

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SILVIO ARMANDO DIAZ GUZMAN, SP 2013-MA-060 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction to minimum yard requirements based on error in building location to permit accessory structure to remain 1.0 ft. from side lot line and 0.0 ft. from rear lot line. Located at 3820 Barcroft Ln, Alexandria, 22312, on approx. 10,500 sq. ft. of land zoned R-3. Mason District. Tax Map 61-3 ((9)) 34. 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 October 30, 2013; and

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

1. The applicant is the owner of the property.
2. The shed, although it is quite close to the rear line, is not necessarily inconsistent with what is going on in the neighborhood.
3. Given the testimony about it being attached to the ground on a foundation, it is not going to be possible to move it.
4. With the development conditions and the additional planting that is going to be required, the impact of having the shed that close is going to be sufficiently mitigated.

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.

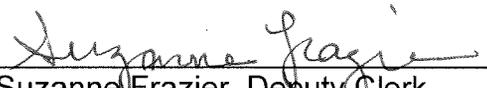
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

1. This special permit is approved for the location of the shed/workshop as shown on the plat prepared by Real Estate Surveyors & Developers, LLC, dated September 27, 2013, signed by Fitzroy J. Bertrand, as submitted with this application and is not transferable to other land.
2. A minimum of two large deciduous trees in the oak, hickory, beech, blackgum, or maple (except silver maple) family shall be planted in the rear yard within six months of approval of this special permit. The trees shall be a minimum of six feet in height at the time of planting.
3. The applicant shall obtain any appropriate permits and inspections for the shed within 180 days of approval of this special permit.
4. The applicant shall complete the installation of siding and/or trim on the exposed wood portions of the northeast side of the shed within 180 days of approval of this special permit.

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

A Copy Teste:



Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals