



# County of Fairfax, Virginia

December 29, 2010

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-SP-062

### SPRINGFIELD DISTRICT

**APPLICANT:** Harris Arlinsky

**OWNERS:** Harris D. Arlinsky  
Kathleen M. Arlinsky

**STREET ADDRESS:** 13070 Autumn Willow Drive

**SUBDIVISION:** Willow Ponds

**TAX MAP REFERENCE:** 55-3 ((10)) 75

**LOT SIZE:** 8,525 square feet

**ZONING DISTRICT:** PDH-2 and WS

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an addition 17.6 feet from the rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2010-SP-062 for a one-story addition subject to the proposed development conditions contained in Appendix 1.

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

*O:\dhedri\Special Permits\1-5) SP 2010-SP-062 Arlinsky (50)\SP 2010-SP-062 Arlinsky 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.

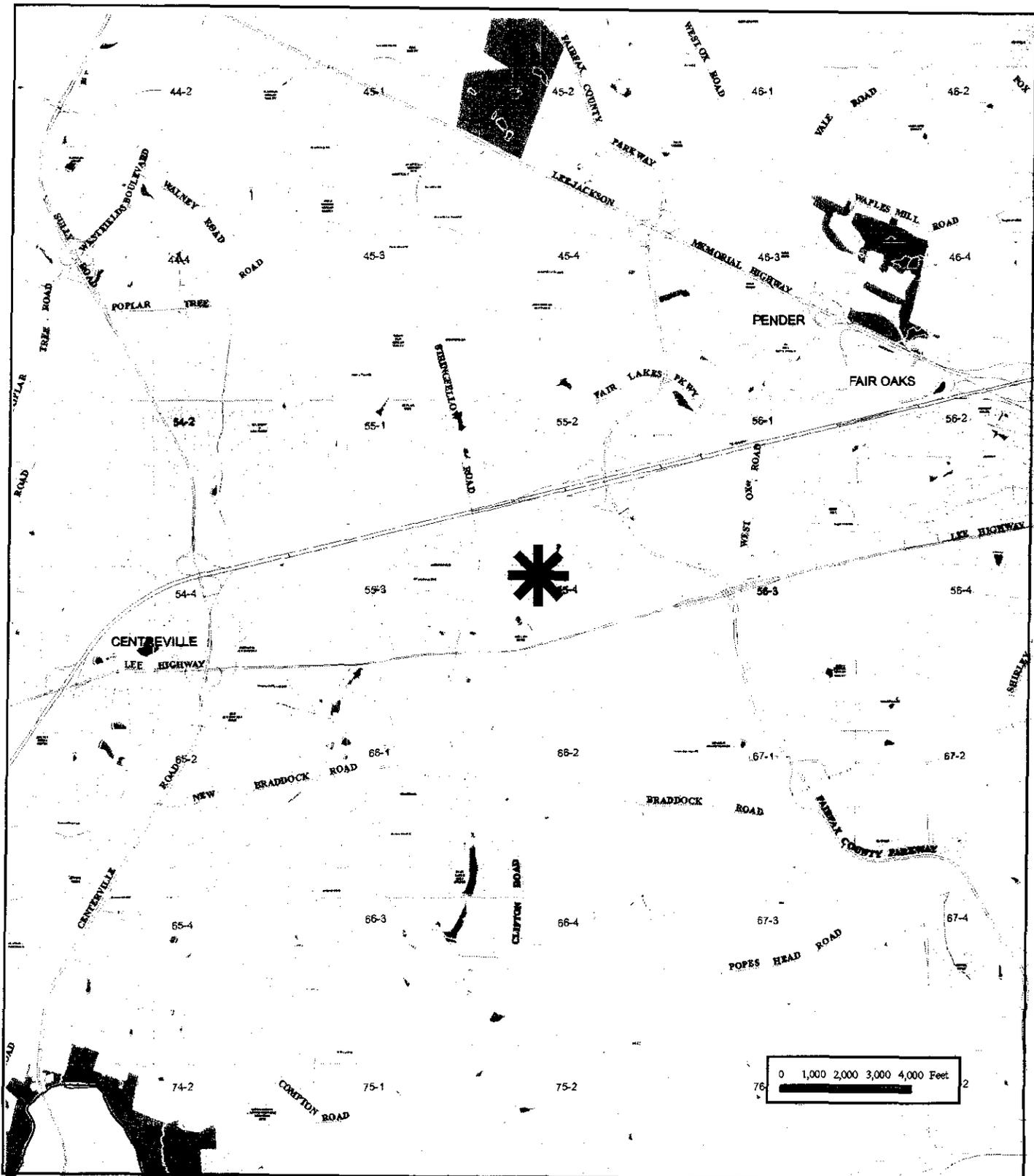
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

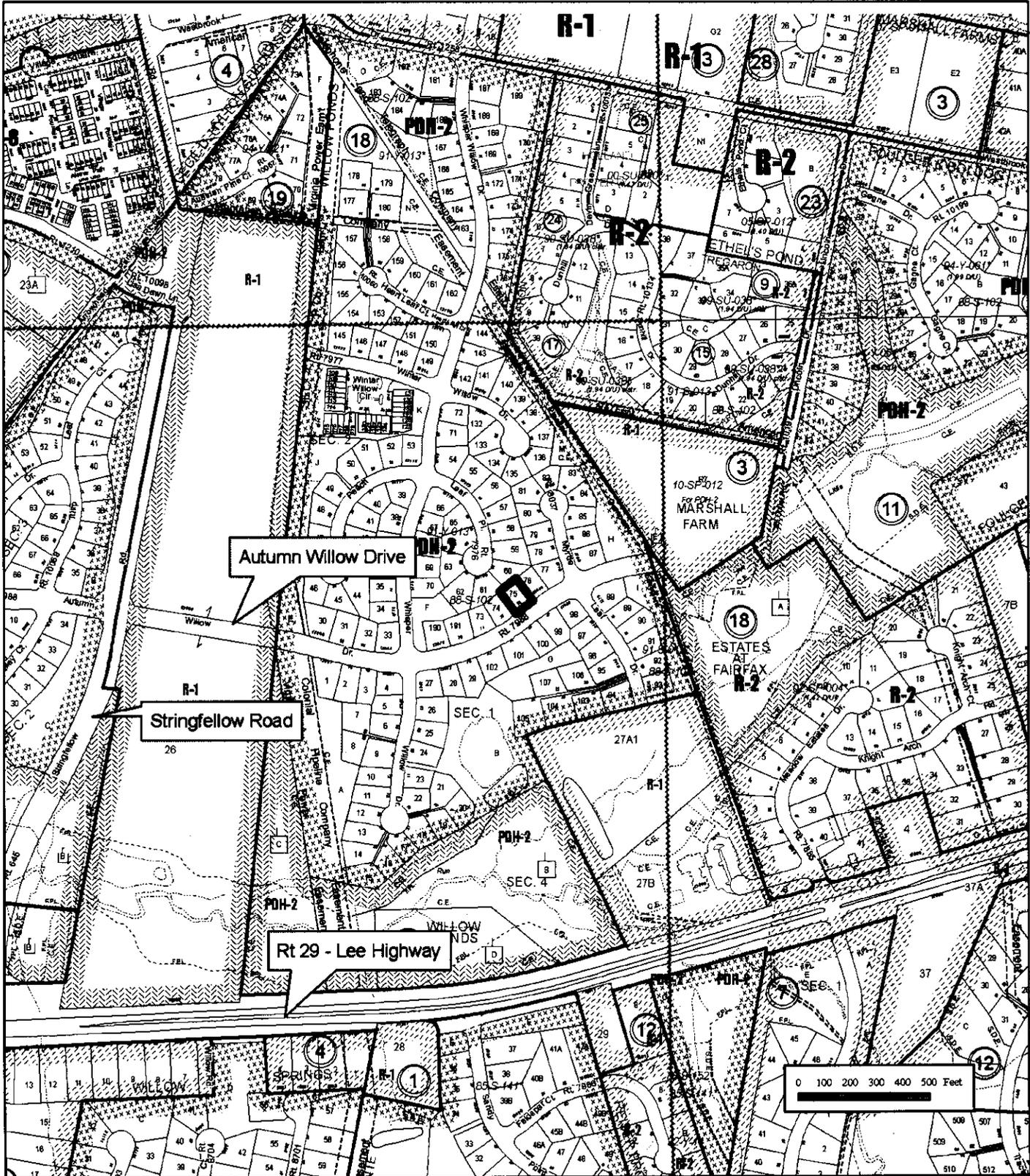


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2010-SP-062**



**Special Permit**  
**SP 2010-SP-062**



**NOTES**

- TAX MAP: 55-3-10-0075
- ZONE: PDH-2 (RESIDENTIAL 2 DU/AC)
- LOT AREA: 8,525 SF (0.1957 AC)
- REQUIRED YARDS: (PER R-2 CLUSTER ADU ZONE)
  - FRONT: 20.0 FEET
  - SIDE: 08.0 FEET
  - REAR: 25.0 FEET
- HEIGHTS:
  - DWELLING: 26.6 FEET
  - STP: 01.2 FEET
  - PROP ADDN (TOTAL): 11.3 FEET
  - PROP ADDN (MID): 17.8 FEET
  - PROP ADDN (LEAVE): 14.0 FEET
  - FENCES: AS NOTED
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER. UTILITIES ARE UNDERGROUND.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
- THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY. THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 515525 0025 D REVISED MARCH 5, 1990.
- AREAS:
  - EX BSMT = 1,647 SF
  - EX 1ST FLOOR/GARAGE = 2,148 SF
  - EX 2ND FLOOR = 1,897 SF
  - EX GROSS FLOOR AREA = 5,692 SF
  - EX FLOOR AREA RATIO = EX GFA (5692) / LOT AREA (8525) = 0.67
  - PROP 1 STORY ADDN = 504 SF
  - PROP 1 STORY ADDN (504) / EX GFA (5692) = 0.09
  - PROP BSMT = 1,647 SF
  - PROP 1ST FLOOR/GARAGE = 2,652 SF
  - PROP 2ND FLOOR = 1,897 SF
  - PROP GROSS FLOOR AREA = 6,196 SF
  - PROP FLOOR AREA RATIO = PROP GFA (6196) / LOT AREA (8525) = 0.73

**PLAT**

SHOWING THE IMPROVEMENTS ON  
 LOT 75, SECTION III  
**WILLOW PONDS**  
 (REED BOOK 857, PAGE 1658)  
 FAIRFAX COUNTY, VIRGINIA  
 SPRINGFIELD DISTRICT  
 AUGUST 16, 2010

SCALE: 1" = 20'

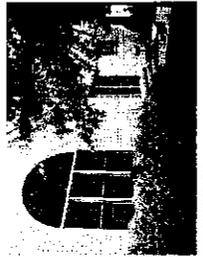
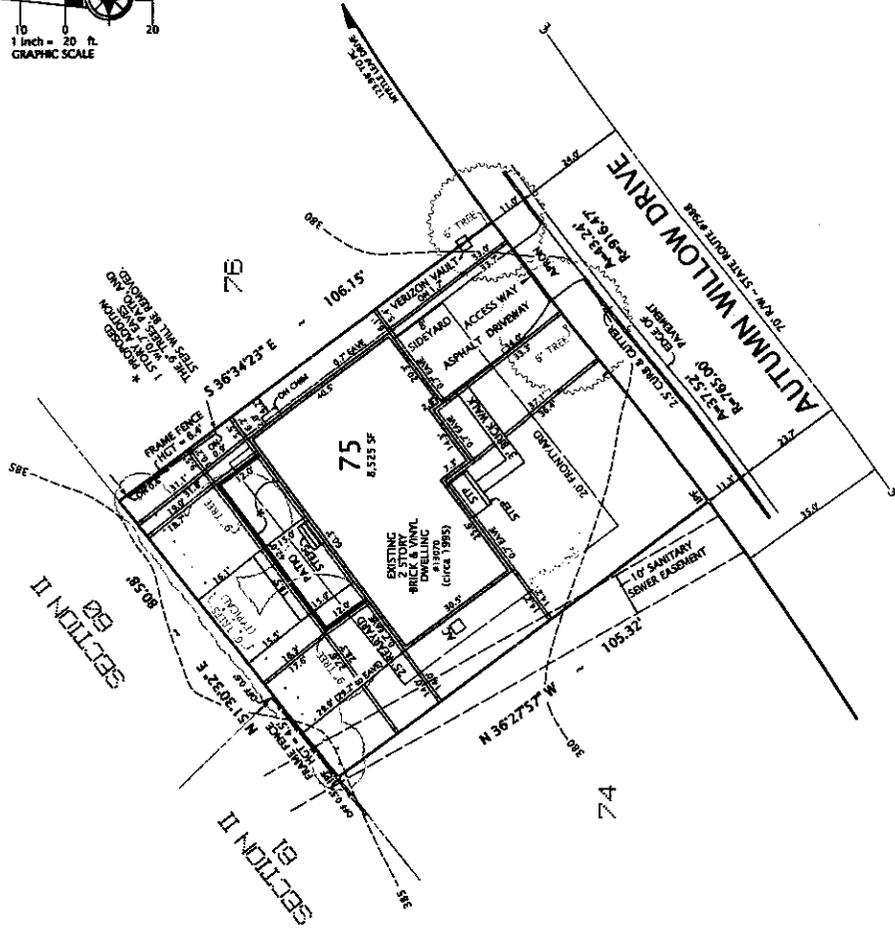
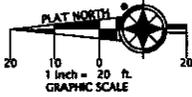


I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CLEARLY FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE.

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.

CASE NAME: HARRIS ARLINSKY

**DOMINION** Surveyors  
 8848-41 PARK TREE VILLAGE COURT  
 ALLOYSVILLE, VA 22705  
 703-819-5551 FAX: 703-795-6412



REAR OF DWELLING



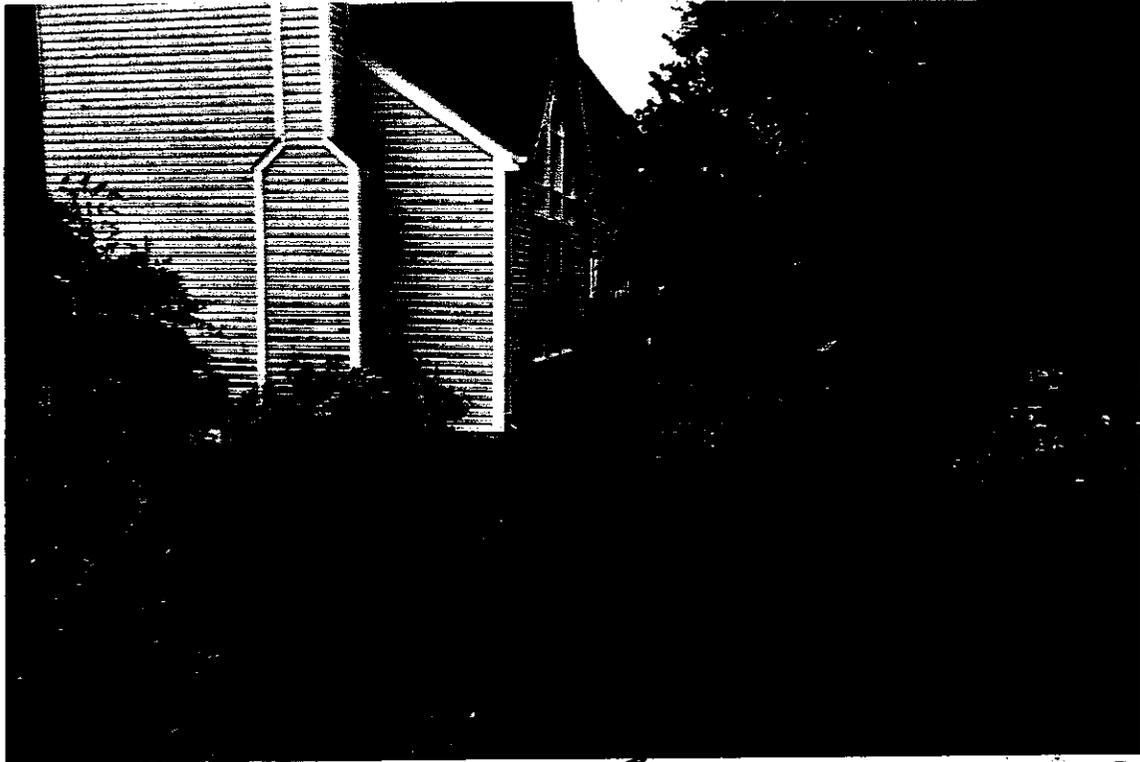
RIGHT SIDE OF DWELLING

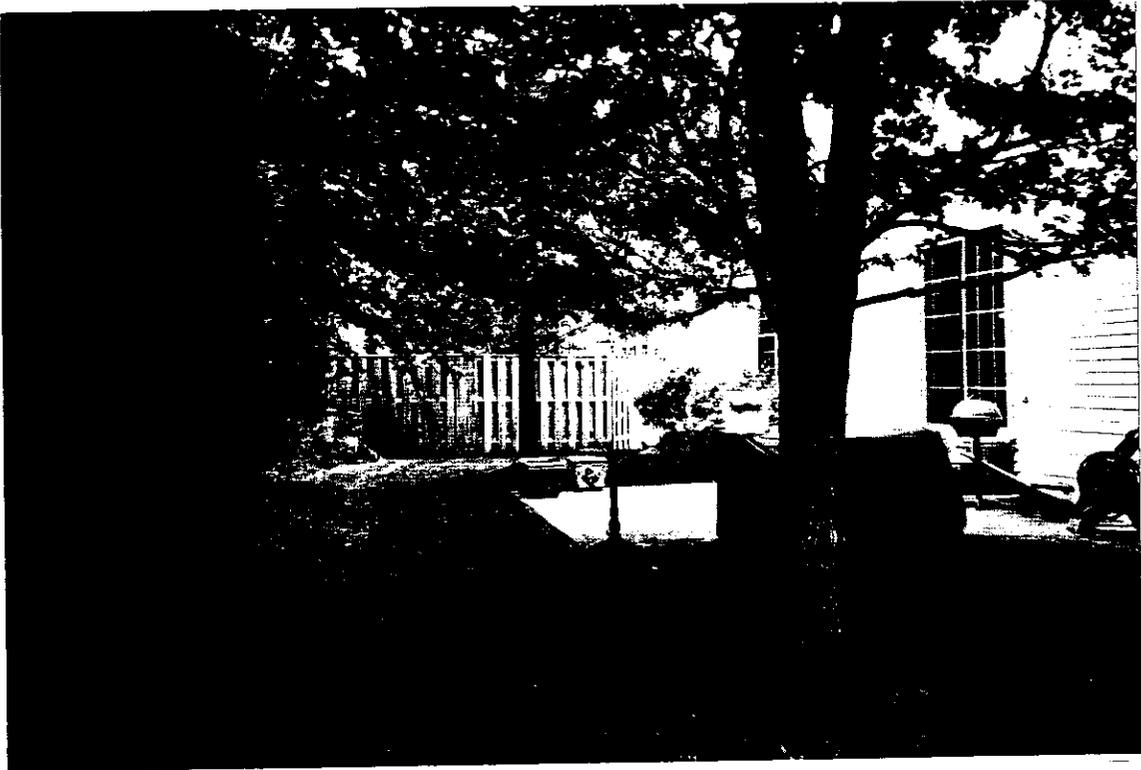


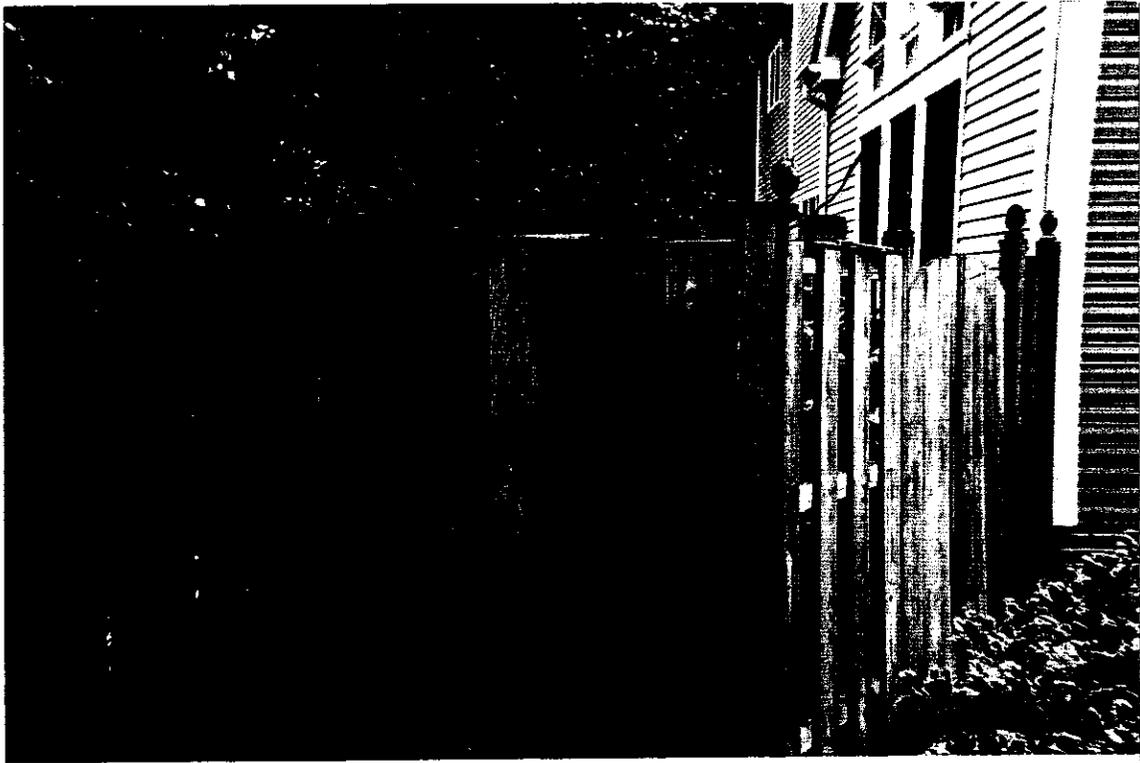
LEFT SIDE OF DWELLING



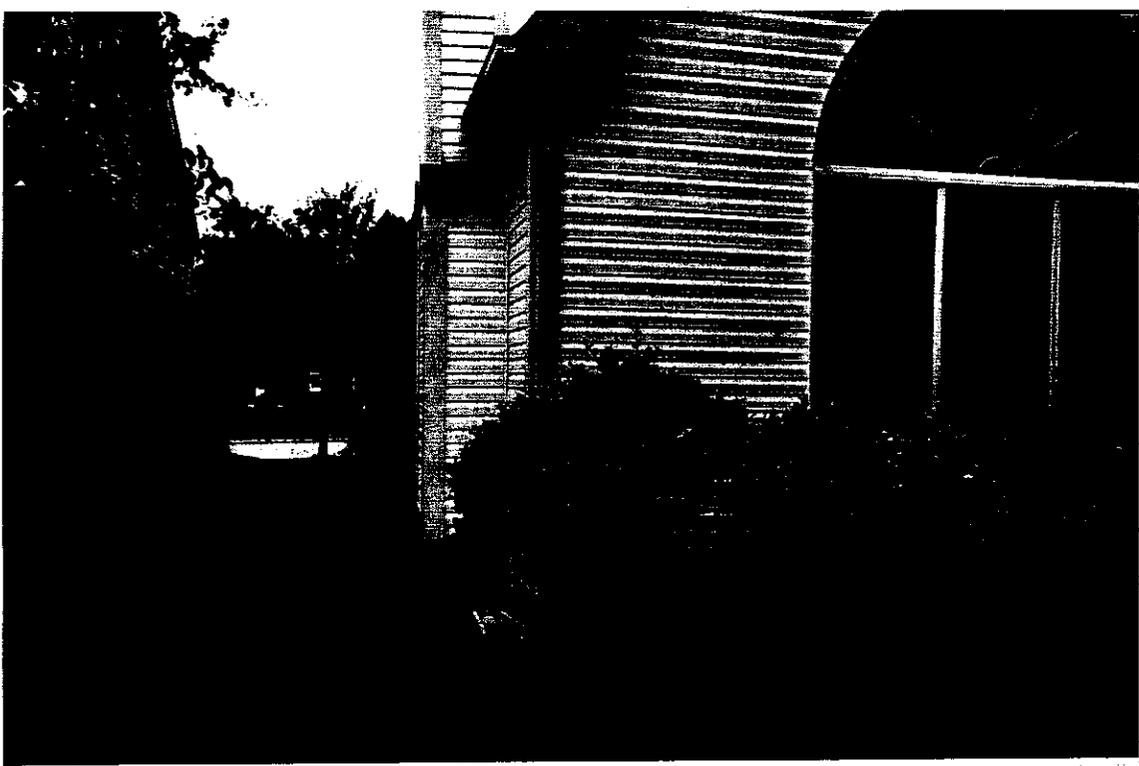
FRONT OF DWELLING



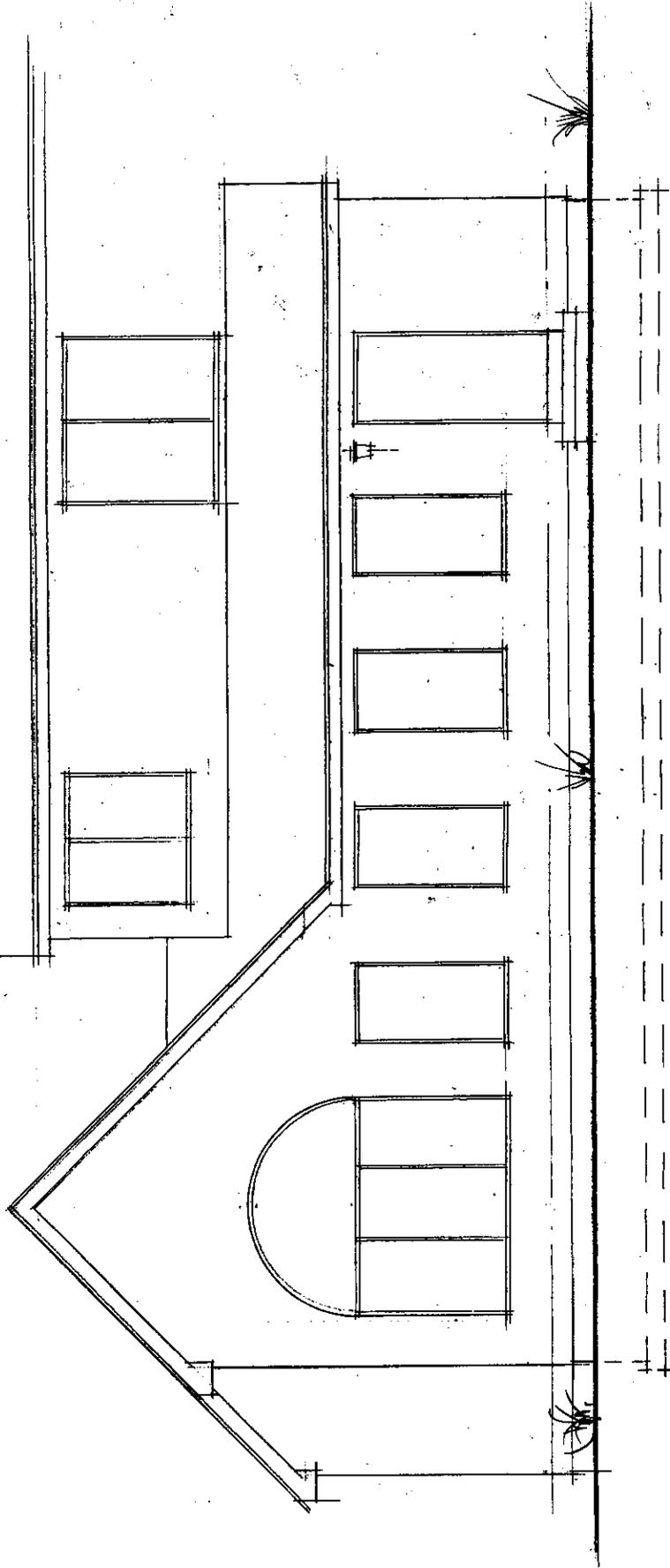








ANN: MARIE LANGMUIRE  
Applicant - Arlins Ky  
Agent - Big Idea Building & Design  
Jason Hurt



REAR ELEVATION SCALE 1/4" = 1'-0"

**DESCRIPTION OF THE APPLICATION**

The applicant is requesting special permit approval for a reduction of certain yard requirements to permit construction of a one-story addition to be located 17.6 feet from the rear lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	Addition	Rear	25.0 feet	17.6 feet	7.4 feet	30%

\*Minimum yard requirement per Section 3-207

Note: On November 16, 1992 the Board of Supervisors approved RZ 91-Y-013 which rezoned approximately 91.0 acres from the R-1 District to the PDH-2 District with a density of 2 dwelling units per acre (du/ac). Bulk regulations for the PDH District are regulated under the provisions of Sect. 16-102 of the Zoning Ordinance. Design Standards are those which are approved by the Board of Supervisors on the final development plan for the subdivision. Subsequent additions, according to Sect. 16-403, must conform to that conventional zoning district which most closely characterizes the development under consideration provided, however, that the desired alteration is in substantial conformance with the approved final development plan. This subdivision is developed under the PDH-2 regulations but is most similar to the R-2 Cluster regulations, which requires a rear yard of 25.0 feet.

**EXISTING SITE DESCRIPTION**

The site is currently zoned PDH-2 and is within a Water Supply Protection Overlay District. The site contains a two-story, brick and vinyl single family detached dwelling with an attached at-grade patio, built in 1995. The lot consists of 8,525 square feet and is surrounded by single family detached homes on all lot lines. There is a 10 foot wide sanitary sewer easement located along the western side lot line. The property is accessed via an asphalt driveway on Autumn Willow Drive. The yard is well manicured with low lying shrubs and mature trees. An existing 6.4 foot high frame fence is located along a portion of the eastern side lot line of the subject property.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	PDH-2 and WS	Single Family Detached Dwellings
<b>East</b>	PDH-2 and WS	Single Family Detached Dwellings
<b>South</b>	PDH-2 and WS	Single Family Detached Dwellings
<b>West</b>	PDH-2 and WS	Single Family Detached Dwellings

**BACKGROUND**

Following the adoption of the current Ordinance, the BZA has heard the following similar special permit or variance applications in the vicinity of the application parcel:

- Special Permit SP 2007-SP-098 was approved on November 27, 2007 for Tax Map 55-3 ((10)) 37, zoned PDH-2, at 5110 Whisper Willow Drive, to permit reduction of certain yards requirements to permit construction of an addition 15.5 feet from the rear lot line.
- Variance VC 97-Y-053 was approved on July 29, 1997 for Tax Map 55-3 ((10)) 134, zoned PDH-2, at 13003 Winter Willow Drive, to permit construction of an addition 13.7 feet from the rear lot line.
- Variance VC 96-Y-146 was approved on March 5, 1997 for Tax Map 55-3 ((10)) 47, zoned PDH-2, at 13128 Peach Leaf Place, to permit construction of an addition 7.5 feet from the rear lot line.

**ANALYSIS**

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Plat, Showing the Improvements on Lot 75, Section III, Willow Ponds
- **Prepared by:** Dominion Surveyors Inc., dated August 16, 2010

**Proposal:**

The applicant proposes to construct a 504 square foot, one-story addition which will provide additional living space for the existing single family detached dwelling to be located 18.3 feet with eave 17.6 feet from the rear lot line.

**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 5:

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

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

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

*General Standard 3* requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of the addition will not adversely affect the use or development of neighboring properties since the proposed request is modest in size and the structure will be located along only a portion of the rear of the existing dwelling. The entire rear lot line will continue to remain sufficiently screened with existing mature evergreen trees. As noted in the background, three other properties in the immediate vicinity have also constructed additions along the rear of their dwellings requiring variance and/or special permit approval. Staff does not believe the addition would adversely affect the use or development of neighboring properties and believes this standard has been met.*

*General Standard 5* requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The proposed addition will consist of a 504 square foot addition and will replace an area where there currently exists an at-grade concrete patio. As shown in the photographs, the rear lot line has ample existing mature vegetation and staff believes the addition will be sufficiently screened from the most affected property owners along the rear lot line. In a*

*memorandum from the Forest Conservation Branch, attached as Appendix 4, it is noted that maintaining the existing evergreen trees in the rear yard should be considered a priority. Therefore, staff has included a development condition which would require a tree save area within the rear yard to preserve and protect existing vegetation. Although the applicant is proposing to remove two existing trees to construct the proposed addition, with the preservation of the existing vegetation along the entire rear lot line, staff believes the addition will be adequately screened from adjacent properties. Therefore, staff believes no additional landscaping or screening would be necessary at this time 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. The existing dwelling is 5,692 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 8,538 square feet in size for a possible total square footage at build out of 14,230. The proposed addition is 504 square feet, for a total square footage of the house with the addition of 6,196 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 and pictures submitted indicate that the materials, size and scale of the 504 square foot proposed one-story addition will be compatible with the architecture of the existing dwelling on the lot. The proposed addition will not exceed the plane of the existing dwelling and is proposed to be 21.5 feet in height. The dwelling is 26.6 feet in height; 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 modest 504 square foot one-story addition along only a portion of the rear of the dwelling. The addition will be placed where there is currently an*

*existing at-grade concrete patio. There is ample mature vegetation located along the entire rear lot line, consisting of mature evergreen trees, which will continue to provide screening from adjoining properties. 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. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition is modest in size and scale and should not impact the use and/or enjoyment of adjacent properties as it is proposed as an enclosed addition to provide 504 square feet of additional living space for the existing single family dwelling. Staff believes that the addition will not impact issues such as stormwater runoff, noise, light, air, safety or erosion as it will be placed in an area of an existing at-grade concrete patio. Staff believes that the application meets this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The request to construct a 504 square foot one-story addition is the most logical location given there is an existing sanitary sewer easement along the entire western side lot line which would prohibit any further construction in that area, and the eastern side yard, at 5.4 feet, was established with the approval of the final development plan at the time of the rezoning application. The only remaining possible location for such a request is along the rear of the dwelling. Other issues of well, floodplains and/or Resource Protection Areas and preservation are not applicable to this site. Staff believes the application meets this provision.*

## **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-SP-062 for an addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Forest Conservation Memorandum dated November 18, 2010
5. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2010-SP-062****December 29, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-SP-062 located at Tax Map 55-3 ((10)) 75 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

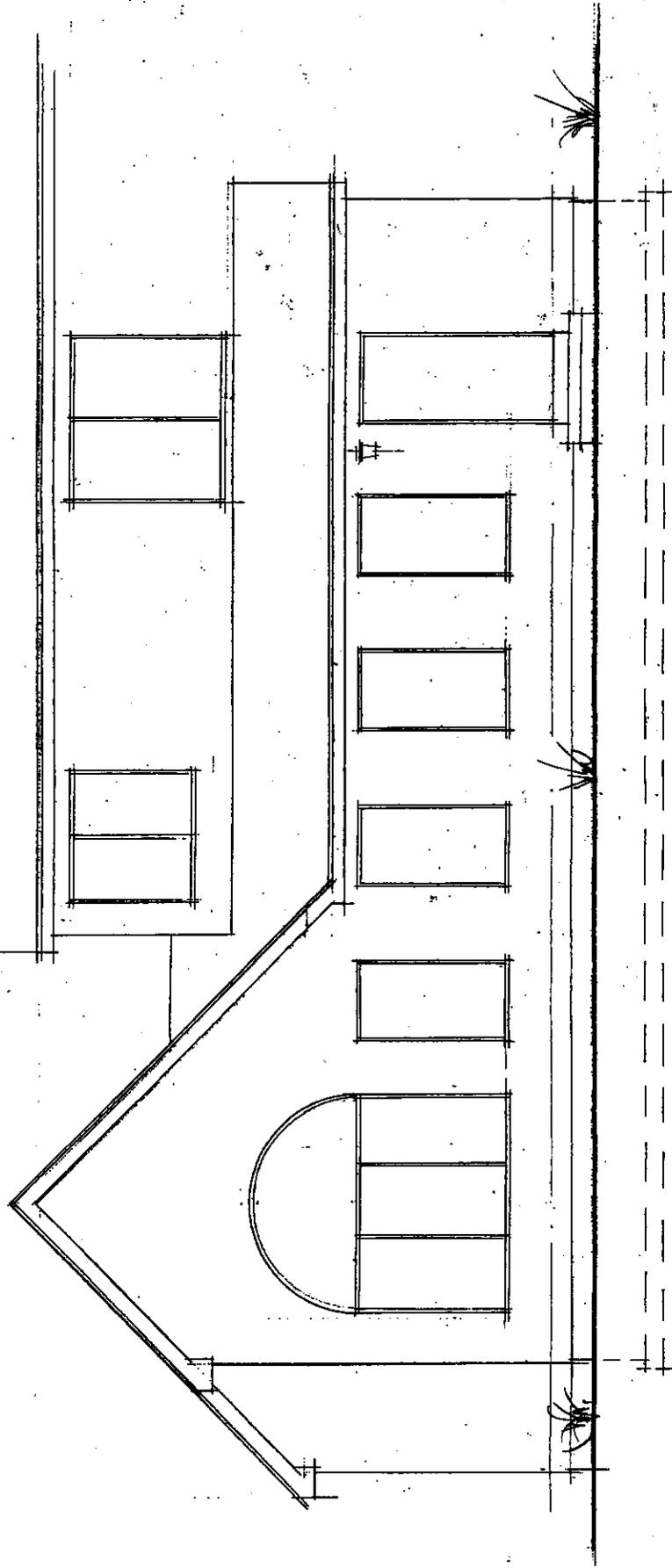
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a one-story addition (504 square feet), as shown on the plat prepared by Dominion Surveyors Inc., dated August 16, 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 (5,692 square feet existing + 8,538 square feet (150%) = 14,230 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.
5. Prior to commencement of and during the entire construction process, the applicant shall designate the area along the rear property boundary as a tree save area to protect the on-site and off-site trees and shall install tree protection fencing to protect the vegetation in these areas from construction

activities. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that inappropriate activities such as the storage of construction equipment do not occur within the area.

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.

ATTN: MARTIE LANGSHUINE  
Applicant - Arlinsky  
Agent - Big Idea Buildings & Design  
Jason Hurt



REAR ELEVATION - 1/4" = 1'-0"



Application No.(s): SP 2010-SP-062  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12/16/10  
 (enter date affidavit is notarized)

I, Jason M Hunt, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)  applicant 109575a  
 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 <b>BOLD</b> above)
Jason M Hunt*	9511 Burwell Rd Nokesville VA 20181	Agent
Harris Arlinsky	13070 Autumn Willow Dr FAIRFAX, VA 22030	owner/APPLICANT
Kathleen Arlinsky	13070 Autumn Willow Dr FAIRFAX, VA 22030	owner
* Big Idea Building Design, LLC (check if applicable)	9511 Burwell Rd Nokesville VA	Agent

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-SP-062  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12/16/10  
(enter date affidavit is notarized)

109575a

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)

Big Idea Building & Design, LLC  
9511 Burnwell Rd. NoKesville VA 20181

**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)

Jason M Hurt  
Paula J Hurt

(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):

SP 2010-SP-062

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

12/16/10

(enter date affidavit is notarized)

109575a

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): SP 2010-SP-062  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12/16/10  
(enter date affidavit is notarized)

109575a

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-SP-062  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12/16/10  
(enter date affidavit is notarized)

109575a

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

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

NONE

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

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

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

WITNESS the following signature:

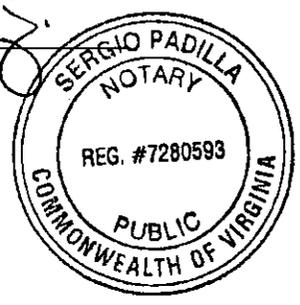
(check one) [ ] Applicant [x] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 16 day of December, 2010, in the State/Comm. of VIRGINIA, County/City of PRINCE WILLIAM

Sergio Padilla  
Notary Public

My commission expires: July 31, 2013



## STATEMENT OF JUSTIFICATION

1. The structure is a two-story, brick front, single family house with Dormers above and an attached garage.
2. The proposed addition at the rear of house, will match existing roof lines. All window features and siding shall match the existing.
3. There shall be no hazardous or toxic substances generated, utilized, stored, treated or disposed of on the site. There are not any storage tanks on site.
4. The intended use of the proposed addition is for more living space and to create more area for family gatherings. We are seeking to reduce rear yard requirements for said addition.

- ⑤ Such reductions shall not result in the placement of an accessory structure in front yard.
- ⑥ The resulting gross floor shall not exceed the 150% of the principle structure resulting in total being .09%
- ⑦ The proposed development will be in ~~the~~ character with the existing on site development
- ⑧ the proposed development is harmonious with the surrounding neighborhood.
- ⑨ the proposed development shall not impact the use and/or enjoyment of any adjacent properties
- ⑩ The proposed reduction will not disturb any storm water runoff. ~~there~~ there shall be minimal removal of landscaping

RECEIVED  
Department of Planning & Zoning  
SEP 28 2010  
Zoning Evaluation Division

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



# County of Fairfax, Virginia

## MEMORANDUM

November 18, 2010

**TO:** Ms. Debbie Hedrick, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Hugh Whitehead, Urban Forester II *HW*  
Forest Conservation Branch, DPWES

**SUBJECT:** Willow Ponds Section 3 Lot 75 (13070 Autumn Willow Drive)  
SP 2010-SP-062

**RE:** Proposed encroachment into 25-foot rear yard

I have reviewed the above referenced Special Permit application, stamped as received by the Zoning Evaluation Division (ZED) on October 8, 2010. The following comment is based on this review.

- Comment:** The plat and photos included on the proposed plan show existing evergreen trees along the property line at the rear of the subject lot. These trees effectively screen the proposed addition from the adjacent properties to the northwest.

**Recommendation:** Make maintaining the existing evergreen trees or planting and maintaining equivalent vegetation a condition of the Special Permit approval to provide screening of the reduced rear yard for adjacent properties.

If there are any questions, please contact me at (703)324-1770.

HCW/  
UFMID #: 156281

cc: RA File  
DPZ File

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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