County of Fairfax, Virginia

April 10, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-BR-016

BRADDOCK DISTRICT

APPLICANT:	Dwight Fuller
OWNERS:	Dwight Fuller Patrice Fuller
STREET ADDRESS:	9659 Boyett Court, Fairfax 22032
SUBDIVISION:	Twinbrook
TAX MAP REFERENCE:	69-3 ((9)) 19
LOT SIZE:	10,529 square feet
ZONING DISTRICT:	R-2 (Cluster)
ZONING ORDINANCE PROVISION:	8-922
SPECIAL PERMIT PROPOSAL:	To permit reduction of certain yard requirements to permit construction of addition 20.5 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2013-BR-016 for the additions with adoption of the proposed development conditions contained in Appendix 1.

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

O:\lgumk2\SP Cases\(4-17) SP 2013-BR-016 Fuller (50%)\SP 2013-BR-016 Fuller staff report.doc

Laura Gumkowski

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).

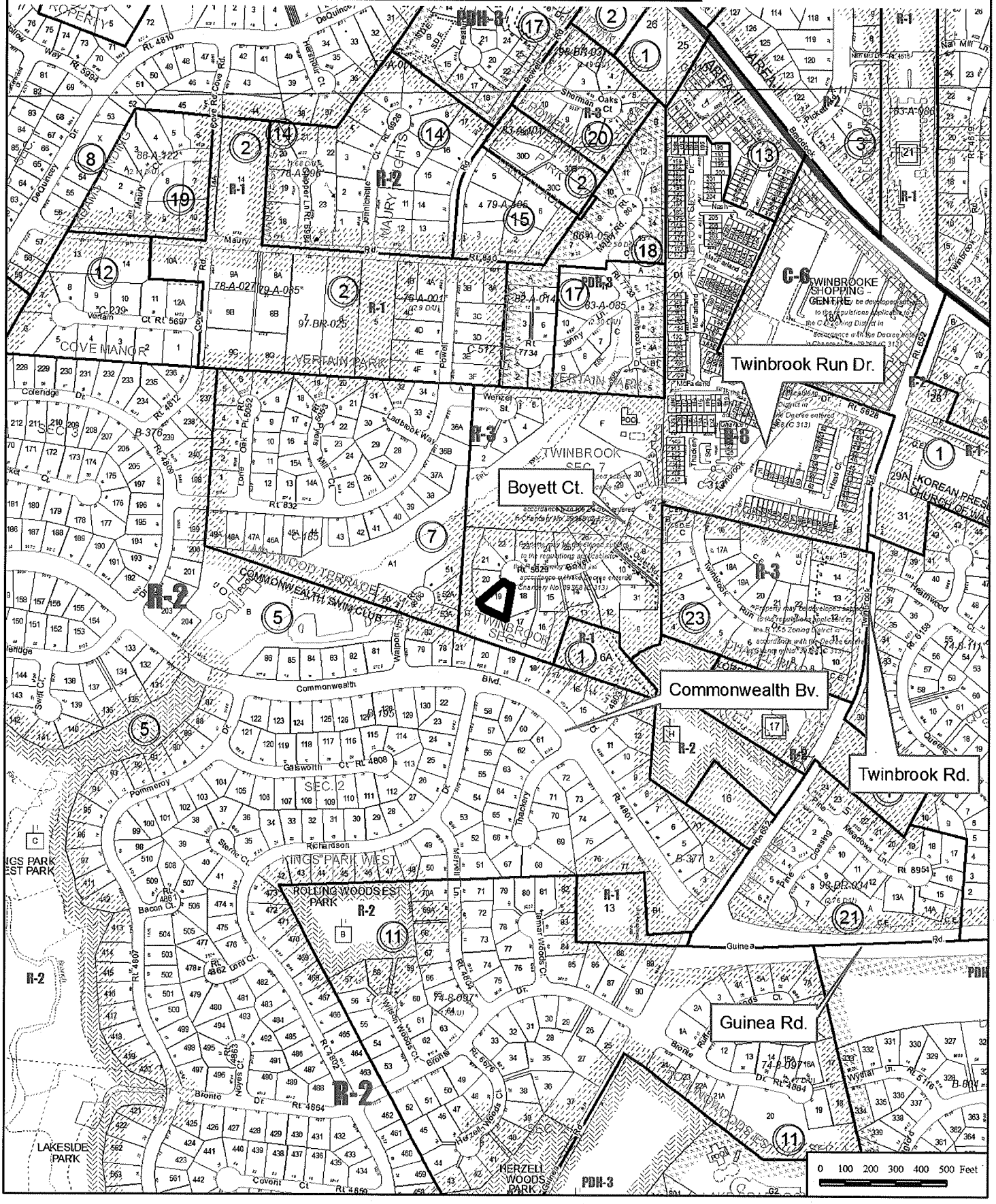
Special Permit

SP 2013-BR-016

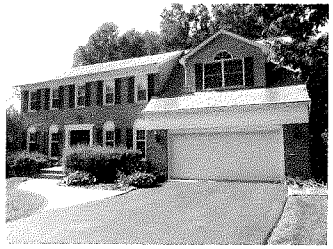
DWIGHT FULLER

Special Permit

SP 2013-BR-016



NOTES: 1. FENCES ARE SPLIT RAIL.



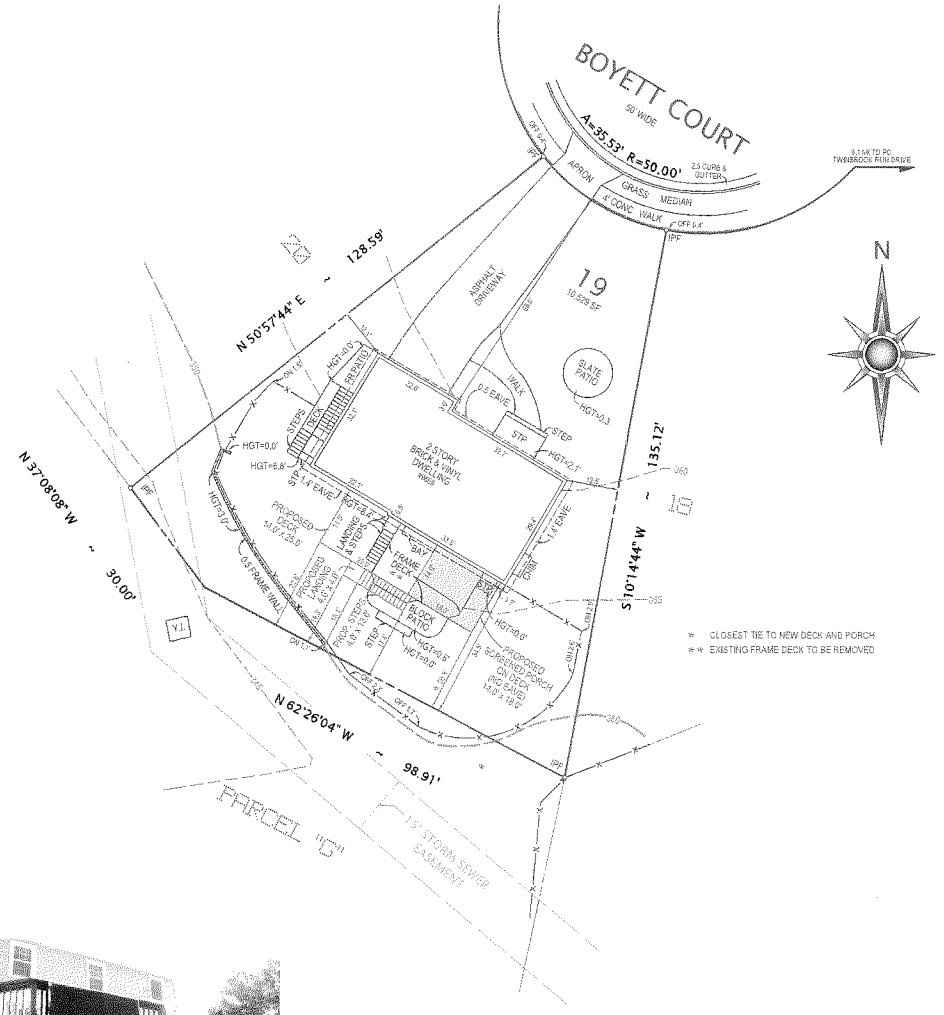
FRONT OF DWELLING 8/31/2012

RIGHT SIDE OF DWELLING 8/31/2012

LEFT SIDE OF DWELLING 8/31/2012

RIGHT REAR OF DWELLING 8/31/2012

LEFT REAR OF DWELLING 8/31/2012



NOTES:

1. TAX MAP: 0693 09 0019
2. ZONE: R-2C (R-2 WITH CLUSTER DEVELOPMENT)
3. LOT AREA: 10,529 SF
4. REQUIRED YARDS:

FRONT:	=	25.0 FEET
SIDE:	=	8.0 FEET (24.0 FEET TOTAL)
REAR:	=	25.0 FEET

5. HEIGHTS:

EX. DWELLING	=	31.6 FEET
DECK	=	8.4 FEET
PROPOSED DECK	=	8.4 FEET
PROPOSED PORCH	=	20.9 FEET (12.5 PORCH + 8.4 DECK)
WALLS	=	AS NOTED
FENCES	=	4.4 FEET

6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:

EX. BASEMENT	=	1,698 SF
EX. FIRST FLOOR	=	1,698 SF
EX. SECOND FLOOR	=	1,219 SF
EX. GROSS FLOOR AREA	=	4,615 SF

EX. FLOOR AREA RATIO: EX. GFA (4615)/LOT AREA (10529) = 0.44

13. THE HEIGHTS OF ALL EAVES ARE GREATER THAN 10 FEET.

PLAT

SHOWING IMPROVEMENTS ON

LOT 19, SECTION 6

TWINBROOK

(DEED BOOK 4759, PAGE 172)

FAIRFAX COUNTY, VIRGINIA

BRADDOCK DISTRICT

SCALE: 1" = 20' OCTOBER 29, 2012

0 20 40

I HEREBY CERTIFY THAT THE LOCATIONS OF ALL EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. NORTH IS RECORD NORTH.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.

COMMONWEALTH OF VIRGINIA
10/29/2012
THOMAS G. LUTKE
LICENSE NO. 3066
LAND SURVEYOR

ORDERED BY:

DWIGHT FULLER

NOVA SURVEYS
8655 ROCKLEIGH WAY
ALEXANDRIA, VA 22315
703-568-4038
FAX: 703-548-6038

#120829003

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A REAR ELEVATION

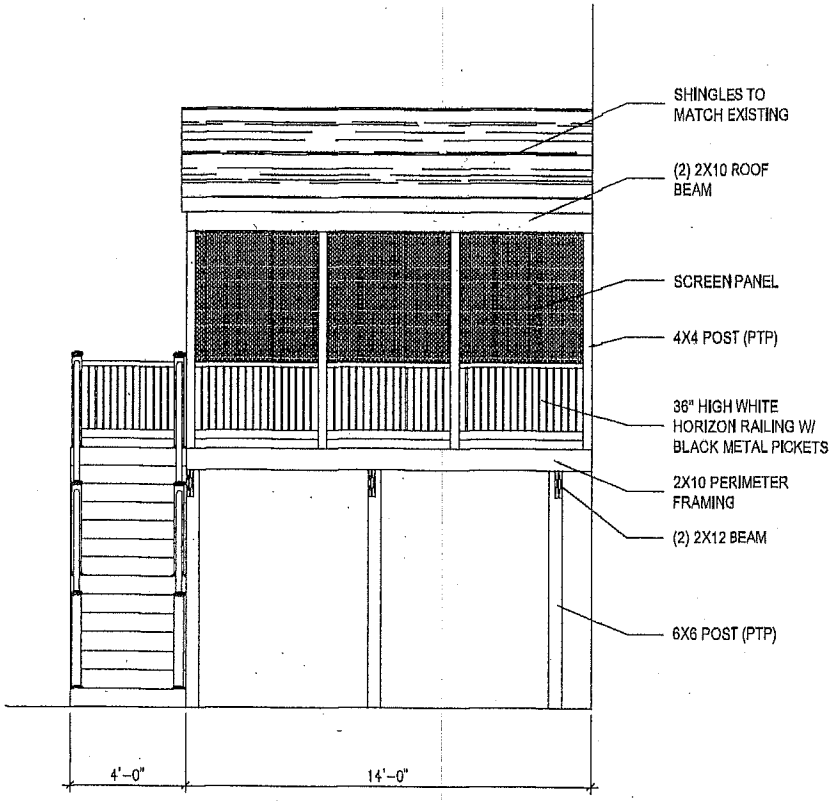
SCALE: 1/4"=1'-0"

PREPARED BY:

LONG FENCE CO. INC.
42521 JOHN MOSBY HIGHWAY
CHANTILLY, VA. 20152 (703)-471-0960

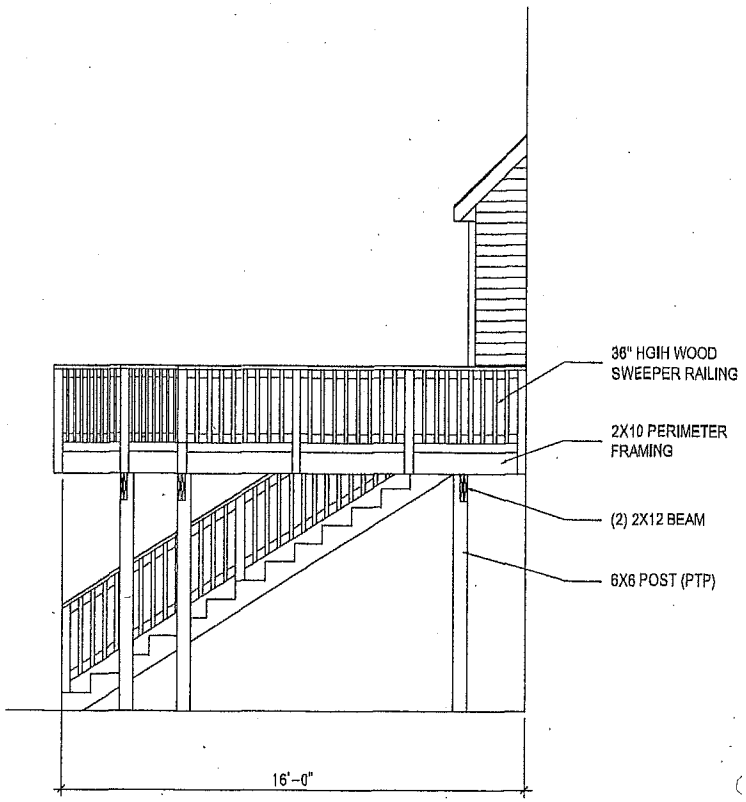
ELEVATIONS

3



A NEW RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"



B EXISTING RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"

PREPARED BY:

LONG FENCE CO. INC.

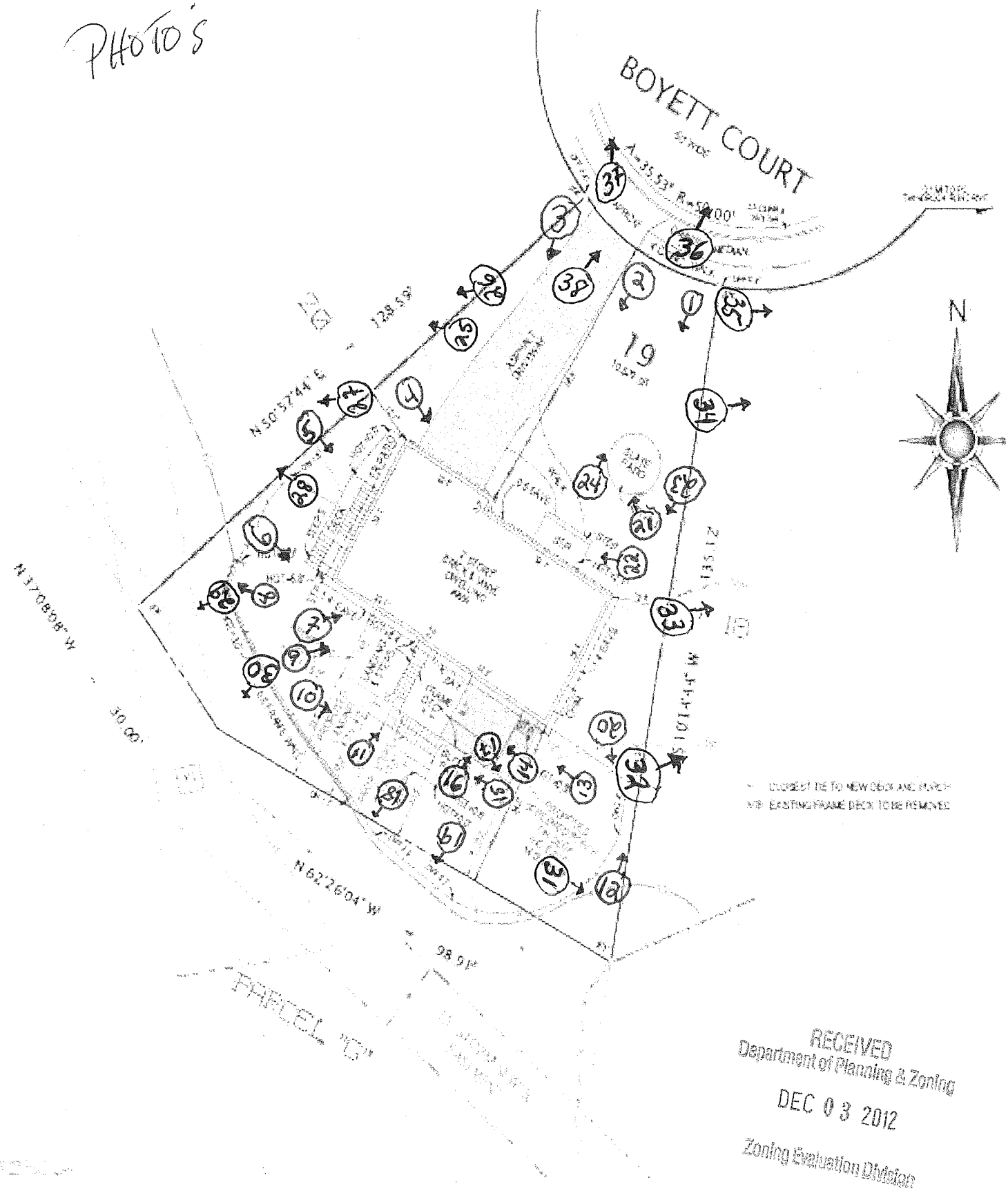
42521 JOHN MOSBY HIGHWAY
CHANTILLY, VA. 20152 (703)-471-0960

ELEVATIONS

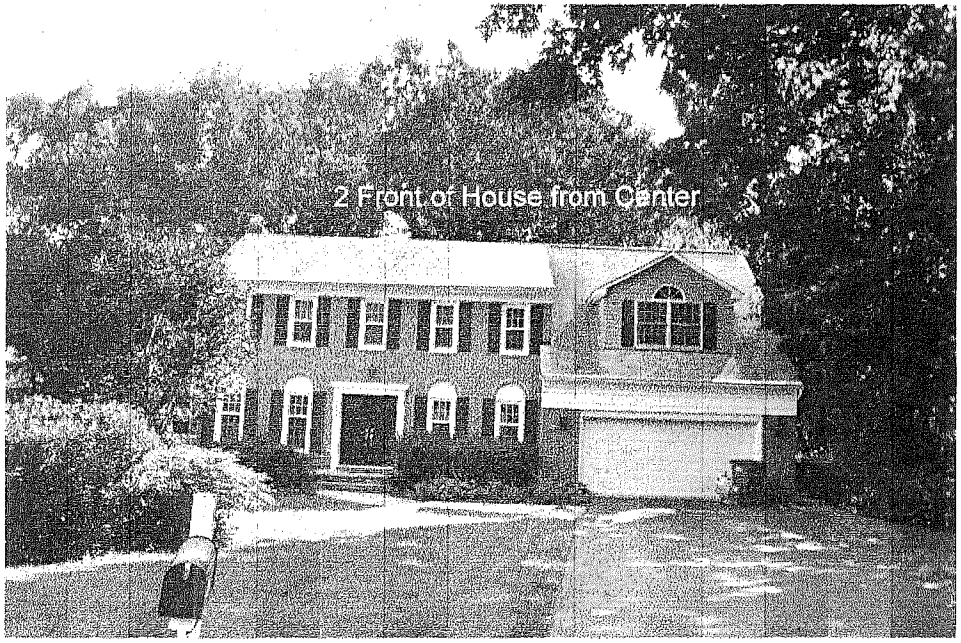
3.1

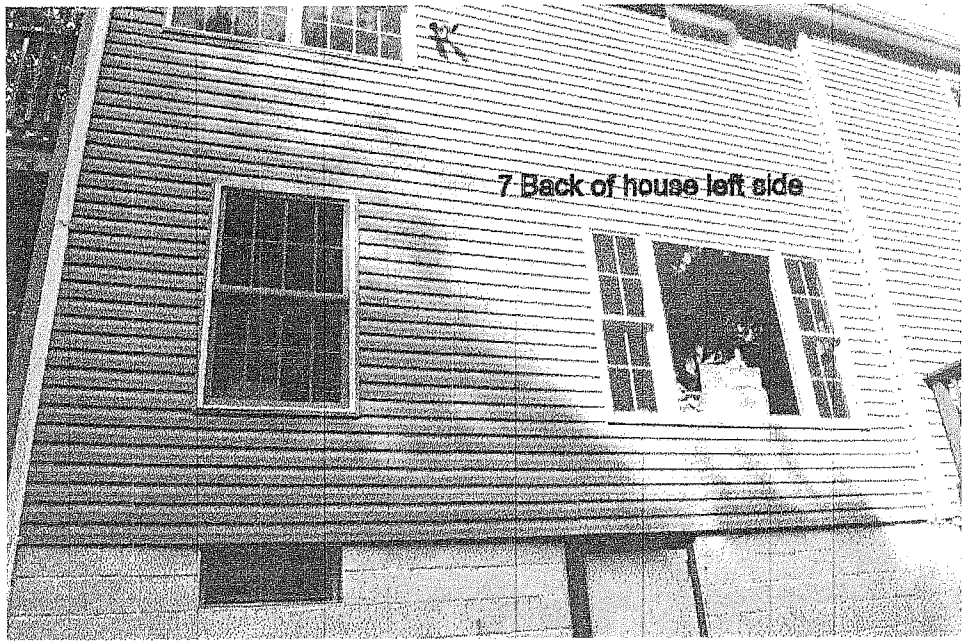
PDF Created with deskPDF PDF Writer - Trial :: http://www.docudesk.com

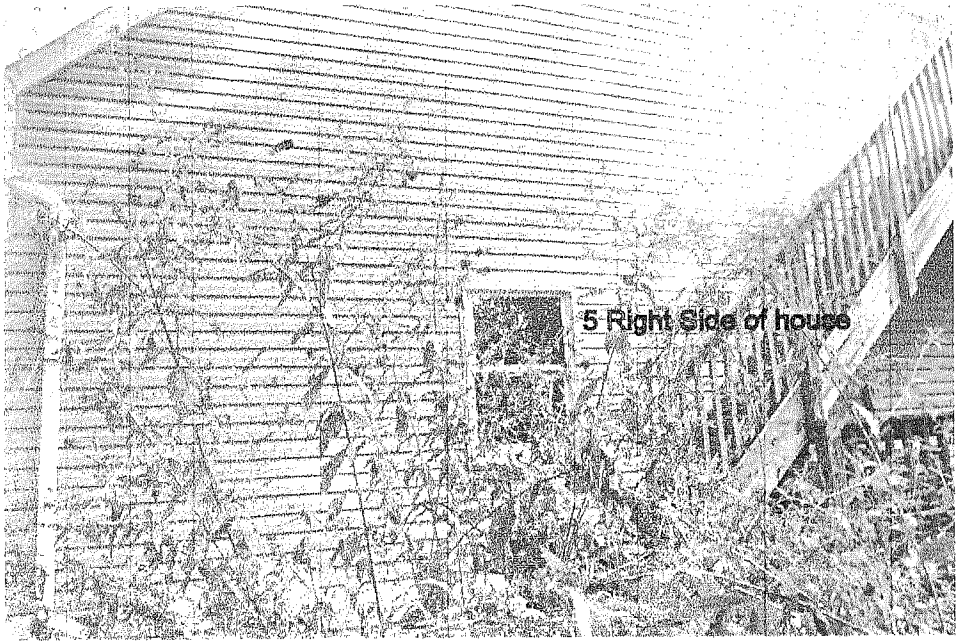
PHOTO'S

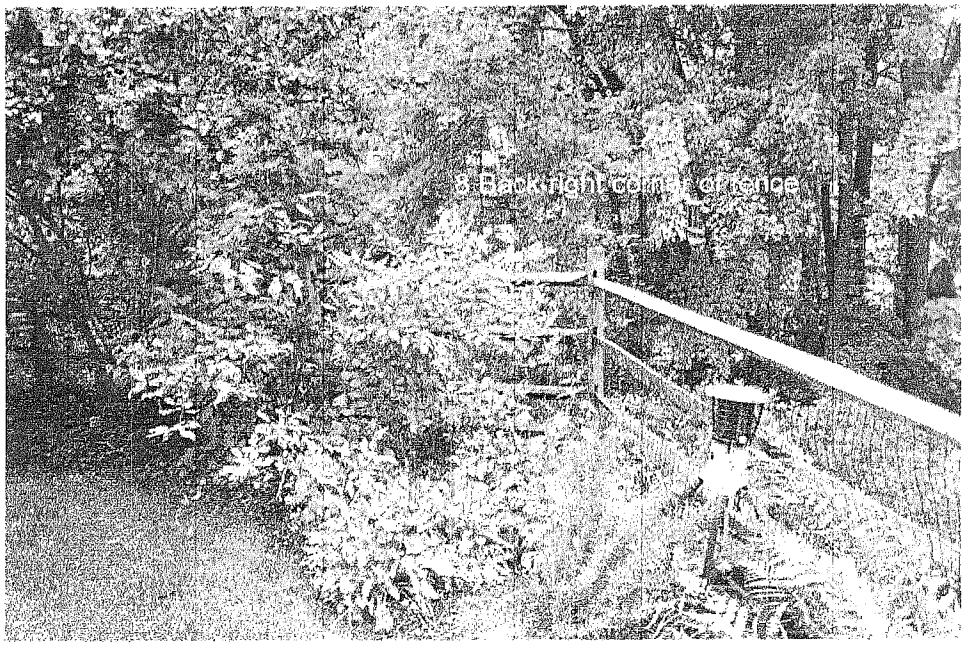


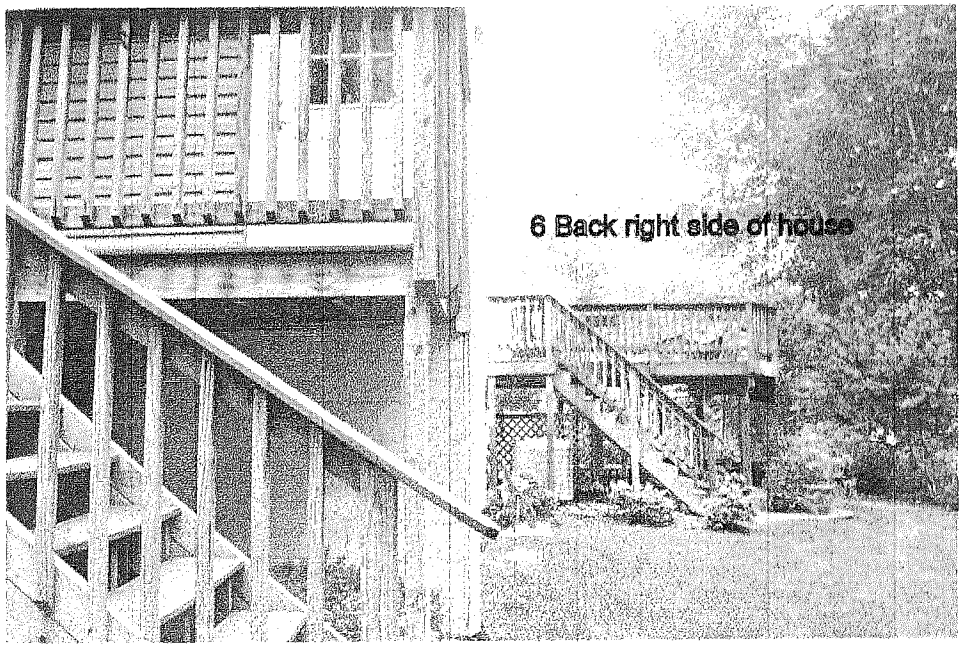
RECEIVED
Department of Planning & Zoning
DEC 03 2012
Zoning Evaluation Division

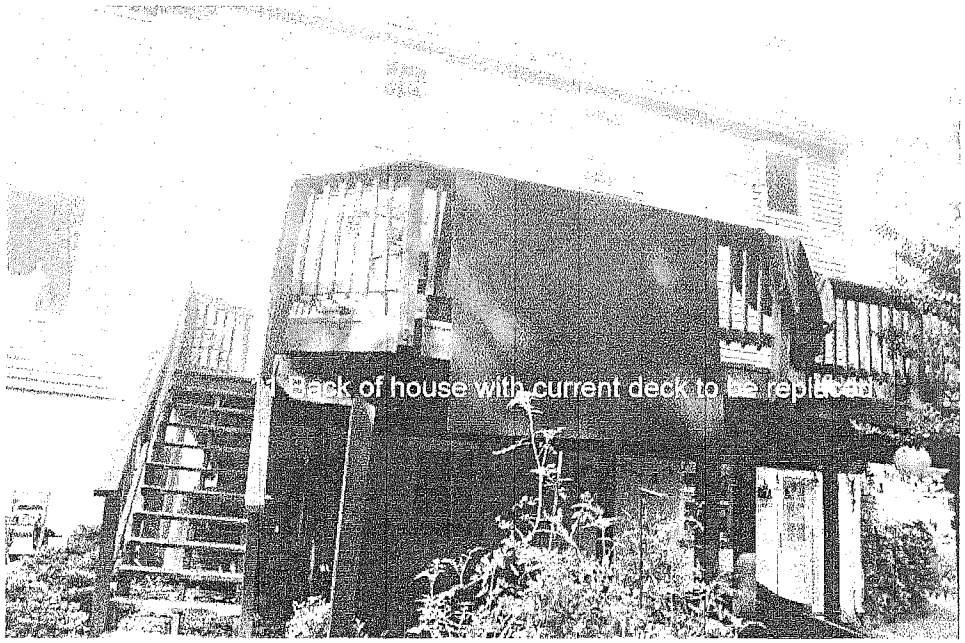

2 Front of House from Center


7 Back of house left side

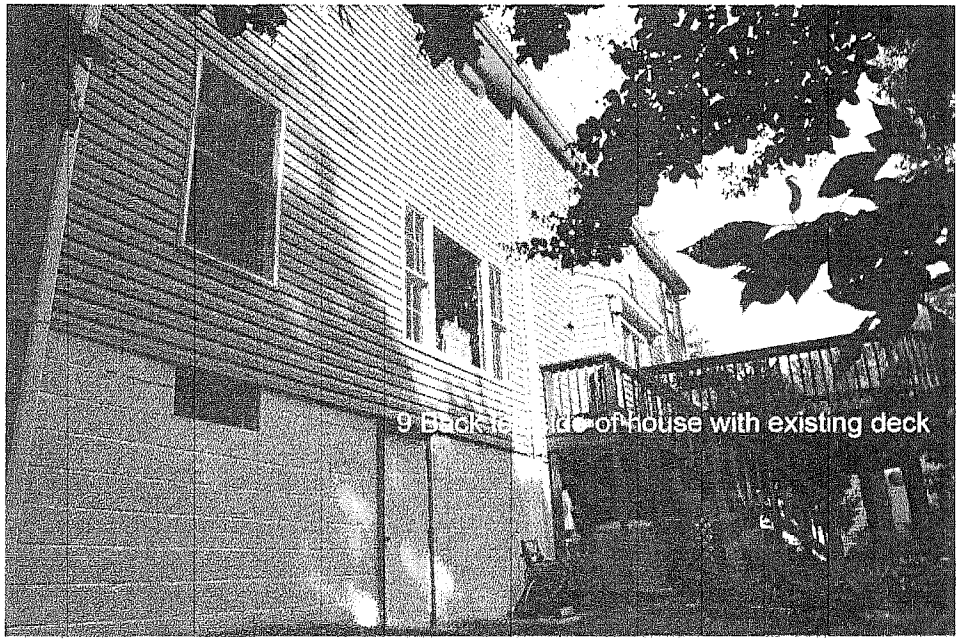

5 Right Side of house


8 Back right corner of fence


6 Back right side of house

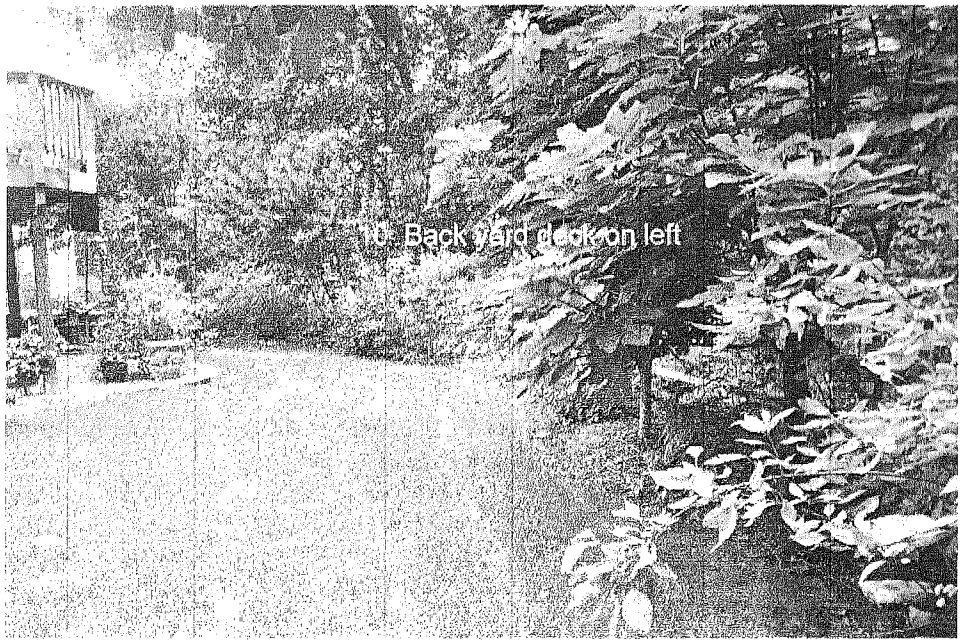


11 Back of house with current deck to be replaced

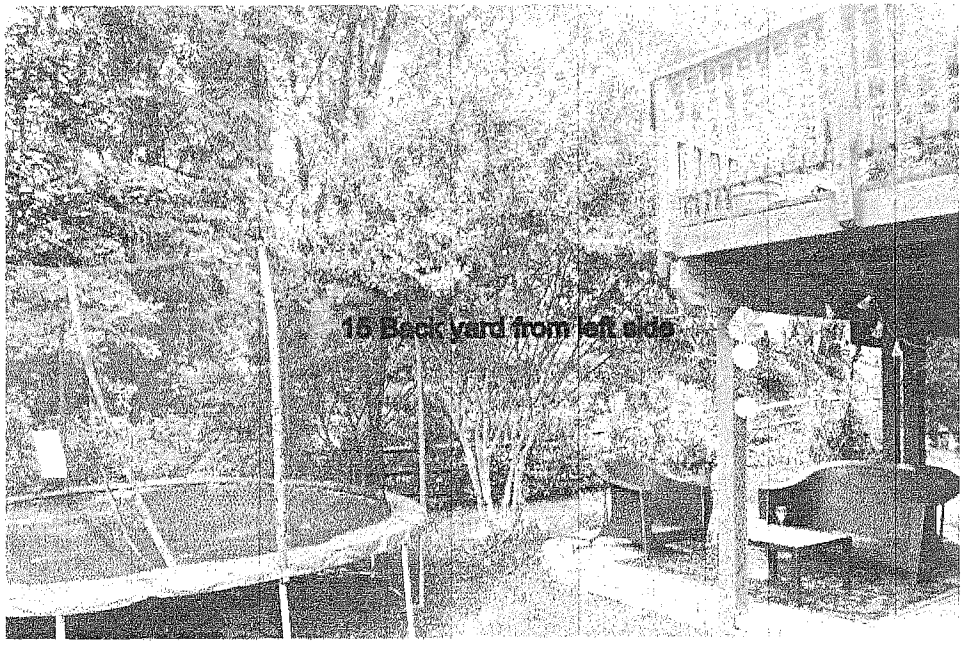


9 Back [illegible] of house with existing deck

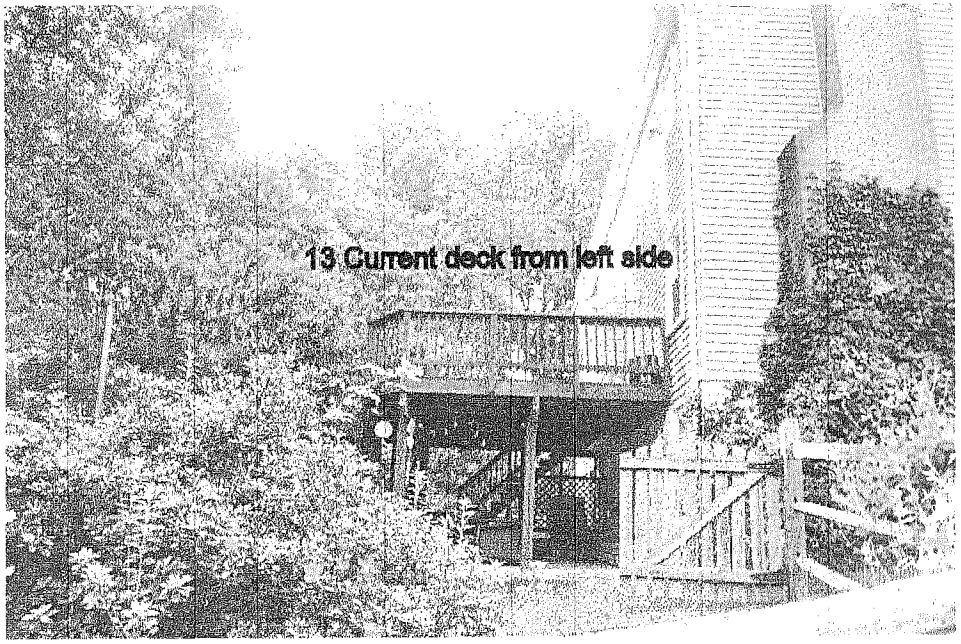
12 Left s[illegible]



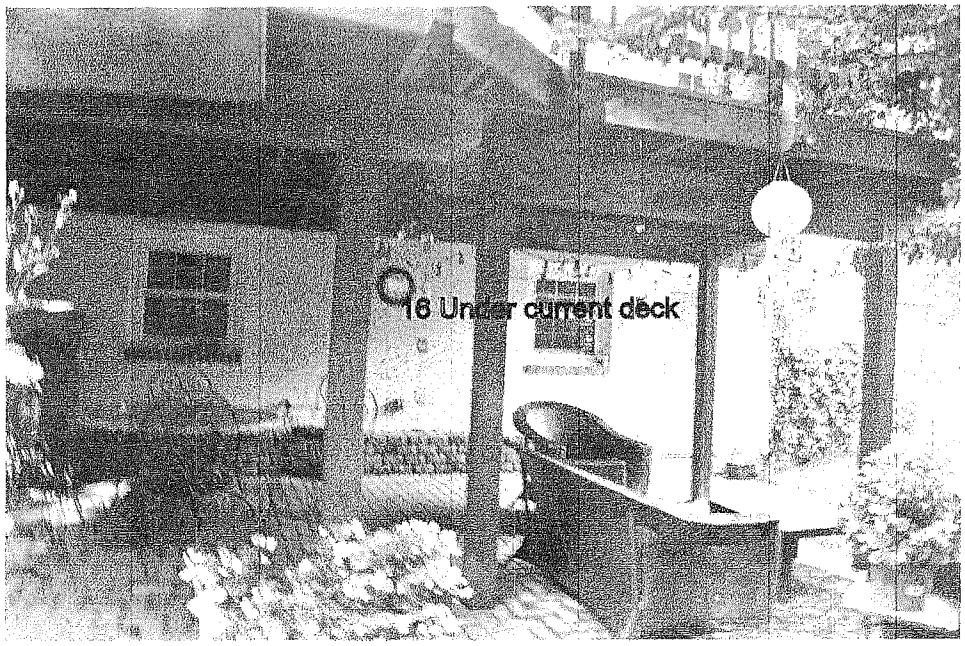
10 Back yard deck on left



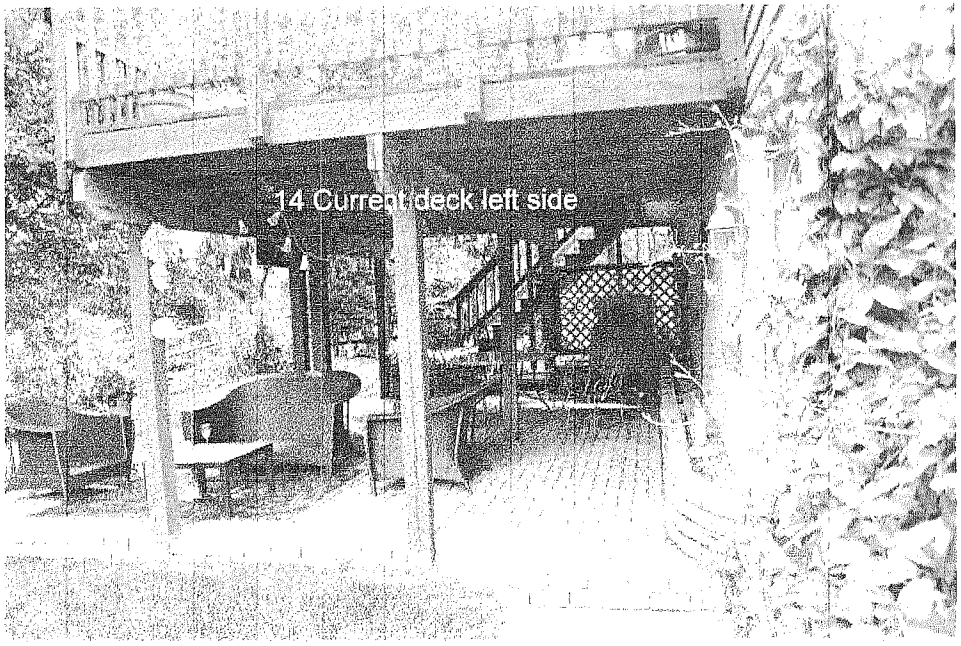
15 Back yard from left side



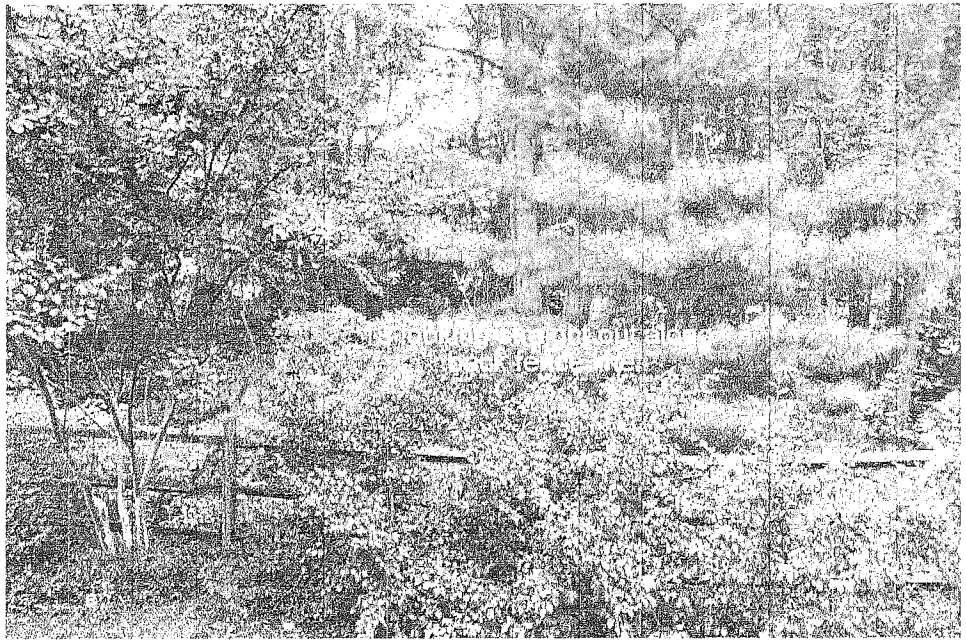
13 Current deck from left side

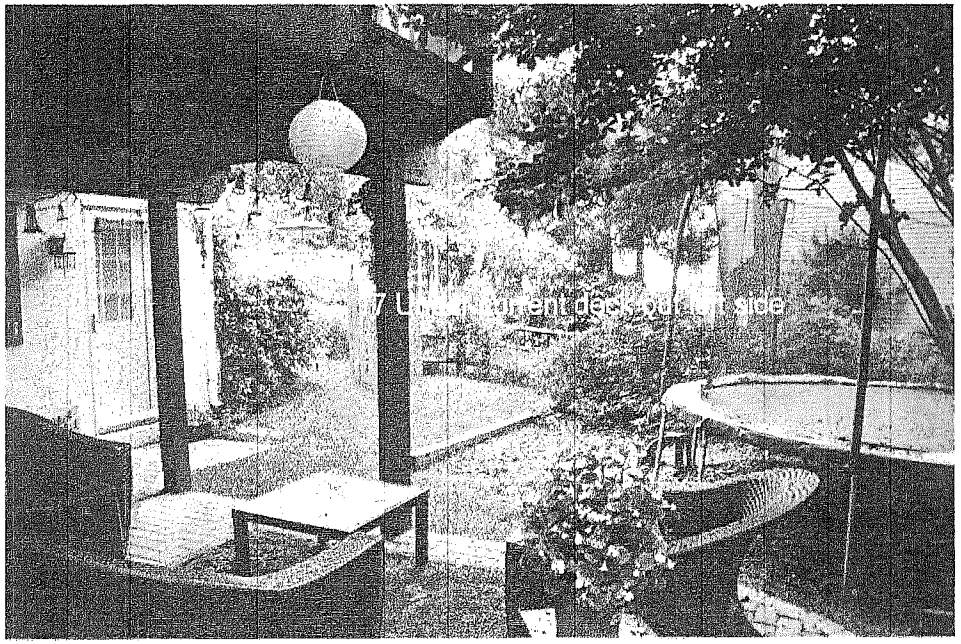


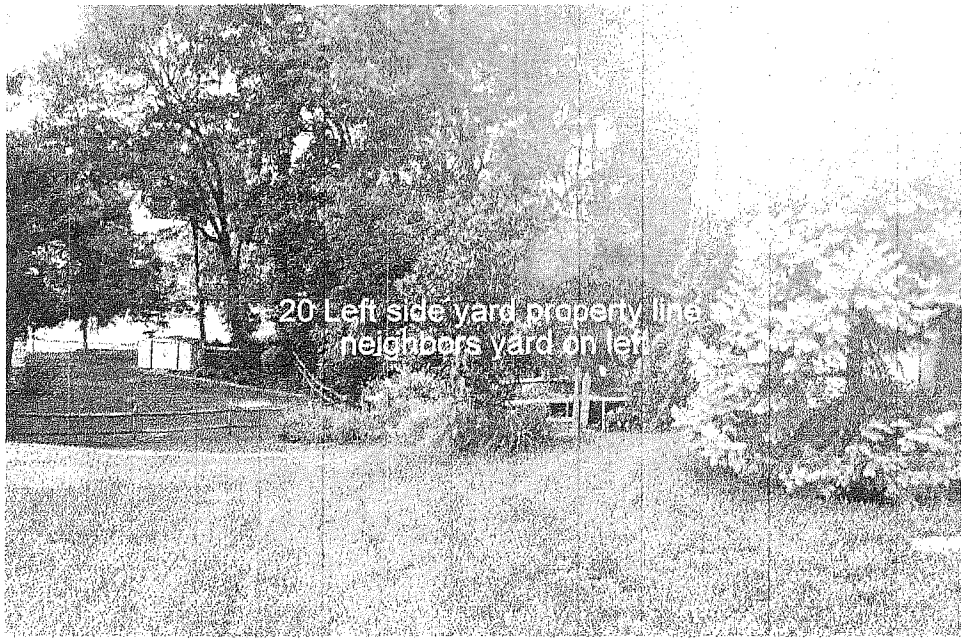
16 Under current deck

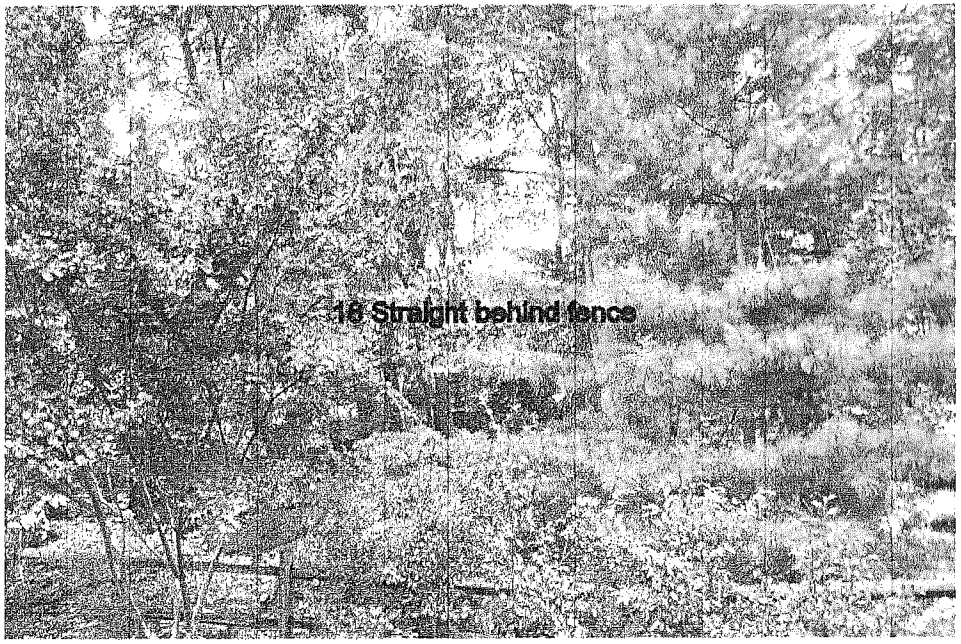


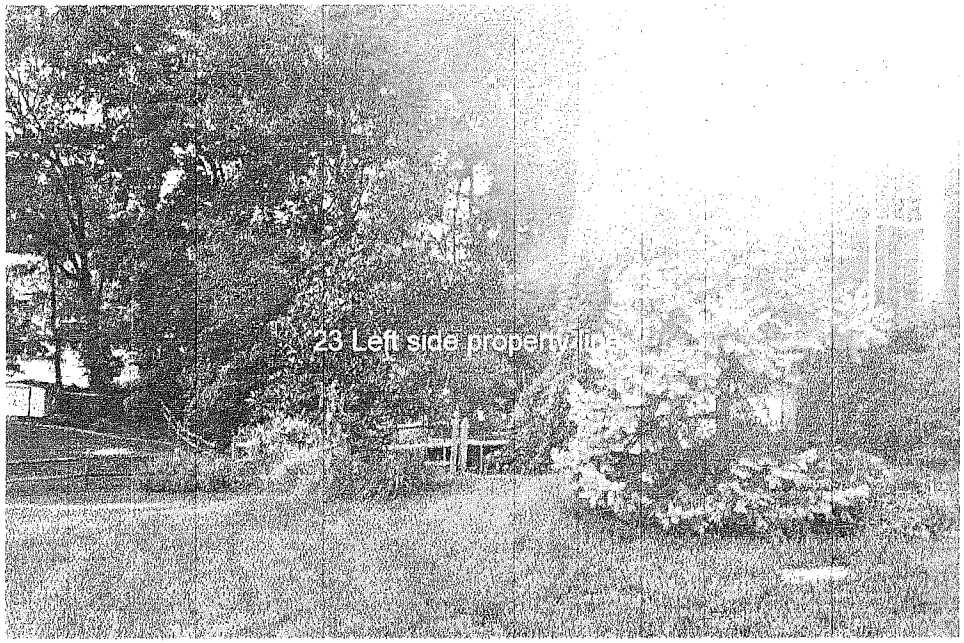
14 Current deck left side



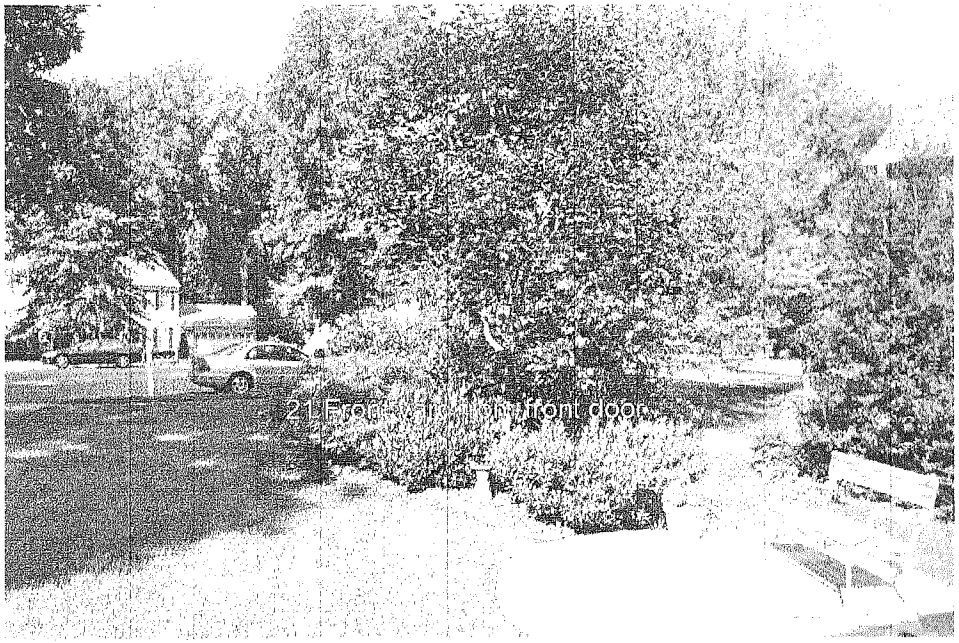



20 Left side yard property line
neighbors yard on left

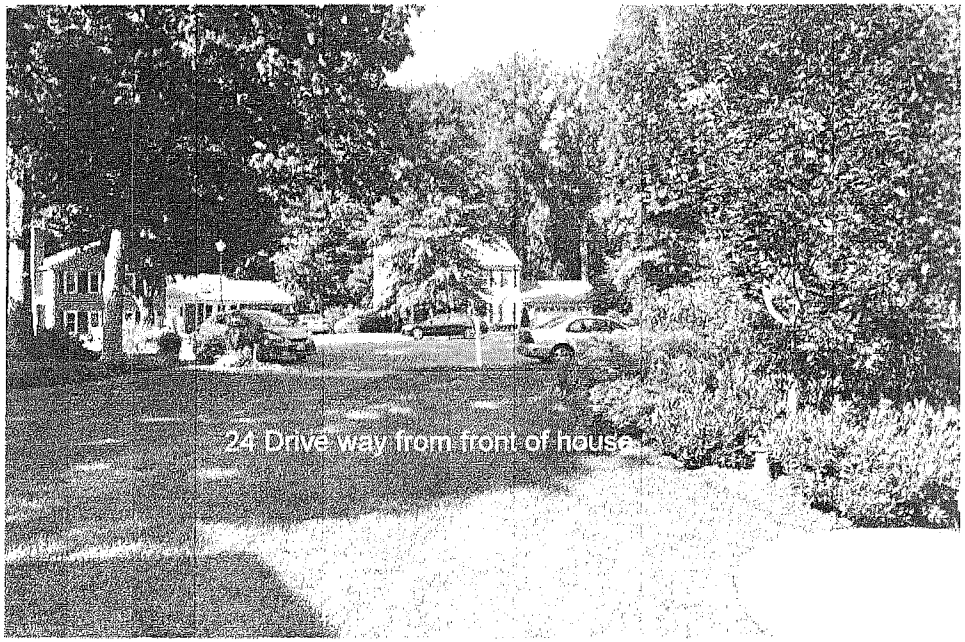

16 Straight behind fence



23 Left side property line



21 Front [illegible] front door

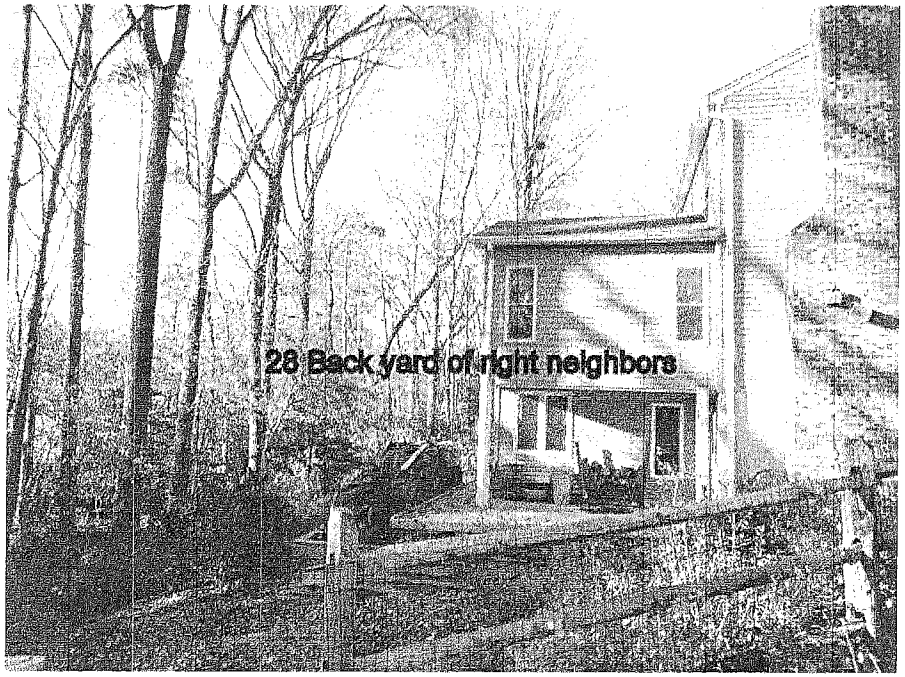


24 Drive way from front of house

[illegible] corner

27 Back side of right neighbors

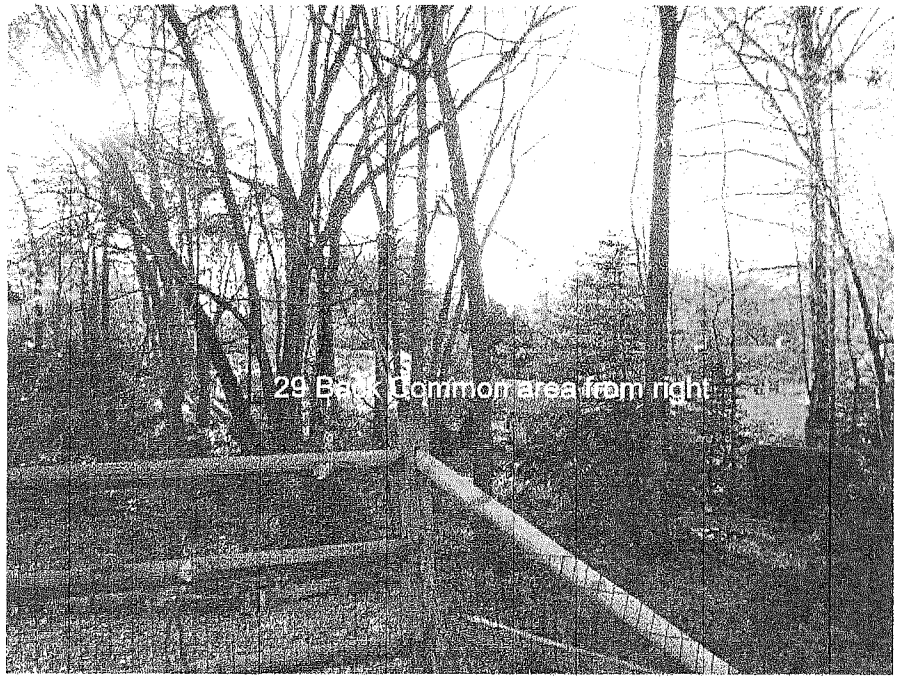
25 Neighbors on right driveway



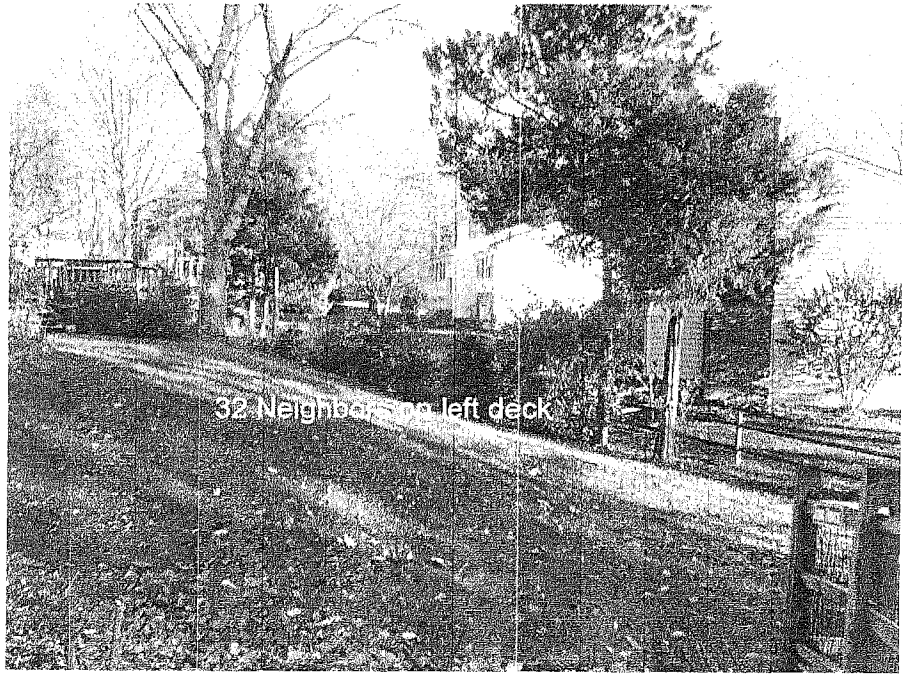
28 Back yard of right neighbors

26 Front of neighbors [illegible] right from my driveway

31 Neighbors on left back yard

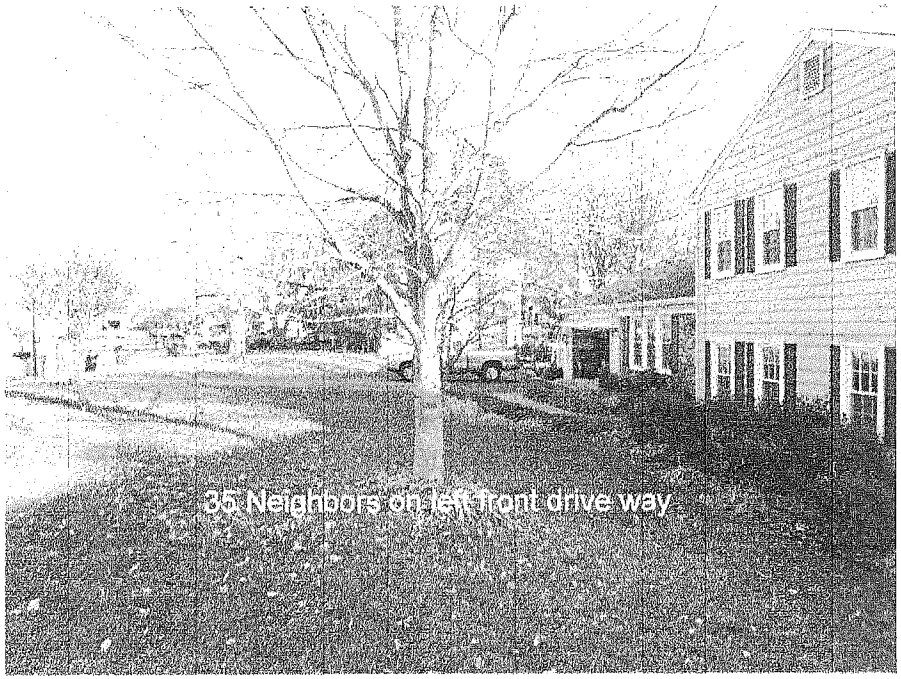


29 Back common area from right

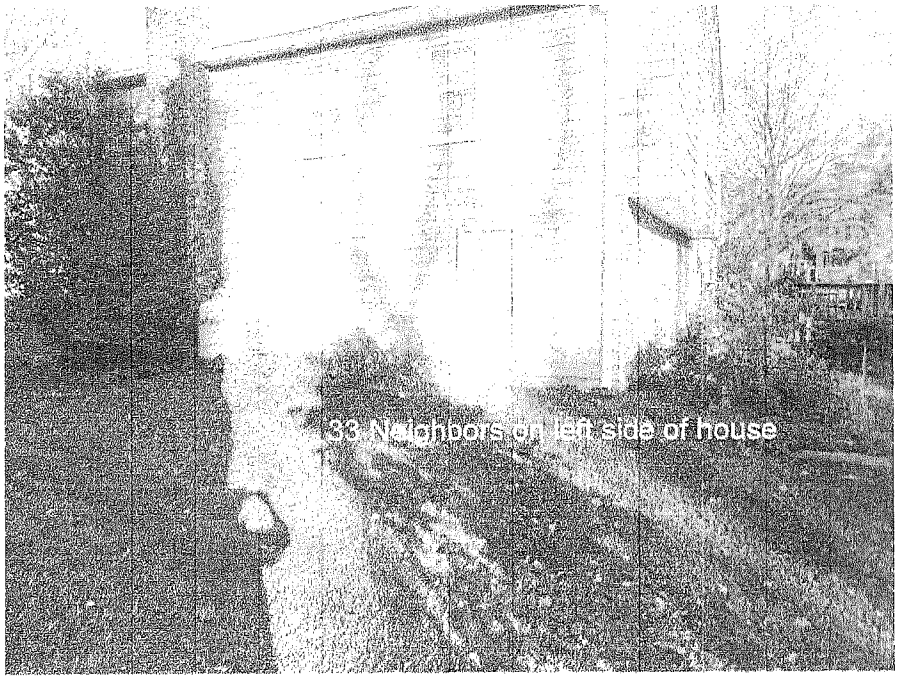


32 Neighbors on left deck

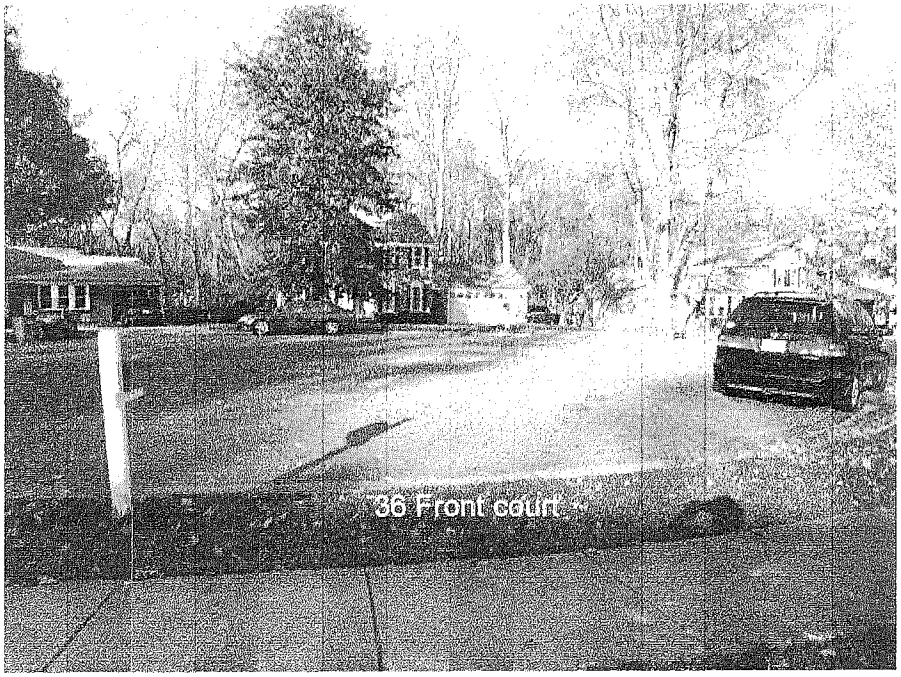
30 Back common area from fence



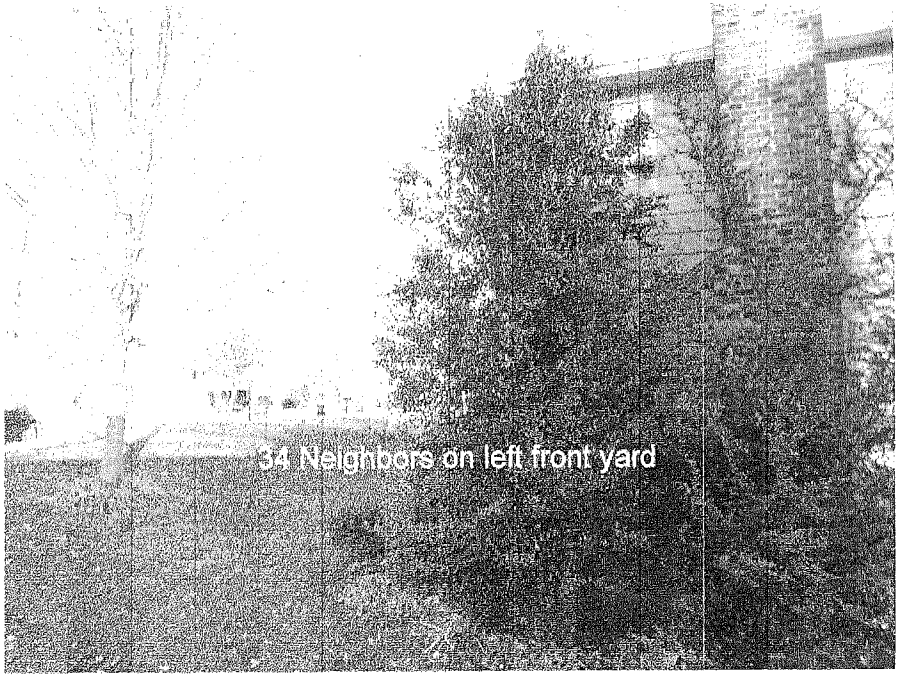
35 Neighbors on left front drive way



33 Neighbors on left side of house

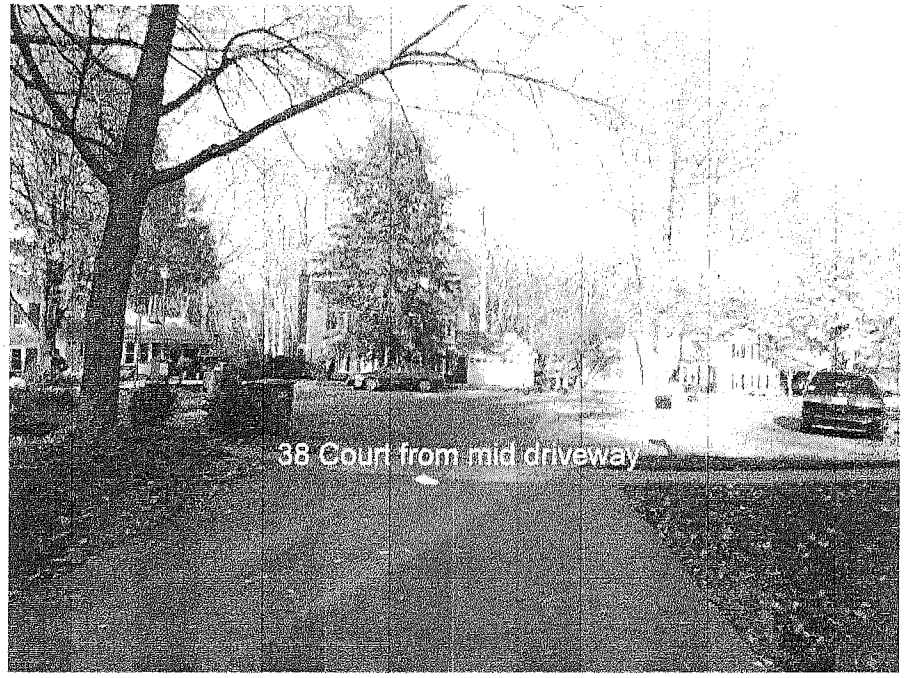


36 Front court



34 Neighbors on left front yard

37 Court from driveway


38 Court from mid driveway

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit to permit reduction of certain yard requirements to permit construction of an addition, a screened porch, 20.5 feet from the rear lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Screened porch addition	Rear	25.0 feet	20.5 feet	4.5 feet	18%

*Minimum yard requirement per Section 3-207

The applicant proposes to construct an approximately 252 square foot addition on the south side of the dwelling in the rear yard. The addition will be a screened porch. A frame deck, 362.5 square foot deck will be constructed and attached to the west of the screened porch. The deck meets the minimum yards as specified in the Zoning Ordinance.

A copy of the special permit plat titled 'Plat, Showing Improvements on Lot 19, Section 6' prepared by Thomas G. Lutke, L.S. of NoVA Surveys, dated January 10, 2013, is included in the front of the staff report.

EXISTING SITE DESCRIPTION

The 10, 529 square foot lot contains a two story brick and vinyl dwelling. A wood deck with stairs is located to the south of the dwelling in the rear yard. A brick patio exists underneath the deck. Another wood deck exists on the western façade of the house which has a staircase that leads to the ground level and another staircase that connects to an entrance on the second floor of the home. A slate patio is located in the front yard of the property. An asphalt driveway provides access from the dwelling to Boyett Court. A concrete walkway leads from the driveway to a stoop at the front door. The topography of the lot slopes down from the front yard of the property to the rear. A portion of a 15.0 wide foot storm sewer easement exists in the western portion of the rear yard.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2, Cluster	Single Family Detached Dwellings
East	R-2, Cluster	Single Family Detached Dwellings
South	R-2, Cluster	Homeowners Association Open Space
West	R-3, Cluster	Single Family Detached Dwellings

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1978. A building permit was approved in September 1990 for the construction of a 264 square foot deck. Two building permits were approved in 2005 for the construction of a second floor recreation room over the garage and for the construction of a wood retaining wall to the rear of the dwelling. Another building permit was applied for in July of 2012 for a screen porch and a deck with stairs.

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

- Special Permit SP 2007-BR-013 was approved on April 24, 2007 for Tax Map 69-3 ((9)) 22, zoned R-2, at 9658 Boyett Court to allow a reduction of certain yard requirements to permit addition 9.4 feet from the side lot line.

ZONING ORDINANCE REQUIREMENTS

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

The application must meet all of the following standards, copies of which are attached as Appendix 4:

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

Sect. 8-006 General Special Permit Standards

Staff believes that the application 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 and aerial photography that the construction of the addition will not adversely affect the use or development of neighboring properties. 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 4,615 square feet in size. Therefore 150% of the total gross floor area could result in additions up to 6922.5 square feet in size for a possible total square footage at build out of 11,537.5 square feet. The proposed addition is approximately 252 square feet, for a total square footage of the house with the additions, of 4,867 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 additions will be compatible with the dwelling; the house is two stories with a walkout basement. The screened porch addition will be on the rear of the house on the middle level with the lower roof line; the architecture and materials will match the existing house. 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. *Through photographs submitted by the applicant and aerial photography, staff has confirmed that the addition is similar to others in the neighborhood in terms of its height, construction materials and location on the lot. No vegetation off-site will be negatively affected by this addition. Therefore, staff believes the addition will be harmonious with surrounding off-site uses and meet 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 proposed screened porch addition (252 square feet) will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. Staff believes the additions will not increase runoff or erosion as the addition is being constructed on the site of an existing wood deck. Therefore, staff believes 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. *Staff believes the request to build the addition is a modest request as the proposed addition will be to the rear of the dwelling and is being constructed on the site of an existing wood deck. There are mature trees on either side of the brick patio in the rear yard. Staff has included a development condition to protect these trees during the construction of the addition. Other issues of wells, floodplains and/or Resource Protection Areas are not applicable to this site. Staff believes the application meets this provision.*

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 2013-BR-016 for the 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 2013-BR-016

April 10, 2013

If it is the intent of the Board of Zoning Appeals to approve SP 2013-BR-016 located at Tax Map 69-3 ((9)) 19 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 the screened porch addition (approximately 252 feet), as shown on the plat prepared by Thomas G. Lutke, L.S., of NoVA Surveys, dated January 10, 2013, 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 (4,615 square feet existing + 6922.5 (150%) = 11,537.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. 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 install tree protection fencing around existing trees located on either side of the brick patio in the rear yard to protect these trees from construction activities. 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 an inappropriate activity, such as the storage of construction equipment, does not occur within the 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.

A REAR ELEVATION

SCALE: 1/4"=1'-0"

PREPARED BY:

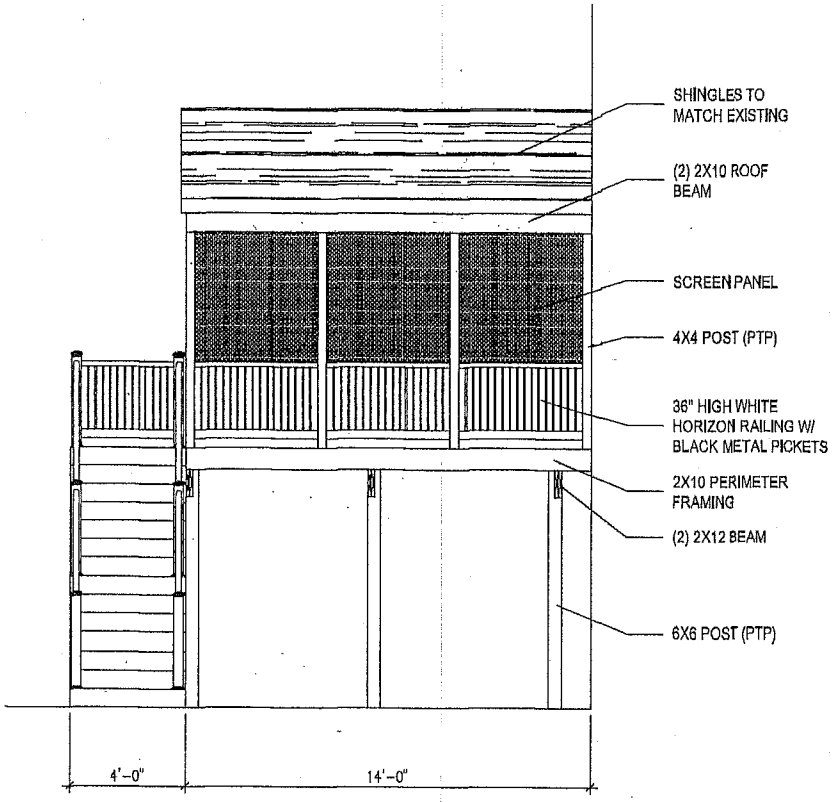
LONG FENCE CO. INC.

42521 JOHN MOSBY HIGHWAY
CHANTILLY, VA. 20152 (703)-471-0960

ELEVATIONS

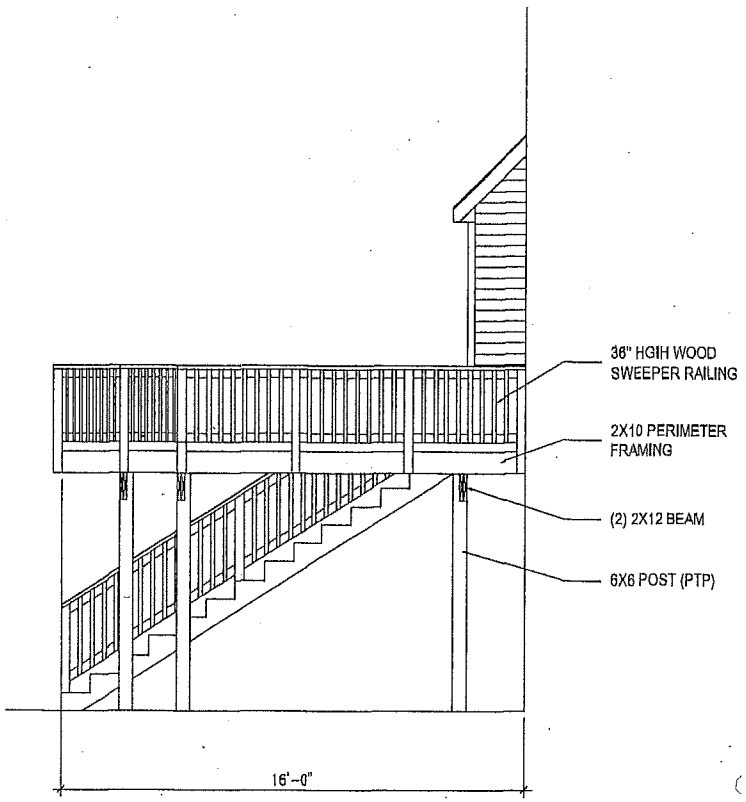
3

ATTACHMENT 1



A NEW RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"



B EXISTING RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"

PREPARED BY: _____

LONG FENCE CO. INC.

42521 JOHN MOSBY HIGHWAY
CHANTILLY, VA. 20152 (703)-471-0960

ELEVATIONS

3.1

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Application No.(s): SP 2013-BR-016
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13,2012
(enter date affidavit is notarized)

I, Dwight Fuller, 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

119300

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)
Dwight Fuller	9659 Boyett Court, Fairfax, VA 22032	Title Owner applicant
Patrice Fuller	9659 Boyett Court, Fairfax, VA 22032	Title owner

(check if applicable) [ ] There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP 2013-BR-016
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13,2012
(enter date affidavit is notarized)

119300

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
N/A

(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 2013-BR-016

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13,2012

(enter date affidavit is notarized)

119300

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 2013-BR-016

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13,2012

(enter date affidavit is notarized)

119300

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:

N/A

[✓] 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 2013-BR-016

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13,2012 119300

(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 [ ] Applicant's Authorized Agent

Dwight H Fuller

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

Subscribed and sworn to before me this 13 day of November 2012, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public

My commission expires: April 30, 2014

HELEN KINSON
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES APRIL 30, 2014
COMMISSION # 7059416

Special Permit Statement of Justification

Dwight Fuller
9659 Boyett Court
Fairfax, VA 22032

8-922

I am requesting a reduction in certain yard requirements to replace my deck and build a screened in porch ~~20.5 feet~~ OK from the rear lot line of my private residence as measured from the closet point of the screened in porch. This will not result in a any yard requirements that are less than fifty (50) percent of the required 20 feet. This will not result in any yard of less than five (5) feet from the measured lot line to the closest structure.

The porch would be 252 sq ft (6% of existing 4615 sq ft) and the deck would be 350 sq ft (8% of existing 4615 sq ft), so total gross floor area of the purposed structure would be 602 sq ft or 14% of the existing 4615 sq ft and would be within the 150 % total gross floor area limit of the dwelling.

Hours of operation do not apply. This is a private home with no other patrons/clients/patients/pupils/etc. There are no purposed employees. There will be no impact on traffic.

The house is a 2 story 33 year old single family home constructed of brick and vinyl. The existing deck is aging and must be replaced. The replacement deck would also include a screened in porch to provide outside covered living space in an insect free environment. It would be constructed of wood and vinyl. There will be no use of hazardous materials or toxic substances. The proposed use conforms with all applicable ordinances. No vegetation will be removed in the construction.

The house backs up to a common area (woods) and the construction would not disturb the existing visual appeal and will be harmonious with the surrounding homes. The porch is clearly subordinate in purpose, scale, use and intent of the principal structure. The home is not on a pipestem driveway. There will be no detached structures. The permit will apply to the lot that contains the principal structure.

We purchased the home in 2000 and plan to live in it for the next 10-15 years or longer. The addition of the screened in porch will allow our family to continue to enjoy the neighborhood and the schools our kids attend.

Dwight Fuller

RECEIVED
Department of Planning & Zoning
DEC 03 2012
Zoning Evaluation Division

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.