

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

HAROLD AND HAVYN KINBACK, VC 2011-MV-012 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of an addition 8.0 ft. from rear lot line such that side yards total 14.2 ft. Located at 7706 Groveland Heights Ct., Springfield, 22153, on approx. 3,120 sq. ft. of land zoned PDH-3. Mt. Vernon District. Tax Map 98-1 ((7)) 115. Ms. Gibb 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 October 26, 2011; and

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

1. The applicants are the owners of the property.
2. This is an extremely close case.
3. It could go either way on this.
4. There is no doubt that the property was acquired in good faith and that the property has one of the following characteristics that is required: (2)(c) it has an exceptional size at the time of the effective date of the Ordinance. It was exceptionally small.
5. This addition to the existing deck of two feet is certainly not going to have any impact on anyone in the neighboring area.
6. It is hard to say whether the strict application of the Ordinance would produce an undue hardship.
7. It may produce some hardship.
8. According to the applicants' statement of justification, it is an undue hardship not generally shared by other properties in the same zoning district.
9. Under paragraph 6, the Board has to find that the strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property.
10. It will not effectively prohibit, but it does perhaps unreasonably restrict.
11. The authorization of the variance will not be of a substantial detriment to an adjacent property.
12. The character of the zoning district will not be changed by the granting of the variance.
13. The variance will be in harmony with the intended spirit and purpose of the Ordinance and will not be contrary to the public interest.

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 of the proposed addition, as shown on the plat prepared by Laura Lee Scott Surveys, Inc., December 8, 2010, revised through August 1, 2011, as submitted with this application and is not transferable to other land.
2. The addition shall be generally consistent with the architectural renderings and materials depicted on the plat and included in 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. Smith seconded the motion, which carried by a vote of 7-0.

Kinback Job
7706 Groveland Heights Ct.
Springfield, Va. 22153

ORDER NO: 504

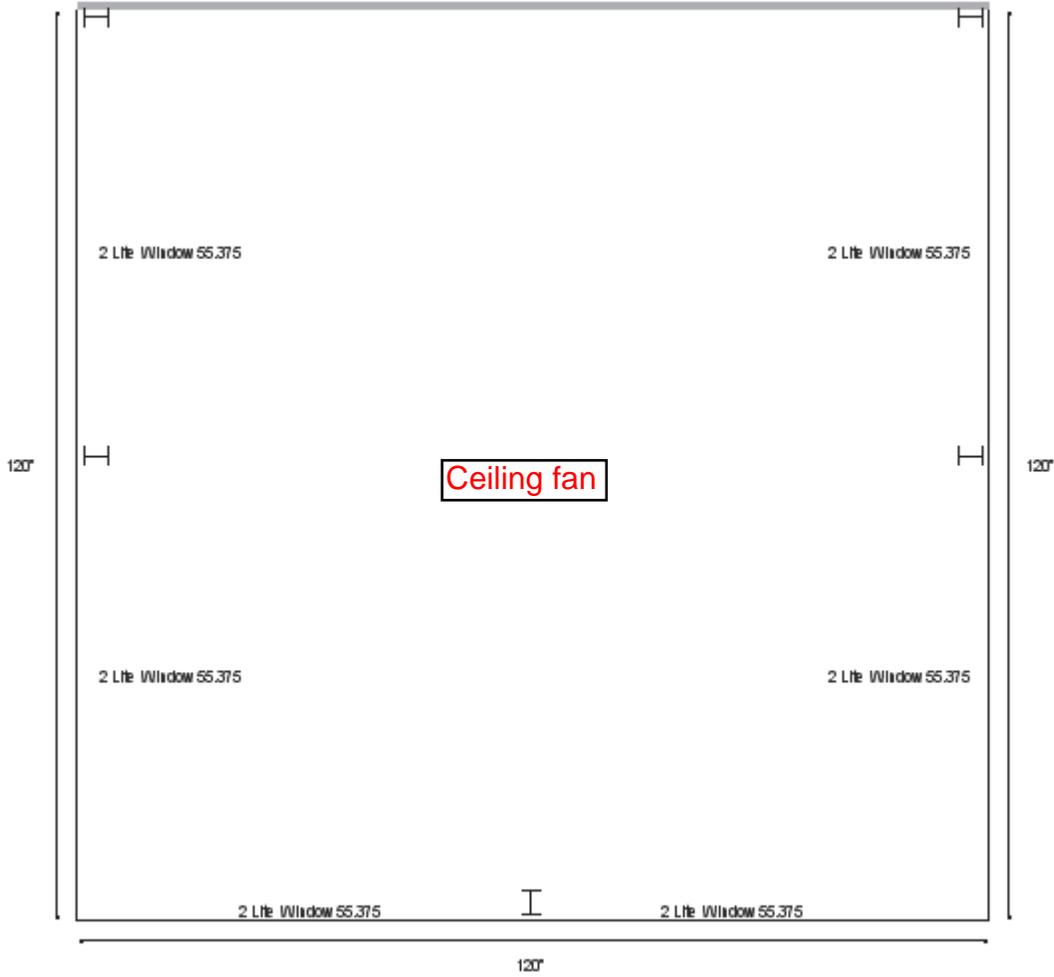
ITEM: 1

DATE: 10/30/10

-
Champion 4 inch Studio
Sunroom
Color - White

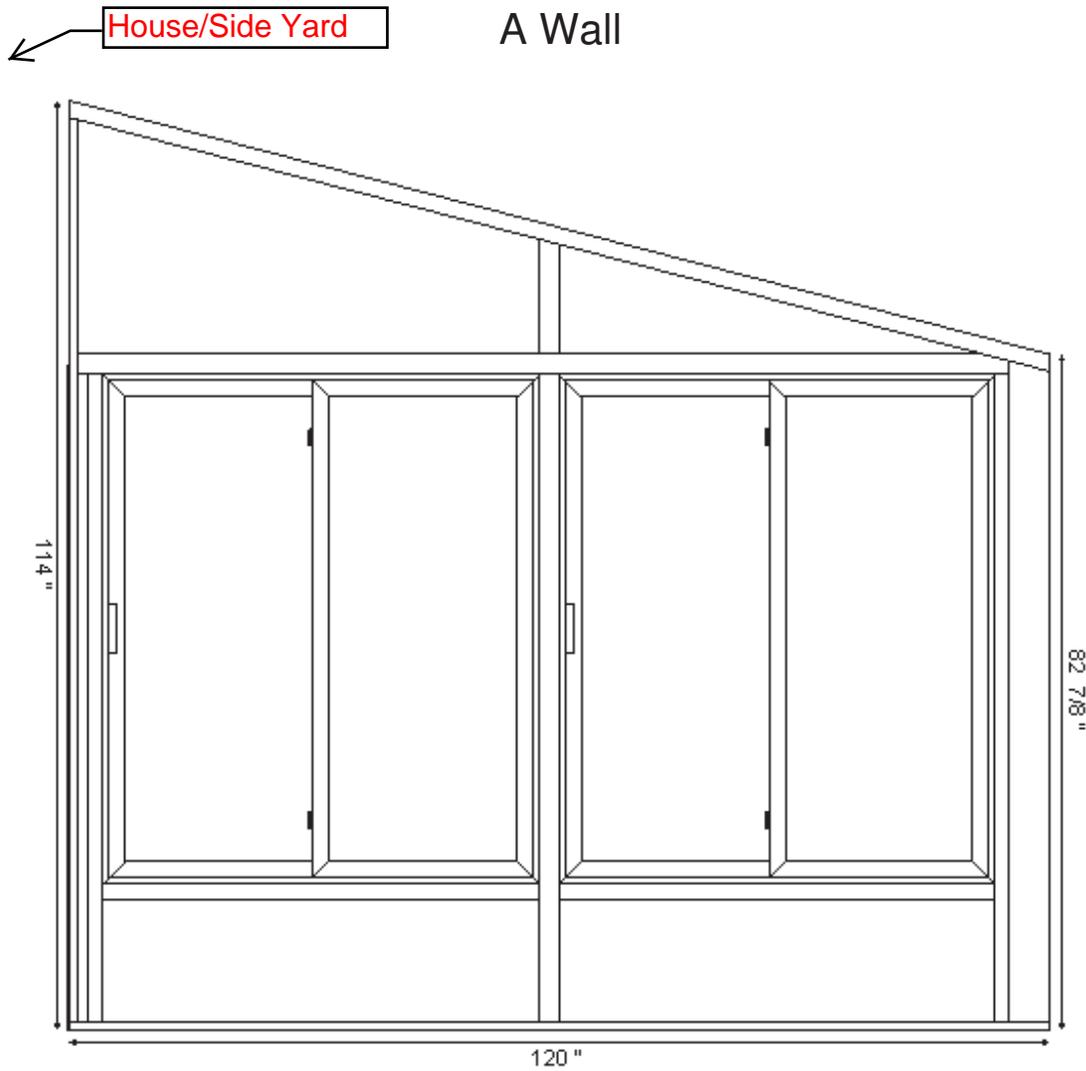
House Side

Floor Plan



Dimensions

Attachment Height: 114 "
 B Wall Height: 82.875 "
 B Wall Width: 120 "
 A Wall Width: 120 "
 C Wall Width: 120 "
 Roof Overhang: 6 "



Dimensions

Attachment Height: 114 "
B Wall Height: 82.875 "
A Wall Width: 120 "
Roof Overhang: 6 "

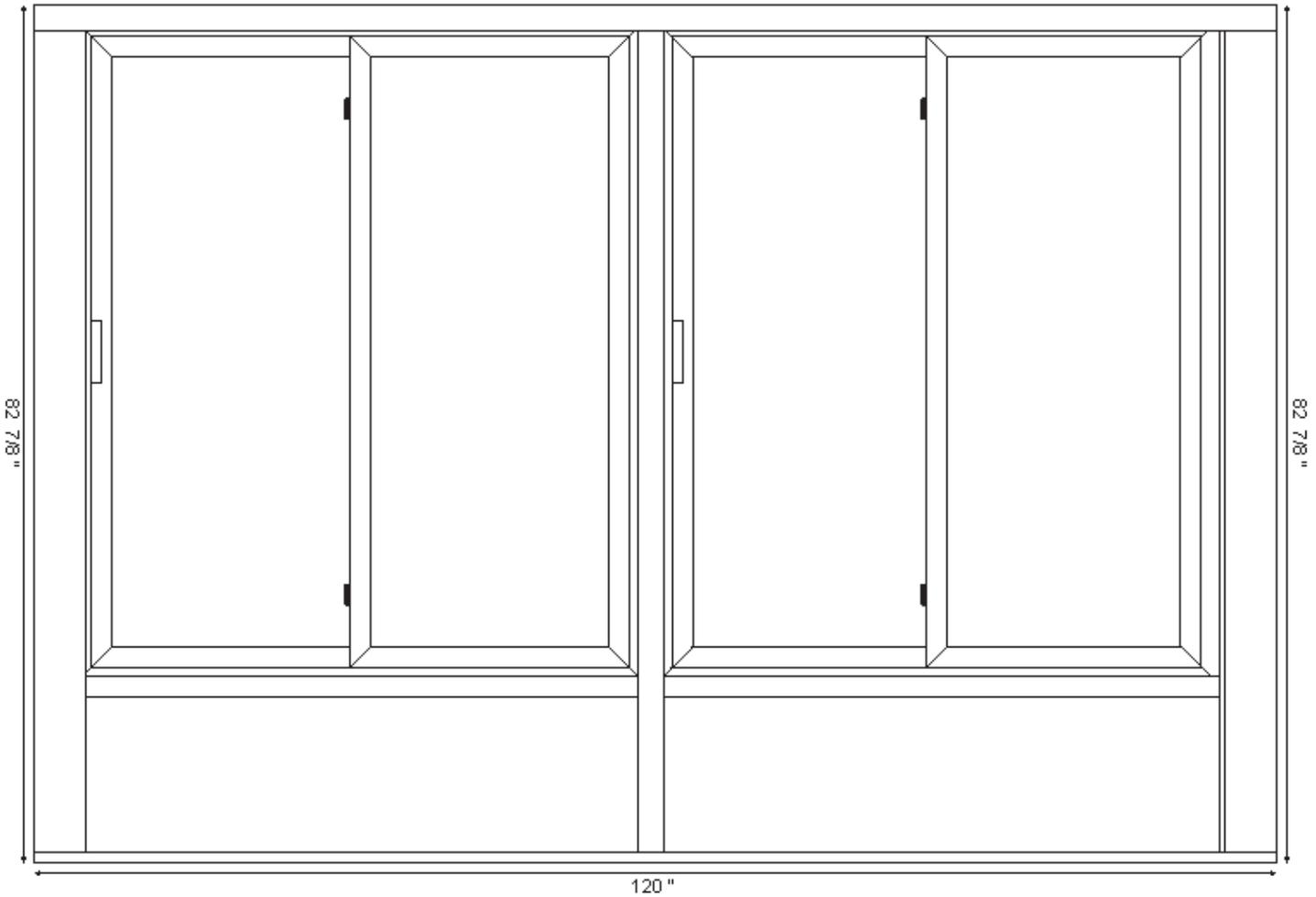
Layout

1" (Fascia) + 0.5" (Non-Thermal H) + 1.625" (Sill) + 55.375" (2 Lite Window) + 0.5" (Non-Thermal H) + 55.375" (2 Lite Window) + 1.625" (Sill) + 4" (Corner Post)

Facing Woods an
Backyard



B Wall



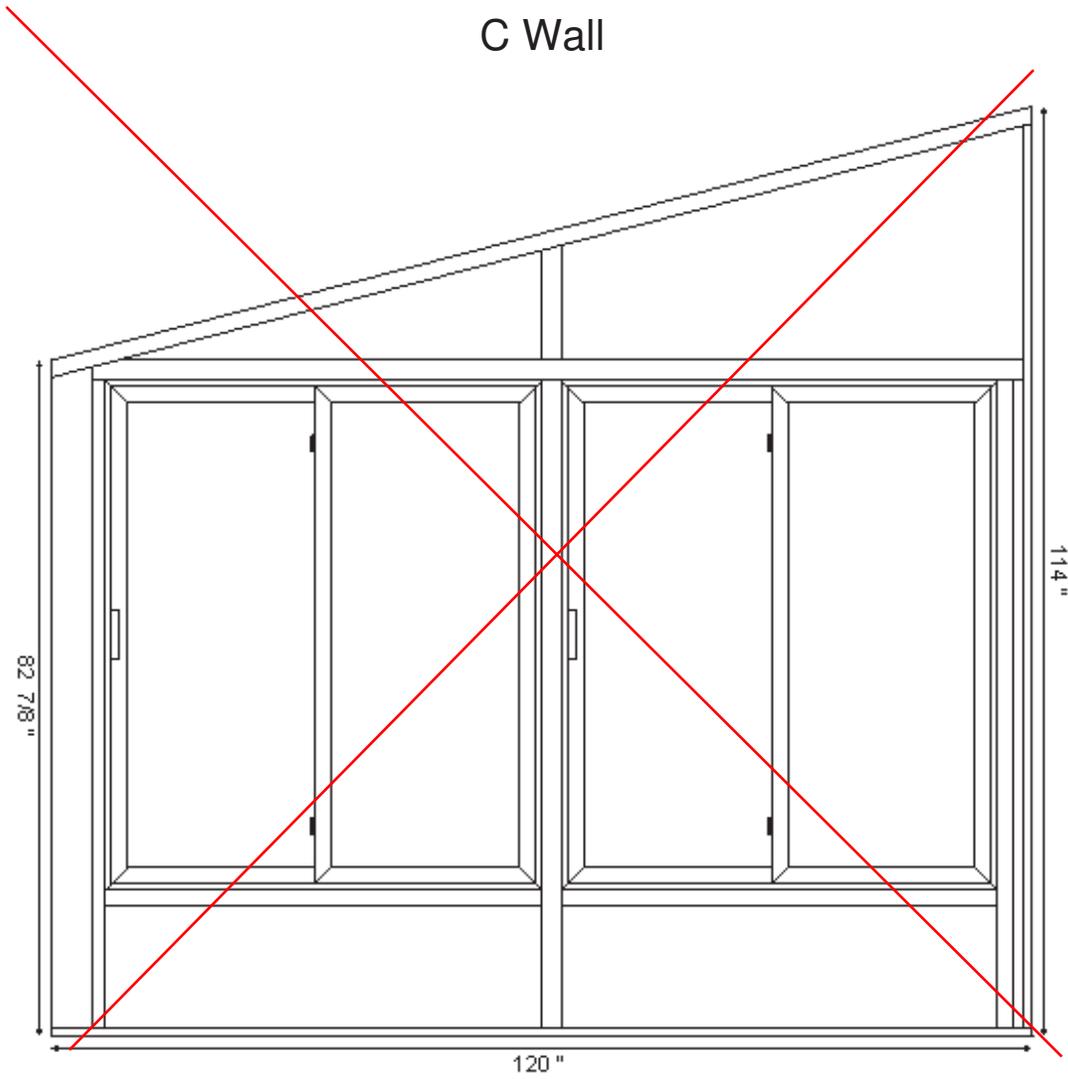
Dimensions

Attachment Height: 114 "
B Wall Height: 82.875 "
B Wall Width: 120 "
Roof Overhang: 6 "

Layout

4" (Corner Post) + 55.375" (2 Lite Window) + 0.5" (Non-Thermal H) + 55.375" (2 Lite Window) + 4"
(Corner Post) + 0.75" (Remainder - No Fill)

C Wall



Dimensions

Attachment Height: 114 "
B Wall Height: 82.875 "
C Wall Width: 120 "
Roof Overhang: 6 "

Layout

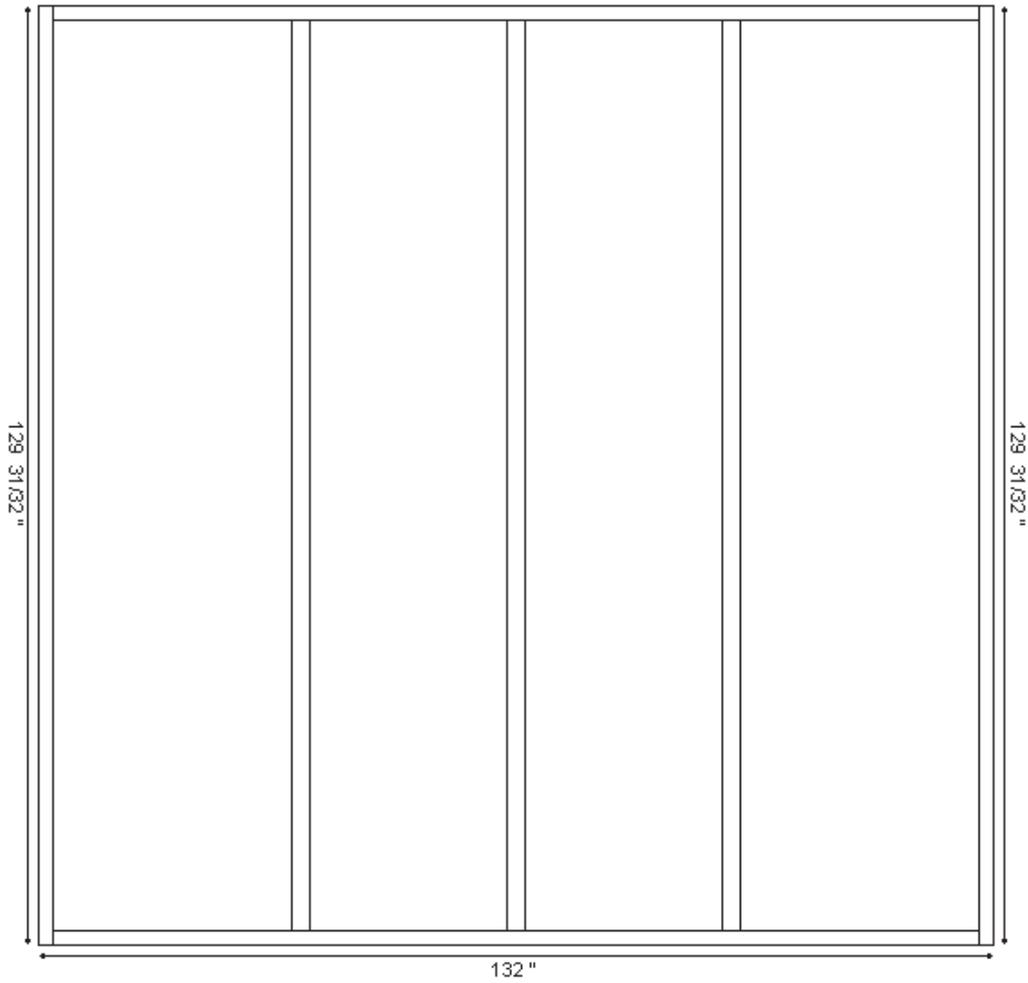
This wall is a mirror image of the A Wall.

ORDER NO: 504

ITEM: 1

DATE: 10/30/10

Roof



Dimensions

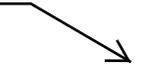
Attachment Height: 114 "
B Wall Height: 82.875 "
B Wall Width: 120 "
A Wall Width: 120 "
C Wall Width: 120 "
Roof Overhang: 6 "

ORDER NO: 504
ITEM: 2
DATE: 10/30/10

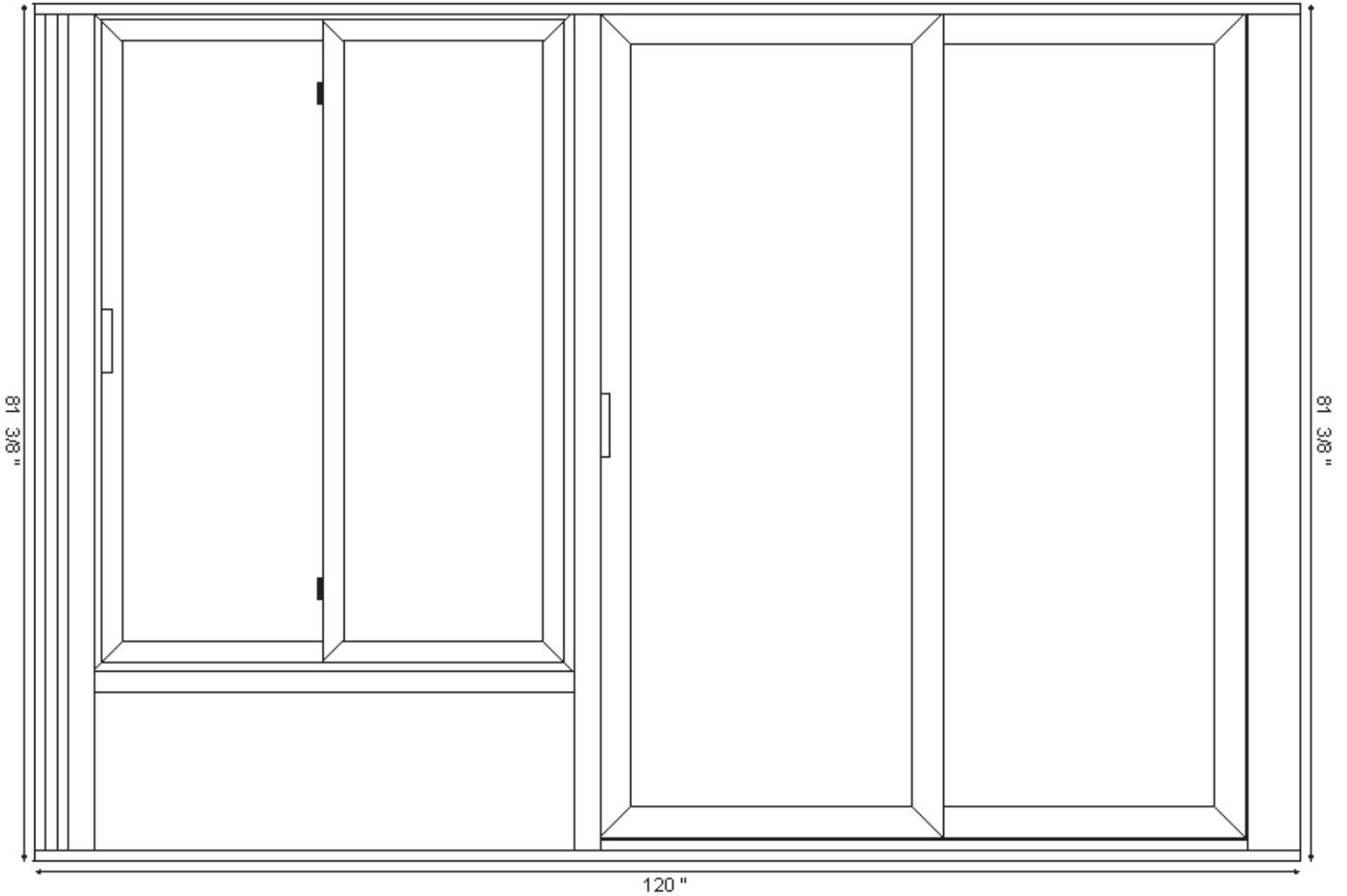
Back Yard Side w/
steps to grade



House



C-Wall



Dimensions

Wall Width: 120.000 "
Wall Height: 81.375 "

Layout

1" (Fascia) + 0.5" (Non-Thermal H) + 2.75" (Foam) + 0.5" (Non-Thermal H) + 47.375" (2 Lite Window) +
0.5" (Non-Thermal H) + 63.375" (2 Lite Door (Premium)) + 4" (Corner Post)