

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

KENNETH AND LYNN TODOROV, SP 2015-DR-132 Appl. under Sect(s). 8-923 of the Zoning Ordinance to permit a fence greater than 4.0 ft. in height to remain in a front yard of a corner lot. Located at 1946 MacArthur Dr., McLean, 22101, on approx. 15,000 sq. ft. of land zoned R-2. Dranesville District. Tax Map 41-1 ((30)) 1. Mr. Hart 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 13, 2016; and

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

1. The applicants are the owners of the land.
2. The applicants have read, understand, and concur with the proposed development conditions.
3. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.
4. There are no complaints about the fence, and there are several letters in support.
5. There may be a future question about the exact location of the fence. It appears from the survey to be slightly out in the right-of-way. The development conditions make clear that, if there are some other ordinances or regulations, the applicants will have to be in compliance with those.
6. With the exiting conditions, it is fine for the neighborhood. It does not seem to be creating any negative impact. It is an appropriate type of fence where there are small children by a busy road.

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. This special permit is approved for a wooden fence six feet in height, as shown on the plat in the front yard along Kirby Road, titled "Walkers Hill, Lot 1, Map # 0411 30 0001, Zoned R-2 (Residential 2 DU/AC), Dranesville District, Fairfax County, Virginia," as prepared by Andrew N. Hornbeck, L.S., on July 31, 2015, as submitted with this application, provided further that this approval for height is not an implicit approval for any part of the fence that may be located in the Kirby Road right-of-way. It is not transferrable to other land.

This approval, contingent on 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 (6) 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.

Ms. Theodore seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent was absent from the meeting.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals