

~ ~ ~ May 7, 2014, Scheduled case of:

9:00 A.M. EOANNA GIANNOPOULOS, SP 2014-MV-009 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction in minimum yard requirements based on error in building location to permit accessory storage structure to remain 0.0 ft. from side lot line and patio to remain 0.5 ft. from side lot line. Located at 6215 Foxcroft Rd., Alexandria, 22307, on approx. 10,361 sq. ft. of land zoned R-4. Mt. Vernon District. Tax Map 83-3 ((14)) (15) 12.

Chairman Ribble called the applicant to the podium.

The Chairman directed the clerk to administer the oath to the participants in the hearing, who swore or affirmed that their testimony would be the truth, and the public hearing was opened.

Art Giannopoulos, 6215 Foxcroft Road, Alexandria, Virginia, reaffirmed the affidavit.

Laura Gumkowski, Staff Coordinator, made staff's presentation as contained in the staff report.

Mr. Beard made a disclosure, but indicated he did not believe his ability to participate in the case would be affected.

Mike Adams, Supervisor, Department of Code Compliance, gave the Board information regarding complaints filed and inspections done regarding the subject property. He confirmed that this case had come to the Board as a result of a compliant and subsequent Notice of Violation. In response to a question from Mr. Beard, Mr. Adams said the complaints were for a shed being built without a permit and setback violations; however, permits were not required.

Mr. Giannopoulos presented the special permit request as outlined in the statement of justification submitted with the application. He said the retaining wall and patio were present when he purchased the property; he had merely repaired it. Concerning the shed, Mr. Giannopoulos said there was also a concrete slab in the yard, so he thought it would be ideal for the shed base. He noted that he never received any complaint from his neighbors.

In response to a question from Ms. Theodore, Mr. Giannopoulos said he consulted with a contractor who told him a building permit was not necessary.

As there were no speakers, Chairman Ribble closed the public hearing.

Ms. Theodore moved to approve SP 2014-MV-009 for the reasons stated in the Resolution.

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COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

EOANNA GIANNOPOULOS, SP 2014-MV-009 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction in minimum yard requirements based on error in building location to permit accessory storage structure to remain 0.0 ft. from side lot line and patio to remain 0.5 ft. from side lot line. Located at 6215 Foxcroft Rd., Alexandria, 22307, on approx. 10,361 sq. ft. of land zoned R-4. Mt. Vernon District. Tax Map 83-3 ((14)) (15) 12. 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 May 7, 2014; and

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

1. The applicant is the owner of the land.
2. This home is situated on a corner lot, which always has its own unique factors. Addressing these sorts of issues, the side yard is functioning as the backyard.

3. The patio, as the Board heard at the hearing, and as reflected in the staff report, was there when the applicant purchased the property, so that is located through no fault of the current owners.
4. There is a topography issue with the lot. Ms. Theodore went and looked at this site, and the two affected neighbors from the back are uphill.
5. As the Board heard, with respect to the shed, they have tried to minimize the impacts. It really is minimized in the site, as you walk around from all sides. Ms. Theodore walked around to the cul-de-sac, and looked at it from the neighbor who would look on to the shed. The Board thinks they have tried to minimize that.
6. The Board has letters from the neighbor directly across and immediately adjacent, in support of the shed, reflecting no opposition, and that this is tastefully built.

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 approved for the location of the accessory storage structure (shed) and patio as shown on the plat prepared titled, "Plat, Showing the Improvements on Lot 12, Block 15, Section No. 3, Belle Haven," prepared by George M. O'Quinn of Dominion Surveyors, Inc., dated May 21, 2013.

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 7-0.

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~ ~ ~ May 7, 2014, After Agenda Item:

Request by Robert and Terry Buenzle for Reconsideration, Correction, and Modification of
Conditions 12 and 13 for SP 2013-DR-052, Charles and Sharon Molster

It was determined the request had been filed after the filing deadline and could not be considered. It had been included on the after agenda for the Board's information only.

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