



APPLICATION ACCEPTED: April 24, 2012
BOARD OF ZONING APPEALS: July 11, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 4, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-SU-020

SULLY DISTRICT

APPLICANT: Jay S. Miller, Trustee

OWNERS: Jay S. Miller, Trustee of the Miller Family
Trust for Janice M. Miller

Janice M. Miller, Trustee of the Miller Family
Trust for Jay S. Miller

STREET ADDRESS: 4341 Cub Run Road, Chantilly, 20151

SUBDIVISION: Pleasant Valley

TAX MAP REFERENCE: 33-4 ((2)) 78

LOT SIZE: 11,683 square feet

ZONING DISTRICT: R-C and WS

ZONING ORDINANCE PROVISION: 8-913

SPECIAL PERMIT PROPOSAL: To permit modification to certain yard requirements for R-C lots to permit the construction of a deck 8.0 feet from a side lot line.

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.

O:\dhedri\Special Permits\7-11 SP 2012-SU-020 Miller (R-C lot)\SP 2012-SU-020 Miller staff report.doc

Deborah Hedrick

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.**

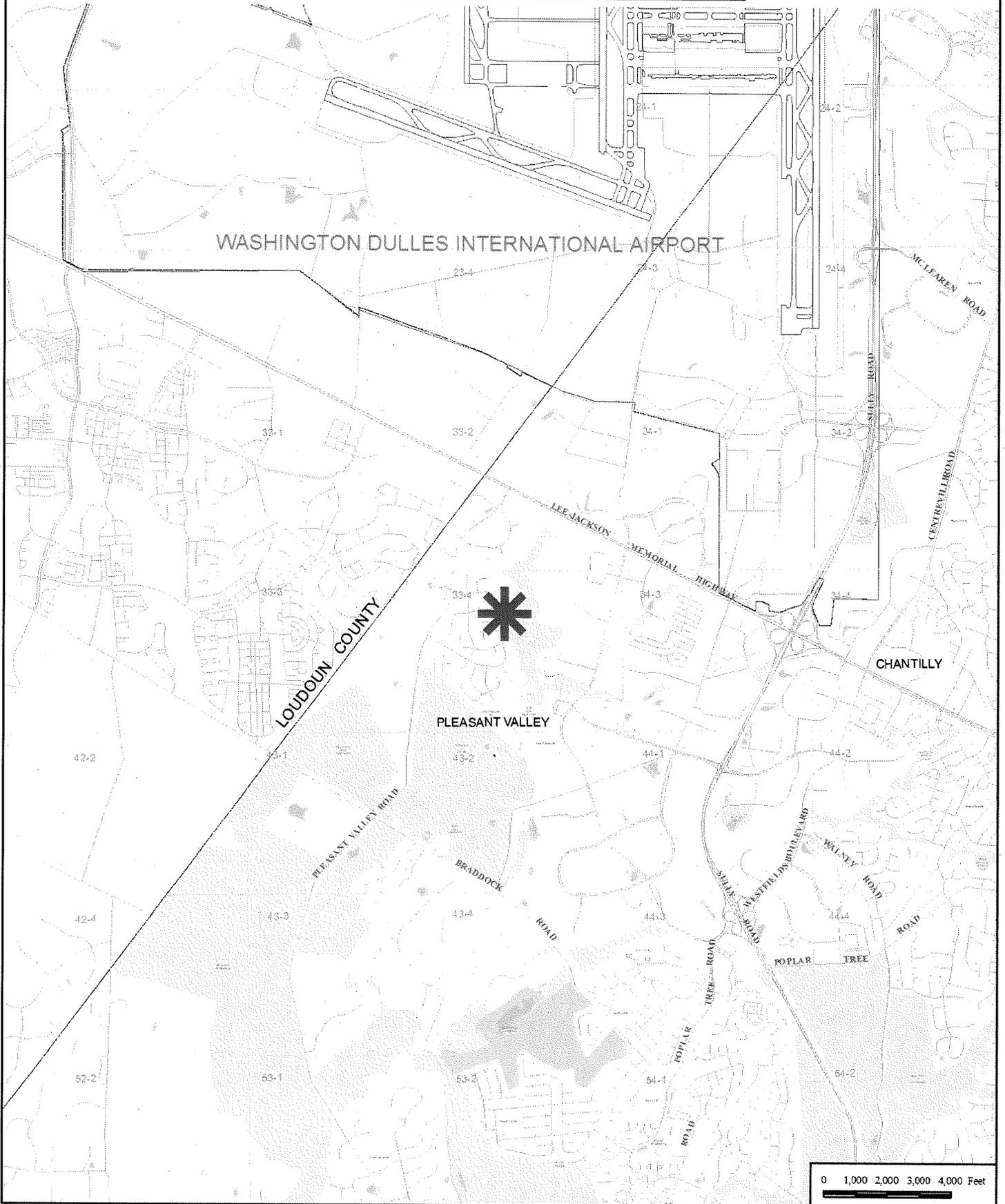


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

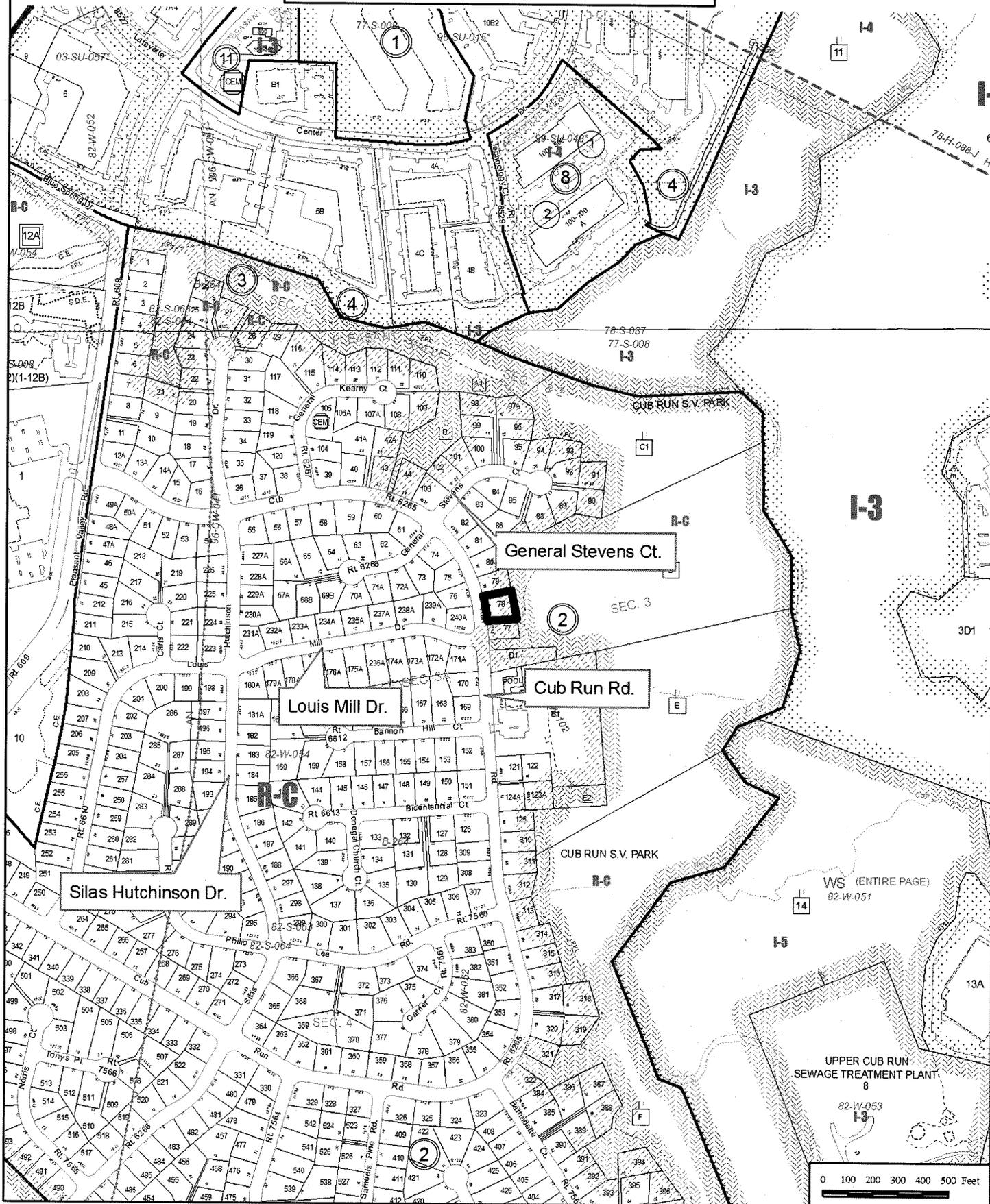
Special Permit

SP 2012-SU-020

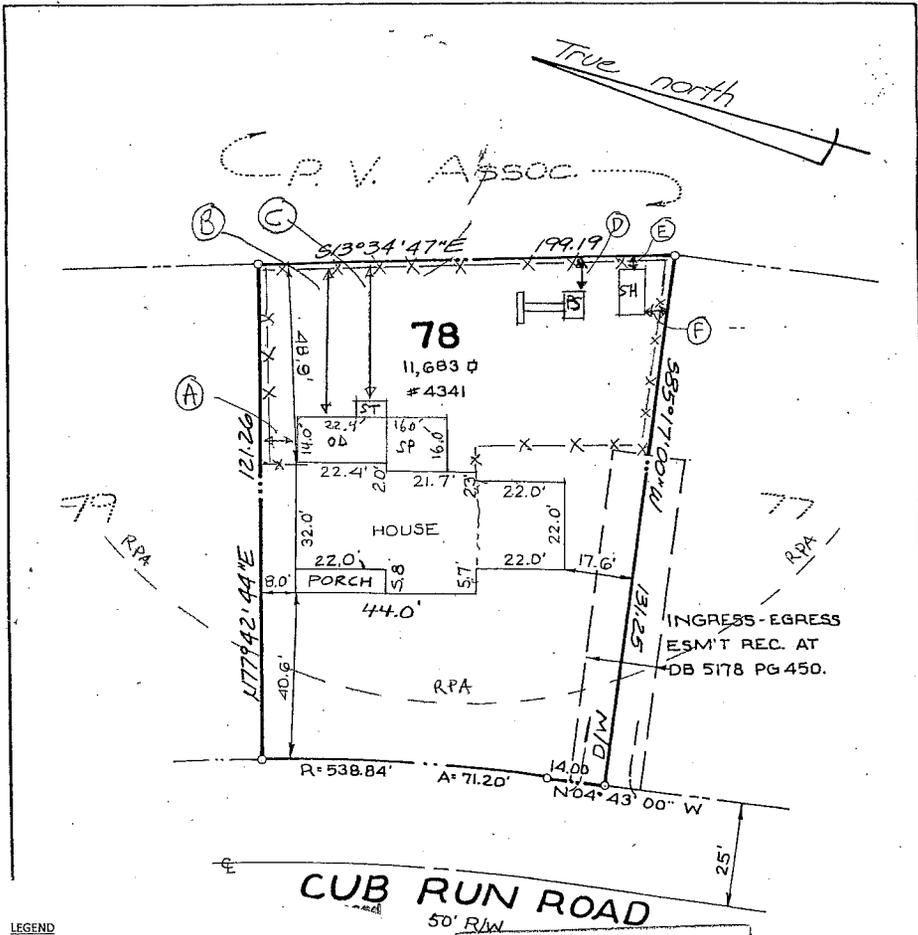
JAY S. MILLER, TRUSTEE



Special Permit
SP 2012-SU-020
JAY S. MILLER, TRUSTEE



78 PIV



LEGEND

	proposed Open Deck	5.5'H x 22.4'W x 14.0'D		Fence	4.0'H x 400.0'L
	proposed Screened Porch	4.0'H x 16.0'W x 16.0'D (17.0'H max at roof)		Shed	8.5'H x 6.0'W x 8.0'D
	proposed Stairs	4.0'H x 8.0'W x 4.0'D		Play Set	7.0'H x 12.0'W x 4.0'D
	8.0'	closest distance Open Deck to side lot line		7.0'	closest distance Play Set to rear lot line
	34.9'	closest distance Open Deck to rear lot line		2.0'	closest distance Shed to rear lot line
	31.0'	closest distance Stairs to rear lot line		1.5'	closest distance Shed to side lot line

This is an accurate representation of locations and heights for existing and proposed structures.

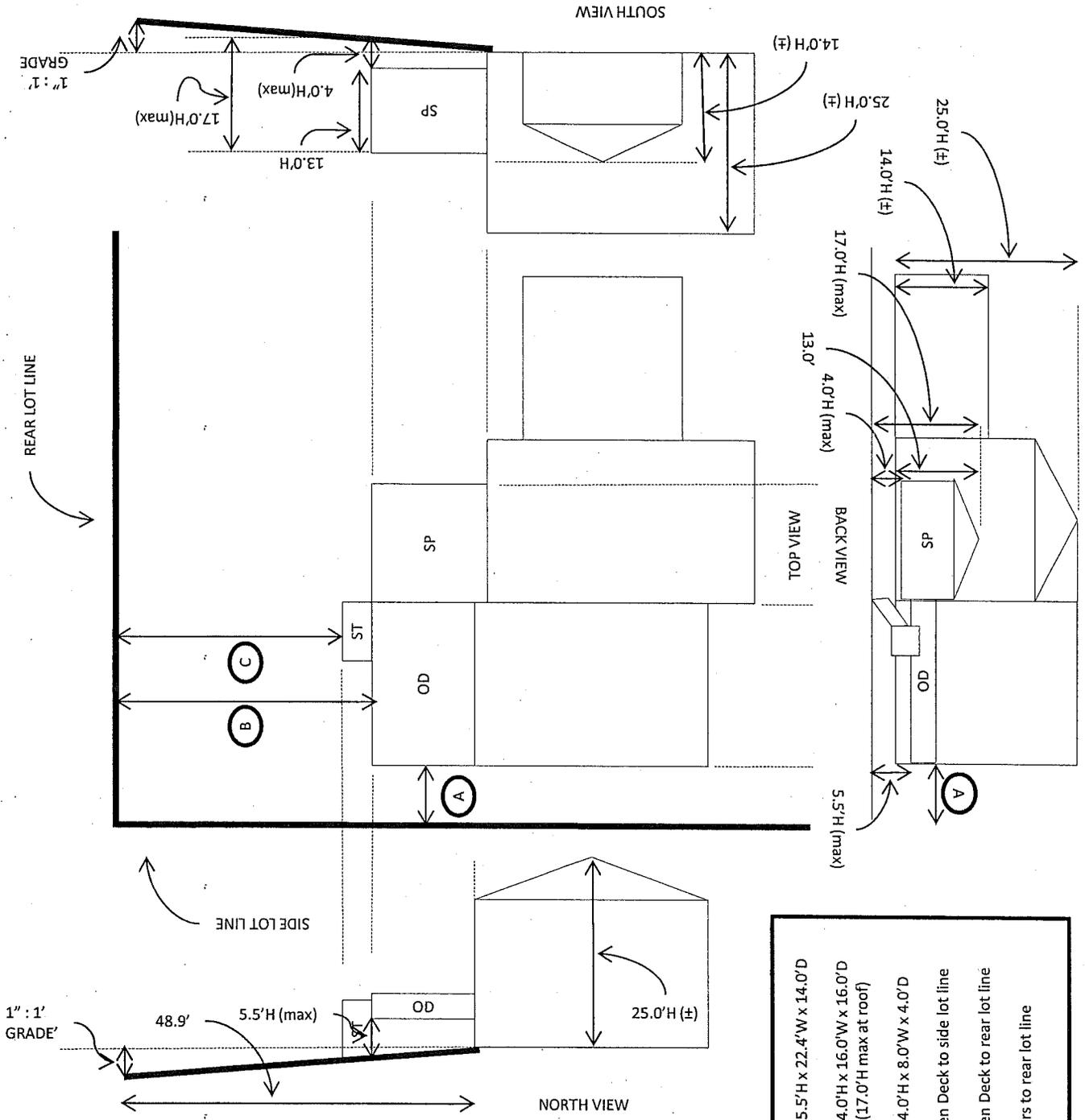
Jay S. Miller, Trustee
12 April 2012

ITEM(S) 904.00, 904.02
904.03, 904.06
904.07

lot 78
PLEASANT VALLEY SECTION TWO
Recorded @ DB 4956 PG 43
Springfield District
Fairfax County, Virginia
scale: 1" = 30' date: 7-7-80
final: 12-29-80

Planners Surveyors Landscape Architects
107 Maple Avenue W Vienna, Va. 22181
Paciulli Simmons & Associates, Ltd. 281-5800

DLU: JEK

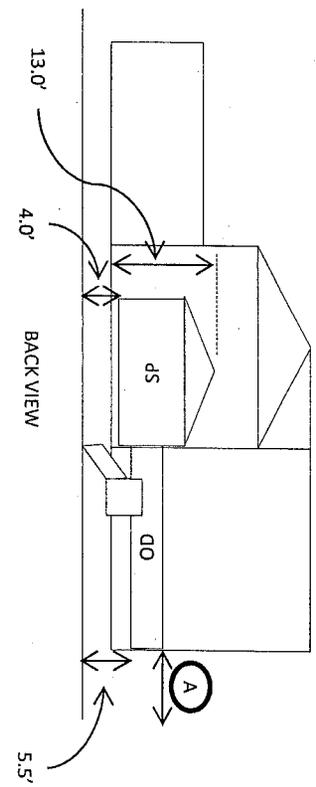
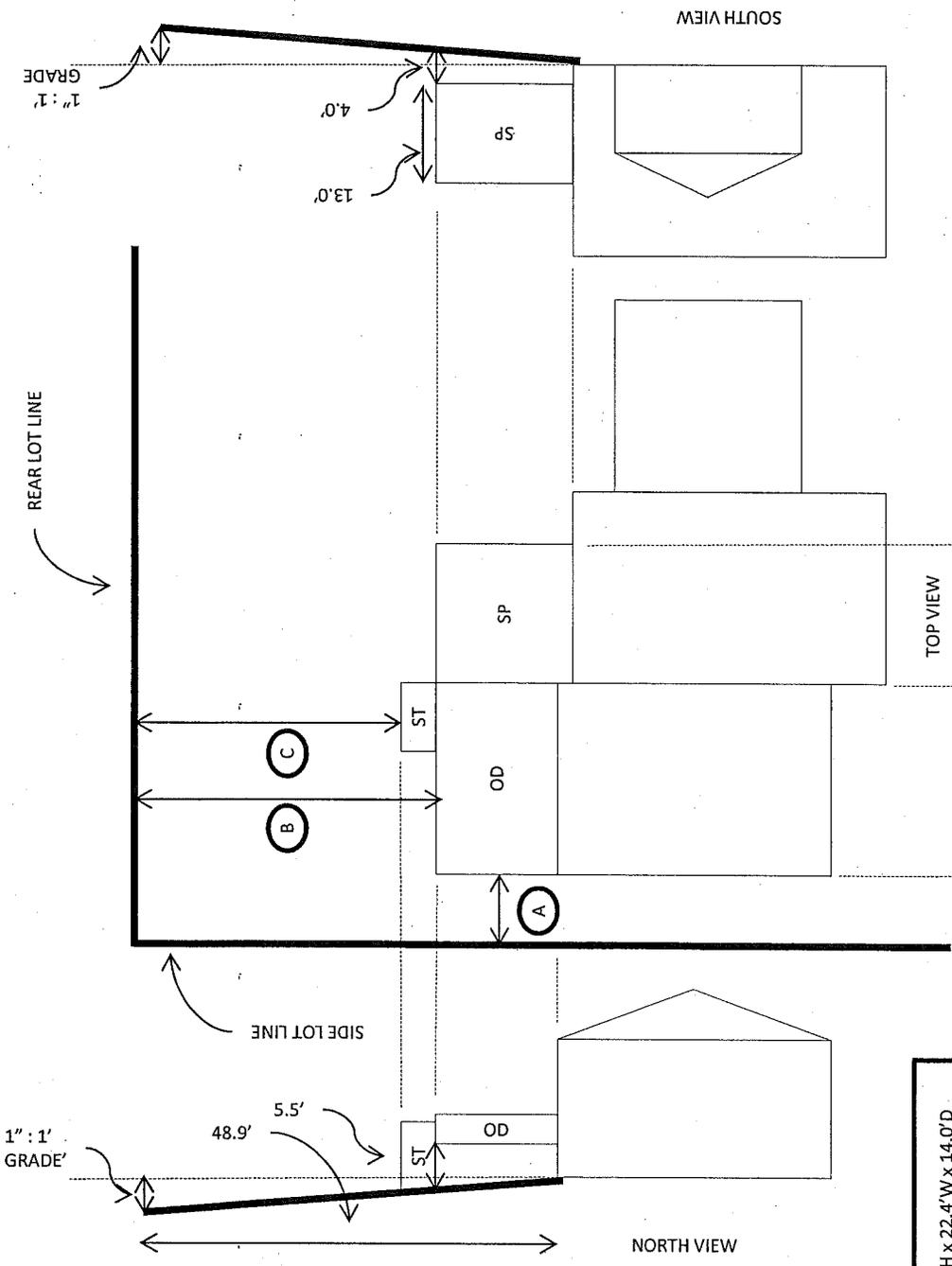


LEGEND

proposed Open Deck	5.5'H x 22.4'W x 14.0'D
proposed Screened Porch	4.0'H x 16.0'W x 16.0'D (17.0'H max at roof)
proposed Stairs	4.0'H x 8.0'W x 4.0'D
○ A	closest distance Open Deck to side lot line
○ B	34.9' closest distance Open Deck to rear lot line
○ C	31.0' closest distance Stairs to rear lot line

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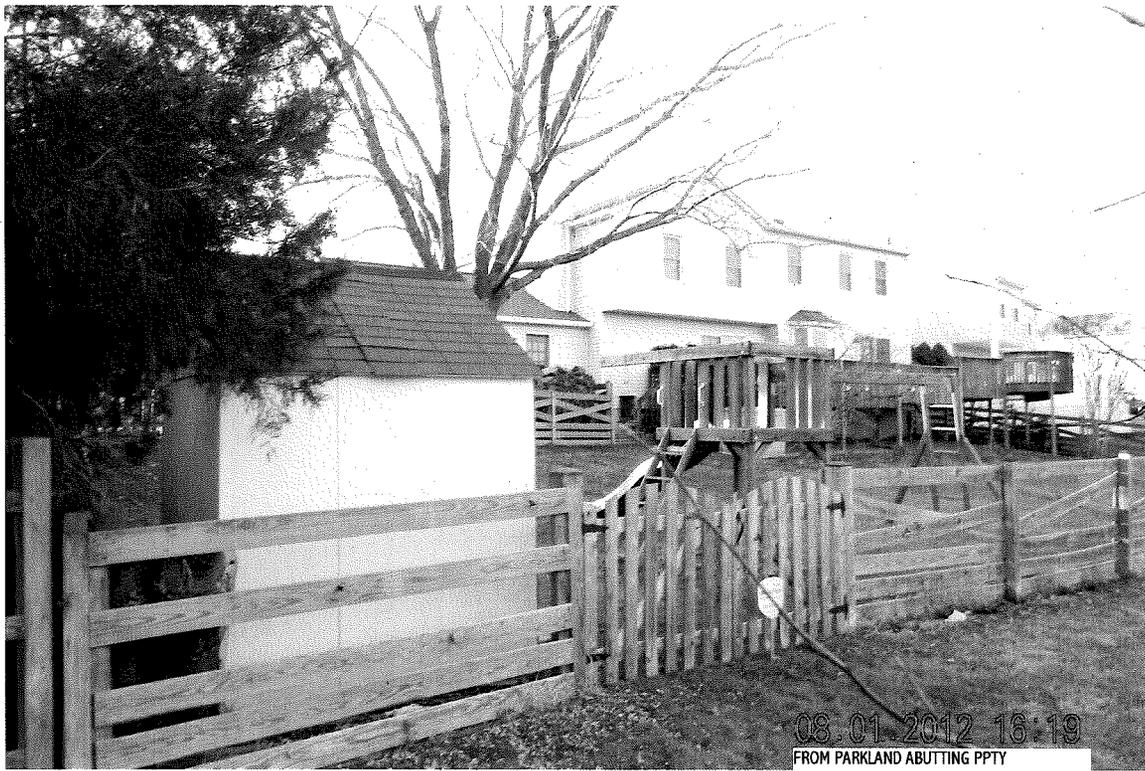
ITEMS 5.0+



LEGEND

OD	proposed Open Deck	5.5'H x 22.4'W x 14.0'D
SP	proposed Screened Porch	4.0'H x 16.0'W x 16.0'D
ST	proposed Stairs	4.0'H x 8.0'W x 4.0'D
A	8.0'	closest distance Open Deck to side lot line
B	34.9'	closest distance Open Deck to rear lot line
C	31.0'	closest distance Stairs to rear lot line











08.01.2012 16:25
FROM 4341 CUB RUN RD APP. PPTY DECK



08.01.2012 16:26
FROM 4341 CUB RUN RD APP. PPTY DECK

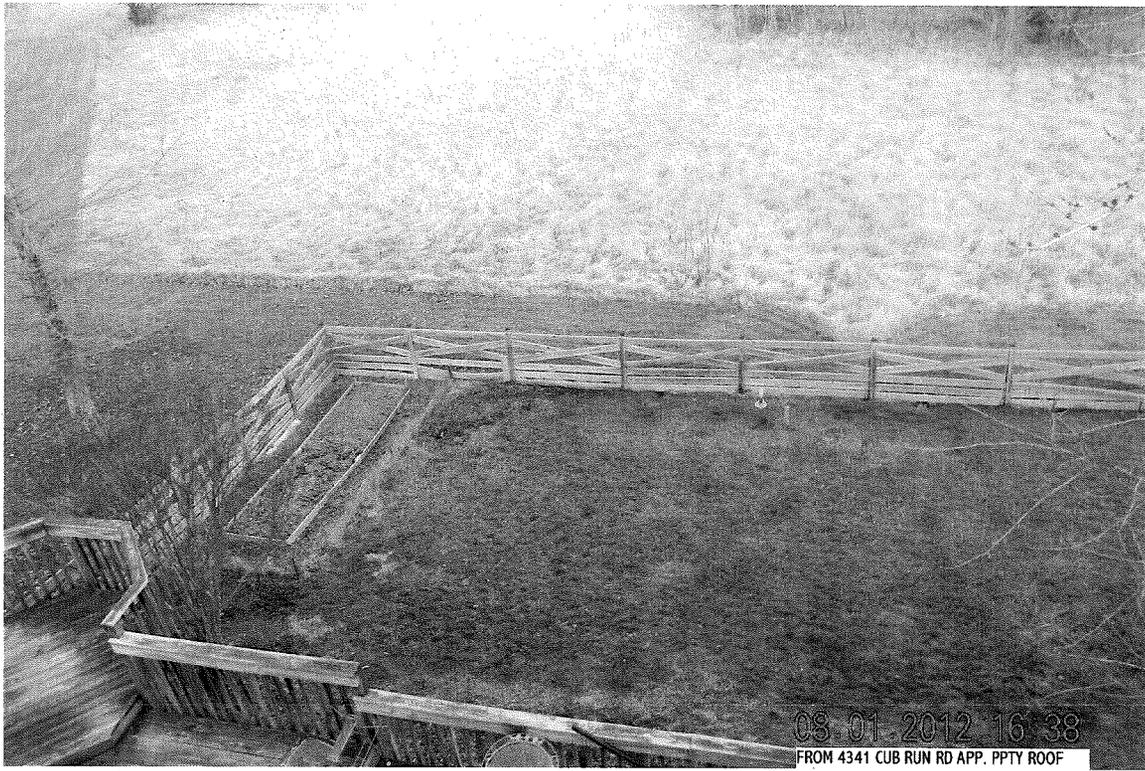


08.01.2012 16:26
FROM 4341 CUB RUN RD APP. PPTY DECK



08.01.2012 16:37
FROM 4341 CUB RUN RD APP. PPTY ROOF









08.01.2012 16:13
FROM CUB RUN RD



08.01.2012 16:14
FROM 4343 CUB RUN RD ABUTTING PPTY



08-01-2012 16:15
FROM 4339 CUB RUN RD ABUTTING PPTY



08-01-2012 16:15
FROM 4339 CUB RUN RD APP. PPTY ROOF

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit to permit the modification of certain yard requirements for R-C lots to allow the construction of an attached deck to be located 8.0 feet from the northern side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Deck	Side (north)	20.0 feet	8.0 feet	12.0 feet	60%

* Minimum yard requirement per Sect. 3-C07

EXISTING SITE DESCRIPTION

The 11,683 square foot lot is currently zoned R-C and developed with a two-story, brick and frame, single family detached dwelling, constructed in 1981. The site is accessed via a shared ingress/egress driveway located along the southern side lot line. A 4-foot high split rail fence surrounds the side and rear yards. An open wood deck spans along a majority of the length of the rear of the existing dwelling. An 8.5 foot high shed is located in the southeastern corner of the rear yard, adjacent to a 7.0 foot high play set. Both of these structures meet the minimum yard requirements.

CHARACTER OF THE AREA

	Zoning	Use
North	R-C	Single-Family Detached Dwellings
East	R-C	Fairfax County park - open space
South	R-C	Single-Family Detached Dwellings
West	R-C	Single-Family Detached Dwellings

BACKGROUND

The subject property was developed under the R-2 Cluster regulations. The property was zoned R-17 with rezoning B-264 by the Board of Supervisors on June 15, 1966, which in 1978 was converted to the R-2 Cluster District. On July 26, 1982, the property was rezoned to the R-C District as part of rezoning RZ 82-W-054. The R-2 Cluster regulations specified a minimum required side yard of eight (8) feet, with total minimum

side yards of 24 feet. At the time the dwelling was constructed, it met the R-2 Cluster regulations. With the adoption of RZ 82-W-054, the property was subject to the R-C Zoning District regulations, which specify a minimum side yard of 20 feet.

As shown on the special permit plat located at the front of the staff report, the subject property is located within a County mapped Resource Protection Area (RPA). In an email received from the Department of Public Works and Environmental Services (DPWES), attached as Appendix 4, the Chesapeake Bay Preservation Ordinance (CBPO) provides for minor additions to be made to homes in the RPA where the Residential Use Permit was issued prior to July 1, 1993. Since the addition of the by-right screened porch cumulatively with a garage addition already constructed on the lot do not exceed 1,000 square feet of impervious area, the applicant is not required to apply for an Exception to the CBPO requirements at this time.

Following the adoption of the current Ordinance, the BZA has heard many special permit and variance applications within the Pleasant Valley subdivision; however, the following applications have been heard by the Board which were applications specifically for open decks:

- Special Permit SP 85-S-063 was approved on January 14, 1986 for Tax Map 33-4 ((2)) 49A at 4401 Pleasant Valley Road, to permit deck 12.4 feet from side lot line and 19.4 feet from rear lot line.
- Special Permit SP 86-S-017 was approved on June 10, 1986 for Tax Map 33-4 ((2)) 355 at 4420 Cub Run Road, to permit deck 13.3 feet from side lot line.
- Variance VC 87-S-054 was approved on July 22, 1987 for Tax Map 33-4 ((2)) 273 at 15201 Philip Lee Road, to permit deck 10 feet from side lot line.
- Special Permit SP 99-S-036 was approved on June 28, 1988 for Tax Map 33-4 ((21)) 258 at 15243 Louis Mill Drive, to permit deck 15.0 feet from side lot line.
- Special Permit SP 91-S-014 was approved July 10, 1991 for Tax Map 33-4 ((2)) 227A at 4333 Silas Hutchinson Drive, to permit a deck 12 feet from the side lot line.
- Special Permit SP 92-Y-050 was approved on October 28, 1992 for Tax Map 33-4 ((2)) 19 at 4316 Silas Hutchinson Drive, to permit construction of a deck 9 feet from the side lot line.
- Special Permit SP 92-Y-056 was approved on December 9, 1992 for Tax Map 33-4 ((2)) 341 at 4519 Cub Run Road, to permit deck 11 feet from side lot line.
- Special Permit SP 92-Y-066 was approved on March 10, 1993 for Tax Map 33-4 ((2)) 179A at 15219 Louis Mill Road, to permit deck 10.2 feet from side lot line.

- Special Permit SP 93-Y-025 was approved on July 28, 1993 for Tax Map 33-4 ((2)) 427 at 15113 Elk Run Road, to permit deck 17 feet from side lot line.
- Special Permit SP 98-Y-009 was approved on June 10, 1998 for Tax Map 33-4 ((2)) 205 at 15240 Louis Mill Drive, to permit deck 11.0 feet from side lot line.
- Special Permit SP 2004-SU-007 was approved on April 6, 2004 for Tax Map 33-4 ((2)) 110 at 4300 General Kearny Court, to permit reduction to the minimum yard requirements based on error in building location to permit deck to remain 5.6 feet from side lot line.
- Special Permit SP 2005-SU-020 was approved on July 27, 2005 for Tax Map 33-4 ((2)) 290 at 15218 Philip Lee Road, to permit construction of an addition and deck 9.5 feet from the side lot line.
- Special Permit SP 2008-SU-004 was approved on April 1, 2008 for Tax Map 33-4 ((2)) 393 at 15108 Bernadette Court to permit construction of deck 16.0 feet from the side lot line.
- Special Permit SP 2011-SU-078 was approved on November 16, 2011 for Tax Map 33-4 ((2)) 181A at 4345 Silas Hutchinson Drive, to permit deck 11.9 feet from the side lot line.

Proposal:

The applicant requests construction of a 23 foot x 14 foot open deck to replace an existing deck will be placed on the rear of the existing dwelling and 8.0 feet from the northern side lot line. An existing deck spans a majority of the length of the rear of the dwelling. Although County records do not reflect that a building permit was obtained for the existing deck, according to the applicant, it was in its current location when he purchased the property in 2002. The proposed deck will be 5.5 feet in height and will be located approximately 35 feet from the rear lot line. The steps associated with the proposed deck will be located 31 feet from the rear lot line. A screened porch addition is also proposed to replace a portion of the existing deck; however, this addition meets the setback requirements of the Zoning District.

The applicant has not prepared architectural renderings for the proposed deck and is requesting a buildable envelope of which to construct the deck within. The deck will not extend beyond the side plane of the principal dwelling. Staff has informed the applicant that in order for the deck to be deemed an "open" deck, it will not be permitted to have lattice beneath the floor or above the rails of the structure. A development condition has been included to address this concern.

ZONING ORDINANCE REQUIREMENTS

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

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

- Sect. 8-006, General Standards
- Sect. 8-903, Standards for all Group 9 Uses
- Sect. 8-913, Provisions for Approval of Modifications to the Minimum Yard Requirements for Certain R-C Lots

CONCLUSION

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

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 with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. DPWES email
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2012-SU-020****July 4, 2012**

1. This special permit is approved for the location and size (approximately 23 x 14) open deck, as shown on the plat prepared by Paciulli, Simmons & Associates, Ltd., dated July 7, 1980, as signed by Jay S. Miller, Trustee, on April 12, 2012, submitted with this application and is not transferable to other land.
2. All applicable permits shall be obtained prior to any construction and approval of final inspections shall be obtained.
3. The open deck shall not include lattice beneath the floor or above the rails of the structure.

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.

Application No.(s): SP 2012-SU-020
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 29 FEB 2012
 (enter date affidavit is notarized)

I, Jay S. Miller, Trustee, 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

115404

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)
Jay S. Miller, Trustee of the Miller Family Trust for Janice M. Miller	4341 Cub Run Rd. Chantilly, VA 20151	Applicant/Title Owner
Janice M. Miller, Trustee of the Miller Family Trust for Jay S. Miller	4341 Cub Run Rd. Chantilly, VA 20151	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 2012-SU-020

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 29 FEB 2012
(enter date affidavit is notarized)

115404

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)

Not Applicable

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)

Not Applicable

(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 2012-SU-020

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 29 FEB 2012
(enter date affidavit is notarized)

115404

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)

Not Applicable

(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)

Not Applicable

(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 2012-SU-020

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

29 FEB 2012

(enter date affidavit is notarized)

115404

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 2012-SU-020
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 29 FEB 2012
(enter date affidavit is notarized)

115404

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:

J. S. Miller, Trustee

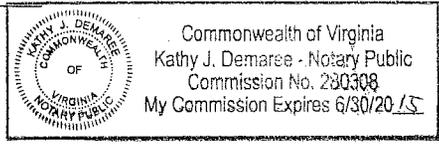
(check one) Applicant Applicant's Authorized Agent

Jay S. Miller, Trustee
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29th day of February 2012, in the State/Comm. of Virginia, County/City of Fairfax.

Kathy J. Demaree
Notary Public

My commission expires: 6/30/15



ITEM(S) 5.00, 5.08, 5.09

Jay S. Miller, Trustee
4341 Cub Run Rd
Chantilly VA 20151
Phone: (703)307-1494

Fairfax County Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Pkwy
Fairfax VA 22035

Zoning Evaluation Division

Re: Special Permit Application
Zoning Ordinance Section: 8-913
Tax Map No.: 0334 02 0078

RECEIVED
Department of Planning & Zoning
APR 12 2012

To whom it may concern,

Please accept the following amended statement of justification for approval to reduce the minimum side yard requirement for the subject property to permit construction of an open deck 8.0 feet from the northern side lot line.

This amended statement of justification responds to the deficiencies identified in the letter signed by Ms. Virginia Ruffner of the Fairfax ZED Application Acceptance Division on 22 March 2012 and by verbal correspondence with Mr. Mike Chauncey on 11 April 2012.

Sect 8-011 Standards

A) Type of operation: To permit construction of a replacement 14' by 22' open deck, a 4' by 8' platform and stairs, and a new 16' by 16' screened porch. The proposed replacement open deck would have the same footprint as the existing deck with the exception that the existing rounded portion of deck on the northern-most side would be eliminated. The proposed replacement open deck would have an 8 foot set back from the northern-most side yard, in conformance with the R2 Cluster zoning when the property was developed in 1981. The proposed replacement open deck would have part of its floor five and one-half (5.5) feet above finished ground level. No part of the proposed new screened porch's floor would be higher than four (4.0) feet above finished ground level. No part of the proposed new screened porch's roof would be higher than seventeen (17.0) feet above finished ground level.

B)- F) Not Applicable

G. Description of building facade: - See attached drawing/elevations

H. No hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355 will be generated, utilized, stored, treated, or disposed of on site. No hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations will be generated, utilized, stored, treated, or disposed of on site. No petroleum products as defined in Title 40, Code of Federal Regulations Part 280 will be generated, utilized, stored, treated, or disposed of on site. This project does not include any storage tanks or containers.

I. The proposed use will conform to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.

Sect 8-913 Standards

1. This subject property is on a lot which was comprehensively rezoned to the RC District on 26 July 1982 in conjunction with Board of Supervisors approval RZ 82-W-054, and such lot was subject to final plat approval prior to 26 July 1982. This property was initially developed in 1981 under the cluster provisions of R2, but was subsequently comprehensively rezoned to RC. The cluster provisions of the R2 district have an 8 foot minimum required side yard setback, whereas the RC district has a 20 foot minimum required side yard setback and a 25 foot minimum required rear yard setback.
2. The proposed project shall NOT result in a yard less than the minimum yard requirements of the cluster provisions of the R-2 zoning district which were applicable to the lot on and before 25 July 1982 (i.e., R2 Cluster, 8' set back).
3. 3. If approved, this project shall be harmonious with the existing development in the surrounding neighborhood and will not impact the public health, safety or welfare.
4. See attached modified plat.

JSM, TRUSTEE

Jay S. Miller, Trustee

12 April 2012

ITEM(S) 5.00, ~~5.01~~, 5.08, 5.09

Jay S. Miller, Trustee
4341 Cub Run Rd
Chantilly VA 20151
Phone: (703)307-1494

Fairfax County Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Pkwy
Fairfax VA 22035

RECEIVED
Department of Planning & Zoning
APR 04 2012
Zoning Evaluation Division

Re: Special Permit Application
Zoning Ordinance Section: 8-913
Tax Map No.: 0334 02 0078

To whom it may concern,

Please accept the following amended statement of justification for approval to reduce the minimum side yard requirement for the subject property to permit construction of an open deck 8.0 feet from the northern side lot line.

This amended statement of justification responds to the deficiencies identified in the letter signed by Ms. Virginia Ruffner of the Fairfax ZED Application Acceptance Division on 22 March 2012.

Sect 8-011 Standards

A) Type of operation: To permit construction of a replacement 14' by 22' open deck, a 4' by 8' platform and stairs, and a new 16' by 16' screened porch. The proposed replacement open deck would have the same footprint as the existing deck with the exception that the existing rounded portion of deck on the northern-most side would be eliminated. The proposed replacement open deck would have an 8 foot set back from the northern-most side yard, in conformance with the R2 Cluster zoning when the property was developed in 1981. The proposed replacement open deck would have part of its floor five and one-half (5.5) feet above finished ground level. No part of the proposed new screened porch's floor would be higher than four (4.0) feet above finished ground level.

B)- F) Not Applicable

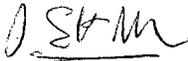
G. Description of building facade: - See attached drawing/elevations

H. No hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355 will be generated, utilized, stored, treated, or disposed of on site. No hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations will be generated, utilized, stored, treated, or disposed of on site. No petroleum products as defined in Title 40, Code of Federal Regulations Part 280 will be generated, utilized, stored, treated, or disposed of on site. This project does not include any storage tanks or containers.

I. The proposed use will conform to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.

Sect 8-913 Standards

1. This subject property is on a lot which was comprehensively rezoned to the RC District on 26 July 1982 in conjunction with Board of Supervisors approval RZ 82-W-054, and such lot was subject to final plat approval prior to 26 July 1982. This property was initially developed in 1981 under the cluster provisions of R2, but was subsequently comprehensively rezoned to RC. The cluster provisions of the R2 district have an 8 foot minimum required side yard setback, whereas the RC district has a 20 foot minimum required side yard setback and a 25 foot minimum required rear yard setback.
2. The proposed project shall NOT result in a yard less than the minimum yard requirements of the cluster provisions of the R-2 zoning district which were applicable to the lot on and before 25 July 1982 (i.e., R2 Cluster, 8' set back).
3. 3. If approved, this project shall be harmonious with the existing development in the surrounding neighborhood and will not impact the public health, safety or welfare.
4. See attached modified plat.



Jay S. Miller, Trustee
04 April 2012

FEB 29 2012

Zoning Evaluation Division

Jay S. Miller, Trustee
4341 Cub Run Rd
Chantilly VA 20151
Phone: (703)307-1494

Fairfax County Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Pkwy
Fairfax VA 22035

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To whom it may concern,

Please accept the following statement of justification for approval to reduce the minimum side yard requirement for the subject property to permit construction of an open deck 8.0 feet from the northern side lot line.

Sect 8-011 Standards

A) Type of operation: To permit construction of a replacement 14' by 22' open deck, a 4' by 8' platform and stairs, and a new 16' by 16' screened porch. The proposed replacement open deck would have the same footprint as the existing deck with the exception that the existing rounded portion of deck on the northern-most side would be eliminated. The proposed replacement open deck would have an 8 foot set back from the northern-most side yard, in conformance with the R2 Cluster zoning when the property was developed in 1981. The proposed replacement open deck would have part of its floor higher than four feet above finished ground level. The proposed new screened porch would its floor four feet or less above finished ground level.

B)- I) Not Applicable

Sect 8-913 Standards

1. This subject property is on a lot which was comprehensively rezoned to the RC District on 26 July 1982 in conjunction with Board of Supervisors approval RZ 82-W-054, and such lot was subject to final plat approval prior to 26 July 1982. This property was initially developed in 1981 under the cluster provisions of R2, but was subsequently comprehensively rezoned to RC. The cluster provisions of the R2 district have an 8 foot minimum required side yard setback, whereas the RC district has a 20 foot minimum required side yard setback and a 25 foot minimum required rear yard setback.
2. The proposed project shall NOT result in a yard less than the minimum yard requirements of the cluster provisions of the R-2 zoning district which were applicable to the lot on and before 25 July 1982 (i.e., R2 Cluster, 8' set back).
3. If approved, this project shall be harmonious with the existing development in the surrounding neighborhood and will not impact the public health, safety or welfare.
4. See attached modified plat.


Jay S. Miller, Trustee
24 February 2012

Hedrick, Debbie

From: Regmi, Sharad
Sent: Monday, June 04, 2012 11:23 AM
To: Hedrick, Debbie
Cc: Cronauer, Judith
Subject: 4341 Cub Run Road; SP 2012-SU-020, 25610-ZONA-001-1

Debbie,

The work proposed under the 4341 Cub Run Road, SP 2012-SU-020, seems to be less than 2500 square feet of land disturbance. An infill grading plan is not required if the total land disturbance is less than 2500 square feet so water quality control will not be required.

There is RPA on the subject lot. RPA delineations are usually not required for minor additions to the single-family homes which are within the RPA as depicted on county maps. The Chesapeake Bay Preservation Ordinance (CBPO) provides for minor additions to be made to homes in the RPA using the county-mapped RPA boundary where the Residential Use Permit was issued as of July 1, 1993 (CBPO 118-5-5). The subject home was established prior to 1993. To be eligible for an administrative encroachment exception under these provisions, the improvements to a property must also be limited to those which will create no more than 1,000 square feet of impervious area including the impervious added after July 1, 1993. In 1984, applicant added a new garage to the dwelling (permit # 842924411). The improvements proposed in this application will create approximately 256 square feet of imperviousness on the subject property. If the net cumulative impervious area in RPA is less than 1,000 sq ft, applicant qualifies under minor additions per CBPO 118-5-5(a).

If you need further information, please contact me.

Sharad Regmi, P.E.
Stormwater Engineer
SDID - LDS
X324-7179

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.

8-913 Provisions for Approval of Modifications to the Minimum Yard Requirements for Certain R-C Lots

The BZA shall approve a special permit to allow a modification to the minimum yard requirements of the R-C District, but only in accordance with the following provisions:

1. The proposed dwelling or addition thereto is on a lot which was comprehensively rezoned to the R-C District on July 26, 1982 or August 2, 1982 and such lot was: (a) the subject of final plat approval prior to July 26, 1982, or (b) recorded in accordance with a final consent decree entered in Chancery No. 78451 by the Fairfax County Circuit Court on September 17, 1985, or (c) recorded in accordance with a final consent decree entered in Chancery Nos. 78425, 78452, 78454, 78461, 78462 and 78465 by the Fairfax County Circuit Court on September 17, 1985, as amended by a final consent decree entered on November 25, 1991 by the Fairfax County Circuit Court in Chancery No. 123887.
2. Such modification shall result in a yard not less than the minimum yard requirement of the zoning district which was applicable to the lot on July 25, 1982.
3. Such a modification shall be approved if it is established that the resultant development will be harmonious with existing development in the neighborhood and will not adversely impact the public health, safety and welfare of the area.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat. Such plat shall be prepared by a certified land surveyor or registered engineer except plats submitted for additions to existing single family dwellings or accessory structures related to existing single family dwellings may be prepared by the applicant. Such plat shall contain the following information:
 - A. The dimensions of the lot or parcel, the lot lines thereof, and the area of land contained therein.
 - B. The location, dimensions 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 and for accessory structures, the height of the highest point of the structure from finished ground level.
 - C. The distance from all property lines to the proposed building, structure or addition, shown to the nearest one-tenth of a foot.
 - D. The existing and intended use of each building or structure or part thereof, including the number of dwelling units within a dwelling.
 - E. The location and configuration of any existing or proposed off-street parking space(s), the number of spaces proposed to be provided, and information as to the proposed surfacing of such areas.
 - F. The delineation of any Resource Protection Area and Resource Management Area.
 - G. The signature and certification number, if applicable, of the person preparing the plat.