County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

April 19, 2008

Stephen K. Fox, Attorney at Law
10511 Judicial Drive, Suite 112
Fairfax, VA 22030

Re: Interpretation for SP 2007-PR-033, Susan K. Huber; Tax Map 47-2 ((27)) 19: Deck permit

Dear Mr. Fox:

This is in response to your letter of September 17, 2007, (attached) requesting an interpretation of Development Condition Number 2 imposed by the Board of Zoning Appeals (BZA) in conjunction with the approval of SP 2007-PR-033. As I understand it, the question is whether the building permit that has been obtained by the applicant is sufficient to meet the requirement of this condition. This determination is based on your letter with attached building permit documentation, and subsequent conversations with staff.

SP 2007-PR-033 was granted by the BZA on June 12, 2007, to permit a reduction in the minimum yard requirements based on an error in building location, to permit a previously constructed deck to remain. Development Condition 2 states:

> "Building permits and final inspections for the deck addition shall be obtained within 120 days of final approval or this Special Permit shall be null and void."

Your letter states that the Building Permit issued by the Department of Public Works and Environmental Services (DPWES) is somewhat ambiguous as to the terms of the approval. It states: "Has permission, according to approved plans, application and restrictions of record to: build deck w/stair as built as per plans." This permit was issued on August 29, 2007, 78 days from final approval of the Special Permit. According to the attached inspection report, an inspection was approved on August 30, 2007, 79 days from the final approval of the Special Permit.

Therefore, it is my determination that the building permit and final inspection were obtained in conformance with Development Condition 2 of the Special Permit.

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding these requirements, please feel free to contact Cathy Belgin at (703) 324-1290.

Sincerely,

Regina C. Coyle, Director
Zoning Evaluation Division, DPZ

RCC/O:\CBELGI\SPI SP 2007-PR-033 HUBER.DOC

Attachments: A/S

cc: Members, Board of Zoning Appeals
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Plan Control, Land Development Services, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Susan Epstein, Senior Zoning Inspector, ZAD, DPZ
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: SP 2007-PR-033, SPI 0709 028, Imaging, Reading File

File Huber

STEPHEN K. FOX
A PROFESSIONAL CORPORATION
ATTORNEY AT LAW
10511 JUDICIAL DRIVE
SUITE 112
FAIRFAX, VIRGINIA 22030

(703) 273-7220
skfox@stephenkfoxpc.com

FAX (703) 273-7225

September 17, 2007

Eileen McLane, Zoning Administrator
County of Fairfax
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: SP 2007-PR-033

Dear Mrs. McLane:

My client's Special Permit application was granted on June 12, 2007 on the condition that:

"2. Building permits and final inspections for the deck addition shall be obtained within 120 days of the final approval or this Special Permit shall be null & void".

Ms. Huber applied for and received Permit No. 72400053 on August 29, 2007, (copy enclosed). The permit indicates "Deck Stairs Approved". Please advise that the foregoing satisfies the condition imposed by the Special Permit. **In the event that there remains any further issue of compliance, we hereby request additional time pursuant to applicable ordinance provisions such that the Special Permit will not automatically expire.**

Thank you for your assistance.

Very truly yours,

Stephen K. Fox

Stephen K. Fox

SKF/dk
Enclosure
cc: Ms. Susan Huber

Fairfax County, Virginia

Department of Public Works and Environmental Services
Permit Application Center
12055 Government Center Parkway
Fairfax, Virginia 22035-5504

DECK

Permit Number: 72400053

Issue Date: 08/29/2007
Tax Map ID: 047-2 / 27 / / 0019

Job Address: 3008 Oakton Meadows Ct
Oakton, VA22124-2637

Plan No: N-07-14742

Contractor:
OWNER IS CONTRACTOR

Issued To:

HUBER SUSAN K
3008 Oakton Meadows Ct
Oakton, Va 22124
(703)934-4307

Mechanic's Lien Agent: None Designated

Structure: SINGLE FAMILY DWELLING

Code: (2003 USBC): 2003 IRC

GROUP: R5

Type of Construction: VB

HAS PERMISSION, ACCORDING TO APPROVED PLANS, APPLICATION AND RESTRICTIONS OF RECORD TO: BUILD DECK W/STAIR AS BUILT AS PER PLANS

Deck Summary Information

Deck Stairs Approved
Not Approved for Hot Tub

Site Related Approval Conditions and Alerts

- Footings and Piers must be placed on competent material

72400053
047-2

PERMIT

Note to Property Owner: In accordance with Chapter 102 of the Code of the County of Fairfax, the property address must be displayed on the property in such a manner as to be visible from the public right of way. A copy of the building permit shall be posted on the construction site for public inspection until the work is completed.

Prior to beginning construction, contact your Homeowners' Association regarding any restrictive covenants governing property improvements. Sometimes, covenants may be more restrictive than the Fairfax County Code. Furthermore, requirements of covenants are not addressed by the issuance of your building permit.

The permittee is required to notify all utilities before commencing any underground construction and must receive the proper clearances from the utilities as prescribed in the Code of the County of Fairfax. (Miss Utility - 1-800-257-7777)

BUILDING OFFICIAL

To Schedule an Inspection: **Internet - www.fairfaxcounty.gov/fido** **Call Center - 703-222-0455** **AIRS - 703-222-2474** **TTY, VA Relay - 711**

IR#: 3433321 FAIRFAX COUNTY VIRGINIA - INSPECTION REQUEST RESIDENTIAL

PERMIT_NO: 72400053	CRITICAL STRUCTURE Y N	INSP DATE	STRUCTURE TYPE	P/C P C	INSP TIME	RESULT A R C L	RE-FEE Y N
AP_TYPE: DECK							
INSP_TYPE: R FINAL							
PLAN_NO:							
PARENT_NO:							

HHNO: 07240B0053 ISIS_PERMIT_NO:

SOILS: N PROFFERS: N

JOB_DESC: BUILD DECK W/STAIR AS BUILT AS PER PLANS

USE: SFD WORK: DECK CODE: IRO3 USEGRPS: CONST_TYPE: VB

MAP_NO: 0472 27 0019 SUBDIV: OAKTON MAINS LT 19

ADDR: 3008 OAKTON MEADOWS CT BLDG: FLR: SUITE:
LOCATION:

CNTR: OWNER IS CONTRACTOR PHONE: (999)999-9999
REQSTR: SKYLER PHONE: (571)288-8088
AREA_ASSIGNED_TO: A42 CALLED: 09/07/2007 09:39:00
TENANT: DATE_TO_INSPECT: 09/10/2007

RE-FEE_DUE: ___ COMMENTS:

✓ APPROVED ___ REJECTED FOR Approved per work [redacted] (new) site plan

INSPECTOR'S SIGNATURE: [signature] DATE:

R FOOTING C 08/30/07 R R FOOTING C 08/30/07 A

AFFIDAVIT OF PERMIT AUTHORIZATION

This affidavit certifies that the party listed, who is not a lessee, licensed architect, engineer, or contractor, has been granted authorization to obtain a permit(s) on behalf of a property owner. It must be filled out completely by the property owner if another party is submitting an application(s) on the owner's behalf. This form must be notarized and must be submitted prior to issuance. Copies of affidavits are unacceptable.

I, Susan K. Huber, owner of the property listed below certify that I have granted,

Schuyler Ahrens, my duly authorized agent, permission to

obtain the permits necessary for the construction (or installation) of deck (pre-existing)

at the following address:

3008 Oakton Meadows Court

Oakton, VA 22124-2638

(include suite # if applicable)

I understand that the permits obtained pursuant to this affidavit will be in my name and that I am acting as contractor for this project. I accept full responsibility for the work performed.

Susan K Huber — *Signature of property owner*

8/27/07 — *Date*

STATE/DISTRICT OF Virginia :

CITY/COUNTY OF Fairfax : to-wit:

I, Barbara J. Personette, a Notary Public in and for the aforesaid State/District hereby certify that Susan Huber appeared before me in the State/District and City/County aforesaid and executed this affidavit on this 27 day of August, 20 07.

Barbara J. Personette
NOTARY PUBLIC
Commonwealth of Virginia
My Commission Expires
May 31, 2009

369 780

Barbara J. Personette
NOTARY PUBLIC

My Commission Expires the 31 day of May, 2009.

Note to property owners:
If you made arrangements with a contractor to do this work, Fairfax County strongly suggests that the contractor be the party to secure the necessary permit(s). When a contractors obtain a permit in their name, they indicate their responsibility for the work. When you sign this affidavit you are obtaining a permit(s) in your name for work that will be performed by a contractor. This should be avoided. When a permit is issued solely in the name of the property owner, enforcement actions against the contractor for code violations become more difficult. In addition, when the contractor applies for the permit, the County will verify that the contractor is licensed as required by state and local laws. Unwillingness on the part of a contractor to obtain the necessary permit(s) may be an indication that the contractor is not properly licensed. If you have any questions regarding this matter, please call the Permits Division at 703-222-0801 prior to signing this form.

July 1998 (Rev)

Fairfax County Government
12055 Government Center Parkway
Fairfax, VA 22035

DECK Building Application

Report Date 09/10/2007 10:00 AM **Submitted By**

A/P # Z2400053

FILING FEE	P	08/29/2007 09:57		65.00
	Total Unpaid	0.00	**Total Paid**	65.00

No Employee Entries

EXPDAT	EXPIRATION DATE CHANGED	MCARL2	08/29/2007 10:07	0.00

Old Expiry Date: 28-FEB-08