

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

NEDAL KHATIB, SP 2013-SP-103 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of an accessory structure 26.0 ft. from front lot line. Located at 8261 Roseland Dr., Fairfax Station, 22039, on approx. 3.27 ac. of land zoned R-C and WS. Springfield District. Tax Map 97-3 ((15)) 71A. (Admin. moved from 2/12/14 and 4/2/14 at appl. req.) (Decision deferred from 5/14/14.) 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 August 6, 2014; and

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

1. The applicant is the owner of the land.
2. This is a difficult case in a number of ways, but the applicant has shown compliance with the required standards. Mr. Hart was not sure the Board would do this type of thing very often.
3. Some relief is appropriate. This lot is in a neighborhood of somewhat larger lots in the R-C. Generally, these lots are five acres or bigger, and this lot used to be bigger, but when Route 123 was widened, a slice was taken off of it.
4. The structure that is being requested would be by right in some other location on the lot, and it may well have been by right before the road was widened. Now, there is kind of a slice with sort of a little bite that is taken out of the lot, and actually this is the narrowest piece. It is just the one corner of the garage that is in that position.
5. There is a very steep slope, which mitigates somewhat the impact of the structure on the road.
6. The structure would be by right in other places on the lot. It is an enormous footprint. It is 50 x 40 with eaves beyond that. Many of the homes that the Board sees, the house itself is smaller than that, but it is subordinate to the size of the house or some of the other homes in the neighborhood.
7. The location of the garage is actually the best location on this particular lot. The garage could go further back and behind the pool, but there would have to be additional clearing and grading. There would have to be additional pavement to extend the driveway further back, and by putting the garage along the existing driveway, it is really just opposite of the existing garage. This would have the least impact on the lot in terms of the disturbance to the site and the additional impervious surface. Those circumstances are unique to this particular lot. The Board would not approve this many garages this close to a road, but with a big slope on a lot that has been affected by a road widening where the location is right at the side of the existing driveway, any other place would not be as appropriate.

8. The garage has been pulled back a little bit from the lot line from where it started. The impacts have been mitigated for this structure. Whether an eight-car detached garage is really appropriate on top of what is already there is not really an issue on this lot if the impacts are otherwise mitigated, and particularly where they could do it by right in a worse place than this.
9. Staff was recommending approval, and the Board can conclude that the required standards in the 8-922 resolution have been met.
10. The Board has determined that all the standards in the motion have been met.

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 proposed accessory structure, a garage, approximately 1,881 square feet as shown on the plat titled "Plat for Special Permit, Remainder of Lot 71-A, Resubdivision of Lots 1, 2, 70 & 71, The Estates at Roseland," prepared by Joseph W. Bronder, L.S. of DiGiulian Associates, P.C., dated March 22, 2013 and as revised through July 29, 2014, as submitted with this application and is not transferable to other land.
3. Restoration Planting- The applicant shall restore any disturbed area between the proposed garage and Ox Road. Restoration planting shall consist of a 2-in. caliper Category II deciduous trees (eg. Eastern redbud, flowering dogwood) and a 6-8 foot tall Category II evergreen trees (eg. American holly) planted in the available space around the garage to increase the screening capacity between the garage and Ox Road.
4. No commercial automotive repairs or storage shall occur on the property.
5. The accessory structure 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.

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

A Copy Teste:

Mary D Padrutt

Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 13 day of August, 2014.

Robert Wyatt Harrison

Notary Public

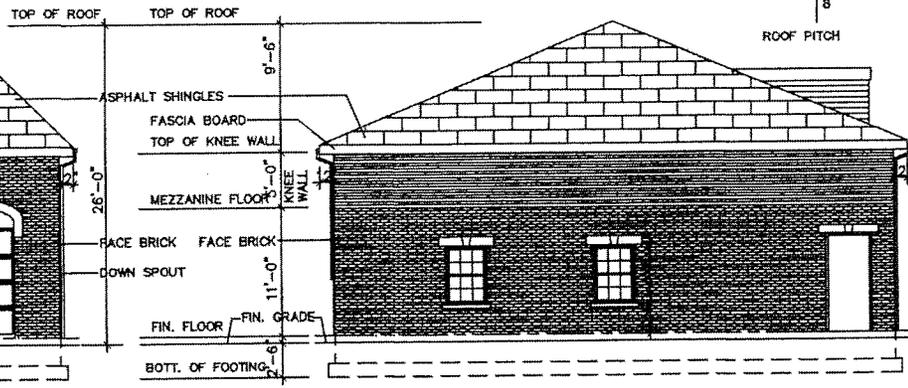
My commission expires: 9-30-2017





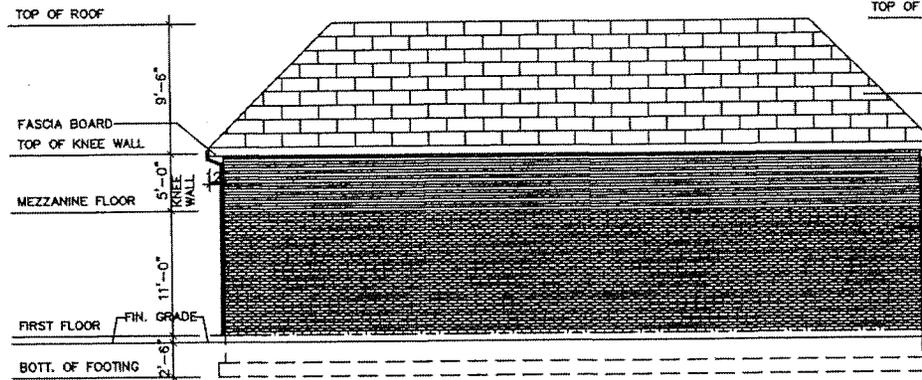
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



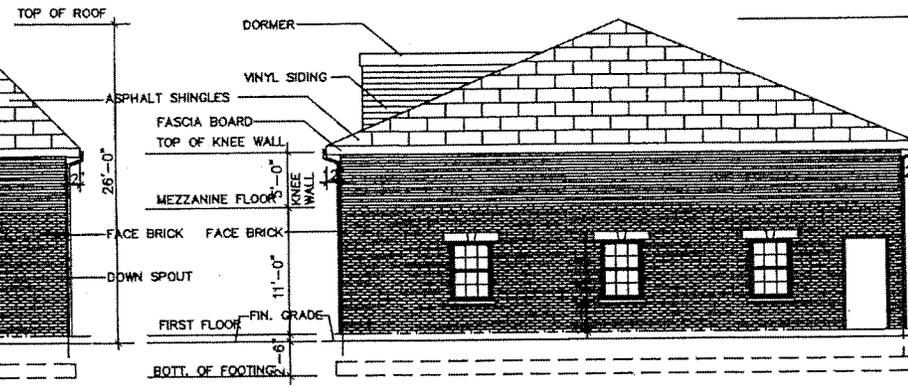
LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

JASPER KEN BARROW
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GREENBELT, MD. 20770
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PROPOSED GARAGE
8281 ROSELAND DRIVE,
FAIRFAX, VA. 22039

BUILDING ELEVATIONS

A-04