

## COUNTY OF FAIRFAX, VIRGINIA

### VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

TRUSTEES OF FLINT HILL CEMETERY ASSOCIATION, VC 2014-PR-001 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit burial of human remains up to 10 ft. from lot line and up to 3.0 ft. from side lot line. Located at 2845 Chain Bridge Rd., Vienna, 22181, on approx. 4.47 ac. of land zoned R-2. Providence District. Tax Map 47-2 ((1)) 118, 121B and 126B. (Concurrent with SP 2013-PR-091) (Deferred from 3/5/14 at appl. req.) (Admin. moved from 4/16/14 for ads.) Mr. Beard 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 May 21, 2014; and

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

1. The applicants are the owners of the land.
2. The present zoning is R-2.
3. The area of the property is 4.46 acres.
4. Given the unique characteristics of the property, the age, the scarcity of availability for in ground burial, and the exceptional narrowness of this property for cemetery purposes, the applicant has met the required standards for a variance, 1 through 9.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
  - A. Exceptional narrowness at the time of the effective date of the Ordinance;
  - B. Exceptional shallowness at the time of the effective date of the Ordinance;
  - C. Exceptional size at the time of the effective date of the Ordinance;
  - D. Exceptional shape at the time of the effective date of the Ordinance;
  - E. Exceptional topographic conditions;
  - F. An extraordinary situation or condition of the subject property, or
  - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.

5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.

6. That:

A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or

B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.

7. That authorization of the variance will not be of substantial detriment to adjacent property.

8. That the character of the zoning district will not be changed by the granting of the variance.

9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of reasonable use of the land and/or buildings involved.

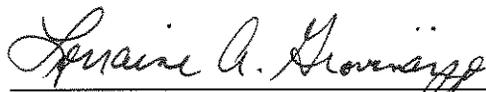
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This variance is approved for a variance of the setback along the southern and western lot lines for the burial of human remains as shown on the plat prepared by Christopher Consultants, dated August 28, 2013 as revised though March 28, 2014, (sealed April 16, 2014) as submitted with this application and is not transferable to other land.

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 including requirements for building permits.

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

A Copy Teste:



Lorraine A. Giovinazzo, Deputy Clerk  
Board of Zoning Appeals