

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

HOLLY L. NOLTING, SP 2014-MV-230 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction to minimum yard requirements based on an error in building location to permit dwelling to remain 13.3 ft. from a side lot line and to permit reduction of certain yard requirements to permit construction of addition 13.1 ft. from a side lot line. Located at 8208 East Boulevard Dr., Alexandria, 22308, on approx. 29,811 sq. ft. of land zoned R-2. Mt. Vernon District. Tax Map 102-4 ((9)) 2 A. 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 January 28, 2015; and

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

1. The applicant is the owner of the land.
2. With respect to 8-922, the Board has determined that the applicant has satisfied the six specific required conditions set forth in the ordinance.
3. With respect to 8-914, the Board has determined that applicant has satisfied the sub-sections A-H set forth in that section of the ordinance.
4. The applicant proposes to extend forward, by 2.3 feet, the front of her garage to change the door. That has no impact on anyone because of the angle of the existing garage to the lot line. It encroaches a little bit further into the side yard.
5. Under the mistakes section, the applicant purchased the property with the garage already in non-compliance, one of the specific code provisions to allow relief.
6. The Board adopts staff's recommendations.

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 garage extension as shown on the Special Permit Plat entitled "Plat Showing the Improvements on Lot 2-A of a Resubdivision of Lots 2 & 3 and Edmundson Property," prepared by Dominion Surveyors, Inc. and dated September 6, 2014, and the proposed front and side elevations enclosed as Attachment A to these conditions.
- 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 existing at the time of the first expansion (7,929 square feet existing + 11,893 square feet (150%) = 19,883 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.

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. Byers seconded the motion, which carried by a vote of 5-0. Ms. Theodore and Mr. Smith were absent from the meeting.

A Copy Teste:

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

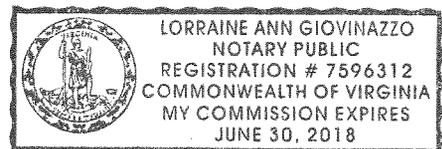
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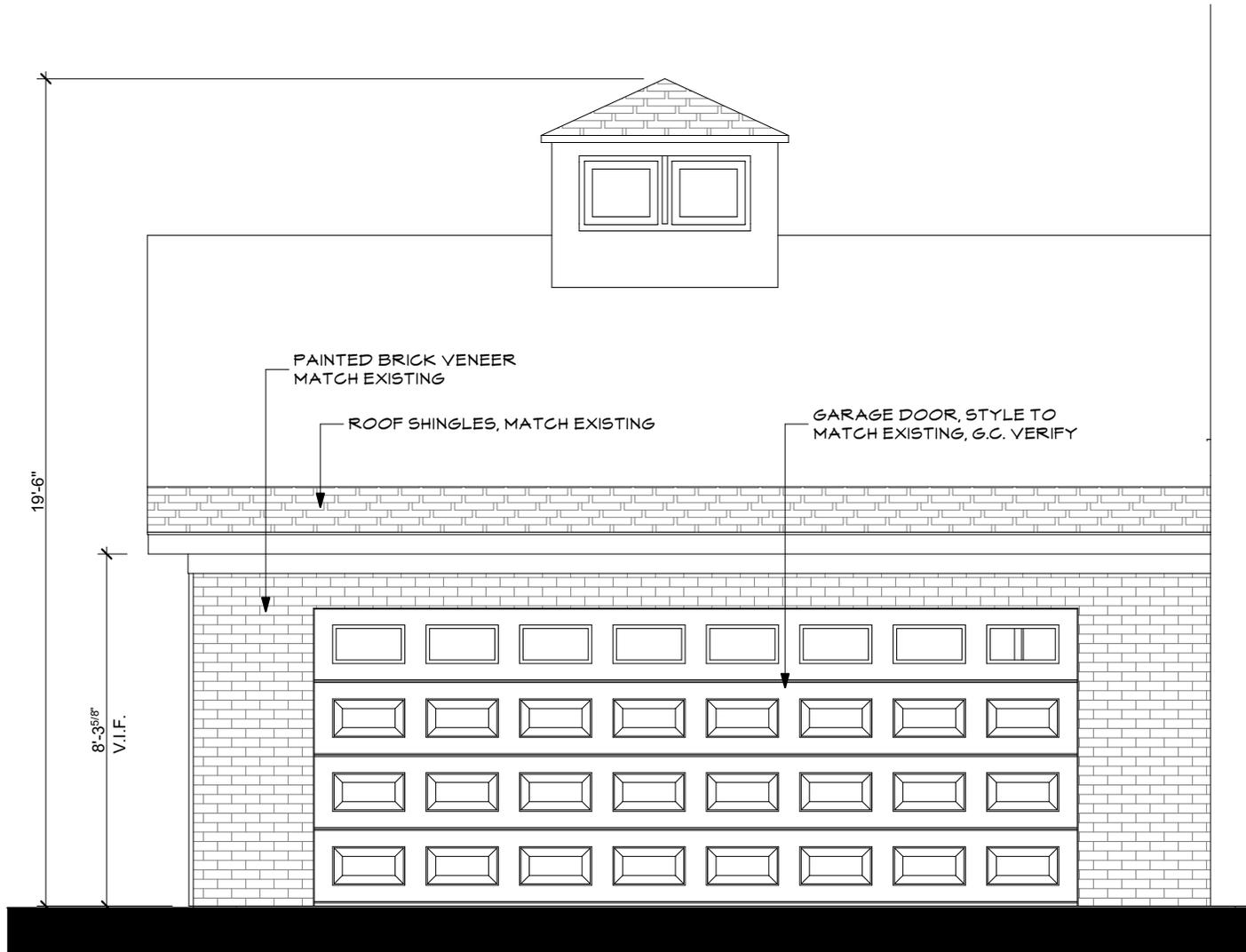
COUNTY OF FAIRFAX
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 4th day of February, 2015.

Lorraine A. Giovino
Notary Public

My commission expires: 6/30/18

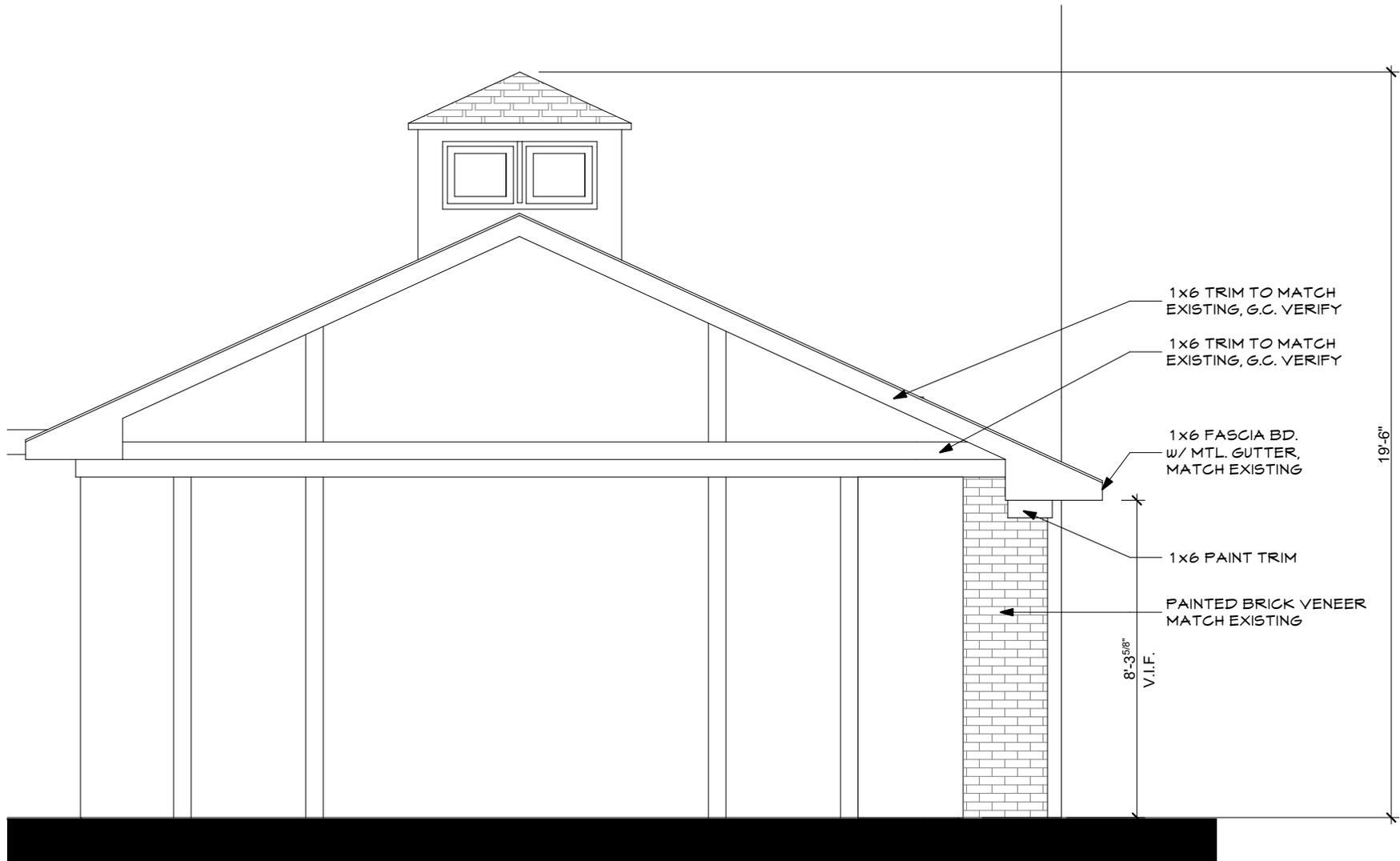




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E02 FRONT ELEVATION - PROPOSED

SCALE: 1/4" = 1'-0"



1

E01 SIDE ELEVATION - PROPOSED

SCALE: 1/4" = 1'-0"