

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

LARRY & MARY ANN SNYDER, SP 2011-PR-031 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction of minimum yard requirements based on error in building location to permit addition to remain 21.8 ft. from front lot line. Located at 3021 Graham Rd. on approx. 7,707 sq. ft. of land zoned R-4. Providence District. Tax Map 50-3 ((5)) (4) 20. (Admin. moved from 7/13/11 at appl. req.) 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 June 22, 2011; and

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

1. The applicants are the owners of the land.
2. It is clear that the screened porch has been there for years, and that in and of itself is similar to an enclosed room, although it is not considered a structure.
3. Maybe it is a structure, but it is not considered the same as when you have the new framing and the addition, the upgrading required to enclose it, as proposed by the applicants.
4. The Board does not see the enclosure really impacts the neighborhood any more than the screened porch itself.
5. The Board has determined that the applicant has satisfied the requirements set forth in Sub. Sect. A through G, and certainly under B, that the non-compliance was done years ago by a builder.
6. This special permit really brings it into compliance.

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 only for the location of a one-story addition (screened porch enclosure), as shown on the plat prepared by Sam Whitson Land Surveying, Inc., dated May 21, 2010 as revised through March 7, 2011, submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the addition within 6 months of approval of this special permit.

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.

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