



APPLICATION ACCEPTED: May 19, 2011
DATE OF PUBLIC HEARING: August 3, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 27, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-SU-046

SULLY DISTRICT

APPLICANTS/OWNERS: Darryl and Helen Hickman

LOCATION: 6412 Creek Bed Court

SUBDIVISION: Green Trails

TAX MAP: 65-1 ((4)) (3) 48

LOT SIZE: 9,089 square feet

ZONING: R-5, WS

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements for construction of an addition (sunroom) 13.6 feet from the rear lot line

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-SU-046 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.

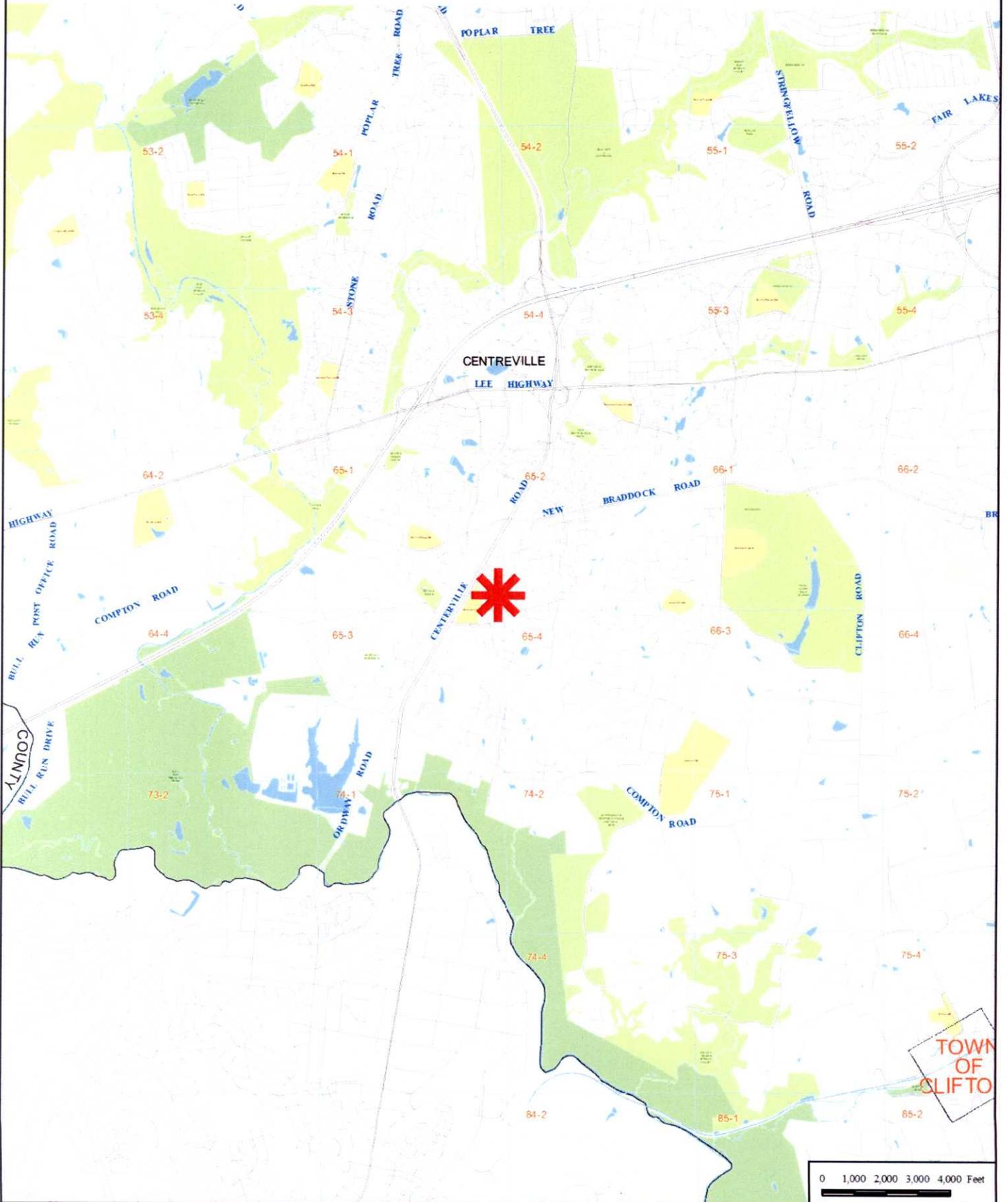
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

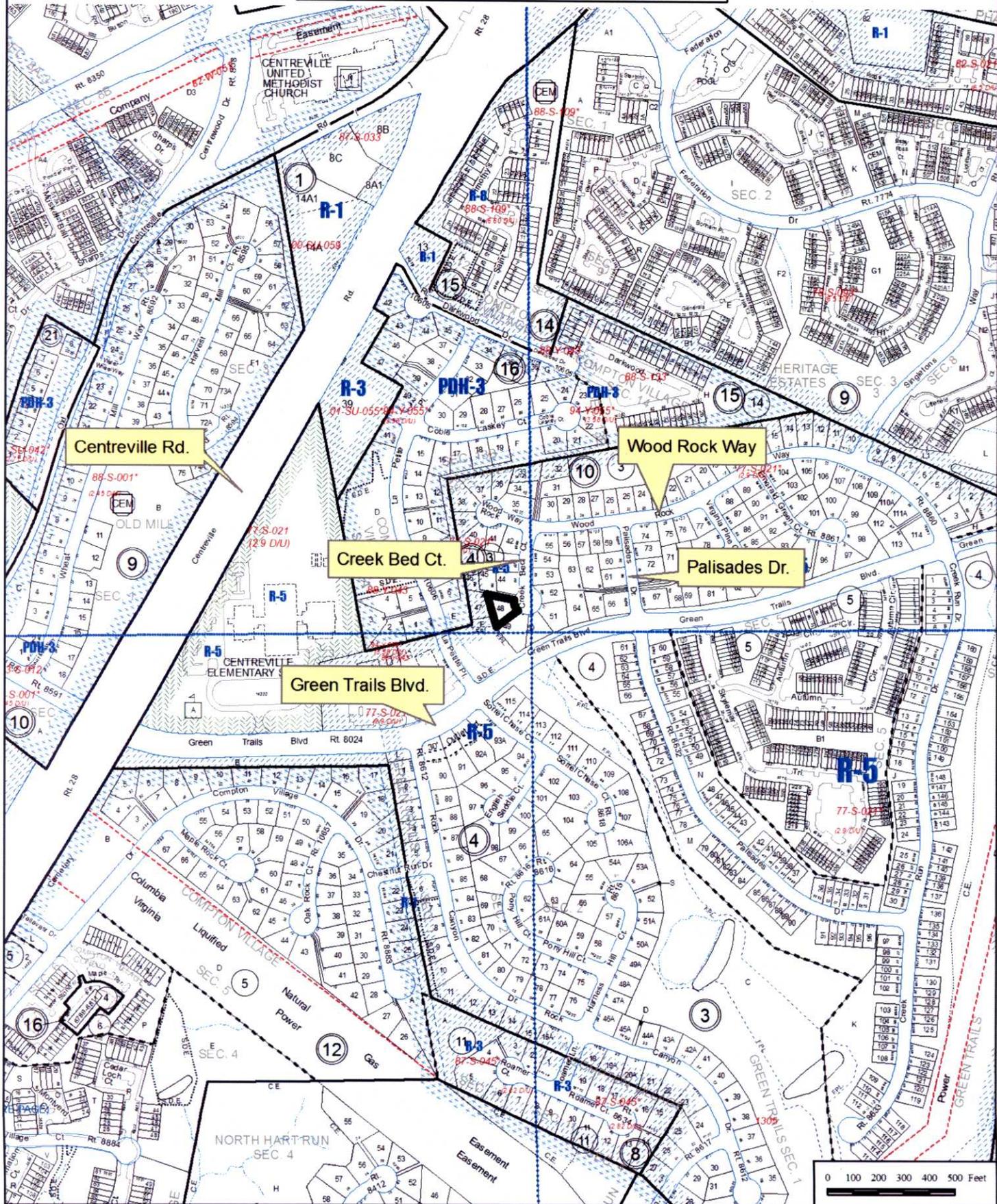


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2011-SU-046
DARRYL & HELEN HICKMAN



Special Permit
SP 2011-SU-046
DARRYL & HELEN HICKMAN



NOTES:

1. THE PROPERTY SHOWN HEREON IS LOCATED ON PARID 65-1-04-03-0048 AND IS NOW IN THE NAME DARRYL H. & HELEN C. HICKMAN AS RECORDED IN DEED BOOK 9783 AT PAGE 43 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
2. THIS PROPERTY IS CURRENTLY ZONED R-5.
3. NO TITLE REPORT FURNISHED.
4. F.E.M.A. / F.I.R.M. FLOOD DATA: COMMUNITY NO: 51059C
H & I PANEL NO: 0235 E
FLOOD ZONE: X
EFFECTIVE: SEPTEMBER 17, 2010
5. ALL PREVIOUSLY RECORDED RIGHTS OF WAY, EASEMENTS OR OTHER INTERESTS OF FAIRFAX COUNTY REMAIN IN FULL FORCE AND AFFECT UNLESS OTHERWISE SHOWN ON THIS PLAT.
6. THIS PLAT FULLY COMPLIES WITH THE CHESAPEAKE BAY ORDINANCE ADOPTED BY THE BOARD OF SUPERVISORS ON JULY 7, 2003 AND EFFECTIVE NOVEMBER 18, 2003 AND THE MAPS REVISED THROUGH JULY 12, 2005

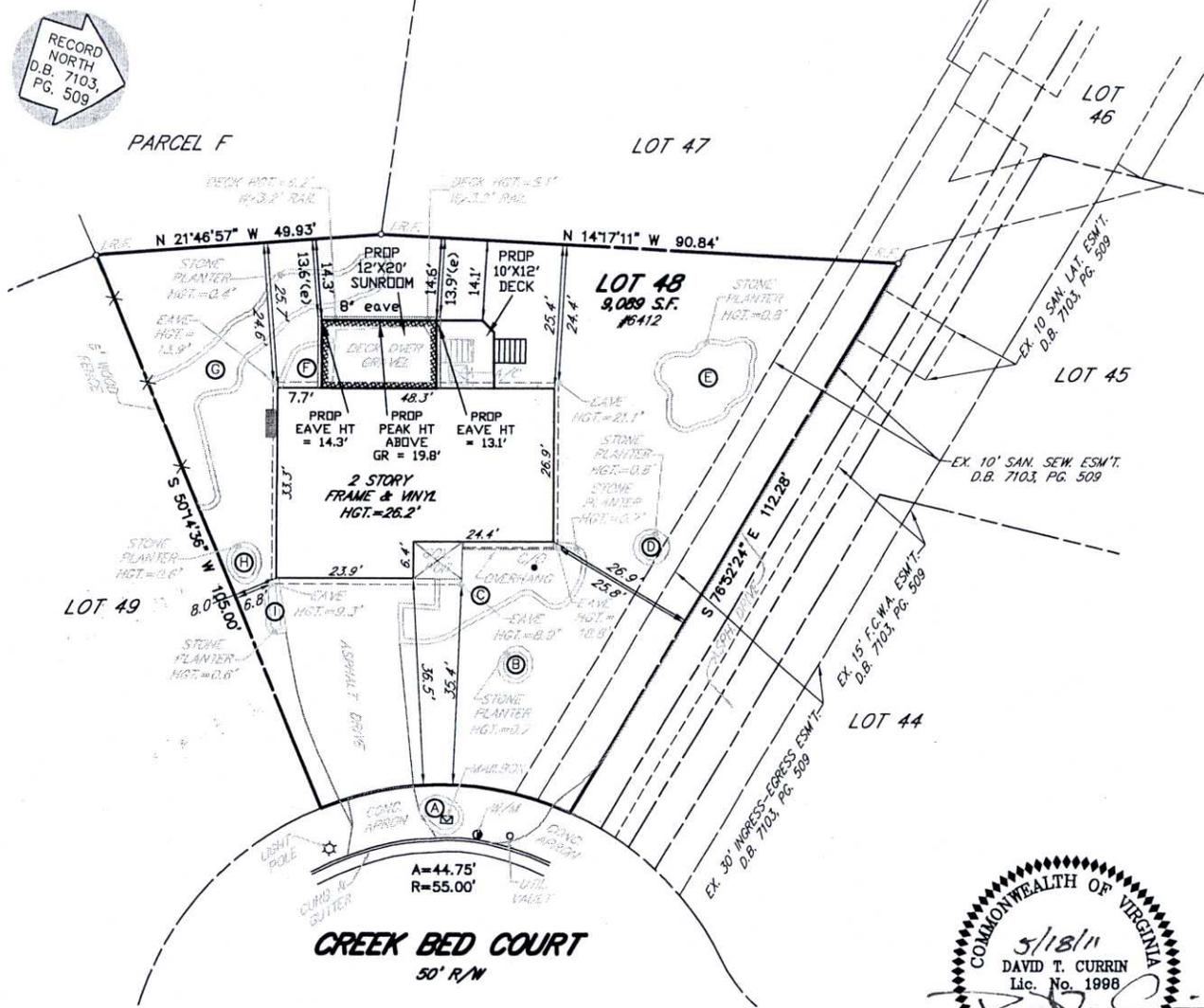
EX LS/TREE LEGEND

- (A) 4" JAP MAPLE 5' H
- (B) 15" DECIDUOUS +/- 20' H
- (C) ORNAMENTAL SHRUBS 1-3' H
- (D) 15" DECIDUOUS +/- 20' H
- (E) 3" ORNAM. TREES / SHRUBS 3'-7' H
- (F) SHRUBS / FLOWERS 1'-2' H
- (G) ORNAM. SHRUBS, 1"-3" TREES 1'-7' H
- (H) 5" ORNAMENTAL TREE - 8' H
- (I) BUSH - 4-5' H

SPECIAL PERMIT PLAT
LOT 48 - SECTION 3
GREEN TRAILS
 DEED BOOK 7103, PAGE 509
 SULLY DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20' DATE: 3-11-11
 REV 5-18-11 (S/R EAVE TIES ADDED)



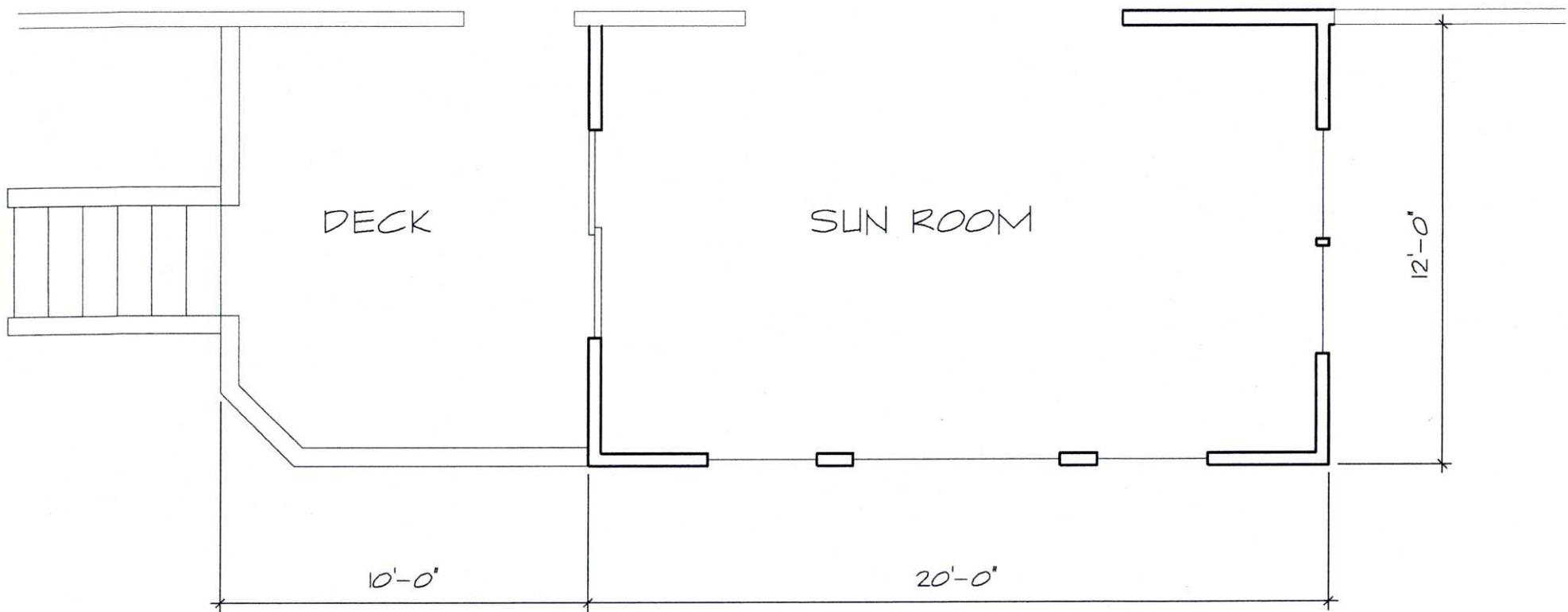
TRI-TEK ENGINEERING
 CIVIL ▲ ENVIRONMENTAL ▲ LAND PLANNING ▲ SURVEYING
 a professional corporation
 690 Center Street, Suite 300
 Herndon, Virginia 20170-5018 (703) 481-5900



RECORD
 NORTH
 D.B. 7103,
 PG. 509

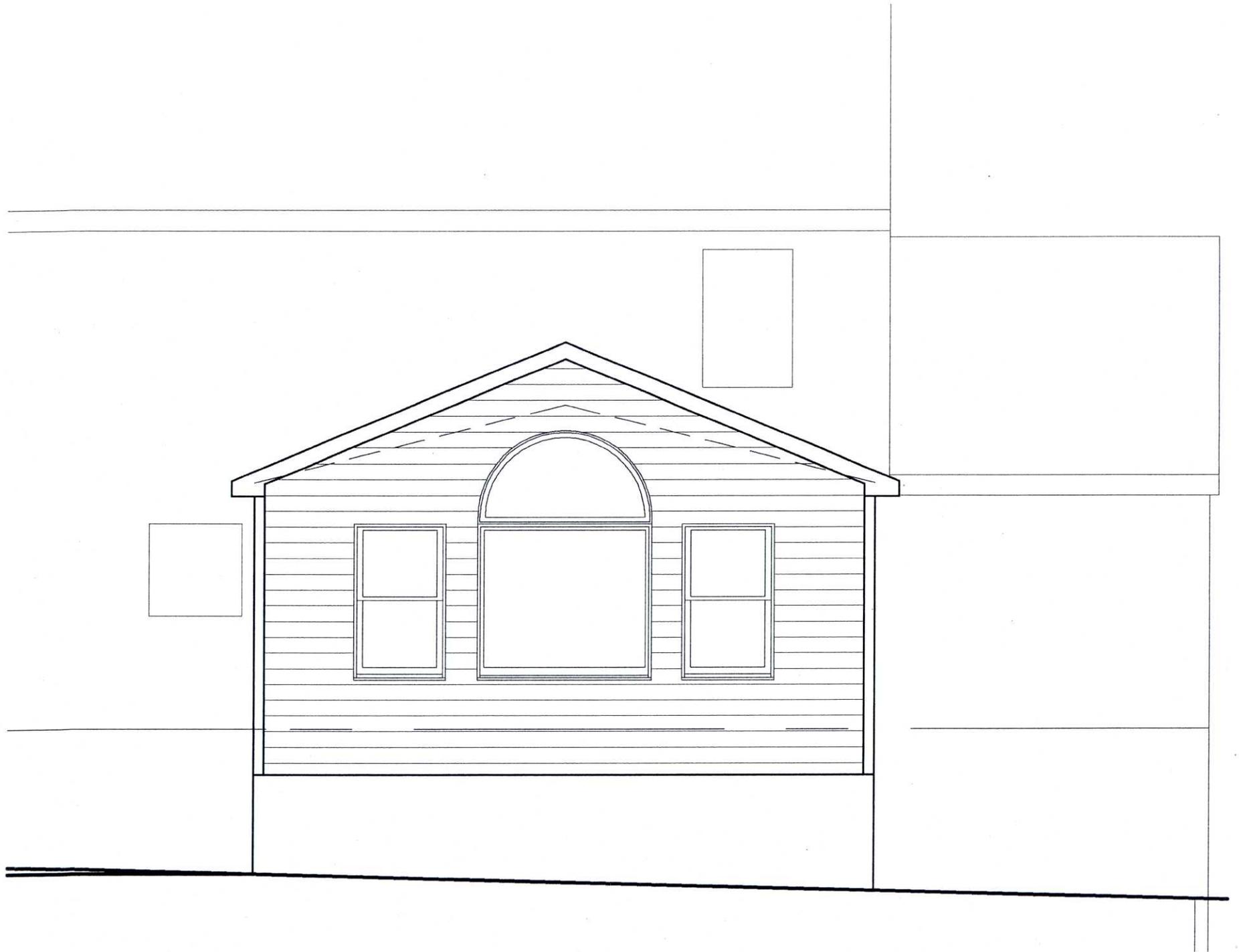
HICKMAN 0412 CREEK RD Ct.

EXISTING HOUSE

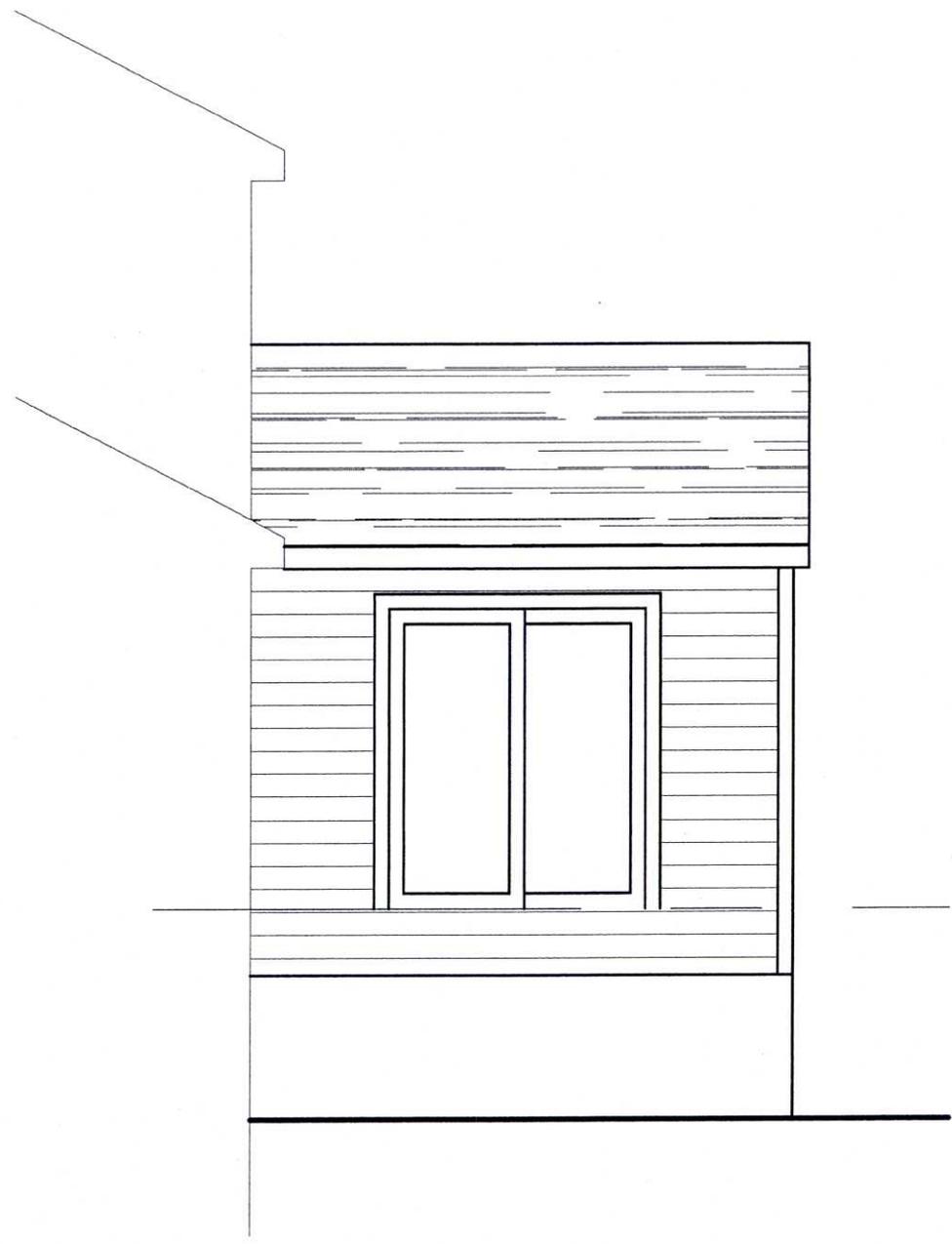


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Zoning Evaluation Division

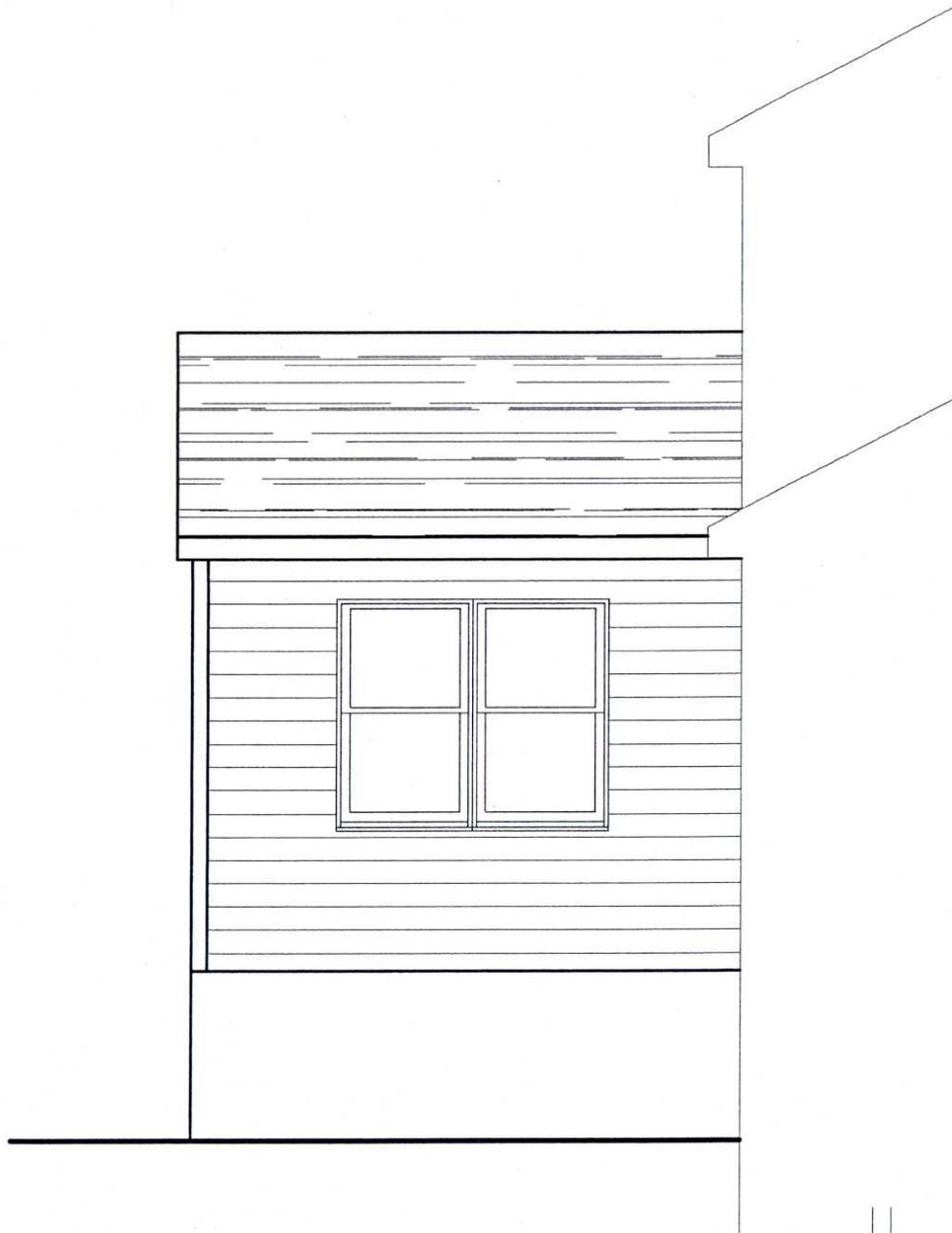
Hickman 6412 Creek Bed Ct.



HICKMAN 6412 Creek Bed Ct.



Hickman 6412 Creek Bed Ct.





HICKMAN REAR YARD



HICKMAN REAR OF HOUSE



HICKMAN FRONT



HICKMAN FRONT



HICKMAN FRONT



HICKMAN FRONT



HICKMAN FRONT



HICKMAN HOUSE FROM REAR YARD



HICKMAN REAR FROM LEFT NEIGHBOR



HICKMAN REAR FROM RIGHT NEIGHBOR



HICKMAN REAR FROM RIGHT PIPE STEM SHOWING NEIGHBOR TO RIGHT



HICKMAN REAR SHOWING NEIGHBOR TO LEFT



HICKMAN REAR YARD FACING HOUSE



HICKMAN REAR YARD SHOWING NEIGHBOR TO THE LEFT

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit to allow an addition (sunroom) to be placed 13.6 feet from the rear lot line. The existing open wood deck, which measures 12 feet by 12 feet and is approximately three (3) feet off the ground, will be removed for a new enclosed sunroom and open deck with stairs to the ground level.

	Structure	Yard	Min. Yard Req.	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Addition	Rear	25.0 feet	13.6 feet	11.4 feet	46%

EXISTING SITE DESCRIPTION

The 9,080 square foot lot is developed with a two-story, single family detached dwelling. The 2,050 square foot frame and vinyl dwelling was built in 1989. The site, which is located in a cul de sac, is zoned R-5 and Water Supply Protection Overlay District (WS). In the R-5 District, a side yard setback of 10 feet is required. There is an open wood deck in the rear of the house with stairs leading to the ground level. The site is landscaped with grass, trees, and other plantings within landscape islands. There is a six (6) foot high wood fence along the left (south) side property line, and there are sanitary sewer and ingress-egress easements along the right (north) side property line, which abuts the pipe stem portion of the adjacent lot. An asphalt driveway via Creek Bed Court is in the front of the house.

CHARACTER OF THE AREA

	Zoning	Use
North	R-5	Single Family Detached Dwelling
South	R-5	Single Family Detached Dwelling
East	R-5	Single Family Detached Dwelling
West	R-5	Single Family Detached Dwelling

BACKGROUND

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

- Variance VC 2002-SU-148 was approved on December 4, 2002 for Tax Map 65-3 ((4)) 80, zoned R-5 at 14210 Rock Canyon Drive to permit construction of an addition 22.6 feet from the rear lot line.

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

Title of SP Plat: Special Permit Plat, Lot 48 – Section 3, Green Trails

Prepared By: Tri-Tek Engineering

Dated: March 11, 2011, revised and signed May 18, 2011

Proposal:

The applicant proposes to remove an existing open wood deck and replace it with an addition in the rear of the house. Specifically, the applicant will build a new sunroom, measuring approximately 240 square feet, which will connect to a 120 square foot open wood deck with stairs to the ground level. The sunroom will measure 19.8 feet in height, at its peak, which will not exceed the height of the house at 26.2 feet. The addition will be built of similar materials and color to the house, including the exterior siding, trim, windows and foundation. Asphalt shingles and two (2) skylights are proposed for the roof of the addition.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 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 direct view of the neighboring houses and is screened by mature trees. Any impact from the addition on the adjacent lots will be minimal and will not affect the use of 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 2,050 square feet, and 150 percent of the total gross floor area is 3,075 square feet. In total, the applicant would be permitted to have approximately 5,125 square feet on site. The request is for an addition of 240 square feet, which will result in a gross floor area of 2,290 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 build a new deck with a sunroom, 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 (19.8 feet) will not exceed the height of the house (26.2 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 replace an existing wood deck with an enclosed sunroom addition and open wood deck. Due to the existing layout of the house, the location of the proposed addition is the most suitable location on the application site. The rear yard is landscaped with mature trees, which will help screen the addition from the neighboring houses. No trees are proposed for removal to build the new addition and deck. 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 sunroom will not adversely impact the use or enjoyment of the adjacent properties. The applicant proposes to build a sunroom and deck in the same area of an existing open*

wood 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 since it will replace an existing wood deck, which will minimize impact to neighboring properties. The addition will be situated away from direct view of the adjacent houses at the rear of the house. There is no RPA or floodplains on the site, and no trees will be removed. Staff believes this standard is satisfied.*

CONCLUSION

Staff recommends approval of SP 2011-SU-046 for an addition (sunroom) in the rear yard with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2011-SU-046****July 27, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-SU-046 located at Tax Map 65-1 ((4)) (3) 48 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.

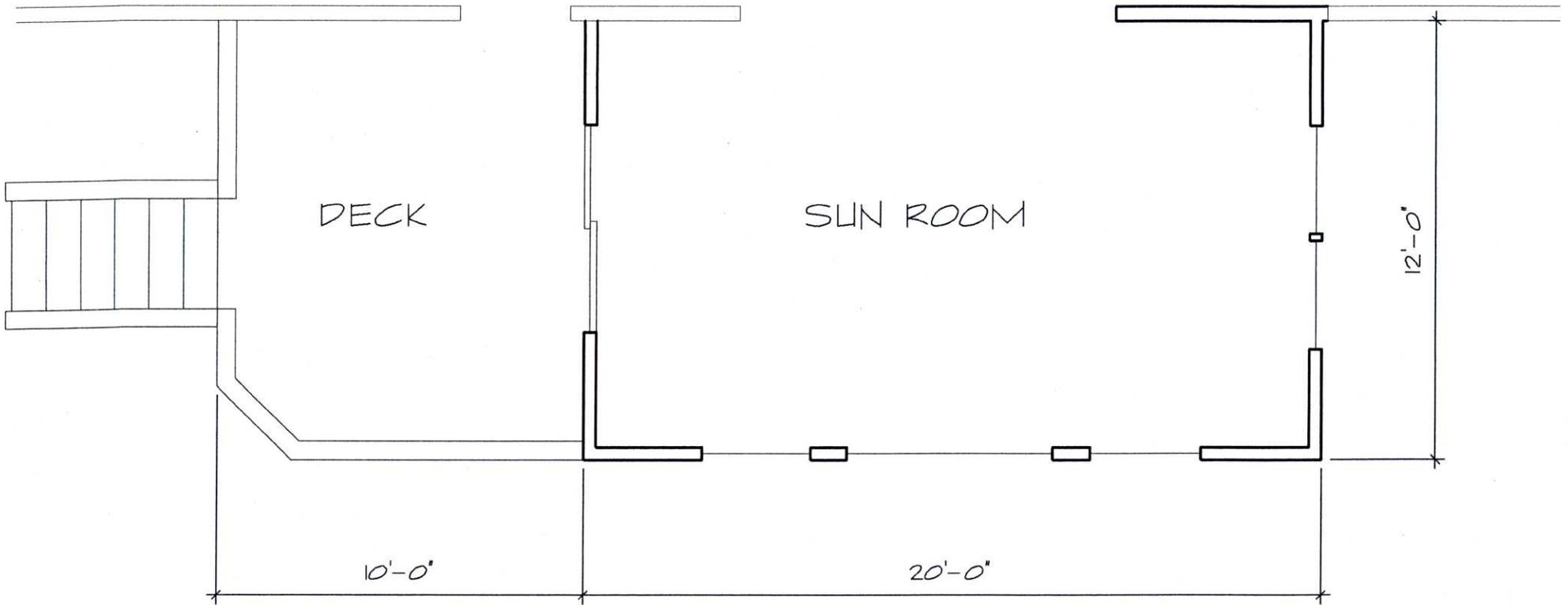
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the enclosed sunroom addition (240 square feet), as shown on the plat prepared by Tri-Tek Engineering, dated March 11, 2011, revised and signed May 18, 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 [2,050 square feet existing + 3,075 square feet (150%) = 5,125 square feet maximum permitted on lot] regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the construction has commenced and been diligently pursued. The Board of Zoning Appeals may grant additional time to commence construction if a written request for

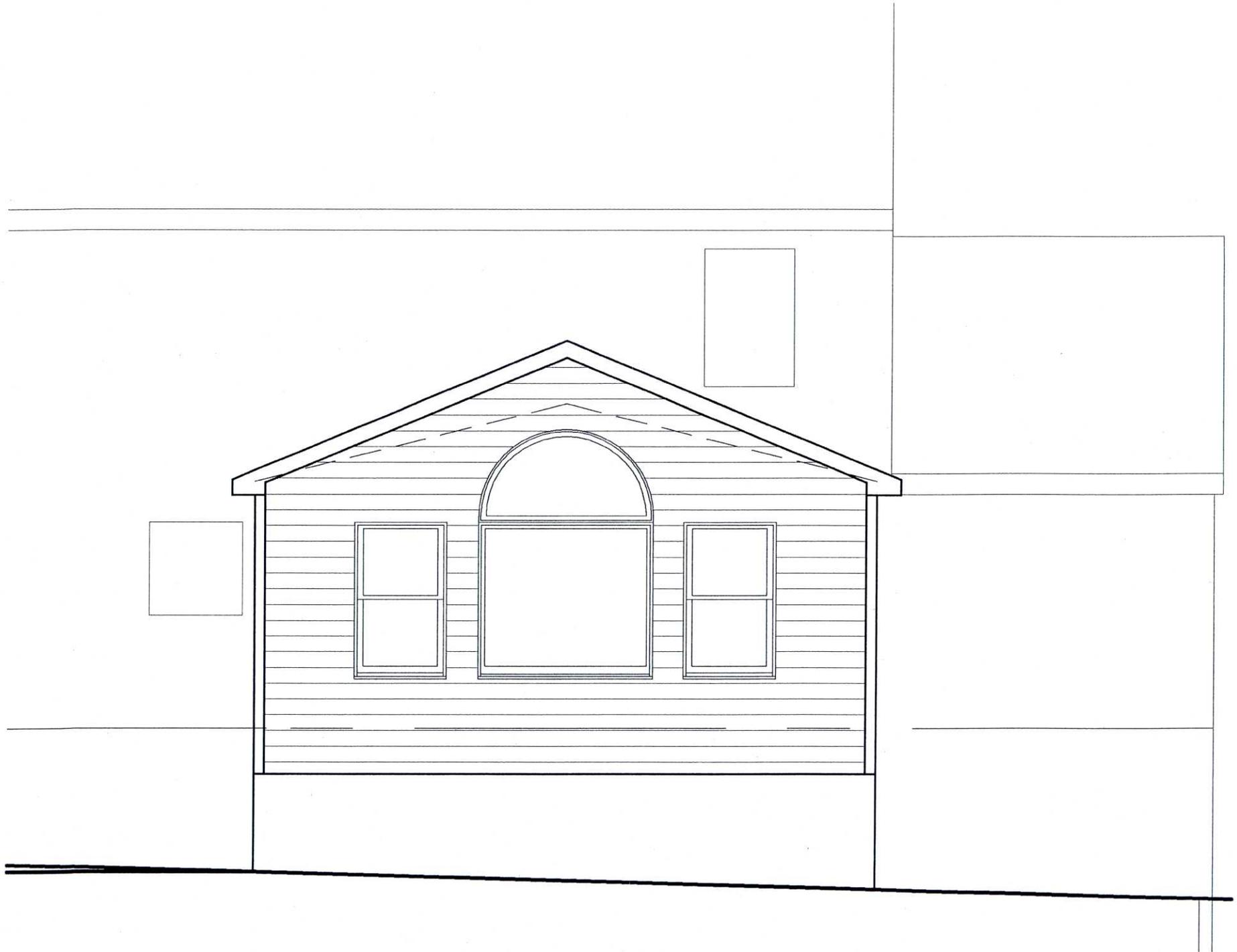
additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

EXISTING HOUSE

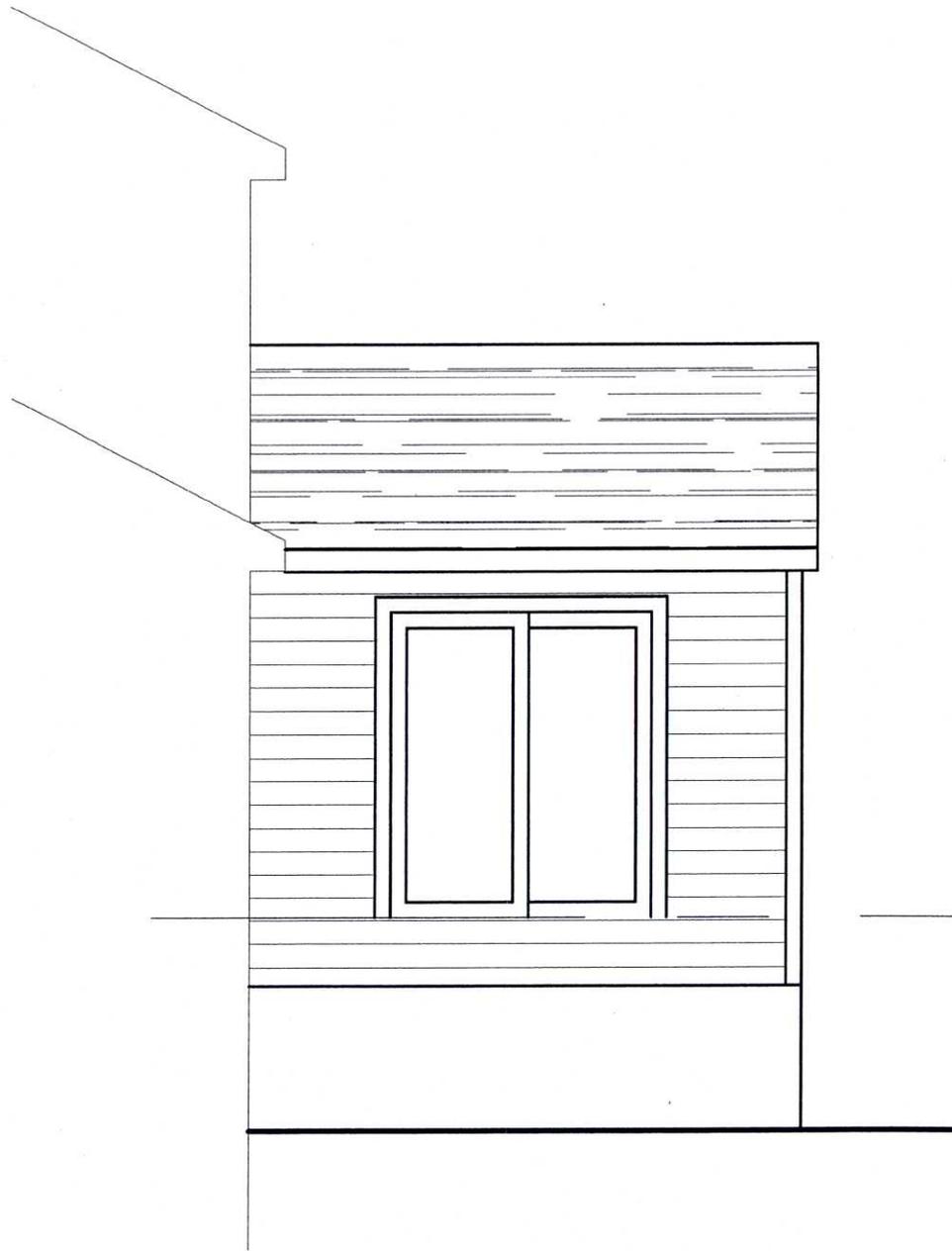


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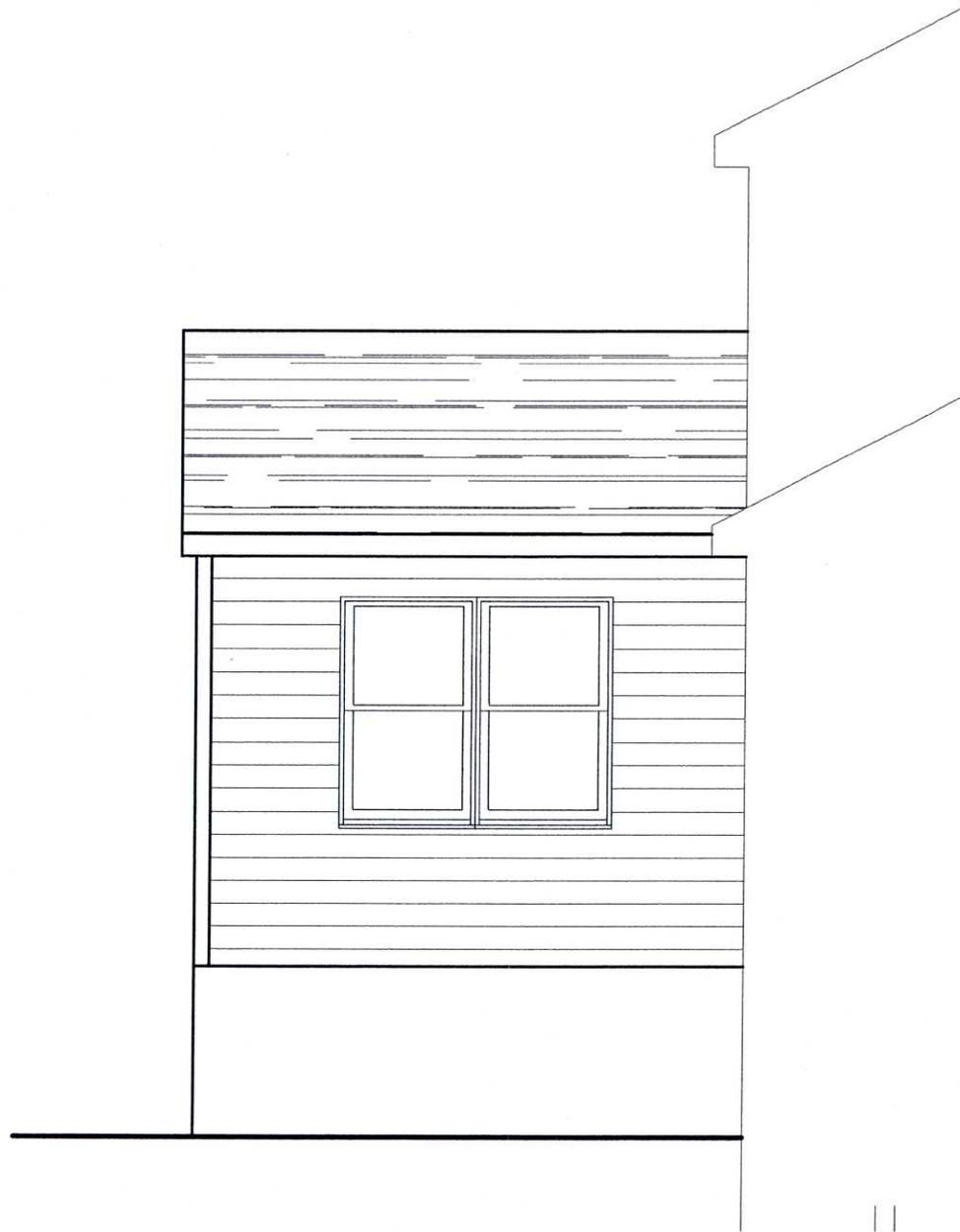
Hickman 6412 Creek Bed Ct.



HICKMAN 6412 Creek Bed Ct.



Hickman 6412 Creek Bed Ct.



Application No.(s): SP2011-SU-046
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5-19-11
(enter date affidavit is notarized)

I, Karen L. Rendon, do hereby state that I am an
(enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Darryl Hickman	6412 Creek Bed Ct	owner
Helen Hickman	Centreville VA 20121	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).

Application No.(s): SP 2011-SU-046
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5-19-11
(enter date affidavit is notarized)

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

Application No.(s):

SP 2011-SU-046

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

5-19-11

(enter date affidavit is notarized)

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

N/A

PARTNERSHIP INFORMATION

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

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

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

- Application No.(s):

SP 2011-SU-046

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5-19-11
(enter date affidavit is notarized)

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

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

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

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

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

NONE

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

Application No.(s): SP 2011-SU-046
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5-19-11
(enter date affidavit is notarized)

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

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

NONE

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

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

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

WITNESS the following signature:

(check one) [] Applicant [X] Applicant's Authorized Agent
Karen L Rendon

KAREN L. Rendon
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 19th day of May 2011, in the State/Comm. of Virginia, County/City of Fairfax.

Rosalie Townsend
Notary Public # 327693

My commission expires: October 31, 2013



Statement of Justification for Special Permit Application

The following written statement of justification is submitted to fulfill the requirement of item 5 of the Fairfax County Special Permit Application:

We are requesting approval of a variance to the minimum yard requirements to replace our existing (approximately 12x12) deck with a 12x20 sun room and small 10x10 deck at the rear of our house. We are requesting that the minimum distance from the new structure to the rear property line be reduced from the 25 feet minimum to approximately 12 feet.

The new sunroom and deck addition will be built according to Fairfax County code. The Green Trails Homeowners Association has approved our request for Architectural Modification (application with proposed plat, and drawings and approval letter attached).

Description of building façade and architecture of proposed new addition:

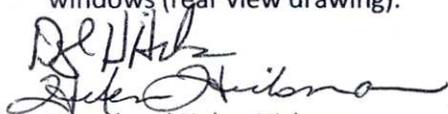
Color of the exterior siding or wood: Exterior siding will match color (parchment) style dimensions (6.5 inch simulated wood) and trim (white) of existing house.

Color and style of the concrete foundation: Color of concrete foundation will be same as the house foundation (parchment). Style will also match current house foundation of simulated brick.

Information on the roofing materials: Roofing color and material will match house--asphalt shingles, the color is smoke. Roof will have two sky lights.

Information on the windows: Windows on the left side of sunroom (drawings provided) will be same as house--white trimmed double hung windows. Window on the right side of sunroom will be our existing sliding glass door (white trim) as an exit to the deck--just like it is now on our original house.

Windows on rear will be two double hung white trim windows matching the current house windows with a white trimmed picture window with upper eyebrow window in between the two double hung windows (rear view drawing).


Darryl and Helen Hickman

2 Attachments

1. Request for Architectural Modification for Green Trails Homeowners Association
2. Approval letter from Green Trails Homeowners Association

RECEIVED
Department of Planning & Zoning

JAN 04 2011

Zoning Evaluation Division

Special Permit

RECEIVED
Department of Planning & Zoning
APR 27 2011
Zoning Evaluation Division

Reference: Darryl & Helen Hickman
6412 Creek Bed Court
Centreville VA 20121

The address noted above does not have any know hazardous or toxic substances as set forth in Title 40 Code of Federal regulations parts 116.4, 302.4 and 355; all hazardous waste as set forth in Commonwealth of Virginia/Department of Waste Management regulations VR672-10-1 –Virginia Hazardous Waste Management regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standard.

930.00 The existing principal structure is equal to 2,050 SF and the proposed Sunroom addition is equal to 240 SF and the proposed open deck is equal to 120 SF. The resulting gross floor area of the addition to the existing principal structure is up to 150% of the total gross floor area of the principal structure that exists at the time of the expansion request. The resulting gross floor area in the proposed Sunroom and proposed Open Deck equals 360 SF which is approximately 17.6%.

930.01 The resulting gross floor area of the addition is subordinate in purpose, scale, use and intent to the principal structure on the site.

930.02 The proposed development is in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure on the lot.

930.03 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.

930.04 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.

930.05 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.

930.14 The property is on County Public Water and Sewer.

930.15 The existing principal structure gross floor area is 2,050 SF. The proposed Sunroom addition is equal to 240 SF and the proposed open deck is equal to 120 SF.

ZONING ORDINANCE PROVISIONS

8-006 General Standards

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

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

8-903 Standards for all Group 9 Uses

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

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the

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

5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.
10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

- A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.