## COUNTY OF FAIRFAX, VIRGINIA

## SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

BAHRAM SADEGHIAN, SP 2012-DR-076 Appl. under Sect(s). 8-923 of the Zoning Ordinance to permit fence greater than 4.0 ft. in height to remain in a front yard of a corner lot. Located at 1823 Gilson St., Falls Church, 22043, on approx.. 14,990 sq. ft. of land zoned R-4. Dranesville District. Tax Map 40-1 ((16)) 101. Mr. Beard 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 present zoning is R-4.
3. The area of the lot is 14,990 square feet.
4. This is a situation that came in as a peripheral issue based upon another complaint about a shed that has been brought into compliance, so this was not a complaint as such.
5. The Board notes that well over a dozen of the neighbors in the proximity have signed in support of this.
6. The Board thinks it is relevant that this is outside the required sight distance for a corner lot.
7. This is a security issue for the applicant's children which should be given some consideration notwithstanding what the law is.

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. This special permit is approved for the location and maximum height of a 6.0 feet wooden fence as shown on the plat prepared by Moran Surveys, dated October 30, 2012, submitted with this application and is not transferable to other land.

2. The minimum required rear yard coverage shall be reduced to comply with Sect. 10-103 Par. 3 of the Zoning Ordinance to be no more than 30%, within 90 days of approval of this permit.

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.

Mr. Smith seconded the motion, which carried by a vote of 5-0. Chairman Ribble and Mr. Hammack were absent from the meeting.

A Copy Teste:

John W. Cooper, Deputy Clerk
Board of Zoning Appeals