

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

KHANH BAO BUI, VC 2016-MA-002 Appl. under Sect(s). 18-401 and 11-102.8 of the Zoning Ordinance to permit greater than 30% surfaced area for parking in a front yard. Located at 7204 Westmoreland Rd., Falls Church, 22042, on approx. 10,090 sq. ft. of land zoned R-4. Mason District. Tax Map 50-3 ((4)) 199. 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 May 4, 2016; and

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

1. The applicant is Khanh Bao Bui.
2. The applicant is the owner of the land.
3. This case is difficult, in some ways because the applicant did contact the county and was told that if the concrete work was less than 2,500 square feet no permit was needed. It is not the size of the concrete work, but it's the coverage in the front yard.
4. The Board adopts the rationale prepared by the staff, presented in the staff report.
5. The lot is a typical lot in the neighborhood, with nothing unusual about it, including the frontage, or the lot size.
6. This application fails to meet the following required standards for variances as set forth in Sections 15.2-2201 and 15.2-2309 of the Code of Virginia, specifically:
 - a. The strict application of the Zoning Ordinance would not unreasonably restrict the utilization of the property and the granting of this variance would not alleviate a hardship due to a physical condition relating to the property or improvements thereon. Staff points out that you could have up to seven cars parked on the property, two in the garage, four in the driveway, and one beside the garage, before you added the extra concrete. Fifty-four percent coverage is too high. This Board has denied that amount of coverage in previous cases. Under the Ordinance, the Board cannot find the justification for that amount of coverage.
 - b. The property interest for which the variance is being requested was acquired in good faith. Granting of a variance would not permit an otherwise unpermitted use, and no relief is available by special permit or exception. However, the Board cannot find that the hardship was not created by the applicant.
 - c. That Board cannot find the granting of this variance will not be a substantial detriment to adjacent nearby properties.

- d. That the situation on the property is of such a general or recurring nature so as to make it a reasonably practical for the formulation of a general regulation.
- e. Photographs shown by the applicant, show parking is available on Westmoreland Street.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **DENIED**.

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

A Copy Teste:



Kathleen Thompson, Deputy Clerk
Board of Zoning Appeals