

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

RANDY H. HADIJSKI, VC 2015-LE-004 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit an accessory storage structure greater than 200 sq. ft. in gross floor area. Located at 4522 Apple Tree Dr., Alexandria, 22310, on approx. 14,565 sq. ft. of land zoned R-3. Lee District. Tax Map 82-3 ((13)) 48. (Concurrent with SP 2015-LE-082.)

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 November 4, 2015; and

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

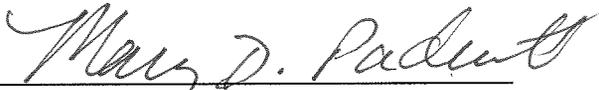
1. The applicant is Randy H. Hadijski.
2. The applicant is the owner of the land.
3. The staff report recommends denial of the shed, and the Board adopts the rationale in the staff report.
4. The Board does not believe, based on the record, that the justifications for a variance have been met.
5. This application fails to meet the following required standards for variances as set forth in Sections 15.2-2201 and 15.2-2309 of the Code of Virginia; specifically:
 - a. The subject property does not require a reasonable deviation from those provisions of the Zoning Ordinance, regulating the size of a structure. The Ordinance would not unreasonably restrict the utilization of the property. This is a flat rectangular lot. There is nothing particularly unusual about it. Nothing requiring the shed to be in that particular location or to have been constructed without other approvals. The lot is constrained somewhat by the location of the power line easement, but that is not a reason to put the shed in the easement, have it be as tall as it is, or have the foot print as large. As staff has pointed out, there are other places on the lot where a shed could be by right. They could have multiple sheds by right, if the rationale is to have additional storage. The justification regarding the cost of removing it is certainly a valid consideration on a mistake in building location application, but is not one of the variance factors. Using staff's analysis with respect to the variance, there has not been a showing that the statutory requirements have been made.

- b. The strict application of the Zoning Ordinance would not unreasonably restrict the utilization of the property and/or the variance would not 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. We have often approved sheds in a corner, but rarely a shed as large as this, particularly, one that has a second level and as tall as this. It is unfortunate that it got as far along in the construction as it did, but the Board does not have the discretion to approve everything that is requested.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **DENIED**.

Mr. Beard seconded the motion, which carried by a vote of 4-0. Ms. Theodore was not present for the vote. Mr. Byers and Mr. Smith were absent from the meeting.

A Copy Teste:



Mary D. Padrutt
Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals