

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

DAVID B. AND KELLIE A. GOLDSTEIN, SP 2015-MA-134 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit a reduction of certain yard requirements to permit the construction of an addition 7.5 ft. from a side lot line. Located at 6318 Lakeview Dr., Falls Church, 22041, on approx. 22,700 sq. ft. of land zoned R-2, HC. Mason District. Tax Map 61-3 ((14)) 99 and 100. 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. This is a similar situation to many of the homes in Lake Barcroft, which started out with a carport in the 1950s and have been updated.
5. The proposal for the garage is in the logical location. It is on the side where the carport is now. Even though there is a lot of area, there is nowhere else to put a garage. It is reasonable to expect that a house from 1953 that had a carport might add a two-car garage at some point. The width of the garage is the minimum that can be done for a two-car garage such as this, and be able to open a door. The proposed reduction represents the minimum amount of reduction necessary to accommodate the structure on the lot.
6. The impact of this has been carefully addressed. The way the upper level has been stepped back, it is just the lower level that is protruding. This tends to minimize the impact. With the topography and the vegetation, there would not be a significant negative impact on the neighbors.
7. There are several letters in support from neighbors.
8. The Board has approved similar applications for either garage additions or conversions of carports to garages on the side and front of lots in Lake Barcroft because of the way these houses were constructed.

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 addition as shown on the special permit plat, entitled "Special Permit Plan – Garage Addition," prepared by Lawrence H. Spilman III, L.S., of LS2PC Land Surveying and Civil Engineering, dated August 6, 2015 and received October 1, 2015, as submitted with this application and is not transferable to other land.
3. Pursuant to Par. 4 of Sect. 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 (4,723 square feet existing + 7,084 square feet (150%) = 11,807 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additional that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the design and materials of the existing house and the rendering as shown on Attachment 1 to these conditions.
5. The applicant shall install tree protection fencing adjacent to the area of construction prior to commencing site work, and maintain tree protection fencing over the duration of construction.

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, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction 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. Beard 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

Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

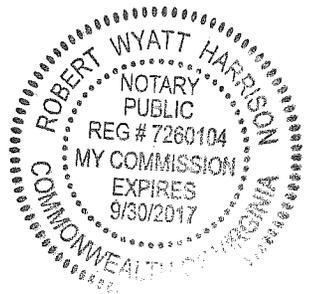
County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 20 day of

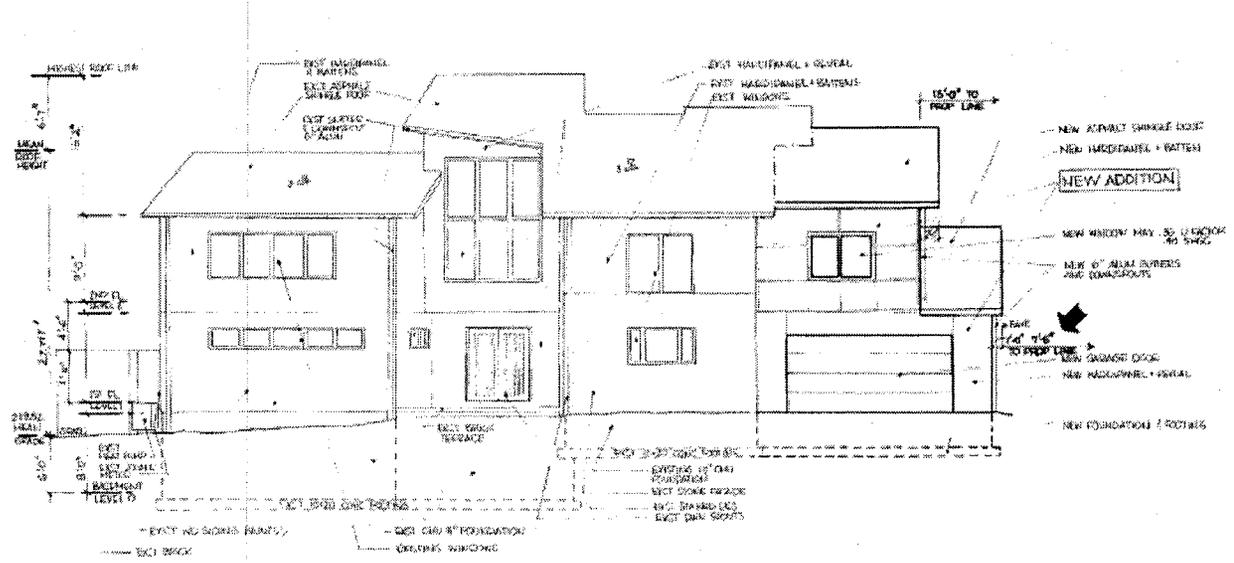
January, 2016.

Robert Wyatt Harrison
Notary Public

My commission expires: 9-30-2017

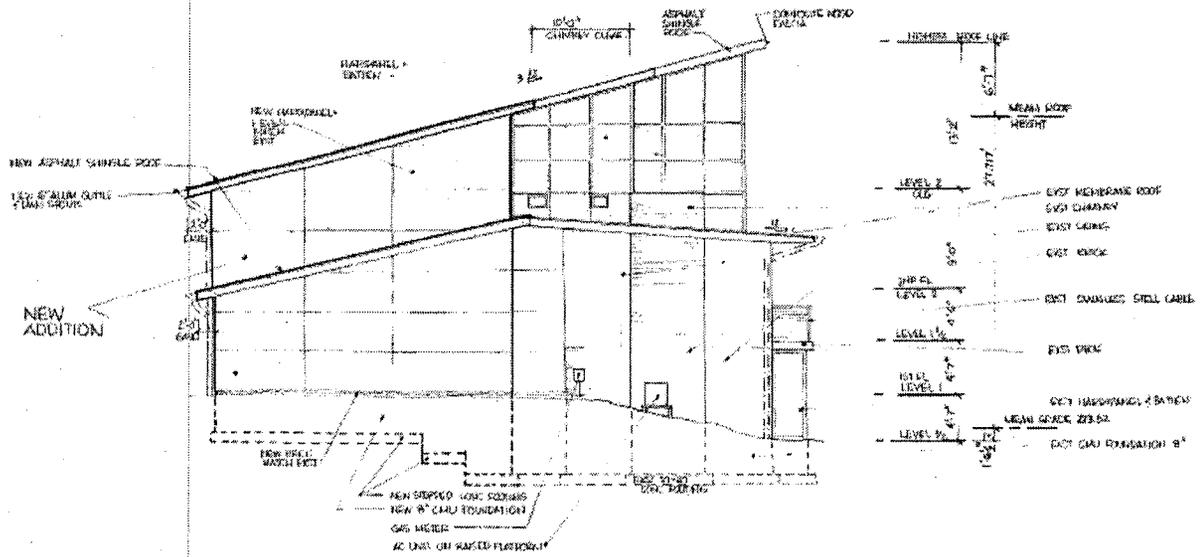


ATTACHMENT 1: Architectural Renderings for Proposed Garage Addition



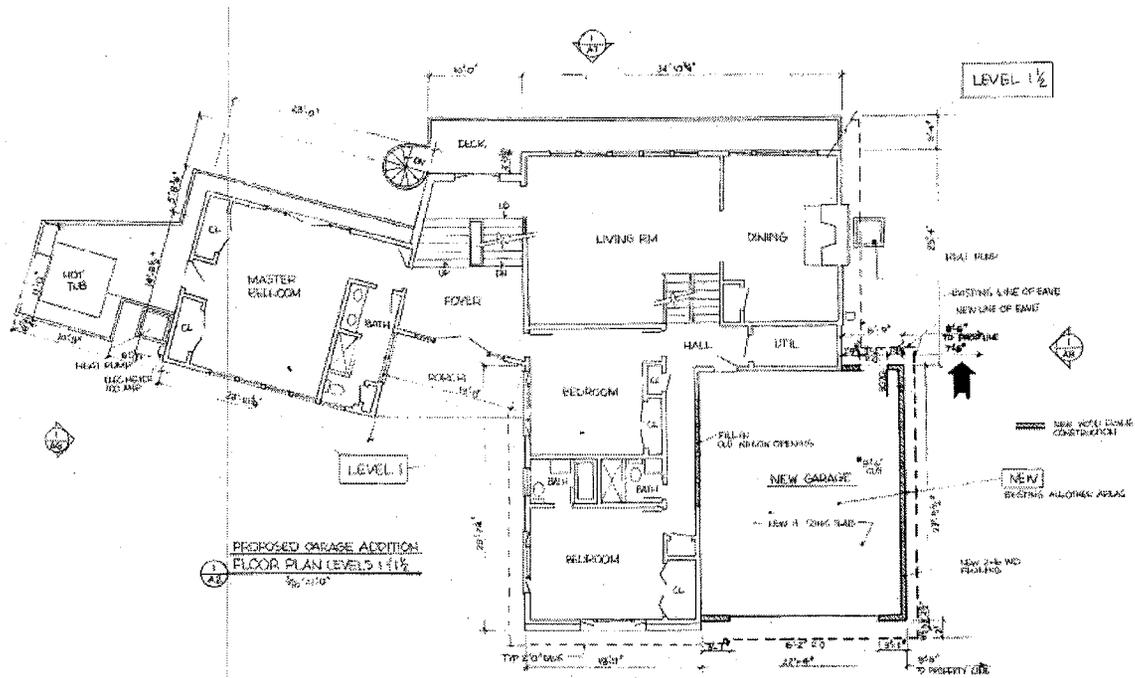
PROPOSED FRONT ELEVATION
1/8" = 1'-0"

Front Elevation



PROPOSED SIDE ELEVATION
1/8" = 1'-0"

Side Elevation



Garage Floor Plan showing additional door facing rear