



County of Fairfax, Virginia

February 2, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-DR-069

DRANESVILLE DISTRICT

APPLICANTS/OWNERS: John B. Magee
Renee L. Magee

STREET ADDRESS: 1454 Hawks Nest Court

SUBDIVISION: Hastings Hunt

TAX MAP REFERENCE: 10-2 ((14)) 205

LOT SIZE: 8,883 square feet

ZONING DISTRICT: R-3 (Cluster)

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 15.0 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-DR-069 for an addition 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.

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.

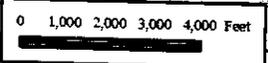
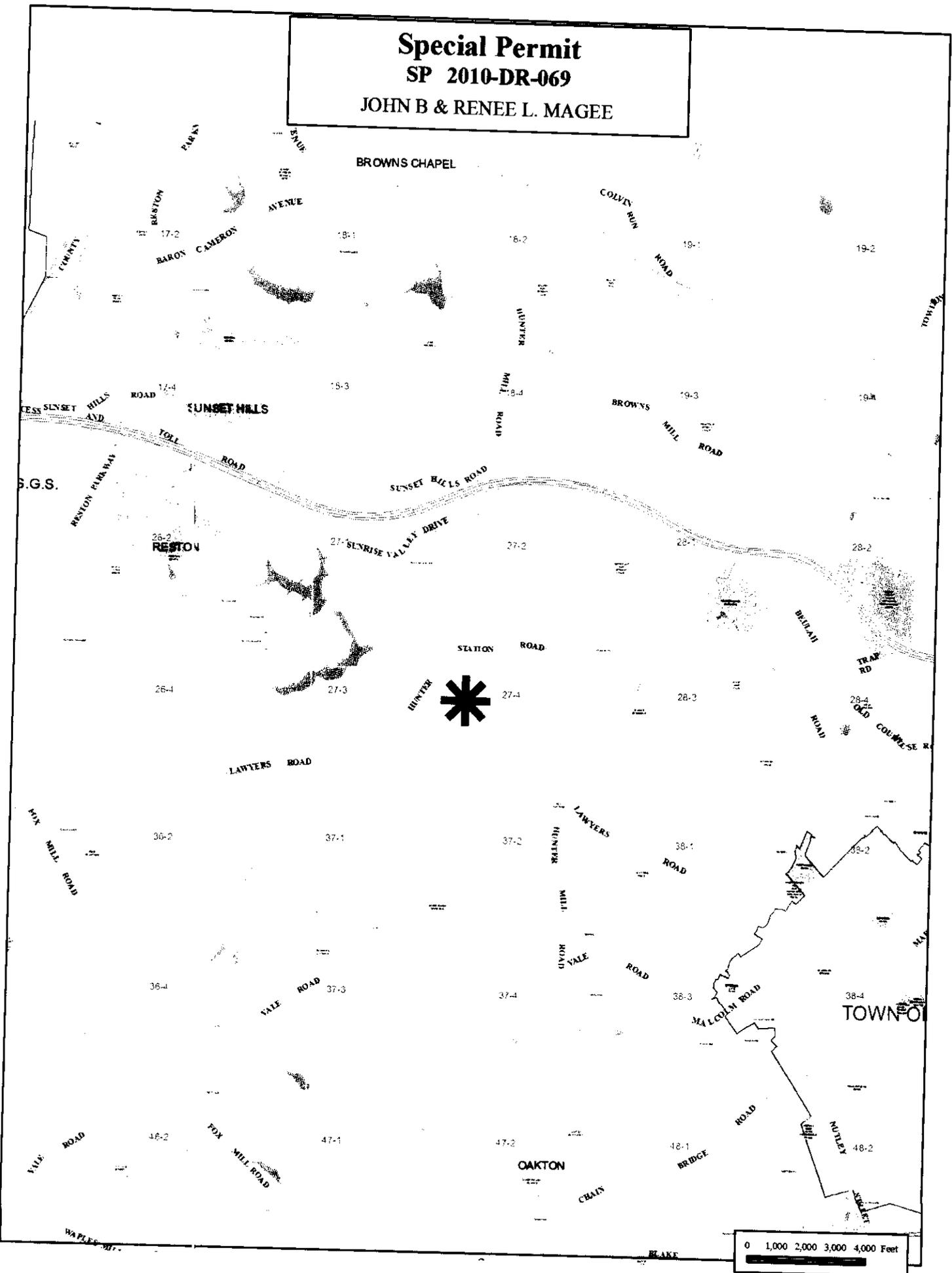
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

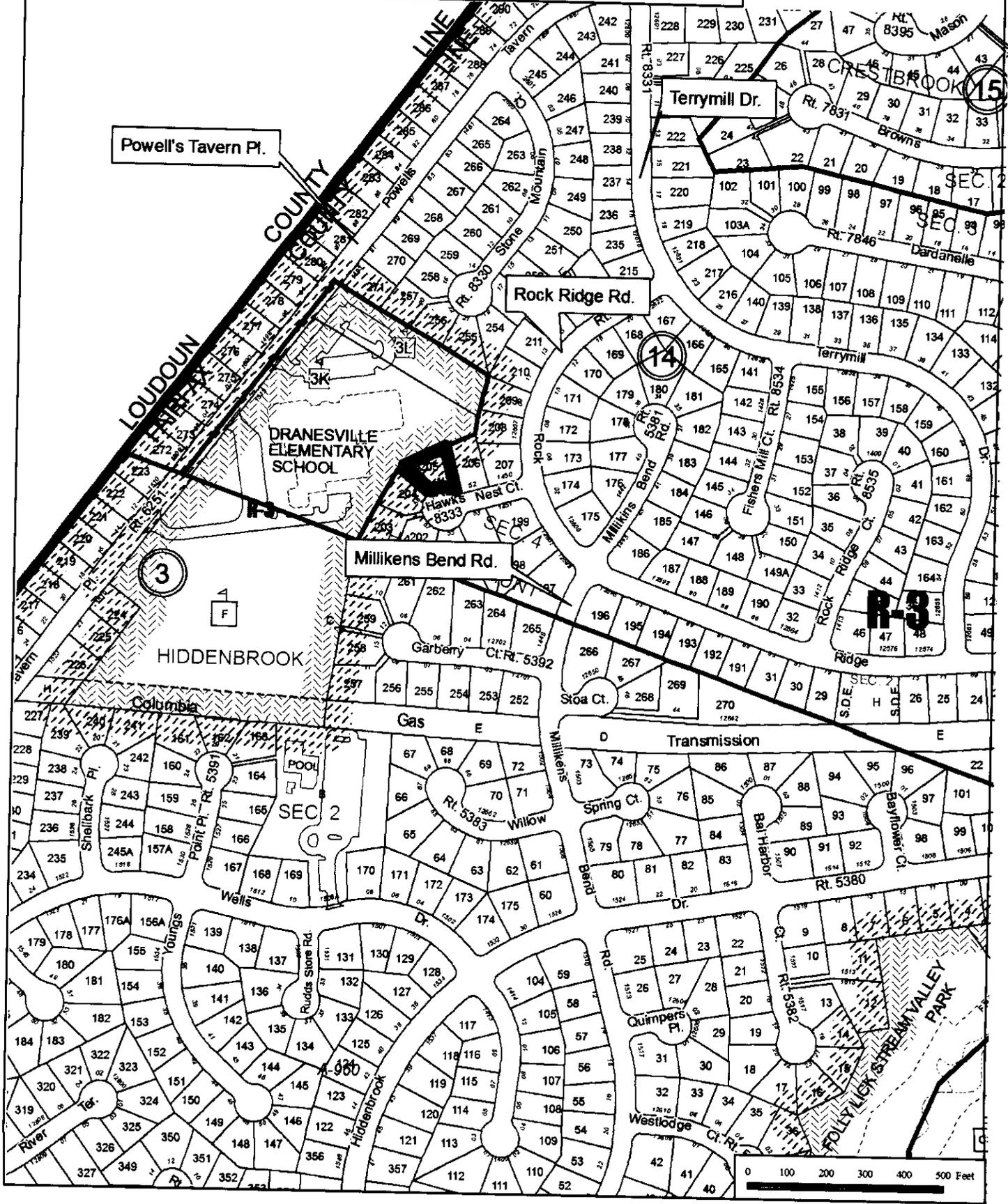


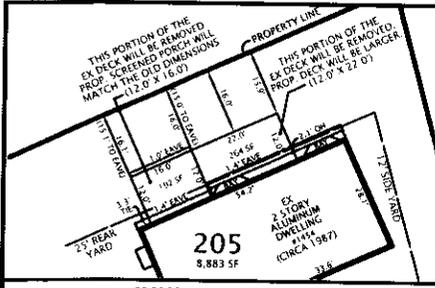
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2010-DR-069
JOHN B & RENEE L. MAGEE

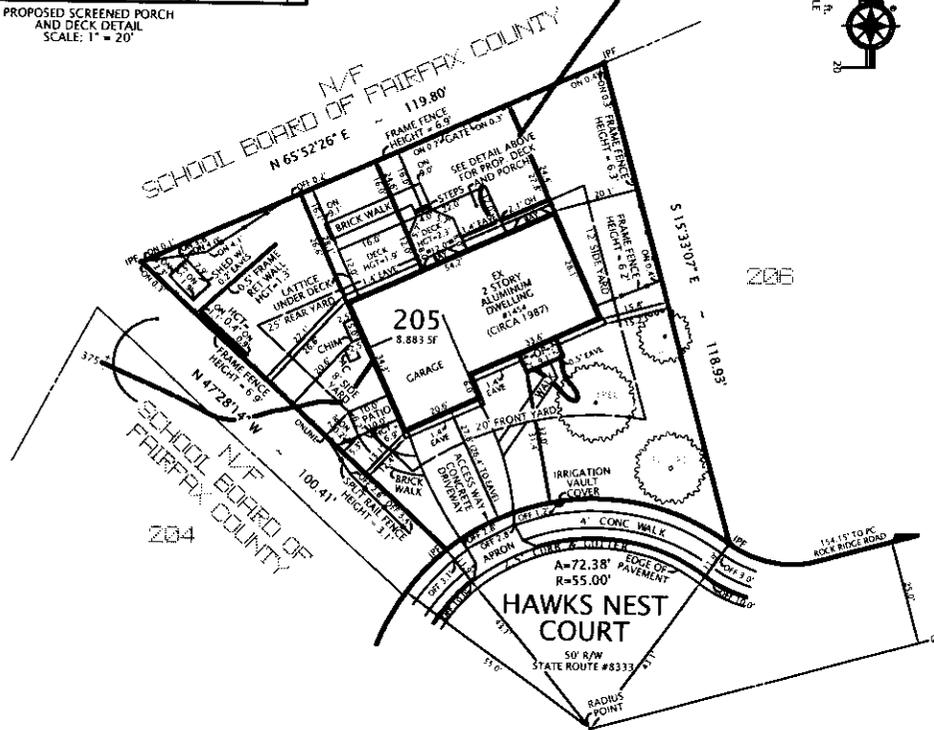


Special Permit
SP 2010-DR-069
JOHN B & RENEE L. MAGEE





PROPOSED SCREENED PORCH AND DECK DETAIL SCALE: 1" = 20'



- NOTES
- TAX MAP: 10-2-14-0205
 - ZONE: R-3C (R-3 w/CLUSTER DEV)
 - LOT AREA: 8,883 SQUARE FEET (0.2039 ACRE)
 - REQUIRED YARDS:

FRONT:	=	20.0 FEET
SIDE:	=	8.0 FOOT MIN. BU! A TOTAL OF 20.0'
REAR:	=	25.0 FEET
 - HEIGHTS:

DWELLING	=	25.0 FEET
SHED	=	07.0 FEET
PROP SCREENED PORCH	=	13.9 FEET (TOTAL)
PROP DECK	=	02.3 FEET
EX DECKS	=	AS NOTED
FENCES	=	AS NOTED

 (FENCE HEIGHTS ARE TAKEN TO THE TOP OF POST; THE HIGHEST POSSIBLE MEASUREMENT.)
 - THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 - 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 FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY. THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 515525 0050 D REVISED MARCH 5, 1990.
 - AREAS

EX BASEMENT	=	944 SF
EX FIRST FLOOR	=	1684 SF
EX SECOND FLOOR	=	1255 SF
EX GROSS FLOOR AREA	=	3883 SF

 EX FLOOR AREA RATIO = EX GFA (3883) / LOT AREA (8883) = 0.44
 - UTILITIES ARE UNDERGROUND.

PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 205, SECTION 4
HASTINGS HUNT
 (DEED BOOK 6668, PAGE 640)
 FAIRFAX COUNTY, VIRGINIA
 DRANESVILLE DISTRICT
 SCALE: 1" = 20' SEPTEMBER 22, 2010
 NOVEMBER 09, 2010 (FNC HGTS)



FRONT OF DWELLING

REAR OF DWELLING

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:		ORDERED BY: JOHN B. MAGEE RENEE MAGEE
THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.		8808-H PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309 703-619-6555 FAX: 703-799-6412

NOTES

1. TAX MAP: 10-2-14-0205
2. ZONE: R-3C (R-3 w/CLUSTER DEV)
3. LOT AREA: 8,883 SQUARE FEET (0.2039 ACRE)
4. REQUIRED YARDS:

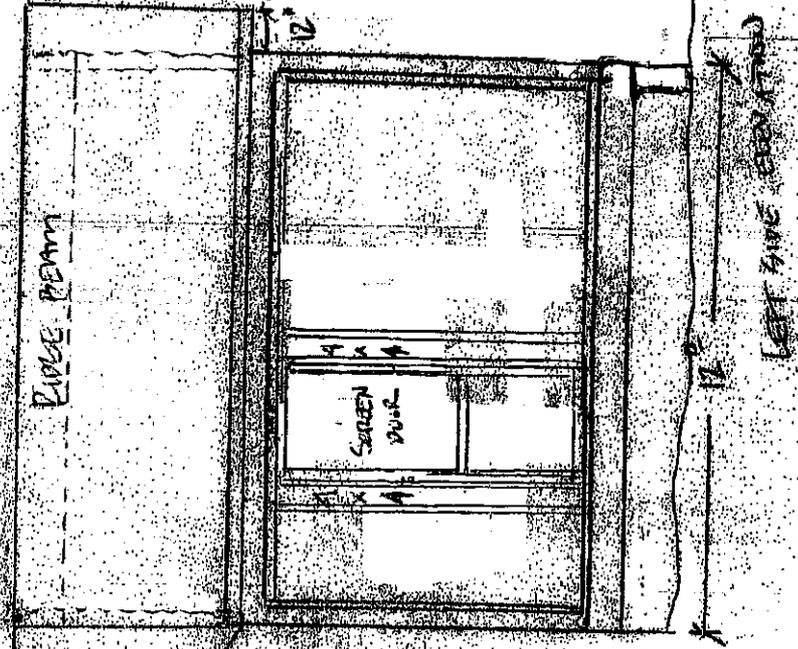
FRONT:	=	20.0 FEET
SIDE:	=	8.0 FOOT MIN. BUT A TOTAL OF 20.0'
REAR:	=	25.0 FEET
5. HEIGHTS:

DWELLING	=	25.0 FEET
SHED	=	07.0 FEET
PROP SCREENED PORCH	=	13.9 FEET (TOTAL)
PROP DECK	=	02.3 FEET
EX DECKS	=	AS NOTED
FENCES	=	AS NOTED

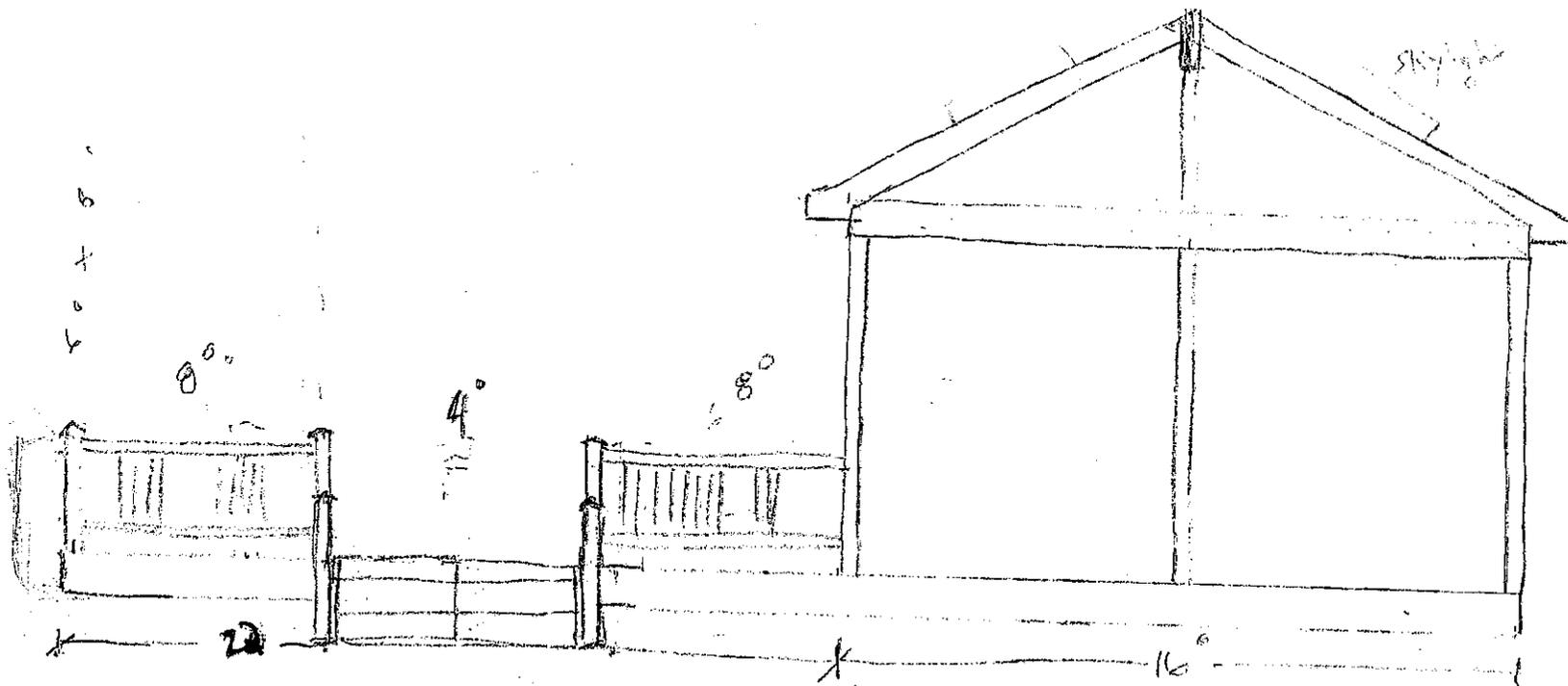
(FENCE HEIGHTS ARE TAKEN TO THE TOP OF POST; THE HIGHEST POSSIBLE MEASUREMENT.)
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY. THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 515525 0050 D REVISED MARCH 5, 1990.
12. AREAS

EX BASEMENT	=	944 SF
EX FIRST FLOOR	=	1684 SF
<u>EX SECOND FLOOR</u>	=	<u>1255 SF</u>
EX GROSS FLOOR AREA	=	3883 SF

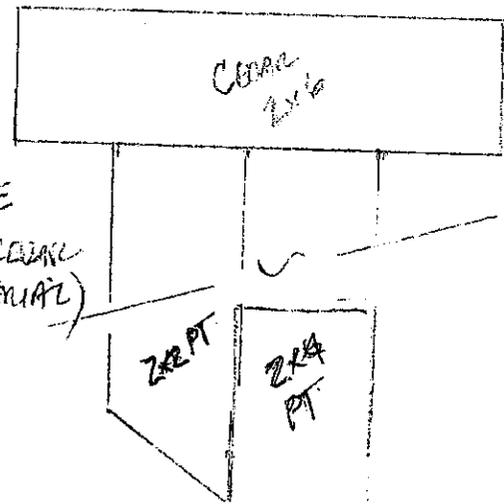
EX FLOOR AREA RATIO = EX GFA (3883) / LOT AREA (8883) = 0.44
13. UTILITIES ARE UNDERGROUND.



NOTE (1- POST ON RIGHT SIDE BEAM @
 6" FROM HOUSE)

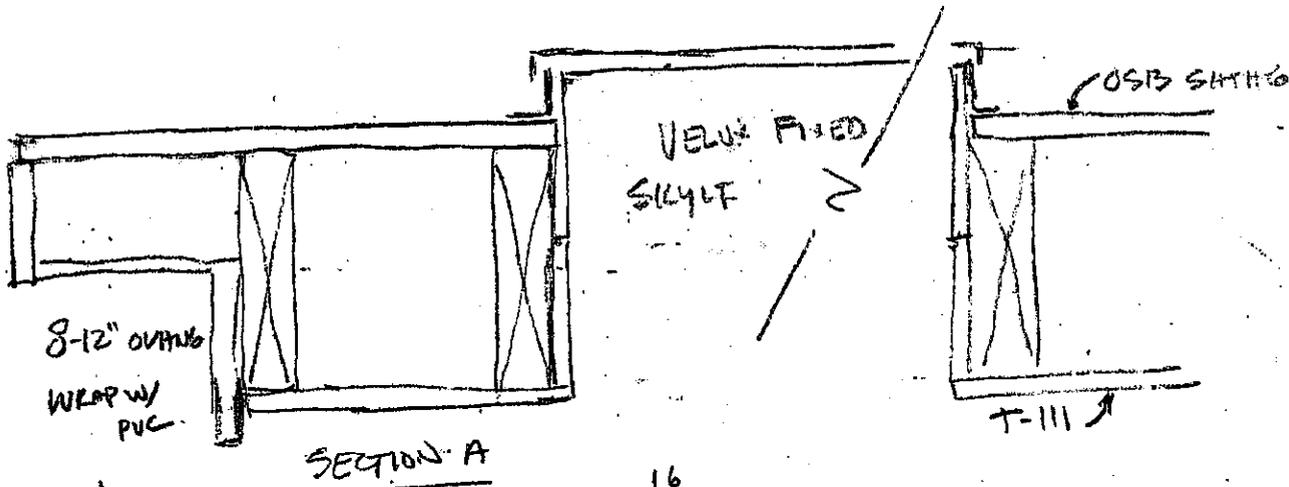


N.T.S.



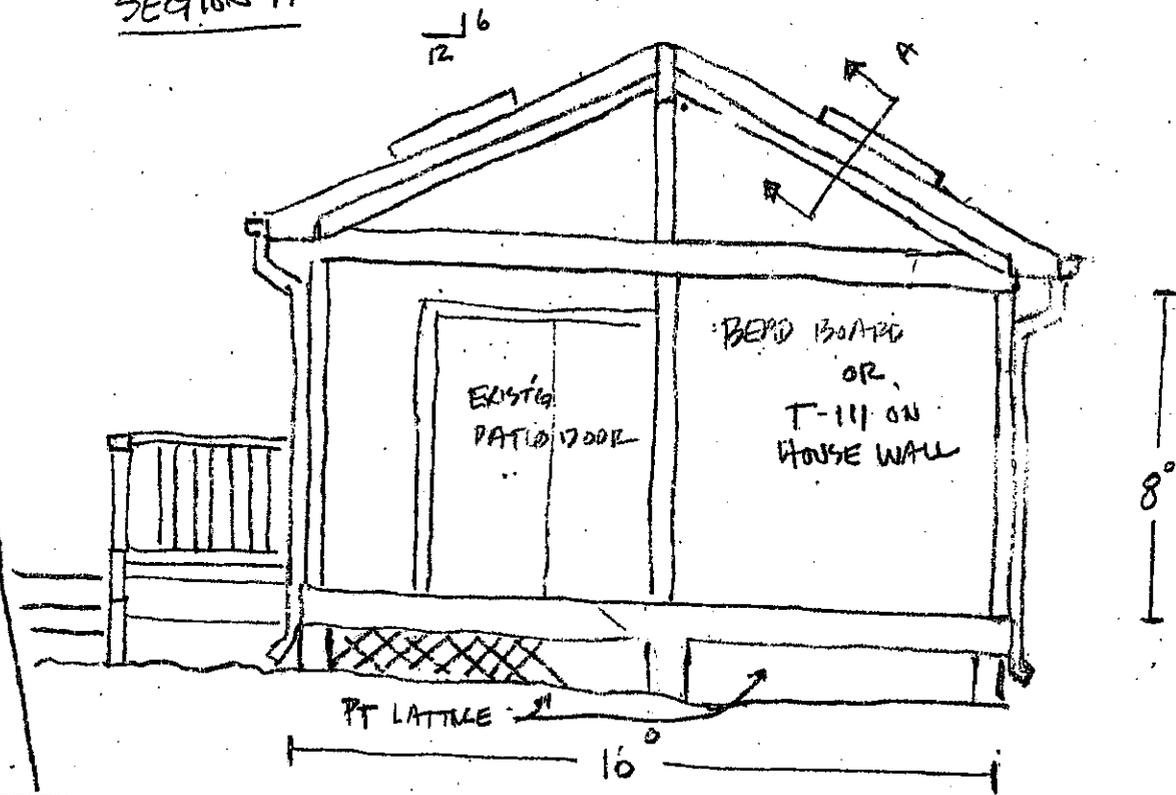
(ALTERNATE
RAIL W/ CEILING
& PT MATERIAL)

2
2x4
1



SECTION A

Z



2x4 VELUX FIXED SKYLIT.
(BOTH SIDES)

- 2x10 RAFTERS
- 2x12 MICRO LAM
- RIDGE BOARD
- 4x4 SUPPORTING POSTS
- 6x6 PER POSTS
- 2x10 JOISTS 16" O

N.T.S.



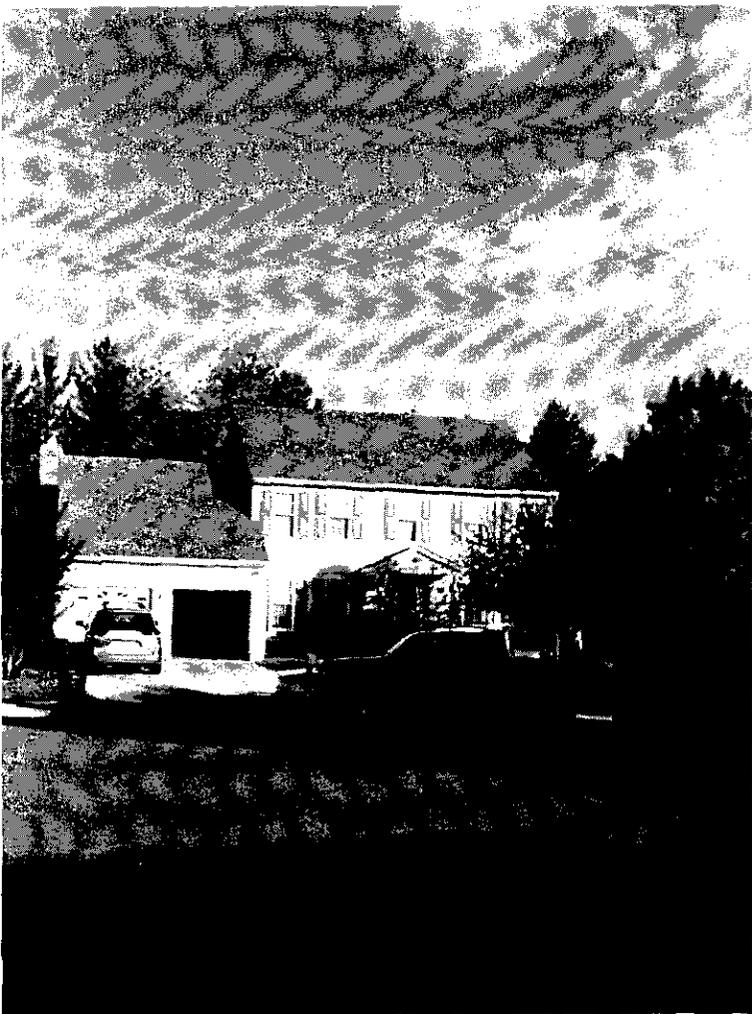
Left Neighbor

My house

Rt Neighbor



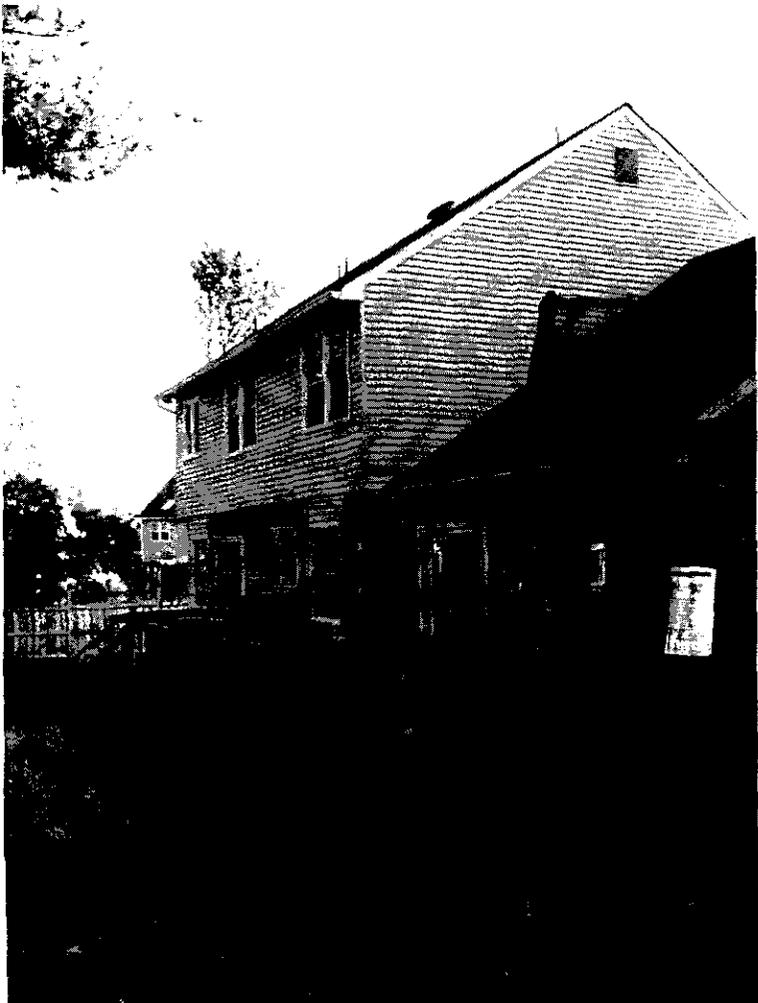
Close-up of fence (Left Neighbor)



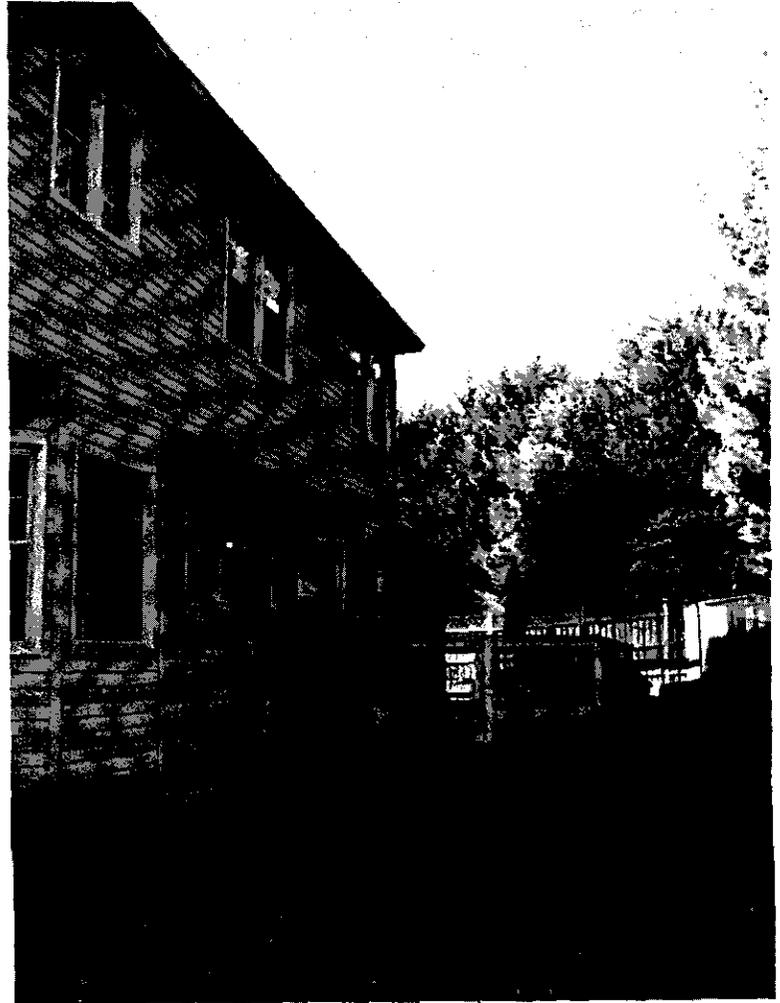
Front of My house



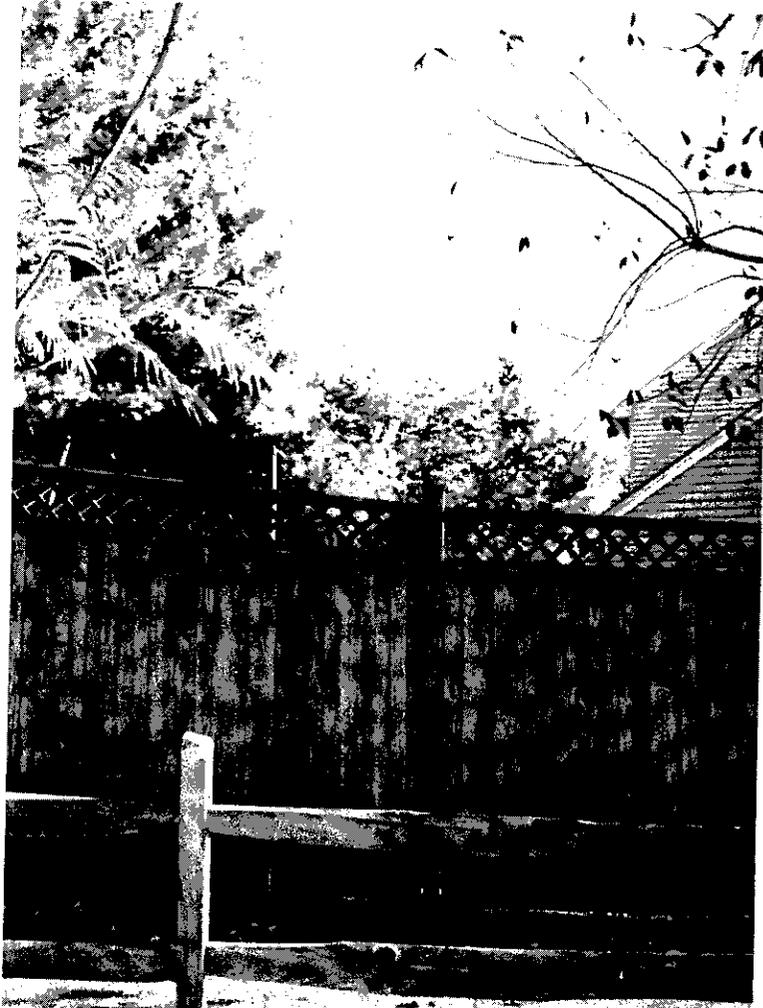
Standing on deck facing Rt Neighbor



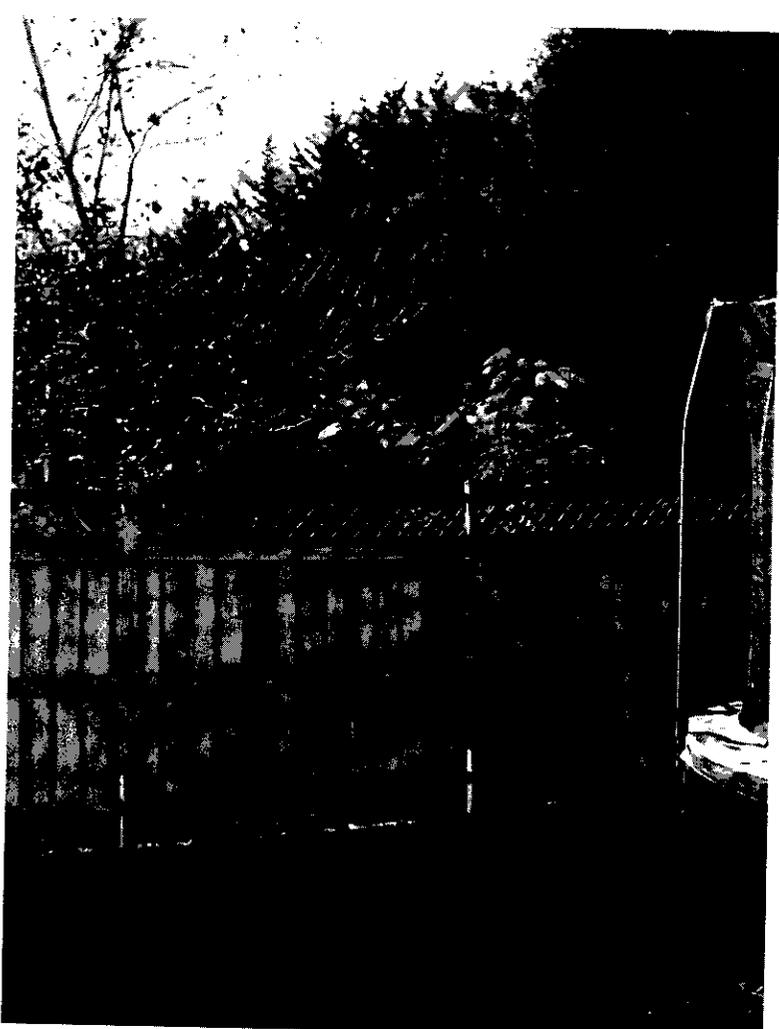
Side of house



Side of house



From left neighbors Back Yard



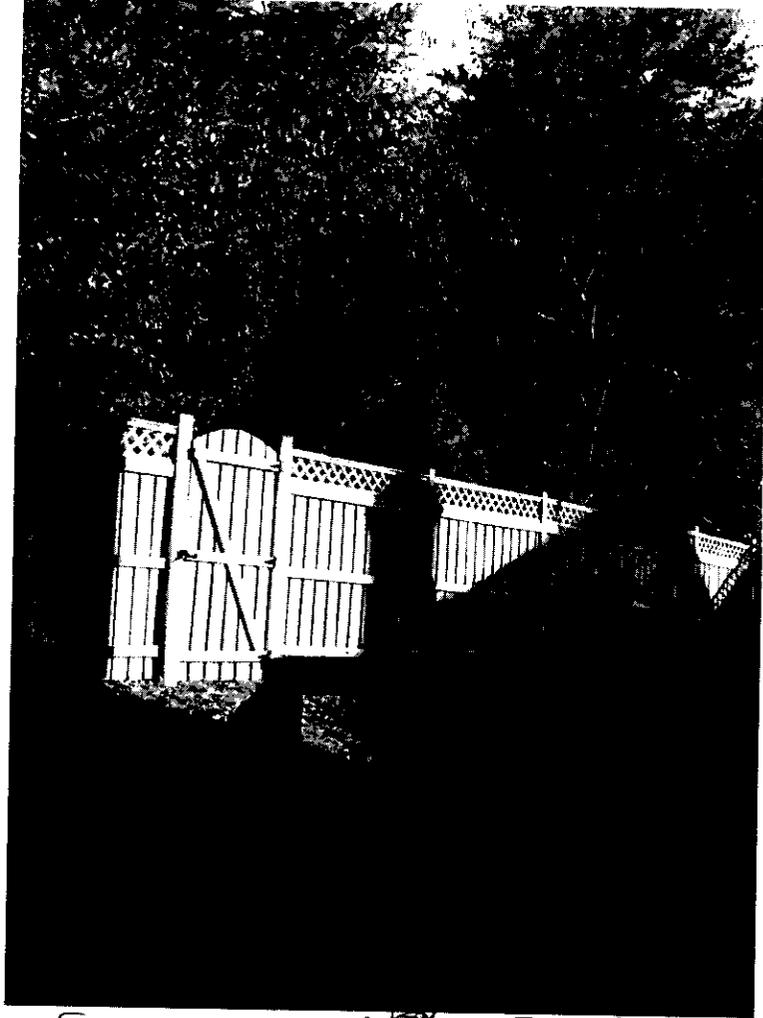
Facing Right Neighbors Back Yard



From left neighbors Back Yard



Facing left Neighbors Back Yard



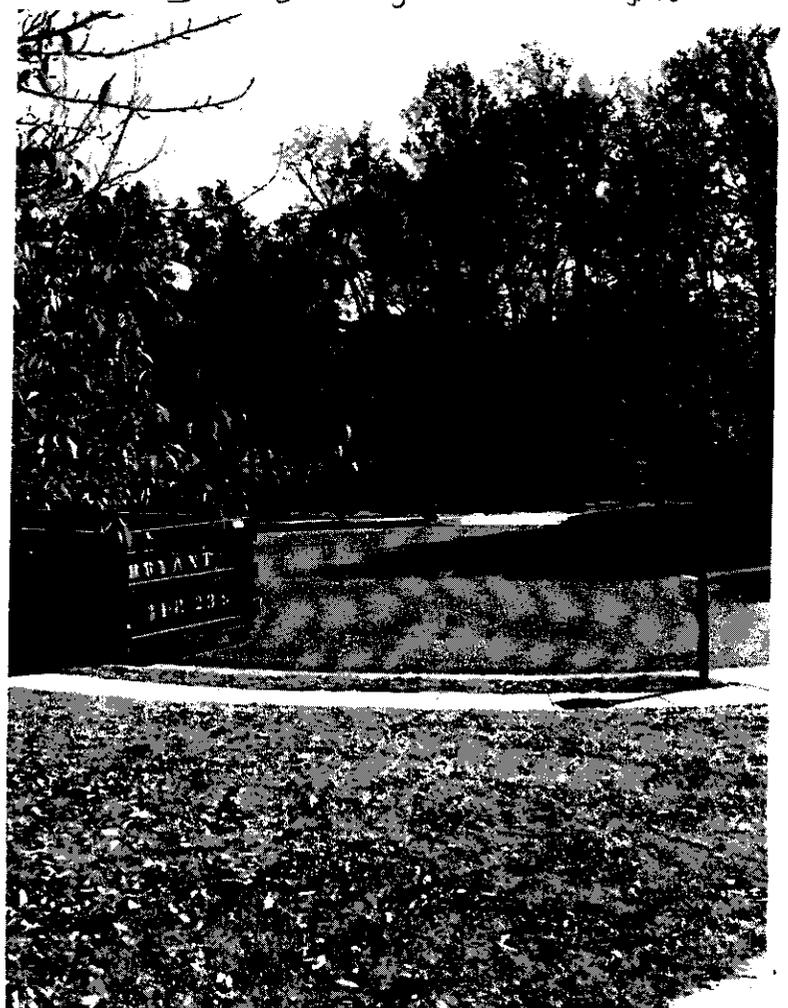
Facing Slight ~~Right~~ ^{Left} - Back Yard



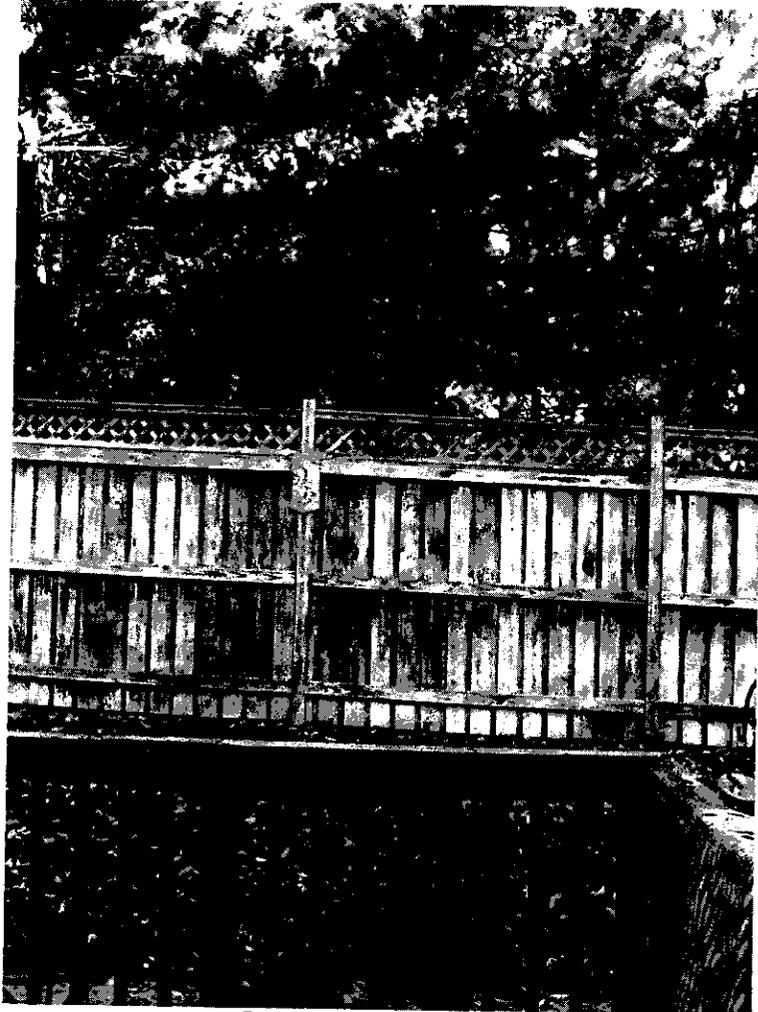
Facing Slight Right Front Yard



Facing Slight ~~Left~~ ^{Right} Front



Facing Straight Front Door



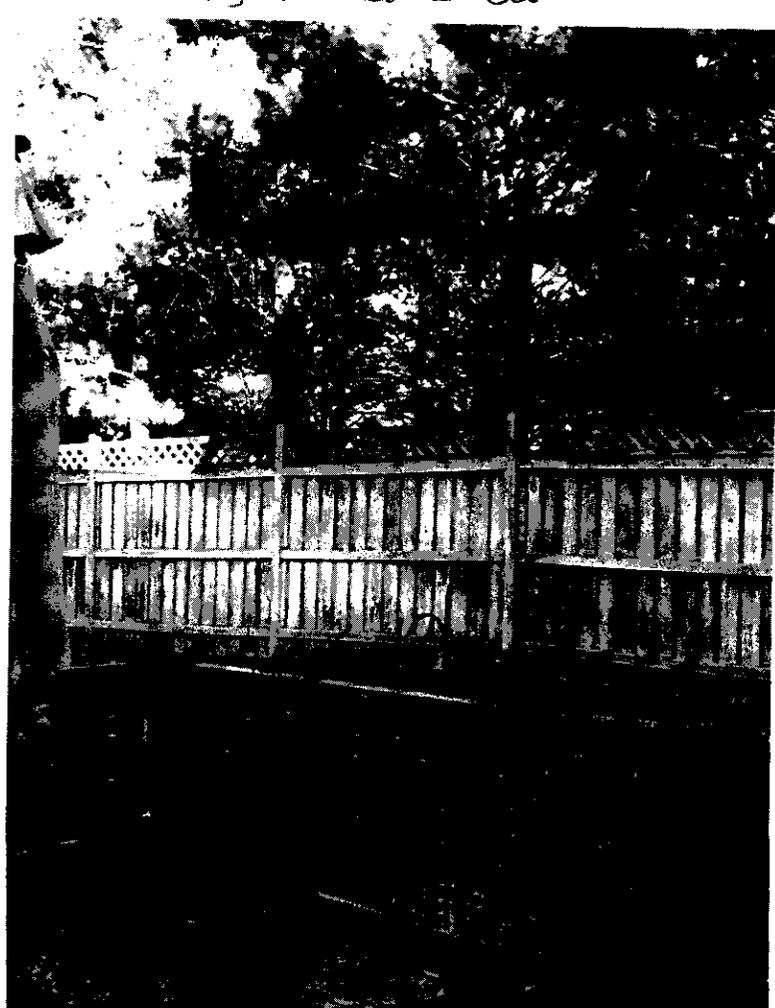
Standing at Back Door



Standing at Back Door



Facing St. Wendling



Facing Slight Left Back Yard

DESCRIPTION OF THE APPLICATION

The applicants are requesting approval of a special permit to allow reduction of certain yard requirements to permit construction of a screened porch addition to be located 15.0 feet from the rear lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Rear	25.0 feet	15.0 feet	10.0 feet	40%

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The site is currently zoned R-3, developed under the cluster regulations with a two-story dwelling built in 1987, and an existing wood deck located along a portion of the rear of the dwelling. The lot is 8,883 square feet in size and is accessed via a concrete driveway from Hawks Nest Court which terminates at an existing two-car garage. Single-family detached dwellings are located within the cul-de-sac. Dranesville Elementary School is located to the north and the school property extends to Hawks Nest Court in a 15 foot wide easement adjacent to the subject property's western boundary. The application lot is flat and the yard is well-manicured. There is no vegetation in the rear yard and few existing mature trees in the front yard. Adjacent lots appear to be heavily wooded and screened from the application property. There is an existing wood fence located along the side and rear yards of the property.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3 Cluster	Fairfax County School Board
East	R-3 Cluster	Single Family Detached Dwellings
South	R-3 Cluster	Single Family Detached Dwellings
West	R-3 Cluster	Single Family Detached Dwellings

BACKGROUND

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

- Variance VC 01-D-076 was approved on August 1, 2001 for Tax Map 10-2 ((14)) 255, zoned R-3, at 2621 Stone Mountain Court, to permit construction of addition 20.0 feet from the rear lot line.
- Variance VC 01-D-051 was approved June 26, 2001 for Tax Map 10-2 ((14)) 37, zoned R-3, at 1404 Rock Ridge Court, to permit the construction of an addition 18.59 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 205, Section 4, Hastings Hunt
- **Prepared by:** Dominion Surveyors Inc., September 22, 2010 as revised through November 9, 2010

Proposal:

The applicants propose to construct a screened porch addition in the location of an existing wood deck, which measures 12 x 16 feet, or 192 square feet in size. The applicants further proposed to construct a new 12 x 22 foot wood deck along a portion of the rear of the dwelling; however, that construction is permitted by-right.

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 Standard 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 screened porch will not adversely affect the use or development of neighboring properties as the most affected property is located along the rear lot line and is an elementary school heavily screened from the application property by mature vegetation. The applicants have an existing wood fence along the side and rear lot lines which will assist in screening the proposed screened porch. Therefore, staff believes this standard has been met.*

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing dwelling is 3,883 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 5,824.5 square feet in size for a possible total square footage at build out of 9,707.5. The proposed screened porch addition is approximately 192 square feet in size, for a total square footage of the house with the addition of 4,075 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 proposed one-story screened porch addition will be compatible with the dwelling; the house is two stories, the porch will be one story, and the architecture and material will match the existing deck. The applicant's request is to enclose an area of an existing wood deck into a screened porch 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 screened porch addition which will enclose an existing open deck. There is significant mature vegetation adjacent to the rear lot line on property owned by the Fairfax County School Board. As noted in a memorandum from the Forest Conservation Branch, attached as Appendix 4, the existing off-site evergreen trees adjacent to the rear property boundary appear to be in fair to good condition and should be protected from any construction activities. The memo states that the existing stockade fence will be adequate as tree protection fencing. Therefore, staff believes the screened porch will be harmonious with surrounding off-site uses and meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a 192 square foot one-story screened porch 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 will be placed where a wood deck has existed for many years and will simply enclose that area. Staff believes the addition could in fact lessen issues such as noise, is a modest request and will not increase runoff or erosion. Therefore, 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 screened porch addition is shown in the most logical location, as it will be placed where an existing wood deck is located. The construction of a proposed deck expansion is permitted by-right. The request is modest in size and scale and the most affected property owner is school board property and is heavily screened from the application site. 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-069 for a screened porch addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the 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. Forest Conservation Branch Memorandum dated December 15, 2010
5. Applicable Zoning Ordinance Provisions

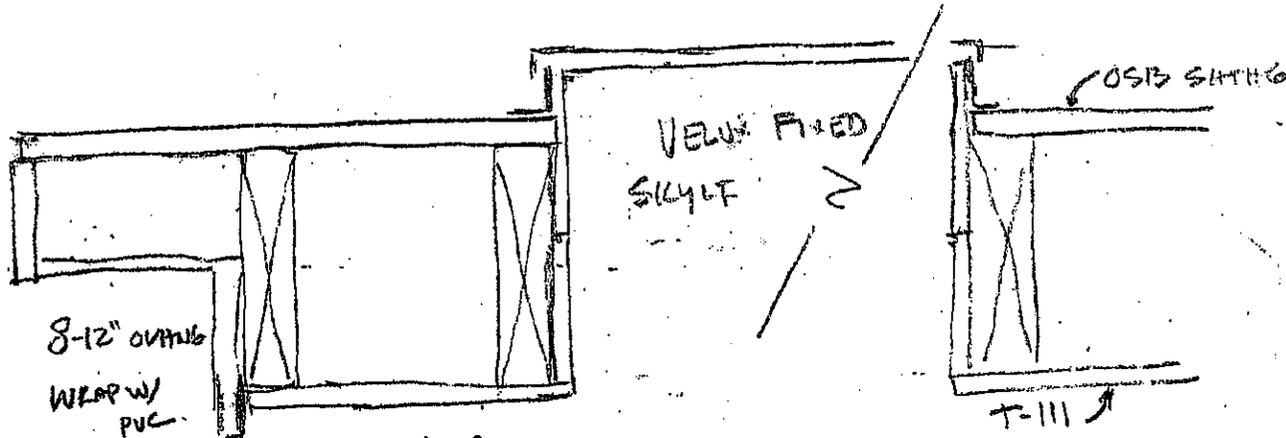
PROPOSED DEVELOPMENT CONDITIONS**SP 2010-DR-069****February 2, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-DR-069 located at Tax Map 10-2 ((14)) 205 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a screened porch addition (approximately 192 square feet), as shown on the plat prepared by Dominion Surveyors Inc., dated September 22, 2010, as revised through November 9, 2010, submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,883 square feet existing + 5,824.5 square feet (150%) = 9,707.5 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 generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

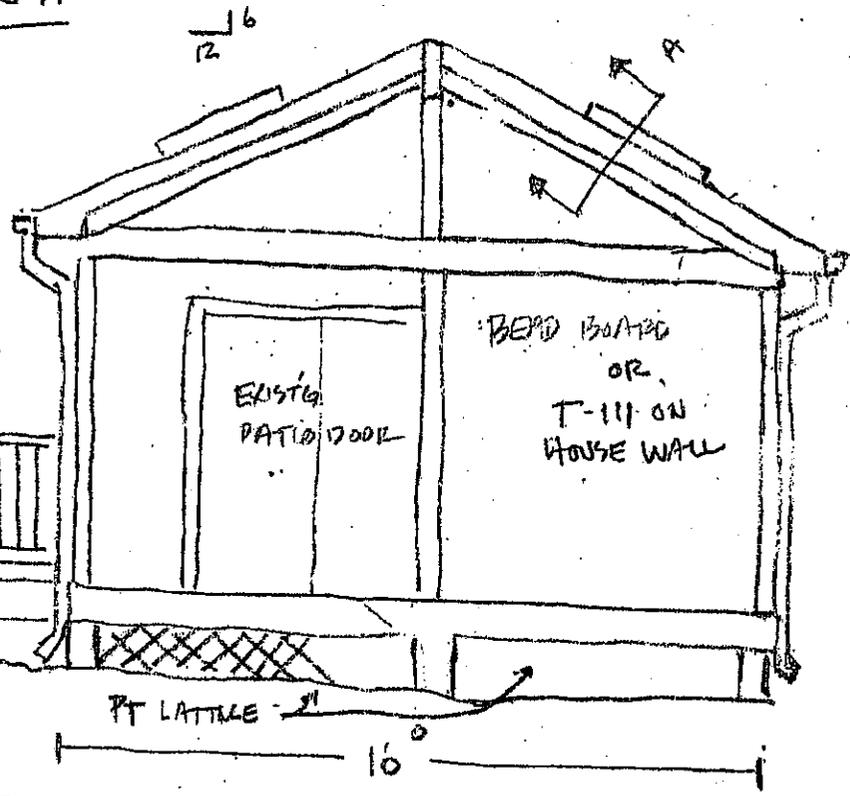
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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



SECTION A

Z



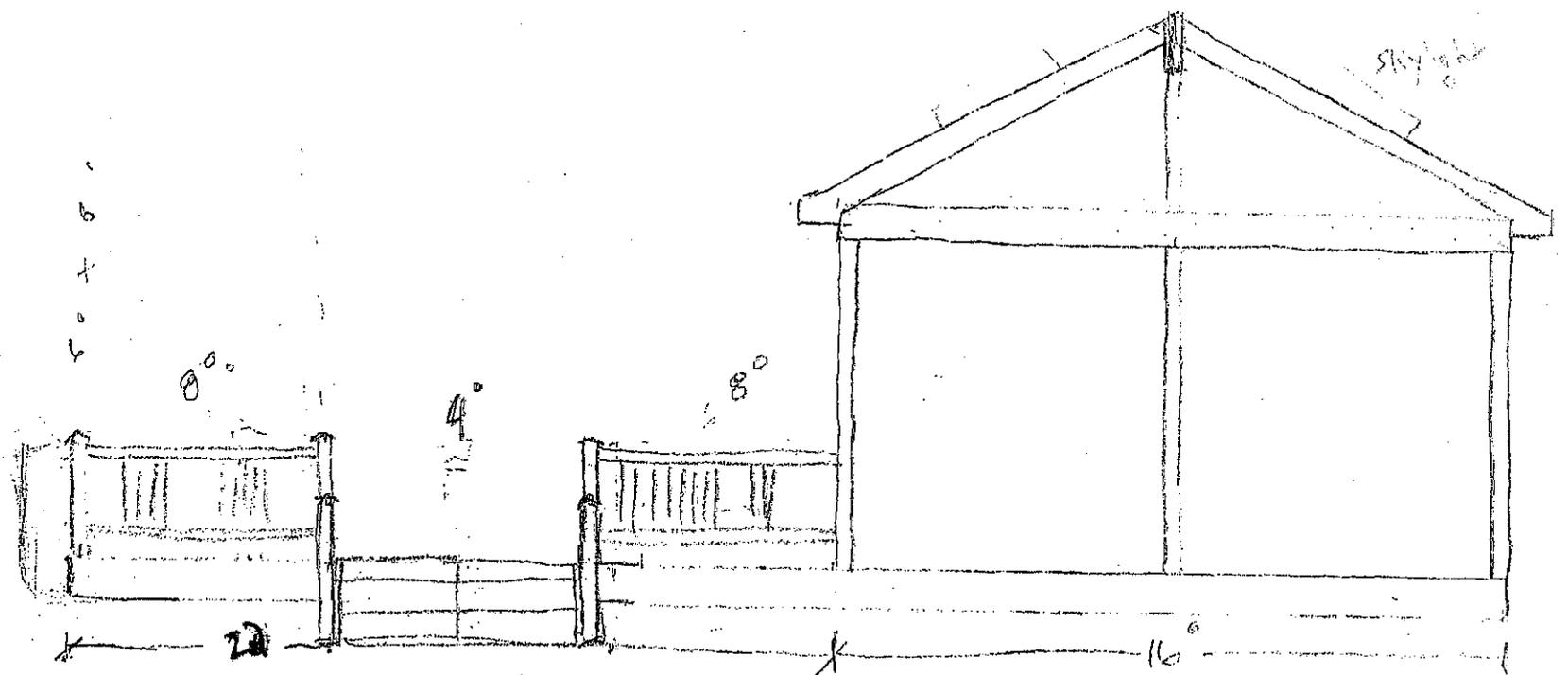
2x4" VELUX FIXED SKYLIT.
(BOTH SIDES)

- 2x10 RAFTERS
- 2x12 MICRO LAM RIDGE BAR
- 4x4 SUPPORTING POSTS
- 6x6 PERM POSTS
- 2x10 JOISTS 16" O

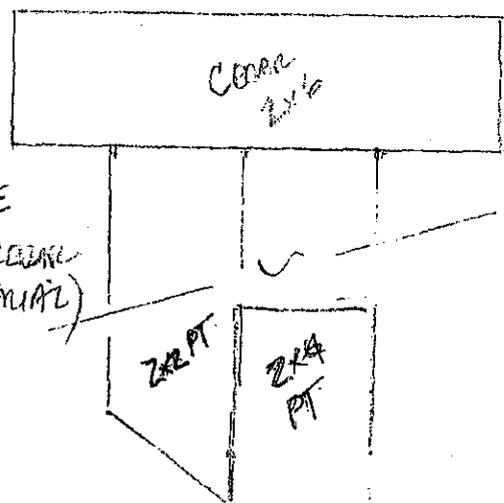
8'

PT LATTICE 16'

N.T.S.

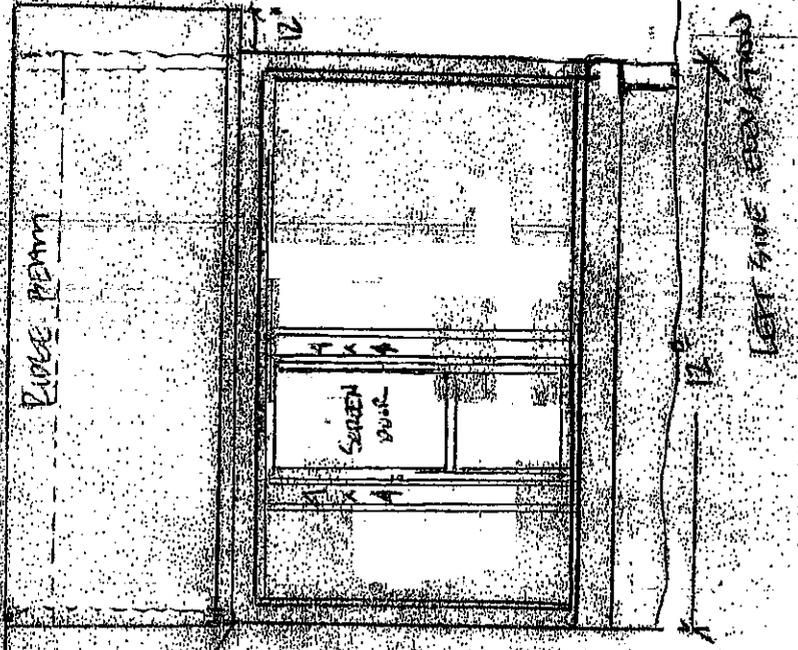


N.T.S.!



(ALTERNATE RAIL W/ CORNER & PT MATERIAL)

1
1
2
2
1



NOTE (1- POST ON RIGHT SIDE BEYOND @
 6' FROM HOUSE)

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/01/2010
 (enter date affidavit is notarized)

I, John B. Magee, 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 110054a

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
John B. Magee	1454 Hawks Nest Ct., Herndon, Va 20170	Applicant/Title Owner
Renee L. Magee	1454 Hawks Nest Ct., Herndon, Va 20170	Applicant/Title Owner

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/01/2010
(enter date affidavit is notarized)

110054a

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/01/2010
(enter date affidavit is notarized)

110054a

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/01/2010
(enter date affidavit is notarized)

110054a

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/01/2010
(enter date affidavit is notarized)

110054a

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

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

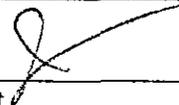
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

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

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

WITNESS the following signature:

(check one)

Applicant  [] Applicant's Authorized Agent

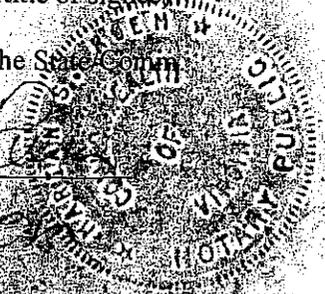
John B Magee self
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 1st day of November 2010, in the State of Virginia
of Loudoun, County/City of Virginia.


Notary Public

My commission expires: 1/31/2012

MARIAN S. ROEMER
#159994



Special Permit Application for John B and Renee Magee

Statement to address 8-922 Standards

8-922

RECEIVED
Department of Planning & Zoning
NOV 15 2010
Zoning Evaluation Division

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 only applies 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 expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this 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.
5. The resulting gross floor area of an existing accessory structure and any addition to it is clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. 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 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 proposed development will 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 proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors considered included, but were 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.

Special Permit Application for John B and Renee Magee

RECEIVED
Department of Planning & Zoning
NOV 15 2010
Zoning Evaluation Division

Additional Submission Requirement

930.00 The resulting gross floor area of our screened in porch to our existing principal structure will be less than 150 percent of the total gross floor area of the principal structure that existed at the time of the yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than 50 percent of the gross floor area of the existing principal structure will be removed. In our case, no portion of the existing principal structure will be removed.

930.01 The resulting gross floor area of our screened in porch and any addition to it is clearly subordinate in purpose, scale, use and intent to the principal structure on the site.

930.02 The proposed development is in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structures on the lot.

930.03 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. There are no trees in our backyard.

930.04 The proposed development will not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, erosion and stormwater runoff.

930.05 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 structures on the lot; shape of the lot and the associated yard 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.



35 days

Date: September 22, 2010

Renee and JB Magee
1454 Hawks Nest Court
Herndon, VA

Re: Screened Porch

Dear Renee and JB

BSH Remodeling LLC is pleased to offer this proposal to build a screened porch and deck according to the attached hand drawn plans ("Plans") and following Scope of Work ("Scope").

Demolition

- Remove the existing decking and substructure on the rear of the house
- Remove the aluminum siding from the area of the house wall that is inside the porch.
- ~~Remove window in family room (to the right of the patio door).~~ *delete J*
- Remove the existing gutter and the roof overhang in the area of the new porch.
- Dispose of all debris offsite.

Framing

- Supply material for and frame new substructure for the deck
- Supply material for and frame the porch structure including installation of the decking and roof structure.
 - Install 5/8 inch T-111 plywood siding with the reverse board and batten side down to show inside porch ceiling.
 - Supply and install 2x6 Natural Select #1 Madwood (pressure treated) flooring on porch deck. Deck to be surface screwed.
 - Substructure to be pressure treated material
 - ~~Frame window opening and insulate with R-13 Kraft-faced insulation~~ *-delete J*

Trim, Doors, Flooring and Ceiling

- Trim the posts, fascia, soffitt, gables, rake boards, rake mold and screened openings with Versatex (or equal) 1x trim boards and PVC sheet material according to the Plans.

20405 Crimson Place
Leesburg, VA 20175
703.999.1223 Fax 703.620.2090
Email: steve@bshremodeling.com

- Supply and install Azek Trademark Handrail and pickets in classic white around the un-screened porch perimeter as shown on the plans including railing on both sides of the steps off the deck.
- Supply and install Azek post sleeves, skirt molding and pyramid caps on the railing posts
- Frame 4 foot wide closed rise steps from the deck to the yard as shown on the plans
- Supply and install single swing 2868 wood screen door unit with latching hardware and spring hinges.
- Supply and install pressure treated lattice panels below the porch structure and provide a panel to access underneath the deck
- Supply and install ScreenEze screen system and Super Screen in the screened openings.
- Supply and install screening beneath the deck under the porch area to adequately screen out insects
- Supply and install beadboard or T-111 on house wall.
- ~~Drywall window opening as necessary in Family Room~~ *John J*

Roofing

- Supply and install a 30 year Timberline (or equal) shingle including shingle caps over 15# felt and 1/2" OSB sheathing. Color to closely match the existing roof color and profile.
- Install 2 gutters and 2 downspouts with color and size to closely match the existing house. Gutters to be continuous. Downspout location to be determined
- Provide and install 2 nominal 2'x4' fixed deck mounted Velux skylights on either side of the porch roof.

Electrical, Gas, Plumbing

- Provide and install 2 outdoor receptacles on the porch- location to be determined
- Install Owner provided ceiling fan and provide and install switch for fan
- Provide 1- TV/Cable connection on porch
- Lower existing hose bib and provide shut off valve on outside of deck band
- Extend dryer vent outlet below deck
- Supply and install 2 infrared heaters for the porch. (Allowance provided for purchase of the heaters)

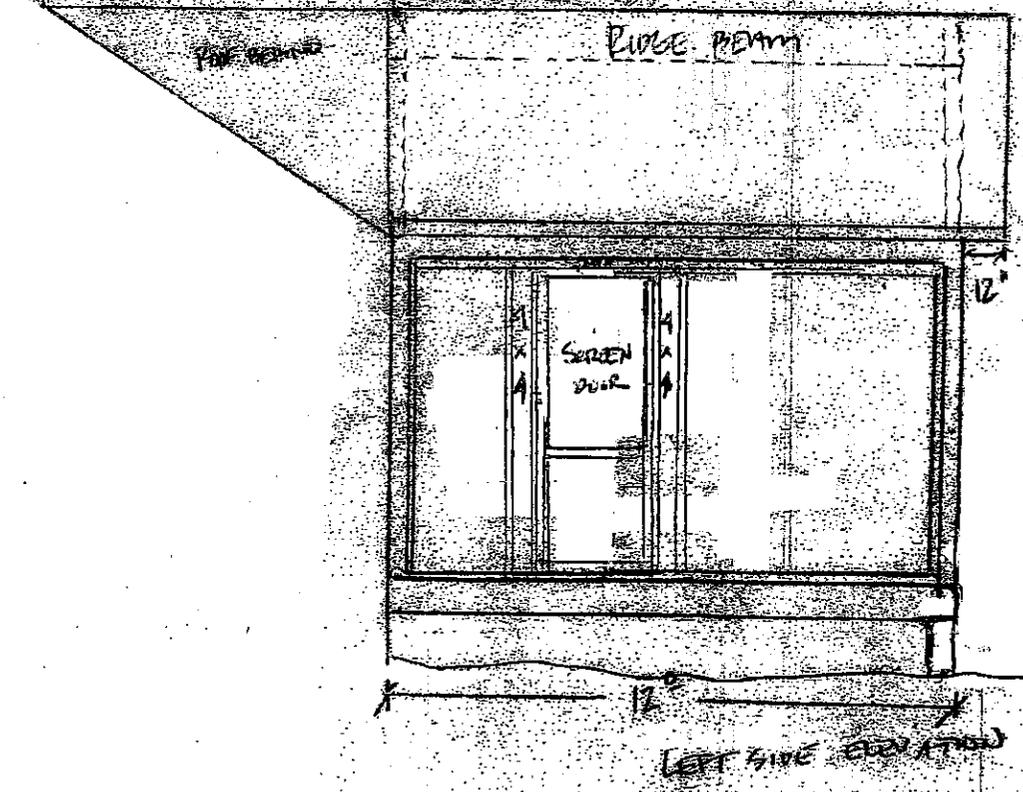
Painting

- Supply paint and paint all ^{NEW} exterior and interior trim (colors to be chosen)
- Seal or paint the ceiling material and other unprotected wood inside the porch
- ~~Paint wall in family room to blend with existing room color.~~ *John J*

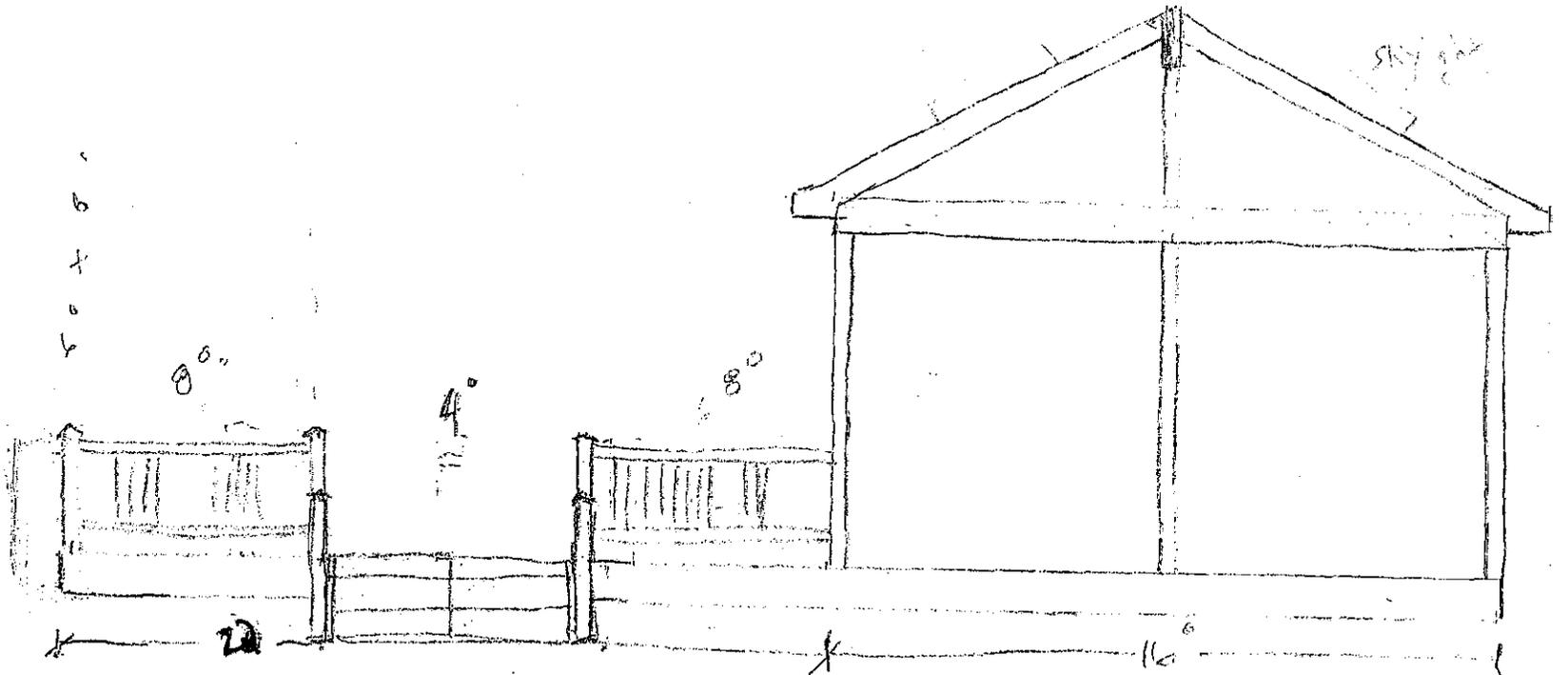
Miscellaneous

- Repair sod and re-seed as necessary where yard is damaged from construction.
- Add brick pavers to widen landing at deck steps.

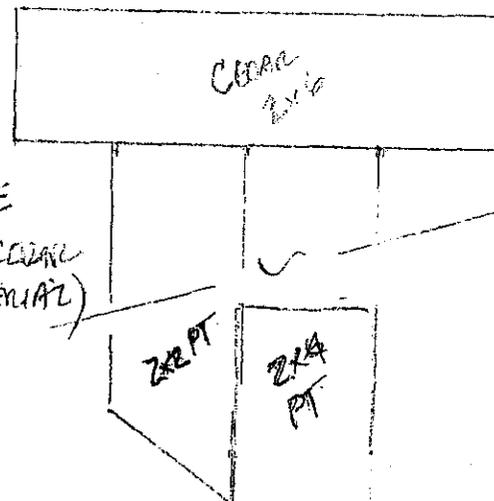
20405 Crimson Place
 Leesburg, VA 20175
 703.999.1223 Fax 703.620.2090
 Email: steve@bshremodeling.com



NOTE (1 - POST ON RIGHT SIDE ELEVATION @
6' FROM HOUSE)



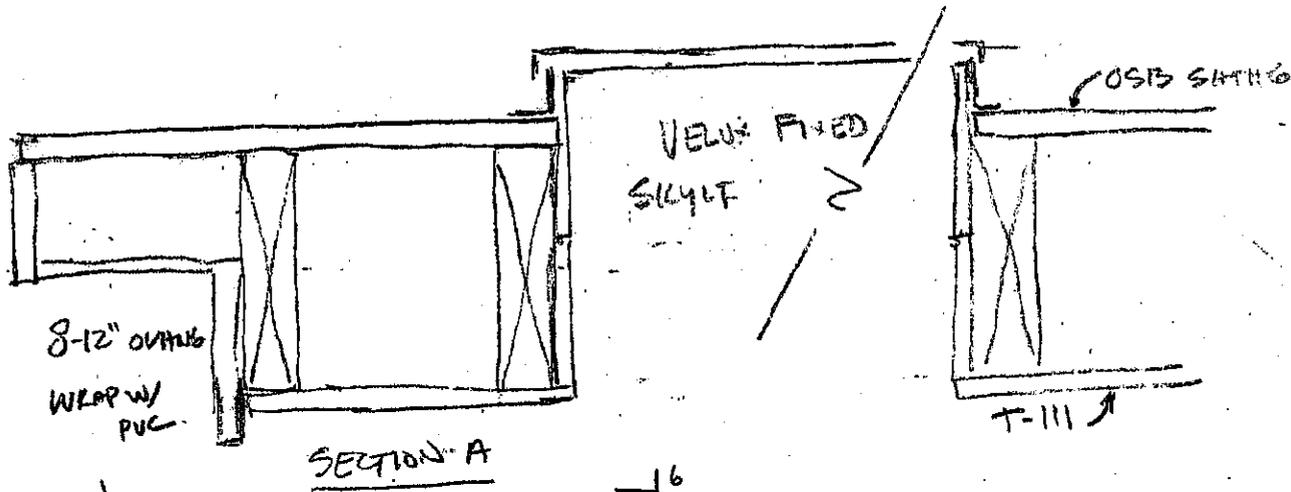
N.T.S.



(ALTERNATE
RAIL W/ CORNER
& FT MATERIAL)

2x4
PT

2x4
PT

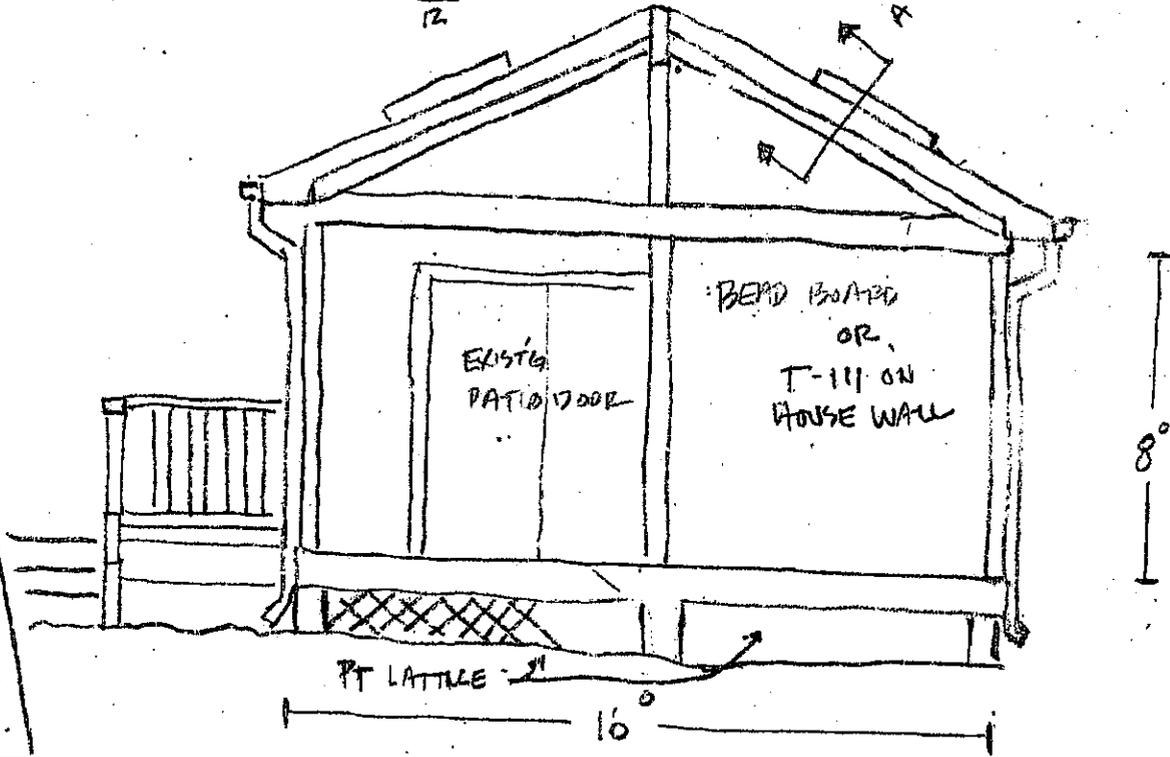


SECTION A

16
12

2x4 VELUX FIXED SKYLIT.
(BOTH SIDES)

- 2x10 RAFTERS
- 2x12 MICRO LAM
- PIPE BRG
- 4x4 SUPPORTING POSTS
- 6x6 PER POSTS
- 2x10 JOISTS 16" O



PT LATTICE

16'

N.T.S.

Hedrick, Debbie

From: JB Magee [jbm@lainginternational.com]
Sent: Wednesday, December 15, 2010 4:45 PM
To: Hedrick, Debbie
Subject: case #sp2010-dr-069
Attachments: Doc1.doc

Debbie,

Per your request, I am forwarding some pictures that my contractor provided that should help in understanding how our porch will look on our house.

In picture 1, the height of the deck is what ours will look like and the porch ties into the roof.

In picture 2, the screened porch will look similar in that there will be four posts and then basically 1 middle post on the 3 sides. (lots of porches would have a post about 4 foot opening)

In picture 3 you can see the porch tying into the roof line like ours would. Also, the railing will look similar and the back of this house looks closest to ours. We have a bay window in the same position and the porch sits in the same position as ours will on the back of the house. Also, the gutter will tie into the existing gutter like picture 2 and 3.

Hope this helps, unfortunately the contractor does not have software to manipulate things around to show a rendering of what it would look like on our house other than through some architectural drawings.

Let me know if you need anything else.

Thanks

JB Magee
703 430 1498

From: Steve Gulick [mailto:stgulick@gmail.com]
Sent: Wednesday, December 15, 2010 11:25 AM
To: JB Magee
Subject: porch project

JB,

Please look at the attached and then give me a call.

--
Steve Gulick
BSH Remodeling LLC
P-703-999-1223
F-703-880-7102

12/16/2010







County of Fairfax, Virginia

MEMORANDUM

December 15, 2010

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

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

SUBJECT: Hastings Hunt Section 4 Lot 205, SP 2010-DR-069

RE: Request for assistance dated December 8, 2010

This review is based on the Special Permit Application and Plat stamped "Received, Department of Planning and Zoning, November 15, 2010."

- 1. Comment:** There are several existing off-site evergreen trees adjacent to the rear property boundary which appear to be in fair to good condition. These trees should be considered a priority for preservation.

Recommendation: The off-site evergreen trees at the rear of the property should be protected from any construction activities. The existing 6-foot high stockade fence at the property boundary should be adequate as tree protection fence.

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

CSH/
UFMID #: 157002

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.