



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

August 10, 2011

Ms. Kathleen Weiss  
6420 Wood Haven Road  
Alexandria, VA 22307

Re: Interpretation for SE 94-V-039, 6420 Wood Haven Road, Tax Map 93-2-08-37-0020, 21 and 22: Deck Addition

Dear Ms. Weiss:

This is in response to your letter of April 11, 2011 (attached), requesting an interpretation of the Special Exception (SE) Plat and development conditions approved by the Board of Supervisors in conjunction with SE 94-V-039. As I understand it, the question is whether the proposed construction of a two level deck and landing would be in substantial conformance with the SE Plat and development conditions. This determination is based on your letter and attached exhibits including Sheets 1 through 4, entitled "Deck and Porch Preliminary Plan," dated April 11, 2011, and prepared by Steven A. Larsen; photographs of the existing deck and steps; and an interpretation plan stamped approved April 11, 1997, entitled Grading Plan Lots 20 - 22 Block 37, prepared by R. C. Fields & Associates which is dated February 1997.

On December 12, 1994, the Board of Supervisors approved SE 94-V-039, subject to development conditions, for fill in a floodplain to permit the construction of two single family detached dwellings. Development Condition 3 states:

This Special Exception is subject to the issuance of a building permit. Any plan submitted pursuant to this Special Exception shall be in conformance with the approved Special Exception Plat entitled Lots 20-24, Block 37, New Alexandria and prepared by R.C. Fields, Jr. & Assoc. which is dated June, 1994, as revised October 17, 1994, and these conditions.

On April 11, 1997, a determination was made that a revised building footprint was in substantial conformance with SE 94-V-039 provided that the 35 foot front yard setback was maintained. No changes to the clearing and grading were proposed at the rear of the house, as shown on the plan entitled Grading Plan, Lots 20-22, Block 37, New Alexandria and prepared by R. C. Fields, Jr. & Associates, which is dated February 1997.

According to your letter, you are proposing to remove the 5' deep by 21' long second floor balcony consisting of 105 square feet and the first floor steps and landing consisting of 45

Department of Planning and Zoning  
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Ms. Kathleen Weiss  
Page 2

square feet. You propose to construct a two level 12' deep by 21' long open porch structure off the back of the residence. You have described that the open porch (off the first level) will have a waterproof flat roof acting as a deck from the second level. In addition, you propose to construct a deck landing below the rear windows 8' x 14'6" with seven steps.

Staff has calculated the impervious square footage of the originally approved house and calculated a total of 2,266 square feet. The impervious square footage of the revised building footprint is a total of 2,734 square feet, or an increase of 468 square feet. The impervious square footage of the existing house and the proposed decks is 2,662 square feet. The two level roofed deck is included in the new square footage. All of the calculations include the house footprint, front stoop, steps and driveway. Overall, as staff calculates it, the amount of impervious square feet will remain 72 square feet less than that shown on the interpretation plan approved April 11, 1997.

It is my determination that the proposed two level roofed decks and deck landing in the rear of the residence are in substantial conformance with SE 95-V-039, provided that they are constructed to meet all County site, building and safety codes, that no additional vegetation is removed and subject to Department of Public Works (DPWES) approval. This determination has been reviewed with the Department of Public Works and has been made in my capacity as the duly authorized agent of the Zoning Administrator.

If you have any questions regarding this interpretation, please feel free to contact Lisa Feibelman at (703) 324-1290.

Sincerely,



Barbara C. Berlin, AICP, Director  
Zoning Evaluation Division

O:\Lfeibe\Interpretations\Special Exception\SE 94-V-039 - 6420 Wood Haven Rd - Deck Addition 5 - 11.Doc

Attachments: A/S

cc: Gerald W. Hyland, Supervisor, Mount Vernon District  
Earl L. Flanagan, Planning Commissioner, Mount Vernon District  
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ  
Ken Williams, Plan Control, Land Development Services, DPWES  
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES  
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ  
File: SE 94-V-039, SEI 1104 018, Imaging, Reading File

APR 13 2011

Zoning Evaluation Division

Barbara Berlin  
Director of Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway, Suit 801  
Fairfax, VA 22035

RE: Interpretation of Approved Zoning Application for Special Exception  
Original SE: SE 94-V-039  
Property Address: 6420 Wood Haven Rd  
Tax Map: 0932 08370020 lots 20, 21, 22

April 11, 2011

Dear Ms. Berlin:

I am submitting a request for an Interpretation of Approved Zoning Application regarding my residence at 6420 Wood Haven Rd, Alexandria, VA 22307. I have resided here since September of 2009 and would like to remodel the existing deck/porch structure on the rear of the house. The original owner for whom the house was built did not require use of any outdoor spaces; however, I would like to make these modifications to better suit the nature of this property overlooking a large open space behind my residence. Because the house is so elevated to meet the flood plain requirements, the main floor (2<sup>nd</sup> level) is nearly 20 feet and the lower level (1<sup>st</sup> floor) is nearly 8 feet above the rear yard, respectively. Adding this outdoor open porch and deck space would architecturally tie the indoor and outdoor living spaces into a cohesive plan without exceeding the original requirements of the Special Exception granted to this property in 1994.

My builder, Larsen Design/Build Associates, LLC (VA lic. #2705060324A and Fairfax BPOL lic. #000-27-1425) has prepared the attached documents for your review. I can be reached at 202-341-9927 or [kweiss@firstsolar.com](mailto:kweiss@firstsolar.com). Larsen Design/Build owner, Steven A. Larsen can be contacted regarding specific questions at 703-856-8113 or [steve@larsendesignbuild.com](mailto:steve@larsendesignbuild.com). Mr. Larsen met with Lisa Feibelman in fall of 2010 to review the requirements for this submission and obtain the original attached documents (grading plan and SE approvals.)

The house at 6420 Wood Haven Rd was constructed in 1997 under Special Exception SE 94-V-039 approved by the Board of Supervisors on December 12, 1994. The original building permit number is R-96-1292970642396. The original approved site/grading plan is attached showing house location, limits of clearing & grading, etc. A prior interpretation was granted on 4/11/97 to change the front stoop & steps from the original plan. This request is only for the rear of the house.

The house was constructed with a 5' deep by 21' long deck (105 square feet, labeled balcony) off the rear 2<sup>nd</sup> level great room and small landing and steps off the 1<sup>st</sup> level of 45 square feet (see attached photos.) These structures are small compared to the scale of the house and I am requesting to construct a 12' deep by 21' long open porch structure off of both levels. In doing so, we would stay within the original limits of clearing and grading not affecting any vegetation. We've attached the RC Fields grading plan, photographs of current conditions and plan & elevation views of the proposed structure of an open porch on 1<sup>st</sup> level with rooftop deck on 2<sup>nd</sup> level (above footprint of open porch.)

The provisions in Zoning Ordinance Article 2, (General Regulations, specifically 2-304 Special Exception Uses & Part 9, Floodplain Regulations) will not be altered with this proposed structure. These provisions (pertaining to single family detached houses of Zoning Ordinance Article 9, Part 6 (requiring Board of Supervisor approval) will not be changed: Uses in a Floodplain, Building height, Lot size requirement, Minimum Yard Requirements, Modification of Grade, etc. We are requesting only an interpretation of Article 9, Part 0, Paragraph 4(A)7.

The following should be noted regarding this request:

1. The footprint of the existing 3 level house is 1,694 square feet (sf), or 5,082 gross sf, plus 150 sf of decks, plus 30 sf portico for a total of 5,262 sf. 5 percent of 5,262 would allow for 263 new net square feet of minor addition. The proposed 12' deep by 21' long porch plus the 116 sf landing & steps would require 368 sf. Subtracting the 150 sf of decks (to be removed), the net new additional area would be 218 sf, less than the 5 percent threshold. The actual percentage is 4.1.
2. This structure would be an open porch (off 1<sup>st</sup> level) with a waterproof flat roof acting as a deck from the 2<sup>nd</sup> level. The elevation of the structure would be 6 inches below 1<sup>st</sup> floor elevation of 12.83, making it in compliance with the flood plain regulations.
3. The structure would be constructed to meet Fairfax County building codes and utilize flood proof materials where required.
4. It would be constructed on piers, thus not effecting drainage patterns or tree roots.
5. The additional 252 sf of impervious roof area would increase the lots total impervious area to 2,677 sf or 25 percent. This remains below the required threshold.
6. The structure meets the minimum side yard requirement of 12'. Actual setback will be 21'
7. The structure meets the minimum rear yard requirement of 25'. Actual setback is 48.6'
8. The structure meets the bulk requirements for side & rear yards of 35 degrees. Maximum height of structure (top of rail, elevation 24.4) is 19.6' above lowest elevation at nearest property line (elevation 4.8.)
9. The entire project is within the original limits of clearing and grading and will not affect any existing vegetation on the property. As noted on the site plan, the original silt fence and tree protection limit is several feet beyond the proposed structure. There is a an existing 15 inch white oak (shown as 8 inch white oak in 1997) directly behind the steps and landing area. This will be protected during construction with substantial tree protection fencing. There are no other trees or vegetation within the construction area. All access to the project will be made from the front yard driveway and around the sides of the house.

Minor Addition Tabulations:

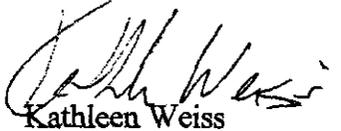
Total existing area (sf)		
House	5,082	
Balcony (decks and steps)	150	
Front portico	30	
<b>Total</b>	<b>5,262</b>	
5 percent of existing	263	
Proposed project	368	
Less structures removed	150	
<b>Total Net New Area added</b>	<b>218</b>	or 4.1 percent of 5,262

FAR Tabulations:

Total existing impervious area (sf):		
House	1,694	
Driveway, masonry stoop & steps	731	
<b>Total</b>	<b>2,425</b>	or 23.1 percent of 10,500 sf
Total proposed impervious area (sf):		
Existing	2,425	
Proposed (roof area only, 12' x 21')	252	
<b>Total</b>	<b>2,677</b>	or 25.5 percent of 10,500 sf

I request that you consider this project as a minor addition within the scope and intent of the original Special Exception approval. Enclosed is the supporting documentation and check for \$500.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kathleen Weiss', is written over the printed name.

Kathleen Weiss  
6420 Wood Haven Road  
Alexandria, VA 22307

202-341-9927

[kweiss@firstsolar.com](mailto:kweiss@firstsolar.com)

## ARTICLE 9

### SPECIAL EXCEPTIONS

#### PART 0 9-000 GENERAL PROVISIONS

##### 9-001 Purpose and Intent

There are certain uses, like those regulated by special permit, which by their nature or design can have an undue impact upon or be incompatible with other uses of land. In addition, there are times when standards and regulations specified for certain uses allowed within a given district should be allowed to be modified, within limitations, in the interest of sound development. These uses or modifications as described may be allowed to locate within given designated zoning districts under the controls, limitations, and regulations of a special exception.

The Board of Supervisors may approve a special exception under the provisions of this Article when it is concluded that the proposed use complies with all specified standards and that such use will be compatible with existing or planned development in the general area. In addition, in approving a special exception, the Board may stipulate such conditions and restrictions, including but not limited to those specifically contained herein, to ensure that the use will be compatible with the neighborhood in which it is proposed to be located. Where such cannot be accomplished or it is determined that the use is not in accordance with all applicable standards of this Ordinance, the Board shall deny the special exception.

##### 9-002 Authorization

In consideration of an application filed with the Zoning Administrator, the Board may authorize the establishment of those special exception uses that are expressly listed in a particular zoning district; provided, however, that no special exception shall be required for a use specifically permitted in a given district, notwithstanding that such use may also be included in a use category available by special exception.

##### 9-003 Limits on Authority

The Board shall have no authority to waive any of the regulations or standards prescribed for any use or purpose for which a special exception is required, however, the Board may modify the additional standards for a special exception use where deemed necessary as long as the resultant development will not adversely affect the use or development of adjacent properties.

##### 9-004 Status of Special Exception Uses

1. Once a special exception has been approved, such use may only be established in accordance with such approval and any site plan, subdivision plat, Building Permit, Residential or Non-Residential Use Permit hereafter submitted for the development or use of the property in accordance with the special exception shall be in substantial conformance with the approved special exception, and no development or use shall be approved by any County official in the absence of such conformance.
2. Once established, the use shall be conducted in substantial conformance with any conditions or restrictions imposed by the Board and all other requirements of this Ordinance. Except as may be permitted under Paragraphs 3 and 4 below, no use shall be

## FAIRFAX COUNTY ZONING ORDINANCE

enlarged, expanded, increased in intensity or relocated and no condition of the special exception shall be modified unless an application is made and approved for an amendment to the special exception in accordance with Sect. 014 below or a new special exception is approved.

3. Notwithstanding the above, any modification to an approved and currently valid special exception to provide an accessibility improvement shall be permitted and shall not require approval of an amendment to the special exception or a new special exception.
4. Minor modifications to an approved special exception may be permitted when it is determined by the Zoning Administrator that such are in substantial conformance with the approved special exception and that such: are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of the Virginia Department of Transportation or Fairfax County; or are accessory uses; or are accessory structures or minor building additions as permitted by Par. 4A(7) or 4B(7) below.
  - A. For approved special exceptions for all uses, other than churches, chapels, temples, synagogues and other such places of worship (hereinafter places of worship) and places of worship with a child care center, nursery school or private school of general or special education the modifications shall, in no event:
    - (1) Change the amount of land area or permit a more intensive use which shall include but not be limited to an expansion of the hours of operation or an increase in number of seats, dwellings, students or employees from that approved pursuant to the special exception; or
    - (2) Result in an increased parking requirement, except for any additional parking which may be required for any building additions or modifications permitted under Par. 4A(7) below; or
    - (3) Permit uses other than those approved pursuant to the special exception, except that accessory uses in accordance with this paragraph may be permitted; or
    - (4) Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space; or
    - (5) Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or
    - (6) Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or
    - (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to

## SPECIAL EXCEPTIONS

buildings may be permitted, provided that the sum total of all such structures or additions shall not exceed the following:

- (a) five (5) percent of the approved gross floor area or 500 square feet of gross floor area, whichever is less, when the total gross floor area shown on the approved special exception plat is less than 50,000 square feet; or
- (b) one (1) percent of the approved gross floor area when the total gross floor area shown on the approved special exception plat is 50,000 square feet or more; or
- (c) 250 square feet of gross floor area of accessory storage structure uses when the total gross floor area shown on the approved special exception plat is 10,000 square feet or less; and
- (d) the maximum permitted FAR for the zoning district in which located; or
- (e) the maximum density permitted by the approved special exception.

B. For approved special exceptions for places of worship and places of worship with a child care center, nursery school or private school of general or special education, the modifications shall, in no event:

- (1) Permit an expansion of the hours of operation from that approved pursuant to the special exception; or
- (2) Permit an increase in the number of seats, parking spaces or students, if applicable, which exceeds more than ten (10) percent of the amount approved pursuant to the special exception; or
- (3) Permit uses other than those approved pursuant to the special exception, except that accessory uses in accordance with this paragraph may be permitted; or
- (4) Reduce the effectiveness of approved transitional screening, buffering, and landscaping or open space; or
- (5) Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or
- (6) Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or

## FAIRFAX COUNTY ZONING ORDINANCE

- (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:
    - (a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and
    - (b) the maximum permitted FAR for the zoning district shall not be exceeded.
- C. For all approved special exception uses, any request for an addition shall require the provision of written notice by the requester in accordance with the following:
- (1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
  - (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved special exception, such modification shall require the approval of an amendment to the special exception in accordance with Sect. 014 below or a new special exception.

### 9-005

#### **Establishment of Categories**

For purposes of applying specific conditions upon certain types of special exception uses, and for allowing special exception uses to be established only in those zoning districts which are appropriate areas for such uses, all special exception uses are divided into categories of associated or related uses, as hereinafter set forth in this Article 9.

### 9-006

#### **General Standards**

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

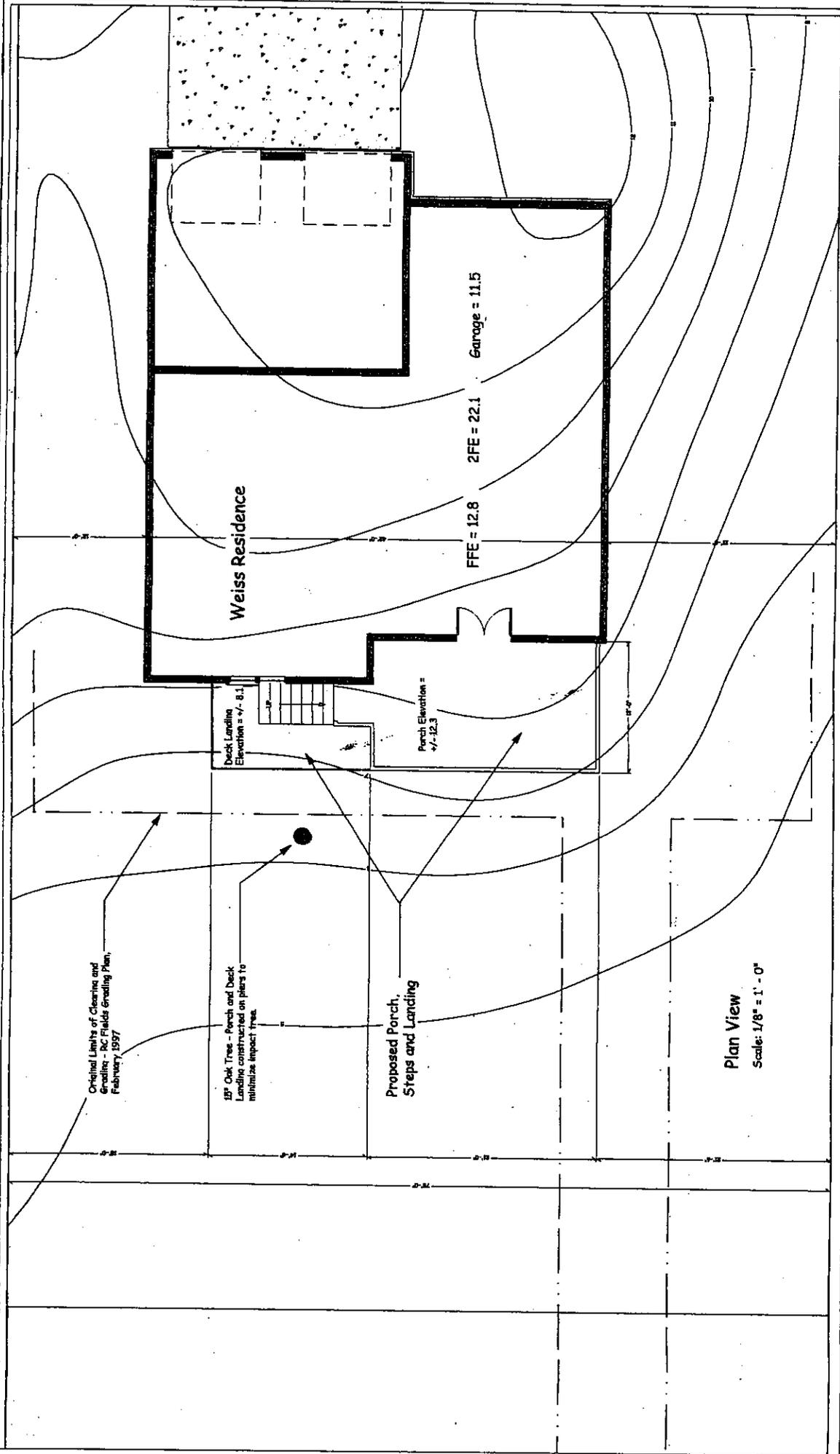
Photos of Existing Conditions for 6420 Wood Haven Rd. Alexandria, VA



Close up of existing 5' x 20' 2<sup>nd</sup> floor balcony and 1<sup>st</sup> floor steps and landing



View of rear of house depicting one existing 15'' Oak tree within project area

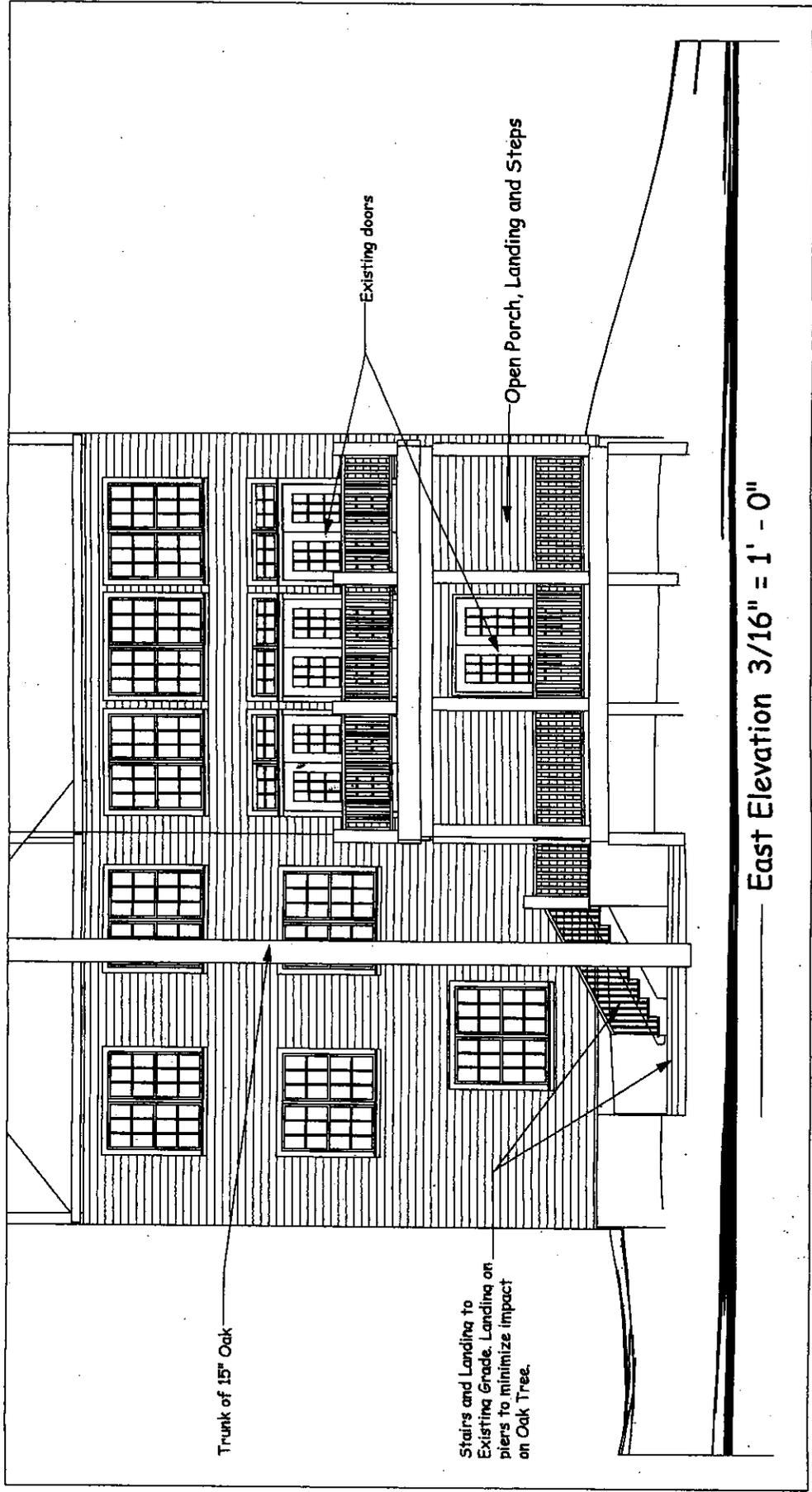


**WEISS RESIDENCE**  
6420 Wood Haven Rd - Alexandria - Virginia

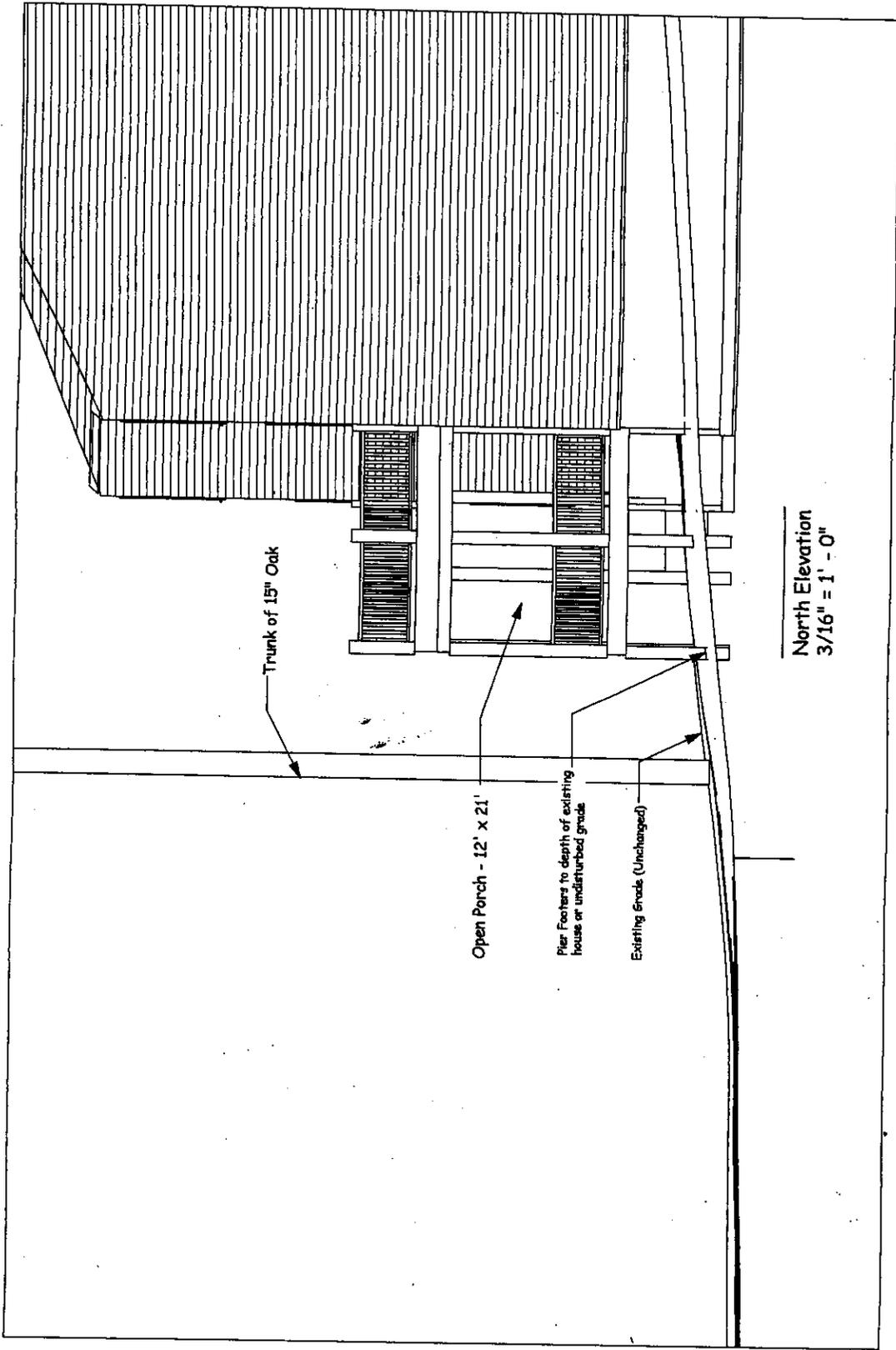
**Deck & Porch Preliminary Plan**  
RE: Interpretation of Approved Zoning Application for SE 94-V-099

Designer: Steven A. Larsen, CR  
Draftsperson: Steven A. Larsen  
Date: April 11, 2011

Scale: As Noted



East Elevation 3/16" = 1' - 0"

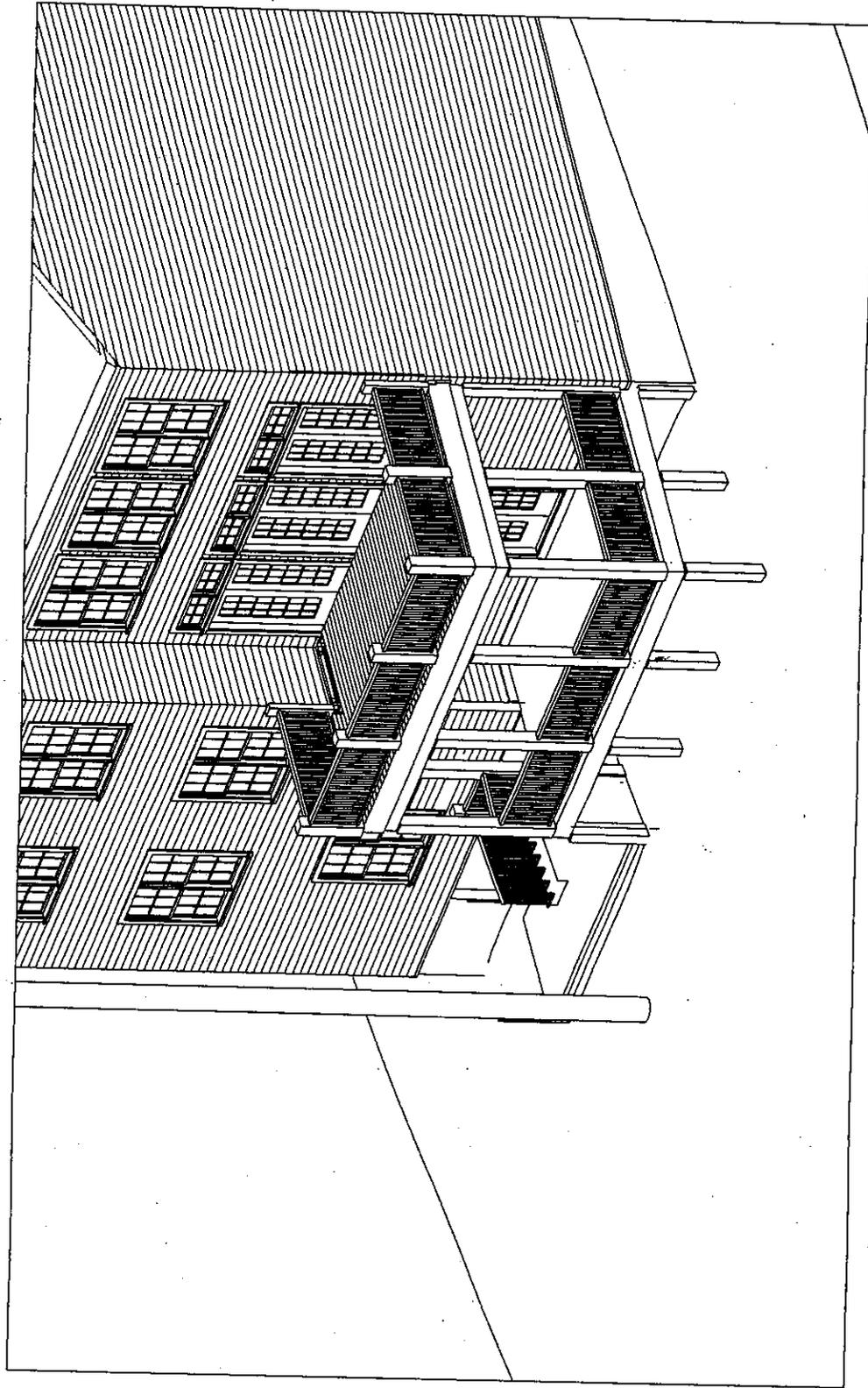


Scale: As Noted

Designer: Steven A. Larsen, CR  
 Drafter: Steven A. Larsen  
 Date: April 11, 2011

**Deck & Porch Preliminary Plan**  
 RE: Interpretation of Approved Zoning Application for SE 94-V-039

**WEISS RESIDENCE**  
 6420 Wood Haven Rd - Alexandria - Virginia



Perspective View From North East

Designer: Steven A. Larsen, CR  
Draftsperson: Steven A. Larsen  
Date: April 11, 2011

Deck & Porch Preliminary Plan  
RE: Interpretation of Approved Zoning Application for SE 94-V-039

**WEISS RESIDENCE**  
6420 Wood Haven Rd - Alexandria - Virginia