



APPLICATION ACCEPTED: March 20, 2009
DATE OF PUBLIC HEARING: June 2, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

May 26, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2009-PR-017

PROVIDENCE DISTRICT

APPLICANT & OWNER:	Leo Grandinetti
ZONING:	R-4
LOCATION:	2509 Buckelew Drive
SUBDIVISION:	Poplar Heights
ZONING ORDINANCE PROVISION:	8-914
TAX MAP:	50-1 ((2)) 56
LOT SIZE:	10,190 Sq. Ft.
SP PROPOSAL:	Reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 4.8 feet from side lot line and 5.8 feet from rear lot line.

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.**



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 2009-PR-017

Applicant: LEO GRANDINETTI
Accepted: 03/20/2009
Proposed: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 4.8 FEET FROM SIDE LOT LINE AND 5.8 FEET FROM REAR LOT LINE



Area: 10,190 SF OF LAND, DISTRICT - PROVIDENCE

Zoning Dist Sect: 08-0914

Art 8 Group and Use: 9-13

Located: 2509 BUCKELEW DRIVE

Zoning: R- 4

Overlay Dist:

Map Ref Num: 050-1- /02/ /0056



Special Permit
SP 2009-PR-017

Applicant: LEO GRANDINETTI
Accepted: 03/20/2009
Proposed: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 4.8 FEET FROM SIDE LOT LINE AND 5.8 FEET FROM REAR LOT LINE



Area: 10,190 SF OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 08-0914

Art 8 Group and Use: 9-13

Located: 2509 BUCKELEW DRIVE

Zoning: R-4

Overlay Dist:

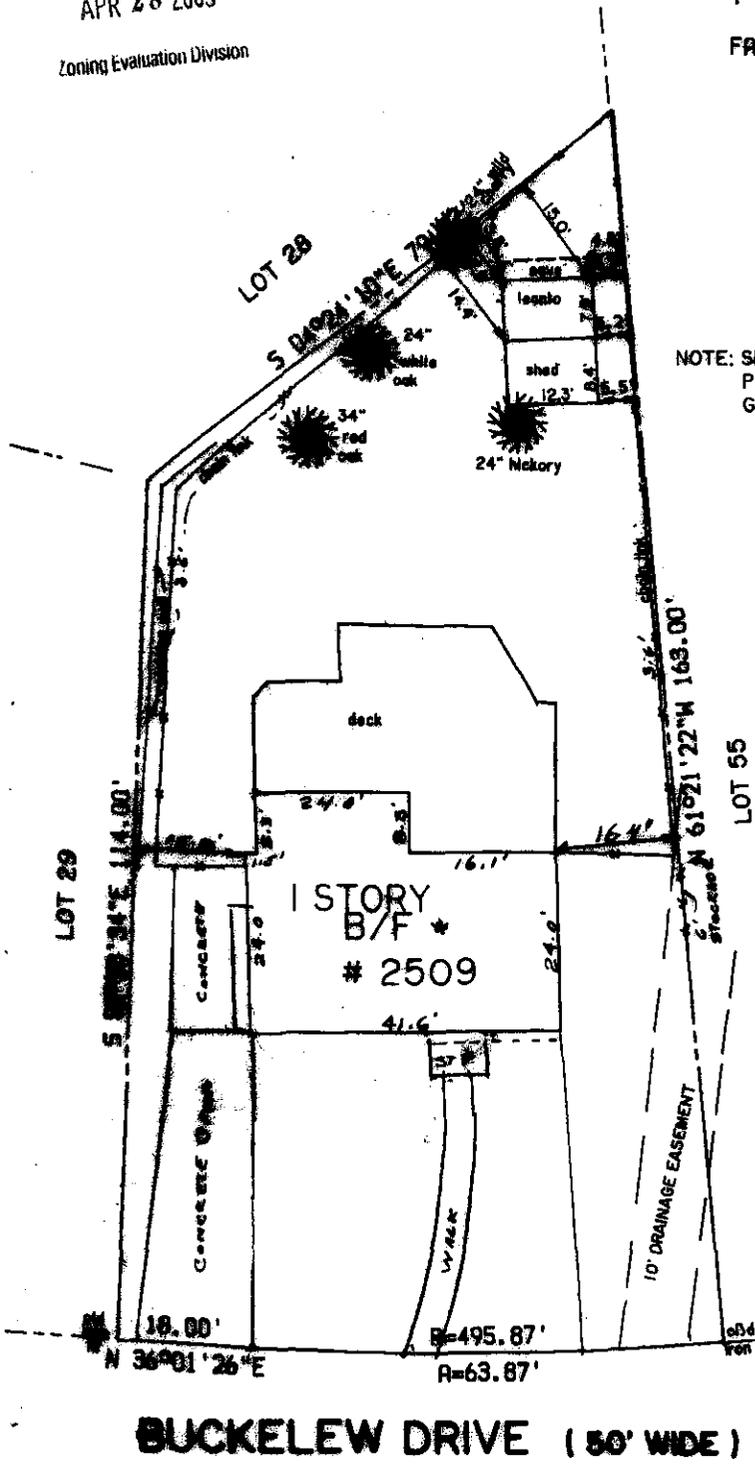
Map Ref Num: 050-1- /02/ /0056



THIS IS TO CERTIFY THAT ON JUNE 12, 2008 I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

RECEIVED
 Department of Planning & Zoning
 APR 28 2009
 Zoning Evaluation Division

SHED LOCATION
 LOT 56 SECTION 3
 POPLAR HEIGHTS
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



NOTE: SHED MEASURES 16.5 FEET FROM PEAK OF ROOF TO LOWEST NATURAL GROUND.

CURRENT OWNER: GRANDINETTI



* DWELLING MEASURES 22.6' FROM THE PEAK OF THE ROOF TO THE LOWEST NATURAL GROUND.



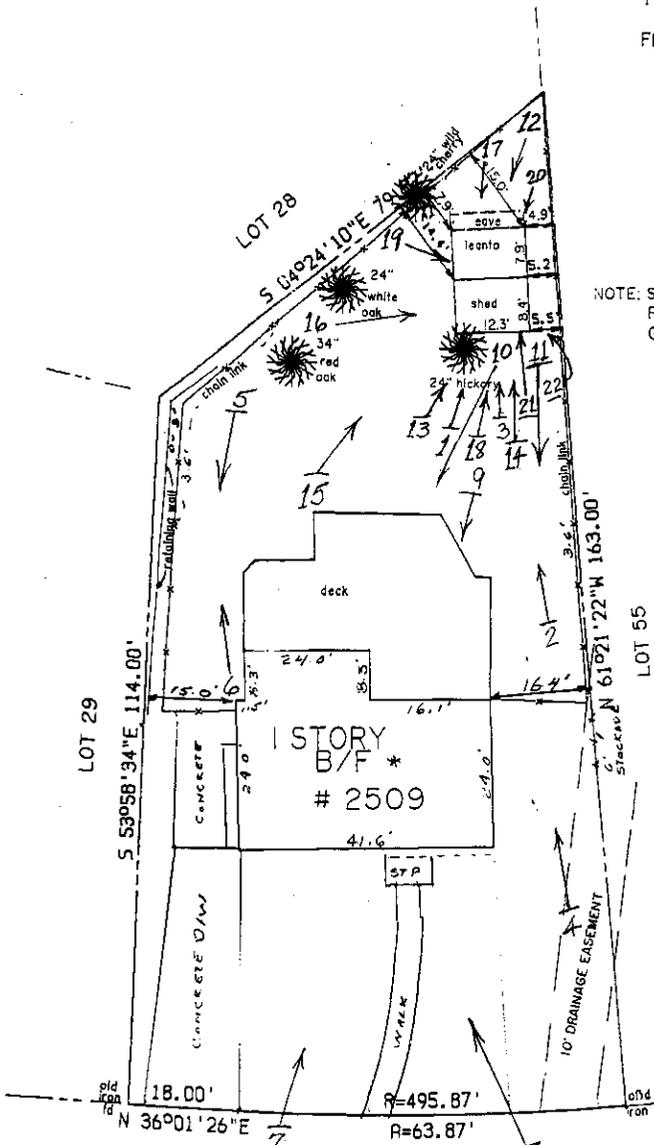
REVISED 4/23/09 additional eave tie.
 REVISED 4/15/09 TIE TO SHED EAVE
 REVISED 10/23/08

FURSTENAU SURVEYING (540) 662-9323
 133 WEST BOSCAWEN STREET SUITE 2
 WINCHESTER, VIRGINIA 22601

DATE: JUNE 12, 2008
SCALE: 1" = 20'
TAX ID: 50-1-2-0056
WO. 0052

THIS IS TO CERTIFY THAT ON JUNE 12, 2008 I MADE AN ABSOLUTE SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

SHED LOCATION
 LOT 56 SECTION 3
 POPLAR HEIGHTS
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

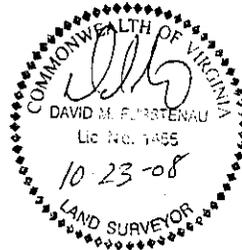


NOTE: SHED MEASURES 16.5 FEET FROM PEAK OF ROOF TO LOWEST NATURAL GROUND.

CURRENT OWNER: GRANDINETTI



DWELLING MEASURES 22.0' FROM THE PEAK OF THE ROOF TO THE LOWEST NATURAL GROUND.



RECEIVED
 Department of Planning & Zoning

DEC 30 2008

Zoning Evaluation Division

REVISED 10/23/06

FURSTENAU SURVEYING (540) 662-9323 133 WEST BOSCAWEN STREET SUITE 2 WINCHESTER, VIRGINIA 22601 EST. 1986 MEMBER VA. ASSOC. OF SURVEYORS	DATE: JUNE 12, 2008
	SCALE: 1" = 20' TAX ID: 50-1-2-0056 WO. 0052

RECEIVED
 Department of Planning & Zoning

FEB 18 2009

Zoning Evaluation Division

1



2



3



4



5



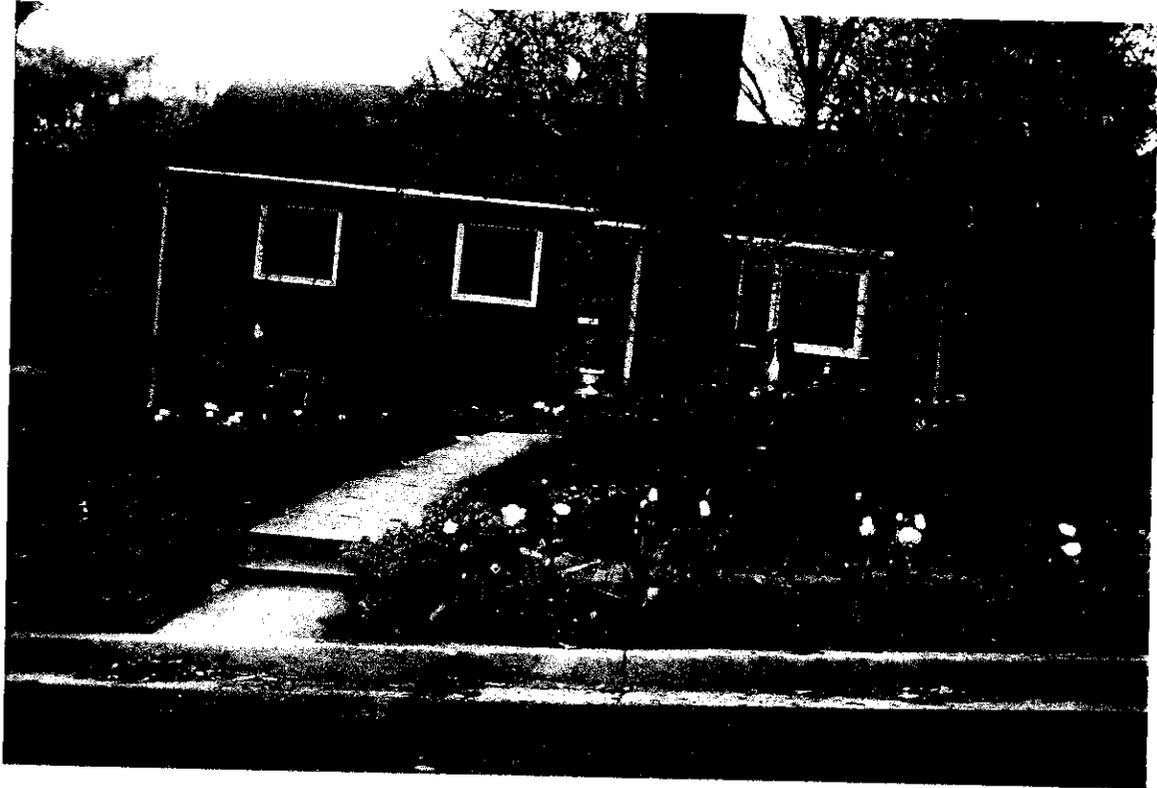
6



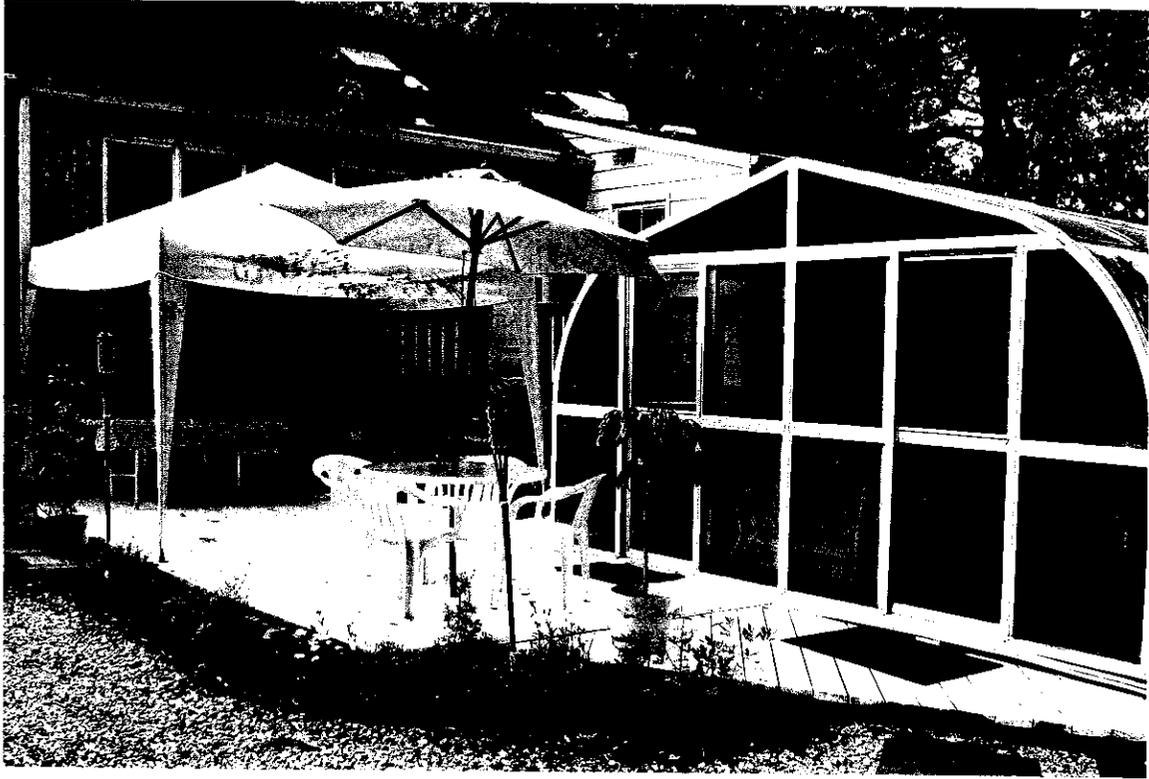
7



8



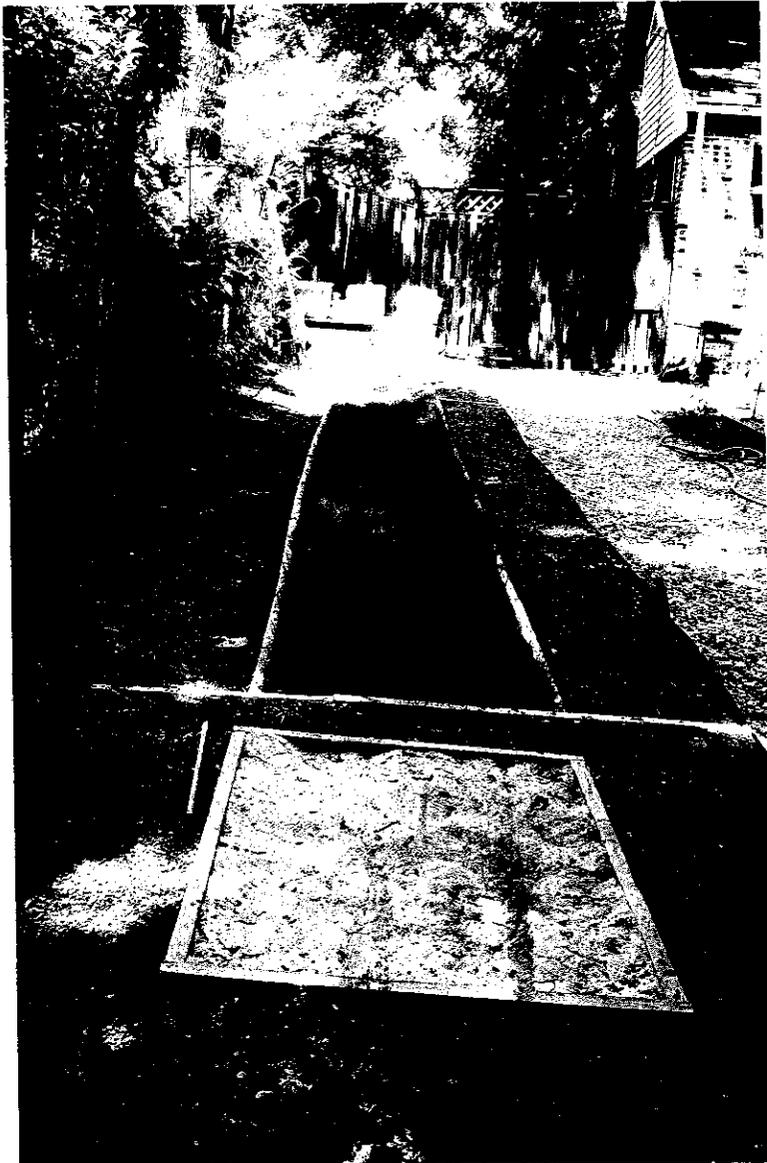
9



10



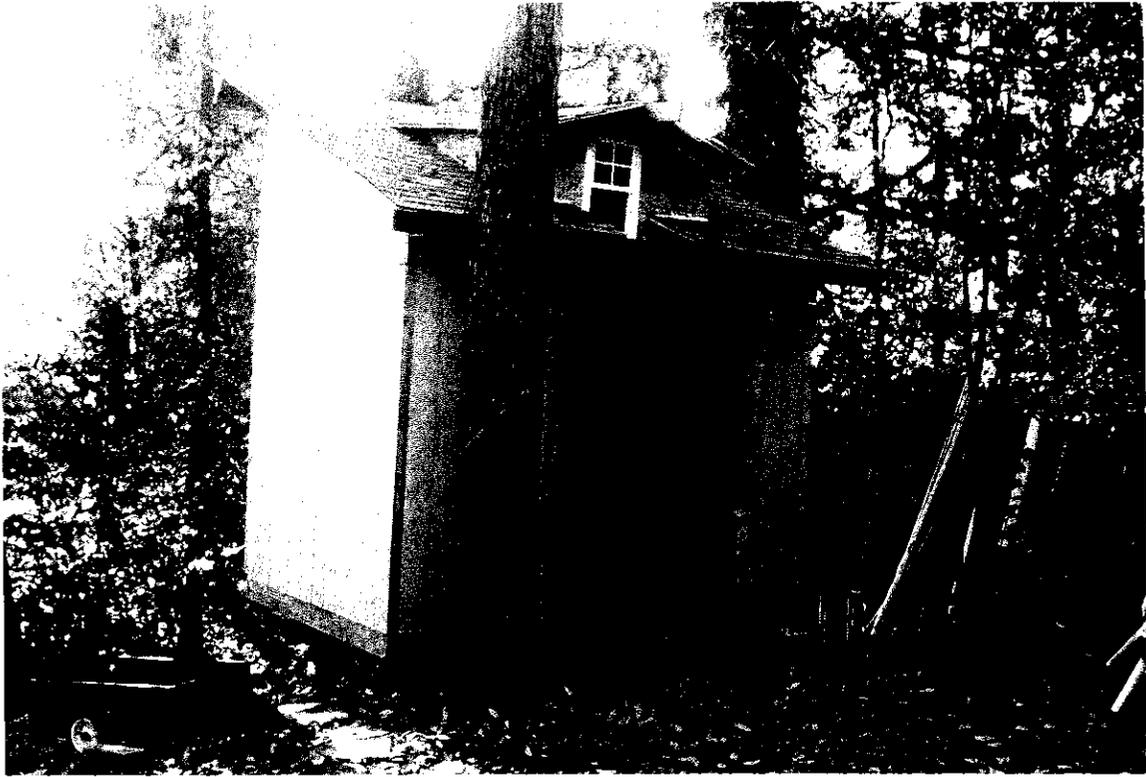
11



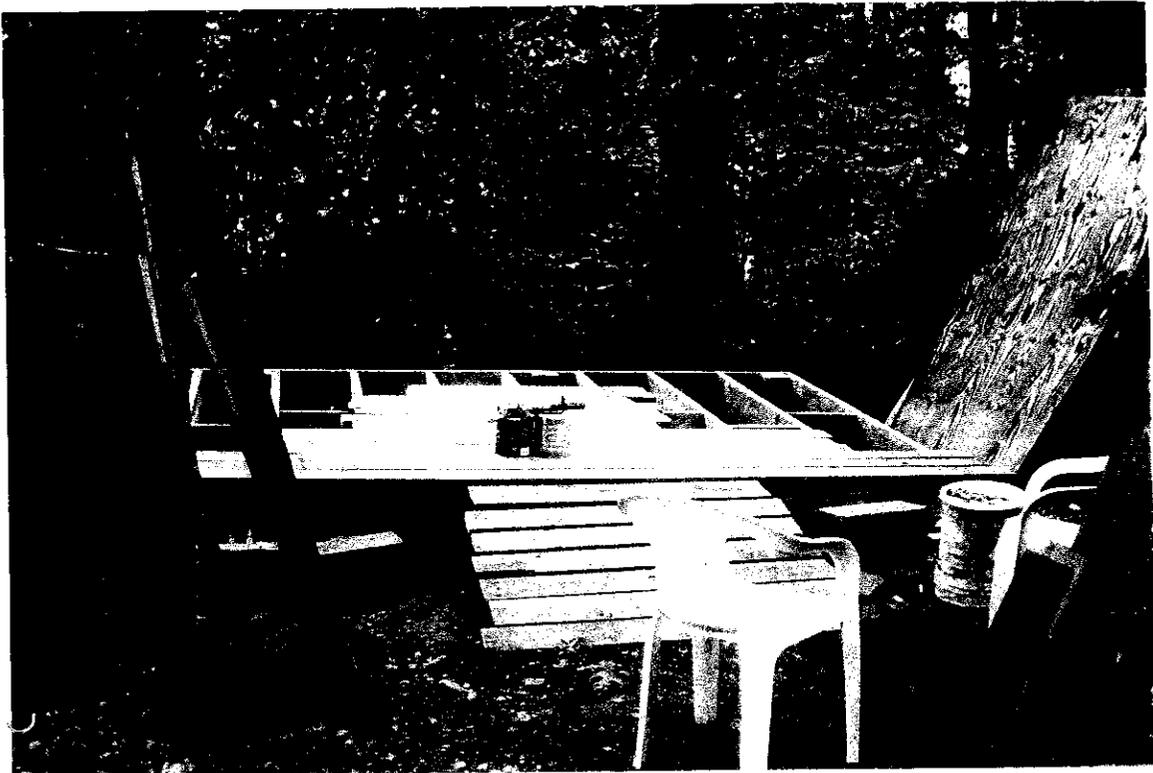
12



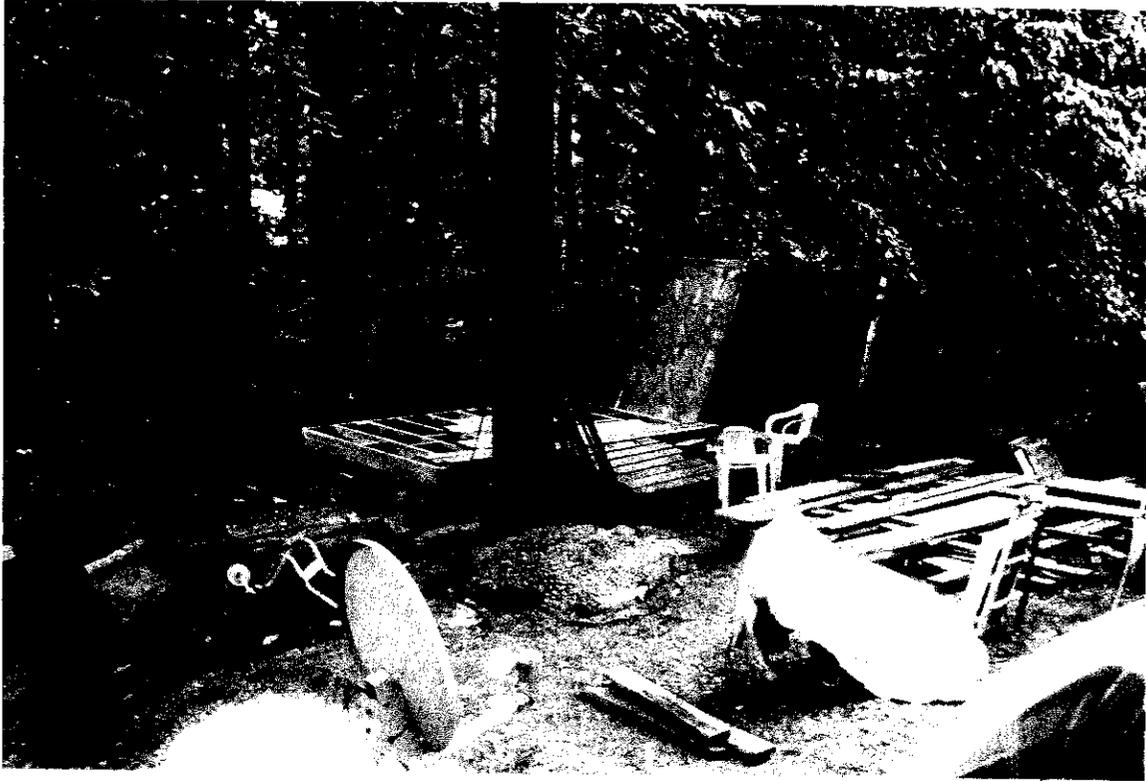
13



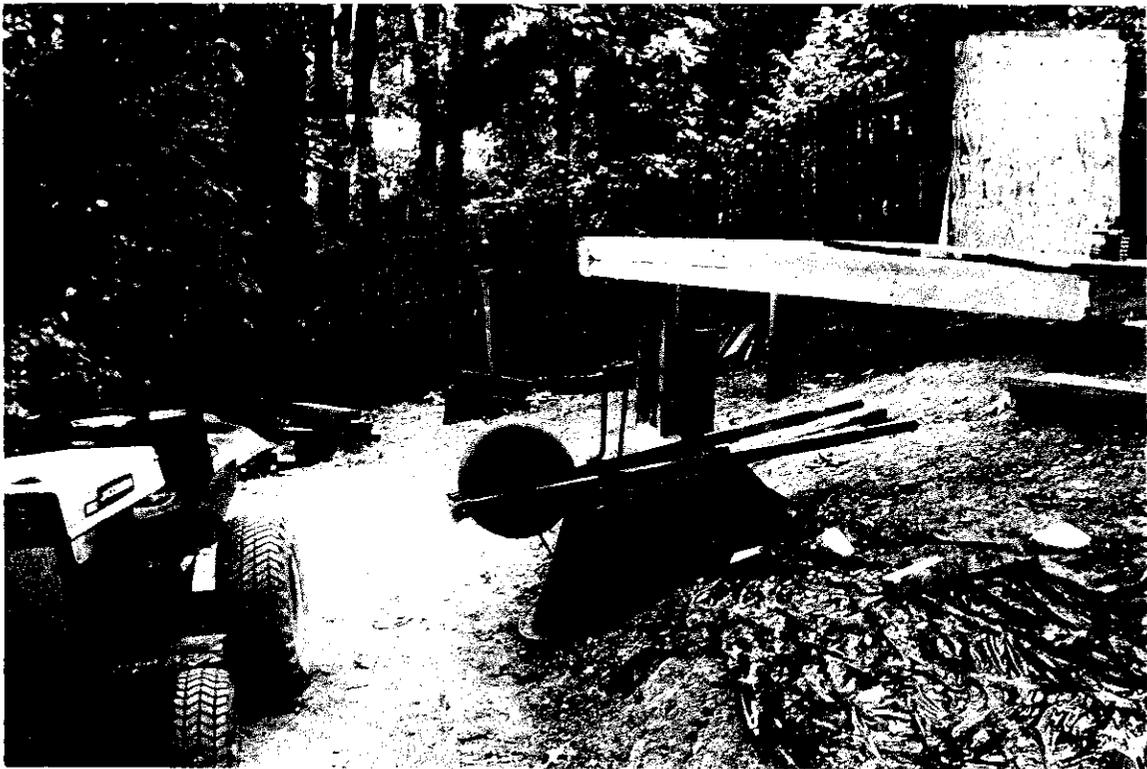
14



15



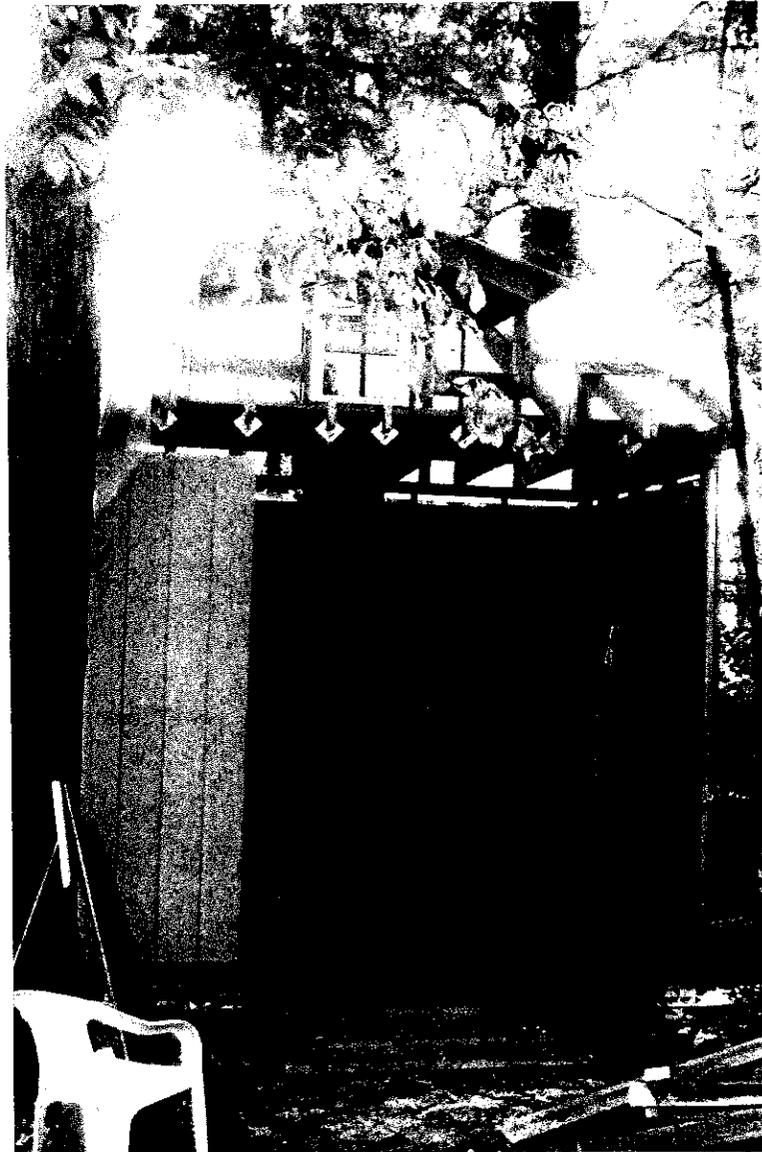
16



17



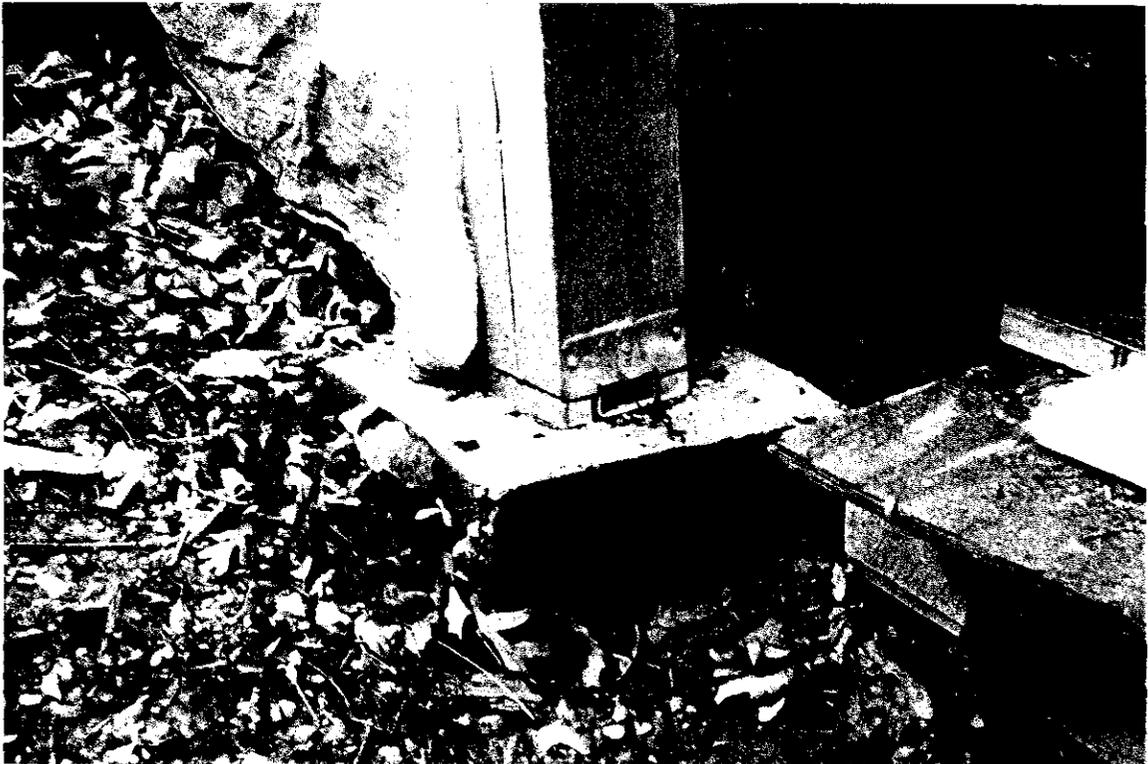
18



19



20



21



22



DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for the subject property to permit reduction in yard requirements based on error in building location for an accessory storage structure (shed) to remain 4.8 feet from the southern side lot line and 5.8 feet from the rear lot line.

	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Side	10 feet	4.8 feet	5.2 feet	52 %
Special Permit	Rear	16.5 feet	5.8 feet	10.7 feet	64.8 %

* Minimum yard requirement per Section 10-104

CHARACTER OF THE AREA

	Zoning	Use
North	R-4	Single Family Detached Dwellings
South	R-4	Single Family Detached Dwellings
East	R-4	Single Family Detached Dwellings
West	R-4	Single Family Detached Dwellings

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Shed Location, Lot 56 Section 3, Poplar Heights
- **Prepared By:** David M. Furstenau, Furstenau Surveying dated June 12, 2008, revised and signed through April 23, 2009
- **Building Permit Required for Shed:** No (the shed itself is only 103.32 square feet and the "lean to" is not accessible through the shed)
- **Location Error Made By:** Applicant

BACKGROUND

The existing single family detached dwelling was constructed in 1951 based on real estate assessments. A Notice of Violation (NOV) was issued on May 6, 2008 for the subject property for a detached accessory structure (shed) in excess of 8.5 feet in height within the minimum required rear and side yard. A copy of the NOV can be found in Appendix 4.

Due to the severe change in grade, the shed had to be constructed on a platform which made the overall height of the structure 16.5 feet.

The Board of Zoning Appeals (BZA) has heard the following applications in the neighborhood:

- Special Permit SP 95-P-074, granted on April 3, 1996, on Tax Map Number 50-1 ((3)) 45, on 7226 Allan Avenue, zoned R-4, south of the subject property to permit reduction to minimum yard requirements based on error in building location to permit accessory structure to remain 0.0 feet from the side lot line.

ZONING ORDINANCE REQUIREMENTS (See Appendix 5)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

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. Notice of Violation
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2009-PR-017

May 26, 2009

1. This special permit is approved for the location of an existing detached accessory structure (shed) as shown on the plat prepared by David M. Furstenau, Furstenau Surveying dated June 12, 2008, revised and signed through April 23, 2009, 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)

YESSENIA A. GUERRA
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02/11/09 I witness the presence
(enter date affidavit is notarized) of Leo Grandinetti,
Falls Church, VA 22046

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

1007466

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

YESSENIA A. GUERRA
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA

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)
Leo E Grandinetti	2509 Buckelew Dr Falls Church, Va, 22046	Applicant/Title Owner
Gloria D. Grandinetti	2509 Buckelew Dr Falls Church, Va 22046	/Title 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)

YESSENIA A. GUERRA **SPECIAL PERMIT/VARIANCE AFFIDAVIT**
NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA DATE: 02/14/09
(enter date affidavit is notarized)

1007466

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)

NA

(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)

YESSENIA A. GUERRA
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02/14/09
(enter date affidavit is notarized)

1007466

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)

YESSENIA A. GUERRA
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02/14/09
(enter date affidavit is notarized)

1007466

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)

NA

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.

YESSENIA A. GUERRA
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02/14/09
(enter date affidavit is notarized)

1007466

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

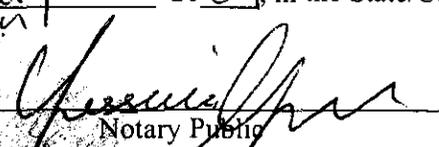
[] Applicant's Authorized Agent

Leo E Grandinetti owner/applicant

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

Subscribed and sworn to before me this 14th day of February, 2009, in the State/Comm. of Virginia, County/City of Falls Church

My commission expires: 06/30/2013


Notary Public

YESSENIA A. GUERRA
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA

SACK HARRIS & MARTIN, P.C.

ATTORNEYS AT LAW

SUITE 810
 8270 GREENSBORO DRIVE
 MCLEAN, VIRGINIA 22102
 TELEPHONE (703) 883-0102
 FACSIMILE (703) 883-0108

June 23, 2008

Ms. Susan Langdon
 Department of Planning & Zoning
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035

Re: Special Permit for Reduction in Minimum Yard Requirements Based on
 Error in Building Location
 Tax Map 50-1((2))56
 2509 Buckelew Drive

Dear Ms. Langdon:

The Applicant, Leo Grandinetti, Jr. received a notice of violation dated May 6, 2008 determining that his shed was in violation of the minimum yard requirements based on its height and location. The shed was erected by the Applicant after he sought guidance from Fairfax County as to allowable location and the need for a building permit. The shed was located in the rear corner of the lot approximately ~~5.2~~^{5.8} feet from the side yard lot line and ~~12.4~~^{5.8} feet from the rear lot line. Due to its location on the slope, the shed was constructed on top of a platform. Based on the Zoning Ordinances' methods of measuring building height, the shed's height is measured at 16.5 feet from its highest peak to the average grade around the shed. Therefore, the shed must have a minimum rear yard set back of 16.5 feet (~~12.4~~^{5.8} feet provided) and 10 feet (~~5.2~~^{4.8} feet provided) for the side yard.

It is submitted that this application meets the Standards of Article 8-914 as follows:

- A. The error exceeds ten (10) percent of the measurement involved, and
- B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
- C. Such reduction will not impair the purpose and intent of this Ordinance, and

OK per
 applicant
 8/1/27/09

OK per applicant
 8/1/27/09

OK per applicant
 1/27/09 82

OK per
 applicant
 1/27/09
 82

SACK HARRIS & MARTIN, P.C.

Ms. Susan Langdon

June 23, 2008

Page 2 of 2

D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and

E. It will not create an unsafe condition with respect to both other property and public streets, and

F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.

G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Very truly yours,

SACK HARRIS & MARTIN, P.C.

A handwritten signature in black ink, appearing to read 'Keith C. Martin', with a long horizontal flourish extending to the right.

Keith C. Martin

Copy to:
Leo Grandinetti, Jr.



County of Fairfax, Virginia

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

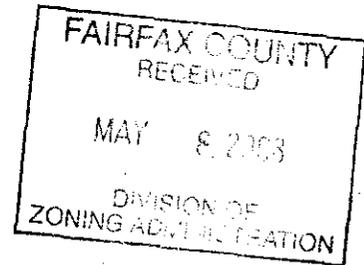
May 6, 2008

NOTICE OF VIOLATION

CERTIFIED MAIL

Return Receipt Requested
Receipt #7007-3020-0001-3001-5100

Leo Grandinetti, Jr.
Gloria Grandinetti
2509 Buckelew Drive
Falls Church, VA 22046-1911



Re: 2509 Buckelew Drive
Subdivision: Poplar Heights, Lot 56, Section 3
Tax Map Ref: 50-1 ((02)) 0056
Zoning District: R-4

Dear Property Owners:

A zoning inspection and investigation, by this office, has established that there is an accessory storage structure located on the rear portion of the property in excess of eight and one-half (8 ½) feet in height. Par. 10E of Sect. 10-104 of the Fairfax County Zoning Ordinance, states in part:

An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line, or located closer than a distance equal to the minimum required side yard to the side lot line.

Par. 4 of Sect. 10-103 explains the manner in which the height of accessory structures shall be measured:

All accessory uses and structures shall comply with the maximum height regulations applicable in the zoning district, in which they are located, except as may be qualified by Sect. 2-506. For the purposes of determining height, unless otherwise specified in Section 10-104 below, the height of an accessory structure shall be measured from the highest point of the structure to the lowest point of finished ground level adjacent to the structure.

Lep Grandinetti, Jr.
Gloria Grandinetti
May 6, 2008
Page 2

The minimum required side yard setback, in an R-4 zoned district, is ten (10) feet. Therefore, you are in violation of Par. 6 of Sect. 2-302 of the Fairfax County Zoning Ordinance, which states:

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.

In addition, the inspection revealed outdoor storage in the rear portion of the property which is greater than 100 square feet, and is not screened from view from the first story window of any neighboring dwelling. This outdoor storage consists of, but is not limited to, the following:

Cinder blocks, wood, metal fence post, ladders, two lawn spreaders, and other miscellaneous debris.

This outdoor storage is in violation with Par. 24 of Sec. 10-102 of the Zoning Ordinance with states, in part:

Storage, outdoor in R districts, provided such storage is located on the rear half of the lot, screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet.

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

Storage Structure:

- Removing the accessory storage structure from the property; or
- Applying for and successfully obtaining a special permit from the Board of Zoning Appeals allowing the structure to remain in its current configuration and location; or
- Relocating the accessory storage structure, a minimum of ten (10) feet from the side lot line and a distance from the rear lot line equal to its height; or
- Reducing the height of the accessory storage structure to eight and one-half (8 ½) feet or less.

Lep Grandinetti, Jr.
Gloria Grandinetti
May 6, 2008
Page 3

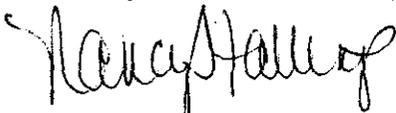
Outdoor Storage:

- Removing outside storage from the property on a permanent basis, or
- Reducing outside storage to no more than 100 square feet in total area, screening it from view of the first story window of any neighboring dwelling, and locating the storage on the rear half of the lot.

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) 324-1317 or (703) 324-1300.

Sincerely,



Nancy G. Stallings
Property Maintenance/Senior Zoning Inspector

NGS/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.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) 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 and 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. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and 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 well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.

- 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. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

- 2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
- 3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
- 4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
- 5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.