

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JOHN & KATHLEEN H. VOLLBRECHT, SP 2012-SU-044 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 13.9 ft. from rear lot line. Located at 13014 Bankfoot Ct., Herndon, 20171, on approx. 9,223 sq. ft. of land zoned R-3. Sully District. Tax Map 35-1 ((2)) 664A. 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 October 3, 2012; and

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

1. The applicants are the owners of the land.
2. The Board has a favorable staff recommendation, and the Board would adopt the rationale in the staff report.
3. This is a relatively modest request to put a screened porch on top of an existing deck.
4. This is a very oddly shaped lot with a very shallow backyard which is further constrained by an RPA (resource protection area).
5. The impact of the porch would be minimal in that it is on top of the footprint of the existing deck.
6. It is backing to what appears to be the homeowners association open space with no homes really near it. In the photographs, it is downhill and wooded, and no one would really be able to see the porch.
7. The Board believes there would be no significant negative impacts on anyone.
8. There appeared in some way to be some problem with the location of the house on the lot, but it sounds like the vested rights determination has resolved all of that in that the house is more than 20 years old and they have paid taxes for more than 15 years. Whatever the mistake was, it does not matter now.
9. The Board has determined that the Sect. 8-922 standards in the motion all have been met.

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 of a one story addition (a screened porch), as shown on the plat prepared by Larry N. Scartz P.C., dated May 7, 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 (3,490 square feet existing + 5,235 square feet (150%) = 8,725 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. Prior to commencement of and during the entire construction process, the applicant shall designate the area along the northern property boundary as a tree save area to protect existing off-site vegetation and shall use the existing wooden fence to protect the vegetation in this area. In addition, the applicant shall use tree protection fencing placed a minimum of 10 feet from the base of the existing tree in the rear yard. The protective fencing shall remain intact during the entire construction process and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that inappropriate activity such as the storage of construction equipment does not occur in this area.
5. 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.

Mr. Byers seconded the motion, which carried by a vote of 6-0. Mr. Hammack was absent from the meeting.

A Copy Teste:



 John W. Cooper, Deputy Clerk
 Board of Zoning Appeals

ACKNOWLEDGEMENT

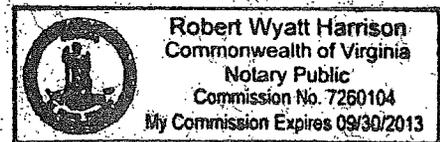
County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 12 day of October, 2012.

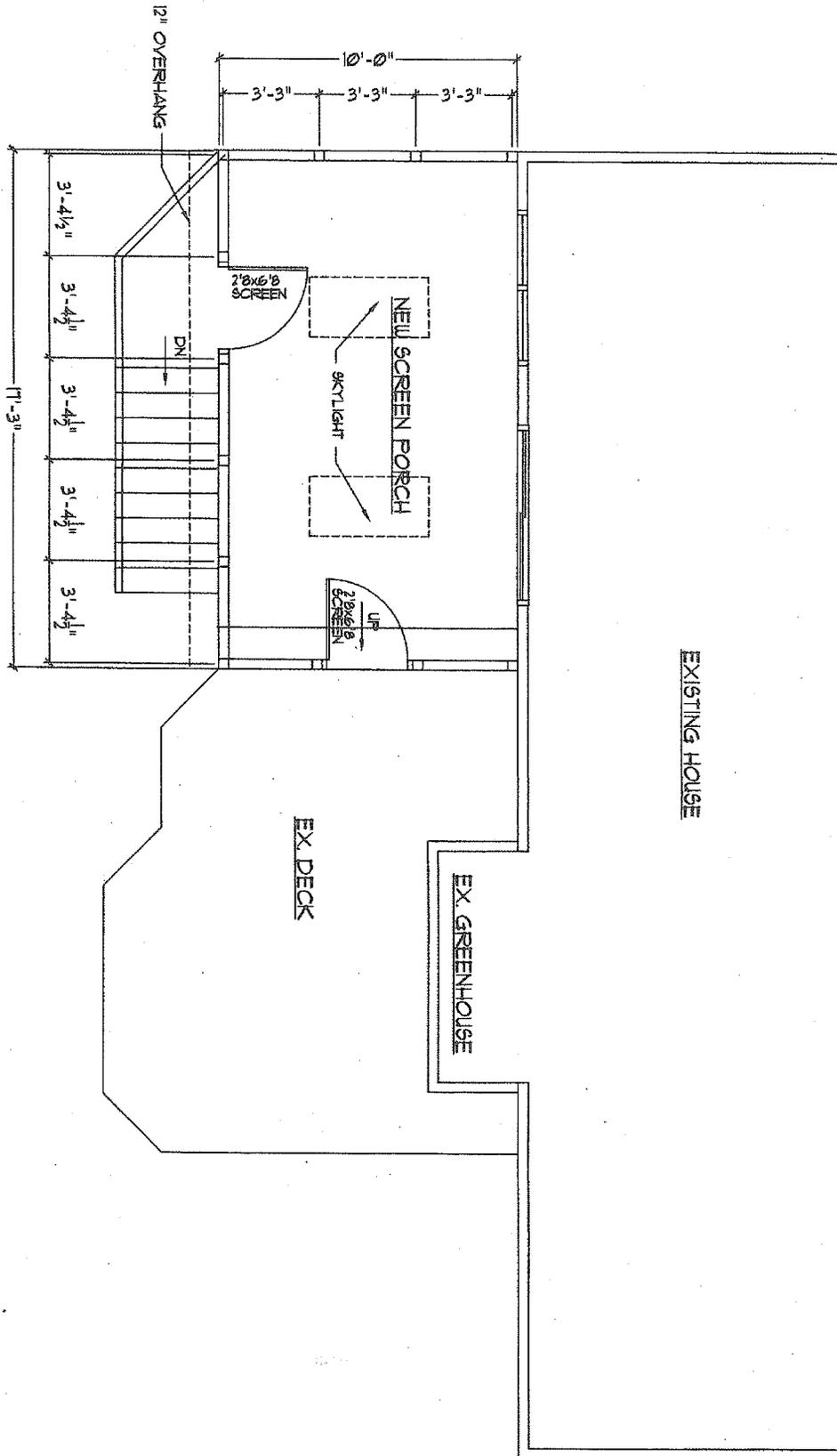


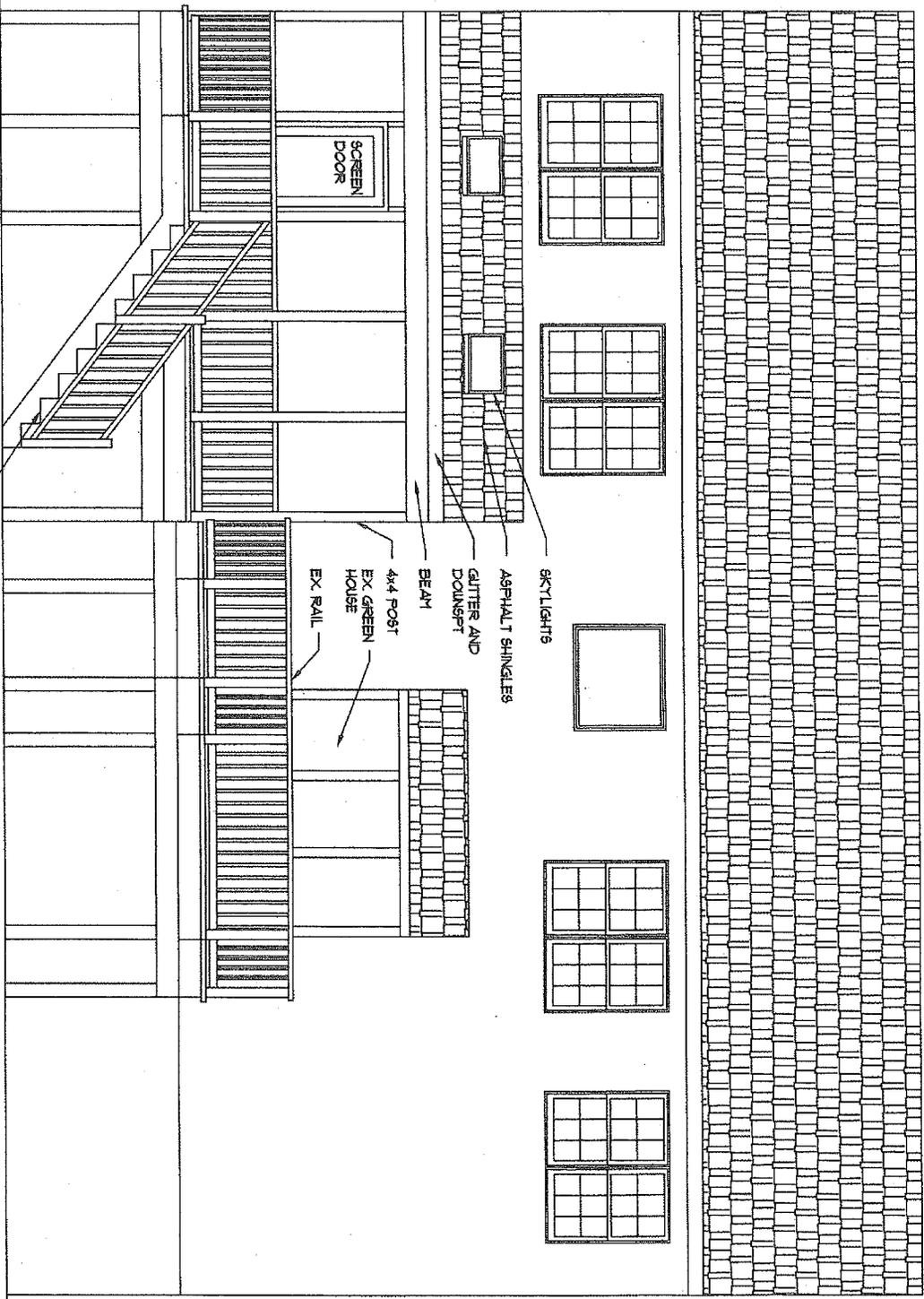
 Notary Public

My commission expires: 9-30-2013

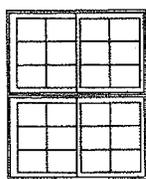
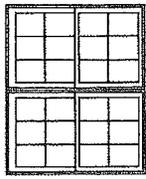
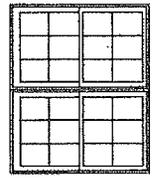
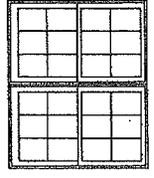


RECEIVED
Department of Planning & Zoning
MAY 24 2012
Zoning Evaluation Division





SCREEN
DOOR



SKYLIGHTS

ASPHALT SHINGLES

GUTTER AND
DOWNSPI

BEAM

4x4 POST

EX GREEN
HOUSE

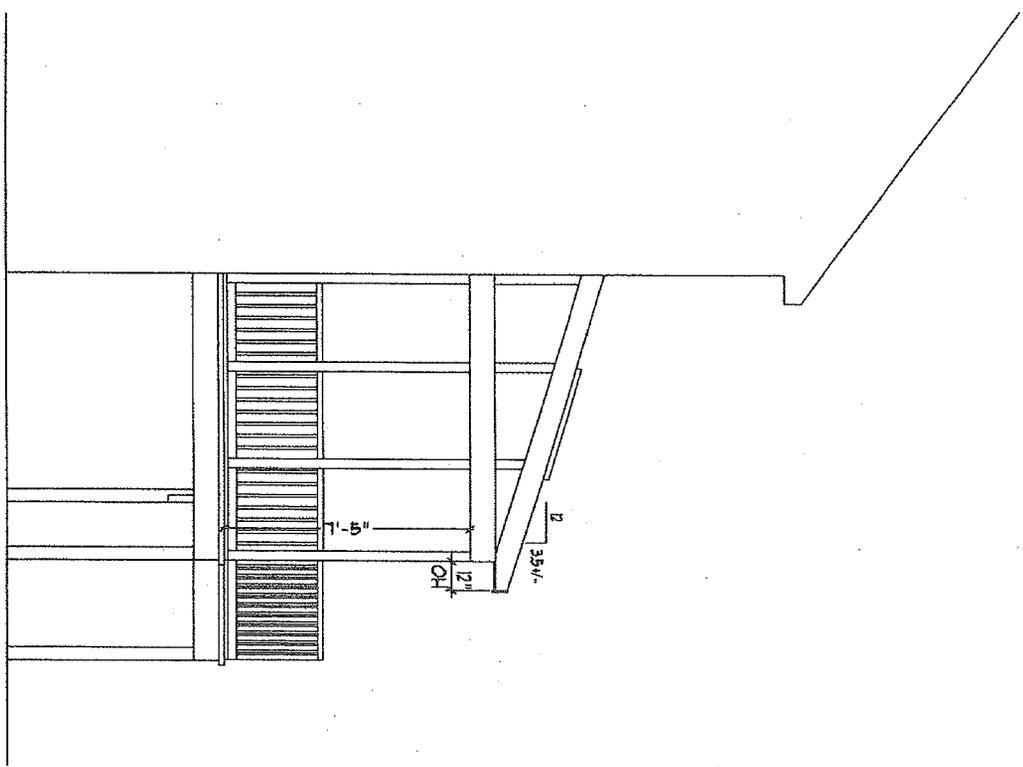
EX RAIL

EXIST. STAIRS

1 REAR ELEVATION 1/4"=1'-0"

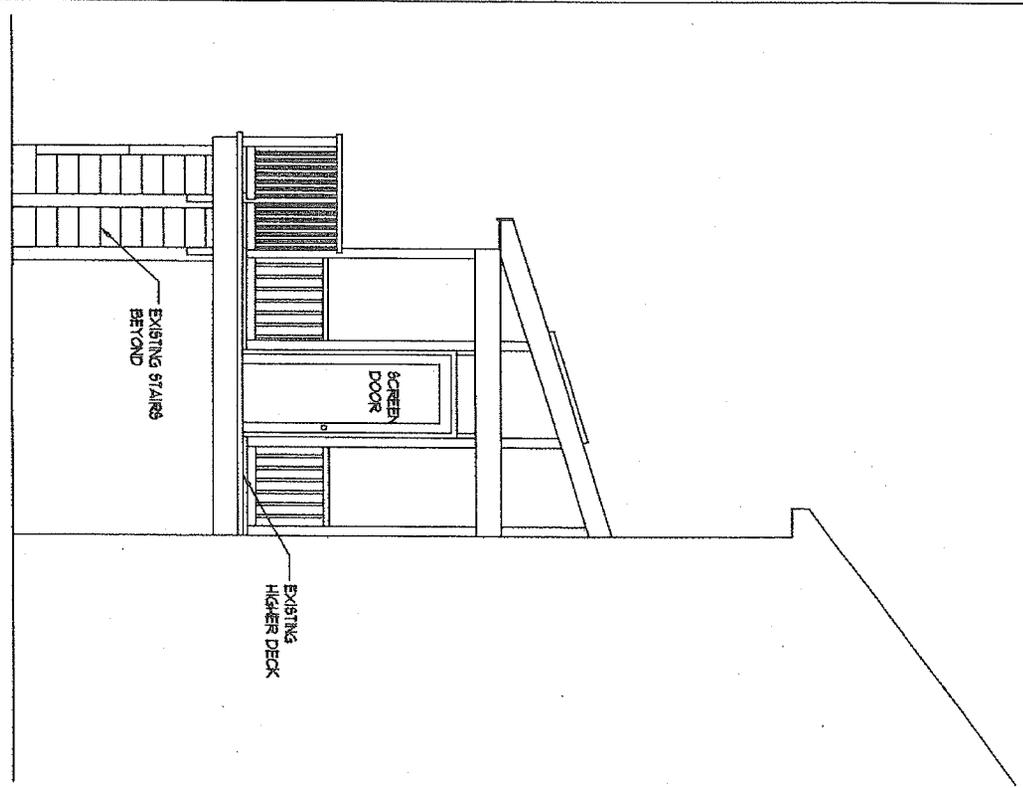
LEFT ELEVATION

1/4" = 1'-0"



RIGHT ELEVATION

1/4" = 1'-0"



A3

CYNTHIA A. BERG, ARCHITECT
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 CYNTHIA A. BERG ARCHITECTURE
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AUTOCAD FILE

REVISIONS

PROJECT #

DATE

APRIL 24, 2009

DRAWN BY

CNDT BERG

SCALE

AS SHOWN

ARCHITECTURAL
SIDE ELEVATIONS
 VOLBRECHT RESIDENCE
 FOR OAKHILL BUILDING

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