

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

HEIDI EMERSON, SP 2015-DR-101 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit a reduction in certain yard requirements to permit the construction of a deck 8.6 ft. from a side lot line. Located at 1911 Franklin Ave., McLean, 22101, on approx. 14,625 sq. ft. of land zoned R-2. Dranesville District. Tax Map 41-1 ((10) 1. Mr. Hammack 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 22, 2015; and

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

1. The applicant is the owner of the land.
2. The facts are in support of this application, insofar as the County issued a permit in 1991 for the construction of the deck in the identical place, although it was not recognized at the time that a special permit or possibly a variance should have been requested.
3. The applicant simply wants to replace the deck, and the County has taken the position that she needs to have a special permit, notwithstanding the fact that the earlier deck was vested.
4. The house is set towards the rear of the property, making it a very shallow rear yard.
5. The Franklin Area Citizens Association opposes this application, believing the statute that authorizes this is illegal. The Board believes that the applicant clearly satisfies the requirements under Sect. 8-922 of the Zoning Ordinance, in particular, subsections 1-8.
6. The proposed development seems to be harmonious with the surrounding offsite uses and structures, in terms of location, height, bulk, scale, structure, topography, and existing vegetation.
7. There have been no complaints for the 24 years that the deck has been there.
8. The Board does not believe it is detrimental to the property, the adjoining property, or the neighborhood.
9. The applicant has read, understands, and concurs with the proposed Development Conditions.

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 deck (384 square feet and 11 feet in height), as shown on the plat entitled "Special Permit Plat, Lot 1, Section Three, Chesterbrook," prepared by J.F. Veatch, L.S., on May 2015, as revised on June 9, 2015, as submitted with this application and is not transferable to other land.
3. The deck shall be generally consistent with the floor plan and elevation as shown on Attachment 1 to these conditions.
4. All final permits and inspections shall be obtained for the deck within six (6) months of approval.

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, 6 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.

THAT the applicant has not 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.

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

A Copy Teste:



Lorraine A. Giovinazzo
Clerk to the Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

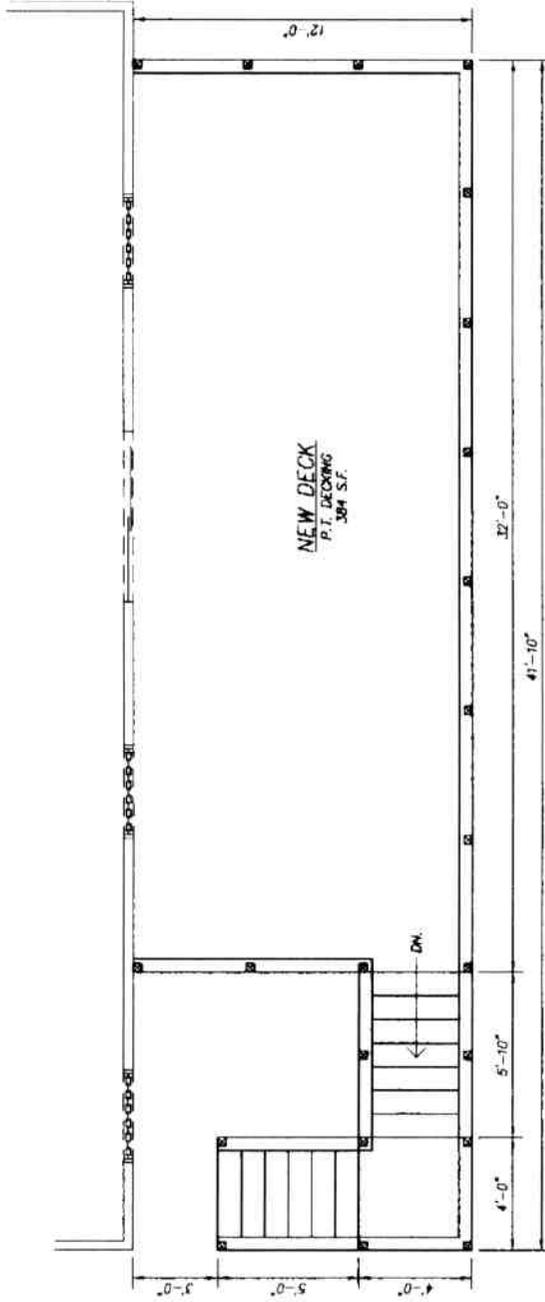
The foregoing instrument was acknowledged before me this 26th day of
October, 2015.

Rachael A. Locke
Notary Public

My commission expires: 6/30/2019

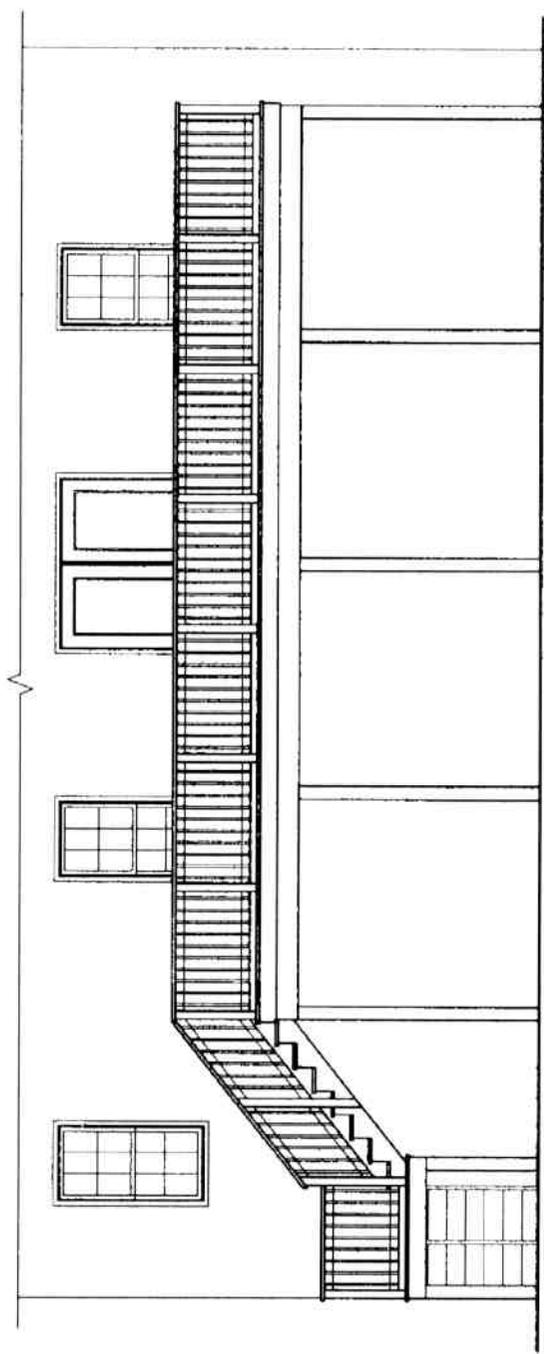


RECEIVED
Department of Planning & Zoning
JUN 08 2015
Zoning Evaluation Division



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

MidAtlantic Contracting, Inc. 909 Highams Court Hopwood, VA 22319 703-432-4663	EMERSON DECK 1911 FRANKLIN AVE MCGLEAN VIRGINIA FLOOR PLAN	158 06-15	SHEET NO. 1
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REAR ELEVATION
SCALE: 1/4"=1'-0"

<p>MidAtlantic Contracting, Inc. 808 Highams Court Hogansville, VA 22643 703-482-4663</p>	<p>EMERSON DECK 1911 FRANKLIN AVE MCLEAN VIRGINIA REAR ELEVATION</p>	<p>1/2" = 1'-0" DATE: 1-15</p>	<p>SHEET NO. 2</p>
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