



APPLICATION ACCEPTED: August 23, 2013
BOARD OF ZONING APPEALS: November 20, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 13, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-MV-067

MOUNT VERNON DISTRICT

APPLICANT/OWNER: Luis Marcelo Valencia
CO-OWNER: Anna Valencia
STREET ADDRESS: 8492 Brutus Court, Springfield, 22153
SUBDIVISION: The Forest at Southrun
TAX MAP REFERENCE: 98-3 ((16)) 36
LOT SIZE: 9,040 square feet
ZONING DISTRICT: PDH-3
ZONING ORDINANCE PROVISION: 8-922
SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of addition 12.58 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2013-SU-047 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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

O:\ehaley\11-20) SP 2013-MV-067 Valencia (50%)\Valencia staff report.doc

Erin M. Haley

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

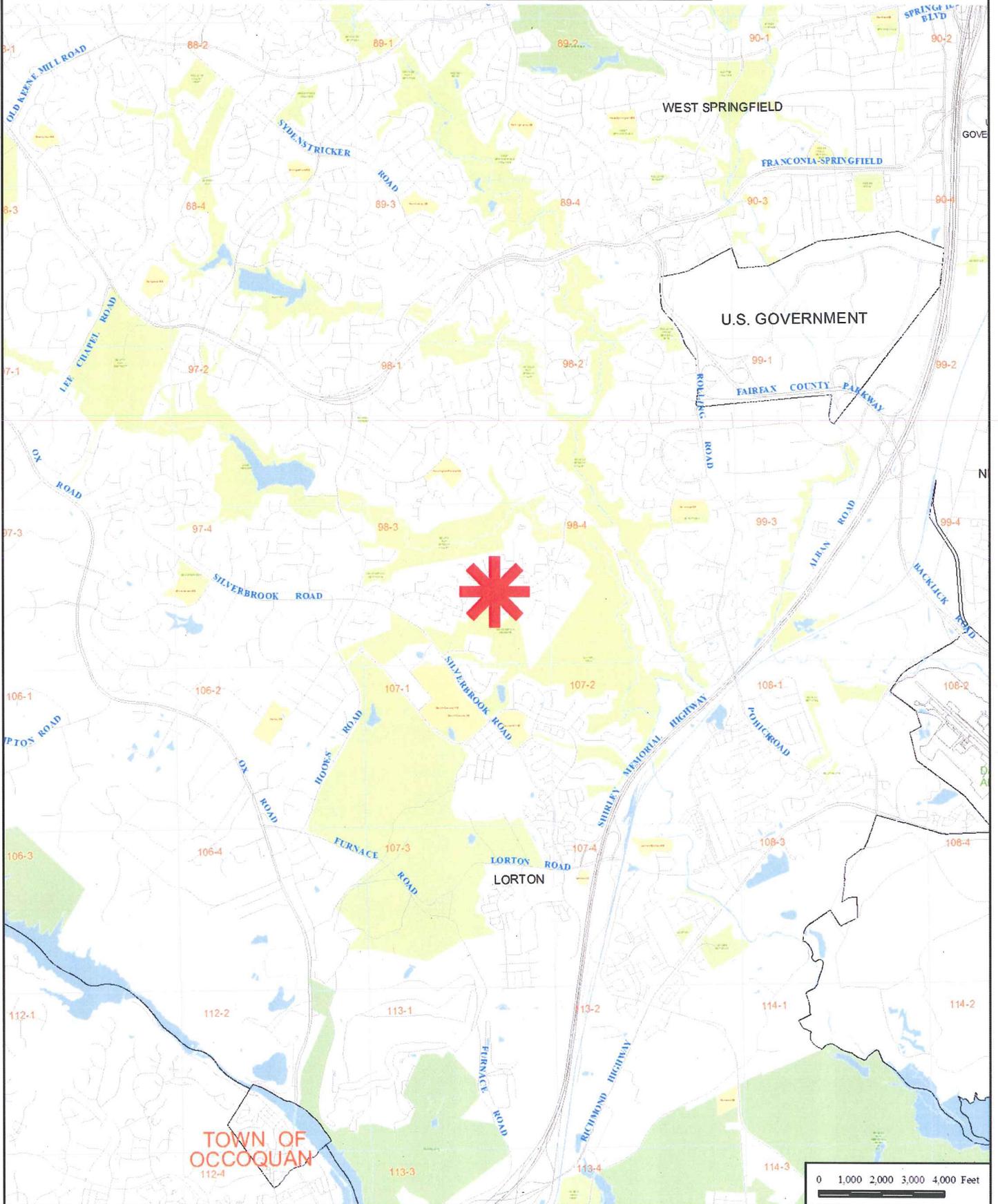
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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

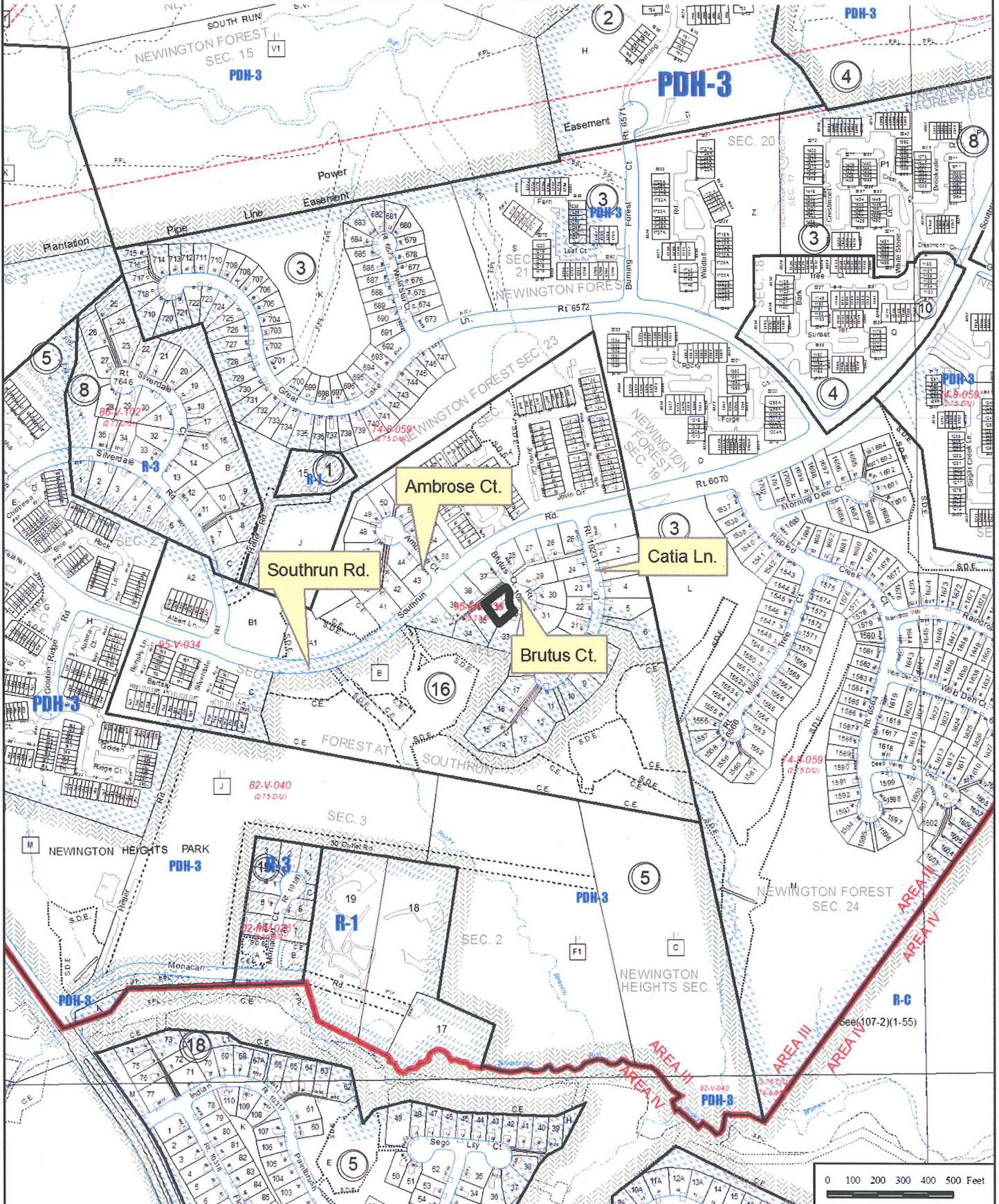


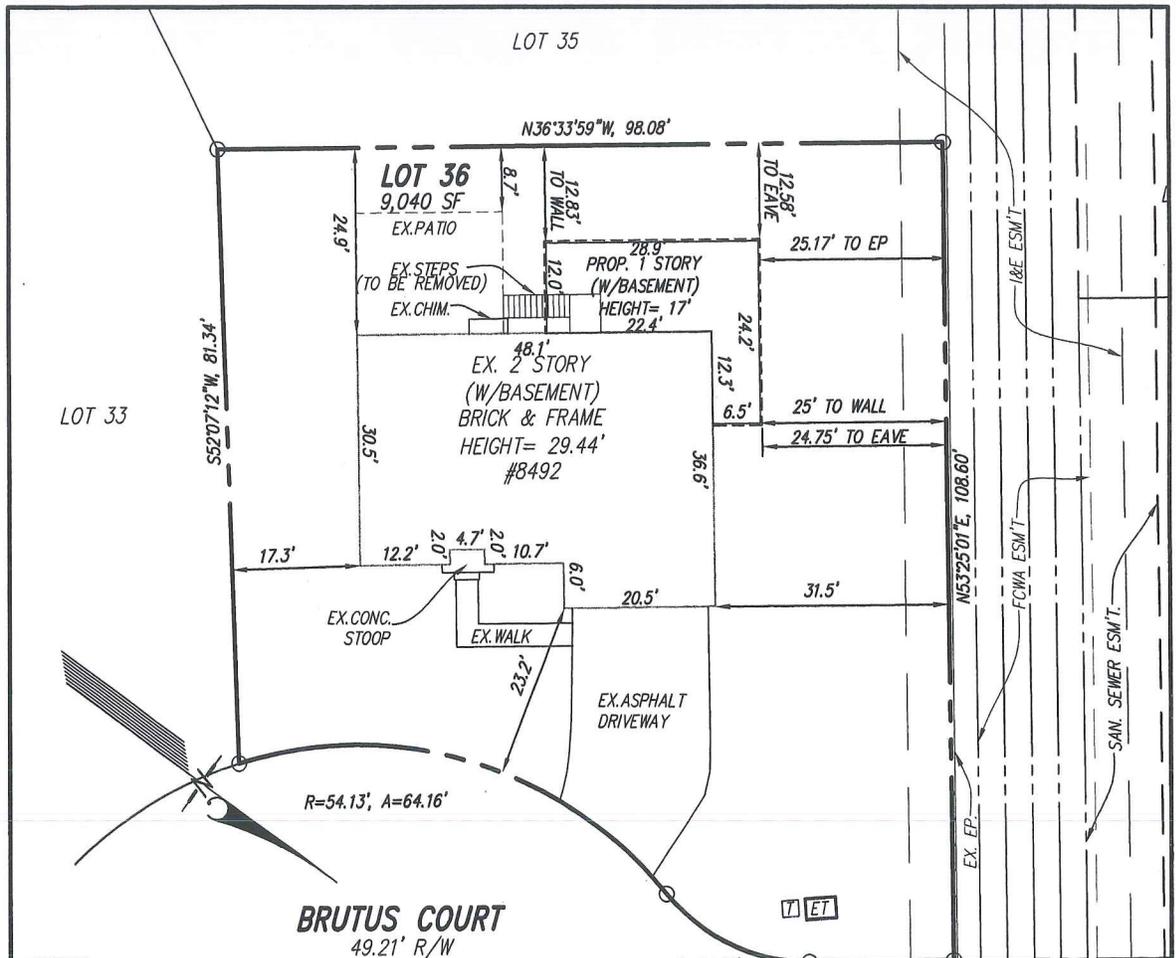
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2013-MV-067
LUIS MARCELO VALENCIA



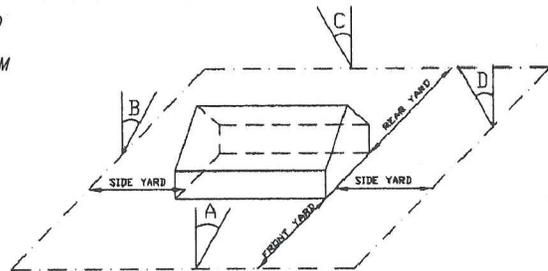
Special Permit
SP 2013-MV-067
LUIS MARCELO VALENCIA





NOTES:

- NO TITLE REPORT FURNISHED, EASEMENTS, RIGHTS OF WAYS, ETC., OTHER THAN SHOWN MAY EXIST.
- PROPERTY SHOWN ON FAIRFAX COUNTY TAX MAP PARCEL 0983-16-0036.
- PROPERTY APPEARS TO LIE WITHIN F.E.M.A. DEFINED FLOOD ZONE "X".
- EXISTING INFORMATION SHOWN HEREON WAS OBTAINED FROM A "PHYSICAL IMPROVEMENT SURVEY", PREPARED BY THE ENGINEERING GROUPE, INC., DATED 9/17/99.
- ZONED PDH-3, (RZ1996-MV-036)
- LOTS AND ESM'T SHOWN HEREON ARE RECORDED IN DEED BOOK 10717 PAGE 679.
- LOT AREA=9,040 SQ.FT.
- HEIGHTS:
EX. DWELLING=29'5 1/4"
PROP. ADDITION=17'
- PROPERTY SERVED BY PUBLIC WATER & SEWER.
- AREAS
EX. HOUSE SQ.FT.=2,310 SF
EX. FLOOR AREA RATIO:
EX. GFA(2,310)/LOT AREA(9,040)=0.25
PROP. ADDN.=427 SF
PROP. AREA=427 SF
PERCENTAGE OF ADDITION WITH RESP. TO EXISTING HOME
PROP. AREA(427)/EX.GFA(2,310)=0.18
PROP. GROSS AREA
EX. GFA(2,310)+PROP. AREA(427)=2, 737 SF
PROP. FLOOR AREA RATIO:
PROP. GFA(2,737)/LOT AREA(9,040)=0.30
PROP. STRUCTURE AREA RATIO
PROP. AREA(427)/PROP. TOTAL HOUSE AREA(2,737)=0.15



- FRONT YARD : $\triangle A$ 15° WITH A BUILDING HEIGHT OF 35' THE FRONT YARD = 9' BUT NOT LESS THAN 5'
- SIDE YARD : $\triangle B$ 15° WITH A BUILDING HEIGHT OF 35' THE SIDE YARD = 9' BUT NOT LESS THAN 10'
- REAR YARD : $\triangle C$ 30° WITH A BUILDING HEIGHT OF 35' THE REAR YARD = 20' BUT NOT LESS THAN 20'

ANGLE OF BULK PLANE (for single family attached)

MINIMUM REQUIRED YARD FOR BUILDING WITH 35' HEIGHT

**PLAT SHOWING
LOT 36, SECTION 2
THE FOREST AT SOUTHRUN
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

ATCS, P.L.C.

ENGINEERING • PLANNING • SURVEYING
P.O. BOX 1264 - 767 MADISON ROAD, SUITE 107
CULPEPER, VIRGINIA 22701
(540) 825-1369 Fax (540) 825-1520
Dulles, Va. • Waldorf, Md. • Annapolis, Md.

SCALE: 1" = 20'
DATE: 4-3-13
REV: 8-6-13
DRAWN BY: EFB
CHECKED BY: RAR
FILE No: C000-0000
FILE LOCATION:

COMMONWEALTH OF VIRGINIA

Roddy A. Reyes
RODDY A. REYES
LIC. NO. 036371

8/6/13

PROFESSIONAL ENGINEER



EXISTING EAST ELEVATION



PROPOSED ELEVATION

VALENCIA RESIDENCE ADDITION

8492 BRUTUS COURT SPRINGFIELD, VA 22152

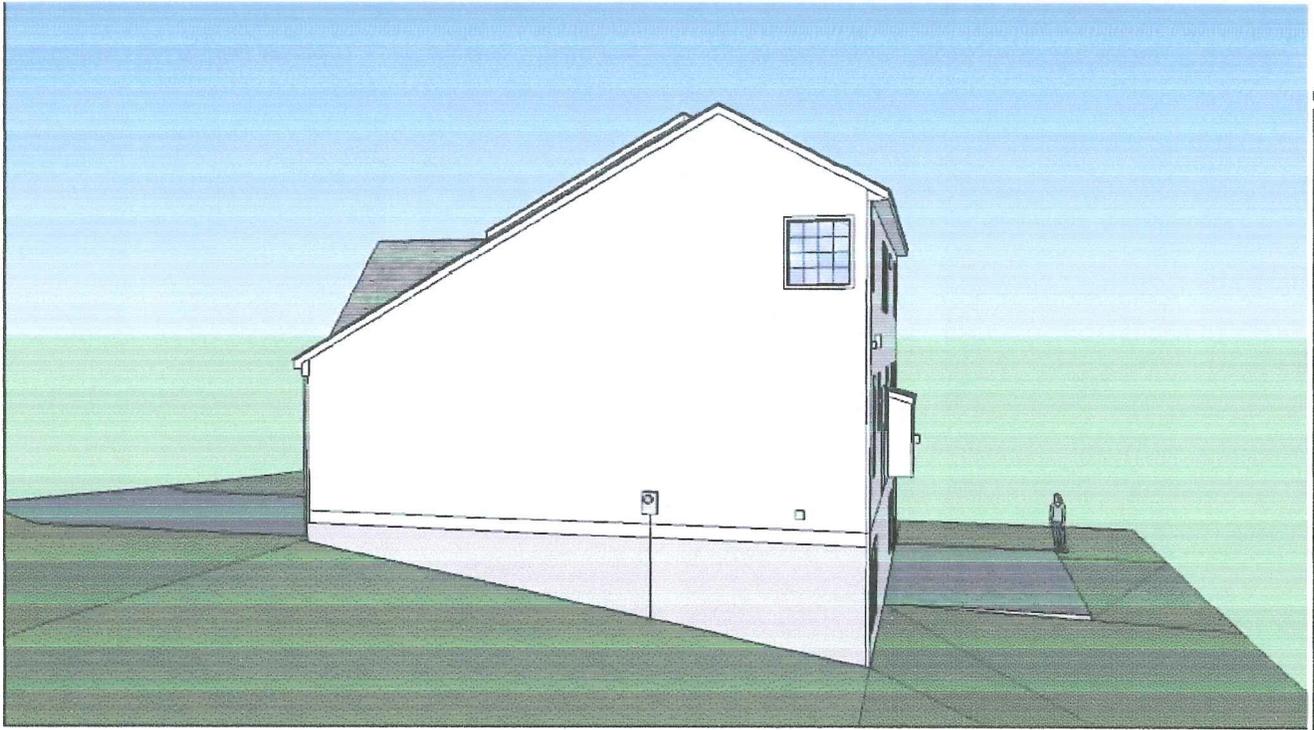
sasa

STEPHEN ALLEN SMITH ARCHITECT PC
5901 KINGSTOWNE VILLAGE PKWY SUITE 205
KINGSTOWNE, VIRGINIA 22315
www.sasapc.com (703)216-9118

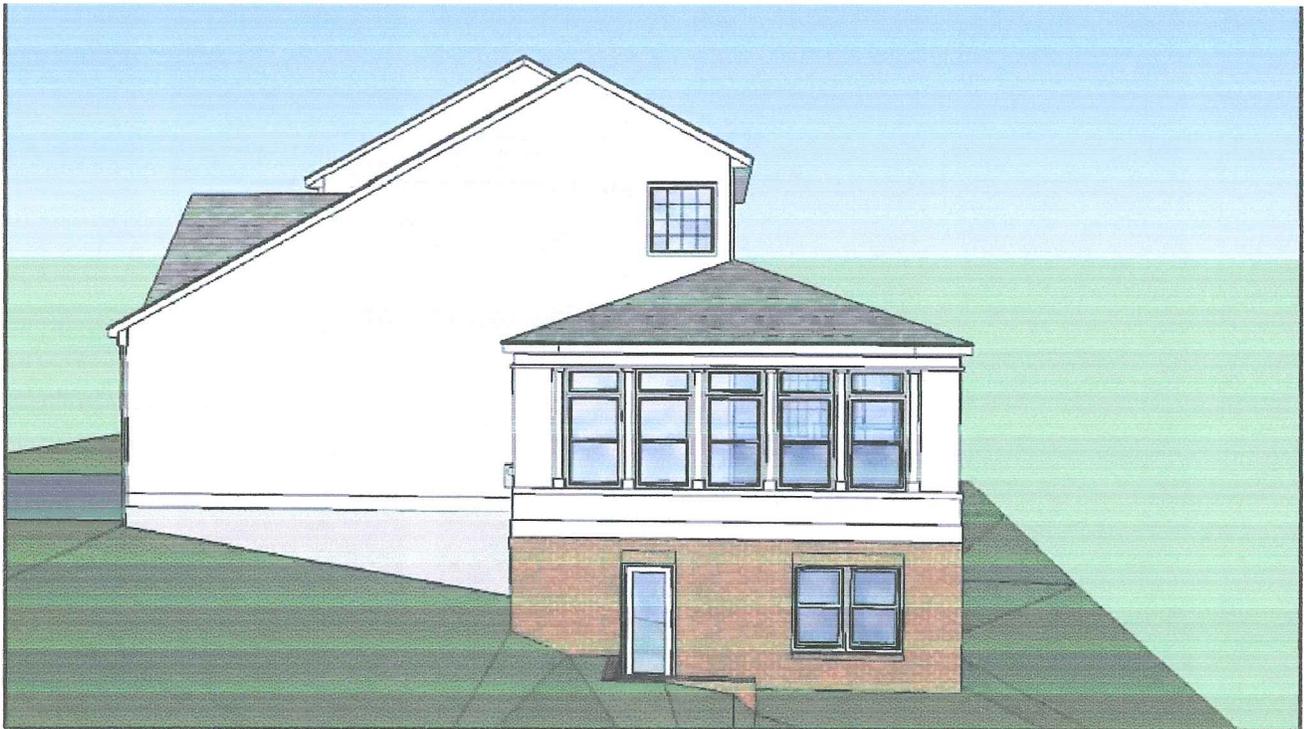
DATE: 4-24-13

PROJ: 13055

SHEET NO:



EXISTING NORTH ELEVATION



PROPOSED ELEVATION

VALENCIA RESIDENCE ADDITION

8492 BRUTUS COURT SPRINGFIELD, VA 22152

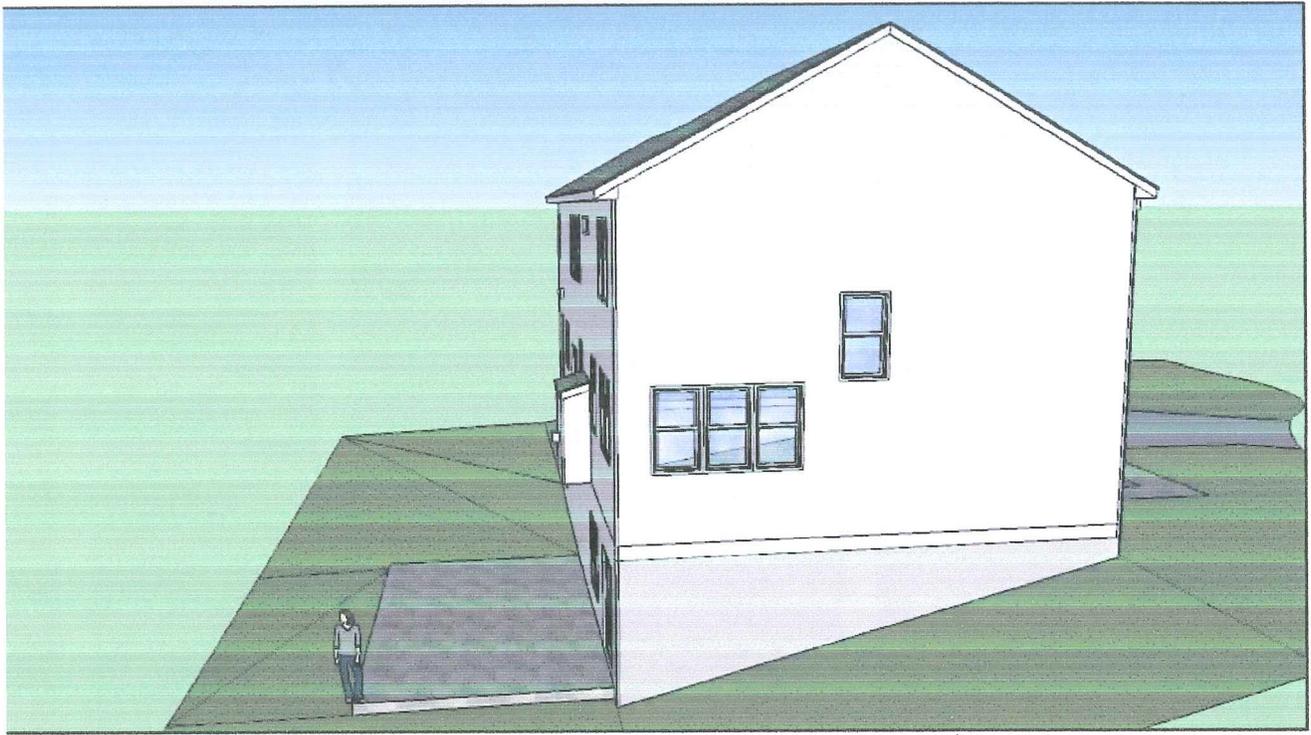
sasa

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KINGSTOWNE, VIRGINIA 22315
www.sasapc.com (703)216-9118

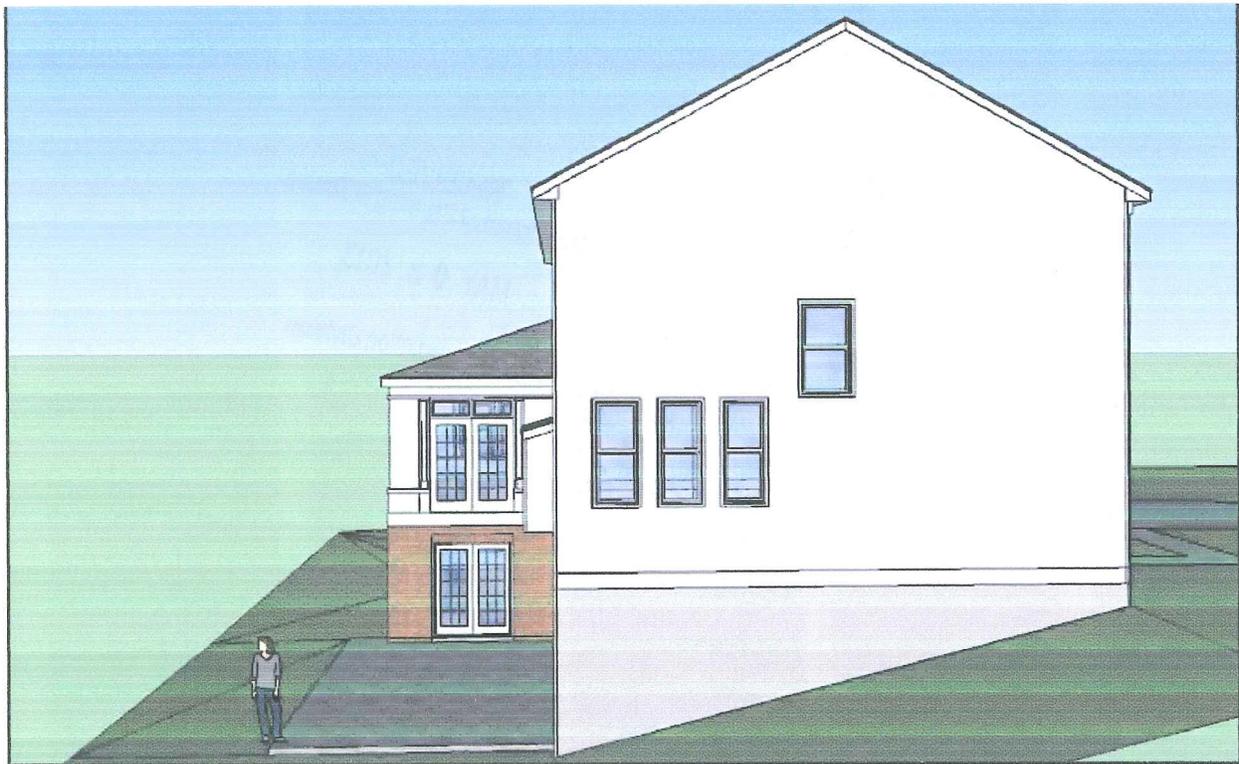
DATE: 4-24-13

PROJ: 13055

SHEET NO:



EXISTING SOUTH ELEVATION



PROPOSED ELEVATION

VALENCIA RESIDENCE ADDITION

8492 BRUTUS COURT SPRINGFIELD, VA 22152

sasa

STEPHEN ALLEN SMITH ARCHITECT PC
5901 KINGSTOWNE VILLAGE PKWY SUITE 205
KINGSTOWNE, VIRGINIA 22315
www.sasapc.com (703)216-9118

DATE: 4-24-13

PROJ: 13055

SHEET NO:



EXISTING WEST ELEVATION



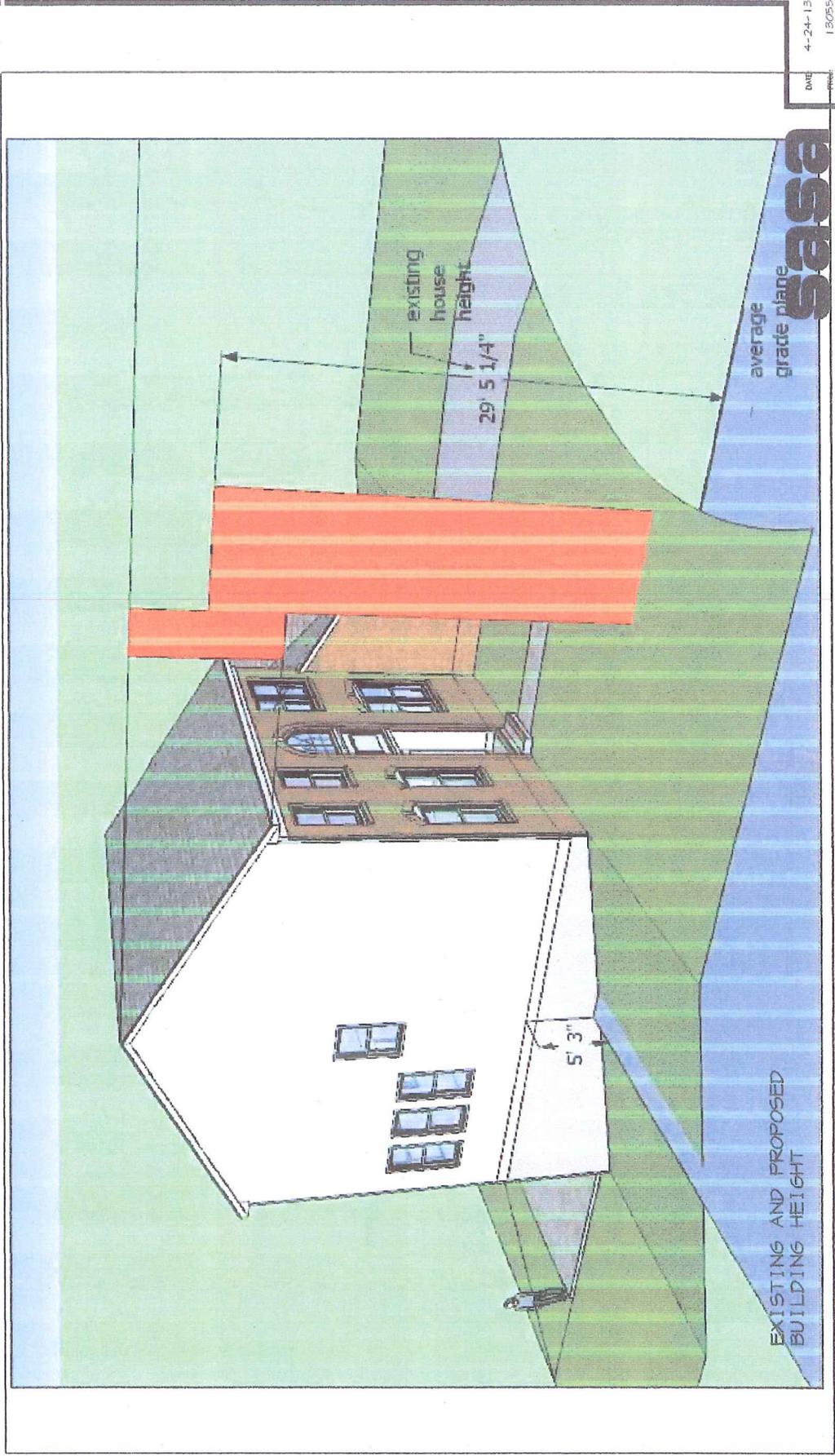
PROPOSED ELEVATION

VALENCIA RESIDENCE ADDITION
 8492 BRUTUS COURT SPRINGFIELD, VA 22152

sasa

STEPHEN ALLEN SMITH ARCHITECT PC
 5901 KINGSTOWNE VILLAGE PKWY SUITE 205
 KINGSTOWNE, VIRGINIA 22315
 www.sasapc.com (703)216-9118

DATE: 4-24-13
 PROJ: 13055
 SHEET NO:



EXISTING AND PROPOSED
BUILDING HEIGHT

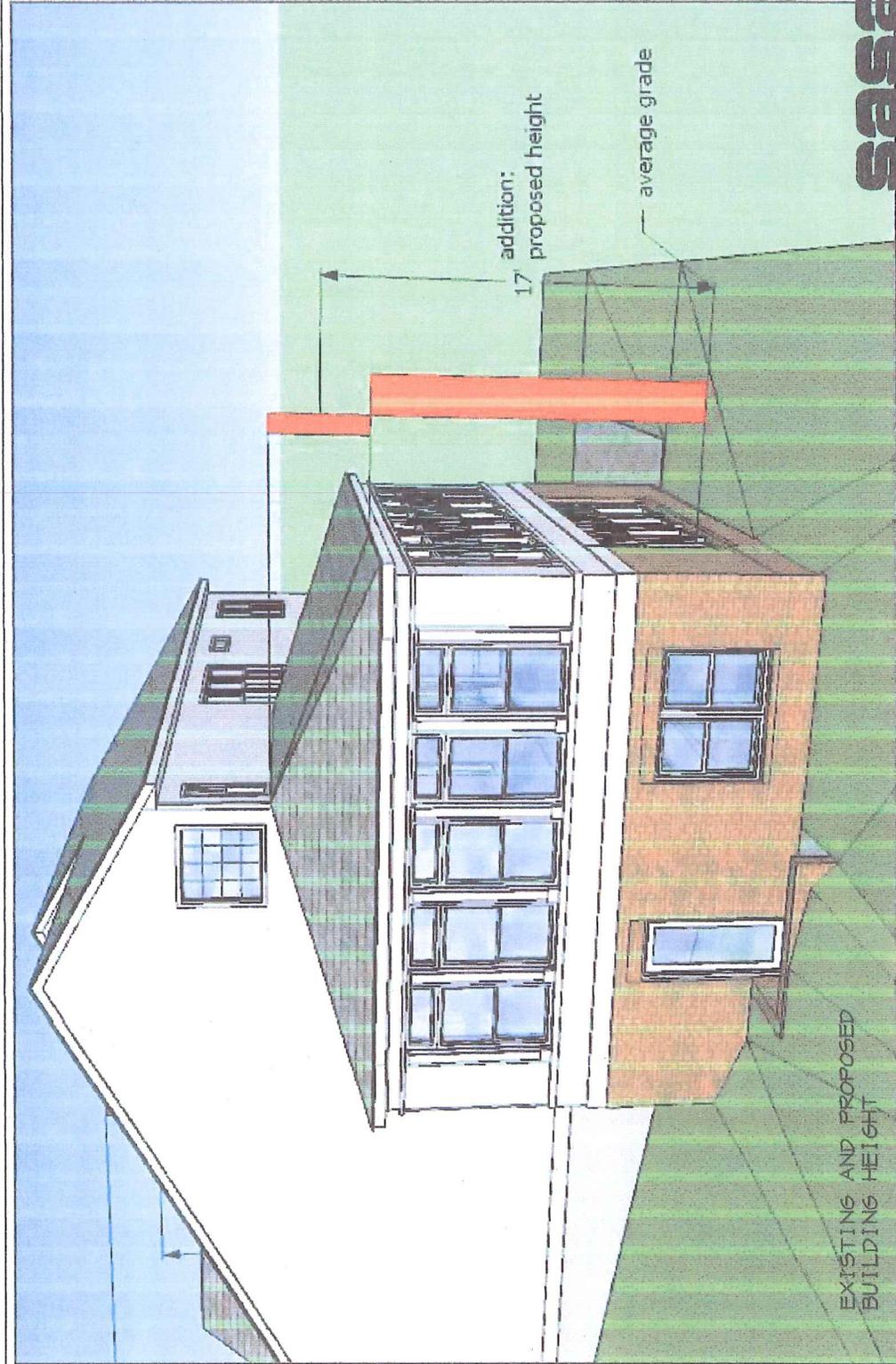
VALENCIA RESIDENCE ADDITION

8492 BRUTUS COURT SPRINGFIELD, VA 22152

DATE 4-24-13
SHEET NO. 13055

STEPHEN ALLEN SMITH ARCHITECT PC

5901 KINGSTON VILLAGE PKWY SUITE 200
HIDDSBORO, VERONA NJ 07033
WWW.SASAPPC.COM (763)716-7715



EXISTING AND PROPOSED
BUILDING HEIGHT

sasa

STEPHEN ALLEN SMITH ARCHITECT PC
5901 KINGSTOWNE VILLAGE HWY SUITE 205
KINGSTOWNE, VIRGINIA 22151
www.sasape.com (703) 316-2716

DATE: 4-24-13
PROJECT: 13005

SHEET NO:

VALENCIA RESIDENCE ADDITION

6892 BRITUS COURT SPRINGFIELD, VA 22152









8492 BRUTUS CT
Springfield, VA 22153

①



April 30, 2013 Picture taken from left side of the rear part of my house. Picture shows property 33, located to the left of my house.

②



April 30, 2013 Picture taken from the back of my house facing property 35. It faces my neighbor's garage.

8492 Brutus Ct
Springfield, VT 22153

3



April 30, 2013 Picture is taken from the right rear of my back yard. This picture faces the pipestem and the homes across the pipestem.

4



April 30, 2013 This picture is taken from the right side/yard of my house. It faces the pipestem and houses across the pipestem.

8492 Brutus Ct.
Springfield, VA 22153

5



April 30, 2013 Picture taken from the front /right side of the property. Picture faces Brutus Court.

6



April 30, 2013 Picture taken from front/left side of property. Picture faces front side of property 33.

8492 Brutus Ct.
Springfield, VA 22153

⑦



April 30, 2013 Picture taken from the front of my house. It faces the cul de sac (Brutus Court).

8492 Brutus Ct
Springfield, VA 22153

8



April 30, 2013 Picture taken from Brutus Ct. Shows front of property.

9



April 30- Picture taken from pipestem to the right side of my property. It shows the front right side of my property and right side yard of my property.

8492 Brutus Ct
Springfield, VA 22153

(10)



April 30, 2013 Picture taken from pipestem. It shows right side of my property.

(11)



April 30, 2013 Picture taken from pipestem. It shows the rear right side of my property.

8492 Brutus ct.
Springfield, VT 22153

(12)



April 30, 2013 Picture taken from property 35. It shows the back of my property.

(13)



April 30, 2013 Picture taken from lot 33. It shows the left rear side of my property.

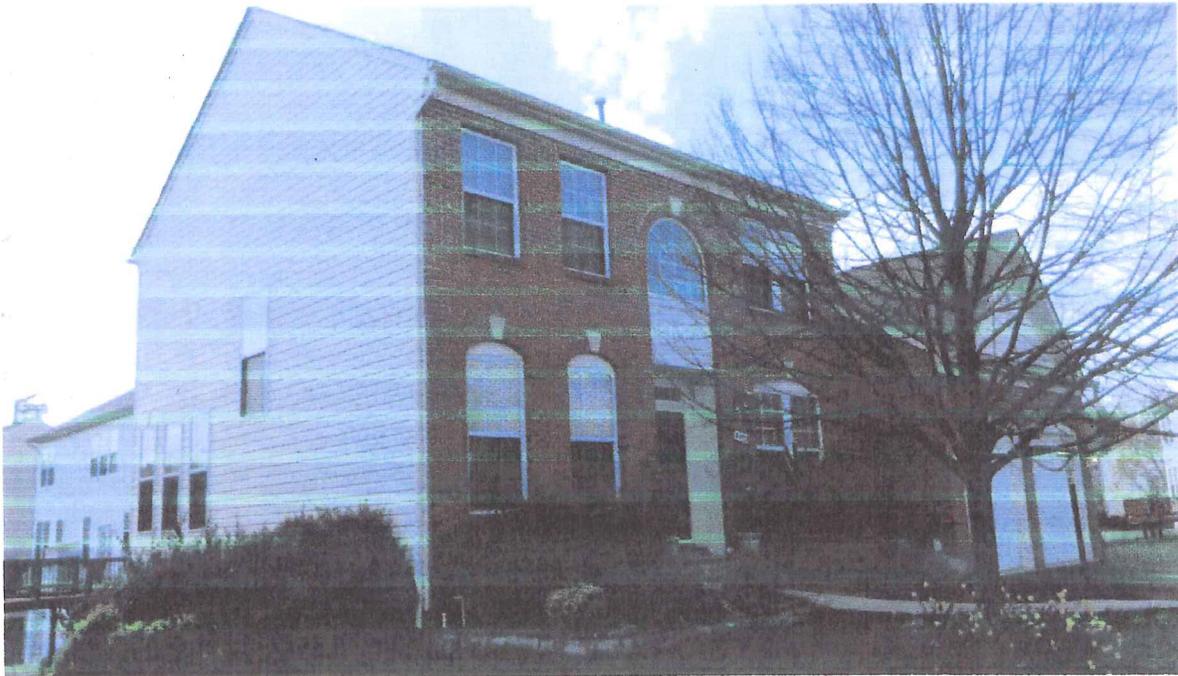
8492 Brutus Ct
Springfield, VA 22153

(14)



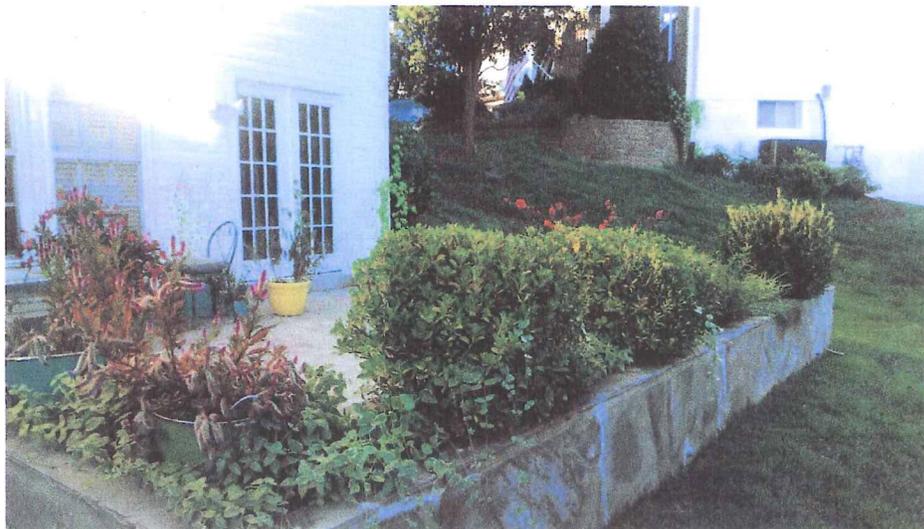
April 30, 2013 Picture taken from property 33. It shows the left side of my property.

(15)



April 30, 2013 Picture taken from the left corner of my property. It shows the left side of my property and the front of my house.

TRELLIS HAS BEEN REMOVED



SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a reduction of certain yard requirements to permit construction of an addition.

A copy of the special permit, plat titled "Plat Showing Lot 36, Section 2, the Forest at Southrun," prepared by Roddy A. Reyes, of ATCS, P.L.C., dated April 3, 2013, as revised through August 6, 2013, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 9,040 square foot lot contains a two-story brick and frame dwelling with an attached garage. The asphalt driveway provides access to the lot from Brutus Court. A concrete walkway leads from the driveway to a front stoop on the east façade of the dwelling. A wood staircase leads from the rear of the house to a concrete patio. A pipestem driveway leads from Brutus Court along the northern side lot line to five additional dwellings. There are a number of mature trees in the front and rear yards and the lot is relatively flat in the front yard, but slopes down in the rear yard toward the adjacent lot to the rear.



As shown on the previous page, the existing lot and surrounding lots are zoned PDH-3 and developed with single family detached dwellings.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1999 and purchased by the applicant also in 1999.

A copy of information outlining similar special permit requests is attached in Appendix 4.

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 sunroom with a basement recreation room, 12.58 feet from the rear lot line. The required rear yard is dictated by the R-3 cluster requirements is 25 feet. Therefore, the applicant is requesting a reduction of 12.42 feet, or 49.7 percent.

The addition will be approximately 17 feet in height. The addition will have a gable roof with brick and vinyl siding to match the existing dwelling.

ANALYSIS

Stormwater Analysis

The owner of the property adjacent to the applicant's rear lot line has reported that his property has a tendency to receive runoff from the subject property. The Department of Public Works and Environmental Services (DPWES) has proposed and staff agrees that a development condition requiring runoff to be diverted away from the neighboring property is acceptable. Staff is also proposing a development condition that requires downspouts on the side of the house with the new addition to be directed away from the adjacent property.

Comprehensive Plan Provisions

Plan Area: III

Planning Sector: Pohick, PO 07 Burke Lake

Plan Map: 3-4 dwelling units per acre

Zoning Ordinance Requirements

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs and aerial photography that the construction of the addition will not adversely affect the use or development of neighboring properties. Therefore, staff believes this standard has been met.*

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing dwelling is 2,310 square feet in size. Therefore 150% of the total gross floor area could result in additions up to 3,465 square feet in size for a possible total square footage at build out of 5,775 square feet. The proposed addition is approximately 427 square feet, for a total square footage of the house with the addition of 2,737 square feet. Therefore the application meets this provision.*

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed addition will be compatible with the dwelling. The height of the addition will not be higher than the existing height of the house. Staff believes that the application meets this provision.*

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. Through testimony submitted by the applicant and aerial photography, staff has confirmed that the sunroom addition is similar to others in the neighborhood in terms of its height and location on the lot. Therefore, staff believes the addition will be harmonious with surrounding off-site uses and meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the proposed sunroom addition, 427 square feet, will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. Staff believes that with the adoption of the proposed development conditions the addition will not increase runoff or erosion. Therefore, staff believes the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Staff believes the request to build the addition is a modest request. The construction and layout of the addition is minimal as the applicant is asking for a 427 square foot addition that is 12 feet deep. No existing vegetation or trees of significance are impacted by this construction. Other issues of wells, floodplains and/or Resource Protection Areas, and historic resources are not applicable to this site. Staff believes the application meets this provision.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of SP 2013-MV-067 for the addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any

conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2013-MV-067****November 13, 2013**

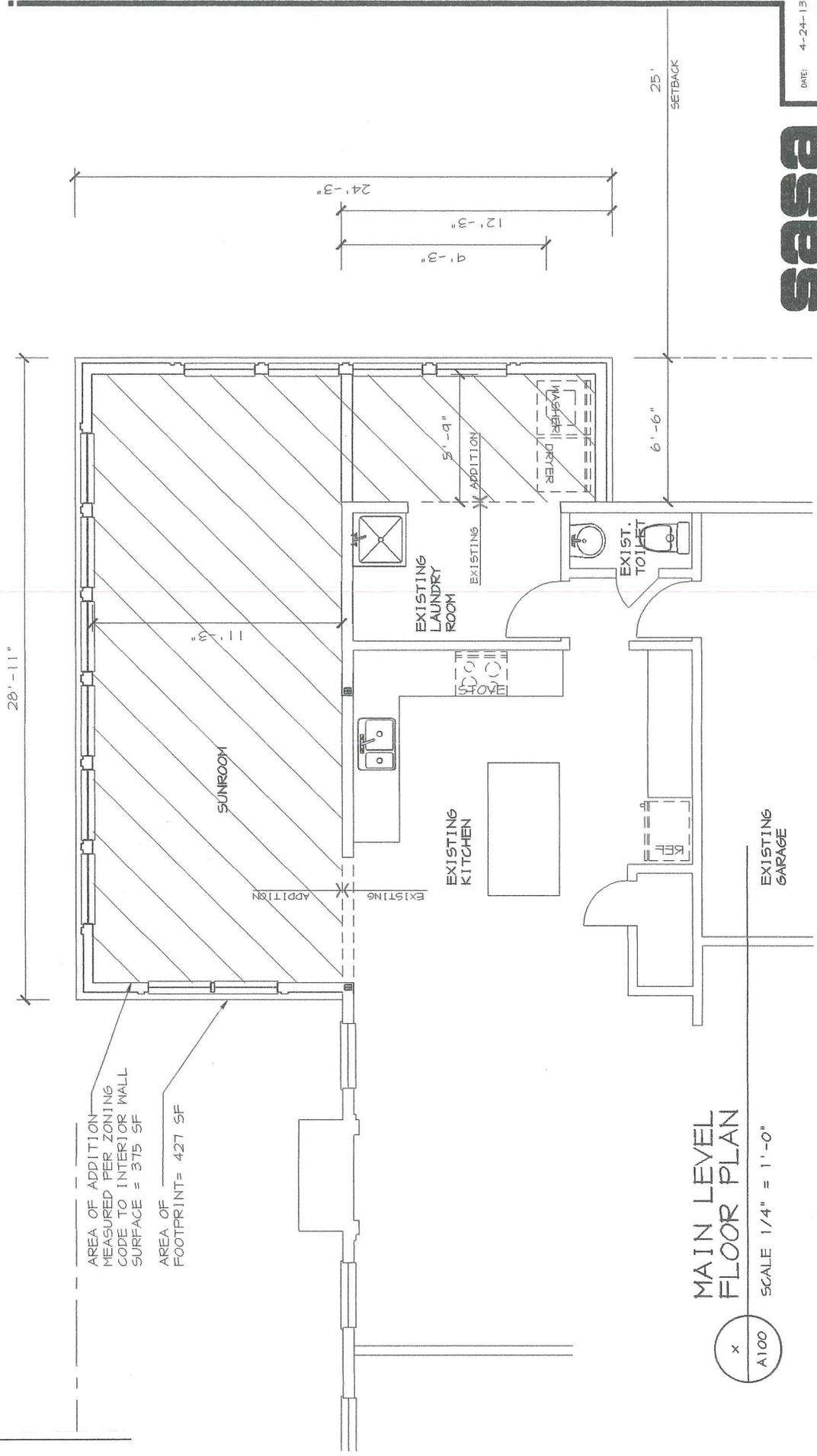
If it is the intent of the Board of Zoning Appeals to approve SP 2013-MV-067 located at Tax Map 98-3 ((16)) 36 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the addition (427 square feet), as shown on the plat prepared by Roddy A. Reyes of ATCS, P.L.C., dated August 6, 2013, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,310 square feet existing + 3,465 square feet (150%) = 5,775 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. In accordance with State and local provisions, the Applicant shall not discharge surface drainage onto lower lying property (i.e. Lot 35, the adjacent property to the west) at a rate greater than the pre-development rate without an adequate drainage facility.
6. In addition to the requirements of the Public Facilities Manual, the applicant shall connect a series of roof drains/downspouts to minimize any drainage from the rear of the proposed roof entering onto the downstream properties overland.

7. No construction vehicles shall use the pipestem driveway to access the subject property. All access from the right-of-way shall be solely on the applicant's property.

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, 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.



AREA OF ADDITION
MEASURED PER ZONING
CODE TO INTERIOR WALL
SURFACE = 375 SF

AREA OF
FOOTPRINT = 427 SF

**MAIN LEVEL
FLOOR PLAN**

SCALE 1/4" = 1'-0"

x
A100

VALENCIA RESIDENCE ADDITION
8492 BRUTUS COURT SPRINGFIELD, VA 22152

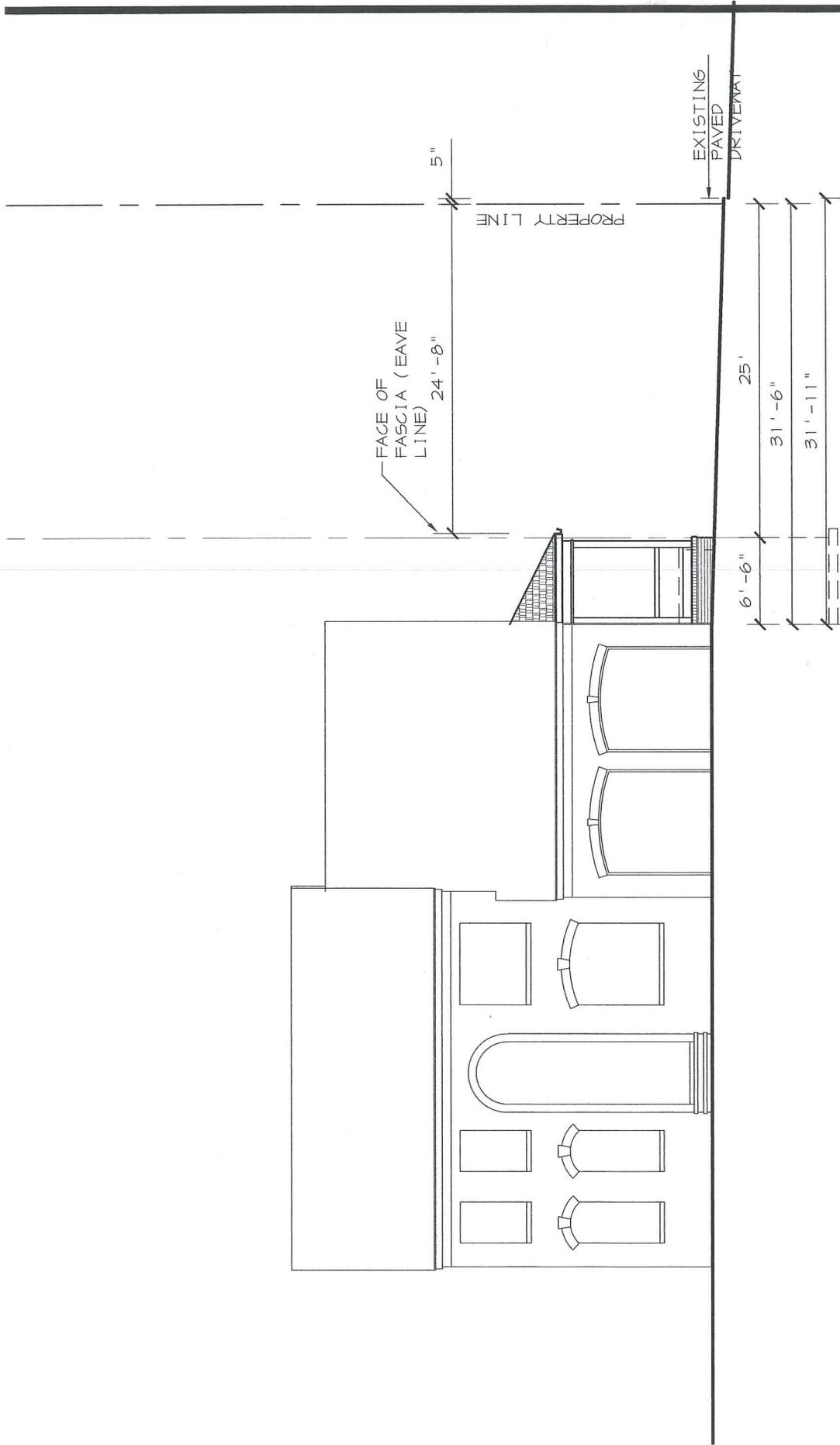
sasa
STEPHEN ALLEN SMITH ARCHITECT PC
10010 WOODBRIDGE LANE SUITE 200
FALLS CHURCH, VIRGINIA 22024
www.sasapc.com (703)216-9118

DATE: 4-24-13
PROJ: 13055
SHEET NO:

24'-3"
12'-0"
4'-0"

25'
SETBACK

6'-6"



EXTERIOR ELEVATION

SCALE 3/32" = 1'-0"

X
A300

RECEIVED
Department of Planning & Zoning

AUG 12 2013

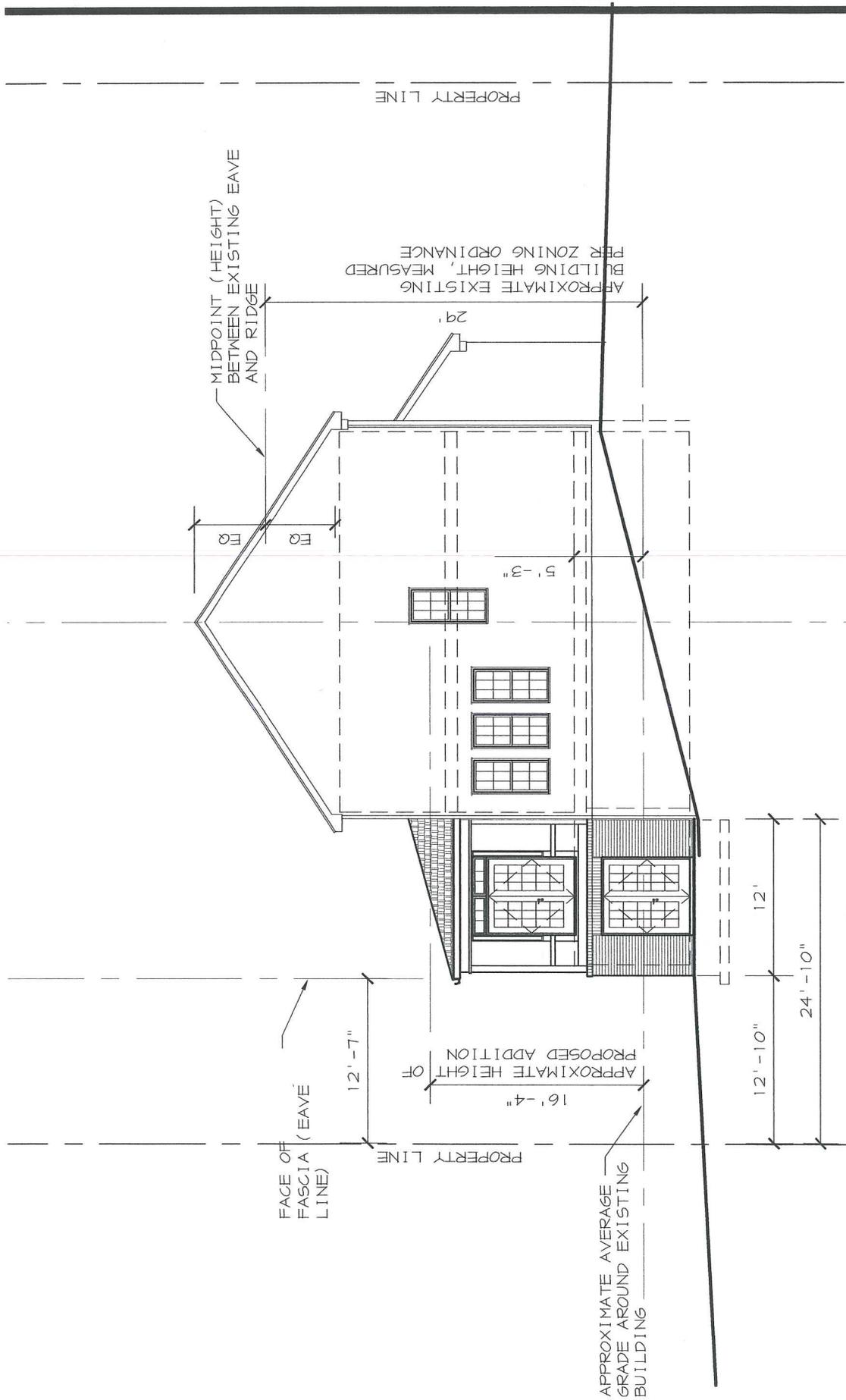
Zoning Evaluation Division

VALENCIA RESIDENCE ADDITION
8492 BRUTUS COURT SPRINGFIELD, VA 22152

sasapc

STEPHEN ALLEN SMITH ARCHITECT PC
701 W. Broad Street, Suite 307
Falls Church, Virginia 22046
www.sasapc.com (703)216-9118

DATE: 7-28-13
PROJ: 13055
SHEET NO:



EXTERIOR ELEVATION

X
A300

SCALE 3/32" = 1'-0"

RECEIVED
Department of Planning & Zoning

AUG 1 2 2013

Zoning Evaluation Division

VALENCIA RESIDENCE ADDITION
8492 BRUTUS COURT SPRINGFIELD, VA 22152

SASA

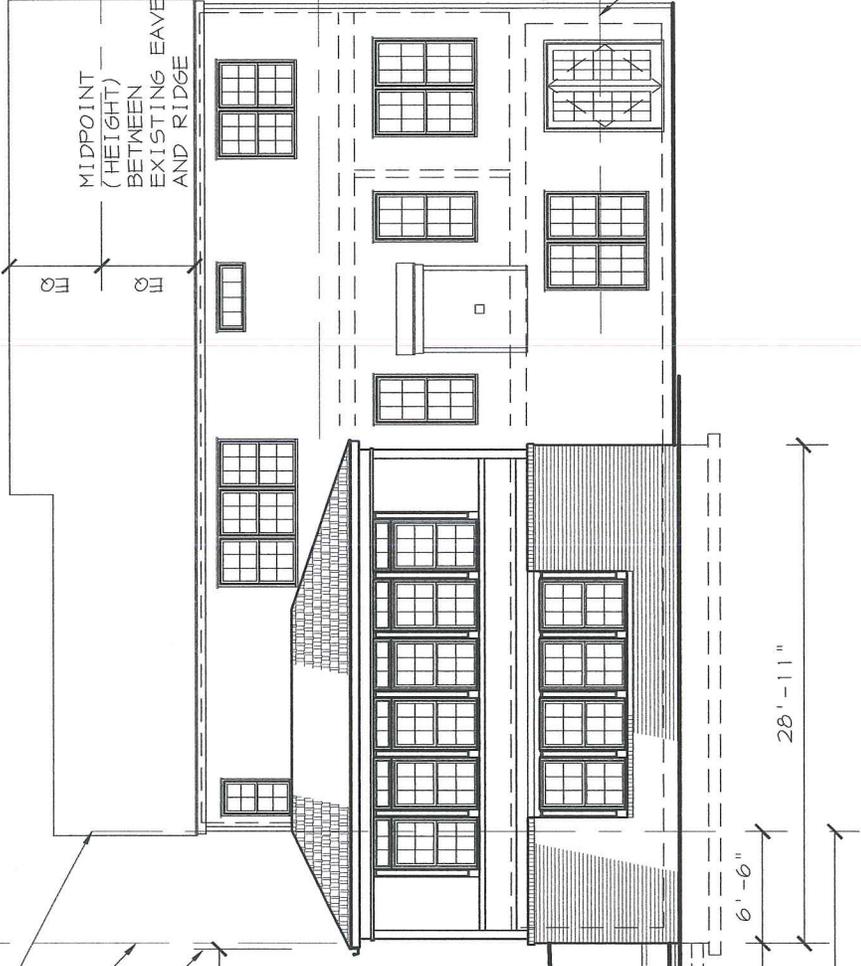
STEPHEN ALLEN SMITH ARCHITECT PC
701 W. Broad Street, Suite 307
Falls Church, Virginia 22046
www.sasapc.com (703)216-9118

DATE: 7-28-13

PROJ: 13055

SHEET NO:

FACE OF EXISTING HOUSE
 FACE OF WALL (ADDITION)
 FACE OF FASCIA (EAVE LINE) 24' - 8"



EXTERIOR ELEVATION

SCALE 3/32" = 1'-0"

X
A300

RECEIVED
 Department of Planning & Zoning

AUG 12 2013

Zoning Evaluation Division

VALENCIA RESIDENCE ADDITION
 8492 BRUTUS COURT SPRINGFIELD, VA 22152

sasapc
 STEPHEN ALLEN SMITH ARCHITECT PC
 701 W. Broad Street, Suite 307
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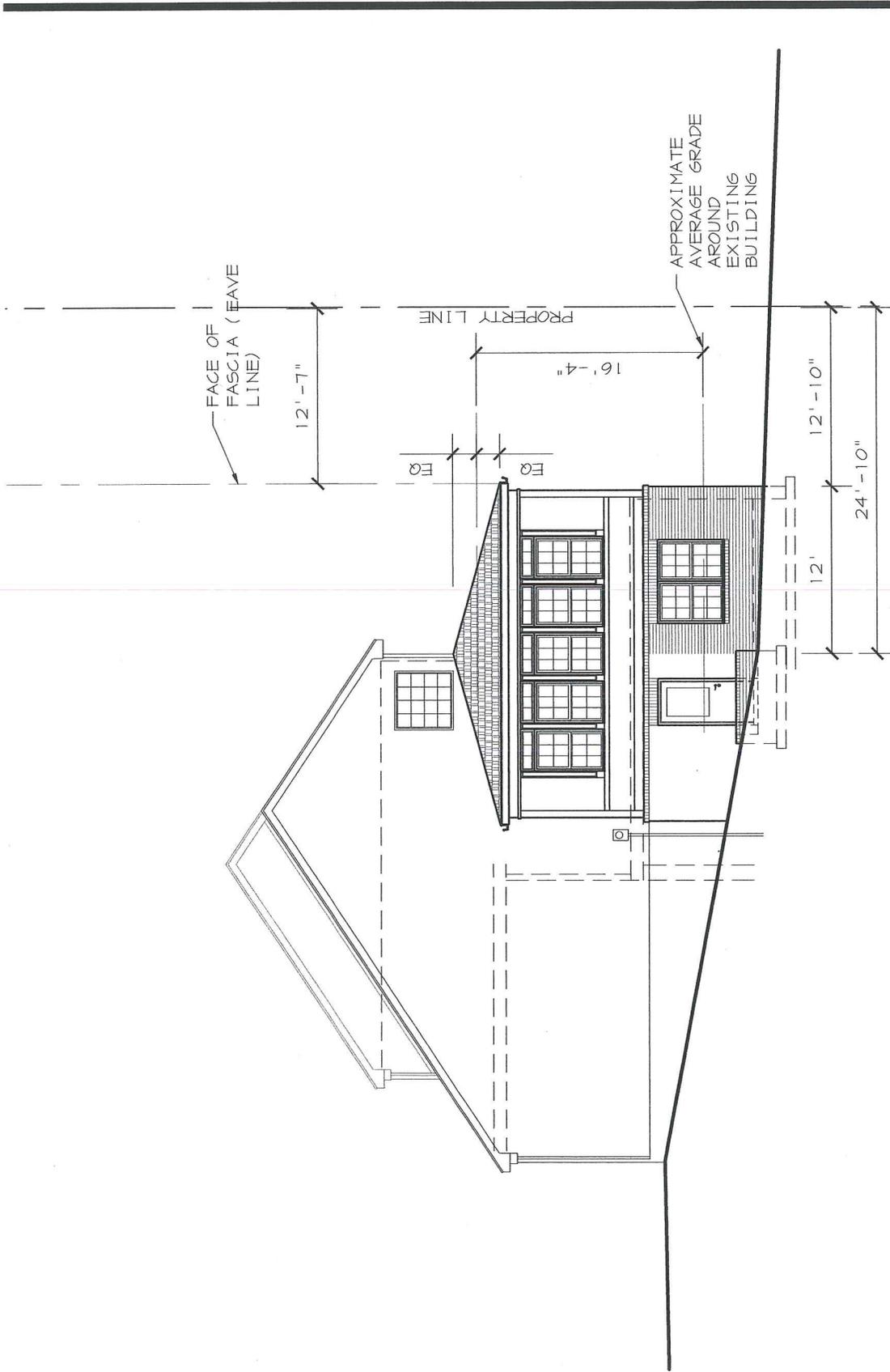
PROPERTY LINE
 APPROXIMATE EXISTING BUILDING HEIGHT, MEASURED PER ZONING ORDINANCE
 APPROXIMATE HEIGHT OF PROPOSED ADDITION
 APPROXIMATE HEIGHT OF AVERAGE GRADE AROUND EXISTING BUILDING

PROPERTY LINE

MIDPOINT (HEIGHT) BETWEEN EXISTING EAVE AND RIDGE

5'-3"
 16'-4"
 29'

APPROXIMATE EXISTING BUILDING HEIGHT, MEASURED PER ZONING ORDINANCE



X
A900
EXTERIOR ELEVATION

SCALE 3/32" = 1' - 0"



STEPHEN ALLEN SMITH ARCHITECT PC
 701 W. Broad Street, Suite 307
 Falls Church, Virginia 22046
 www.sasapc.com (703)216-9118

VALENCIA RESIDENCE ADDITION
 8492 BRUTUS COURT SPRINGFIELD, VA 22152

DATE: 7-28-13
 PROJ: 13055
 SHEET NO:

Application No.(s): SP 2013- MV-067
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 9, 2013
(enter date affidavit is notarized)

I, Luis Marcelo Valencia, 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

121047

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)
Luis Marcelo Valencia	8492 Brutus Ct Springfield, VA 22153	Applicant/Title Owner
ANNA VALENCIA	8492 Brutus Ct Springfield, VA 22153	TITLE OWNER/APPLICANT

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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DATE: April 9, 2013
(enter date affidavit is notarized)

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

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

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

N/A

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

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

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1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

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

(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.

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

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

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

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

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

NONE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 9, 2013
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3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

NONE

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

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

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

WITNESS the following signature:

(check one)

Applicant

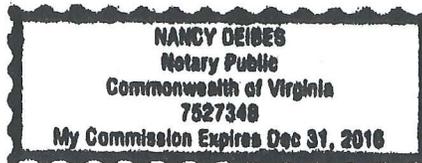
Applicant's Authorized Agent

Luis Marcelo Valencia - Applicant
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 9th day of April 2013, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: Dec 31, 2016



MAY 03 2013

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION

Luis Marcelo Valencia
8492 Brutus Court
Springfield, VA 22153

1. My proposal is for an addition of a sunroom to the back and side of the house. The addition will be accessible through my kitchen area. The dimensions of the L shape addition are attached.

The exterior will be brick and vinyl siding that matches the existing material on the existing house.

2. This lot does not have any accessory structures, so it does not apply.
3. The house was built in 1999. The existing setbacks are as follows:
Front: 23.2 FT.
Left Side: 17.3 FT.
Right Side: 31.5 FT.
Back: 24.9 FT.
4. The house current has a square footage of 2,310 sq.ft. The proposed addition would add approximately 427 sq.ft.
5. The addition will be subordinate to the main structure. The new area of 427 square feet compared to the total proposed area of 2,737 sf will be a 15% increase. Note that these numbers do not include basements.
6. This addition will look much like the rest of the house and like the other homes in my neighborhood that have sunrooms. It will be on a slab and the roofline for the new addition will start under the windows located on the second story of the house. See architectural depictions provided.
7. The addition will look much like some of the sunrooms in my current neighborhood. My house came with the option of having a sunroom when we first bought the house, but we did not take that option when we bought it.
8. The addition will not create and adverse impact to my neighbors. When this house was originally built, it was offered with an option to have a similar sunroom, in this same location. The house on the adjoining property immediately behind my proposed addition has a garage facing toward my property. The proposed addition will maintain a minimum of 12' clear setback. Note that adjacent house is set perpendicular to my house, so that his side yard abuts the rear of my property. If his house was anywhere else (mid block), he would not expect to have more than a 12' "side yard setback" on an adjacent property.
9. The existing lot rear yard is 24.9', and we are proposing less than a 12' addition, maintaining more than half of the existing space as open setback. If the addition was less than 12' the interior space may be unusable.

Submission Requirements

Item 5.00

To Whom It May Concern:

I request permission of a one story addition that will be to the back and side of the house located on 8492 Brutus Court, Springfield, Va 22153. The addition will have access through the kitchen area. Since my house has a walk out basement, we will also bump the basement out. The proposed addition will serve as sunroom for my family. The basement part will serve as a rec room. When we first bought the house back in 1999, the house came with an option to have a sunroom but we did not take that option at that time.

Square Footage of living area:

Existing House: 2,310 SF

Proposed Addition: 427 SF

Percentage of addition with respect to existing house:

Prop. Area (427) / Ex.GFA(2,310)= 18%

Proposed Gross Area:

Ex. GFA(2,310) + Prop.Area(427)= 2,737 SF

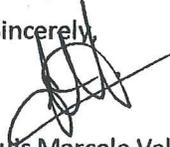
Prop. Floor Area Ratio:

Prop. GFA(2,737) / Lot area(9,040)= 30%

Proposed Structure Area

Prop.area(427) / Prop.Total House(2,737)= 15%

Sincerely,


Luis Marcelo Valencia

RECEIVED
Department of Planning & Zoning

JUN 24 2013

Zoning Evaluation Division



August 2, 2013

RECEIVED
Department of Planning & Zoning

AUG 12 2013

Anna & Luis M Valencia
8492 Brutus Ct
Springfield, VA 22153

Zoning Evaluation Division

Reference: 8492 Brutus Ct
Forest at South Run Homeowners Association- 00184-3444

Dear Anna & Luis M Valencia:

I am pleased to inform you that the Architectural Control Committee of the Forest at South Run Homeowners Association has approved your application for the following item(s):

Application #12-15

Build a two story addition to the back and side of house. A sunroom will be added on the second level of the house and the basement will have a bump out. The laundry room will be extended out on the side of the house. The exterior finishes will match the existing exterior (brick color, siding, paint).

The approval is contingent upon compliance with the specifications set forth in the approved application, and in compliance with the Design Guidelines of the community. If your request requires a city/county permit, it must be obtained before construction. Please check with the County for compliance.

You may retain this letter in your files. If you should have any questions, please do not hesitate to contact me at (703) 631-7200 or e-mail arc@cmc-management.com.

Sincerely,

Nicole Borba

Architectural and Covenants Administrator

Acting in capacity as agent for *Forest at South Run Homeowners Association*

4840 Westfields Blvd., Suite 300 Chantilly, Virginia 20151 / P.O. Box 10821 Chantilly, Virginia 20153-0821 Telephone 703.631.7200 Fax 703.631.9786

11300 Rockville Pike, Suite 907 Rockville, Maryland 20852 Telephone 301.692.1700 Fax 301.692.1701

Email askus@cmc-management.com Web www.cmc-management.com

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Similar Case History

Group: 2007-MV-067**SP 2007-MV-067**

APPLICANT: ROBERT H. ROCKEFELLER, TRUSTEE
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 09/18/2007
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 16.5 FEET FROM THE REAR LOT LINE
LOCATION: 8423 SILVERDALE COURT
TAX MAP #S:
0983 08 0016

Group: 2011-MV-063**SP 2011-MV-063**[STAFF REPORT](#)[LOCATOR MAP](#)

APPLICANT: JEAN C. VAN NEST
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 09/14/2011
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 19.9 FEET FROM REAR LOT LINE
LOCATION: 8510 SILVERDALE ROAD
TAX MAP #S:
0983 08 0012

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.