

## COUNTY OF FAIRFAX, VIRGINIA

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

KAREN A. AMBROSE, SP 2010-SU-026 Appl. under Sect(s). 8-914 and 8-918 of the Zoning Ordinance to permit a reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 4.3 ft. from side lot line and to permit an accessory dwelling unit. Located at 14804 Sun Meadow Ct. on approx. 10,126 sq. ft. of land zoned PDH-3, AN and WS. Sully District. Tax Map 43-4 ((5)) 67. 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 June 16, 2010; and

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

1. The applicant is the owner of the land.
2. With respect to the shed, the applicable standards have been met.
3. The shed itself is relatively small.
4. The separation from the property line is not insignificant.
5. There really is not anywhere else to put the shed the way the trees are; if the choice is to have the shed where it is or to cut down the trees or have no shed at all, the best of those options is to leave it where it is.
6. The shed does not seem to be creating a negative impact for anybody.
7. With respect to the accessory dwelling unit, the Board has a favorable staff recommendation.
8. The rationale in the staff report is adopted.
9. It does not seem that the way this is designed with the door in the rear, that there is going to be significant disturbance to the neighbors with doors slamming and lights coming on, and that sort of thing.
10. With the imposition of the development conditions, any of the potential impacts have been sufficiently mitigated.
11. The applicant has presented testimony indicating compliance with the general standards in Sect. 8-006 and Sect. 8-914.
12. The application meets the additional standards for the use contained in the Zoning Ordinance, including all of the standards in the Sect. 8-914 motion.

That the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. That the error exceeds ten (10) percent of the measurement involved;
- B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;
- C. Such reduction will not impair the purpose and intent of this Ordinance.

- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
- E. It will not create an unsafe condition with respect to both other property and public streets;
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner, and
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

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

1. This approval is granted to the applicant only, Karen A. Ambrose, and is not transferable without further action of this Board, and is for the location indicated on the application, 14804 Sun Meadow Court (10,126 square feet), and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by Alexandria Surveys International, LLC, dated November 17, 2009, as revised through March 30, 2010, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
5. The accessory dwelling unit shall contain a maximum of 850 square feet, and the layout shall be as depicted on the floor plan included as Attachment 1 to these conditions.
6. All applicable building permits and final inspections shall be obtained for construction of the kitchen in the accessory dwelling unit prior to occupancy.
7. Provisions shall be made for the inspection of the property by County personnel during

reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.

8. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
9. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
10. Parking shall be provided on site as shown on the special permit plat.

This approval, contingent on 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 the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use 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 6-0. Ms. Gibb was absent from the meeting.

# Accessory Dwelling Unit

51 x 12.5 = 637.5  
 Lower Level of Split  
 Level Basement

26 FT

Family room

SUPPER LEVEL

Steps to upper level

*Handwritten signature*

BATH-ROOM

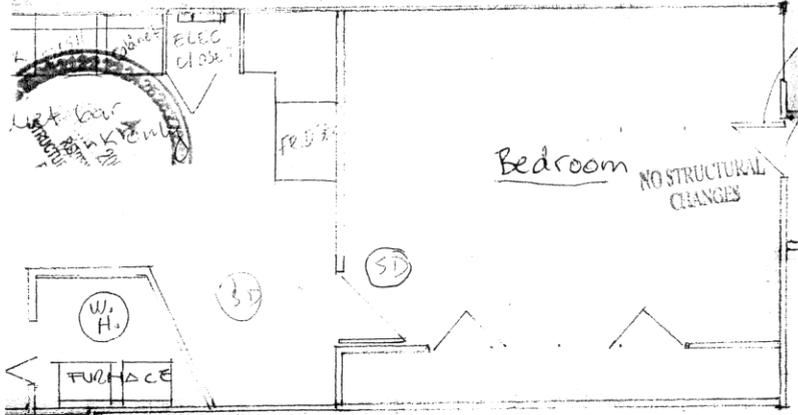
DRYER

CLOSET

WALKER

PUMP

51 FT



APPROVED  
 Planning & Zoning  
 SEP 02 2009  
 Zoning Evaluation Division

## DESIGNER

By: Fausto Mendez  
 Address: 8057 Paper Birch Dr  
Centreville, VA  
 Occupation: Painter  
 Address: 14804 Sun Meadow Ct

|   |              |               |
|---|--------------|---------------|
| AMBROSE RESIDENCE                             |              |               |
| SCALE 1/40                                    | APPROVED BY: | DRAWN BY:     |
| DATE: 05-11-09                                |              | FAUSTO MENDEZ |
| PROPOSED BASEMENT                             |              |               |
| 14804 SUN MEADOW CT,<br>CENTREVILLE VA. 20120 |              |               |