



County of Fairfax, Virginia

July 1, 2008

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2008-PR-050

PROVIDENCE DISTRICT

APPLICANT: Molly S. Rofheart

OWNERS: Molly S. Rofheart
Martin Rofheart

SUBDIVISION: Shrevecrest

STREET ADDRESS: 2431 Nottingham Drive

TAX MAP REFERENCE: 39-4 ((16)) 12

LOT SIZE: 9,356 square feet

ZONING DISTRICT: R-3 (Cluster)

ZONING ORDINANCE PROVISIONS: 8-923

SPECIAL PERMIT PROPOSAL: To permit existing fence greater than 4.0 feet in height to remain in the front yard.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

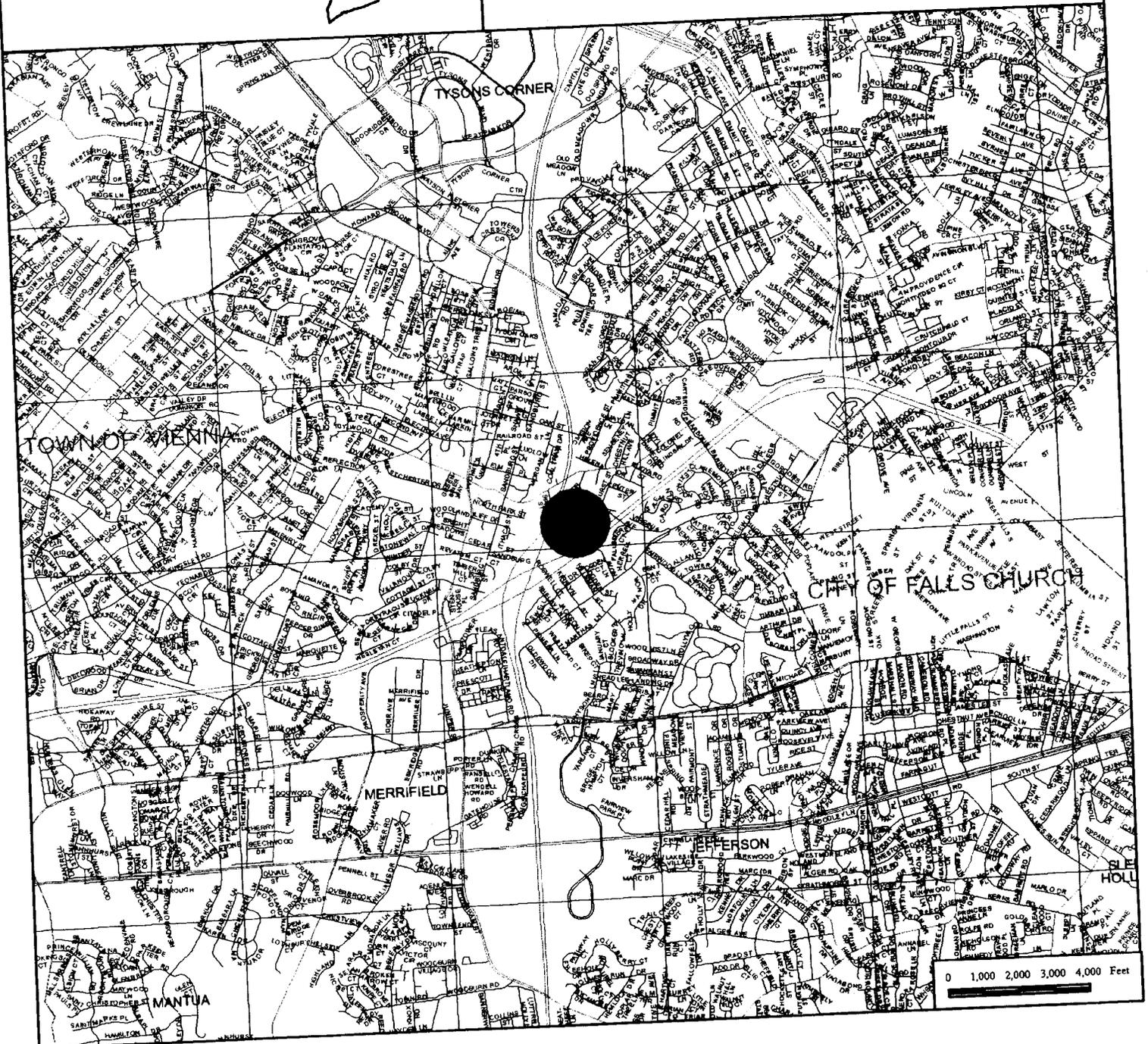
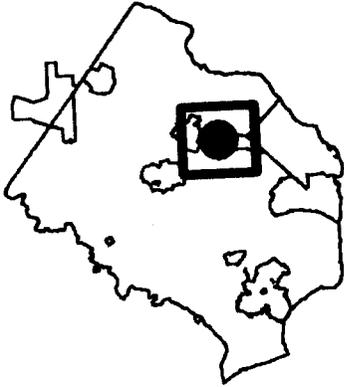


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

O:\dhedri\Special Permits\7-8) SP 2008-PR-050 Rofheart\SP 2008-PR-050 Rofheart staff report.doc Deborah Hedrick

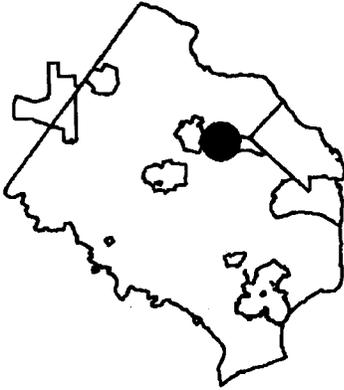
Special Permit
SP 2008-PR-050

Applicant: MOLLY ROFHEART
Accepted: 05/09/08
Proposed: TO PERMIT FENCE GREATER THAN 4.0 FEET
IN HEIGHT TO REMAIN IN FRONT YARD
Area: 9,356 SF OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect: 08-0923
Art 8 Group and Use: 9-22
Located: 2431 NOTTINGHAM DRIVE
Zoning: R- 3 (CLUSTER)
Overlay Dist:
Map Ref Num: 039-4 /16/ /0012



Special Permit

SP 2008-PR-050



Applicant:
Accepted:
Proposed:

MOLLY ROFHEART

05/09/08

TO PERMIT FENCE GREATER THAN 4.0 FEET
IN HEIGHT TO REMAIN IN FRONT YARD

Area:

9,356 SF OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 08-0923

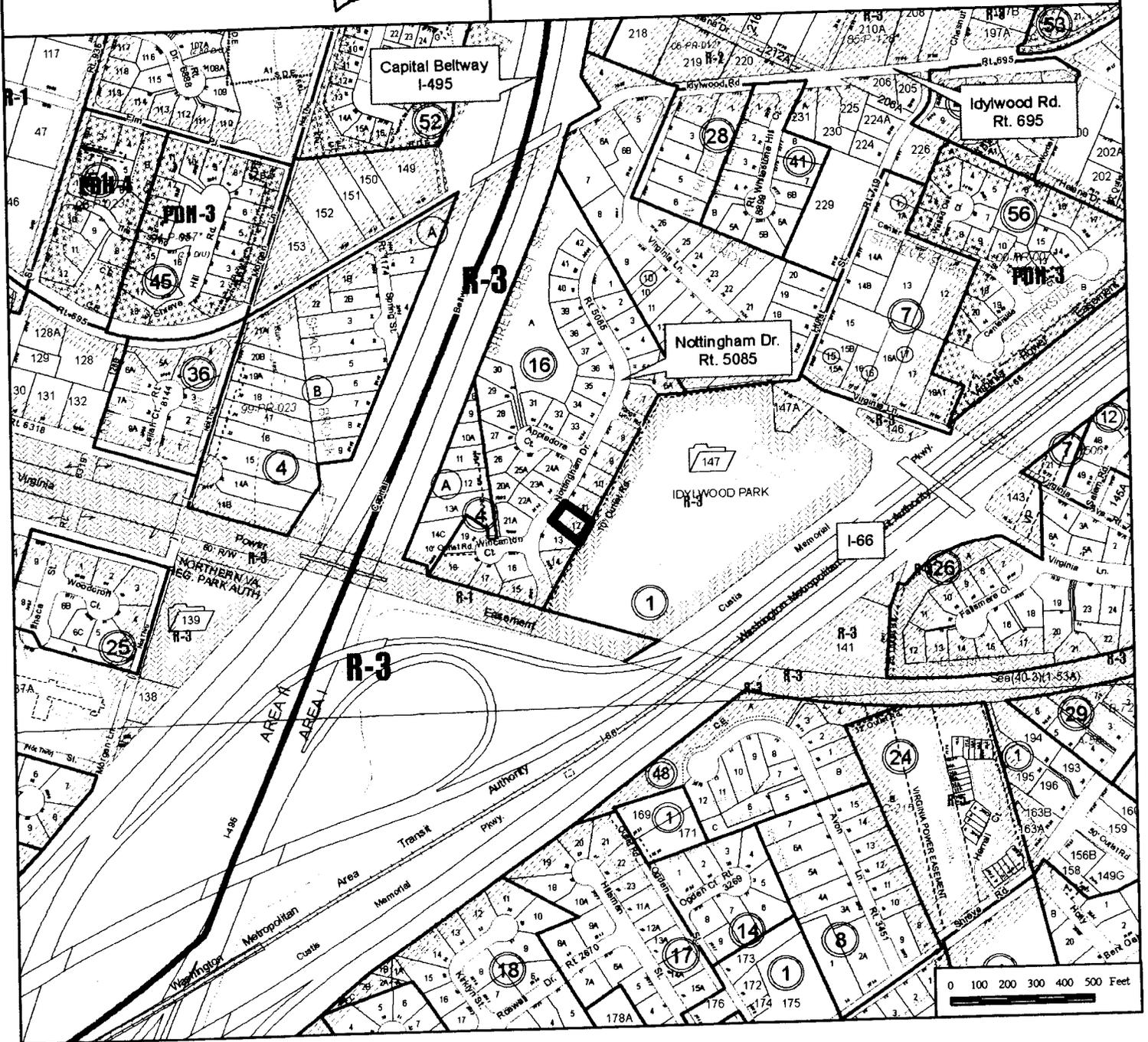
Art 8 Group and Use: 9-22

Located: 2431 NOTTINGHAM DRIVE

Zoning: R-3 (CLUSTER)

Overlay Dist:

Map Ref Num: 039-4 /16/ /0012



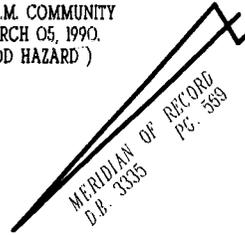
NOTES:

- 1) Tax Map No. 39-4-16-0012
- 2) Lot Area = 9356 square feet
- 3) Zoning R-3 (Residential 3 DU/AC)
- 4) Required yards: front-20'
Rear-25' Combined sides-20'
with minimum of 8' on one side
- 5) Property served by public water and sewer
- 6) There are no graves or objects or structures marking a place of burial visible on this property
- 7) This property is not in a flood plain. There is no resource protection area or resource management area. There is no environmental quality corridor.
- 9) There are no public easements
- 10) All 6' fence

FLOOD NOTE
 THE PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE 'X', F.I.R.M. COMMUNITY PANEL 515525 0079 D, MARCH 05, 1990.
 (AREA OF MINIMAL FLOOD HAZARD)

Maximum Structure Heights Above Grade:

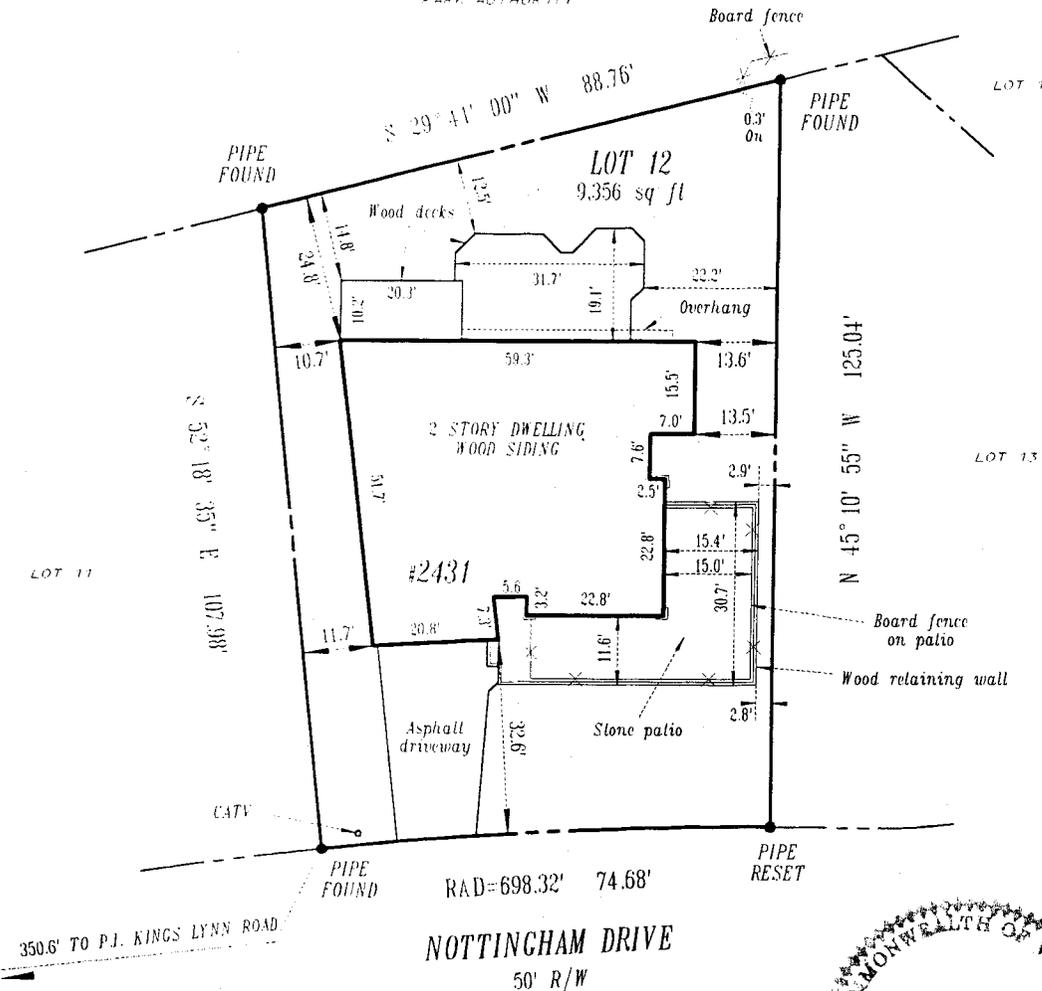
- Lower deck = 1.6'
- Upper deck = 13.6'
- Retaining wall = 2.8'
- Board fence = 5.9'



NO TITLE REPORT FURNISHED.

SUBJECT TO RESTRICTIONS, EASEMENTS, AND RIGHT-OF-WAYS OF RECORD OR OTHERWISE

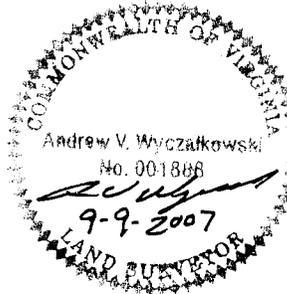
FAIRFAX COUNTY PARK AUTHORITY



NOTTINGHAM DRIVE
 50' R/W

PROPERTY SURVEY
 LOT 12 PART OF SECTION 2
 SHREVECREST
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE 1" = 25' SEPTEMBER 09, 2007

RECEIVED
 Department of Planning & Zoning
 MAY 07 2008
 Zoning Evaluation Division



CERTIFIED CORRECT
 FROM FIELD FOUND
 PIPE SHOWN HEREON.

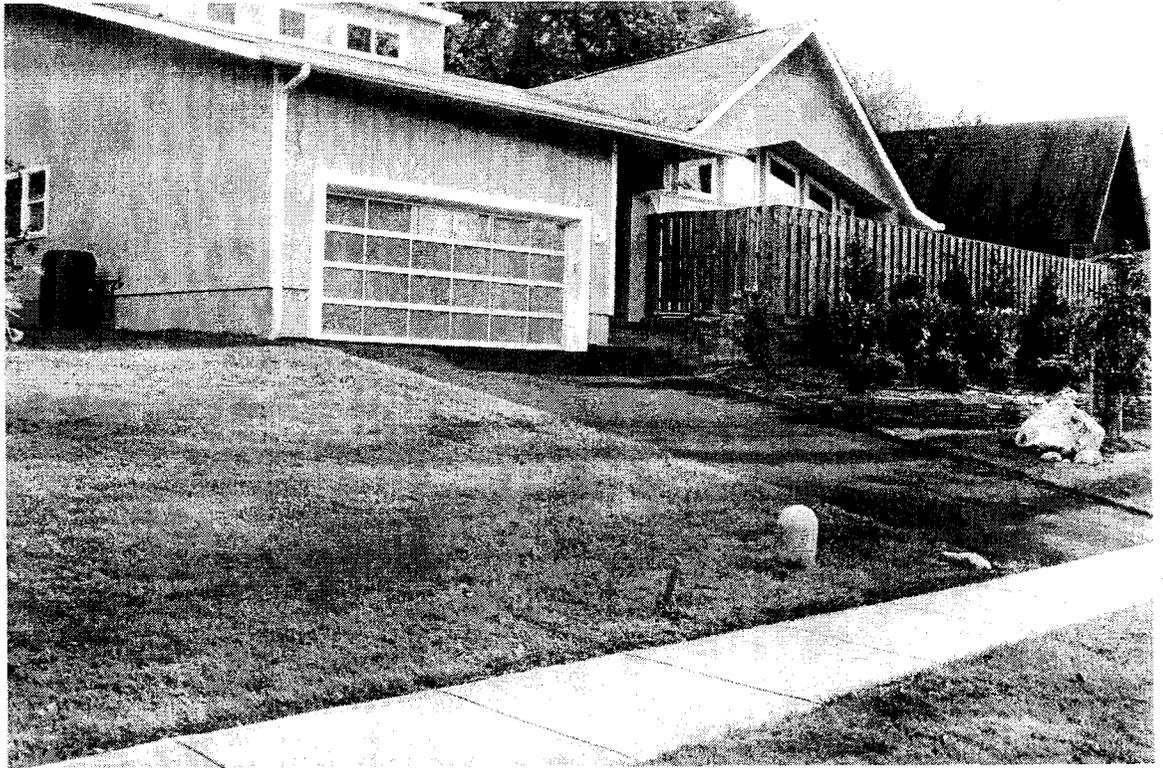
SURVEY FOR: MOLLY ROFHEART
 ASE: Y070087

A V W & ASSOCIATES
 LAND SURVEYING
 #5 BLUE JAY COURT
 STERLING, VA. 20164
 (703) 404-9470 FAX 404-9465

I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.

APPLICATION FOR SPECIAL PERMIT
MOLLY ROFHEART
39-4 (116) 12

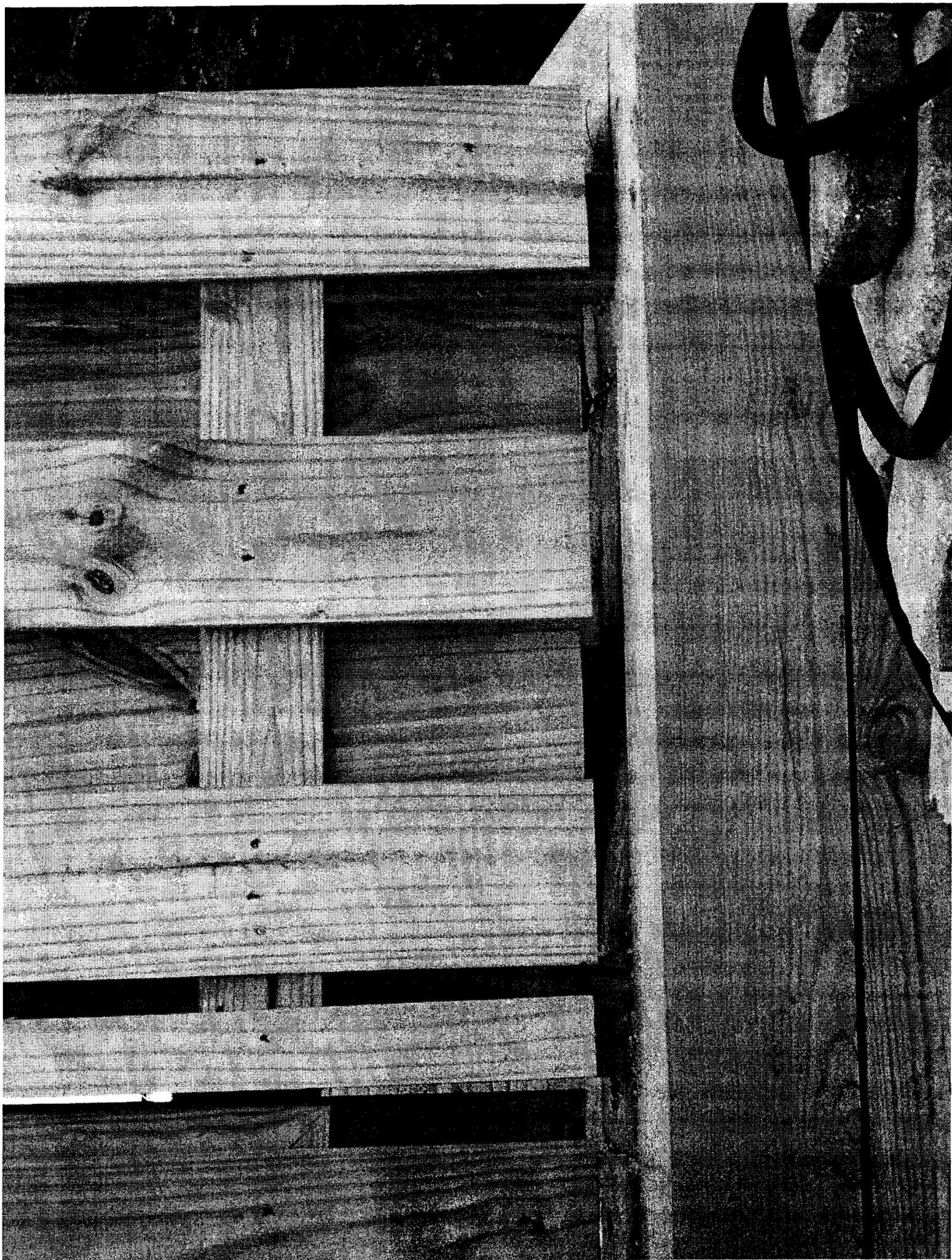
Side
yard
(front)

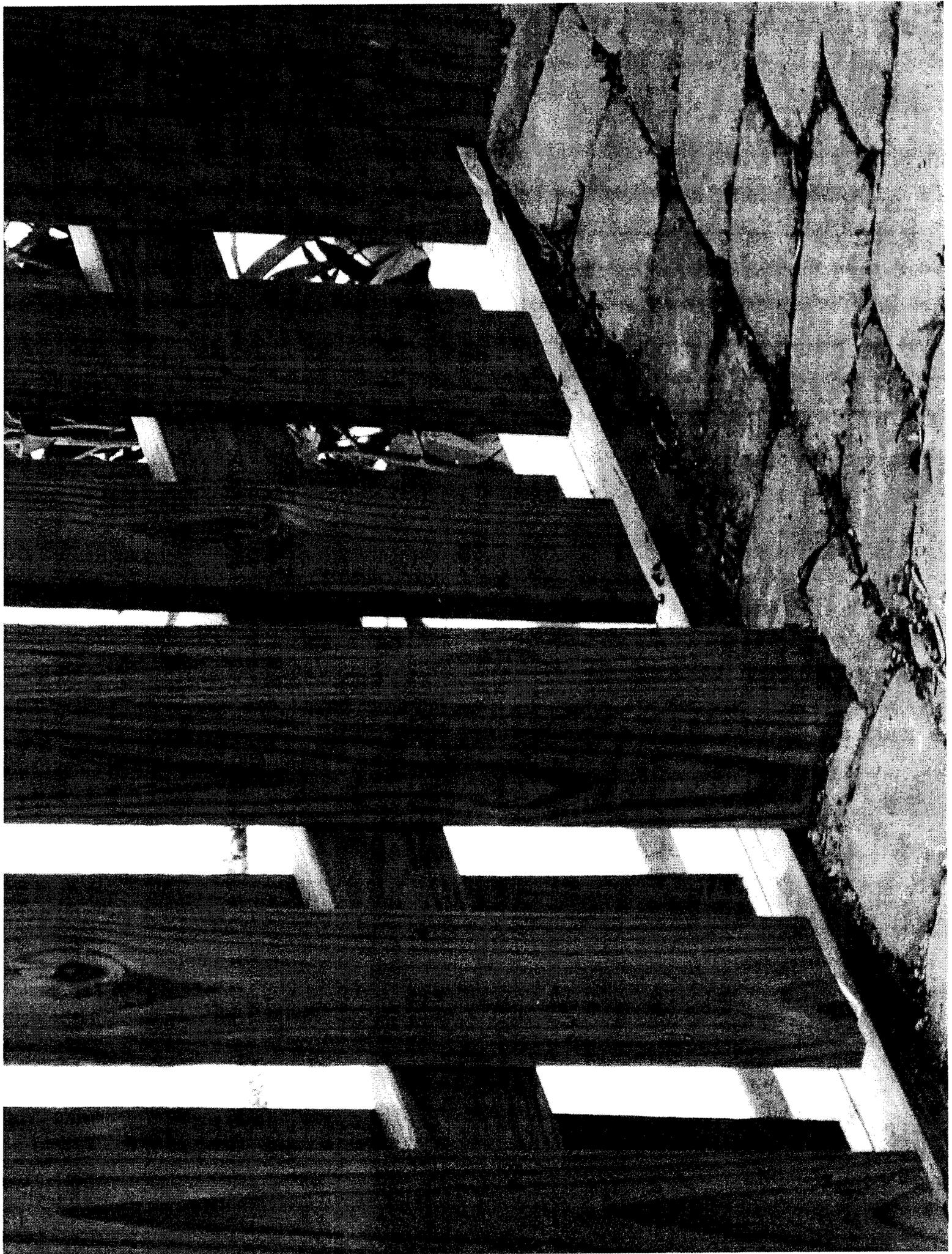


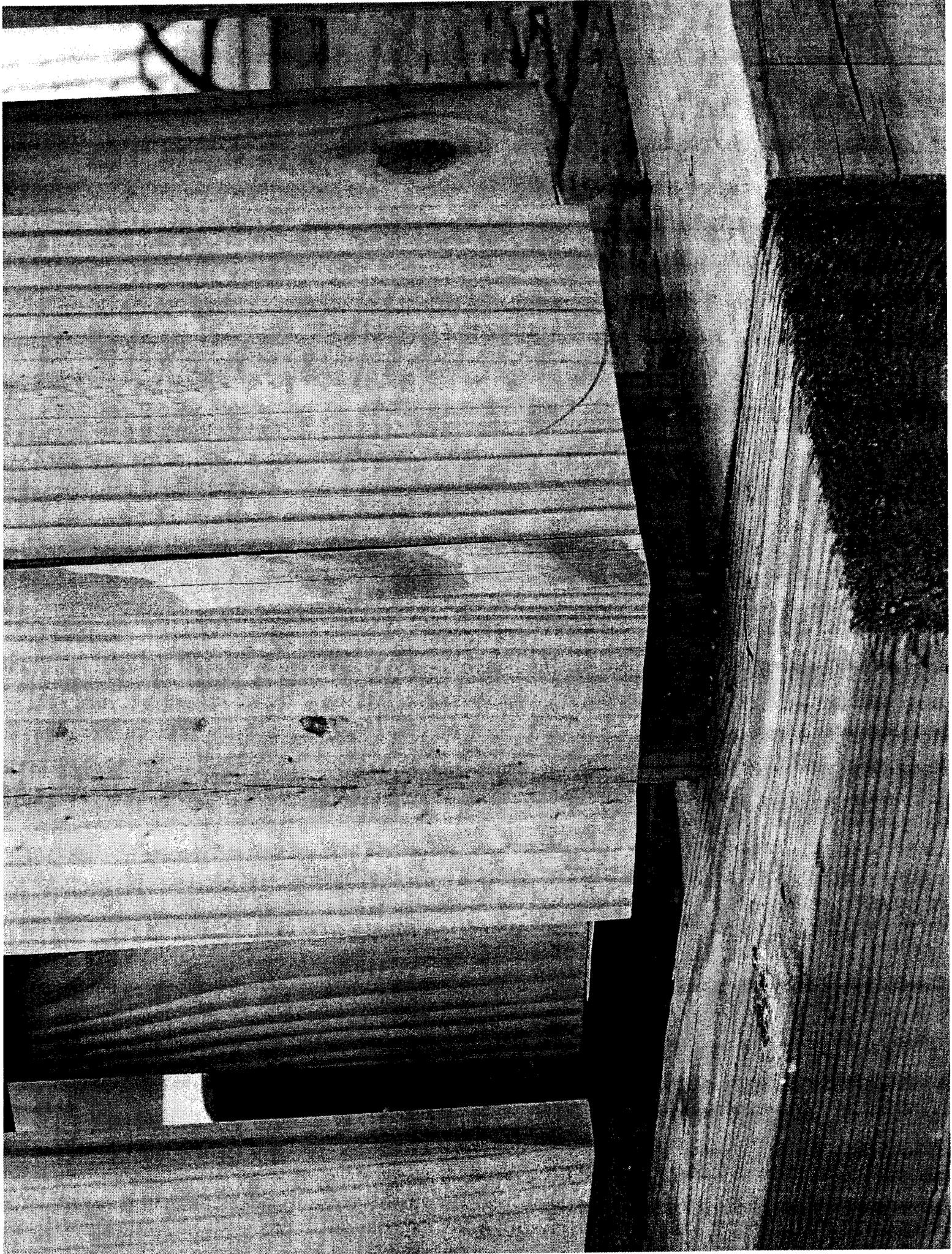
front











APPLICATION FOR SPECIAL PERMIT
MOLLY ROEHEART
39-4 (L16) 12

backyard



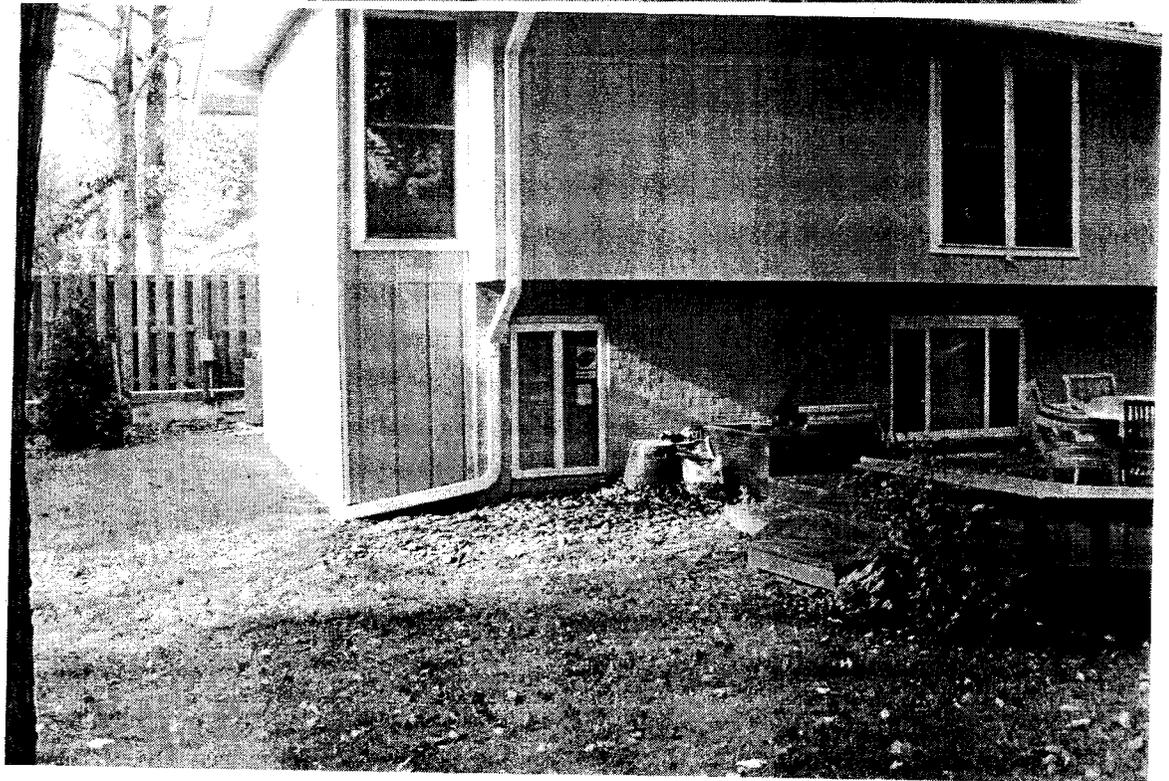
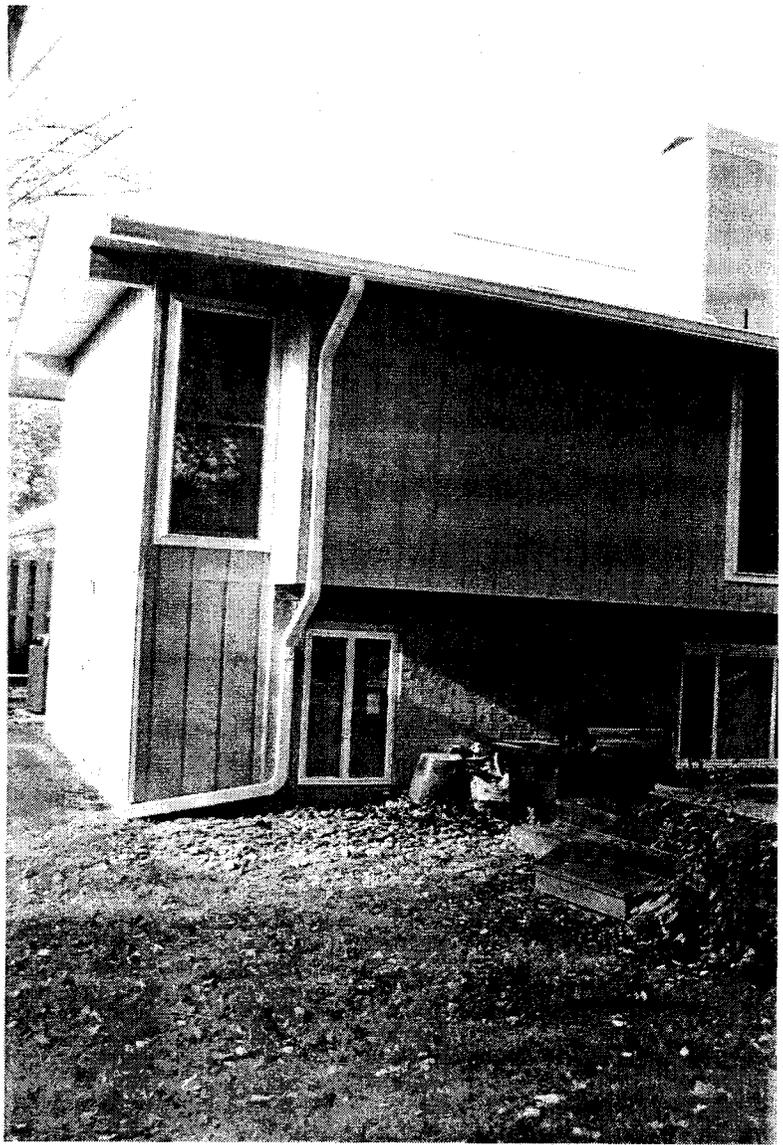
side
yard
(back)



APPLICATION FOR
SPECIAL PERMIT

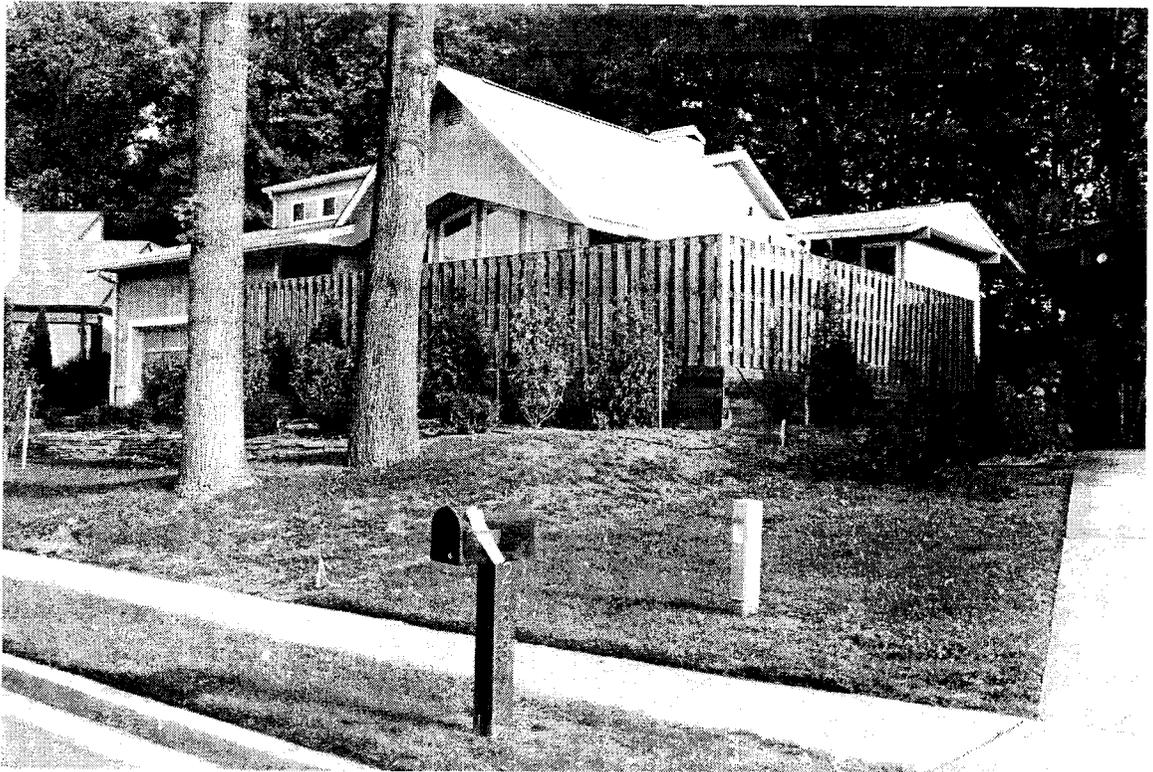
MOLLY ROFHEART
39-4 (116)12

Side yard
(back) ↗

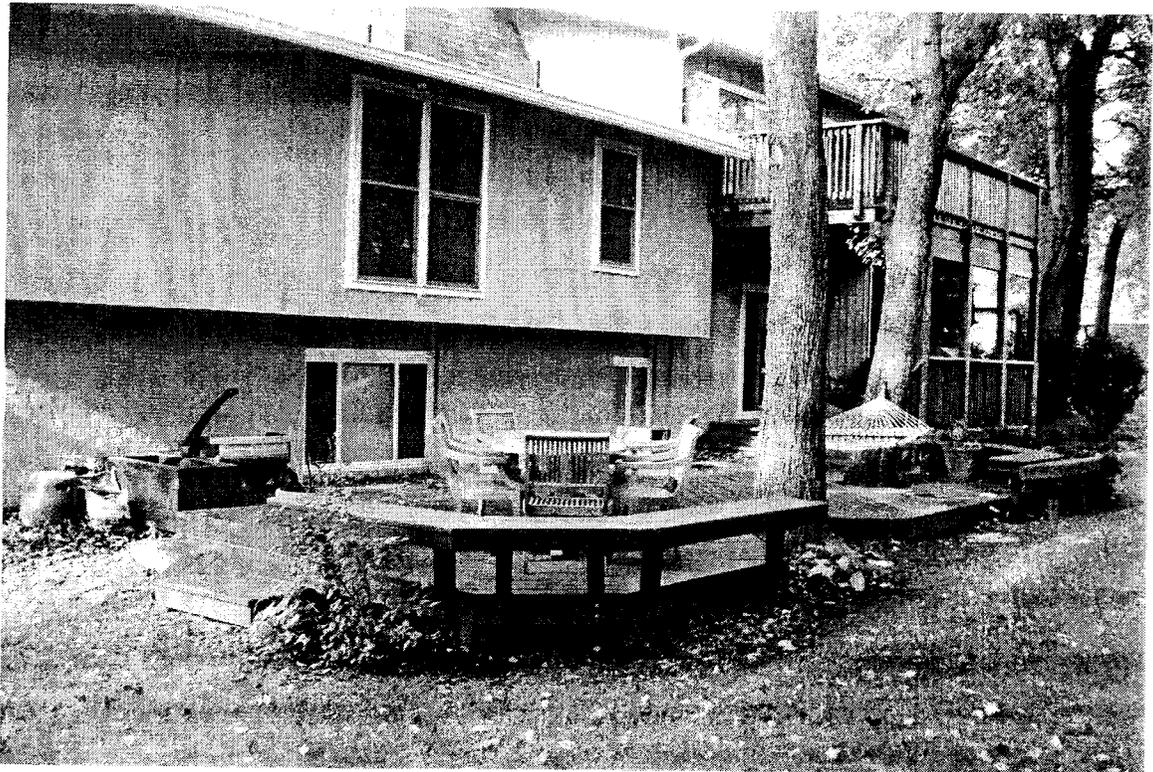


APPLICATION FOR ZONING PERMIT
MOLLY ROLFHEART
39-4 (16) 12

side
yard
(front)



back
yard



Application for Special Permit
Molly Rofheart
39-4((16))12
File: SP 2007-0428

BACKYARD
FACING SOUTHWEST

RECEIVED
Department of Planning & Zoning
FEB 19 2008
Zoning Evaluation Division



Application for Special Permit
Molly Rofheart
39-4((16))12
File: SP 2007-0428

BACKYARD
FACING SOUTH

RECEIVED
Department of Planning & Zoning
FEB 19 2008
Zoning Evaluation Division



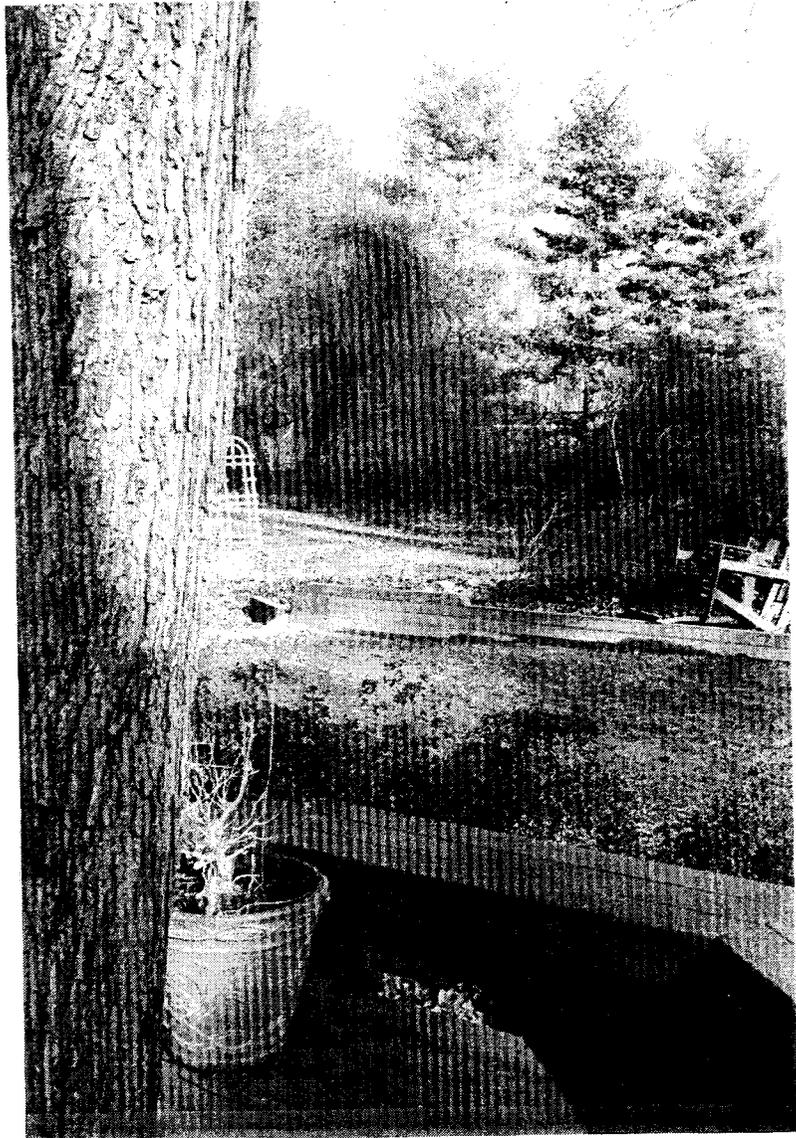
Application for Special Permit
Molly Rofheart
39-4((16))12
File: SP 2007-0428

BACKYARD
FACING

EAST →

SOUTH

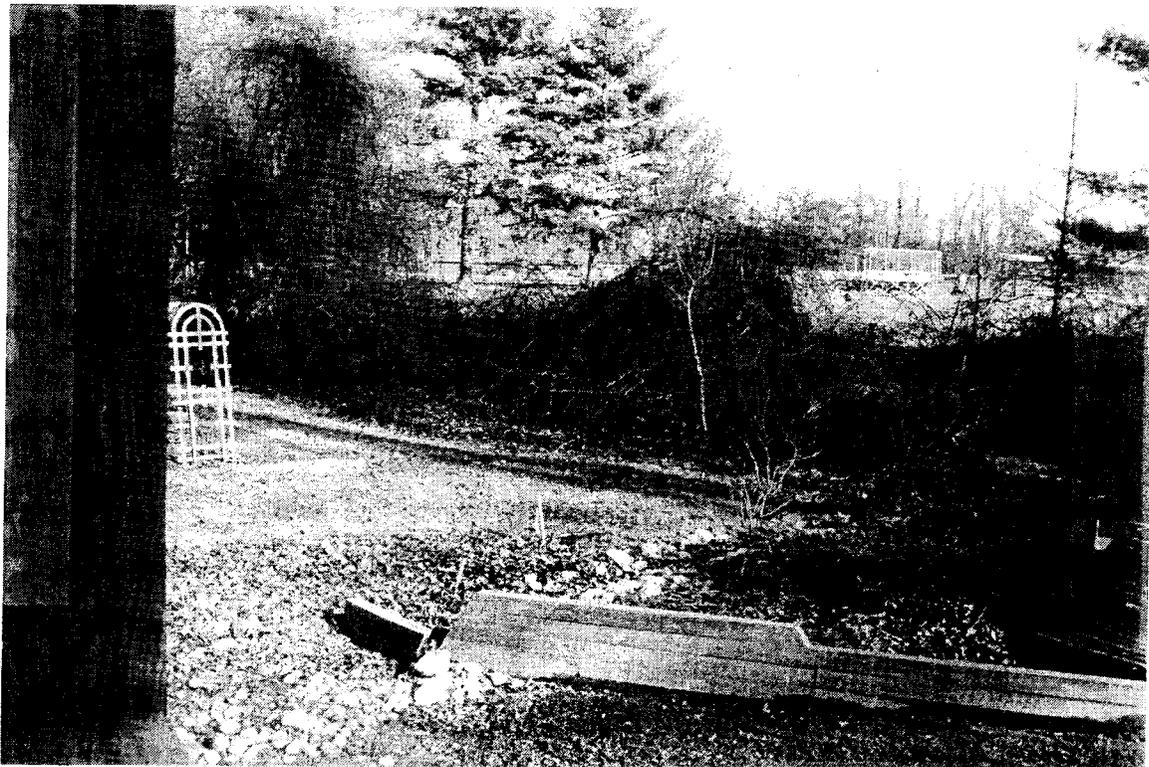
RECEIVED
Department of Planning & Zoning
FEB 19 2008
Zoning Evaluation Division



Application for Special Permit
Molly Rofheart
39-4((16))12
File: SP 2007-0428

BACKYARD
FACING EAST

RECEIVED
Department of Planning & Zoning
FEB. 19 2008
Zoning Evaluation Division



DESCRIPTION OF THE APPLICATION

To permit an existing fence which measures 5.9 feet in height to remain in the front yard.

	Structure	Yard	Height Permitted By right	Maximum Height Requested	Modification Requested
Special Permit	Fence	Front	4.0 feet	5.9 feet	1.9 feet

ANALYSIS OF THE APPLICATION

- **Title of Plat:** Property Survey, Lot 12, Part of Section 2, Shrevecrest
- **Prepared by:** AVW & Associates Land Surveying
- **Dated:** September 9, 2007

Description of Special Permit

The applicant is requesting special permit approval to permit an existing fence which measures a maximum height of 5.9 feet to remain in the front yard. The Zoning Ordinance currently permits 4.0 feet in height by-right; however, through a special permit, an applicant can request a fence in the front yard up to 6.0 feet in height. The fence encloses a patio at the front of the dwelling.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3 (Cluster)	Single family detached dwellings
South	R-3 (Cluster)	Fairfax County – Idylwood Park
East	R-3 (Cluster)	Single family detached dwellings
West	R-3 (Cluster)	Single family detached dwellings

BACKGROUND

The applicant was issued a Notice of Violation dated February 8, 2007, which is attached as Appendix 4.

Records indicated the dwelling was originally constructed in 1972. There were no other similar applications in the vicinity of the application site heard by the BZA.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application must meet all of the following standards, copies of which are attached as Appendix 5:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notice of Violation dated February 8, 2007
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2008-PR-050

July 1, 2008

1. This special permit is approved for the location and maximum height of a fence in the front yard as shown on the plat prepared by AVW & Associates Land Surveying, dated September 9, 2007, as submitted with this application and is not transferable to other land.

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.

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 28, 2007
 (enter date affidavit is notarized)

I, Molly Rofheart, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

98284

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Molly S. Rofheart	2431 Nottingham Drive, Falls Church, VA 22043	Applicant/Owner
Martin Rofheart	2431 Nottingham Drive, Falls Church, VA 22043	Spouse/Owner

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 28, 2007
(enter date affidavit is notarized)

98284

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 28, 2007
(enter date affidavit is notarized)

98284

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 28, 2007
(enter date affidavit is notarized)

98284

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 28, 2007
(enter date affidavit is notarized)

98284

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

Molly S. Rofheart, Applicant/Owner

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 28 day of November 2007, in the State/Comm. of Virginia, County/City of Fairfax.

Clara M. Marketer

Notary Public

7038605

My commission expires: My Commission Expires February 28, 2010

Application for Special Permit
Molly Rofheart
39-4 ((16)) 12

RECEIVED
Department of Planning & Zoning
DEC 05 2007
Zoning Evaluation Division

Statement of Justification

This will serve as the statement accompanying our application for a Special Permit requesting an increase in fence height.

We are requesting that the Board of Zoning Appeals approve an increase in the allowable height of the fence in the front of our house. We are requesting an increase to 6', as permitted under zoning ordinance 8-001.

- An addition and renovation of our property included 16' of sliding glass doors on the street facing wall (NW) and side wall (SW) of our living room. These sliding glass doors open onto a patio with a hot tub. The style of our house is contemporary and the windows and sliding glass doors are in keeping with that style.
- A fence was built surrounding the patio to provide privacy and security for both the hot tub and our home. Anything less than 6' allows passers-by easy access to the hot tub and clear views into our home.
- For safety reasons, we do not wish to have easy access to our hot tub. There are many children and teenagers in the neighborhood.
- For security reasons we do not wish to have clear views into our home. We have a young child and do not wish to give passers-by the ability to see into the living room. During our addition/renovation process, our living room windows were shot at and shattered with a BB gun while our daughter sat on the couch.
- The fence was built to 6' as several other properties in the neighborhood also have 6' street facing fences to provide deck and patio privacy and security.
- The previous owners of our property had erected a 6' fence around a deck with a hot tub as well. The street facing portion of the previous fence was 6' in height when we purchased the property.
- Nottingham Drive ends at the W & OD trail. We frequently have non-neighborhood bicyclists and pedestrians coming off the trail on to our street.
- We have landscaped our property to include a rock wall with azaleas, schip-laurels and arbor vitae above the rock wall in front of the fence and grass below the rock wall.



County of Fairfax, Virginia

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

February 8, 2007

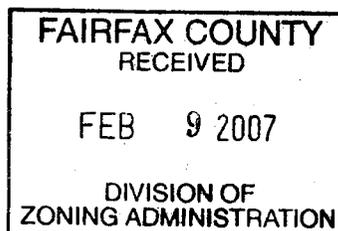
NOTICE OF VIOLATION

CERTIFIED MAIL

Return Receipt Requested

Receipt #7006 2150 0000 9341 1173

Molly Rofheart
 Martin Rolfheart
 2431 Nottingham Drive
 Falls Church, VA 22043



Re: 2431 Nottingham Drive
 Subdivision: Shrevecrest, Lot 12, Resub. Section 2
 Tax Map Ref: 39-4 ((16)) 0012
 Zoning District: R-3C

Dear Property Owners:

Zoning inspections of the above-referenced property, on January 2, 2007 and January 17, 2007, revealed you have erected or allowed erection of a fence in the front yard that exceeds four (4) feet in height, on grade, contrary to the location regulation set forth in Par. 3B of Sect. 10-104 of the Fairfax County Zoning Ordinance, which permits:

3. Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.
 - B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted...

Therefore, you are in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance that states, in part:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Part 1 of Article 10.

On October 23, 2006, the Board of Supervisors of Fairfax County approved an amendment to the Zoning Ordinance, which became effective on October 24, 2006; creating an additional option which would allow a fence to exceed four (4) feet in the front yard. This option appears at Sect. 8-923 of the Zoning Ordinance, which states:

8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard, subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of

24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

- A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
- B. Total area of the property and of each zoning district in square feet or acres.
- C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
- F. Means of ingress and egress to the property from a public street(s).
- G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
- H. If applicable, the location of a well and/or septic field.
- I. If applicable, existing gross floor area and floor area ratio.
- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all

major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials, and any associated landscaping shall be provided.

You are, hereby, directed to clear this violation within thirty (30) days of receipt of this Notice. Compliance can be accomplished by the following:

- Applying to and ultimately obtaining approval of a Group 9 Special Permit, from the Fairfax County Board of Zoning Appeals, pursuant to Par. 22 of Article 8-901, which would allow an increase in the height of the fence in the front yard; or
- Reducing the fence height such that it does not exceed four (4) feet in height, on grade, in the front yard; or
- Removing the fence from the property in its entirety.

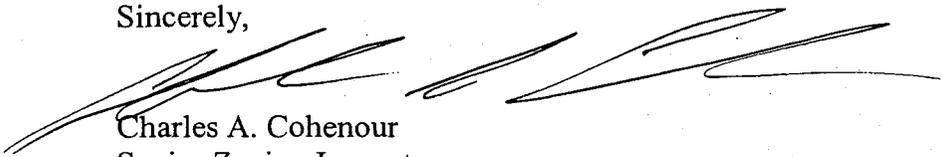
A follow-up inspection will be made at the expiration of this time period. Failure to comply, with this Notice, shall result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Molly Rofheart
Martin Rolfheart
February 8, 2007
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You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information you may wish to submit and a \$375.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1323 or (703) 324-1300.

Sincerely,



Charles A. Cohenour
Senior Zoning Inspector

CAC/seg

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-923 *Provisions for Increase in Fence and/or Wall Height in Any Front Yard*

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.

- B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. If applicable, existing gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.