

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

BERNADETTE M. KEANY, VC 2011-MV-010 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of additions 21.1 feet from front lot line, 5.2 feet from one side lot line and 11.7 feet from other side lot line and deck 7.2 feet from side lot line. Located at 5736 Mallow Trail on approx. 7,500 sq. ft. of land zoned R-E. Mt. Vernon District. Tax Map 119-4 ((2)) (20) 15 and 17. (Converted from an SP and admin. moved from 7/27/11) 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 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 property has an extraordinary condition in that it is zoned R-E, but the lot is only 75 feet wide and 100 feet deep.
3. It is a very tiny lot in an area that requires minimum two-acre lots.
4. This is an old subdivision from the 1920s with small lots and predate the Zoning Ordinance.
5. Many of the homes in the subdivision do not meet the current requirements.
6. It would be very difficult to engineer homes that meet the setbacks for R-E on lots as small as this.
7. The requests are relatively modest in that the existing house and the existing footprint of the house are almost identical to what is being requested.
8. The principal change in the house is basically going up, getting taller.
9. It is unusual that the Board would be approving a three-story house with an eave that is 5.2 feet from the side line, but the existing house is in a very similar situation.
10. Looking at the photographs, adding a third story to this house is not going to have a significant negative impact on the neighbors.
11. To the contrary, from the drawings, it appears that the upgrade of this property would be an improvement and not a negative impact on the neighbors.
12. Many of the homes in this neighborhood are also quite close to the lot line and have other discrepancies from what the current requirements would be.
13. As the older homes become obsolete and are upgraded or redeveloped, there are going to have to be similar modifications on some of these properties.
14. In order to make use of a lot that is as small as this, there is going to have to be some flexibility with respect to the setbacks.
15. The Board has concluded that the applicant has presented testimony showing compliance with the required standards for a variance.
16. This is not necessarily just a convenience for the applicant based on the evidence that has been presented to the Board.
17. It would be a hardship for the applicant to have to rebuild an old house, but on a smaller footprint than what they already had and a footprint which is consistent with many of the homes around it with respect to these nonconforming old lots.
18. The Board has concluded that the application meets the standard in the amended state code provision.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

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

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of reasonable use of the land and/or buildings involved.

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

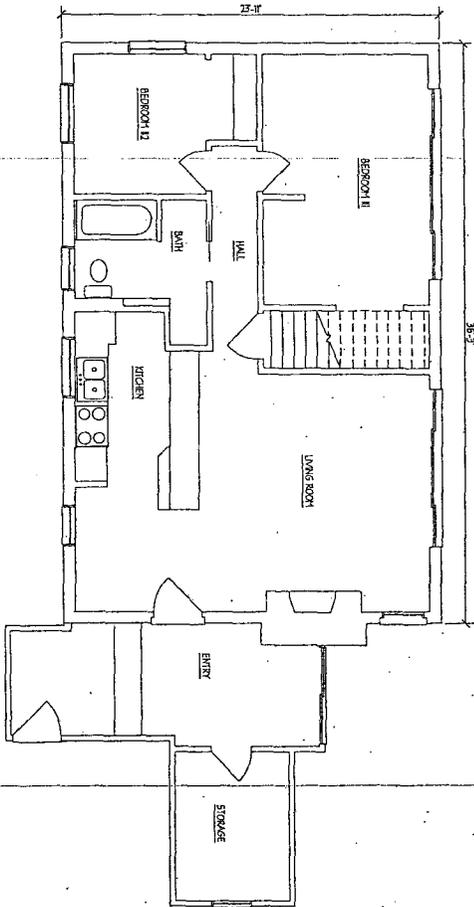
1. This variance is approved for the maximum size and location within the building envelope of a single-family detached dwelling, as shown on the plat prepared by Dominion Surveyors Inc., dated (originally certified) July 9, 2008, and signed (recertified) by Rebecca Bostick, dated June 17, 2011, and for the purposes of depicting the septic field, the plat prepared by Rebecca Bostick dated May 17, 2011 (for that purpose only), as submitted with this application and is not transferable to other land.
2. All applicable building permits and final inspections shall be obtained for the single-family detached dwelling.

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

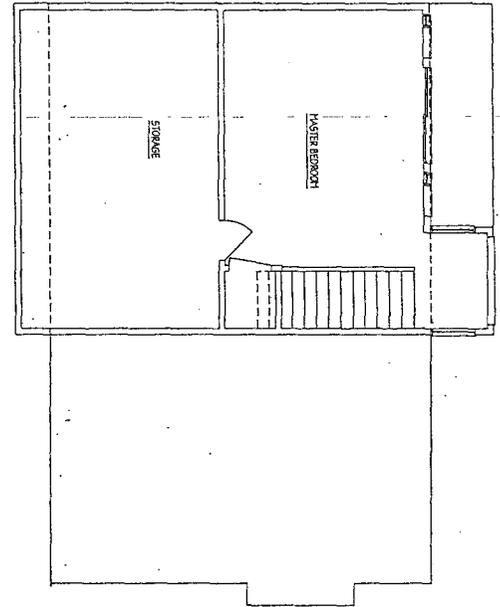
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance 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 variance. 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.

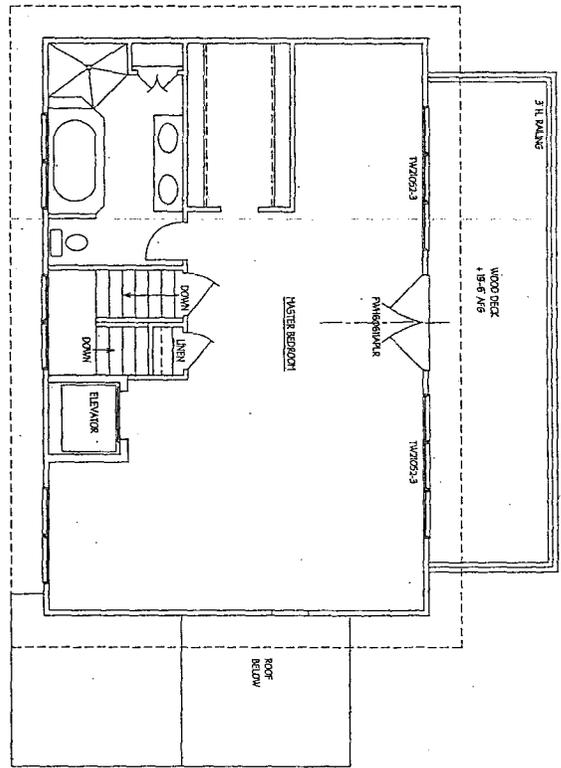
Mr. Hammack seconded the motion, which carried by a vote of 6-0. Ms. Gibb was absent from the meeting.



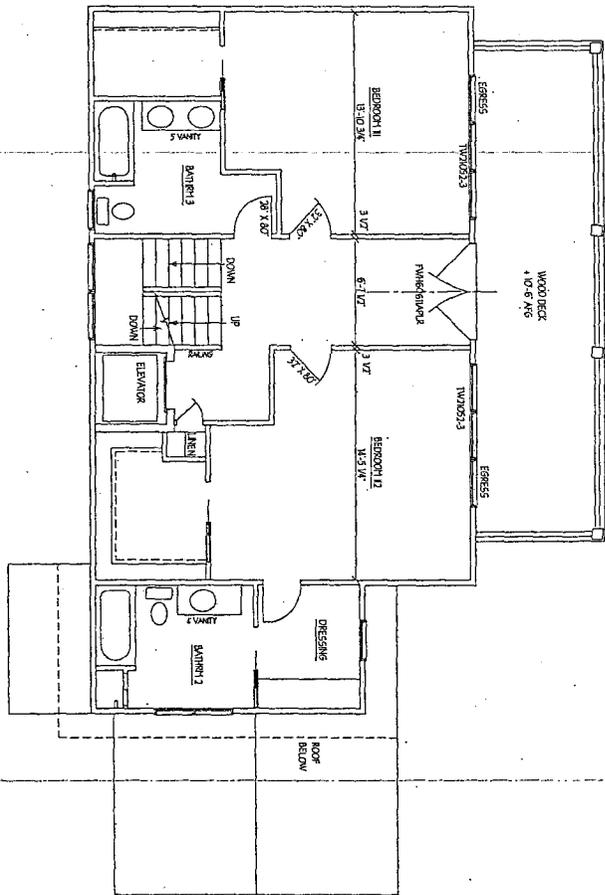
EXISTING FIRST FLOOR PLAN
WF-107



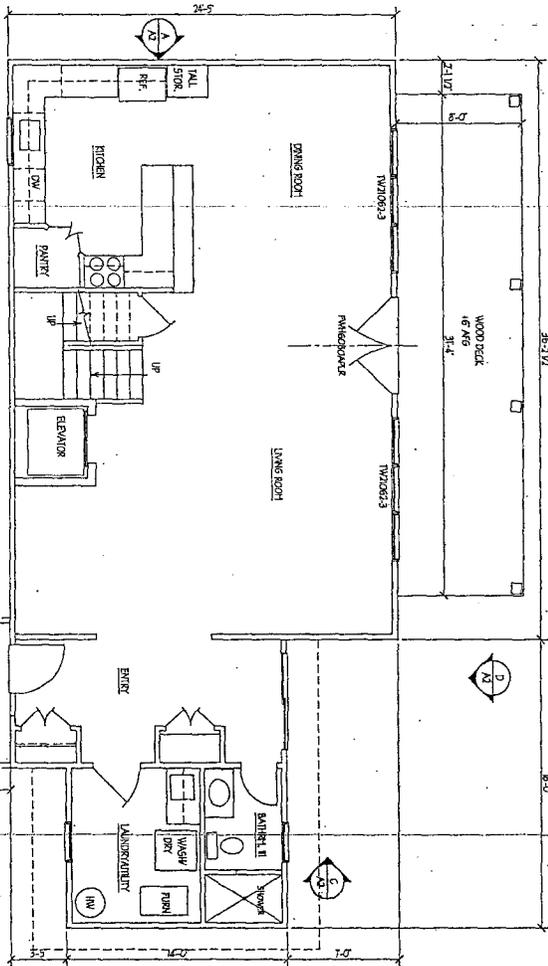
EXISTING SECOND FLOOR PLAN
WF-107



THIRD FLOOR PLAN
W-107



SECOND FLOOR PLAN
W-107

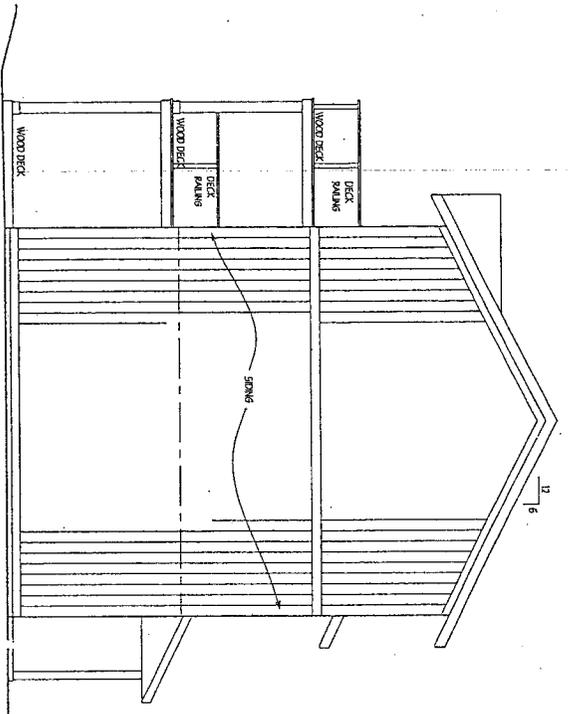


FIRST FLOOR PLAN
W-107

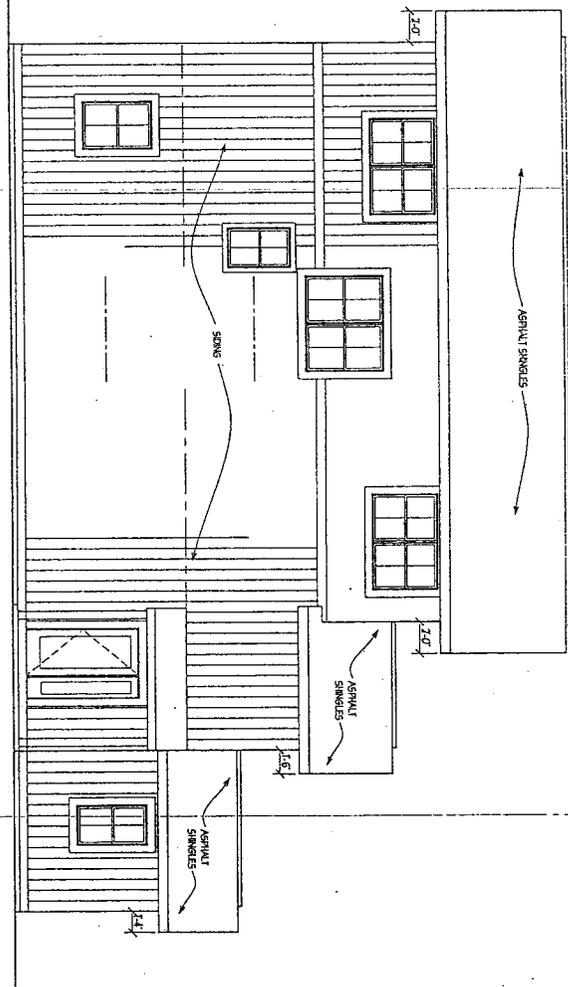
REBECCA L.G. BOSTICK, AIA
ARCHITECT
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 (703) 768-2250

Addition to the
KEANY RESIDENCE
 5736 MALLOW TRAIL, LORTON, VA 22079

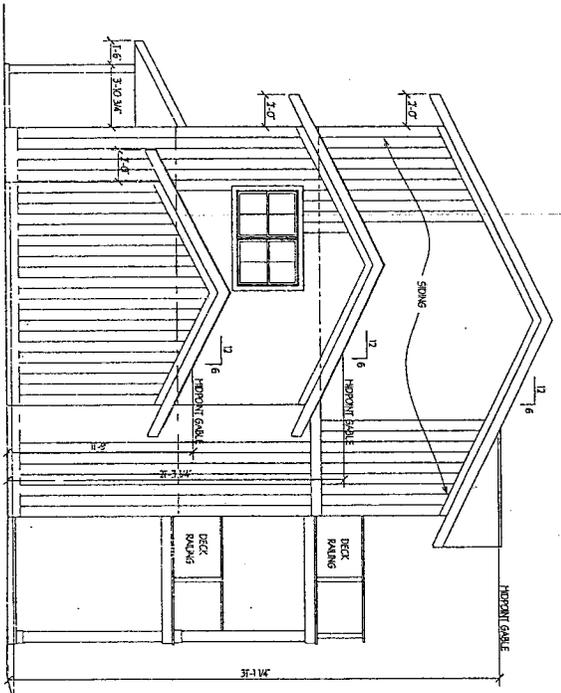
A2
 SHEET 2 OF 3
 DATE 3/31/11
 REVISION



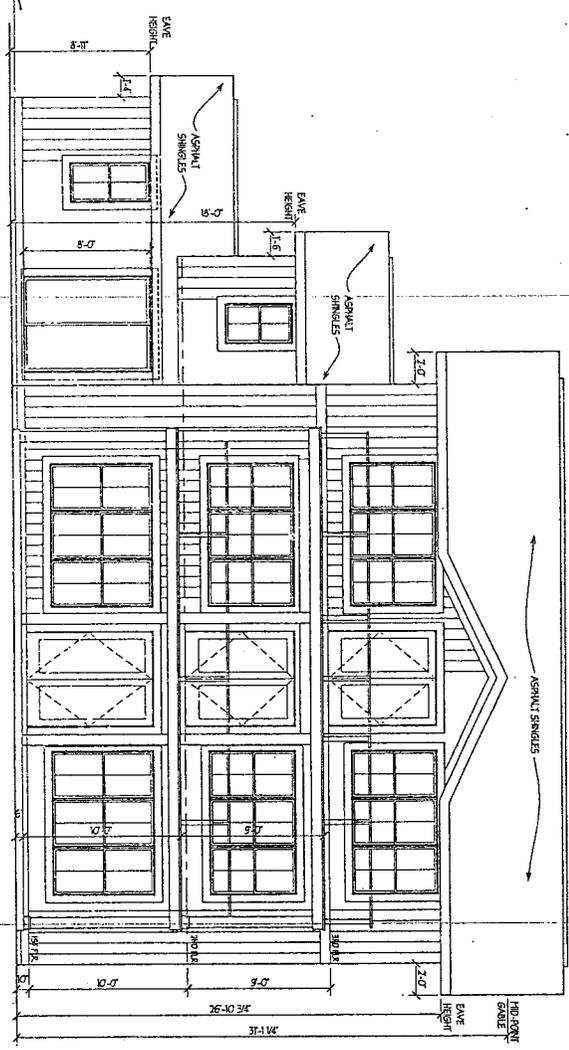
A
A3
W.I.D.
SIDE/END ELEVATION



B
A3
W.I.D.
FRONT ELEVATION



C
A3
W.I.D.
END/SIDE ELEVATION



D
A3
W.I.D.
REAR ELEVATION

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A3
 SHEET 3 OF 3
 DATE 3/23/11
 DRAWN BY