

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

PETER W. AND RITA M. LEACH-LEWIS, SP 2010-SU-058 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 dwelling to remain 7.0 ft. from side lot line and to permit reduction of certain yard requirements to permit construction of roofed deck 32.0 ft. from front lot line and 12.0 feet from a side lot line. Located at 6209 Knoll View Pl. on approx. 10,690 sq. ft. of land zoned R-C and WS. Sully District. Tax Map 53-4 ((5)) 91. 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 December 15, 2010; and

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

1. The applicants are the owners of the land.
2. The applicants have presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and Sect. 8-914, Provisions for Approval for Reduction in Minimum Yard Requirements Based on Error in Building Location.
3. The applicants have satisfied the specific subsection set forth under that section of the Ordinance, in particular that the non-compliance was done in good faith at the time the air handler was constructed in 1982.
4. The applicants have satisfied the six required subsections set forth under that Section. of the Ordinance, in particular. 4, that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, and scale of the surrounding structures, and 5, that the proposed development does not adversely impact the use and enjoyment of any adjacent property.

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.

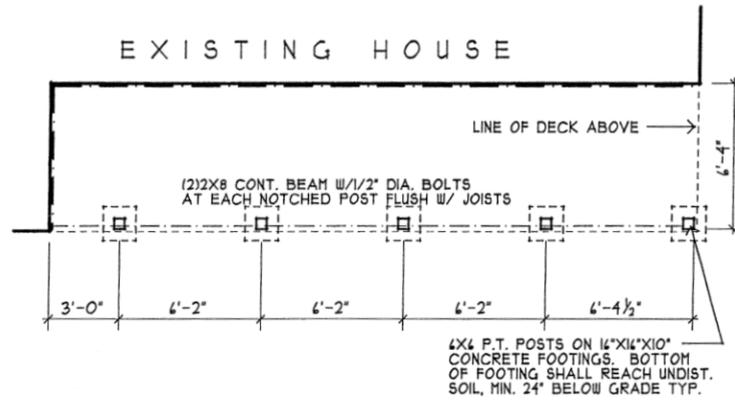
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

1. This special permit is approved for the location and size of a one-story, roofed deck (front porch) and dwelling, as shown on the plat prepared by Sam Whitson Land Surveying, Inc., dated March 7, 2005, as revised and signed by John F. Heltzel, AIA, PC, dated October 8, 2010, as submitted with this application and is not transferable to other land.
2. The roofed deck (front porch) shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
3. The applicants shall obtain any permits and inspections applicable to the construction of the HVAC mechanical unit enclosure within 180 days.

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.

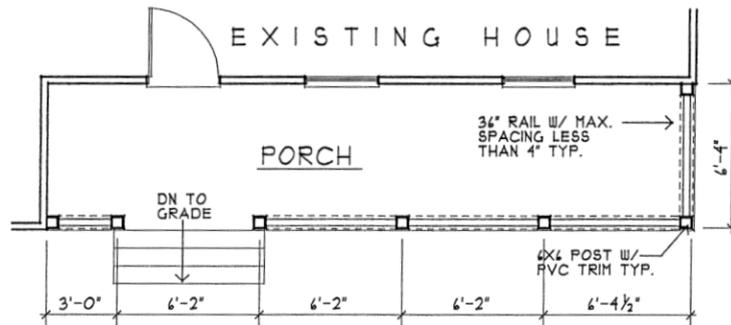
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction 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. Smith seconded the motion, which carried by a vote of 7-0.



FOUNDATION PLAN

SCALE 1/8" = 1'-0"



PLAN NOTES

- ALL EXPOSED FRAMING TO BE PRESSURE TREATED TYP.
- ALL NEW EXTERIOR TRIM, PORCH POSTS AND CEILING TO BE PAINTED.
- INSTALL (4) RECESSED LIGHT FIXTURES AND (2) CEILING FANS - VERIFY LOCATION $\frac{1}{4}$ OWNER.
- RELOCATE EXISTING DRYER VENT AND HOSE BIB AS REQUIRED.

FLOOR PLAN

SCALE 1/8" = 1'-0"



John F.
Heltzel
AIA

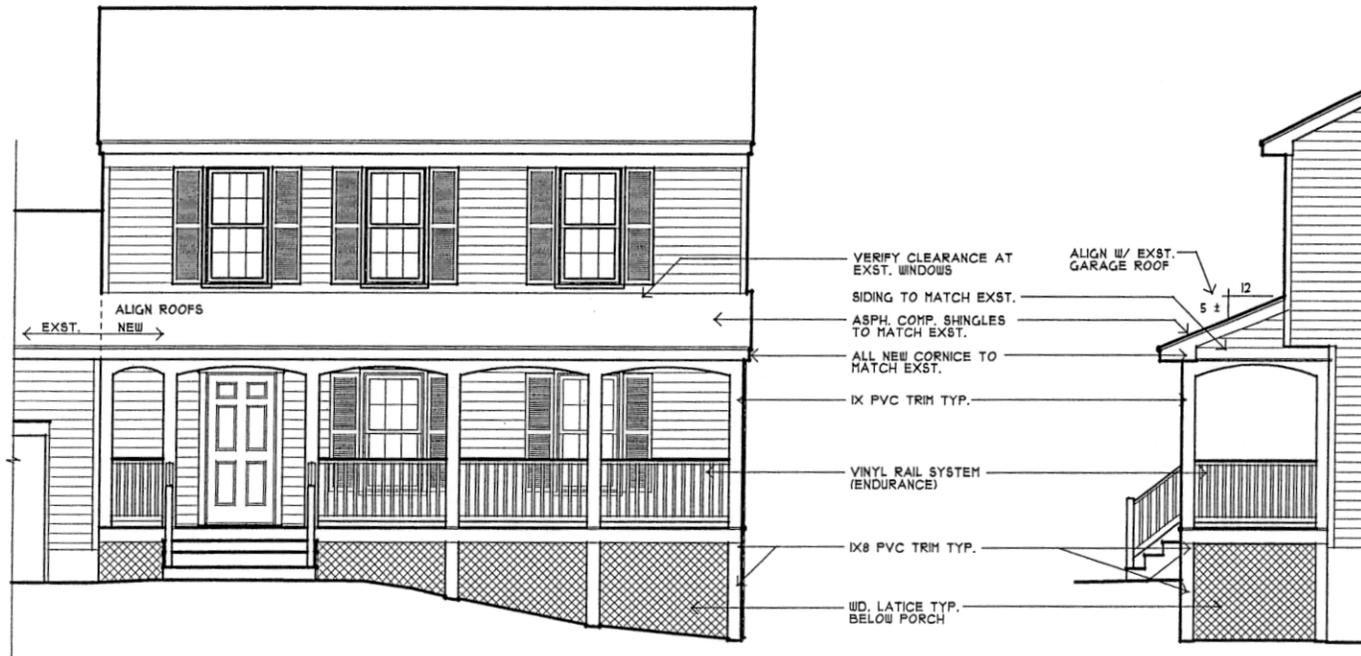
6209 KNOLL VIEW PLACE

6/23/10

FLOOR PLAN



John F.
Heltzel
AIA



FRONT ELEVATION

SCALE 1/8" = 1'-0"

RIGHT ELEVATION

SCALE 1/4" = 1'-0"

6209 KNOLL VIEW PLACE

6/23/10

ELEVATIONS