

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

OSSMAN R. COSSIO & SHIRLEY G. COSSIO, SP 2015-SP-154 Appl. under Sect. 8-914 of the Zoning Ordinance to permit a reduction in minimum yard requirements based on errors in building locations for an accessory structure (outdoor hot tub enclosure) to remain 2.7 ft. from a rear lot line, and a second accessory structure (outdoor kitchen area) to remain 2.4 ft. from a side lot line. Located at 7216 Willow Oak Pl., Springfield, 22153, on approx. 8,800 sq. ft. of land zoned R-3 (Cluster). Springfield District. Tax Map 89-3 ((8)) 51. 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 March 9, 2016; and

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

1. The applicants are the owners of the property.
2. The applicants' Statement of Justification noted that the barbecue was constructed by a contractor ten years ago, and there is some reliance on a contractor to know the Code and potential violation. The Jacuzzi, also constructed by a contractor, was installed twenty-two years ago.
3. Neither of the structures have generated a complaint from the neighborhood.
4. There is a letter in support from a neighbor which says they are the most affected, and it does not interfere with their property or their sight lines.
5. The Board determined that the applicants satisfied Subsections A through H as set forth below.

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. This special permit is approved for the location and size of the hot tub enclosure and covered outdoor kitchen as shown on the special permit plat prepared by Andrew N. Hornbeck, L.S., of Merestone Geomatics, LLC, dated August 18, 2015 and received December 1, 2015, consisting of one sheet as submitted with this application and is not transferable to other land.
2. The property owner shall secure an electrical service permit and plumbing permit, if applicable, and pass final inspections on electrical service and

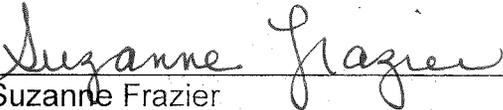
plumbing to the hot tub and outdoor grill within 90 days of the approval of this special permit.

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.

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

A Copy Teste:



Suzanne Frazier
Deputy Clerk to the Board of Zoning Appeals