



APPLICATION ACCEPTED: March 17, 2011

DATE OF PUBLIC HEARING: June 8, 2011

TIME: 9:00 a.m.

County of Fairfax, Virginia

June 1, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-SP-024

SPRINGFIELD DISTRICT

APPLICANT: John J. Hess

OWNERS: John J. Hess
Sandra A. Hess

LOCATION: 6628 Shalestone Court

SUBDIVISION: Little Rocky Run

TAX MAP: 65-4 ((2)) 435

LOT SIZE: 9,796 square feet

ZONING: R-3 Cluster, WS

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements for construction of an addition 14 feet from the rear lot line

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-SP-024 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:\bcho00\SP\SP 2011-SP-024 (Hess)\draft_report.doc

Brenda J Cho

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.**

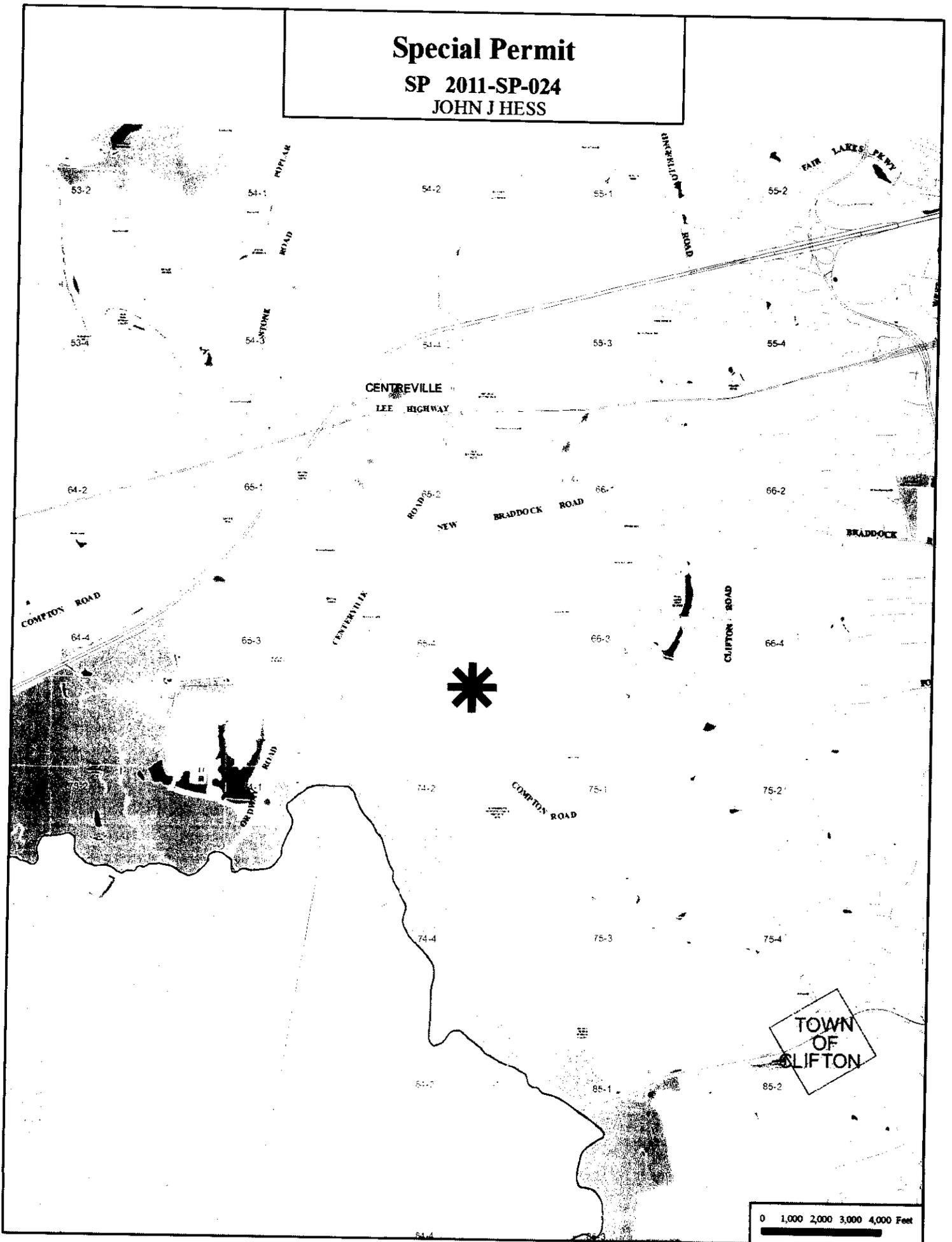


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2011-SP-024

JOHN J HESS

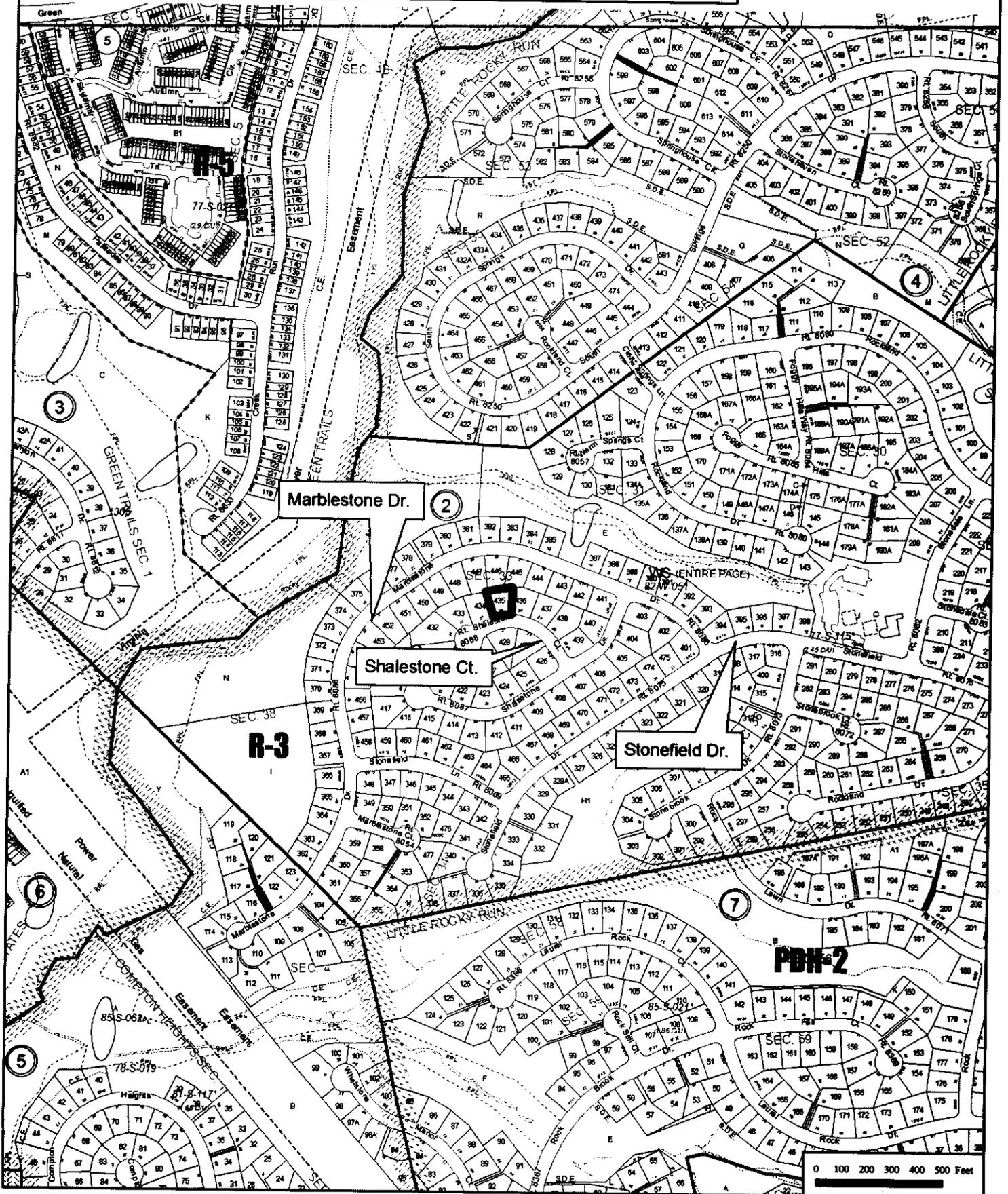


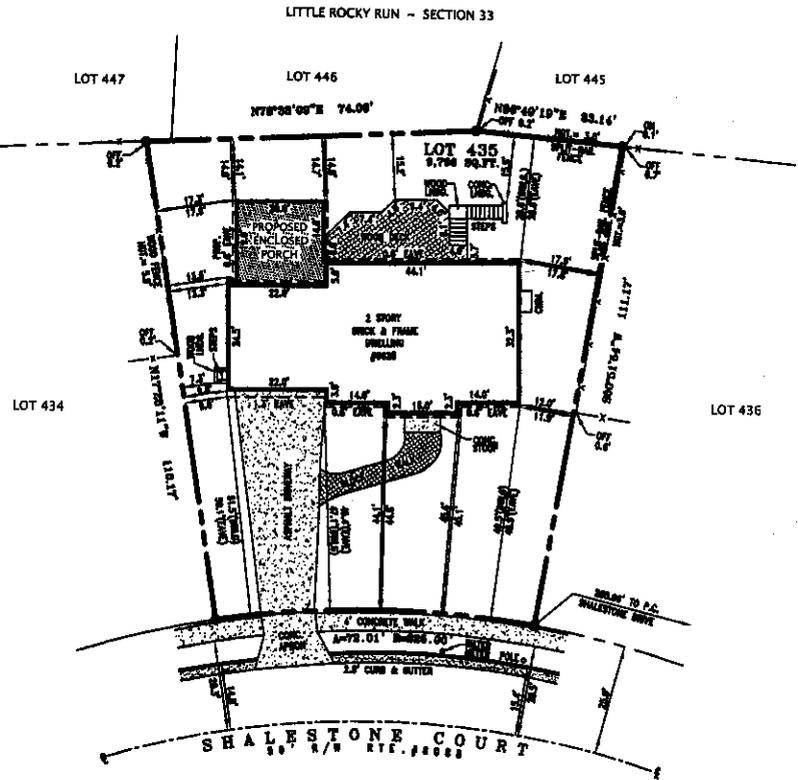
0 1,000 2,000 3,000 4,000 Feet

Special Permit

SP 2011-SP-024

JOHN J HESS





NOTES:

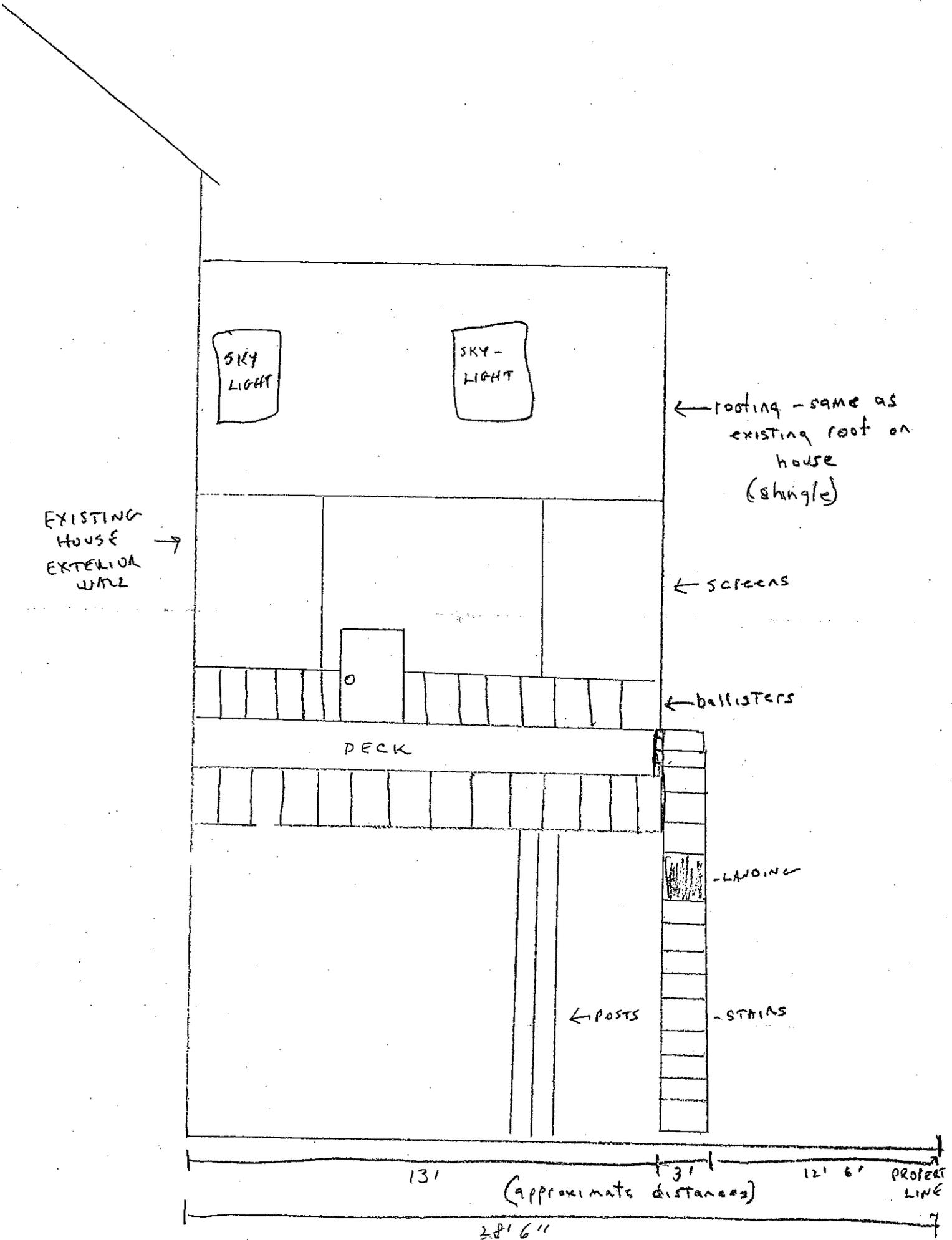
1. THIS PROPERTY IS LOCATED IN TAX MAP: 05-4-02-00-435 AND IS ZONED R-3 CLAMBER
2. PROPERTY OWNER IS JOHN A. HESS AND IS RECORDED IN DEED BOOK 39906 AT PAGE 1063 OF THE FAIRFAX COUNTY LAND RECORDS.
3. THIS PROPERTY IS SERVED BY PUBLIC SEWER AND WATER.
4. NO TITLE REPORT FURNISHED AND ALL EASEMENTS OF RECORD MAY NOT BE SHOWN.
5. EXISTING YARD REQUIREMENTS:
FRONT = 20 FEET SIDE YARD = 5 FEET (TOTAL MINIMUM OF 20 FEET REAR = 25 FEET
6. MINIMUM REQUIREMENT: 20 FEET
7. HEIGHTS:
BUILDING = 25.7 FEET
WOOD DECK = 5.3 FEET
PROPOSED PORCH = 25.3 FEET
FENCES AS NOTED FENCES AS NOTED
8. THERE IS NO EVIDENCE OF A BURIAL SITE ON THIS PROPERTY.
9. THERE ARE NO EASEMENTS OF 25 FEET OR MORE IN WIDTH THAT AFFECTS THIS PROPERTY.
10. REAR COVERAGE = 800 SQ.FT. OR 10%
11. FLOOR AREA RATIO
EXISTING F.A.R. = 0.30
PROPOSED F.A.R. = 0.34



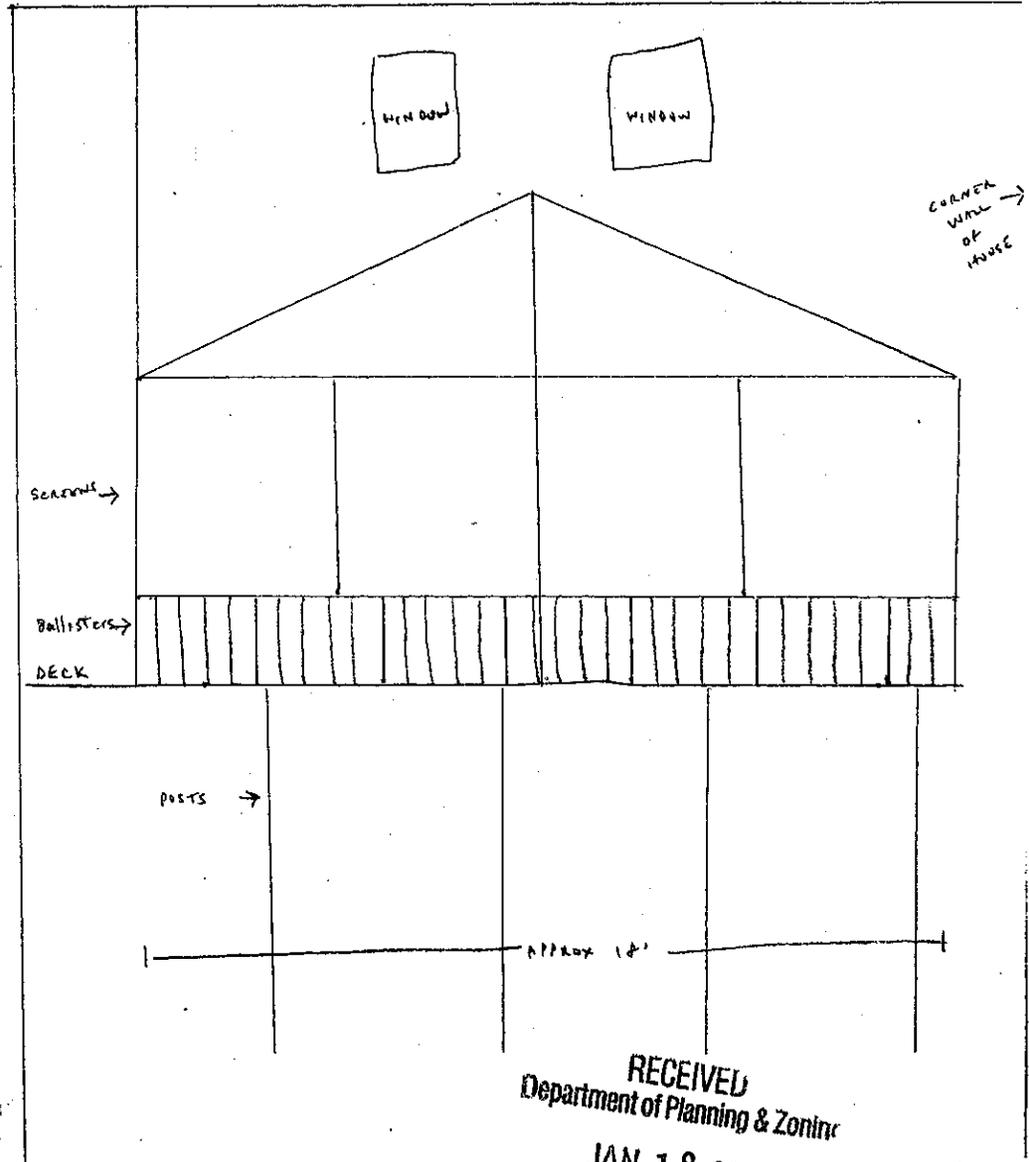
SPECIAL PERMIT PLAT
LOT 435 SECTION 33
LITTLE ROCKY RUN
 DEED BOOK 3996 PAGE 1066
 SULLY DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 DATE: AUGUST 2, 2010 SCALE: 1" = 20'
 DATE: MARCH 7, 2011 (REVISED)

OWNER: JOHN HESS
 P.O. #10-080

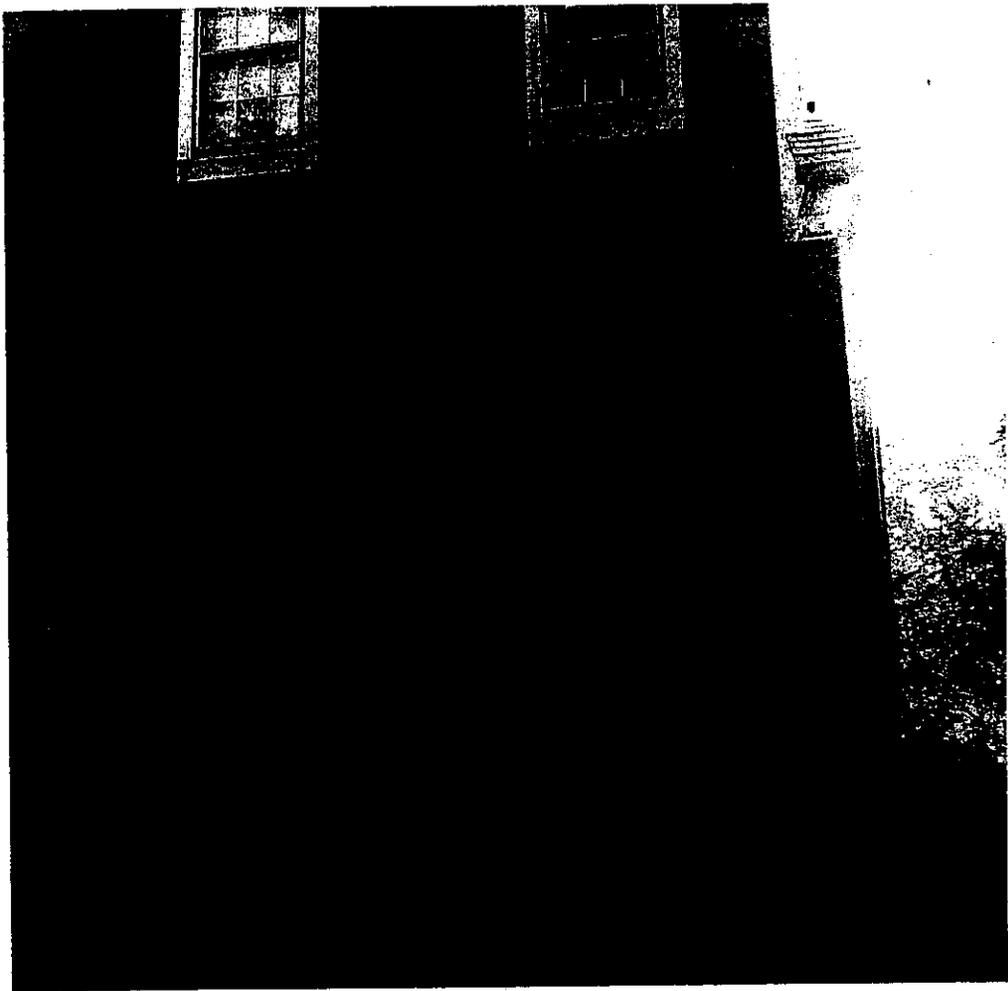
SAM WHITSON LAND SURVEYING, INC.
 7061 GATEWAY COURT SUITE 100 MANASSAS, VIRGINIA 20108
 PHONE: (703)266-0222 FAX: (703)266-0770

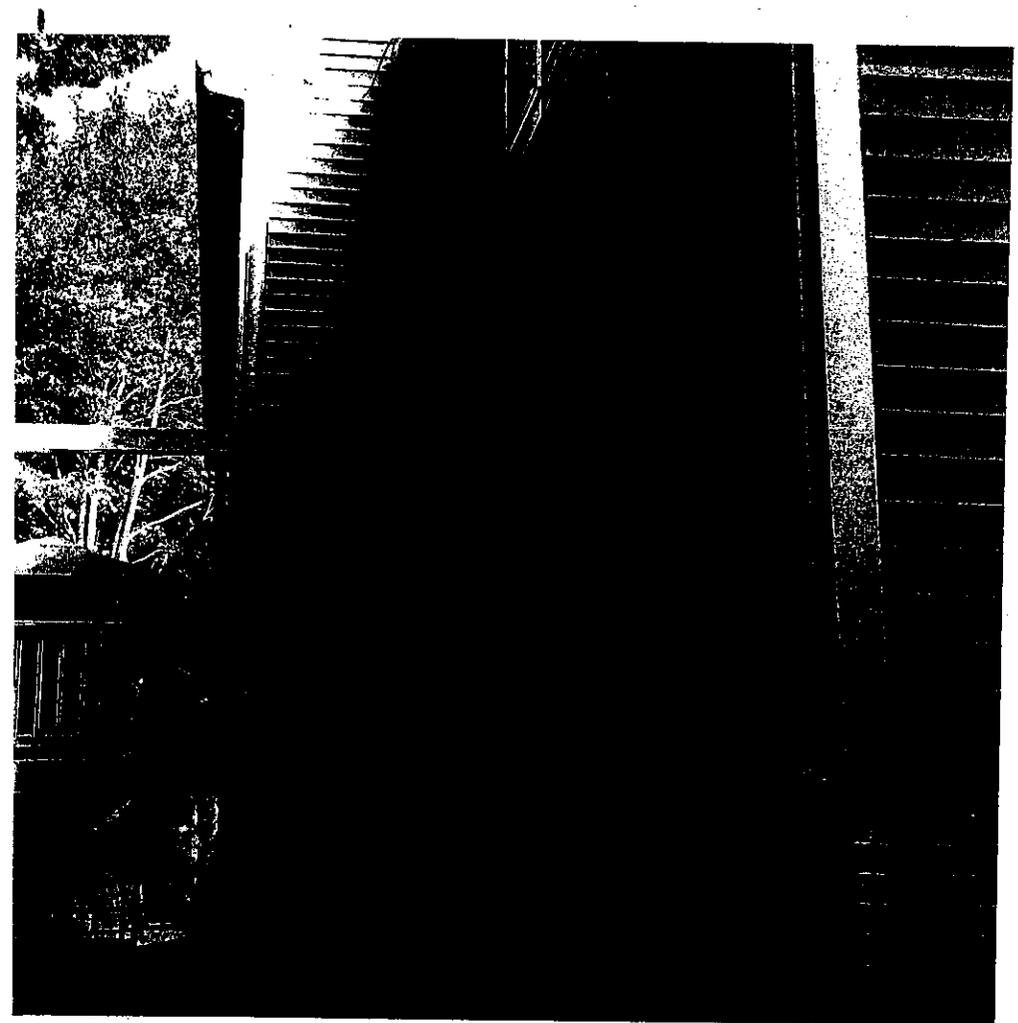


HOUSE ROOF

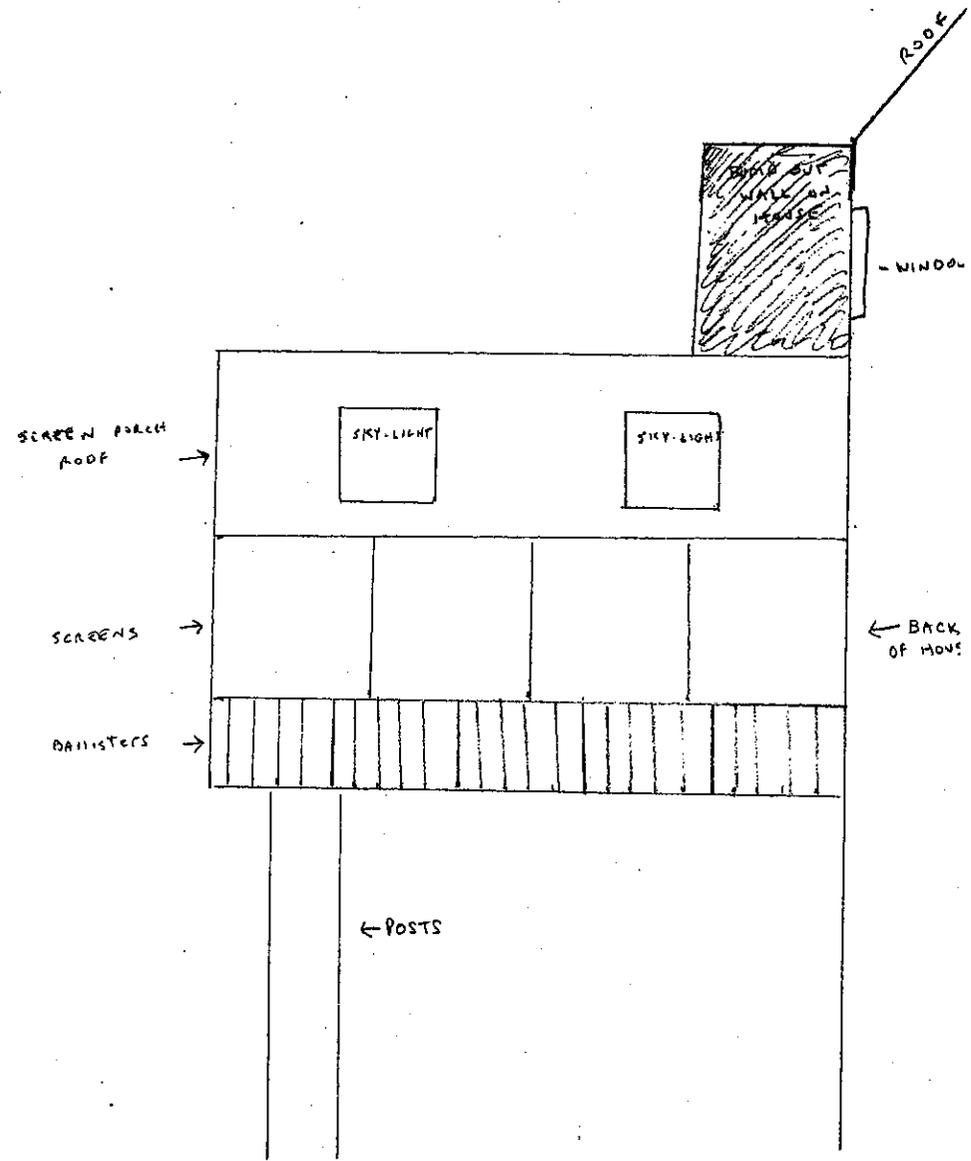


RECEIVED
Department of Planning & Zoning
JAN 18 2011
Zoning Evaluation Division





↑
BACK of
HOUSE



APPROX 18' ———— RECEIVED ————

Department of Planning & Zoning

JAN 18 2011

Zoning Evaluation Division

9



10



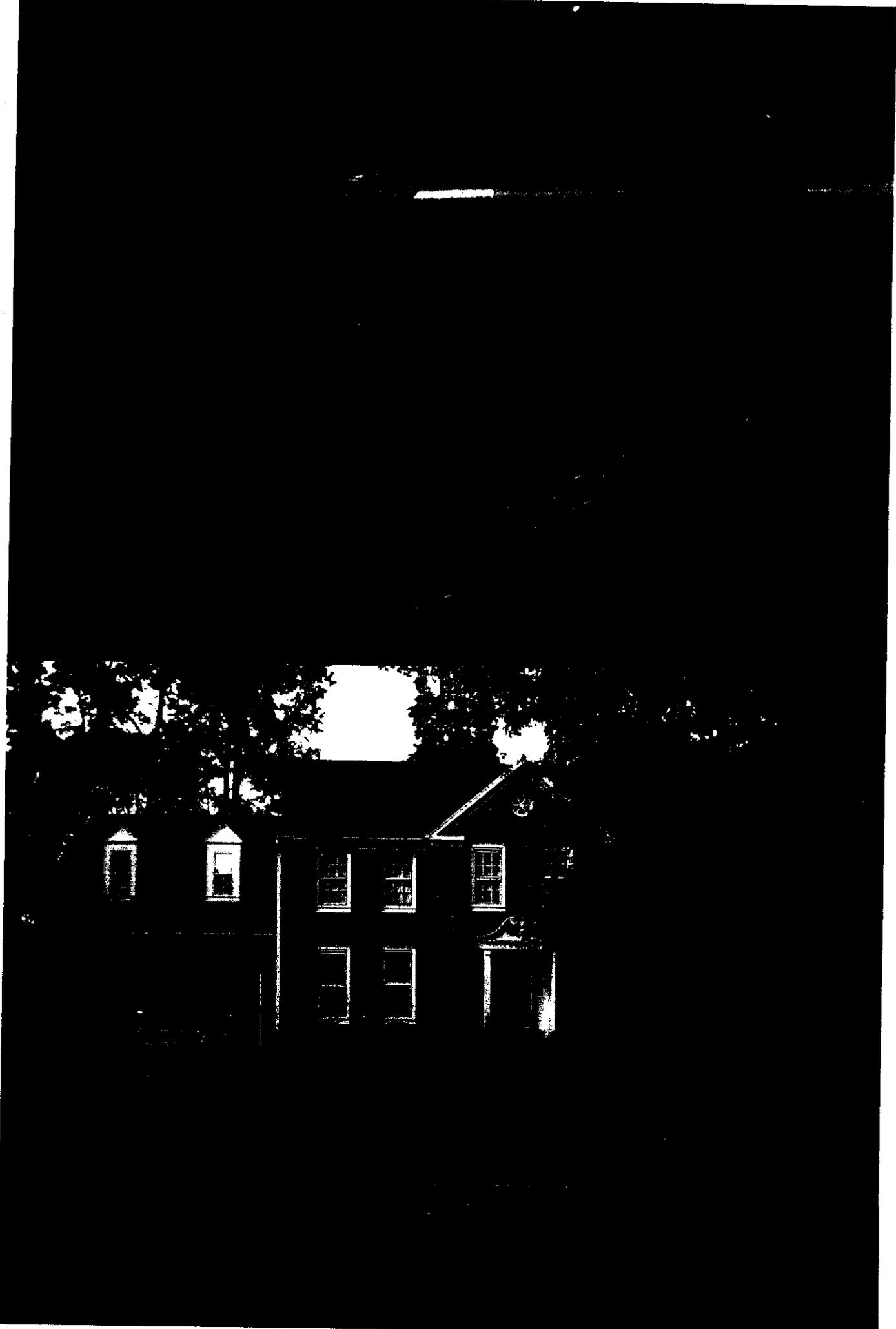
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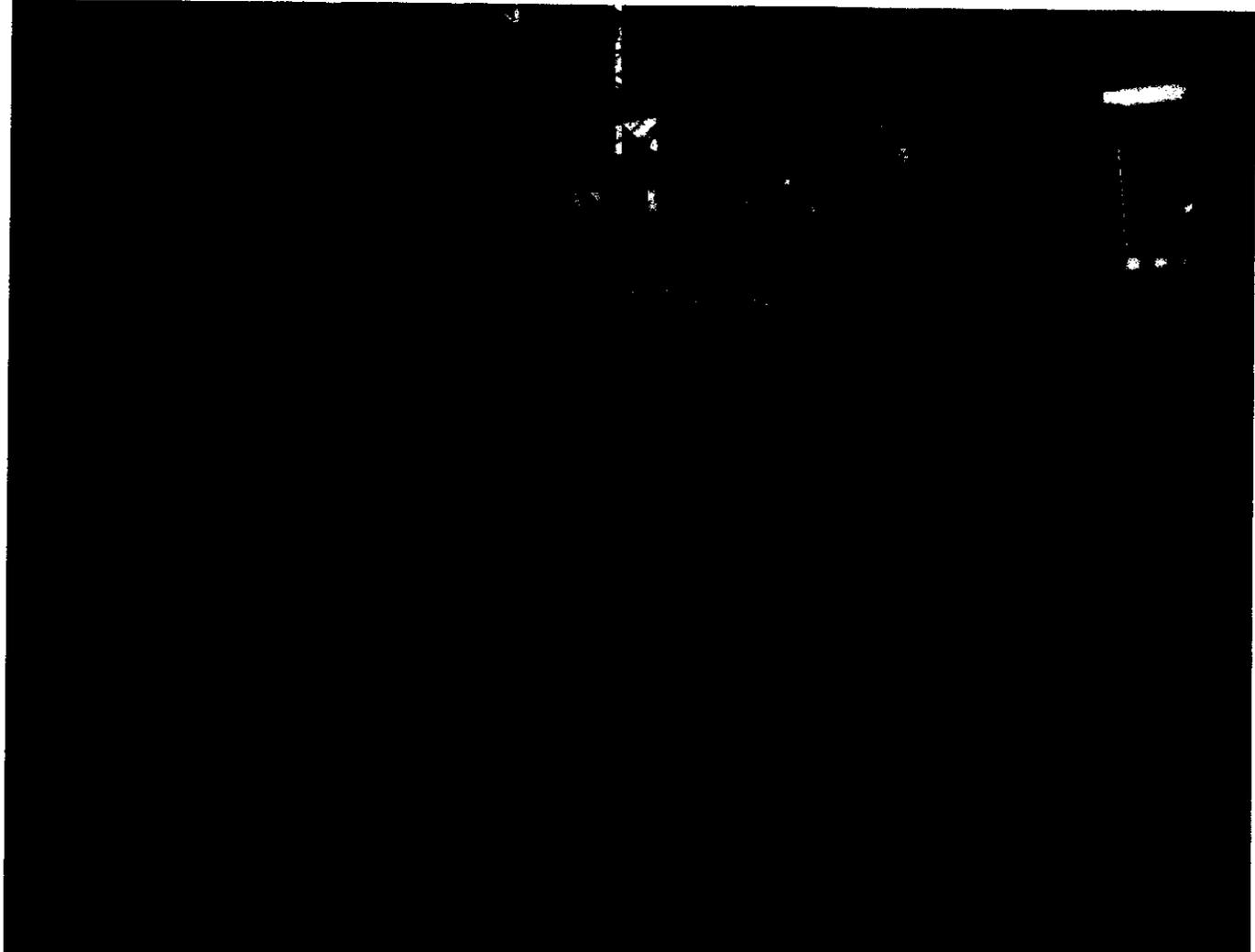
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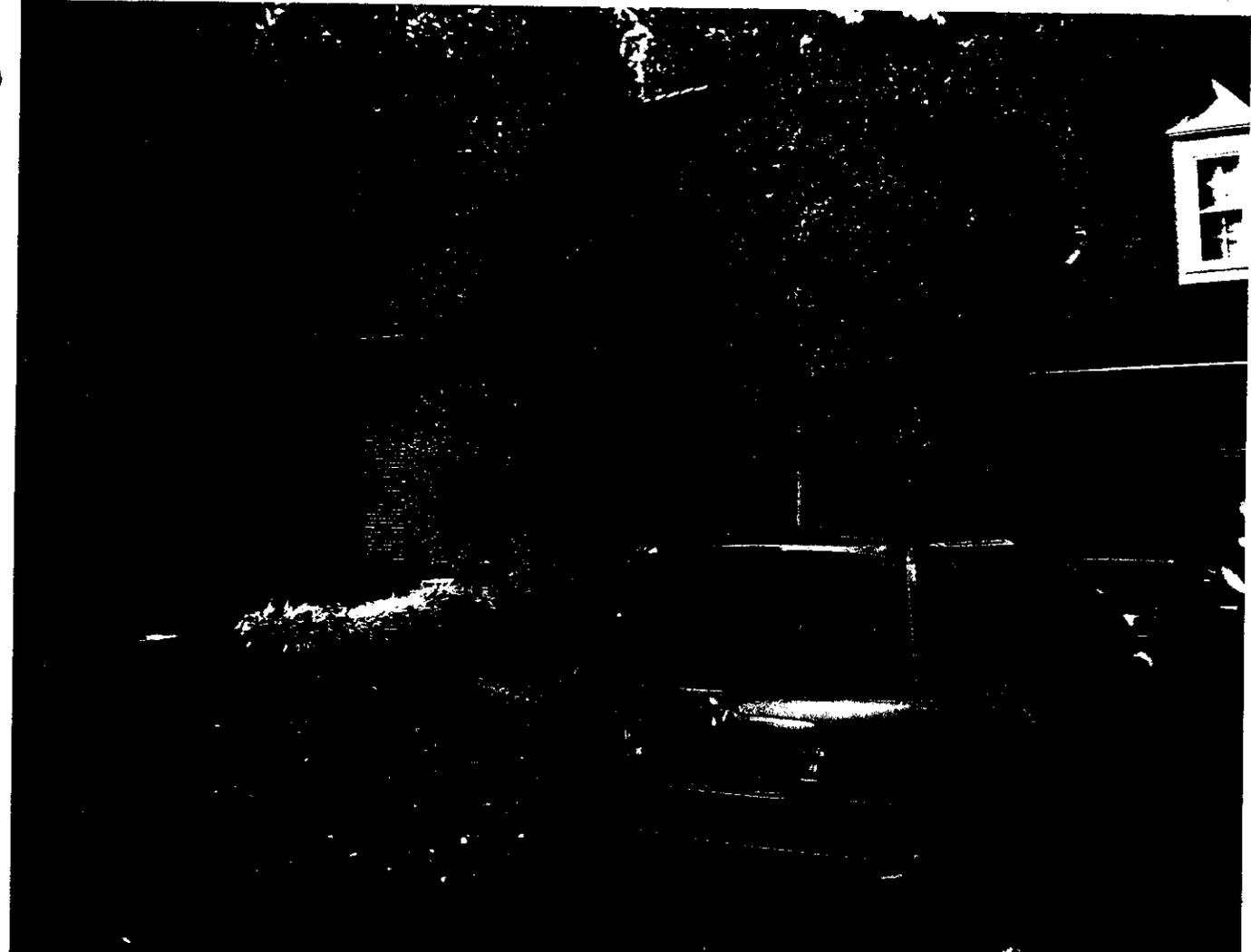
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(2)



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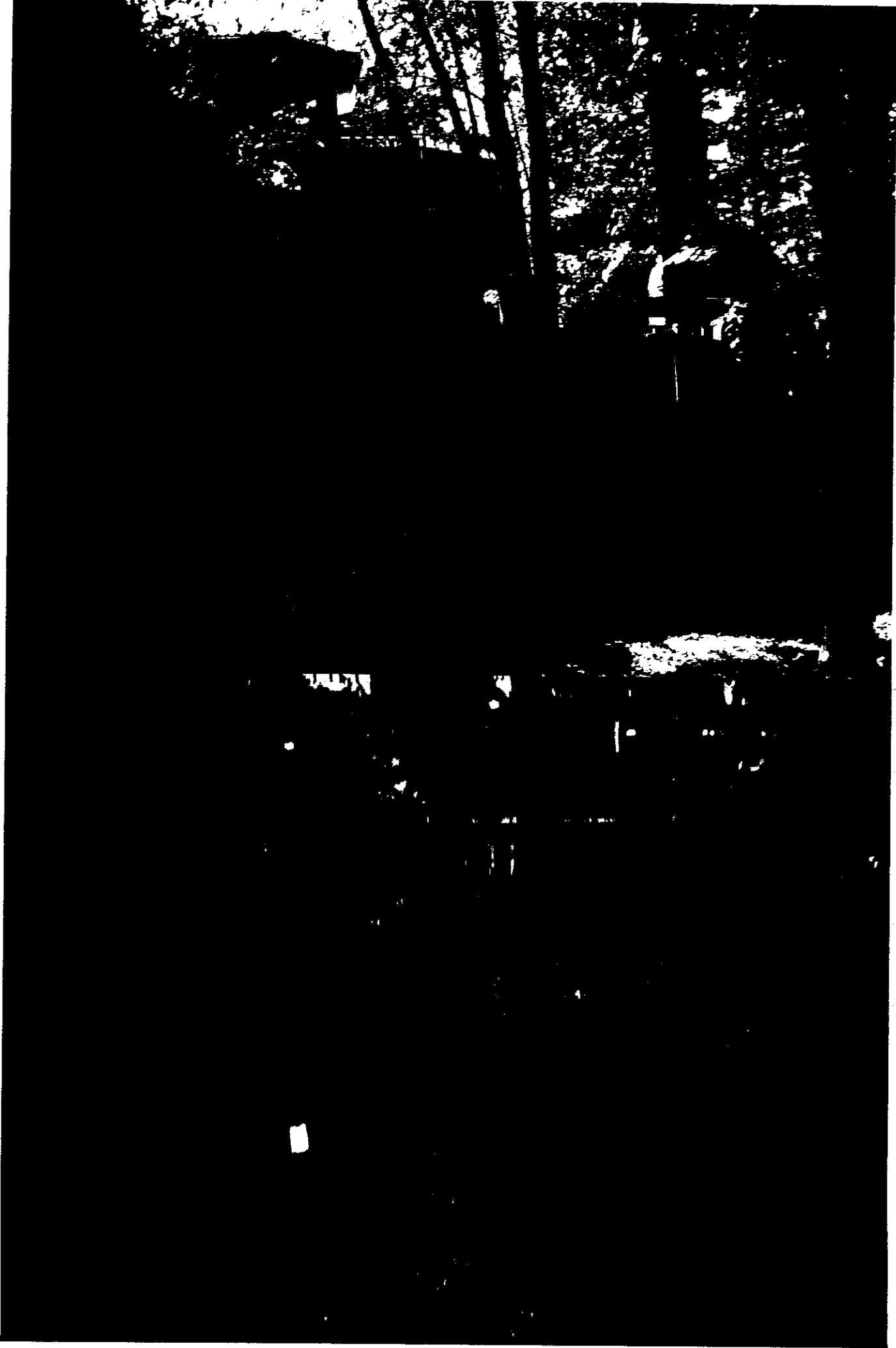
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DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit to allow an addition to be placed 14 feet from the rear lot line. The proposed addition, which is an enclosed porch, will measure 380 square feet in size and 20.2 feet in height within the rear yard.

	Structure	Yard	Min. Yard Req.	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Addition	Rear	25.0 feet	14.0 feet	11 feet	44%

EXISTING SITE DESCRIPTION

The 9,796 square foot lot is developed with a two-story, single family detached dwelling. The site is zoned R-3 Cluster. The dwelling was constructed in 1988 and measures 3,364 square feet in size. An enclosed wood deck currently exists in the rear of the house, but it will be removed entirely when the enclosed porch is built. Play equipment (a trampoline with protective netting) is also located in the rear yard, and it will be moved to a location further away from the rear lot line. The rear yard has many mature deciduous trees. Split rail and wood fencing between 3 to 5.9 feet in height surround the rear yard. The house is accessed via an asphalt driveway and block walkway, and there is a four (4) foot wide concrete sidewalk along the front of the house.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3 Cluster	Single Family Detached Dwelling
South	R-3 Cluster	Single Family Detached Dwelling
East	R-3 Cluster	Single Family Detached Dwelling
West	R-3 Cluster	Single Family Detached Dwelling

BACKGROUND

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

- Variance VC 00-Y-044 was approved on July 19, 2000 for Tax Map 65-4 ((2)) 413, zoned R-3, 13595 Shalestone Drive, to permit the construction of an addition 12.3 feet from the rear lot line.
- Variance VC 00-Y-046 was approved on June 27, 2000 for Tax Map 65-4 ((2)) 248, zoned R-3, 6631 Rockland Drive, to permit the construction of an addition 20.6 feet from the rear lot line.
- Variance VC 99-Y-033 was approved on May 26, 1999 for Tax Map 65-4 ((2)) 229, zoned R-3, 6612 Rockland Drive, to permit the construction of an addition 20.8 feet from the rear lot line.
- Variance VC 92-Y-086 was approved on November 4, 1992 for Tax Map 65-4 ((2)) 337, zoned R-3, 13952 Stonefield Drive, to permit construction of an addition 21 feet from the rear lot line and of deck stairs 12.4 feet from the rear lot line.
- Variance VC 88-S-077 was approved on August 5, 1988 for Tax Map 65-4 ((2)) 279, zoned R-3, 13905 Stonefield Drive, to permit construction of an addition (enclosed porch) 20 feet from the rear lot line.
- Variance VC 88-S-072 was approved on July 26, 1988 for Tax Map 65-4 ((2)) 71, zoned R-3, 6436 Battle Rock Drive, to permit an addition 19.5 feet from the rear lot line.

SPECIAL PERMIT PLAT (Copy at the front of the report)

- **Title of SP Plat:** Special Permit Plat, Lot 435, Section 37, Little Rocky Run
- **Prepared By:** Sam Whitson Land Surveying, Inc.
- **Dated:** August 3, 2010, revised March 7, 2011

Proposal:

The applicant proposes to construct an enclosed porch addition in the rear of the house, to be located 14 feet from the rear lot line. The addition will measure 380 square feet in area and 20.2 feet in height. It will be constructed on posts with balusters, screens and shingle roofing, and the addition will connect via a door to a new open deck. The existing wood deck will be removed entirely, and a new composite deck, approximately 8.5 feet in height and 338 square feet in area, will extend approximately 16 feet from the rear of the house (see Attachment 1). A set of stairs will extend alongside the deck into the rear yard. No existing trees in the rear yard will be removed for the addition.

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 6:

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

General Special Permit Standards (Sect. 8-006)

Staff believes that the application for the addition meets all of the General Special Permit Standards, particularly Standard 3. General Standard 3 requires that 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." *Staff believes that the proposed addition will not adversely affect the neighboring properties since the addition will be constructed at a compatible scale to the dwelling. The addition will fit into an existing recessed area of the house, and its roof will have similar shingles to the principal structure. Additionally, there are several approved rear yard additions in the neighborhood, so the application request is not uncommon. The existing trees and fencing in the applicant's rear yard will also help screen the addition. Staff believes this standard has been met.*

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

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 expansion request. The gross floor area of a single family dwelling would also include the floor area of any attached garage. *The gross floor area of the existing dwelling is 3,364 square feet, and 150 percent of the total gross floor area is 5,046 square feet. In total, the applicant would be permitted to have approximately 8,410 square feet on site. The request is for an addition of 380 square feet, which will result in a gross floor area of 3,744 square feet. This standard is satisfied.*

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 plat and draft elevations, which are included as Attachment 1 to the development conditions, indicate that the scale of the*

proposed addition will be compatible to the existing structure. The peak height of the addition (20.2 feet) will not exceed the height of the existing single family dwelling (23.7 feet), and the addition's roof will have similar shingles to the existing dwelling. Staff believes this standard is satisfied.

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 an enclosed porch addition in a vacant area at the rear of the house. The adjacent dwelling closest to the proposed addition also has an enclosed porch addition and deck at the rear of the structure. The area of the proposed addition is near several mature trees, and one or two trees may be impacted most by construction activities. Staff proposes a tree preservation condition that recommends tree protection fencing to mitigate against possible damage to the other surrounding trees. Staff believes this standard is satisfied.*

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. *The proposed addition will not adversely impact the use or enjoyment of the adjacent properties. The applicant proposes to build an attached enclosed porch within a cleared area in the rear of the house. Adequate light and air will be preserved due to the compatible scale of the addition, and there are no anticipated impacts to noise, light, erosion and stormwater runoff. Staff believes this standard is satisfied.*

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 proposed location of the addition is the best possible location for an addition due to the shape of the dwelling. There is a recessed area in the rear of the existing dwelling that is set back away from the rear lot line, and locating an addition in this area permits a reduced request for a yard reduction. Though there are trees in the rear yard, a large portion of the area for the proposed addition is already cleared. Staff believes this standard is satisfied.*

CONCLUSION

Staff recommends approval of SP 2011-SP-024 for an enclosed porch addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the 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. Fairfax County Department of Transportation Analysis
5. Urban Forest Management Analysis
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2011-SP-024****June 1, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-SP-024 located at Tax Map 65-4 ((2)) 435 to permit a 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 an enclosed porch addition (380 square feet), as shown on the plat prepared by Sam Whitson Land Surveying, Inc., dated August 3, 2010, revised March 7, 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 [3,364 square feet existing + 5,046 square feet (150%) = 8,410 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. All play equipment shall be subject to the use limitations of Sect. 10-103 of the Zoning Ordinance.
6. Prior to commencement of and during the entire construction process, the applicant shall designate the area within 10 feet along the rear property boundary as a tree save area to protect the on-site and off-site trees. The applicant shall install tree protection fencing along this area to protect the vegetation 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 and materials 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 the construction has commenced and been diligently pursued. 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.

EXISTING HOUSE EXTERIOR WALL →

SKY LIGHT

SKY-LIGHT

← roofing - same as existing roof on house (shingle)

← screens

← balusters

DECK

-LANDING

← POSTS

-STAIRS

13'

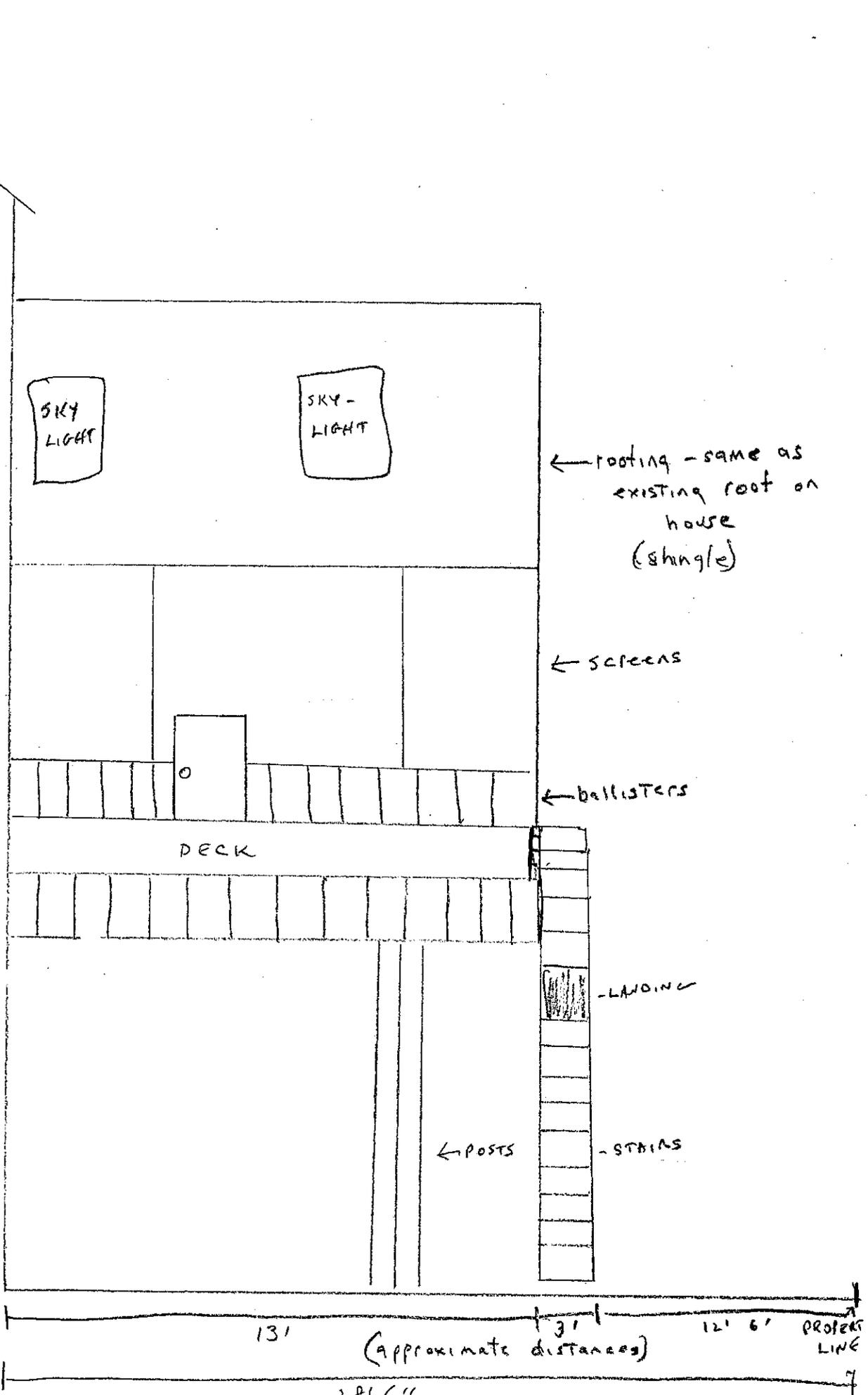
3'

12' 6"

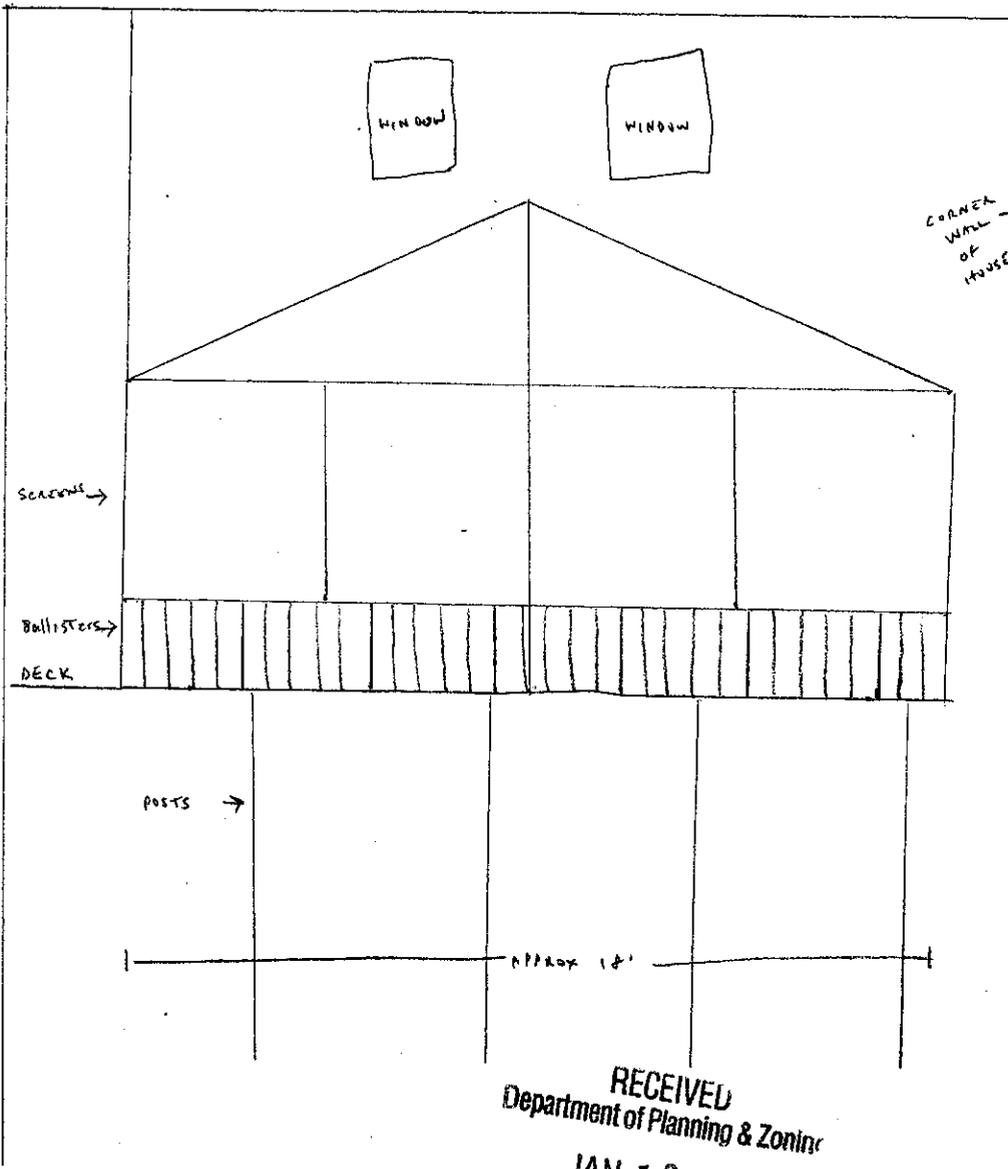
PROJECT LINE

(Approximate distances)

28' 6"



HOUSE ROOF



CORNER WALL OF HOUSE

SCREENS →

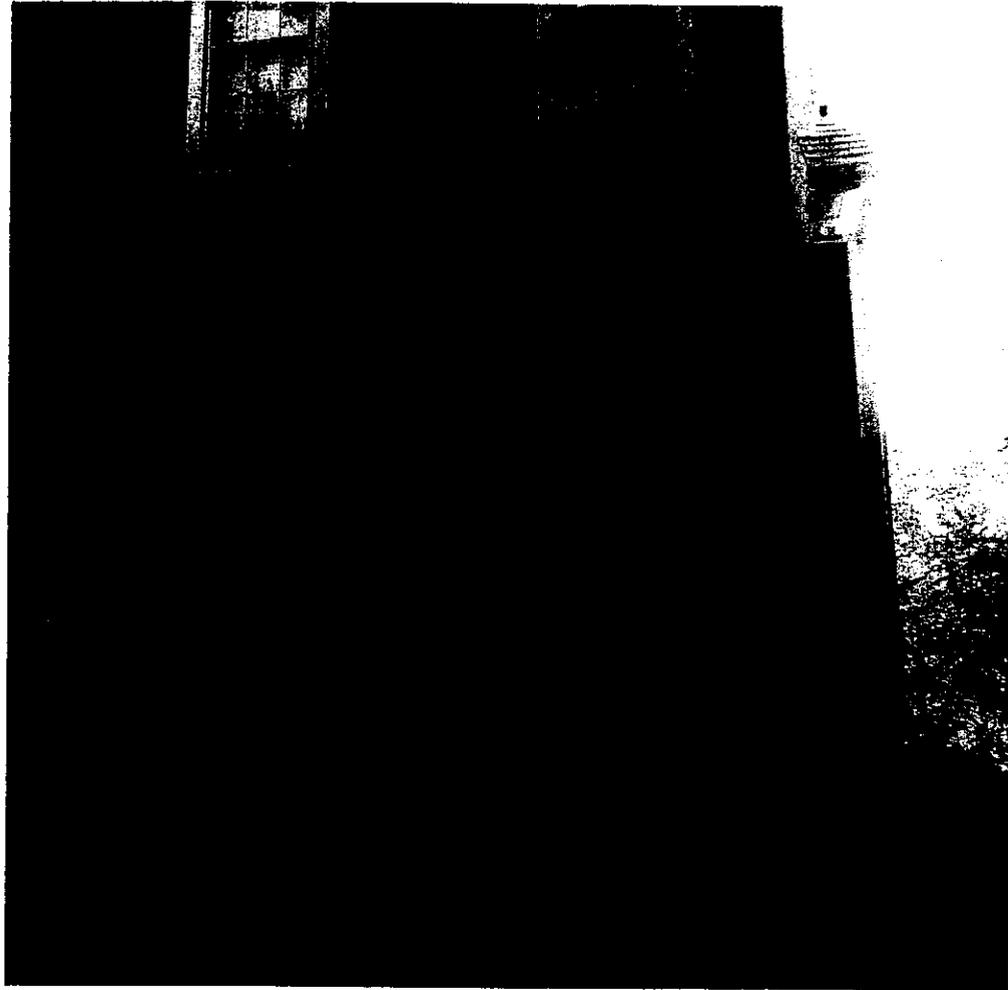
BALUSTERS →

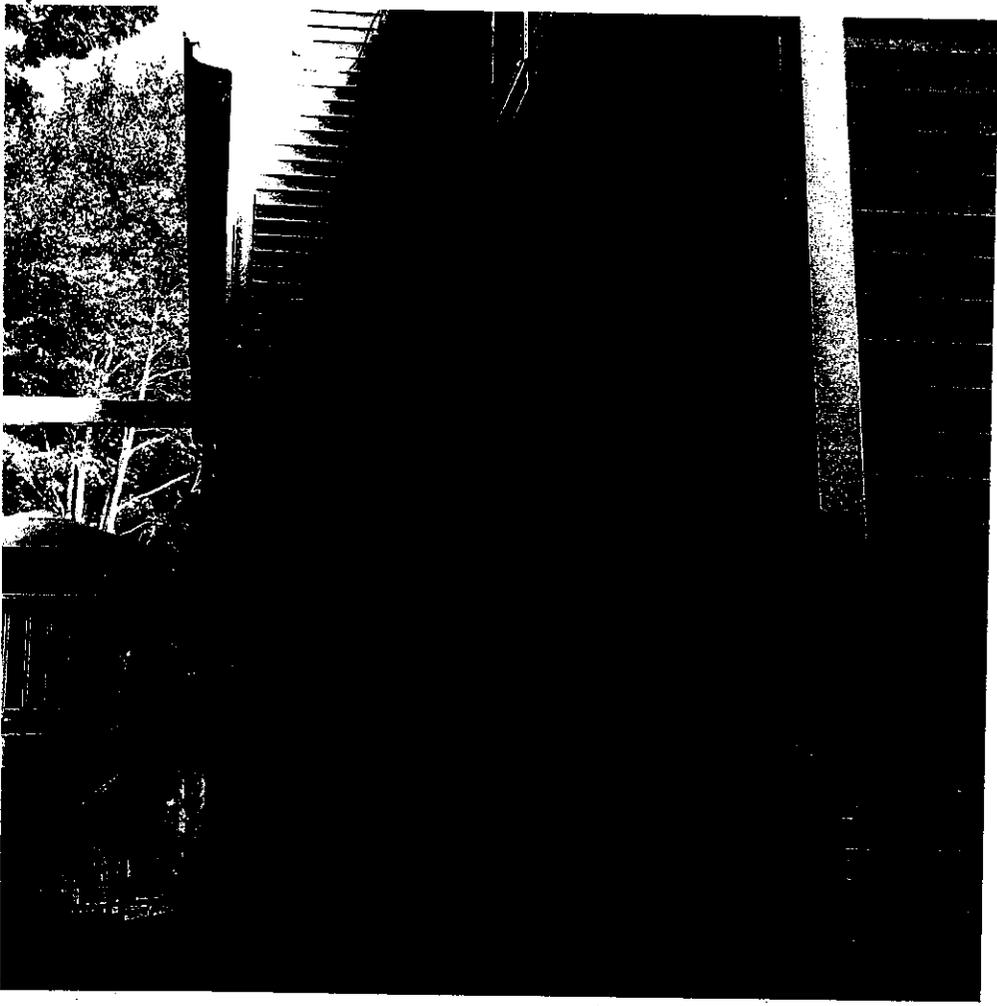
DECK

POSTS →

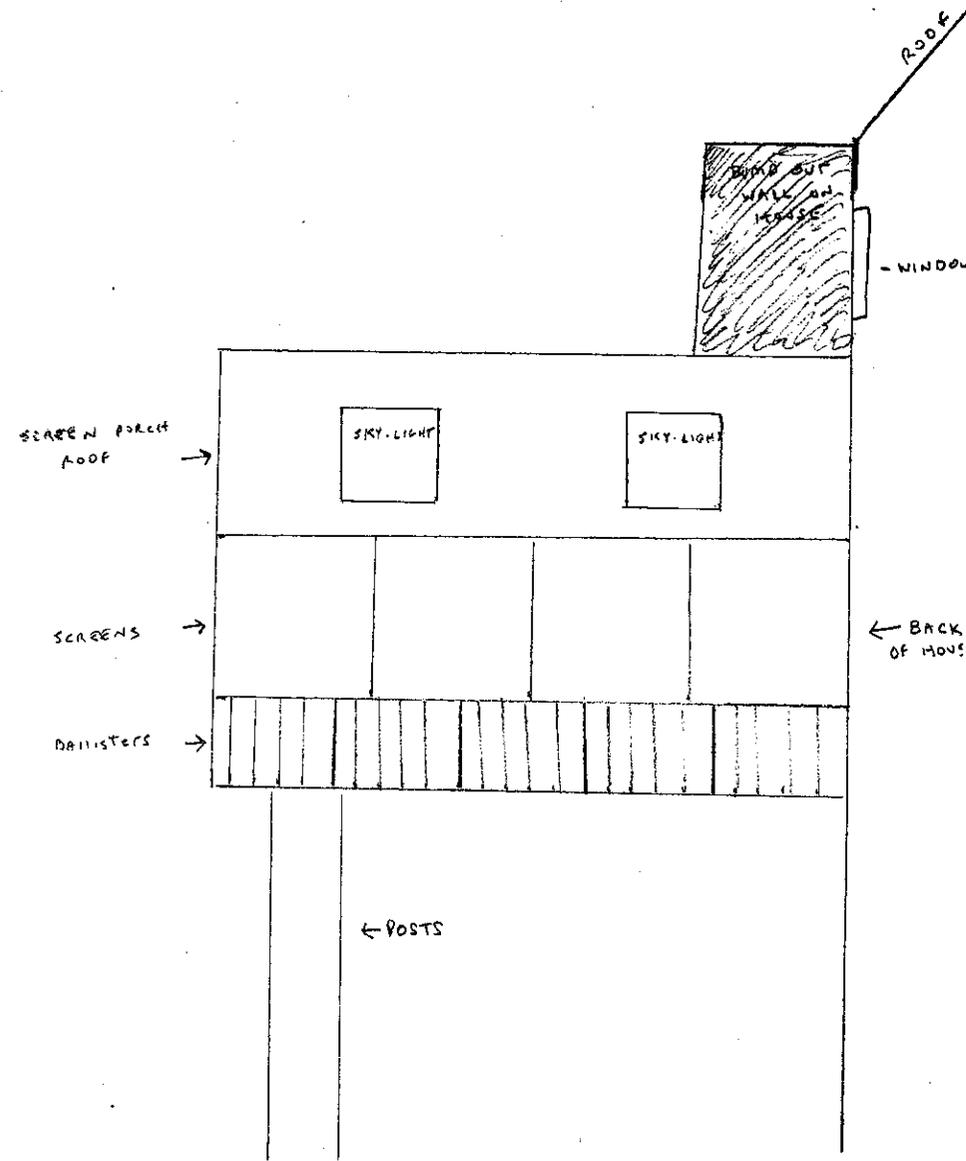
APPROX 18'

RECEIVED
 Department of Planning & Zoning
 JAN 18 2011
 Zoning Evaluation Division





↑
back of house



APPROX 10' ————

RECEIVED
Department of Planning & Zoning

JAN 18 2011

Zoning Evaluation Division

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 16, 2010
 (enter date affidavit is notarized)

I, John J. Hess, 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

110861

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
John J. Hess	662A Shalesboro Ct. Clinton, Va 20124	Title owner / contract purchaser applicant
Sandra A. Hess	same	Title owner

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9-16-10
(enter date affidavit is notarized)

110861

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)

N/A

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)

N/A

(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: 9-16-10
(enter date affidavit is notarized)

110861

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)

N/A

(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)

N/A

(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: 9-16-10
(enter date affidavit is notarized)

110861

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:

N/A

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: 9-16-10 110861
(enter date affidavit is notarized)

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

John J. Hess
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 16th day of September 20 10, in the State/Comm. of Virginia, County/City of Fairfax

Ashelle M. Longhorne
Notary Public

My commission expires: June 30, 2012



Special Permit Application

Filed by: John J Hess
For property: 6628 Shalestone Court, Clifton, Virginia

RECEIVED
Department of Planning & Zoning
JAN 18 2011
Zoning Evaluation Division

8-922 Provisions for Reduction of Certain Yard Requirements

- 1. N/A
- 2. Such reduction shall not result in the placement of a detached accessory structure in a front yard.
- 3. This special permit is for the purpose of adding an addition to the existing dwelling on the lot. There is no other structure on the lot.
- 4. The resulting gross floor area of the addition to the existing principal structure in less than 150 percent of the total gross floor area.

Square footage of existing principal structure:	4,924
Square footage of addition:	380
Total:	5,304
Percentage increase:	7.2%

- 5. 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 of the site.
- 6. 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 on the lot.
- 7. The proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees.
- 8. 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. Proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. There is no landscaping or tree removal that will disturb stormwater runoff.
- 10. N/A
- 11. Included with submission.

12. Attached.



County of Fairfax, Virginia

MEMORANDUM

DATE: April 27, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief *MAD for AKR*
Site Analysis Section
Department of Transportation

SUBJECT: Transportation Impact

REFERENCE: SP 2011-SP-024; John J. Hess
Land Identification Map: 65-4 ((2)) 0435

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on the informational packet made available to this department on April 1, 2011 and plat dated March 7, 2011.

The proposed application for reduction of certain yard requirements to construct a screened porch addition to the rear of an existing dwelling would not create any significant additional impacts on the surrounding public street system. Therefore, this department would not object to the approval of the subject application.

AKR/mdd



County of Fairfax, Virginia

MEMORANDUM

April 13, 2011

TO: Ms. Brenda J. Cho, Planner II
Zoning Evaluation Division, DPZ

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

SUBJECT: Little Rocky Run, Lot 435, Section 37, SP 2011-SP-024

I have reviewed the above referenced Special Permit application; including a Statement of Justification and the proposed SP Plat, stamped as received by the Zoning Evaluation Division on January 18, 2011 and March 15, 2011, respectively. The following comment is based on this review and observations made from aerial pictometry of the site.

1. **Comment:** The Statement of Justification states: "There is no landscaping or tree removal that will disturb stormwater runoff." Existing trees are located adjacent to the work area at the rear of the lot. Tree protection fence and possibly silt fence should be installed at the limits of disturbance (LOD) to minimize impacts to tree root zones and enhance the survivability of trees to be preserved on the site.

Recommendation: Make the installation of adequate protection measures a condition of approval for this Special Permit. Recommended condition language is as follows:

- Tree protection fence shall be installed along the limits of disturbance wherever the LOD is located adjacent to trees to be preserved. Tree protection fence shall consist of 4-foot high, 14-gauge welded wire attached to 6-foot steel stakes driven 18 inches into the ground.
- Silt fence shall be erected and attached to tree protection fence wherever disturbed area slopes toward areas of trees to be preserved. Super silt fence may be installed to function as both tree protection and sediment control.
- The permittee shall post and maintain bilingual signs at the LOD at minimum of 25-foot intervals that clearly state that trees and forested areas must be protected and left undisturbed. For example, such signage could read "TREE PROTECTION AREA – KEEP OUT – OFF LIMITS TO CONSTRUCTION EQUIPMENT, MATERIALS AND WORKERS."
- Protective fencing shall be installed prior to any grading or excavation activities on the site and maintained until all work in the vicinity has been completed and shall not be removed or relocated.

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

HCW/
UFMID #: 160080

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



ZONING ORDINANCE PROVISIONS

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 expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.

5. The resulting gross floor area of an existing accessory structure and any addition to it 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 Emergency Management Agency, 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.