

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MICHAEL C. WARREN, SP 2012-LE-079 Appl. under Sect(s). 8-922 and 8-923 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 33.1 ft. from the front lot line and to permit fence greater than 4.0 ft. in height to remain in the front yard of a corner lot. Located at 7232 Constantine Ave., Springfield, 22150, on approx. 26,390 sq. ft. of land zoned R-1. Lee District. Tax Map 90-3 ((6)) 40. (Concurrent with VC 2012-LE-008). 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 February 6, 2013; and

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

1. The applicant is the owner of the land.
2. The Board does not have a problem with the reduction in the yard requirements.
3. The majority of the addition would be within the setback lines as part of one side and one corner of the proposed addition would extend into the setback, but it would still be 33.5 (sic) feet to the eave, which is well back from the lot line.
4. It is the only place you could put this kind of addition on the house in its existing configuration.
5. The fence is also pulled back and does not impede sight lines, so the Board has no problem with granting the special permit.
6. The Board has determined that the applicant has met the requirements of Subsections 1 through 6 outlined in the Ordinance.

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.

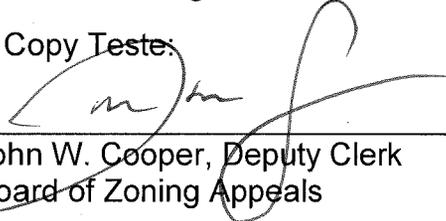
- 2. This special permit is approved for the addition and the height and location of fences as shown on the plat prepared by William E. Ramsey, dated July 25, 2012, signed October 19, 2012, and revised as submitted with this application and is not transferable to other land.
- 3. Pursuant to Paragraph 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 (1,188.0 square feet existing + 1,782.0 square feet (150%) = 2,970.0 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. 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.

Ms. Gibb seconded the motion, which carried by a vote of 4-0. Mr. Hart recused himself from the hearing. Mr. Smith and Mr. Byers were absent from the meeting.

A Copy Teste:



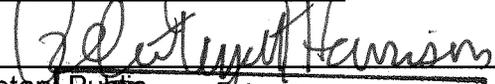
 John W. Cooper, Deputy Clerk
 Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 14 day of

February, 2013.



 Notary Public

My commission expires: 9-30-2013

