

## COUNTY OF FAIRFAX, VIRGINIA

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

LUKE LEVASSEUR & KATHRYN D. RAY, SP 2010-DR-008 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 9.3 ft. from side lot line. Located at 1815 MacArthur Dr. on approx. 10,018 sq. ft. of land zoned R-2. Dranesville District. Tax Map 31-3 ((6)) 135. 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 April 14, 2010; and

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

1. The applicants are the owners of the land.
2. The property is zoned R-2.
3. It is recognized that staff has recommended approval-in-part, and this is somewhat a close case particularly in meeting Standard 9 that states the "BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot."
4. The BZA must evaluate specific factors to include, but are not limited to, the layout of the existing structure, the availability of alternate locations for the addition, and the orientation of the structures on the lot. Reasonableness must be applied with this standard.
5. The applicants could have put on a much larger addition within the footprint.
6. The addition is consistent and harmonious with the existing Cape Cod architecture.
7. The existing roofline of the existing dwelling will be maintained.
8. As mentioned in Standard 6, the materials, the size, and the scale of the proposed addition are compatible with the existing architecture of the home, and the applicants have made a significant effort to do that.
9. There is concern about the addition's bulk that will move into the setback; however, as was the applicants' testimony and also in the written materials, it does preserve a beautiful view out at the park environment, the ball fields back behind the home, and allows for a larger contiguous open space where the children can play while preserving vegetation along the south property line.
10. It is noted that there is support from the property owner to the south, who would be most directly impacted, and the property owner to the north, and the property owner across the street, who is in a very large home.
11. There were examples of other variances granted in the area, and it seems this would be harmonious with the surrounding areas.
12. This is a close call.
13. Staff's analysis is good and well reasoned.
14. A lot of effort was put in on both sides.
15. Under the circumstances, this is a reasonable use.

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 record 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 the proposed addition as shown on the plat prepared by Alexandria Surveys, Inc., dated April 26, 2001, as revised and signed by Thomas M. French, III, Architect, P.C., dated October 16, 2009 as revised through March 10, 2010, 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 (1,632 square feet existing + 2,448 (150%) = 4,080 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 garage addition shall be consistent with the architectural renderings and materials 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.

Mr. Beard seconded the motion, which carried by a vote of 5-2. Mr. Byers and Mr. Hart voted against the motion.