



APPLICATION ACCEPTED: May 18, 2011  
DATE OF PUBLIC HEARING: July 27, 2011  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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July 20, 2011

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-HM-045

### HUNTER MILL DISTRICT

**APPLICANT/OWNER:** Karen M. Wood, Trustee

**LOCATION:** 2502 Branding Iron Court

**SUBDIVISION:** Sycamore Ridge

**TAX MAP:** 25-1 ((14)) 91A

**LOT SIZE:** 8,839 square feet

**ZONING:** R-3 Cluster

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements for construction of an addition (screened porch) 14.5 feet from the rear lot line

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2011-HM-045 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.

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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.

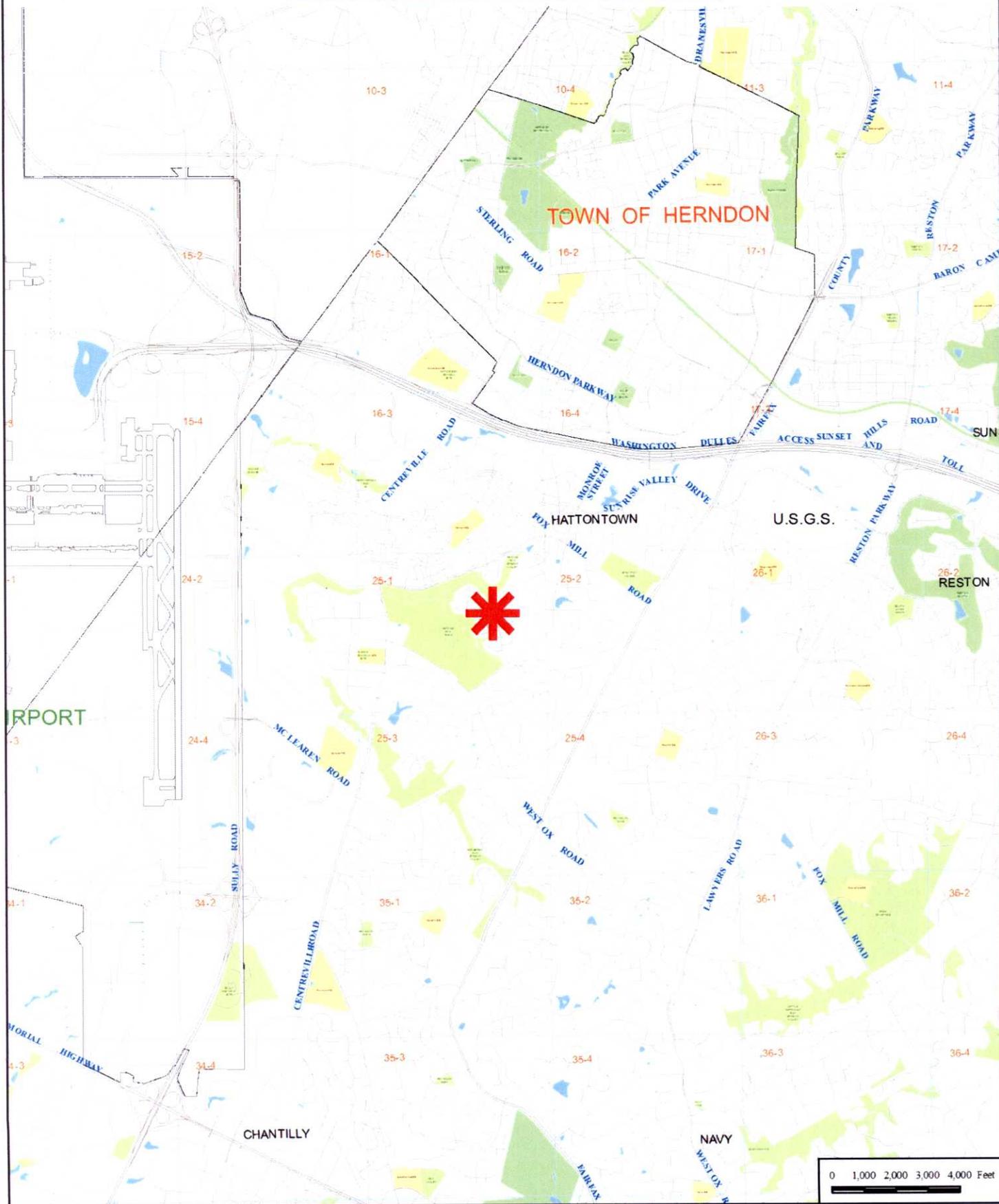
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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-HM-045**  
**KAREN M. WOOD, TRUSTEE**



**Special Permit**  
**SP 2011-HM-045**  
**KAREN M. WOOD, TRUSTEE**



NOTES:

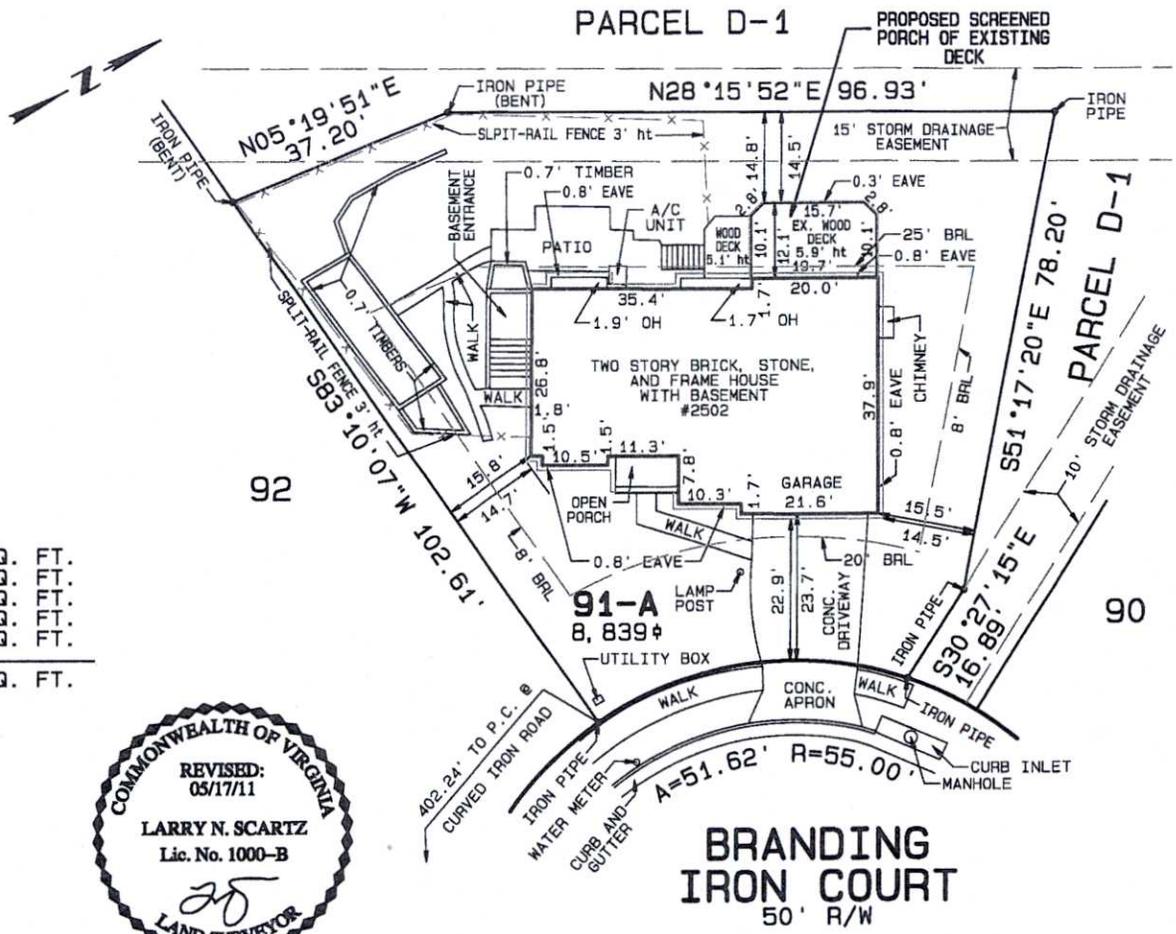
1. TAX MAP 025-1-14-0091A
2. PROPERTY SHOWN HEREON IS ZONED: R-3 (RESIDENTIAL 3 DU/AC)
3. MINIMUM YARD REQUIREMENTS IN ZONE R-3 CLUSTER  
 FRONT: 20'  
 SIDE: 8', BUT A TOTAL MINIMUM OF 20'  
 REAR: 25'
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
5. THE PROPERTY SHOWN HERE IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0110E EFFECTIVE DATE, SEPTEMBER 17, 2010.
6. THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
7. THE PROPERTY IS NOT LOCATED IN A FLOODPLAIN NOR AN RPA (RESOURCE PROTECTION AREA).

8. FLOOR AREA:	
EXISTING GROSS FLOOR AREA HOUSE	2,697 SQ. FT.
EXISTING GROSS FLOOR AREA GARAGE	506 SQ. FT.
EXISTING GROSS FLOOR AREA OPEN POR.	50 SQ. FT.
EXISTING GROSS FLOOR AREA DECK	77 SQ. FT.
PROPOSED GROSS FLOOR AREA SCREEN POR.	234 SQ. FT.
<b>TOTAL FLOOR AREA</b>	<b>3,564 SQ. FT.</b>

PROPOSED FLOOR AREA RATIO: 0.40

HEIGHT TABLE

EXISTING HOUSE HEIGHT:	23.6'
PROPOSED SCREEN PORCH HEIGHT:	17.1'



**BRANDING  
 IRON COURT**  
 50' R/W

**SPECIAL PERMIT PLAT**  
 LOT 91-A, SECTION 3

**SYCAMORE RIDGE**  
 HUNTER MILL MAGISTERIAL DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=20' DATE: APRIL 7, 2011

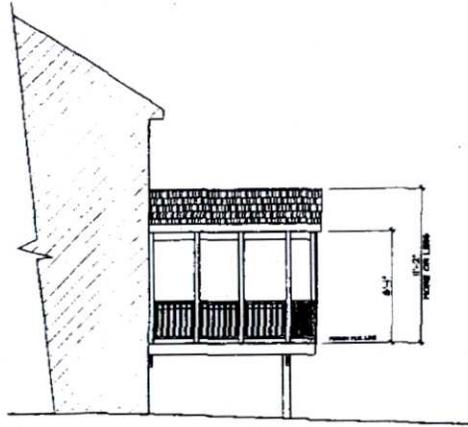
CASE NAME:  
 KAREN M. WOOD, TR.  
 OAK HILL BUILDING & REMODELING

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

**SCARTZ SURVEYS**

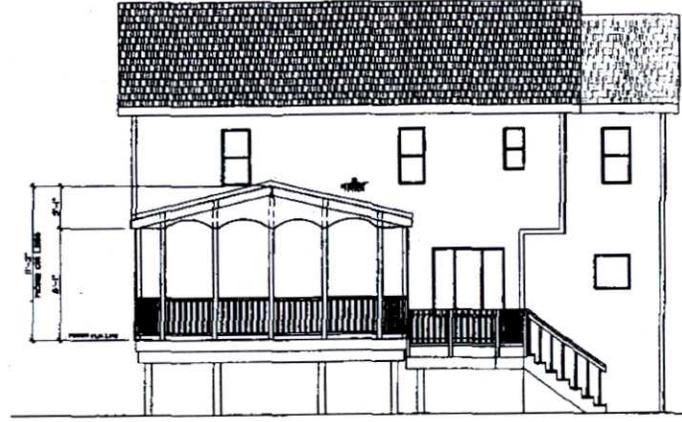
LARRY N. SCARTZ LOCAL (703) 494-4181  
 CERTIFIED LAND SURVEYOR FAX (703) 494-3330  
 WOODBRIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM





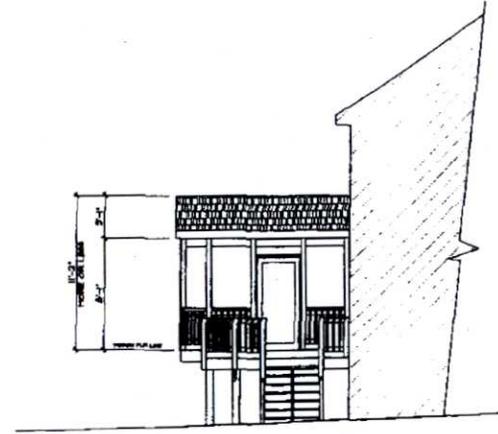
NORTH SIDE ELEVATION

SCALE 1/4"=1'-0"



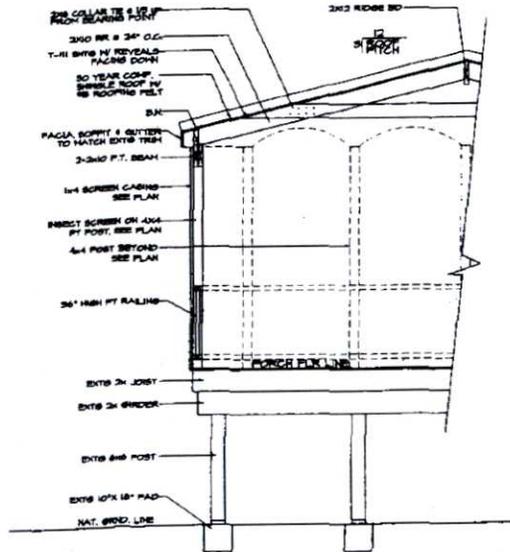
WEST SIDE ELEVATION

SCALE 1/4"=1'-0"



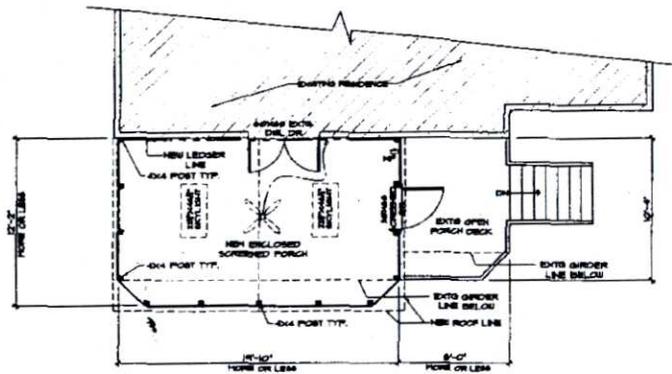
SOUTH SIDE ELEVATION

SCALE 1/4"=1'-0"



TYPICAL BAY SECTION

SCALE 1/4"=1'-0"



FLOOR PLAN

SCALE 1/4"=1'-0"

DESIGNED BY:  
DAN JUDICIAL DR.  
SUITE 100  
OFF # 100  
FAX # 703-496-8844  
WWW.WOODHILLVA.COM

**Oak Hill**  
BUILDING & REMODELING

SHEET CONTENTS:  
0 FLOOR PLAN W/ EX. LAYOUT  
2 TYP. BAY SECTION  
3 NORTH SIDE ELEVATION  
4 SOUTH SIDE ELEVATION  
5 NORTH SIDE ELEVATION

PROPOSED ADDITION:  
ALLAN BATHLELLER & KAREN WOOD  
2502 BRANDING IRON CT, OAK HILL, VA 20771  
TELEPHONE: 703-366-3265

DATE:	02-04
SCALE:	AS SHOWN
DRAWN:	PER
BY:	
REV:	A-1



Wood Residence photos. Taken 4/20/11.

Please See corresponding Plat with numbers and directions/Locations marked.



#1



#2



#3



#4



#5



#6



#7



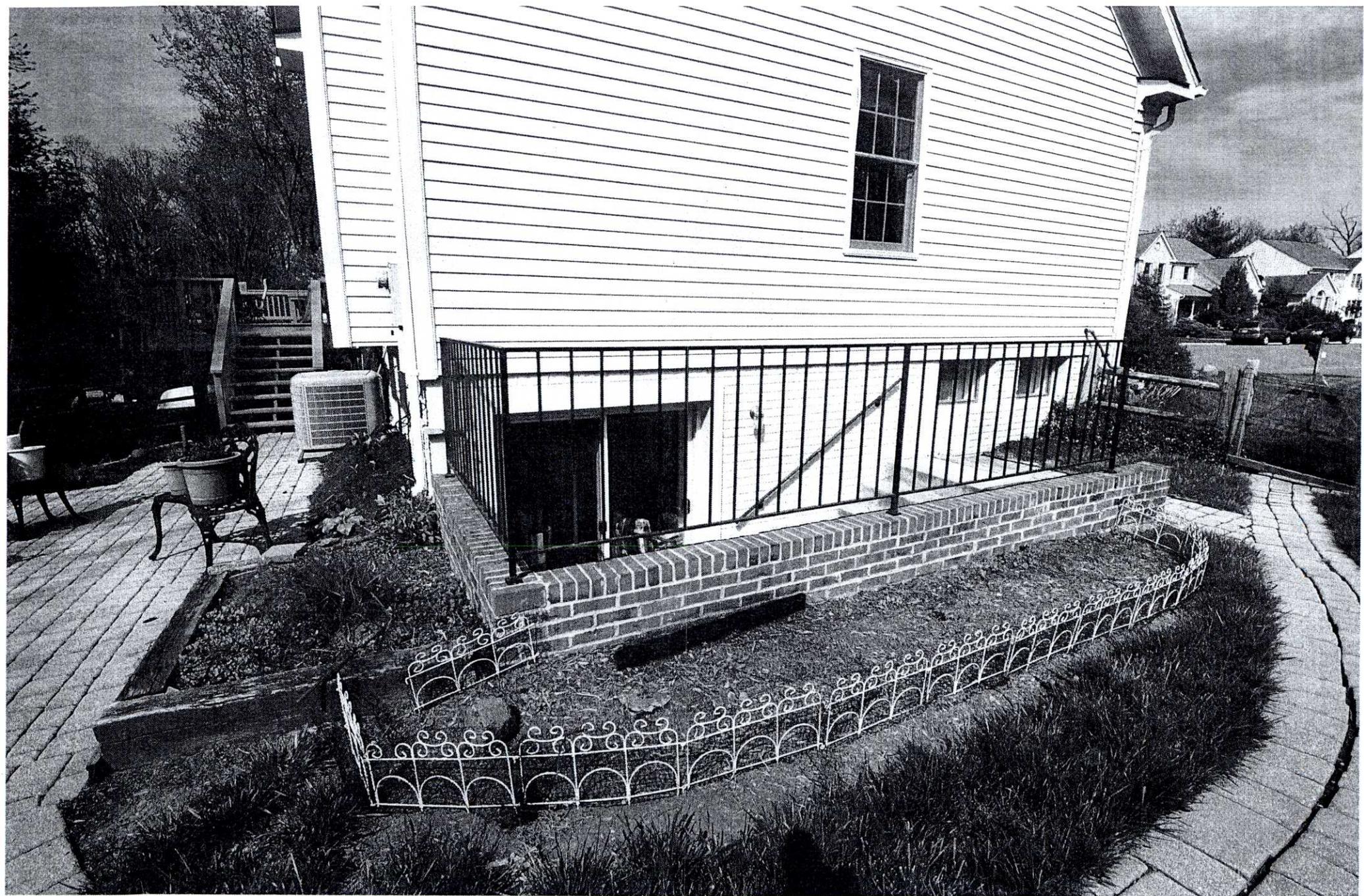
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#9



#28



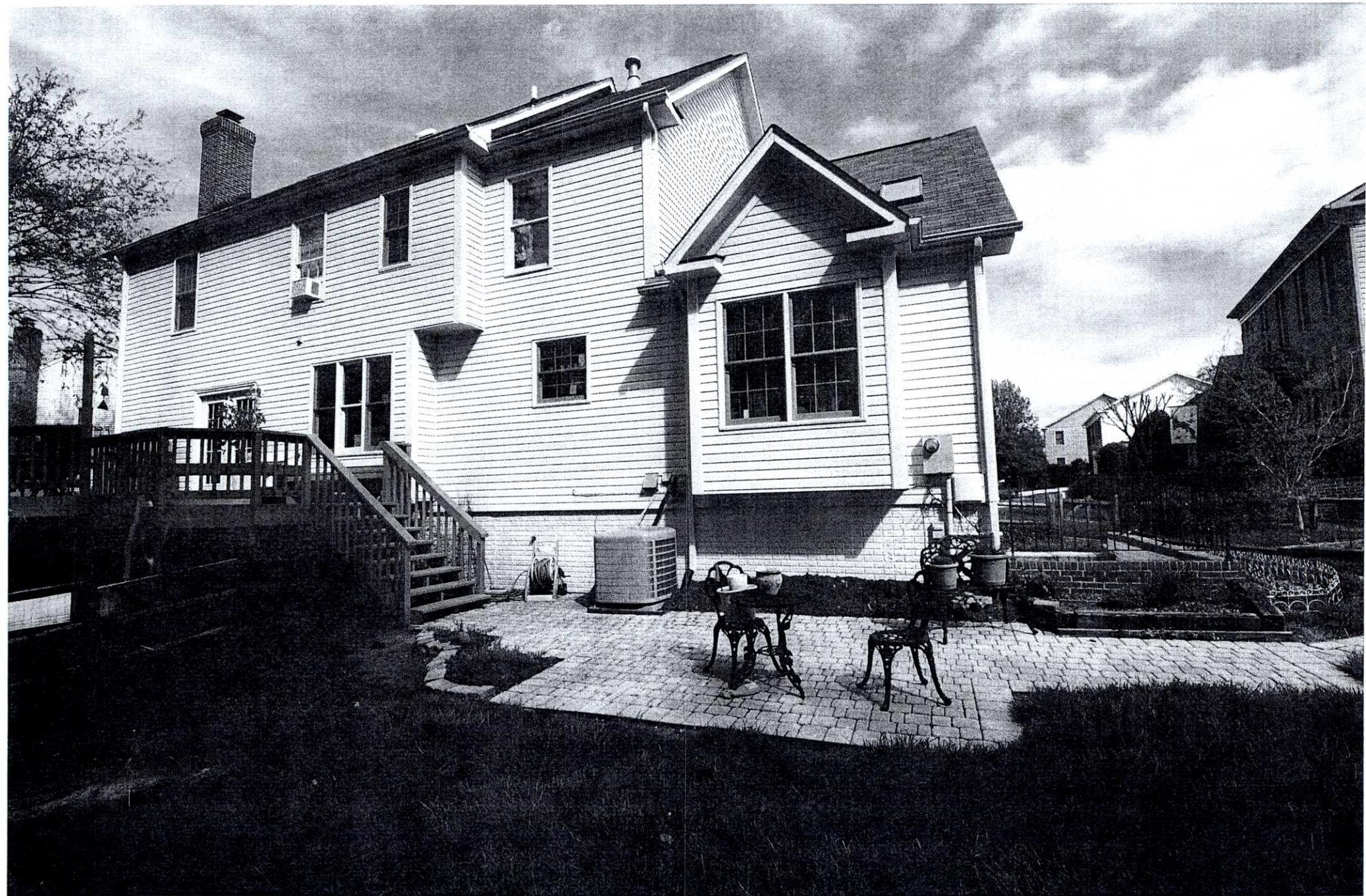
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#11



# 12



#13



# 14



# 15



#16



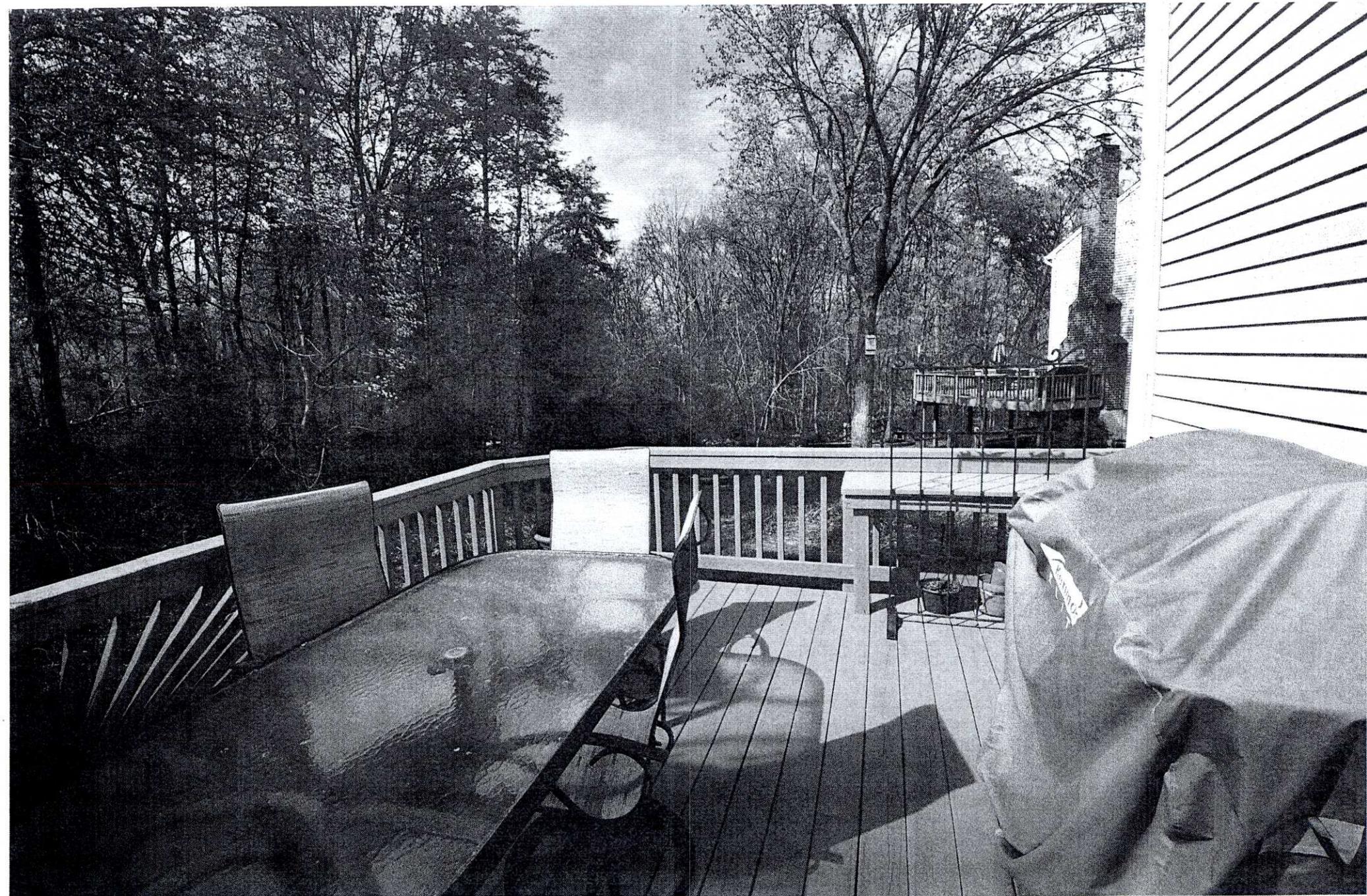
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# 18



#19



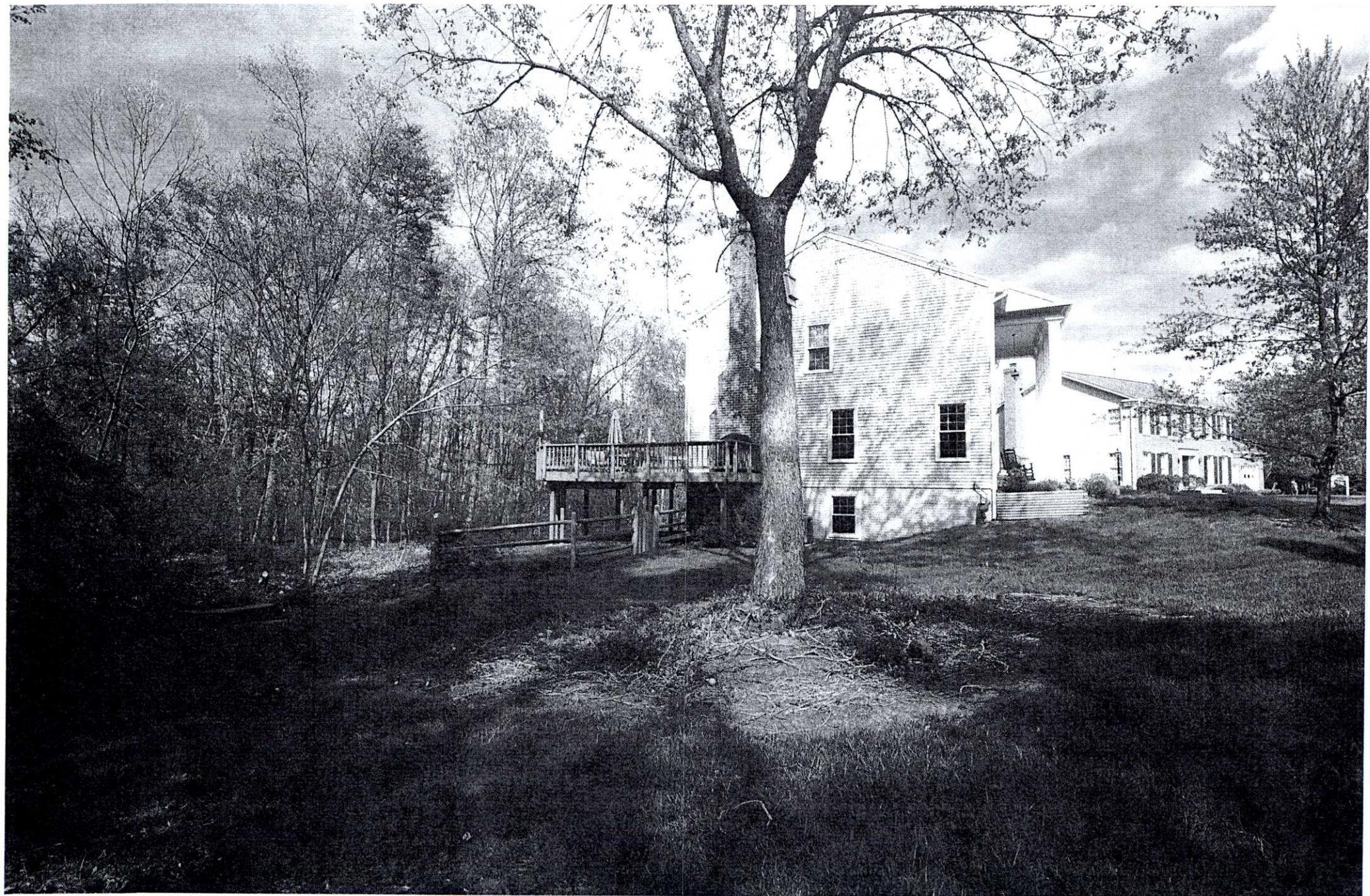
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#21



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#23



#25



#25



#25



#27



**DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit to allow an addition (screened porch) to be placed 14.5 feet from the rear lot line. The proposed porch will be built over an existing open wood deck and will measure approximately 234 square feet in area. A portion of the open deck will not be enclosed. The height of the porch will be 17.1 feet.

	<b>Structure</b>	<b>Yard</b>	<b>Min. Yard Req.</b>	<b>Structure Location</b>	<b>Proposed Reduction</b>	<b>Percent of Reduction</b>
<b>Special Permit</b>	<b>Addition</b>	Rear	25.0 feet	14.5 feet	10.5 feet	42%

**EXISTING SITE DESCRIPTION**

The 8,839 square foot lot is developed with a two-story, single family detached dwelling. The 2,697 square foot brick, stone and frame dwelling was constructed in 1992. The site is zoned R-3 Cluster and is located at the end of a residential cul de sac. There is an open wood deck, which is approximately five (5) feet in height, in the rear of the yard with stairs leading down to a patio. A brick walkway connects the patio with a planting bed and the basement entrance in the side yard. Three (3) foot high split rail fencing surrounds a portion of the rear yard and right (west) side yard. The rear yard is landscaped with grass, trees, bushes and other plantings and abuts a forested area. A 15 foot storm drainage easement runs along the rear property line. There is a concrete driveway in the front yard which can be accessed via Branding Iron Court, and a sidewalk runs along the frontage of the property.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3 Cluster	HOA Open Space
<b>South</b>	R-3 Cluster	Single Family Detached Dwelling
<b>East</b>	R-3 Cluster	Single Family Detached Dwelling
<b>West</b>	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:

- Special Permit SP 2008-HM-004 was approved on April 10, 2007 for Tax Map 25-1 ((23)) 7, zoned R-3 at 13013 Monroe Manor Drive to permit a reduction of certain yard requirements to permit an addition 17.6 feet from the rear lot line.
- Variance VC 98-H-038 was approved on June 3, 1998 for Tax Map 25-1 ((14)) 120, zoned R-3 at 13103 Weathered Oak Court to permit construction of an addition 15.4 feet from the rear lot line.
- Variance VC 94-H-143 was approved on February 9, 1995 for Tax Map 25-1 ((14)) 194, zoned R-3 at 2634 Iron Forge Road to permit construction of an addition 13.9 feet from the rear lot line.
- Variance VC 91-C-009 was approved on February 3, 1991 for Tax Map 25-1 ((14)) 157, zoned R-3 at 13136 Curved Iron Road to permit construction of a screened porch 10.3 feet, a deck 10.3 feet, and stairs 9.0 feet from the rear lot line.
- Variance VC 90-C-073 was approved on October 3, 1990 for Tax Map 25-1 ((14)) 35, zoned R-3 at 2638 Paddock Gate Court to permit construction of an addition 16.5 feet from the rear lot line.

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

- **Title of SP Plat:** Special Permit Plat, Lot 91-A, Section 3, Sycamore Ridge
- **Prepared By:** Scartz Surveys
- **Dated:** April 7, 2011, revised May 17, 2011

## Proposal:

The applicant proposes to enclose a portion of the existing wood deck to create an enclosed screened porch addition. A small portion of the wood deck will remain open. The screened porch will measure 234 square feet in area and 17.1 feet in height, which will not exceed the height of the house at 23.6 feet. The addition will have a shingled roof and skylights, and it will not have any lattice or deck skirting material under the structure. Stairs will extend from the open deck portion 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 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 proposed addition is positioned away from the direct view of the neighboring houses and faces a forested area. Any impact from the addition on the adjacent lots will be minimal and will not affect the use or development of the neighboring properties. 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 2,697 square feet, and 150 percent of the total gross floor area is 4,046 square feet. In total, the applicant would be permitted to have approximately 6,743 square feet on site. The request is for an addition of 234 square feet, which will result in a gross floor area of 2,931 square feet. Staff believes 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 applicant proposes to enclose a portion of an existing deck, and the proposed construction of the addition will be in scale with the house, as shown on the plat and draft elevations (see Attachment 1). The height of*

*the proposed addition (17.1 feet) will not exceed the height of the house (23.6 feet). 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 enclose a portion of an existing deck at the rear of the house. Due to the existing layout of the house and deck, the location of the proposed addition is the most suitable location on the application site. The addition directly faces a forested area, and the nearest neighboring house to the left (east) is located further away than the other neighboring house to the right (west). 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 application proposes to enclose a portion of an existing deck, so the addition won't be any closer to neighboring properties than the existing deck. 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 due to the existing construction of the deck and minimal impact to neighboring properties. The addition will be situated away from direct view of the adjacent houses at the rear of the house. No vegetation will be removed, and there is no RPA or floodplain on the property. Staff believes this standard is satisfied.*

## **CONCLUSION**

Staff recommends approval of SP 2011-HM-045 for an addition (screened porch) 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-HM-045****July 20, 2011**

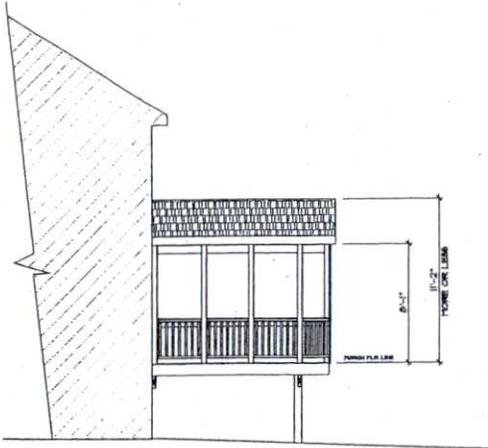
If it is the intent of the Board of Zoning Appeals to approve SP 2011-HM-045 located at Tax Map 25-1 ((14)) 91A to permit a reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance 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 the screened porch (234 square feet), as shown on the plat prepared by Scartz Surveys, dated April 7, 2011, revised May 17, 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 [2,697 square feet existing + 4,046 square feet (150%) = 6,743 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 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.



NORTH SIDE ELEVATION

SCALE: 1/4"=1'

5

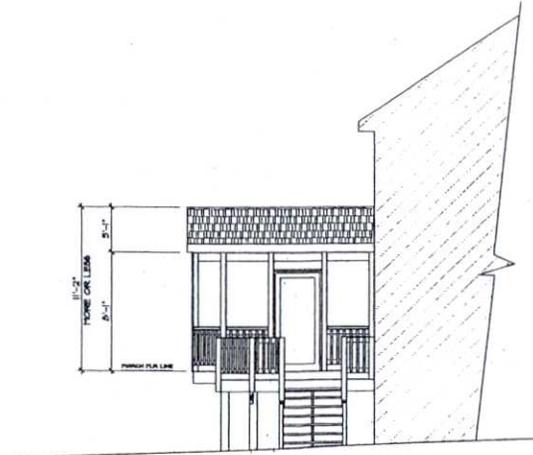
WEST SIDE ELEVATION



SCALE: 1/4"=1'

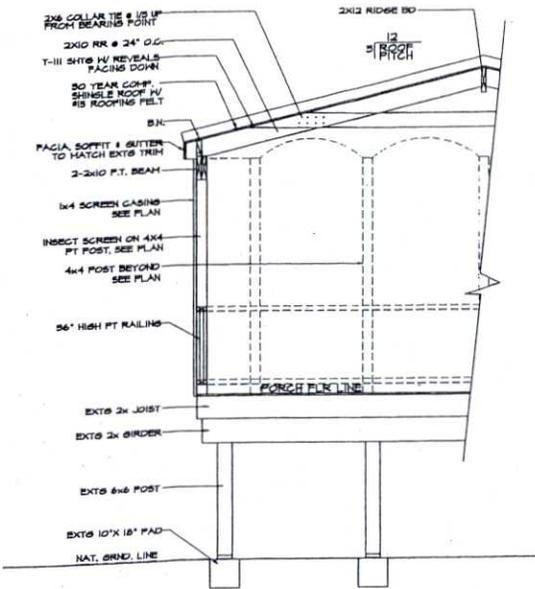
4

SOUTH SIDE ELEVATION



SCALE: A.T.A.

3

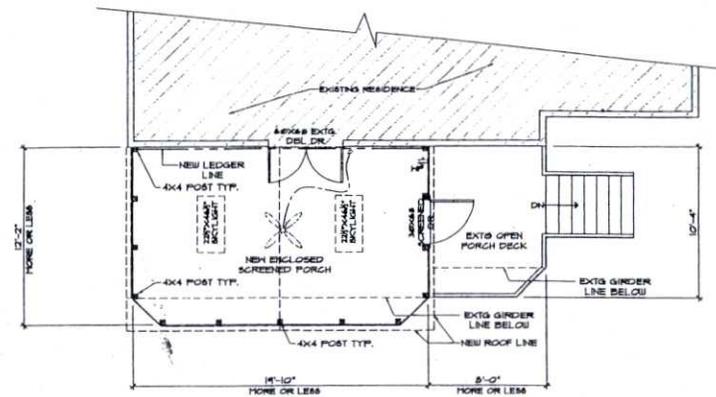


TYPICAL BAY SECTION

SCALE: 1/4"=1'

2

FLOOR PLAN



DESIGNED BY:  
NICK VITALE

**Oak Hill**  
BUILDING & REMODELING  
10415 JUDICIAL DR.  
SUITE 501, FAIRFAX  
VA 22030  
OFF # (703) 84-1000  
FA # (703) 84-3884  
www.oakhillbuilding.com

SHEET CONTENTS:  
1 FLOOR PLAN W/ BLD. LAYOUT  
2 TYP. BAY SECTION  
3 SOUTH SIDE ELEVATION  
4 NORTH SIDE ELEVATION

PROPOSED ADDITION:  
**ALLAN BATHLELLER & KAREN WOOD**  
2502 BRANDING IRON CT, OAK HILL, VA 20111  
TELEPHONE: 703-910-5265

DATE:	02-24
SCALE:	AS SHOWN
DRAWN:	HEK
JOB:	
SHEET:	A-1



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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/30/11  
(enter date affidavit is notarized)

111 782

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)

VCI Inc. Trading as Oak Hill Building & Remodeling.  
10615 Judicial Dr. Suite 501, Fairfax, VA 22030

**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)

Susan J. Vitale  
  
Thomas N. Vitale

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/30/11  
(enter date affidavit is notarized)

111782

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)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/30/11  
(enter date affidavit is notarized)

111782

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

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

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

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

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

NONE

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/30/11  
(enter date affidavit is notarized)

111782

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

[X] Applicant's Authorized Agent

Nicholas T. Vitale Agent/Vice Pres VCI INC.  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30 day of March 2011, in the State/Comm. of VA, County/City of Fairfax.

[Signature]  
Notary Public

My commission expires: 1/31/12



SPECIAL PERMIT STATEMENT OF JUSTIFICATION

- A. The operation type is a residential, screened porch built on an existing deck structure in the rear of the house. The size of the proposed screened porch is 13'x21' including overhangs. The screened porch will have fiberglass screening and one 36-inch door.
- B. The hours of operation are not applicable to this proposed residential structure.
- C. The estimated number of patrons is not applicable to this proposed residential structure.
- D. The estimated number of employees is not applicable to this proposed residential structure.
- E. The estimated traffic will remain the same.
- F. The vicinity or general area to be served is the rear of the house on top of the existing deck structure.
- G. The building facade and architecture of the proposed new addition is a standard construction screened porch with a pressure treated lumber on the interior and exterior facades. The following items make up the construction of the proposed porch. Please see attached photo (Attachment 1A) as a general reference of what the proposed structure will look like. **Please note** that the attached photo shows a painted structure and does not reflect the finish in terms of color, but does reflect construction, shape, and details of the proposed structure.
- Deck/base structure to remain the same as shown in photographs of rear of house.
  - 4"x4" pressure treated vertical supports.
  - Double 2x12" pressure treated header for all window and door openings.
  - The top of each screened window opening trimmed with an arched 1"x6" trim board.
  - Black fiberglass screening on each window opening.
  - 1"x4" pressure treated trim boards to cover where screening was installed to the 4"x4" support beams.
  - 5" cream colored aluminum gutter and downspouts.
  - Pressure treated lumber for soffit, fascia, rake, and cornice.
  - 2"x10" roof rafters and 2"x6" collar ties on interior ceiling of porch.
  - T1-11 plywood sheathing installed face down on top of roof rafters with 1/2" OSB on top of T1-11. T1-11 is to show the beaded aesthetic look on interior roof of porch. 1/2" OSB is for added strength and to prevent roofing nails from coming through the T1-11.
  - 15lb black felt tarpaper with 3-tab, 25 year black shingles to match house on porch roof.
  - Pressure treated, 3' wide screened door with black screening and brass, spring loaded hinges and a hook and loop locking mechanism as an access to outside from porch.
  - Porch will be a nailed using galvanized, ring-shank nails.
  - Railing of screened porch will consist of 2"x2" pickets, 2"x4" top and bottom rail and a 2"x6" railing cap to act as an interior shelf.
  - The underside of the porch will remain open without any lattice or deck skirting material.
  - There will be no proposed landscaping or screening other than the screening on the proposed screened porch windows. There is no existing screening on the property.
- H. There are no hazardous or toxic substances associated with this project.
- I. The proposed screened porch conforms to all applicable ordinances because it is a standard construction unit that blends well with the existing house structure. Local neighbors have

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very similar structure added to their houses. This porch structure will mimic local neighbors porches.

8-922 Standards, Items 2-10

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 the proposed screened porch including roof overhangs will account for <sup>5/17/11</sup> ~~8.51%~~ <sup>7.3%</sup> of the principal structures gross floor area (house + 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 site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of location, height, bulk and scale of existing structure(s) on the lot. The proposed screened porch is designed and specified in section G. of this Special Permits Statement of Justification, to conform to the existing house in terms of height, bulk, and scale.
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 storm water 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. The factor that determined the location and size of the proposed screened porch is the existing deck structure that it would be built on.
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.

### **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

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

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.