

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

MALIHEH SHAHRESTANI / MCLEAN DAY CARE, VC 2016-DR-007 Appl. under Sect. 18-401 of the Zoning Ordinance to permit greater than 30% of rear yard coverage. Located at 6526 Hitt Ave., McLean, 22101, on approx. 9,333 sq. ft. of land zoned R-4. Dranesville District. Tax Map 30-4 ((7)) 2. (Concurrent with SP 2015-DR-019). Mr. Byers 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

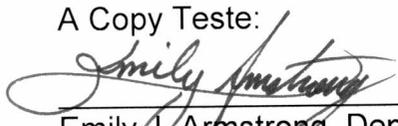
WHEREAS, the Board has made the following findings of fact:

1. The applicant is Maliheh Shahrestani.
2. The applicant is the owner of the land.
3. This application fails to meet 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; specifically:
 - b. The strict application of the Zoning Ordinance would not unreasonably restrict the utilization of the property and the variance would not alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Zoning Ordinance. It is simply not an issue in this case. There can still be a functional patio constructed in compliance with the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **DENIED**.

Mr. Hart seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



Emily J. Armstrong, Deputy Clerk
Board of Zoning Appeals