

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

EULIE M. CAMPBELL, SP 2011-LE-101 Appl. under Sect(s). 8-914 and 8-918 of the Zoning Ordinance to permit reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 6.3 ft. from rear lot line and to permit accessory dwelling unit within an existing dwelling. Located at 2812 Poag St., Alexandria, 22303, on approx. 14,002 sq. ft. of land zoned R-4 and HC. Lee District. Tax Map 83-3 ((35)) 1. (Admin. moved from 2/15/12 and 3/14/12 at appl. req.) Mr. Hammack 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 April 18, 2012; and

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

1. The applicant is the owner of the property.
2. The staff recommends approval of the accessory dwelling unit.
3. Based on the testimony of Mr. Campbell, he has provided a reasonable explanation to allow the storage unit to remain.
4. The Board has determined that the applicant has satisfied subsections A through G under Section 8-914, and in particular B, that the noncompliance was done in good faith or through no fault of the property owner and D, that it will not be detrimental to the use and enjoyment of other property in the area.

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:

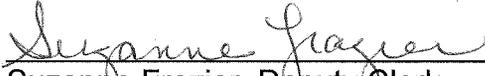
- 1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
- 2. This approval is granted to the applicant and title owners only, Eulie M. Campbell, and is not transferable without further action of this Board, and is for the location indicated on the application, 2812 Poag Street, Alexandria, (14,002 square feet), and is not transferable to other land.
- 3. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by Dominion, dated July 11, 2011, signed by George M. O'Quinn, Land Surveyor, and approved with this application, as qualified by these development conditions.
- 4. 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.

5. 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.
6. The accessory dwelling unit shall contain a maximum of 750 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions with the following modification:
 - a. The door on the study/storage area shall be removed; or
 - b. The wall between the study/storage and the living room or the bedroom shall be removed so that the area is incorporated into one of those two rooms.
7. All applicable trade permits and final inspections shall be obtained for the kitchen components, and if needed for the demolition required per condition #6, in the accessory dwelling unit within 180 days of approval.
8. 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.
9. 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.
10. If the use of the accessory dwelling unit ceases for the applicant's immediate family members 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.
11. All parking shall be provided on site as shown on the special permit plat.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Mr. Byers seconded the motion, which carried by a vote of 5-0. Ms. Gibb and Mr. Smith were absent from the meeting.

A Copy Teste:

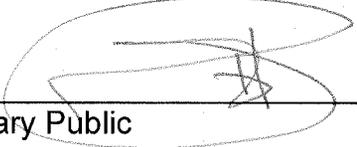


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 20 day of April, 2012.

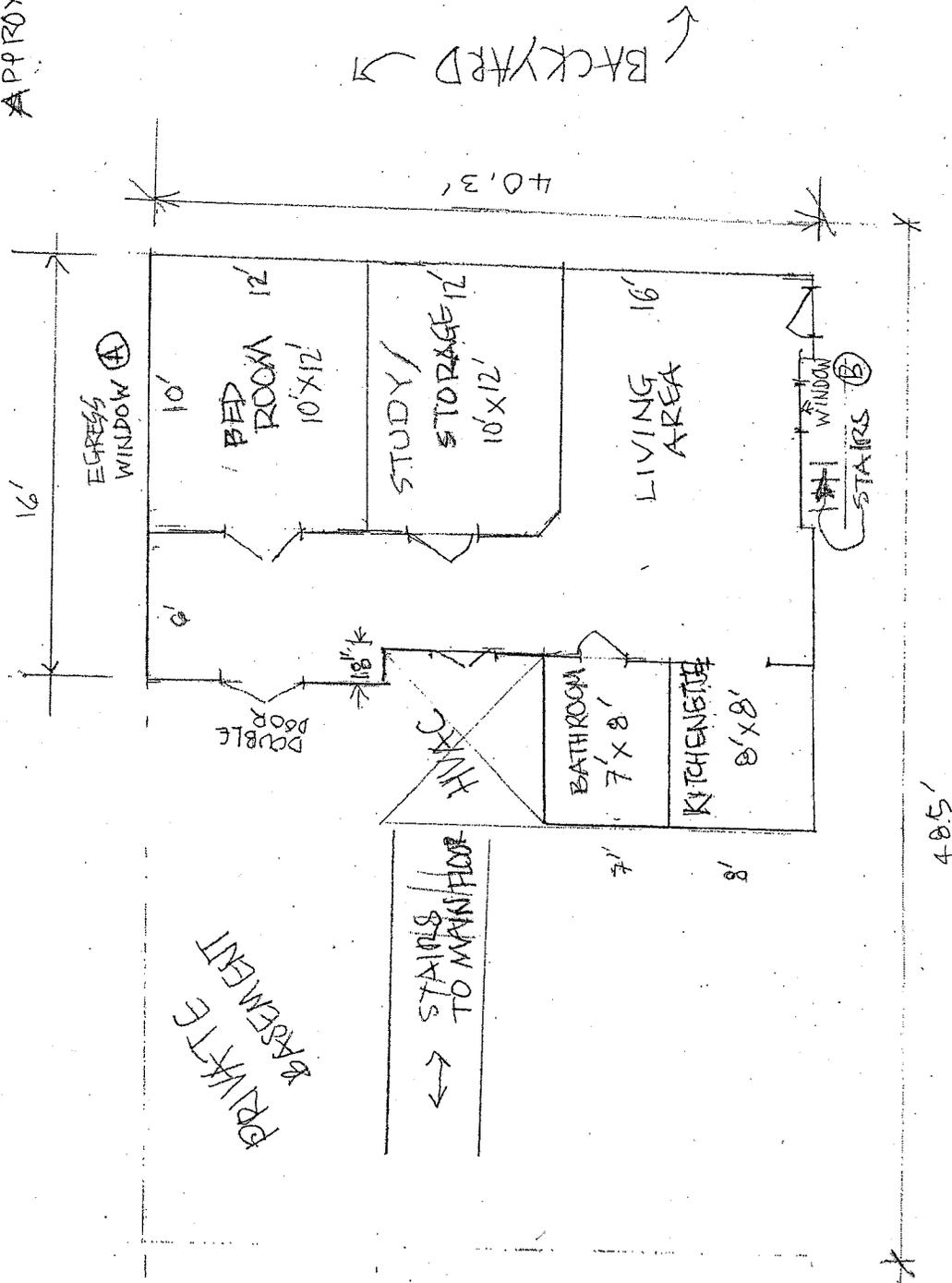


Notary Public

My commission expires: 07-31-2012

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

- NOT TO SCALE -
DIMENSIONS ALL
APPROXIMATE



2812 POAG STREET
FRONT OF HOUSE

- ACCESSORY DWELLING UNIT -
APPLICATION