

REVISED

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SANDRA R. RILEY, SP 2010-LE-048 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction to minimum yard requirements based on errors in building locations to permit accessory storage structure to remain 2.9 ft. from side lot line and 2.7 ft. from rear lot line and open deck to remain 0.3 ft. from side lot line and to permit reduction of certain yard requirements to permit construction of addition 9.7 ft. from side lot line. Located at 6705 South Kings Hwy. on approx. 20,514 sq. ft. of land zoned R-2. Lee District. Tax Map 92-2 ((11)) 1. 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 October 6, 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 screened porch, the Board has a favorable staff recommendation.
3. The rationale in the staff report is adopted.
4. The proposed porch would be consistent with the rest of the house.
5. It is really only one corner of the addition that is the problem.
6. The addition is fairly far away from the street.
7. The Board does not believe that in its location, it is going to have any significant negative impact on anybody based on the photographs that the Board has.
8. With respect to the other items, the shed and the deck, although the Board does not have a staff recommendation, the requests meet the applicable standards.
9. The deck is very close to the lot line on that side, but also it is almost at the ground level.
10. It backs up to a fence which conceals it.
11. The neighbor's shed, which may be another issue, is very close to the deck on that side.
12. In its current location, the deck cannot be seen well and is close to ground level, so it is not going to be bothering anyone to leave it there.
13. The shed is tucked in the back corner.
14. The shed is not particularly large compared to the garage.
15. If you are looking in that direction, you will notice the garage before the shed.
16. It is concealed pretty well by the fence on two sides of it.
17. It seems to have been there a very long time without causing any problems.
18. There is not going to be any significant negative impact by leaving the shed where it is.

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 locations and sizes of a one-story screened porch addition (403 square feet), open deck (at-grade wood deck), and an accessory storage structure, as shown on the plat prepared by Sam Whitson Land Surveying, Inc., dated May 21, 2010, as revised through July 6, 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 (2,957 square feet existing + 4,435.5 square feet (150%) = 7,392.5 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.

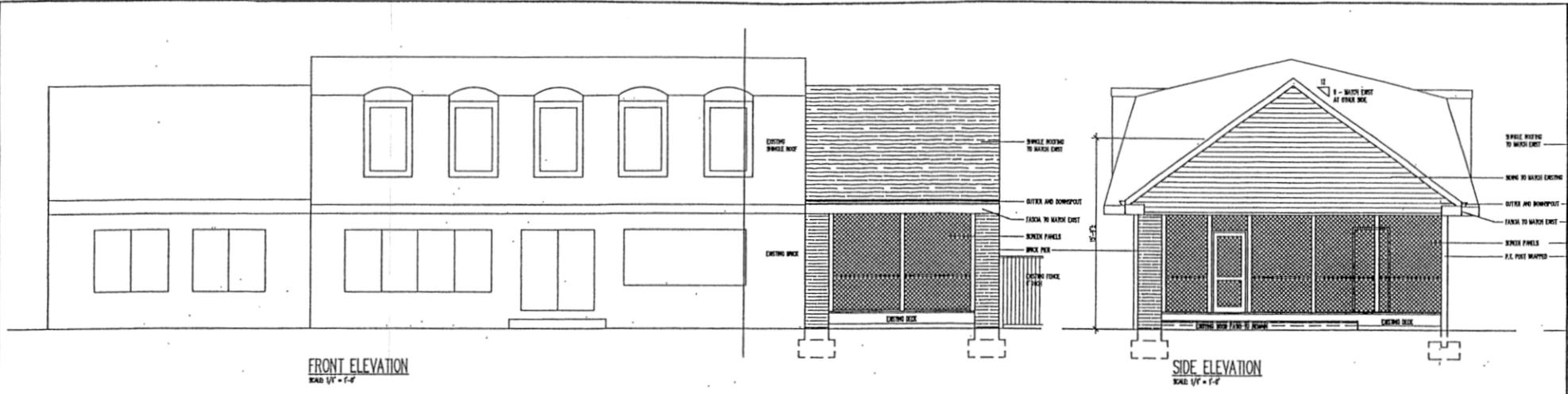
4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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.

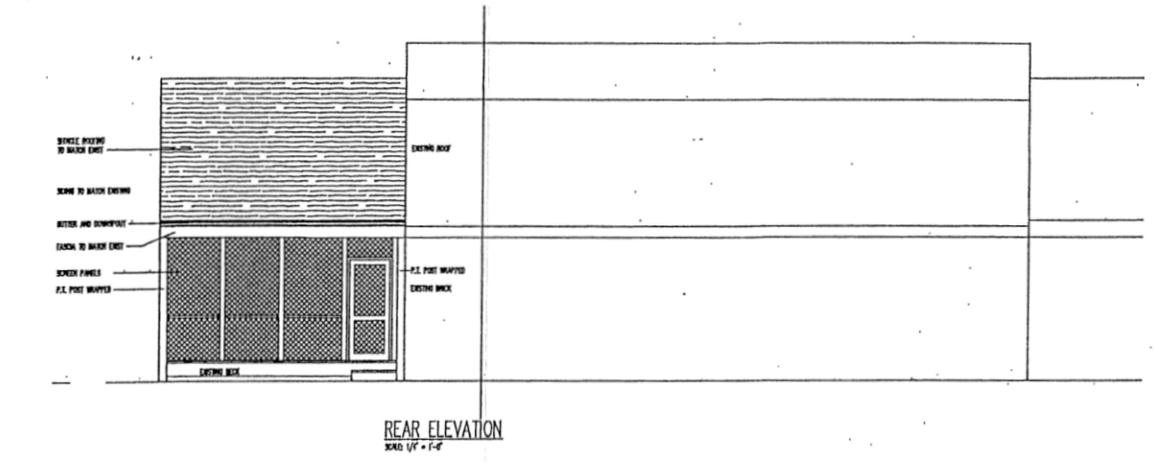
Mr. Byers and Mr. Beard seconded the motion, which carried by a vote of 6-0. Ms. Gibb was absent from the meeting.

DATE:	DATE:

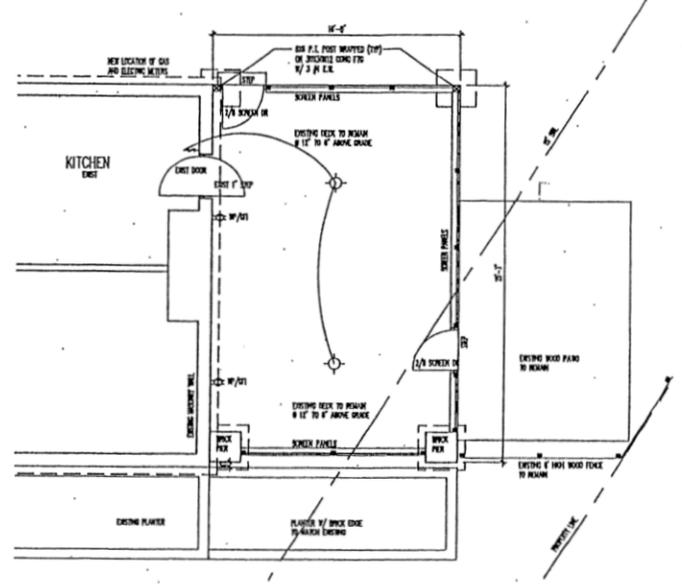


FRONT ELEVATION
SCALE 1/4" = 1'-0"

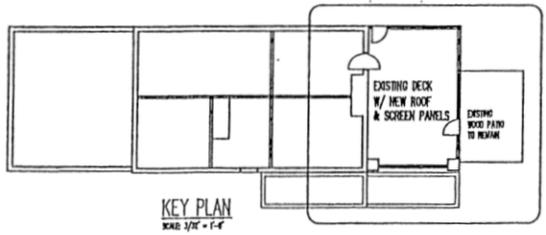
SIDE ELEVATION
SCALE 1/4" = 1'-0"



REAR ELEVATION
SCALE 1/4" = 1'-0"



PLAN
SCALE 1/4" = 1'-0"



KEY PLAN
SCALE 1/4" = 1'-0"