

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

WILLIAM HULVER, SP 2011-MV-041 Appl. under Sect(s). 8-918 and 8-922 of the Zoning Ordinance to permit an accessory dwelling unit and reduction of certain yard requirements to permit construction of addition 9.0 ft. from side lot line. Located at 1505 Wake Forest Dr. on approx. 12,881 sq. ft. of land zoned R-3. Mt. Vernon District. Tax Map 93-2 ((6)) (5) 4. Mr. Byers 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 10, 2011; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 12,881 square feet.
4. Staff recommends approval for the addition and the accessory dwelling unit, and its rationale is adopted.
5. Comments of Board members were noted with regard to the rationale for the application, but there is no opposition to it.
6. The addition itself has been judiciously planned.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

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

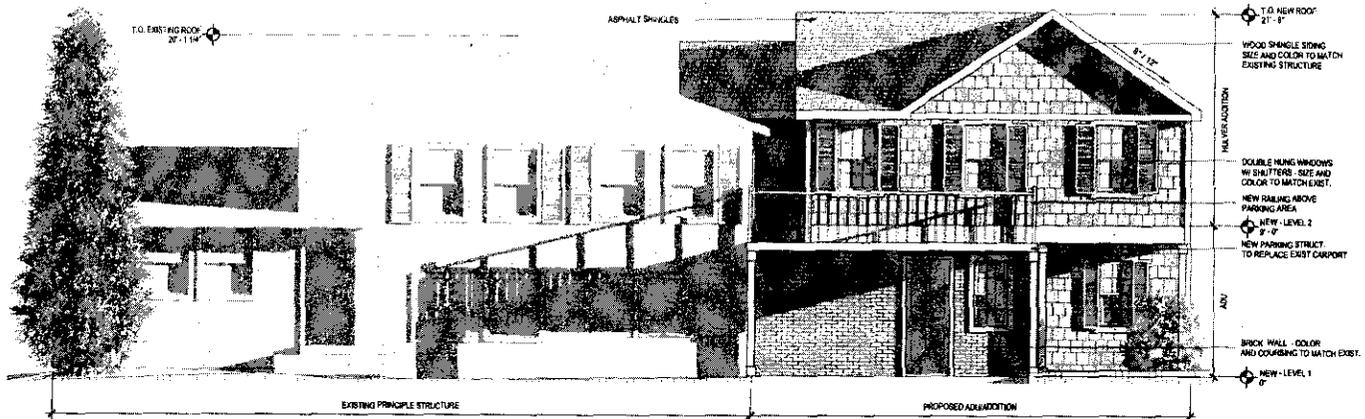
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the addition and kitchen in the accessory dwelling unit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant only, William Hulver and/or Meghan Hulver, Barbara Fleming, Michael Fleming and is not transferable without further action of this Board, and is for the location indicated on the application, 1505 Wake Forest Drive (12,881 square feet), and is not transferable to other land.
3. This special permit is approved for the location and size of the addition (1,572 square feet), as shown on the plat prepared by Scartz Surveys, dated May 2, 2011, as sealed through March 10, 2011, as submitted with this application and is not transferable to other land.

4. 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 [2,025 square feet existing + 3,037.5 square feet (150%) = 5,062.5 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.
5. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
7. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
8. The accessory dwelling unit shall contain a maximum of 894 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
9. All applicable building permits and final inspections shall be obtained for construction of the kitchen in the accessory dwelling unit prior to occupancy.
10. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
11. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
12. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
13. All parking shall be provided on site as shown on the special permit plat.

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.

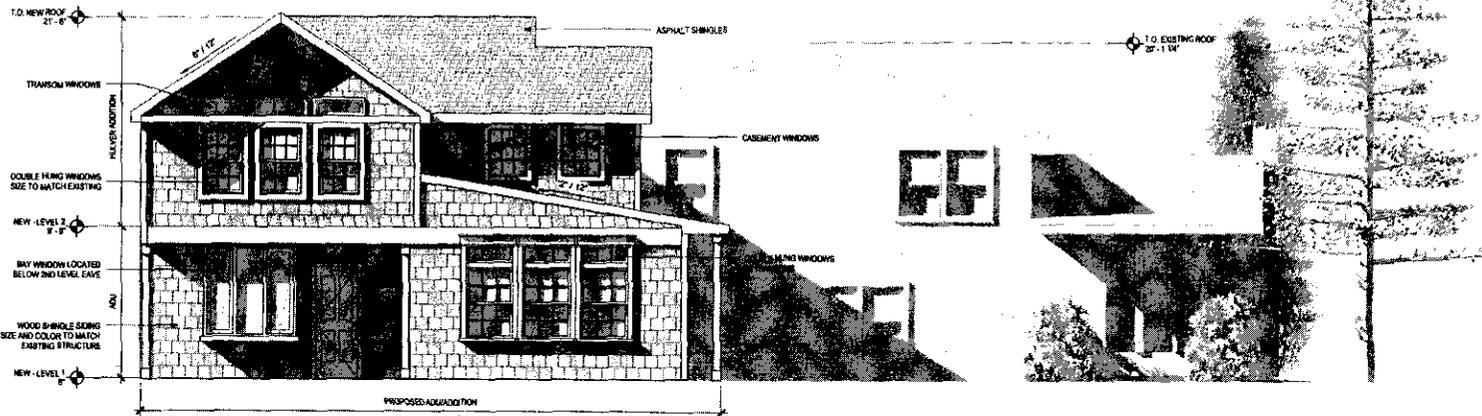
Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the construction has commenced and been diligently pursued. The Board of Zoning Appeals may grant additional time to commence construction 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. Beard seconded the motion, which carried by a vote of 4-2. Mr. Hart and Mr. Hammack voted against the motion. Ms. Gibb was absent from the meeting.



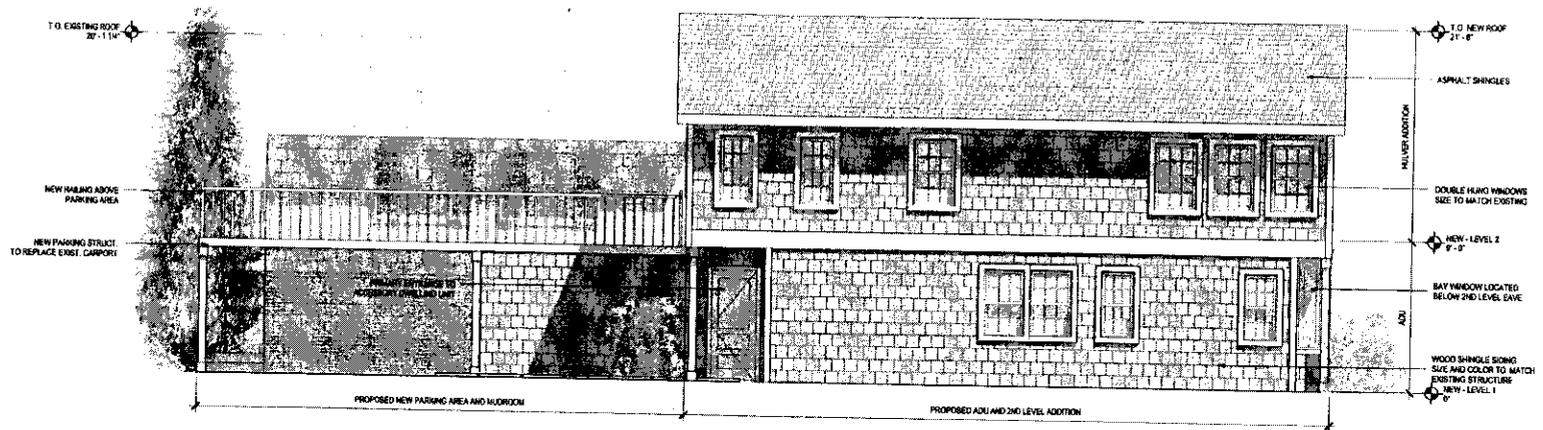
1 NORTH ELEVATION - ADU/ADDITION

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

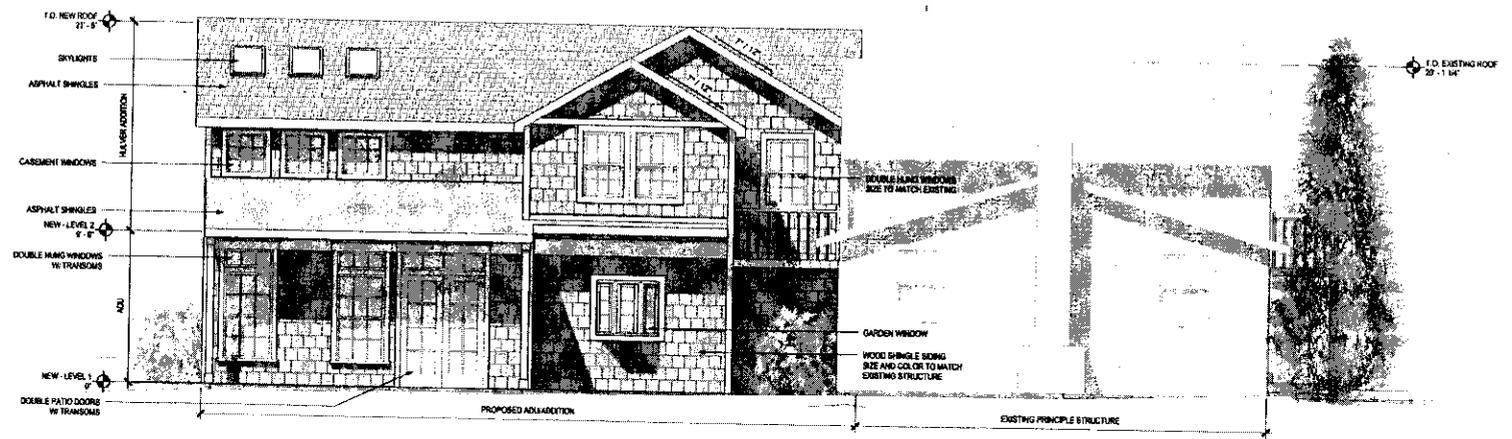


2 SOUTH ELEVATION - ADU/ADDITION

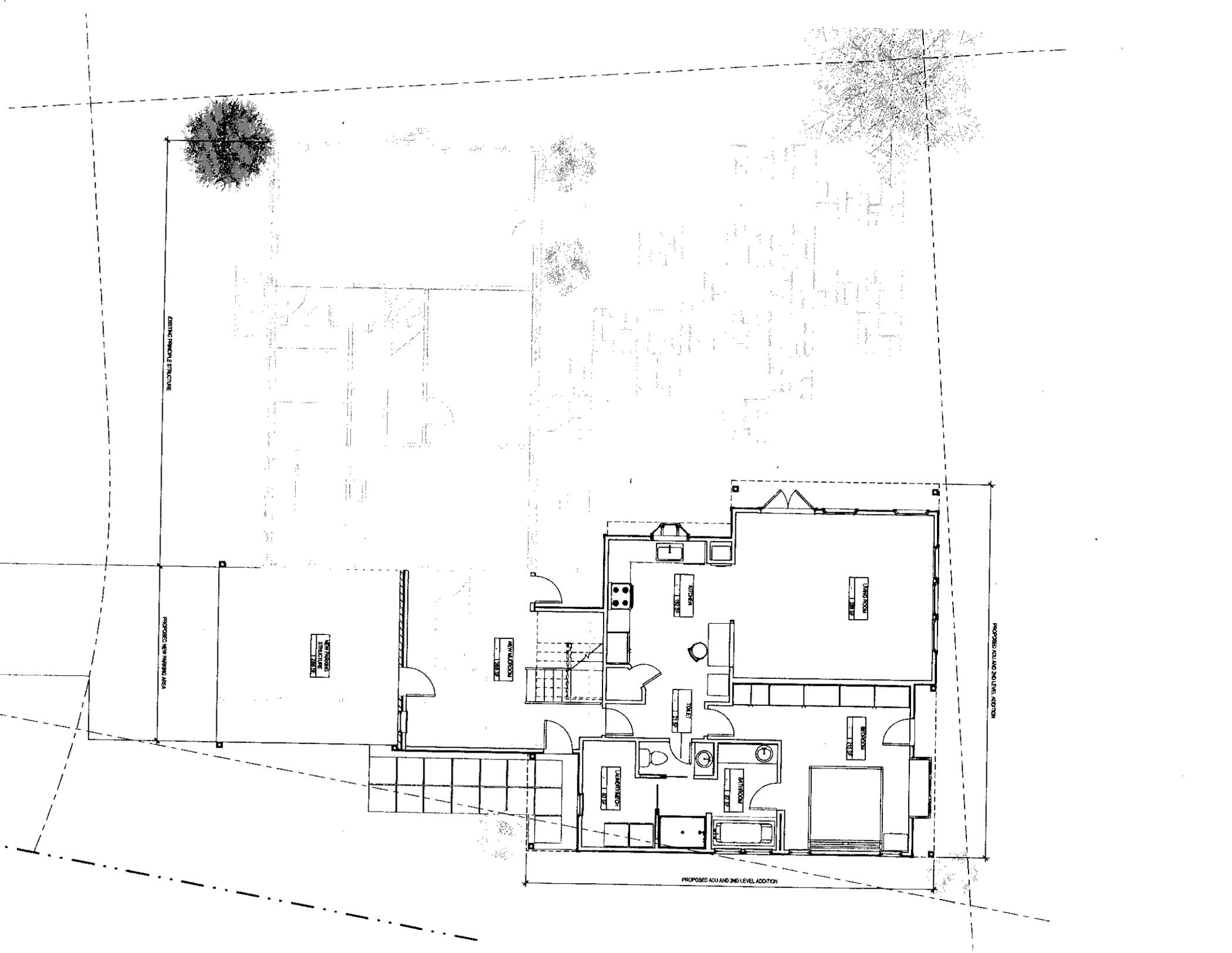
SCALE: 1/4" = 1'-0"



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



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



EXISTING PERMANENT STRUCTURE

PROPOSED NEW PERMANENT STRUCTURE

NEW PERMANENT STRUCTURE

NEW PERMANENT STRUCTURE

PROPOSED PERMANENT STRUCTURE

PROPOSED ADD AND 2ND LEVEL ADDITION

KITCHEN

DINING ROOM

LIVING ROOM

BATH

BEDROOM

BEDROOM

TOILET

HALL

STAIRS

