

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

LUIS M. PEREZ, SP 2013-MV-002 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction in minimum yard requirements based on error in building location to permit accessory structure to remain 6.1 ft. from side lot line and 7.9 ft. from rear lot line and to permit reduction in certain yard requirements to permit construction of addition 10.7 ft. from side lot line. Located at 2104 Wakefield St., Alexandria, 22308, on approx. 14,110 sq. ft. of land zoned R-3. Mt. Vernon District. Tax Map 111-1 ((3)) (7) 7. 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 April 3, 2013; and

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

1. The applicant is the owner of the land.
2. With respect to the swing set, the board cannot see how it would have any detrimental impact on any of the adjoining neighbors.
3. It is sited pretty far from the rear and side lot lines.
4. With respect to the reduction of certain yard requirements under 8-922, the Board has a favorable staff recommendation.
5. The applicant proposes to enclose an existing carport on an existing slab.
6. The encroachment into the setback is about as minimal as you can get on something like this.
7. The Board thinks both applications are approvable.
8. The Board has determined that the applicant has satisfied Subsections A through G, in particular Subsection D; it will not be detrimental to the use and enjoyment of property in the immediate vicinity.
9. The Board has determined the applicant has satisfied the six subsections under Sect. 8-922.

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. 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 garage addition and play equipment located as shown on the special permit plat, prepared by Dominion Surveyors Inc., dated September 25, 2012, as submitted with this application and is not transferrable 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 (4,457 square feet existing + 6,685.5 square feet (150%) = 11,142.5 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. Notwithstanding the definition of gross floor area as set

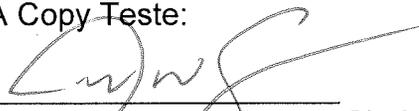
forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.

- 4. Every effort shall be made to protect offsite trees during construction of the garage. If needed, the applicant shall hire a certified arborist to assess and make recommendations on tree protection measures.
- 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.

Ms. Gibb seconded the motion, which carried by a vote of 7-0.
A Copy Teste:



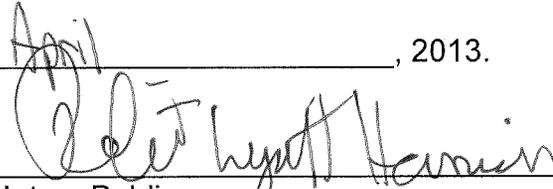
 John W. Cooper, Deputy Clerk
 Board of Zoning Appeals

ACKNOWLEDGEMENT

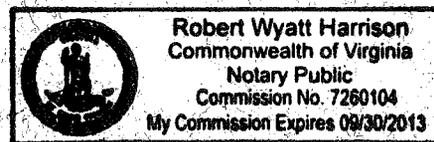
County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 5 day of

April, 2013.



 Notary Public

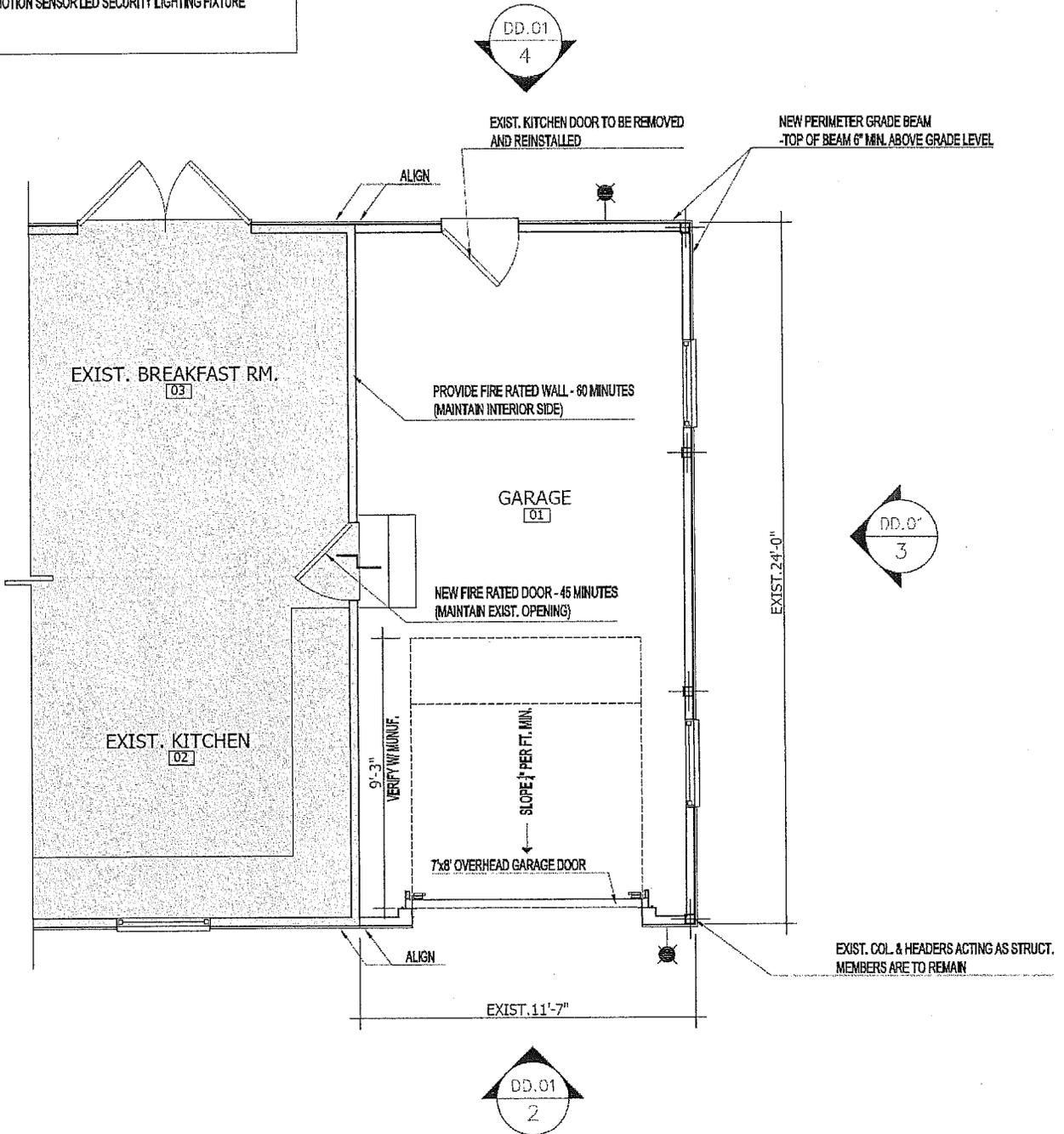


My commission expires: 9-30-2013

LEGEND

-  NEW WALL
-  ALIGNMENT INDICATOR
-  FLOOR LEVEL CHANGES
-  FLOOR TRANSITION STRIP AT ALL FLOOR CHANGES
-  EXISTING CONSTRUCTION TO REMAIN & NOT IN CONTRACT
-  MOTION SENSOR LED SECURITY LIGHTING FIXTURE

ARCHITECT'S RENDITION (1 of 4)



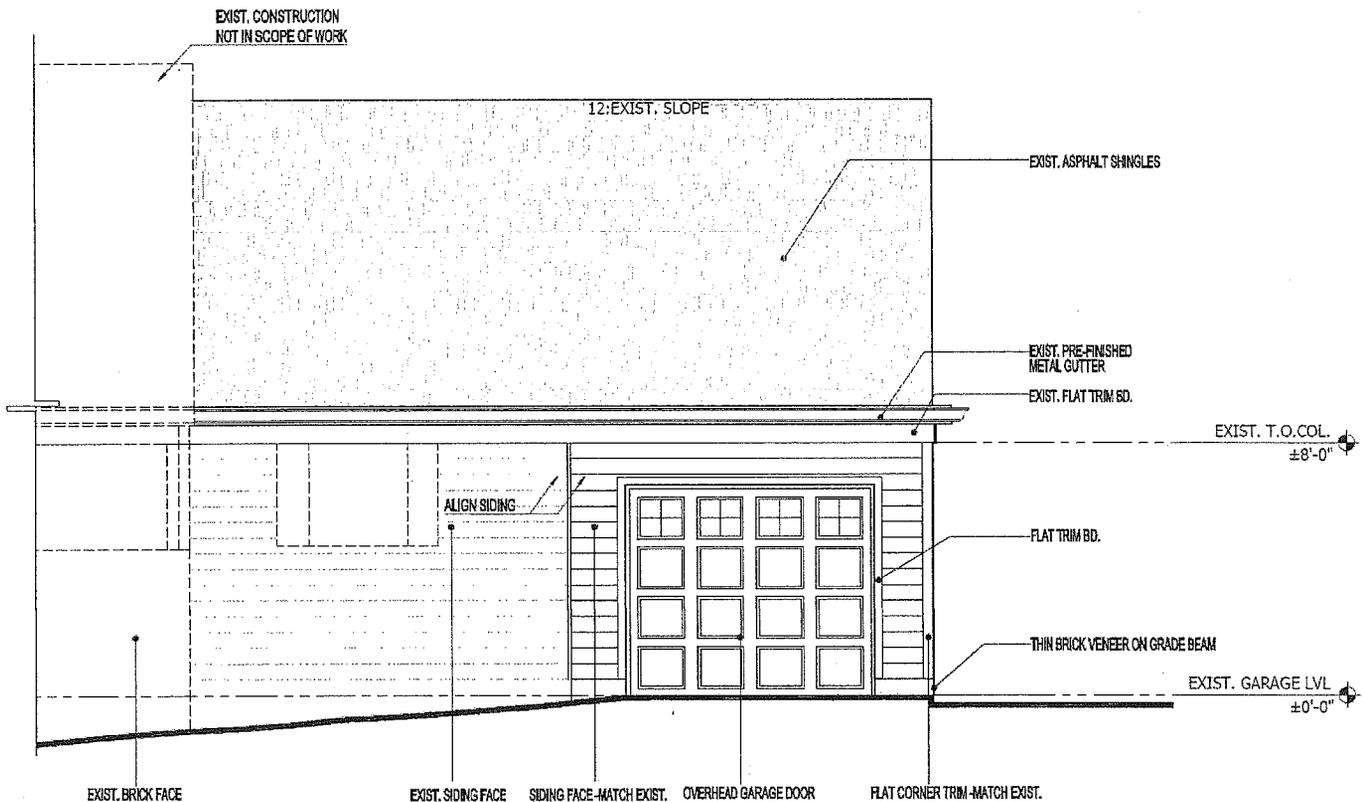
1 FLOOR PLAN

DD.01 SCALE: 1/4" = 1'-0"

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ARCHITECT'S RENDITION (2 of 4)

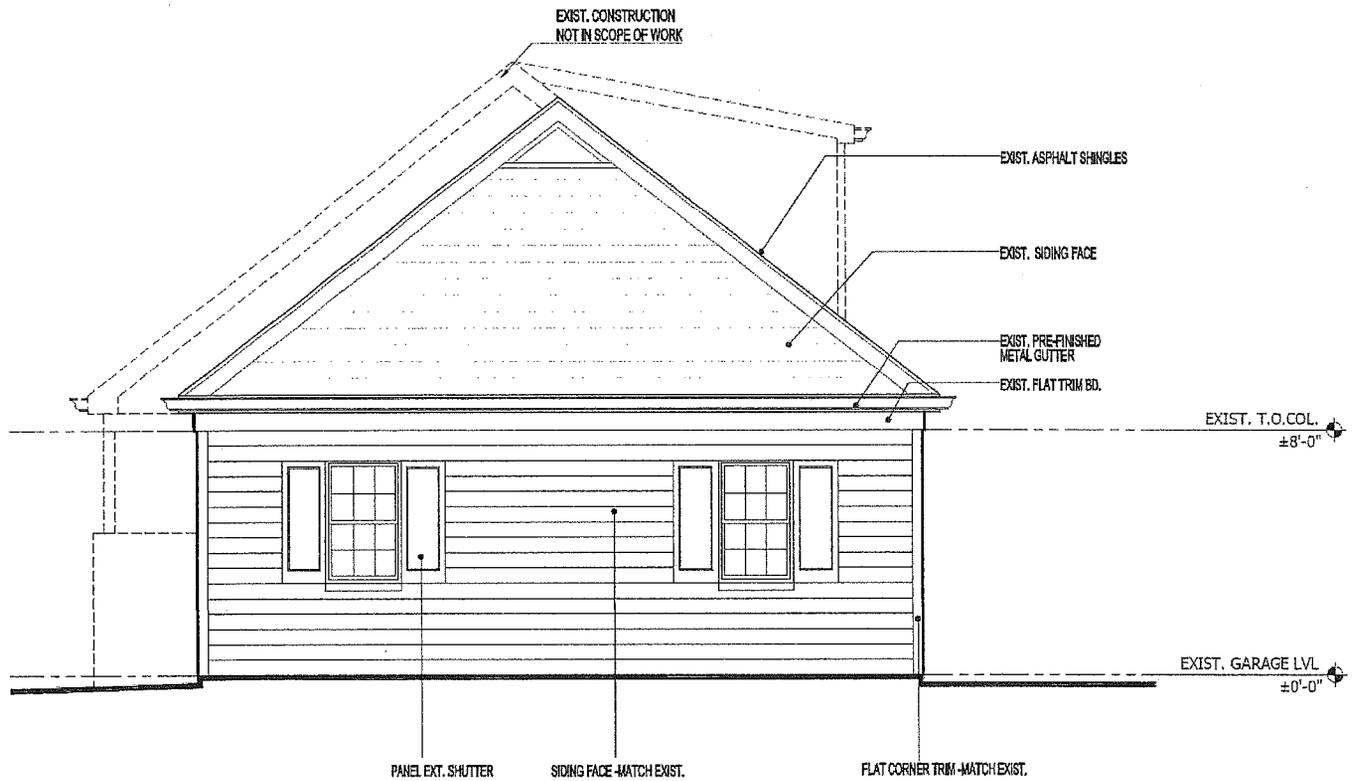


2 FRONT ELEVATION
 DD.01 SCALE: 1/4" = 1'-0"

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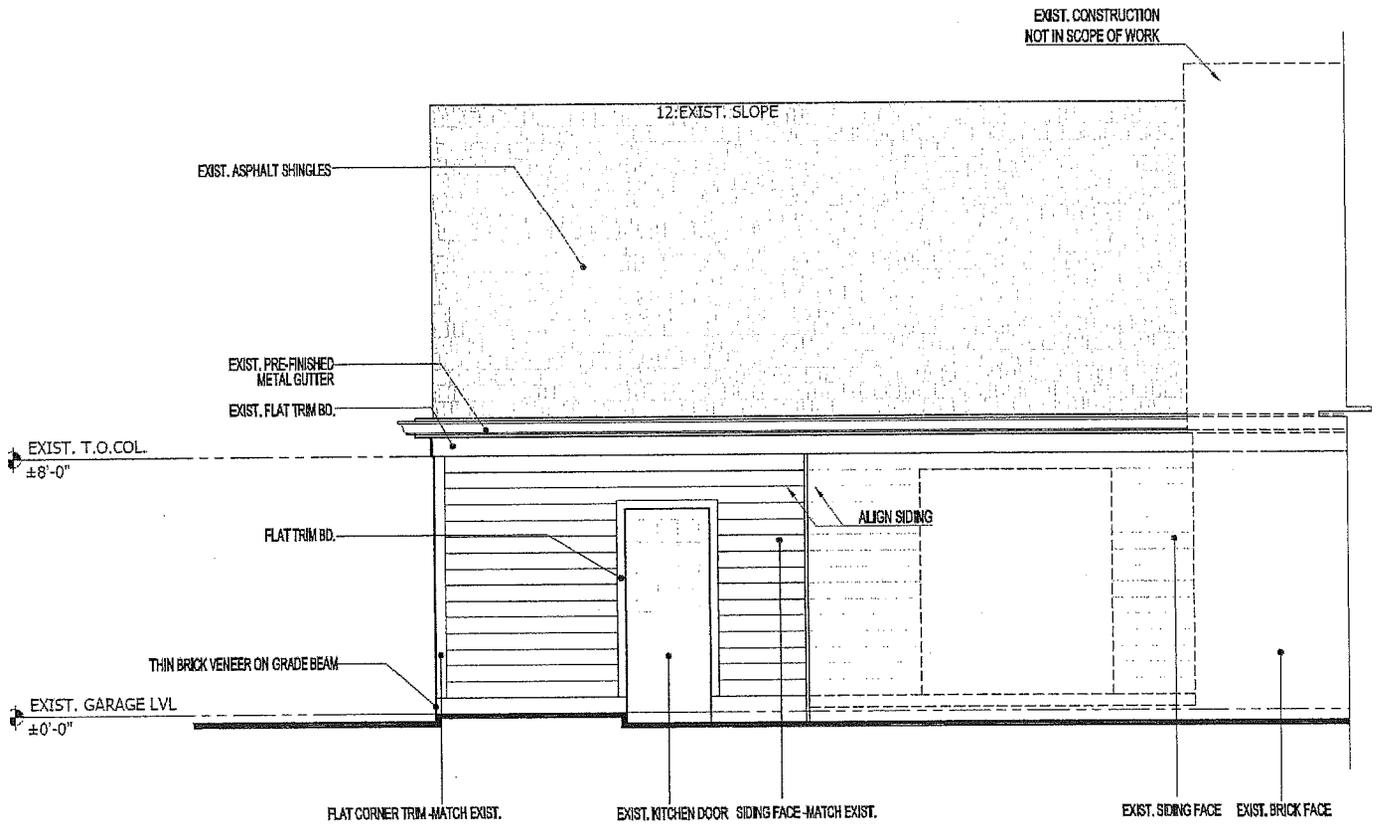
ARCHITECT'S RENDITION (3 of 4)



3 LEFT SIDE ELEVATION
 DD.01 SCALE: 1/4" = 1'-0"

ARCHITECT'S RENDITION (4 of 4)

LEGEND	
	NEW WALL
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4 REAR ELEVATION
 DD.01 SCALE: 1/4" = 1'-0"