

COUNTY OF FAIRFAX, VIRGINIA
SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MARK CHRISTOPHER COMPTON/ MARIA COMPTON, SP 2015-MV-126 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit a reduction in certain yard requirements for the construction of an addition 6.0 ft. from one side lot line and a carport 6.0 ft. from the other side lot line; and to permit a reduction in minimum yard requirements based on an error in building location for an accessory storage structure to remain 2.7 ft. from a side lot line. Located at 1805 Hackamore Ln., Alexandria, 22308, on approx. 10,503 sq. ft. of land zoned R-3. Mt. Vernon District. Tax Map 102-3 ((10)) (3) 24. Mr. Beard 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 9, 2015; and

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

1. The applicants are the owners of the property.
2. The lot size is 10,503 square feet.
3. The zoning district is R-3.
4. Staff recommends approval of the application, and the Board concurs with the recommendation.
5. Architecturally, this is in keeping with the neighborhood improvements as stated by the applicants, and brings the house in accord with others in the proximity.
6. The applicants have read, understand, and agree with the proposed development conditions.

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:

- 2. 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 limitations:

- 1. These conditions shall be recorded by the applicants 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 accessory storage structure (shed), the addition (816 square feet, 15.5 feet in height), and the carport (288.6 square feet, 12 feet in height) as shown on the plat titled, "Special

Permit Plat, Lot 24, Block 3, Riverside Gardens," prepared by Larry N. Scartz, L.S., dated June 16, 2015, as revised through August 25, 2015, as submitted with this application and is not transferable to other land.

3. This special permit is approved for the location and size of the accessory storage structure (shed), the addition (816 square feet, 15.5 feet in height), and the carport (288.6 square feet, 12 feet in height) as shown on the plat titled, "Special Permit Plat, Lot 24, Block 3, Riverside Gardens," prepared by Larry N. Scartz, L.S., dated June 16, 2015, as revised through August 25, 2015, as submitted with this application and is not transferable to other land.
4. 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 (1,638 square feet existing + 2,457 square feet (150%) = 4,095 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.
5. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
6. A row of evergreen trees such as holly, arborvitae, or cypress, a minimum of 6.0 feet in height at planting, shall be installed between the addition and the western side lot line. These trees shall be planted a maximum of 10.0 feet on center along the full length of the addition, parallel to the property line.
7. During all construction activities, tree protection fencing shall be provided for the mature pecan tree in the eastern portion of the rear yard and for the mature tree in the western portion of the front yard. The fencing shall be placed at the drip line of the tree's crown, with the final verification of the fence location subject to review by the Urban Forestry Management Division, Department of Public Works and Environmental Services.

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.

Mr. Hart seconded the motion, which carried by a vote of 5-0. Mr. Smith and Ms. Theodore were absent from the meeting.

A Copy Teste:

Suzanne Frazier
Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

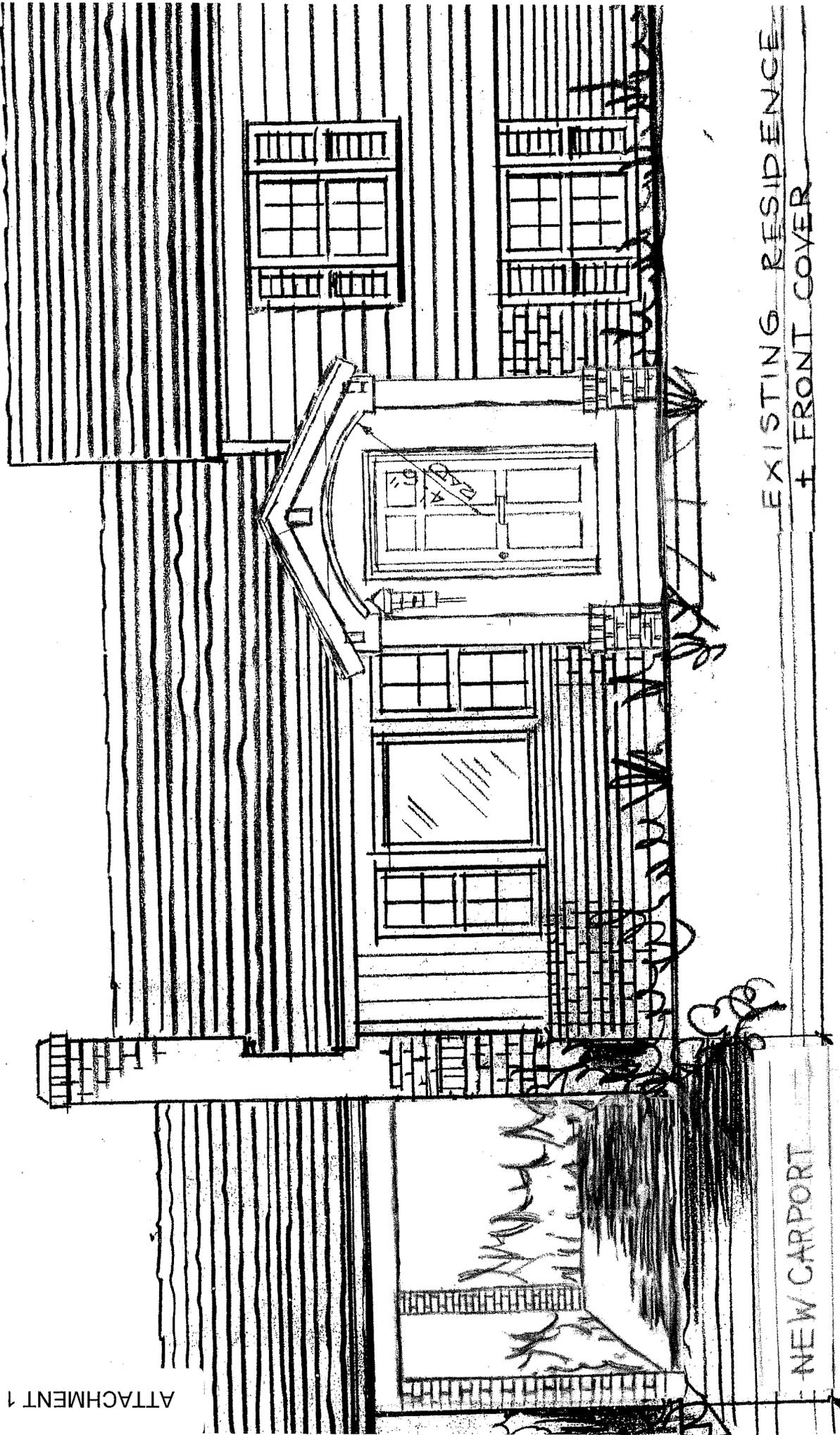
COUNTY OF FAIRFAX
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 14 day of December, 2015.

Robert Wyatt Harrison
Notary Public

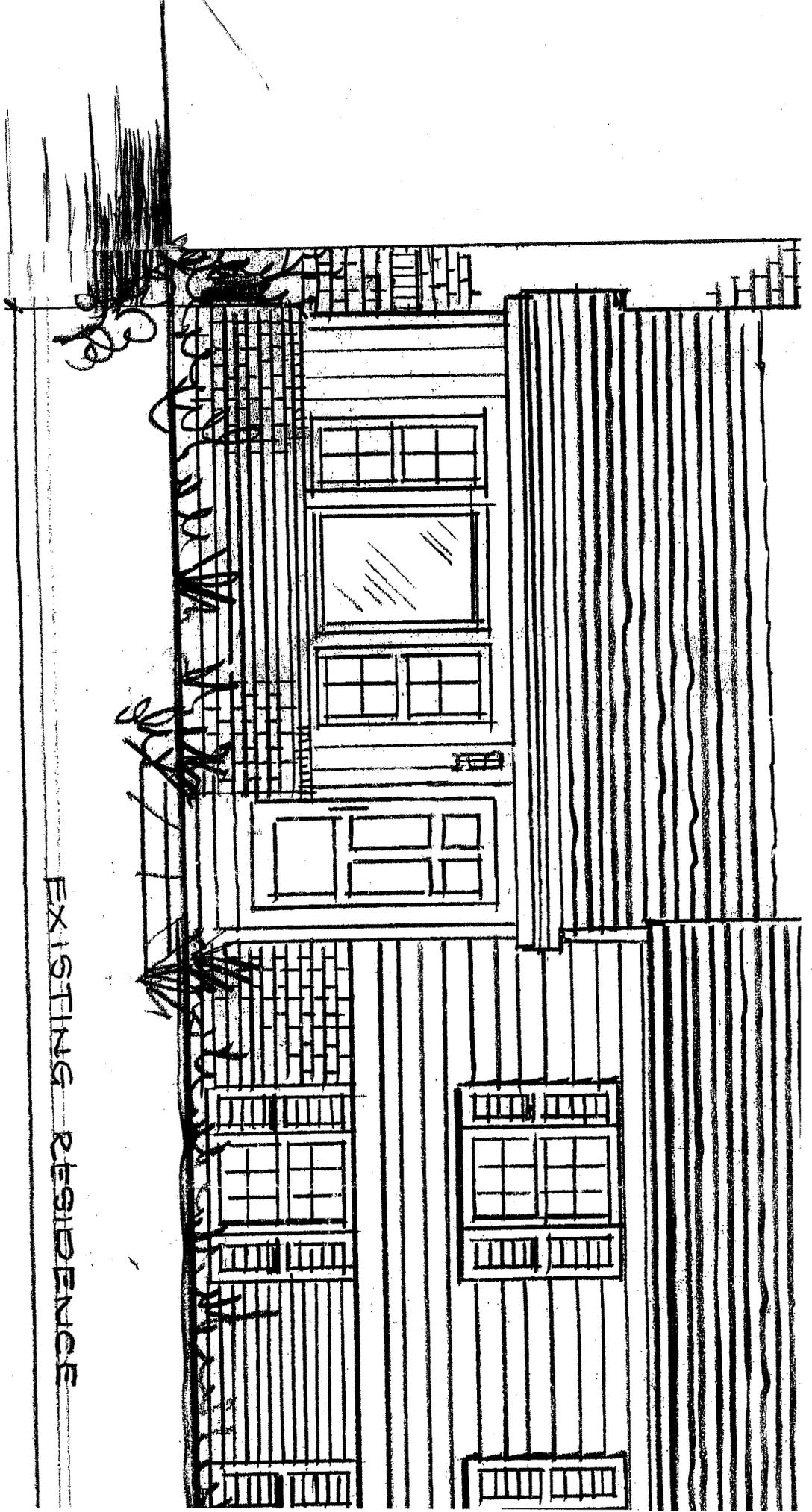
My commission expires: 9-30-2017



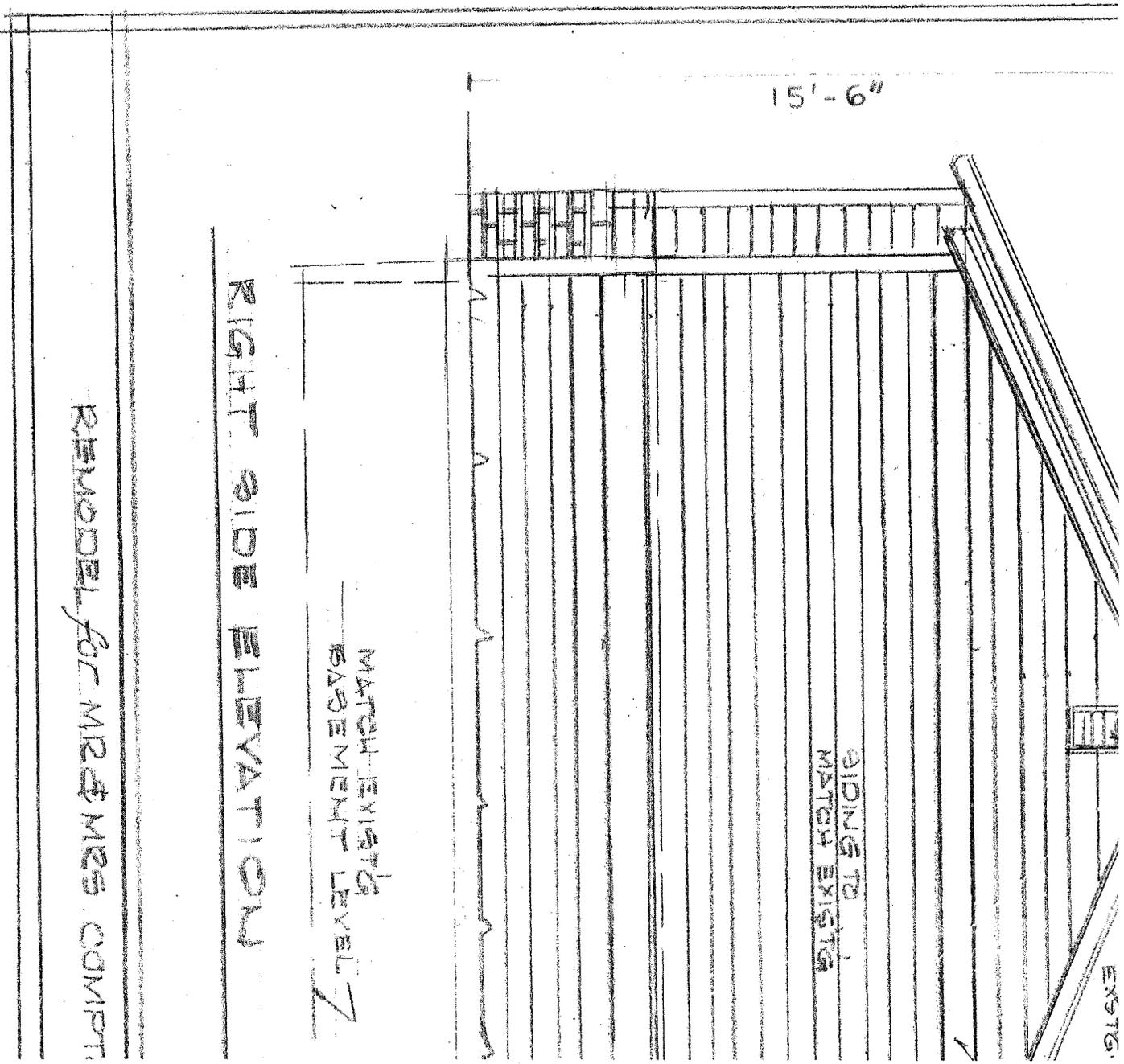


EXISTING RESIDENCE
+ FRONT COVER

NEW CARPORT



EXISTING RESIDENCE



15'-6"

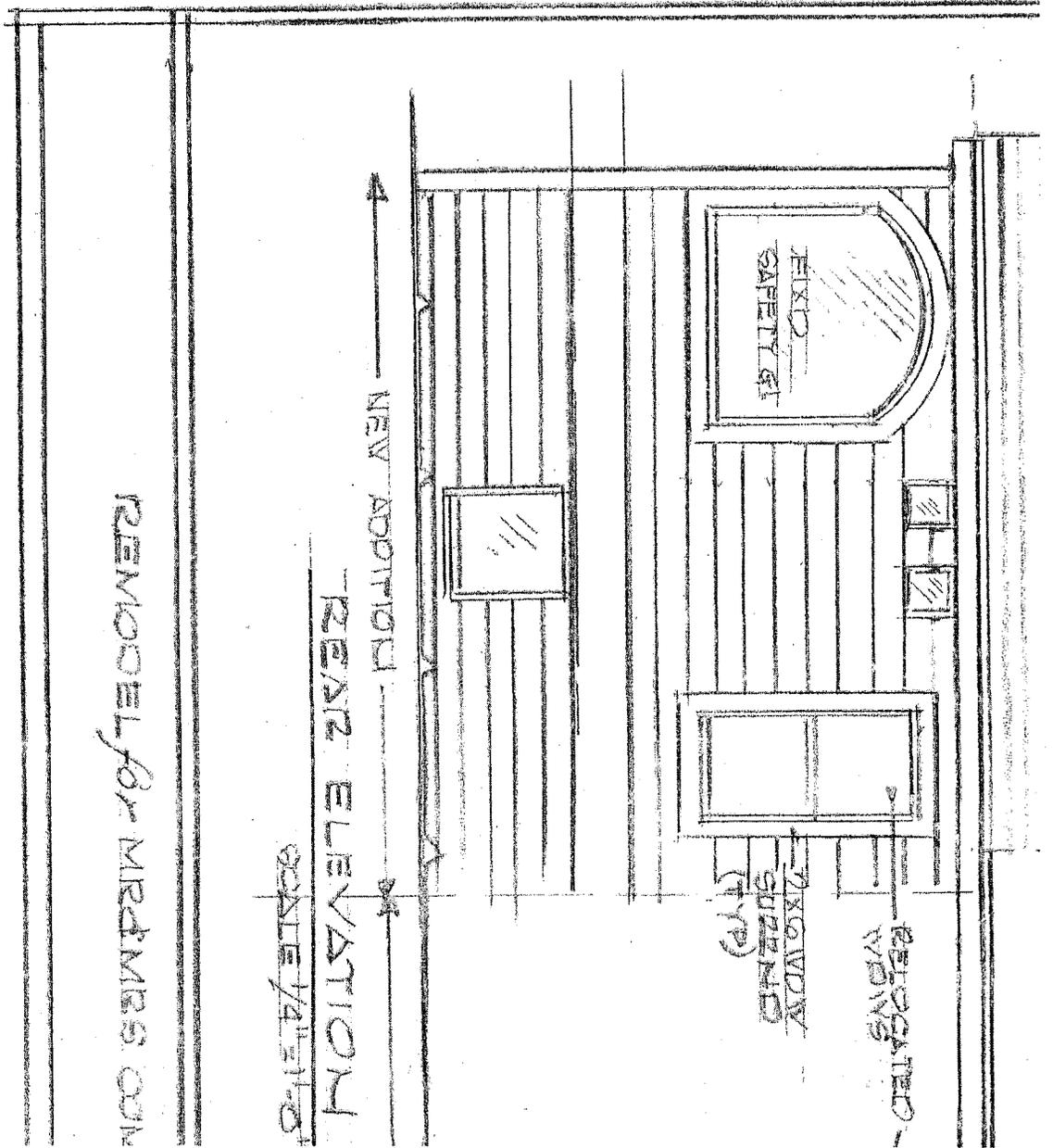
MATCH EXIST

BASEMENT LEVEL

RIGHT SIDE ELEVATION

REMODEL FOR MR & MRS. COMPT.

EXISTG.



FIXED SAFETY GL

RELOCATED WINGS

REMOVE FOR MRS. COOK

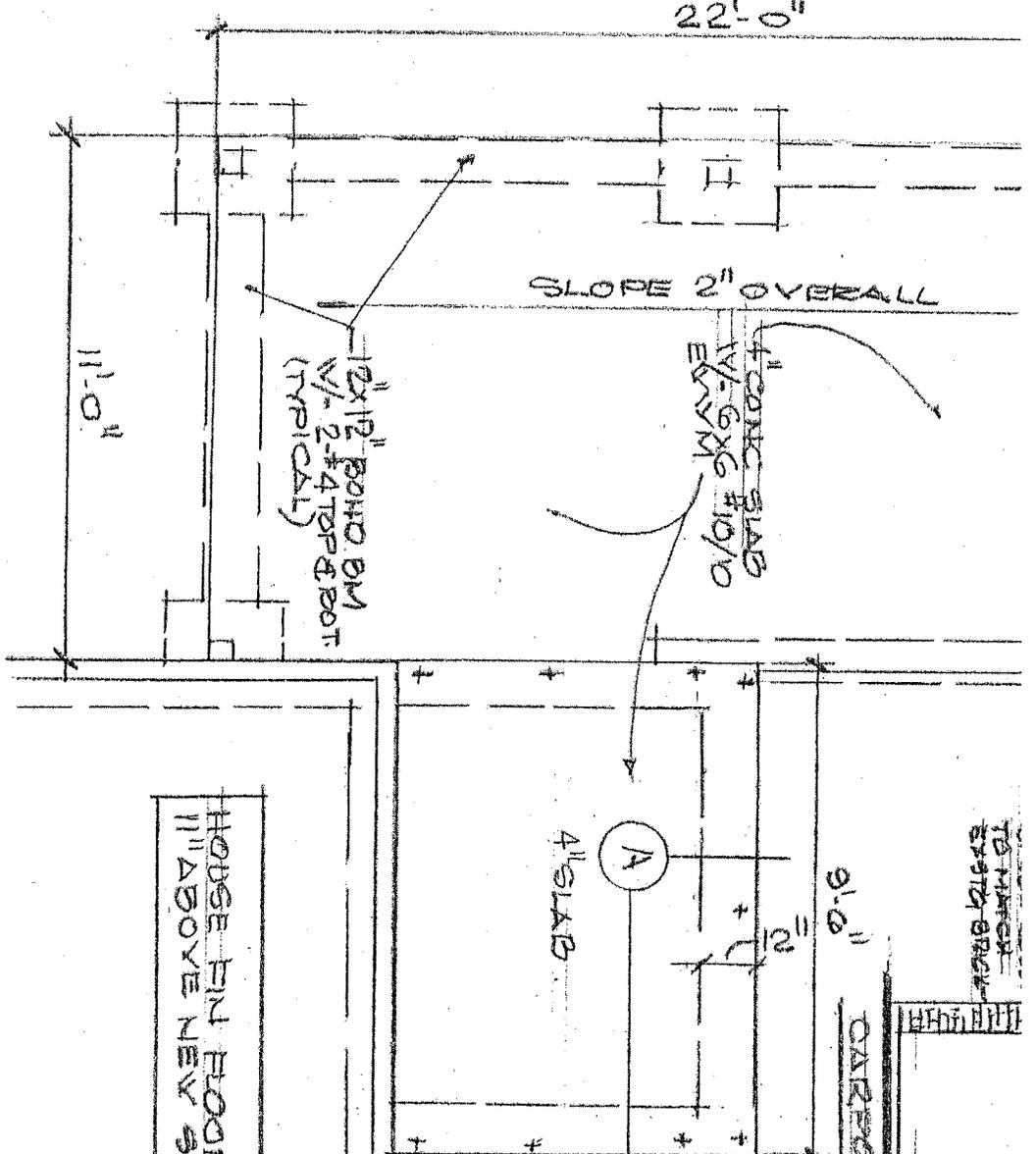
NEW ADDITION

RENTZ ELEVATION

SONIE YALINIS

REMODEL FOR MRS. COOK

22'-0"



SCALE 1/4" = 1'-0"

FOUNDATION PLAN & DETAILS