

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

EDWARD & LISA BENNETT, SP 2010-DR-060 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction to minimum yard requirements based on error in building location to permit dwelling to remain 7.2 ft. from side lot line and reduction of certain yard requirements to permit construction of second story addition 11.6 ft. and roofed deck 10.1 ft. from one side lot line and second story addition 7.5 ft. from other side lot line. Located at 6201 Park Rd. on approx. 17,540 sq. ft. of land zoned R-2. Dranesville District. Tax Map 41-1 ((13)) (2) 4A. Mr. Hart 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 February 2, 2011; and

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

1. The applicants are the owners of the land.
2. With respect to the Error in Building Location, it appears that the dimensional mistake is very slight compared to what was shown on the plat in 1964.
3. The house is only .3 feet off of where it should have been.
4. It has been there for almost 50 years.
5. The application meets the applicable standards.
6. They should not have to move the house.
7. Under Sect. 8-922 application, it is a closer call and it is a difficult case.
8. There are a lot of good things in this application.
9. The applicants have tried hard to be environmentally sensitive.
10. It is an interesting design in an eclectic neighborhood with a lot of weird topography with narrow lots and through lots.
11. Given the unique circumstances of the lot and the fact that they are basically building on the existing footprint, the tallest part of the structure is really central to the lot.
12. The Board is satisfied with the changes in topography.
13. With regard to the shadow diagram, the impact on the next door neighbor will not be so severe as to warrant a denial.
14. The Board adopts the rationale in the staff report to the extent that staff has concluded that the required standards have been met.
15. With respect to the magnitude of the project, Development Condition 8 is a little bit of a safety net.

16. Whether the two driveway access construction methodology works, if the disturbed area is going to exceed the 2,500 square-feet, other things will have to be done.
17. There are plenty of places on the lot where some low impact storm water facility can be put, if required.
18. With the language regarding tree preservation, environmentally they are protected.

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, Edward J. and Lisa W. Bennett, 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 6201 Park Road and size, 2,080 square feet for the proposed additions, as shown on the plat prepared by Alexandria Surveys International, LLC and signed by Patrick A. Eckert, Land Surveyor, dated June 30, 2010, as revised through January 14, 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 (1,453 square feet existing + 2,179.5 square feet (150%) = 3,632.5 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 additions shall be generally consistent with the architectural drawings as depicted on Attachment 1 to these conditions.
5. Prior to any land disturbing activities, a pre-construction conference shall be held on-site between the Department of Public Works and Environmental Services (DPWES), including the Urban Forester, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of the Resource Protection Area (RPA), clearing and grading, areas of tree preservation, tree protection measures, and the erosion and sedimentation control plan to be implemented during construction. The limits of the RPA and the limits of clearing shall be clearly marked for this meeting and during all phases of construction.
6. Prior to commencement of and during the entire construction process, tree protective fencing shall be installed between the location of the proposed

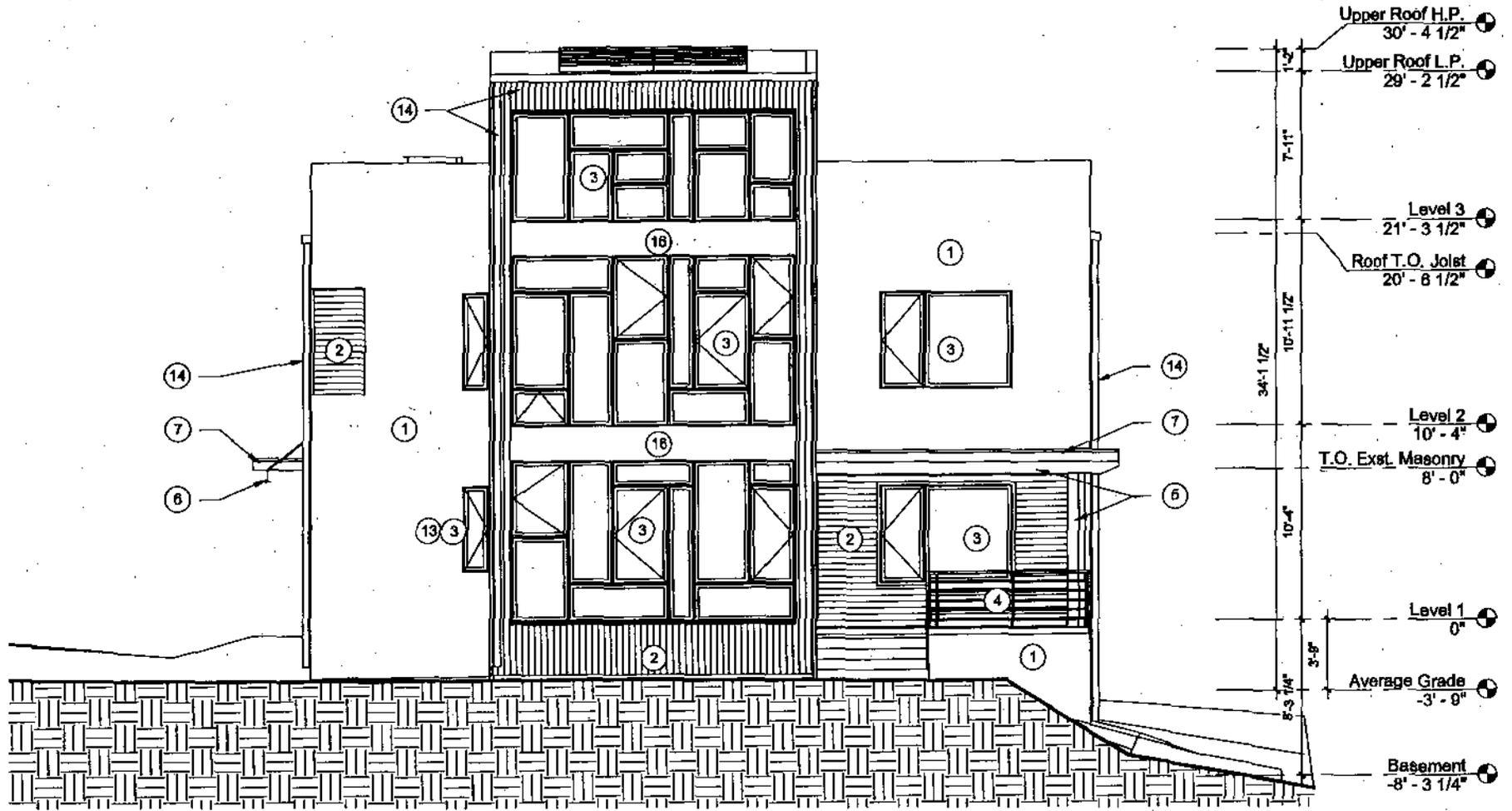
additions and the limits of clearing and grading within all property boundaries. Tree protection fencing in the form of 14-gauge welded wire fence mounted on steel posts shall be installed at the limits of clearing and grading to protect the critical root zones of on-site and off-site trees from any construction activity, including material storage and vehicular and construction equipment traffic. The applicant shall monitor the site to ensure that inappropriate activity such as the storage of construction equipment does not occur within the tree save areas. Any trees that are damaged or removed shall be replaced with a like kind in size and species as determined by the Urban Forest Management Division (UFMD), DPWES.

7. There shall be no clearing or grading of any vegetation within the RPA except for dead or dying trees and shrubs.
8. Prior to the issuance of a building permit, the applicant shall obtain approval of land disturbance calculations as determined by DPWES, Environmental and Site Review Division. If the applicant is required to provide Stormwater Management (SWM) and/or Best Management Practices (BMP) facilities and those facilities can not be provided in substantial conformance with the SP Plat, then a special permit amendment (SPA) shall be filed to provide water quantity and quality control measures in accordance with the PFM as determined by DPWES.

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 6-0. Ms. Gibb was absent from the meeting.



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 1801 J. Baker Park Drive
 Washington, DC 20008
 202.333.7294
 Project Architect: Stefan Schwaninger



NOT FOR CONSTRUCTION

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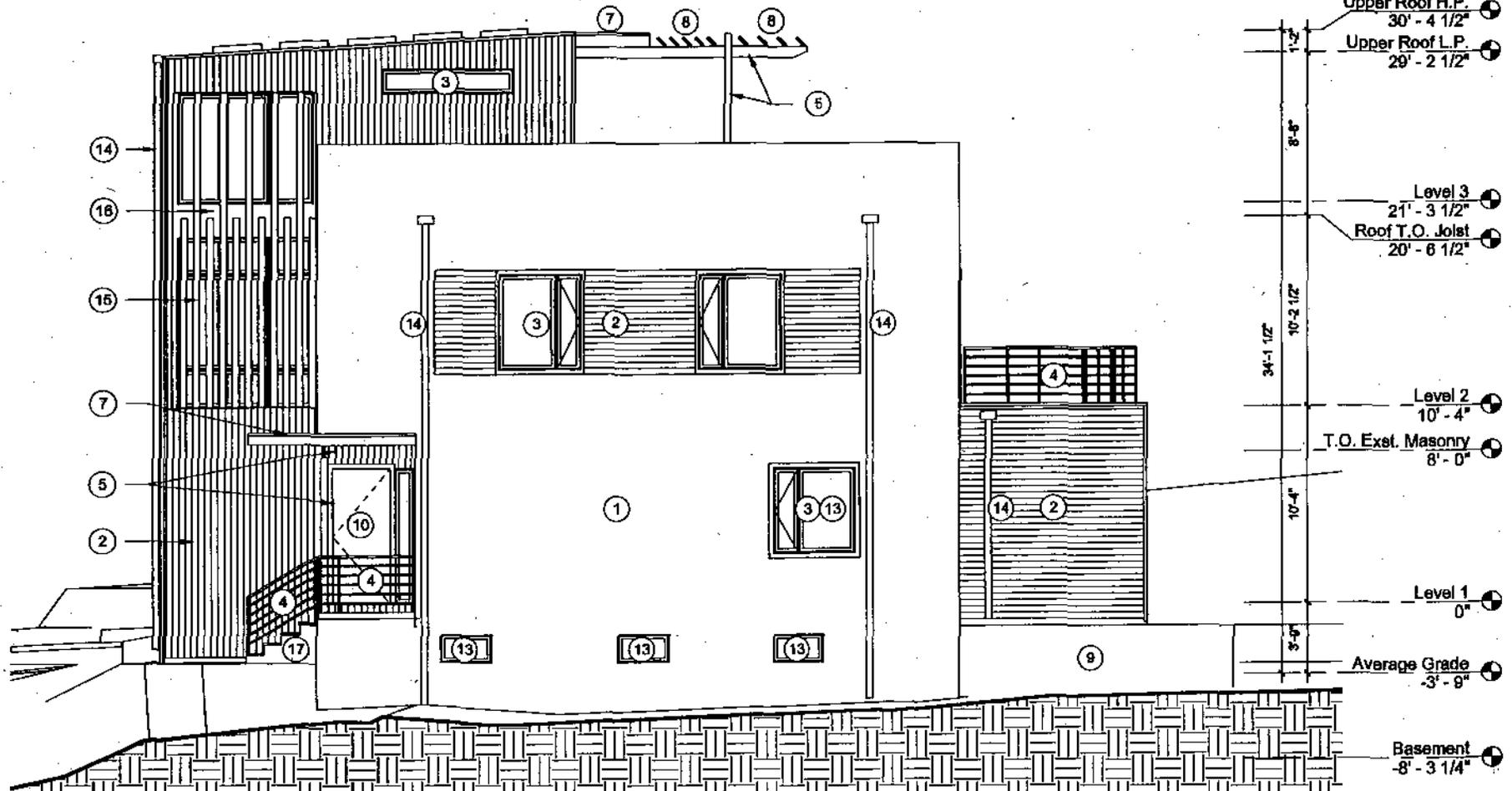
Bennett Residence
 1801 J. Baker Park Drive
 Arlington, VA 22201
 SPECIAL PERMIT

REVISIONS

GENERAL NOTES

- KEY NOTES**
- | | | |
|---|---|---|
| 1 OFF WHITE STUCCO. | 10 WOOD ENTRY DOOR. | 17 STUCCO-CLAD MASONRY STEPS W/ STONE TREADS. |
| 2 T&G CLEAR CEDAR SIDING. | 11 ALUM-CLAD WOOD ENTRY DOOR W/ FULL GLASS LITE. | |
| 3 ALUM-CLAD WOOD WINDOWS, TYP. | 12 WOOD STEPS & DECK / LANDING. | |
| 4 METAL GUARDRAIL / HANDRAIL. | 13 NEW WINDOW IN EXISTING OPENING. | |
| 5 PTD METAL SUPPORT POST & BEAM. | 14 PTD MTL. SCUPPER & PTD ROUND MTL DOWNSPOUT | |
| 6 PTD METAL SUPPORT BEAM & TENSION RODS. | 15 CLEAR CEDAR SIDING SLATS MECH. FASTENED TO HORIZ. PTD. HSS SUPPORTS. | |
| 7 WOOD CANOPY W/ EXPOSED FRAMING & EPDM MEMBRANE. | 16 HARDIE PANEL SIDING, PTD. TO MATCH WINDOWS. | |
| 8 WOOD SHADE TRELLIS. | | |
| 9 STONE-CLAD MASONRY LANDSCAPING WALL. | | |

3/16" = 1'-0"
 DATE
 25 OCT 2010
 NORTH EXTERIOR ELEVATION
 SHEET NO. 10
A201



GENERAL NOTES

KEY NOTES

- | | | |
|---|--|---|
| <ul style="list-style-type: none"> 1 OFF WHITE STUCCO. 2 T&G CLEAR CEDAR SIDING. 3 ALUM-CLAD WOOD WINDOWS, TYP. 4 METAL GUARDRAIL / HANDRAIL. 5 PTD METAL SUPPORT POST & BEAM. 6 PTD METAL SUPPORT BEAM & TENSION RODS. 7 WOOD CANOPY W/ EXPOSED FRAMING & EPDM MEMBRANE. 8 WOOD SHADE TRELLIS. 9 STONE-CLAD MASONRY LANDSCAPING WALL. | <ul style="list-style-type: none"> 10 WOOD ENTRY DOOR. 11 ALUM-CLAD WOOD ENTRY DOOR W/ FULL GLASS LITE. 12 WOOD STEPS & DECK / LANDING. 13 NEW WINDOW IN EXISTING OPENING. 14 PTD MTL SCUPPER & PTD ROUND MTL DOWNSPOUT. 15 CLEAR CEDAR SIDING SLATS MECH. FASTENED TO HORIZ. PTD. H88 SUPPORTS. 16 HARDIE PANEL SIDING, PTD. TO MATCH WINDOWS. | <ul style="list-style-type: none"> 17 STUCCO-CLAD MASONRY STEPS W/ STONE TREADS. |
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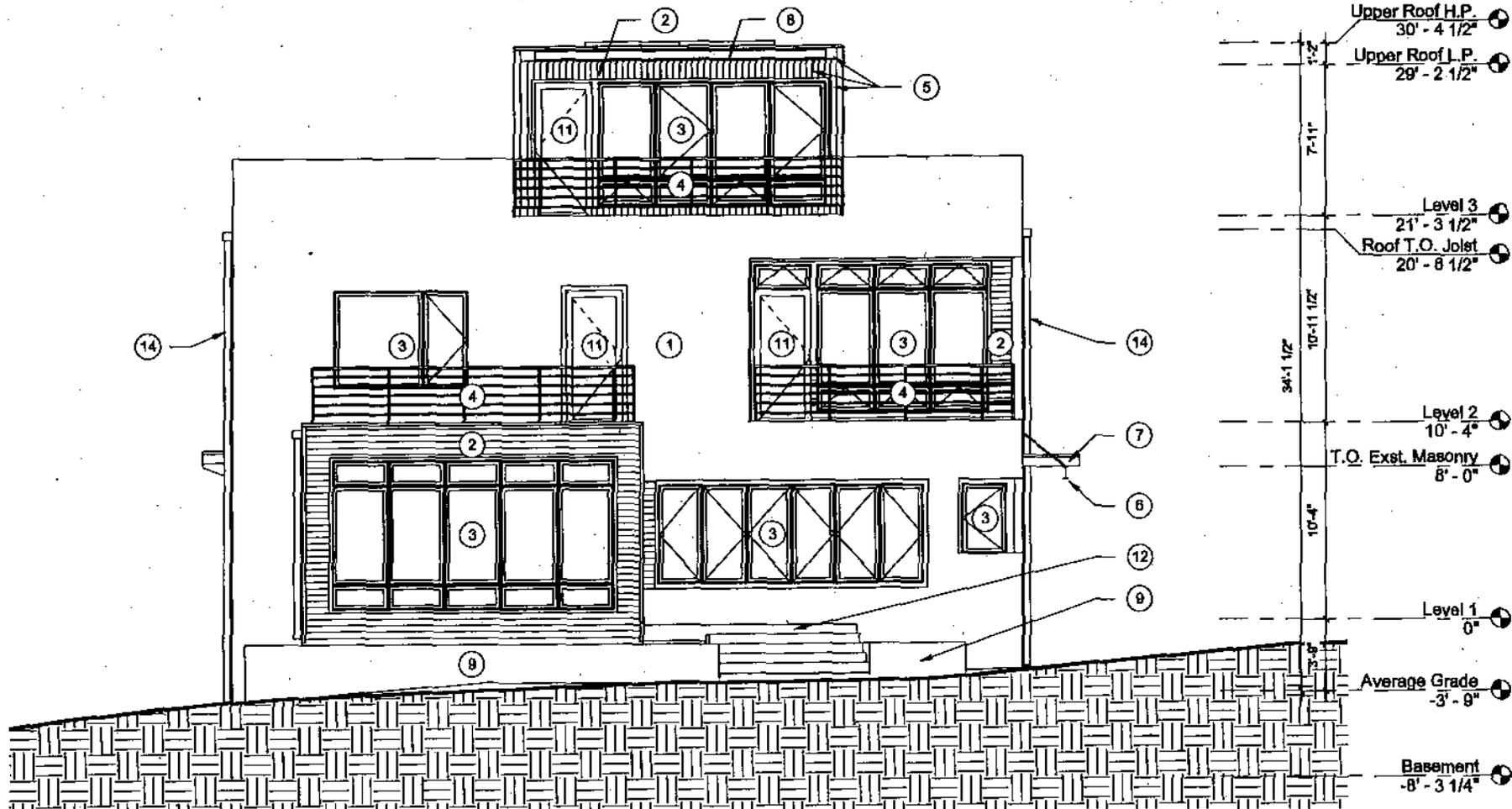
NOT FOR CONSTRUCTION

Bennett Residence
 8001 Peak Road
 McLean, VA 22101
SPECIAL PERMIT

REVISIONS

3/16" = 1'-0"
 SCALE
 25 OCT 2010

WEST EXTERIOR ELEVATION
 WEST NAME
 WEST NUMBER
A202



GENERAL NOTES

KEY NOTES

- | | | |
|--|--|--|
| <p>1 OFF WHITE STUCCO.
 2 T&G CLEAR CEDAR SIDING.
 3 ALUM-CLAD WOOD WINDOWS, TYP.
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 15 CLEAR CEDAR SIDING SLATS MECH. FASTENED TO HORIZ. PTD. HBS SUPPORTS.
 16 HARDIE PANEL SIDING, PTD. TO MATCH WINDOWS.</p> | <p>17 STUCCO-CLAD MASONRY STEPS W/ STONE TREADS.</p> |
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 Project Number: 2009-0000000



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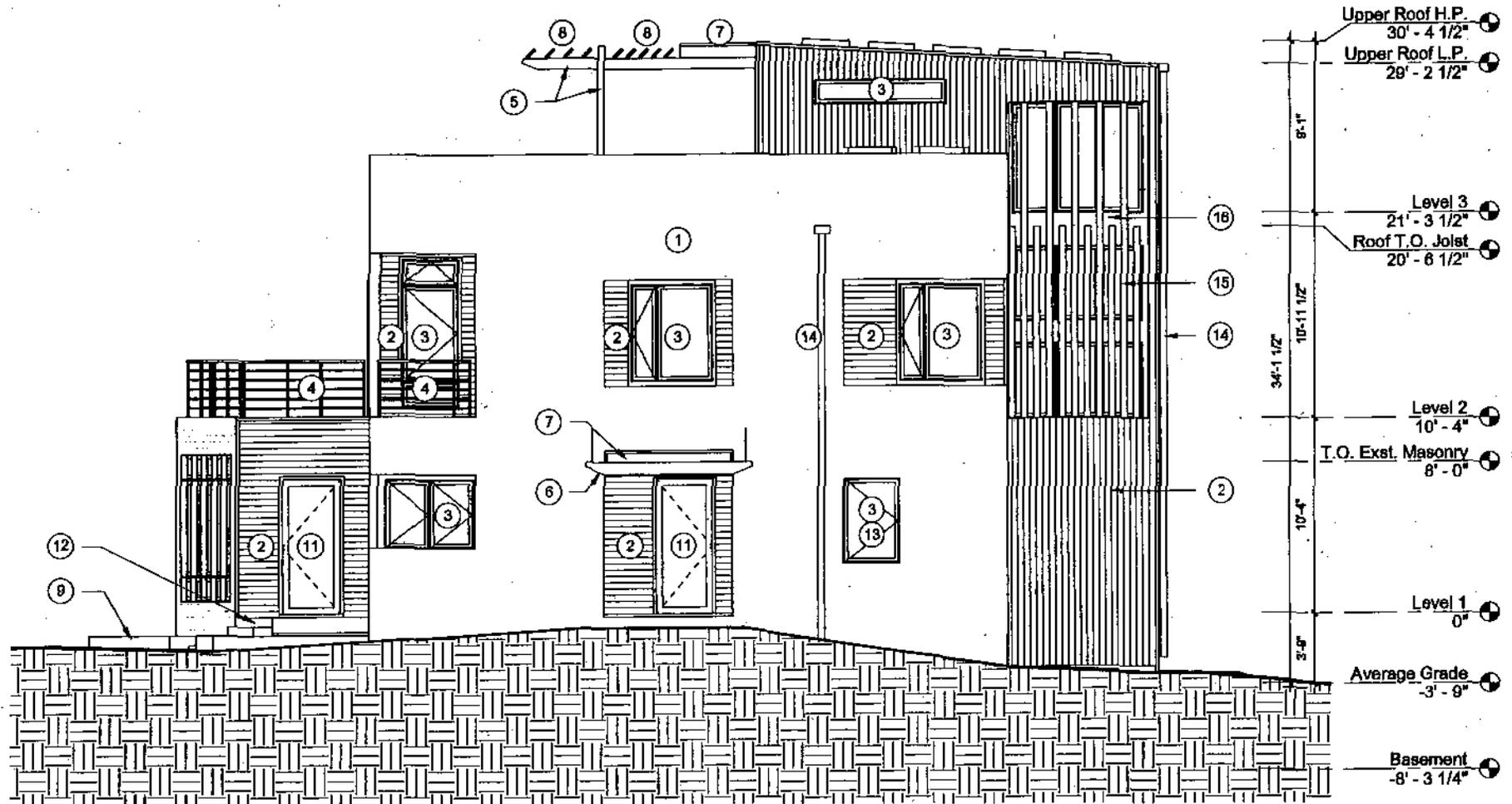
Bennett Residence
 1000
 SPECIAL PERMIT

REVISIONS

NO.	DESCRIPTION

3/16" = 1'-0"
 SCALE
 100% DATE
 20 OCT 2010

SOUTH EXTERIOR ELEVATION
 SHEET NAME
 SHEET NUMBER
A203



GENERAL NOTES

1 OFF WHITE STUCCO.
 2 TAG CLEAR CEDAR SIDING.
 3 ALUM-CLAD WOOD WINDOWS, TYP.
 4 METAL GUARDRAIL / HANDRAIL.
 5 PTD METAL SUPPORT POST & BEAM.
 6 PTD METAL SUPPORT BEAM & TENSION RODS.
 7 WOOD CANOPY W/ EXPOSED FRAMING & EPDM MEMBRANE.
 8 WOOD SHADE TRELLIS.
 9 STONE-CLAD MASONRY LANDSCAPING WALL.

KEY NOTES

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 12 WOOD STEPS & DECK / LANDING.
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 16 HARDIE PANEL SIDING, PTD. TO MATCH WINDOWS.
 17 STUCCO-CLAD MASONRY STEPS W/ STONE TREADS.

inscapestudio
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 1000 West Street
 Washington, DC 20004
 Project Architect: Steven Schwenker

NOT FOR CONSTRUCTION

Bennett Residence
 1000 West Street
 Washington, DC 20004
 SPECIAL PERMIT

REVISIONS

3/16" = 1'-0"
 SCALE
 SHEET DATE
 25 OCT 2010

EAST EXTERIOR ELEVATION
 SHEET NAME
 SHEET NUMBER
A204