



APPLICATION ACCEPTED: April 17, 2009
BOARD OF ZONING APPEALS: June 30, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 23, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-MV-025

MOUNT VERNON DISTRICT

APPLICANT/OWNER: Kevin L. Murray

SUBDIVISION: Bucknell Manor

STREET ADDRESS: 2216 Dartmouth Drive

TAX MAP REFERENCE: 93-1 ((23)) (5) 19B

LOT SIZE: 3,600 square feet

ZONING DISTRICT: R-8

ZONING ORDINANCE PROVISIONS: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit accessory structure to remain 2.3 feet from side lot line and 3.2 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.

O:\SMCKN\SP\MURRAY SP 2009-MV-025\Murray_cover.doc

Shelby Johnson

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



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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.**

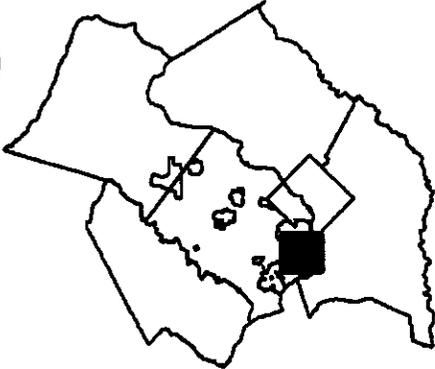


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2009-MV-025

Applicant: KEVIN L. MURRAY
Accepted: 04/17/2009
Proposed: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STRUCTURE TO REMAIN 2.3 FEET FROM THE SIDE LOT LINE AND 3.2 FEET FROM THE REAR LOT LINE



Area: 3,600 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 08-0914

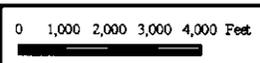
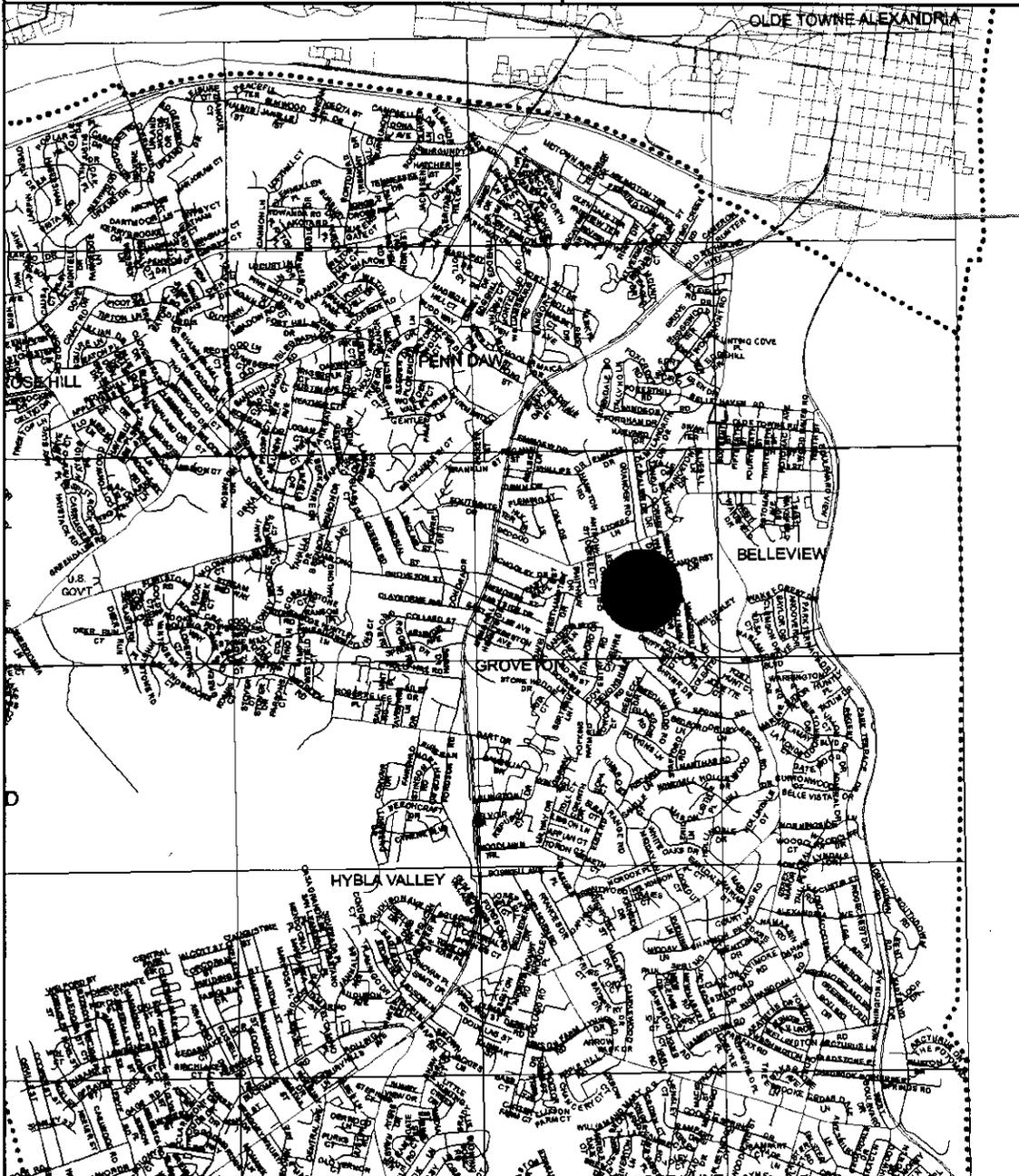
Art 8 Group and Use: 9-13

Located: 2216 DARTMOUTH DRIVE

Zoning: R- 8

Overlay Dist:

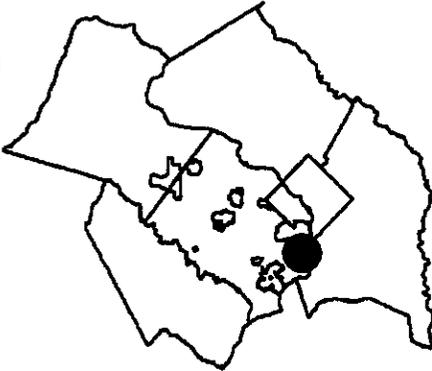
Map Ref Num: 093-1- /23/05/0019B



Special Permit

SP 2009-MV-025

Applicant: KEVIN L. MURRAY
Accepted: 04/17/2009
Proposed: REDUCTION TO MINIMUM YARD REQUIREMENTS
BASED ON ERROR IN BUILDING LOCATION
TO PERMIT ACCESSORY STRUCTURE TO
REMAIN 2.3 FEET FROM THE SIDE LOT
LINE AND 3.2 FEET FROM THE REAR LOT
LINE



Area: 3,600 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 08-0914

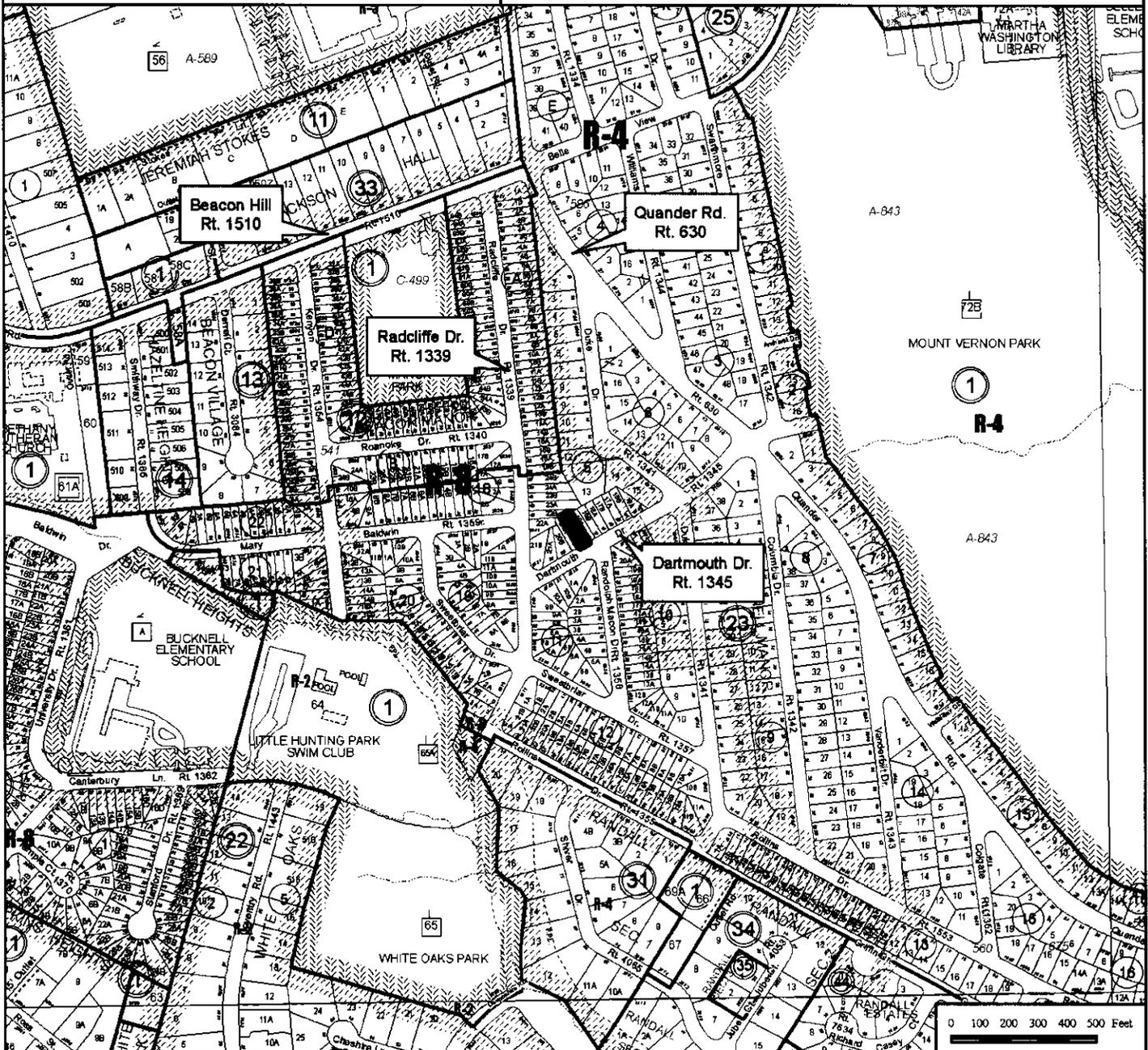
Art 8 Group and Use: 9-13

Located: 2216 DARTMOUTH DRIVE

Zoning: R- 8

Overlay Dist:

Map Ref Num: 093-1- /23/05/0019B



COPYRIGHT LARRY N. SCARTZ, LTD. - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

NOTES:

- TAX MAP 093-1-23-05-0019B
- PROPERTY SHOWN HEREON IS ZONED:
R-8 (Residential 8 DU/AC)
- MINIMUM YARD REQUIREMENTS IN ZONE R-8
FRONT YARD: Controlled by a 30° angle of bulk plane,
but not less than 20'
SIDE YARD: Controlled by a 25° angle of bulk plane,
but not less than 10'
REAR YARD: Controlled by a 25° angle of bulk plane,
but not less than 25'
- PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD
ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY
PANEL NUMBER 515525 0137 D EFFECTIVE DATE,
MARCH 5, 1990.
- THE RECORD PLAT DOES NOT SHOW ANY UTILITY
EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25)
FEET OR MORE EFFECTING THIS PROPERTY.
- ELEVATION DATUM IS ASSUMED.
- FLOOR AREA:
EXISTING GROSS FLOOR AREA DUPLEX 896 SQ. FEET
EXISTING GROSS FLOOR AREA ENCL. PORCH 216 SQ. FEET
EXISTING GROSS FLOOR AREA DECK 110 SQ. FEET
EXISTING GROSS FLOOR AREA GARAGE 298 SQ. FEET
TOTAL FLOOR AREA 1,520 SQ. FEET

FLOOR AREA RATIO : 0.42

HEIGHT TABLE

EXISTING HOUSE HEIGHT IS 20.2'
EXISTING ENCLOSED PORCH IS 9.3'
EXISTING FRAME GARAGE IS 9.3'

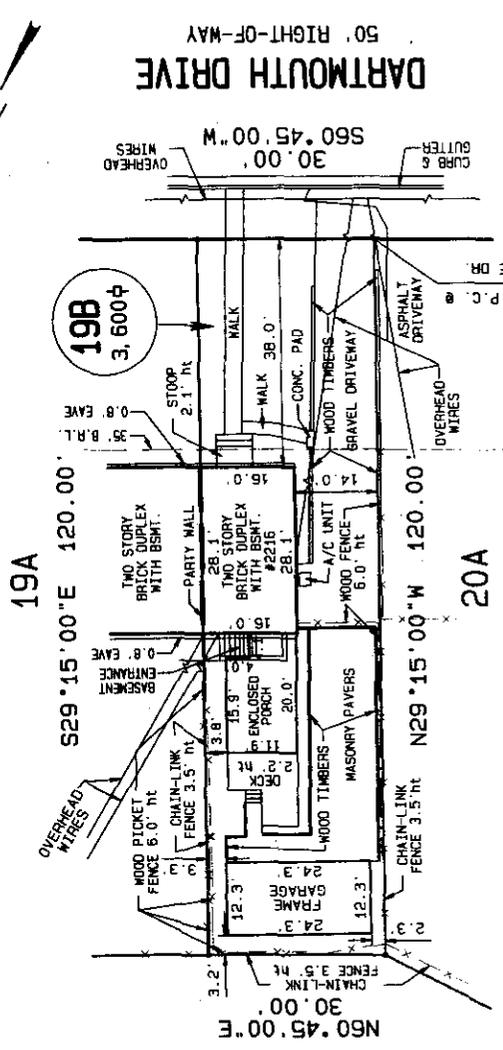
CASE NAME: SHELLY THOMAS

NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY
AND DO NOT CERTIFY AS TO OWNERSHIP.

LARRY N. SCARTZ, LTD.
LOCAL (703) 694-4161
LARRY N. SCARTZ 594-4161
CERTIFIED LAND SURVEYOR METRO (703) 690-3898
WOODBRIDGE, VIRGINIA FAX (703) 690-3898

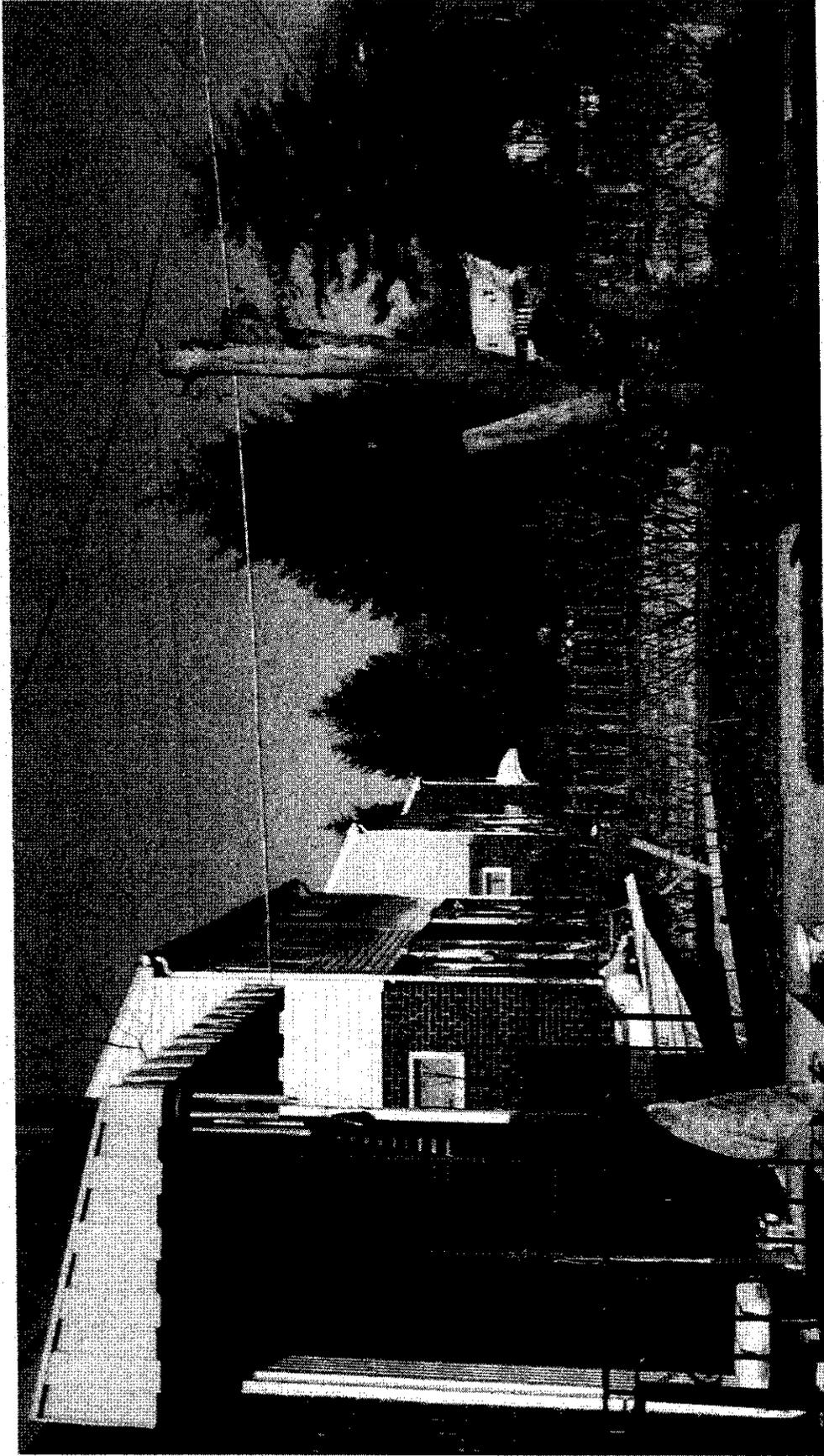
LNS

TAX MAP# 093-1-23-05-0019B JOB# 20082359 DSE

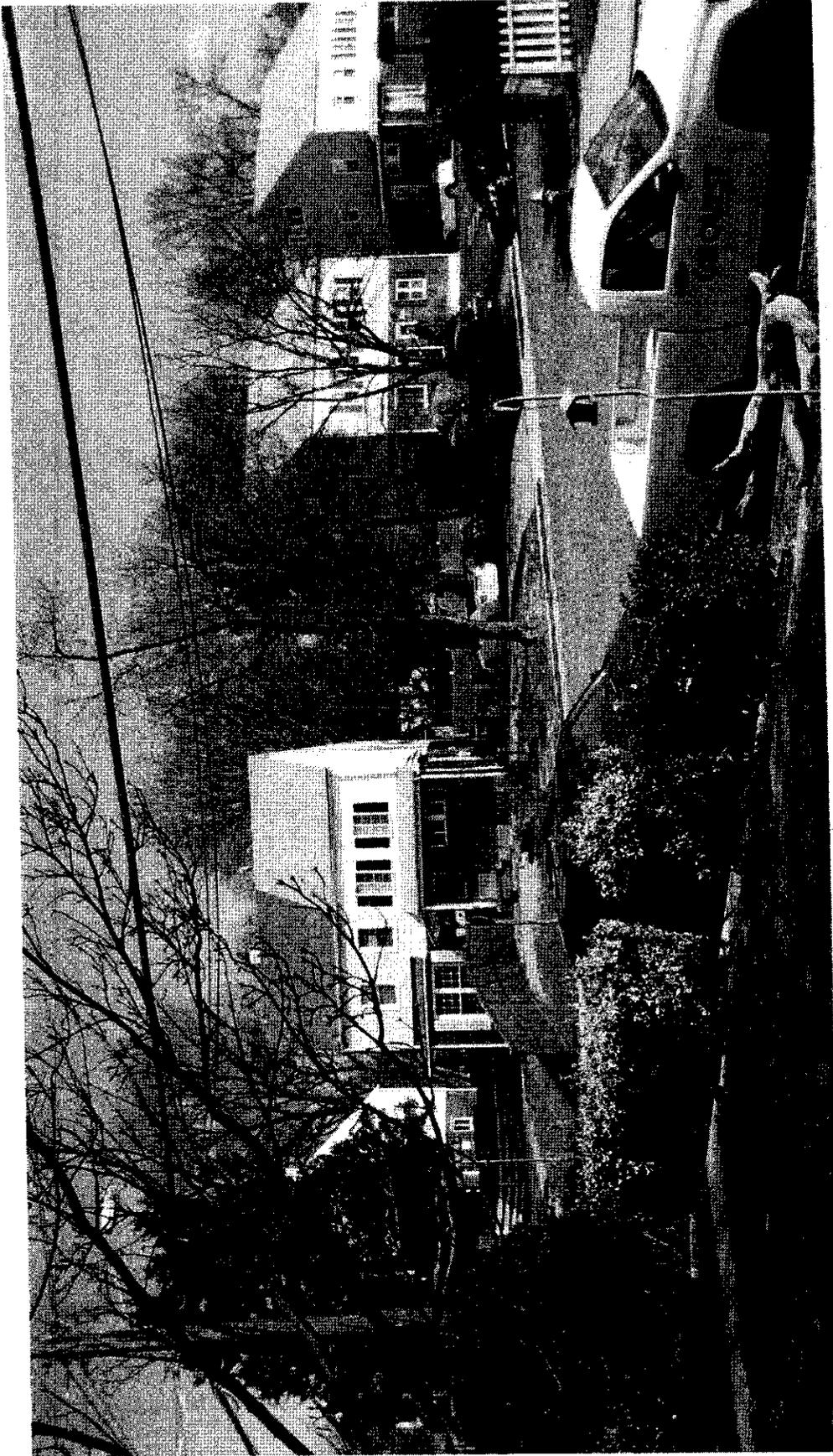


SPECIAL PERMIT PLAT
LOT 198, BLOCK 5, PARCEL 9, SECTION 4
BUCKNELL MANOR
MOUNT VERNON MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=20' DATE: OCTOBER 16, 2008

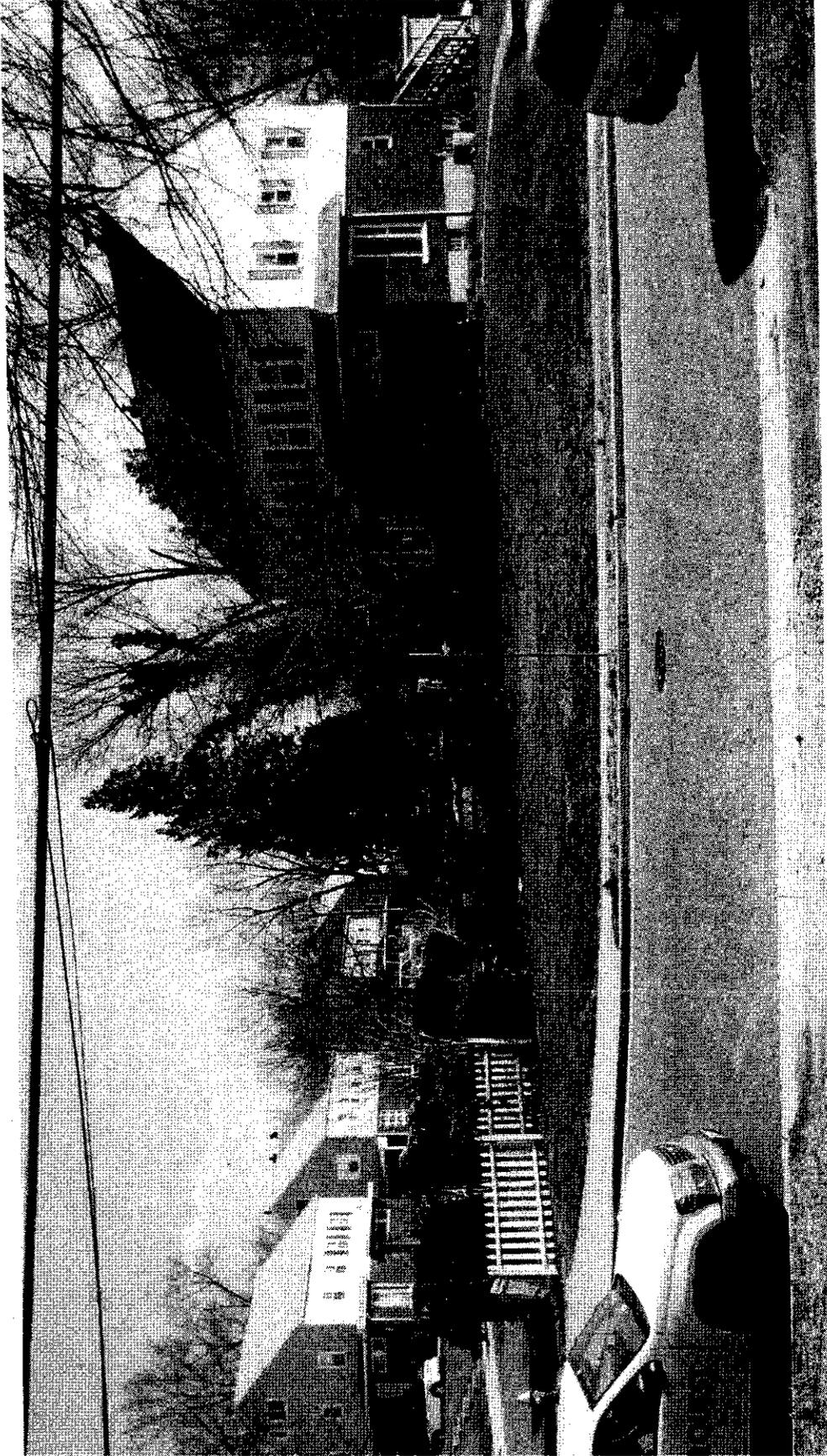




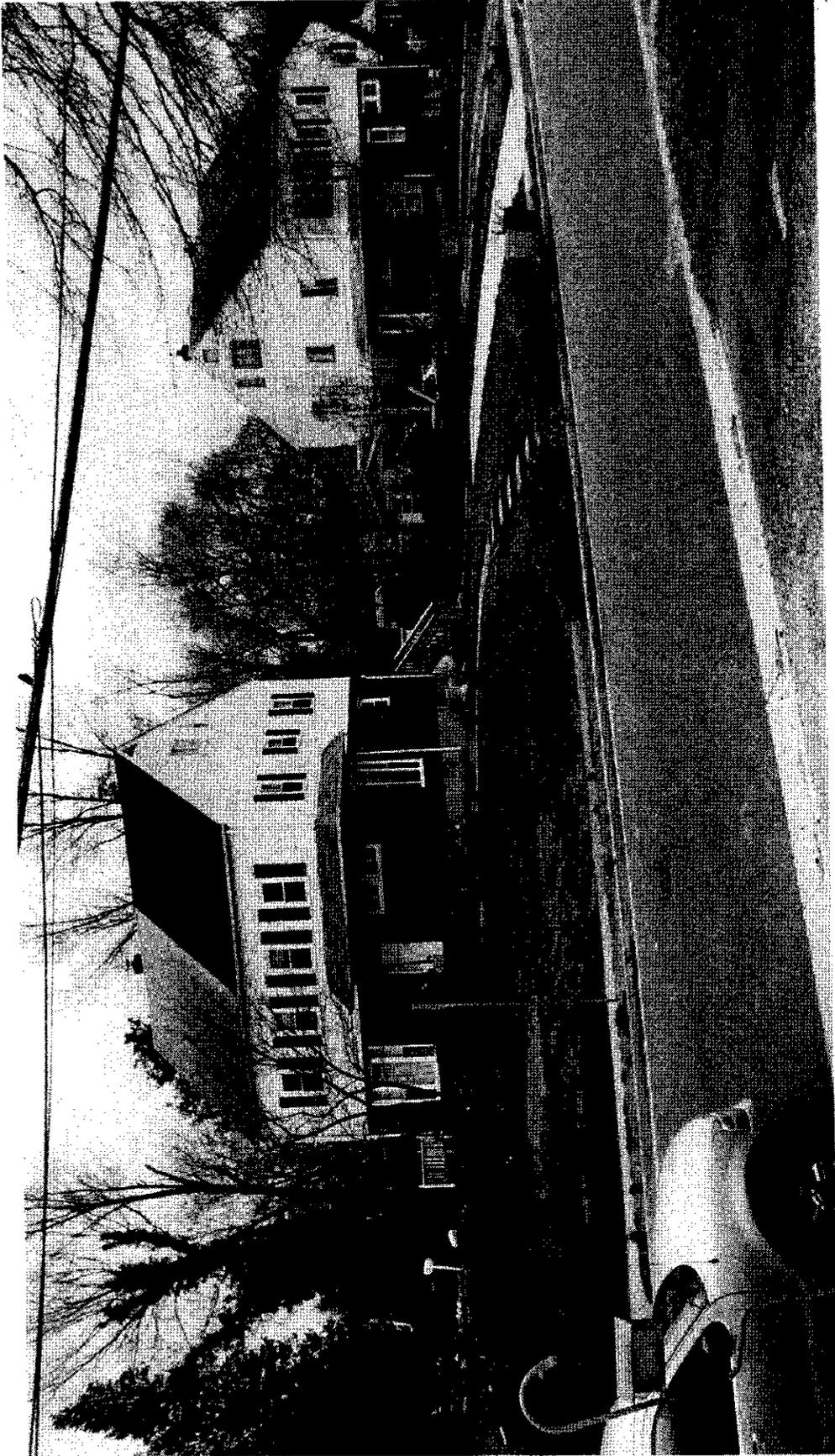
Adjacent properties facing North from the Front of 2216 Dartmouth Drive Property.



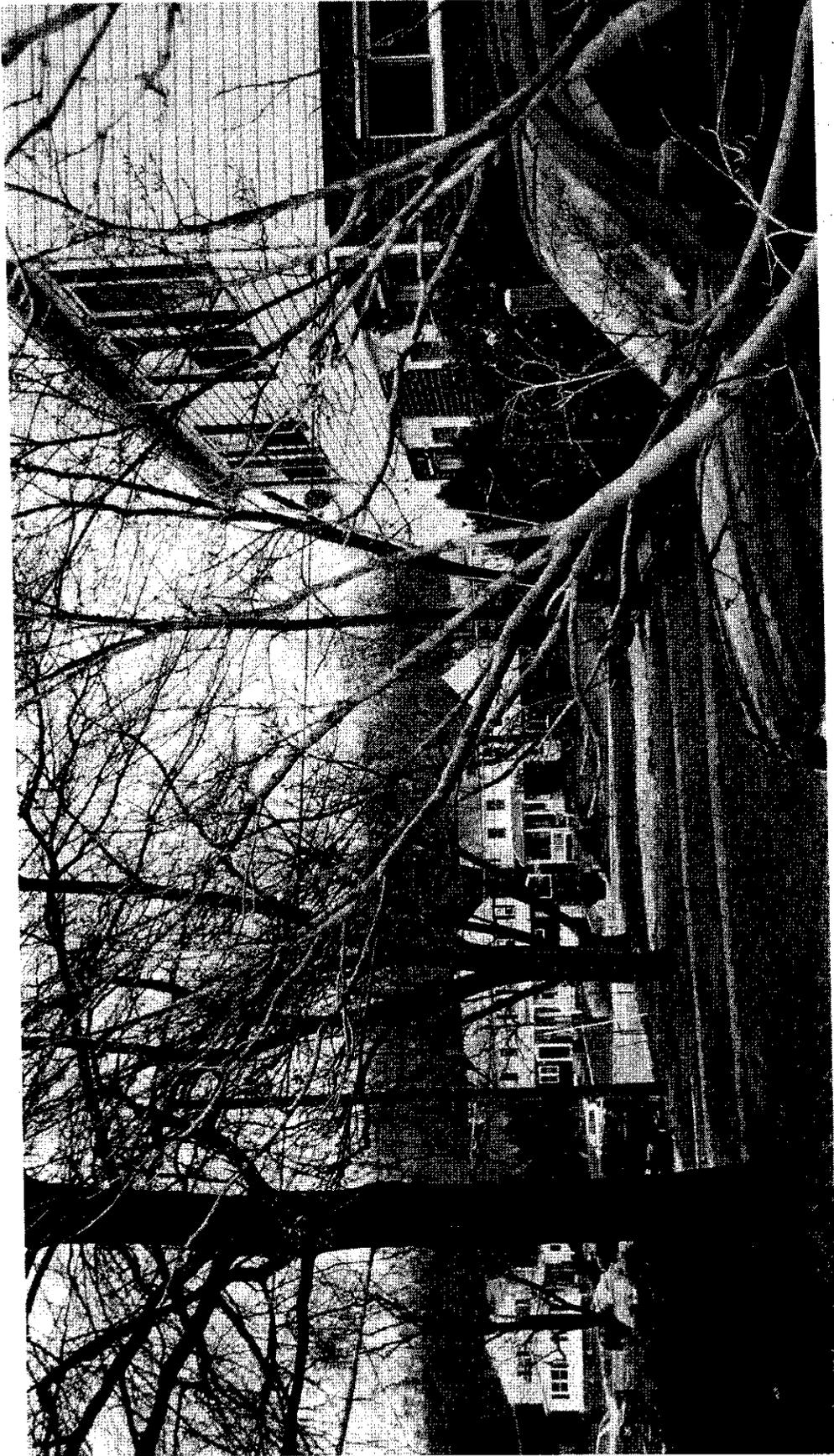
Adjacent properties facing North/East from the Front of 2216 Dartmouth Drive Property.



Adjacent properties facing East from the Front of 2216 Dartmouth Drive Property.



Adjacent properties facing South/East from the Front of 2216 Dartmouth Drive Property.



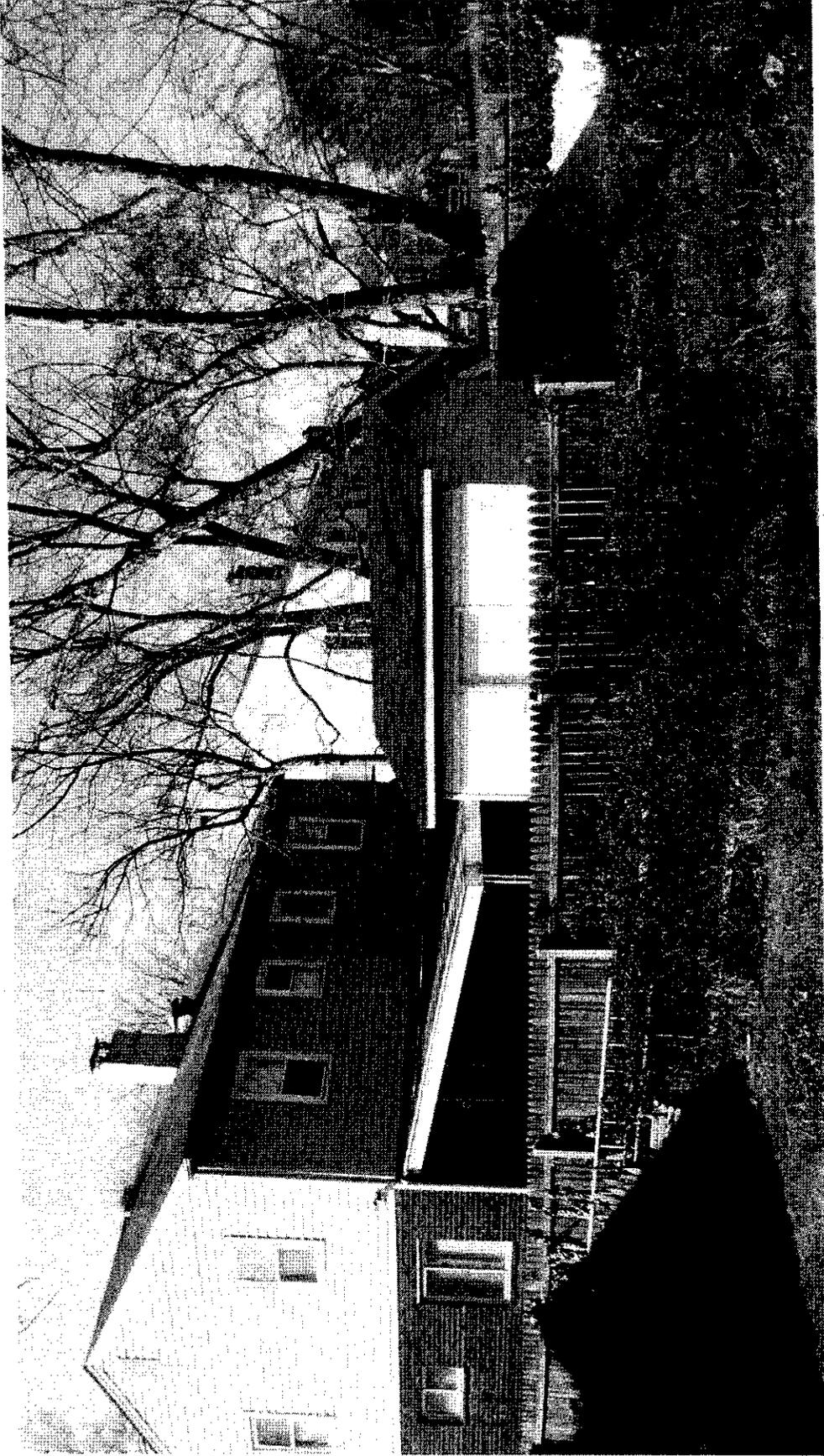
Adjacent properties facing South from the Front of 2216 Dartmouth Drive Property.



Adjacent properties facing South from the Rear of 2216 Dartmouth Drive Property.



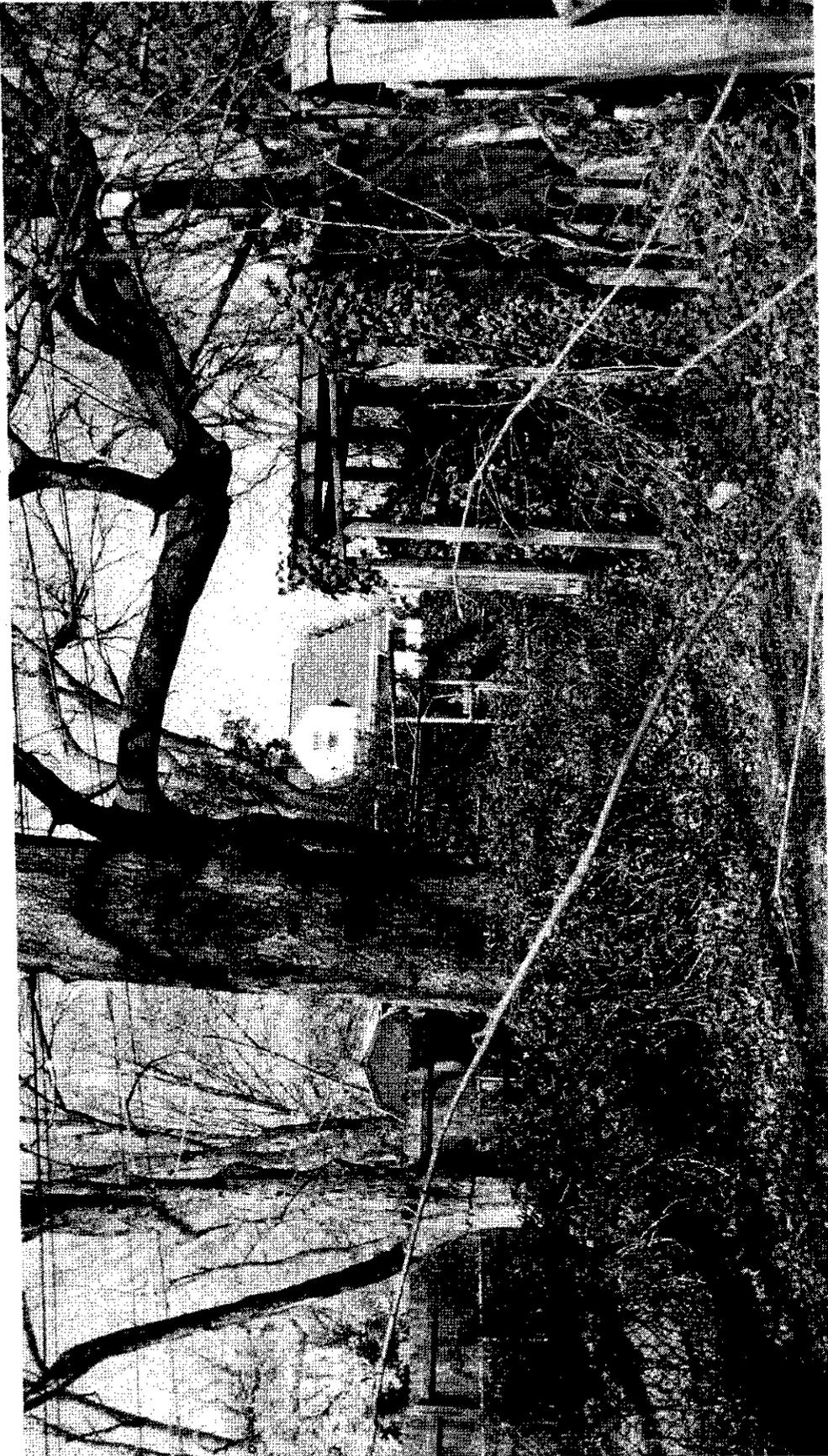
Adjacent properties facing South/West from the Rear of 2216 Dartmouth Drive Property.



Adjacent properties facing West from the Rear of 2216 Dartmouth Drive Property.



Additional Adjacent properties facing West from the Rear of 2216 Dartmouth Drive Property.



Adjacent properties facing North West from the Rear of 2216 Dartmouth Drive Property.



Adjacent properties facing North from the Rear of 2216 Dartmouth Drive Property.

Picture # 1

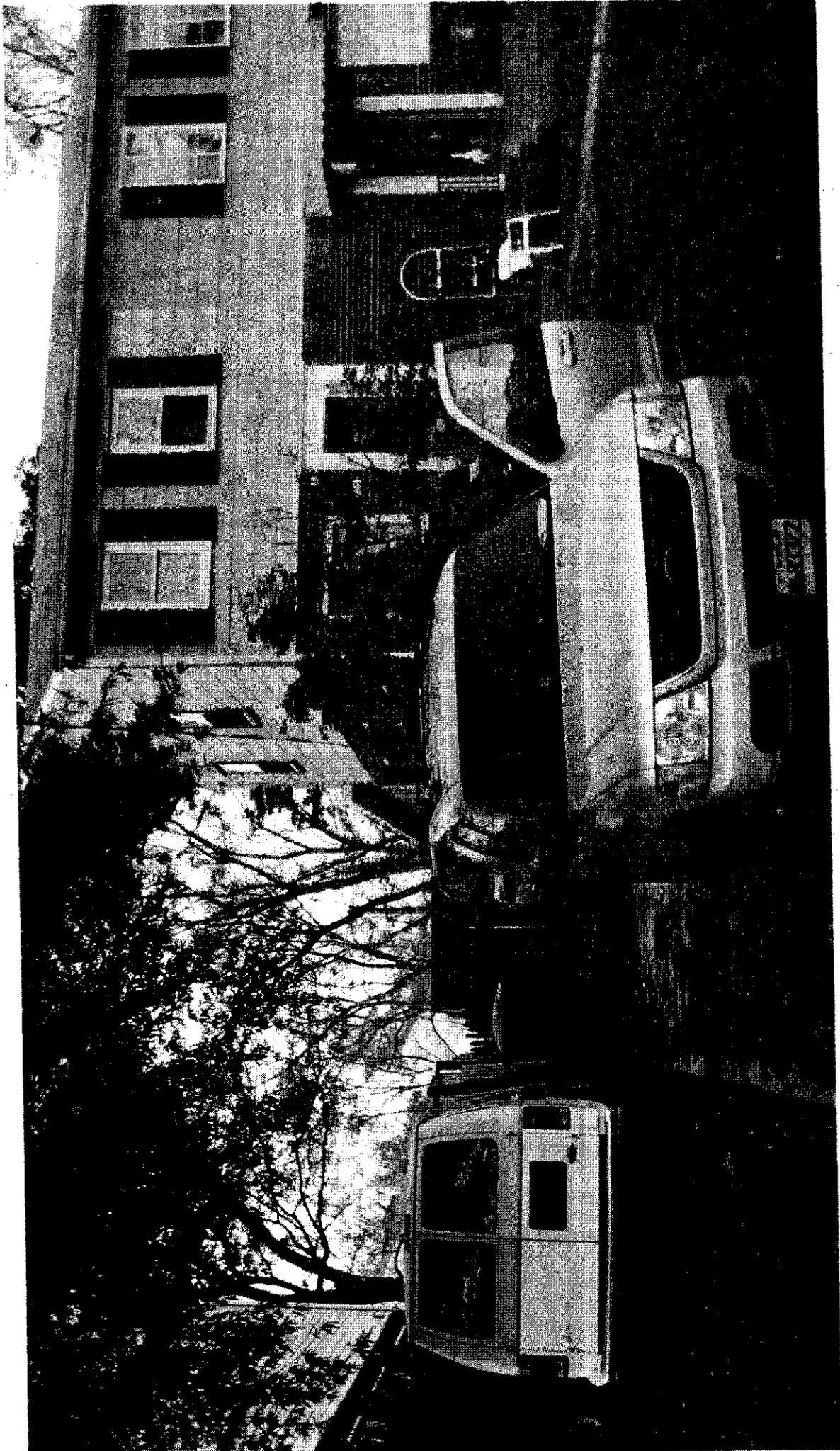
Front View of Property

Front of House faces the East, Detached side faces South,
Attached side faces North and Rear side faces West

This view shows the structure from the public street which,
with the replacement privacy fencing, you can see the top of
the Motorcycle Garage.

The driveway only goes to the start of the privacy fence.
Behind the fence is a brick patio.

Picture # 1

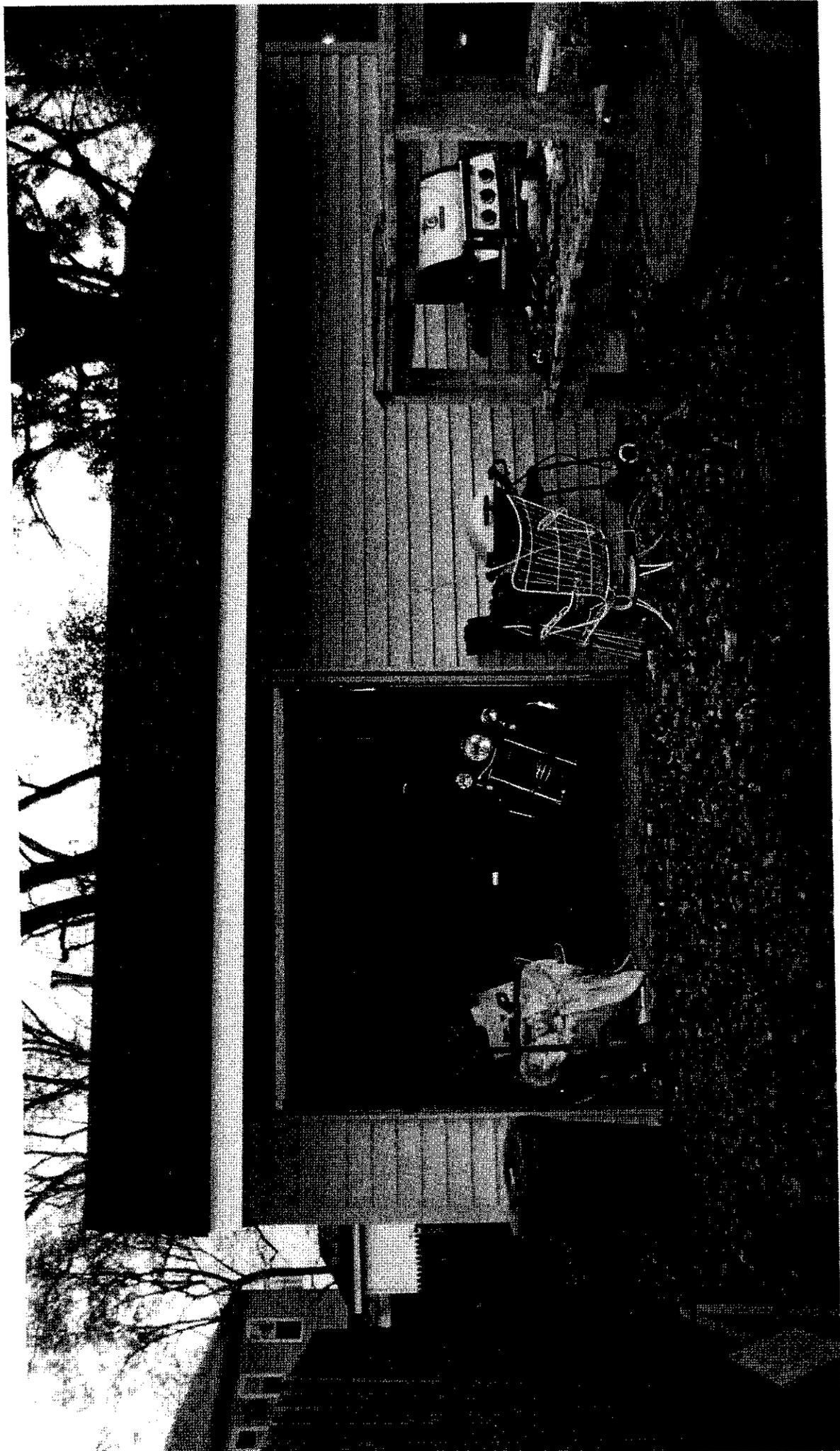


Picture # 2

Front View of Motorcycle Garage

- Front of Motorcycle Garage faces the East.
- Structure on left side of picture is neighboring properties and structures.
- Privacy fencing to the left of the picture is replaces old deteriorated fencing and will close in the remainder of the back yard.
- Replacement Siding and Roof shingles used on Motorcycle Garage will be used for replacement on the House as well.
- Rear of porch on the right side of the picture will be removed and replaced with same patio brick shown in this picture.

Picture # 2



Picture # 3

Right Side View of Motorcycle Garage

- Right Side View of Motorcycle Garage faces the North.
- Picture shows old deteriorated fencing to be replaced.
 - This view of the rear porch is to be removed and replaced with existing patio brick.

Picture # 3

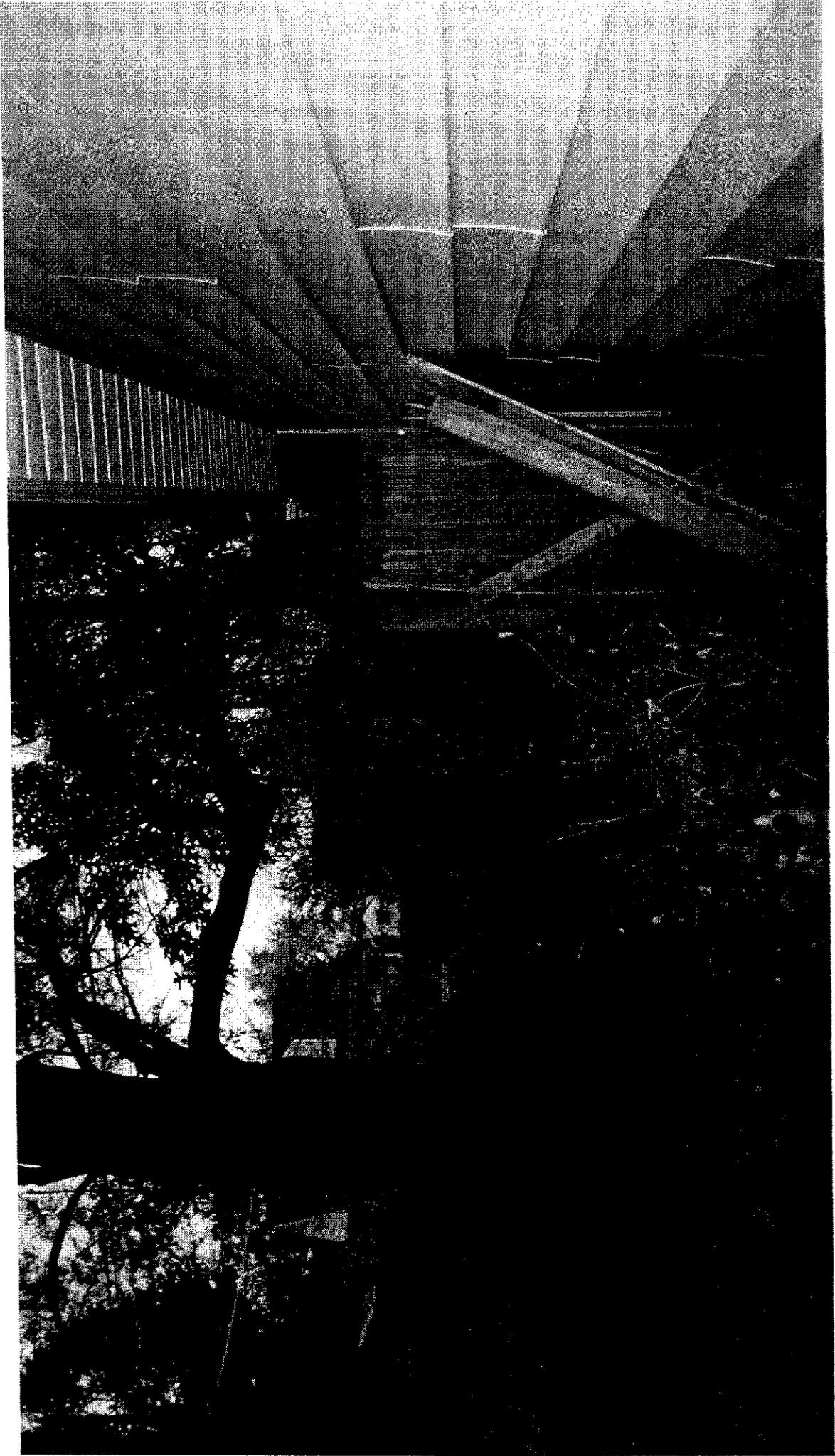


Picture # 4

Rear View of Motorcycle Garage

- Rear view of Motorcycle Garage faces the West.
- Picture depicts deteriorated and collapsed fencing that adjoins property behind mine.
- Deteriorated structure in center of the picture belongs to adjoining neighbor as separated by the common chain link fence.
- Replacement privacy fencing will also be replaced on the inside of the common fence line.

Picture # 4

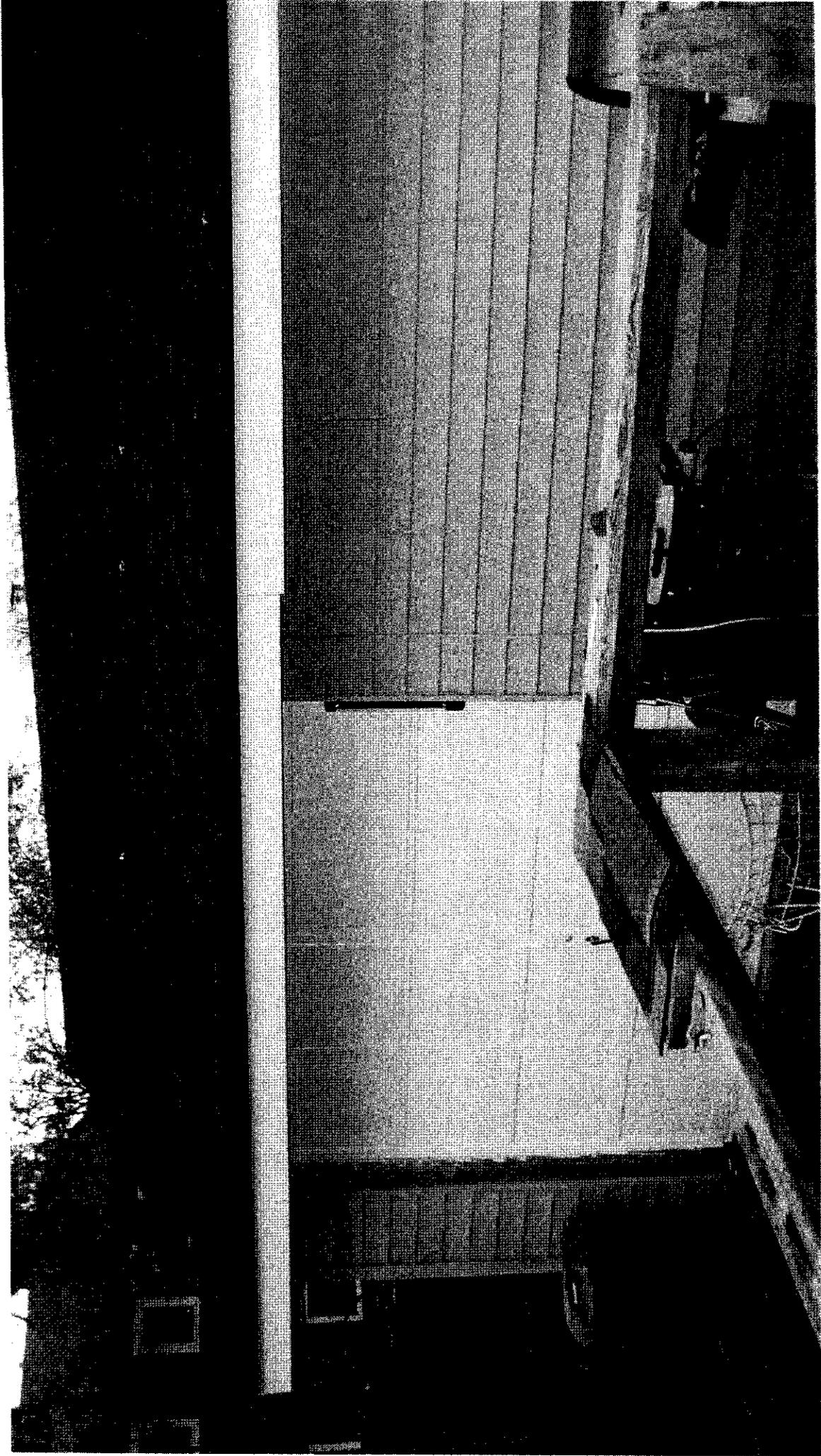


Picture # 5

View of Motorcycle Garage 4-Panel Overhead Door

- View of rear of Porch will be removed and replaced with patio bricks.

Picture # 5

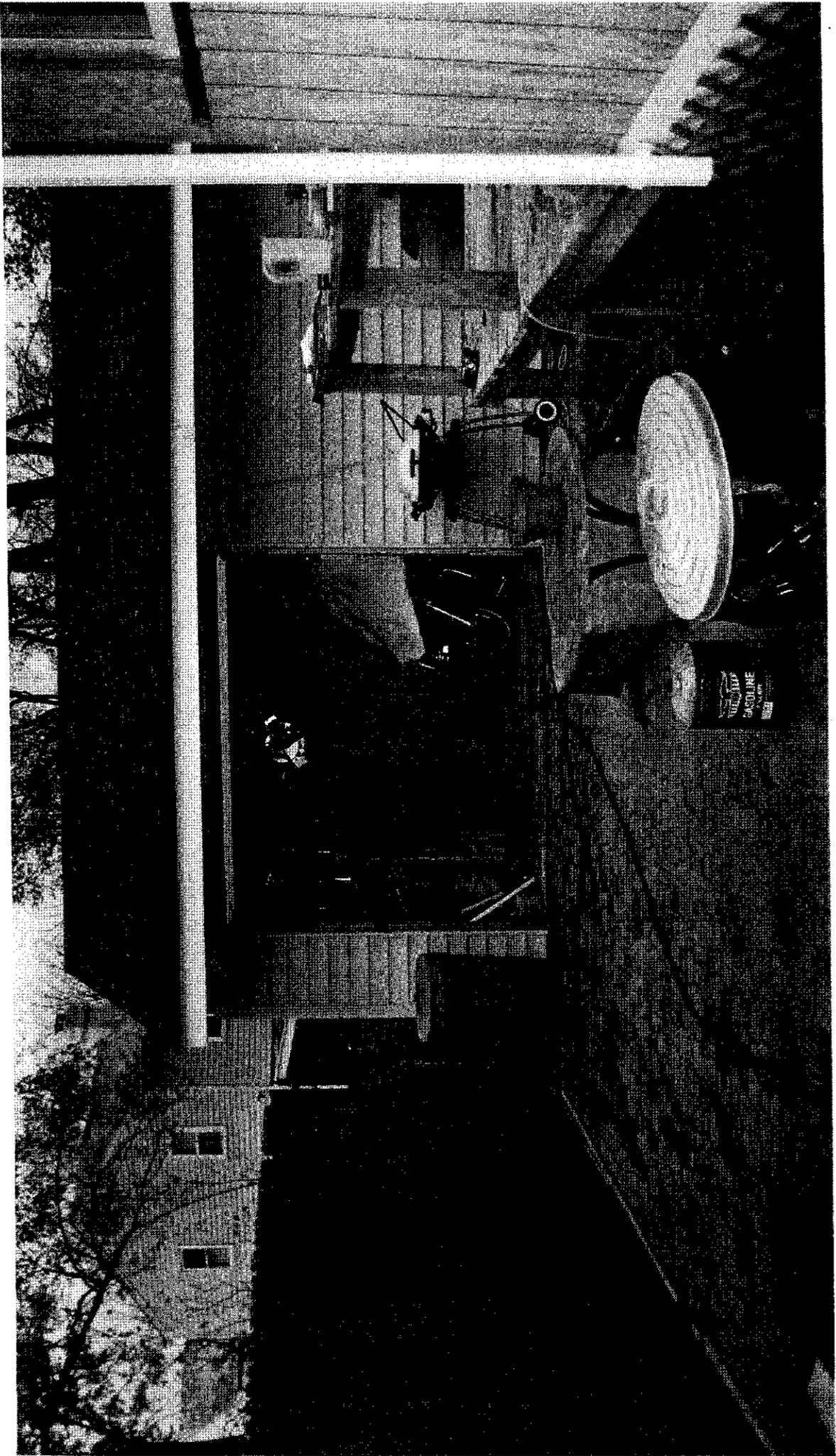


Picture # 6

Front View of Motorcycle Garage Door Opening

- View of rear of Porch will be removed and replaced with patio bricks shown in this picture.
- Privacy fencing on left side of picture to surround all of back yard.
- Replacement siding and roof shingles to will be used for replacement of house siding and roof shingles.

Picture # 6



DESCRIPTION OF THE APPLICATION

The applicant requests special permit approval to permit a reduction to minimum yard requirements based on error in building location to permit an accessory structure (motorcycle garage) to remain 2.3 feet from the western side lot line and 3.2 feet from the rear lot line. The motorcycle garage measures 9.3 feet in height and approximately 299 square feet in area. The applicant proposes to remove the wooden deck shown on the rear of the dwelling prior to obtaining a building permit for the garage.

Description of Special Permits

	Structure	Yard	Minimum Yard Required	Structure Location	Amount of Error	Percent of Error
Special Permit	Accessory (motorcycle garage)	West Side	10.0 feet	2.3 feet	7.7 feet	77%
Special Permit	Accessory (motorcycle garage))	Rear	9.3 feet	3.2 feet	6.1 feet	66%

*Minimum yard requirement per Sections 3-807 and 10-104.

ANALYSIS OF THE APPLICATION

- **Title of Plat:** Special Permit Plat, Lot 19, Block 5, Parcel 9, Section 4, Bucknell Manor
- **Prepared by:** Larry N. Scartz, LTD., dated October 16, 2008
- **Building Permit required:** Yes, for garage; however, not obtained.
- **Error Made by:** Applicant

CHARACTER OF THE AREA

	Zoning	Use
North	R-8; R-4	Duplex and Single Family Detached Dwellings
East	R-8; R-4	Duplex and Single Family Detached Dwellings
South	R-8	Duplex Dwellings
West	R-8	Duplex Dwellings

BACKGROUND

Real estate assessment records indicate that the existing duplex was constructed in 1951. According to the applicant's statement of justification, the applicant improved and expanded an existing on-site structure to accommodate his three motorcycles. He was not aware that he needed to obtain a building permit prior to the expansion. The accessory structure (motorcycle garage) is located northwest of the dwelling and is accessed by a driveway that extends from Dartmouth Drive and terminates at the garage. The driveway materials consist of gravel from the site's entrance on Dartmouth Drive to the gate at the end of the wooden fence, and then becomes a masonry-paved driveway that terminates at the garage.

The applicant was issued a Notice of Violation on May 14, 2008 for an outdoor storage structure exceeding 100 square feet in area in the rear and side yards (Appendix 4). The applicant contends that the accessory structure is primarily used as a garage for his motorcycles and also includes storage.

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the Board of Zoning Appeals (BZA).

ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 5)

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

CONCLUSION

If it is the intent of the BZA to approve SP 2009-MV-025, staff suggests the BZA 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
5. Applicable Special Permit Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2009-MV-025

June 23, 2009

1. This special permit is approved for the location of the accessory structure as shown on the plat prepared by Larry N. Scartz, LTD., dated October 16, 2008, as submitted with this application and is not transferable to other land.
2. Within 120 days of approval of this application, building permits and final inspections for the accessory structure (motorcycle garage) and any applicable additions shall be diligently pursued and obtained or the structure shall be removed or brought into compliance with Zoning Ordinance Requirements.

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: October 15, 2008
(enter date affidavit is notarized)

I, Kevin L. Murray, 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 102854

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)
Kevin L. Murray	2216 Dartmouth Drive Alexandria, VA 22307	Applicant/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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 15, 2008
(enter date affidavit is notarized)

102854

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)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 15, 2008
(enter date affidavit is notarized)

102854

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: October 15, 2008
(enter date affidavit is notarized)

102854

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: October 15, 2008 102854
(enter date affidavit is notarized)

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.

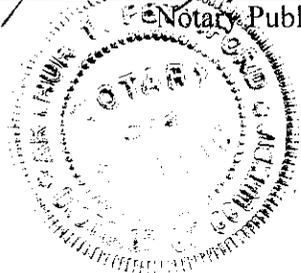
WITNESS the following signature:

(check one) Applicant Kevin L. Murray [] Applicant's Authorized Agent
Kevin L. Murray Applicant/Title Owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3rd day of NOVEMBER 2008, in the State/Comm. of DISTRICT OF COLUMBIA, County/City of WASHINGTON, D.C.

Arthur T. Pettiford
Notary Public

My commission expires: JUNE 30, 2011



Arthur T. Pettiford
Notary Public, District of Columbia
My Commission Expires 6/30/2011

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

APPENDIX 3

**Kevin L. Murray
2216 Dartmouth Drive
Alexandria, VA 22307**

Fairfax County Zoning Ordinance 8-914, Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location:

RECEIVED
Department of Planning & Zoning
NOV 18 2008

My Motorcycle Garage was found to exceed 10% of the zoning location requirements. The Structure measures approximately twelve feet (12) in height, is approximately two hundred (200) square feet in area, and is located approximately two (2) feet and approximately one (1) foot respectively from side and rear lot lines.

Zoning requirements allow for a height of eight and one-half (8 ½) feet in height, this structure exceeds in height by three and one-half (3 ½) feet. Rear and Side Lot lines Location requirements allow for eight and one-half (8 ½) feet, this structure is 5 to 6 feet noncompliant.

The noncompliance was done in good faith, resulting in an error in the location when I repaired and expanded my existing Motorcycle Garage. My existing structure was deteriorating and required repair. In addition to repairing the wood that had deteriorated with age and replaced the roof shingles, I modified the Motorcycle Garage in order to provide adequate space for my three motorcycles. This structure has a part of my property when purchased and I was unaware that this required a building permit. I earnestly had no intentions of violating any state or county ordinances.

The expansion of this structure does not impair the purpose and intent of this Ordinance as it is not detrimental to the use and enjoyment of other property in the immediate vicinity as all properties are separated by existing property fences. I also began to replace the old (6) foot privacy fencing which significantly reduces the visibility of the structure. Additionally, I specifically selected replacement siding of neutral colors that blend with the surrounding environment to provide for an esthetically pleasing view for my neighbors. I have received many compliments to the property improvement from my neighbors who, as a side note, have offered any assistance in this process as they have stated that the structural improvement and removal of the motorcycles from the street was a positive beautification to the neighborhood.

This structure does not create an unsafe condition with respect to both other property and public streets as the structure does not encroach on neither. I repaired/expanded my existing Motorcycle Garage due to age deterioration however, I also wanted what I perceived as a safety issue when I purchased 2 additional motorcycles and became aware that children were climbing on the motorcycles that, previous to the expansion, were parked on the public street. Additionally, expansion of this has freed up limited parking on our residential street.

I'm requesting approval of Reduction to the Minimum Yard Requirements Based on my Error in Building Location. Enforcement of the zoning requirement would result in a severe financial hardship and leave me in very liable position related to the safety of my neighbors and children in addition to freeing up limited residential parking. While motorcycles are certainly allowed to be parked on our residential street, one motorcycle alone weighs in excess of 800 pounds, and I have a tremendous fear that an injury/fatality to an innocent party would be unbearable for me.



County of Fairfax, Virginia

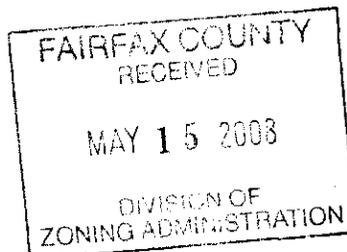
To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

May 14, 2008

NOTICE OF VIOLATION

SHERIFF'S LETTER

Kevin L. Murray
2216 Dartmouth Drive
Alexandria, VA 22307



Re: 2216 Dartmouth Drive
Bucknell Manor, Lot 19B, Block 5
Tax Map Ref: 93-1 ((23)) (5) 19B
Zoning District: R-8

0193 2305 0019 B

Dear Property Owner:

A zoning inspection of the above-referenced property, on May 10, 2008, revealed the following outdoor storage exceeding one hundred (100) square feet in the rear and side yards. The outdoor storage consists of the following: construction materials, firewood, scrape metal, pavers, and other miscellaneous items. Therefore, this outdoor storage is in violation of Par. 24 of Sect. 10-102 of the Fairfax County Zoning Ordinance that states in part:

Storage, outdoor, in R districts, provided such storage is located on the rear half of the lot, is screened from 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:

- Limiting all outdoor storage to an area not to exceed 100 square feet, locating it to the rear half of the lot, and screening it from view from the first floor window of any neighboring dwellings.

Kevin L. Murray

May 14, 2008

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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.

Failure to comply, with this Notice, shall 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) 324-1348 or (703) 324-1300.

Sincerely,



Charles D. Forshee

Property Maintenance/Zoning Inspector

CDF/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. 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.
2. 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.
3. 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.
4. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.