

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TIN TRAN, SP 2014-BR-184 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 10.4 ft. from side lot line and to permit reduction in minimum yard requirements based on error in building location to permit accessory storage structure to remain 2.5 ft. from side and rear lot lines. Located at 7417 Elgar St., Springfield, 22151, on approx. 10,500 sq. ft of land zoned R-3. Braddock District. Tax Map 71-3 ((4)) (25) 21. 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 November 19, 2014; and

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

1. The owner of the property is the applicant.
2. Regarding the shed, under Sect. 8-914, the Board has a favorable staff report. The shed is 2.5 feet off the line. It is really not excessively high nor does it impact a neighbor in a detrimental way. It did not require a building permit.
3. Under Sect. 8-922, to permit the construction of an addition 10.4 feet from the side lot line, it is really the enclosure of an existing carport.
4. Under Sect. 8-006 and Section 8-914, the applicant has met the standards set forth in subsections A through F, and satisfies all those standards.

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 garage addition and shed located as shown on the special permit plat, prepared by NoVA Surveys, dated September 6, 2013, 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 (1,221 square feet existing + 1,831.5 square feet (150%) = 3,052.5 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. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.

- 4. The sunroom addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 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, thirty (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. Mr. Smith and Mr. Beard were absent from the meeting.

A Copy Teste:

Suzanne Frazier
Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals

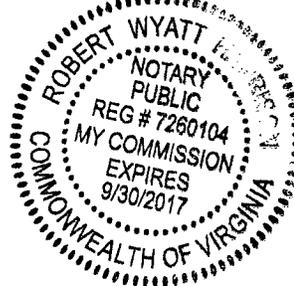
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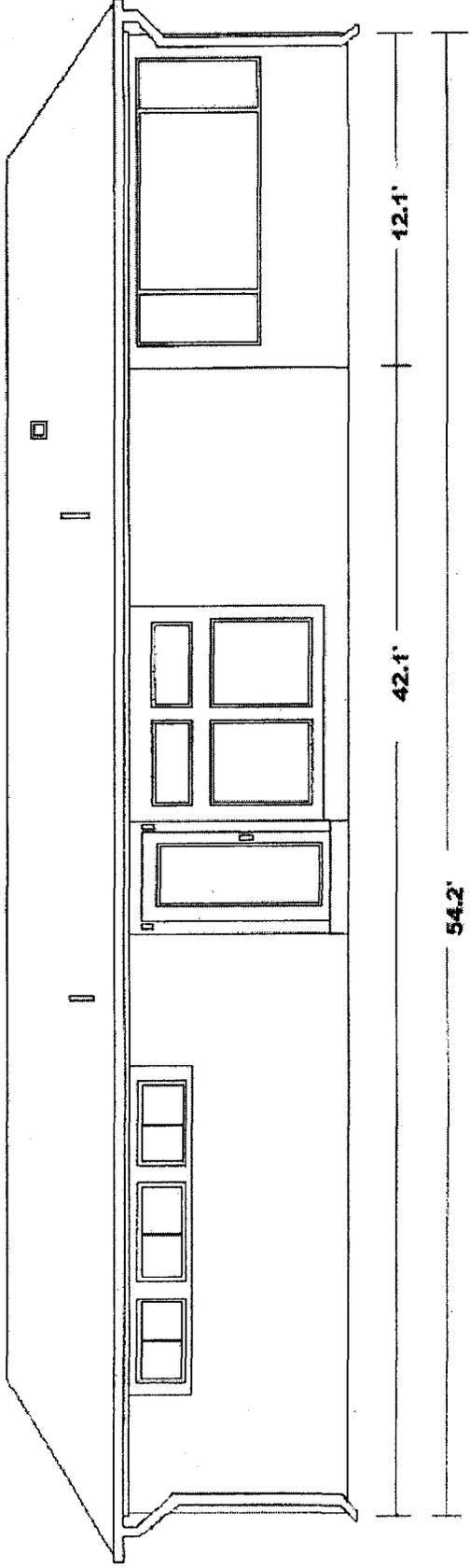
COUNTY OF FAIRFAX
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 24th day of November, 2014.

Robert Wyatt Hamlin
Notary Public

My commission expires: 9-30-2017





PROPOSED NORTH ELEVATION

EX. DWELLING HEIGHT = 15.0 FEET

PROPOSED WEST ELEVATION

EX.DWELLING HEIGHT = 15.0 FEET

