

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JAMES A. GARDNER, SANDRA L. GARDNER, SP 2015-MV-123 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit a reduction in certain yard requirements for the construction of an addition 17.9 ft. from a rear lot line. Located at 7808 New London Dr., Springfield, 22153, on approx. 9,975 sq. ft. of land zoned R-3 (Cluster). Mt. Vernon District. Tax Map 98-2 ((6)) 367. 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 applicants are the owners of the land.
2. This replaces a current open deck that is 25 years old, and is in need of replacement.
3. The Board understands the rationale for a screened-in porch, as it does increase enjoyment during the spring, summer, and fall months.
4. The staff recommends approval, and the Board adopts their rationale.
5. The applicant has read, understands, and concurs with 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 screened porch (224 square feet and 17.5 feet in height) and open deck, as shown on the plat entitled "Plat Showing the Improvements On Lot 367, Section Eight," prepared by George

M. O'Quinn, on July 14, 2015, as revised on November 2, 2015, as submitted with this application 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 (4,250 square feet existing + 6,375 square feet (150%) = 10,625 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 shall be permitted without an amendment to this special permit.
- 4. The addition shall be generally consistent with the architectural renderings as shown on Attachment 1 to these conditions.

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, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use 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. Hart 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. Locke
 Notary Public
 My commission expires: 6/30/2019



Whitmer Decks LLC
 8755 Back Creek Pkwy, #102
 Dulles, VA 22018
 (703) 428-0200
 www.WhitmerDecks.com

County optical deck needs to be allowed, unless otherwise noted.

Gardner Deck
 7806 New London Drive
 Springfield, VA 22153
 (703) 684-7878
 Brad & Ann Geyer

Sheet Name: Front
 Date: May 20, 2015 6:28 PM
 Drawn By: CIBB WHITMER
 Job No: 2015048
 Scale: 3/8" = 1'

A-3

