COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

GRETCHEN AND CRAIG PURSER, SP 2014-MV-022 Appl. under Sect(s). 8-914, 8-922 and 8-923 of the Zoning Ordinance to permit reduction of certain yard requirements to permit addition 17.2 ft. from the rear lot line and modification of minimum yard requirements based on error in building location to permit existing addition to remain 12.8 ft. from the side lot line and 22.0 ft. from the rear lot line, and a fence greater than 4.0 ft. in height to remain in the front yard. Located at 7714 Ridgecrest Dr., Alexandria, 22308, on approx. 21,780 sq. ft. of land zoned R-2. Mt. Vernon District. Tax Map 102-2 ((17)) 91B. Mr. Hart 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 18, 2014; and

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

1. The applicants are the owners of the land.
2. With respect to the screen porch addition, staff is recommending approval, and the Board adopts the rationale in the staff report.
3. This is a strange lot. It is in the middle of a lot of backyards, and it does not have any street frontage.
4. The house is oddly placed at one side of the lot at an angle, and there really is not anyplace to do anything other than where they proposed to put the porch.
5. From the drawings, it will be a very attractive structure. It is very low. The architectural elements are broken up into very small pieces.
6. With the vegetation around it and the scale of the addition compared to the scale of the house, nobody would be bothered by this.
7. This would not have any negative impacts on anybody.
8. With respect to the garage addition, it is a little confusing what happened. Whatever the reason for the discrepancies, it is not attributable to the owners of the property.
9. Whether these are rear lines or side lines, from the street, nobody is going to notice this.
10. The existing location of the previous addition, even though it is different from the building permit, will not create negative impact.
11. It does not seem to have generated any complaint. It came up in the context of a setback certification, and before that, no one would have noticed.
12. Finally, with respect to the special permit for the fence, it is only a very small section of the fence in one corner of the lot.
13. The fence is technically in a front yard, although it is hard to tell from this house where the front yard would be.

14. The lot is surrounded by yards that are not front yards, so if the fence was a couple inches one way or another on somebody else's lot, it would be perfectly legal. It is just a technical issue.
15. The fence does not seem to bother anybody.
16. The fence would not have any negative impact, because the lots that would be looking at it could have a fence that is six feet high.
17. Based on the record before the Board, all the applicable standards for all three of these pieces have been met.

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. 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 (475 square feet in size and 12.0 feet in height to the midline, 13.5 feet in height to the ridgeline and 16 feet in height to the top of the chimney) and the existing location of the garage addition and fence in the front yard as shown on the plat titled "Special Permit Plat, Lot 91-B, Section 2, Wellington," prepared by Patrick A. Eckert, L.S., of Alterra Surveys, Inc., dated October 9, 2013 and revised through March 3, 2014, 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 (4,850 square feet existing + 7,275 square feet (150%) = 12,125 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 requirements shall be permitted without an amendment to this special permit.

4. Prior to commencement of and during the entire construction process, the applicant shall install tree protection fencing around the existing trees located near the proposed construction site to protect these trees from construction activities. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that an inappropriate activity, such as the storage of construction equipment, does not occur within the area.

5. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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.

Ms. Theodore seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

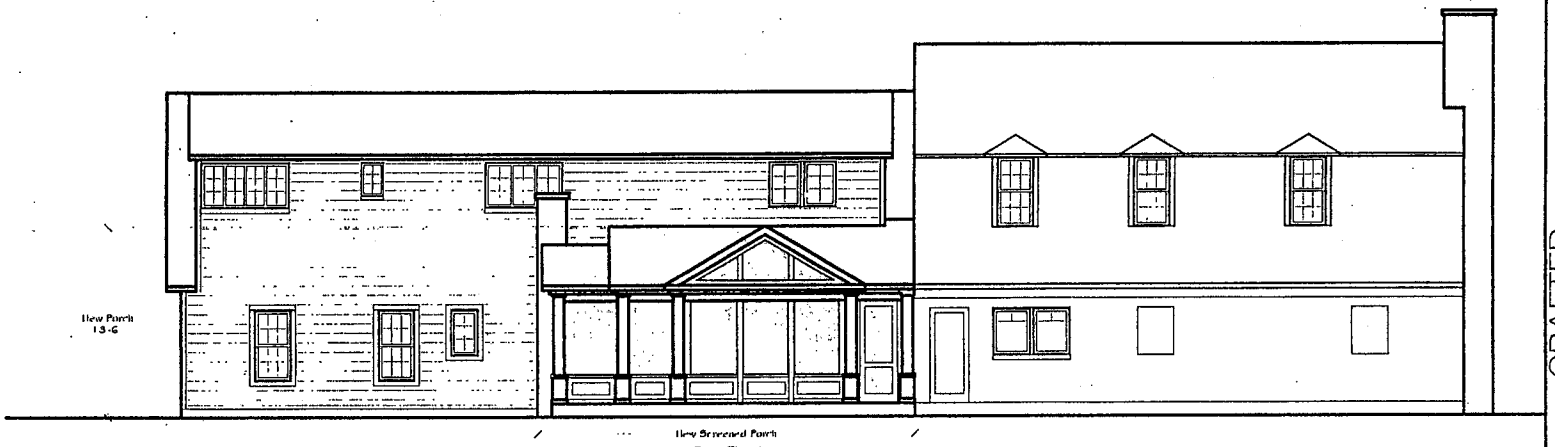
The foregoing instrument was acknowledged before me this 24 day of June, 2014.

Notary Public

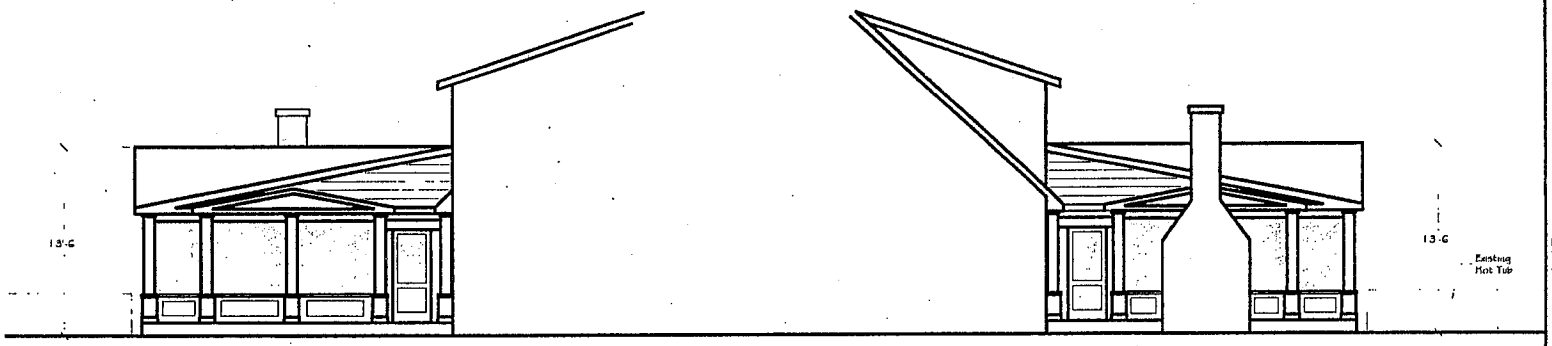
My commission expires: 9-30-2017

ROBERT WYATT HARRISON
NOTARY PUBLIC
REG # 7260104
MY COMMISSION EXPIRES 9/30/2017
COMMONWEALTH OF VIRGINIA

ATTACHMENT 1



1 Rear Elevation
SCALE: 1/4" = 1'-0"



3 Side Elevation
SCALE: 1/4" = 1'-0"

2 Side Elevation
SCALE: 1/4" = 1'-0"

CRAFTED ARCHITECTURE LLC
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PROJECT

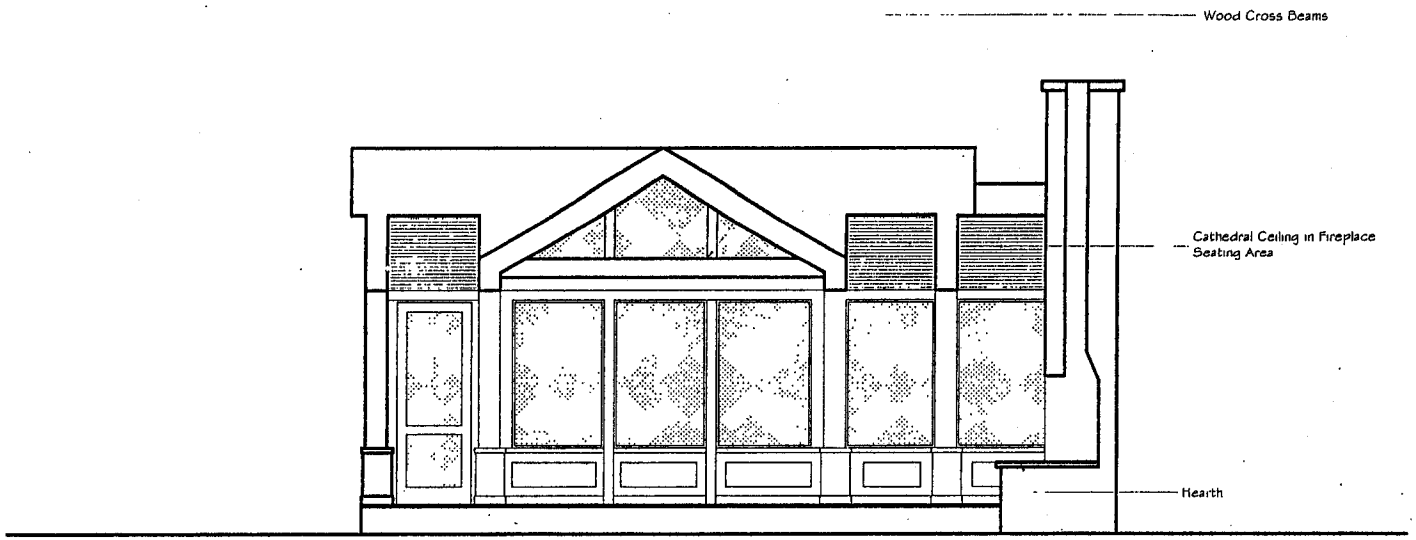
Purser Residence
7714 Ridgecrest Drive
Alexandria, Virginia 22308

Drawing
Exterior Elevations

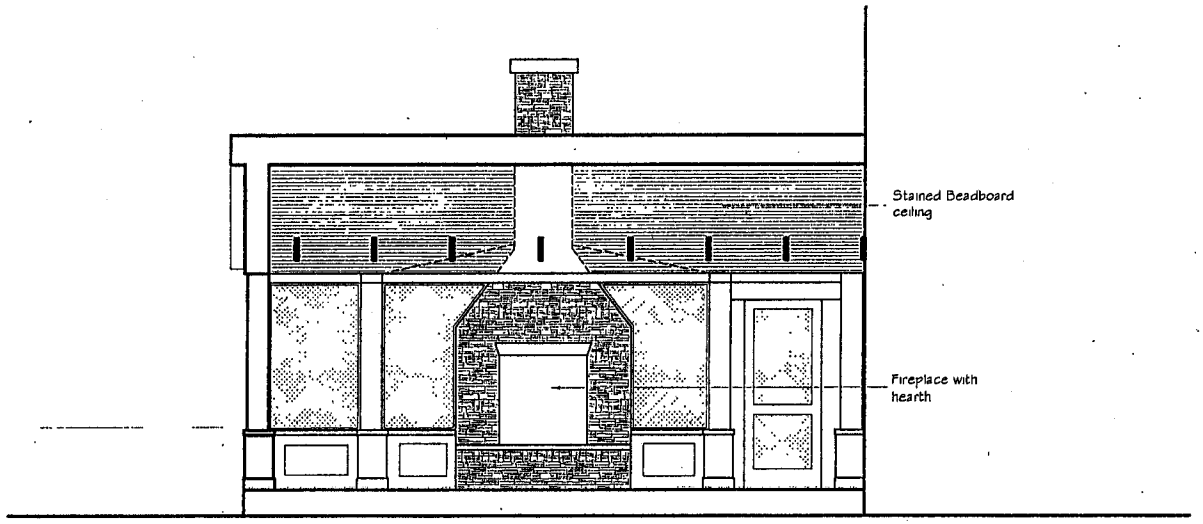
Submission
For Design Review

Date
September 22, 2013

Sheet No. A2



1 Interior Elevation
SCALE: 1/8" = 1'-0"



2 Interior Elevation
SCALE: 1/8" = 1'-0"

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Drawing
Interior Elevations

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Sheet No. A3