

## COUNTY OF FAIRFAX, VIRGINIA

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

MATTHEW HASKIN, SP 2014-LE-211 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 18.5 ft. from a front lot line and to permit reduction to minimum yard requirements based on error in building location to permit deck (patio) to remain 2.7 ft. from a side lot line. Located at 6014 Dewey Dr., Alexandria, 22310, on approx. 15,399 sq. ft. of land zoned R-4. Lee District. Tax Map 82-4 ((26)) 28. Mr. Hart 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 January 7, 2015; and

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

1. The applicant is the owner of the land.
2. Staff is recommending approval of the addition, and the Board adopts the rationale in the staff report.
3. This is a funny shaped lot, on a corner, but the streets are not at a 90-degree angle, so the house which is more or less square to one of the streets is set at an angle to the other street. There really is not room for a garage or carport in the area of the existing driveway. There is much more room on the other side of the house, but because of the funny angle, a corner of the garage would stick out into the minimum front yard.
4. We do not usually want to go as close as 18.5 feet with a driveway, but because of the angle, it is only one corner of the garage that is doing that, and the functional length of the driveway is actually somewhat longer because it would be 18.5 feet at the short corner. There would be room to park a car more to the left of that point.
5. With the drawings that are incorporated, it is going to be consistent with the house that is already there and the other homes in the neighborhood.
6. With the development conditions, there would be no significant negative impact on anyone.
7. With respect to the patio, in the photographs it is a very slight kind of structure at ground level, and what is around it is somewhat higher. And there is a fence there. It is going to be difficult to see how it would make any difference to anyone whether it was a brick patio or dirt or grass.
8. It seems to have been there for quite a long time. Because the applicant purchased the house that way, it would be more trouble to take it out at this point.

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 applicants 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 patio and the addition (592 square feet, 15 feet in height), as shown on the plat titled "Special Permit Plat, Lot 28, Section 2, Wilton Hall," prepared by Exacta Virginia Surveyors, Inc., dated March 23, 2014, as revised through August 14, 2014, 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 (2,541 square feet existing + 3,811.5 square feet (150%) = 6,352.5 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. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. 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.

Ms. Theodore seconded the motion, which carried by a vote of 5-0. Mr. Byers was not present for the vote. Mr. Smith was absent from the meeting.

A Copy Teste:

Lorraine A. Giovinazzo  
Lorraine A. Giovinazzo, Deputy Clerk  
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 13 day of

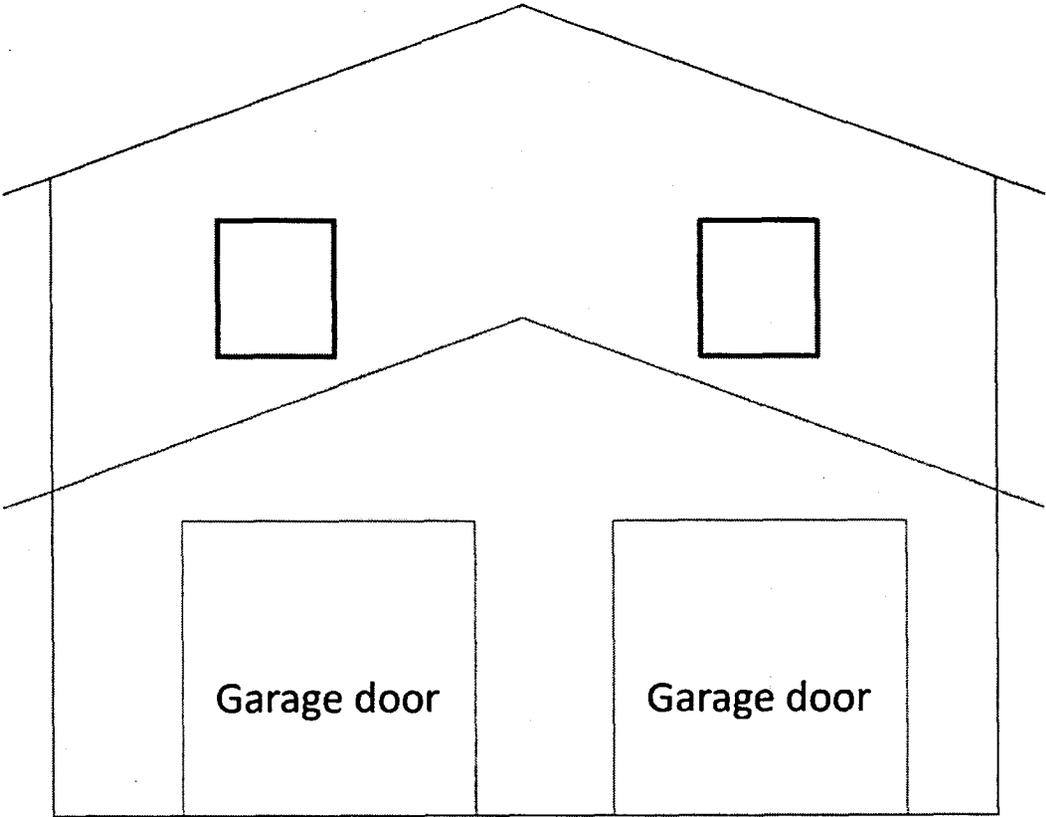
January, 2015.

Robert Wyatt Harrison  
Notary Public

My commission expires: 9-30-2017



Proposed Garage Addition (Side of House)

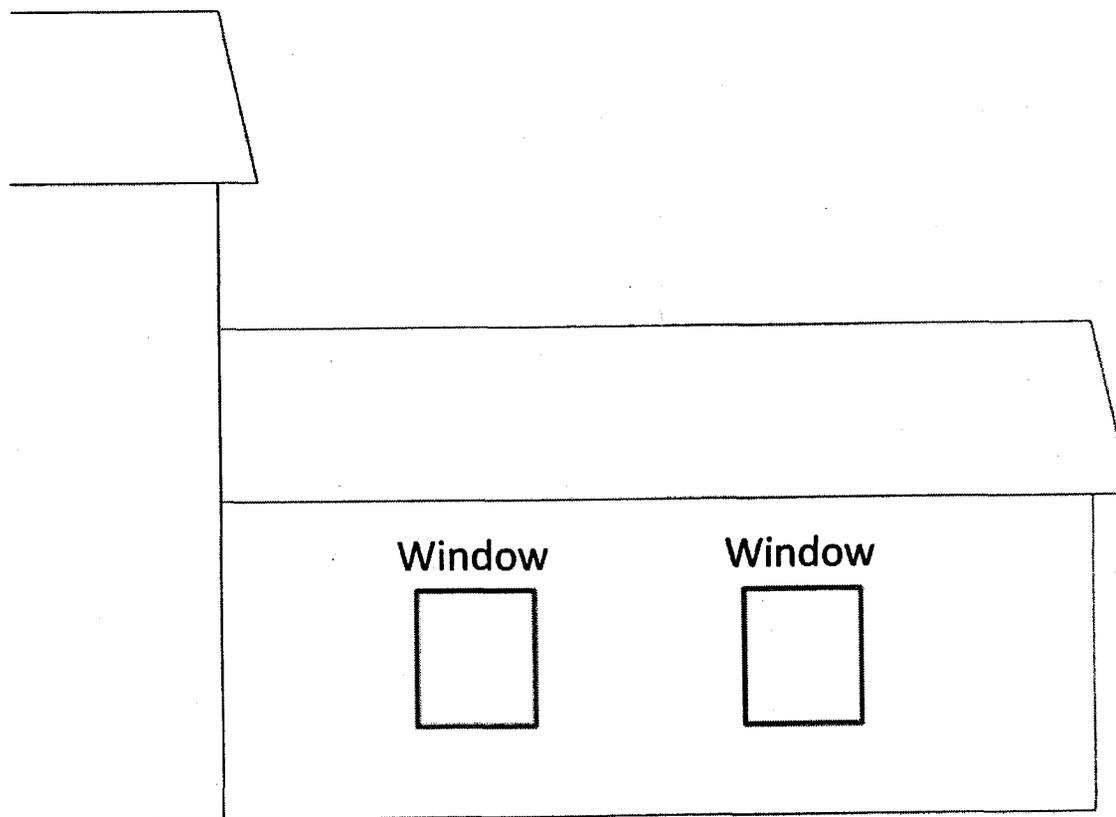


- Shingles to match current roof
- Siding to match current house

Black lines = Existing house  
Red lines = Proposed addition

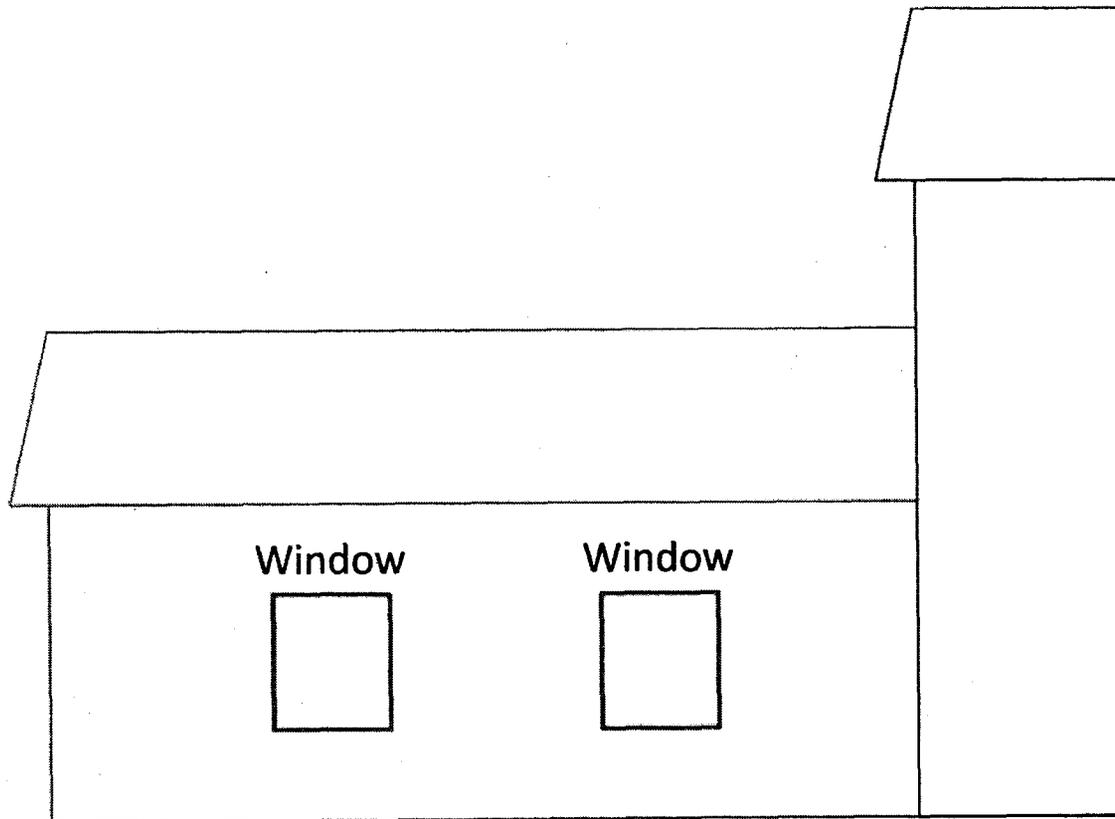
RECEIVED  
Department of Planning & Zoning  
JUL 11 2014  
Zoning Evaluation Division

# Proposed Garage Addition (Rear of House)



Black lines = Existing house  
Red lines = Proposed addition

Proposed Garage Addition (Front of House)



Black lines = Existing house  
Red lines = Proposed addition

RECEIVED  
Department of Planning & Zoning  
JUL 11 2014  
Zoning Evaluation Division