

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

MICHAEL B. JONES, VC 2012-SU-002 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit an existing accessory storage structure exceeding 200 sq. ft. in size to remain in the front yard of a lot containing 36,000 sq. ft. or less. Located at 14618 Crenshaw Dr., Centreville, 20120, on approx. 12,945 sq. ft. of land zoned R-3 and WS. Sully District. Tax Map 44-3 ((2)) (27) 1 (Concurrent with SP 2012-SU-014). (Admin. moved from 6/6/12 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 June 13, 2012; and

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

1. The applicant is the owner of the property.
2. It is a close call.
3. The applicant might not have been aware that replacing an existing structure with a new structure slightly larger might create certain issues that he did not anticipate.
4. We get this kind of an issue before us many times.
5. In this case, the applicant replaced an older shed on the property, which he testifies was in the same location.
6. The application was processed in part by a friend who seems to have been given some helpful, but not necessarily good, advice at the counter to call it a garage instead of a shed.
7. The staff person who did that probably thought they were being very helpful, but sometimes it can cause unforeseen problems.
8. There is no opposition to the shed.
9. The community seems to be behind it.
10. The Board could not find that it would be detrimental to the other properties in the area.
11. All things considered, the applicant has satisfied the required standards for variances, in particular subparagraphs 1 through 8, and in particular that the character of the zoning district will not be changed by the granting of a variance.
12. There are double front yards here, and this encroaches partly into one, but would be permitted if it were a garage.
13. It meets the other requirements of the Ordinance.

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.

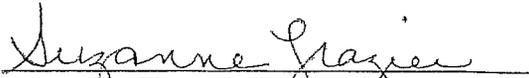
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This variance is approved for the size and location of an accessory storage structure (413 square foot shed) greater than 200 square feet in gross floor area in the front yard of a lot containing 36,000 square feet or less, as shown on the plat prepared by Dominion Surveyors Inc., dated May 24, 2011, as submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections for the accessory storage structure (shed), including electrical permits, shall be obtained within 120 days of approval of this variance application.
3. No motorized vehicles shall be stored or repaired within the accessory storage structure.
4. The structure shall be properly maintained in good condition with painting or staining.

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.

Ms. Gibb seconded the motion, which carried by a vote of 4-2. Mr. Hart and Mr. Byers voted against the motion. Mr. Smith was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script that reads "Suzanne Frazier". The signature is written in dark ink and is positioned above a horizontal line.

Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals