



County of Fairfax, Virginia

April 29, 2015

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2015-MA-023

MASON DISTRICT

APPLICANT: Mark Mattern

OWNERS: Mark R. Mattern
Lauren W. Mattern aka Lauren S. Woodward

STREET ADDRESS: 4017 Kloman Street, Annandale, 22003

SUBDIVISION: Johnsons Garden

TAX MAP REFERENCE: 59-3 ((23)) 3

LOT SIZE: 16,409 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISION: 8-922, 8-923

SPECIAL PERMIT PROPOSAL: To permit a reduction of certain yard requirements to permit construction of an addition 26.0 feet from front lot line and fence greater than 4.0 feet in height to remain in the front yard of a corner lot.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-MA-023 for the addition and fence 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.

Laura Arseneau

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

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

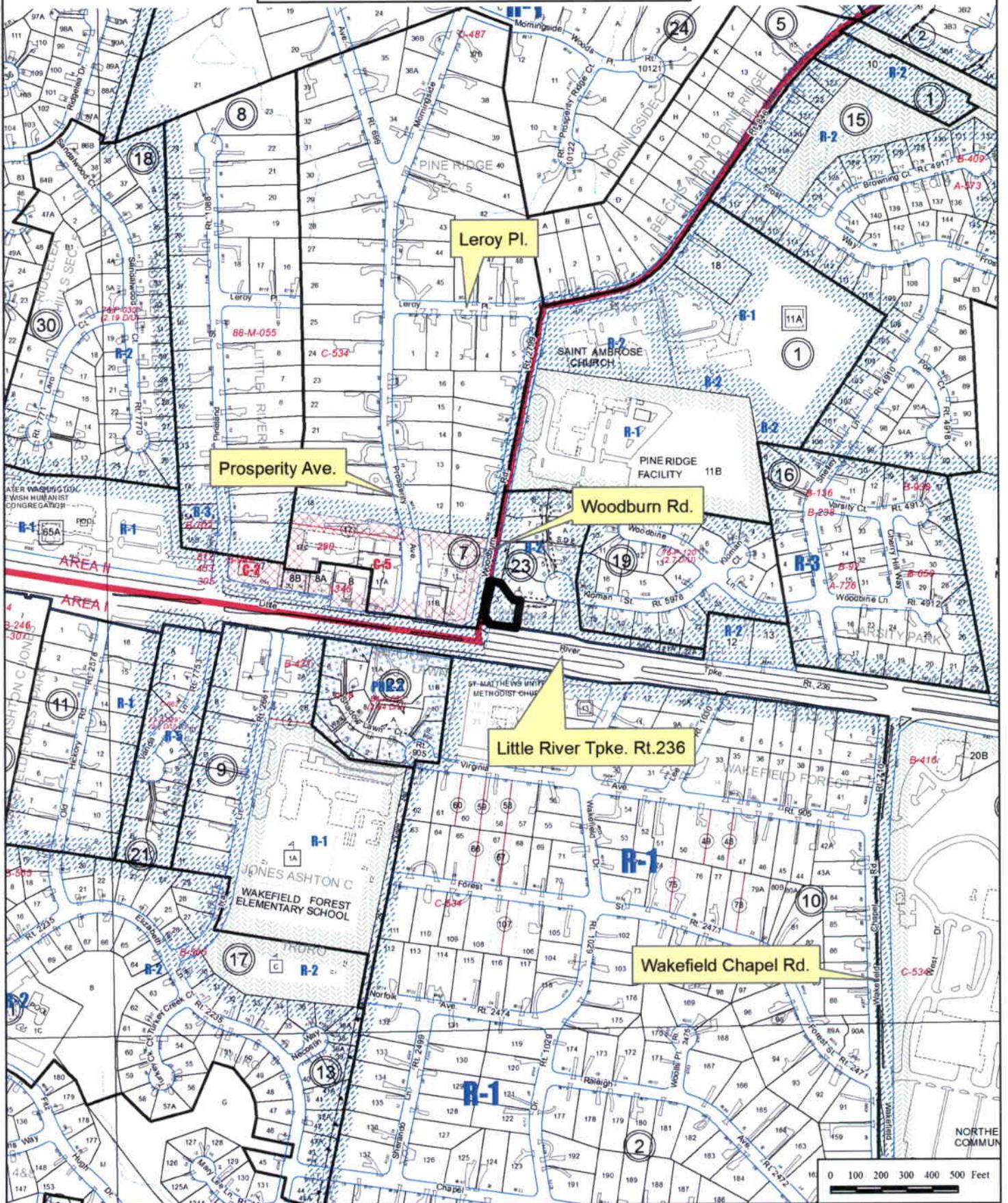
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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

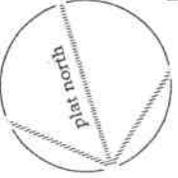
Special Permit

SP 2015-MA-023
MARK MATTERN

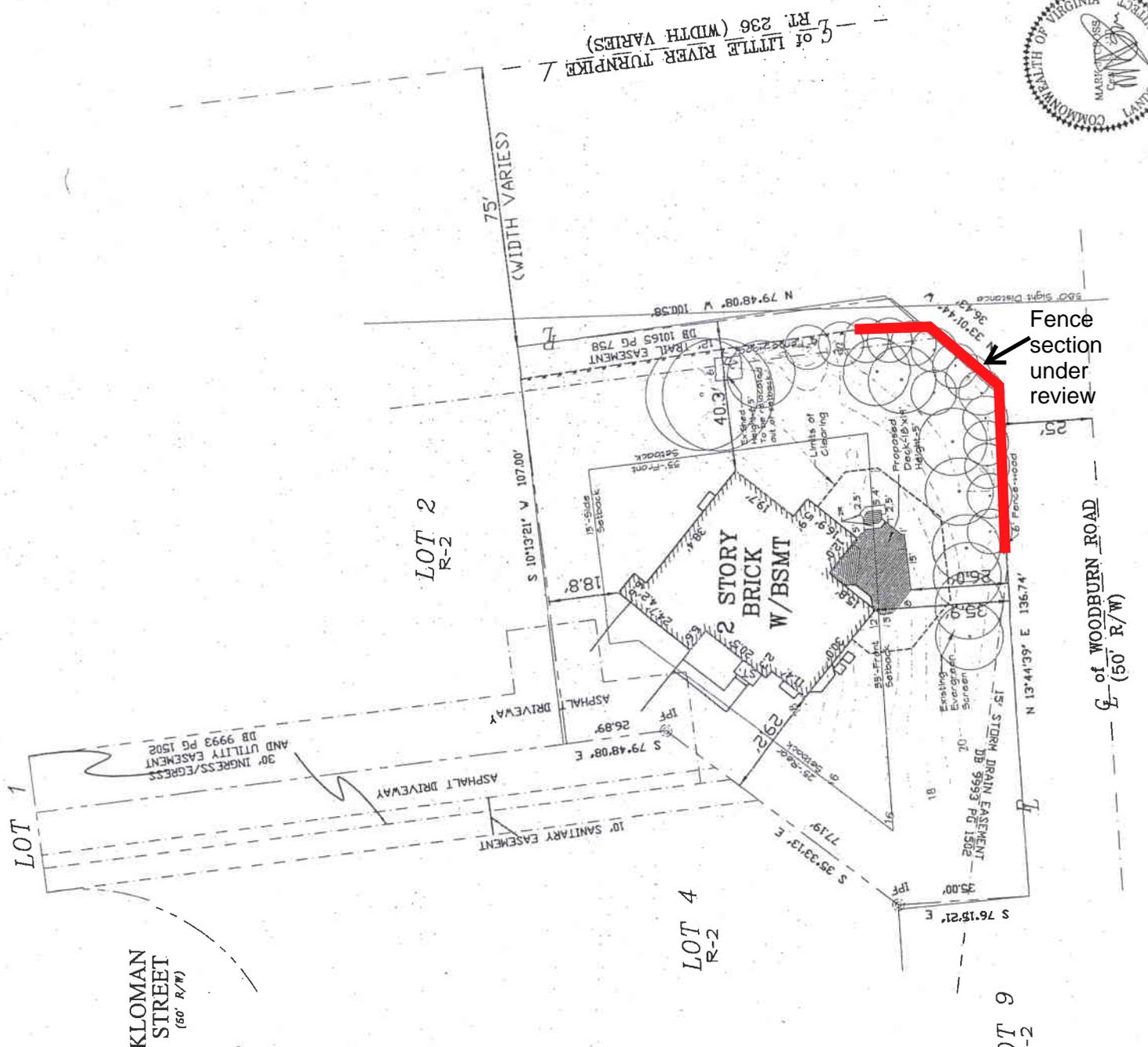


Matern Residence
 4017 Kloman St.
 Annandale, VA 22003
 Special Permit Plan

scale: 1" = 20'
 sheet: 1 of 1
 date: 1/15/2015
 (revised: 2/2/2015)



- LOT 5 - 16.4075 SF / 0.36 AC
 Tax Map # 0595-25-0003, Location survey by Frank K. Deagle, Lic # 002433, 4/16/14. No title report furnished.
- Dwelling height is 28.2' above FG
- Property is served by public water and sewer.
- Existing topography is field run at a 2' interval with assumed datum.
- F.A.R. is not applicable in R-2.
- This lot does not lie within a floodplain.
- This lot is not within a resource protection area or a resource management area.
- Fence along Woodburn Rd. is not within the 500' sight line distance.



Fence section under review

SPECIAL PERMIT REQUEST

The applicant is requesting approval to permit a reduction in certain yard requirements to permit construction of an addition (specifically an open deck with lattice underneath) 26.0 feet from the front lot line along Woodburn Road. The proposed 342 square foot deck is proposed to be located in the functional rear yard of the property. The deck is proposed to be a maximum of 5 feet in height.

The applicant is also requesting to allow a fence greater than 4 feet in height to remain in the front yard along a portion Woodburn Road (see included special permit plat for fence portion under review). The existing wood fence is 6 feet in height. The special permit for the increase in fence height is only needed in the front yard along Woodburn Road as a fence over four feet in height is permitted by-right along Little River Turnpike as it is considered a principal arterial roadway.

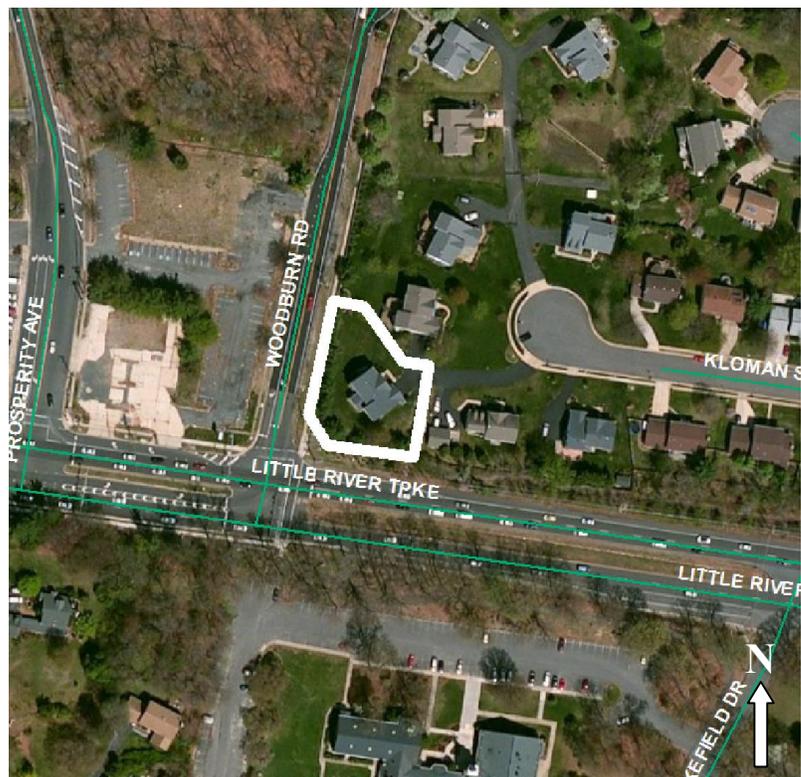
A copy of the special permit plat titled "Special Permit Plan, Mattern Residence, 4017 Kloman Street, Annandale, VA 22003," prepared by Mark J. Cross, L.A., on January 15, 2015, as revised through February 2, 2015, is included in the front of the staff report.

Copies of the proposed development conditions, the statement of justification and select file photographs and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 16,409 square foot lot contains a two story single family detached dwelling. A stoop, concrete walkway and asphalt driveway are located to the north of the dwelling. A six foot fence is located along a front yard property line along Woodburn Road and also on a front yard property line along Little River Turnpike.

The property is located off of a pipestem that accesses Kloman Street. The property is a corner lot has front yards along Woodburn Road and Little River Turnpike. The property has been determined by the Zoning Administration Division as a reverse frontage lot.



The subject property is located northeast of the intersection of Little River Turnpike and Woodburn Road. The properties to the north and east are zoned R-2 and developed with single family detached dwellings. The property to the west is zoned C-5 and is developed with a drug store. The property to the south, across Little River Turnpike, is zoned R-1 and developed with a place of worship.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1999 and purchased by the applicant in 2013.

On May 7, 2014, the Zoning Permit Review Branch determined the yards of the property. A copy of the yard determination is included in Appendix 4.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: I
Planning District: Annandale
Planning Sector: Pine Ridge Community Planning Sector (A8)
Recommendation: 2-3 dwelling units/acre

Zoning District Standards

Bulk Standards (R-2)		
Standard	Required	Provided
Lot Size	15,000 sf.	16,409 sf
Lot Width (Corner)	125 feet	136.7 feet
Building Height	35 feet max.	28.2 feet
Front Yard	ABP (min. 35 feet)	35.9 feet
Side Yard	ABP (min. 15 feet)	15.8 feet (eastern) 26.0 feet (western, part of SP request)
Rear Yard	ABP (min. 25 feet)	Approx. 60 feet

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
- Sect. 8-923 Provisions for Increase in Fence Height in Any Front Yard

Sect. 8-006 General Special Permit Standards

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

Standards 1 & 2 <i>Comprehensive Plan/ Zoning District</i>	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-2 District allows a reduction in minimum required yards with special permit approval.
Standard 3 <i>Adjacent Development</i>	In staff’s opinion, the proposed use will not hinder or discourage use or development of neighboring properties or negatively affect value.
Standard 4 <i>Pedestrian/ Vehicular Traffic</i>	No increase 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.
Standard 5 <i>Landscaping/ Screening</i>	The Urban Forestry Management Division is requesting additional measures for tree protection and preservation near the limits of clearing and grading delineated with the special permit plat (Appendix 5). Staff has proposed a development condition to address these concerns.
Standard 6 <i>Open Space</i>	There is no prescribed open space requirement in the R-2 District.
Standard 7 <i>Utilities, Drainage, Parking, and Loading</i>	There are no changes to the utilities, drainage, parking or loading of the site.
Standard 8 <i>Signs</i>	No signage is proposed.

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

Standard 1 <i>Lot Size and Bulk Regulations</i>	The bulk regulations for minimum required yards are requested to be modified with the special permit application.
Standard 2 <i>Performance Standards</i>	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 <i>Site Plan</i>	The construction is not disturbing more than 2,500 square feet; therefore the application is not subject to the provisions of Article 17, Site Plans.

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

<p>Standard 1 <i>Yard Requirements Subject to Special Permit</i></p>	<p>A. <i>Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet.</i> The proposed addition would be located 26.0 feet from a front yard lot line along Woodburn Road; the required front yard in an R-2 District is 35 feet, resulting in a reduction of 9.0 feet or 25.7%.</p> <p>B. Pipestem lots- N/A C. Accessory structure locations – N/A D. Extensions into minimum required yards allowed by Sect. 2-412- N/A</p>
<p>Standard 2 <i>Not a Detached Structure in a Front Yard</i></p>	<p>The application does not propose a detached accessory structure.</p>
<p>Standard 3 <i>Principal Structure that Complied with Yard Requirements When Established</i></p>	<p>When the existing structure was built in 1999 it complied with all R-2 District requirements.</p>
<p>Standard 4 <i>Addition No More than 150% of Existing Gross Floor Area (GFA)</i></p>	<p>The deck with lattice work underneath (which is considered an addition) is 342 square feet. The existing GFA of the primary structure and garage is 3,728 square feet; therefore the proposed addition will be 9.2% of the GFA.</p>
<p>Standard 5 <i>Accessory Structure Subordinate in Purpose, Scale, Use and Intent</i></p>	<p>The proposed construction is subordinate to the primary use as it will be an open deck for recreational purposes.</p>
<p>Standard 6 <i>Construction in Character with On-Site Development</i></p>	<p>The proposed addition (open deck) will be constructed to the west of the existing dwelling in the functional rear yard. The elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling.</p>
<p>Standard 7 <i>Construction Harmonious with Off-Site Development</i></p>	<p>Through aerial photography, submitted photographs, and background research staff has confirmed that there are similar additions on neighboring properties. The proposed additions would not affect neighboring properties in terms of location, height and bulk. Proposed development conditions have been included to ensure tree preservation and adequate screening of the deck.</p>
<p>Standard 8 <i>Construction Shall Not Adversely Impact Adjacent Properties</i></p>	<p>Staff believes that the proposed addition will not significantly impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes the deck addition will not significantly increase runoff or erosion.</p>

<p>Standard 9 <i>Represents the Minimum Amount of Reduction Necessary</i></p>	<p>The layout of the existing structure limits the amount of alternate locations for the construction of the addition. In its proposed location it does not encroach further into the side yard than the existing house and preserves open space in the rear yard. Staff believes the special permit amendment proposal is the minimum amount of reduction necessary as it encroaches 9.0 feet into the minimum required rear yards and is a reduction of 25.7%.</p> <p>Other issues of lot shape, yard determination, environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas, easements and historic resources are not applicable to this site.</p>
<p>Standard 10 BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p>Standard 11 Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>
<p>Standard 12 Architectural Elevations</p>	<p>Proposed elevations are included in the beginning of this report and are also included as an attachment to the proposed development conditions in Appendix 1.</p>

Provisions for Increase in Fence in Any Front Yard (8-923)

<p>Standard 1 Fence Shall Not Exceed 6 feet in Height</p>	<p>The tallest point of the fence does not exceed 6 feet in height.</p>
<p>Standard 2 Meet Sight Distance Requirements</p>	<p>The 6 foot high fence is not located in any areas that may affect sight distance.</p>
<p>Standard 3 Proposed Fence Height is Warranted</p>	<p>The property has two front yards along Woodburn Road and Little River Turnpike. The special permit for the increase in fence height is only needed in the front yard along Woodburn Road as a fence over four feet in height is permitted by-right along Little River Turnpike (a principal arterial roadway). The applicants are requesting the additional fence height to enclose the functional rear yard for safety and reducing the sound of traffic from Little River Turnpike.</p>
<p>Standard 4 Fence is in Character with On-site and Off-site Uses</p>	<p>Similar fencing exists on the abutting properties along both Woodburn Road and along Little River Turnpike. A number of lots along these roads are considered through lots or reverse frontage lots which allow a fence height of up to 7 feet in a rear yard (Sect. 10-104). This property does not meet this provision as it is a corner lot.</p>
<p>Standard 5 Fence Will Not Adversely Impact Other Properties</p>	<p>Staff believes the fence will not adversely impact other properties.</p>
<p>Standard 6 BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p>Standard 7 Meet Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>

<p>Standard 8 Architectural Depictions Provided</p>	<p>Pictures of the existing fence have been included in Appendix 2.</p>
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CONCLUSION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions and is in harmony with the Comprehensive Plan.

RECOMMENDATION

Staff recommends approval of SP 2015-MA-023 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
3. Applicant's Affidavit
4. Yard Determination by ZPRB
5. Urban Forestry Management Division Comments dated March 27, 2015
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-MA-023****April 29, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MA-023 located at Tax Map 59-3 ((23)) 3 to permit reduction of certain yard requirements and fence over four feet in height in a front yard pursuant to Sects. 8-922 and 8-923 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 (342 square feet and 5 feet in height) and the fence, as shown on the "Special Permit Plan, Mattern Residence, 4017 Kloman Street, Annandale, VA 22003," prepared by Mark J. Cross, L.A., on January 15, 2015 as revised through February 2, 2015, 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 3,728 square feet existing + 5,592 square feet (150%) = 9,320 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 should be installed along the limits of clearing and grading adjacent to these trees in the form of orange plastic fencing held up by steel posts driven no less than 18 inches into the ground.

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.

Special Permit Statement of Justification:

This statement is in regard to 4017 Kloman St, Annandale, VA 22003, owned by Mark and Lauren Mattern. As homeowners, we are applying for a special permit to build a deck and patio in our backyard. It will be for private use only, by the homeowners and invited guests. There will be no impact on traffic or parking in our neighborhood, nor will it change the façade of the existing house. A wooden deck will extend from the back of the house and reach down to a ground level patio. All boundaries will be within prescribed setbacks and easements on the property. The reason a Special Permit is required is because our property has been deemed to fall under the Reverse Frontage lot rules.

Additional Details:

Per regulations, the resulting gross floor area of the deck & patio will be less than 150 percent of the total gross floor area of the original principal structure that exists. This deck will not cause an increase in the gross floor area increase of the existing principle structure.

The deck and patio are clearly subordinate in purpose, scale, & use to the existing house.

The proposed development will be in character with the existing on-site development in terms of location, height, bulk and scale of the existing structure on the lot. The proposed development will be 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. Furthermore the structure will not be visible from any surrounding street or house as it will be in our backyard.

The development will not adversely impact the use and/or enjoyment of any adjacent properties with regards to noise, light, air, safety, erosion, or stormwater run-off.

The proposed location of the structure is directly off the back of the house and is designed to work within all easements and setbacks. The proposal represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors that have been considered include, but are not limited to, the layout of the existing structure; availability of alternative locations for the addition; orientation of the structure on the lot; shape of 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; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

930.10; 930.11; 930.12: Please refer to the submitted plans. The plan for the existing shed is to relocate out of the setbacks. The centerline for Little River Turnpike and Woodburn Rd has now been added to the plan.

930.18: There are no existing floodplains as designated by the federal insurance administration, US Geological Survey, or Fairfax County, no resource protection areas or resource management areas, and no environmental quality corridors as defined in the adopted comprehensive plan.

There will be no hazardous or toxic substances generated, utilized, stored, treated, or disposed of on site.



RECEIVED
Department of Planning & Zoning

FEB 09 2015

Zoning Evaluation Division

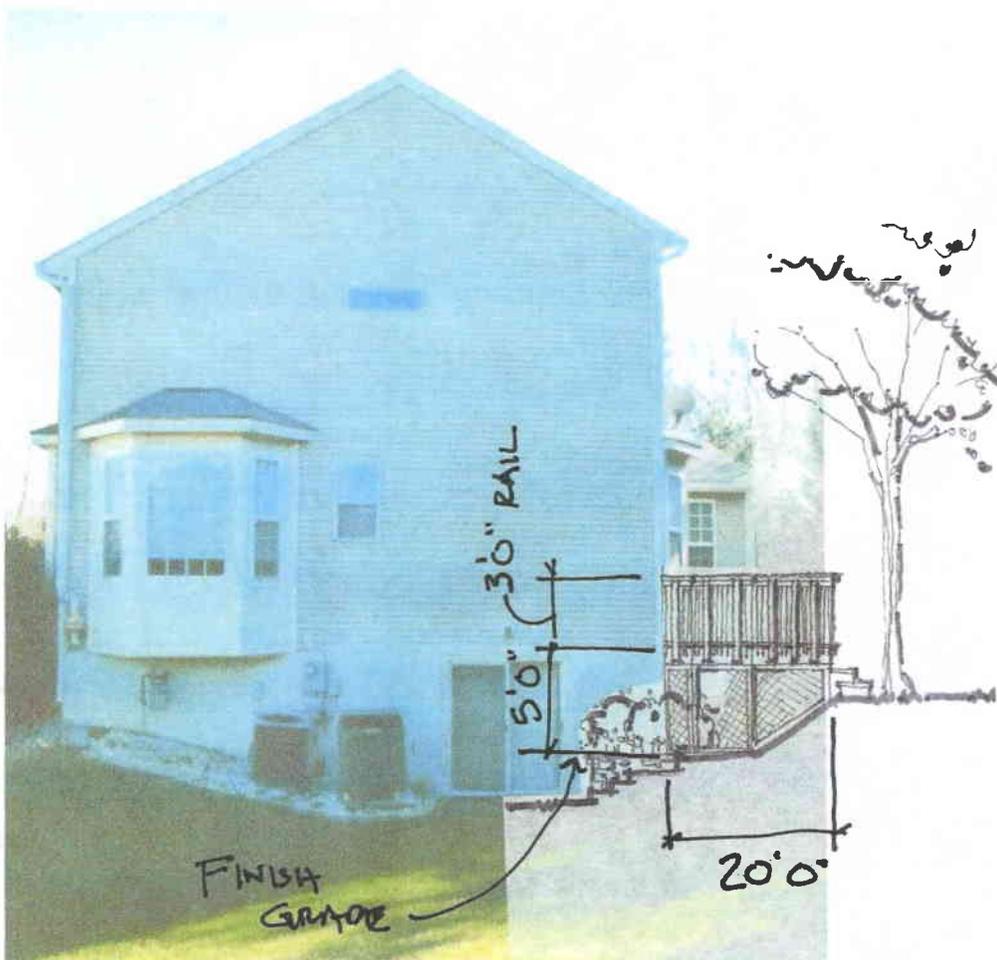
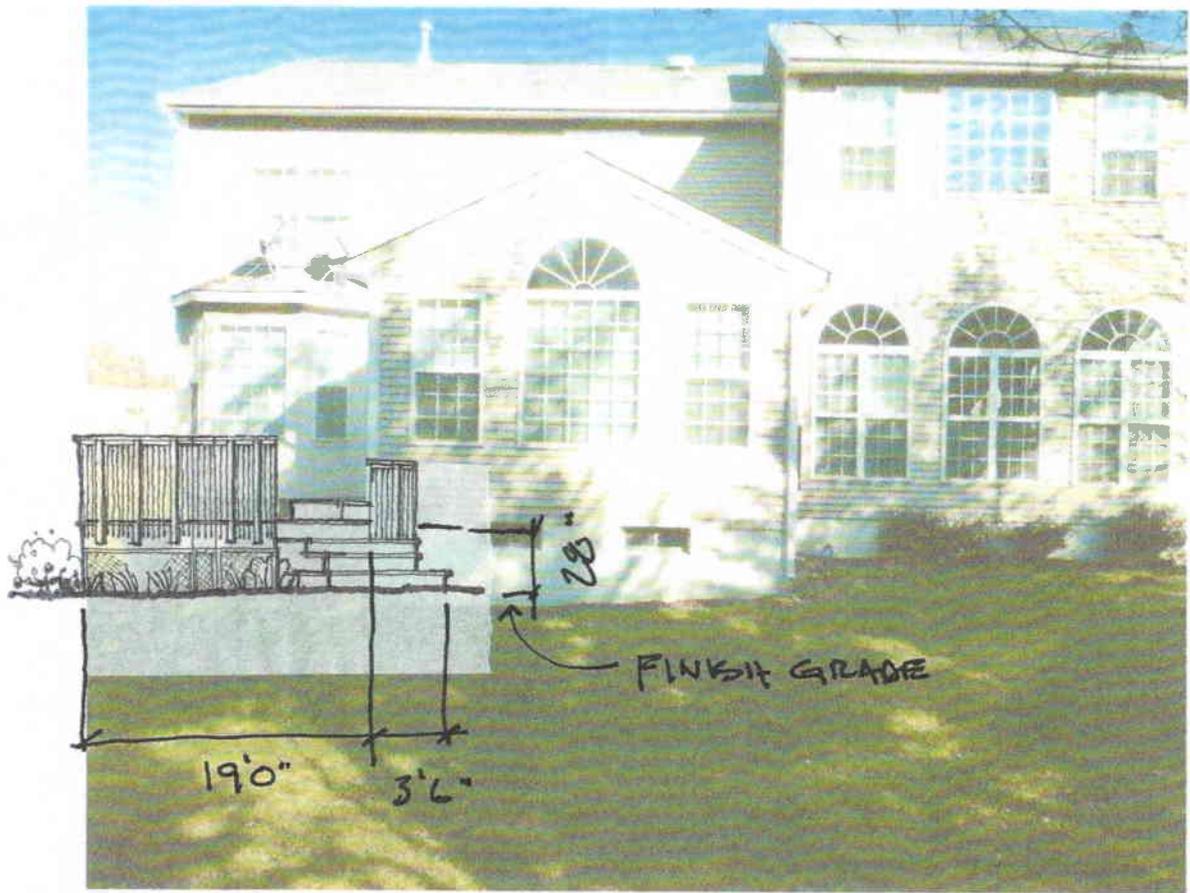
The proposed development conforms to the provisions of all applicable ordinances, regulations, and adopted standards.

You will notice there is a fence in the front yard of our corner lot. This is because our "front yard" per county regulations is really our backyard. The attached aerial photo should help clarify. The property borders Little River Turnpike, a major thoroughfare and the fence was actually installed by the county itself.

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Department of Planning & Zoning

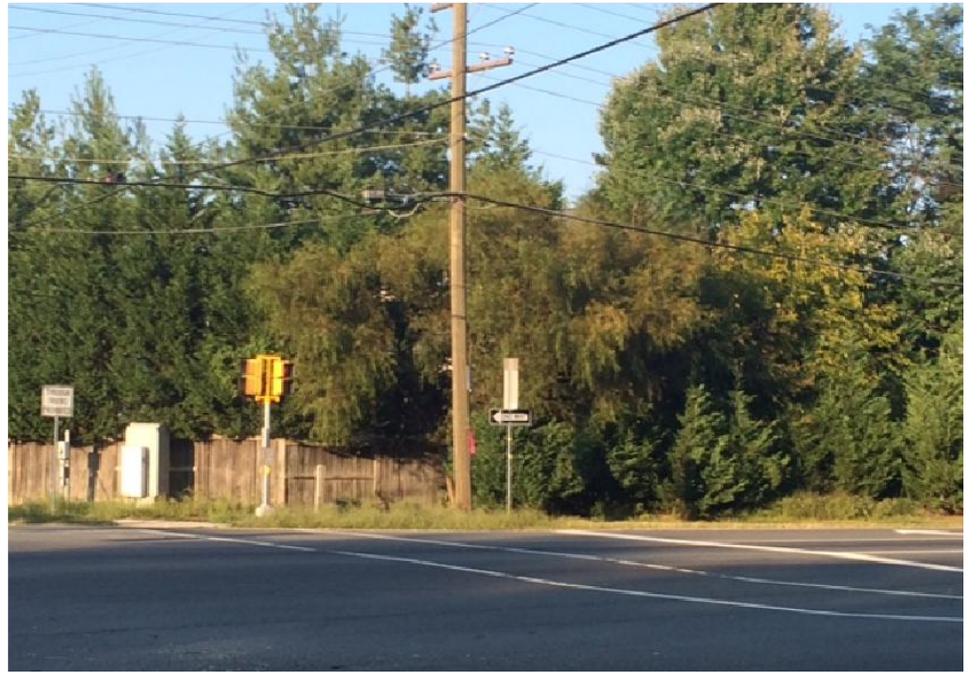
FEB 09 2015

Zoning Evaluation Division



RECEIVED
 Department of Planning & Zoning
 JAN 22 2015
 Zoning Evaluation Division







Application No.(s): SP 2015-MA-023
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/1/14
 (enter date affidavit is notarized)

127 399

I, Mark Mattern, do hereby state that I am an
 (enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Mark R Mattern	4017 Women St Annandale, VA 22003	Applicant/ Title Owner
Lauren W Mattern a/k/a Lauren S. Woodward	Same	Co-title Owner

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

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

Sale

Application No.(s):

SP 2015-MA-023

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

12/1/14

(enter date affidavit is notarized)

127399

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)

None

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)

None

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

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

Application No.(s): SP 2015-MA-023
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/1/14
(enter date affidavit is notarized)

127399

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.

Application No.(s): SP 2015-MA-023
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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/1/14
(enter date affidavit is notarized)

127399

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

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

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

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

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

None

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

Application No.(s): SP 2015-MA-023
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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(enter date affidavit is notarized)

127399

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:

Mark R Mattern

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

Mark R Mattern

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

Subscribed and sworn to before me this 1st day of December 2014, in the State/Comm. of Virginia, County/City of Fairfax

[Signature]
Notary Public

My commission expires: 1/31/2018



WOODBURN ROAD

(50' R/W) (RT.#2799)

4' CONC. WALK
N 13°44'39" E

6' WOOD FENCE

LOT 3
16,409 S.F.
(#4017)

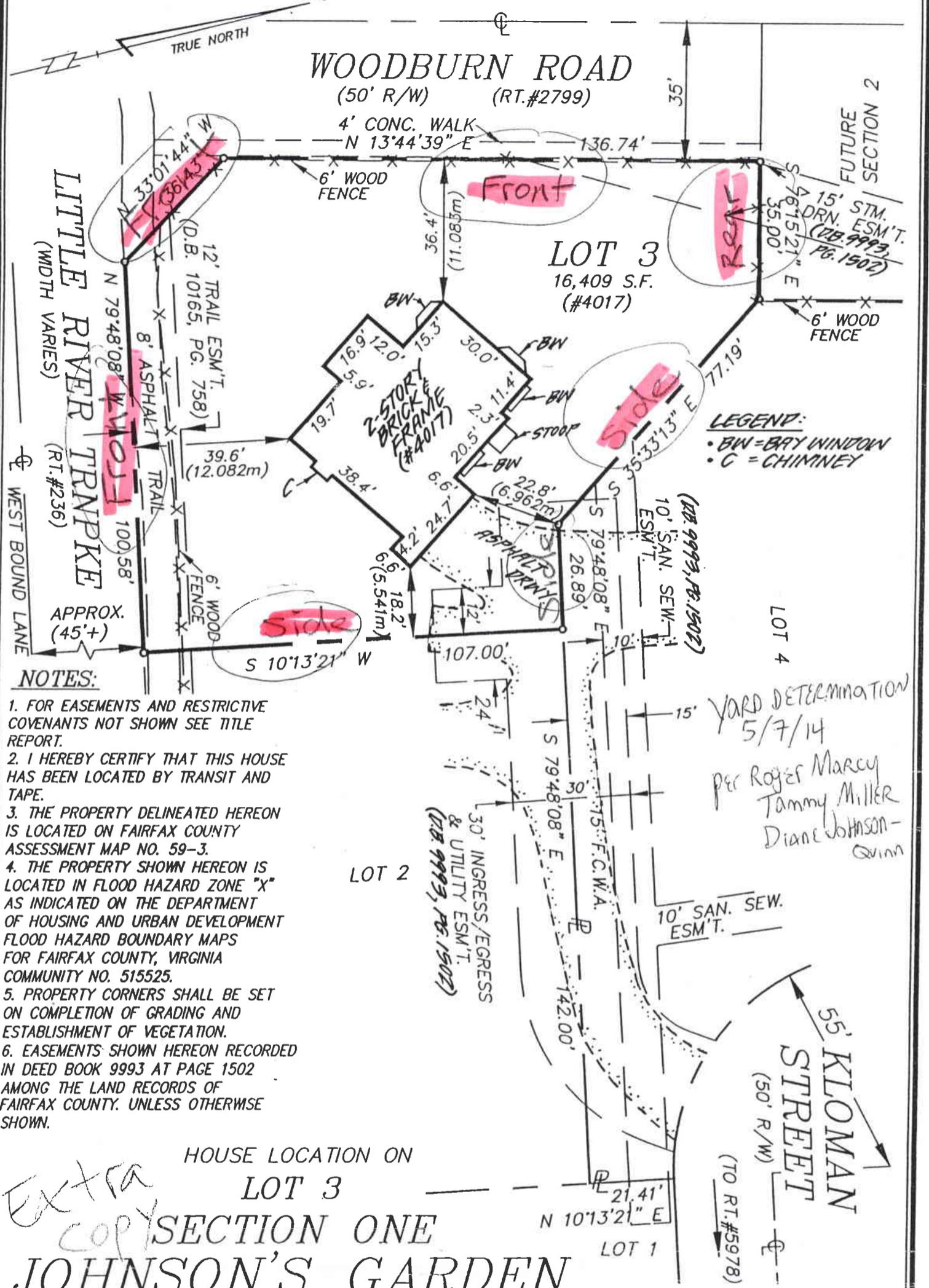
FUTURE SECTION 2

15' STM. DRN. ESM'T.
(DB. 9993, PG. 1502)

6' WOOD FENCE

LEGEND:

- BW = BAY WINDOW
- C = CHIMNEY



YARD DETERMINATION
5/7/14
per Roger Marcy
Tammy Miller
Diane Johnson-Quinn

NOTES:

1. FOR EASEMENTS AND RESTRICTIVE COVENANTS NOT SHOWN SEE TITLE REPORT.
2. I HEREBY CERTIFY THAT THIS HOUSE HAS BEEN LOCATED BY TRANSIT AND TAPE.
3. THE PROPERTY DELINEATED HEREON IS LOCATED ON FAIRFAX COUNTY ASSESSMENT MAP NO. 59-3.
4. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE "X" AS INDICATED ON THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FLOOD HAZARD BOUNDARY MAPS FOR FAIRFAX COUNTY, VIRGINIA COMMUNITY NO. 515525.
5. PROPERTY CORNERS SHALL BE SET ON COMPLETION OF GRADING AND ESTABLISHMENT OF VEGETATION.
6. EASEMENTS SHOWN HEREON RECORDED IN DEED BOOK 9993 AT PAGE 1502 AMONG THE LAND RECORDS OF FAIRFAX COUNTY. UNLESS OTHERWISE SHOWN.

HOUSE LOCATION ON

LOT 3

Extra Copy
**SECTION ONE
JOHNSON'S GARDEN**

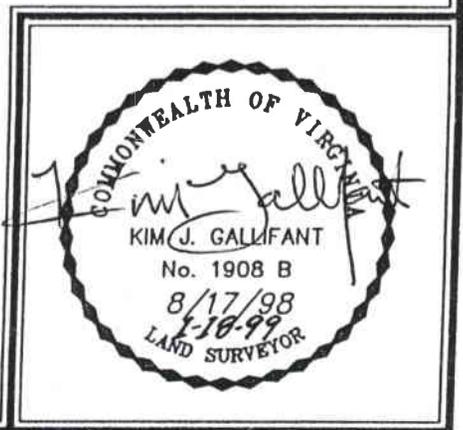
MASON DISTRICT

FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30'

WALL CHECK: AUG. 10, 1998
FINAL: JAN. 14, 1999.

GALLIFANT, HAWES & JEFFERS
LAND SURVEYING • LAND PLANNING
10195-Q MAIN STREET, FAIRFAX, VIRGINIA 22031
(703)-273-8790





County of Fairfax, Virginia

MEMORANDUM

DATE: March 27, 2015

TO: Laura Arseneau, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Ian Fuze, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Johnsons Garden Lot 3.SP 2015-MA-023

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 19, 2014. The following comments and recommendations are based on this review.

Comment: A row of evergreen screening exists along the limits of the proposed construction. Tree protection fencing should be installed to prevent damage to the trunks of these trees and to prevent stockpiling of materials within the structural root zones.

Recommendation: Tree protection fencing should be installed along the limits of clearing and grading adjacent to these trees in the form of orange plastic fencing held up by steel posts driven no less than 18 inches into the ground.

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

IF/

UFMDID #: 199601

cc: DPZ File

Department of Public Works and Environmental Services
Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550
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.

8-923 *Provisions for Increase in Fence and/or Wall Height in Any Front Yard*

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3l of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. 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 or structure, to include existing or proposed fences and/or walls.
- 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 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. If applicable, existing 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.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.