



County of Fairfax, Virginia

January 27, 2016

STAFF REPORT

SPECIAL PERMIT SP 2015-SU-144

SULLY DISTRICT

APPLICANTS/OWNERS: Farmer, Matthew
Farmer, Diane

STREET ADDRESS: 3133 Cobb Hill Lane, Oakton, 22124

SUBDIVISION: Vale Park West

TAX MAP REFERENCE: 36-3 ((6)) 34

LOT SIZE: 25,288 square feet

ZONING DISTRICT: R-1C

ZONING ORDINANCE PROVISIONS: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit a reduction of certain yard requirements to permit the construction of an addition such that side yards total 35.1 feet and to permit a reduction in minimum yard requirements based on an error in building location to permit an accessory structure (treehouse) to remain 5.4 feet from a side lot line

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-SU-144 for the addition with the 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 applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Sharon E. Williams

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.

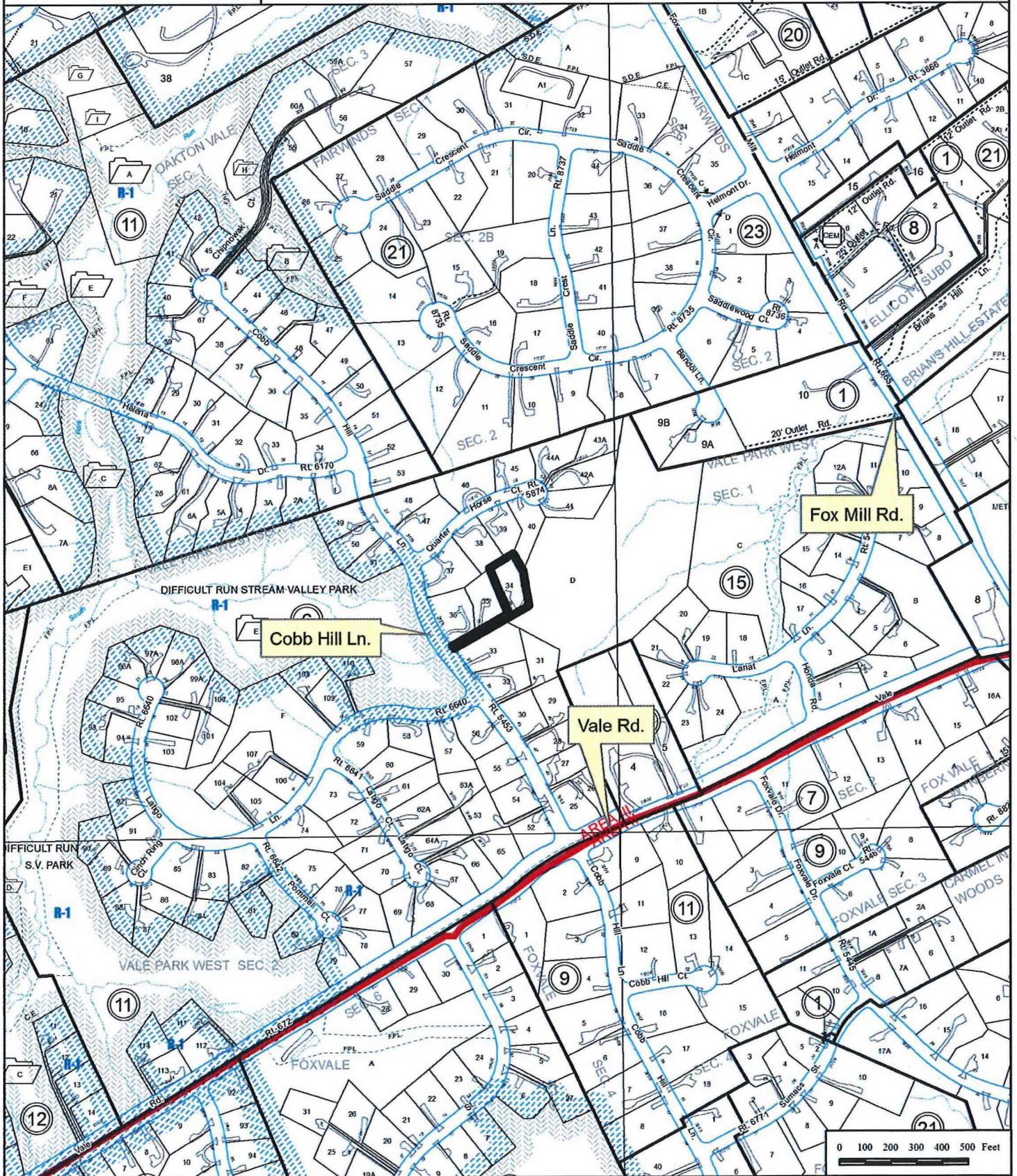
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

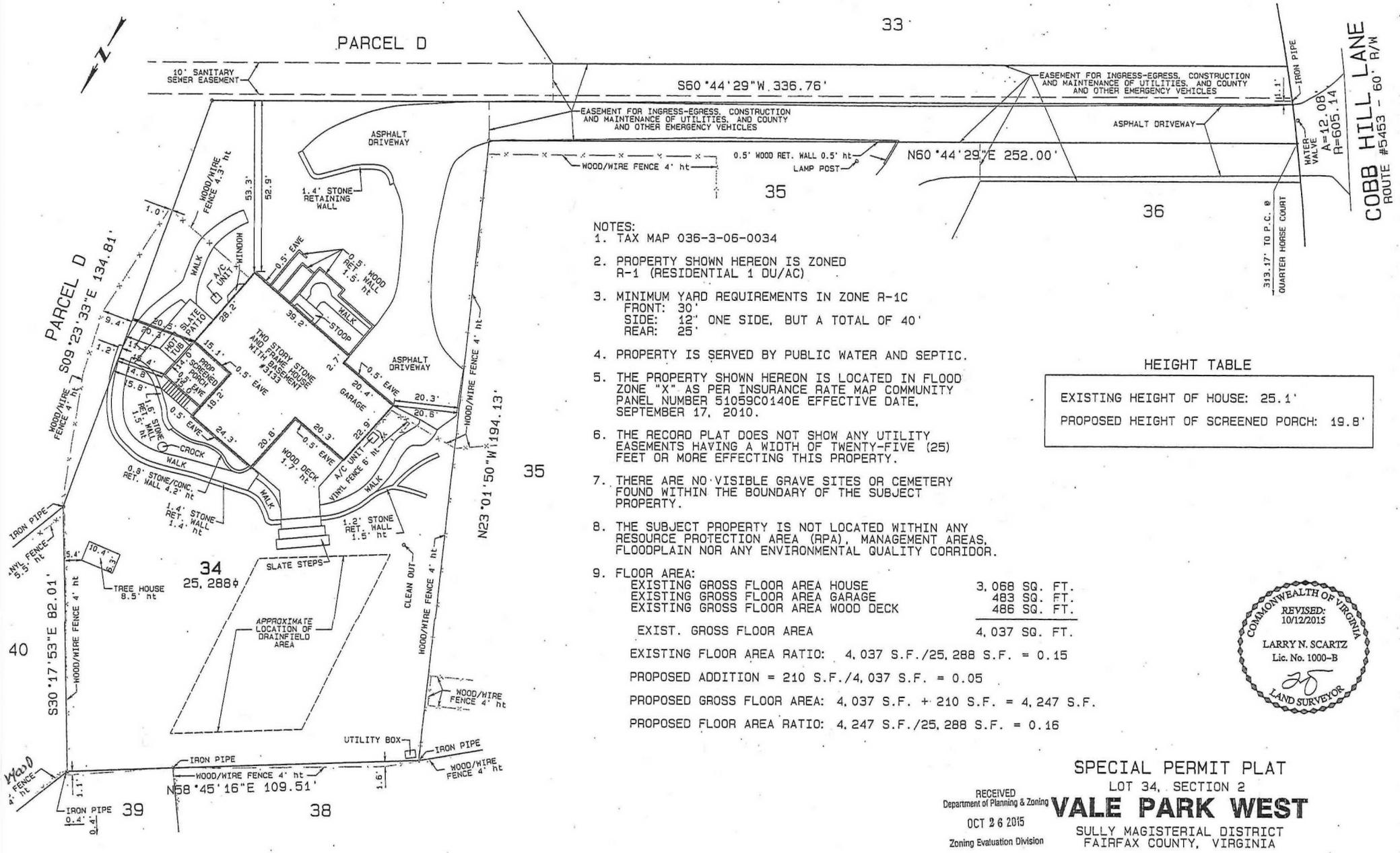


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



Special Permit SP 2015-SU-144 MATTHEW AND DIANE FARMER



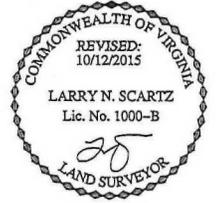


NOTES:

1. TAX MAP 036-3-06-0034
2. PROPERTY SHOWN HEREON IS ZONED R-1 (RESIDENTIAL 1 DU/AC)
3. MINIMUM YARD REQUIREMENTS IN ZONE R-1C
FRONT: 30'
SIDE: 12' ONE SIDE, BUT A TOTAL OF 40'
REAR: 25'
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEPTIC.
5. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0140E EFFECTIVE DATE, SEPTEMBER 17, 2010.
6. THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
7. THERE ARE NO VISIBLE GRAVE SITES OR CEMETERY FOUND WITHIN THE BOUNDARY OF THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN ANY RESOURCE PROTECTION AREA (RPA), MANAGEMENT AREAS, FLOODPLAIN NOR ANY ENVIRONMENTAL QUALITY CORRIDOR.
9. FLOOR AREA:
EXISTING GROSS FLOOR AREA HOUSE 3,068 SQ. FT.
EXISTING GROSS FLOOR AREA GARAGE 483 SQ. FT.
EXISTING GROSS FLOOR AREA WOOD DECK 486 SQ. FT.
EXIST. GROSS FLOOR AREA 4,037 SQ. FT.
EXISTING FLOOR AREA RATIO: 4,037 S.F./25,288 S.F. = 0.15
PROPOSED ADDITION = 210 S.F./4,037 S.F. = 0.05
PROPOSED GROSS FLOOR AREA: 4,037 S.F. + 210 S.F. = 4,247 S.F.
PROPOSED FLOOR AREA RATIO: 4,247 S.F./25,288 S.F. = 0.16

HEIGHT TABLE

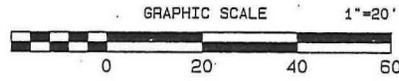
EXISTING HEIGHT OF HOUSE: 25.1'
PROPOSED HEIGHT OF SCREENED PORCH: 19.8'



SPECIAL PERMIT PLAT
LOT 34, SECTION 2
VALE PARK WEST

RECEIVED
Department of Planning & Zoning
OCT 26 2015
Zoning Evaluation Division

SULLY MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=20' DATE: SEPTEMBER 8, 2015



CASE NAME: FARMER	NO TITLE REPORT FURNISHED. PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE. FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
	SCARTZ SURVEYS LARRY N. SCARTZ LOCAL (703) 494-4181 CERTIFIED LAND SURVEYOR FAX (703) 494-3330 WOODBRIIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM

SPECIAL PERMIT REQUEST

The applicants are seeking a special permit to allow a reduction of certain yard requirements to permit the construction of an addition 14.8 feet from the side lot line such that the side yards will total 35.1 feet. The applicants are proposing to construct a screened porch. The screened porch will measure 19.8 feet tall and the addition will add 210 square feet in gross floor area. The applicants are also requesting a special permit to allow an error in building location to permit a treehouse to remain 5.4 feet from a side lot line.

A copy of the special permit plat, titled "Special Permit Plat Lot 34, Section 2, Vale Park West," prepared by Larry N. Scartz on September 8, 2015, as revised on October 10, 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 25,288 square foot application property consists of a two-story single-family detached dwelling. Vehicular access to the dwelling is provided via a pipestem driveway off of Cobb Hill Lane. An asphalt driveway is located to the south of the dwelling. A walkway and stoop provide access to the home. A separate walkway connects from the southwestern portion of the driveway to the south eastern side of the property. A retaining wall varying in height from 1.4 feet to 1.5 feet follows the path of the walkway. There is a 1.7 foot tall open, wood deck attached to the rear of the home. A slate patio and hot tub is located to the east of the dwelling. A 4.0 foot tall wood/wire fence surrounds the northern portion of the property.

The property is located to the north of Vale Road and west of Fox Mill Road. The subject property and surrounding properties are zoned R-1 Cluster and are developed with single-family detached dwellings.

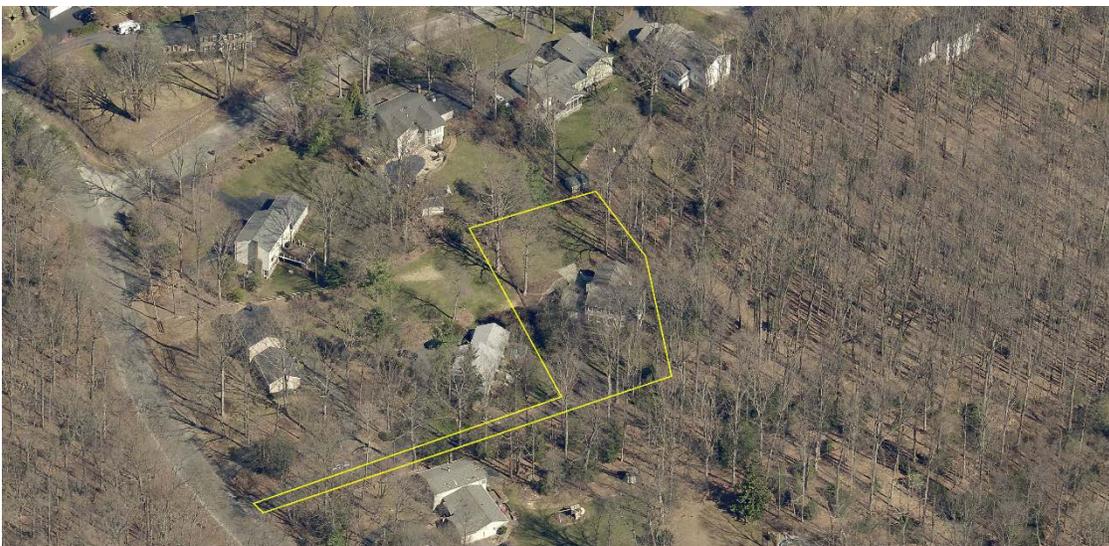


Figure 1: Aerial View

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1977 and purchased by the applicant in 1995.

According to the applicant's statement of justification, a platform was present in the same location as the treehouse currently is when they purchased the home. The platform required some repairs so the applicant's added an enclosure to the platform to create a treehouse. The applicant's family constructed the treehouse themselves so there are no permits available. The applicants were unaware of the provisions of Sect. 10-103 of the Zoning Ordinance when they enclosed the treehouse.

Similar cases for reduction of minimum yard requirements have been approved by the BZA on nearby properties (Appendix 4):

1. On June 13, 1989 the BZA approved a reduction of certain yard requirements (VC 89-C-028), to permit the construction of an addition 18.3 feet from a rear lot line located at 3209 Latigo Court.

DESCRIPTION OF THE REQUEST

The applicants are requesting approval of a special permit for a reduction in yard requirements to permit the construction of a screened porch, located 14.8 feet from a side lot line. In the R-1 Cluster District the required side yard is 12 feet with a total minimum of 40 feet for both sides; therefore the applicant is requesting a reduction of 4.9 feet, or 12.2% of the total minimum side yard.

In addition, the applicants are requesting approval of a special permit for a reduction of minimum yard requirements based on an error in building location to permit a treehouse to remain 5.4 feet from a side lot line. With a required side yard of 12 feet, the applicants request a reduction of 6.6 feet, or 55%.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit (50%)	Screened Porch	Side	12.0 feet (Total min. of 40 feet)	14.8 feet (Total min. of 35.1 feet)	4.9 feet	12.2%
Special Permit (Error)	Treehouse	Side	12.0 feet (Total min. of 40 feet)	5.4 feet	6.6 feet	55%

The screened porch addition would be approximately 210 square feet in size and located in the side yard of the property. The roofline of the proposed porch will be lower than the existing roofline at 19.8 feet in height, and it will be within the maximum height

requirements. The proposed materials will be consistent with the materials of the existing dwelling.



Figure 2: Proposed Elevation

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: West Ox Community Planning Sector (UP7)
Plan Map: Residential, .5-1 dwelling units per acre

Zoning District Standards

Bulk Standards (R-1C)		
Standard	Required	Provided
Lot Size	25,000 sf.	25,288 sf.
Lot Width	Interior: No Requirement	N/A
Building Height	35 feet max.	25.1 feet
Front Yard	Min. 30 feet	52.9 feet
Side Yard	Min. 12 feet (Total min. of 40 feet)	14.8 feet (Total of 35.1 feet) ¹
Rear Yard	Min. 25 feet	92 feet

¹As permitted through the approval of this application

Zoning Ordinance Requirements (Appendix 5)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 All Group 9 Uses
- Sect. 8-914 Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

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

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-1 District allows a reduction in minimum required yards with special permit approval.
Standard 3 Adjacent Development	In staff's opinion, the proposed screened porch will not hinder or discourage use or development of neighboring properties or negatively affect value. The proposed addition abuts an undeveloped wooden portion of the adjacent lot D, which is designated Private Open Space in the Comprehensive Plan.
Standard 4 Pedestrian/Vehicular Traffic	No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed screened porch is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	Mature vegetation provides adequate screening of the eastern portion of the property. A 4.0 foot tall wood/wire fence is located on the northern and southern property boundaries.
Standard 6 Open Space	There is no prescribed open space requirement on individual lots in the R-1 District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. The proposed enclosed carport addition will be used for parking.
Standard 8 Signs	No signage is proposed.

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

Standard 1 Lot Size and Bulk Regulations	The bulk regulations for minimum required yards are requested to be modified with the special permit application.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	The construction is not disturbing 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 (Sect. 8-922)

<p>Standard 1 Yard Requirements Subject to Special Permit</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 14.8 feet from the side lot line to reduce the total side yards to 35.1. The required side yard in an R-1C District is 12 feet with a total minimum of 40 feet, resulting in a reduction of 4.9 feet, or 12.2%.</p> <p>B. <i>Pipestem lots – N/A</i></p> <p>C. <i>Accessory structure locations – N/A</i></p> <p>D. <i>Extensions into minimum required yards allowed by Sect. 2-412: N/A</i></p>
<p>Standard 2 Not a Detached Structure in a Front Yard</p>	<p>Not applicable to the subject application.</p>
<p>Standard 3 Principal Structure that Complied with yard Requirements When Established</p>	<p>When the existing structure was built in 1977, it conformed to all applicable requirements at that time.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The screened porch addition is 210 square feet. The existing GFA of the primary structure is 4,037 square feet; therefore, the proposed addition will be 15% of the GFA.</p>
<p>Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use, and Intent</p>	<p>The screened porch will be included as a part of the principle structure, so this standard is not applicable.</p>
<p>Standard 6 Construction in Character with On-Site Development</p>	<p>The proposed addition will be constructed to the east of the existing dwelling. The statement of justification and elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling.</p>
<p>Standard 7 Construction Harmonious with Off-Site Development</p>	<p>Through the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, staff has determined that the addition is similar in nature to surrounding dwellings in the neighborhood in terms of height, scale, and architecture. As previously stated, the proposed addition abuts an undeveloped wooden portion of the adjacent lot D. Staff believes this addition will be harmonious with surrounding uses and meets this provision.</p>

<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>Staff believes that the proposed addition will not significantly affect 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 addition will not significantly increase runoff or erosion.</p>
<p>Standard 9 Represents the Minimum Amount of Reduction Necessary</p>	<p>Staff believes the special permit application proposal is modest in nature and is the minimum amount of reduction necessary due to the shape of the lot. The property is a pipe-stem lot and the dwelling was built at an approximately 450 degree angle to the property line, leaving little room for additions on the east side of the dwelling.</p> <p>Other issues of yard determination, environmental characteristics, slopes, wells, floodplain and/or Resource Protection Areas 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 as an attachment to the development conditions in Appendix 1.</p>

CONCLUSION / RECOMMENDATION

Staff believes that the request for a special permit for reduction in certain yard requirements to permit an addition is in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed development conditions contained in Appendix 1 of the staff report. Staff recommends approval of SP 2015-SU-144 for the addition with the adoption of the proposed development conditions contained in Appendix 1.

Staff does not make recommendations on building in error applications. However, if it is the intention of the Board of Zoning Appeals to approve the request for a special permit for an error in building location to allow the treehouse to remain 5.4 feet from the side lot line, staff recommends that such approval be made subject to the 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. Similar Case History
5. Applicable Zoning Ordinance Provision

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-SU-144****January 27, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-SU-144 located at Tax Map 36-3 ((6)) 34 to permit a reduction of certain yard requirements pursuant to Section 8-922 to permit a residential addition (screened porch) such that the side yards total 35.1 feet and to permit a treehouse to remain pursuant to Section 8-914 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 treehouse and the screened porch (210 square feet and 19.8 feet in height), as shown on the plat entitled "Special Permit Plat Lot 34, Section 2, Vale Park West," prepared by Larry N. Scartz on September 8, 2015, as revised on October 10, 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 (4,037 square feet existing + 6,055.5 square feet (150%) = 10,092.5 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 shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings as shown on Attachment 1 to these conditions.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use 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.





OCT 26 2015

Zoning Evaluation Division

MATTHEW CAPEN FARMER

21 October 2015

Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center {Parkway, Suite 801
Fairfax, Virginia 22035

RE: Special Permit Application
Statement of Justification - Tree House

To whom it may concern:

My spouse and I own the single family residence located at 3133 Cobb Hill Lane in Oakton, Virginia, 22124. The house is located in an R-1 zone that requires side yard setbacks of 20 feet. We are requesting a special permit that will grant a side yard reduction for an existing tree house on our property that is located within 20 feet of our property line. The property line is bounded by open space owned by our Homeowner's Association. The tree house is 8.5 feet in height and is located approximately 8 feet off of the ground.

We are requesting approval of a side yard reduction for the tree house based on an error in location. A platform of the same plan dimensions was present at the same location prior to our moving into the residence. The platform needed repairs so we added the enclosure. We were not aware of the 7 foot limitation on structure height within the setback requirement at the time of the work.

The existing treehouse is well concealed from our neighbors in all seasons by trees and foliage. We have received no complaints from our neighbors regarding its appearance or location. We repaired and improved the existing platform for the wellbeing of our three children. Our family constructed the tree house ourselves so there are no supporting documents such as building permits, or construction documents. It is an enclosure only, with no utilities of any kind.

If you have any questions or comments, please contact us.

Respectfully submitted,



Matthew C. Farmer
Co-owner of 3133 Cobb Hill Lane, Oakton, VA 22124



Diane A. Farmer
Co-owner of 3133 Cobb Hill Lane, Oakton, VA 22124

MATTHEW CAPEN FARMER

RECEIVED
Department of Planning & Zoning

OCT 26 2015

Zoning Evaluation Division

21 October 2015

Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

RE: Special Permit Application 8-922,
Provisions for Reduction of Certain Yard Requirements

To whom it may concern:

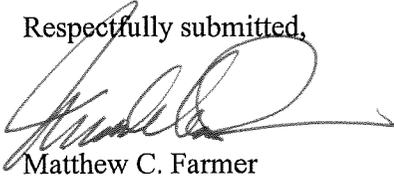
In pursuit of a special permit to reduce our minimum side yard requirements for purposes of constructing a screened-in porch addition, Fairfax County has requested that we address items 4 through 10 of the above-referenced ordinance.

4. The gross floor area of our existing principal structure is 1600 SF (including the attached garage) at the 1st floor, 1200 SF at the 2nd floor, 1200 SF at the basement. The proposed porch addition will be 210 SF, less than 150 percent of the principal structure gross floor area.
5. The proposed porch addition will be subordinate in purpose (entertainment and recreation), scale (less than 25 percent of the gross floor area), and use and intent (a screened-in porch) to the existing principal structure.
6. The proposed porch addition will not exceed the overall height of the existing principal structure, and will not increase any gross dimension of the house plan.
7. No trees will be removed for the proposed porch addition. The porch addition will be harmonious with and complimentary to the existing principal structure. Several of our neighbors have porch additions similar in scale and design.
8. The porch will be elevated so there will be no impact at grade such as increased soil erosion or water run-off. Rain water will be collected from the roof in gutters that will be directed to existing designated water run-off paths. There are no residences immediately adjacent to the location of the proposed addition; the nearest structure is over 500 feet away.
9. We believe the siting of the proposed porch addition minimizes the impact on adjacent residences and optimizes its architectural context. It takes advantage of an already existing deck and terrace at grade already being utilized as recreational outdoor space.
10. We understand that the Board of Zoning and Appeals may impose such conditions as it deems necessary to satisfy the criteria of this ordinance.

MATTHEW CAPEN FARMER

If you have any questions or comments, please contact us.

Respectfully submitted,



Matthew C. Farmer
Co-owner of 3133 Cobb Hill Lane, Oakton, VA 22124



Diane A. Farmer
Co-owner of 3133 Cobb Hill Lane, Oakton, VA 22124

OCT 26 2015

Zoning Evaluation Division

MATTHEW CAPEN FARMER

21 October 2015

Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center {Parkway, Suite 801
Fairfax, Virginia 22035

RE: Special Permit Application
Statement of Justification - Porch Addition

To whom it may concern:

My spouse and I own the single family residence located at 3133 Cobb Hill Lane in Oakton, Virginia, 22124. The house is located in an R-1 zone that requires side yard setbacks of 20 feet. We are requesting a special permit that will allow us to build a screened-in porch addition to our property. that will reduce our set back from 20.5 feet currently to 14 feet. The property line is bounded by open space owned by our Homeowner's Association. The porch will be one story off of the ground; therefore, the total height of the porch from grade shall be approximately 24 feet, approximately 10 feet below the house roof line.

In accordance with Item No. 5 of the submission requirements for a Special Permit Application, we are providing the following pertinent data:

- A. *Type of Operation:* Not applicable, this is not a commercial enterprise.
- B. *Hours of Operation:* Not applicable, this is not a commercial enterprise.
- C. *Estimated number of patrons/clients/patients/pupils, etc.:* Not applicable, this is not a commercial enterprise.
- D. *Proposed number of employees/attendants/teachers/etc.:* Not applicable, this is not a commercial enterprise.
- E. *Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day:* Not applicable, this is not a commercial enterprise.
- F. *Vicinity or general area to be served by the use:* Not applicable, this is not a commercial enterprise.
- G. *Description of the building façade and architecture of proposed new building or addition:* The porch will be framed in pressure-treated wood and painted white to match the existing house trim and deck elements.
- H. *A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, sorted, treated, and/or disposed of on-site and the size and contents of*

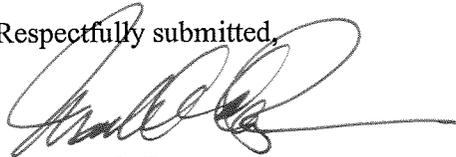
MATTHEW CAPEN FARMER

any existing or proposed storage tanks or containers: There are no hazardous or toxic substances, petroleum products, or other deleterious materials present on the site.

- I. *A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception, or variance is sought by the application from such ordinances, regulations, standards, and conditions, such shall be specifically noted with the justification for any such modifications:* The proposed use (screened-in porch) is consistent with residential use of the neighborhood and zoning district. The only variance requested is a minimal reduction (less than 50 percent) in the setback requirement from the property line, from 20 feet to 14 feet. We believe the reduction is justified because it allows the porch to be of a practical and useful size that is in keeping with the architecture of the house and the neighboring dwellings. There would be no impact on nearby residents as it cannot be seen from any vantage point, and the adjacent property (where the setback will be reduced) is common area and will not be occupied.

If you have any questions or comments, please contact us.

Respectfully submitted,



Matthew C. Farmer
Co-owner of 3133 Cobb Hill Lane, Oakton, VA 22124



Diane A. Farmer
Co-owner of 3133 Cobb Hill Lane, Oakton, VA 22124









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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

131406

DATE: July 16, 2015
(enter date affidavit is notarized)

I, MATTHEW CAPEN FARMER, 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)
DIANE AGATISA FARMER	3133 COBB HILL LANE, OAKTON, VA 22124	CO-TITLE OWNER
MATTHEW CAPEN FARMER	3133 COBB HILL LANE, OAKTON, VA 22124	APPLICANT/TITLE OWNER

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 16, 2015
(enter date affidavit is notarized)

131406

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)

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)

N/A

(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): _____
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Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 16, 2015
(enter date affidavit is notarized)

131400

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

PARTNERSHIP INFORMATION

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

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

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

N/A

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

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

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DATE: July 16, 2015
(enter date affidavit is notarized)

131406

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

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

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

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

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

NONE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 16, 2015
(enter date affidavit is notarized)

131406

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

Applicant Applicant's Authorized Agent

MATTHEW C. FARMER, APPLICANT
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 16th day of July, 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Vivian Joy Seager
Notary Public

My commission expires: Sept. 30, 2016

VIVIAN JOY SEAGER
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPT. 30, 2016
Registration No. 7185875

Similar Case History

1 ZAPS - VC - VC 89-C -028

Application Desc ...: ALLOW CONSTRUCTION OF SUNROOM ADDITION TO DWELLING TO 18.3 FT. FROM REAR LOT LINE (25 FT. MIN. REAR YARD REQ.)

APPLICATION APPROVED

BOS Hearing: 0001-01-01

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

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

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

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

K. Seal and signature of professional person certifying the plat.

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

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

5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

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 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 1/2" 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.