



APPLICATION ACCEPTED: July 1, 2009  
DATE OF PUBLIC HEARING: September 29, 2009  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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September 22, 2009

### STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2009-LE-054

### LEE DISTRICT

**APPLICANT:** Megan B. Kenney  
**OWNER:** Mathew I. and Megan B. Kenney  
**ZONING:** R-4  
**LOCATION:** 3400 Sapphire Court  
**SUBDIVISION:** Kings Landing  
**ZONING ORDINANCE PROVISION:** 8-923  
**TAX MAP:** 92-2 ((24)) 81  
**LOT SIZE:** 10,359 Sq. Ft.  
**SP PROPOSAL:** To permit existing fence greater than 4.0 feet in height to remain in a front yard.

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

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

*O:\Scaff2\Case Files\Special Permits\SP 2009-LE-054 MEGAN KENNEY\KENNEY\_cover.doc*

Shannon Caffee

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

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/](http://www.fairfaxcounty.gov/dpz/)



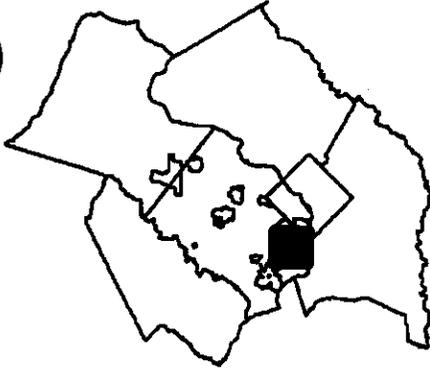
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



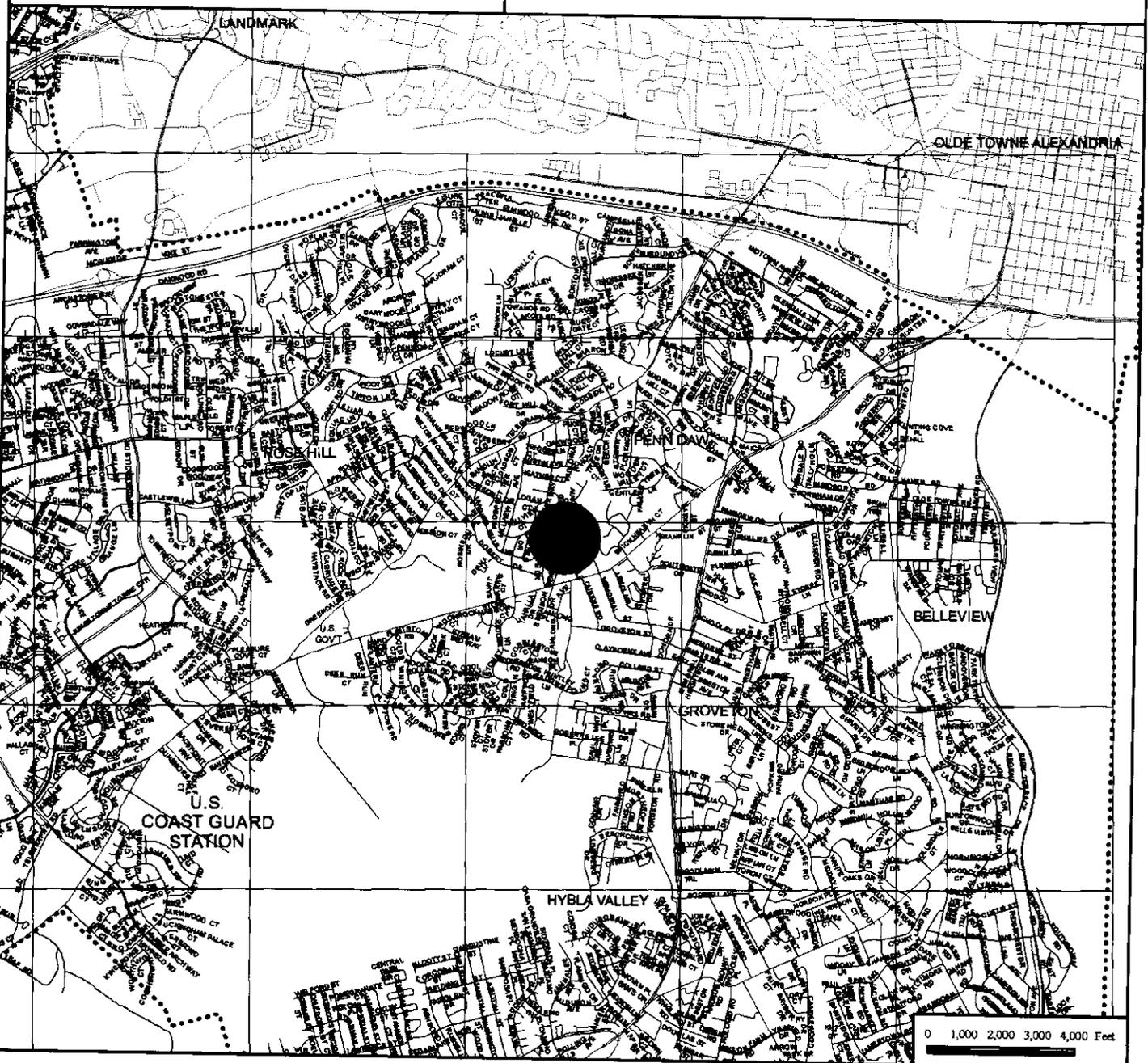
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2009-LE-054**

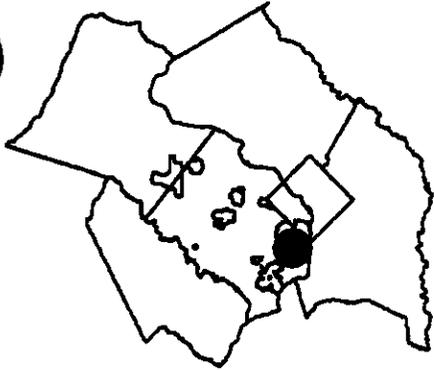
Applicant: MEGAN B.KENNEY  
Accepted: 07/01/2009  
Proposed: PERMIT A FENCE OF HEIGHT GREATER THAN 4 FEET IN HEIGHT TO REMAIN IN THE FRONT YARD



Area: 10,359 SF OF LAND; DISTRICT - LEE  
Zoning Dist Sect: 08-0923  
Art 8 Group and Use: 9-22  
Located: 3400 SAPPHIRE COURT  
Zoning: R- 4  
Overlay Dist:  
Map Ref Num: 092-2- /24/ /0081

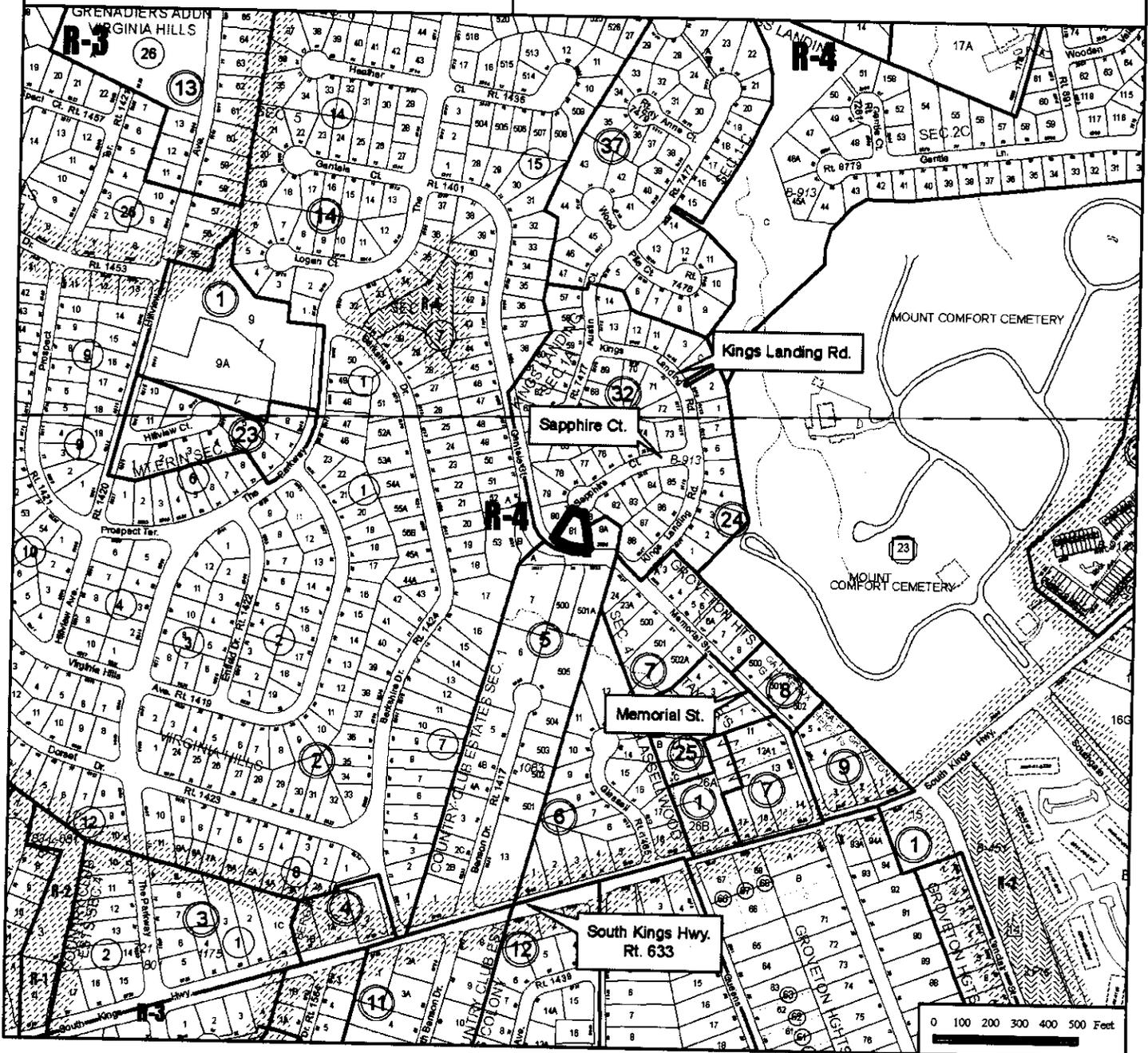


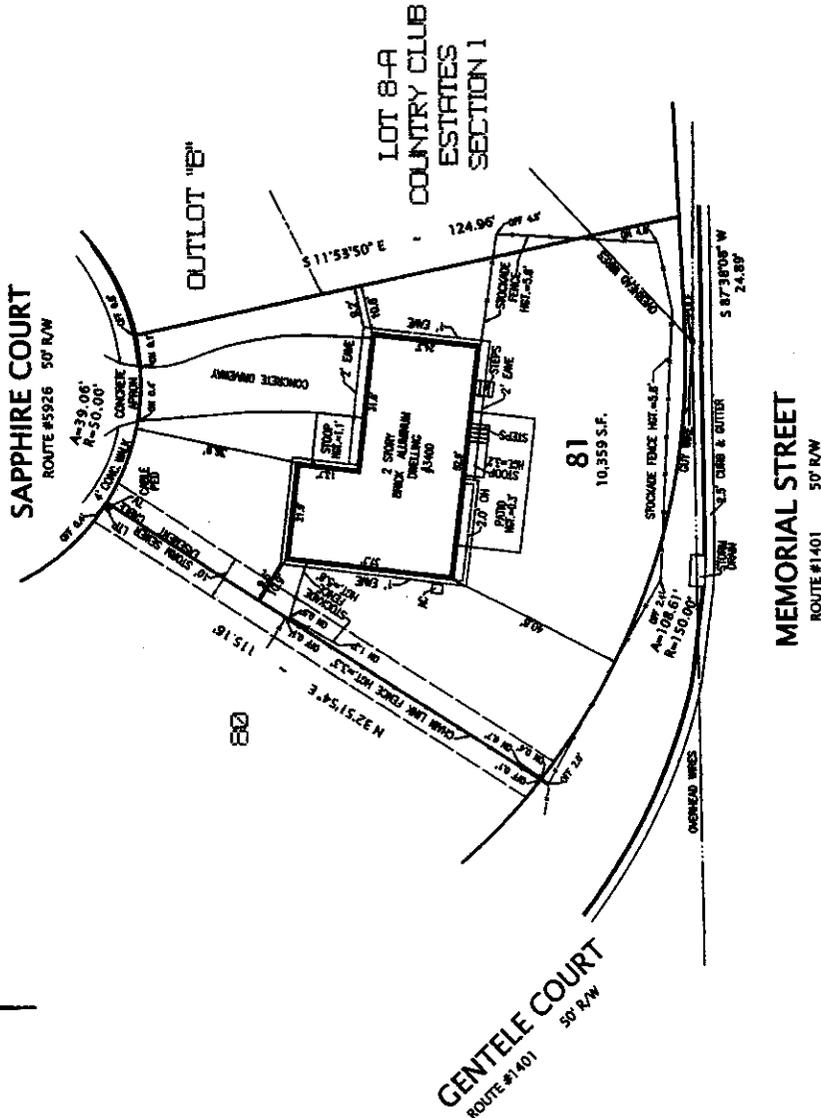
**Special Permit**  
**SP 2009-LE-054**



**Applicant:** MEGAN B.KENNEY  
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**Located:** 3400 SAPPHIRE COURT  
**Zoning:** R- 4  
**Overlay Dist:**  
**Map Ref Num:** 092-2- /24/ /0081





**NOTES**

1. TAX MAP: 092-2-24-0081
2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
3. LOT AREA: 10,359 SQUARE FEET
4. MINIMUM REQUIRED YARDS:
 

FRONT:	30 FEET
SIDE:	10 FEET
REAR:	25 FEET
5. HEIGHTS:
 

DWELLING	22 FEET
FENCES	AS NOTED
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 UNLESS NOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOOD PLAINS, FLOOD HAZARD AREAS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. UTILITIES ARE UNDERGROUND.

**RECEIVED**  
 Department of Planning & Zoning  
 APR 03 2009  
 Zoning Evaluation Division

PLAT  
 SHOWING THE IMPROVEMENTS ON  
 LOT 81 SECTION 1-A  
**KINGS LANDING**  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE: 1" = 20' MARCH 27, 2009

CASE NAME: KENNEY

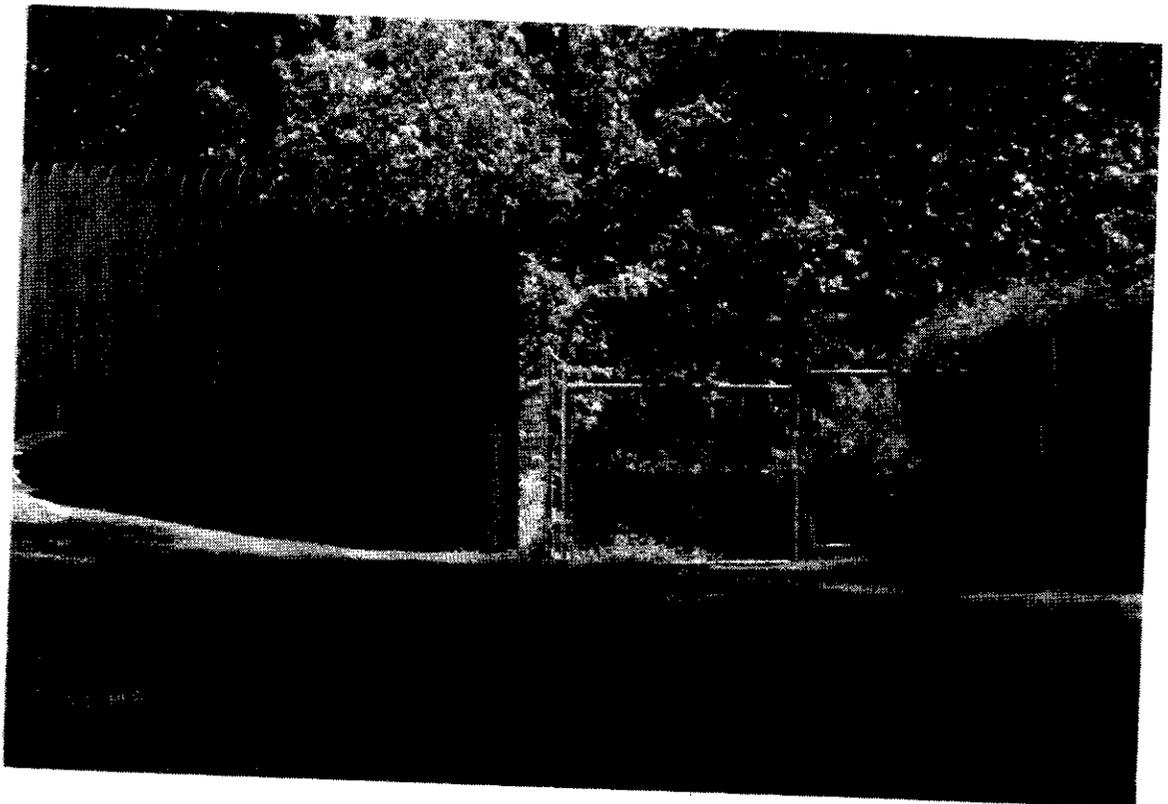
BY PERMISSION OF THE VIRGINIA BOARD OF PLANNING AND ZONING, THIS PLAT IS HEREBY SUBMITTED FOR RECORDATION. THIS PLAT IS SUBJECT TO THE PROVISIONS OF THE ZONING ORDINANCES AND THE ZONING MAPS OF FAIRFAX COUNTY, VIRGINIA.

**ALEXANDRIA SURVEYS INTERNATIONAL, LLC**  
 4310 NORTH BRIMS HIGHWAY ALEXANDRIA, VIRGINIA 22304  
 TEL. NO. 703-660-6815 FAX NO. 703-662-7514

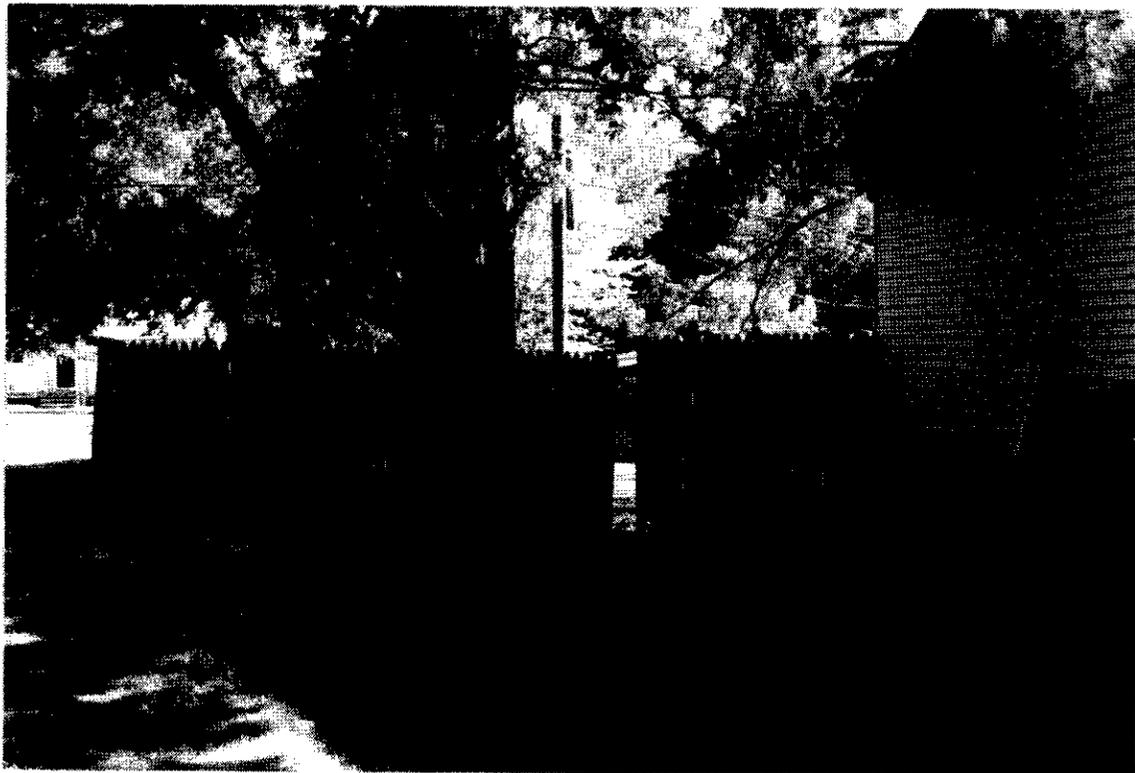
1. I HEREBY CERTIFY THAT THE SURVEYOR HAS PERSONALLY EXAMINED THE RECORDS OF FAIRFAX COUNTY, VIRGINIA, AND HAS FOUND THAT THE SURVEYOR IS A LICENSED SURVEYOR IN THE STATE OF VIRGINIA.

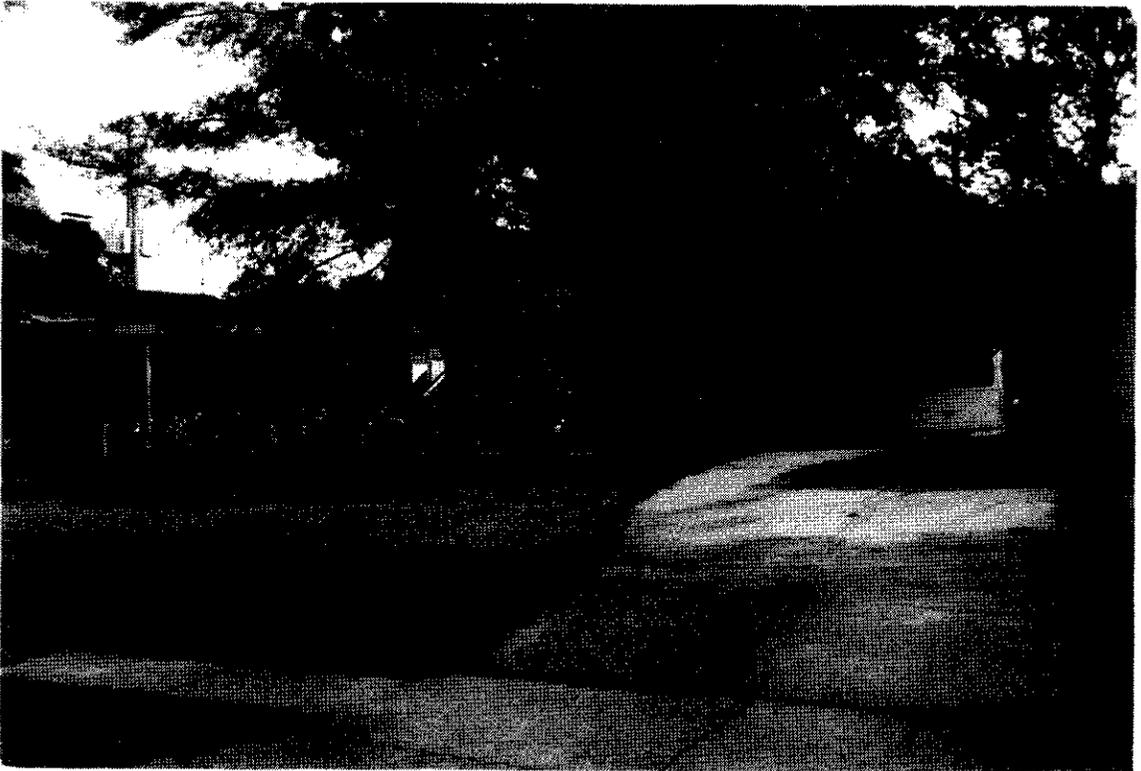
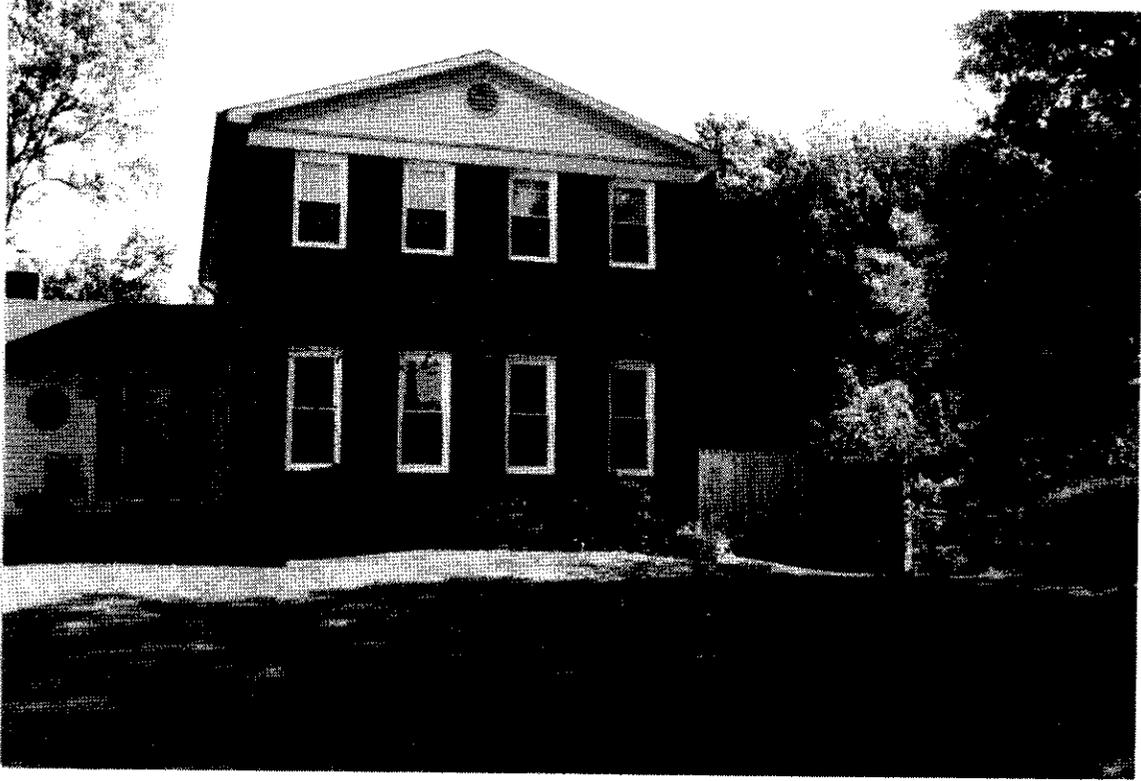
**APR 04 2009**  
 LARRY SURVEYOR

GRAPHIC SCALE: 1" = 20'

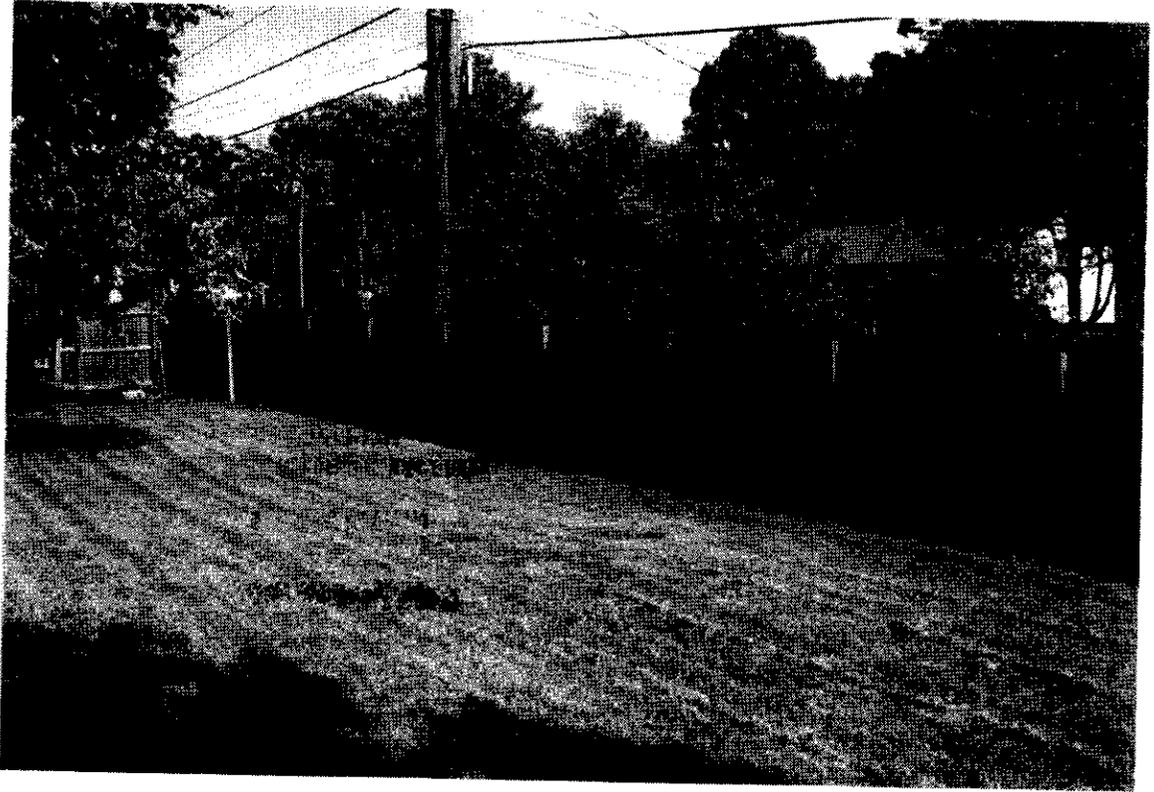


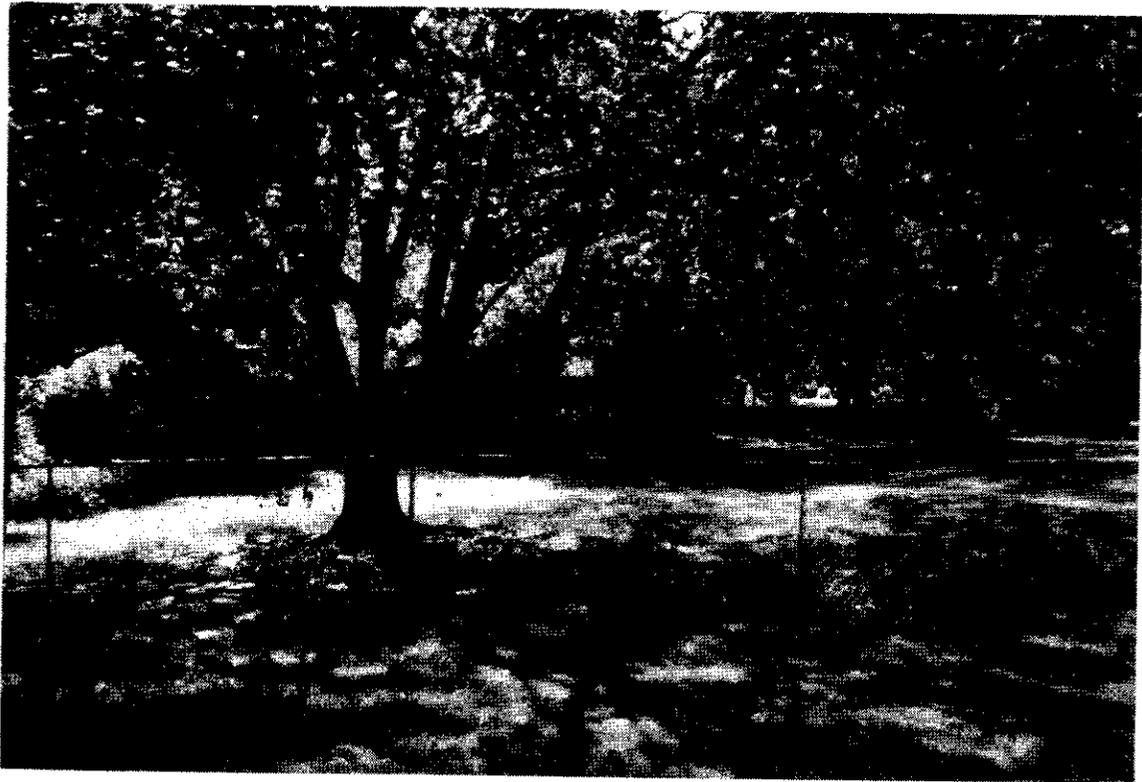
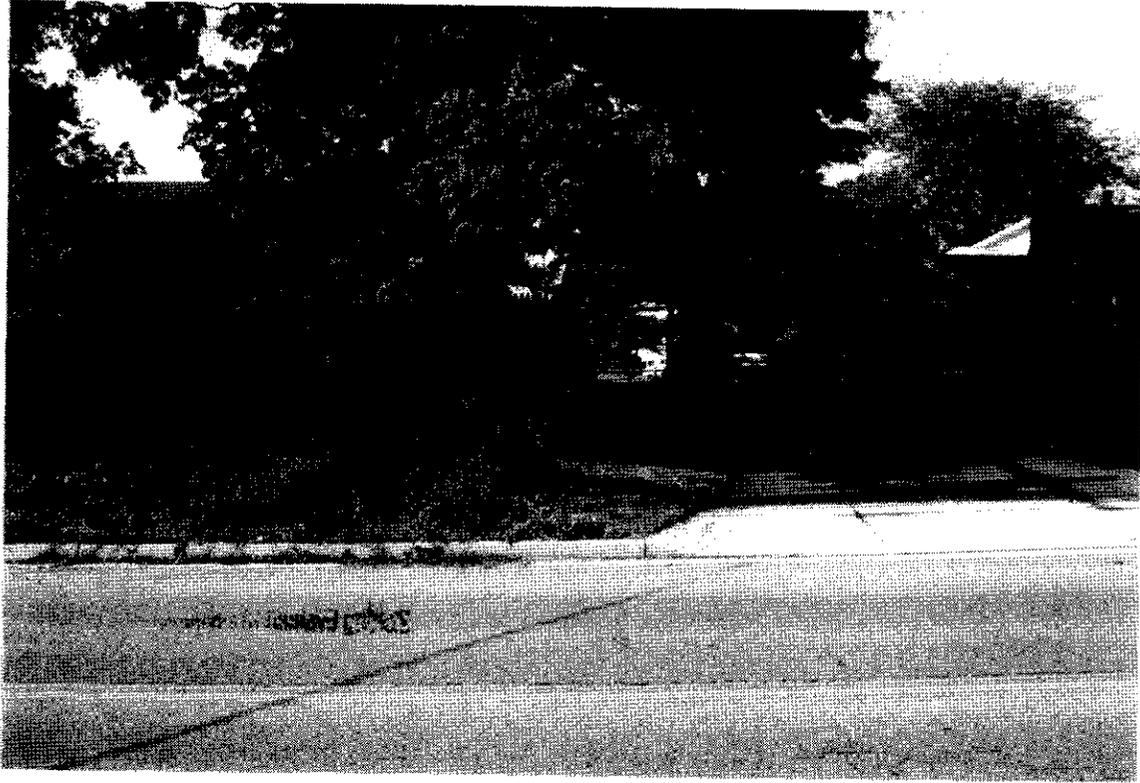


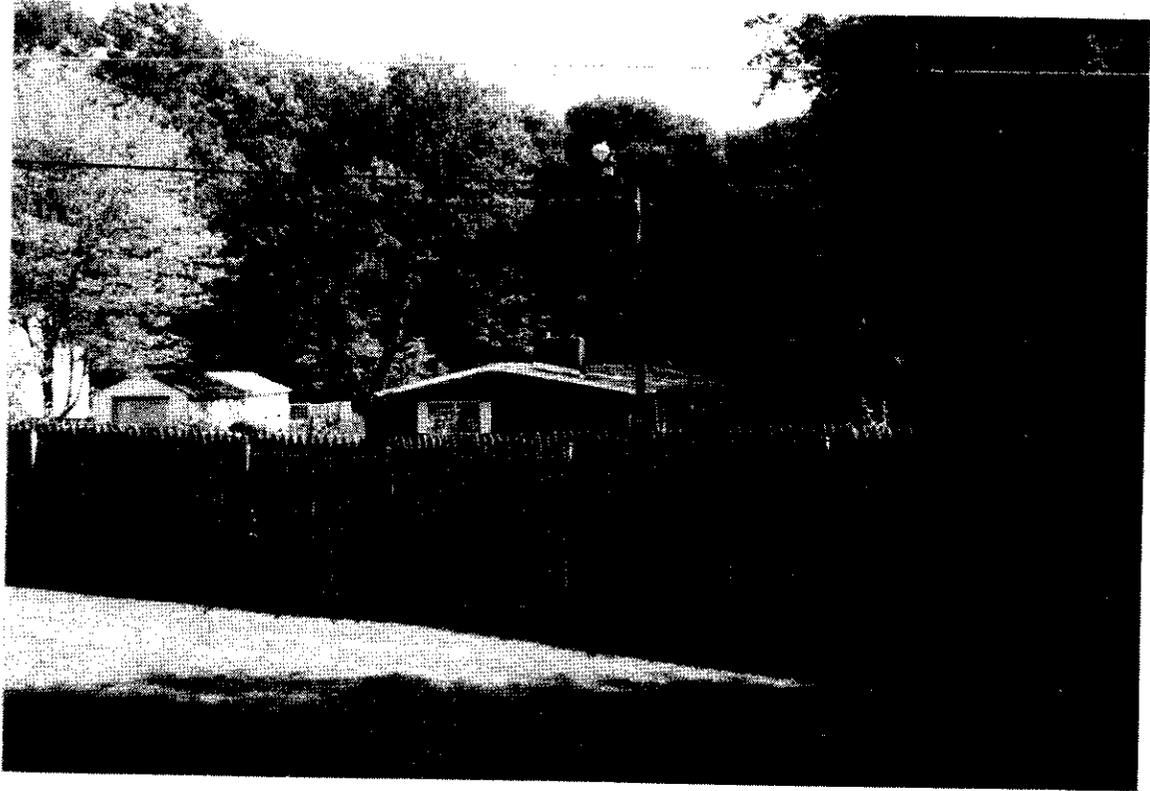


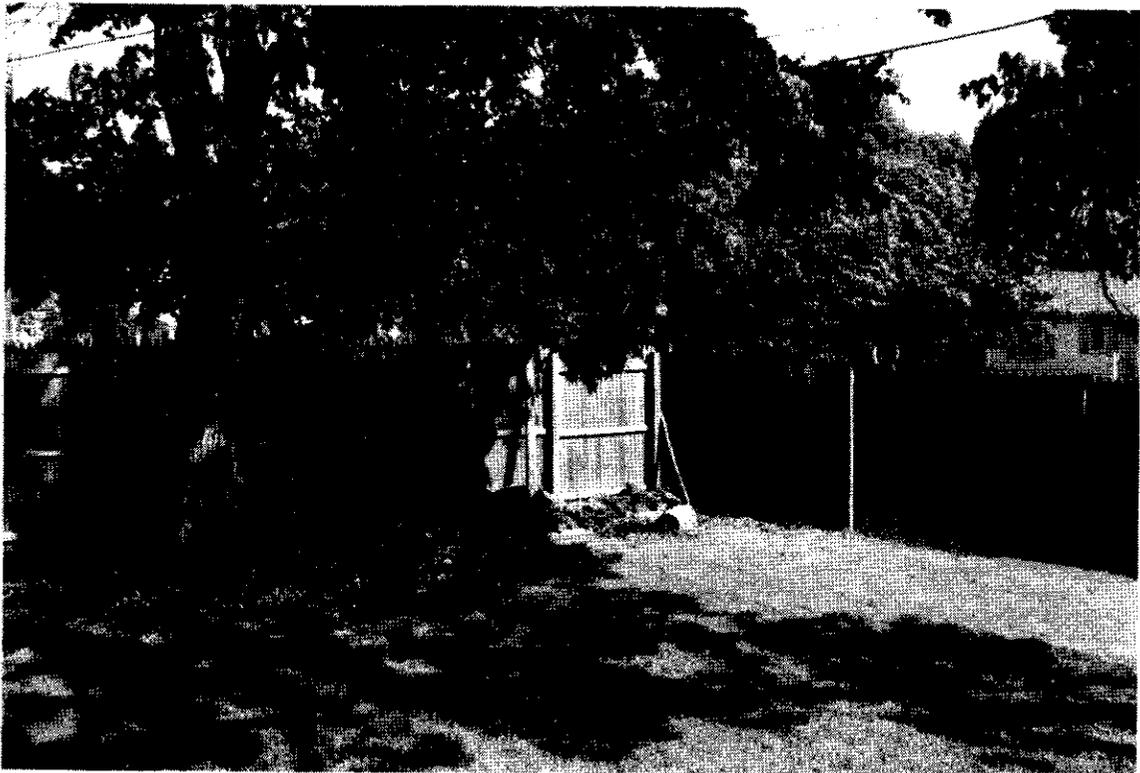
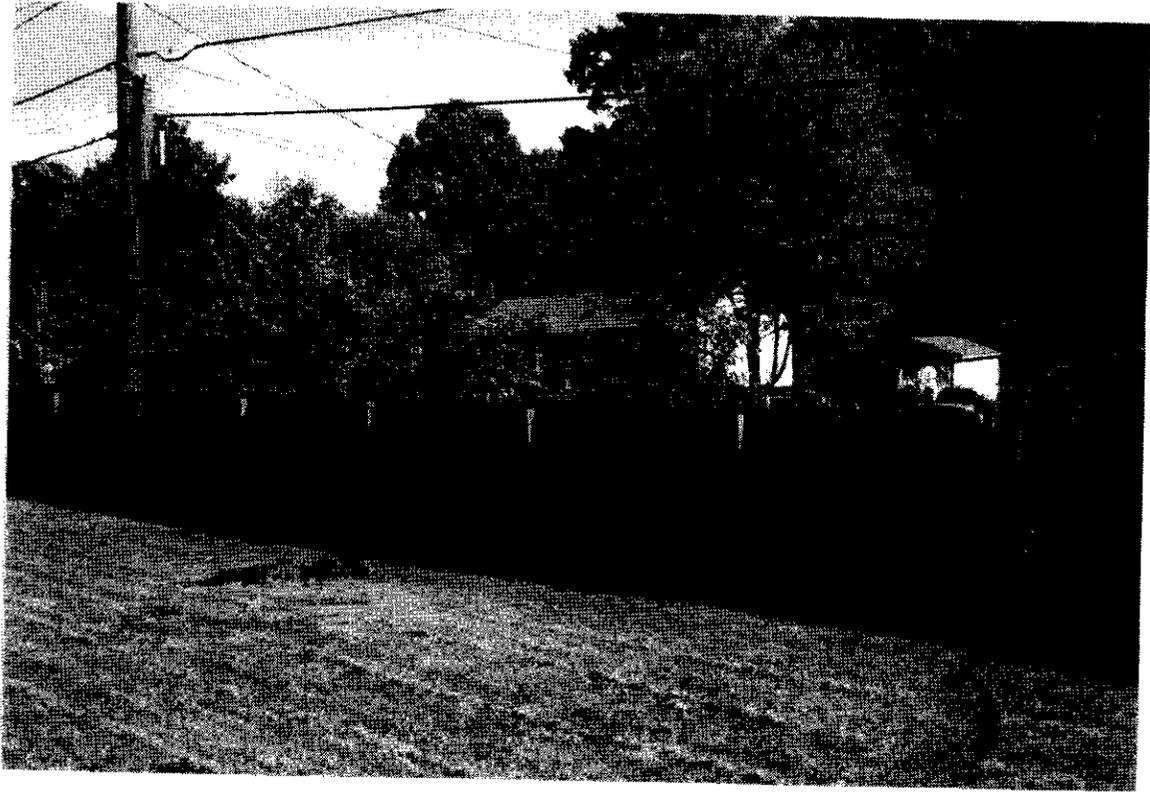


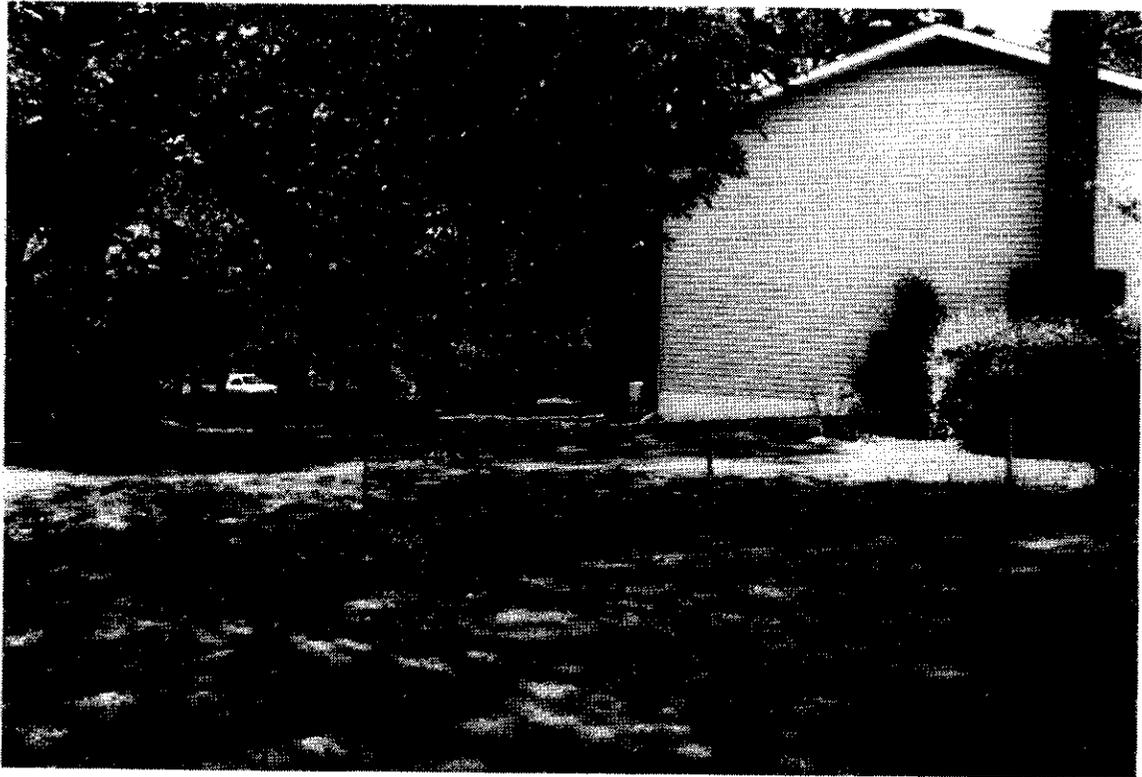


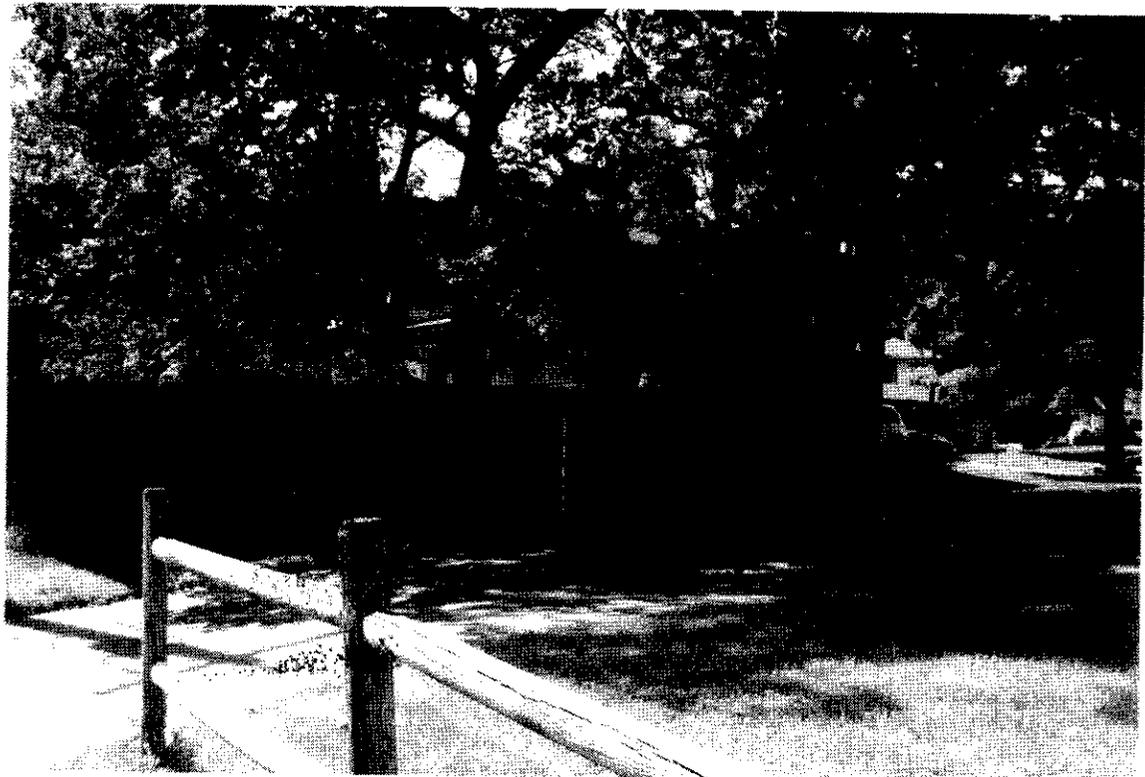
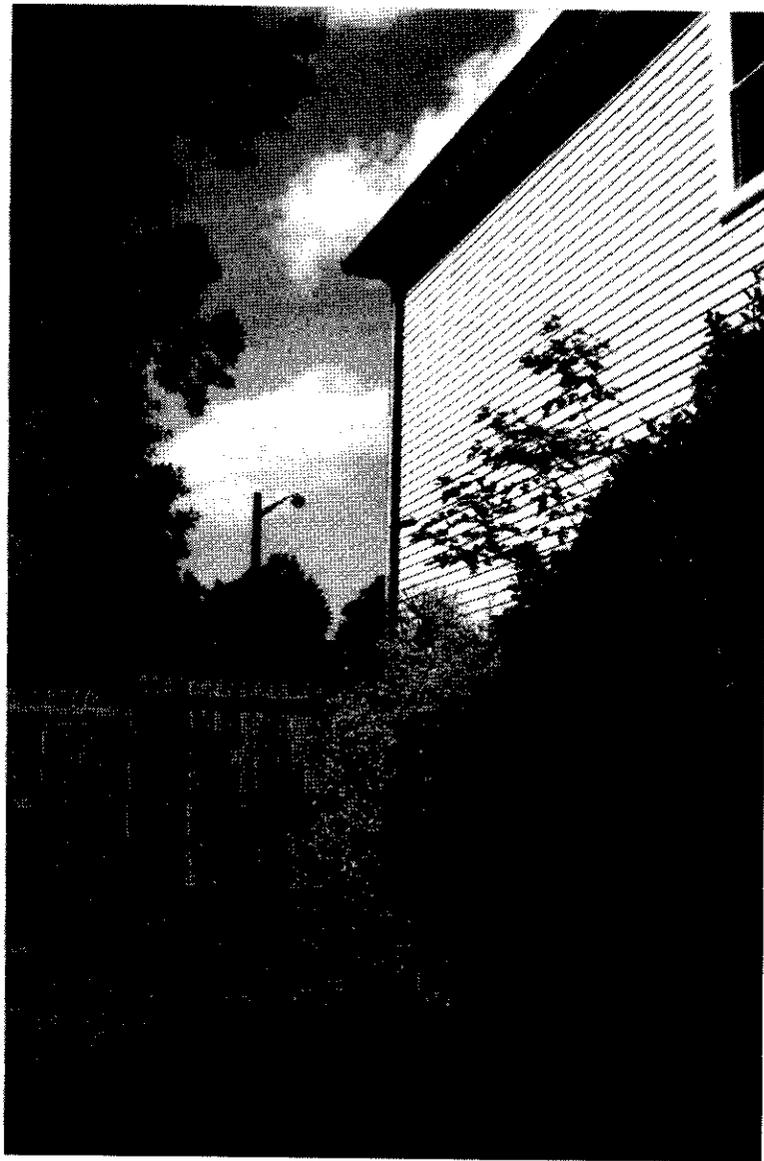


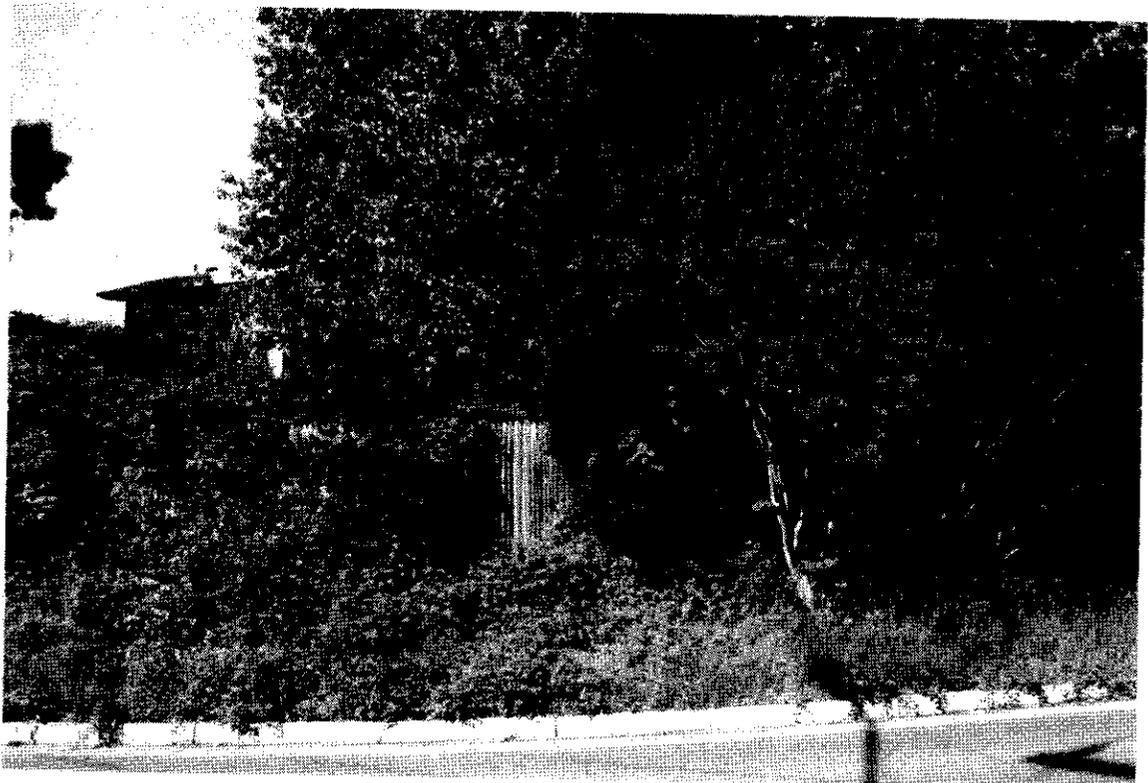
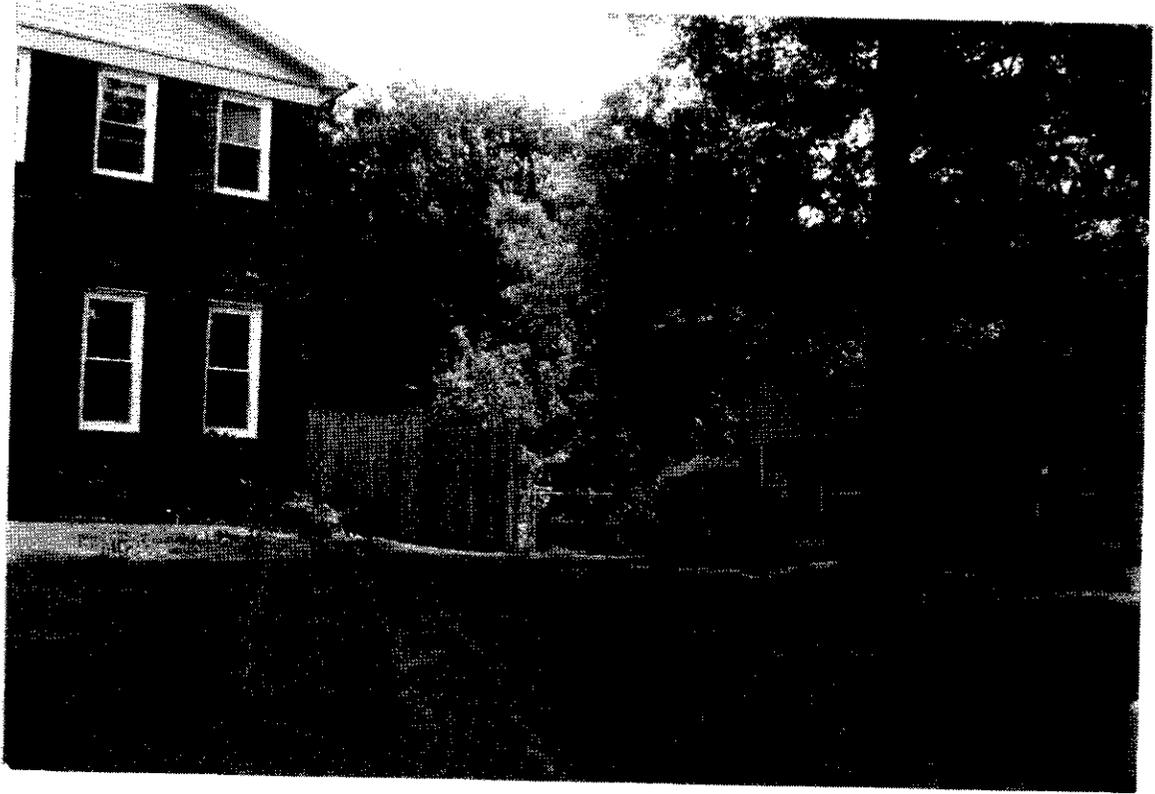




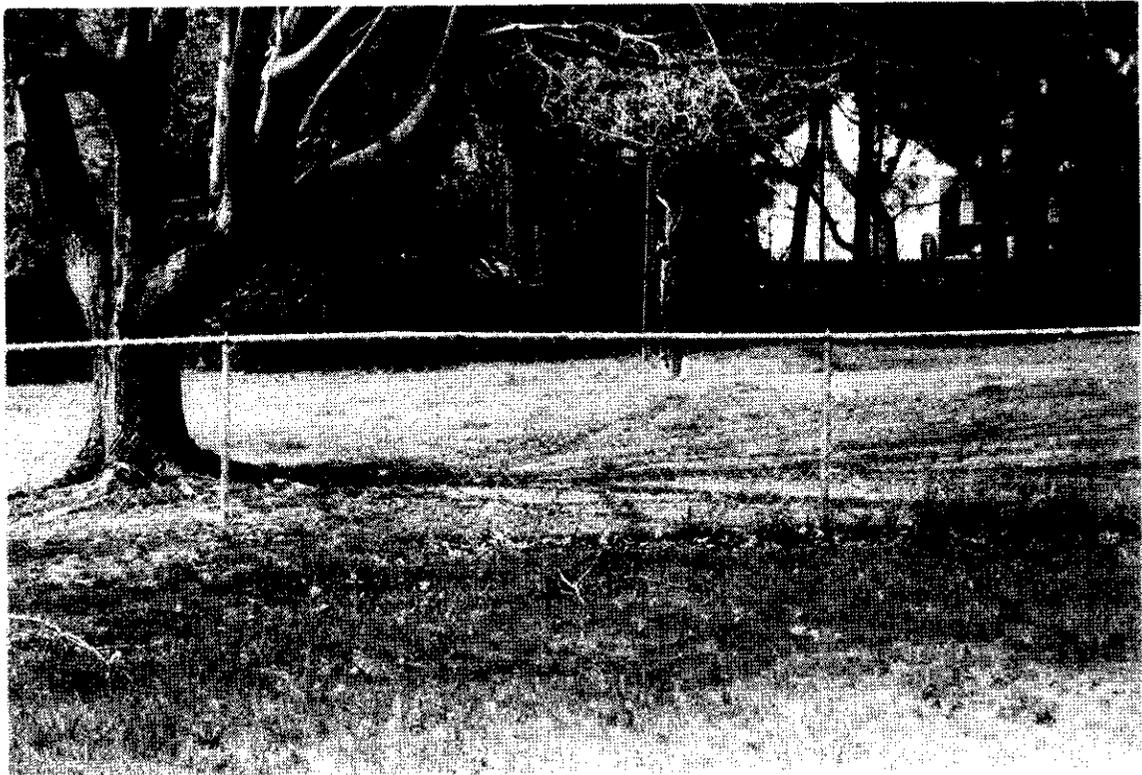


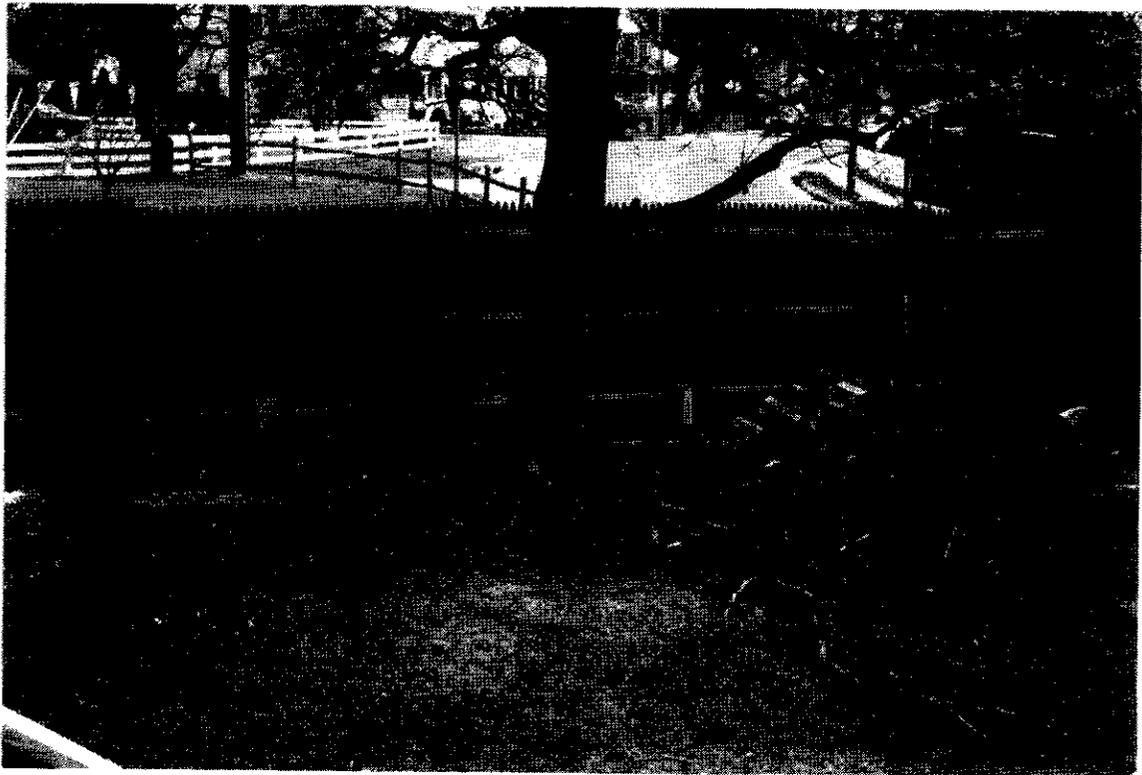
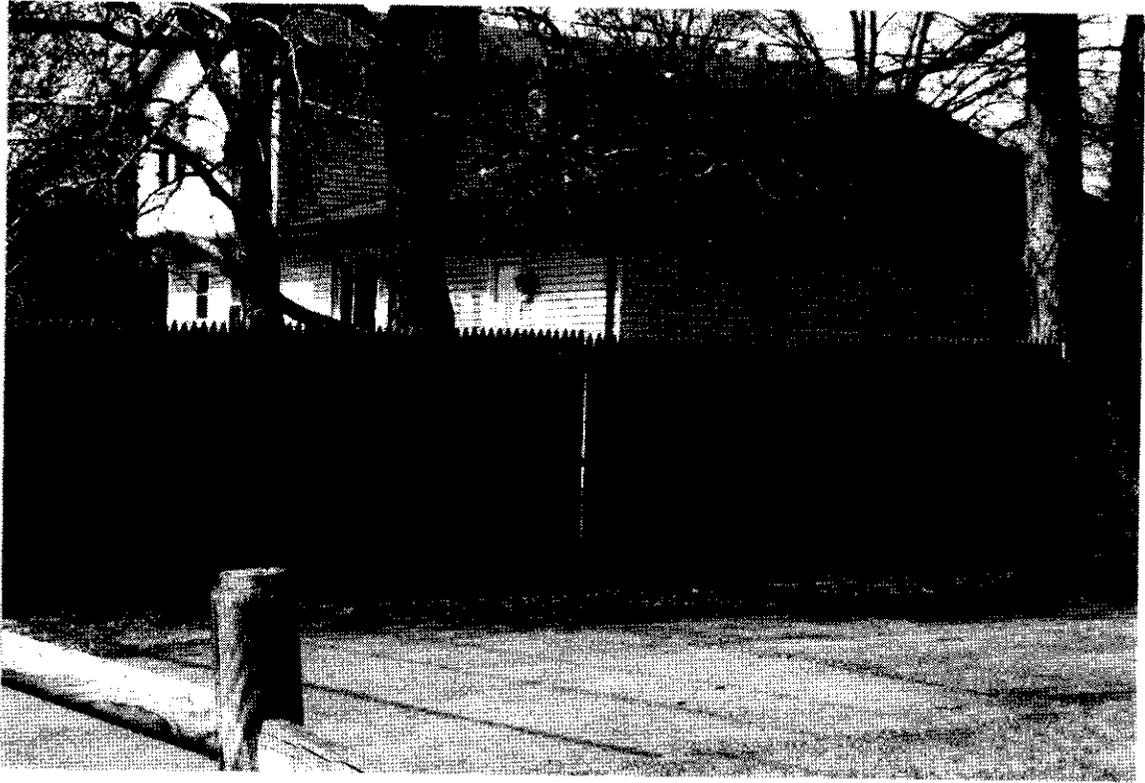




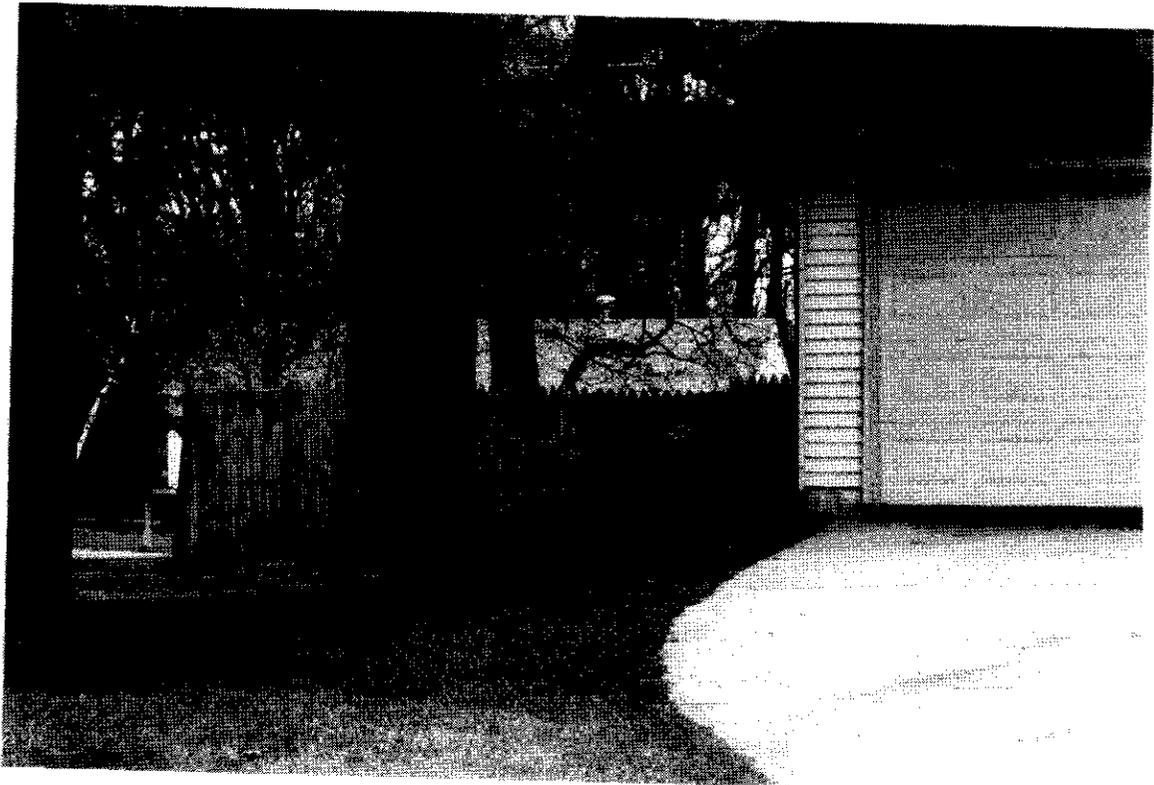
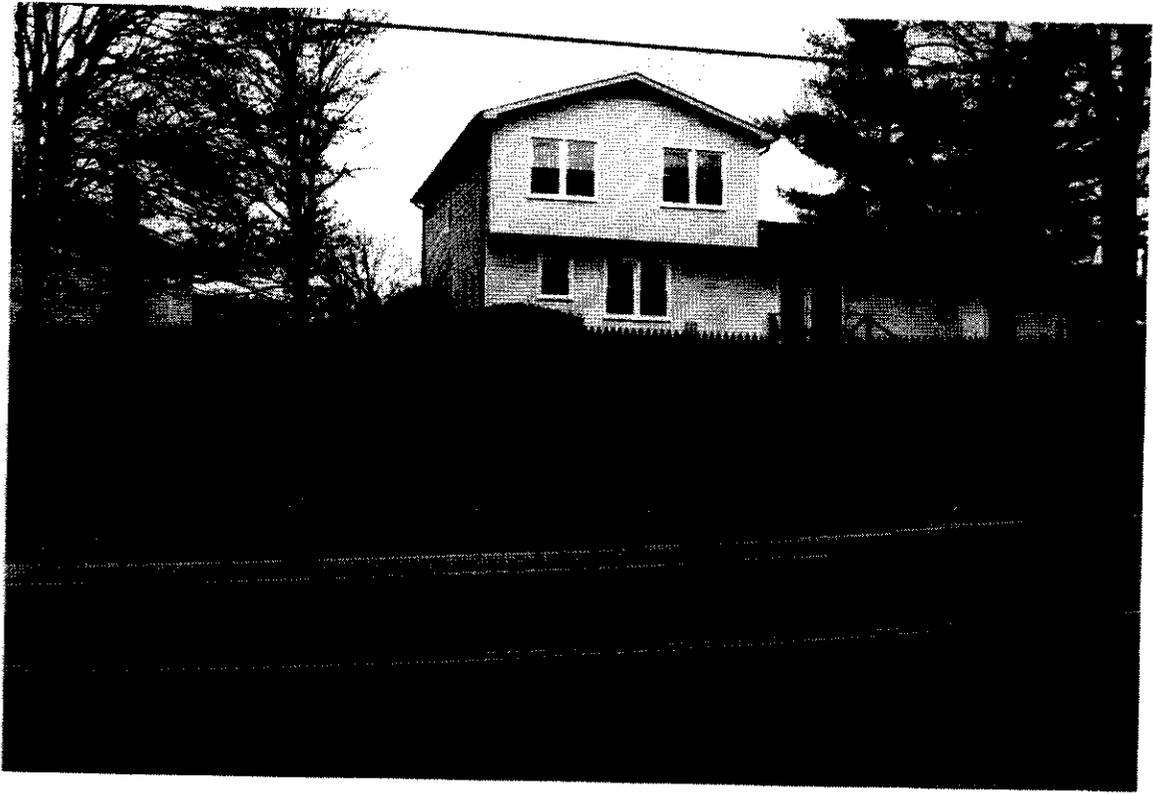


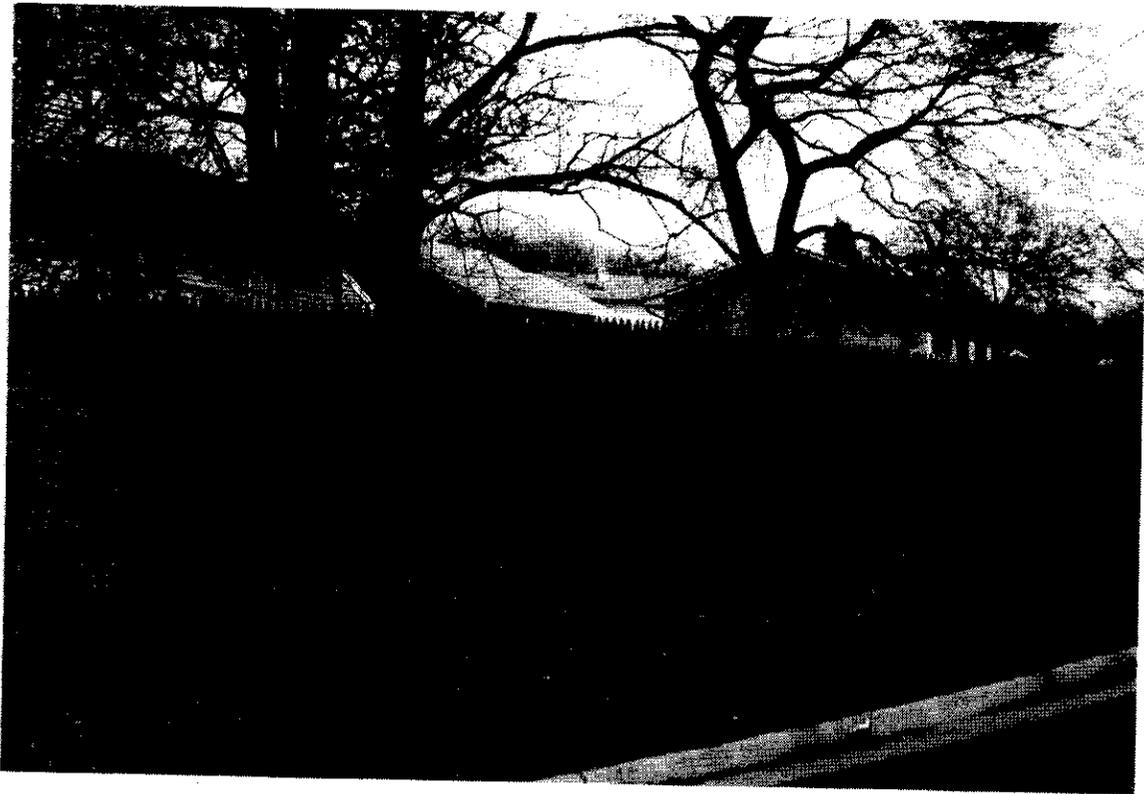
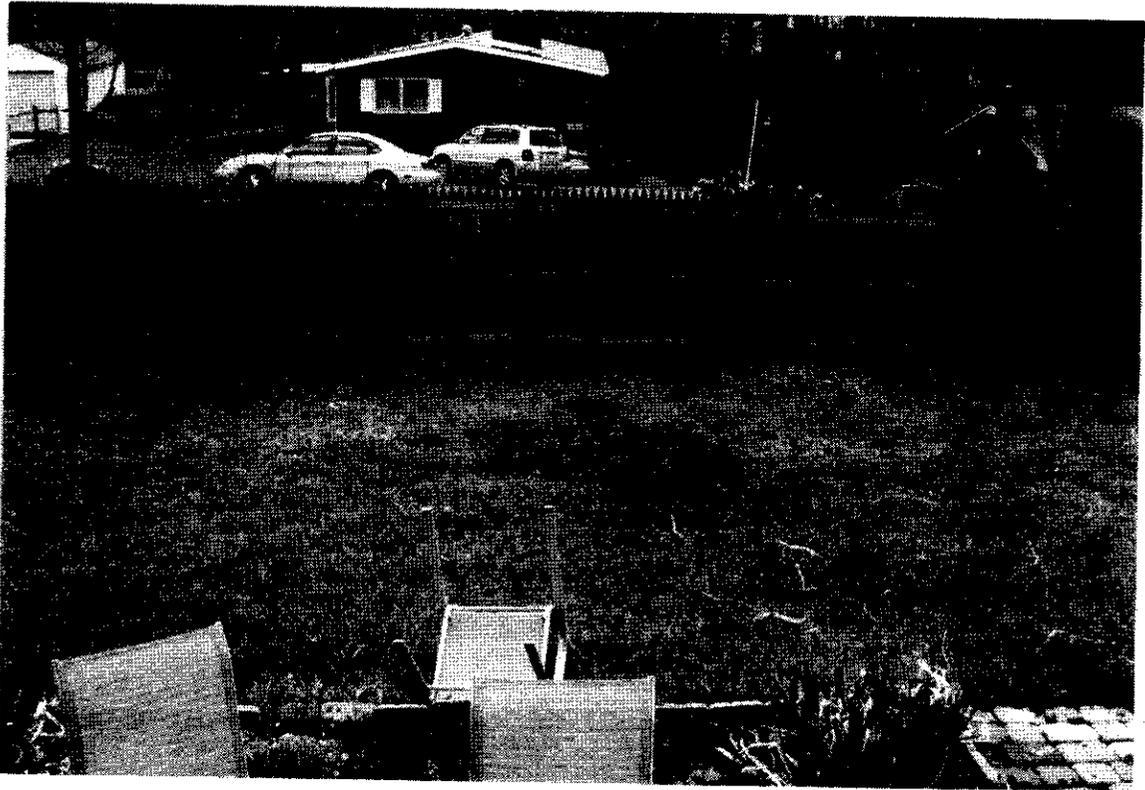














## DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for the subject property to permit an existing 5.8 ft high fence to remain in a front yard of a through lot.

	Yard	Max. Ht. Permitted *	Height	Modification Requested
Special Permit	Front	4 ft.	5.8 ft.	1.8 ft.

\* Minimum fence height per Section 10-104.

## CHARACTER OF THE AREA

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

## ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Plat Showing the Improvements on Lot 81, Section 1-A, Kings Landing
- **Prepared By:** Andrew L. Westerman, Alexandria Surveys International, LLC, dated March 27, 2009, signed through April 2, 2009
- **Building Permit Required for Fence:** No

## BACKGROUND

According to the applicant's statement of justification, the 5.8 feet high privacy fence has been in existence since the time they purchased the subject property in 2007.

A Notice of Violation (NOV) was issued on March 5, 2009, on the subject property for a fence which exceeds four (4) feet in height in the front yard of a through lot. A copy of

the NOV is provided in Appendix 4.

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

- Variance VC 99-L-075, granted on September 21, 1999, on Tax Map Number 92-2 ((2)) (9) 1, on 6420 Hillview Avenue, zoned R-4, west of the subject property to permit construction of accessory structure in front yard of a lot containing less than 36,000 square feet and fence greater than 4 feet in height in front yard.

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

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

#### **CONCLUSION**

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

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

#### **APPENDICES**

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

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2009-LE-054**

**September 22, 2009**

1. This special permit is approved for the location of an existing 5.8 foot high fence as shown on the plat prepared by Andrew L. Westerman, Alexandria Surveys International, LLC, dated March 27, 2009, signed through April 2, 2009 submitted with this application and is not transferable to other land.
2. Notwithstanding what is depicted on the plat, all accessory structures shall be located on site in accordance with Section 10-101 of the Zoning Ordinance.

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: 4/3/2009  
 (enter date affidavit is notarized)

I, MEGAN B KENNEY, 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 104289

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 <b>BOLD</b> above)
MEGAN B KENNEY	3400 SAPPHIRE COURT ALEXANDRIA VA 22310	<b>APPLICANT/OWNER</b>
MATTHEW I KENNEY	3400 SAPPHIRE COURT ALEXANDRIA VA 22310	<b>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: 4-3-09  
(enter date affidavit is notarized)

104289

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)

NONE

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 4-3-09  
(enter date affidavit is notarized)

104289

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)

NONE

(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)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 4-3-09  
(enter date affidavit is notarized)

104289

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: 4-3-09  
(enter date affidavit is notarized)

104289

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)

Megan B Kenney  
[X] Applicant

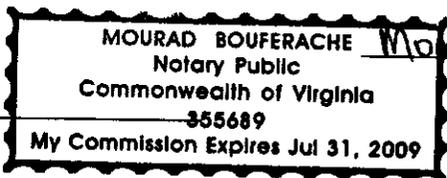
[ ] Applicant's Authorized Agent

Megan B Kenney

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

Subscribed and sworn to before me this 3<sup>rd</sup> day of April, 2009, in the State/Comm. of VA, County/City of Alexandria

My commission expires: \_\_\_\_\_



Mourad Bouferache  
Notary Public

RECEIVED  
Department of Planning & Zoning

MAY 13 2009

Zoning Evaluation Division

Kenney Special Permit Application SP 2009-0088 Attempt to cure deficiencies in application.

**5.07 Description of building façade and architecture of proposed new building or addition:**

The fence is 6 feet tall on 3 sides. It is wooden. It is stockade style and is identical to the neighboring fence on the abutting property on Sapphire Court. The fence surrounds 3 sides of the backyard which abuts Gentele Court. It is a standard wooden fence identical to most fences in the neighborhood and can be purchased at any hardware store. The fence has been in the yard since well before the current owners purchased the property. It conforms to the fence style and height of the rest of the neighborhood.

**5.08 . A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.**

Not applicable. The fence does not generate, utilize, store, treat, or dispose of any hazardous or toxic substances. I am not proposing to use any hazardous or toxic material or to store and such material on the property.

**5.09 A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.**

Applicant is seeking a special permit for Zoning Ordinance Section 8-923, permit fence greater than 4.0 feet in height to remain in front yard. I am seeking this permit so maintain a fence in my yard that borders on a second front yard due to the property being designated a through lot. The fence borders on a main thoroughfare and protects the second front yard from observation by all those driving on the main road. The fence provides security to the residence by making it difficult to enter the property from a main, busy road, provides privacy and quiet enjoyment to the residents of the property, and protects the property from the unwanted intrusion of trash disposed of by the cars that the traverse the main road. Removal of the fence would open the entire property to observation and intrusion from the traffic on the main road.

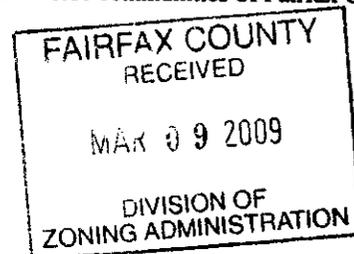


STREET FENCE



# 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:** March 5, 2009

**CERTIFIED MAIL #:** 7099 3400 0007 0874 0468

**CASE # 42925**

**SERVE:** Matthew I. Kenney  
Megan B. Kenney  
3400 Sapphire Court  
Alexandria, Virginia 22310-3101

**LOCATION OF VIOLATION:** 3400 Sapphire Court  
Kings Landing, Section 1A, Lot 81  
Tax Map Ref.: 92-2 ((24)) 81  
Zoning District: R-4  
Lot size: 10,359 square feet

Dear Property Owners:

An inspection of the above referenced property on February 2, 2009 revealed the following violations of the Fairfax County Zoning Ordinance.

**§ 10-104 (3B) Accessory Structures:**

**§ 2-302 (6) Accessory Use:**

It has been established that you have erected or have permitted to be erected a stockade style fence, which is approximately six (6) feet in height, in the front yard, which is adjacent to Memorial Street.

A fence is a permitted accessory use in the **R-4 District**, subject to the provisions detailed in Par. 3B of Sect. 10-104 of the Zoning Ordinance which states, in part:

In any front yard on any lot, a fence, or wall not exceeding four (4) feet in height is permitted...

**Kings Landing, Section 1A, Lot 81** was planned, designed and developed as a **Through Lot**. A Through Lot is defined in Part 3 of Section 20 of the Fairfax County zoning Ordinance, in part, as:

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/

An interior lot, but not a corner lot, abutting on two (2) or more public streets...

**As Kings Landing, Section 1A, Lot 81** has been developed as a through lot, this lot contains two front yards and has no rear yard. The front yards of a through lot are defined in Part 3 of Sect. 20 of the Zoning Ordinance, in part, as:

On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same...

Because the referenced fence exceeds four (4) feet in height, it is therefore in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance that states:

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

You are hereby directed to clear this violation within thirty (30) days of receipt of the Notice. Compliance may be obtained by:

- Remove all fencing from the property that does not conform to the provisions detailed in Par. 3B of Sect. 10-104, as detailed above, or
- Reduce the height of all fencing in a front yard, to a maximum of four (4) feet, when measured from the lowest point of natural grade, or
- Make application to, diligently pursue and ultimately obtain special permit approval of the Board of Zoning Appeals (BZA) to allow the fence to remain at its present height and location.

Information and submission criteria regarding the filing of the Special Permit Application may be obtained by contacting the Zoning Evaluation Division at (703) 324-1290.

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.

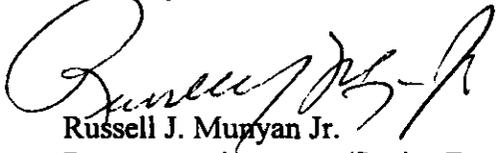
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (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

Matthew I. Kenney  
Megan B. Kenney  
March 5, 2008  
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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) 324-1413 or (703) 324-1300.

Sincerely,



Russell J. Murnan Jr.  
Property maintenance/Senior Zoning Inspector

RJMJR/seg

**8-006 General Standards**

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

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

**8-903 Standards for all Group 9 Uses**

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

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.

3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-923

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

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

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

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