



APPLICATION ACCEPTED: April 22, 2011
DATE OF PUBLIC HEARING: July 13, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 6, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-DR-032

DRANESVILLE DISTRICT

APPLICANT/OWNER: Elizabeth R. Madigan

LOCATION: 1020 Duchess Drive

SUBDIVISION: Meadow Run

TAX MAP: 20-4 ((13)) 4

LOT SIZE: 25,000 square feet

ZONING: R-1 Cluster

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements for construction of a deck 6.3 feet from the side lot line

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-DR-032 for the deck 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\July 13 - SP 2011-PR-032 (Madigan)\staff_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.

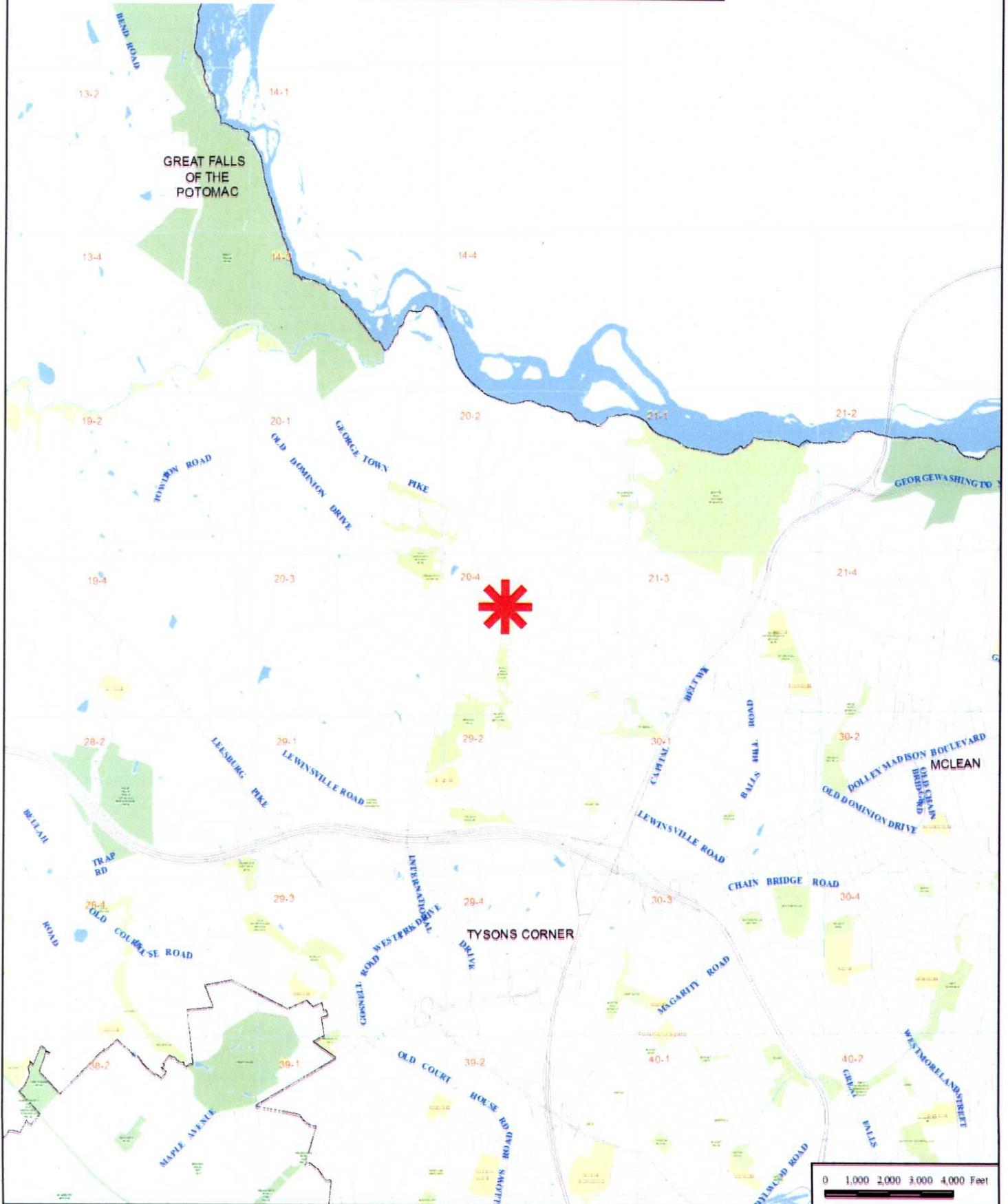
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

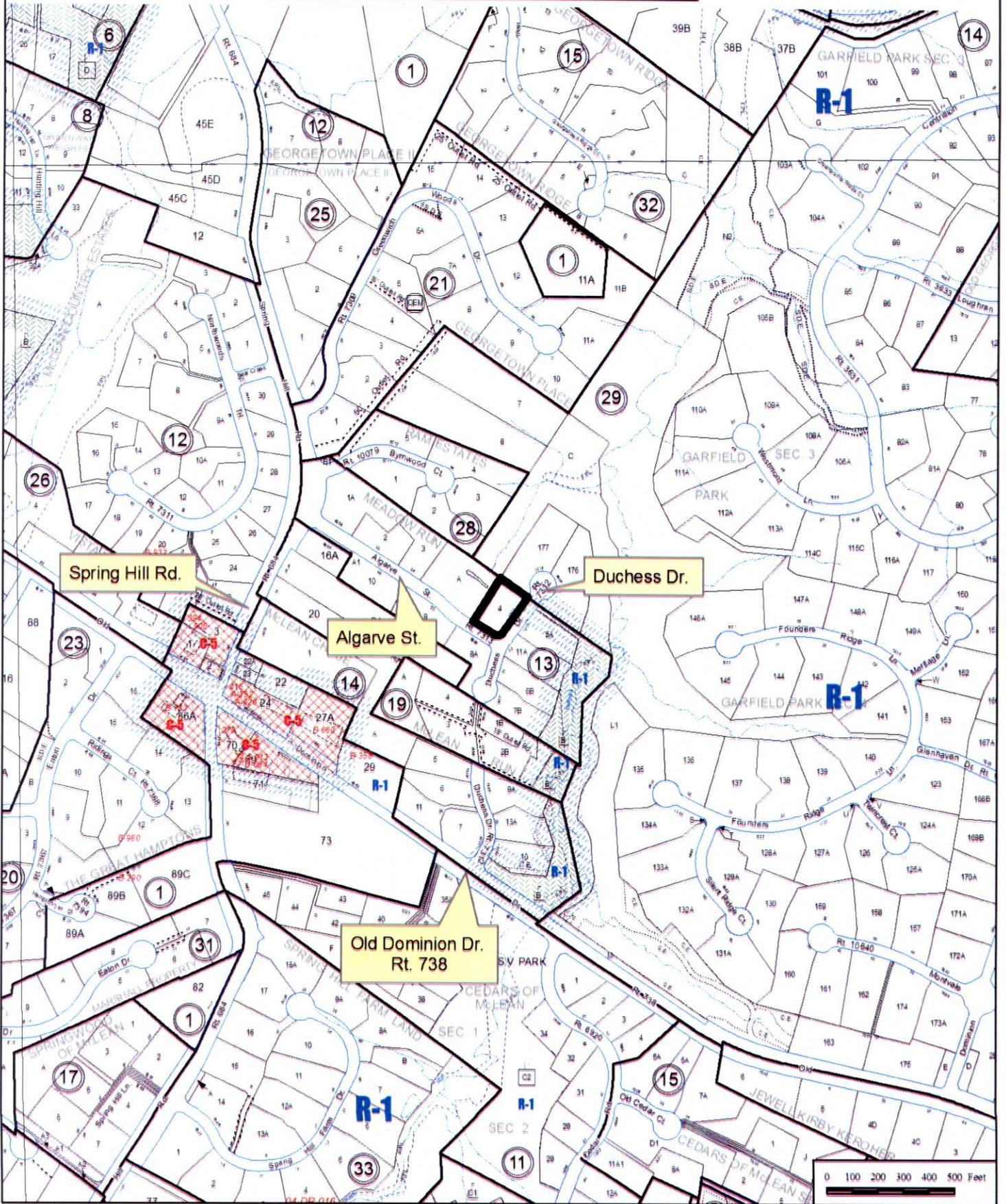


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2011-DR-032
ELIZABETH R. MADIGAN



Special Permit
SP 2011-DR-032
ELIZABETH R. MADIGAN





Left Side Elevation

Madison Residence
1070 Dulles Dr
Melville, NY 11767



REAR ELEVATION

MADIGAN RESIDENCE
1020 DUCKESS DR
MELEX VA 22102

36" DECK RAILING

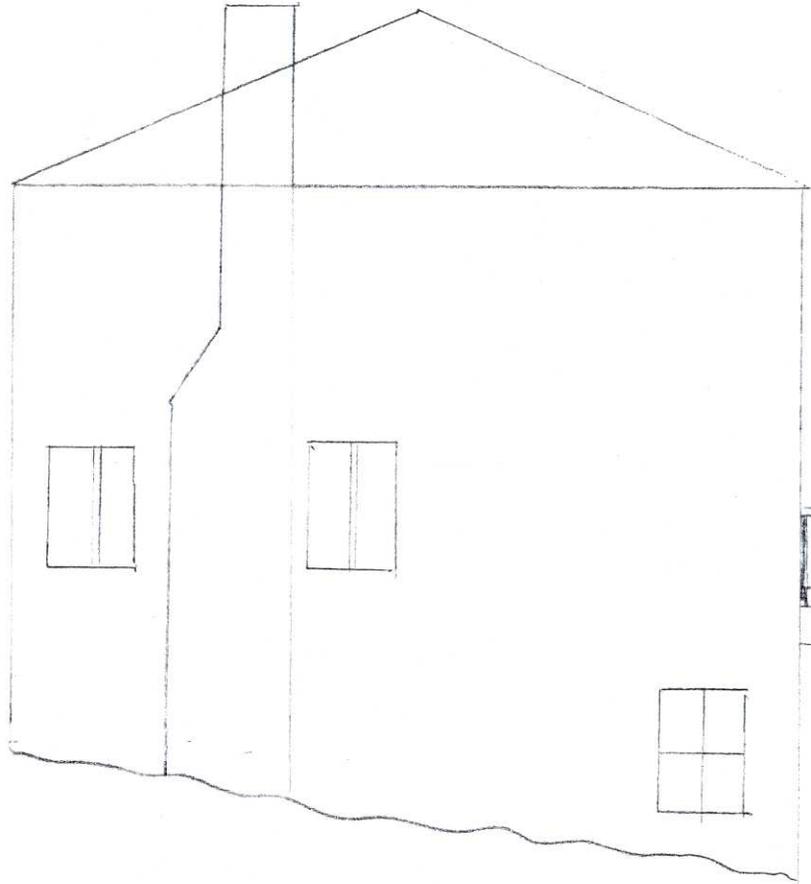
DECK FRAME

BACK COLUMNS

STAIRS TO
GARAGE

ALUMINUM SPINDLE RAILING

WHITE VINYL TRIM



Right Side Elevation

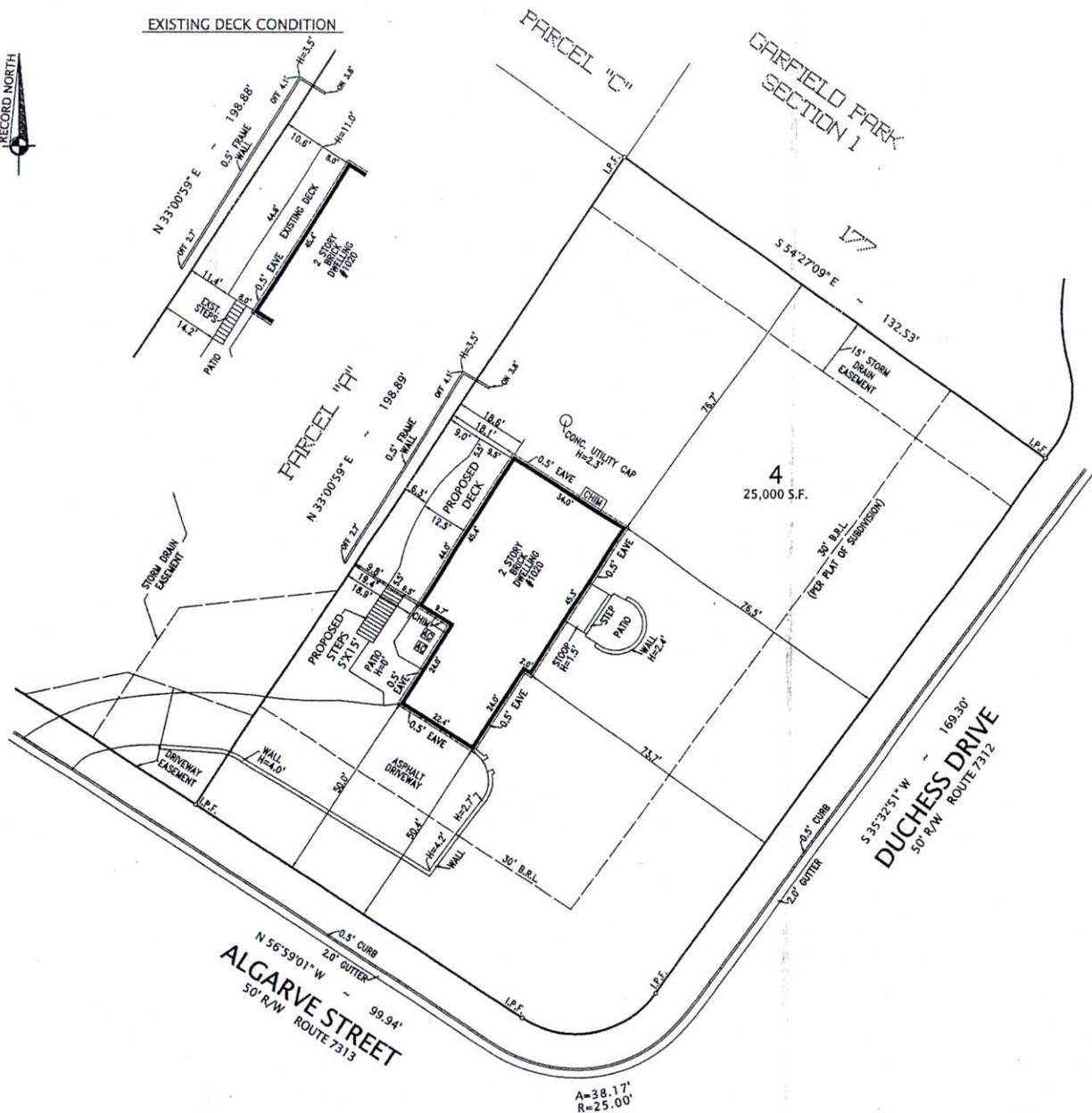
MADIGAN RESIDENCE
1020 DUCKERS DR
McLEAN, VA 22102

↑
36" DECK RAILING
↓

- BRICK/WOOD COLUMNS.



EXISTING DECK CONDITION



NOTES

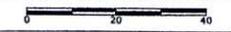
1. TAX MAP: 0204 13 0004
2. ZONE: R-1C
3. LOT AREA: 25,000 SQUARE FEET TOTAL
4. MINIMUM REQUIRED YARDS:

FRONT:	=	30 FEET
SIDE:	=	12 FEET MINIMUM/ 40 FEET TOTAL
REAR:	=	25 FEET
5. HEIGHTS:

DWELLING	=	29 FEET
PROPOSED DECK (DECK FLOOR MATCH EXISTING)	=	11.5 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND PRIVATE SEWAGE DISPOSAL SYSTEM.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS NOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOOD PLAINS, FLOOD HAZARD AREAS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. PER COUNTY RECORDS THE DWELLING WAS CONSTRUCTED IN 1982.

PLAT
SHOWING IMPROVEMENTS ON
LOT 4
MEADOW RUN
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20' JANUARY 25, 2011

GRAPHIC SCALE



- NOTES: 1. UTILITIES ARE UNDERGROUND.
2. WALLS ARE 1.0" STONE UNLESS NOTED.

	BY PROVISIONS OF THE VIRGINIA CODE, NO CORNER MARKERS SET, BOUNDARY SURVEY NOT PERFORMED. PLAT SUBJECT TO RESTRICTIONS OF RECORD AND NO TITLE REPORT IS FURNISHED.
I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.	REQUESTED BY: <p style="text-align: center;">MARK WILLIAMS</p>
ALEXANDRIA SURVEYS INTERNATIONAL, LLC <small>11216 WAPLES HILL ROAD #102 FAIRFAX, VIRGINIA 22030 TEL. NO. 703-660-6615 FAX NO. 703-768-7764</small>	

Notes
photos

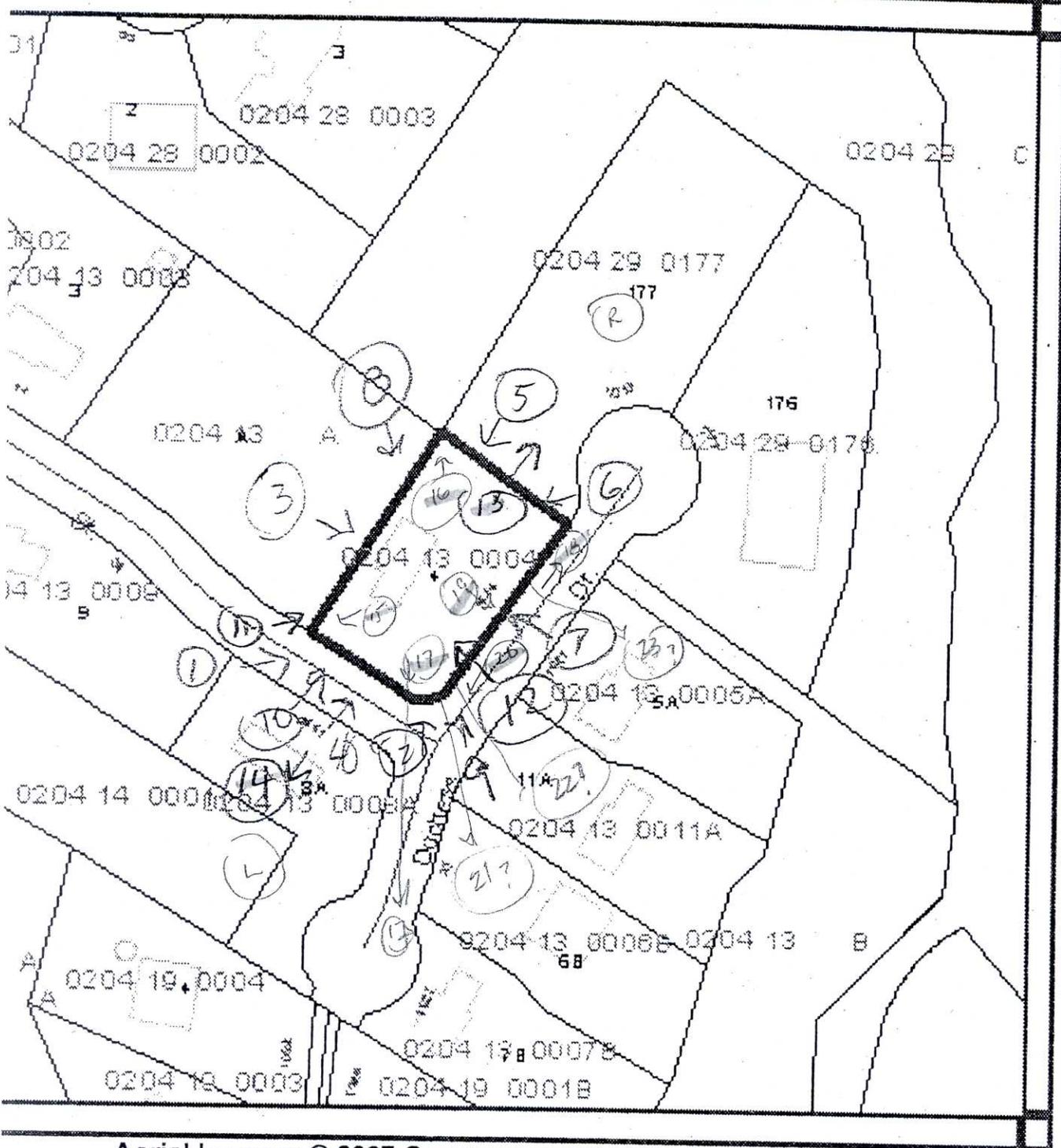
①

13 0004
PERTIES LLC

1020 DUCHESS DR



Retu



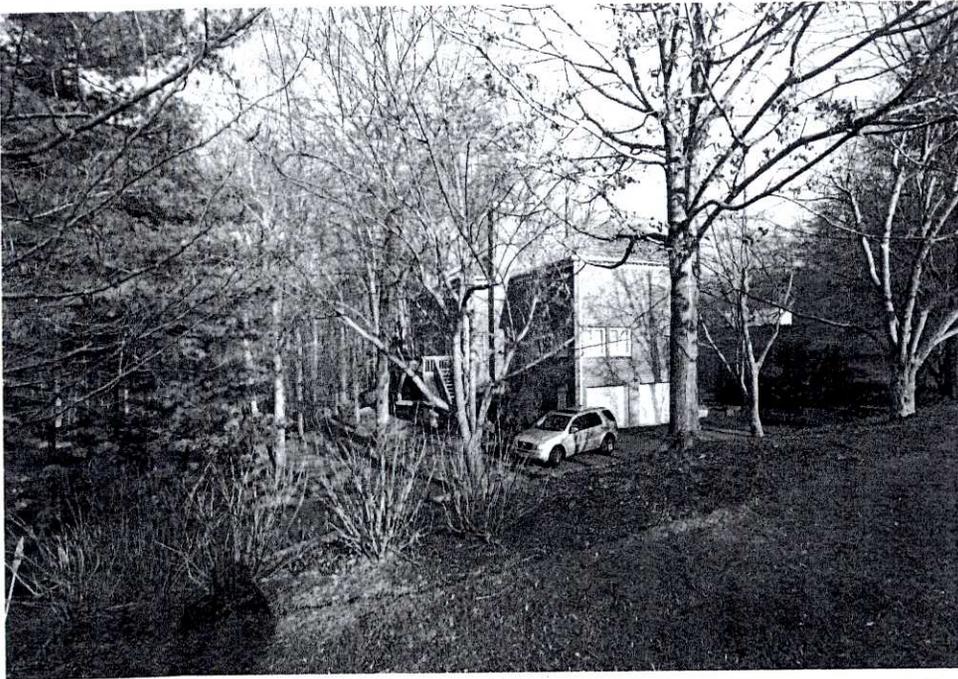
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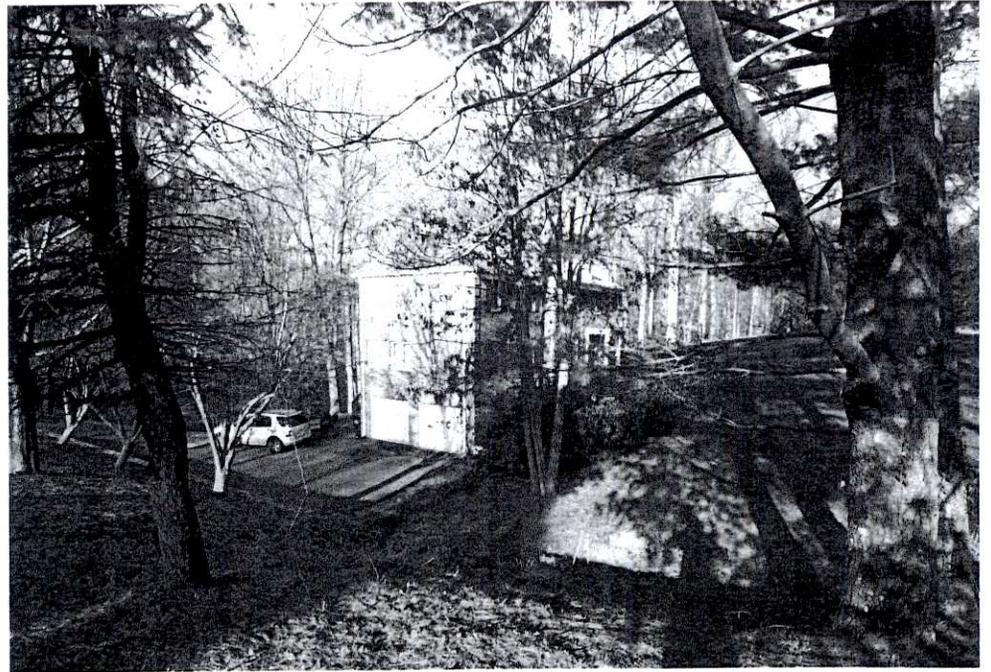
Aerial Imagery © 2007 Commonwealth of Virginia

Photo Graphs 1020 DUTCHESS DR McLEAN VA (JANUARY 3, 2011)



LEFT-CORNER-REAR

1



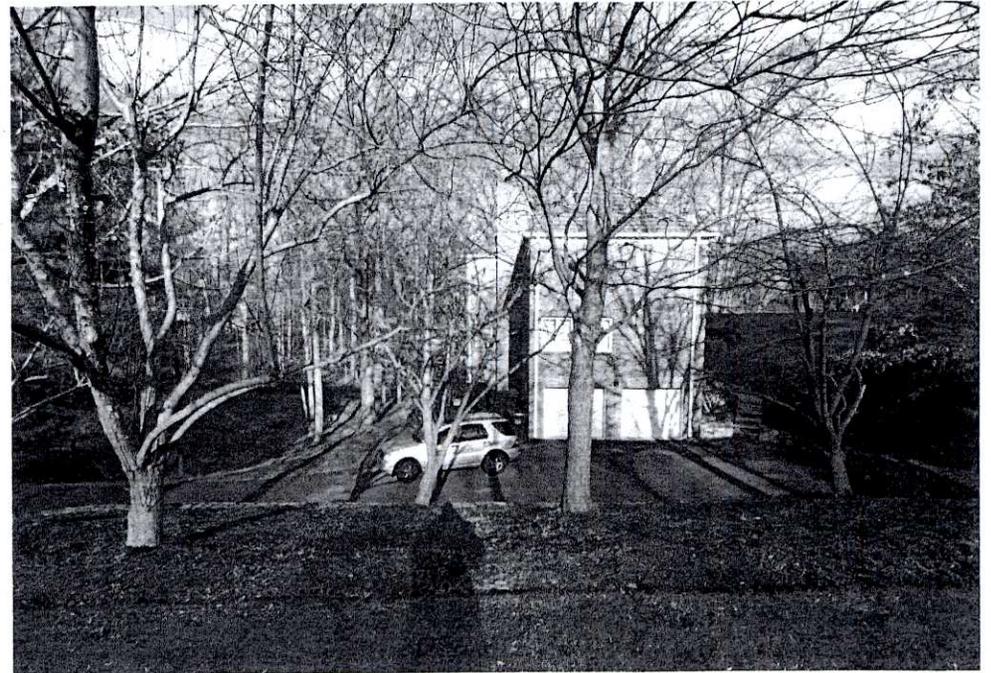
LEFT-CORNER-FRONT

2



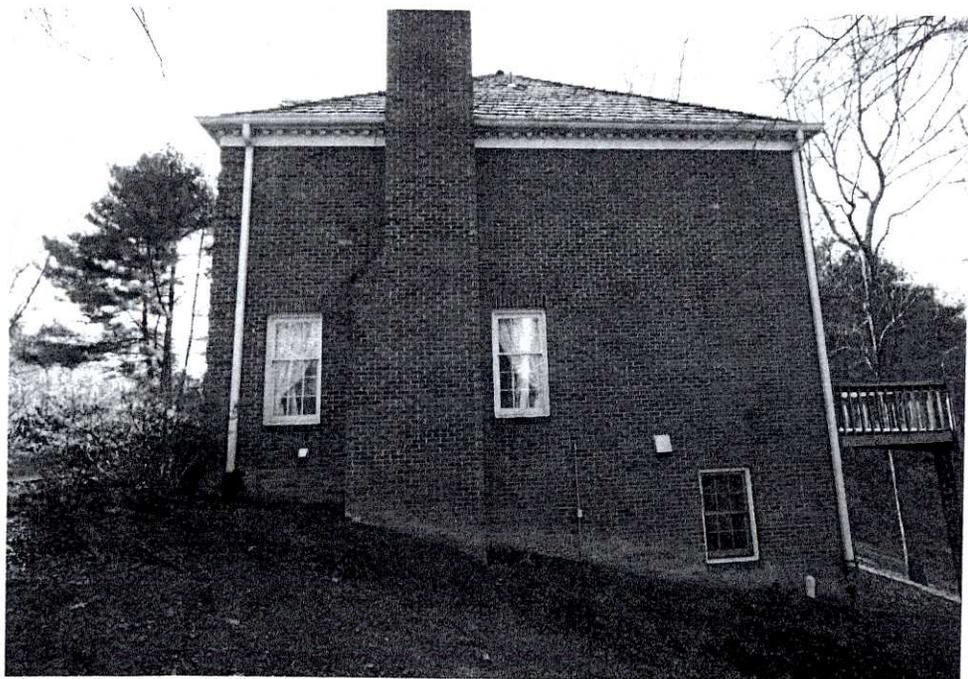
REAR

3



LEFT-SIDE

4



RIGHT - SIDE

5



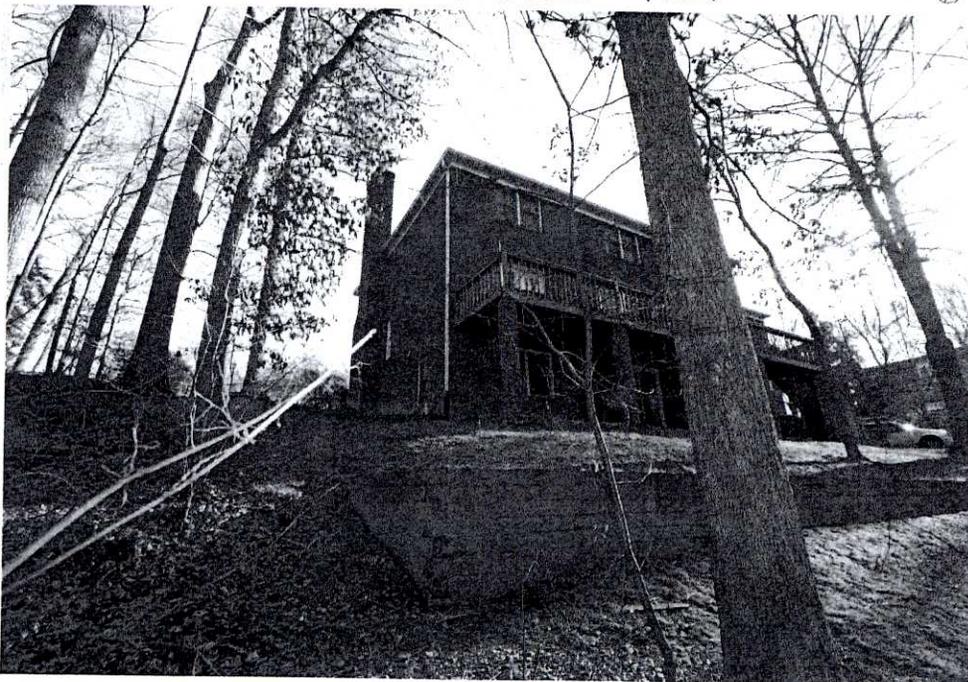
RIGHT - CORNER - FRONT

6



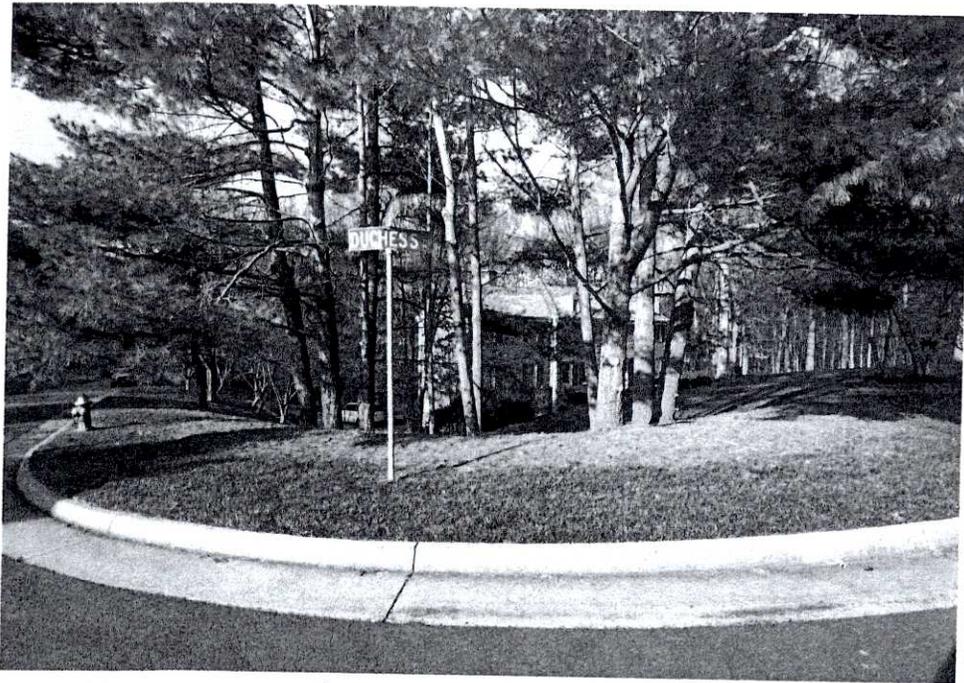
FRONT

7



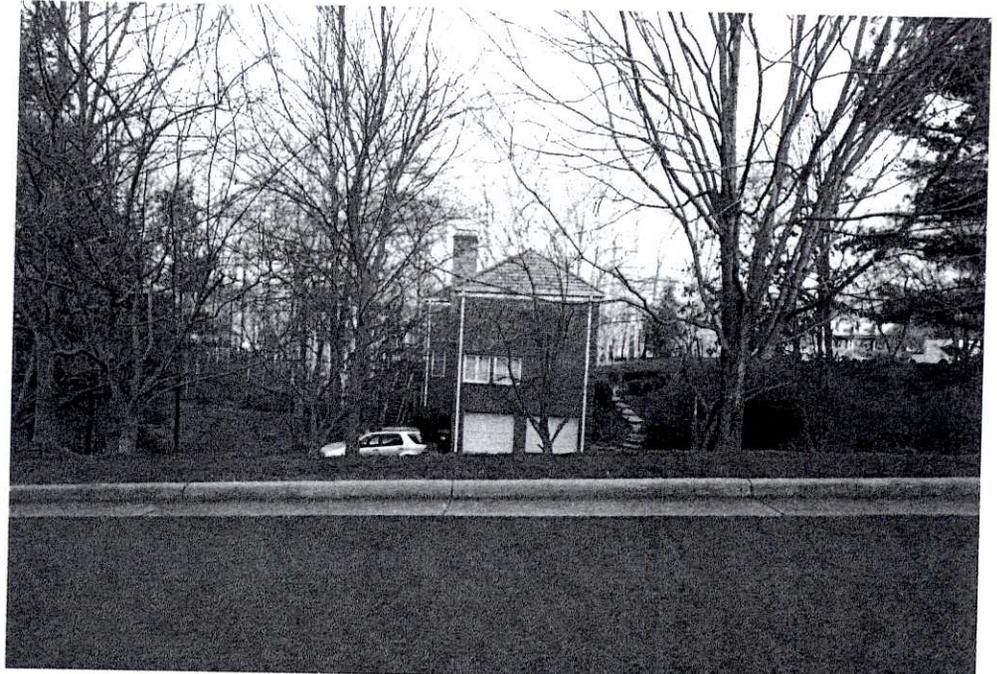
RIGHT - CORNER - REAR

8



LEFT-CORNER-FRONT

9



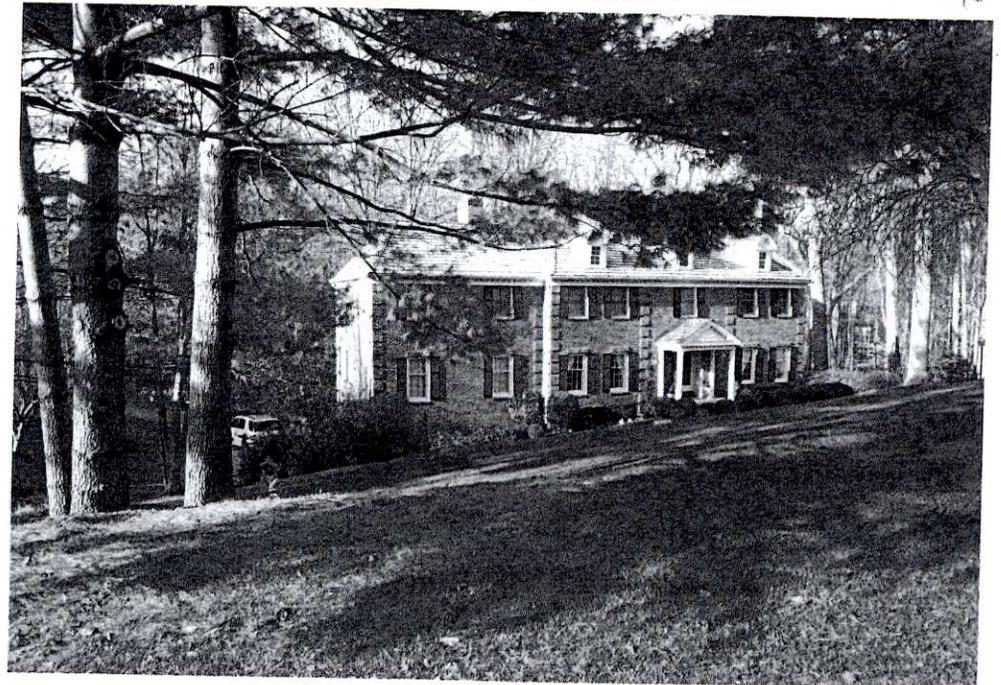
LEFT SIDE - STREET VIEW

10



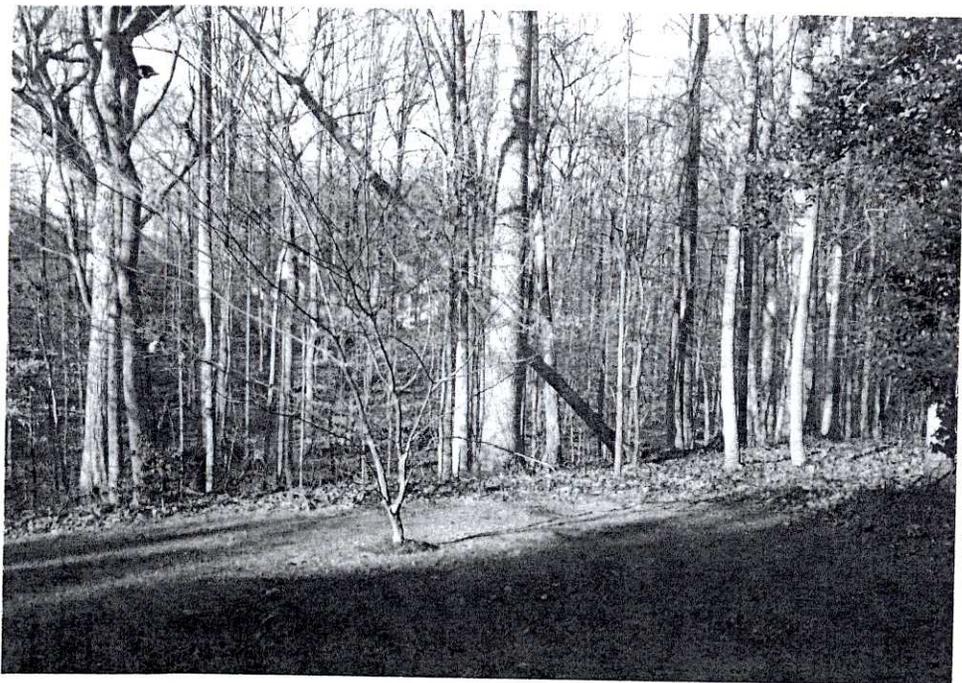
LEFT-CORNER REAR

11



LEFT-CORNER-FRONT

12



RIGHT SIDE ADJACENT 13



LEFT SIDE ADJACENT 14



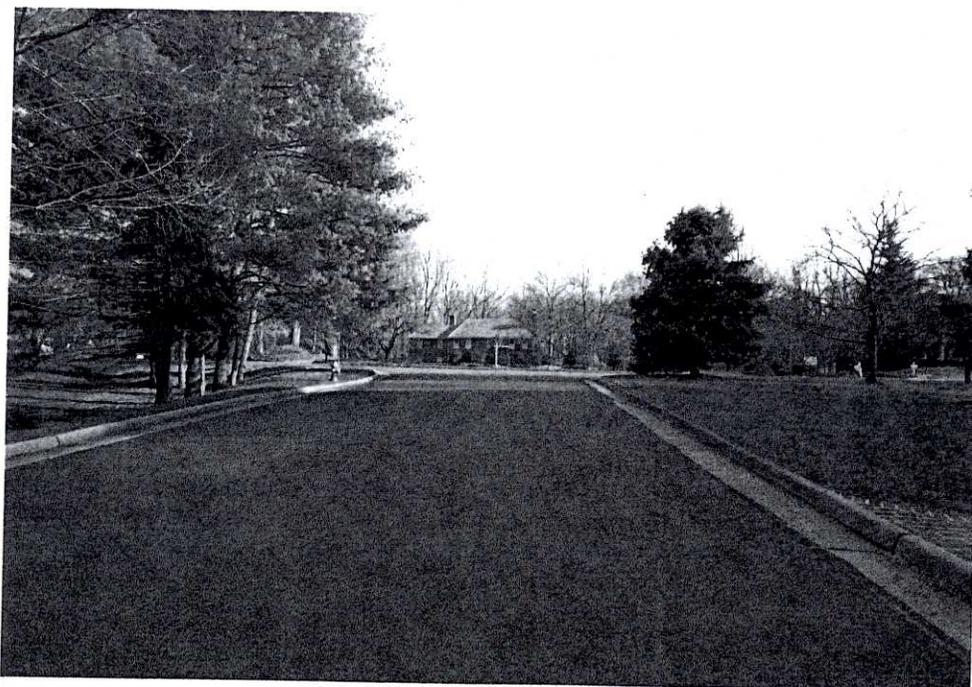
REAR - LEFT CORNER 15



RIGHT REAR CORNER 16



Property Across Street (left) 17



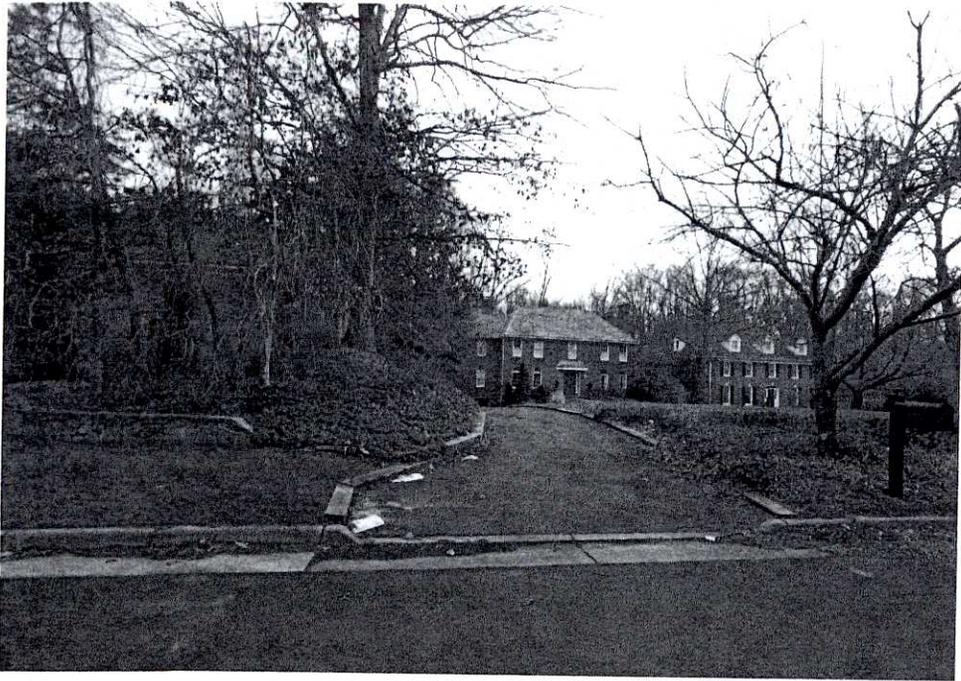
Street View Right 18



Property Across Street 19



Street View Left. 20



21

Properties on opposite
side of street



22



23



RIGHT SIDE ADJACENT



LEFT SIDE ADJACENT



REAR - LEFT CORNER



RIGHT REAR CORNER

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit to allow a deck to be placed 6.3 feet from the side lot line. The proposed deck will measure approximately 568 square feet in area. The height will be 11.5 feet, and stairs are proposed to extend from the deck to grade level.

	Structure	Yard	Min. Yard Req.	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Deck	Side	12.0 feet	6.3 feet	5.7 feet	47.5%

EXISTING SITE DESCRIPTION

The 25,000 square foot lot is developed with a two-story, single family detached dwelling. The 6,174 square foot dwelling was constructed in 1982. The site is zoned R-1 Cluster, and it is located at the corner of Duchess Drive and Algarve Street. The grade of the house slopes down slightly from the intersection, and the house faces Duchess Drive. However, the asphalt driveway and garage is accessed via Algarve Street, extending over an access easement and storm drain easement on the adjacent vacant lot Tax Map 20-4 ((13)) A. The driveway covers approximately 28% of the front yard, which exceeds the maximum permitted front yard coverage of 25% in the R-1 Cluster district. However, the driveway was widened by the previous homeowner prior to 2002 when the regulations governing front yard coverage went into effect.

There is an existing wood deck in the side yard, which will be replaced with the proposed deck. Along the front of the house, there are steps leading to the house from Duchess Drive, and there is a 15 foot storm drain easement along the northern property boundary. The site is landscaped with grass and mature trees.

CHARACTER OF THE AREA

	Zoning	Use
North	R-1 Cluster	Single Family Detached Dwelling
South	R-1 Cluster	Single Family Detached Dwelling
East	R-1 Cluster	Single Family Detached Dwelling
West	R-1 Cluster	Vacant

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:

- Special Permit SP 2006-DR-018 was approved on June 20, 2006 for Tax Map 20-4 ((29)) 129A, zoned R-1 at 1063 Silent Ridge Court to permit modifications to permitted extension regulations into minimum required yards to allow a deck 13.2 feet from the side lot line.

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

- **Title of SP Plat:** Plat Showing Improvements on Lot 4, Meadow Run
- **Prepared By:** Alexandria Surveys International, LLC
- **Dated:** January 25, 2011, signed February 4, 2011

Proposal:

The applicant proposes to construct an open deck in the rear of the house to be located 6.3 feet from the side lot line. The lot is a corner lot, and the yard at the rear of the house is measured as a side yard, per the Zoning Ordinance's definition of a corner lot. The deck will measure 568 square feet in area and 11.5 feet in height. It will be constructed on brick and wood posts with aluminum spindle railing and white vinyl trim. The existing wood deck will be removed entirely. A set of stairs measuring five feet in width and 15 feet in length will extend off the deck to an existing patio.

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:

- 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 deck 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 deck will not adversely affect the neighboring properties since the deck will be constructed at a compatible scale to the dwelling and site. Any impact from the deck on the adjacent*

lot, which is vacant, is mitigated by the site's topography and tall mature trees, which help screen the deck and house. The application site is situated higher than the adjacent lot to the west, and any future development on the vacant lot will likely occur mostly out of view from the deck. 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 4 relates to additional square footage, which does not apply to this application. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 6, 7, 8, and 9.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The plat and draft elevations of the deck, which are included as Attachment 1 to the development conditions, indicate that the scale of the proposed deck will be compatible to the existing structure. The height of the proposed deck (11.5 feet) will not exceed the height of the existing deck, and the location of the deck permits optimal screening between adjoining lots. 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 replace an existing deck with a new deck at the rear of the house. Due to the site's topography and building layout, the location of the existing and proposed deck is the most suitable location on the application site. The closest lot to the side of the house with the deck is currently vacant, but if there is any future development, the application site is located at a higher elevation than the vacant adjacent parcel. Additionally, none of the existing mature trees will be removed, so screening between the two (2) lots will be preserved. 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 deck will not adversely impact the use or enjoyment of the adjacent properties. The applicant proposes to replace and existing deck with another deck. Adequate light and air will be preserved due to the compatible scale of the deck, 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 deck is the best possible location for a deck due to the site's sloping topography and the layout of the house. The site is a corner lot, and due to the presence of two (2) front yards, the deck will be situated away from street view at the rear of the house. Staff believes this standard is satisfied.*

CONCLUSION

Staff recommends approval of SP 2011-DR-032 for a deck in the side yard 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. Zoning Ordinance Provisions

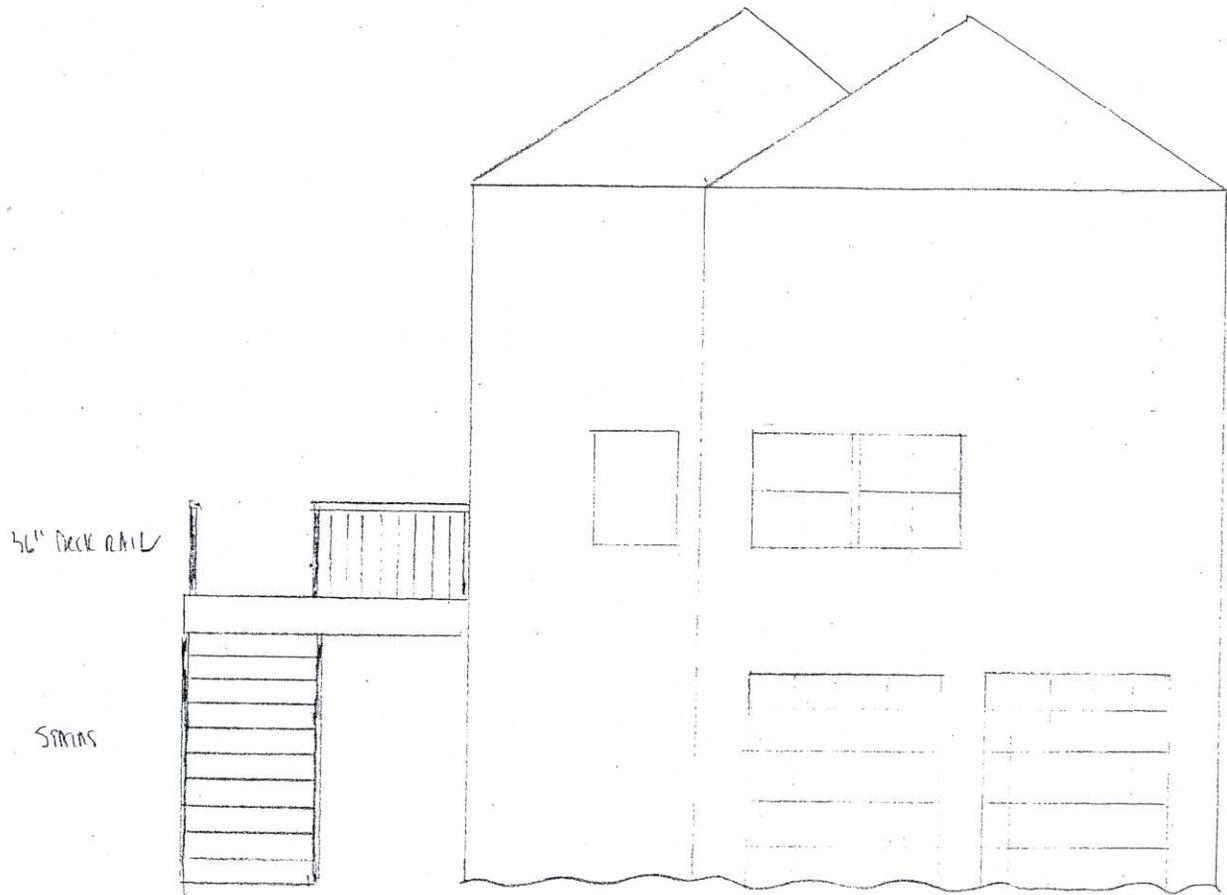
PROPOSED DEVELOPMENT CONDITIONS**SP 2011-DR-032****July 6, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-DR-032 located at Tax Map 20-4 ((13)) 4 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. This special permit is approved for the location and size of the deck (568 square feet), as shown on the plat prepared by Alexandria Surveys International, LLC , dated January 25, 2011, signed February 4, 2011, as submitted with this application and is not transferable to other land.
2. The deck shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless 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.



Left - Side Elevation

MADISON RESIDENCE
1020 DUKES DR
MELBOURNE 32902



REAR ELEVATION

MADIGAN RESIDENCE
1020 DUCHESSE DR
McLEAN VA 22102

36" DECK RAILING

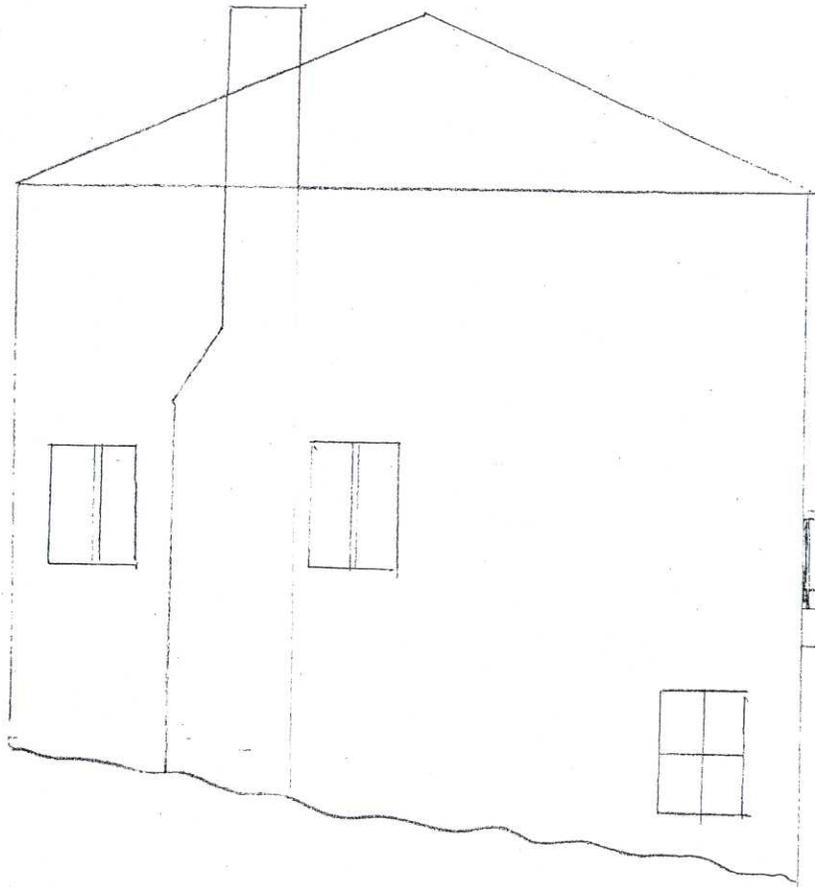
DECK FRAME

BACK COLUMNS

STAIRS TO
GRADE

ALUMINUM SPINDLE RAILING

WHITE VINYL TRIM



Right Side Elevation

MADIGAN RESIDENCE
1020 DUCKERS DR
McLEAN, VA 22102

↑
36" DECK RAILING
↓

- BLACK/WOOD COLUMNS

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 25, 2011
 (enter date affidavit is notarized)

I, Elizabeth R. Madigan, 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

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)
Elizabeth R. Madigan	1020 Duchess Drive, McLean, VA 22102	Applicant / Homeowner
William Madigan	Same	Applicant's Spouse
Mark Williams		Agent

(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.
N/A

* 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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 25, 2011
(enter date affidavit is notarized)

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)

McLean Properties LLC. 1020 Duchess Drive McLean, VA 22102

~~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)

Elizabeth R. Madigan

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

N/A

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 25, 2011
(enter date affidavit is notarized)

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.

N/A

*** 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: January 25, 2011
(enter date affidavit is notarized)

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.

N/A

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 25, 2011
(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.) N/A

(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)

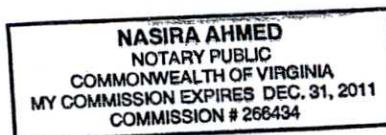
Elizabeth R. Madigan
 Applicant Applicant's Authorized Agent

Elizabeth R. Madigan
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 25th day of January, 2011, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Nasira Ahmed
Notary Public

My commission expires: DEC 31, 2011



APR 05 2011

Zoning Evaluation Division

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

1020 Duchess Dr. McLean, Va. 22102
 Tax Map # 20-4-13-0004
 Zoning District: R-1 Cluster

To whom it may concern:

This request is for a Special Permit to obtain a reduction in the minimum rear yard requirement for the above referenced property. We have planned to make improvements to our home to enhance its appearance, usability and overall value. The planned improvements cannot be made without extending construction past the minimum rear yard requirements.

The proposed open deck will replace an older existing deck to provide a more usable outdoor area in the back of the house. The wood frame deck would be similar to many found in suburban neighborhoods in the county and not be out of character with those in this neighborhood. The improvements will not be a detriment to adjacent properties and will work well with the existing architecture of the home. Access to and from the deck will utilize an existing door and travel patterns. The house and lot back up to a wooded area on the rear and right sides of the home. The area directly behind the home is an open parcel.

The resulting gross floor area of the addition (sundeck) is less than 150% of the total gross floor area of the principal structure. No portion of the original existing dwelling (house) is to be removed. *THE EXISTING GROSS FLOOR AREA OF DWELLING IS 6,174 SQ. FT. THE SQUARE FOOTAGE OF THE PROPOSED SUNDECK IS 568 SQ. FT.*
 The resulting gross floor area of the sundeck will be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.

*M. Welk
4/21/11*

We understand the BZA shall determine that the proposed development is within the character of the existing on-site development in terms of the location, height, bulk and scale of the existing structures on the lot.

We understand that the BZA shall determine whether 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.

We understand 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.

We believe that this proposed addition represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. The existing sundeck width of 8' is insufficient to allow our family to use the structure for normal outdoor family purposes.

The lot on which the home is located is a corner lot with one of the shallowest effective rear buildable areas in the community. Due to the shallowness of the lot the buildable area ends very close to the rear wall of the house and the improvements cannot be constructed with the remaining available space. The current buildable area would only allow an 8' wide sundeck. As such, we are requesting a Special Permit from the Board of Zoning appeals.

As this is not a place of business, there are no hours of operation, patrons, clients, employees, etc. there will be no additional traffic impact. There are not and will not be hazardous or toxic substances generated, utilized, stored, treated, and/or disposed of on this site.

The Special Permit is being sought for a reduction of the rear yard requirement to permit the construction of a deck on the rear of the home. The reduction in yard requirement would not impair the purpose or intent of the ordinance and will not be detrimental to the use and enjoyment of the other properties in the immediate vicinity. This construction will not create an unsafe condition with respect to the other properties and public streets. To force compliance with the minimum yard requirement would cause unreasonable hardship as the available living space is too narrow to completely utilize for our family. Thank you for your consideration in this matter.

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.