



APPLICATION ACCEPTED: October 4, 2010
BOARD OF ZONING APPEALS: December 8, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

December 1, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-HM-057

HUNTER MILL DISTRICT

APPLICANTS/OWNERS: Peter and Michele Brown

SUBDIVISION: Hawthorne Estates

STREET ADDRESS: 9510 Blythe Dale Court

TAX MAP REFERENCE: 28-3 ((16)) 39

LOT SIZE: 15,589 square feet

ZONING DISTRICT: R-2 (Cluster)

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition (screened deck) 14.6 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-HM-057 for the addition (screened deck) 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 applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

Shelby Johnson

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.**

O:\SMCKN\SP\BROWN SP 2010-HM-057 (50%\Staff Report Brown.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).

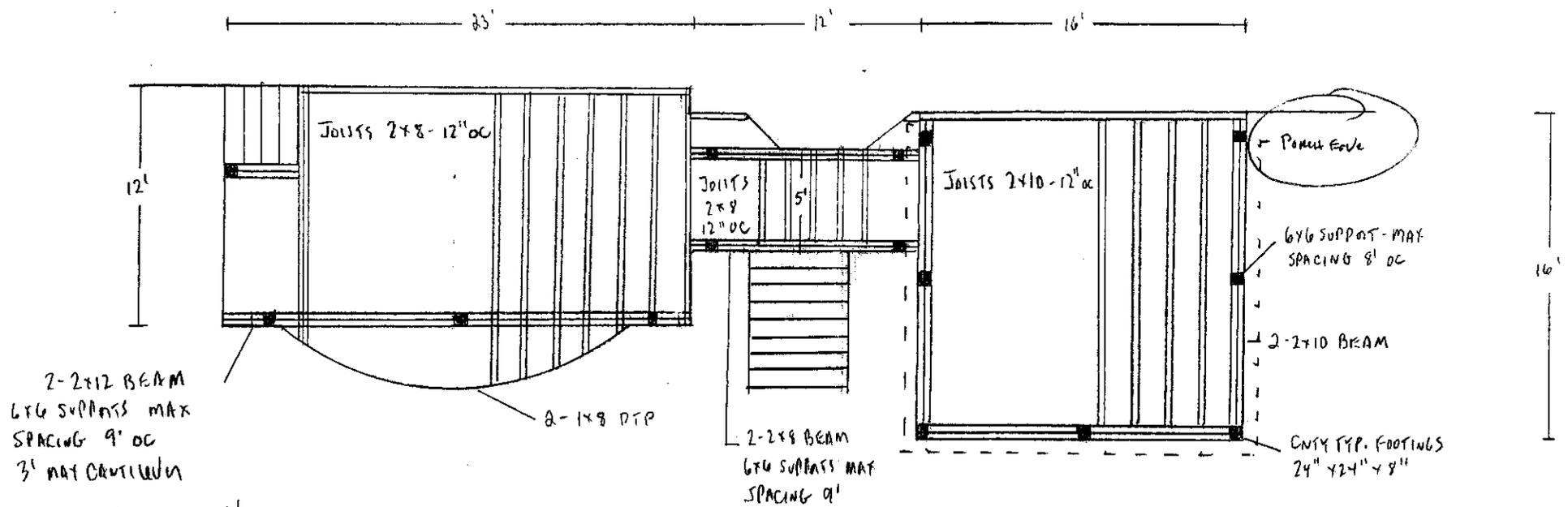
Special Permit SP 2010-HM-057



Special Permit
SP 2010-HM-057



FLOOR FRAMING DETAIL



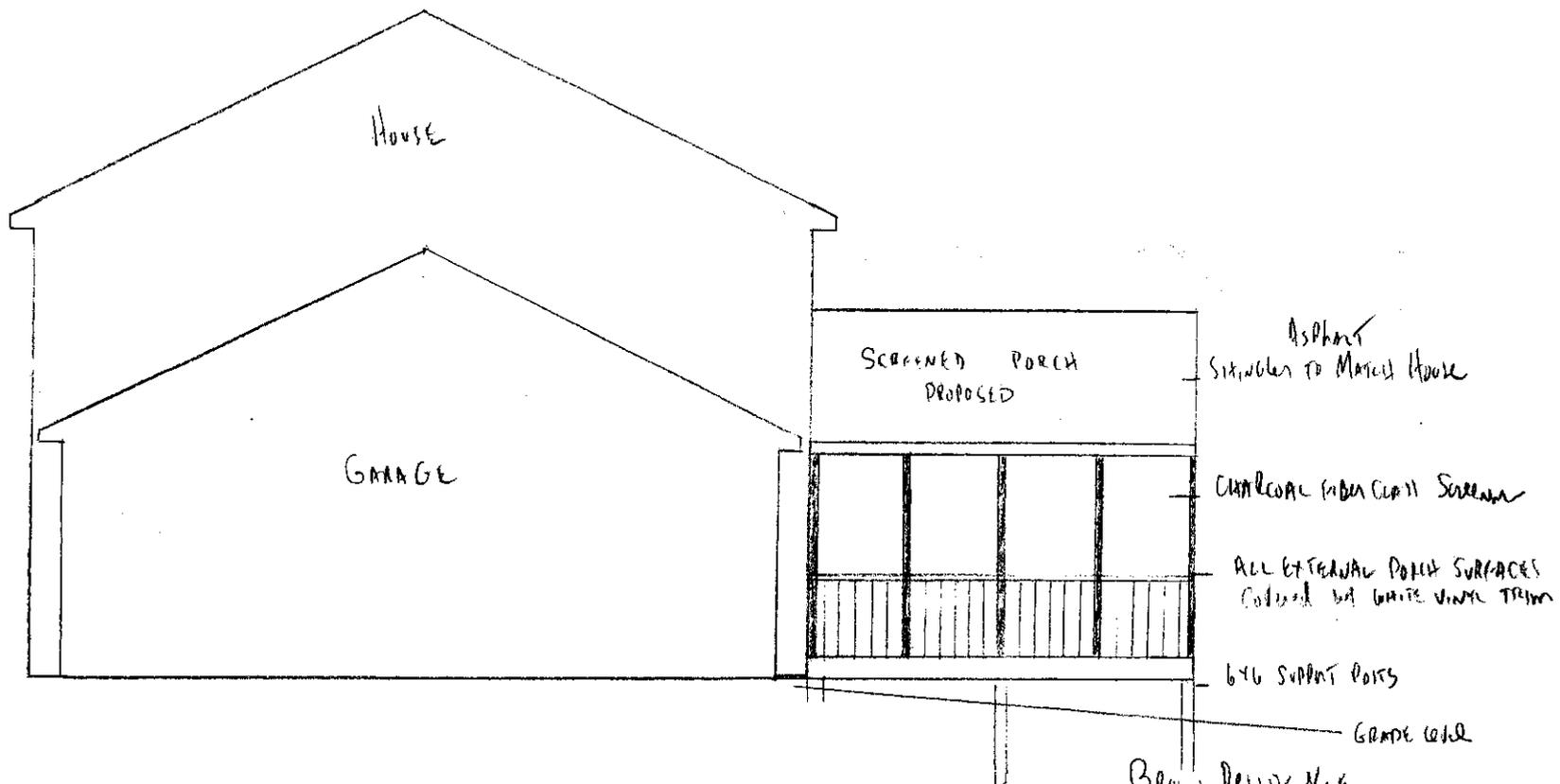
FRAMING NOTES

- 1) ALL FRAMING PRESSURE TREATED PINE (PTP)
- 2) DECK / PORCH LEDGER PER CITY TYPICAL
- 3) DECK FOOTINGS 16" x 16" (PORCH FOOTINGS 24" x 24")
- 4) DECK RAILING PER CITY TYPICAL (GUARD POSTS PER CITY TYP FOR ~~30~~ 31)
- 5) DECK / PORCH FLOORING TO BE 5/4x6" VINYL DECKING
- 6) STAIRS PER CITY TYPICAL

BROWN RESIDENCE
 9510 BLYTHEDALE CT
 VIENNA VA 22182
 MK WILLIAMS BUILDER LLC
 MARK WILLIAMS - DESIGNER
 3261 PONY RIDGE WAY
 DALETON VA 22124
 703-476-5790

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 SEP 24 2010
 Zoning Evaluation Division

ARCHITECTURAL DEPICTION



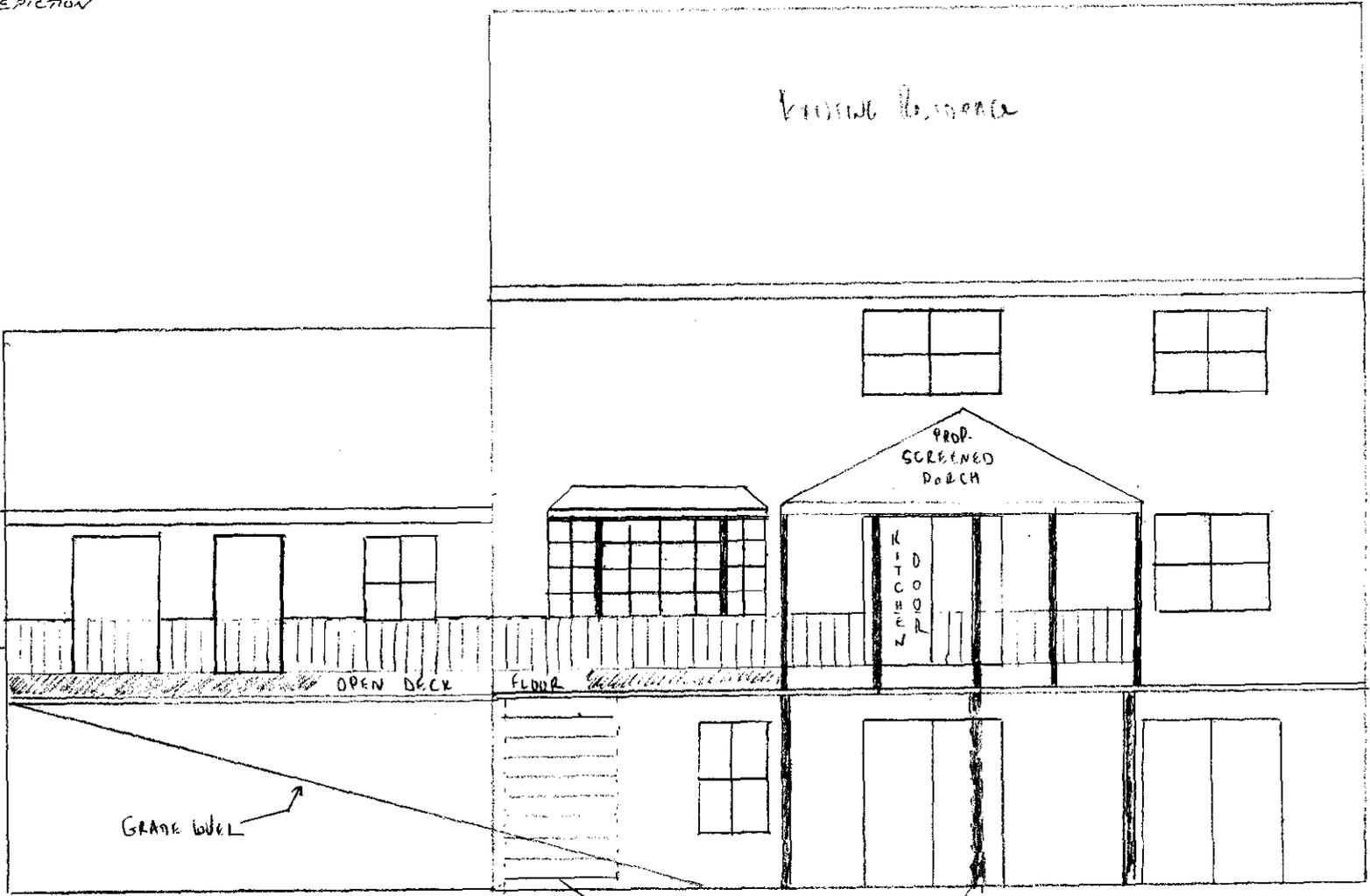
PROPOSED RIGHT SIDE ELEVATION

BROWN RESIDENCE
9510 BUY THE DOLL OF
VIENNA VA 22182

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Department of Planning & Zoning
AUG 20 2008
Zoning Evaluation Division

Brown Residence

36" DECK RAIL



GRADE LEVEL

OPEN DECK

FLOOR

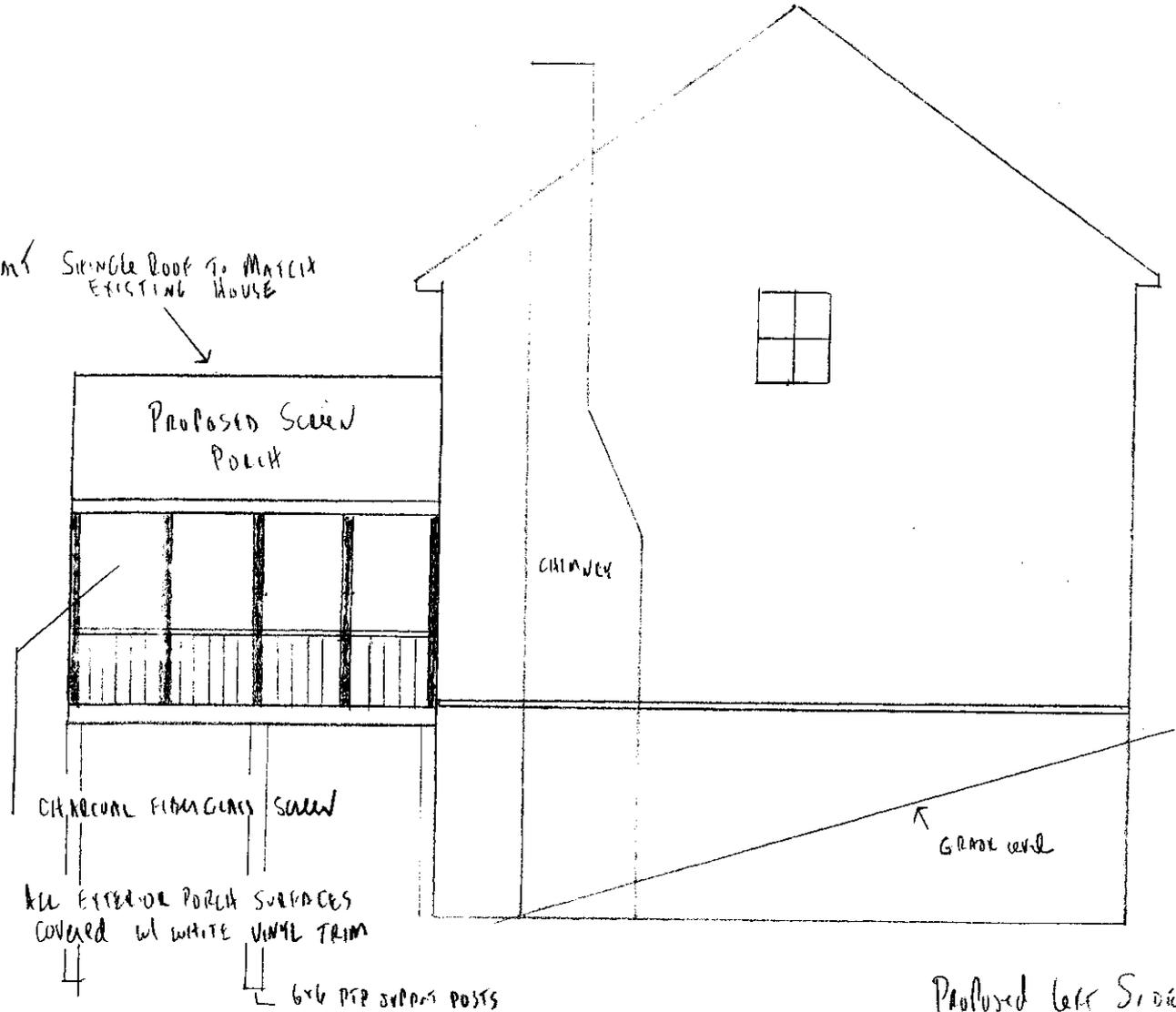
DECK STAIRS TO GRADE

6x6 POST SUPPORTS

PROPOSED REAR ELEVATION

BROWN RESIDENCE
9510 BLYTHE DALE CT
VIENNA VA 22182

ASSUMPT Single Roof To Match Existing House



CIRCULAR FRAMING SCREW

ALL EXTERIOR PORCH SURFACES COVERED W/ WHITE VINYL TRIM

6x6 PIP SUPPORT POSTS

CHIMNEY

GRADE LEVEL

Proposed Left Side ELEVATION

Brown Residence
9510 BLYTHE DAWN CT
VIENNA VA 22182

EXISTING STRUCTURE FROM LEFT FRONT CORNER

#1



J
U
L
Y
24
2010

#2



EXISTING STRUCTURE FROM LEFT FRONT CORNER

EXISTING STRUCTURE FROM FRONT CORNER, SW



#3

J
U
L
Y
24
2
0
1
0



#4

EXISTING STRUCTURE FROM FRONT LEFT CORNER

EXISTING STRUCTURE FROM REAR LEFT CORNER



F5

J
U
L
Y
24
2
0
1
0



F6

EXISTING STRUCTURE FROM REAR LEFT CORNER

EXISTING STRUCTURE FROM REAR LOT LINE



27

7
U
L
Y
24
2
0
1
0



28

EXISTING STRUCTURE FROM REAR LOT LINE

EXISTING STRUCTURE FROM REAR RIGHT CORNER

F9



J
U
L
Y
24
2010

F10



EXISTING STRUCTURE FROM REAR RIGHT CORNER



#11

7
V
L
Y
24
2
0
1
0



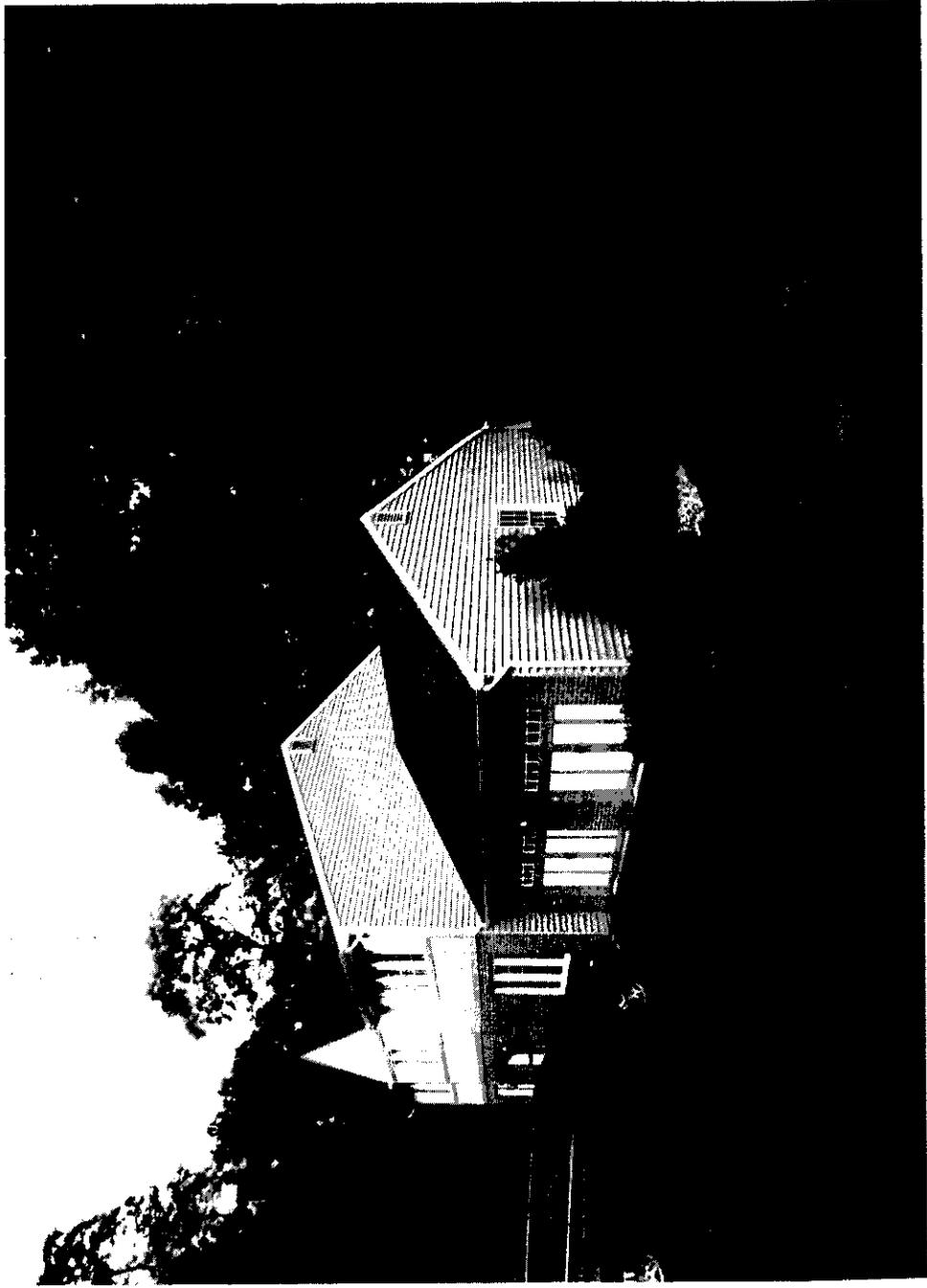
#12

EXISTING STRUCTURE FROM REAR RIGHT CORNER

1000 24 2010



13



14

EXISTING STRUCTURE FROM RIGHT FRONT CORNER

200 3100 07700, 0712 720 4 1000 3 1000



E
15

7
6
5
4
3
2
1
0



F16

EXISTING STRUCTURE FROM FRONT RIGHT CORNER

LOT 10 LEFT OF EXISTING STRUCTURE

E17



A
V
G
16
2
0
1
0

E18



REAR YARD OF EXISTING STRUCTURE

ADJOINING LOT ON RIGHT SIDE



#19

AUG 16 2010



#20

ADJOINING LOT ON RIGHT SIDE

101 PROPERLY ACROSS STREET



21

AUG 16 2010



22

200 PROPERTY ACROSS STREET

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of an addition shown as screened deck, to be located 14.6 feet from the rear lot line.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition (Screened deck)	Rear (North)	25.0 feet*	14.6 feet	10.4 feet	41.6%

*Minimum yard requirement per Section 3-207

EXISTING SITE DESCRIPTION

The 15,589-square foot lot is currently zoned R-2, developed under the Cluster regulations, and is developed with a two-story, brick and vinyl single family dwelling, with basement. The dwelling was built in 1982 and measures 4,850 square feet in area and 27 feet in height. The existing dwelling is constructed with a two-car attached garage and contains an existing patio and open deck at the rear of the dwelling. The site is accessed via an asphalt-paved driveway that extends north from the cul-de-sac at the end of Blythe Dale Court and terminates at the garage on the southeastern side of the dwelling. The site contains mature vegetation consisting of large shade and deciduous trees, shrubs and ground cover located primarily along the rear of the property and the perimeter of the dwelling.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2 (Cluster)	HOA Open Space; Single Family Detached Dwellings
East	R-2 (Cluster)	Single Family Detached Dwellings; Antioch Church
South	R-2 (Cluster)	Single Family Detached Dwellings
West	R-2 (Cluster)	Single Family Detached Dwellings

BACKGROUND

County tax records indicate that the dwelling was constructed in 1982 with a concrete patio and raised wood deck. In 1986, a building permit was issued to finish the basement including a bedroom and bathroom, adding approximately 700 square feet of area to the dwelling; a wet bar or second kitchen is prohibited.

The Board of Zoning Appeals (BZA) has heard the following similar special permit and variance applications in the vicinity of the application parcel:

- *Variance VC 88-C-009* was approved on April 27, 1988 for Tax Map 28-3 ((11)) 62, zoned R-2, at 9606 Podium Drive, to permit construction of garage addition to dwelling 5.3 feet from a rear lot line of a corner lot (15 feet minimum side yard required).
- *Variance VC 97-H-054* was approved on September 17, 1997 for Tax Map 28-3 ((27)) 12, zoned R-2, at 1802 Kilbarry Court, to permit the construction of an addition 18.0 feet from rear lot line.

ANALYSIS

Special Permit Plat	(Copy at front of staff report)
Title of SP Plat:	Plat showing Improvements on Lot 39, Section 2, Hawthorne Estates
Prepared By:	Patrick A. Eckert, Land Surveyor, Alexandria Surveys International, LLC, dated August 4, 2010 and signed August 9, 2010.

Proposal:

The applicant is requesting special permit approval to permit the construction of a screened deck addition, measuring approximately 256 square feet (16' x 16') in area and 21.0 feet in height to be located 14.6 feet from the northwest rear lot line. The proposed screened deck utilizes, in part, the footprint of an existing deck which is proposed to be removed. A new open deck is proposed to measure 9.0 feet in height to be located 13.0 feet from the eastern rear lot line. Per the Zoning Ordinance, Sect. 2-412, Permitted Extensions, an open deck with any part of its floor higher than 4.0 feet, may extend 12 feet to any rear lot line; thereby, the open deck is not part of this application nor is it subject to special permit approval.

ZONING ORDINANCE REQUIREMENTS

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

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

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

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standards 3 and 5.

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. *By observation of the neighborhood through submitted photographs, staff believes that the attached screened deck will not adversely affect the use or development of neighboring properties. The minimum required rear yard is 25.0 feet. The proposed addition is to be located 14.6 feet from the rear lot line which abuts Hawthorne Estates Homeowners Association Open Space. Staff believes that the proposed structure will be located in the most logical location on the property as it utilizes, in part, the footprint of the existing deck, steps and landing. Therefore, this standard has been met.*

General Standard 5 requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The property has a significant amount of mature vegetation on site. Since the proposed deck addition is to be located in the same location as the existing open deck, there should be minimal impact to existing vegetation which will continue to serve as a buffer between the existing dwelling to the west; the property to the north is HOA open space. As such, staff does not believe any additional vegetation is needed and this standard has been met.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 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. *According to the special permit plat, the existing dwelling*

is 4,850 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 7,275 square feet in size for a possible total square footage at build out of 12,125. The proposed screened deck addition is 256 square feet, for a total square footage of the house with the addition of 5,106 square feet. 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 submitted indicate that the materials, size and scale of the proposed screened deck will be compatible with the existing structure. The addition is clearly subordinate in bulk and scale to the principal dwelling and the proposed deck will not create any additional height to the overall existing structure as the addition is proposed to be in the same location as an existing open deck. 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. With review of the photographs submitted, staff believes that the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains homes with similar additions, both in size and height. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. There is no significant vegetation located in the area of the proposed screened deck. Therefore, staff believes that the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. The Department of Public Works and Environmental Services (DPWES) has confirmed that there are no Resource Protection Areas (RPA) or floodplains located on the property and no downstream drainage complaints have been found. There should be no significant increase in noise from enclosing the existing exterior space (deck). The amount of impervious surface increases only slightly from 14% to 19% and is not considered to be a significant amount of increase.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The proposed scale of the screened deck is consistent with the existing dwelling and is proposed in a logical

location at the rear of the dwelling where an open deck currently exists. There should be minimal impact to existing vegetation. Staff believes that 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 subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2010-HM-057 for the addition (screened deck) subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS

SP 2010-HM-057

December 1, 2010

If it is the intent of the Board of Zoning Appeals to approve SP 2010-HM-057 located at Tax Map 28-3 ((16)) 39 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

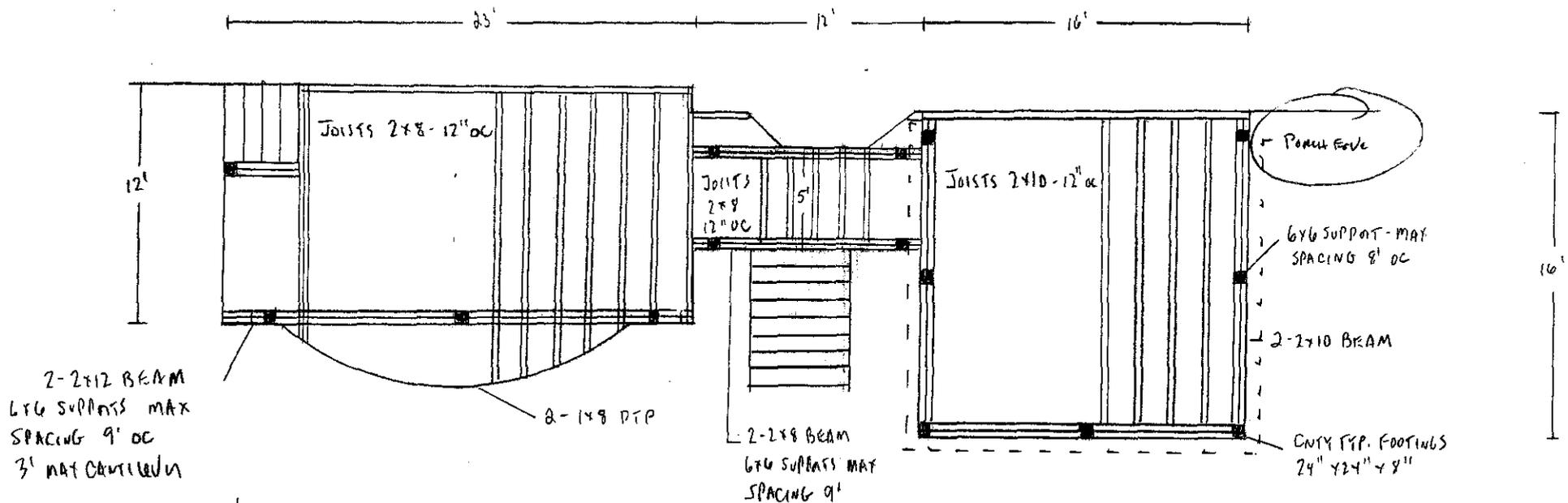
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 256.0 square feet) of the addition (screened porch), as shown on the plat prepared by Patrick A. Eckert, Land Surveyor, Alexandria Surveys International, LLC, dated August 4, 2010 and signed August 9, 2010, 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 (4,850 square feet existing + 7,275 square feet (150%) = 12,125 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 addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

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

may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

FLOOR FRAMING DETAIL



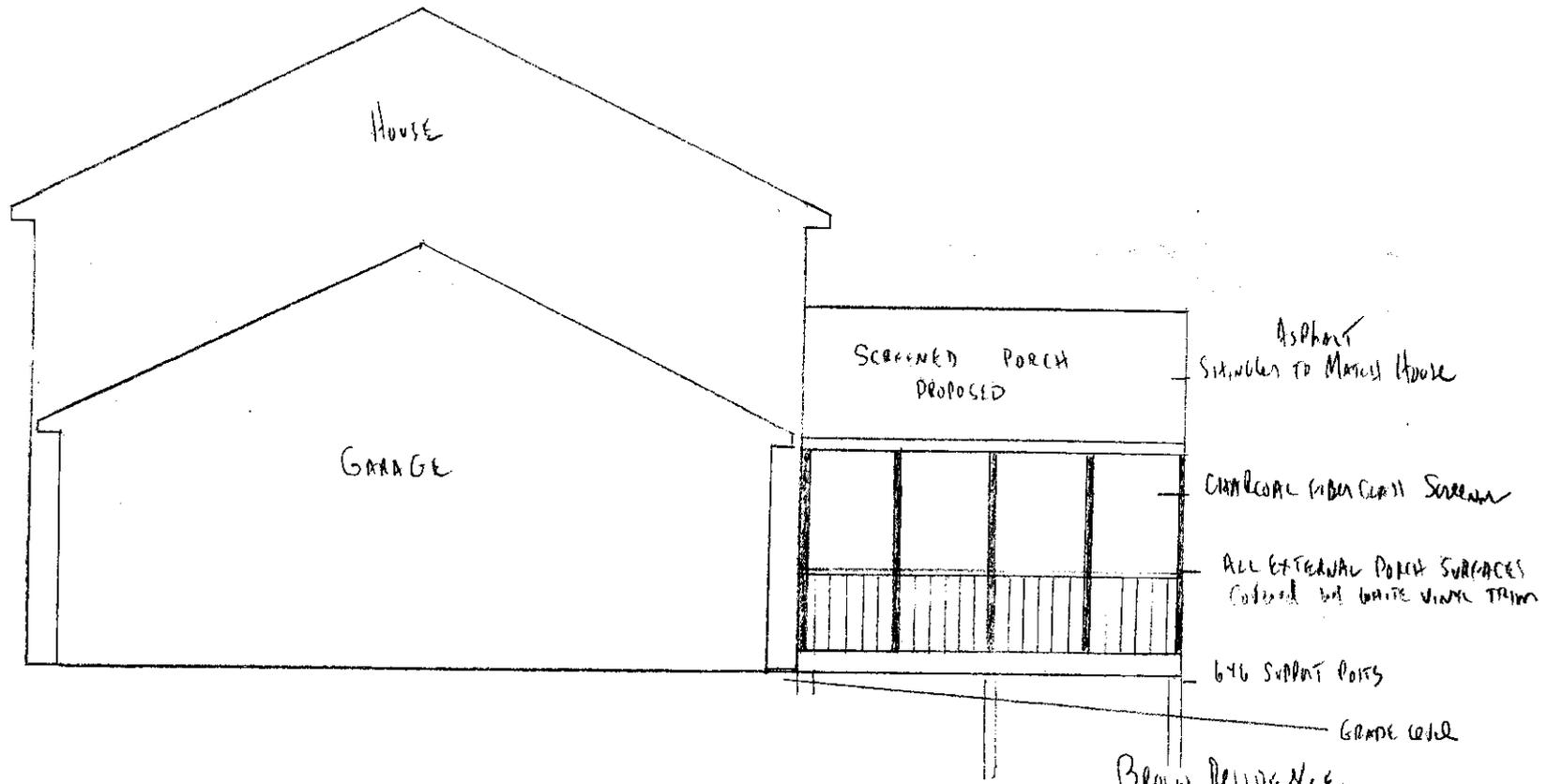
FLOORING NOTES

- 1) ALL FRAMING PRESSURE TREATED PWR (PTP)
- 2) DECK (PORCH EDGES PER CITY TYPICAL
- 3) DECK FOOTINGS 16" x 16" (PORCH FOOTINGS 24" x 24")
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- 6) STRIP PER CITY TYPICAL

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 Zoning Evaluation #1

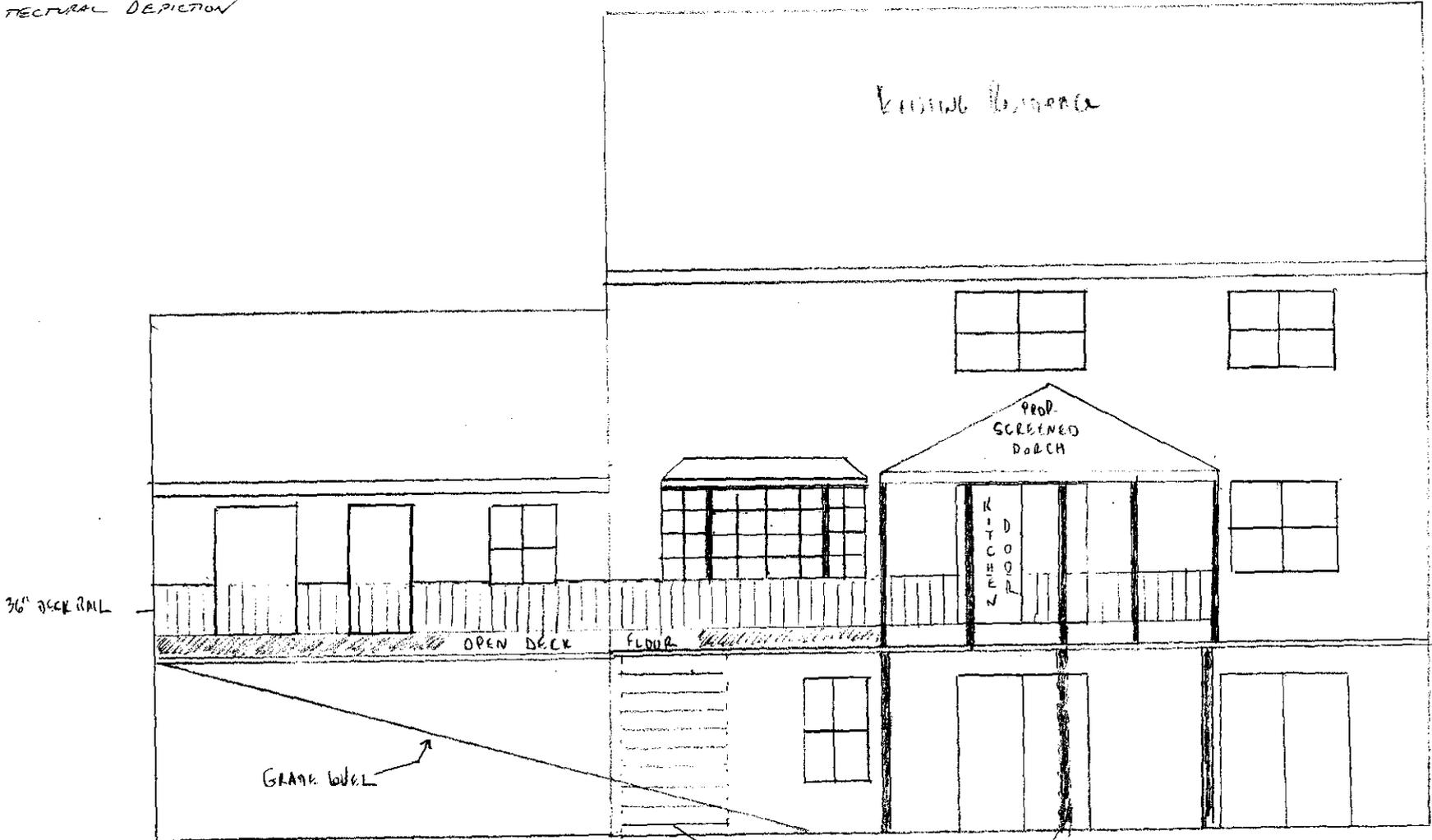
ARCHITECTURAL DEPICTION



PROPOSED RIGHT SIDE ELEVATION

BROWN RESIDENCE
9510 BUY THE DALE CT
VIENNA VA 22182

RECEIVED
Department of Planning & Zoning
AUG 20 2011
Zoning Evaluation Division



Proposed Rear Elevation

BROWN RESIDENCE
9510 DUTHE DALE CT
VIENNA VA 22182

6x6: 10 SUPP

DECK STAIRS TO GRADE

GRADE W/L

FLOOR

OPEN DECK

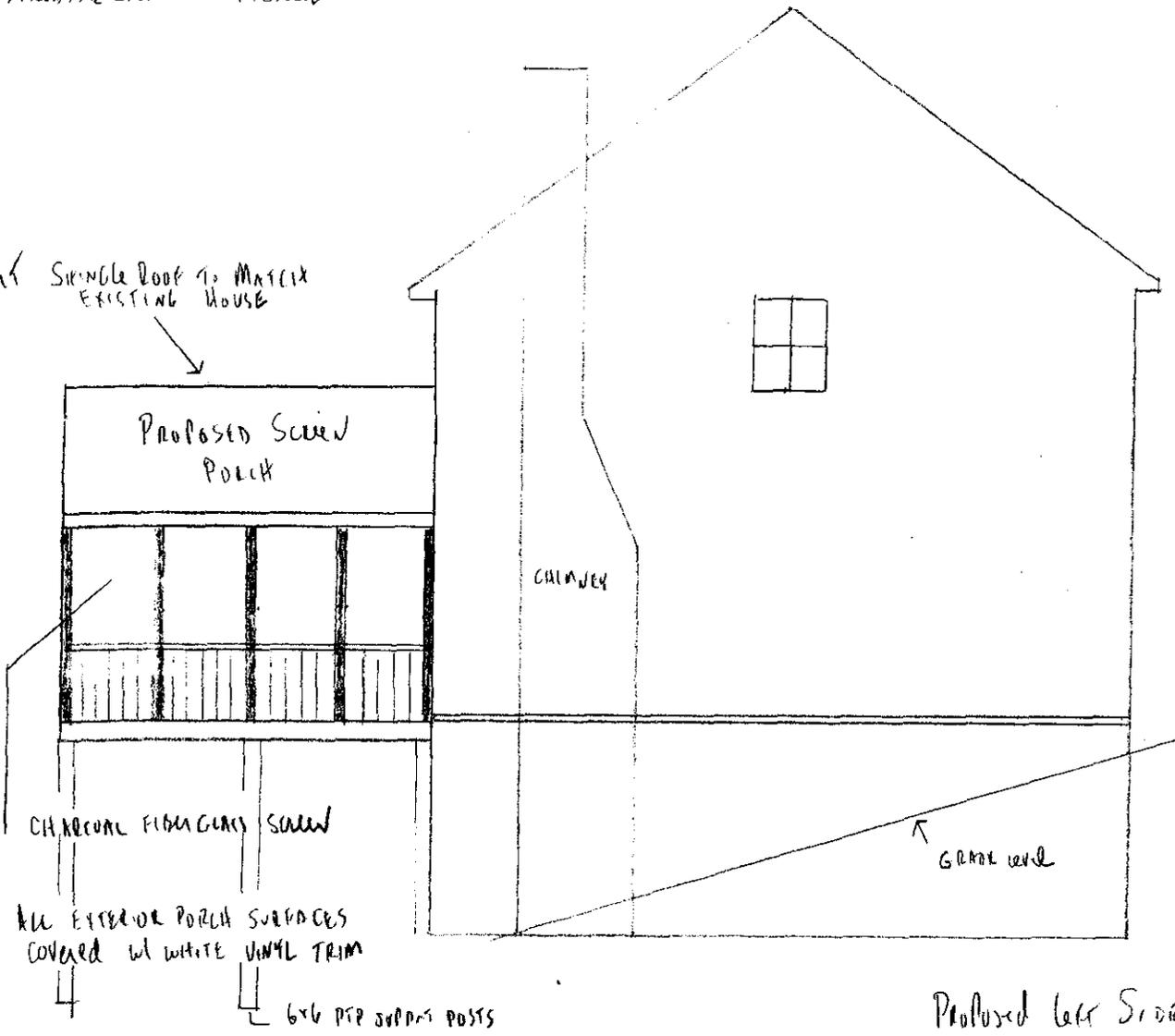
36" DECK RAIL

LIVING ROOM

PROP.
SCREENED
Porch

KITCHEN

AS SHOWN SINGLE ROOF TO MATCH EXISTING HOUSE



Proposed Screen Porch

CHIMNEY

CHARCOAL FIBERGLASS SCREEN

ALL EXTERIOR PORCH SURFACES COVERED W/ WHITE VINYL TRIM

6x6 PIP SUPPORT POSTS

GRADE LEVEL

Proposed Left Side ELEVATION

Brown Residence
9510 BLYTHE DALE CT
VIENNA VA 22182

Application No.(s): SP 2010-HM-057
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/7/10
 (enter date affidavit is notarized)

I, PETER BROWN, 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

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)
PETER BROWN	9510 BLYTHE DALE CT. VIENNA VA 22182	APPLICANT & HOMEOWNER
MICHELE BROWN	SAME	APPLICANT'S SPOUSE & HOMEOWNER

(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): SP 2010-HM-057
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1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

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

CORPORATION INFORMATION

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

Not Applicable

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)

Not Applicable

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

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

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/7/10
(enter date affidavit is notarized)

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)

NOT APPLICABLE

(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)

NOT APPLICABLE

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

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

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(enter date affidavit is notarized)

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):

SP 2010-HM-057

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/7/10
(enter date affidavit is notarized)

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

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

None

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

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

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

WITNESS the following signature:

(check one)

[X] Applicant (with signature of Peter D. Brown)

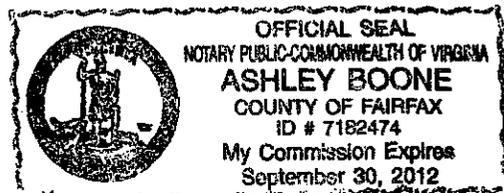
[] Applicant's Authorized Agent

Peter D. Brown
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 7th day of August 20 10, in the State/Comm. of Virginia, County/City of Fairfax.

Ashley Boone
Notary Public

My commission expires: 9/30/2012



SPECIAL PERMIT STATEMENT OF JUSTIFICATION

9510 Blythe Dale Ct Oakton, VA 22182
Tax Map #:028-3((16))0039
Zoning District: R-2C

To whom it may concern:

This request is for a Special Permit to obtain a reduction in the minimum rear yard requirement for the above referenced property. We have planned to make improvements to our home to enhance its appearance, usability and overall value. The planned improvements cannot be made without extending construction past the minimum rear yard requirements. The proposed open deck will replace an older existing deck and the enclosed screen deck will provide a more usable outdoor area in the back of the house. The wood framed deck and screened deck would be similar to many found in suburban neighborhoods in the county and not be out of character with those in this neighborhood. These improvements will not be a substantial detriment to adjacent properties and will work well with the existing architecture of the home. Access to and from the deck will utilize an existing door and travel patterns. The enclosed screen deck would allow enjoyment of the outdoors without dealing with insects. The existing deck to be replaced was constructed prior to the purchase of the home in 2008. The house and lot back up to a wooded area that is part of the community open space established as part of the planned community.

The lot on which the home is located is at the end of a cul-de-sac and has one of the shallowest effective buildable areas in the community. For the majority of lots here a project of this scope could be accomplished within the buildable area. In this case, due to the shallowness of the lot the buildable area ends very close to the existing rear wall of the house and the improvements cannot be constructed within the remaining available space. Sufficient room for the construction is available in the side yard but outdoor living space on the side of the house does not fit with the existing design and would also be exposed to the street. As such, we are now requesting a Special Permit from the Board of Zoning Appeals.

As this is not a place of business, there are no hours of operation, patrons, clients, employees, etc. There will be no additional traffic impact. There are not and will not be hazardous or toxic substances generated, utilized, stored, treated and/or disposed of on the site.

The Special Permit is being sought for a reduction of the rear yard requirement to permit the construction of a deck and a screen enclosed deck on the back side of the house. The reduction in the yard requirement would not impair the purpose or intent of the ordinance and will not be detrimental to the use and enjoyment of other property in the immediate vicinity. This construction will not create an unsafe condition with respect to other property and public streets. To force compliance with the minimum yard requirement would cause unreasonable hardship as outdoor living space in the side yard could not directly utilize existing access to the dwelling and would be far less usable than outdoor living space in the rear yard. Thank you for your consideration in this matter.

****Note**** The play equipment in the photos is not located on the application property. It is approximately 23 feet from the application property.

RECEIVED
Department of Planning & Zoning
SEP 29 2010
Zoning Evaluation Division

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and

shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent

property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.

9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.
10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.

- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.