



APPLICATION ACCEPTED: July 20, 2012
BOARD OF ZONING APPEALS: October 3, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 26, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-SU-044

SULLY DISTRICT

APPLICANT/OWNERS: John and Kathleen H. Vollbrecht

STREET ADDRESS: 13014 Bankfoot Court, Herndon, 20171

SUBDIVISION: Chantilly Highlands

TAX MAP REFERENCE: 35-1 ((2)) 664A

LOT SIZE: 9,223 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 addition 13.9 ft. from rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-SU-044 for an addition subject to 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:\vgumk2\SP Cases\SP 2012-SU-044- Vollbrecht/ Vollbrecht Staff Report

Laura Gumkowski

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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.**

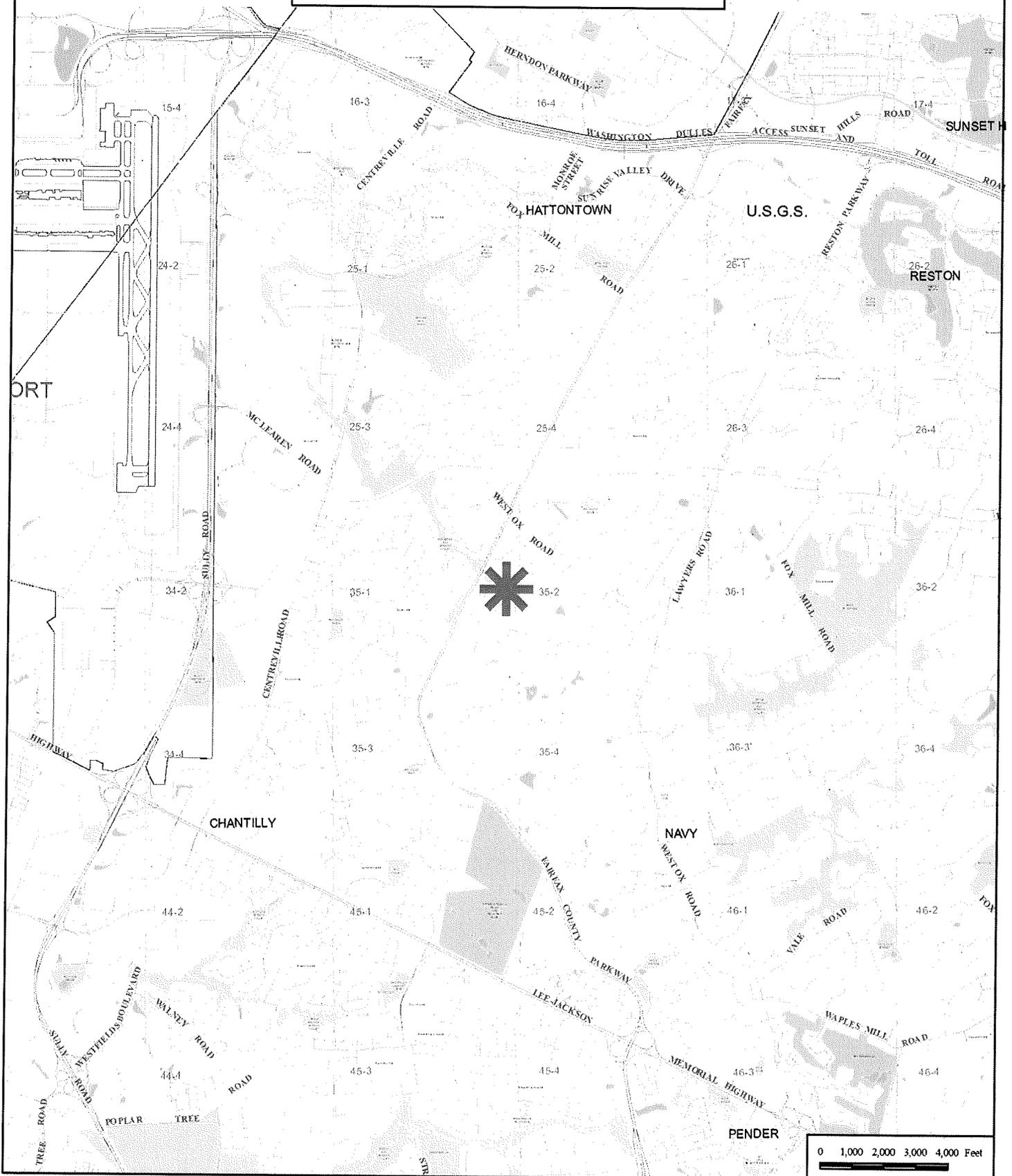


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2012-SU-044

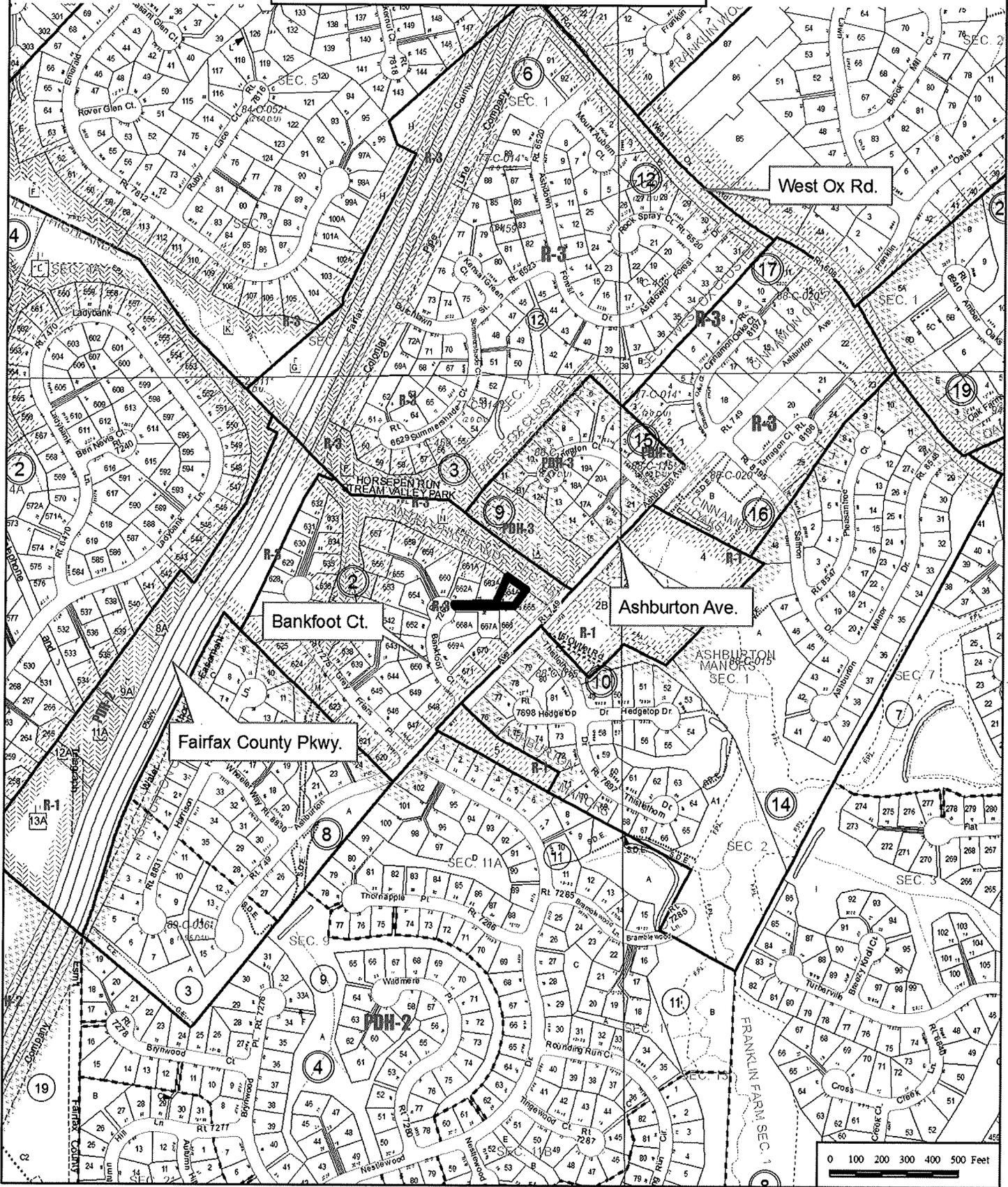
JOHN VOLLBRECHT &
KATHLEEN H. VOLLBRECHT



Special Permit

SP 2012-SU-044

JOHN VOLLBRECHT &
KATHLEEN H. VOLLBRECHT



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 54.1-707.

NOTES:
1. TAX MAP 035-1-02-0664A

2. PROPERTY SHOWN HEREON IS ZONED R-3C (R-3 W/CLUSTER DEV)

3. MINIMUM YARD REQUIREMENTS IN ZONE R-3C
FRONT: 20'
SIDE: 8', BUT A TOTAL MINIMUM OF 20'
REAR: 25'

4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
5. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0120E EFFECTIVE DATE, SEPTEMBER 17, 2010.

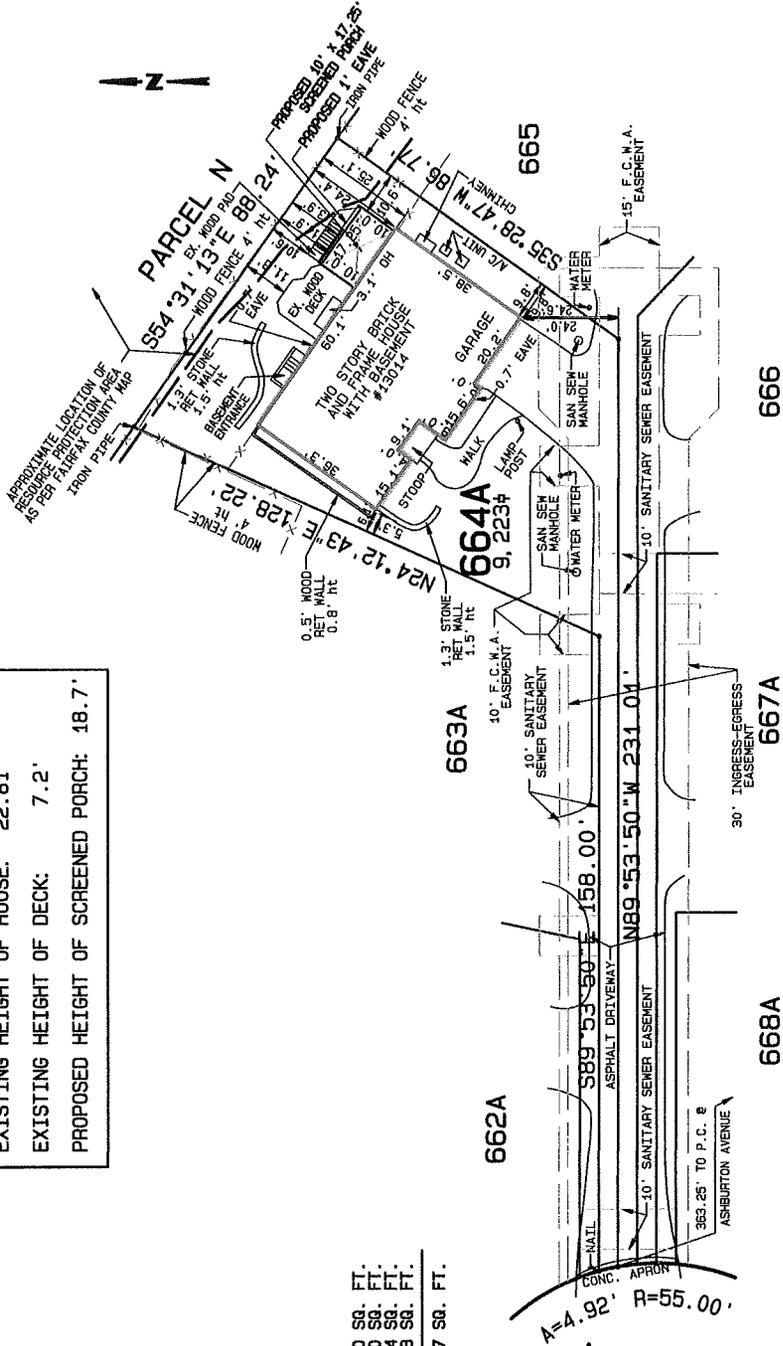
6. THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.

7. THERE ARE NO VISIBLE GRAVE SITES OR CEMETERY FOUND WITHIN THE BOUNDARY OF THE SUBJECT PROPERTY.

8. FLOOR AREA:
EXISTING GROSS FLOOR AREA HOUSE 3,490 SQ. FT.
EXISTING GROSS FLOOR AREA GARAGE 440 SQ. FT.
REMAINING GROSS FLOOR AREA DECK 204 SQ. FT.
PROPOSED GROSS FLOOR SCREEN PORCH 173 SQ. FT.
PROPOSED FLOOR AREA 4,307 SQ. FT.
PROPOSED FLOOR AREA RATIO: 0.46

HEIGHT TABLE

EXISTING HEIGHT OF HOUSE:	22.81'
EXISTING HEIGHT OF DECK:	7.2'
PROPOSED HEIGHT OF SCREENED PORCH:	18.7'



SPECIAL PERMIT PLAT
LOT 664A, SECTION 4B
CHANTILLY HIGHLANDS

SULLY MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=30' DATE: MAY 7, 2012

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 709, 484-1181
CERTIFIED LAND SURVEYOR LOCAL 709, 484-3331
WOODBRIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM

CASE NAME: VOLLBRECHT OAK HILL BUILDING & RENOVATING/VCI INC.

TAX MAP# 035-1-02-0664A

JOB# 20120411

MN

CYNTHIA A BERG ARCHITECT
 123 SENECA RIDGE DRIVE, STERLING, VA, 20164
 703 - 444 - 2743

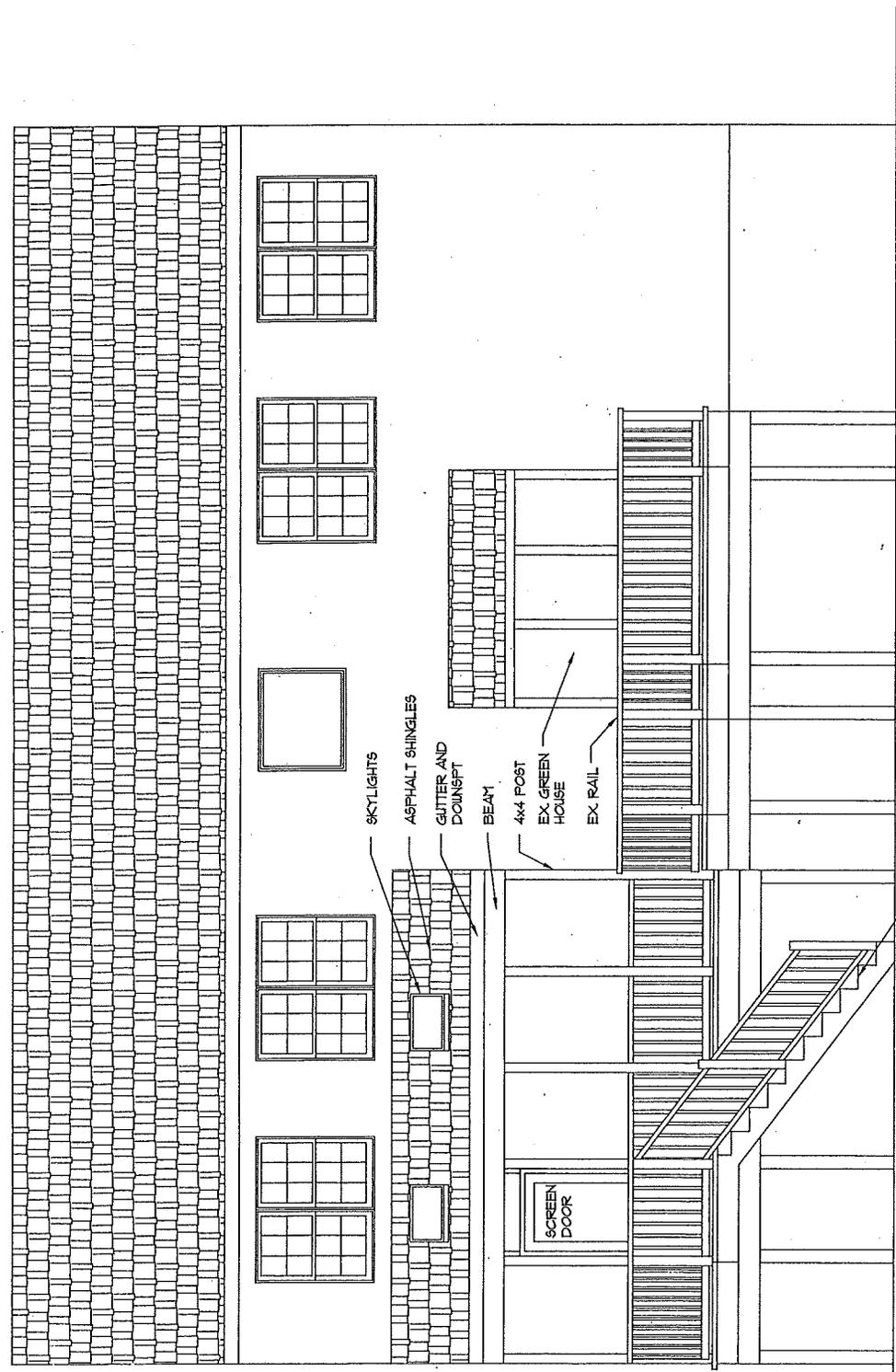
NEAR ELEVATION
 ARCHITECTURAL
 VOLBRECHT RESIDENCE
 FOR OAKHILL BUILDING

SCALE: AS SHOWN
 DATE: APRIL 24, 2012
 DRAWN BY: CINDY BERG
 PROJECT #

REVISIONS
 AUTOCAD FILE

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A2



REAR ELEVATION 1/4"=1'-0"

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 123 SENECA RIDGE DRIVE, STERLING, VA, 20164
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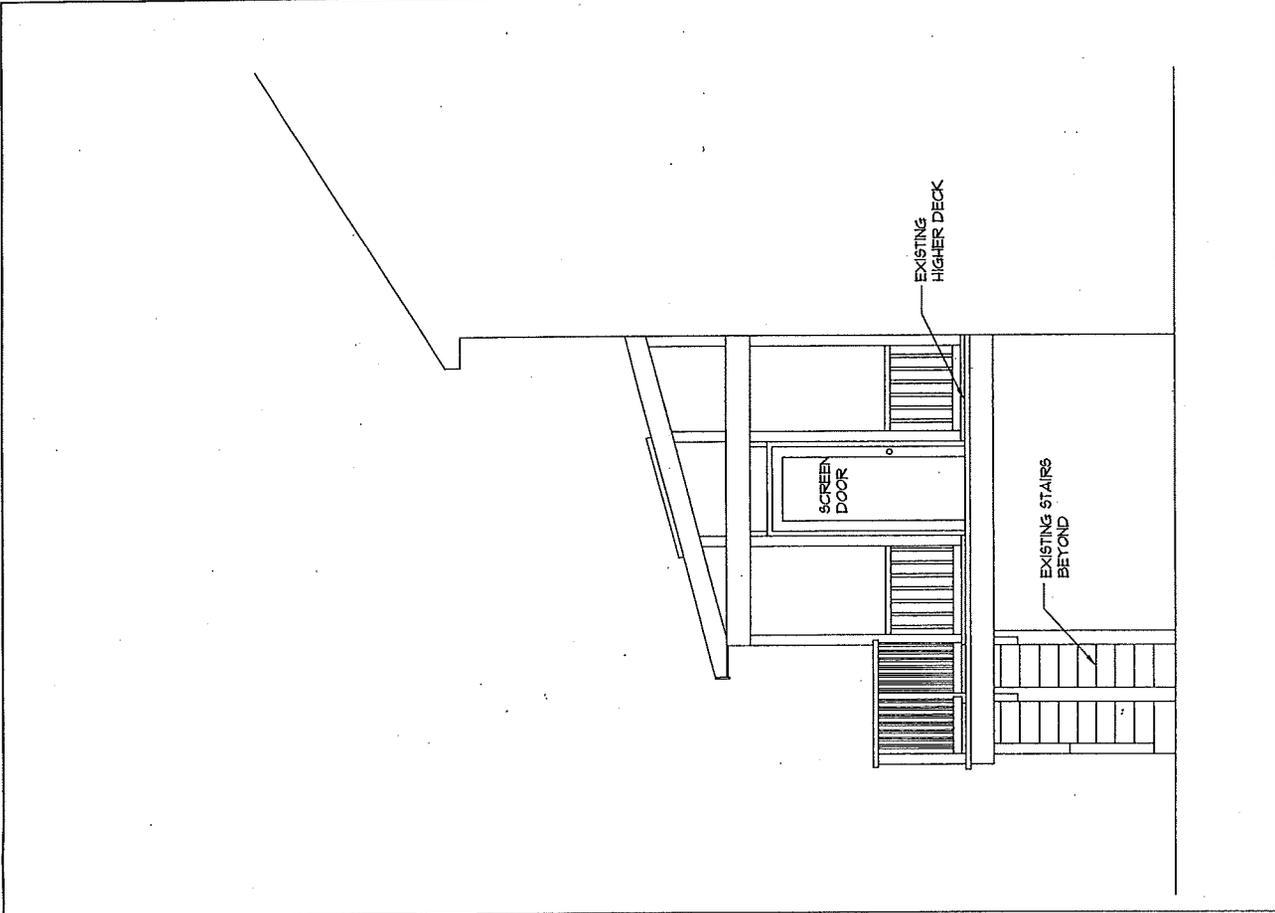
ARCHITECTURAL
 SIDE ELEVATIONS
 FOR OAKHILL BUILDING
 VOLBRECHT RESIDENCE

SCALE AS SHOWN
 DATE APRIL 24, 2012
 DRAWN BY CINDY BERG
 PROJECT #

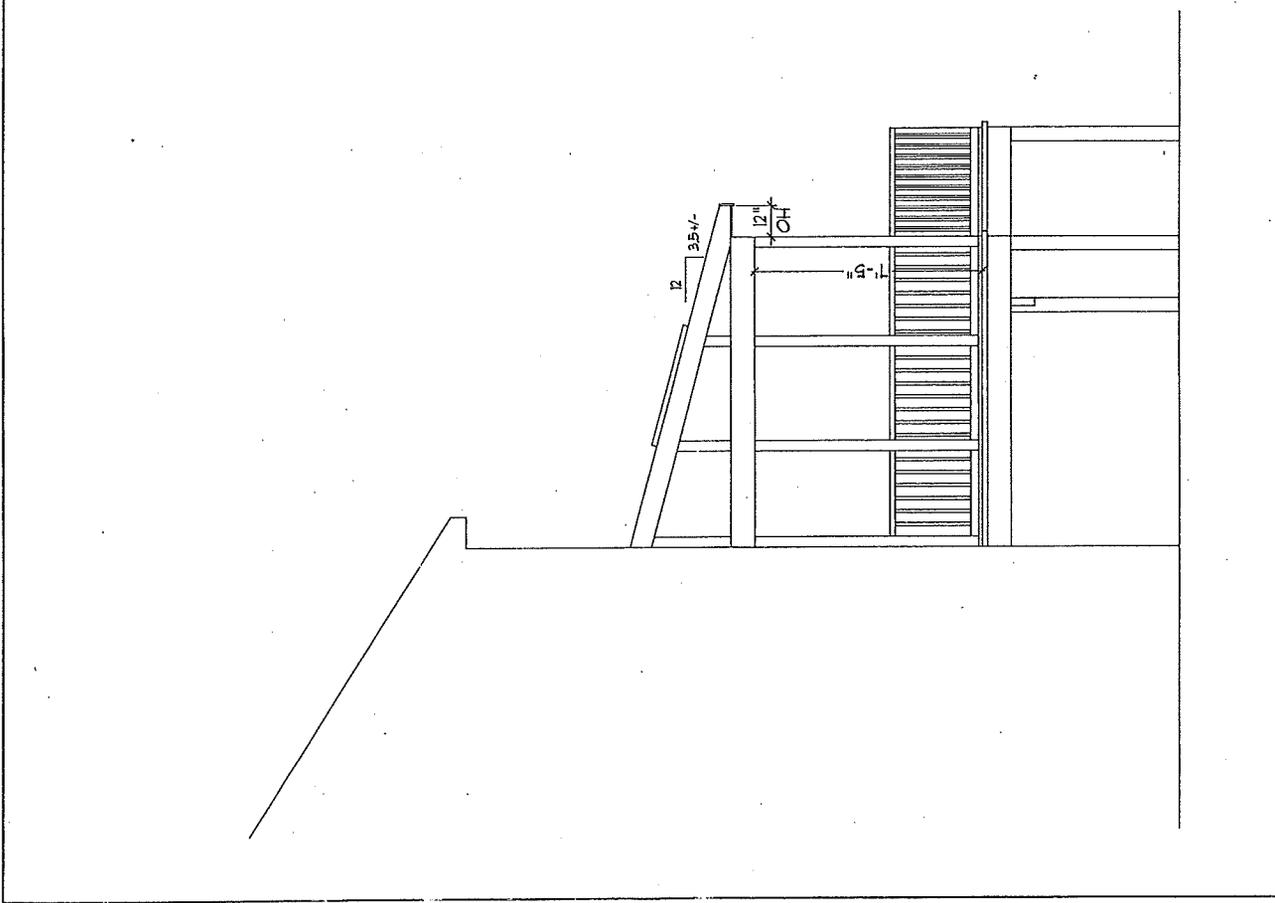
REVISIONS
 AUTOCAD FILE:

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 WWW.CYNTHIAA.BERG.ARCHITECT.COM
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A3



2 | RIGHT ELEVATION 1/4"=1'-0"



1 | LEFT ELEVATION 1/4"=1'-0"

1 Facing Front Yard
North



2



3



#4



#5



#6 Facing West
Neighbors yard



#7



8 Facing South
front yard



#9



10 Facing
North (Left side
of house)



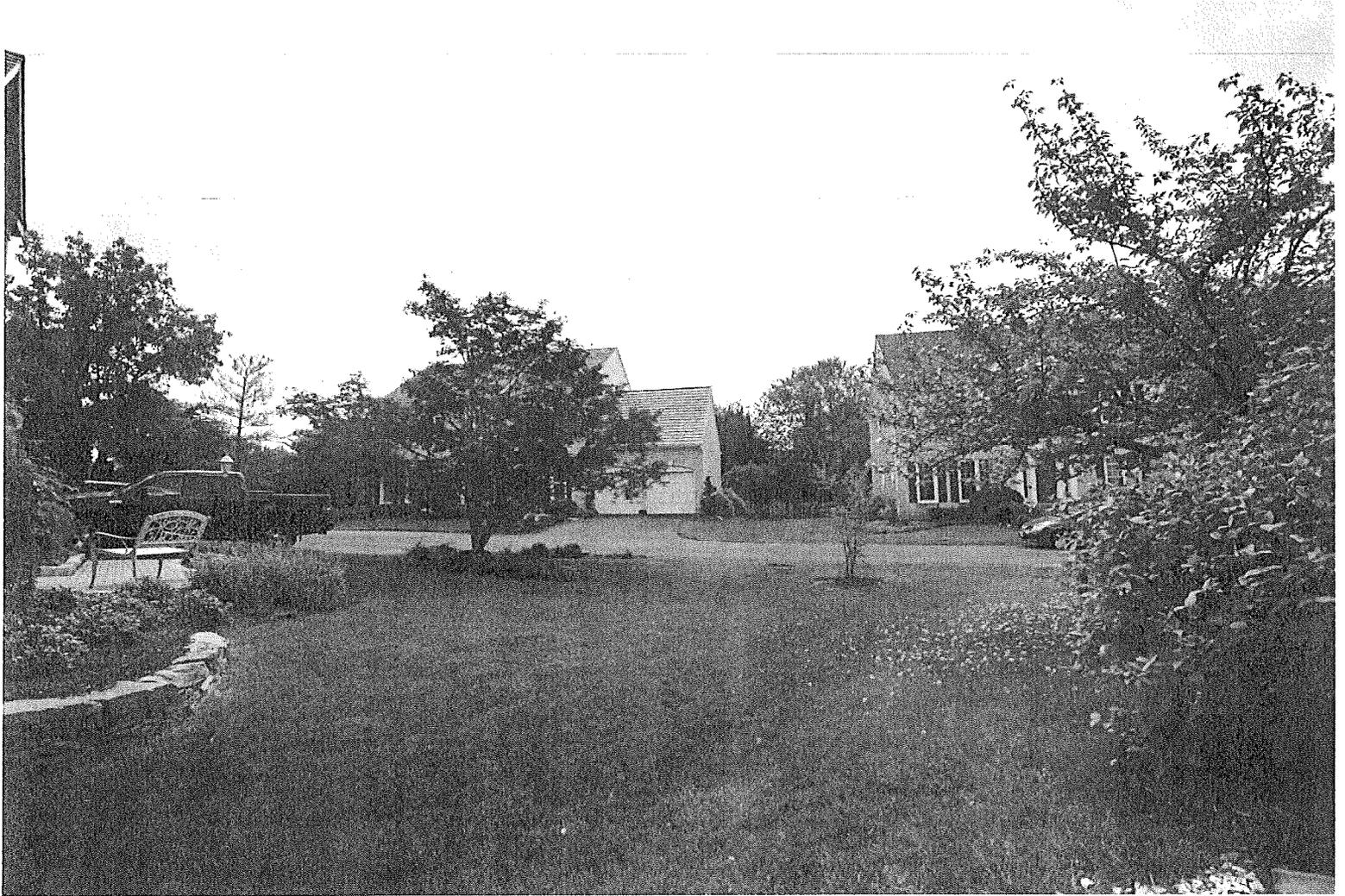
11



12 Facing
East. (West side
of house)



13 Facing
South (front yard)



14 Facing
East on the
West side of
house



15 Facing North
on West Side yard



16 Back yard



#17
West yard
of house



#18
Back yard
Facing East





#20
Facing West Neighbor



#21



#22
Facing West Neigh



#23 Facing
East



24



25
Facing Rear
Deck



#26
Facing North
Back yard



#27 Facing
East Neighbor



28
Existin
Deck



#29
Existing Deck





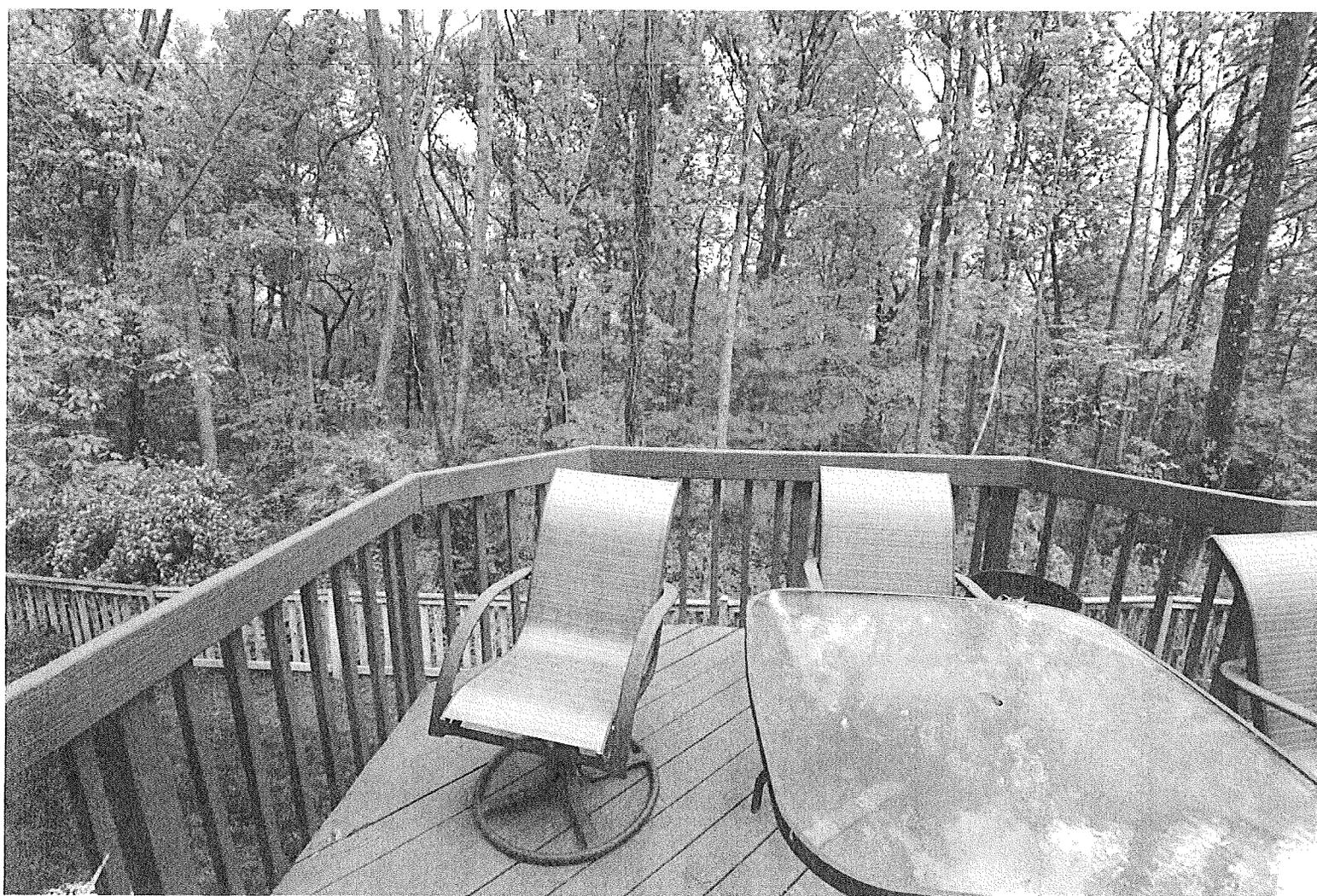
31
Facing West
on Deck





33

Facing North
Back yard

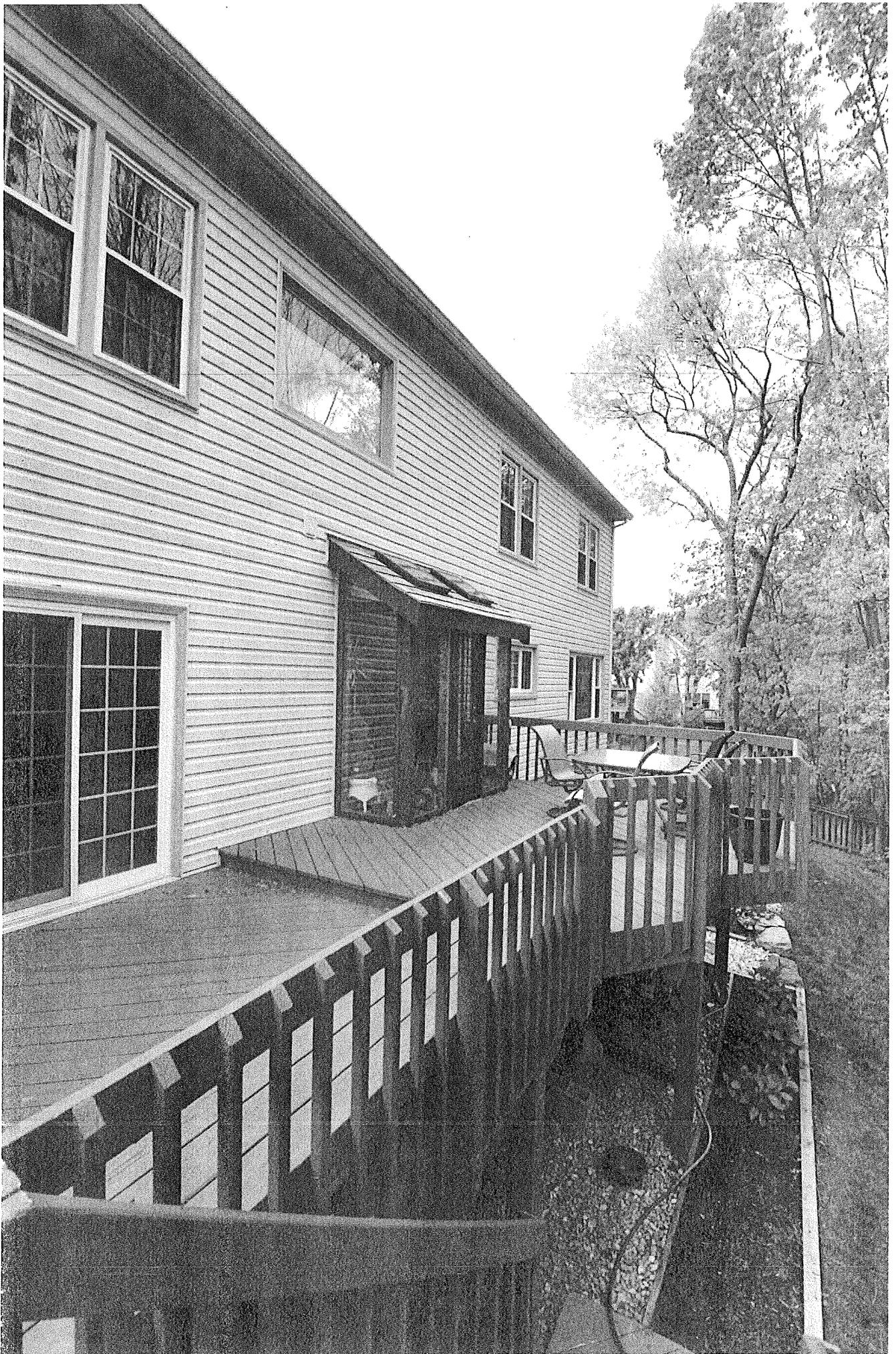


34
Facing North Back
Yard



#35





37
Facing North West
Back yard



38

Facing North on
right side of backyard





40
Facing South on
East side of house



41
Facing North on
East side of house



42



DESCRIPTION OF THE APPLICATION

The applicants are requesting special permit approval for a reduction of certain yard requirements to permit the construction of screened porch addition to be located 13.9 feet 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	13.9 feet	11.1 feet	44.4%

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The site is currently zoned R-3, developed under the cluster regulations, and contains a two-story, brick and frame single family detached dwelling built in 1989. An attached deck exists at the rear of the dwelling. The lot consists of 9,223 square feet and is surrounded by single family detached homes to the south, east and west. The Horsepen Run Stream Valley Park, a Resource Protection Area (RPA), is located to the north. The property is accessed via a pipestem concrete driveway on Bankfoot Court. The yard is well manicured with mature trees and shrubs. A four foot tall wooden fence extends from either side of the rear of the building and follows the rear property line to enclose the rear yard.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Horsepen Run Stream Valley Park
East	R-3	Single Family Detached Dwellings
South	R-3	Single Family Detached Dwellings
West	R-3	Single Family Detached Dwellings

BACKGROUND

On June 29, 2012, a Vested Rights Determination was approved by the Zoning Administration Division (ZAD) (see Appendix 4). It states that "the single family dwelling and the deck may remain but may not be replaced or enlarged unless the replacement or expansion complies with all regulations of the district in which located." The applicant's agent on July 2, 2012 contacted Zoning Evaluation Division staff to determine if the vested stairs could remain a part of the screen porch addition. Staff consulted with ZAD who determined that if the screened porch is constructed on top of the existing deck, and the structure with the associated stairs is not removed and rebuilt, the stairs can remain in their currently vested location, which is 10.6 feet from the rear lot line.

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

- Variance VC 99-Y-123 was approved on December 15, 1999 for Tax Map 35-1 ((2)) 636, zoned R-3, at 13022 Grey Friars Place, to permit construction of addition 10.0 feet from rear lot line.
- Special Permit SP 2008-SU-021 was approved on June, 3, 2008 for Tax Map 35-1 ((2)) 218A, zoned R-3, at 13267 Stone Heather Drive to permit reduction of certain yard requirements to permit addition 12.5 foot from rear lot line.
- Special Permit SP 2011-SU-048 was approved on August 3, 2011 for Tax Map 35-1 ((2)) 238, zoned R-3, at 13233 Stone Heather Drive to permit a reduction of certain yard requirements to permit construction of addition 13.6 feet from the rear lot line.

ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Special Permit Plat, Lot 664A, Section 4B, Chantilly Highlands
- **Prepared by:** Larry N. Scartz, Land Surveyor
- **Dated:** May 7, 2012

Proposal:

The existing dwelling is located 24.4 feet from the rear property line. The proposed addition, which will be a screened porch will be 10 feet x 17.25 feet, and is proposed to be located 13.9 feet from the rear property line. The addition will be constructed on the

already existing deck and consist 172.5 square feet. It has been determined that the stairs and the location of the existing wooden deck are vested.

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 6:

- 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. Staff believes by observation of the neighborhood through submitted photographs and through aerial images that the addition will not adversely affect the use or development of neighboring properties. The general character of the residential neighborhood is single family dwellings constructed with siding of similar style constructed in 1989 and after. A number of single family dwellings in the neighborhood already have screened porches in the rear of their properties including the property next door. The proposed addition is of a similar style to the other existing screened porches and is harmonious with the existing home on the property and other single family dwellings in the neighborhood. A Resource Projection Area (RPA) exists in the rear portion and to the north of the property. Therefore, the proposed addition will not negatively affect any neighbors to the north.

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 3,490 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 5,235 square feet in size for a possible total square footage at build out of 8,725 square feet. The proposed addition is 173 square feet, for a total square footage of the house with the addition of 3,663 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. As shown by the elevation drawings located at the front of the staff report, the materials, size and scale of the addition will be compatible with the architecture of the existing dwelling on the lot. The addition is being built on an already existing section of the deck and will have a portion of the same footprint of the deck. Staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The applicant proposes to construct an addition that will be harmonious with off-site structures. The property immediately to the east already has a similar addition, which is also a screened porch constructed in the rear of their property. Since the proposed construction will enclose an existing portion of an open air deck, no vegetation is proposed to be removed. Therefore, staff believes that the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition is modest in size and scale and will not impact the use and/or enjoyment of adjacent properties as it will be constructed on an addition on an already existing deck. It will not create an increase of noise or pedestrian traffic. Staff believes that the addition will not impact issues such as stormwater runoff, noise, light, air, safety or erosion and 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. While other locations for this addition are possible, the placement of the addition on the existing deck will minimize land disturbance. The layout of the existing deck structure is already vested, and the special permit is being constructed on the deck foundation. Therefore, the minimal reduction of rear yards is reached by the foundation of the existing deck. The existing location of the deck and the proposed location for the addition are not within the RPA that exists on the rear portion of the property. Staff from the Urban Forestry Division has requested that tree protection devices be used during construction to protect trees in the rear yard as well as trees in the adjacent RPA that may be affected. The existing wooden fence will serve as a tree protection measure and additional measures will be taken to protect trees that are not behind this fence (See Appendix 5). A development condition has been included in Appendix 1 to address this concern. Staff believes that the application meets this provision. Other issues of well, floodplains, easements and preservation of historic resources 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 2012-SU-044 for the screen porch 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
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Vested Determination Letter dated June 29, 2012
5. Urban Forestry Memorandum dated August 24, 2012
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2012-SU-044****September 26, 2012**

If it is the intent of the Board of Zoning Appeals to approve SP 2012-SU-044 located at Tax Map 35-1 ((2)) 664A to permit reduction of certain yard requirements pursuant to Sect. 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a one story addition (a screened porch), as shown on the plat prepared by Larry N. Scartz P.C., dated May 7, 2012 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 (3,490 square feet existing + 5,235 square feet (150%) = 8,725 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. Prior to commencement of and during the entire construction process, the applicant shall designate the area along the northern property boundary as a tree save area to protect existing off-site vegetation and shall use the existing wooden fence to protect the vegetation in this area. In addition, the applicant shall use tree protection fencing placed a minimum of 10 feet from the base of the existing tree in the rear yard. The protective fencing shall remain intact

during the entire construction process and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that inappropriate activity such as the storage of construction equipment does not occur in this area.

5. 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.

SYNTHIA A. BERG ARCHITECT
 123 SENECA RIDGE DRIVE, STERLING, VA, 20164
 703-444-2743

ARCHITECTURAL
 FLOOR PLAN
 VOLBRECHT RESIDENCE
 FOR OAKHILL BUILDING

SCALE
 AS SHOWN

DATE
 APRIL 24, 2012

DRAWN BY
 CINDY BERG

PROJECT #

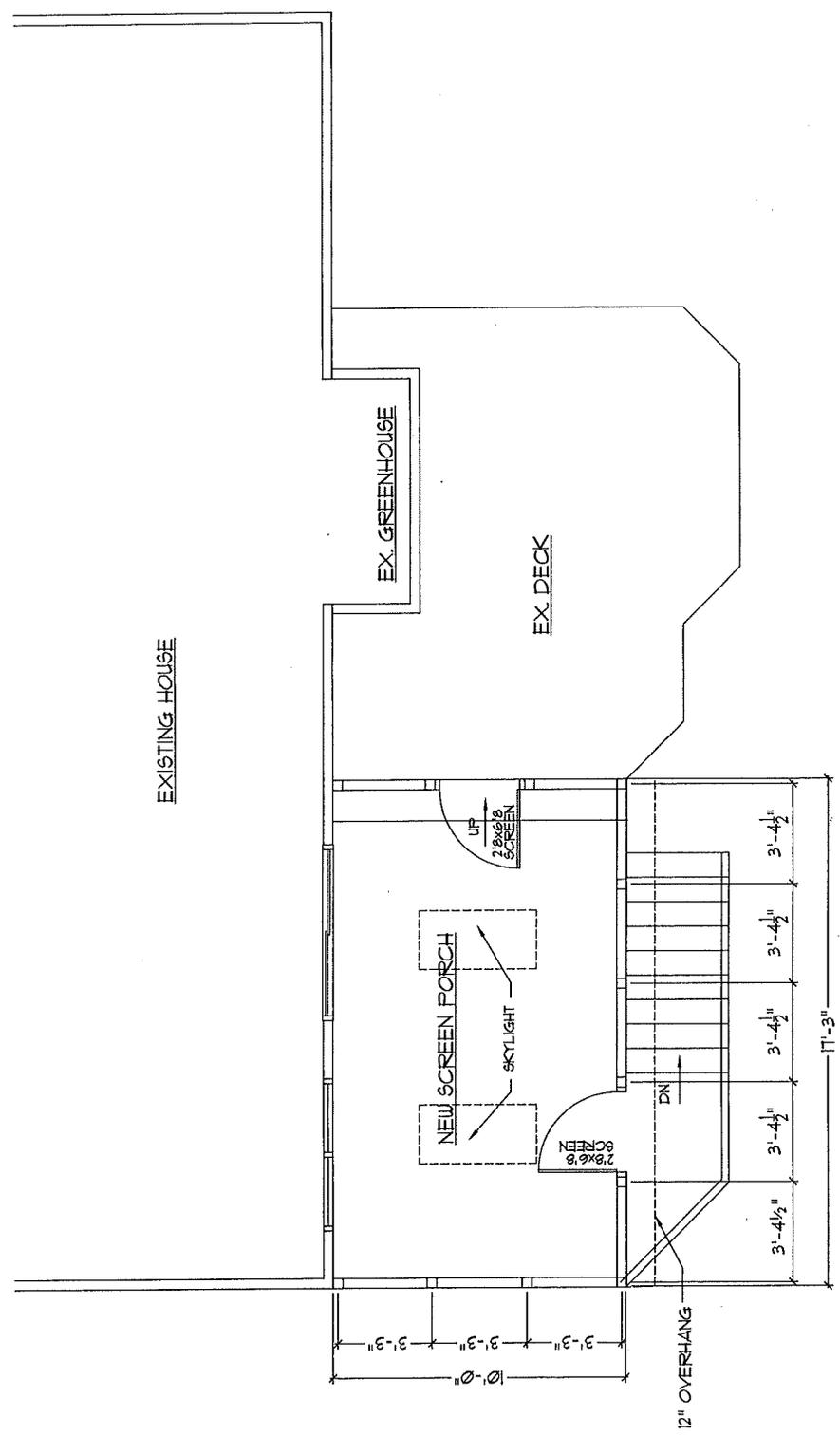
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A1

ATTACHMENT 1



RECEIVED
 Department of Planning & Zoning
 MAY 24 2012
 Zoning Evaluation Division

SCREEN PORCH PLAN 1/4"=1'-0"

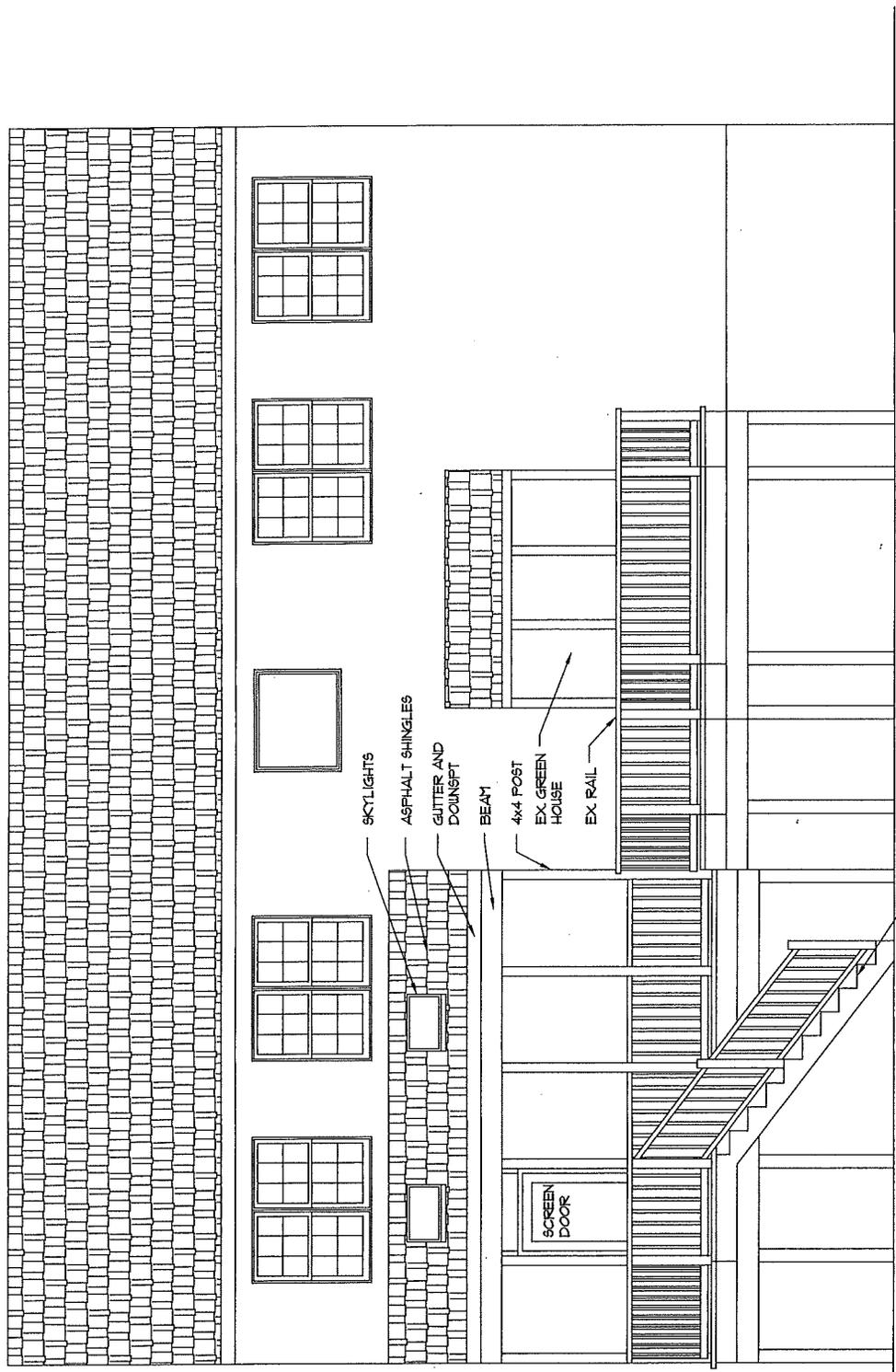
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M FAR ELEVATION
 ARCHITECTURAL
 VOLBRECHT RESIDENCE
 FOR OAKHILL BUILDING

SCALE: AS SHOWN
 DATE: APRIL 24, 2002
 DRAWN BY: CINDY BERG
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 703 - 444 - 2743

A2



1 | REAR ELEVATION 1/4" = 1'-0"

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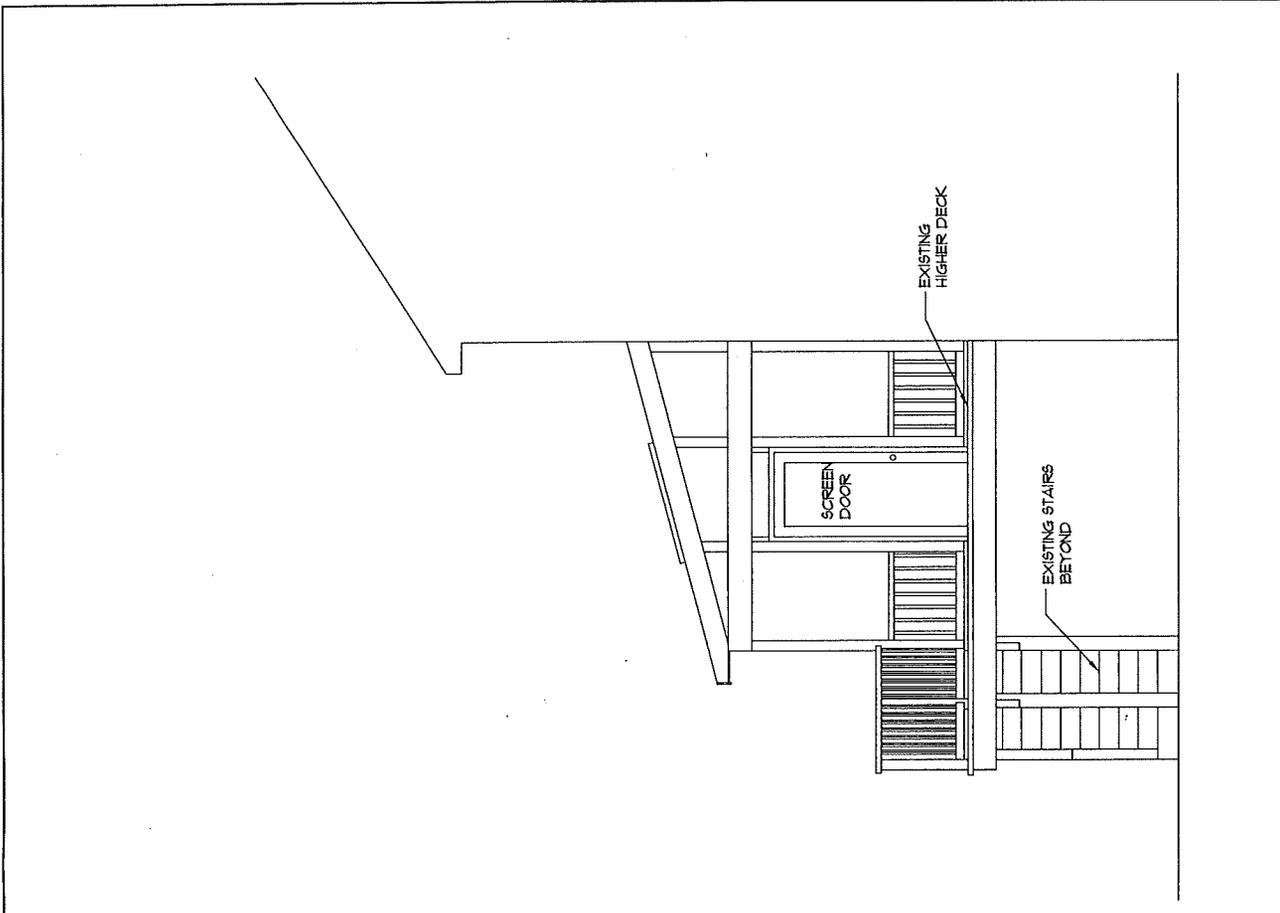
3D FT ELEVATIONS
 ARCHITECTURAL
 VOLBRECHT RESIDENCE
 FOR OAKHILL BUILDING

SCALE: AS SHOWN
 DATE: APRIL 24, 2012
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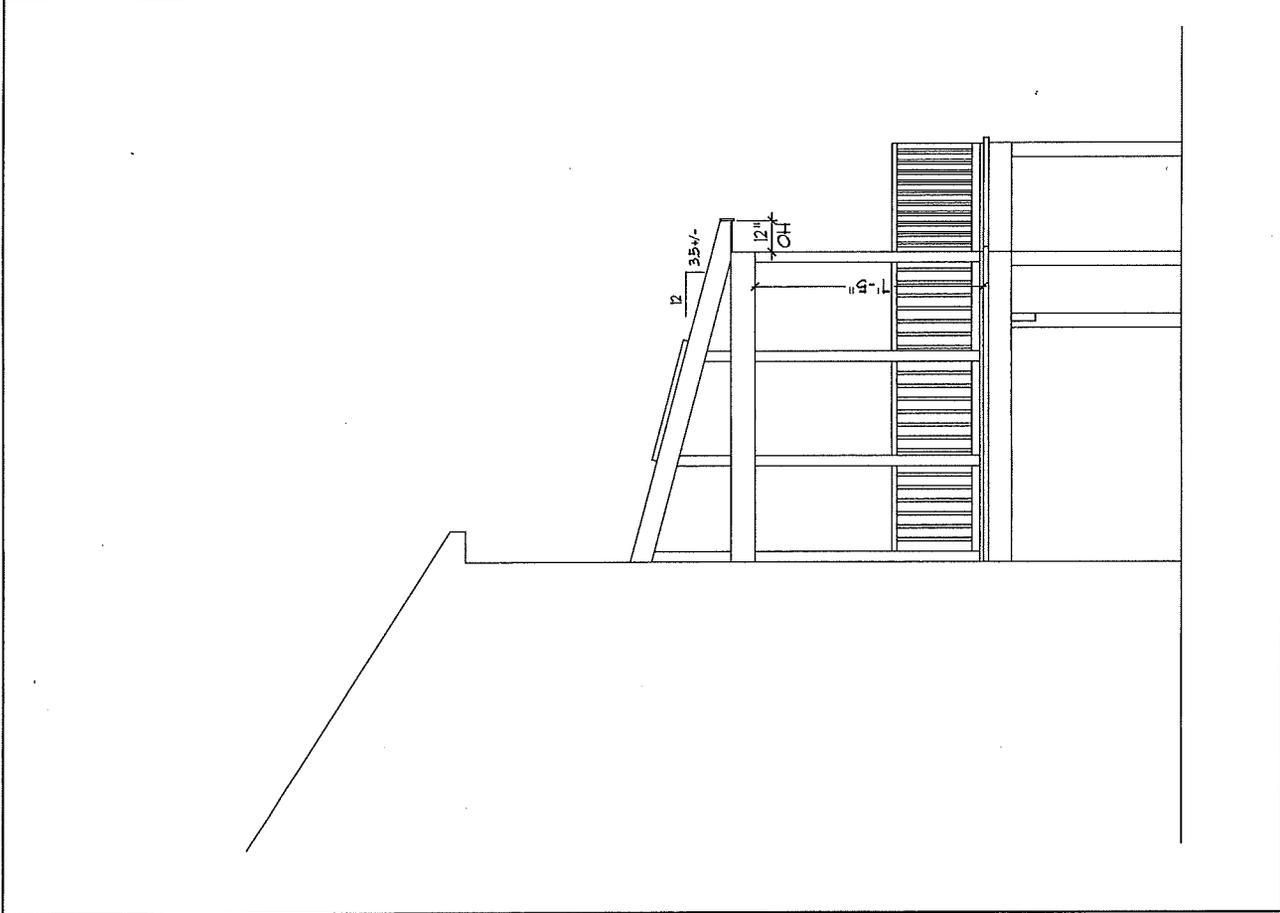
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A3



2 | RIGHT ELEVATION 1/4" = 1'-0"



1 | LEFT ELEVATION 1/4" = 1'-0"

Application No.(s): SP 2012-SU-044
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/24/12
 (enter date affidavit is notarized)

I, Nicholas T. Vitale and VCI Inc. Trading as Oak Hill Building & Remodeling, 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 116411

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)
John Vollbrecht	13014 Bankfoot Ct. Oak Hill, VA 20171	Applicant
Kathleen H. Vollbrecht	13014 Bankfoot Ct. Oak Hill, VA 20171	Applicant
VCI Inc. Trading As Oak Hill Building & Remodeling	10615 Judicial Dr. Suite 501 Fairfax, VA 22030	Agent
Nicholas T. Vitale	10615 Judicial Dr. Suite 501 Fairfax, VA 22030	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): SP 2012-SU-044
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/24/12
(enter date affidavit is notarized)

116411

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)
VCI Inc. Trading as Oak Hill Building & Remodeling.

10615 Judicial Dr. Suite 501, Fairfax, VA 22030

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)

Susan J. Vitale

Thomas N. Vitale

(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-044
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/24/12
(enter date affidavit is notarized)

116411

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**)

N/A

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

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

Application No.(s): SP 2012-SU-044
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/24/12
(enter date affidavit is notarized)

116411

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-044
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/24/12 116411
(enter date affidavit is notarized)

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.

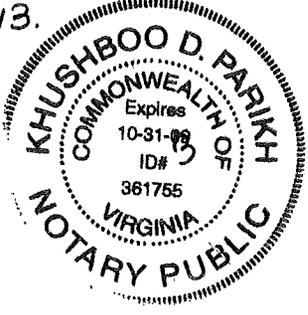
WITNESS the following signature:

(check one) [] Applicant [x] Applicant's Authorized Agent
Nicholas Thomas Vitale
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 24th day of May 20 12, in the State/Comm. of VIRGINIA, County/City of LOUDOUN.

Khushboo D. Parikh
Notary Public

My commission expires: OCTOBER 31st 2013.



SPECIAL PERMIT STATEMENT OF JUSTIFICATION

- A. The operation type is a residential, screened porch built on an existing deck structure in the rear of the house. The size of the proposed screened porch is 10' deep x 17.5' wide, including overhangs. The screened porch will have fiberglass screening and two 36-inch doors.
- B. The hours of operation are not applicable to this proposed residential structure.
- C. The estimated number of patrons is not applicable to this proposed residential structure.
- D. The estimated number of employees is not applicable to this proposed residential structure.
- E. The estimated traffic will remain the same.
- F. The vicinity or general area to be served is the rear of the house on top of the existing deck structure.
- G. The building facade and architecture of the proposed new addition is a standard construction screened porch with a pressure treated lumber on the interior and exterior facades. The following items make up the construction of the proposed porch. Please see attached photo (Attachment 1A) as a general reference of what the proposed structure will look like. **Please note** that the attached photo shows a slightly different layout, but does reflect construction, general shape, and details of the proposed structure.
- Deck/base structure to remain the same as shown in photographs of rear of house.
 - 4"x4" pressure treated vertical supports.
 - Double 2x12" pressure treated header for all window and door openings.
 - Black fiberglass screening on each window opening.
 - 1"x4" pressure treated trim boards to cover where screening was installed to the 4"x4" support beams.
 - 5" aluminum gutter and downspouts to match existing house gutters and downspouts.
 - Pressure treated lumber for soffit, fascia, rake, and cornice.
 - 2"x10" roof rafters and 2"x6" collar ties on interior ceiling of porch.
 - T1-11 plywood sheathing installed face down on top of roof rafters with ½" OSB on top of T1-11. T1-11 is to show the beaded aesthetic look on interior roof of porch. ½" OSB is for added strength and to prevent roofing nails from coming through the T1-11.
 - 15lb black felt tarpaper with 3-tab, 25 year black shingles to match house on porch roof.
 - Two pressure treated, 3' wide screened doors with black screening and brass, spring loaded hinges and a hook and loop locking mechanism as an access to outside from porch.
 - Porch will be a nailed using galvanized, ring-shank nails.
 - Railing of screened porch will consist of 2"x2" pickets, 2"x4" top and bottom rail and a 2"x6" railing cap to act as an interior shelf.
 - The underside of the porch will remain open without any lattice or deck skirting material.
 - There will be no proposed landscaping or screening other than the screening on the proposed screened porch windows. There is no existing screening on the property.
- H. There are no hazardous or toxic substances associated with this project.
- I. The proposed screened porch conforms to all applicable ordinances because it is a standard construction unit that blends well with the existing house structure. Local neighbors have similar structures added to their houses.

RECEIVED
 Department of Planning & Zoning
 11/12/2012
 Planning Evaluation Division

8-922 Standards, Items 2-10

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 the proposed screened porch including roof overhangs will account for 5.10% of the principal structures gross floor area (house + garage).
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of location, height, bulk and scale of existing structure(s) on the lot. The proposed screened porch is designed and specified in section G. of this Special Permits Statement of Justification, to conform to the existing house in terms of height, bulk, and scale.
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 storm water 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. The factor that determined the location and size of the proposed screened porch is the existing deck structure that it would be built on.
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.

Note to file – July 2, 2012

As POD – received a call from Nick Vitale @ 10:15 a.m.

As the agent of a pending SP request for 13014 Bankfoot Court, Oak Hill – he has received a letter from Getachew Tadesse informing him of a Vested Rights Determination for the existing dwelling and deck (with stairs) located at it closest point 10.6 feet from the rear lot line.

The SP request is to enclose a portion of the existing deck into a screened porch addition to be located 13.9 feet to its eave from the rear lot line.

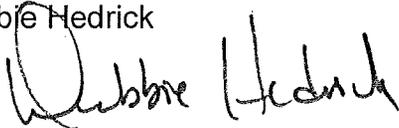
Mr. Vitale questioned if the vested stairs could remain as part of the screened porch addition.

In discussion with Michelle O'Hare @ 11:00 a.m. – she stated that if the screened porch was constructed on top of the existing deck, and the structure with associated stairs was not removed and rebuilt, the stairs could remain in their currently vested location, which is 10.6 feet from the rear lot line.

Contacted Nick Vitale to inform him of this information @ 11:10 a.m.

Signed

Debbie Hedrick

A handwritten signature in black ink that reads "Debbie Hedrick". The signature is written in a cursive style with a large, looped initial "D".



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Vested Rights Determination Under §15.2-2307 of the Code of Virginia

Property Tax Map Number:	35-1 ((2)) 664A
Property Address:	13014 Bankfoot Court
Requestor's Name:	Nicholas Vitale
Requestors Address: (if different than above)	25484 Stallion Branch Terrace, Chantilly, VA 20152
Requestor's Phone Number:	703-568-2675
Current Zoning:	R-3
Magisterial District:	Sully
Subdivision Name/Section/Block/Lot No.:	Chantilly Highlands, Section 4B, Lot 664A

Written Description of Structures that may be vested under §15.2-2307 of the Code of Virginia

The structures in question are a single family dwelling unit and a deck. Based on a house location plat prepared by Larry N. Scartz and dated May 7, 2012, the single family dwelling is located at 6.1 feet from the left side lot line and 9.8 feet from the right side lot line encroaching into the minimum required left side yard by 3.9 feet and into the minimum required right side yard by 0.2 feet. The deck is located approximately at 10 feet from the right side lot line and 10.6 feet from the rear lot line and encroaches into the minimum required rear yard by 2.4 feet.

Background Summary (check all that are applicable):

- Building Permit #88272B047 was issued on February 15, 1989 to build the single family dwelling unit at 10 feet from the right and left lot lines. Building Permit #90102B1170 was issued on April 12, 1990 to build a deck at 13 feet from the rear lot line. Our records show that the structure(s) has passed final inspection. In addition, Department of Tax Administration records indicate that the single family dwelling and the deck have been taxed for at least 15 years.

Staff Determination:

- §15.2-2307 of the Code of Virginia is applicable for the single family dwelling and the deck. Therefore, the single family dwelling and the deck may remain but may not be replaced or enlarged unless the replacement or expansion complies with all regulations of the district in which located.

This determination is based upon the facts presented in your request and the applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change subsequent to the issuance of this determination, the determination may be subject to modification.

Reviewer's Signature: MICHAEL A. PROSSER Date: 6/29/12
Zoning Administration Division
Department of Planning and Zoning

cc: Janet E. Coldsmith, Director, Real Estate Division, DTA
Eileen M. McLane, Zoning Administrator
Michelle M. O'Hare, Deputy Zoning Administrator, Ordinance Administration Branch
Diane Johnson-Quinn, Deputy Zoning Administrator, for Zoning Permit Review Branch
John and Kathleen Vollbrecht, 13014 Bankfoot Court, Herndon, Virginia 20171



County of Fairfax, Virginia

MEMORANDUM

August 24, 2012

TO: Laura Gumkowski, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Nicholas J. Drunasky, Urban Forester II *NJA*
Forest Conservation Branch, UFMD

SUBJECT: Chantilly Highlands Section 4B Lot 664A, SP 2012-SU-044

RE: Request for assistance

This review is based upon the Special Permit/Variance applications stamped "Received, Department of Planning & Zoning July 11, 2012."

General Comment: Staff recommends that some type of barriers or tree protection devices be put in place to protect as much as possible of the forest trees dripline in the rear of the house adjacent to the proposed screened in porch where work will occur along with any other trees that construction equipment or delivery machinery may be operated near.

If you have any questions, please feel free to contact me at 703-324-1770.

NJD/
UFMID #: 173406

cc: RA File
DPZ File



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.