



APPLICATION ACCEPTED: June 4, 2012
BOARD OF ZONING APPEALS: July 25, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 18, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-HM-034

HUNTER MILL DISTRICT

APPLICANT: Elizabeth C. Day

OWNERS: Elizabeth C. Day
John S. Day II

SUBDIVISION: Middleton Farm

STREET ADDRESS: 2836 Thistleberry Court, Herndon, 20171

TAX MAP REFERENCE: Tax Map 25-3((15)) 151

LOT SIZE: 9,798 square feet

ZONING DISTRICT: PDH-3, Planned Development Housing

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of addition 14.2 feet from rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-HM-034 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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

O:\vhorner\Special Permits\Elizabeth Day 50%\Staff Report Day.doc

Rebecca Horner

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.

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.**

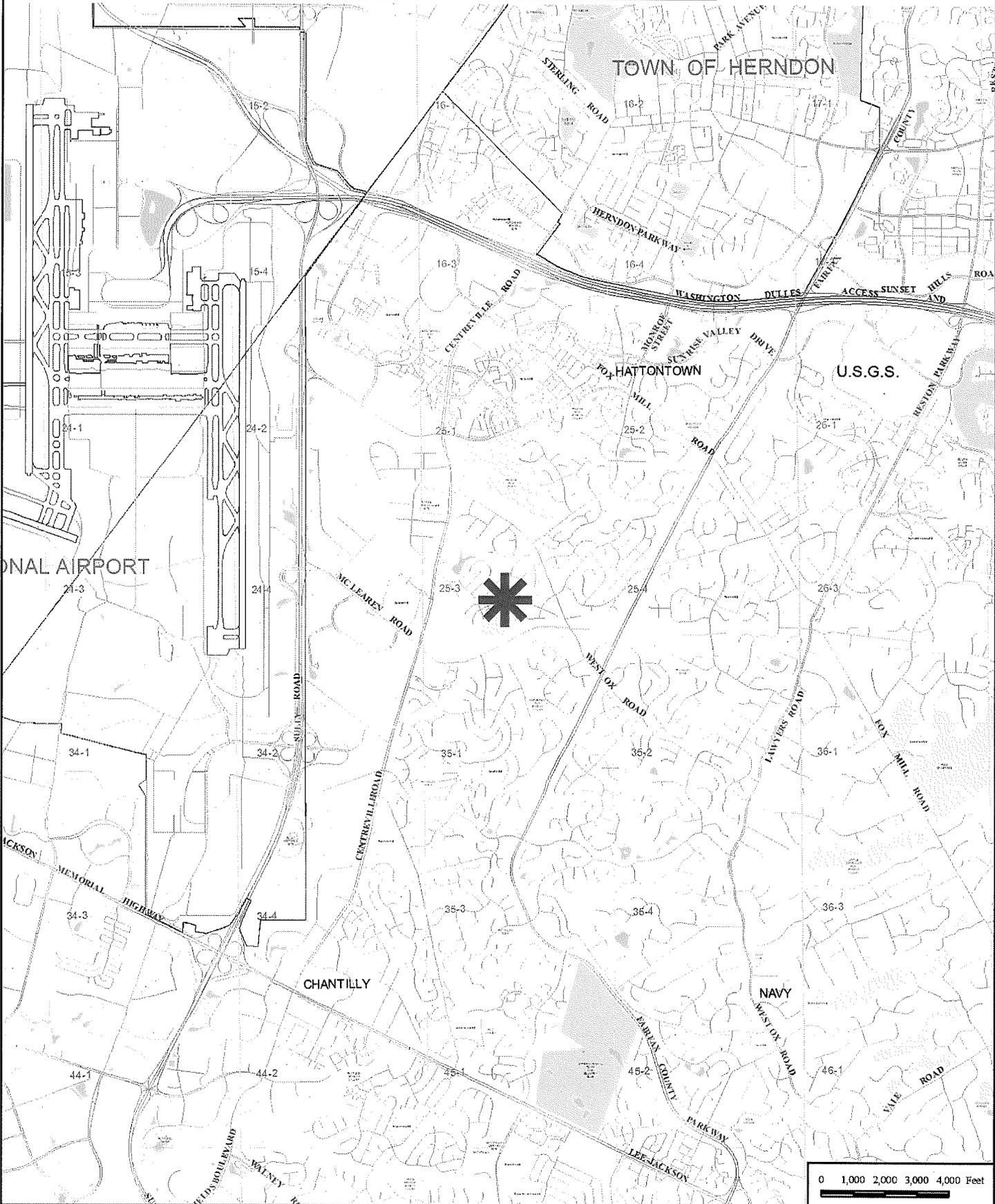


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2012-HM-034

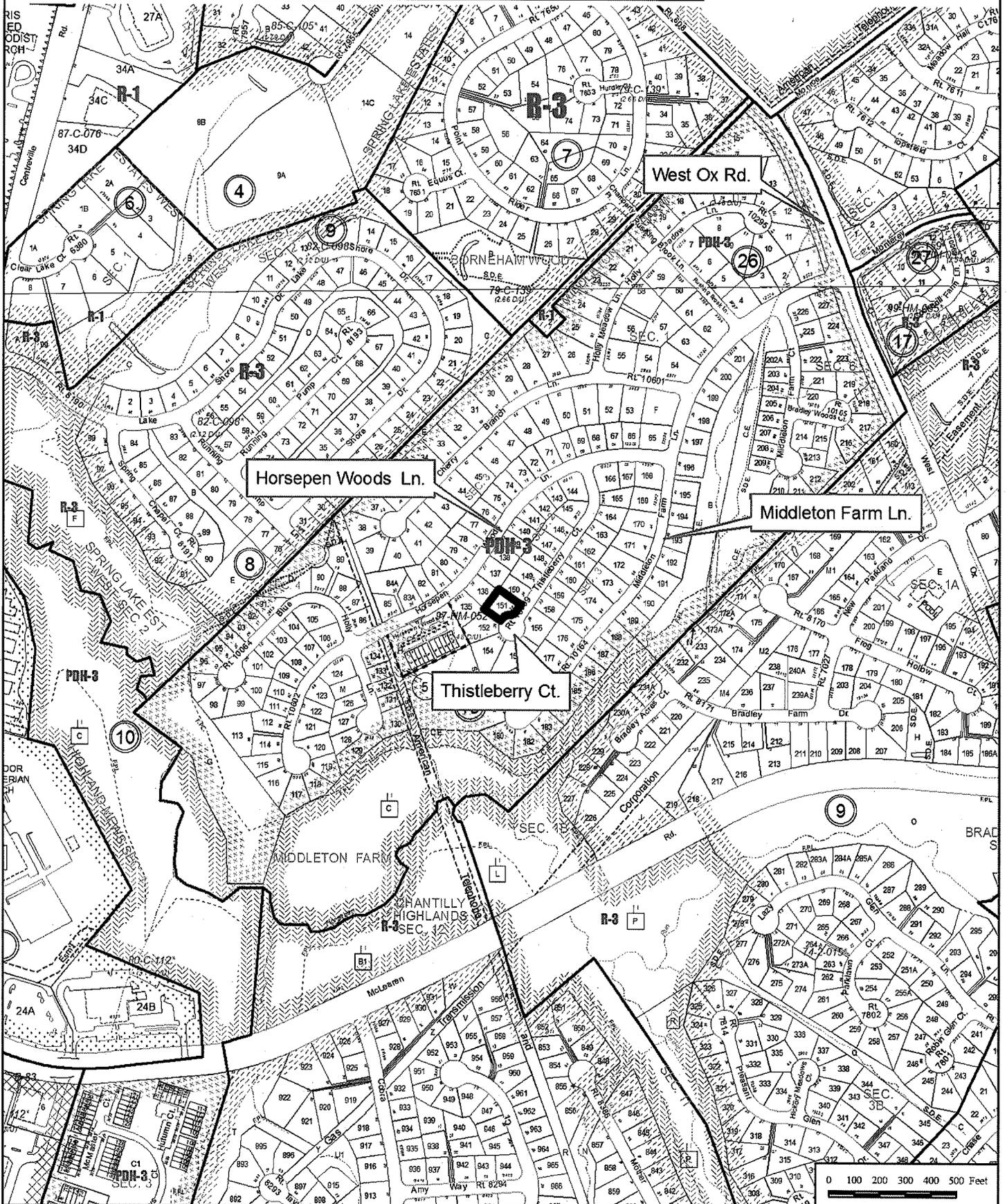
ELIZABETH C. DAY



Special Permit

SP 2012-HM-034

ELIZABETH C. DAY

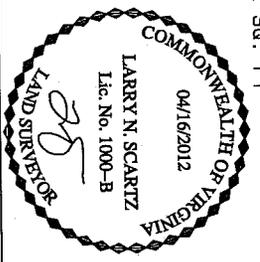


COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

- NOTES:
- TAX MAP 025-3-15-0151
 - PROPERTY SHOWN HEREON IS ZONED: PDH-3 (RESIDENTIAL 3 DU/AC)
 - MINIMUM YARD REQUIREMENTS IN ZONE PDH-3 (SAME AS R-3 CLUSTER)
FRONT YARD: 20'
SIDE YARD: 8', BUT A TOTAL MINIMUM OF 20'
REAR YARD: 25'
MAXIMUM BUILDING HEIGHT: 35'
 - PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 - THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0120E EFFECTIVE DATE, SEPTEMBER 17, 2010.
 - THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
 - FLOOR AREA:
EXISTING GROSS FLOOR AREA HOUSE: 2,784 SQ. FT.
EXISTING GROSS FLOOR AREA GARAGE: 462 SQ. FT.
EXISTING GROSS FLOOR AREA PATIO: 75 SQ. FT.
EXISTING GROSS FLOOR AREA MORN. ROOM: 133 SQ. FT.
PROP. GROSS FLOOR AREA WOOD DECK: 48 SQ. FT.
PROP. TOTAL FLOOR AREA: 3,502 SQ. FT.
PROP. FLOOR AREA RATIO: 0.35

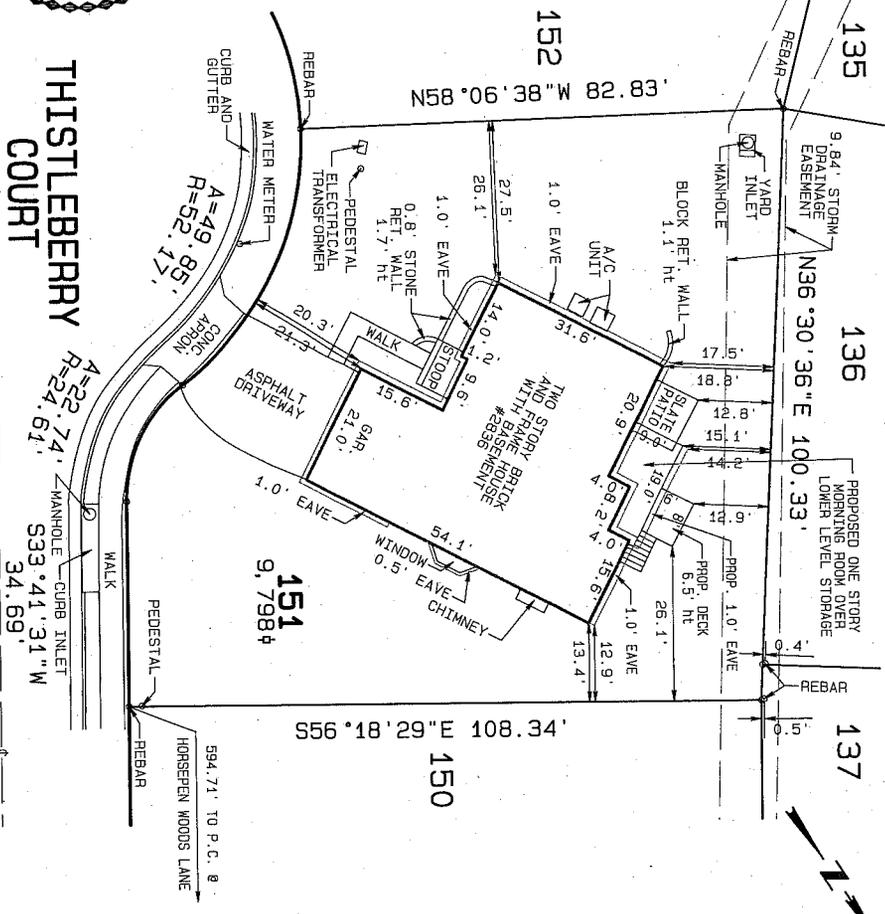
HEIGHT TABLE

EXISTING HEIGHT OF HOUSE:	25.3'
PROPOSED HEIGHT OF MORNING ROOM:	22.0'



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

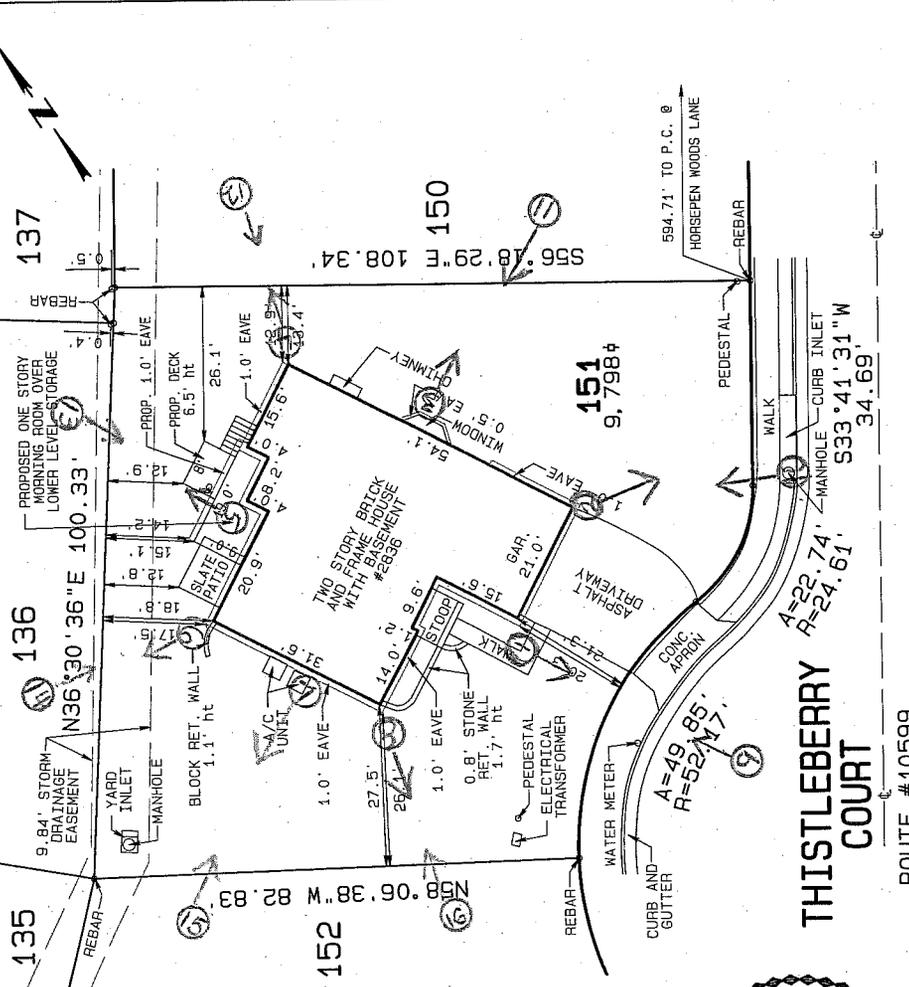
SCARTZ SURVEYS
LARRY N. SCARTZ
LOCAL (703) 494-4181
CERTIFIED LAND SURVEYOR
FAX (703) 494-3330
LARRY.N.SCARTZ@SCARTZ.COM
WOODBRIDGE, VIRGINIA



SPECIAL PERMIT PLAT
LOT 151, SECTION 2
MIDDLETON FARM
HUNTER MILL MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=20'
DATE: APRIL 16, 2012

Pictures were taken on: 4/23/12
 Pictures were taken by: John & Lezehl

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SPECIAL PERMIT PLAT
 LOT 151, SECTION 2
MIDDLETON FARM
 HUNTER MILL MAGISTERIAL DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1"=20' DATE: APRIL 16, 2012

ROUTE #10599
 43.3' R/W

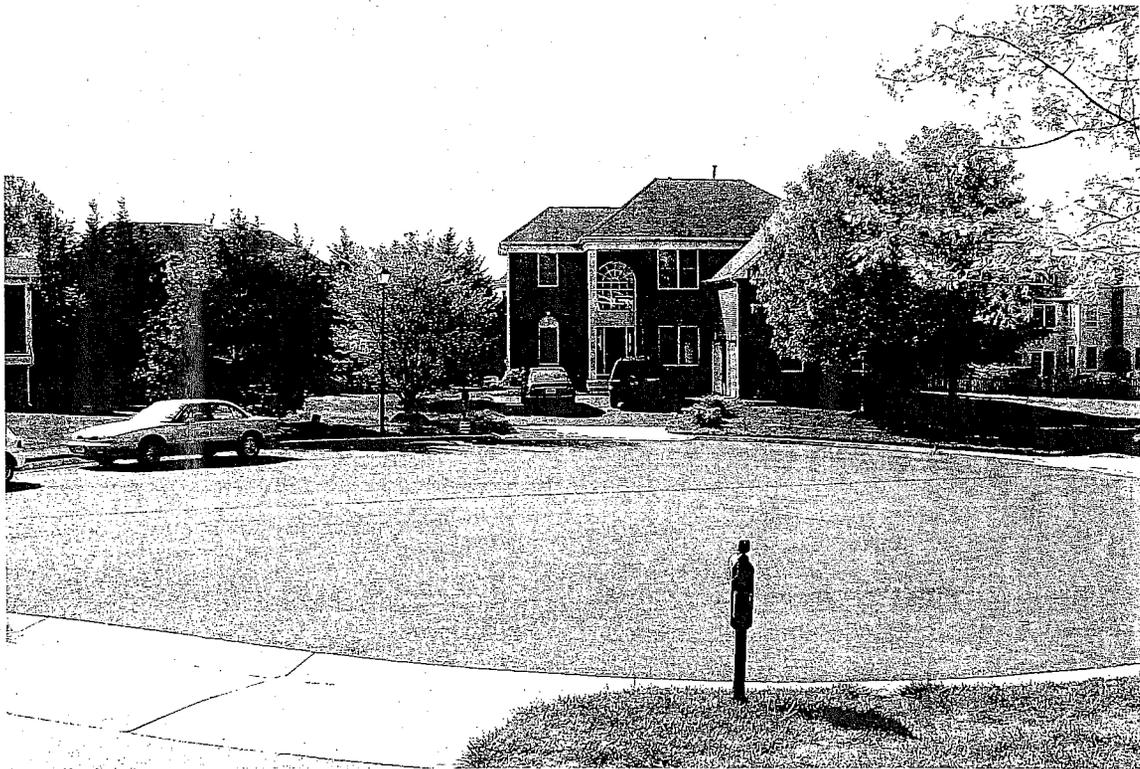
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 LARRY.SCARTZ@SCARTZ.COM

②

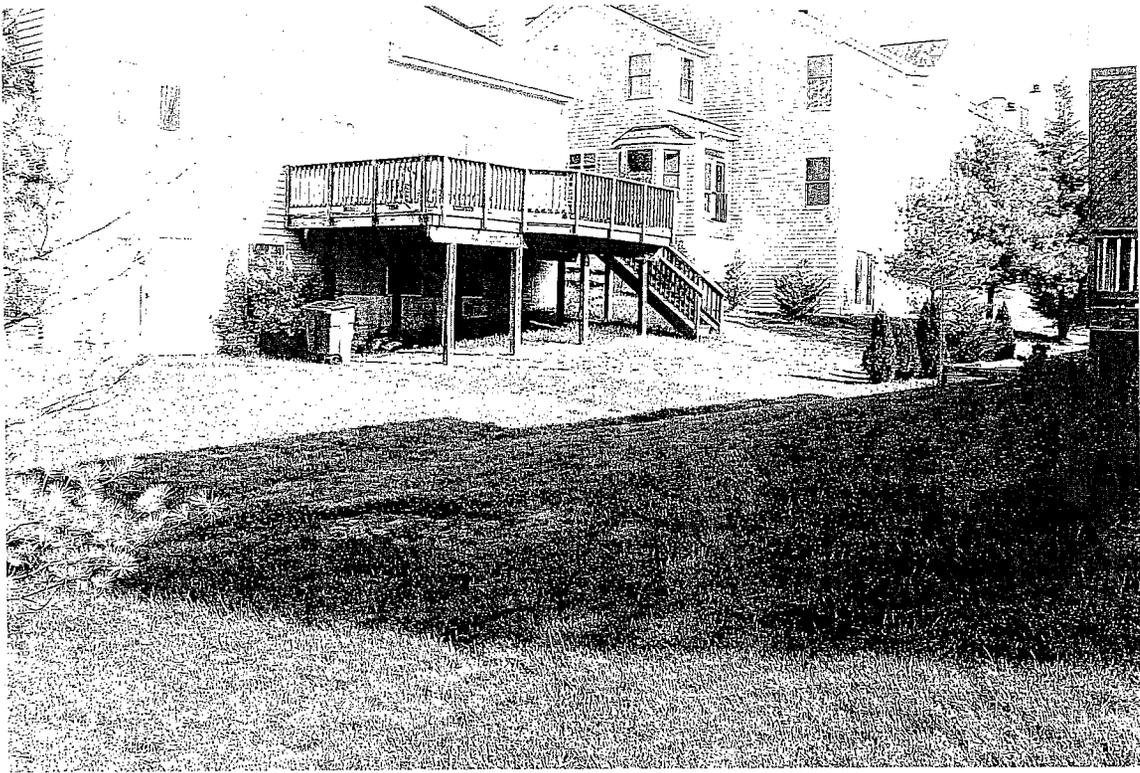


4/23/12 SRP



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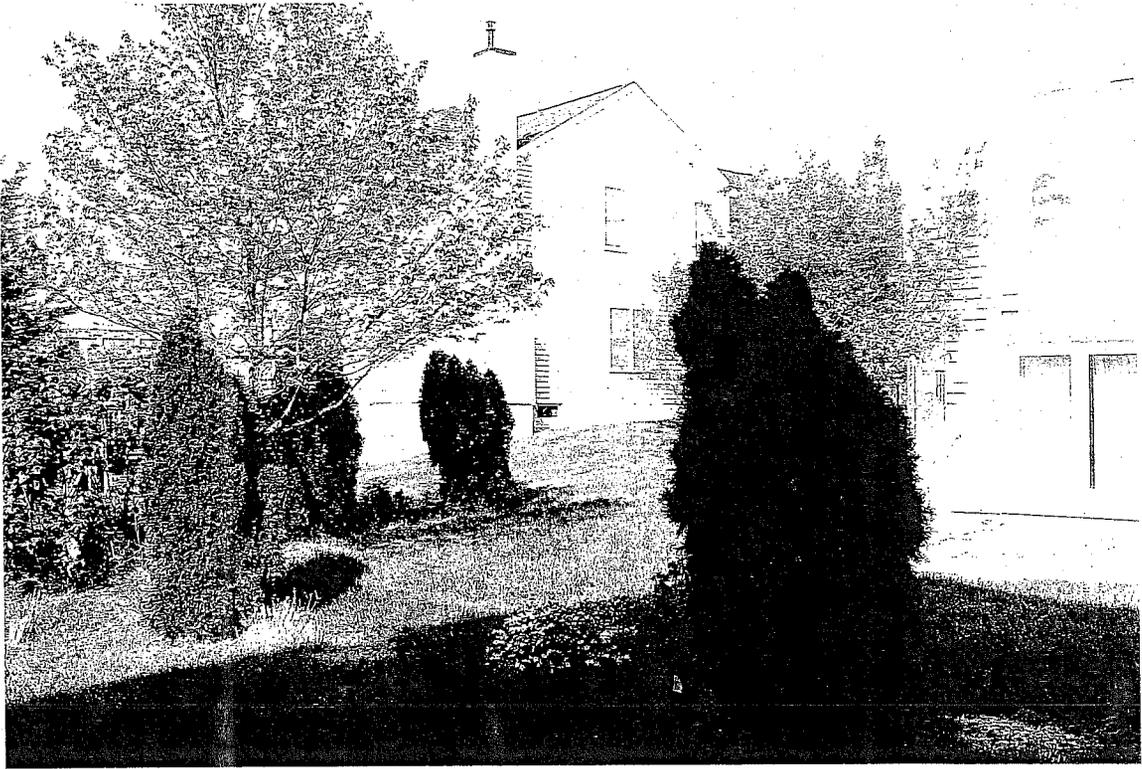


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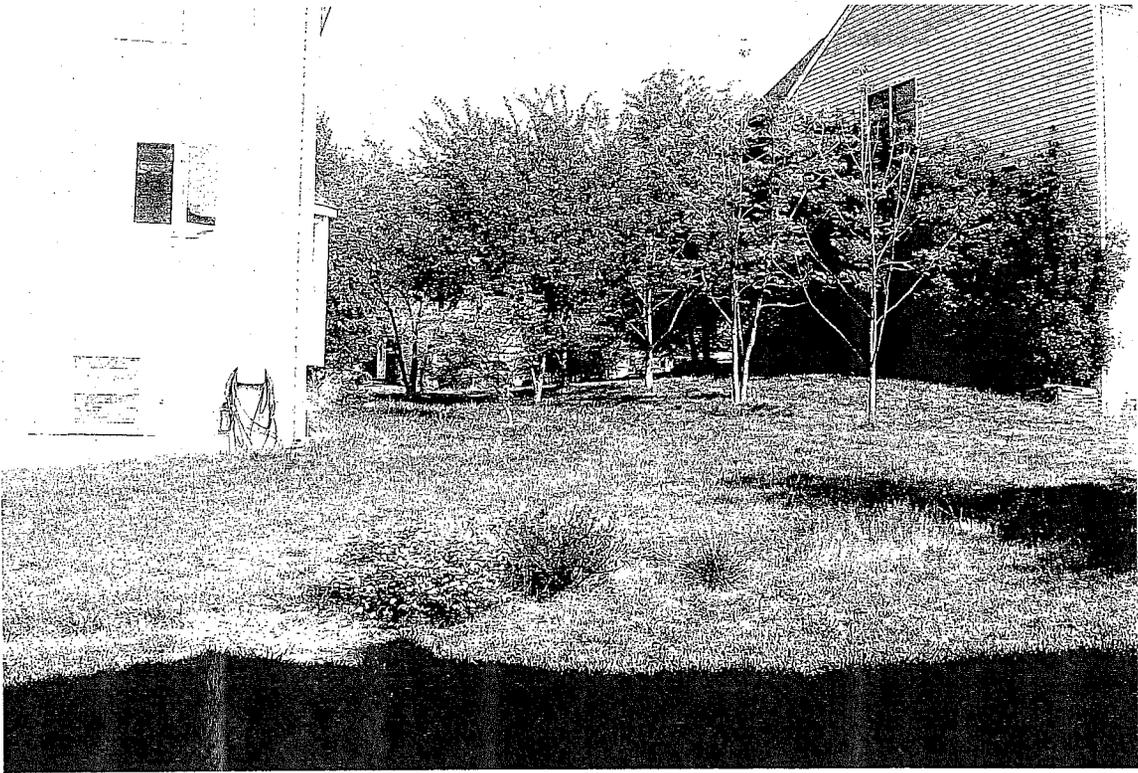


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4/23/12 RP



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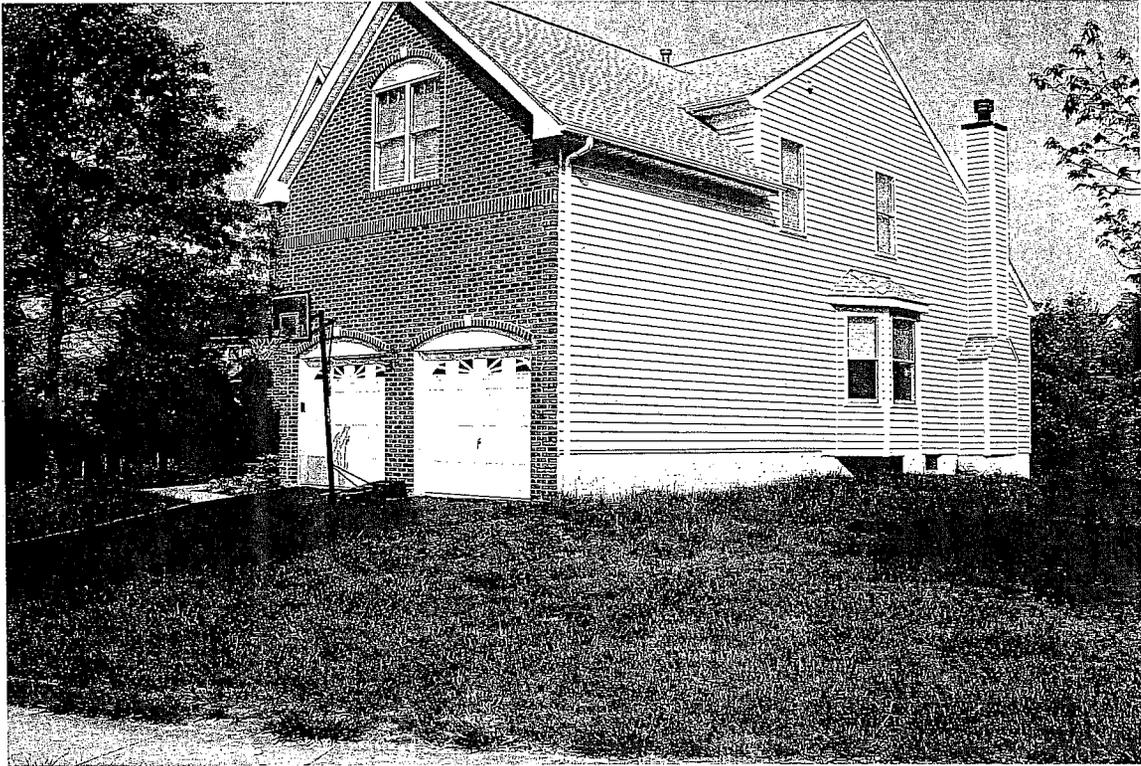


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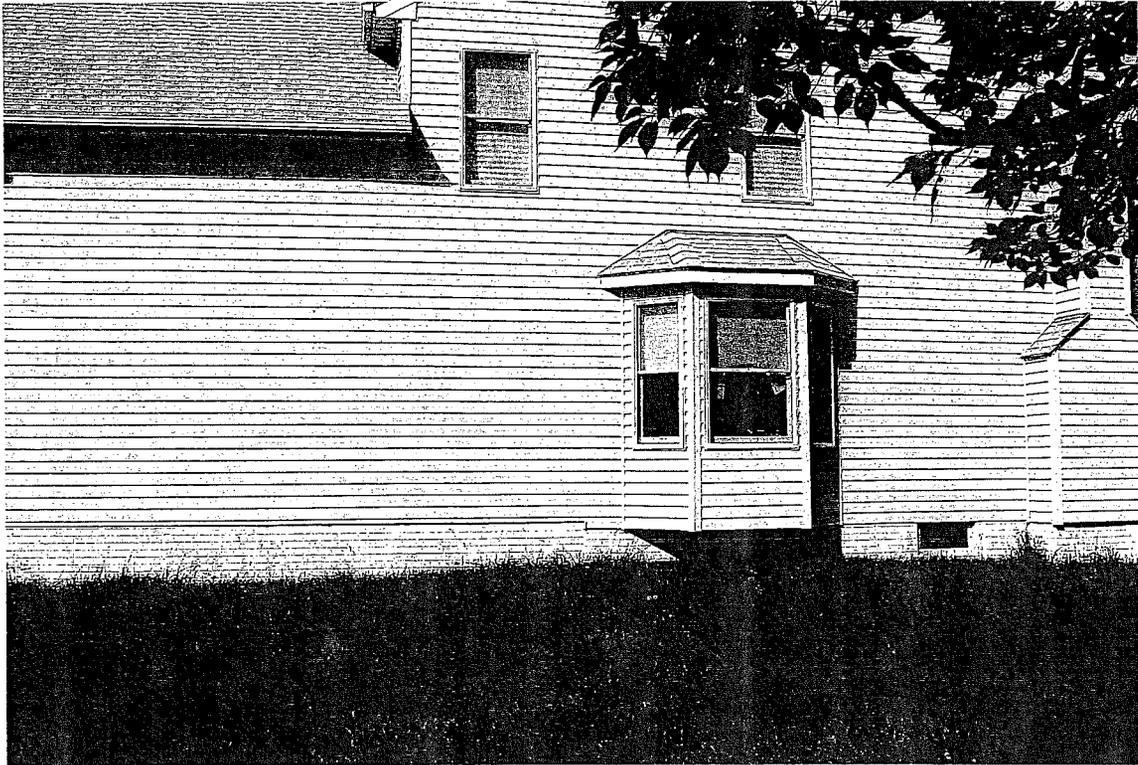


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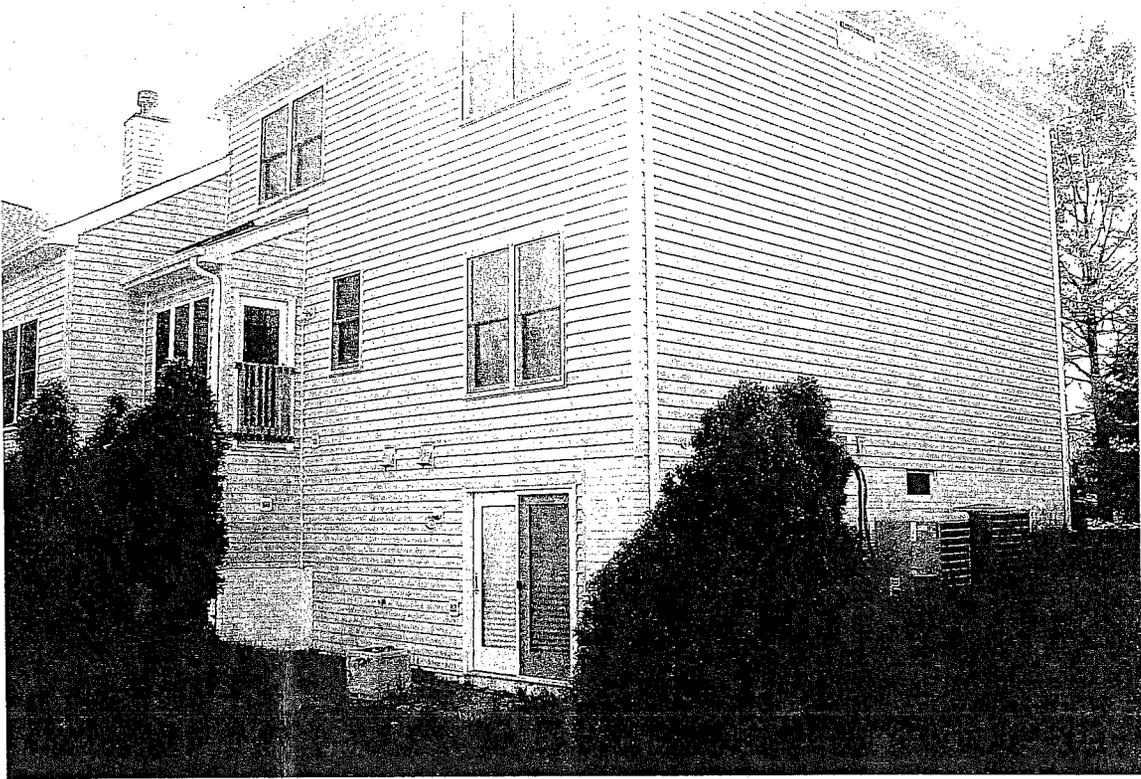


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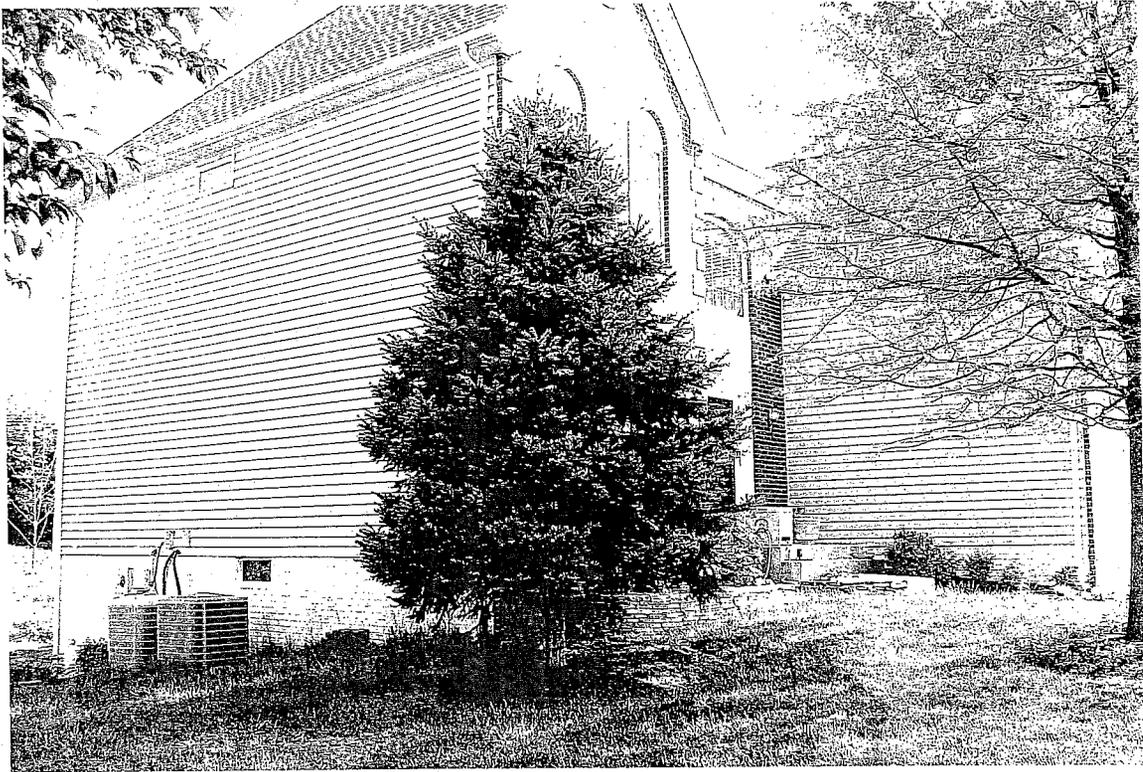


4/23/12 JRP

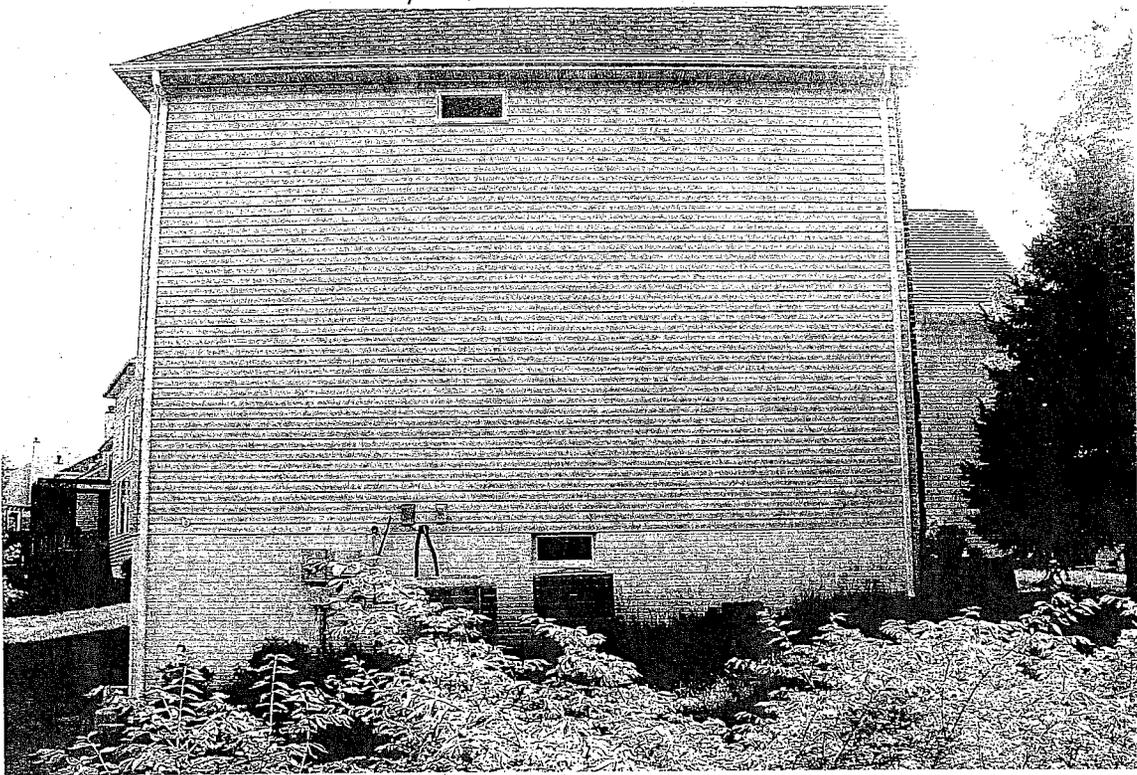


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4/23/12 JRP

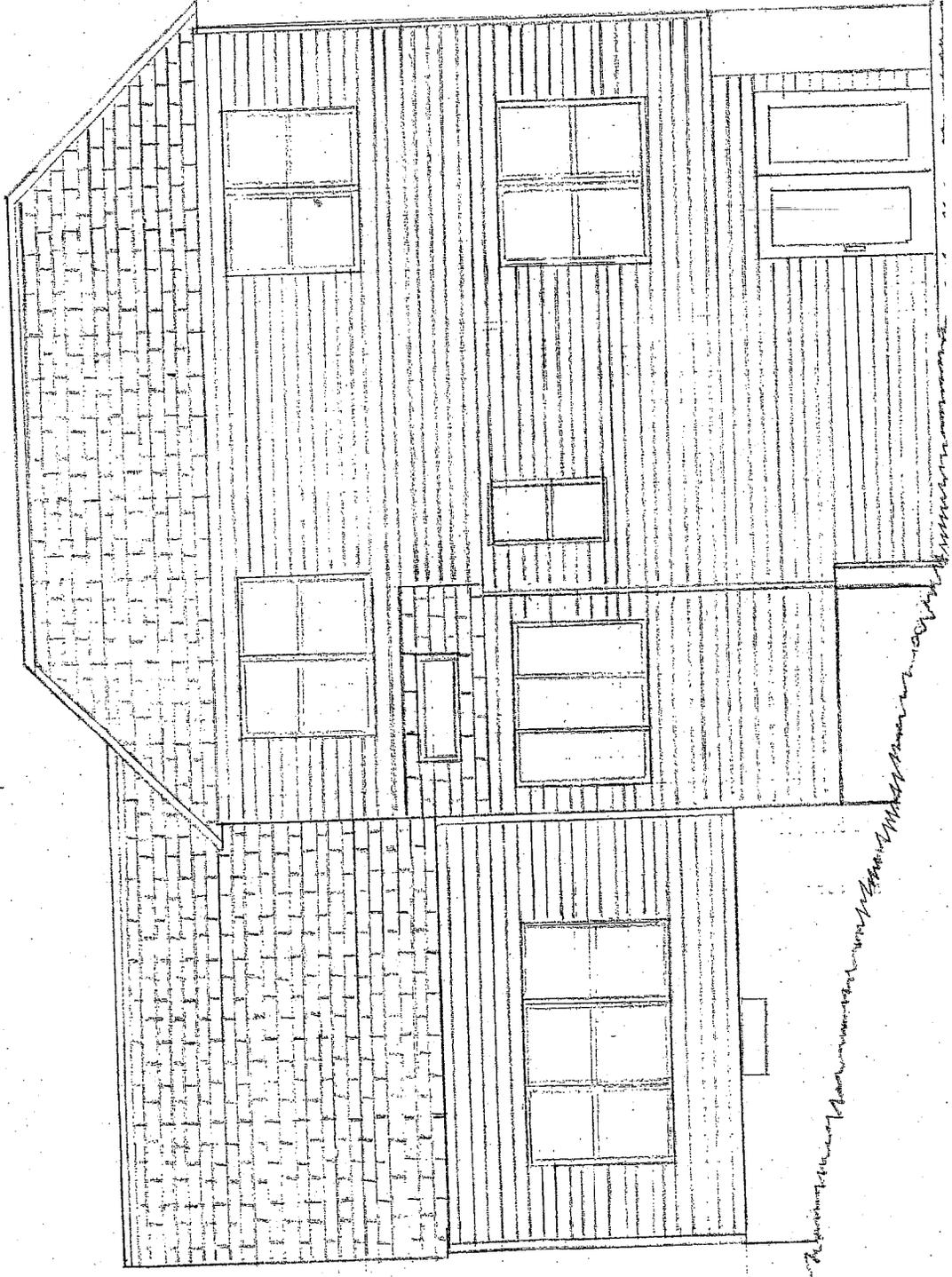


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Existing House before proposed addition

Scale: 1" = 4'

Beth + John Day



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RECEIVED
Department of Planning & Zoning

APR 24 2012

Zoning Evaluation Division

Existing House with proposed addition

Scale: 1" = 4'

Beth + John Day



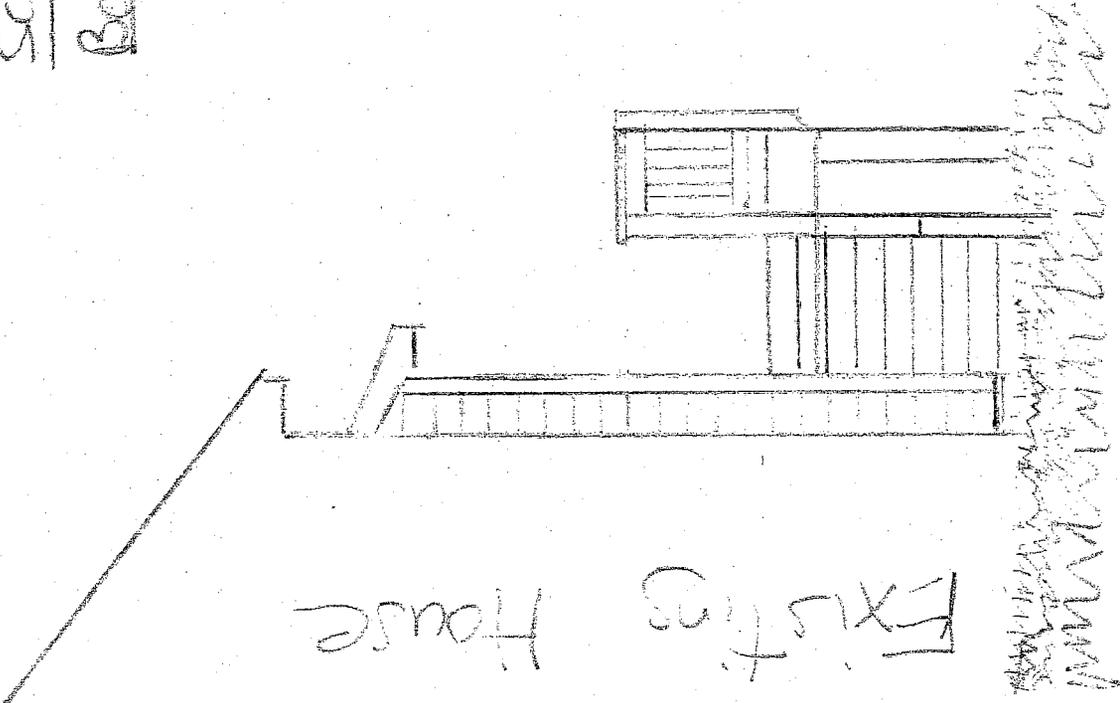
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Architectural

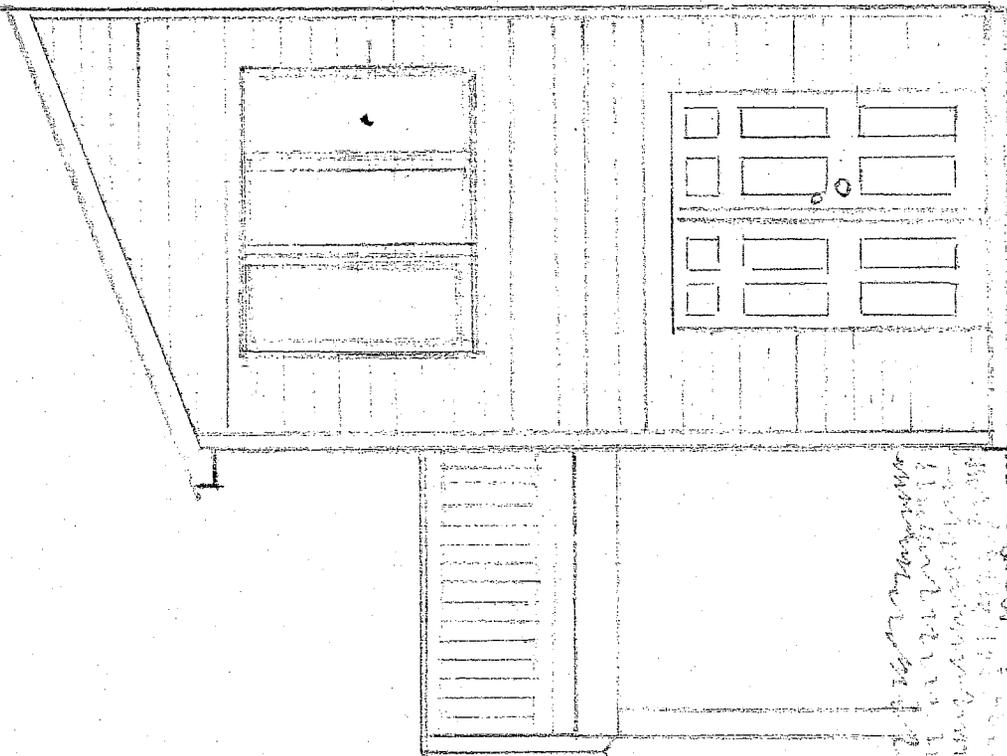
Proposed New Addition
Side Views

Scale: 1" = 4'

Betha John Day



Existing House



Architectural drawing showing the side view of the proposed new addition. The drawing features a large window with horizontal blinds and a door with a decorative panel. A diagonal line on the left side indicates the view direction.

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit to permit reduction of certain yard requirements for construction of an addition 14.2 ft. from the northwestern rear lot line. The addition will be a sunroom with storage below.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Addition	Rear	25 feet*	14.2 feet	10.8 feet	43.2%

* Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The lot is currently zoned PDH-3 and constructed with a two-story, single family detached dwelling. The dwelling was built in 2000. The existing home has a small concrete pad located outside the basement door on the rear of the dwelling.

The lot is 9,798 square feet. The minimum lot size in a PDH-3 district is 8,500 square feet. The lot slopes from the dwelling toward the rear of the lot.

The lot is on the curve of a cul-de-sac which creates shallowness to the depth of the lot and the dwelling is set diagonally on the lot which causes a shallow backyard. The existing dwelling was constructed 17.5' from the rear property line and 20.3 feet from the front lot line.

The dwelling is accessed via a hard surfaced drive extending from Thistleberry Court.

The property contains several trees, shrubs and foundation plantings. A storm drainage easement is located along the northwestern rear property line.

The dwelling is a walk-out; therefore the grade slopes away from the rear of the dwelling.

Structure	
Floor Area	3,321 square feet*
Year Constructed	2000
Access	Hard-surfaced driveway that extends from Thistleberry Court
Site Features	Trees, shrubs and foundation plantings.
Easements	Storm drainage easement along the northwestern property line.

*According to drawings sealed by a licensed land surveyor.

CHARACTER OF THE AREA

	Zoning	Use
North	PDH-3	Single-Family Dwellings
East	PDH-3	Single-Family Dwellings
South	PDH-3	Single Family Dwellings
West	PDH-3	Single-Family Dwellings

BACKGROUND

Following the adoption of the current Ordinance, the BZA has not heard any special permit and variance applications in the vicinity of the application parcel.

PLAT	
Special Permit Plat	Attached
Title of SP Plat:	Special Permit Plat, Lot 151, Section 2, Middleton Farm
Prepared By:	Scartz Surveys, dated 04/16/2012, signed by Larry N. Scartz, Land Surveyor

Proposal:

The applicant requests approval to construct a 19' by 9' sunroom addition with storage below. The proposed addition is shown to be built with materials consistent with the existing dwelling and using a pitched and shingled roof structure. The applicant indicates materials will match the existing dwelling.

A proposed deck and steps are shown to be constructed 12.9' from the rear lot line. Design standards for P-Districts permit extension as outlined in Sect. 2-412 of the Zoning Ordinance to be located up to ½ the distance the home is located from an adjacent lot line. Therefore, since the home is located 17.5 feet at the closest point from the rear lot line, a deck can be constructed 1/2 that distance or 8.75 feet from the rear lot line.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 4:

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

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standards 3.

General Standard 3 requires that the proposed uses 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 general character of the residential neighborhood is single family dwellings constructed with siding of similar style constructed in 2000 and after. The proposed addition is of a similar style and is harmonious with the existing home and neighborhood.*

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 existing 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 special permit plat, the existing dwelling has 3,321 square feet of living area. Therefore 150% of the total gross floor area could result in an addition up to 4,981.5 square feet square feet in size for a possible total building size of 8,302.5 square feet above-grade living area. The proposed addition is approximately 266 square feet in area, thereby realizing a total house size of 3,587 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 addition will be compatible with the existing structure. The addition will be constructed to match the existing style and materials used on the existing dwelling and are in scale with the existing dwelling. Staff believes this standard has been met.*

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. It appears the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood is consistent with two story dwellings built in 2000 or after, with pitched roofs and wood or brick siding. The proposed exterior building materials are consistent with the on-site dwelling and with the general character of the neighborhood. There are no trees or landscaping in the area of the proposed addition. Staff believes the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. There is no RPA on the property. The addition is at the rear of the structure. Other houses in the area are also two story walk out dwellings. Staff believes this standard is met.

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 addition is in an area without existing trees or shrubs. There is new impervious area because the rear of the dwelling presently does not have a deck or patio in the area of the proposed construction. Staff believes that the application meets this provision.

CONCLUSION

Staff finds that the subject application 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 2012-HM-034 for the addition, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner 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 with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2012-HM-034

July 18, 2012

If it is the intent of the Board of Zoning Appeals to approve SP 2012-HM-034 located at 2836 Thistleberry Court, Tax Map 25-3 ((15)) 151 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 (approximately 238 square feet) of the addition, as shown on the plat prepared by Scartz Surveys, dated 04/16/2012, signed by Larry N. Scartz, Land Surveyor, 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 (3,321 square feet existing + 4,981.5 square feet (150%) = 8,302.5 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 generally be 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

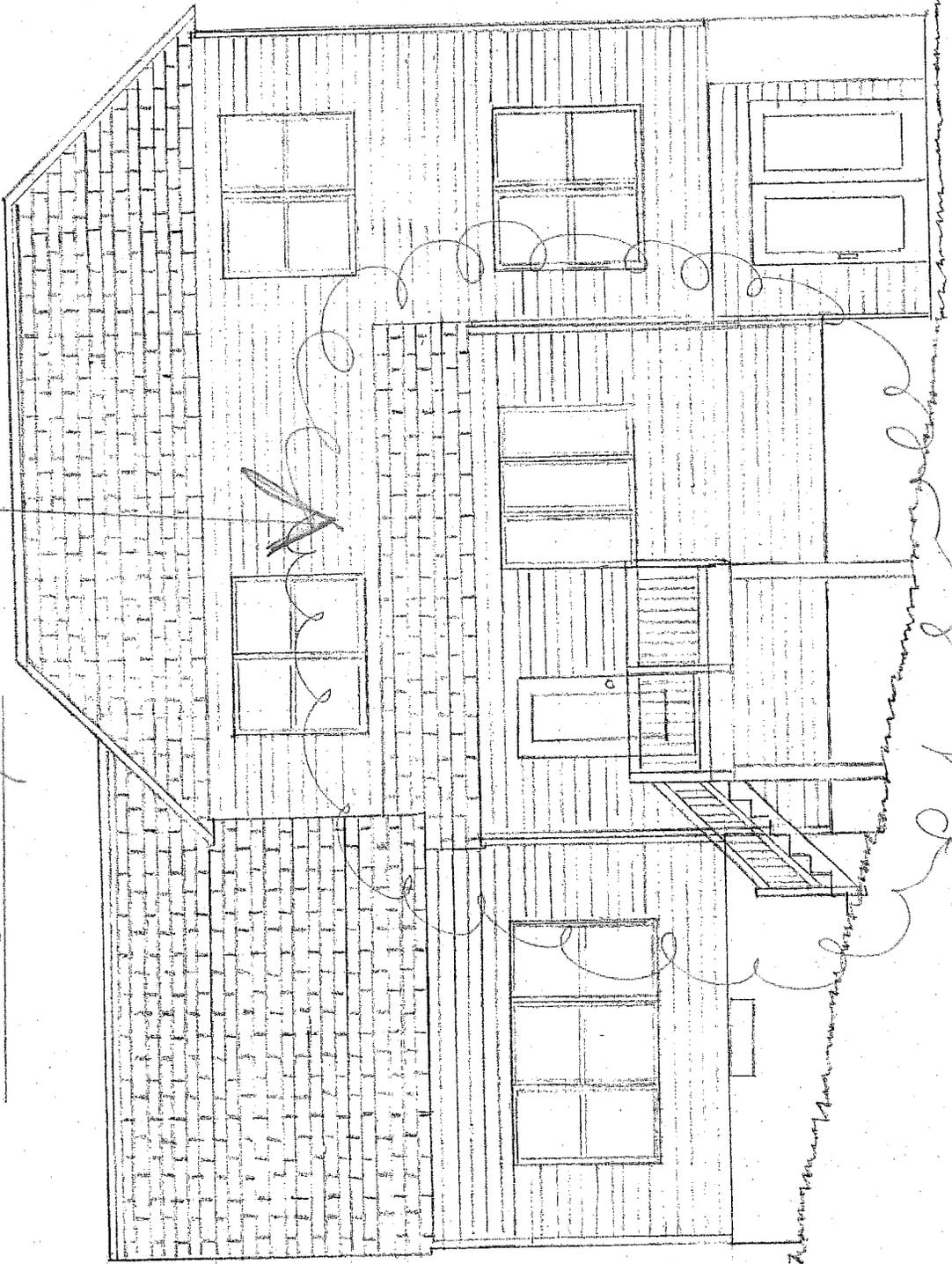
time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

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Department of Planning & Zoning
APR 24 2012
Zoning Evaluation Division

Existing House with proposed addition

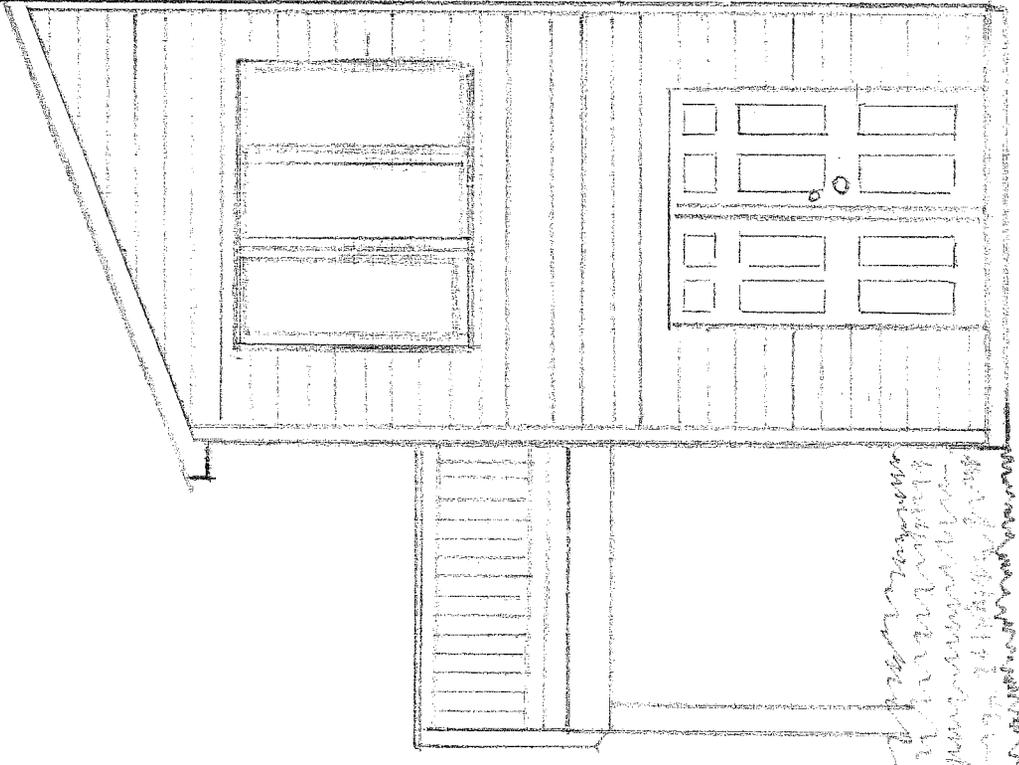
Scale: 1" = 4'

Beth + John Day



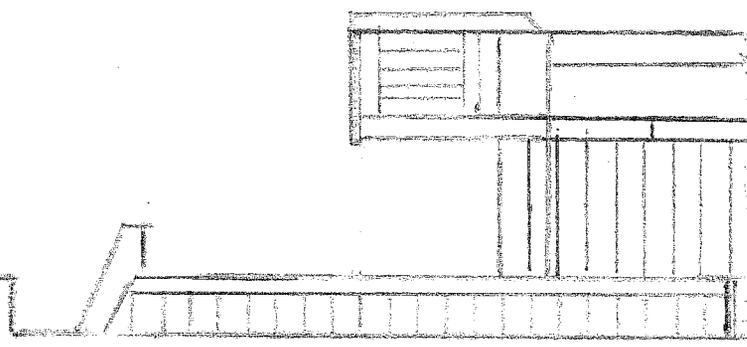
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Existing House



Handwritten notes in the right margin of the existing house drawing, including the word 'existing' and other illegible scribbles.

Existing House



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Proposed New Addition
Side Views

Scale: 1" = 4'

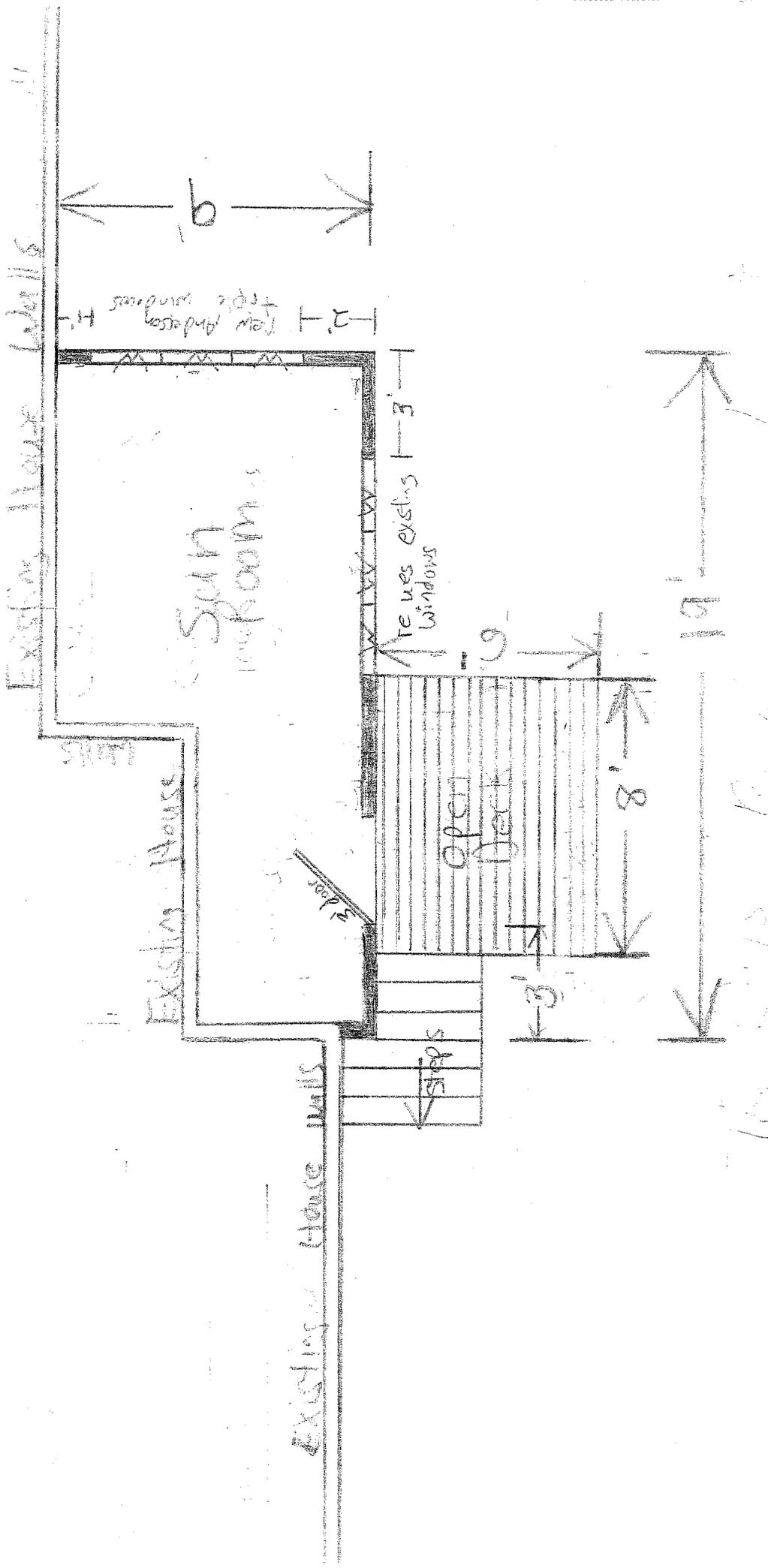
Bethesda John Day

Proposed New Addition

FOOTPRINT

Scale: 1/4" = 4'

Beth & John Day



The clips for...

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/19/12
 (enter date affidavit is notarized)

I, John R. Pohzehl, 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 115983

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Elizabeth C. day	2836 Thistleberry Ct. Herndon, Va. 20171	Title owner
John S. Day 11	2836 Thistleberry Ct. Herndon, Va. 20171	Title owner
A&P Builders LLC	480 Stoney Bottom Road, Front Royal, Va. 22630	Agent
John R. Pohzehl	8212 Kerfoot Drive, Gainesville, Va. 20155	Agent

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/19/12
(enter date affidavit is notarized)

115983

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)
A&P Builders LLC
480 Stoney Bottom Road, Front Royal, Va. 22630

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)

Perry L. Leach
Holly M. Leach

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/19/12
(enter date affidavit is notarized)

115983

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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115983

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: 4/19/12
(enter date affidavit is notarized)

115983

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

None

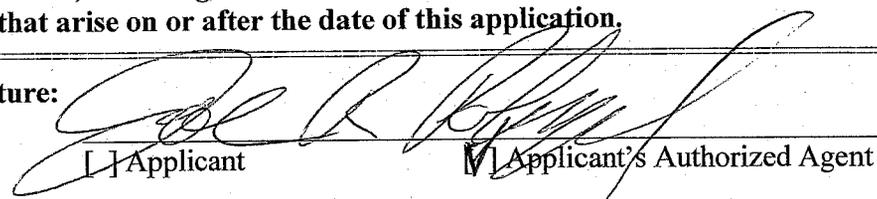
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

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

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

WITNESS the following signature:

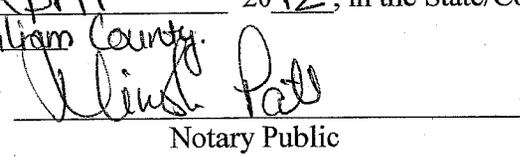
(check one)


 Applicant Applicant's Authorized Agent

John R. Pohzehl

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

Subscribed and sworn to before me this 19 day of April, 2012, in the State/Comm. of Virginia, County/City of Prince William County.


Notary Public

My commission expires: September 30, 2015

NIMISHA H. PATEL
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPT. 30, 2015
COMMISSION # 7502120

Statement of Justification

Beth Day 2836 Thistleberry Ct
Herndon, Va. 20171

Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning
MAY 29 2012

a.) I am applying to build a 19' wide x 9' deep Sun room addition with a small 8' wide x 6' deep open deck that has 7 steps to grade. The addition will have a concrete foundation that matches the existing house and will be used as a tool shed. The addition will have shingles + Vinyl siding that match the existing house + windows that match the existing house. Addition to be 14.2' feet from the rear lot line at the closest point. ~~Deck to be 12.9' feet at the closest point.~~

b.) No accessory structure in the front yard

c.) The house was built in 2000 and the existing set backs are: Front = 20' Side = 8' (with 20' total)
Rear = 25'

d.) The existing square footage is 2,784
The proposed square footage is 139

e.) The square footage will be subordinate to the principal structure

Existing \square = 2,784, New \square = 139

Total Combined \square = 2,923

Total % change = 5%

Statement of Justification

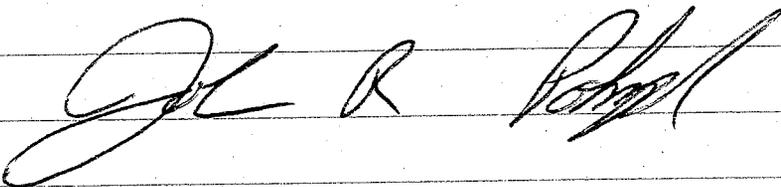
Continued...

- f.) The new structure will be compatible with the existing structure because we will match the existing finishing materials and architecture of the house
- g.) It is compatible to the off-site use because it will have doors opening to the new deck and steps leading to the yard
- h.) The new structure will not create an adverse impact on the adjacent properties because it will be located at the rear center of my property and it will closely match many other houses in my neighborhood that have a similar looking floor plan
- i.) The new addition is creating the minimum reduction because we are locating it at the back of the house near the center of the property. We are placing it inside of the existing houses "step ins" so that only 12" is extending past the existing houses foundation. We will still be 14.2' feet from the property line at the closest point of the addition and we will be 12.9' feet at the closest point of the open deck

Statement of Justification
Continued...

5.08 No Hazardous materials will be kept on
the property

5.09 The reason for applying for this special permit
is to comply with the zoning ordinance

By: 

John R Pohzehl

Date: 4-13-12

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.