

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

THOMAS E. 3RD. AND JUDITH HARDESTY, SP 2011-MA-111 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 12.2 ft. from side lot line. Located at 4412 Roberts Ave., Annandale, 22003, on approx. 21,780 sq. ft. of land zoned R-2 and HC. Mason District. Tax Map 71-2 ((5)) 9A. 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 February 29, 2012; and

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

1. The applicants are the owners of the property.
2. The Board determined that the application meets all the submission requirements set forth in Section 8-922.
3. The staff recommends approval, and the Board adopts its rationale.
4. This is a minimal reduction of 18.6 percent.
5. The enclosure of the sunroom is on the same footprint.
6. It makes sense to have it on the north side as opposed to someplace else from the standpoint of Little River Turnpike.
7. The nearest house on the side is 200 feet away, which is almost 70 yards, and that is 7/10ths of a football field away.
8. It looks like there is plenty of room.
9. For all those reasons, it makes eminently good sense from the standpoint of something that is in disrepair right now.

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. 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 130 square feet) of the addition, as shown on the plat prepared by Harold A. Logan Associates P.C., dated December 6, 2011, signed by Harold A. Logan, 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 (2,450 square feet existing + 3,675 square feet (150%) = 6,125 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.

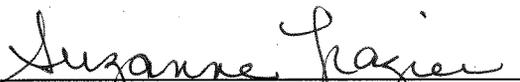
- 4. The addition shall generally be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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.

Mr. Hammack seconded the motion, which carried by a vote of 7-0.

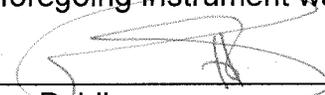
A Copy Teste:


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 March, 2012.

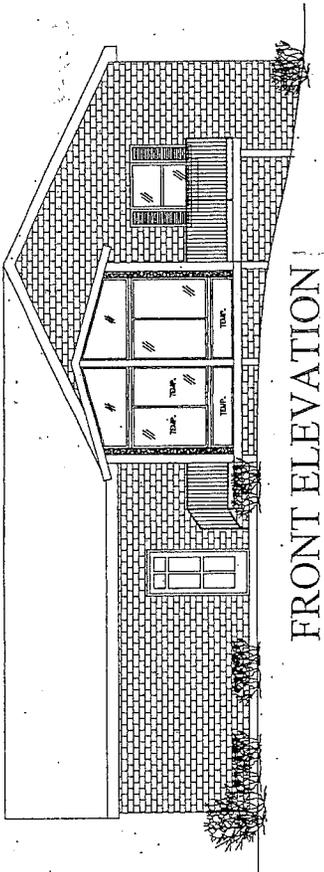


Notary Public

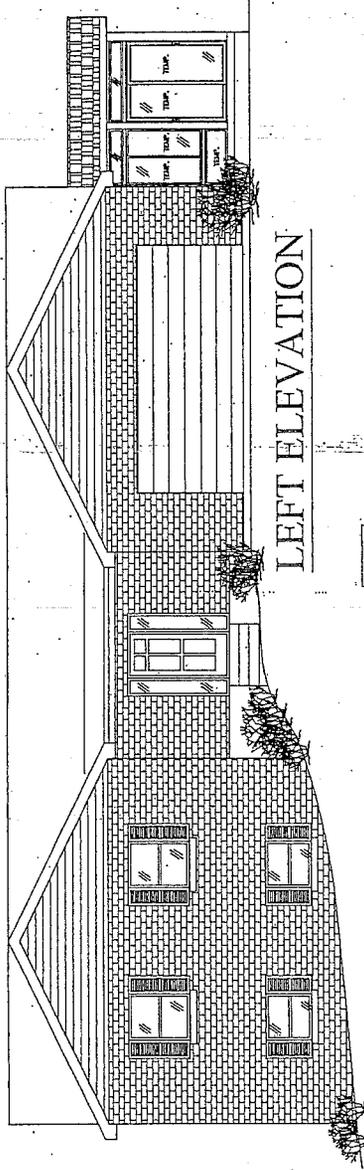
My commission expires: 07-31-2012

Commonwealth of Virginia
Homaira Amin - Notary Public
Commission No. 7196278
My Commission Expires 07/31/2012

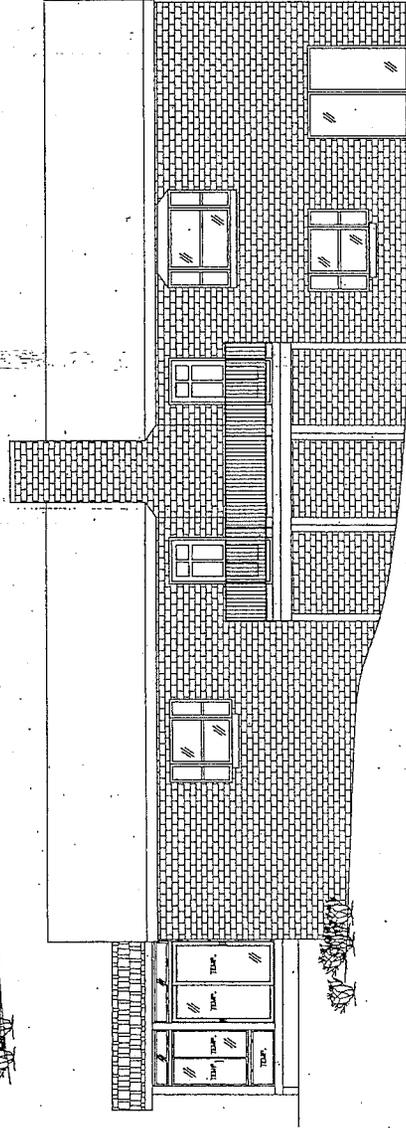
ELEVATIONS



FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

RECEIVED
 Department of Planning & Zoning
 DEC 15 2011
 Zoning Administration Division

THESE DRAWINGS ARE VALID ONLY WITH ORIGINAL
 SEAL AND SIGNATURE OF THE REGISTERED
 PROFESSIONAL ENGINEER. NO PHOTOCOPY
 OR THIRD PARTY ENGINEER SEAL OR SIGNATURE IS
 ACCEPTABLE AND MAKES THESE DRAWINGS VOID.

SHEET

ATTACHMENT 1

PHONE: (586) 323-1645 FAX: (586) 323-1645

ROBERT A. WALZ, P.E.
 No. 0402 023439

Professional Engineer Seal for Robert A. Walz, P.E., No. 0402 023439, State of Michigan.

11111 HALL RD., SUITE 110
 WALZ ENGINEERING LLC
 ENGINEERING
 UTICA, MI 48317

WALZ ENGINEERING LLC
 ENGINEERING

SCALE: 1/4"=1'

P

DRAWN BY: ALEX BUECHEL

4412 ROBERTS AVE.
 ANNANDALE, VA 22003

HARDESTY

DEALER: CHAMPION OF WASHINGTON DC

DATE: 7/18/11

FILE # CMDC-AL-HARDESTY

CONTRACT NO. 12/12/11