



APPLICATION ACCEPTED: August 13, 2014
DATE OF PUBLIC HEARING: November 5, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 29, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-LE-176

LEE DISTRICT

APPLICANT/OWNERS: John F. Dickman and Cathryn C. Helm

LOCATION: 6300 Alderman Drive, Alexandria, 22315

SUBDIVISION: Kingstowne, Section 3

TAX MAP: 100-1 ((11)) (3) 30

LOT SIZE: 5,711 square feet

ZONING: PDH-4, NR

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction to the minimum rear yard requirements based on an error in building location to permit a sunroom addition to remain 13.7 feet from the rear lot line.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

Megan Duca

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 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.**

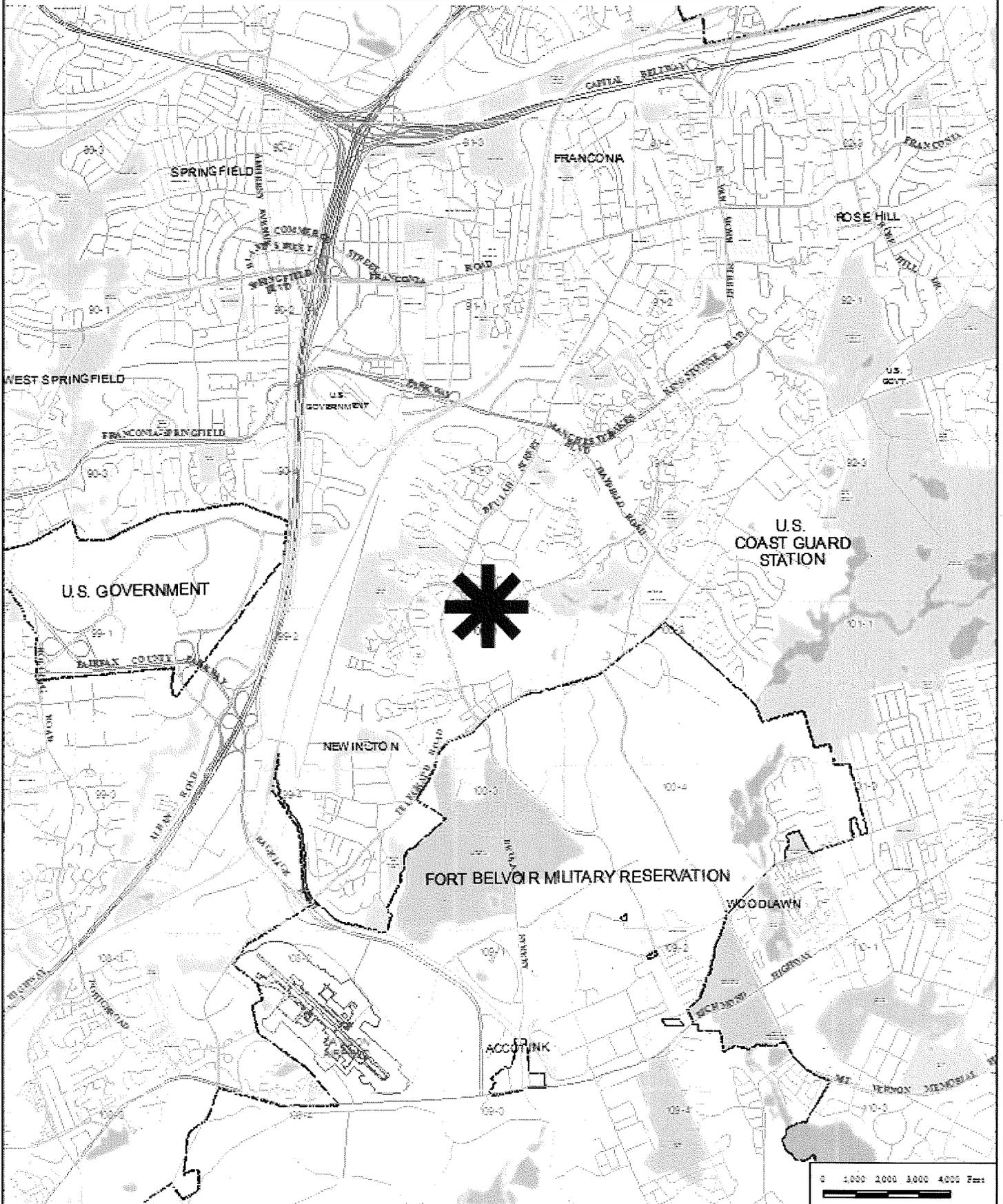


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-LE-176

JOHN F. DICKMAN AND CATHRYN C. HELM



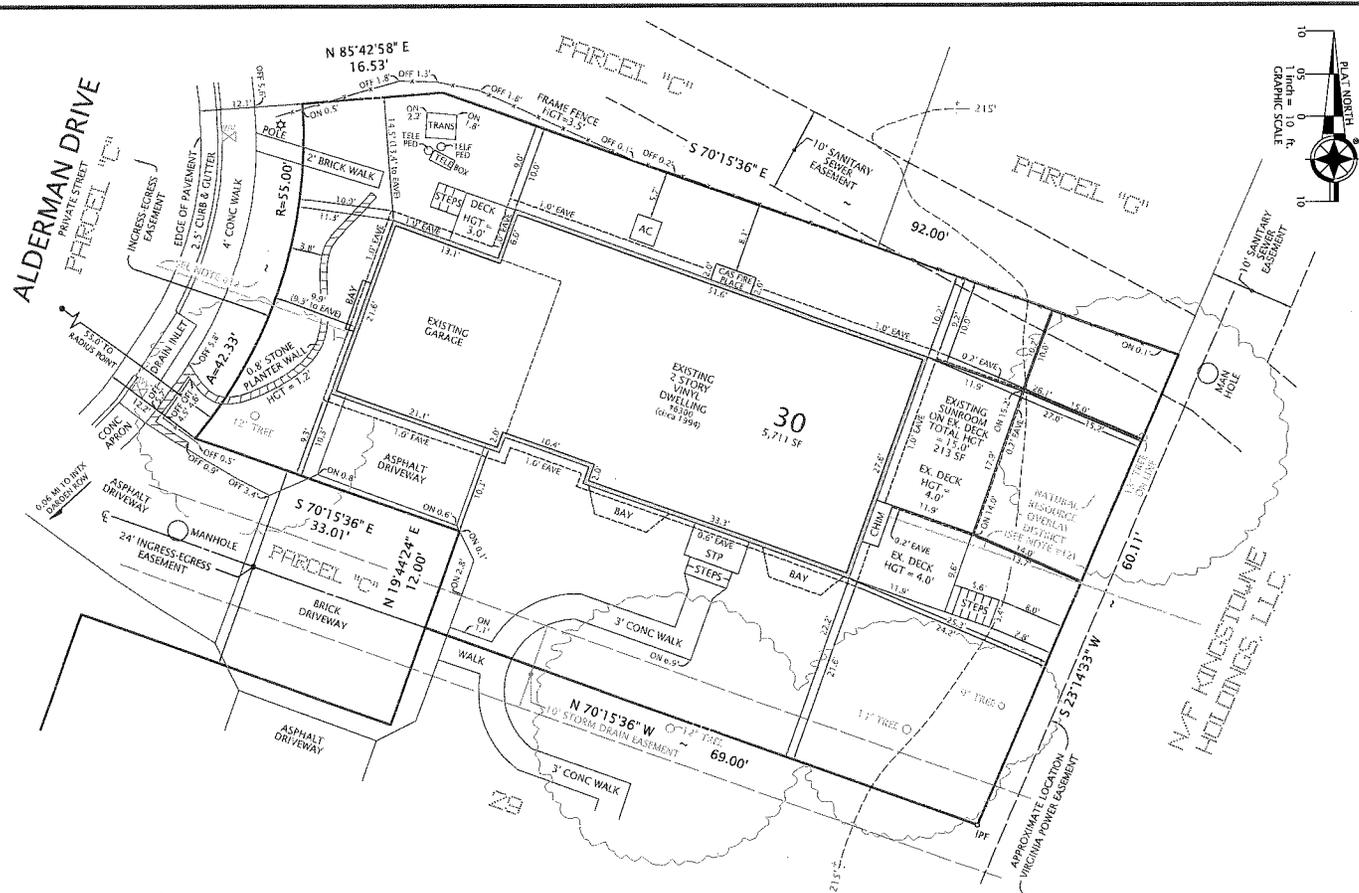
Special Permit

SP 2014-LE-176

JOHN F. DICKMAN AND CATHRYN C. HELM



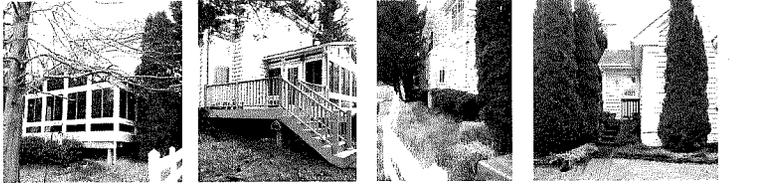
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- NOTES:**
- TAX MAP: 100-1-11-03-0030
 - ZONE: PDH-4 (RESIDENTIAL 4 DU/AC)
 - LOT AREA: 5,711 SQUARE FEET (0.1311 ACRE)
 - REQUIRED YARDS: (SUBJECT TO THE APPROVED FDP)
 - FRONT: = 20.0 FEET
 - SIDE: = 08.0 FEET
 - REAR: = 25.0 FEET
 - HEIGHTS:
 - EX. DWELLING = 28.0 FEET
 - EX. SUNROOM = 15.0 FEET
 - EX. DECKS = AS NOTED
 - EX. STP = 1.7 FEET
 - EX. 0.8' PLANTER WALL = 1.2 FEET
 - 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 AWARE OF A VIRGINIA POWER EASEMENT APPROXIMATELY PARALLEL TO THE EAST PROPERTY LINE.
 - TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
 - THERE ARE NO FLOODPLAINS ON THIS PROPERTY.
 - THERE IS A NATURAL RESOURCE OVERLAY DISTRICT ON THE SUBJECT PROPERTY. THE DELINEATION OF THIS DISTRICT WAS TAKEN FROM AVAILABLE RECORDS AND IS APPROXIMATE.
 - EX. AREAS:
 - EX. BASEMENT = 1,238 SF
 - EX. 1st FLOOR = 1,706 SF
 - EX. SUNROOM = 213 SF
 - EX. 2nd FLOOR = 1,238 SF
 - GROSS FLOOR AREA = 4,395 SF
- EX. FLOOR AREA RATIO = GFA (4395) / LOT AREA (5711) = 0.77



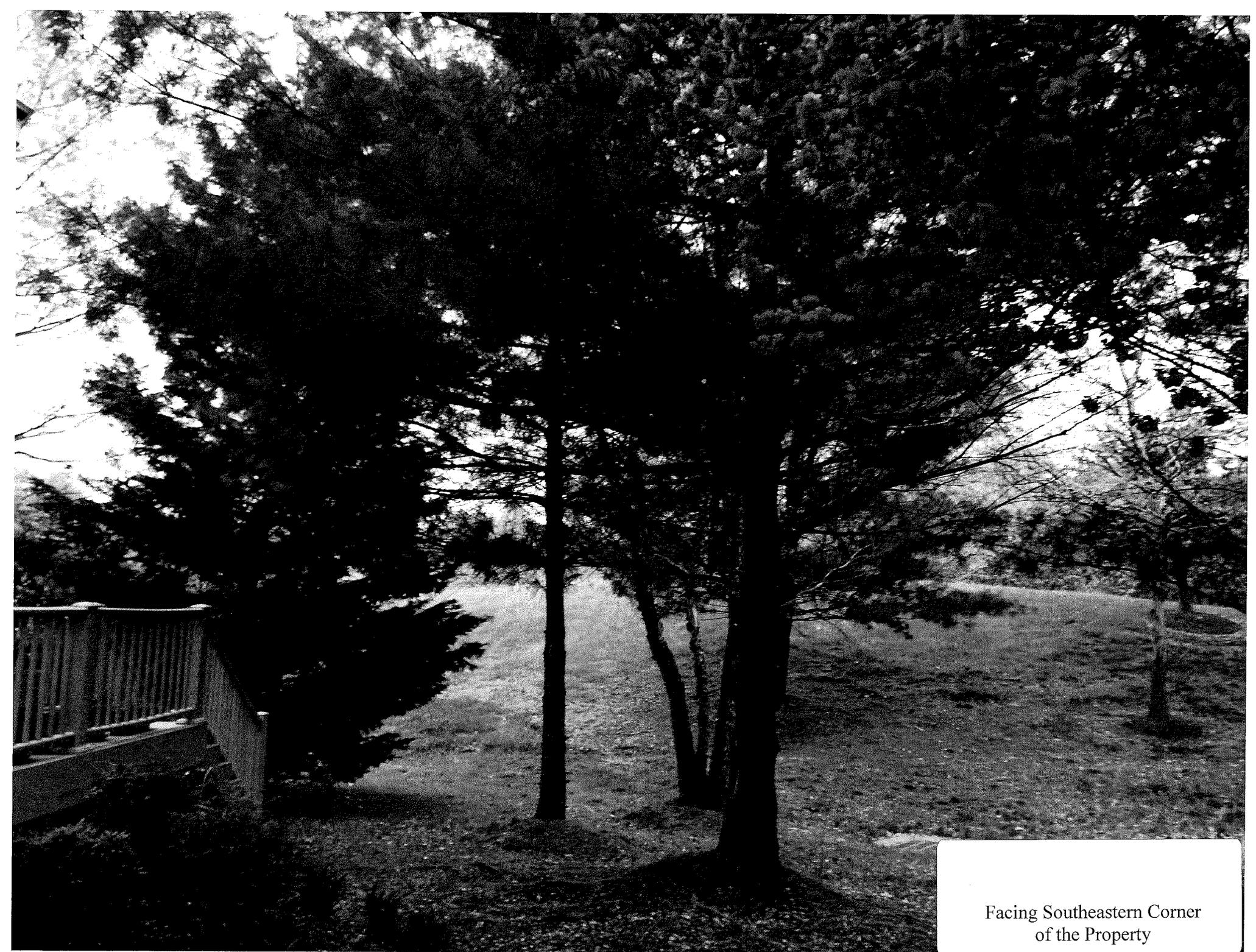
FRONT OF DWELLING FRONT OF GARAGE VIEW FROM ALDERMAN DR SIDE OF GARAGE



SUNROOM DECK AND SUNROOM NORTH SIDE REAR OF GARAGE

PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 30, SECTION 3
KINGSTOWNE
 (DEED BOOK 7567, PAGE 1)
 FAIRFAX COUNTY, VIRGINIA
 LEE DISTRICT
 SCALE: 1" = 10' MARCH 28, 2014

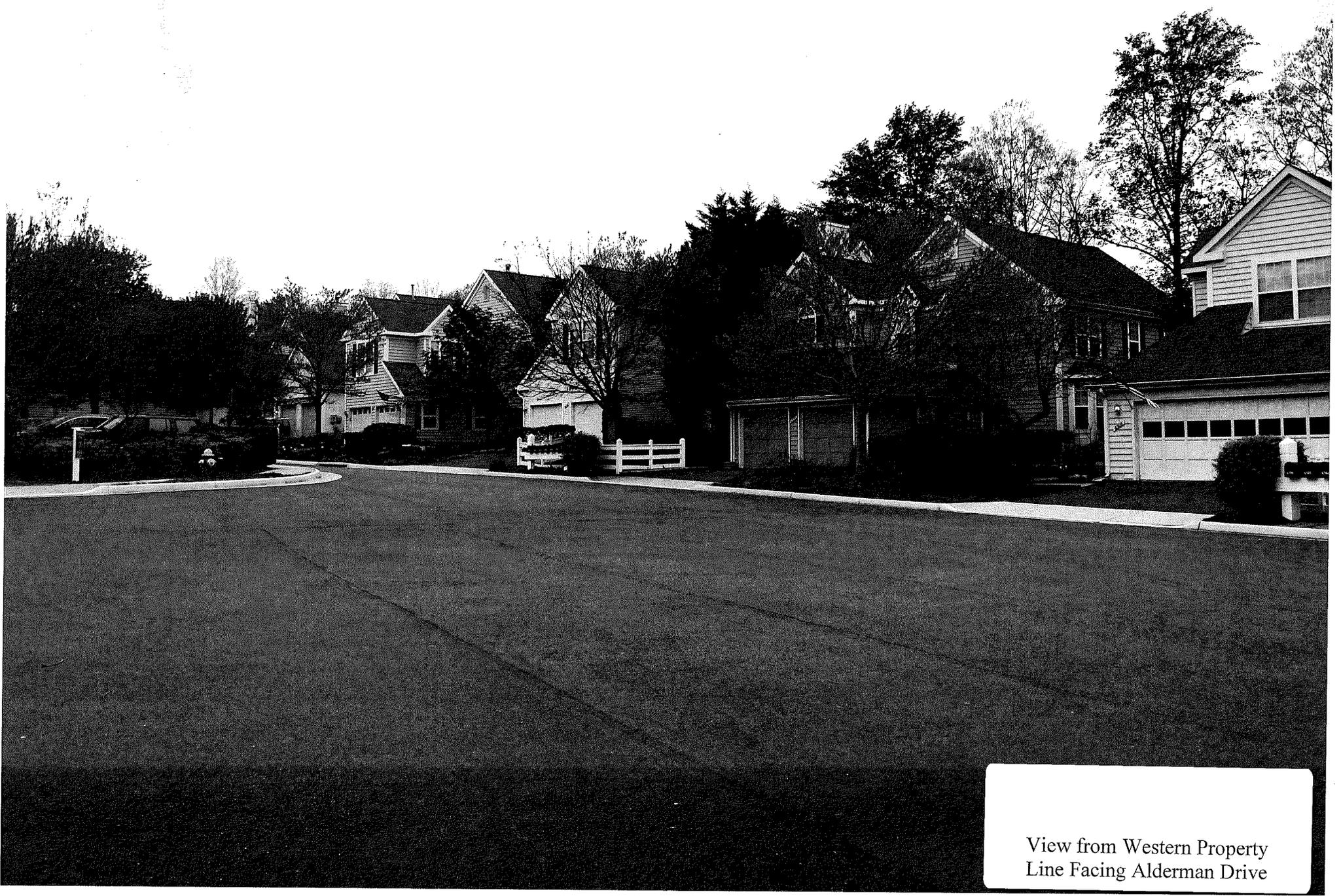
I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:		CASE NAME: CELESTE HELM
		THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.



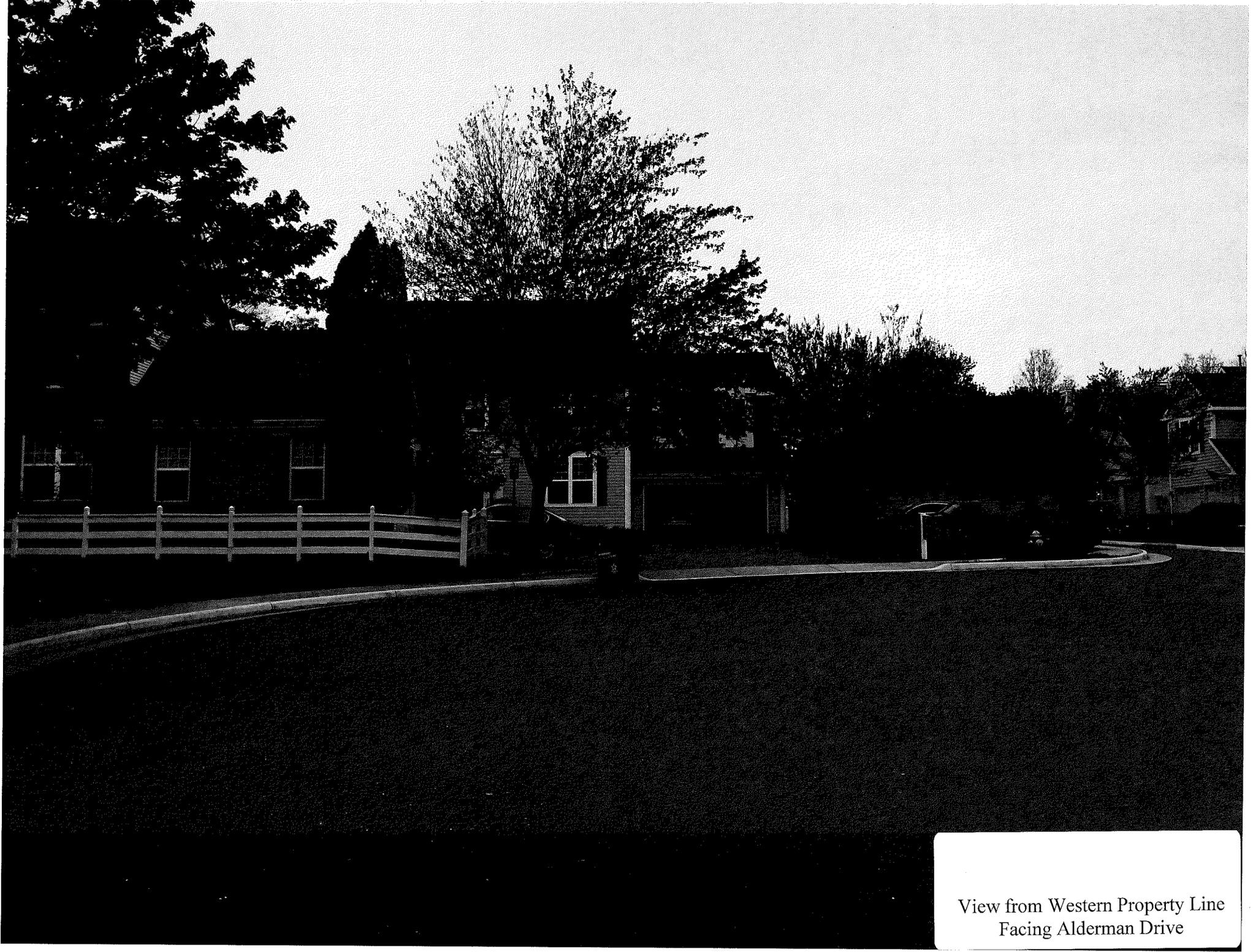
Facing Southeastern Corner
of the Property



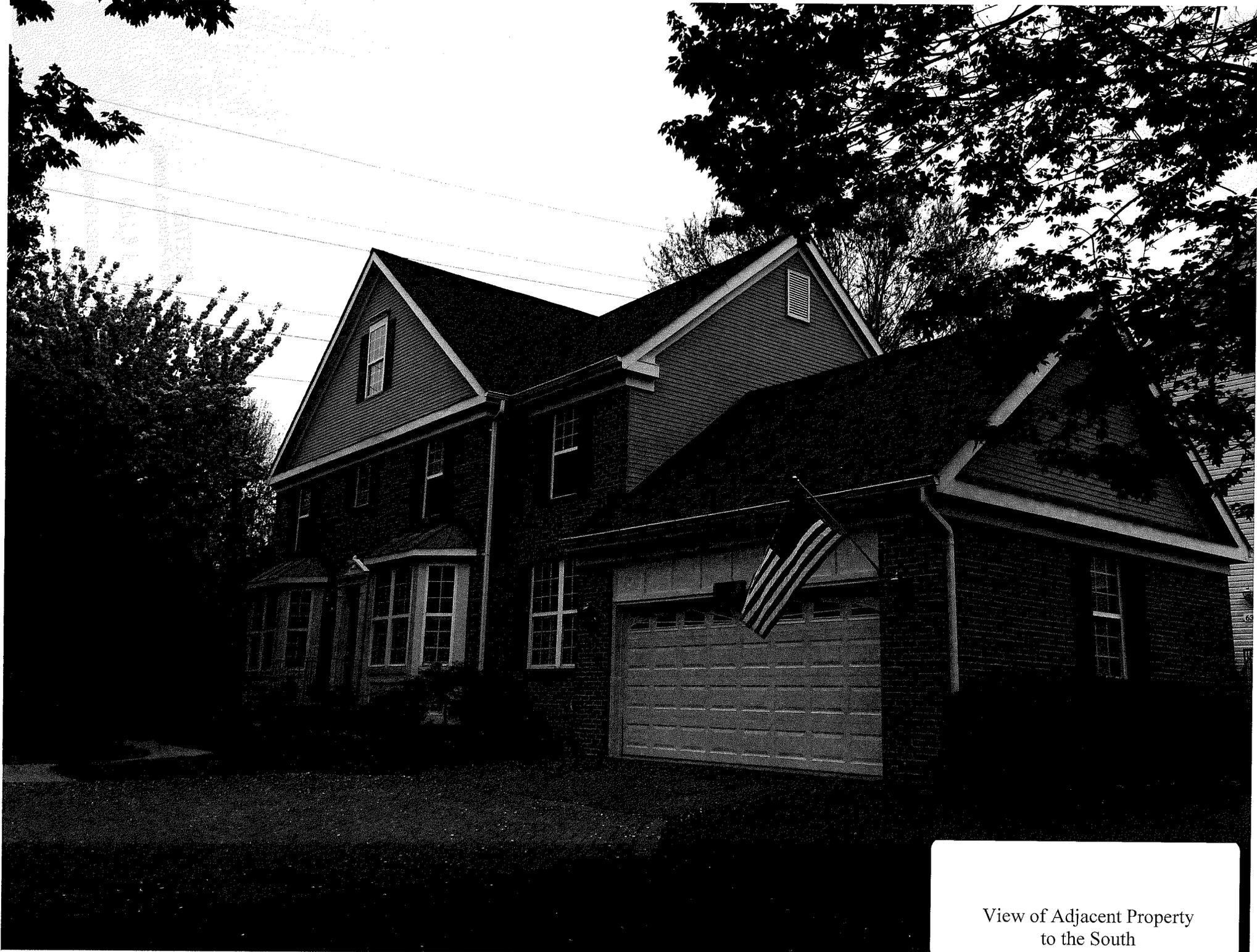
View from Western Property
Line Facing Alderman Drive



View from Western Property
Line Facing Alderman Drive



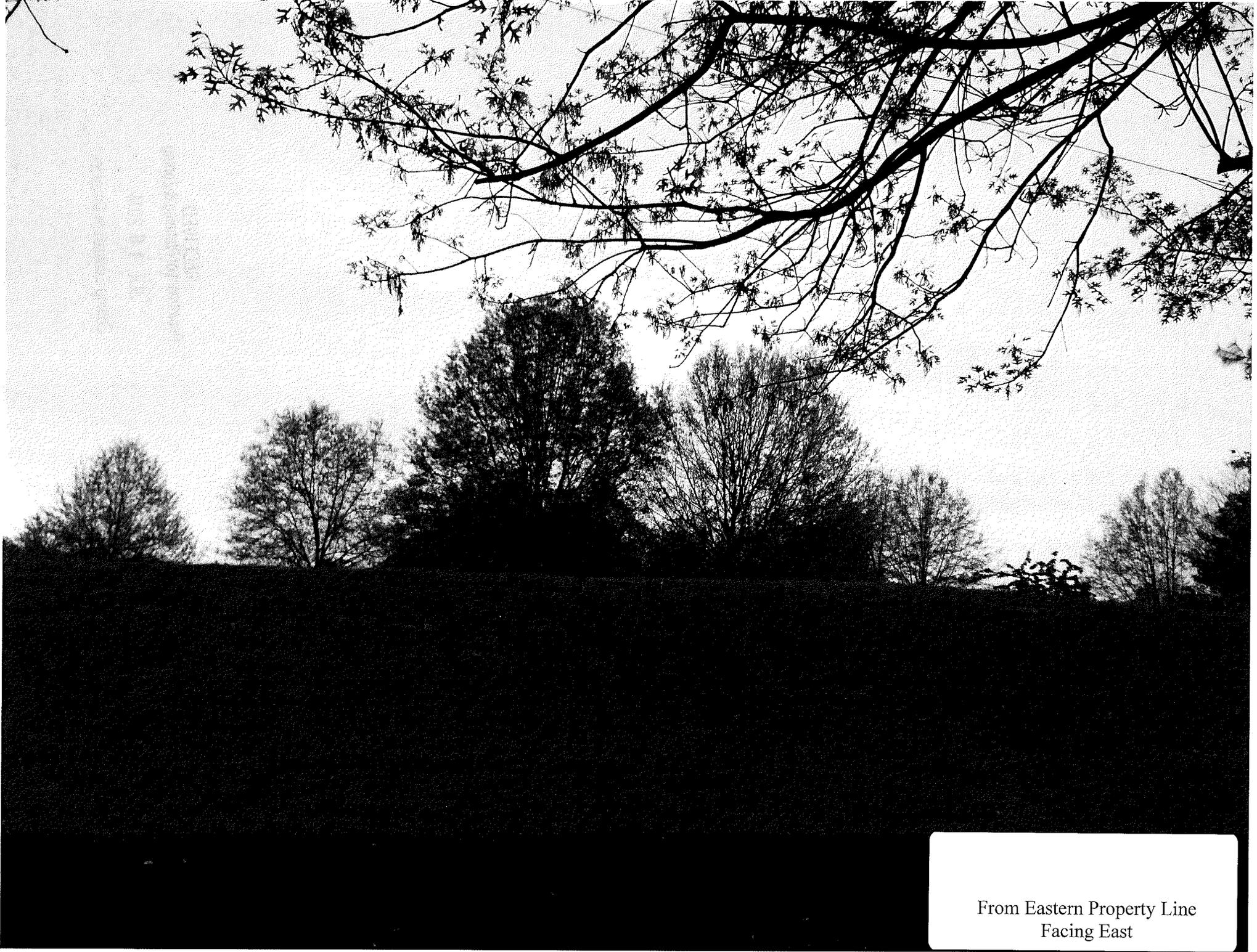
View from Western Property Line
Facing Alderman Drive



View of Adjacent Property
to the South



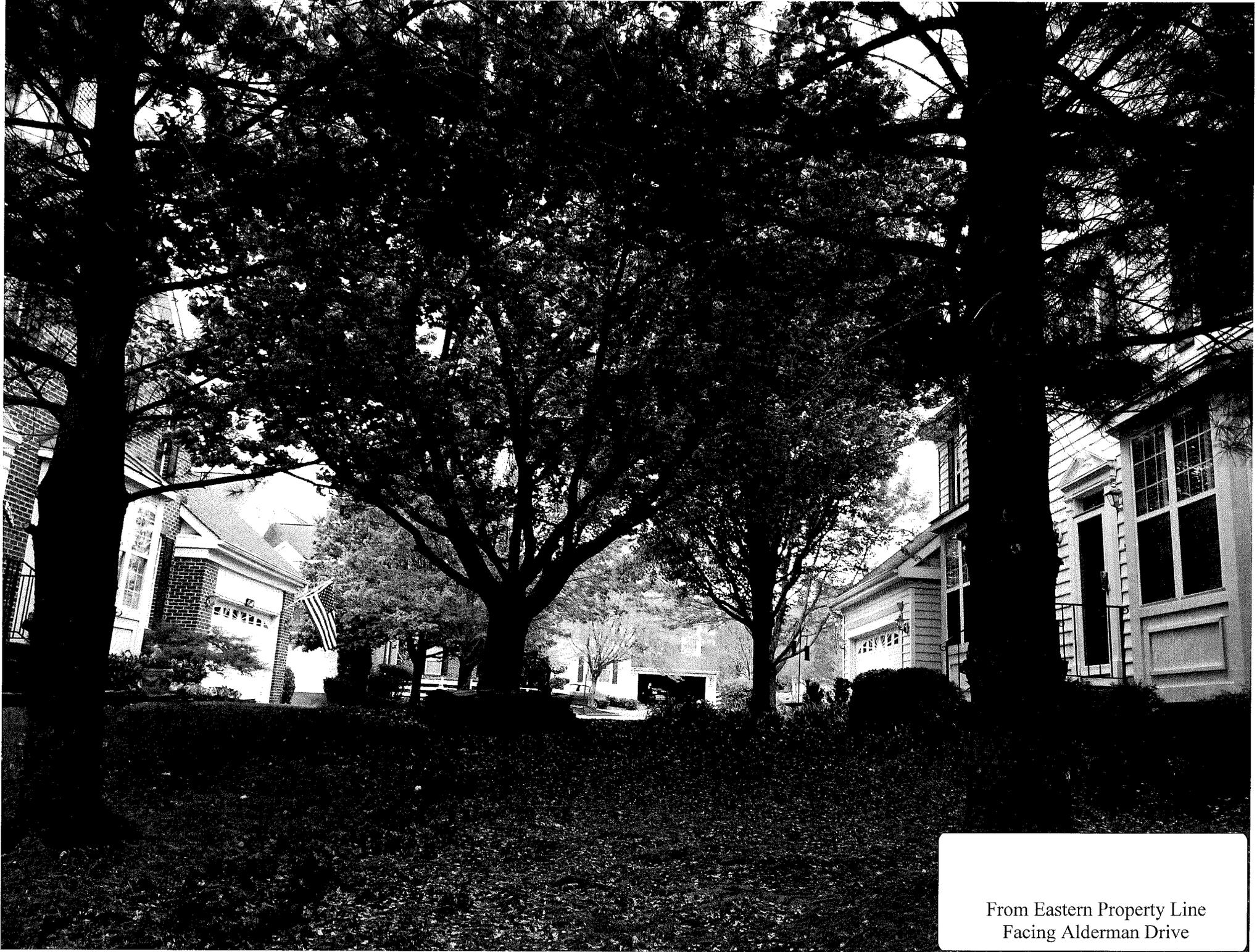
View of Adjacent Property
to the North



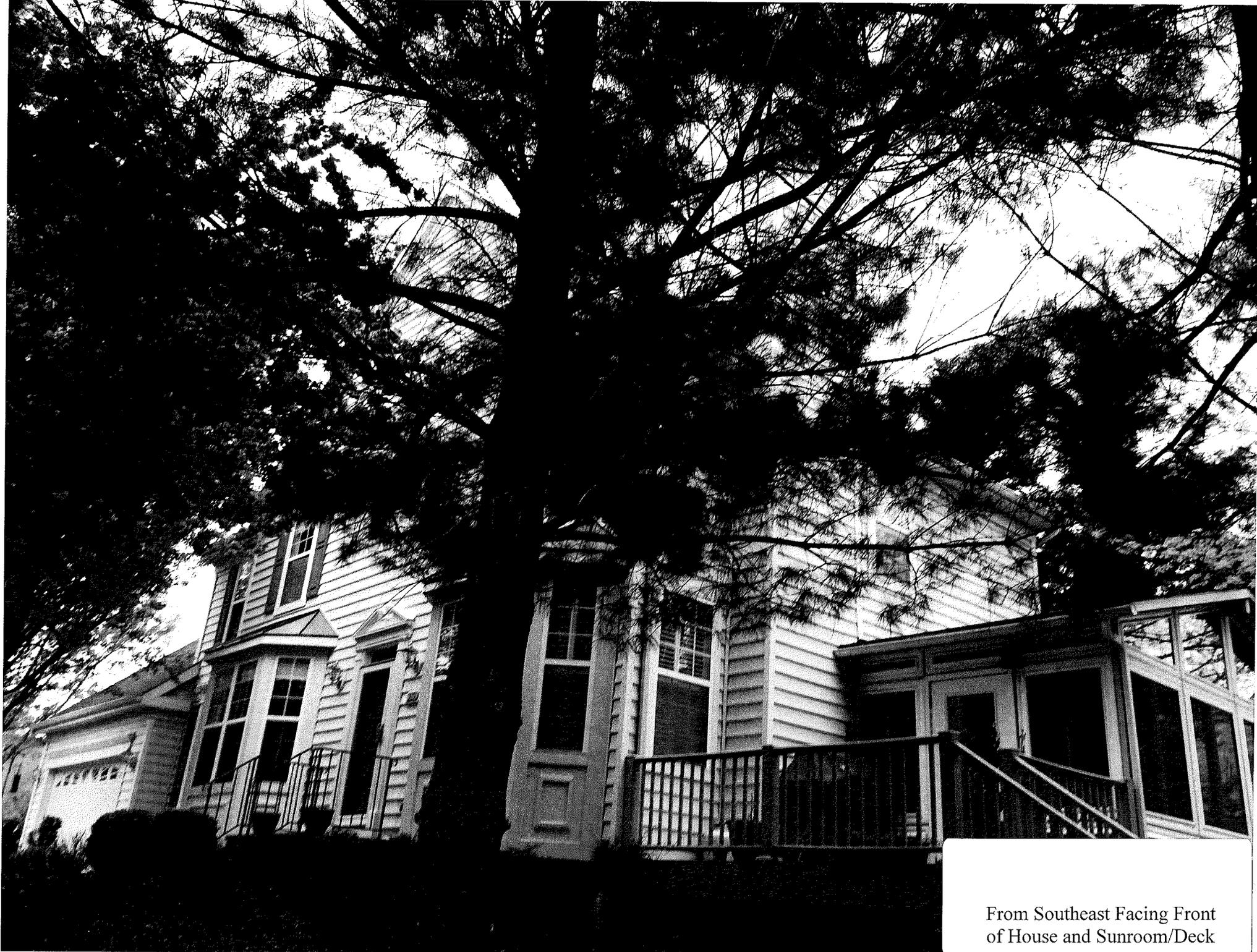
From Eastern Property Line
Facing East



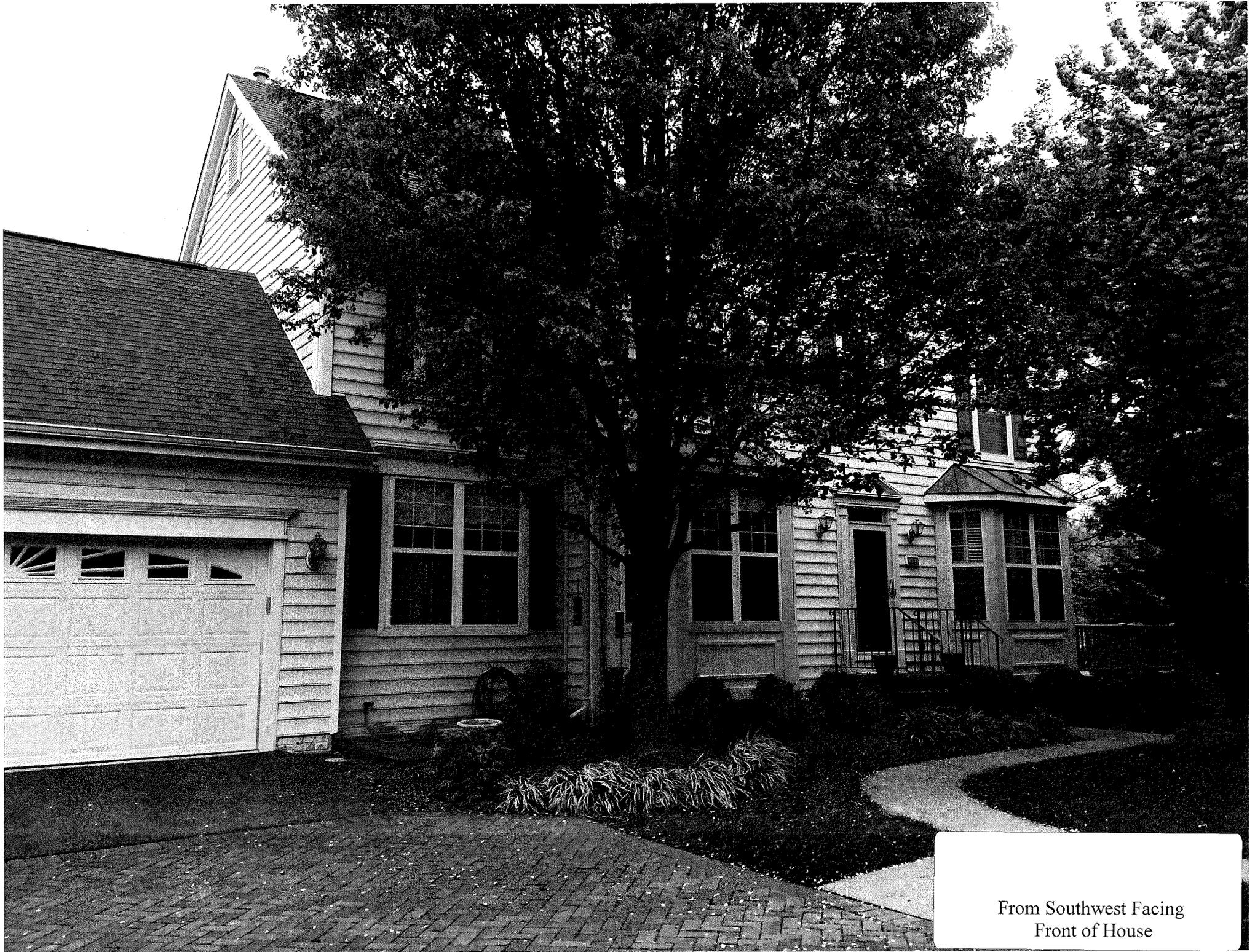
View of Sunroom and Deck
from Eastern Property Line



From Eastern Property Line
Facing Alderman Drive

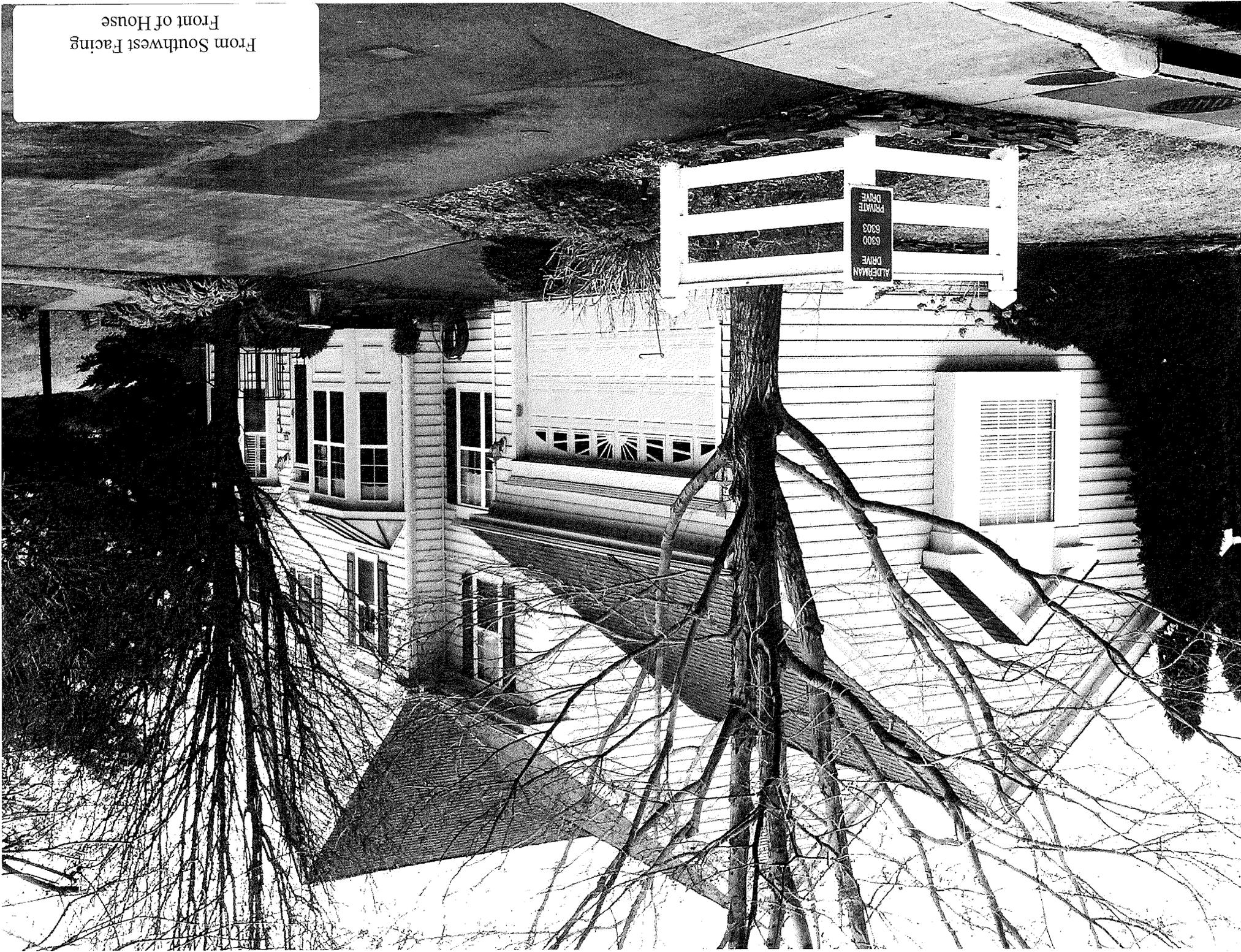


From Southeast Facing Front
of House and Sunroom/Deck



From Southwest Facing
Front of House

From Southwest Facing
Front of House





From Western Property Line
Facing House



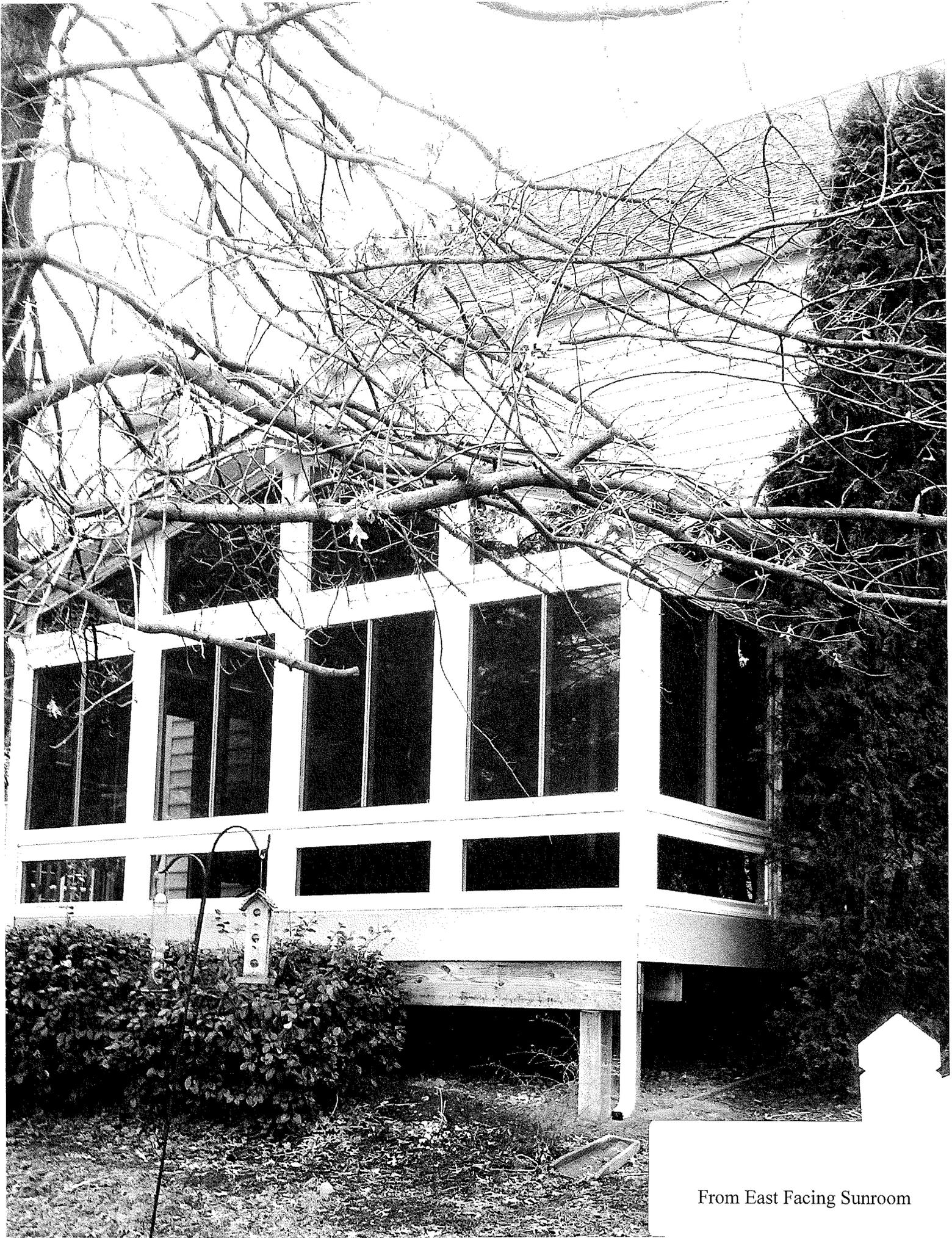
From Western Property Line
Facing House



View of Northern Property Line
from Western Property Line



View of Northern Property Line
from Eastern Property Line



From East Facing Sunroom



From East Facing
Sunroom and Deck

DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit to allow a reduction in yard requirements based on an error in building location to permit a sunroom to remain 13.7 feet from the rear lot line. The existing single story sunroom addition is 15 feet in height and approximately 213 square feet in area. A minimum rear yard of 25 feet is required for this PDH-4 zoned property, which according to the Zoning Ordinance is governed by the setbacks required in the R-4 (Cluster) provisions. Therefore, a modification of 11.3 feet is requested.

A copy of the special permit plat depicting the structures on the site titled, "Plat, Showing the Improvements on Lot 30, Section 3 Kingstowne," prepared by George M. O'Quinn of Dominion Surveyors Inc., dated March 28, 2014, is included at the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 5,711 square foot lot is developed with a two-story, single family detached dwelling. The property is relatively flat and has several mature trees. Vehicular access to the site is provided from a driveway off Alderman Drive. An attached garage is located on the western side of the dwelling adjacent to the driveway. A concrete walk connects the driveway to an open porch at the front of the dwelling. An additional small open deck with stairs is located on the western side of the dwelling to the north of the garage. An open deck approximately four feet in height and 114 square feet in area is located at the southeastern corner of the dwelling. The existing sunroom, which is 15 feet in height and 213 square feet in area, is located adjacent and to the north of the open deck.



The property is located north of Kingstowne Village Parkway and east of Beulah Street. The application property and surrounding lots are zoned PDH-4 and developed with single family detached dwellings. The property to the east contains open space and a Virginia Power easement.

BACKGROUND

According to Fairfax County Tax Records, the house was constructed and purchased by the applicant in 1994.

In 2008, a building permit was issued on the property to permit a roofed deck without lattice on an existing deck located approximately 15.5 feet from the rear lot line. Pursuant to Sect. 2-412 of the Zoning Ordinance, a roofed deck with no part of its floor higher than four feet above finished ground level may extend 12 feet into the minimum required rear yard. Rather than a roofed deck without lattice, a sunroom was constructed as shown on the current SP Plat.

In 2009, a building permit was issued on the property to permit the construction of the open deck with steps that currently exists adjacent to the sunroom. County records indicate that a final inspection was never completed for this deck.

In 2011, the applicant applied for a building permit to amend the previously issued permit for the roofed deck to change the description of work to reflect a sunroom. This permit was never issued because the existing sunroom does not comply with the minimum yard requirements and would, therefore, require the approval of a Special Permit.

Appendix 4 of this report contains the case information for an application approved by the Board of Zoning Appeals in the vicinity of the subject property. On January 29, 2008, the Board of Zoning Appeals approved a Special Permit at 6303 Alderman Drive to permit a reduction of certain yards requirements to permit construction of an addition 12.5 feet from the rear lot line and 6.7 feet from the side lot line.

ZONING ORDINANCE REQUIREMENTS

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

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.

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-LE-176

October 29, 2014

1. This special permit is approved for the location of the sunroom addition (15 feet in height and 213 square feet in area) as shown on the plat prepared titled, "Plat, Showing the Improvements on Lot 30, Section 3 Kingstowne," prepared by George M. O'Quinn of Dominion Surveyors Inc., dated March 28, 2014.
2. All applicable permits and final inspections shall be obtained for the existing addition and open deck within 180 days of the approval of this application.

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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 15, 2014
(enter date affidavit is notarized)

I, Sara V. Mariska, attorney/agent, 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: 126 585

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)
John F. Dickman Cathryn C. Helm	6407 Meadowlark Lane Bradenton, FL 34210	Applicants/Title Owners of Tax Map 100-1 ((11)) (3) 30
Dominion Surveyors, Inc. Agents: George M. O'Quinn	8808-H Pear Tree Village Alexandria, Virginia 22309	Architect/Agent

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

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

CAB

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

Page 1 of 1

Special Permit/Variance Attachment to Par. 1(a)

DATE: July 15, 2014
(enter date affidavit is notarized)

126585

(NOTE: All relationships to the application are to 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)
Walsh, Colucci, Lubeley & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Andrew A. Painter Matthew J. Allman Elizabeth D. Baker Inda E. Stagg Elizabeth A. Nicholson	2200 Clarendon Boulevard Suite 1300 Arlington, VA 22201	Attorneys/Planners/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent

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

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 15, 2014
(enter date affidavit is notarized)

126585

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)
Dominion Surveyors, Inc.
8808-H Pear Tree Village
Alexandria, Virginia 22309

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)

George M. O'Quinn
Michael A. Clark

(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 1 of 1

Special Permit/Variance Attachment to Par. 1(b)

DATE: July 15, 2014
(enter date affidavit is notarized)

126585

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

Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

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

David J. Bomgardner, E. Andrew Burcher,	Michael D. Lubeley, J. Randall Minchew,
Thomas J. Colucci, Michael J. Coughlin,	G. Evan Pritchard, M. Catharine Puskar,
Peter M. Dolan, Jr., Jay du Von, William A.	John E. Rinaldi, Kathleen H. Smith,
Fogarty, John H. Foote, H. Mark Goetzman,	Lynne J. Strobel, Garth M. Wainman,
Bryan H. Guidash, Michael J. Kalish,	Nan E. Walsh, Martin D. Walsh

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 15, 2014
(enter date affidavit is notarized)

126585

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)
None

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

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

(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): _____
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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 15, 2014
(enter date affidavit is notarized)

126585

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: July 15, 2014
(enter date affidavit is notarized)

126585

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:

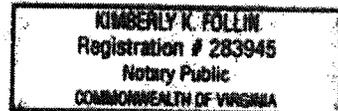
(check one) [] Applicant [x] Applicant's Authorized Agent

Sara V. Mariska, attorney/agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15 day of July, 2014, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2015

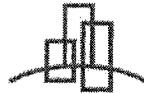


CAB

RECEIVED
Department of Planning & Zoning

JUL 16 2014

Zoning Evaluation Division

WALSH COLUCCI
LUBELEY & WALSH PCSara V. Mariska
(703) 528-4700 Ext. 5419
smariska@arl.thelandlawyers.com

July 15, 2014

Via Hand DeliveryBarbara C. Berlin, Director
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035Re: Proposed Special Permit Application
6300 Alderman Drive
Fairfax County Tax Map Reference: 100-1 ((11)) (3) 30 (the "Subject Property")
Applicants: John F. Dickman and Cathryn C. Helm

Dear Ms. Berlin:

Please accept this letter as a statement of justification for a special permit on the Subject Property.

The Subject Property contains approximately 5,711 square feet and is located at 6300 Alderman Drive, in the Kingstowne subdivision of the Lee Magisterial District. Zoned to the PDH-4 District and Natural Resources Overlay District, the Subject Property is currently improved with a single-family detached dwelling constructed in 1994.

The Subject Property is located in the Area I of the Fairfax County Comprehensive Plan (the "Plan") in the Rose Hill Planning District within the Lehigh Community Planning Sector. The Plan does not include specific guidance for the Subject Property, but generally recommends retention of the residential neighborhoods at their current intensities.

In the way of background, the Applicants purchased the Subject Property in October 1994. In 2008, a sunroom was constructed on the property. Although building permits were pulled and issued for the addition, it was later discovered that the contractor did not indicate that the sunroom would have a roof and walls that would require compliance with the setback requirements of the Zoning Ordinance. The Applicants reasonably believed that the addition was constructed in conformance with all relevant Fairfax County ordinances and all necessary approvals and permits had been obtained.

The Applicants now file this special permit application to reduce the minimum required rear yard from 25 feet to 13.7 feet to allow the sunroom to remain in its existing location. The Applicants propose a reduction of the minimum rear yard requirement by 11.3 feet. In

ATTORNEYS AT LAW

703 528 4700 • WWW.THELANDLAWYERS.COM
2200 CLARENDON BLVD. • SUITE 1300 • ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 • WOODBRIDGE 703 680 4664

accordance with the requirements of Section 8-914 of the Zoning Ordinance, please accept the following information regarding the sunroom addition and the Applicants' proposed use of the Subject Property:

- The sunroom extends into the required twenty-five (25) foot rear yard by 11.3 feet, which amounts to an error of approximately forty-five (45) percent. Thus, the error exceeds ten (10) percent of the measurement involved.
- As noted above, the noncompliance was done in good faith. The Applicants reasonably believed that all necessary permits for the sunroom had been obtained.
- The sunroom is in keeping with the character of the existing dwelling and surrounding residential development in terms of bulk, scale, and surrounding structures and will not impair the purpose and intent of this Zoning Ordinance.
- The sunroom is not detrimental to the use and enjoyment to adjacent properties and is harmonious with the surrounding residential neighborhood in the context of the location, height, bulk and scale of surrounding houses, topography, and existing vegetation. Given the size of the Subject Property, a reduction in the minimum rear yard requirement by 11.3 feet will not change the relationship of the home to the neighborhood.
- The sunroom and reduction in the rear yard requirement will not create an unsafe condition to other property. The sunroom structure was constructed approximately six (6) years ago and to the best of the Applicants' knowledge has not created any issues with respect to other properties.
- As the sunroom was constructed approximately six (6) years ago, removal of the sunroom and compliance with the minimum yard requirement would cause unreasonable hardship upon the Applicants and require substantial alterations to the dwelling.
- The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations. No new construction is proposed with this application and no additional structures will be constructed in the minimum rear yard.

Except as otherwise noted, the Subject Property conforms to the provisions of all applicable ordinances, regulations and adopted standards. To the best of the Applicants' knowledge, the Subject Property contains no hazardous or toxic substances as set forth in the applicable regulations.

The Applicants propose this application to reduce the rear yard requirement to bring the Subject Property into compliance with the Zoning Ordinance. The proposed reduction will allow

the continued use of the sunroom, constructed approximately six (6) years ago. The structure is harmonious with the neighborhood and will not adversely impact adjoining property owners.

Should you have any questions, or require additional information, please do not hesitate to give me a call. I would appreciate the acceptance of this application and the scheduling of a public hearing before the Board of Zoning Appeals at your earliest convenience. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.



Sara V. Mariska

cc: Celeste Helm
John Dickman

Similar Case History

Group: 2007-LE-132

SP 2007-LE-132

APPLICANT:	FRED MICHAEL MCCARROLL
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	01/29/2008
ZONING DISTRICT:	PDH- 4
DESCRIPTION:	TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 12.5 FT. FROM REAR LOT LINE AND 6.7 FT. FROM SIDE LOT LINE
LOCATION:	6303 ALDERMAN DRIVE
TAX MAP #5:	
1001 11030029	

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT # 82490029

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/lsniel/inspection_sched.asp

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

JOB LOCATION
 ADDRESS 6300 ALDERMAN JR.
 LOT # 30 BUILDING Sec-3
 FLOOR _____ SUITE _____
 SUBDIVISION KINGS TOWNE
 TENANT'S NAME _____
 EMAIL _____
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME JOHN F. DICKMAN
 ADDRESS 6300 ALDERMAN DR
 CITY ALEXANDRIA STATE VA ZIP 22315
 TELEPHONE 703 731 8390
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME AMERICAN PATIO ROOMS
 ADDRESS 22616 GATEWAY CTR. DR #404
 CITY CLARKSBURG STATE MD ZIP 20871
 TELEPHONE 703 385 9895
 EMAIL RLHAIRE@COMCAST.NET
 STATE CONTRACTORS LICENSE # 028532 A
 COUNTY BPOL # 000-19-0198
 CONTACT ID 7161

APPLICANT AMERICAN PATIO ROOMS
 NAME BOB HAIRE
 ADDRESS 22616 GATEWAY CTR. DR #404
 CITY CLARKSBURG STATE MD ZIP 20871
 TELEPHONE 703 385 9895
 EMAIL RLHAIRE@COMCAST.NET
 CONTACT ID AC3251470

DESCRIPTION OF WORK
ROOF
Build - ENCLOSE EXISTING
DECK 11'x16'

HOUSE TYPE 2 STORY SINGLE
 ESTIMATED COST OF CONSTRUCTION 25,000
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____

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

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY

PLAN # _____
 TAX MAP # _____

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING		
SITE PERMITS		
HEALTH DEPT		
BUILDING REVIEW		
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE _____
 FILING FEE _____
 AMOUNT DUE _____

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISIONS _____
 FIRE MARSHAL FEES _____
 FIRE FIGHTER UNITS _____ PLAN LOC R

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

ZONING REVIEW
 USE SFD-94 Condt R-4C
 ZONING DISTRICT PDH-4 HISTORICAL DISTRICT _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT	REMARKS			
L SIDE				
R SIDE				
REAR				

REMARKS
Bl'd roof on existing deck/enclose
patio above railing on existing
deck

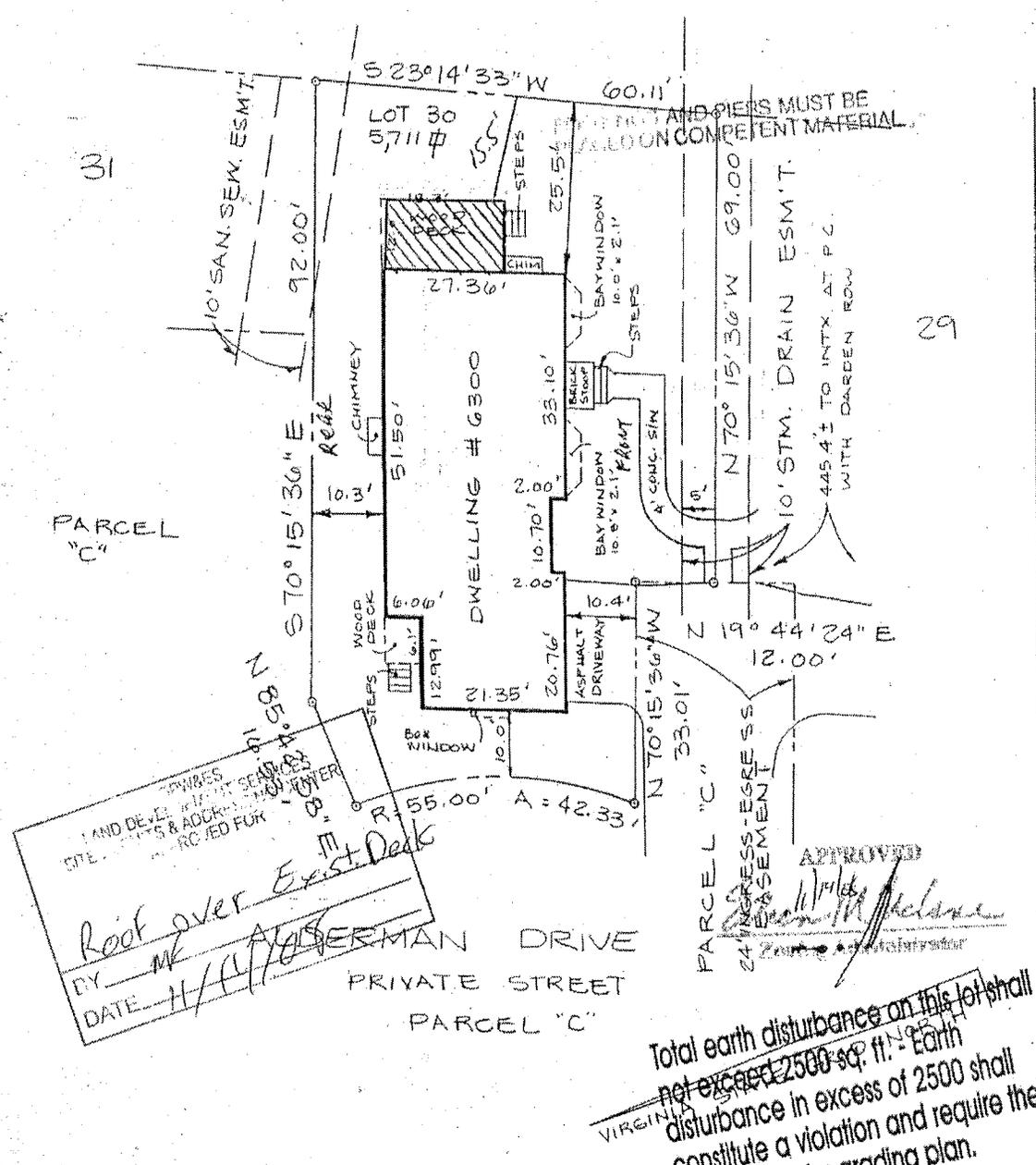
Height - roof at peak - 10'

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be compiled 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 [Signature] Date 9-5-08
 Printed Name and Title ROBERT HAIRE PRES.
 (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, _____
 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)

CARR PROPERTIES



WIRING
 LAND DEVELOPMENT SEARCHED
 SITE RECORDS & ADJACENT RECORDS FOR
 RECORDED FOR
 BY M
 DATE 1/11/05
 Roof over East Deck

APPROVED
[Signature]
 Surveyor

Total earth disturbance on this lot shall
 not exceed 2500 sq. ft. - Earth
 disturbance in excess of 2500 shall
 constitute a violation and require the
 submission of a grading plan.

◊ DENOTES: LOT CORNERS TO BE SET AT COMPLETION OF SUBDIVISION CONSTRUCTION.

LOT	WALL CHECK	DR. BY/CH. BY	INT.	FINAL	DR. BY/CH. BY	RECERTIFICATION	DR. BY/CH. BY
30	G-3-94	KHM/AWT	RJC	9-6-94	KHM/AWT		

HOUSE LOCATION
 LOT 30 SECTION 3
KINGSTOWNE
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

NOTES:
 THIS LOT IS NOT IN A FEMA IDENTIFIED
 "SPECIAL FLOOD HAZARD" AREA AS PER
 THE FLOOD INSURANCE RATE MAP OF
 FAIRFAX COUNTY, VIRGINIA, DATED
 MARCH 5, 1990.

REFERENCES: D.B. 7567 PG. 12 SCALE: 1" = 20'
Dewberry & Davis
 Architects Engineers Planners Surveyors
 8401 Arlington Blvd., Fairfax, VA 22031-4586
 ☎ 703 640-0690 FAX 703 640-0118

COMMONWEALTH OF VIRGINIA
Joseph Cronin
 RICHARD J. CRONIN IV
 No. 1792
 9-8-94
 LAND SURVEYOR

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT
 PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE
 TITLE TO THE SUBJECT PROPERTY. FENCE LOCATIONS (IF SHOWN) ARE APPROXIMATE. THIS PLAT

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT # 91210017

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/islnet/inspection_sched.asp

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

JOB LOCATION
 ADDRESS 6300 Alderman Dr
 LOT # 30 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Kingstowne Sec 3
 TENANT'S NAME _____
 EMAIL _____
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME John Dickman
 ADDRESS 6300 Alderman Dr
 CITY Alexandria STATE VA ZIP 22315
 TELEPHONE 703 719 6756
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME American Patio Rooms
 ADDRESS 22616 Gateway Center DR # 400
 CITY CLARKSBURG STATE Md ZIP 20871
 TELEPHONE 301 540 2555
 EMAIL _____
 STATE CONTRACTORS LICENSE # 2701-028532A
 COUNTY BPOL # 19-0198
 CONTACT ID 7161

APPLICANT
 NAME Rob Lynch
 ADDRESS 22616 Gateway Center DR # 400
 CITY CLARKSBURG STATE Md ZIP 20871
 TELEPHONE 240 793 7612
 EMAIL _____
 CONTACT ID AL 3076915

DESCRIPTION OF WORK
9'6" X 12' Deck / with stairs
1 no. hot TWP / per plan.

HOUSE TYPE
 ESTIMATED COST OF CONSTRUCTION 5,000
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____

NONE DESIGNATED PHONE _____

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY

PLAN # W 09-2529
 TAX MAP # 101-11030030

ROUTING	DATE	APPROVED BY
LICENSING	<u>5/1/09</u>	<u>[Signature]</u>
ZONING	<u>5/1/09</u>	<u>[Signature]</u>
SITE PERMITS	<u>5/1/09</u>	<u>[Signature]</u>
HEALTH DEPT.		
BUILDING REVIEW	<u>5/1/09</u>	<u>[Signature]</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

TITLE _____
 FILING FEE 6500
 AMOUNT DUE _____

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

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

ZONING REVIEW
 USE SFD
 ZONING DISTRICT PDY-4 HISTORICAL DISTRICT No
 ZONING CASE # convert to R-4C
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS: GARAGE 1 2 3
 FRONT NIC OPTIONS YES NO
 FRONT: REMARKS Build 9'6" x 12'
 L SIDE 8' deck w/ 3'x5' stairs
 R SIDE 8' Must be open deck.
 REAR 8.5 3.3 tall

REMARKS _____

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] 5/1/09
 Signature of Owner or Agent Date
Rob Lynch MANAGER
 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, _____
 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____

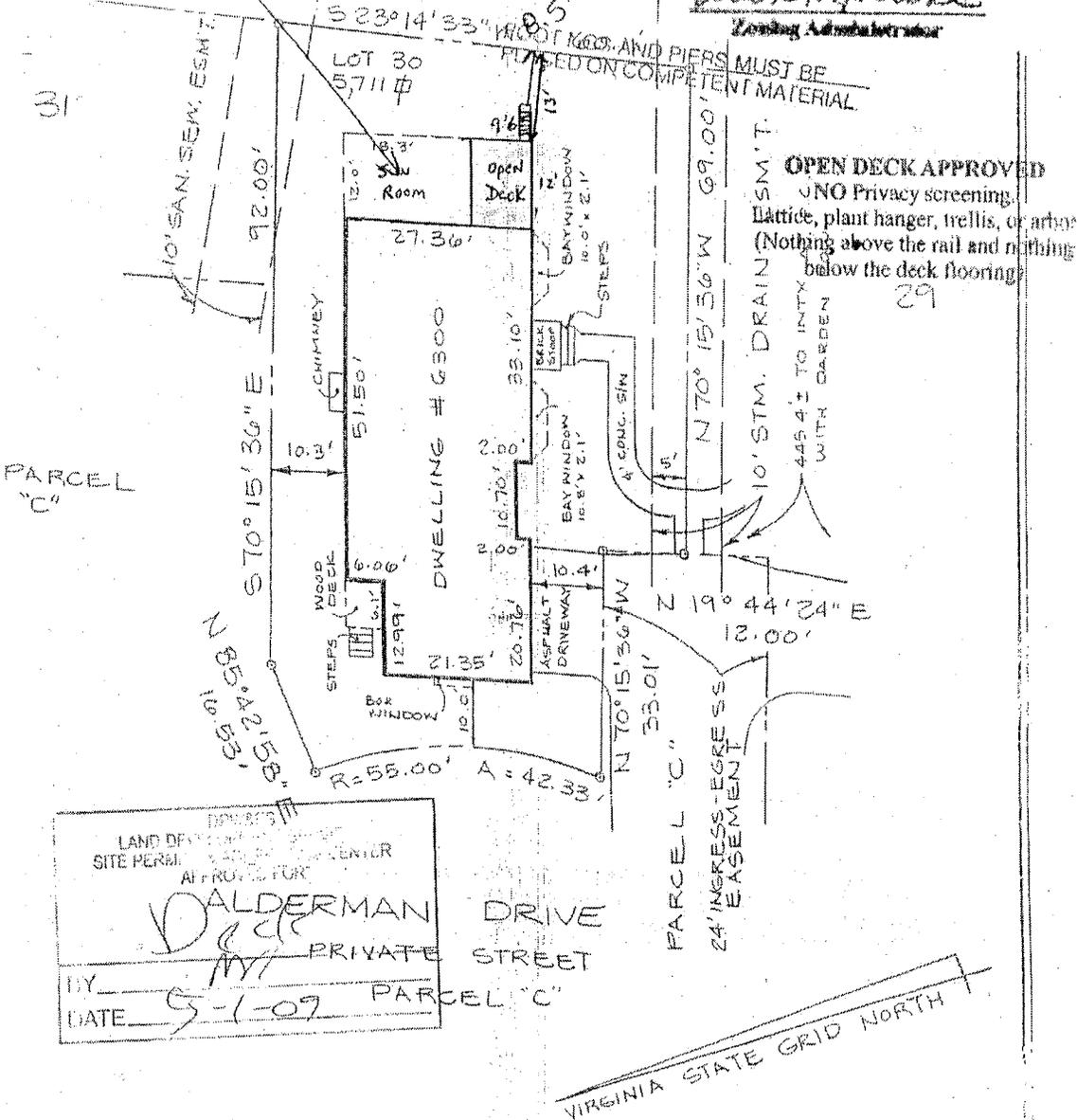
 (Notary Signature)

CARR PROPERTIES

Roofed deck
per BP 82-00029

APPROVED

Mon 5-1-09
Eileen M. Malone
Zoning Administrator



OPEN DECK APPROVED
NO Privacy screening,
lattice, plant hanger, trellis, or arbor
(Nothing above the rail and nothing
below the deck flooring)

LAND DEVELOPMENT CENTER
APPROVED FOR
VALDERMAN DRIVE
PRIVATE STREET
DATE 5-1-09 PARCEL "C"

NOTES: LOT CORNERS TO BE SET AT COMPLETION OF SUBDIVISION CONSTRUCTION.

IT	WALL CHECK	DR. BY/CH. BY	INT.	FINAL	DR. BY/CH. BY	RECERTIFICATION	DR. BY/CH. BY
0	6-3-94	KHM/AWT	RJC	9-8-94	KHM/AWT		

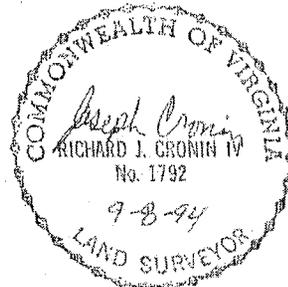
HOUSE LOCATION
LOT 30 SECTION 3
KINGSTOWNE
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

NOTES:
THIS LOT IS NOT IN A FEMA IDENTIFIED
"SPECIAL FLOOD HAZARD" AREA AS PER
THE FLOOD INSURANCE RATE MAP OF
FAIRFAX COUNTY, VIRGINIA, DATED
MARCH 5, 1990.

REFERENCES: D.B. 7567 Pg. 12 SCALE: 1" = 20'

Dowberry & Davis
Architects Engineers Planners Surveyors
8401 Arlington Blvd., Fairfax, VA 22031-4866
EX 703 649-0830 FAX 703 649-0118

ARCHITECTS
ENGINEERS
PLANNERS
SURVEYORS



THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT
PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE
TITLE TO THE SUBJECT PROPERTY. FENCE LOCATIONS (IF SHOWN) ARE APPROXIMATE. THIS PLAT

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

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

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

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

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

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

4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.