

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MIRELLA AND SETH BERGER, SP 2008-PR-064 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 8.3 ft. from side lot line. Located at 8508 Quaint La. on approx. 13,236 sq. ft. of land zoned R-3. Providence District. Tax Map 39-1 ((15)) 17. Mr. Smith moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 16, 2008; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. The lot size is 13,236 square feet.
3. The application meets all of the applicable requirements in Sect. 8-922.
4. Staff did a good job, and they have recommended approval in this case.
5. For the reasons outlined in the staff report, and as indicated by the applicant, the applicant's agent, and the directly impacted neighbor, this will really not have an adverse impact on the neighborhood.
6. The proposal is merely to enclose a carport and adding storage area to the rear on an existing concrete pad.
7. The proposed construction is compatible with the existing dwelling.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

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 (approximately 524 square feet) of the proposed garage and storage addition, as shown on the plat prepared by Stephen L. Moore Land Surveying, Inc., dated May 26, 2008, 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 (3,018 square feet existing + 4,527 square feet (150%) = 7,545 square feet permitted) regardless of whether such

addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.

4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. Tree protection fencing shall be installed prior to demolition/construction of the addition to protect trees on Lot 16 and the 26" oak and 8" dogwood on the subject property. The protective fencing shall be located between the addition and the eastern lot line, a minimum of 3 feet from the lot line, and at the dripline of the oak/dogwood trees. The fencing shall remain in place until all construction and final grading is complete.

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, thirty (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.

Ms. Gibb seconded the motion, which carried by a vote of 6-0. Mr. Hammack was absent from the meeting.