

## COUNTY OF FAIRFAX, VIRGINIA

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

GARY R. BOSS, SP 2013-HM-108 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 9.9 ft. from side lot line such that side yards total 33.5 ft. Located at 1844 Horseback Trail, Vienna, 22182, on approx. 20,000 sq. ft. of land zoned R-1 (Cluster). Hunter Mill District. Tax Map 27-2 ((4)) 32. 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 March 12, 2014; and

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

1. The owners of the land are Gary R. Boss and Carol A. Boss.
2. The property is zoned R-1 (Cluster).
3. Staff has recommended approval in the staff report.
4. Relative to Standard 3, five similar reductions have been granted in the vicinity.
5. The proposed addition would be built to match the existing dwelling and blend into the neighborhood.
6. The elevations submitted indicate that the material, size, and scale of the addition are compatible with the existing structure.
7. The bulk appears to be consistent with adjacent development.
8. The proposed addition extending off the attached garage in an area that is without vegetation represents a relatively small addition to the dwelling, expanding the dwelling by only six percent.
9. It is not going to have any impact on adjoining property owners and is compatible with the neighborhood.

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 only for the location of the proposed garage addition (approximately 288 square feet), as shown on the plat prepared by Dominion Surveyors, Inc., dated October 2, 2013, 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 (4,777 square feet existing + 7,165.5 square feet (150%) = 11,942.5 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. 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.

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.

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.

Ms. Theodore seconded the motion, which carried by a vote of 6-0. Mr. Beard was absent from the meeting.

A Copy Teste:

*K. A. Knoth*

Kathleen A. Knoth  
Clerk to the Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 18 day of March, 2014.

*Robert Wyatt Harrison*  
Notary Public

My commission expires: 9-30-2017

