



APPLICATION ACCEPTED: January 23, 2013
BOARD OF ZONING APPEALS: May 15, 2013
MOVED FOR NOTICES
TIME: 9:00 a.m.

County of Fairfax, Virginia

May 8, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-DR-007

DRANESVILLE DISTRICT

APPLICANT: Richard J. Schrader

OWNERS: Richard J. Schrader
Madelyn B. Schrader

SUBDIVISION: Kingstream

STREET ADDRESS: 1474 Kingsvale Circle, Herndon, 20170

TAX MAP REFERENCE: 11-3 ((17)) 278

LOT SIZE: 14,389 square feet

ZONING DISTRICT: R-3, Cluster

ZONING ORDINANCE PROVISIONS: 8-914 and 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of minimum yard requirements based on error in building location to permit accessory structure to remain 2.3 feet from side lot line and to permit reduction of certain yard requirements to permit construction of an addition 13.2 feet from rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2013-DR-007 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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Rebecca Horner

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

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

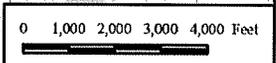
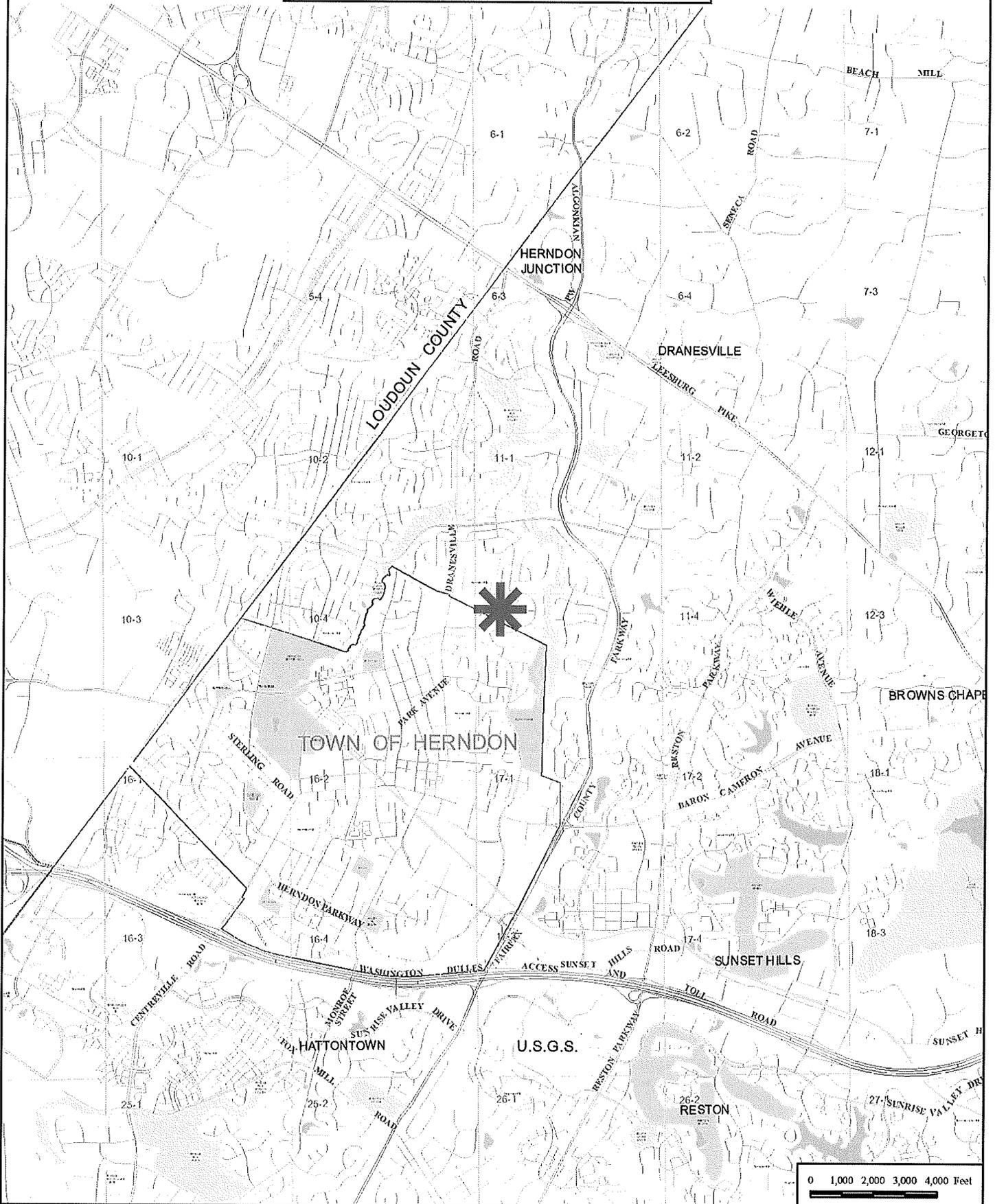
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

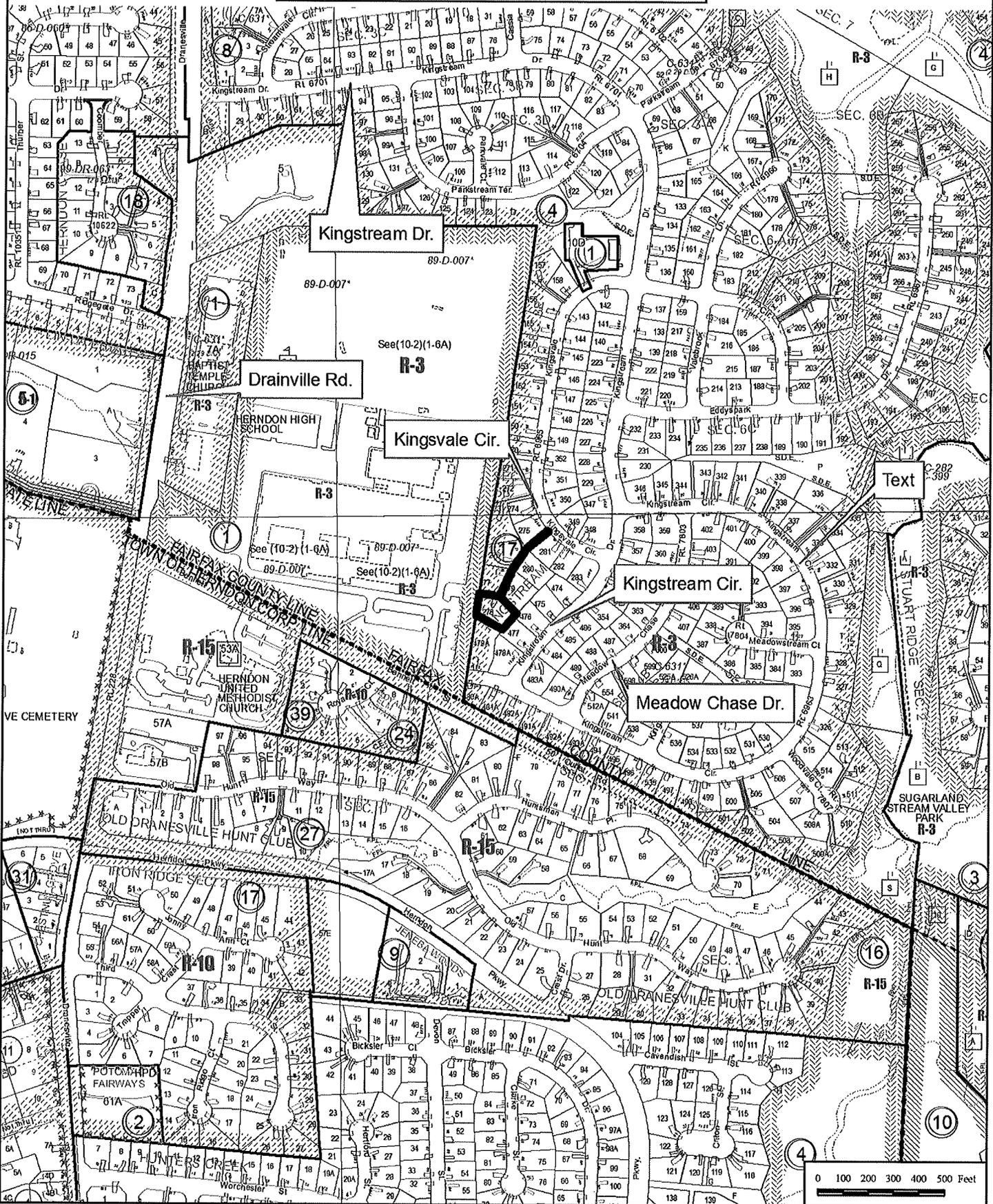


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

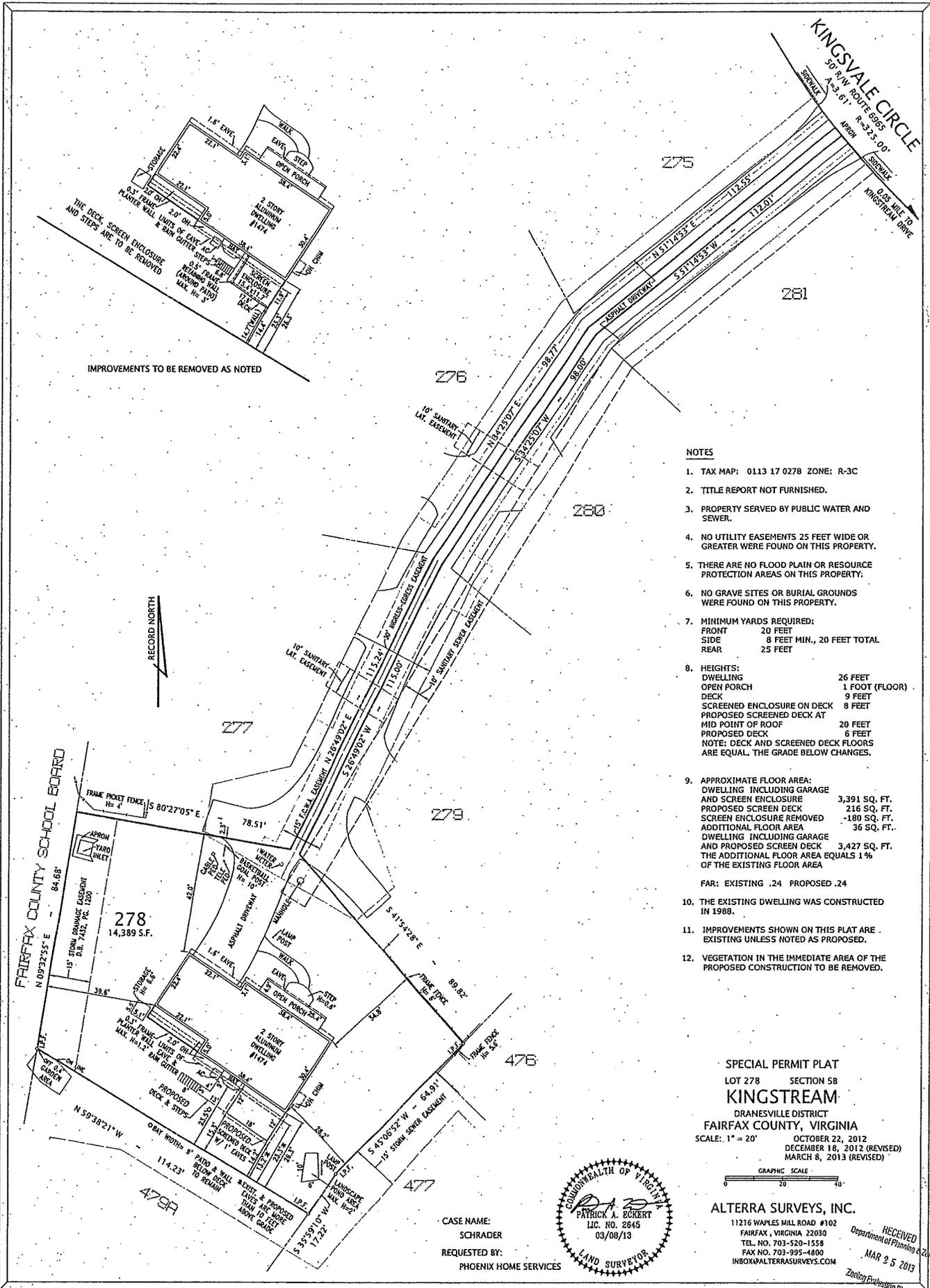
Special Permit
SP 2013-DR-007
RICHARD SCHRADER



Special Permit
SP 2013-DR-007
RICHARD SCHRADER



0 100 200 300 400 500 Feet



IMPROVEMENTS TO BE REMOVED AS NOTED

NOTES

1. TAX MAP: 0113 17 0278 ZONE: R-3C
2. TITLE REPORT NOT FURNISHED.
3. PROPERTY SERVED BY PUBLIC WATER AND SEWER.
4. NO UTILITY EASEMENTS 25 FEET WIDE OR GREATER WERE FOUND ON THIS PROPERTY.
5. THERE ARE NO FLOOD PLAIN OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
6. NO GRAVE SITES OR BURIAL GROUNDS WERE FOUND ON THIS PROPERTY.
7. MINIMUM YARDS REQUIRED:

FRONT	20 FEET
SIDE	8 FEET MIN., 20 FEET TOTAL
REAR	25 FEET
8. HEIGHTS:

DWELLING	26 FEET
OPEN PORCH	1 FOOT (FLOOR)
DECK	9 FEET
SCREENED ENCLOSURE ON DECK	8 FEET
PROPOSED SCREENED DECK AT MID POINT OF ROOF	20 FEET
PROPOSED DECK	6 FEET

NOTE: DECK AND SCREENED DECK FLOORS ARE EQUAL. THE GRADE BELOW CHANGES.
9. APPROXIMATE FLOOR AREA:

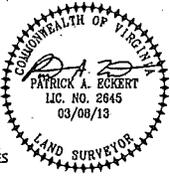
DWELLING INCLUDING GARAGE AND SCREEN ENCLOSURE	3,391 SQ. FT.
PROPOSED SCREEN DECK	216 SQ. FT.
SCREEN ENCLOSURE REMOVED	-180 SQ. FT.
ADDITIONAL FLOOR AREA	36 SQ. FT.
DWELLING INCLUDING GARAGE AND PROPOSED SCREEN DECK	3,427 SQ. FT.

THE ADDITIONAL FLOOR AREA EQUALS 1% OF THE EXISTING FLOOR AREA
10. FAR: EXISTING .24 PROPOSED .24
11. THE EXISTING DWELLING WAS CONSTRUCTED IN 1988.
12. IMPROVEMENTS SHOWN ON THIS PLAN ARE EXISTING UNLESS NOTED AS PROPOSED.
13. VEGETATION IN THE IMMEDIATE AREA OF THE PROPOSED CONSTRUCTION TO BE REMOVED.

SPECIAL PERMIT LOT
 LOT 278 SECTION 5B
KINGSTREAM
 DRANESVILLE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20' OCTOBER 22, 2012
 DECEMBER 18, 2012 (REVISED)
 MARCH 8, 2013 (REVISED)



ALTERRA SURVEYS, INC.
 11216 WAPLES MILL ROAD #102
 FAIRFAX, VIRGINIA 22030
 TEL. NO. 703-520-1558
 FAX NO. 703-995-4800
 INFO@ALTERRASURVEYS.COM



CASE NAME:
 SCHRADER
 REQUESTED BY:
 PHOENIX HOME SERVICES

RECEIVED
 Department of Planning & Zoning
 MAR 9 2013
 Zoning Evaluation District

Phoenix Home Services
9141 Schoolcraft Lane
Burke, VA 22015

703-725-7945

No.	Revisions / Date	Date
01	**	**
02	**	**

The Schrader Residence
1474 Kingsvale Circle
Herndon, VA 20170

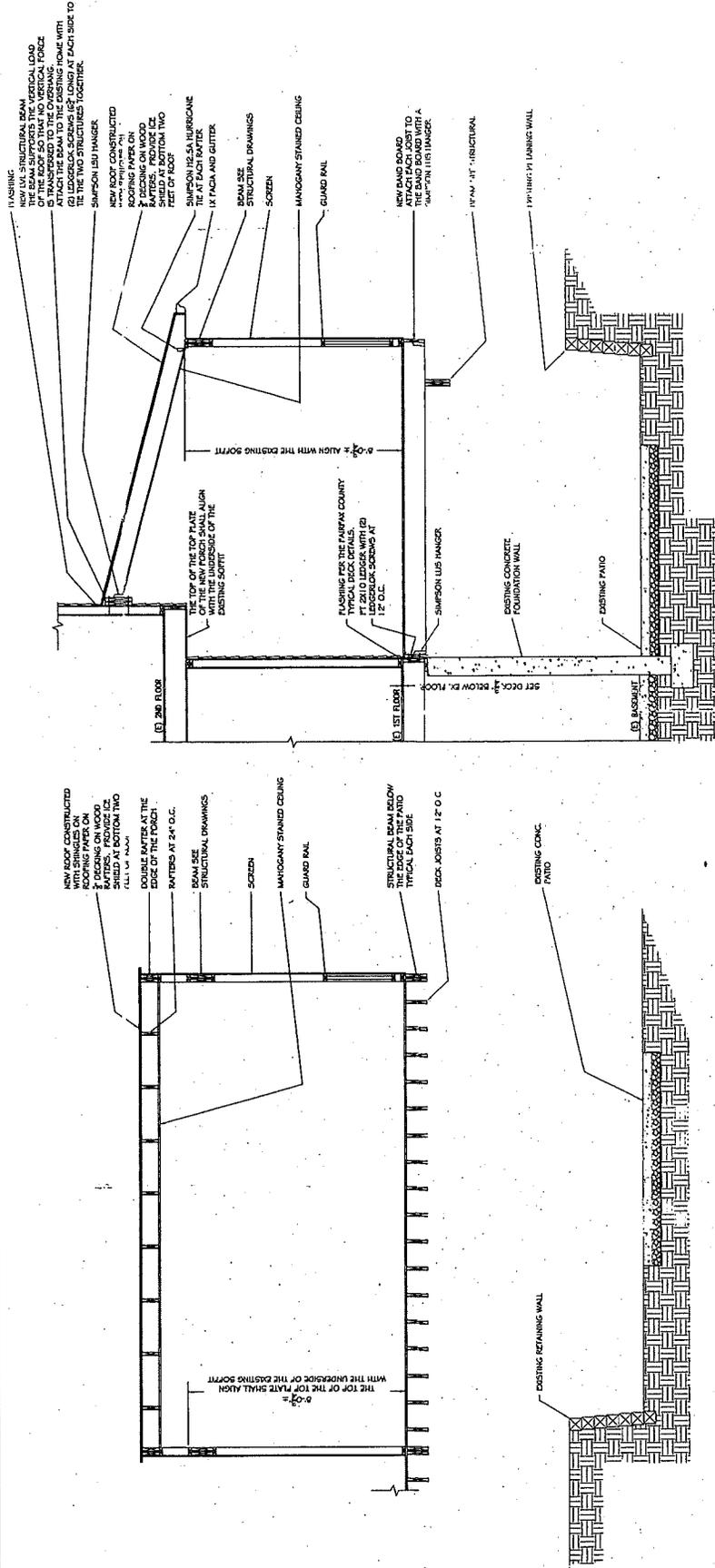
New Porch and Deck

Drawn By: RAW

Date: 9-23-12

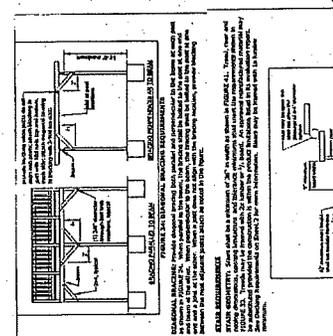
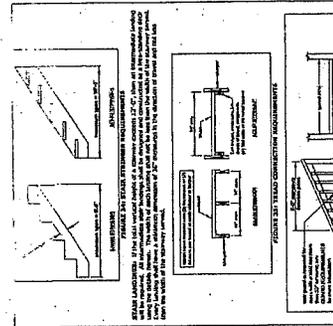
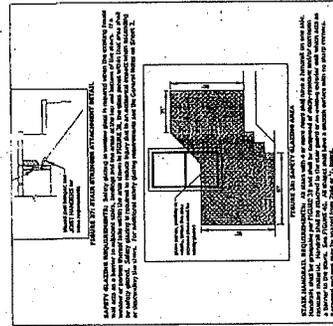
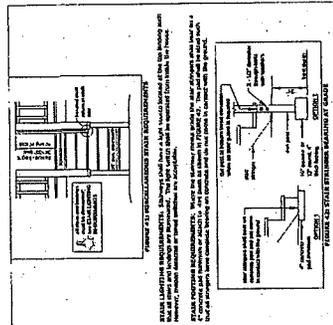
Scale: As Noted

A2



SECTION 2 SCALE: 1/4\"/>

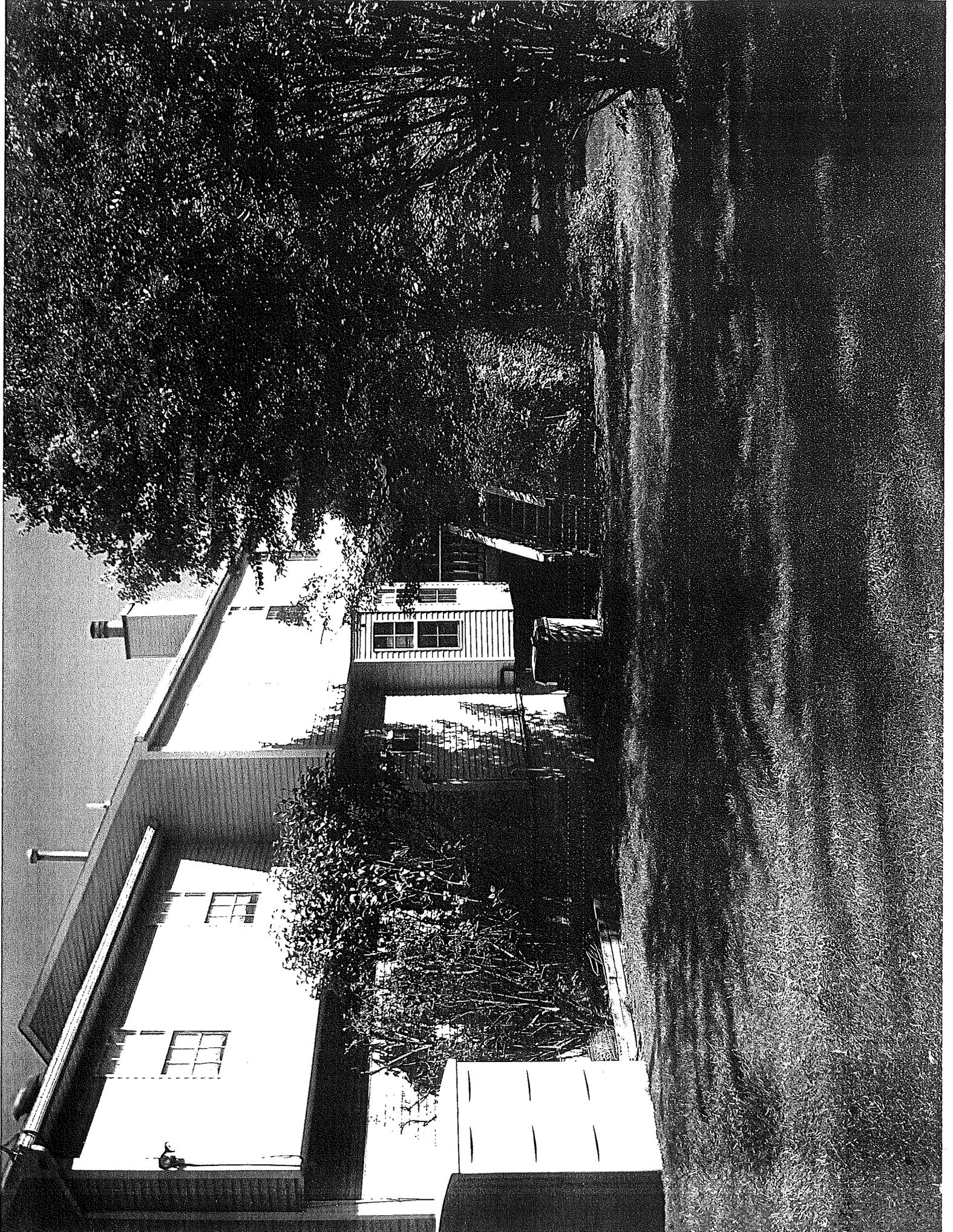
SECTION 3 SCALE: 1/4\"/>

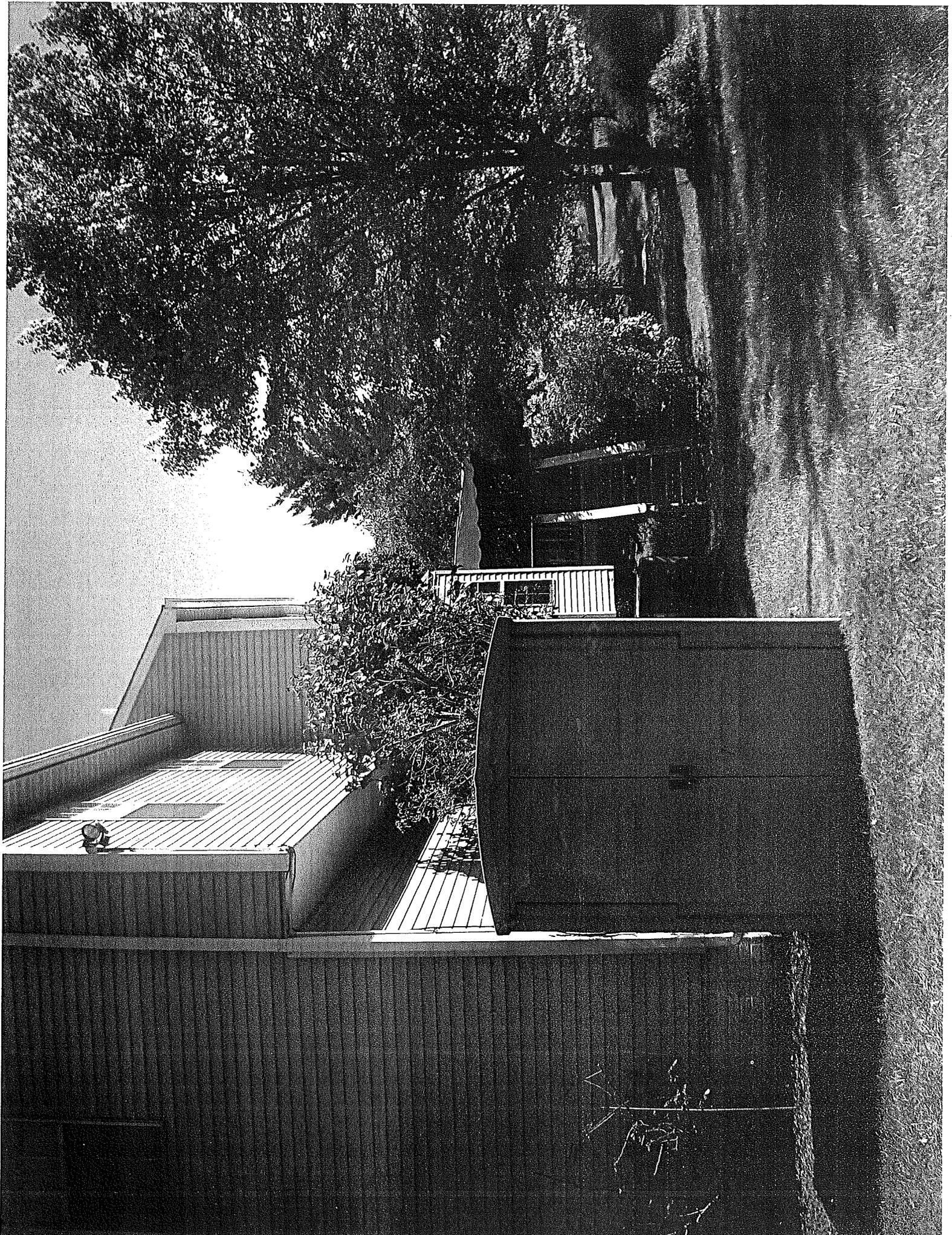


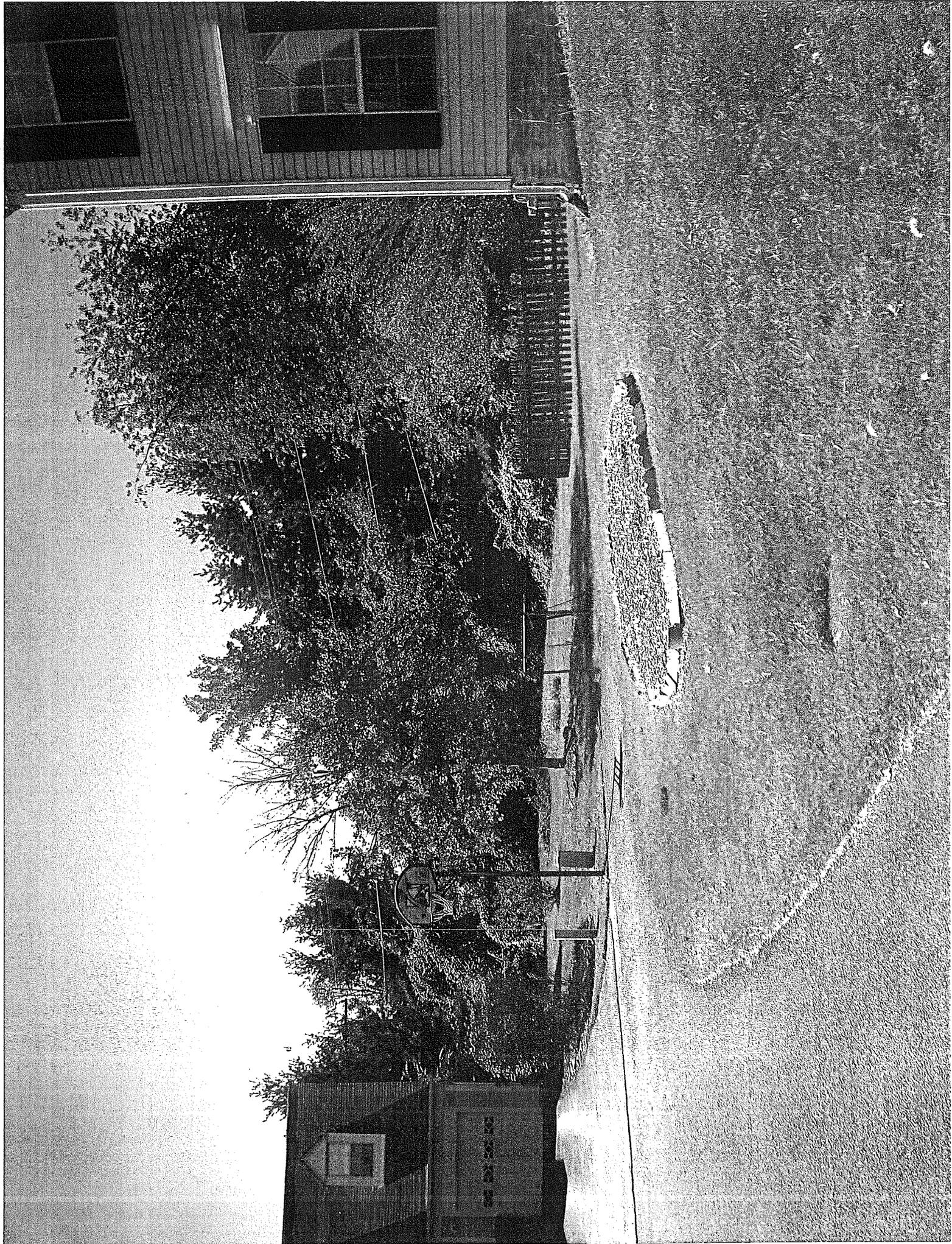
Excerpts From the Fairfax County Typical Deck Details







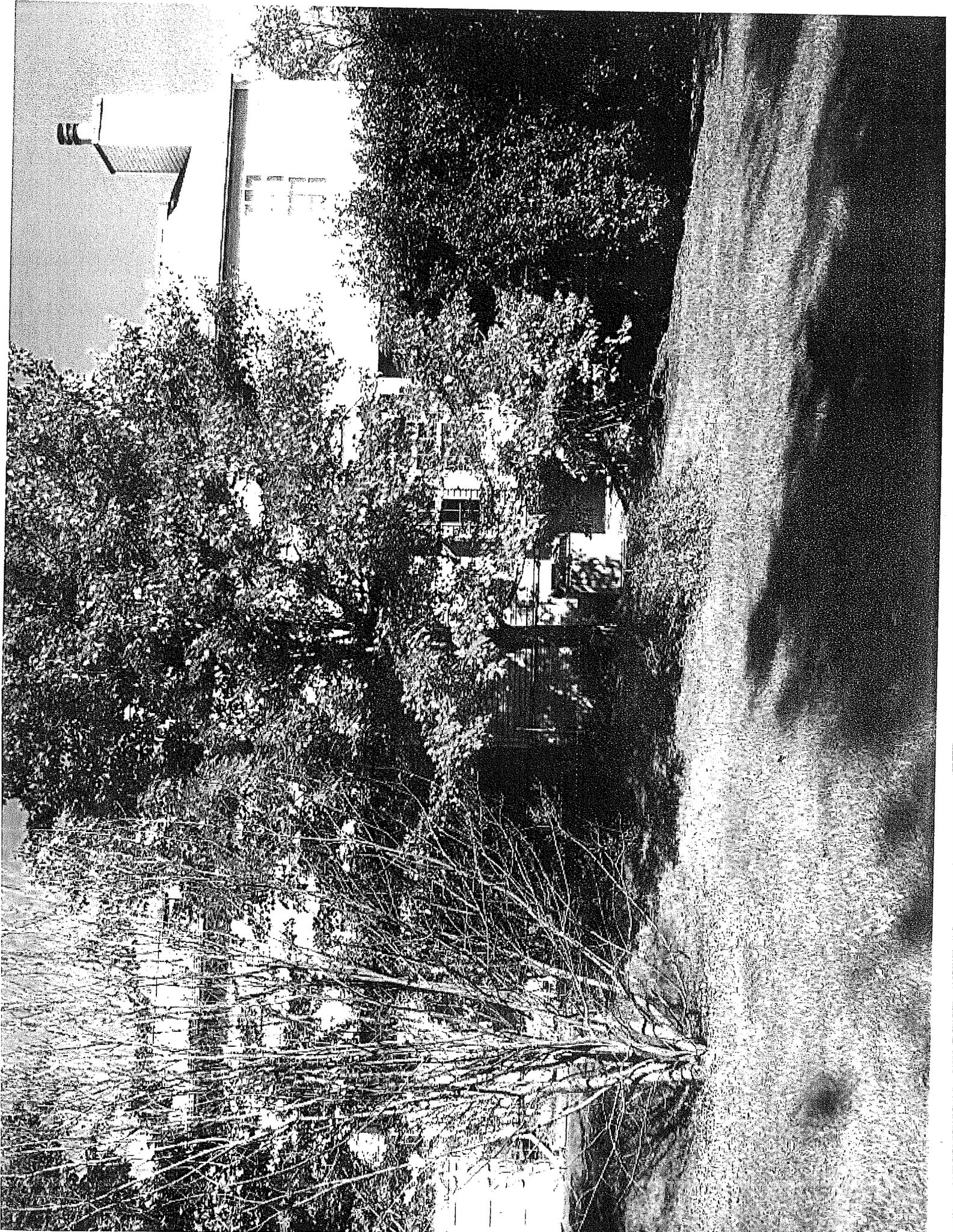


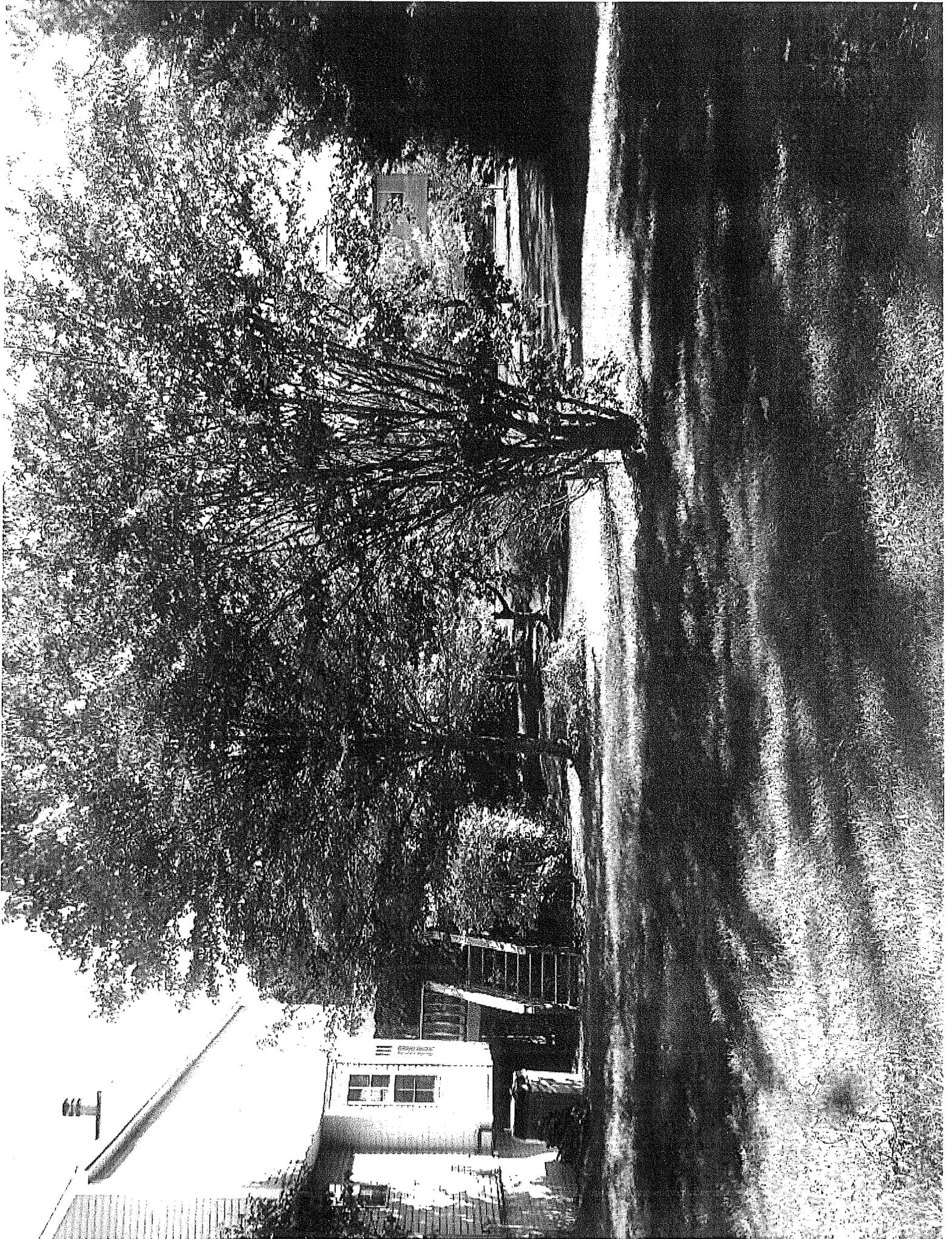
















DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of two requests. The first request is a reduction of minimum yard requirements based on error in building location to permit an existing basketball standard to remain 2.3 feet from the side lot line, within the front yard of the lot.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit #1	Accessory Structure (Basketball Standard)	Side	12 feet	2.3 feet	9.7 feet	80.8%

* Minimum yard requirement per Section 10-104.12 C which states in part "when located in a front yard, basketball standards shall not be located closer than fifteen (15) feet to a front lot line and twelve (12) feet to a side lot line, and shall not be used between the hours of 8:00 PM and 8:00 AM."

The second request is to permit reduction of certain yard requirements to allow construction of an addition, a screened deck, 13.2 feet from the rear lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit #2	Addition	Rear	25 feet	13.2 feet	11.8 feet	47.2%

* Minimum yard requirement per Section 3-307

The applicant requests a 216 square foot screened deck addition in the location of an existing deck. The proposed addition is to be constructed to match the existing dwelling. The applicant plans to construct a new deck and steps adjacent to the proposed screened deck addition.

EXISTING SITE DESCRIPTION

The 14,389 square foot lot is currently zoned R-3, developed under the cluster provisions, with a 3,391 square foot single family detached dwelling.

The lot includes an existing deck with stairs, attached to the rear of the dwelling.

A 6.6 foot tall accessory storage structure is located adjacent to the southwestern corner of the dwelling. The accessory storage structure is located more than 35 feet from the side lot line and more than 25 feet from the rear lot line.

An existing basketball standard is located adjacent to the ingress/egress easement within the front yard of the lot, 2.3 feet from the side lot line.

There is an existing 15 foot wide storm drainage sewer easement located along the western side lot line. Two ten foot lateral sanitary sewer easements are located along the ingress/egress easement. A ten foot wide sanitary sewer easement is partially within the ingress/egress easement and front yard and terminates at an existing manhole.

The dwelling has a hard surfaced driveway which accesses Kingsvale Circle terminating at an attached garage. A hard surfaced walkway connects the driveway to the front of the dwelling.

The lot is fairly level. A landscape pond is located in the southeastern corner of the lot and several mature trees, shrubs and foundation plantings are located throughout the property.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3 (Cluster)	Single-Family Detached Dwellings
East	R-3 (Cluster)	Single-Family Detached Dwellings
South	R-3 (Cluster)	Single Family Detached Dwellings
West	R-3	Herndon High School

BACKGROUND

The dwelling was constructed in 1988.

A copy of the special permit plat entitled "Special Permit Plat, Lot 278, Section 5B, Kingstream" prepared by Alterra Surveys, Inc., dated October 22, 2012, as revised through December 18, 2012, is include at the front of the staff report.

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

- Variance VC 00-D-087 was approved September 27, 2000 for tax map 11-3 ((17)) 394, zoned R-3, at 12202 Meadowstream Court, to permit construction of addition 23.2 feet from rear lot line.

ZONING ORDINANCE REQUIREMENTS

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

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)
- 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 with notes regarding General Standards 3.

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *The general character of the neighborhood is residential. The applicants propose to build the addition in the location of, and adjacent to, the existing deck. The addition will be harmonious with the existing dwelling and neighborhood.*

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *According to the plat drawing, the existing dwelling has 3,391 square feet of living area. Therefore 150% of the total gross floor area could result in an addition up to 5,086.5 square feet square feet in size for a possible total building size of 8,477.5 square feet above-grade living area. The proposed addition is approximately 216 square feet in area, thereby realizing a total house size of 3,427 square feet. Therefore the application meets this provision.*

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings submitted indicate that the materials, size and scale of the proposed addition will be compatible with the existing structure. The addition is clearly subordinate in bulk and scale to the principal dwelling and the proposed addition will not create any additional height to the overall existing structure. The proposed addition will be located in the area of an existing deck. Staff believes 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. It appears the proposed improvements are compatible with the surrounding houses in the neighborhood. The new addition will be incorporated into the bulk of the existing dwelling and be minor in scale. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. Staff believes the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. There is no RPA on the lot. The addition does not add impervious area because it is over an area of an existing deck. Staff believes this standard is met.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The area of the addition is off the rear of the existing dwelling in the location of the existing deck. It appears there will be no impact to existing vegetation and minimal new impervious area, therefore staff believes that the application meets this provision.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of SP 2013-DR-007 for the addition, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-DR-007

May 8, 2013

If it is the intent of the Board of Zoning Appeals to approve SP 2013-DR-007 located at 1474 Kingsvale Circle, Tax Map 11-3 ((17)) 278 to permit a building in error and reduction of certain yard requirements pursuant to Section 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 216 square feet) of the addition and the basketball standard, as shown on the plat prepared by Patrick A. Eckert, Land Surveyor, dated October 22, 2012, as revised through December 18, 2012, submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,391 square feet existing + 5,086.5 square feet (150%) = 8,477.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall generally be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction

has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/6/12
 (enter date affidavit is notarized)

I, William Everett, 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

118584

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)
Phoenix Home Services	9141 Schoolcraft Ln Burke, VA	Agent
William J Everett	9707 Ashby Rd Fairfax VA	applicant's agent
Richard J Schrader	1474 Kingsvale Cir Herndon VA	applicant/title owner
Madelyn B Schrader	1474 Kingsvale Cir Herndon VA	applicant/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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/6/12
(enter date affidavit is notarized)

118586

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)

Phoenix Home Services
9141 Schoolcraft Ln
Burke, VA 22015

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)

Kyong O. Izett
Gregory C. Izett
Steve M. Bowes

(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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

118586

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/6/12
(enter date affidavit is notarized)

118586

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/6/12
(enter date affidavit is notarized)

118586

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:

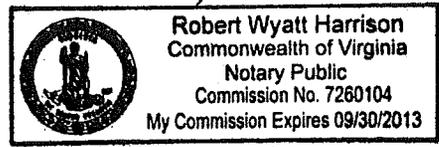
(check one) Applicant Applicant's Authorized Agent

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

Subscribed and sworn to before me this 6 day of November 2012, in the State/Comm. of Virginia, County/City of Fairfax.

Robert Wyatt Harrison
Notary Public

My commission expires: 9-30-2013



DEC 20 2012

Zoning Evaluation Division

Special Permit Statement Of Justification

Richard S. APPENDIX 3

Attn: William Curren

1474 Kingsvale Cir
Herndon, VA

To Whom it May Concern

This request is for a Special Permit to obtain a reduction in the minimum rear yard requirement for the above referenced property. We have planned to make improvements to our home to enhance appearance, usability and overall value. The planned improvements cannot be made without extending construction past the minimum rear yard requirements. The deck would be similar to that of other homes in this same neighborhood. It appears that many of the homes in this neighborhood have obtained permits to build similar structures. These improvements will not be a substantial detriment to adjacent properties and will work well with the existing architecture of the home.

The Gross Floor Area of the home is 1,624 sq ft. The Gross Floor Area of the proposed addition is 332 sq ft. Therefore, the addition will be clearly subordinate in purpose, scale, use and intent to the principal structure on the site. *The addition makes up a 10% increase of the existing gross floor area.*

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 on the lot.

The proposed development will also be 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 proposed development also does not adversely impact the use and/or enjoyment of any adjacent property with the regard to issues such as noise, light, air, erosion and storm water runoff.

The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors include the layout of existing structures, availability of alternate locations for the addition, orientation of the structures 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 specific field; location of easements; and/or preservation of historical resources.

As this is not a place of business, there are no hours of business, patrons, clients, employees, etc. There will be no additional traffic impact. There are not and will not be any hazardous or toxic substances generated, utilized, stored, treated, and/or disposed of on this project site.

The Special Permit is being sought for a reduction of the rear yard requirement to permit the construction of a deck on the back of the house. The reduction in the yard requirement would not impair the purpose or intent of the ordinance and will not be detrimental to the use and enjoyment of other properties in the immediate vicinity. The construction will not create an unsafe condition with respect to other properties or public streets. To force compliance with the minimum yard requirement would unreasonably impede our ability to keep up with the appearance of the surrounding properties as well as our plans to utilize and enjoy our property. Thank you for your consideration in this matter.

Special Permit Statement Of Justification

1474 Kingsvale Rd, Herndon, Va
Tax Map#: 0113-17-0278
Zoning District: R-3 (R-3 w/ cluster dev)

To Whom it May Concern

This request is for a Special Permit to obtain a reduction in the minimum rear yard requirement for the above referenced property. We have planned to make improvements to our home to enhance appearance, usability and overall value. The planned improvements cannot be made without extending construction past the minimum rear yard requirements. The deck would be similar to that of other homes in this same neighborhood. It appears that many of the homes in this neighborhood have obtained permits to build similar structures. These improvements will not be a substantial detriment to adjacent properties and will work well with the existing architecture of the home.

As this is not a place of business, there are no hours of business, patrons, clients, employees, etc. There will be no additional traffic impact. There are not and will not be any hazardous or toxic substances generated, utilized, stored, treated, and/or disposed of on this project site.

The Special Permit is being sought for a reduction of the rear yard requirement to permit the construction of a deck on the back of the house. The reduction in the yard requirement would not impair the purpose or intent of the ordinance and will not be detrimental to the use and enjoyment of other properties in the immediate vicinity. The construction will not create an unsafe condition with respect to other properties or public streets. To force compliance with the minimum yard requirement would unreasonably impede our ability to keep up with the appearance of the surrounding properties as well as our plans to utilize and enjoy our property. Thank you for your consideration in this matter.

RECEIVED
Department of Planning & Zoning

NOV 07 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.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) 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 and 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. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing 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 well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - 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. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

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.