



**APPLICATION ACCEPTED:** September 14, 2011  
**DATE OF PUBLIC HEARING:** November 30, 2011  
**TIME:** 9:00 a.m.

# County of Fairfax, Virginia

---

November 23, 2011

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2011-PR-083**

### PROVIDENCE DISTRICT

**APPLICANT/OWNERS:** Robert M. Grims  
Yung H. Kim

**LOCATION:** 9750 Hatmark Court

**SUBDIVISION:** Wildwood

**TAX MAP:** 48-1 ((25)) 10

**LOT SIZE:** 7,571 square feet

**ZONING:** R-4 (Cluster)

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of additions 17.1 feet and 15.2 feet from rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2011-PR-083 for the additions with the adoption of the proposed development conditions contained in Appendix 1.

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

*O:\mmertz\SP\_Grims\SP 2011-PR-083 staff report.doc*

*Matthew Mertz*

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.

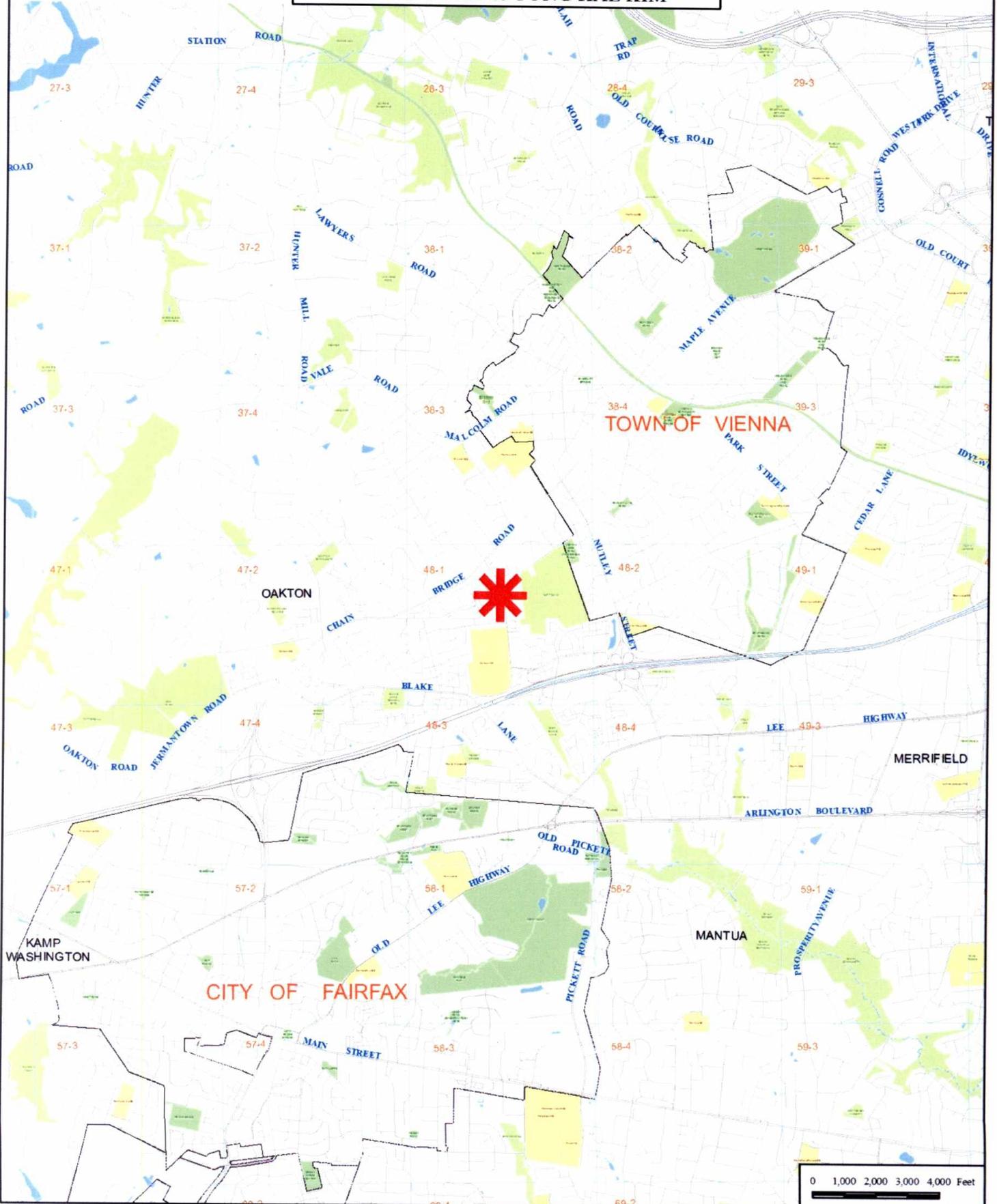
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 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-PR-083**  
**ROBERT GRIMS & YUNG HAE KIM**





NOTES:

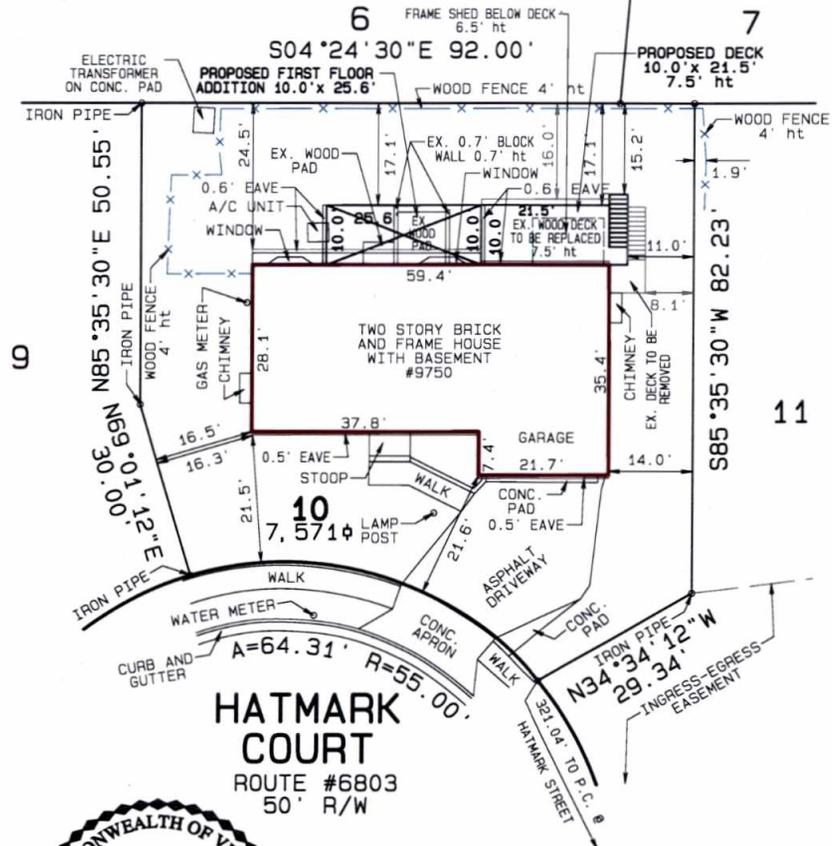
- TAX MAP 048-1-25-0010
- PROPERTY SHOWN HEREON IS ZONED:  
R-4C (R-4 W/CLUSTER DEV.)
- MINIMUM YARD REQUIREMENTS IN ZONE R-4C  
FRONT: 20'  
SIDE: 8'  
REAR: 25'
- PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THE PROPERTY SHOWN HERE IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0145E EFFECTIVE DATE, SEPTEMBER 17, 2010.
- THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.

7. FLOOR AREA:	
EXISTING GROSS FLOOR AREA HOUSE	1,714 SQ. FT.
EXISTING GROSS FLOOR AREA GARAGE	462 SQ. FT.
PROPOSED GROSS FLOOR AREA DECK	222 SQ. FT.
PROPOSED GROSS FLOOR AREA ADDITION	234 SQ. FT.
<b>TOTAL FLOOR AREA</b>	<b>2,632 SQ. FT.</b>
PROPOSED FLOOR AREA RATIO: 0.34	

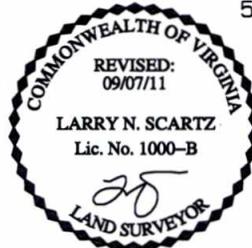
HEIGHT TABLE

EXISTING HEIGHT OF HOUSE:	26.4'
EXISTING HEIGHT OF SHED:	6.5
PROPOSED HEIGHT OF ADDITION:	19.8'
PROPOSED HEIGHT OF DECK:	7.5'

B.F. WEAVER SUBD. SECTION 1



**HATMARK COURT**  
ROUTE #6803  
50' R/W



SPECIAL PERMIT PLAT

LOT 10

**WILDWOOD**

PROVIDENCE MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=20' DATE: JUNE 28, 2011

CASE NAME: GRIMS  
NVS REMODELING & DESIGN

NO TITLE REPORT FURNISHED.  
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.  
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY  
AND DO NOT CERTIFY AS TO OWNERSHIP.

**SCARTZ SURVEYS**

LARRY N. SCARTZ LOCAL (703) 494-4181  
CERTIFIED LAND SURVEYOR FAX (703) 494-3330  
WOODBIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM





Rear Elevation

RECEIVED  
 Department of Planning & Zoning  
 MAR 02 2011

Zoning Evaluation Division

Kim Residence  
 9750 Hatmark Ct.  
 Vienna, Va. 22181

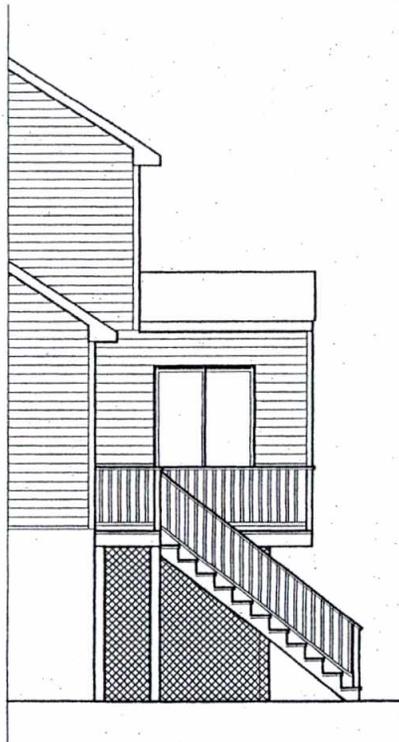
NVS Kitchen & Bath, Inc.  
 8982 Hombaker Rd. Manassas, Va. 20109  
 Phone: 703-378-2600  
 Fax: 703-378-9560

Permit  
 Set

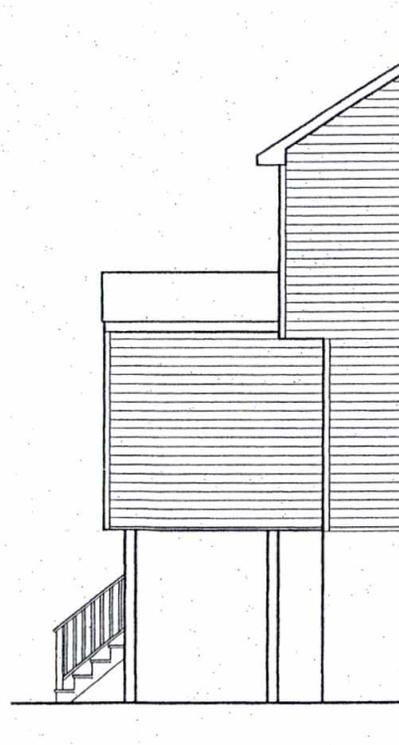
Scale: 1/4" = 1' 0"  
 © Copyright

Plot Date [Rev]:  
 Plot Date [Rev]: 1-10-11





Left Side Elevation



Right Side Elevation

Kim Residence  
9750 Hatmark Ct.  
Vienna, Va. 22181

NVS Kitchen & Bath, Inc.  
8982 Hornbaker Rd. Manassas, Va. 20109  
Phone: 703-378-2600 Fax: 703-378-9660

Permit  
Set

Scale: 1/4" = 1' 0"  
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Plot Date (Prev)  
Plot Date (Cur) 1-10-11

2



Kim Residence  
 9750 Hatmark Ct.  
 Vienna, Va. 22181

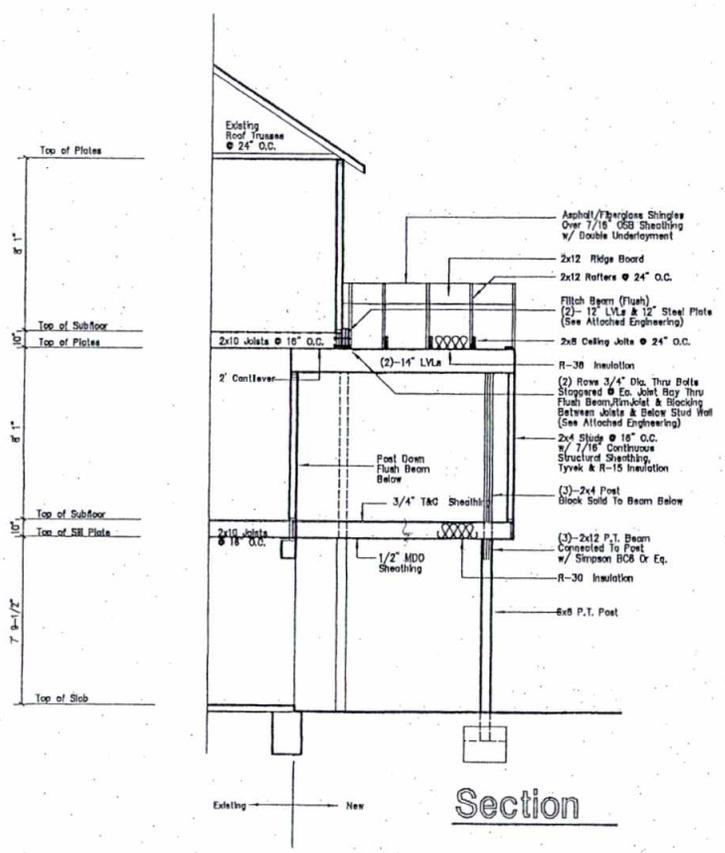
NVS Kitchen & Bath, Inc.  
 8982 Hornbaker Rd. Manassas, Va. 20109  
 Phone: 703-378-2600 Fax: 703-378-9560

Permit  
 Set

Scale: 1/4" = 1' 0"  
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Plot Date (Prev):  
 Plot Date (Over): 1-10-11

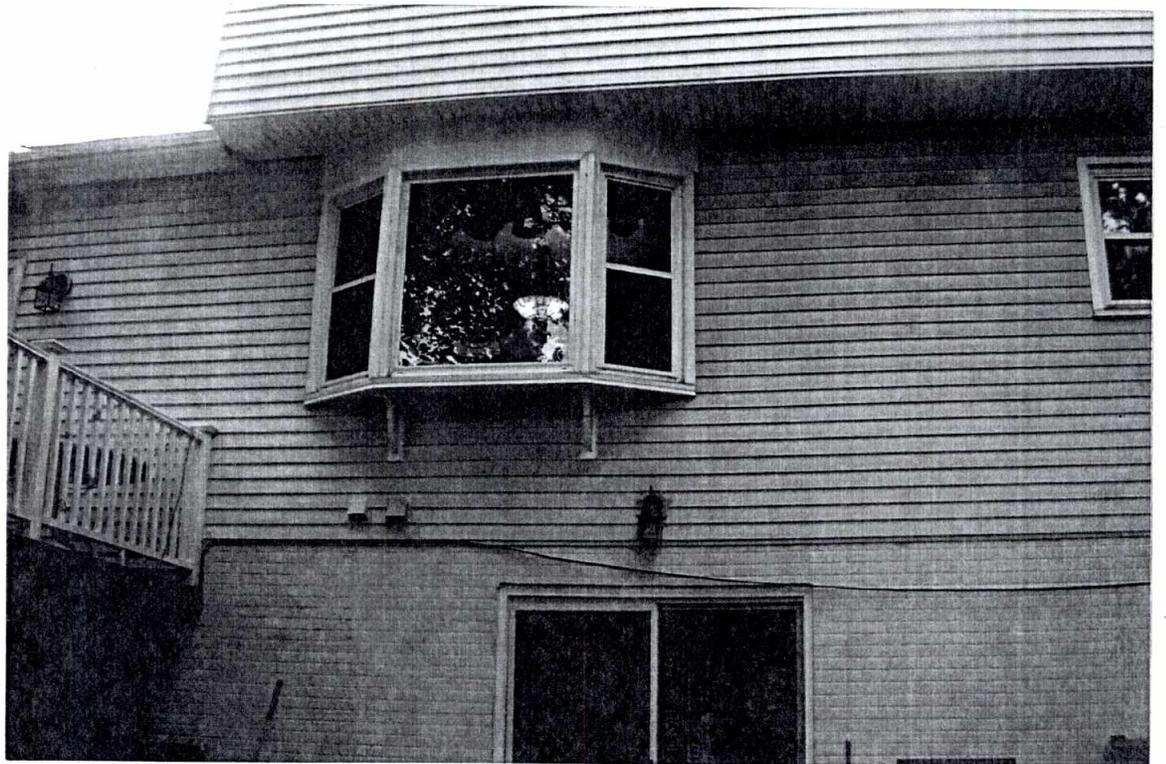
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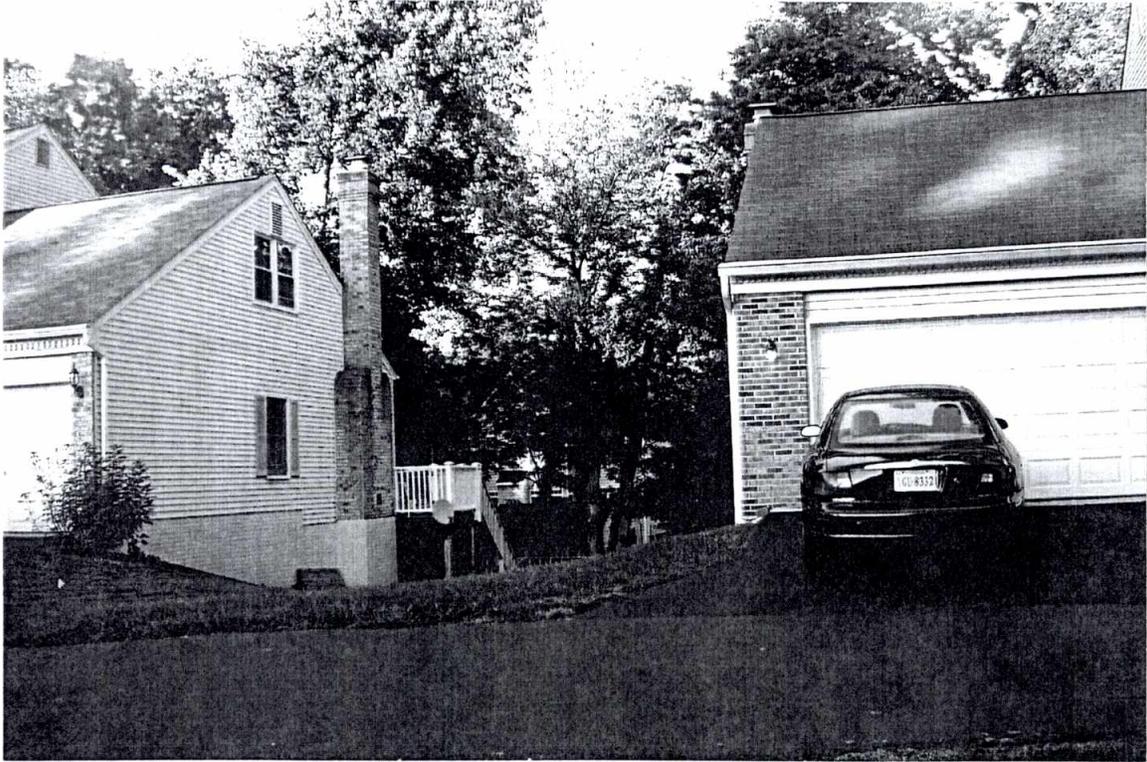
**Notes:**

- General:  
 1.) Submitted Under IRC 2006  
 2.) Required Wind Bracing  
 Thru Continuous Structural Sheathing  
 Design Live Loads:  
 Sleeping Areas - 30 PSF  
 Living Areas - 40 PSF  
 Decks - 40 PSF  
 Roof - 25 PSF  
 Wind Speed - 90 MPH  
 Soil:  
 1.) Assumed Soil Boring Pressure  
 Equal To Be 2,000 PSF
- Wood:  
 1.) All Window & Door Headers Are 2-2x10s  
 Unless Otherwise Noted.  
 2.) All Headers, Joists & Rotters Are Hem-Fir #2 or S.P.F. #2 or Better With the Following Minimum Design Values:  
 Bending Stress F<sub>b</sub>=850 PSI for Single Member Use  
 Horizontal Shear F<sub>v</sub>=70 PSI  
 Compression Parallel to Grain F<sub>c</sub>=1100 PSI  
 Compression Perpendicular to Grain F<sub>c</sub>=405 PSI  
 Modulus of Elasticity=1,300,000 PSI  
 3.) All Wall Studs Are S.P.F. Stud Grade or Better With the Following Minimum Design Values:  
 Compression Parallel to Grain F<sub>c</sub>=625 PSI  
 Bending Stress=875 PSI for Single Member Use  
 Modulus of Elasticity=1,200,000 PSI  
 4.) All LVLs Shall Have the Following Minimum Design Values:  
 Bending Stress=2800 PSI  
 Horizontal Shear=250 PSI  
 Modulus of Elasticity=2,000,000 PSI  
 5.) All Pressure Treated Lumber Shall Be Southern Yellow Pine  
 Grade 2 or Better With the Following Minimum Design Values:  
 Bending Stress F<sub>b</sub>=975 PSI for Single Member Use  
 Horizontal Shear F<sub>v</sub>=80 PSI  
 Compression Parallel to Grain F<sub>c</sub>=1450 PSI  
 Compression Perpendicular to Grain F<sub>c</sub>=560 PSI  
 Modulus of Elasticity=1,800,000 PSI

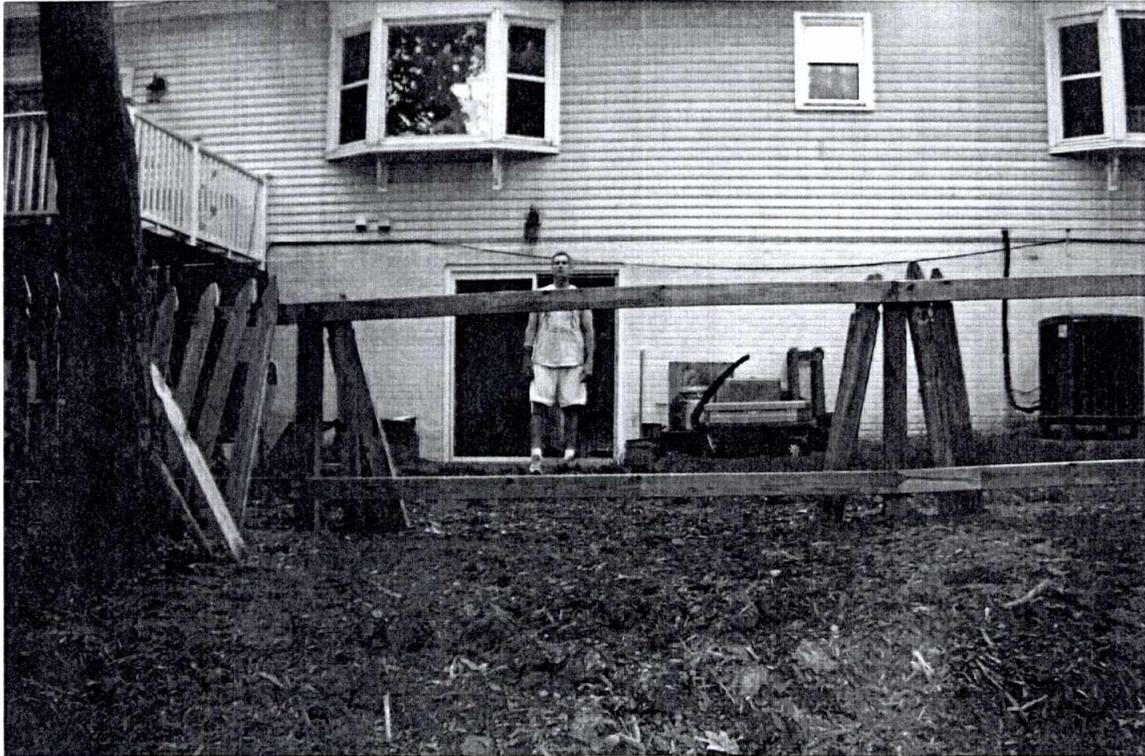
**Section**



Bay window is where  
addition will start from  
in our back yard  
at 9750 Hatmark Ct

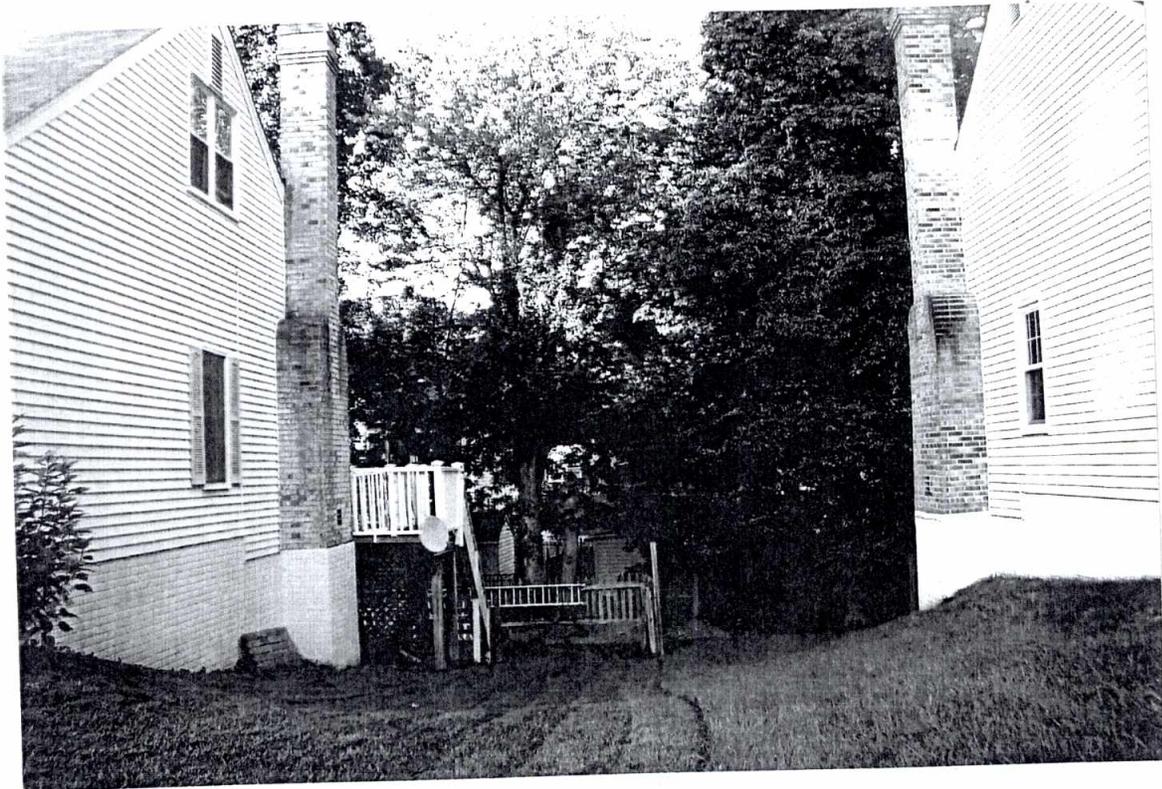


Our house to the left with our deck  
Neighbor house to right

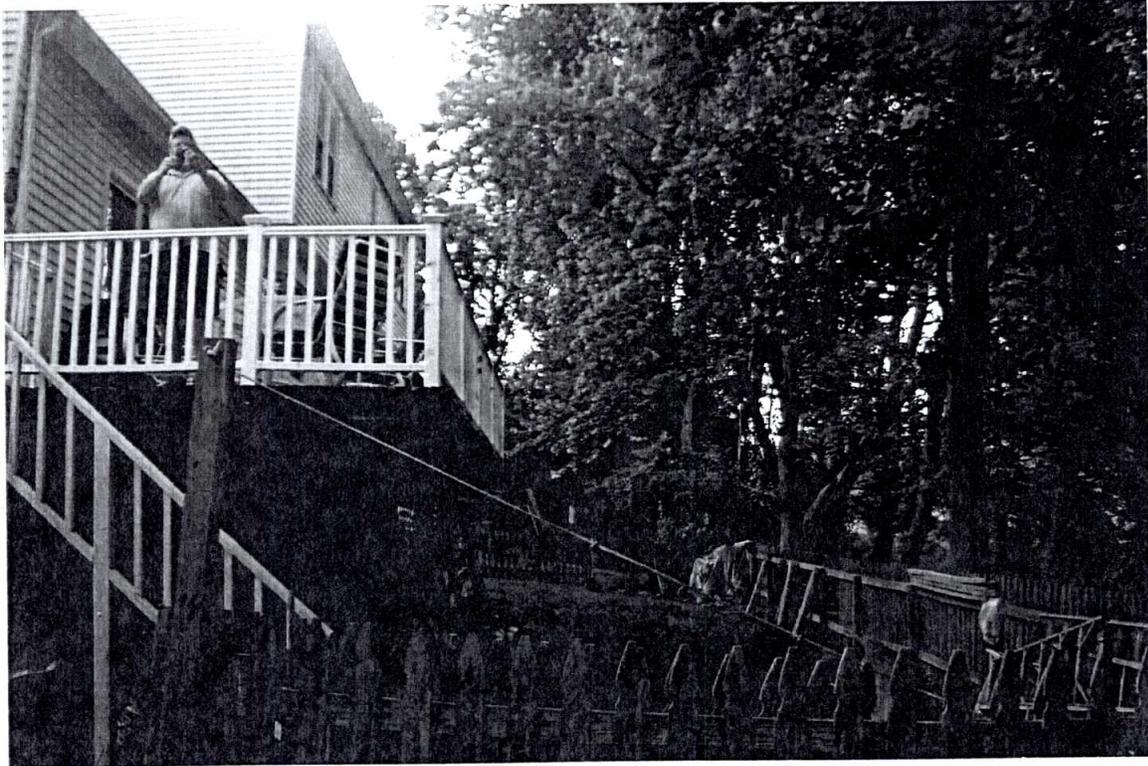


Just above where I am  
standing is where  
addition will be, photo taken  
on borderline

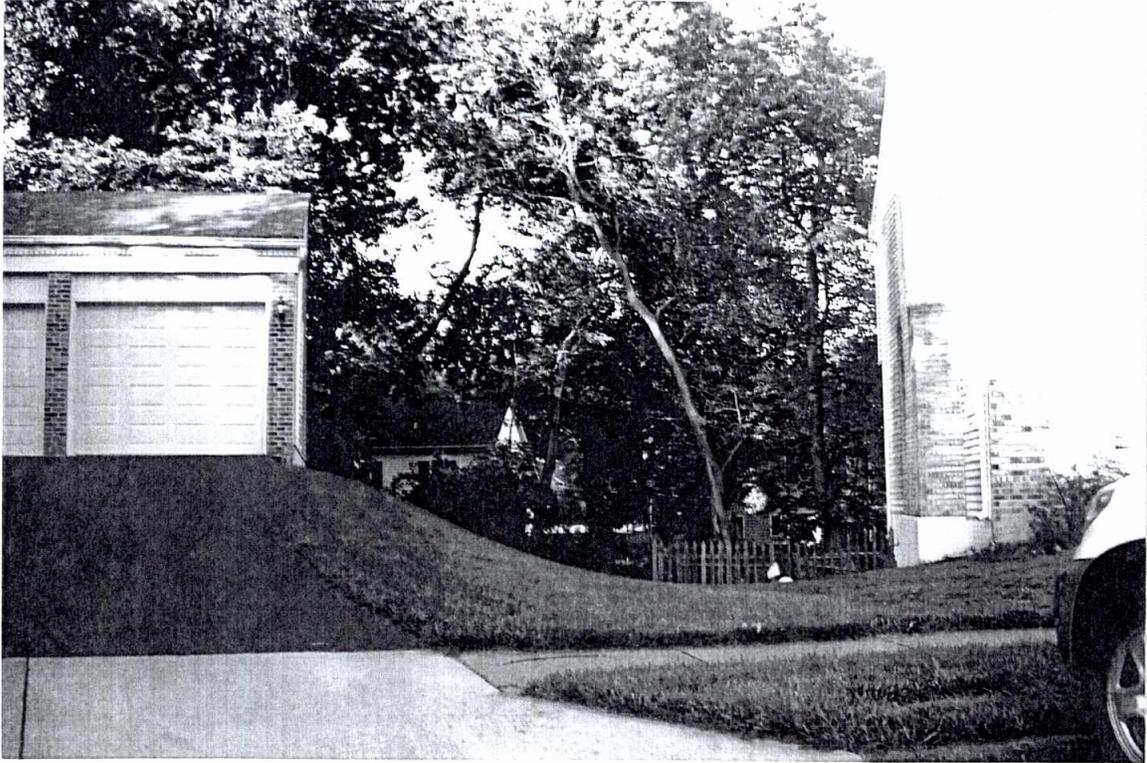
9750 Hatmark Ct.



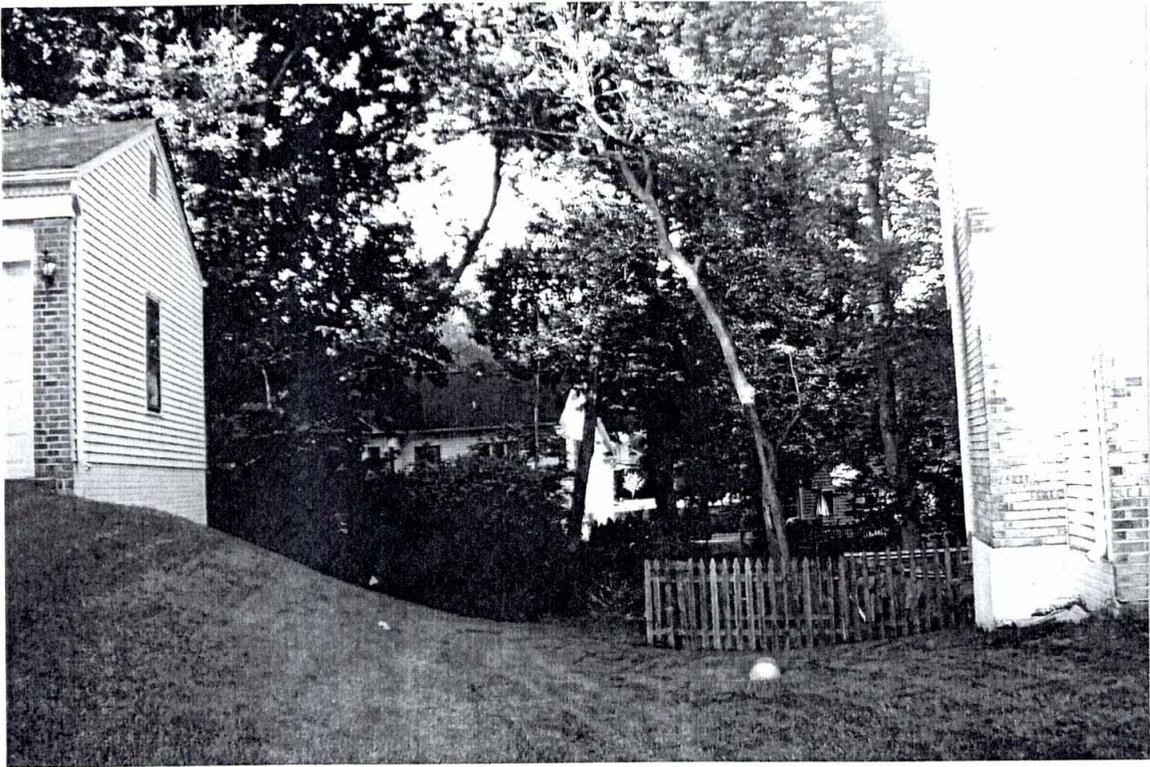
Our house to left with our deck  
Neighbor house to right



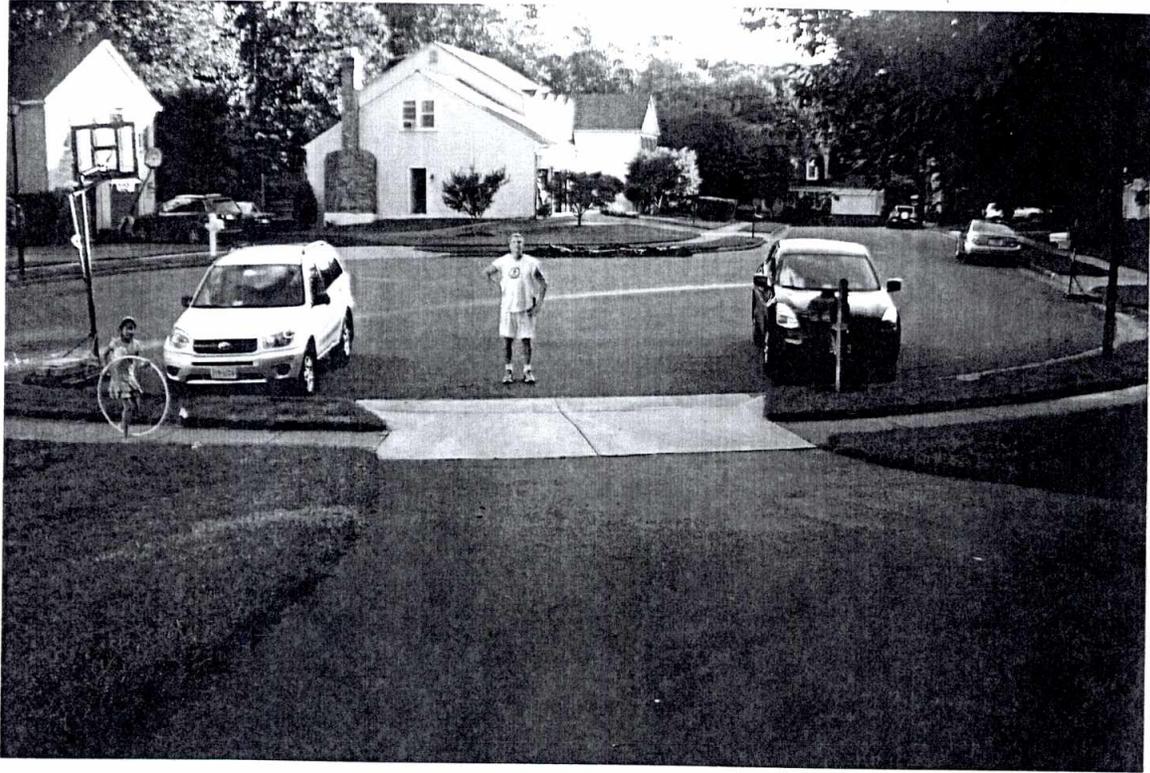
View from where our neighbors live at  
9751 Hatmark Ct to our back yard, addition  
will be just past deck  
9750 Hatmark Ct



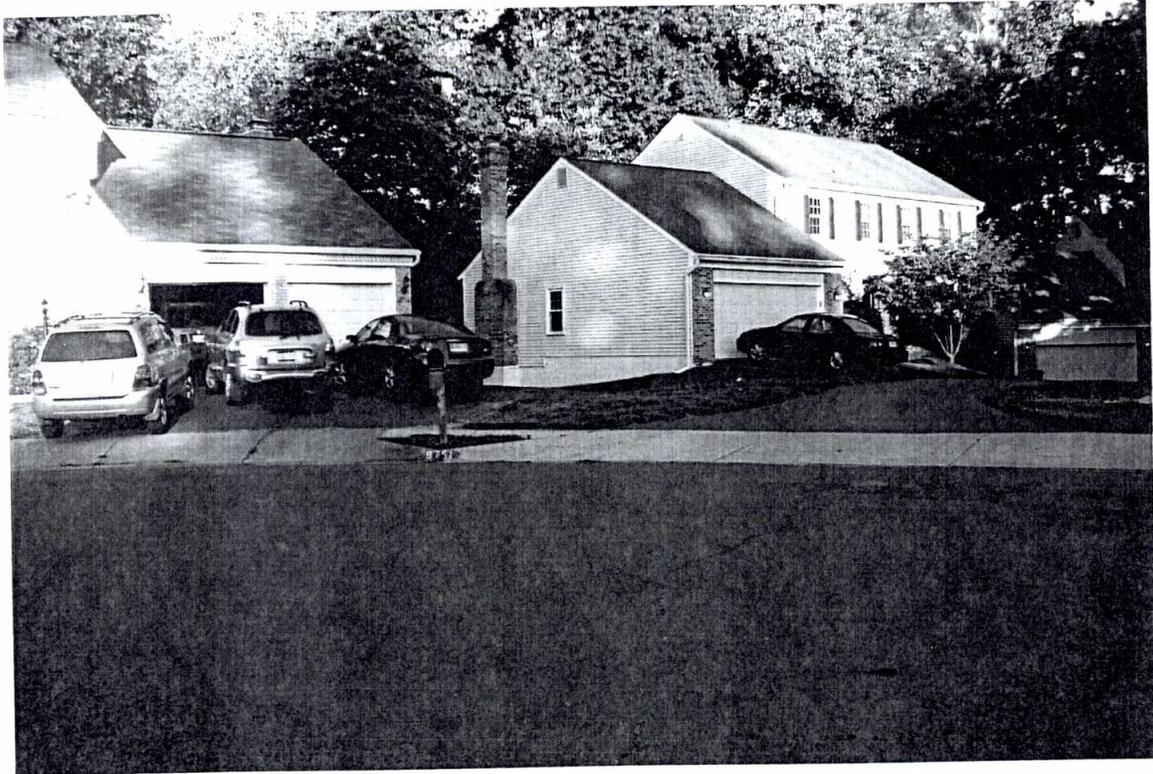
House to the left  
Our house on right



House to our right  
Our house on left



Our driveway



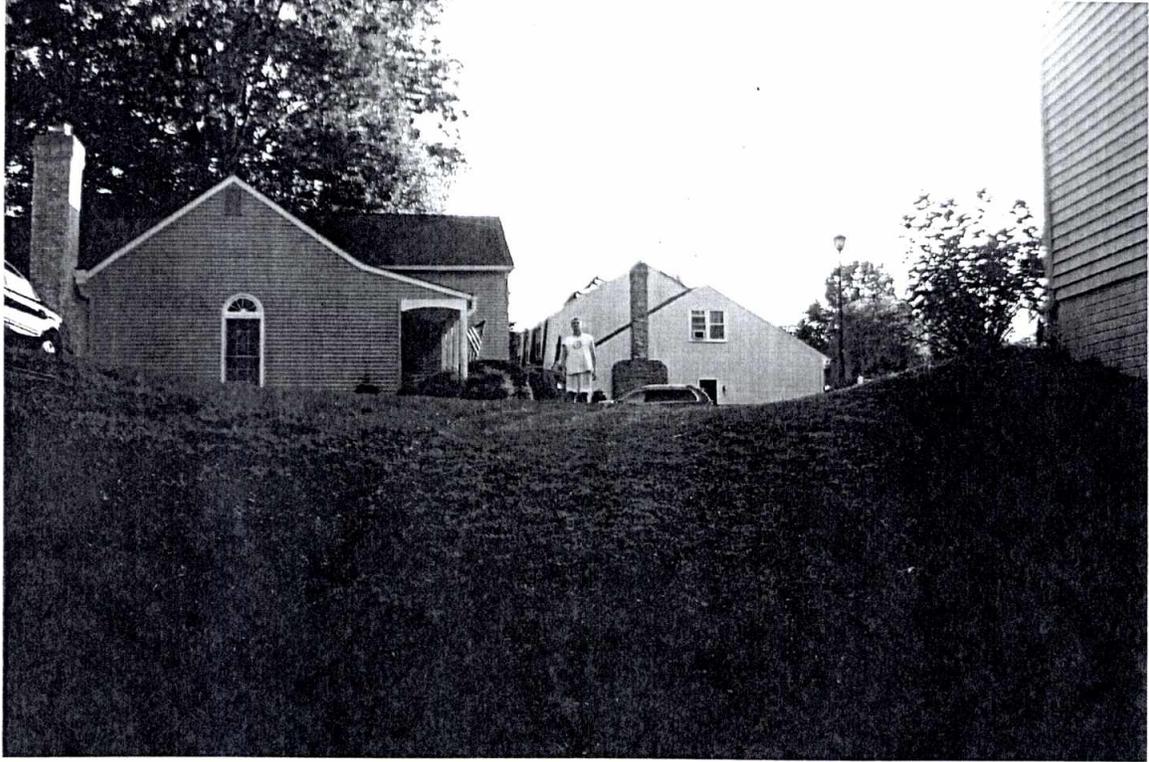
Our house left  
Neighbor house on right



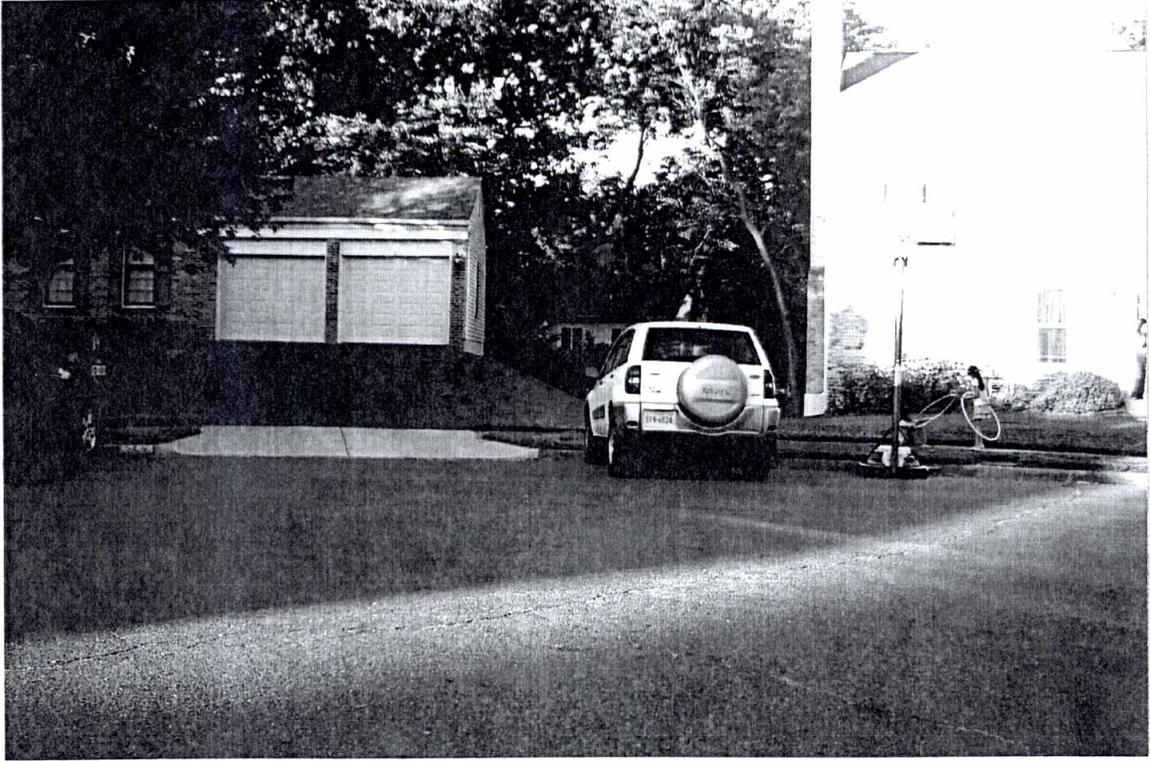
Picture from our driveway to rest  
of neighborhood



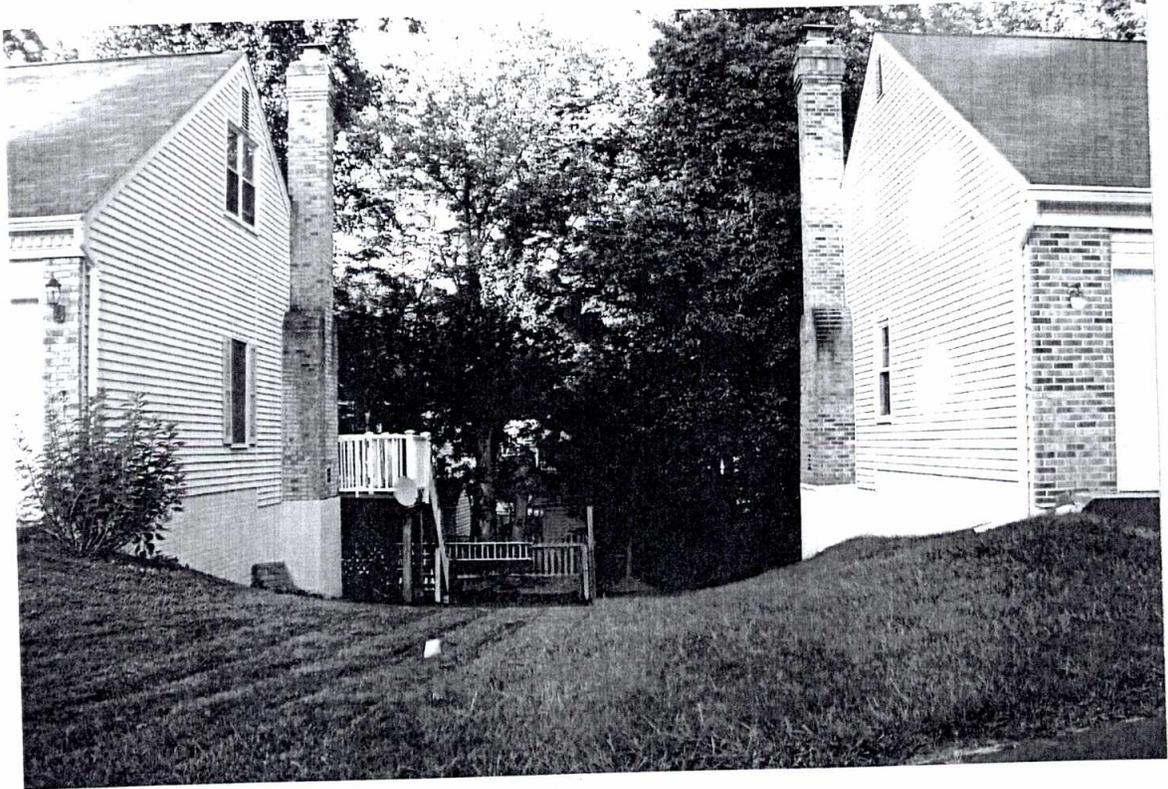
Our house to left w/ our deck  
Neighbor house to right



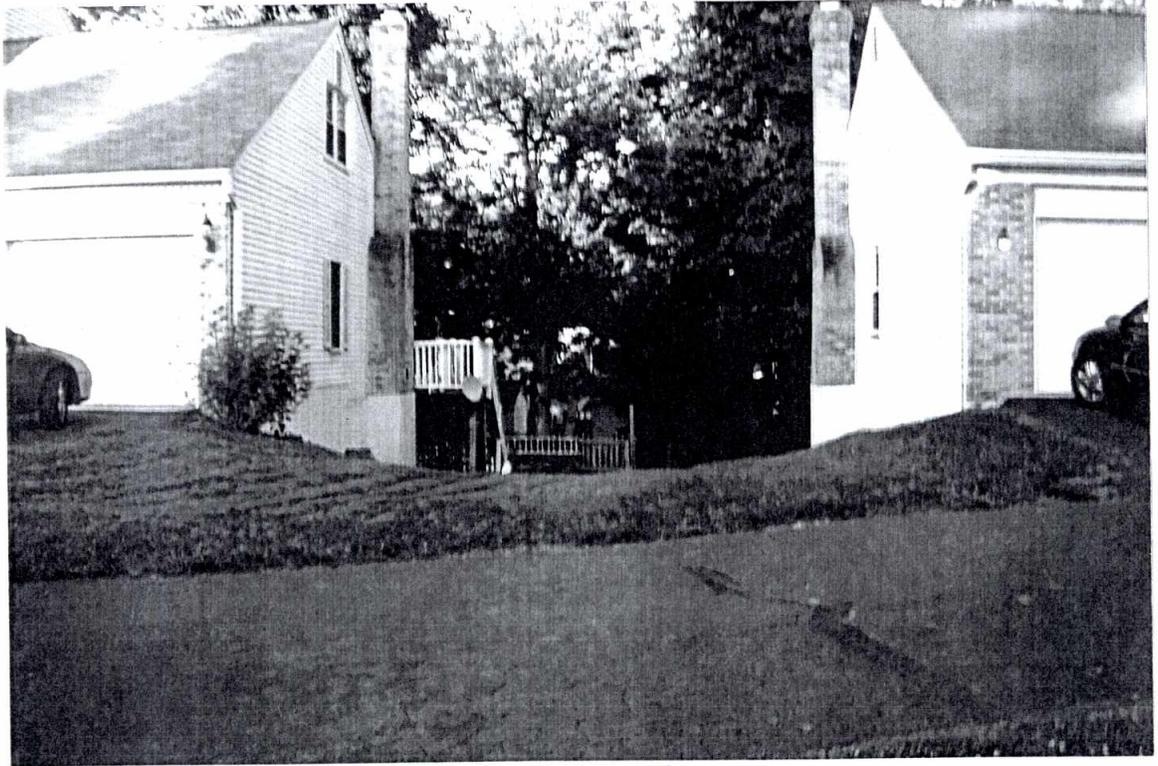
Our house on right  
Neighbor house on left  
Taken from back yard



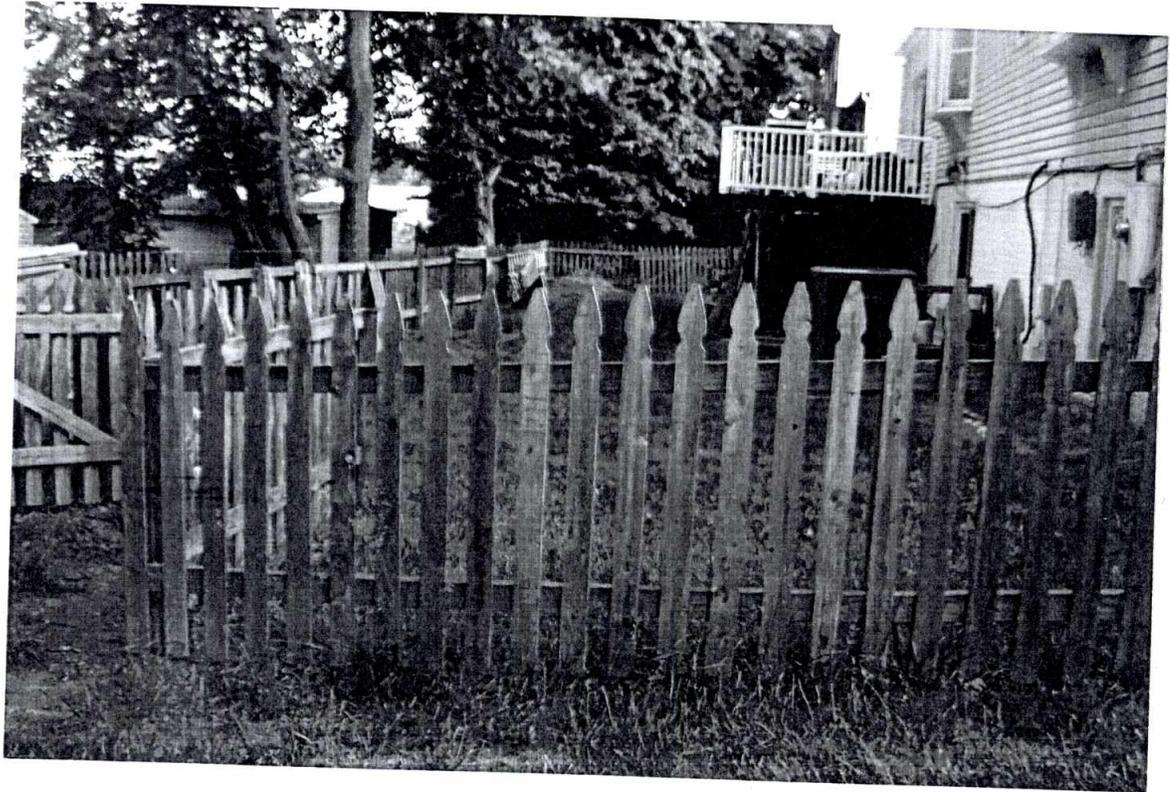
Our house to right  
Neighbor house to left



House to our right  
Our house on left

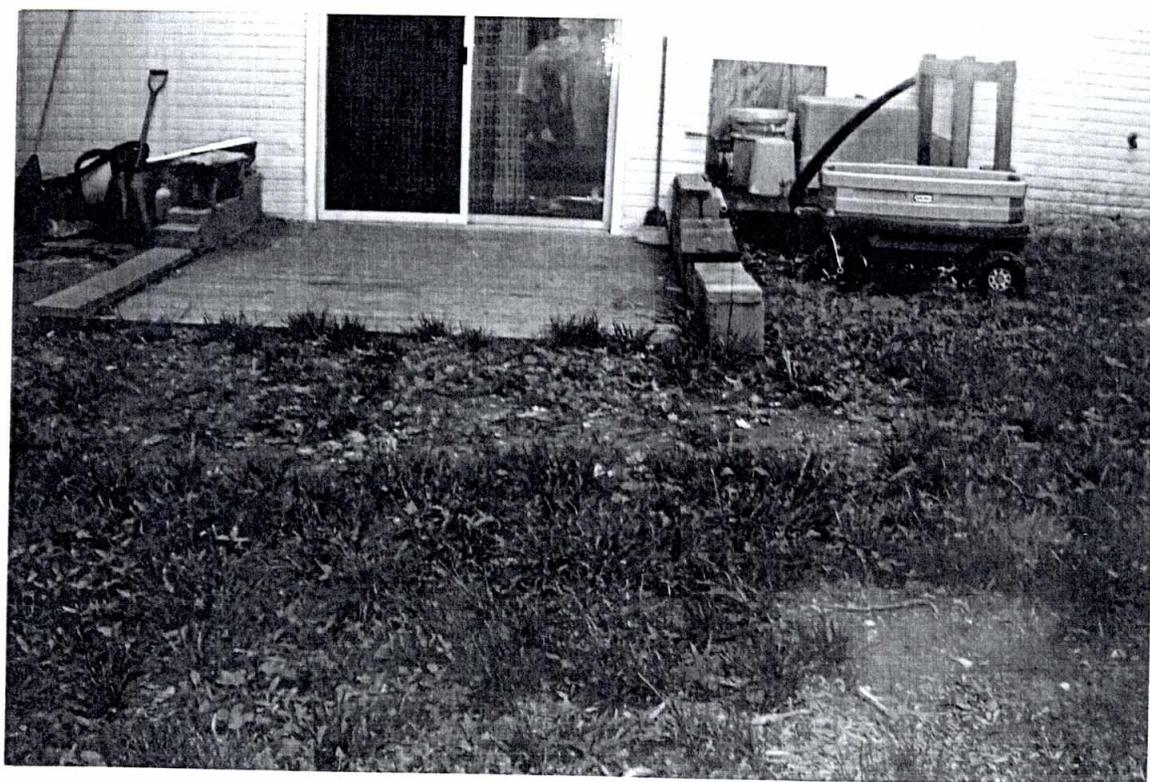


Our house to left with our deck  
Neighbor house to right



View from neighbor at 9752  
Hatmark Ct

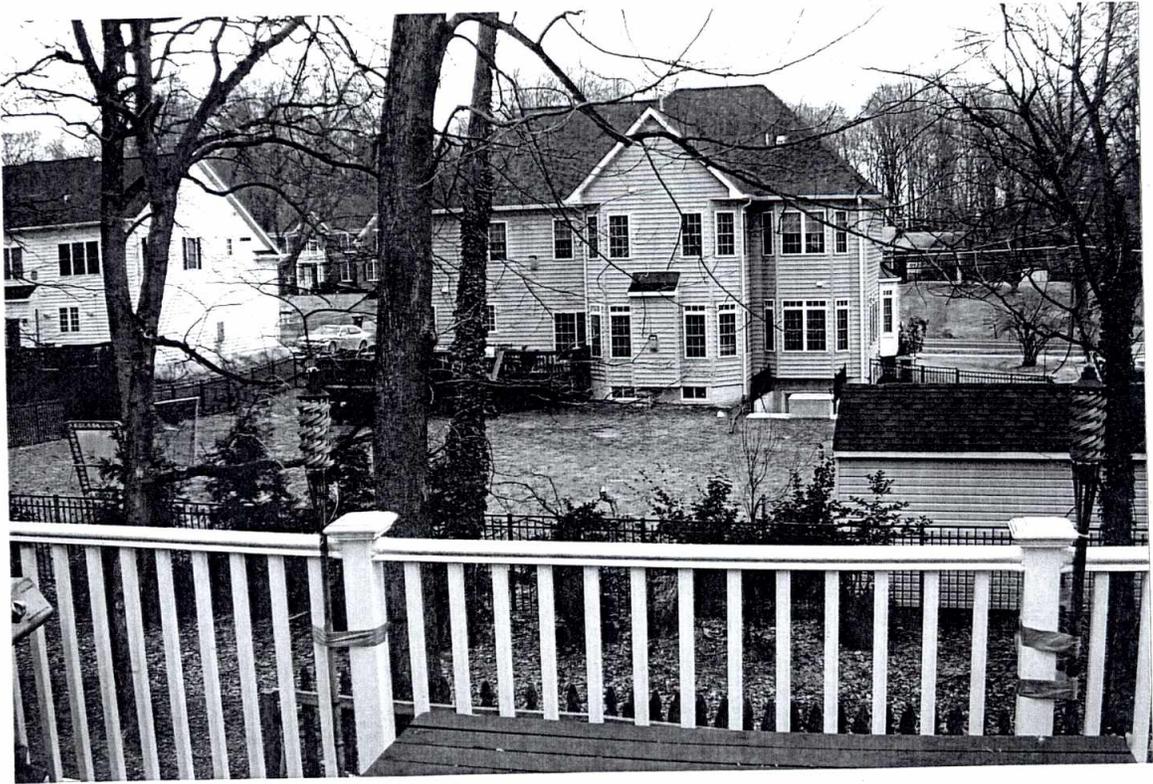
- 9750 Hatmark Ct



Below where addition  
will be at 9750  
Hatmark Ct



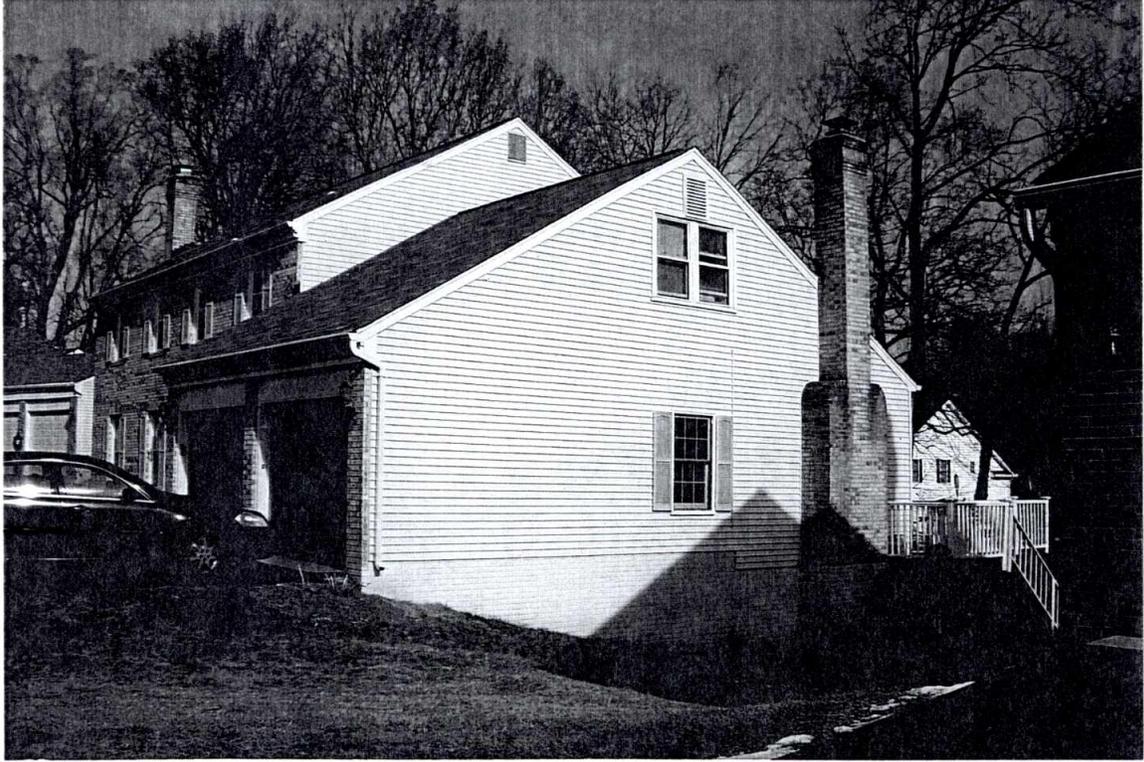
Back view



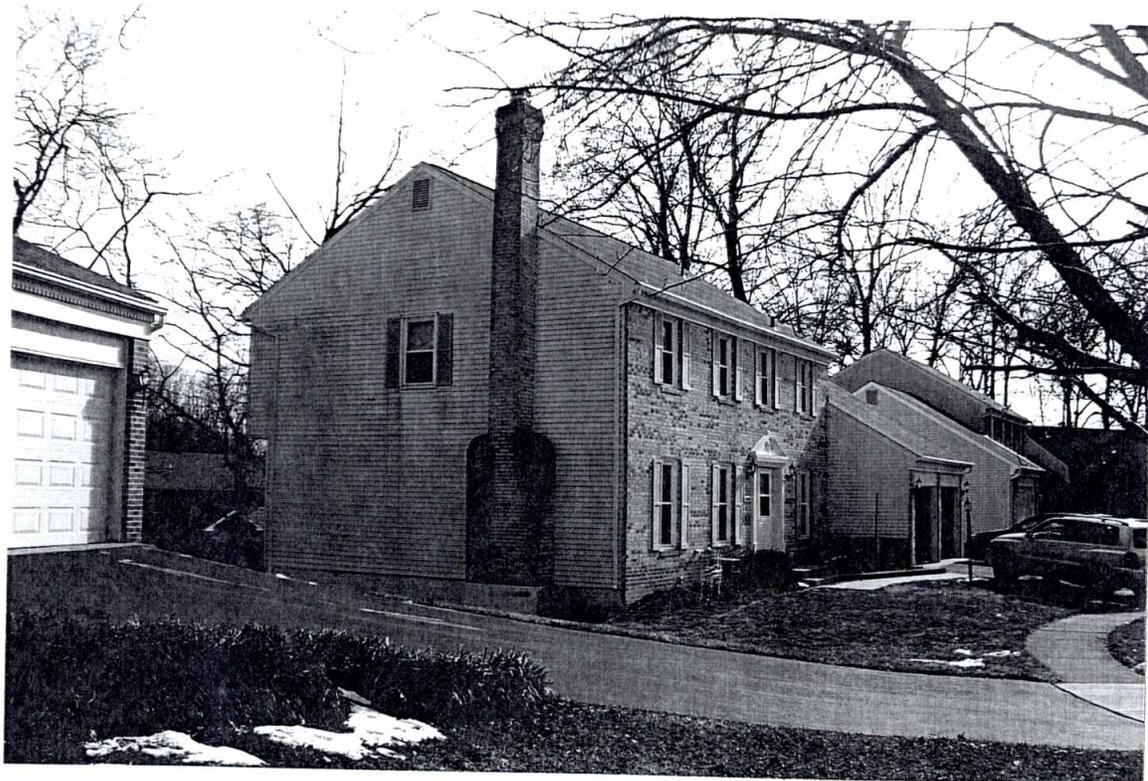
Neighbors directly behind us  
Sutton Road



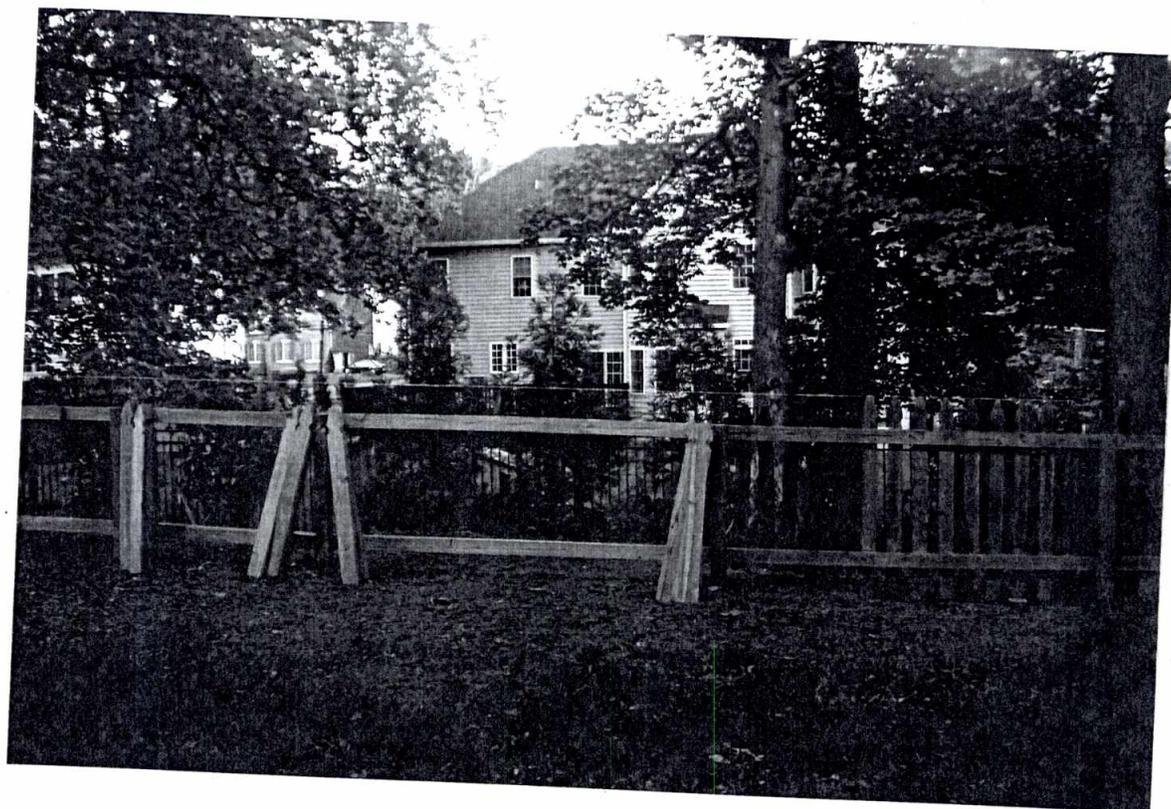
Front view



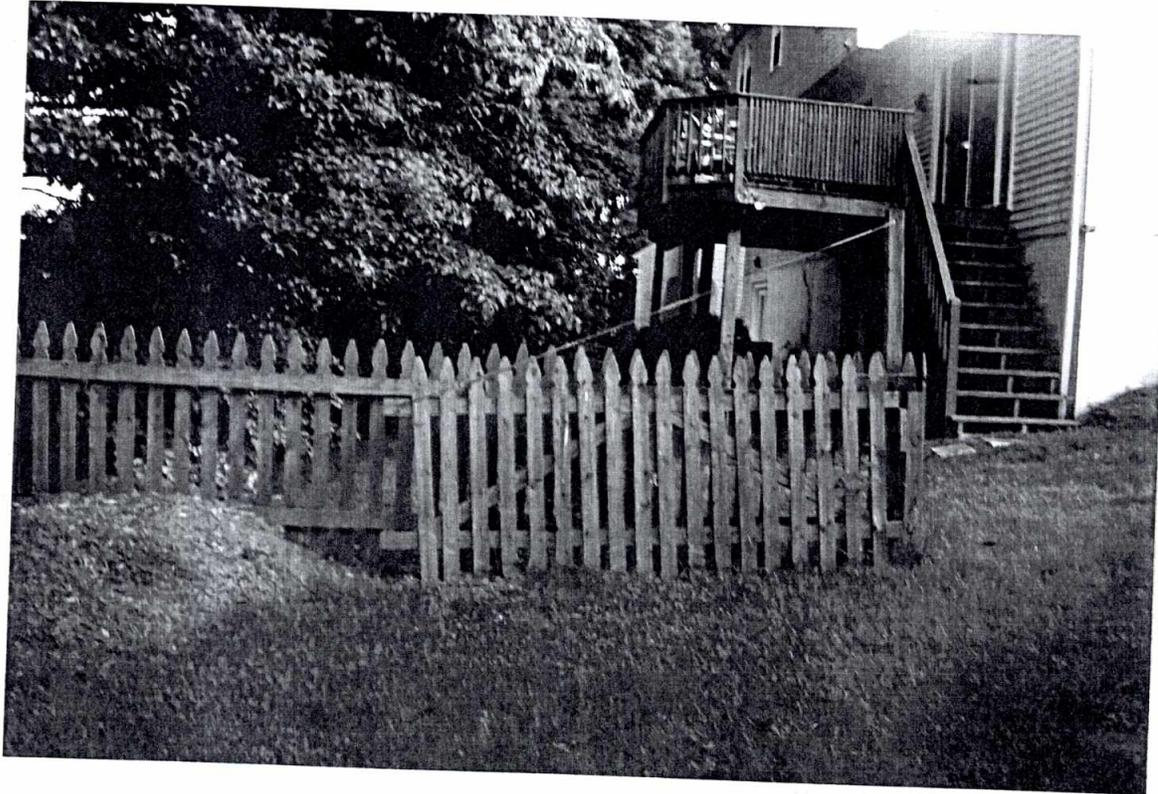
Right side view



Left side view



View from where our addition  
would be to the only neighbors  
behind us on Courthouse Rd



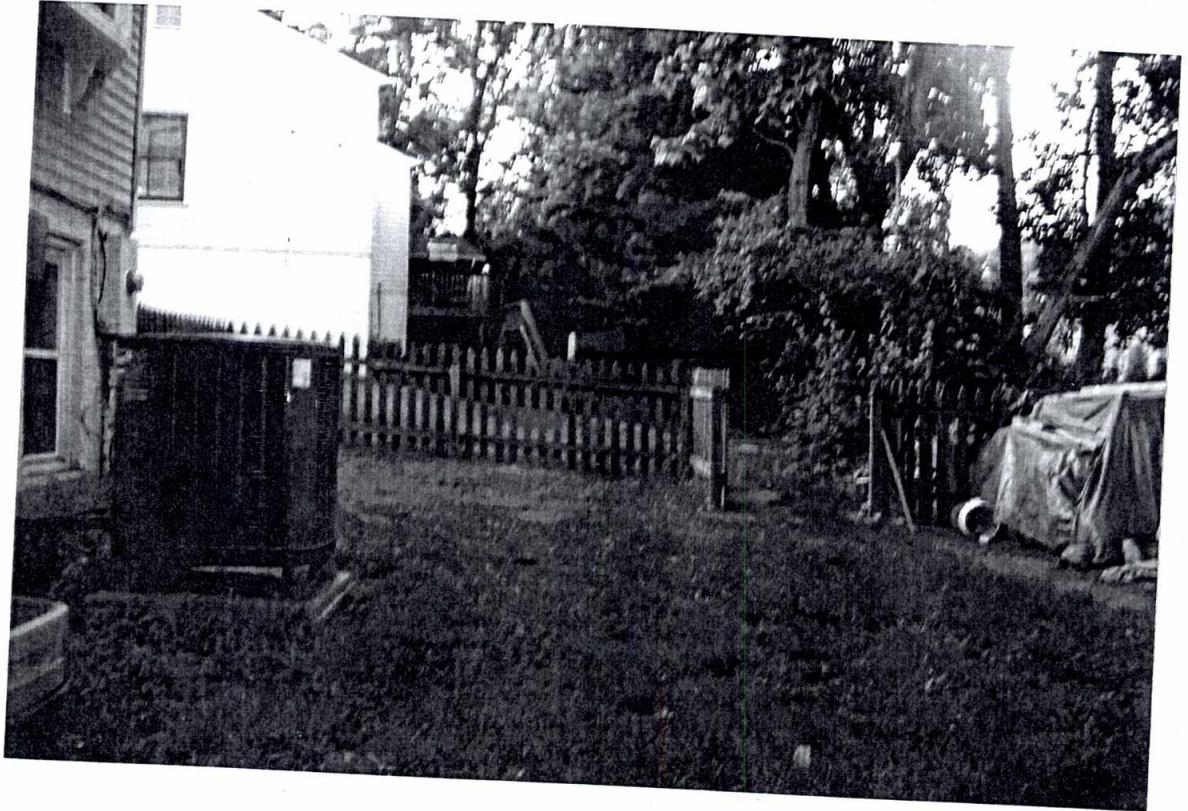
View from our back yard where  
addition would be to 9751 Hatmark Ct

9750 Hatmark Ct



View from where our addition would  
be to neighbors at 9752 Hatmark Ct

- 9750 Hatmark Ct



View from where our addition will be to  
neighbor's at 9752 Hatmark Ct

9750 Hatmark Ct.



**DESCRIPTION OF THE APPLICATION**

The applicants are requesting a special permit to permit reduction of certain yard requirements to permit the construction of a 234 square foot, single level addition consisting of a sunroom and kitchen extension 17.1 feet from the rear lot line. Also, the applicants wish to build a 222 square foot deck with lattice 15.2 feet from the rear lot line. A deck with lattice is deemed an addition for zoning purposes.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	Sunroom/kitchen extension	Rear	25.0 feet	17.1 feet	7.9 feet	32%
<b>Special Permit</b>	Deck with lattice	Rear	25.0 feet	15.2 feet	9.8 feet	39%

\* Minimum yard requirement per Section 3-407

**EXISTING SITE DESCRIPTION**

The 7,571 square foot lot is developed with a two story single family dwelling with a walk out basement. The dwelling was built in 1981 and has a brick facade and aluminum siding. There is a wood deck in the right rear of the house with stairs leading to ground level. The lot slopes down from west to east. There are several deciduous trees located near the rear property line of the applicants and the neighbor just to the east.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-4 (Cluster)	Single Family Detached Dwellings
<b>South</b>	R-4 (Cluster)	Single Family Detached Dwellings
<b>East</b>	R-1	Single Family Detached Dwellings
<b>West</b>	R-4 (Cluster)	Single Family Detached Dwellings

## BACKGROUND

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

- Variance VC 94-P-157 was approved on February 14, 1995 for Tax Map 48-1 ((9)) 67, zoned R-3, at 2700 Snowberry Court, to permit construction of addition 14.8 feet from rear lot line (25 feet required).
- Variance VC 89-P-075 was approved on September 14, 1989 for Tax Map 48-1 ((9)) 60A, zoned R-3, at 9712 Bunchberry Place, to allow construction of two additions 19.8 feet and 19.9 feet from rear lot line and to allow enclosure of existing carport for a garage 10.3 feet from side lot line.
- Special Permit SP 92-P-025 was approved on July 14, 1992 for Tax Map 48-1 ((7)) 100, zoned R-3 (Cluster), at 9802 Brightlea Drive, to allow reduction to minimum yard requirements based on an error in building location to allow addition to remain 21.9 feet from rear lot line (25' required).
- Special Permit SP 86-P-004 was approved on April 22, 1986 for Tax Map 48-1 ((30)) 05, zoned R-4, at 2722 Sutton Woods Court, for reduction to minimum yard requirements based on error in building location to allow dwelling to remain 20.8 feet from the rear lot line (25 feet required).

## 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 additions meets all of the 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 adopted comprehensive plan. *The additions will meet the minimum required side yard of 8.0 feet and will not adversely*

*affect the neighbors to the north and south. This is especially true since those neighbors' homes do not have side windows, with the exception of garage windows. The dwelling to the east of subject lot is far away and shielded by deciduous trees from the proposed additions, which will encroach into the minimum required rear yard of 25.0 feet. For these reasons, staff believes this standard has been satisfied.*

#### 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 gross floor area of the existing dwelling is 2,176 square feet, and 150 percent of the total gross floor area is 3,264 square feet. In total, the applicants would be permitted to have approximately 5,440 square feet on site. The request is for additions of 456 square feet, which will result in a gross floor area of 2,632 square feet. Staff believes this standard is satisfied.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed one-story addition will be compatible with the architecture of the existing dwelling on the lot. The addition and deck with lattice are modest in size and scale and will be considerably lower than the height of the dwelling. 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 applicants indicated that they contacted adjacent neighbors and received no objections. Furthermore, they have indicated that no existing vegetation or significant trees will be harmed during construction. The proposed additions will sit at higher ground than the main level of the home to the east. However, the dwellings will still be separated by a distance of over 100 feet and the deciduous trees between the homes will screen the proposed additions from view. Therefore, staff believes that the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the one story addition and deck with lattice will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. Staff believes that the request is modest and will not significantly increase runoff or erosion. 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 is the best possible location for the construction since it encroaches in the direction of most abundant trees and vegetation. Also, the construction could not be placed in the side yards by right and the side yards have significant slopes, which begin to level off in the rear. 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-PR-083 for additions with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/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 easement, covenants, or other agreements between parties, as they may apply to the property subject to this 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-PR-083****November 23, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-PR-83 located at Tax Map 48-1 ((25)) 10 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 addition (234 gross square feet) and a deck with lattice (222 gross square feet), as shown on plat prepared by Larry N. Scartz, dated June 28, 2011, as revised through September 7, 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 (2,176 square feet existing + 3,264 square feet (150%) = 5,440 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 additions 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.



Rear Elevation

Kim Residence  
 9750 Hatmark Ct.  
 Vienna, Va. 22181

NVS Kitchen & Bath, Inc.  
 8982 Hornbaker Rd. Manassas, Va. 20109  
 Phone: 703-378-2600 Fax: 703-378-9560

Permit Set

Scale: 1/4" = 1' 0"  
 © Copyright

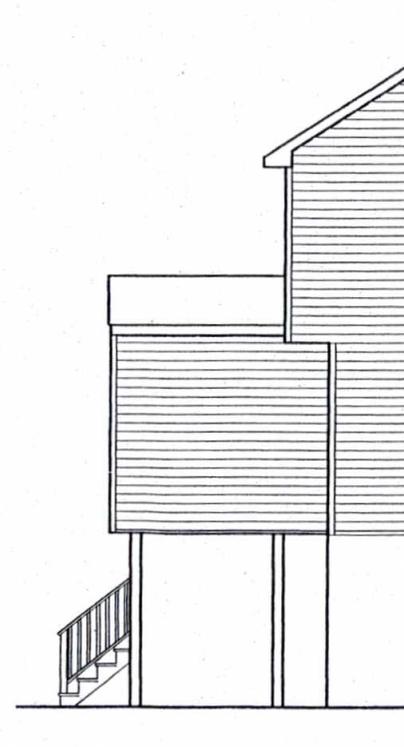
Plot Date (Prev):  
 Plot Date (Cur): 1-10-11

1

RECEIVED  
 Department of Planning & Zoning  
 MAR 02 2011  
 Zoning Evaluation Division



Left Side Elevation



Right Side Elevation

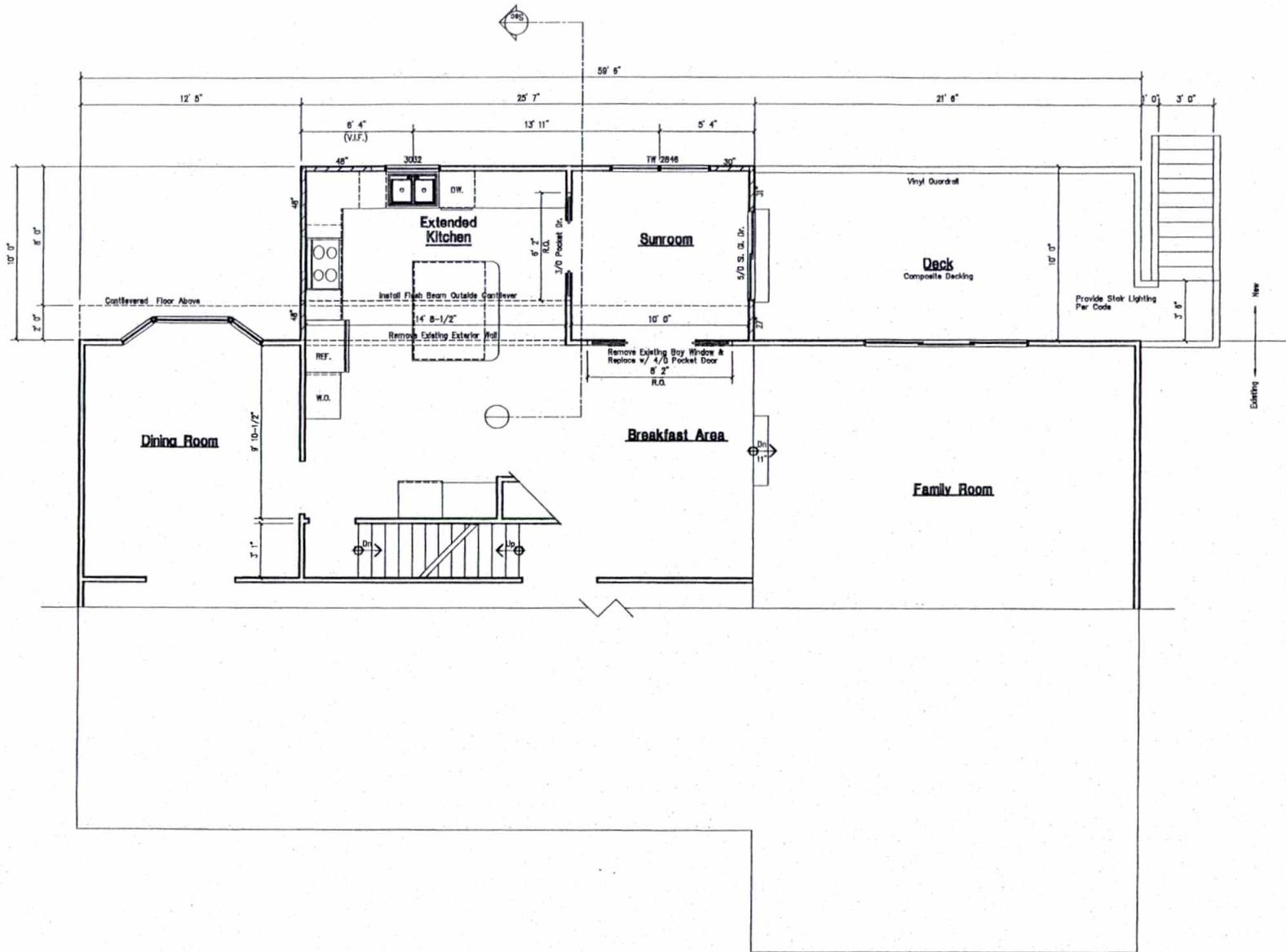
Kim Residence  
 9750 Hatmark Ct.  
 Vienna, Va. 22181

NVS Kitchen & Bath, Inc.  
 8982 Hornbaker Rd. Manassas, Va. 20109  
 Phone: 703-378-2600 Fax: 703-378-9560

Permit  
 Set

Scale: 1/4" = 1' 0"  
 © Copyright

Plot Date [Rev:2] 1-10-11  
 Plot Date [Rev:2]



Floor Plan

Kim Residence  
9750 Hatmark Ct.  
Vienna, Va. 22181

NVS Kitchen & Bath, Inc.  
8982 Hornbaker Rd. Manassas, Va. 20109  
Phone: 703-378-2600 Fax: 703-378-9560

Permit  
Set

Scale: 1/4" = 1' 0"  
© Copyright

Plot Date (Draw):  
Plot Date (User): 1-10-11

3

Kim Residence  
9750 Hatmark Ct.  
Vienna, Va. 22181

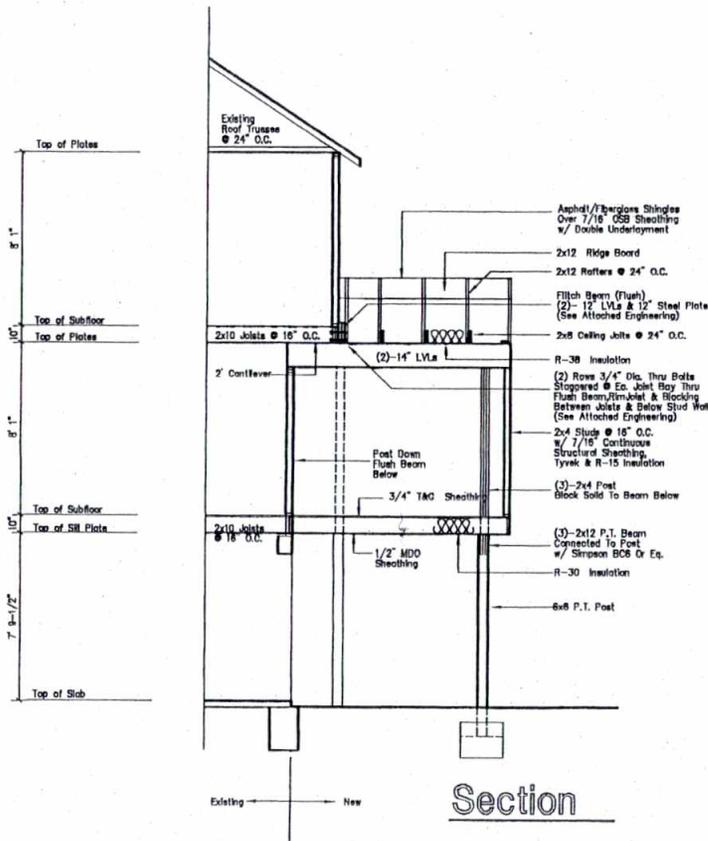
NVS Kitchen & Bath, Inc.  
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Phone: 703-378-2600  
Fax: 703-378-9560

Permit  
Set

Scale: 1/4" = 1'-0"  
© Copyright

Plot Date (Rev):  
Plot Date (Date): 1-10-11

4



**Notes:**

- General:  
 1.) Submitted Under IRC 2006  
 2.) Required Wind Bracing Thru Continuous Structural Sheathing
- Design Live Loads:  
 Sealing Areas - 30 PSF  
 Living Areas - 40 PSF  
 Deck - 40 PSF  
 Roof - 25 PSF  
 Wind Speed - 90 MPH
- Soil:  
 1.) Assumed Soil Bearing Pressure Equal to 2,000 PSF
- Wood:  
 1.) All Window & Door Headers Are 2-2x10s Unless Otherwise Noted.  
 2.) All Headers, Joists & Rafters Are Hem-Fir #2 or S.P.F. #2 or Better With the Following Minimum Design Values:  
 Bending Stress Fb=850 PSI for Single Member Use  
 Horizontal Shear Fv=70 PSI  
 Compression Parallel to Grain Fc=1100 PSI  
 Compression Perpendicular to Grain Fc=405 PSI  
 Modulus of Elasticity=1,300,000 PSI  
 3.) All Wall Studs Are S.P.F. Stud Grade or Better With the Following Minimum Design Values:  
 Compression Parallel to Grain Fc=625 PSI  
 Bending Stress=675 PSI for Single Member Use  
 Modulus of Elasticity=1,200,000 PSI  
 4.) All LVLs Shall Have the Following Minimum Design Values:  
 Bending Stress=2800 PSI  
 Horizontal Shear=250 PSI  
 Modulus of Elasticity=3,000,000 PSI  
 5.) All Pressure Treated Lumber Shall Be Southern Yellow Pine Grade 2 or Better With the Following Minimum Design Values:  
 Bending Stress Fb=975 PSI for Single Member Use  
 Horizontal Shear Fv=90 PSI  
 Compression Parallel to Grain Fc=1450 PSI  
 Compression Perpendicular to Grain Fc=565 PSI  
 Modulus of Elasticity=1,600,000 PSI

Application No.(s): SP 2011-PR-083  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 02/28/2011  
 (enter date affidavit is notarized)

I, Robert Grims & Yung Hae Kim, 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 111 310

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Robert Grims	9750 Hatmark Court, Vienna, VA 22181	Applicant, owner
Yung Hae Kim	9750 Hatmark Court, Vienna, VA 22181	Applicant, 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-PR-083  
 (county-assigned application number(s), to be entered by County Staff)

Page Two

## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02/28/2011  
 (enter date affidavit is notarized)

111310

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-PR-083  
 (county-assigned application number(s), to be entered by County Staff)

Page Three

## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02/28/2011  
 (enter date affidavit is notarized)

11310

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)

NIA

(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**)

NIA

(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-PR-083  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 02/28/2011  
(enter date affidavit is notarized)

111310

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.

Application No.(s): SP 2011-PR-083  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 02/28/2011  
(enter date affidavit is notarized)

111310

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)

Robert M. Grims

Applicant

Applicant's Authorized Agent

Robert M. Grims, Applicant

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 28th day of February, 2011, in the State/Comm. of MARYLAND, County/City of MONTGOMERY.

[Signature]

Notary Public

My commission expires: 02/12/2012

KATHERINE CAMACHO  
NOTARY PUBLIC  
MONTGOMERY COUNTY  
MARYLAND  
MY COMMISSION EXPIRES 02/12/2012

RECEIVED  
Department of Planning & Zoning  
SEP 12 2011  
Zoning Evaluation Division

9750 Hatmark Court, Vienna, VA 22181

Revisions to SPECIAL PERMIT Application by Rob Grims, home owner

5:07 We are requesting a Special Permit for an addition we hope to add to our home which would be in the center of our back yard. The addition will expand our kitchen out, add a sun room, and also add a screened in porch. Our old deck will be torn down and a new deck will replace it which will be attached to other additions. The new deck is considered an addition as it will have lattice underneath it. The entire addition will only be a small percentage to the total area of our structure. A detailed PLAT shows the proposal structure. The stairs will be the closest point to our backyard property line and will be fifteen feet and two inches from the line.

5:09 Our proposed development structure will conform to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, or exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.

#### 8-922, Provisions for Reduction of Certain Yard Requirements for Special Permit

4. Our resulting gross floor area of our addition is well below 100%. The total area of our structure before our addition is 2,176 square feet. This amount does not include our current deck that will be torn down. Our entire new addition to include our new deck will be 456 square feet so our total square footage will increase to 2,632. This is only a 20.9% increase in our total square footage. The proposed deck addition will be 222 square feet and the proposed addition will be 234 square feet.
5. Our resulting gross floor area is clearly subordinate in purpose, scale, use and intent to the principal structure on our site.
6. Our addition will be in character with the existing on-site development with regards to the location, height, bulk and scale of the existing structure on our lot.
7. Our proposed development structure will be harmonious with the surrounding off-site uses and structures with regards to location, height, bulk and scale of surrounding structures, topography, existing vegetation and will also preserve significant trees.
8. Our proposed development structure will not adversely impact the use and/or enjoyment of any adjacent structure with regard to issues such as noise, light, air, erosion, safety, and storm water runoff.
9. Our proposed development structure will be located in the best possible spot to put it. It will be in our back yard and will be positioned close to the center of the back of the house and will attach to our current deck and will go out about the same distance as our current deck already there. The shape will also be consistent with the rest of the house. It will not impact any existing vegetation or have any impact on significant trees. It will be away from our septic field as well.

### **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.