

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ROBERT W. MILFORD & DEBORAH L. MILFORD, SP 2010-SP-009 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 7.2 ft. from side lot line such that side yards total 18.1 ft. Located at 9208 Setter Pl. on approx. 10,745 sq. ft. of land zoned R-2 (Cluster). Springfield District. Tax Map 88-2 ((6)) 39. Mr. Hart 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. We have a staff recommendation of approval.
3. The rationale in the staff report is adopted.
4. This lot is very narrow; somewhat narrower at the back than at the front.
5. To add a garage, the logical place to put it is in the place of the existing carport.
6. Although the garage is slightly wider than some garages the Board has approved, the house has a chimney inside the garage that sticks out on that side, and if the garage were narrower, the car door could not be opened properly.
7. The side yard problem is less than a foot at the rear corner; actually, the location of the side of the garage would be legal at the front of the house, but it is because the lot line is somewhat angled that the back corner is a problem.
8. The other problem with this lot is that even though the back corner is within a foot of being by-right, the total side yards are too narrow; that is sort of a function of this lot anyway.
9. What is being requested, although it is 24 feet wide, there is a reason for that; it is only 26 feet long, which is logical for parking a car and being able to walk around the car inside the garage. It is also the same length as the rest of the house.
10. With the development conditions, any potential impacts have been mitigated.
11. There does not seem to be any opposition to this.
12. The Board has determined that all of the Sect. 8-922 criteria have been satisfied.

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.

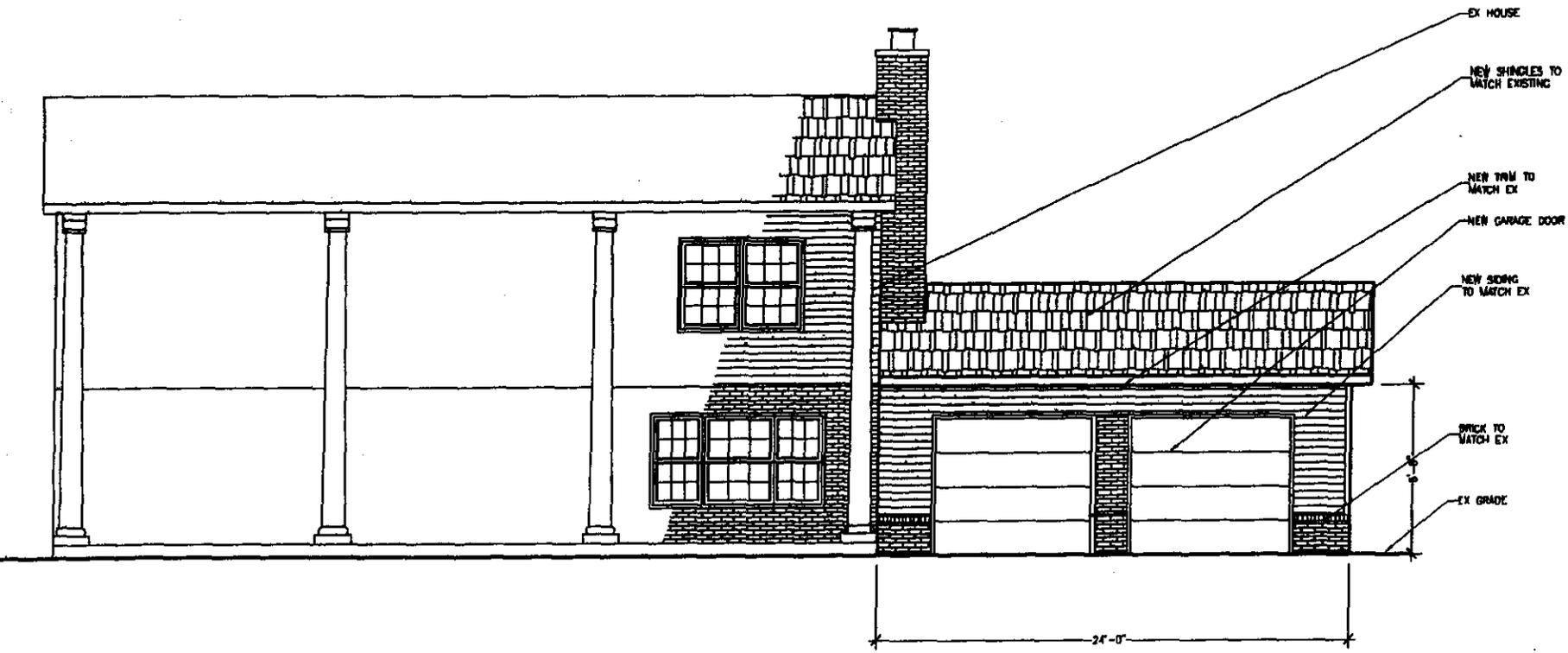
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

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 garage addition as shown on the plat prepared by William E. Ramsey, dated October 8, 2009 and signed October 20, 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 (2,492 square feet existing + 3,738 (150%) = 6,230 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 1 to these conditions.
5. A minimum of one small flowering tree, such as a Japanese styrax, Kousa dogwood or star magnolia, a minimum of six feet tall at time planting, and a minimum of four medium shrubs such as rhododendron, cherry laurel, or viburnum, with a mature height of 4 to 8 feet, and size at time of planting of 30-36 inches tall, shall be planted between the garage and the eastern property line once construction has been completed and prior to final building inspection of the garage.

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.

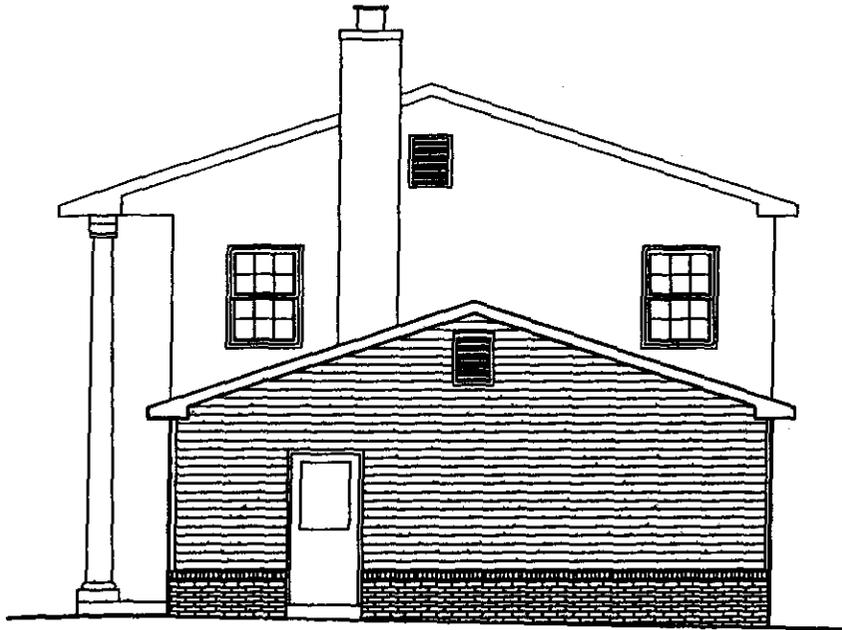
Mr. Smith seconded the motion, which carried by a vote of 7-0.



FRONT ELEVATION

1/8" = 1'-0"

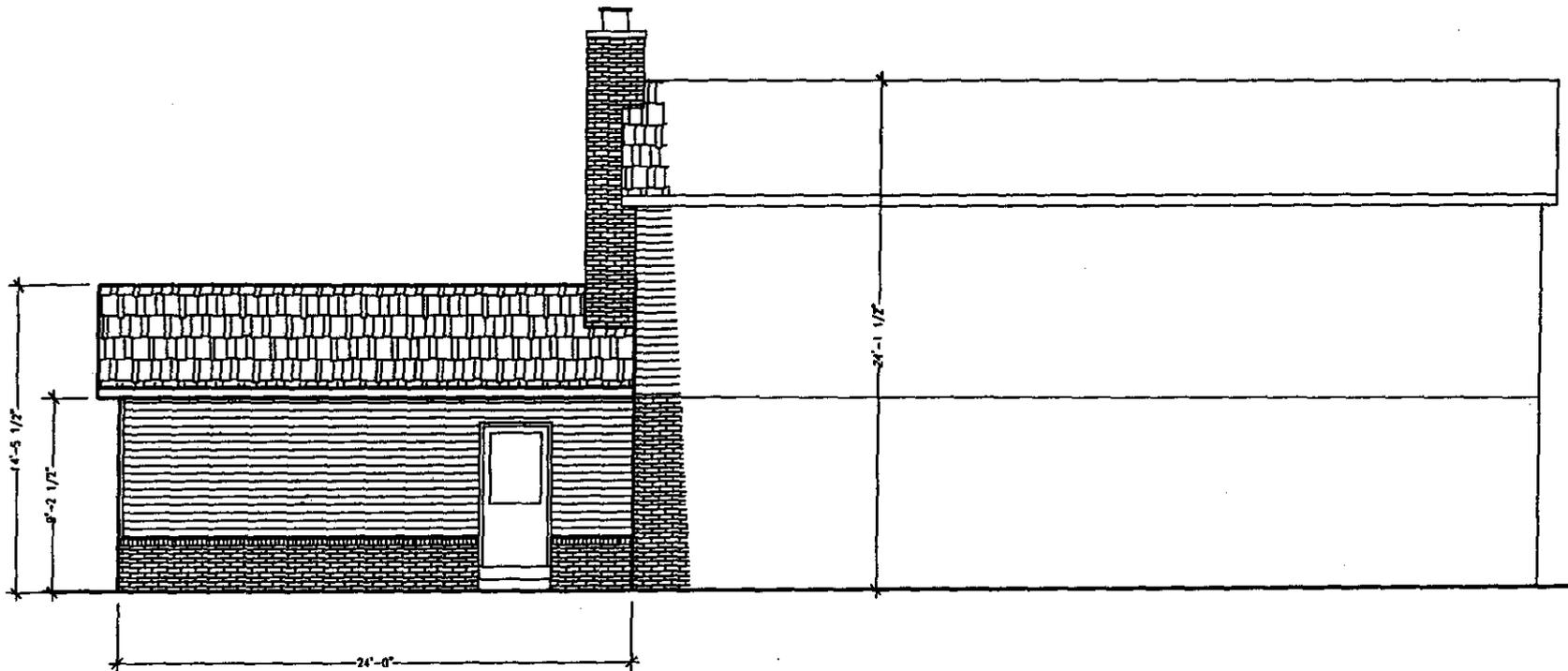
<p>MILFORD ADDITION 9208 SETTER PLACE SPRINGFIELD, VA 22153</p>	<p>0954 PROJECT NO.</p>
<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	<p>SP-2 DATE: 10/12/09</p>



RIGHT SIDE ELEVATION

1/8" = 1'-0"

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REAR ELEVATION

1/8" = 1'-0"

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