

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

RAMESH RAMAN TRUSTEE AND LATHA RAMAN TRUSTEE, SP 2013-PR-084 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit roofed deck to remain 25.4 ft. from front lot line and dwelling to remain 6.4 ft. from side lot line. Located at 2305 Malraux Dr., Vienna, 22182, on approx. 9,430 sq. ft. of land zoned R-4. Providence District. Tax Map 39-3 ((28)) 95. 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 December 18, 2013; and

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

1. The applicants are the owners of the land.
2. The Board has a favorable staff recommendation.
3. The Board adopts the rationale in the staff report.
4. This is a confusing situation, but it appears on the record before the Board that the applicant applied for this in advance and had a contractor build it.
5. Then it failed the setback certifications.
6. It is very confusing from the paperwork exactly what was approved.
7. This is not a mistake in building location application.
8. The Board did not have a complaint.
9. There is no opposition to it.
10. The reductions that are requested are relatively minor.
11. Had this been applied for in advance, the Board might well have approved this anyway.
12. It does appear that the lot is relatively small.
13. In particular with respect to the back, the corner of the lot is chopped off so that one corner of the house is very close to the property line as it is.
14. The problem appears to be the overhang instead of the wall.
15. From the photographs, it also appears that it is not going to create a significant negative impact on anybody.
16. With respect to the porch in the front, the handicap ramp, as the Board understands it, would be allowable anyway as an accessibility improvement.
17. It is 25.4 feet from the street, which is further away than some other things the Board has approved.
18. The problem with the front porch appears to be not that the ramp is there, but that it has a roof over it, and there are these columns holding it up.
19. The Board does not think that the roof and the columns create a significant negative impact.
20. From the photographs, it appears to be consistent with the structure itself.

21. It is attractive.
22. It does not appear to be a temporary or unfinished thing, whatever it is.
23. It appears that the applicant tried to do everything correctly, getting a building permit in advance.
24. Whatever happened to the paperwork after that is unfortunate, but we play the hand that we are dealt.
25. We do not have the application.
26. We do not know what the plans show.
27. We do not know exactly what was approved.
28. Given the constraints that we have got, and given the structure as it has been built, the Board does not think there is going to be a problem in approving it.
29. The Board has determined that all of the Sect. 8-922 criteria have been met.

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 size of the dwelling and roofed deck, as shown on the plat prepared by Studio 76, LLC., dated December 1, 2013, submitted with this application and is not transferable to other land.

This approval, contingent on the above-noted conditions, shall not relieve the applicant for compliance with the provisions of any applicable ordinance, regulations, or adopted standards.

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

A Copy Teste:



Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals