



APPLICATION ACCEPTED: April 7, 2010
DATE OF PUBLIC HEARING: June 16, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 9, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-DR-027

DRANESVILLE DISTRICT

APPLICANT/OWNER: Mohammed Farokhzad

LOCATION: 9817 Mill Run Drive

SUBDIVISION: Mill Run Acres

DISTRICT: Dranesville

TAX MAP: 13-3 ((3)) 13

LOT SIZE: 64,012 square feet (1.47 acres)

ZONING: R-1

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit an addition to remain 7.6 feet from a 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.

H:\SP Reports\SP 2010-DR-027, Farokhzad, error in bldg. loc..doc Mary Ann Godfrey

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/

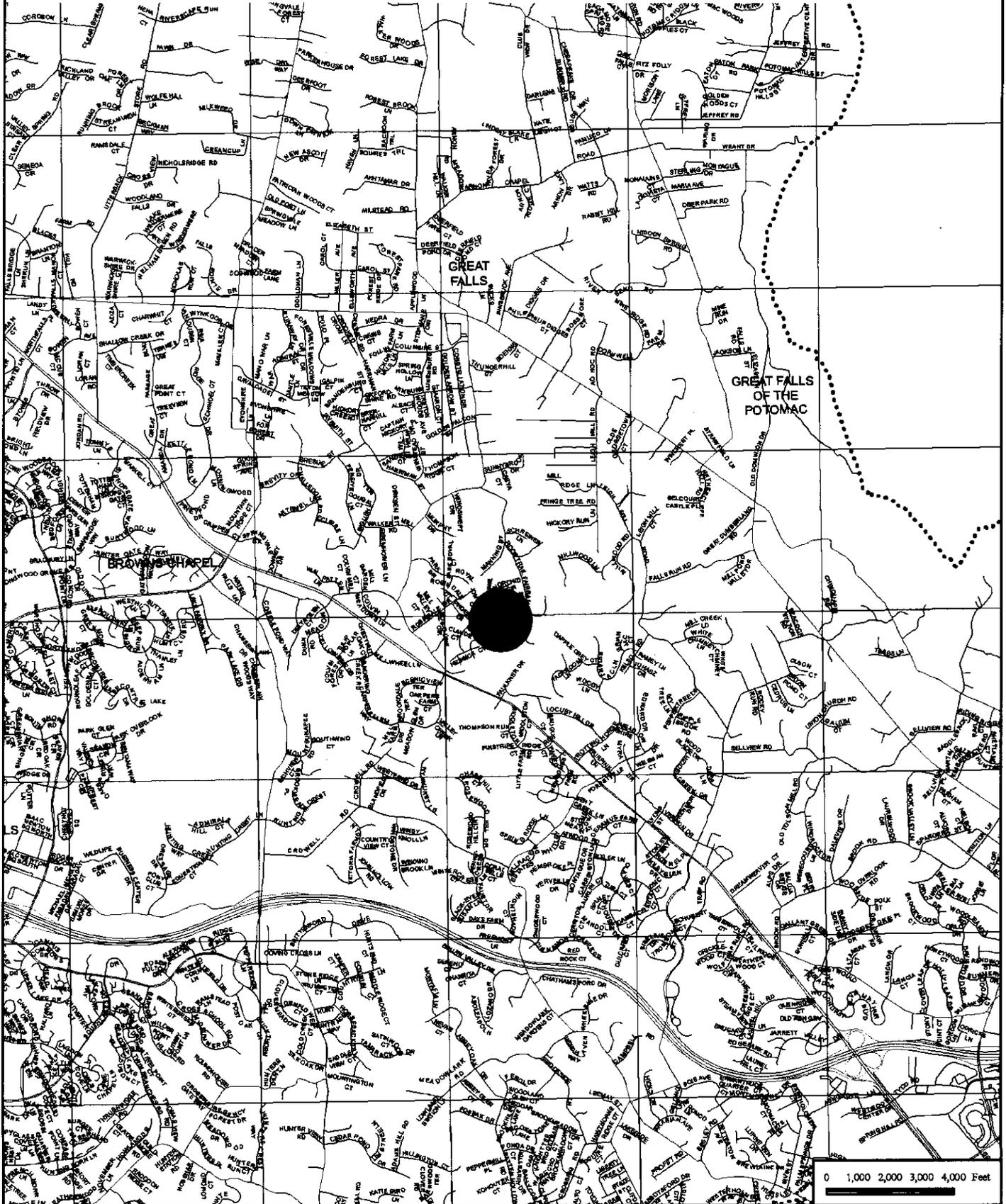


For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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

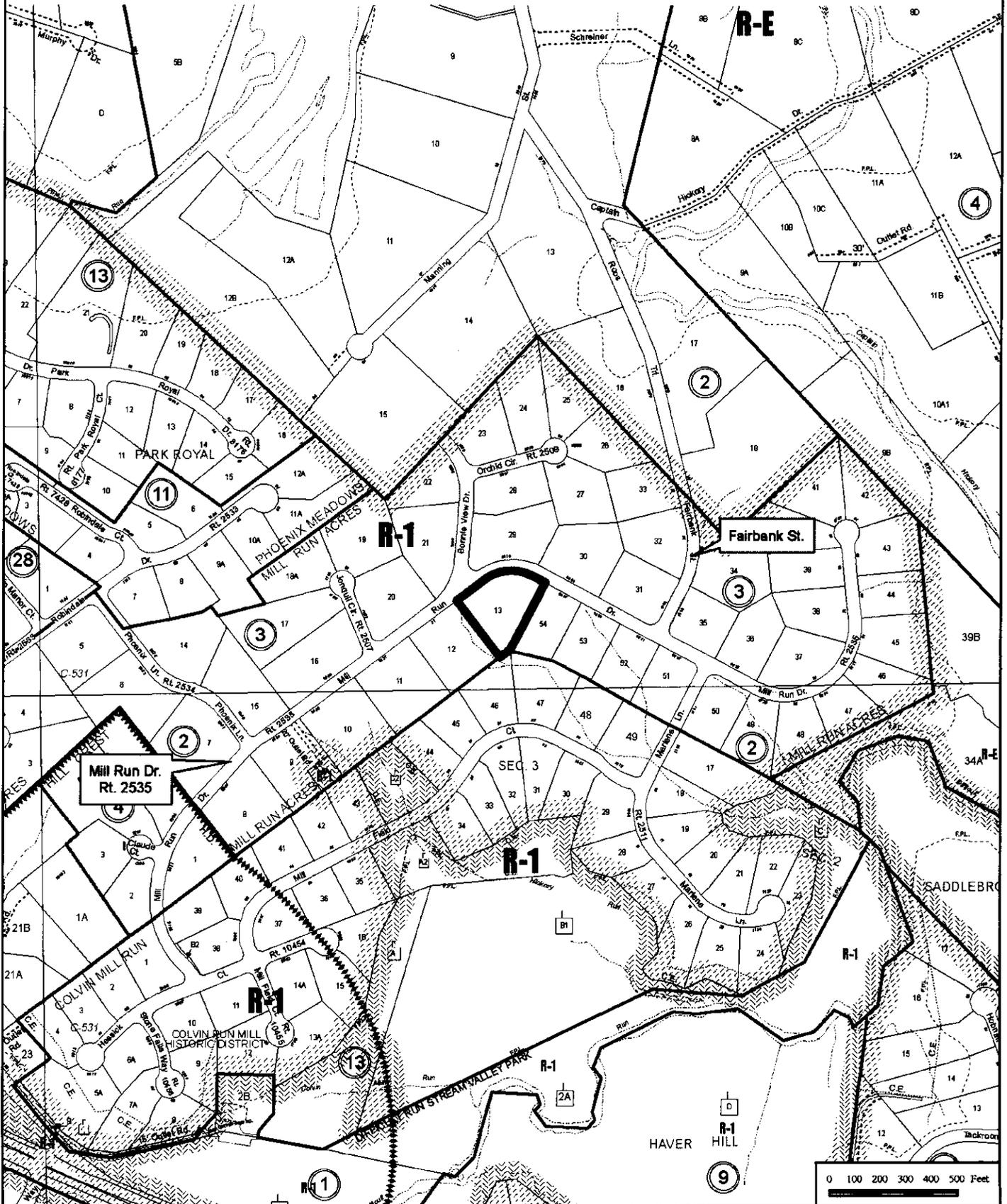


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2010-DR-027
MOHAMMED FAROKHZAD



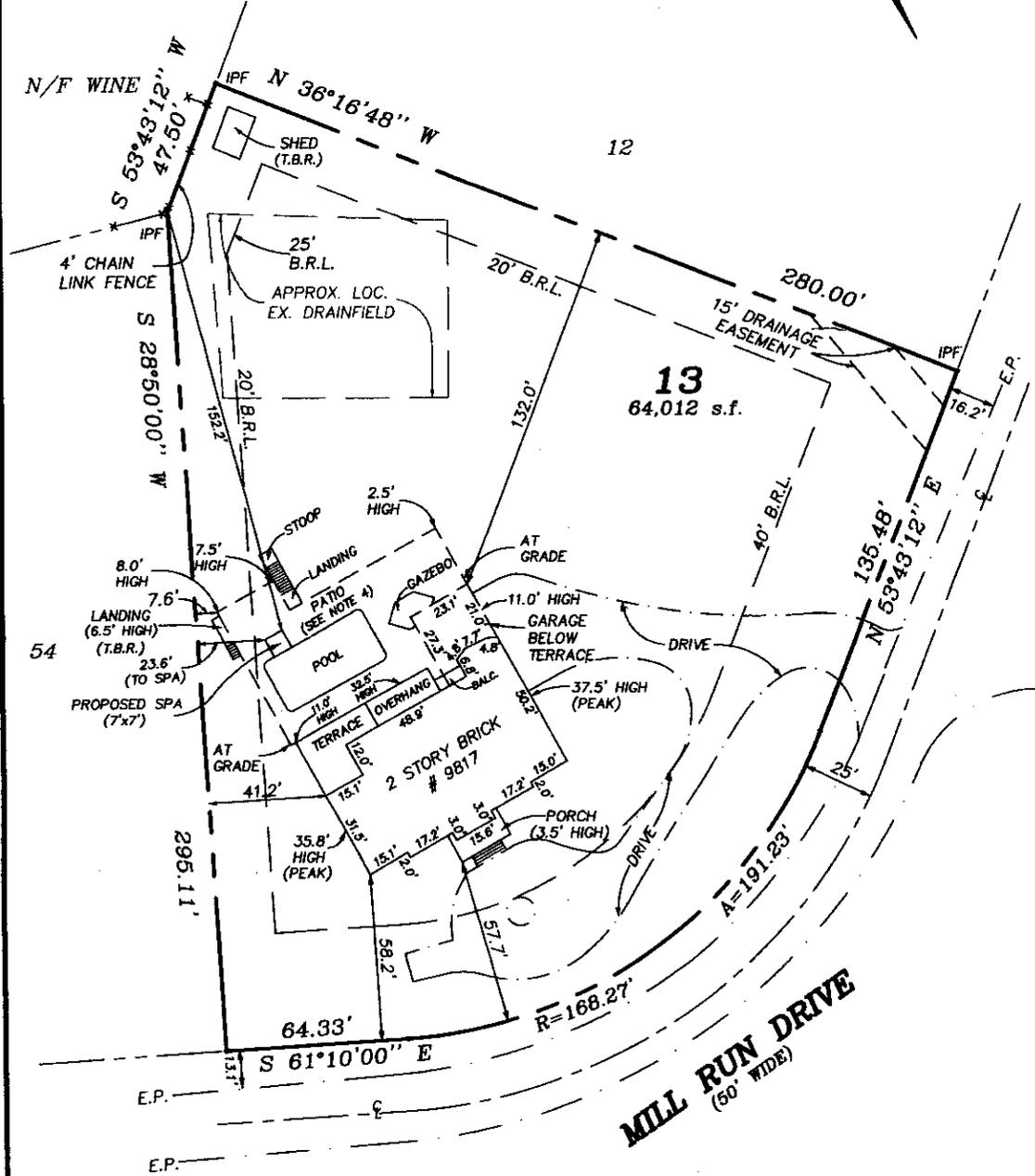
Special Permit
SP 2010-DR-027
MOHAMMED FAROKHZAD



NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 13-3-03-0013 AND IS PRESENTLY ZONED R-1.
2. PROPERTY IS SERVED BY PUBLIC WATER. SEWER NOT AVAILABLE.
3. R-1 BUILDING RESTRICTION LINES:
FRONT-40'
SIDE-20'
REAR-25'
4. PATIO SURROUNDED BY 6' WROUGHT IRON FENCE.

RECEIVED
Department of Planning & Zoning
MAR 22 2010
Zoning Evaluation Division

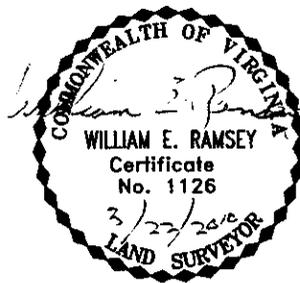


SPECIAL PERMIT PLAT
LOT 13

MILL RUN ACRES

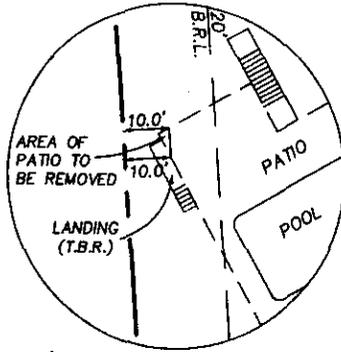
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA
1"=40' OCTOBER 23, 2009
REVISED: MARCH 3, 2010
REVISED: MARCH 22, 2010

WILLIAM E. RAMSEY, P.C.
LAND SURVEYOR
FAIRFAX, VIRGINIA
703-385-4499

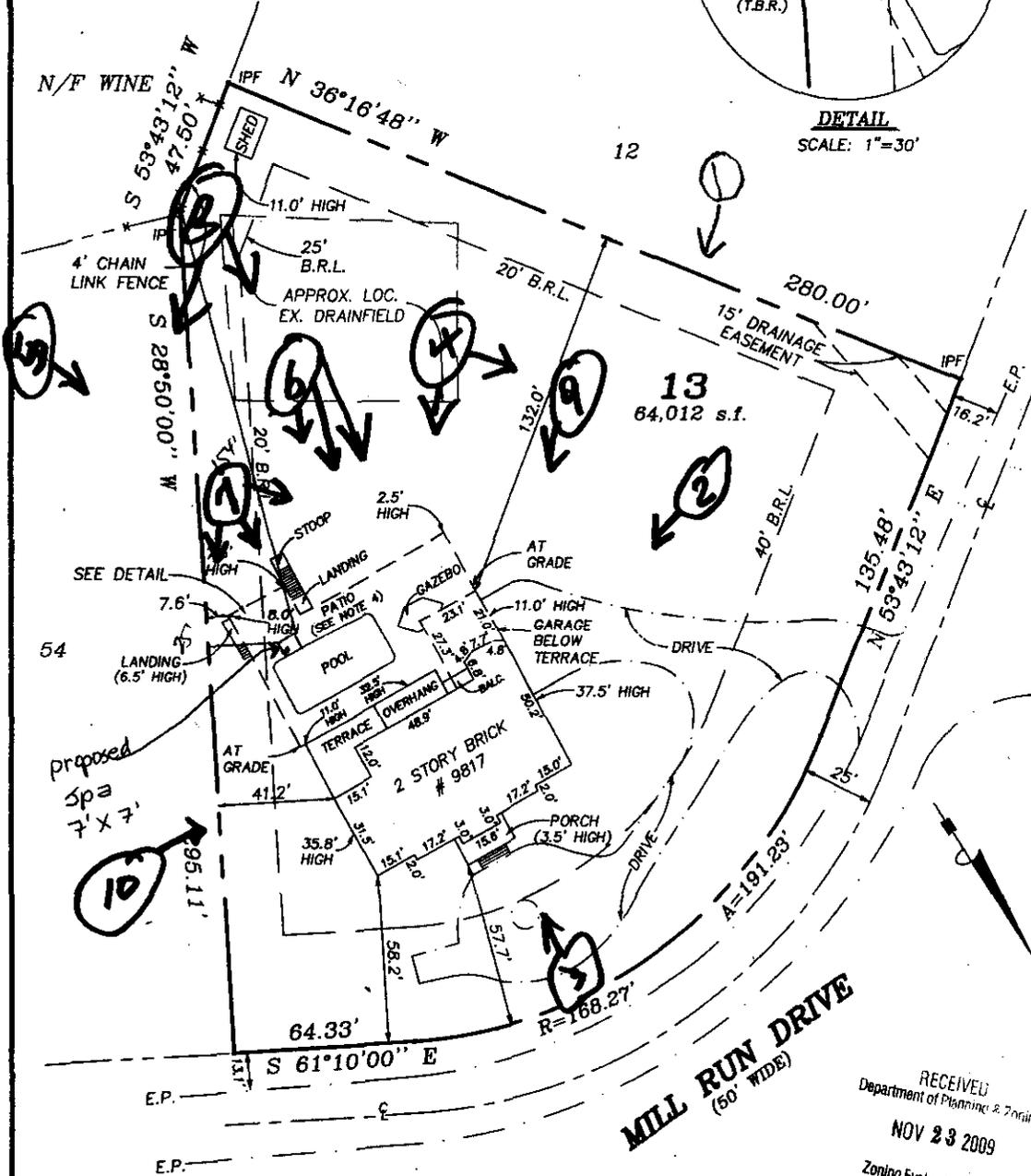


NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 13-3-03-0013 AND IS PRESENTLY ZONED R-1.
2. PROPERTY IS SERVED BY PUBLIC WATER. SEWER NOT AVAILABLE.
3. R-1 BUILDING RESTRICTION LINES:
FRONT-40'
SIDE-20'
REAR-25'
4. PATIO SURROUNDED BY 6' WROUGHT IRON FENCE.



DETAIL
SCALE: 1"=30'

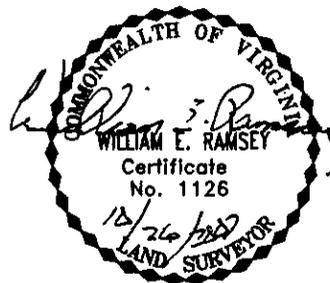


SPECIAL EXCEPTION PLAT
LOT 13
MILL RUN ACRES
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA
1"=40' OCTOBER 23, 2009

WILLIAM E. RAMSEY, P.C.
LAND SURVEYOR
FAIRFAX, VIRGINIA
703-385-4499

MILL RUN DRIVE
(50' WIDE)

RECEIVED
Department of Planning & Zoning
NOV 23 2009
Zoning Evaluation Division

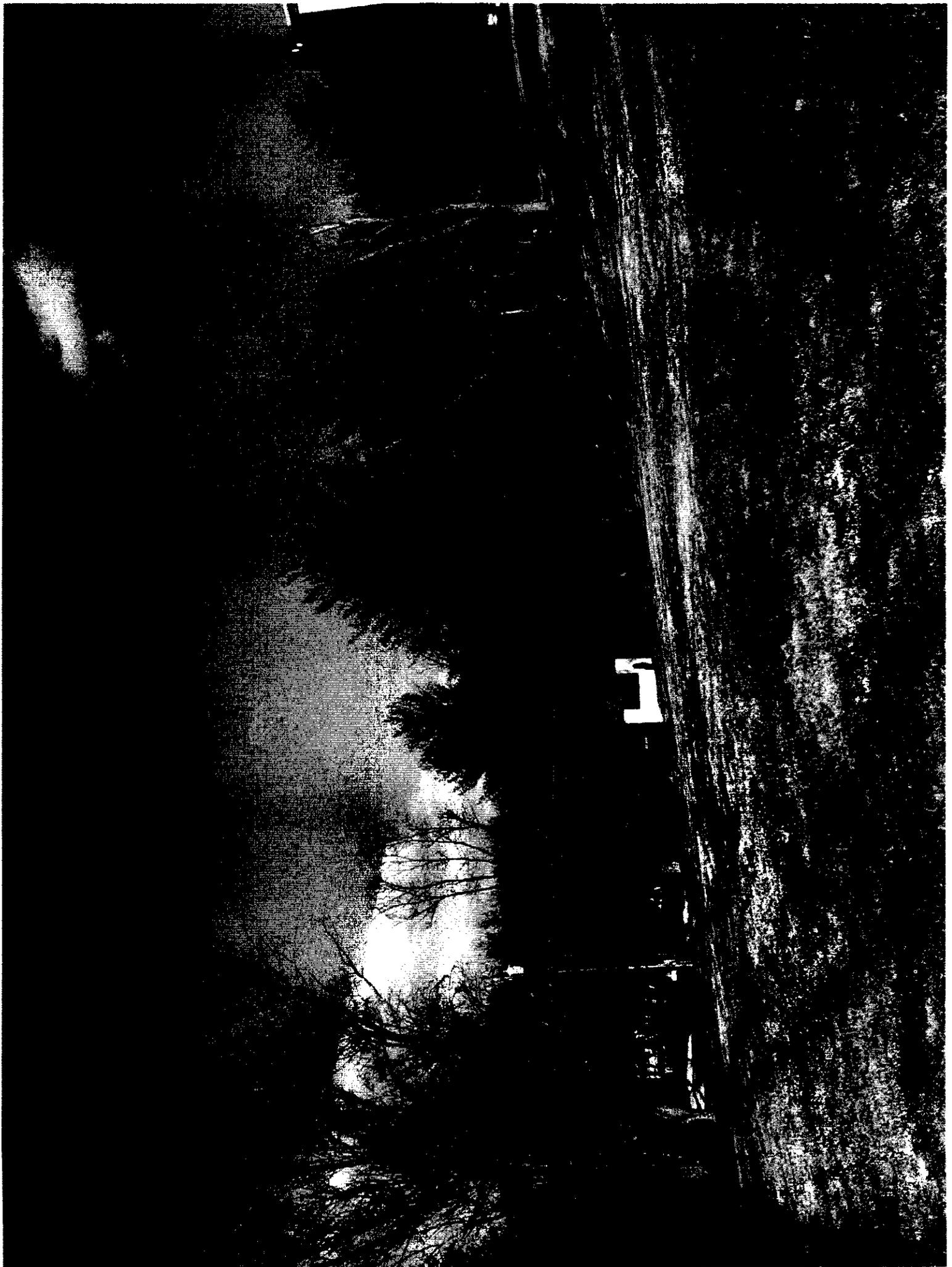






3

11/11/12







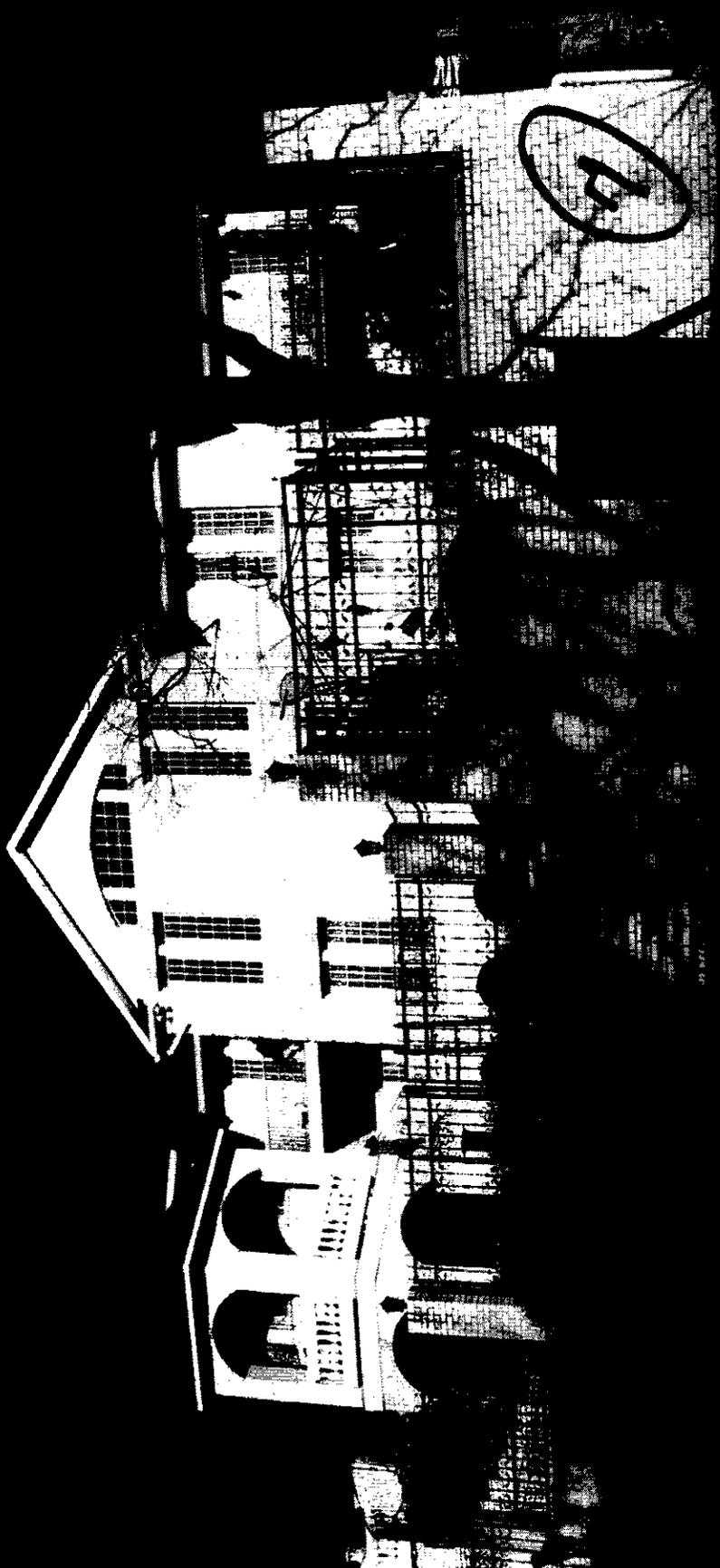
November 1st, 2009

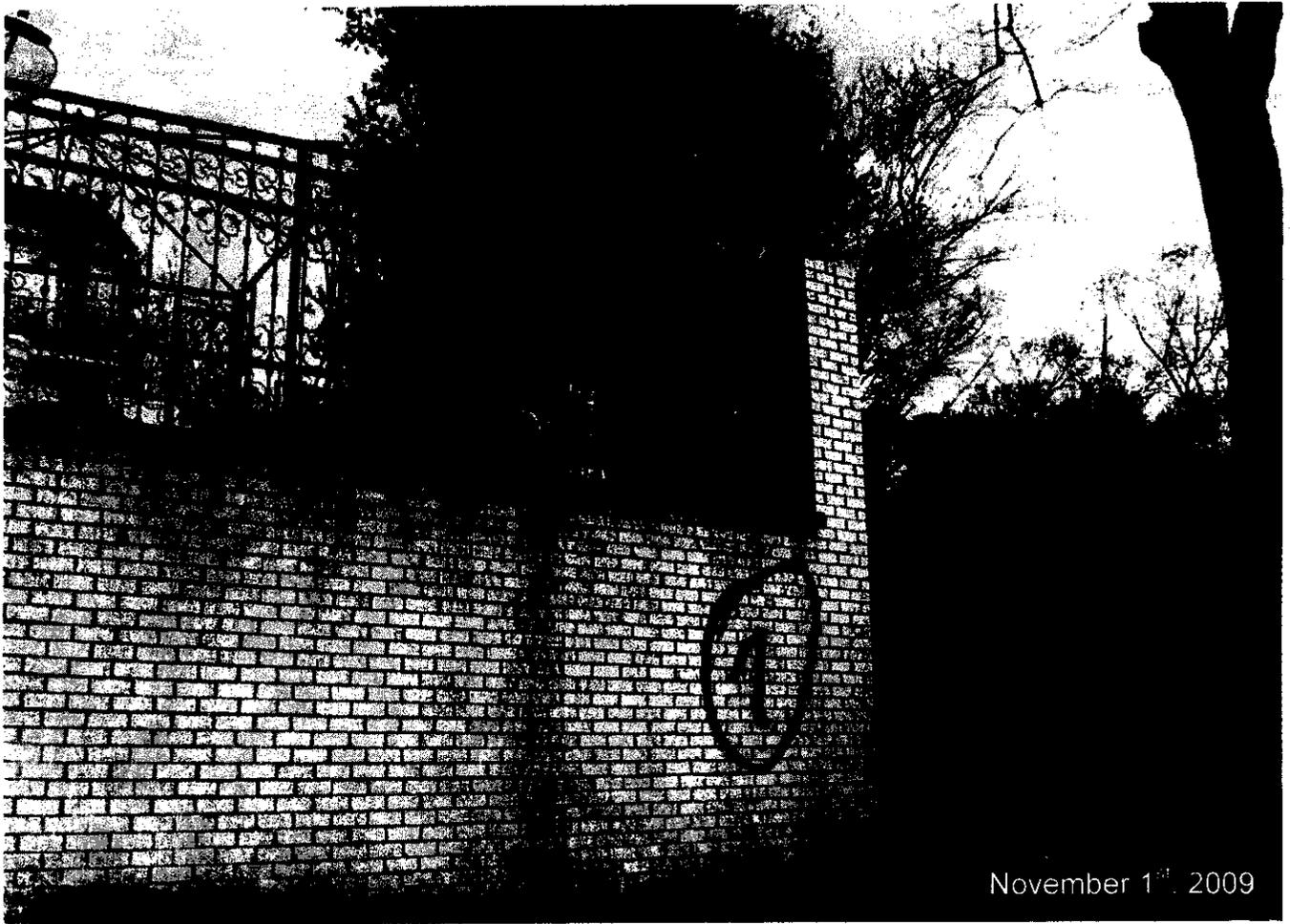


November 1st, 2009









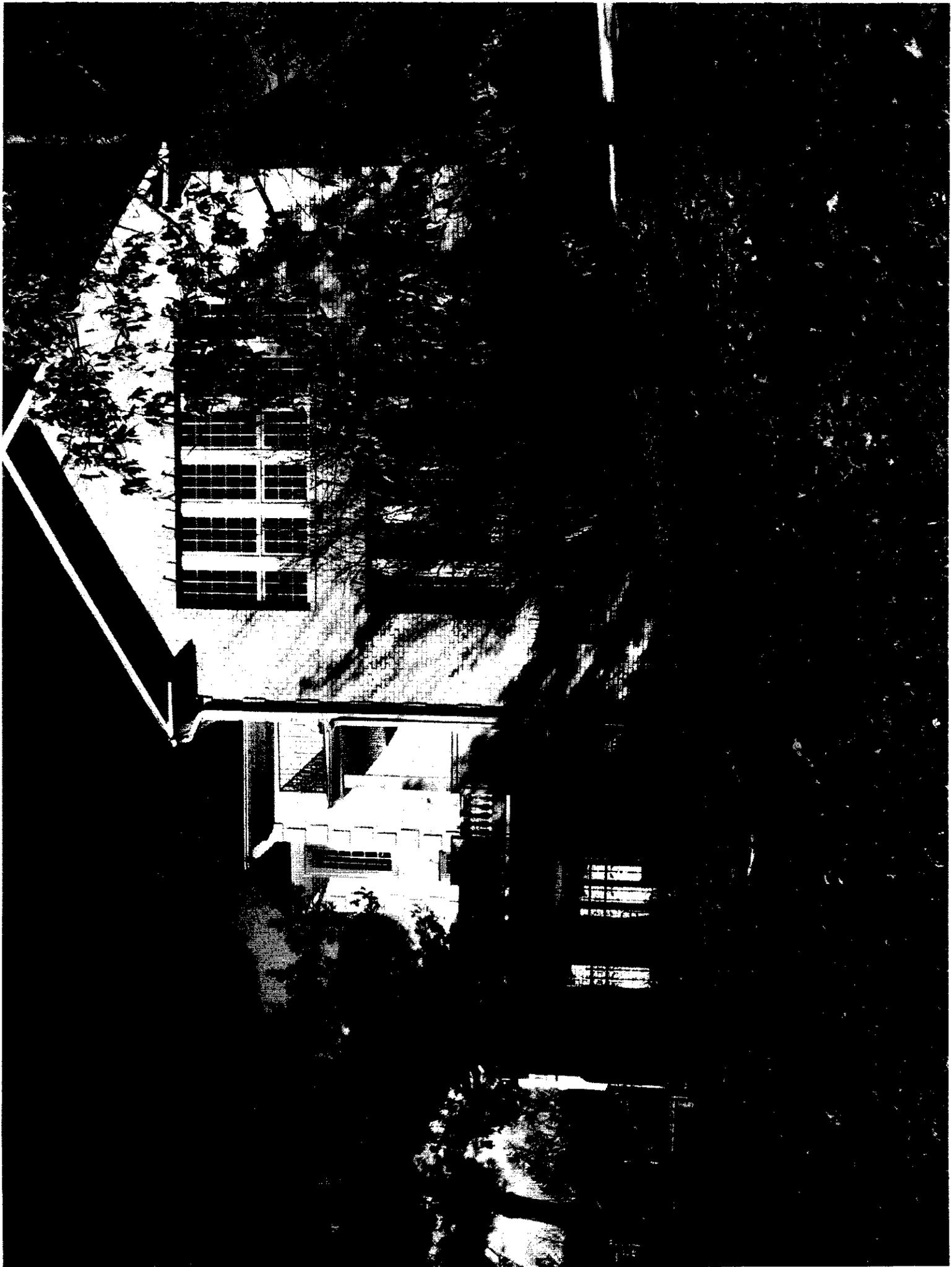
November 1st, 2009



November 1st, 2009







DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for an error in building location to permit an addition to remain 7.6 feet from the eastern side lot line. The addition is a raised patio/deck with a wall below and a 6 foot high fence/railing.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Addition	Side	20.0 feet	7.6 feet	12.4 feet	62%

LOCATION AND CHARACTER

Character of the Area

	Zoning	Use
North	R-1	Single Family Detached Dwelling
South	R-1	Single-Family Detached Dwelling
East	R-1	Single Family Detached Dwelling
West	R-1	Single Family Detached Dwelling

Existing Site Description

The 1.47 acre lot is developed with an 8,464 square foot dwelling with four (4) car garage that was constructed in 2003. Attached accessory structures include a 435 square foot wooden deck, a 2,769 square foot patio, a second deck containing 543 square feet, a 120 square foot open porch or portico, a 435 square foot patio and a 600 square foot swimming pool. There is an accessory storage structure (shed) located in the southernmost corner of the site that is to be removed. The exterior of the dwelling is brick and roofing is composition shingle. The lot is pie-shaped and slopes down at the back to a creek.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat Lot 13 Mill Run Acres
- **Prepared By:** William E. Ramsey, P.C., dated October 23, 2003, signed March 22, 2010
- **Building Permits Required:** Yes
- **Obtained:** Yes. A copy of the approved building permit is included at Appendix 4
- **Location Error Made By:** Applicant

BACKGROUND

On September 15, 2009, the applicant was issued a Notice of Violation (NOV) for the encroachment of an addition into the required side yard. The addition, which is the subject of this application, consists of a corner of a raised patio that contains a swimming pool and is located at the southeast corner of the dwelling, 7.6 feet from the side lot line. The NOV that is contained in Attachment 4 referred to the area as a deck, or accessory structure; however, it was subsequently determined by Zoning Administration (ZAD) staff to be an addition for yard purposes because it is enclosed by a wall that is part of the principle structure.

On January 19, 2010, the applicant was issued a Notice of Violation (NOV) for a violation of Part III of the Uniform Statewide Building Code--2006 Edition for non-compliance with the requirement to fully enclose a swimming pool that is more than 2 feet in depth with a fence or barrier at least 48 inches in height with self-closing and self-latching gates and doors. Staff has proposed a development condition which requires that the pool enclosure fully conform to the Uniform Statewide Building Code.

On January 27, 2020, the applicant was issued a Notice of Violation (NOV) for failure to obtain a building permit for the construction/erection of a hot tub and for an accessory storage structure over 8.5 feet in height that is located ten (10) feet from the side lot line. The Ordinance requires the structure to be twenty (20) feet from the side lot line. The applicant's SP Plat labels the storage structure to be removed.

Copies of the Notices of Violation are contained in Appendix 5 of this report.

The Board of Zoning Appeals (BZA) has not heard any similar applications in the vicinity of the application property.

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
5. Notices of Violations
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2010-DR-027

June 9, 2010

1. This special permit is approved for the location of the existing addition (patio with wall and fence) shown on the plat prepared by William E. Ramsey, P.C., dated October 23, 2009, signed March 22, 2010, submitted with this application and is not transferable to other land.
2. Within 6 months of approval of this application, all applicable permits and/or final inspections shall be obtained for the hot tub and swimming pool enclosure or the structures (hot tub and pool) shall be removed.

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: January 4, 2010
(enter date affidavit is notarized)

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

(check one) applicant 106815a
 applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in BOLD print must be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
MOHAMMAD E NAHID FAROKHZAD	9817 MILL RUN DR. Great Falls, VA 22066	APPLICANT / TITLE OWNERS

(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: January 4, 2010
(enter date affidavit is notarized)

106815 a

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)

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: January 4, 2010
(enter date affidavit is notarized)

106815a

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 4, 2010
(enter date affidavit is notarized)

106815 a

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:

NONE

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: January 4, 2010
(enter date affidavit is notarized)

106815a

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)

Mohammed Farokhza
 Applicant

[] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 4 day of JANUARY 2010, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Miriam Darayan
Notary Public


My commission expires: 01/31/2013

Special Permit Statement of Justification

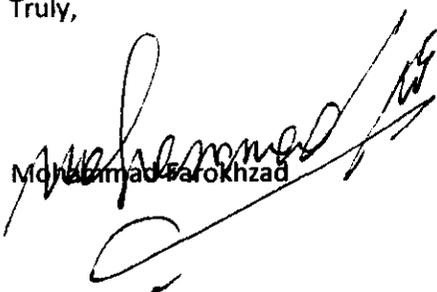
I, Mohammad Farokhzad, the applicant and property owner, state that the home at 9817 Mill Run Dr. Great Falls, Virginia, 22066 is my private residence and would like to request a special permit to waive a slight infraction revealed by a newly completed survey of the property boundary. Recently a new survey has discovered that the corner of a major retaining wall that was a part of the original structure is approximately two feet closer (7.6 ft distance instead of 10 feet) to the property boundary than it should be. This infraction occurs only at the fulcrum of a single corner in the backyard of our home and based on the previous surveys had not been identified as a code issue.

To force compliance would require a complete redesign of the foundation structure that would in scope and magnitude be very costly. This would create serious and unreasonable financial and unnecessary hardships. The structure that is the subject of this request does not create an unsafe condition, is not detrimental to the use and enjoyment of the other properties in the immediate vicinities, will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations, nor would the waiver detract from the spirit, intent and purpose of the ordinance in question.

No hazardous or toxic substances will be generated, utilized, stored, treated, and/or disposed of on the property and there are no existing or proposed storage tanks for such on our property.

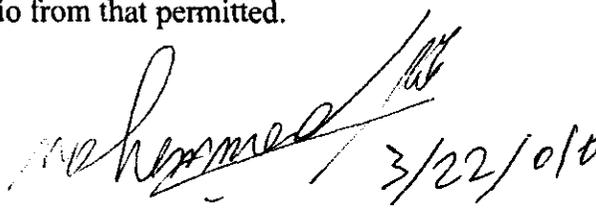
This special permit will only apply to the principal structure on our lot, our home.

Truly,


Mohammad Farokhzad

RECEIVED
Department of Planning & Zoning
MAR 22 2010
Zoning Evaluation Division

The noncompliance was done in good faith through not fault of ours. We have been living in the house for 9 years and the builder did obtain a building permit. As stated above it was not until the new survey was done that it was brought to our attention of the error. It is not detrimental to the use and enjoyment of other property owner in the immediate vicinity. My closest neighbor has no problem with the structure on my property. It does not impair the purpose and intent of the Ordinance. To force compliance would cause unreasonable hardship upon us. The reduction does not result in an increase in density of floor area ratio from that permitted.


3/22/10

03

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES
 PERMIT APPLICATION CENTER
 12855 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-6004
 Telephone: 703-222-6001
 Web site: <http://www.co.fairfax.va.us/perm>

PERMIT # 03126B0130
 FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

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

JOB LOCATION
 ADDRESS 9817 Mill Pond Dr.
 LOT # 13 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Mill Pond Acres
 TENANT'S NAME _____

OWNER INFORMATION OWNER TENANT
 NAME NARID FARUKHLAD
 ADDRESS 12 Wacker St
 CITY Quantico STATE VA ZIP 22066
 TELEPHONE 703-259-7700

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME CR1 Builders
 ADDRESS P.O. Box 1522
 CITY Quantico STATE VA ZIP 22066
 TELEPHONE 703-404-5500
 STATE CONTRACTORS LICENSE # 2705054431
 COUNTY BPOL # 27-5571

APPLICANT
T. K. B. B. B.

DESCRIPTION OF WORK
Construct 20x40
Swimming Pool (A)

HOUSE TYPE
 ESTIMATED COST OF CONSTRUCTION 9000
 BLDG AREA (SQ FT OF FOOTPRINT) _____
 USE GROUP OF BUILDING 3126B0130
 TYPE OF CONSTRUCTION _____
 SEWER SERVICE PUBLIC SEPTIC OTHER
 WATER SERVICE PUBLIC WELL OTHER
 OTHER PLEASE SPECIFY _____
DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME N/A
 ADDRESS _____
 NONE DESIGNATED PHONE _____

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS	_____	EXTER. WALLS	_____
# BATHS	_____	INTER. WALLS	_____
# HALF BATHS	_____	ROOF MATERIAL	_____
# BEDROOMS	_____	FLOOR MATERIAL	_____
# OF ROOMS	_____	FIN. BASEMENT	_____ %
# STORIES	_____	HEATING FUEL	_____
BUILDING HEIGHT	_____	HEATING SYSTEM	_____
BUILDING AREA	_____	# FIREPLACES	_____
BASEMENT	_____		

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY
 PLAN # W-03-02519
 TAX MAP # 013-3-13/0013-

ROUTING	DATE	APPROVED BY
LICENSING	<u>5-6-03</u>	<u>AAJ</u>
ZONING	<u>5-6-03</u>	<u>Ten</u>
SITE PERMITS	<u>5-6-03</u>	<u>AAJ</u>
HEALTH DEPT.	<u>5-6-03</u>	<u>AAJ</u>
BUILDING REVIEW	<u>5-12-03</u>	<u>AAJ</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ _____
 FILING FEE - \$ _____
 AMOUNT DUE = \$ 500

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC: J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OUT)
 BY E. I. A. B. DATE 5/12/03

ZONING REVIEW
 USE SFD R-1
 ZONING DISTRICT SFD HISTORICAL DISTRICT _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____

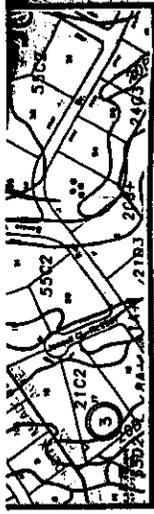
YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT <u>NC</u>	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT <u>NC</u>	REMARKS	<u>Build ins. Pool per plans</u>		
L SIDE <u>35</u>				
R SIDE <u>NC</u>				
REAR <u>100+</u>				

GRADING AND DRAINAGE REVIEW
 SOILS # 20 A B C
 AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) _____
 IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) _____
 PLAN # 1093-1NF-022 APPR. DATE 11/1/02

STAMPS
SPW, PRU, 2SD, EXMAT
 (See reverse side of application) (CAA)

REMARKS
House shell under
construction approved for
20x40
* "Vinyl Pool"

Scale 1. 30



SCALE: 1"=500'

SOIL MAP

TO BE USED FOR THE NEW HOUSE

NOTE: EXISTING

APPROVED
Office of Building
Code Services

APPROVED FOR
[Signature]

APPROVED
[Signature]
Zoning Administrator

DEPTH DISTURBANCE ON THIS
SHALL NOT EXCEED 2500 S.F.

EXCAVATED MATERIAL
SHALL BE REMOVED
FROM SITE

LOT 12

HYDROSTATIC PRESSURE
RELEASE VALVE REQUIRED

SWIMMING POOL WALL MUST BE BACKFILLED WITH
NON-EXPANSIVE MATERIAL
OF POOL WALL MUST BE PROVIDED

C/L DRAINAGE
DITCH

TRUE NORTH

PROP. LIMITS OF
CLEANING & GRADING

13
64,012 s.f.
#9817

N 36°16'48" W

S 57°43'12"

S 28°50'00" W

S 57°43'12"



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 OF THE VIRGINIA MAINTENANCE CODE

DATE OF ISSUANCE: January 19, 2010

PERSONAL SERVICE

posted
date: 1/19/10, 9:50am
by: -gob-

CASE #: 200904650

SR#: 56740

SERVE:

Nahid G. Farokhzad
Mohammad Farokhzad
9817 Mill Run Drive
Great Falls, Virginia 22066-1813

LOCATION

OF VIOLATION:

9817 Mill Run Drive
Great Falls, Virginia 22066-1813
Subdivision: Mill Run Acres, Lot 13
Tax Map #: 013-3 ((03)) 0013

Dear Responsible Party:

In accordance with the Virginia Maintenance Code (Part III of the Uniform Statewide Building Code - 2006 Edition), an inspection on December 01, 2009 revealed violations as listed below at the referenced location. The cited violations must be corrected within **30 days** from receipt of this notice unless otherwise indicated.

Violation: ENCLOSURES - VMC 303.2.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Nahid G.Farokhzad
Mohammad Farokhzad
January 19, 2010
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Location: Rear Yard.

Work To Be Performed: Repair or replace the fence and gate enclosure for the swimming pool, so that the gates are self closing and self latching, and that the swimming pool is completely surrounded by a fence or barrier.

All repairs, alterations, and/or additions must be made in accordance with applicable laws. Any additional violations that may appear as work progresses will require correction.

Information about obtaining any necessary permits required by other Fairfax County agencies may be obtained by calling (703) 222-0801 and requesting the appropriate department.

The owner of a building or structure, or the owner's agent or any other person involved in the use of the subject building or structure may appeal a decision of the code official concerning the application of the Virginia Maintenance Code to such building or structure and may also appeal a refusal by the code official to grant a modification to the provisions of this code pertaining to such building or structure. Applications for appeals shall be submitted in writing to the Fairfax County Board of Building and Fire Prevention Code Appeals within 14 calendar days of the decision being appealed. Appeal application forms may be obtained by contacting:

Fairfax County Board of Building and Fire Prevention Code Appeals
Attention: Secretary to the Fairfax County Board of Building and Fire Prevention Code Appeals
Office of Building Code Services
Department of Public Works and Environmental Services
12055 Government Center Parkway
Fairfax, Va. 22035-5504
Telephone: (703) 324-1960

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision.

The Fairfax County Board of Building and Fire Prevention Code Appeals shall meet within 30 calendar days after the date of receipt of the application for appeal.

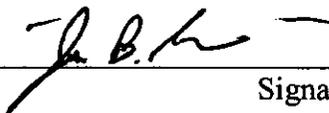
In accordance with the code, the owner or person to whom this notice of violation has been issued is responsible for contacting me within the time frame established for any re-inspections

Nahid G.Farokhzad
Mohammad Farokhzad
January 19, 2010
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to assure the violations have been corrected. When calling to schedule a re-inspection, please mention the subject address, and the "case number" at the top right corner of this page. I can be reached on (703)324-1322 between 8:00 a.m. and 10:00 a.m. weekdays.

LEGAL NOTICE ISSUED BY:

Jason B. Gibbs
Property Maintenance / Zoning Enforcement Inspector



Signature

JBG/jbg



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: January 27, 2010

SHERIFF'S LETTER

CASE #: 200904650

SR#: 52864

PROPERTY OWNERS Nahid G. Farokhzad
ADDRESS: Mohammad Farokhzad
9817 Mill Run Drive
Great Falls, Virginia 22066-1813

LOCATION 9817 Mill Run Drive
OF VIOLATION Great Falls, Virginia 22066-1813
Tax Map #: 13-3 ((3)) 13
Mill Run Acres, Lot 13
Zoning District: R-1

Dear Property Owners:

An investigation including an inspection of the above referenced property on December 01, 2009 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 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 hot tub 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 hot tub 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 this violation within thirty (30) days after the date of this notice. Compliance must be accomplished by:

- Removing the hot tub from the property, and associated unpermitted work items, or
- Obtaining a building permit approved by the Zoning Administrator to allow the hot tub to remain; or
- Return the work zone around the hot tub area to the original condition that was observed on October 7, 2009.

§ 10-104 (10E) Accessory Storage Structure Location
§ 2-302 (6) Accessory Use must comply with Article 10:

Further the investigation revealed the presence of an accessory storage structure (shed) which measured approximately eleven (11) feet in height, is approximately 150 square feet in area and is located approximately ten feet and approximately ten feet respectively from the side and rear lot lines.

The Fairfax County Zoning Ordinance permits accessory storage structures to be located in minimum required yards; however, if the structure exceeds eight and one-half (8½) feet in height, it must be located on the lot so as to comply with Par. 10E of Sect. 10-104 of the Zoning Ordinance which states:

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

The minimum required side yard distance in the R-1 District is twenty (20) feet as detailed in Par. 2A (1) (b) of Sec. 3-107 of the Zoning Ordinance.

Therefore, as this accessory storage structure exceeds eight and one-half (8 ½) feet in height and is not located in accordance with the provisions of Par. 10E of Sect. 10-104 above, it is in violation of Par. 10E of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

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

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing the accessory storage structure from the property in its entirety; or
- Reducing the height of the structure to eight and one-half (8 ½) feet or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the rear and side lot lines in accordance with Par. 10E of Sect. 10-104 of the Zoning Ordinance as outlined above.

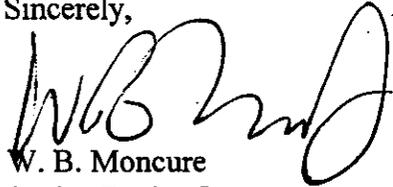
Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

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 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 \$2455.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Nahid G. Farokhzad
Mohammad Farokhzad
January 27, 2010
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Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1335 or 703-324-1300.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. B. Moncure', written in a cursive style.

W. B. Moncure
Senior Zoning Inspector

WBM/wbm



Street File

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: September 15, 2009

CERTIFIED MAIL #: 7008 2810 0001 8752 2535

CASE #: 200904650

SR#: 52864

PROPERTY OWNERS ADDRESS: Nahid G. Farokhzad
Mohammad Farokhzad
9817 Mill Run Drive
Great Falls, Virginia 22066

LOCATION OF VIOLATION: 9817 Mill Run Drive
Great Falls, VA 22066-1813
Tax Map #: 013-3 ((03)) 0013
Subdivision: Mill Run Acres, Lot 13
Zoning District: R-1

Dear Property Owners:

An inspection of the above referenced property on August 21, 2009 revealed the following violations of the Fairfax County Zoning Ordinance.

~~§ 10-104 (2)(B) Single Family Detached Dwelling~~
§ 10-104 (12E) Accessory Structure

An inspection has determined that you are allowing an ~~open deck with a railing~~ to be located in the left side yard which is ~~located approximately eight (8) feet from the left side lot line.~~

A deck is defined as: Any patio, balcony, terrace, gallery, veranda, piazza, porch, portico or similar projection from an outer wall of a building, other than a carport as defined herein. A deck shall include any associated stairs. A deck shall have no enclosure, other than the side(s) of the principal building to which it is attached; provided, however, a deck may have an 'open-work' railing or wall, not over four (4) feet in height, with at least fifty (50) percent of the area thereof open in an evenly distributed pattern.

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/



In relevant part, Par. 3E of Sect. 10-104 states:

Notwithstanding the above provisions, a fence or wall which is an integral part of any accessory use, such as a tennis court or swimming pool, shall be subject to the location regulations of Par. 12 below. However, a modification to the location regulations may be permitted with approval of a special permit by the BZA in accordance with Part 9 of Article 8, or by the Board of Supervisors in conjunction with the approval of a rezoning or a special exception in accordance with Part 6 of Article 9 for containment structures associated with outdoor recreation/sports facility playing fields/courts and golf courses that are not constructed in association with a privately used playing field/court on a lot containing a single family dwelling.

In relevant part, Par. 12E of Sect. 10-104 states:

No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

This deck and attached fence are in violation of Par. 2B(2) of Sect. 2-412 of the Fairfax County Zoning Ordinance that states in part and respectively:

B. Any open deck with any part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:

- (1) Front yard: No extension
- (2) Side yard: No extension
- (3) Rear yard: 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance.

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

- Demolish that portion of the concrete decking, which is higher than four (4) feet from grade, and attached fence that extends into the minimum required side yard; and
- Separate the associated fence from the principle structure.

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.

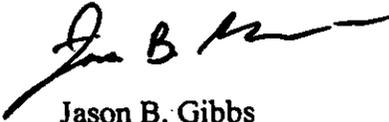
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to

Nahid G.Farokhzad
Mohammad Farokhzad
September 15, 2009
Page 3

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 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 \$2455.00 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)324-1322 or 703-324-1300.

Sincerely,



Jason B. Gibbs
Property Maintenance / Zoning Enforcement Inspector

JBG/jbg

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Nahid G. Farokhzad
 Mohammad Farokhzad
 9817 Mill Run Drive
 Great Falls, Virginia 22066

2. Article Numbr
 (Transfer from)

7008 2810 0001 8752 2535

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No.

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS AND ADDRESS LINE

CERTIFIED MAIL™



7008 2810 0001 8752 2535
 7008 2810 0001 8752 2535

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Nahid G. Farokhzad
 Mohammad Farokhzad
 9817 Mill Run Drive
 Great Falls, Virginia 22066

Reverse for Instructions

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.

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

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

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