



APPLICATION ACCEPTED: May 9, 2014
BOARD OF ZONING APPEALS: August 6, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 30, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-SP-065

SPRINGFIELD DISTRICT

APPLICANT: Noodi Doolan and Stephen Scheinman
OWNER: Noodi Doolan and Stephen Scheinman
STREET ADDRESS: 4409 Mariner Lane, Fairfax, 22033
SUBDIVISION: Greenbriar
TAX MAP REFERENCE: 45-4 ((3)) (46) 16
LOT SIZE: 8,774 square feet
ZONING DISTRICT: R-3C, WS
ZONING ORDINANCE PROVISION: 8-922
SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of addition (family room) 18.6 feet from the rear lot line

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-SP-065 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.

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.**

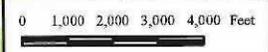
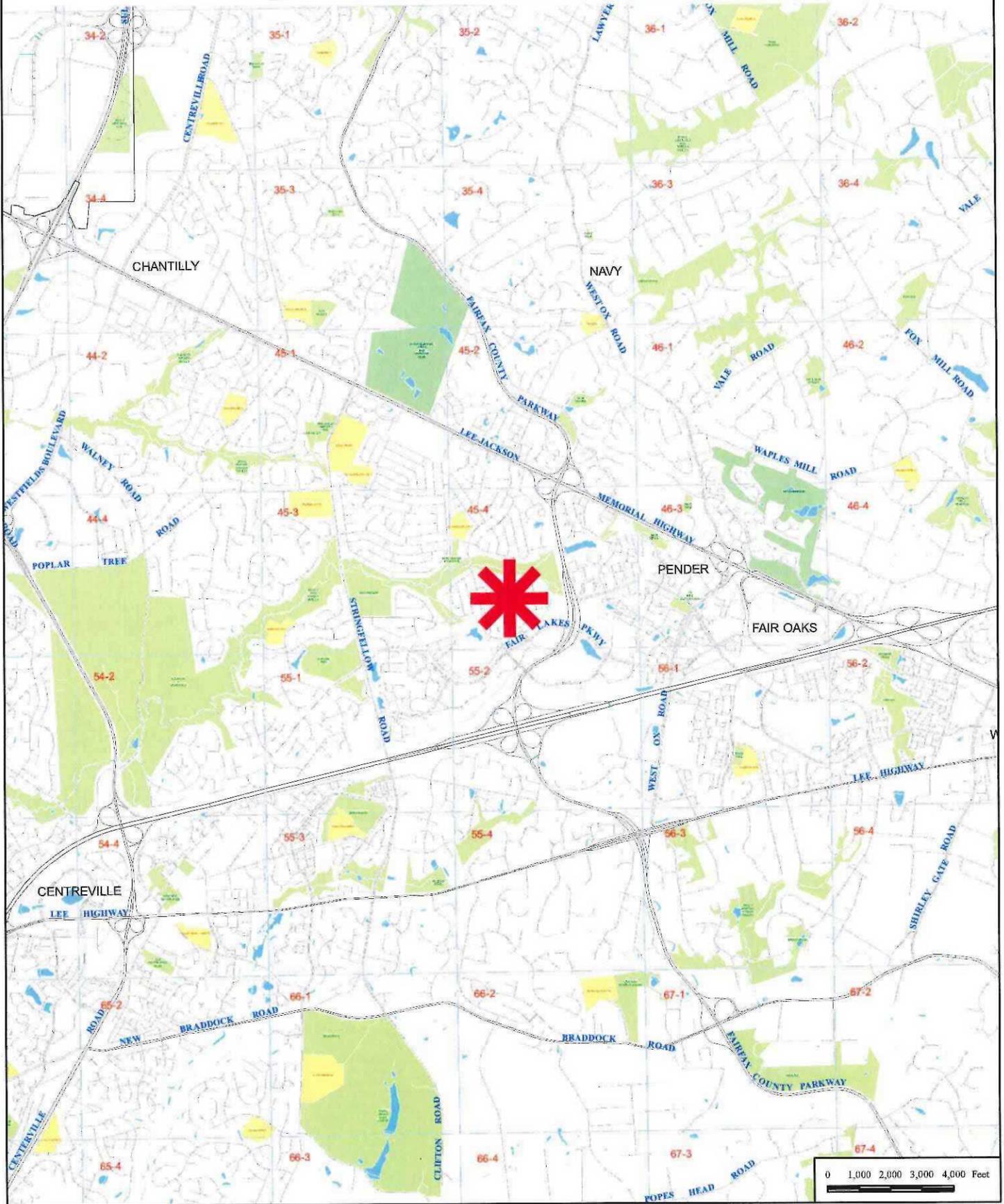


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

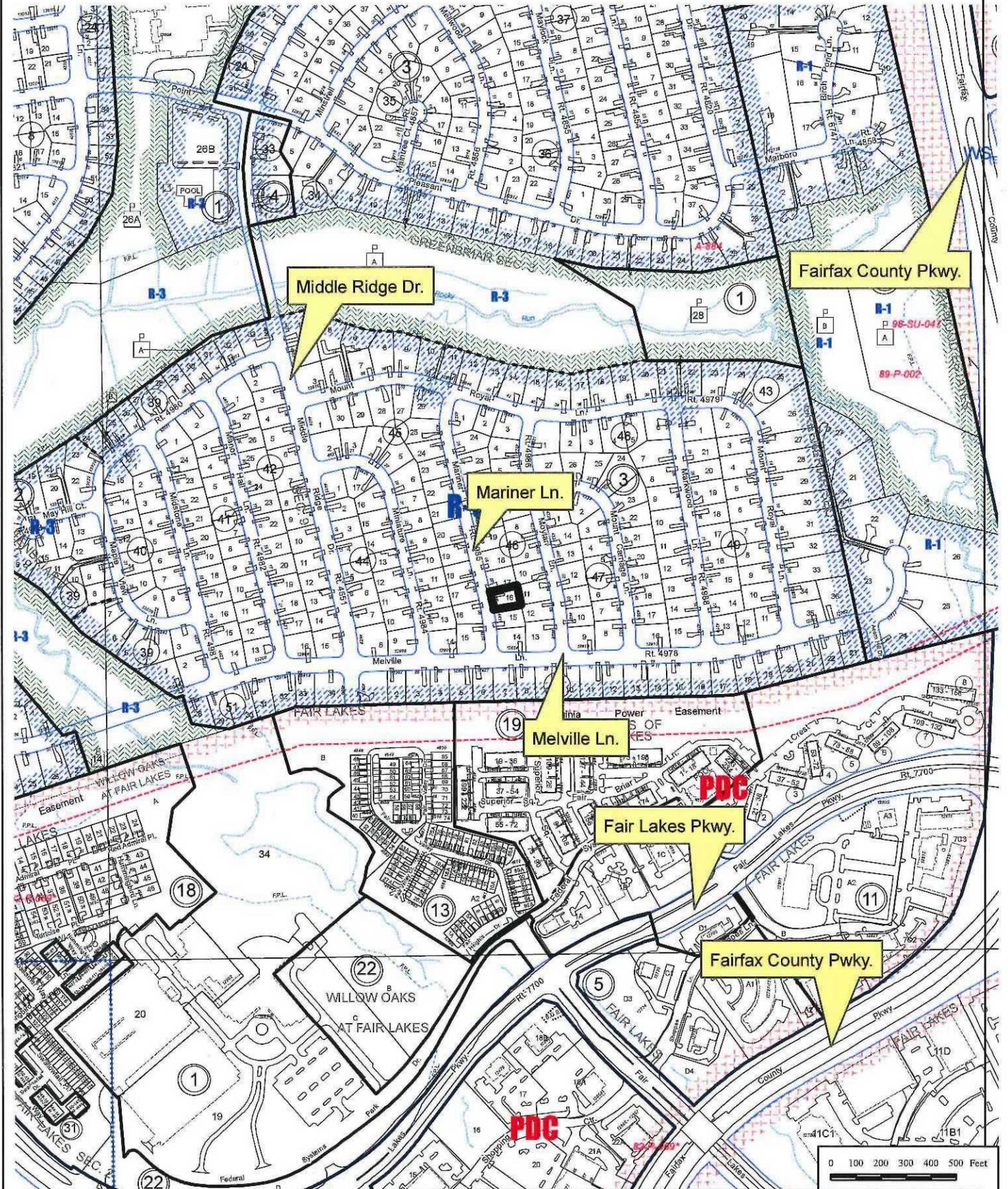
Special Permit

SP 2014-SP-065

NOODI DOOLAN & STEPHEN SCHEINMAN



Special Permit
SP 2014-SP-065
NOODI DOOLAN & STEPHEN SCHEINMAN



Middle Ridge Dr.

Fairfax County Pkwy.

Mariner Ln.

Melville Ln.

Fair Lakes Pkwy.

Fairfax County Pkwy.



COMMONWEALTH OF VIRGINIA
 3/27/14
 FRANK K DEEGBE
 Lic. No 002933
 SURVEYOR

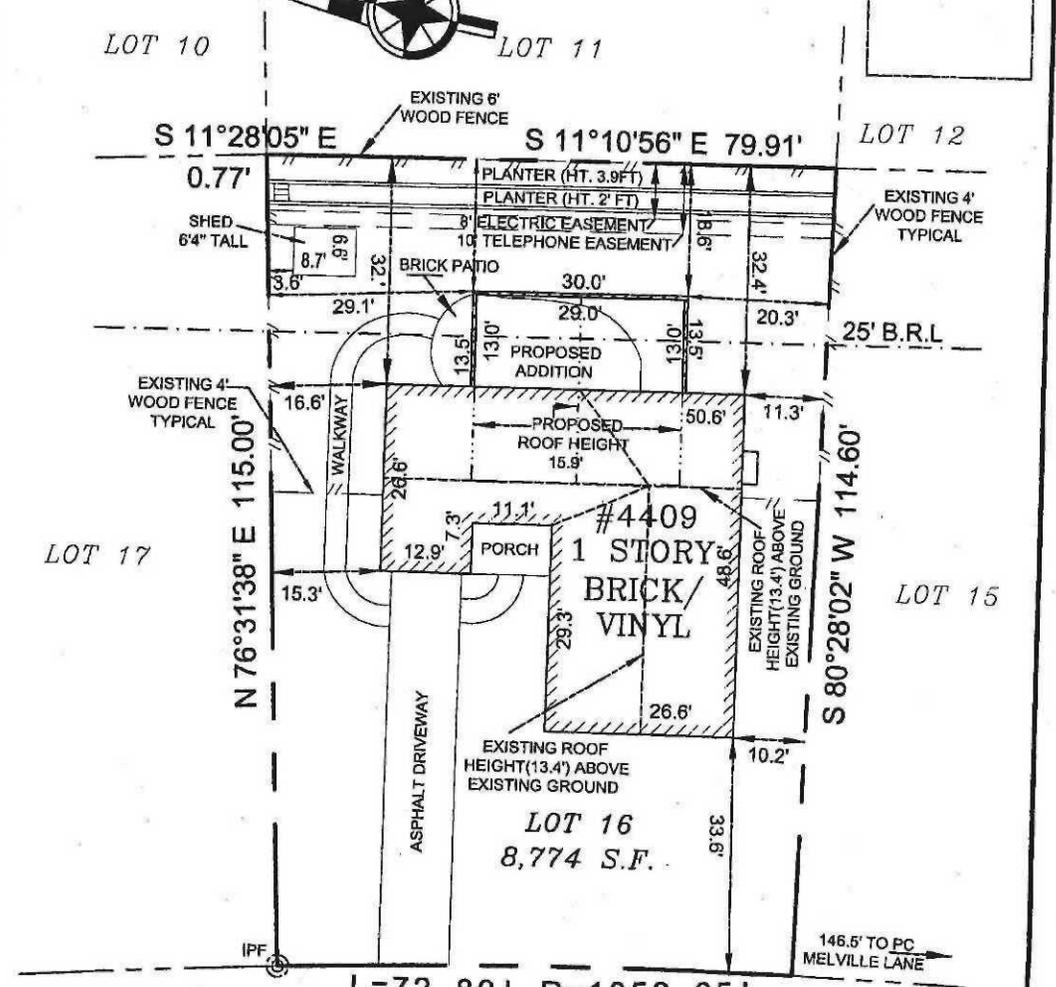
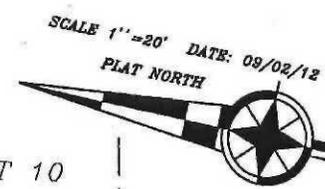
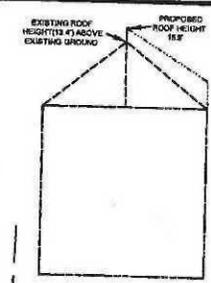
HOUSE LOCATION

PROPERTY INFORMATION
 4409 MARINER LANE, FAIRFAX VIRGINIA 22033
 LOT 16 BLOCK 46 GREENBRIAR SEC 10 DB 3111 PC 417
 CENTREVILLE MAGISTERIAL DISTRICT FAIRFAX COUNTY VIRGINIA

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE IMPROVEMENTS ARE LOCATED AS SHOWN. EXACT PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET, WE ASSUME NO RESPONSIBILITY OR LIABILITY FOR ANY RIGHT-OF-WAYS OR EASEMENT RECORDED OR UNRECORDED. NO TITLE REPORT FURNISHED.

ZONE R3
 PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER
 NO KNOWN GRAVE SITES LOCATED ON THE PROPERTY

GROSS FLOOR AREA
 PRE.DEV. 1850/8774 = 21.1%
 PRE.DEV. 2254/8774 = 25.7%
 EXISTING HOUSE = 1850 SQ FT
 PROPOSED ADDITION = 405 SQ FT
 FLOOR AREA INCREASE OF 22%



L=72.80' R=1058.65'

MARINER LANE
 (50' R/W)

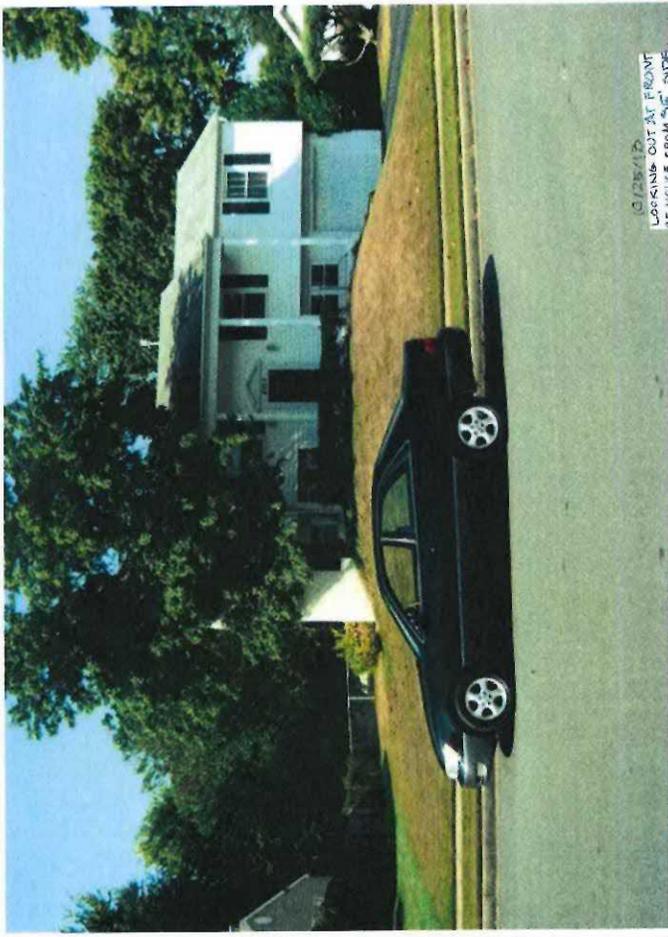
ROOF RIDGE = 115.2'
 EAVE = 109.4'
 AVE. GROUND = 101.7'
 ROOF RIDGE ADDITION (PROPOSED) = 115.2'
 ROOF RIDGE (PROPOSED) = 117.1'

NOTE:
 THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR RE-FINANCING. IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; AND DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OR PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.

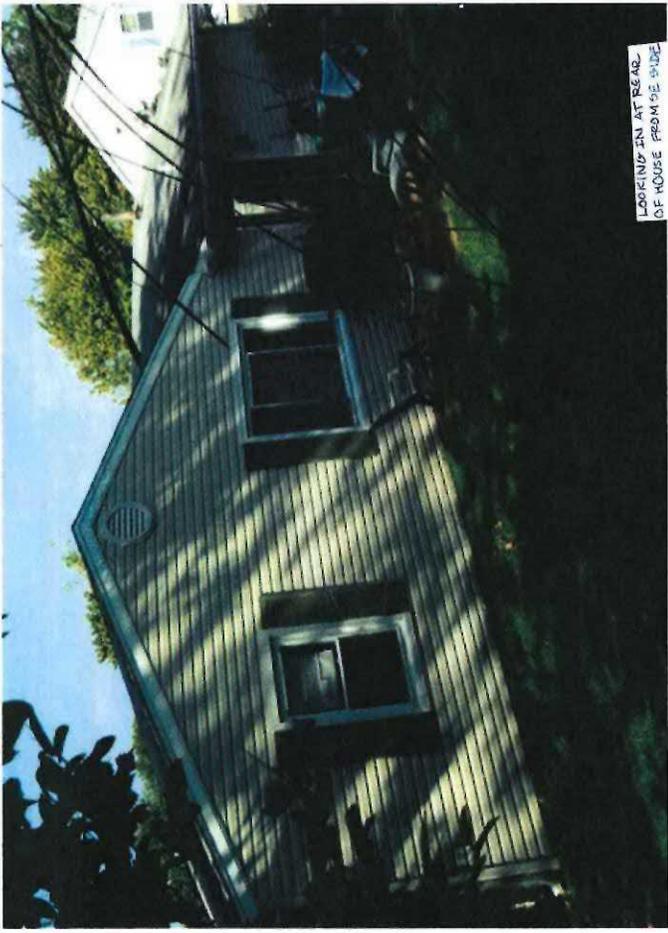
SITE DEVELOPMENT CONSULTANTS LLC

4421 FORBES BOULEVARD SUITE L
 LANHAM MARYLAND 20706
 TEL: 301-459-5380
 FAX: 301-459-5381
 WWW.SITDEVELOPMENTCONSULTANTS.COM

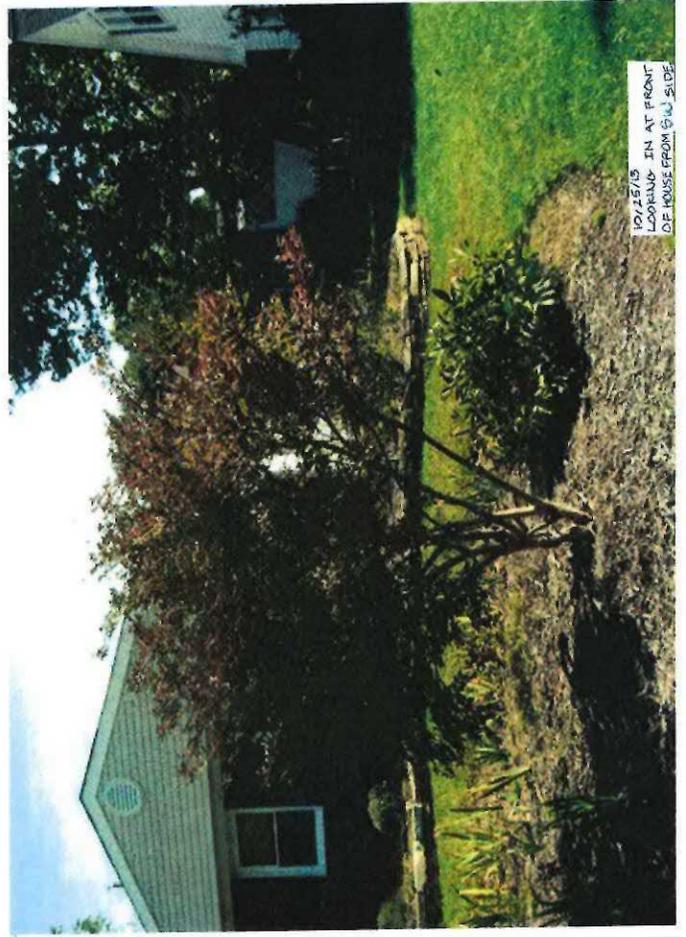
RECEIVED
 Department of Planning & Zoning
 APR 21 2014
 Zoning Evaluation Division



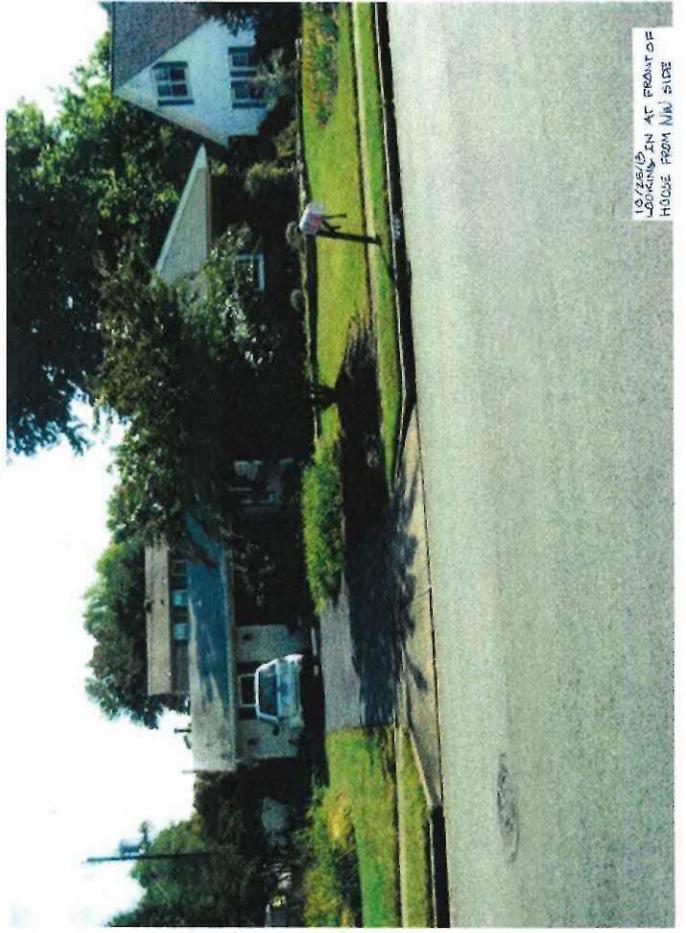
01/26/12
LOOKING OUT AT FRONT
OF HOUSE FROM SW SIDE



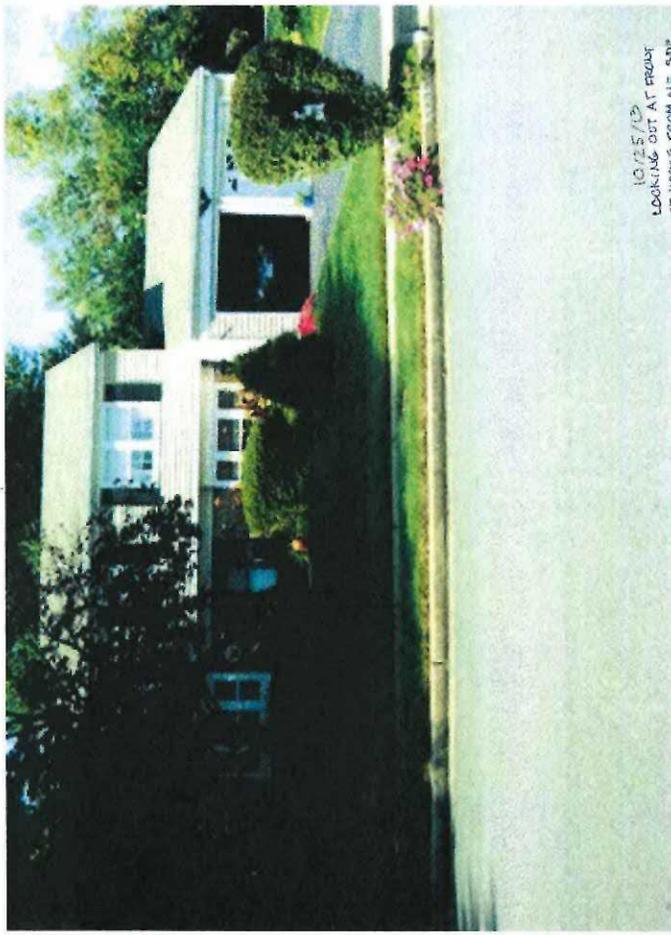
10/25/10
LOOKING IN AT REAR
OF HOUSE FROM SE SIDE



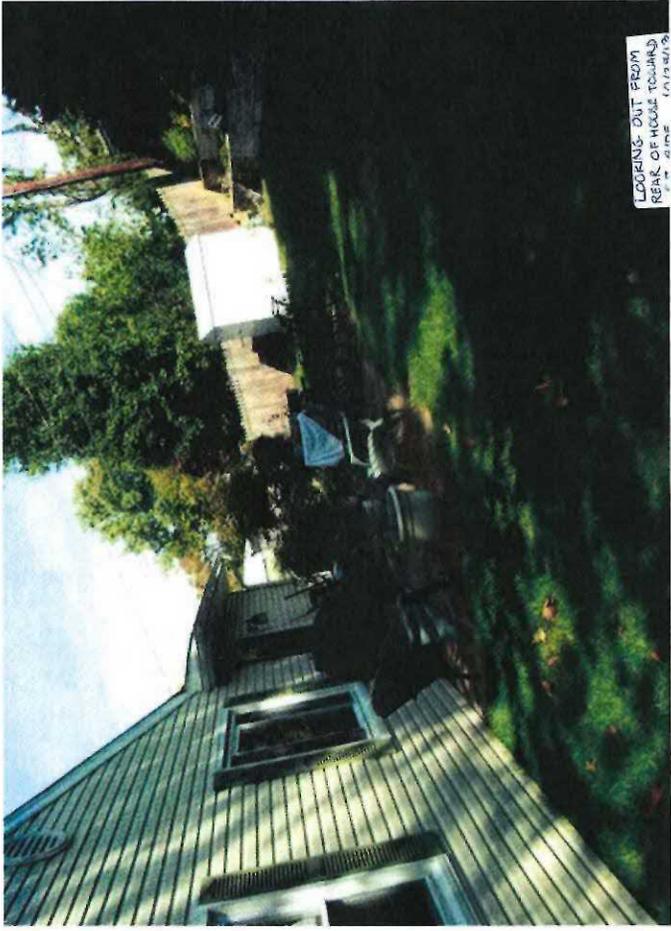
10/25/10
LOOKING IN AT FRONT
OF HOUSE FROM SW SIDE



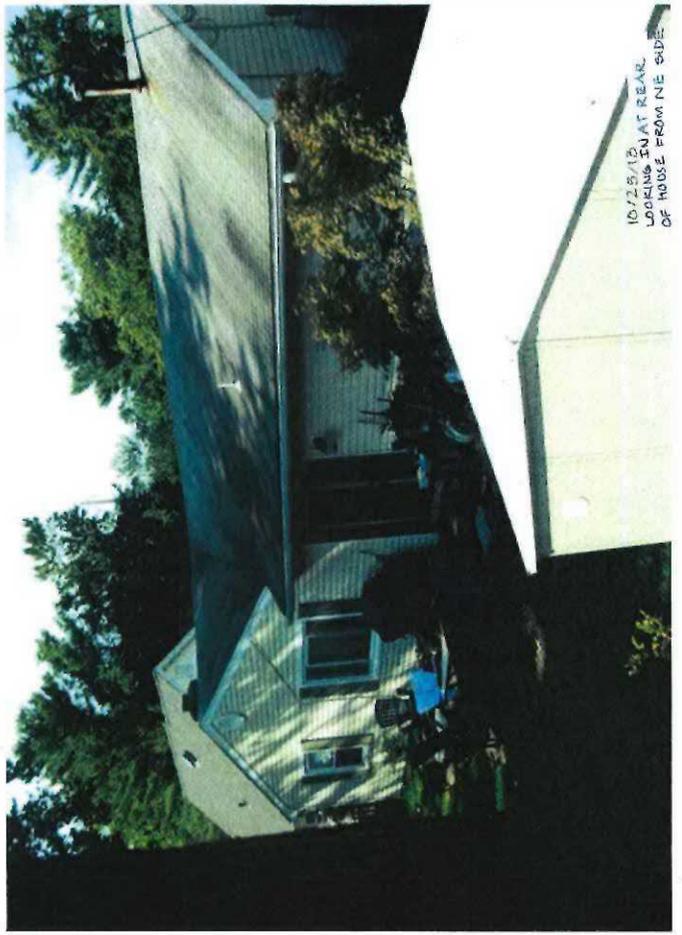
10/25/10
LOOKING IN AT FRONT OF
HOUSE FROM NW SIDE



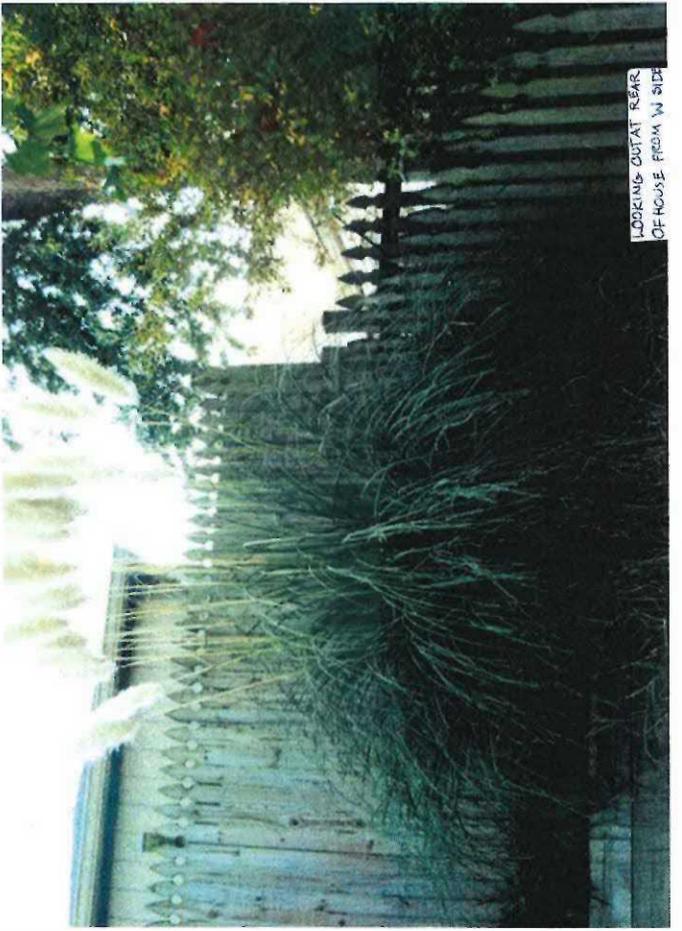
10/25/13
LOOKING OUT AT FRONT
OF HOUSE FROM N.E. SIDE



LOOKING OUT FROM
REAR OF HOUSE TOWARD
THE STONE
10/25/13



10/25/13
LOOKING OUT AT REAR
OF HOUSE FROM N.E. SIDE



LOOKING OUT AT REAR
OF HOUSE FROM W. SIDE

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 18.6 feet from the rear lot line.

A copy of the special permit plat titled "House Location, 4409 Mariner Lane, Lot 16, Block 46, Greenbriar Sec 10, DB 3111, PG 417," prepared by Frank K. Deegbe, Land Surveyor, dated March 27, 2014, 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 8,774 square foot lot contains a one story brick and vinyl frame dwelling, which is accessed by an asphalt driveway from Mariner Lane. A walkway leads from the driveway to a front porch located on the western façade of the dwelling. An additional walkway leads from the driveway on the northern side of the property to an existing brick patio located in the rear of the dwelling. A 10 foot wide telephone easement and an eight foot wide electric easement run across the rear yard; no existing or proposed structures interfere with these easements. The rear yard is surrounded by a wooden fence four feet in height.



Figure 1. Lot location

The subject property and surrounding properties are zoned R-3 and developed under the provisions of a cluster subdivision with single family detached dwellings.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1969 and purchased by the applicant in June 2012. In 2005, the previous owner obtained a building permit to finish the garage and convert it to a den.

Since the adoption of the Zoning Ordinance, special permit and variance applications have been heard by the Board of Zoning Appeals for nearby properties as shown 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 (that will be used as a family room) 18.6 feet from the rear lot line. In an area zoned R-3 Cluster, the required rear yard is 25 feet; the applicant is requesting a reduction of 6.4 feet, or 25.6 percent.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Family Room Addition	Rear	25.0 feet	18.6 feet	6.4 feet	25.6%

The applicant has proposed to construct a rectangular family room that is a part of the primary dwelling approximately 13.5 feet by 30 feet, or 405 square feet in size. As shown in the proposed building elevations, this new addition would also have a roof line that is 2.5 feet above the existing roof line, or 16 feet in height from the average ground elevation. This family room would replace the existing outdoor patio located at the rear of the dwelling, and no removal of existing trees or shrubs will occur. The exterior addition would be consistent with the existing dwelling, using a concrete slab-on-grade foundation to create a contiguous space.

CHARACTER OF THE SURROUNDING AREA

	Zoning	Use
North	R-3C, WS	Single Family Detached Dwelling
East	R-3C, WS	Single Family Detached Dwelling
South	R-3C, WS	Single Family Detached Dwelling
West	R-3C, WS	Single Family Detached Dwelling

ANALYSIS

Comprehensive Plan Provisions

Plan Area: III

Planning Sector: Stringfellow Community Planning Sector, BR4

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.

Following observation of the surrounding uses and dwellings through submitted photographs and aerial photography, staff believes that the proposed construction of the family room addition will not adversely affect the use or development of neighboring properties. The addition would be located in the rear of the dwelling, replacing an existing patio. The exterior would match the existing dwelling, and the roofline would be only slightly higher while still meeting the building height requirements of the zoning district. 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 1,850 square feet in size. The proposed addition is approximately 405 square feet, which is approximately 22% of the principal structure. 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 the statement of justification, aerial photography, and photos submitted by the applicant, staff has determined that the addition is similar in nature to surrounding dwellings in the neighborhood in terms of height, scale, and architecture. Staff believes this addition will be harmonious with surrounding 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. With the addition proposed in the rear of the dwelling in the same location as an existing patio, staff believes that the proposed addition will not impact the use and/or enjoyment of any adjacent property. 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 that due to the modest request of the proposed addition, along with the subordinate nature of the addition and replacement of an existing patio, this application meets the outlined provision.*

CONCLUSION

Staff believes that the request for a special permit for reduction in certain yard requirements to permit an addition (family room) 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 2014-SP-065 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. Building Permit, dated February 14, 2005
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-SP-065****July 30, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SP-065 located at Tax Map 45-4 ((3)) (46) 16 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 (405 square feet, 16 feet in height), as shown on the plat prepared by Frank K. Deegbe, Land Surveyor dated March 27, 2014, as submitted with this application and is not transferable to other land.
3. The addition shall be generally consistent with the architectural renderings and materials- as shown on Attachment 1 to these conditions.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/18/13
 (enter date affidavit is notarized)

I, Noodi Doolan, 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 BOLD above)
NOODI DOOLAN	4409 MARINER LANE FAIRFAX, VA 22033	APPLICANT/TITLE OWNER
STEPHEN B SCHEINMAN	4409 MARINER LANE FAIRFAX, VA 22033	APPLICANT/TITLE OWNER

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

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

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

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/18/13
(enter date affidavit is notarized)

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.)

N/A

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/18/10
(enter date affidavit is notarized)

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

PARTNERSHIP INFORMATION

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

N/A

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/18/13
(enter date affidavit is notarized)

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

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

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

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

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

NONE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/18/13
(enter date affidavit is notarized)

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

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

NONE

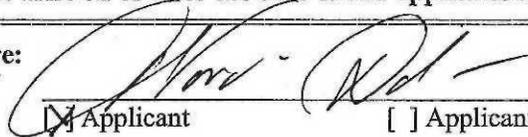
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(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

NOODE DOOLAN

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

Subscribed and sworn to before me this 18th day of December 2013, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 1/31/2014


Notary Public

Bonnie C. Turner
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7340842
My Commission Expires 1/31/2014

APPENDIX 3

RECEIVED
Department of Planning & Zoning

APR 21 2014

Zoning Evaluation Division

March 2, 2014

To Whom It May Concern:

We would like to apply for a special permit/variance pertaining to zoning ordinance section 8-922 –Provisions for Reduction of Certain Yard Requirements- for the property at 4409 Mariner Lane, Fairfax, Va 22033(Lot 16) in the Development of Green Briar Community.

The purpose for this permit is to reduce the rear yard setback from 25 feet to 18.9 feet by adding a 13 x 29' rectangular family room (13.5 x 30' including exterior appurtenances) off of the kitchen and dining room, resulting in a total of 405 additional gross square feet, including exterior appurtenances. This is less than 22% of the total gross area of the existing principle structure of 1,850 square feet.

The roof line of the new addition will be at most approximately 16 feet above the average existing ground elevation, or 2.5 feet above the existing roof line. A section of the roof over the existing kitchen and dining room would also be rebuilt at the same elevation as the new roof. The design of the roof will be in character with the existing roofs.

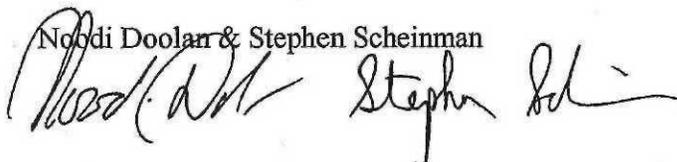
The new addition will be constructed in place of the existing outdoor patio, so there will not be any removal of trees or shrubs. The development will be harmonious with surrounding uses and structures, topography, vegetation and preservation of trees in Greenbriar.

A concrete slab-on-grade foundation would be used for the new addition and would tie into and extend the slab-on-grade of the existing structure, resulting in one continuous space combining the kitchen, dining room, and new proposed family room.

There are no hazardous or waste materials on the property.

The addition will enhance the look of the house bring the total gross area of the house to 2,255 gross square feet. This development will not affect adjacent properties in regard to light, noise, air, safety, erosion and storm water runoff. The addition will not affect any historic sites. We will also be conforming to the provisions of all applicable ordinances as pertaining to zoning ordinance section 8-922, of the regulations and adopted standards or, if any waiver, exception or variance is sought by us will be specifically noted with the justification of the modification. We appreciate your consideration on this matter.

Noodi Doolan & Stephen Scheinman



Similar Case History

Record

1 ZAPS - VC - VC 01-S -196	Appl Description: TO PERMIT ADDITION 14 FEET FROM REAR LOT LINE
2 ZAPS - VC - VC 83-P -087	Appl Description: ALLOW CONSTRUCTION OF SUNROOM ADDITION TO DWELLING TO 17.8 FT. FROM REAR LOT LINE (25 FT. MIN. REAR YARD REQ.)
3 ZAPS - VC - VC 95-P -133	Appl Description: TO PERMIT CONSTRUCTION OF ADDITION 14.8 FEET FROM REAR LOT LINE ***OUT OF TURN HEARING REQUESTED***
4 ZAPS - VC - VC 99-Y -073	Appl Description: PERMIT CONSTRUCTION OF ADDITION 14.2 FT. FROM REAR LOT LINE

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES
 PERMIT APPLICATION CENTER
 12953 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504 Telephone: 703-222-0901
 Web site: www.fairfaxcounty.gov/dpwes

PERMIT # 05045B0240

APPENDIX 5

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY
 PLAN # 15-005-00650
 TAX MAP # 045-4-103/06/0010

ROUTING	DATE	APPROVED BY
LICENSING	2-14-05	gnc
ZONING	2-14-05	gnc
SITE PERMITS		
HEALTH DEPT.		
BUILDING REVIEW	2/14/05	gnc
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$
 FILING FEE \$
 AMOUNT DUE \$

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC. J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT (LOG OUT)
 BY _____ DATE _____

ZONING REVIEW
 USE SF
 ZONING DISTRICT R-3C HISTORICAL DISTRICT _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____
 YARDS: GARAGE 1 2 3
 FRONT _____ OPTIONS YES NO
 FRONT _____ REMARKS convert existing garage into den
 L SIDE _____
 R SIDE _____
 REAR _____

GRADING AND DRAINAGE REVIEW
 SOILS # _____ A B C
 AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) _____
 IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) _____
 PLAN # _____ APPR. DATE _____

STAMPS No Second Kitchen or Wet Bar
 (See reverse side of application)

REMARKS

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION
 ADDRESS 4409 Marlinton Ln
 LOT # _____ BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION hembry Sec 10 Bl 46
 TENANT'S NAME Ronna Miller

OWNER INFORMATION OWNER TENANT
 NAME Ronna Miller
 ADDRESS 4409 Marlinton Ln
 CITY Reston STATE VA ZIP 22035
 TELEPHONE 703-266-7526

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME Mario Rojas/Build
 ADDRESS 7724 Woodbridge Rd
 CITY Manassas STATE VA ZIP 20111
 TELEPHONE 703-390-5244
 STATE CONTRACTORS LICENSE # 030119A
 COUNTY BPOL # 047562

APPLICANT Richard Miller

DESCRIPTION OF WORK
Final Entry Room to Den
Tric Nbr to Entry Garage
to become Den

HOUSE TYPE SF
 ESTIMATED COST OF CONSTRUCTION 6500.00
 BLDG AREA (SQ FT OF FOOTPRINT) 240
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____
 SEWER SERVICE PUBLIC SEPTIC OTHER
 WATER SERVICE PUBLIC WELL OTHER
 OTHER PLEASE SPECIFY _____

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS	_____	EXTER. WALLS	_____
# BATHS	_____	INTER. WALLS	_____
# HALF BATHS	_____	ROOF MATERIAL	_____
# BEDROOMS	_____	FLOOR MATERIAL	_____
# OF ROOMS	_____	FIN. BASEMENT	_____ %
# STORIES	_____	HEATING FUEL	_____
BUILDING HEIGHT	_____	HEATING SYSTEM	_____
BUILDING AREA	_____	# FIREPLACES	_____
BASEMENT	_____		

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent _____ Date 2/14/05
 Printed Name and Title _____
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____ to wit I, _____ a _____
 Notary Public in the State and County aforesaid, do certify that _____
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____ My
 commission expires the _____ day of _____, 20____
 (Notary Signature)

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.