



# County of Fairfax, Virginia

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**February 4, 2015**

## **STAFF REPORT**

**SPECIAL PERMIT APPLICATION NO. SP 2014-DR-242**

### **DRANESVILLE DISTRICT**

**APPLICANTS/OWNERS:** George Sarris  
Cathy Sarris

**STREET ADDRESS:** 2117 Natahoa Court, Falls Church, VA, 22043

**SUBDIVISION:** Powhatan Hills

**TAX MAP REFERENCE:** 41-1 ((25)) 8

**LOT SIZE:** 8,594 square feet

**ZONING DISTRICT:** R-4

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of addition 6.5 feet from a side lot line and 23.1 feet from the rear lot line.

### **STAFF RECOMMENDATION:**

Staff recommends approval of SP 2014-DR-242 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.

*Erin M. Haley*

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**Department of Planning and Zoning**  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



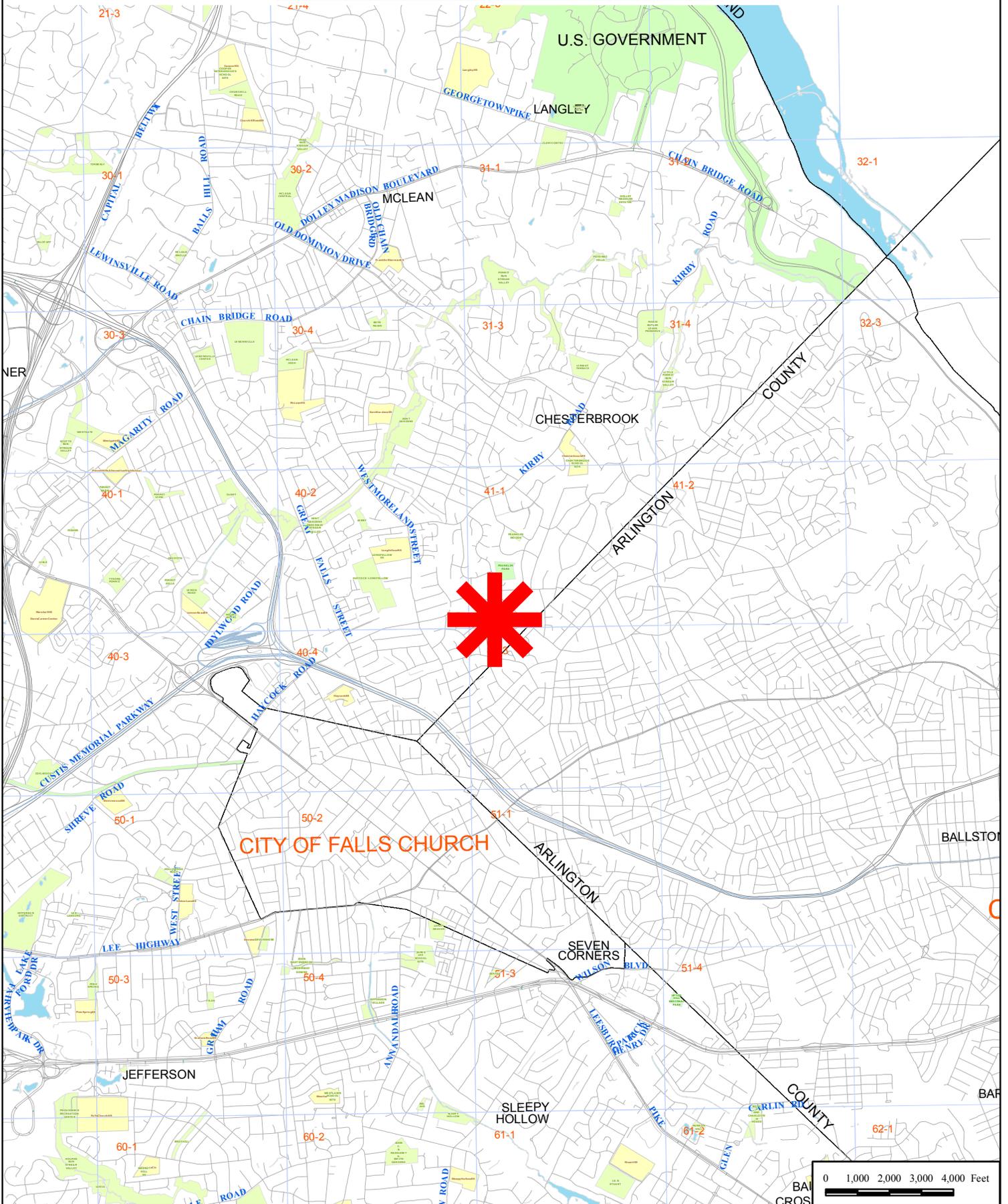
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**



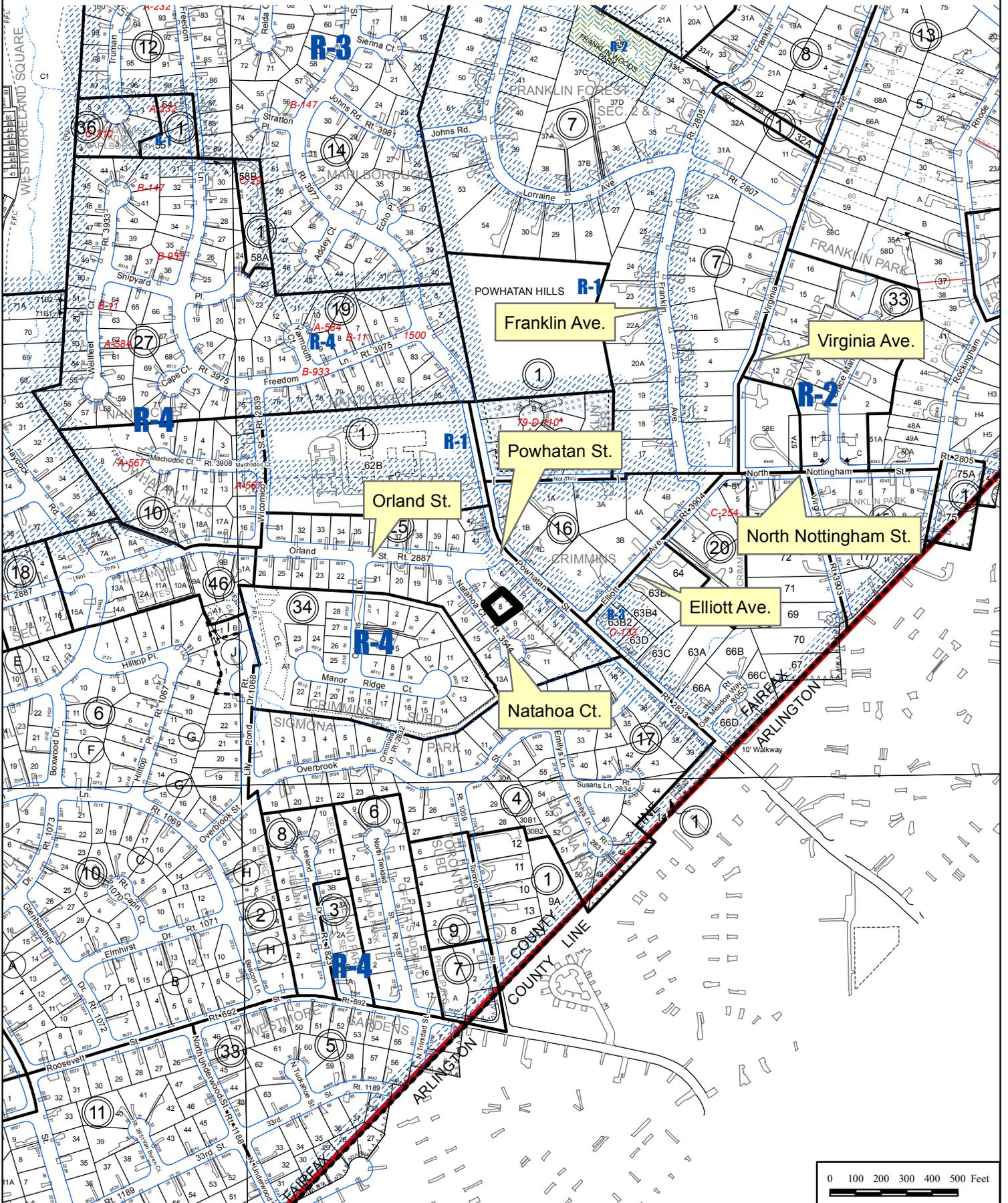
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2014-DR-242**  
**GEORGE & CATHY SARRIS**



# Special Permit

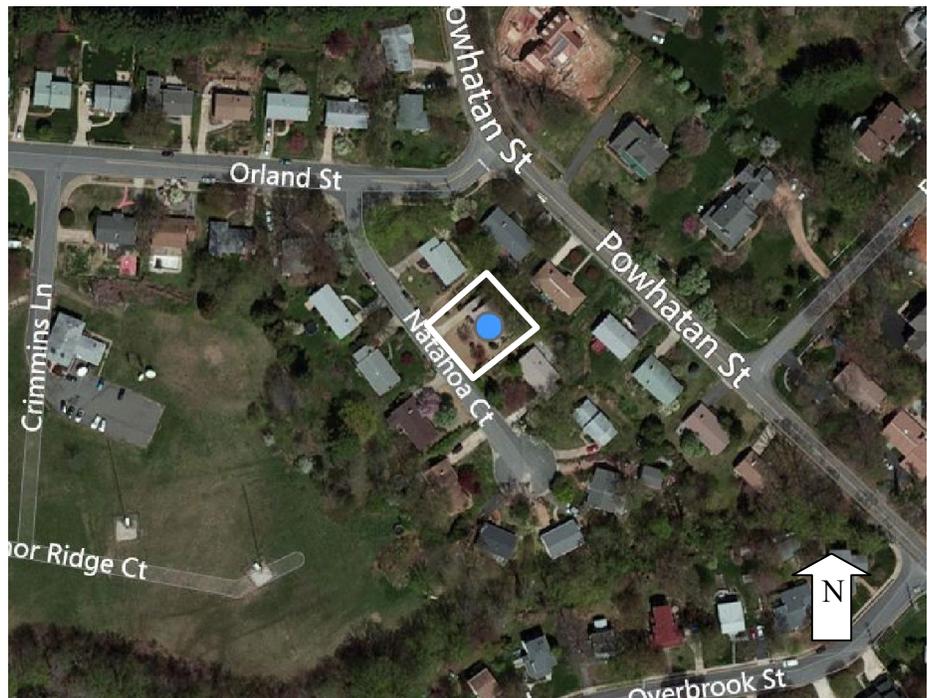
SP 2014-DR-242  
GEORGE & CATHY SARRIS





## SPECIAL PERMIT REQUEST

The applicant seeks a special permit to allow a reduction of certain yard requirements to permit construction of an addition approximately 6.5 feet from a side lot line and 23.1 feet from the rear lot line. A more detailed description of the proposal is provided on page two of this report.



A copy of the special permit plat titled "Special Permit Plat Showing Lot 8, Section One, Powhatan Hills," prepared by C.B.

DeLashmutt of DeLashmutt Associates Ltd., dated June 25, 2014, as revised through November 7, 2014, is included in the front of the staff report.

The proposed development conditions, applicant's statement of justification with photographs, floor plans and elevations, and the affidavit are contained in Appendices 1 through 3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 8,594 square foot subject property is developed with a 3,090 square foot brick split-level single-family detached dwelling that is approximately 19.7 feet in height. A walk-out basement and flagstone patio exist to the rear of the dwelling. The concrete driveway provides vehicular access to the lot from Natahoa Court and an existing walkway and porch provide pedestrian access to the front of the dwelling.

## BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1939 and purchased by the applicant in 2002.

A copy of information outlining similar special permit and variance requests heard by the Board of Zoning Appeals for properties in the surrounding area is attached as Appendix 4.

**DESCRIPTION OF THE REQUEST**

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit construction of a two story addition 6.5 feet from the northern side lot line and 23.1 feet from the rear lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
<b>Special Permit</b>	Addition	Side	10.0 feet	6.5 feet	3.5 feet	35%
<b>Special Permit</b>	Addition	Rear	25.0	23.1	1.9 feet	8%

\*Minimum yard requirement pursuant to Section 3-407

The applicant proposes to enclose an existing carport and construct a two story addition. The first story would contain a garage and storage area and the second story would contain a master bedroom suite. The square footage of the addition is approximately 438 square feet for the first story and 442 square feet for the second story for a total proposed addition of 880 square feet. The addition would match the roofline and materials of the existing dwelling and be constructed almost entirely over the existing footprint of the carport. A total of approximately 133 square feet of new footprint is proposed.

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area II, McLean Planning District  
**Planning Sector:** Kirby Community Planning Sector (ML3)  
**Plan Map:** Residential 3-4 du/ac

**Urban Forestry Analysis (Appendix 5)**

Staff determined that an existing crape myrtle and maple tree in the rear yard are close enough to the proposed area of disturbance that they could be impacted by construction activities. The installation of tree protection fencing along the drip lines of the two trees would work to prevent damage to the trunks and prevent the stockpiling of materials within the critical root zones. Development conditions have been proposed to address this issue.

**Zoning Ordinance Requirements (Appendix 6)**

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

**General Standards for Special Permit Uses (Sect. 8-006)**

<b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-4 District allows a reduction in minimum required yards with special permit approval. Staff believes that the proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-4 District.
<b>Standard 3</b> Adjacent Development	In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.
<b>Standard 4</b> Pedestrian/ Vehicular Traffic	No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 5</b> Landscaping/ Screening	There is no transitional screening or barrier requirement for the subject property. However, staff has recommended a development condition for measures to preserve the existing crape myrtle and maple tree.
<b>Standard 6</b> Open Space	There is no open space requirement.
<b>Standard 7</b> Utilities, Drainage, Parking, and Loading	There are no changes to the utilities, drainage, parking or loading on the site.
<b>Standard 8</b> Signs	No signage is proposed.

**Standards for all Group 9 Uses (Sect. 8-903)**

<b>Standard 1</b> Lot Size and Bulk Regulations	The bulk regulations for minimum required yards are requested to be modified with the special permit application.
<b>Standard 2</b> Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> Site Plan	The application is not subject to the provisions of Article 17, Site Plans.

**Standards for Reduction of Certain Yard Requirements (8-922)**

<b>Standard 1</b> Yard Requirements Subject to Special Permit	A. Minimum Required Yards - Yard not less than 50% of the requirement: The proposed addition will be located 6.5 feet from a side lot line. The required side yard in an R-4 District is 10 feet, resulting in a reduction of 35%. The proposed
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	<p>addition will be located 23.1 feet from the rear lot line. The required rear yard in an R-4 District is 25 feet, resulting in a reduction of 8%.</p> <p>B. Pipestem lots- N/A  C. Accessory structure locations – N/A  D. Extensions into minimum required yards- N/A</p>
<p><b>Standard 2</b>  Not a Detached Structure in a Front Yard</p>	<p>There is no accessory structure proposed in a front yard.</p>
<p><b>Standard 3</b>  Principal Structure that Complied with Yard Requirements When Established</p>	<p>The subject property contains a single family dwelling that is an existing principal structure.</p>
<p><b>Standard 4</b>  Addition No More than 150% of the Gross Floor Area (GFA) at the Time of First Expansion Request</p>	<p>The proposed addition is 880 square feet. The existing GFA of the primary structure is 3,090 square feet; Therefore 150% of the total gross floor area could result in additions up to 4,635 square feet in size for a possible total square footage at build out of 7,725 square feet. The proposed addition is approximately 880 square feet, for a total square footage of the house with the addition of 3,970 square feet. Therefore the application meets this provision.</p>
<p><b>Standard 5</b>  Accessory Structure Subordinate in Purpose, Scale, Use and Intent</p>	<p>The proposed construction is subordinate to the primary use as it is a garage and second story addition to the primary residential dwelling. The proposed addition would match the roofline of the existing dwelling.</p>
<p><b>Standard 6</b>  Construction in Character with On-Site Development</p>	<p>The elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling.</p>
<p><b>Standard 7</b>  Construction Harmonious with Off-Site Development</p>	<p>Based on a review of aerial imagery and the submitted photographs, staff believes that the proposed addition would not affect neighboring properties in terms of location, height and bulk, and vegetation.</p>
<p><b>Standard 8</b>  Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>Staff believes that the proposed addition containing approximately 880 square feet will not significantly impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety.</p>
<p><b>Standard 9</b>  Represents the Minimum Amount of Reduction Necessary</p>	<p>The proposed addition would be located over the footprint of the existing carport and therefore would result in minimal additional land disturbance.</p>

	Other issues of lot shape, yard determination, environmental characteristics, slopes, wells, easements and historic resources are not applicable to this site.
<b>Standard 10</b> BZA May Impose Conditions	Proposed development conditions are included in Appendix 1.
<b>Standard 11</b> Submission Requirements	A copy of the plat is included in the beginning of this report.
<b>Standard 12</b> Architectural Elevations	Proposed elevations are included in the appendix 3 of this report and are also included as an attachment to the development conditions.

## CONCLUSION / RECOMMENDATION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions.

Staff recommends approval of SP 2014-DR-242 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.

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 Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. Similar Case History
5. Urban Forestry Management memo
6. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-DR-242****February 4, 2015**

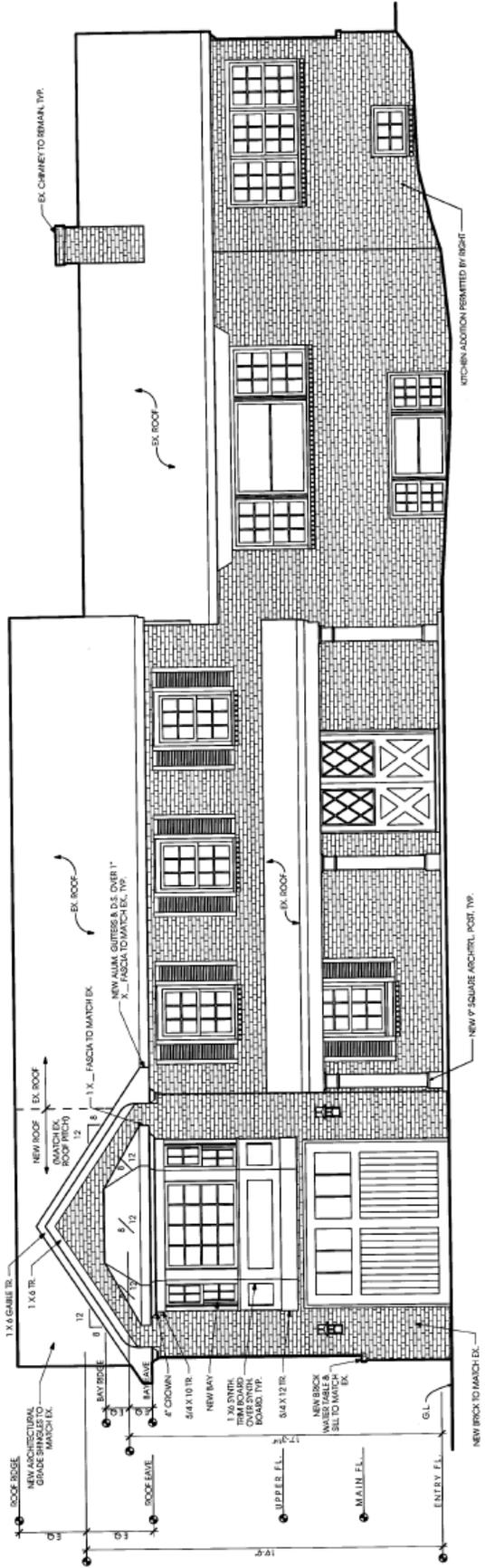
If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-242 located at Tax Map 41-1 ((25)) 8 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance 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 (880 square feet), as shown on the plat titled "Special Permit Plat Showing Lot 8, Section One, Powhatan Hills," prepared by C.B. DeLashmutt of DeLashmutt Associates Ltd., dated June 25, 2014, as revised through November 7, 2014, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,090 square feet existing + 4,635 square feet (150%) = 7,725 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. Tree protection fencing shall be installed along the drip lines of the existing crape myrtle and maple tree located in the rear yard of the subject property for the duration of construction activities.

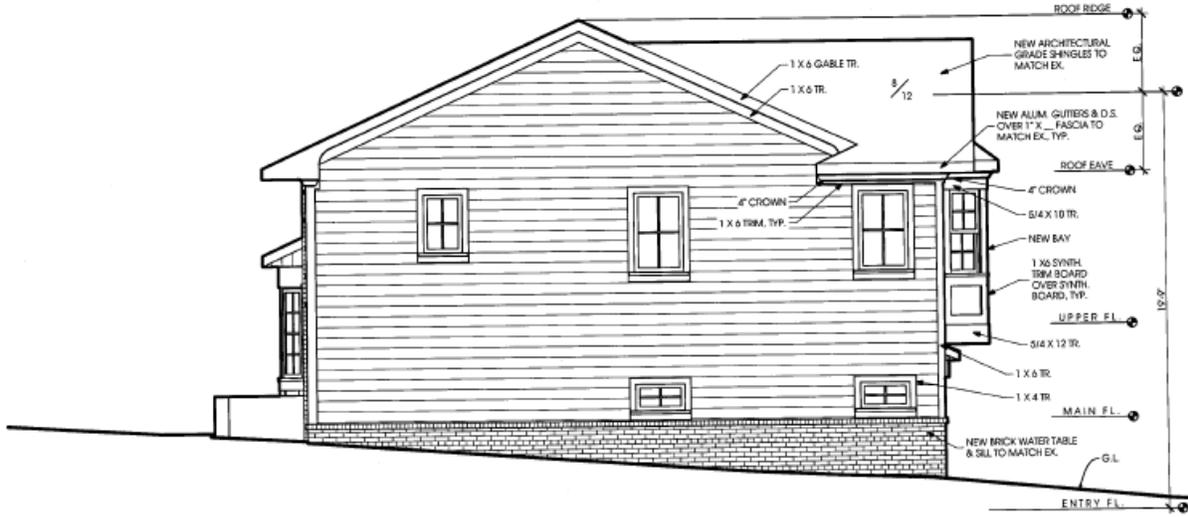
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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.



PROPOSED FRONT ELEVATION  
 SCALE: 3/16" = 1'-0"



PROPOSED LEFT SIDE ELEVATION  
SCALE: 3/16" = 1'-0"



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Department of Planning & Zoning

NOV 03 2014

Zoning Evaluation Division



6723 Whittier Ave Suite 402  
McLean, VA 22101-4533  
Tel. 703 734 0084  
Fax. 703 734 1964  
www.thosfrench.com

October 20, 2014

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

SP2014-0372  
George & Cathy Sarris  
2117 Natahoa Ct.  
Falls Church, VA 22043

Re: Special Permit Statement of Justification for 2117 Natahoa Ct. Falls Church, VA 22043

The proposal is to convert an existing carport into a two story garage/master suite addition with a minor encroachment into the left side yard on an existing two story residence zoned "R-4" that is of appropriate size and scale for the neighborhood. No known hazardous or toxic substances are or have been present or stored on this site as set forth in the Commonwealth of Virginia Department of Waste Management Regulations.

The proposal is in harmony with the comprehensive plan as well as in keeping with the general purpose and intent of the applicable zoning district regulations. The location, size and height of the proposal will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

Furthermore, as a subordinate garage/master suite addition to an existing home, the design of this addition has been appropriately designed to match the existing home's character. The client's request for a new bedroom is appropriately located on the bedroom wing of the house and the encroachment into the side yard has been kept to the minimum required (3.5' feet of encroachment leaving a 6.5' side yard) to create a usable bedroom width.

Attached, please find the existing and proposed gross floor area calculations in addition to 15 copies of the plat addressing the standards of Article 8-922 of the zoning ordinance as outlined in items 930.00-930.20 of the checklist report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas M. French, III", is written over a blue circular stamp. The signature is fluid and cursive.

Thomas M. French, III  
President



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McLean, VA 22101-4533  
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ADDITIONAL AREA DATA FOR SP2014-0372

George & Cathy Sarris  
2117 Natahoa Ct.  
Falls Church, VA 22043

Existing Basement Gross Floor Area:	848 SQ. FT.
Existing Main Level Gross Floor Area:	1,544 SQ. FT.
<u>Existing Upper Level Gross Floor Area:</u>	<u>698 SQ. FT.</u>
Total Existing Gross Floor Area:	3,090 SQ. FT.
Proposed Addition Basement Gross Floor Area:	N/A
Proposed Addition Main Level Gross Floor Area:	438 SQ. FT.
<u>Proposed Addition Upper Level Gross Floor Area:</u>	<u>442 SQ. FT.</u>
Total Proposed Addition Gross Floor Area:	880 SQ. FT.
Total Proposed Gross Floor Area: (Existing + Proposed Addition)	3,970 SQ. FT.< 4,635 SQ. FT. (150% Existing Gross Floor Area)
Total Portion of Addition Beyond 10' Side Yard B.R.L.:	133 SQ. FT.
Lot Area:	8,594 SQ. FT.
F.A.R. =	.46



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McLean, VA 22101-4533  
Tel. 703 734 0084  
Fax. 703 734 1964  
www.thosfrench.com

RECEIVED  
Department of Planning & Zoning

JUN 30 2014

Zoning Evaluation Division

June 20, 2014

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

George & Cathy Sarris  
2117 Natahoa Ct.  
Falls Church, VA 22043

Re: Special Permit Statement of Justification for 2117 Natahoa Ct. Falls Church, VA 22043

The proposal is to convert an existing carport into a two story garage/master suite addition with a minor encroachment into the left side yard on an existing two story residence zoned "R-4" that is of appropriate size and scale for the neighborhood. The proposal is in harmony with the comprehensive plan as well as in keeping with the general purpose and intent of the applicable zoning district regulations. The location, size and height of the proposal will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

The client's request for a new bedroom is appropriately located on the bedroom wing of the house and the encroachment into the side yard has been kept to the minimum required (2.4' feet leaving a 7.6' side yard) to create a usable bedroom width.

ADDITIONAL AREA DATA:

Existing Gross Floor Area= 2,715 SQ. FT.

Addition Requiring Special Permit Gross Floor Area: 479 SQ. FT.

Total Gross Floor Area= 3,194 SQ. FT.

Lot Area: 8,594 SQ. FT.

F.A.R. = .37

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas M. French, III", with a long horizontal flourish extending to the right.

Thomas M. French, III  
President



1

FRONT APPROACH OF 2117 NATAHOA CT. 1-14-14

 Thomas French  
ARCHITECT P C  
6723 Whittier Ave Suite 402  
McLean, VA 22101-4533  
Tel. 703 734 0084  
Fax. 703 734 1964



2

FRONT APPROACH OF 2117 NATAHOA CT. 1-14-14

 Thomas French  
ARCHITECT P C  
6723 Whittier Ave Suite 402  
McLean, VA 22101-4533  
Tel. 703 734 0084  
Fax. 703 734 1964



3 FRONT APPROACH OF 2117 NATAHOA CT. 1-14-14



4

FRONT VIEW OF 2117 NATAHOA CT. 1-14-14

 Thomas French  
ARCHITECT P C  
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McLean, VA 22101-4533  
Tel. 703 734 0084  
Fax. 703 734 1964



5

REAR VIEW OF 2117 NATAHOA CT. 1-14-14



6

REAR VIEW OF 2117 NATAHOA CT. 1-14-14



7

REAR VIEW OF 2117 NATAHOA CT. 1-14-14



8

LEFT SIDE VIEW OF 2117 NATAHOA CT. 1-14-14

 Thomas French  
ARCHITECT P C  
6723 Whittier Ave Suite 402  
McLean, VA 22101-4533  
Tel. 703 734 0084  
Fax. 703 734 1964



9

VIEW OF ADJACENT PROPERTY AT 2115 NATAHOA CT.

 Thomas French  
ARCHITECT PC  
6723 Whittier Ave Suite 402  
McLean, VA 22101-4533  
Tel. 703 734 0084  
Fax. 703 734 1964



10

VIEW OF ADJACENT PROPERTY AT 2116 NATAHOA CT.

 Thomas French  
ARCHITECT P C  
6723 Whittier Ave Suite 402  
McLean, VA 22101-4533  
Tel. 703 734 0084  
Fax. 703 734 1964



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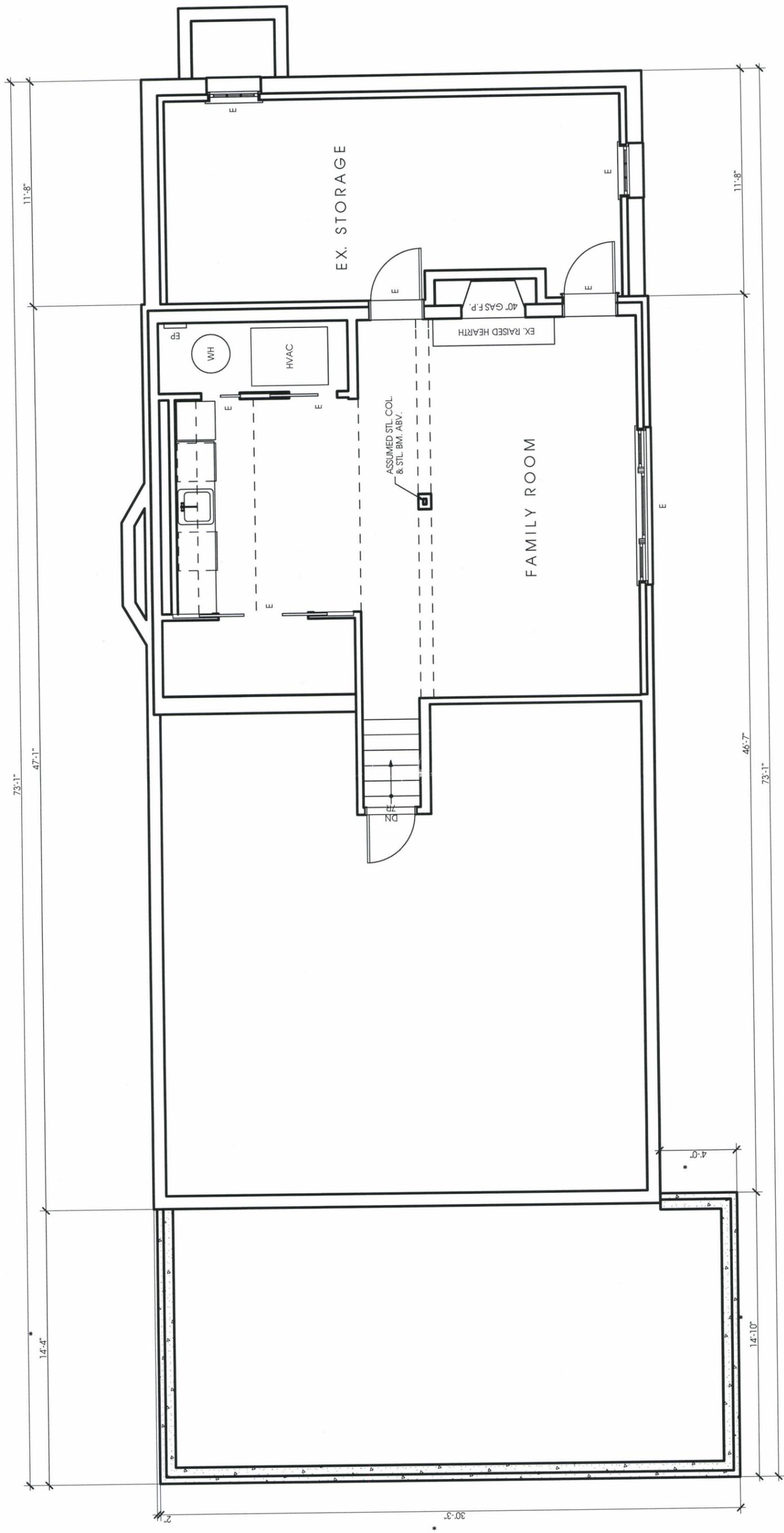
## VIEW OF ADJACENT PROPERTY AT 2118 NATAHOA CT.



12

VIEW OF ADJACENT PROPERTY AT 2119 NATAHOA CT. 1-14-14

 Thomas French  
ARCHITECT PC  
6723 Whittier Ave Suite 402  
McLean, VA 22101-4533  
Tel. 703 734 0084  
Fax. 703 734 1964



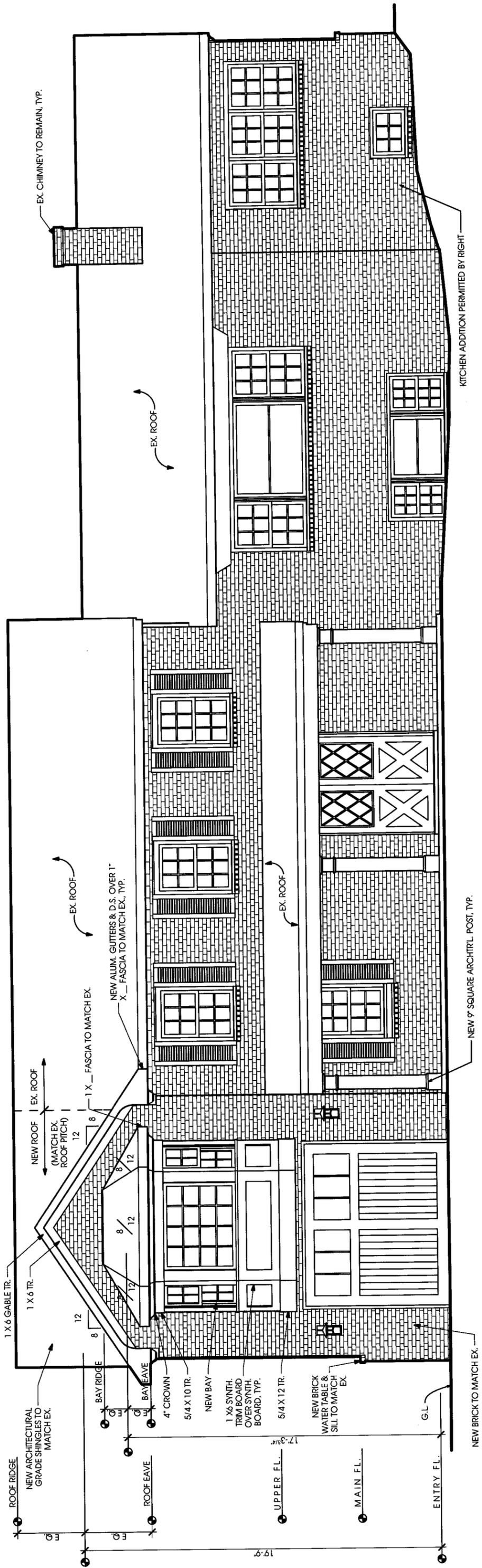
**PROPOSED LOWER FLOOR PLAN**  
**SCALE: 3/16" = 1'-0"**



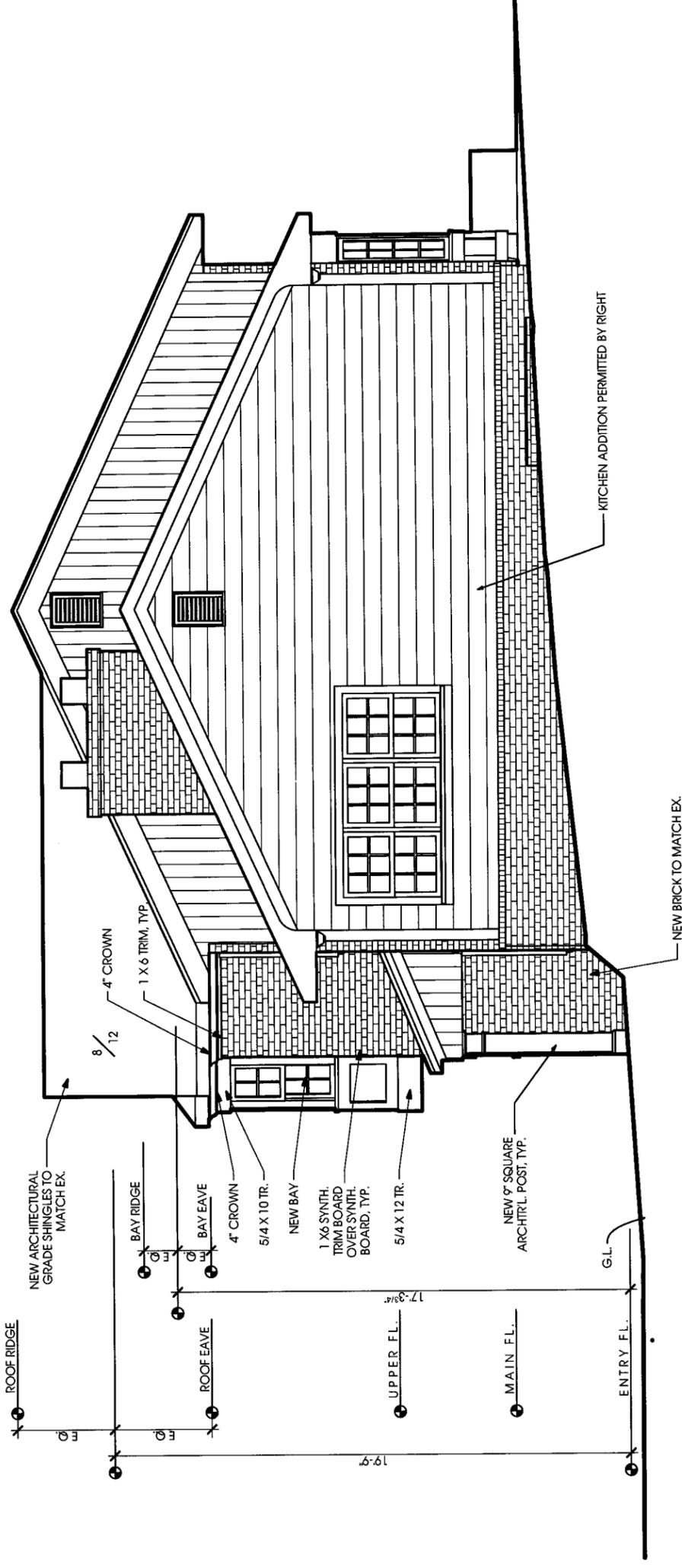
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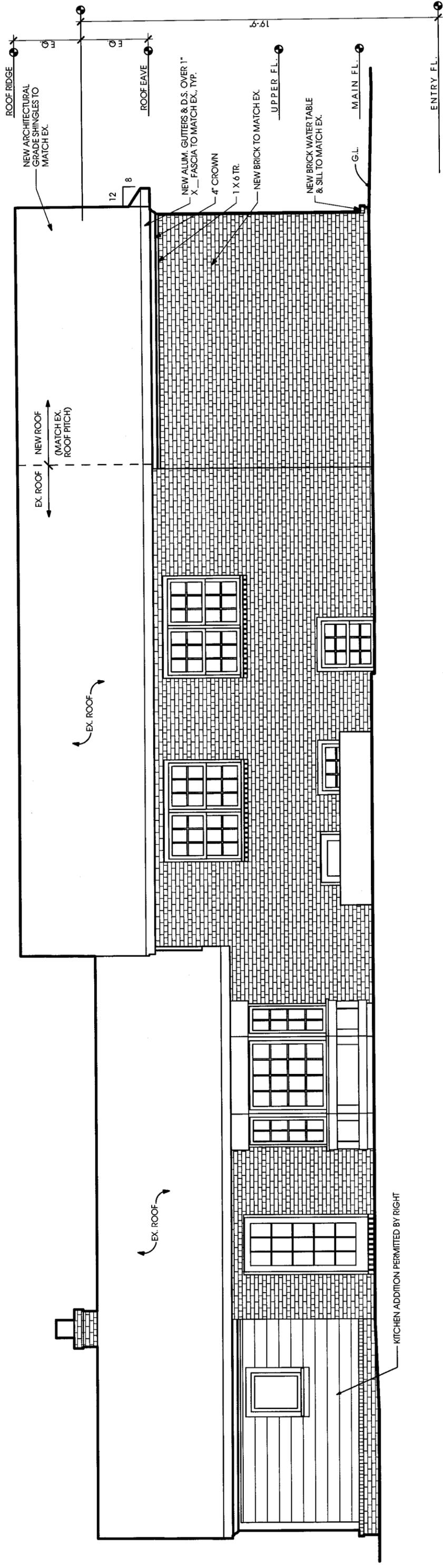


PROPOSED FRONT ELEVATION  
 SCALE: 3/16" = 1'-0"

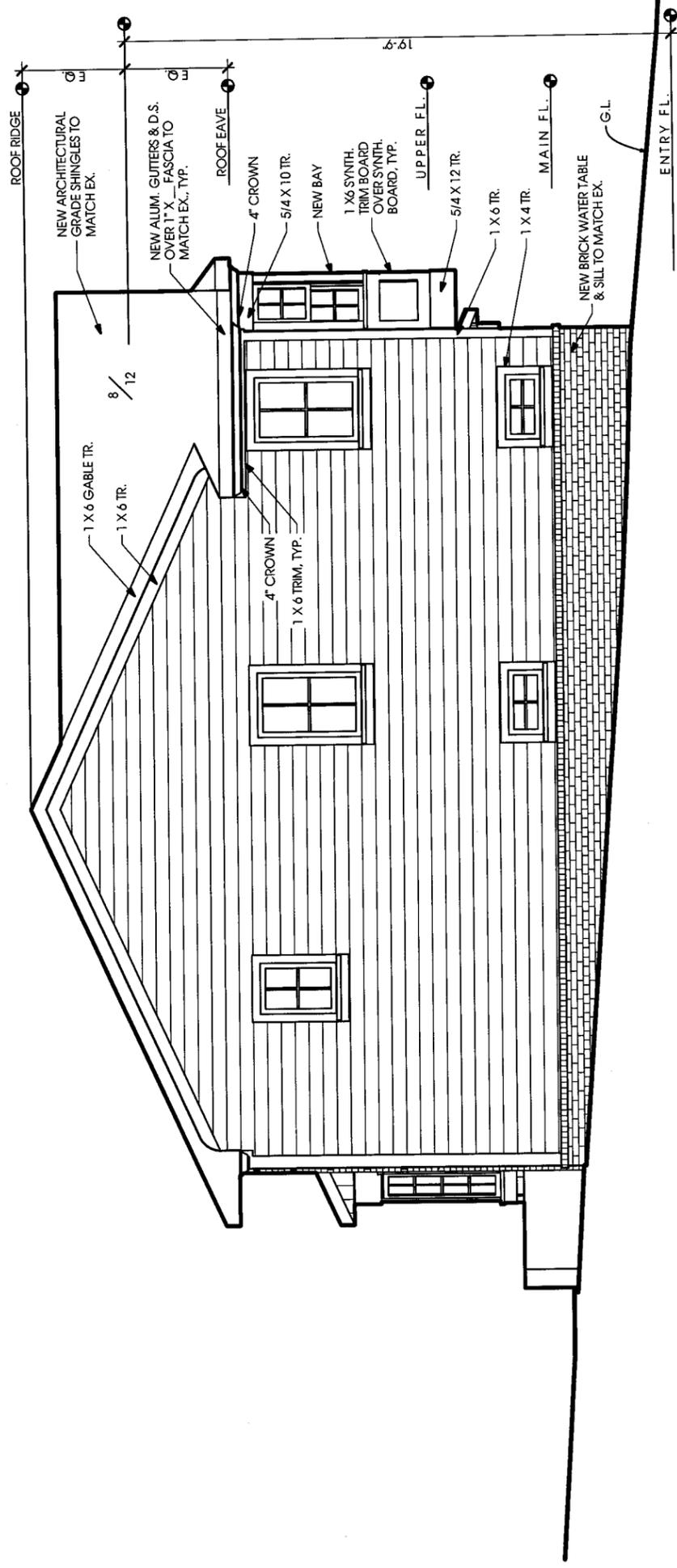


PROPOSED RIGHT SIDE ELEVATION

SCALE: 3/16" = 1'-0"

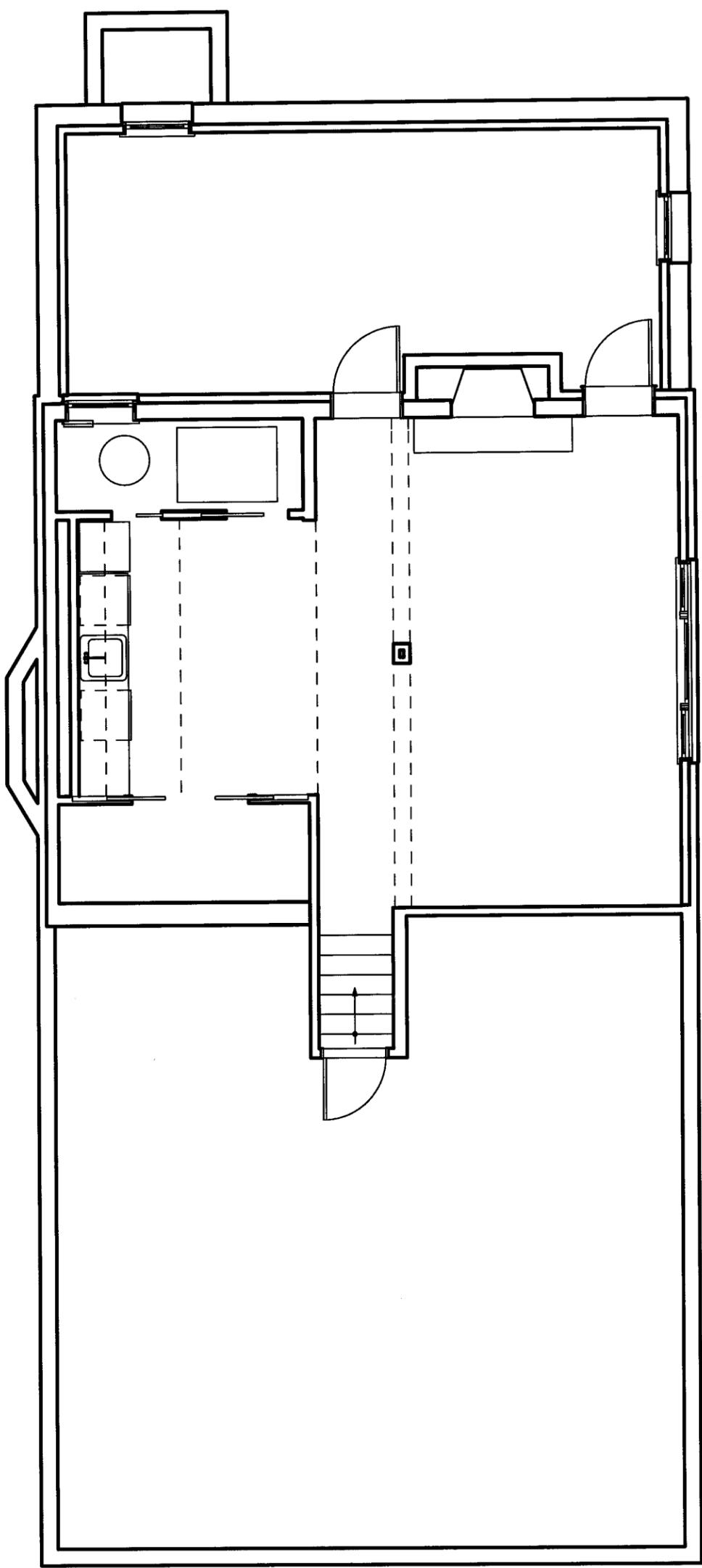


PROPOSED REAR ELEVATION  
 SCALE: 3/16" = 1'-0"

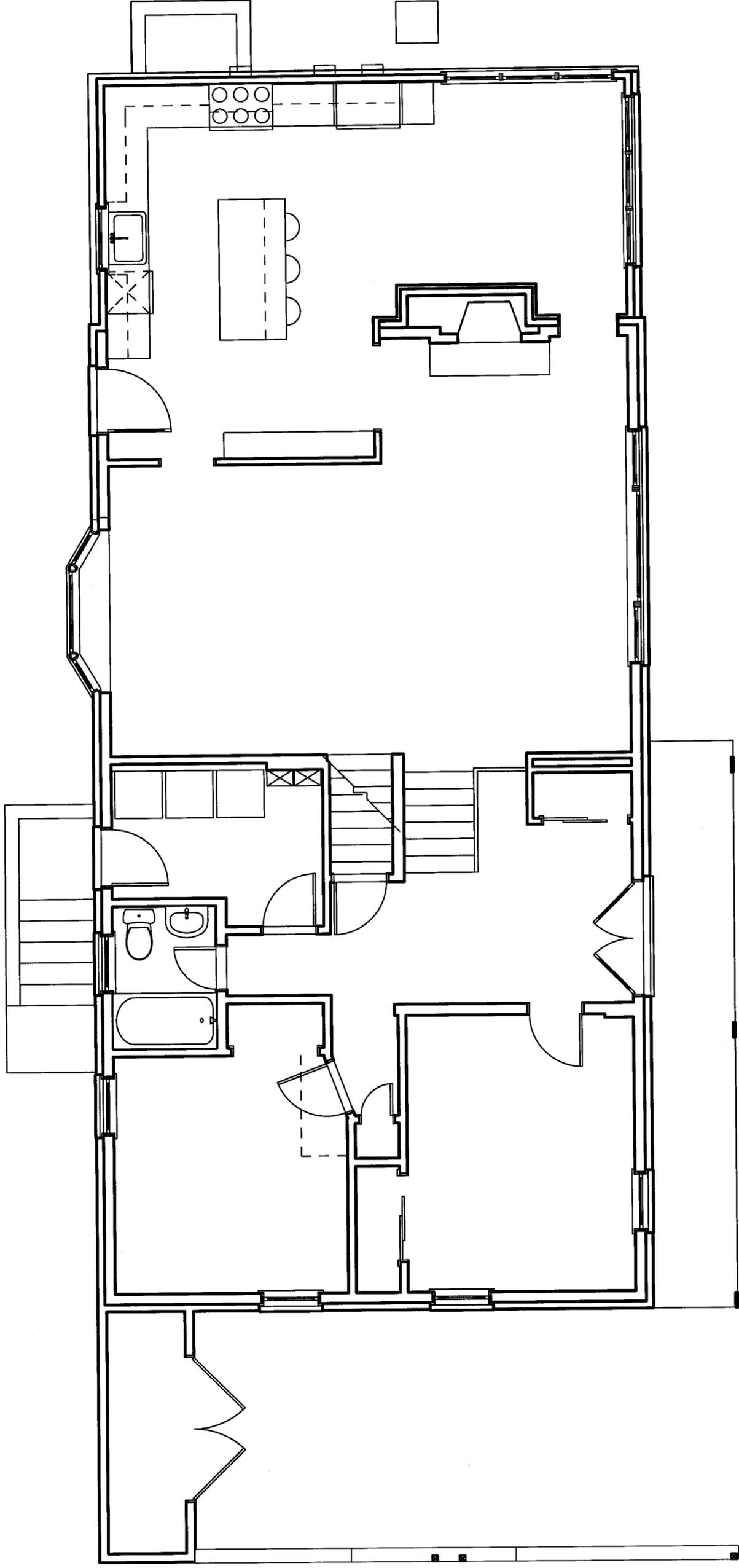


PROPOSED LEFT SIDE ELEVATION

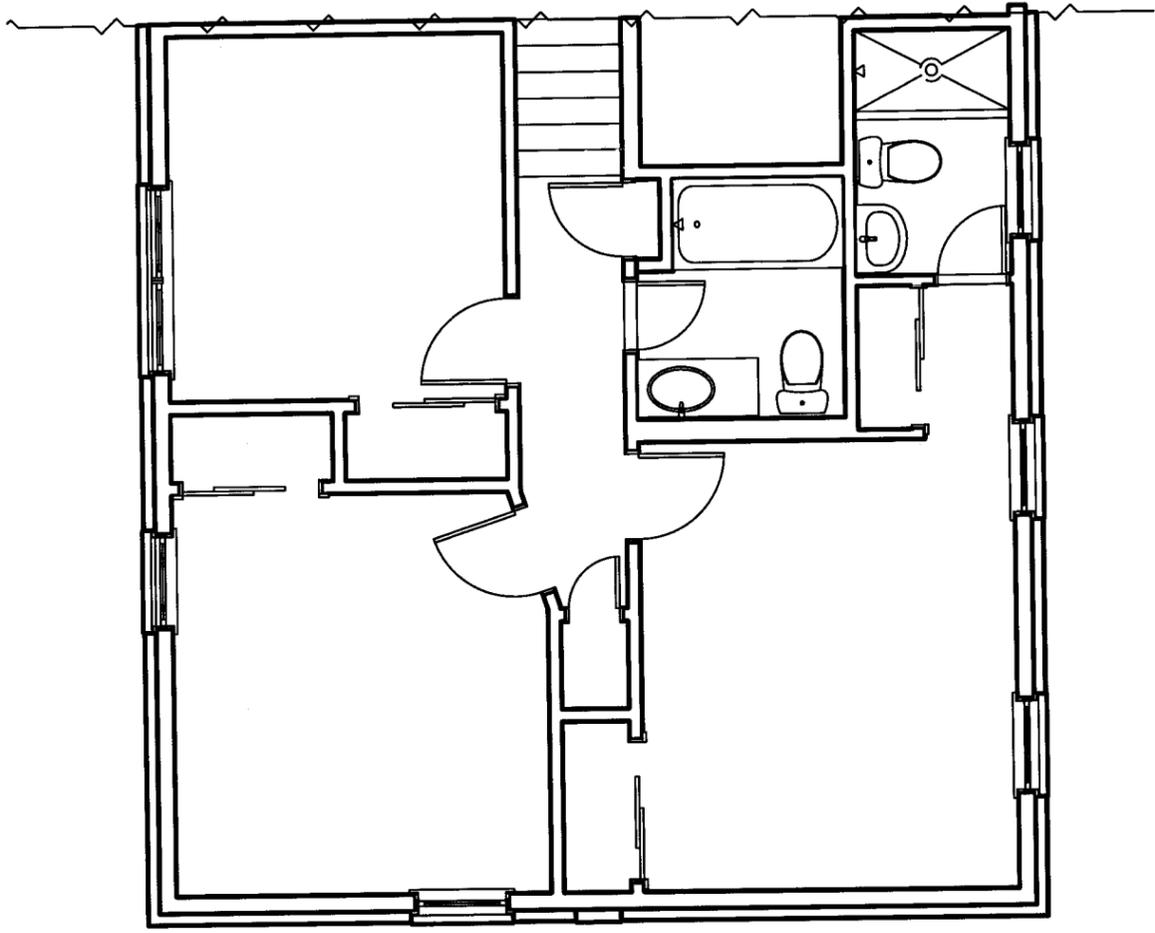
SCALE: 3/16" = 1'-0"



EXISTING LOWER FLOOR PLAN  
SCALE: 3/16" = 1'-0"



EXISTING MAIN FLOOR PLAN  
SCALE: 3/16" = 1'-0"



EXISTING UPPER FLOOR PLAN

SCALE: 3/16" = 1'-0"

Application No.(s): SP 2014-DR-242  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/30/14 126158  
 (enter date affidavit is notarized)

I, George M. Sarris, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)  applicant  
 applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
George M. Sarris	2117 Natahoa Ct., Falls Church, VA 22043	Applicant/ Title Owner
Cathy N. Sarris	2117 Natahoa Ct., Falls Church, VA 22043	Applicant/ Title Owner
Thomas French Architect, P.C.		
Agent: Thomas M. French	6723 Whittier Ave. Suite 402, McLean, VA 22101	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).

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/30/14  
(enter date affidavit is notarized)

12658

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)

Thomas French Architect, PC 6723 Whittier Ave Suite 402 McLean, VA 22101

**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)

Thomas M. French

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

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

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

**PARTNERSHIP INFORMATION**

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

NONE

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

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

NONE

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

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

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

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

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

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

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

NONE

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

# Similar Case History

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## Group: 84-D-075

### VC 84-D-075

**APPLICANT:** KELHART, GEORGE J. AND MARY M.  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 07/03/1984  
**ZONING DISTRICT:** R-4  
**DESCRIPTION:** ADDITION OF PORCH TO DWELLING 21.0 FEET FROM REAR LOTLINE (25 FEET REQUIRED)  
**LOCATION:** 2118 NATAHOA COURT  
**TAX MAP #S:**  
 0411 25 0015

## Group: 94-D-057

### VC 94-D-057

**APPLICANT:** JOHNSON, BRADLEY W. & NANCY L.  
**STATUS:** EXPIRED  
**STATUS/DECISION DTE:** 07/19/1998  
**ZONING DISTRICT:** R-4  
**DESCRIPTION:** PERMIT CONSTRUCTION OF ADDITION 16.7 FT. FROM REAR LOTLINE AND DECK 6.8 FT. (THE BZA GRANTED THE ADDITION & DENIED THE DECK)  
**LOCATION:** 2122 NATAHOA COURT  
**TAX MAP #S:**  
 0411 25 0013

## Group: 2004-DR-060

### VC 2004-DR-060

[STAFF REPORT](#)

**APPLICANT:** BRADLEY W AND NANCY L JOHNSON  
**STATUS:** APPLICATION DENIED  
**STATUS/DECISION DTE:** 06/30/2004  
**ZONING DISTRICT:** R-4  
**DESCRIPTION:** TO PERMIT CONSTRUCTION OF ADDITION 22.9 FEET WITH EAVE 20.8 FEET FROM REAR LOT LINE  
**LOCATION:** 2122 NATAHOA COURT  
**TAX MAP #S:**  
 0411 25 0013

## Group: 01-D-049

### VC 01-D-049

**APPLICANT:** BERTSCH, DONNA  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 06/27/2001  
**ZONING DISTRICT:** R-4  
**DESCRIPTION:** TO PERMIT THE CONSTRUCTION OF A ROOFED DECK 20.8 FT. FROM THE FRONT LOT LINE OF A CORNER LOT AND 4.9 FT. FROM SIDE LOT LINE  
**LOCATION:** 2128 POWHATAN STREET  
**TAX MAP #S:**  
 0411 17 0018



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** December 15, 2014

**TO:** Erin M. Haley, Planner II  
Zoning Evaluation Division, DPZ

**FROM:** Craig Herwig, Urban Forester III  
Forest Conservation Branch, DPWES

**SUBJECT:** Powhatan Hills Section 1, Lot 8; SP 2014-DR-242

I have reviewed the above referenced Special Permit application including a Statement of Justification and a Special Permit plat of the subject property, stamped as received by the Zoning Evaluation Division on November 10, 2014. The following comments and recommendations are based on this review. A site visit was conducted on December 15, 2014.

**Comment:** There is an existing crape myrtle and maple tree in the backyard close enough to assume they could be impacted by construction activities.

**Recommendation:** Consider the installation of tree protection fencing along the drip lines of these two trees to prevent damage to the trunks as well as to prevent the stockpiling of materials within the critical root zones.

If there are any questions, please contact me at (703)324-1770.

CSH/

UFMDID #: 198123

cc: DPZ File

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Department of Public Works and Environmental Services  
Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)



### **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.

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)  Applicant George M Sarris  Applicant's Authorized Agent

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

Subscribed and sworn to before me this 30 day of June, 2014, in the State/Comm. of Virginia, County/City of Arlye.

[Signature]  
Notary Public

My commission expires: Apr 30, 2017

