

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JON M. AND PAMELA K. YEREB, SP 2009-LE-086 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction to certain yard requirements to permit construction of addition 6.0 ft. from side lot line. Located at 4617 Winston Pl. on approx. 12,683 sq. ft. of land zoned R-3. Lee District. Tax Map 92-1 ((6)) 54. Mr. Beard 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 17, 2009; and

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

1. The owners of the property are the applicants.
2. Staff recommended approval of this application.
3. There is a unique character to the property and the physical situation as outlined by the applicant.
4. The applicants request a 50% reduction which is in keeping with the modified Comprehensive Plan.
5. The applicants meet all of the submission requirements set forth in Section 8-922.

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(s). 8-903 and 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 location and size (approximately 260 square feet) of the addition, as shown on the plat prepared by Alexandria Surveys International, LLC, and signed by Andrew L. Westerman, dated June 23, 2009, submitted with this application and is not transferable to other land.
3. Building permits for the addition shall be obtained prior to construction.
4. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of

the dwelling that existed at the time of the first expansion (3,053 square feet existing + 4,579 (150%) = 7,632 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.

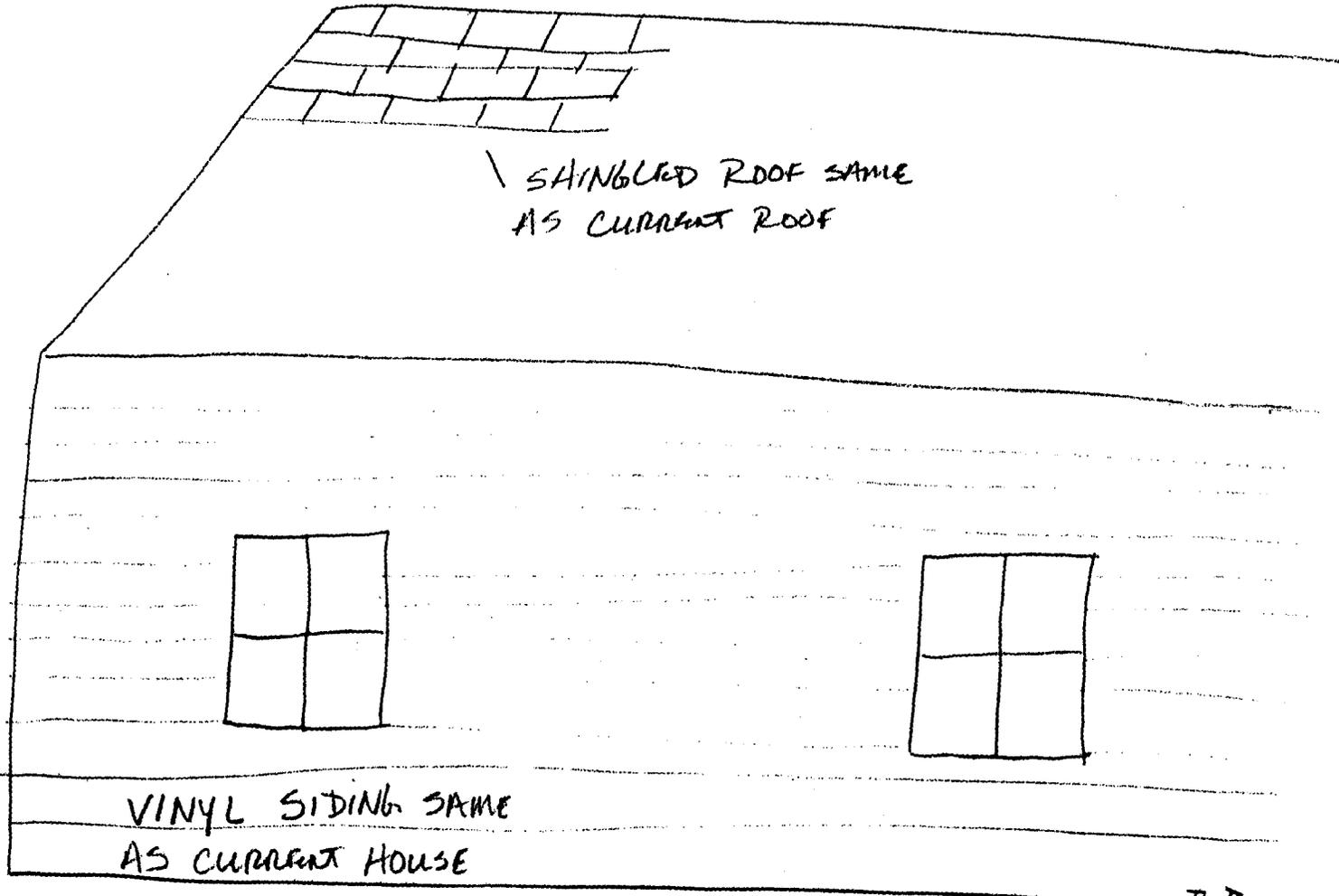
5. The addition shall be consistent with the architectural renderings included as Attachment 1 to these conditions.
6. The applicant shall designate the area at the edge of the building envelope to the eastern property boundary as tree save area and install tree protection fencing to preserve the off-site trees and vegetation in this area and to provide screening for the adjacent property owner.

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

SAME ROOF LINE AS CURRENT HOUSE

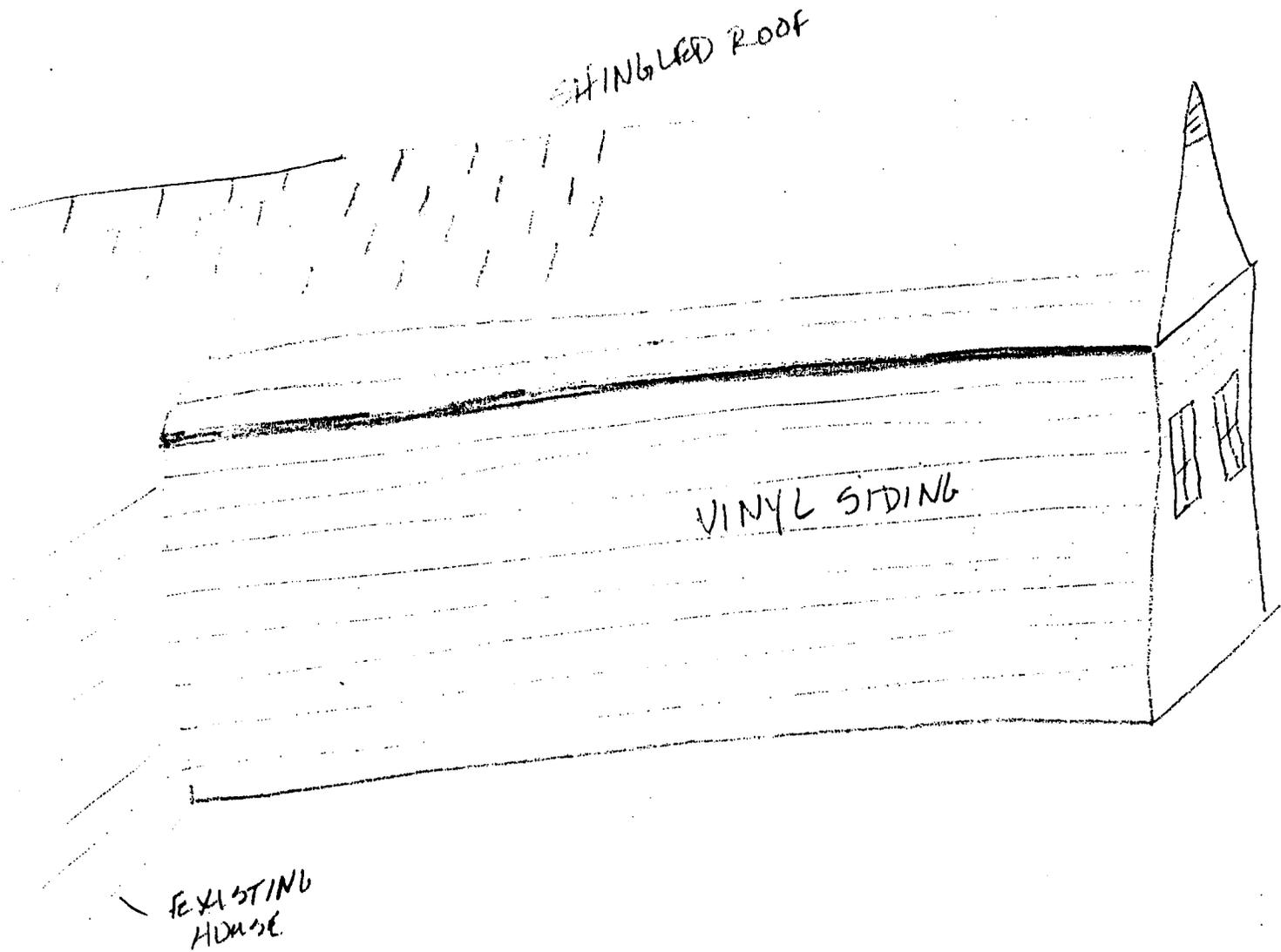


SHINGLED ROOF SAME AS CURRENT ROOF

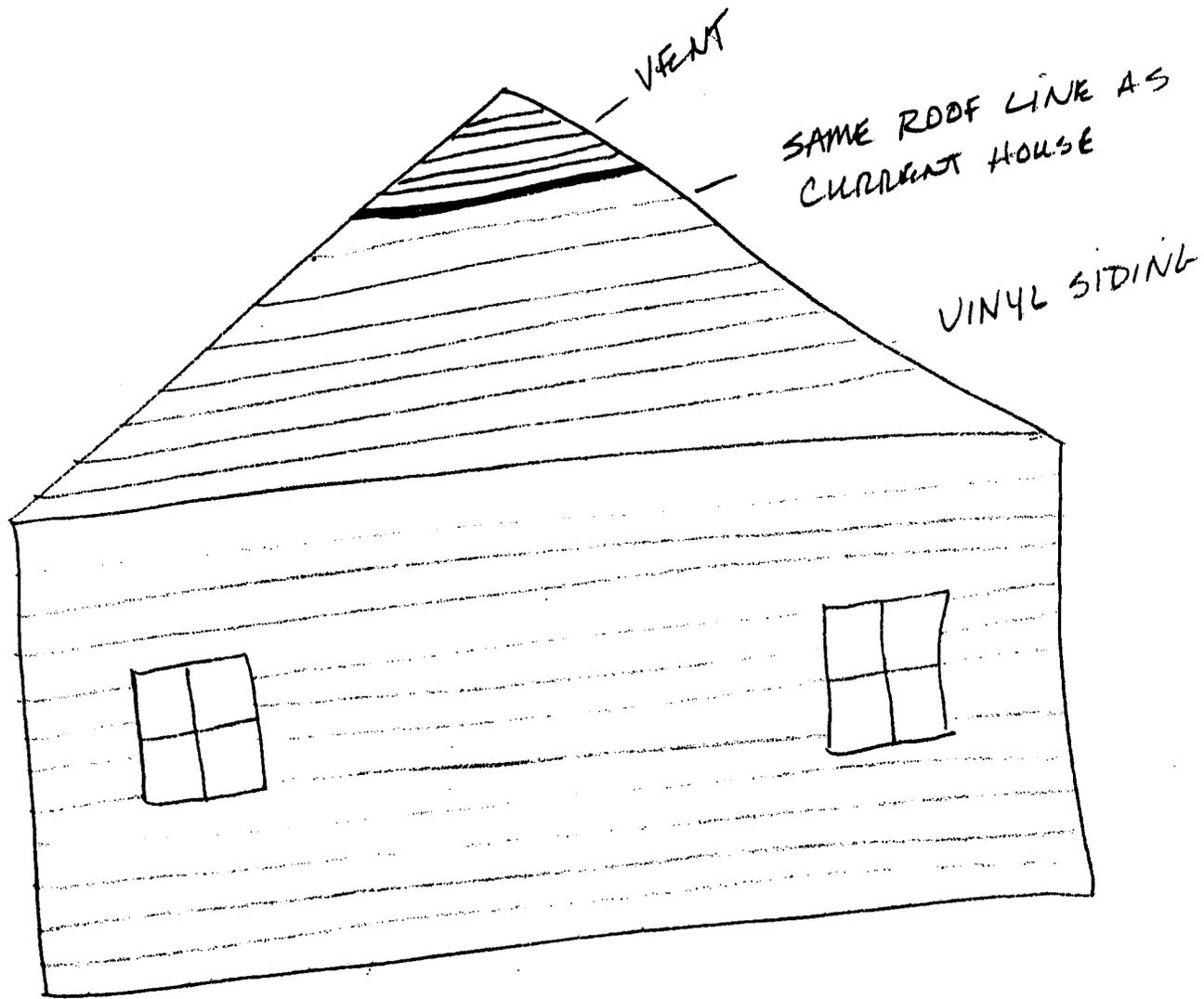
VINYL SIDING SAME AS CURRENT HOUSE

ATTACHMENT 1

FRONT OF HOUSE - NORTH SIDE



EXISTING HOUSE SOUTH SIDE



NEW ADDITION -

EAST SIDE OF HOUSE - WILL LOOK THE SAME AS CURRENT HOUSE