



APPLICATION ACCEPTED: August 2, 2010
DATE OF PUBLIC HEARING: October 6, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 29, 2010

STAFF REPORT
SPECIAL PERMIT APPLICATION NO. SP 2010-DR-046
DRAINSVILLE DISTRICT

APPLICANT/OWNER: Chanida V. Prasitboon
LOCATION: 7438 Patterson Road
SUBDIVISION: Pimmit Hill, Sec. 4
TAX MAP: 40-1((5))(H)4
LOT SIZE: 10,220 square feet
ZONING: R-4, HC
ZONING ORDINANCE PROVISION: 8-914
SPECIAL PERMIT PROPOSAL: To permit reduction to the minimum yard requirements based on errors in building locations to permit additions to remain 6.3 feet from one side lot line and 2.1 feet from other side lot line and roofed deck to remain 6.1 feet from side lot line.

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

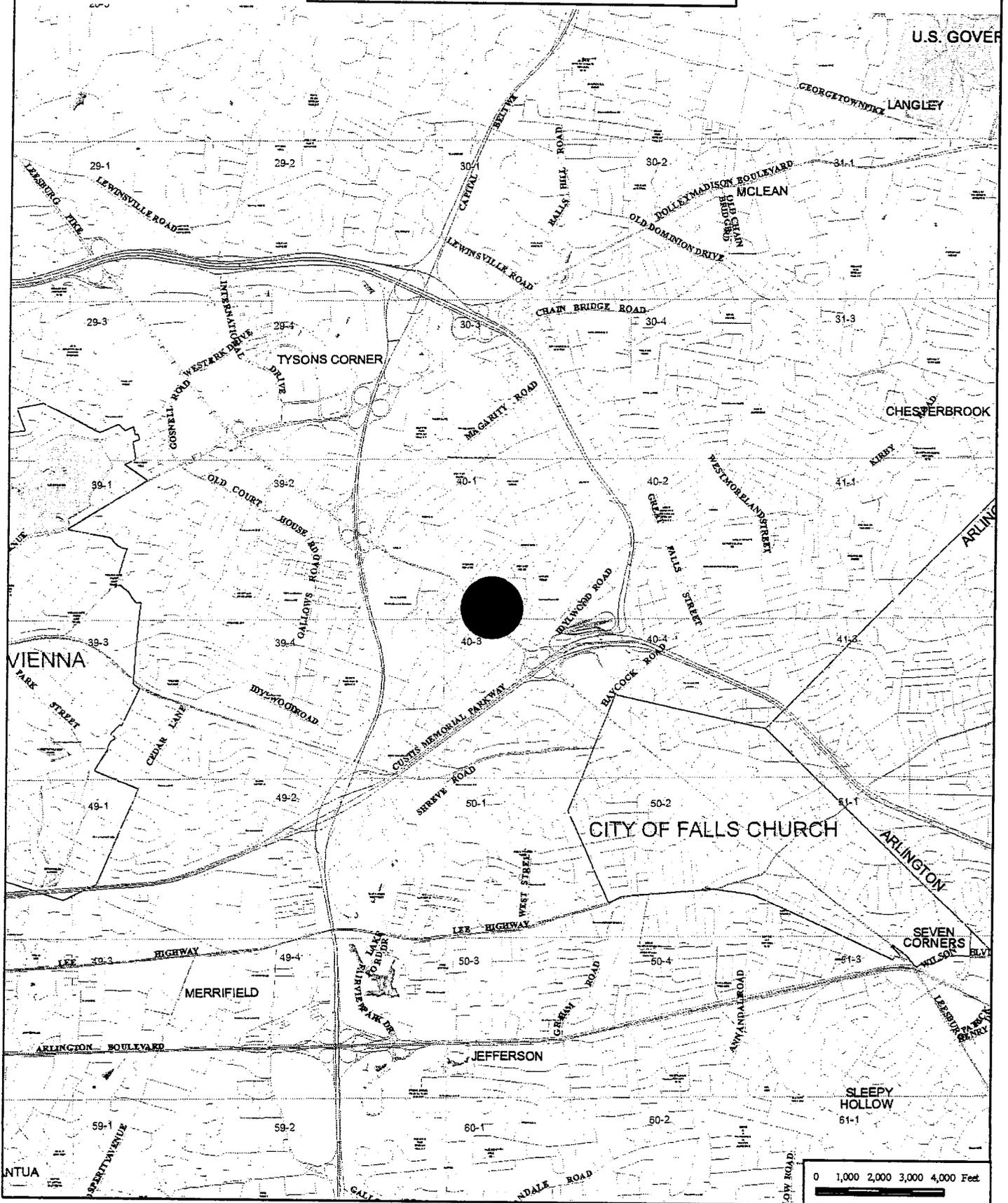
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

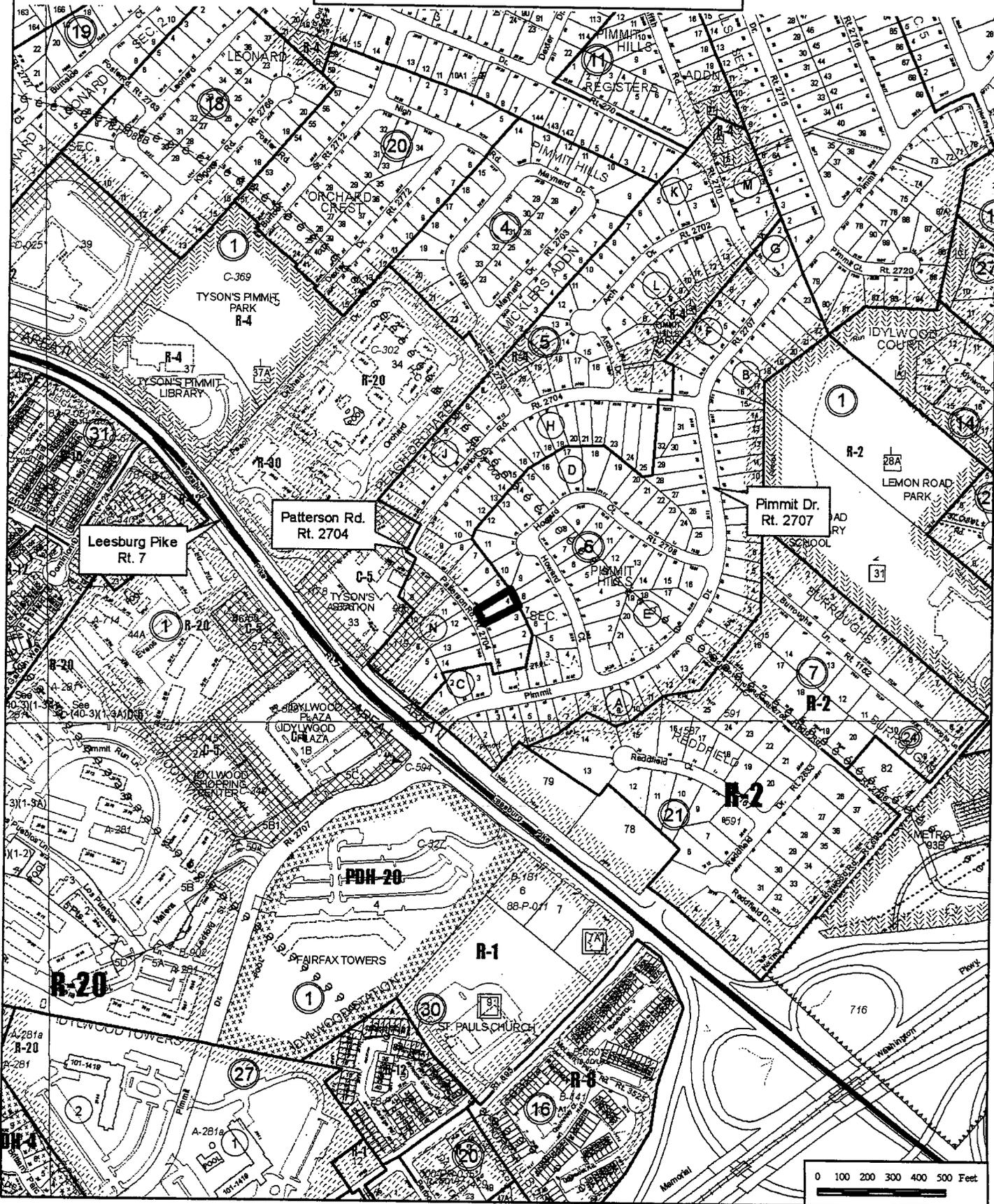


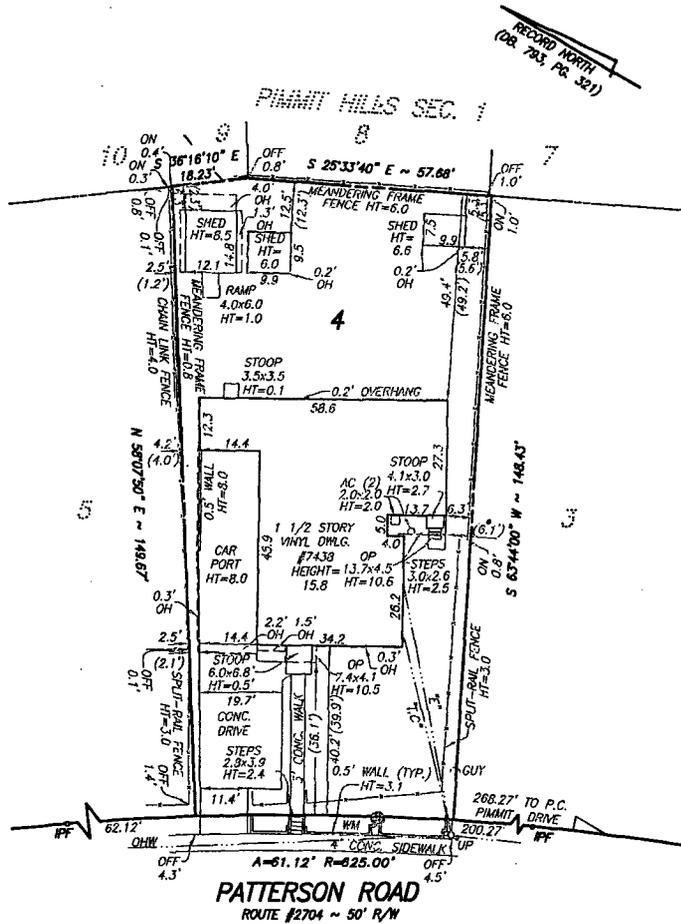
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2010-DR-046
CHANIDA V. PRASITBOON



Special Permit
SP 2010-DR-046
CHANIDA V. PRASITBOON





NOTES:

1. TAX MAP #040-105H-0004
2. ZONE: R-4
3. CLIENT: CARMON CONTRACTING CORP.
- OWNER: CHANIDA V. PRASITBOON
7438 PATTERSON ROAD,
FALLS CHURCH, VA 22043
DE. 19188, PG. 77
4. TOTAL SITE AREA:
10,246 SQ. FT. (COMPUTED)
10,220 SQ. FT. (RECORD)
5. EXISTING MAX. BUILDING HEIGHT = 15.8 FEET
MAXIMUM ALLOWED BUILDING HEIGHT = 35 FEET
6. REQUIRED SETBACKS PER R-4 ZONE:
FRONT = 30 FEET
SIDE = 10 FEET
REAR = 25 FEET
7. PROPERTY SERVED BY PUBLIC WATER AND SANITARY SEWER.
8. ALL EXISTING STRUCTURES TO REMAIN.
ORIGINAL CONSTRUCTION DATE = 1953
HOUSE ADDITION CONSTRUCTION DATE = 2005
9. PLAT SUBJECT TO RESTRICTIONS OF RECORD. NO TITLE REPORT FURNISHED.
10. THERE ARE NO MAJOR UTILITY EASEMENTS LOCATED ON THE PROPERTY. FURTHER, THERE ARE NO EASEMENTS 25' IN WIDTH OR GREATER ON THIS PROPERTY.
11. TIES TO BUILDING OVERHANGS SHOWN THUS - (OxX)



SPECIAL EXCEPTION PLAT
SHOWING
LOT 4, BLOCK H, SECTION 2
PIMMIT HILLS
(7438 PATTERSON ROAD)
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20' DATE: JULY 19, 2010

RCF FIELDS, JR. & ASSOCIATES
A PROFESSIONAL CORPORATION

● LAND SURVEYING ● SITE PLANNING ● SUBDIVISION DESIGN
730 S. Washington St. Alexandria, Virginia 22314 (703) 549-6422

FILE NO. 10-27
SHEET 1 OF 1

COMP.	TS
DRAWN	TS
CHECKED	RF

7438 Patterson Road
Falls Church VA 22043

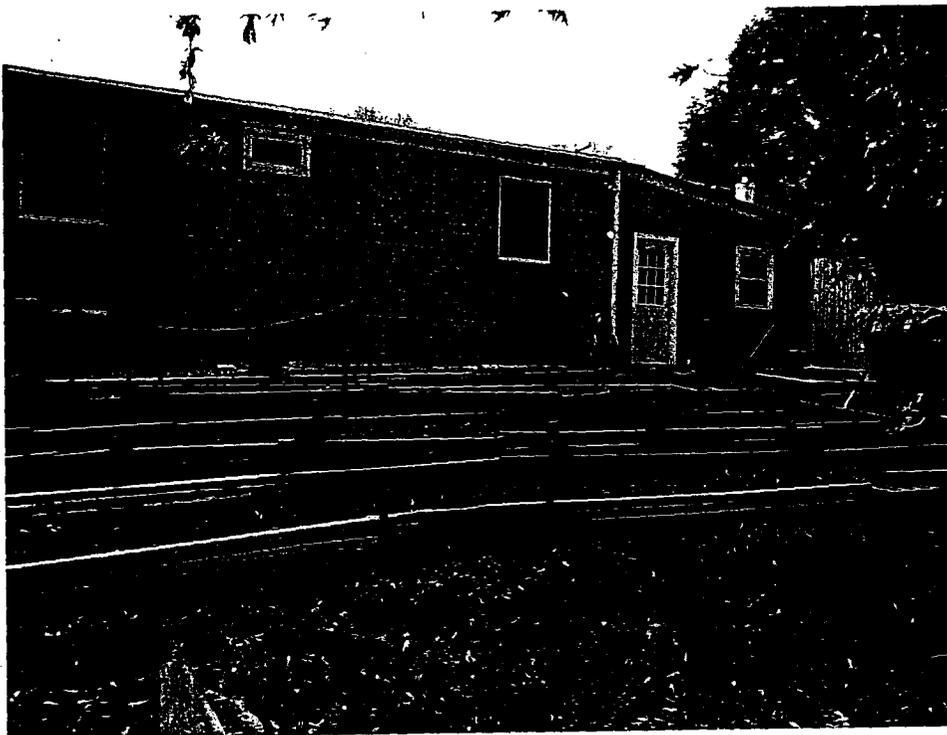
5/28/10

1).



From rear of backyard, from North view.

2).



From rear of backyard, NE corner view.

RECEIVED
Department of Planning & Zoning

JUN 08 2010

Zoning Evaluation Division

7438 Patterson Road
Falls Church VA 22043

5/28/10

3).



East side view of home. Privacy fence prohibited a facing view.

4).



From front yard SE corner view.

RECEIVED
Department of Planning & Zoning

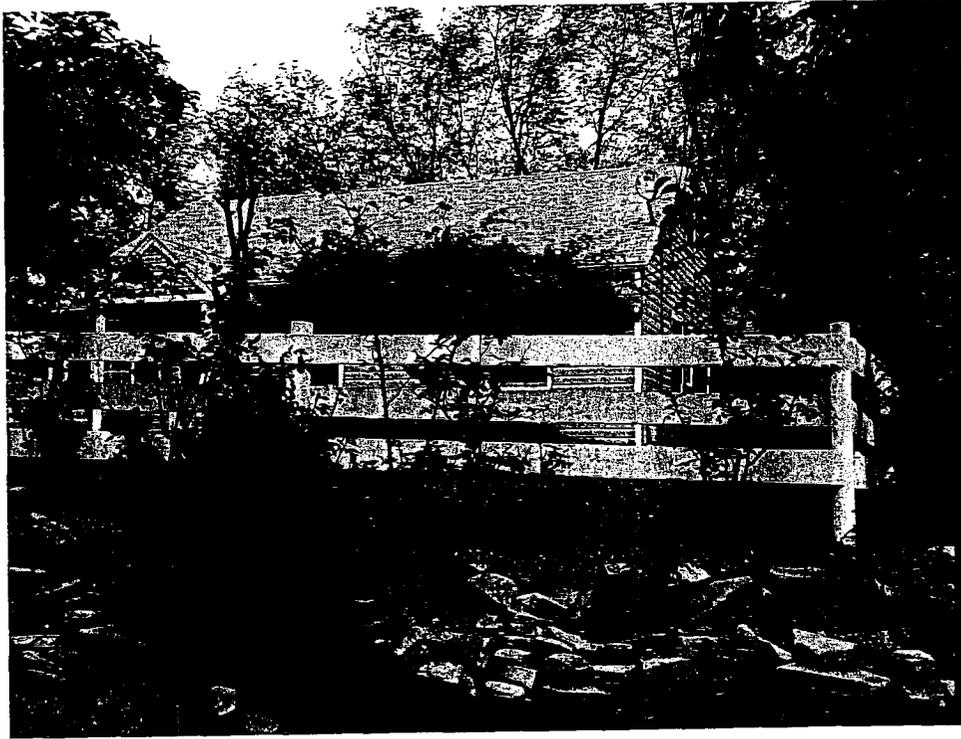
JUN 08 2010

Zoning Evaluation Division

7438 Patterson Road
Falls Church VA 22043

5/28/10

5).



From front of property South corner view

6).



From 7439 Patterson Rd front SW view.

7438 Patterson Road
Falls Church VA 22043

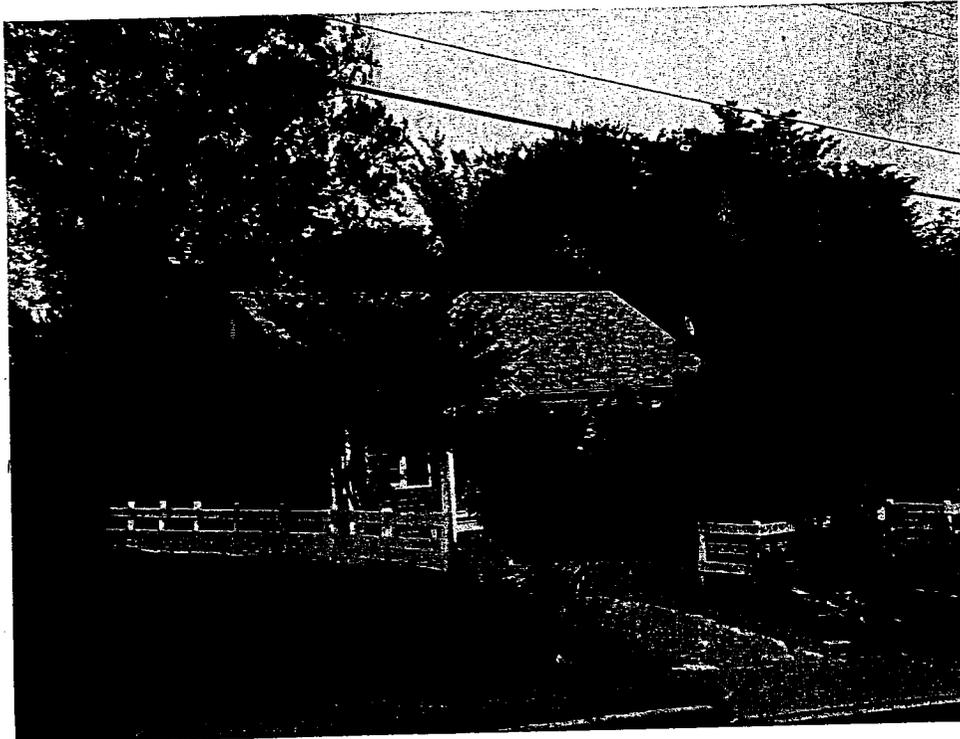
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7).



From front of property West view.

8).



From across street 7441 Patterson Rd. front West view.

7438 Patterson Road
Falls Church VA 22043

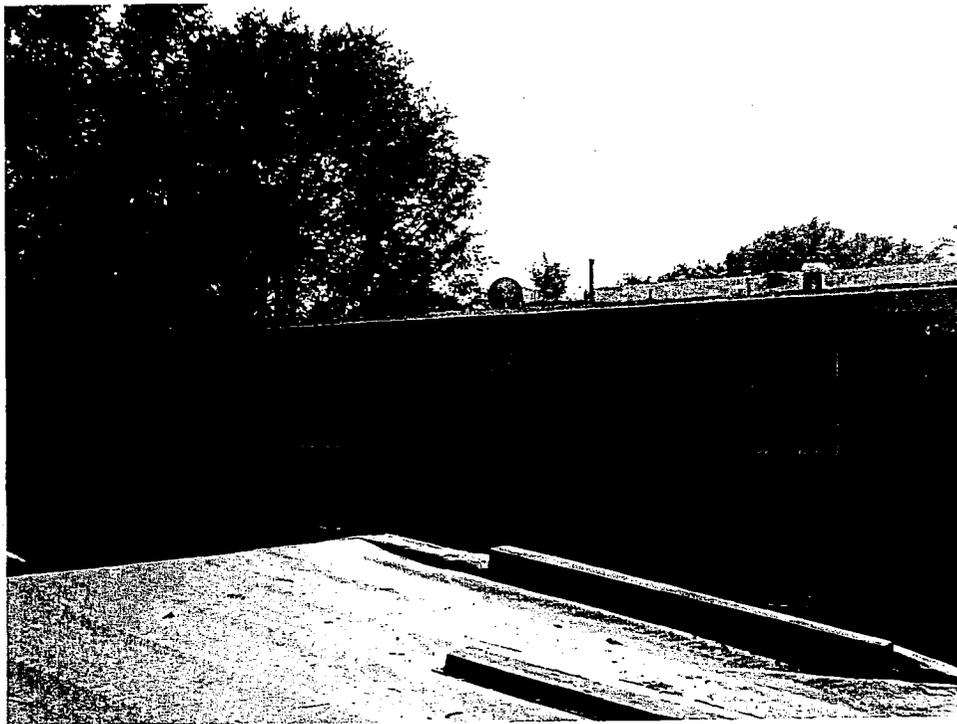
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9).



From front of property West side view, privacy fence prohibits facing view.

10).



From rear of property NW corner view.

**7438 Patterson Road
Falls Church VA 22043**

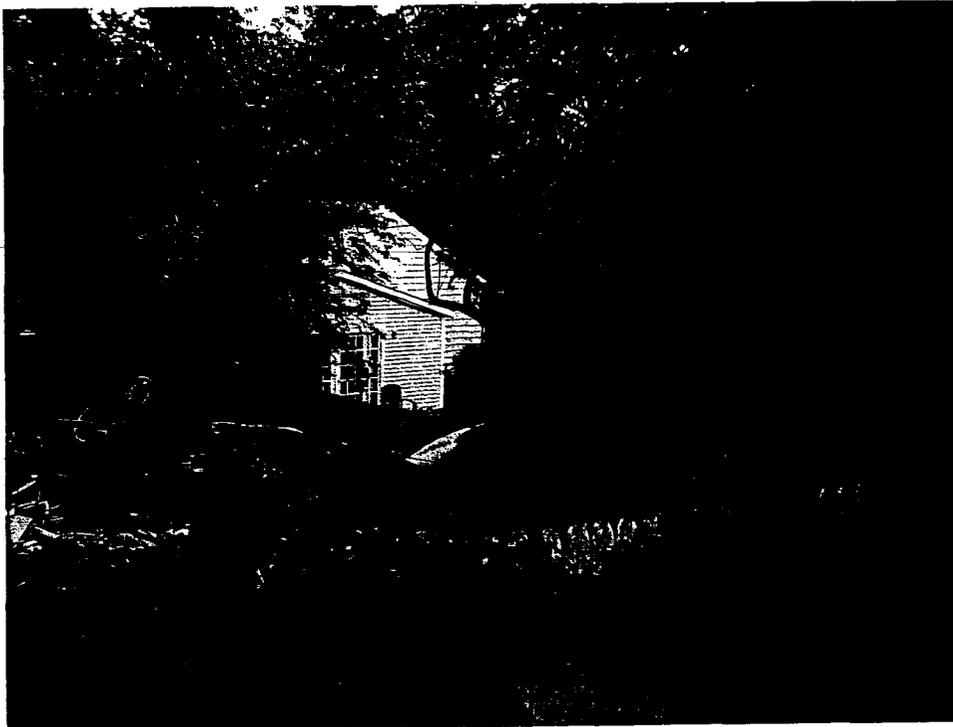
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11).



North facing view from rear of property, view of 7420 Howard St.

12).

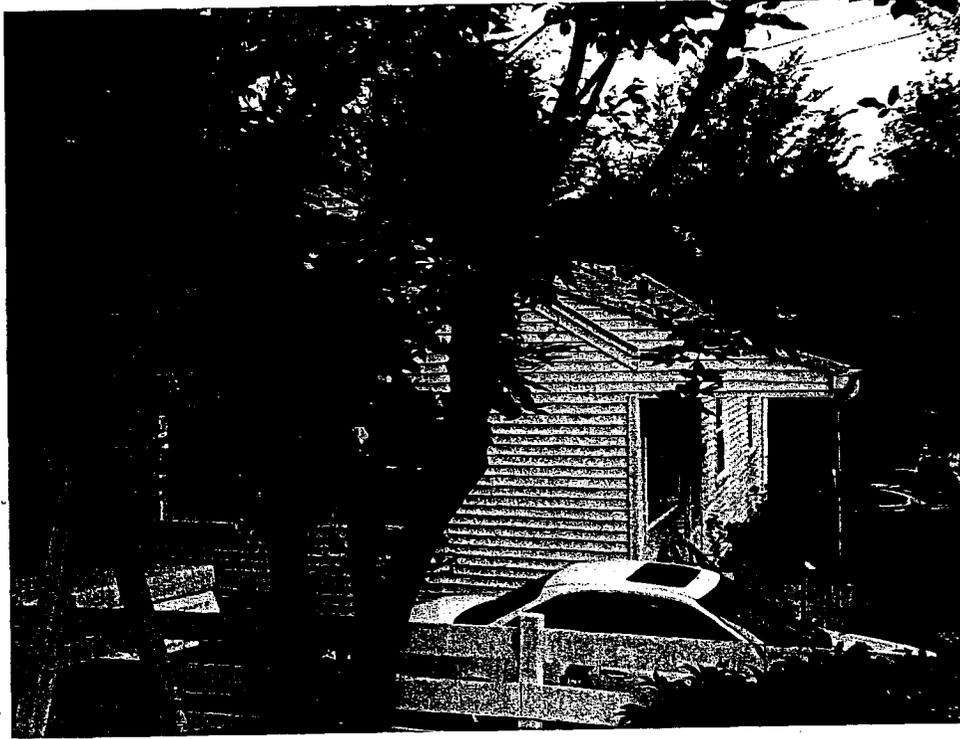


From NE rear corner of property, view of 7422 Howard St.

7438 Patterson Road
Falls Church VA 22043

5/28/10

13).



From East side of property, view of 7436 Patterson St.

14).



From SE/ South corner of property, view of 7435 Patterson St.

7438 Patterson Road
Falls Church VA 22043

5/28/10

15).



From SW front side of property, view of 7439 Patterson St.

16).



From West side of property, view of 7440 Patterson St.

7438 Patterson Road
Falls Church VA 22043

5/28/10

17).



From NW corner rear of property, view of 7418 Howard St.

18).

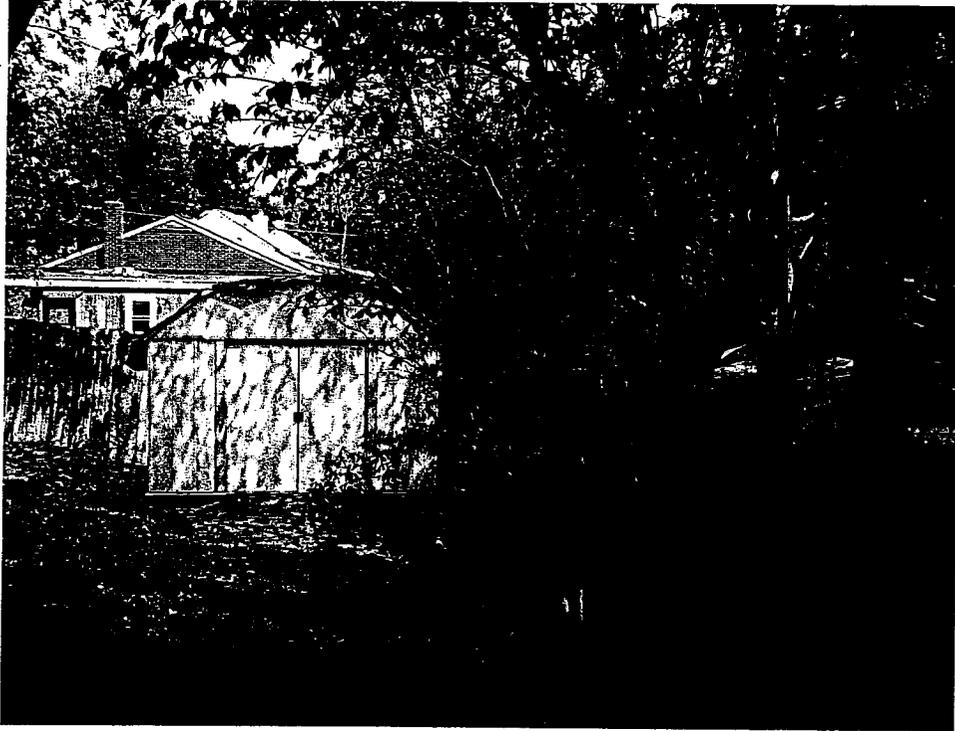


Shed structures located on NW corner of Property

7438 Patterson Road
Falls Church VA 22043

5/28/10

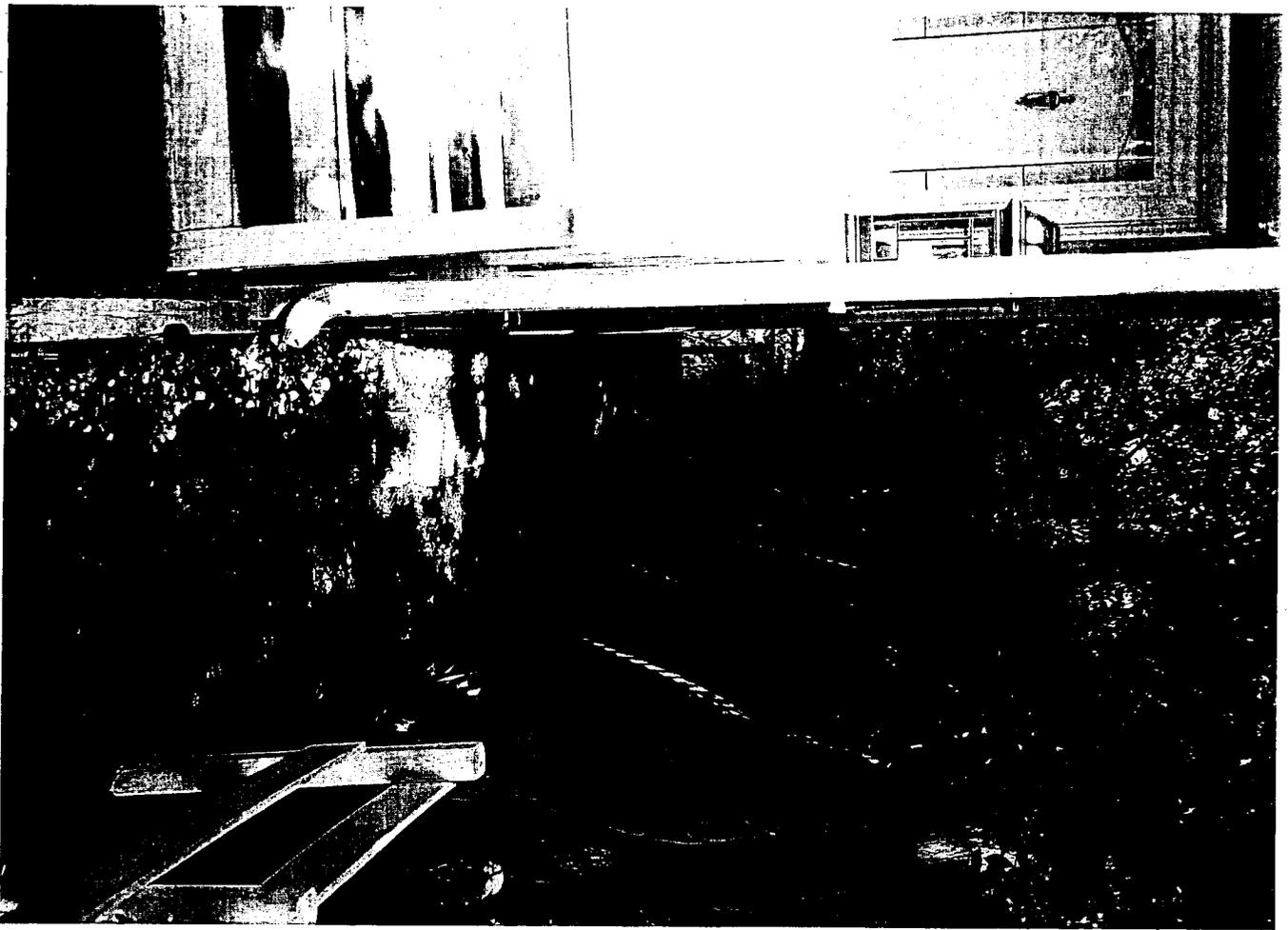
19).



Shed located on NE corner of property.

RECEIVED
Department of Planning & Zoning
JUN 08 2010
Zoning Evaluation Division





DESCRIPTION OF THE APPLICATION

To permit reduction to the minimum yard requirements based on errors in building locations to permit 1) addition to remain 6.3 feet from southern side lot line; 2) addition (partially enclosed carport) 2.1 feet from northern side lot line; and, 3) covered stoop to remain 6.1 feet from southern side lot line.

	Structure	Yard	Min. Yard Required	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Addition	South Side	10.0 feet	6.3 feet	3.7 feet	37%
Special Permit #2	Partially enclosed carport	North side	10.0 feet	2.1 feet	7.9 feet	79%
Special Permit #3	Covered stoop	South side	10.0	6.1 feet	3.9 feet	39%

* Minimum yard requirement per Sect. 3-407

ANALYSIS OF THE APPLICATION

- **Title of Plat:** Special Permit Plat Showing Lot 4, Block H, Pimmit Hills
- **Prepared by:** R.C. Fields, Jr. & Associates, P.C., dated July 19, 2010
- **Building Permits Required:** Yes
- **Obtained:** No
- **Errors Made by:** The current homeowner's husband and previous homeowner to the property.

CHARACTER OF THE AREA

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

BACKGROUND

Records indicate that the single story, brick and frame single family detached dwelling was constructed in 1953. The applicant purchased the property in 2007 and states that both the carport addition and house addition were constructed prior to applicant purchasing the property.

County records do not indicate that either a building permit was obtained, or that taxes have been paid on the additions, although the applicant states that it has existed for at least 15 years.

On February 25, 2010, the applicant was issued a Notice of Violation (NOV) and Corrective Work Order for the failure to obtain required building permits and required minimum inspections. The NOV is attached as Appendix 4.

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

ZONING ORDINANCE REQUIREMENTS (See Appendix 5)

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

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in appendix of this staff report.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notice of Violation dated January 21, 2010
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2010-DR-046

SEPTEMBER 29, 2010

1. Within six months of approval of this application, all applicable permits and final inspections shall be obtained for the additions as outlined in the staff report or they shall be removed or brought into compliance with Zoning Ordinance requirements.

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/13/10
(enter date affidavit is notarized)

I, CHANIDA V. PRASITBOON, 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 108951a

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)
Chanida V. Prasitboon	7538 Patterson Rd. Falls Church, VA 22043	Applicant/Title Owner
Carmon Contracting Corporation	7000 Coventry Rd Alexandria, VA 22306	Agent
Joseph O. Carmichael	7000 Coventry Rd Alexandria, VA 22306	Agent
Christopher J. Carmichael	7000 Coventry Rd Alexandria, VA 22306	Agent

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/13/10
(enter date affidavit is notarized)

10895/a

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

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

*Carmen Contracting Corporation
7000 Coventry Rd
Alexandria, VA 22306*

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)

*Joseph O. Carmichael
Thomas W. Monroe*

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/13/10
(enter date affidavit is notarized)

10895/a

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/13/10
(enter date affidavit is notarized)

10895/a

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

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

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

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

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

none

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/13/10
(enter date affidavit is notarized)

108951a

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 [Signature] [] Applicant's Authorized Agent

CHANIDA V. PRASITBOON
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 13th day of July 2010, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: Sept 30, 2011



7/26/10

Chanida Prastiboon
7438 Patterson Rd.
Falls Church, VA 22043

Re: Statement of Justification for error in building location (home)

Property Address:

7438 Patterson Rd.
Falls Church, VA 22043

Tax Map No. 040-1-05H-004

Zoning District: R-4, HC Overlay

Magisterial District: Dranesville

The proposed use of this property has and will continue to be for residential use by the current property owner.

The first addition structure extending the rear of the home was added during the 1st and 2nd Quarter of 1995. The ex-husband/previous home owner at the time was responsible for selected the General Contractor. A second smaller addition was added to the right side of the home between the 4th quarter of 2001 and 1st quarter of 2002 by the same General Contractor.

A). Yes, the error does exceed 10% of the measurements involved, which is the reason for filing the Special Permits Application.

B). No records of a contract between the home owner and the General Contractor responsible for the construction is available. The name of that General Contractor is unknown to current home owner and likely out of business. It was also assumed that the General Contractor took care of all necessary Building Permits for the project. Based on this information non compliance was done in good faith, and through no fault of the current property owner.

C). The reduction will not impair the purpose and intent of this Ordinance.

D). The existing structure as it stands is not detrimental to any use or enjoyment of other properties in the immediate vicinity.

E) The existing structure as it stands does not create an unsafe condition with respect to the other properties or public streets.

F). Based on the construction costs required to remove the two sides of the home and rebuild to reduce the structure's footprint and force compliance with the minimum yard requirements, would cause unreasonable financial hardship on the current property owner.

G). This reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Signed _____

Date _____



County of Fairfax, Virginia

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

LEGAL NOTICE NOTICE OF VIOLATION

SHERIFF'S LETTER

DATE OF ISSUANCE: February 25, 2010 **COMPLAINT #:** 200903028
SERVICE REQUEST#: 50655

LEGAL NOTICE ISSUED TO: Chanida V. Prasitboon

ADDRESS: 7438 Patterson Road
Falls Church, VA 22043

PROPERTY OWNER(S): Chanida V. Prasitboon

LOCATION OF VIOLATION: 7438 Patterson Road
Falls Church, VA 22043-1331

TAX MAP NUMBER: 0401 05H 0004

I inspected the above premises on October 29, 2009. A Corrective Work Order was issued on January 22, 2010. You are directed to complete the following:

Violation 1: FAILURE TO OBTAIN REQUIRED PERMIT

#1 An addition on the right rear of the dwelling and extending across the rear of the dwelling has been constructed at the above address. #2 The rear portion of the carport has been enclosed. All of this construction was completed without first obtaining the required permits. Because habitable space has been created, additional permits may be required to fully comply with this order. You are directed to obtain the required permits for the work already in progress or completed, or demolish the work entirely after first obtaining a permit to demolish. You may call or visit the permit application center for further details. The permit application center is located at 12055 Government Center Parkway, Suite 230, Fairfax, VA 22035. The phone number is 703 222-0801.

Virginia Uniform Statewide Building Code (VUSBC), 2006 edition, effective May 1, 2008. Section 108.1 states:

108.1 When applications are required. Application for a permit shall be made

Enhanced Code Enforcement Strike Team
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5500
Phone 703-324-1937

to the building official and a permit shall be obtained prior to the commencement of any of the following activities, except that applications for emergency construction, alterations or equipment replacement shall be submitted by the end of the first working day that follows the day such work commences. In addition, the building official may authorize work to commence pending the receipt of an application or the issuance of a permit.

1. Construction or demolition of a building or structure. Installations or alterations involving (i) the removal or addition of any wall, partition or portion thereof, (ii) any structural component, (iii) the repair or replacement of any required component of a fire or smoke rated assembly, (iv) the alteration of any required means of egress system, (v) water supply and distribution system, sanitary drainage system or vent system, (vi) electric wiring, (vii) fire protection system, mechanical systems or fuel supply systems or (viii) any equipment regulated by the USBC.

2. For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required under Section 103.3.

3. Movement of a lot line that increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed.

4. Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions.

Violation 2: FAILURE TO OBTAIN REQUIRED MINIMUM INSPECTIONS

#1 An addition on the right rear of the dwelling and extending across the rear of the dwelling has been constructed at the above address. #2 The rear portion of the carport has been enclosed. All of this construction was completed without obtaining the required minimum inspections. You are directed to schedule, obtain and successfully pass all required inspections for this work, after first obtaining the required permits.

Virginia Uniform Statewide Building Code (VUSBC), 2006 edition, effective May 1, 2008. Section 113.3 states:

113.3 Minimum inspections. The following minimum inspections shall be conducted by the building official when applicable to the construction or permit:

1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.

2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code.

3. Inspection of preparatory work prior to the placement of concrete.
4. Inspection of structural members and fasteners prior to concealment.
5. Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment.
6. Inspection of energy conservation material prior to concealment.
7. Final inspection.

NOTICE OF VIOLATION: Pursuant to the VUSBC, Section 115, Violations, 115.2, Notice of Violation, you are directed to correct these defects within twenty (20) days of receipt of this Notice of Violation. Failure to follow this order within the specified time may result in legal action under the applicable State and County codes.

RIGHT TO APPEAL THIS NOTICE: As provided by the VUSBC, Section 119.5, Right of Appeal, filing of appeal application, you have the right to appeal this decision to the Local Board of Building Code Appeals (LBBCA) within thirty (30) calendar days of receipt of this Notice. You may call the Secretary of the LBBCA at 703 324-1980 for more information about the appeals process.

Should you have any questions or need additional information about this Notice of Violation, please do not hesitate to contact the Code Enforcement Case Management staff at 703 324-1937 between the hours of 8:00 a.m. and 3:30 p.m. Monday through Friday.

LEGAL NOTICE ISSUED BY:
TITLE:

Francis Miller
Combination Inspector

SIGNATURE:

Frank Miller 2/25/10

SHERIFF'S LETTER



CEST Return Copy 11'E

County of Fairfax, Virginia

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

LEGAL NOTICE CORRECTIVE WORK ORDER

SHERIFF'S LETTER

DATE OF ISSUANCE: January 22, 2010 **COMPLAINT #:** 200903028
SERVICE REQUEST#: 50655

LEGAL NOTICE ISSUED TO: Chanida V. Prasitboon

ADDRESS: 2546 7438 Patterson Road
Falls Church, VA 22043

PROPERTY OWNER(S): Chanida V. Prasitboon

LOCATION OF VIOLATION: 7438 Patterson Road
Falls Church, VA 22043-1331

TAX MAP NUMBER: 0401 05H 0004

RECEIVED
2010 JAN 25 PM 1:56
OFFICE OF THE SHERIFF
FAIRFAX COUNTY, VA

I inspected the above premises on October 29, 2009, and observed the following:

Violation 1: FAILURE TO OBTAIN REQUIRED PERMIT

#1 An addition on the right rear of the dwelling and extending across the rear of the dwelling has been constructed at the above address. #2 The rear portion of the carport has been enclosed. All of this construction was completed without first obtaining the required permits. Because habitable space has been created, additional permits may be required to fully comply with this order. You are directed to obtain the required permits for the work already in progress or completed, or demolish the work entirely after first obtaining a permit to demolish. You may call or visit the permit application center for further details. The permit application center is located at 12055 Government Center Parkway, Suite 230, Fairfax, VA 22035. The phone number is 703 222-0801.

Virginia Uniform Statewide Building Code (VUSBC), 2006 edition, effective May 1, 2008. Section 108.1 states:

108.1 When applications are required. Application for a permit shall be made to the building official and a permit shall be obtained prior to the

Enhanced Code Enforcement Strike Team
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5500
Phone 703-324-1937

commencement of any of the following activities, except that applications for emergency construction, alterations or equipment replacement shall be submitted by the end of the first working day that follows the day such work commences. In addition, the building official may authorize work to commence pending the receipt of an application or the issuance of a permit.

1. Construction or demolition of a building or structure. Installations or alterations involving (i) the removal or addition of any wall, partition or portion thereof, (ii) any structural component, (iii) the repair or replacement of any required component of a fire or smoke rated assembly, (iv) the alteration of any required means of egress system, (v) water supply and distribution system, sanitary drainage system or vent system, (vi) electric wiring, (vii) fire protection system, mechanical systems or fuel supply systems or (viii) any equipment regulated by the USBC.
2. For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required under Section 103.3.
3. Movement of a lot line that increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed.
4. Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions.

Violation 2: FAILURE TO OBTAIN REQUIRED MINIMUM INSPECTIONS

#1 An addition on the right rear of the dwelling and extending across the rear of the dwelling has been constructed at the above address. #2 The rear portion of the carport has been enclosed. All of this construction was completed without obtaining the required minimum inspections. You are directed to schedule, obtain and successfully pass all required inspections for this work, after first obtaining the required permits.

Virginia Uniform Statewide Building Code (VUSBC), 2006 edition, effective May 1, 2008. Section 113.3 states:

113.3 Minimum inspections. The following minimum inspections shall be conducted by the building official when applicable to the construction or permit:

1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.
2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code.
3. Inspection of preparatory work prior to the placement of concrete.

4. Inspection of structural members and fasteners prior to concealment.
5. Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment.
6. Inspection of energy conservation material prior to concealment.
7. Final inspection.

CORRECTIVE WORK ORDER: Pursuant to the VUSBC, Section 115, Violations, 115.2, Notice of Violation, you are directed to correct these defects within twenty (20) days of receipt of this Corrective Work Order. Failure to follow this order within the specified time may result in the issuance of a Notice of Violation under the applicable State and County codes.

RIGHT TO APPEAL THIS NOTICE: As provided by the VUSBC, Section 119.5, Right of Appeal, filing of appeal application, you have the right to appeal this decision to the Local Board of Building Code Appeals (LBBCA) within thirty (30) calendar days of receipt of this Notice. You may call the Secretary of the LBBCA at 703 324-1980 for more information about the appeals process.

Should you have any questions or need additional information about this Corrective Work Order, please do not hesitate to contact the Code Enforcement Case Management staff at 703 324-1937 between the hours of 8:00 a.m. and 3:30 p.m. Monday through Friday.

LEGAL NOTICE ISSUED BY:

Francis Miller

TITLE:

Combination Inspector

SIGNATURE:

Francis Miller 1/22/10

SHERIFF'S LETTER

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.