COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

PAUL CROMER, SP 2013-PR-086 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reductions to the minimum yard requirements based on errors in building location to permit addition to remain 6.4 ft. from side lot line and accessory storage structure to remain 5.0 ft. from rear lot line. Located at 3325 Holly Ct., Falls Church, 22042, on approx. 15,254 sq. ft. of land zoned R-3. Providence District. Tax Map 59-2 ((8)) (4) 43. Ms. Theodore 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 8, 2014; and

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

1. The applicant is the owner of the land.
2. The Board has heard at the hearing and also contained in the staff report that there are large trees and vegetation, landscaping that basically screen both the shed and the addition.
3. There is a large Magnolia tree specifically that screens between the adjacent neighbor and the applicant's property, the addition itself.
4. With respect to the shed, that was existing at the time that the applicant bought the property.
5. The Board has not heard of any specific concerns or opposition from adjacent homeowners or neighbors at the hearing or in any written correspondence prior to the hearing.
6. Further, the Board has determined that the applicant has met the subsection criteria of Sect. 8-914, letters A through G.

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 addition and the accessory storage structure (shed) as shown on the plat prepared titled, "Special Permit Plat, Holmes Run Acres, Lot 43, Blk 4, Sec 3," prepared by Gregory J. Budnik, P.E., of GJB Engineering, Inc., dated October 14, 2013.

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. Smith seconded the motion, which carried by a vote of 5-0. Mr. Beard and Mr. Byers were absent from the meeting.

A Copy Teste:

Lorraine A. Giovinazzo

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals