

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

STEPHANIE DUNKLE SHAPIRO, ALLEN M. SHAPIRO, SP 2014-DR-170 Appl. under Sect(s). 8-914 and 8-918 of the Zoning Ordinance to permit an accessory dwelling unit and to permit the reduction of minimum yard requirements based on error in building location to permit a hen house to remain 18.3 ft. from a lot line. Located at 11200 Beach Mill Rd., Great Falls, 22066, on approx. 2.54 ac. of land zoned R-E. Dranesville District. Tax Map 03-3 ((1)) 18A. 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 October 29, 2014; and

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

1. The owners of the property are the applicants.
2. The application meets Criteria A through H from the standpoint of a mistake in building location.
3. There is a stand of Leyland cypress trees plus another large tree basically blocking the view of the hen house itself.
4. There are not 60+ hens; there are less than 20. It basically is a hobby, as opposed to a commercial enterprise.
5. It is not bothering anyone; they keep it clean.
6. It is a very large property.
7. The application meets the requirements for the accessory dwelling unit with no issues at all.

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 for the accessory dwelling unit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicants only, Stephanie and Allen Shapiro, and is not transferable without further action of this Board, and is for the location indicated on the application, 11200 Beach Mill Road, and is not transferable to other land.

3. This special permit is approved for the location and size of the addition, as shown on the plat titled "Special Permit Plat, 11200 Beach Mill Road," prepared by Anthony T. Owners, P.E., of Charles P. Johnson & Associates, Inc., dated August 5, 2014 and revised through July 2, 2014, as submitted with this application and is not transferable to other land.
4. A copy of this special permit **SHALL BE POSTED in a conspicuous place in the accessory dwelling unit** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 1,270 square feet, and the layout shall be generally as depicted on the floor plan of the detached unit included as Attachment 1 to these conditions.
7. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice, and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
8. All applicable permits and final inspections shall be obtained for the kitchen components in the accessory dwelling unit.
9. The accessory dwelling unit shall be approved for a period of five years from the final approval date of the special permit and may be extended for five-year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
10. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance, or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
11. All parking shall be provided on site.
12. The accessory structure shall be generally consistent with the architectural renderings and materials as shown in Attachment 2 to these conditions.

This approval, contingent on 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, six (6) months after the date of approval unless the use has been established as outlined above. 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. Smith seconded the motion, which carried by a vote of 6-0. Chairman Ribble was not present for the vote.

A Copy Teste:

Suzanne Frazier
Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

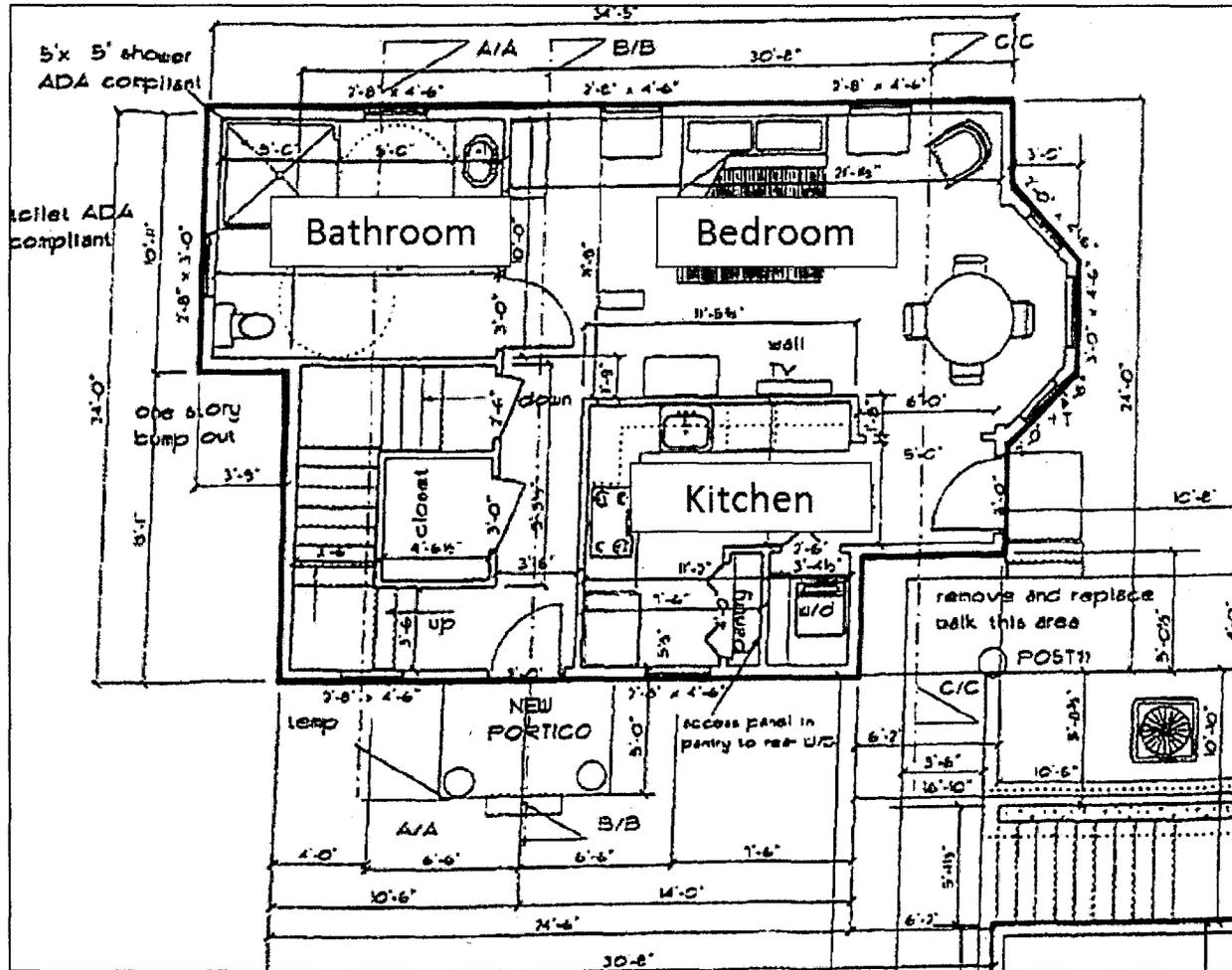
COUNTY OF FAIRFAX
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 4th day of November, 2014.

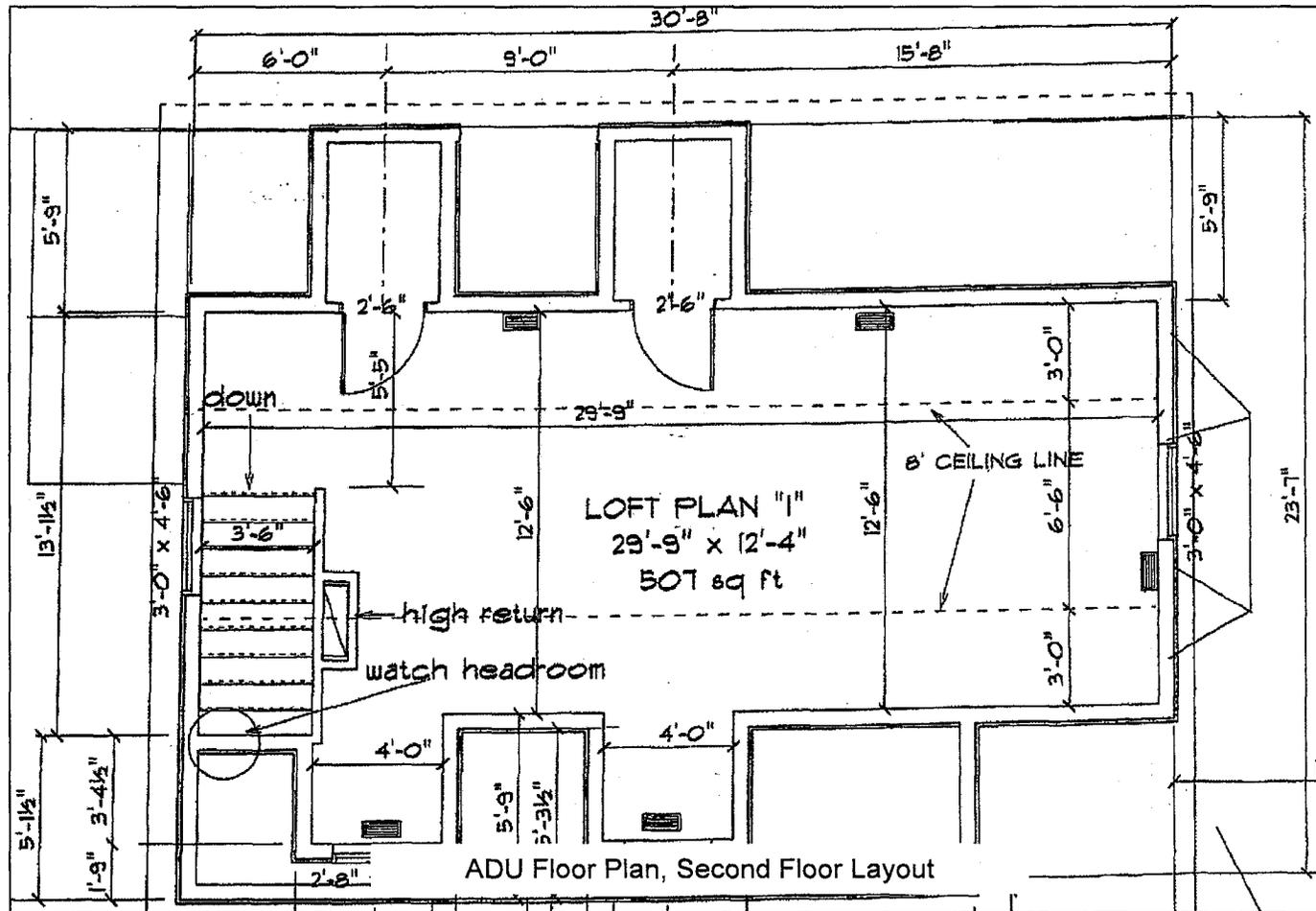
Lorraine Ann Giovinazzo
Notary Public

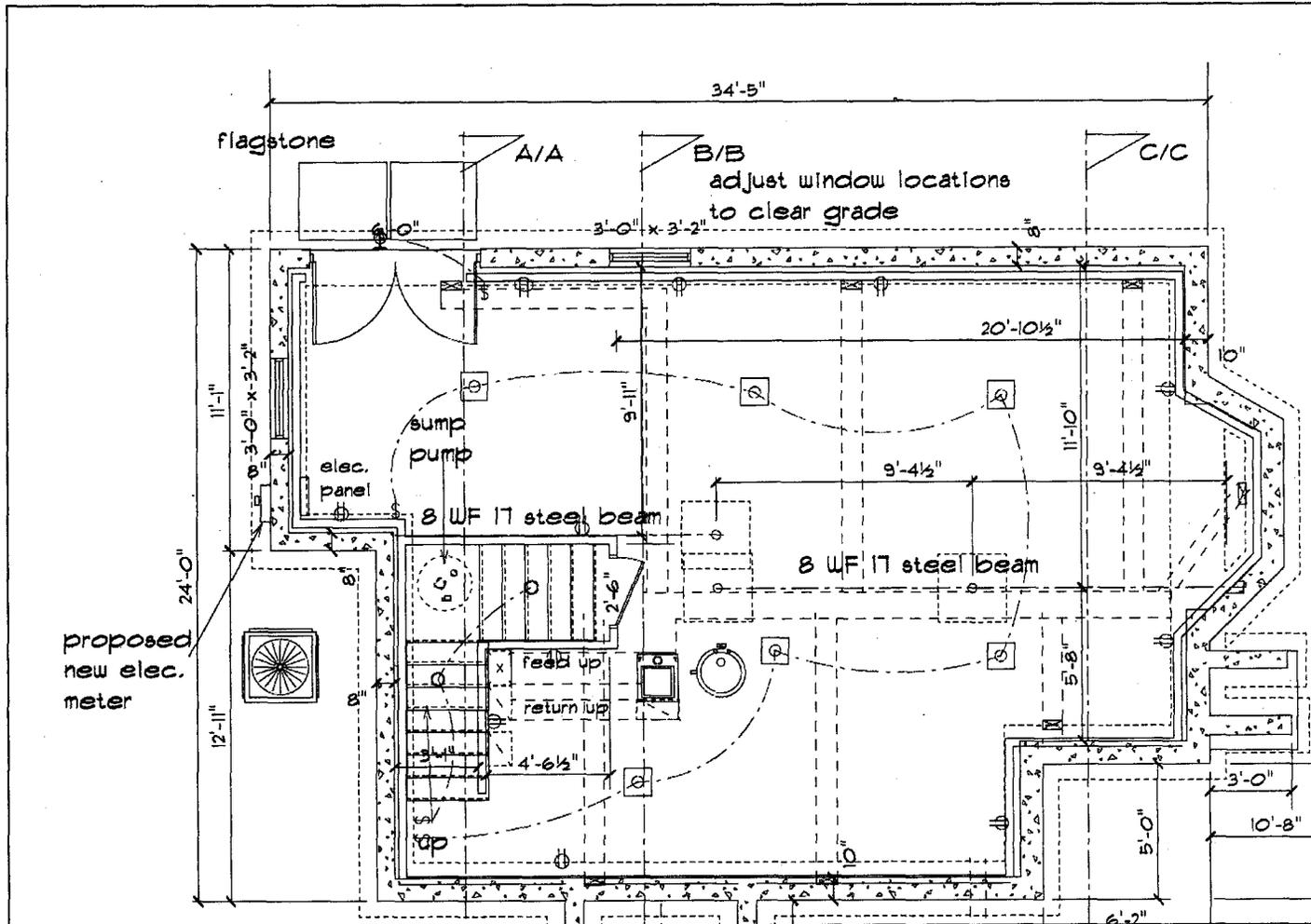
My commission expires: 6/30/18





ADU Floor Plan, First Floor Layout

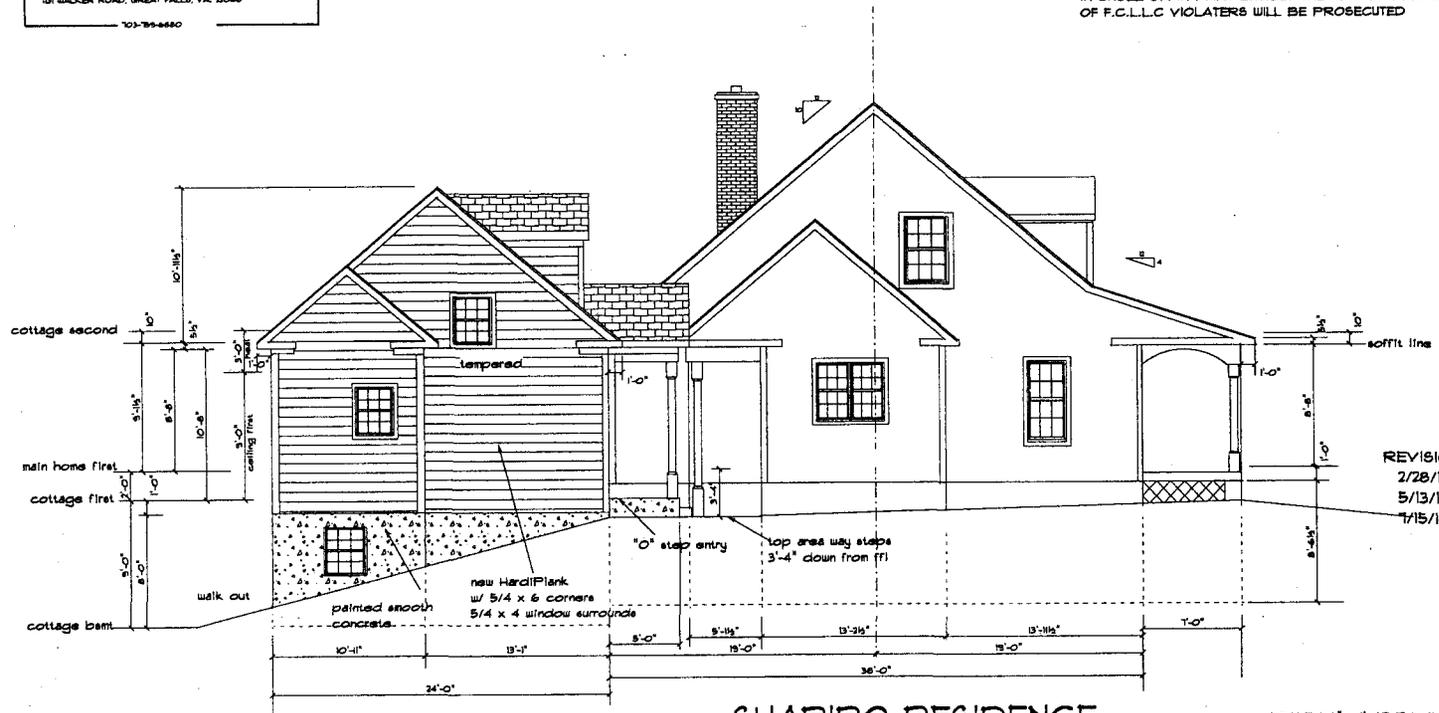




ADU Floor Plan, Basement Layout


W. M. FOLEY
CONSTRUCTION CORP.
 131 WALKER ROAD, GREAT FALLS, VA. 22646
 703-795-6680

THESE DRAWINGS ARE COPYRIGHTED BY FOLEY
 CONSTRUCTION, LLC AND ARE PROTECTED BY FEDERAL LAW.
 THEY MAY NOT BE COPIED, MODIFIED, OR REPRODUCED
 IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION
 OF F.C.L.L.C VIOLATORS WILL BE PROSECUTED



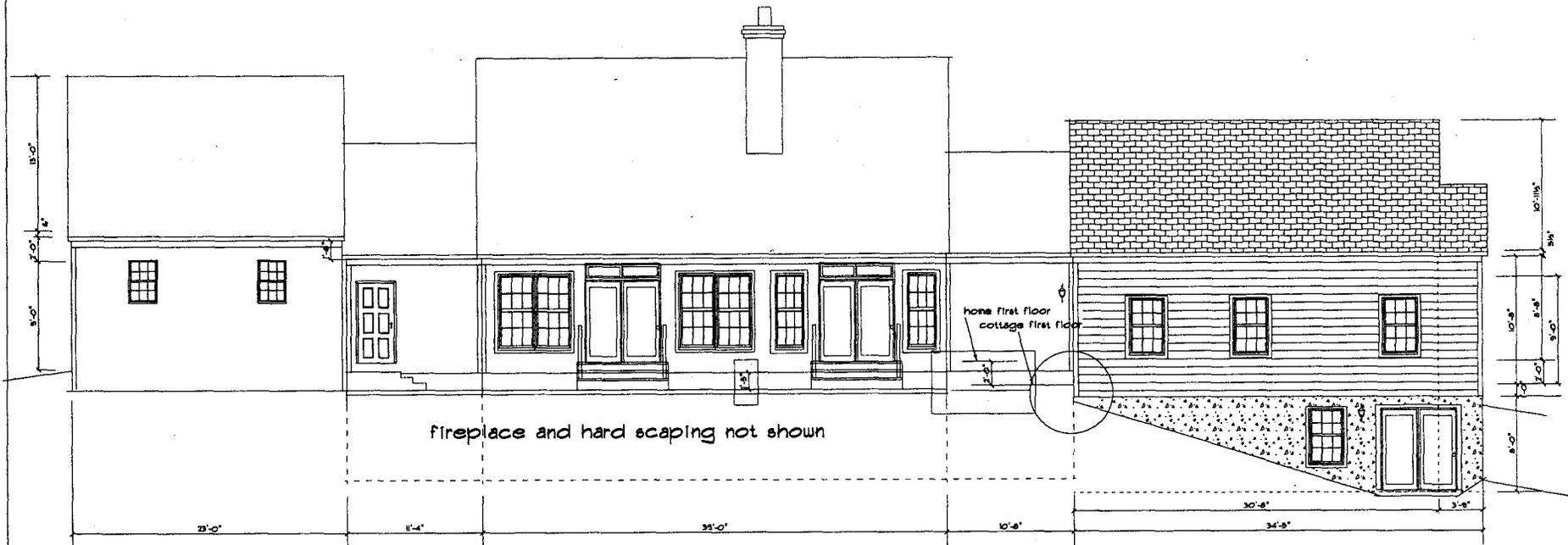
REVISIONS:
 2/28/14
 5/13/14
 7/15/14

SHAPIRO RESIDENCE
NEW LEFT ELEVATION

SCALE 1/8" = 1' AT 11 X 11

SHEET 12 OF 22

THESE DRAWINGS ARE COPYRIGHTED BY W.M.FOLEY CONSTRUCTION AND ARE PROTECTED BY FEDERAL LAW. THEY MAY NOT BE COPIED, MODIFIED, OR REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF W.M.F.C.C.. VIOLATORS WILL BE PROSECUTED

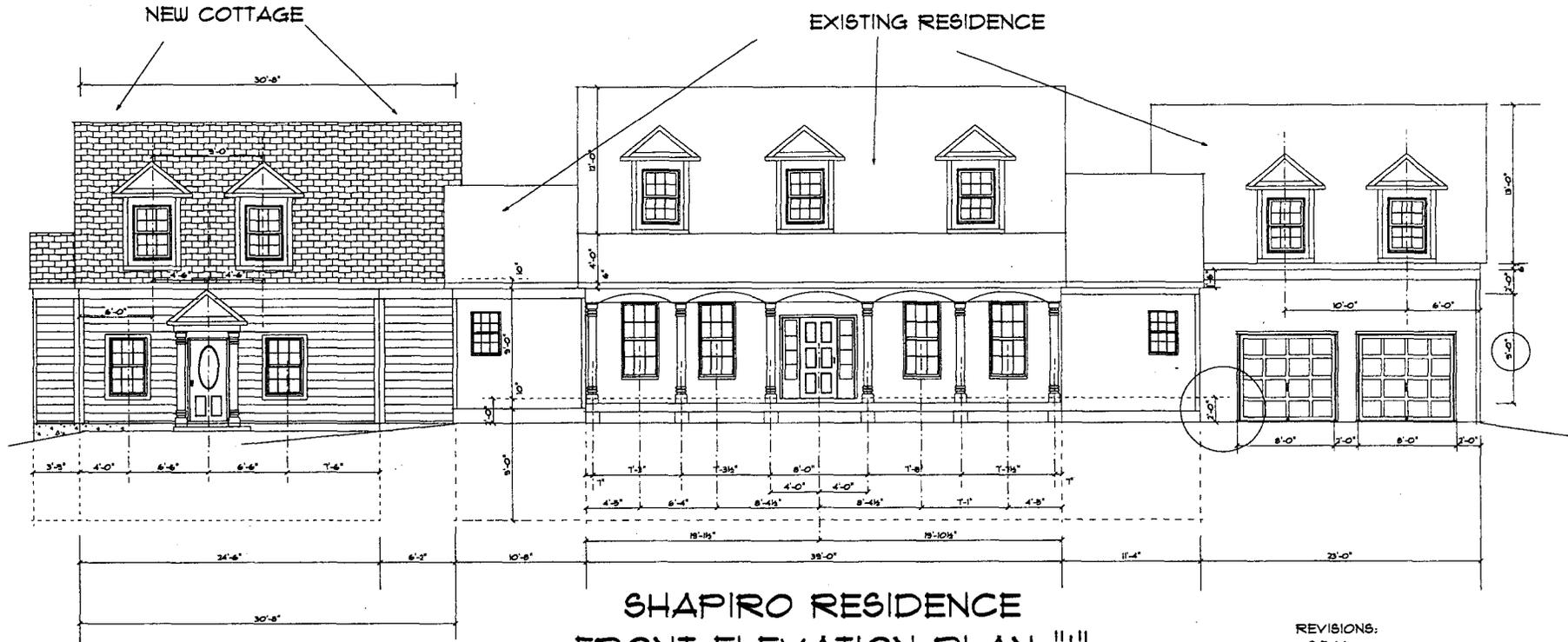


SHAPIRO RESIDENCE NEW REAR ELEVATION

REVISIONS:
3/4/14
5/13/14
7/25/14

THESE DRAWINGS ARE COPYRIGHTED BY W.M.FOLEY CONSTRUCTION AND ARE PROTECTED BY FEDERAL LAW. THEY MAY NOT BE COPIED, MODIFIED, OR REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF W.M.F.C.C.. VIOLATORS WILL BE PROSECUTED


W. M. FOLEY
 CONSTRUCTION CORP.
 121 WALKER ROAD, GREAT FALLS, VA. 22064
 703-795-6880

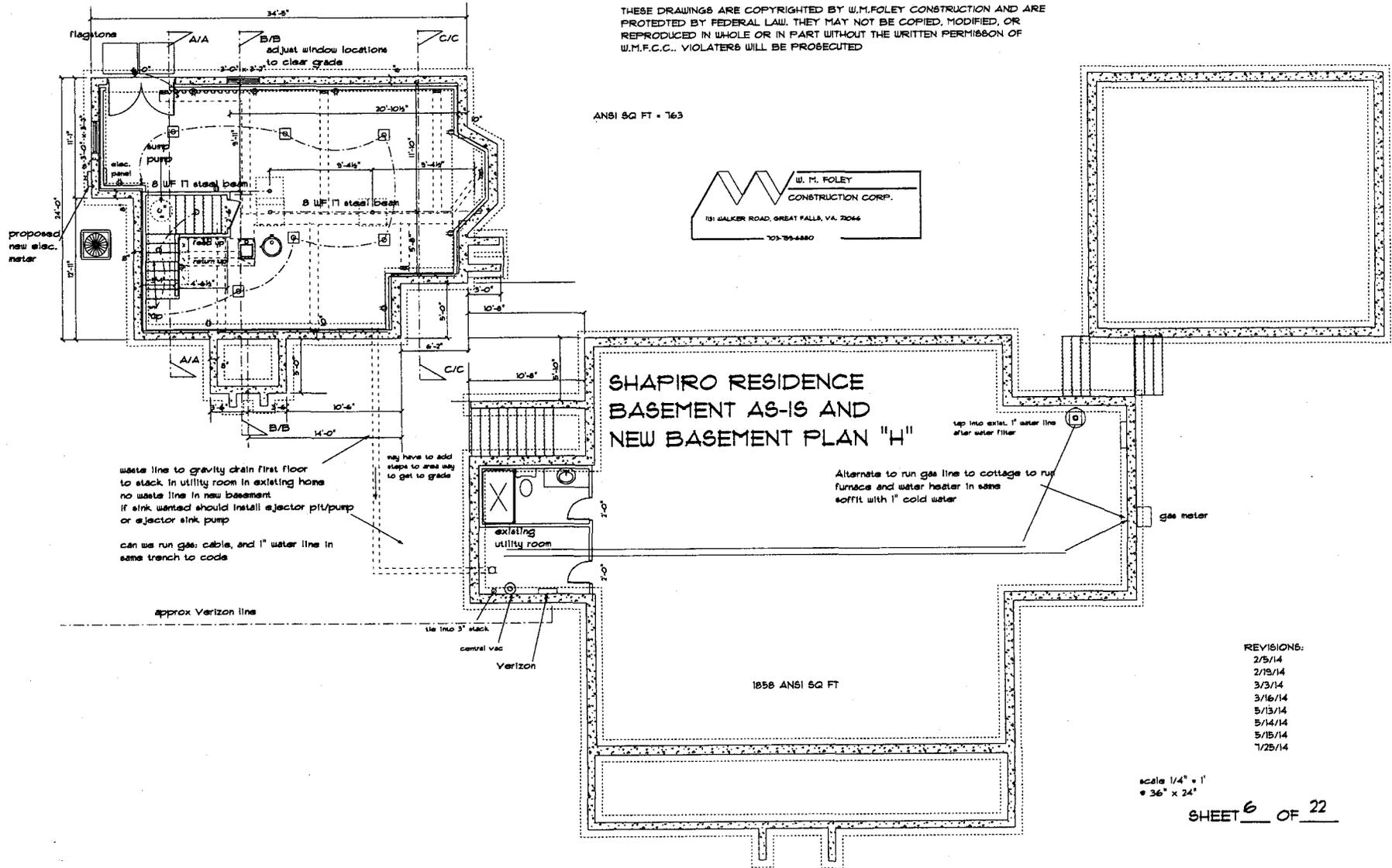


SHAPIRO RESIDENCE
FRONT ELEVATION PLAN "1"
 11200 BEACH MILL ROAD
 GREAT FALLS, VIRGINIA 22066

- REVISIONS:
 2-5-14
 3/3/14
 3/4/14
 3/6/14
 6/3/14
 7/25/14

THESE DRAWINGS ARE COPYRIGHTED BY W.M.FOLEY CONSTRUCTION AND ARE PROTECTED BY FEDERAL LAW. THEY MAY NOT BE COPIED, MODIFIED, OR REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF W.M.F.C.C.. VIOLATORS WILL BE PROSECUTED

ANSI 50 FT • 163



SHAPIRO RESIDENCE
BASEMENT AS-IS AND
NEW BASEMENT PLAN "H"

1858 ANSI 50 FT

- REVISIONS:
- 2/5/14
 - 2/19/14
 - 3/3/14
 - 3/16/14
 - 5/13/14
 - 5/14/14
 - 5/15/14
 - 7/25/14

scale 1/4" = 1'
• 36" x 24"