

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

PETER H. HOPEWELL, SP 2014-BR-182 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction in certain yard requirements to permit construction of addition 6.1 ft. from side lot line such that side yards total 18.2 ft. Located at 8622 Hepplewhite Ct., Annandale, 22003, on approx. 10,572 sq. ft. of land zoned R-2 (Cluster). Braddock District. Tax Map 70-1 ((12)) 27. 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 November 19, 2014; and

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

1. The owner of the property is the applicant.
2. The special permit is being requested basically due to a change in the setback requirements since the home was built.
3. As reflected in the staff report, it is a modest proposal. The applicant is proposing to enclose the carport and then do an extension into the back to make what would be a garage flush with the main structure of the home.
4. The proposed materials would match the home.
5. The applicant in the justification in the staff report has indicated that he has received approval from the homeowners association and would comply with all covenants.
6. It would be in harmony with other homes in the neighborhood who have constructed similar carport enclosures.
7. The majority of the property is in an existing Resource Protection Area, but the portion of the extension that would be constructed in the back of the yard may require some additional permits, and there is a proposed condition to reflect that. Staff has discussed with the applicant what would be required for those potential additional permit requirements.
8. The Board has determined that the application meets all the submission requirements set forth in Sect. 8-922 and various provisions.

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 shall 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 and size of the addition (320 square feet), as shown on the plat prepared by Thomas G. Lutke of NoVA surveys, dated July 18, 2014, 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 (3,390 square feet existing + 5,085 square feet (150%) = 8,475 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. The applicant shall obtain approval of any necessary permits for construction in the Resource Protection Area (RPA) prior to any land disturbing activities.

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. Hart seconded the motion, which carried by a vote of 5-0. Mr. Smith and Mr. Beard were absent from the meeting.

A Copy Teste:

Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

COUNTY OF FAIRFAX
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this _____ day of November, 2014.

Notary Public

My commission expires: _____