



APPLICATION ACCEPTED: July 31, 2008  
DATE OF PUBLIC HEARING: December 16, 2008  
ADMINISTRATIVELY MOVED FOR NOTICES  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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December 9, 2008

### STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2008-LE-076

### LEE DISTRICT

**APPLICANTS & OWNERS:** Islamic Foundation of North America, Inc.

**ZONING:** R-2

**LOCATION:** 6521 South Kings Hwy

**ZONING ORDINANCE PROVISION:** 8-923

**TAX MAP:** 92-2 ((1)) 20

**LOT SIZE:** 1.27 Acres

**SP PROPOSAL:** To permit fences greater than 4.0 feet in height 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 special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

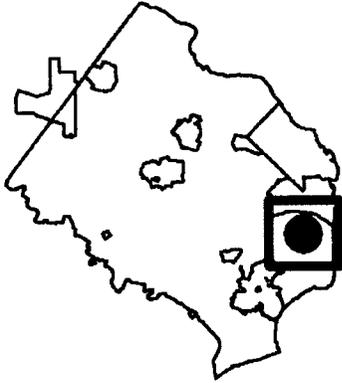
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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

*O:\Scaff2\Case Files\Special Permits\SP 2008-LE-076 ISLAMIC FOUNDATION OF NORTH AMERICA, INC* Shannon Caffee



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).

**Special Permit**  
**SP 2008-LE-076**

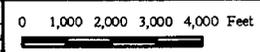


**Applicant:** ISLAMIC FOUNDATION OF NORTH AMERICA INC  
**Accepted:** 07/31/2008  
**Proposed:** TO PERMIT FENCES GREATER THAN 4.0 FT. IN HEIGHT IN FRONT YARD  
**Area:** 1.27 AC OF LAND; DISTRICT - LEE  
**Zoning Dist Sect:** 08-0923  
**Art 8 Group and Use:** 9-22  
**Located:** 6521 SOUTH KINGS HIGHWAY  
**Zoning:** R- 2  
**Overlay Dist:**  
**Map Ref Num:** 092-2- /01/ /0020

LANDMARK

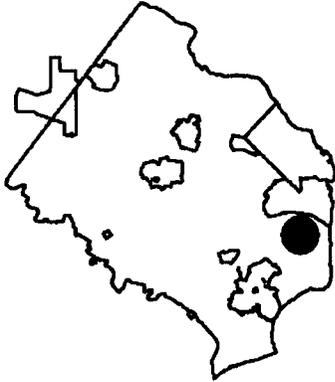
RONAVE

OLDE TOWNE ALEXANDRIA



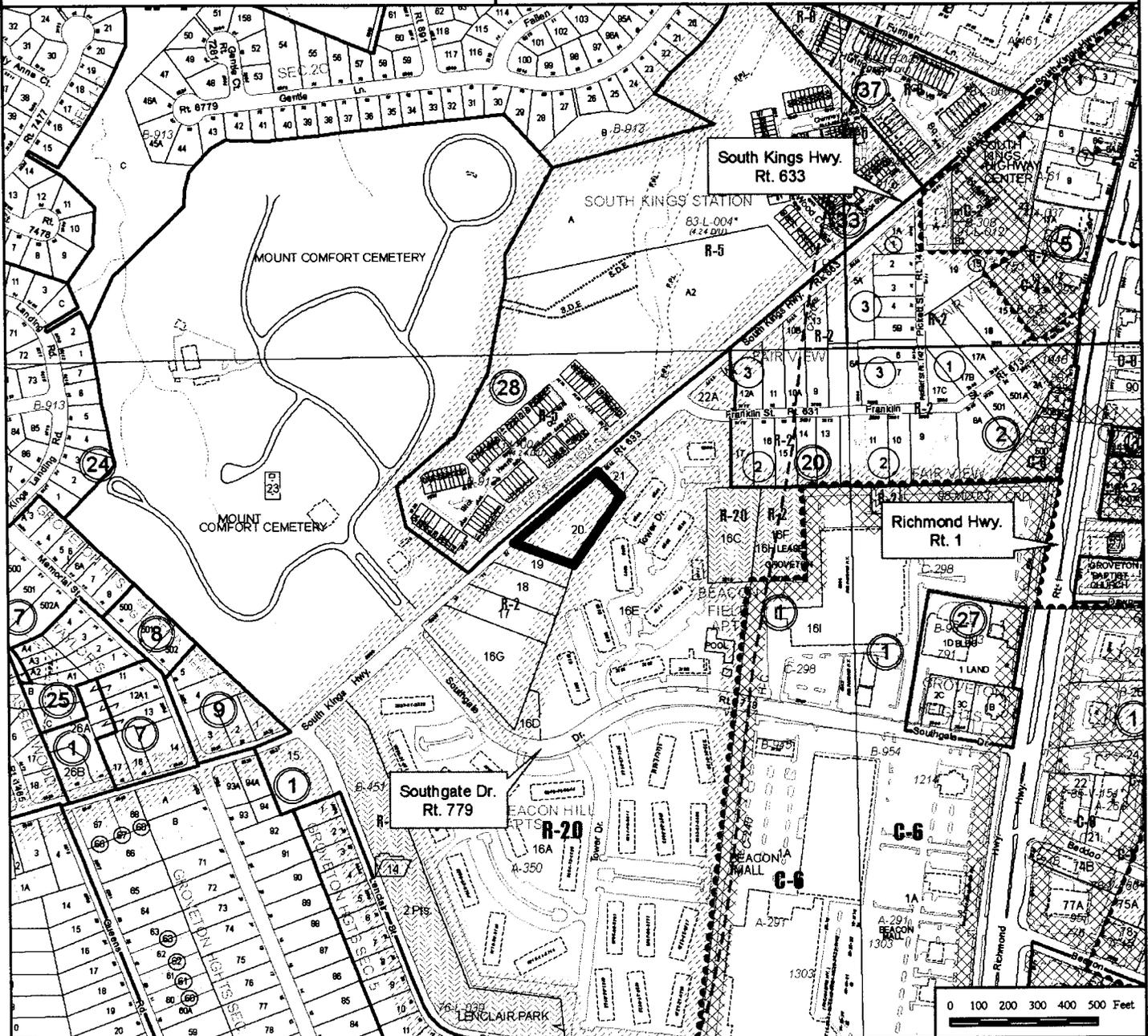
# Special Permit

SP 2008-LE-076



**Applicant:** ISLAMIC FOUNDATION OF NORTH AMERICA INC  
**Accepted:** 07/31/2008  
**Proposed:** TO PERMIT FENCES GREATER THAN 4.0 FT. IN HEIGHT IN FRONT YARD

**Area:** 1.27 AC OF LAND; DISTRICT - LEE  
**Zoning Dist Sect:** 08-0923  
**Art 8 Group and Use:** 9-22  
**Located:** 6521 SOUTH KINGS HIGHWAY  
**Zoning:** R-2  
**Overlay Dist:**  
**Map Ref Num:** 092-2- /01/ /0020



- NOTES
- TAX MAP: 92-2-01-0020
  - ZONE: R-2 (RESIDENTIAL 2 DU/AC)
  - LOT AREA: 53,209 SQUARE FEET (1.2689 SF)

- REQUIRED YARDS:
- FRONT: 35.0 FEET  
 SIDE: 15.0 FEET  
 REAR: 25.0 FEET
- HEIGHTS:
- 1 1/2 DWELLING: 19.1 FEET  
 STORAGE/WORKSHOP: 21.4 FEET  
 DECK: 12.5 FEET  
 FENCES: AS NOTED  
 SHED: 08.0 FEET

- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
- THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.

PLAT  
 SHOWING THE IMPROVEMENTS ON  
 THE PROPERTY LOCATED AT  
**#6521 SOUTH KINGS HIGHWAY**  
 (DEED BOOK: 19677, PAGE 415)  
 FAIRFAX COUNTY, VIRGINIA  
 LEE DISTRICT  
 SCALE: 1" = 30'  
 APRIL 21, 2008

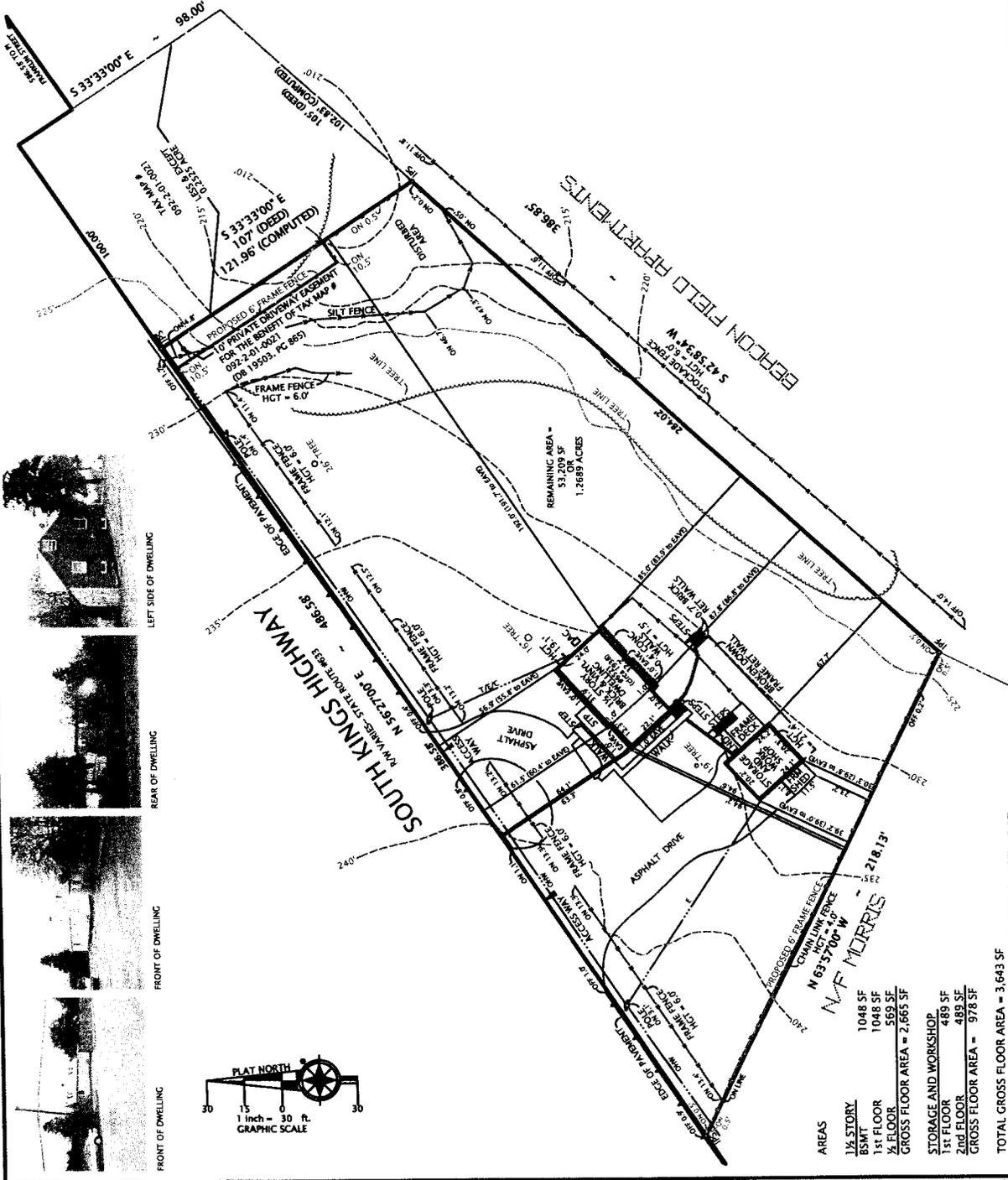
CASE NAME:  
 ISLAMIC FOUNDATION  
 OF NORTH AMERICA, INC.

**DOMINION** Surveyor  
 Inc. #  
 8808-H PEAR TREE VILLAGE COURT  
 ALEXANDRIA, VIRGINIA 22309  
 703-321-9633  
 FAX: 703-799-6412

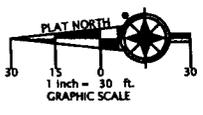
COMMONWEALTH OF VIRGINIA  
 04/21/2008  
 LICENSE NO. 2009  
 LLOYD SULLIVAN  
 George H. O'Connell

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE.

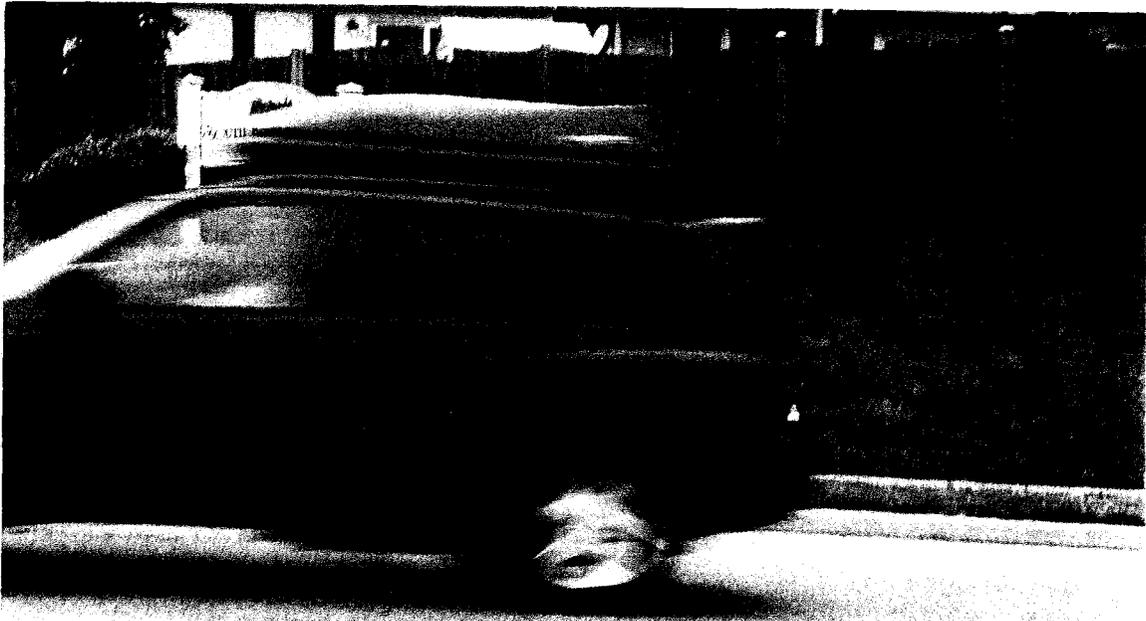
THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.



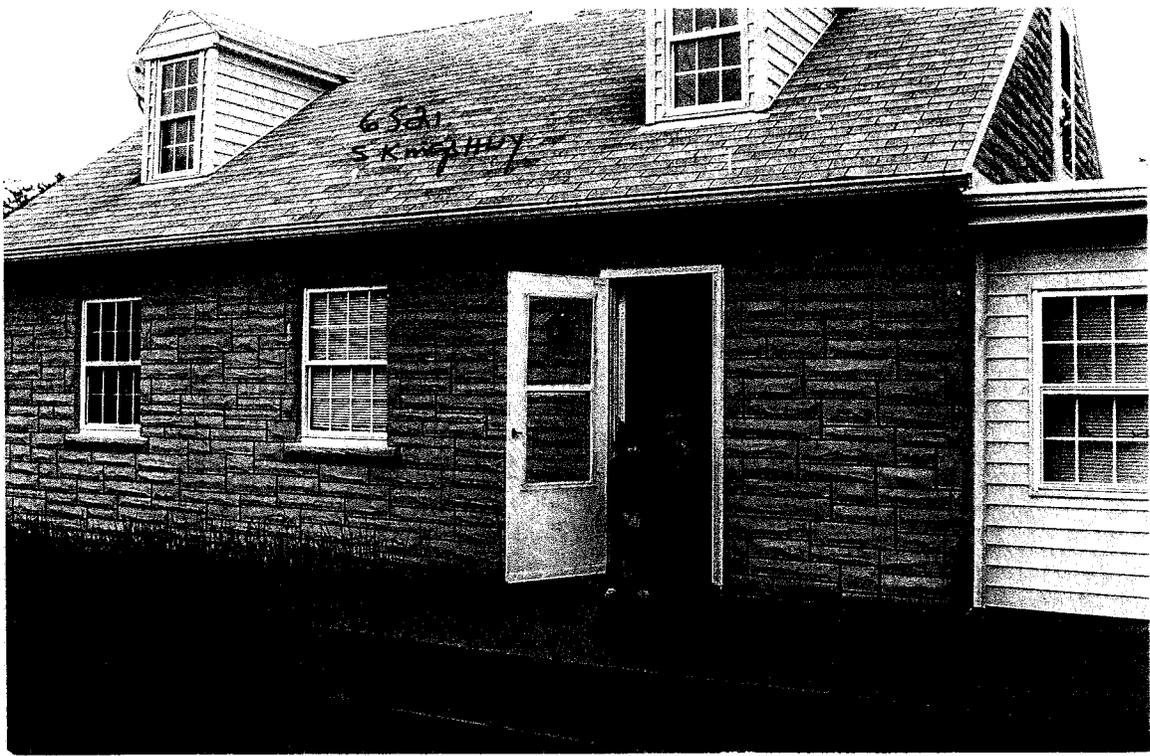
AREAS	
1 1/2 STORY	1048 SF
BSMT	1048 SF
1st FLOOR	1048 SF
2nd FLOOR	489 SF
GROSS FLOOR AREA =	2,665 SF
STORAGE AND WORKSHOP	
1st FLOOR	489 SF
2nd FLOOR	489 SF
GROSS FLOOR AREA =	978 SF
TOTAL GROSS FLOOR AREA =	3,643 SF
FLOOR AREA RATIO = EX GFA (3643) / LOT AREA (53209) =	0.07



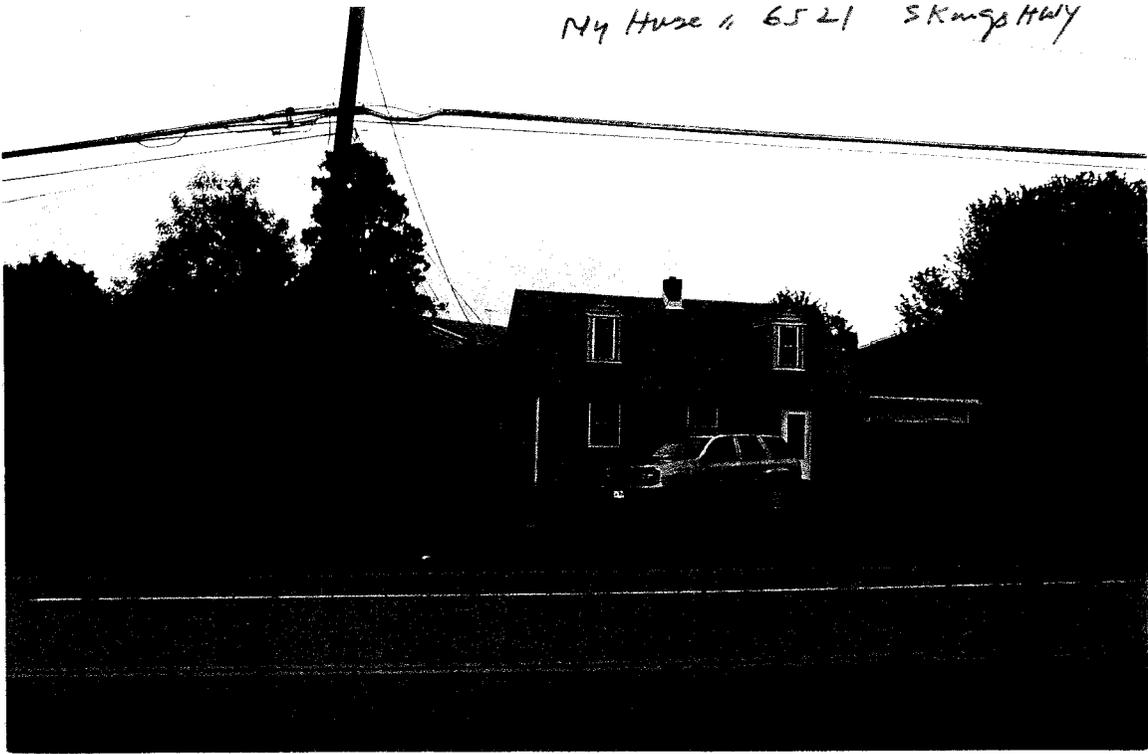
My Home # 6521 S. King Hwy



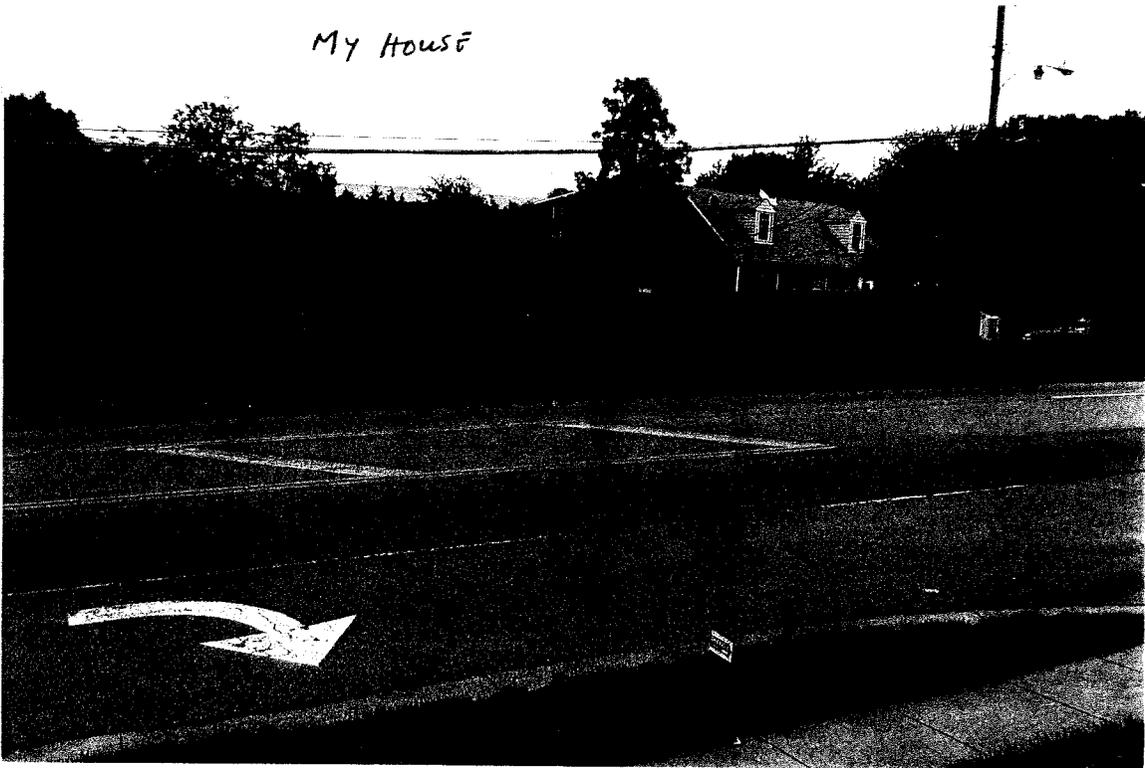
Cross The STREET



My House # 6521 S Kings Hwy

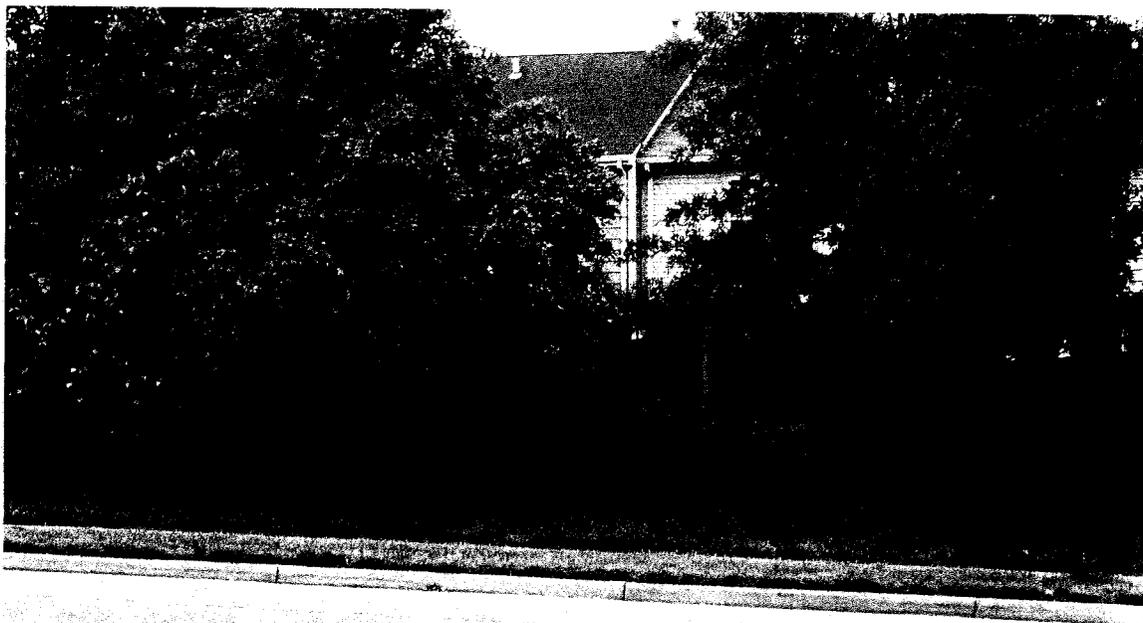


My House





Intersection in front of  
my house



CROSS THE STREET



## DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for the subject property to permit existing 6 ft high fences to remain in a front yard, as well as proposed fences 6 feet in height to be constructed.

	Yard	Max. Ht. Permitted*	Height	Modification Requested
<b>Special Permit</b>	Front	4 ft.	6 ft.	2 ft.

\* Maximum fence height per Section 10-104.

## CHARACTER OF THE AREA

	Zoning	Use
<b>North</b>	R-5	Single Family Attached Dwellings
<b>South</b>	R-2	Single Family Detached Dwellings
<b>East</b>	R-20	Multi-family Dwellings
<b>West</b>	R-5	Single Family Attached Dwellings

## ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Plat Showing the Improvements on the Property Located at #6521 South Kings Highway
- **Prepared By:** George M. O'Quinn, Dominion Surveyors Inc. dated April 21, 2008.

## BACKGROUND

A Notice of Violation (NOV) was issued on March 10, 2008, for fence heights greater than 4 feet in a front yard as well as for more than one commercial vehicle being parked on the subject property. In order to remedy the fence violation, the owner would have to either bring the existing fences in conformance or apply for a special permit for an increase in fence height pursuant to 8-923. The parking of the commercial vehicles (three taxi cabs) has been brought into conformance with the Zoning Ordinance requirements.

A second Notice of Violation was issued on October 23, 2008, for the conversion of a garage into a second dwelling on the subject property. In order to remedy this situation, the applicant would have to remove the second dwelling unit for it to be in conformance with Zoning Ordinance requirements. This includes the removal on a permanent basis of the kitchen facilities. Copies of both Notices of Violation are contained in Appendix 4.

Based on Sect. 10-101 of the Zoning Ordinance, the fence is allowed only as an accessory component to a legally established use. Given that the subject property is currently in violation of the Zoning Ordinance through the existence of an illegal second dwelling unit above a detached garage, a development condition has been provided to remedy that violation.

No special permit or variance cases have been heard by the Board of Zoning Appeals in the surrounding neighborhood.

#### **ZONING ORDINANCE REQUIREMENTS (See Appendix 5)**

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

#### **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.

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

#### **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notices of Violation
5. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2008-LE-076**

**December 9, 2008**

1. This special permit is approved for the location of existing 6 foot high fences and for proposed 6 foot high fences as shown on the plat prepared by George M. O'Quinn, Dominion Surveyors, Inc., dated April 21, 2008 submitted with this application and is not transferable to other land.
2. The second dwelling unit on the subject property shall be removed in accordance with the Notice of Violation letter dated October 23, 2008.

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: JULY 24, 2008  
 (enter date affidavit is notarized)

I, MIAN URSHAD ALI, 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      100071

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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
ISLAMIC FOUNDATION OF NORTH AMERICA, INC.	6521 SOUTH KINGS HIGHWAY ALEXANDRIA, VA 22306	<b>APPLICANT/TITLE OWNER</b>
MIAN URSHAD ALI	6521 SOUTH KINGS HIGHWAY ALEXANDRIA, VA 22306	<b>AGENT</b>
EHSAN ANSARI	7933 FORDSON ROAD ALEXANDRIA, VA 22306	<b>AGENT</b>
SAEED ANWAR	6521 SO. KINGS HWY., ALEX, VA 22306	<b>AGENT</b>

(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)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: JULY 24, 2008  
(enter date affidavit is notarized)

100071

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)

ISLAMIC FOUNDATION OF NORTH AMERICA, INC.  
6521 SOUTH KINGS HIGHWAY  
ALEXANDRIA, VA 22306

**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)

MIAN IRSHAD ALI, PRES.  
EHSAN ANSARI, Treas.  
SAEED ANWAR, Asst. Treas.

*THIS CORPORATION IS A NOT-FOR-PROFIT CORPORATION*

(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)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: JULY 24, 2008  
(enter date affidavit is notarized)

100071

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)

(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: JULY 24, 2008  
(enter date affidavit is notarized)

100071

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.

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: JULY 24, 2008  
(enter date affidavit is notarized)

100071

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:

x Mian T. Ali

(check one)

Applicant

Applicant's Authorized Agent

MIAN T. ALI, PRESIDENT/AGENT

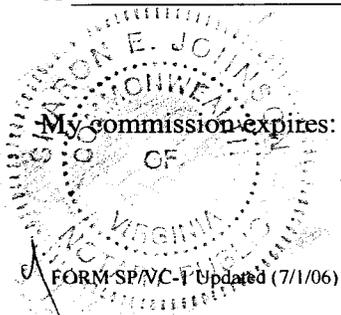
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 24 day of JULY 2008, in the State/Comm. of VIRGINIA, County/City of FAIRFAX

Sharon E. Johnson #362733  
Notary Public

My commission expires:

JULY 31, 2008



①

APPENDIX 3

Fairfax County Zoning Evaluation  
Division, Department of Planning  
and Zoning  
12055 Government Center Pkwy.  
Suite 801 Fairfax VA 22035

MIAN TRSHAD  
ALI. 6521 Skings  
Pkwy. Alex VA 22306

RECEIVED  
Department of Planning & Zoning

MAY 15 2008

Zoning Evaluation Division

Re: Statement of Justification.

To whom it may Concern.

Persuant to the Provision for a special  
Permit for an increase in fence  
height to six (6) feet in the front yard  
I am providing this Statement of  
Justification in addition to the other  
specified requirements.

My request is based upon two  
primary concern home security and  
traffic noise.

(2)

It is my belief and understanding that the presence of the fence has not adversely affected any other property owners, nor dismissed the intent of the Fairfax County Zoning ordinance.

on the other hand Two times noisy and painful Rush hour traffic hurts me and my family. Rush hour traffic starts early in the morning at 4.0, clock and heavy traffic never stop till night.

And it is more busy road than Rout 1 on week ends.

To prevent painful noise

I need at least 6 (six) feet  
height fence.

The fence also provides  
substantial security for my family.

The fence provides a more harmonious  
environment visually from the street.

My home is below the highway

cross the Road (opp my home) all  
houses have six (6) feet fence.

The fence does not adversely affect  
the property of others.

(4)

Please Consider my request as a  
genuine need.

I look forward to working with  
you on this matter and would welcome  
the opportunity to speak with you

Please understand my need to  
seek a special permit is not  
an attempt to be isolation and  
anti community..

I merely wish to have the same  
enjoyment of living and healthy  
activities that others in the community  
appreciate and value.

Just for kind <sup>(5)</sup> information before  
I construct the six (6) feet height-  
fence I came in County office to  
get information at that moment I  
was told that I could construct  
six (6) feet height fence with out any  
permission and permit. That  
information kept me ignored otherwise  
I could meet every requirements of  
Fairfax County.

-Thank you.

Mian Irshad Ali



County of Fairfax, Virginia

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

March 10, 2008

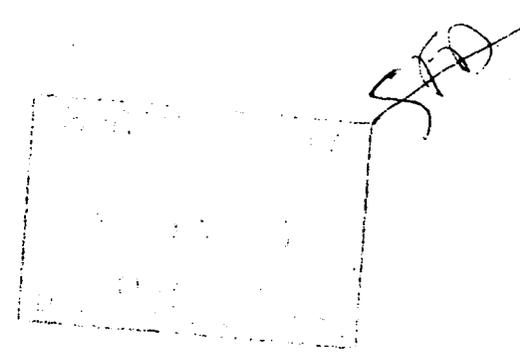
**NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Return Receipt Requested  
 Receipt #7007 1490 0000 3214 6873

Islamic Foundation Of North America, Inc.  
 c/o Mian Irshad Ali, Registered Agent  
 5406 Moultrie Road  
 Springfield, VA 22151

Re: 6521 South Kings Highway  
 Subdivision: Fairview, Lot 20  
 Tax Map Ref: 92-2 ((1)) 20  
 Zoning District: R-2



*Cheryl*

Dear Property Owners:

Zoning inspection of the above-referenced property, on March 3, 2008, revealed you have erected or allowed the 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 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, the Islamic Foundation Of North America, Inc. is 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.

Department of Planning and Zoning  
 Zoning Administration Division  
 Zoning Enforcement Branch  
 12055 Government Center Parkway, Suite 829  
 Fairfax, Virginia 22035-5508  
 Phone 703-324-1300 FAX 703-324-1343  
 www.fairfaxcounty.gov/dpz/

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, created an additional option which would allow a fence to exceed four (4) feet in the front yard. This option appears in 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.

Further, this inspection revealed that three taxi cabs are being parked or stored on this residentially zoned property. A commercial vehicle is defined in Article 20 of the Fairfax County Zoning Ordinance as:

Any vehicle with a rated carrying capacity of 1500 pounds (3/4 tons) or more, and any vehicle, regardless of capacity, which displays advertising lettered thereon or which is licensed as a "for hire" vehicle. For the purpose of this ordinance, commercial vehicles shall not be deemed to include any vehicle operated by a public agency except those vehicles set forth in Par. 16A of Sect. 10-102, farm vehicle or equipment located on property used for agricultural purposes, motor home, camping

trailer, boat, boat trailer, hose trailer or similar recreational equipment recognized as personal property and not for hire, emergency fuel oil delivery truck which has been approved by the County and/or any public or private vehicle used exclusively for the transportation of persons to and from a school, place of religious worship, or activities related thereto.

A commercial vehicle may be parked and/or stored, on residentially zoned property, as an accessory use provided it satisfies the limitations detailed in the Zoning Ordinance. These limitations are specified in Paragraphs 16A and 16B of Sect. 10-102 of the Fairfax County Zoning Ordinance, which require that:

Parking of one (1) commercial vehicle, per dwelling unit, in an R district is subject to the following limitations:

- A. No solid waste collection vehicle, tractor and/or trailer of a tractor-trailer truck, dump truck, construction equipment, cement-mixer truck, wrecker with a gross weight of 12,000 pounds or more, or similar such vehicles or equipment shall be parked in any PDH-4 district.

Any commercial vehicle parked in any R district shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.

The parking of the three taxi cabs, at this location, is therefore in violation of Par. 6 of Sect. 2-302 of the Ordinance as stated above.

You are, hereby, directed to clear these violations 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.

Islamic Foundation Of North America, Inc.  
c/o Mian Irshad Ali, Registered Agent  
March 10, 2008  
Page 6

As regards to the three taxi cabs, compliance can be accomplished by reducing the number of taxi cabs to only one parking on this property on a permanent basis.

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.

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) 324-1331 or (703) 324-1300.

Sincerely,

  
Roy Y. Biedler  
Senior Zoning Inspector

RVB/seg

RB



# County of Fairfax, Virginia

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

## NOTICE OF VIOLATION

October 23, 2008

### CERTIFIED MAIL

Return Receipt Requested

# 7006 2150 00019366 1027

Islamic Foundation Of North America, Inc.  
c/o Mian Irshad Ali, Registered Agent  
6521 South Kings Highway  
Alexandria, VA 22306

Re: 6521 South Kings Highway  
Fairview, Lot 20  
Tax Map Ref.: 92-2 ((1)) 20  
Zoning District: R-2

Dear Property Owners:

A zoning inspection of the above referenced property and a conversation with Mr. Ali, on October 16, 2008, revealed that the garage on the above property has been converted into a second dwelling unit consisting of an independent living facility, which includes: permanent provisions for living, sleeping, eating, cooking, and sanitation. For your information and review, a dwelling unit is defined in Part 3 of Article 20 of the Fairfax County Zoning Ordinance as:

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

The maintenance of two (2) or more separate dwelling units, on this lot, is a violation of Sect. 2-501 of the Fairfax County Zoning Ordinance, which states, in part:

There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building.

Department of Planning and Zoning  
Zoning Administration Division  
Zoning Enforcement Branch  
12055 Government Center Parkway, Suite 829  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 FAX 703-324-1343  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

Islamic Foundation Of North America, Inc.  
c/o Mian Irshad Ali, Registered Agent  
October 23, 2008  
Page 2

For your information building permit number 84023B0080 was issued on January 25, 1984 to add a second story addition to the existing garage. This permit was very specific that the addition was to be used for storage and the existing lower level was to be used as a functional garage.

The Islamic Foundation Of North America, Inc. is, hereby, directed to clear this violation within sixty (60) days receipt of this notice. Compliance can be accomplished as follows:

Applying for and obtaining all necessary permits and Approvals to include the Zoning Administrator's approval Of a building permit; and

Removing, on a permanent basis the kitchen from the garage addition to include: the ovens, microwave, ranges, sinks, cabinets, countertops, refrigerators, and freezers or combinations thereof; all other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping and restoring the addition to its intended use; and

Utilities referenced above for the kitchen to be demolished are to be capped and sealed in the wall cavities; and

Restoring the lower level to a fully functional garage; and

Ceasing, on a permanent basis, the use of the garage as a second dwelling unit.

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.

Islamic Foundation Of North America, Inc.  
c/o Mian Irshad Ali, Registered Agent  
October 23, 2008  
Page 3

Failure to comply, with this notice, may result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1331 or (703) 324-1300.

Sincerely,

A handwritten signature in cursive script that reads "Roy V. Biedler".

Roy V. Biedler  
Senior Zoning Inspector

RVB/jbb

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ISLAMIC FOUNDATION OF  
NORTH AMERICA, INC.  
c/o MIAN IRSHAD ALI,  
REGISTERED AGENT  
6512 SOUTH KINGS HWY  
ALEXANDRIA, VA  
22306

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X SAIED ANWER

Agent

Addressee

B. Received by (Printed Name)

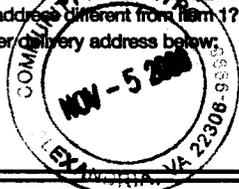
Said Anwer

C. Date of Delivery

X

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No



3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

7006 2150 0001 9366 1027

FIEDLER

**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 Emergency Management Agency, 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.