



APPLICATION ACCEPTED: June 4, 2009  
DATE OF PUBLIC HEARING: September 22, 2009  
ADMINISTRATIVELY MOVED AT APPLICANT'S REQUEST  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

---

September 15, 2009

### STAFF REPORT

**SPECIAL PERMIT APPLICATION No. SP 2009-MA-044**

### MASON DISTRICT

**APPLICANT & OWNER:** Jebaraj Joshua Devairakkam

**ZONING:** R-3

**LOCATION:** 6204 Cheryl Drive

**SUBDIVISION:** Whites Ravenwood Park

**ZONING ORDINANCE PROVISION:** 8-914

**TAX MAP:** 61-1 ((17)) 11

**LOT SIZE:** 10,502 Sq. Ft.

**SP PROPOSAL:** Reduction to minimum yard requirements based on error in building location to permit an addition to remain 3.3 feet from side 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.**

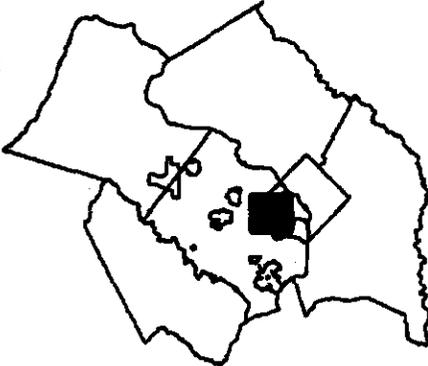


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

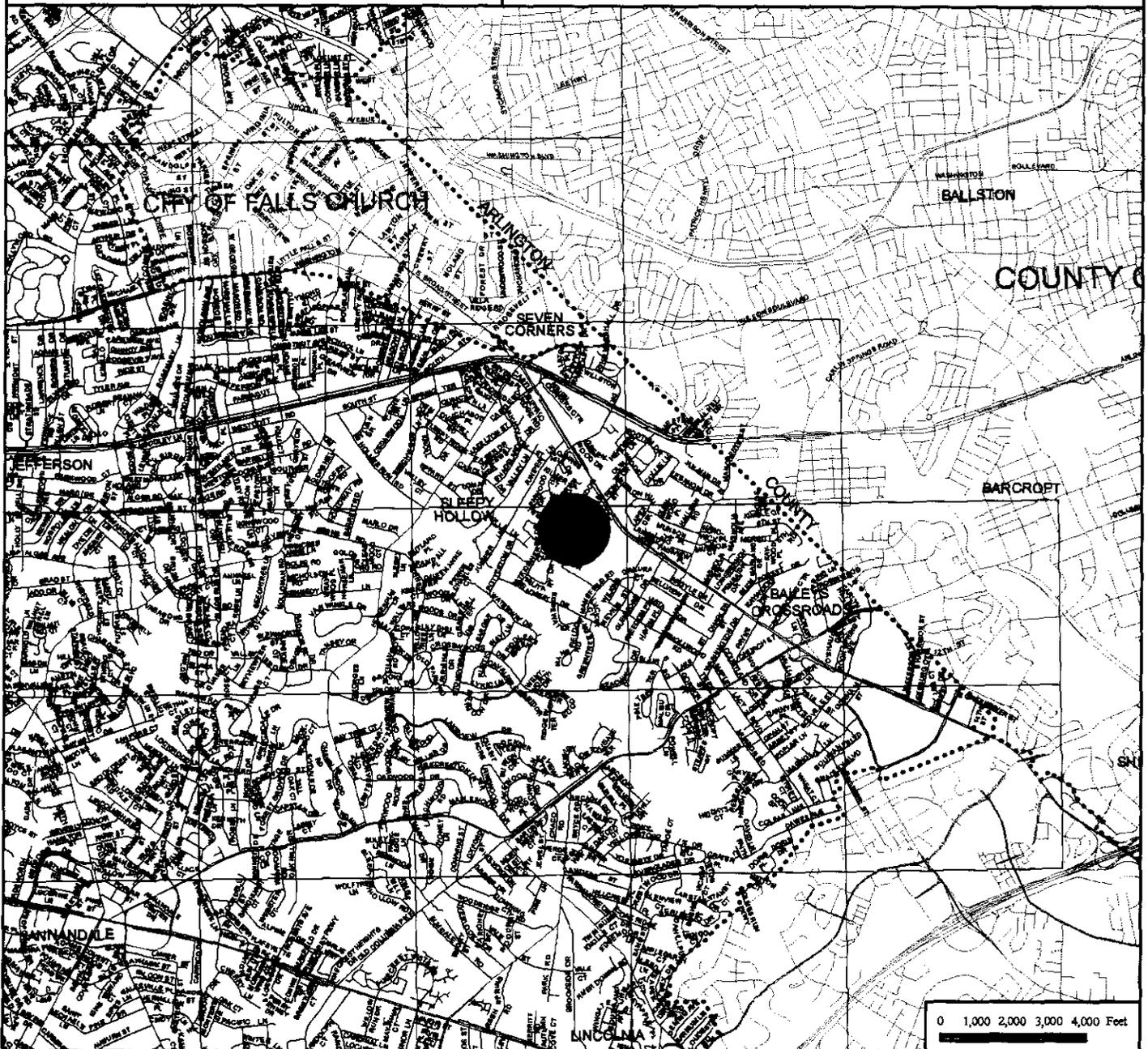
# Special Permit

SP 2009-MA-044

Applicant: JEBARAJ JOSHUA DEVAIRAKKAM  
Accepted: 06/04/2009  
Proposed: REDUCTION TO MINIMUM YARD REQUIREMENTS  
BASED ON ERROR IN BUILDING LOCATION  
TO PERMIT ADDITION TO REMAIN 3.3 FEET  
FROM SIDE LOT LINE



Area: 10,502 SF OF LAND; DISTRICT - MASON  
Zoning Dist Sect: 08-0914  
Art 8 Group and Use: 9-13  
Located: 6204 CHERYL DRIVE  
Zoning: R- 3  
Overlay Dist:  
Map Ref Num: 061-1- /17/ /0011

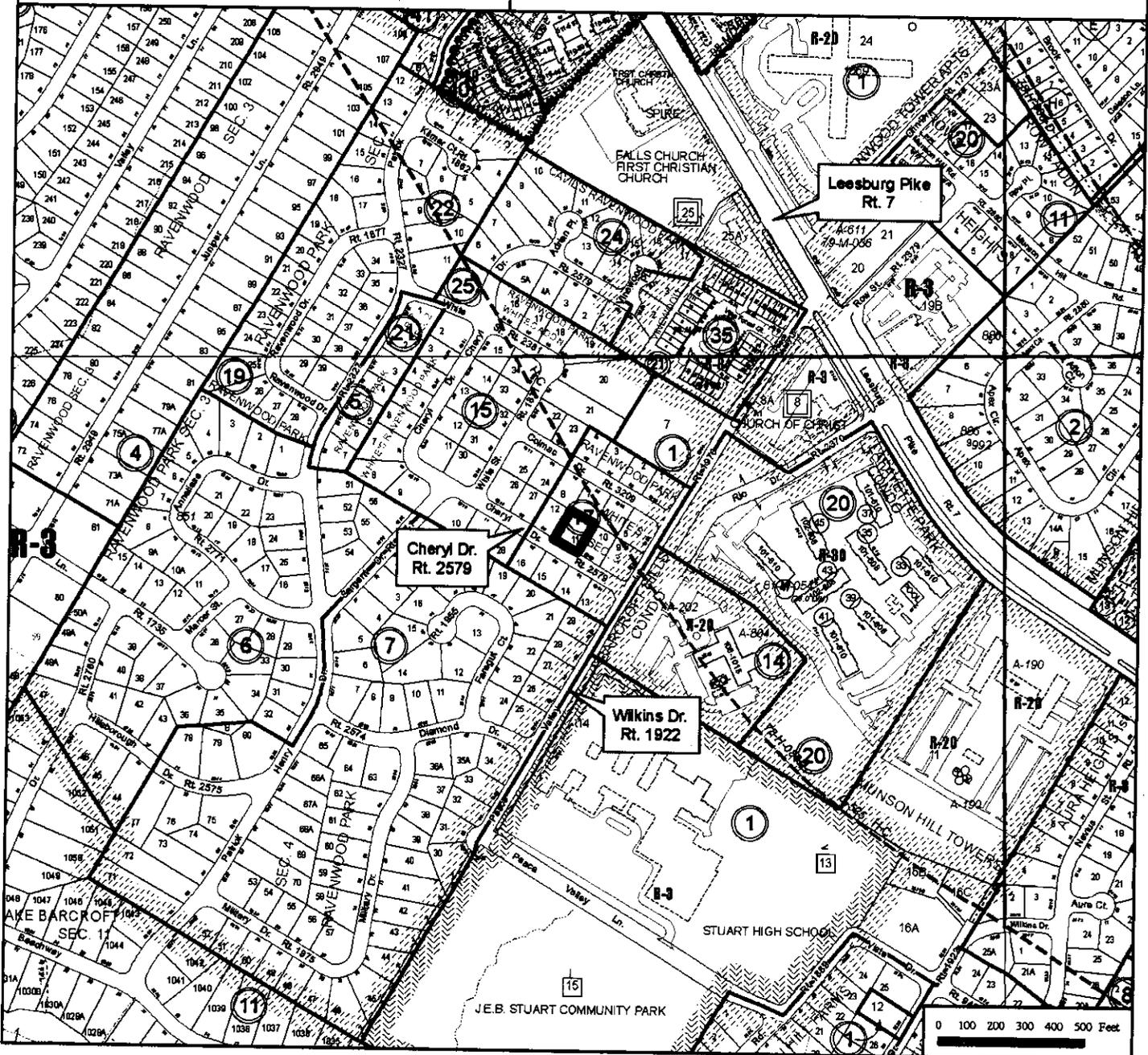


**Special Permit**  
**SP 2009-MA-044**

**Applicant:** JEBARAJ JOSHUA DEVAIRAKKAM  
**Accepted:** 06/04/2009  
**Proposed:** REDUCTION TO MINIMUM YARD REQUIREMENTS  
BASED ON ERROR IN BUILDING LOCATION  
TO PERMIT ADDITION TO REMAIN 3.3 FEET  
FROM SIDE LOT LINE



**Area:** 10,502 SF OF LAND; DISTRICT - MASON  
**Zoning Dist Sect:** 08-0914  
**Art 8 Group and Use:** 9-13  
**Located:** 6204 CHERYL DRIVE  
**Zoning:** R-3  
**Overlay Dist:**  
**Map Ref Num:** 061-1- /17/ /0011



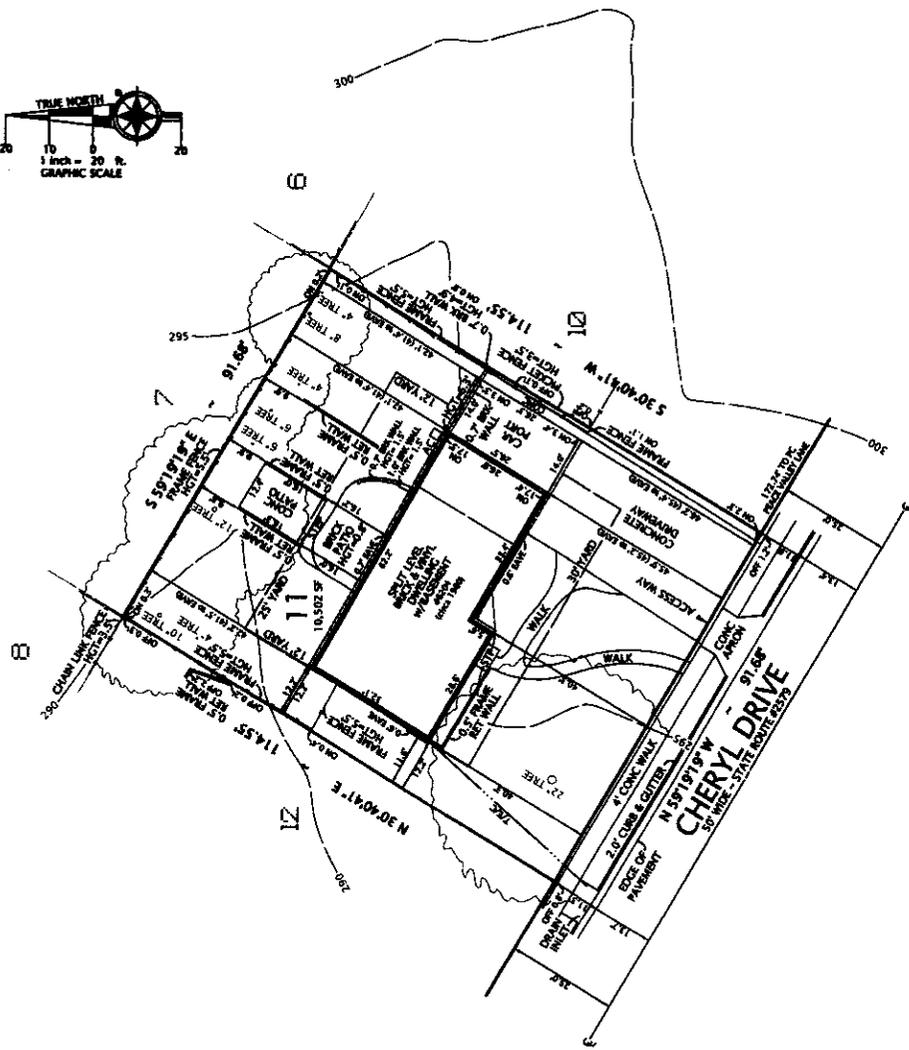
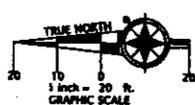
**NOTES**

1. TAX MAP: 61-1-17-0011
  2. ZONE: R-3 (RESIDENTIAL 3 DU/AC)
  3. LOT AREA: 10,502 SF (0.2411 ACRE)
  4. REQUIRED YARDS:
 

FRONT:	-	30.0 FEET
SIDE:	-	12.0 FEET
REAR:	-	25.0 FEET
  5. HEIGHTS:
 

DWELLING	-	18.8 FEET
CAR PORT	-	14.4 FEET
0.5' FROM RET WALLS	-	00.5 FEET
BRICK PATIO	-	00.8 FEET
BRICK WALLS	-	AS NOTED
FENCES	-	AS NOTED
AC	-	02.5 FEET
  6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
  7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
  8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
  9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
  10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
  11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
  12. AREAS:
 

BASEMENT	-	1436 SF
FIRST FLOOR	-	374 SF
SECOND FLOOR	-	1436 SF
GROSS FLOOR AREA	-	3246 SF
- FLOOR AREA RATIO: GFA (3246) / LOT AREA (10502) = 0.31  
 CAR PORT AREA: 370 SF / GFA (3246) = 0.11



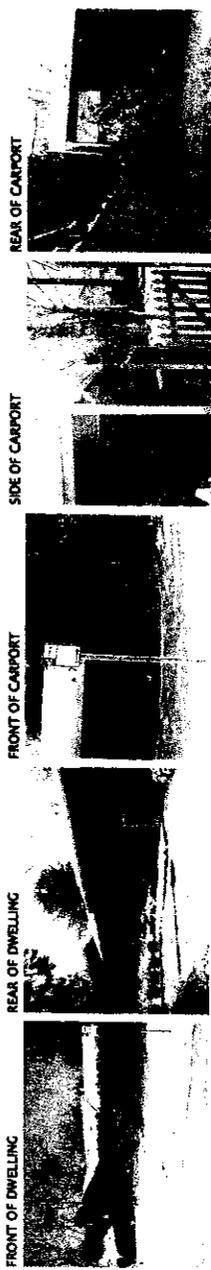
**PLAT**  
 SHOWING THE IMPROVEMENTS ON  
 LOT 11, SECTION THREE  
**WHITES ADDITION TO  
 RAVENWOOD PARK**  
 (DEED BOOK 1468, PAGE 144)  
**FAIRFAX COUNTY, VIRGINIA**  
 MASON DISTRICT  
 SCALE: 1" = 20'  
 MARCH 04, 2009

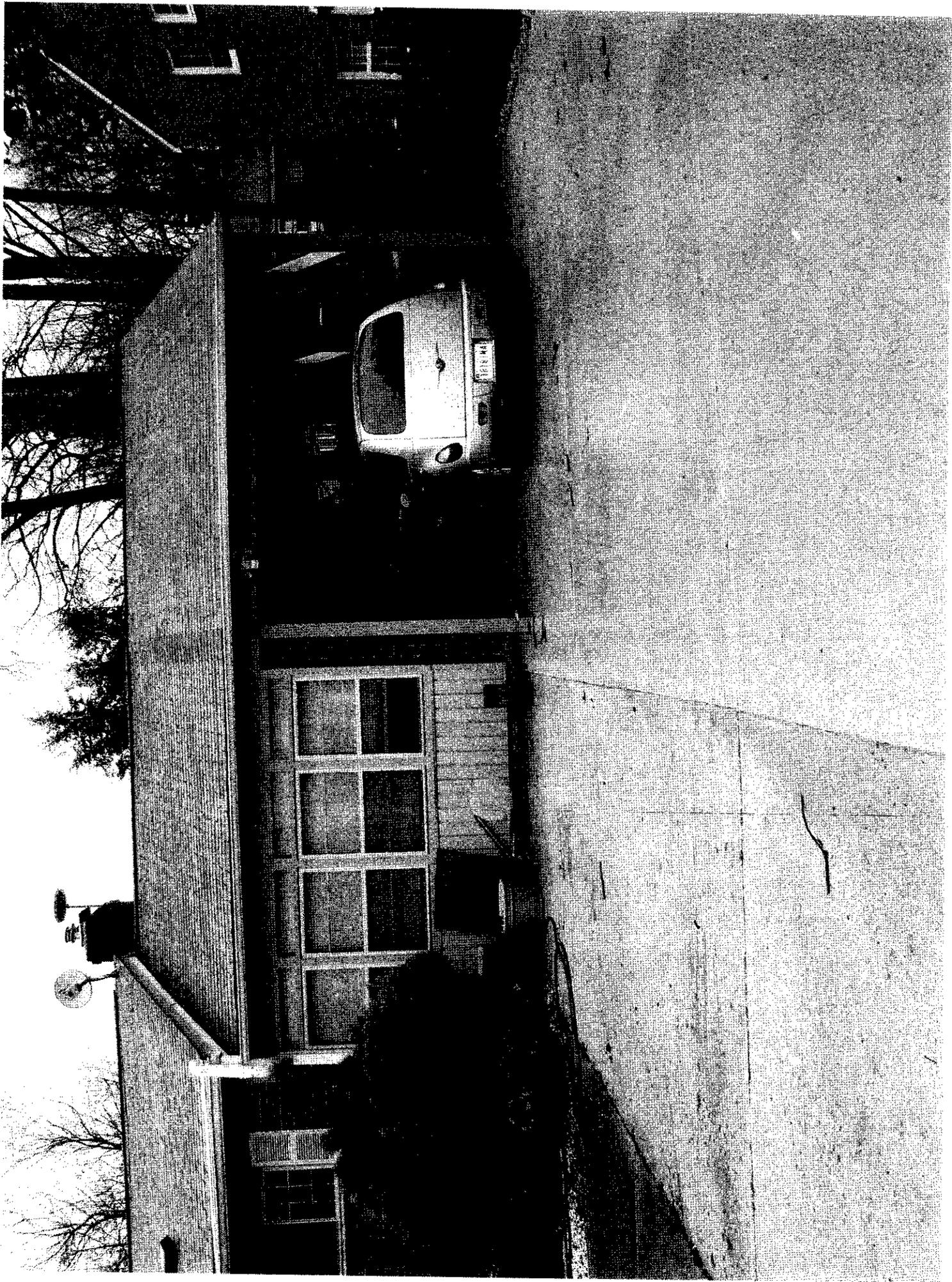
CASE NAME:  
 JERAMAI DEYANAKAM  
**DOMINION** Surveyors Inc.  
 8804-H REAR TREE WELLS COURT  
 ALEXANDRIA, VIRGINIA 22309  
 703-491-9455  
 FAX: 703-759-6412



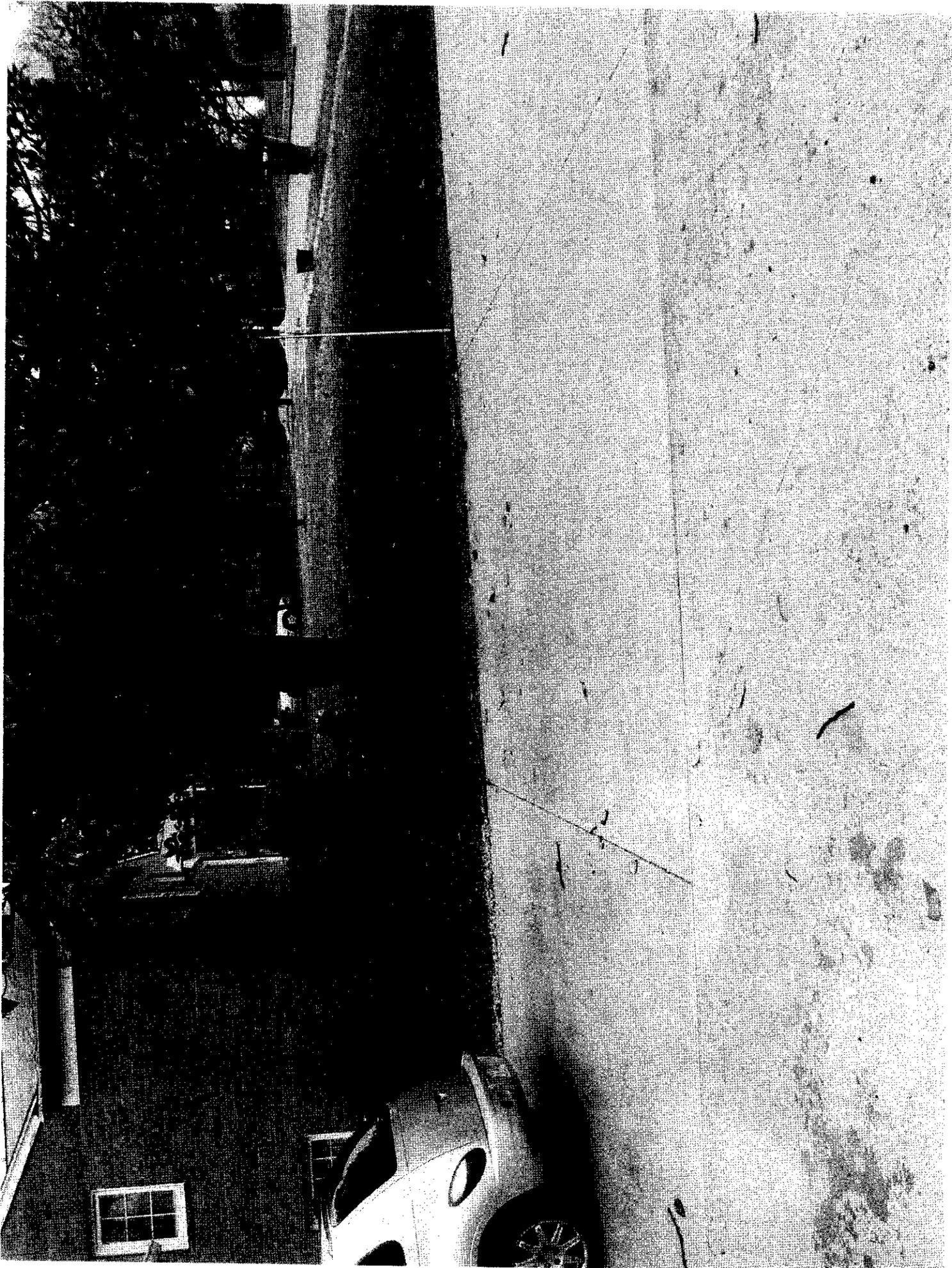
I HEREBY CERTIFY THAT THE PORTIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN SURVEYED AND LOCATED ACCORDING TO THE SURVEY AND UNLESS OTHERWISE SHOWN ARE NOT TO BE RECONSTRUCTED AS OF THIS DATE.

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

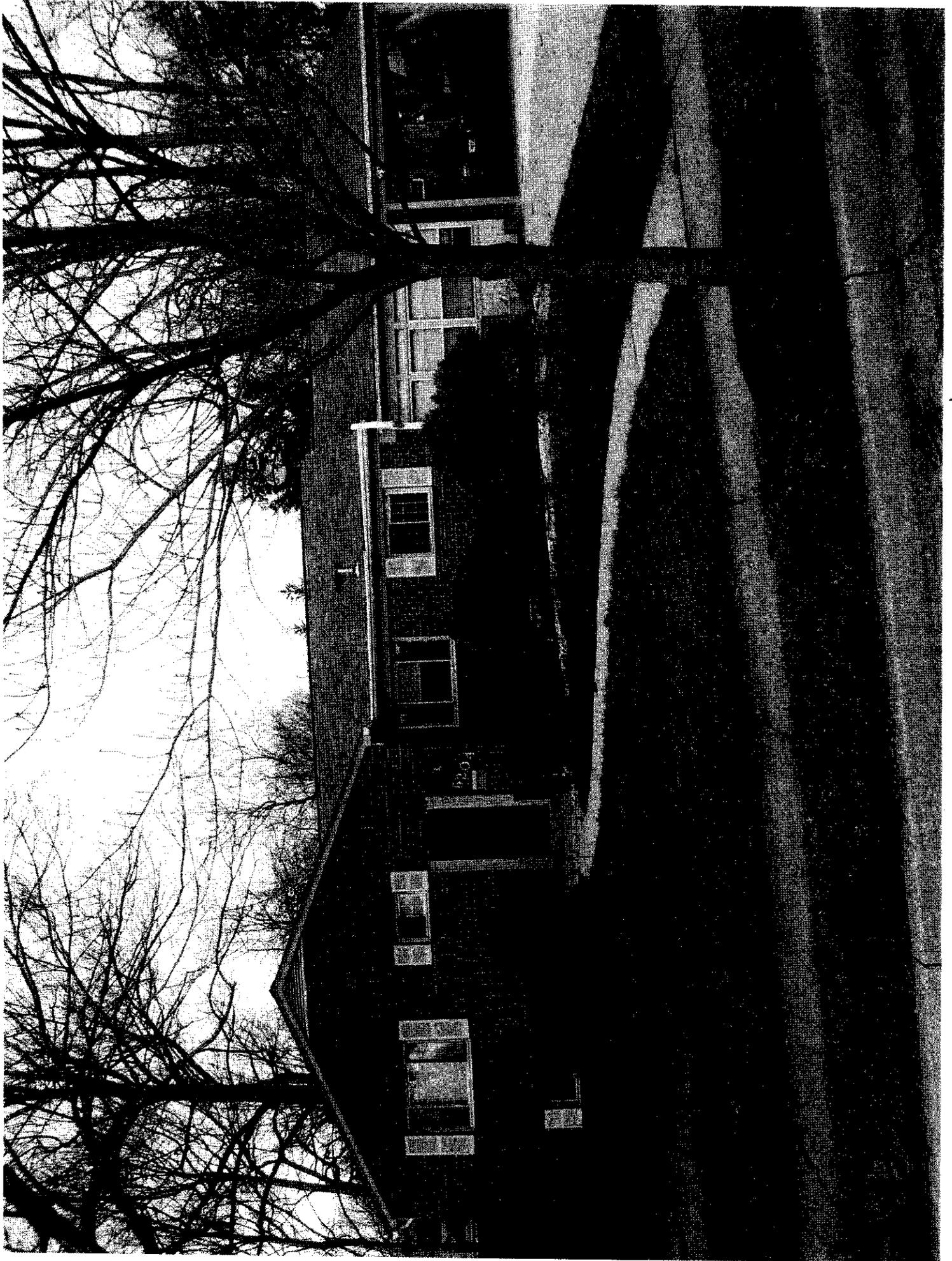




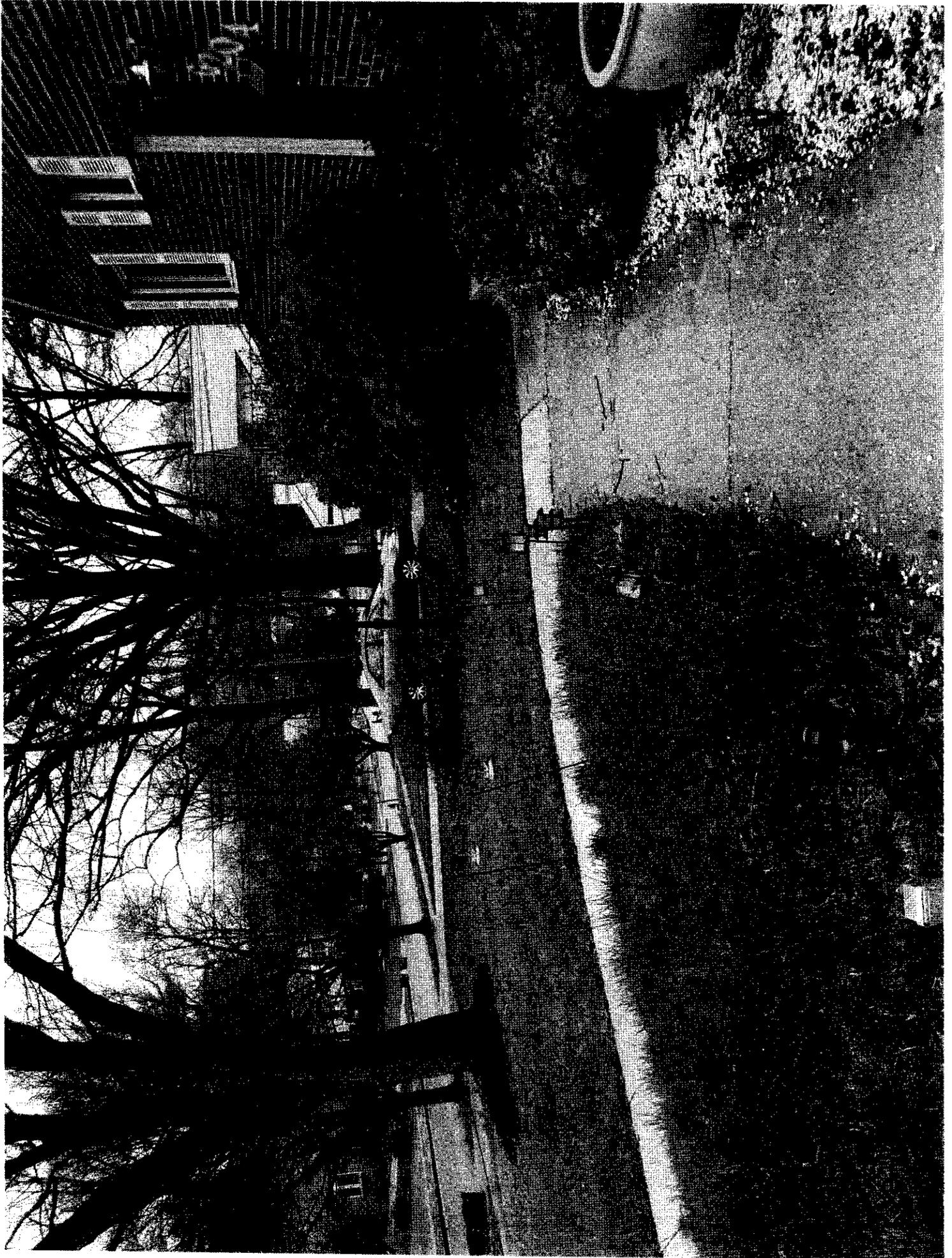
White van



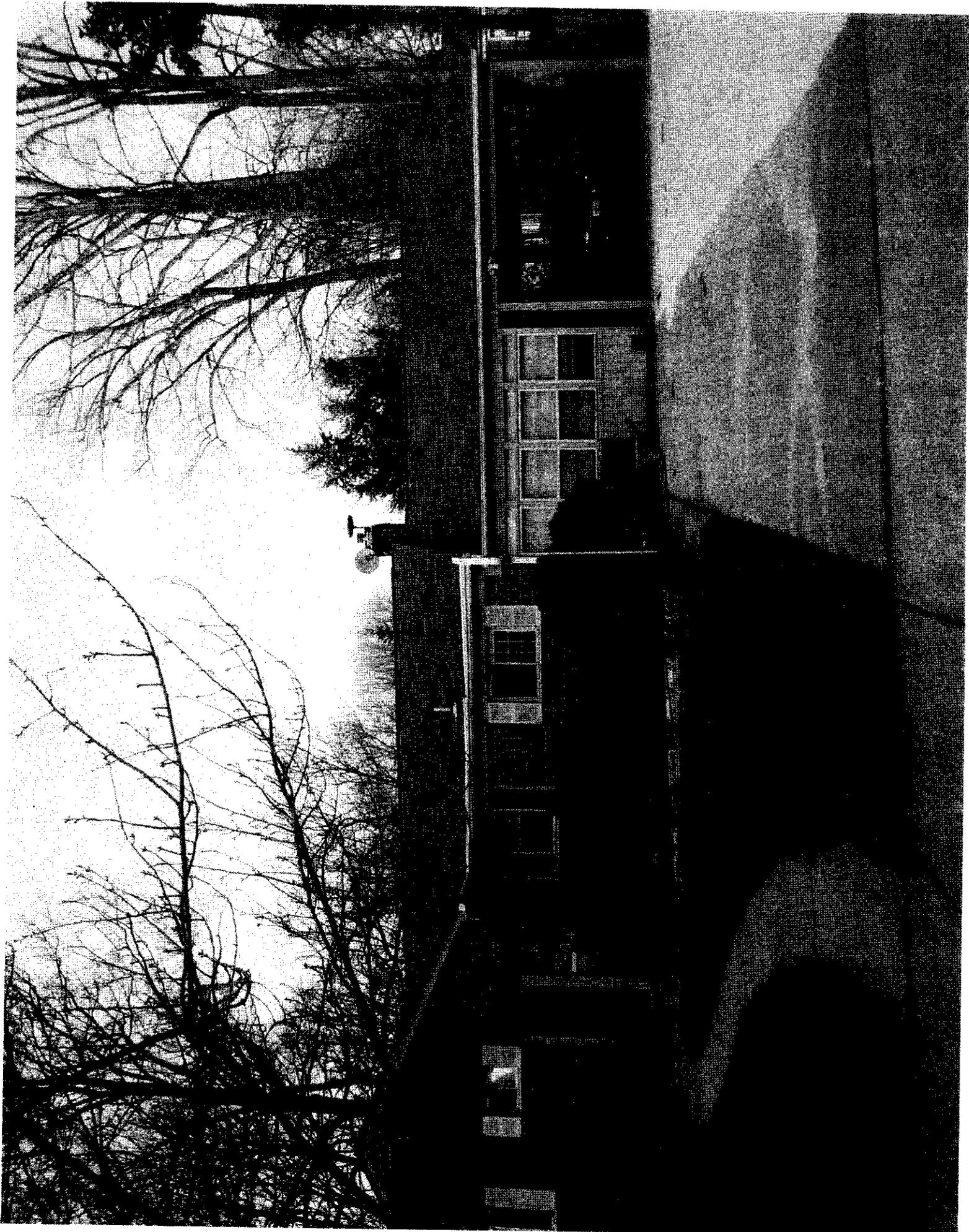
EAR PORT. A PARKING.



Front view of the house.

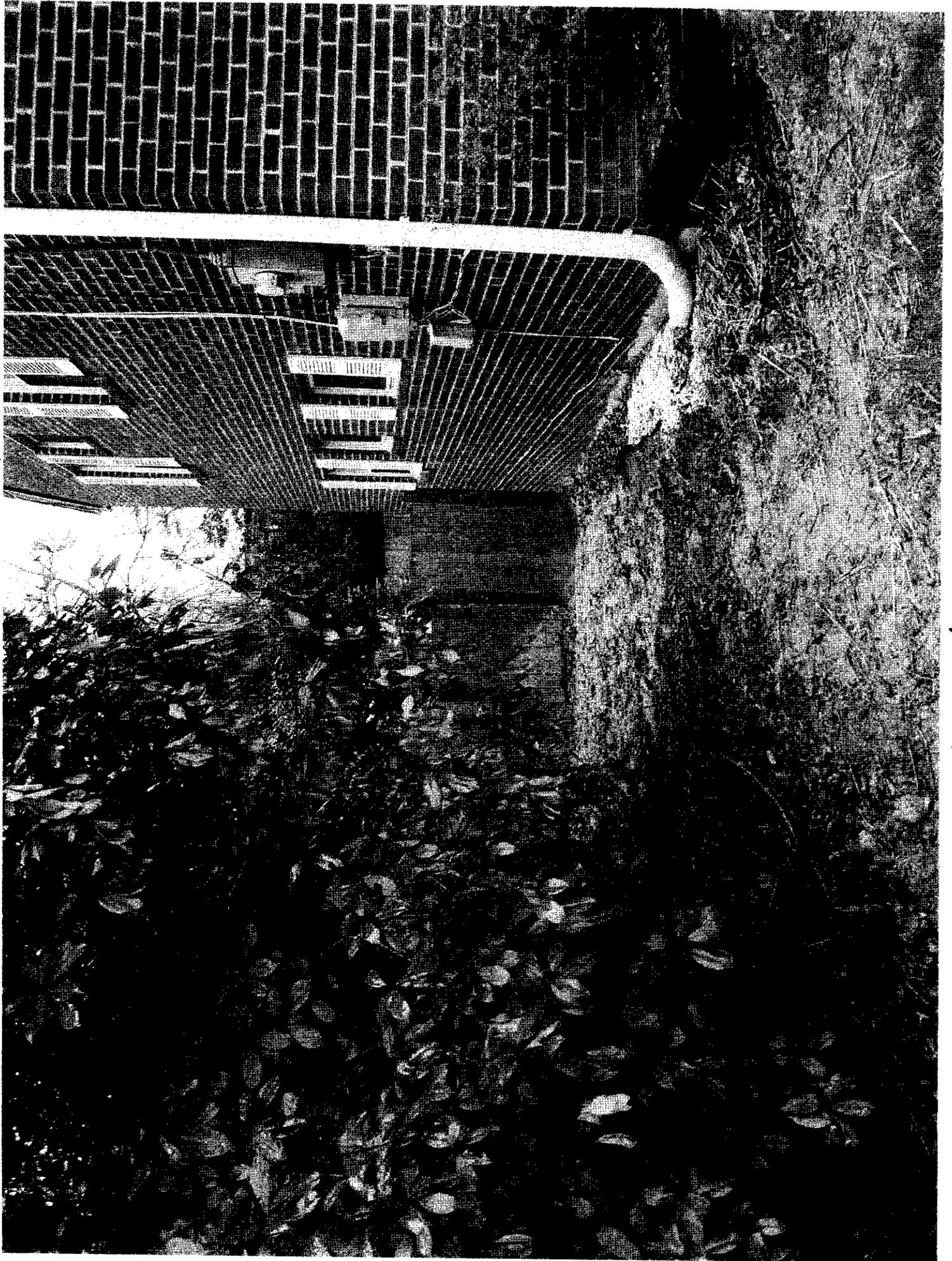


Side view of the entrance.

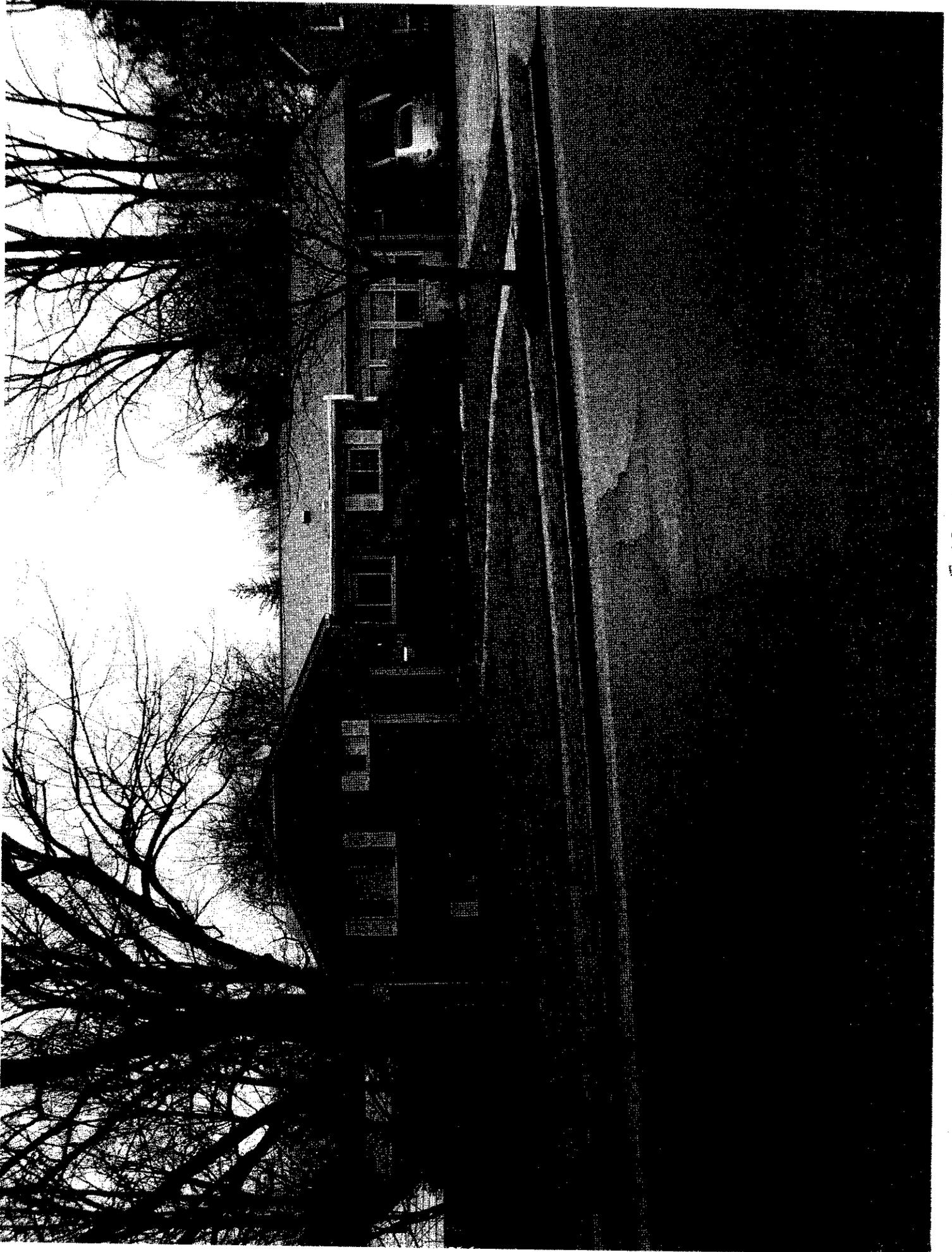




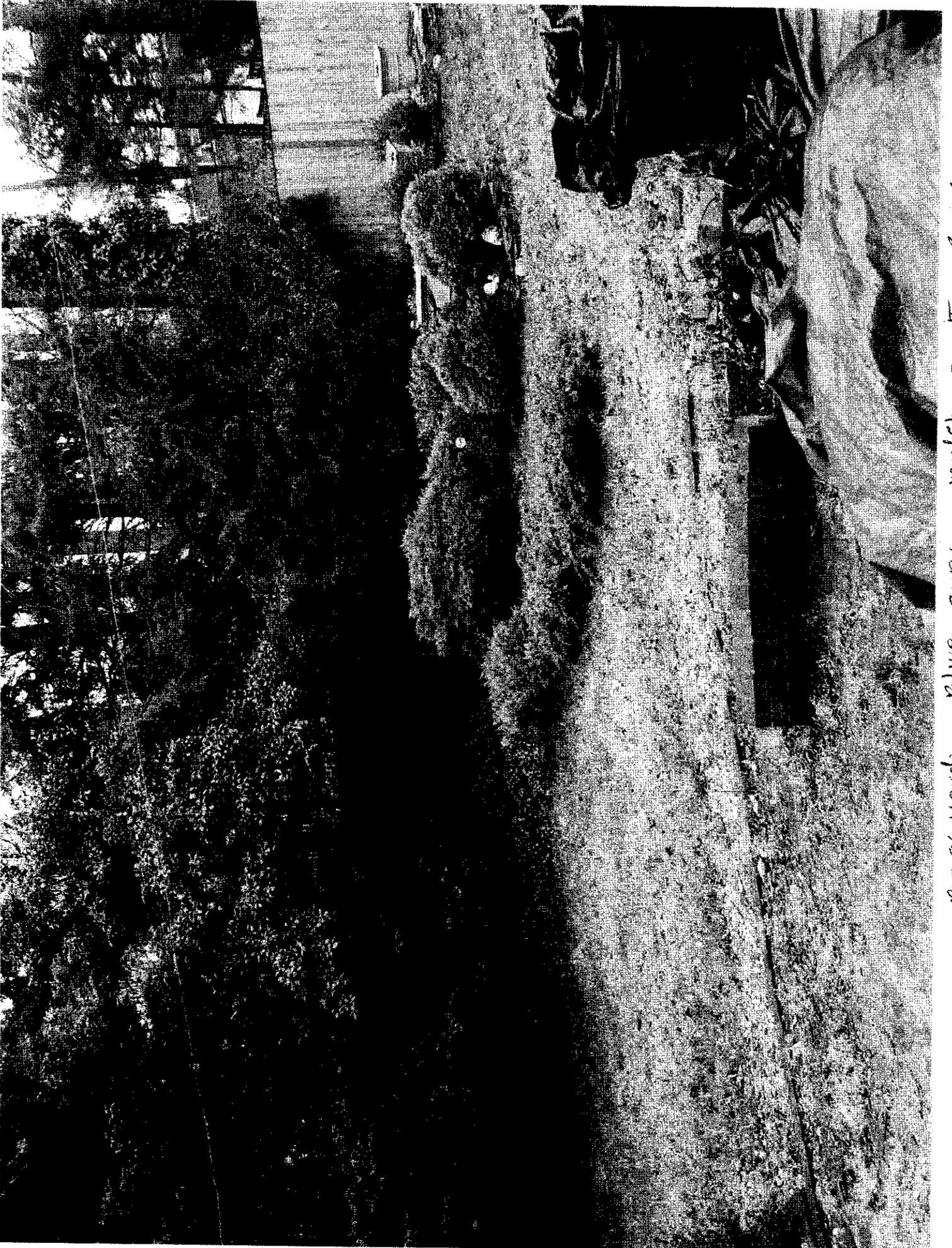
Narrow yard of the house.



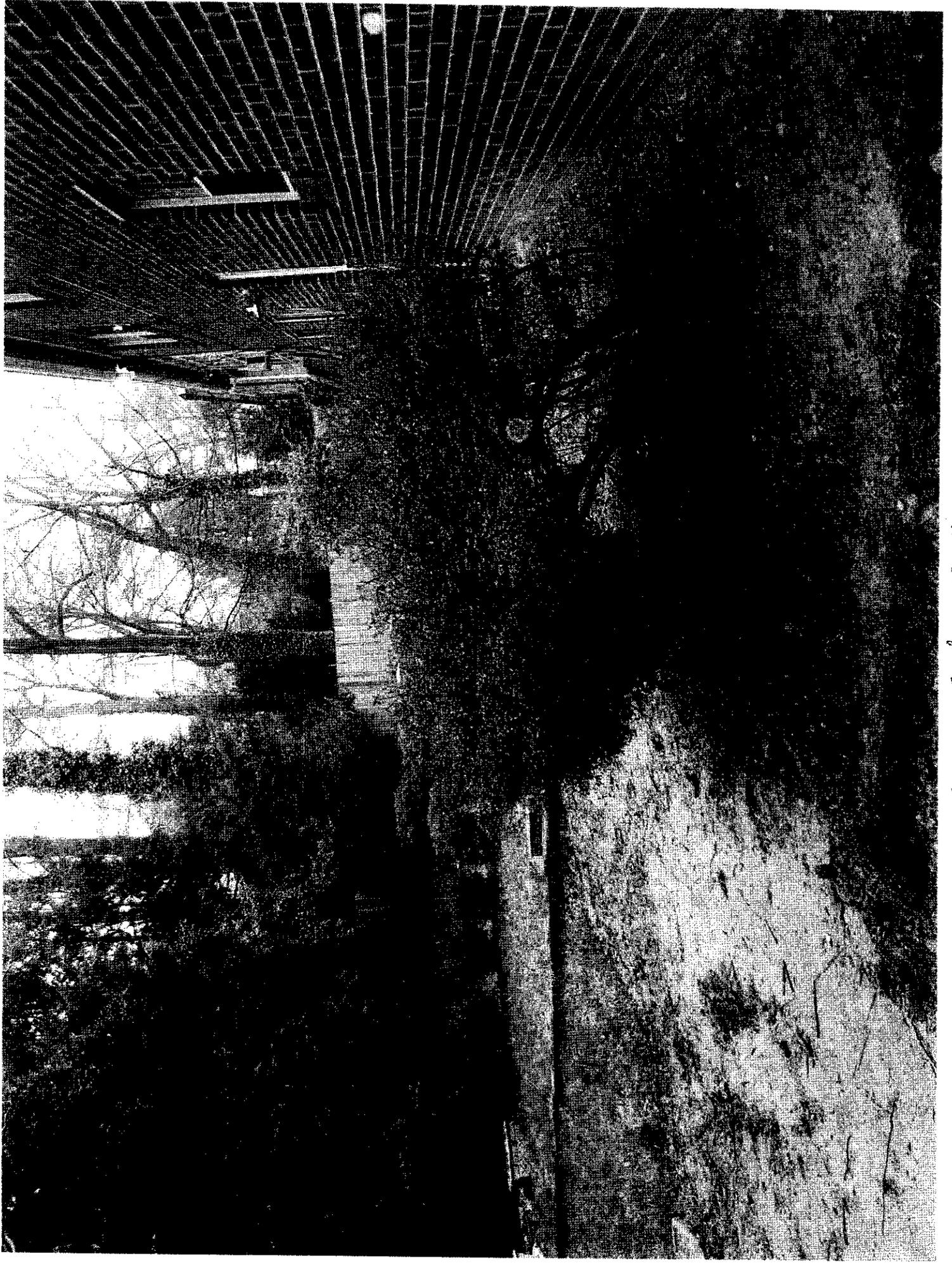
left side of the house.



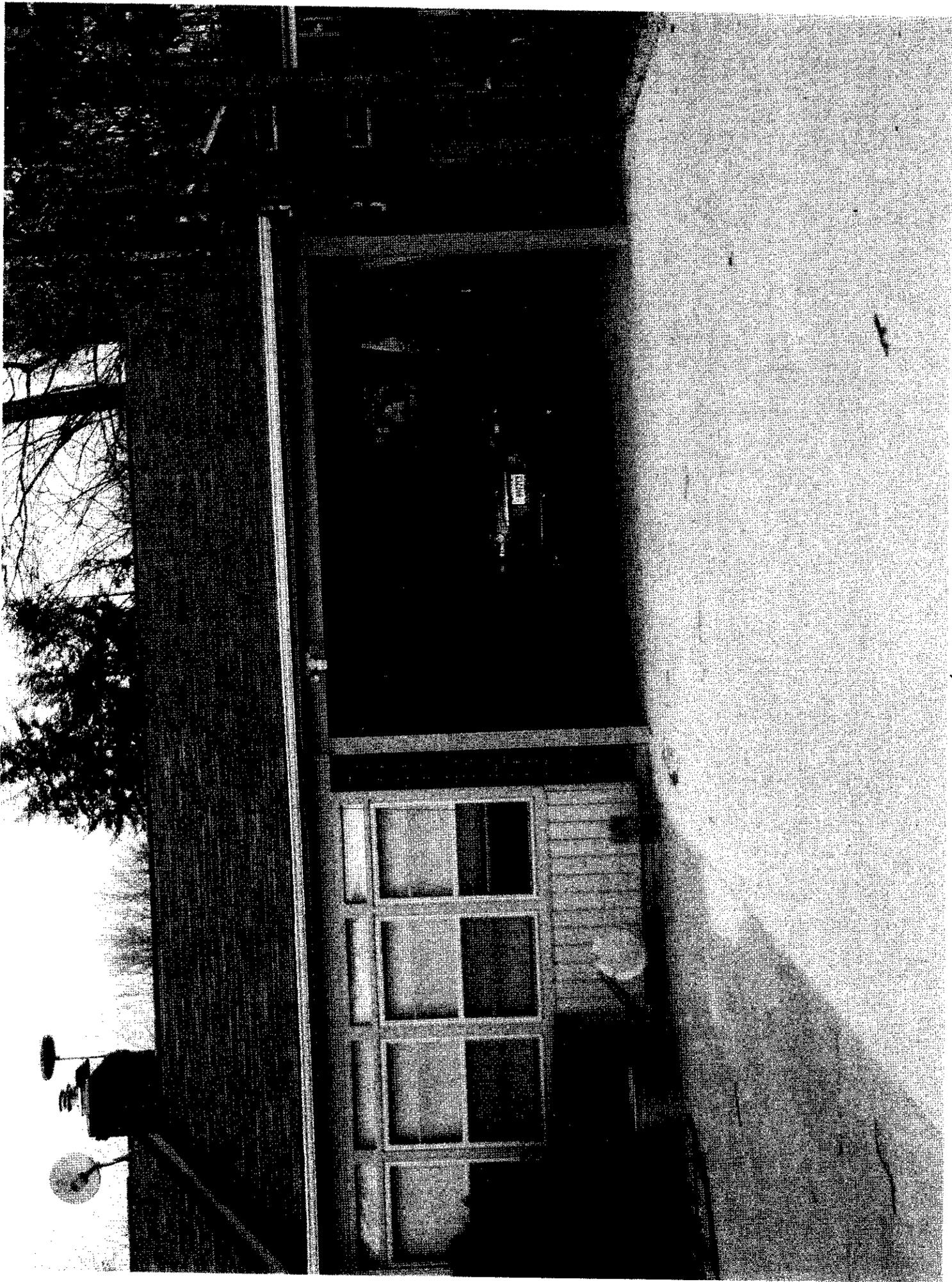
FRONT VIEW OF THE HOUSE.



Backyard. Blue cover mulch for the garden.



LT Rear End. of House



Added carpet.



Front view with Added carpet.



LEFT SIDE OF PATIO & KITCHEN GARDEN AT THE

BACK



BACK ENCLOSED. LEFT SIDE SPACE BETWEEN 6206 CHERRY DRIVE & 6204 CHERRY DRIVE



ABOVE PATIO AT THE BACK. ↴



CARPORT CEILING.



FRONT SIDE OF PATIO



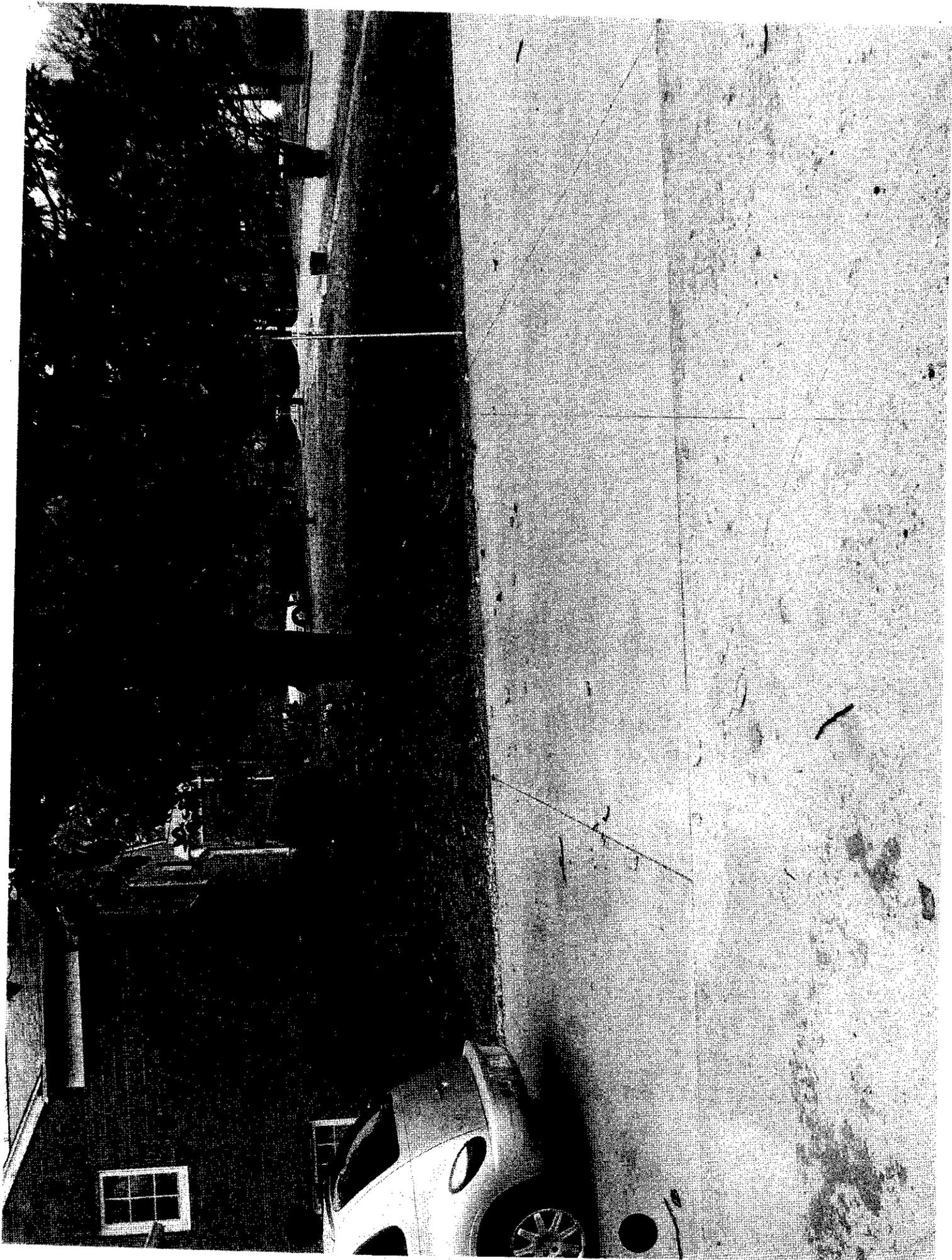
LEFT SIDE OF PATIO WITH PLANTS. ↗



BACK OF CAR PORT ↑



PASSAGE DOOR ↑



**DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit for a reduction of certain yard requirements based on error in building location to permit a partially enclosed carport addition to remain 3.3 feet from the eastern side lot line.

	Yard	Min. Yard Req.*	Permitted Extension **	Structure Location	Amount of Error	Percent of Error
<b>Special Permit</b>	Side	12	None	3.3	8.7	72.5 %

\* Minimum side yard requirement per Section 3-507

\*\* Permitted Extensions per 2-412

**CHARACTER OF THE AREA**

	Zoning	Use
<b>North</b>	R-3	Single Family Detached Dwellings
<b>South</b>	R-3	Single Family Detached Dwellings
<b>East</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-3	Single Family Detached Dwellings

**ANALYSIS OF SPECIAL PERMIT APPLICATION**

- **Title of SP Plat:** Plat Showing the Improvements on Lot 11, Section Three, Whites Addition to Ravenwood Park
- **Prepared By:** George M. O'Quinn, Dominion Surveyors, Inc. dated March 4, 2009
- **Building Permit Required for Carport Addition:** Yes
- **Obtained:** Yes, however the approved plat showed the proposed carport in a different location.

## **BACKGROUND**

The existing one story with basement single family detached dwelling was constructed in 1960. In November of 1966, building permit P 38367 was issued for the construction of a carport 17.4 feet from the eastern side lot line. In June of 1975, building permit 7506B0279 was issued on the subject property to screen in the carport approved from the previous building permit.

In August of 2008, the applicants obtained building permit 80070215 for a carport addition proposed to be 17.5 feet from the side lot line. A previously approved house location survey was used and the structure was shown to be 17.5 feet from the eastern side lot line. However, it appears the carport shown on this house location survey was the previously approved enclosed carport and not the current carport addition.

Copies of the approved building permits and the associated plats can be found in Appendix 4 starting from the most recent permit

On February 3, 2009 a Notice of Violation (NOV) was issued for the carport addition being constructed within the minimum required side yard. A copy of this NOV can be found in Appendix 5.

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

- Special Permit SP 87-M-057, granted on October 7, 1987, on Tax Map Number 61-1 ((7)) 8, on 6250 Diamond Drive, zoned R-3, south of the subject property to permit reduction to minimum yard requirements based on error in building location to allow attached garage to remain 7.2 ft. from the side lot line.

## **ZONING ORDINANCE REQUIREMENTS (See Appendix 6)**

- 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. Building Permit History
5. Notice of Violation dated February 3, 2009
6. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2009-MA-044**

**September 15, 2009**

1. This special permit is approved for the location of the carport addition as shown on the plat prepared by George M. O'Quinn, Dominion Surveyors, Inc. dated March 4, 2009, submitted with this application and is not transferable to other land.
2. Within 6 months of approval of this application, an amended building permit and final inspections for the carport addition shall be obtained or the carport addition 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: 3/25/09  
 (enter date affidavit is notarized)

I, JEBARAJ J. DEVAIRAKKAM, 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      104188

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)
JEBARAJ J. DEVAIRAKKAM	6204 CHERYL DRIVE FALLS CHURCH, VA 22044	<b>APPLICANT/TITLE OWNER</b>
ESTHER R. JEBARAJ	(SAME)	<b>TITLE OWNER</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: 3/25/09  
(enter date affidavit is notarized)

104188

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)  
NOT APPLICABLE

**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: 3/25/09  
(enter date affidavit is notarized)

104188

---

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)

NOT APPLICABLE

(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: 3/25/09  
(enter date affidavit is notarized)

104188

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

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

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

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

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

NONE

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/25/09  
(enter date affidavit is notarized)

104188

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:

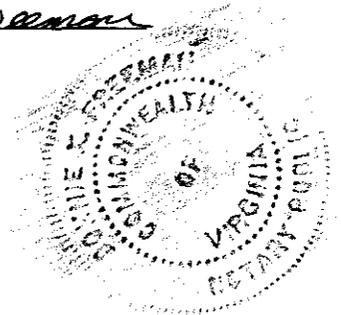
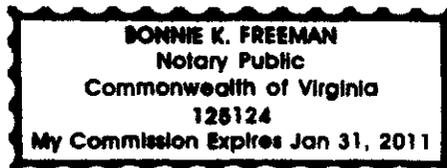
(check one)  J. Debaraj J. Devairakkam  
[ ] Applicant [ ] Applicant's Authorized Agent

JEBARAJ J. DEVAIRAKKAM  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 25 day of March 2009, in the State/Comm. of Virginia County/City of Fairfax.

Bonnie K. Freeman  
Notary Public

My commission expires: Jan 31, 2011



THE BOARD OF APPEALS  
FAIRFAX COUNTY  
VIRGINIA

RECEIVED  
Department of Planning  
MAR 26 2009  
Zoning Evaluation

FROM  
JEBARAJ JOSHUA DEVAIRAKKAM  
ESTHER RANI JEBARAJ  
6204 CHEYL DRIVE,  
FALLS CHURCH, VA, 22044.

Respected sir/Madam

My name is Jebaraj Joshua D and Esther rani Jebaraj are owner of this property 6204 Cheryl drive.

I bought this property in oct 2007. In august 06/ 2008 I had applied for building a carport permit .on august 13 2008 the permit was granted by Fairfax county ,va. For plan #w-08-1088 and the permit # 80070215.

On august 31,2008 the construction was started from planning to finishing of carport Fairfax county planning and zoning construction inspectors inspected constructed site and each stage they have passed the inspection . final approval given on November 05/2008

I have spent \$ 35000.00 for building this carport and compiling county regulation and ordinance.

On February 3 /2009 The county Peggy Delean issued notice of violation delivered by sheriff's on February 10.siteing accessory building meeting minimum bulk regulation .

**If I would have been denied my application, siding the same zoning ordinance by building and zoning department of Fairfax county, I would not have spent \$ 35000.00 of bank loaned money.**

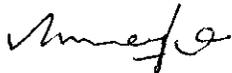
**This is very difficult experience for us we have applied for permit and the county had given Permit and I Have passed 5 County inspection If I would have been notified or denied one of these Process permit or inspection.**

**I would not have borrowed \$35000.00 during this hard timing and the mental agony and difficulties could have been avoided.**

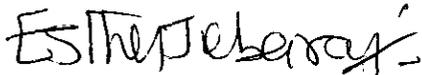
So we humbly request the county board of zoning appeals to understand our situation and again I can't afford to borrow anymore money. And our home situation is not ready to undergo any more pain.

Thanking you and anticipating kind consideration. Both side of my neighbors were aware of my plan of construction. They do not have any objections. Infact I have shown the permit and discussed the cost factors.

Yours sincerely.



JEBARAJ JOSHUA DEVAIRAKKAM,



ESTHER RANI JEBARAJ

03/25/2009

To Whom It May Concern:  
County of Fairfax,  
Virginia, van, 22035

RECEIVED  
Department of Planning & Zoning

MAY 21 2009

Zoning Evaluation Department

Jebaraj Joshua DEVAIRAKKAM  
Esther rani JEBARAJ  
6204 Cheryl drive  
Falls Church, van 22044

*Respected Madam / Sir*

*We had applied for special permit 6 weeks ago we just received yesterday that variance in building in error. My self and my wife work in medical field which require us to emergency calls in any whether we were worried about winter season that's the reason we wanted build carport when we bought this house did not have one,*

*We have two cars so at least one has to ready run for emergency cases in the hospital. When I applied for permit I was not aware of the fact minimum yard requirement. When we discussed with county officials or my neighbors I did not mention about requirement.*

*As soon as the county issued permit we build as per permit plan and we had 5 inspections all these I passed thru and I spend 35000.00 dollars if some one would have allotted I wouldn't have proceeded. After I build we have planted two more trees and grass.*

*3 people are going use this carport myself and my wife and my daughter who is studying in college.*

*When I applied for permit I had submitted the building plaque which was given by closing agent but in the county by mistake of zoning officials approved the one which was in file. I thought even though I gave new one but county officials go by what they have in file I did not understand I should have questioned them then their. But since I went thru lot of pain going back and forth to the county office to meet various other requirements which was asked by officials. I took this permit shown to my neighbors and started my work*

*Please consider our request and kindly do the needful after this job the neighbors are happy and if needed they said they will support this effort which improve home value and aesthetic part also*

*Thank you*

*Yours sincerely,*

*Jebaraj Joshila DEVAIRAKKAM*

*May 2009*

*Esther Jebaraj*

**BUILDING PERMIT APPLICATION**

FAIRFAX COUNTY GOVERNMENT  
 PERMIT APPLICATION CENTER  
 12055 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-5504  
 Telephone: 703-222-0901  
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT #

80070215

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)  
 OR VISIT US ON THE WEB AT  
[http://www.fairfaxcounty.gov/insnet/inspection\\_sched.asp](http://www.fairfaxcounty.gov/insnet/inspection_sched.asp)

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
 (PLEASE PRINT OR TYPE)

**JOB LOCATION**

ADDRESS 6204 CHERYLE DRIVE  
 LOT # 11 BUILDING  
 FLOOR \_\_\_\_\_ SUITE 1000  
 SUBDIVISION White Mountain Park  
 TENANT'S NAME JEBARAJ JOSHUA DEVARAKAM  
 EMAIL cx 5977 @ Gmail.com  
 CONTACT ID \_\_\_\_\_

**OWNER INFORMATION** OWNER  TENANT

NAME JEBARAJ JOSHUA DEVARAKAM  
 ADDRESS 6204 CHERYLE DRIVE  
 CITY FALLS CHURCH STATE VA ZIP 22044  
 TELEPHONE 703 237 3244  
 EMAIL cx 5977 @ Gmail.com  
 CONTACT ID \_\_\_\_\_

**CONTRACTOR INFORMATION** SAME AS OWNER

CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_  
 EMAIL \_\_\_\_\_  
 STATE CONTRACTORS LICENSE # \_\_\_\_\_  
 COUNTY BPOL # \_\_\_\_\_  
 CONTACT ID \_\_\_\_\_

**APPLICANT**

NAME JEBARAJ JOSHUA DEVARAKAM  
 ADDRESS 6204 CHERYLE DRIVE  
 CITY FALLS CHURCH STATE VA ZIP 22044  
 TELEPHONE 703 237 3244  
 EMAIL cx 5977 @ Gmail.com  
 CONTACT ID \_\_\_\_\_

**DESCRIPTION OF WORK**

Adding car port.

**HOUSE TYPE** Rambler

ESTIMATED COST OF CONSTRUCTION \$30000

USE GROUP OF BUILDING \_\_\_\_\_

TYPE OF CONSTRUCTION \_\_\_\_\_

**DESIGNATED MECHANICS' LIEN AGENT**

(Residential Construction Only)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

NONE DESIGNATED  PHONE 703 237 3244

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be compiled with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent JEBARAJ JOSHUA DEVARAKAM Date 08/06/08

Printed Name and Title

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

**NOTARIZATION** (if required)

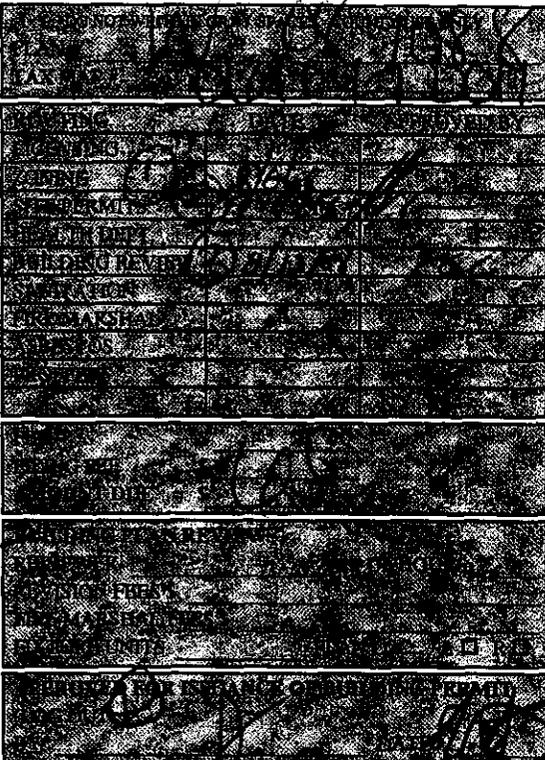
State (or territory or district) of \_\_\_\_\_  
 County (or city) of \_\_\_\_\_ to wit: \_\_\_\_\_

Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(Notary Signature)



**ZONING REVIEW**

USE SD

ZONING DISTRICT L-3 HISTORICAL DISTRICT \_\_\_\_\_

ZONING CASE # \_\_\_\_\_

GROSS FLOOR AREA OF TENANT SPACE

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT <u>46'</u>	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT _____	REMARKS	<u>Carport Addition</u>		
L SIDE _____				
R SIDE <u>175'</u>				
REAR <u>43'</u>				

**REMARKS**

Heels - 16.5' to peak



6/15/75  
7-16-75

55532  
COUNTY OF FAIRFAX, VIRGINIA  
OFFICE OF THE BUILDING INSPECTOR  
Application for Building Permit  
and Certificate of Occupancy

Q0755  
APPLICATION NO. 7506 B0279  
DATE PERMIT NO.

MAP REFERENCE			
Plot Number	Subd. Den.	Blk. or Sec.	Parcel or lot
611	17		11

To: BUILD  ALTER OR REPAIR  ADD TO  DEMOLISH  MOVE

**JOB LOCATION**  
Street: 6204 Cheryl Drive  
Lot No. 11 Block 3 Section 3  
Subdivision: Ravenwood Park

**OWNER**  
Corp. Name:  
Name: Charles O. West  
(Rep. Agent)  
Address: 6204 Cheryl Drive  
City: Falls Church, Va. 22041 Telephone Number: 532-4320

**ARCHITECT ENGINEER**  
Name:  
Address:  
City: State Reg. No.:

**CONTRACTOR**  
Name: Colby Construction Company  
Address: 35 E. Broad St. Place  
City: Falls Church, Va. 22041  
County Reg. # 1852 State Reg. #

**DESCRIPTION**  
For: Screen-in existing carport

No. of Bldgs. \_\_\_\_\_ Est. Const. Cost \$ 775.00  
No. of Units \_\_\_\_\_ No. of Stories \_\_\_\_\_  
No. of Kitchens \_\_\_\_\_ Penthouse \_\_\_\_\_  
No. of Baths \_\_\_\_\_ Ht. of Bldg. \_\_\_\_\_ ft.  
No. of Rooms \_\_\_\_\_ Bldg. Area \_\_\_\_\_ sq. ft.  
(Exclude Kit. & Bath)  
Basement  Slab  Crawl  Soil: Solid  Fill

Ftg: Concrete  Pile  Calsson   
Ext. Walls: Wood  Metal  Brick   
Int. Walls: Plst  Drywall  Panel   
Roof: Flat  Pitch  Shed   
Roofing: Built-up  Shingle  Roll

Heats: Oil  Gas  Electric   
Equipment: Boiler  Furnace  Heat Pump  Air Cond.

Sewage: Public  Community  Septic Tank  None   
Water: Public  Individual Well  None

Remarks:

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

821-3085 June 9, 1975  
Phone No. Date Signature of Owner or Auth. Agent: James W. Colby

APPLICANT: DO NOT WRITE BELOW THIS LINE

**PLAN APPROVAL**  
Use Group of Building: 2-4 Area of Bldg. \_\_\_\_\_ @ \_\_\_\_\_ per Sq. Ft. \$ \_\_\_\_\_  
Type of Construction: 1-B @ \_\_\_\_\_ \$ \_\_\_\_\_  
Fire District: 2 @ \_\_\_\_\_ \$ \_\_\_\_\_  
Date Checked: 6/12/75 By: [Signature] TOTAL FEE \$ 10.00  
Approved by Building Inspector: [Signature]

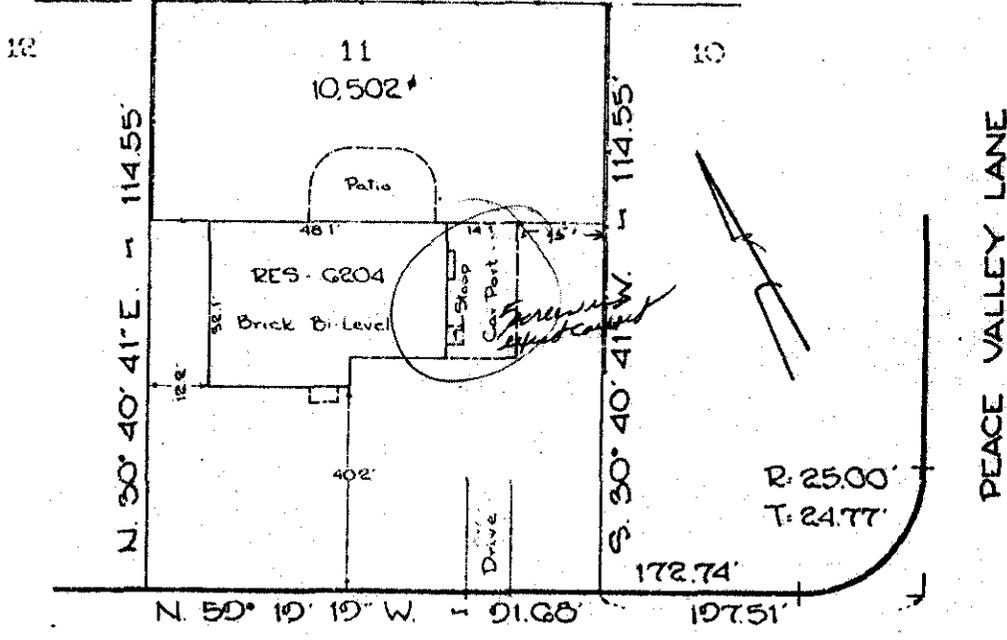
ROUTING	OFFICE	FLOOR	DATE	APPROVED BY	OFFICE	FLOOR	DATE	APPROVED BY
	Land Office	4th	6-10-75	[Signature]	Fire Marshal	5 Level		
Zoning Administrator	6th	6-11-75	[Signature]	Design Review	7th			
Sanitation	8th			Housing & License	8th			
Health Dept.	Annex			Assess	3rd	6/10/75		[Signature]

**CERTIFICATION**  
I hereby certify to the following statements:  
1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.  
2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.  
Date \_\_\_\_\_ 19 \_\_\_\_\_ By \_\_\_\_\_  
Property Owner Authorized Agent

Supervisor of Assessments  
Property is listed in name of Charles O West  
Magisterial District: Mason 1 Deed Book Reference: 3549-556  
Supervisor: John W. Ferguson III

**ZONING**  
Subdivision: Ravenwood Park Lot No. 11 Block \_\_\_\_\_ Section \_\_\_\_\_ Zone R-12.5  
Street Address:  
Use of Bldg: screen-in carport Use after Alteration: Old carport No. Families: \_\_\_\_\_  
BZA: \_\_\_\_\_ SITE PLAN  
Set Back: Front 10' Rt. Side 15' Left Side 10' Rear 25' Zoning Administrator: [Signature]

Mason - 61-1 (17) 11  
 6204 Cheryl Drive  
 7506-13-0279  
 Devotes Fence  
 Screen Carpet  
 4/2 of 7-1679



Approved for proposed CHERYL DRIVE  
 location of building as  
 shown. Final approval  
 subject to wall check.

Date JUN 11 1975

*[Signature]*  
 Zoning Administrator

HOUSE LOCATION  
 LOT 11  
 SECTION THREE  
 WHITE'S ADDITION TO

**RAVENWOOD PARK**

FAIRFAX COUNTY, VIRGINIA  
 SCALE: 1"=30' NOV. 10, 1971  
 COOK & MILLER  
 SURVEYING - ENGINEERING

*R 12.5 zone*

CERTIFIED CORRECT TO CHARLES O. WEST

*[Signature]*  
 CERTIFIED LAND SURVEYOR

Map 11-1-10-1

COUNTY OF FAIRFAX, VIRGINIA  
OFFICE OF THE BUILDING INSPECTOR  
Application for Building Permit

APPLICATION NO. D 2623  
PERMIT NO. P38367  
DATE \_\_\_\_\_

MAP REFERENCE			
Plot Number	Subd. Dns.	Blk. or Sec.	Parcel or lot
<u>611</u>	<u>17</u>		<u>11</u>

To: BUILD  ALTER OR REPAIR  ADD TO  DEMOLISH  MOVE

**JOB LOCATION**  
Street Cheryl Drive  
Lot No. 11 Block 3  
Subdivision White Addition to Greenway Pl.

**OWNER**  
Name Gerald L. Crosby  
Address 6204 Cheryl Dr.  
City Falls Church 532-8895

**ARCHITECT ENGINEER**  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_

**CONTRACTOR**  
Name Owner  
Address \_\_\_\_\_  
City \_\_\_\_\_

**DESCRIPTION**  
For: CAR PORT

No. of Bldgs. \_\_\_\_\_ Est. Const. Cost \$ 1000<sup>00</sup>  
No. of Units \_\_\_\_\_ No. of Stories \_\_\_\_\_  
No. of Kitchens \_\_\_\_\_ Penthouse \_\_\_\_\_  
No. of Baths \_\_\_\_\_ Ht. of Bldg. \_\_\_\_\_ ft.  
No. of Rooms \_\_\_\_\_ Bldg. Area 26' x 14' sq. ft.  
(Exclude Kit. & Bath)  
Basement  Slab  Crawl  Soil: Solid  Fill

Ftg: Concrete  Pile  Caisson   
Ext. Walls: Wood  Metal  Brick   
Int. Walls: Plst  Drywall  Panel   
Roof: Flat  Pitch  Shed   
Roofing: Built-up  Shingle  Roll

Heat: Oil  Gas  Electric   
Equipment: Boiler  Furnace  Heat Pump  Air Cond.

Sewage: Public  Community  Septic Tank  None   
Water: Public  Individual Well  None

Remarks: \_\_\_\_\_

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

Phone No. 532 8895 Date Nov-23, 1966 Signature of Owner or Auth. Agent Gerald L. Crosby

APPLICANT: DO NOT WRITE BELOW THIS LINE

**PLAN APPROVAL**  
Use Group of Building L-3 Area of Bldg. \_\_\_\_\_ @ \_\_\_\_\_ per Sq. Ft. \$ \_\_\_\_\_  
Type of Construction 4-13 @ \_\_\_\_\_ \$ \_\_\_\_\_  
Fire District \_\_\_\_\_ @ \_\_\_\_\_ \$ \_\_\_\_\_  
Date Checked 10-23 By J.P.C. Robert P. Stoltz \$ 5.00  
Approved by Building Inspector \_\_\_\_\_

ROUTING	OFFICE				OFFICE			
		Rm. No.	DATE	BY		Rm. No.	DATE	BY
<input checked="" type="checkbox"/>	Land Office	112	11-23-66	MH	Fire Marshal			
<input checked="" type="checkbox"/>	Zoning Administrator	210	11-23-66	lpt	Streets & Drainage		11/24/66	Full
<input type="checkbox"/>	Sanitary Engineer				Housing & License	32	11-23-66	me
<input type="checkbox"/>	Health Officer	Rt. 237						

I hereby certify to the following statement:  
1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.  
2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.  
Date Nov 23 1966 By Gerald L. Crosby Property Owner Authorize Agent \_\_\_\_\_

**CERTIFICATION**  
Supervisor of Assessments  
Property is listed in name of Robert Jole Dierman  
Magisterial District Mason-1 Deed Book Reference 496-231  
Supervisor: John W. ...

**ZONING**  
Subdivision White Addition to Greenway Pl. Block 11 Section 3 Zone R-12.5  
Street Address \_\_\_\_\_  
Use of Bldg. Carport Use after Alteration \_\_\_\_\_ No. Families None  
BZA \_\_\_\_\_ SITE PLAN \_\_\_\_\_  
Set Back: Front 40.2 Rt. Side 17.4 Left Side 12.3 Rear 25 Zoning Administrator \_\_\_\_\_

Approved for proposed location of building as shown. Final approval subject to 2nd check. 1966

7

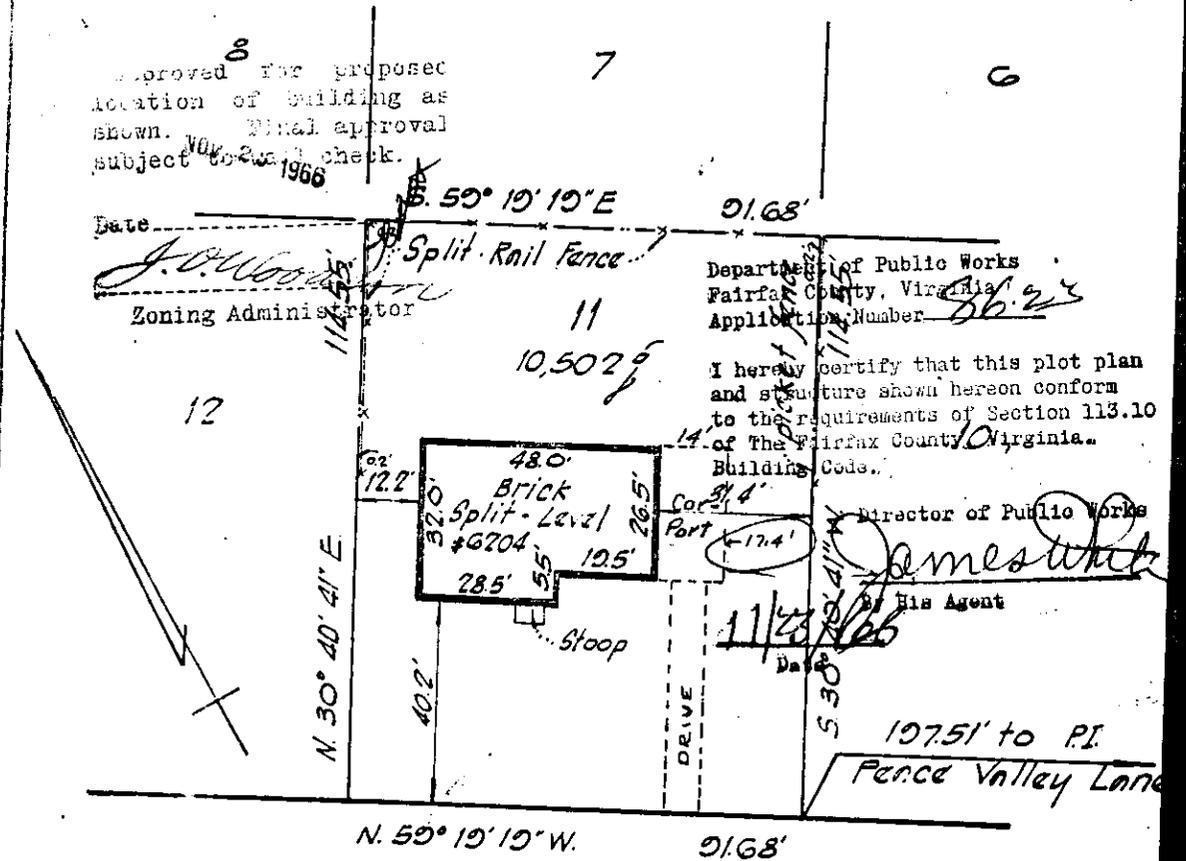
6

Date *J. O. Wood*  
Zoning Administrator

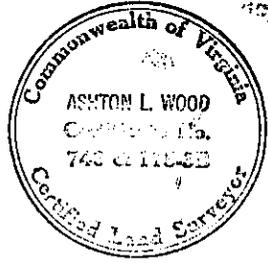
Department of Public Works  
Fairfax County, Virginia  
Application Number *86-23*

I hereby certify that this plot plan and structure shown hereon conform to the requirements of Section 113.10 of The Fairfax County, Virginia Building Code.

Director of Public Works  
*James White*  
His Agent



**CHERYL DRIVE**  
50' wide



HOUSE LOCATION  
LOT 11, SECTION 3  
WHITES ADDITION TO

**RAVENWOOD PARK**

Mason Managerial Dist.  
**FAIRFAX COUNTY, VIRGINIA**  
Scale: 1" = 30'

Sept. 1, 1966

SURVEY FOR:  
*Babson Edmckson*  
*CROSBY*

**PAYNE ASSOCIATES**  
CERTIFIED LAND SURVEYORS

CERTIFIED CORRECT:  
*Ashton L. Wood*



# 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

**DATE OF ISSUANCE:** February 3, 2009

### SHERIFF'S LETTER

**CASE #: 41690**

**SERVE:** Jebaraj J. Devairakkam  
Esther R. Jebaraj  
6204 Cheryl Drive  
Falls Church, VA 22044

**LOCATION OF VIOLATION** 6204 Cheryl Drive  
Falls Church, VA 22044-1803  
Tax Map #: 0611 17 0011  
Zoning District: R-3

Dear Property Owners:

An inspection of the above referenced property on December 18, 2008 revealed the following violations of the Fairfax County Zoning Ordinance.

- § 10-104 (1) Accessory Building Attached to the Principal Building**
- § 2-307 (1) Meeting Minimum Bulk Regulations**

An investigation of the above referenced property revealed an accessory structure (carport), approximately 12 feet, 5 inches in width, has been connected to the right side of the single family detached dwelling. This addition, thereby, becomes part of the principal building or dwelling as set forth in Par. 1 of Sect. 10-104 of the Fairfax County Zoning Ordinance, which states:

If an accessory-type building is attached to a principal building by any wall or roof construction, it shall be deemed to be a part of the principal building and shall comply in all respects with requirements of this Ordinance applicable to a principal building(s), except as qualified in Sect. 2-412.

This addition is approximately two feet, three inches (2' 5") from the side lot line. Carports are allowed to extend into the minimum required yard as set forth in Par. 1(E) of Sect. 2-412:

Carports may extend five (5) feet into any minimum required side yard, but not closer than five (5) feet to any side lot line.

This property is zoned R-3 District and bulk regulations for this district includes minimum yard requirements for a single family detached dwelling, which is delineated in Par. 2(A) 1 of Sect. 3-307 of the Zoning Ordinance, which states:

Minimum yard requirements

A. Single family dwellings

(1) Conventional subdivision lot

- (a) Front yard: 30 feet
- (b) Side yard: 12 feet
- (c) Rear yard: 25 feet

Therefore, since the carport does not meet the minimum side yard requirement for the R-3 District, it is in violation of Par. 1 of Sect. 2-307 of the Zoning Ordinance, which states:

Except as may be qualified by provisions of this Ordinance, no structure or part thereof shall hereafter be built or moved on a lot which does not meet all minimum bulk regulations presented for the zoning district in which the structure is located, and no structure shall hereafter be used, occupied or arranged for use on a lot which does not meet all minimum bulk regulations presented for the zoning district in which such structure is located.

You are hereby directed to clear these violations within **thirty (30) days** after the date of this notice. Compliance must be accomplished by:

- Removing the carport from the property entirely; or
- Reducing the size of the carport to meet minimum required side yard requirements; or
- Making an application for and ultimately obtaining approval of a Group 9 Special Permit from the Board of Zoning Appeals (BZA) for an error in building location to allow the carport to remain at its present location on the property.

**§18-601 Building Permit**

**§ 18-603 Compliance with Other Codes:**

A review of Fairfax County Land Development records indicates that a Building Permit was never obtained for the construction/erection of a addition (screened carport converted into an enclosed living area) as required by Sect. 18-601 of the Zoning Ordinance; and therefore is in violation of Sect. 18-601 of the Zoning Ordinance which specifies:

The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit Application has been approved by the Zoning Administrator.

In addition, you are advised a Building Permit cannot be issued for the addition until the property is in compliance with Par. 1 of Sect. 18-603 of the Zoning Ordinance which states:

No Building Permit shall be issued for the erection of any building or structure on a lot or addition or modification to a building or structure that is in violation of any of the provisions of Chapter 101, Chapter 116 or Chapter 118 of The Code, this Ordinance, all other applicable laws and ordinances, any proffered conditions, or any development conditions of any approved rezoning, special permit, special exception or variance. Appeals of decisions made pursuant to Chapter 118 of The Code which are appealable shall be processed in accordance with Article 8 of Chapter 118.

You are hereby directed to clear these violations within **thirty (30) days** after the date of this notice. Compliance must be accomplished by:

- Removing the addition from the property; or
- Applying for and obtaining the Zoning Administrator's approval of a Building Permit for the addition.

---

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will 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

Jebaraj J. Devairakkam

Esther R. Jebaraj

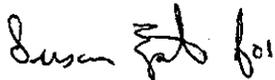
February 3, 2009

Page 4

(BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$375.00 filing fee. Once an appeal application is accepted, it will be 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) 324-1330 or (703) 324-1300.

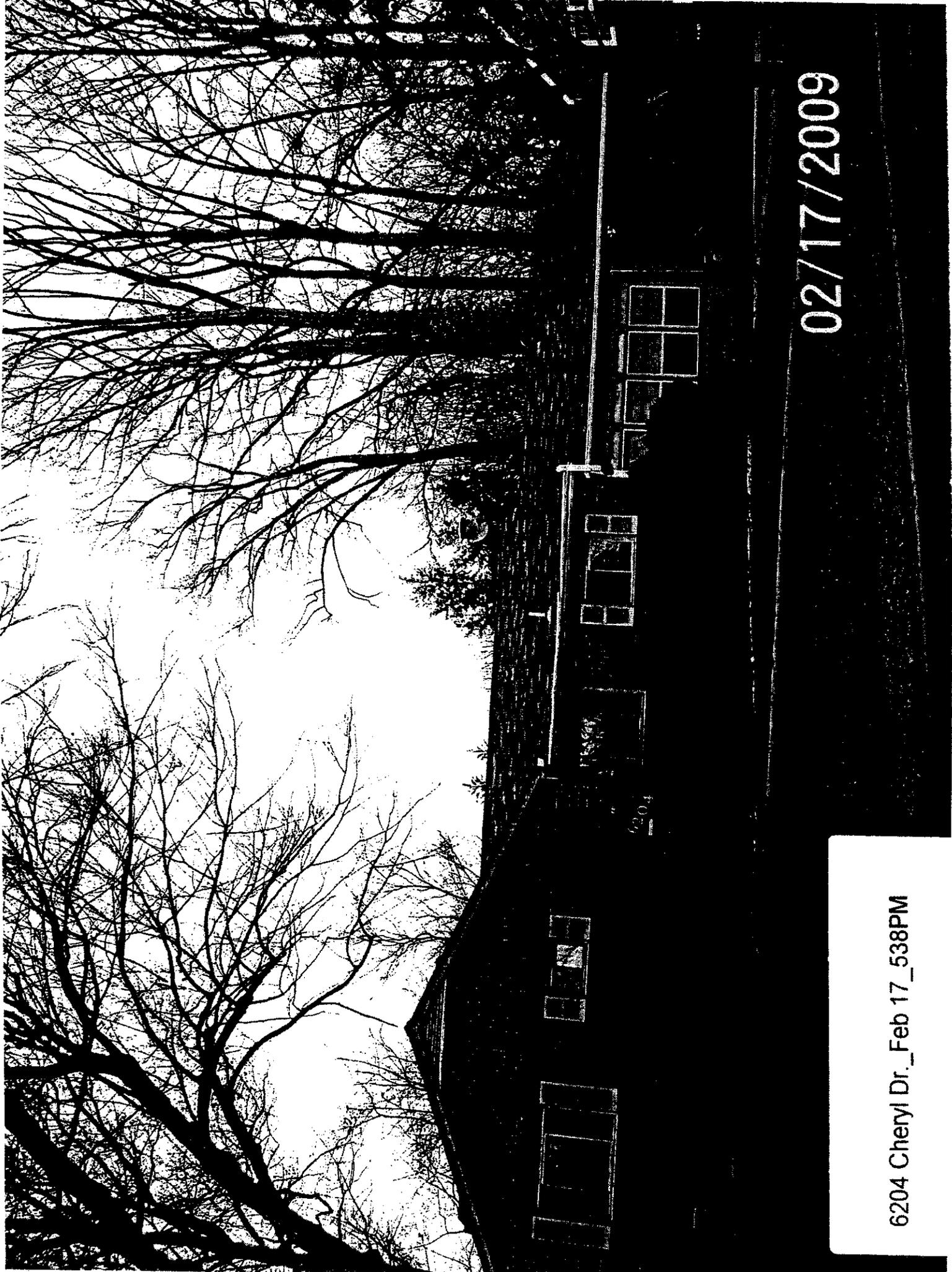
Sincerely,



Peggy Delean

Property Maintenance/Senior Zoning Inspector

PD/seg



02/17/2009

6204 Cheryl Dr. Feb 17 5:38PM



Reggy

# County of Fairfax, Virginia

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

## REQUEST FOR EXTENSION

**DATE OF ISSUANCE:** February 19, 2009

**CERTIFIED MAIL #:** 7007 2680 0000 2820 8330

**CASE #:** 41690

Jebaraj J. Devairakkam  
Esther R. Jebaraj  
6204 Cheryl Drive  
Falls Church, VA 22044

Dear Property Owners:

This is in response to an email I received on February 18, 2009, in which you requested an extension of time in order to comply with the Fairfax County Zoning Ordinance regarding the property at 6204 Cheryl Drive.

You are requesting additional time to get a Special Permit for the carport. You are hereby granted an extension of the Notice of Violation; your deadline for compliance is July 10, 2009.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1330 or (703) 324-1300.

Sincerely,

Peggy Delean  
Property Maintenance/Zoning Enforcement Inspector

PD/

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/)



Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

**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.