

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

JAIME REYES, VC 2012-LE-004 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit greater than 25 percent front yard coverage. Located at 3426 Spring Dr., Alexandria, 22306, on approx. 14,000 sq. ft. of land zoned R-2. Lee District. Tax Map 92-2 ((19)) 177. (Concurrent with SP 2012-LE-053) (Decision deferred from 10/31/12) 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 November 28, 2012; and

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

1. The applicant is the owner of the property.
2. The applicant has satisfied the standards set forth in Subsections 1 through 9 of the Ordinance.
3. In particular, there was testimony indicating that the configuration of the road in the vicinity results in a hazardous condition with vehicles associated with the property and other properties backing into and out of their property because of the narrowness and lack of a cul-de-sac.
4. The Board thought that qualifies as an extraordinary situation or condition in the use and development of the property that justifies the variance in this particular situation.
5. The applicant has reduced the amount of the coverage to an amount which is reasonable.
6. It is still a little higher than the maximum 25 percent, but the Board had some testimony that the coverage where there was a circular drive, although it seems like the jury is out on this. Whether it was there before 2002 when the Ordinance was enacted or not, it is still a little unclear, but apparently there was a circular drive used. Whether it was a nonporous surface entirely or not is a little unclear, but it is a close case, and there is support for the turnaround by the neighbors who recognize the situation involving parking and turning movements in that neighborhood that the Board thought justifies the variance.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;

- C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
 4. That the strict application of this Ordinance would produce undue hardship.
 5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
 7. That authorization of the variance will not be of substantial detriment to adjacent property.
 8. That the character of the zoning district will not be changed by the granting of the variance.
 9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

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

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of reasonable use of the land and/or buildings involved.

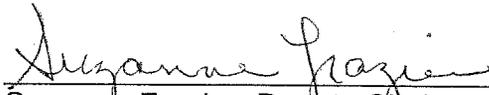
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This variance is approved for the maximum size of the driveway located in the front yard (37% impervious surface) as shown on the plat prepared by Alexandria Surveys, LLC, dated June 25, 2012, as sealed on November 8, 2012, as submitted with this application and is not transferable to other land.
2. As shown on the special permit plat, the applicant shall remove a portion of the concrete driveway along the western boundary of the front yard to reduce impervious surface to a maximum of 37%.

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 including requirements for building permits.

Ms. Gibb seconded the motion, which carried by a vote of 5-0. Mr. Smith and Mr. Beard were absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Suzanne Frazier", written over a horizontal line.

Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals