COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Daniel Brace & Carolyn Brace, SP 2019-SP-046 Appl. under Sect. 8-922 of the Zoning Ordinance to permit a reduction of certain yard requirement to permit construction of an addition 17.1 ft. from the rear lot line. Located at 9309 Janphil Ln., Springfield, 22153 on approx. 13,823 sq. ft. of land zoned R-3 (Cluster). Springfield District. Tax Map 97-2 ((3)) 784.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 July 31, 2019; 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.
3. There is a favorable staff recommendation.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

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

1. These conditions must 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 of the addition (screened porch) as shown on the special permit plat, entitled “Special Permit Plat, Lot 784, Section 7, Lakewood Hills,” prepared by Patrick A. Eckert of Alterra Surveys, Inc., dated May 13, 2019, as submitted with this application and is not transferable to other land.

3. Pursuant to Par. 4 of Sect. 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 (3,600 square feet existing + 5,400 square feet (150%) = 9,000 square feet.
permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph will be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements will be permitted without an amendment to this special permit.

4. The addition must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions.

5. The applicant is responsible for identifying and complying with the terms of all easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit plat. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims. Accordingly, the applicant, successors or assigns, indemnifies, keeps and saves harmless the County, its agents, officials, employees, volunteers, and the Board of Zoning Appeals against claims of injuries, death, damage to property, or other suits, liabilities, judgments, cost and expenses which may otherwise accrue against the County in consequence of any error or omission on this special permit plat. The Applicant, successors or assigns, must, at his or her own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgment is rendered against the County and/or the Board of Zoning Appeals in any such action, the Applicant, successors or assigns, must, at his or her own expense, satisfy and discharge the same.

This approval, contingent upon the above-noted conditions, does 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 will automatically expire, without notice, 30 months after the date of approval unless construction has commenced on the addition 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. Smith seconded the motion, which carried by a vote of 7-0.
A Copy Teste:

Emily J. Armstrong, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this ______ day of

August_________, 2019.

Lorraine Ann Giovinazzo
Notary Public

My commission expires: 6/30/2022
ATTACHMENT 1: Architectural Renderings for Proposed Addition

Front Elevation

Left Side Elevation
Right Side Elevation