

## COUNTY OF FAIRFAX, VIRGINIA

### VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

ABDUL S. AHMADY / AMINA AHMADY, VC 2014-MA-003 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit dwelling 9.1 ft. from front lot line. Located at 6624 Tunlaw Ct., Alexandria, 22312, on approx. 1.17 ac. of land zoned R-2. Mason District. Tax Map 71-4 ((1)) 69. 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 July 29, 2015; and

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

1. The applicants for this variance are Abdul S. Ahmady and Amina Ahmady.
2. The applicants are the owners of the land.
3. The applicant has read, understands, and concurs with the proposed development conditions.
4. This application meets all of the following required standards for variances as set forth in Sections 15.2-2201 and 15.2-2309 of the Code of Virginia:
  - a. The subject property requires a reasonable deviation from those provisions of the Zoning Ordinance, regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure as the strict application of the Ordinance would unreasonably restrict the utilization of the property. This is a very difficult situation. This is no longer a floodplain issue. That was the original issue that the Board was very concerned about, but the dwelling is proposed outside of the floodplain. Such need for a variance would not be shared generally by other properties, this variance is not contrary to the purpose of the Ordinance, and this variance does not include a change in use.
  - b. The strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property, and the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Zoning Ordinance. This is a floodplain area and resource protection area, and these things have changed over time. The presence of these features greatly affects the location where a house can be built on this lot.
  - c. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant. This was not a hardship created by the applicant other than the fact that this may be a property that they want to purchase.

- d. The variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area. This will probably add to the value of the homes in the adjacent areas.
- e. The condition or situation of the property that created the need for this variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance. This is a particular situation with regard to an RPA and a floodplain, and the structure will not be put in either one of them. This issue was resolved because it will not be in a floodplain.
- f. The granting of this variance does not result in a use that is not otherwise permitted on the subject property or a change in the zoning classification of the property.
- g. The relief or the remedy sought by this variance application is not available through a special permit process that is authorized in the Zoning Ordinance pursuant to or the process for modification of the Zoning Ordinance pursuant to subdivision A4 of 15.2-2286 at the time of the filing of the variance application. Given the fact that the structure will not be in a floodplain, this is outside the resource protection area, and therefore, this does not apply.

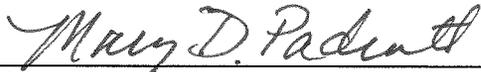
NOW, THEREFORE, BE IT RESOLVED that the subject application is APPROVED with the following conditions:

1. This variance is approved for the maximum size and location within the building envelope of the dwelling, as shown on the plat titled, "Variance Application Plat, Lot 69, Lee Jackson, 6624 Tunlaw Court, Alexandria, Virginia 22310," prepared by GeoEnv Engineers, dated July 23, 2014, and signed by Ibrahim A. Chehab, Professional Engineer as submitted with this application and is not transferable to other land.
2. All applicable building permits and final inspections shall be obtained for the single-family detached dwelling.
3. The applicant shall provide a flood plain study from RC Fields and Associates, dated July 20, 2015, to document the location of the floodplain boundary and setback. If the boundary deviates from this study, this variance approval shall be rendered null and void.
4. A site specific RPA boundary certification per Letter to Industry #08-12 shall be provided at the time of plan review. The applicant shall comply with all conditions regarding site restoration resulting from the provisions of the certification and/or RPA Exception, as may be required. In the event that an RPA Exception is denied, this variance shall be rendered null and void.

This approval, contingent upon the above-noted conditions, shall not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Mr. Beard seconded the motion, which carried by a vote of 5-1-1. Mr. Hammack voted against the motion. Mr. Hart abstained from the vote.

A Copy Teste:



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Mary D. Padrutt, Deputy Clerk  
Board of Zoning Appeals