

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

VIJAY KOHLI, SP 2015-SP-129 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit a reduction in certain yard requirements to permit the construction of an addition 18.9 ft. from a rear lot line. Located at 5615 Dogue Run Dr., Fairfax Station, 22039, on approx. 35,135 sq. ft. of land zoned R-C, WS. Springfield District. Tax Map 77-1 ((18)) 41. 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 January 6, 2016; and

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

1. The applicant is the owner of the land.
2. There is a favorable staff recommendation, and the Board adopts their rationale.
3. This is a substandard lot, and it is a very irregular lot line, which is converging into the rear yard in the vicinity of the proposed addition.
4. The proposed development does not adversely affect the use and/or enjoyment of any adjacent property.
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 sunroom (310 square feet and 15.2 feet in height), as shown on the plat entitled "Special Permit Plat Lot 41, Section 2, Barton Place," prepared by Michael L. Flynn, on May 5, 2015, as revised on September 9, 2015, as submitted with this application and is not transferable to other land.

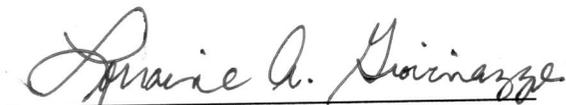
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,615 square feet existing + 5,422.5 square feet (150%) = 9,037.5 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 of the rear and side elevations as submitted with this application and shown on Attachment 1 to these conditions.
5. Tree preservation fencing shall be provided along the proposed limits of disturbance to protect trees that may be impacted by the construction of the addition.
6. Saplings or shrubs that are within the limits of clearing and grading shall be transplanted to another area on the lot.

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, six 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. Byers seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



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 15 day of  
January, 2016.

Robert Wyatt Harrison  
Notary Public

My commission expires: 9-30-2017

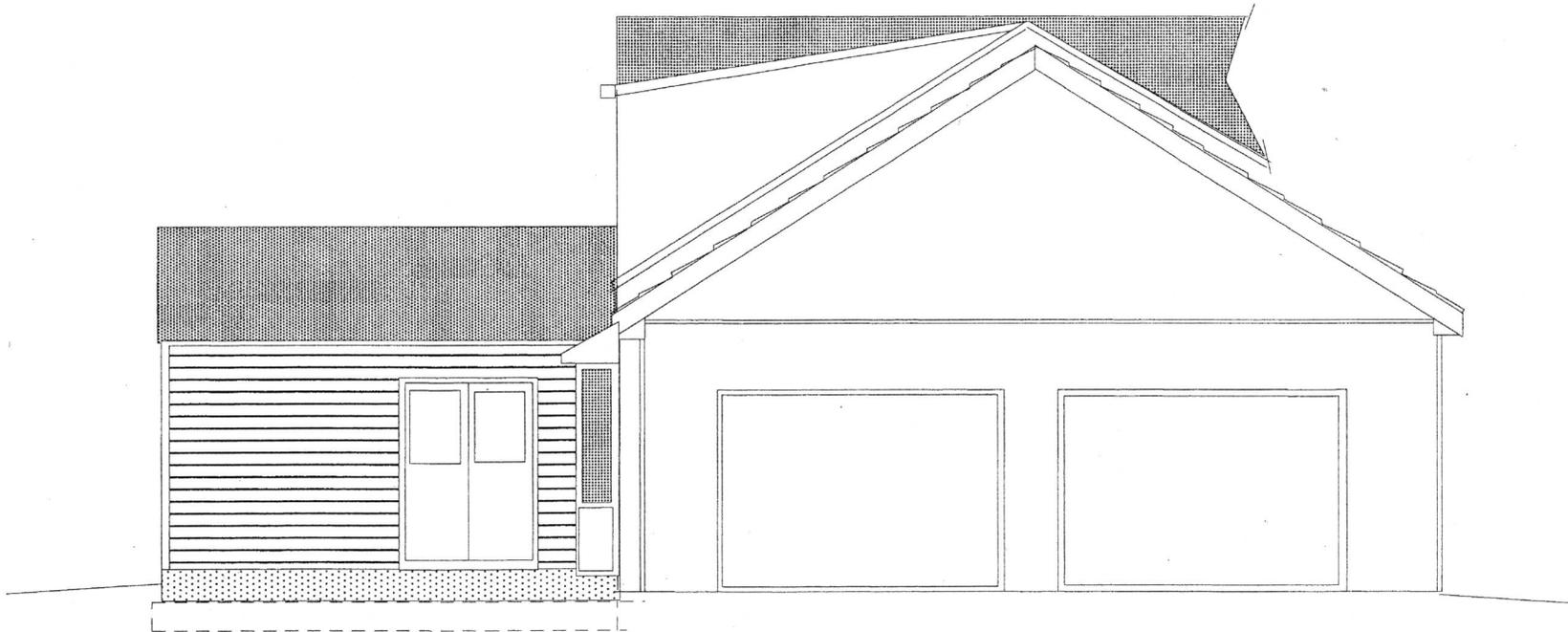




REAR ELEVATION

SCALE = 1/4" = 1'

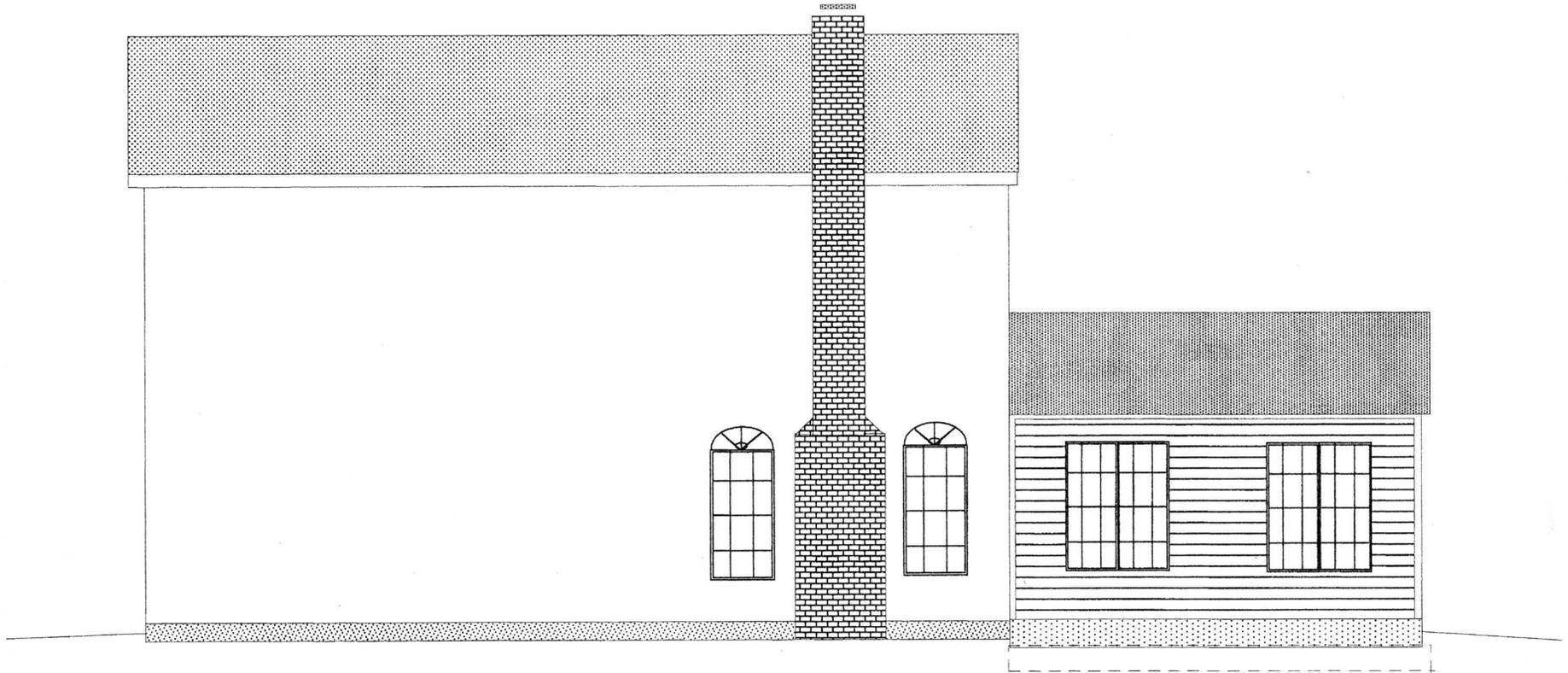
<p>PAGE OF</p>	<p>SCALE = 1/4" = 1'</p>	<p> <b>MDC</b> JONATHAN MITCHEM DESIGN</p>	<p>Designer's Address: 8756 Old Colony Way Alexandria VA 22309</p>	<p>(703)-371-8264</p>
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SIDE ELEVATION

SCALE = 1/4" = 1'

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