



# County of Fairfax, Virginia

January 26, 2011

## STAFF REPORT

### SPECIAL PERMIT APPLICATION NO. SP 2010-DR-065

#### DRANESVILLE DISTRICT

**APPLICANTS/OWNERS:** Michael A. Silverstein  
Roberta L. Gartside

**STREET ADDRESS:** 1708 Warner Avenue

**SUBDIVISION:** Lewinsville Heights

**TAX MAP REFERENCE:** 30-3 ((10)) 40

**LOT SIZE:** 10,758 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of a carport 5 feet 1 inch from a side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2010-DR-065 for a carport with adoption of the proposed development conditions contained in Appendix 1.

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

*O:\dhedn\Special Permits(2-2) SP 2010-DR-065 Silverstein & Gartside (50)\SP 2010-DR-065 Silverstein & Gartside staff report.doc  
Deborah Hedrick*

Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

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



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.

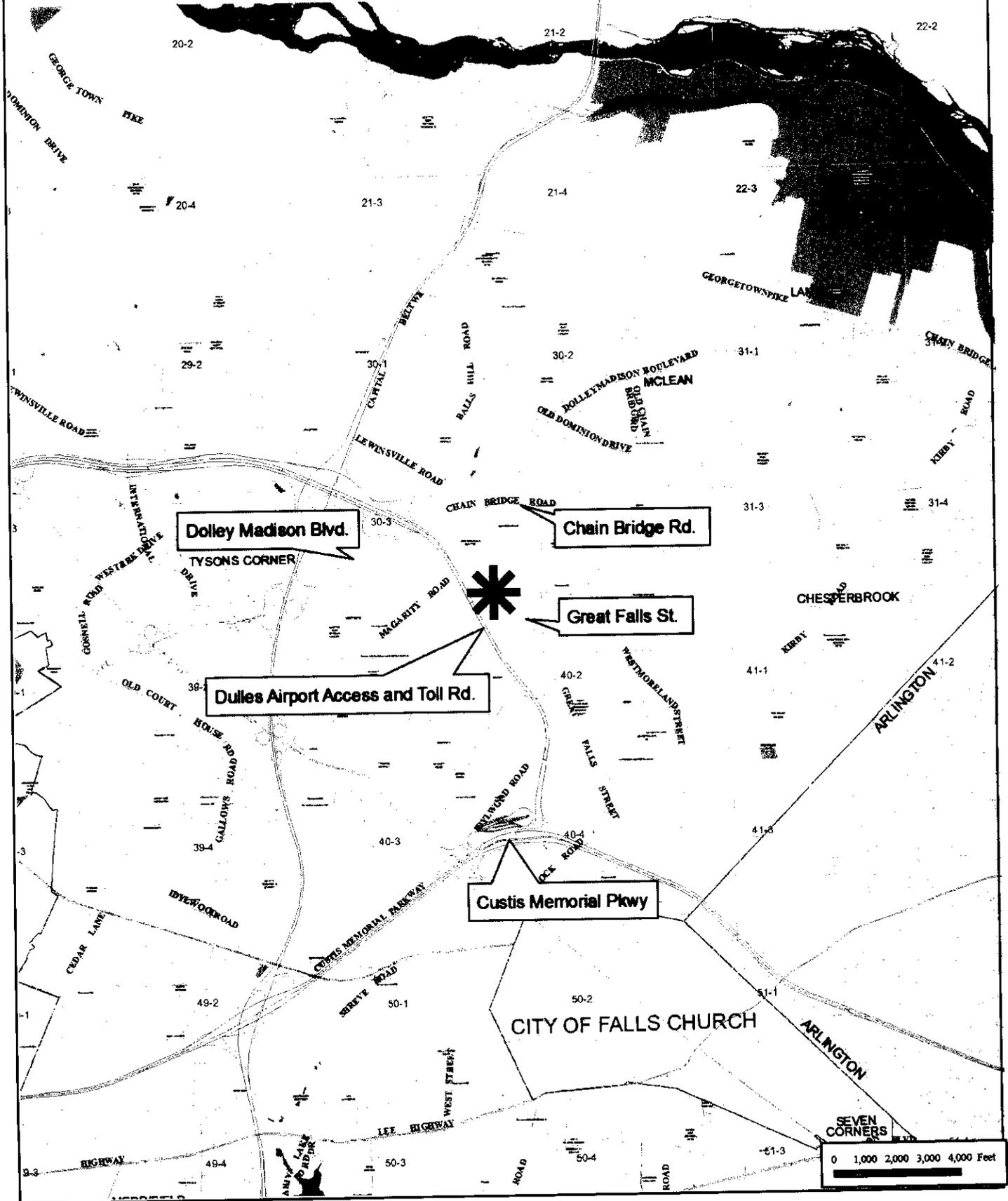
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

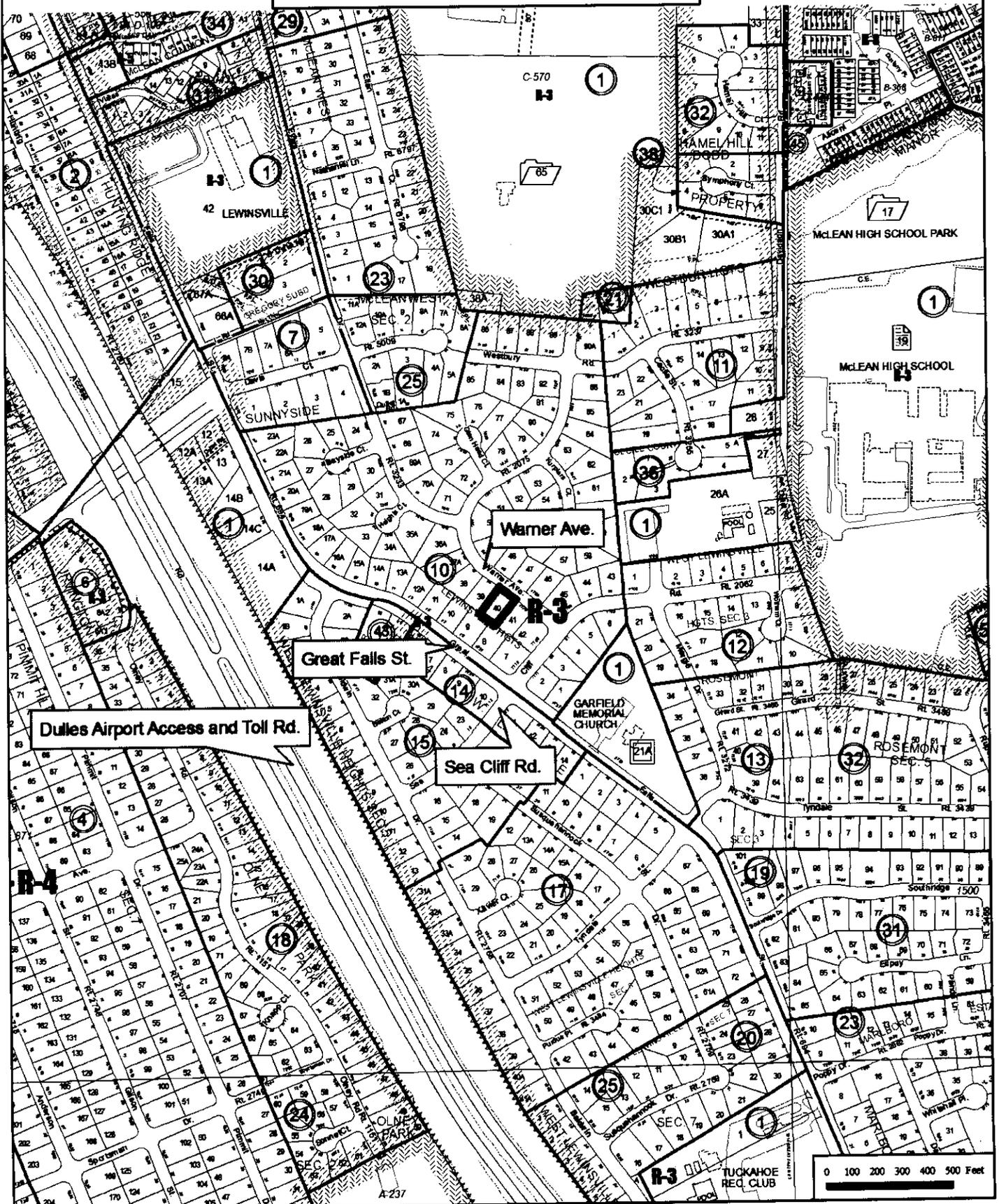
# Special Permit SP 2010-DR-065

MICHAEL A. SILVERSTEIN & ROBERTA L. GARTSIDE



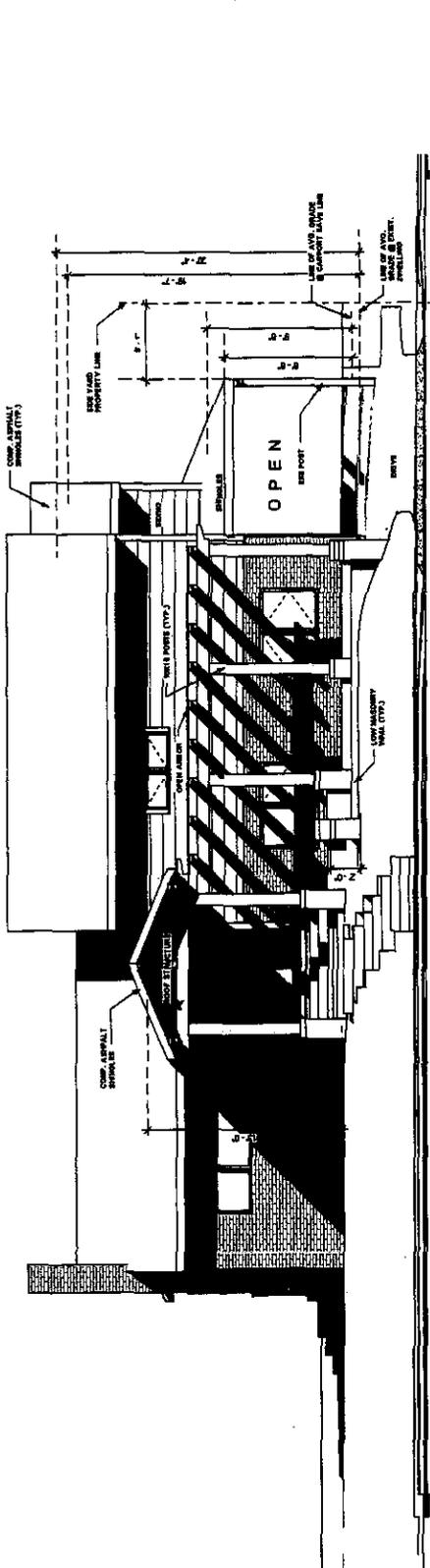
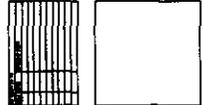
# Special Permit SP 2010-DR-065

MICHAEL A. SILVERSTEIN & ROBERTA L. GARTSIDE

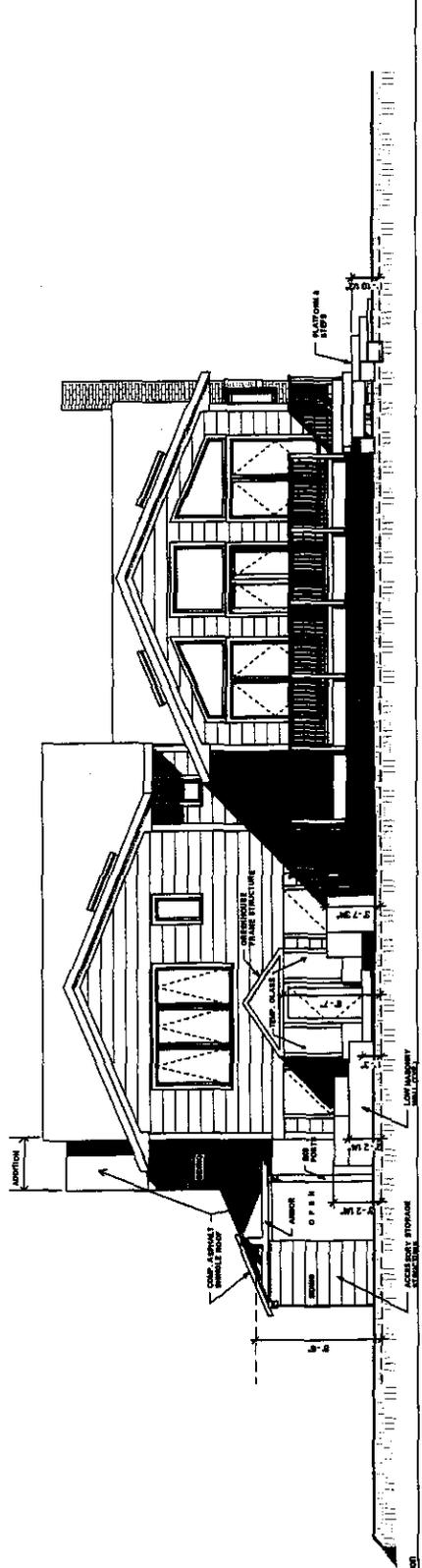


0 100 200 300 400 500 Feet





1. Front Elevation  
1/4" = 1'-0"



2. Rear Elevation  
1/4" = 1'-0"





## APPLICATION FOR A SPECIAL PERMIT

**Michael A. Silverstein**  
**Roberta L. Gartside**  
1708 Warner Ave.  
McLean, Virginia 22101

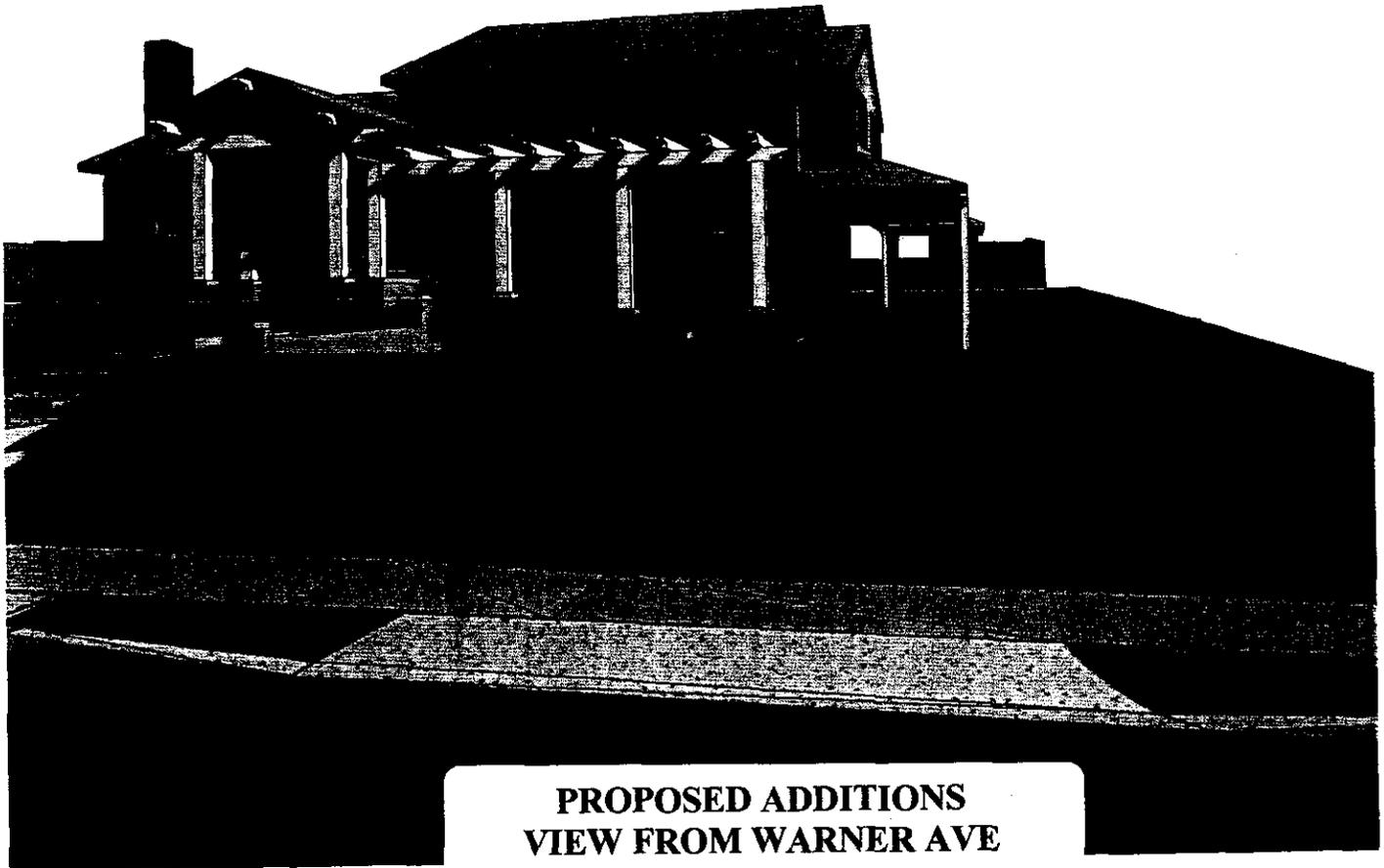


**September 7, 2010**

J.A. Burton Architecture, Inc.  
2181 Wolftrap Court, Vienna, Virginia 22182-5190  
Phone (703) 321-0021 Fax (703) 321-0031  
E-Mail: jburton@burtonarch.com - Web Site: www.burtonarch.com



**PROPOSED FRONT PORCH  
& ARBOR ADDITION**  
1708 WARNER AVE., McLEAN, VA 22101



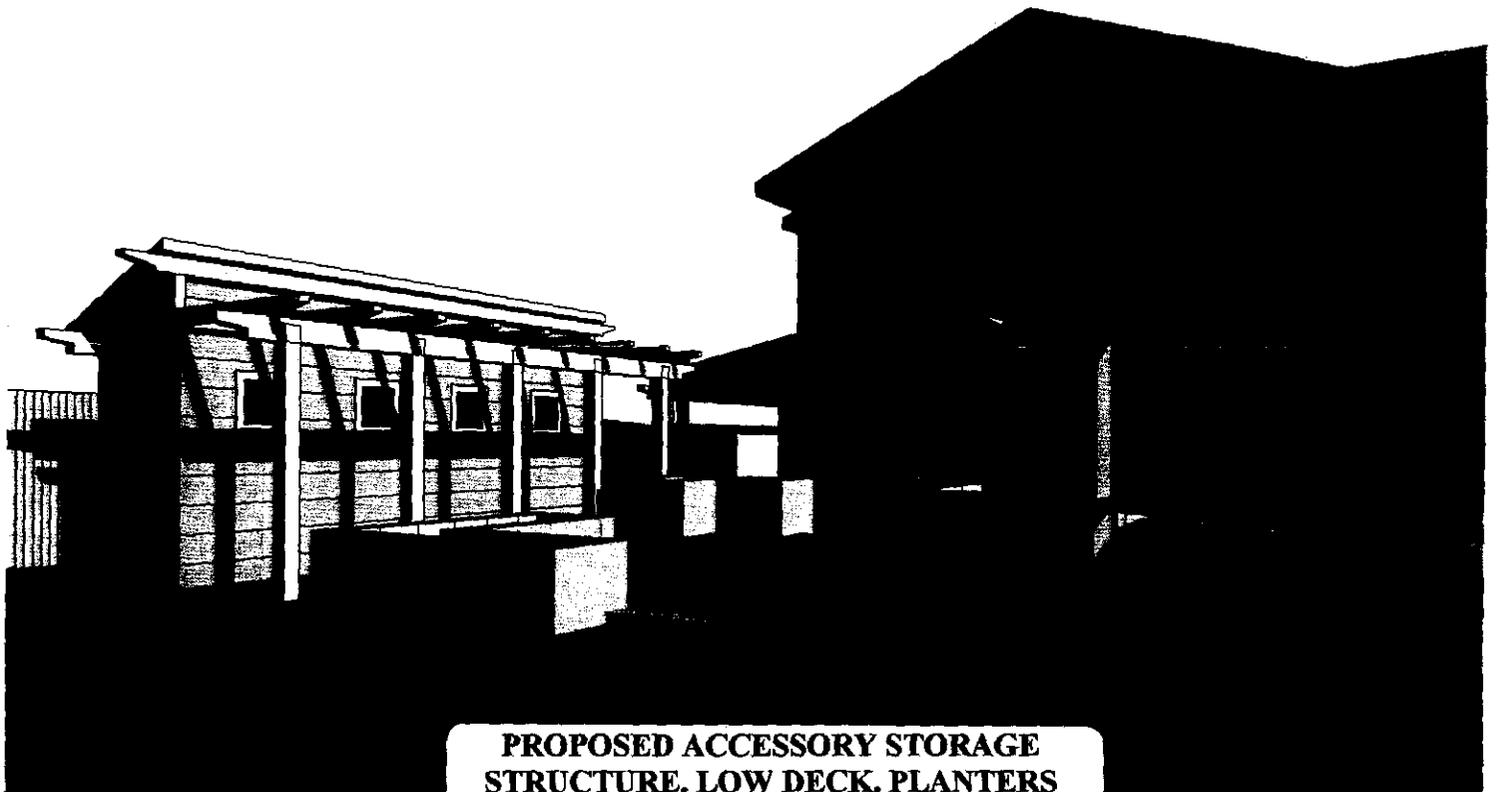
**PROPOSED ADDITIONS  
VIEW FROM WARNER AVE**



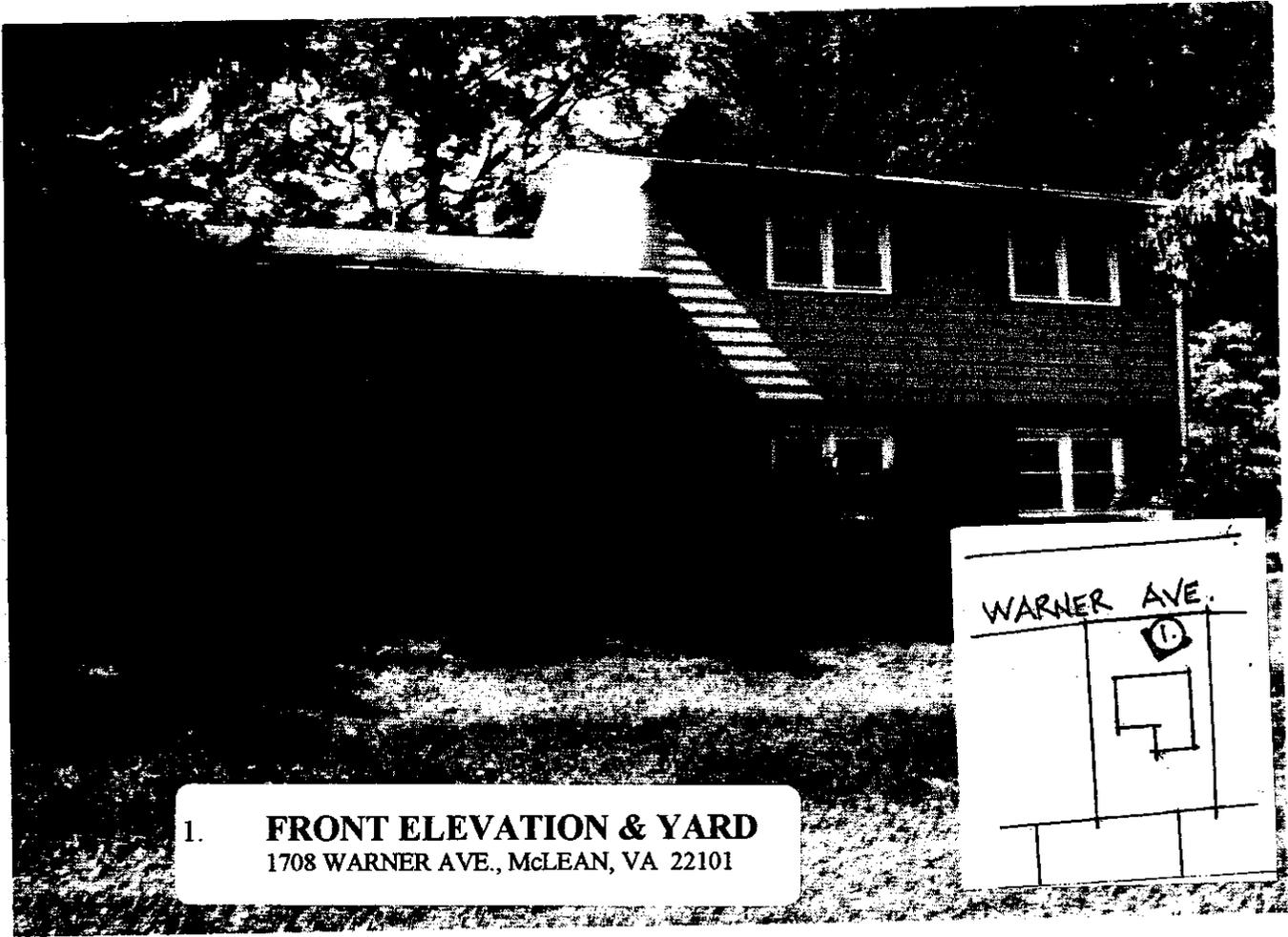
**PROPOSED OPEN CARPORT,  
ACCESSORY STORAGE STRUCTURE  
& UPPER LEVEL ADDITION**



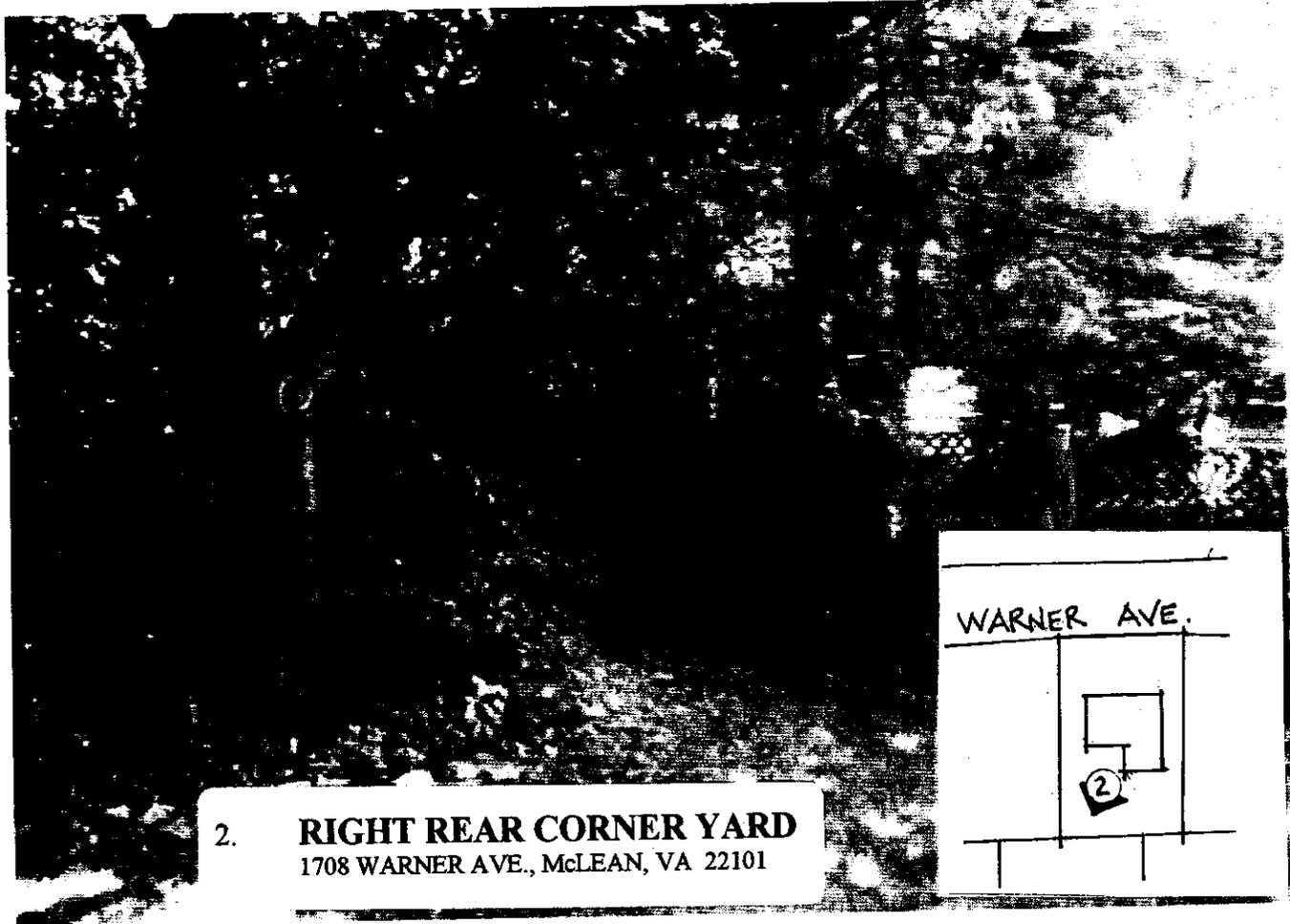
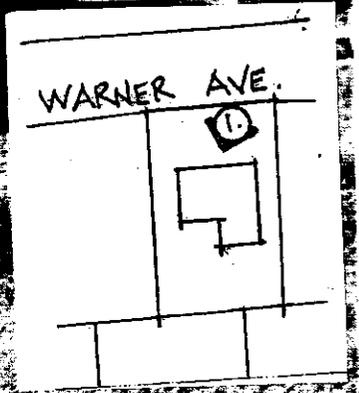
**PROPOSED LOW DECK, PLANTERS  
& GREENHOUSE ADDITION**



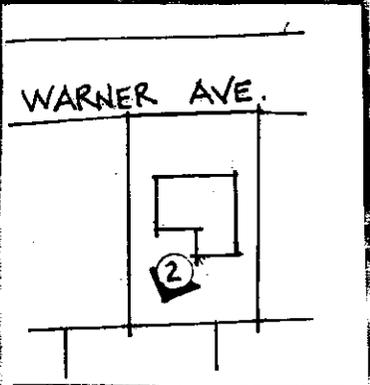
**PROPOSED ACCESSORY STORAGE  
STRUCTURE, LOW DECK, PLANTERS  
& GREENHOUSE ADDITION**



1. **FRONT ELEVATION & YARD**  
1708 WARNER AVE., McLEAN, VA 22101

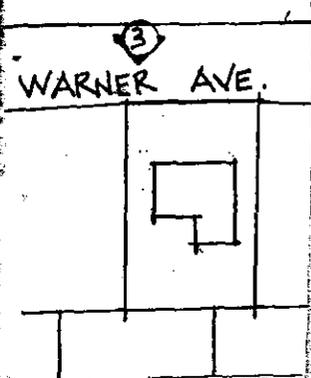


2. **RIGHT REAR CORNER YARD**  
1708 WARNER AVE., McLEAN, VA 22101

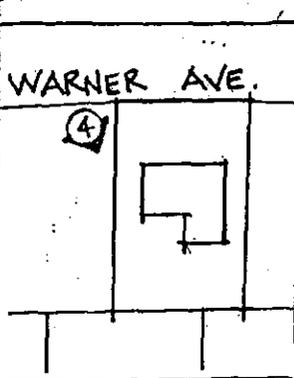


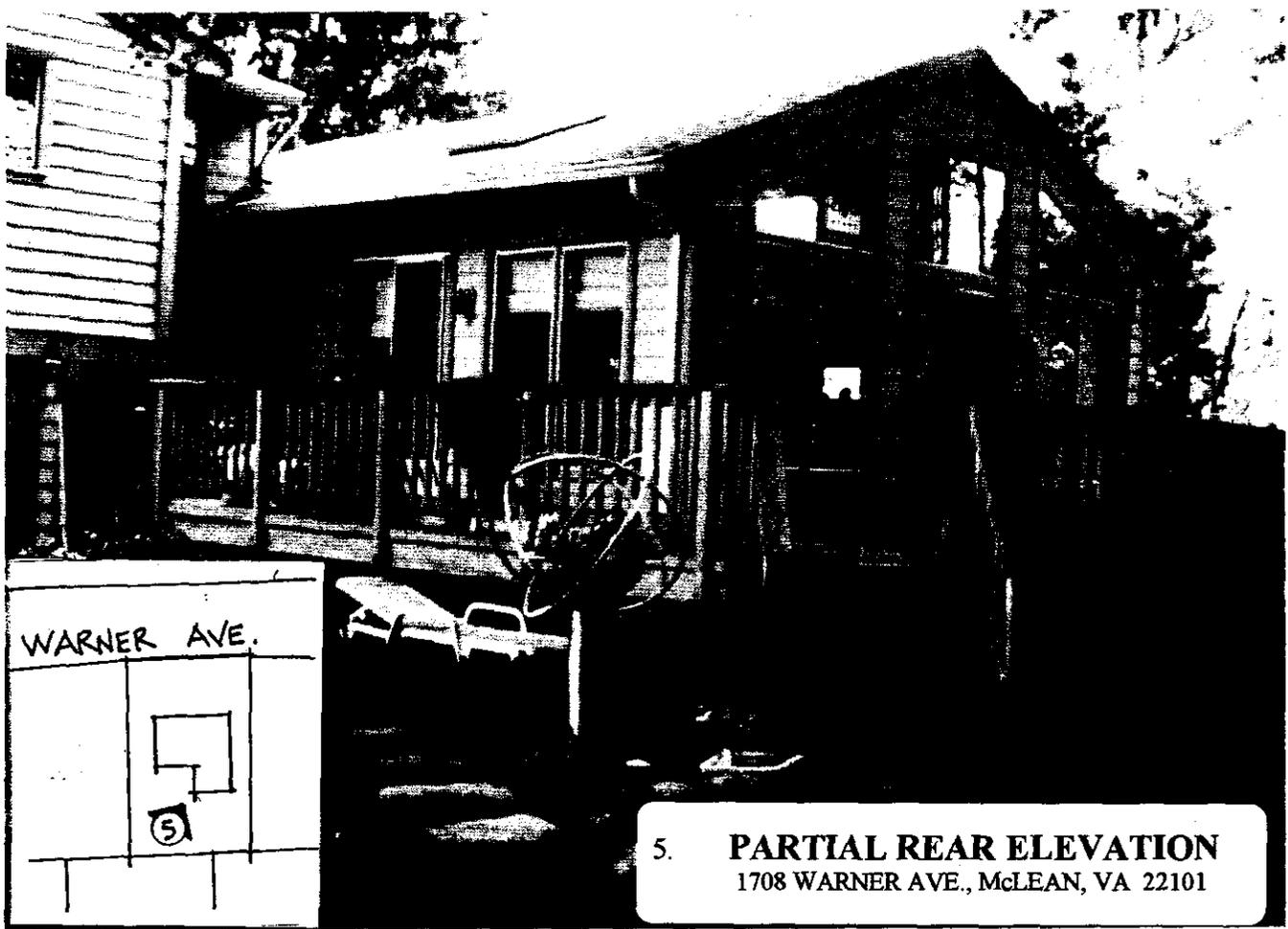


3. **RIGHT SIDE YARD**  
1708 WARNER AVE., McLEAN, VA 22101

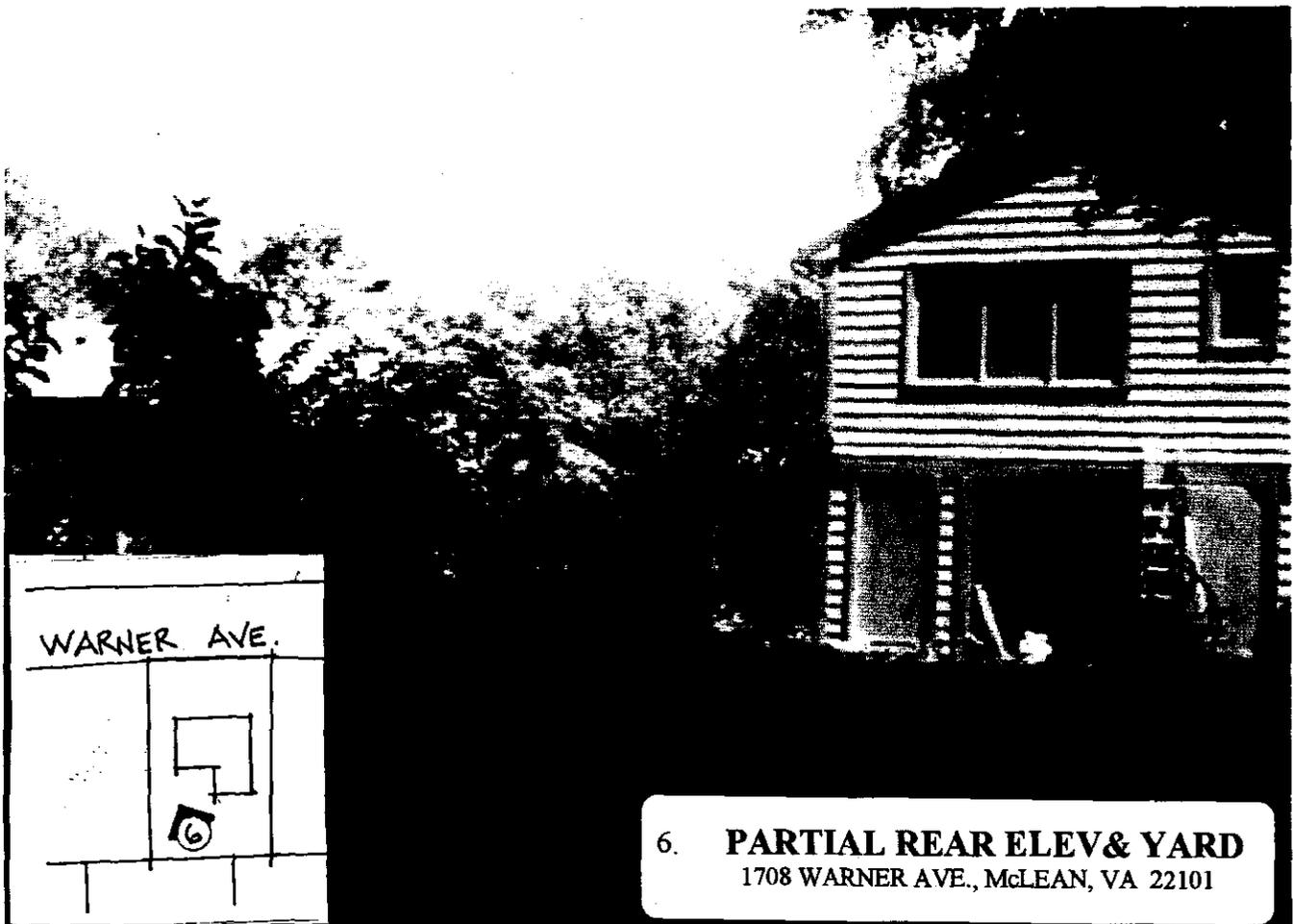


4. **RIGHT SIDE YARD**  
1708 WARNER AVE., McLEAN, VA 22101

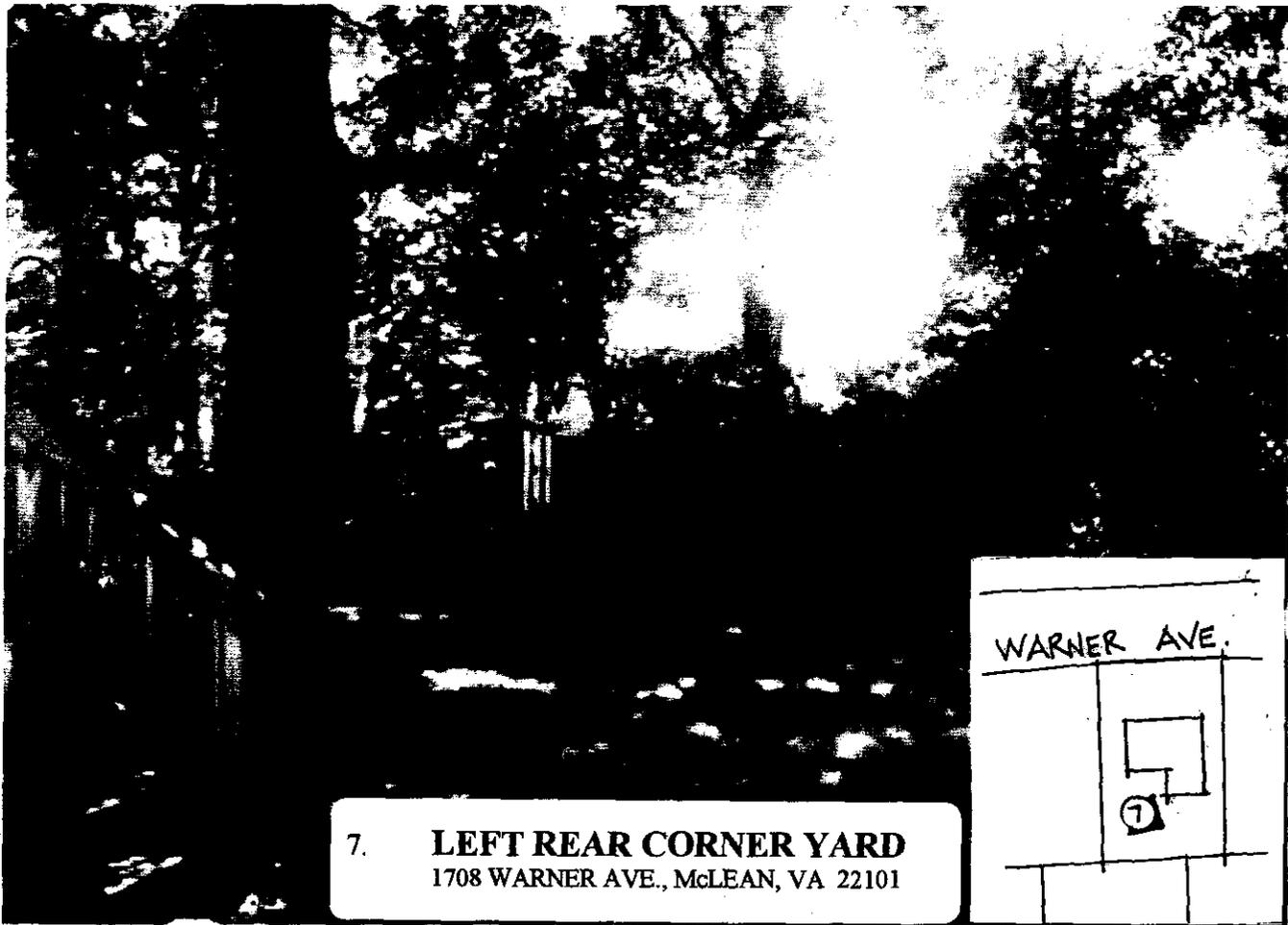




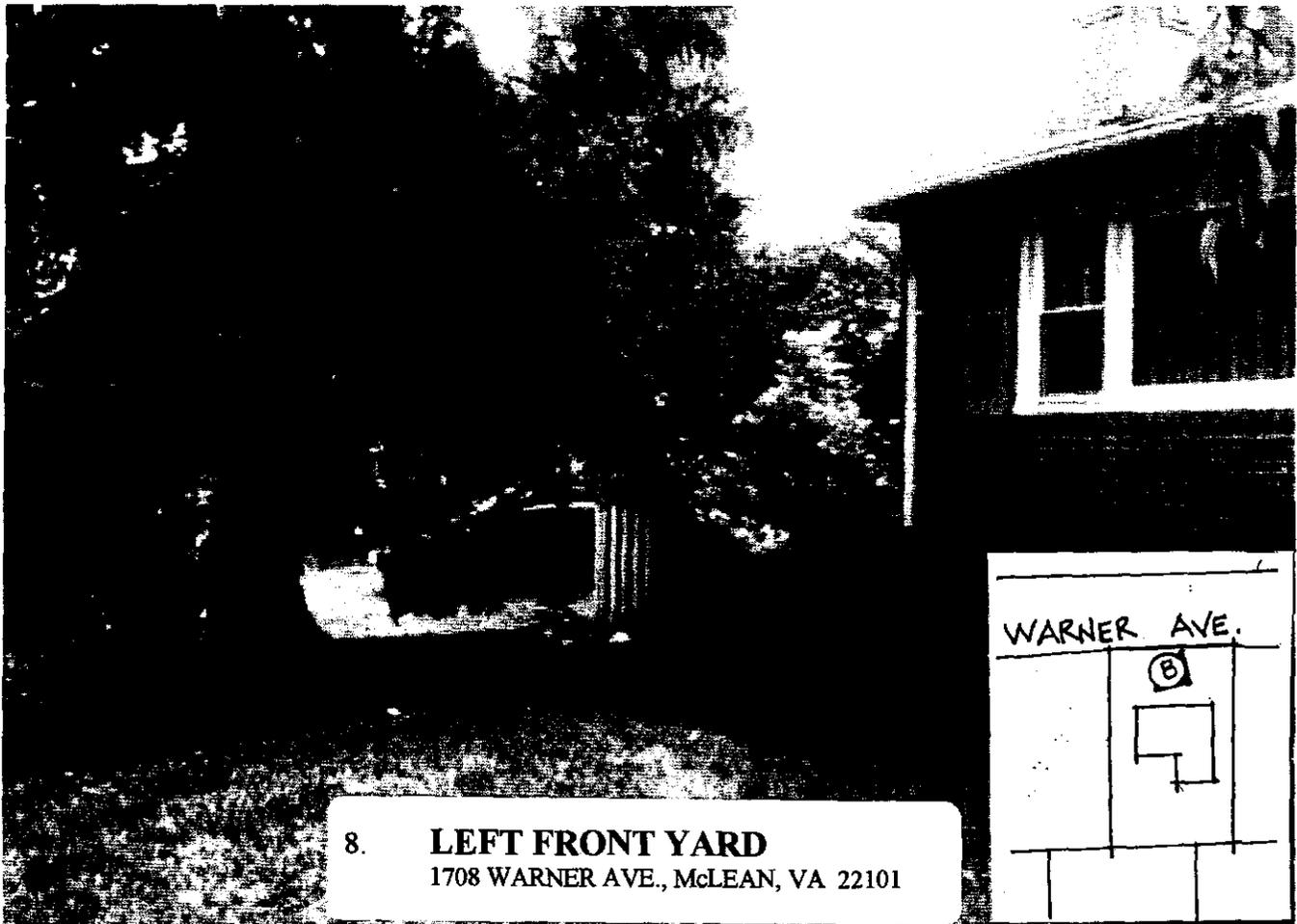
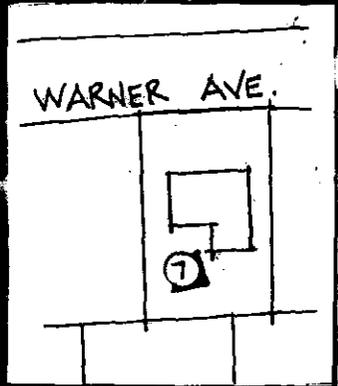
5. **PARTIAL REAR ELEVATION**  
1708 WARNER AVE., McLEAN, VA 22101



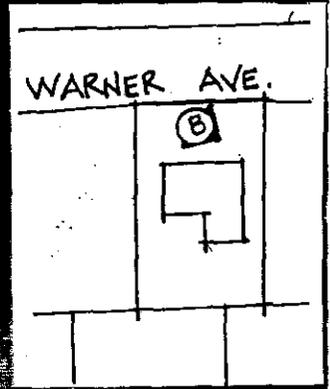
6. **PARTIAL REAR ELEV & YARD**  
1708 WARNER AVE., McLEAN, VA 22101

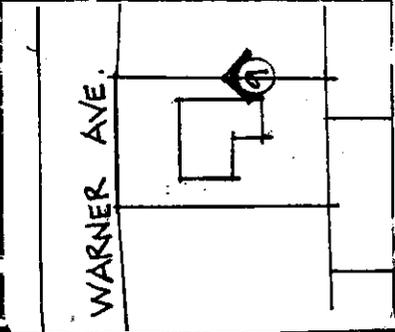
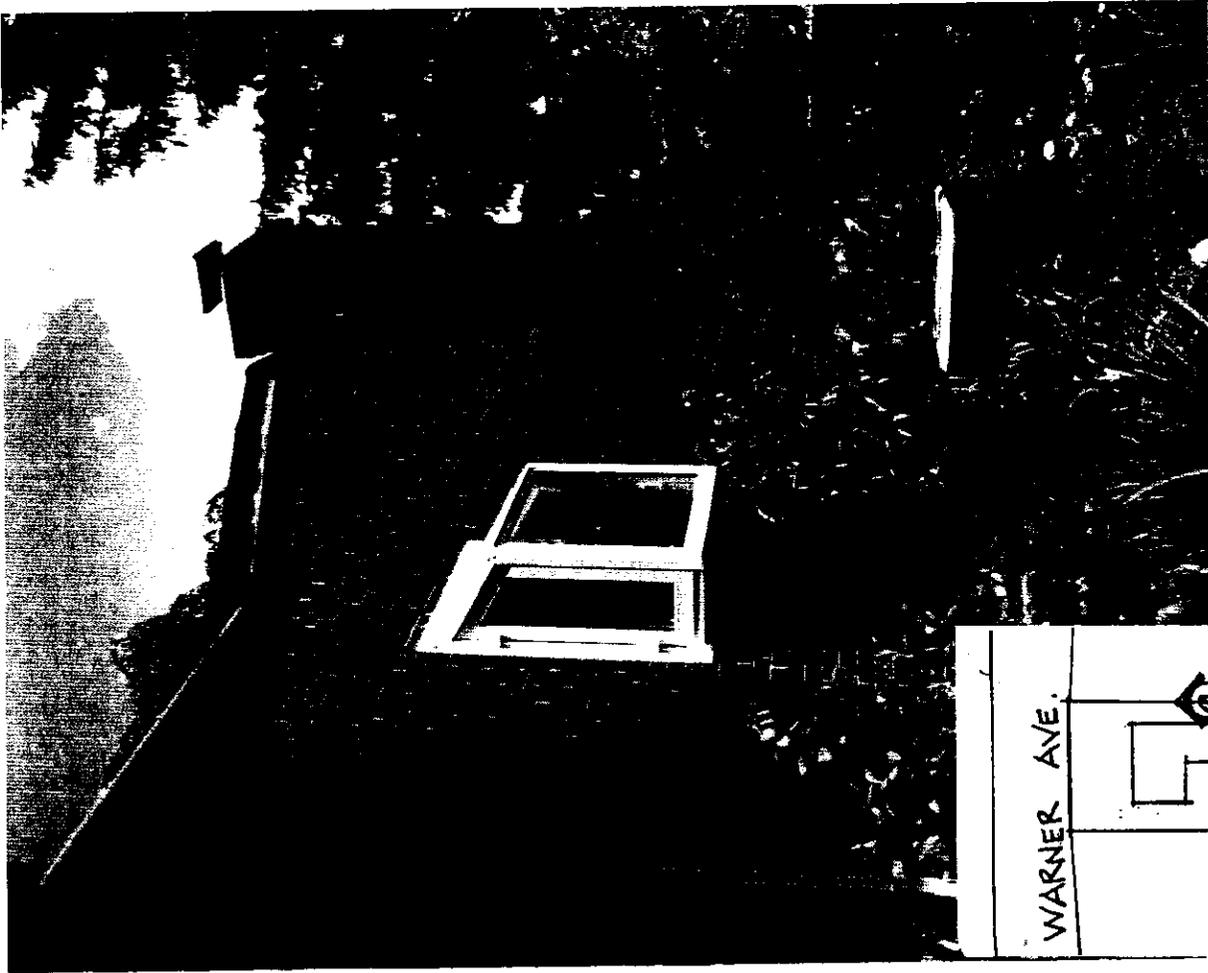


7. **LEFT REAR CORNER YARD**  
1708 WARNER AVE., McLEAN, VA 22101

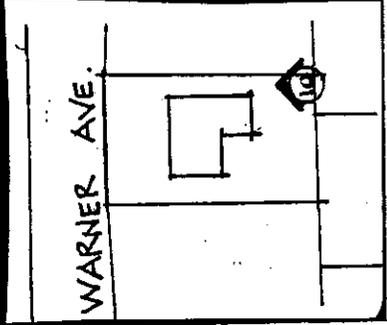


8. **LEFT FRONT YARD**  
1708 WARNER AVE., McLEAN, VA 22101

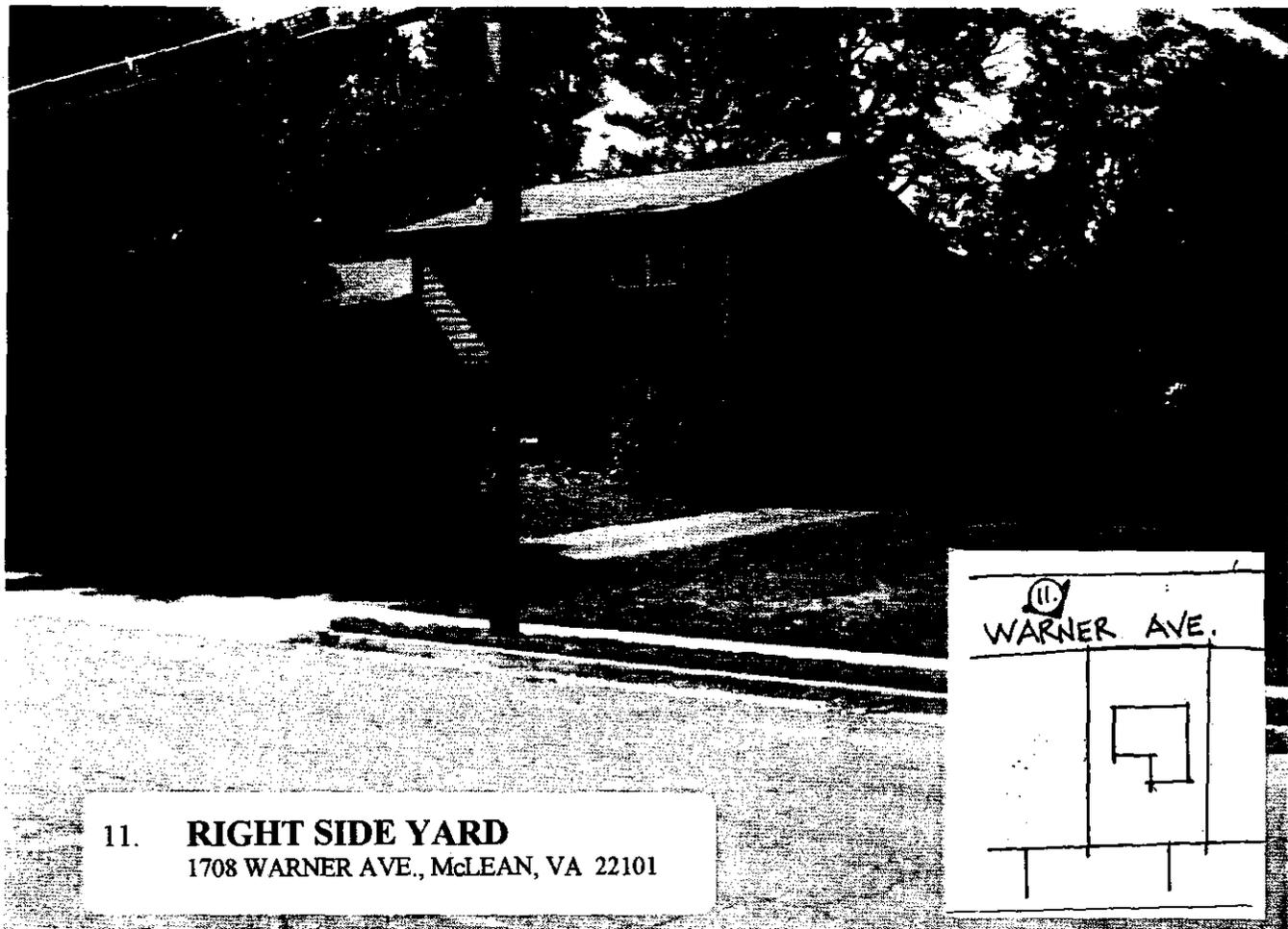




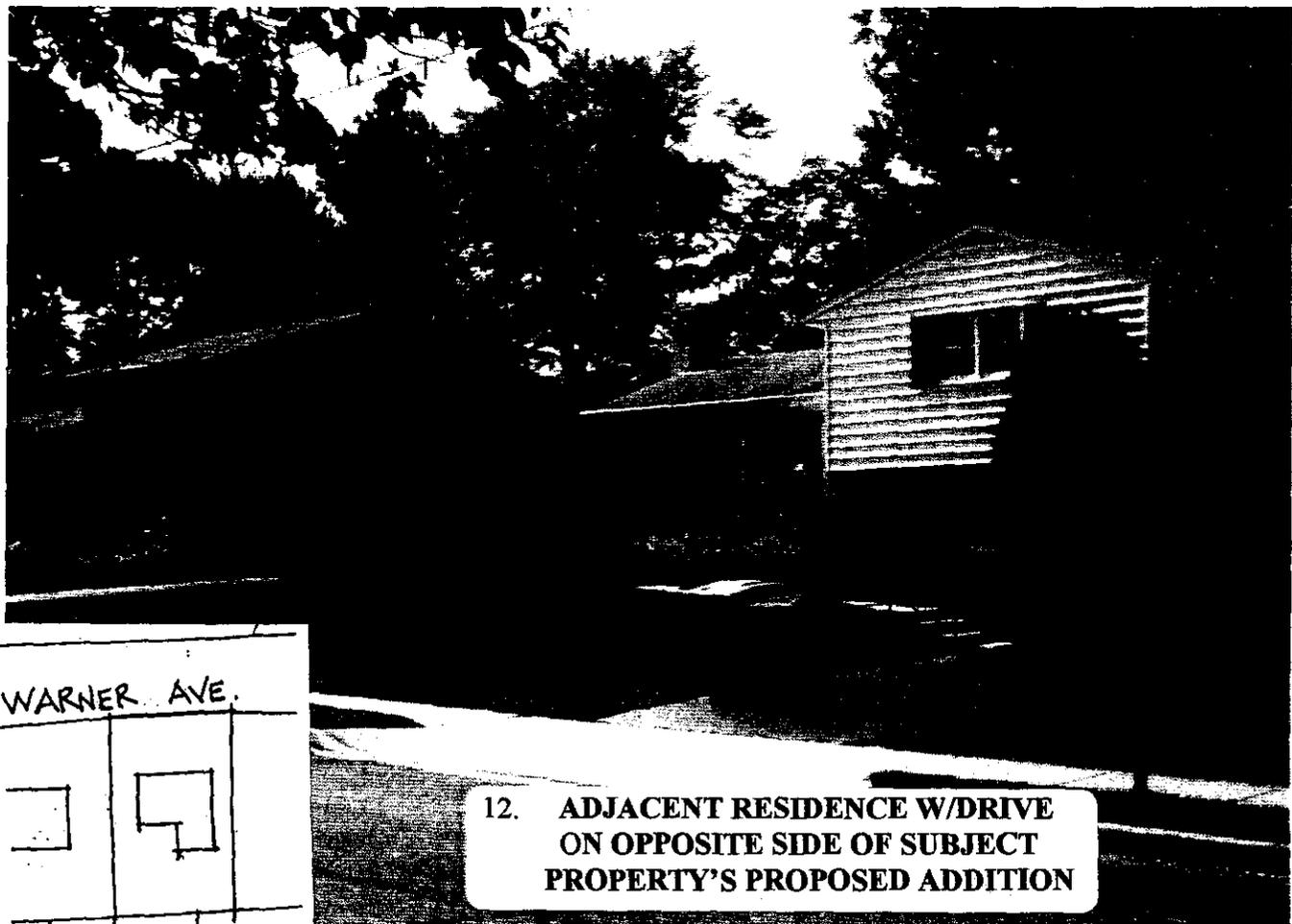
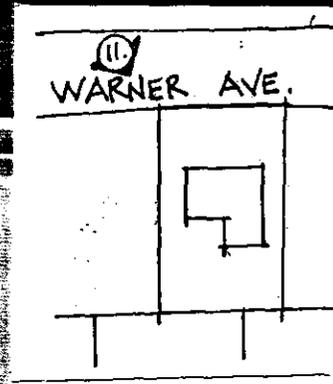
9. **LEFT SIDE YARD @ HOUSE**  
1708 WARNER AVE., MCGLEAN, VA 22101



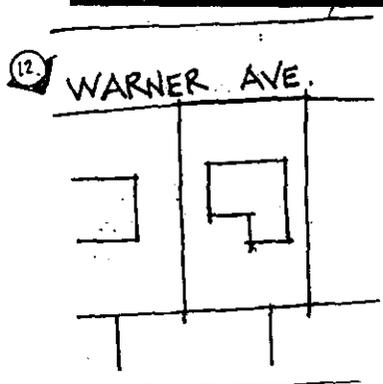
10. **REAR LEFT SIDE YARD**  
1708 WARNER AVE., MCGLEAN, VA 22101

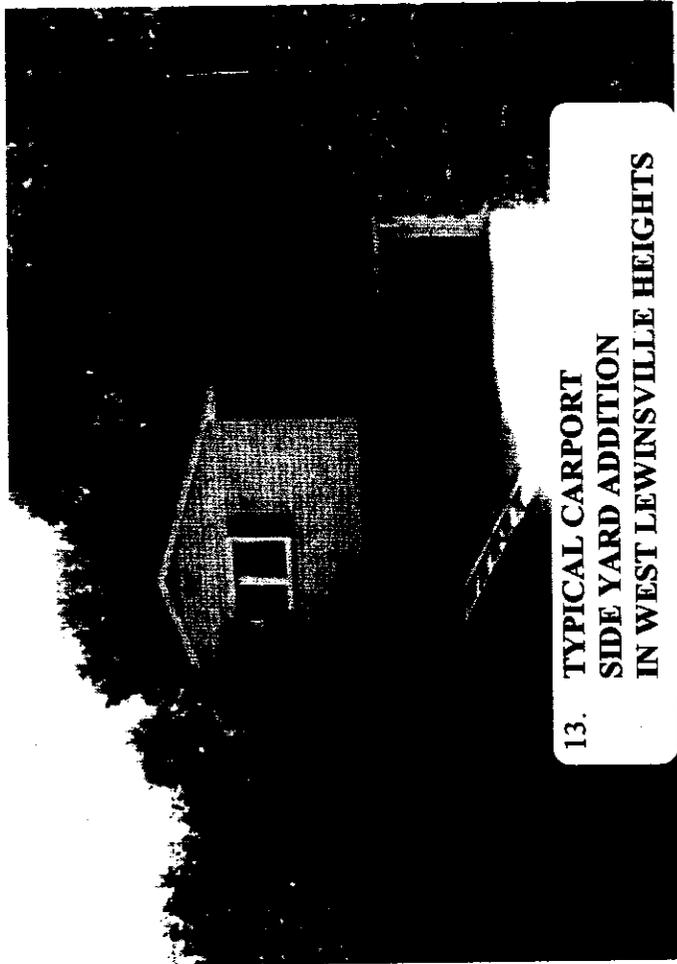


11. **RIGHT SIDE YARD**  
1708 WARNER AVE., McLEAN, VA 22101

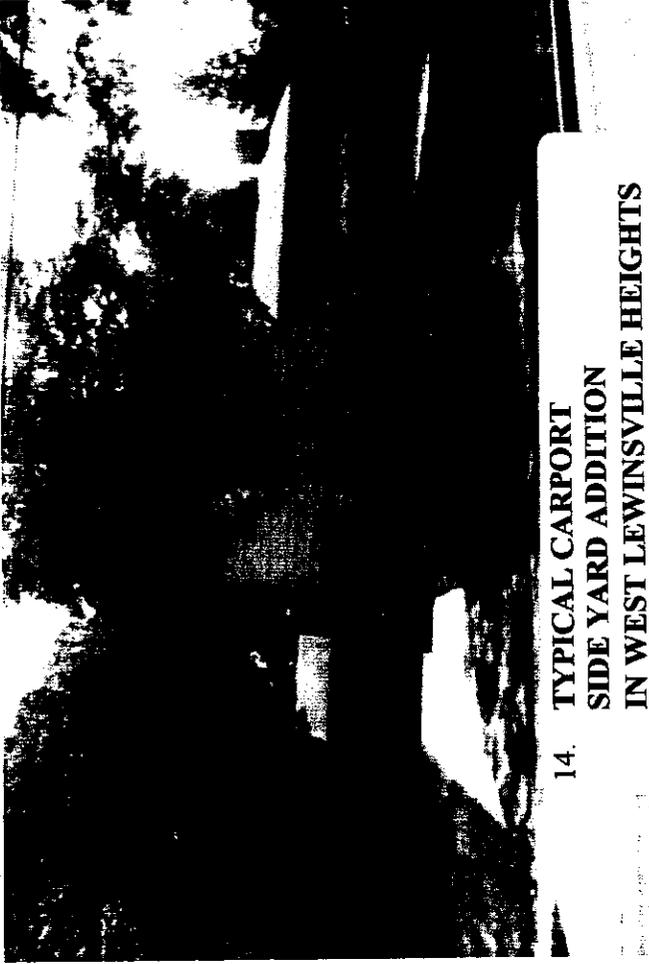


12. **ADJACENT RESIDENCE W/DRIVE  
ON OPPOSITE SIDE OF SUBJECT  
PROPERTY'S PROPOSED ADDITION**

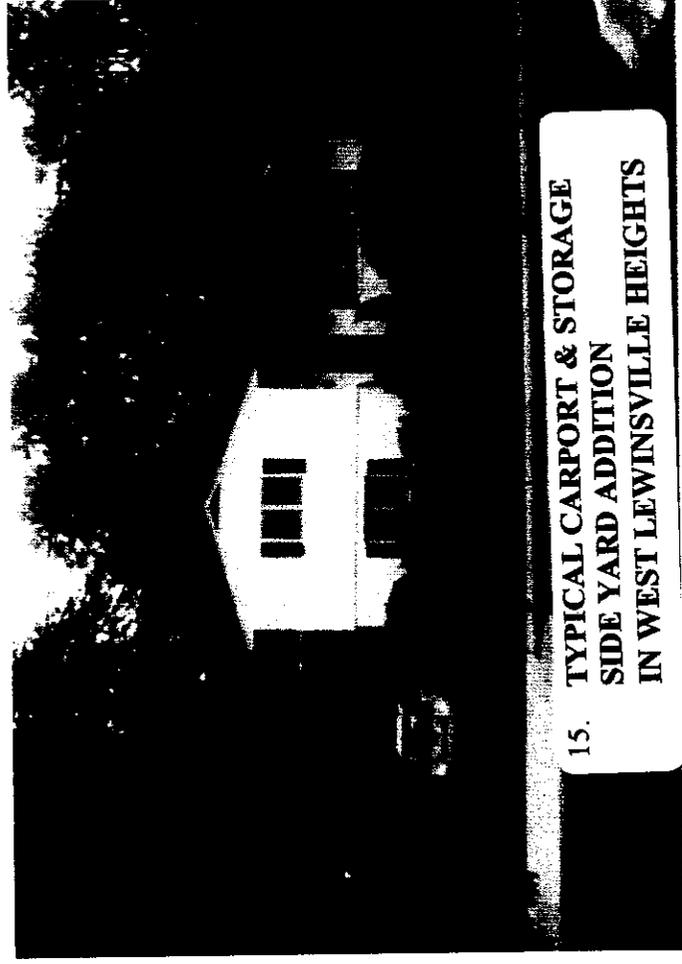




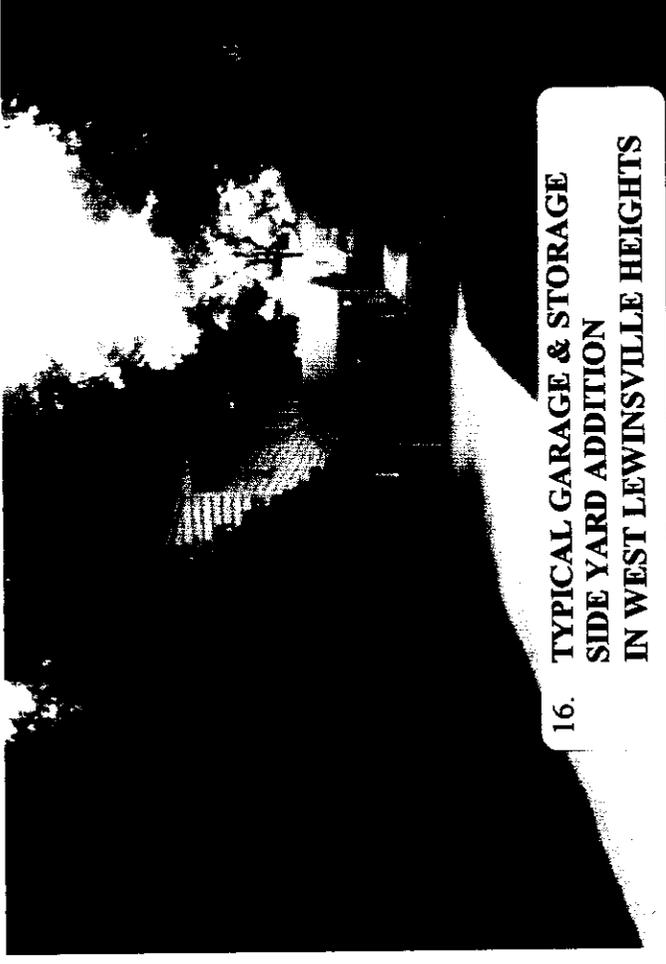
13. TYPICAL CARPORT  
SIDE YARD ADDITION  
IN WEST LEWINSVILLE HEIGHTS



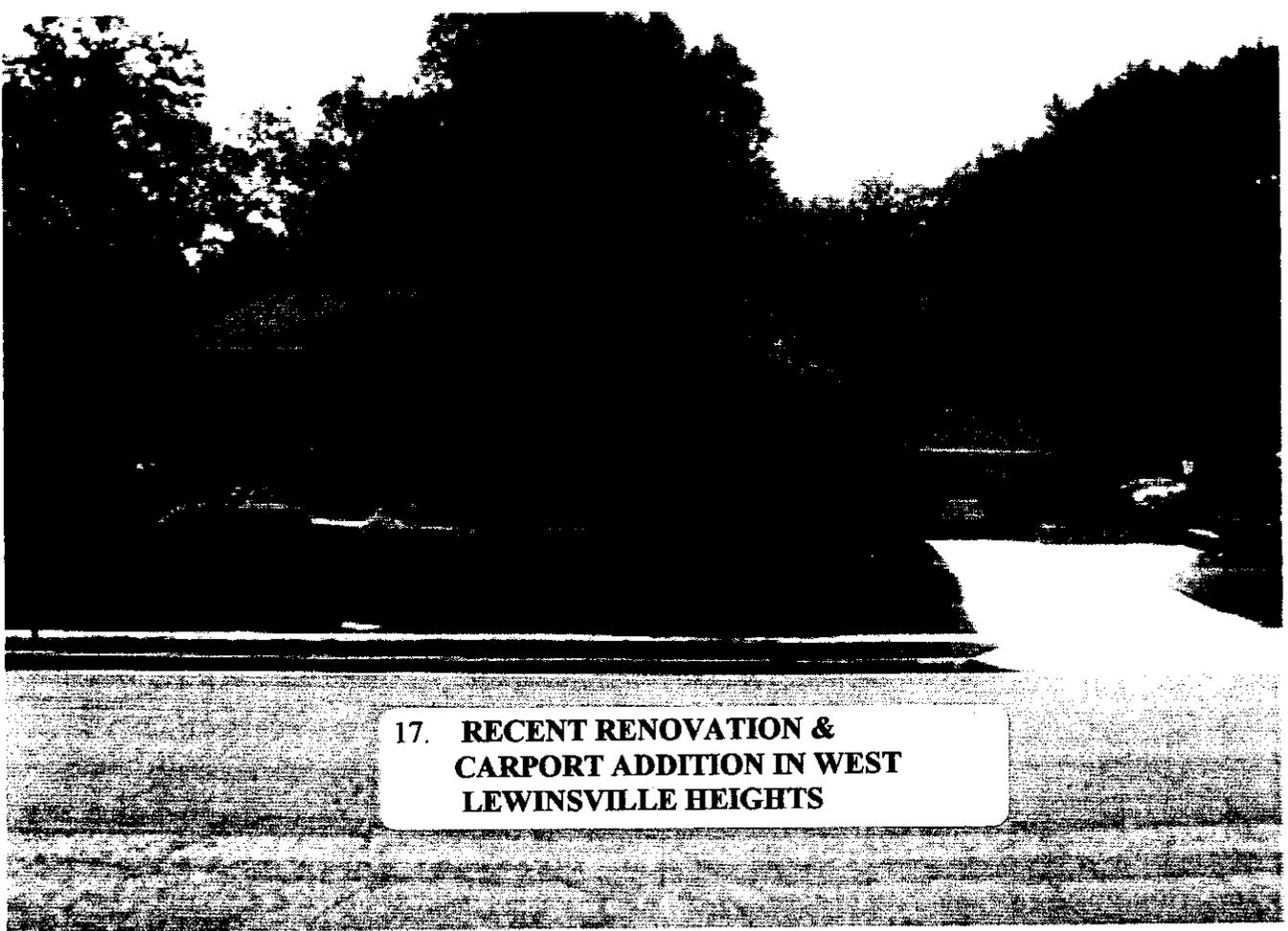
14. TYPICAL CARPORT  
SIDE YARD ADDITION  
IN WEST LEWINSVILLE HEIGHTS



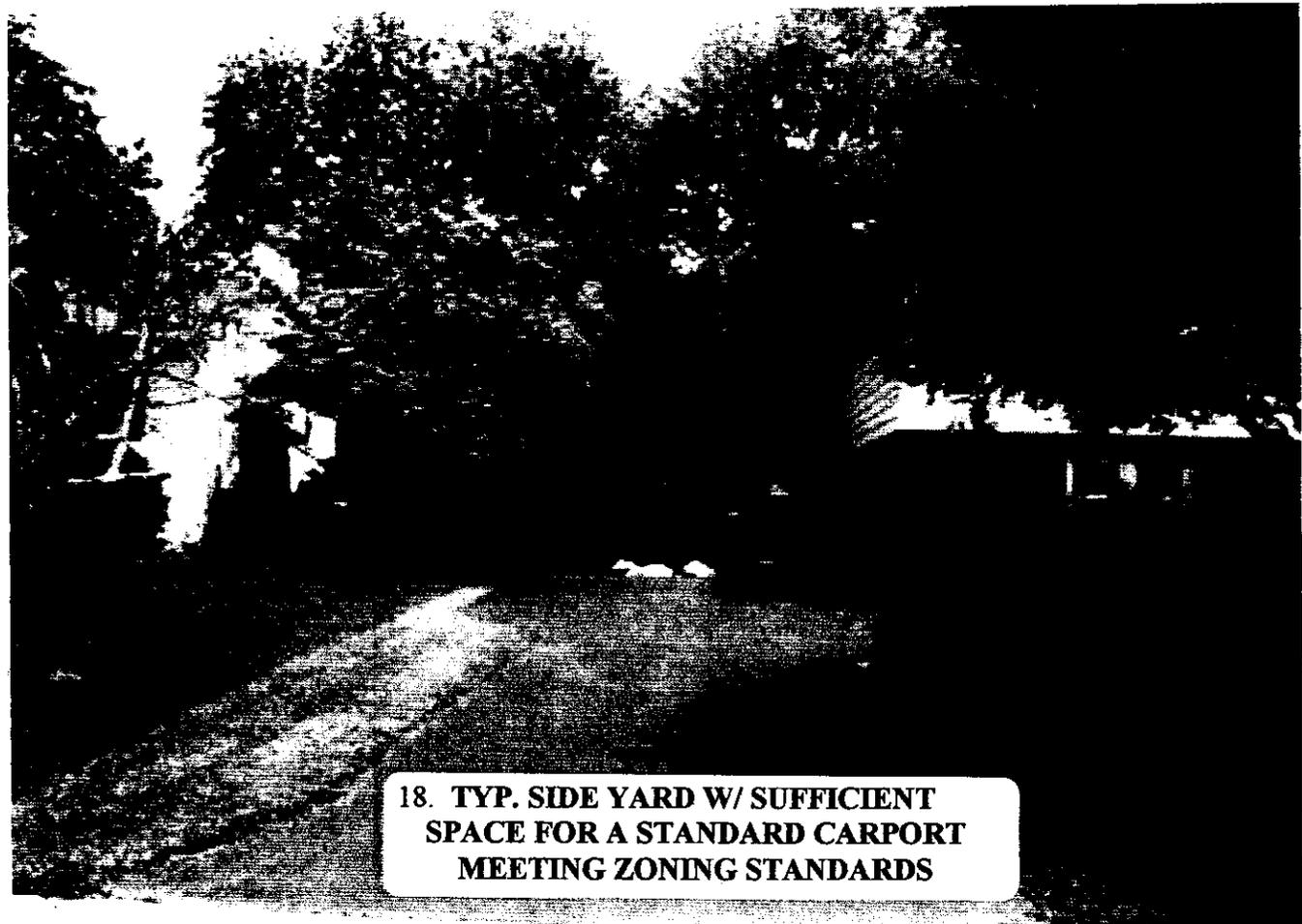
15. TYPICAL CARPORT & STORAGE  
SIDE YARD ADDITION  
IN WEST LEWINSVILLE HEIGHTS



16. TYPICAL GARAGE & STORAGE  
SIDE YARD ADDITION  
IN WEST LEWINSVILLE HEIGHTS



**17. RECENT RENOVATION &  
CARPORT ADDITION IN WEST  
LEWINSVILLE HEIGHTS**



**18. TYP. SIDE YARD W/ SUFFICIENT  
SPACE FOR A STANDARD CARPORT  
MEETING ZONING STANDARDS**



**DESCRIPTION OF THE APPLICATION**

The applicants are requesting approval of a special permit to allow a reduction of certain yard requirements to permit construction of a carport to be located 5 feet 1 inch from the eastern side lot line.

	Structure	Yard	Minimum By-right Yard with Permitted Extension	Proposed Location	Proposed Reduction	Minimum Yard Permitted per Section 8-922 Par. D	Percentage of Reduction Requested
Special Permit	Carport	Side (west)	7.0 feet*	5 feet 1 inch	1 foot 11 inches	4.5 feet**	24%

\*Minimum yard requirement per Section 3-307 with permitted extension for a carport per Section 2-412

\*\*Note:

The R-3 District requires a minimum side yard of 12.0 feet. Per Section 2-412 as noted above, a carport is permitted to extend an additional 5.0 feet which establishes a new side yard requirement of 7.0 feet. Paragraph D, Section 8-922 then provides that an applicant can request a 50% reduction to the permitted extension set forth in Section 2-412. The permitted extension is 5 feet, so a reduction of 2.5 feet may be requested under Section 8-922, which means that the applicant can request a reduction to as close as 4.5 feet from the side lot line (7.0 feet – 2.5 feet = 4.5 feet).

**EXISTING SITE DESCRIPTION**

The site is currently zoned R-3 and developed with a split-level brick and vinyl single family detached dwelling built in 1959. The lot consists of 10,758 square feet and is surrounded by other lots developed with single family detached dwellings. An addition and wood deck were constructed in 1991 and are located at the rear of the dwelling. A 6 foot high wood privacy fence surrounds the side and rear yards of the property. The property is accessed via an asphalt driveway from Warner Avenue which terminates at the dwelling. The lot is flat and contains existing mature trees and shrubs.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3	Single Family Detached Dwellings
<b>East</b>	R-3	Single Family Detached Dwellings
<b>South</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-3	Single Family Detached Dwellings

**BACKGROUND**

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

- Variance VC 2003-DR-17 was approved on February 11, 2004 for Tax Map 30-3 ((15)) 10, zoned R-3, at 1720 Baldwin Drive, to permit construction of addition 6.7 feet from side lot line and less than 200 feet from Dulles Airport Access Road.
- Variance VC 96-D-135 was approved on February 4, 1997 for Tax Map 30-3 ((10)) 13A, zoned R-3, at 1711 Great Falls Street, to permit construction of carport 2.7 feet from a side lot line.
- Variance VC 94-D-124 was approved on December 14, 1994 for Tax Map 30-3 ((12)) 18, zoned R-3, at 1713 Margie Drive, to permit construction of addition 6.8 feet from side lot line.
- Variance VC 91-D-008 was approved on April 10, 1991 for Tax Map 30-3 ((17)) 32A, zoned R-3, at 1730 Baldwin Drive, to allow construction of garage addition 6 feet from side lot line and 72.1 feet from the Dulles Airport Access Road.
- Variance VC 89-D-097 was approved on November 8, 1989 for Tax Map 30-3 ((17)) 10, zoned R-3, at 1731 Susquehannock Drive, to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 4.0 feet from side lot line.

**ANALYSIS**

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Gartside/Silverstein Residence, 1708 Warner Ave., McLean, VA 22101, Special Permit Plat

- **Prepared by:** J.A. Burton Architecture, Inc., dated September 1, 2010 as revised and signed through October 27, 2010

**Proposal:**

The applicants propose to construct a carport 5 feet 1 inch from the western side lot line. A minimum side yard of 7.0 feet is required for a carport in the R-3 Zoning district. The applicants propose other by-right construction on the site to include a covered front porch, a second story addition above a portion of the carport, an expansion of an existing wood deck and an accessory structure (trash enclosure) all within the required yards.

**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 is General Standards 3.

*General Standard 3* requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of the open carport addition will not adversely affect the use or development of neighboring properties since many of the surrounding properties have carports or garages on their homes and the request as proposed is modest in size and scale. Therefore, staff believes this standard has been met.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 4 relates to gross floor area, which does not apply for open structures. 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 6, 7, 8, and 9.

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed open carport structure will be compatible with the architecture and proposed renovations of the existing dwelling on the lot. Therefore, the proposed carport will be in character with existing on-site development and 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 applicants propose to construct an open carport structure at the end of their existing driveway to accommodate the storage of their household vehicle. As noted in the applicant's statement of justification, a majority of the homes within the neighborhood currently have either an open carport or garages, some of which were approved through variance applications. Staff believes the carport will be harmonious with surrounding off-site uses, with adoption of the proposed development conditions, and meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that an open carport, approximately 314 square feet in size, constructed 5 feet 1 inch from the side lot will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety, as it is proposed to maintain three open sides and will be placed at the end of the applicants existing driveway. Staff believes the request is modest and will not increase runoff or erosion significantly. Staff believes that the application meets this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The request to construct a one-car open carport is shown in the most logical location, as it will be placed where the existing driveway currently terminates and will provide a covered side access into the existing dwelling. Additionally, constructing the carport on the western side of the dwelling will preserve an existing evergreen tree located in the eastern side yard. As noted in a memorandum received from the Forest Conservation Branch, dated*

*December 22, 2010, attached as Appendix 4, the applicants have committed to preserve an existing 30 inch diameter red maple tree located at the rear of the dwelling during the by-right expansion of the existing deck. The applicant's agent has been informed that care should be taken to protect the critical root zone of the tree if additional support posts are required for the deck expansion. No vegetation is proposed to be removed to construct the carport. The lot is relatively narrow given that the minimum lot width in this district is 80 feet for an interior lot, and this site is approximately 78 feet wide. Staff believes the application meets this provision. Other issues of well, floodplains and/or Resource Protection Areas are not applicable to this site.*

## **CONCLUSION**

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

## **RECOMMENDATION**

Staff recommends approval of SP 2010-DR-065 for an open carport structure with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the 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.

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. Memorandum dated December 22, 2010, Forest Conservation Branch
5. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2010-DR-065****January 26, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-DR-065 located at Tax Map 30-3 ((10)) 40 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. This special permit is approved for the location and size of a carport as shown on the plat prepared by J.A. Burton Architecture, Inc., dated September 1, 2010, as revised and signed through October 27, 2010, as submitted with this application and is not transferable to other land.
2. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
3. A building permit for the carport shall be obtained prior to construction and final inspections shall be obtained and approved.

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.

**J.A. BURTON**  
 ARCHITECTURE, INC.  
 7181 WOLFTRAP COURT, WESTVA, VIRGINIA 22182-5190 TEL: (703) 271-0021

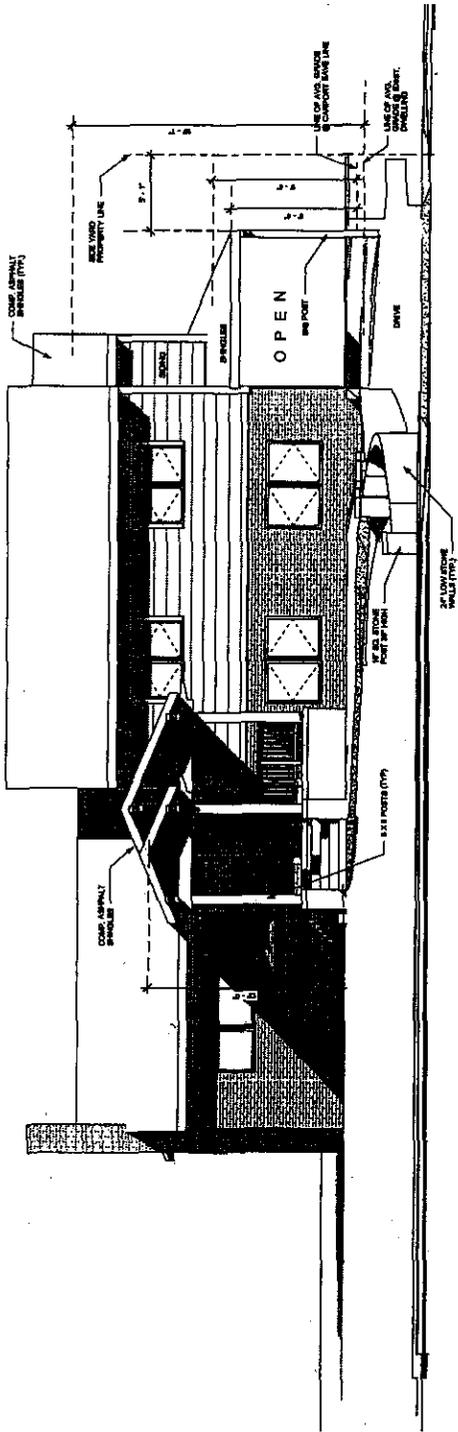
Garside / Silverstein Residence Renovations  
 1708 WINTER AVE., MADISON, VA 22101  
 Front & Rear Elevations

COMPLANING

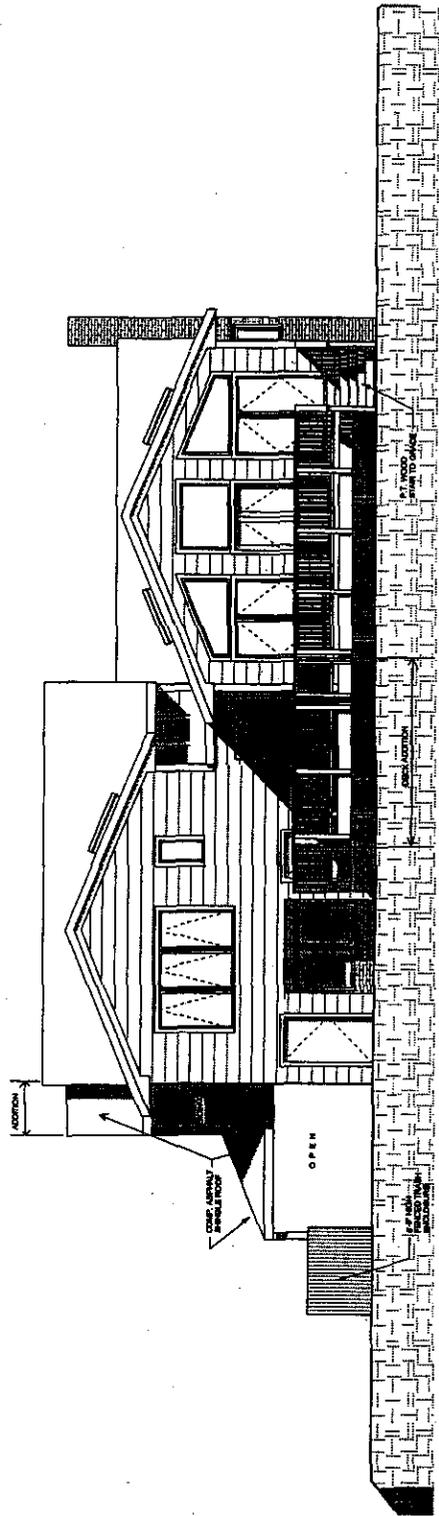
NO. OF SHEETS	2
SHEET NO.	SP-02
DATE	10/11/10
PROJECT	GARSIDE / SILVERSTEIN RESIDENCE RENOVATIONS
CLIENT	DAVID & JILL SILVERSTEIN
ARCHITECT	J.A. BURTON ARCHITECTURE, INC.

NO. OF SHEETS	2
SHEET NO.	SP-02
DATE	10/11/10
PROJECT	GARSIDE / SILVERSTEIN RESIDENCE RENOVATIONS
CLIENT	DAVID & JILL SILVERSTEIN
ARCHITECT	J.A. BURTON ARCHITECTURE, INC.

SP-02



① Front Elevation  
 1/8" = 1'-0"



② Rear Elevation  
 1/8" = 1'-0"



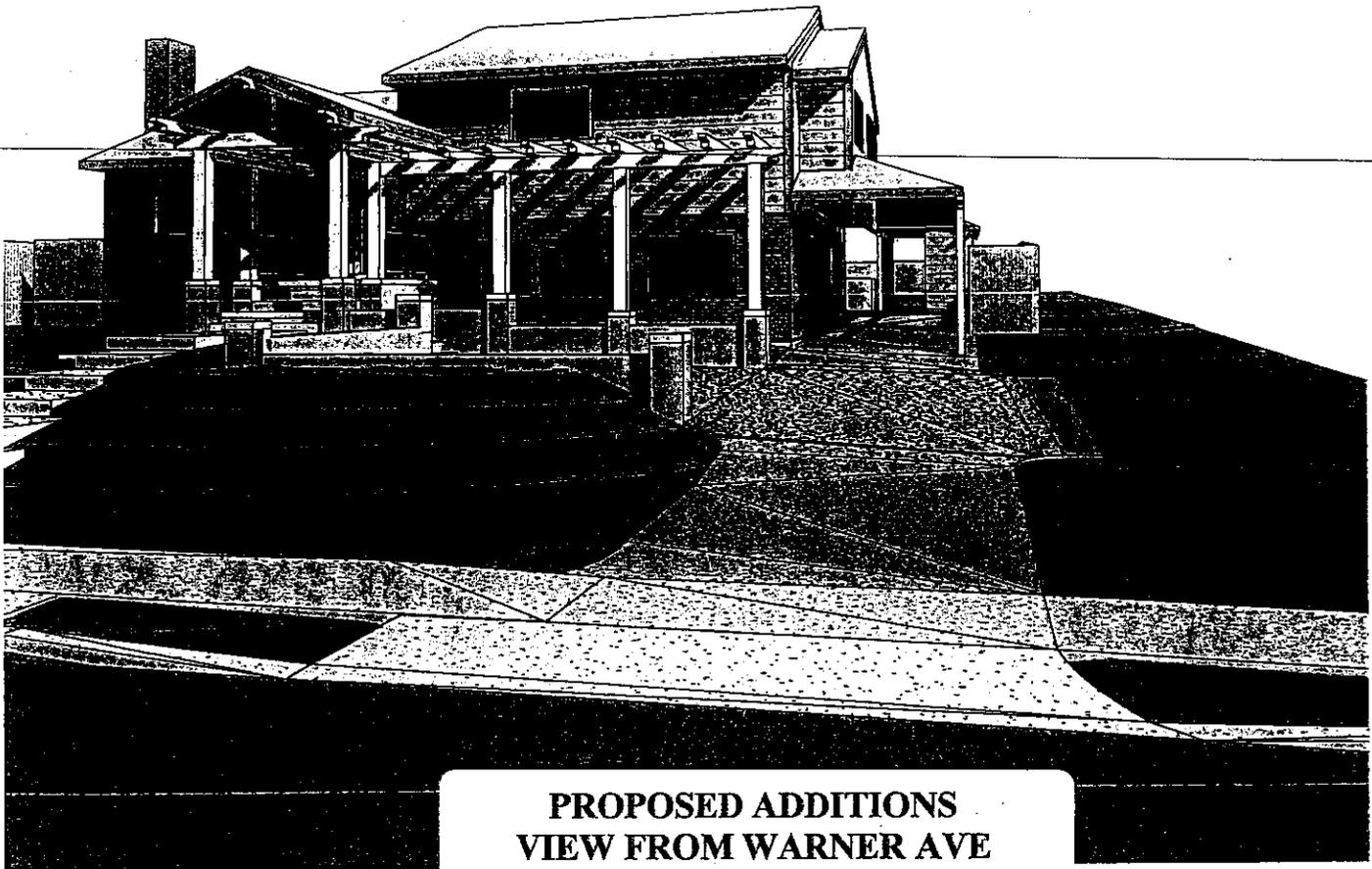
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**APPLICATION FOR A SPECIAL PERMIT**

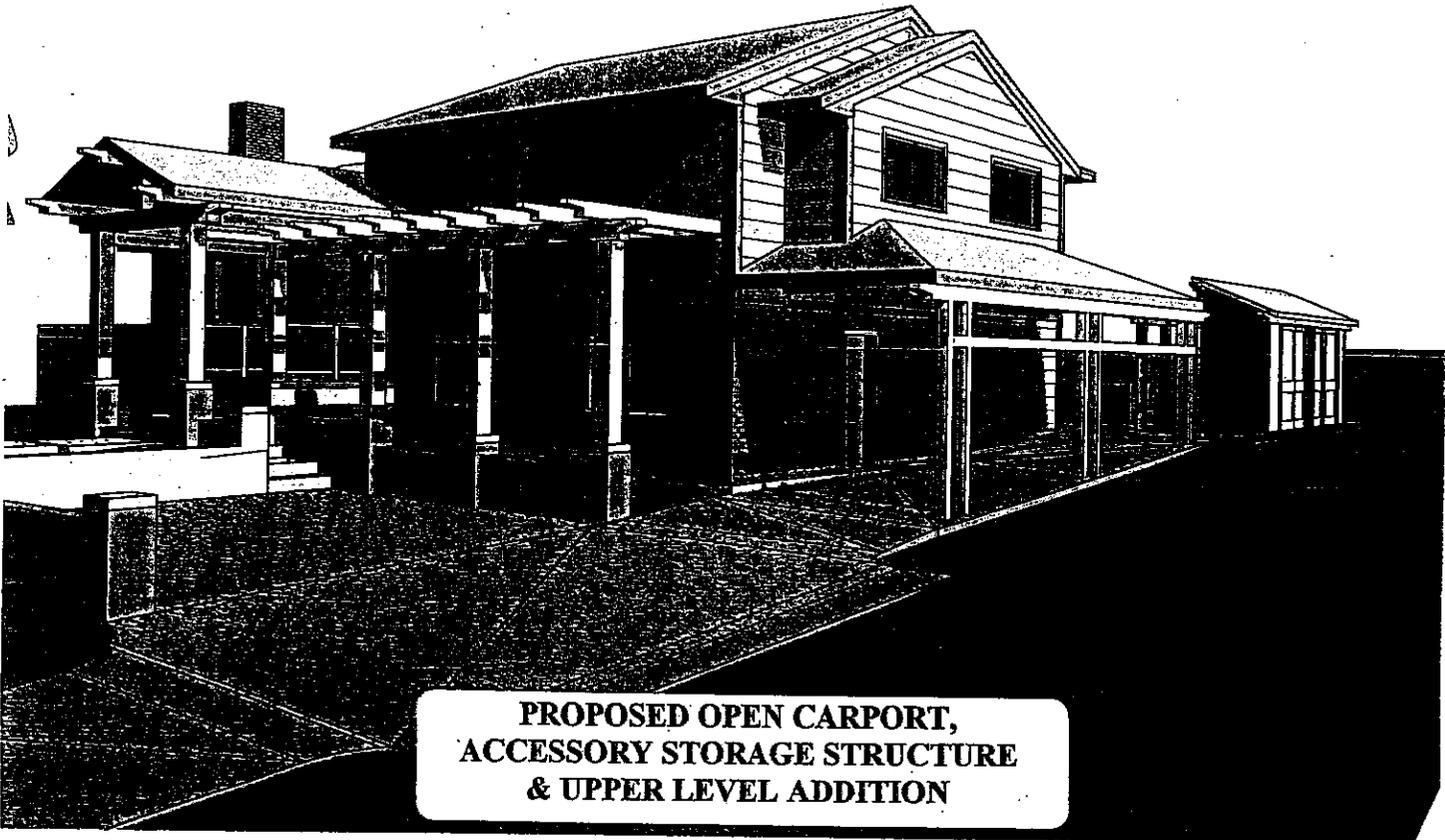
**Michael A. Silverstein  
Roberta L. Gartside  
1708 Warner Ave.  
McLean, Virginia 22101**



**September 7, 2010**



**PROPOSED ADDITIONS  
VIEW FROM WARNER AVE**



**PROPOSED OPEN CARPORT,  
ACCESSORY STORAGE STRUCTURE  
& UPPER LEVEL ADDITION**

Application No.(s): SP 2010-DK-065  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 8, 2010  
 (enter date affidavit is notarized)

I, Joe A. Burton, 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      110026a

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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Michael A. Silverstein	1708 Warner Ave., McLean, Virginia 22101	<b>APPLICANT TITLE OWNER</b>
Roberta L. Gartside	1708 Warner Ave., McLean, Virginia 22101	<b>APPLICANT TITLE OWNER</b>
J.A. Burton Architecture, Inc.	2181 Wolfrap Court, Vienna, Virginia 22182	<b>AGENT</b>
Joe A. Burton	2181 Wolfrap Court, Vienna, Virginia 22182	<b>AGENT</b>

(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-DR-065  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 8, 2010  
(enter date affidavit is notarized)

110026a

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)

J.A. Burton Architecture, Inc.  
2181 Wolfrap Court  
Vienna, Virginia 22182

**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)

Joe A. Burton

(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-DK-065  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 8, 2010  
(enter date affidavit is notarized)

110026a

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-JR-065  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 8, 2010  
(enter date affidavit is notarized)

110026a

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-DR-065  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 8, 2010  
(enter date affidavit is notarized)

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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 [Signature] [X] Applicant's Authorized Agent

Joe A. Burton - Agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 8th day of December 2010, in the State/Comm. of Virginia, County/City of Falls Church

Candice R Cole  
Notary Public

My commission expires: August 31, 2013

Candice Cole  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. # 307562  
My Commission Expires 8/31/2013

OCT 27 2010

Zoning Evaluation Division

## PROPOSED ADDITIONS THAT MEET APPLICABLE REGULATIONS

As shown on the above referenced plat, other proposed additions that will conform to the provisions of all applicable ordinances and regulations include the following:

1. A proposed covered front porch. This addition is to be constructed without extending into the minimum required front yard of 30'-0". The roof eave overhang will be 16" and will comply with Section 2-412.1 Paragraph A of the zoning ordinance.
2. A proposed driveway in the front of the property that will be surfaced with architectural pavers. This area will be open to the sky and edged with low stone masonry walls that will be 24" or lower above finished grade. The parking area will comply with Section 11-102.8 Paragraph A. The resulting total area of the driveway and parking surfaces in this proposal will not exceed 30% of the front yard. Refer to the area calculation Note No. 3 shown on the Special Permit Plat submitted with this application.
3. A proposed 77 sq.ft. addition to the west side of the upper level of the residence and a proposed 32 sq.ft. storage closet addition on the main (deck) level. Both of these additions will not extend into the minimum required side yard or minimum required rear yard respectively. The gross floor area of these two additions to the existing principal structure represents 4% of the existing residence gross area. Refer to area calculation Note No. 1 shown on the Special Permit Plat submitted with this application.
4. A proposed extension and remodeling of the existing rear deck which will consist of a 120 sq.ft. deck addition and two (2) sets of pressure treated wood stairs leading to grade. The proposed additions will comply with Section 2-412.2 Paragraph A. Refer to Note No. 4 shown on the Special Permit Plat submitted with this application.

## ARCHITECTURAL STYLE

All of the proposed additions will be designed in Bungalow craftsman style which emphasizes the ways in which various wood elements frame the house, exposing rafters, joists and bracing. The layout and openness of the additions are intended to create a welcoming image to visitors, easy access to the yard, and encourage outdoor living. The materials, scale, character and well crafted details of the finished additions will relate well to the existing and recently upgraded homes in the neighborhood.

SEP 07 2010

Zoning Evaluation Division

## **SPECIAL PERMIT STATEMENT OF JUSTIFICATION**

**1708 Warner Ave. - McLean, Virginia 22101**

### **PROPERTY DESCRIPTION & HISTORY**

The subject property of this special permit application is a single family detached home in an R-3 zoning district located in West Lewinsville Heights in the Fairfax County Dranesville District on a lot with 10,758 sq.ft. of area. The home was built in 1959 and complied with all standards and minimum yard requirements in effect at that time. The home is a split level design (with brick on the lower and middle level and horizontal siding on the upper level) typical for the majority of the 90 homes in West Lewinsville Heights. This house has been constructed on one of the smaller and narrower interior lots of the subdivision. The R-3 zone standards call for an 80 ft. minimum lot width and a minimum lot area of 10,500 sq.ft. 1708 Warner Ave. (Lot 40) has a lot width of 78.39 ft.

### **OWNER OCCUPANTS & PROPOSED ADDITIONS**

The Owners of the subject property are Michael A. Silverstein and Roberta L. Gartside as evidenced by their certified statement in Section G of this application and by the certified copy of the current Deed Book and Page for the property contained in Section I of this application. The home is currently occupied by the Owners and their immediate family. A majority of the homes in their residential community of West Lewinsville heights have undergone various upgrades, additions, and remodeling over the years and the Owners wish to improve their home as well with new proposed small additions.

The proposed additions have been delineated on Special Permit Plat SP-01 prepared by J.A. Burton Architecture, Inc. and dated 9-01-10. The total area of land disturbing activity on the entire application property is less than 2500 sq. ft.

### **ADDITION SUBJECT TO SPECIAL PERMIT**

All of the proposed additions shown in the above referenced plat conform to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions with the exception of a 314 sq.ft. open carport proposed to be constructed on the west side of the residence.

The purpose of this special permit application is to request a reduction of the side yard requirement as specified in Section 8-922.1, Paragraph D of the Fairfax County Zoning Ordinance to allow construction of the proposed open carport structure.

Section 2-412.1, Paragraph E states that carports may extend five (5) feet into any minimum required side yard, but not closer than five (5) feet to any side lot line. The proposed open carport is to be constructed 5'-1" from the side lot line.

This side was chosen because the Warner Ave. curb cut and the asphalt driveway already exist on this side of the property and there is direct access to the lower level of the house at the proposed location. On the opposite side of the house there is no access to the home and a 75 foot tall evergreen tree would have to be removed to install a new driveway and place the carport on that side of the house. As shown in the photograph No.12 of Section E in this application, the neighbor immediately adjacent to the proposed carport has a driveway and curb cut on the opposite side their house which means that the area next to the proposed garage will remain as open landscaped space.

In this situation the existing side yard of the subject property measures 15'-7" from the lot line to the dwelling. The required side yard distance for the R-3 zone is 12'-0". Without a special permit a carport can extend 5'-0" into the required side yard (Section 2-412) which would allow a carport with a width of only 8'-7" which would have to include the dimension of the structural posts (5 1/2") resulting in an 8'-2 1/2" wide carport.

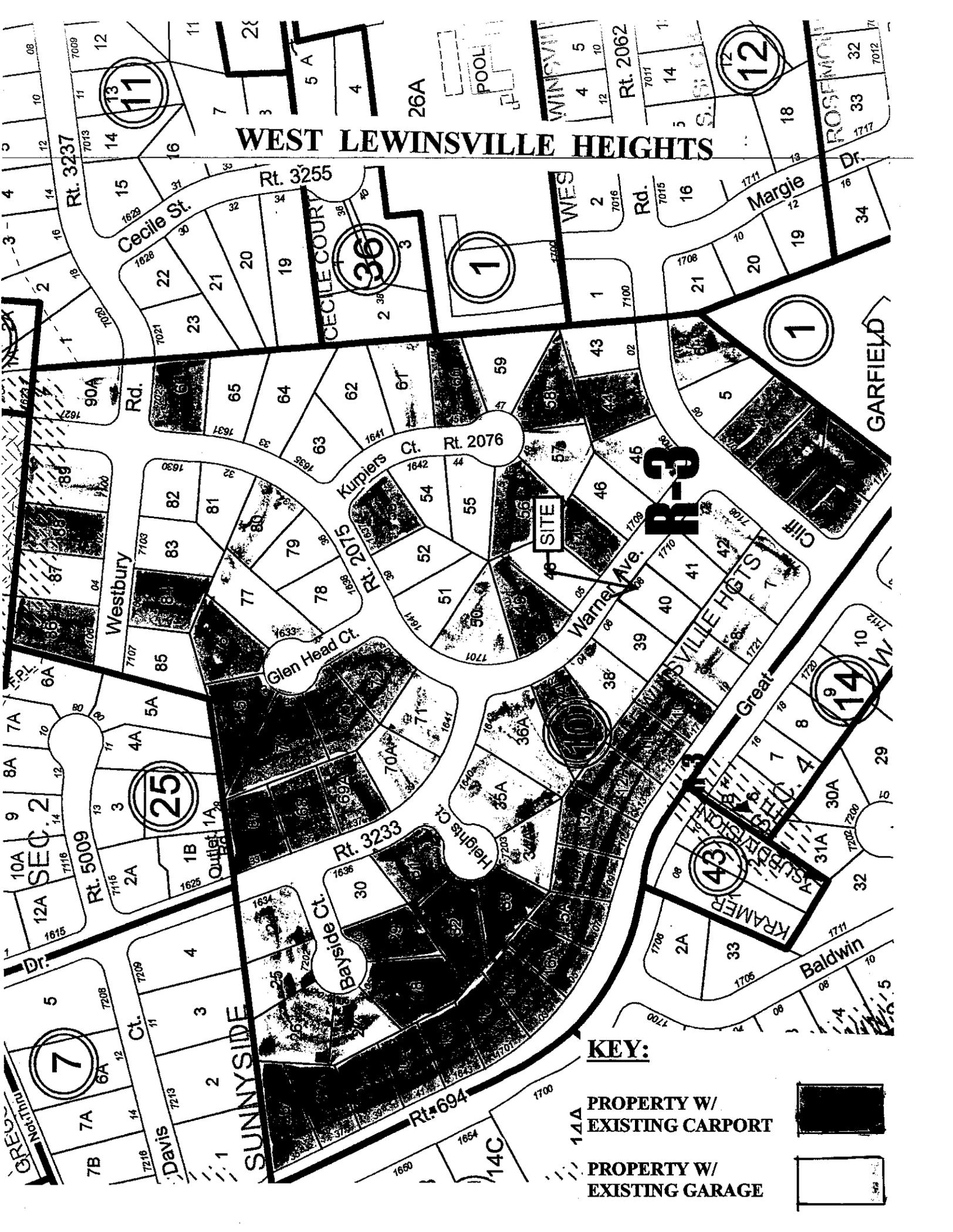
According to the American Institute of Architects Graphic Standards the recommended width for a residential single car carport (allowing for the car and reasonable door access clearance) is a minimum of 11'-8" for a standard car and 11'-3" for a "compact" car. Most single car carports and garages average approximately 11'-0" to 14'-0" wide. The proposed carport width in this application is 10'-6" (including structural posts). By limiting the carport to this minimum width, the side yard set back to the eave line of the carport structure will be maintained at 5'-1". The resulting carport will be limited to access to/from the car from one side only. This arrangement therefore represents the minimum amount of side yard reduction necessary to accommodate a workable carport.

The proposed single car carport will be constructed completely open on three sides with painted 6x6 structural posts that will align with the roof eave. The sloped roof will attach to the existing side wall of the house. The slope of the roof (5/12) and the composition shingles will match those of the existing residence. The height of the carport will be approximately 1/2 that of the existing residence (9'-8" vs. 20'-4") with a floor area that represents less than 12% of the main residence square footage. The proposed carport will be of similar height and scale of typical carport and garage structures that currently exist in West Lewinsville Heights. Refer to photographs No. 13-16 of Section E in this application.

## **CARPORTS & GARAGES IN THE NEIGHBORHOOD**

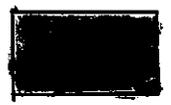
The subject property is one of the few residences in West Lewinsville Heights that do not currently have the benefit of a carport or garage. A survey of the 90 homes in West Lewinsville Heights shows that a majority of the residences have either a carport or garage on their property. The existing distribution of carports and garages is shown on the subdivision map in Section D of this application. Survey results show that 67 homes (74.5%) have carports or garages. Of the 23 lots that do not have carports or garages it would appear that over 1/2 of those homes are on larger lots than Lot 40 and would likely accommodate a carport or garage meeting current standards. Refer to photograph No. 18 of Section E in this application.

# WEST LEWINSVILLE HEIGHTS



**KEY:**

11A PROPERTY W/  
EXISTING CARPORT



PROPERTY W/  
EXISTING GARAGE





## County of Fairfax, Virginia

## MEMORANDUM

December 22, 2010

RECEIVED  
Department of Planning & Zoning**TO:** Ms. Debbie Hedrick, Staff Coordinator  
Zoning Evaluation Division, DPZ

JAN 04 2011

**FROM:** Craig Herwig, Urban Forester *CSH*  
Forest Conservation Branch, DPWES

Zoning Evaluation Division

**SUBJECT:** West Lewinsville Heights Sec. 2 Lot 40 (1708 Warner Ave.), SP 2010-DR-065**RE:** Request for assistance dated December 8, 2010

This review is based upon the Special Permit Application and Special Permit Plat stamped "Received, Department of Planning and Zoning, October 27, 2010. A site visit was conducted on December 21, 2010.

1. **Comment:** There is an existing 30-inch diameter red maple tree that appears to be in good condition behind the existing wood deck, at the rear of the house, near the proposed deck expansion that should be considered a priority for preservation.

**Recommendation:** The 30-inch diameter red maple tree at the rear of the house should be protected during the expansion of the deck. Care should be taken to protect the critical root zone of the tree if additional support posts are required for the deck expansion.

Please feel free to contact me at 703-324-1770 if you have any questions or concerns.

CSH/  
UFMID #: 157001

cc: RA File  
DPZ File

### **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.