

## COUNTY OF FAIRFAX, VIRGINIA

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

JERRY MOWERY, SP 2014-LE-204 Appl. under Sect(s). 8-922 and 8-914 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of an addition 14.0 ft. from one side lot line and 16.7 ft. from other side lot line and to permit reduction to minimum yard requirements based on error in building location to permit carport to remain 3.1 ft. from side lot line. Located at 6008 Kathmoor Dr., Alexandria, 22310, on approx. 22,351 sq. ft. of land zoned R-1 and HC. Lee District. Tax Map 81-4 ((2)) 9A. 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 December 10, 2014; and

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

1. The applicant is the owner of the land.
2. The application meets all the criteria for Sects. 8-914 and 8-922, including A through H for 8-914.

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. This Special Permit is approved only for the addition as shown on the plat titled "Plat Showing The Improvements On Lot 9-A Of The Resubdivision Of Lot 9" prepared by Dominion Surveyors Inc., dated July 25, 2013, and revised through August 25, 2014, submitted with this application, and is not transferable to other land.
2. 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.
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, 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. Accordingly, the 2,057-square foot existing dwelling, shall not be increased by more than 3,085.5 square feet, for a total of 5,142.5 square feet. Subsequent additions that meet minimum yard requirements may be permitted without an amendment to this special permit.

- 4. The addition shall be generally consistent with the architectural drawings as shown in Attachment 1 of these conditions.
- 5. All applicable permits and inspections for the carport shall be obtained within six months of this special permit approval.

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, thirty (30) months after the date of approval unless construction of the addition 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. Hart seconded the motion, which carried by a vote of 6-0. Ms. Theodore was absent from the meeting.

A Copy Teste:

Mary D. Padrutt  
 Mary D. Padrutt, Deputy Clerk  
 Board of Zoning Appeals

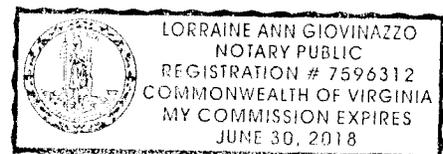
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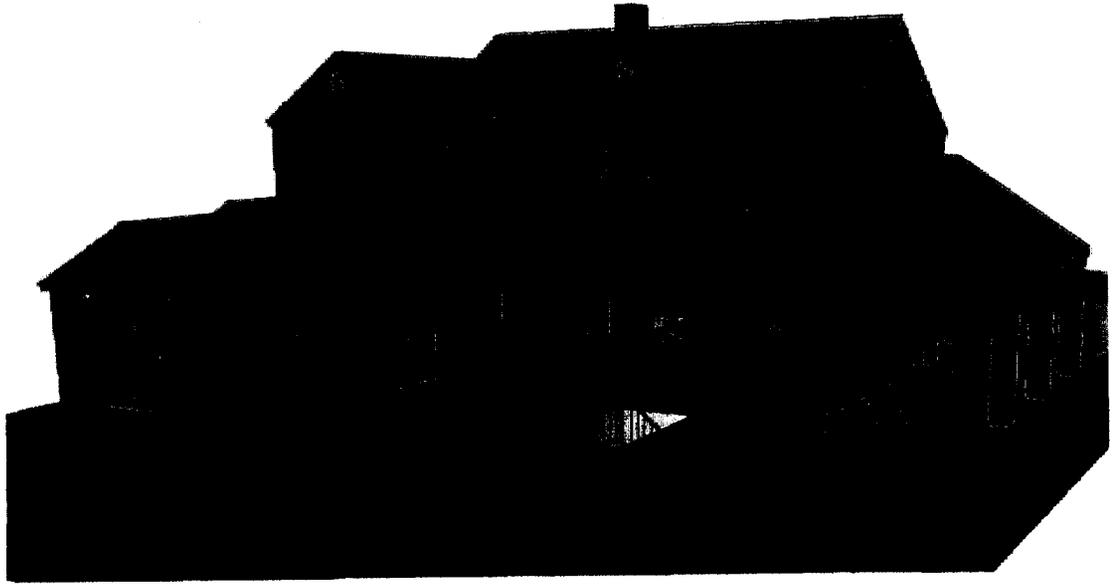
County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of December, 2014.

Lorraine A. Giovinazzo  
 Notary Public

My commission expires: 6/30/18





CONTRACTOR

TITLE  
EXTERIOR

CLIENT  
MOWERY

190.2018

A3

Attachment 1