

## COUNTY OF FAIRFAX, VIRGINIA

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

CARL LARS ANDERSEN, SP 2016-MA-040 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit a reduction of certain yard requirements to allow construction of an addition 18.0 ft. from a side lot line; and, to permit a reduction in minimum yard requirements based on errors in building locations to permit an accessory structure (trellis) to remain 10.8 ft. from a side lot line and an accessory storage structure to remain 0.0 ft. from a side lot line. Located at 6546 Marlo Dr., Falls Church, 22042, on approx. 25,238 sq. ft. of land zoned R-1. Mason District. Tax Map 60-2 ((17)) 30. 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 July 27, 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 as modified.
3. The Board has determined that the applicant has satisfied subsections 1 through 6 of 8-922 to allow construction of the addition to the house. In addition, 18 feet is a substantial distance.
4. It will not have any adverse impact on the neighbor.
5. With respect to the trellis, the applicant has satisfied subsections A through H of the Ordinance.
6. With respect to the shed, the Board cannot find that it fits within the intent of this Ordinance. Although the non-compliance was done in good faith, it was not shown that it was done through no fault of the property owner. The applicant admitted to having done the construction, although he believed it was within the property lines.
7. The board cannot find that this reduction will not impair the purpose or intent of the Ordinance or not be detrimental to the use and enjoyment of other property in the immediate vicinity, specifically, the next-door neighbor's property.
8. Citing G (below), this will not cause an unreasonable hardship to bring the shed into compliance.

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-IN-PART [the error in building for the shed is denied]**, 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 (289 square feet and 18.7 feet in height) and the location of the trellis, as shown on the plat entitled "Special Permit Plat Lot 30, Section 2, Marlo Heights," prepared by Michael L. Flynn on March 17, 2016, as revised through April 18, 2016 as submitted with this application.
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 (2,346 square feet existing + 3,519 square feet (150%) = 5,865 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 shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings as shown in Attachment 1 to these conditions.

This approval, contingent upon the above-noted development 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, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use 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. Hart seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

*Emily J. Armstrong*

Emily J. Armstrong, Deputy Clerk  
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 4 day of

August, 2016.

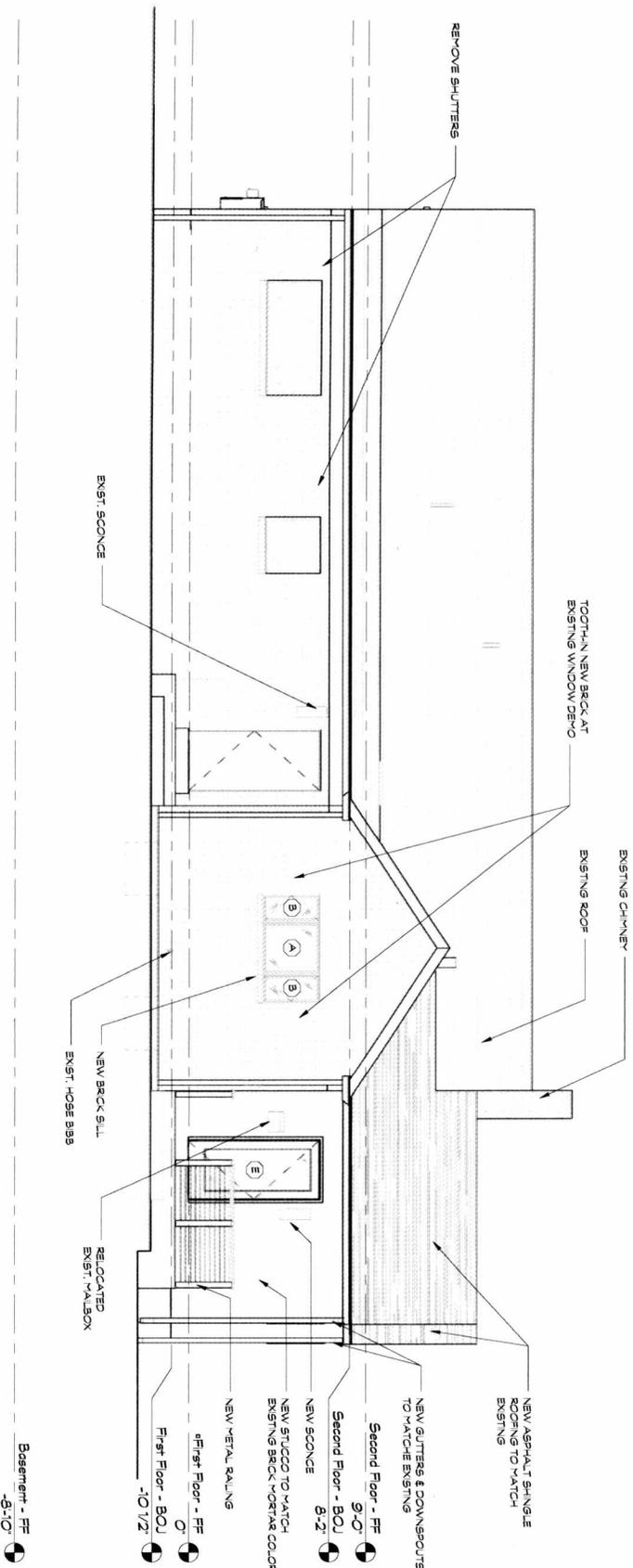
*Robert Wyatt Harrison*

Notary Public

My commission expires: 9-30-2017



1  
 A2.4  
 1/4" = 1'-0"  
 PROPOSED SOUTH ELEVATION



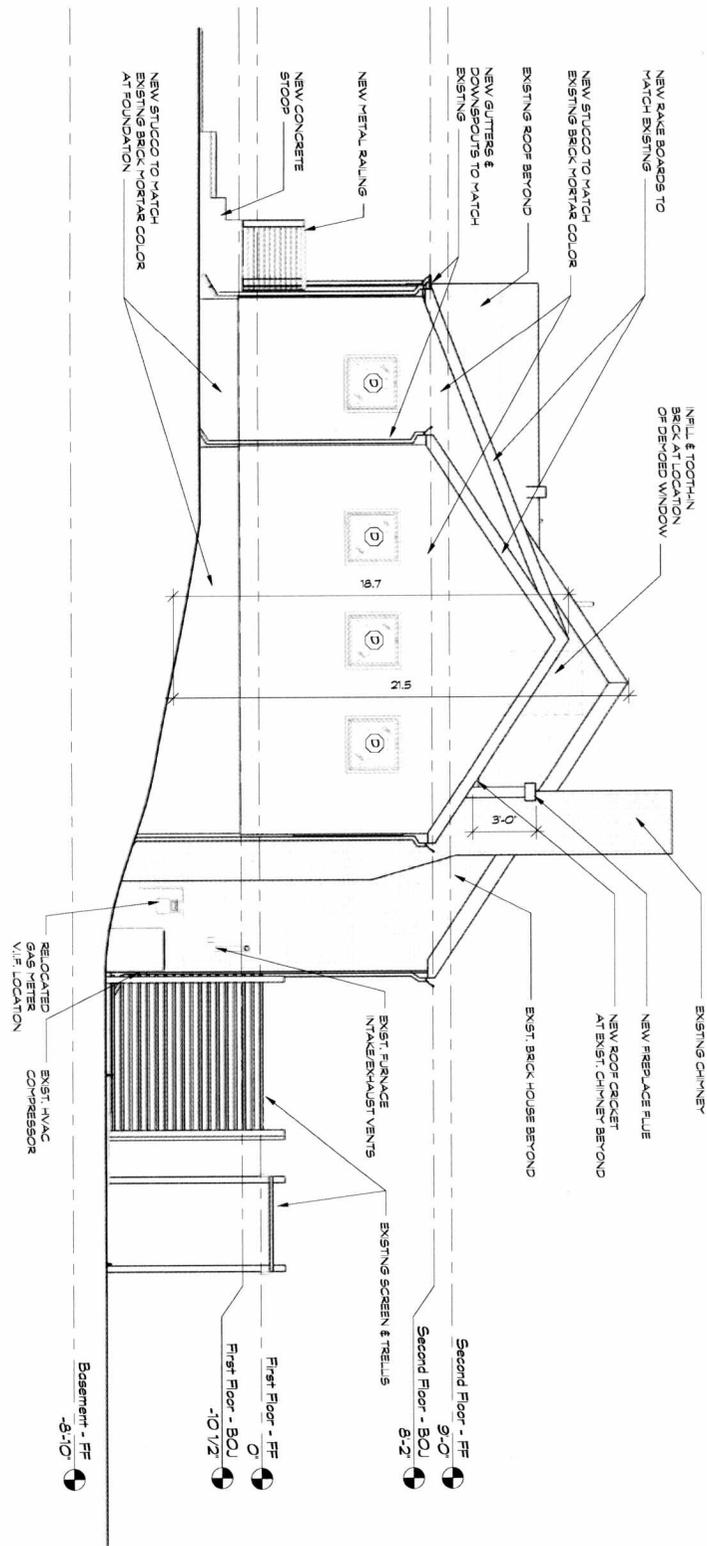
proposed renovation for:	Andersen Residence 6546 Marlo Dr. Falls Church, VA 22042
Sheet title:	Proposed Exterior Elevations
Sheet scale:	1/4" = 1'-0"
Sheet date:	07.29.2016
Drawing revisions:	
date:	5.24.16
description:	SWT
rev.#	PRICING-1
date:	6.11.16

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A2.4

1  
 A2.5 1/4" = 1'-0"  
 PROPOSED EAST ELEVATION



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rev.#	description:	date:	drawing revisions:
	SWT	5.24.16	
	PRICING-1	6.11.16	

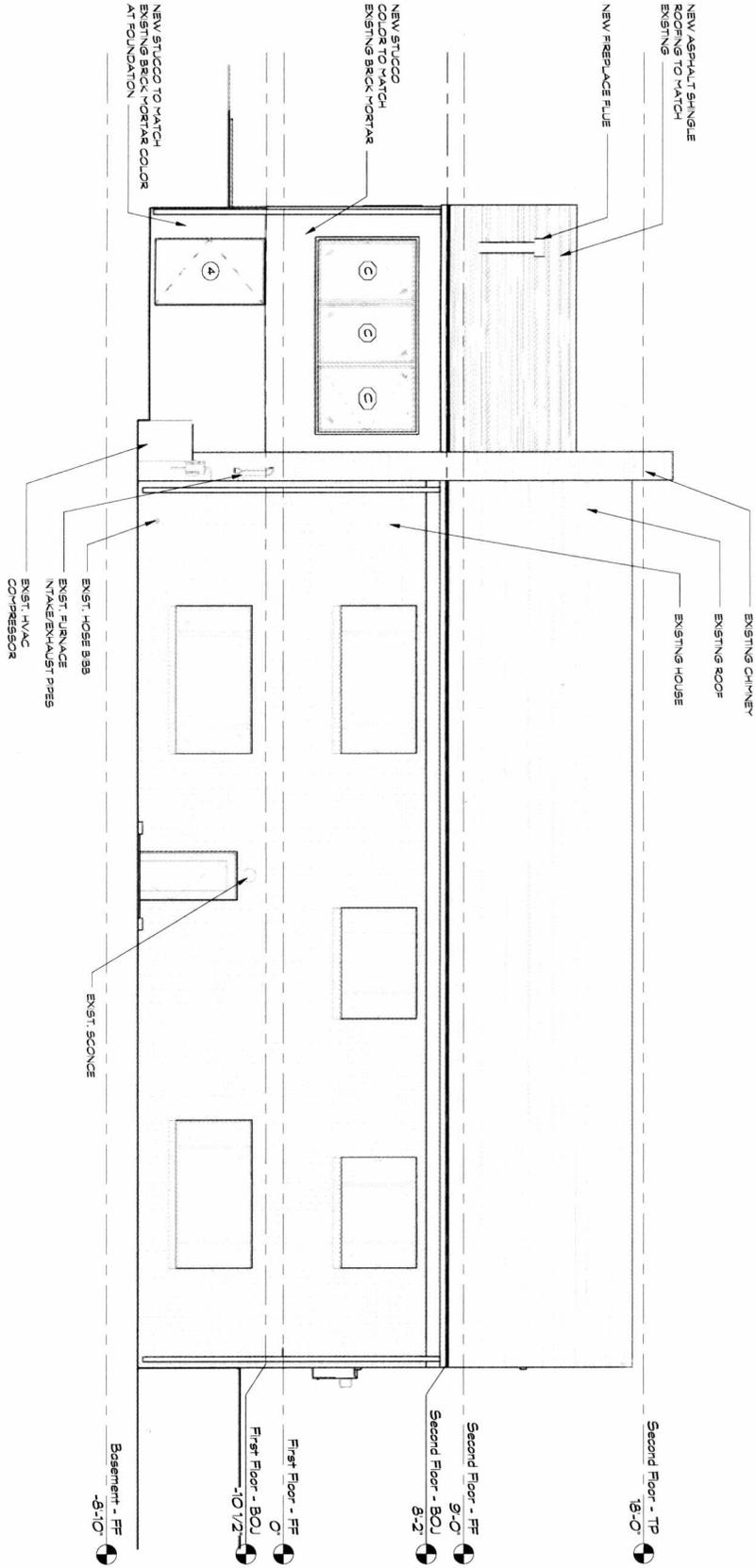
sheet scale:  
 1/4" = 1'-0"  
 sheet date:  
 07.29.2016

Proposed  
 Exterior  
 Elevations

proposed renovation for:  
 Andersen Residence  
 6546 Marlo Dr. Falls Church,  
 VA 22042

A2.5

1  
 A2.6 1/4" = 1'-0"



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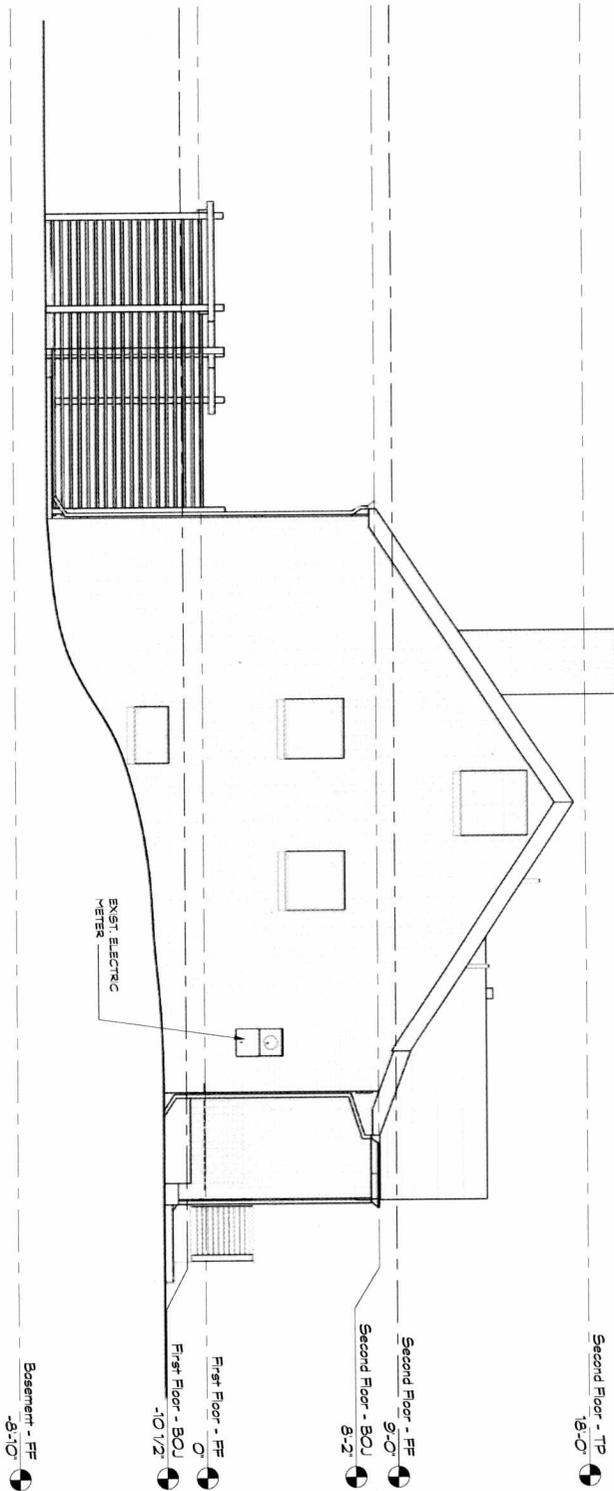
rev.#	description:	date:
	SWT	5.24.16
	PRICING-1	6.11.16

drawing revisions:
07 29 2016

sheet scale:	1/4" = 1'-0"
sheet date:	07 29 2016

proposed renovation for:	Andersen Residence 6546 Marlo Dr. Falls Church, VA 22042
sheet title:	Proposed Exterior Elevations

1  
 A2.7 1/4" = 1'-0"  
 PROPOSED WEST ELEVATION



proposed renovation for:  
 Andersen Residence  
 6546 Marlo Dr. Falls Church,  
 VA 22042

sheet title:  
 Proposed  
 Exterior  
 Elevations

sheet scale:  
 1/4" = 1'-0"

sheet date:  
 07.29.2016

drawing revisions:

rev.#	description:	date:
	SWT	5.24.16
	PRICING-1	6.11.16

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A2.7