



APPLICATION ACCEPTED: June 14, 2013
BOARD OF ZONING APPEALS: July 31, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 24, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-MV-043

MOUNT VERNON DISTRICT

APPLICANT/OWNER: Basim M. Mansour
STREET ADDRESS: 11191 Gunston Road, Lorton 22079
SUBDIVISION: Gunston Hall Forest
TAX MAP REFERENCE: 119-1 ((3)) 12
LOT SIZE: 5.26 acres
ZONING DISTRICT: R-E
ZONING ORDINANCE PROVISION: 8-922
SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of garage 10.0 feet from the side lot line.

STAFF RECOMMENDATION: Staff recommends denial of SP 2013-MV-043 for the detached garage.

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

O:\ehaley\7-31) SP 2013-MV-043 Mansour (50%)\SP 2013-MV-043 staff report

Erin Haley

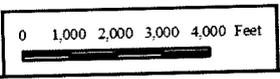
Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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/

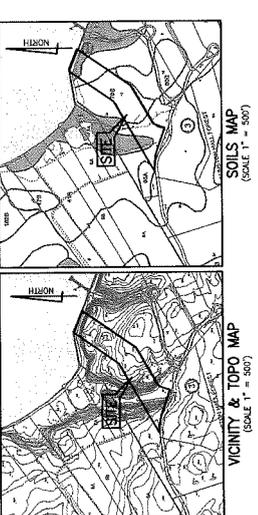
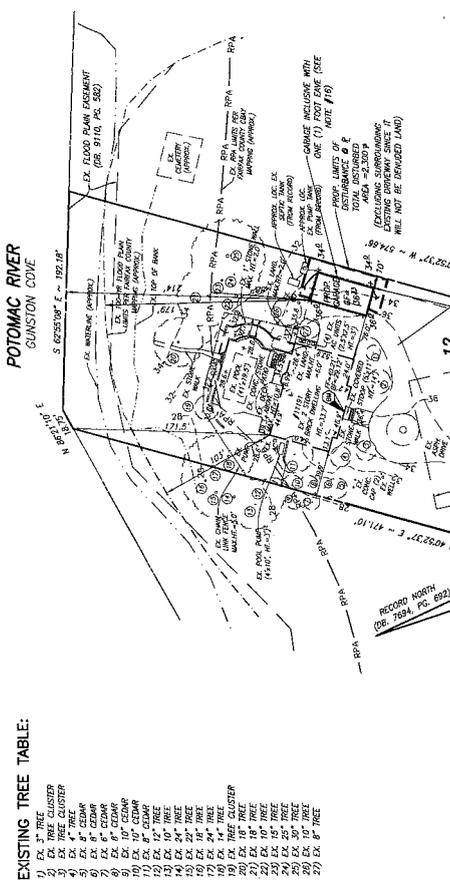
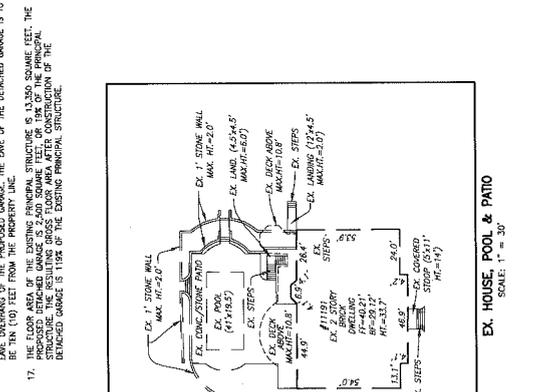


Special Permit

SP 2013-MV-043
BASIM M. MANSOUR



- GENERAL NOTES:**
1. TAX MAP: #118-1-03-002
 2. ZONE: EC
 3. OWNER: FRANK M. WOODSON, 1191 GUNSTON RD., MOUNT VERNON, VA 22081-2172, RC. 1654
 4. TOPOGRAPHIC SURVEY FIELD RUN BY THIS FIRM. BENCHMARK ELEVATION PER FEMA ELEVATION CERTIFICATE SIGNED BY PATRICK ECCERT, LAND SURVEYOR, DATED 9/29/2010. DATUM IS MGD 1985.
 5. TITLE REPORT NOT FURNISHED. THIS ALL EASEMENTS MAY NOT BE SHOWN
 6. PLAT SUBJECT TO REVISIONS OF RECORD.
 7. TOTAL SITE AREA = 222,148.50 SQ. FT. OR 5.0812 AC.
 8. ZONE SETBACKS: 30' SIDE YARD SETBACK, 20' REAR YARD SETBACK, 25' FRONT YARD SETBACK.
 9. EXISTING IMPERVIOUS AREA (TIR) = 29,748.55 SQ. FT. OR 0.679 AC.
 PROPOSED IMPERVIOUS AREA (TIR) = 1,275.57 SQ. FT. OR 0.0293 AC.
 TOTAL IMPERVIOUS AREA = 27,811.57 SQ. FT. OR 0.6385 AC. OR 12.11%
 10. NO NEW UTILITY CONNECTIONS ARE PROPOSED WITH THIS PLAN. ALL CONNECTIONS TO BE INTERNAL.
 11. THE EXISTING DRIVEWAY TO BE USED AS A CONSTRUCTION ENTRANCE FOR THIS SITE.
 12. NO EXISTING OR PROPOSED TRAILS ARE LOCATED ON THIS SITE FOR THE ADOPTED COMPREHENSIVE PLAN.
 13. ALL EXISTING IMPROVEMENTS ARE TO BE SAVED EXCEPT FOR A PORTION OF THE EXISTING DRIVEWAY AND ASSOCIATED IMPROVEMENTS WERE CONSTRUCTED IN 2000.
 14. THE EXISTING UNWELING AND ASSOCIATED IMPROVEMENTS WERE CONSTRUCTED IN 2000.
 15. THERE IS NO DRIVE, OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL ON THE SITE.
 16. THE SHOWN DIMENSION FROM THE EASTERLY PROPERTY LINE IS TO THE ONE (1) FOOT EAVE OVERHANG OF THE PROPOSED GARAGE. THE EAVE OF THE DETACHED GARAGE IS TO BE TEN (10) FEET FROM THE PROPERTY LINE.
 17. THE FLOOR AREA OF THE EXISTING PRINCIPAL STRUCTURE IS 1,328 SQUARE FEET. THE PROPOSED ADDITION WILL BE 1,275.57 SQUARE FEET. THE RESULTING GROSS FLOOR AREA AFTER CONSTRUCTION OF THE DETACHED GARAGE IS 1192 OF THE EXISTING PRINCIPAL STRUCTURE.

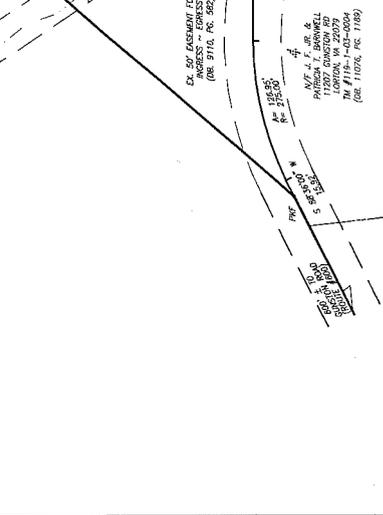
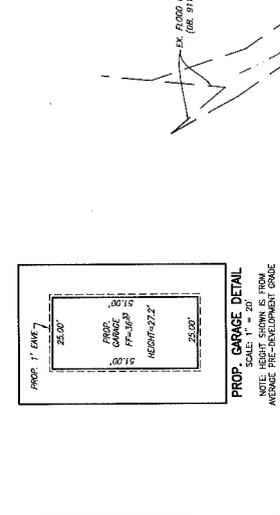


SOILS TABLE
 (SCALE 1" = 50')

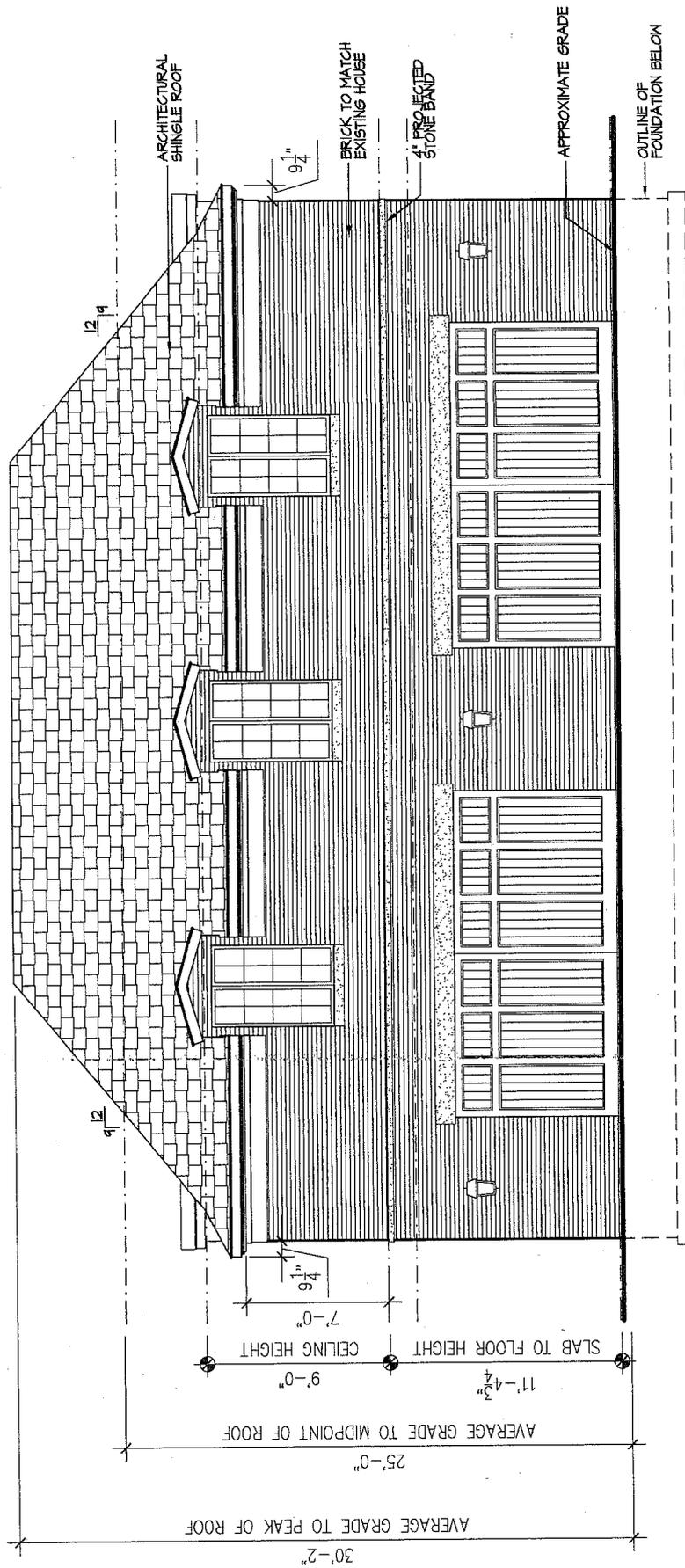
LOT NO.	SOILS NO.	SOILS NAME	PROPOSED USE
12	41A	GRIT MILL - DOWNER COMPLEX	MB
12	70B	WAINSWORTH - CASPERAS	MB
12	70A	WAINSWORTH - CASPERAS	I
12	90A	SUSSEX - SHERIDAN	I
12	91E	SUSSEX - WINDMILL COMPLEX	III

PROJECT NARRATIVE:
 THIS SPECIAL PERMIT PLAN IS FOR THE PROPOSED CONSTRUCTION OF A DETACHED GARAGE WITHIN THE EXISTING MINIMUM REQUIRED SIDE YARD. THE NEW GARAGE LAINE IS PROPOSED TO BE 10 FEET FROM THE EXISTING DRIVEWAY. THE PROPOSED GARAGE SHALL BE CONSTRUCTED WITHIN THE ZONE DISTURBANCE IS EXPECTED TO BE LESS THAN 1,250 SQUARE FEET FOR THE EXISTING IMPROVEMENTS AREA ON SITE AFTER CONSTRUCTION OF THE GARAGE.

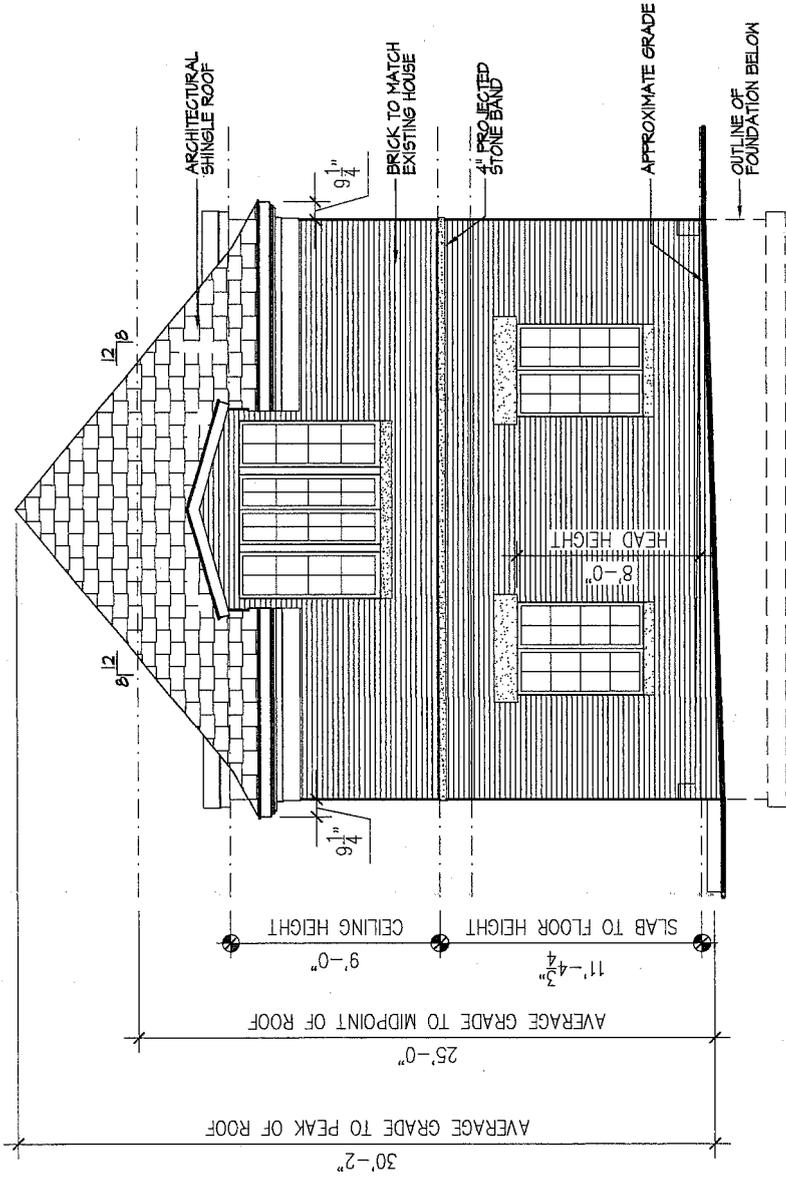
STORMWATER NARRATIVE:
 EXISTING AND PROPOSED IMPERVIOUS AREA SHALL NOT EXCEED 10% OF THE SITE. THEREFORE NO EXISTING REMOVAL REQUIREMENTS ARE REQUIRED FOR THIS PROJECT. THE PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PRELIMINARY DRAINAGE PLAN AND SHALL BE DESIGNED TO PREVENT POLLUTANT FROM THE SITE FOLLOWING NATURAL DRAINAGE DIVIDES IN A NORTHERLY DIRECTION VIA SWALES AND OVERLAND FLOW TO THE BED AND BANKS OF THE POTOMAC RIVER.



ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE. THE ENGINEER AND ARCHITECT ASSOCIATES, INC. HAS REVIEWED THIS PLAN AND APPROVES THE USE AND MAY NOT BE USED OR REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND ARCHITECT ASSOCIATES, INC. FROM THIS OBSERVATION. EXISTING UTILITIES SHOWN ON THIS PLAN WERE TAKEN FROM AVAILABLE RECORDS AND/OR FROM FIELD OBSERVATIONS. THE ENGINEER AND ARCHITECT ASSOCIATES, INC. DOES NOT WARRANT THE ACCURACY OF ANY UTILITIES SHOWN ON THIS PLAN. THE START OF ANY EXCAVATION OR CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE LOCATION AND DEPTH OF ALL EXISTING UNDERGROUND UTILITIES TO BE UNCOVERED BY CONTRACTOR PRIOR TO CONSTRUCTION. INTERFERENCE OR DISRUPTION OF SAME WILL NOT BE THE RESPONSIBILITY OF THIS OFFICE. ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE. THE ENGINEER AND ARCHITECT ASSOCIATES, INC. HAS REVIEWED THIS PLAN AND APPROVES THE USE AND MAY NOT BE USED OR REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND ARCHITECT ASSOCIATES, INC. FROM THIS OBSERVATION.



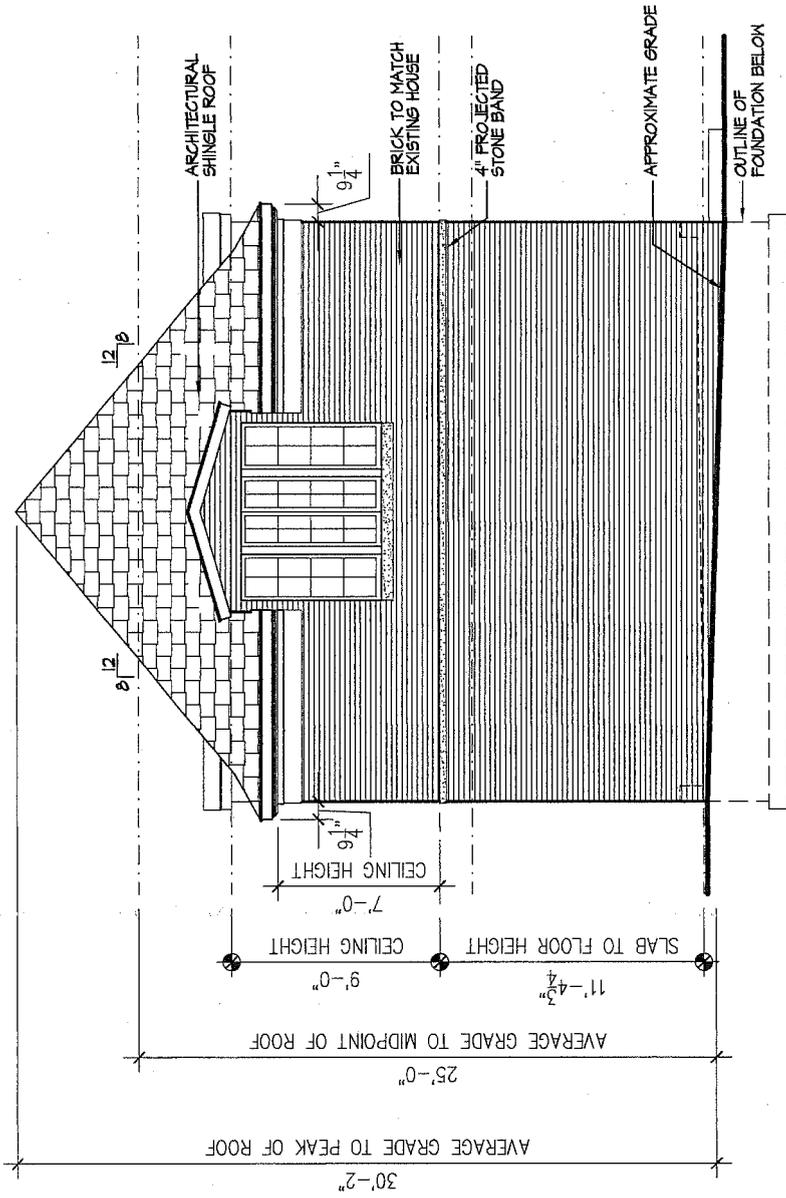
1 FRONT ELEVATION
 AS SCALE: 1/8" = 1'-0"



1 RIGHT SIDE ELEVATION

A4

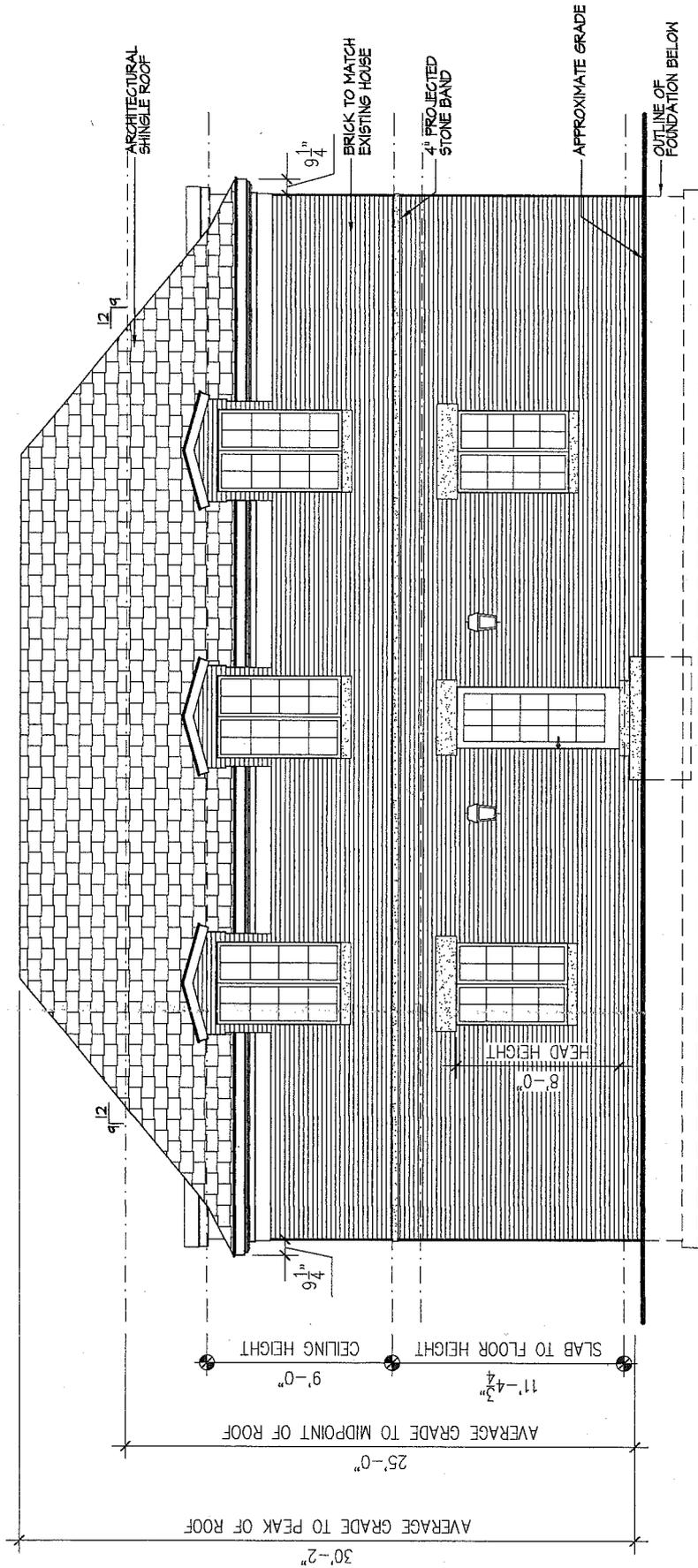
SCALE: 1/8" = 1'-0"



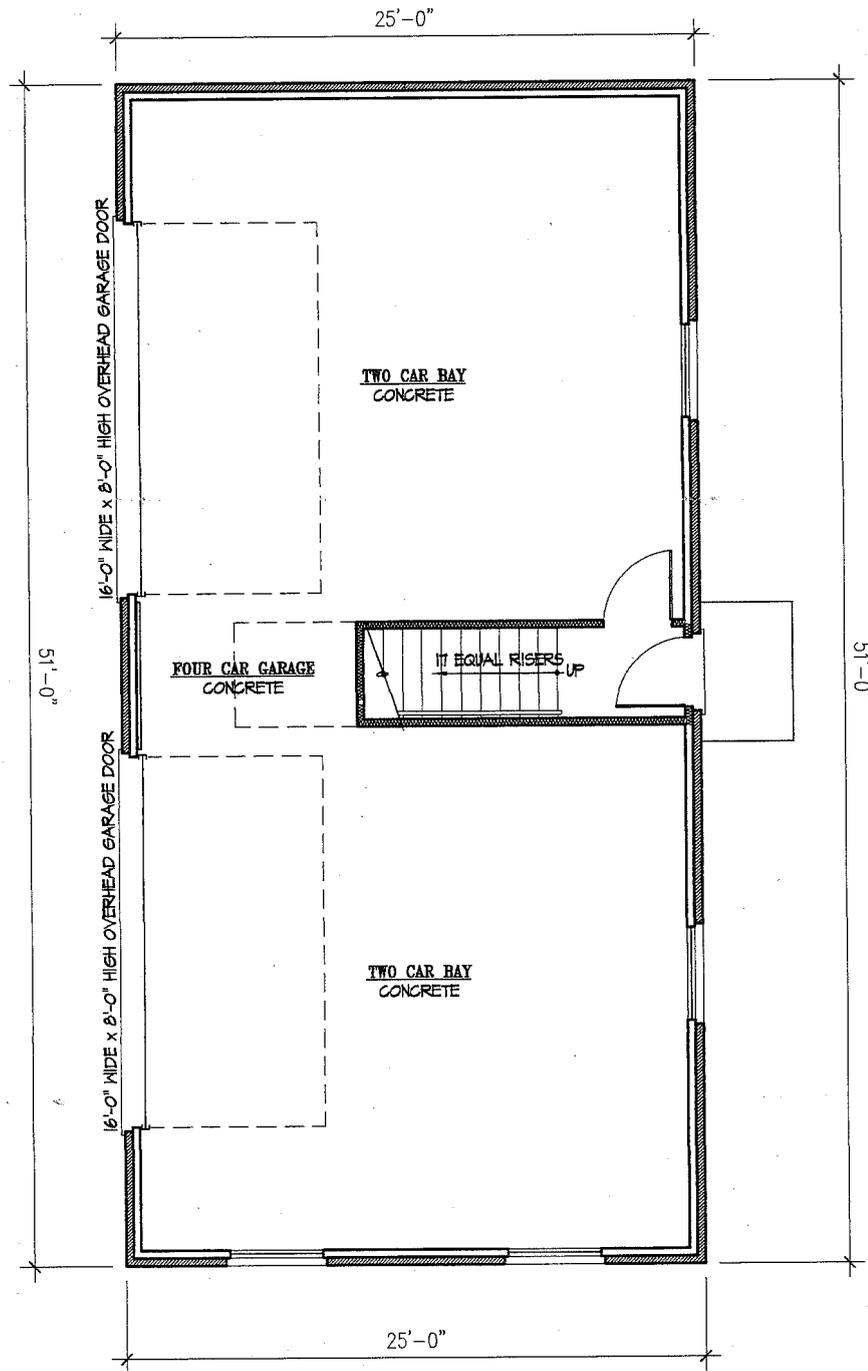
1 LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"

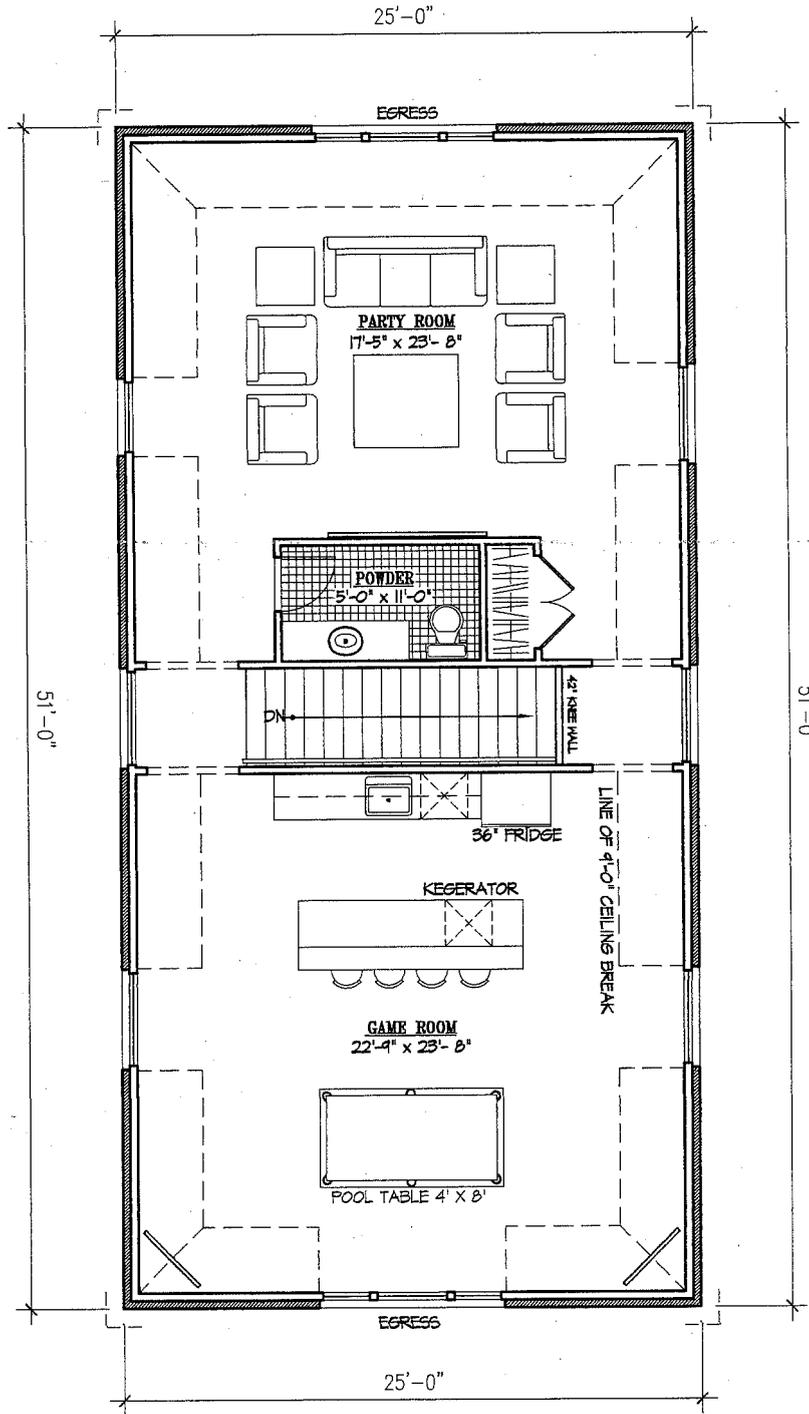
A5



1 REAR ELEVATION
 A6 SCALE: 1/8" = 1'-0"



1 FIRST FLOOR PLAN
 A1 SCALE: 1/8" = 1'-0"



1 SECOND FLOOR PLAN
 A2 SCALE: 1/8" = 1'-0"



A. PANORAMIC FROM BACK YARD



**B. PANORAMIC FROM DRIVEWAY TOWARD
PROPOSED GARAGE LOCATION**



C. PANORAMIC FROM PROPOSED GARAGE LOCATION TOWARD MAIN HOUSE



D. VIEW OF HOUSE FROM DRIVEWAY



F. VIEW OF PROPOSED GARAGE LOCATION



E. VIEWS OF HOUSE / SIDE YARD



G. VIEW OF EXISTING GARAGE / DRIVEWAY



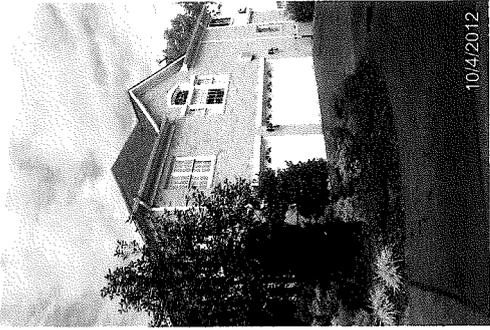
A. FRONT OF HOUSE



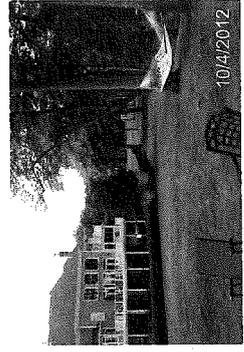
B. SIDE OF HOUSE SHOWING ADJACENT PROPERTY TO THE WEST



C. VIEW FROM SIDE OF HOUSE TOWARD ADJACENT PROPERTY TO THE EAST



D. EAST SIDE OF HOUSE



E. BACK OF HOUSE / VIEW FROM BACK TOWARD ADJACENT PROPERTY TO THE WEST

















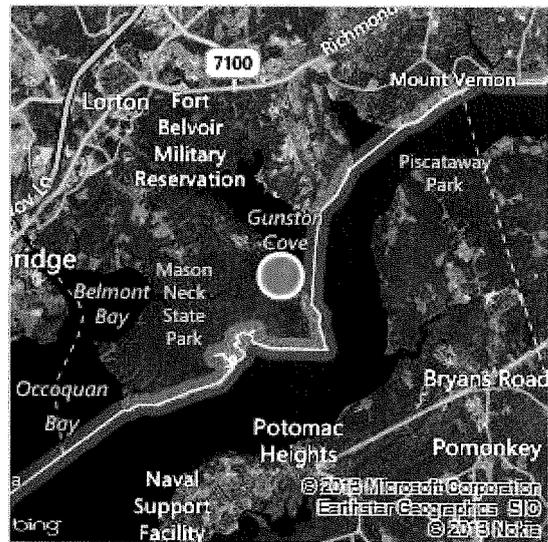


bing Maps

11191 Gunston Rd, Lorton, VA 22079

My Notes

On the go? Use m.bing.com to find maps, directions, businesses, and more



 Bird's eye view maps can't be printed, so another map view has been substituted.

United States • VA • Lower Potomac



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DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit construction of an addition, a detached garage 10.0 feet from the eastern side lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Garage	Side	20.0 feet	10.0 feet	10.0 feet	50%

*Minimum yard requirement per Section 3-307

The applicant proposes to construct an approximately 2,550 square foot, 2-story detached garage in the eastern side yard. The proposed 4-car garage will be 30 feet 2 inches in height and will house vehicles and work tools on the first story while the second story will have a game room and a party room. The garage will be brick with a French Manor style of architecture to match the existing dwelling.

A copy of the special permit plat titled 'Special Permit Plat Lot 12 Gunston Hall Forest' prepared by RCFields & Associates, inc., signed by Ronald J. Keller, dated May 23, 2013, is included in the front of the staff report.

EXISTING SITE DESCRIPTION

The 5.26 acre lot contains a 2-story, 13,350 square foot, brick, single family dwelling. The rear yard contains a deck with stairs that leads down to a concrete and stone patio surrounding an in-ground pool. A stone walkway extends from the patio towards Gunston Cove near the rear lot line. An asphalt driveway extends from Gunston Road, across the adjacent property to the east via an ingress-egress easement, and to the existing garage on the west side of the dwelling. A stone walkway extends from the driveway to a covered stoop with stairs.

The property contains several easements including a 50 foot ingress/egress easement along the southern property lines. There are two storm drain easements and a "do not disturb area easement" for the drainfield, south of the primary dwelling. To the north of the dwelling is a flood plain easement and also a Resource Protection Area.

CHARACTER OF THE AREA

	Zoning	Use
North	N/A	Gunston Cove (Potomac River)
East	R-E	Vacant
South	R-E	Single Family Detached Dwelling
West	R-E	Single Family Detached Dwelling

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 2000. Building permits for a pool, a retaining wall and a deck were issued in 2000. Another building permit was issued in 2000 for the construction of an addition to include a sunroom, covered porch, breakfast bump-out, and a three car garage extension.

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

ZONING ORDINANCE REQUIREMENTS

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

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

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

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards.

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. Staff believes that the application has not met all of the standards, specifically Standards 7, and 9.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. Through photographs provided by the applicant, the Special Permit Plat, and aerial photography, staff believes that the detached garage addition could be located elsewhere on the property, which would be more in harmony with the neighborhood rather than being located in the required side yard. The lots in this subdivision are large, and many of the structures seem to be located away from their property lines. While most of the rear yard is RPA, the applicant has a large front yard, notwithstanding the easements, in which he could build. Other properties in the neighborhood have structures in their front yards so it would be in harmony with surrounding uses and structures. The applicant's property is larger than 36,000 square feet so accessory structures are allowed in the front yard. The applicant's HOA allows for flexibility in the placement of garages as long as they are more than 80 feet from the right-of-way. The applicant's existing dwelling is more than 500 feet from the right-of-way so staff believes there is room to choose another location that will not be so close to the neighboring property. Therefore, staff believes the addition does not meet this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Staff believes that there are alternate locations for the addition. The lot is 5.26 acres in size and much of it is undeveloped. While there are areas of RPA, easements, and a septic field on site, there are still other places where a garage the size the applicant is proposing could be located. The garage could also be built as attached to the existing dwelling instead of detached. Staff believes the application does not meet this provision.

CONCLUSION

Staff believes that the applicant does not meet all applicable Standards for Reduction of Certain Yard Requirements as outlined above, specifically Standards 7 and 9.

RECOMMENDATION

Staff recommends denial of SP 2013-MV-043 for the detached garage for the reasons outlined in this staff report.

Should the BZA chooses to approve the request, staff recommends the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

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

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

APPENDICES

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

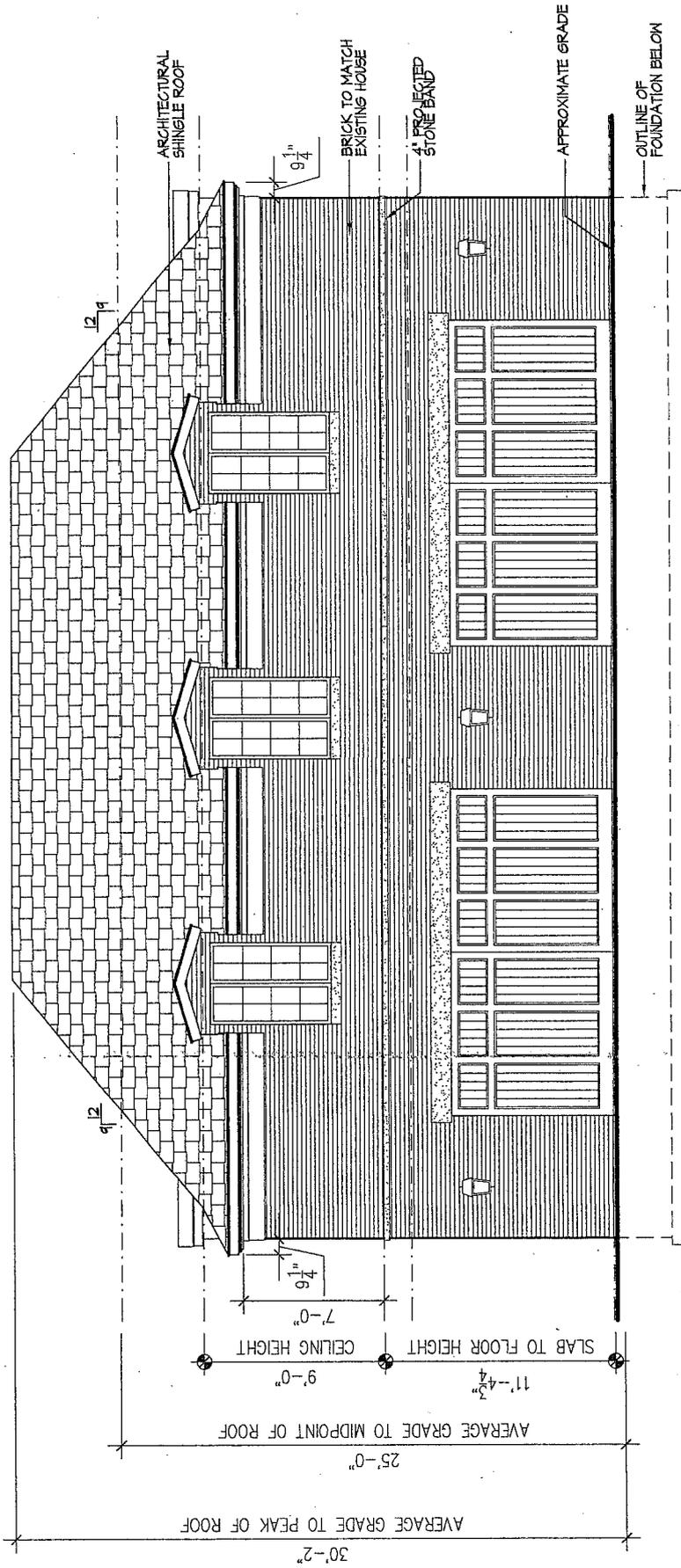
PROPOSED DEVELOPMENT CONDITIONS**SP 2013-MV-043****July 24, 2013**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-MV-043 located at Tax Map 119-1 ((3)) 12 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.

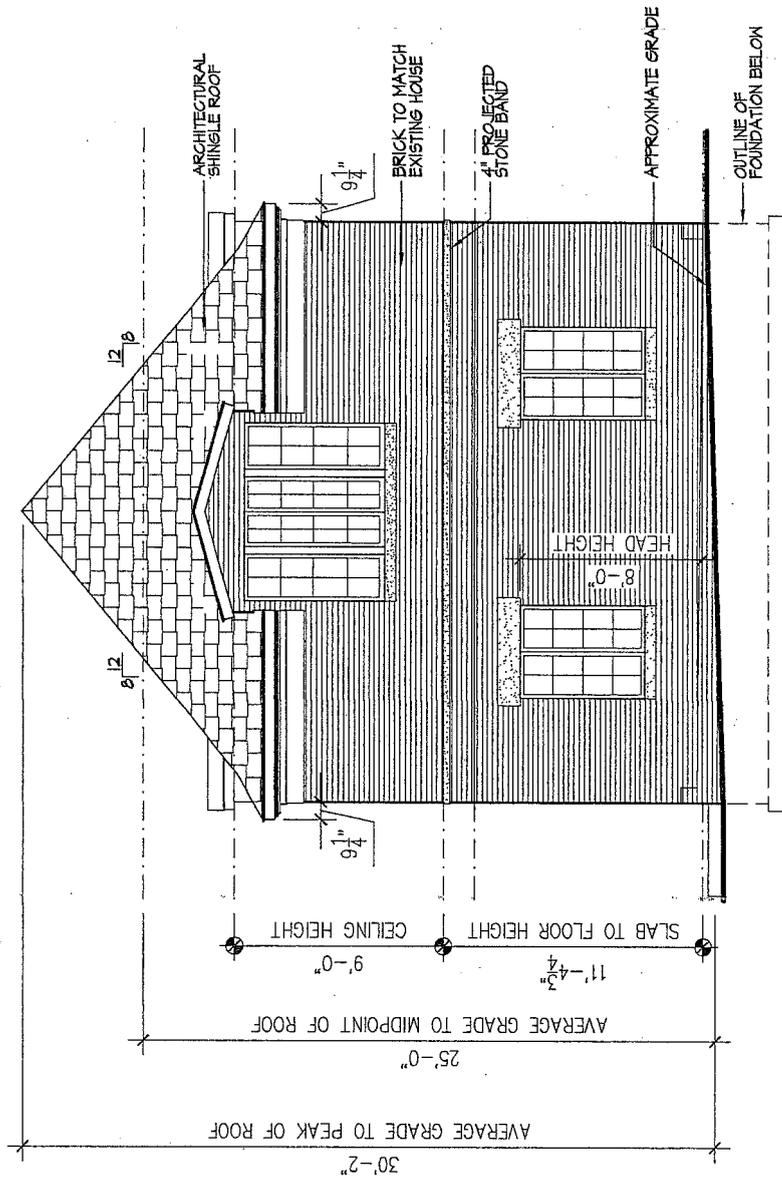
1. This special permit is approved for the location and size of the detached garage addition (approximately 2,550 square feet), as shown on the plat titled 'Special Permit Plat Lot 12 Gunston Hall Forest' prepared by RCFields & Associates, Inc., signed by Ronald J. Keller, dated May 23, 2013, as submitted with this application and is not transferable to other land.
2. Applicant shall ensure that adequate landscape screening is maintained between the garage and the neighboring property to the east to buffer the impact of the garage.
3. 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.

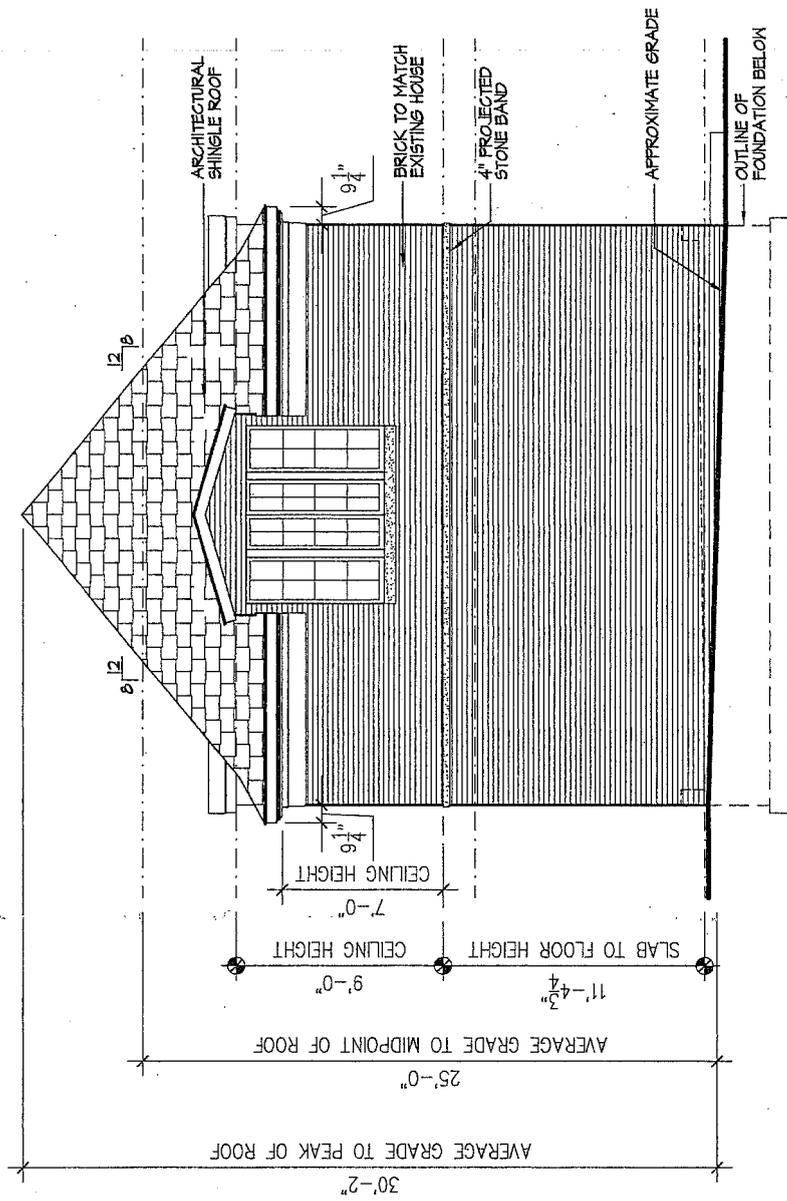
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction 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.



1 FRONT ELEVATION
 A3 SCALE: 1/8" = 1'-0"



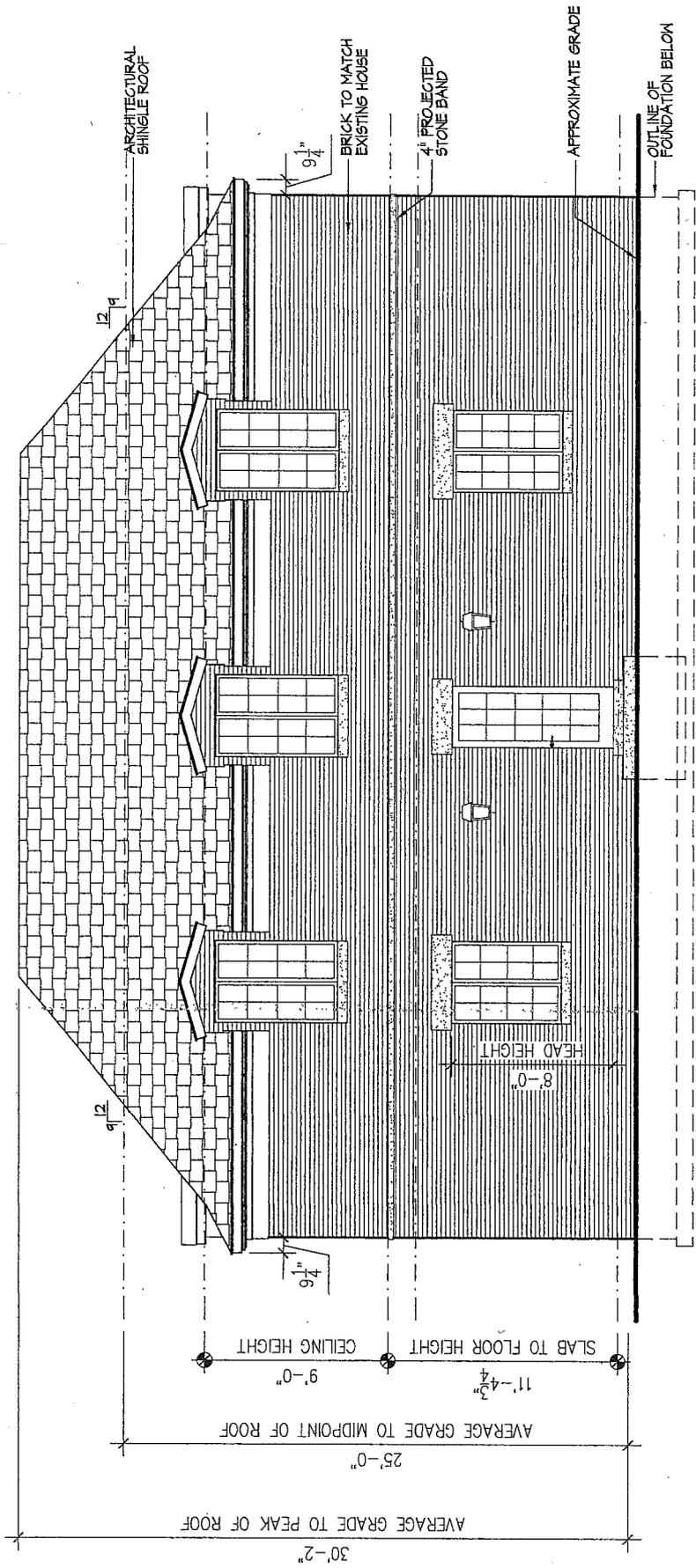
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A4
RIGHT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"



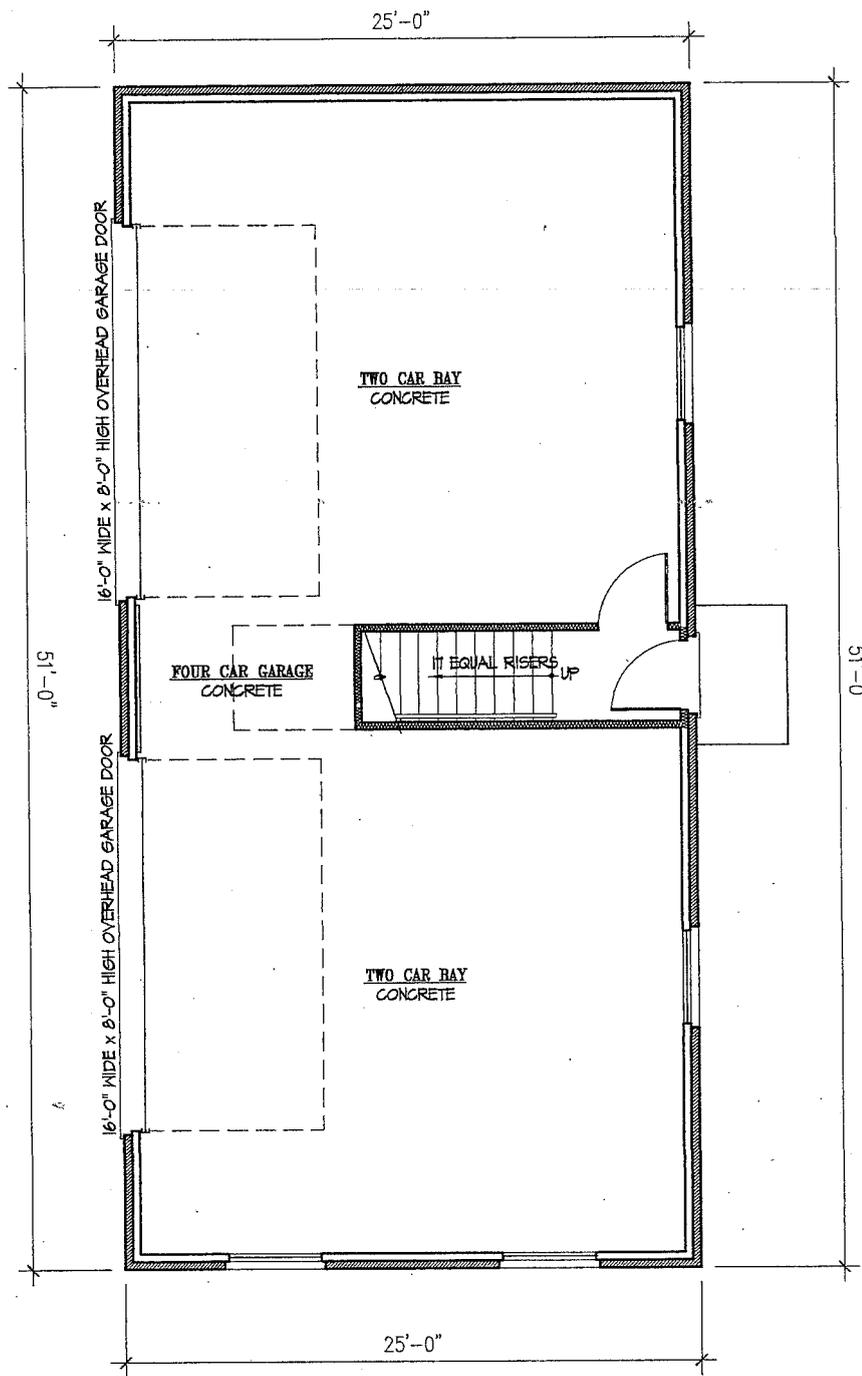
1 LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"

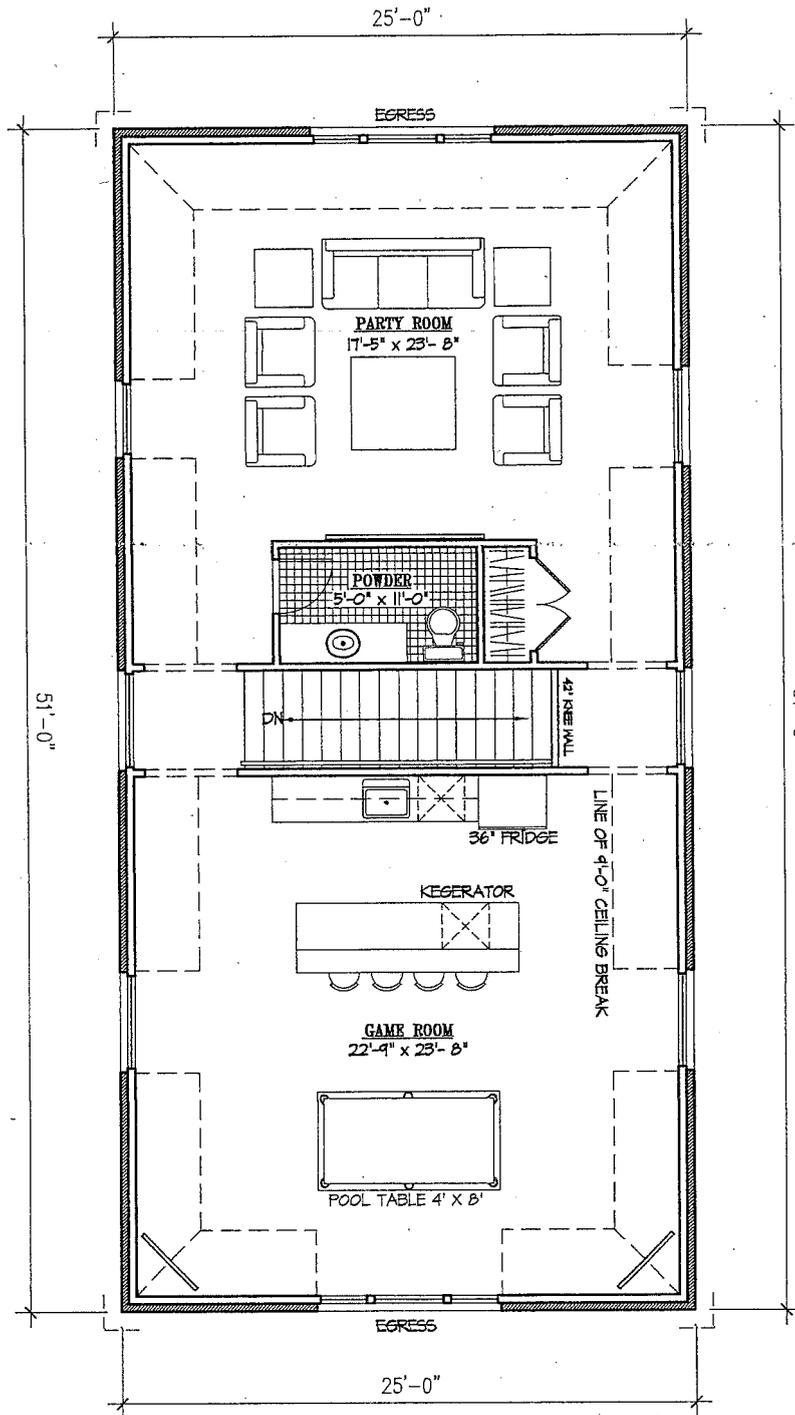
A5



1 REAR ELEVATION
 A6 SCALE: 1/8" = 1'-0"



1
A1
FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"



1 SECOND FLOOR PLAN
A2 SCALE: 1/8" = 1'-0"

Application No.(s): SP 2013-NV-043
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-21-12
(enter date affidavit is notarized)

I, STEPHEN W. KULINSKI, 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

118739

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)
BASIM M. MANSOUR	11191 GUNSTON ROAD, LORTON, VA 22079	APPLICANT/TITLE OWNER
KULINSKI GROUP ARCHITECTS, P.C.	104 N. WEST STREET, ALEXANDRIA, VA 22314	AGENT
STEPHEN W. KULINSKI	104 N. WEST STREET, ALEXANDRIA, VA 22314	AGENT

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

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

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

Application No.(s): SP-2013-MV-043
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-21-12
(enter date affidavit is notarized)

118739

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)

KULINSKI GROUP ARCHITECTS, P.C.
104 N. WEST STREET
ALEXANDRIA, VA 22314

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)

STEPHEN W. KULINSKI

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

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

Application No.(s): SP 2013: M.V. 043
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-21-12
(enter date affidavit is notarized)

11 8739

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)

NONE

(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**)

NONE

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

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

Application No.(s): SP 2013-MV-043
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-21-12
(enter date affidavit is notarized)

118739

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: 11-21-12

11 8739

(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

NONE SWIK 12.20.12

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

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[] Applicant

[x] Applicant's Authorized Agent

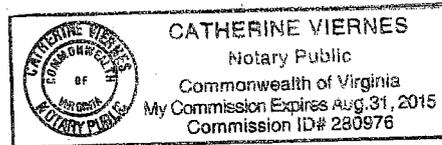
STEPHEN W. KULINSKI, AUTHORIZED AGENT

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

Subscribed and sworn to before me this 21st day of November, 2012, in the State/Comm. of Virginia, County/City of Loudoun.

Notary Public

My commission expires: Aug 31 2015



STATEMENT OF JUSTIFICATION

Application for a Special Permit
11191 Gunston Road
R.E. 1191 03 0012

Originally submitted November 2, 2012
Revised Statement of Justification
May 22, 2013

RECEIVED
Department of Planning & Zoning

MAY 24 2013

Zoning Evaluation Division

Background

The subject property, located at 11191 Gunston Road, is in the Lower Potomac Planning District of Fairfax County. The 5.2612-acre property is owned by Basim M. Mansour, and a house on the property serves as the Mansour Family residence. The owner plans to build a two-story four-car garage on the side yard of his property. This application requests a special permit for a reduction in the side yard setback because the garage will extend into the 20-foot setback area.

Description of building façade and architecture of proposed new building

The proposed garage will be in a French Manor style, mirroring the architecture of the existing residence. The placement of the garage will result in an attractive courtyard effect between the house and the garage, and will shield the view of the vehicles on-site and from the neighboring property which is currently a vacant lot. The reduction of ten feet of setback will alleviate a substandard vehicle maneuvering condition within the parking court.

The structure will serve two purposes, first as a garage for vehicles and workshop tools. Second, the rooms above the garage will serve as a game room and party room for the Mansour family, with dimensions of 22'-9" x 23'-8" and 17'-5" x 23'-8" respectively. They will provide a venue separate from the family's dwelling place in the main residence, to allow for occasional events or family celebrations. They will also provide a space for such things as media and entertainment systems or hobbies. Drawings are included in this application, showing an interior layout of the garage. The square footage of the garage, including two rooms on the second story, will be 2,550 square feet. The elevation drawings provided also indicate dimensions and peak roof height.

How proposed use conforms to provisions of applicable regulations

The proposed structure conforms to land use recommendations for the LP3-Mason Neck Community Planning Sector which allow for low-density single family residential use of up to .2 dwelling unit per acre. The proposed development conforms to the provisions of applicable ordinances, regulations and adopted standards with the exception of setback regulations.

This is the first expansion request for this residence which was built in 2000. Item 4 of Section 8-922 of the Zoning Ordinance states that the resulting gross floor area (GFA) of

an addition may be up to 150% of the total GFA of the principal structure that existed at the time of the first expansion request. Based on the dimensions noted on the plat, the above grade area of the main structure (9,508 square feet), plus the basement (3,842 square feet) total 13,350 square feet of GFA. The proposed garage will not be attached to the principal structure, but rather a separate building. Its area will be 2,550 square feet, or 19% of the main residence. The resulting GFA of the addition to the existing principal structure (13,350 square feet + 2,550 square feet) will be 15,900 square feet, or 119% of the current structure. This addition is well within the limits of item 4 in Section 8-922. The design of the garage will ensure that it is clearly subordinate in purpose, scale, use and intent to the principal structure. The garage will reflect the existing structure in terms of location, height, bulk and scale.

The neighboring site is vacant, with no structure or use. Only small shrubbery will be removed to build the garage, and no significant trees will be affected. The remaining vegetation in the setback area will be supplemented by a screen of fast-growing fir trees along the property line so the appearance will be no different whether the setback is 10 feet or 20 feet. The trees will also ensure that a potential neighbor's sight-line is not compromised by a garage, presenting attractive local species trees rather than a building. The size and bulk of the garage will be harmonious with any appropriate development of the neighboring site, and will not compromise elements such as light, noise, erosion, or stormwater runoff of the adjacent property.

This application requests a 50% reduction in the setback requirement as the proposed structure will extend 10 feet into the 20-foot setback area. The plat included with this application allows for eaves to extend one foot beyond the wall of the garage, with the garage placed so that the distance between the outer edge of the eaves and the property line is at least 10 feet. Placement of the garage to the side of the main residence is the only viable option, addressing several issues. It is important to maintain the integrity of the septic system which runs through the front yard. Homeowners Association restrictions also do not allow for a structure to be placed in the front yard. The garage cannot be placed in the back yard because there is not enough space between the main residence and the drop-off down toward Gunston Cove.

The following items for the Statement of Justification do not apply to this property since it is a family residence:

- Type of operation
- Hours of operation
- Estimated number of patrons/clients
- Proposed number of employees/teachers
- Estimate of traffic impact
- Vicinity or general area to be served by the use

No hazardous or toxic substances are in existence and none will be part of this proposal.

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.