

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

ALICE MATTHEWS DBA ALICE'S LITTLE ANGELS FAMILY DAYCARE, VC 2015-PR-011 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit an accessory storage structure and accessory structures to remain in a front yard of a lot containing 36,000 sq. ft. or less. Located at 3933 Fairfax Farms Rd., Fairfax, 22033, on approx. 26,872 sq. ft. of land zoned R-1, HC. Providence District. Tax Map 46-4 ((2)) 11 and 13. (Concurrent with SP 2014-PR-112). 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 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 has read, understands, and concurs with the proposed development conditions.
3. This application meets all of the following required standards for variances as set forth in Sections 15.2-2201 and 15.2-2309 of the Code of Virginia:
 - a. The subject property requires a reasonable deviation from those provisions of the Zoning Ordinance, regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure as the strict application of the Ordinance would unreasonably restrict the utilization of the property, such need for a variance would not be shared generally by other properties, such variance is not contrary to the purpose of the Ordinance, and this variance does not include a change in use.
 - b. The strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property, and the variance would 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.
 - c. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant.
 - d. The variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.

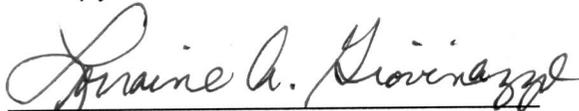
- e. The condition or situation of the property that created the need for this variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance.
- f. The granting of this variance does not result in a use that is not otherwise permitted on the subject property or a change in the zoning classification of the property.
- g. The relief or the remedy sought by this variance application is not available through a special permit process that is authorized in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following conditions:

1. This variance is granted only for the accessory storage structure (shed) and the accessory structures (gazebo and swingset) in the front yard as indicated on the plat entitled Property of Patrick Matthews, Alice Matthews," prepared by John E. Krobath, L.S., dated September 15, 2015, as revised through October 30, 2015, and approved with this application, as qualified by these development conditions.

Ms. Theodore seconded the motion, which carried by a vote of 5-0. Chairman Ribble was not present for the vote. Mr. Smith was absent from the meeting.

A Copy Teste:



Lorraine A. Giovinazzo
Clerk to the Board of Zoning Appeals