view of house from backyard

15328 Bluebridge View Drive
Centreville, Va 20120

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Department of Planning & Zoning
AUG 11 2010
Zoning Evaluation Division



View of side fenced yard from lower patio

Lawless Property
15328 Blue Ridge View Drive
Centreville, Va
20120

RECEIVED
Department of Planning & Zoning
AUG 11 2010
Zoning Evaluation Division

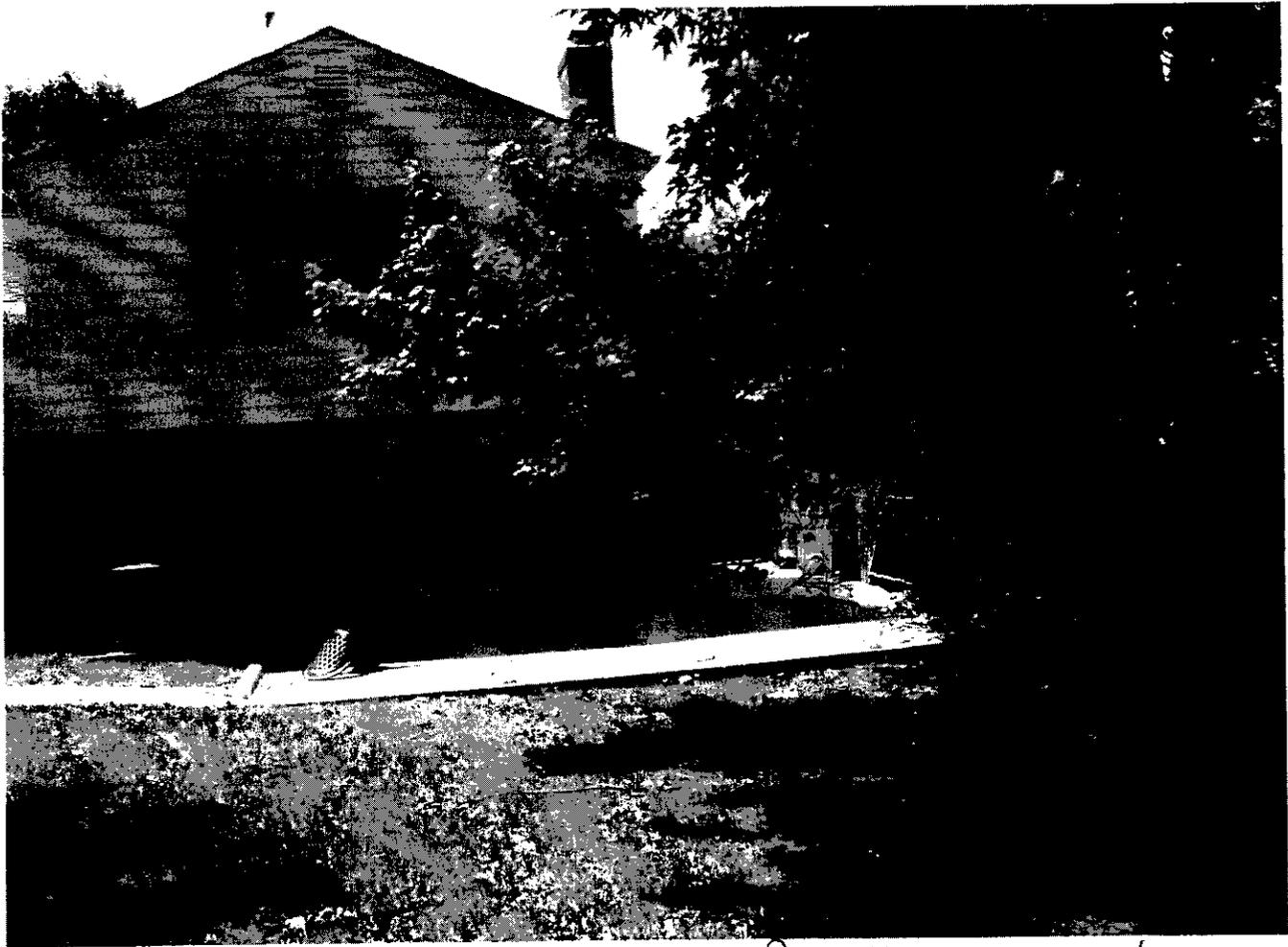


View of Backyard from rear sidewalk

dawhess Property
15328 Blueridge View Drive
Centreville, Va 20120

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Department of Planning & Zoning
AUG 11 2010
Zoning Evaluation Division

Lower Patio



View from Backyard. Part of Back of House
15328 Blueridge View Drive
Centreville, Va 20120

Lawless Property

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Department of Planning & Zoning
AUG 11 2010
Zoning Evaluation Division



View of rear deck & some back yard from lower patio

15328 Blueridge View Drive
Centreville, Va 20120

Lawless Property

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Department of Planning & Zoning
AUG 11 2010
Zoning Evaluation Division





View of Back of House from side near lawn.

15-208 Riverside View of House

DESCRIPTION OF THE APPLICATIONS

The applicant is requesting special permit approval to permit reduction to minimum yard requirements based on errors in building locations to permit 1) an open deck (concrete stoop) to remain 6.2 feet from the eastern side lot line; and, 2) another open deck (concrete patio) to remain 0.0 feet from the western side lot line.

	Structure	Yard	Min. Yard Req.*	Permitted Extension **	Min. Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Open Deck	Side (east)	20.0 feet	5.0 feet	15.0 feet	6.2 feet	8.8 feet	59%
Special Permit #2	Open Deck	Side (west)	20.0 feet	5.0 feet	15.0 feet	0.0 feet	15.0 feet	100%

* Minimum yard requirement per Section 3-C07

** Permitted extension per Section 2-412

The applicant is also requesting approval of a special permit to permit reduction of certain yard requirements to permit construction of 1) a roofed deck to be located 34.1 feet from the front lot line; and, 2) construction of an addition (enclosure of an existing carport) 10.2 feet from the eastern side lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Roofed Deck	Front	40.0 feet	34.1 feet	5.9 feet	15%
Special Permit	Addition	Side	20.0 feet	10.2 feet	9.8 feet	49%

* Minimum yard requirement per Section 3-C07

EXISTING SITE DESCRIPTION

The site is currently zoned R-C and is within a Water Supply Protection Overlay District, developed under the R-2 cluster regulations, with a split-level single family detached dwelling, built in 1977. The lot consists of 10,766 square feet and is surrounded by single family detached dwellings along all lot lines. The property is accessed via a concrete driveway from Blueridge View Drive which terminates at an existing one-car carport and storage shed attached to the eastern side of the dwelling. The lot is flat and contains existing mature vegetation consisting of mature trees and shrubs. There is an attached wood deck located on the rear of the dwelling with a concrete walkway leading round the deck to a concrete at-grade patio located along a portion of the western side lot line. A 6 foot high stockade wood fence is located around the side and rear yards.

CHARACTER OF THE AREA

	Zoning	Use
North	R-C and WS	Single Family Detached Dwellings
East	R-C and WS	Single Family Detached Dwellings
South	R-C and WS	Single Family Detached Dwellings
West	R-C and WS	Single Family Detached Dwellings

BACKGROUND

The subject property was originally developed under the R-2 Cluster regulations as indicated by a building permit issued in 1977. On July 26, 1982 the property was rezoned to the R-C District as part of rezoning RZ 82-W-054. The R-2 Cluster regulations specified a minimum required side yard of eight (8) feet, with total minimum side yards of 24 feet and a minimum front yard of 25 feet. At the time the dwelling was constructed, it met the R-2 Cluster regulations. With the adoption of RZ 82-W-054, the property was subject to the R-C Zoning District regulations, which specifies a minimum side yard of 20 feet and a minimum front yard of 40 feet. The request to construct the roofed deck (front porch addition) would have met the requirements of the R-2 Cluster regulations, as would the 10.2 foot side yard for the carport enclosure. However, the total side yards for the enclosure of the carport addition would not have met the requirements and staff believed that instead of having the applicant file two separate special permit applications, both applications could be addressed adequately under the provisions of Sect. 8-922.

Although the application was not filed under certain R-C lots, research shows that the Board of Zoning Appeals (BZA) has heard the following applications in the immediate neighborhood which would be relevant to this application:

- Special Permit SP 2006-SU-068 was approved on January 9, 2007 for Tax Map 53-3 ((3)) 49, zoned R-C, 6220 Hidden Canyon Road, to permit reduction of certain yard requirements to permit construction of addition 10.4 feet from a side lot line.
- Special Permit SP 2006-SU-037 was approved on October 3, 2006 for Tax Map 53-3 ((3)) 55, zoned R-C, 6221 Hidden Canyon Road, to permit construction of deck 18 feet from one side lot line and 14.0 feet from other side lot line.
- Special Permit SP 2003-SU-052 was approved on March 17, 2004 for Tax Map 53-3 ((3)) (4) 3, zoned R-C, 6216 Secret Hollow Lane, to permit construction of addition 12.8 feet with eave 12.1 feet from a side lot line.
- Special Permit SP 99-Y-073 was approved on February 16, 2000 for Tax Map 53-3 ((3)) 2, zoned R-C, 15331 Blueridge View Drive, to permit construction of addition 19.2 feet from a side lot line and 29.0 feet from the front lot line.
- Special Permit SP 99-Y-060 was approved on December 1, 1999 for Tax Map 53-4 ((5)) 35, zoned R-C, 6240 Hidden Canyon Road, to permit construction of addition 32.8 feet from a front lot line.
- Special Permit SP 97-Y-044 was approved on December 17, 1997 for Tax Map 53-4 ((5)) 43, zoned R-C, 6232 Hidden Canyon Road, to permit construction of addition 17 feet from a side lot line
- Special Permit SP 96-Y-051 was approved on February 19, 1997 for Tax Map 53-4 ((5)) 31, zoned R-C, 15308 Blueridge View Drive, to permit addition 15 feet from a side lot line.
- Special Permit SP 92-Y-044 was approved on October 21, 1992 for Tax Map 53-4 ((5)) 17, zoned R-C, 6302 Hidden Canyon Road, to allow enclosure of existing carport 13.2 feet from a side lot line.
- Special Permit SP 91-S-012 was approved on June 16, 1991 for Tax Map 53-3 ((3)) 27, zoned R-C, 15318 Blueridge View Drive, to allow addition 13 feet from a side lot line.
- Special Permit SP 88-S-098 was approved on January 17, 1989 for Tax Map 53-3 ((3)) 52, zoned R-C, 6215 Hidden Canyon Road, to allow addition 13 feet from side lot line such that side yards total 27.1 feet.
- Special Permit SP 88-S-032 was approved on July 27, 1988 for Tax Map 53-3 ((3)) 19, zoned R-C, 6228 Secret Hollow Lane, to allow addition to dwelling 9.5 feet from a side lot line.

- Special Permit SP 86-S-050 was approved on December 10, 1986 for Tax Map 53-3 ((3)) 46, zoned R-C, 6226 Hidden Canyon Road, to allow addition to dwelling 12.1 feet from a side lot line.
- Special Permit SP 84-S-006 was approved on April 10, 1984 for Tax Map 53-4 ((5)) 11, zoned R-C, 15313 Blueridge View Drive, to permit construction of additions 36.1 feet from a front lot line and 12.3 feet from a side lot line.

ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Special Permit Plat, Lot 21, Section 1, Pleasant Hill
- **Prepared by:** Sam Whitson Land Surveying, Inc., dated July 20, 2010 as revised through October 19, 2010.
- **Permits required for open decks built in error:** No
- **Error made by:** The previous homeowner (as per the applicant’s statement)

Proposal:

The applicant proposes to construct a roofed deck, which will consist of a covered front porch, to be located 34.1 feet from the front lot line and to enclose an existing one-car carport into a one-car garage, which is located 10.2 feet from the eastern side lot line. The applicant further proposes to retain an existing concrete stoop located on the side of the concrete slab of the existing carport and to retain an existing concrete patio located along the rear and west side of the dwelling.

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. 8-914 Provisions for Minimum Yard Requirements Based on Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the detached garage meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standards 3.

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 the front porch and garage addition will not adversely affect the use or development of neighboring properties as many of the properties currently have the same features on their homes, many of which were approved through special permits for modification of R-C lots. Although this application requests two separate yard reductions, the only portion of the proposed construction which would not meet the R-C lot requirement is for the total side yard requirement which would have been applicable with an R-2 cluster zoning. Therefore, staff believes 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 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 of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing dwelling is 1,760 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 2,640 square feet in size for a possible total square footage at build out of 4,400. The proposed garage addition is 259 square feet, for a total square footage of the house with the addition of 2,019 square feet. Since the area of the proposed roofed deck (front porch) is not considered livable space, the square foot for its construction does not apply to this standard. 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 elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed one-story one-car enclosure and proposed front porch addition will be compatible with the architecture of the existing dwelling on the lot. The front porch has been designed to blend with the existing dwelling and the carport enclosure to create a cohesive front elevation; therefore, the proposed addition will be in character with existing on-site development. 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 a front porch addition and enclose an existing one-car carport into a one-car garage along the eastern side lot line. Other homes within the neighborhood have such features, some through approval of special permits, as evidenced on Page 3 under Background. Both requests are minimal in size and scale and no vegetation is proposed to be removed to accommodate either structure. Staff believes the front porch and garage addition 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 259 square foot one-story garage and a 200 square foot front porch will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. Staff believes the requests are modest and will not 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 requests to construct a front porch and enclose an existing carport are shown in the most logical locations given the existing dwelling on the lot. The requests are minimal in size and scale and represent the minimum amount of reduction necessary to accommodate the structures. The request for the front porch could have been requested through an R-C lot special permit with very minimal standards to meet. Given that the carport has existed since the home was built in 1977, with the existing shed attached to the rear, and this application

merely encloses the existing structure, 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-SU-055 for a roofed deck and 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 and Attachments
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2010-SU-055****November 10, 2010**

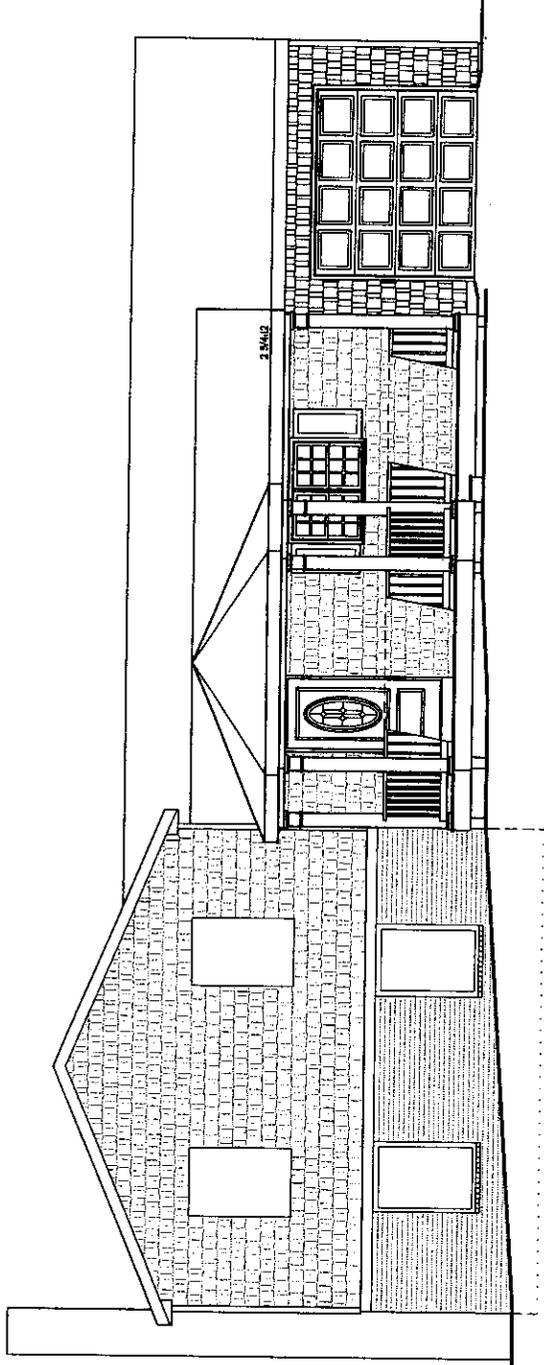
If it is the intent of the Board of Zoning Appeals to approve SP 2010-SU-055 located at Tax Map 53-3 ((3)) 21 to permit reduction of minimum yard requirements pursuant to Sections 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. 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 recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the locations and sizes of a one-story, one-car garage addition (259 square feet), roofed deck (front porch), open deck (concrete stoop), and open deck (concrete patio), as shown on the plat prepared by Sam Whitson Land Surveying, Inc., dated July 20, 2010, as revised through October 19, 2010, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,760 square feet existing + 2,640 square feet (150%) = 4,400 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. 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 additions shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. Building permits for the additions shall be obtained prior to construction and approval of final inspections shall be obtained.

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.

LAWLESS ALTERATION & ADDITION

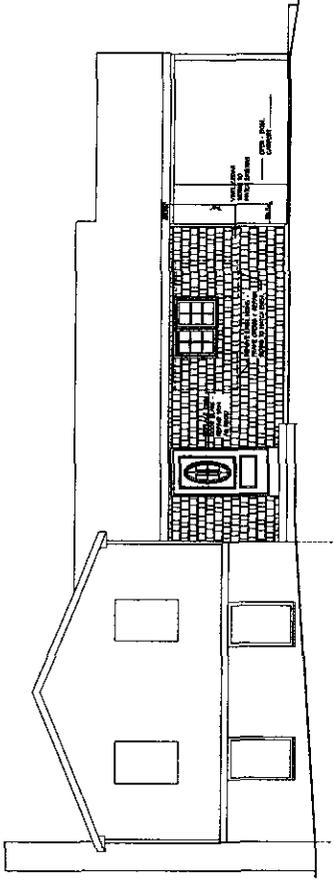


FRONT ELEVATION

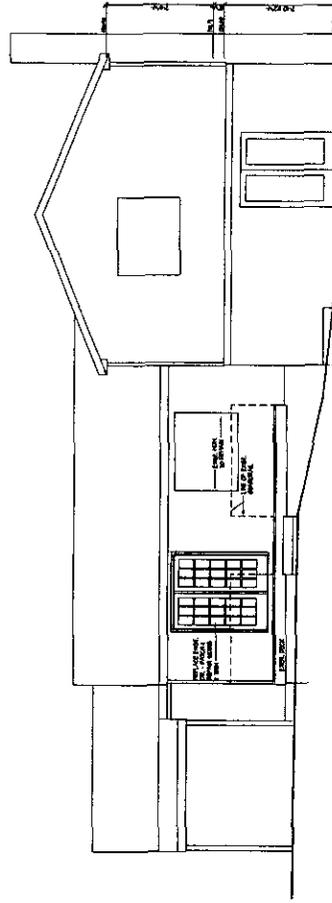
Proposed

1/8" = 1'-0"

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EXISTING FRONT ELEVATION
 1/4" = 1'-0"
 illustrating new components



EXISTING REAR ELEVATION
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Zoning Evaluation Division

PRELIMINARY CONSTRUCTION DOCUMENTS
 NOT FOR CONSTRUCTION - 11 July 2010

Lawless

*15328 Bluemidge View Dr.
 Centreville, Va 20120*

M.E. SMITH CONSTRUCTION, INC.

12500 Keweenaw Road
 Virginia Beach, VA 23464
 540-937-9949

Ms. Patricia Lawless
 15328 Bluemidge View Drive
 Centreville, Virginia

Refer elevation for

FRONT & REAR ELEVATION

A3

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 21, 2010
 (enter date affidavit is notarized)

I, Patricia P. Lawless Trustee, do hereby state that I am an
 (enter name of applicant or authorized agent) Trustee for Patricia P. Lawless 2003
Revocable Trust

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

108697a

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)
Patricia P. Lawless Trustee for For the benefit of:	PATRICIA P. LAWLESS 2003	Revocable Trust
Marquerite Lawless Gossett	1531 Blue Ridge View Drive Centreville, VA 20120	Beneficiary Daughter
Andrew F. Lawless IV	6304 Barnesdale Path Centreville, VA 20120	Beneficiary
Elizabeth Ann Lawless	1466 Flower Hill CT Centreville, VA 20120	Beneficiary
Stephanie Lawless Depta (check if applicable)	2530 Dulany St Clifton, VA 20120	Beneficiary

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: June 21, 2010
(enter date affidavit is notarized)

108697a

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)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 21, 2010
(enter date affidavit is notarized)

108697a

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): _____
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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 21, 2010
(enter date affidavit is notarized)

108697

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: June 21, 2010
(enter date affidavit is notarized)

108697a

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

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

NONE

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

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

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

WITNESS the following signature:
(check one) Applicant Applicant's Authorized Agent
Patricia P. Lawless Trustee
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 21 day of June, 2010, in the State/Comm. of MD, County/City of Worcester.

Mary Ann Moore
Notary Public

My commission expires: _____

MARY ANN MOORE, NOTARY
COMMISSION EXPIRES 7/23/2011

Justification for 8-922 Standards for 15328 Blueridge View Drive, Centreville, Va. 20120

The home was acquired for my use as soon as I sold my home in Florida. That issue was resolved (Florida) and we are now in the process of rehabbing the interior of the home in Centreville so I can move in within the next few months. It is a 40 year old home and desperately needed upgrading and revitalizing.

I am requesting a special permit for reduction of certain yards requirements in order to have (1) a roofed deck (front porch) put on which would change the current measurement of 43 feet 5 inches to 34 feet 6 inches of front yard. Extending the front porch to a usable size and the "gazebo" effect of the proposed roofline would provide a pleasing architectural effect and prevent the continuation of the very "boxy" appearance of the house. The attached pictures show that the proposed porch extension would reach to approximately the location of the shrub in front of the existing stoop and steps.

The landscaping is in deplorable shape after 40 years of not being cared for so will take some time to redo, reshape, cut back and replant.

(2) Second request is to enclose the current carport on the same footprint. Apparently the side lot measurement from the edge of the carport to the property line constitutes an exceptional narrowness according to the time of the 1978 ordinance. The measurement from edge of footprint to property line is 10 feet 2 inches.

This is the existing condition, and enclosing the current carport footprint will NOT change this measurement, and will enhance the appearance of the house and therefore the neighborhood. Other properties in the neighborhood have already enclosed their carports for a much updated appearance and for ease of the homeowners in and out of the house during inclement weather.

This accommodation of an enclosed garage is a serious consideration for senior citizens, the group I belong to.

Authorization of this variance will not be a detriment to adjacent properties or to the overall neighborhood. The modifications to the property will enhance the surrounding homes and contribute a part to the upgrading of this approximately 30 to 40 year old neighborhood.

Enclosed are the required 23 plats from the registered surveyor I had to hire, plus multiple pictures of front and rear yard and of back and front of house, plus required elevations of front and back of house as requested.

Thank you,

Patricia P. Lawless Trustee

RECEIVED
Department of Planning & Zoning
AUG 11 2010
Zoning Evaluation Division

Memo to: Marie Langhorne, Fairfax County Planning

Date: September 3, 2010

Re: 15328 Blueridge View Drive, Centreville, Va 20120

For: addition of covered deck and to enclose existing carport to garage at the above address

As requested per the regulations, the interior living space of above property is 1750 square feet.

The proposed covered deck square footage is 200 square feet. The percentage of proposed square feet of deck to interior living area is 11%.

Thank You,

Patricia Lawless Trustee

Virginia H. Ruffner, Planner III
Application Acceptance Section,ZED,DPZ
County of Fairfax, Virginia
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Va 22035-5509

RECEIVED
Department of Planning & Zoning
AUG 11 2010
Zoning Evaluation Division

Dear Ms Ruffner:

I am enclosing everything that has been requested along with 23 copies of the required information from Sam Whitson Land Surveying, Inc, and a new application for "Special Permit" rather than the "Variance" previously filed. I did not fill out a new Affidavit since the one previously sent appears to have identical information on it. I hope this is ok.

I have enclosed photographs of the rear yard and the rear of the house as requested, in addition to photos of the front which I had previously submitted. The surveyor provided the surrounding plats on a larger scale than I could provide and which you require. There is a new front and rear elevation done by the architect. Hopefully, this does it. I can't think of another thing that would be needed.

Your comments on the checklist report were very helpful, but since I'm not an architect or builder, not so easily understood, so I had to have some interpretation done. I hope I've fulfilled all that needs to be submitted so we can move on to the next phase.

I'm leaving for Alaska this week and will be back on August 26th, then will be back in Fairfax for 3.5 weeks of radiation. I can do some running around while doing treatments, so can be reached at 571-436-2844. I will be staying with my daughter in Clifton since the house is not ready to be moved into.

Either my son or daughter will be hand delivering this to you, so I can be sure it is received.

Thank you for your assistance in this matter.



Patricia P. Lawless

Cc: Kevin J. Guinaw, Chief Special Projects/Applications Management Branch

File: VC 2010-0100

9/20/2010

2A. The error exceeds ten (10%) of the measurement involved and

2B. The non compliance was done in good faith through no fault of the owner, This open deck was existing when I purchased the property, I was unaware that this could be a zoning issue.

2C. The reduction will not impair the purpose and intent of this Ordinance

2D. It will not be detrimental to the use and enjoyment of other property in the vicinity.

2E. The property sits so far back that it will not create an unsafe condition.

2F. By removing this piece of concrete would cause much extra expense for me.

2G. This will not increase any density or FAR in my zoning district.

Patricia P. Jones

RECEIVED
Department of Planning & Zoning

SEP 20 2010

Zoning Evaluation Division

9/20/2010

I would like to request an expedited review
Winter is coming & the purpose of all of this is
to make living easier for a senior citizen.
The garage enclosure & roofed deck will
help protect me from the weather elements
especially if we have a winter like last
year.

Thank you for this consideration,
Pat Jawless
Patricia Jawless

RECEIVED
Department of Planning & Zoning

SEP 20 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.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) 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 and 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. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing 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 well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - 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. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

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.