COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JANE E. LAGES, TRUSTEE, SP 2013-PR-022 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction of minimum yard requirements based on error in building location to permit accessory structure to remain 10.2 ft. from the side lot line and to permit reduction in certain yard requirements to permit construction of addition 7.5 ft. from rear lot line. Located at 2538 Villanova Dr., Vienna, 22180, on approx. 10,746 sq. ft. of land zoned R-3. Providence District. Tax Map 49-1 ((9)) (G) 16. 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 May 15, 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 Sect. 8-914 for the approval of the reduction to the minimum yard requirements based on an error in building location, the Board has determined that the application meets the outlined criteria in the standard resolution.
3. With respect to Sect. 8-922, staff recommended approval of the application.
4. The Board adopts staff's rationale.
5. This is in accordance with the Comprehensive Plan and meets the criteria of the Comprehensive Plan.
6. The Board has determined that all applicable requirements have been met as set forth in 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 only for the location of the accessory structure (playhouse), and the garage addition (approximately 455 square feet), as shown on the plat prepared by Dominion Surveyors, Inc., dated October 23, 2012, as revised through February 13, 2013, signed by George M. O'Quinn, 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 (2,728 square feet existing + 4,092 square feet (150%) = 6,820 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. The addition shall generally be 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. Smith seconded the motion, which carried by a vote of 5-0. Chairman Ribble was not present for the vote. Ms. Gibb was absent from the meeting.

A Copy Teste:

K. A. Knoth

Kathleen A. Knoth
Clerk to the Board of Zoning Appeals

ACKNOWLEDGEMENT

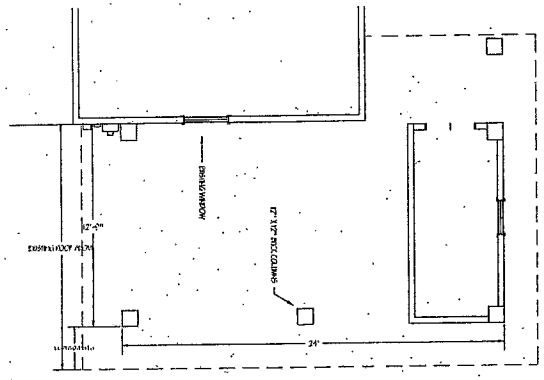
County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 29th day of May, 2013.

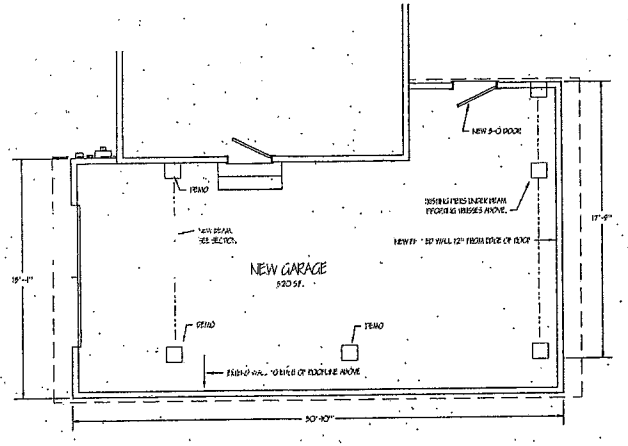
Notary Public

My commission expires: September 30, 2016

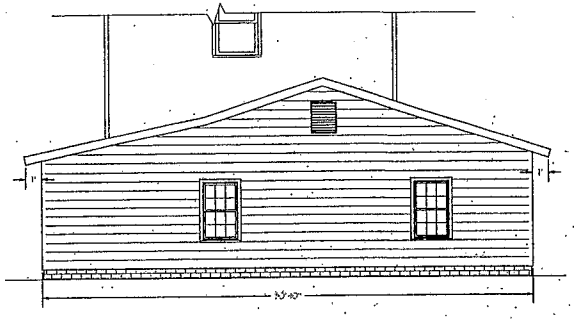
John W. Cooper
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7518586
My Commission Expires
September 30, 2016



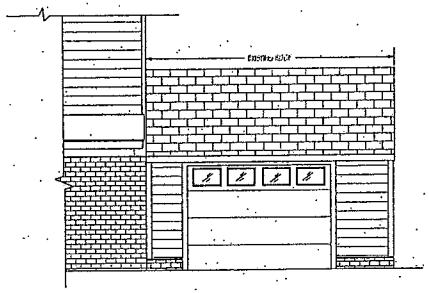
1/1 PLAN: EXISTING
1/4"=1'-0"



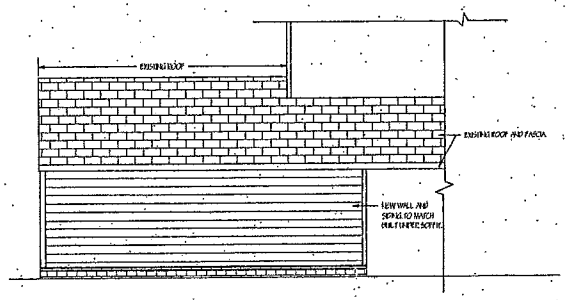
2/1 PLAN: PROPOSED
1/4"=1'-0"



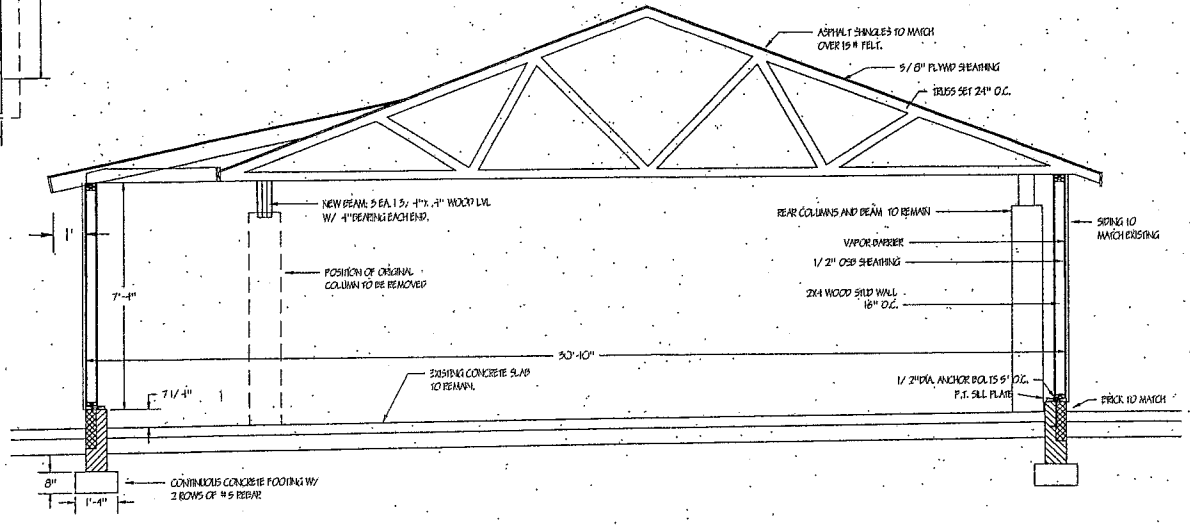
3/1 ELEVATION: SIDE
1/4"=1'-0"



4/1 ELEVATION: FRONT
1/4"=1'-0"



5/1 ELEVATION: REAR
1/4"=1'-0"



6/1 SECTION
1/2"=1'-0"

General Notes

No.	Revision/Issue	Date

paul h keller design + drafting

4010 OLD GUN ROAD E.
MIDLOTHIAN, VA 23113
Ph:804 349-5365
FAX:804 272-0352

Project Name:	
Owner:	
Address:	
Phone:	

Drawn by	PHK
Date	
Scale	VARIES

ATTACHMENT 1