

## COUNTY OF FAIRFAX, VIRGINIA

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

SANJEEV MAGOON, SP 2012-DR-016 Appl. under Sect(s). 8-914 and 8-923 of the Zoning Ordinance to permit reduction of minimum yard requirements based on error in building location to permit deck to remain 23.4 ft. from front lot line and fence greater than 4.0 ft. in height to remain in front yard. Located at 6319 Old Dominion Dr., McLean, 22101, on approx. 32,154 sq. ft. of land zoned R-1. Dranesville District. Tax Map 31-3 ((1)) 72 (Concurrent with VC 2012-DR-003). 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 June 27, 2012; and

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

1. The applicant is the owner of the land.
2. The application complies with Items A through G.

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:

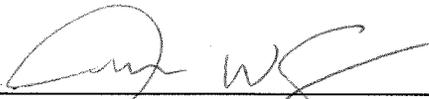
1. This special permit is approved for the location of fencing, brick pillars and decorative walls in the front yard, a maximum 6.0 feet in height, and deck (at-grade patio) as shown on the plat prepared by Civiland, LLC, dated April 3, 2012, as revised and sealed through June 4, 2012, as submitted with this application and is not transferable to other land.
2. A revised Infill Lot Grading Plan which reflects all site conditions shall be submitted to the Department of Public Works and Environmental Services within 120 days of approval of this application.
3. The fencing, brick pillars and decorative walls shall be reduced in height as applicable, and permits and final inspections for these features shall be obtained within 120 days of approval of this variance application.
4. The installation of a 2 x 4 permanent planter to clearly delineate the concrete paver driveway from the concrete paver patio, as shown on the plat, shall be installed within 30 days of approval of this application and shall be reflected on the revised Infill Lot Grading Plan.
5. No additional pavement, patio, or driveway shall be installed in the front yard other than what is there currently.

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.

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.

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

A Copy Teste:



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John W. Cooper, Deputy Clerk  
Board of Zoning Appeals