

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

PHILIP W. SCOFIELD & EVA L. SCOFIELD, SP 2016-LE-004 Appl. under Sect. 8-914 of the Zoning Ordinance to permit a reduction in minimum yard requirements based on errors in building locations to permit an accessory storage structure to remain 1.0 ft. from a side lot line and 0.5 ft. from a rear lot line, and to permit an enclosed front porch to remain 14.8 ft. from a front lot line. Located at 7215 Beverly Park Dr., Springfield, 22150, on approx. 3,340 sq. ft. of land zoned R-5. Lee District. Tax Map 90-3 ((10)) 30. 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 April 13, 2016; and

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

1. The applicants are the owners of the land.
2. There are many homes in the neighborhood, which are virtually identical with similar porches and railings on the upper level. This house has put lattice on the lower level in place where the railing would go. The bulk of the structure or the appearance is not significantly changed for the worse by having the lattice around the bottom. There will be no negative impact on anyone.
3. There are some unique physical characteristics about this property and its surroundings, which mitigate somewhat the impacts of the shed. Where the impact would be the greatest would be immediately to the rear, which is a narrow common area parcel.
4. The houses both to the left and the right have sheds, which are not different, and this shed is somewhat concealed behind the house.
5. It is clear from the record that the applicants hired a contractor to do it, and did not intentionally make this mistake themselves.
6. There were no speakers.
7. There are trees immediately to the rear, which are much taller than either the house or the shed, and they buffer impacts from the shed.
8. The applicant has read, understands, and concurs with the development conditions, including the changes made at this hearing.

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 accessory storage structure (shed) and front porch indicated on the plat entitled, "Special Permit Plat, Lot 30, Section 2, Beverly Park," prepared by James D Thurber on March 22, 2015, as revised on July 22, 2015, and approved with this application, as qualified by these development conditions.
2. The applicants shall obtain all applicable building permits for the shed, including electrical if deemed necessary by Department of Public Works and Environmental Services, within ninety (90) days of BZA approval and final inspections within six (6) months.
3. The shed shall be painted and maintained at all times.

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. Smith seconded the motion, which carried by a vote of 6-1 Mr. Byers. voted against the motion.

A Copy Teste:



Kathleen Thompson, Deputy Clerk
Board of Zoning Appeals