

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MOHAMMAD MANIRUL KABIR, SP 2014-LE-067 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction in yard requirements based on error in building location to permit addition 8.0 ft. from side lot line. Located at 6701 Cimarron St., Springfield, 22150, on approx. 10,664 sq. ft. of land zoned R-4. Lee District. Tax Map 80-4 ((5)) (6) 15. 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 August 6, 2014; and

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

1. The applicant is the owner of the land.
2. The non-compliance was done through no fault of the property owner.
3. With respect to the contract that the Board saw today, the contract did specify that the addition would be 13 feet in width and, as was noted here, it is just over 14 feet in width and at an angle that was not anticipated by the applicant.
4. The other compliance violation has been cleared with respect to the shed. The other matters specified in the staff report have been closed.

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.

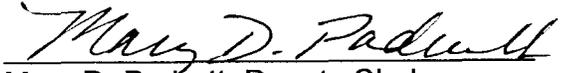
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

1. This special permit is approved for the location of the addition (10.2 feet in height and 593 square feet in area) as shown on the plat prepared titled, "Plat, Showing the Improvements on Lot 15, Block 6, Section One of a Resubdivision of Springfield Estates," prepared by George M. O'Quinn of Dominion Surveyors, Inc., dated January 14, 2014.
2. All applicable permits and final inspections shall be obtained for the one-story addition within 180 days of the approval of this application.
3. The non-compliant gate and fence section in the back that is visible from the street shall be removed.

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

A Copy Teste:

A handwritten signature in cursive script, reading "Mary D. Padrutt".

Mary D. Padrutt, Deputy Clerk  
Board of Zoning Appeals