

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ERIC LARSON, SP 2013-SP-045 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction to minimum yard requirements based on error in building location to permit accessory storage structures to remain 10.3 ft from rear lot line and 8.4 ft. and 1.7 ft. from side lot line and to permit reduction of certain yard requirements to permit construction of addition 13.0 ft. from the side lot line. Located at 8904 Stewart St., Burke, 22015, on approx. 38,734 sq. ft. of land zoned R-1. Springfield District. Tax Map 78-2 ((2)) 12. (Admin. moved from 7/31/13 for notices.) Mr. Smith 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 September 11, 2011; and

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

1. The applicant is the owner of the property.
2. The property is zoned R-1.
3. The applicant has presented testimony indicating compliance with Section 8-914 under the mistake section.
4. As indicated in the staff report, there has been minimal impact from the sheds.
5. Frankly, they are not that far over the 8.5 foot height requirement.
6. They would not have a significant impact on neighbors in this case, not be detrimental to the use and enjoyment of other property in the immediate vicinity.
7. With respect to the Section 8-922 application for the construction of an addition, this is a relatively long, narrow lot, a one-story single-car garage proposed for the addition that will sit on the existing footprint for the driveway.
8. It would not have a significant impact.
9. In this case, the staff recommends approval as well.

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.

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.
- 5. All applicable permits and inspections shall be obtained for the 203 square foot accessory storage structure within six months 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.

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. Beard seconded the motion, which carried by a vote of 6-0.

A Copy Teste:

Suzanne Frazier  
 Suzanne Frazier, Deputy Clerk  
 Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 19 day of September, 2013.

Robert Wyatt Harrison  
 Notary Public

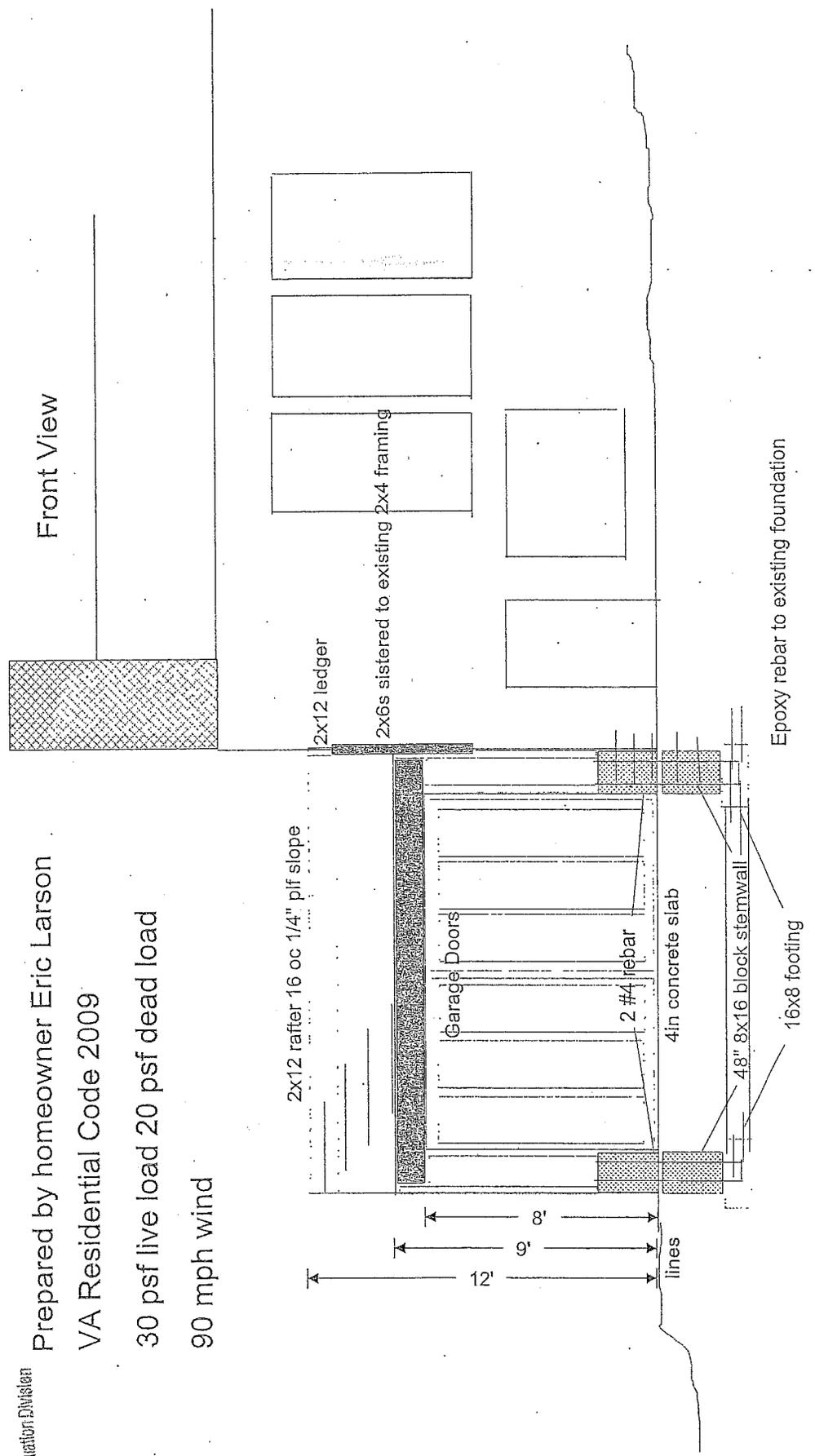
My commission expires: 9-30-2017



RECEIVED  
Department of Planning & Zoning  
AUG 14 2012

Prepared by homeowner Eric Larson  
VA Residential Code 2009

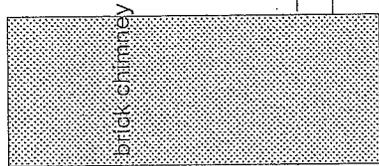
30 psf live load 20 psf dead load  
90 mph wind



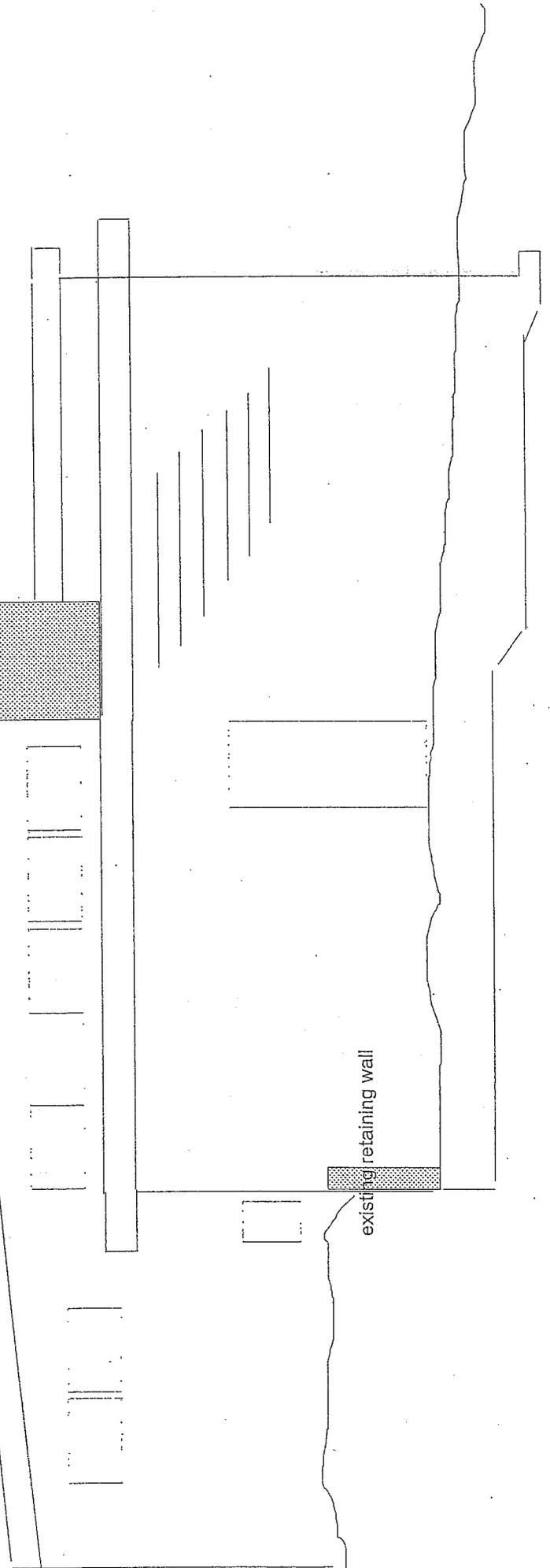
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Department of Planning & Zoning

AUG 14 2012

Zoning Evaluation Division



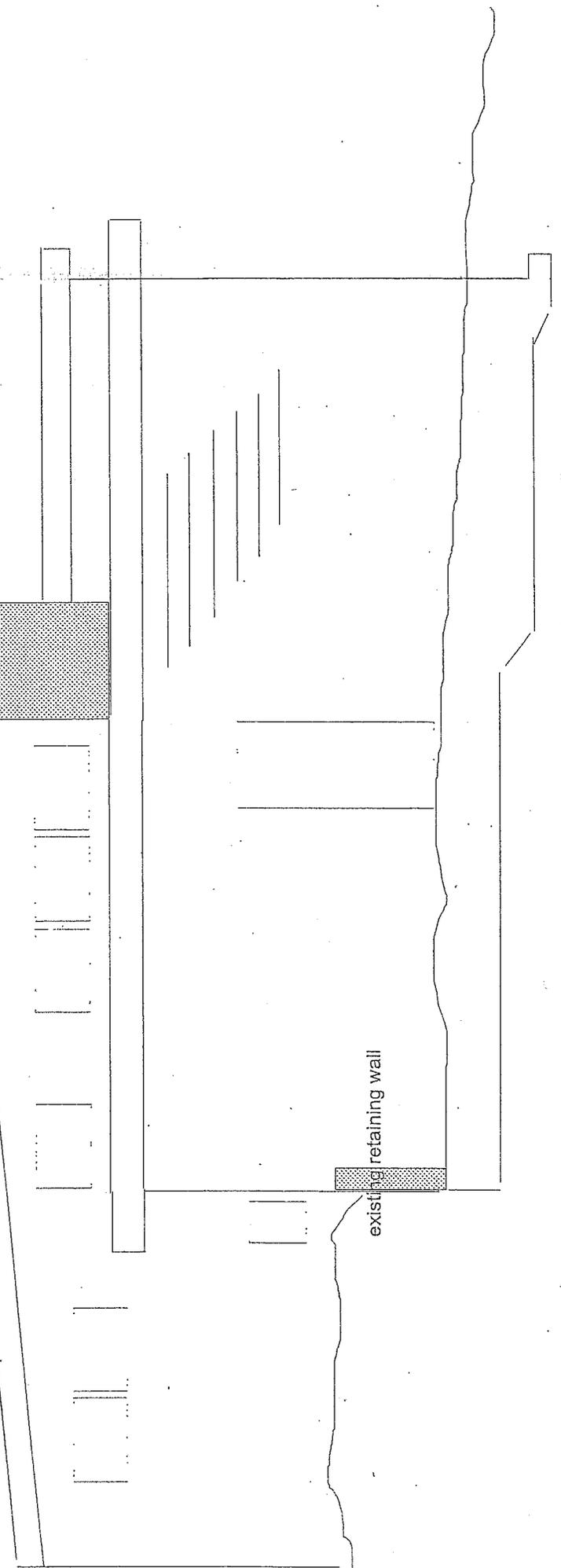
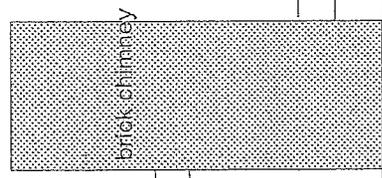
Left Side View



existing retaining wall

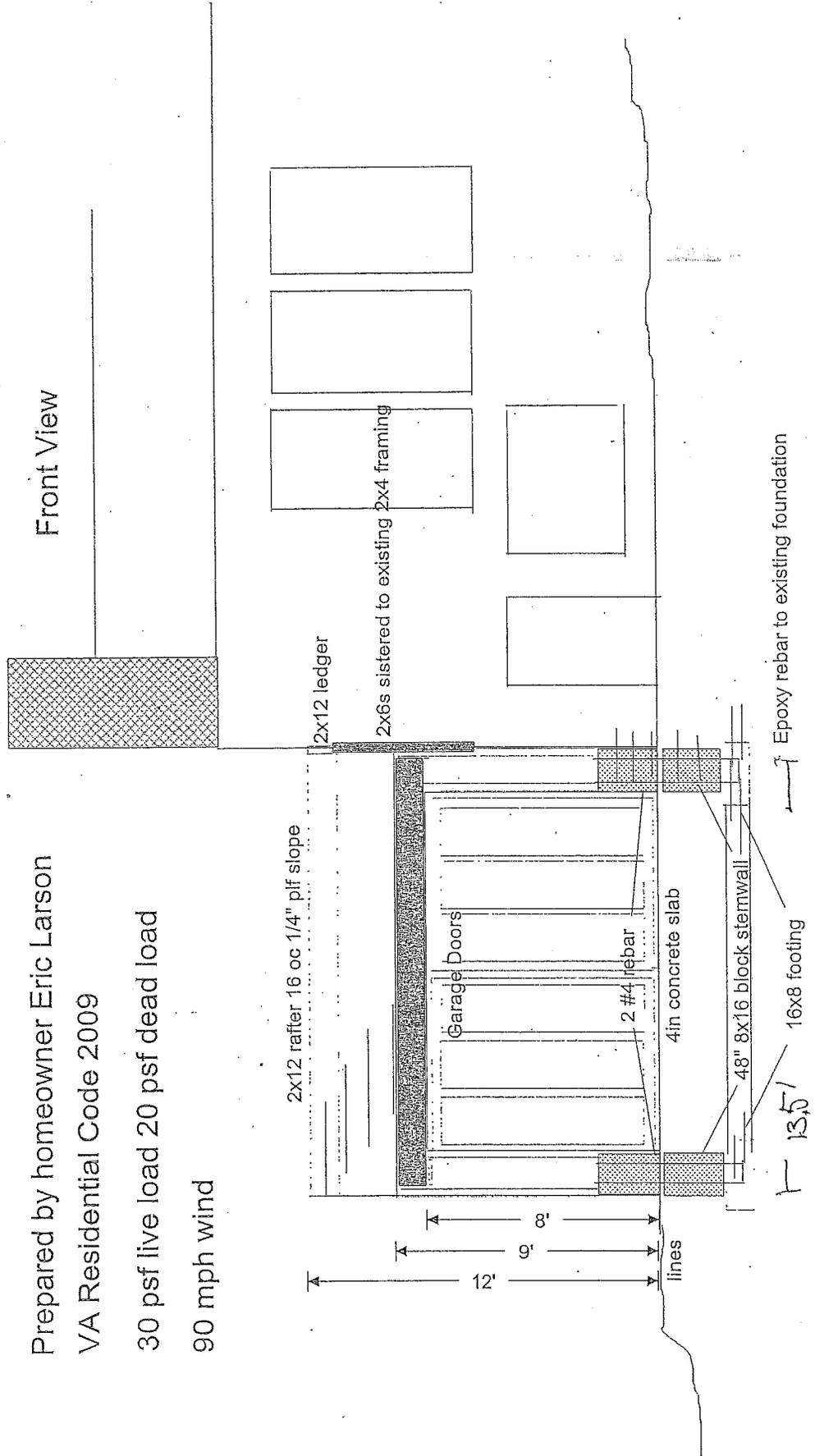
16x8 continuous footing

Left Side View



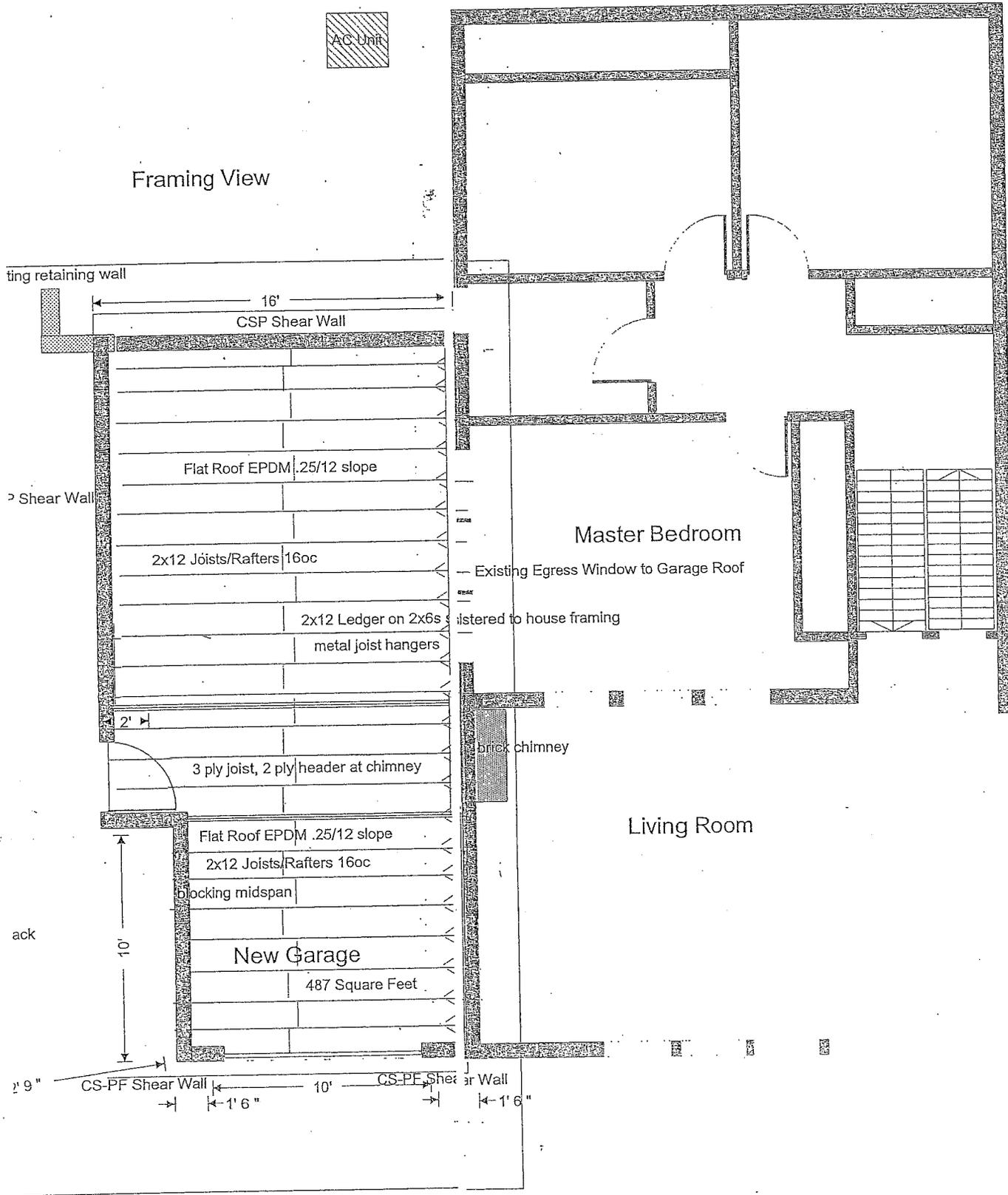
Prepared by homeowner Eric Larson  
VA Residential Code 2009

30 psf live load 20 psf dead load  
90 mph wind





### Framing View



existing retaining wall

16'  
CSP Shear Wall

Flat Roof EPDM .25/12 slope

2x12 Joists/Rafters 16oc

2x12 Ledger on 2x6s  
metal joist hangers

3 ply joist, 2 ply header at chimney

Flat Roof EPDM .25/12 slope

2x12 Joists/Rafters 16oc

blocking midspan

New Garage

487 Square Feet

Master Bedroom

Existing Egress Window to Garage Roof

connected to house framing

brick chimney

Living Room

back

2'9"

CS-PF Shear Wall

10' CS-PF Shear Wall

1'6"

1'6"