

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

GLENN ANDERSON, SP 2009-PR-092 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 33.7 ft. from front lot line of a corner lot. Located at 2336 Addison St. on approx. 31,790 sq. ft. of land zoned R-1. Providence District. Tax Map 39-3 ((6)) 19. 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 December 1, 2009; and

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

1. The applicant is the owner of the land.
2. The applicant has presented testimony indicating compliance with the additional standards for the provisions for reduction of certain yard requirements as contained in Sect. 8-922 of the Zoning Ordinance; the Board has determined that the application meets all the submission requirements set forth in Sect. 8-922.
3. Staff has recommended approval, and the Board agrees with their rationale.
4. This is a reasonable use with relatively minimal modification of the setback.
5. The location of the existing garage and the new garage will be compatible because of the prior location.
6. The proposal is compatible with the architecture of the existing dwelling.
7. With the removal of the carport and the covered patio, that will help to lessen the overall bulk that is being added to the property.

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 of a one level, three (3) car garage addition (883 square feet), as shown on the plat prepared by Holmes Smith Engineering, Surveying, Land Planning, dated June 12, 2009, as revised through August 17, 2009, as submitted with this application and is not transferable to other land. The applicant may modify the driveway shown on the plat for appropriate access to the proposed garage.

- 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 (2,011 square feet existing + 3,016.5 square feet (150%) = 5,027.5 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. 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 The applicant shall provide tree save fencing along the eastern, western and northern portions of the site to protect the existing on-site and off-site trees from construction activities. Limits of clearing and grading shall be the minimum amount possible to protect vegetation and tree protection fencing shall remain in place during all demolition and construction phases.

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. Hammack seconded the motion, which carried by a vote of 5-0. Mr. Beard and Ms. Gibb were absent from the meeting.