

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JOHN. J. KELLY AND KAYE R. KELLY, SP 2009-SP-104 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction to minimum yard requirements based on error in building location to permit open deck to remain 3.6 ft. from rear lot line and to permit reduction of certain yard requirements to permit construction of addition 13.3 ft. from rear lot line. Located at 9102 Paloma La. on approx. 9,048 sq. ft. of land zoned R-3 (Cluster). Springfield District. Tax Map 97-2 ((3)) 488. 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 March 24, 2010; and

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

1. The applicants are the owners of the property.
2. The applicants presented testimony indicating compliance with the standards as set forth under each respective section of the Ordinance.
3. Staff recommends approval of the screened porch addition.

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 screened porch and open deck (wood patio) as shown on the plat prepared by William E. Ramsey, P.C., dated July 30, 2009, revised through September 30, 2009, and signed October 1, 2009, submitted with this application and is not transferable to other land.
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 (2,253 square feet existing + 3,379 (150%) = 5,632 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.

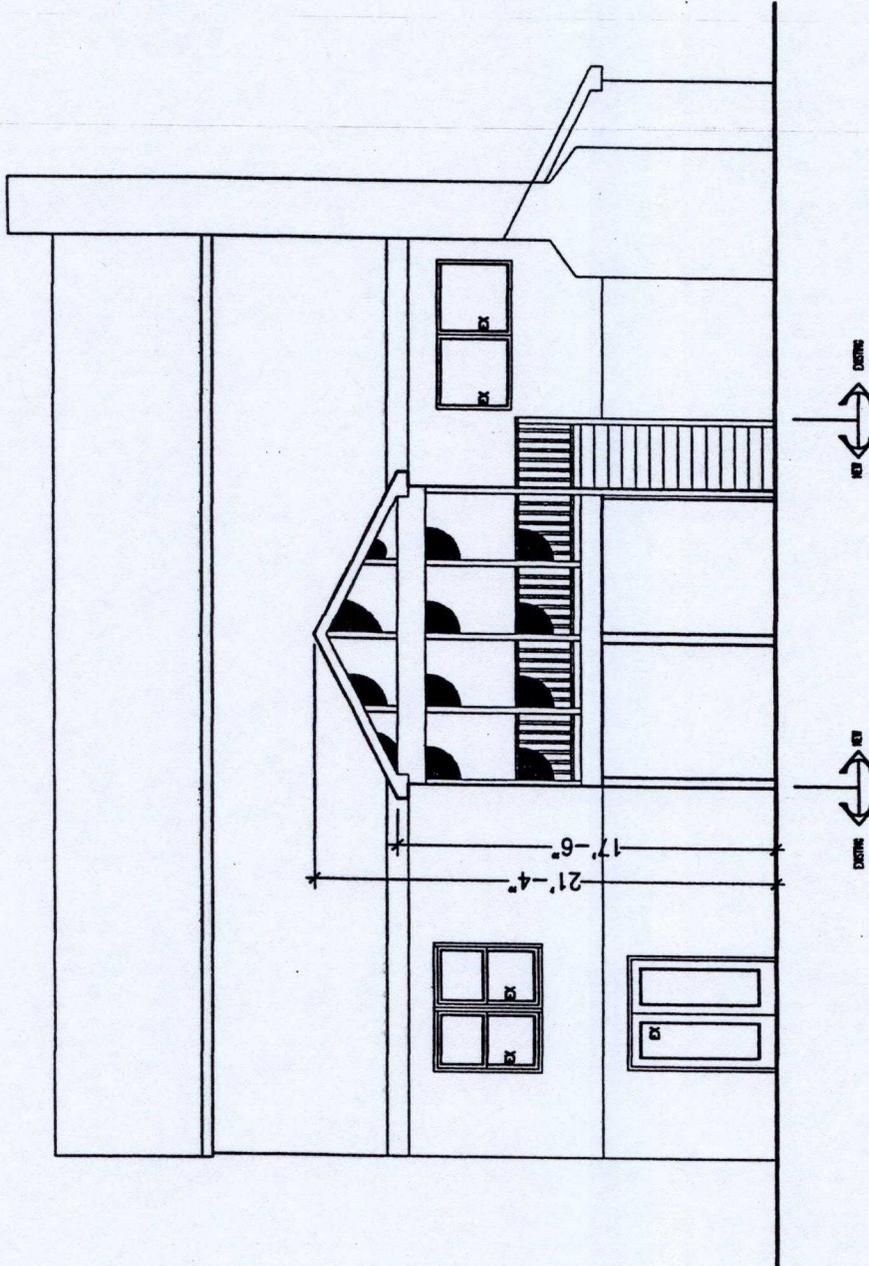
4. The addition shall be consistent with the architectural renderings and materials depicted on the plat and included in Attachment 1 to these conditions.

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.

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

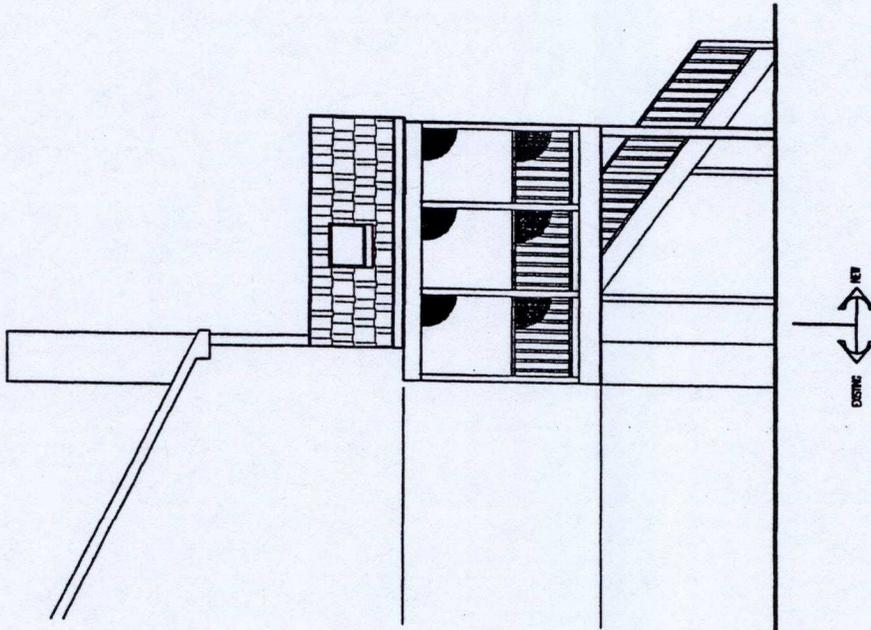
Department of Planning & Zoning
 SEP 03 2009
 Zoning Evaluation Division



<p>KELLY ADDITION 9102 PALOMA LANE SPRINGFIELD, VA 22153</p>	<p>0942 PROJECT NO.</p>
<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	<p>SP-2 DATE: 09/19/09</p>

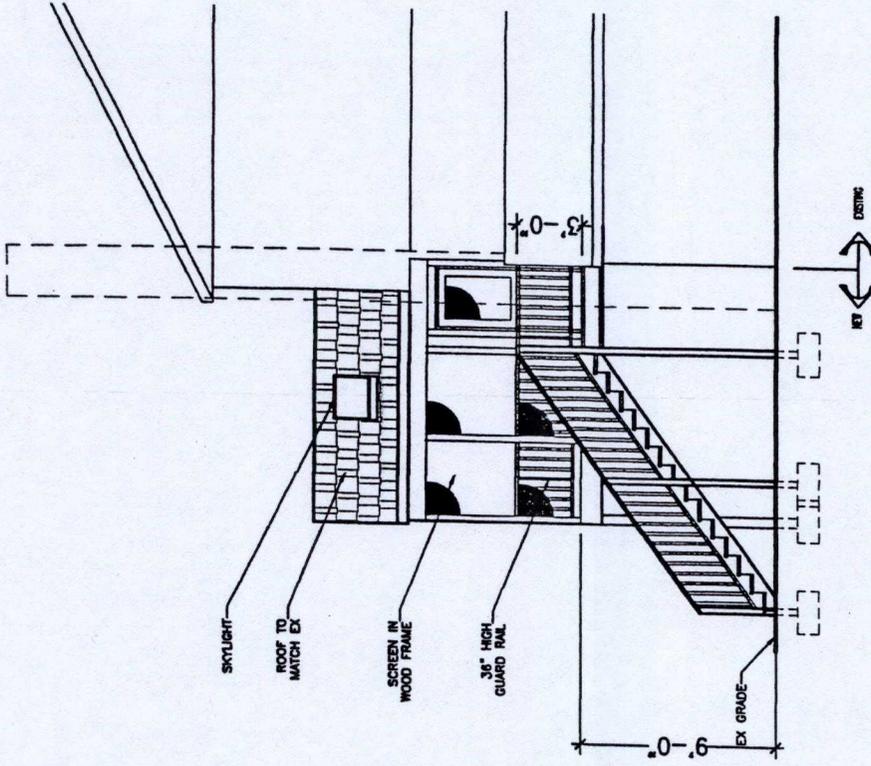
REAR ELEVATION

1/8" = 1'-0"



RIGHT SIDE ELEVATION

1/8" = 1'-0"



LEFT SIDE ELEVATION

1/8" = 1'-0"

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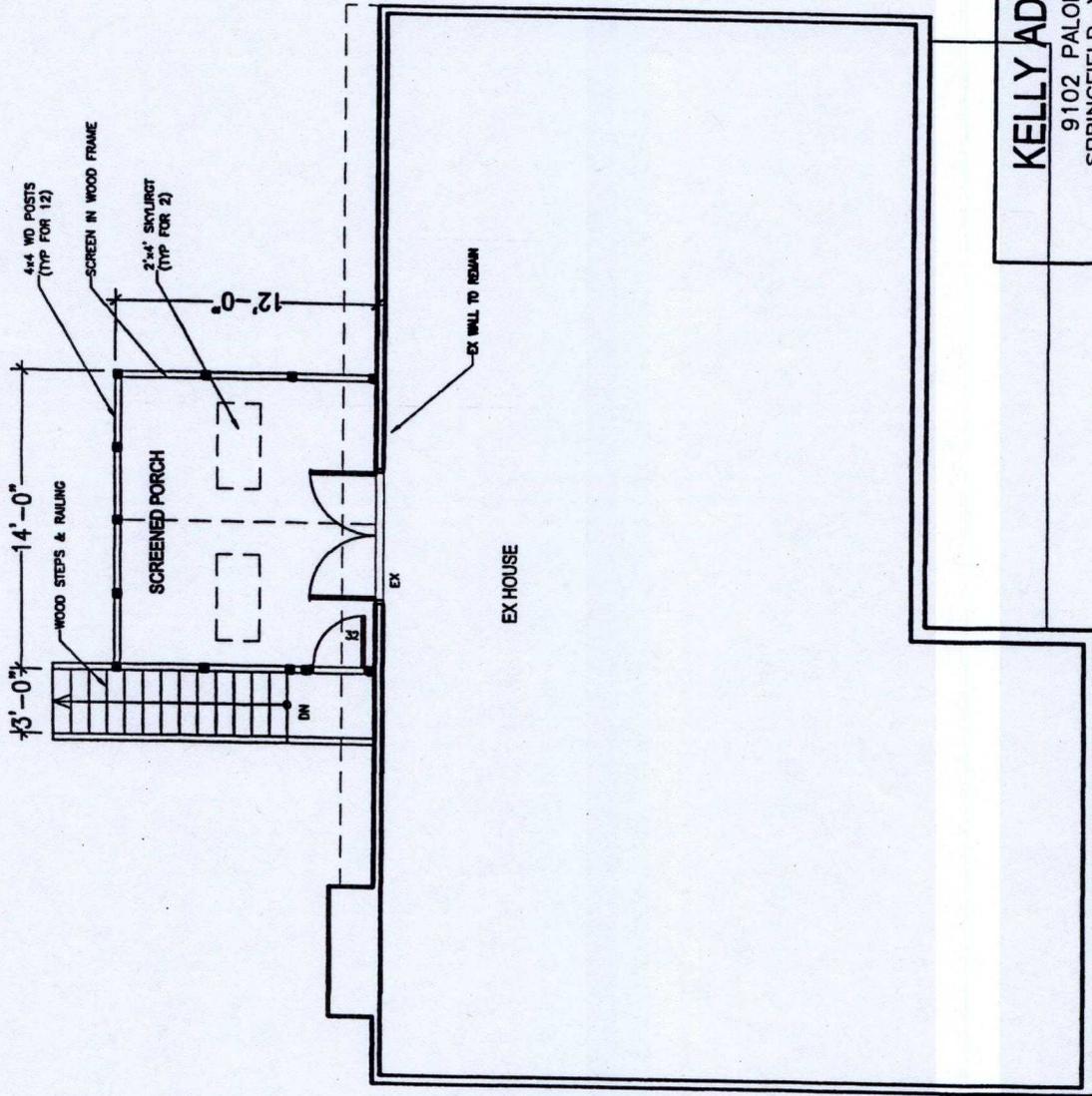
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FIRST FLOOR PLAN

1/8" = 1'-0"

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