

## COUNTY OF FAIRFAX, VIRGINIA

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

NANCY MATISOFF AND/OR ROBERT MATISOFF, SP 2012-DR-028 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction of minimum yard requirements based on error in building location to permit deck to remain 5.6 ft. from one side lot line and reduction of certain yard requirements to permit construction of addition 8.2 ft. from other side lot line. Located at 1925 Kenbar Ct., McLean, 22101, on approx. 27,704 sq. ft. of land zoned R-2. Dranesville District. Tax Map 41-1 ((24)) 21A. 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 July 18, 2012; and

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

1. The applicants are the owners of the land.
2. Staff recommended approval of the reduction of the yard requirements to permit construction of an addition 8.2 feet from the side lot line.
3. The zoning is R-2.
4. The applicant has presented testimony that Sect. 8-914 is met as it relates to the patio.
5. The addition to the garage is a modest improvement insofar as the mistake section.
6. It has been there for a period of time.
7. It has been determined that by making certain technical adjustments, there would be no need to appear before the Board seeking a hearing under the mistake section.

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 a deck (at-grade slate patio) and the location and size of an addition (240 square feet), as shown on the plat prepared Dominion Surveyors, Inc., dated and sealed on October 20, 2011, as revised through December 5, 2011, as 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 (5,089 square feet existing + 7,733.5 square feet (150%) = 12,722.5 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.

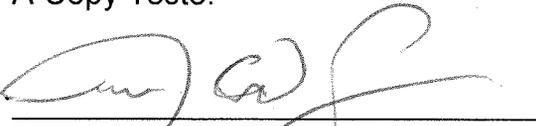
- 4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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 5-0. Mr. Smith and Mr. Byers were absent from the meeting.

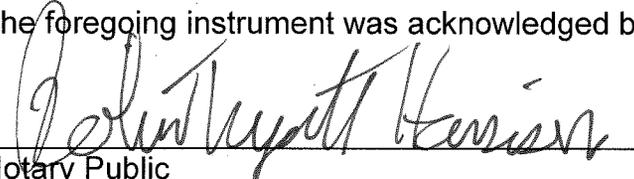
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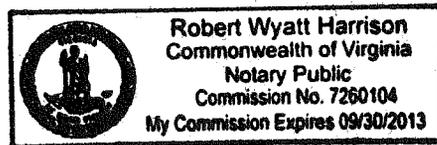
  
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John W. Cooper, Deputy Clerk  
Board of Zoning Appeals

ACKNOWLEDGEMENT

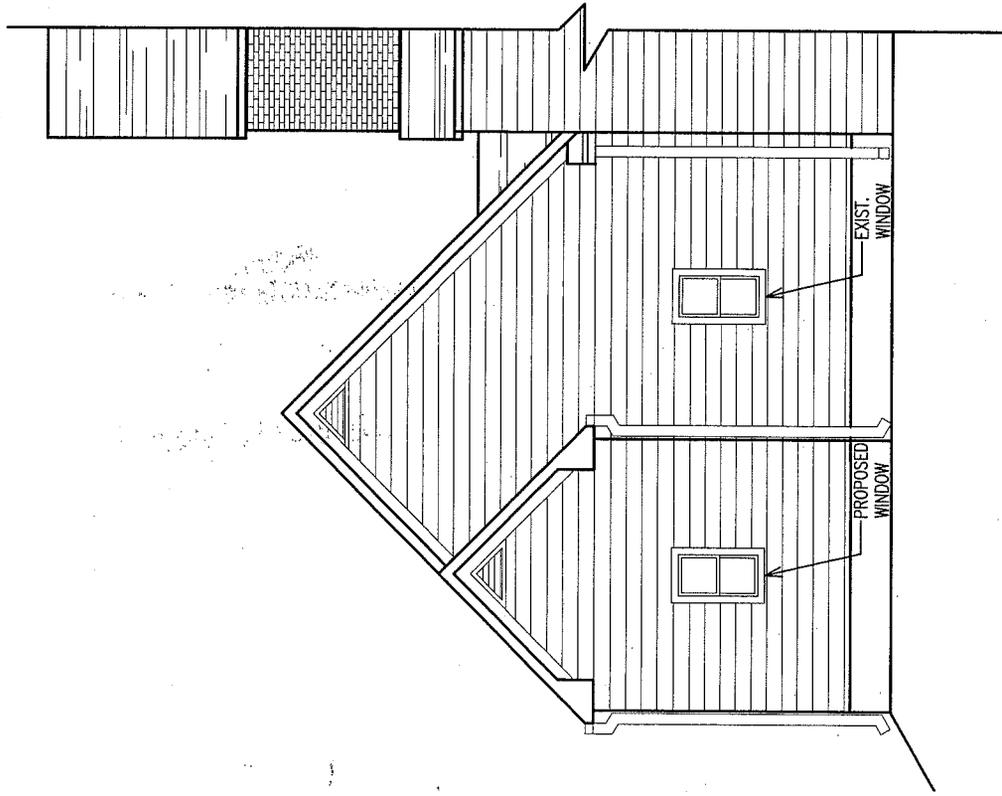
County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 24 day of July, 2012.

  
\_\_\_\_\_  
Notary Public



My commission expires: 9-30-2013



OUTLINE OF PROPOSED GARAGE

PROPOSED ROOF LINE AGAINST EXIST. MAIN AND SECOND LEVEL

EXIST. WINDOW

EXIST. WINDOW

PROPOSED WINDOW

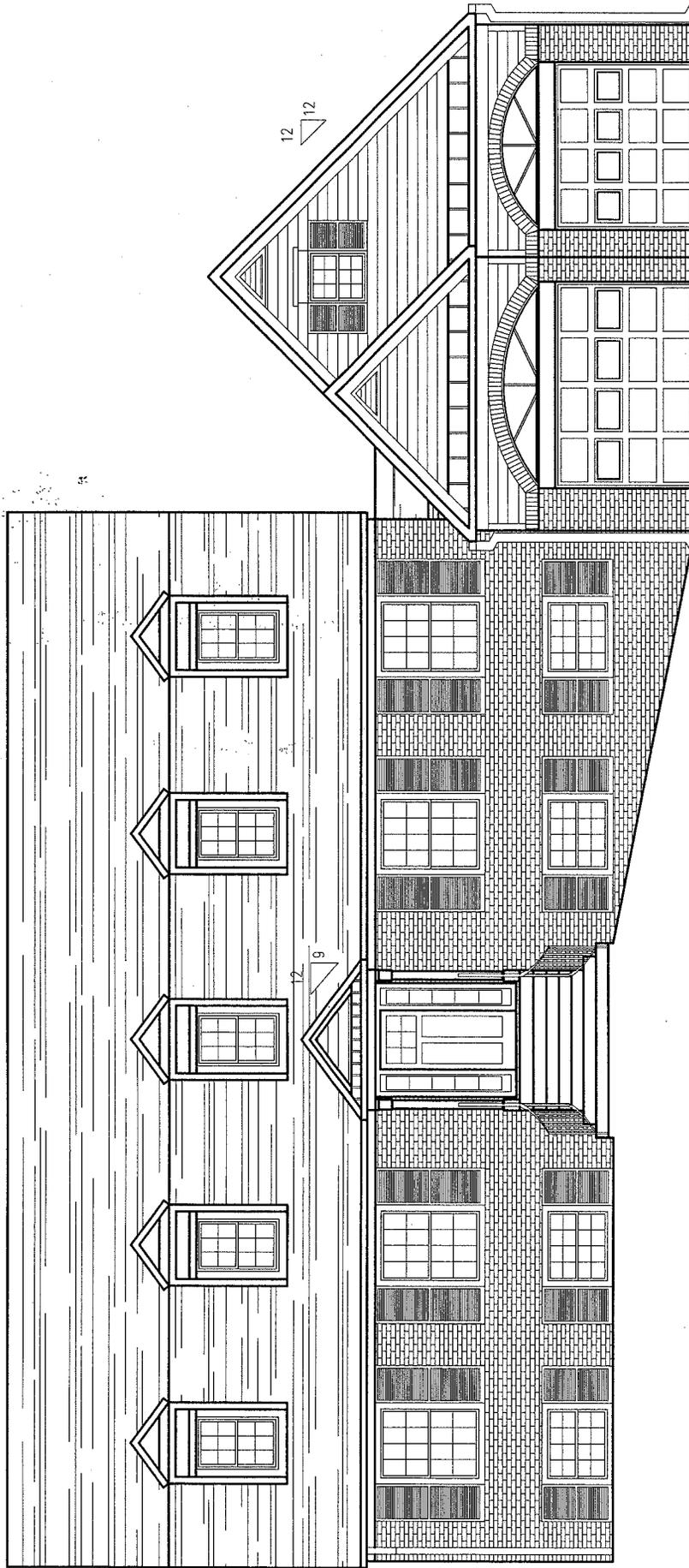
PROPOSED SIDE & REAR ELEVATION - REVISED

Design Collaborative

8436 Black Stallion  
Vienna, Virginia  
t. 703.241.7032  
f. 703.241.7032

architecture . interior

FLOOR:	ALL	SCALE:	1/8" = 1'-0"
BY:	LEE	DATE:	3 NOV 2011
CHK'D:	KIB	MATISOFF RESIDENCE 1925 KENBAR CT. MCGLEAN, VA 22101	



Design Collaborative  
 8436 Black Stallion Place  
 Vienna, Virginia, 22182  
 t. 703.242.8300  
 f. 703.242.0065  
 architecture . interior design

PROPOSED FRONT ELEVATION - REVISED		SCALE: 1/8" = 1'-0"
MATISOFF RESIDENCE		DATE: 3 NOV 2011
FLOOR: ALL	1925 KENBAR CT. MCLEAN, VA 22101	
BY: LEE	CHK'D: KIB	

