



APPLICATION ACCEPTED: February 9, 2011

BOARD OF ZONING APPEALS: May 4, 2011

TIME: 9:00 a.m.

# County of Fairfax, Virginia

April 27, 2011

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2011-HM-009**

### HUNTER MILL DISTRICT

**APPLICANTS/OWNERS:** Sean E. Reilly  
Karen A. Reilly

**STREET ADDRESS:** 1836 St. Boniface Street

**SUBDIVISION:** Eudora

**TAX MAP REFERENCE:** 28-3 ((10)) 67

**LOT SIZE:** 11,604 square feet

**ZONING DISTRICT:** R-2 (Cluster)

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an addition such that side yards total 19.2 feet.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2011-HM-009 for the 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 applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

*O:\dhedri\Special Permits\5-4) SP 2011-HM-009 Reilly (50)\SP 2011-HM-009 Reilly staff report.doc*

*Deborah Hedrick*

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/)



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

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.

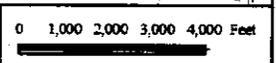
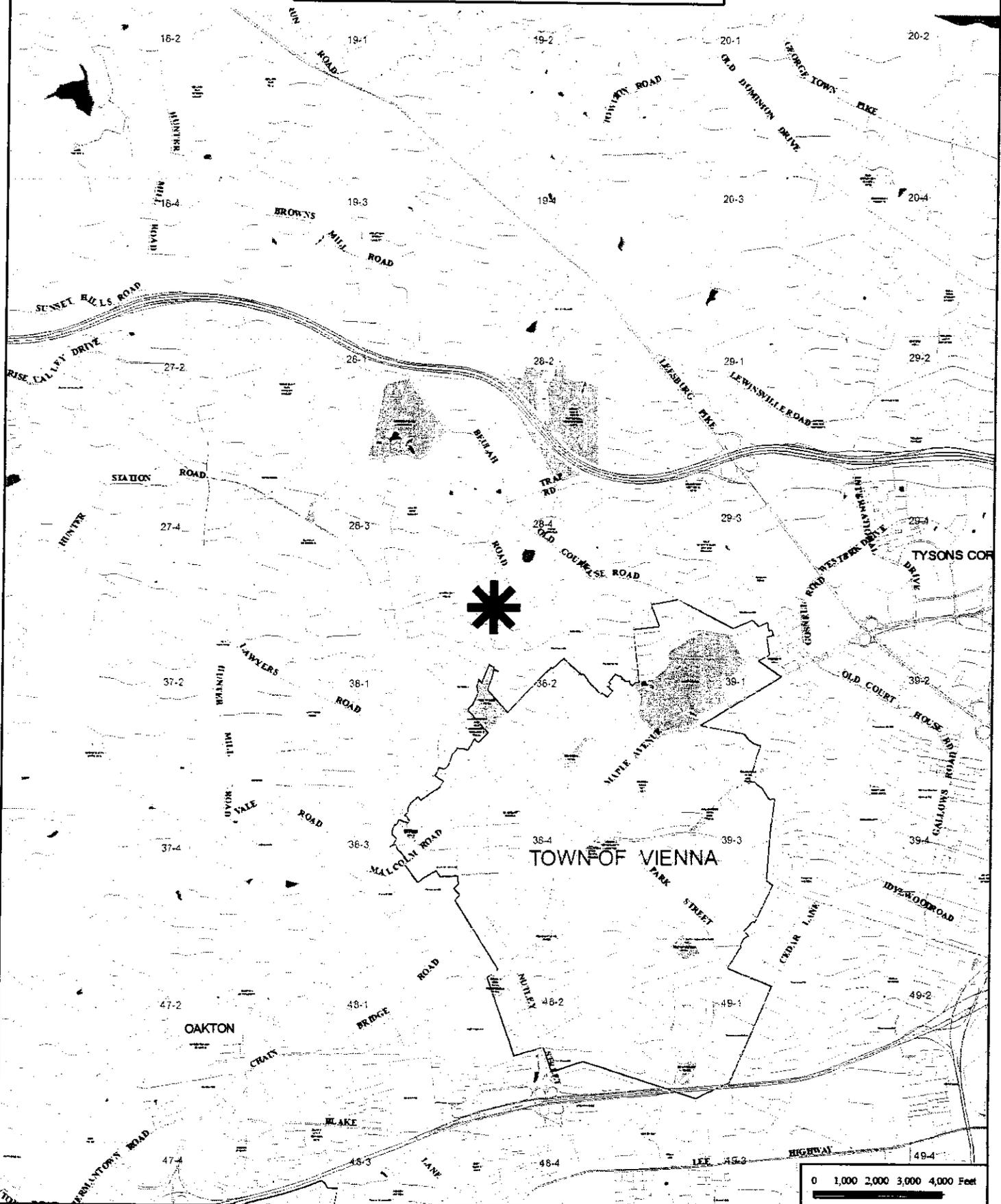
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

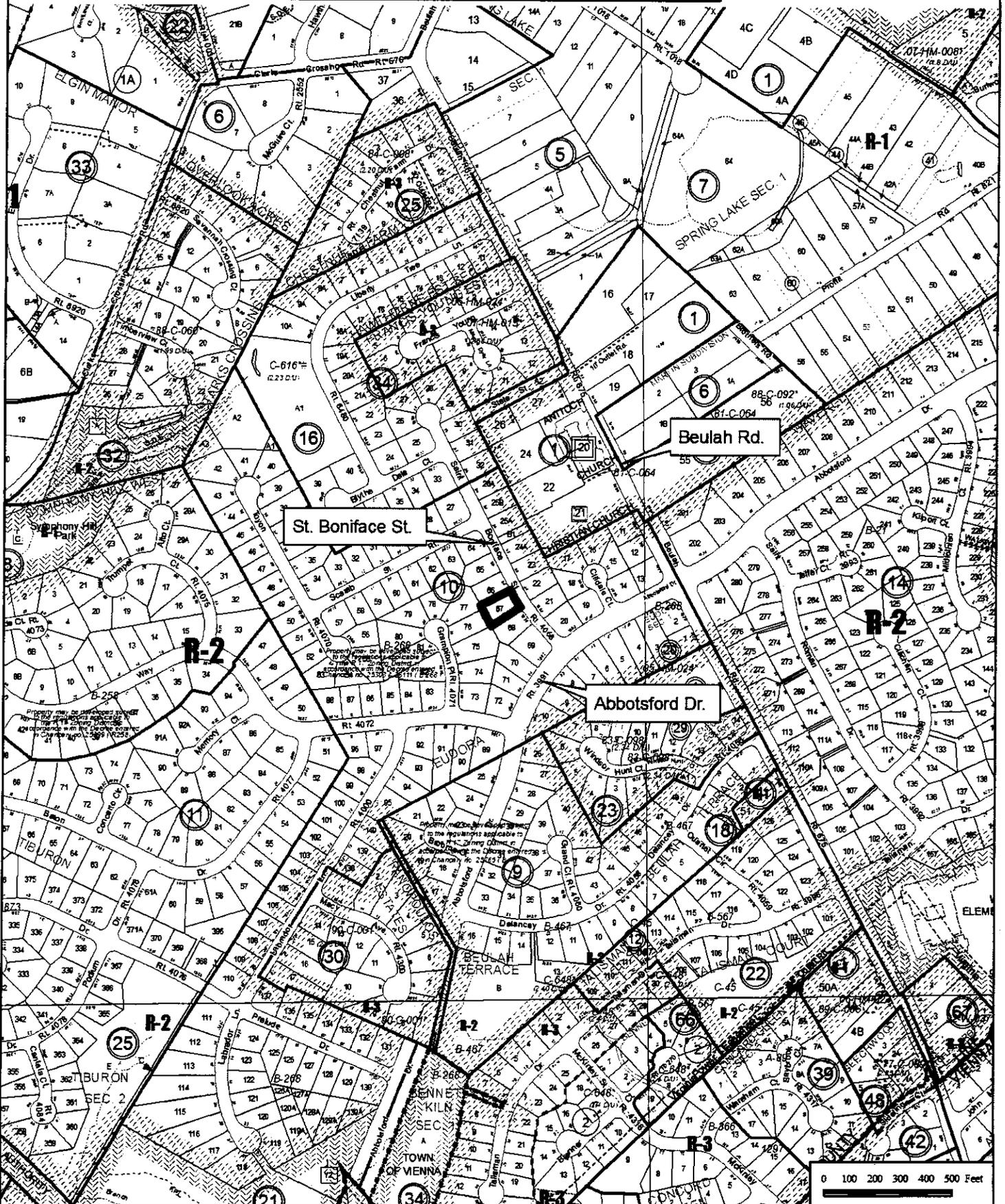


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2011-HM-009**  
**SEAN AND KAREN REILLY**

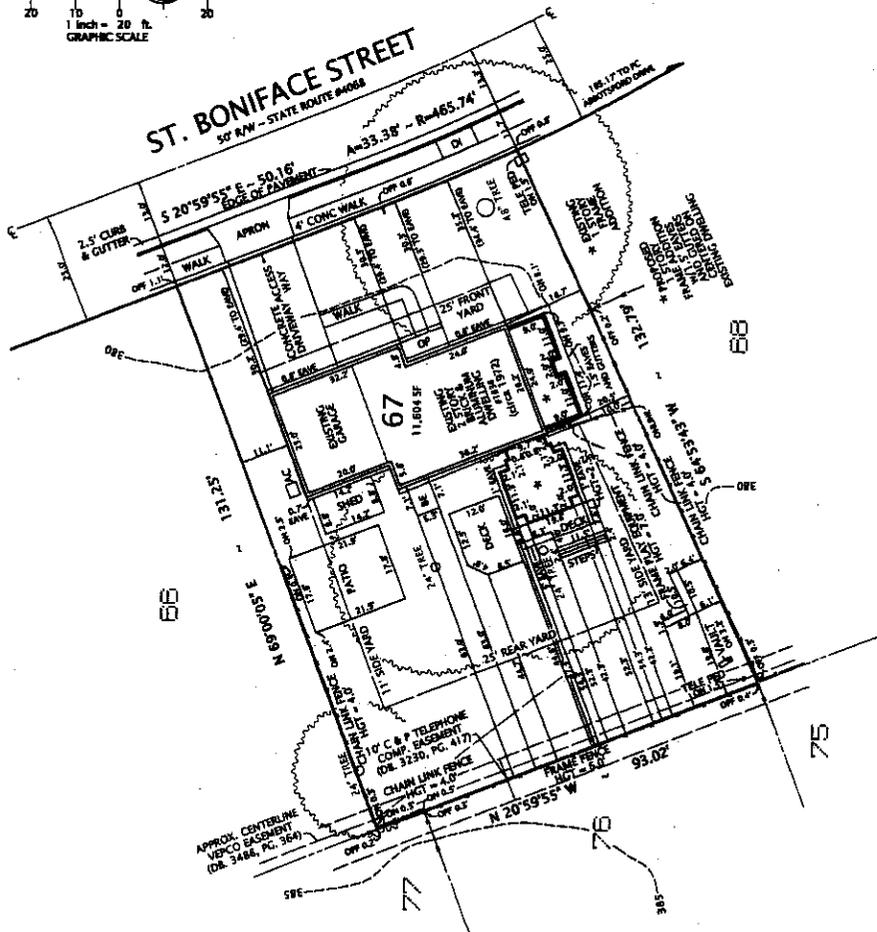
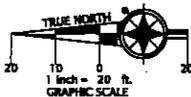


**Special Permit**  
**SP 2011-HM-009**  
**SEAN AND KAREN REILLY**



**NOTES**

- TAX MAP: 28-3-10-0067
- ZONE: R-2C (R-2 w/CLUSTER DEVELOPMENT)
- LOT AREA: 11,604 SF (0.2664 ACRE)
- REQUIRED YARDS:
  - FRONT: 25.0 FEET
  - SIDE: 6.0' MIN. BUT A TOTAL OF 24.0'
  - REAR: 25.0 FEET
- HEIGHTS:
  - EX DWELLING: 21.6 FEET (MIDLINE OF ROOF)
  - EX ADDITION: 14.9 FEET (MIDLINE OF ROOF)
  - SHED: 09.2 FEET
  - PROP ADDITION: 16.0 FEET (MIDLINE OF ROOF)
  - (RIDGE LINE)
  - (GAVELINE)
  - DECKS: 10.0 FEET
  - FENCES: AS NOTED
- 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 FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- AREAS:
  - EX BASEMENT: 1,007 SF
  - EX FIRST FLOOR: 1,007 SF
  - EX FIRST FLOOR ADDN: 244 SF
  - EX GARAGE FLOOR: 500 SF
  - EX SECOND FLOOR: 949 SF
  - EX GROSS FLOOR AREA: 3,707 SF
- FLOOR AREA RATIO - EX GFA (3707) / LOT AREA (11604) = 0.32
- PROPOSED 1 STORY FRAME ADDITION = 218 SF
- PROPOSED 1 STORY FRAME ADDITION (218) / EX GFA (3707) = 0.059
- PROP GROSS FLOOR AREA - EX GFA (3707) + PROP GFA (218) = 3,925 SF.
- PROP FLOOR AREA RATIO - PROP GFA (3925) / LOT AREA (11604) = 0.34



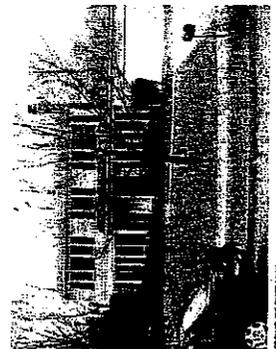
SHOWING THE IMPROVEMENTS ON  
LOT 67, SECTION ONE  
**EUDORA**  
(DEED BOOK 3173, PAGE 77)

FAIRFAX COUNTY, VIRGINIA  
HUNTER HILL DISTRICT  
NOVEMBER 23, 2010  
JANUARY 31, 2011 (REV)  
MARCH 01, 2011 (REV)  
MARCH 16, 2011 (REV)



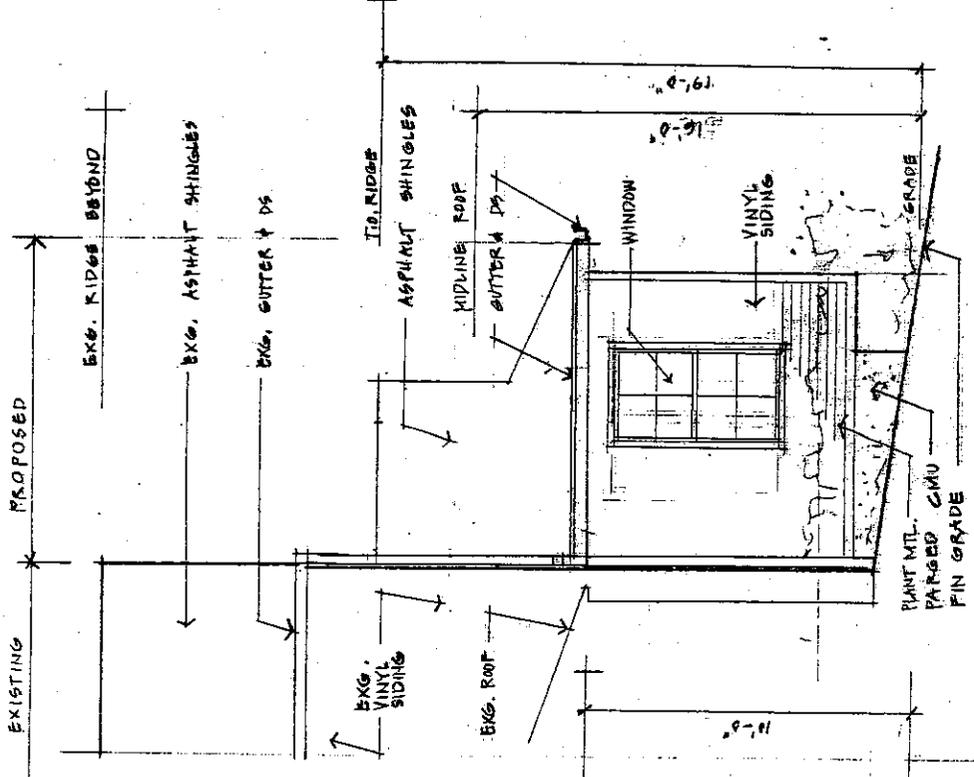
1 HEREBY CERTIFY THAT THE PORTIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A COMPARISON FIELD SURVEY. THESE SHOWN THEREON ARE THE VERIFIABLE AND UNDISPUTED AS OF THE DATE.

THIS PLAT IS SUBJECT TO THE RESTRICTIONS OF RECORD. A TITLE REPORT HAS NOT BEEN OBTAINED. NO OTHER IMPROVEMENTS ARE SHOWN.

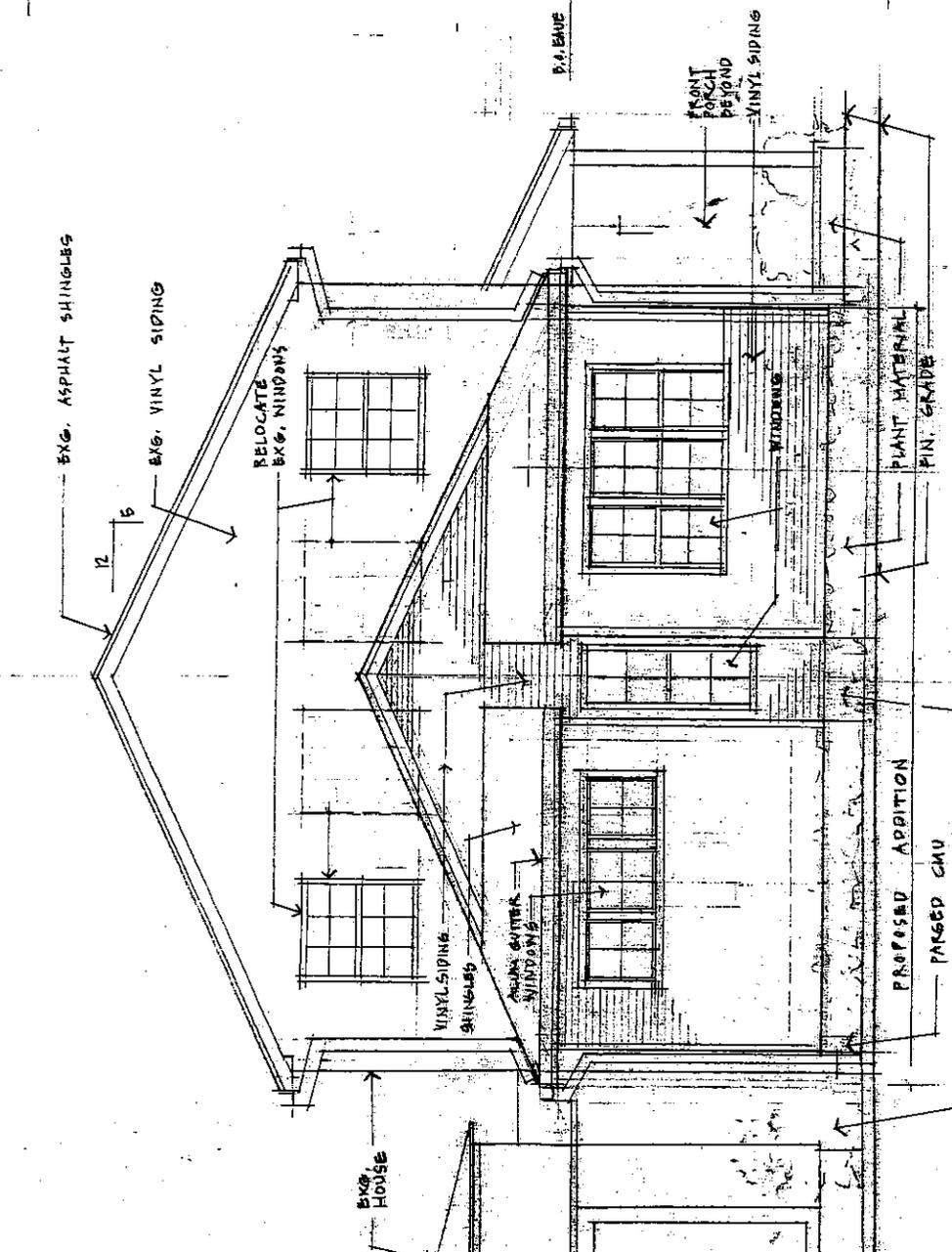


CASE NAME: SEAN E. KELLY  
KIRNS GROUP ARCHITECTS, P.C.

**DOMINION** Surveyors, Inc.  
8851 FARMVILLE VILLAGE COURT  
ALEXANDRIA, VA 22305  
703-819-8555  
FAX: 703-799-6412

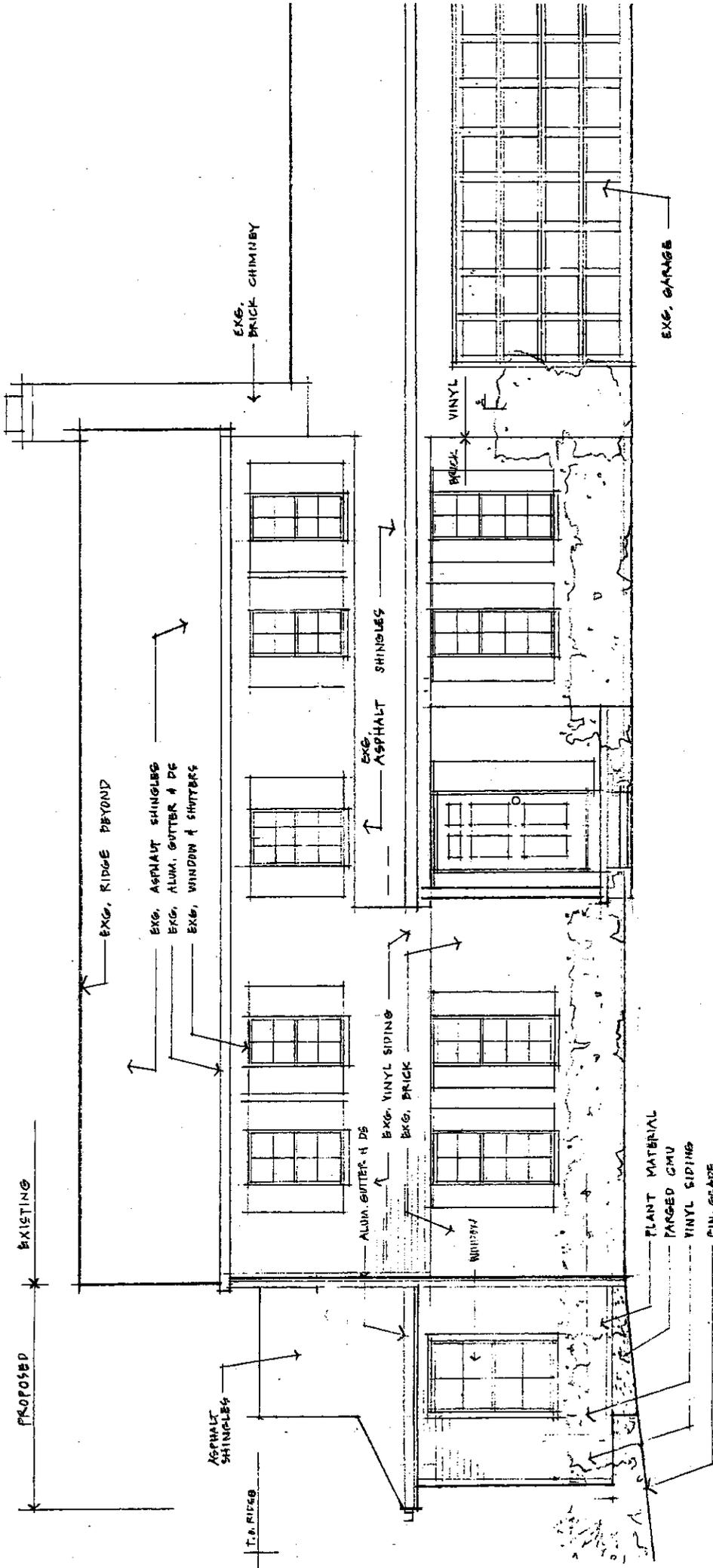


REAR ELEVATION  
 1/4" = 1' 16 MARCH 2011 REILLY  
 1836 ST. DONIFACE ST.  
 VIENNA, VA



SIDE ELEVATION  
 1/4" = 1' 16 MARCH 2011 REILLY  
 1836 ST. DONIFACE ST.  
 VIENNA, VA

RECEIVED  
 Department of Planning & Zoning  
 MAR 24 2011  
 Zoning Evaluation Division



STREET ELEVATION

1/4" = 1' 1 MARCH 2011 RIELLY  
 1836 ST. BONIFACE ST  
 VIENNA, VA

RECEIVED  
 Department of Planning & Zoning

MAR 03 2011

Zoning Evaluation Division



Photo #1: 1836 St. Boniface St. from southeast.  
12/8/10



Photo #2: 1836 St. Boniface St. from northeast.  
12/8/10

RECEIVED  
Department of Planning & Zoning  
DEC 21 2010  
Zoning Evaluation Division



RECEIVED  
Department of Planning & Zoning  
DEC 21 2010  
Zoning Evaluation Division

Photo #3: View between 1838 St. Boniface St. (on left) & 1836 St. Boniface St.  
12/8/10



Photo #4: View between 1838 St. Boniface St. (on right) & 1836 St. Boniface St.  
12/8/10



RECEIVED  
Department of Planning & Zoning  
DEC 21 2010  
Zoning Evaluation Division

Photo #5: 1836 St. Boniface St. rear property line.  
12/8/10



Photo #6: 1836 St. Boniface St. rear property line.  
12/8/10

RECEIVED  
Department of Planning & Zoning

DEC 21 2010

Zoning Evaluation Division



Photo #7: View of 1838 St. Boniface St. directly across from proposed addition.  
12/8/10



Photo #8: View of 1838 St. Boniface St. directly across from proposed addition.  
12/8/10

RECEIVED  
Department of Planning & Zoning

DEC 21 2010

Zoning Evaluation Division



Photo #9: Space between 1836 St. Boniface St. (on left) & 1838 St. Boniface St.  
12/8/10



Photo #10: View 1838 St. Boniface St. from rear of 1836 St. Boniface St.  
12/8/10

RECEIVED  
Department of Planning & Zoning

DEC 21 2010

Zoning Evaluation Division



Photo #11: Rear of 1836 St. Boniface St. with existing trees, basement doors, deck & prior addition. View of 1838 St. Boniface St. on far right. 12/8/10



Photo #12: North property line and rear of 1836 St. Boniface St. with existing tree, shed, patio, basement doors & deck. 12/8/10

RECEIVED  
Department of Planning & Zoning

DEC 21 2010

Zoning Evaluation Division



Photo #13: Detail view of rear of 1836 St. Boniface St. with existing basement doors & gas meter. 12/8/10



Photo #14: Detail view of rear of 1836 St. Boniface St. with existing electric meter, cable box and edge of prior addition on right. 12/8/10



Photo #15: Detail view of side of proposed addition at 1836 St. Boniface St. & damaged evergreens. 12/8/10

RECEIVED  
Department of Planning & Zoning  
DEC 21 2010  
Zoning Evaluation Division

RECEIVED  
Department of Planning & Zoning

DEC 21 2010

Zoning Evaluation Division



Photo #16: View of 1838 St. Boniface St. on left and 1836 St. Boniface St. on right. 12/8/10



Photo #17: View of 1838 St. Boniface St.  
12/8/10

RECEIVED  
Department of Planning & Zoning

DEC 21 2010

Zoning Evaluation Division



Photo #18: 1834 St. Boniface St.  
12/8/10



Photo #19: 1834 St. Boniface St. from rear of 1836 St. Boniface St.  
12/8/10

RECEIVED  
Department of Planning & Zoning  
DEC 21 2010  
Zoning Evaluation Division



Photo #20: 1835 St. Boniface St., across street from 1836 St. Boniface St.  
12/8/10



Photo #21: 1837 St. Boniface St., across street from 1838 St. Boniface St.  
12/8/10

RECEIVED  
Department of Planning & Zoning

DEC 21 2010

Zoning Evaluation Division



Photo #22: 1843 Abbotsford with addition into side yard.  
12/8/10



Photo #23: 1843 Abbotsford with addition into side yard.  
12/8/10

RECEIVED  
Department of Planning & Zoning

DEC 21 2010

Zoning Evaluation Division



Photo #24: 1852 Abbotsford. Example of side addition to original house in neighborhood. 12/8/10



Photo #25: 1852 Abbotsford. Example of side addition in neighborhood. 12/8/10

**DESCRIPTION OF THE APPLICATION**

To permit reduction of certain yard requirements to permit the construction of a one-story addition adjacent to the southern side lot line such that side yards total 19.2 feet.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	Addition	Total Side Yards	Total Side 24.0 feet	19.2 feet	4.8 feet	20%

\*Minimum yard requirement per Section 3-207

**EXISTING SITE DESCRIPTION**

The site is currently zoned R-2, developed under the Cluster regulations, and contains a two-story, brick with aluminum siding single-family detached dwelling with basement, built in 1972. A sunroom addition with an attached wood deck is located to the rear of the dwelling, both of which were constructed under approved building permits. There is also a storage shed and an at-grade patio located within the rear yard. All of these structures meet the minimum yard requirements for the district. A four foot high chain link fence surrounds the side and rear yards of the property. The lot consists of 11,604 square feet and is surrounded by single family detached homes along all lot lines. The property is flat and contains existing vegetation consisting of mature trees and shrubs. The property is accessed via a concrete driveway on St. Boniface Street.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-2 (Cluster)	Single Family Detached Dwellings
<b>East</b>	R-2 (Cluster)	Single Family Detached Dwellings
<b>South</b>	R-2 (Cluster)	Single Family Detached Dwellings
<b>West</b>	R-2 (Cluster)	Single Family Detached Dwellings

## BACKGROUND

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

## ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Plat, Showing the Improvements on Lot 67, Section One, Eudora
- **Prepared by:** Dominion Surveyors, Inc., dated November 23, 2010, as revised through March 16, 2011

### Proposal:

The applicants propose to construct a one-story addition, consisting of 218 square feet, to be located 8.1 feet at its closest point to the southern side lot line, such that the side yards total 19.2 feet. The distance of the location of the addition along the southern lot line ranges from 8.1 feet to 10.0 feet to its eave. The addition meets the minimum required side yard of 8.0 feet; however it doesn't meet the total side yard requirement of 24 feet. The proposed addition will provide the applicants the ability to enlarge their existing kitchen, dining and living room areas.

## ZONING ORDINANCE REQUIREMENTS

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

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

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

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

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

*General Standard 3* requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of a one-story addition, which is proposed to meet the minimum side yard of 8.0 feet, however does not meet the total side yards of 24.0 feet, will not adversely affect the use or development of neighboring properties. The addition is proposed along the southern side lot line which faces the mechanical equipment and garage for the house on Lot 68 and there are no first floor windows on this side of the dwelling which could be affected by the addition. Therefore, staff believes this standard has been met.*

*General Standard 5* requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *Three or four existing evergreen trees are proposed to be removed to accommodate the 218 square foot addition. The applicants' state that the vegetation suffered from the most recent storms and they intend to remove the shrubs because they are unsightly. The applicants indicated to staff that it is their intention to replant the area with low-lying shrubs after completion of construction activities. Therefore, staff does not believe any additional landscaping or screening is required and this standard has been met.*

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

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

*Standard 4* states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing dwelling is 3,707 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 5,560.5 square feet in size for a possible total square footage at build out of 9,267.5. The proposed addition is 218 square feet, for a total square footage of the house with the addition of 3,925 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 addition will be compatible with the architecture of the existing dwelling on the lot. Staff believes the 218 square foot request is modest in size and scale and is proposed architecturally to tie in to the existing gutters and eaves and will be considerably lower than the height of the dwelling. The applicant has proposed several windows to allow more light to enter into their home and will be relocating two existing second story windows to accommodate the addition and to make the addition blend architecturally with the dwelling. 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 one-story addition along the southern side of the existing dwelling. There are no windows located on the first floor of the most affected dwelling on Lot 68, and mechanical equipment and a garage are located on that side of their dwelling. The applicants stated to staff that they discussed their request with the most affected neighbor who verbally indicated their support of the addition. Therefore, staff believes that the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a 218 square foot one-story addition will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. Although the applicants proposes windows on the side of the addition to provide light into their home, the windows are proposed on a one-story addition, and the neighbor most affected does not have windows on the first floor of their home. Staff believes the request is modest and will 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-story addition is shown in the most logical location given that it will accommodate the*

*existing interior flow of the dwelling. The request meets the minimum side yard of 8.0 feet, however does not meet the total side yards of 24.0 feet. The northern side of the adjacent house contains an existing one-story garage and mechanical equipment. In order to meet the minimum yard requirements, the applicants would only have 5.8 feet of usable side yard to construct such an addition without the benefit of this application. 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 2011-HM-009 for a one-story addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

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

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

## **APPENDICES**

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

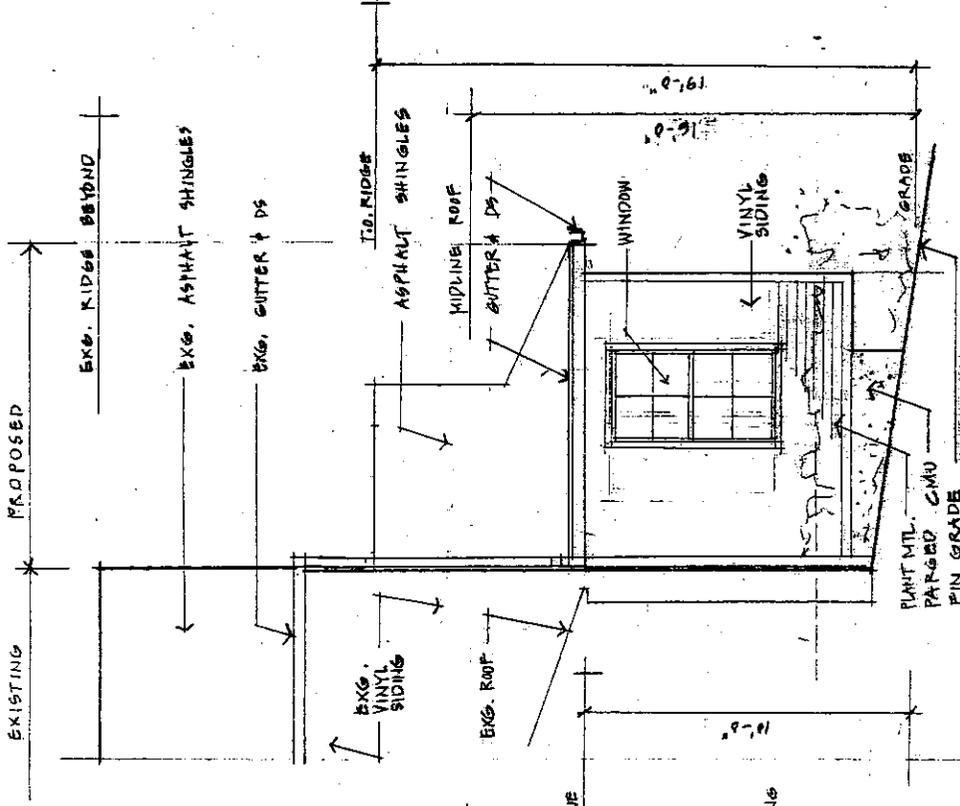
**PROPOSED DEVELOPMENT CONDITIONS****SP 2011-HM-009****April 27, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-HM-009 located at Tax Map 28-3 ((10)) 67 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a one-story addition (218 square feet), as shown on the plat prepared by Dominion Surveyors Inc., dated November 23, 2010, as revised through March 16, 2011, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,707 square feet existing + 5,560.5 square feet (150%) = 9,267.5 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.

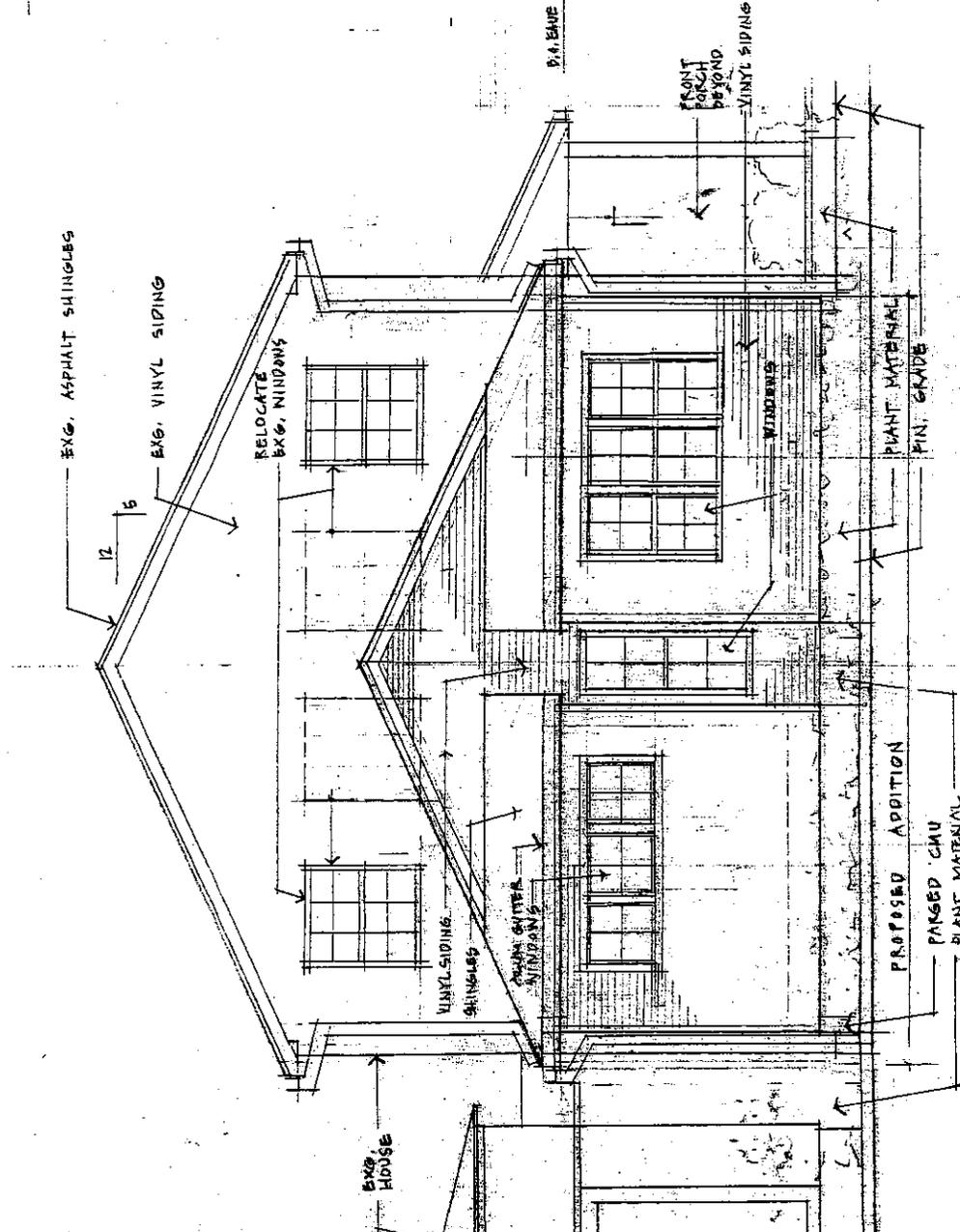
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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.



REAR ELEVATION

1/4"=1' 16 MARCH 2011 REILLY  
 1836 ST. BONIFACE ST.  
 VIENNA, VA



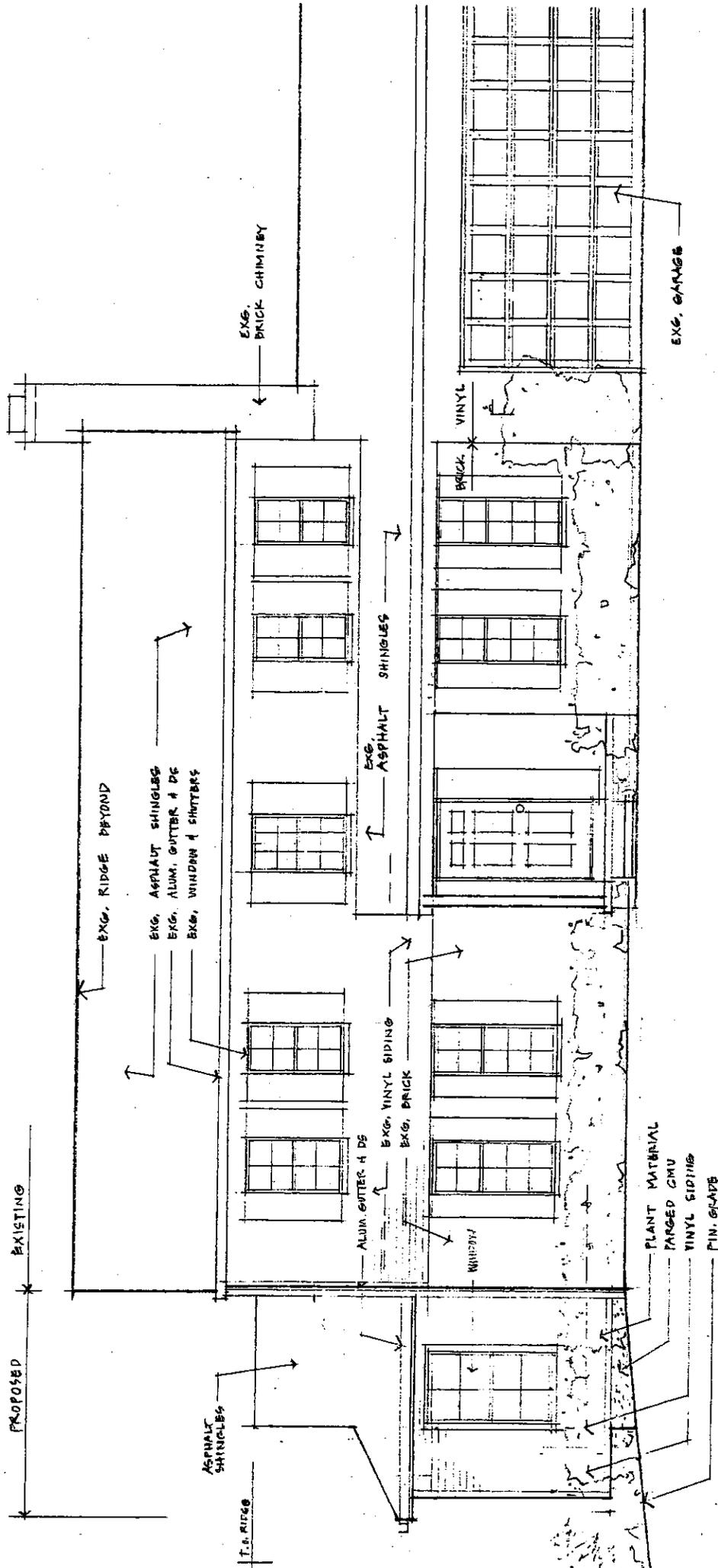
SIDE ELEVATION

1/4"=1' 16 MARCH 2011 REILLY  
 1836 ST. BONIFACE ST.  
 VIENNA, VA

RECEIVED  
 Department of Planning & Zoning

MAR 24 2011

Zoning Evaluation Division



STREET ELEVATION

1/4" = 1' 1. MARCH 2011 REILLY  
 1826 ST. DONIFACE ST  
 VIENNA, VA

RECEIVED  
 Department of Planning & Zoning  
 MAR 03 2011  
 Zoning Evaluation Division

Application No.(s): SP 2011-HM-009  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 4, 2010  
 (enter date affidavit is notarized)

I, SEAN E. AND KAREN A. REILLY, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant      110727  
                           applicant's authorized agent listed in Par. 1(a) below

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
SEAN E. REILLY	1836 ST. BONIFACE ST. VIENNA, VA 22182	<b>APPLICANT &amp; TITLE OWNER</b>
KAREN A. REILLY	1836 ST. BONIFACE ST. VIENNA, VA 22182	<b>APPLICANT &amp; TITLE OWNER</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 2011-HM-009  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12 / 4 / 10  
(enter date affidavit is notarized)

110727

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):

SP 2011-HM-009

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12/4/10  
(enter date affidavit is notarized)

110727

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 2011-HM-009

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/4/10  
(enter date affidavit is notarized)

110727

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:

[x] 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 2011-HM-009

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/4/10 (enter date affidavit is notarized)

110727

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:

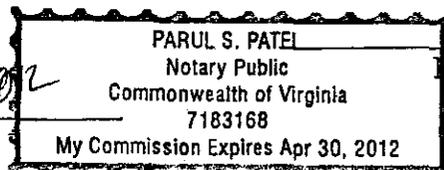
(check one)

Sean E. Reilly [X] Applicant Karen A. Reilly [ ] Applicant's Authorized Agent

Sean E. Reilly SEAN E. REILLY KAREN A. REILLY (type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 4 day of December 20 10, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires: 1/30/2012



[Signature of Notary Public]

STATEMENT OF JUSTIFICATION  
for  
SPECIAL PERMIT APPLICATION  
Reilly Residence  
1836 St. Boniface Street  
Vienna, VA 22182  
December 8, 2010  
March 1, 2011 REVISED

RECEIVED  
Department of Planning & Zoning  
MAR 03 2011  
Zoning Evaluation Division

#### Description of Application

We are seeking approval of a Special Permit for the reduction of the combined side yard requirement of 24.0 feet to 19.2 feet to construct a one story, approximately 218 square foot Dining/Living Room addition to the existing two-story, 3,707 square foot residence. The closest edge of the proposed addition is located 8.1' from the south property line, which exceeds the minimum required side setback of 8'.

We are proposing the addition to our home to enhance its appearance, usability and value. We considered an addition within the side yard setback, but the resulting space does not function well enough to make implementation of it worthwhile. As such, the proposed improvement cannot be made without reducing the required 24.0 foot combined side yard requirement. The existing center-hall Colonial type house was built in 1972 and like many houses of this era, the house consists of a small kitchen, small dining room and small living room which limits its usefulness and functionality for our large family. The addition will allow for the kitchen, dining and living rooms to be increased in area, reducing congestion and increasing functionality.

To the best of our knowledge, information and belief the proposed reduction to the side yard requirement will be in harmony with the Comprehensive Plan, complies with the specified standards of Article 8 of the Zoning Ordinance, will be compatible with existing development in the area and will not be detrimental to the use and enjoyment of other property in the immediate vicinity. There are no hazardous or toxic substances currently, nor will any be generated, utilized, stored, treated, or disposed of on this property.

#### Specific Factors to be Considered

The proposed 218 square foot, one-story addition is clearly subordinate to the 3,707 square foot, two-story existing single family residence. The addition increases the gross floor area of the existing house by 5.9%. The proposed roof of the one story addition, with its setback gable, along with the notch in the center of the addition's façade are designed to reduce its apparent mass and thus mitigate its impact to the neighborhood.

Proposed Addition will be harmonious with the existing on-site development in terms of location, height, bulk and scale. The enclosed photographs demonstrate that the proposed addition is harmonious with the existing residence in terms of height, bulk, scale and exterior materials. The original existing house is a two story, center-hall Colonial consisting of gable roofs with asphalt roof shingles, vinyl siding, brick, double hung windows and trim. A pavilion addition was built to the rear which consists of metal roofs, painted vertical cedar siding and stained wood windows.

The proposed addition takes its cues from the architecture of the original house with a gable roof of the same pitch (5:12), asphalt roof shingles, vinyl siding and windows with white frames and muntins.

The property has existing mature vegetation consisting of various shade trees, and shrubs at the perimeter of the residence. A 48" diameter oak tree dominates the front and south east portion of the property. There is no significant vegetation located in the area of the proposed addition. There are four evergreens against the south side of the house that were damaged beyond repair as a result of 2010 snowstorms. The four evergreens will be removed and replaced with new shrubs and plant material that are consistent with the front of the house.

In summary, the addition is harmonious with existing on-site development.

**Proposed Addition will be harmonious with surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and preservation of significant trees.** The enclosed photographs demonstrate that the proposed addition is harmonious with surrounding residences in the neighborhood in terms of location, height, bulk, scale and exterior materials. The surrounding neighborhood contains homes with similar additions. The proposed exterior materials are consistent and compatible with those in the neighborhood. The attached photographs also indicate that the proposed addition will not adversely affect the use or development, enjoyment, noise, light, air safety, erosion or stormwater run-off of any neighboring properties.

**Proposed Addition will not adversely affect the use and/or enjoyment of any adjacent property.** The attached photographs indicate that the proposed addition will not adversely affect the use or development, enjoyment, noise, light, air safety, erosion or stormwater run-off of any neighboring properties.

**Our neighbors immediately to the south on Lot 68 have indicated they have no objection to the proposed addition.** The proposed addition is directly opposite their fenced in utility area which includes an HVAC unit, emergency generator and parked trailer as shown in the photographs. As such, the proposed addition will not adversely affect our neighbor's enjoyment, or use of their property. Nor will it adversely affect the light and air, safety, or stormwater run-off of their property. The proposed addition will not generate any noise.

**Proposed Reduction in Side Yard represents the minimum amount of reduction necessary to accommodate the proposed addition on the site.** The minimum lot area for single family residences in R-2 Cluster Development is 13,000 square feet. The existing slightly tapered lot is 11,604 square feet in area; 1,396 square feet less than the minimum required lot area. As such, the buildable area within the Yard Requirements is restricted and limiting.

There are no alternate locations for the addition on the site due to existing conditions. The existing interior layout, existing basement stair, as well as existing incoming gas, cable and electric utilities do not allow for expanding to the rear (west) of the house. The existing Dining and Living rooms are on the south side of the house. As such, expanding the house on the south side is the most feasible and logical area of the property to expand. We believe the proposed size of the addition and the corresponding reduction in the side yard requirements are the minimum necessary for the proposed addition.

We appreciate your consideration of this proposal.

### **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.