

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JOHN E. AND LISA Z. JOINER, SP 2013-BR-048 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit accessory structure 8.3 ft. and 10.9 ft. from side lot lines. Located at 8230 A The Midway, Annandale, 22003, on approx. 15,079 sq. ft. of land zoned R-2. Braddock District. Tax Map 70-2 ((2)) 53 A1. (Admin. moved from 9/11/13 at appl. req.) Mr. Byers 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 9, 2013; and

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

1. The applicants are the owners of the land.
2. It is understood that staff has recommended denial.
3. The Board listened to what the chairperson said, which was that there is a safety issue from the standpoint of having a fireplace.
4. The lot itself is unusual from the standpoint of its shape.
5. From the standpoint of the size, the applicants' point was that if things were reduced, at a certain point it does not make any sense to build it.
6. There has to be a balance between what the Board thinks is the minimum necessary and what the property owner happens to want to do.
7. The Board does not necessarily accept the argument from the standpoint of noise and affecting the light of other properties.
8. It looks like there is sufficient space between this home and the other homes.
9. It is assumed that these will not be wild parties, that we are talking about the socialization and that kind of thing from the standpoint of trying to improve the home and improving the value of the homes around it, although that is not something that the Board necessarily considers.
10. It was not found that it is not harmonious with the surrounding off-site uses.
11. The proposed development will not adversely affect the use or enjoyment of other properties.
12. When talking about the urban forester, the short answer is that they do meet the tree canopy requirements.
13. Additional tree plantings were talked about.
14. These folks can probably do this, and this is the minimum that is necessary in order to make this a viable pavilion in their backyard.

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:

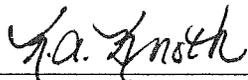
1. This special permit is approved for the location and size of the accessory structure (530 square feet), as shown on the plat prepared by Reid M. Dudley, of Runyon, Dudley, Associates, Inc., dated May 15, 2013, as submitted with this application and is not transferable to other land.
2. The accessory structure shall be generally consistent with the architectural renderings and materials as shown on the special permit plat.
3. The accessory storage structure (shed) and accessory structure (play set) shall be removed or relocated from the required yard areas to comply with applicable Zoning Ordinance provisions within 90 days of this special permit approval.
4. Tree protection fencing shall be installed prior to demolition of the accessory storage structure (shed) and construction of the accessory structure (pavilion) to protect trees on Lots 53-A-2 and 54-A-1, the 11-inch beech, and other trees indicated to be protected as shown on the existing vegetation plan (sheet 2 of 2 of the special permit plat) on the subject property. It shall be placed at the drip-line of the trees. The fencing shall remain in place until all construction and final grading is complete. Additional trees shall be planted as shown on the tree conservation and landscape plan (sheet 2 of 2 of the special permit plat).

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.

Mr. Beard seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

A Copy Teste:



Kathleen A. Knoth
Clerk to the Board of Zoning Appeals