

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

EDWIN D. MILLER, SP 2016-MV-035 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit a reduction in certain yard requirements to allow the construction of an addition 11.2 ft. from a side lot line; and, to permit a reduction in minimum yard requirements based on an error in building location to permit an accessory storage structure to remain 1.4 ft. from a rear lot line and 4.4 ft. from a side lot line. Located at 2609 Woodlawn Trail, Alexandria, 22306, on approx. 15,754 sq. ft. of land zoned R-2. Mt. Vernon District. Tax Map 93-3 ((2)) (4) 3. 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 July 13, 2016; and

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

1. The applicant is the owner of the land.
2. The applicant has read, understands, and concurs with the proposed development conditions.
3. There is a favorable Staff recommendation, and the Board adopts Staff's rationale.
4. The addition is modest in size, and should not be significantly visible.
5. The shed appears to have been there for a long time, and does not seem to bother anyone.
6. There have been no complaints regarding the shed.
7. Impacts from the addition and shed are satisfactorily mitigated by the development conditions.

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 existing accessory storage structure (shed) and the proposed addition (68 square feet in size and 11.2 feet in height) as shown on the plat titled "Special Permit Plat, Lot 3, Block 4, Hybla Valley Farms," prepared by Larry N. Scartz, L.S., on April 5, 2016, as submitted with this application and is not transferable to other land.

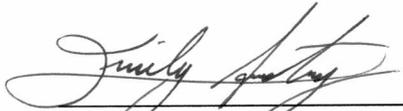
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,414 square feet existing + 5,121 square feet (150%) = 8,535 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. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment A 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.

Mr. Byers seconded the motion, which carried by a vote of 5-0. Ms. Theodore and Mr. Hammack were absent from the meeting.

A Copy Teste:



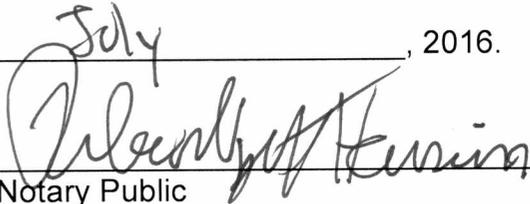
Emily J. Armstrong, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 20 day of

July, 2016.



Notary Public

My commission expires: 9-30-2017



RECEIVED
Department of Planning & Zoning
Zoning Evaluation Division
FEB 0 2 2016

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HOME OFFICE
700 E. HIGHLAND ROAD
MACEDONIA, OH, 44056

GD-I - WASHINGTON
7345 LOCKPORT PLACE
LORTON, VA 22079
703-690-2000

LOCATION

DATE: 10-07-15
DRAWN: VNS
SCALE: 1/4" = 1'-0"
SHEET: 2 OF 5

JAMES A. CLANCY
COMMONWEALTH OF VIRGINIA
207 WOODLAWN TRAIL
LEXINGTON, VA, 22306
JAMES A. CLANCY P.E., L.S.
VA PROFESSIONAL ENGINEER (VA LIC. # 42464)
801 ASBURY AVE.
NATIONAL PARK, NJ, 08063
PH: # 856-853-7306

ALL GLASS TEMPERED PER ANSI Z97.1 & CPSC 16CFR1201 STANDARDS.

MINIMUM DESIGN LOADS: (PER 2012 IRC)

NOTE: COMPONENTS HAVE BEEN CHECKED AGAINST DESIGN LOADS SHOWN & FOUND TO BE ACCEPTABLE STRUCTURALLY

DEAD LOADS:

1. ROOF: 6 PSF
2. WALLS: 6 PSF
3. FLOOR: 12 PSF

SNOW LOADS:

1. GROUND SNOW LOAD 25 PSF

BASIC WIND SPEED: 90 MPH, 3 SEC. GUSTS

LIVE LOADS:

1. ROOF: 30 PSF

DEFLECTION LIMITS:

1. WALLS: L/175
2. ROOF: L/120 (PER IRC TABLE R301.7 NOTEC)

NOTE: THIS ENCLOSURE IS NOT TO BE CONDITIONED OR USED AS A PERMANENT LIVING AREA.

NOTES:

1. ALLVIEW (AVR) ROOM: WHITE IN COLOR
2. CONSTRUCT ENCLOSURE ON EXISTING FOUNDATION
3. NO HEAT, PLUMBING, OR ELECTRICAL BY GDI
4. GUTTERS AND DOWNSPOUTS BY GDI
5. ALL CONCRETE TO BE 3000 PSI MINIMUM
6. ALL LUMBER TO BE SPF #2 OR BETTER, PRESSURE TREATED WHERE REQUIRED
7. ROOM CONSIDERED AS NON-CONDITIONED SPACE, EXEMPT FROM ENERGY REQUIREMENTS (PER 2012 IRC SECTION N1101.6, NOTE 2)

NOTE: THE ABILITY OF EXISTING STRUCTURE TO SAFELY SUPPORT THE IMPOSED LOADS MUST BE CONFIRMED BY OTHERS, & IS NOT COVERED BY THE P.E. STAMP ON THESE DRAWINGS