



County of Fairfax, Virginia

May 18, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MA-021

MASON DISTRICT

APPLICANTS/OWNERS: Waldo D. and Diane R. Freeman,
Trustees for the Freeman Family Trust,
for the benefit of Waldo D. and Diane R. Freeman

STREET ADDRESS: 6201 Lakeview Drive

SUBDIVISION: Lake Barcroft

TAX MAP REFERENCE: 61-3 ((14)) 61

LOT SIZE: 16,944 square feet

ZONING DISTRICT: R-2 and HC

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 12.0 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-MA-021 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.

O:\dhedri\Special Permits\5-25) SP 2011-MA-021 Freeman (50)\SP 2011-MA-021 Freeman staff report.doc

Deborah Hedrick

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

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

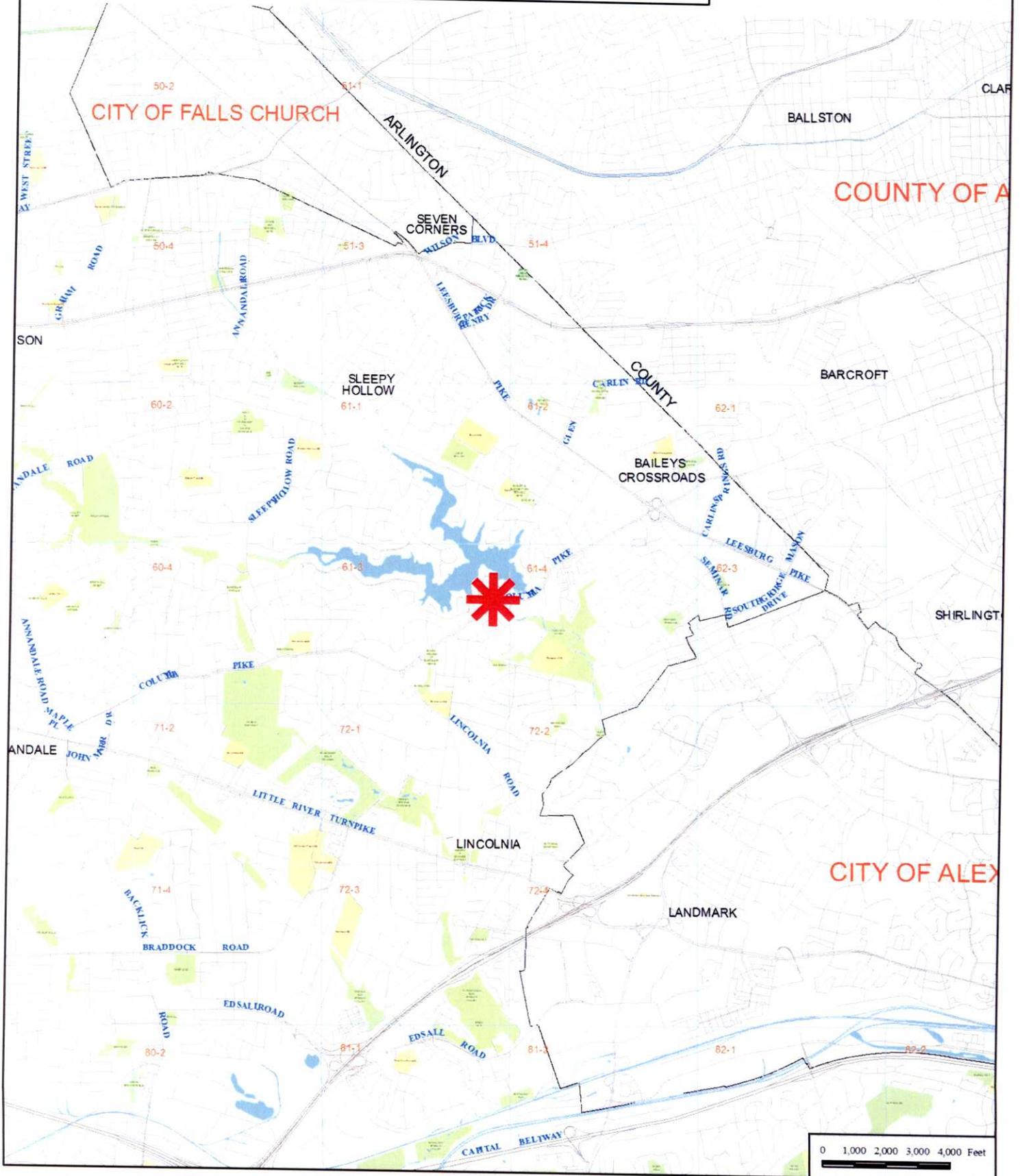


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2011-MA-021

WALDO D. & DIANE R. FREEMAN AS TRUSTEES
OF THE FREEMAN FAMILY TRUST



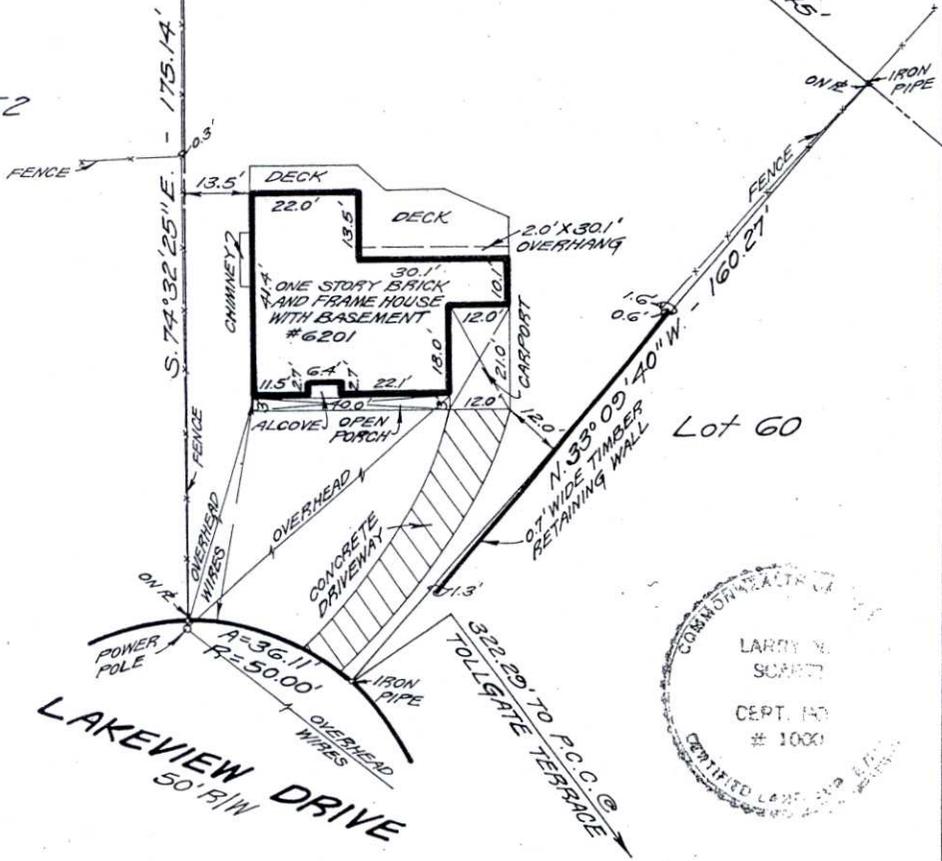
N/F Lake Barcroft Estates Incorporated

S. 12° 33' 15" W. - 59.20'

S. 56° 50' 20" W. - 106.45'

LOT 61
16,944 B

Lot 62



HOUSE LOCATION SURVEY

LOT 61 SECTION 1

LAKE BARCROFT

MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA

Scale: 1" = 30'

Date: JUNE 22, 1985

RECEIVED
Department of Planning & Zoning
NOV 24 2010
Zoning Evaluation Division

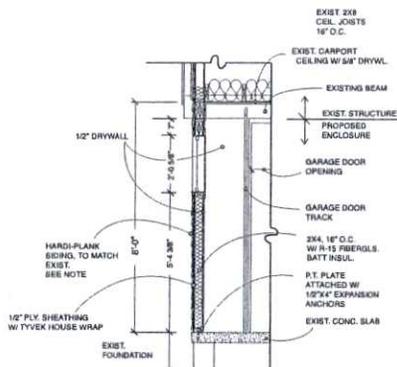
NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.
FENCE LOCATIONS IF SHOWN ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.

CASE NAME:
**TAYLOR TO FREEMAN
MICHAEL BURKE (ATT.)**

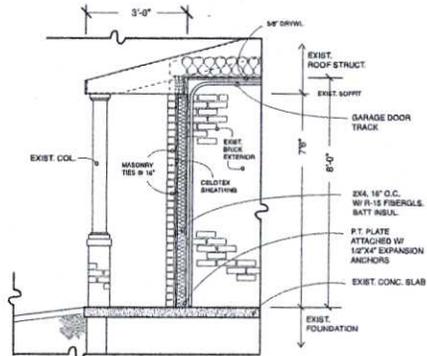
I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS THE PROPERTY LINE.

[Signature]
CERTIFIED LAND SURVEYOR

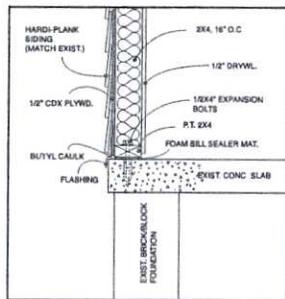
LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
WOODBRIDGE, VIRGINIA
TELEPHONE: WOODBRIDGE... 494-4181
STAFFORD... 659-2158
METRO... 650-7421



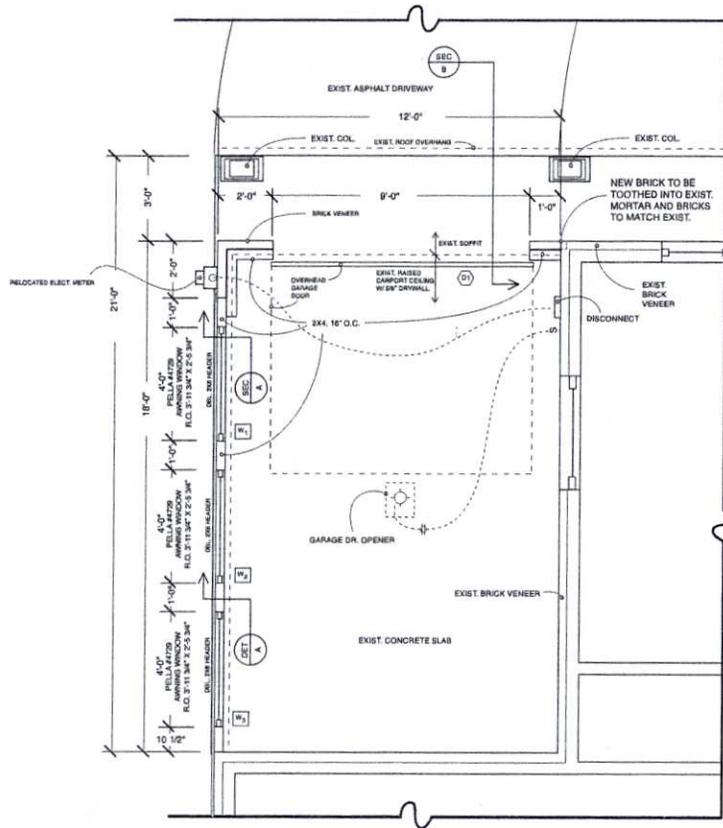
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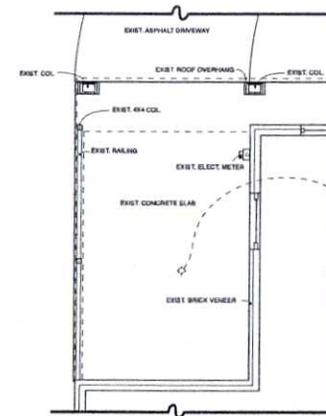
SECTION B - SCALE: 1/2" = 1'-0"



DETAIL A - SCALE: 1/2" = 1'-0"



FLOOR PLAN - SCALE: 1/2" = 1'-0"



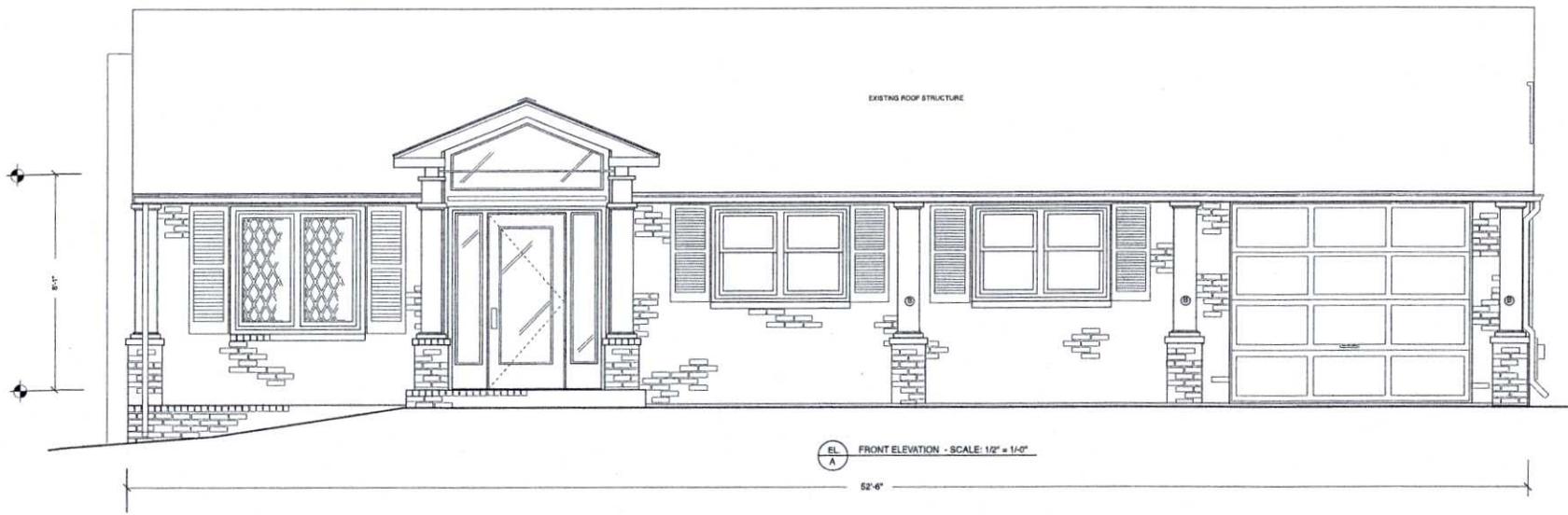
EXISTING CARPORT CONDITIONS - FLOOR PLAN - SCALE: 1/4" = 1'-0"

OTTA VENEER & ASSOCIATES
 6266 W. LAKEVIEW DRIVE
 FALLS CHURCH, VIRGINIA 22079
 703.530.5939
 FAX: 703.550.3938
 OTTA.VENUE@DIRECHAVEENR.COM

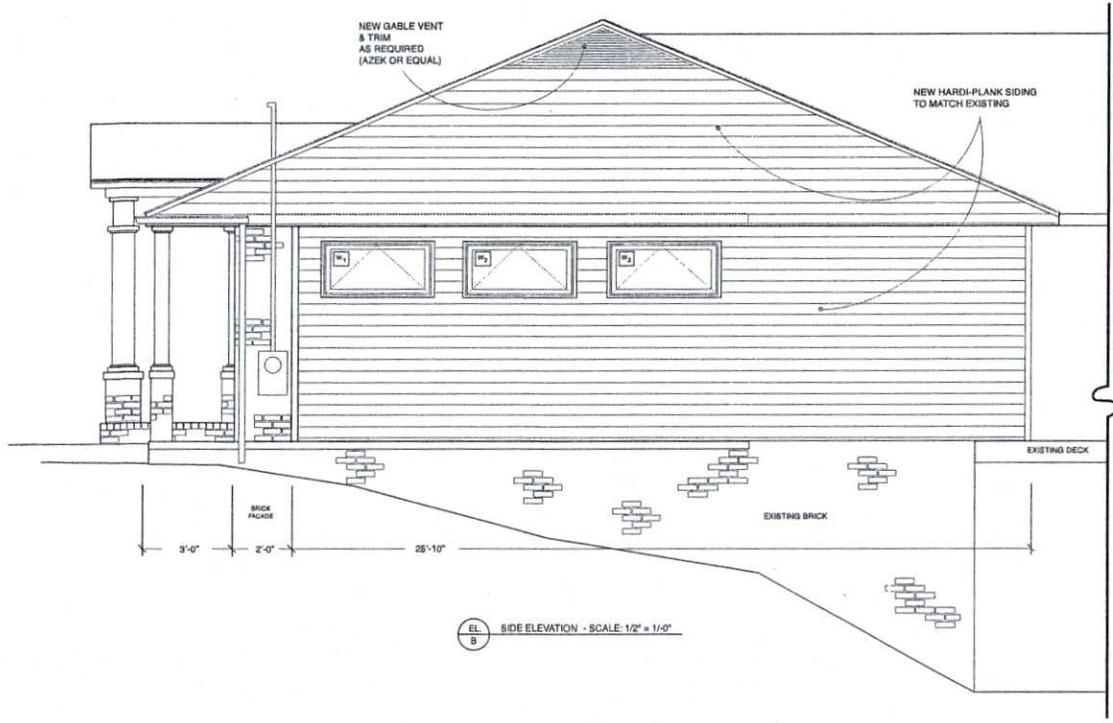
CARPORT ENCLOSURE
 FLOOR PLAN & DETAILS

FREEMAN RESIDENCE
 CARPORT ENCLOSURE PROJECT
 6201 LAKEVIEW DRIVE
 FALLS CHURCH, FAIRFAX COUNTY, VIRGINIA 22041

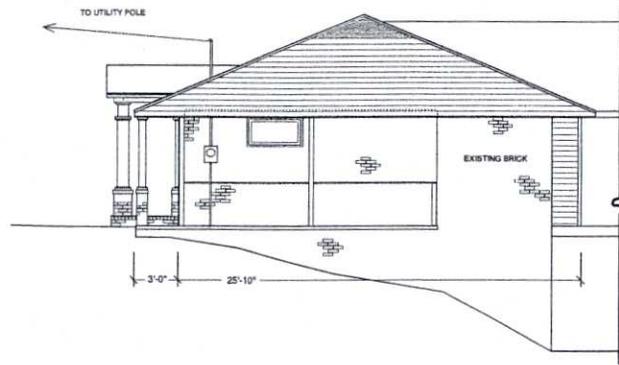
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 CHECKED:
 DATE: 10/05/09
 SCALE: 1/2" = 1'-0"
 JOB NO.: #01409
 PG. A-1
 OF 03 SHEETS



EL A FRONT ELEVATION - SCALE: 1/2" = 1'-0"



EL B SIDE ELEVATION - SCALE: 1/2" = 1'-0"



EL B SIDE ELEVATION - EXIST. CARPORT CONDITIONS - SCALE: 1/2" = 1'-0"

DEREK T. HAYENS & ASSOCIATES
 1000 N. KENNESAW AVENUE, SUITE 210779
 FAYETTEVILLE, VIRGINIA 22079
 TEL: 703-552-5938
 DTH.HAYENS@DEREKHAYENS.COM

CARPORT ENCLOSURE
 ELEVATIONS

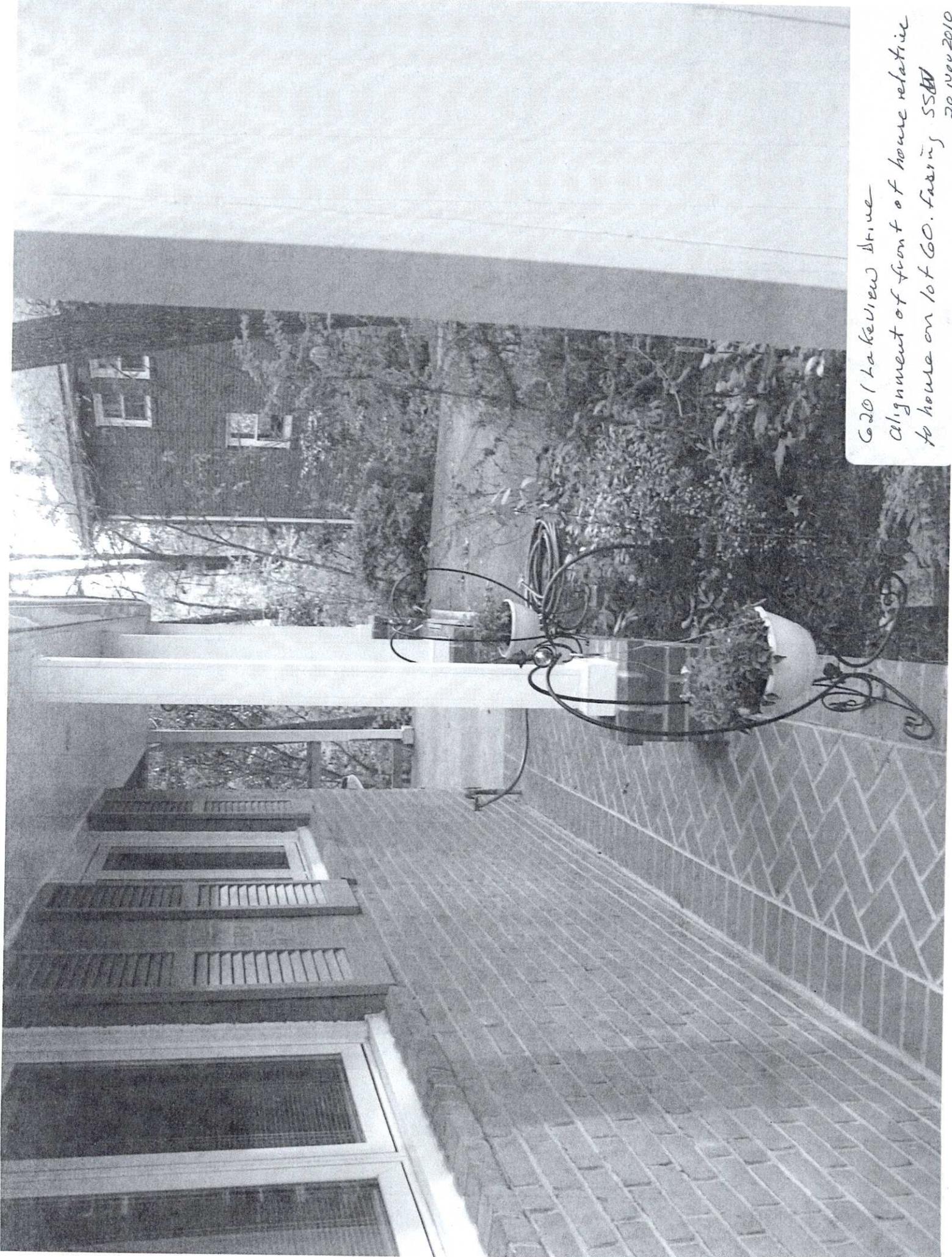
FREEMAN RESIDENCE
 CARPORT ENCLOSURE PROJECT
 6201 LAKEVIEW DRIVE
 FALLS CHURCH, FAIRFAX COUNTY, VIRGINIA 22041

DRRAWN	DTH
REVISID	02/17/11
DATE	10/05/09
SCALE	1/2" = 1'-0"
JOB NO.	#01409
PG.	A-2
OF	03 SHEETS

modified to add



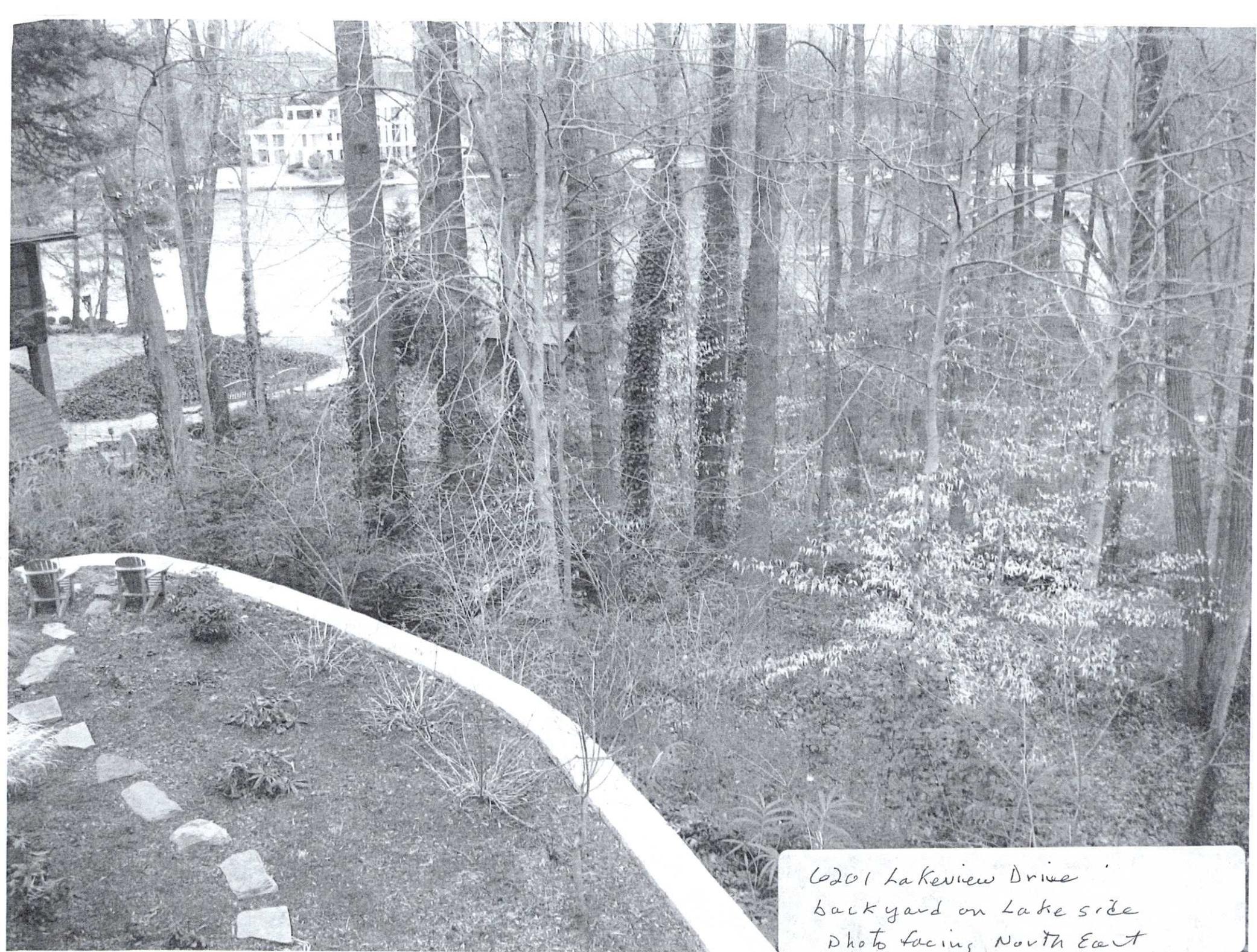
6201 Lakeview Drive 22041
Note divergent alignment of houses
on lots 61 & 60. Facing N.W. 12' tape
marks closest point of curport to lot line
20 NOV 2010



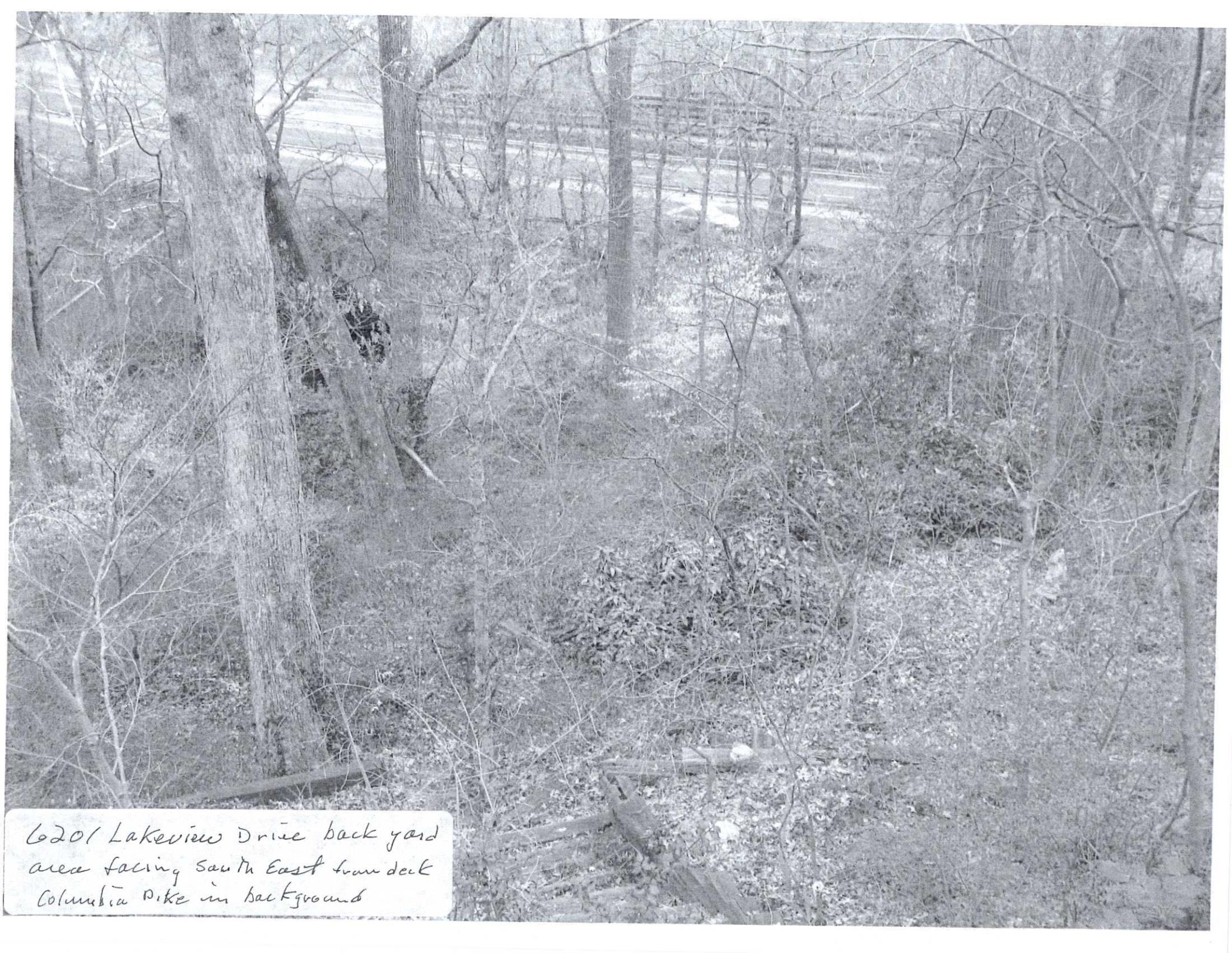
6201 Lakewood Drive
Alignment of front of house relative
to house on lot 60. Facing SSW
20 Nov 2010



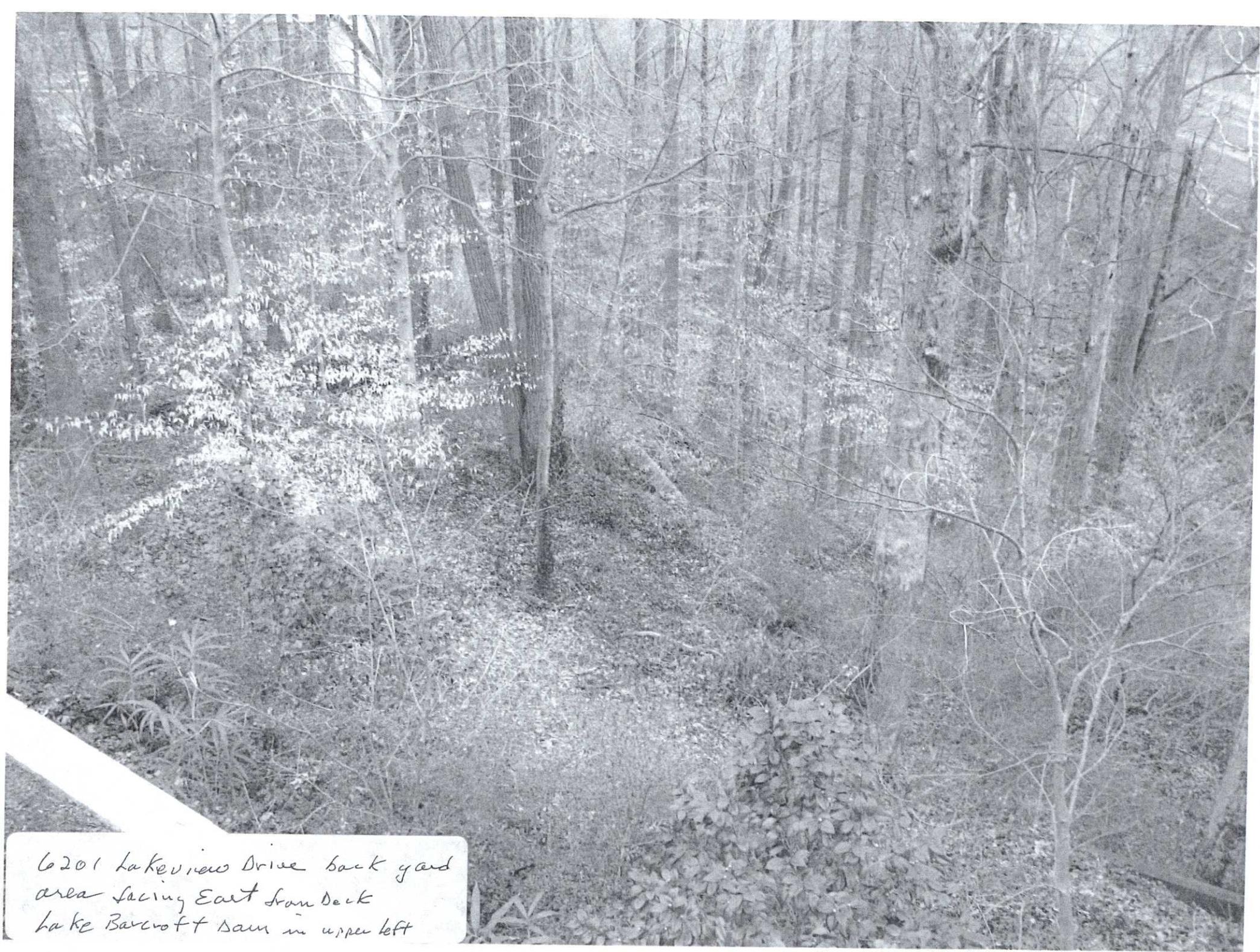
6201 Lakeview Drive 22041
Divergent alignment of houses
on lots 61 & 60. Facing SE
20 Nov 2010



6201 Lakeview Drive
backyard on Lake side
photo facing North East



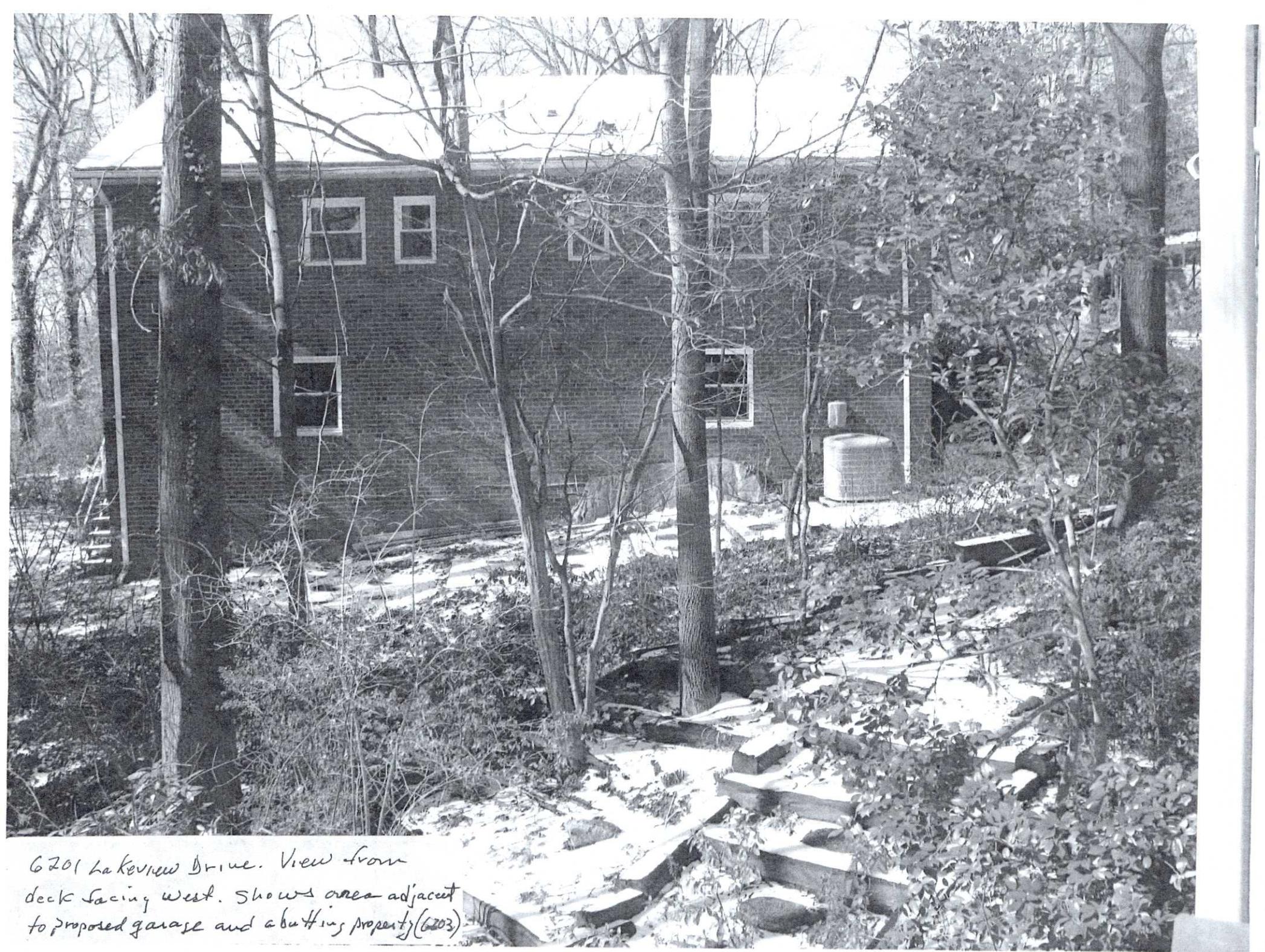
6201 Lakeview Drive back yard
area facing South East from deck
Columbia Pike in background



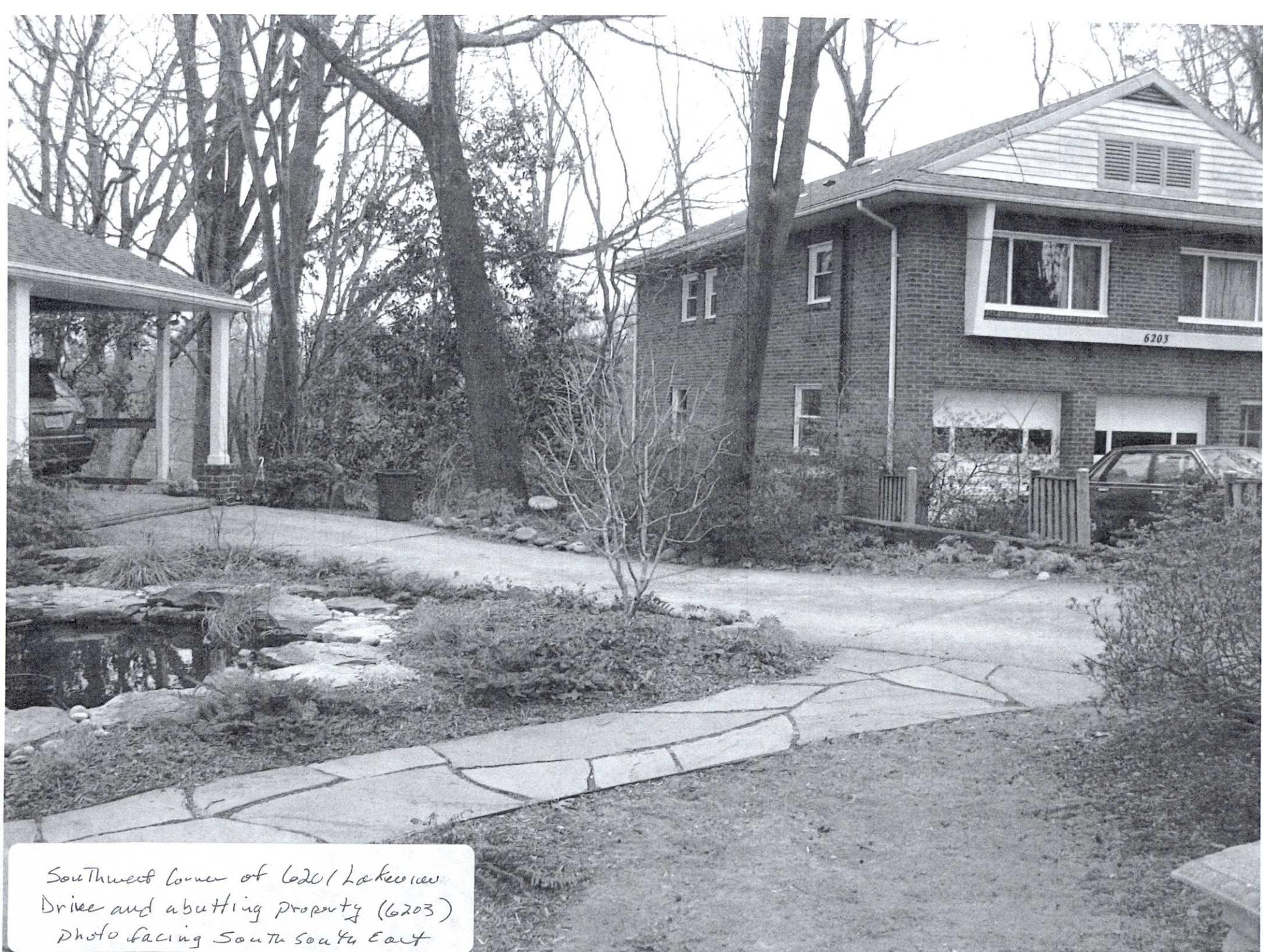
6201 Lakeview Drive back yard
area facing East from Deck
Lake Barcroft Dam in upper left



6201 Lakeview Drive from
backyard
photo facing west



6201 Lakeview Drive. View from
deck facing west. Shows area adjacent
to proposed garage and abutting property (6203)



Southwest corner of 6201 Lakeside
Drive and abutting property (6203)
Photo facing South South East



Area between 6201 Lakeview Drive
carport and abutting Property (6203)
Photo facing South East



Area between 6201 Lakeside Drive
and abutting property (6203)
photo facing South East



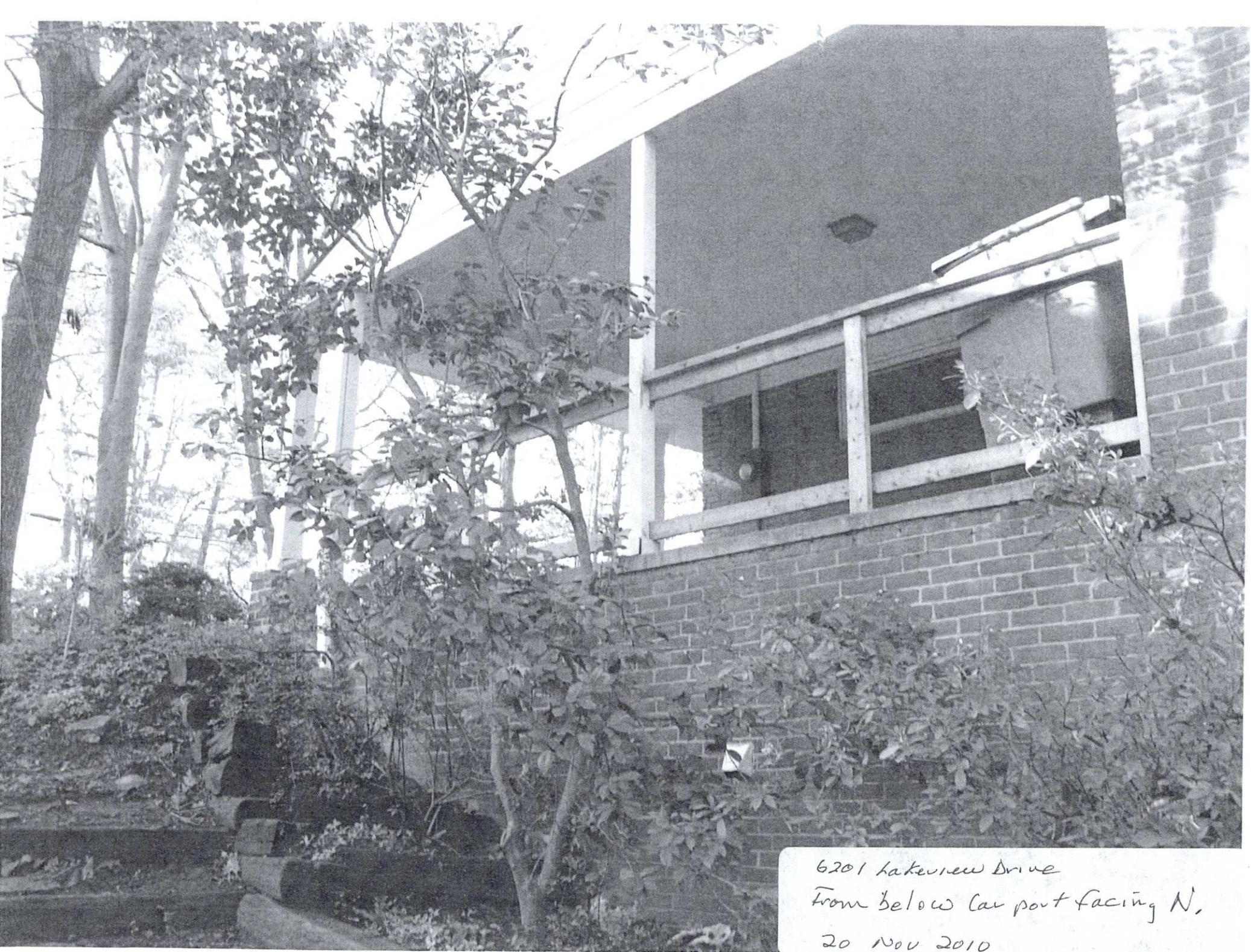
North side of 6201 Lakeview Dr
and abutting property (6200)
Photo facing East



6201 Lakeside Drive
and abutting properties
photo in SE direction



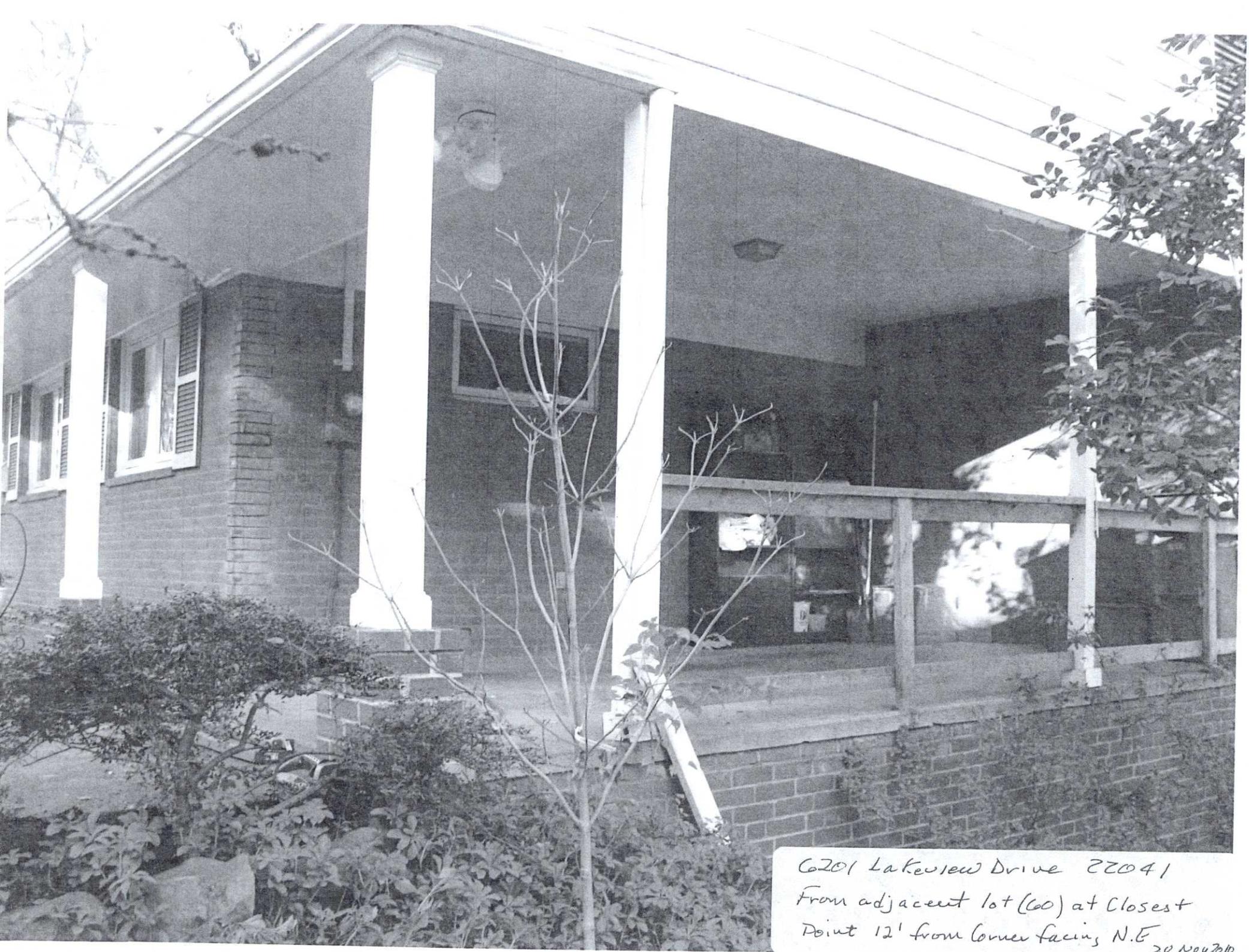
6201 La Reunion Drive



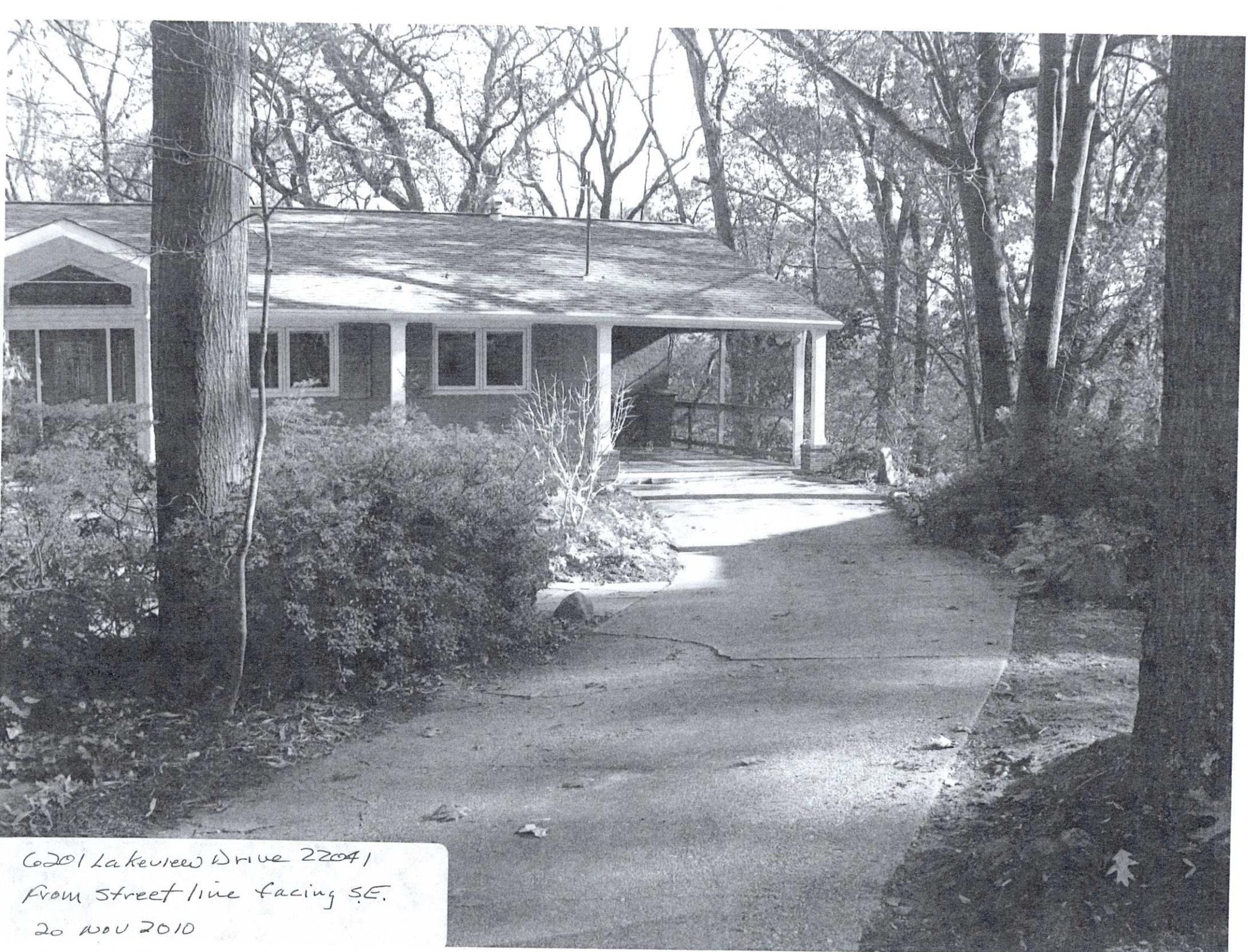
6201 Lakeview Drive
From below car port facing N.
20 Nov 2010



6201 Lakeview Drive 22041
From adjacent lot (62) line facing S.
20 NOV 2010



60201 Lakeview Drive 22041
From adjacent lot (60) at Closest
Point 12' from corner facing N.E. 20 Nov 2010



6201 Lakeview Drive 22041
From street line facing S.E.
20 NOV 2010

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 garage addition to be located 12.0 feet from the southern side lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Side	15.0 feet	12.0 feet	3.0 feet	20%

*Minimum yard requirement per Section 3-207

EXISTING SITE DESCRIPTION

The site is currently zoned R-2 and developed with a one-story brick and frame single-family detached dwelling, with basement, built in 1961. The lot consists of 16,944 square feet and is accessed via a concrete driveway from a cul-de-sac on Lakeview Drive which terminates at an existing one-car carport. The rear yard slopes significantly downward toward open space and a view of the lake owned by the Lake Barcroft Estates to the east. Single-family dwellings are located to the north and south. The lot contains a large variety of existing mature vegetation.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2 and HC	Single Family Detached Dwellings
East	R-2 and HC	Lake Barcroft Estates - open space and lake
South	R-2 and HC	Single Family Detached Dwellings
West	R-2 and HC	Single Family Detached Dwellings

BACKGROUND

Following the adoption of the current Ordinance, the BZA has heard the following similar special permits and variances in the immediate vicinity of the application parcel:

- Variance VC 87-M-116 was approved on November 13, 1987 for Tax Map 61-3 ((14)) 23A, zoned R-2, at 6321 Lakeview Drive, to permit construction of addition to dwelling 10 feet from a side lot line.
- Variance VC 88-M-097 was approved on August 5, 1988 for Tax Map 61-3 ((14)) 57, zoned R-2, at 6209 Lakeview Drive, to permit construction of addition to dwelling 13 feet from side lot line and 30 feet from front lot line.
- Variance VC 93-M-120 was approved on January 12, 1994 for Tax Map 61-4 (2)) 807, zoned R-2, at 3615 Boat Dock Drive, to permit construction of addition 17.7 feet from rear lot line and 6.1 feet from side lot line.
- Variance VC 94-M-155 was approved on March 8, 1995 for Tax Map 61-3 ((14)) 71, zoned R-2, at 6222 Lakeview Drive, to permit construction of addition 5.9 feet from a side lot line.
- Variance VC 98-M-041 was approved on June 3, 1998 for Tax Map 61-3 ((14)) 105, zoned R-2, at 6332 Lakeview Drive, to permit construction of garage addition 5.0 feet from a side lot line and 20.0 feet from front lot line and addition 19.1 feet from front lot line.
- Variance VC 2002-MA-120 was denied on November 6, 2002 for Tax Map 61-3 ((14)) 25, zoned R-2, at 6327 Lakeview Drive, to permit construction of additions 4.0 feet from side lot line and 27.0 feet from front lot line of a corner lot and deck 12.0 feet from side lot line.
- Variance VC 2003-MA-090 was approved on August 6, 2003 for Tax Map 61-4 ((2)) 804, zoned R-2, at 3534 Pinetree Terrace, to permit construction of addition 13.4 feet with eave 11.2 feet from side lot line and fences greater than 4.0 feet in height to remain in front yard.
- Special Permit SP 2009-MA-028 was approved on July 14, 2009 for Tax Map 61-3 ((14)) 22, zoned R-2, at 6319 Lakeview Drive, to permit reduction of certain yard requirements to permit construction of addition 12.6 feet and 14.5 feet from side lot lines and 12.5 feet and 13.1 feet from rear lot line.

ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** House Location Survey, Lot 61, Section 1, Lake Barcroft
- **Prepared by:** Larry N. Scartz dated June 22, 1985

Proposal:

The applicants propose to enclose an existing one-car carport into a one-car garage. The carport was approved with the original building permit issued in 1961. The garage will be approximately 252 square feet in size and located 12.0 feet at its closest point to the southern side lot line.

ZONING ORDINANCE REQUIREMENTS

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

The application must meet all of the following standards, copies of which are attached as Appendix 4: *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 garage addition will not adversely affect the use or development of neighboring properties since a majority of the surrounding properties have enclosed garages on their homes and the request as proposed is modest. As noted under the Background section, many of the homes within the subdivision have received approval of variances or special permits for similar additions adjacent to their side lot lines. On March 22, 2011, the applicant's received approval from the Lake Barcroft Association for conversion of the carport into a garage. A copy of this approval is included within the statement of justification, attached as Appendix 3. 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 1,909 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 2,863.5 square feet in size for a possible total square footage at build out of 4,772.5. The proposed addition is 252 square feet, for a total square footage of the house with the addition of 2,161 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 garage addition will be compatible with the architecture of the existing dwelling on the lot. The applicants' request is to merely enclose an existing open carport and therefore the addition will be in character with existing on-site development. Staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The applicant's propose to construct a one-story, one-car garage addition at the end of an existing driveway which will enclose an existing open carport. There is existing mature vegetation both on and off-site which will screen and soften the appearance of the garage, and the addition as proposed will not remove any existing vegetation. In coordination with the Forest Conservation Branch of the Department of Public Works and Environmental Services, and as noted in their memorandum included as Appendix 4, the applicant has agreed to install construction fencing to ensure existing vegetation is protected from any construction activities. Therefore, staff believes the addition 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 252 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, as it is an existing structure which only requires the installation of side walls to complete its construction. Staff believes the request is modest and does not believe it will increase runoff or erosion as the area is already paved. 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, as it will be placed where the existing driveway currently terminates and will replace an open carport which has existed on the property since the original construction of the house. The request is modest in size and scale as it will accommodate only one vehicle. 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-MA-021 for a one-story, one-car garage 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. Urban Forest Management Division Memorandum
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2011-MA-021****May 18, 2011**

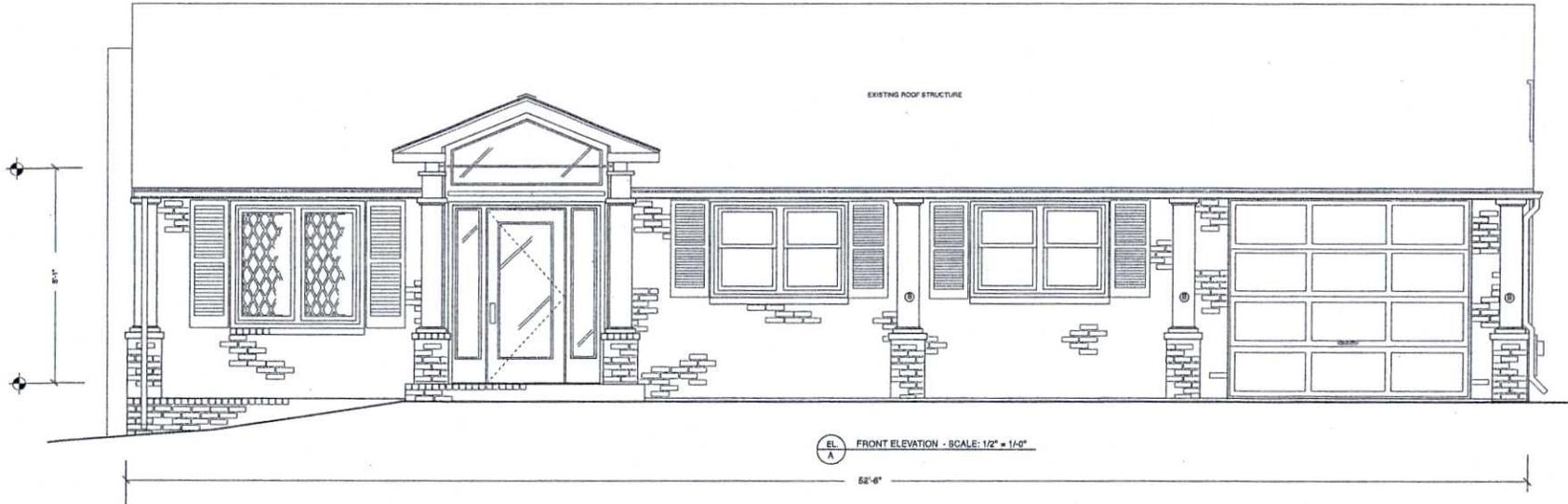
If it is the intent of the Board of Zoning Appeals to approve SP 2011-MA-021 located at Tax Map 61-3 ((14)) 61 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance 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 one-story garage addition (252 square feet), as shown on the plat prepared by Larry N. Scartz, dated June 22, 1985, 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 (1,909 square feet existing + 2,863.5 square feet (150%) = 4,772.5 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.
5. Prior to commencement of and during the entire construction process, the applicant shall designate the area along the south side of the driveway and within six feet of the proposed garage addition as tree save areas to protect existing on-site and off-site vegetation and shall install tree protection fencing

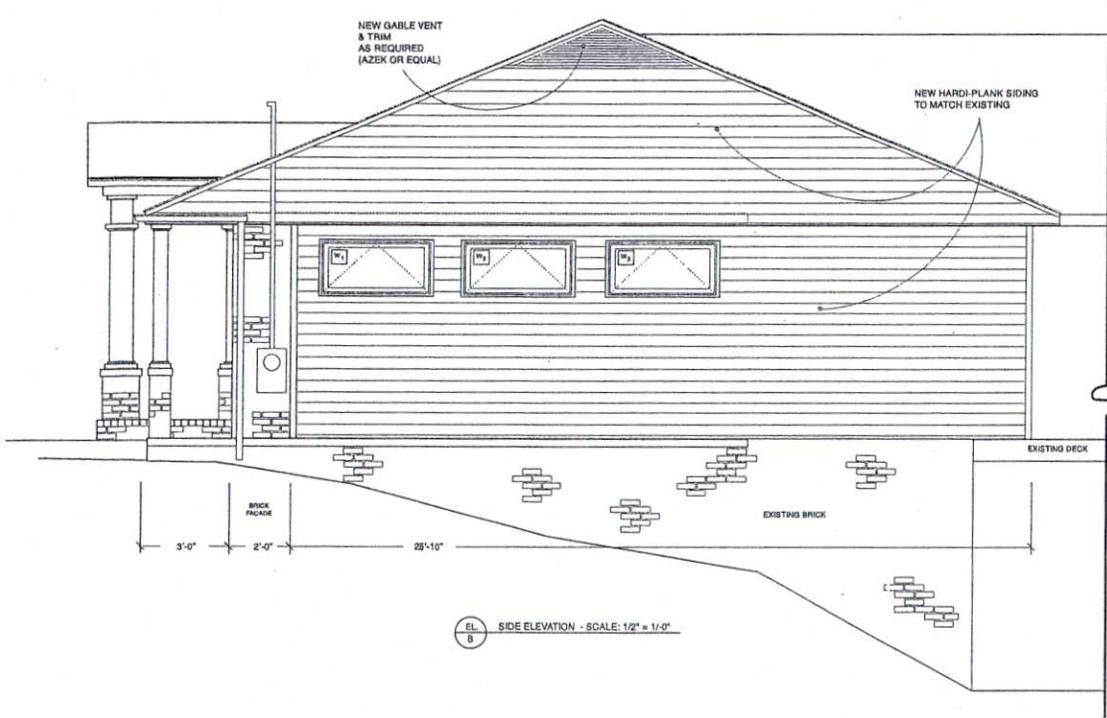
such as 14-gauge welded wire or orange plastic fence to protect the vegetation in these areas from construction activities. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that inappropriate activities such as the storage of construction equipment do not occur within the area.

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

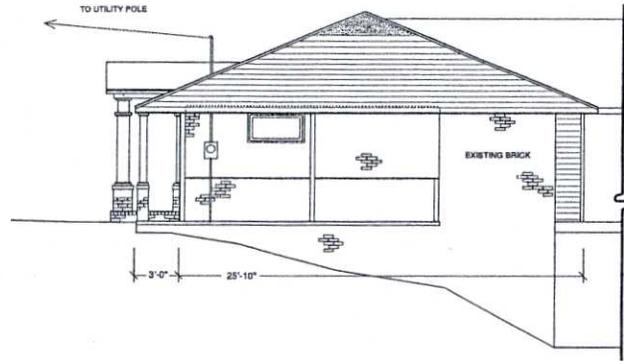
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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



EL A FRONT ELEVATION - SCALE: 1/2" = 1'-0"



EL B SIDE ELEVATION - SCALE: 1/2" = 1'-0"



EL B SIDE ELEVATION - EXIST. CARPORT CONDITIONS - SCALE: 1/2" = 1'-0"

DEREK T. HAVENS & ASSOCIATES
 8400 N. VALENTIA AVE. SUITE 200
 FALLS CHURCH, VIRGINIA 22079
 TEL: 703-552-9338
 FAX: 703-552-9338
 DTHAVENS@DEREKHAVENS.COM

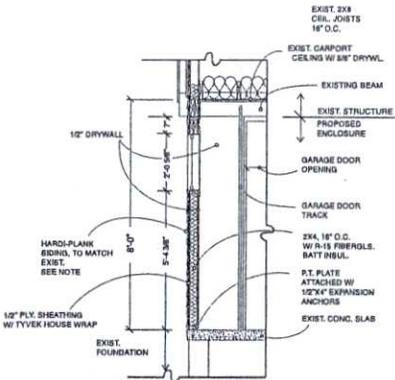
CARPORT ENCLOSURE
 ELEVATIONS

FREEMAN RESIDENCE
 CARPORT ENCLOSURE PROJECT
 6201 LAKEVIEW DRIVE
 FALLS CHURCH, FAIRFAX COUNTY, VIRGINIA 22041

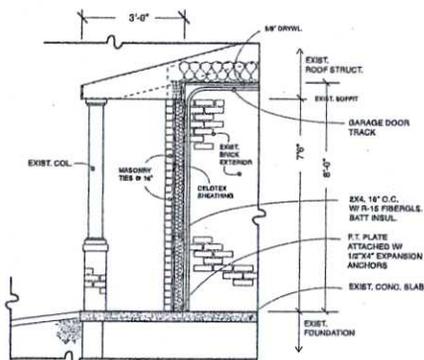
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ATTACHMENT 1

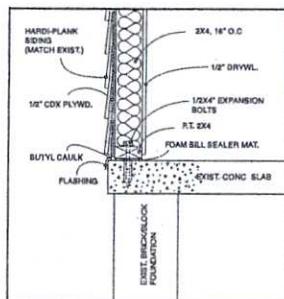
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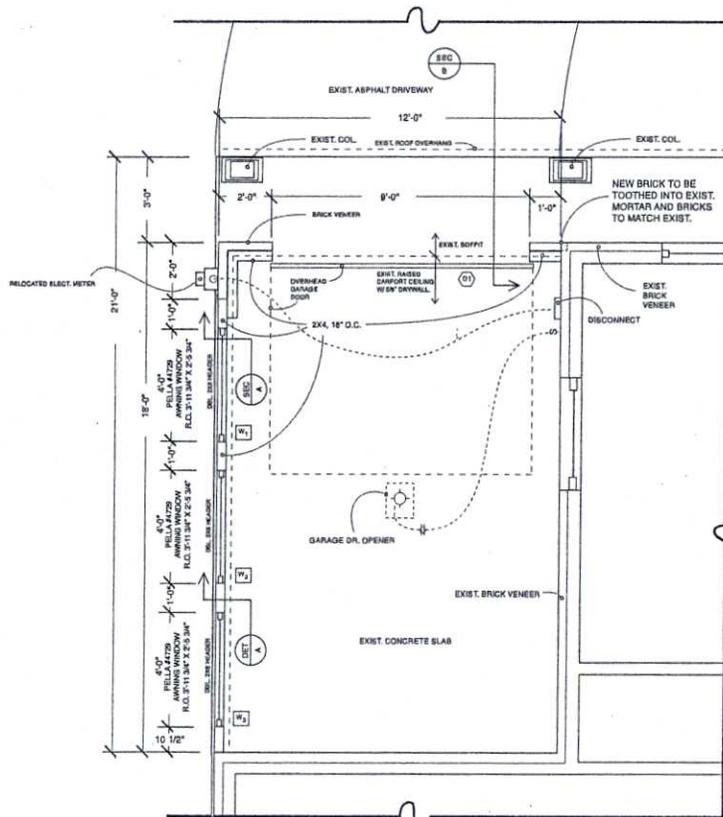
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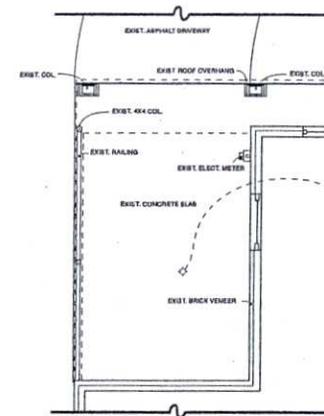
SECTION B - SCALE: 1/2" = 1'-0"



DETAIL A - SCALE: 1/2" = 1'-0"



FLOOR PLAN - SCALE: 1/2" = 1'-0"



EXISTING CARPORT CONDITIONS - FLOOR PLAN - SCALE: 1/4" = 1'-0"

DTH ARCHITECTURE & ASSOCIATES
 2028 FALLOUT TOWN
 FALLS CHURCH, VIRGINIA 22079
 703.850.9339
 FAX 703.850.9338
 DTHA.VENUE@DTHARCHITECTURE.COM

CARPORT ENCLOSURE
FLOOR PLAN & DETAILS

FREEMAN RESIDENCE
 CARPORT ENCLOSURE PROJECT
 6207 LAKEVIEW DRIVE
 FALLS CHURCH, FAIRFAX COUNTY, VIRGINIA 22041

DRAWN:	DTH
CHECKED:	
DATE:	10/05/09
SCALE:	1/2" = 1'-0"
JOB NO.:	#01409
PG.	A-1
OF 03 SHEETS	

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23d December 2010
 (enter date affidavit is notarized)

I, Waldo D. Freeman, Trustee, 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 110465a

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)
Waldo D. and Diane R. Freeman, Trustees for the Freeman Family Trust, for the benefit of Waldo D. and Diane R. Freeman	6201 Lakeview Drive Falls Church, VA 22041	Applicants/Title Owners

(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: 23d December 2010
(enter date affidavit is notarized)

110465a

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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23d December 2010
(enter date affidavit is notarized)

110465a

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: 23d December 2010
(enter date affidavit is notarized)

110465a

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23d December 2010
(enter date affidavit is notarized)

110465a

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) Waldo D. Freeman, Trustee
 Applicant Applicant's Authorized Agent

Waldo D. Freeman, Trustee
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 23d day of December 2010, in the State/Comm. of Virginia, County/City of Alexandria

My commission expires: August 31, 2014

Barbara Fealy Vavagione
Notary Public
Notary Registration Number 7047984



RECEIVED
Department of Planning & Zoning

NOV 24 2010

Zoning Evaluation Division

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

- Page 1
- A. Type of operation. **Single car residential garage**
- B. Hours of operation. **NA**
- C. Estimated number of patrons/clients/patients/pupils/etc. **1 user**
- D. Proposed number of employees/attendants/teachers/etc. **NA**
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation. **None. No change from current use.**
- F. Vicinity or general area to be served by the use. **Existing single family residence**
- G. Description of building facade and architecture of proposed additions. **Continuation of existing brick construction across house front to either side of garage door; continuation of existing wood (to be Hardie Board) siding on side to be enclosed; three windows to be set into side wall. See attached plans.**
- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers. **No hazards or toxic substances to be generated, utilized, stored, treated, and/or disposed of on site.**
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification. **Proposed garage will replace, on the same footprint, the existing carport. A special permit is required because the existing carport is 12 feet from the side yard property line. A garage would require 15 feet.**

This Group 9 Special Permit is justified by the following:

- 1) **Due to the positioning of the house on the lot (see plat), the front is set back from the neighbor's property on the side of the proposed carport (an extension of a line across the house front passes to the rear of the neighbor's house – see attachment and photo);**
- 2) **Due to the pie shape of the lot, the house (and the proposed garage) angle away at approximately 45 degrees from the property line from the point where the setback is 12 feet, thus only a tiny fraction of the proposed garage (a 3 foot eve) will be within 15 feet of the side yard property line; and,**
- 3) **The modification would improve security, safety, noise abatement and energy efficiency as well as upgrading appearance to match the homes on either side, both of which have garages.**

Page 2

SP 2010-0266

Specific Section 8-922 Comments (modified 02/22/2011):

Para 4. The above grade gross floor area of the existing structure is 1909 sq. ft. (including covered front porch and carport). The proposed garage (including covered entry) will be 252 sq. ft or 13.2% of the total gross floor area. This is well within the guidelines for additions to existing structures. The gross floor area will remain unchanged.

Para 5. As described above, the resulting gross floor area of the existing carport and the proposed garage which will replace it are clearly subordinate in purpose, scale use and intent to the principal structure on the site.

Para 6. The proposed garage is in character with existing on site development since it is in the same location, is the same height, occupies the same volume and is the same scale as the carport it is to replace.

Para 7. The carport-to-garage conversion is harmonious with surrounding off-site uses and structures since it uses the same footprint and matches existing architectural style. Its location at an angle away from the street and adjacent property make only the entrance visible from the street. The garage is compatible with homes on adjacent lots both of which have two car garages. No vegetation or trees will be affected by the upgrade.

Para 8. The proposed carport-to-garage conversion will improve use or enjoyment of adjacent property with regard to noise and appearance; it will have no impact on air, light, safety, erosion, or storm water runoff.

Para 9. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. The existing carport is 12 feet from the side yard property line at its nearest point; but a garage would require 15 feet. Thus the proposed carport-to-garage conversion would result in no actual reduction in the existing distance from the property line, but it does require approval under a different zoning ordinance. Due to the shape of the lot and slope beyond the carport there is no alternate location for a garage. The layout of the property relative to the property line is at approximately 45 degrees away from it. Thus only a tiny fraction (less than 4%) of the proposed garage will be within 15 ft. of the nearest point on the side-yard property line. This tiny fraction exists now as part of the carport floor and overhanging roof and will not change. Since the carport exists there will be no additional impact on environmental characteristics of the site including steep slopes, floodplains or resource protection areas, preservation of existing vegetation and trees, or other similar considerations. There will be no impact on wells or septic fields, location of easements or preservation of historic resources.

RECEIVED
Department of Planning & Zoning

FEB 25 2011

Zoning Evaluation Division

Date Received:

11-006

3/22/11

LAKE BARCROFT ASSOCIATION
P. O. BOX 1085, Falls Church, VA 22041
(703) 941-1927

LAKE BARCROFT ARCHITECTURAL REVIEW COMMITTEE ("ARC")

APPLICATION FORM AND COVER SHEET

Homeowner: Waldo & Diane Freeman Home Phone: (703) 354-4057
Street Address: 6201 Lakeview Drive, 22041 Work/Alternative Phone: (NA) _____
Email Address: freemanwd64@verizon.net (preferred method of communication)
 Dock/Seawall; Addition; Play Structure; Fence; Deck; Auxiliary Structure; Other
Conversion of carport to garage

The ARC assists in enhancing and maintaining the quality of Lake Barcroft's built environment and administers the LBA's Architectural Guidelines (provided on pages 85-90 of the Lake Barcroft Directory and on the internet at <http://www.lakebarcroft.org/docs/association/archguide.pdf>).

The ARC serves all LBA homeowners. Please contact Chris Lawson at the Association (email: lachance3@AOL.COM) for further information.

Your application must include the following:

- 1. This completed **Cover Sheet** submitted to the LBA office by mail or in person;
- 2. A written **Description** of the proposed alteration or addition; **Tab A**
- 3. **Color Photographs** of the existing property from a wide angle and various views of the area to be altered; **Tab B**
- 4. **Scale Drawings** & plans, including exterior elevations, prepared by architect, builder, or owner, noting all finishes (e.g., materials, paint colors, etc.) and color samples where helpful; **Tab C**
- 5. Description of **Landscaping** plan designed to integrate and lessen visual impact of improvement; **Tab D**
- 6. A copy of your "**Record Plat**" showing all structures on the property. The location of the proposed alteration or addition should be drawn legibly and to scale on that copy; **Tab E**
- 7. Description of **Review with Neighbors**, listing neighbors contacted and their comments (The ARC will notify neighbors about your proposal and solicit their comments. We urge applicants to review their proposal with neighbors to seek their input in advance.); and **Tab F**
- 8. Any **Additional Information** that will help the Committee to understand the project. **Tab G**

Owners will be notified of incomplete submissions and will be asked to provide missing items before the Committee can act upon the application. Common reasons for incompleteness and delays in review include: failure to supply adequate color photos of the property as it is now, lack of landscaping plans, drawings not to scale, and no clear indication of proposed materials/color/finishes.

The following information will be completed by the Committee and returned to you:
ARCHITECTURAL REVIEW COMMITTEE COMMENTS:

Approved as proposed

APPROVAL: DISAPPROVAL: _____ DATE: 4/22/2011

Jim Williams, Chair ARC/LBA



County of Fairfax, Virginia

MEMORANDUM

April 7, 2011

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

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

SUBJECT: 6201 Lakeview Drive, SP 2011-MA-021

RE: Request received March 24, 2011, for Forest Conservation Branch comments and recommendations

RECEIVED
Department of Planning & Zoning
APR 12 2011
Zoning Evaluation Division

I have reviewed the above referenced Special Permit application stamped as received by the Zoning Evaluation Division (ZED) on February 25, 2011. The following comment and recommendation is based on this review and aerial pictometry of the site.

1. **Comment:** Existing trees on the south side of the driveway and proposed garage location should be protected during construction.

Recommendation: As a condition of approval of the requested SP, require tree protection fencing to protect existing trees. Recommended condition language is as follows:
“Prior to the arrival of any equipment on the site, tree protection fence shall be installed along the south side of the driveway and within six (6) feet of the carport to restrict construction activity, minimizing the potential for impacts to the root zones of trees within the protected area. Tree protection fence shall consist of four-foot (4 ft.) high, 14-gauge welded wire attached to 6-foot steel stakes driven 18 inches into the ground and placed no further than 10 feet apart.”

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

HCW/
UFMID #: 159783

cc: RA File
DPZ File

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



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.