

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

STEPHEN P. HUFNAGEL, VC 2014-MV-006 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit addition 13.8 ft. from front lot line. Located at 6627 Skyline Ct., Alexandria, 22307, on approx. 16,636 sq. ft. of land zoned R-4. Mt. Vernon District. Tax Map 93-1 ((25)) (4) 10 (Concurrent with SP 2014-MV-071). 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 August 6, 2014; and

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

1. The applicant is the owner of the land.
2. This is a closer call, but the Board concludes that the required standards have been met under 18-404.
3. Regarding the lot itself, the Board observes that it is almost all front yard with it being a corner lot, but one of the two streets being on a curve.
4. There is a big topographic drop off toward Belle View Boulevard, which further reduces the usable area on this lot.
5. The house is turned at a funny angle to the back line, so that any expansion of this house, one corner of it is going to be protruding into a minimum yard.
6. There was testimony about the current location of the driveway, and the difficulty with placing a two-car wide structure within the existing setback.
7. With the change in the topography also, the impact on anybody is somewhat reduced, because the distance from the structure to the street is somewhat removed with the building being higher up the hill.
8. This would be a difficult case to make on most lots, but because of the unusual shape of the lot, the unusual topography, the odd placement of the house, and the existing condition of the driveway, there is enough exceptional conditions under Subsections 2-E and 2-F to justify relief under 18-404.
9. Based on the drawings, the addition to the house will improve the appearance and the neighborhood and will make the house more useable.
10. The applicable standards have been satisfied.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;

- C. Exceptional size at the time of the effective date of the Ordinance;
- D. Exceptional shape at the time of the effective date of the Ordinance;
- E. Exceptional topographic conditions;
- F. An extraordinary situation or condition of the subject property, or
- G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.

3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.

4. That the strict application of this Ordinance would produce undue hardship.

5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.

6. That:

A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or

B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.

7. That authorization of the variance will not be of substantial detriment to adjacent property.

8. That the character of the zoning district will not be changed by the granting of the variance.

9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of reasonable use of the land and/or buildings involved.

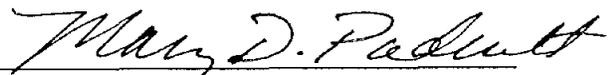
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This variance is approved to permit the addition, an enclosed carport, in the front yard of the property as shown on the plat "Variance Plat Lot 10, Section One, Belle Haven Estates," prepared by Timothy J. Farrell, Land Surveyor, of B.W. Smith and Associates, Inc., dated February 11, 2013, as revised through April 30, 2014, as submitted with this application and is not transferable to other land.

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 including requirements for building permits.

Mr. Hammack seconded the motion, which carried by a vote of 4-0. Ms. Theodore was not present for the vote. Mr. Beard and Mr. Smith were absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary D. Padruft". The signature is written in dark ink and is positioned above a horizontal line.

Mary D. Padruft, Deputy Clerk
Board of Zoning Appeals