

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

BRUCE T. AND HELEN J. BIGGS, SP 2016-PR-052 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit a reduction in minimum yard requirements based on an error in building location to permit an accessory storage structure to remain 2.4 ft. from a side lot line and 3.3 ft. from a rear lot line; and to permit a reduction in certain yard requirements to allow the construction of an addition 6.0 ft. from a side lot line. Located at 2416 Jackson Pkwy., Vienna, 22180, on approx. 10,988 sq. ft. of land zoned R-3. Providence District. Tax Map 39-3 ((16)) 105. 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 October 26, 2016; and

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

1. The applicants are the owners of the land.
2. The applicant has read, understands, and concurs with the proposed development conditions as modified.
3. Staff originally recommended denial, but they now recommend approval based on revisions of the proposal made by the applicant, which include reducing the visual impact, removing the second story of the garage addition, and adding elements such as windows which soften the appearance of the side elevation.
4. The applicant included letters of support from neighbors.
5. Concerns raised by some immediate neighbors will be mitigated by the proposed Development Conditions and the modifications made to the proposal.
6. There are a number of similar approvals in the area.
7. With regard to the shed, non-compliance was done in good faith as the existing shed was built in the footprint of the previous shed.

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 applicants 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 accessory storage structure (shed), and the addition (949 square feet, 24 feet in height), as shown on the plat titled, "Special Permit, Lot 105, Section One, Stonewall Manor," prepared by William E. Ramsey, L.S., dated March 28, 2016, as revised through October 5, 2016, 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 (2,244 square feet existing + 3,366 square feet (150%) = 5,610 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 addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. A row of evergreen species trees such as, but not limited to, holly, arborvitae, or cypress, a minimum of 6.0 feet in height at planting, shall be installed between the addition and the northern side lot line. These trees shall be planted a maximum of 10.0 feet on center along the full length of the addition, parallel to the property line.
6. The shed shall be painted and maintained in good condition.

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. Hammack seconded the motion, which carried by a vote of 5-0-1. Mr. Hart recused himself from the hearing. Mr. Smith was absent from the meeting.

A Copy Teste:

*Emily J. Armstrong*  
Emily J. Armstrong, Deputy Clerk  
Board of Zoning Appeals

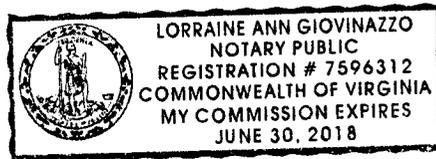
ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 2nd day of  
November, 2016.

*Lorraine A. Giovinazzo*  
Notary Public

My commission expires: 6/30/18





**ADDITION TO:  
Mr. & Mrs. Biggs  
RESIDENCE**

2416 Jackson Pkwy  
Vienna, VA 22180

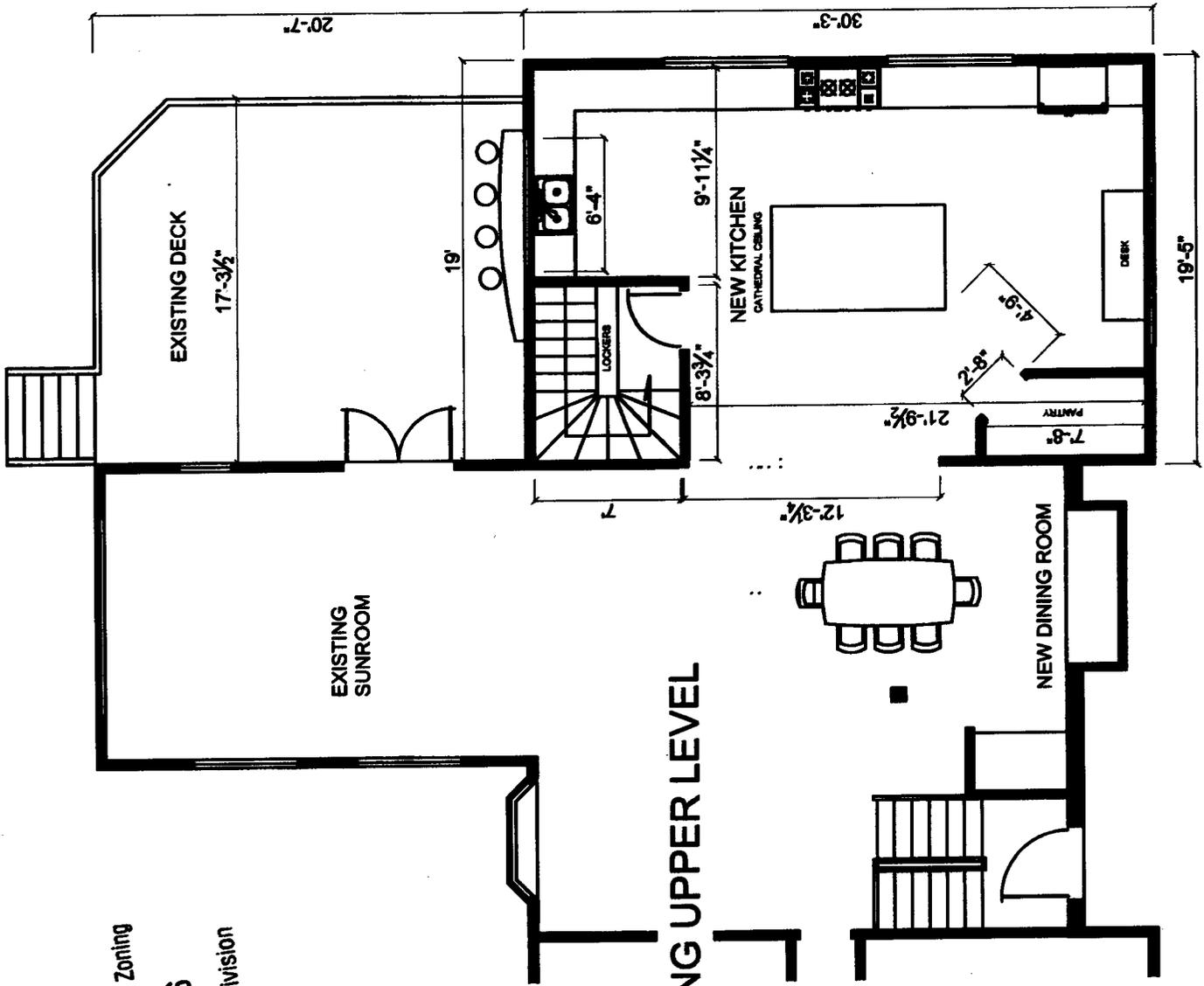
Date: 04-13-16

**DISCLAIMER**

Due to site conditions and existing improvements, measurements on field architectural plans, renderings and shop drawings may sometimes vary from as-built improvements. Exact measurements are only possible after completion of framing.

Drawn by: Tigran Ghulyan  
Checked by: Shawn Nazarian  
Scale: 1/8" = 1' - 0"

Sheet # **A-1**



**UPPER LEVEL FLOOR PLAN**

RECEIVED  
Department of Planning & Zoning  
APR 18 2016  
Zoning Evaluation Division

**EXISTING UPPER LEVEL**



WALLACE & PARTNERS, INC.  
1200 WEST 10TH AVENUE  
DENVER, CO 80202

**ADDITION TO:  
Mr. & Mrs. Biggs  
RESIDENCE**

2416 Jackson Pkwy  
Vienna, VA 22180

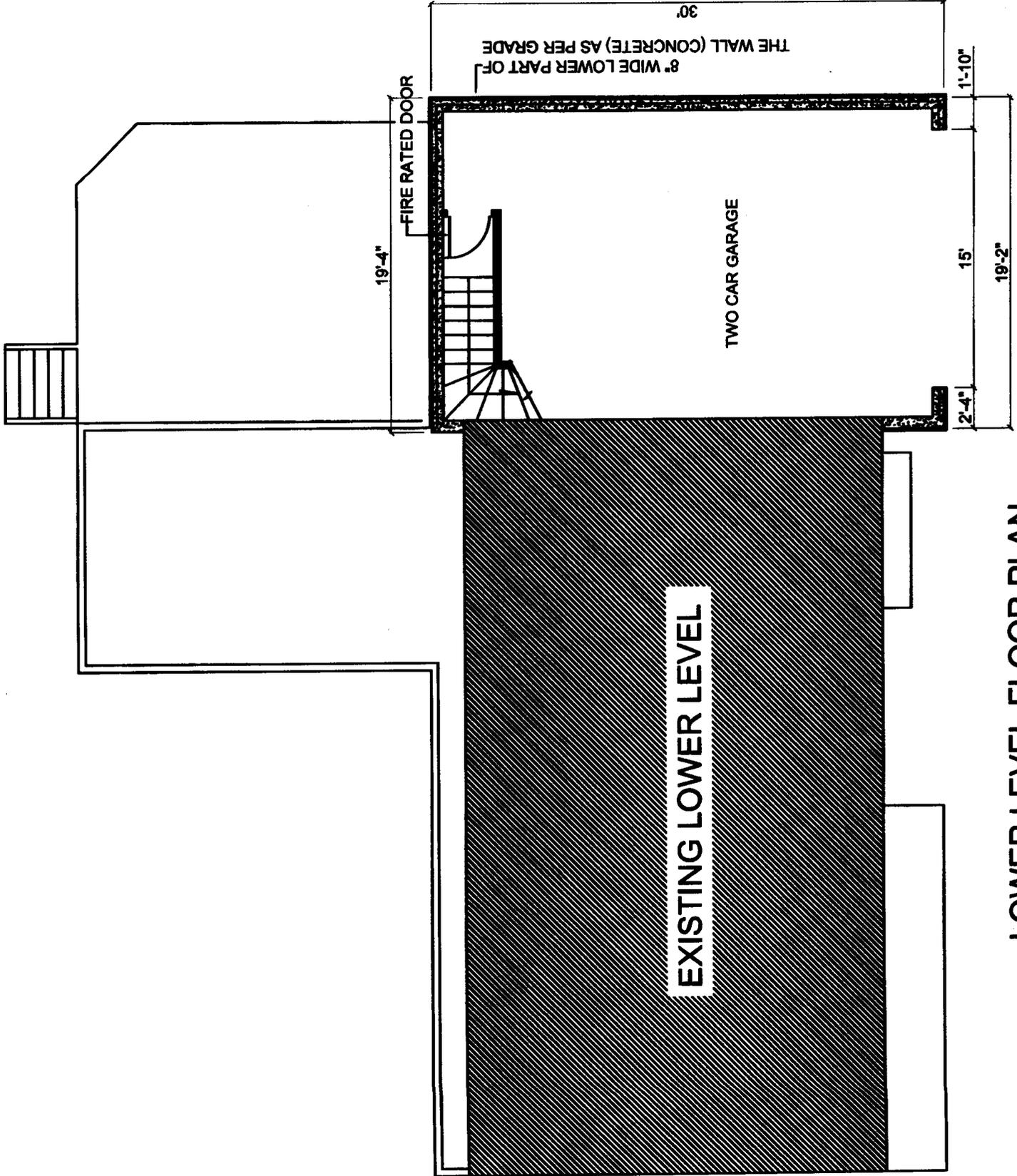
Date:  
04-13-16

**DISCLAIMER**

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Drawn by: Tigran Ghulyan  
Checked by: Shawn Nazarian  
Scale: 1/8" = 1'-0"

Sheet #  
**A-2**



**LOWER LEVEL FLOOR PLAN**



TIGRAN GRIGULYAN ARCHITECTURAL SERVICES, INC.  
1200 W. 10th St., Suite 100  
Tulsa, Oklahoma 74106-3400  
Tel: 918.438.1111 Fax: 918.438.1112

**ADDITION TO:  
Mr. & Mrs. Biggs  
RESIDENCE**

2416 Jackson Pkwy  
Vienna, VA 22180

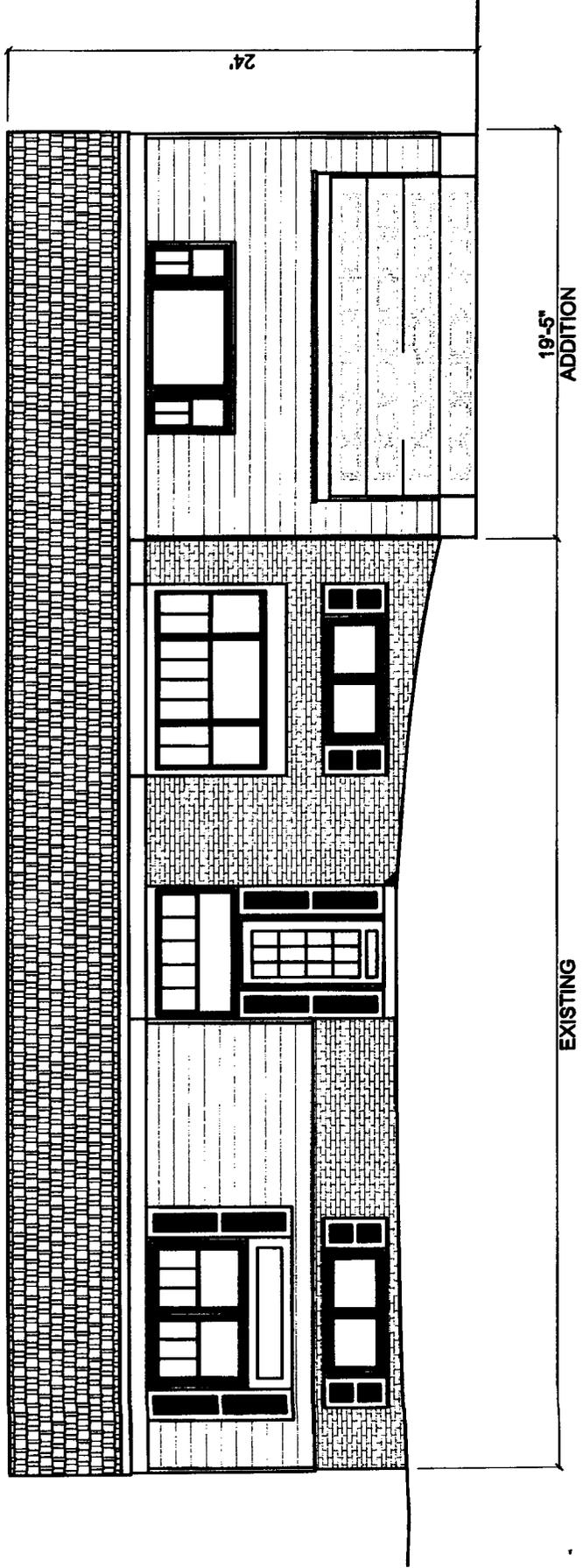
Date:  
04-13-16

**DISCLAIMER**

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Drawn by: Tigran Grigulyan  
Checked by: Shawn Nazarian  
Scale: 1/8" = 1'-0"

Sheet #  
**A-3**



**FRONT ELEVATION**



1000 LEE HIGHWAY, VA 22180  
Tel: 703/438-1100 Fax: 703/438-1101

**ADDITION TO:  
Mr. & Mrs. Biggs  
RESIDENCE**

2416 Jackson Pkwy  
Vienna, VA 22180

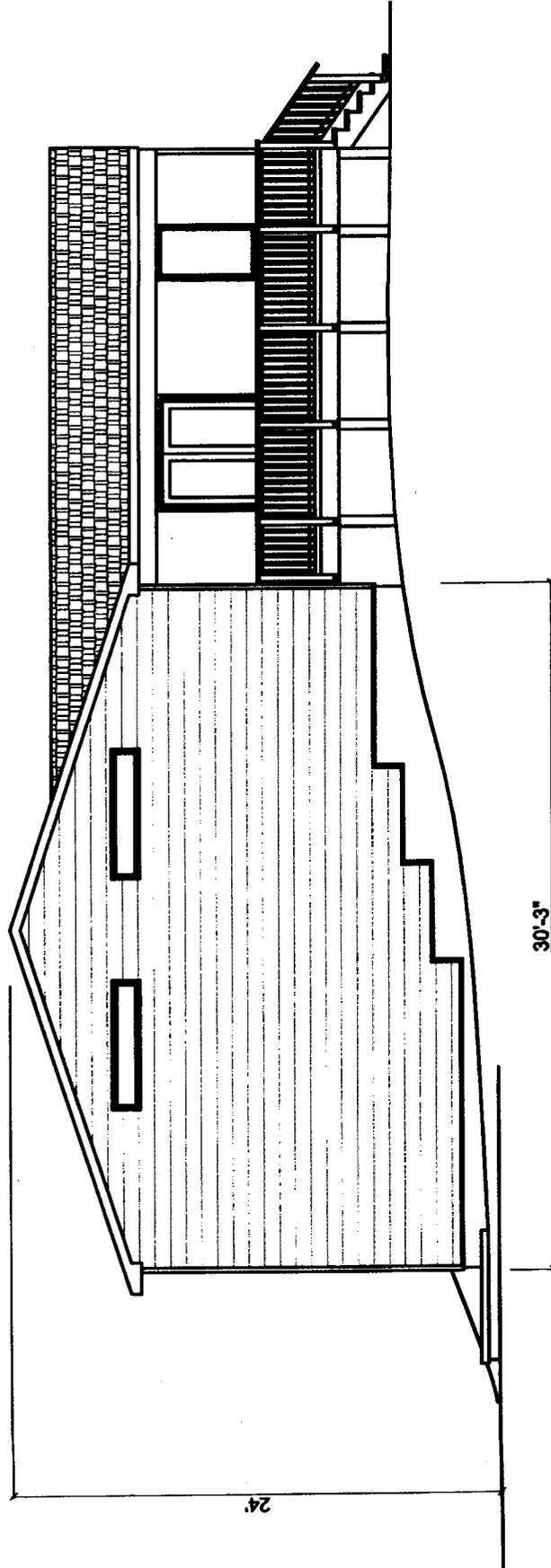
Date:  
04-13-16

**DISCLAIMER**

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Drawn by: Tigran Ghulyan  
Checked by: Shawn Nazarian  
Scale: 1/8" = 1'-0"

Sheet #  
**A-4**



**SIDE ELEVATION**

24'



1000 W. 10th Street, Suite 100  
Vienna, VA 22180  
Tel: 703.241.1111

**ADDITION TO:  
Mr. & Mrs. Biggs  
RESIDENCE**

2416 Jackson Pkwy  
Vienna, VA 22180

Date:  
04-13-16

**DISCLAIMER**

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Drawn by: Tigran Ghulyan  
Checked by: Shawn Nazamian  
Scale: 3/8" = 1' - 0"

Sheet #  
**A-5**



**REAR ELEVATION**