



APPLICATION ACCEPTED: September 21, 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-SU-086

SULLY DISTRICT

APPLICANTS/OWNERS: Jerry V. and Elizabeth Anne Pender

LOCATION: 14120 Sorrel Chase Court

SUBDIVISION: Green Trails

TAX MAP: 65-3 ((4)) 115

LOT SIZE: 8,991 square feet

ZONING: R-5, WS

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition (enclosed porch) 17.8 feet from the rear lot line

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-SU-086 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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

O:\bcho00\SP\Nov 30 - SP 2011-SU-086 (Pender)\staff_report.doc

Brenda J Cho

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

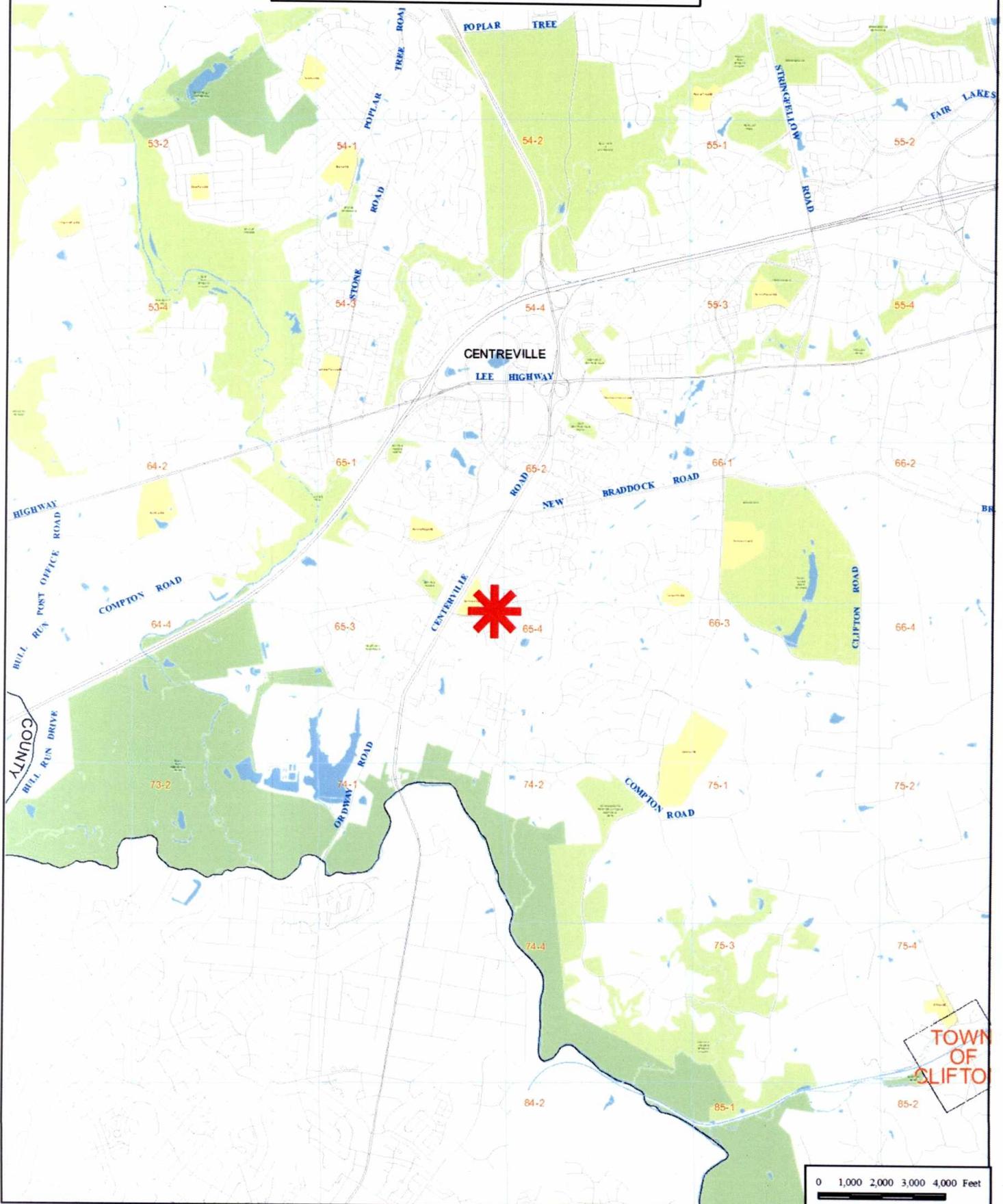


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

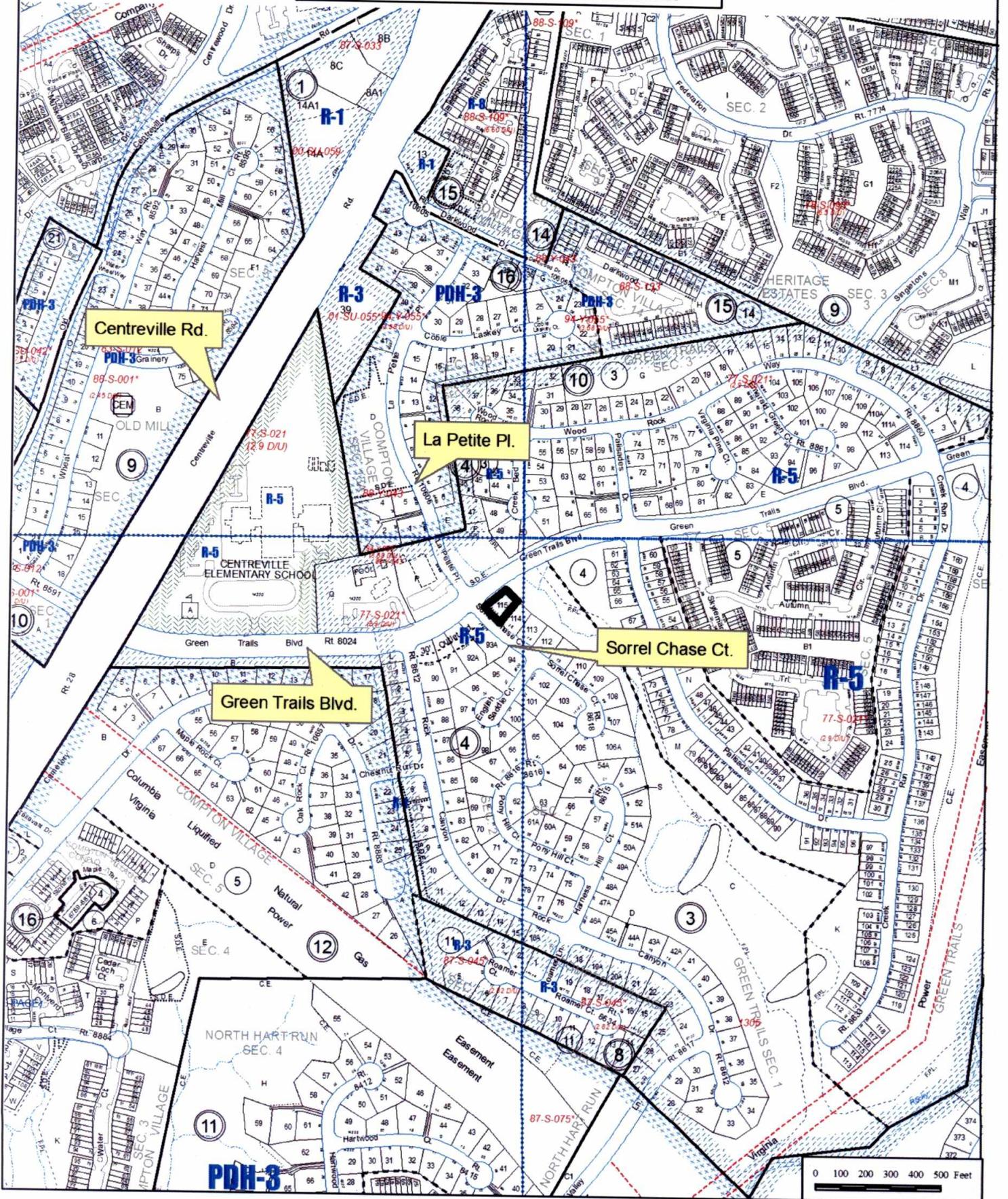
Special Permit

SP 2011-SU-086

JERRY V & ELIZABETH ANNE PENDER

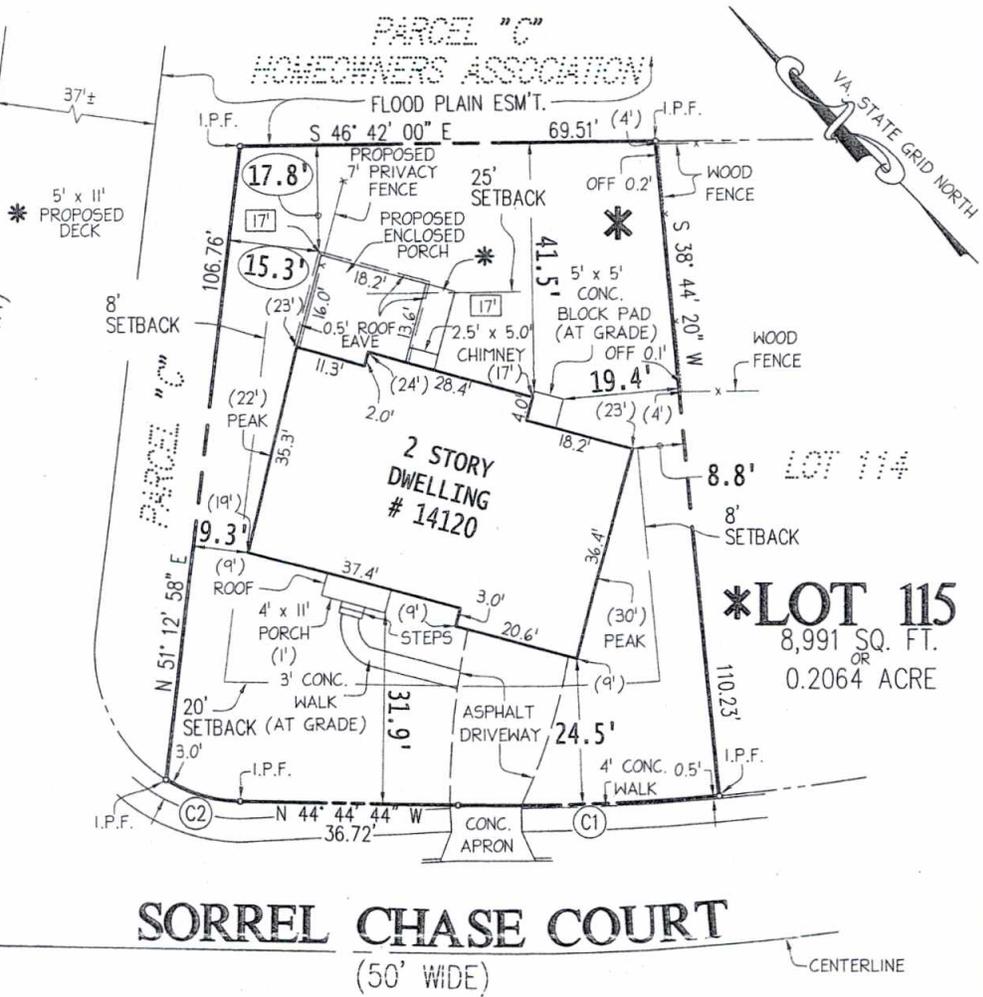


Special Permit
SP 2011-SU-086
JERRY V & ELIZABETH ANNE PENDER



0 100 200 300 400 500 Feet

**GREEN TRAILS BOULEVARD
ROUTE 8024**
(VARIABLE WIDTH)



SORREL CHASE COURT
(50' WIDE)

MINIMUM YARD TABLE
ZONED R5

MINIMUM YARD REQUIREMENTS	
YARD	SETBACK
FRONT	20'
SIDE	8'
REAR	25'

LEGEND:

- I.P.F. DENOTES IRON PIPE FOUND
- X- DENOTES FENCE LINE
- (1') DENOTES HEIGHT ABOVE GRADE
- ① DENOTES PROPOSED SWING
- ①' DENOTES PROPOSED HEIGHT ABOVE GRADE

① RAD: 385.00' ARC: 43.78' CH: N 48° 00' 12" W 43.76'

② RAD: 25.00' ARC: 13.28' CH: N 29° 31' 40" W 13.12'



NOTES:

- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.E.M.A. MAP# 51059C0235E EFFECTIVE DATE: SEPTEMBER 17, 2010
- 3) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 065-3-04-0115
- 4) PROPERTY SERVED BY PUBLIC WATER AND SEWER.
- 5) NO BURIAL SITES ON LOT PER RECORD PLAT RECORDED IN DEED BOOK 6660, PAGE 1477 AMONG LAND RECORDS OF FAIRFAX COUNTY.
- 6) NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE FEET OR MORE PER RECORD PLAT, RECORDED IN DEED BOOK 6660, PAGE 1477
- 7) THE LOT SHOWN HEREON PLOTS IN R.P.A. PER FAIRFAX COUNTY CHESAPEAKE PRESERVATION AREA PROPERTY MAP.

SPECIAL PERMIT PLAT
LOT 115
SECTION ONE
GREEN TRAILS
SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA

AREA	
EX. HOUSE	2,142 SQ. FT.
NEW ADDITION	276 SQ. FT.
TOTAL SQ. FT.	2,418 SQ. FT.

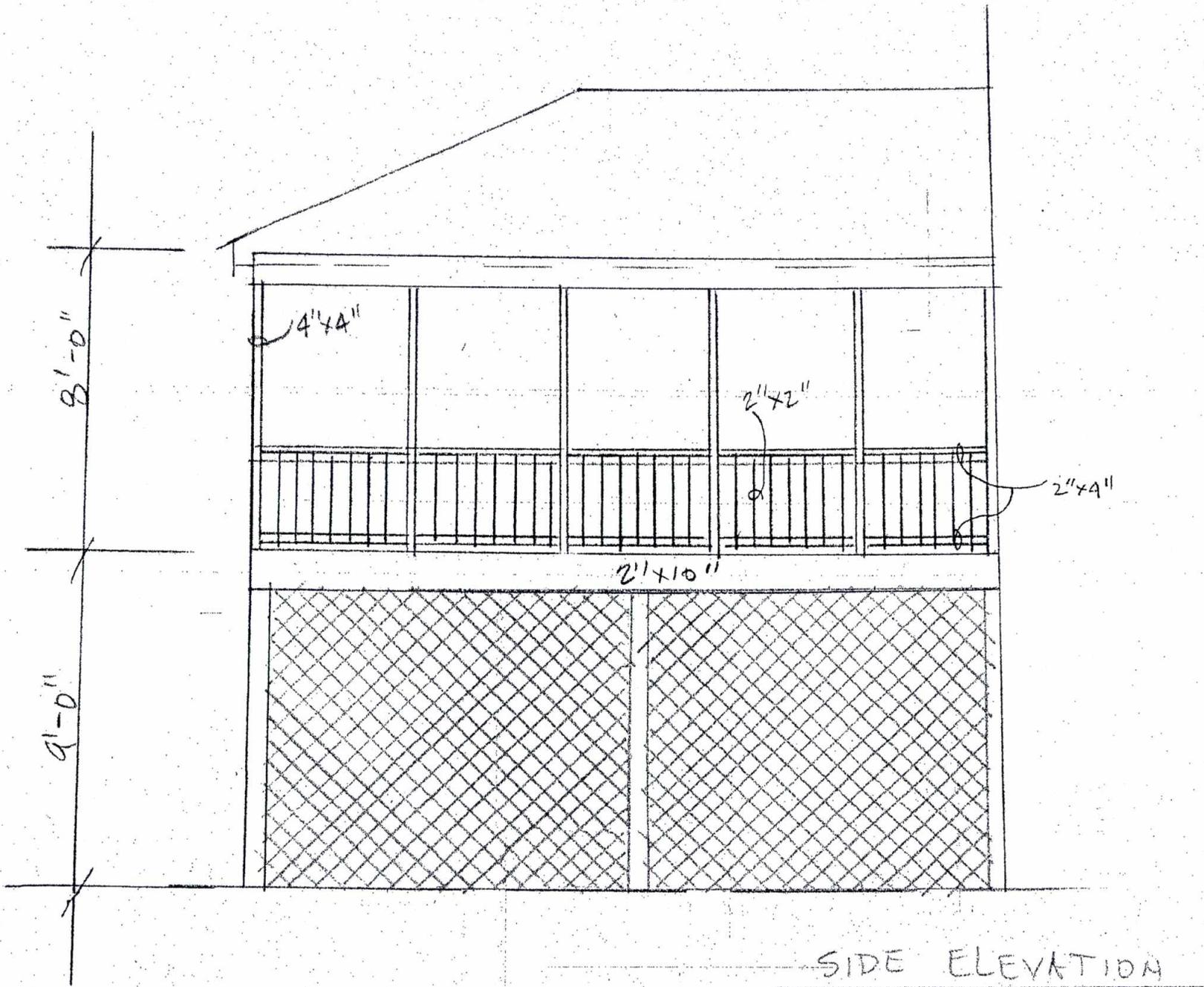
THE ADDITION IS AN ADDITIONAL 12% OF THE PRINCIPAL STRUCTURE

B.W. SMITH AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYING
MANASSAS, VIRGINIA (703) 368-5866

REVISION: 9/12/11 (COMMENTS)	FIELD CREW: D. CONRAD
	REVISION: 7/7/11 (COMMENTS)
	REVISION: 5/23/11 (COMMENTS)
	JOB# 20103905
DFT: A.M.G.	DATE: 01/12/11

CHK: M.K.S. NO TITLE REPORT FURNISHED

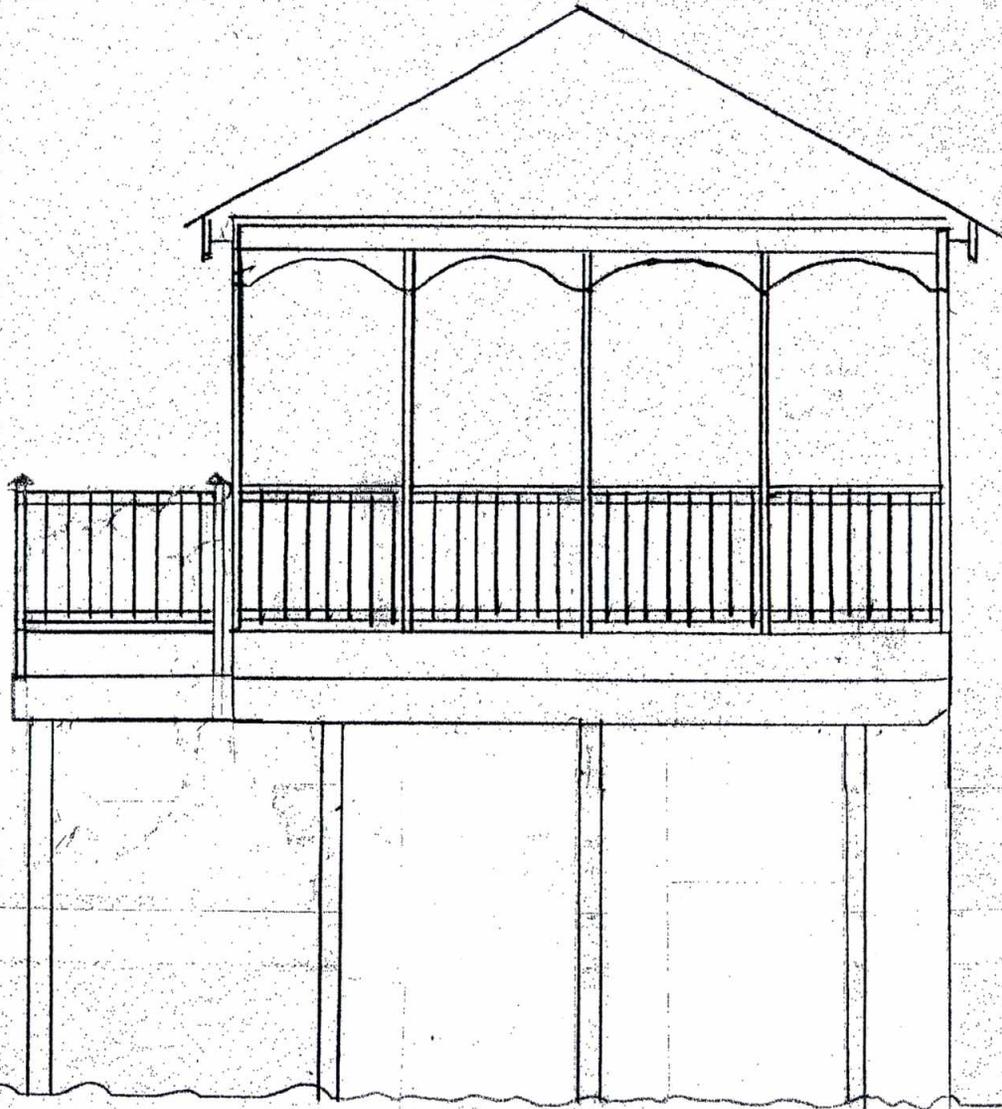
SCALE = 1" = 25'



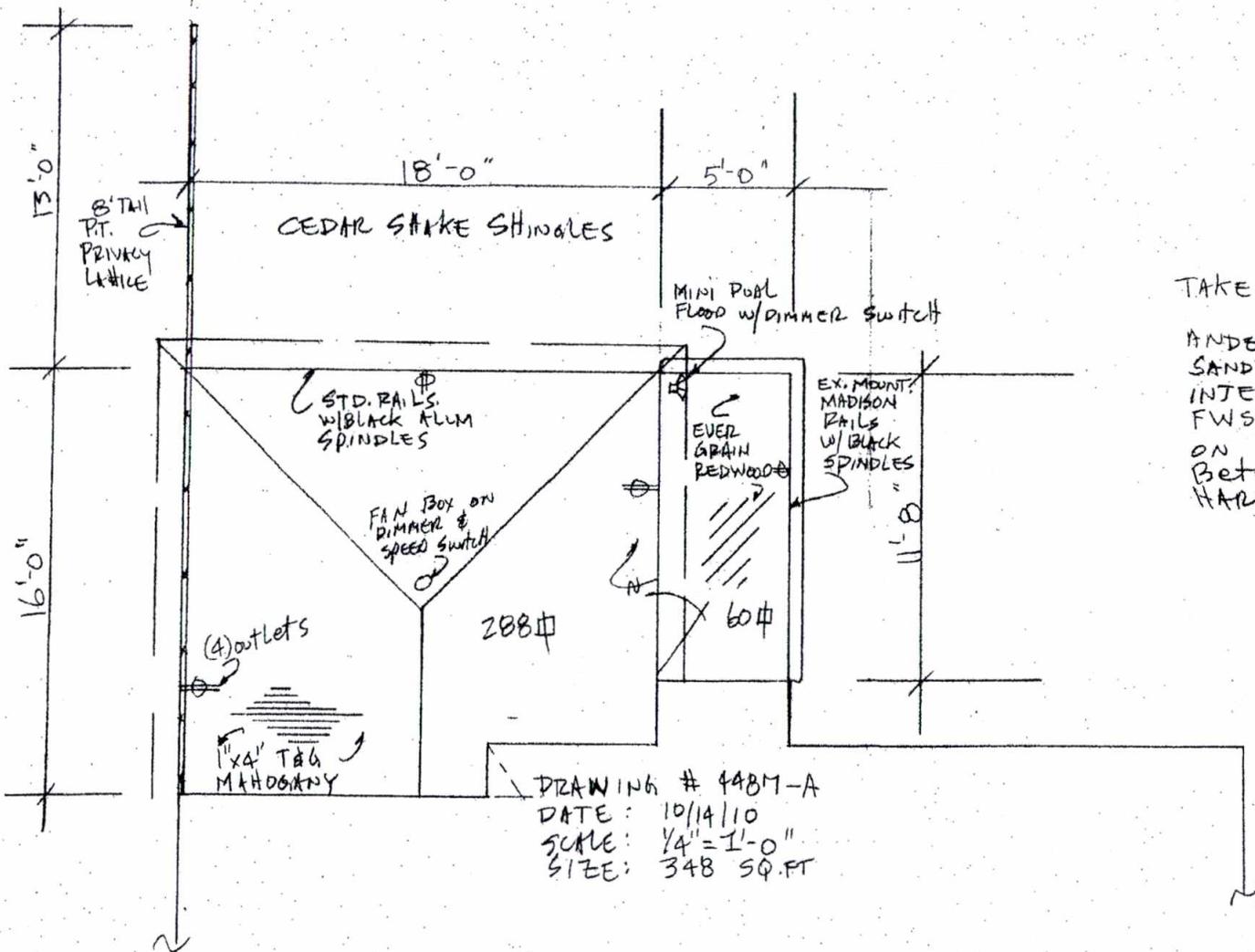
Footage:

Scale: 3/4" = 1'-0"

FRONT ELEVATIONS



Anne & Jerry Pender
14120 Sorrel Chase Court
Centreville, VA 20121



TAKE OUT WINDOW AND ADD
ANDERSEN FRENCHWOOD INSWING
SANDTONE EXTERIOR, UNFINISHED
INTERIOR FWH31611AR WITH
FWSL13611 SIDELIGHT MOUNTED
ON HINGE SIDE ALL w/ GRILLS
Between the GLASS; BRASS LEVER
HARDWARE SET.



**CRAIG SUNDECKS
AND PORCHES**

James W. Craig
President

Custom Design/Build Outdoor Leisure Space

628 Marlboro Road
Stephens City, VA 22855
www.craigundecks.com

Office: 888-364-2244
Fax: 540-859-4413
Cell: 703-926-6400

DRAWING # 48M-A
DATE: 10/14/10
SCALE: 1/4" = 1'-0"
SIZE: 348 SQ. FT



CRAIG SUNDECKS
AND PORCHES

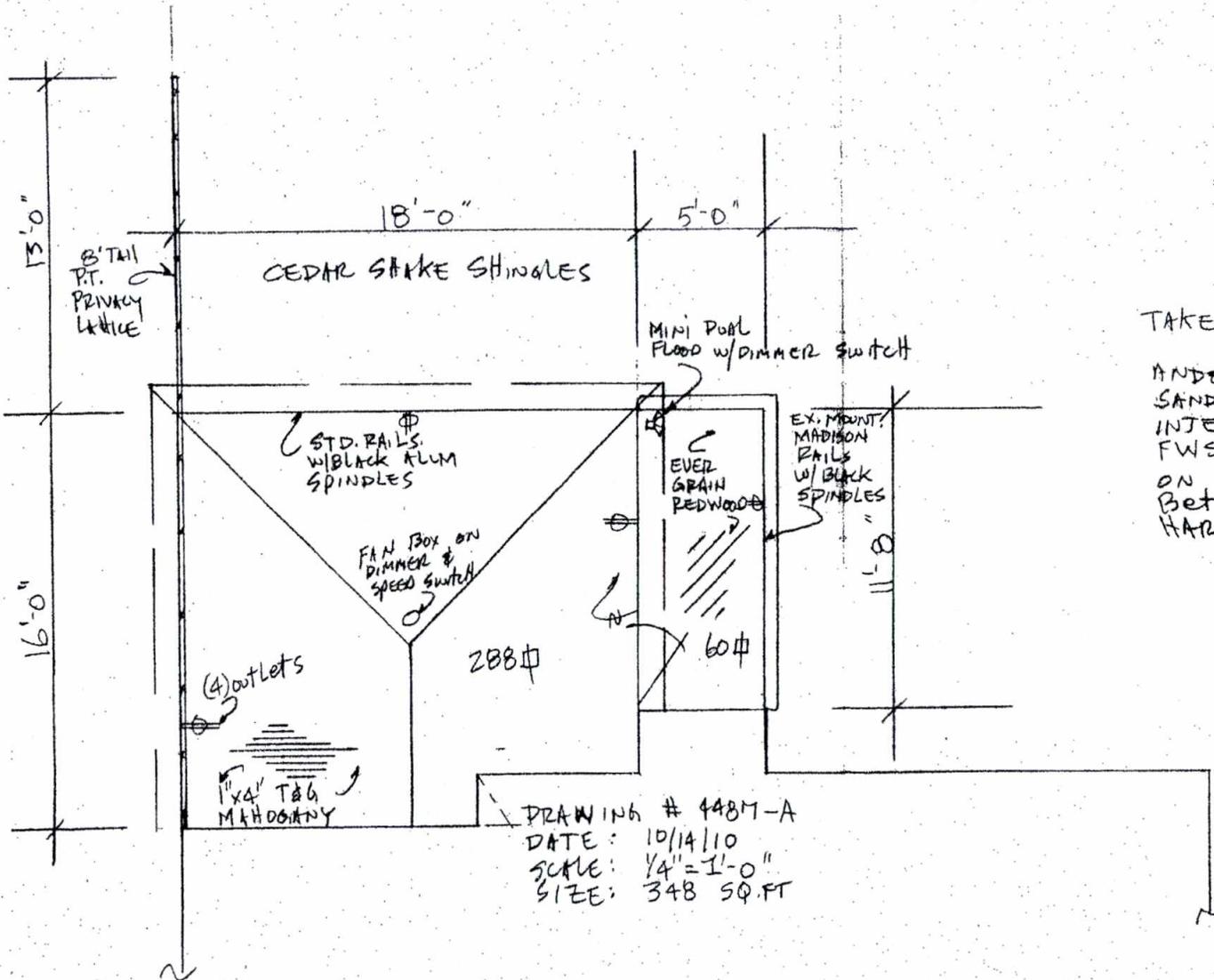
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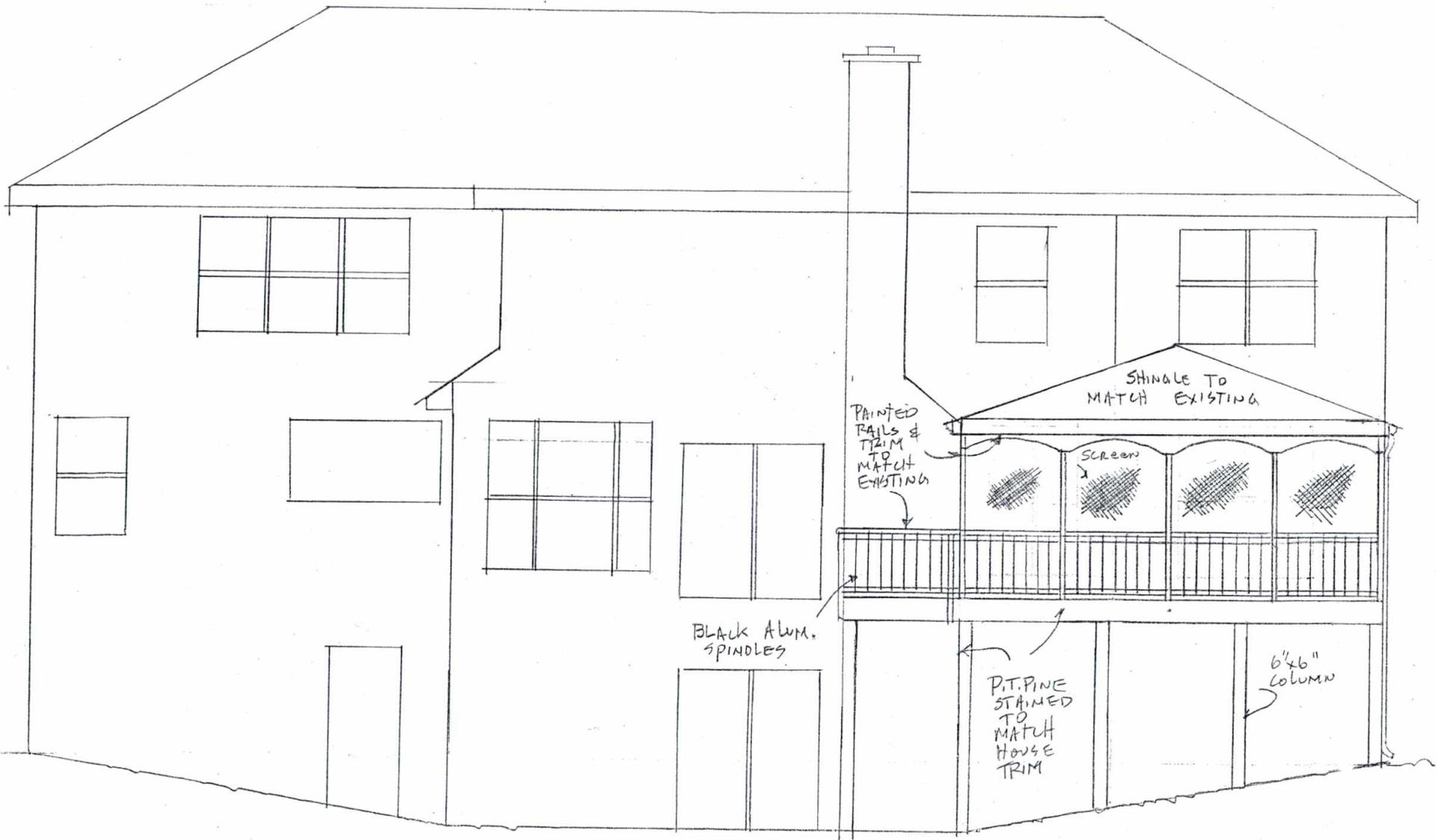
Office: 886-984-2244
Fax: 540-869-4413
Cell: 703-925-8400

Anne & Jerry Pender
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Centreville, VA 20121



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INTERIOR FWH3111AR WITH
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BETWEEN THE GLASS, BRASS LEVER
HARDWARE SET.



SHINGLE TO
MATCH EXISTING

PAINTED
RAILS &
TRIM
TO
MATCH
EXISTING

Screen

BLACK ALUM.
SPINDLES

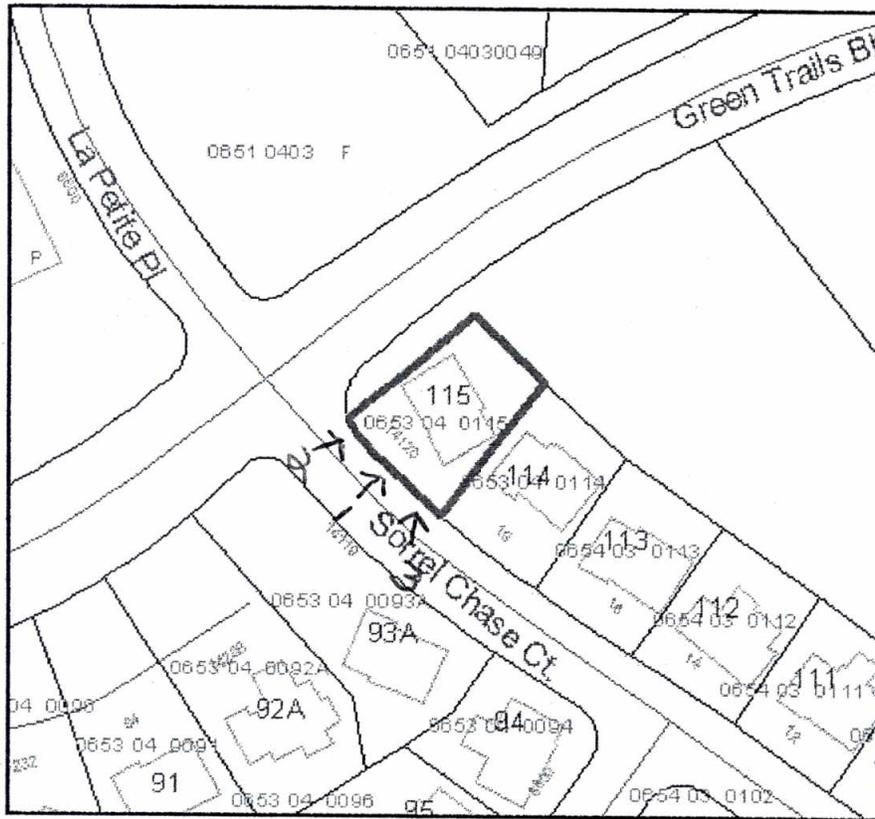
P.T. PINE
STAINED
TO
MATCH
HOUSE
TRIM

6"x6"
COLUMN



MAP #: 0653 04 0115
PENDER JERRY V

14120 SORREL CHASE CT



Aerial Imagery © 2007 Commonwealth of Virginia

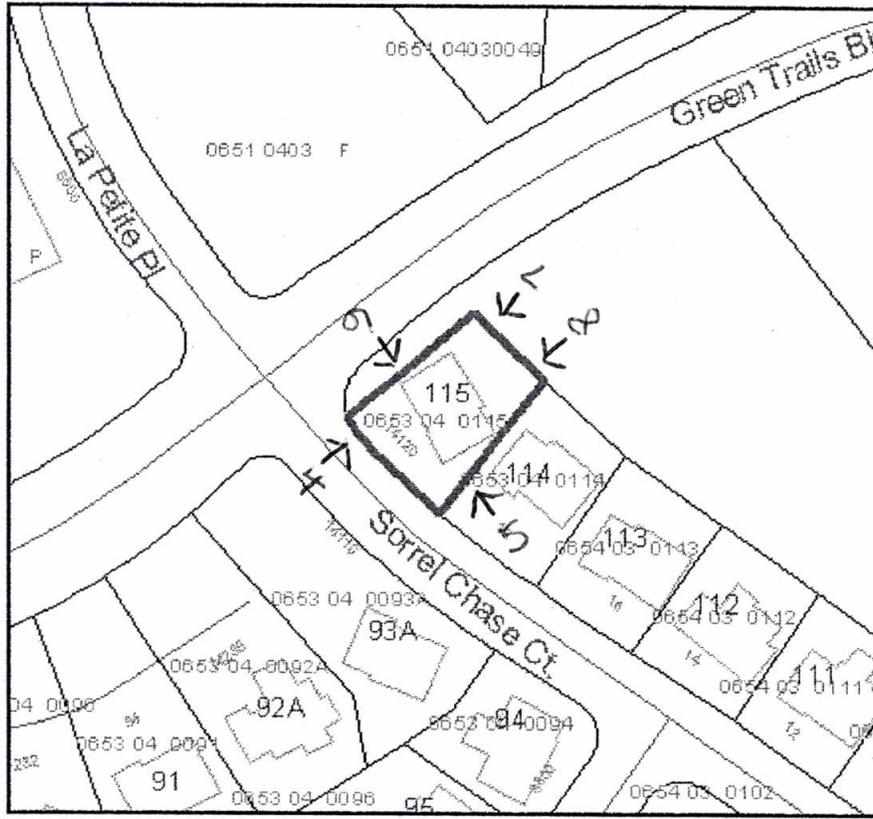
Source: Fairfax County Department
of Tax Administration, Real Estate Division.

Diagram showing the position
taken when the pictures were shot.

RECEIVED
Department of Planning & Zoning
JUN 03 2011
Zoning Evaluation Division

MAP #: 0653 04 0115
PENDER JERRY V

14120 SORREL CHASE CT



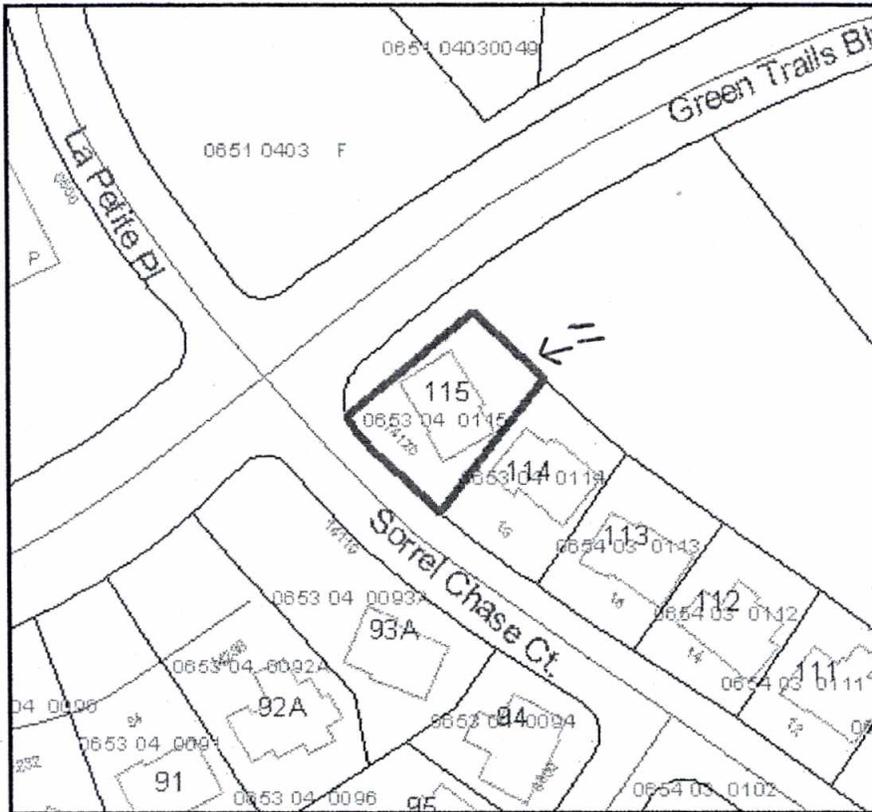
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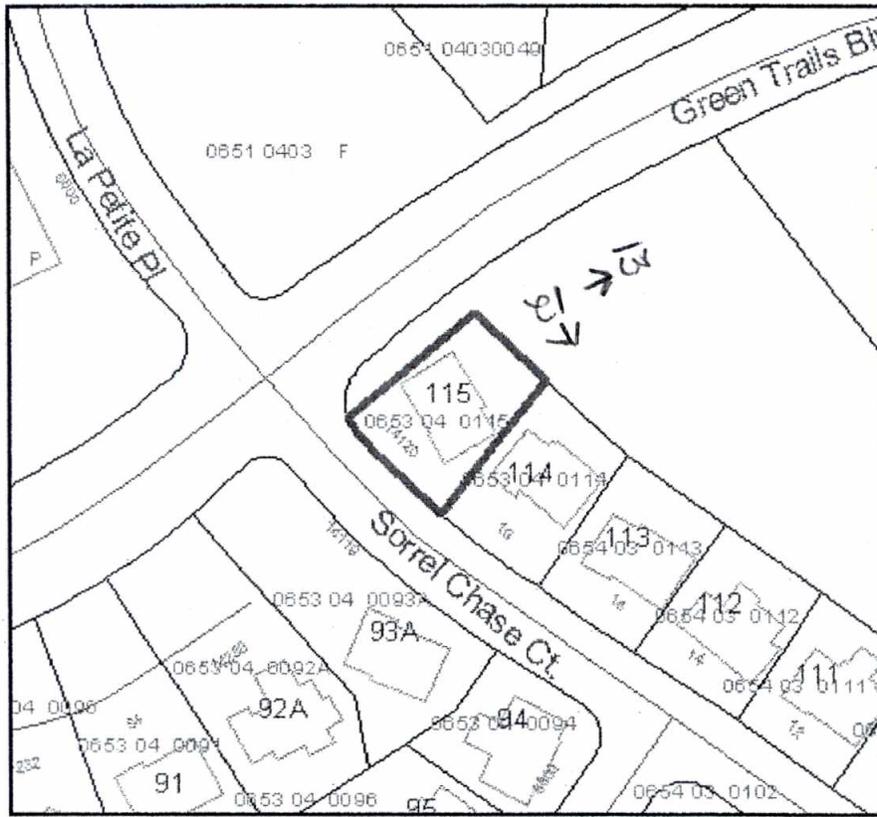
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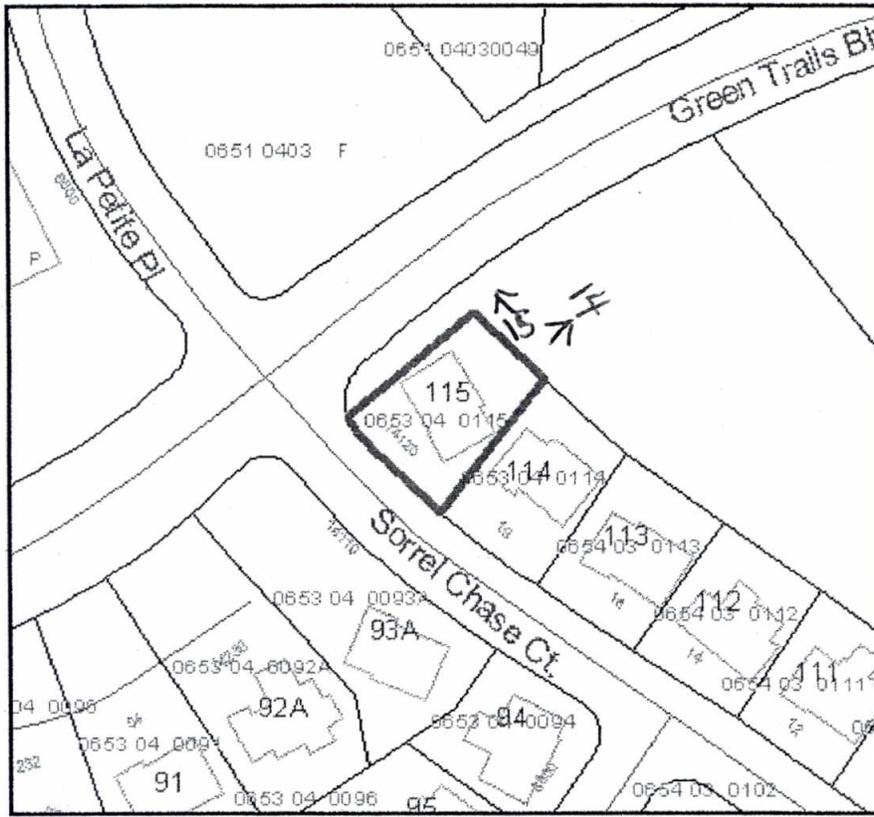
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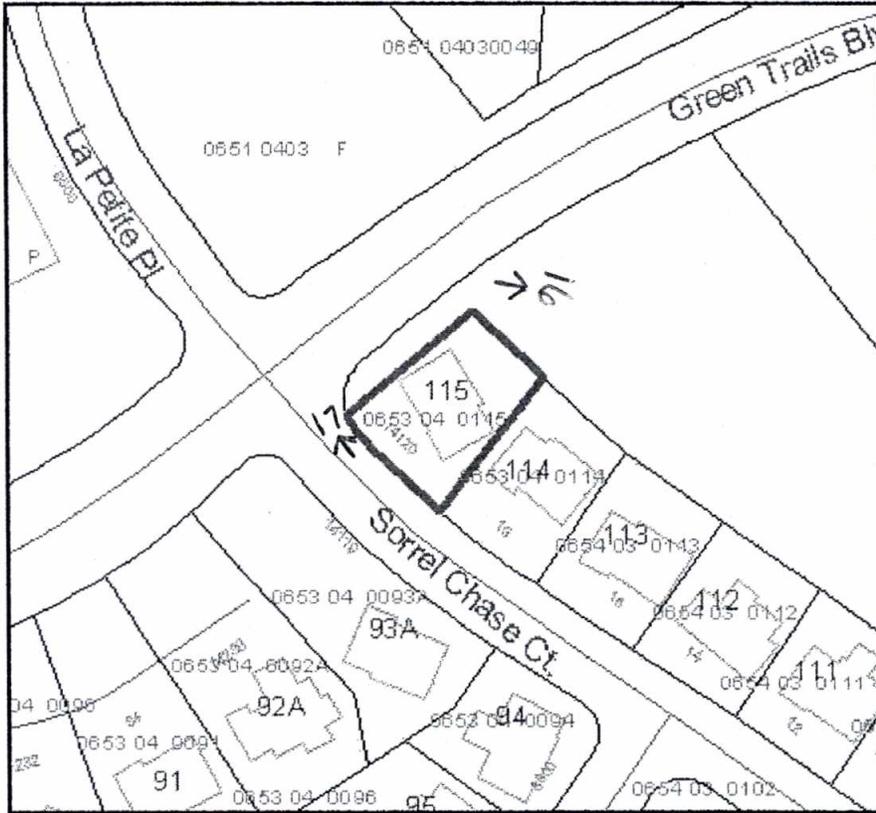
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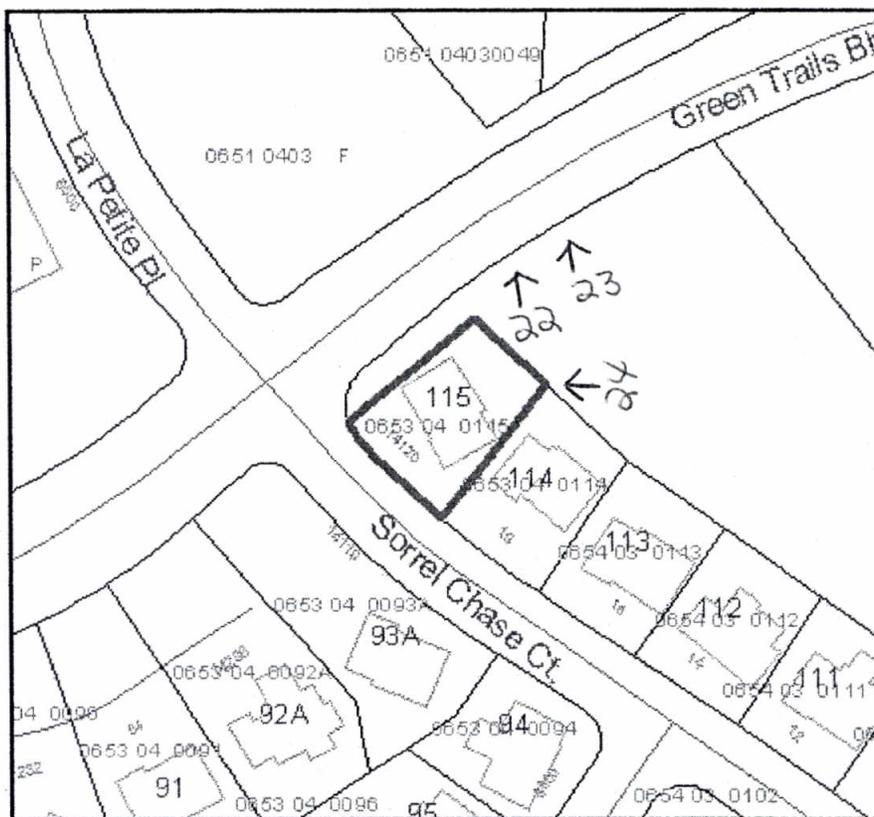
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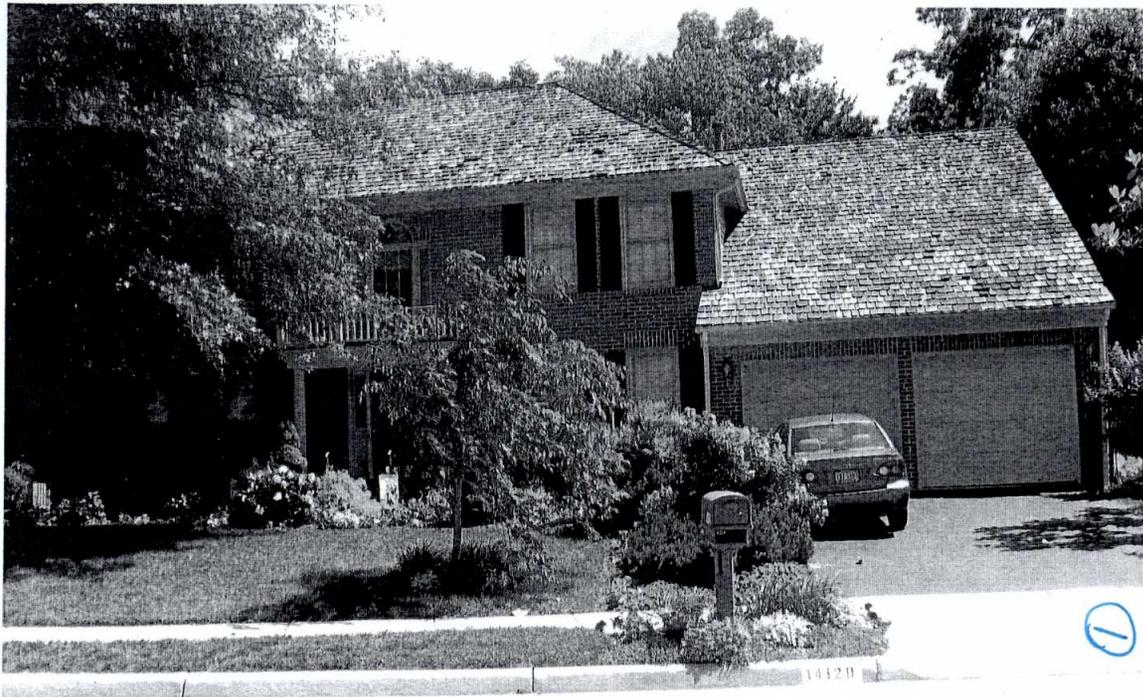
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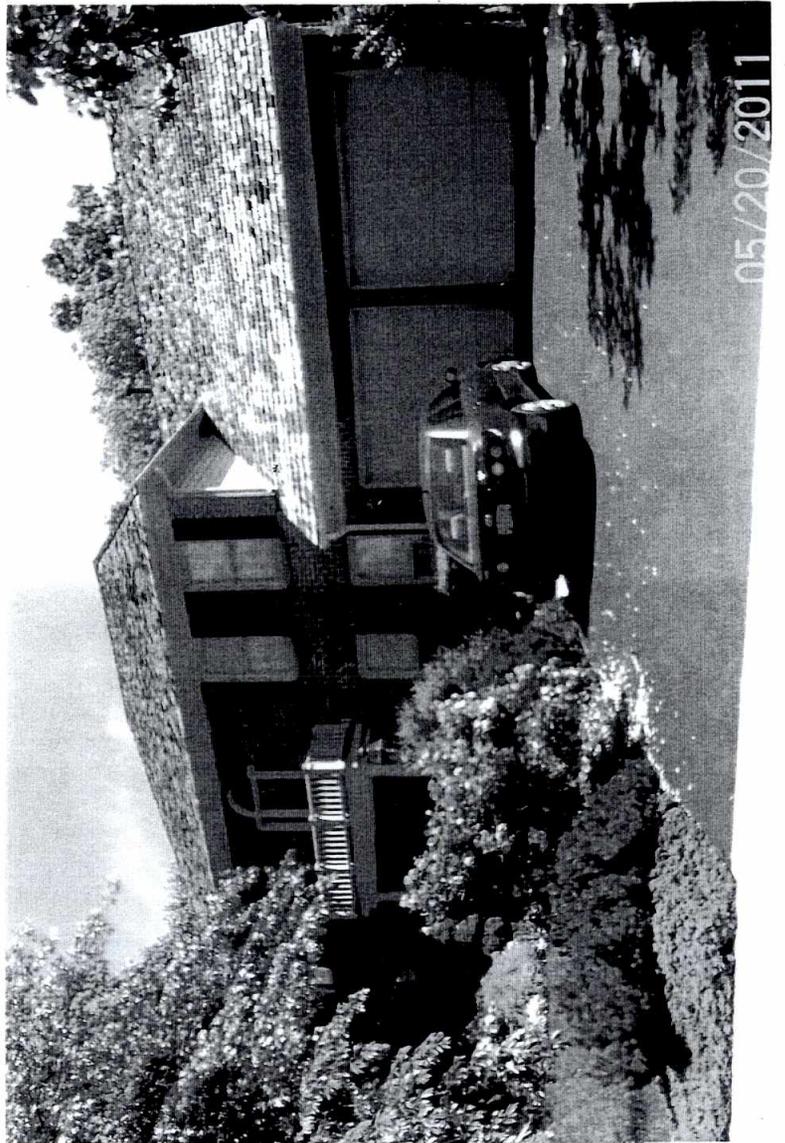


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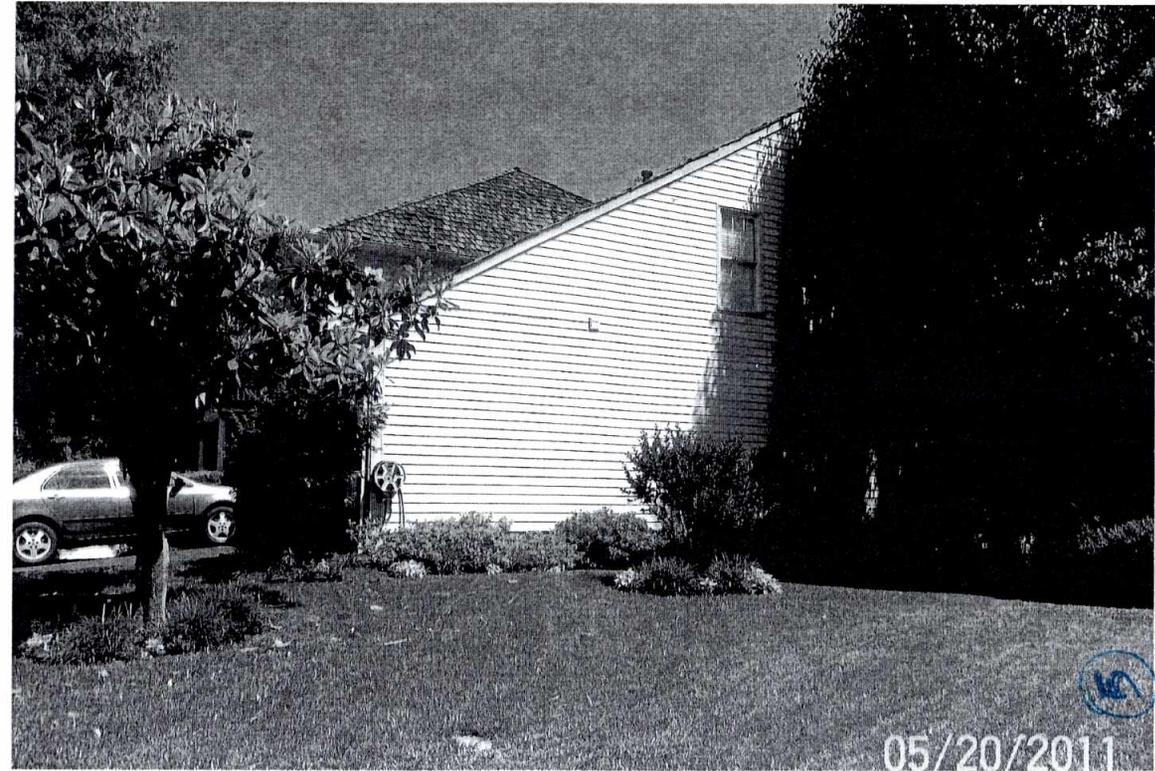


05/20/2011

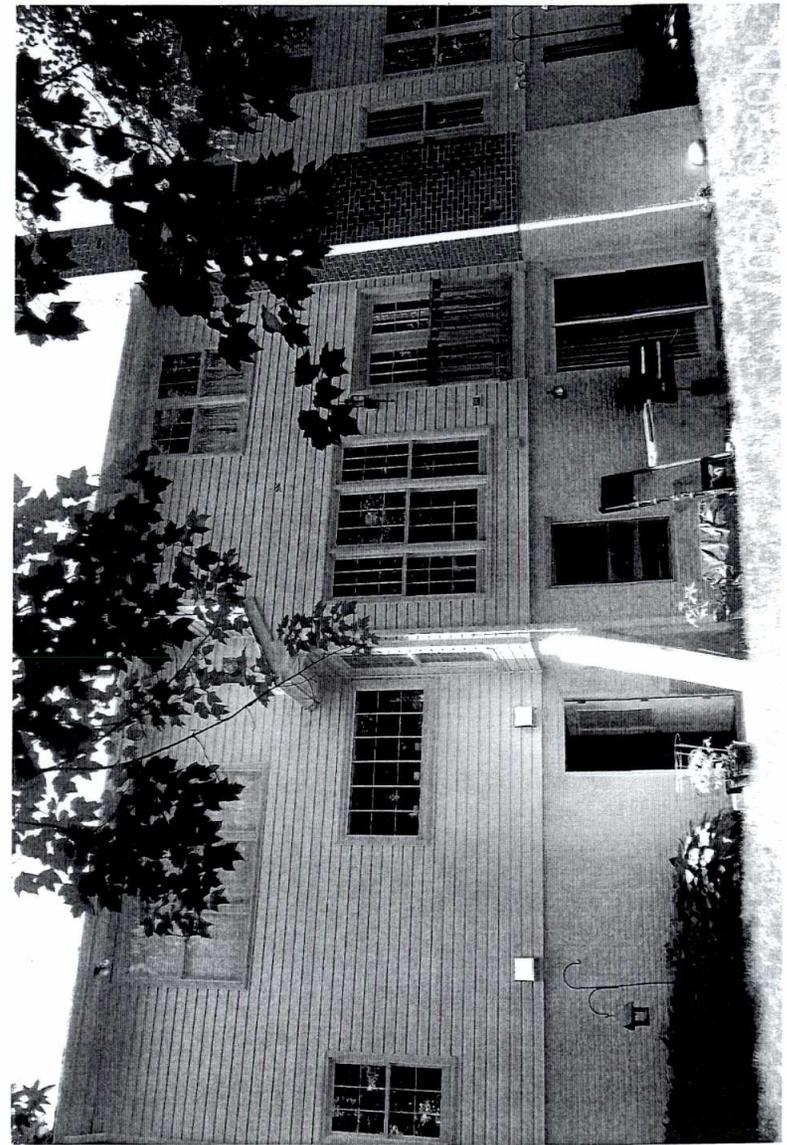
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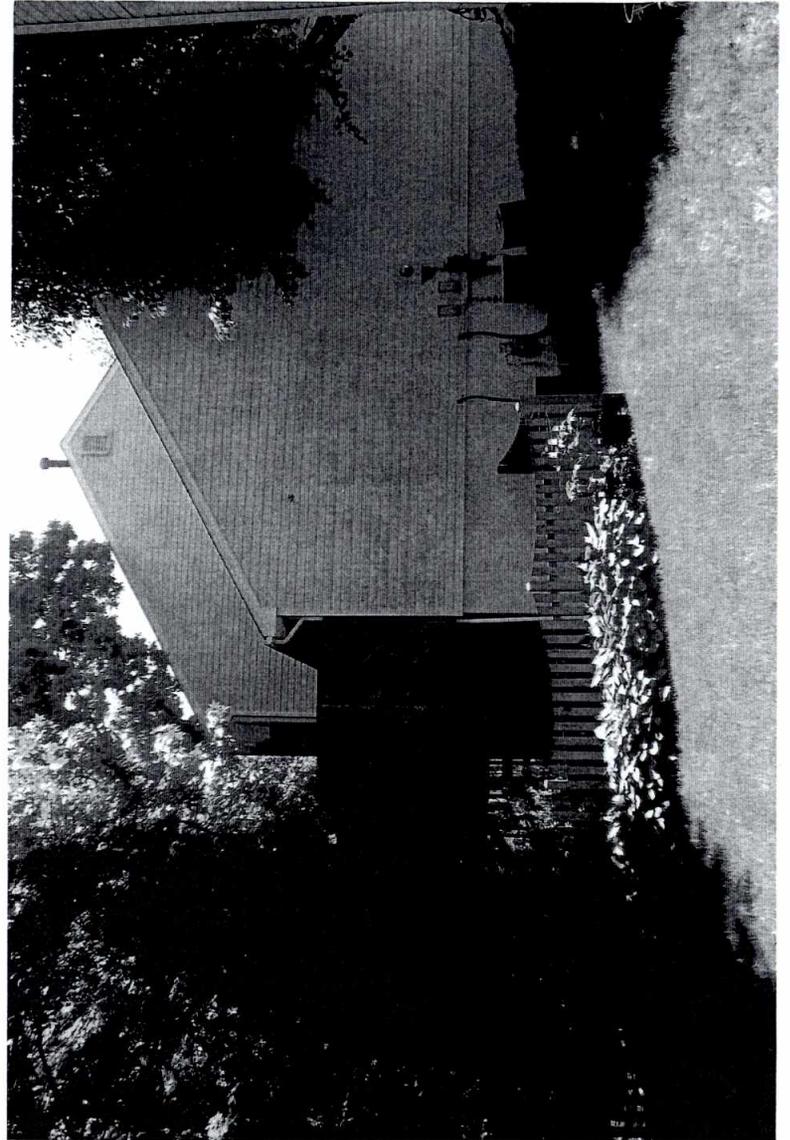
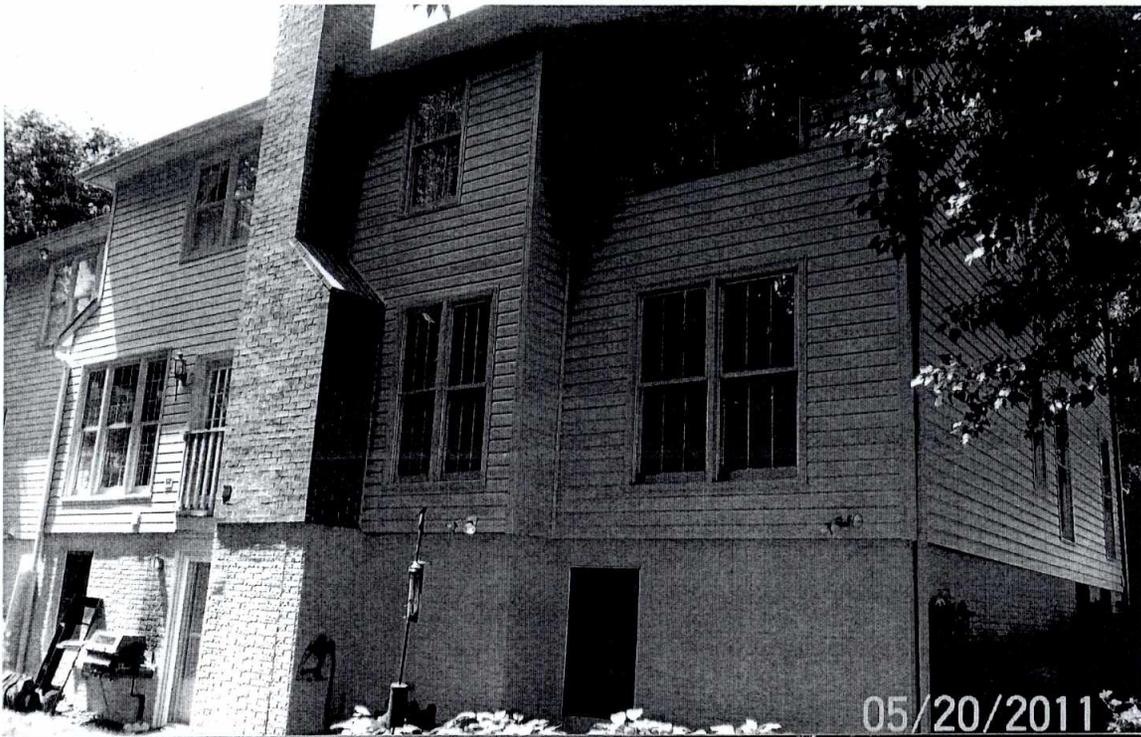
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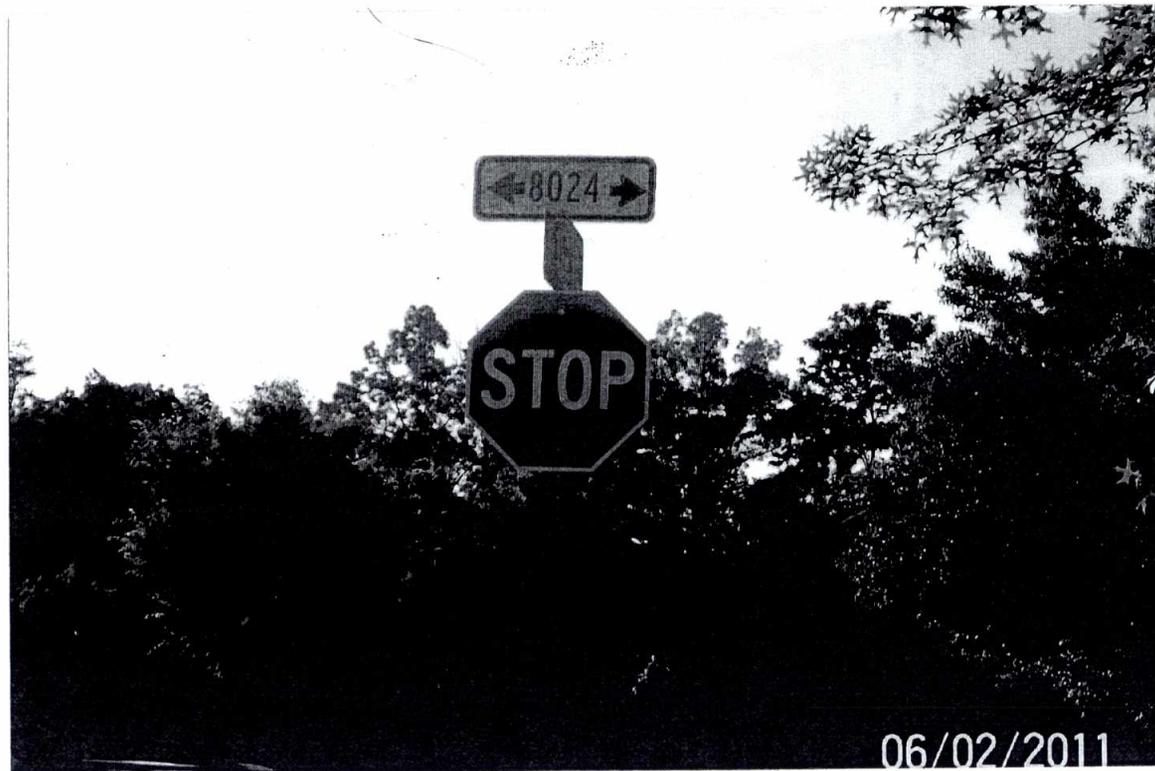
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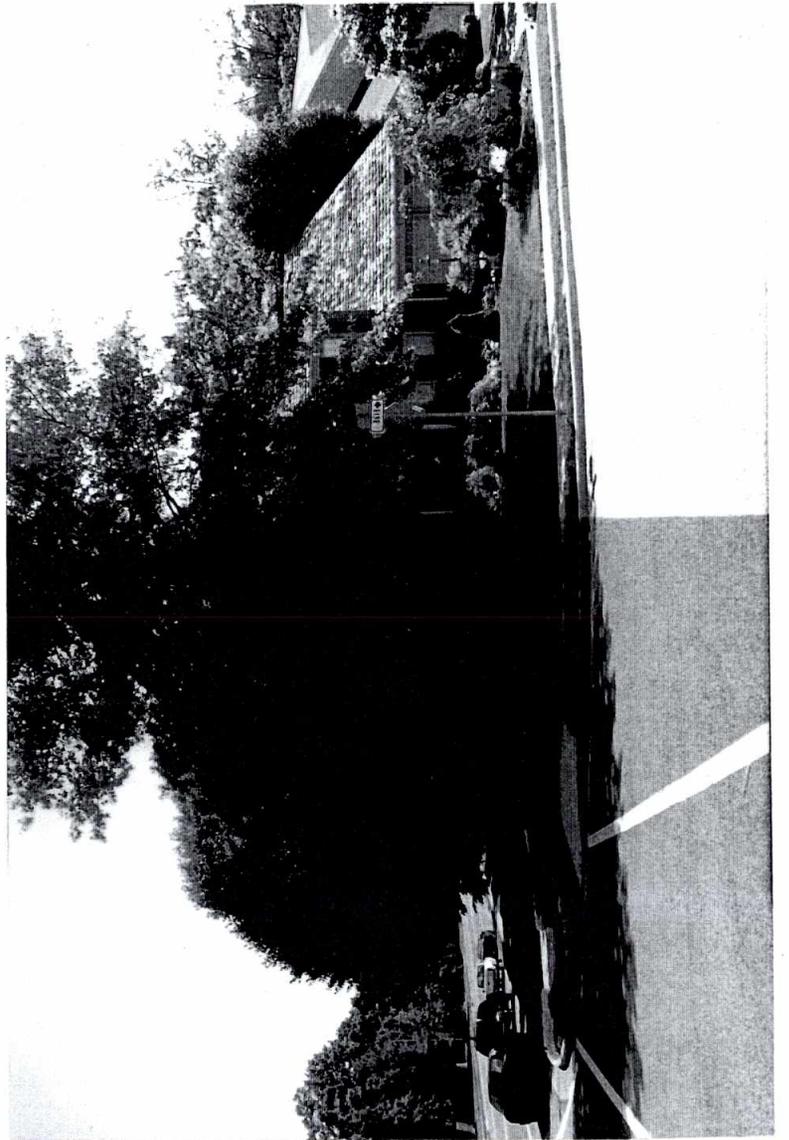
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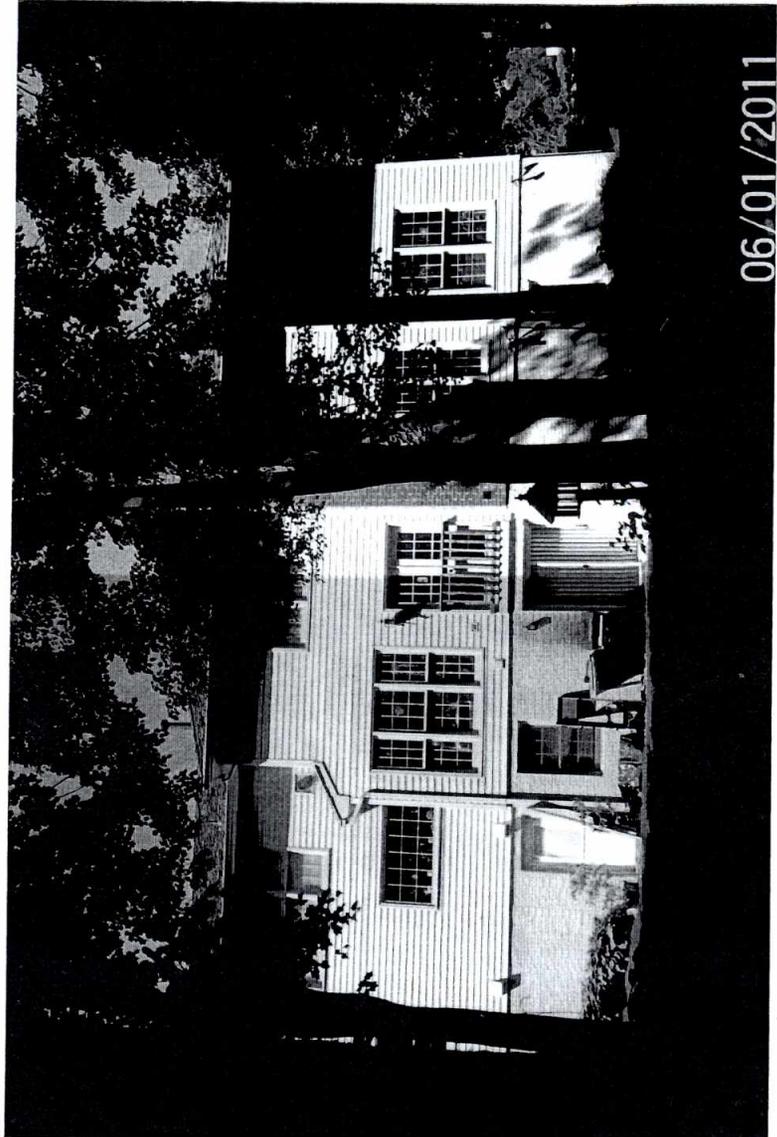
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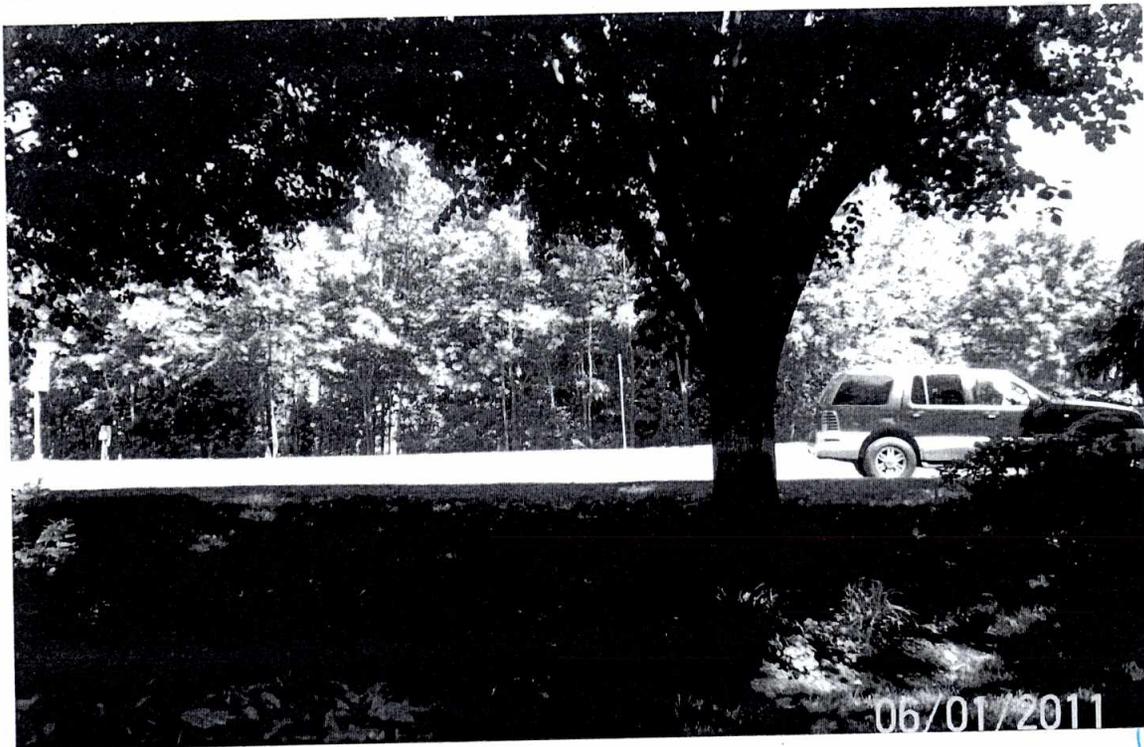
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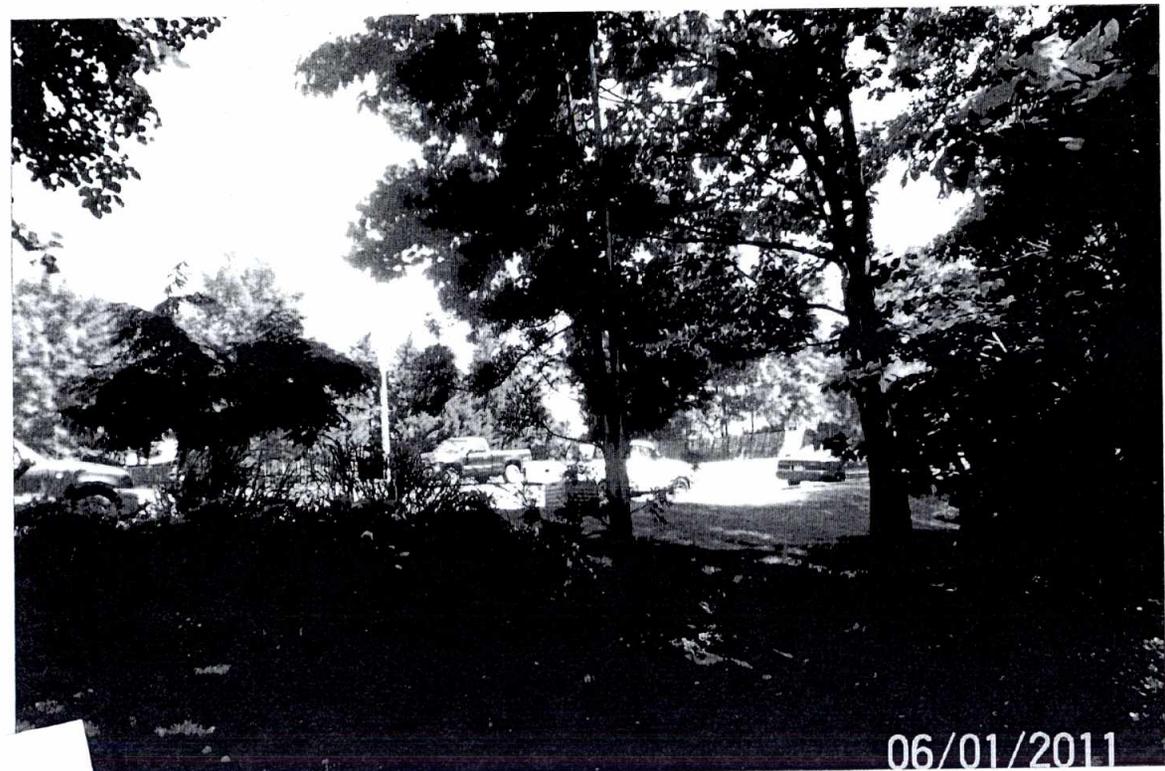
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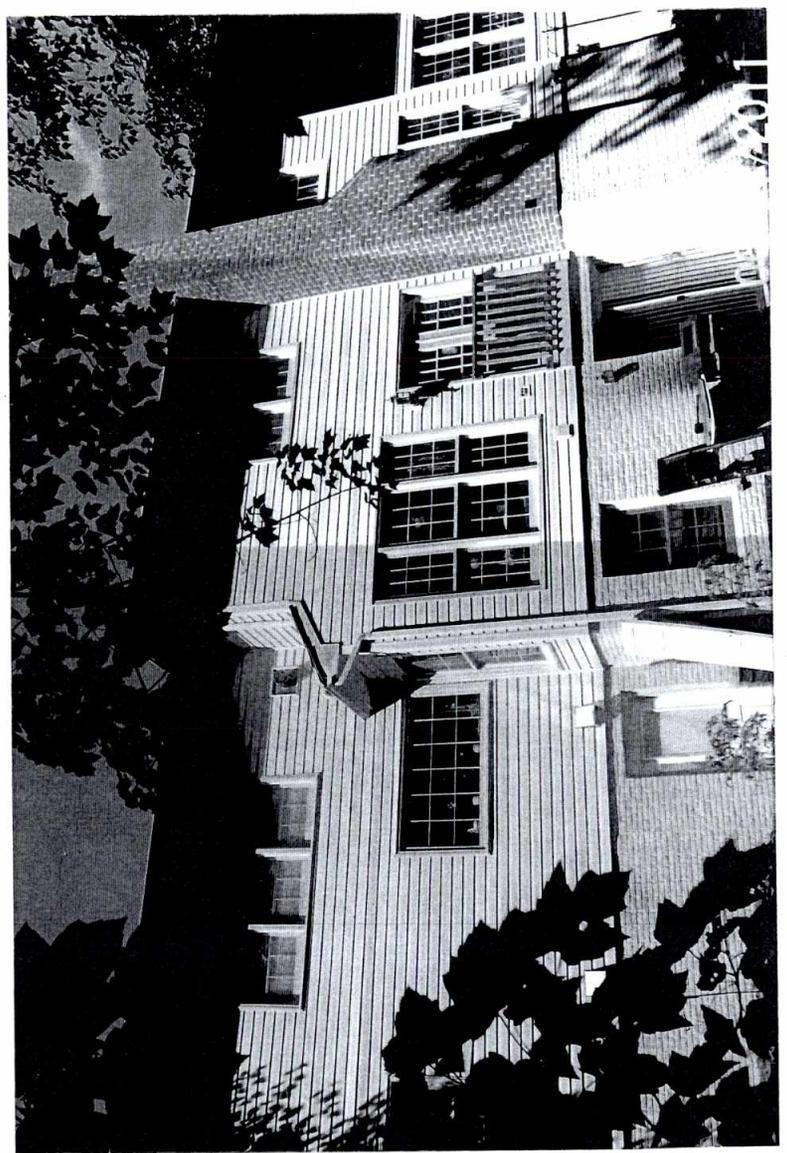
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23



24

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for an addition to be placed 17.8 feet from the rear lot line. The addition (enclosed porch) will measure approximately 348 square feet in area and 20 feet in height. A portion of the porch will be open.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Addition	Rear	25.0 feet	17.8 feet	7.2 feet	29%

* A minimum rear yard of 25 feet is required in the R-5 District.

EXISTING SITE DESCRIPTION

The 8,991 square foot application site is developed with a two story, brick and vinyl single family detached dwelling. The site is zoned R-5 and Water Supply Protection Overlay District (WS). The grade of the site slopes down towards the rear yard, which abuts open space. The structure was built in 1987 and measures approximately 2,142 square feet in area (above ground). An asphalt driveway in the front yard terminates at an attached two (2) car garage. A wood fence runs alongside the eastern property line. The area around the single family detached dwelling is landscaped with grass, trees, and shrubs, and the entire site is within a Resource Protection Area (RPA).

CHARACTER OF THE AREA

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

BACKGROUND

Following adoption of the current Ordinance, the BZA heard the following variance application in the vicinity of the application parcel:

- Variance VC 2002-SU-148 was approved on December 4, 2002 for Tax Map 63-3 ((4)) 80, zoned R-5, 14210 Rock Canyon Drive, to permit construction of an addition 22.6 feet from the rear lot line.

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

- **Title of SP Plat:** Special Permit Plat, Lot 115, Section One, Green Trails
- **Prepared By:** B.W. Smith and Associates, Inc.
- **Dated:** January 12, 2011, revised through July 7, 2011

Proposal:

The applicant proposes to construct an enclosed porch addition at the rear of the single family detached dwelling. The addition will measure approximately 348 square feet in area and 20 feet in height. Due to the existing downward slope of the rear yard, the enclosed porch will be elevated on columns, but the addition will connect to the dwelling's ground floor at the rear. Approximately 288 square feet of the addition will be screened under a hipped roof, and 60 square feet will be an open deck. The materials will include aluminum spindles, roof shingles, and painted trim to match the existing house. A wood privacy fence is proposed to run alongside the addition and extend further into the rear yard. A height limit of seven (7) feet is proposed by development condition since the elevations note a proposed height of eight (8) feet, which is not permitted.

The entire site is within the RPA. The proposed addition will be built in the RPA and will require the Department of Public Works and Environmental Services (DPWES) to review a RPA Exception application, which also incorporates a Water Quality Impact Assessment. Due to the proposed size of the addition (less than 1,000 square feet or 2% of the lot area up to 2,500 square feet); the addition may qualify as a minor addition. A development condition that requires a RPA Exception application is proposed.

ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

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

General Special Permit Standards (Sect. 8-006)

Staff believes that the application for the addition meets all of the General Special Permit Standards, particularly Standard 3. General Standard 3 requires that the "proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan." *Staff believes that the proposed addition will not adversely affect the neighboring properties since the addition will be constructed to match the existing house and faces open space at the rear. The applicant also proposes to build a privacy fence along the side of the addition facing Green Trails Boulevard. Staff believes this standard has been met.*

Provisions for Reduction of Certain Yard Requirements (Sect. 8-922)

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The gross floor area of a single family dwelling would also include the floor area of any attached garage. *The (above ground) gross floor area of the existing dwelling is 2,142 square feet, and 150 percent of the gross floor area is 3,213 square feet. In total, the applicant would be permitted to have approximately 5,355 square feet on site. The request is for an addition of 288 square feet, which will result in a gross floor area of 2,430 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 plat and elevations, which are included as Appendix 4, indicate that the scale and materials, including shingles and painted trim, of the proposed addition will be compatible. The length and width of the addition (approximately 16 feet by 18 feet) is proportional to the house, and the height of the addition at approximately 20 feet will not exceed the height of the existing single family dwelling. Staff believes this standard is satisfied.*

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. *The applicant proposes to construct an enclosed porch addition in an open area at the rear of the house. The existing dwelling is situated towards the corner of Sorrel Chase Court and Green Trails Boulevard, and the site slopes down towards the rear, which minimizes the view of the addition from Sorrel Chase Court. The applicant proposes to build the*

addition along the side closest to Green Trails Boulevard near HOA open space, which will not impact any existing trees. The request is in scale with the surrounding structures and topography. Staff believes this standard is satisfied.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. *The proposed addition will not adversely impact the use or enjoyment of the adjacent properties due to the lack of impact. The entire application site is within the RPA, and the minimal footprint of the addition will qualify as a minor addition. The addition will also be built away from the neighboring single family detached dwelling, which will reduce any possible impacts to the adjacent property. Adequate light and air will be preserved due to the compatible scale of the addition, and there are no anticipated impacts to noise, light, erosion and stormwater runoff. Staff believes this standard is satisfied.*

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. *The proposed location of the addition is the best possible location for an addition to the existing single family dwelling. The house is situated at an angle on the lot, which creates irregular yard designations around the house. The entire site is within the RPA, and the proposed addition would qualify as a minor addition due to the limited scale of request. Staff believes this standard is satisfied.*

CONCLUSION

If it is the intent of the BZA to approve this application, staff suggests the BZA condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

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.

APPENDICES

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

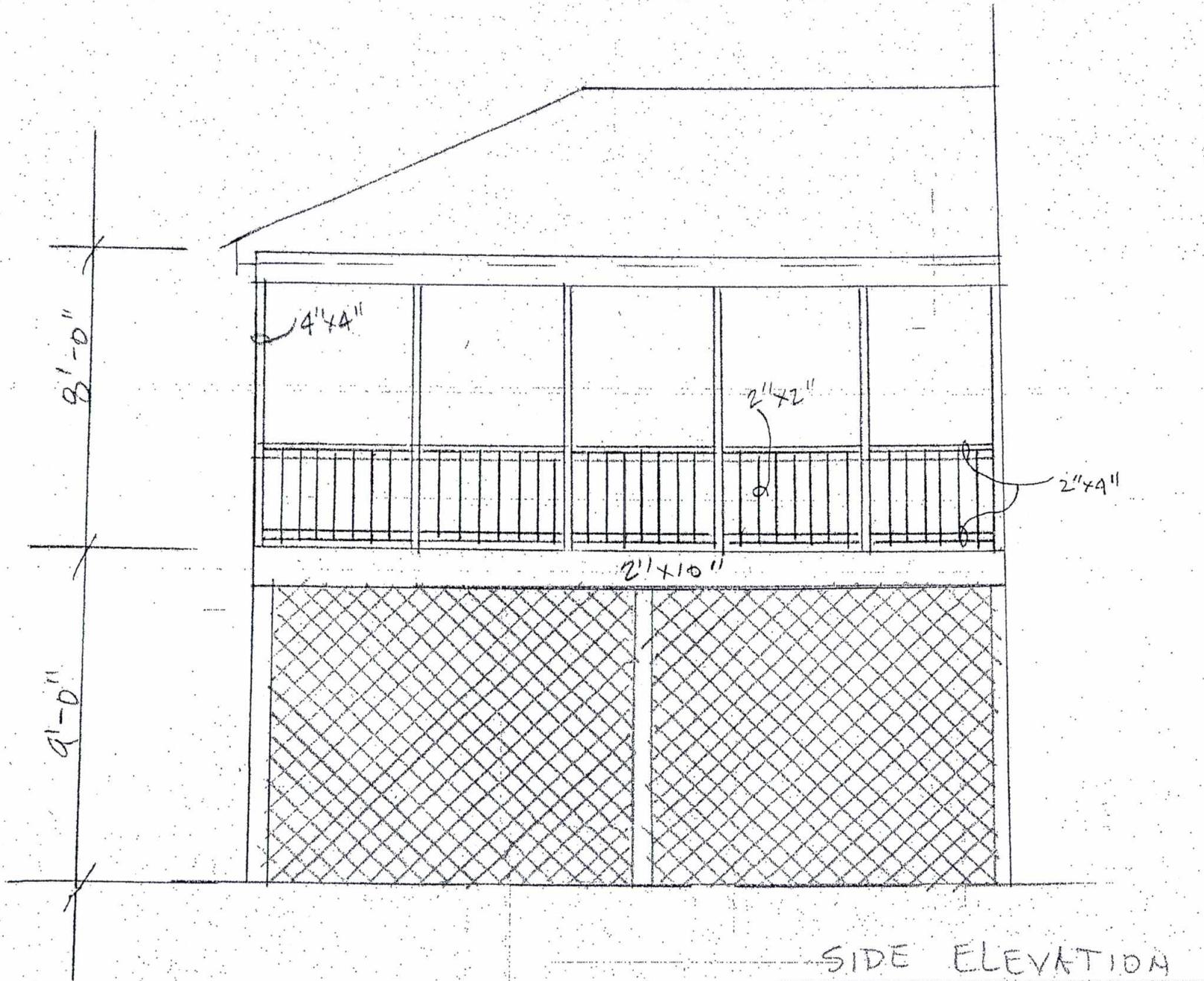
PROPOSED DEVELOPMENT CONDITIONS**SP 2011-SU-086****November 23, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-SU-086 located at Tax Map 65-3 ((4)) 115 to permit a reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of an enclosed porch addition (288 square feet), as shown on the plat prepared by B.W Smith and Associates, Inc., dated January 12, 2011, revised through July 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 [2,142 square feet existing + 3,213 square feet (150%) = 5,355 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.
5. Notwithstanding what is shown on the architectural renderings, the privacy fence along Green Trails Boulevard shall be limited to a height of seven (7) feet.
6. The applicant shall complete a Resource Protection Area (RPA) Exception application for review and approval, if required, by the Department of Public Works and Environmental Services (DPWES), prior to approval of a building permit.

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 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.



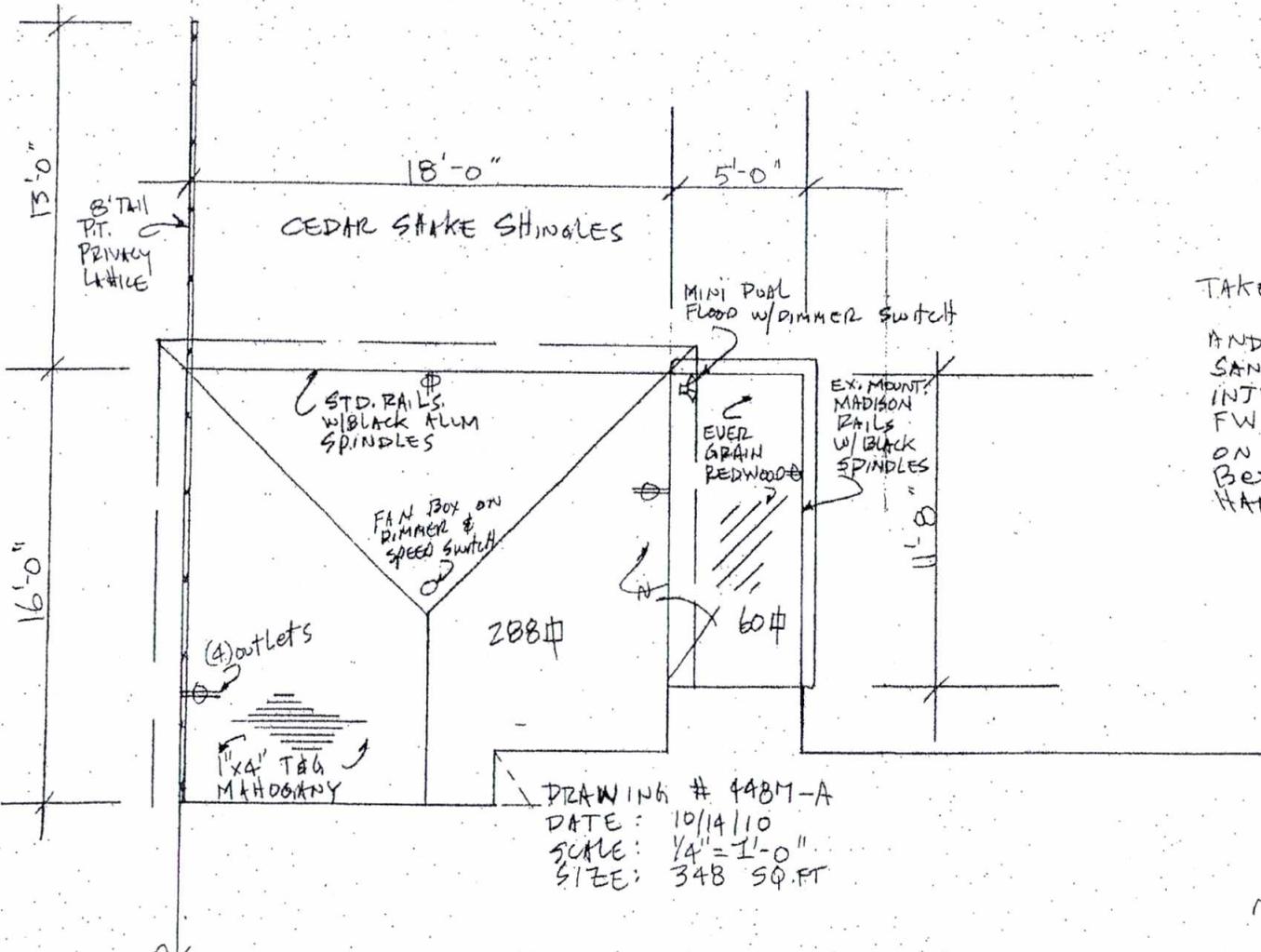
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Anne & Jerry Pender
 14120 Sorrel Chase Court
 Centreville, VA 20121



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 President

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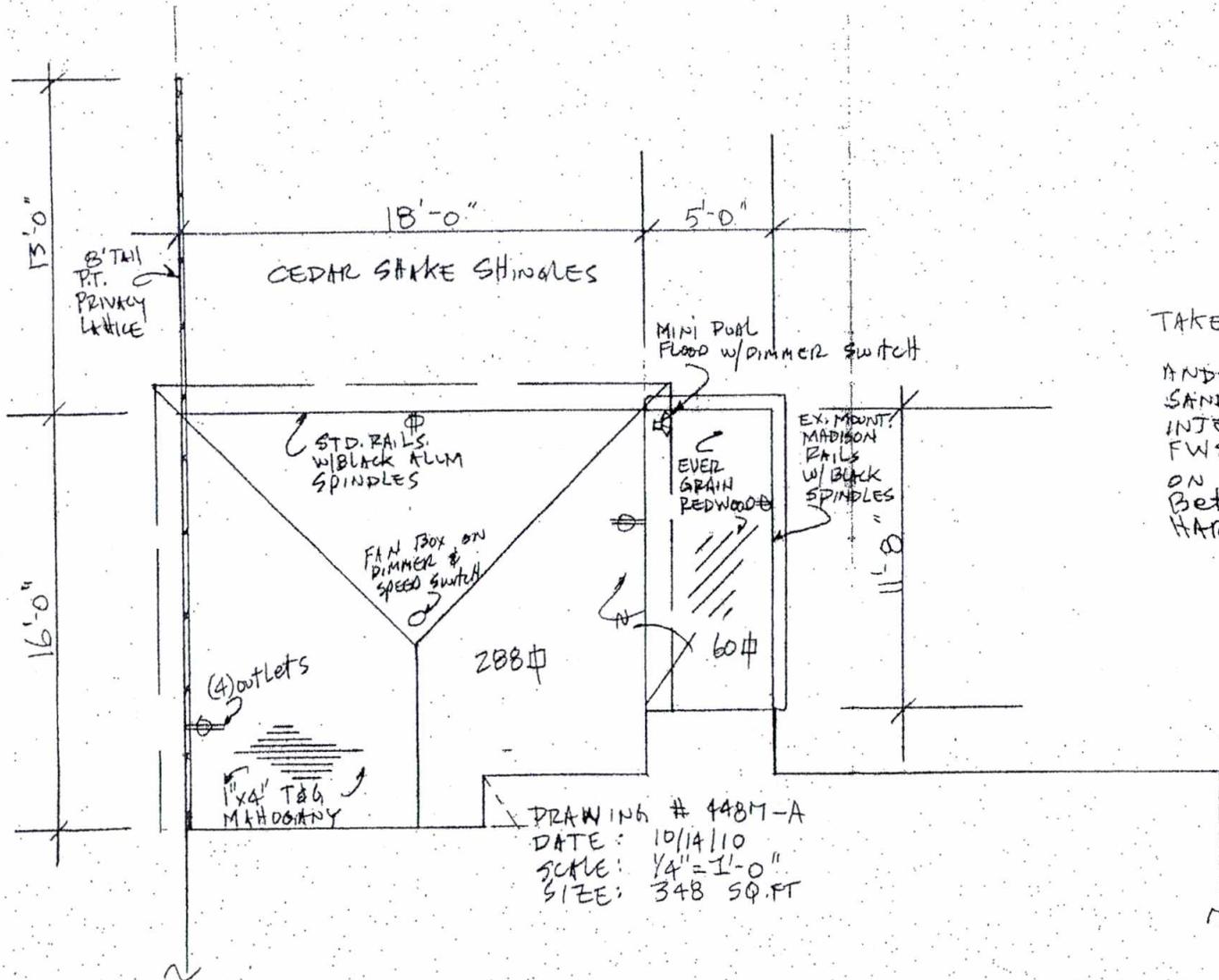
James W. Craig
President

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Anne & Jerry Pender
14120 Sorrel Chase Court
Centreville, VA 20121



TAKE OUT WINDOW AND ADD

ANDERSEN FRENCHWOOD INSWING
SANTONE EXTERIOR, UNFINISHED
INTERIOR FWH31611AR WITH
FWSL 13611 SIDELIGHT MOUNTED
ON HINGE SIDE ALL w/ GRILLS
Between the GLASS, BRASS LEVER
HARDWARE SET.



SHINGLE TO MATCH EXISTING

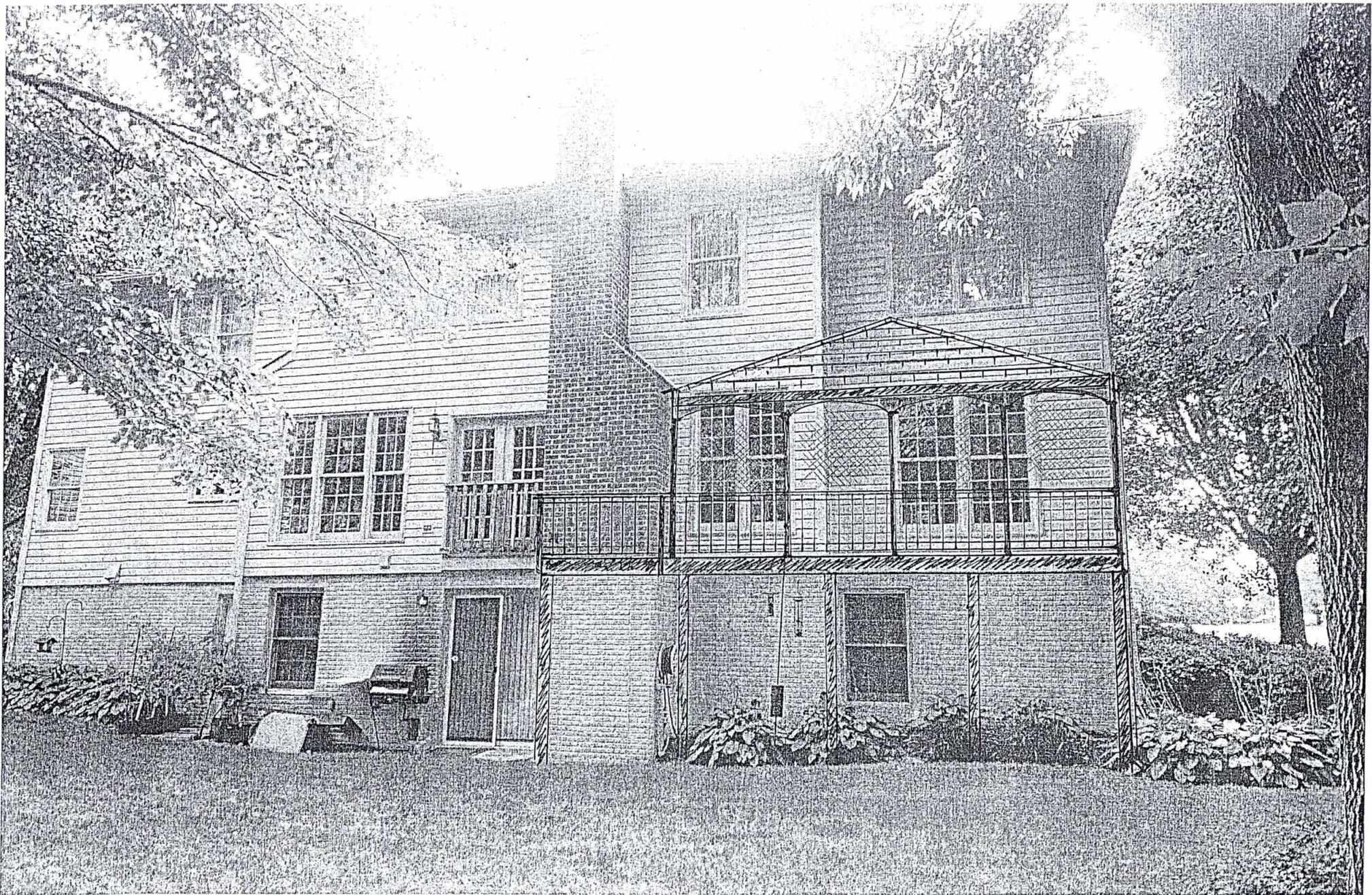
PAINTED RAILS & TRIM TO MATCH EXISTING

SCREEN

BLACK ALUM. SPINDLES

P.T. PINE STAINED TO MATCH HOUSE TRIM

6'x6" COLUMN



Application No.(s): SP 2011-50-086
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 5, 2011
(enter date affidavit is notarized)

I, Elizabeth Anne Pender, 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 589a

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)
Elizabeth A. Pender	14120 Sorrel Chase Court Centreville, VA 20121-3802	applicant/title owner
Jerry V. Pender	14120 Sorrel Chase Court Centreville, VA 20121-3802	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-SU-086
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 5, 2011
(enter date affidavit is notarized)

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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)

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

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

Application No.(s): SP 2011-SU-086
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 5, 2011
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111589a

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

PARTNERSHIP INFORMATION

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

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

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

N/A

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

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

Application No.(s):

SP 2011-50-086

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 5, 2011
(enter date affidavit is notarized)

111589a

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

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

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

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

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

None

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

Application No.(s): SP 2011-SU-086
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 5, 2011
(enter date affidavit is notarized)

111589a

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.

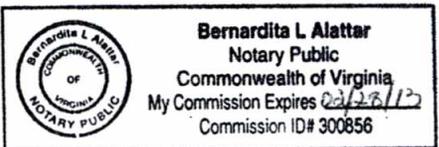
WITNESS the following signature: Jerry V. Pender Elizabeth Anne Pender
(check one) Applicant Applicant's Authorized Agent

Jerry V. Pender Elizabeth Anne Pender
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 5th day of July 2011, in the State/Comm. of Virginia, County/City of Fairfax.

Bernardita L. Alatter
Notary Public

My commission expires: 02/28/2013



SPECIAL EXCEPTION APPLICATION
JUSTIFICATION STATEMENT

RECEIVED
Department of Planning & Zoning

21 2011

Zoning Evaluation Division

We would like to construct a screened-in porch/deck on the back northeast corner of our house. The plans are enclosed in this package.

The reduction in our yard requirement will not result in the placement of a detached accessory structure in the front yard.

This special permit shall only apply to our lot that contains a principal structure. The use that was compiled with the minimum yard requirements in effect when the use or structure was established.

The resulting gross floor area of this addition to the 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 expansion request.

Notwithstanding the definition of gross floor area, as set forth in the Fairfax County Ordinance, the gross floor area of a single family dwelling shall be deemed to include the floor area of any attached garage.

The resulting gross floor area of an existing accessory structure and addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.

The proposed screened-in porch/deck will be in character with the existing structure in terms of the location, height, bulk and scale of the existing structure on the lot.

The proposed screened-in porch/deck will be 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.

The proposed screened-in porch/deck shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion and stormwater runoff.

The proposed reduction in the yard represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors that were considered included the

layout of the existing structure; availability of alternate locations for the addition; 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; location of a well and/or septic field; location of easements and/or preservation of historic resources.

The proposed screened-in porch/deck will satisfy all of the criteria and the maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.

ZONING ORDINANCE PROVISIONS

8-006 General Standards

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

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

8-903 Standards for all Group 9 Uses

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

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

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

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

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

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

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