

## COUNTY OF FAIRFAX, VIRGINIA

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

ROGER L. LEMIEUX, SP 2012-BR-066 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 12.6 ft. from rear lot line and 9.0 ft. from side lot line and addition 21.1 ft. from rear lot line. Located at 5503 Kathleen Pl., Springfield, 22151, on approx. 10,890 sq. ft. of land zoned R-3. Braddock District. Tax Map 80-1 ((2)) (14) 39. (Admin. moved from 12/12/12 for ads) Mr. Smith 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 30, 2013; and

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

1. The applicant is the owner of the land.
2. The property is zoned R-3.
3. The Board has determined that the application meets all the submission requirements in Sect. 8-922.
4. Staff recommends approval, and the Board adopts the rationale identified by staff in the staff report.
5. There appears to be similar additions to this that have been approved by the Board in this general neighborhood.
6. The material, size, and the scale of the proposed additions are going to be compatible with the dwelling.
7. The Board does not think it will have a negative impact on the neighbors.
8. It is a somewhat modest request.
9. The bulk of the additions are going to be in the rear of the dwelling.

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.

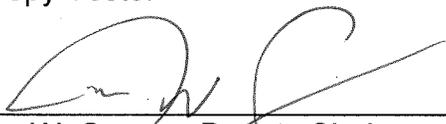
2. This special permit is approved for the location and size of additions (approximately 952.0 square feet and 195.0 square feet), as shown on the plat prepared by Dominion Surveyors Inc., dated April 28, 2011, as revised through November 19, 2012, as submitted with this application and is not transferable 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 (1,301.0 square feet existing + 1,951.5 square feet (150%) = 3,252.5 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. 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 install tree protection fencing around existing trees in the northwest corner of the property and trees that are located along a portion of the rear property line close to the proposed additions, to protect these trees 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 an inappropriate activity, such as the storage of construction equipment, does not occur within the 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. Beard seconded the motion, which carried by a vote of 5-0. Chairman Ribble and Mr. Hammack were absent from the meeting.

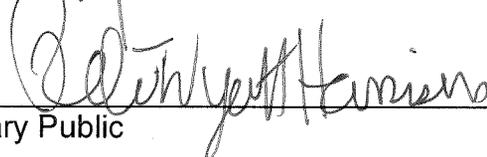
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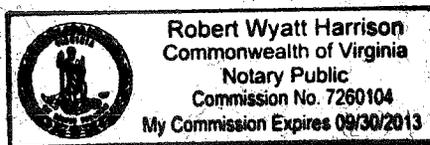
  
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John W. Cooper, Deputy Clerk  
Board of Zoning Appeals

ACKNOWLEDGEMENT

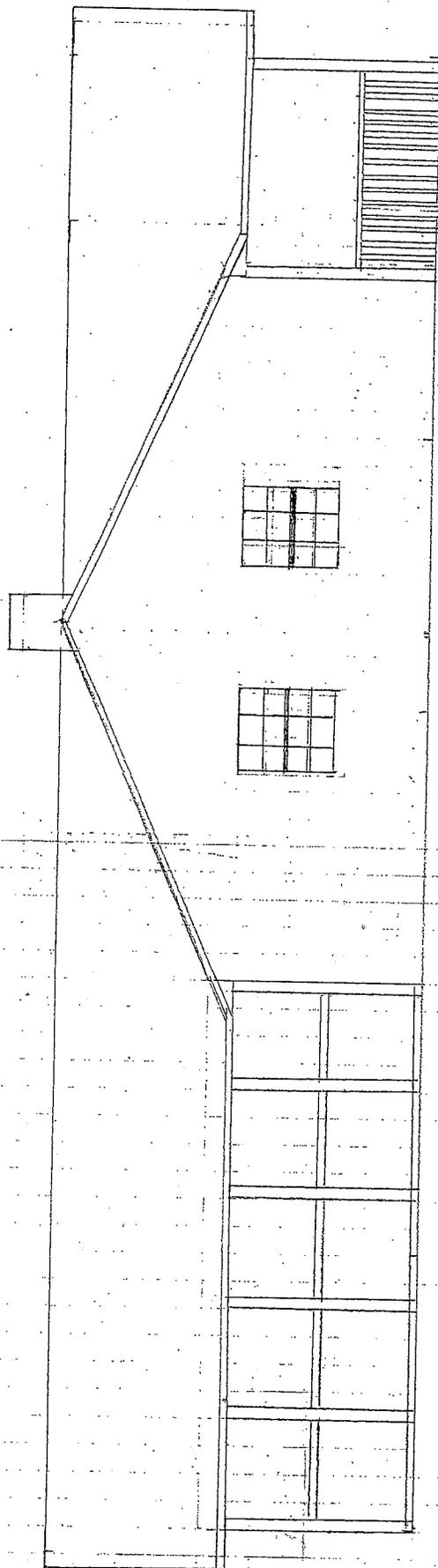
County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 4 day of  
February, 2013.

  
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Notary Public

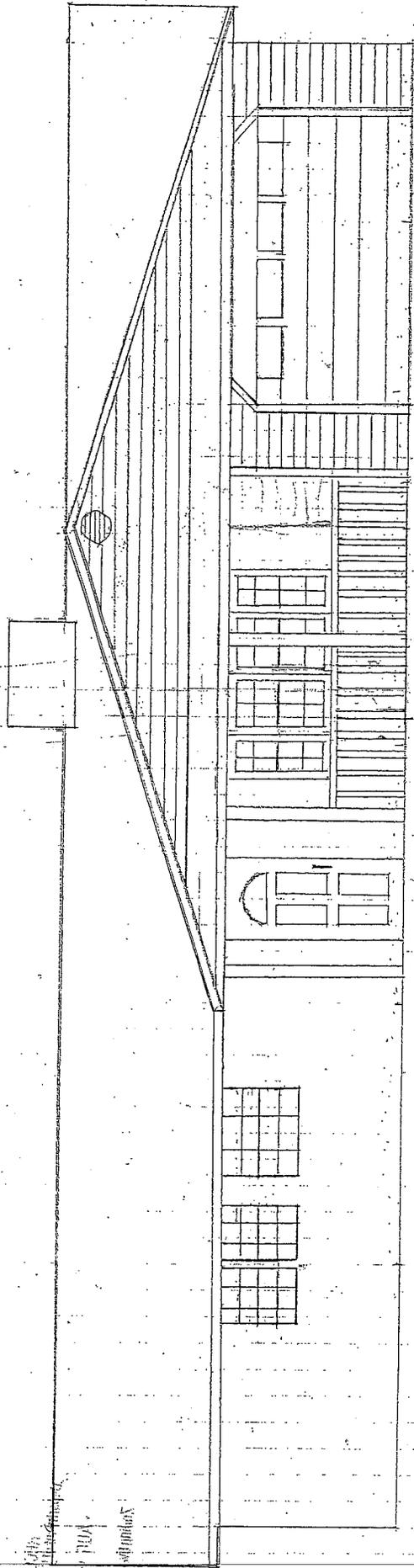


My commission expires: 9-30-2013



#2 SIDE VIEW

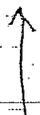
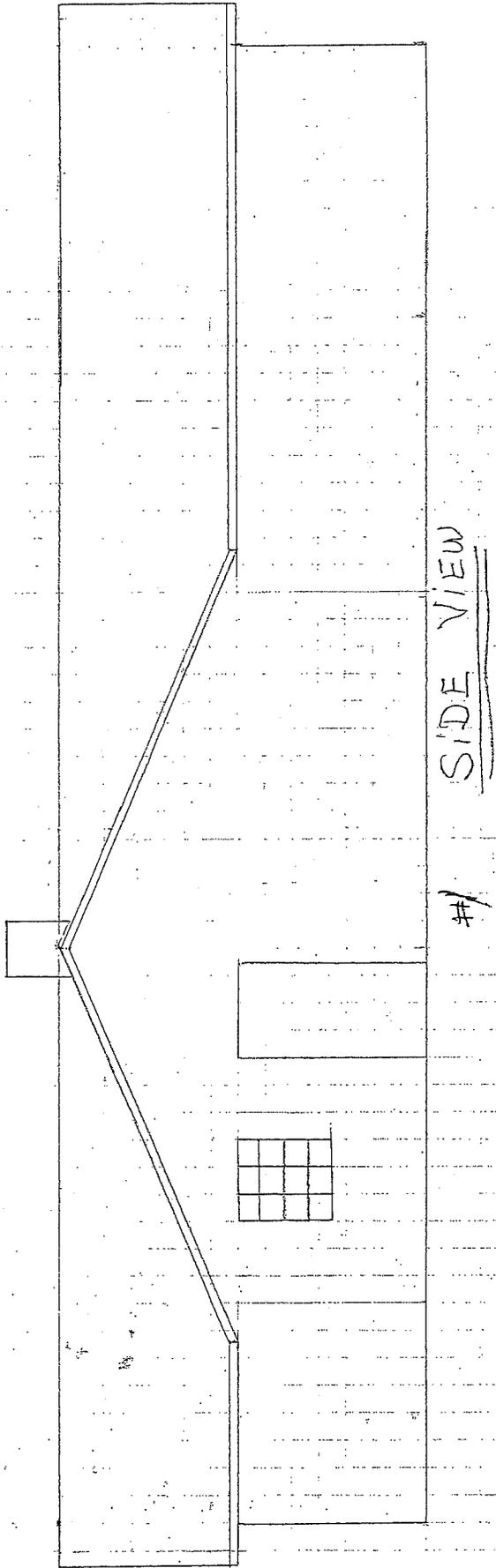
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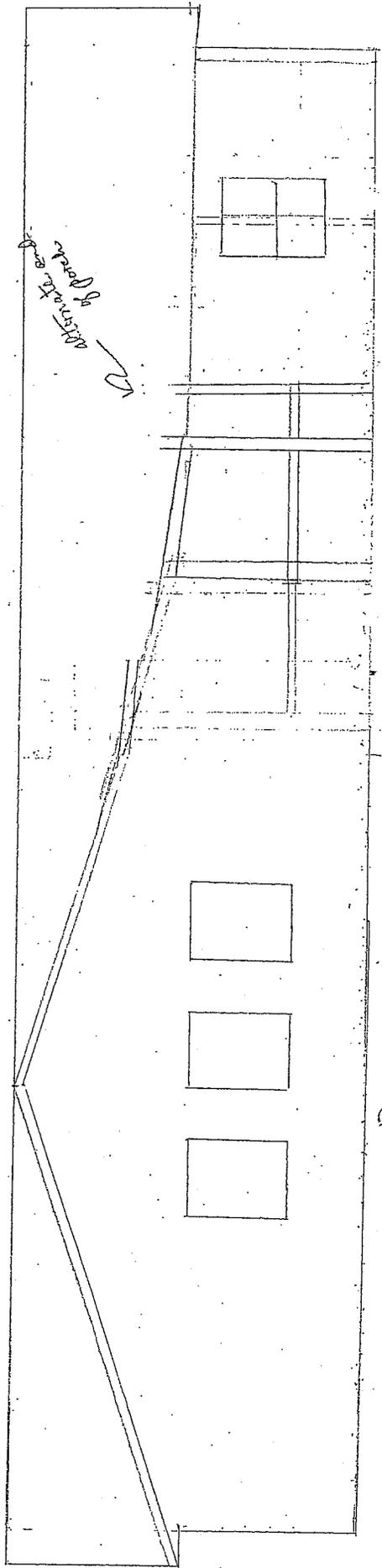


FRONT VIEW

SIDE VIEW

Architectural drawing  
1st Fl  
1st Fl





align to end of grade

BACK VIEW

