

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

BRANDON B. OR MARNI M. PLASTER, SP 2010-SP-032 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 5.4 ft. from side lot line such that side yards total 13.4 ft. Located at 8413 Greeley Blvd. on approx. 10,538 sq. ft. of land zoned R-2 (Cluster). Springfield District. Tax Map 89-1 ((6)) 175. 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 July 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 is the logical side of the property to put a garage.
5. The adjacent property is a park.
6. There are no structures in the immediate vicinity.
7. There are some large trees nearby.
8. A garage would be in keeping with the rest of the neighborhood.
9. A two-car garage is not going to bother anybody on the last lot next to the park.

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 recorded conditions 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 garage addition (574 square feet), as shown on the plat prepared by Dominion Surveyors Inc., dated December 18, 2008, as revised through June 3, 2010, as submitted with this application and is not transferable to other land. Notwithstanding the note on the plat, the sanitary sewer easement vacation has already been vacated in Deed Book 20401 at Page 1885.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,082 square feet

existing + 3,123 square feet (150%) = 5,205 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. 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.

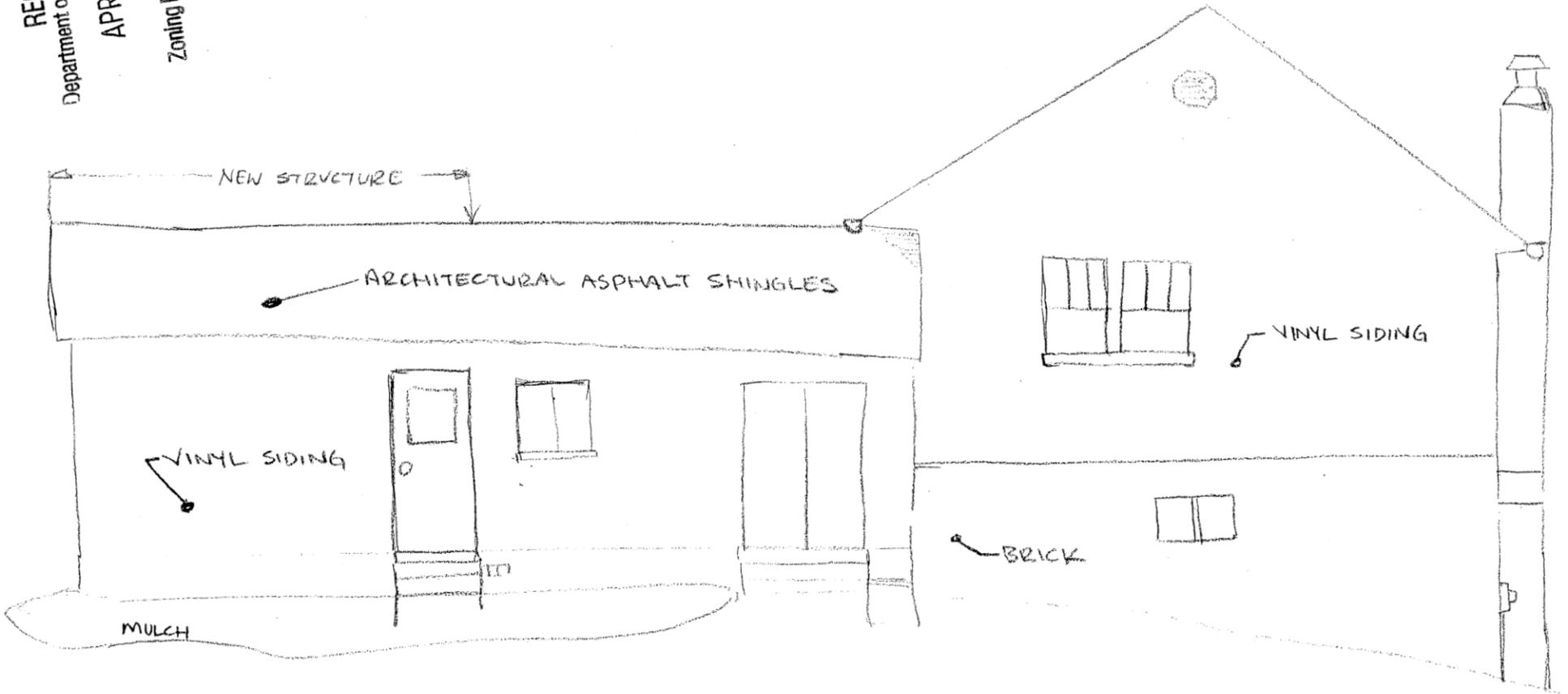
4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. The limits of clearing and grading for the proposed addition shall be determined in consultation with staff from the Park Planning Branch, Fairfax County Park Authority. Following this determination and prior to commencement of construction, the applicant shall employ a certified arborist to root prune along the limits of clearing and grading adjacent to all proposed land disturbing activity. Root pruning shall be done with a trencher or vibratory plow to a depth of eighteen (18) inches. Tree protection fencing and silt fence or super silt fence shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area. If tree protection fencing is used, it shall be erected at the limits of clearing and grading in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet.
6. The Park Authority will not assume any liability to damage done to the applicant's property by these trees becoming hazardous as a result of the construction activities.
7. The applicant shall not extend landscaping, footpaths, compost, debris piles or other private use features onto parkland and no downspouts or corrugated pipe shall be run in any way that causes erosion on the adjacent park property.

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.

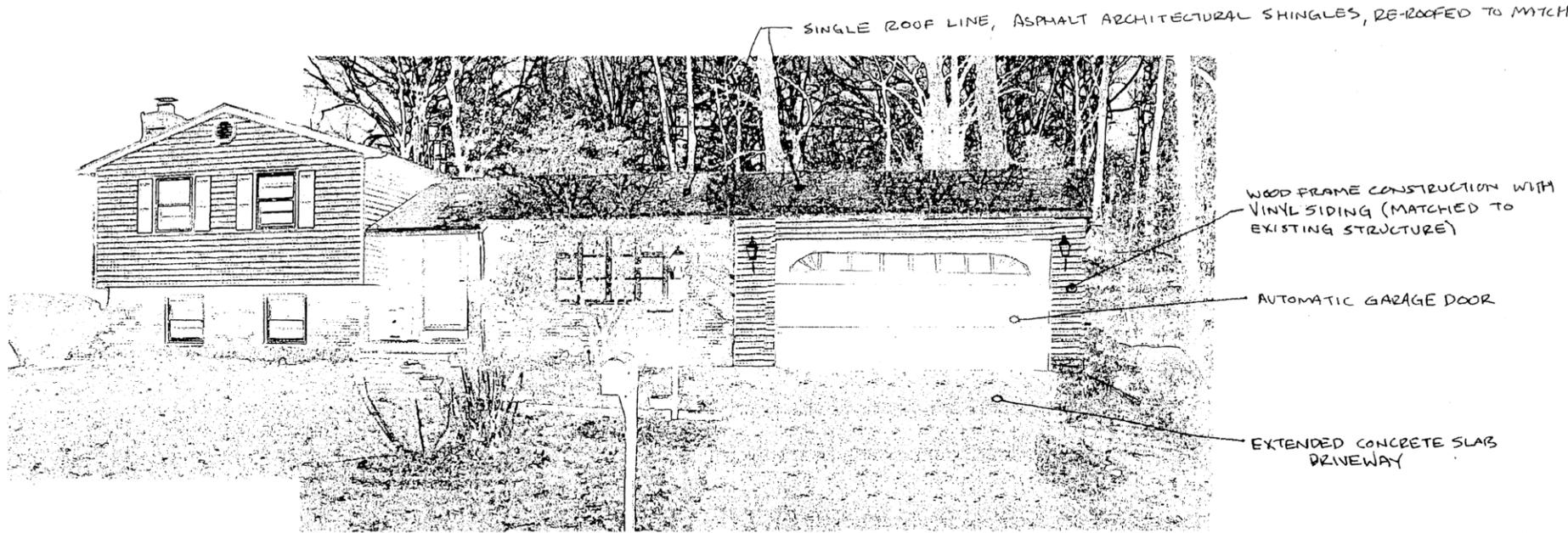
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction 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. Gibb seconded the motion, which carried by a vote of 5-0. Mr. Byers and Mr. Smith were absent from the meeting.

RECEIVED
Department of Planning & Zoning
APR 30 2010
Zoning Evaluation Division



VIEW FROM REAR LOT LINE



8413 GREELEY BLVD