

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

WILLIAM B. FOULOIS, TRUSTEE AND MARA E. FOULOIS, TRUSTEE, SP 2015-MV-135 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit a reduction of certain yard requirements to permit the construction of an addition 10.0 ft. from a side lot line, and a reduction in minimum yard requirements based on errors in building locations to permit an accessory storage structure to remain 0.8 ft. and a deck (patio) to remain 7.9 ft. from a side lot line. Located at 10910 Belmont Blvd., Mason Neck, 22079, on approx. 21,855 sq. ft. of land zoned R-E. Mt. Vernon District. Tax Map 118-1 ((2)) 76. 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 13, 2016; and

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

1. The applicants are the owners of the land.
2. There is a favorable staff recommendation.
3. The applicants have read, understand, and concur with the proposed development conditions.
4. The applicants have satisfied the requirements for the special permit to be granted.
5. The carport has been there for years. To enclose it only requires an additional two or three feet extension, which is minimal. It does not affect the neighboring property in a detrimental manner.
6. With respect to 8-922, the board has determined that the applicants have satisfied the six required sub-standards set out under the ordinance, in particular number three (3), four(4), five(5), and six(6).

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:

1. 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 development conditions:

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.

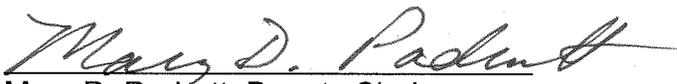
2. This special permit is approved for the location and size of the accessory storage structure (shed), deck (slate patio), and the addition (434 square feet, 16 feet in height), as shown on the plat titled, "Plat, Showing the Improvements on, Lot 76, Belmont Park Estates," prepared by George M. O'Quinn, L.S., dated April 21, 2015, as revised through September 30, 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 (3,069 square feet existing + 4,603.5 square feet (150%) = 7,672.5 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 requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment A 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, 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. Byers seconded the motion, which carried by a vote of 5-0. Ms. Theodore was not present for the vote. 6-0. Mr. Smith was absent was absent from the meeting.

A Copy Teste:


Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals

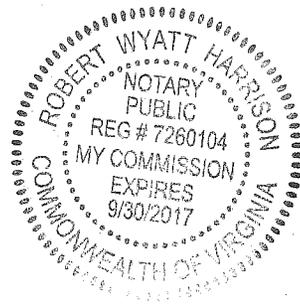
ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 20 day of
January, 2016.

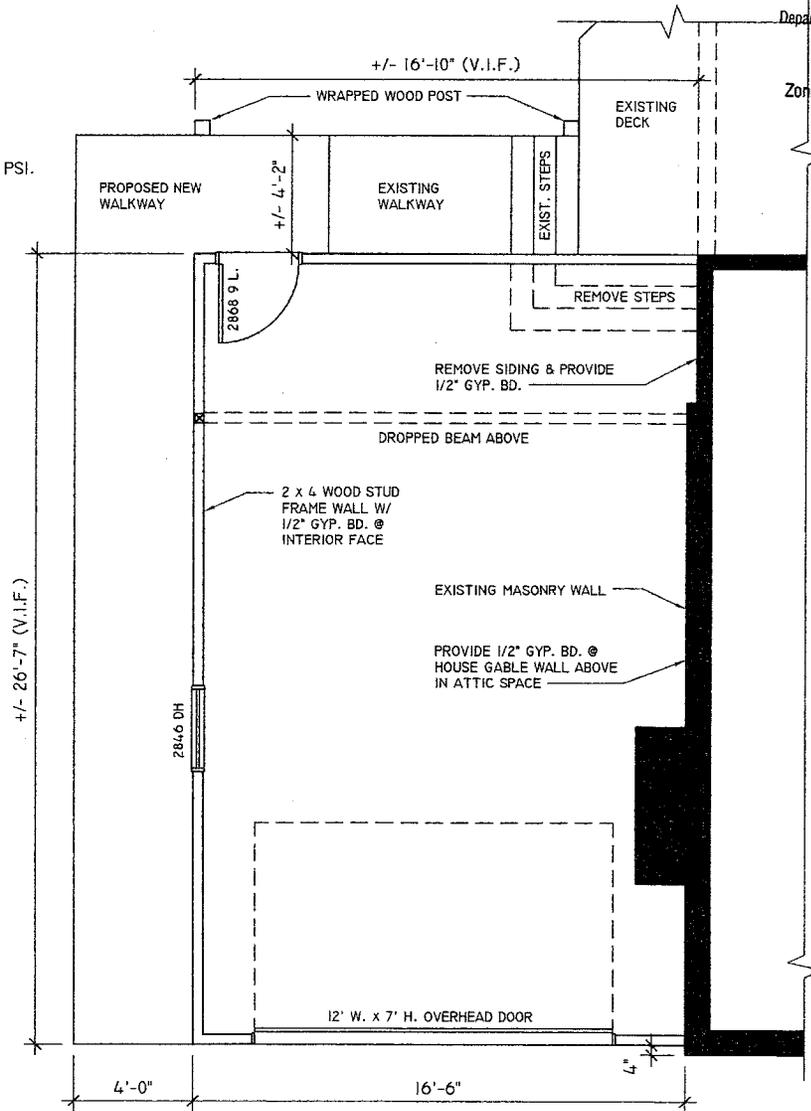
[Signature]
Notary Public

My commission expires: 9-30-2017



SPECIFICATIONS:

1. ALL WORK TO CONFORM TO THE 2012 VIRGINIA RESIDENTIAL CODE.
2. DESIGN LOADS ARE AS FOLLOWS:
 ROOF - 30 PSF LIVE LOAD (SNOW), 17 PSF DEAD LOAD
 WIND - 20 PSF LATERAL
3. SOIL BEARING CAPACITY ASSUMED TO BE 2,000 PSF.
4. FRAMING LUMBER TO BE MIN. HEM FIR #2, Fb = 1,100 PSI, E = 1,300,000 PSI.
5. CONCRETE TO BE 3,500 PSI W/ 5 TO 7 PERCENT AIR ENTRAINMENT.
6. DIMENSIONS SHOWN ARE BASED UPON EXISTING CONDITIONS & SHALL BE VERIFIED IN FIELD.
7. ALL FINISHES & TRIM DETAILS TO MATCH EXISTING.



FLOOR PLAN

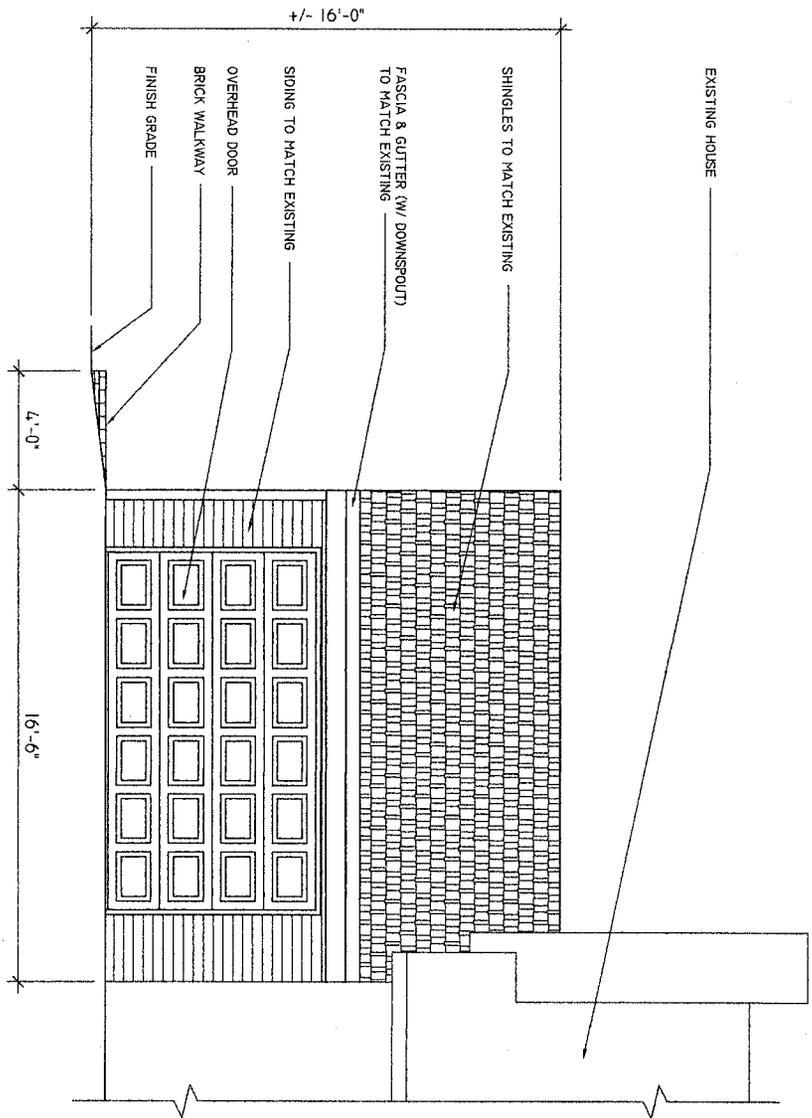
SCALE: 1/4" = 1'-0"

RECEIVED
 Department of Planning & Zoning
 AUG 25 2015
 Zoning Evaluation Division

ARCHITECT
 GARY M. ZICKAFOOSE
 5830 BETHEL ROAD
 ALEXANDRIA, VIRGINIA 22310
 (703) 960-5245

GARAGE ADDITION
 10910 BELMONT BOULEVARD
 FLOOR PLAN & SPECIFICATIONS

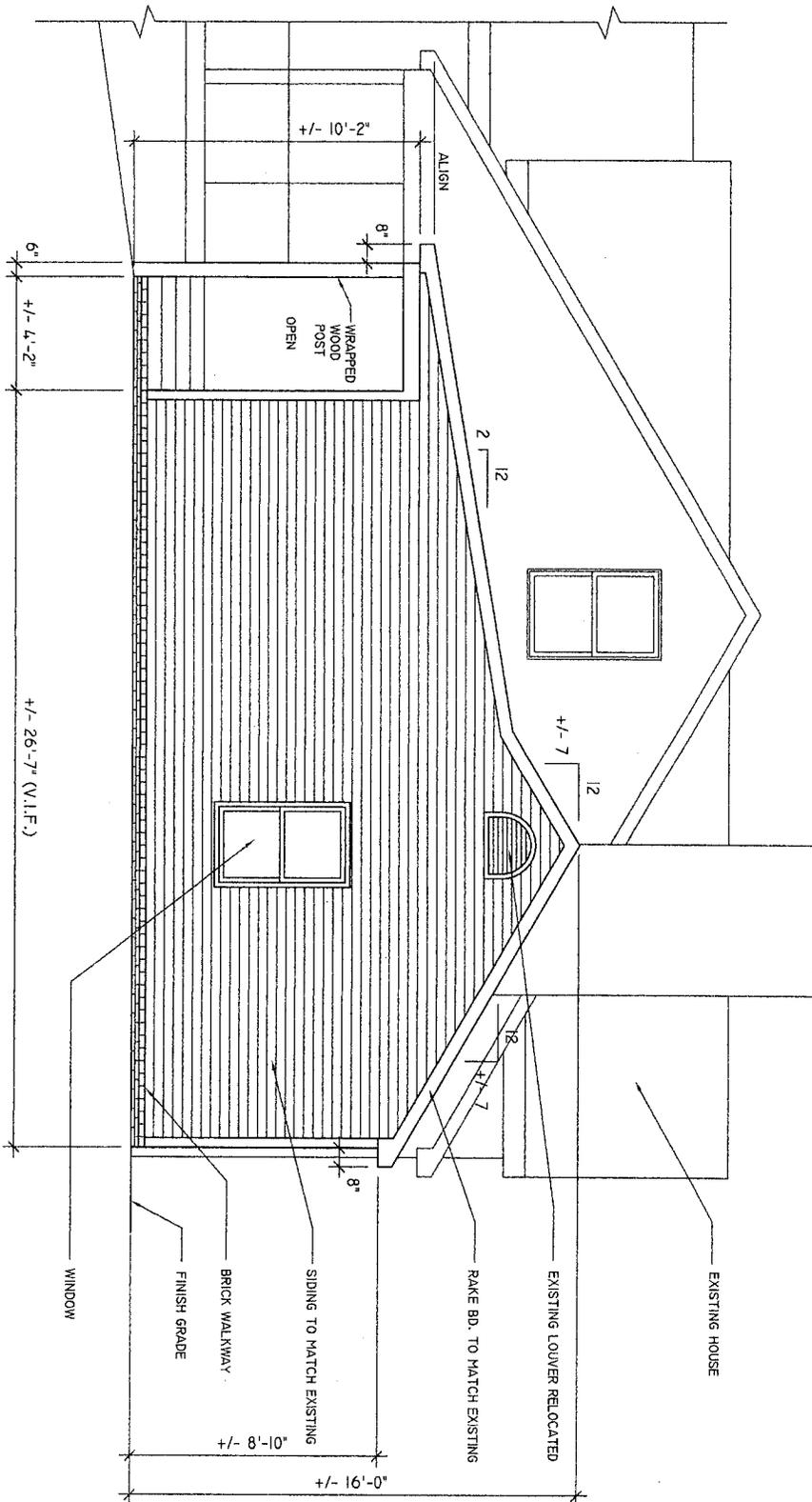
DATE: 08-10-15
SCALE:
DRAWN: GMZ
JOB:
SHEET No. A-1 OF 4



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

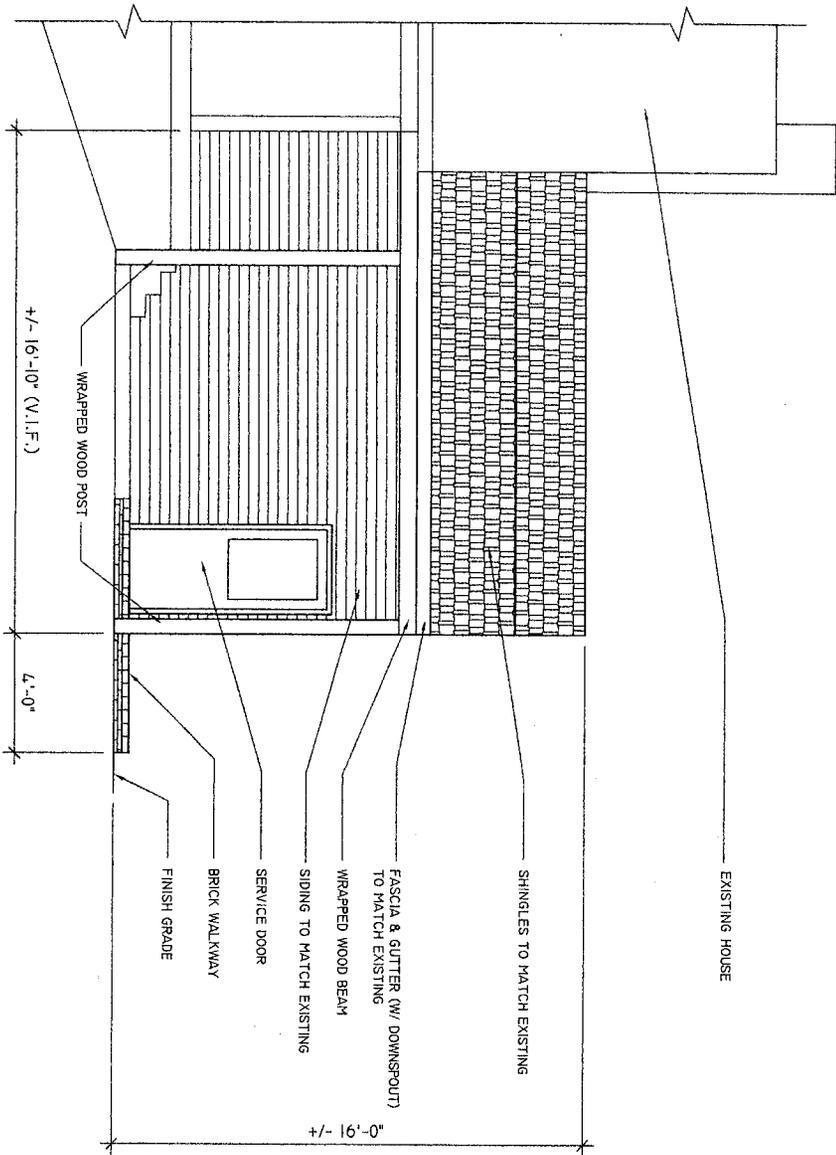
<p>GARAGE ADDITION 10910 BELMONT BOULEVARD</p>		<p>ARCHITECT GARY M. ZICKAFOOSE</p> <p>5830 BETHEL ROAD ALEXANDRIA, VIRGINIA 22310 (703) 960-5245</p>
<p>FRONT ELEVATION</p>		
DATE:	08-10-15	
SCALE:		
DRAWN:	GMZ	
JOB:		
SHEET NO.	A-2	
	OF 4	



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

SHEET NO. A-3 OF 4	JOB:	DRAWN: GMZ	SCALE:	DATE: 08-10-15	GARAGE ADDITION 10910 BELMONT BOULEVARD	ARCHITECT GARY M. ZICKAFOOSE 5830 BETHEL ROAD ALEXANDRIA, VIRGINIA 22310 (703) 960-5245
					FRONT ELEVATION	



REAR ELEVATION

SCALE: 1/4" = 1'-0"

<p>ARCHITECT GARY M. ZICKAFOOSE</p> <p>5830 BETHEL ROAD ALEXANDRIA, VIRGINIA 22310 (703) 960-5245</p>		<p>GARAGE ADDITION 10910 BELMONT BOULEVARD</p>	
<p>DATE: 08-10-15</p>		<p>FRONT ELEVATION</p>	
<p>SCALE:</p>		<p>SHEET NO. A-4 OF 4</p>	
<p>DRAWN: GMZ</p>			
<p>JOB:</p>			