



APPLICATION ACCEPTED: July 2
BOARD OF ZONING APPEALS: October
TIME: 9:00

County of Fairfax, Virginia

September 28, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MV-072

MOUNT VERNON DISTRICT

APPLICANT: Daniel H. Weinberg

OWNERS: Daniel H. Weinberg
Susan S. Weinberg

STREET ADDRESS: 2501 Lisbon Lane, Alexandria, 22306

SUBDIVISION: Milway Meadows

TAX MAP REFERENCE: 93-3 ((19)) 3

LOT SIZE: 18,692 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 17.5 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-MV-072 for a one-story sunroom addition with adoption of the proposed development conditions contained in Appendix 1.

O:\dhedr\Special Permits\10-5 SP 2011-MV-072 Weinberg (50)\SP 2011-MV-072 Weinberg staff report.doc
Deborah Hedrick

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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Integrity * Teamwork * Public Service

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.

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).

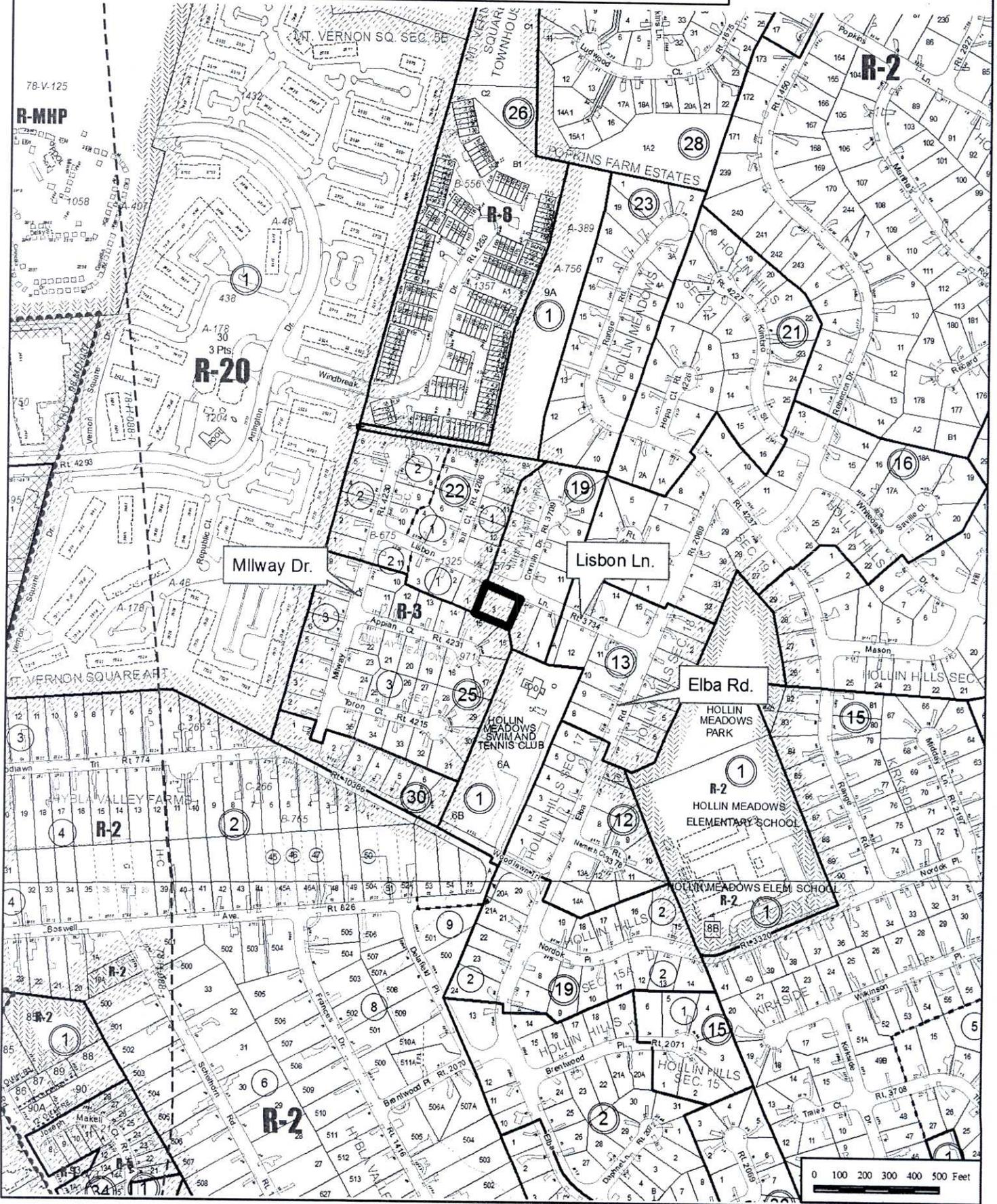
Special Permit
SP 2011-MV-072
DANIEL WEINBERG



Special Permit

SP 2011-MV-072

DANIEL WEINBERG



LOT 1

2502 LISBON LN
Map # 0933 22010013
Zoning Description R-3

LOT 4
7520 CORNITH DR
Map # 0933 19 0004
Zoning Description R-2

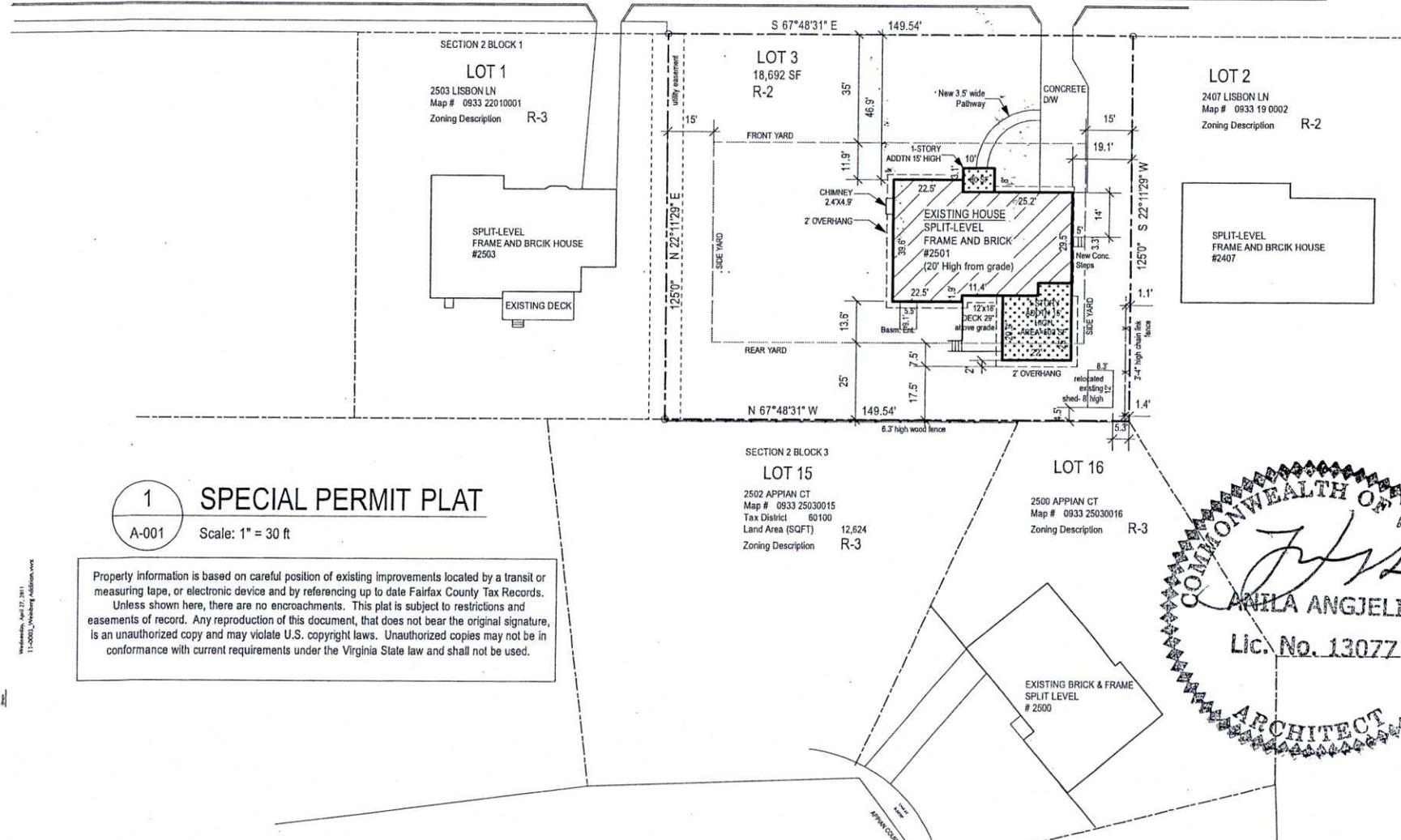
CORNITH DR

WEINBERG RESIDENCE
2501 LISBON LN
Map # 0933 19 0003
Tax District 60100
District Name MT VERNON DIST. #1
Land Use Code Single-family, Detached
Land Area (SQFT) 18,692
Zoning Description R-2(Residential 2 DU/AC)

Existing Gross Area = 2,440 sf
Proposed Area = 583 sf
Total Gross Area = 3,023 sf
F.A.R. = 0.16



LISBON LANE (Rt. 3734)
50' R/W



SECTION 2 BLOCK 1
LOT 1
2503 LISBON LN
Map # 0933 22010001
Zoning Description R-3

LOT 3
18,692 SF
R-2

LOT 2
2407 LISBON LN
Map # 0933 19 0002
Zoning Description R-2

SECTION 2 BLOCK 3
LOT 15
2502 APPIAN CT
Map # 0933 25030015
Tax District 60100
Land Area (SQFT) 12,624
Zoning Description R-3

LOT 16
2500 APPIAN CT
Map # 0933 25030016
Zoning Description R-3

1 SPECIAL PERMIT PLAT
A-001 Scale: 1" = 30 ft

Property information is based on careful position of existing improvements located by a transit or measuring tape, or electronic device and by referencing up to date Fairfax County Tax Records. Unless shown here, there are no encroachments. This plat is subject to restrictions and easements of record. Any reproduction of this document, that does not bear the original signature, is an unauthorized copy and may violate U.S. copyright laws. Unauthorized copies may not be in conformance with current requirements under the Virginia State law and shall not be used.

RELEASE DATE
PROPERTY NO. 0933190003
SPECIAL PERMIT NO. A-001

WEINBERG RESIDENCE RENOVATIONS & ADDITION

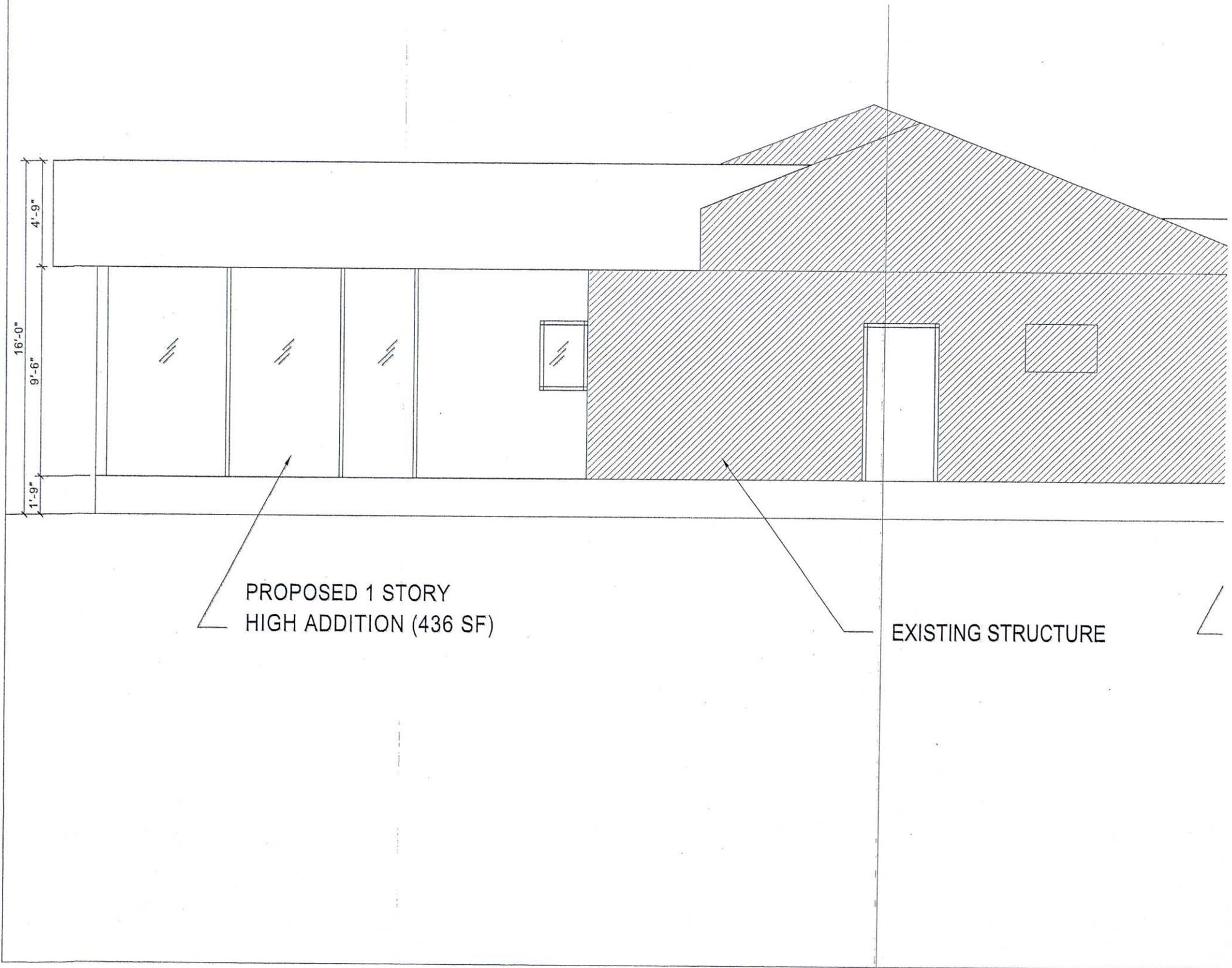
2501 LISBON LANE
ALEXANDRIA, VIRGINIA 22305

Aline ARCHITECTURE, LLC
11000 WOODBURN DRIVE
ALEXANDRIA, VA 22304

ANILA ANGJELI
Lic. No. 13077

A-001

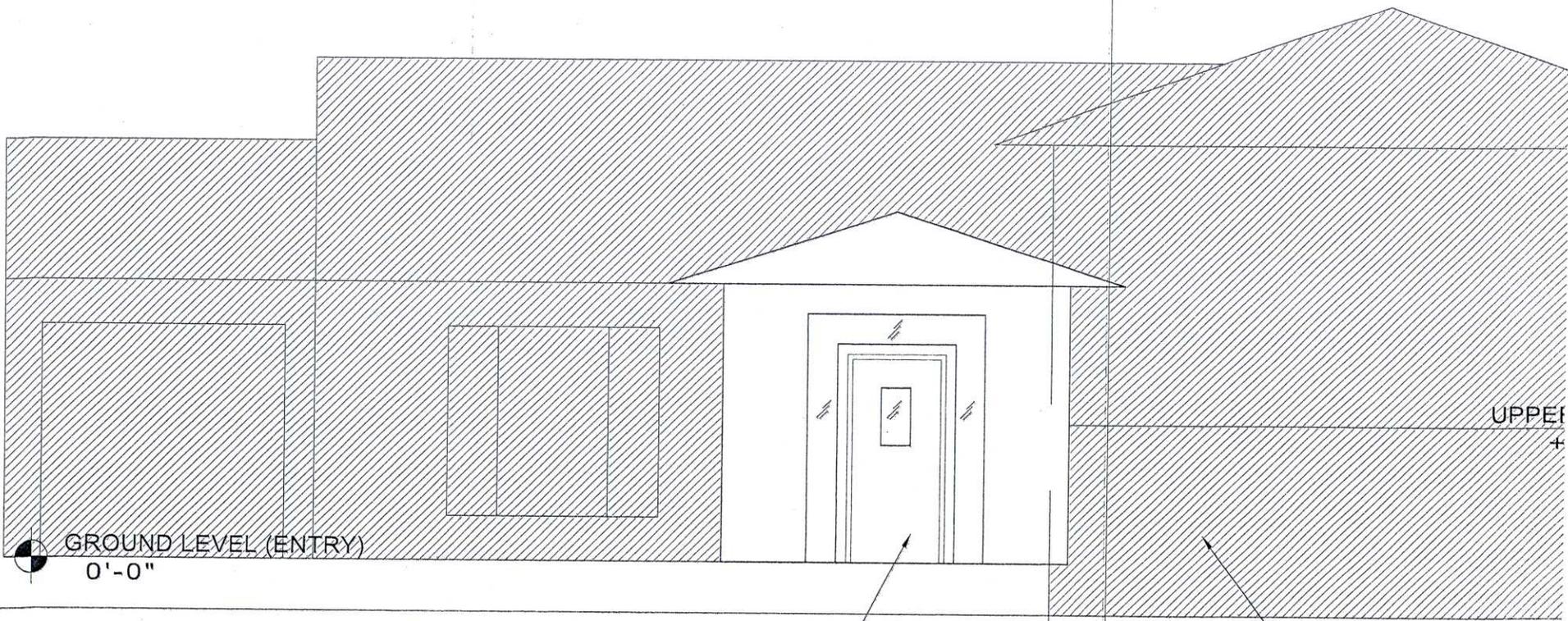
11/20/2023 11:40:00 AM



16'-0"
9'-6"
4'-9"
1'-9"

PROPOSED 1 STORY
HIGH ADDITION (436 SF)

EXISTING STRUCTURE

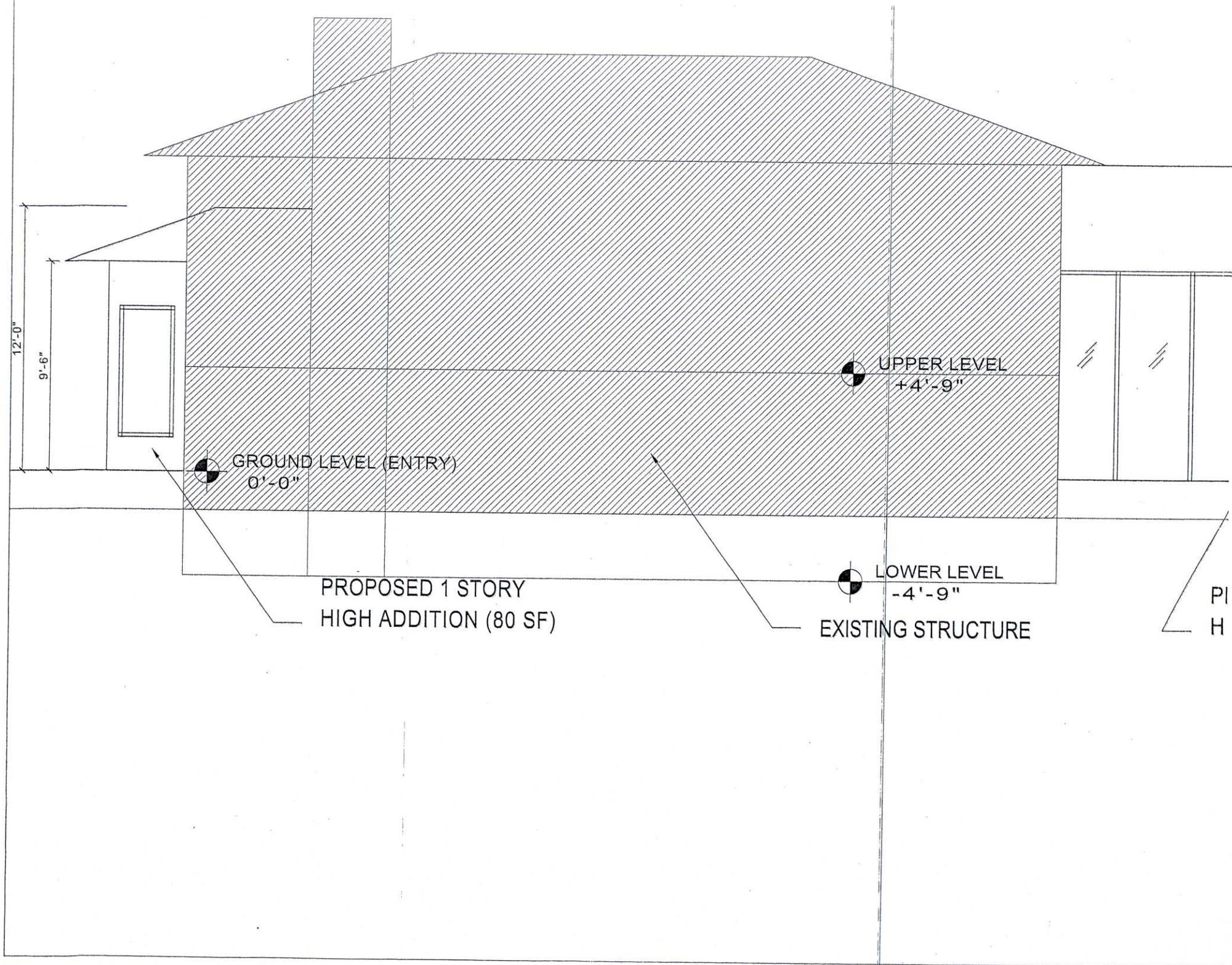


UPPER
+

GROUND LEVEL (ENTRY)
0'-0"

PROPOSED 1 STORY
HIGH ADDITION (80 SF)

LOWE
-
EXISTING



12'-0"
9'-6"

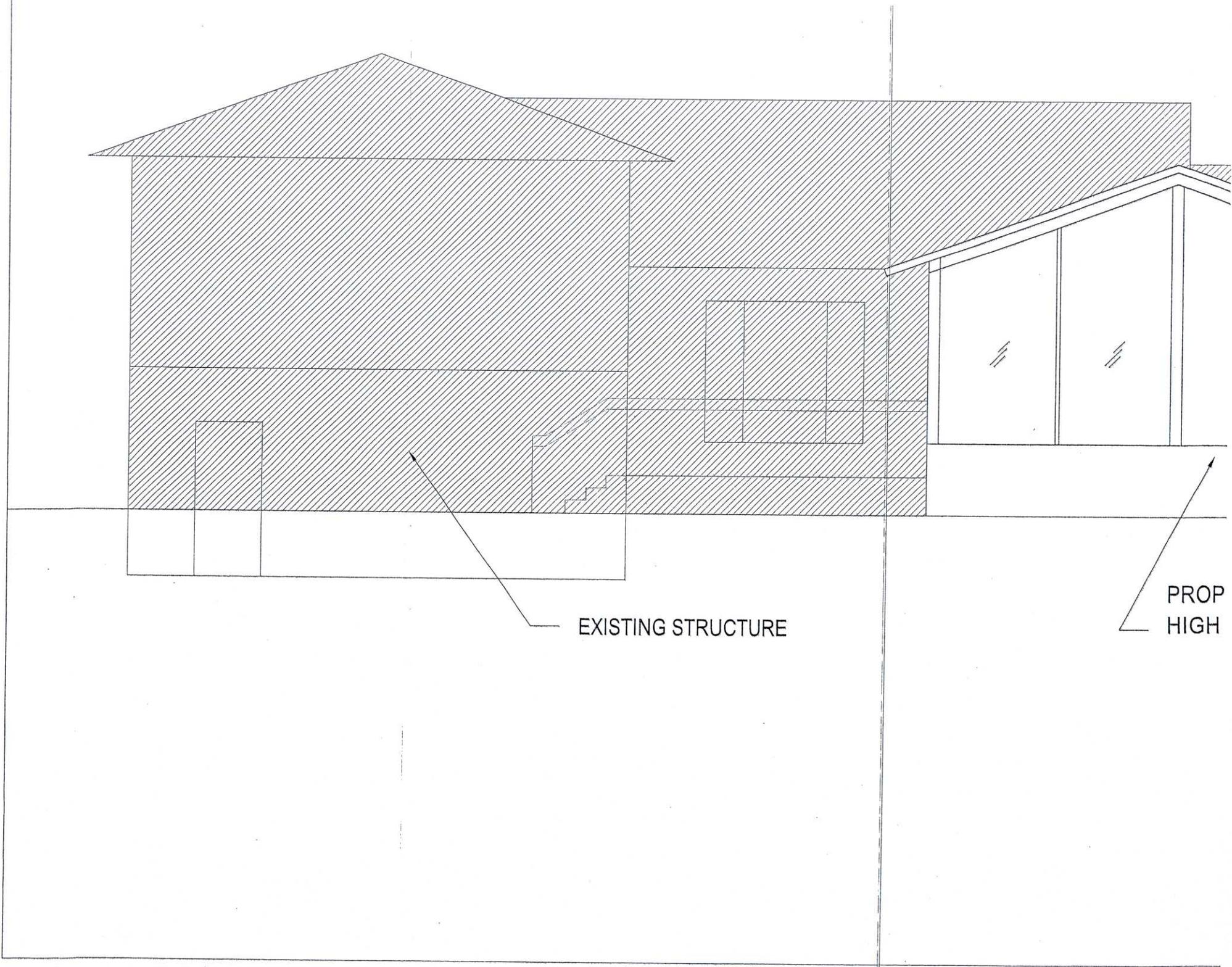
GROUND LEVEL (ENTRY)
0'-0"

PROPOSED 1 STORY
HIGH ADDITION (80 SF)

UPPER LEVEL
+4'-9"

LOWER LEVEL
-4'-9"
EXISTING STRUCTURE

PI
H



EXISTING STRUCTURE

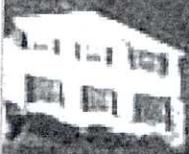
PROP
HIGH

Lisbon Ln

World • United States • VA • Alexandria • Woodley Hills



Lisbon Ln



25 feet

10

© 2011 Microsoft Corporation Pictometry Bird's Eye © 2010 Pictometry International C

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Pictures of 2501 Lisbon Lane, taken 2/26/11

1. View SE toward 2501 Lisbon Lane from Lisbon Lane at a point about 5 feet east of the property line dividing 2501 from 2503 Lisbon Lane
2. View SW toward 2503 Lisbon Lane from Lisbon Lane at a point approximately midway between E and W ends of property line of 2501 Lisbon Lane.
3. View S toward 2501 Lisbon Lane from Lisbon Lane at a point approximately midway between E and W ends of property line of 2501 Lisbon Lane.
4. View SE toward 2407 Lisbon Lane from Lisbon Lane at a point approximately midway between E and W ends of property line of 2501 Lisbon Lane.
5. View S toward 2501 Lisbon Lane from Lisbon Lane at a point where the driveway meets Lisbon Lane.
6. View SE toward 2407 Lisbon Lane from Lisbon Lane at a point where the driveway meets Lisbon Lane.
7. View S from Lisbon Lane along the property line separating 2407 and 2501 Lisbon Lane.
8. View SSE from the approximate position of the SE corner of the proposed addition toward 2500 Appian Court.
9. View S from the approximate position of the SW corner of the proposed addition toward 2500 Appian Court (the left end of the visible fence is at the interception of the property lines of 2501 Lisbon Lane, 2500 Appian Court, and 2502 Appian Court).
10. View SW from the approximate position of the SW corner of the proposed addition toward 2502 Appian Court.
11. View SW from the current SW corner of the existing dwelling at 2501 Lisbon Lane toward 2502 Appian Court.
12. View S from the current SW corner of the existing dwelling at 2501 Lisbon Lane toward 2502 Appian Court.
13. View E from a point approximately 5 feet from the SW corner of the 2501 Lisbon Lane property along the fence separating 2501 Lisbon Lane from 2502 Appian Court.
14. View NE from a point approximately 5 feet from the SW corner of the 2501 Lisbon Lane property of 2501 Lisbon Lane.
15. View N of existing rear of 2501 Lisbon Lane; proposed addition would replace the deck and extend eastward to align with the N-S garage wall.

RECEIVED
Department of Planning & Zoning

MAY 17 2011

Zoning Evaluation Division



#1



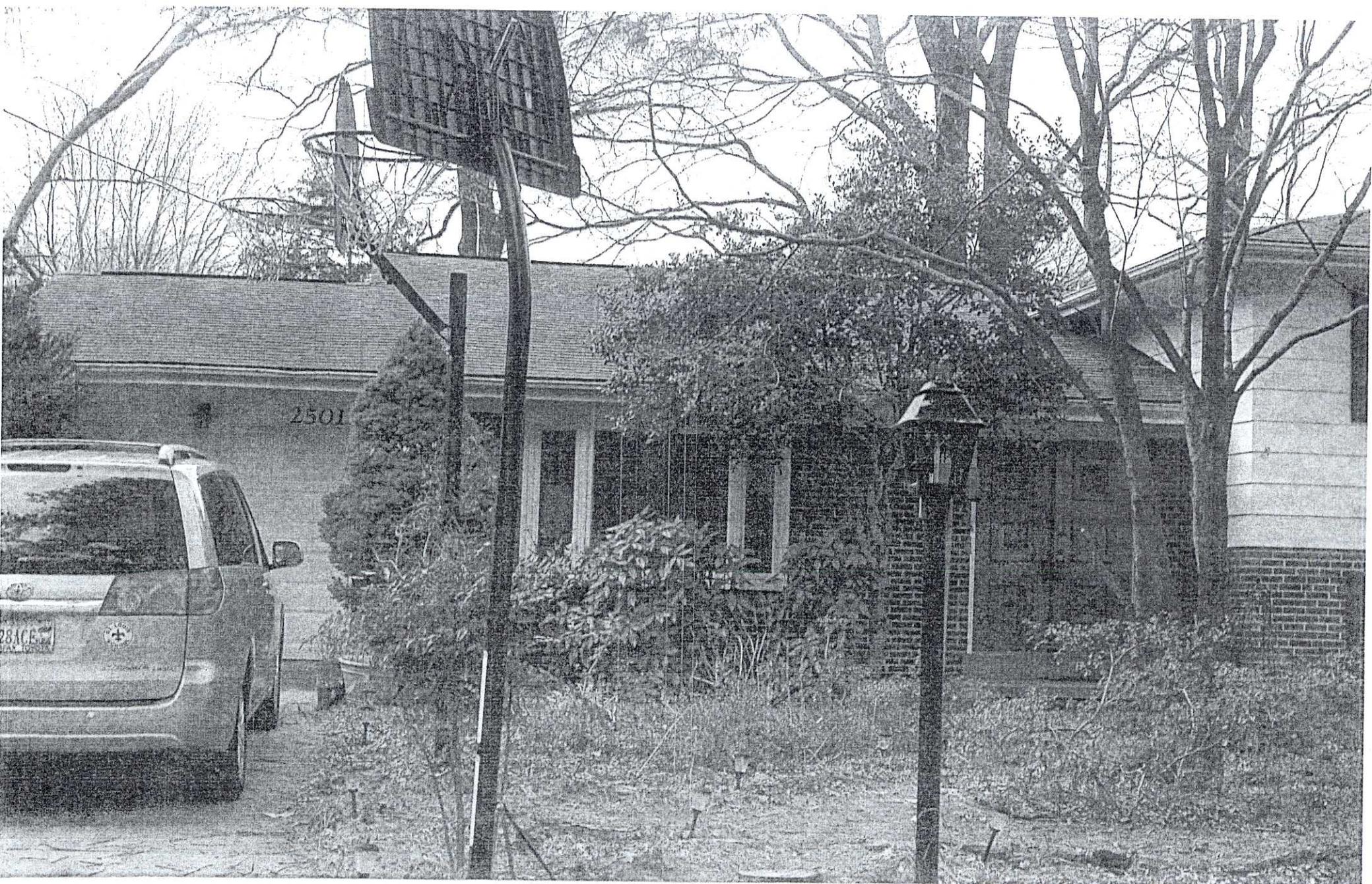
#2



#3



#4



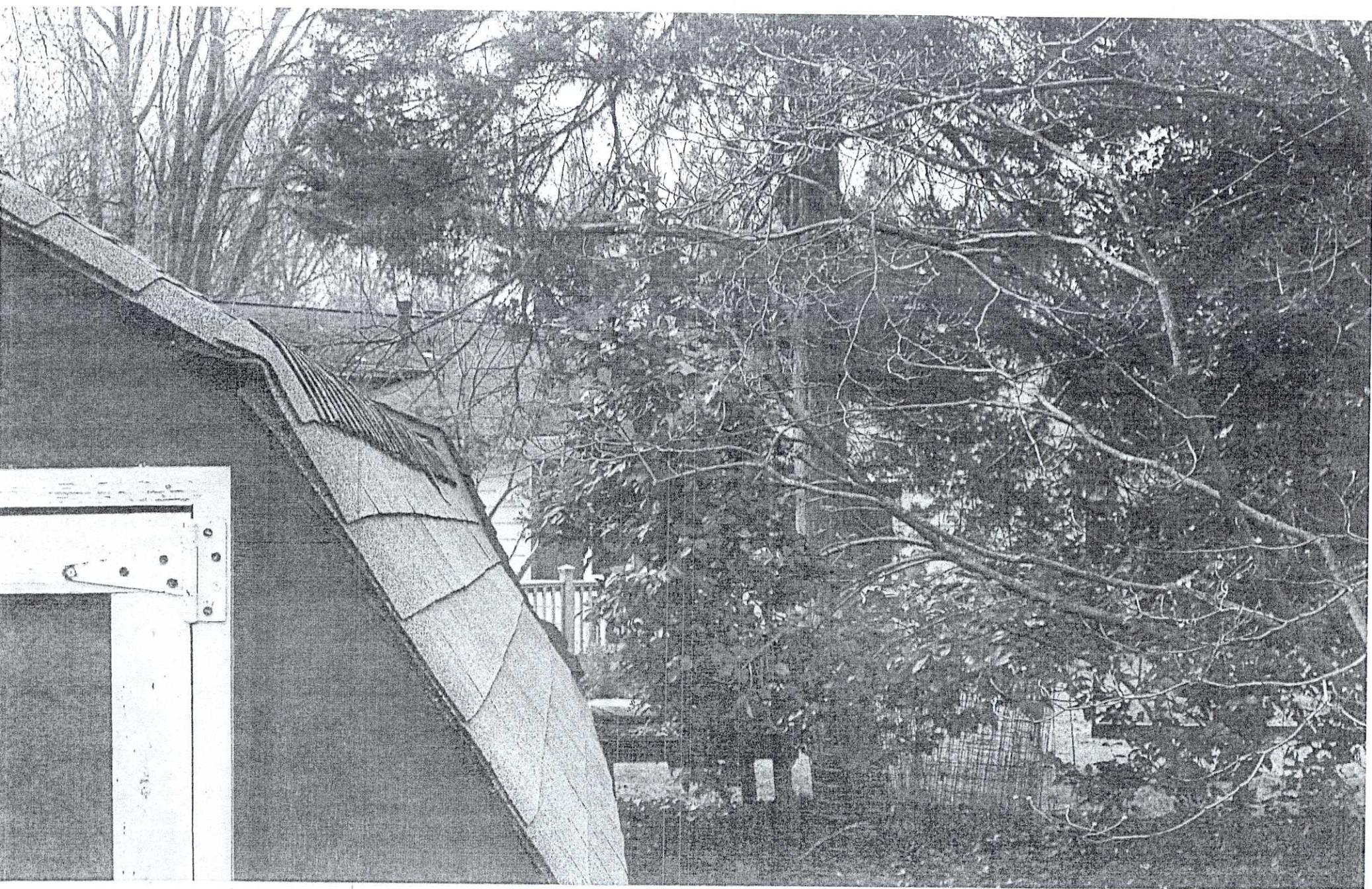
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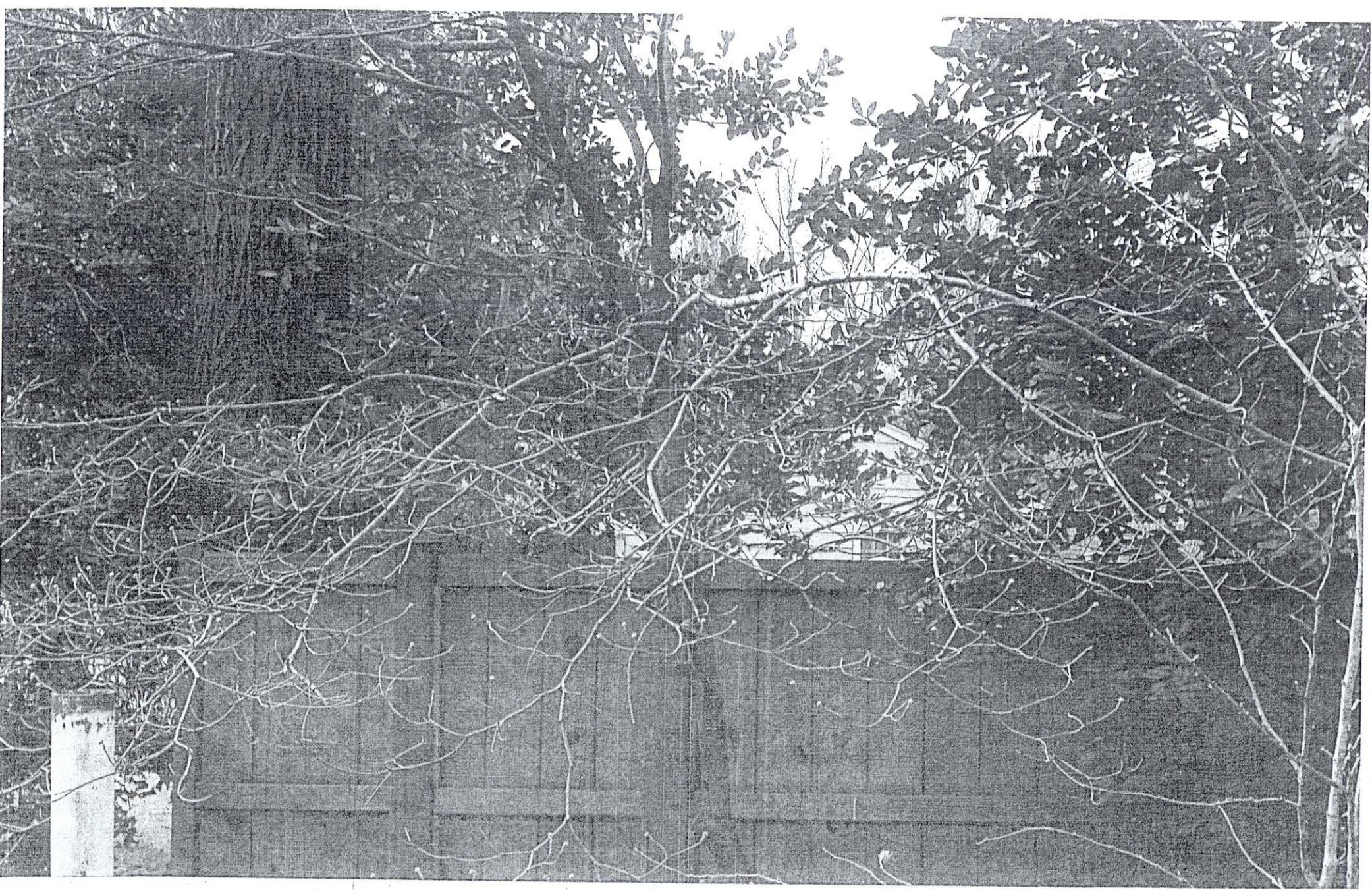
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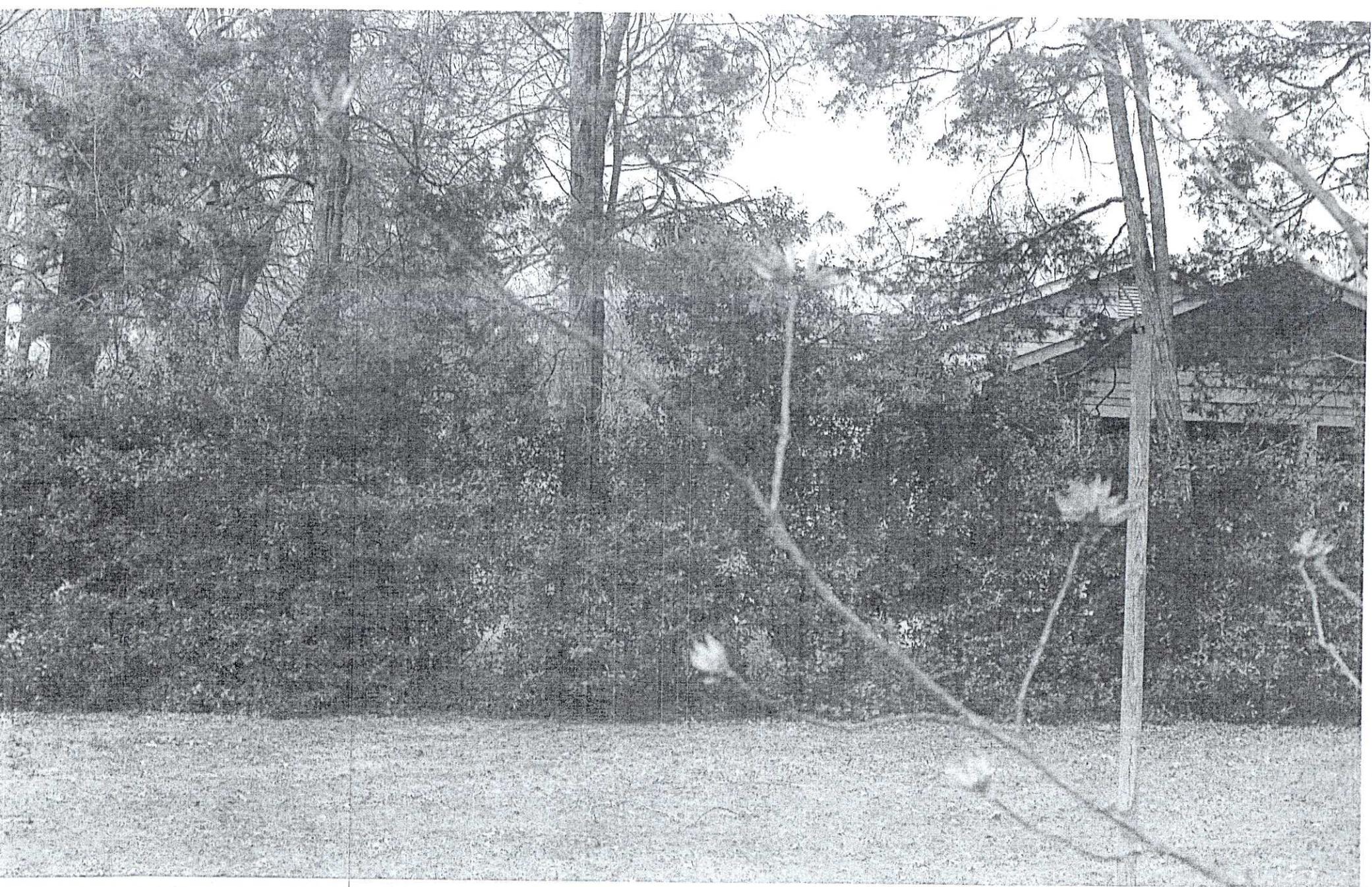
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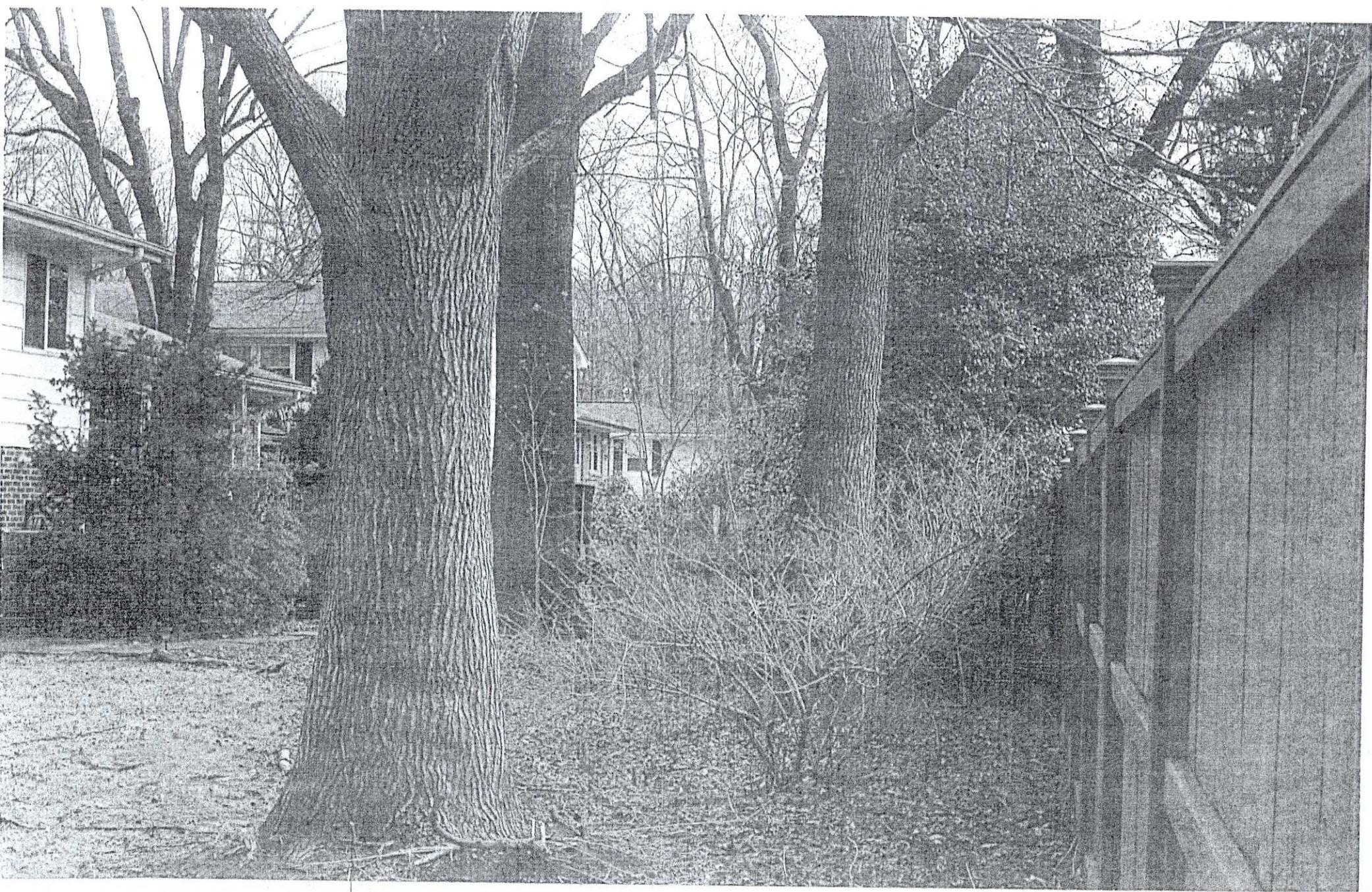
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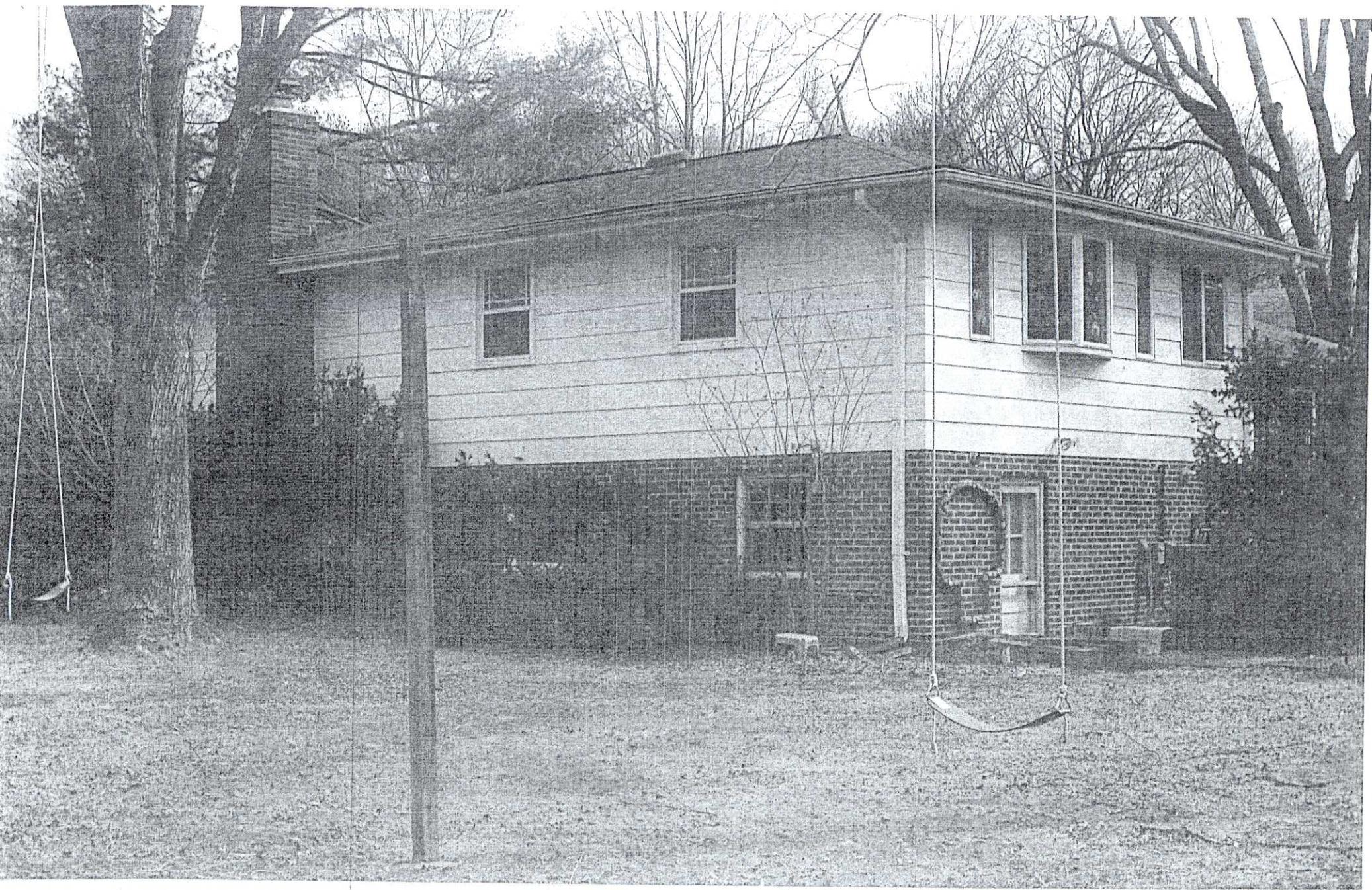
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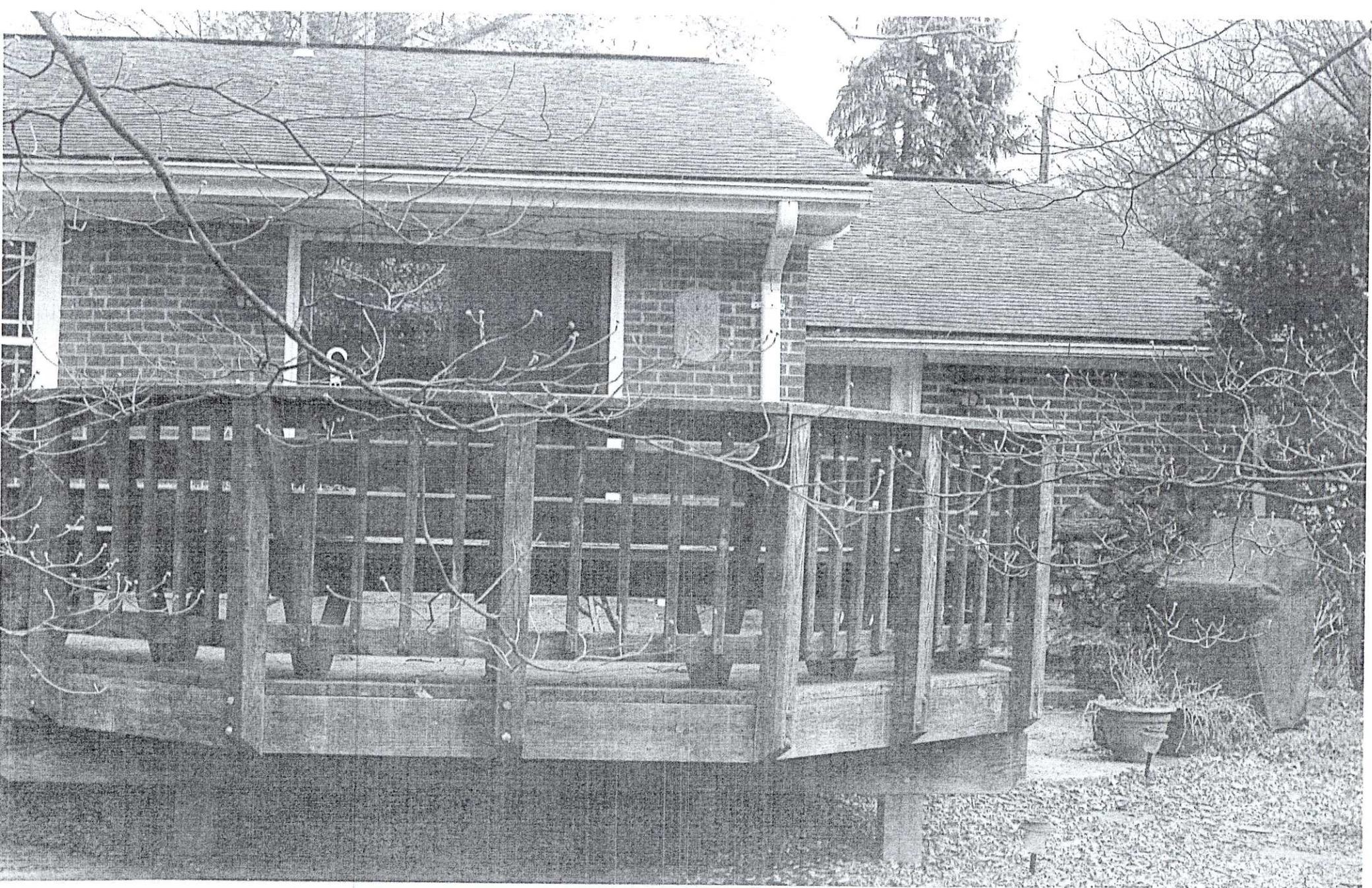
#12



#13



#14



#15



Picture of 2500 Appian Court
from S lot line of 2501
Lisbon Lane

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MAR 29 2011
Zoning Evaluation Division



Picture of 2501 Lisbon Lane (L)
looking E from intersection of
W & S lot lines

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Department of Planning & Zoning
MAR 29 2011
Zoning Evaluation Division



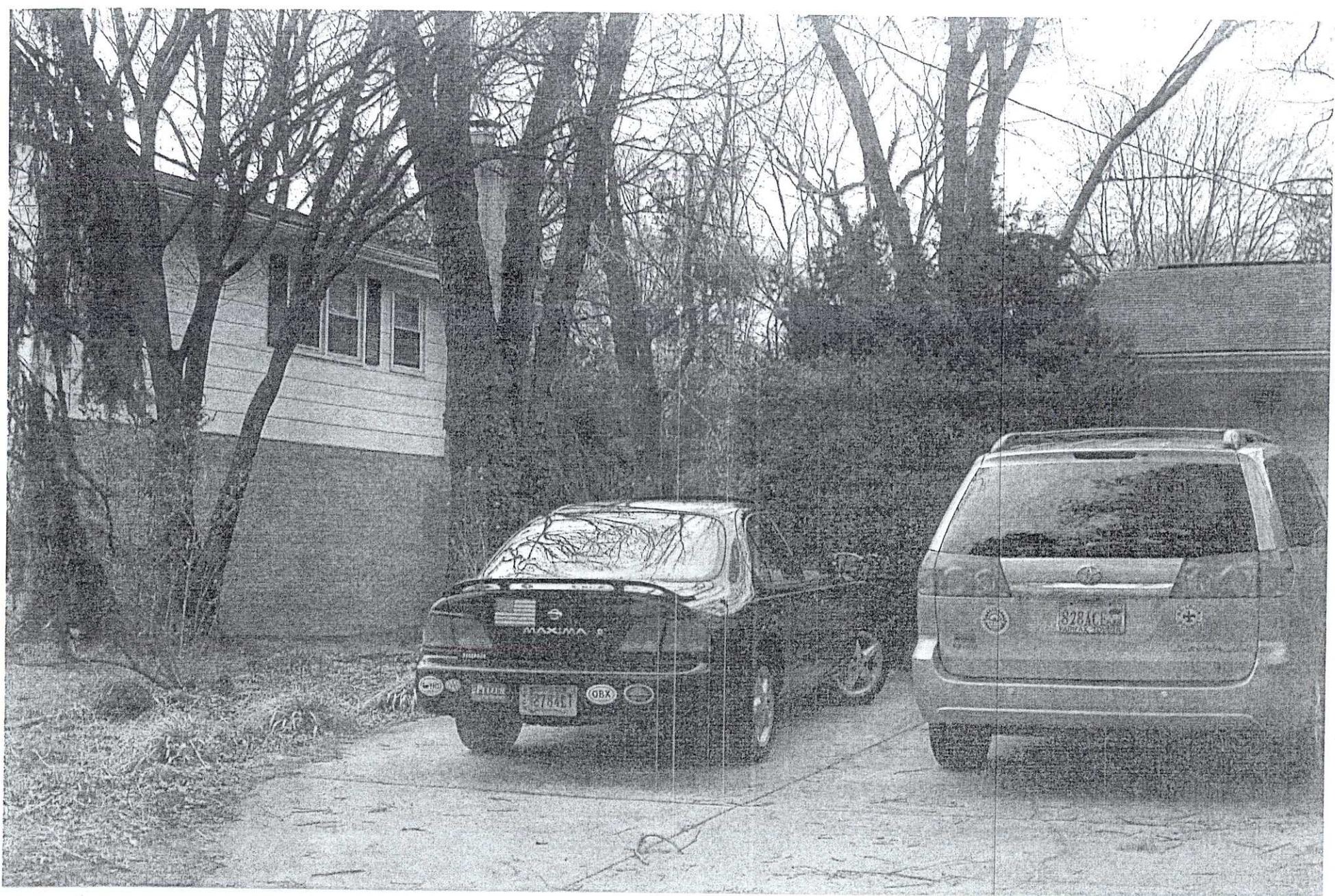
Picture of 2502 Appian Court from
2501 Lisbon Lane

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Department of Planning & Zoning
MAR 29 2011
Zoning Evaluation Divisor



Picture of 2407 Lisbon Lane (L) and 2501 Lisbon Lane (R)
from E lot line looking S

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Department of Planning & Zoning
MAR 29 2011
Zoning Evaluation Division



Picture of 2407 Lisbon Lane from
N lot line of 2501 Lisbon Lane
looking SSE (2501 at right)



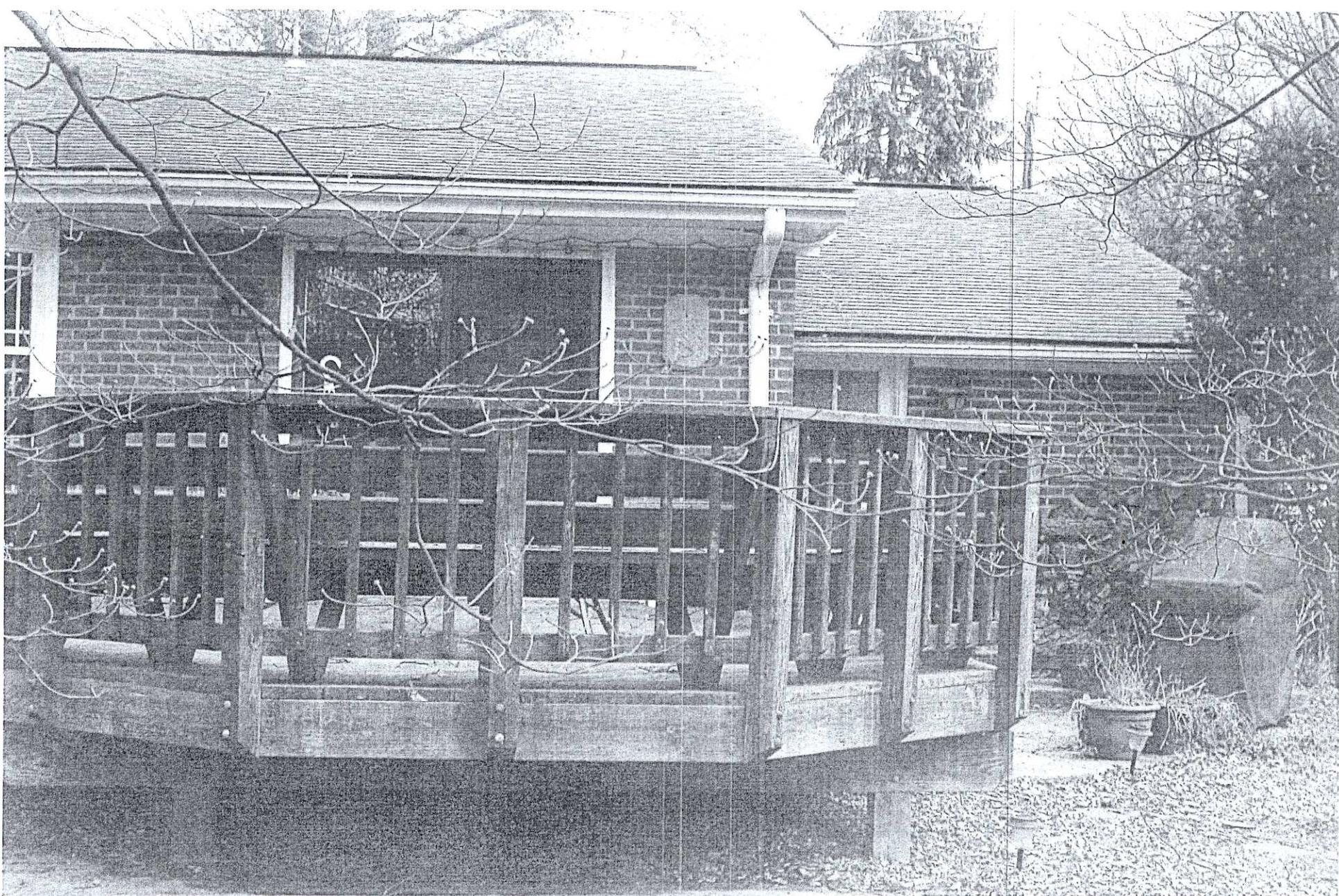
Picture of 2503 Lisbon Lane from
N lot line of 2501 Lisbon Lane looking SW

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Department of Planning & Zoning
MAR 29 2011
Zoning Evaluation Division



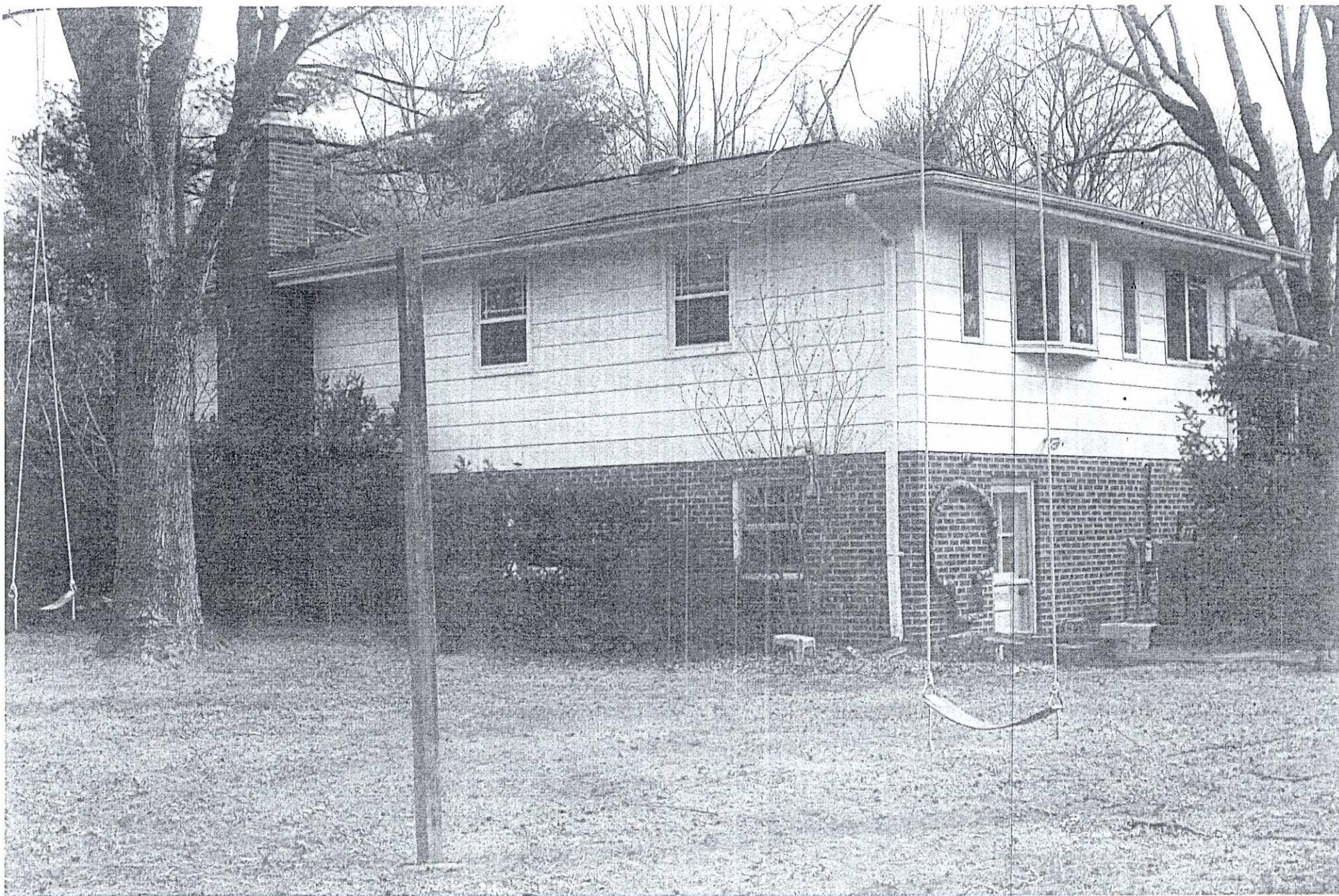
Picture of 2501 Lisbon Lane
from N lot line looking SE

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Department of Planning & Zoning
MAR 29 2011
Zoning Evaluation Division



Picture of 2501 Lisbon Lane (rear)
from S lot line

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Department of Planning & Zoning
MAR 29 2011
Zoning Evaluation Division



Picture of 2501 Lisbon Lane
~~from~~ from W lot line looking NE

RECEIVED
Department of Planning & Zoning
MAR 29 2011
Zoning Evaluation Division

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit to allow reduction of certain yard requirements to permit the construction of a one-story sunroom addition to be located 17.5 to its eave from the rear lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Rear	25.0 feet	17.5 feet	7.5 feet	31%

*Minimum yard requirement per Section 3-207

EXISTING SITE DESCRIPTION

The site is currently zoned R-2 and developed with a split-level, single-family detached dwelling, built in 1966. An existing wood deck is located on the rear of the dwelling which was constructed by building permit in 1993. The lot consists of 18,692 square feet and is accessed via a concrete driveway from Lisbon Lane, which terminates at the dwellings existing one car garage. The yard contains a mixture of mature trees and shrubs.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2	Single Family Detached Dwellings
East	R-2	Single Family Detached Dwellings
South	R-3	Single Family Detached Dwellings
West	R-3	Single Family Detached Dwellings

BACKGROUND

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Special Permit Plat, Weinberg Residence Renovations & Addition, 2501 Lisbon Lane, Alexandria, Virginia 22305
- **Prepared by:** ALine Architecture, LLC dated March 29, 2011 as revised through April 27, 2011

Proposal:

The applicant proposes to construct a one-story, 503 square foot sunroom addition in the location of an existing wood deck, 17.5 feet from the rear lot line. The addition will allow the applicant the ability to incorporate interior renovations to the split-level dwelling to add a bathroom on the main level in preparation for "aging in place". The applicant further proposes to construct a new 80 square foot addition on the front of the dwelling and additional interior renovations; however, that construction is permitted by-right.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application must meet all of the following standards, copies of which are attached as Appendix 4:

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

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3.

General Standard 3 requires that the 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. *Staff believes by observation of the neighborhood through submitted photographs that the construction of a one-story sunroom addition will not adversely affect the use or development of neighboring properties as the addition will be placed in the location where there currently exists a wood deck along a portion of the rear of the dwelling. As shown in the aerial photograph at the front of the staff report, the dwellings on surrounding lots are situated on the lots where the impact to the adjacent and/or rear lot lines appears to be minimal. The lot contains ample existing mature vegetation and a*

six foot high privacy fence is located along the rear lot line which will further screen the one-story addition. Therefore, staff believes 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. The existing dwelling is 2,440 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,660 square feet in size for a possible total square footage at build out of 6,100. The proposed one-story addition is approximately 503 square feet in size, for a total square footage of the house with the addition of 2,943 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 and pictures submitted indicate that the materials, size and scale of the proposed one-story sunroom addition will be compatible with the dwelling; the house is a two-story, split-level and measures approximately 20 feet in height and the addition will be one-story, measuring approximately 16 feet in height. The architecture and material will match the existing dwelling. The applicant's request to enclose an area of an existing wood deck into a sunroom addition will be in character with existing on-site development. 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. The applicant proposes to construct a one-story sunroom addition which will enclose a portion of an existing open wood deck. There is significant mature vegetation adjacent to the rear lot line in addition to a wood privacy fence. The applicant does not propose to remove any existing vegetation, other than small shrubs which are proposed to be relocated. Other construction on the site is by-right. The applicant proposes the addition along the rear of the dwelling in an effort to maximize the interior layout and preserve existing mature

vegetation within the western side yard. Therefore, staff believes the one-story addition will be harmonious with surrounding off-site uses and meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a 503 square foot one-story sunroom addition will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety, as it will be placed where a wood deck has existed for many years and will simply enclose a portion of that area. Staff believes the addition could in fact lesson issues such as noise, and will not increase runoff or erosion. Therefore, 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 request to construct a one-story sunroom addition is shown in the most logical location, as it will be placed where an existing wood deck is located. The construction of the 80 square foot room addition on the front of the dwelling is permitted by-right. The request for a one-story sunroom addition as proposed will preserve existing mature trees which are located within the western side yard of the property. Given the placement of the existing dwelling within the southeastern quadrant of the lot, the opportunity to construct a sunroom while accommodating the interior layout of the split-level structure, the applicant is limited in areas to provide the ability to renovate the interior of the home to provide a bathroom on the main living area without the need for a special permit. The lot contains significant mature vegetation and the applicant has indicated that every effort will be made to preserve as much vegetation as possible. Staff believes 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-MV-072 for a one-story, 503 square foot 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. Applicable Zoning Ordinance Provisions

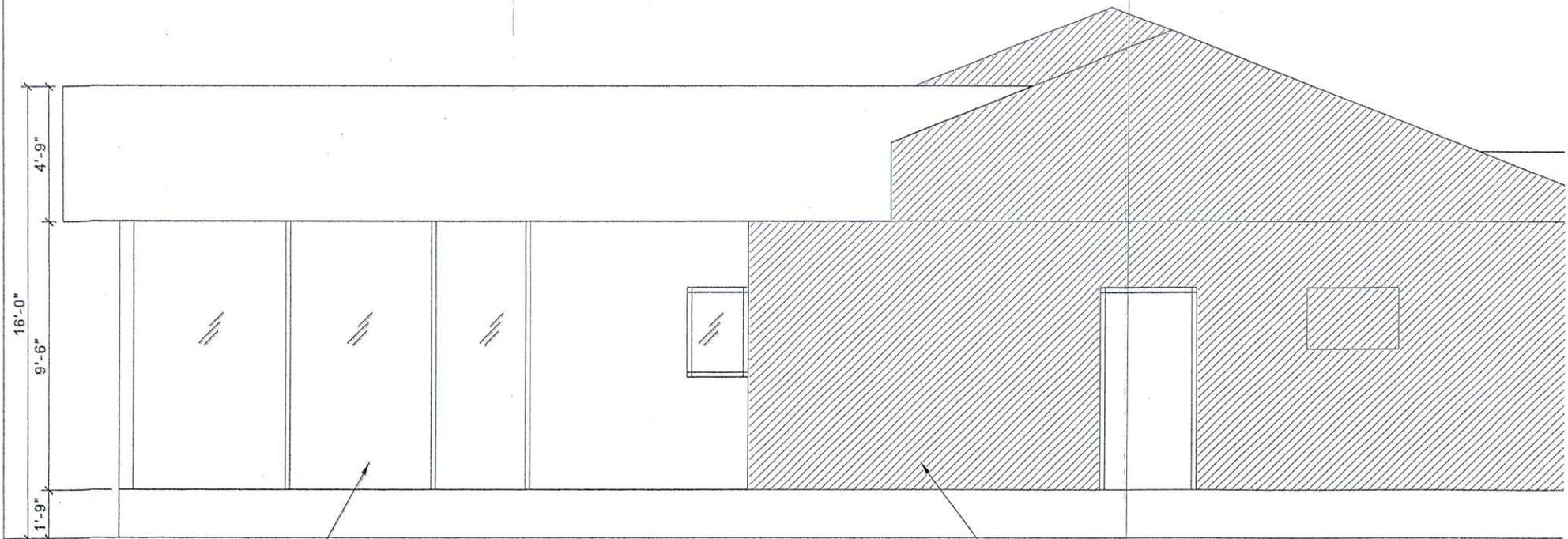
PROPOSED DEVELOPMENT CONDITIONS**SP 2011-MV-072****September 28, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-MV-072 located at Tax Map 93-3 ((19)) 3 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 a one-story sunroom addition (approximately 503 square feet), as shown on the plat prepared by ALine Architecture, LLC, dated March 29, 2011, as revised through April 27, 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 (2,440 square feet existing + 3,660 square feet (150%) = 6,100 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.

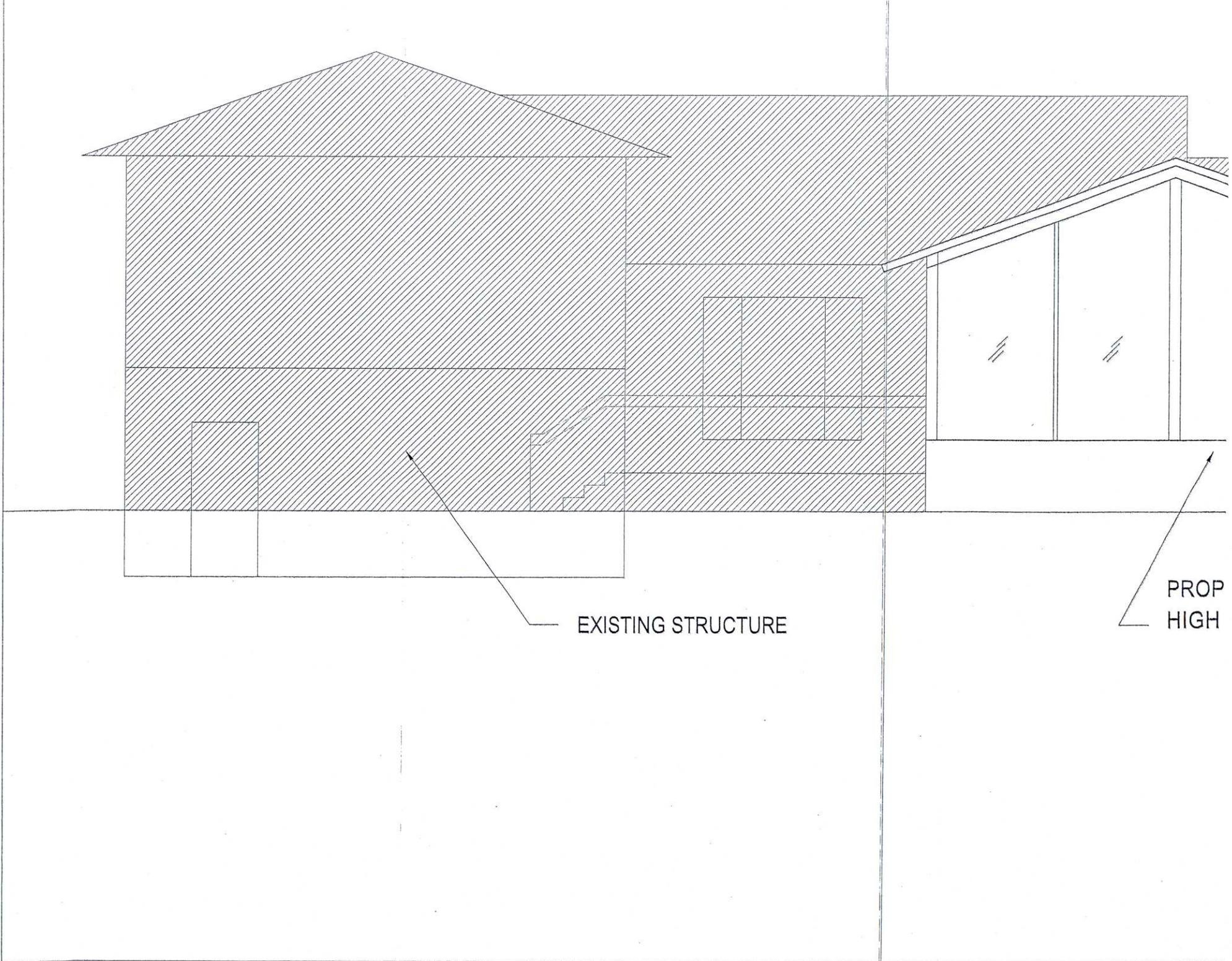
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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.



PROPOSED 1 STORY
HIGH ADDITION (436 SF)

EXISTING STRUCTURE



EXISTING STRUCTURE

PROP
HIGH

Application No.(s): SP 2011-MU-072
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/20/11
 (enter date affidavit is notarized)

I, Daniel H. Weinberg, 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 111312 &

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)
Daniel H. Weinberg	2501 Lisbon Lane, Alexandria VA 22306	Applicant, Title Owner
Susan S. Weinberg	2501 Lisbon Lane, Alexandria VA 22306	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-MU-072
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/20/11
(enter date affidavit is notarized)

11/3/25

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)

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-MU-072

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

5/20/11

(enter date affidavit is notarized)

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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**)

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

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

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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

5/20/11

(enter date affidavit is notarized)

1113126

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.

SP 2011-MV-072

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/20/11
(enter date affidavit is notarized)

1113126

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)

Daniel Weinberg
 Applicant Applicant's Authorized Agent

DANIEL H. WEINBERG
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20th day of MAY 2011, in the State/Comm. of VA, County/City of FAIRFAX.

My commission expires: JAN 31, 2014

Adrian Ortega
Notary Public
ADRIAN ALBERTO ORTEGA
Notary Public
Commonwealth of Virginia
7327050
My Commission Expires Jan 31, 2014

Special Permit Statement of Justification

March 30, 2011

Submitted by Daniel H. and Susan S. Weinberg, Owners

Property: 2501 Lisbon Lane, Alexandria VA 22306 (County of Fairfax)

Regarding: Application SP 2011 -0057

This is a request for a reduction in the rear setback for a single-family residence, zoned R-2, from 25 feet to 17.5 feet (including the overhang) for the purpose of constructing an addition to the rear of the existing house. The addition will be of a type consistent with the existing brick and frame dwelling and replace most of the existing deck now in that location.

We anticipate no impact on traffic or on the neighbors, whose houses are set well back from the lot lines. To the best of our knowledge, the existing and proposed uses conform to all existing ordinances, regulations, and standards.

There are no hazardous or toxic substances as set forth in Title 40 CFR parts 116.4, 302.4, and 355 such as hazardous waste and/or petroleum products.

There will be no placement of an auxiliary structure in the front yard.

The current gross floor area of the existing structure is approximately 2440 sq ft. There are three renovations proposed:

- 1- Conversion of rear of existing garage to living space including relocation of rear wall of garage and subdivision of that longer room (interior work)
- 2- The proposed rear addition (one 20.9'x22' room or 503 sq ft) – Special Permit requested
- 3- The proposed front addition (an 8'x10' entryway or 80 sq ft) - By Right
- 4- The proposed FAR is 0.16.

Together the front and rear additions total 583 sq ft of gross floor area (24% of the existing structure -- less than 150 percent of the total gross floor area of the current permanent structure, which is clearly subordinate to the existing principal structure (cf. 930.00-01). The proposed addition is in compliance with the Zoning Ordinance Article 8. The proposed addition is in character with the existing on-site development (cf. 930.02), is harmonious with the surrounding off-site structures (cf. 930.03), will not adversely affect the neighboring properties in any way (cf. 930.04), and is appropriate to complete the proposed project (cf. 930.05). We believe, similar additions are previously granted by BZA and built in our neighborhood.

We understand that the Board of Zoning Appeals will make the final determination.

Thank you for your consideration.

Daniel and Susan Weinberg

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.