



APPLICATION ACCEPTED: May 17, 2010
BOARD OF ZONING APPEALS: September 15, 2010
MOVED DUE TO ADS
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 8, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-LE-051
Concurrent with VC 2010-LE-005

LEE DISTRICT

APPLICANT: Ali Latif

OWNERS: Ali Latif and Najiba Latif

SUBDIVISION: Monticello Forest

STREET ADDRESS: 6404 Hanover Avenue

TAX MAP REFERENCE: 90-1 ((11)) (4) 1

LOT SIZE: 11,844 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-914 & 18-401

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit an open deck to remain 0.0 feet from a side lot line.

VARIANCE PROPOSAL: To permit greater than 30 percent minimum rear yard coverage.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\SMCKN\VC\VC 2010-LE-005 Latif conc SP 2010-LE-051\Staff Report\Staff Report Latif.doc

Shelby Johnson

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals (BZA). 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 application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 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.**



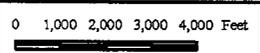
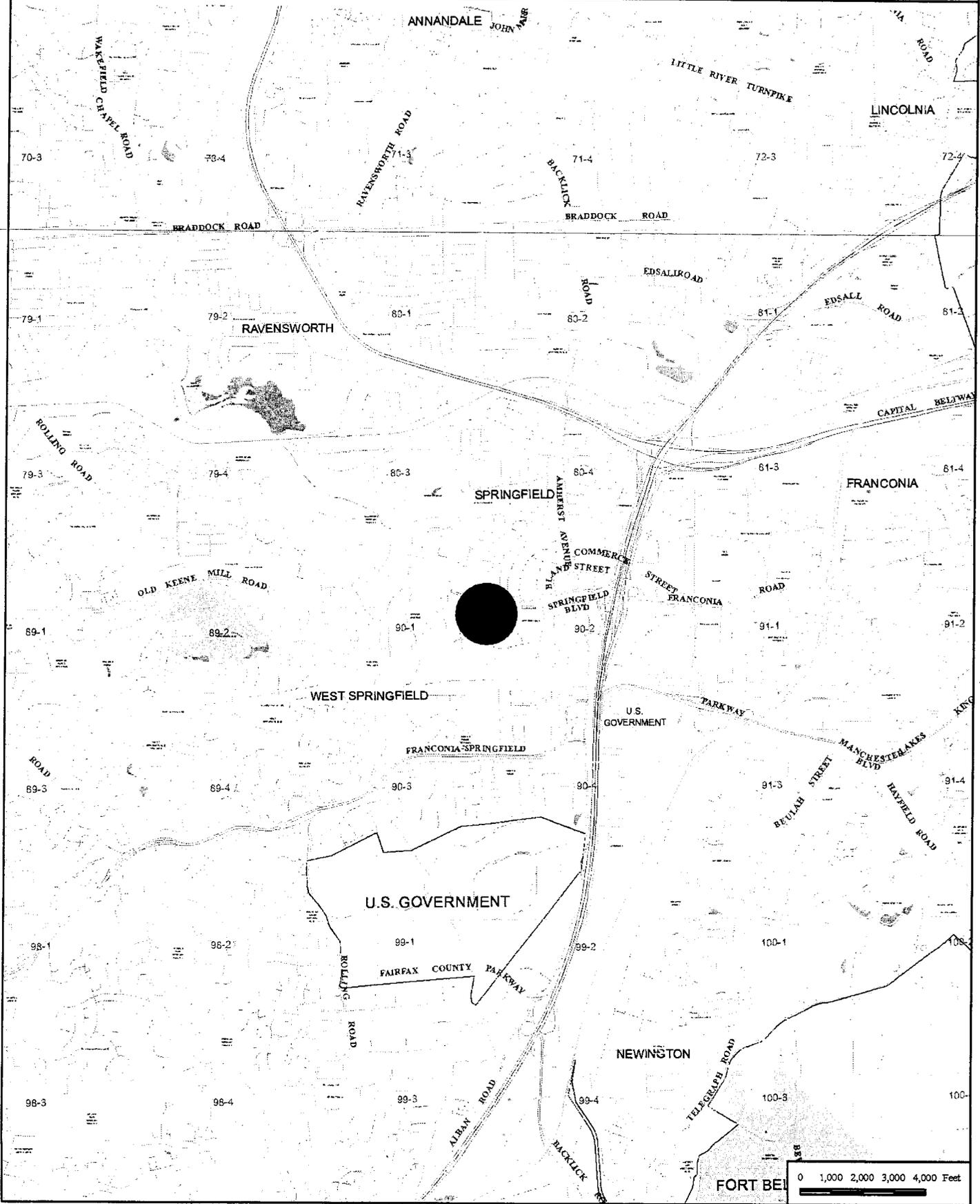
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2010-LE-051
ALI LATIF

Variance Application

VC 2010-LE-005
ALI LATIF

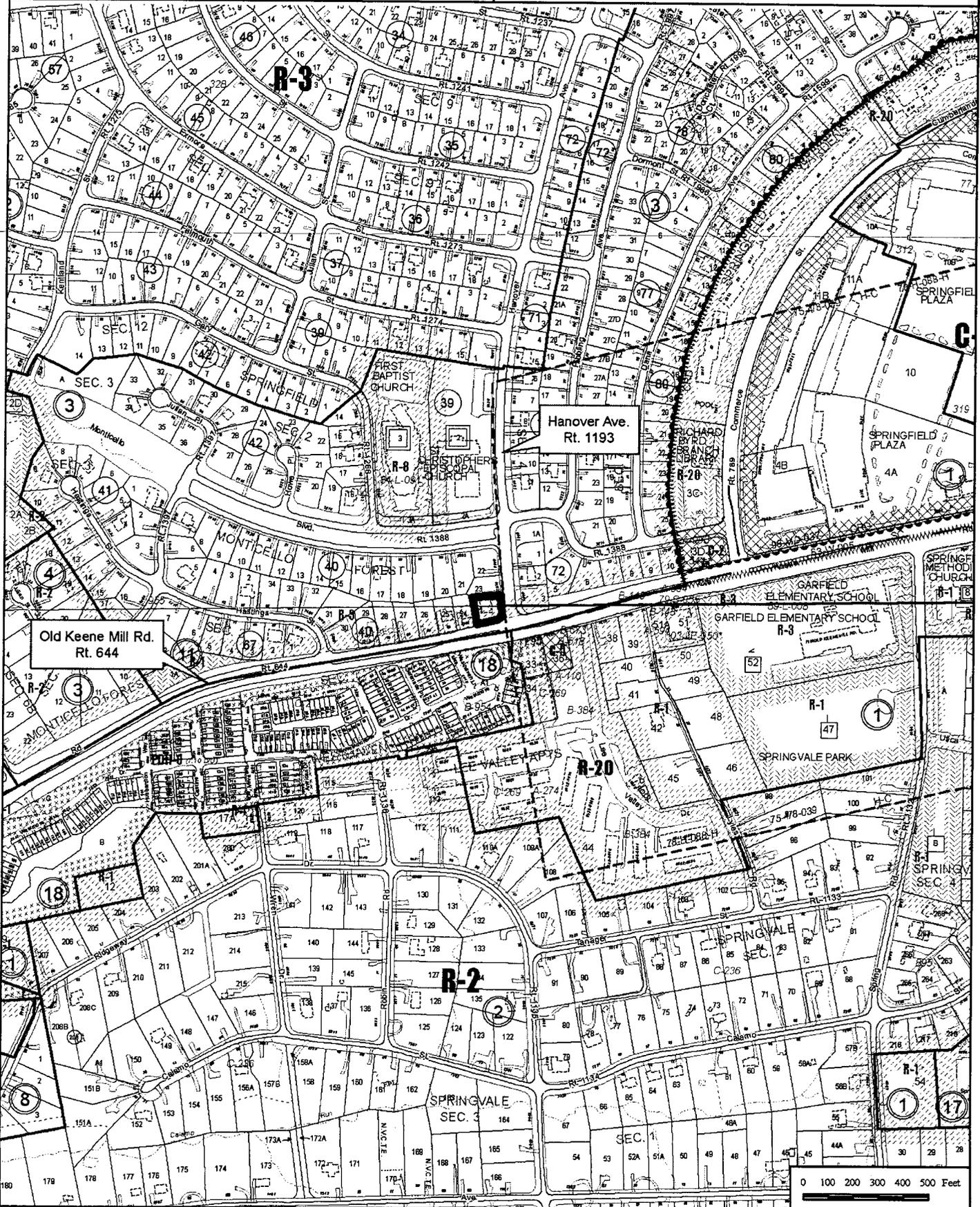


Special Permit

SP 2010-LE-051
ALILATIF

Variance Application

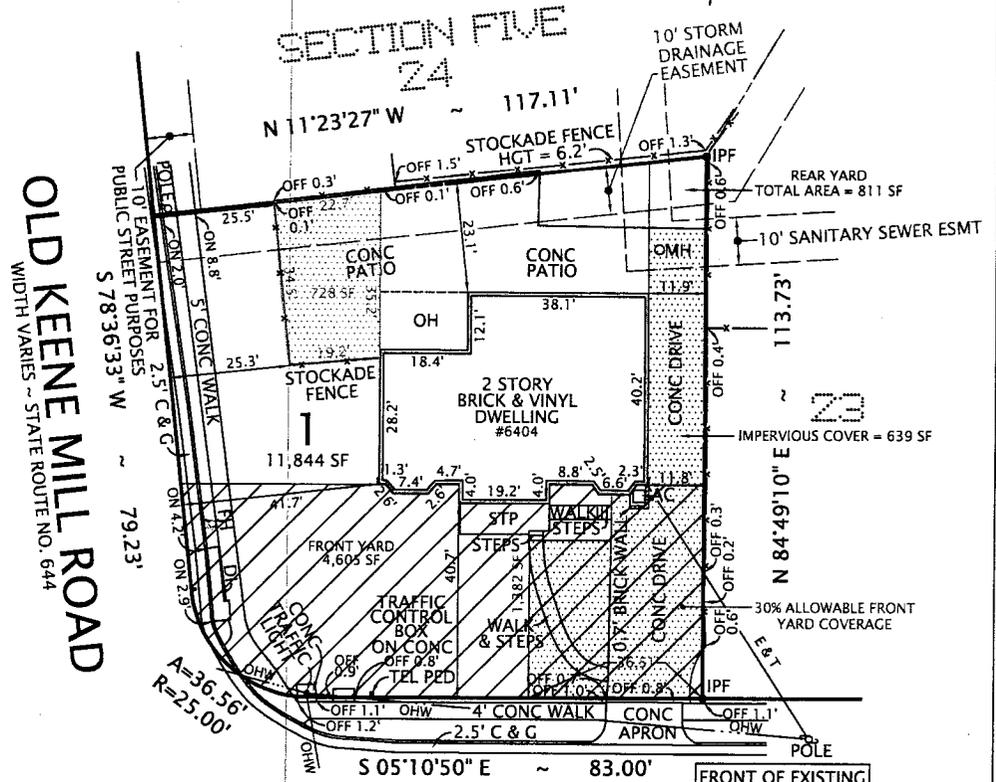
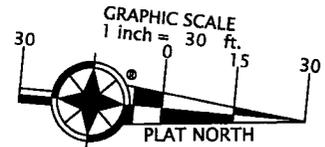
VC 2010-LE-005
ALILATIF



NOTE: FENCES ARE CHAIN LINK UNLESS NOTED.

REAR YARD IMPERVIOUS COVER CALCULATION:

REAR YARD = 811 SF.
 REAR YARD IMPERVIOUS COVER = 639 SF.
 REAR YARD IMPERVIOUS COVER PERCENTAGE
 639 SF / 811 SF = 0.79.



HANOVER AVENUE
 80' WIDE ~ STATE ROUTE NO. 1193

PLAT
 SHOWING HOUSE LOCATION ON
 LOT 1, BLOCK 40, SECTION ONE
MONTICELLO FOREST

(DEED BOOK 1191, PAGE 339)
FAIRFAX COUNTY, VIRGINIA
 LEE DISTRICT

SCALE: 1" = 30'

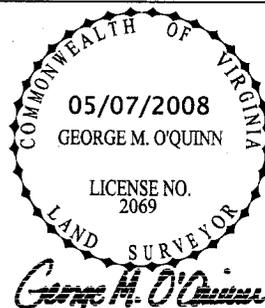
MAY 7, 2008
 MARCH 9, 2010 (UPDATE PLAT)
 APRIL 30, 2010 (IMP COVER)
 JULY 15, 2010 (FNC HGT)

RECEIVED
 Department of Planning & Zoning
 AUG 11 2010
 Zoning Evaluation Division

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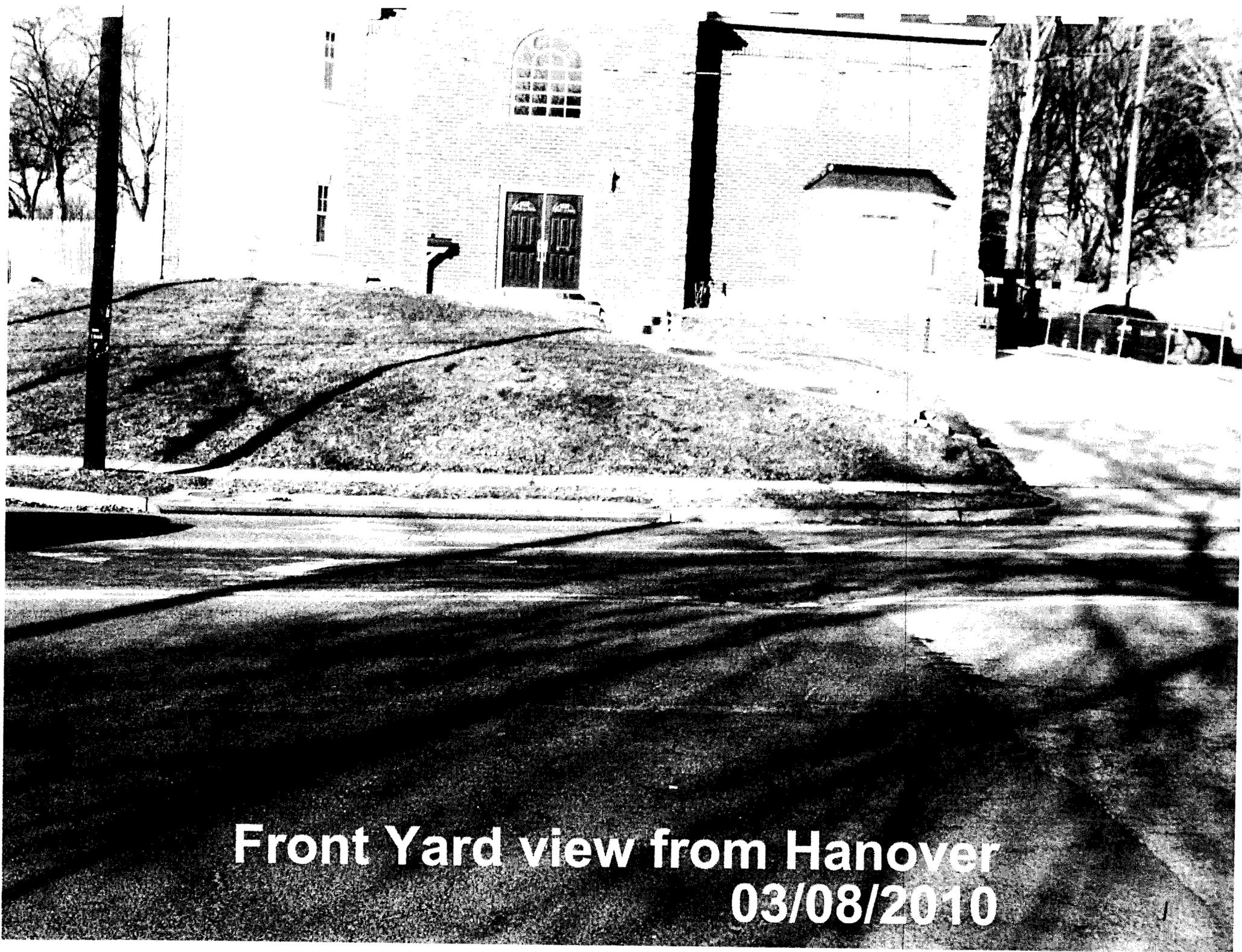
I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

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

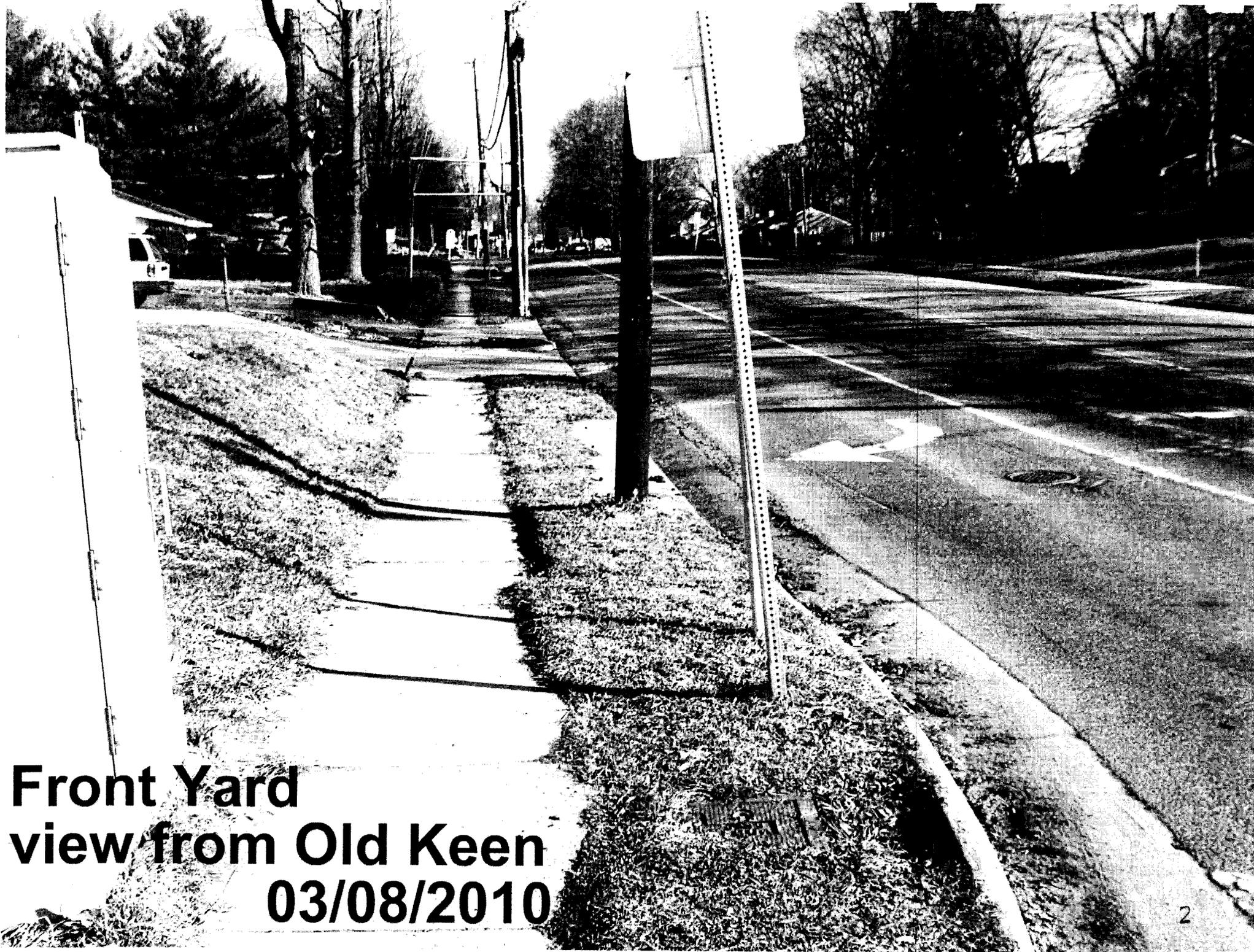


CASE NAME:
 LATIF

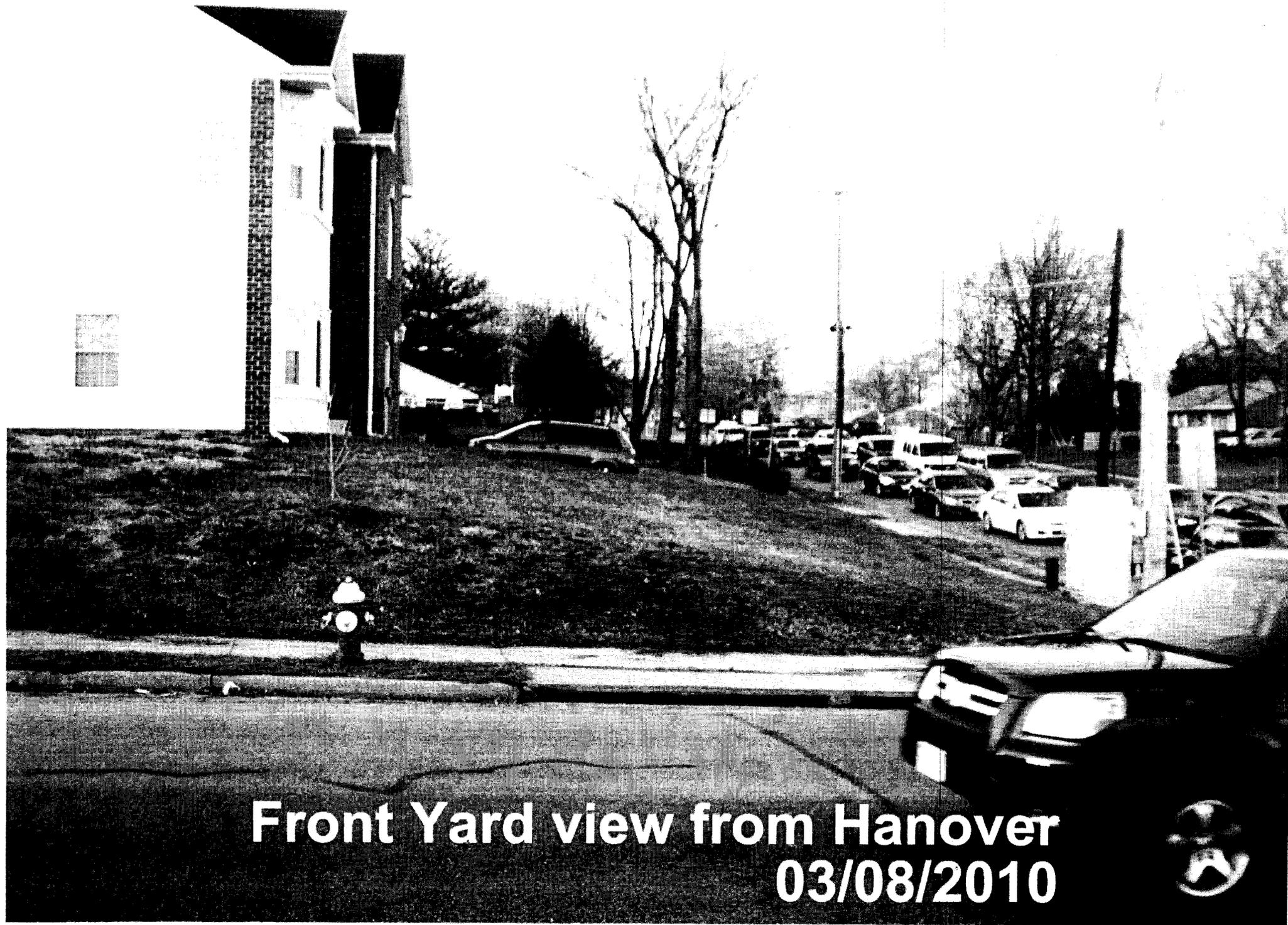
DOMINION Surveyors Inc.
 8808-H PEAR TREE VILLAGE COURT
 ALEXANDRIA, VIRGINIA 22309
 703-619-6555
 FAX: 703-799-6412



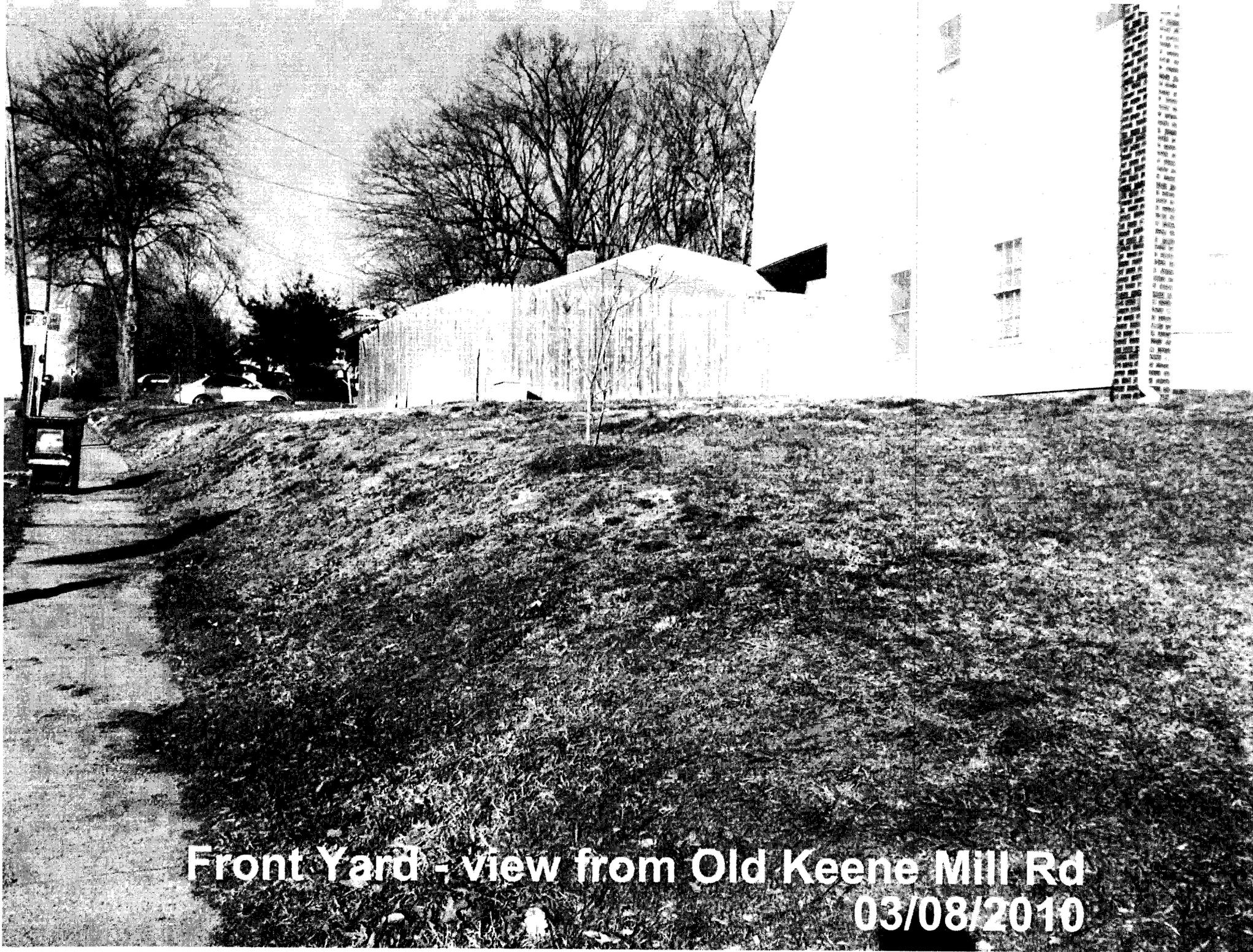
**Front Yard view from Hanover
03/08/2010**



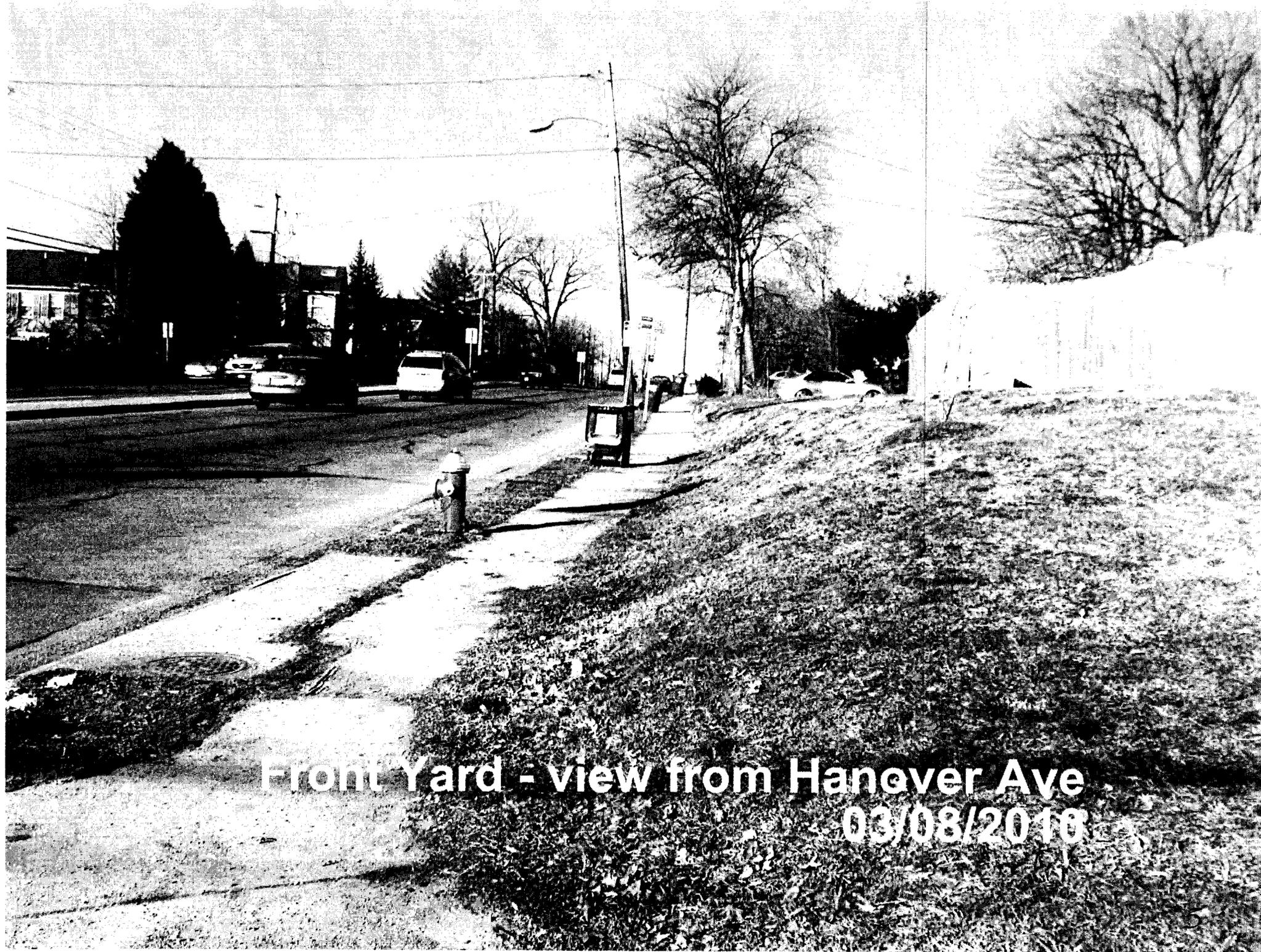
**Front Yard
view from Old Keen
03/08/2010**



**Front Yard view from Hanover
03/08/2010**



Front Yard - view from Old Keene Mill Rd
03/08/2010

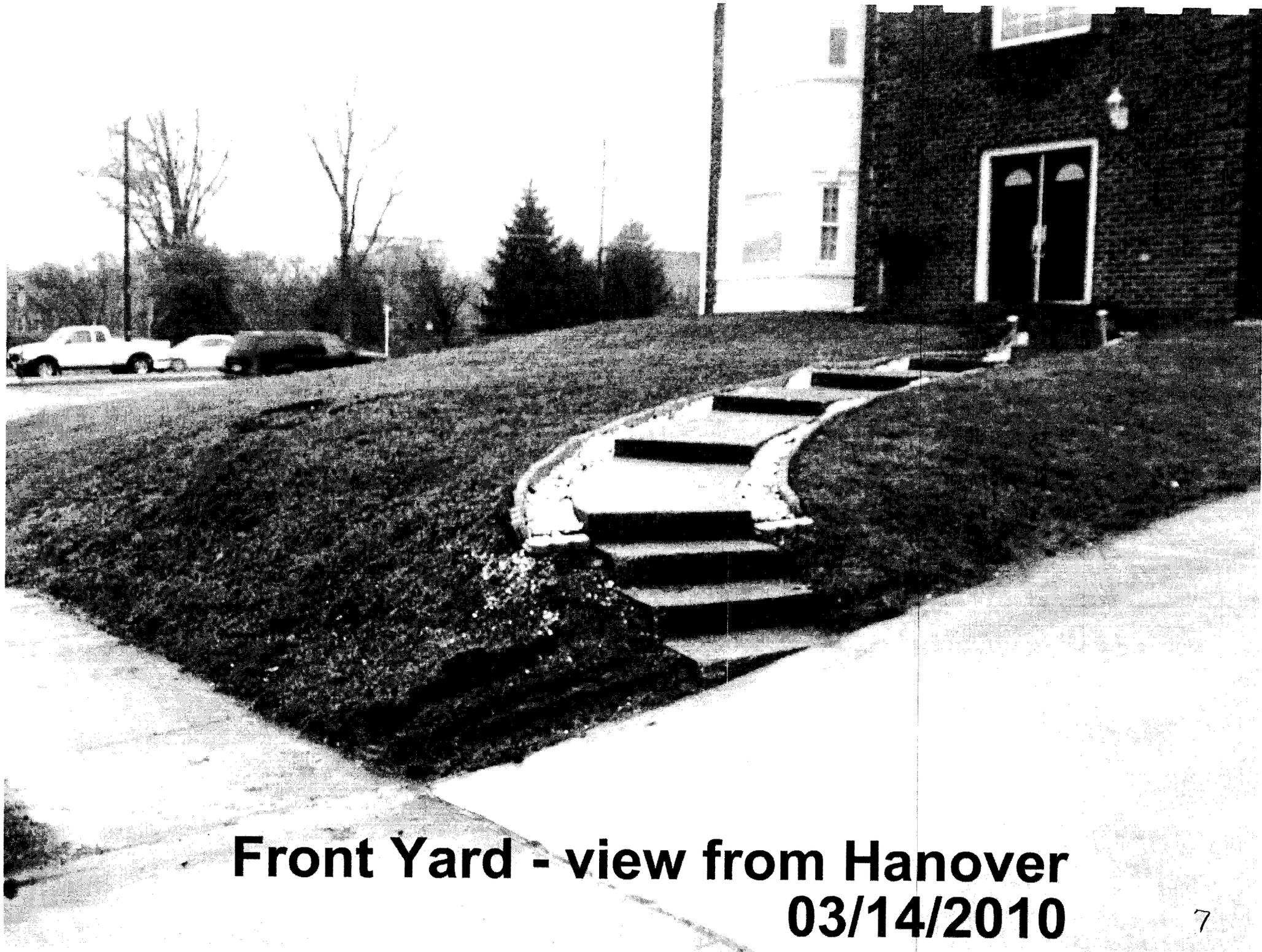


Front Yard - view from Hanover Ave

03/08/2018



Front Yard - view from Old Keene Mill Rd
03/08/2010



Front Yard - view from Hanover
03/14/2010



Existed Driveway

03/08/2010

Existed Driveway - View from Hanover Ave



b



**Existed Rear Yard - Driveway
view from Hanover Ave
03/14/2010**



Existed Rear Yard - Driveway 03/14/2010



Side Yard
03/14/2010

12



Side Yard

08/09/2010

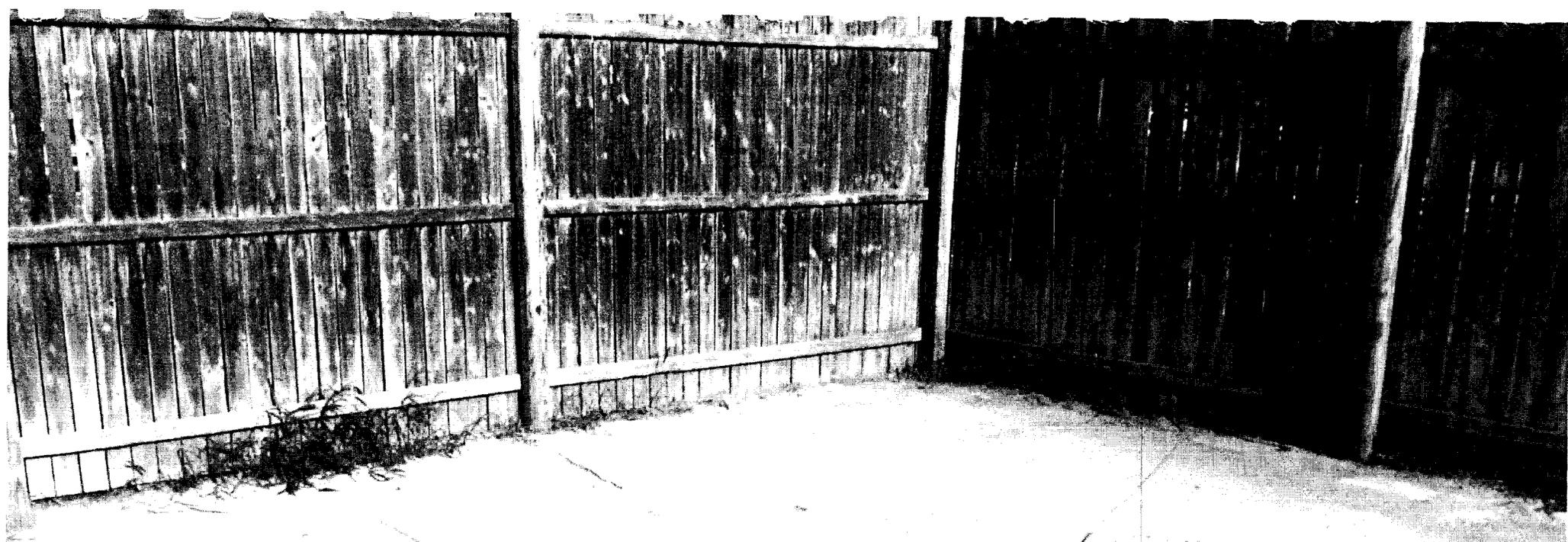
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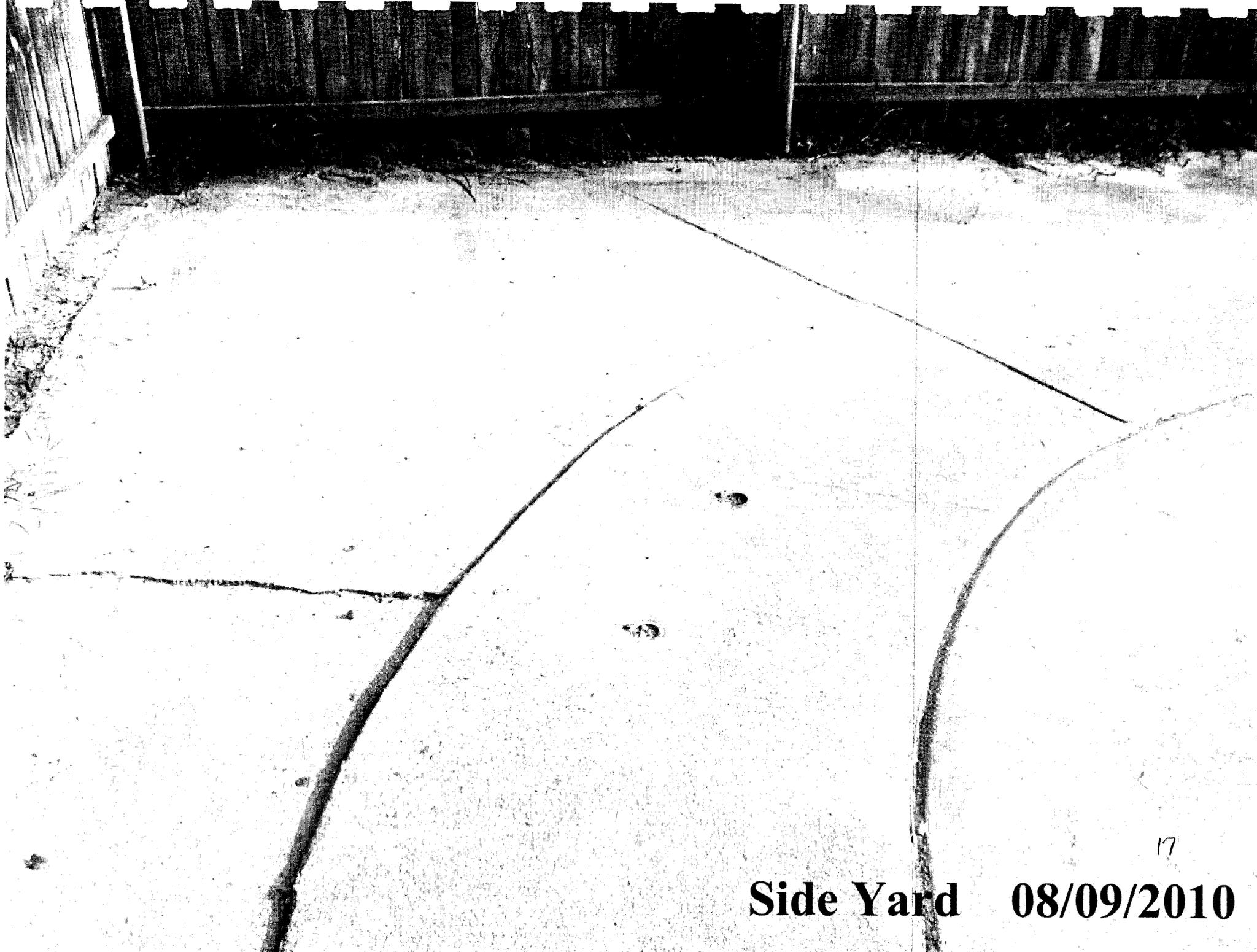
14
Side Yard 08/09/2010



15
Side Yard 08/09/2010



16
Side Yard 08/09/2010



17

Side Yard 08/09/2010



side yard
03/08/2010

DESCRIPTION OF THE APPLICATION

The special permit request is to permit a reduction to minimum yard requirements based on an error in building location to permit an open deck (concrete patio) to remain 0.0 feet from a side lot line. Subsequent to the advertisement of the application, it was determined that an open deck is permitted to extend 6 feet into a minimum required front yard so that in an R-3 District it may be located as close as 24.0 feet from the front lot line. The open deck is located 25.3 feet from the front lot line; therefore special permit approval is not needed for the location of this portion of the open deck.

Description of Special Permit Request

	Structure	Yard	Min. Yard Required*	Permitted Extension **	Minimum Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit	Open Deck (Concrete Patio)	Side (West)	12.0 feet	5.0 feet	7.0 feet	0.0 feet	7.0 feet	100%

* Minimum yard requirement per Section 3-303

** Permitted Extensions per Section 2-412

Description of Variance Application

The variance request is to permit greater than thirty (30) percent minimum rear yard coverage on the application property. Currently, the impervious area of the rear yard on this site measures 639 square feet, or 79.0% rear yard coverage.

EXISTING SITE DESCRIPTION

Zoned to the R-3 Zoning District, the application property is located in the Monticello Forest Subdivision on the west side of Hanover Avenue at its intersection with Old Keene Mill Road. The 11,844 square-foot property is a corner lot with two front yards, one along Old Keene Mill Road and the other along Hanover Avenue. Access to the site is provided from Hanover Avenue via an existing concrete driveway that extends from the curb to the rear yard. The side yard is west of the dwelling. The rear yard is located along the northern property line and extends east to west from the eastern plane of the residence to the western property line. For single family detached dwellings in the R-E through R-8 Districts, the minimum required rear yard on a corner lot may equal but shall not be less than the minimum side yard requirement for the district. It has been determined that the rear yard of this property takes a side yard setback therefore, the minimum required rear yard is 12 feet. The rear yard of this site varies in width from 11.8 to 11.9 feet and measures approximately 811 square feet in area. Since the existing rear yard is less than 12 feet (11.8 to 11.9 feet), a reduction of 0.2 feet (or 1.7%) of the minimum required rear yard is needed. As the amount of the reduction is less than 10%, the reduction is not included as part of this special permit or

variance application; an administrative reduction of the minimum required rear yard has been approved.

The site is currently developed with a two-story, vinyl with brick front, single-family detached dwelling consisting of 4,297 square feet of above-grade living area. County records indicate the original dwelling was constructed in 1954 as a one-story brick rancher. A building permit was approved in 2005 to construct a second story to the one-story house, a new two-story addition to the side and rear of the dwelling, a two-story addition in the front of the dwelling and a bay window. In 2009, a building permit for an 18 foot x 12 foot sunroom addition was approved. Copies of these permits are included as Appendix 5 to the staff report. The special permit plat and pictures submitted by the applicant depict a concrete patio that extends from the rear of the dwelling, continues along the property's western lot line (the side yard) and terminates in the front yard, 25.3 feet from the southern front lot line (Old Keene Mill Road frontage). A 6-foot high fence is located in the front yard along Old Keene Mill Road; its location and height was approved by variance on September 23, 1980. The Board's Resolution has been included as Appendix 6 to this report. There is a small grassy area at the northwest corner of the property and a large grassy lawn along both frontages. There is no significant on-site vegetation. The site is surrounded by a mixture of single-family detached homes, townhomes and non-residential uses.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Single family detached dwellings; First Baptist Church and Christophers Episcopal Church
South	PDH-8	Townhouse Development
East	R-3; C-2	Single family detached dwellings; Springfield Plaza
West	R-3	Single family detached dwellings

BACKGROUND

Following the adoption of the current Ordinance, the Board of Zoning Appeals (BZA) heard the following similar special permit and variance applications in the vicinity of the application parcel.

- *Special Permit SP 97-L-032* was denied on December 24, 1997 for Tax Map 80-3 ((2)) (35) 17, zoned R-3, at 7304 Charlotte Street, to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 10.5 feet from side lot line.
- *Special Permit SP 00-L-029* was approved on September 20, 2000 for Tax Map 80-3 ((2)) (56) 9, zoned R-3, at 7506 Mendota Place, to permit reduction in minimum yard requirements based on error in building location to permit addition to remain 9.7 feet from side lot line.
- *Special Permit SP 01-L-014* was approved on June 19, 2001 for Tax Map 80-3 ((2)) (43) 10, zoned R-3, at 7417 Gary Street, to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 2.7 feet from side lot line.
- *Special Permit SP 2005-LE-033* was denied on November 15, 2005 for Tax Map 80-3 ((2)) (34) 20, zoned R-3, at 7320 Bath Street, to permit reduction to minimum yard requirements based on errors in building location to permit dwelling to remain 10.2 feet, roofed deck (open porch) 0.4 feet with eave 0.0 feet, carport 1.0 feet with eave 0.3 feet and roofed (covered) deck 0.0 feet from side lot line, deck (concrete and stone patio) 0.4 feet from side and 2.2 feet from rear lot lines and accessory storage structure 2.2 feet with eave 1.9 feet from rear and 8.2 feet from side lot lines.
- *Special Permit SP 2007-LE-031* was approved on June 12, 2007 for Tax Map 80-3 ((2)) (34) 20, zoned R-3, at 7320 Bath Street, to permit reduction to minimum yard requirements based on errors in building location to permit dwelling to remain 10.2 feet, addition 9.2 feet and deck 0.4 feet from side lot line.

On August 28, 2009, a Notice of Violation, found in Appendix 7 of this report, was issued to the applicants for violating Par. 3 of Sect. 10-103 of the Fairfax County Zoning Ordinance which states in part that all uses and accessory structures to single family detached dwellings, including extensions permitted by Sect. 2-412 shall not cover more than thirty (30) percent of the area of the minimum required rear yard. The rear yard coverage of this site is shown at 639 square feet or approximately 79 percent.

ANALYSIS

Special Permit / Variance Plat (Copy at front of staff report)

- **Title of Plat:** Hanover Avenue Plat, Showing House Location on Lot 1, Block 40, Section 1
- **Prepared by:** George M. O'Quinn, Land Surveyor, Dominion Surveyors Inc.

- **Dated:** May 7, 2008, as revised through July 15, 2010
- **Building Permit required for Deck:** No
- **Error Made by:** Previous property owner (as stated by applicant)

ZONING ORDINANCE REQUIREMENTS (See Appendix 8)

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

- Sect. 2-412 Permitted Extensions Into Minimum Required Yards
- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location
- Sect. 18-404 Required Standards for Variances

CONCLUSION

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

APPENDICES

1. Proposed Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicant's Affidavits
4. Applicant's Statements of Justification
5. Building Permits
6. BZA Resolution, September 23, 1980
7. Notice of Violation
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2010-LE-051

September 8, 2010

1. This special permit is approved for the location of an existing open deck (concrete patio) as shown on the plat prepared by George M. O'Quinn, Land Surveyor, Dominion Surveyors Inc., dated May 7, 2008, as revised through July 15, 2010, submitted with this application and is not transferable to other land.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

PROPOSED DEVELOPMENT CONDITIONS

VC 2010-LE-005

September 8, 2010

1. This variance is approved for the rear yard coverage to remain on the property as shown on the plat prepared by George M. O'Quinn, Land Surveyor, Dominion Surveyors Inc., dated May 7, 2008, as revised through July 15, 2010, as submitted with this application and is not transferable to other land.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Application No.(s): SP 2010-LE-051
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 1, 2010
 (enter date affidavit is notarized)

I, Aaron D. Neal, 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

107444a

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)
Ali Latif	6404 Hanover Avenue	Applicant/Title Owner
Najiba Latif	Springfield, VA 22150	Title Owner
Dominick A. Pilli, Esquire	4041 University Drive, Suite 405	Former Attorney/Agent
Law Office of Dominick A. Pilli	Fairfax, Virginia 22030	
Aaron D. Neal, Esquire	6411 Ivy Lane, Suite 200	Attorney/Agent
McNamee, Hosea, Jernigan, Kim Greenan, & Lynch, P.A.	Greenbelt, Maryland 20770	

(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): SP 2010-LE-051
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 1, 2010
(enter date affidavit is notarized)

107444a

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)

Law Offices of Dominick A. Pilli, P.C.
4041 University Drive, #405
Fairfax, Virginia 22030

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)

Dominick A. Pilli

(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): SP 2010-LE-051
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Sept. 1, 2010
(enter date affidavit is notarized)

107444a

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): SP 2010-LE-051
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 1, 2010
(enter date affidavit is notarized)

107444a

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): SP 2010-LE-051
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 1, 2010
(enter date affidavit is notarized)

107444a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

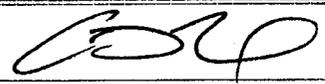
EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:



(check one)

[] Applicant

[X] Applicant's Authorized Agent

Aaron D. Neal, Esquire

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

Subscribed and sworn to before me this 1st day of September 20 10, in the State/Comm. of Maryland, County/City of Prince Georges.

Susan E. Gonzalez
Notary Public

My commission expires: **SUSAN E. GONZALEZ**
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 26, 2013



Application No.(s): SP 2010-LE-051
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

Special Permit/Variance Attachment to Par. 1(b)

DATE: September 1, 2010
(enter date affidavit is notarized)

107444a

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

McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A.
6411 Ivy Lane, Suite 200, Greenbelt, Maryland 20770

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Stephen C. Hosea; Milton D. Jernigan II; James M. Greenan; Garth E. Beall;
Robert J. Kim; Mark W. Schweitzer; Kevin M. Tracy; John Paul Lynch

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

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

Application No.(s): VC 2010-LE-005
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 1, 2010
(enter date affidavit is notarized)

I, Aaron D. Neal, 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 109411-6

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)
Ali Latif	6404 Hanover Avenue	Applicant/Title Owner
Najiba Latif	Springfield, VA 22150	Title Owner
Dominick A. Pilli, Esquire Law Office of Dominick A. Pilli	4041 University Drive, Suite 405 Fairfax, Virginia 22030	Former Attorney/Agent
Aaron D. Neal, Esquire	6411 Ivy Lane, Suite 200	Attorney/Agent
McNamee, Hosea, Jernigan, Kim Greenan, & Lynch, P.A.	Greenbelt, Maryland 20770	

(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): VC 2010-LE-005
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 1, 2010
(enter date affidavit is notarized)

1094776

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)
Law Offices of Dominick A. Pilli, P.C.
4041 University Drive, #405
Fairfax, Virginia 22030

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)
Dominick A. Pilli

(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): VC 2010-LE-005
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Sept. 1, 2010
(enter date affidavit is notarized)

109477 e

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): VC 2010-LE-005
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 1, 2010
(enter date affidavit is notarized)

1094776

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): VC 2010-LE-005
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 1, 2010
(enter date affidavit is notarized)

1094776

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

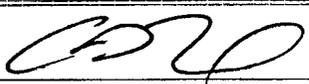
EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:



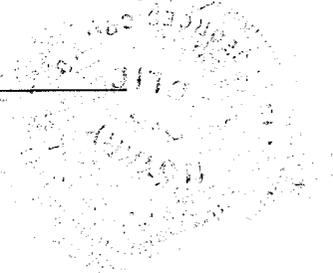
(check one) [] Applicant [X] Applicant's Authorized Agent

Aaron D. Neal, Esquire
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 1st day of September 20 10, in the State/Comm. of Maryland, County/City of Prince Georges.

Susan E. Gonzalez
Notary Public

My commission expires: **SUSAN E. GONZALEZ**
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 26, 2013



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

Page 1 of 1

Special Permit/Variance Attachment to Par. 1(b)

DATE: September 1, 2010
(enter date affidavit is notarized)

1094776

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

McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A.
6411 Ivy Lane, Suite 200, Greenbelt, Maryland 20770

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Stephen C. Hosea; Milton D. Jernigan II; James M. Greenan; Garth E. Beall;
Robert J. Kim; Mark W. Schweitzer; Kevin M. Tracy; John Paul Lynch

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

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

Ali Latif
6404 Hanover Ave,
Springfield, VA 22150
703-987-5030

RECEIVED
Department of Planning & Zoning
AUG 11 2010
Zoning Evaluation Division

August 10, 2010

County of Fairfax
Department of Planning and Zoning
12055 Government Center Parkway,
Fairfax, VA 22035

RE: Case # VC 2010-LE-005

On May 13, 2008, the subject property at 6404 Hanover Avenue, in Springfield, Virginia, 22150, was acquired in "good faith", and continues to remain acquired in "good faith", as provided by the attached Special Warranty Deed dated May 13, 2008, and supporting Settlement Statement.

The subject property located at 6404 Hanover Avenue, Springfield, Virginia, 22150 has an extraordinary situation or condition attached to the subject property, for which the pursuant requires a Special Permit for approval of reduction to the minimum yard requirements, Based on an Error in the Building Location. The pool area patio/deck on the side yard was constructed in 1979 by a prior owner, Barbara O'Connor. In 1980, a Variance Permit was granted for the 6 ft. fence surrounding the pool patio/deck. The home was later sold and purchased by Ralph Little, resold and passed to Carlos Lacosta, then sold and passed to Carlos Perez Alvaro, then sold and passed to Jarbin R. Guerara Paz, and finally sold and passed to Ali & Najiba Latif. Where, though no fault of their own, Mr. & Mrs. Latif purchased the property without knowing it had an alleged violation and/or condition at the time of their purchase. We could have legally fought the knowing seller to make those zoning changes, if aware of the violation. It also should be noted that Highland Escrow Title, hired by the seller's banking agent failed to discern the alleged zoning violations.

A Special Permit Application is being requested in an effort to bring the structure to compliance with requirements of the Fairfax County Zoning Ordinance, albeit with modifications to the yard requirements.

The condition of the concrete coverage of the side yard (located at the rear of a house) for which the intended use is a patio/deck, is unique to their corner lot, and is not of so general or recurring nature as to make reasonably and practicable formation of the general regulation to be adopted by the Board of Supervisors as an Amendment to the Zoning Ordinance. For instance, although

other properties in the neighborhood include significant concrete or asphalt coverage violation(s), none of those properties has the ingress and egress availability of the corner lot located at 6404 Hanover Avenue, and empties out onto Old Keen Mill Road.

The strict Zoning Ordinance would produce undue hardship in that not only will it cost the homeowner(s) a minimum up to \$10,000.00 (Ten thousand dollars), it would also require additional monies to correct it and force the Latif family, and their guests and visitors to back up into a busy traffic intersection located at the Hanover avenue and Old Keene Mill (where a busy traffic light intersection exists) in order to safely exit the property located at 6404 Hanover Avenue in Springfield, Virginia, 22150. Further, if the concrete portion of the patio-deck is raised it will create a safety hazard and hardship to the Latif's and community.

It shall be noted that the above-mentioned hardship is not shared generally by other properties in the same zoning district and the same vicinity, as the property located at 6404 Hanover Avenue is a unique corner lot with unique traffic condition patterns that other homes in the vicinity do not share.

I hope the infraction that has existed for almost 30 years in the patio/deck does not have any negative impact on our immediate neighbors or the street.

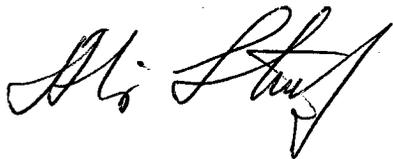
The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, as to force the owners to break up, destroy and carry away a significant portion of the concrete from the side yard, and also separate the side property from the rear property, making the other half of the side yard essentially useless and disconnected.

The authorization of the Special Permit will allow keeping their property intact. It will not be a substantial detriment to any adjacent property, as the adjacent property located to the right already has a solid and lengthy asphalt driveway, and this property is not a corner lot.

The character of the zoning district will not be changed by the granting of the variance, because several homes in the area, albeit not corner-lot homes, already have substantial front and rear yard concrete asphalt coverage.

The Special Permit will be in harmony with the intended spirit and purpose of the ordinance, as granting the Special Permit, to an exclusive corner lot, with essentially two front yards, is in the best interests of the Monticello Forest neighborhood, and permitting the Special Permit is not a convenience or special privilege to the Latif's, but is in the best interest of the neighborhood inhabitant, and the safety and well-being of all who cross the intersection at Hanover Avenue and Old Keene Mill Road in Springfield, Virginia 22150.

Sincerely,



Ali Latif

Ali Latif
6404 Hanover Ave,
Springfield, VA 22150
703-987-5030

August 10, 2010

RECEIVED
Department of Planning & Zoning
AUG 11 2010
Zoning Evaluation Division

County of Fairfax
Department of Planning and Zoning
12055 Government Center Parkway,
Fairfax, VA 22035

RE: Case # VC 2010-LE-005

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A Special Permit Application is being requested in an effort to bring the structure to compliance with requirements of the Fairfax County Zoning Ordinance, albeit with modifications to the yard requirements.

The condition of the concrete coverage of the side yard (located at the rear of a house) for which the intended use is a patio/deck, is unique to their corner lot, and is not of so general or recurring nature as to make reasonably and practicable formation of the general regulation to be adopted by the Board of Supervisors as an Amendment to the Zoning Ordinance. For instance, although

other properties in the neighborhood include significant concrete or asphalt coverage violation(s), none of those properties has the ingress and egress availability of the corner lot located at 6404 Hanover Avenue, and empties out onto Old Keen Mill Road.

The strict Zoning Ordinance would produce undue hardship in that not only will it cost the homeowner(s) a minimum up to \$10,000.00 (Ten thousand dollars), it would also require additional monies to correct it and force the Latif family, and their guests and visitors to back up into a busy traffic intersection located at the Hanover avenue and Old Keene Mill (where a busy traffic light intersection exists) in order to safely exit the property located at 6404 Hanover Avenue in Springfield, Virginia, 22150. Further, if the concrete portion of the patio-deck is raised it will create a safety hazard and hardship to the Latif's and community.

It shall be noted that the above-mentioned hardship is not shared generally by other properties in the same zoning district and the same vicinity, as the property located at 6404 Hanover Avenue is a unique corner lot with unique traffic condition patterns that other homes in the vicinity do not share.

I hope the infraction that has existed for almost 30 years in the patio/deck does not have any negative impact on our immediate neighbors or the street.

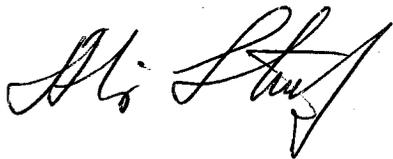
The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, as to force the owners to break up, destroy and carry away a significant portion of the concrete from the side yard, and also separate the side property from the rear property, making the other half of the side yard essentially useless and disconnected.

The authorization of the Special Permit will allow keeping their property intact. It will not be a substantial detriment to any adjacent property, as the adjacent property located to the right already has a solid and lengthy asphalt driveway, and this property is not a corner lot.

The character of the zoning district will not be changed by the granting of the variance, because several homes in the area, albeit not corner-lot homes, already have substantial front and rear yard concrete asphalt coverage.

The Special Permit will be in harmony with the intended spirit and purpose of the ordinance, as granting the Special Permit, to an exclusive corner lot, with essentially two front yards, is in the best interests of the Monticello Forest neighborhood, and permitting the Special Permit is not a convenience or special privilege to the Latif's, but is in the best interest of the neighborhood inhabitant, and the safety and well-being of all who cross the intersection at Hanover Avenue and Old Keene Mill Road in Springfield, Virginia 22150.

Sincerely,



Ali Latif

A WRITTEN STATEMENT OF JUSTIFICATION

The Variance Application complies with all nine (9) required standards for a variance as set forth in Section 18-404 of the Zoning Ordinance. The enclosed Memorandum of Nine Required Variance Standards addresses in detail the position of the Latif's and to why their variance request should be granted.

RECEIVED
Department of Planning & Zoning
FEB 01 2010
Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning
FEB 01 2010
Zoning Evaluation Division

MEMORANDUM OF NINE REQUIRED VARIANCE STANDARDS

The Application of Ali Latif and Najiba Latif, property owners of 6404 Hanover Avenue, Springfield, Virginia, 22150 who are seeking a variance to the Alleged Notice Of Violation dated August 28, 2009, which states that approximately 90% (ninety) percent of the minimum rear yard is covered with concrete, said alleged violation to be in conflict with Paragraph 3 of Section 10-103 of the Fairfax County Zoning Ordinance, and Paragraph 6 of Section 2-302 of the Fairfax County Zoning Ordinance (See Attached Notice of Violation), sets out and the nine required Variance Standards, as follows:

1. That on May 13, 2008, the subject property at 6404 Hanover Avenue, in Springfield, Virginia 22150, was acquired in "good faith", and continues to remain acquired in "good faith", as provided by the attached Special Warranty Deed dated May 13, 2008, and supporting Settlement Statement, Title Insurance Policy dated June 11, 2008, and Automobile Property Tax Statement dated October 5, 2009. (Please see attachments).

2. That the Subject property located at 6404 Hanover Avenue, Springfield, Virginia, 22150 has an extraordinary situation or condition of the subject property, pursuant to required Variance Standard Paragraph (2) (f) in that it is alleged that approximately 90 percent of the minimum rear yard (which is essentially located at the side of a house) is covered with concrete. In laymen's terms, a portion of the driveway to the home located on the side of the home, connects to a portion of the concrete covering the rear of the home (although the zoning board considers the rear of the home, the side, and the side of the home, the rear), and provides for ease of transportation for one to drive a car into the driveway and back around the home to exit on the

rear side of the home, whereby a vehicle does not have to back up into traffic at the intersection of Hanover Avenue and Old Keene Mill Road, where approximately 6,700 (six thousand seven hundred) cars pass by the driveway everyday (Monday thru Thursday) and 6,200 (six thousand two hundred) cars pass by the driveway (Friday thru Saturday). Please see attached VDOT traffic pattern estimates (dated January, 2010). The vehicle percentage makeup is 96% regular cars, 2% bus and 1% large trucks, and 1% other vehicles. It is Mr. Latif's argument for a variance that the home was previously purchased by owner Jarbin R. Guerara Paz, and passed to Eileen M. McLane, and sold and passed to Ali & Nagiba Latif, where through no fault of their own, Mr. & Mrs. Latif purchased property whereby the County of Fairfax Department of Planning and Zoning, knew of the alleged violation of the concrete coverage requirements, however chose not to enforce or correct them, by the previous owner(s), and now the County comes in with unclean hands and requests that Mr. Latif clear up the alleged zoning problem. Neither the Bank, nor the Settlement Company informed Mr. Latif of the Zoning Violations at the time of the sale from Grantor to Grantee. Had Mr. Latif known of the alleged violation conditions at the time of his purchase, he could have legally fought the knowing seller to make those zoning changes. It also should be noted that Highland Escrow Title, hired by the bank's agent failed to discern the alleged zoning violations.

3. That the condition of the concrete coverage of the rear yard (located at the side of a house) for which the intended use is as a connected driveway which provide, ingress and egress to and from a corner lot property to the adjacent highway in a safe, and prudent manner, is unique to their corner lot, and is not of so general or recurring nature as to make reasonably practicable the formation of a general regulation to be adopted by the Board of Supervisors as an Amendment to

the Zoning Ordinance. For instance, although other properties in the neighborhood include significant concrete or asphalt coverage violation(s), none of those properties has the ingress and egress availability of the corner lot located at: 6404 Hanover Avenue in Springfield, Virginia, 22150, said corner lot driveway which begins on Hanover Avenue, and empties out onto Old Keene Mill Road.

4. That the strict application of the Zoning Ordinance dated August 28, 2009 would produce undue hardship and unsafe and dangerous conditions to the general public, in that not only will it cost the homeowner(s) a minimum of between \$7,476.62 (Seven Thousand Four Hundred Seventy Six Dollars and Sixty Two Cents) up to \$10,000.00 (Ten Thousand Dollars) plus dollars to correct (Please see attached Estimate of Dominion Landscaping & Masonry, Inc. dated January 5, 2010),...it would also force the Latif family, and their guests and visitors to back up into a busy traffic intersection located at the Hanover Avenue and Old Keene Mill (where a busy traffic light intersection exists) in order to safely exit the property located at 6404 Hanover Avenue in Springfield, Virginia, 22150. Further, if the concrete portion of the driveway (as cited in the Alleged Violation) is raised, as suggested in the Zoning Violation, then the Latif's and guests would be forced to park on the sidewalks on the Hanover side of the house. The citizen who gets dropped off at the bus stop on Old Keene Mill Road, would have to walk in the street to get home...another safety hazard and hardship to the Latif's and community.

5. It shall be noted that the above-mentioned hardship is not shared generally by other properties in the same zoning district and the same vicinity, as the property located at 6404 Hanover

Avenue is a unique corner lot with unique traffic condition patterns that other homes in the vicinity do not share, as a result of the closeness in proximity to the traffic lights.

6. That the strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, as to force the owners to break up, destroy and carry away a significant portion of the approximately 800 (eight hundred) foot driveway, and also separate the rear property from the side property, making the other half of the side yard essentially a useless disconnected, dismantled and bi-furcated driveway thus forcing drivers of vehicles to back out into traffic to exit the property at two busy traffic intersections, Old Keene Mill Road, and Hanover Avenue.

7. The authorization of the variance to permit the Latif's to keep their property intact will not be a substantial detriment to any adjacent property as the adjacent property to the right already has a solid and lengthy asphalt driveway, and this property is not a corner lot.

8. That the character of the zoning district will not be changed by the granting of the variance because several homes in the area, albeit not corner-lot homes, already have substantial front and rear yard concrete or asphalt coverage.

9. That the variance will be in harmony with the intended spirit and purpose of the Ordinance, as granting the variance, to an exclusive corner lot, with essentially two front yards, is in the best interests of the Monticello Forest neighborhood, and permitting the variance is not a convenience or special privilege to the Latif's, but is in the best interests of the neighborhood inhabitants, and

the safety and well-being of all who cross the intersections at Hanover Avenue and Old Keene Mill Road in Springfield, Virginia 22150.

Wherefore, the variance which the Latif's request, should be respectfully granted for the safety and well-being of all Fairfax County citizens.

Respectfully Submitted,



Dominick A. Pilli, Esq.

Agent for Mr. & Mrs. Ali & Najiba Latif

MER/MORRISON
WATERPROOFING CONTRACTORS, INC.
PROPOSAL

HEADQUARTERS

17958 Dr. David Cline Lane
P.O. Box 607
Dumfries, VA 22026
703-445-8060

TOLL FREE: 1-800-343-3118
SILVER SPRING: 301-572-5629
RICHMOND: 804-747-6755
FAX: 703-445-8063
MERWATER@EROLS.COM

NAME: MR. LATIF
STREET: 6404 HANOVER STREET
CITY/STATE: SPRINGFIELD, VA
CITY/COUNTY: FAIRFAX
PHONE: 987-5030 **LATIF@MRIS.COM**
DATE: January 05, 2010

MER/MORRISON PROPOSES TO COMPLETE THE FOLLOWING CONCRETE JOBS:

TASK I- FRONT DRIVEWAY DIMINUTION. WORK CONSISTS OF REMOVING APPROXIMATELY 800 SQUARE FEET OF CONCRETE ON RIGHT SIDE OF FRONT DRIVEWAY; ADDING APPROXIMATELY 200 SQUARE FEET OF NEW CONCRETE TO RIGHT SIDE OF DRIVEWAY; PLACING APPROXIMATELY 800 SQUARE FEET OF NEW SOD GRASS AT RIGHT SIDE OF A HOUSE.

PRICE-----\$7,995.00

- **NOTE- THESE PRICE ARE ONLY BALLPARK ESTIMATES. NO CONSTRUCTION PLANS, ENGINEERING OR BUILDING PERMITS.**
- **MER/MORRISON DOES NOT GUARANTEE AGAINST SCALING---SEE NOTES BELOW.**

PAYMENT TO BE MADE AS FOLLOWS: 1/3 DEPOSIT, BALANCE DUE UPON COMPLETION
****TERMS:** DUE AND PAYABLE IN FULL UPON COMPLETION OF THE DESCRIBED WORK. INTEREST IN THE AMOUNT OF 1 1/2% PER MONTH PLUS A LATE CHARGE IN THE AMOUNT OF \$20.00 WILL BE ADDED TO ANY ACCOUNT NOT PAID WITHIN 5 DAYS OF COMPLETION OF THE DESCRIBED WORK (UNLESS OTHERWISE NOTED ON CONTRACT).

INSPECTOR: _____ **KEVIN BRENNAN**

PROPOSAL ACCEPTED BY: _____ **JOB#**
TAKING CARE OF YOUR CONCRETE SURFACES

WHEN WATER-SATURATED CONCRETE FREEZES, SMALL FLAKES OF THE SURFACE MAY PEEL OFF EXPOSING STONE AND SAND, LEAVING A ROUGH AND UNSIGHTLY SURFACE. THIS FORM OF DAMAGE IS REFERRED TO AS SCALING. CONCRETE IS MORE PRONE TO SCALING DURING THE FIRST YEAR.

1. CONCRETE MAY REMAIN SATURATED WITH WATER DURING THE FIRST YEAR. **AVOID THE USE OF DEICING SALTS DURING THE FIRST WINTER.** THIS WILL MINIMIZE THE POTENTIAL FOR FROST DAMAGE. USE PLAIN SAND FOR TRACTION. CLEAN OFF ACCUMULATIONS OF SNOW AND ICE. IF YOUR CAR DRIPS ROAD SALTS ON THE DRIVEWAY, HOSE OFF THE SURFACE AS SOON AS IT IS PRACTICAL TO DO SO.
2. DEICING CHEMICALS INCREASE THE POTENTIAL FOR SCALING DAMAGE.
3. SEVERAL COMMERCIAL CHEMICALS MAY CONTAIN AMMONIUM SALTS OR UREA-BASED INGREDIENTS, COMMONLY USED IN FERTILIZERS. THESE CHEMICALS WILL DESTROY CONCRETE SURFACES. IF A SOLUTION OF THE CHEMICAL IN WATER SMELLS OF AMMONIA, AVOID ITS USE FOR DEICING. WASH OFF FERTILIZERS THAT INADVERTENTLY FALL ON YOUR CONCRETE DRIVEWAY OR WALKWAY WHEN USING A LAWN SPREADER.
4. SODIUM CHLORIDE (ROCK SALT) AND CALCIUM CHLORIDE ARE Milder FORMS OF DEICING CHEMICALS THAT DO NOT DESTROY CONCRETE SURFACES WHEN USED SPARINGLY. PREFERABLY USE A MIX OF SAND AND SALT.
5. FOR MAXIMUM PROTECTION, WATER-REPELLENT COATINGS AND SEALERS WILL PREVENT WATER FROM GETTING INTO THE CONCRETE.

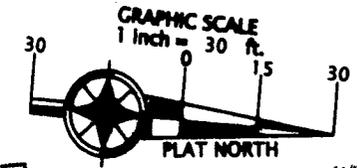
APPROVED 10-22-05

William E. Sharp
Zoning Administrator

NOTE: FENCES ARE CHAIN LINK UNLESS NOTED.

NOTE:

MAKING DWIVES, OTHER EXPANSIVE CLAYS ON SITE.
LAND DEVELOPMENT SERVICES
SITE PERMITS & ADDRESSING CENTER MUST EXTEND TO A
APPROVED FOR FOUR FEET BELOW EXISTING
MUST EXAMINE BEARING SOILS.
SHALL NOT JEOPARDIZE THE
SLOPES.



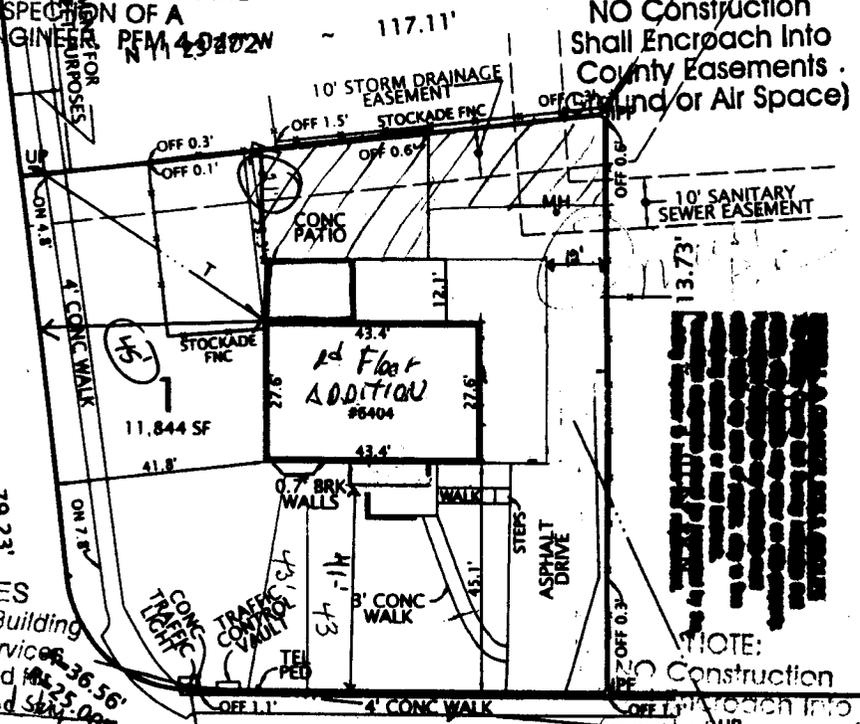
Surgeon
SECTION FIVE
CONSTRUCTION OF A
MUST BE PERFORMED UNDER THE
FULL TIME INSPECTION OF A
GEO TECHNICAL ENGINEER PFM 4-0-2002W - 117.11'

UNDERCUT PLASTIC CLAYS AT
LEAST 2 FEET BELOW FLOOR SLABS

NOTE:
NO Construction
Shall Encroach Into
County Easements.
(Ground or Air Space)

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OLD KEENE MILL ROAD
WIDTH UNDERCUT PLASTIC CLAYS AT
LEAST 2 FEET BELOW FLOOR SLABS
S 78° 36' 33" W
79.23'



Office of Building
Code Services
Approved 10-25-05
By: *William E. Sharp*
Date: 10-25-05

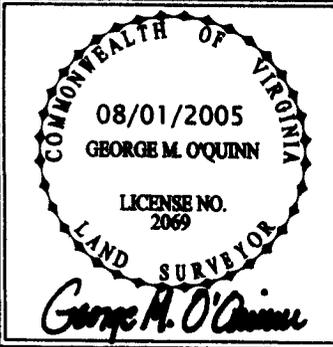
S 05° 10' 50" E - 83.00' (Ground or Air Space)
HANOVER AVENUE
80' WIDE - STATE ROUTE NO. 1193 APPROVED

PLAT
SHOWING HOUSE LOCATION ON
LOT 1, BLOCK 40, SECTION ONE
MONTICELLO FOREST
(DEED BOOK 1191, PAGE 339)

FAIRFAX COUNTY, VIRGINIA
LEE DISTRICT
SCALE: 1" = 30'
AUGUST 1, 2005

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

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



CASE NAME:
PEREZ - TORREZ
AMERICAN TITLE, L.L.C.
DOMINION SURVEYORS, INC.®
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

BUILDING PERMIT APPLICATION

APPLICATION NO

Date 19

W-93-05699

Street 6404 HANOVER AVE.
 Building _____ Floor _____ Suite _____
 Subdivision Monticello Invt Sec-1
 Tenants Name PT LOT-1 BLK-40

DO NOT WRITE IN THIS SPACE

Permit No. 9321B0246
 Map Reference 90-1-11-40-0001
 Building Permit No. _____ Control No. _____
 Std. _____ Mag. _____ Plan _____ Census _____

OWNER
 Name DEBBIE LITTELL
 Address (Mailing) 6404 HANOVER AVE
 City SPRINGFIELD State VA. Zip 22150
 Telephone 451-2606

CONTRACTOR
 Company Name REMODELING INC
 Master HAROLD LUFF
 Address 2818 JUNIPER ST
 City FARMERS State VA. Zip 22121
 Telephone _____ License No. 1-3531
 State Contractors License No. 13246
 County Business Account No. 1-3531

For Description
REPAIR BRICK & BLOCK WALL
ON LAUNDRY ROOM

ROUTING

	Date	Approved By:
Health Review		
Site Review <u>3</u>	<u>8/9/99</u>	<u>[Signature]</u>
Zoning Review <u>1</u>	<u>8/9/99</u>	<u>[Signature]</u>
Sanitation Review		
Building Review <u>3</u>	<u>8/9/99</u>	<u>[Signature]</u>
Fire Review		

Model/Use _____
 Sewage: Public Community Septic Tank None
 WATER: Public Individual Well None
 N-New D-Demolish
 R-Alter or Repair M-Move
 A-Add To O-Other

REMARKS:

BUILDING DESCRIPTION	QUANTITY
# Units	_____
# Stories	_____
# Rooms	_____
# Bedrooms	_____
# To be Added	_____
# Baths	_____
# Half Baths	_____
# Kitchens	_____
# Fireplaces	_____
Basement	_____
% Basements to Finish	_____

Use Group of Building R4
 Type of Construction 5B
 Building Area _____
 Estimated Const. Cost 2500.00

ZONING REVIEW
 Zoning Proffers Building _____
 Zoning Class R-3
 Zoning Case # _____

BUILDING CHARACTERISTICS
 Building Height _____
 Exterior Walls _____
 Interior Walls _____
 Roofing Material _____
 Flooring Material _____
 Heating Fuel _____
 Heating System _____

GRADING AND DRAINAGE REVIEW
 Soils _____
 Historical _____
 Plan # _____
 Retaining Wall _____

BUILDING DIMENSIONS			
No. Stories	Width	Depth	Sq. Ft.
	x	=	
	x	=	
	x	=	
	x	=	

YARDS Front _____ Front _____ Left Side _____ Right Side _____ Rear _____

Repair Only - No Charges

REMARKS
Car drove into
house wall - sheet
replacement only
No PLATES

FOR COUNTY USE ONLY:

Date 8/9/99 By CB
 Approved for Issuance of Building Permit

Fee \$56⁰⁰
 Filing Fee _____
 Amount Due _____

The request for and use of personal information on this form is subject to the provisions of the Privacy Protection Act of 1976 and the Virginia Information Act.
 Signature of Owner or Agent _____ of the owner to make this application, that the information is complete and correct, and that if a violation of the building code, the zoning ordinance and other applicable laws and regulations relate to the property. He/She and the company or organization named on this form are in accord with the provisions of Chapter 7 of the Code of

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES
 PERMIT APPLICATION CENTER
 12655 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5564
 Telephone: 703-222-0801
 Web site: http://www.co.fairfax.va.us/dpw

PERMIT # 05270B0140

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 6404 HA

ADDRESS 6404 HANOVER AVE
 LOT # _____ BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Monticello Forest
 TENANT'S NAME Sec 1 Bldg 40

OWNER INFORMATION OWNER TENANT
 NAME Luis A. TORREZ
 ADDRESS 6404 HANOVER AVE
 CITY Springfield STATE VA ZIP _____
 TELEPHONE 571-259-7747

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 STATE CONTRACTORS LICENSE # _____
 COUNTY BPOL # _____

APPLICANT MARCO PIEPOLI

DESCRIPTION OF WORK
2nd Floor Addition
demo interior wall on 1st Floor
add RM 1 Flr / add entire 2nd Floor
 HOUSE TYPE addition
 ESTIMATED COST OF CONSTRUCTION 160,000
 BLDG AREA (SQ FT OF FOOTPRINT) 2500 SF
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____
 SEWER SERVICE PUBLIC SEPTIC OTHER
 WATER SERVICE PUBLIC WELL OTHER
 OTHER PLEASE SPECIFY _____

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____

NONE DESIGNATED PHONE _____

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS	_____	EXTER. WALLS	_____
# BATHS	<input checked="" type="checkbox"/>	INTER. WALLS	<input checked="" type="checkbox"/>
# HALF BATHS	_____	ROOF MATERIAL	_____
# BEDROOMS	<input checked="" type="checkbox"/>	FLOOR MATERIAL	_____
# OF ROOMS	_____	FIN. BASEMENT	_____ %
# STORIES	_____	HEATING FUEL	_____
BUILDING HEIGHT	<u>31'11"</u>	HEATING SYSTEM	_____
BUILDING AREA	_____	# FIREPLACES	_____
BASEMENT	_____		

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY

PLAN # R-05-01589
 TAX MAP # 090-1 14140/000

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING	<u>10-6-05</u>	<u>SS</u>
SITE PERMITS	<u>10/6/05</u>	<u>SS</u>
HEALTH DEPT.		
BUILDING REVIEW	<u>10/6/05</u>	<u>SS</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ _____
 FILING FEE - \$ 168.48
 AMOUNT DUE = \$ 336.96

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 SS DATE 10/6/05

ZONING REVIEW

USE SFD
 ZONING DISTRICT R-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>41</u>	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT <u>41.8</u>	REMARKS	<u>no wet bar</u>		
L SIDE <u>21</u>		<u>or mud kitchen</u>		
R SIDE <u>12</u>				
REAR _____		<u>47</u>		

GRADING AND DRAINAGE REVIEW

SOILS # unimproved A B 9.929
 AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) _____
 IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) 159
 PLAN # _____ APPR. DATE _____

STAMPS

EDR PEI agreement cont
S2 FL own
 (See reverse side of application)

REMARKS

(1) Adding a second story to existing 1 story house
(2) Building a new 2 story addition to select area
(3) adding addn. 2 story in front

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied 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 _____ Date 09-16-05

Printed Name and Title MARCO PIEPOLI

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

NOTARIZATION (if required) & Bay window
 State (or territory or district) of _____
 County (or city) of _____ to wit: I,

ALL CONSTRUCTION INVOLVING PROBLEM SOILS MUST BE PERFORMED UNDER THE FULL TIME INSPECTION OF A GEOTECHNICAL ENGINEER. PFM 4-0402
 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)

R E S O L U T I O N

APPENDIX 6

In Application No. V-80-S-148 by ISSAC & FLORENCE LANKFORD under Section 18-401 of the Zoning Ordinance to allow 6 ft. high fence to remain partially in front yard (4 ft. maximum height for fence in front yard required by Sect. 10-105) on property located at 6404 Hanover Avenue, tax map reference 90-1((1))(40)1, County of Fairfax, Virginia, Mr. DiGiulian moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 23, 1980; and

WHEREAS, the Board has made the following findings of fact:

1. That the owner of the property is the applicant.
2. The present zoning is R-2.
3. The area of the lot is 11,844 sq. ft.
4. That the applicant's property is a corner lot and the lot area has been reduced by widening of Old Keene Mill Road right-of-way.

AND, WHEREAS, the Board of Zoning Appeals had reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

Page 28, September 23, 1980

Board of Zoning ISSAC & FLORENCE

LANKFORD

(continued)

R E S O L U T I O N

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire eighteen months from this date unless construction has started and is diligently pursued or unless renewed by action of this Board prior to any expiration. A request for an extension shall be filed in writing thirty (30) days before the expiration date and the variance shall remain valid until the extension is acted upon by the BZA.

Mr. Yaremchuk seconded the motion.

The motion passed by a vote of 3 to 1 (Mr. Smith).

V-80-5-148
Monticello Forest

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

In Application No. V-80-S-148 by ISSAC & FLORENCE LANKFORD under Section 18-401 of the Zoning Ordinance to allow 6 ft. high fence to remain partially in front yard (4 ft. maximum height for fence in front yard required by Sect. 10-105) on property located at 6404 Hanover Avenue, tax map reference 90-1((1))(40)1, County of Fairfax, Virginia, Mr. DiGiulian moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 23, 1980; and

WHEREAS, the Board has made the following findings of fact:

1. That the owner of the property is the applicant.
2. The present zoning is R-3.
3. The area of the lot is 11,844 sq. ft.
4. That the applicant's property is a corner lot and the lot area has been reduced by widening of Old Keene Mill Road right-of-way.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:

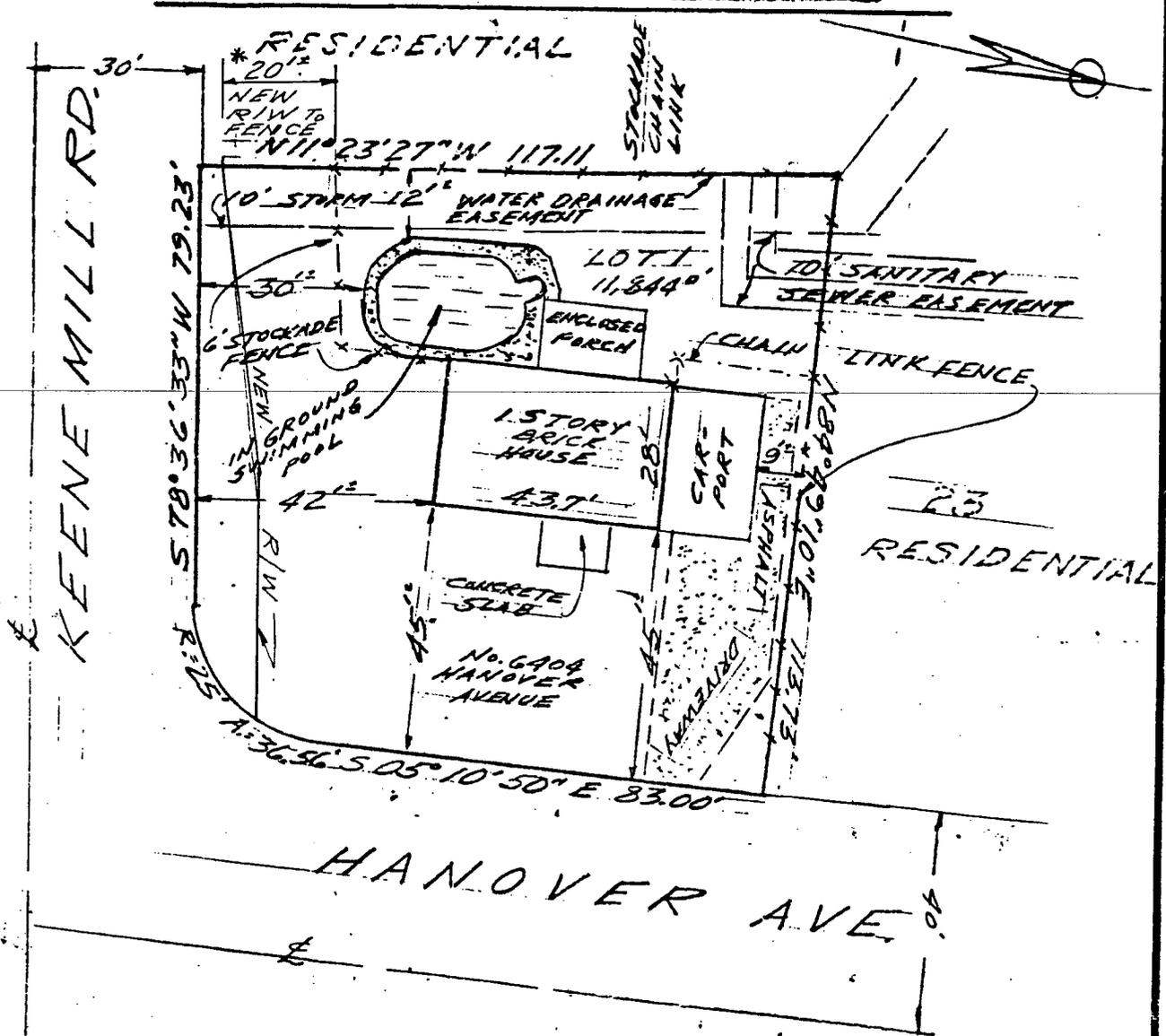
1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire eighteen months from this date unless construction has started and is diligently pursued or unless renewed by action of this Board prior to any expiration. A request for an extension shall be filed in writing thirty (30) days before the expiration date and the variance shall remain valid until the extension is acted upon by the EZA.

Mr. Yaremchuk seconded the motion.

The motion passed by a vote of 3 to 1 (Mr. Smith).

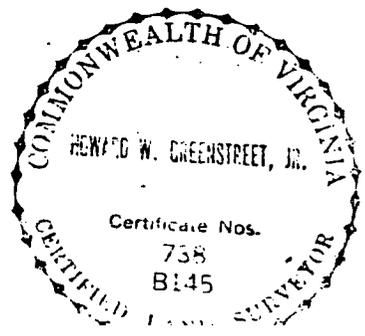
A COPY TESTE:

Sander L. Hicks
Clerk, Board of Zoning Appeals



LOCATION SURVEY
 LOT 1, BLOCK 40, SECTION 1,
 MONTICELLO FOREST
 FAIRFAX COUNTY, VIRGINIA

Howard W. Greenstreet, Jr.
 * JUNE 18, 1980





County of Fairfax, Virginia

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

August 28, 2009

NOTICE OF VIOLATION

SHERIFF'S LETTER

CASE #: 200904158 SR#: 52200

Latif Ali
 Latif Najiba
 6404 Hanover Avenue
 Springfield, VA 22153

Re: 6404 Hanover Avenue
 Monticello Forest, PT Lot 1, Blk. 40, Sec. 1
 Tax Map Ref.: 90-1 ((11)) (40) 1
 Zoning District: R-3



Dear Property Owners:

A zoning inspection of the above-referenced property on August 24, 2009, revealed that approximately ninety (90) percent of the minimum rear yard is covered with concrete.

This coverage of the minimum required rear yard is in conflict with Par. 3 of Sect. 10-103 of the Fairfax County Zoning Ordinance which states, in part:

All uses and accessory structures to single family detached dwellings, are to include those extensions permitted by Sect. 2-412, and shall cover no more than thirty (30) percent of the area of the minimum required rear yard.

Therefore, you are in violation of Par. 6 of Sect. 2-302 of the Fairfax County Zoning Ordinance which states:

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

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

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/

Latif Ali
Latif Najiba
August 28, 2009
Page 2

- Removing enough concrete coverage to the single family detached dwelling to bring the property into compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information you may wish to submit and a \$24450.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Failure to comply, with this notice, may result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1388 or (703) 324-1300.

Sincerely,



Laura E. Ferramosca
Property Maintenance / Zoning Inspector

LEF/

2-412 Permitted Extensions Into Minimum Required Yards

The features set forth in the following paragraphs may extend into minimum required yards as specified.

For lots in the PDH, PDC, PRC, PRM and PTC Districts, the minimum required yard shall be deemed to be one-half of the distance of the yard that has been established by the location of the principal structure on a lot. In other districts where minimum yard requirements are determined by a specified distance between buildings, the lot lines shall be established by a line located between the buildings drawn at the mid-point and perpendicular to the shortest line between them.

1. The following shall apply to any structure:
 - A. Cornices, canopies, awnings, eaves or other such similar features, all of which are at least ten (10) feet above finished ground level, may extend three (3) feet into any minimum required yard but not closer than two (2) feet to any lot line. This provision shall not apply to permanent canopies over gasoline pump islands which have supports located on the pump islands, provided that such canopies may extend into minimum required yards but shall not extend into any required transitional screening areas nor overhang travel lanes, service drives or sidewalks.
 - B. Sills, leaders, belt courses and other similar ornamental features may extend twelve (12) inches into any minimum required yard.
 - C. Open fire balconies, fire escapes, fire towers, uncovered stairs and stoops, air conditioners and heat pumps, none of which are more than ten (10) feet in width, may extend five (5) feet into any minimum required yard, but not closer than five (5) feet to any lot line.
 - D. Bay windows, oriels, and chimneys, none of which are more than ten (10) feet in width, may extend three (3) feet into any minimum required yard, but not closer than five (5) feet to any lot line.
 - E. Carports may extend five (5) feet into any minimum required side yard, but not closer than five (5) feet to any side lot line.
 - F. An accessibility improvement may extend into any minimum required yard.

2. The following shall apply to any deck attached to a single family detached dwelling:
 - A. Any open deck with no part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:
 - (1) Front yard: 6 feet, but not closer than 14 feet to a front lot line and not closer than 5 feet to any side lot line
 - (2) Side yard: 5 feet, but not closer than 5 feet to any side lot line
 - (3) Rear yard: 20 feet, but not closer than 5 feet to any side or rear lot line
 - 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 equal to the minimum required side yard to the side lot line
 - C. Any roofed deck with no 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 equal to the minimum required side yard to the side lot line
3. The following shall apply to any deck attached to a single family attached dwelling:

- A. Any open deck with no part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:
- (1) Front yard: No extension
 - (2) Side yard: 5 feet, but not closer than 5 feet to any side lot line
 - (3) Rear yard: To the rear lot line and from side lot line to side lot line, except on lots with a minimum required side yard, not closer than 5 feet to that side lot line
- B. Any open deck with any part of its floor higher than three (3) 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 the rear lot line. Notwithstanding the above, on lots with rear yards of 17 feet or less, a deck with a depth of 12 feet may be permitted, but not closer than 2 feet to the rear lot line, if such lot line abuts open space or an utility easement, not less than 10 feet in width. In addition, on lots with a minimum required side yard, not closer to that side lot line than a distance equal to such minimum required yard.
- C. Any roofed deck with no part of its floor higher than three (3) 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 the rear lot line, and on lots with a minimum required side yard, not closer to that side lot line than a distance equal to such minimum required yard

4. The following shall apply to any deck attached to a multiple family dwelling, commercial, industrial or institutional structure:
 - A. Any open or roofed deck, not more than ten (10) feet in width and with no part of its floor higher than three (3) feet above finished ground level, may extend six (6) feet into any minimum required yard.
 - B. Any open or roofed deck, not more than ten (10) feet in width with any part of its floor higher than three (3) feet above finished ground level, may extend three (3) feet into any minimum required yard.
5. The BZA may approve a special permit to modify the provisions of this Section, but only in accordance with the provisions of Sect. 8-922.

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.

18-401 Initiation

A property owner, tenant, government official, department, board, bureau or condominium, in accordance with the provisions of Sect. 2-518, may apply to the BZA for a variance of the strict application of the terms of this Ordinance; provided, however, application shall be made to the Board of Supervisors for a special exception pursuant to those provisions set forth in Part 6 of Article 9.

18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

- 1. That the subject property was acquired in good faith.
- 2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;

- C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property; or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
 4. That the strict application of this Ordinance would produce undue hardship.
 5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
 7. That authorization of the variance will not be of substantial detriment to adjacent property.
 8. That the character of the zoning district will not be changed by the granting of the variance.
 9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.