

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TOAN LY, SP 2015-BR-120 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit a reduction in certain yard requirements for the construction of an addition 6.4 ft. from a side lot line. Located at 9632 Boyett Ct., Fairfax, 22032, on approx. 9,477 sq. ft. of land zoned R-3. Braddock District. Tax Map 69-3 ((9)) 29. 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 December 2, 2015; and

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

1. The applicant is the owner of the land.
2. The applicant is proposing to enclose an existing carport, and the Board does not think it will create any problem in the neighborhood.
3. There is a favorable staff recommendation, which the Board adopts.
4. The applicant has read, understands, and agrees to 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 garage addition (293 square feet and 15 feet in height), as shown on the special permit plat entitled "Special Permit Plat Showing Improvements on Lot 29, Section 6, Twinbrook," prepared by Thomas G. Lutke of NoVA Surveys, dated August 6, 2015, and is not transferable 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 existed at the time of the first expansion (2,375 square feet existing + 2,731 square feet (150%) = 5,106 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 architecture, building materials, and color of the existing dwelling, as depicted in Attachment 1.

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 6-0. Mr. Smith was absent from the meeting.

A Copy Teste:

Lorraine A. Giovinazzo
 Lorraine A. Giovinazzo
 Clerk to the Board of Zoning Appeals

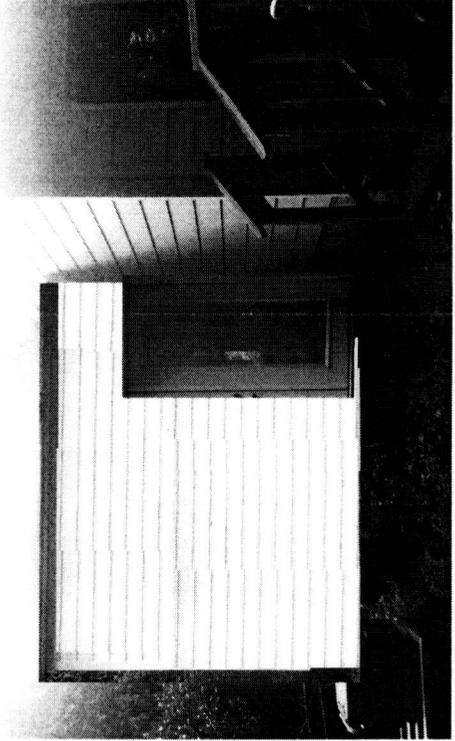
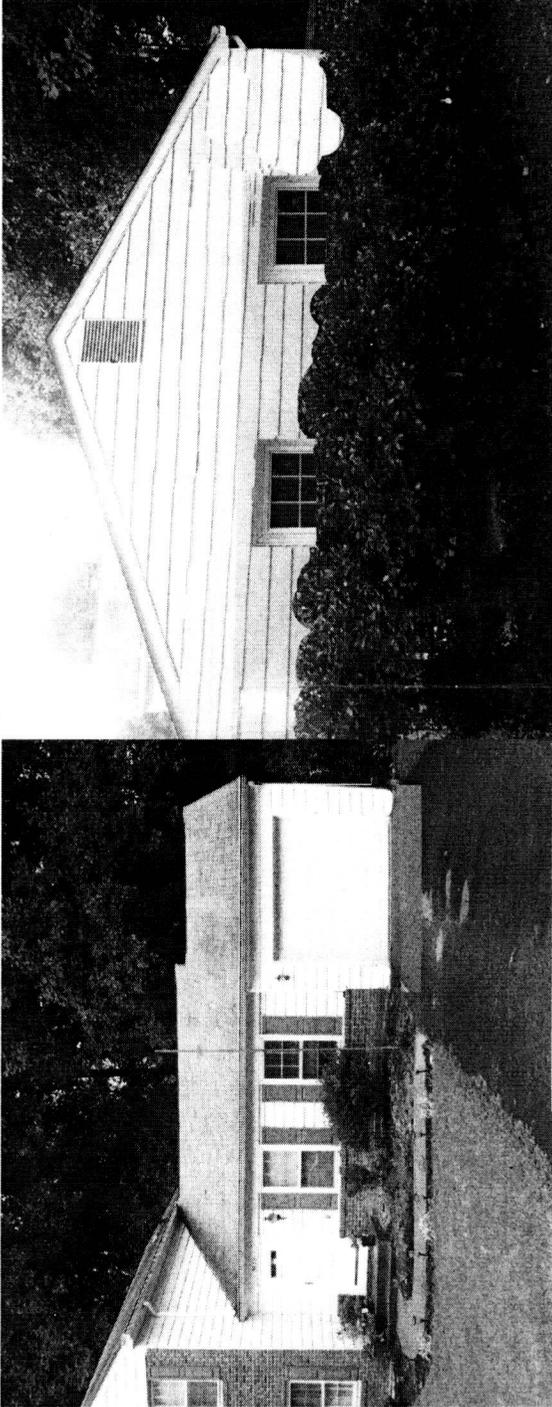
ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 9th day of December, 2015.

Rachael A. Luke
 Notary Public
 My commission expires: 6/30/2019





RECEIVED
 Department of Planning & Zoning
 AUG 11 2015
 Zoning Evaluation Division

*proposed
 rendering
 of
 completed construction*