

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

FAKHRI ELMOHTASEB AND MAY ABDO ELMOHTASEB, SP 2013-SP-036 Appl. under Sect. 8-923 of the Zoning Ordinance to permit existing fence greater than 4.0 ft. in height to remain in the front yard. Located at 5969 Colchester Rd., Fairfax, 22030, on approx. 1.25 ac. of land zoned R-C and WS. Springfield District. Tax Map 66-4 ((6)) 2B. (Admin. moved from 7/24/13, 11/6/13, and 12/18/13 at appl. req.) (Converted from VC 2013-SP-020.) Mr. Hammack 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 March 19, 2014; and

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

1. The applicants are the owners of the land.
2. This has gone through a couple of conversions.
3. According to the staff report, there have been discussions with the applicant, and the applicant has agreed to bring the fence and the lighting fixtures into compliance as set forth in the staff report dated March 12, 2014. The report is rather lengthy.
4. The Board would be granting a fence over four feet in height.
5. The fence is a good-looking fence, and the Board is glad it was able to obtain this result.

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 of the fence in the front yard as shown on the plat prepared by AMA Engineers, LLC, titled "Special Permit Plat on Lot 2B," dated April 23, 2013, as submitted with this application, and is not transferable to other land.
2. The gate portion of the subject fence shall remain open, or prior to return to working order, the gate shall be relocated a minimum of 22 feet back from the front property line.

3. The maximum fence and/or wall height shall not exceed six (6) feet as measured from the typical grade. Post caps, lighting fixtures, or similar decorative features associated with the posts may exceed the maximum fence and/or wall by not more than nine (9) inches provided such features are spaced an average distance of not less than six (6) feet apart and a minimum distance of not less than three (3) feet apart.

This approval, contingent on 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, six (6) months after the date of approval unless the conditions have been fulfilled as stated above. The Board of Zoning Appeals may grant additional time to fulfill the conditions 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. Byers seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



Lorraine A. Giovinazzo
Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals