



McLean Citizens Association Resolution
Daniel Gerkin
Variance Application VC 2013-DR-014 and
Special Permit Application 2013-DR-061
October 2, 2013

Whereas, Daniel Gerkin owns a home at 2090 Grace Manor Court in McLean; and

Whereas, the applicant's property of 21,445 sf includes a playset that was subject of a Notice of Violation on August 21, 2012 regarding setback and rear yard ground cover; and

Whereas, Mr. Gerkin is seeking a Variance to Zoning Ordinance Section 10-103(3):

All uses and structures accessory to single family detached dwellings ... shall cover no more than thirty (30) percent of the area of the minimum required rear yard; and

Whereas, Mr. Gerkin is seeking a Special Permit to reduce setback per Section 10-104(12E):

No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line; and

Whereas, the applicant installed a pool, deck, walkway, and screened porch in the rear yard, thereby creating the problem that this particular playset cannot be located in conformance with backyard ground cover limitations and setback requirements; and

Whereas, the applicant's use of the playset constitutes a "convenience" and not a "clearly demonstrable hardship" as required for Variance Conformance Section 18-404(6):

The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant; and

Whereas, the applicant property does not meet any of the characteristics required for Variance Conformance Section 18-404(2), despite applicant's claim to meet two of these characteristics:

- B. Exceptional shallowness at the time of the effective date of the Ordinance;*
- D. Exceptional shape at the time of the effective date of the Ordinance; and*

Whereas, because the property directly across the street at 2089 Grace Manor Court is identical in shape and size and is also an interior lot on a street corner, the applicant further fails to meet the requirement of Variance Conformance Section 18-404(5):

That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity; and

Whereas, the Franklin Area Citizens Association, which represents approximately 800 families and includes the subject property, supports the McLean Citizens Association resolution in its entirety;

Now, therefore, be it resolved that the McLean Citizens Association opposes Variance application VC 2013-DR-014 and Special Permit application SP 2013-DR-061.

Approved by the MCA Board of Directors

Date 10/2/2013

McLean Citizens Association, P.O. Box 273, McLean, Virginia 22102

cc: Fairfax County Board of Zoning Appeals
Daniel Gerkin & Allyson Bloom
Russ Forno
John McBride