## COUNTY OF FAIRFAX, VIRGINIA

## VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

ADELA LUNING (AKA) ADELAS HOUSE FAMILY CHILD CARE, VC 2015-MA-002 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit greater than 30% of front yard coverage for a paved driveway. Located at 6010 Munson Hill Rd., Falls Church, 22041, on approx. 10,296 sq. ft. of land zoned R-3. Mason District. Tax Map 61-2 ((5)) 9. (Concurrent with SP 2015-MA-041). 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 July 29, 2015; and

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

1. The applicant for this variance is Adela Luning.
2. The applicant is the owner of the land.
3. The applicant has read, understands, and concurs with the proposed development conditions.
4. This application meets all of the following required standards for variances as set forth in Sections 15.2-2201 and 15.2-2309 of the Code of Virginia:

    a. The subject property requires a reasonable deviation from those provisions of the Zoning Ordinance, regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure as the strict application of the Ordinance would unreasonably restrict the utilization of the property. The property is on the corner of Glen Carlyn Road, which is a very busy street, and Munson Hill Road, which has no parking. It would be expected that there would be off street parking for a single family residence, and a circular driveway is not unreasonable. The current ordinance conditions restrict the pavement in the front yard. A reasonable deviation from thirty (30) percent to thirty eight (38) percent is appropriate in a situation like this. Strict adherence to the terms of the ordinances would restrict the utilization of the property such that if there are cars on the property already the circular driveway is nonfunctional. The need for the variance would not be shared generally by other properties. The variance is not contrary to the purpose of the Ordinance and does not include a change in use.

    b. The strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property, and the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Zoning Ordinance.

    c. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant.

d. The variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area with the implementation of Development Condition 2.

e. The condition or situation of the property that created the need for this variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance.

f. The granting of this variance does not result in a use that is not otherwise permitted on the subject property or a change in the zoning classification of the property.

g. The relief or the remedy sought by this variance application is not available through a special permit process that is authorized in the Zoning Ordinance.

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

1. This variance is approved for the paved front yard coverage greater than 30 percent shown on the plat titled, "Special Permit Plat/Variance Plat, 6010 Munson Hill Road," by Aaron M. Vinson, Professional Engineer, of Walter L. Phillips Incorporated, dated March 2, 2015, as submitted with this application and is not transferable to other land.

2. At such time as the child care use ceases, this variance shall become null and void and the front yard coverage shall be brought into compliance with the Zoning Ordinance.

This approval, contingent upon the above-noted conditions, shall not relieve the applicants 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 5-1. Mr. Hammack voted against the motion. Mr. Smith was not present for the vote.

A Copy Teste:

Mary D. Padrutt

Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals