

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SHAWN MILLER, SP 2016-SU-019 Appl. under Sect. 8-922 of the Zoning Ordinance to permit a reduction in certain yard requirements to permit a deck to remain 5.2 feet from a rear lot line. Located at 13909 Woods Run Ct., Centreville, 20121, on approx. 2,275 sq. ft. of land zoned R-5, WS. Sully District. Tax Map 54-4 ((8)) 652. Ms. Theodore 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 June 15, 2016; and

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

1. The applicant is the owner of the land.
2. Staff recommends approval.
3. The issue at hand is related to the fact that there is a slope and grading issue in the backyard. This exists for the applicant and other adjacent neighbors.
4. The applicant utilized a contractor to construct the deck, and worked to pursue approvals, including obtaining an approval from the Home Owners Association Architectural Review Board.
5. The deck is in character with the existing on-site development, as well as surrounding development.
6. The grade change does cause the deck to be higher than 3 feet. The height of the deck is closer to 3 feet at the point that it abuts the dwelling. As the ground slopes further away into the rear yard, the height of the deck increases due to the topography. The grade change makes it practically impossible for the deck to be 3 feet in height.
7. The Board received thirteen letters of support from the adjacent neighbors and others in the neighborhood, which indicate support for the special permit approval.
8. The applicant has read, understands, and concurs with the proposed development conditions.

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 final inspection of the deck. 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 deck (222.4 square feet and 5.8 feet in height), as shown on the plat entitled "Plat Showing the Improvement on Lot 652, Section Fifteen," prepared by George M. O'Quinn on February 26, 2016, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 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 (2,304 square feet existing + 3,456 square feet (150%) = 5,760.0 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard shall be permitted without an amendment to this special permit.
4. The applicant shall obtain final inspection on the deck 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.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

Mr. Smith seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 22 day of June, 2016.

Robert Wyatt Harrison
Notary Public

My commission expires: 9-30-2017

