

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ANTHONY AND DEANNA DESANTE, SP 2012-LE-084 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction to the minimum yard requirements based on error in building location to permit additions to remain 21.0 ft. and 13.0 ft. from rear lot line. Located at 5508 Layne Estates Ct., Alexandria, 22310, on approx. 10,500 sq. ft. of land zoned R-3. Lee District. Tax Map 81-4 ((36)) 5. (Admin. moved from 3/6/13 due to inclement weather.) Mr. Hart 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 May 1, 2013; and

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

1. The applicants are the owners of the land.
2. This is a typical case and this is why there is a mistake section resolution.
3. All these issues, as explained by the applicant, were done in good faith.
4. The deck issue is the easiest. The deck has lattice underneath, and the Board has seen that many times.
5. It probably looks better with the lattice under it, it would not affect anyone, and it does not change the bulk of the structure.
6. The window issue has to do with the calculation of the area of glass and the area of wood.
7. It would not have changed the structure any particularly if the window design was a little different.
8. The eave issue is fairly slight.
9. With the explanation about the surveys and the photographs that were seen, it fits the standards.

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.

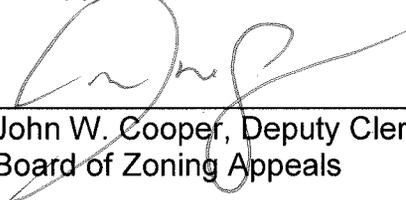
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

- 1. This special permit is approved for the location of the additions as shown on the special permit plat prepared by Dominion Surveyors, Inc., dated November 9, 2012, as revised through February 12, 2013, as submitted with this application and is not transferable to other land.

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. Beard seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



John W. Cooper, Deputy Clerk
Board of Zoning Appeals