

## COUNTY OF FAIRFAX, VIRGINIA

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

TIMOTHY T. MURRAY AND POLLY A. MURRAY, SPA 2007-SU-024 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 7.0 ft. from side and 14.0 ft. from rear lot lines and addition 5.9 ft. from side and 10.2 ft. from rear lot lines. Located at 13603 Gladwyn Ct. on approx. 8,382 sq. ft. of land zoned R-5 and WS. Sully District. Tax Map 34-4 ((10)) 161A. (Admin. moved from 3/3/09 at appl. req.) Mr. Hammack 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 May 5, 2009; and

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

1. The applicants are the owners of the land.
2. The applicants have satisfied the six required standards specifically set forth in the Code Section.
3. A somewhat similar application was approved by the Board previously, and its applicant came back to make some changes because of the recommendation of the Zoning Administrator.
4. There is a favorable staff report to support this.

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 Sect. 8-922 of 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 locations and sizes (enclosed deck 392 square feet; front porch 270.4 square feet; side porch 272 square feet; back porch 259.2 square feet and open rear deck 194.4 square feet for a total of 1,388 square feet) of additions, as shown on the plat prepared by Wachob & Wachob, Inc., dated November 20, 2006 as revised through February 26, 2007, 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 (3,193.6 square feet existing and 4,790.4 square feet (150 percent) = 7,984 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 depicted on the plat included in Attachment 1 to these conditions, except for the roof-lines and unattached columns which may be modified and/or deleted.

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.

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