

## COUNTY OF FAIRFAX, VIRGINIA

### VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

SALMA NAZARY DBA SALMA DAYCARE AND KARIM NAZARY, VC 2015-SP-012 Appl. Under Sect(s). 18-401 of the Zoning Ordinance to permit accessory structures (two story frame structure and patio) to remain in the minimum required front yard. Located at 6301 Travilah Ct., Fairfax Station, 22039, on approx. 2.40 ac. of land zoned R-1. Springfield District. Tax Map 77-3 ((14)) 3.

Mr. Beard 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 March 30, 2016; and

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

1. The applicants for this variance are Salma Nazary and Karim Nazary.
2. The applicants are the owners of the land.
3. The applicants have read, understand, and concur with the proposed development conditions.
4. To strictly apply the terms of the ordinance in this case would unreasonably restrict the utilization of the property, given the fact that this is a substantial piece of property over 2.4 acres. The front yard setback of 40 feet is being encroached upon, but this is a unique situation given the location of the property, the cul-de-sac, and the fact that there are no other neighbors in the immediate area.
5. The Board applies the same criteria to the patio, and it is not an issue. It would be an unreasonable restriction on the property.
6. This application meets all of the following required standards for variances as set forth in Sections 15.2-2201 and 15.2-2309 of the Code of Virginia.

Mr. Smith seconded the motion, which **FAILED\*** by a vote of 2-4; **THEREFORE, THE APPLICATION WAS DENIED.** Mr. Hart, Mr. Hammack, Mr. Byers, and Chairman Ribble voted against the motion. Ms. Theodore was absent from the meeting.

\*Par. 3 of Sect. 18-402 of the Zoning Ordinance requires that a concurring vote of 4 members of the Board of Zoning Appeals is needed to grant a variance.

A Copy Teste:



Mary D Padrutt, Deputy Clerk  
Board of Zoning Appeals