

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JONATHAN B. & ELISABETH R. MORSE, SP 2009-DR-099 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirement to permit construction of addition 20.6 ft. from front lot line. Located at 2220 Casemont Dr. on approx. 12,147 sq. ft. of land zoned R-4. Dranesville District. Tax Map 40-4 ((8)) 16. (Admin moved from 12/15/09) (Decision deferred from 1/6/10) Ms. Gibb 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 March 10, 2010; and

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

1. The applicants are the owners of the land.
2. The applicants have redesigned the addition in an acceptable manner, and the setbacks were reduced.
3. With the revised design of the addition, the property is now compatible with the neighborhood and therefore, has met Standard 6 and Standard 7.
4. The applicants' testimony today and in their revised written report, they had presented a compelling argument that the other location on the lot suggested by staff simply was not economically or functionally viable.

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 recordation 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 proposed addition as shown on the plat prepared by Thomas W. Kendall, Kendall Consulting, Inc. dated June 23, 2009 and signed through June 29, 2009, submitted with this application and is not transferable to other land. Notwithstanding what is depicted on the above mentioned plat, the location of the proposed addition shall be 24 feet from Moly Drive and in conformance with the modified plat provided in attachment 1 of these conditions which is stamped and dated March 5, 2010. At the time of obtaining a building permit, the applicant shall provide a plat certified by an architect and/or engineer to the Zoning Permit Review Branch which is in substantial conformance with attachment 1 to these conditions.

3. 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 (2,356 square feet existing + 3,534 (150%) = 5,890 permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction, special permit or variance. 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 included in Attachment 2 to these conditions.

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

RECEIVED
DEPARTMENT OF PLANNING
AND ZONING

MAR 5 2010

SPECIAL PERMIT &
VARIANCE BRANCH

Exhibit #2

