

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ZAHRA BASSAM, SP 2016-LE-001 Appl. under Sect. 8-914 of the Zoning Ordinance to permit a reduction in minimum yard requirements based on error in building location to permit an addition to remain 8.9 ft. from a side lot line. Located at 4602 Eaton Place, Alexandria, 22310, on approx. 10,940 sq. ft. of land zoned R-3. Lee District. Tax Map 82-3 ((17)) (D) 22.) 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 16, 2016; and

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

1. The applicant is the owner of the land.
2. The noncompliance was done in good faith. The applicant hired a contractor to construct the garage, relying on the contractor to pull permits, which was not done.
3. The garage has been there for 15 years without complaints. The violation became apparent when the applicant sought to obtain other permits to do additional work on the house.
4. The applicant has satisfied subsections A through H of the building in error code section.
5. The applicant has read, understands, and concurs with the proposed development conditions.

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.

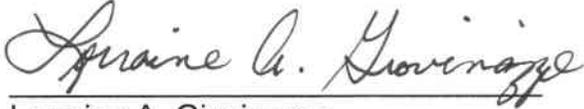
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

- 1. This special permit is granted only for the attached garage indicated on the plat entitled, "Special Permit Plat, Lot 22, Block D, Section 5, Sunny Ridge Estates," prepared by Larry N. Scartz on October 16, 2015, and approved with this application, as qualified by these development conditions.
- 2. All applicable building permits shall be obtained within 90 days of BZA approval. The garage shall pass any required inspections within six (6) months of BZA approval.

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.

Mr. Byers seconded the motion, which carried by a vote of 5-0. Mr. Beard and Mr. Smith were absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script that reads "Lorraine A. Giovinazzo". The signature is written in black ink and is positioned above a horizontal line.

Lorraine A. Giovinazzo
Clerk to the Board of Zoning Appeals