

## COUNTY OF FAIRFAX, VIRGINIA

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

ERIC NORLAND, LEAKHENA AU, SP 2012-MV-038 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction in minimum yard requirements based on errors in building locations to permit dwelling to remain 21.2 ft. from front lot line and 4.0 ft. from side lot line, steps to remain 15.2 ft. from one front lot line and roofed deck to remain 18.2 ft. from other front lot line and accessory structure to remain 6.1 ft. from side lot line and 6.8 ft. from rear lot line and reduction in certain yard requirements to permit construction of second floor addition 24.9 ft. from front lot line. Located at 2501 Fort Dr., Alexandria, 22303, on approx. 7,106 sq. ft. of land zoned R-4. Mt. Vernon District. Tax Map 83-3 ((9)) (6) 20. Mr. Hammack 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 September 12, 2012; and

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

1. The applicants are the owners of the property.
2. According to the staff report, this dwelling was constructed in 1942, and an addition permitted in 1948, with an attached garage in 1954.
3. The applicants proposed to simply add a second floor addition, a dormer to the existing dwelling.
4. It will not result in any encroachments of that dwelling.
5. The errors in building location appear to be fairly minor and do not seem to impact the community.
6. The reduction in yard requirements to permit the construction of the dormer on the existing dwelling will not have any impact on the community.
7. Part of the problem was in the fact that this lot has a double front yard requirement, which creates some of the issues.
8. The Board has a favorable staff recommendation.
9. The Board has determined the applicants have met the requirements in subsections A through G set forth in Sect. 8-914.
10. The Board determined the applicants satisfy Subsections 1 through 6 set forth in Sect. 8-922.

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 the location of structures and the location and size of a second floor dormer addition (196 square feet), as shown on the plat prepared Dominion Surveyors, Inc., dated and sealed on March 22, 2012, as revised through May 25, 2012, 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 (1,755 square feet existing + 2,632.5 square feet (150%) = 4,387.5 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.
- 5. The existing trellis on the subject parcel shall be in conformance with Par. 4, 10-104 of the Zoning Ordinance and shall be no taller than 8.0 feet or wider than 4.0 feet.

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 7-0.

A Copy Teste:

\_\_\_\_\_  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals

ACKNOWLEDGEMENT

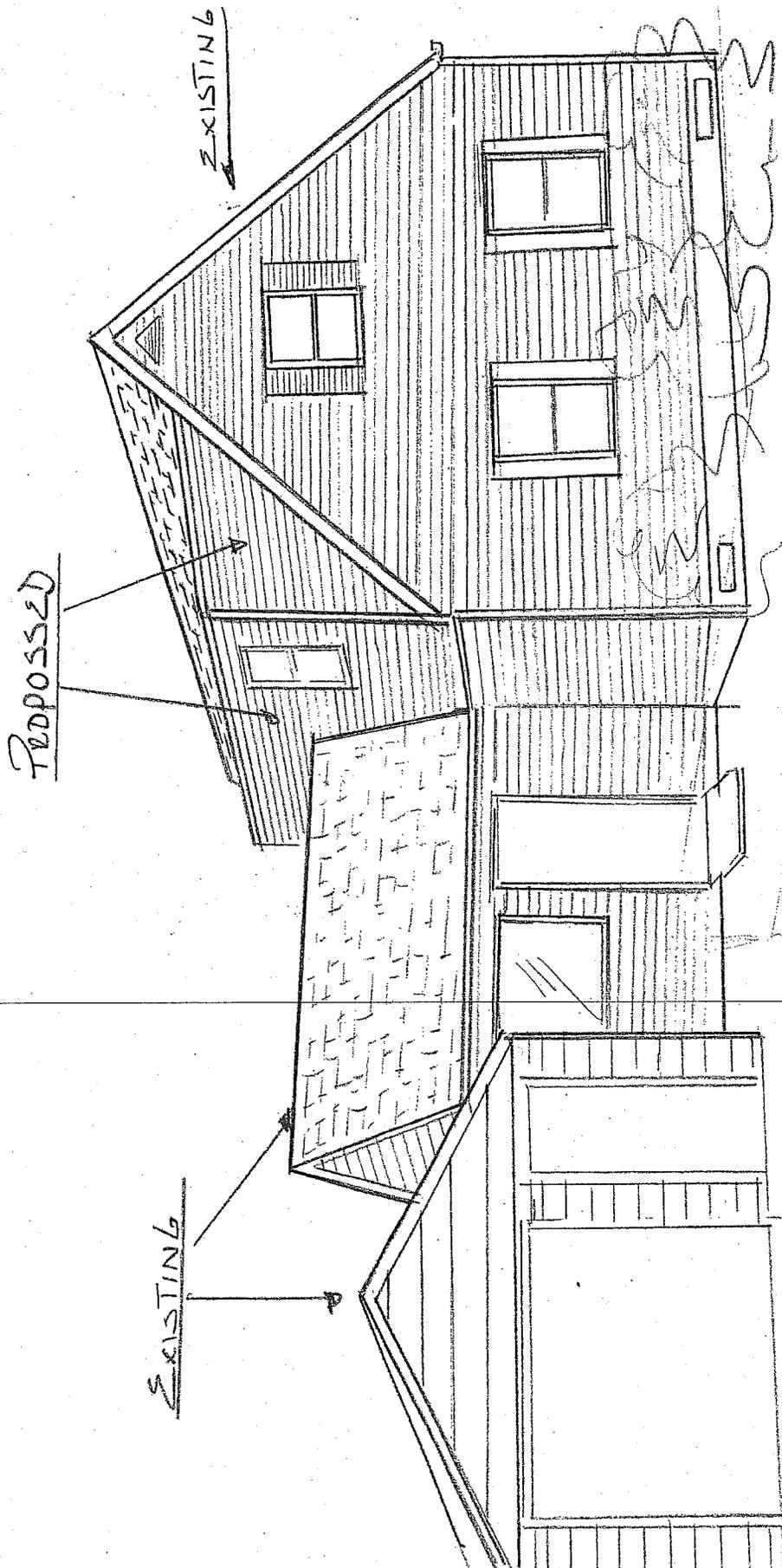
County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of September, 2012.

[Signature]  
Notary Public  
My commission expires: September 30, 2016

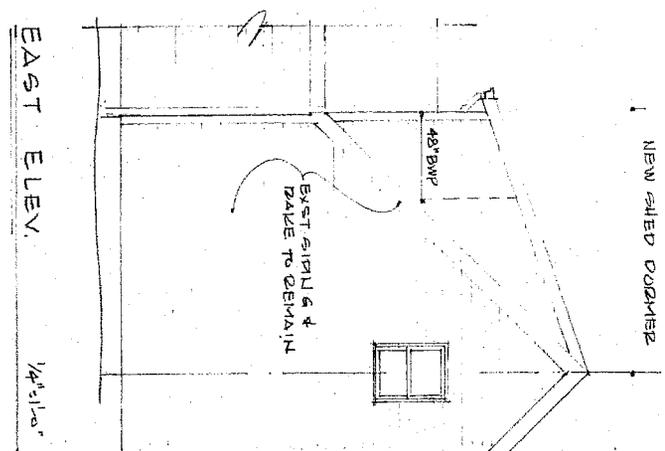
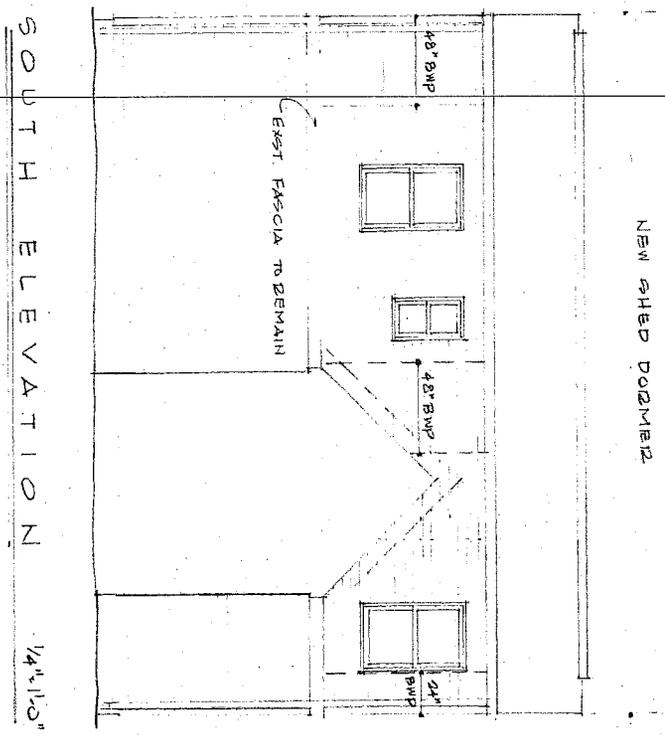
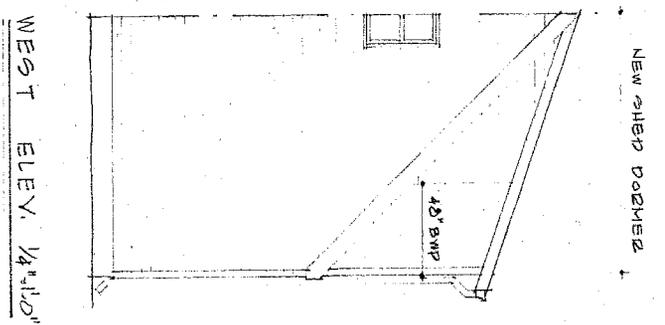


John W. Cooper  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7518586  
My Commission Expires  
September 30, 2016



EAST VIEW

2501 FORT DR  
ALEXANDRIA VA 22303



IRC 2006 Design Criteria

Floor live load	40 psf
Roof live load	30 psf
Ground snow load	30 psf
Wind speed exposure	90 mph
Seismic design category	B
Weathering	severe
Frost line depth	24"
Terrible area	moderate to heavy
Decay area	slight to moderate
Winter design temperature	13 F
Ice shield underlayment	yes, required
Flood hazard	July 2, 1979
Air freezing index	300
Mean annual temperature	55 F
Framing lumber	SPF #2

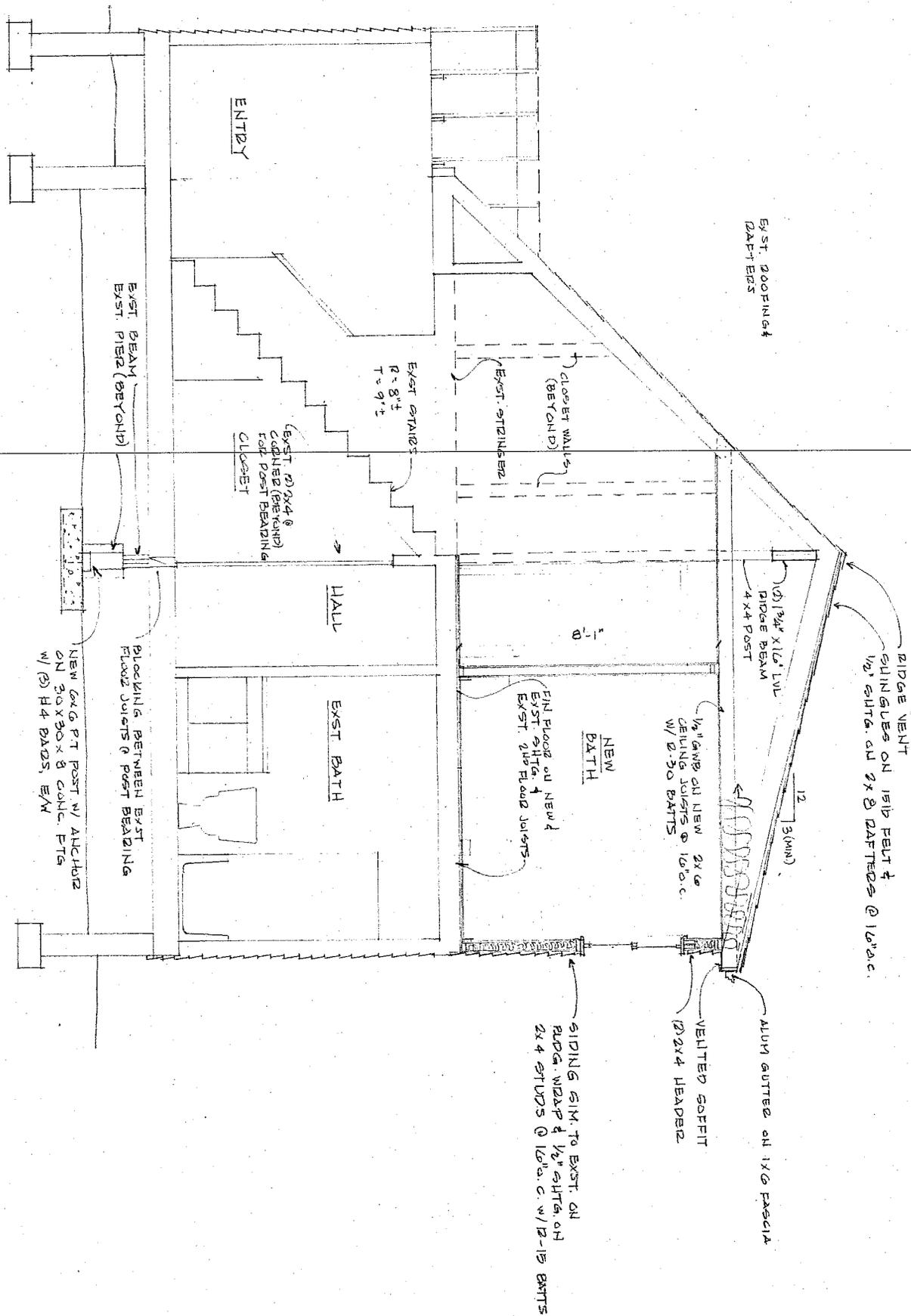
2  
OF 3  
9/29/11

Addition for:  
Leakhena Au and Eric Norland  
2501 Fort Drive  
Alexandria, Virginia 22303

9200-0026

Scott W. Sterl, AIA, PLLC  
1473 Waggaman Circle  
McLean, Virginia 22101  
703-734-6246

SECTION



3  
of 3  
9/29/11

Addition for:  
Leakhena Au and Eric Norland  
2501 Fort Drive  
Alexandria, Virginia 22303

SP-2012-0026

Scott W. Sterl, AIA, PLLC  
1473 Waggaman Circle  
McLean, Virginia 22101  
703-734-6246