



APPLICATION ACCEPTED: February 6, 2013
BOARD OF ZONING APPEALS: April 24, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 17, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-MA-013

MASON DISTRICT

APPLICANT: Cleburne Bruce Brinkman

OWNERS: Cleburne B. and Kathleen B. Brinkman

STREET ADDRESS: 6825 Westlawn Drive

SUBDIVISION: Bel Air

TAX MAP REFERENCE: 50-4 ((20)) 378

LOT SIZE: 7,200 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of additions 6.4 and 8.1 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2013-MA-013 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.

Susan Langdon/Reports

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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



It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

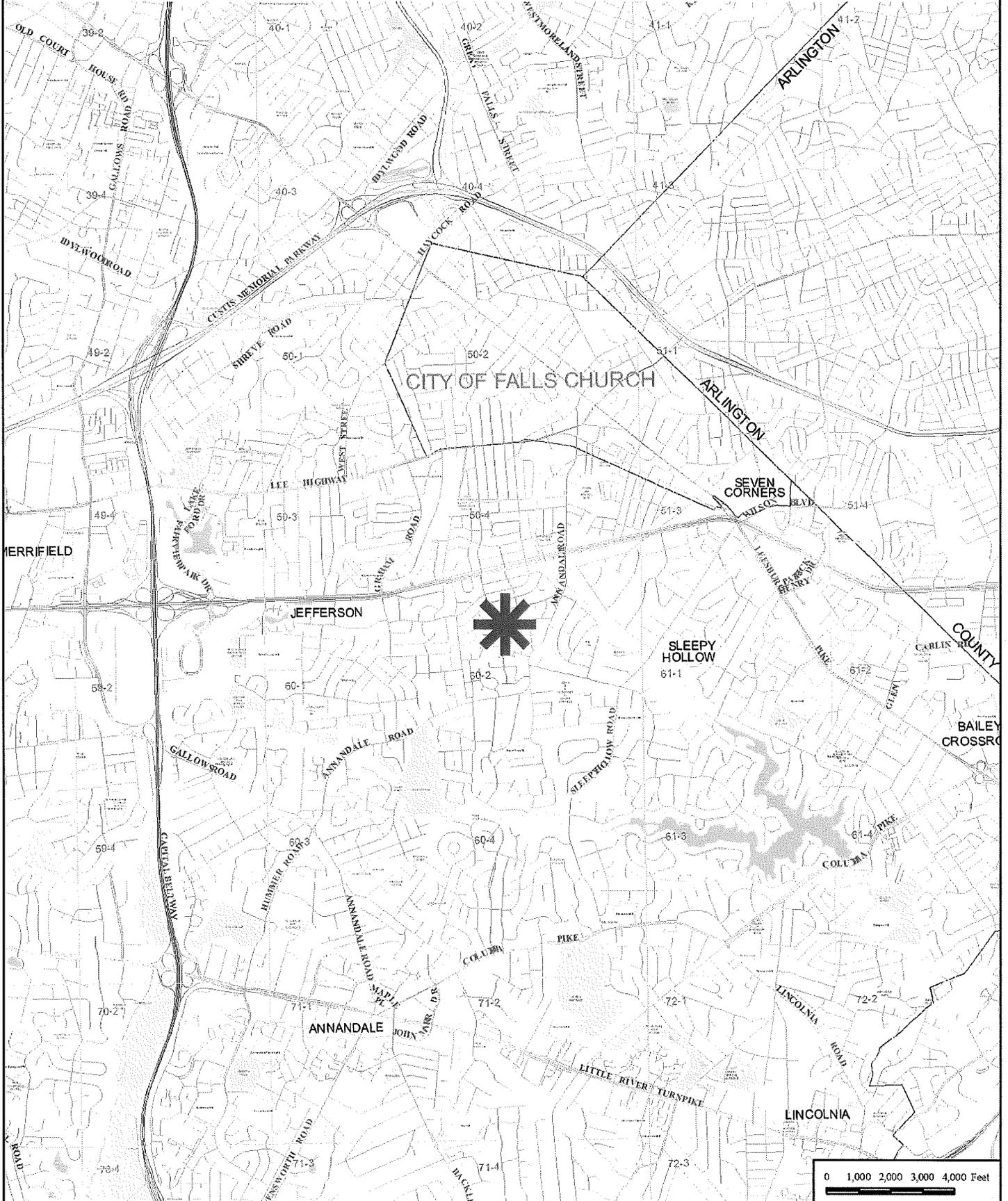
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

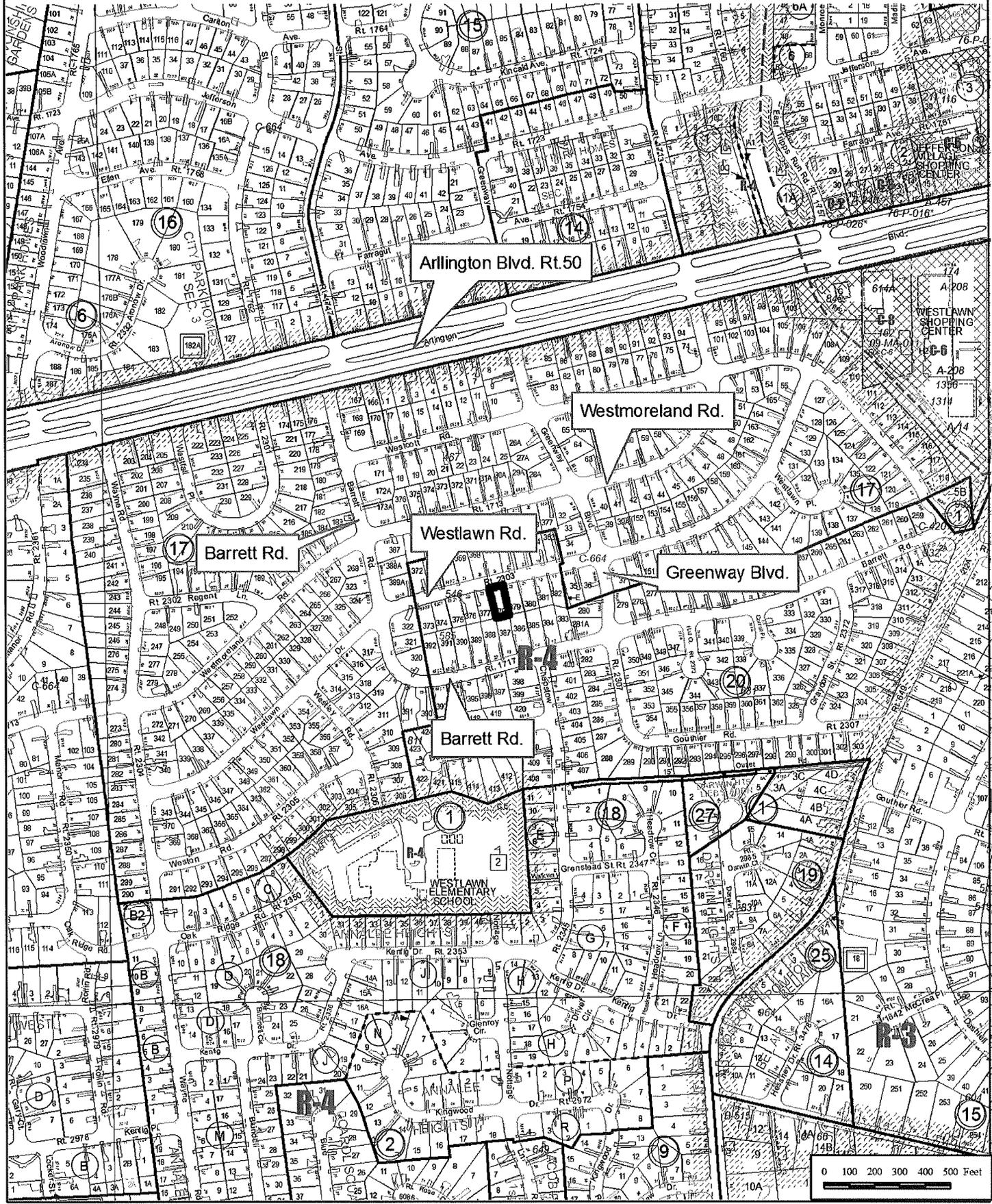


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2013-MA-013
CLEBURNE BRUCE BRINKMAN



Special Permit
SP 2013-MA-013
CLEBURNE BRUCE BRINKMAN



NOTES:

- 1) NO TITLE REPORT FURNISHED THEREFORE ALL ENCUMBRANCES MAY NOT BE SHOWN.
- 2) THIS PARCEL IS LOCATED IN FLOOD ZONE X AS DEPICTED ON THE FLOOD INSURANCE RATE MAP COMMUNITY # 51059C PANEL # 0285 E AND IS DATED SEPT. 17, 2010.
- 3) FENCE LOCATIONS ARE APPROXIMATE AND DO NOT MAKE REPRESENTATIONS AS TO OWNER SHIP.

OWNER:
 CLEBURNE & KATHLEEN BRINKMAN
 6825 WESTLAWN DRIVE
 FALLS CHURCH, VA 22042
 TM 50-4-20-0378
 ZONE: R-4

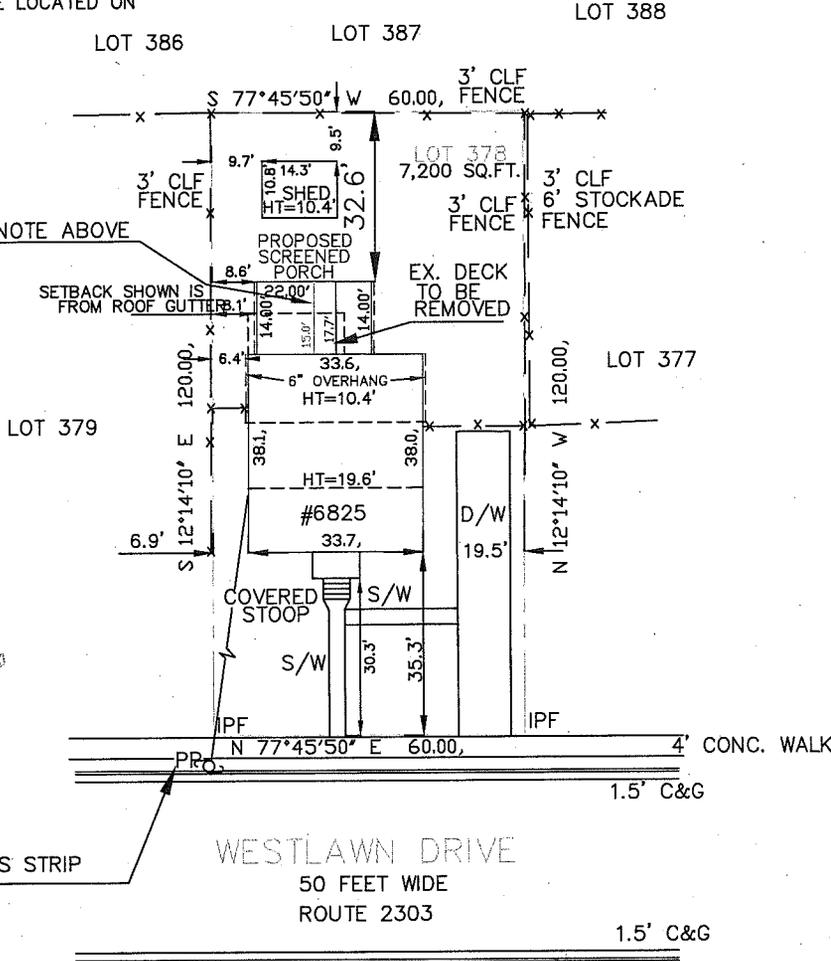
GROSS FLOOR AREA
 PRE.DEV. 1,617 / 7,200 = 22.5%
 POST DEV. 1,925 / 7,200 = 26.7%
 EXISTING HOUSE = 1,617 SQFT
 PROPOSED ADDITION = 308 SQFT
 FLOOR AREA INCREASE OF 19%

ROOF NOTE

15.8'
 DENOTES ROOF HEIGHT ABOVE PROPOSED SCREEN PORCH ABOVE EXISTING GRADE
 17.7'
 DENOTES ROOF HEIGHT OF GABLED ROOF AT EXISTING HOUSE ABOVE EXISTING GRADE

THE PROPERTY SHOWN HEREON IS SERVED BY PUBLIC SEWER AND WATER.

NO KNOWN GRAVE SITES ARE LOCATED ON THIS PROPERTY.



RECEIVED
 Department of Planning & Zoning
 FEB 01 2013
 Zoning Evaluation Division

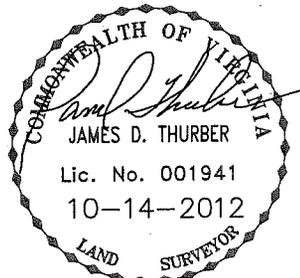
2.5' GRASS STRIP

SPECIAL PERMIT PERMIT
 LOT 378 SECTION 8
 BEL AIR
 FAIRFAX COUNTY, VIRGINIA
 MASON DISTRICT
 SCALE: 1" = 30' DATE: MARCH 27, 2012

NO EASEMENTS 25 FEET WIDE OR GREATER EXIST ON THIS PROPERTY PER ALTA OWNERS POLICY PREPARED BY TICOR TITLE INSURANCE COMPANY, NUMBERED OD 741068 AND DATED AUGUST 27, 1987.

JAMES D. THURBER, L.S.
 THURBER ENGINEERING
 & LAND SURVEYING
 10707 WOODLAND DRIVE
 FREDERICKSBURG, VA 22407
 PHONE: 540-207-3348 EMAIL: jim@telsitd.com

CERTIFIED CORRECT



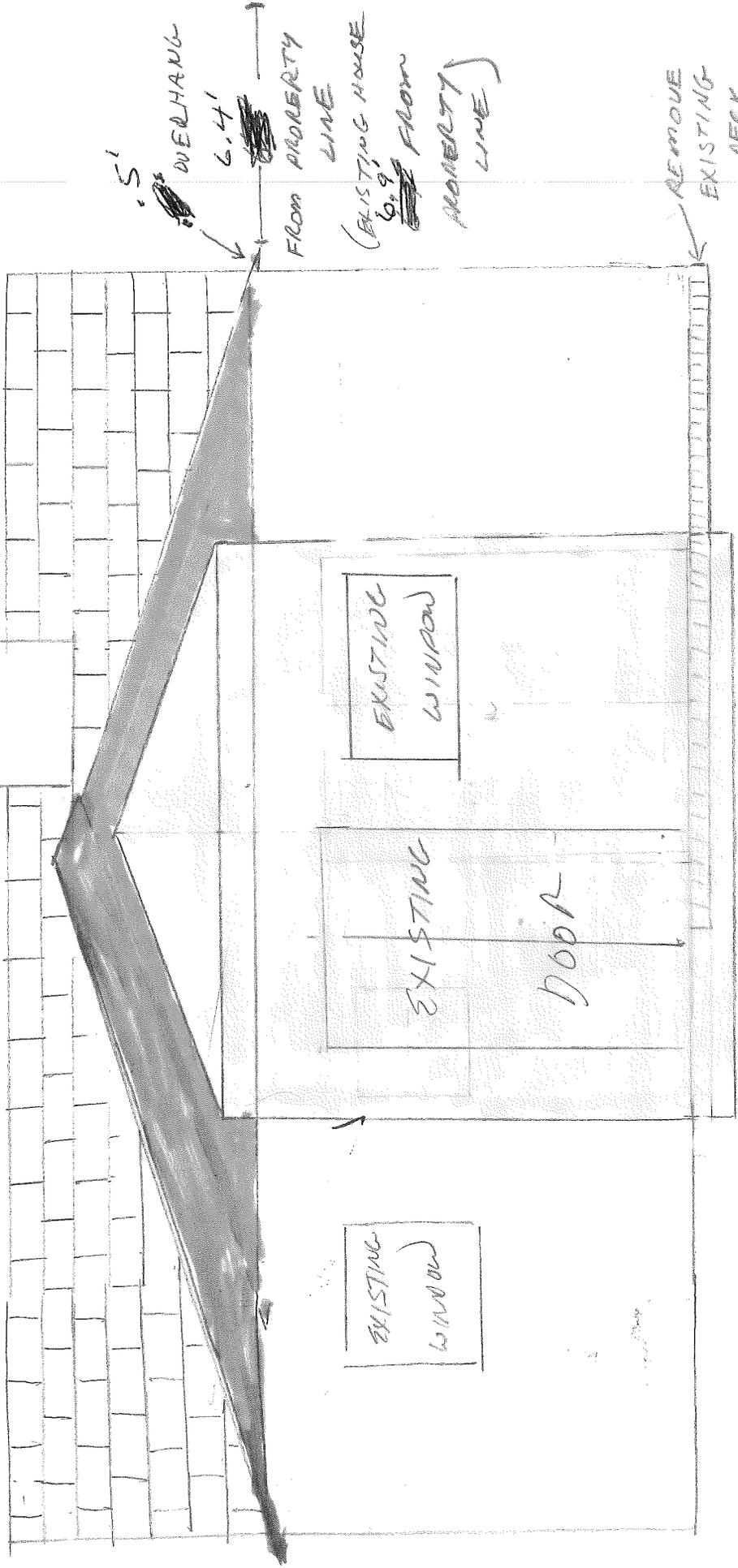
CASE#:

FILE#: FFX6825 CLIENT: BRINKMAN

DATE: 3-27-2012 CHECKED BY: JDT

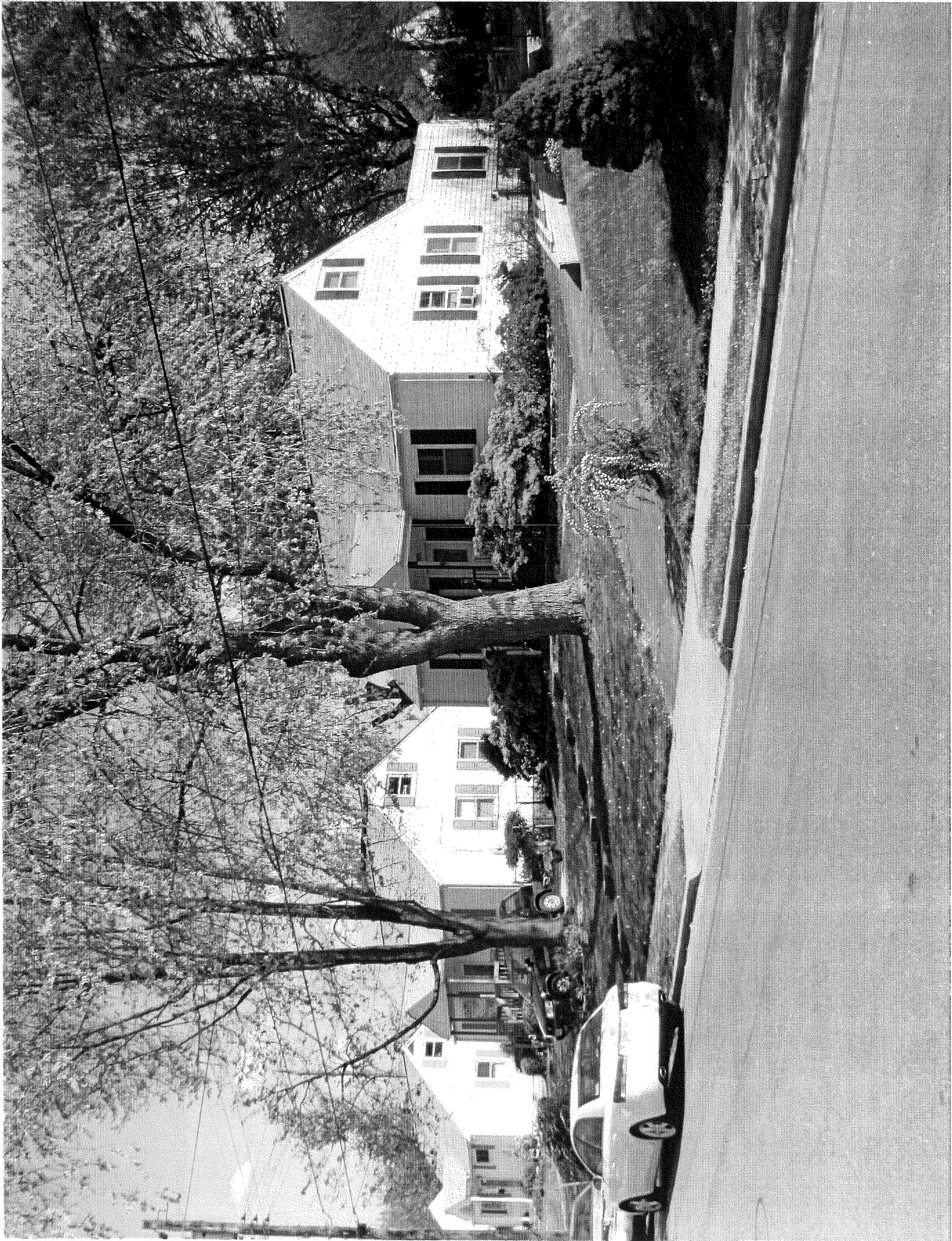
SCALE: 1" = 30' CREW: JT/VT

BACK OF HOUSE
(SOUTH SIDE)



[REDACTED] - PROPOSED GABLED ROOF

- PROPOSED SCREENED PORCH
(14'D x 22'W)



IN FRONT OF NEIGHBORS HOUSE, LOOKING SOUTH EAST TO HOUSE



FROM FRONT OF NEIGHBOR'S HOUSE LOOKING SOUTHWEST AT HOUSE



FROM N/E CORNER OF LOT



FROM N/E FRONT YARD



N/W Lot with Front Yard



N/W FLOOR YARD



14/10 corner of house



WEST SIDE OF HOUSE



WEST SIDE OF HOUSE



WEST SIDE OF HOUSE



SEE SIDE OF BACK YARD



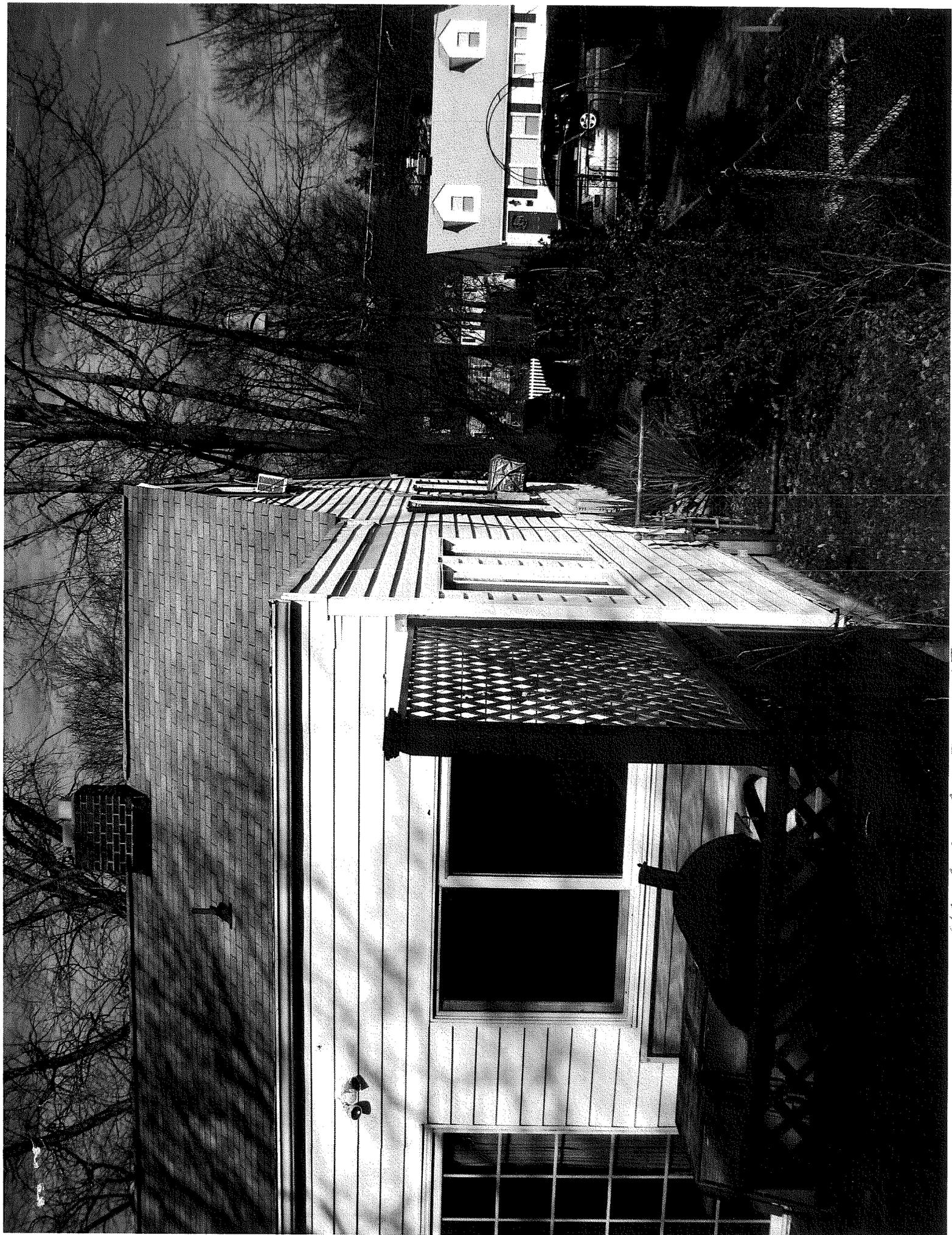
s/w corner of house



BACK OF HOUSE (SOUTH SIDE)



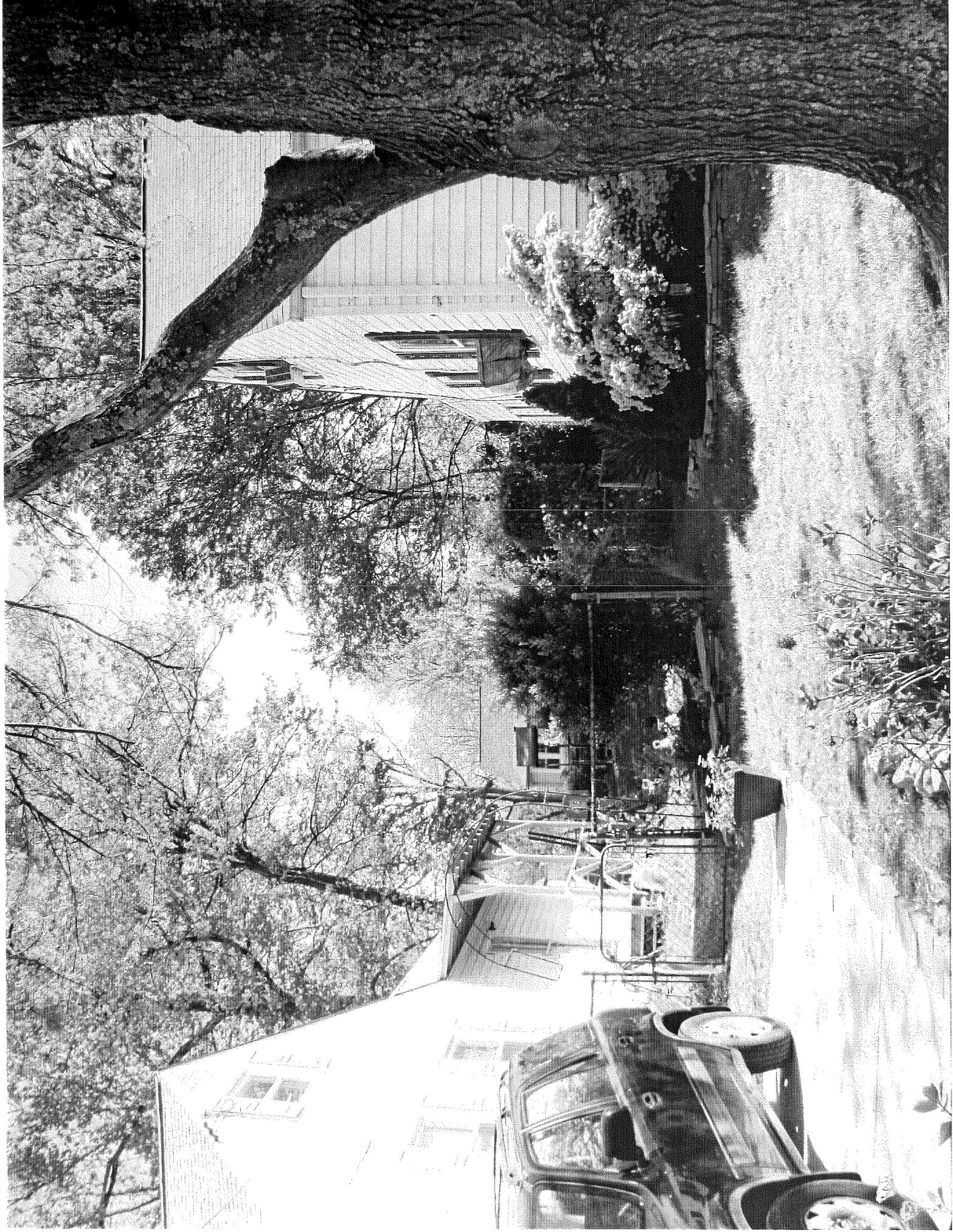
S/E CORNER OF HOUSE



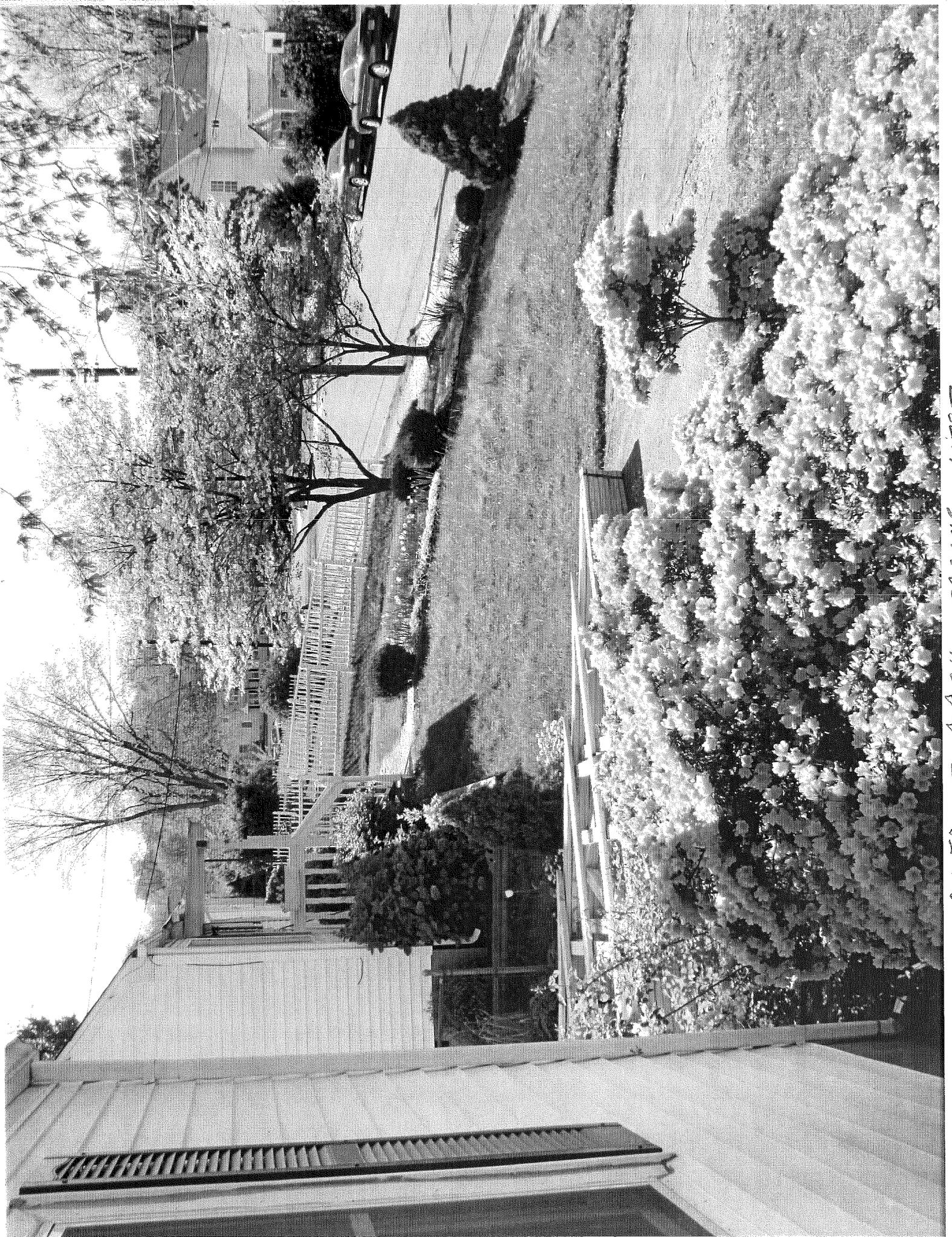
S/E corner of house



BACK OF HOUSE FROM S/E PART OF YARD



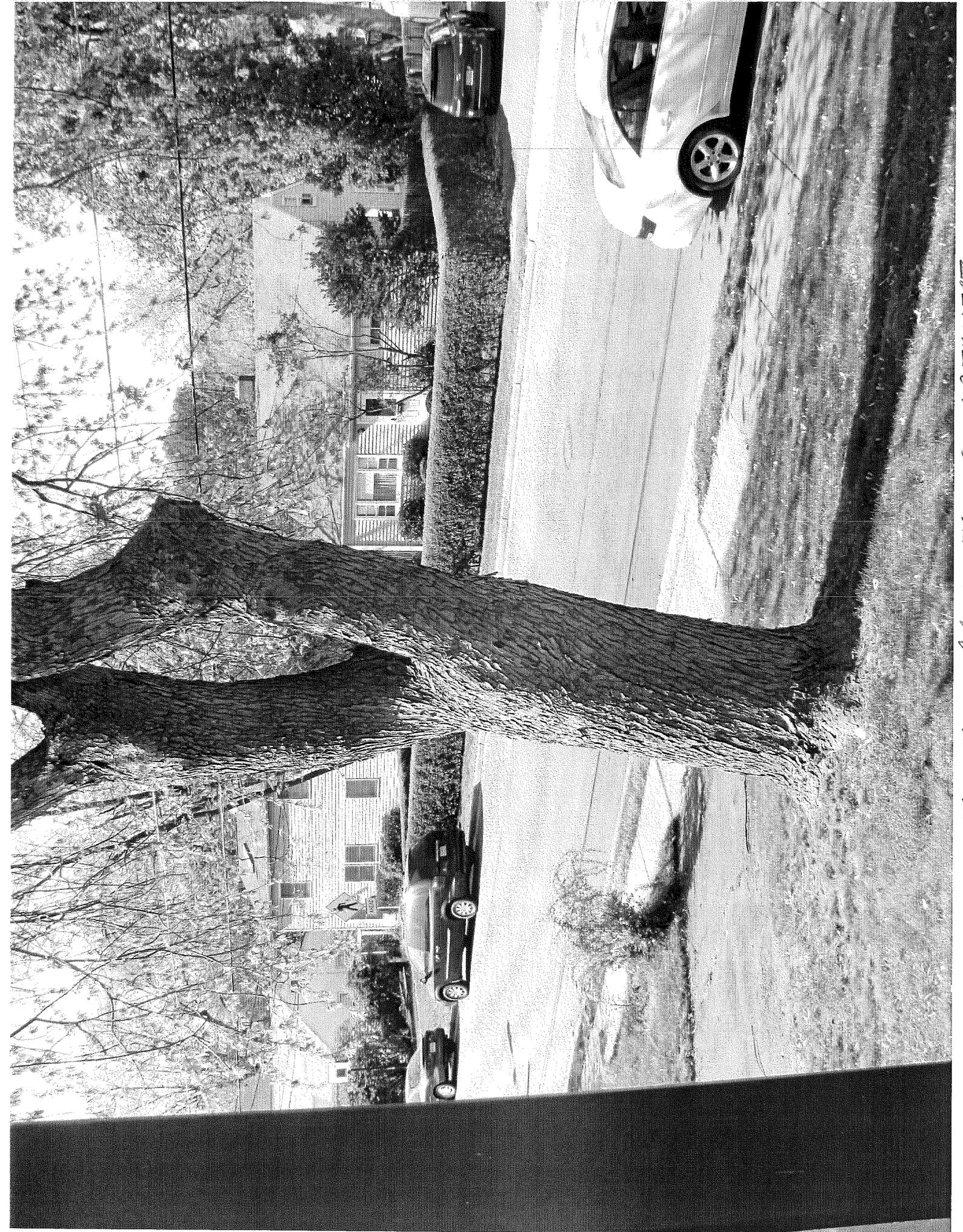
FROM NORTHEAST CORNER OF PROPERTY LOOKING SOUTH



ON FRONT PORCH - FACING WEST



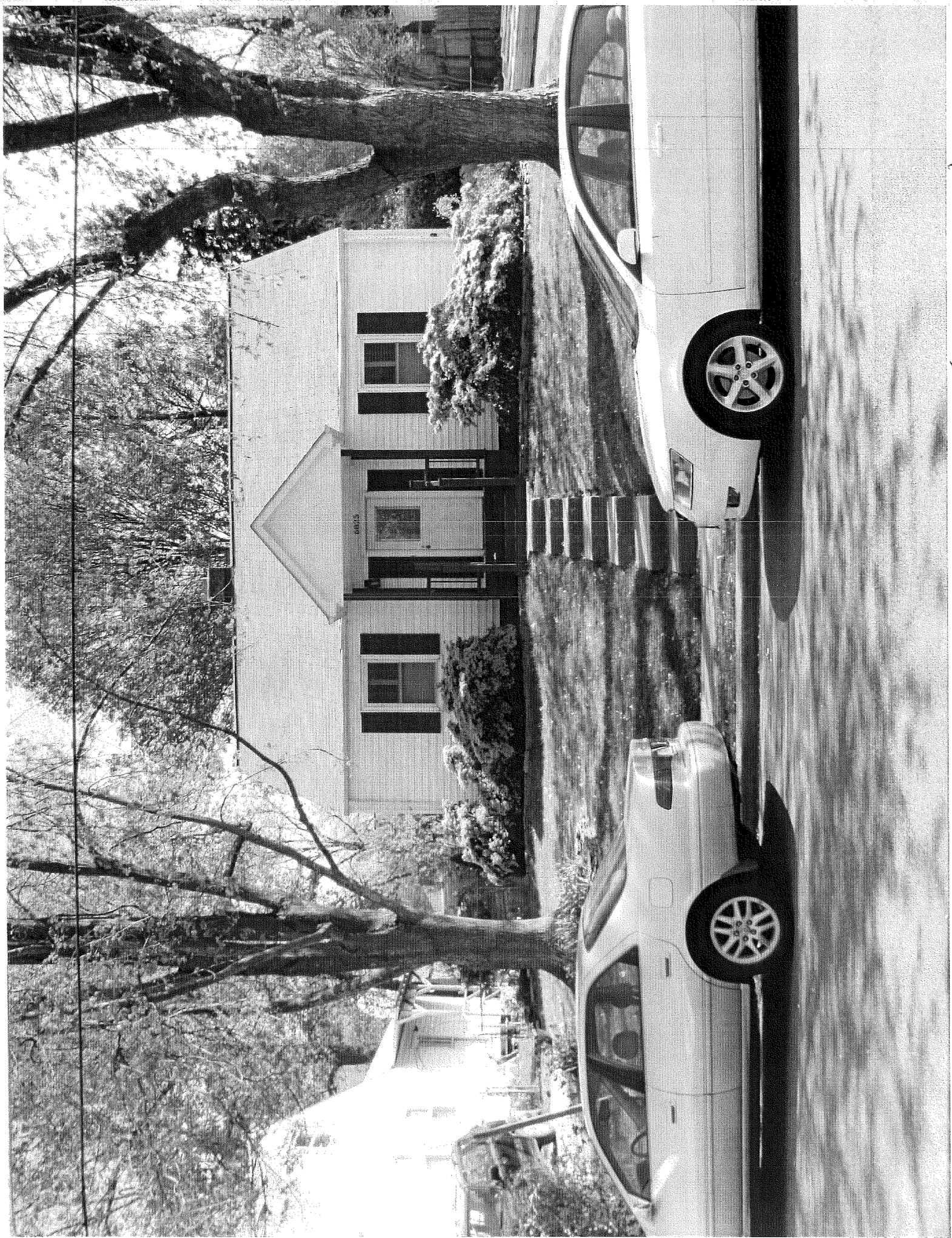
FROM FRONT PORCH - FACING NORTH



FROM FRONT PORCH - FACING NORTHWEST



From Front Arch - Facing North East



FROM MIDDLE OF STREET - FRONT OF HOUSE (FACING SOUTH)



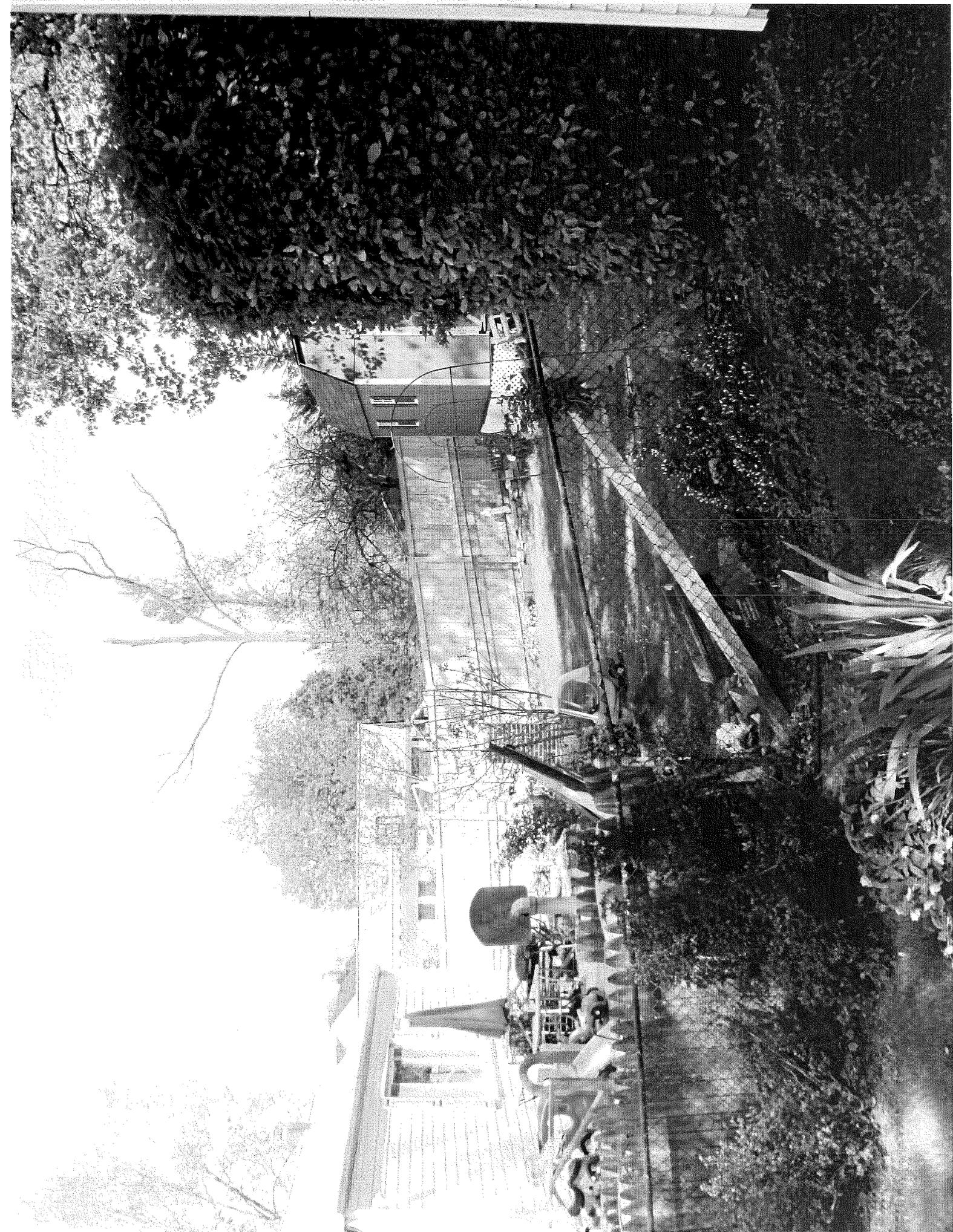
FROM MIDDLE OF STREET - FACING - SOUTHEAST, CHEENABO'S HOUSE TO EAST)



FROM MIDDLE OF STREET - FACING SOUTH WEST (NEIGHBOR'S HOUSE ON WEST SIDE)



FROM BACK YARD LOOKING NORTH EAST



FROM MIDDLE OF BACKYARD LOOK INLY EAST



FROM MIDDLE OF BACK YARD LOOKING WEST





LOOKING AT BACK OF YARD FROM EAST SIDE
OF HOUSE.

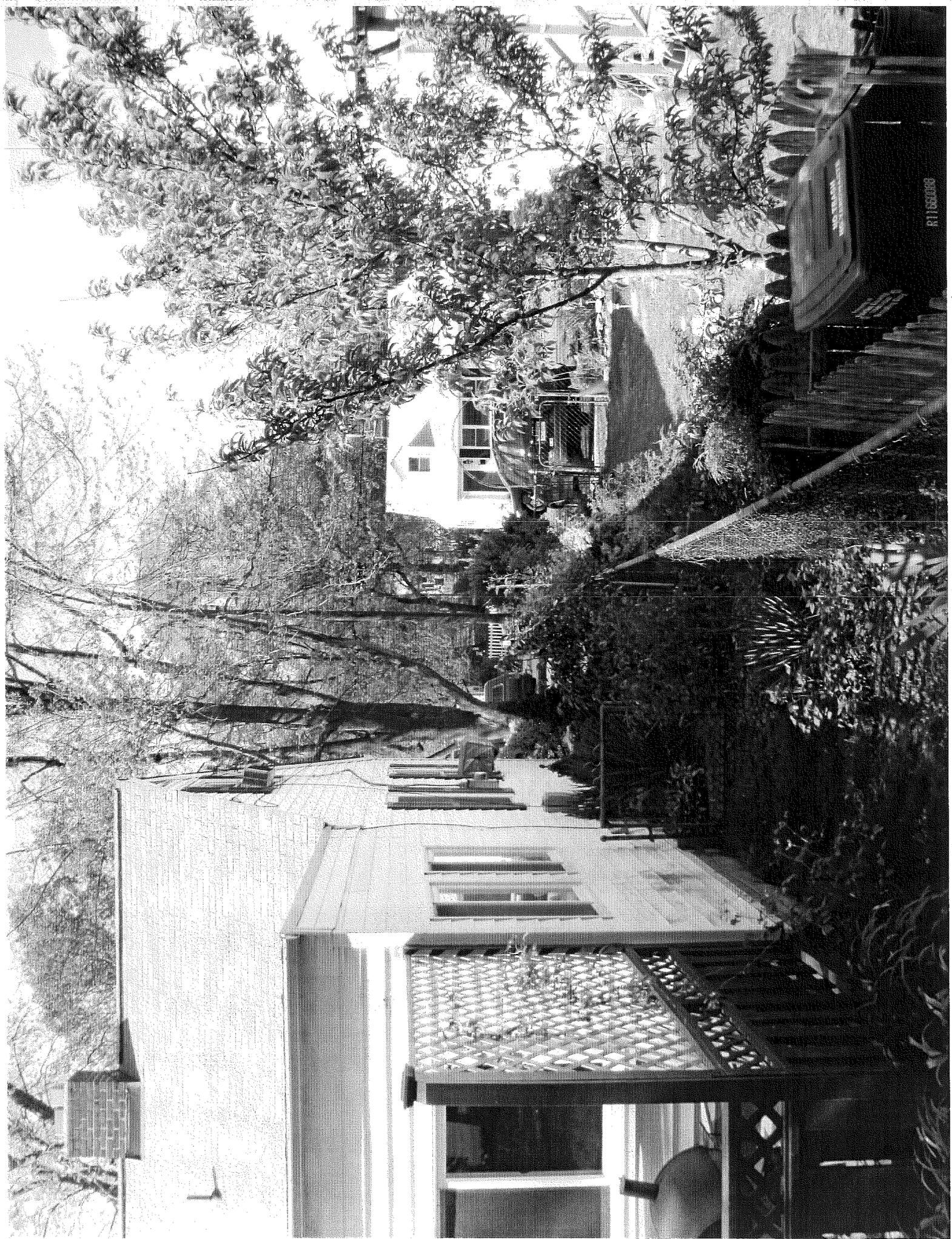


LOOKING AT BACK OF YARD FROM
BACK DECK

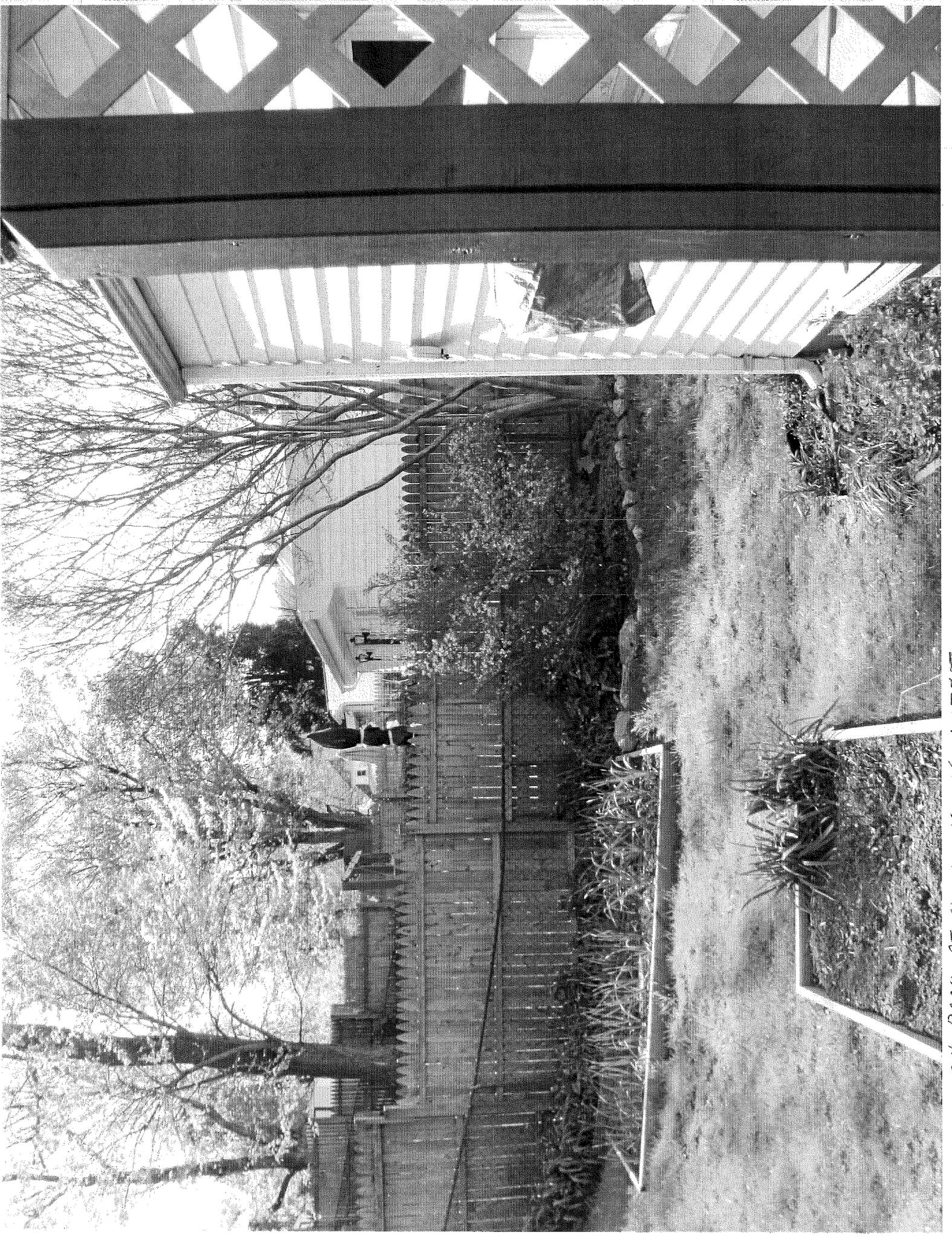


LOOKING AT BACK OF YARD FROM WEST SIDE
OF HOUSE

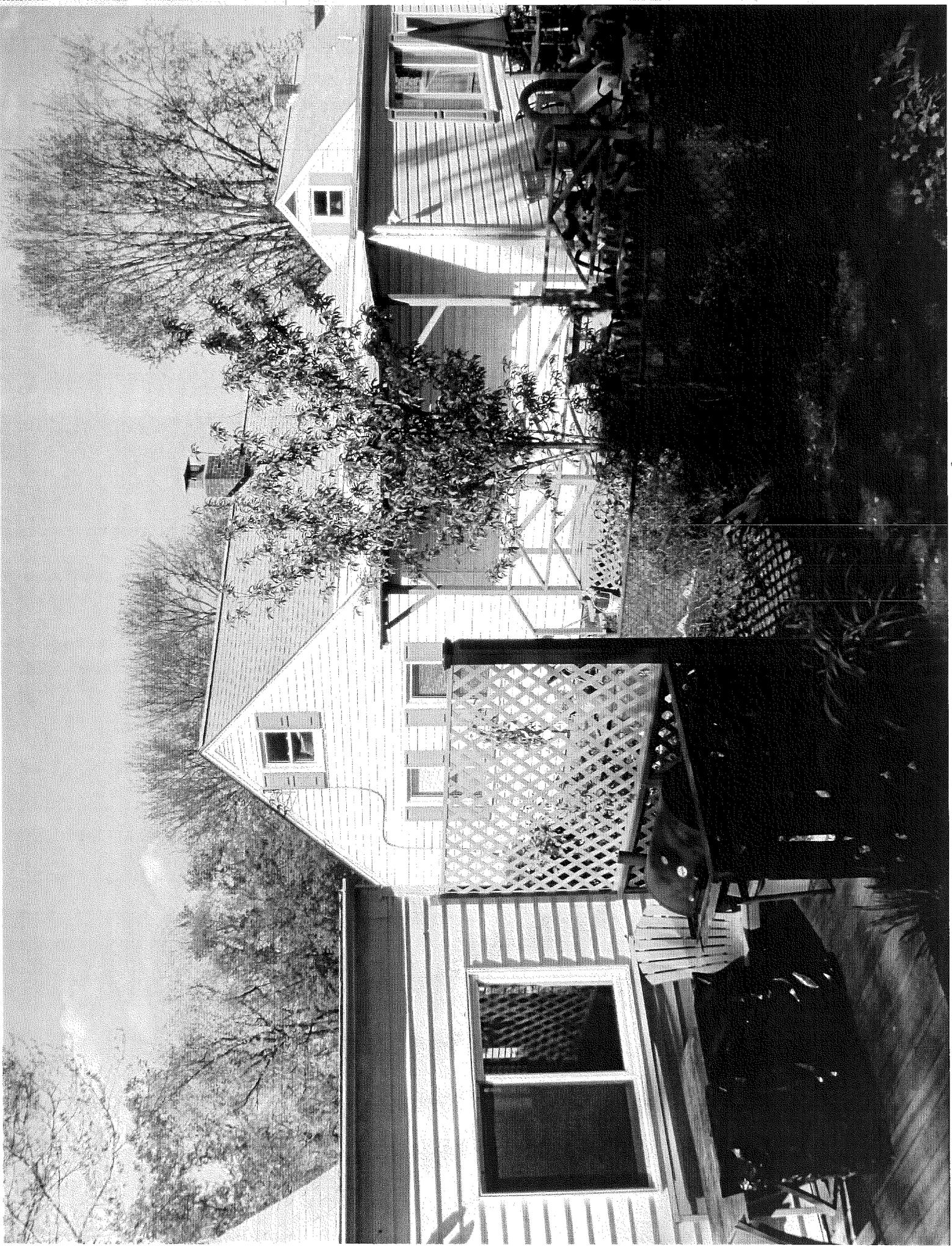




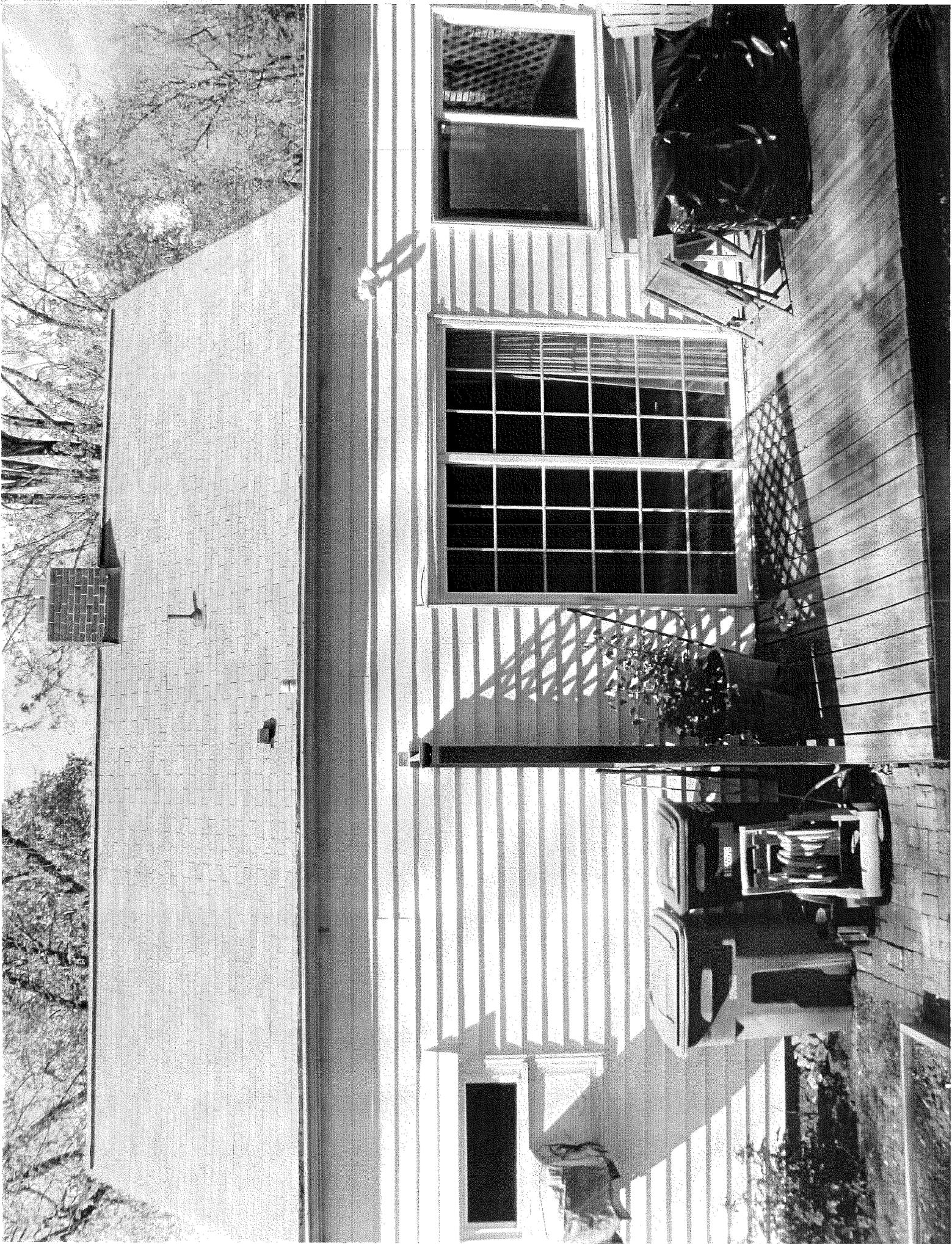
FROM SOUTHEAST CORNER OF YARD LOOKING NORTH



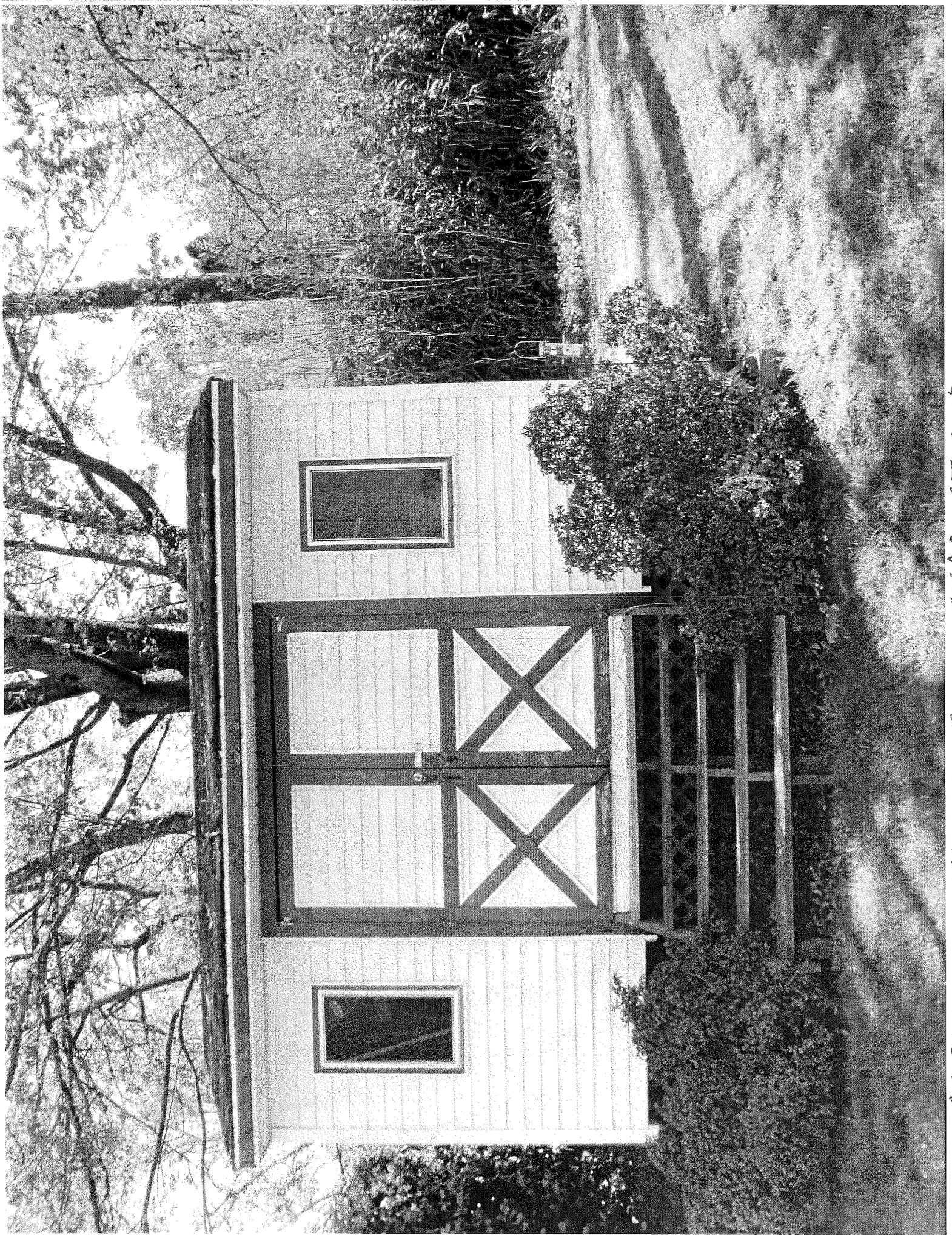
ON BACK DECK LOOKING WEST



IN MIDDLE OF BACK YARD LOOKING NORTHEAST



IN MIDDLE OF BACK YARD LOOKING NORTH AT BACK OF HOUSE



ON BACK DECK LOOKING SOUTH INTO YARD AT SHED



ON BACK PEAK LOOKING SOUTH WEST INTO BACK YARD



DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of two special permits to allow a reduction of certain yard requirements to permit construction of 1) a second story addition 6.4 feet and 2) a screened porch addition 8.1 feet from the eastern side lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	2 nd Story Addition	Side	10.0 feet	6.4 feet	3.6 feet	36%
Special Permit	Screen Porch	Side	10.0 feet	8.1 feet	1.9 feet	19%

*Minimum yard requirement per Section 3-407

The second story addition is the replacement of a flat roof over an existing addition at the back of the house with a gabled roof. The gabled roof will include a 0.5 foot eave which will make the proposed roof 6.4 feet from the eastern side lot line; the existing house is 6.9 feet from the side lot line.

The screened porch will replace an existing deck on the rear of the house and will be almost ½ foot further from the lot line than the deck.

EXISTING SITE DESCRIPTION

The 7,200 square foot lot is 60 feet wide and 120 feet deep and is developed with a 1 ½ story frame dwelling with a one story addition and deck at the back. Access is obtained via a concrete driveway from Westlawn Drive. The topography of the lot slopes up slightly from the street to the house and sharply up in the rear half of the rear yard. A shed occupies the southeast corner of the rear yard. The lot contains lawn, shrubs and several mature trees.

CHARACTER OF THE AREA

	Zoning	Use
North	R-4	Single Family Detached Dwellings
East	R-4	Single Family Detached Dwellings
South	R-4	Single Family Detached Dwellings
West	R-4	Single Family Detached Dwellings

BACKGROUND

An Administrative Reduction for an error in building location has been granted by the Zoning Administrative Division for the location of the shed in the rear yard. The shed is required to be located ten feet from both the side and rear lot lines and the error in both yards for the locations at 9.7 feet and 9.5 feet respectively is less than 10%.

ZONING ORDINANCE REQUIREMENTS

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

A copy of the special permit plat entitled " Special Permit Plat, Lot 378, Section 8, Bel Air" prepared by James D. Thurber, dated March 27, 2012 and signed October 14, 2012, is included at the front of the staff report.

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 screen porch 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 replace the deck with a screen porch. 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 as noted on the special permit plat is 1,617 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 4,042.5 square feet in size for a possible total square footage at build out of 5,659.5. The proposed addition is approximately 308 square feet in size, for a total square footage of the house with the screen porch addition of 1,925 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 screen porch will be compatible with the dwelling; the house is Cape Cod style, 1 ½ stories in height. The porch will be one story, and the architecture and material will match the existing house. The applicants' request is to enclose and lightly enlarge 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 screen porch 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 in the area to the rear of the proposed addition and no vegetation is proposed to be removed to accommodate this request. Therefore, staff believes the addition 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 308 square foot one-story screen porch 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 is will be placed where a wood deck has existed for many years and will simply enclose and enlarge the deck 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 screen porch 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 exist. The request is modest in size and scale and the placement of the house on the small lot prohibits alternate locations for such a structure. The construction to replace an existing flat roof with a gable roof on a rear addition to the house will enhance the architecture of the house and make it more similar to others in the neighborhood. 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 2013-MA-013 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**April 17, 2013**

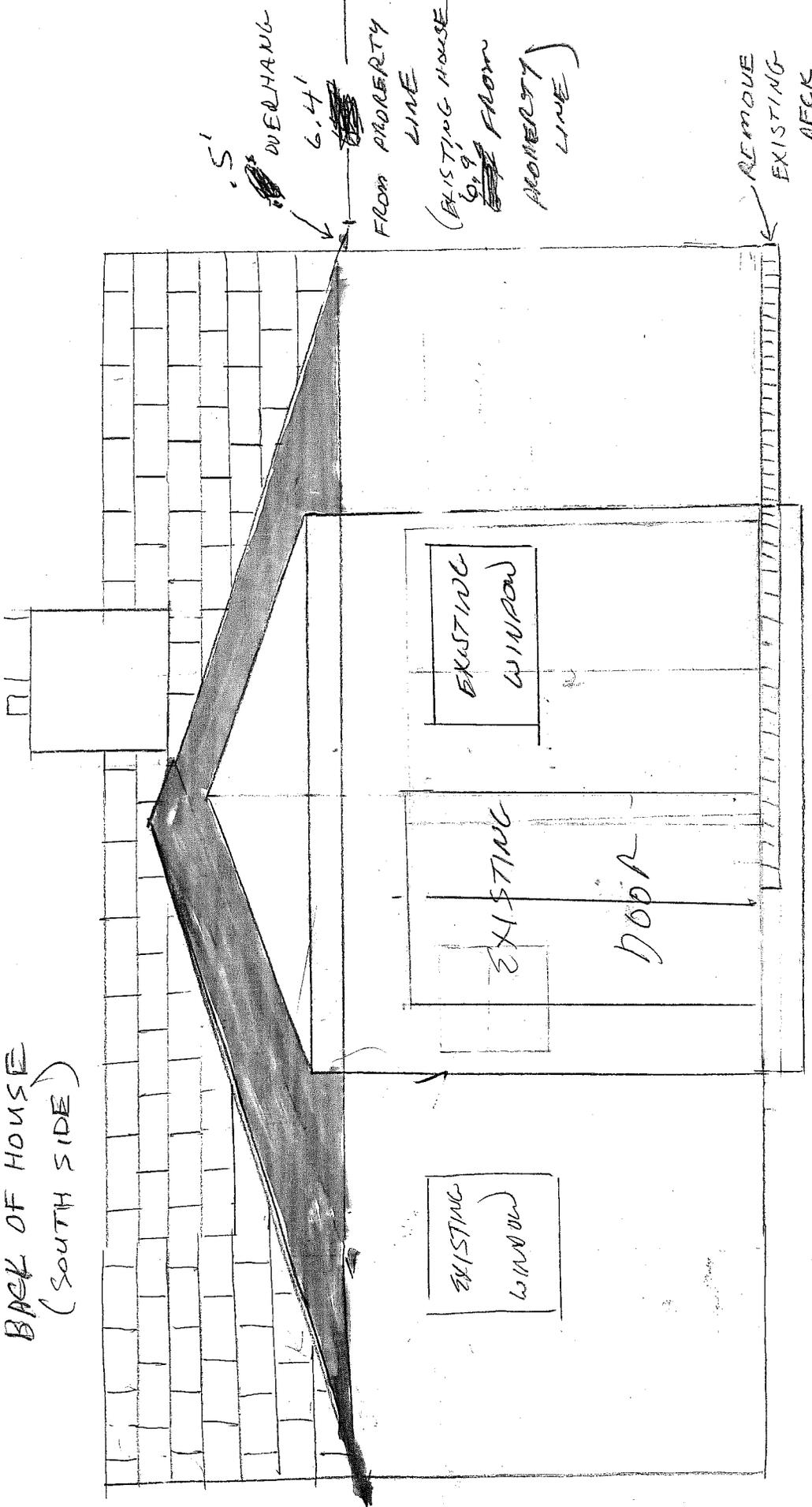
If it is the intent of the Board of Zoning Appeals to approve SP 2013-MA-013 located at Tax Map 50-4 ((20)) 328 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance 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 screen porch (approximately 308 square feet) and gable roof as shown on the plat prepared by James D. Thurber, dated March 27, 2012, signed October 14, 2012, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,617 square feet existing + 4,042.5 square feet (150%) = 5,659.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall 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.

BACK OF HOUSE
(SOUTH SIDE)

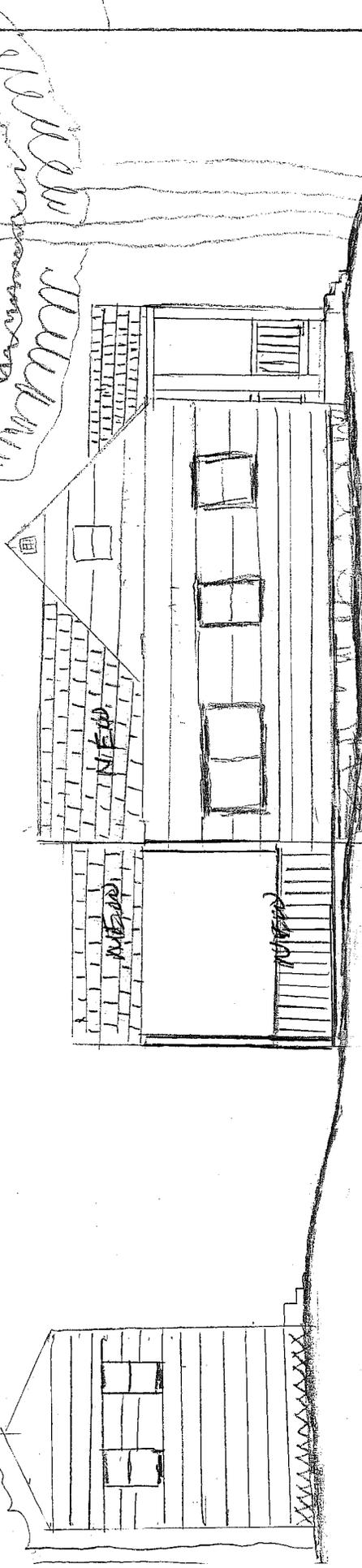
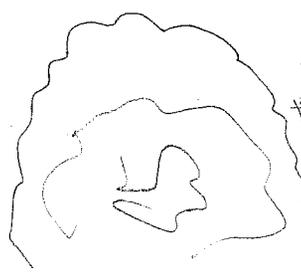
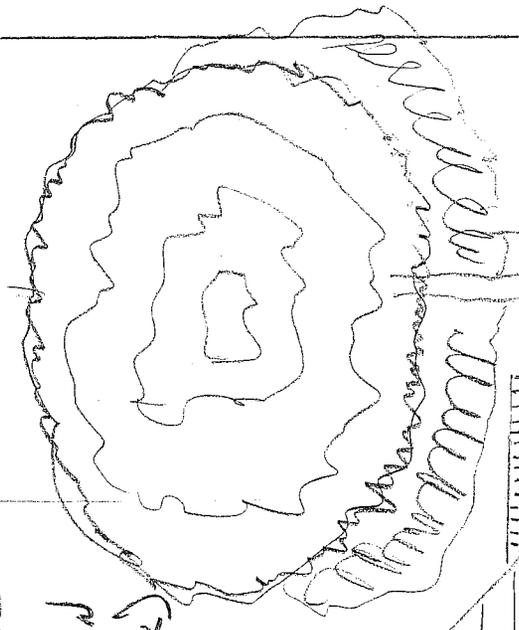


- PROPOSED GABLED ROOF

- PROPOSED SCREENED PORCH
(14'D X 22'W)

VIEW OF EAST SIDE OF HOUSE

- PROPOSED GABLED ROOF OVER
FLAT ROOF & NEW SCREENED-IN
PORCH (REMOVE EXISTING DECK)



32'2" 14' 38'3" 5' 30'5"

11/15/15 5:07 PM

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/22/12
(enter date affidavit is notarized)

I, CLEBURNE B. BRINKMAN, 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

115114

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)
CLEBURNE B. BRINKMAN	6825 WESTLAWN DR, FALLS CHURCH, VA, 22072	APPLICANT/TITLE OWNER
KATHLEEN B. BRINKMAN	6825 WESTLAWN DR, FALLS CHURCH, VA, 22072	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): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/22/12
(enter date affidavit is notarized)

115114

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.

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/22/12
(enter date affidavit is notarized)

115114

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)

(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.

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/22/12
(enter date affidavit is notarized)

115114

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

DATE: 3/22/12
(enter date affidavit is notarized)

115114

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

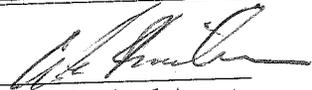
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(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.

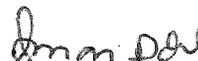
WITNESS the following signature:

(check one)

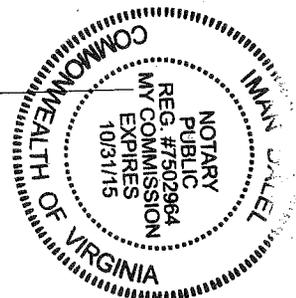
CLEBURNE B. BRUKMAN 
 Applicant Applicant's Authorized Agent

CLEBURNE B. BRUKMAN
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22 day of March 20 12, in the State/Comm. of Virginia, County/City of Fairfax.


Notary Public

My commission expires: 10/31/15



August 28, 2012

To Whom It May Concern:

My wife and I are in the process of putting a gabled roof over a flat roof on the back part of our house. We are also going to add a screened-in porch on the back, also with a gabled roof. The gabled roof over the existing addition should correct the problem with water standing on the flat roof, being a place for mosquitoes to breed.

I was advised that I need to apply for a special permit under Zoning Ordinance Section 8-922, Reduction in Yards, due to the new addition being within 10' of the property line.

The house was originally built 6.9' from the property line, instead of the required 10'. Due to this surveying error, a variance was granted on February 19th, 1952 for a side yard of 6.9', per a letter from Michelle O'Hare, Deputy Zoning Administrator, dated May 24, 2012.

The gabled roof to be placed over the flat roof will have a .5' overhang, making it 6.4' from the property line. The peak of the gabled roof will be 7.3' above the flat roof.

The screened-in porch will be 8.1' from the side property line, and 32.6' from the back property line. It will be 22' wide, and 14' deep. The peak will be just below the peak of the gabled roof that will be placed over the flat roof.

There will not be any trees or shrubs removed. There may be a small amount of soil removed from where the back of the foundation of the screened porch will be due the slope of the yard.

There is nothing on the house or property being added or changed other than what is stated in this letter.

The existing house is 1287 sq. ft.

The screened-in porch will be 308 sq. ft. (24% of the size of the house)

After the addition of the screened porch the house will be 1595 sq. ft.

An existing deck of 12 ft. w X 8 ft. d will be removed before the screened porch is added.

There are no hazardous or waste materials on the property.

This addition should enhance the look of the house and lower utility cost due to having the gable roof which will be insulated opposed to the existing flat roof. The back of the house also gets direct sunlight due to southern exposure. The addition of the screened porch should protect a large part of this.

I would hope that you would see it in your powers to grant the variance.

Thank you,
Cleburne Brinkman



February 4, 2012

To Whom It May Concern,

The justification for the special permit (requirement 5) is simply we want to cover the flat roof that has leaked repeatedly in the past. The gabled roof would remedy the leaking problems, give the house a cohesive look and generally improve the overall appearance of the house.

The addition is the same distance from the property line as the original house. The new roof will not be any closer to the property line than the existing roof, nor the roof of the original house with the exception of perhaps a maximum four inches overhang.

Thank you in advance for your consideration.

Sincerely,

Cleburne B. Brinkman



RECEIVED
Department of Planning & Zoning

FEB 16 2012

Zoning Evaluation Division

The resulting gross floor area of the addition is less than 150 percent of the total gross floor area of the principle structure existing at the time of first expansion.

The deck to be removed is less than 50 percent of the gross floor area of the existing dwelling at the time of the first yard reduction.

The resulting gross floor area of the existing accessory structure and the addition to it is subordinate in purpose, scale, use, and intent of the principle structure on the site.

The proposed development is in character with the on-site development in terms of location, height, bulk, and scale of the existing structure on the lot.

The development is harmonious with surrounding off-site uses and structures, topography, vegetation, and preservation of trees.

The addition will not impact adjacent properties in regard to light, noise, air, safety, erosion, and stormwater runoff.

The proposed reduction is only for the hangover of the roof of .5' to ^{keep} water away from the house. The deck is set in to represent the minimum amount of reduction necessary

These are the best locations so that the yards remain and any vegetation won't be disturbed. No trees will be disturbed. There are no historic sites to be disturbed. Other than the variance requested, there are ~~no other~~ lot lines that aren't no other structures that will come close to exceeding the minimum lot line distance needed.

Thank you,
Cheyenne Brinkman
L.F. Prater

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Department of Planning & Zoning

SEP 06 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.