

## COUNTY OF FAIRFAX, VIRGINIA

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

BRUCE AND PAM TINKER, SP 2014-MV-196 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction to certain yard requirements to permit construction of addition 8.1 ft. from side lot line and 33.3 ft. from front lot line and to permit reduction of minimum yard requirements based on errors in building locations to permit one accessory storage structure 0.83 ft. from side lot line and 2.0 ft. from rear lot line, and another accessory storage structure 2.3 ft. from side lot line and 3.3 ft. from rear lot line. Located at 2502 Stone Hedge Dr., Alexandria 22306, on approx. 10,132 sq. ft. of land zoned R-2. Mt. Vernon District. Tax Map 93-3 ((8)) (2) 2. Mr. Beard 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 December 3, 2014; and

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

1. The applicants are the owners of the property.
2. As pointed out in Mr. Tinker's presentation and in the staff report, this is an unusually configured lot.
3. As far as the porch, it is at a quiet end of the street so this is in conformance with the homes within the area.
4. This is an R-2 zoning district.

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 location and size of the dining room addition (272 square feet square feet in size and 10.3 feet in height to the midline of the roof) and the covered porch (403 square feet in size and 10.2 feet in height). This special permit is also approved for the existing location of the two sheds in the rear yard of the property. These structures are approved as shown on the plat "Physical Improvements Survey Lot 2, Section 1, Block 2, Calvert Park," prepared by Larry N. Scartz, L.S., of Scartz Surveys on October 15, 2013,

and revised by the agent's architect on September 5, 2014, as submitted with this application and is not transferable to other land.

3. Pursuant to Paragraph 4 of Sect. 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 (1,500 square feet existing + 2, 250 square feet (150%) = 3,750 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 requirements shall be permitted without an amendment to this special permit.
4. Prior to commencement of and during the entire construction process, the applicant shall install tree protection fencing around the existing trees located near the proposed construction site to protect these trees from construction activities in accordance with the Urban Forestry Management Division requirements. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that an inappropriate activity, such as the storage of construction equipment, does not occur within the area.
5. The 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, 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. Smith seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

Suzanne Frazier  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals

ACKNOWLEDGEMENT

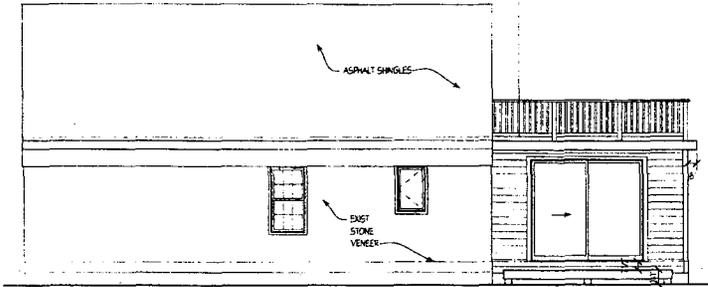
COUNTY OF FAIRFAX  
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of December, 2014.

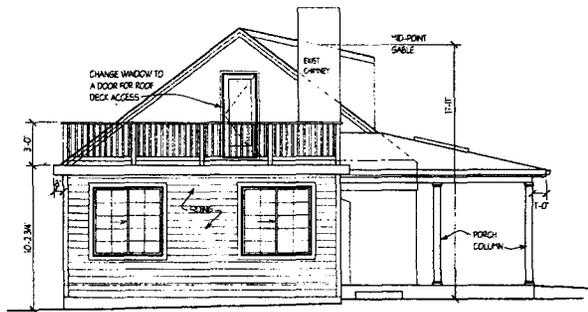
Lorraine A. Giovinazzo  
Notary Public

My commission expires: 6/30/18

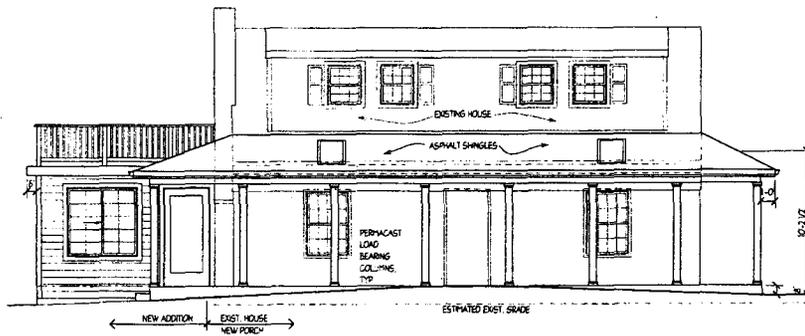




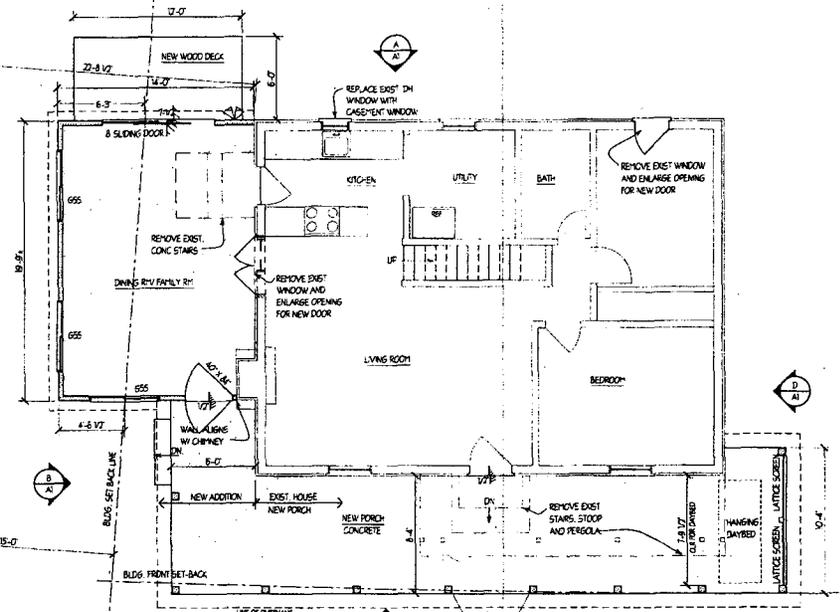
**(A) REAR ELEVATION**  
1/4" = 1'-0"



**(B) SIDE/END ELEVATION**  
1/4" = 1'-0"



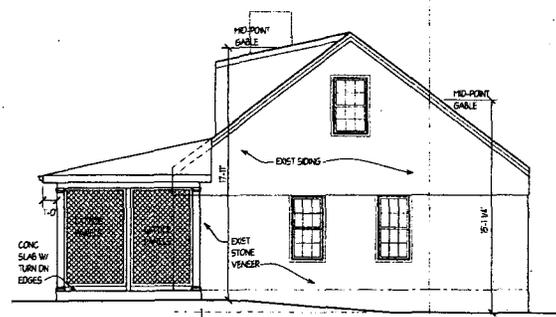
**(C) FRONT ELEVATION**  
1/4" = 1'-0"



**FIRST FLOOR PLAN**  
1/4" = 1'-0"

**DRAWING LEGEND**

	EXISTING LUMBER - 1/4\"/>
	NEW CONSTRUCTION



**(D) SIDE/END ELEVATION**  
1/4" = 1'-0"

THE CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS AND DIMENSIONS PRIOR TO PROCEEDING WITH WORK.  
THE CONTRACTOR SHALL COMPARE AND COORDINATE ALL DRAWINGS WITH FIELD CONDITIONS.  
ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING.  
DO NOT SCALE DRAWINGS.

**REBECCA L.G. BOSTICK, AIA**  
**ARCHITECT**  
 1819 DRURY LANE, SUITE 101 ALEXANDRIA, VA 22307 (703) 768-2250  
 ATTACHMENT 1  
 SHEET 1  
 DATE 6/16  
 REVISED

Addition to the  
**TINKER RESIDENCE**  
 2502 STONE HEDGE DRIVE, ALEXANDRIA, VA 22306