

## COUNTY OF FAIRFAX, VIRGINIA

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

MOHAMAD EZZ ELDINE & RITA EL-ACHI, SP 2013-MA-114 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction in the minimum yard requirements based on error in building location to permit addition to remain 3.2 ft. from side lot line and open deck 2.9 ft. from side lot line. Located at 4107 Mason Ridge Dr., Annandale, 22003, on approx. 17,356 sq. ft. of land zoned R-2. Mason District. Tax Map 61-3 ((15)) 65. (Deferred from 3/12/14.) (Decision deferred from 4/23/14 and 6/4/14.) 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 June 11, 2014; and

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

1. The applicants are the owners of the property.
2. The Board determined that the applicants met the required Standards A through H of the applicable code.

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. The error exceeds ten (10) percent of the measurement involved, or
- B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
- C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
- D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and

- F. It will not create an unsafe condition with respect to both other property and public streets, and
- G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
- H. The reduction or modification 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:

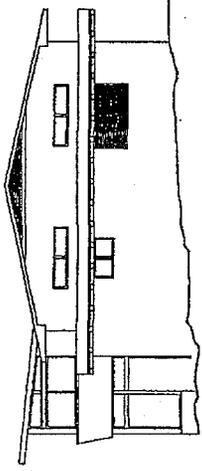
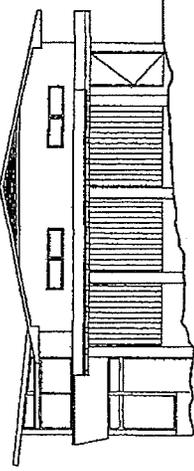
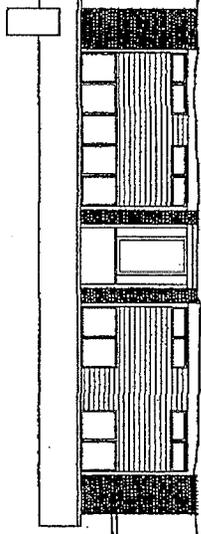
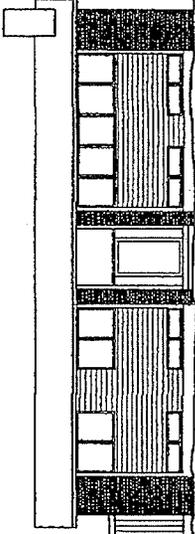
1. This special permit is granted for the location and size of the addition (5 ft. from the side lot line), carport and open deck (patio) (2.9 ft. from the side lot line) as shown on the plat titled "Request For Approval of Reduction to the Minimum Side Yard Requirements Based on Error in Building Location (8-914)" prepared by eDJ Studio, LLC, dated June 10, 2014, and approved with this application, as qualified by these development conditions.
2. All applicable permits and final inspections shall be obtained for all work on the property that is the subject of this application within 180 days of approval of this special permit.
3. The addition and carport shall be reconstructed consistent with the architectural elevations contained in Attachment 2A. The roof over the carport and addition shall be continuous and shall be constructed using asphalt shingles. The exterior walls of the addition shall be finished with wood or composite siding consistent with the samples to be incorporated in, and made a part of the architectural elevations furnished by the applicant at the hearing, painted to match the home. Exposed wood shall be painted to match the house. The eave on the northern wall of the carport shall be removed. There shall be no corrugated metal, plastic or visible cinder blocks used as exterior building materials for the proposed work. Based on the applicants' agreement at the hearing, the existing satellite dishes shall be relocated so as not to be visible from the street.

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

A Copy Teste:

A handwritten signature in cursive script, reading "Suzanne Frazier", written over a horizontal line.

Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals

<p><b>ELACHI RESIDENCE</b></p> <p><small>1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE VIRGINIA CONSTRUCTION CODES AND ALL APPLICABLE LOCAL ORDINANCES.</small></p> <p><small>2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.</small></p> <p><small>3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.</small></p> <p><small>4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE AGENCIES.</small></p> <p><small>5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.</small></p> <p><small>6. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.</small></p> <p><small>7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.</small></p> <p><small>8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BONDS.</small></p> <p><small>9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.</small></p> <p><small>10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.</small></p>	<p>Stamp</p> <p>Revision No. Date</p> <p>Drawn Name</p> <p><b>EXISTING &amp; PROPOSED ELEVATIONS</b></p> <p>Scale: 1/4" = 1'-0"</p> <p>Project No. 048077</p> <p>Date: 6/10/14</p> <p>Sheet No. A501</p>	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>① EXISTING SIDE ELEVATION SCALE: 1/4" = 1'-0"</p> </div> <div style="text-align: center;">  <p>② PROPOSED SIDE ELEVATION SCALE: 1/4" = 1'-0"</p> </div> </div> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  <p>④ EXISTING FRONT ELEVATION SCALE: 1/4" = 1'-0"</p> </div> <div style="text-align: center;">  <p>⑤ PROPOSED FRONT ELEVATION SCALE: 1/4" = 1'-0"</p> </div> </div>
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