

## COUNTY OF FAIRFAX, VIRGINIA

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

KYLE T. AND SUSAN C. RECTOR, SP 2015-MV-112 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit a reduction in certain yard requirements to permit construction of an addition 7.7 ft. from a side lot line and 12.8 ft. from a rear yard line, and to permit a reduction in minimum yard requirements based on an error in building location to permit an accessory storage structure to remain 3.4 ft. from a side lot line and 3.2 ft. from a rear lot line. Located at 8608 Pilgrim Ct. , Alexandria, 22308, on approx. 11,468 sq. ft. of land zoned R-3. Mt. Vernon District. Tax Map 102-3 ((18)) 17. 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 7, 2015; and

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

1. The applicants are the owners of the property.
2. The staff recommended approval.

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. 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 garage and the location of the shed as shown on the Special Permit Plat entitled "Special Permit Plat | Lot 17 | Fort Hunt Manor," prepared by Alterra Surveys, Inc. and dated March 10, 2015, as revised on May 27, 2015, as submitted with this application and is not transferrable to other land.
- 3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existing at the time of the first expansion (2,883 square feet existing + 4,325 square feet (150%) = 7,208 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction Special Permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this Special Permit.

4. The garage shall be generally consistent with the proposed elevations enclosed as Attachment A to these conditions. Notwithstanding the driveway shown on the plat submitted with the application, the applicants shall remove extraneous driveway paving adjacent to the existing garage and reseed that area during construction of the proposed garage addition.
5. In consultation with the Urban Forest Management Division, the applicant shall implement construction methods recommended by an ISA certified arborist and/or a registered consulting arborist that shall reduce construction impacts to the existing off-site vegetation. Such methods may include, but shall not be limited to, the use of a supersonic air tool to locate, avoid, and protect large structural roots near the proposed garage and tying back limbs so that building materials that are lifted to construct the proposed garage do not damage tree limbs. The applicant shall install tree protection fencing along the overhanging tree drip line of the off-site oak tree in the vicinity of the proposed garage in locations recommended by the consulted expert listed above.
6. The applicant shall implement an alternative foundation footing system to reduce construction impacts to the tree roots that may be present from the off-site oak tree in the vicinity of the proposed garage. The alternative foundation footing system may use, but not be limited to, a pier and grade beam on the north and east walls.
7. The materials used for the construction of the new addition shall be consistent with those used in the existing dwelling.

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. Byers seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

Suzanne Frazier  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals

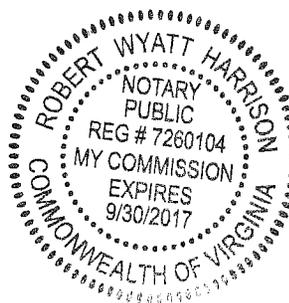
ACKNOWLEDGEMENT

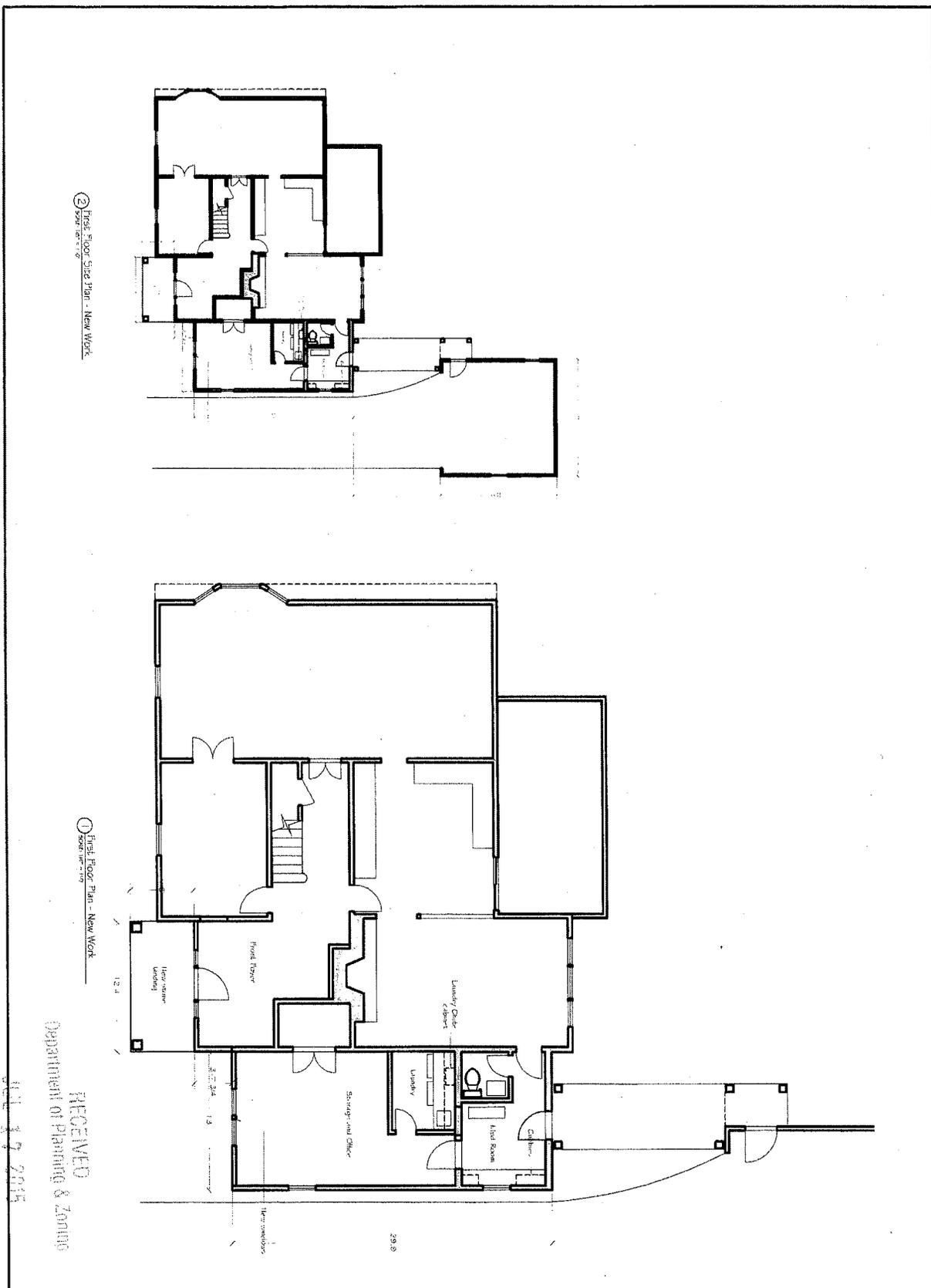
COUNTY OF FAIRFAX  
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 21 day of October, 2015.

Robert Wyatt Harrison  
Notary Public

My commission expires: 9-30-2017





2 First Floor Slab Plan - New Work

1 First Floor Plan - New Work

RECEIVED  
 Department of Planning & Zoning

DEC 17 2014

Zoning Evaluation Division

CRAFTED ARCHITECTURE LLC

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 2109 Popkins Lane Alexandria, Virginia 22307  
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 e-mail christine@craftedarchitecture.com

PROJECT

Rector Residence  
 6008 Rector Court  
 Alexandria, Virginia 22308

Drawing  
 First Floor Plan

Submission  
 For Design Review

Date  
 December 9, 2014  
 December 13, 2014

Sheet No.

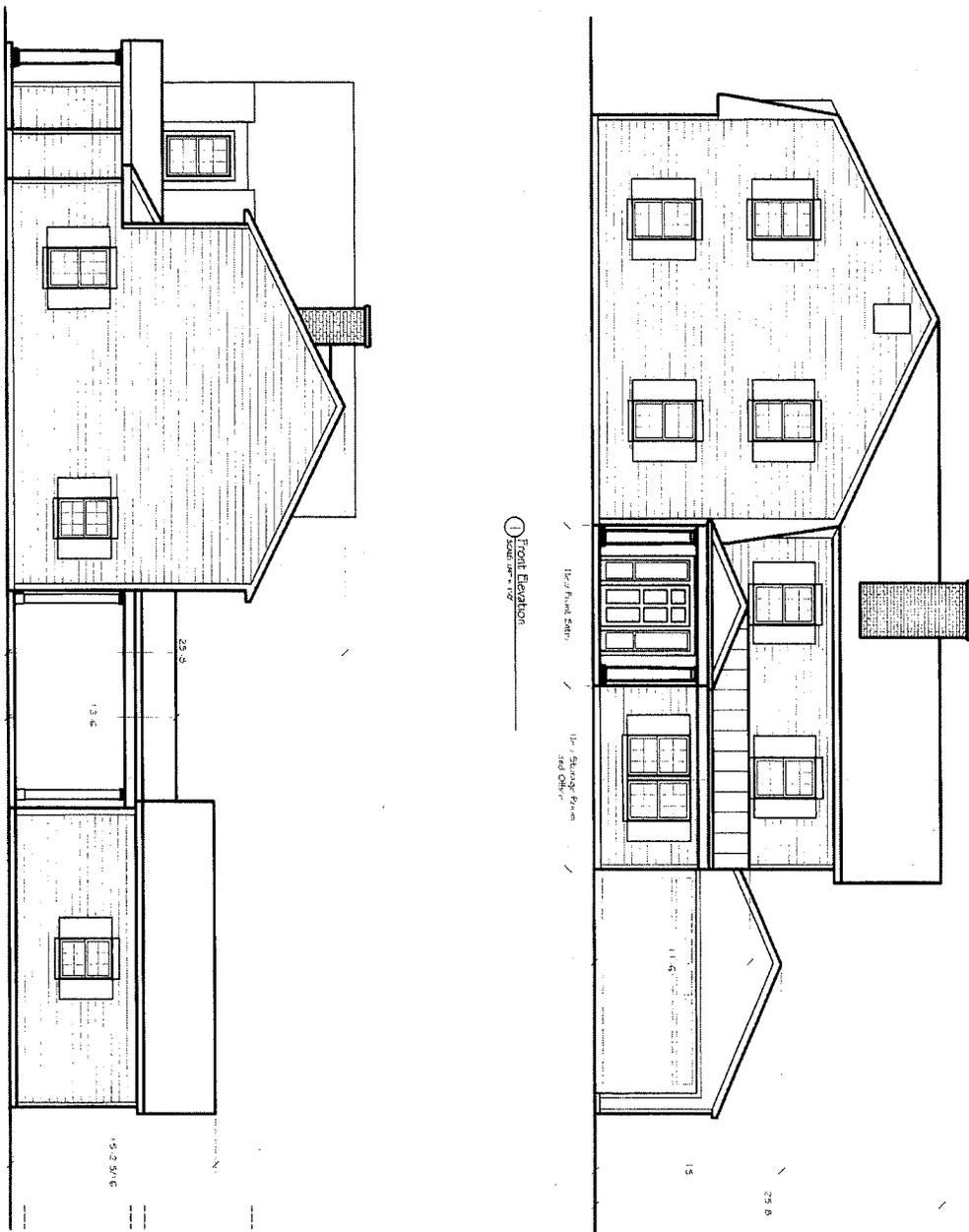
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Zoning Evaluation Division

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Department of Planning & Zoning

JAN 14 2015



1st & 2nd Floor  
2014.12.15

### CRAFTED ARCHITECTURE LLC

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#### PROJECT

Reactor Residence  
6000 Flynn Court  
Alexandria, Virginia 22308

Drawing  
Exterior Elevation

Submission  
Per Design Review

Date  
December 5, 2014  
December 13, 2014  
Sheet No.

A3