

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

RICHARD J TR & HARRIET CHRISTY BERGEMANN TR, SP 2016-PR-013 Appl. under Sect. 8-922 of the Zoning Ordinance to permit a reduction in certain yard requirements to permit construction of an addition 7.6 ft. from a side lot line. Located at 3217 Amberley Ln., Fairfax, 22031, on approx. 36,012 sq. ft. of land zoned R-2. Providence District. Tax Map 59-1 ((18)) 81. Mr. Byers 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 11, 2016; and

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

1. The applicants are the owners of the land.
2. Staff recommends approval and the Board adopts their rationale.
3. The applicants have read, understand, and concur with the proposed development conditions.
4. These properties pre-date establishment of the Resource Protection Area.
5. This is a small addition of impervious surface.
6. Based on the topography of the property, the Board believes this is the appropriate place to put this garage addition.
7. There is a letter of support from the adjacent neighbor.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

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

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the addition as shown on the special permit plat, entitled "Plat Showing the Improvements on Lot 81 Sutton Place," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated

November 24, 2015 and received February 4, 2016, consisting of one sheet, as submitted with this application and is not transferable to other land.

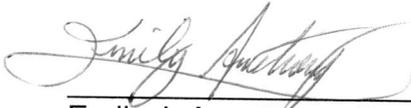
3. The applicant is required to gain approval of an exception for a minor addition in a Resource Protection Area, as specified by the Chesapeake Bay Preservation Ordinance, prior to building permit issuance.
4. Pursuant to Par. 4 of Sect. 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,924 square feet existing + 5,886 square feet (150%) = 9,810 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additional that meet minimum yard requirements shall be permitted without an amendment to this special permit.
5. The addition shall be generally consistent with the design and materials of the existing house and the rendering as shown on Attachment 1 to these conditions.
6. The applicant shall install tree protection fencing adjacent to the area of construction prior to commencing site work, and maintain tree protection fencing over the duration of construction.

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, 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 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.

Mr. Hammack seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

A Copy Teste:

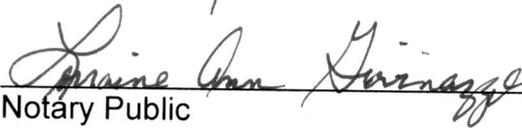


Emily J. Armstrong, Deputy Clerk  
Board of Zoning Appeals

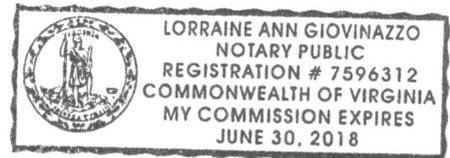
ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of  
May, 2016.

  
Notary Public

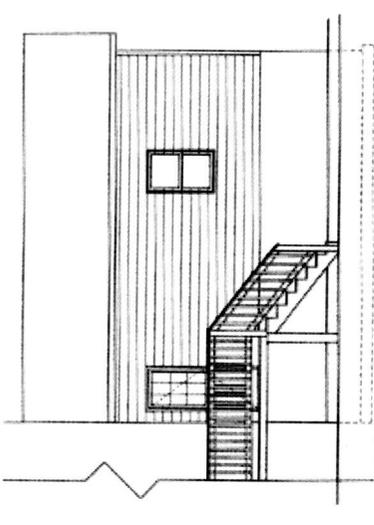
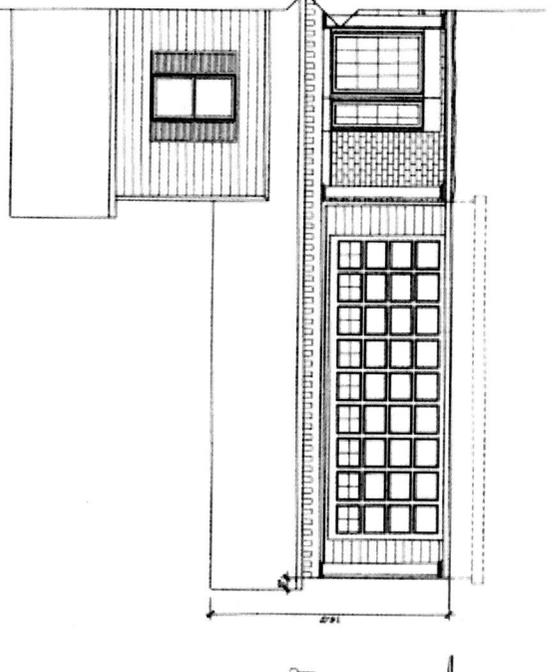
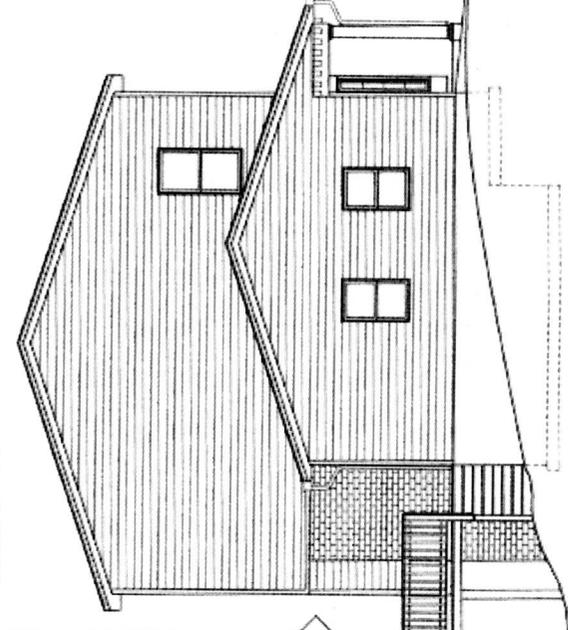
My commission expires: 6/30/18



# ATTACHMENT 1: Architectural Renderings for Proposed Garage Addition

<p>SCOTT W. STERL, AIA PLLC 2021 MAGARITY CT. FALLS CHURCH, VA 22043 703-734-6246</p>	<p>MOSS BUILDING &amp; DESIGN 4265-D BROOKFIELD CORPORATE DR. CHANTILLY, VA 20151 703-961-7707</p>	<p>ADDITION &amp; REMODEL FOR RICH &amp; CHRISTY BERGEMANN 3217 AMBERTY LANE FAIRFAX, VA 22031</p>	<p>12/08/15 3 OF 4</p>
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<p>RECEIVED Department of Planning &amp; FEB 04 2016 Zoning Evaluation Div</p>  <p><b>PROPOSED EAST ELEVATION</b> SCALE: 1/4"=1'-0"</p>	 <p><b>PROPOSED WEST ELEVATION</b> SCALE: 1/4"=1'-0"</p>	 <p><b>PROPOSED NORTH ELEVATION</b> SCALE: 1/4"=1'-0"</p>
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