

## COUNTY OF FAIRFAX, VIRGINIA

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

DAVID C. O'DONNELL, SP 2010-MV-036 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 accessory storage structure to remain 0.8 ft. from a side lot line and to permit reduction in certain yard requirements to permit construction of addition 7.5 ft. from a side lot line and 30.6 ft. from front lot line. Located at 7728 Tauxemont Rd. on approx. 20,036 sq. ft. of land zoned R-2. Mt. Vernon District. Tax Map 102-2 ((8)) 8. 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 August 4, 2010; and

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

1. The applicant is the owner of the land.
2. The applicant has presented testimony showing compliance with the required standards for both of these items.
3. The Board has a favorable staff report on the addition.
4. Although the shed is quite close to the side line, based on the photographs, it is sufficiently screened with vegetation that it is not going to matter.
5. The shed is placed in a little cluster of other sheds, which appear to be as close or closer to the property lines on two other lots in that little corner. That corner is going to be like a little shed area, so moving this shed further away would not really change anything.
6. With respect to the addition, the house is oddly placed, almost in a corner of the lot and at an angle.
7. The house was built in 1941 but it is unclear whether the house was built before or after the adoption of the Ordinance in 1941; and, it is going to be difficult to add to this house off the back or the side in such a way that there would not be some conflict with some minimum yard requirement.
8. This is the logical side of the house to put a garage.
9. The way the addition is configured, the room is closer to the house than either the corner of the garage would be or the back side of the house would be so that the addition itself is less of an extension than either this garage or the rest of the house existing is; it is all logical.
10. What happens with the Health Department, the Board doesn't know, but the applicant is comfortable with that and it appears that if there is a problem with the well, he is going to have to make the additions smaller. With the garage at 18.3 feet, that's a very narrow garage to get two cars in and open the door, if it is a two-car garage. The Board does not know what is going to happen if there is some issue with the Health Department, but that may be just a difficult constraint with this lot.
11. With the imposition of the development conditions as revised, the Board has covered the contingency about the Health Department and the well so that we are not going to have any impact on the water supply for the subdivision.
12. With the other development conditions, any significant impacts have been mitigated.
13. The addition appears to be attractive and in keeping with the rest of the design of the house and the neighborhood.
14. It is an older neighborhood, but it is certainly appropriate to add garages to houses; nobody is

going to be negatively impacted.

15. The closeness also is on a side of the property where there is this narrow strip between the house and the street; there is not anyone else there on that side, in fact it appears that the lot might even be larger, so it is not going to bother anyone.

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. 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 one-story addition (873 square feet) and accessory storage structure, as shown on the plat prepared by Dominion Surveyors Inc., dated March 2, 2010, as submitted with this application and is not transferable to other land.
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 (2,666 square feet existing + 3,999 square feet (150%) = 6,665 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.

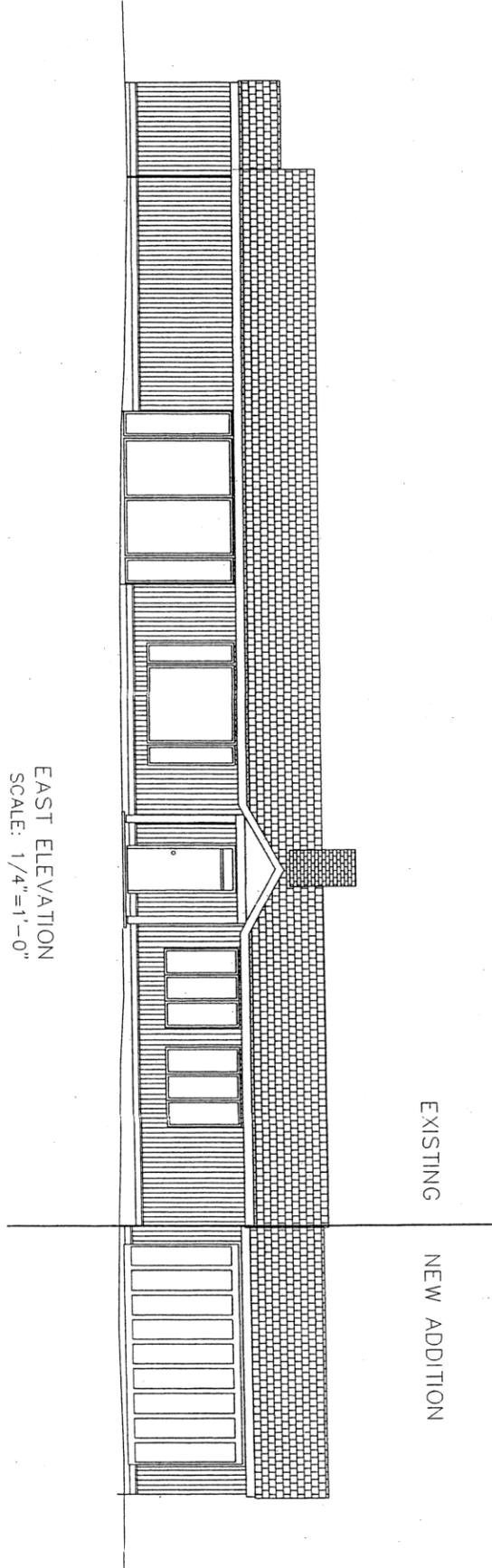
4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. Notwithstanding what is depicted on the plat, the proposed addition shall be located not less than the minimum distance required from the well cap located on Lot 8A, as determined by the Fairfax County Health Department.

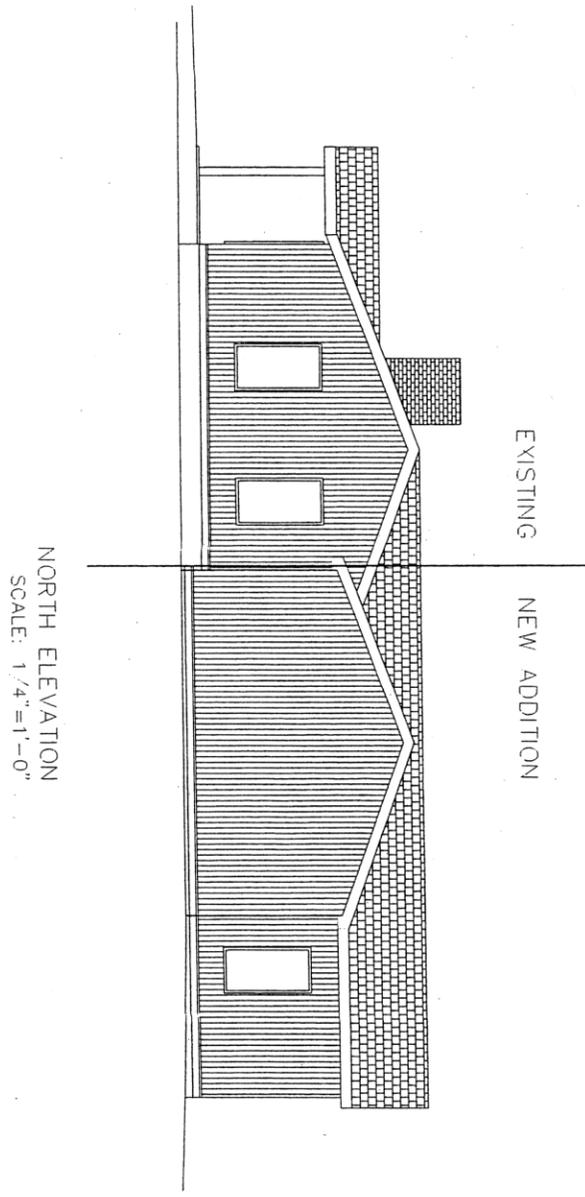
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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. Hammack seconded the motion, which carried by a vote of 6-0. Mr. Byers was absent from the meeting.

EAST ELEVATION  
SCALE: 1/4"=1'-0"



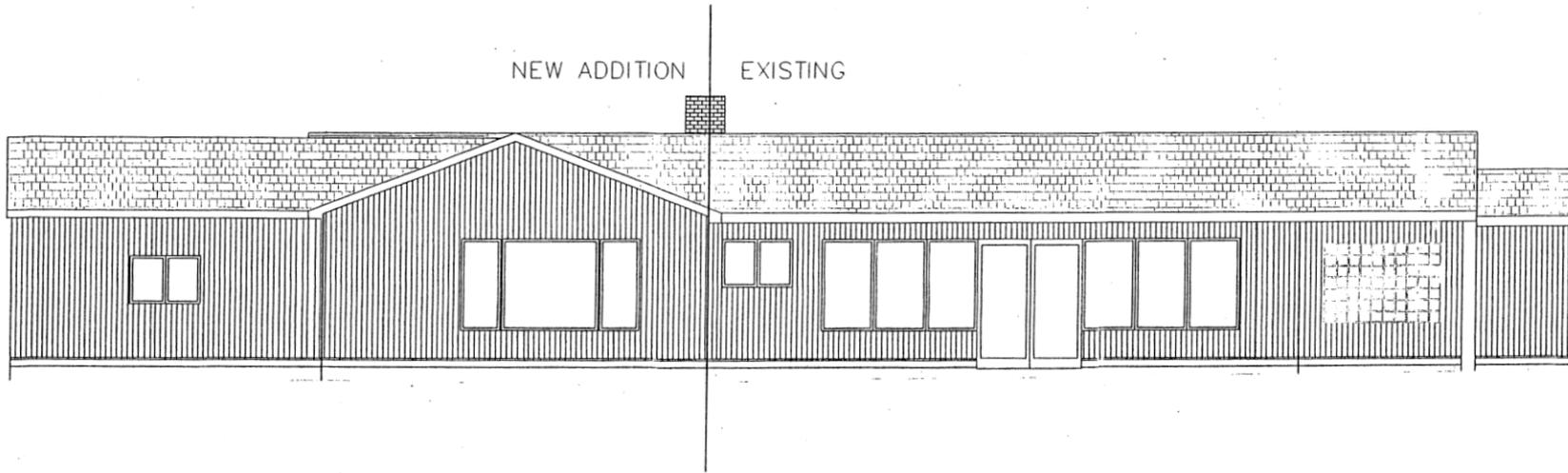


O'DONNELL RESIDENCE ADDITION

7728 TAUXEMONT ROAD ALEXANDRIA, VA 22308

DATES	
5/3/01	00

A-



NEW ADDITION      EXISTING

WEST ELEVATION  
SCALE: 1/4"=1'-0"

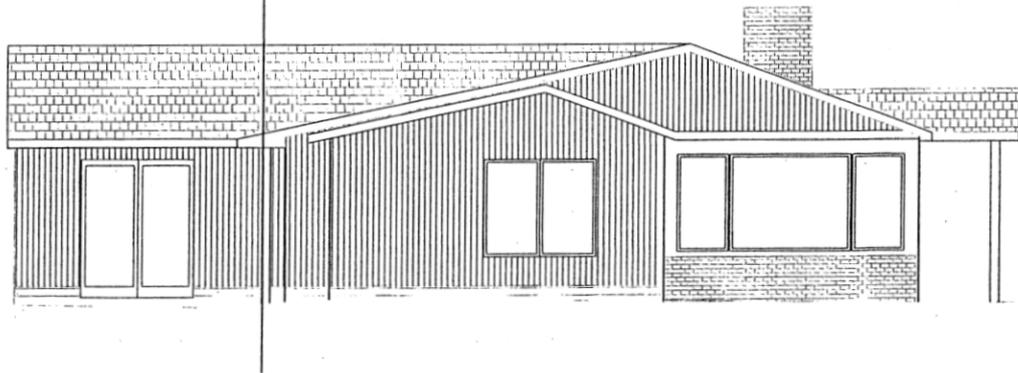
O'DONNELL RESIDENCE ADDITION  
7728 TAUXEMONT ROAD ALEXANDRIA, VA 22308

DATES	
5/3/10	000

A-4

NEW ADDITION

EXISTING



SOUTH ELEVATION  
SCALE: 1/4"=1'-0"

O'DONNELL RESIDENCE ADDITION  
7728 TAUXEMONT ROAD ALEXANDRIA, VA 22308

DATES	
5/3/10	000

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