



APPLICATION ACCEPTED: May 25, 2011  
BOARD OF ZONING APPEALS: August 3, 2011  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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July 27, 2011

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2011-SU-048**

### SULLY DISTRICT

**APPLICANT:** Amy J. Slenker-Smith

**OWNERS:** Amy J. Slenker-Smith  
Stephen Smith

**SUBDIVISION:** Chantilly Highlands

**STREET ADDRESS:** 13233 Stone Heather Drive

**TAX MAP REFERENCE:** Tax Map 35-1 ((2)) 238

**LOT SIZE:** 8,635 square feet, more or less

**ZONING DISTRICT:** R-3 C, Residential with Cluster Subdivision

**ZONING ORDINANCE PROVISIONS:** 8-922

**SPECIAL PERMIT PROPOSAL:** To grant a reduction of certain yard requirements to permit construction of an addition 13.6 feet from the rear lot line

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2011-SU-048 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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

*O:\rhorner\Special Permits\SP 2011 SU 048\Staff Report Slenker Smith 071311.doc*

*Rebecca Horner*

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.

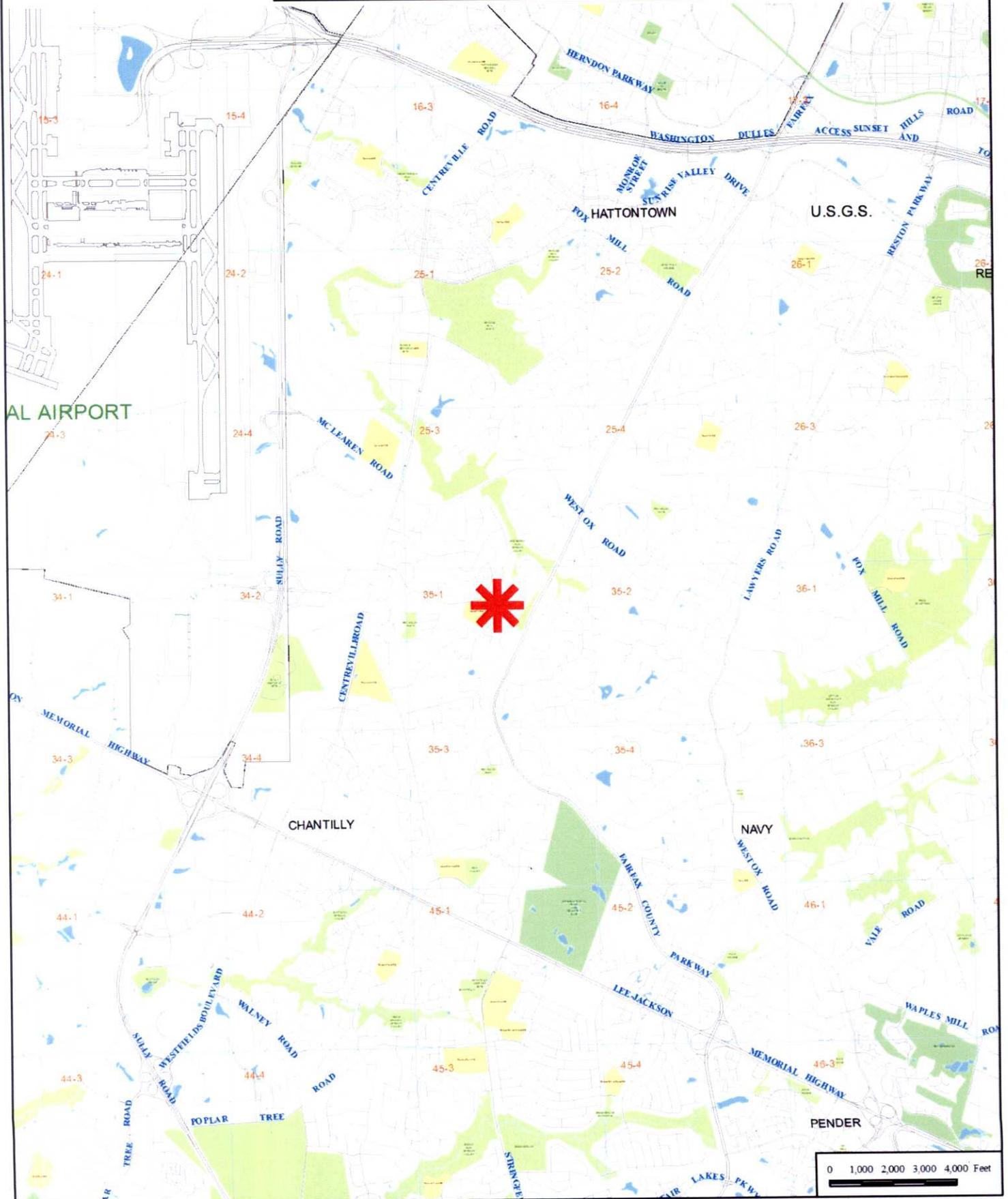
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

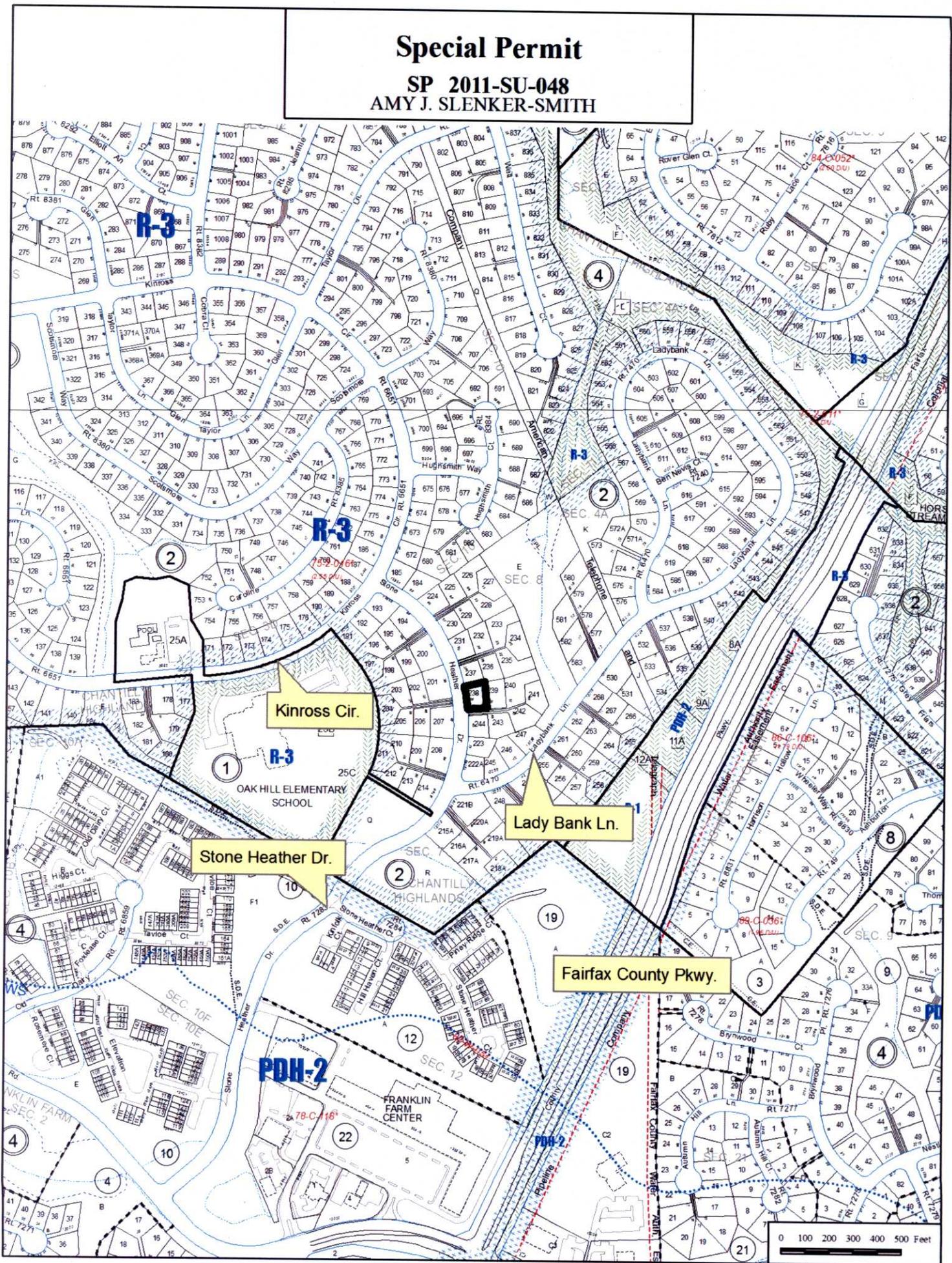


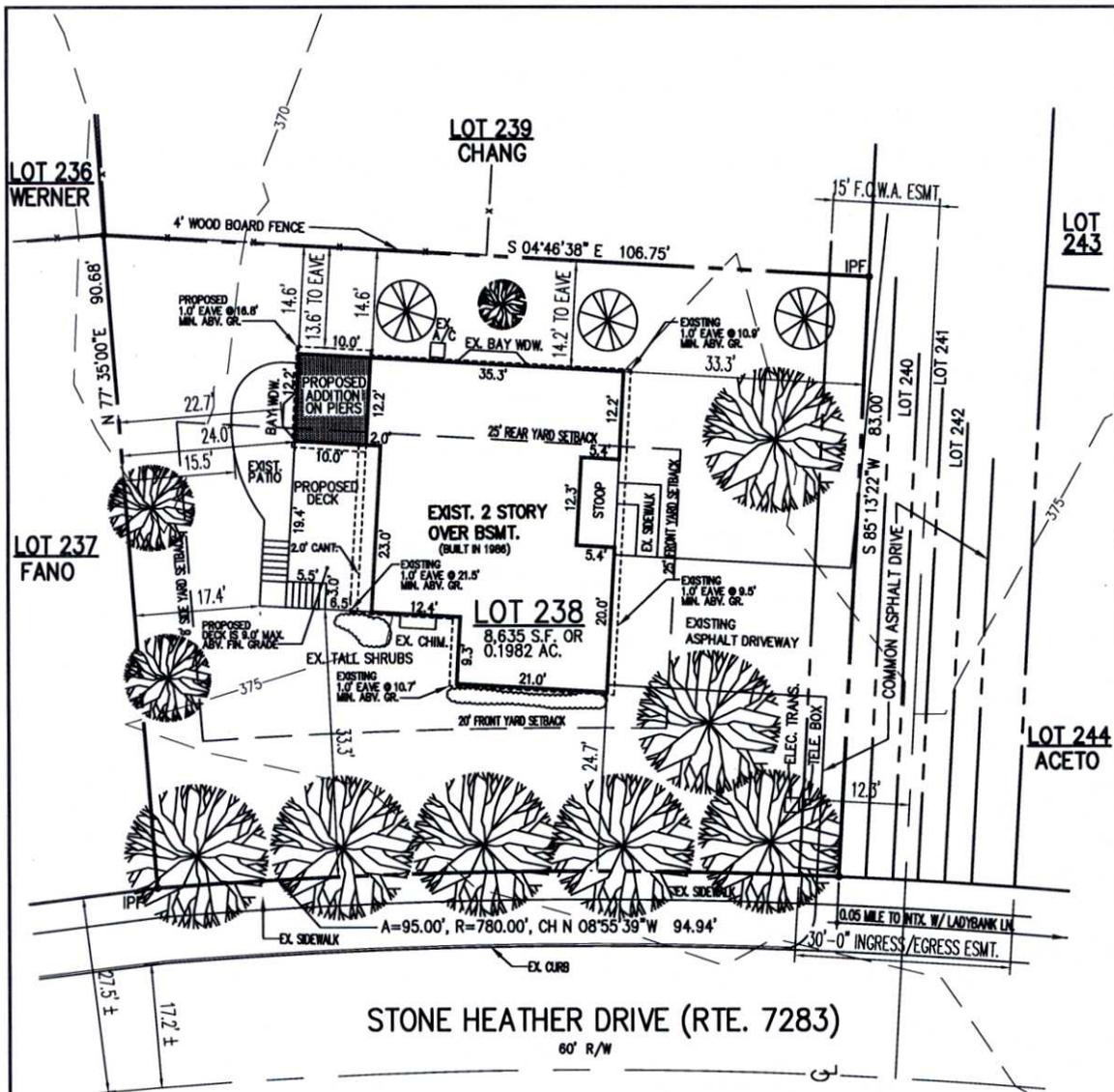
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2011-SU-048**  
**AMY J. SLENKER-SMITH**



**Special Permit**  
**SP 2011-SU-048**  
**AMY J. SLENKER-SMITH**





**SITE DIAGRAM**

SCALE: 1" = 20'



VA STATE GRID NORTH

**CHANTILLY HIGHLANDS**  
**LOT 238 SECTION 8**  
 ZONED - R3C (R-3 W/ CLUSTER DEV.)  
 SULLY DISTRICT, FAIRFAX COUNTY

GROSS FLOOR AREAS	
EX. BASEMENT	= 904 S.F.
EX. FIRST FLOOR	= 929 S.F.
EX. SECOND FLOOR	= 741 S.F.
EX. GARAGE	= 420 S.F.
TOTAL EXISTING AREA	= 2994 S.F.
EXISTING "FAR"	= 2994/8635 = .347
PROPOSED ADDITION	= 122 S.F.
TOTAL PROPOSED AREA	= 3116 S.F.
PROPOSED "FAR"	= 3116/8635 = .360
RESULTING GROSS FLOOR AREA (3116/2994)	IS 104% OF EXISTING PRINCIPAL STRUCTURE

MAXIMUM ROOF HEIGHTS ABV. GRADE (RIDGE OF EACH ROOF TO LOWEST GRADE)	
EXIST. MAIN HOUSE (2 STORY)	= 37.0' ±
EXIST. MAIN HOUSE (1 STORY)	= 30.0' ±
EXIST. ROOF OVER GARAGE	= 22.0' ±
ADDITION	= 22.8' ±

**PROPERTY SETBACKS (R-3C)**  
 FRONT YARD = 20 FT.  
 REAR YARD = 25 FT.  
 SIDE YARD = 8 FT. MIN. W/ TOTAL OF 20 FT.  
 PIPE STEM = 25 FT.

**NOTES:**

- EXISTING SITE INFORMATION SHOWN IS BASED ON PLAT PREPARED BY B.W. SMITH AND ASSOCIATES, INC. DATED 12/21/99 & PLAT PREPARED BY BENGTON, DeBELL, ELKIN & TITUS, P.C. DATED 8/26/1986
- THE PROPERTY IS SERVED BY PUBLIC WATER & SEWER
- THE PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA, RMA OR RPA, NOR IS IT IN AN EOC.
- THERE IS NO OBSERVABLE EVIDENCE OF ANY GRAVE, OBJECT OR STRUCTURE MARKING A BURIAL PLACE
- THERE ARE NO UTILITY EASEMENTS ON THE PROPERTY
- EXISTING TOPOGRAPHY SHOWN IS AT 5 FOOT INTERVALS & IS BASED ON FAIRFAX COUNTY AIR SURVEY (1997)

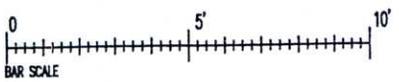


PAGE: <b>1 OF 1</b>	PROJECT: <b>SLENKER SMITH RESIDENCE</b>	REVISIONS			<b>DRS</b> <b>Architecture</b> Professional Limited Company 704 CLAIRMONT COURT N.E. LEESBURG, VIRGINIA 20178 (703)737-3863 FAX (703)777-8879
		ADDRESS: 13233 STONE HEATHER DRIVE HERNDON, VIRGINIA 20171	REV No.	DATE	
DATE: FEB. 7, 2011		1	4/6/2011	COUNTY COMMENTS	

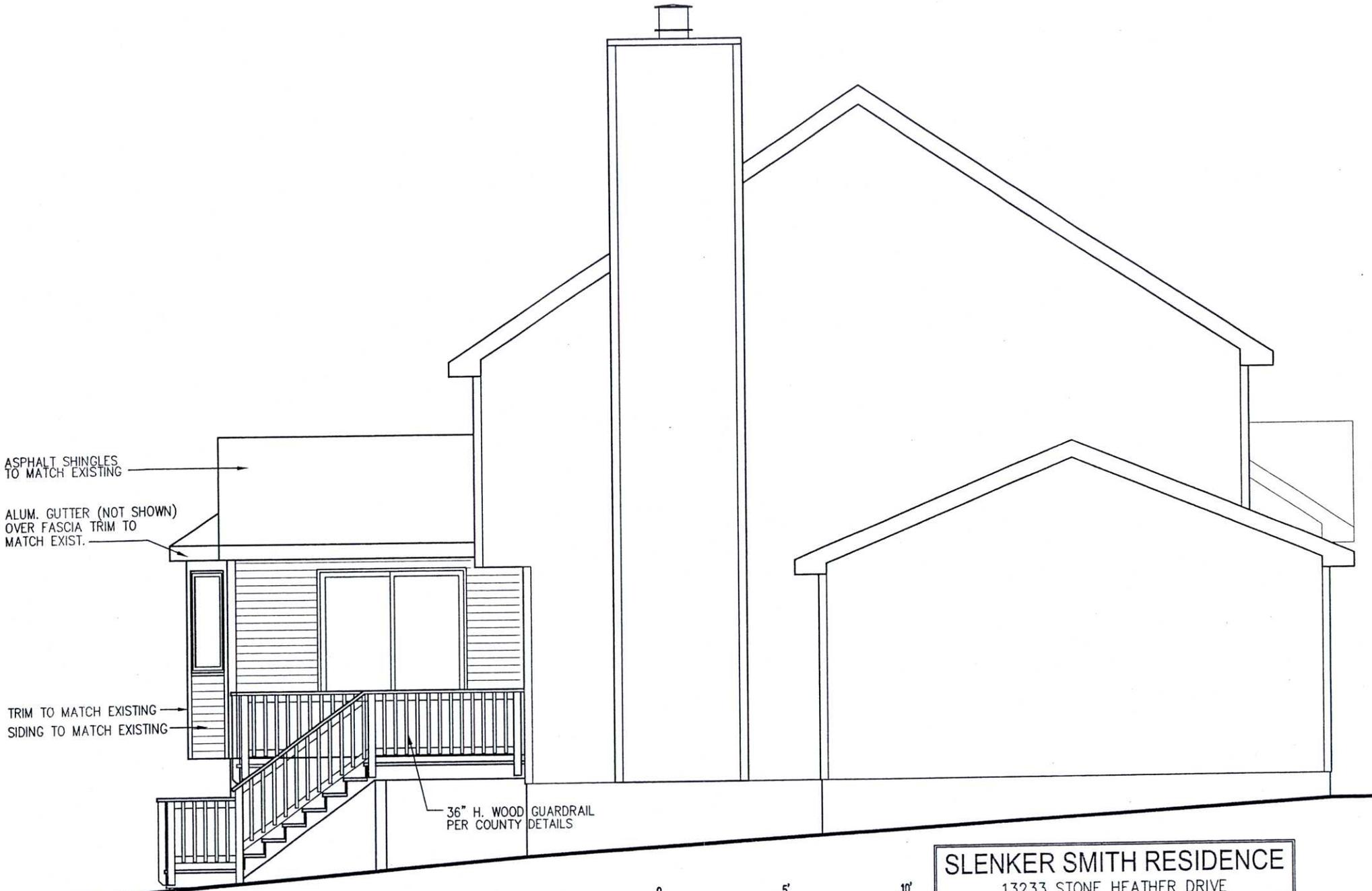


**REAR ELEVATION**

3/16" = 1'-0"

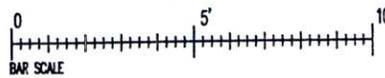


**SLENKER SMITH RESIDENCE**  
 13233 STONE HEATHER DRIVE  
 HERNDON, VA 20171  
 NOVEMBER 29, 2010



**SIDE ELEVATION**

3/16" = 1'-0"



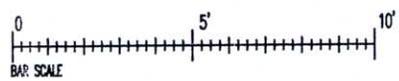
**SLENKER SMITH RESIDENCE**  
 13233 STONE HEATHER DRIVE  
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 NOVEMBER 29, 2010



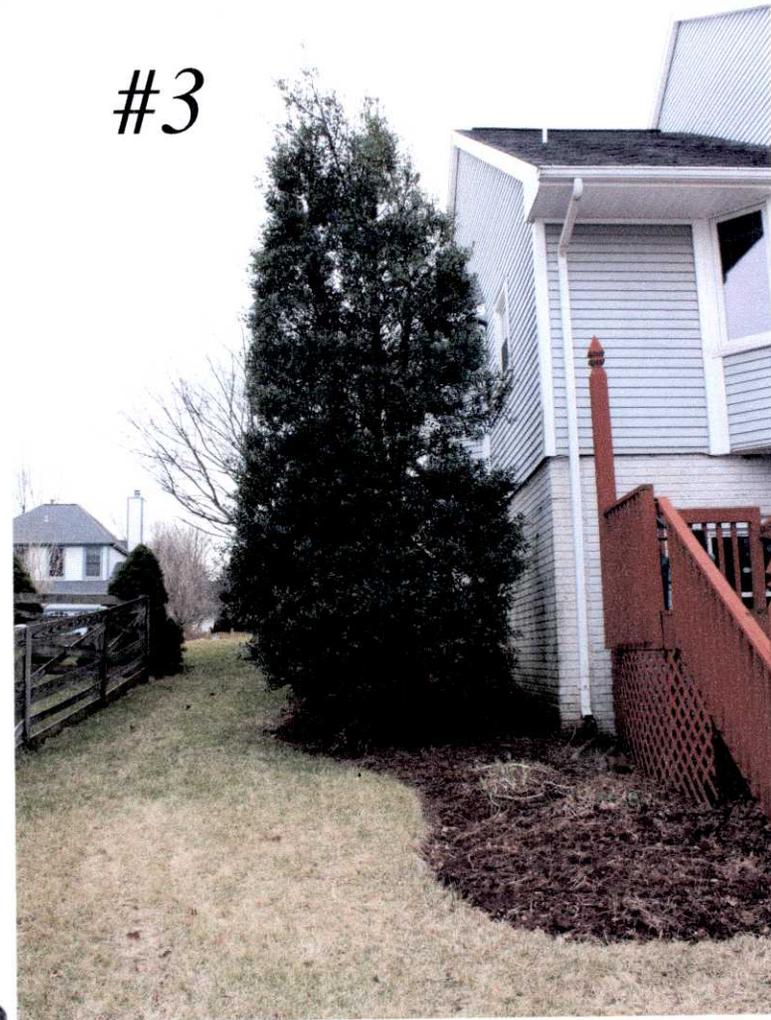
**SLENKER SMITH RESIDENCE**  
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 HERNDON, VA 20171  
 NOVEMBER 29, 2010

**SIDE ELEVATION**

3/16" = 1'-0"



Steve Smith and Amy Slenker-Smith  
13233 Stone Heather Drive, Herndon, VA 20171  
Variance Application Photographs  
Submitted - March 7, 2011



13233 Stone Heather Drive, Herndon, VA 20171

*Pictures 1 & 2 are the view from Lot 239 (Chang). This is the **“Back”** of House per county plat and the house is currently 14.2' from the rear lot line versus the 25' setback. As you can see in Picture 3, this yard actually functions as a side yard as noted in the justification.*



13233 Stone Heather Drive, Herndon, VA 20171

*View from Stone Heather Drive of “Front” of House per county plat.  
House was built and orientated to face the pipestem versus the main street. Car is parked in  
driveway in front of house.*



13233 Stone Heather Drive, Herndon, VA 20171

*View from pipestem which is perpendicular to Stone Heather Drive. This is the “Side” of House per county plat*



13233 Stone Heather Drive, Herndon, VA 20171

*View from Lot 237(Fano). This is also considered the “Side” of the House per county plat, but it functions as the back of the house due to the way it was built originally. This is where the addition is planned. It will be an addition to enlarge the existing kitchen. The bay window shown here is the current kitchen window.*

Stephen J. Smith and Amy J. Slenker-Smith  
13233 Stone Heather Drive, Herndon, VA 20171

**Updated Photographs**  
**Submitted - May 24, 2011**  
**SP - 2011 - 0131**

RECEIVED  
Department of Planning & Zoning

MAY 24 2011

Zoning Evaluation Division



13233 Stone Heather Drive, Herndon, VA 20171

*View from Stone Heather Drive of **“Front”** of House per county plat.  
House was built and orientated to face the pipestem versus the main street. Car is parked in  
driveway in front of house.*



13233 Stone Heather Drive, Herndon, VA 20171

*View from pipestem which is perpendicular to Stone Heather Drive. This is the “Side” of House per county plat*



#1



#2



#3

13233 Stone Heather Drive, Herndon, VA 20171

*Pictures 1&2 are the view from Lot 239(Chang). This is the “**Back**” of House per county plat and the house is currently 14.2’ from the rear lot line versus the 25’ setback. As you can see in Picture 3, this yard actually functions as a side yard as noted in the justification.*



13233 Stone Heather Drive, Herndon, VA 20171

*Views of location for kitchen addition. This is also considered the “Side” of the House per county plat, but it functions as the back of the house due to the way it was built originally. This is where the addition is planned. It will be an addition to enlarge the existing kitchen. The bay window shown here is the current kitchen window.  
(Please see the architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View of location of new deck. This is also considered the “**Side**” of the House per county plat, but it functions as the back of the house due to the way it was built originally. It will be an addition to enlarge the existing kitchen. The addition will be where the current deck stairs are. The new deck will be in approximately the same place, but slightly larger and a rectangle shape. (Please see the architectural designs for addition information. )*

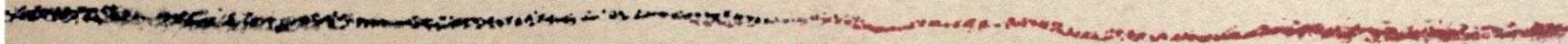


13233 Stone Heather Drive, Herndon, VA 20171

*View from Lot 236(Werner). This is also considered the “Side” of the House per county plat, but it functions as the back of the house due to the way it was built originally. It will be an addition to enlarge the existing kitchen. The addition will be where the current deck stairs are. The deck will be in approximately the same place, but slightly larger and a rectangle shape. (Please see the architectural designs for addition information. )*

Steve Smith and Amy Slenker-Smith  
13233 Stone Heather Drive, Herndon, VA 20171

**The following photos represent a 360 degree view facing out from our house at all angles to show the surrounding area and properties**





13233 Stone Heather Drive, Herndon, VA 20171

*View from front door facing Lot 244(Aceto)(Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from front door facing Lot 243(Chapman)(Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from front porch facing Lot 239(Chang) (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from "back" of house facing Lot 239(Chang) (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from "back" of house facing Lot 239(Chang) (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from "back" of house facing Lot 239(Chang) (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from deck facing backyard of Lot 239(Chang) (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from deck facing Lot 236(Werner) (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from deck facing Lot 237(Fano) (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from deck facing Lot 237(Fano) (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from "side" of house facing Lot 237(Fano) (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from "side" of house facing Lot 237(Fano) (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from UNDER deck facing Lot 237/Stone Heather Dr. (Please see the Site Diagram from architectural designs for addition information.)*



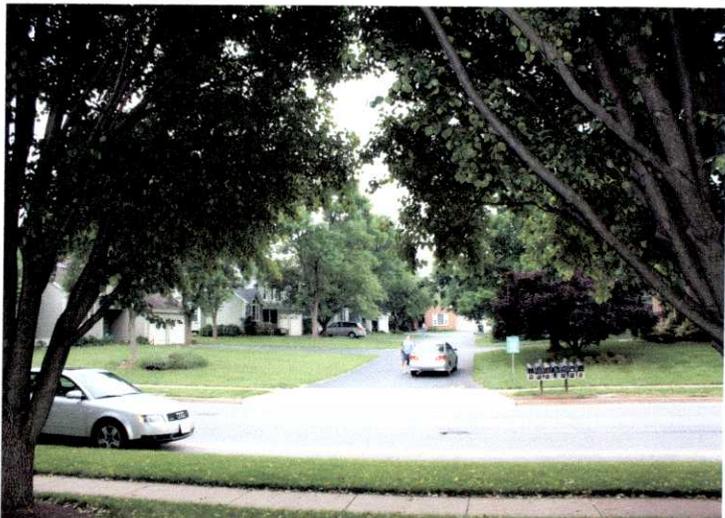
13233 Stone Heather Drive, Herndon, VA 20171

*View from UNDER deck facing Stone Heather Dr. (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from deck facing Stone Heather Dr. (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from deck facing Stone Heather Dr. (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View driveway facing Stone Heather Dr. (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View driveway facing Lot 244/Stone Heather Dr. (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from driveway facing Lot 244(Aceto). (Please see the Site Diagram from architectural designs for addition information.)*



13233 Stone Heather Drive, Herndon, VA 20171

*View from driveway facing Lot 244(Aceto). (Please see the Site Diagram from architectural designs for addition information.)*

**DESCRIPTION OF THE APPLICATION**

The applicant is seeking approval of a special permit to reduce certain yard requirements to permit the construction of a kitchen addition to be located 13.6 feet from the rear lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
<b>Special Permit</b>	<b>Addition</b>	Rear	25.0 feet	13.6 feet	11.4 feet	45.6%

\* Minimum yard requirement per Section 3-307 (2)(A)(2)(c)

**EXISTING SITE DESCRIPTION**

The 8,635 square foot lot is currently zoned R-3 and developed under the cluster regulations with a two-story, single family detached dwelling. The typical lot size in an R-3 district is 10,500 square feet but may be reduced to not less than 8,500 square feet in a cluster subdivision. Cluster subdivisions are typically approved through a special exception process, however this cluster subdivision was developed in 1975, prior to the special exception requirement, and is conforming according to Section 2-421 (9).

<b>Structure</b>	
<b>Floor Area</b>	2,994 square feet
<b>Year Constructed</b>	1986
<b>Access</b>	hard-surfaced driveway that extends from the pipestem driveway on the south side of Stone Heather Drive (Rte. 7283
<b>Site Features</b>	Mature vegetation
<b>Easements</b>	30' Common access easement over pipestem driveway adjacent south side of lot.

\*According to Fairfax County tax assessment records.

The rear yard is legally non-conforming because the structure was built prior to the current regulation for yards on lots contiguous to a pipestem driveway.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3C	Single-Family Detached Dwellings
<b>East</b>	R-3C	Single-Family Detached Dwellings
<b>South</b>	R-3C	Single-Family Detached Dwellings
<b>West</b>	R-3C	Single-Family Detached Dwellings

**BACKGROUND**

The property was zoned R-3 with Rezoning RZ 75-2-016, subject to proffers, by the Board of Supervisors on December 13, 1976. Proffer Condition Amendments PCA 75-2-016-2 on September 19, 1988, were subsequently approved. The subdivision Chantilly Highlands was a cluster subdivision, administratively approved by the Director.

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

- Special Permit SP 2008-SU-021 was approved on June 3, 2008 for Tax Map 35-1((2)) 218A, zoned R-3, at 13267 Stone Heather Drive to permit an addition 12.5 feet from rear lot line.
- Variance VC 2002-SU-119 was approved on October 8, 2002 for Tax Map 35-1((2)) 573 at 13121 Ladybank Lane to permit construction of an addition 19.6 feet from the rear lot line.
- Variance VC 99-Y-163 was approved on January 11, 2000 for Tax Map 35-1((2)) 265 at 13221 Ladybank Lane to permit construction of an addition 13.9' from rear lot line.
- Variance VC 99-Y-123 was approved on December 7, 1999 for Tax Map 35-1((2)) 636 at 13022 Grey Friars Place to permit construction of an addition 10 feet from the rear lot line.

<b>PLAT</b>	
<b>Special Permit Plat</b>	Attached
<b>Title of SP Plat:</b>	Chantilly Highlands, Lot 238, Section 8
<b>Prepared By:</b>	DRS Architecture, dated/signed February 7, 2011 as revised through April 6, 2011 by Dwight R. Stonerook

**Proposal:**

The applicant requests to add on to the rear of the house to enlarge the existing kitchen and reconfigure the existing deck to slightly increase the size and change the overall shape. The proposed addition will be located 13.6 feet, measured from the edge of the eave, from the rear lot line. The Zoning Ordinance requires a minimum rear yard of 25 feet in the R-3 (cluster) Zoning District; therefore, a modification of 11.4 feet (45.6%) for the proposed home addition is requested. The deck extension is conforming under Sect. 2-412 (2)(B) and does not require modification.

**ZONING ORDINANCE REQUIREMENTS**

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 4:

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

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

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standards 3 and 5.

*General Standard 3* requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *The general character of the residential neighborhood is similar; two story homes, with wood siding and decks of typical mid-1980's construction. The proposed addition will match the existing home and neighborhood. Staff made this finding during a site visit on June 23, 2011.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to existing 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. Therefore, staff believes the application meets this standard.*

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. According to County records, the existing dwelling has 2,994 square feet of living area. Therefore 150% of the total gross floor area could result in an addition up to 4,491 square feet square feet in size for a possible total building size of 7,485 square feet above-grade living area. The proposed addition is approximately 122 square feet in area, thereby realizing a total house size of 3,116 square feet. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings submitted indicate that the materials, size and scale of the proposed addition will be compatible with the existing structure. The addition is clearly subordinate in bulk and scale to the principal dwelling and the proposed addition will not create any additional height to the overall existing structure. The application appears to meet this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. Based on visual inspection of the neighborhood during the staff site visit on June 23, 2011, it appears the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains homes of similar size and height. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. It appears the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. The Department of Public Works and Environmental Services (DPWES) has confirmed that there is no Resource Protection Areas (RPA) or floodplains located on the property. The addition will be constructed once an existing deck is removed. The addition will be far enough from the eastern and northern lot lines that it appears to have no negative impact on light, air or safety to the adjoining properties. It appears this standard has been met.*

*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 scale of the addition is consistent with the dwelling and is proposed in a logical location utilizing the existing plane of the dwelling. It appears there will be minimal impact to existing vegetation. Staff believes that the application meets this provision. Other issues of well, floodplains and/or Resource Protection Areas are not applicable to this site.*

## **CONCLUSION**

Staff finds that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATION**

Staff recommends approval of SP 2011-SU-048 for the addition reconfiguration, subject to 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 with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2011-SU-048****July 27, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-SU-048 located at 13233 Stone Heather Drive, Tax Map 35-1 ((2)) 238 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 122 square feet) of the addition, as shown on the plat prepared by DRS Architecture, dated and signed February 7, 2011 as revised through April 6, 2011 by Dwight R. Stonerook, Architect, 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 (2,994 square feet existing + 4,491 square feet (150%) = 7,485 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall generally be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

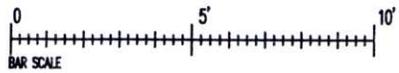
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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



**REAR ELEVATION**

3/16" = 1'-0"



**SLENKER SMITH RESIDENCE**  
 13233 STONE HEATHER DRIVE  
 HERNDON, VA 20171  
 NOVEMBER 29, 2010

ASPHALT SHINGLES  
TO MATCH EXISTING

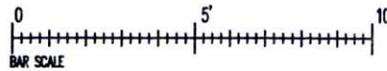
ALUM. GUTTER (NOT SHOWN)  
OVER FASCIA TRIM TO  
MATCH EXIST.

TRIM TO MATCH EXISTING  
SIDING TO MATCH EXISTING

36" H. WOOD GUARDRAIL  
PER COUNTY DETAILS

# SIDE ELEVATION

3/16" = 1'-0"



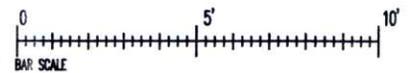
**SLENKER SMITH RESIDENCE**  
13233 STONE HEATHER DRIVE  
HERNDON, VA 20171  
NOVEMBER 29, 2010



**SLENKER SMITH RESIDENCE**  
 13233 STONE HEATHER DRIVE  
 HERNDON, VA 20171  
 NOVEMBER 29, 2010

**SIDE ELEVATION**

3/16" = 1'-0"



Application No.(s): SP 2011 SU 048  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: APRIL 27, 2011  
 (enter date affidavit is notarized)

I, Amy Slenker-Smith, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant      111337a  
                           applicant's authorized agent listed in Par. 1(a) below

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Amy Slenker-Smith	13233 Stone Heather Drive Herndon, VA 20141	applicant / title owner
Stephen J. Smith	"	title owner

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

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

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(enter date affidavit is notarized)

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1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

N/A

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

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

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111 337a

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.

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(enter date affidavit is notarized)

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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):

SP 2011 SU 048

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: APRIL 27, 2011
(enter date affidavit is notarized)

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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)

[X] Applicant

[ ] Applicant's Authorized Agent

Amy J. Stenker-Smith, applicant
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 27 day of APRIL 2011, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Alisha Ruth Sweeney
Notary Public

My commission expires: 12-31-12



Amy Slenker-Smith and Stephen Smith  
 13233 Stone Heather Drive  
 Herndon, VA, 20171  
 703.689.9400 (Home)  
 703.966.9037 (Mobile)

RECEIVED 28 April 2011  
 Department of Planning & Zoning Tax Map # 0351020238

APR 28 2011

**Temporary Application No. VC 2011-0063** Zoning Evaluation Division

**Special Permit Application – Request for reduction of certain yard requirements to permit construction of addition of 13.6 feet from the rear lot line.**

**\*Reference all supporting Documents and Pictures from application submittal on 7Mar11 - VC 2011-0063\***

**\*\*Application Fee \$885 - paid on 7Mar11 - VC2011-0063**

*the proposed development conforms to the provisions of all applicable ordinances, regulations + standards.*  
 Below is a detailed explanation of how the standards for Reduction of Certain Yard Requirements will be met. Per county office instructions, we have documented criteria 4-9 of Zoning Ordinance Section 8-922:  
*See 8-922 below.*

- 4) The resulting gross floor area of an addition to an existing principal structure may be up to 150% of the total gross floor area of the principal structure that existed at the time of the first expansion request. This kitchen addition will be less than 150% of the total gross floor area. We will be increasing the size of our kitchen to twice its current size and well within this standard. *(4.07%)*
- 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. This addition will be an addition to increase the size of our kitchen and added onto the back of the principal structure which is consistent with the purpose and scale of the current kitchen footprint. *5/20/2011*
- 6) 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 on the lot. This addition will be in character with the existing structure. It will blend in with the neighborhood and the existing structure for height and location. IE: The current kitchen space will be enlarged. The siding will be replaced with all new siding so as to completely match and will be similar to that of the current house and neighborhood style. Other additions of this nature have been done within the neighborhood such that the yard was reduced and this did not impact character or existing structure on the lot. *Vinyl siding to be similar to the existing. 5/20/11*
- 7) The proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scales of surrounding structures, topography, existing vegetation and the preservation of significant trees. The addition will not be closer to the rear lot line than the existing structure. The siding is planned to be replaced entirely so that everything will match and be uniform in nature. Vegetation has been carefully relocated and some new landscaping added to ensure that it is attractive to adjacent houses and that the property maintains all possible trees and plants. The addition will be just one level and below the new construction, we will expand the patio and add new landscaping and vegetation to ensure that the property is attractive from all angles.
- 8) The proposed development will 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. The proposed development will not increase

noise, light, erosion or storm water runoff issues. The current structure includes an enclosed kitchen and exterior deck. The new structure will include a larger enclosed kitchen and similar exterior deck. Given the similarity, there will be no increase to noise or light to the adjacent properties. There will be no issues of erosion or storm water as gutters and rainwater drainage will be addressed similar to the current structure to prevent such issues.

- 9) The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot due to the layout of the current structure and where the current kitchen is in the footprint of the house. An alternate location is not available since this is a kitchen expansion and the orientation of the structure on the lot is such that we can expand into the yard toward the "side" lot line without affecting the side setback.

5.08 - There are no hazardous or toxic substances as set forth in Title 40, 302.4 and 355; There is no hazardous waste or petroleum products.

JL 5/20/11

## **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.