

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

STEVEN KOSTAKIS, SP 2011-HM-099 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 10.8 ft. from a side lot line such that side yards total 29.3 ft. Located at 10403 Silk Oak Dr., Vienna, 22182, on approx. 20,000 sq. ft. of land zoned R-1 (Cluster). Hunter Mill District. Tax Map 27-2 ((4)) 47. Mr. Beard 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 January 25, 2012; and

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

1. The owner of the property is the applicant.
2. The Zoning Ordinance provisions are 8-922.
3. Staff has made a recommendation of approval.
4. The application is relatively straightforward.
5. The applicant meets all of the submission requirements set forth in Section 8-922.

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. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 220 square feet) of the addition, as shown on the plat prepared by LS2PC, dated March 12, 2011, as revised through November 1, 2011 signed by Lawrence H. Spilman III, Land Surveyor, submitted with this application and is not transferable to other land.
3. 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 (2,872 square feet existing + 4,309 square feet (150%) = 7,182 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.

- 4. The addition shall generally be 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.

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.

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

A Copy Teste:

Suzanne Frazier  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals

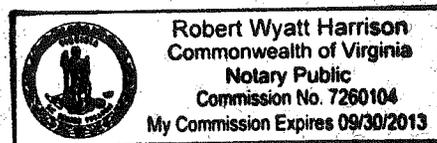
ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

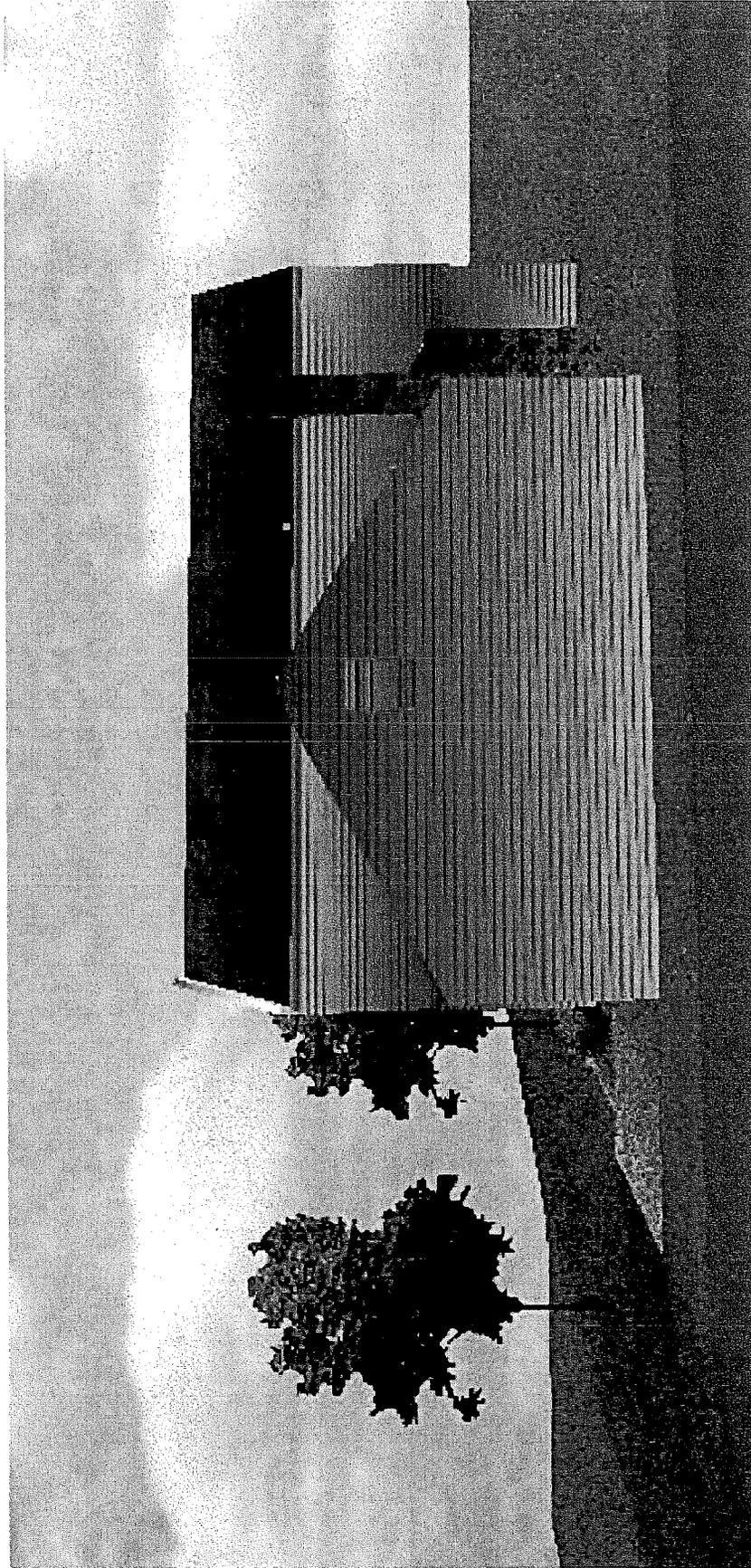
The foregoing instrument was acknowledged before me this 2 day of February, 2012.

Robert Wyatt Harrison  
Notary Public

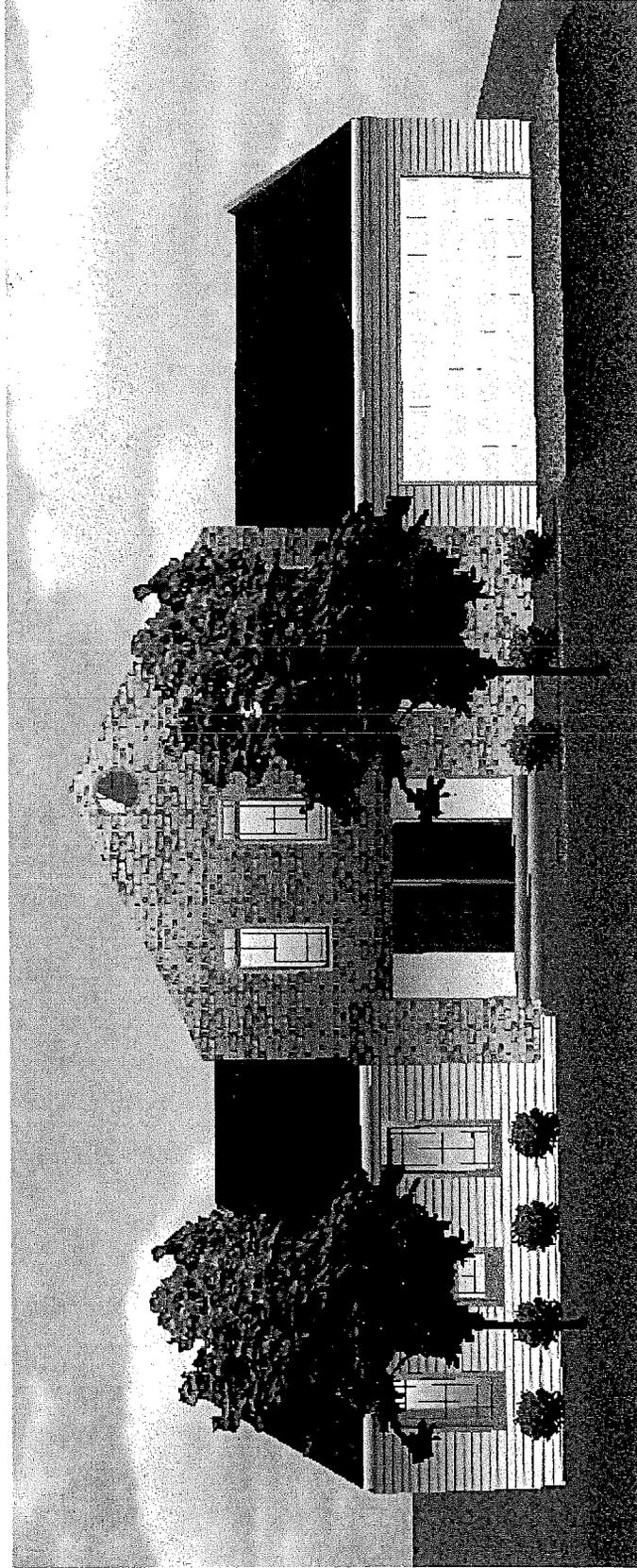
My commission expires: 9-30-2013

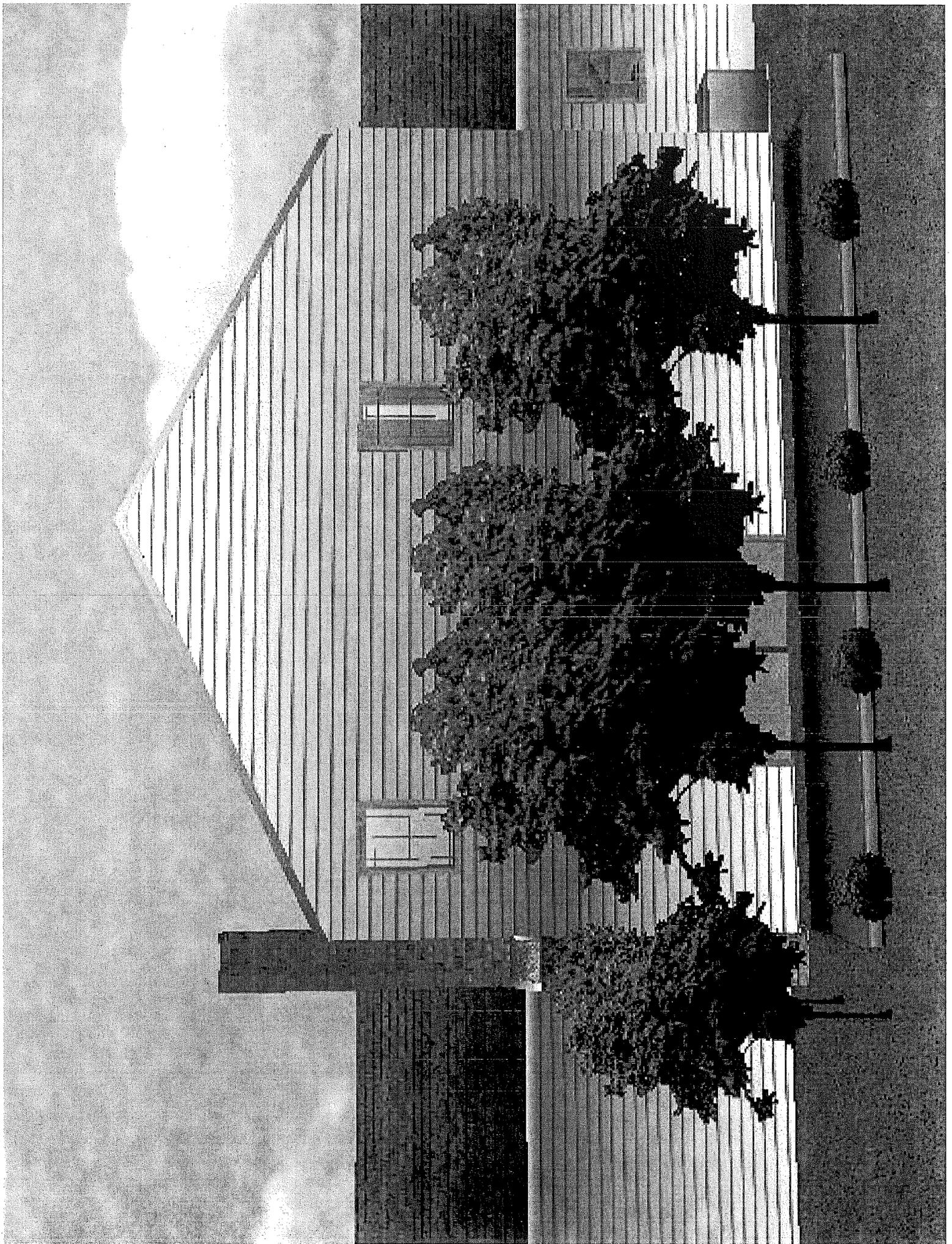


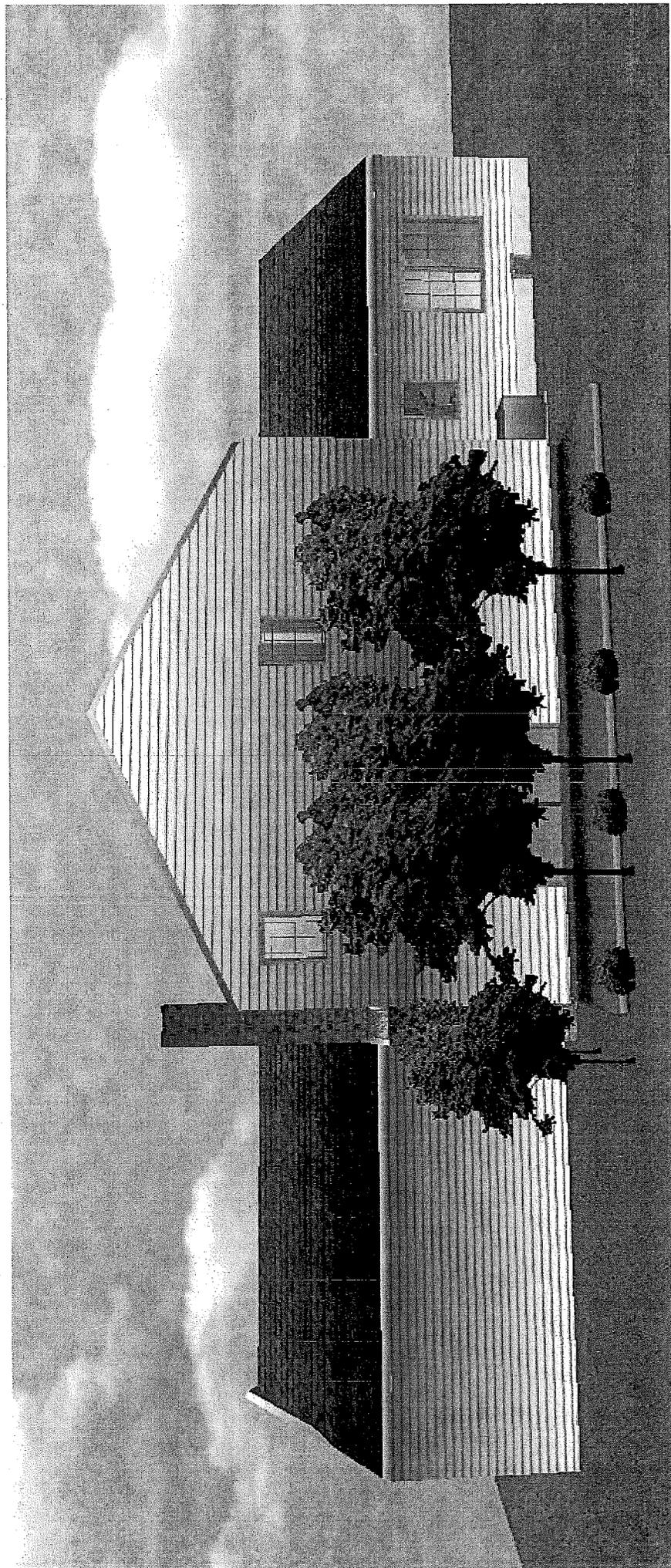
Rendered Image - Side View of Garage  
10403 Silk Oak Dr



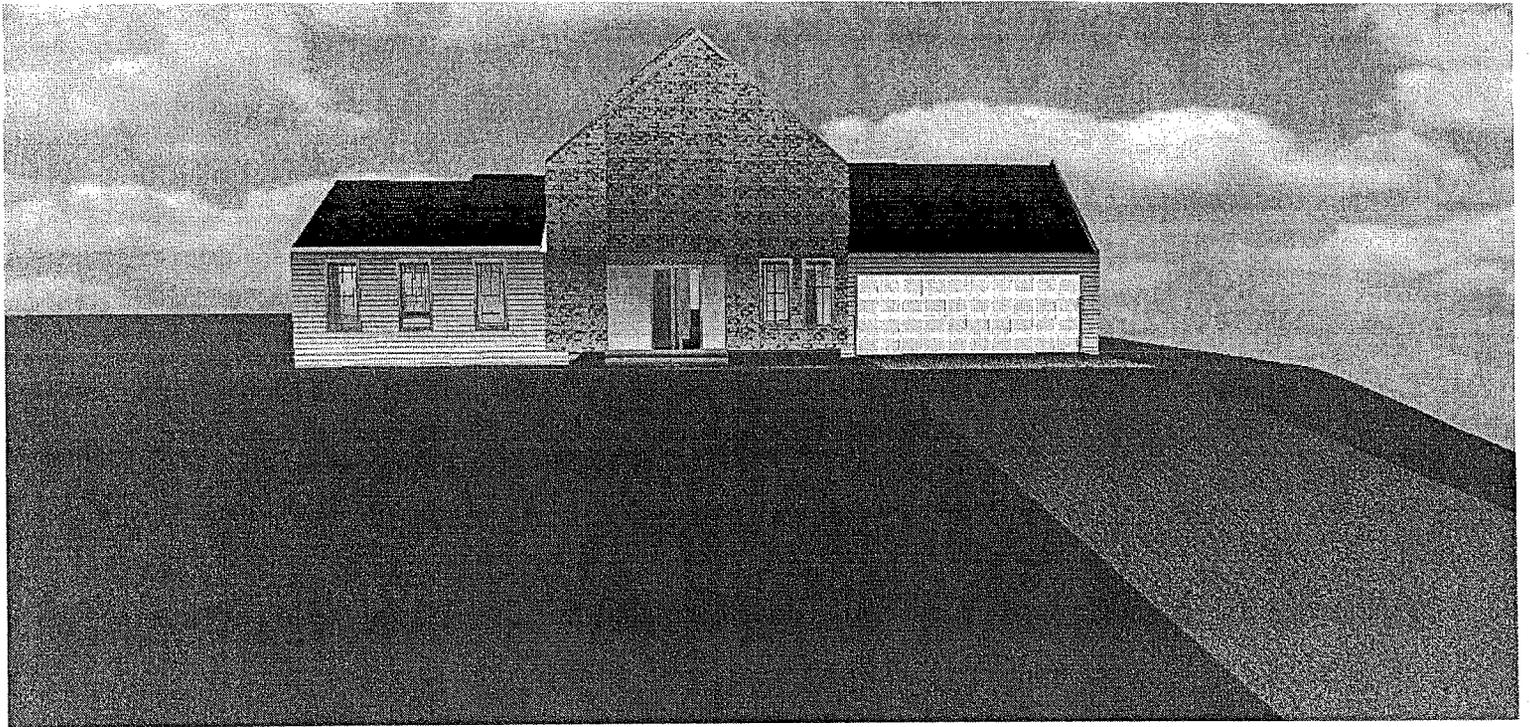
Rendered Image - Front View of House  
10403 Silk Oak Dr







10403 Silk Oak Dr.  
Proposed Garage Addition



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Department of Planning & Zoning

JUL 07 2011

Zoning Evaluation Division