

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

KYLE A SMITH, SP 2016-MV-027 Appl. under Sect. 8-922 of the Zoning Ordinance to permit a reduction in certain yard requirements to permit an accessory structure 7.5 ft. from a side lot line and 15.9 ft. from a rear lot line. Located at 5500 Old Mill Rd., Alexandria, 22309, on approx. 21,783 sq. ft. of land zoned R-2. Mt. Vernon District. Tax Map 110-1 ((16)) (H) 1. 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 June 29, 2016; and

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

1. The applicant is the owner of the land.
2. There is a favorable staff recommendation, and the Board adopts their rationale.
3. The issue in this case is that there is floodplain covering a great part of the yard, and there are constraints as to where the garage could be placed.
4. The proposed location is a sensible and appropriate place for the garage. It may be the only place where it could be constructed.
5. 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 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 proposed detached garage as shown on the special permit plat titled, "Special Permit Plat Lot 1, Section 3, Block H, Mount Vernon Terrace" prepared by Larry N. Scartz, LS, of Scartz Surveys, dated February 15, 2016, most recently updated March 14, 2016, and

received March 16, 2016, consisting of one sheet as submitted with this application and is not transferable to other land.

3. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
4. The applicant shall put down a layer of wood chips 8 inches in depth between the existing fence and the proposed garage along the southeastern property boundary, extending from the front corner of the proposed garage until 10 feet past the back corner of the eastern side of the proposed garage, and maintained during construction of the garage.

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. Beard seconded the motion, which carried by a vote of 6-0. Ms. Theodore was absent from the meeting.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

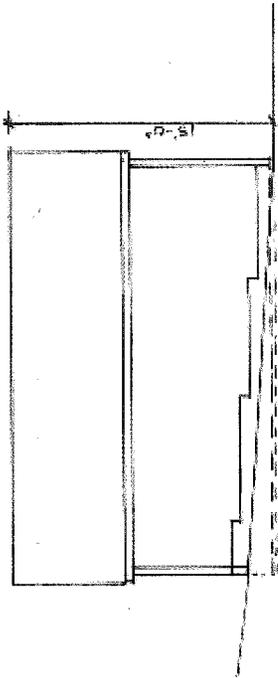
The foregoing instrument was acknowledged before me this 6 day of July, 2016.

Robert Wyatt Harrison
Notary Public

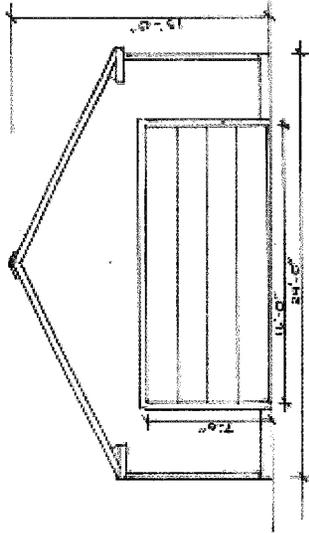
My commission expires: 9-30-2017



ATTACHMENT 1: Architectural Rendering of Detached Garage

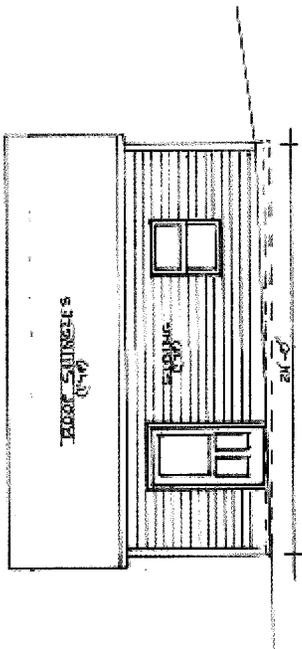


EAST FACE

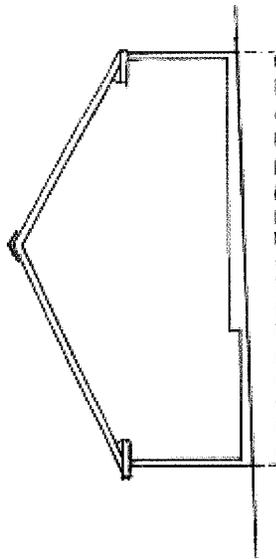


NORTH FACE

OWNER	KYLE SMITH
ADDRESS	5500 OLD MILL ROAD



WEST FACE



SOUTH FACE