



APPLICATION ACCEPTED: November 22, 2013  
BOARD OF ZONING APPEALS: February 5, 2014  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

---

January 29, 2014

## STAFF REPORT

### SPECIAL PERMIT APPLICATION NO. SP 2013-LE-102

#### LEE DISTRICT

**APPLICANT/OWNER:** Denise Lynn Hurst

**STREET ADDRESS:** 6002 Pratt Street, Alexandria 22310

**SUBDIVISION:** Brookland Estates

**TAX MAP REFERENCE:** 81-4 ((8)) 7

**LOT SIZE:** 15,006 square feet

**ZONING DISTRICT:** R-3, HC

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of addition 12.5 feet from the rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2013-LE-102 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\2-5-14 SP 2013-LE-102 Hurst (50%)\Hurst staff report.doc*

*Erin M. Haley*

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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/](http://www.fairfaxcounty.gov/dpz/)



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

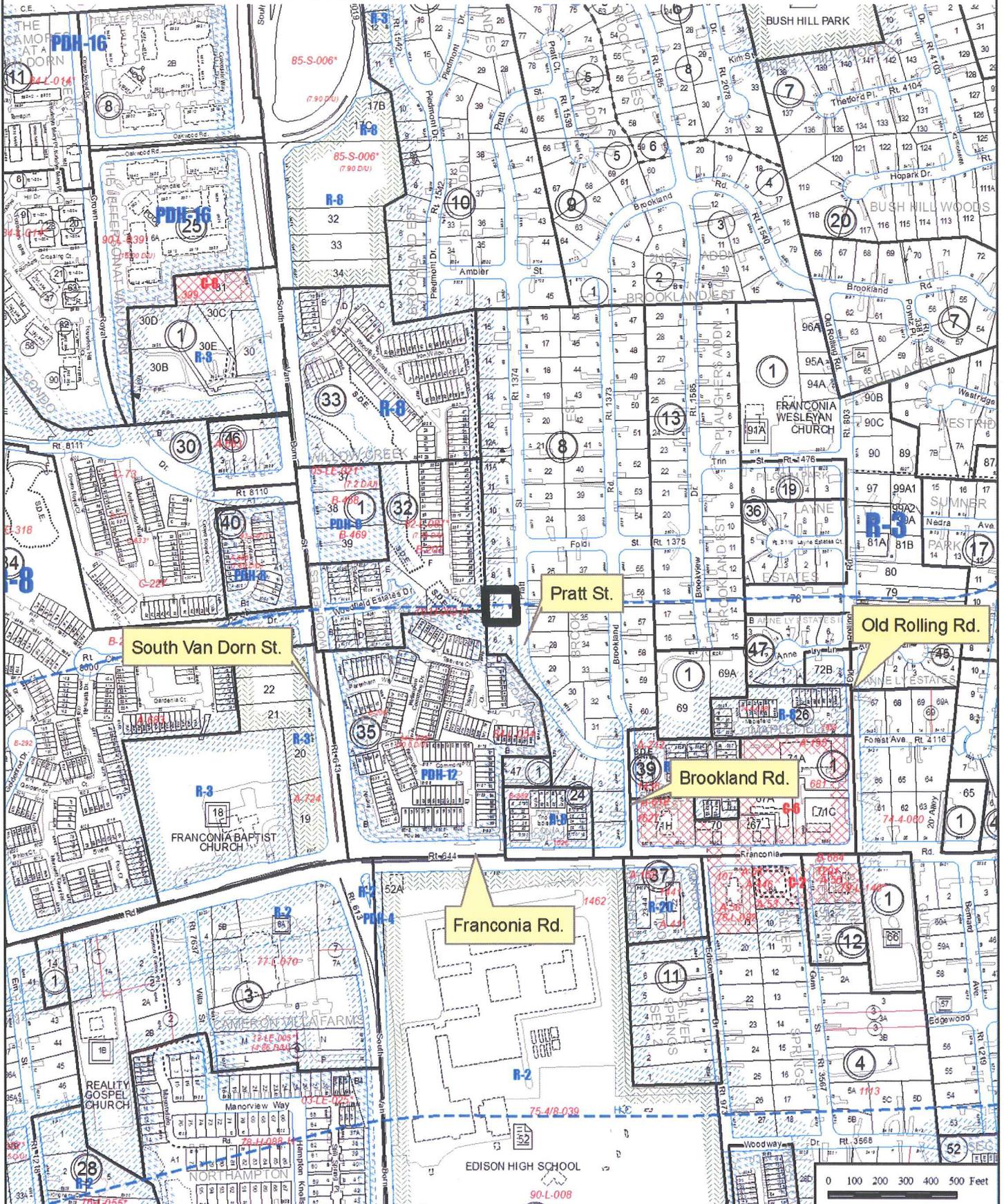
SP 2013-LE-102  
DENISE LYNN HURST



# Special Permit

## SP 2013-LE-102

### DENISE LYNN HURST





FRONT



LEFT



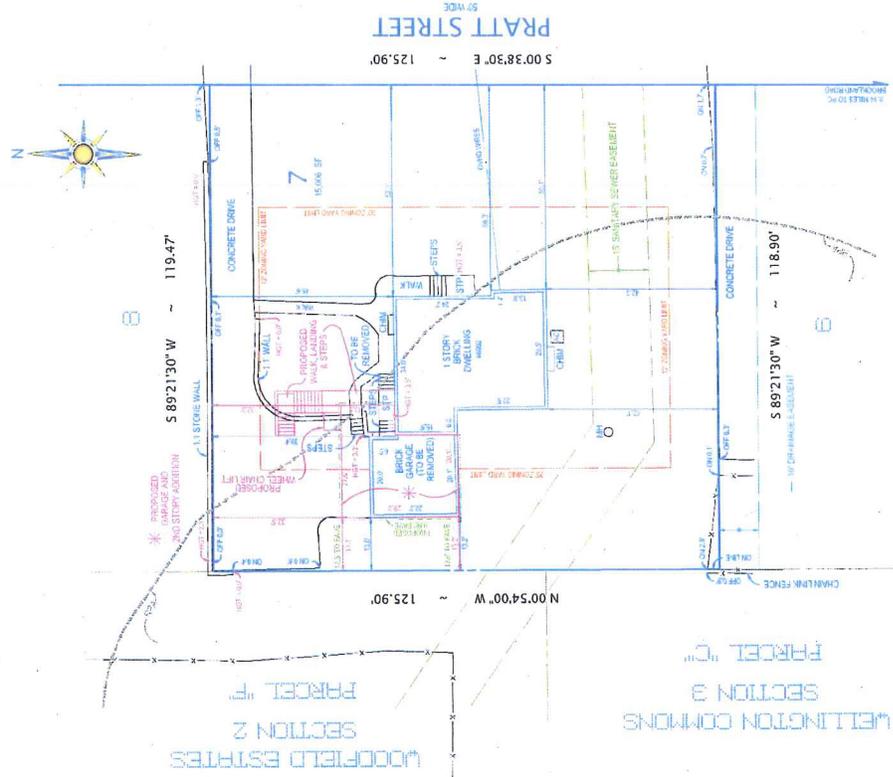
RIGHT



BACK LEFT



BACK RIGHT



NOTES

- TAX MAP: 0814 08 0007
- ZONING: R-3 RESIDENTIAL 3 DU/AC
- LOT AREA: 15,008 SF
- REQUIRED YARDS:
  - FRONT: 30.0 FEET
  - SIDE: 12.0 FEET
  - REAR: 25.0 FEET
- HEIGHTS:
  - EX DWELLING: 16.0 FEET
  - EX GARAGE: 10.3 FEET
  - PROPOSED GARAGE: 19.8 FEET (PEAK TO GRADE)
  - PROPOSED GARAGE: 16.8 FEET (GRADE TO EAVE)
  - CHAIN LINK FENCES: 3.5 FEET
  - FRAME FENCES: 5.2 FEET
  - WALLS: AS NOTED
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- RESOURCE PROTECTION AREA AFFECTS LOT AS DENOTED.

12. AREAS:

EX. FIRST FLOOR	= 1,168 SF
EX. BASEMENT	= 222 SF
EX. GARAGE	= 400 SF
GROSS FLOOR AREA	= 1,790 SF

EX. FLOOR AREA RATIO: EX. GFA (1,790) / LOT AREA (15,008) = 0.12

13. PROPOSED FLOOR AREA RATIO: PR. GFA (2,370) / LOT AREA (15,008) = 0.17

EX. FIRST FLOOR	= 1,168 SF
EX. BASEMENT	= 222 SF
PROPOSED GARAGE	= 590 SF
PROPOSED SECOND STORY	= 590 SF
GROSS FLOOR AREA	= 2,370 SF

13. FENCES ARE FRAME UNLESS NOTED.

BROOKLAND ESTATES

PLAT HOUSE LOCATION LOT 7  
 FAIRFAX COUNTY, VIRGINIA  
 LEE DISTRICT

SCALE: 1" = 20' SEPTEMBER 21, 2013

CREATED BY: DENISE HART

09/21/2013  
 THOMAS G. LUTKE  
 LICENSE NO. 3096

COMMONWEALTH OF VIRGINIA  
 REGISTERED PROFESSIONAL SURVEYOR

NOVA SURVEYING

10000 WOODBRIDGE AVENUE  
 ALEXANDRIA, VA 22304  
 TEL: 703-444-4444 FAX: 703-444-4444

PROPERTY CANNOT BE LOCATED FOR ALL POSTED IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS.

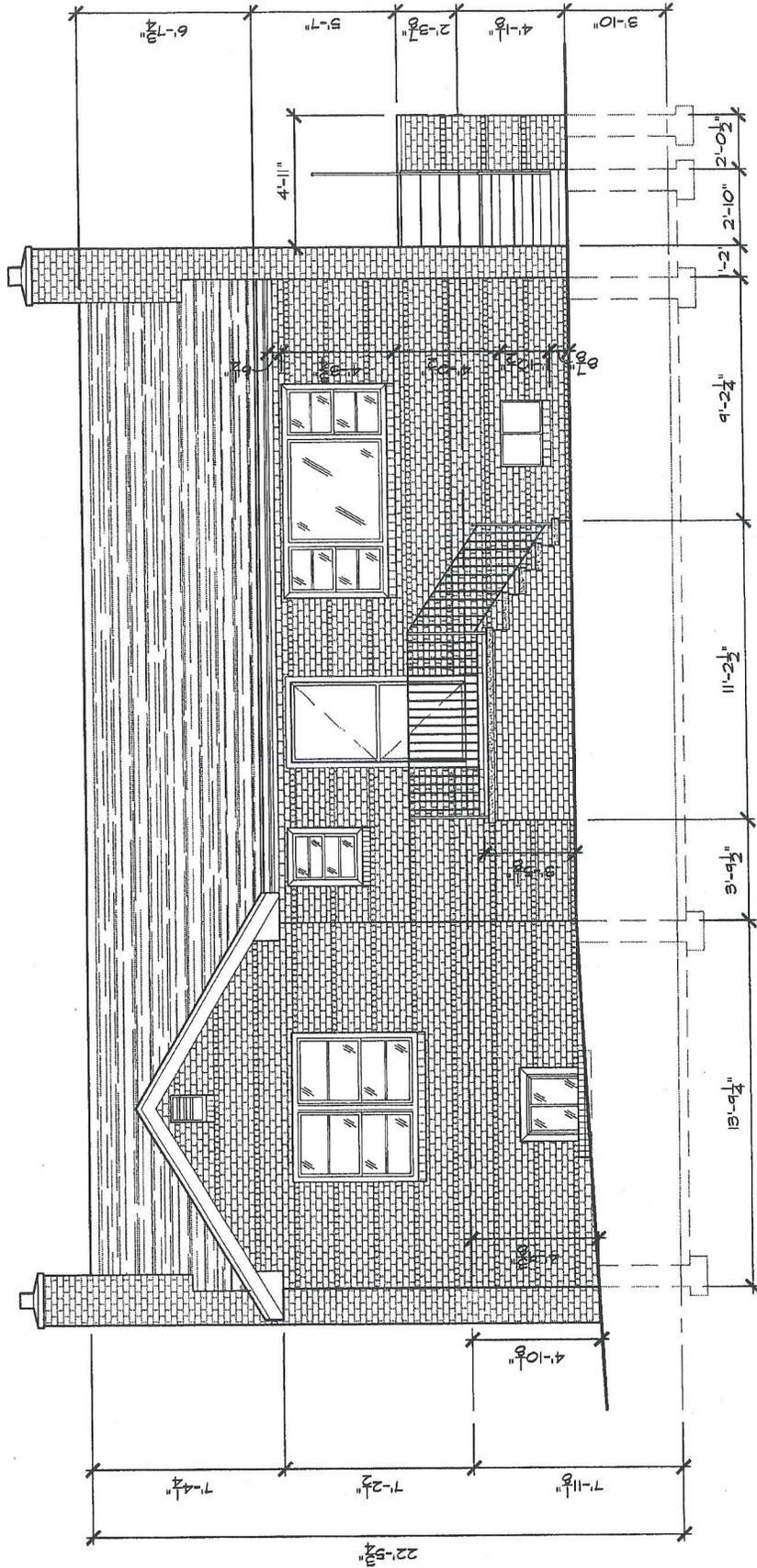
THIS PLAT IS SUBJECT TO RESTRICTIONS OF A DEVELOPMENT PLAN SET FORTH IN A DEVELOPMENT PLAN SET.

Special Permit Package 6002 Proett  
Front Elevation

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NOV 19 2013

Zoning Evaluation Division





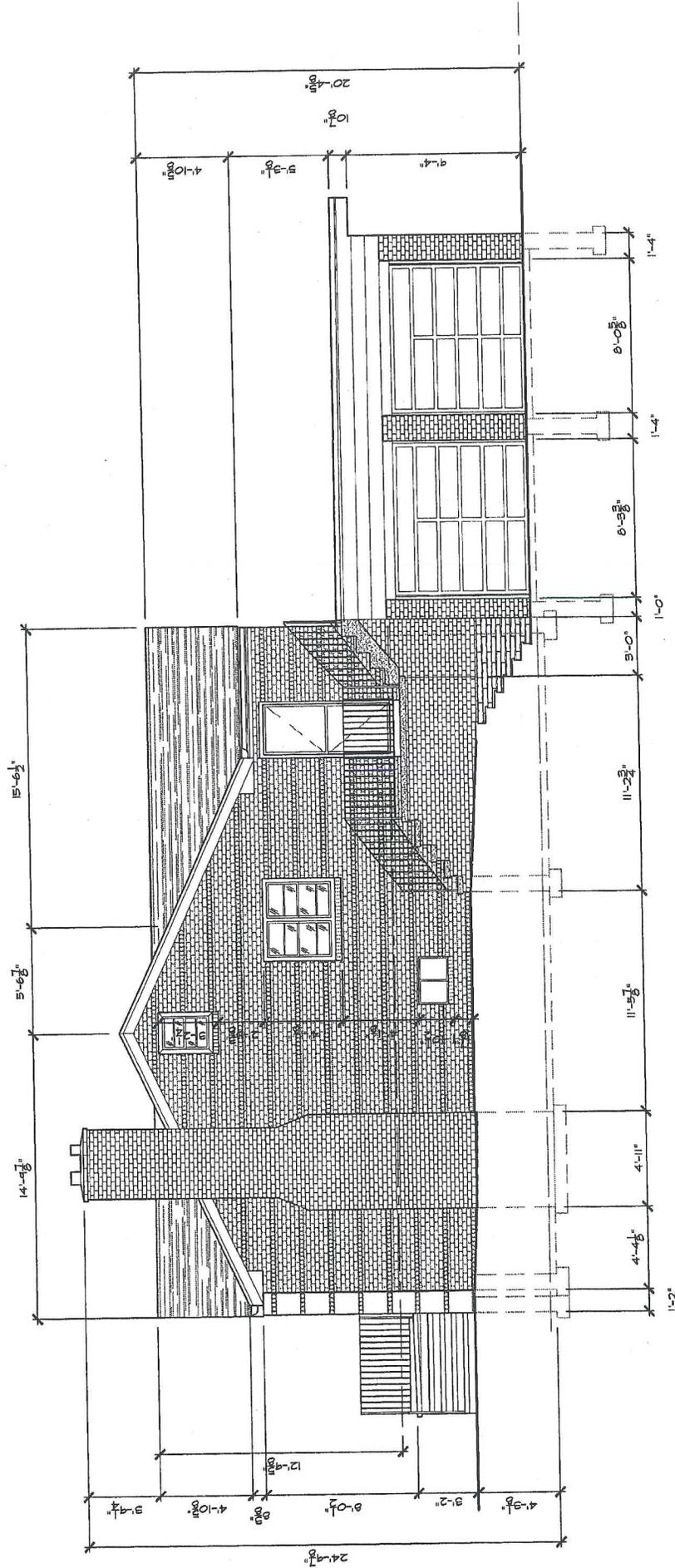
Special Permit Package 6002 Proekt  
North Evoting

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ON - EXISTING



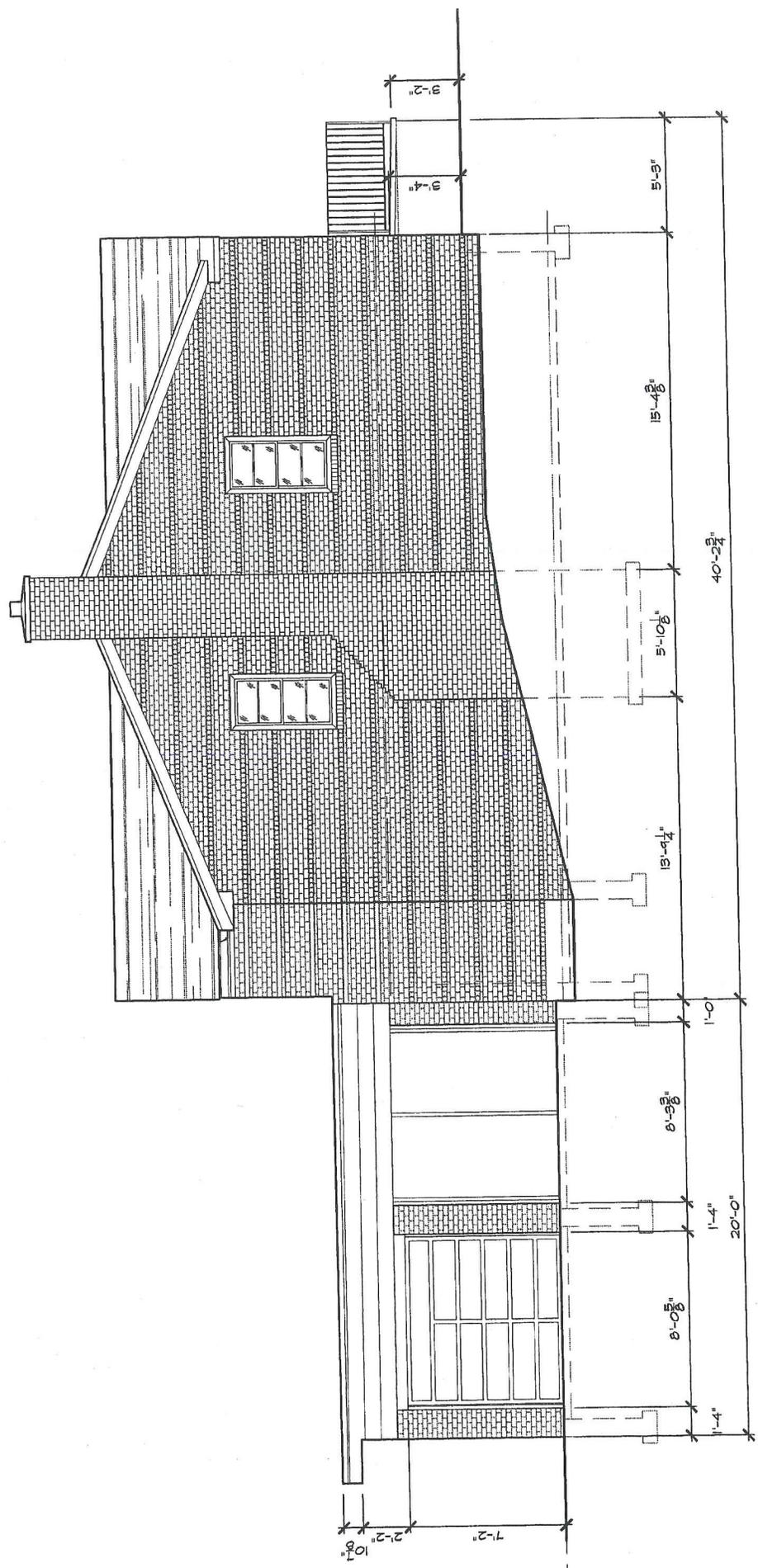
ON - EXISTING

Special Permit Package 6007 Pratt SA  
South Eustery

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Zoning Evaluation Division



XISTING



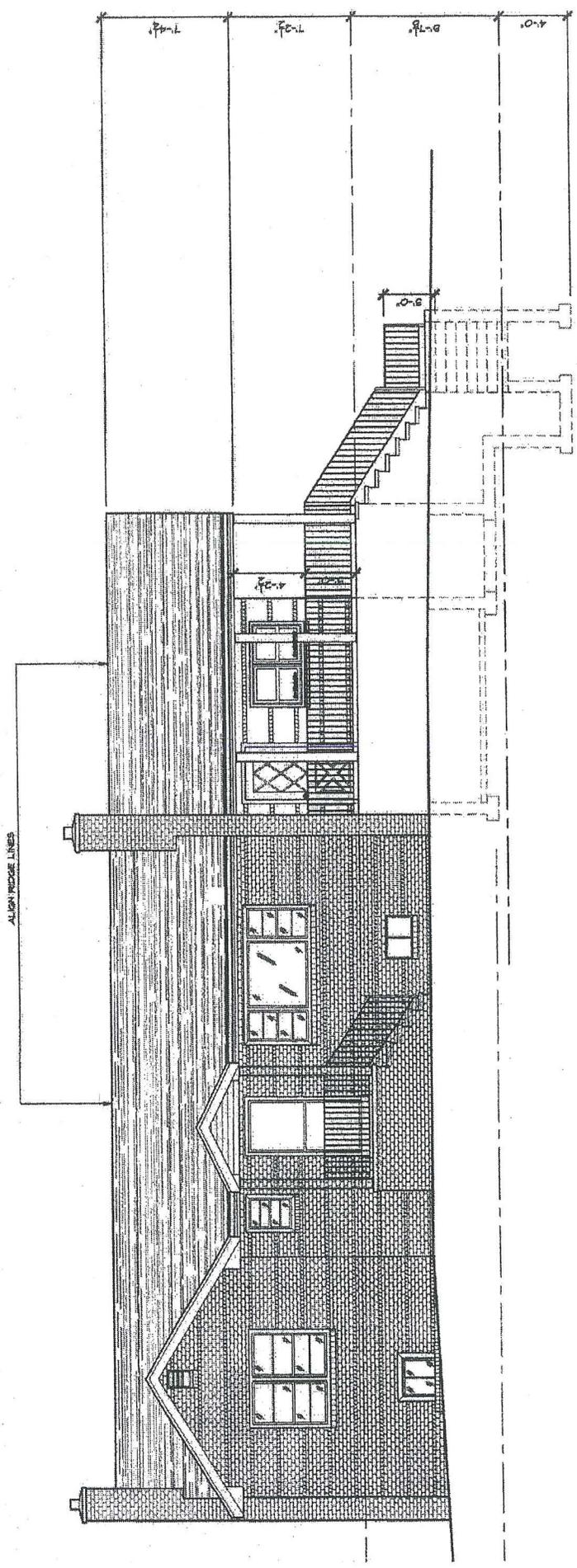


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Special Permit Package 6007 Pratt  
Front with addition



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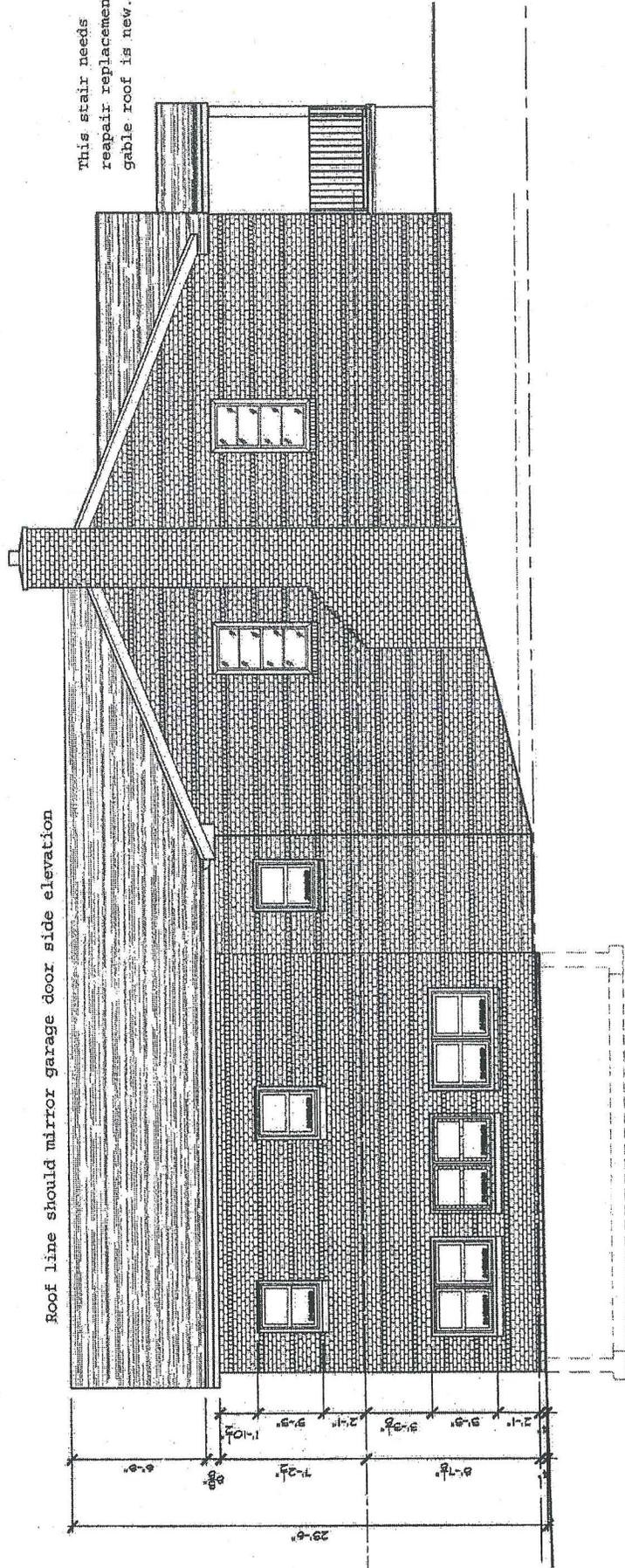
NOV 19 2013

Zoning Evaluation Division

Special Permit Package 6002 Pratt  
South = addition

Roof line should mirror garage door side elevation

This stair needs  
respair replacement and  
gable roof is new.





Existing Structure Front



Existing Structure Left Side



Existing Structure Lt side



Existing Structure Rear Garage



Existing Structure Right Side



Existing Structure Rear House/Garage



ABUTTING Properties Right Front



Abutting Properties Straight Front



Abutting Properties Left Front



Abutting Property Left side (6000 Pratt St)



Abutting Property Behind Garage (Playground)



Abutting Property Behind Rear house (Wooded Area)



Abutting Property Right Rear



Abutting Property Front Side (6004 Pratt)

Permit Package 6002 Pratt St Aerial View

Ps 2/4

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Homepage - Tax Administration - Real Estate

Main Property Search

Address Map Number

- Profile
- Sales
- Values
- Residential
- Commercial
- Map
- Structure Size

MAP #: 0814 08 0007  
HURST DENISE LYNN

6002 PRATT ST

CURRENT RECORD  
1 of 1



Aerial Imagery Copyright 2007 Commonwealth of Virginia

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Department of Planning & Zoning

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Zoning Evaluation Division



### SPECIAL PERMIT REQUEST

The applicant is seeking approval of a special permit to allow a reduction of certain yard requirements to permit construction of an addition 12.5 feet from the rear lot line.

A copy of the special permit plat titled "Plat, House Location, Lot 7, Brookland Estates," prepared by Thomas G. Lutke, Land Surveyor, dated September 21, 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 15,006 square foot lot contains a one story brick dwelling with an attached garage on the rear of the structure, an attic, and a full basement. A concrete driveway provides access to the lot from Pratt Street and slopes downward from the street until it reaches the garage. Stone retaining walls 1.1 feet in height provides support along each side of the driveway. A concrete walkway leads from the driveway to a front stoop on the east façade of the dwelling. The concrete walkway also leads to a side door on the northern façade. A portion of the neighbors wood frame fence, 5.2 feet in height, cuts across the southwestern corner of the rear yard. A 15 foot sanitary sewer easement runs from Pratt Street, along the southern side yard, and slants diagonally as it exits the property in the western rear yard and continues on to the abutting property. A portion of a Resource Protection Area covers the eastern portion of the property as depicted on the Special Permit Plat. The property has a manicured lawn, some mature trees and bushes, and backs on to a heavily wooded private open space.



As shown on the previous page, the existing lot and lots to the north, south and east are zoned R-3 and developed with single family detached dwellings. The property to the northwest is zoned R-8 and is undeveloped open space attached to an adjacent townhome subdivision. The property to the southwest is zoned PDH-12 and is undeveloped open space attached to another townhome subdivision.

## **BACKGROUND AND HISTORY**

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1953 and purchased by the applicant in November, 2009.

Since the adoption of the Zoning Ordinance, no other similar applications have been heard by the Board of Zoning Appeals for nearby properties.

## **DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit construction of a two story addition 12.5 feet from the rear lot line. The required rear yard dictated by the R-3 cluster requirements is 25 feet. Therefore, the applicant is requesting a reduction of 12.5 feet, or 50.0 percent.

The applicant is proposing to demolish the existing attached garage and replace it with a two-story addition approximately 19.8 feet in height and a total of 1180 square feet. The addition will be placed where the existing 400 square foot garage is currently located with a new footprint of 590 square feet. The second story of the addition will have a bedroom, bathroom, and sitting area. The first story will have a garage and room for a future chair lift to access the second story should it become necessary. The exterior of the addition will match the height and appearance of the existing dwelling by using brick and by aligning the gable roof ridge lines. The existing retaining wall and stairs leading to the side entrance will also be replaced as part of the proposed project.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** IV

**Planning Sector:** Rose Hill, RH 02 Bush Hill

**Plan Map:** 3 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 6. 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. The addition will be to the rear of the dwelling, which is adjacent to an area of open space that is part of an adjacent townhome development. The exterior will match the existing dwelling, which is of similar appearance and materials as neighboring dwellings. 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 1,790 square feet in size. Therefore 150% of the total gross floor area could result in additions up to 2,685 square feet in size for a possible total square footage at build out of 4,475 square feet. The proposed addition is approximately 1,180 square feet, for a total square footage of the house with the addition of 2,970 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. 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 addition is similar to others in the neighborhood in terms of its height, scale and architecture. 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 addition, 1,180 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. The addition is to be on the rear of the dwelling and the rear yard is adjacent to open space that is part of an adjacent townhome development. 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 1,180 square foot addition that is the same depth as the existing garage. No existing vegetation or trees of significance are proposed for removal. Staff is proposing, and the applicant has agreed, to a Development Condition to ensure that the existing 10 inch maple that is close to the driveway will be protected from construction activity. The proposed walk, landing, and steps will be located within the Resource Protection Area but will be replacing an existing landing and steps. The rest of the proposed addition will not be in the Resource Protection Area. Development Conditions have been proposed by the Department of Public Works and Environmental Services to mitigate any potential impacts of development in this area (Appendix 5). Other issues of wells, and/or floodplains, 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-LE-102 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. Urban Forestry memo, dated December 13, 2013
5. Department of Public Works and Environmental Services memo, dated December 31, 2013
6. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2013-LE-102****January 29, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-LE-102 located at Tax Map 81-4 ((8)) 7 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.

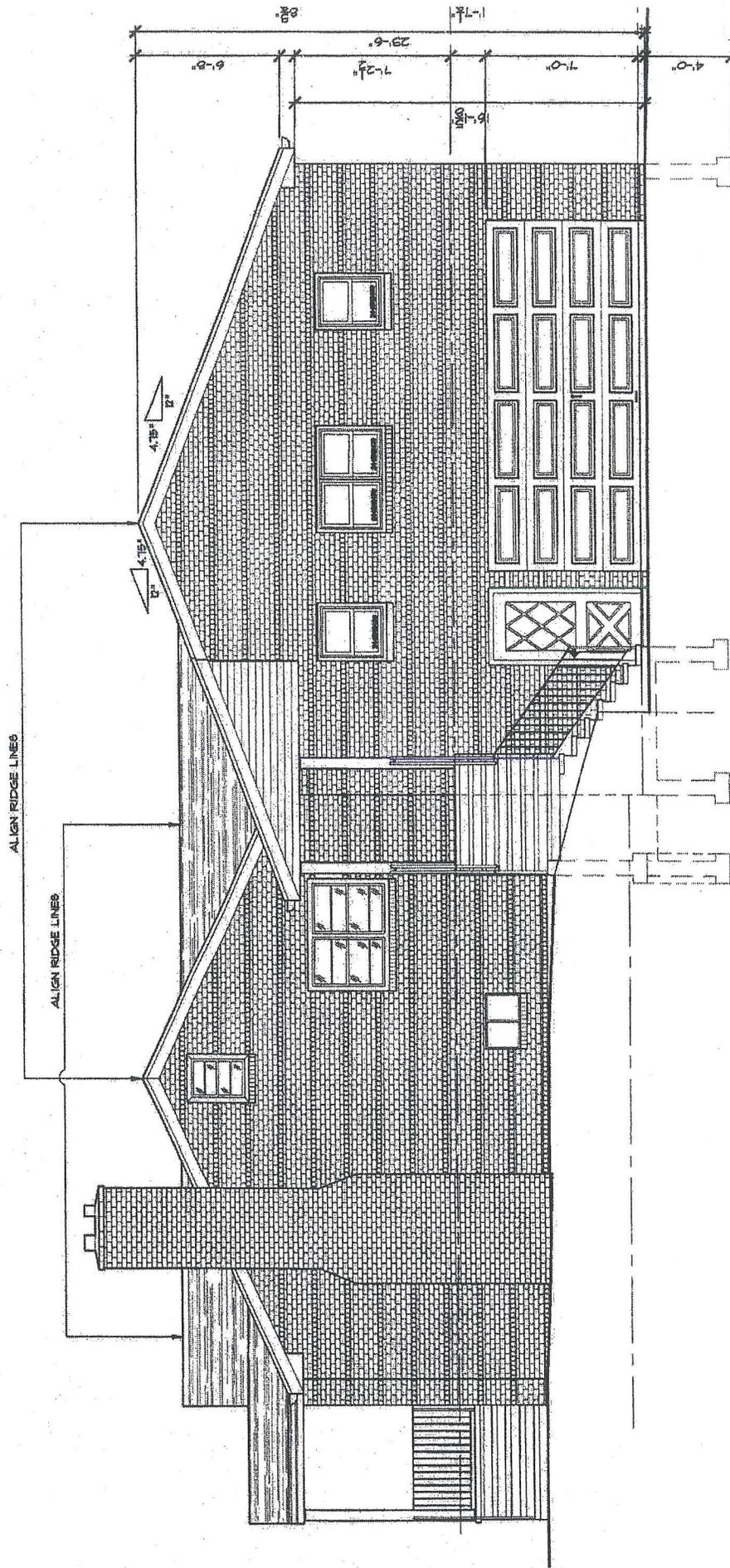
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the addition (1,180 square feet), as shown on the plat prepared by Thomas J. Lutke, Land Surveyor dated September 21, 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 (1,790 square feet existing + 2,685 square feet (150%) = 4,475 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. A water quality impact assessment shall be submitted and approved prior to issuance of a construction permit if required by the Department of Public Works and Environmental Services.
6. The proposed addition shall be constructed in such a way that there shall be no inundation due to blockage at the outlet of the pond on the west side of the property.
7. The applicant shall insure that the 10-inch maple located in the front yard just south of the driveway will be protected from all construction activity.

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.

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Special Permit Package 6002a Pratt  
North = Addition

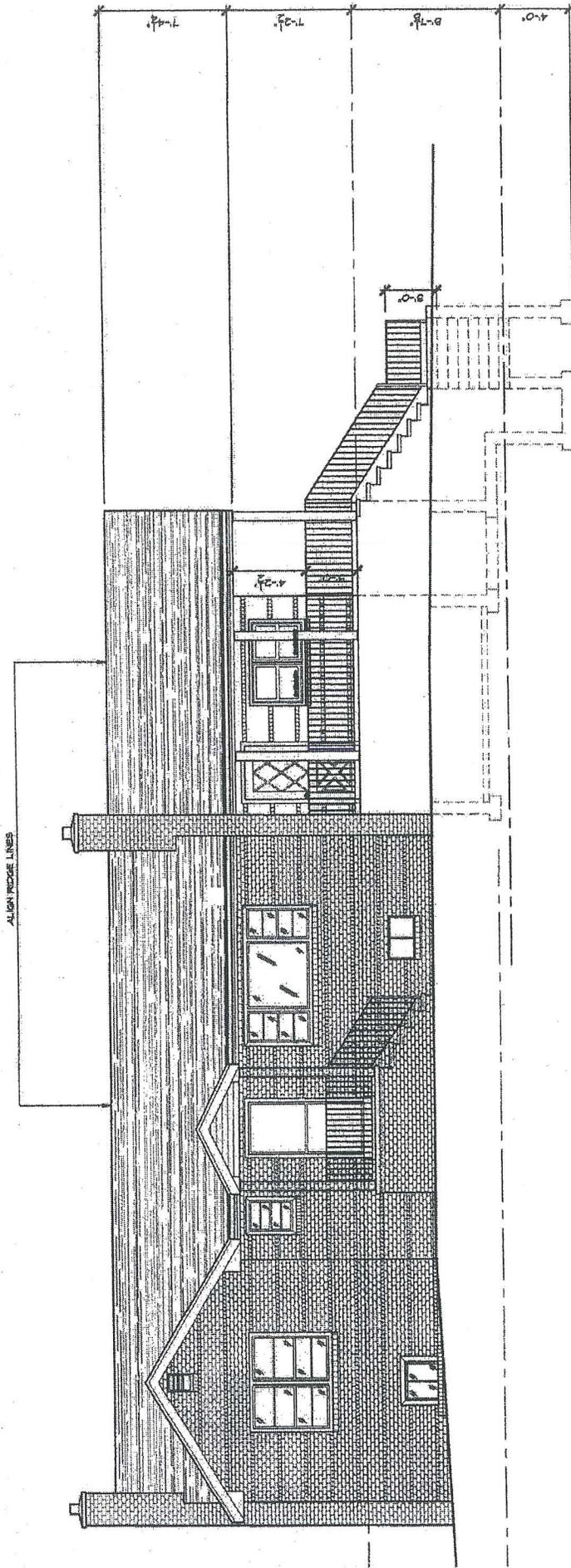




Special Permit Package 6007 Pratt  
Front with addition

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NOV 19 2013

Zoning Evaluation Division





Application No.(s): SP 2013-LE-102  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: November 14, 2013  
(enter date affidavit is notarized)

123379

I, Denise Lynn Hurst, 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

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 <b>BOLD</b> above)
DENISE LYNN HURST	6002 PRATT STREET ALEXANDRIA, VA 22310	APPLICANT, TITLE OWNER

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

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

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

Application No.(s):

SP 2013-LE-102

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

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: November 14, 2013  
(enter date affidavit is notarized)

123379

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)

(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-LE-102

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: November 14, 2013  
(enter date affidavit is notarized)

123379

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.

Application No.(s): SP 2013-LE-102  
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Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: November 14, 2013  
(enter date affidavit is notarized)

123379

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

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

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

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

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

NONE

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

Application No.(s):

SP 2013-LR-102

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

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 14, 2013  
(enter date affidavit is notarized)

123379

- 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)

Urena Z. Guet  
 Applicant

[ ] Applicant's Authorized Agent

Denise L. Hurst  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 14 day of November 2014, in the State/Comm. of Virginia, County/City of Alexandria.

Kiera Gadson Robinson  
Notary Public

My commission expires: March 31, 2014



Special Permit Package 6002 Pratt Street

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:

- A. Type of operation(s).  
N/A
- B. Hours of operation.  
N/A
- C. Estimated number of patrons/clients/patients/pupils/etc.  
N/A
- D. Proposed number of employees/attendants/teachers/etc.  
N/A
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.  
None
- F. Vicinity or general area to be served by the use.  
Back/side of house.
- G. Description of building facade and architecture of proposed new building or additions.  
Remove existing 1 story garage and replace with 2 story brick addition with lower level garage
- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.  
None Known
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

I am requesting a reduction in the 25 foot rear yard setback to 12.5 feet to replace a deteriorating 1953 garage structure which currently exists 13.0 feet from the property line. The reconstruction will include a small expansion of the footprint and a second story addition to accommodate a future elevator or chair lift to access a new bedroom, bathroom, and sitting area in the raised ranch home to allow my father to age in place in my home.

RECEIVED  
Department of Planning & Zoning

NOV 19 2013

Zoning Evaluation Division

Special Permit Package 6002 Pratt St.

**Owner Statement**

I am requesting a reduction in the 25 foot rear yard setback to 12.5 feet to replace a deteriorating 1953 garage structure which currently exists 12.5 feet from the property line. The reconstruction will include a small expansion of the footprint to accommodate a future elevator or chair lift to access a new bedroom, bathroom, and sitting area in the raised ranch home.

I propose replacement the existing garage structure on my property which is 13.0 feet from the rear property line with a 2 story structure 12.5 feet from the rear property line. The 2<sup>nd</sup> story is designed to provide a bedroom, sitting room, and bathroom for my elder parent so aging in place is possible. The 2<sup>nd</sup> story of the replacement structure has been designed with larger doors, rooms, fixture positions, grab bar blocking, low entry shower necessary for aging in place. Positions for future lifts have been envisioned should these become necessary. An existing deteriorating retaining wall and stairs leading to the side entrance/front yard will also be replaced as part of this project.

The exterior of the structure has been designed to have similar characteristics to the existing home to blend and preserve the character of the neighborhood. The existing topography will be preserved.

**Resulting Gross floor Area**

Gross floor area of existing structure:

- 1. Existing First Floor 1168 sq ft
- 2. Existing Finished Basement 222 sq ft.
- 3. Existing Garage 400 sq ft
- Total: 1790 sq ft

Gross floor area of existing structure and new structure:

- 1. Existing First Floor 1168 sq ft
- 2. Existing Finished Basement 222 sq ft.
- 3. Proposed Second Story 590 sq ft
- 4. Proposed Garage 590 sq ft.
- Total: 2570 sq ft.

The new structure will represent an approximate 43% increase in the gross floor area. Much less than the 150% allowed.

RECEIVED  
Department of Planning & Zoning

NOV 19 2013

Zoning Evaluation Division



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** December 13, 2013

**TO:** Erin M. Haley, Planner II  
Department of Planning and Zoning

**FROM:** Samantha Wangsgard, Urban Forester II  
Forest Conservation Branch, DPWES

**SUBJECT:** Brookland Estates, Lot 7; SP 2013-LE-102

The following comments are based on a review of the Application for a Special Permit, SP 2013-LE-102, stamped "Received Department of Planning and Zoning" on November 19, 2013. A site visit was conducted on December 13, 2013.

Site description: The site is an existing residential lot with a concrete driveway. The driveway runs along the northern property line and terminates in the northwest corner of the lot. There scattered vegetation, most notably there is a 10 inch maple just south of the driveway along Pratt Street, a row of small shrubs on the adjacent property that run along the northern property boundary, and several trees that have been planted along the western property boundary in the northwest corner of the site. All of these trees appear to be in fair to good condition.

1. Comment: The proposed limits of disturbance have not been shown for the removal of the garage and subsequent construction of the new structure, and it is unclear how the existing on and off site vegetation will be impacted.

Recommendation: The applicant should identify the proposed limits of disturbance for the proposed demolition and subsequent construction.

2. Comment: It is unclear how the existing trees will be impacted by the proposed demolition and construction activities.

Recommendation: The applicant should provide tree protection fencing adjacent to all trees proposed for preservation adjacent to the proposed limits of disturbance.

3. Comment: It is unclear how the site will be accessed without damaging the existing maple that is directly adjacent to the driveway.

Recommendation: The applicant should provide information on how the site will be accessed and how the tree will be protected during demolition and construction activities.

SW/

UFMDID #: 187188  
cc: DPZ File

Department of Public Works and Environmental Services  
Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769  
www.fairfaxcounty.gov/dpwes





# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

December 31, 2013

Nova Surveys  
6655 Rockleigh Wy  
Alexandria VA 22315-3479

Reference: Brookland Estates Lot 7 (Le); Plan No: 024648-ZONA -001-1; Lee ; Tax  
Map No: 0814 08 0007

Dear Nova Surveys:

The following comments were generated as a result of the review of the referenced plan.

1. Part of the proposed work is within the limits of Resource Protection Area (RPA) a water quality impact assessment shall be submitted and approved prior to the constructions permit.
2. If the total disturbed area is 2,500 square feet or more, it requires a grading plan approval prior to construction permit. The following additional requirements apply if grading plan is required:
  - a) If the total impervious area is more than 18%, the applicant shall meet the water quality control (BMP) requirements.
  - b) An RPA encroachment exception and water quality impact assessment shall be submitted and approved prior to the grading plan approval.
  - c) The site contains class IVB soil and has a history of garage settlement. A limited geotechnical report may be required.
3. The proposed addition shall be constructed in such a way that there shall be no inundation due to blockage at the outlet of pond on the west side of the property.

If you have any questions or require clarification, please contact me at 703-324-1720

Sincerely,

*Thakur Dhakal, P.E.*

Senior Engineer III  
DPWES-LDS-SDID

☎ 703-324-1720

[thakur.dhakal@fairfaxcounty.gov](mailto:thakur.dhakal@fairfaxcounty.gov)

🌐 <http://www.fairfaxcounty.gov/>

**Department of Public Works and Environmental Services  
Land Development Services**

12055 Government Center Parkway, Suite 444  
Fairfax, Virginia 22035-5503  
Phone 703-324-1780, TTY: 711, Fax: 703-324-1847  
[www.fairfaxcounty.gov](http://www.fairfaxcounty.gov)



### **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.