

## COUNTY OF FAIRFAX, VIRGINIA

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

PAMELA M. DELILLIO, SP 2009-HM-077 Appl. under Sect(s). 8-923 of the Zoning Ordinance to permit construction of fence greater than 4.0 ft. in height in a front yard. Located at 2405 Sweetbay La. on approx. 17,981 sq. ft. of land zoned PRC. Hunter Mill District. Tax Map 26-4 ((3)) 90 (Concurrent with VC 2009-HM-003). 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 November 3, 2009; and

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

1. The applicant is the owner of the land.
2. The present zoning is PRC, and the area of the lot is 17,981 square feet.
3. There are three letters in support of the fence in the file.
4. There appears to be no problems or concerns with the fence in terms of sight distance.
5. The fence is across the street from an open lot and does not appear to have any adverse impact on neighbors.
6. The fence will add value in terms of safety and privacy for the applicant and her children.
7. It seems to be a reasonable use, and there does appear to be similar uses of fences out there.
8. The yard does function effectively as a backyard.

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 Sects. 8-903 and 8-923 of the Zoning Ordinance.

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

1. This special permit is approved for the location and size of a proposed fence as shown on the plat prepared by Timothy J. Farrell, B.W. Smith and Associates, Inc., dated April 3, 2009 submitted with this application and is not transferable to other land.

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 including requirements for building permits.

Ms. Gibb seconded the motion, which carried by a vote of 7-0.