

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

THOMAS & JILL STANTON, SP 2012-LE-072 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction of minimum yard requirements based on error in building locaton to permit shed to remain 2.3 ft. from side lot line and 7.8 ft. from rear lot line and reduction of certain yard requirements to permit construction of accessory structure 8.0 ft. from side lot line and 15.6 from rear lot line. Located at 3202 Collard St., Alexandria, 22306, on approx. 9,750 sq. ft. of land zoned R-2 and HC. Lee District. Tax Map 92-2 ((19)) 12. Mr. Byers 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 January 9, 2013; and

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

1. The applicants are the owners of the property.
2. The applicants have presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, Sect. 8-914, Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Building Location, and the additional standards for the Provisions for the Reduction of Certain Yard Requirements as contained in Sect. 8-922.
3. The Board determines the applicants meet the requirements under A through G.
4. The applicants have 18 letters of support.
5. The staff recommends approval of the accessory structure, and the Board adopts its rationale.

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. This special permit is approved for the location and size of an accessory storage structure and a garage (552 square feet), as shown on the plat prepared by Rinker Design Associates, P.C., dated May 10, 2012, as revised through December 6, 2012, as submitted with this application and is not transferable to other land.
- 2. Prior to commencement of and during the entire construction process, the applicant shall designate the area around trees 1, 3 and 4 as shown on the special permit plat as a tree save area to protect existing on-site vegetation and shall install tree protection fencing to protect the vegetation in this area from construction activities. 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 activities such as the storage of construction equipment does not occur within the area.
- 3. Notwithstanding Note 7 on the special permit plat, three evergreen trees, a minimum of four feet in height at time of planting, shall be planted between the proposed garage and the western lot line.
- 4. The garage 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.

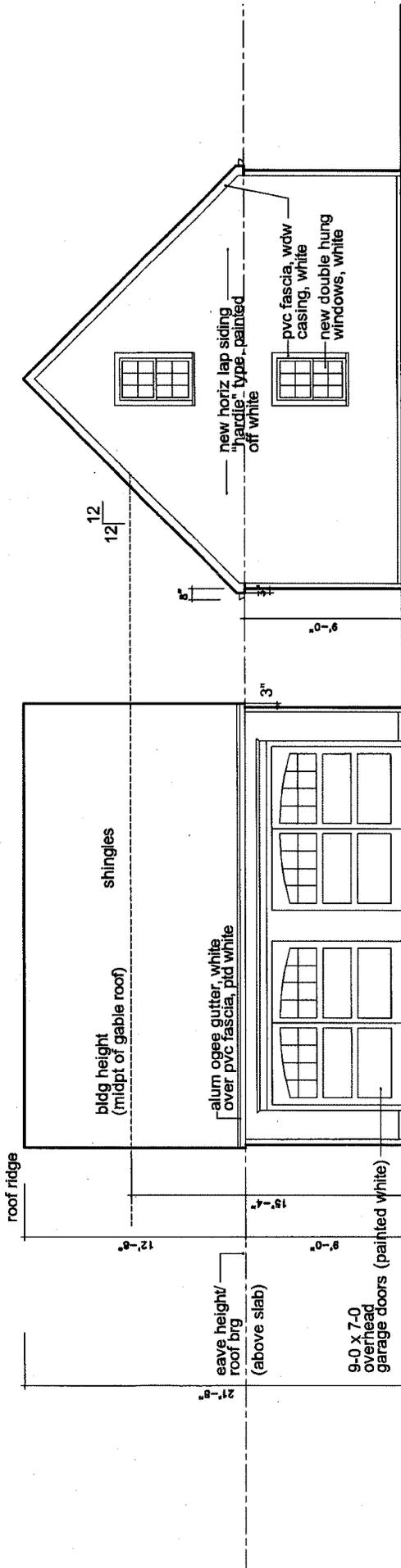
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction 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. Hammack seconded the motion, which carried by a vote of 6-0. Ms. Gibb was absent from the meeting.

A Copy Teste:



John W. Cooper, Deputy Clerk
Board of Zoning Appeals

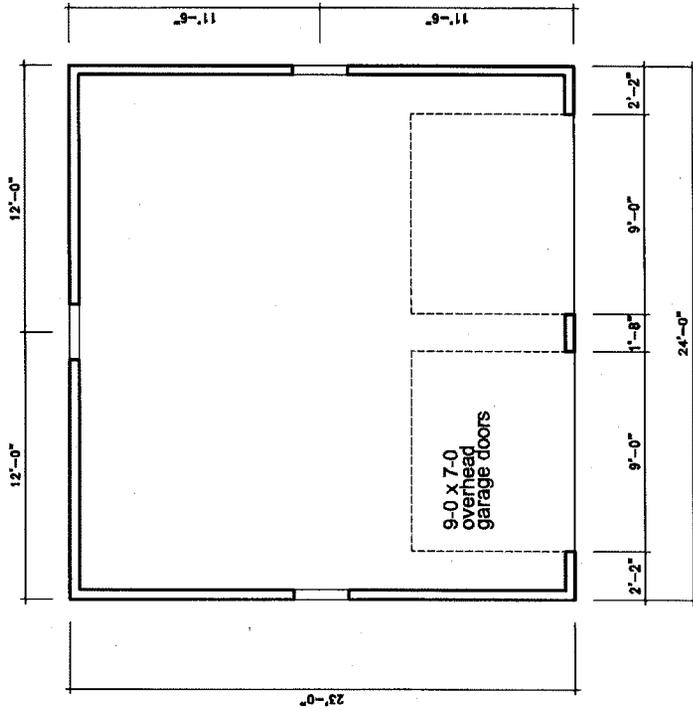


Garage Front Elevation

scale: 1/8" = 1'-0"

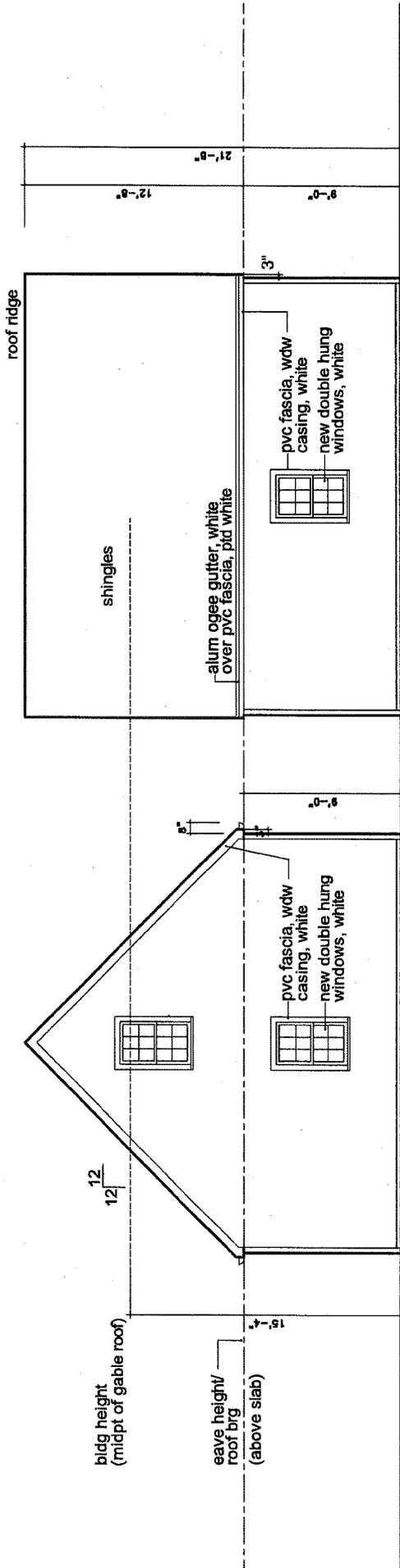
Garage Right Side Elevation

scale: 1/8" = 1'-0"



Proposed Garage Floor Plan

scale: 1/8" = 1'-0"



Garage Rear Elevation
 scale: 1/8" = 1'-0"

Garage Left Side Elevation
 scale: 1/8" = 1'-0"