

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JOSHUA GARY/KRISTEN GARY, SP 2013-PR-092 Appl. under Sect(s). 8-922 and 8-923 of the Zoning Ordinance to permit reduction in certain yard requirements to permit construction of addition 5.0 ft. from side lot line, roofed deck 7.5 ft. from side lot line and 25.5 ft. from front lot line and to permit existing fence greater than 4.0 ft. in height to remain in the front yard of a corner lot. Located at 6940 Cavalier Trail, Falls Church, 22042, on approx. 9,790 sq. ft. of land zoned R-4 and HC. Providence District. Tax Map 50-2 ((4)) 53 (Concurrent with VC 2013-PR-022). Mr. Byers 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 15, 2014; and

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

1. The applicants are the owners of the property.
2. The staff recommends approval, and the Board adopts its rationale.
3. The request seems to be very modest.
4. The property was built in 1947.
5. It is 2170 square feet, including the attic and the basement.
6. This is 971 square feet.
7. The renovation makes sense.
8. Three emails in support were received.
9. There were also 48 signatures on a petition that was received this morning.

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. 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 for the location and size of the addition (971 square feet) and roofed deck, as shown on the plat titled "Plat Showing the Improvements on, Lot 53, Section 2, Greenway Downs," prepared by George M. O'Quinn, L.S, of Dominion Surveyors, Inc., dated June 1, 2013, as revised through October 23, 2013, as 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 (2,170 square feet existing + 3,255 square feet (150%) = 5,425 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. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally 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, 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. Mr. Hammack and Mr. Beard were absent from the meeting.

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 23 day of January, 2014.

Robert Wyatt Harrison
Notary Public

My commission expires: 9-30-2017



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1303	
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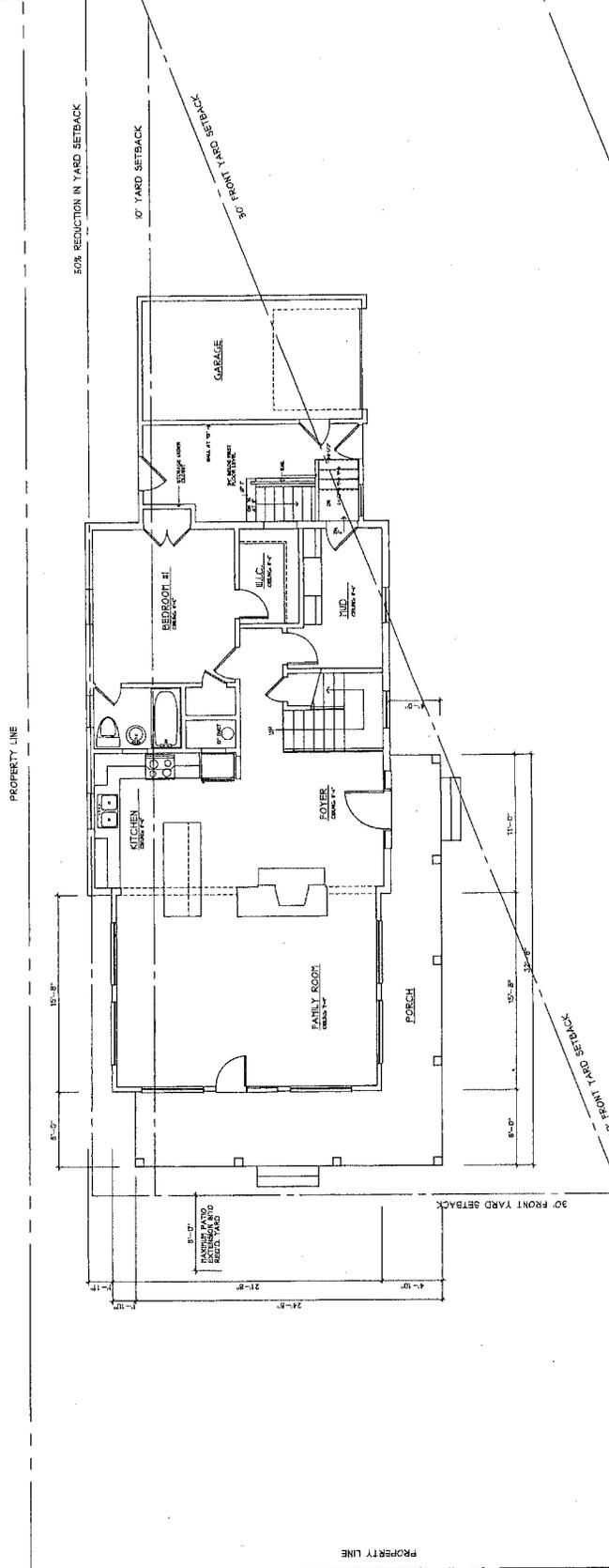
GARY ADDITION
 6940 CAVALIER TRAIL
 FAIRFAX COUNTY, VIRGINIA
 FIRST FLOOR PLAN



KOHLMARK
 ARCHITECTS
 10000 WOODBURN ROAD
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 FARMERS MARKET CENTER
 FAIRFAX, VIRGINIA 22031
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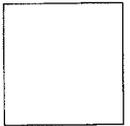
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	04/23/13		

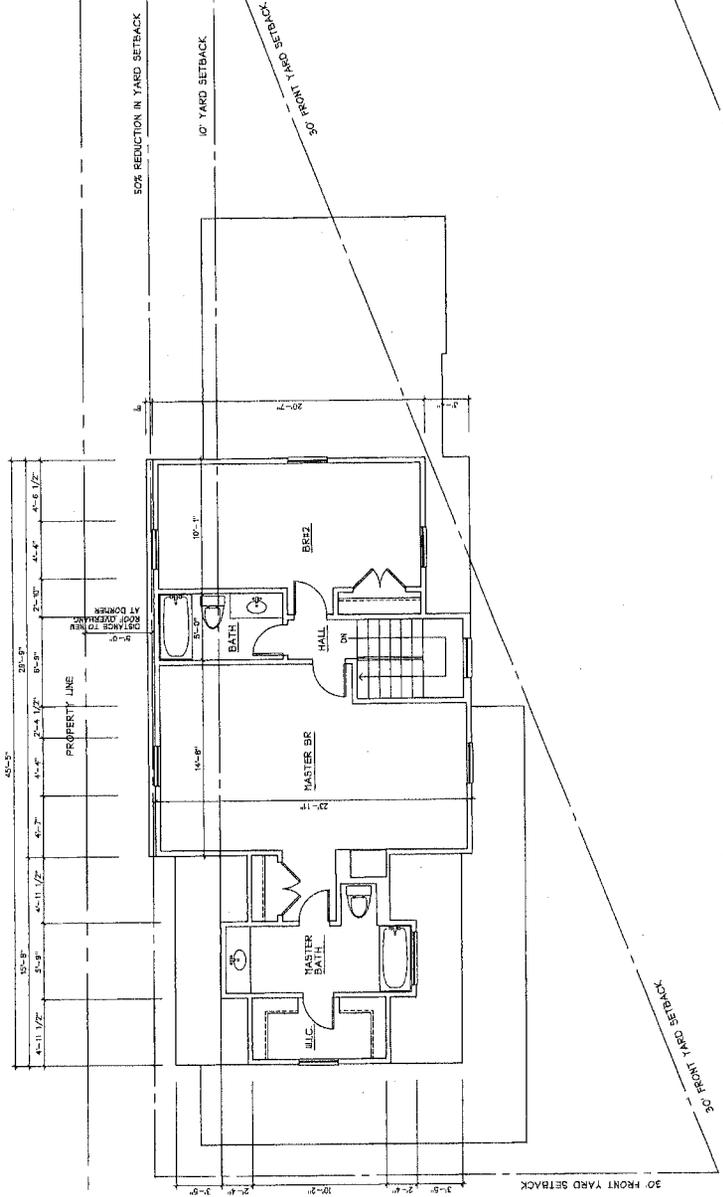
GARY ADDITION
 6940 CAVALIER TRAIL
 FAIRFAX COUNTY, VIRGINIA
 SECOND FLOOR PLAN



KOHLMARK ARCHITECTS
 2000 N. GLENN ROAD
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 FARMERS BURKE, VIRGINIA 22031
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 1/8" = 1'-0"

