



County of Fairfax, Virginia

December 7, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-PR-090

PROVIDENCE DISTRICT

APPLICANTS: Ralph A. Biancaniello

OWNERS: Ralph A. Biancaniello
Rose Marie Biancaniello

STREET ADDRESS: 3059 Bohicket Court, Fairfax, 22031

SUBDIVISION: Kingstream

TAX MAP REFERENCE: 48-3 ((34)) 49

LOT SIZE: 9,376 square feet

ZONING DISTRICT: R-3 (Cluster)

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 13.7 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-PR-090 for a screened porch addition with adoption of the proposed development conditions contained in Appendix 1.

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

O:\dhedri\Special Permits(12-14) SP 2011-PR-090 Biancaniello (50)\SP 2011-PR-090 Biancaniello staff report.doc Deborah Hedrick

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.

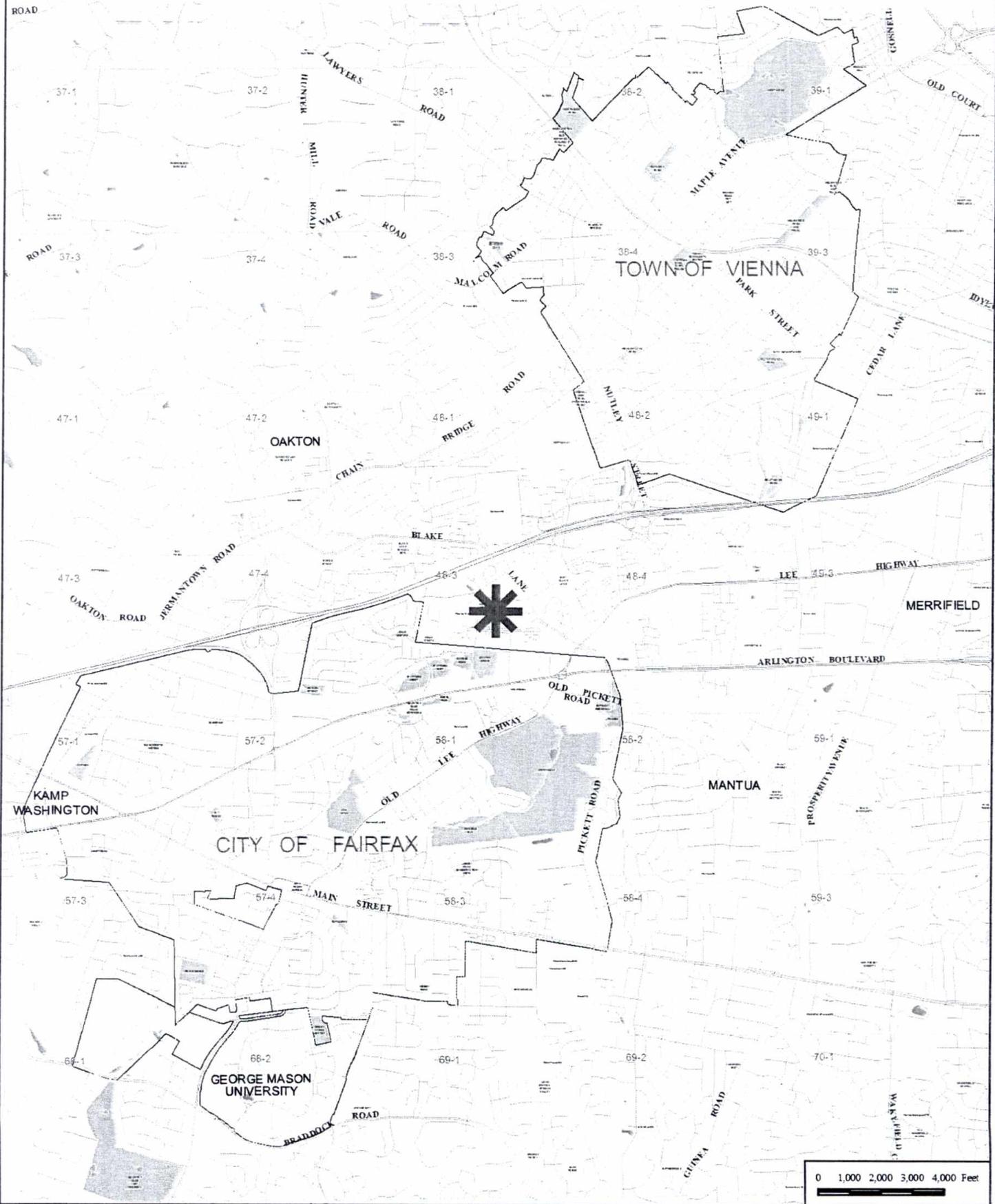
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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-PR-090
RALPHA A. BIANCANELLO



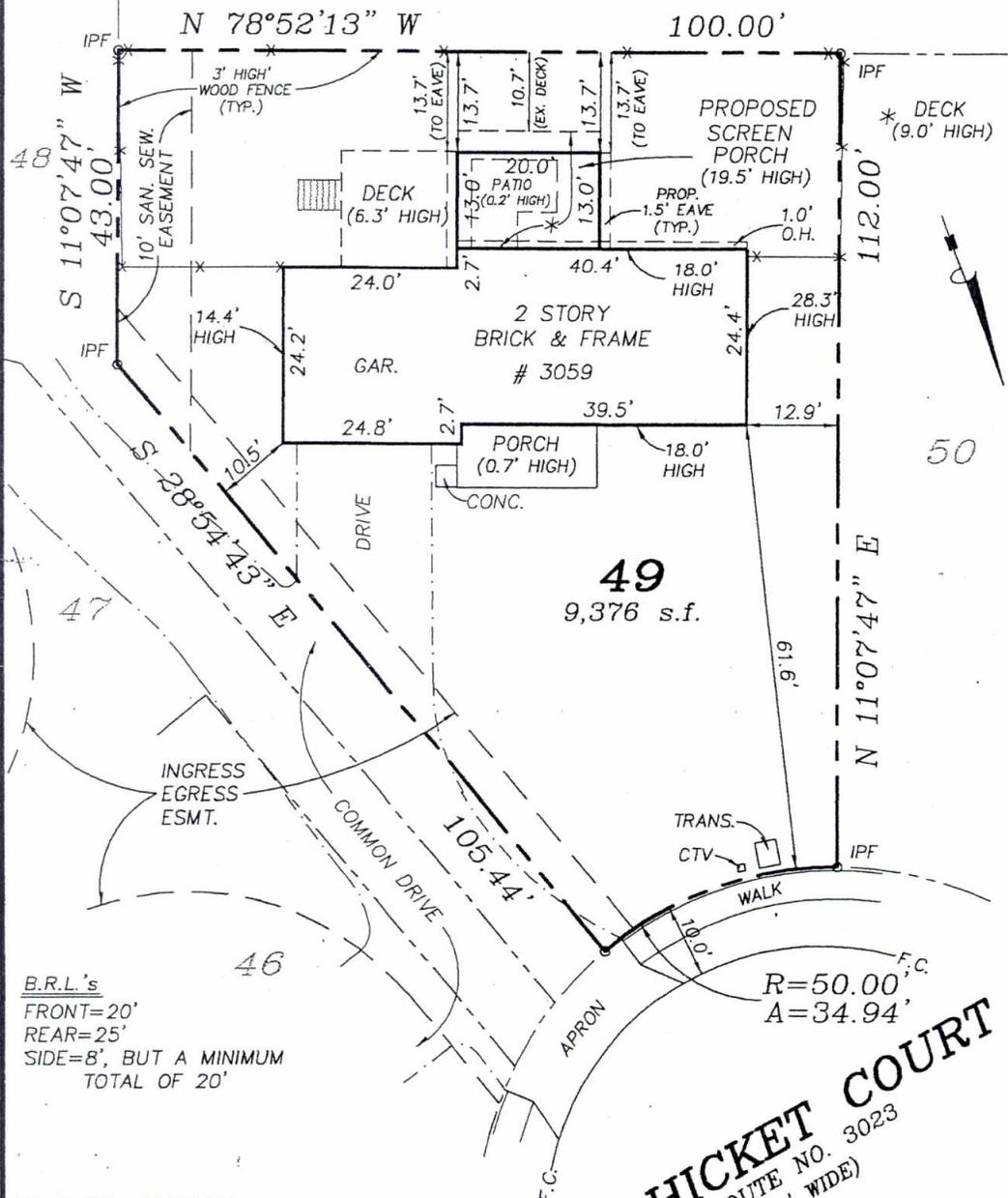
Special Permit
SP 2011-PR-090
RALPH A. BIANCANIELLO



NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 48-3-34-0049 AND IS PRESENTLY ZONED R-3C.
2. NO TITLE REPORT FURNISHED.
3. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
4. IPF-DENOTES IRON PIPE FOUND.
5. AS PER RECORDED SUBDIVISION PLAT AND INFORMATION PROVIDED BY OWNER, THERE ARE NO ADDITIONAL EASEMENTS AFFECTING THIS LOT.

PARCEL "A"

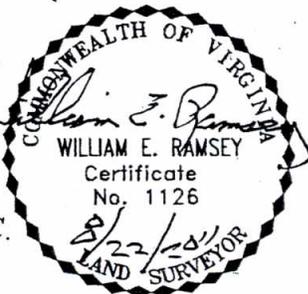


B.R.L.'s
 FRONT=20'
 REAR=25'
 SIDE=8', BUT A MINIMUM
 TOTAL OF 20'

BOHICKET COURT
 ROUTE NO. 3023
 (50' WIDE)

SPECIAL PERMIT
 LOT 49
FIVE OAKS PLACE
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 1"=20' AUGUST 16, 2011
 REVISED: AUGUST 22, 2011

WILLIAM E. RAMSEY, P.C.
 LAND SURVEYOR
 FAIRFAX, VIRGINIA
 703-385-4499

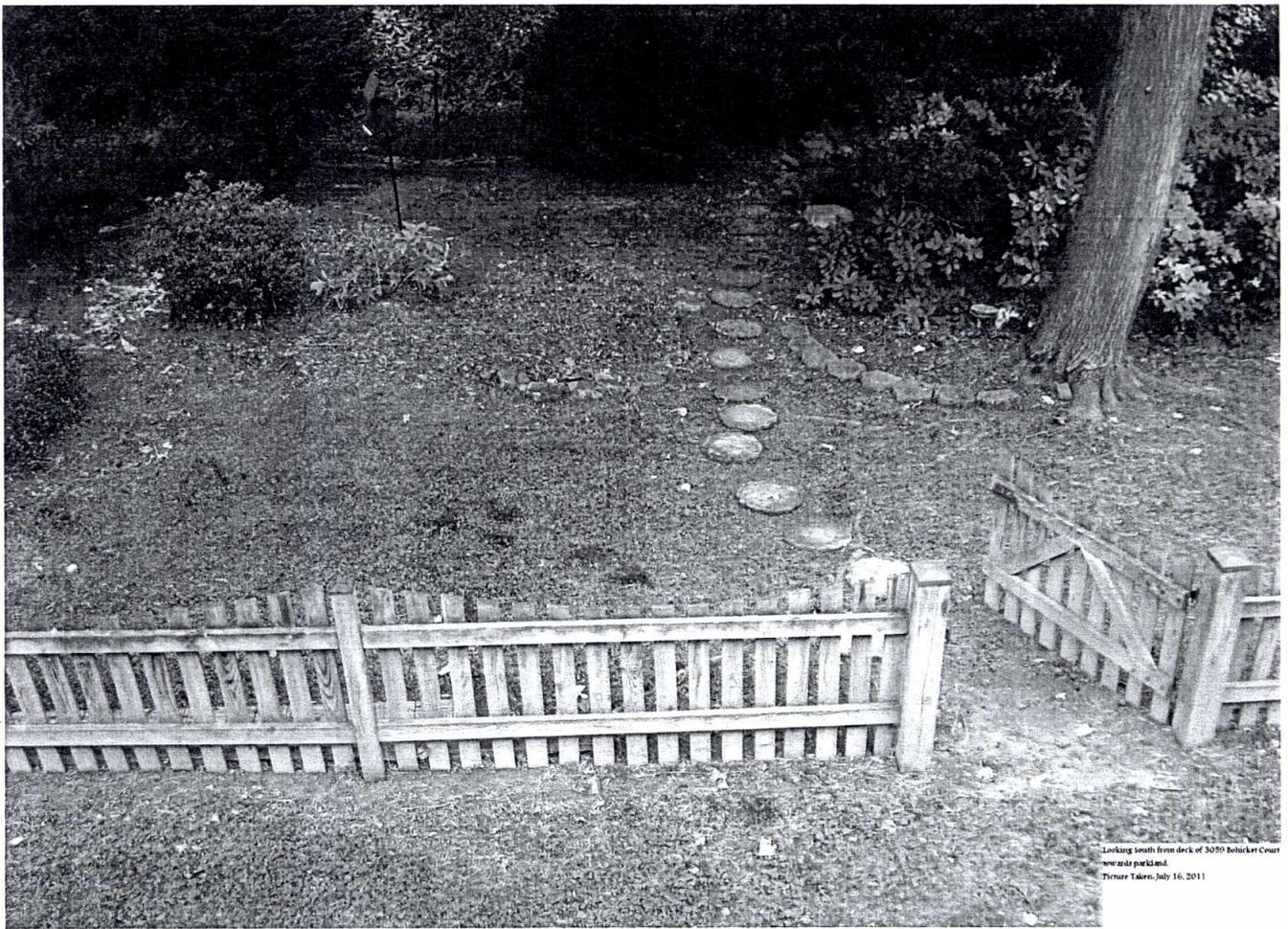




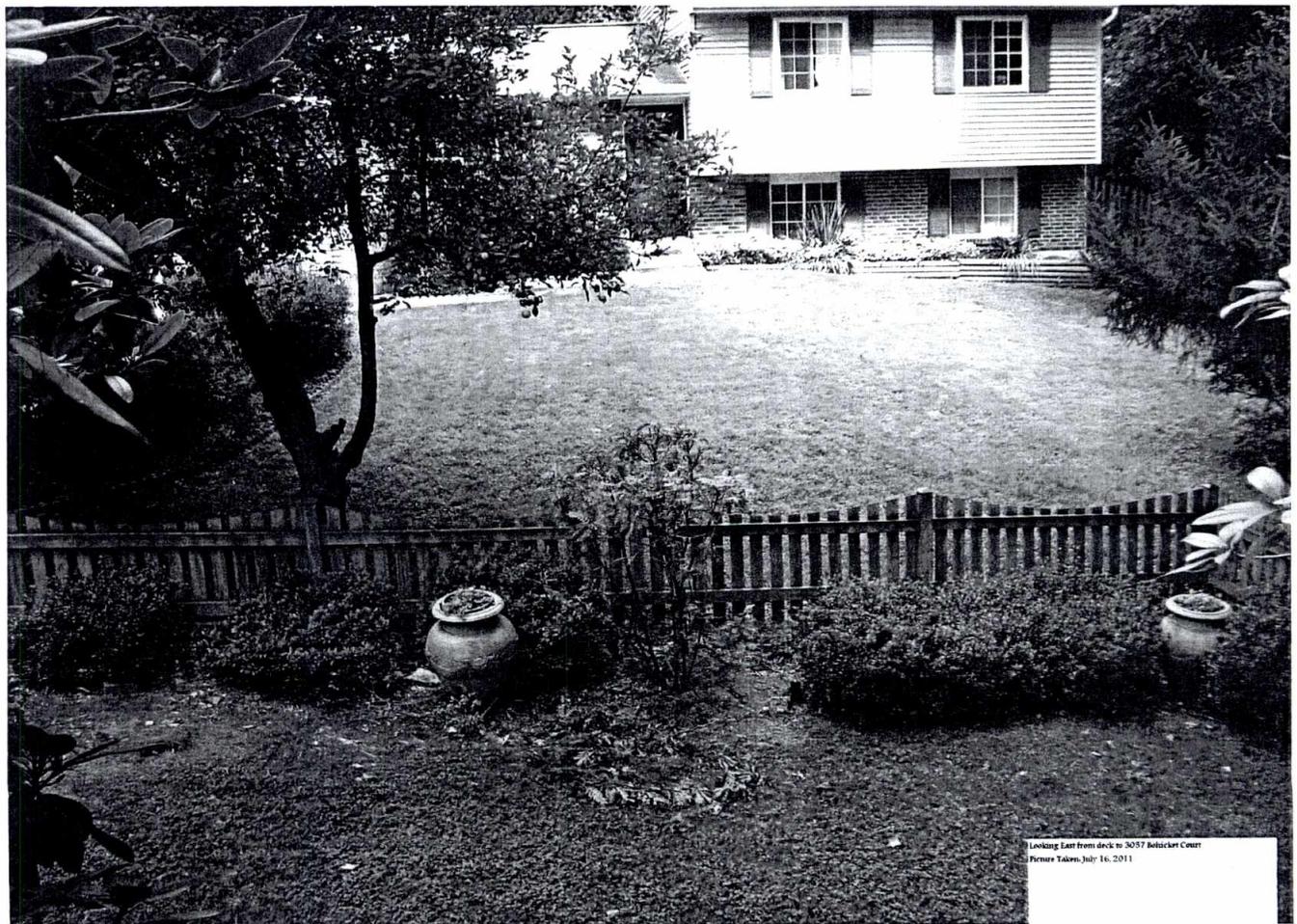
Looking West from front yard of 3057 Bohicket Court
Picture Taken, July 16, 2011



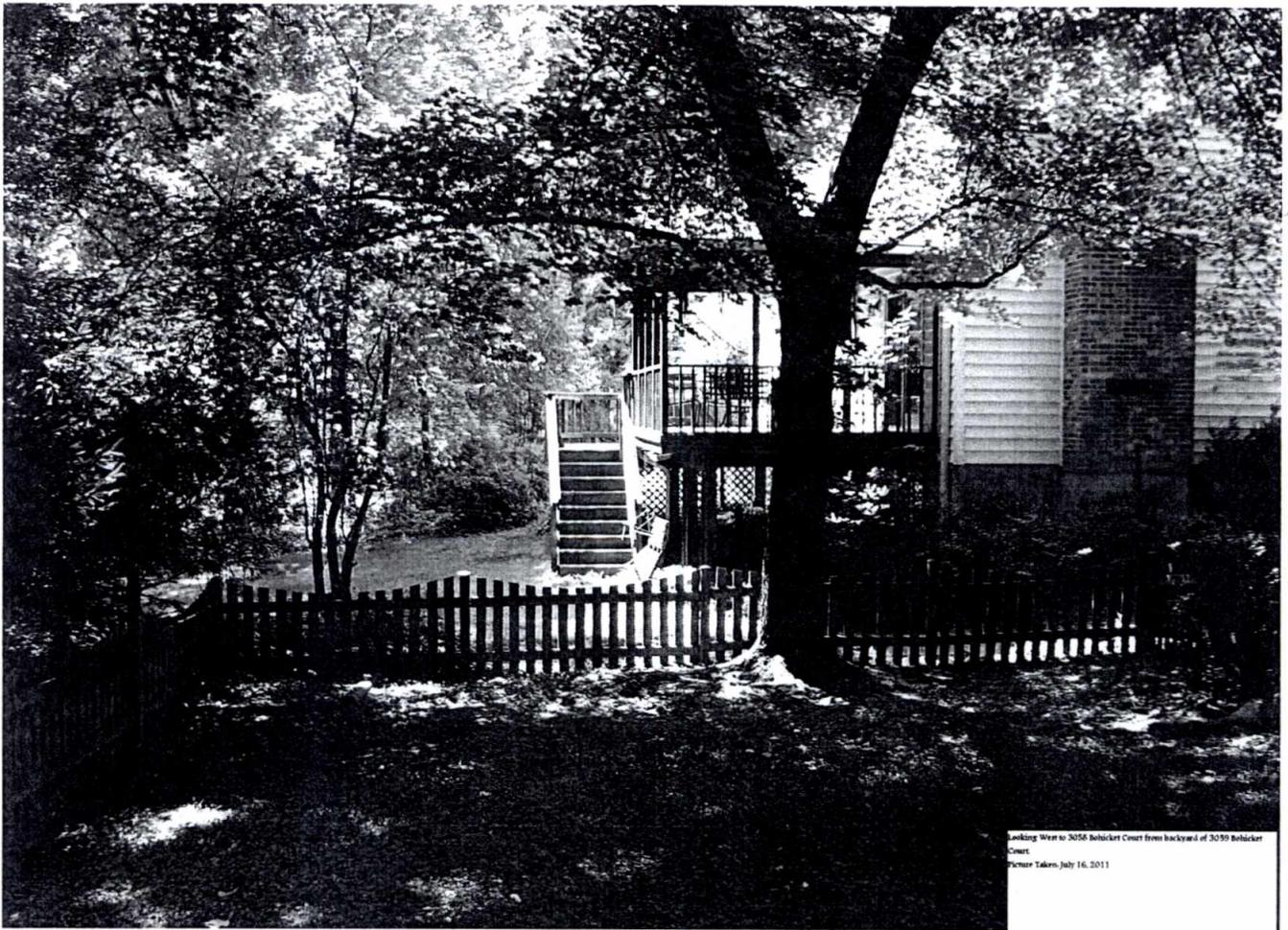
Looking North from parkland to the rear of 3059 Bohicket Court
Picture Taken, July 16, 2011



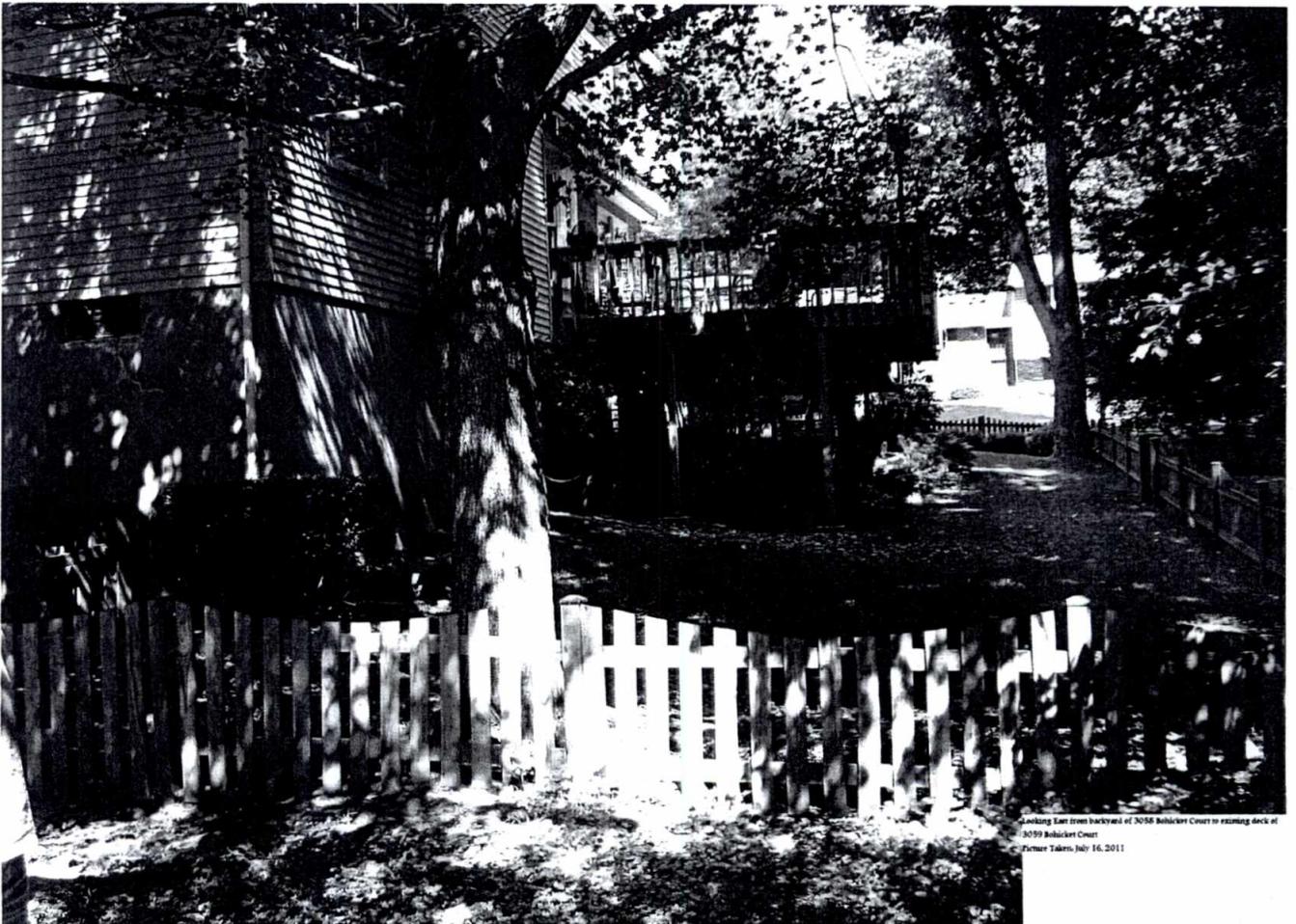
Looking South from deck of 3050 Bolnick Court
www.alysonk.com
Picture Taken July 16, 2011



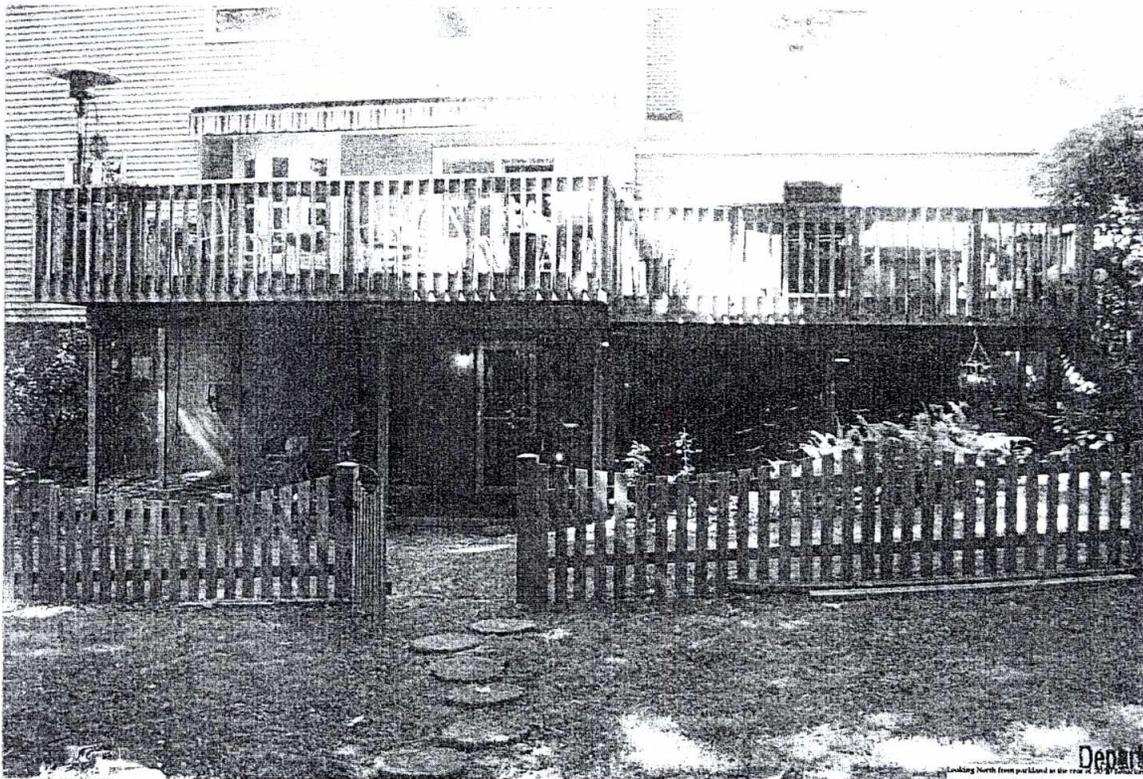
Looking East from deck to 3057 Bolnick Court
www.alysonk.com
Picture Taken July 16, 2011



Looking West to 3056 Bolickert Court from backyard of 3059 Bolickert Court
Picture Taken July 16, 2011



Looking East from backyard of 3056 Bolickert Court to existing deck of 3059 Bolickert Court
Picture Taken July 16, 2011

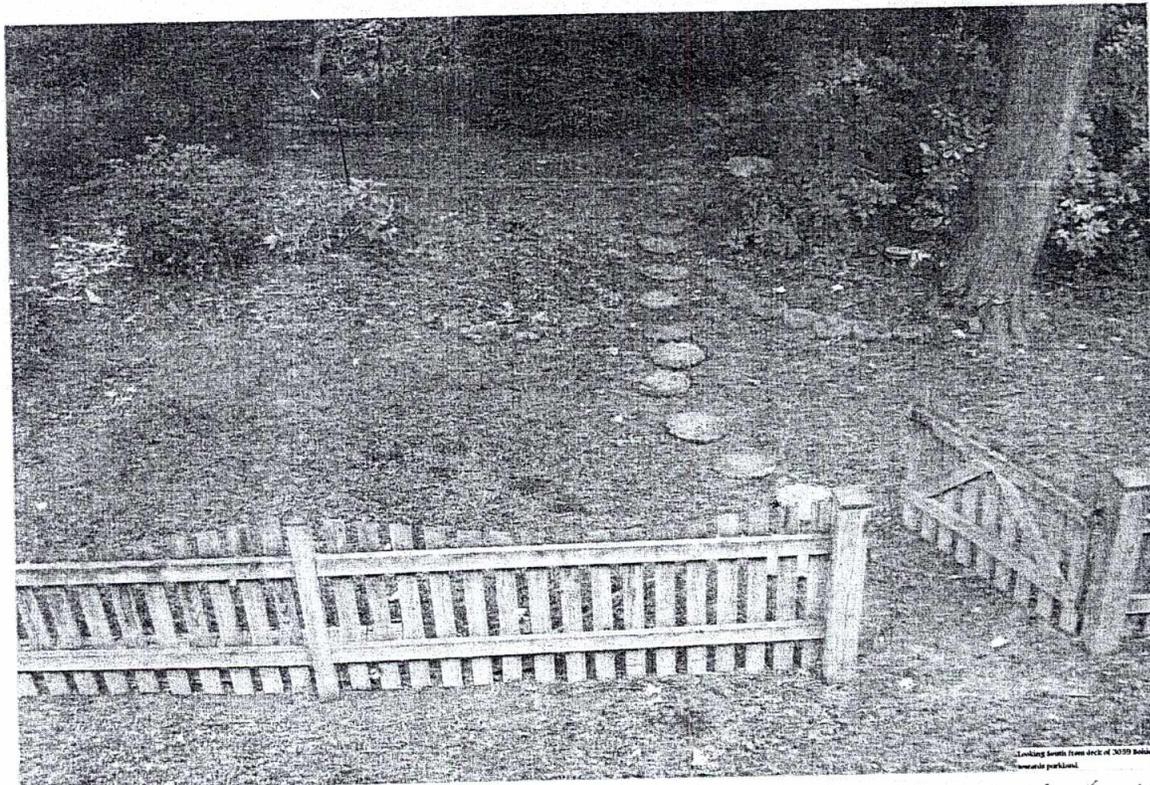


RECEIVED
Department of Planning & Zoning

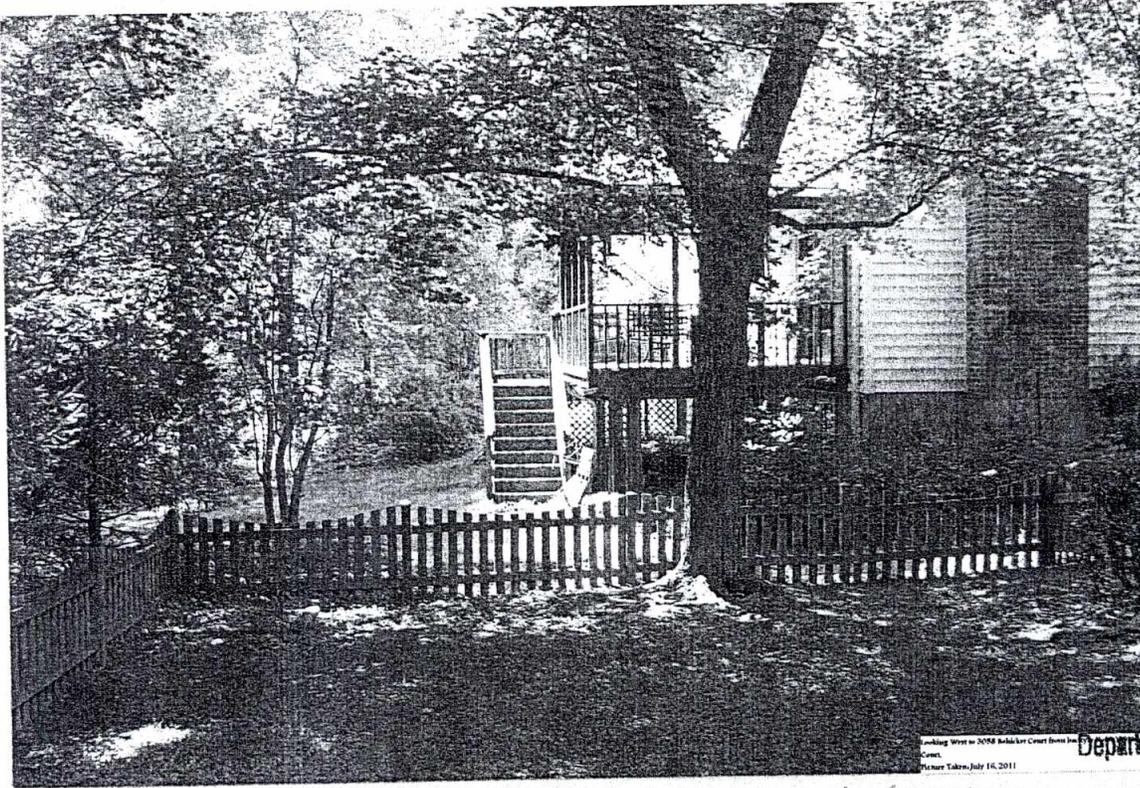
AUG 23 2011

Looking North from County Parkland
to Lot 49 (3059 Bohicket Ct)

Zoning Evaluation Division



Looking South from Deck of 3059 Bohicket
to County Parkland
Fence establishes property line

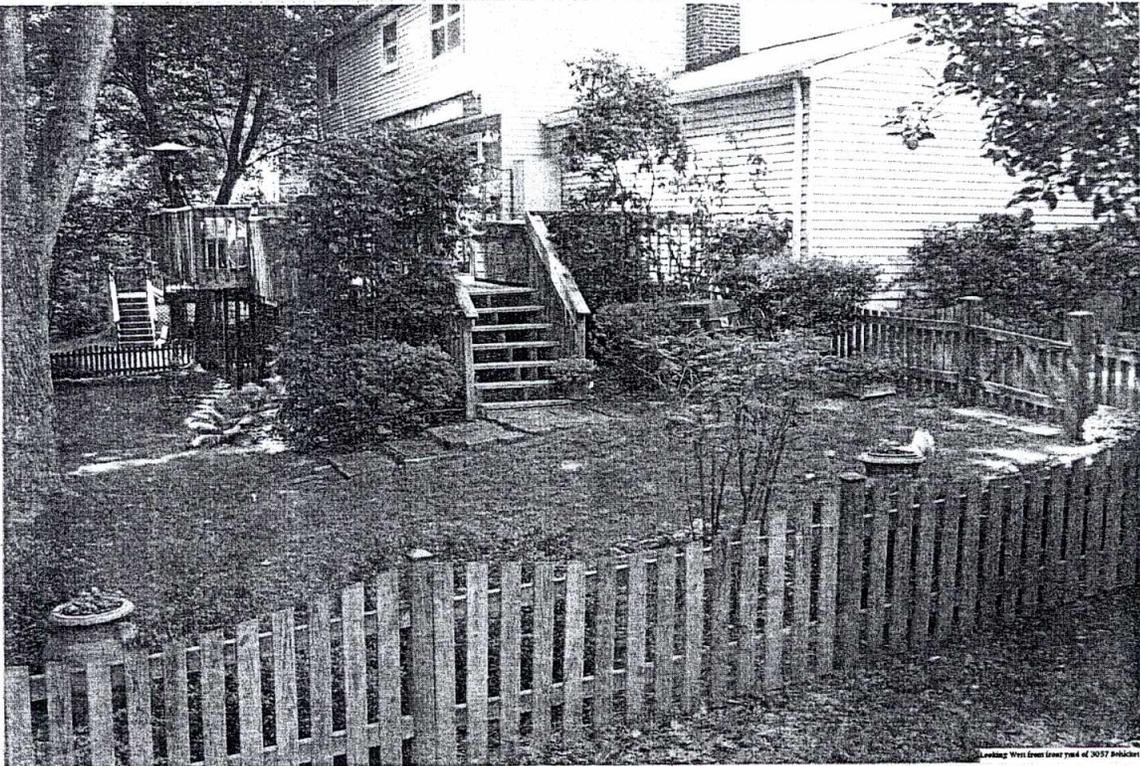


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Department of Planning & Zoning

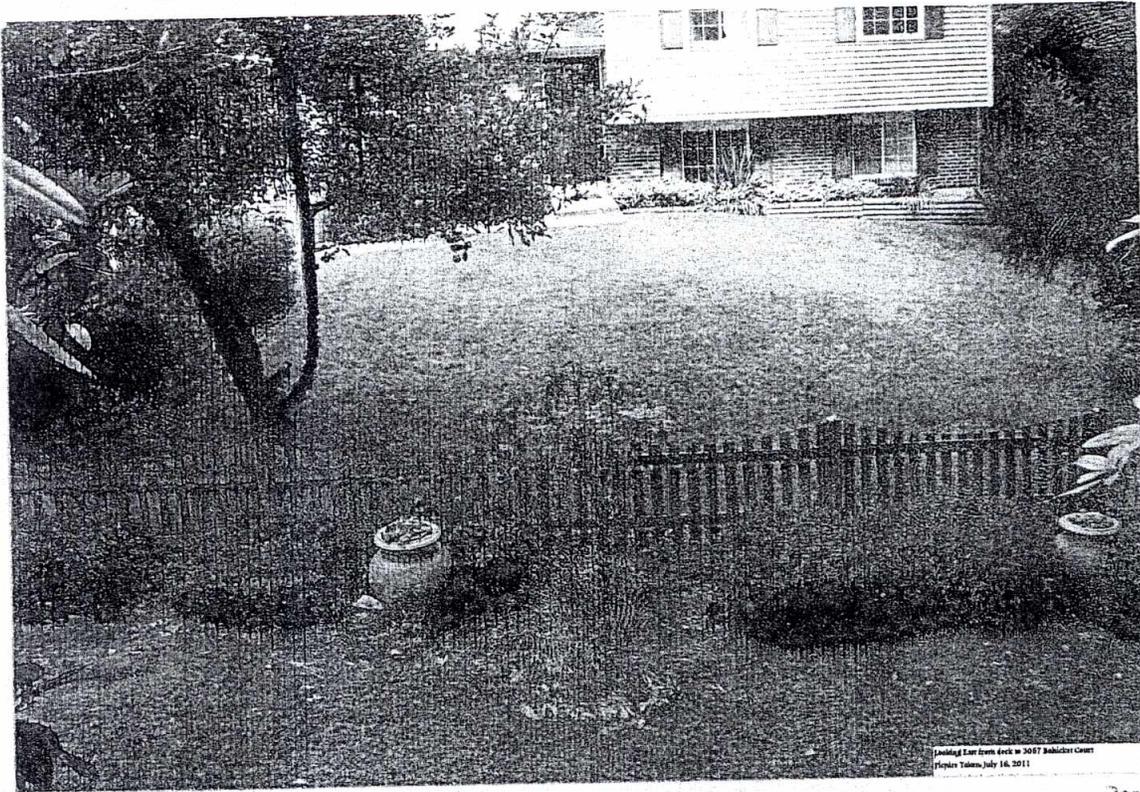
AUG 23 2011

Zoning Evaluation Division

Looking West from Lot 49 (3059 Bohicket Ct)
to Lot 50 (3058 Bohicket Ct)



Looking West from Lot 48 (3057 Bohicket Ct)
to Lot 49 (3059 Bohicket Ct)

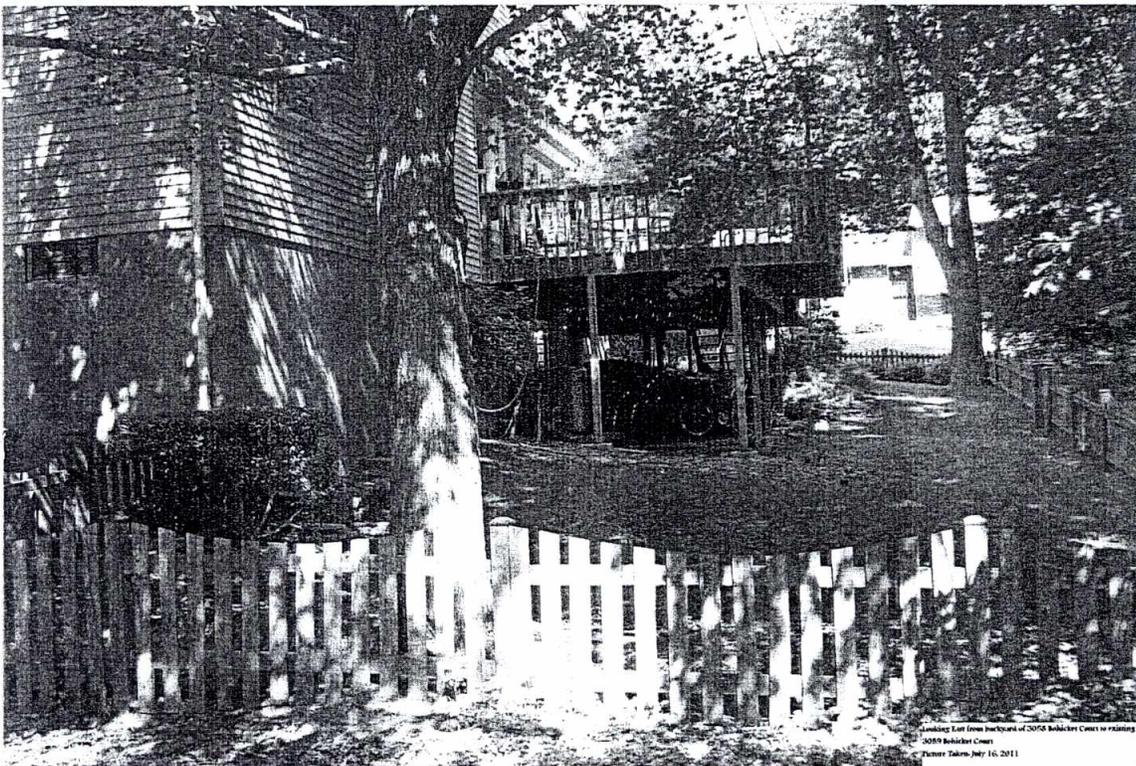


RECEIVED
Department of Planning & Zoning

AUG 23 2011

Zoning Evaluation Division

Looking East from Lot 49 (3059 Bohicket Ct)
to Lot 48 (3057 Bohicket Ct)



Looking East from Lot 50 (3058 Bohicket)
to Lot 49 (3059 Bohicket)



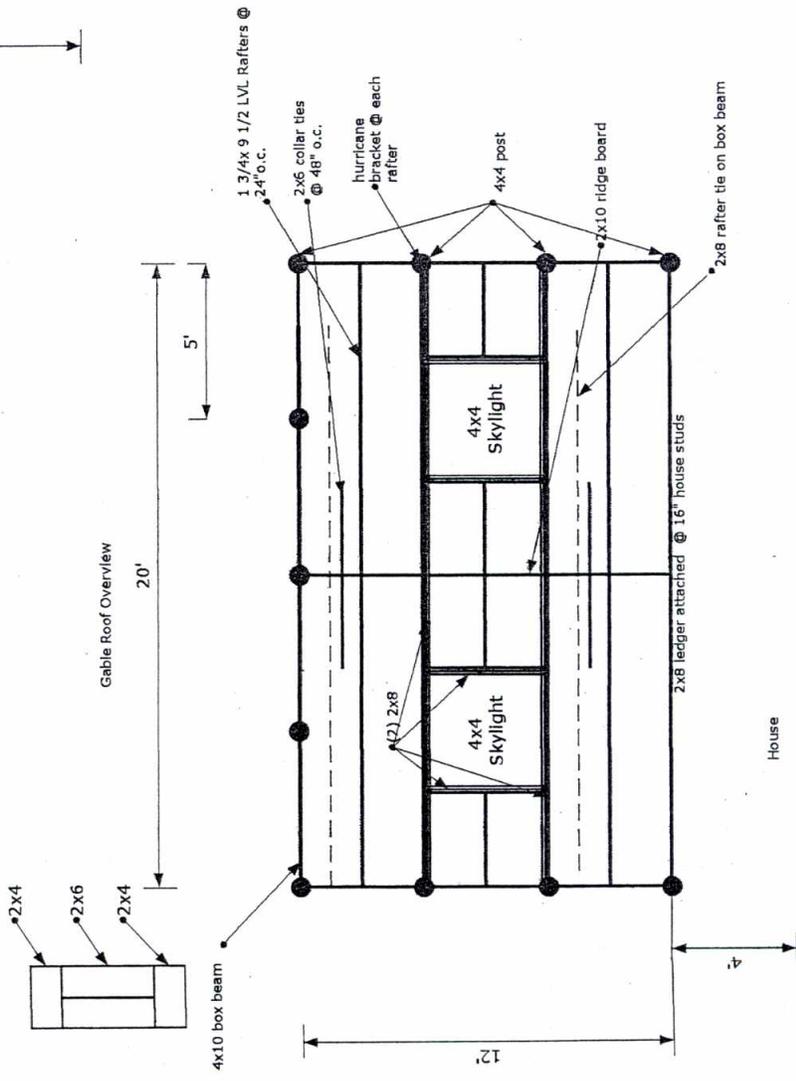
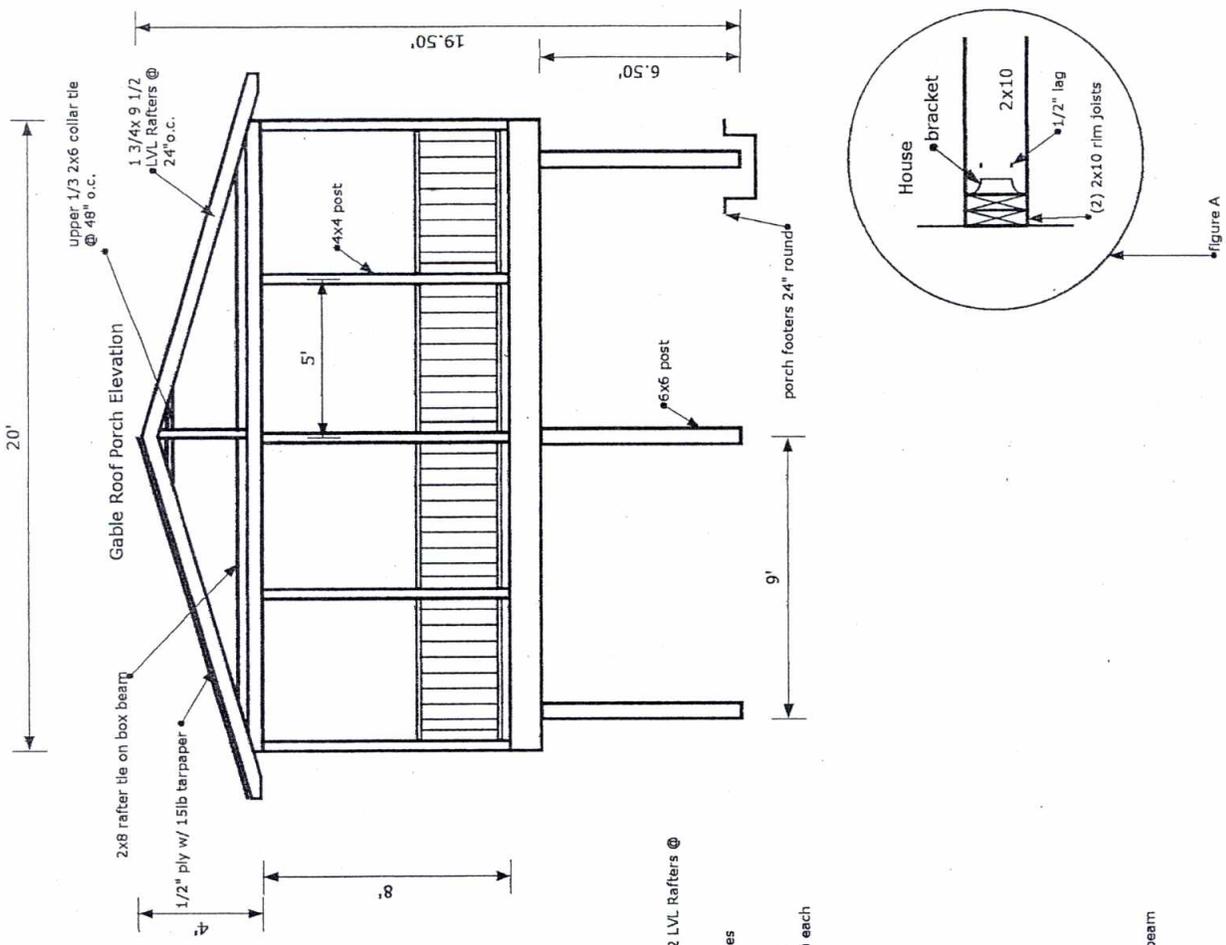
- ◆ Licensed
- ◆ Bonded
- ◆ Insured

2849 Zimpel Lane
 Fairfax, Va 22031
 703-385-2525
 703-352-8185 Fax

A Steadfast Group
 In Compliance
 (703) 385-2525

Drawing by: Omar Ruiz - Manager

Tony & Rose Blancaniello
 3059 Bohicket Ct
 Fairfax, VA 22031
 703-281-5626

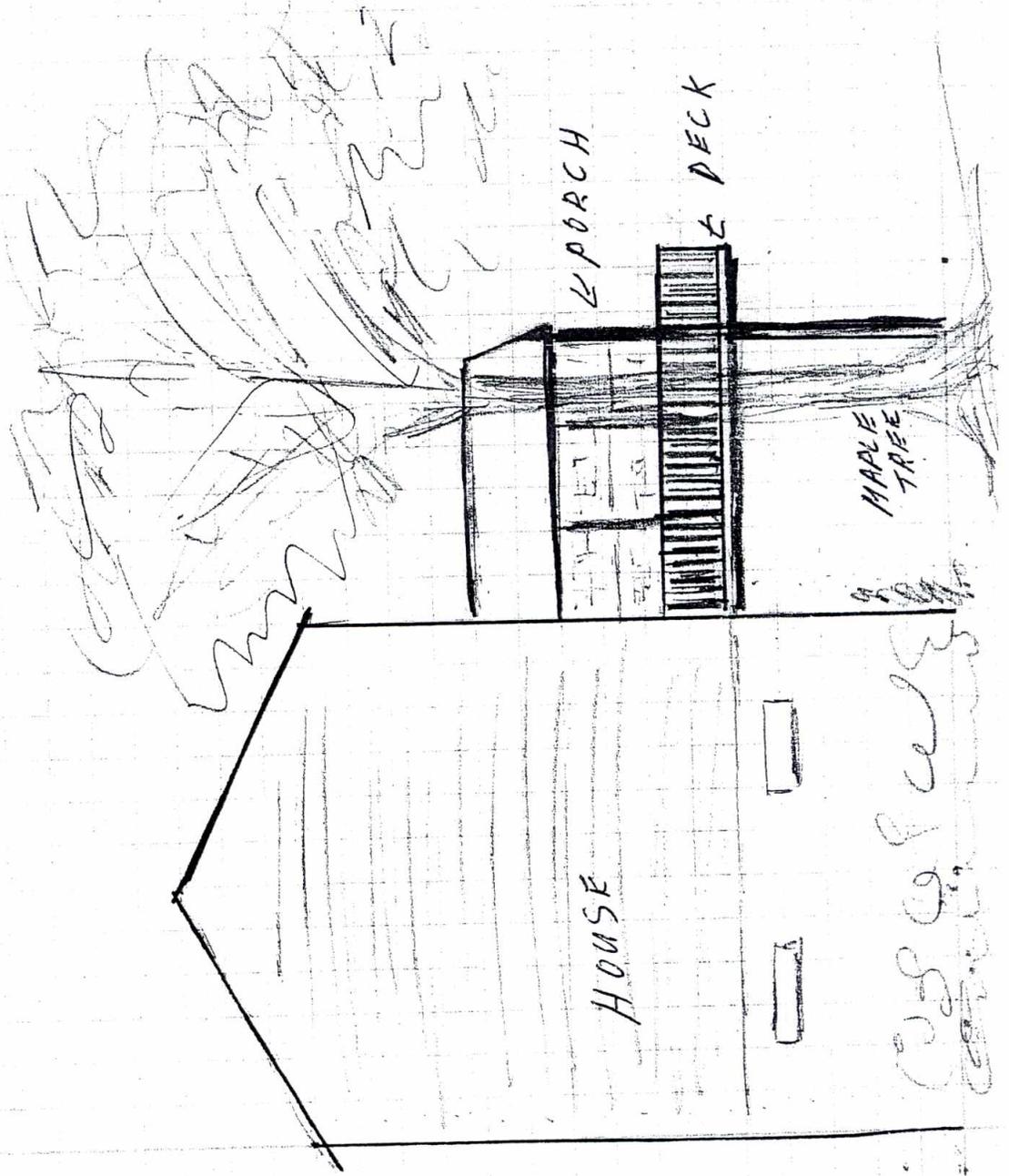


Scale: 1/4" = 1'

Roof Framing and Porch Elevation

SPECIAL PERMIT APPLICANT
FOR 3059 BOHICKET
COURT

DRAWING SHOWING PROPOSED
PORCH LOOKING FROM WEST LOT
LINE

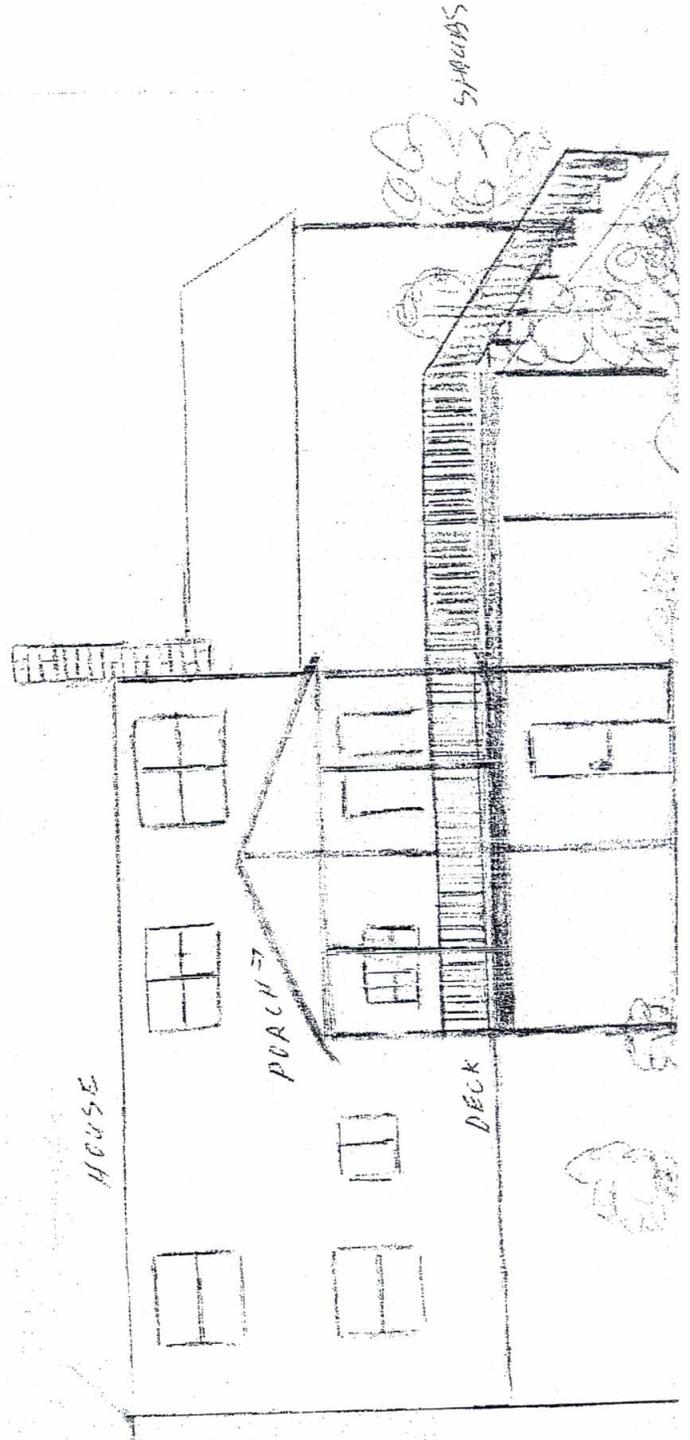


POACH WILL BE BUILT USING:
PRESSURE TREATED LUMBER
STANDARD ASPHALT SHINGLES
SCREENED CLOSING SIDES
SCAFFENED WOOD DOORS
OR SKYLIGHTS
A FRAME ROOF LINE
(EAVE)

SEE ATTACHED SHEETS
FOR GREATER DETAIL

SPECIAL PERMIT APPLICATION
FOR POACH ADDITION TO
3059 BOCHICKET CT

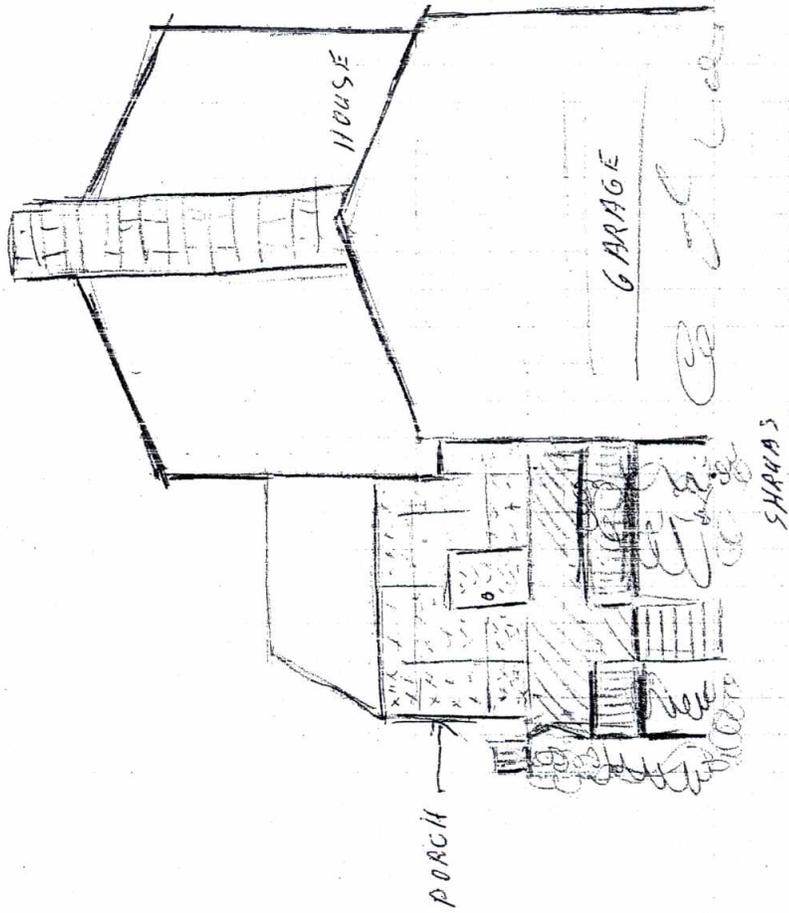
DRAWING SHOWING PROPOSED POACH
LOOKING FROM SOUTH LOT LINE
" PARCELED "



RECEIVED
Department of Planning & Zoning
AUG 23 2011
Zoning Evaluation Division

SPECIAL PERMIT APPLICATION
FOR 3059 BOHICKET COURT

DRAWING OF PROPOSED PORCH
LOOKING FROM EAST LOT LINE



DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit to allow reduction of certain yard requirements to permit construction of a screened porch addition to be located 13.7 feet to its eave from the rear lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Rear	25.0 feet	13.7 feet	6.3 feet	25%

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The site is currently zoned R-3, developed under the cluster regulations, with a two-story aluminum with brick trim, single-family detached dwelling, built in 1978. The lot consists of 9,376 square feet of area and is accessed via a pipestem driveway from a cul-de-sac on Bohicket Court which terminates at an existing two-car garage. There is an existing wood deck with stairs leading to a well-manicured and landscaped lawn. The site is surrounded by single-family detached homes to the north, east and west; Fairfax County parkland is located to the south, adjacent to the site's rear lot line. A 3-foot high wood picket fence surrounds the rear yard.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3 (Cluster)	Single Family Detached Dwellings
East	R-3 (Cluster)	Single Family Detached Dwellings
South	R-3 (Cluster)	Fairfax County Parkland – Five Oaks Parcel A
West	R-3 (Cluster)	Single Family Detached Dwellings

BACKGROUND

On August 2, 1979, the Board of Zoning Appeals (BZA) approved Variance V-151-79 for the subject property to allow the construction of a deck 10.7 feet from the rear lot line, where 19.0 feet was required by Section 3-307 and Section 2-412 of the Zoning Ordinance. A copy of the approved Resolution and plat are attached as Appendix 4. The BZA has also heard the following variances in the vicinity of the application parcel:

- Variance VC 92-P-061 was denied on August 5, 1992 for Tax Map 48-3 ((34)) 15, zoned R-3, at 9714 Water Oak Drive, to allow construction of addition 19.5 feet from rear lot line.
- Variance VC 88-P-043 was approved on June 15, 1988 for Tax Map 48-3 ((34)) 50, zoned R-3, at 3058 Bohicket Court, to allow construction of roof over an existing and proposed deck to 10.8 feet from rear lot line

ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Special Permit, Lot 49, Five Oaks Place
- **Prepared by:** William E. Ramsey, P.C.
- **Dated:** August 16, 2011 as revised through August 22, 2011

Proposal:

The applicant is requesting special permit approval to construct a screened porch addition measuring 260 square feet in area, to be located a distance of 13.7 feet from the rear lot line; therefore a reduction of 6.3 feet, or 25%, is requested.

ZONING ORDINANCE REQUIREMENTS

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

The application must meet all of the following standards, copies of which are attached as Appendix 5:

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

Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the application proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. *By observation of the neighborhood via photographs submitted by the applicant, staff believes that the proposed addition will not adversely affect the use or development of neighboring properties. The existing vegetation will remain undisturbed as the addition utilizes the footprint of a portion of an existing wood deck. The addition as proposed is similar in size and location of other home additions in the neighborhood, some of which were previously approved by the BZA. Staff believes that this standard has been met.*

General Standard 5 requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The property has a significant amount of mature vegetation on site and the property backs to the Fairfax County parkland which is heavily wooded. Although the screened porch is expanded slightly from the existing wood deck, there should be no impact to existing vegetation and no vegetation is proposed to be removed to accommodate the addition. Therefore, staff believes that this standard has been met.*

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *According to the Fairfax County land records, the existing dwelling is 2,000 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,000 square feet in size for a possible total square footage at build out of 5,000. The proposed screened porch addition is approximately 260 square feet in size, for a total square footage of the house with the addition of 2,260 square feet. Therefore the application meets this provision.*

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings submitted indicate that the materials, size and scale of the proposed screen porch addition will be compatible with the existing structure. The addition is clearly subordinate in bulk and scale to the principal dwelling and the proposed addition will not create any additional height to the overall existing structure as the roofline of the addition is proposed to be much lower than the existing roofline 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. With review of the photographs submitted, staff believes that the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains homes with additions of similar size and height. The property is adjacent to Fairfax County parkland and no vegetation is proposed to be removed which could impact off-site uses. Therefore, staff believes that this provision is met.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and storm water runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has not indicated that there are drainage complaints on file related to this property. Staff believes that the screened porch addition will have very little impact on stormwater runoff, noise, light, air, safety or erosion since the overall footprint of the screen porch will add minimal impervious area to the existing site. The porch is proposed to be located over an area where a wood deck has existed since 1979. 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 scale of the screened porch addition is consistent with the existing dwelling and is proposed in a logical location at the rear of the dwelling where an existing wood deck is located. This appears to be the most appropriate location for the proposed structure. The most affected property would be to the south of the proposed addition, which is the location of Fairfax County parkland. Staff believes the application meets this provision. Other issues of well, floodplains and/or Resource Protection Areas are not applicable to this site.

CONCLUSION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2011-PR-090 for a screened porch addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Approved Resolution and Plat from 1979
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2011-PR-090****December 7, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-PR-090 located at Tax Map 48-3 ((34)) 49 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 screened porch addition (approximately 260 square feet), as shown on the plat prepared by William E. Ramsey, dated August 16, 2011, as revised through August 22, 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 (2,000 square feet existing + 3000 square feet (150%) = 5,000 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

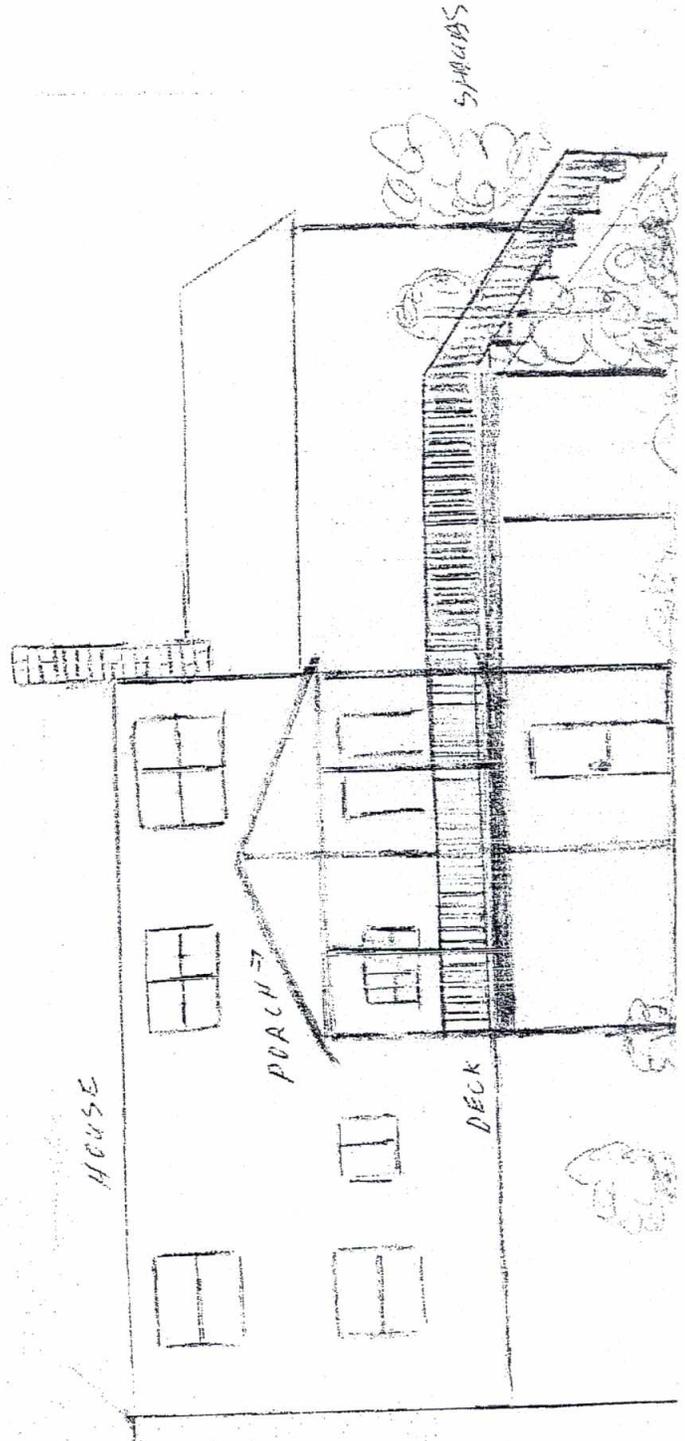
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Department of Planning & Zoning
AUG 23 2011
Zoning Evaluation Division

POARCH WILL BE BUILT USING:
PRESSURE TREATED LUMBER
STANDARD ASPHALT SHINGLES
SCREENED CLOSING SIDES
SCREENED WOOD DOORS
OR SKYLIGHTS
A FRAME ROOF LINE
(EAVE)

SEE ATTACHED SHEETS
FOR GREATER DETAIL

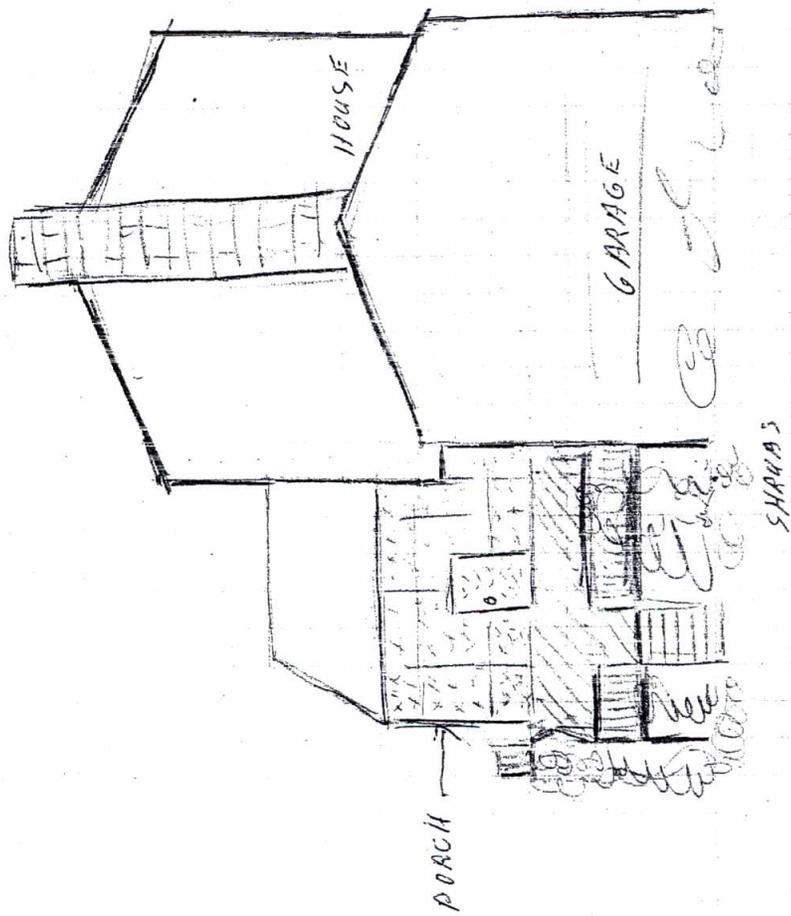
SPECIAL PERMIT APPLICATION
FOR PORCH ADDITION TO
3059 BOHICKET CT

DRAWING SHOWING PROPOSED PORCH
LOOKING FROM SOUTH LOT LINE
"11 MARCELLO"



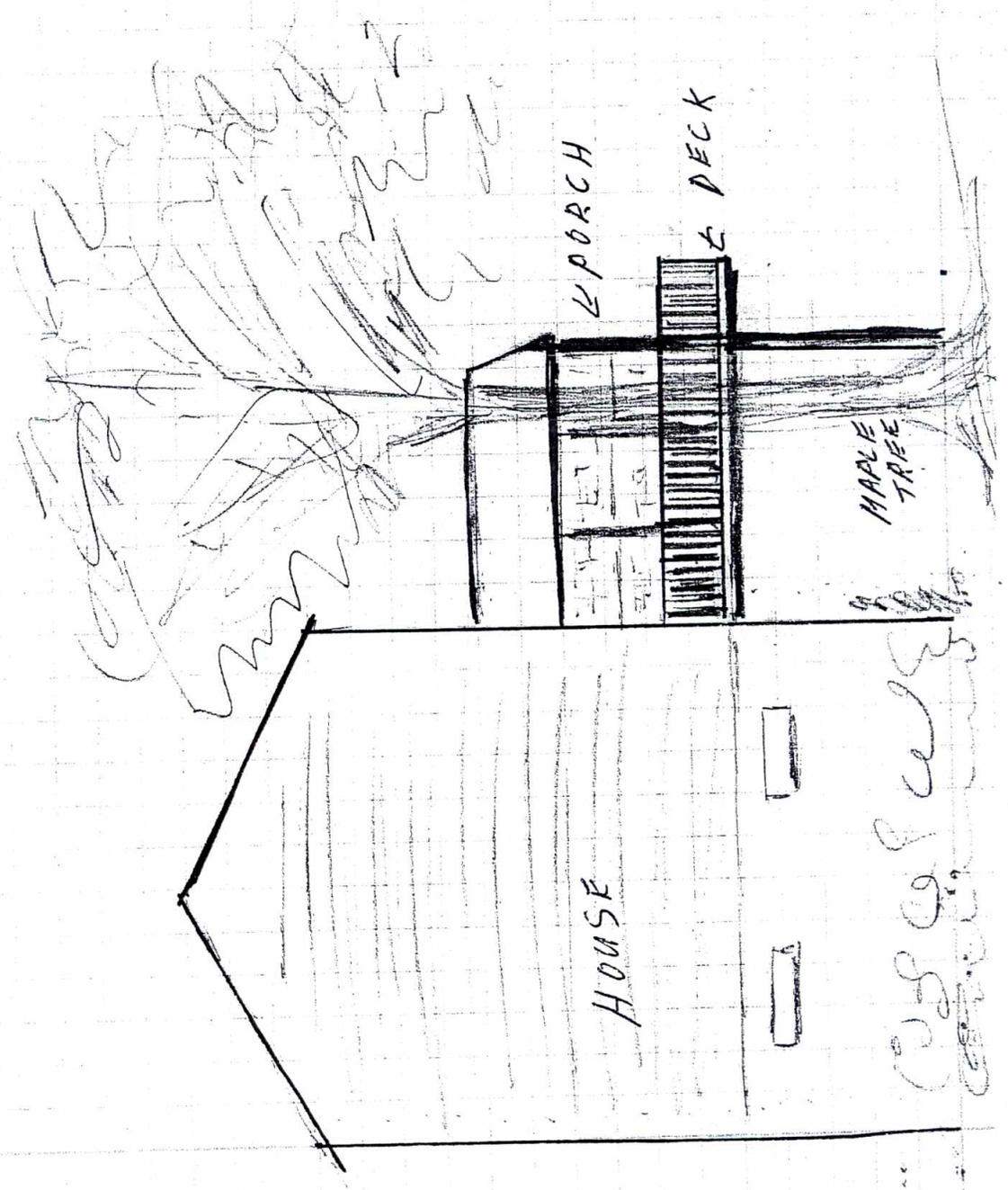
SPECIAL PERMIT APPLICATION
FOR 3059 BOHICKET COURT

DRAWING OF PROPOSED PORCH
LOOKING FROM EAST LOT LINE



SPECIAL PERMIT APPLICANT
FOR 3059 BOHICKET
COURT

DRAWING SHOWING PROPOSED
PORCH LOOKING FROM WEST LOT
LINE



2849 Zimpel Lane
 Fairfax, Va 22031
 703-385-2525
 703-352-8185 Fax

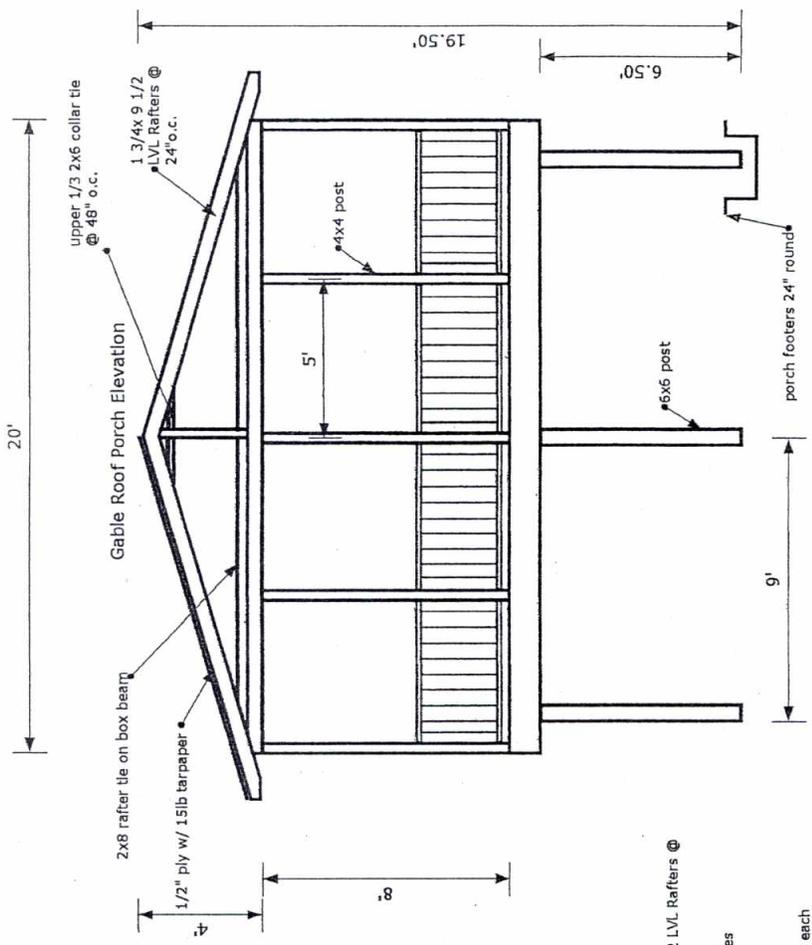
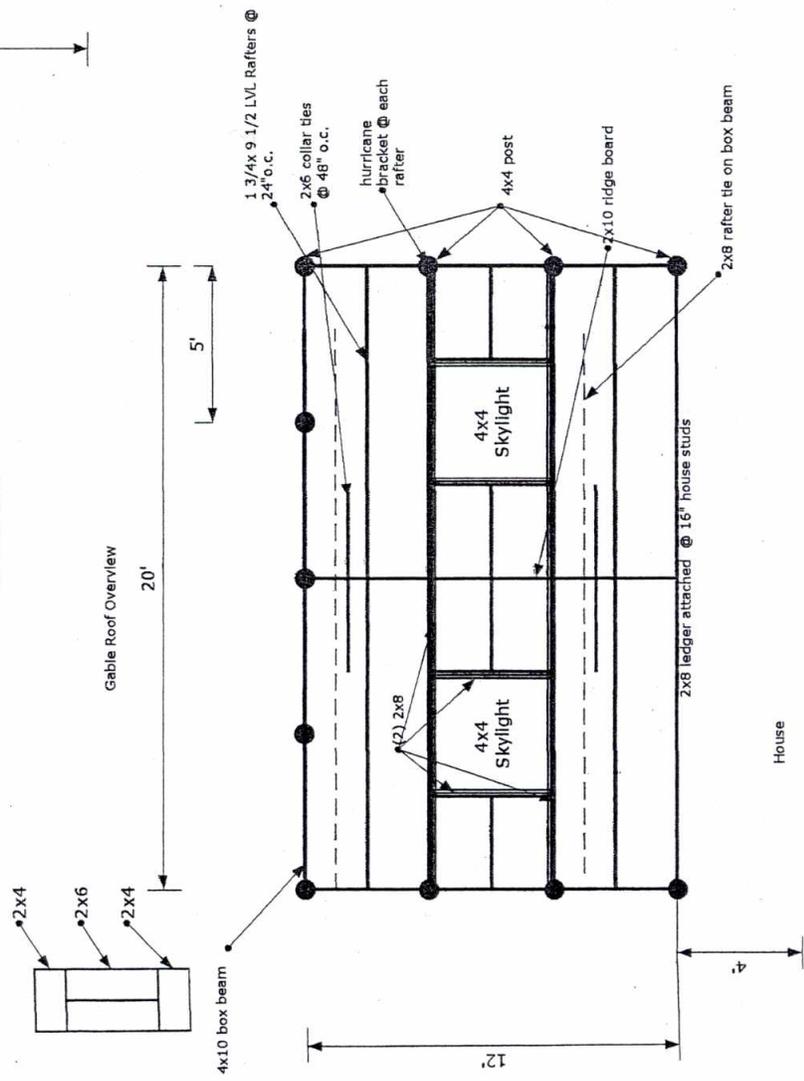


- ♦ Licensed
- ♦ Bonded
- ♦ Insured

A SHAWMOS BUILDING
 COMPANY
 (703) 385-2525

Tony & Rose Blancaniello
 3059 Bohicket Ct
 Fairfax, VA 22031
 703-281-5626

Drawing by: Omar Ruiz - Manager



Scale: 1/4" = 1'

Roof Framing and Porch Elevation

Deck & Porch Framing

- Hipped
- Bracket
- Inset



Tony & Rose Biancanello
 3059 Bohicket Ct
 Fairfax, VA 22031
 703-281-5626

Manager

- Notes:**
1. Guardrails are required for decks & porches more than 30" above grade or floor. Guardrails must be installed 24" above floor level.
 2. The greatest height shall not exceed the smallest by more than 3/8".
 3. The greatest height shall not exceed the smallest by more than 3/8".
 4. Stairs with 3 or more risers require handrails.
 5. Stairs with 3 or more risers require handrails.
 6. Stairs with 3 or more risers require handrails.
 7. Stairs with 3 or more risers require handrails.

Head to bottom 2x8 riser
 and 4x6 posts which sits on concrete



2x8 Ledger Attachment 1/2" Lag @ 8" O.C.

all patch footers 24" round

See figure on Page # 2

Application No.(s): SP 2011-PR-0910
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 20 July 2011
 (enter date affidavit is notarized)

I, RALPH A. BIANCANIELLO, 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 113160

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)
RALPH A. BIANCANIELLO	3059 BOHICKET COURT FAIRFAX, VA 22031	TITLE OWNERS/APPLICANT
ROSE MARIE BIANCANIELLO	3059 BOHICKET CT FAIRFAX, VA 22031	TITLE OWNER <i>DOB 7-20-11</i>

(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-090
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 20 July 2011
(enter date affidavit is notarized)

113160

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.

SP 2011-PR-090

Application No.(s):

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 20 July 2011
(enter date affidavit is notarized)

113160

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)

N/A

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

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

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

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

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SP 2011-PR-090

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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 20 July 2011
(enter date affidavit is notarized)

113160

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 20 July 2011 (enter date affidavit is notarized)

113160

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 RAB

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

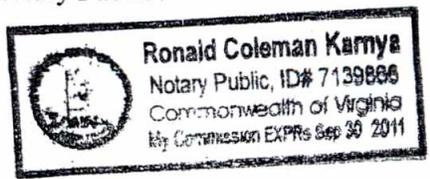
(check one) [X] Applicant [] Applicant's Authorized Agent

RALPH A. BIANCANIELLO (type or print first name, middle initial, last name, and title of signee)

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

Ronald Coleman Kanya Notary Public

Mv commission expires: Sep 30, 2011



**Statement of Justification
For a
Special Permit
To allow construction of a screen-porch**

SEP 27 2011

Zoning Evaluation Division

This request for a special permit is submitted by the home owners of a single family home located at 3059 Bohicket Court, 22031. The special permit requested is to waive the requirement of Fairfax County Zoning Ordinance Article 3, Part 307, Section 2.A.(2)(c) which requires the rear yard of a property zoned R-3C to be 25 feet deep. A variance to this article was approved by the Board of Zoning appeals in 1979 to allow the applicant/ home owners to construct a deck 36' feet in length by 16 in depth. A recent inspection of this deck found a need to do major renovations to replace aging materials. Inputs from three contractors lead us to the two conclusions: 1) given the condition of the deck, replacement made more sense than a patch work renovation, and 2) now was the time to build the screened-porch we have wanted for some time.

Discussions with the Fairfax County Zoning Evaluation Division led to the discovery that our previous variance did not cover building a porch, as a porch is considered an addition. I am therefore requesting a special permit to build a 20'x 13' X14.5" screened porch with gabled roof in the rear (**8-922.2**) of my house on part of the new deck. The porch addition will be constructed of pressure treated lumber, standard asphalt shingles, screen siding and two sky lights. (See enclosed architectural rendering for additional detail). The permit will apply to a lot that contains a residential dwelling that complies with the minimum yard requirements in effect when the house was built (rear set-back of 25 feet) (**8-922.3**). The addition of the porch will comply with the requirement that the resulting floor area of the addition (260 square feet) not exceed 150% of the gross floor area of the principal structure at the time of the expansion request (1560 square feet). The actual percentage is 17%. The ratio of the existing dwelling to the addition is approx 1:6 (**8-922.4**). The resulting gross floor area of the porch addition shall be clearly subordinate in purpose, scale, use, and intent to the house which is the principle structure on the lot (**8-922.5**). In accordance with **8-922.6** the BZA will find that the proposed porch addition will be in character with the existing home as it is a porch in the rear of the home which with a height that is 10 feet below the roof peak; one-sixth the size of the house and placed in the middle of the house. The addition is harmonious with the surrounding off-site uses in that there are already 10 porches/sunrooms in the neighborhood. In fact our next-door neighbors already have a porch comparable in size and architecture to the porch addition we propose. The porch will be built on a second level deck so the topography does not change nor does the existing landscaping. (**8-922.7**). The proposed

addition will be visible from only two homes and the visibility from one of the two adjacent properties requires that they be standing on their porch. As our property already has a deck the noise level, available light, air and safety are not impacted. The porch is built above ground level on a second story deck so erosion and stormwater runoff are not impacted **(8-922.8)**. When tables, chairs, serving carts, storage cabinets, and the movement of people are considered, the size of the porch represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot **(8-922-9)**.

Given that this is a porch no hazardous wastes or toxic substances as set forth in Title 40, Code of Federal Regulations parts 116.4, 302.4, 355 or as set forth in Commonwealth of Virginia Department of waste management regulations VR 672-10-1-Virginia Hazardous Waste management regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations part 280 are stored, generated, utilized, treated or disposed of on this property; nor are such activities planned.

As a retired couple we find ourselves enjoying being outdoors more and more but our enjoyment is tempered by the realities of outdoor living. With a south facing home, an awning provides only limited protection from the sun and no protection from the rain. Bugs, bees and mosquitoes which were hardly noticeable thirty two years ago when we built our deck are a constant irritations today and the stink bug invasion is just beginning in Fairfax. A porch because it protects from the weather also extends the seasonal use of an outdoor space. And because our deck/porch is level with the indoor floor, egress will be possible as we grow older and less mobile.

This proposal meets both County zoning ordinance 8-922.D-1 and 4 which limits an addition to a footprint not more than 50% of the distance to the rear property line (our rear property line is 26.7 from the rear of the house we are requesting an addition going out only 13') and D-4 which limits the addition to an existing principal structure to 150% of the total gross floor area of the principal structure (in this case 1560 square feet vice an addition of 260 square feet). The porch is visible by only two homes, one of which already has a porch in the rear which is visible from our home and of comparable size and architecture. Moreover the rear of our home abuts county parkland which eliminates any impact in that direct.

In summary, our zoning required us to be here today seeking approval for a porch addition. This addition does not extend as far into the rear setback as our already approved deck. It would have a visual impact on only two homes in the community. And for the reasons previously noted, the addition would significantly increase our use and enjoyment of our home now and in the future.

We were more than willing to spend the large commitment in dollars and time required to appear before the Board. We ask only that, for all the reasons set forth above, the board approve our request for a special permit.

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

Five Oaks Place,
Lot 49

In Application No. V-151-79 by R. A. & R. M. BIANCANIELLO under Section 18-401 of the Zoning Ordinance to allow construction of deck 10.7 ft. from rear lot line (19 ft. minimum rear yard required by Sect. 3-307 & Sect. 2-412) on property located at 3059 Bohicket Ct., tax map reference 48-3((34))49, County of Fairfax, Virginia, Mr. DiGiulian moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on August 10, 1979, deferred from August 2, 1979 for improper posting; and

WHEREAS, the Board has made the following findings of fact:

1. That the owner of the subject property is the applicant.
2. The present zoning is R-3.
3. The area of the lot is 9,376 sq. ft.
4. That the applicant's property is exceptionally irregular in shape and has an unusual condition in the location of the existing buildings on the subject property.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

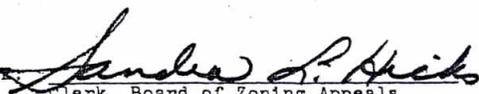
THAT the applicant has satisfied the Board that physical conditions, as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started and is diligently pursued or unless renewed by action of this Board prior to any expiration.

Mr. Yaremchuk seconded the motion.

The motion passed by a vote of 3 to 1 (Mr. Smith)(Mr. Barnes and Ms. Ardis being absent).

A COPY TEST 
Clerk, Board of Zoning Appeals

NO TITLE REPORT FURNISHED

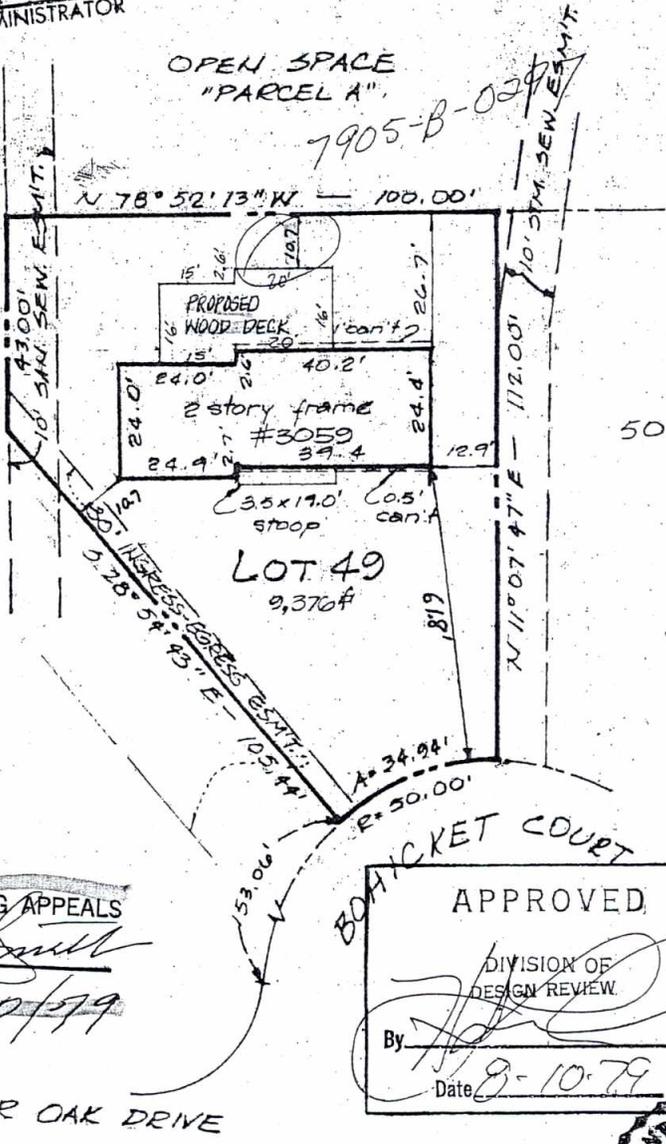
THIS APPLICATION APPROVED BY
ACTION OF THE BOARD OF ZONING APPEALS
ON 8/10/79
DATE

Philip G. Yates
ZONING ADMINISTRATOR



Approved for proposed
location of building as
shown. Final approval
subject to wall checks.

MIC TO 1979 4
Philip G. Yates
Zoning Administrator



OFFICIAL ACTION
BOARD OF ZONING APPEALS
Donnell Smith
CHAIRMAN
8/10/79

APPROVED
DIVISION OF
DESIGN REVIEW
By [Signature]
Date 8-10-79



PLAT SHOWING
PROPOSED WOOD DECK
LOT 49
FIVE OAKS PLACE
Providence District
FAIRFAX COUNTY, VIRGINIA



GREENHORNE & O'MARA, INC.
ENGINEERING PLANNING SURVEYING
10710 LEE HIGHWAY, FAIRFAX, VA. suite 202 22080

CERTIFIED CORRECT

Barry L. Wissinger

SCALE 1"=30'	DATE MAY 8, 1979
DRN CEM GLR	
CHK BLW	CO NO 40A-003
FB 44 P 30	FILE HLS

A.M. the Ord. to allow construction of deck 10.7 ft. from rear lot line (19 ft. min. rear yard req. by Sect. 3-307 & Sect. 2-412), located 3059 Bohicket Court, Five Oaks Subd., 48-3((34))49, Providence Dist., 9,376 sq. ft., R-3, V-151-79.

The required notices were in order. Mr. Ralph Biancaniello of 3059 Bohicket Court informed the Board he was requesting a variance in order to construct a deck 10.7 ft. from the rear property line. He stated that his request was based on the fact that his property is bounded on two sides and on the rear by the County Park Authority. He stated that the deck would not cause any ill effect on anyone. He further stated that the Park Authority does not plan to develop their land anytime within the next five years.

Mr. Biancaniello stated that his neighbors are in favor of his request. He stated that the first floor in the rear of his house was 8 to 10 ft. above ground. There is no rear exit from the first floor. He stated that he wished to point out to the Board members that at the time he purchased his home 1½ years ago, the builder was selling sliding glass doors as an option to the buyers. He stated that he decided to do it on his own. He stated that he was led to believe that there would not be any problem with the construction of a deck at that time. He stated that he would suffer a financial hardship if he could not construct a deck because all of the other homes in the area have decks.

Chairman Smith inquired if the other homes met the setback requirements when their decks were built. Mr. Biancaniello informed the Chairman that the other properties do not have the same problems as his lot. Chairman Smith indicated that he was proposing a rather large deck. Mr. Biancaniello stated that the large size has a lot to do with the contour of the lot to the rear of his house. If the deck were made smaller, it would not blend in with the area. By extending the deck as proposed, he stated that he could use an existing hill and use it for privacy. With respect to the 16 ft. width, he stated a number of people have constructed 12 ft. decks but then you do not have the room to move around on it. He stated 16 ft. width seemed to be the best for utilization of the deck.

There was no one to speak in favor of the application and no one to speak in opposition.

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.