

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ELIZABETH C. DAY, SP 2012-HM-034 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 14.2 ft. from rear lot line. Located at 2836 Thistleberry Ct., Herndon, 20171, on approx. 9,798 sq. ft. of land zoned PDH-3. Hunter Mill District. Tax Map 25-3 ((15)) 151. Mr. Smith 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 25, 2012; and

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

1. The applicant is the owner of the property.
2. The property is zoned PDH-3.
3. It is a relatively shallow lot with a small backyard on a cul-de-sac.
4. The angle of the house on the lot does not give you a whole lot to work with.
5. It is a relatively modest addition, 9 by 19 feet.
6. The lines will be consistent with the rearmost line of the house.
7. It is a similar style and harmonious with the house as well as with the rest of the neighborhood.
8. It meets all of the requirements identified in 8-922.
9. The staff has recommended approval, and the Board adopts their rationale.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

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

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 the location and size (approximately 238 square feet) of the addition, as shown on the plat prepared by Scartz Surveys, dated 04/16/2012, signed by Larry N. Scartz, Land Surveyor, 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 (3,321 square feet existing + 4,981.5 square feet (150%) = 8,302.5 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 generally be 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.

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

A Copy Teste:

Suzanne Frazier
 Suzanne Frazier, Deputy Clerk
 Board of Zoning Appeals

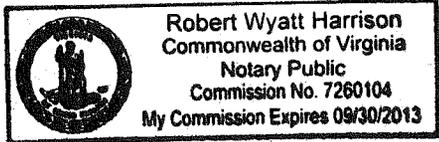
ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 3 day of August, 2012.

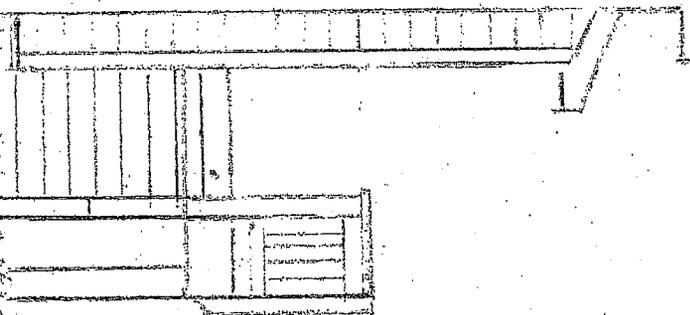
Robert Wyatt Harrison
 Notary Public

My commission expires: 9-30-2013



Existing House

Handwritten notes on the left side of the top drawing, including "11/11/11" and "11/11/11".

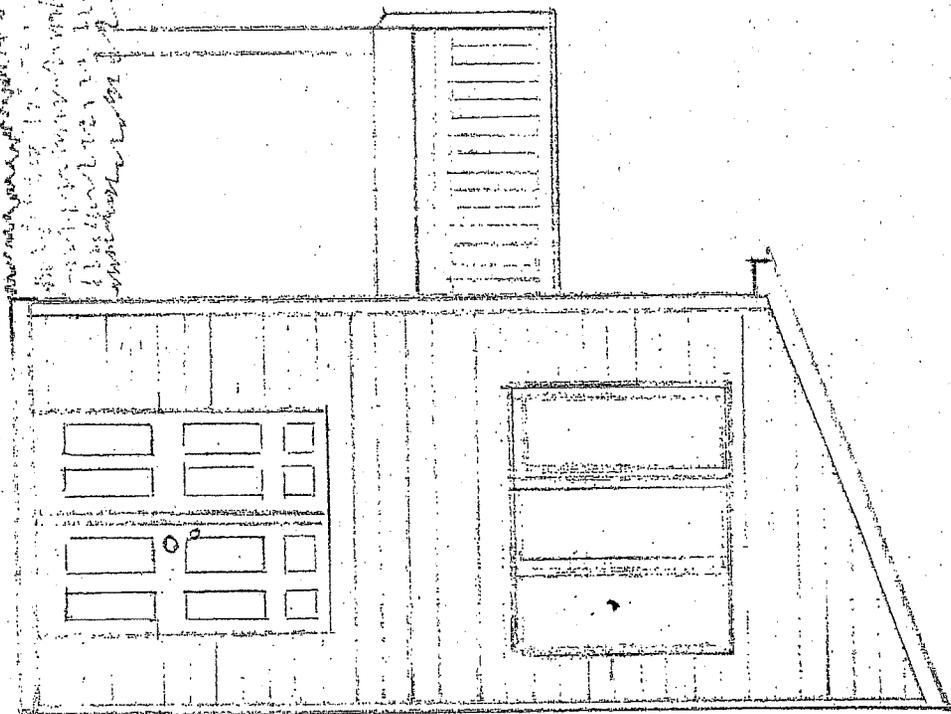


PROPOSED NEW PLACEMENT
SIDE VIEWS

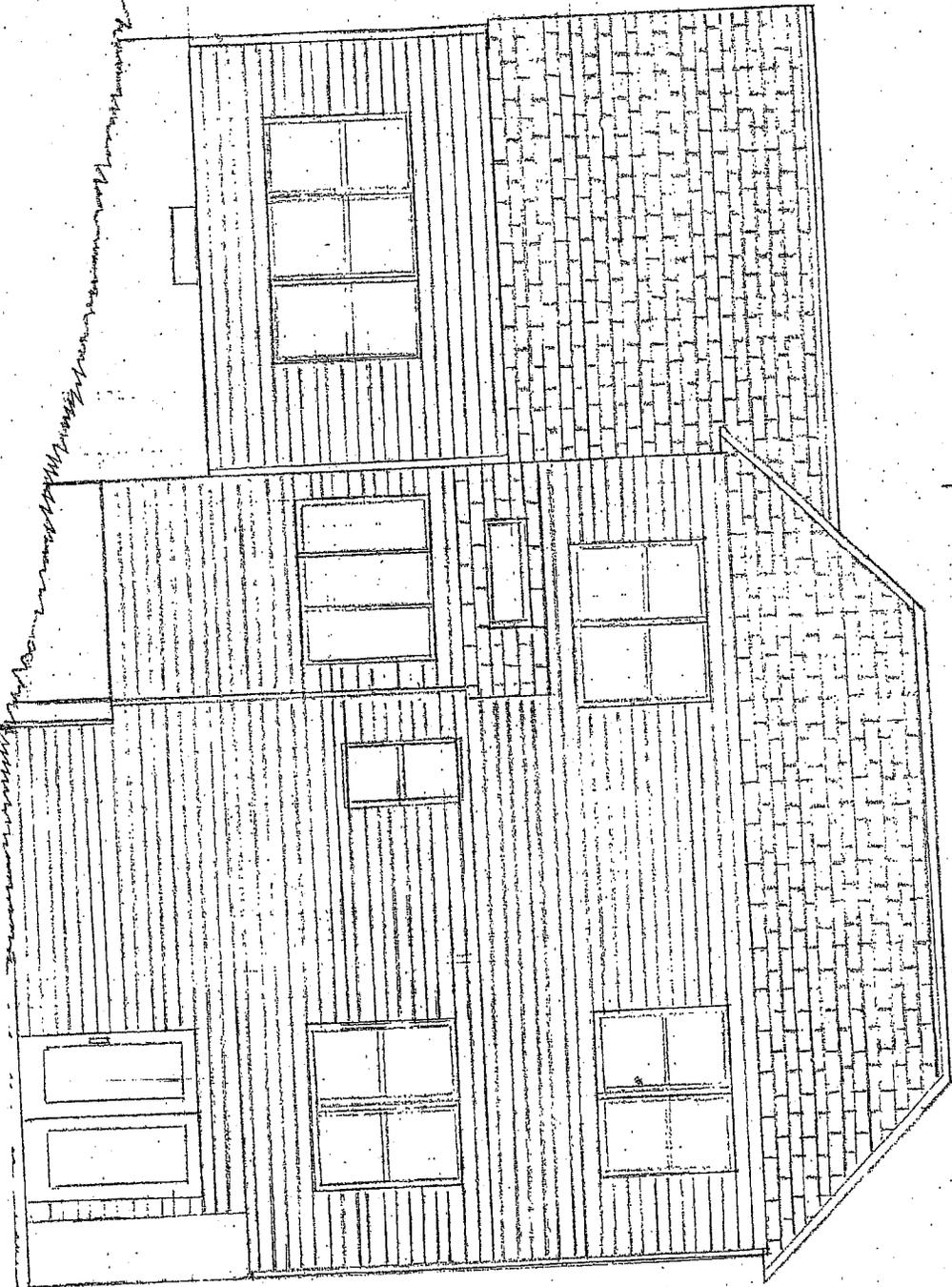
Scale: 1" = 4'

Back to John Day

Handwritten notes on the left side of the bottom drawing, including "11/11/11" and "11/11/11".



Existing House



EXISTING House before proposed addition

Scale: 1/4" = 1'

Beth + John Day



EXISTING House with proposed addition

Scale: 1" = 4'

Beth + Jan Day

RECEIVED
Department of Planning & Zoning
APR 24 2012
Zoning Evaluation Division

