



APPLICATION ACCEPTED: August 20 2012  
BOARD OF ZONING APPEALS: November 7, 2012  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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October 31, 2012

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-HM-052

### HUNTER MILL DISTRICT

**APPLICANTS/OWNERS:** Thad L. Anderson  
Annette C. Anderson

**STREET ADDRESS:** 2456 Dakota Lakes Drive

**SUBDIVISION:** Sycamore Lakes

**TAX MAP REFERENCE:** 25-2((16))82

**LOT SIZE:** 8,500 square feet

**ZONING DISTRICT:** R-3 Cluster

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an addition 15.2 feet from the rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2012-HM-052 for a sunroom addition with adoption of the proposed development conditions contained in Appendix 1.

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

*Laura Gumkowski*

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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/](http://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.**

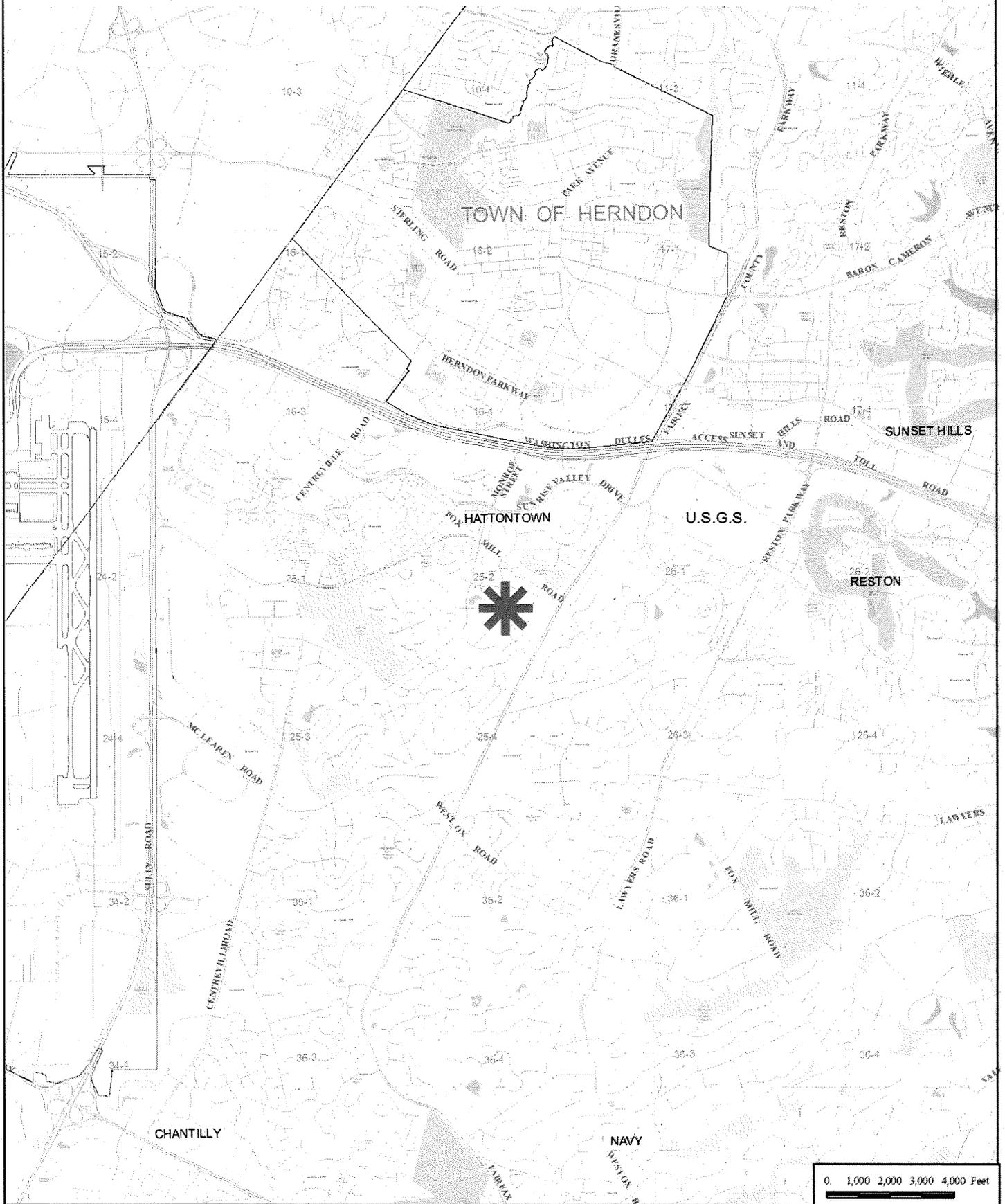


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2012-HM-052

THAD L. ANDERSON ANNETTE C ANDERSON

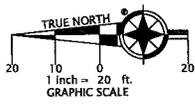


# Special Permit

SP 2012-HM-052

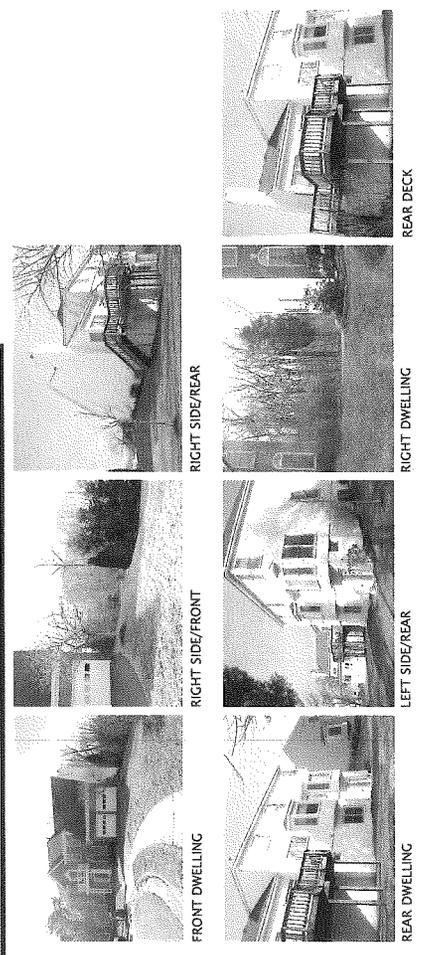
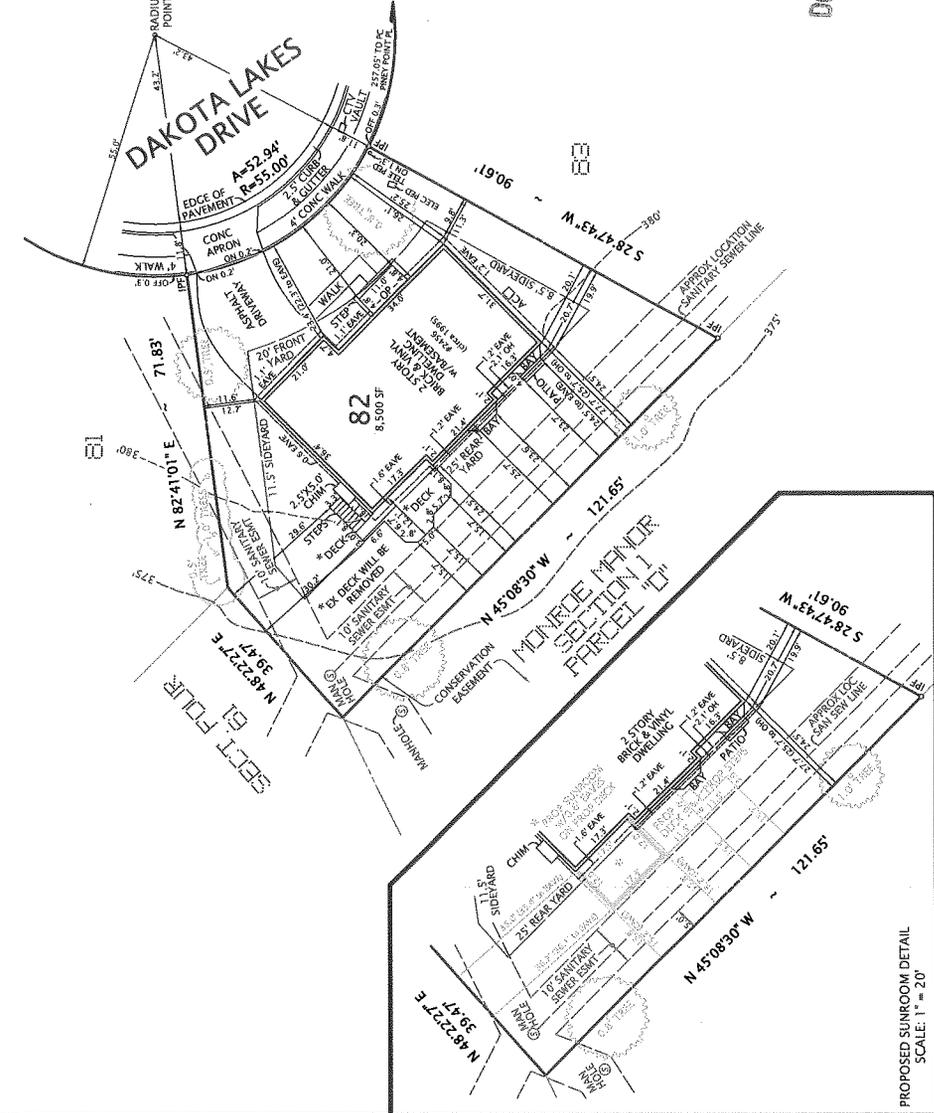
THAD L. ANDERSON ANNETTE C ANDERSON





- NOTES:
- TAX MAP: 25-2-0016-0082
  - ZONE: R-3C (R-3 w/CLUSTER DEV)
  - LOT AREA: 8,500 SF (0.1951 ACRE)
  - REQUIRED YARDS:
    - FRONT: = 20.0 FEET
    - SIDE: = 8 FEET, BUT A TOTAL OF 20 FEET
    - REAR: = 25.0 FEET
  - HEIGHTS:
    - EX DWELLING = 32.1 FEET
    - EX DECK = 09.4 FEET
    - OP = 01.0 FEET
    - PROP DECK = 09.4 FEET
    - PROP SUNROOM (LOCATED ON PROP DECK) (DECK TO RIDGELINE) = 14.8 FEET
    - (DECK TO MIDLINE) = 11.8 FEET
    - (DECK TO EAVESLINE) = 08.8 FEET
    - (GRADE TO RIDGELINE) = 24.2 FEET

- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER. THE LOCATION OF THE SANITARY SEWER LINE IS APPROXIMATE. THE LOCATION OF THE SANITARY SEWER LATERAL CANNOT BE DETERMINED USING AVAILABLE COUNTY DATA. (PERMIT NO. 9506 790320 DATED 4-17-95)
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
- THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY. THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 515525 0050 D, REVISED MARCH 5, 1990.
- AREAS:
  - EX BASEMENT = 1,886 SF
  - EX 1ST FLOOR = 1,886 SF
  - EX 2ND FLOOR = 1,920 SF
  - EX GROSS FLOOR AREA = 5,692 SF
- FLOOR AREA RATIO: EX GFA (5692) / EX LOT AREA (8500) = 0.67
- PROP SUNROOM = 208 SF / EX GFA (5692) = 0.04
- PROP GFA = EX GFA (5692) + PROP SUNROOM (208) = 5,900 SF.
- PROP FLOOR AREA RATIO: PROP GFA (5900) / LOT AREA (8500) = 0.69



RECEIVED  
Department of Planning & Zoning  
MAR 10 2010  
Zoning Evaluation Division

PLAT  
SHOWING THE IMPROVEMENTS ON  
LOT 82, SECTION FIVE  
**SYCAMORE LAKES**  
(REED BOOK 9106, PAGE 1224)  
FAIRFAX COUNTY, VIRGINIA  
HUNTER HILL DISTRICT  
SCALE: 1" = 20'  
JANUARY 21, 2010



I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY CORNER FIELD SURVEYING AND THAT THE SAME ARE VISIBLE ENCROACHMENTS AS OF THIS DATE.

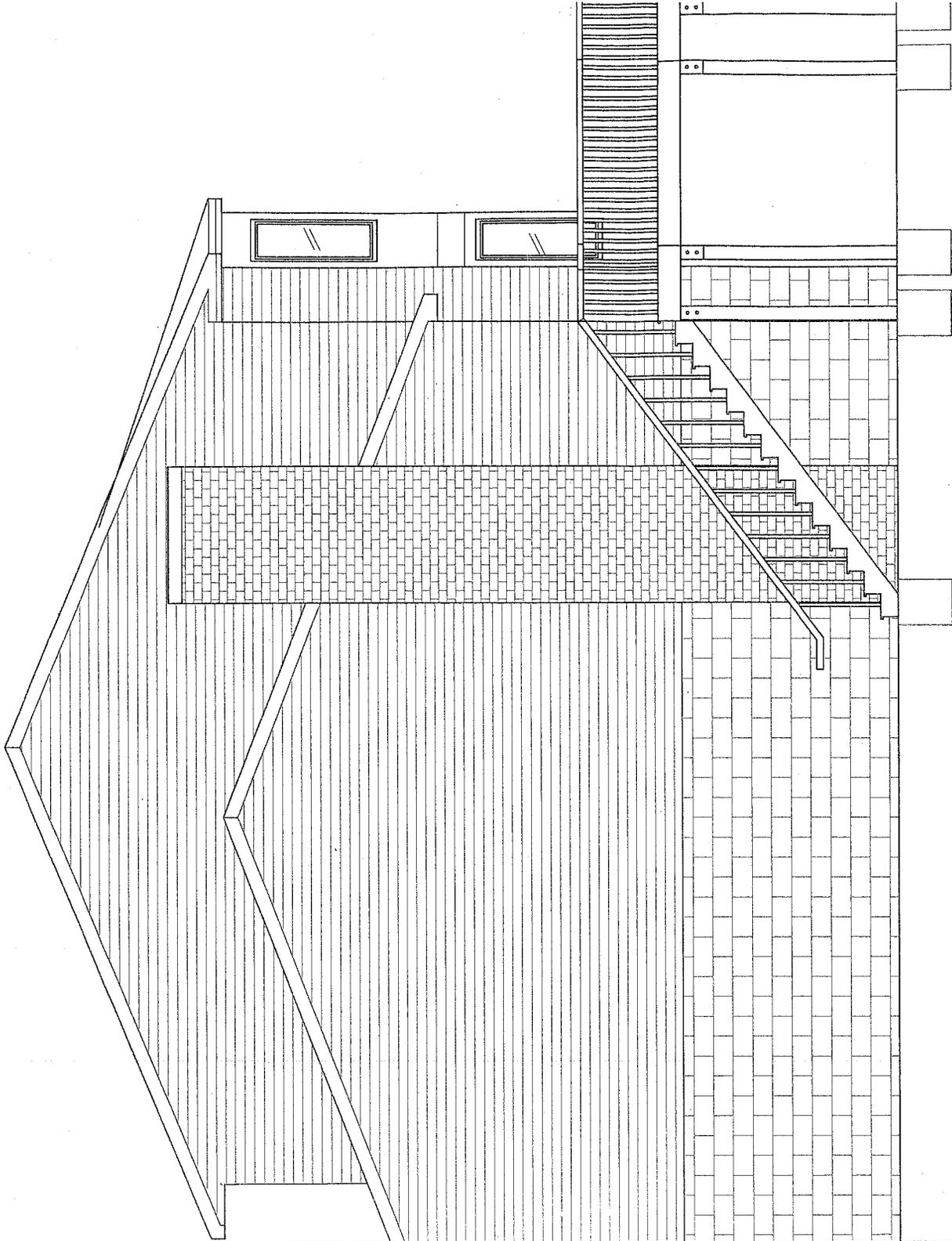
THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.

CASE NAME:  
THAD L. ANDERSON  
ANNETTE C. ANDERSON  
MARLENE PAUKAR

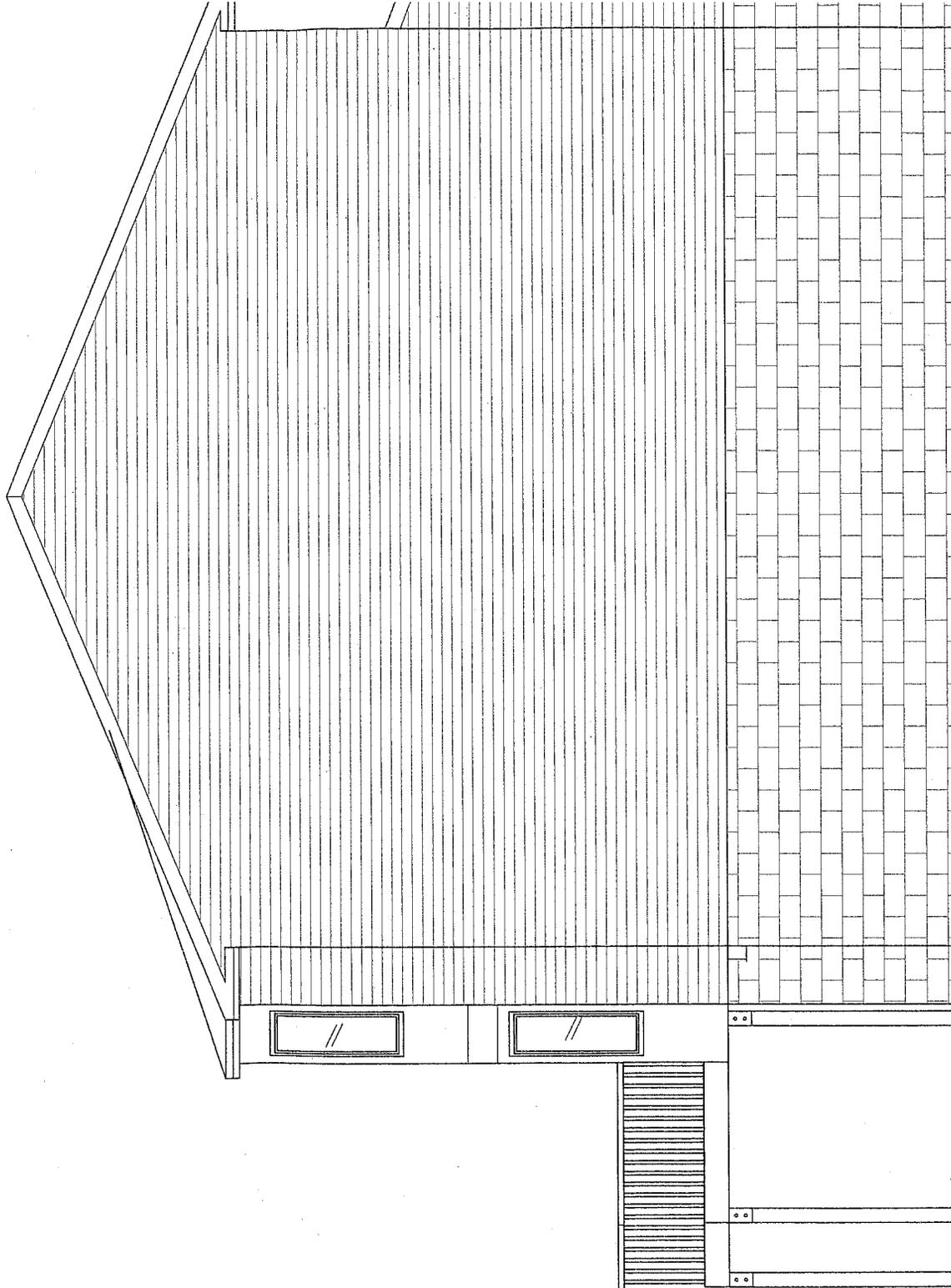
**DOMINION** Surveyors Inc.  
8808-H PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
FAX: 703-795-6612



EXISTING REAR ELEVATION  
SCALE 1/4" = 1'-00"



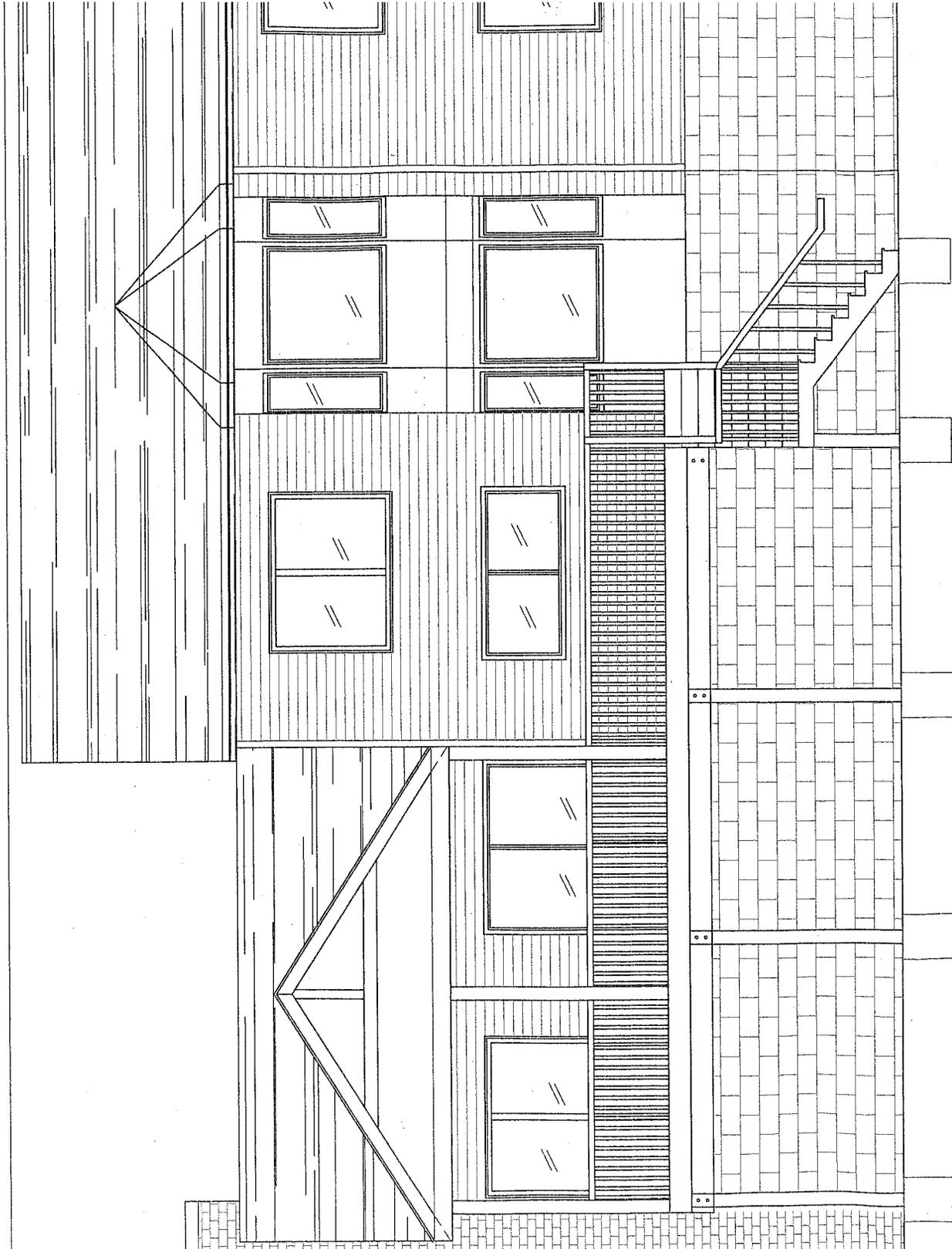
EXISTING RIGHT ELEVATION  
SCALE 1/4" = 1'-00"



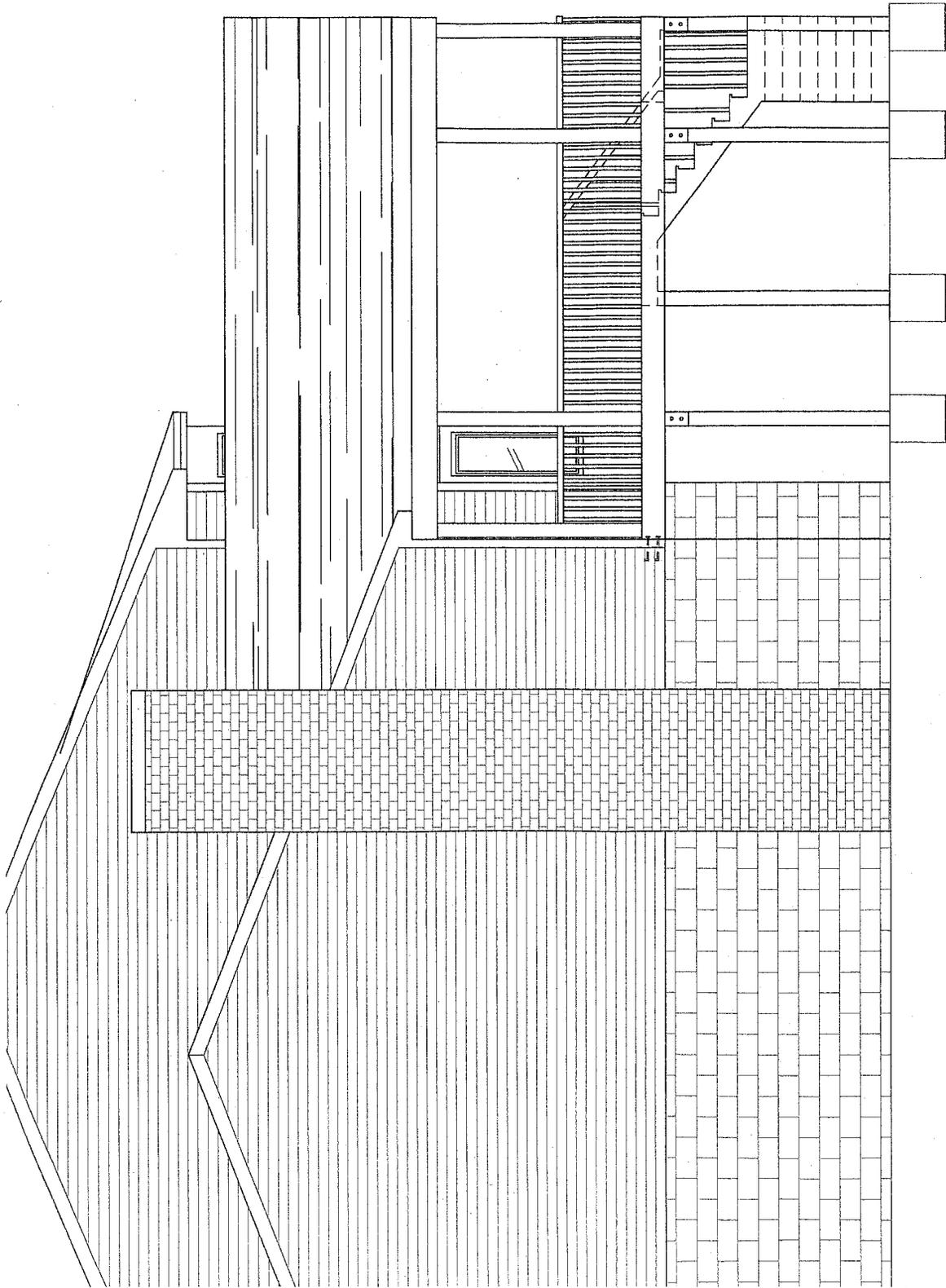
EXISTING LEFT ELEVATION

SCALE 1/4" = 1'-00"

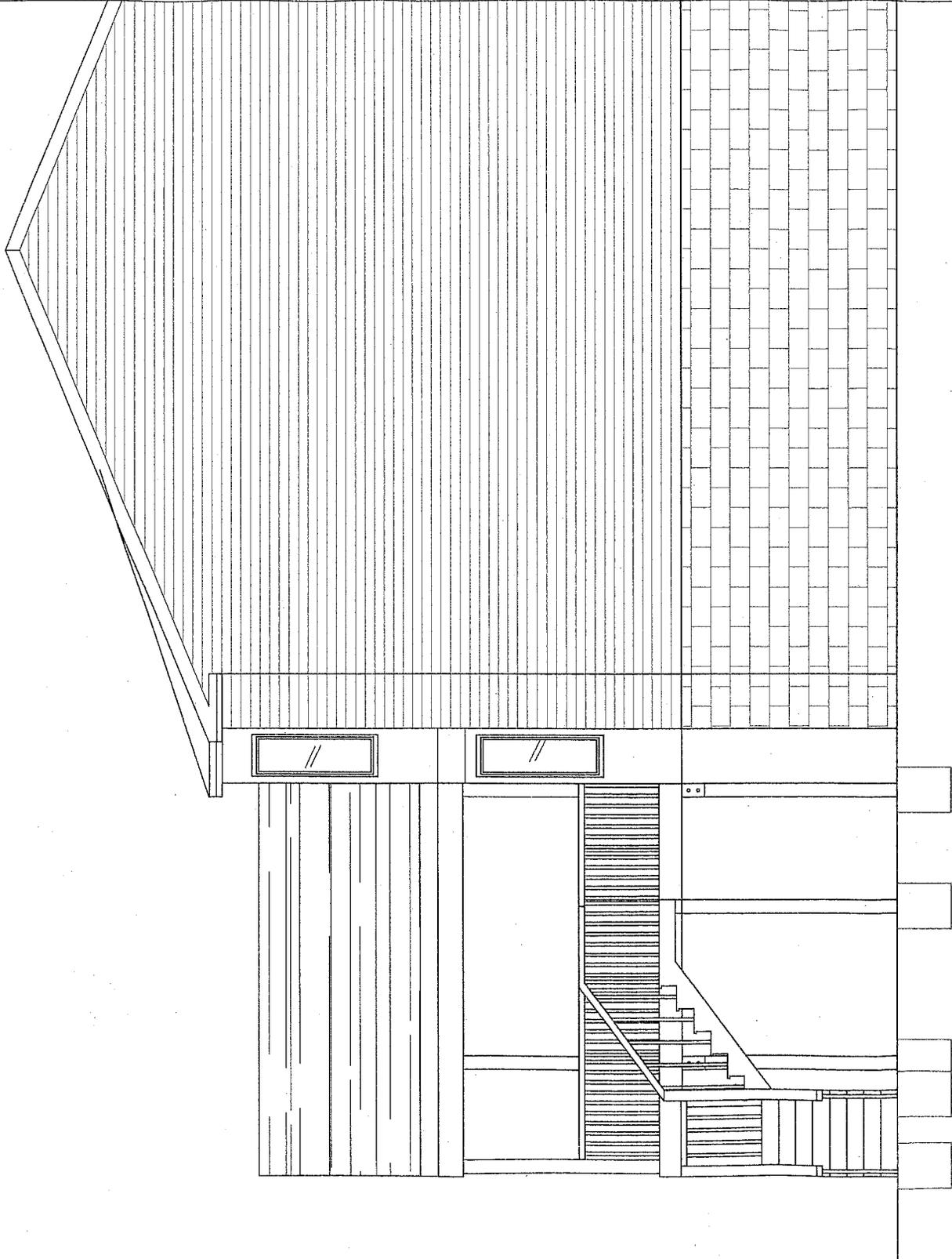
A TEAM ENGINEERS	PROJECT ANDERSON'S PROJECT	DRAWING EXITING/PROPOS
		REVISION



PROPOSED REAR ELEVATION  
SCALE 1/4" = 1'-00"



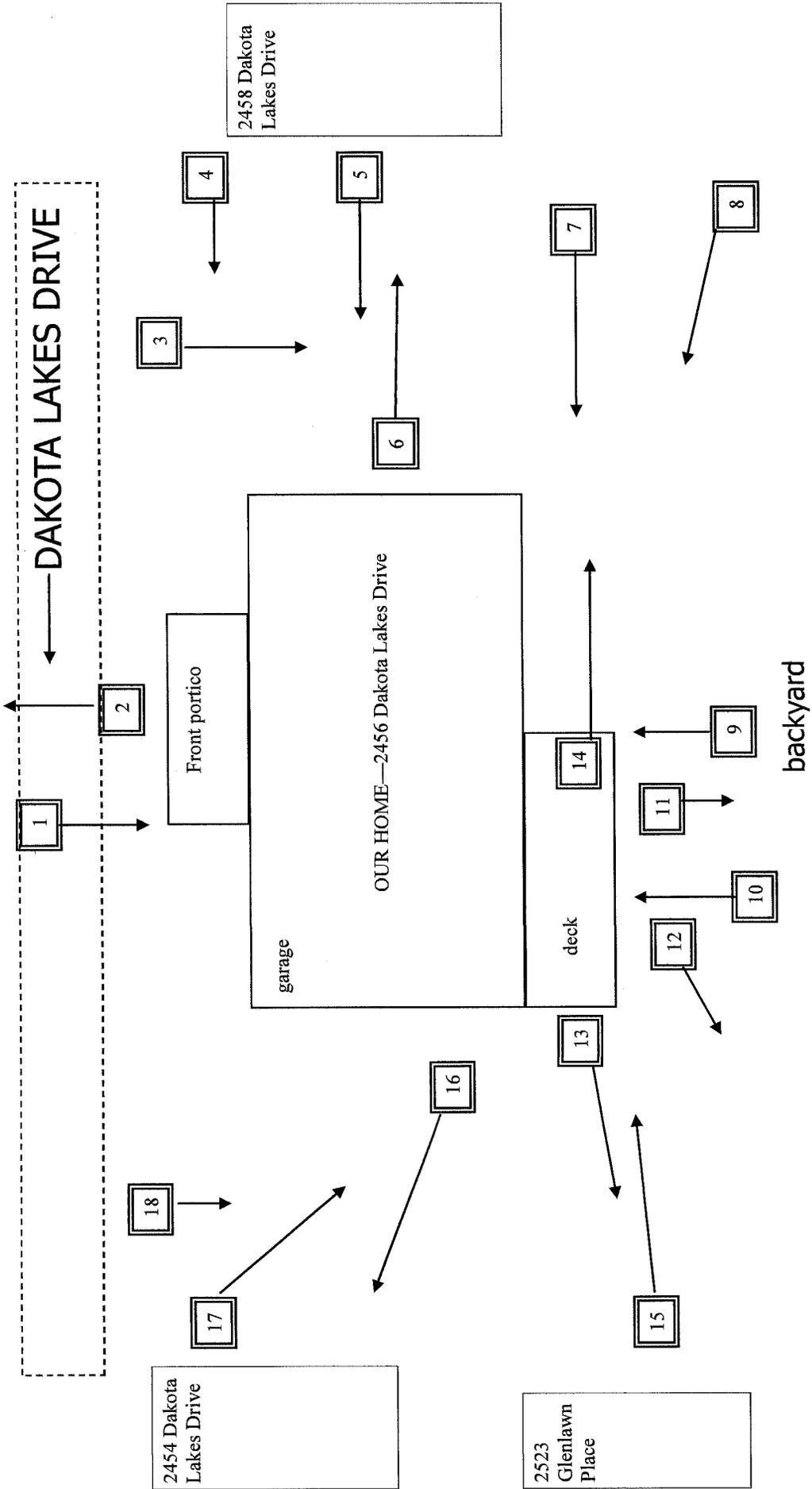
PROPOSED RIGHT ELEVATION  
SCALE 1/4" = 1'-00"



PROPOSED LEFT ELEVATION  
SCALE 1/4" = 1'-00"

ANDERSON  
2456 DAKOTA LAKES DRIVE  
OAK HILL, VA 20171  
703-471-5247  
PERMIT #SP-2010-0029

2455 Dakota Lakes Drive



← To Lake

WOODED AREA

Back of the house  
(Left side Neighbor.)

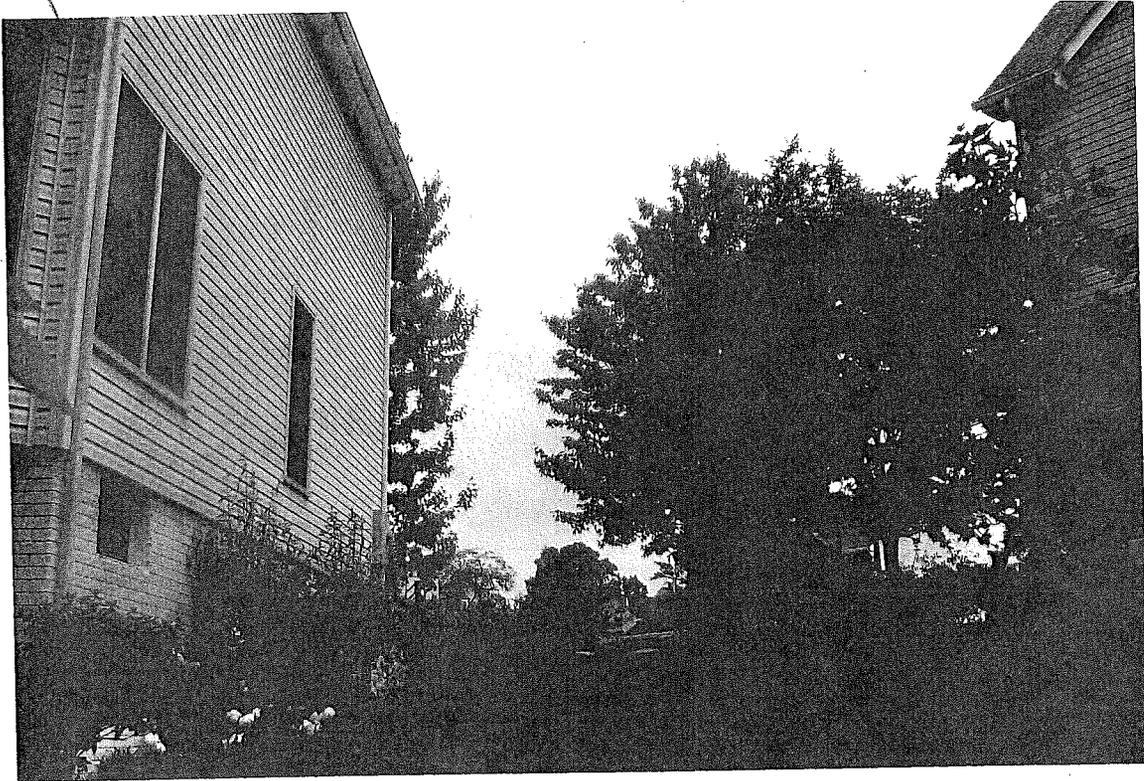
w/ the neighbor  
on right.



Neighbor



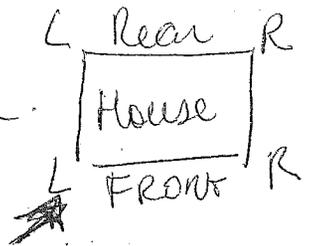
Left side of the house and back.



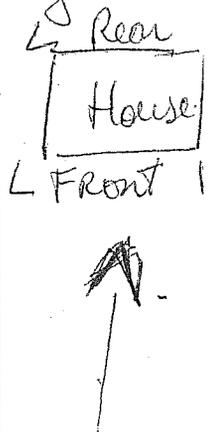
2456 DAKOTA LAKE TERRACE  
HERNDON, VA 20171.

RECEIVED  
Department of Planning & Zoning  
SEP 02 2011  
Zoning Evaluation Division

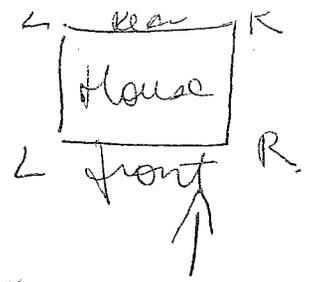
CORNER  
Left ~~House~~ Front of the house.



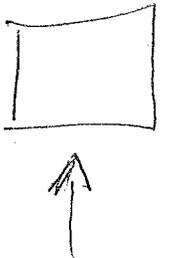
Front of the house w/ the neighbor on right.



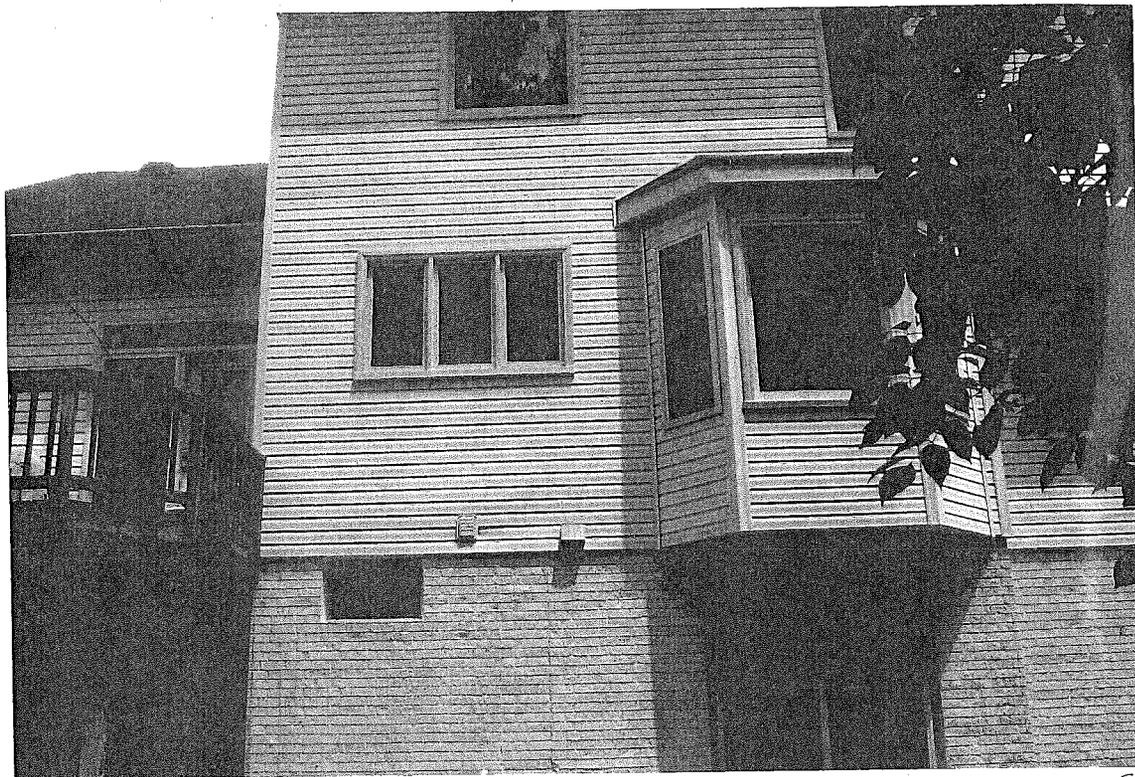
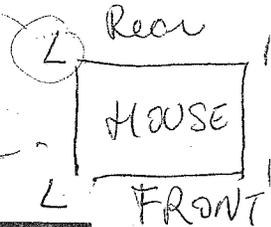
Right Front of the house



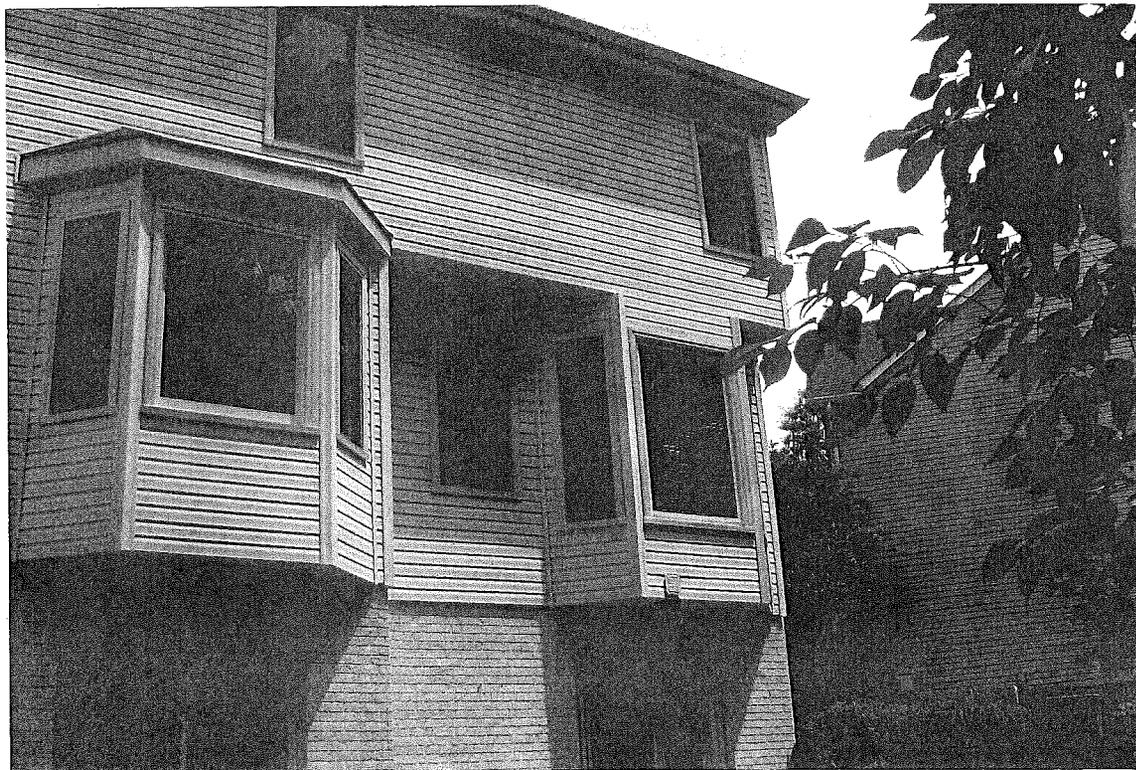
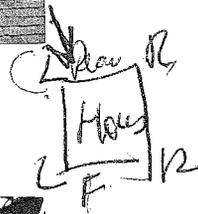
Front of the House.



Continue Rear part of the house -



Rear left of the house

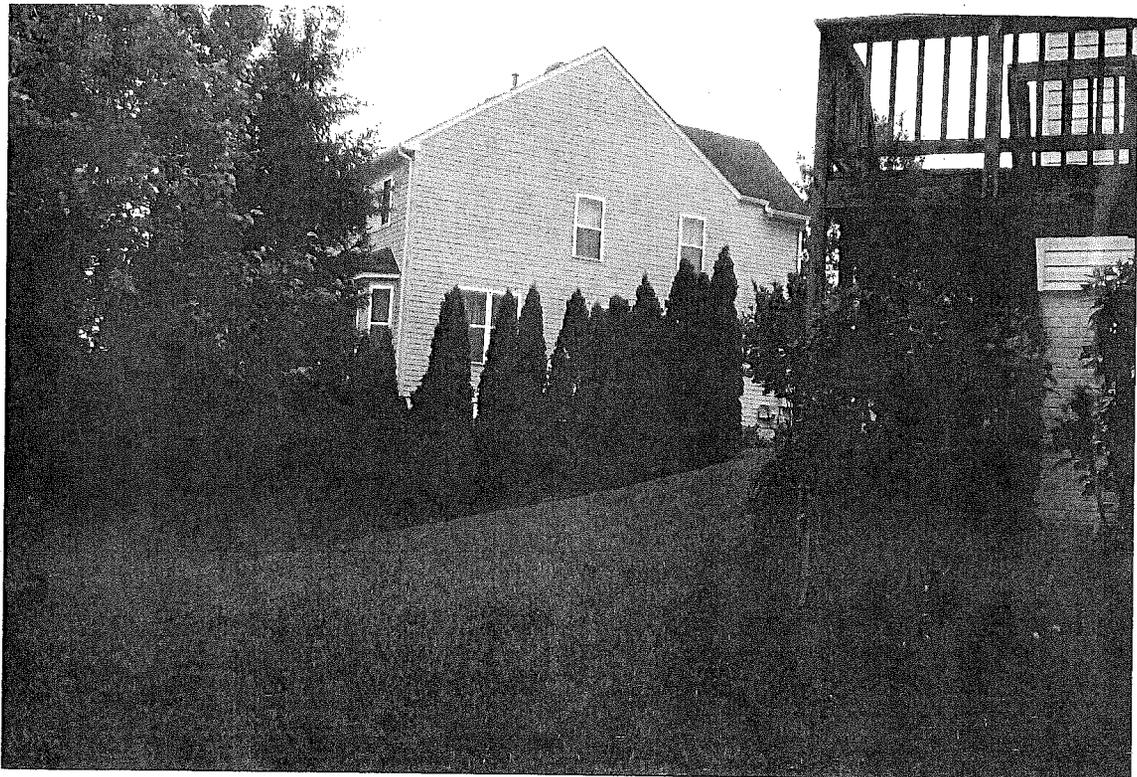


+ Right rear part of The House

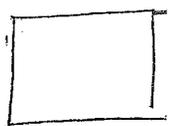
Left. Rear Right  
House.  
Left FRONT Right



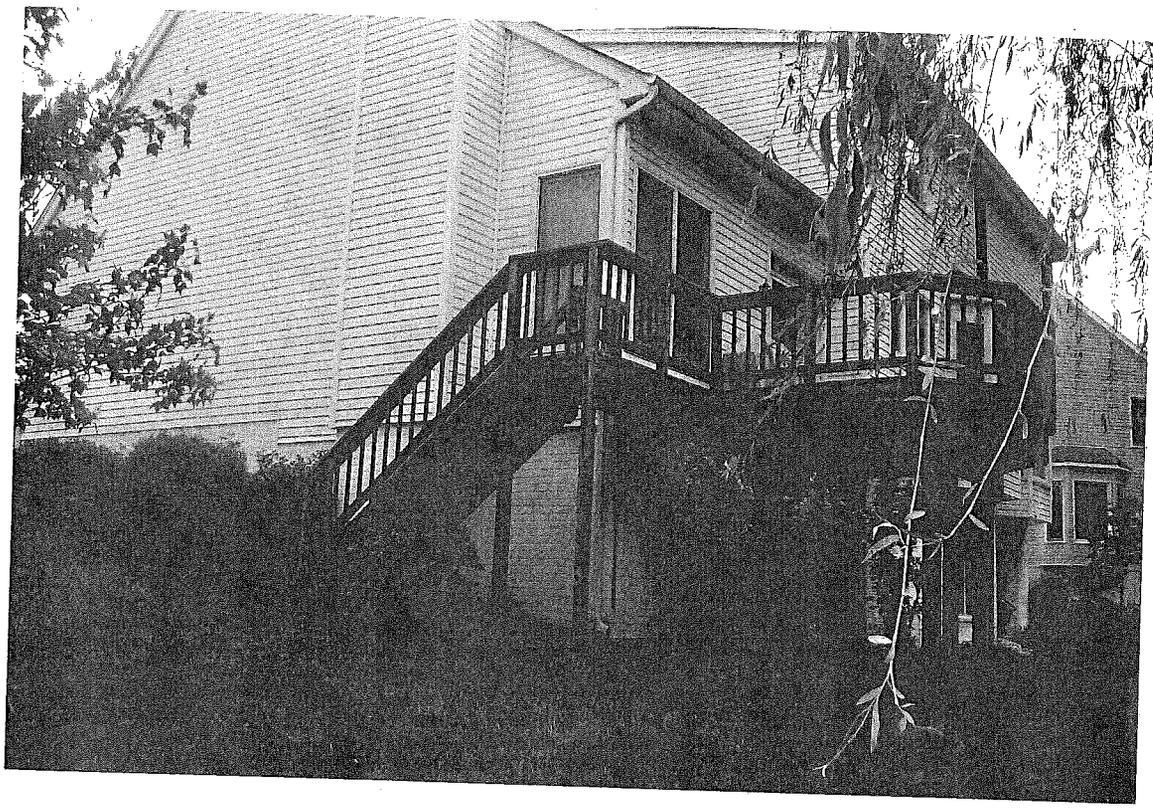
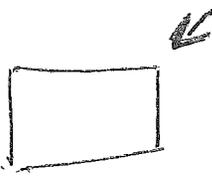
Right rear corner of the house w/ the neighbor on left



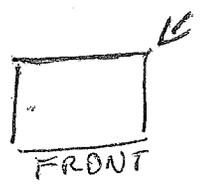
left



Right Rear <sup>Cover</sup> part of The House.

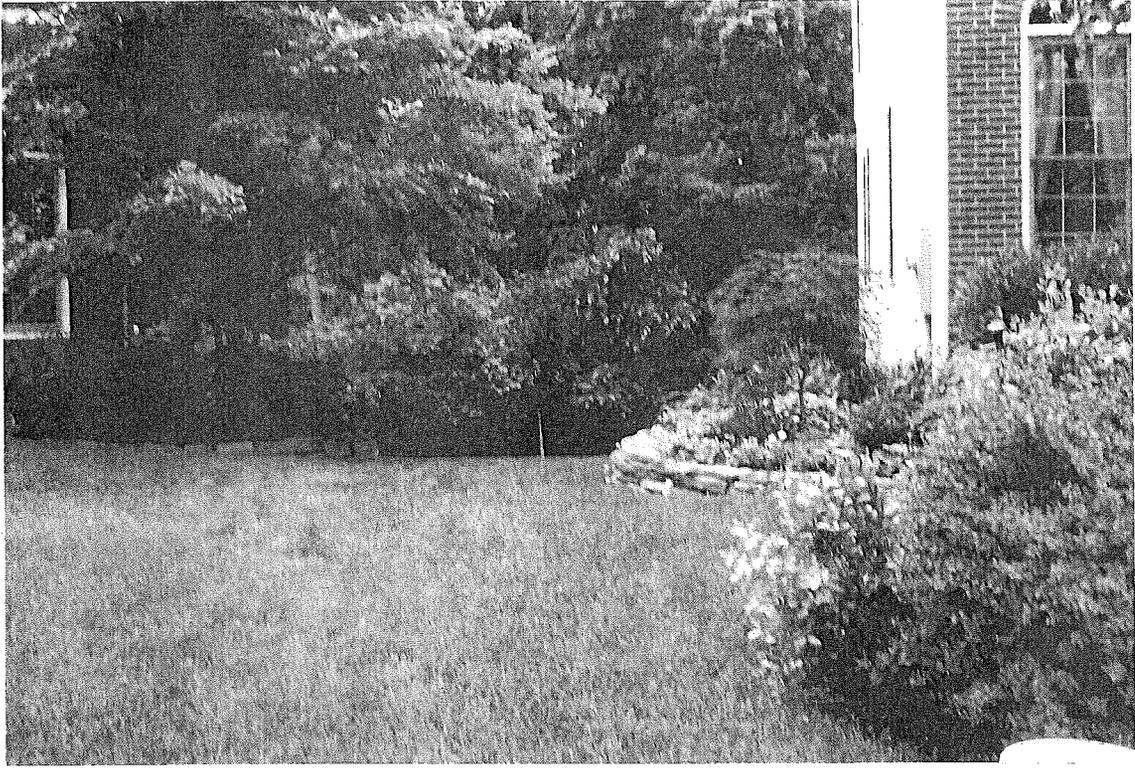


Right rear corner of the house.

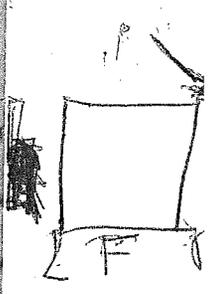


10 6/26

Left side of house w/ the side yard



side  
Rear part of the house w/ the neighbor on  
(Right side Neighbor) the ~~left~~  
left.



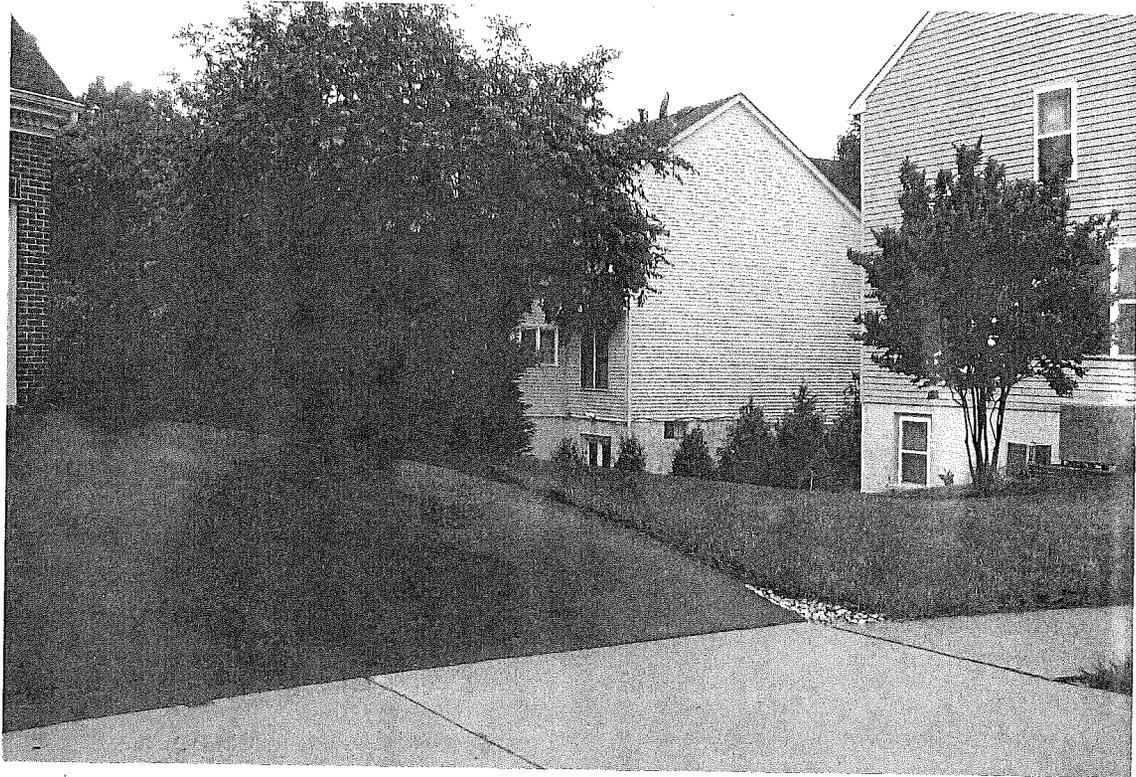
Right side of the house.

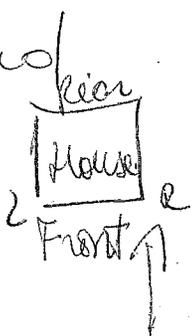


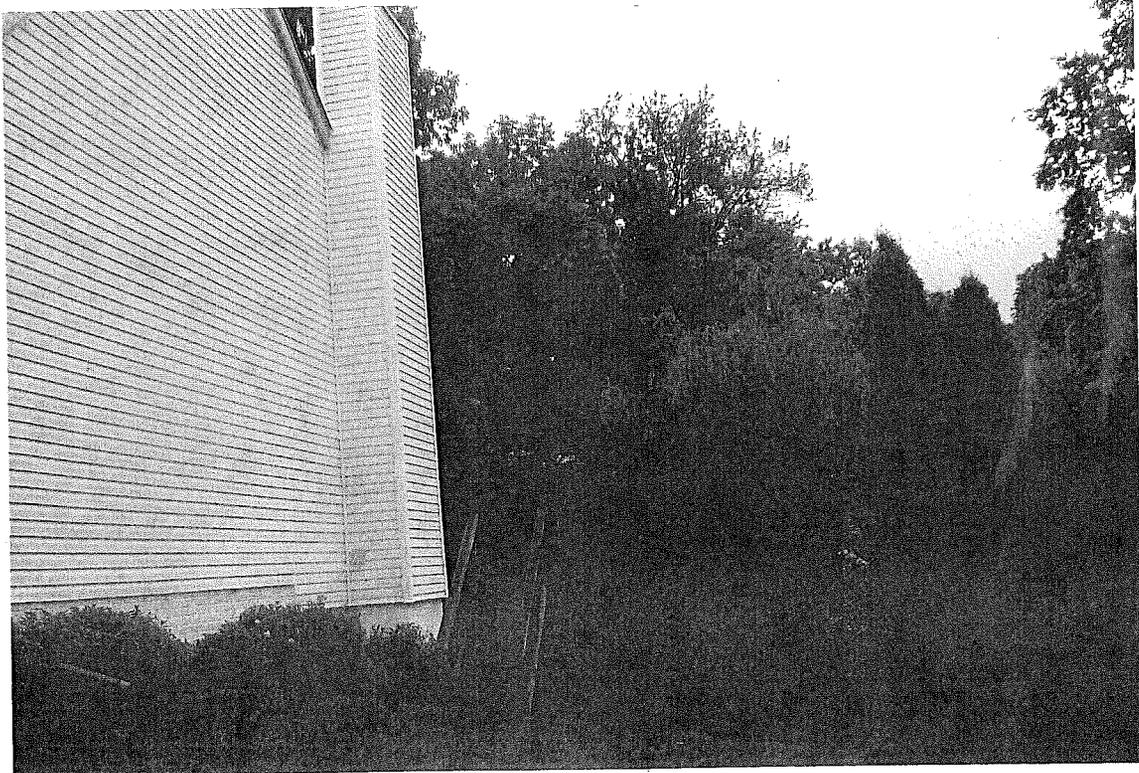
Right side yard of the house.



Right side of the house. 



Right side of the house w/ the yard 



Front of the House



Right front of the house

L	Rear	R
House		
FRONT		



**DESCRIPTION OF THE APPLICATION**

The applicants are requesting approval of a special permit to allow a reduction of certain yard requirements to permit construction of a sunroom addition to be located 15.2 feet from the rear lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	Addition	Rear	25.0 feet	15.2 feet	9.8 feet	40%

\*Minimum yard requirement per Section 3-307

**EXISTING SITE DESCRIPTION**

The site is currently zoned R-3 and developed under the cluster provisions of the Zoning Ordinance. The lot contains a two-story, brick and frame dwelling with walk-out basement. An existing wood deck is located along the southwestern rear of the dwelling. The lot is 8,500 square feet in size and is triangular in shape with the narrowest portion of the lot at the front lot line on Dakota Lakes Drive. Access is obtained via an asphalt driveway from the street which terminates at an existing two-car garage. Single-family detached dwellings are located within the cul-de-sac. Homeowner Association open space for the adjoining subdivision is located to the rear of the property. The topography of the lot drops from the front to the rear and the lot contains lawn and minimal vegetation.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3, Cluster	Single Family Detached Dwellings
<b>East</b>	R-3, Cluster	Single Family Detached Dwellings
<b>South</b>	R-3, Cluster	Homeowner Association Open Space
<b>West</b>	R-3, Cluster	Single Family Detached Dwellings

## BACKGROUND

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

## ANALYSIS

- **Special Permit Plat:** (Copy at front of staff report)
- **Title of Plat:** Plat Showing the Improvements on Lot 82, Section Five, Sycamore Lakes
- **Prepared by:** Dominion Surveyors Inc., dated January 21, 2010

### Proposal:

The applicants propose to construct an approximately 207 square foot sunroom addition where currently an existing deck is located. A new deck will be constructed adjacent to the proposed sunroom. The proposed sunroom will be 12 feet by 17.3 feet and enclose an area at the rear doors of the dwelling on the main living level.

## 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 for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3.

*General Standard 3* requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of the sunroom will not adversely affect the use or development of neighboring properties. There are similar additions located throughout the neighborhood and a deck is currently located on the rear of the dwelling. The request is to merely enclose the deck area. Therefore, staff believes this standard has been met.*

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

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

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 5,692 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 8,538 square feet in size for a possible total square footage at build out of 14,167. The proposed addition is approximately 207 square feet in size, for a total square footage of the house with the addition of 5,836 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 and pictures submitted indicate that the materials, size and scale of the proposed sunroom addition will be compatible with the dwelling; the house is two stories, the porch will be one story, and the architecture and material will match the existing deck. The applicants' request is to enclose an area currently developed with a deck which will be in character with existing on-site development. 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 enclosure of an area currently developed with a deck is in character with the dwelling and the dwelling is similar to many others in the neighborhood in terms of its height, construction materials and location on the lot. There is mature vegetation off-site in the area to the rear of the proposed sunroom and no vegetation is proposed to be removed to accommodate this request. Therefore, staff believes the sunroom will be harmonious with surrounding off-site uses and 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 DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a 207 square foot one-story sunroom will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety, as it will be placed where a wood deck has existed for many years and will simply enclose a portion of that area. Staff believes the addition could in fact lesson issues such as noise, is a modest request and will not increase runoff or erosion. Therefore, the application meets this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The request to construct a sunroom addition is shown in the most logical location, as it will be placed where an existing wood deck is located at the rear of the dwelling where the exit doors from the dwelling exist. The request is modest in size and scale and the placement of the house on the irregular shaped lot prohibits alternate locations for such a structure. The existence for a sanitary sewer easement along the rear and western lot lines further limits location of structures on the lot. Staff believes the application meets this provision. Other issues of wells, floodplains and/or Resource Protection Areas are not applicable to this site.*

## **CONCLUSION**

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

## **RECOMMENDATION**

Staff recommends approval of SP 2012-HM-052 for a sunroom addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

## **APPENDICES**

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

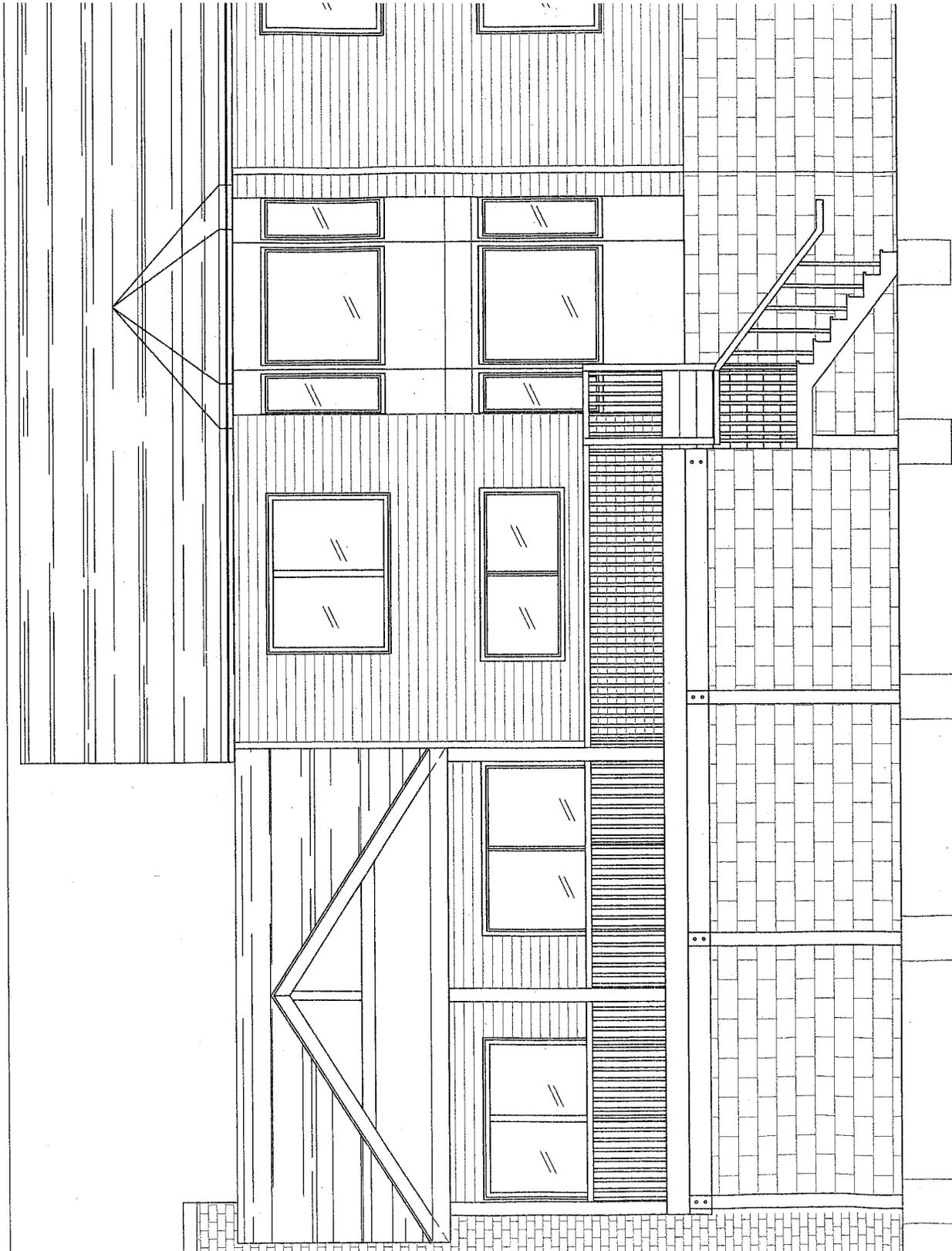
**PROPOSED DEVELOPMENT CONDITIONS****SP 2012-HM-052****October 31, 2012**

If it is the intent of the Board of Zoning Appeals to approve SP 2012-HM-052 located at Tax Map 25-2((16))82 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

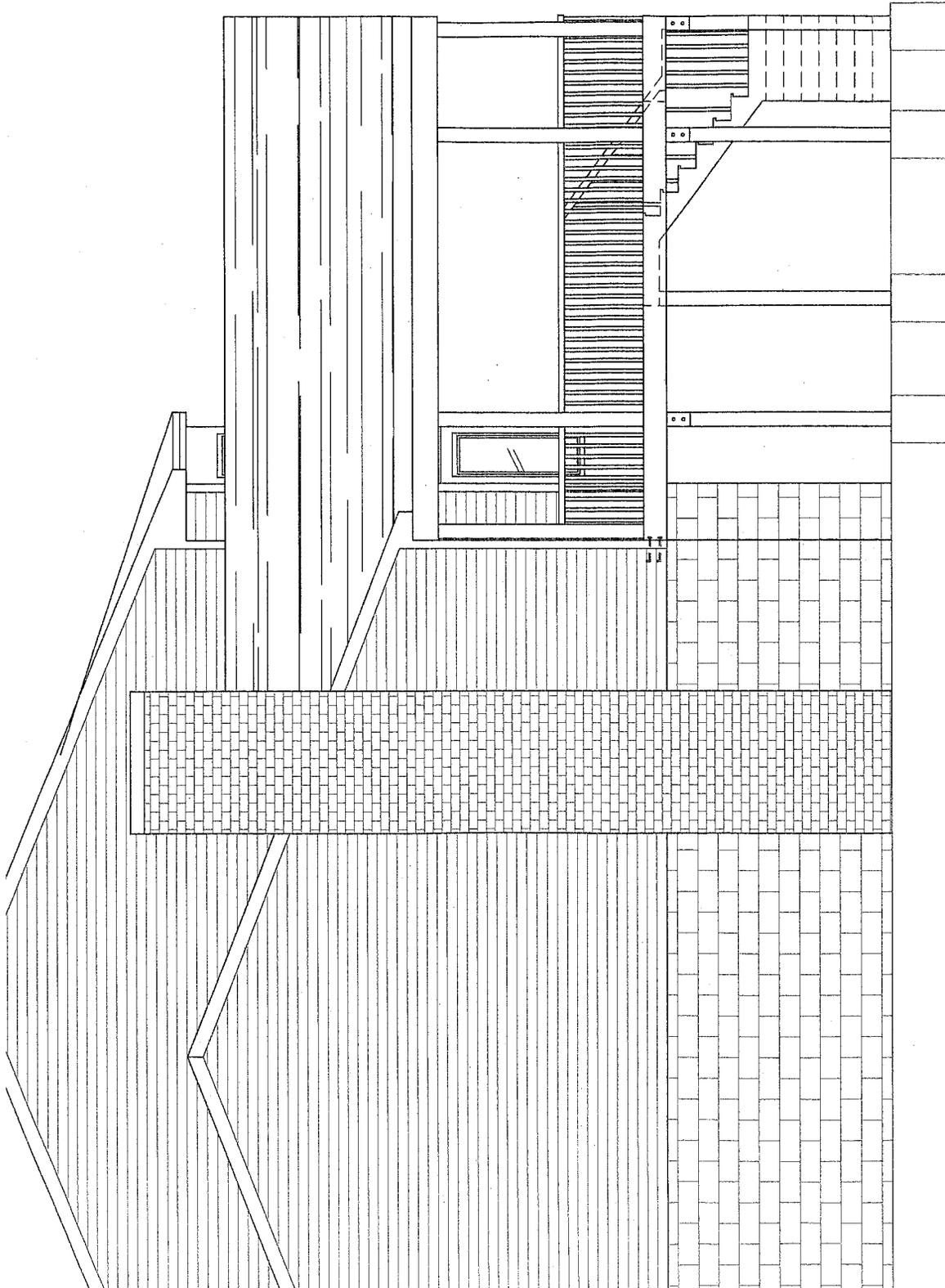
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a sunroom addition (approximately 207 square feet), as shown on the plat prepared by Dominion Surveyors Inc., dated January 21, 2010, 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 (5,629 square feet existing + 8,538 square feet (150%) = 14,167 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

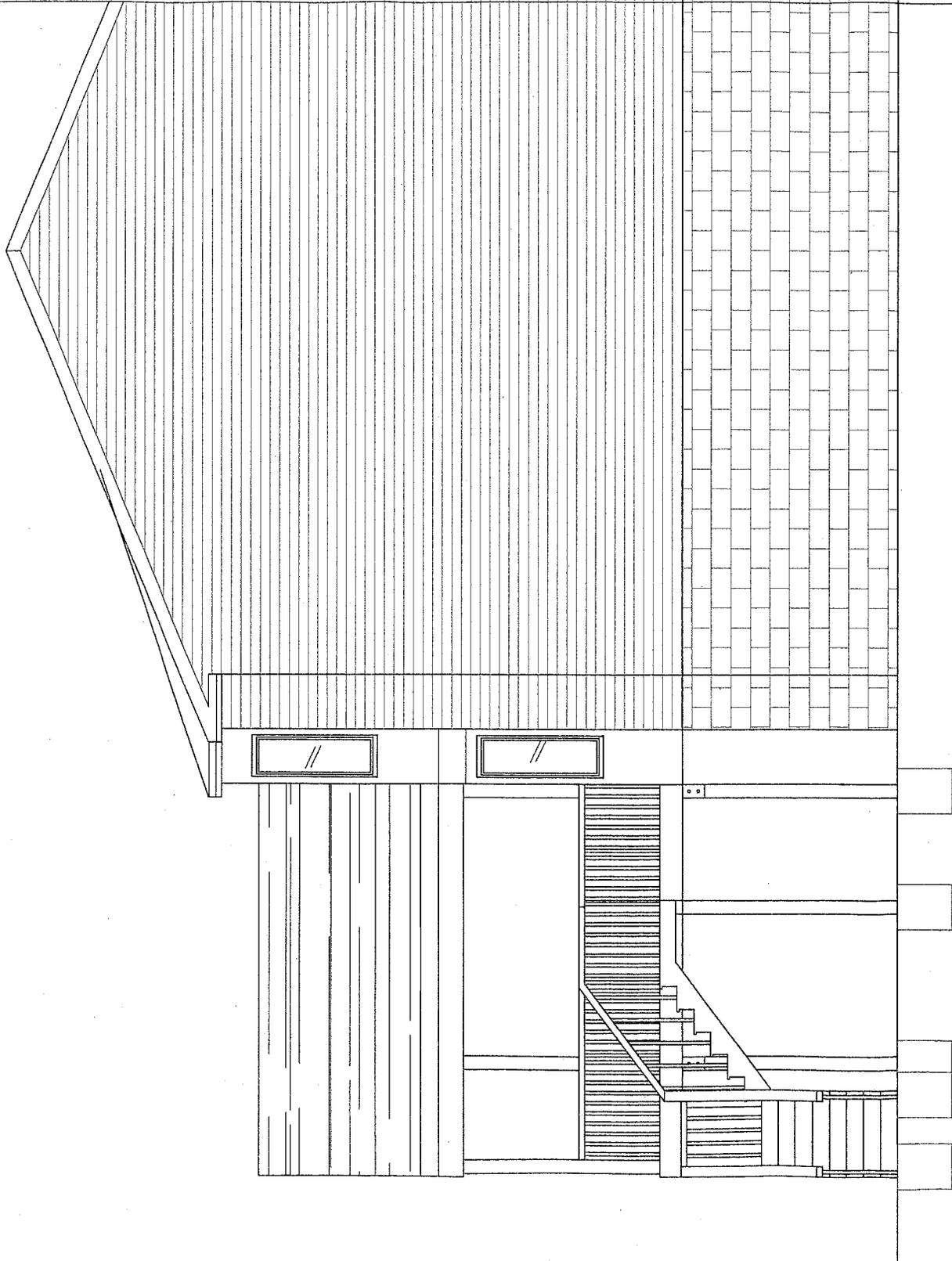
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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



PROPOSED REAR ELEVATION  
SCALE 1/4" = 1'-00"



PROPOSED RIGHT ELEVATION  
SCALE 1/4" = 1'-00"



PROPOSED LEFT ELEVATION  
SCALE 1/4" = 1'-00"

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 15, 2010  
 (enter date affidavit is notarized)

I, Annette C. Anderson, 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      1077326

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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Annette C. Anderson	2456 Dakota Lakes Drive, Oak Hill, VA 20171	Applicant/Title Owner
Thad L. Anderson	2456 Dakota Lakes Drive, Oak Hill, VA 20171	Applicant/Title Owner
Marlene C. Paucar	7839 Emily's Way, Greenbelt, MD 20770	Agent for Applicants/Title Owners

(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).

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 15, 2010  
(enter date affidavit is notarized)

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1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

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

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

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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:

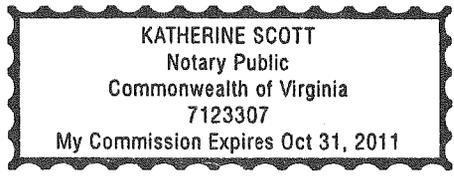
(check one) Annette C Anderson  
[] Applicant [ ] Applicant's Authorized Agent

ANNETTE C. ANDERSON Applicant/Title Owner  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15<sup>th</sup> day of July, 2010, in the State/Comm. of Virginia, County/City of Fairfax.

Katherine Scott  
Notary Public

My commission expires: 10/31/2011



AUG 01 2012

Zoning Evaluation Division

Statement of Justification  
Annette and Thad Anderson  
2456 Dakota Lakes Drive  
Oak Hill, VA 20171  
703-471-5247  
PERMIT #SP-2010-0029 (92430159)

We, Thad and Annette Anderson, are applying for a special permit for a partially enclosed deck on our residential home in place of an open deck built with the home. The current structure is listed on the Fairfax County real estate assessment as 210 square feet and is made of wood. The enclosed deck would be approximately 12.0' x 17.3' with an additional non-enclosed deck extending another (approximately) 10.0' x 11.5'. The deck will be made of wood and composite materials in a natural color.

The resulting gross floor area of the requested structure (enclosed deck and non-enclosed deck, 322.6 sq. ft.) to existing principal structure (house, portico, attached garage, 3728 sq. ft.) is 109 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. If the current deck (210 sq. ft.) is considered part of the principal structure, the percentage is 103 percent. The current deck (210 sq. ft.) is to be removed, and is 5 percent of the gross floor area of the existing dwelling. The resulting gross floor area of the addition will be subordinate in purpose, scale, use and intent to the principal structure on the site.

Our home was built in 1995 and has easements on two sides of the property line. The future deck will be where the open deck is currently - adjacent to the existing family room of the house. The location of this deck is in the secluded rear side of the existing house facing wooded area. The deck will not be visible from the front of the house or have an accessory structure in the front of the house.

The future structure will be a non-habitable space that will be used mostly during the summer time. Additionally, the construction of this deck will be performed during business hours, from 8 am to 5 pm, and it will not disturb the neighbors by means of noise or access [traffic impact].

The future structure is for residential use. Additionally, the construction of this building will be done by a small construction company; that is, a crew of 1-5 people.

Because this future structure will be used mostly in the summer time and only for invited guests of the family, the impact of traffic will be minor. Likewise, because this is a small structure, the small company erecting this building will not create a major traffic impact in the neighborhood during construction.

The proposed structure will be made of stained wood and composite materials. The natural stained color proposed has been approved by the home owner association and complies with the approved architectural features of the neighborhood.

The future adjacent building structure complies with Title 40, Code of Federal Regulations 116.4, 302.4 and 355. That is, the construction of this deck will not use any hazardous nor toxic substances.

We are requesting a variance or a special permit for this structure. The location of the structure does not comply with the zoning regulations for building near the location of easements on the site. However, this particular site has two easements inside the property. Furthermore, the location of the existing house within the building restriction lines of this property does not provide opportunity to be able to build the deck in any other particular location. As a result, we are requesting for a special permit to allow us to build the deck in the most suitable place in the property where it does not create any major impact on the site or either of the two existing easements.

The new structure will not be much different from the original size of the open deck. It will be the same distance away with a lengthening across the back of the home. It will not have an impact on surrounding structures, topography, existing vegetation, or preservation of trees. It will not adversely impact erosion or storm water runoff.

The adjacent properties will not be affected by the structure. It will not block their scenic view of the wooded area or the lake. Only two homes have adjacent backyards and they have already given approval signatures to the homeowners association.

### **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.