

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

LUBIA E. GARCIA LOPEZ, VC 2016-DR-008 Appl. under Sect(s). 2-505 and 18-401 of the Zoning Ordinance to permit a fence within a sight distance triangle in the front yard of a corner lot. Located at 7736 Lisle Ave., Falls Church, 22043, on approx. 8,521 sq. ft. of land zoned R-4, HC. Dranesville District. Tax Map 39-2 ((6)) 2. (Concurrent with SP 2016-DR-053). 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 September 21, 2016; and

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

1. The applicant for this variance is Lubia E. Garcia Lopez.
2. The applicant is the owner of the land.
3. The applicant has read, understands, and concurs with the proposed development conditions as modified.
4. There is a favorable staff recommendation, and the Board adopts their rationale.
5. The lot is very shallow.
6. 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, such need for a variance would not be shared generally by other properties, such 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. The property is located on the corner of a very busy road with a divided median so that vehicles are only permitted to turn right. The sight-distance triangle is not necessary, as it would be past the point of the fence when turning right.
 - 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.

- d. The variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.
- 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.
- 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.

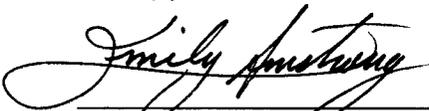
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following conditions:

1. This special permit is granted only for the location of the fence as indicated on the plat titled, "Special Permit Plat, Lot 6, Section 2, Pimmit Hills," by Michael L. Flynn, Land Surveyor, of Alexandria Surveys, LLC, dated January 13, 2016, as revised through March 7, 2016, and approved with this application, as qualified by these development conditions.
2. The applicant shall dedicate the portion of the southeastern corner of the property that contains sidewalk to the Virginia Department of Transportation within 90 days of approval.

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.

Mr. Hammack seconded the motion, which carried by a vote of 6-0. Ms. Theodore was absent from the meeting.

A Copy Teste:



Emily J. Armstrong, Deputy Clerk
Board of Zoning Appeals