

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

DOUGLAS S. PHILIPPONE, VC 2016-MV-001 Appl. under Sect. 18-401 of the Zoning Ordinance to permit construction of an accessory structure 1.7 ft.(1.0 ft. cornice) from the rear lot line and 9.8 ft. from a side lot line. Located at 1806 Edgehill Dr., Alexandria, 22307, on approx. 17,000 sq. ft. of land zoned R-4. Mt. Vernon District. Tax Map 83-3 ((14)) (7) 10. 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 30, 2016; and

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

1. The applicant for this variance is Douglas Philippone.
2. The applicant is the owner of the land.
3. The garage has been in its present location since before the present Zoning Ordinance was enacted.
4. The foot print of the building is not changing. The applicant is simply upgrading it and adding a room to the side of the building.
5. There are unusual, if not extreme, topographical conditions that apply to this property, which is partially why the existing garage is where it is located.
6. The approval of this addition is not going to affect the adjacent property owners in any detrimental way, and it is justified under the ordinance.
7. This application meets all of the following required standards for variances as set forth in Sections 15.2-2201 and 15.2-2309 of the Code of Virginia:
 - A. The subject property requires a reasonable deviation from those provisions of the Zoning Ordinance, regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure as the strict application of the Ordinance would unreasonably restrict the utilization of the property, such need for a variance would not be shared generally by other properties, such variance is not contrary to the purpose of the Ordinance, and this variance does not include a change in use.
 - B. The strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property, and the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Zoning Ordinance.
 - C. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant.

- D. The variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area
- E. The condition or situation of the property that created the need for this variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance.
- F. The granting of this variance does not result in a use that is not otherwise permitted on the subject property or a change in the zoning classification of the property.
- G. The relief or the remedy sought by this variance application is not available through a special permit process that is authorized in the Zoning Ordinance.

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

1. This variance is approved for the location and size of the existing and proposed detached garage structure as shown on the variance plat, entitled "Plat Showing the Improvements of Lot 10, Block 7, Section 2 Belle Haven", prepared by George M. O'Quinn, L.S., of Dominion Surveyors, Inc., dated July 29, 2015, last revised March 17, 2016, and received March 21, 2016, consisting of one sheet as submitted with this application (the "Variance Plat") and is not transferable to other land.
2. Use of the upstairs loft space inside the proposed detached garage structure shall be limited to storage and shall not be used as a living space.
3. The proposed additions to the garage shall be generally consistent with the materials and design of the primary residence, noting that the garage will have a slate roof and a brick veneer. The final building design shall not exceed the minimum yard requirements of 1.7 ft. (1.0 ft. cornice) to the rear property line, 9.8 feet to the side property line, and 22.1 feet in height to the peak of the garage roof, as shown on the Variance Plat.

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 including requirements for building permits.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (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 variance. 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 6-0. Ms. Theodore was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script that reads "Mary D. Padrutt". The signature is written in dark ink and is positioned above a horizontal line.

Mary D Padrutt, Deputy Clerk
Board of Zoning Appeals