



County of Fairfax, Virginia

August 3, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MA-052

MASON DISTRICT

APPLICANTS/OWNERS: Adriane J. Hart
John G. Nelmes

STREET ADDRESS: 6427 Overhill Road

SUBDIVISION: Sleepy Hollow

TAX MAP REFERENCE: 51-3 ((6)) 58

LOT SIZE: 18,995 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 17.0 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-MA-052 for an 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 applicants/owners 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. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

O:\dhedri\Special Permits(8-10) SP 2011-MA-052 Hart & Nelmes (50)\SP 2011-MA-052 Hart & Nelmes staff report.doc

Deborah Hedrick

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.**

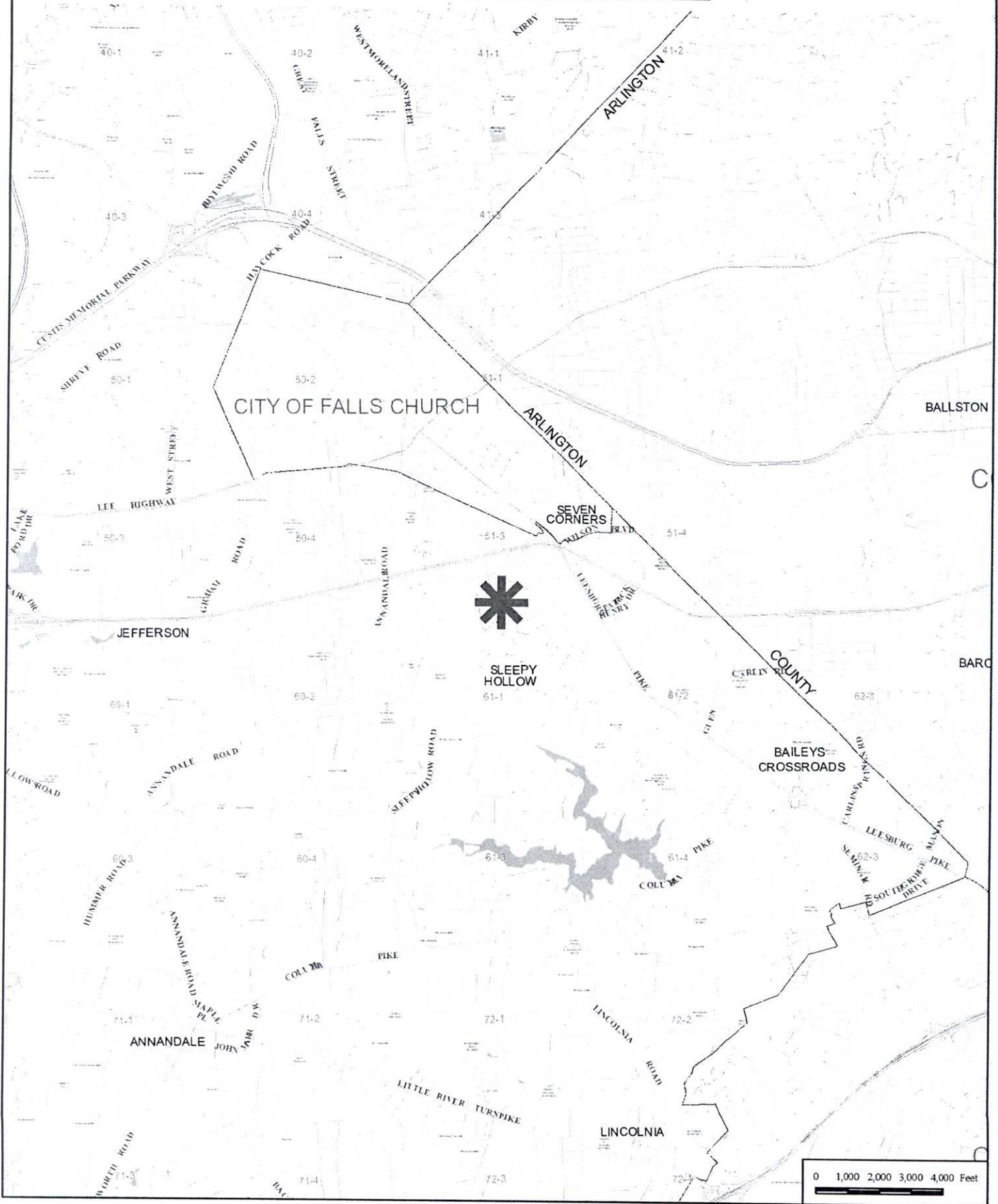


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2011-MA-052

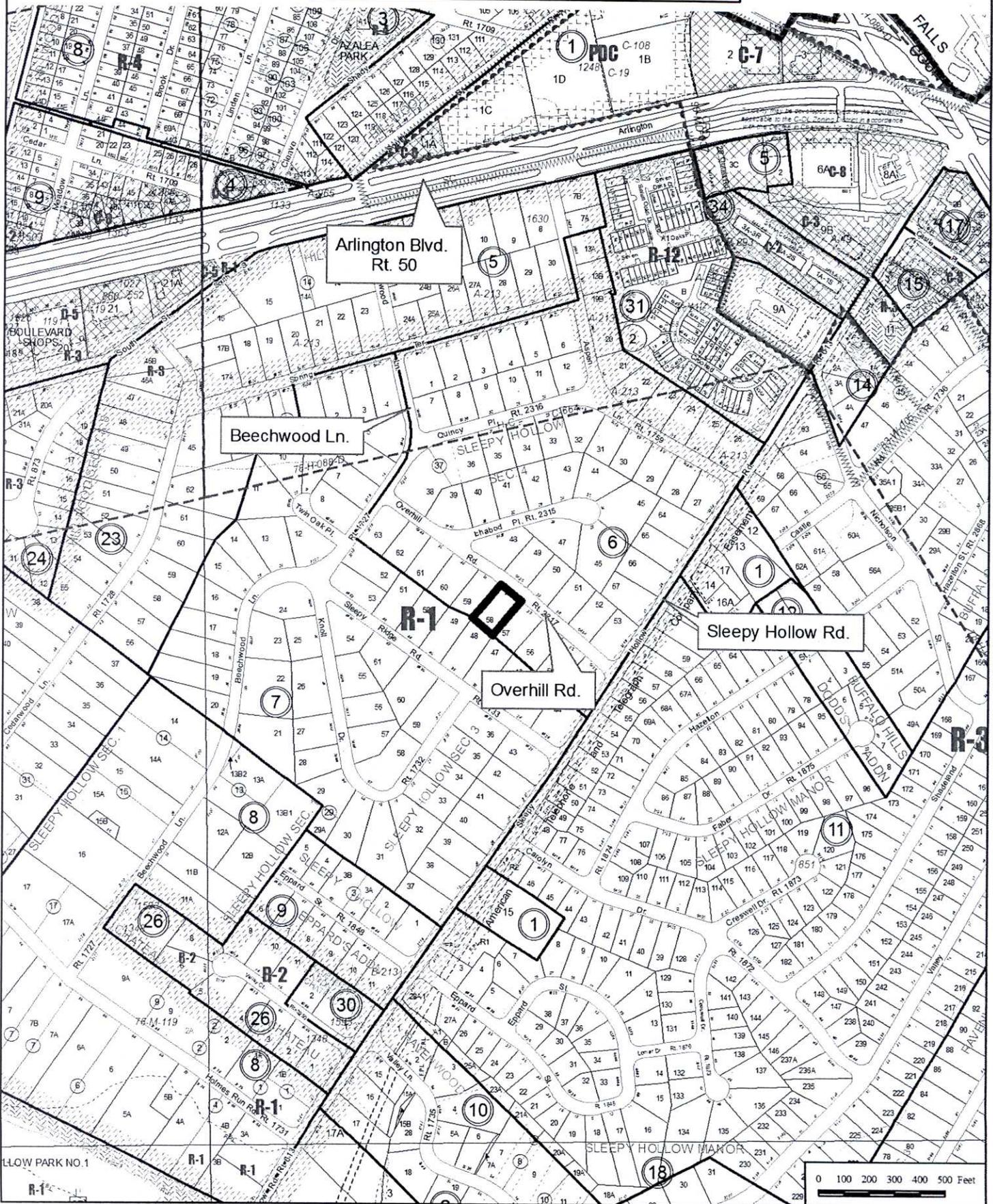
MS ADRIANE HART & MR JOHN NEMES



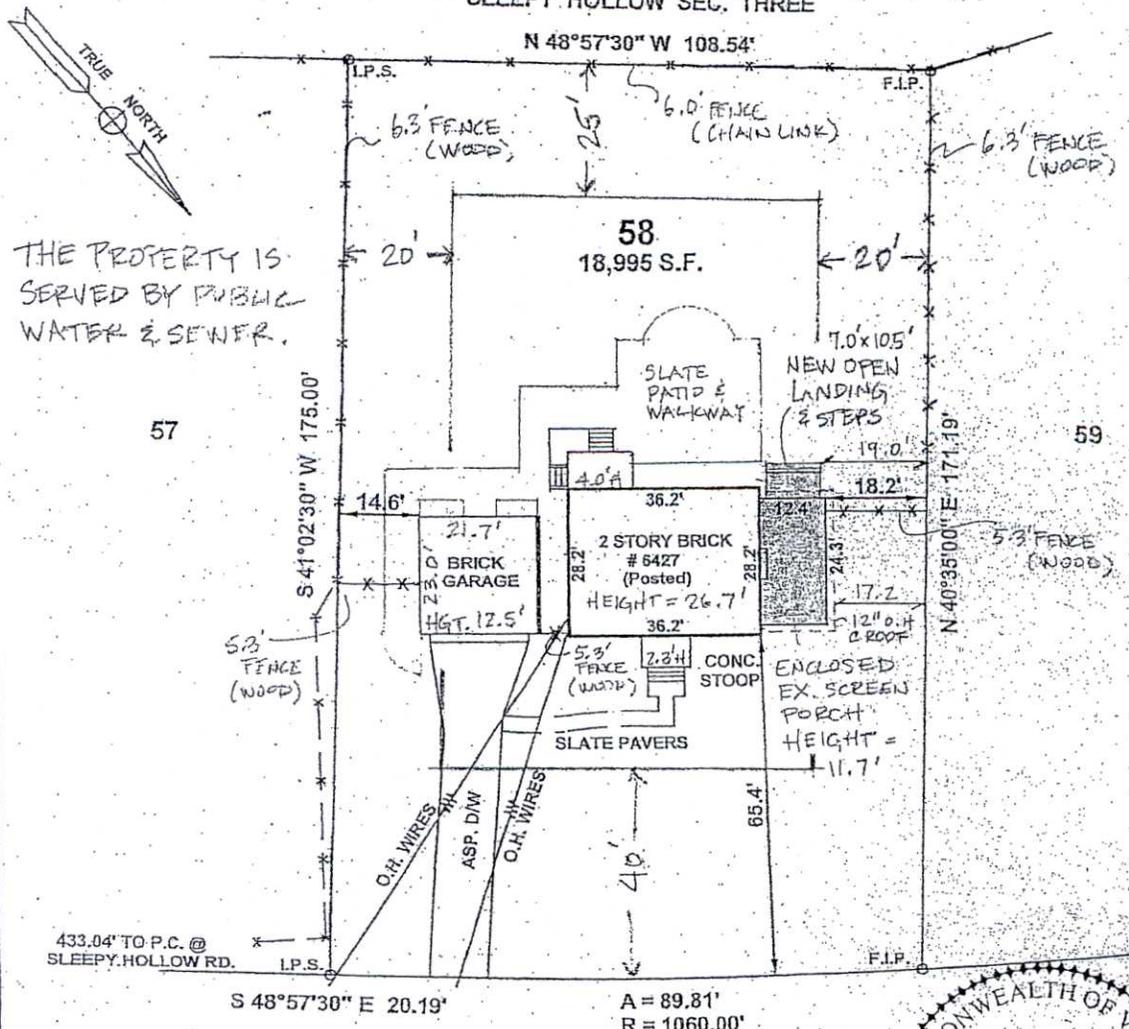
Special Permit

SP 2011-MA-052

MS ADRIANE HART & MR JOHN NELMES



SLEEPY HOLLOW SEC. THREE



THE PROPERTY IS SERVED BY PUBLIC WATER & SEWER.

433.04' TO P.C. @ SLEEPY HOLLOW RD.

A = 89.81'
R = 1060.00'

NO CHANGE TO EX. GROSS FLOOR AREA: 1779

OVERHILL ROAD
(50' Wide)

HOUSE: 1008
GARAGE: 483
PORCH: 288

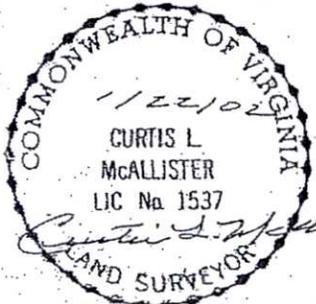
$\frac{1779}{18,995} = .094 \text{ FAR}$



NOTE: FENCES, IF SHOWN, ARE APPROX. ONLY AND DO NOT CERTIFY AS TO OWNERSHIP

THE DWELLING SHOWN HEREON IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA UNLESS OTHERWISE NOTED.

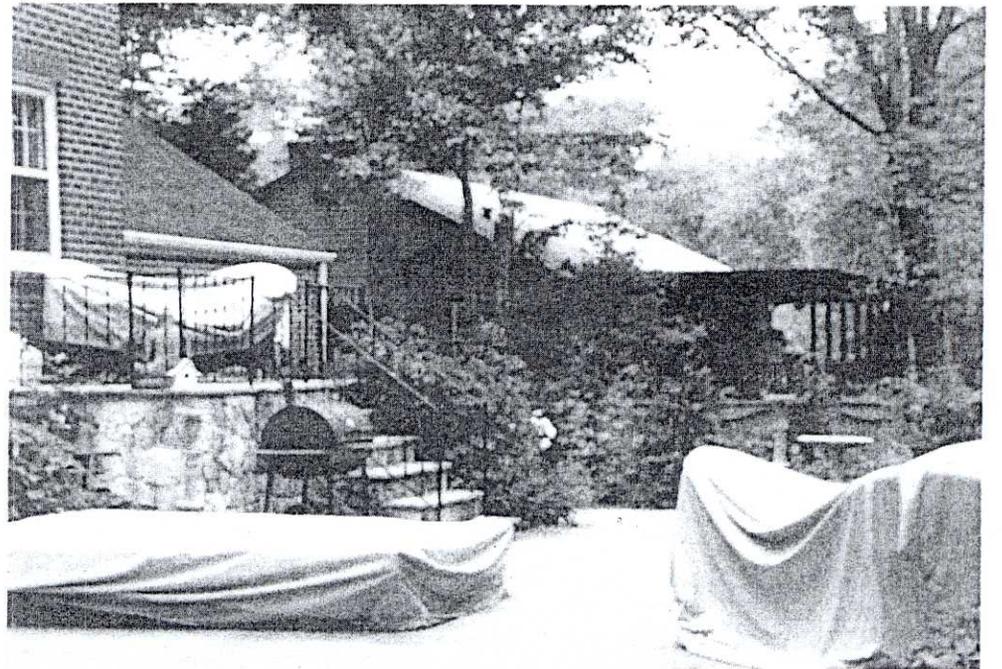
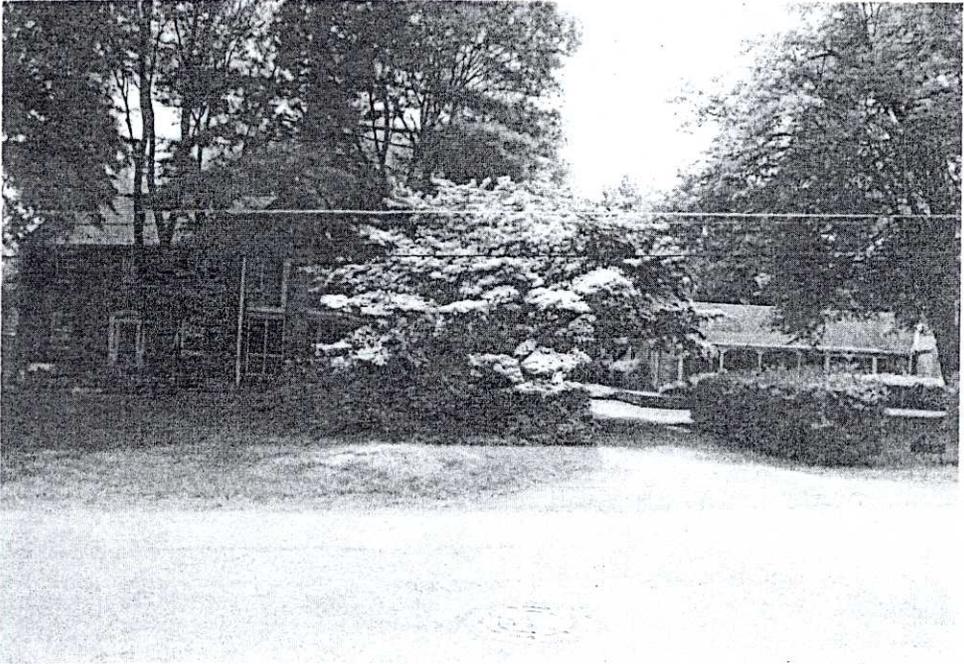
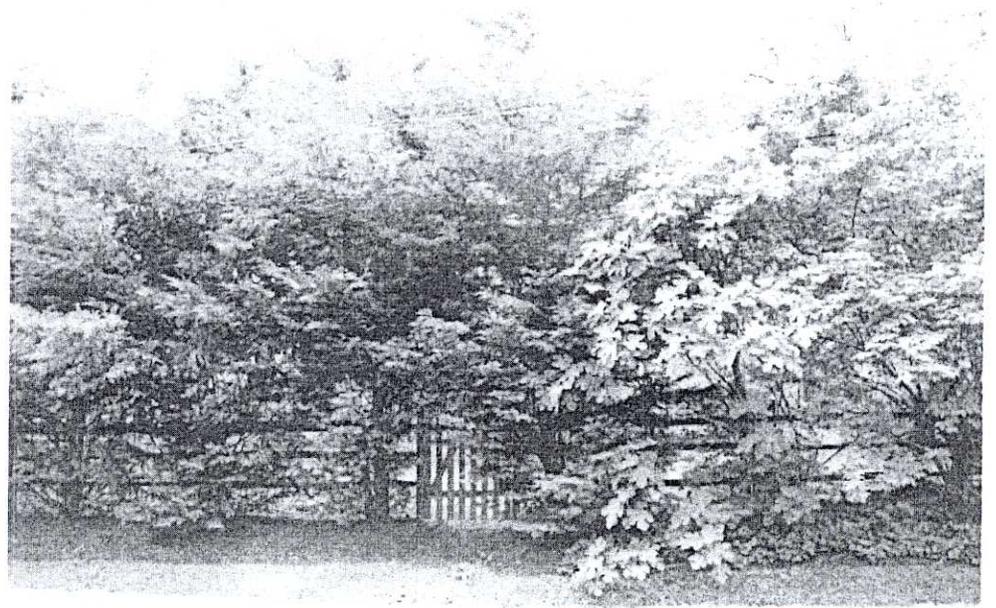
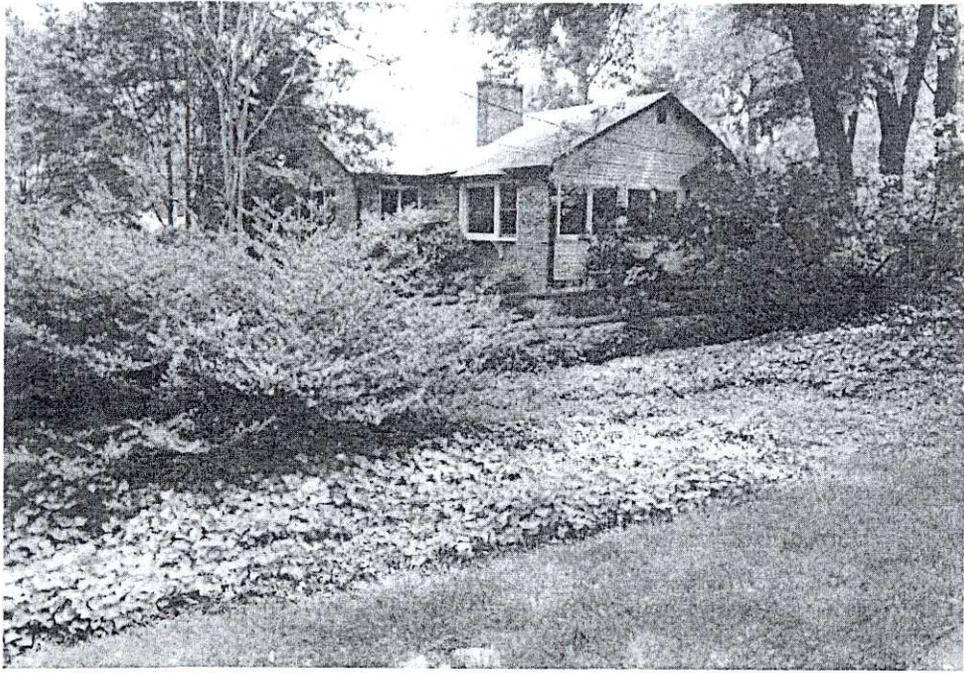
HOUSE LOCATION
LOT 58 SECTION 4
SLEEPY HOLLOW
FAIRFAX COUNTY, VIRGINIA

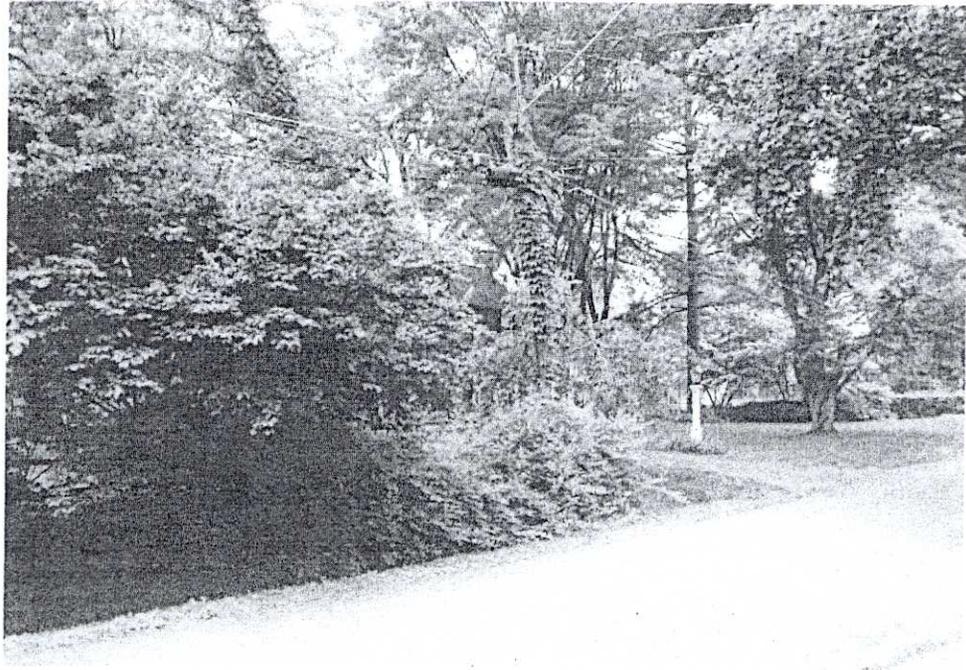
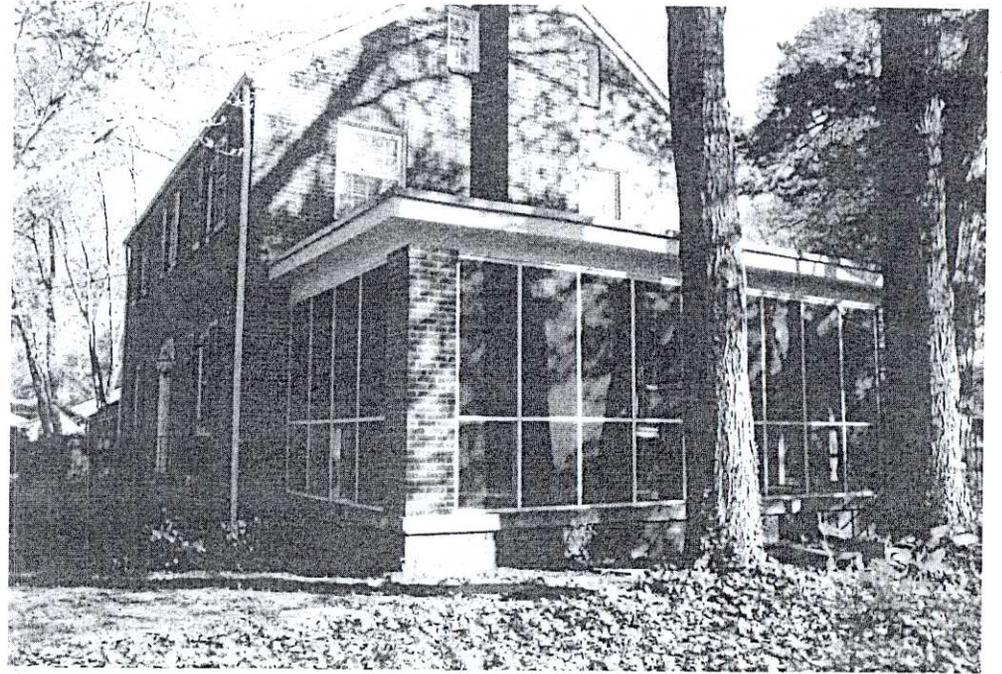
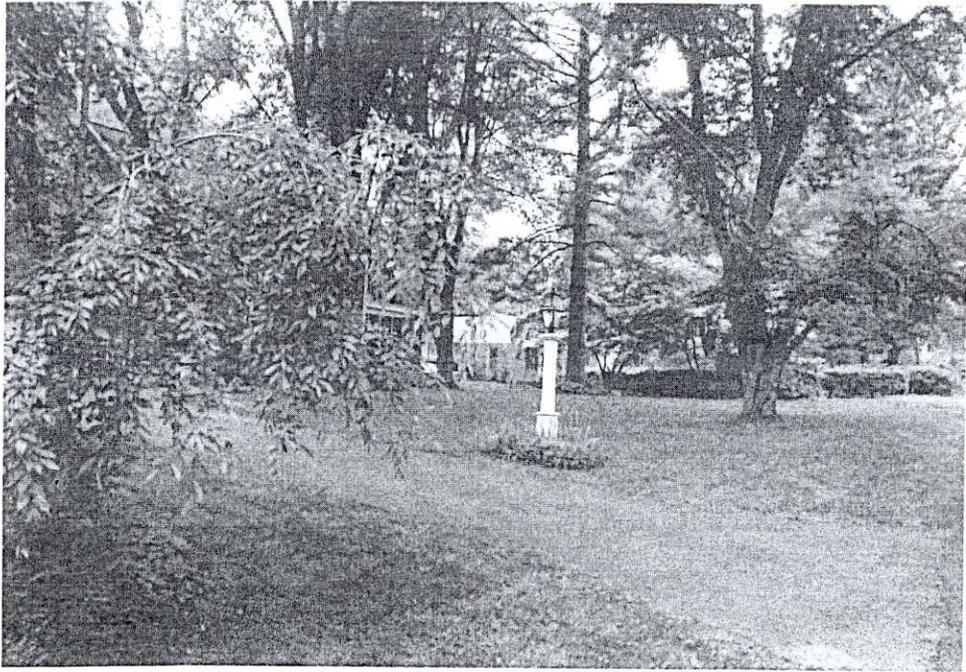


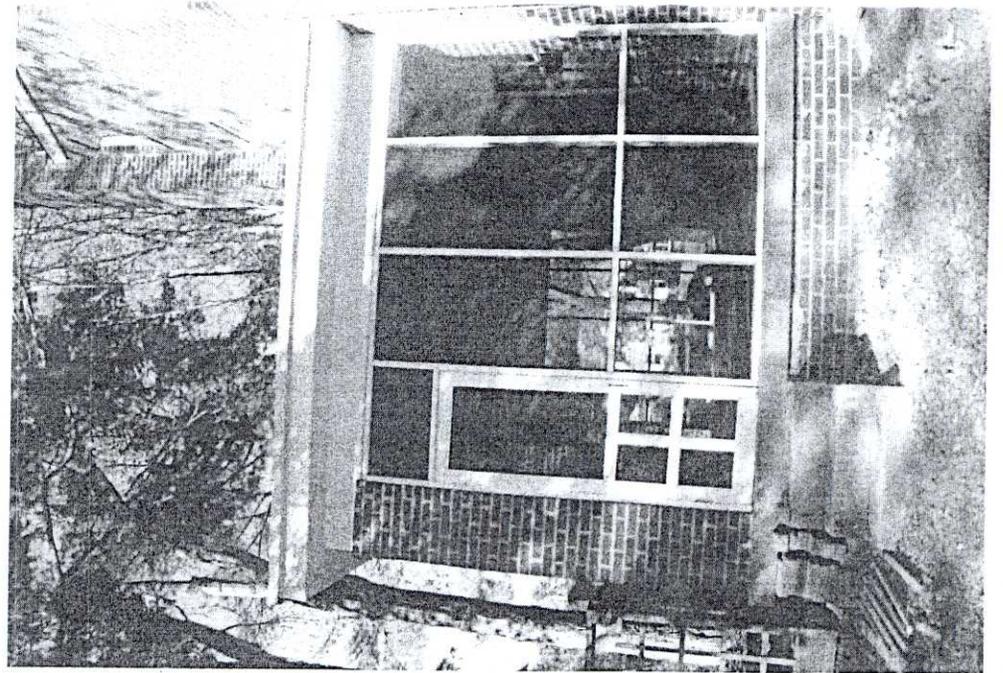
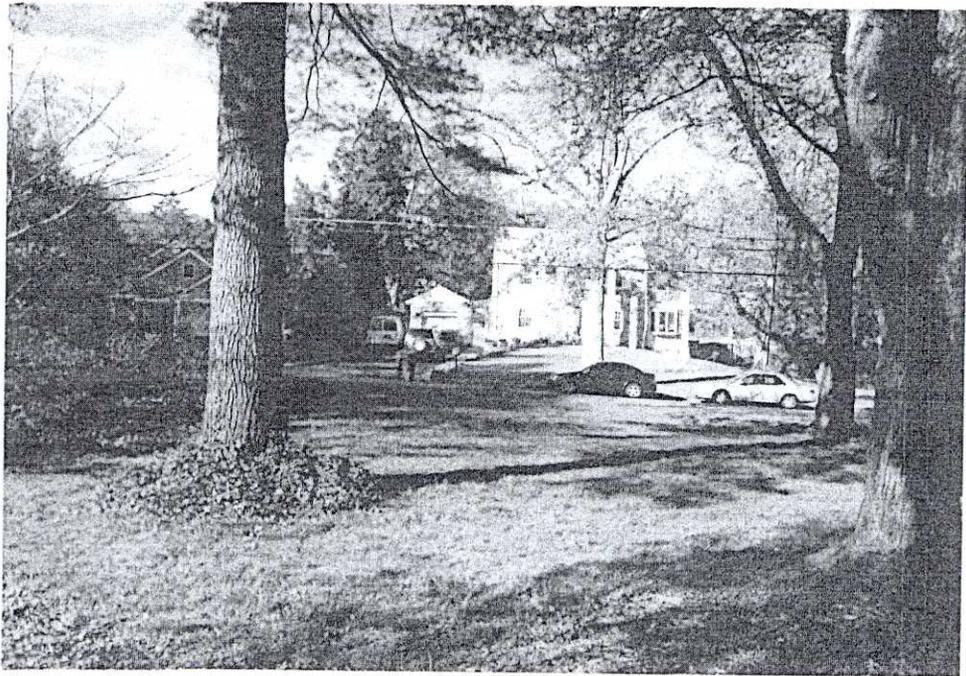
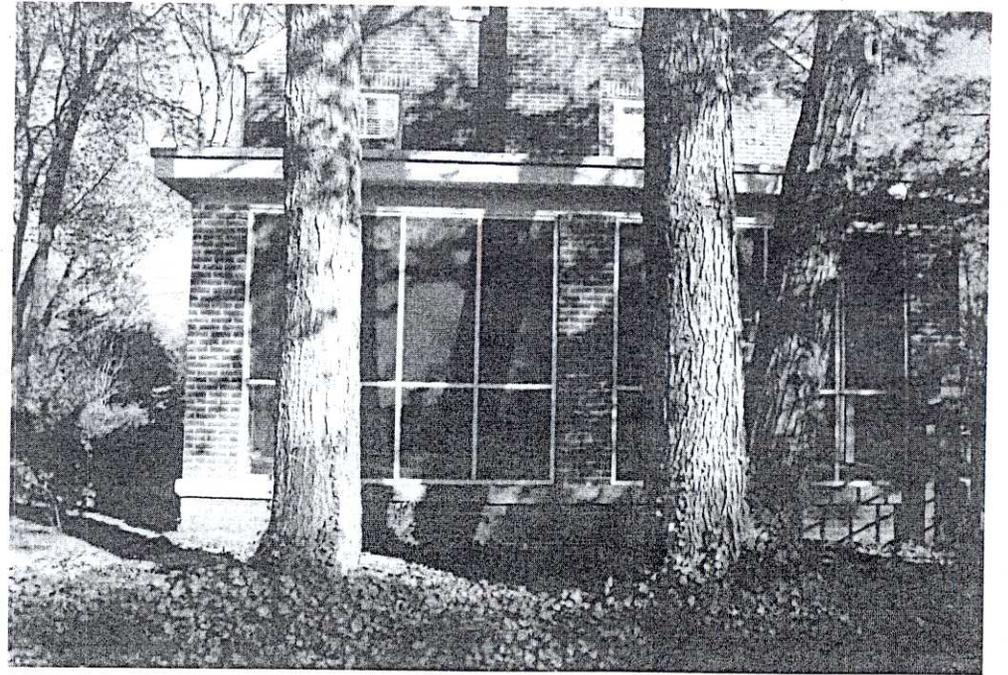
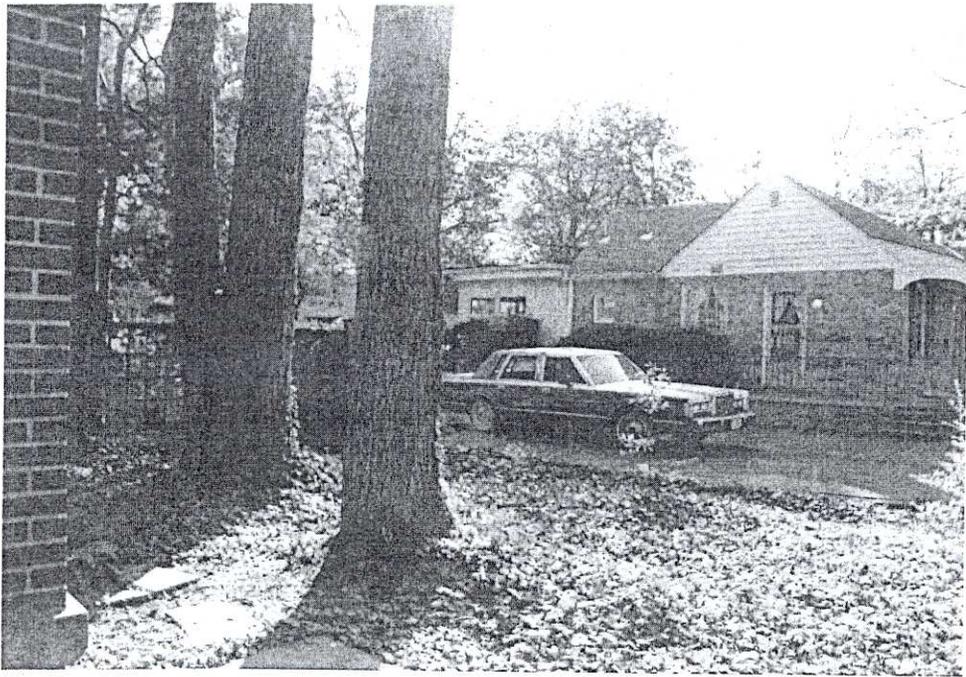
HIGHLANDER SURVEYING SERVICES P.C.
CURTIS L. McALLISTER, L. S.

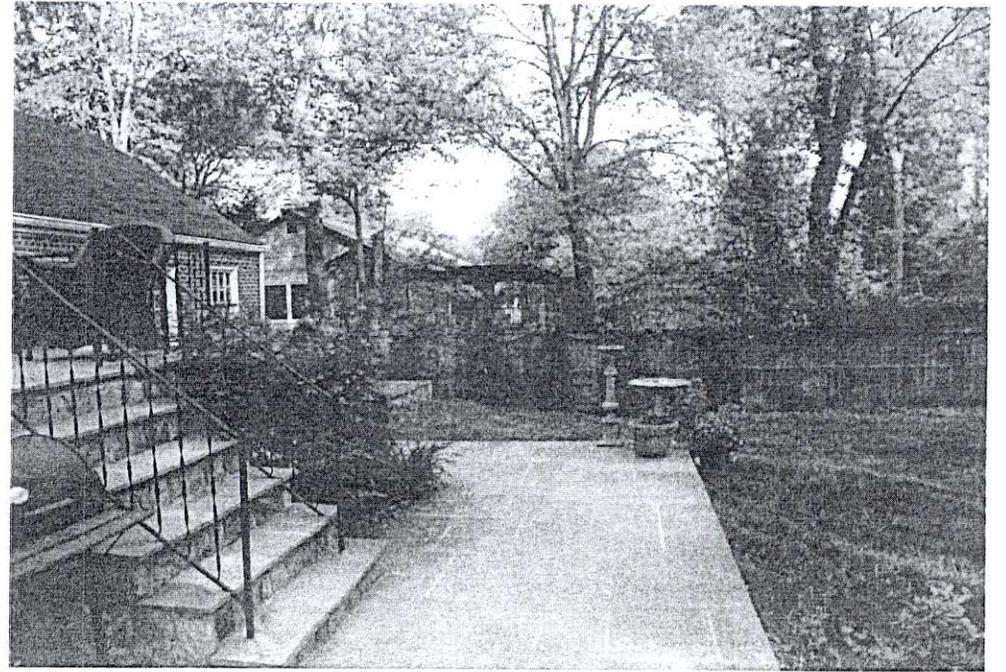
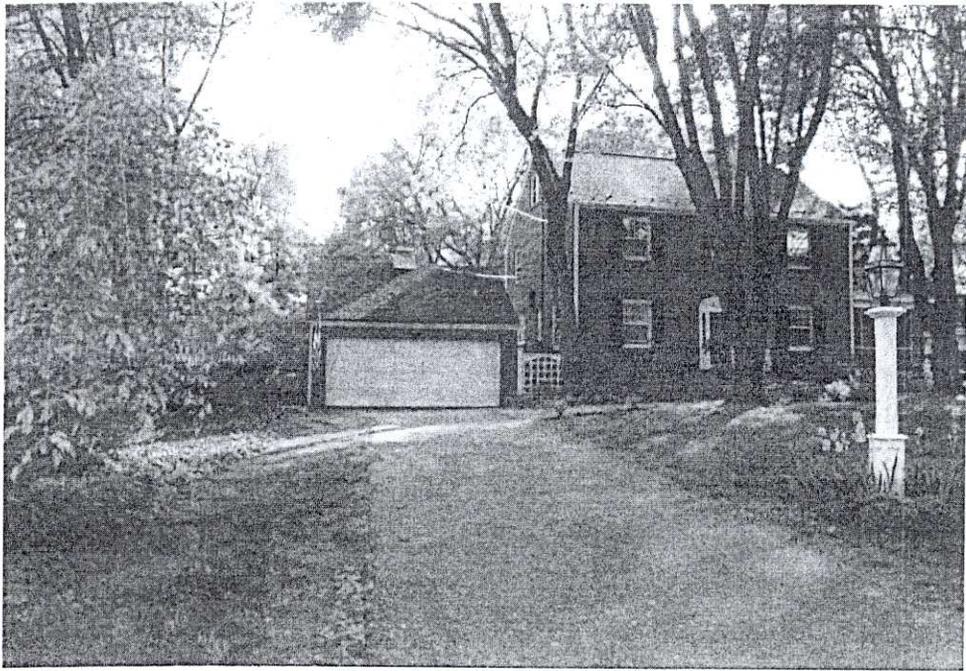
I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN ESTABLISHED BY A TRANSIT TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN THERE ARE NO VISIBLE ENCROACHMENTS.

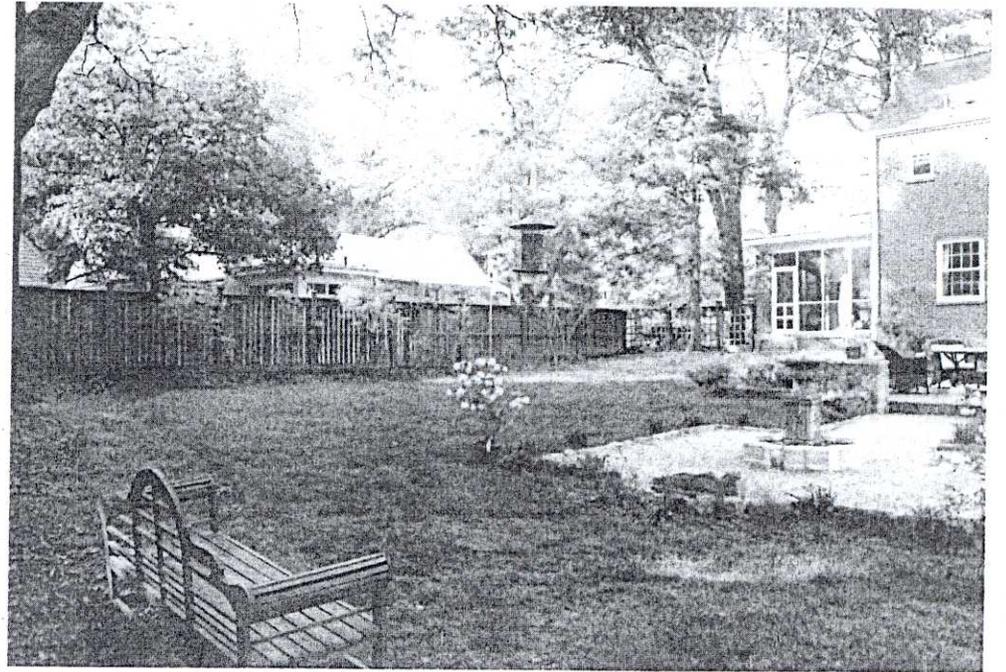
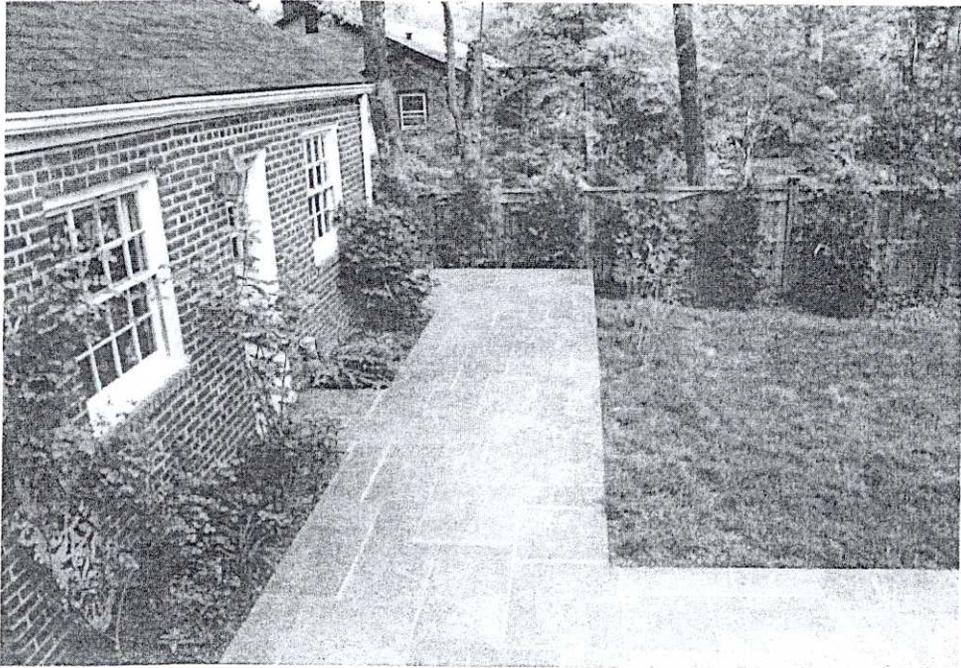
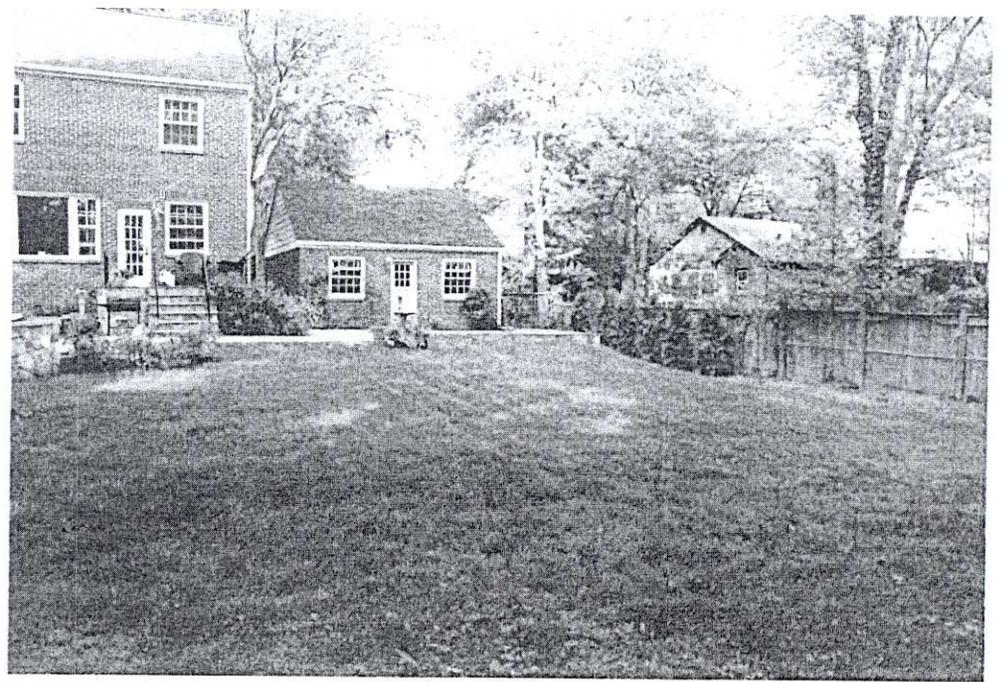
SCALE: 1" = 30'	DRAWN WED / cadd
DATE: Jan. 22, 2002	CHECK CLM
NO TITLE REPORT FURNISHED	PHONE # 703-273-1619
D.B. 635 PAGE 238	HART - NELMES

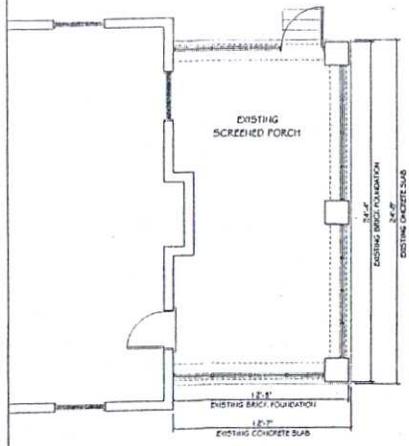




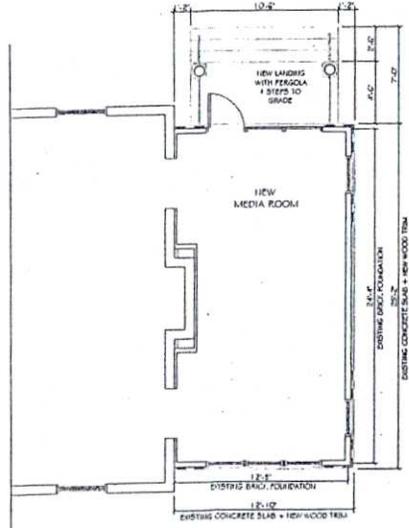








EXISTING CONDITIONS



PROPOSED REMODEL



SCALE: 1/4"=1'-0"
 DRAWN BY: LINDA VALENTINO
 DATE: MAY 24TH, 2011

SCREENED PORCH REMODEL
 6427 OVERHILL ROAD
 FALLS CHURCH, VIRGINIA

ARCHITECTURAL DESIGN
 CREATIVE CLASSICS, INC.
 410 EAST COLUMBIA STREET
 FALLS CHURCH, VA 22046
 703.737.2424 TFI

DESCRIPTION OF THE APPLICATION

The applicants are requesting approval of a special permit to allow reduction of certain yard requirements to permit construction of an addition to be located 17.0 feet to its eave from the northern side lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Side	20.0 feet	17.0 feet	3.0 feet	15%

*Minimum yard requirement per Section 3-107

EXISTING SITE DESCRIPTION

The site is currently zoned R-1 and developed with a two-story, brick, single-family detached dwelling, built in 1949. The lot consists of 18,995 square feet and is accessed via an asphalt driveway from Overhill Road which terminates at an existing detached two-car brick garage. There is a slate patio and walkway located in the well-manicured and landscaped rear yard. A combination of chain link and wood fencing is located along the rear and side lot lines. The site is surrounded by single-family detached homes along all lot lines.

CHARACTER OF THE AREA

	Zoning	Use
North	R-1	Single Family Detached Dwellings
East	R-1	Single Family Detached Dwellings
South	R-1	Single Family Detached Dwellings
West	R-1	Single Family Detached Dwellings

BACKGROUND

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:

- Variance VC 85-M-045 was approved on August 6, 1985 for Tax Map 51-3 ((6)) 44, zoned R-1, at 6420 Ichabod Place, to allow construction of addition to dwelling 12 feet from side lot line.
- Special Permit SP 98-M-030 was approved on September 16, 1998 for Tax Map 51-3 ((6)) 48, zoned R-1, at 6435 Ichabod Place, to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 16.6 feet from a side lot line.
- Special Permit SP 99-M-048 was approved on October 27, 1999 for Tax Map 51-3 ((6)) 55, zoned R-1, at 6415 Overhill Road, to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 16.5 feet from a side lot line.
- Special Permit SP 2011-MA-052 was approved on June 23, 2009 for Tax Map 51-3 ((7)) 39, zoned R-1, at 3108 Sleepy Hollow Road, to permit reduction to minimum yard requirements based on errors in building locations to permit accessory storage structure to remain 2.0 feet from a side lot line and 0.4 feet from the rear lot line, dwelling to remain 14.1 feet with eave 13.8 feet from a side lot line and addition to remain 11.1 feet from side lot line and to permit an accessory dwelling unit.

ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** House Location, Lot 58, Section 4, Sleepy Hollow
- **Prepared by:** Highlander Surveying Services, P.C., Curtis L. McAllister, L.S., dated January 22, 2002, as sealed by John K. White, P.E., on May 24, 2011

Proposal:

The applicants are requesting special permit approval to renovate an existing screened porch addition into livable space. The addition will measure 288 square feet in area and be located a distance of 17.0 feet from the northern side lot line; therefore a reduction of 3.0 feet, or 15%, is requested. The applicant's proposal to enclose the existing screened porch into livable space will also include a deck with hand railings placed above the addition which will be accessed from the second level of their dwelling. County records indicate that the screened porch was constructed as part of the original dwelling in 1949 and therefore met

the yard requirements at the time of its construction. As part of the proposed addition, the applicants will also construct an open landing, with steps and a pergola which will lead from the rear of the addition into the back yard. The landing will be set back a distance of 19.0 feet from the side lot line.

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 5:

- 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 for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3 and Standard 5.

General Standard 3 requires that the application proposed use 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 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. *By observation of the neighborhood via photographs submitted by the applicant, staff believes that the proposed addition will not adversely affect the use or development of neighboring properties as the addition will merely enclose a screened porch that has existed since 1949 and will provide additional livable space for the applicants. The existing vegetation will remain undisturbed as the addition utilizes the footprint of the existing screened porch addition. Staff believes that this standard has been met.*

General Standard 5 requires that 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. *In a memorandum dated June 23, 2011, from the Forest Conservation Branch, Department of Public Works and Environmental Services (DPWES), attached as Appendix 4, staff recommends that the applicants protect the existing maple trees that are adjacent to the screened porch where construction activities will occur. In discussion with the applicants, they indicated to staff that they contacted an arborist and are committed to protecting the existing two maple trees that are adjacent to the addition when they begin their construction activities. No vegetation is proposed to be removed to accommodate the addition which will use the footprint of the existing screened porch. Therefore, staff believes that this standard has been met.*

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 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 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 above grade living area is 2,016 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,024 square feet in size for a possible total square footage at build out of 5,040. The proposed addition is approximately 288 square feet in size, for a total square footage of the house with the addition of 2,304 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 addition will not create any additional height to the overall existing structure as it will simply enclose an existing screened porch addition for additional livable space. Staff believes that the application meets 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. With review of the photographs submitted, staff believes that the proposed improvements are compatible with the surrounding houses in the neighborhood. The renovation of the screened porch into livable space will not create the appearance of additional bulk or scale, as this structure has existed in this area for many years. As noted previously, the applicants are committed to preserving the two maple trees that are immediately adjacent to the addition which will continue to provide screening to the adjacent property. Therefore, staff believes that this provision is met.

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. Staff believes that the application meets the erosion and storm water runoff portion of the standards since the DPWES has not indicated that there are drainage complaints on file related to this property. Staff believes that the addition will have very little impact on stormwater runoff, noise, light, air, safety or erosion since the overall footprint of the addition will merely renovate an existing screened porch into livable space. Staff believes that the application meets this provision.

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 appears to be the most appropriate location for the proposed addition as it will merely replace an existing screened porch. Staff believes the request is minimal and the application meets this provision. Other issues of well, floodplains and/or Resource Protection Areas are not applicable to this site.

CONCLUSION

Staff believes that the request 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-MA-052 for an addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners 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. Forest Conservation Branch Memorandum dated June 23, 2011
5. Applicable Zoning Ordinance Provisions

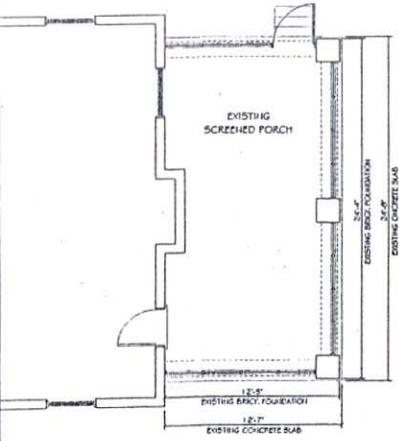
PROPOSED DEVELOPMENT CONDITIONS**SP 2011-MA-052****August 3, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-MA-052 located at Tax Map 51-3 ((6)) 58 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.

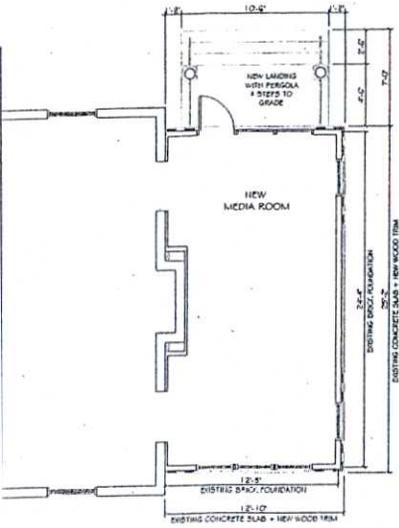
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of an addition (approximately 288 square feet), as shown on the plat prepared by Highlander Surveying Services, P.C., Curtis L. McAllister, L.S., dated January 22, 2002, as sealed by John K. White, P.E., on May 24, 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 (2,016 square feet existing + 3,024 square feet (150%) = 5,040 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.

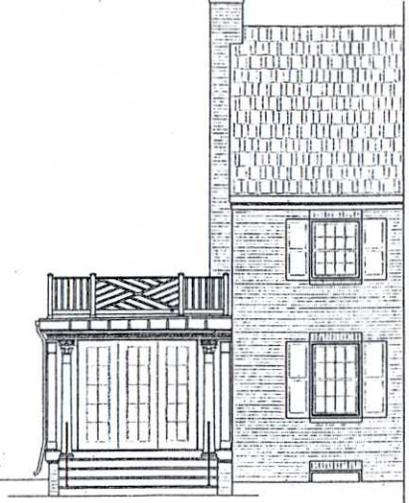
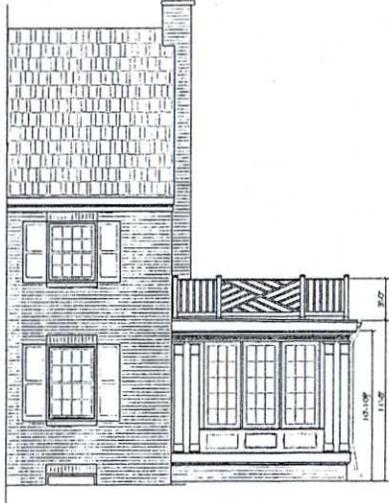
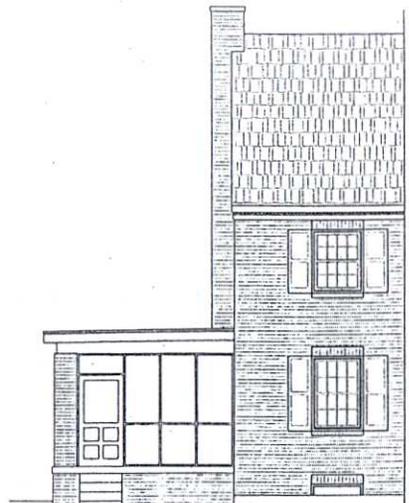
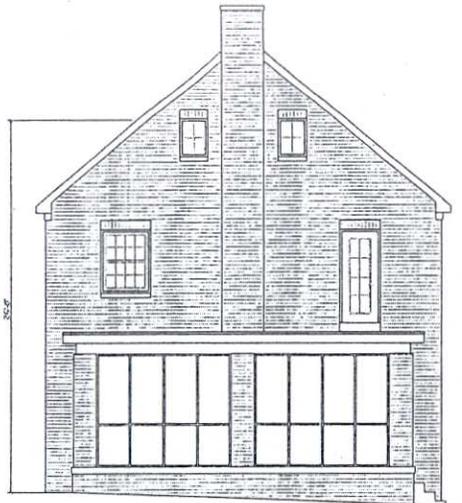
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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



EXISTING CONDITIONS



PROPOSED REMODEL



SCALE: 1/4" = 1'-0"

DRAWN BY: LINDA VALENTINO

DATE: MAY 24TH, 2011

SCREENED PORCH REMODEL

6427 OVERHILL ROAD
FALLS CHURCH, VIRGINIA

ARCHITECTURAL DESIGN
CREATIVE CLASSICS, INC.
410 EAST COLUMBIA STREET
FALLS CHURCH, VA 22046
703.937.3424 FAX

Application No.(s): SP 2011-MA-052
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 18 May 2011
(enter date affidavit is notarized)

I, Adriane J. Hart, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant 111 202
 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)
Adriane J. Hart	6427 Overhill Road Falls Church, VA 22042	Applicant / Title Owner
John G. Nelmes	" same as above "	Applicant / 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).

Application No.(s): SP 2011-MA-052
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 18 May 2011
(enter date affidavit is notarized)

111 202

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

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

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

N/A

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

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

Application No.(s):

SP 2011-MA-052

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 18 May 2011
(enter date affidavit is notarized)

111202

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)

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

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

N/A

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

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

Application No.(s):

SP 2011-MA-052

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 18 May 2011
(enter date affidavit is notarized)

111202

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

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

N/A

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

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

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

" NONE "

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 18 May 2011 (enter date affidavit is notarized)

111202

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

Adriane J Hart Applicant (type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18 day of May 2011, in the State/Comm. of VIRGINIA, County/City of Fairfax.

My commission expires: 11/30/2015

[Signature] Notary Public



STATEMENT OF JUSTIFICATION

May 23, 2011.

Dear Planning and Zoning Evaluation Division,

My husband John Nelmes and myself Adriane Hart would like to apply to Fairfax County for a Special Permit, Zoning Ordinance, 8-922, in order to change our current, one story screened in porch, into a one story, main floor television room. We therefore request a reduction of yard requirements, to allow the proposed renovation to be 17.0 feet (which includes overhangs) from the NW side lot line.

The screened in porch was built in 1949, when the house was built, and measures 12.4 feet by 24.3 feet. The attached screened porch complied with the yard requirements when the structure was built. We will be making no change to the existing gross floor area of the screened in porch which is 288 sq. feet. We will be using the original footprint of the original screened in porch for our renovation.

Our house measures 36.2 x 28.2 feet with an existing gross floor area of 1008 sq feet. The gross floor area of the attached screened porch, 288 sq. ft., to the existing principal house structure, 1008 sq. is 28% and well within the 150 percent of the total gross floor area allowed by BZA yard requirement. The gross floor area of the existing screened in porch, and the renovation to it, will be clearly subordinate in purpose, scale, use and intent to the principal house structure on the site.

There is no detached structure in the front yard. The building façade will keep with the architectural integrity of our Colonial style home. The exterior will incorporate the existing brick foundation and concrete slab, and integrate wood windows with mullions and dental molding similar to the existing house structure, decorative raised wood paneling and a decorative railing on the roof. The back of the new room will have French doors that open to a new open landing with hand railing and steps down to the backyard. It will also include a pergola that will extend from the roof, and have decorative columns. It is our opinion that the proposed renovation will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structures on the lot.

We plan to preserve the existing mature maple trees that are on the side of the screened in porch, closest to the lot line. There will be no new proposed landscaping or screening. We propose that the renovation will be harmonious

with its surroundings in terms of location, height, bulk and scale of surrounding structure, topography and existing vegetation.

We believe that the proposed side room renovation 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.

Given that we are only renovating an existing structure we believe that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. The layout, and orientation of the structure on the lot will remain the same as it has for the past 62 years. There are no steep slopes, we are not in a resource protection area, or a floodplain area. There are no hazardous or toxic substances on our property.

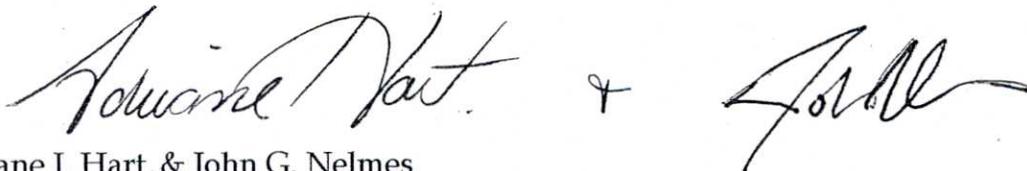
No change will be made to existing trees and we have no well or septic system on the lot. Our property is served by public water and sewer. The location of the easements remain unchanged and we also have no designated historic resources.

We have received and included a copy of the Vested Rights Determination for our detached garage which was permitted by Fairfax county in 1962. The Senior Assistant to the Zoning Administrator, Mr. Brian Parsons, has determined 15.2-2307 of the Code of Virginia is applicable and that the garage may remain. The garage has a gross floor area of 483 sq feet. The garage is 14.6 feet from the side lot line (opposite side of the house compared to the screened in porch).

In our view we will be improving the exterior views of our property for our neighbors. By using the existing footprint of the screened in porch and keeping the existing mature trees, we will in no way will be adversely impacting our neighbors. Please see architectural drawings, photos and plat for further information and dimensions.

Thank you for considering our application.

Best regards,

Handwritten signatures of Adriane J. Hart and John G. Nelmes, separated by an ampersand (&).

Adriane J. Hart & John G. Nelmes
Applicants/Title holders



County of Fairfax, Virginia

MEMORANDUM

June 23, 2011

TO: Ms. Debbie Hedrick, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Nicholas J. Drunasky, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: 6427 Overhill Road, SP 2011-MA-052

RE: Request for assistance dated June 15, 2011

NJD

This review is based upon the Special Permit /Variance application SP 2011-MA-052 stamped "Received, Department of Planning & Zoning May 26, 2011."

General Comment: Staff recommends that some type of barriers or tree protection devices be put in place to protect the existing maples that are adjacent to the screened in porch where work will occur along with any other trees that construction equipment or delivery machinery may be operated near.

If you have any questions, please feel free to contact me at 703-324-1770.

J/

UFMID #: 161863

cc: RA File
DPZ File



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.