

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

LESLEY FORDE, SP 2012-DR-017 Appl. under Sect(s). 8-914 and 8-923 of the Zoning Ordinance to permit reduction to minimum yard requirements based on error in building location to permit stairs to remain 12.0 ft. from one front lot line, deck to remain 26.8 ft. from other front lot line and to permit existing fence greater than 4.0 ft. in height to remain in front yard. Located at 1464 Pathfinder Ln., McLean, 22101, on approx. 11,174 sq. ft. of land zoned R-3. Dranesville District. Tax Map 30-2 ((7)) (8) 305. Ms. Gibb 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 applicant has presented testimony and in her justification that the applicant bought the property in good faith.
3. All the conditions existed when the applicant purchased the property.
4. The applicant tried to remedy the issues, but it just does not seem possible as far as the front steps.
5. As far as the deck on the side, there is no impact on any neighbor.
6. It looks out on the driveway and then across a big swath of grass and trees and then out on to Pathfinder.
7. Same thing with the steps. There is no impact on any neighbor.
8. As far as the fence, also no impact on the neighbor.
9. The fence is on a hill.
10. It actually looks shorter than it is.
11. The Board has received no complaints on it.

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.

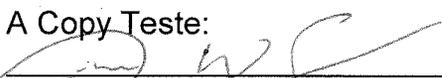
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

- 1. This special permit is approved for the location and size of the stairs, deck and fence as shown on the plat prepared by Dominion Surveyors Inc., dated August 9, 2011, revised March 5, 2012, as submitted with this application and is not transferable to other land.
- 2. All applicable permits and final inspections for the stairs and landing shall be diligently pursued and obtained within six months of final approval of this application.

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.

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

A Copy Teste:



John W. Cooper, Deputy Clerk
Board of Zoning Appeals