

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

KATHLEEN ORAM, SP 2014-DR-020 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction of minimum yard requirements based on error in building location to permit an addition to remain 13.4 ft. from side lot line and to permit reduction of certain yard requirements to permit addition 22.2 ft. from front lot line. Located at 4027 N. Upland St., McLean, 22101, on approx. 22,080 sq. ft. of land zoned R-2. Dranesville District. Tax Map 31-4 ((12)) (4) 12. Ms. Theodore 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 June 11, 2014; and

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

1. The owner of the property is the applicant.
2. With respect to the proposed addition for the front porch, as reflected in the staff report, that addition would be largely within the existing footprint of the existing front stoop.
3. The materials would be compatible with the existing dwelling and other homes in the neighborhood in terms of the character based on the architectural drawings that have been submitted.
4. Staff is recommending approval for the addition.
5. With respect to the existing addition, as discussed at the public hearing, that error in building location was done 14 years ago. At the time, it did pass final inspection through Fairfax County.
6. The noncompliance was done in good faith by the property owner.
7. Under Section 8-914, the Board has determined that, based on testimony and as reflected in the staff report, the applicant has met the provisions of Sections A through H under the applicable Zoning Ordinance.

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 proposed addition (covered porch 96 square feet in size and 13.0 feet in height) located 22.2 feet from the front lot line, and the existing location of the addition to remain 13.4 feet

from the side lot line, as shown on the plat titled "Special Permit, Lot 12, Section Four, Golf Club Manors," prepared by William E. Ramsey, P.C., dated February 18, 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 (2,612 square feet existing + 6,530 square feet (150%) = 9,142 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 covered porch 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 for the covered porch addition 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 6-0. Mr. Hammack was absent from the meeting.

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 17 day of June, 2014.

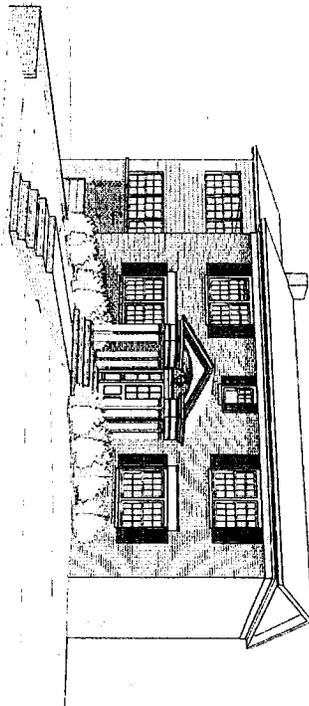
Robert Harrison
 Notary Public
 My commission expires: 9-30-2017



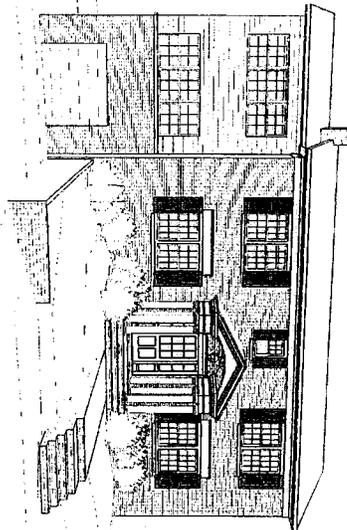
1 View of Existing Elevation



2 Proposed covered porch - Perspective view



3 Proposed covered porch - Perspective view



Meade - Oram
4027 N. Upland St
McLean, VA

No.	Description	Date
		April 14, 2012

4/18/2012 9:56:20 AM

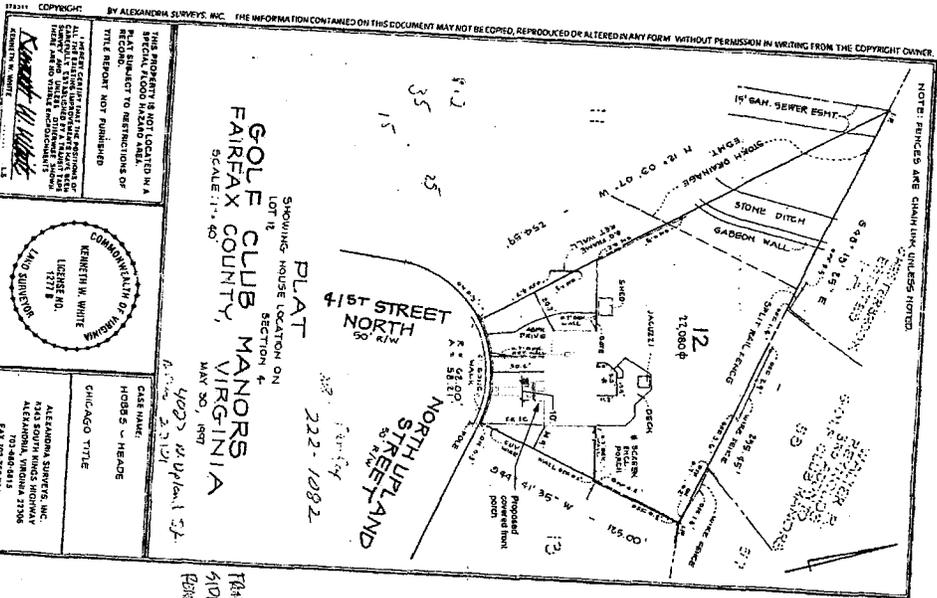
COPYRIGHT 2005, BOWERS DESIGN BUILD, INC--ALL RIGHTS RESERVED

C:\Users\mcaral\Desktop\Meade - Oram- Variance set.rvt

REVISIONS
 1. 2/11/2013
 2. 2/11/2013

PROPOSED PORCH ROOF

1" = 40'-0"



THIS PROJECT IS NOT LOCATED IN A SPECIAL PLANNING AREA. ALL PLAT SPECIFIC TO REQUIREMENTS OF THIS REPORT NOT PUBLISHED.

IF YOU ARE A HOMEOWNER, YOU SHOULD CONTACT THE COUNTY ENGINEER TO OBTAIN A COPY OF THE SUBDIVISION MAP AND TO VERIFY THE LOCATION OF THE PROPERTY. THE ENGINEER'S OFFICE IS LOCATED AT 1100 N. GARDNER STREET, SUITE 100, FAIRFAX COUNTY, VIRGINIA 22031. TELEPHONE: (703) 246-1100. FAX: (703) 246-1101.

COMMONWEALTH OF VIRGINIA
 KENNETH W. WHITE
 LICENSE NO. 12778
 LAND SURVEYOR

CHICAGO TITLE

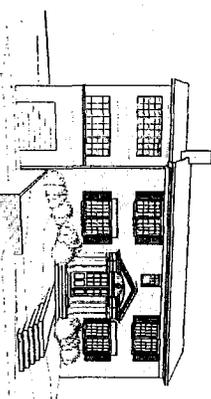
ALEXANDRA SURVEY, INC.
 5142 SOUTH KINGS HIGHWAY
 ALEXANDRIA, VIRGINIA 22306
 FAX: (703) 839-1111

SHOWING HOUSE LOCATION ON
 LOT 12
 SECTION 4
 GOLE CLUB
 FAIRFAX COUNTY,
 VIRGINIA
 SCALE: 1" = 40'
 MAY 30, 1987
 4027 N. Upland St.
 222-1082

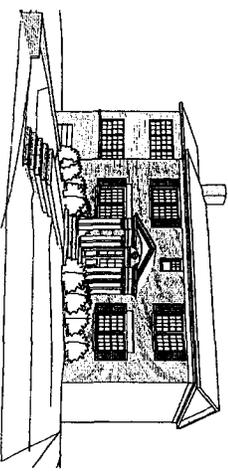
TRAIL: 26.2°
 SIDE: 15.4°
 CORN: 66.8°



2 View of Existing Elevation
 3/4" = 1'-0"



3 Proposed covered porch - Perspective view



4 Proposed covered porch - Perspective view



BOWERS
 DESIGN BUILD
 www.BowersDesignBuild.com
 Office: 703.506.0645 Fax: 703.506.0619

Meade - Oram
 4027 N. Upland St
 McLean, VA

No.	Description	Date
		April 14, 2012