

## COUNTY OF FAIRFAX, VIRGINIA

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

PATRICIA P. LAWLESS, TRUSTEE, SP 2010-SU-055 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 an open deck to remain 6.2 ft. from one side lot line and another open deck to remain 0.0 ft. from other side lot line and to permit reduction of certain yard requirements to permit construction of roofed deck 34.1 ft. from front lot line and addition 10.2 ft. from side lot line. Located at 15328 Blueridge View Dr. on approx. 10,766 sq. ft. of land zoned R-C and WS. Sully District. Tax Map 53-3 ((3)) 21. Mr. Hammack 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 November 17, 2010; and

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

1. The applicant is the owner of the property.
2. The Board determined that the applicant has presented testimony to satisfy the specific required subsections set forth in Sect. 8-914.
3. The noncompliance was done in good faith or through no fault of the property owner.
4. The applicant has satisfied the six required standards set forth in Sect. 8-922.
5. There is a favorable staff recommendation under the Sect. 8-922 application.

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, one-car garage addition (259 square feet), roofed deck (front porch), open deck (concrete stoop), and open deck (concrete patio), as shown on the plat prepared by Sam Whitson Land Surveying, Inc., dated July 20, 2010, as revised through October 19, 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 (1,760 square feet existing + 2,640 square feet (150%) = 4,400 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 additions shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. Building permits for the additions shall be obtained prior to construction and approval of final inspections shall be obtained.

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 seconded the motion, which carried by a vote of 4-0. Mr. Hart and Ms. Gibb recused themselves from the hearing. Mr. Beard was absent from the meeting.



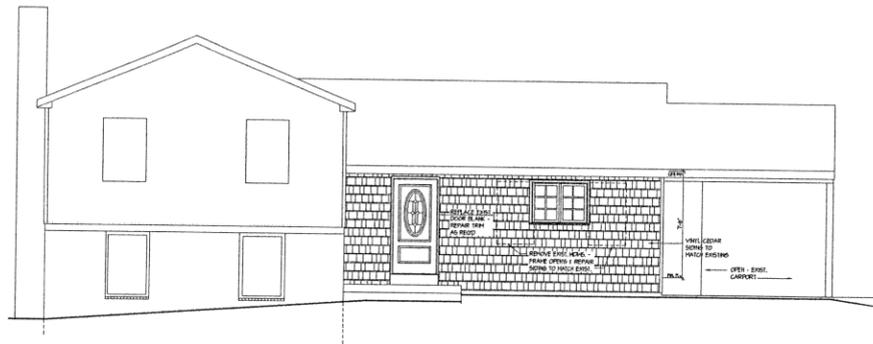
FRONT ELEVATION  
*Proposed* 1/8" = 1'-0"

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Department of Planning & Zoning  
AUG 11 2010  
Zoning Evaluation Division

LAWLESS ALTERATION & ADDITION

ARCHITECTURAL DESIGN SERVICES

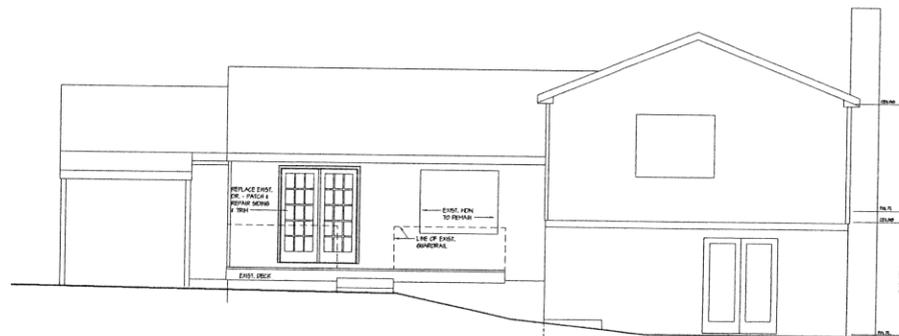
ATTACHMENT 1



**EXISTING FRONT ELEVATION**

Illustrating new components

1/4" = 1'-0"



**EXISTING REAR ELEVATION**

Illustrating new components

1/4" = 1'-0"

RECEIVED  
Department of Planning & Zoning

AUG 11 2010

Zoning Evaluation Division

M.E. SMITH CONSTRUCTION, INC.

12500 Korea Road  
Vienna, Virginia 22146  
540-857-3213

alteration for:  
Ms. Patricia Lawless

15328 Blueridge View Drive  
Centreville, Virginia

FRONT & REAR ELEVATION

DATE:

SHEET A

A3

PRELIMINARY CONSTRUCTION DOCUMENTS  
NOT FOR CONSTRUCTION - 11 July 2010

Lawless

15328 Blueridge View Dr.  
Centreville, Va 20120