



APPLICATION ACCEPTED: January 6, 2011  
BOARD OF ZONING APPEALS: March 16, 2011  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

March 9, 2011

## STAFF REPORT

VARIANCE APPLICATION NO. VC 2011-MV-002

### MOUNT VERNON DISTRICT

**APPLICANT:** Michael L. McKeon

**OWNERS:** Michael J. McKeon  
Maureen N. McKeon

**SUBDIVISION:** Wellington

**STREET ADDRESS:** 7824 West Boulevard Drive

**TAX MAP REFERENCE:** 102-2 ((17)) 67

**LOT SIZE:** 29,630 square feet

**ZONING DISTRICT:** R-2

**ZONING ORDINANCE PROVISION:** 10-104

**VARIANCE PROPOSAL:** To permit an accessory structure to remain in a front yard of a through lot containing 36,000 square feet or less.

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.

O:\dhedri\Variance\3-16) McKeon VC 2011-MV-002\VC 2011-MV-002 McKeon staff report.doc Deborah Hedrick

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.**

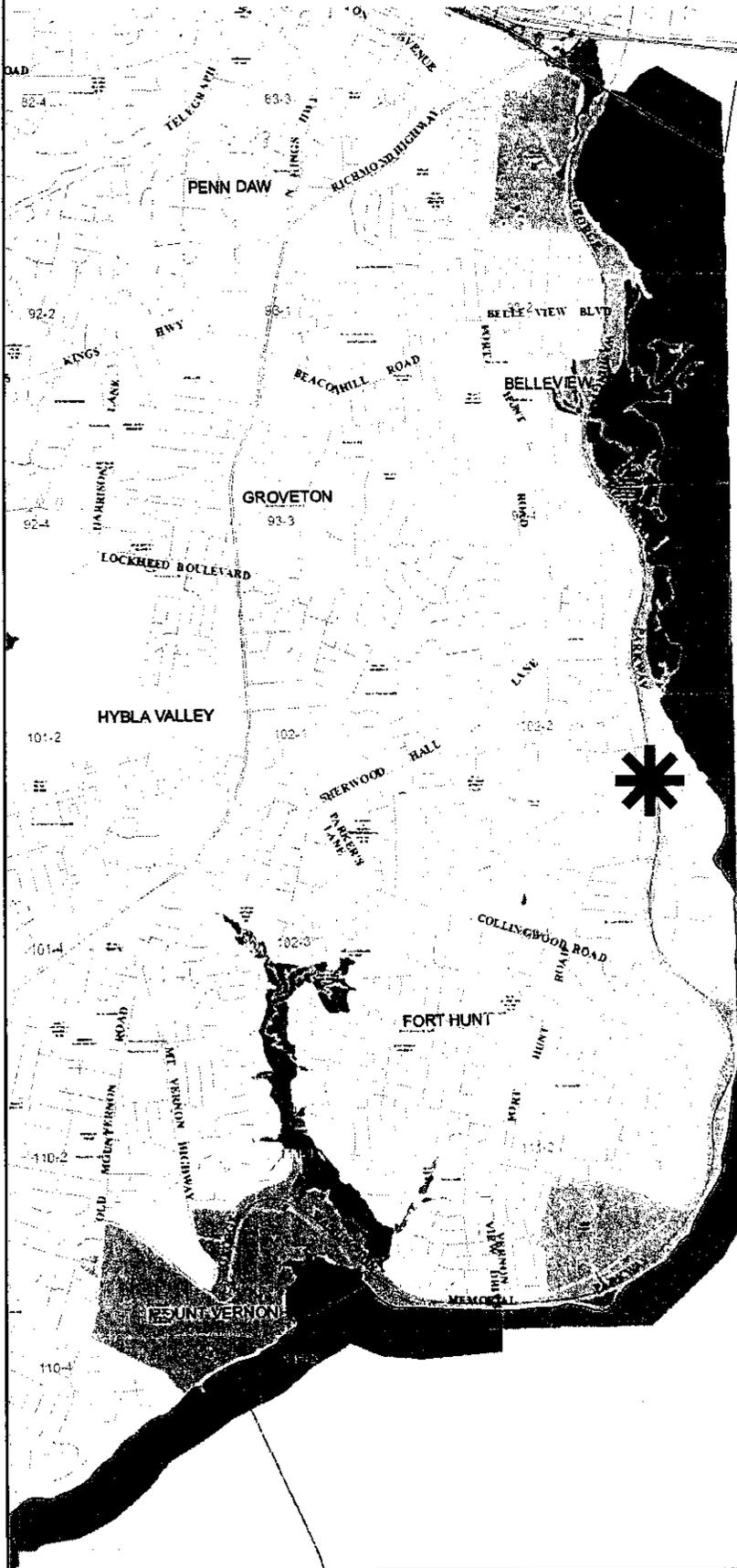


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Variance Application

VC 2011-MV-002

MICHAEL J MCKEON



0 1,000 2,000 3,000 4,000 Feet

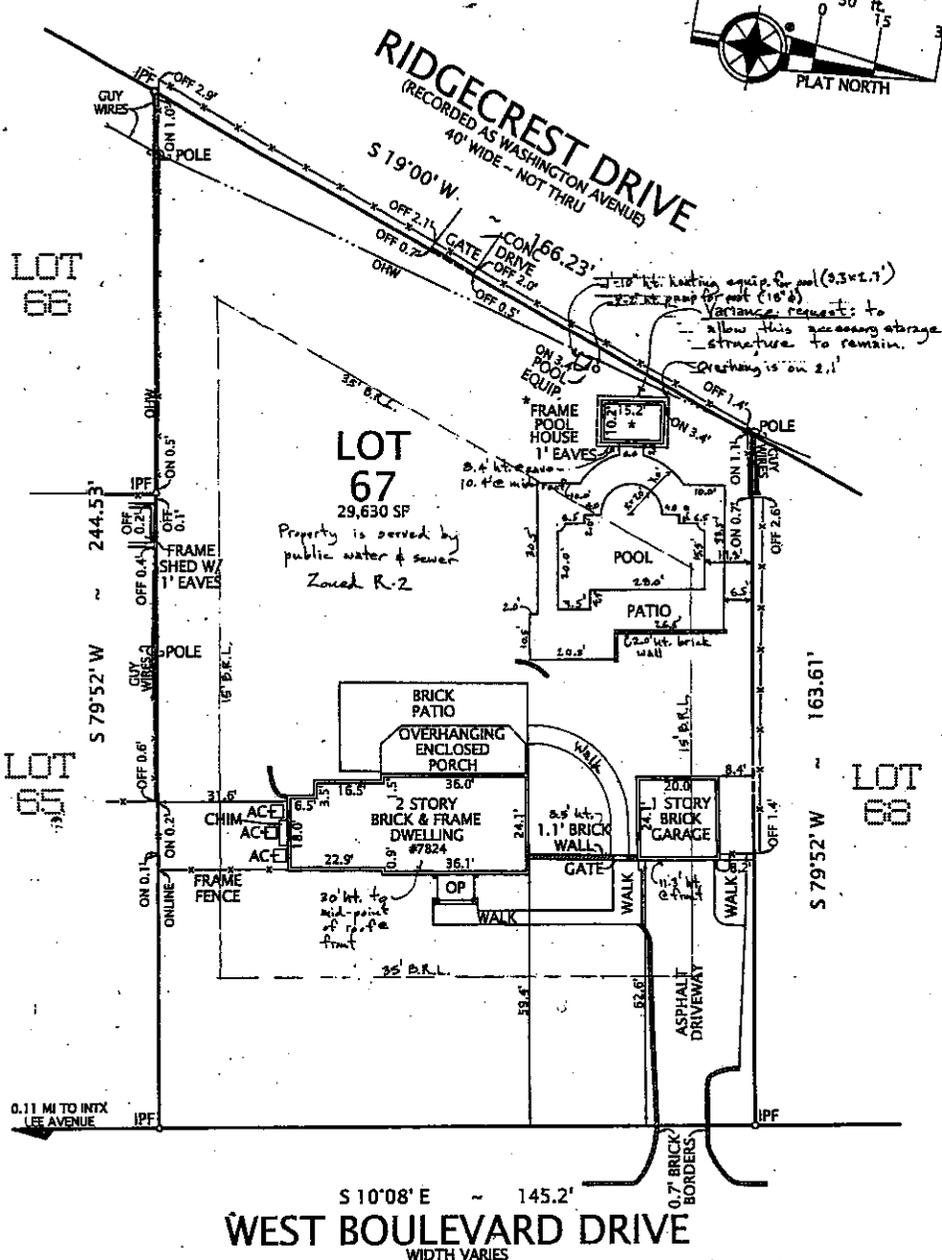
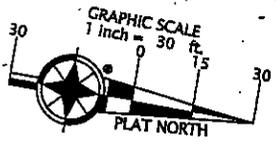
# Variance Application

VC 2011-MV-002

MICHAEL J MCKEON

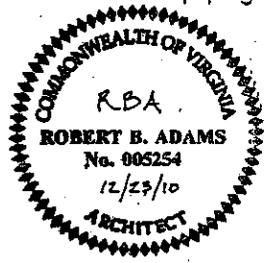


NOTES: 1. FENCES ARE STOCKADE UNLESS NOTED.  
 2. RETAINING WALLS ARE 0.7' BLOCK.



Note: there are no utility easements on this property.

VARIANCE  
 PLAT  
 SHOWING HOUSE LOCATION ON  
 LOT 67, SECTION 2  
 OF A RESURVEY OF PART OF SECTION NO. 2  
**WELLINGTON**  
 (DEED BOOK Y-12, PAGE 353)  
 FAIRFAX COUNTY, VIRGINIA  
 MOUNT VERNON DISTRICT  
 SCALE: 1" = 30'      SEPTEMBER 10, 2010



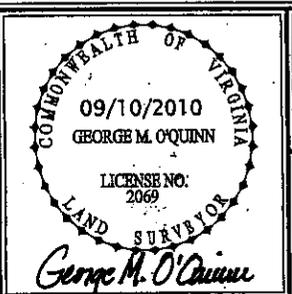
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 JAN 04 2011  
 Zoning Evaluation Division

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:  
 McKEON  
 ROBERT BENTLEY ADAMS & ASSOCIATES, P.C.

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



(Exst) Front of subject property from West Boulevard Drive

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Zoning Evaluation Division

7824 West Boulevard Drive  
Alexandria, VA 22314  
102-2 17 0067



*Front of garage from West Boulevard Drive*

**7824 West Boulevard Drive  
Alexandria, VA 22314  
102-2 17 0067**



West side of house (garage at far left).

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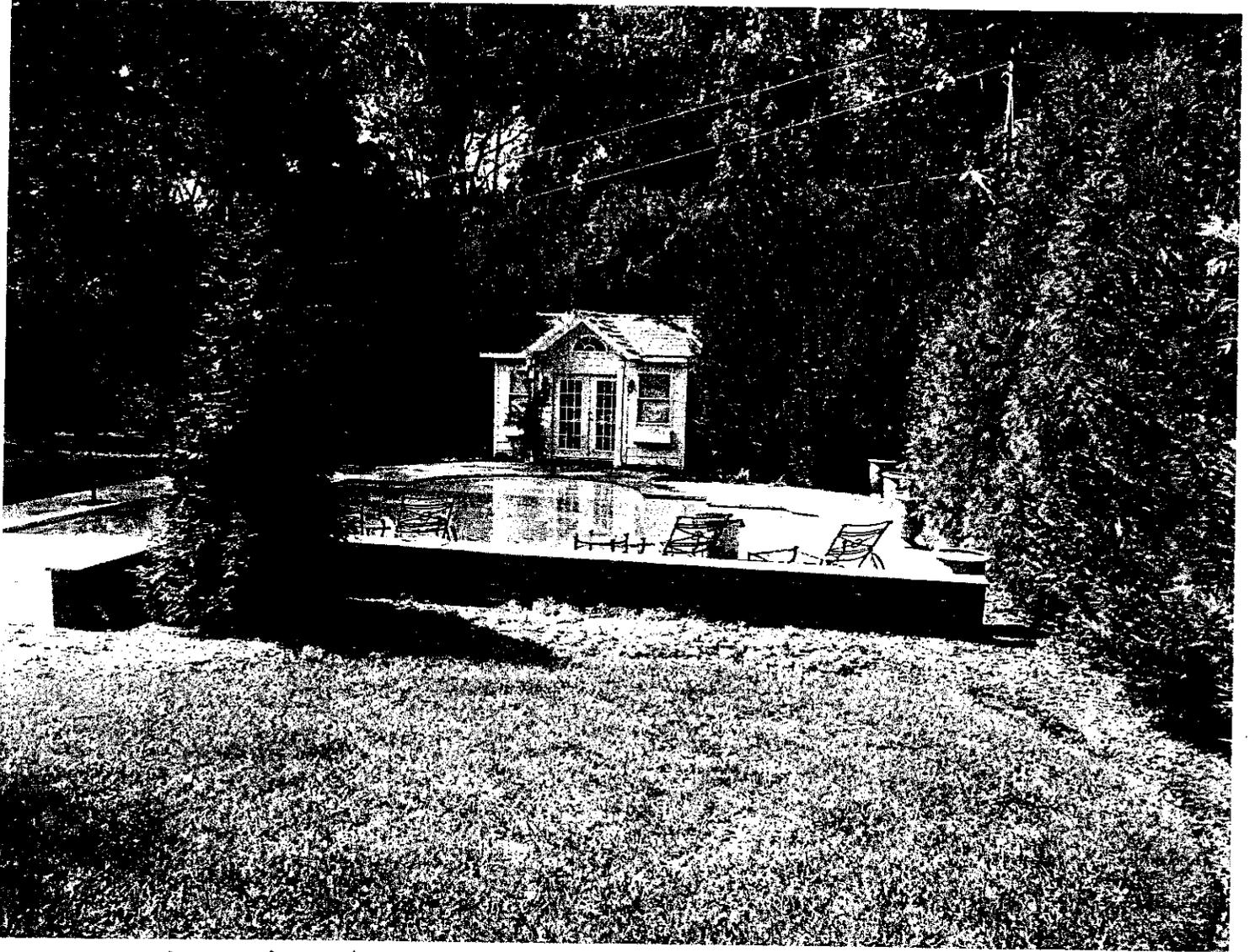
7824 West Boulevard Drive  
Alexandria, VA 22314  
102-2 17 0067



View of garage & brick wall - looking east.

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Alexandria, VA 22314  
102-2 17 0067



View of pool and accessory storage structure

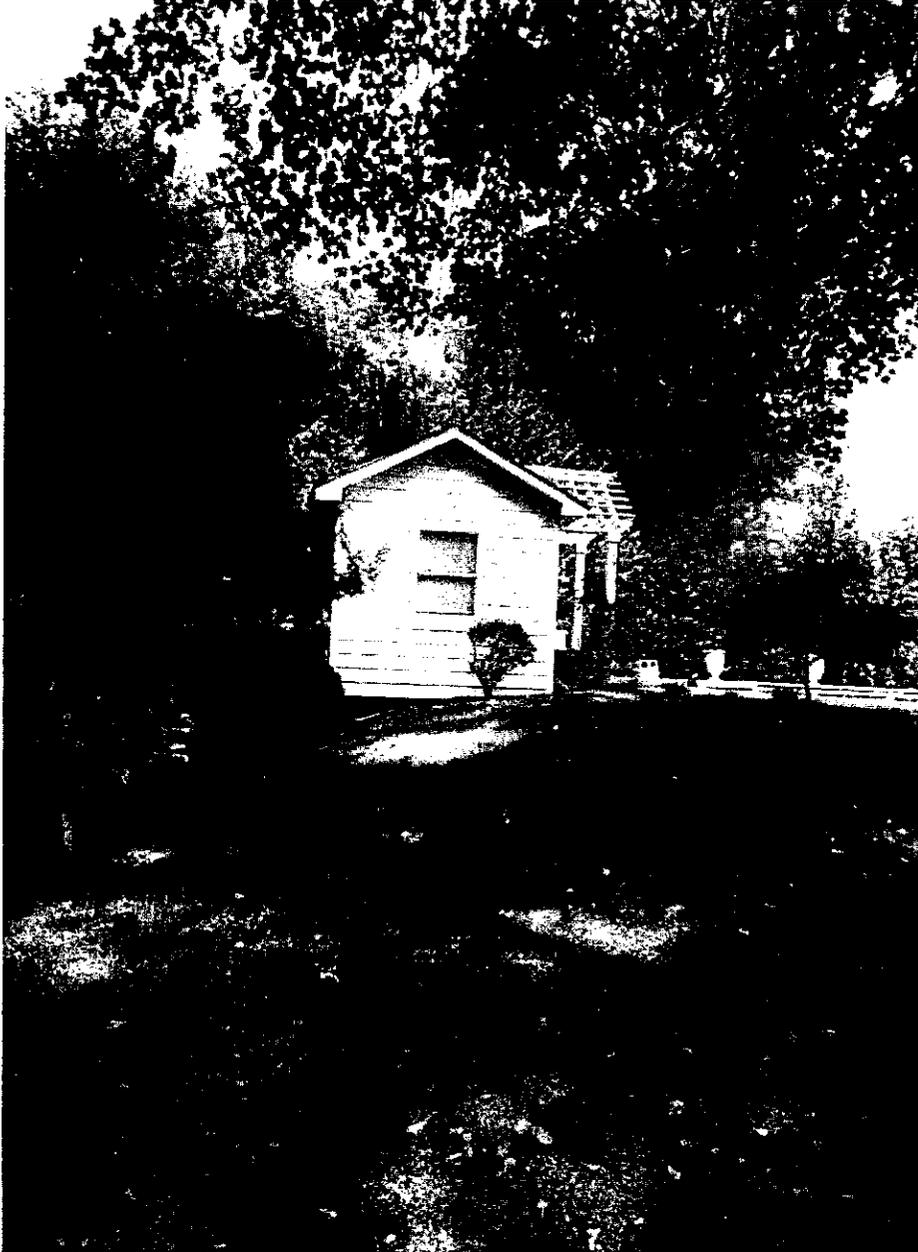
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*Yard, shed, & pool looking north (garage rear at far right).*

**7824 West Boulevard Drive  
Alexandria, VA 22314  
102-2 17 0067**



*View of accessory storage structure - looking north*

**7824 West Boulevard Drive**

**Alexandria, VA 22314**

**102-2 17 0067**

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7824 West  
Boulevard Drive  
Alexandria, VA  
22314  
102-2 17 0067



Fence, trees, and accessory storage structure along Ridgecrest Drive.



Fence, planting, & shed along Ridgecrest Dr. - looking west.

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*Fence & Planting along north property line.*

**7824 West Boulevard Drive  
Alexandria, VA 22314  
102-2 17 0067**



Fence & planting along south property line

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102-2 17 0067



*Fence, planting, & neighbor's shed at lot 65 - along south property line.*

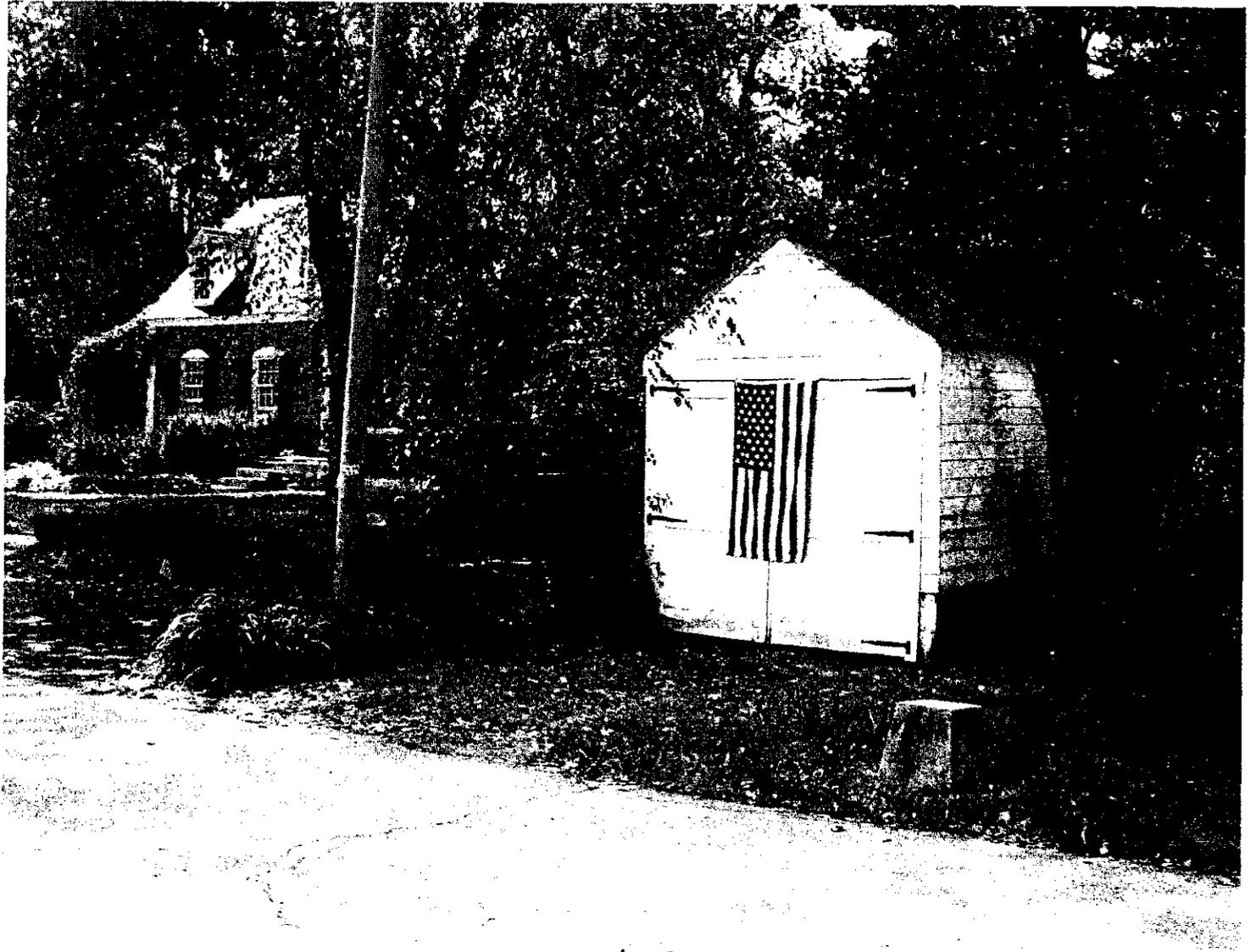
**7824 West Boulevard Drive  
Alexandria, VA 22314  
102-2 17 0067**

7824 West  
Boulevard Drive  
Alexandria, VA  
22314  
102-2 17 0067



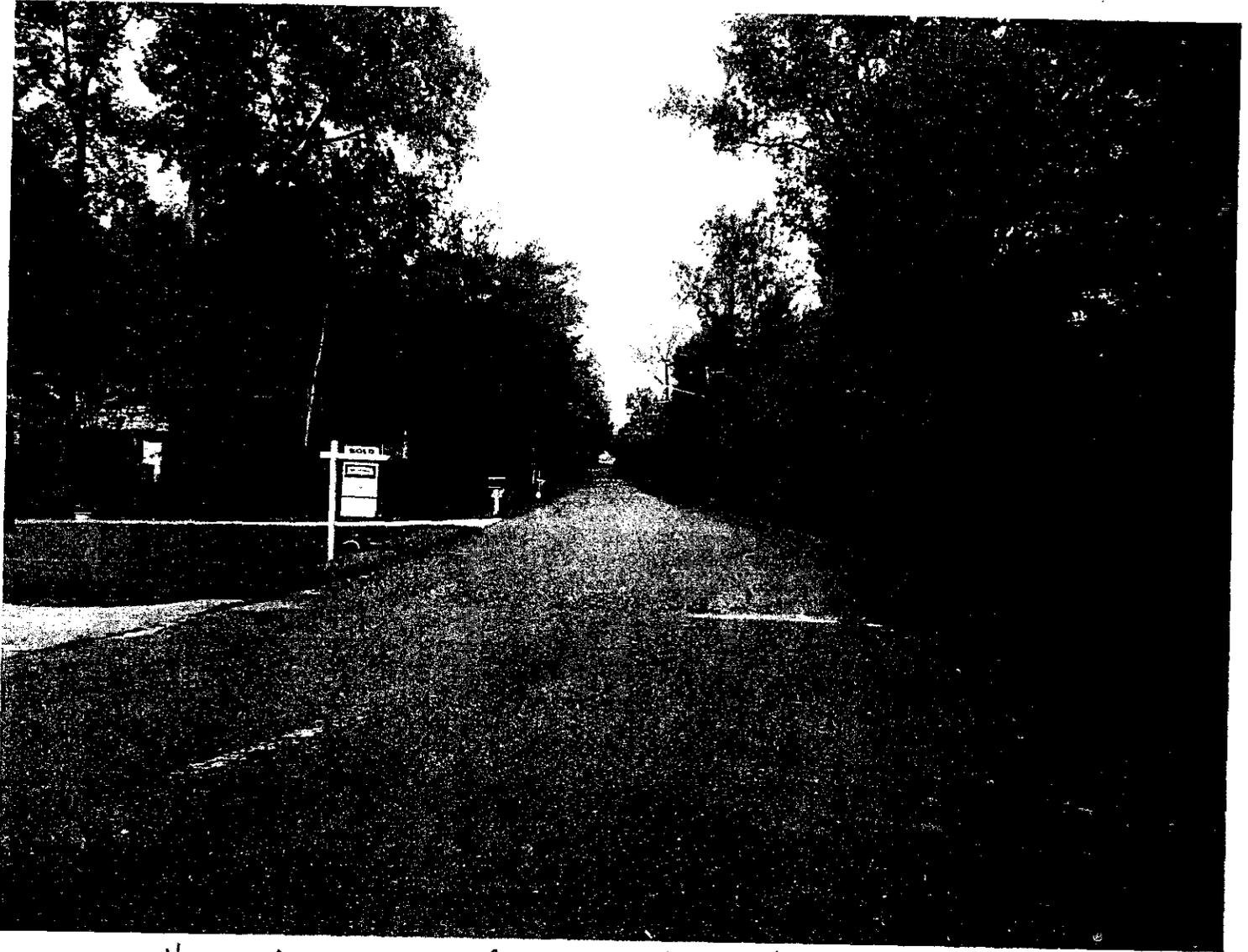
7800 Block of West Boulevard Dr, ~ Looking South

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Zoning Evaluation Division



*Garage at Lot 71 very close to West Boulevard Dr.*

**7824 West Boulevard Drive  
Alexandria, VA 22314  
102-2 17 0067**



View of 7800 Block of Ridgecrest Dr. ~ looking north  
-note ditch & thick foliage along east side of Ridgecrest

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Alexandria, VA 22314  
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Houses on Ridgecrest Drive are mostly facing culdesacs.

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**7824 West Boulevard Drive  
Alexandria, VA 22314  
102-2 17 0067**



Dead end of Ridgecrest Drive ~ subject property is at left.

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Alexandria, VA 22314  
102-2 17 0067**



View of "offending" shed from Ridgecrest Drive.

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Dead end of Ridgecrest, looking east at gate to subject property.

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102-2 17 0067



Looking south beyond Ridgecrest dead end.

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7824 West  
Boulevard Drive  
Alexandria, VA  
22314  
102-2 17 0067



*Creek flowing south just beyond the dead end.*

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NOV 08 2010  
Zoning Evaluation Division



House at Lot 84A on Ridgecrest Drive (across from subject property)

**7824 West Boulevard Drive  
Alexandria, VA 22314  
102-2 17 0067**



Shed located behind house at lot 63 - Viewed from Lee Ave.  
Note: there is a swimming pool behind the fence at right.

**7824 West Boulevard Drive  
Alexandria, VA 22314  
102-2 17 0067**

7824 West  
Boulevard Drive  
Alexandria, VA  
22314  
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View of one of two sheds at Lot 73 near R adjacent to Ridgemoor Dr.

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Zoning Evaluation Division



View of lot 71 from Ridgecrest Dr.  
Lane of view through lots on the West Boulevard block.

**7824 West Boulevard Drive  
Alexandria, VA 22314  
102-2 17 0067**



View of Lot 70 (another thru-lot) from Ridgecrest Dr.

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7824 West Boulevard Drive  
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View of brick barbecue and terrace at Lot 70 from Ridgecrest Dr.

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**7824 West Boulevard Drive  
Alexandria, VA 22314  
102-2 17 0067**

7824 West  
Boulevard Drive  
Alexandria, VA  
22314  
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View of shed at Lot 69 from Ridgecrest Dr.

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NOV 08 2010  
Zoning Enforcement Division



## DESCRIPTION OF THE APPLICATION

The applicant is requesting a variance to permit an existing accessory structure, depicted as a frame pool house on the plat, to remain in a front yard of a through lot containing 36,000 square feet or less. Section 10-104, Par. 12-C, of the Zoning Ordinance states that no accessory structure or use, except a statue, basketball standard or flagpole, shall be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less.

## EXISTING SITE DESCRIPTION

The site is currently zoned R-2, and contains a two-story, brick and frame, single family detached dwelling built in 1939 with several additions constructed by building permit. An enclosed porch and brick patio are located along the rear of the dwelling. The lot is accessed via an asphalt driveway which terminates at an existing one-story detached garage, located to the east of the dwelling, which was constructed in 1943 by building permit, located 8.0 feet from the side lot line. A pool with associated decking and pool house are located to the rear of the dwelling, facing Ridgecrest Drive, on this through lot. The lot consists of 29,630 square feet and is well manicured with mature trees and shrubs.

## CHARACTER OF THE AREA

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-2	Single family detached dwellings
<b>South</b>	R-2	Single family detached dwellings
<b>East</b>	R-2	Single family detached dwellings
<b>West</b>	R-2	Single family detached dwellings

## BACKGROUND

As indicated in the statement of justification, the applicant applied for a building permit to make alternations and improvements to their dwelling and detached garage. The applicant was advised by the County in a letter dated June 4, 2010, that their lot is a through lot, and has two front yards. No accessory structures are permitted in a front yard of a lot containing 36,000 square feet or less. Since the applicant applied for and received an approved building permit in 2004 for construction of a pool in the front yard, it has been determined, under Section 15.2-2307 of the Code of Virginia, that the swimming pool can remain; however, the accessory structure was not depicted on the permit and therefore was is not permitted.

Additionally, although the applicant indicates a building permit was not required for the pool shed, the size of the structure is 15.2 feet x 10.2 feet, which measures 155.04 square feet; therefore, since the size of the structure exceeds 150 square feet, a building permit is required and a development condition has been included to address this issue. A copy of the building permit history for the property is attached as Appendix 4.

Following the adoption of the current Ordinance, the BZA has heard the following similar variance in the vicinity of the application parcel:

- Variance VC 98-V-110 was approved on February 3, 1999 for Tax Map 102-2 ((17)) 63, zoned R-2, at 7910 West Boulevard Drive, to permit construction of accessory structure 14.7 feet from a front lot line on a lot containing less than 36,000 square feet and fence exceeding 4 feet in height to remain in front yard.

#### **VARIANCE PLAT (Copy at front of staff report)**

- **Title of Plat:** Variance Plat Showing House Location on Lot 67, Section 2, of a Resurvey of Part of Section No. 2, Wellington
- **Prepared by:** Dominion Surveyors Inc.
- **Dated:** September 10, 2010 as sealed and signed by Robert B. Adams, Architect, dated December 23, 2010

#### **ZONING ORDINANCE REQUIREMENTS**

This variance application must satisfy all of the nine (9) enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance, which would afford relief as set forth in Sect. 18-405. A copy of these provisions is included as Appendix 5.

#### **CONCLUSION**

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

**APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit History
5. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**VC 2011-MV-002**

**March 9, 2011**

1. This variance is approved for the size and location of an accessory structure, "Frame Pool House", as shown on the plat prepared by Dominion Surveyors, Inc., dated September 10, 2010, sealed and signed by Robert B. Adams, December 23, 2010, as submitted with this application and is not transferable to other land.
2. All applicable building permits and final inspections shall be obtained for the 155.04 square foot accessory structure, "Frame Pool House", within 180 days of approval of this special permit.

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): \_\_\_\_\_  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: DECEMBER 15, 2010  
 (enter date affidavit is notarized)

I, SCOT MCBROOM, 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 110375a

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Michael J. McKeen	7824 WEST BOULEVARD DR. ALEXANDRIA, VA 22308	<b>APPLICANT/TITLE OWNER</b>
MAUREEN N. McKEEN	7824 WEST BOULEVARD DR. ALEXANDRIA, VA 22308	<b>APPLICANT/TITLE OWNER</b>
SCOT MCBROOM	405 S. WASHINGTON ST. ALEXANDRIA VA 22314	<b>AGENT</b>
ROBERT BENTLEY ADAMS & ASSOCIATES, P.C.	405 S. WASHINGTON ST. ALEXANDRIA, VA 22314	<b>AGENT</b>

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: DECEMBER 15 2010  
(enter date affidavit is notarized)

110375a

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)

ROBERT BENTLEY ADAMS & ASSOCIATES, P.C.  
105 S. WASHINGTON ST.  
ALEXANDRIA, VA 22314

**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)

ROBERT BENTLEY ADAMS  
SUSANNE W ADAMS

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: DECEMBER 15, 2010  
(enter date affidavit is notarized)

110375a

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

**PARTNERSHIP INFORMATION**

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

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

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

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

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

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: DECEMBER 15 2010  
(enter date affidavit is notarized)

110375a

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: DECEMBER 15, 2010  
(enter date affidavit is notarized)

110375a

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

S. M. Broom  
Sect C. M. Broom  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15<sup>th</sup> day of DECEMBER 2010, in the State/Comm. of VIRGINIA, County/City of ALEXANDRIA.

[Signature]  
Notary Public

My commission expires: Embossed Hereon is My Commonwealth of Virginia Notary Public Seal My Commission Expires November 30, 2011  
CANDACE WITHERS BEANE

NP07001190

November 5, 2010

**Statement of Zoning Ordinance Standards for a Variance for  
7824 West Boulevard Drive, Alexandria, VA**

The applicants are applying for a variance to allow an existing accessory storage structure to remain at its present location in the perceived "rear yard" of the property.

Background: The applicants have applied for a building permit to make alterations and improvements to their 81 year old home and 50 year old garage located at 7824 West Boulevard Drive, Alexandria, VA. (102-2 17 0067). They were advised for the first time by the County in a letter dated June 4, 2010 that because their lot faces on West Boulevard Drive and terminates in the rear on Ridgecrest Drive (by definition a through-lot), they, in effect, have two front yards and no rear yard, and therefore, an accessory storage structure located at the rear of the property is in violation of the zoning requirements. The County refused to issue a building permit for the house and garage alterations. While the homeowner disputed the basis for denial of the building permit (see letter dated June 28, 2010 attached hereto), we were told that no such permit would issue until the accessory storage structure is either removed or granted a variance to remain at its current location.

Accordingly, we respectfully request a variance be granted to allow the existing accessory storage structure to remain in place. Evidence as to how the request for a variance meets the nine Zoning Ordinance Standards for a Variance (effective date August 14, 1978) is as follows:

***1. That the subject property was acquired in good faith.***

- The property was acquired in good faith in 2003 by the present owners, Michael and Maureen McKeon. The McKeons previously lived in Old Town Alexandria and purchased the subject property for the sole reason of installing a pool; the McKeons met with Maryland Pools shortly after purchasing the home in 2003 and immediately entered into a construction contract for installation of a pool just a few months later.
- Despite substantial improvements to the property made since the installation of the pool (including a library and master bedroom addition) as reflected in properly issued County permits, the County never indicated that the rear yard was actually a "front yard" and never noted that the pool and pool shed were situated on the property in violation of County ordinances.
- The first time the McKeons were made aware that their rear yard was actually considered by the County to be a front yard was by letter from the County dated June 4, 2010. That letter approved the McKeons' request to make repairs to the garage, but indicated that no permit would be issued for such repairs until the pool shed was torn down (even though the garage repairs had nothing to do with the pool shed and no County employee had previously raised an issue with the pool or pool shed).

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Zoning Evaluation Division

**2. That the subject property has at least one of the following characteristics:**

***F. An extraordinary situation or condition of the subject property***

- The owners have recently been advised by Fairfax County that their “rear” yard is actually a second front yard.
- There are eight other through-lot properties in this block of West Boulevard Drive and the prevailing use pattern of all these lots is to treat the part of the property fronting onto Ridgecrest Drive as a rear yard (e.g. fences, accessory structures, thick vegetation along the property lines, rear patios and barbeques.) The owners of the subject property had no reason to consider their rear yard to be a “front” yard.
- In 2004, the owners, through a professional pool company, applied for and received a building permit to build a swimming pool in the “rear yard” of the property. Once the pool was constructed, the owners had the pool company build an accessory storage structure adjacent to the pool to be used to store pool accessories. No permit was required because the storage structure is 150 square feet in size.
- The subject property backs onto Ridgecrest Drive, which dead-ends about halfway along the rear property line. There is a drainage culvert along the owners’ side of Ridgecrest Drive that empties into a creek where the street ends.

***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 practical the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.***

- The situation of the subject property is unique in that Fairfax County granted a building permit for a swimming pool in a “front” yard. The offending shed is integral in function to the allowed pool. The allowed pool reinforced the owners understanding that their property has a rear yard.
- The through-lot nature of lot 67 appears to be unique to lot 67 and the other eight properties on this block of Ridgecrest Drive. Note too that nearly all of these lots had homes built on them many years before homes were built on the lots on Ridgecrest Drive behind the West Boulevard Drive homes.

***4. That the strict application of this Ordinance would produce undue hardship.***

- The owners built a custom-designed shed in 2004 thinking it was their right (not realizing the “frontness” of their rear yard). In light of the unique layout of the property, there is no other place to locate the shed other than where it is currently located in the “rear yard” and, even if another location were available on the property, the shed is a custom built structure and it would cost significant sums to rebuild the shed.
- The variance process has delayed by many months the owners’ ability to obtain a building permit to make necessary repairs to the garage. For example, the garage roof is collapsing and the garage doors are falling apart which not only presents an unsightly structure for the neighborhood, but also presents an unsafe situation (including falling glass shards from the garage door windows). Immediate repair is necessary.
- The strict application of this Ordinance greatly restricts the development of this through-lot to accommodate traditional rear yard functions such as accessory storage

structures, swimming pools, and privacy fences. If the ordinance were to be strictly applied, only 800 square feet of the 29,630 square foot lot would be considered side yard and eligible for functions limited to a side or rear yard. Over half the lot, approximately 14,500 square feet, functionally thought to be rear yard, would now be considered front yard, after seventy years of functional use as a rear yard.

***5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.***

- Most residential lots in the neighborhood enjoy a rear yard that accommodates accessory storage structures, privacy fences, or recreational facilities such as sports courts or swimming pools. Rear yards serve a different functional and social purpose than front yards and should be allowed to be developed regardless if on through-lots as long as no impediment to street traffic results (as could be argued for corner lots.)

***6. A. That the strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or***

- The through-lot status of the subject property effectively prohibits and unreasonably restricts the use of its functional “rear yard” for private enjoyment of swimming and the necessary close-proximity storage of pool accessories.

***6. B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.***

- The granting of this variance will allow the existing accessory storage structure to remain in place. The structure, when erected, was thought by the owners and the contractor to be within their right to build and to be compliant with zoning requirements.
- The storage structure contributes to the privacy and quiet enjoyment of the owners’ use of the swimming pool.
- Indeed, had the pool not been approved by the County in light of its location in a “front yard,” the owners would have immediately sold the property in favor of another lot in which construction of a pool would have been indisputably permitted. Now, having constructed the pool and making other very costly improvements to the property, it would be fundamentally unfair to disallow the full and natural use of the pool, which has been approved, and associated shed (which is a necessary feature for storage of pool supplies and accessories).

***7. That authorization of the variance will not be of substantial detriment to adjacent property.***

- The authorization of this variance will not cause any detriment to adjacent properties. The “offending” storage structure has been in place for more than six years without objection from neighbors. The shed is so screened by dense planting that the neighbors may be unaware of its presence.
- The shed does not affect any of the neighboring properties by restricting light or air.

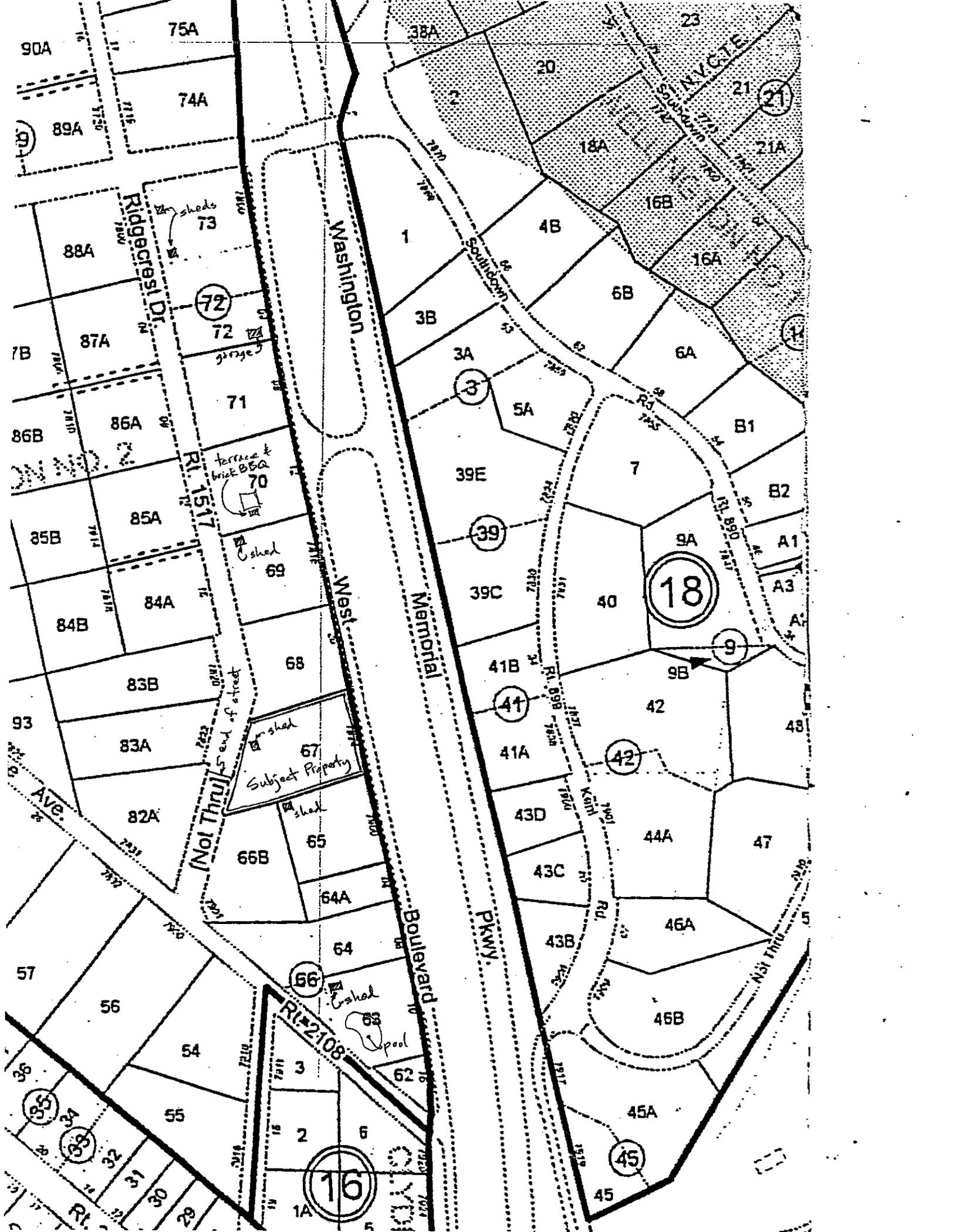
***8. That the character of the zoning district will not be changed by the granting of the variance.***

- The granting of the variance will be in keeping with the actual practice of the neighborhood. All the through-lots backing onto Ridgecrest Drive treat their “second front yards” as rear yards. Three of the other eight lots have similarly placed accessory storage sheds. Several others have privacy fences and high, thick screening vegetation. One other property has a swimming pool.

***9. That the variance will be in harmony with the intended spirit and purpose of the Ordinance and will not be contrary to the public interest.***

- Granting a variance to allow the existing accessory storage shed to remain in place will respect the intended spirit of the Ordinance and will not be contrary to the public interest.
- The storage structure is largely screened by an existing fence and dense vegetation and is not noticeable from Ridgecrest Drive.
- The storage structure does not impede any traffic visibility on Ridgecrest Drive. The passable portion of the street dead-ends about 40 feet beyond the storage shed.
- The structure does not block light or air on any adjacent properties.

As can be seen on review of the through-lot regulations, a double front yard greatly restricts accommodation of accessory structures such as pools and sheds. Certainly for the through-lots on this block, traffic visibility is not an issue (which may be an issue for corner lots) and all the owners treat their “second front” yards as rear yards. In this block, at least, the 1978 Ordinance ensuring that yards adjacent to streets remain unencumbered unduly restricts the development and enjoyable use of “second fronts” as rear yards.



90A  
75A  
74A  
89A

Ridgecrest Dr.  
sheds 73  
garage 72

Washington

Memorial

West

Boulevard

Ave.

Not Thru

PKWY.

Not Thru

Subject Property

shed

shed

shed

pool

16

18

41

42

45

56

72

70

68

66B

54

55

56

3B

3A

39E

39C

41B

41A

43D

43C

43B

46A

46B

45A

45

4B

6B

5A

7

40

9A

9B

42

44A

47

46A

46B

45A

45

6B

6A

B1

B2

A1

A3

A2

9A

9B

46A

46B

45A

45

16B

16A

7

B1

B2

A1

A3

A2

9A

9B

46A

46B

45A

45

23

21

21A

18A

16B

16A

7

B1

B2

A1

A3

A2

9A

9B

46A

46B

45A

45

38A

20

18A

4B

6B

5A

7

40

9A

9B

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44A

47

46A

46B

45A

45

20

18A

4B

6B

5A

7

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9A

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21A

18A

16B

16A

7

B1

B2

A1

A3

A2

9A

9B

46A

46B

45A

45

23

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21A

18A

16B

16A

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B1

B2

A1

A3

A2

9A

9B

46A

46B

45A

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23

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21A

18A

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16A

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B1

B2

A1

A3

A2

9A

9B

46A

46B

45A

45

23

21

21A

18A

16B

16A

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B1

B2

A1

A3

A2

9A

9B

46A

46B

45A

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23

21

21A

18A

16B

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9B

46A

46B

45A

45



# County of Fairfax, Virginia

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

August 3, 2010

Mr. Michael J. McKeon  
7824 West Boulevard Drive  
Alexandria, VA 22308

Re: Use Determination Letter of June 4, 2010

Dear Mr. McKeon:

This is in response to your letter with photographs dated June 28, 2010, which was in response to our letter dated June 4, 2010. In our letter we had determined that repairs to an existing garage on your lot were permitted pursuant to Par. 1 of Section 15-101 of the Zoning Ordinance, that your property is deemed a through lot, that a swimming pool built in the front yard adjacent to Ridgecrest Drive can remain under § 15.2-2307 of the *Code of Virginia*, but that an 8 by 16 foot (pool) shed located in the front yard adjacent to Ridgecrest Drive would need to be brought into compliance with the location regulations of the Zoning Ordinance before repairs to the garage could take place.

As stated in your June 28, 2010 letter, it is your position that you have only one front yard facing Boulevard Drive, and that the yard facing Ridgecrest Drive, since it is contiguous to only a portion of the western side of your property, does not create an additional front yard and therefore does not render your property to be a through lot. The Zoning Ordinance defines front yard and through lot, in pertinent part, as follows:

**YARD, FRONT:** A yard extending across the full width of a lot and lying between the front lot line and the principal building. On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same.

**LOT, THROUGH:** An interior lot, but not a corner lot, abutting on two (2) or more public streets, but not including an alley.

In addition, the Zoning Ordinance defines public street as follows:

**STREET, PUBLIC:** A platted street, dedicated for the use of the general public, graded and paved in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted.

Mr. Michael J. McKeon  
August 3, 2010  
Page 2

Ridgecrest Drive is a paved public street that abuts the western side of your property (which is shown on the enclosed tax map). A through lot, as defined under the Zoning Ordinance, does not require that the paved public road be present along the entire width of the lot. It simply states that a through lot abuts two or more public streets. This is consistent with previous interpretations, which have stated that even a second street frontage across only a corner of a lot is still considered a through lot. The definition of through lot was adopted with the 1978 Zoning Ordinance to ensure that yards adjacent to streets remain unencumbered and open. In addition, both Boulevard Drive and Ridgecrest Drive are contiguous to your lot line. Par. 7 of Sect. 20-200 of the Zoning Ordinance defines contiguous as 'touching and sharing a common line.' Since both Boulevard Drive and Ridgecrest Drive touch the lot line for the referenced property, your property is deemed a through lot. Further, a through lot, by definition, has two front yards, and under the Zoning Ordinance provisions, a front yard is a yard that extends across the entire width of a lot. Contrary to your claim, it is the front yard, as defined, which extends the full width of the lot, rather than the paved public street.

You also state in your letter that no Building Permit was sought for the pool shed because of the low square footage of the structure. Although a Building Permit is not required, accessory structures are regulated under Sect. 10-104 of the Zoning Ordinance. Paragraph 10B of Sect. 10-104 stipulates that an accessory storage structure shall not be located in any front yard on any lot containing less than 36,000 square feet. Since your lot is less than 36,000 square feet, the location of the pool shed is not in compliance with the Zoning Ordinance provisions. In addition, you state that the issue of the pool shed is not related to the garage repairs. Since a building permit was issued and final inspection approvals were obtained for the pool and related improvements as shown on the approved grading plan, Section 15.2-2307 of the *Code of Virginia* affords you the right to retain the pool and related improvements delineated on the grading plan. The pool shed, however, was not part of these approvals, as it was not shown on the approved grading plan for the pool improvements. Therefore, the Zoning Ordinance provisions are applicable to the pool shed. Par. 1 of Sect. 18-603 of the Zoning Ordinance stipulates that no building permit shall be issued for modification to any structure on a lot that is in violation of the provisions of the Zoning Ordinance. To receive zoning approval for the building permit application for the garage repairs, the pool shed needs to be brought into conformance with the location regulations for accessory structures. In the June 4, 2010 letter, two options were provided pertaining to proceeding with repairs to the garage: removing the pool shed or applying for a variance to keep it in the front yard.

I know this is not the answer you were hoping for, but I trust the reasons given adequately again explain my decision. If you have any questions, please feel free to contact me at (703) 324-1314.

Sincerely,



Douglas W. Hansen  
Senior Assistant to the Zoning Administrator

Mr. Michael J. McKeon  
August 3, 2010  
Page 3

Enclosure

cc: Gerald W. Hyland, Supervisor, Mt. Vernon District  
Eileen McLane, Zoning Administrator  
Michelle O'Hare, Deputy Zoning Administrator for Ordinance Administration Branch  
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch

**MICHAEL J. & MAUREEN M. MCKEON**  
**7824 West Boulevard Drive**  
**Alexandria, Virginia 22308**

**June 28, 2010**

Mr. Douglas W. Hansen  
Senior Assistant to the Zoning Administrator  
Department of Planning and Zoning  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, VA 22035-5505

*Re: McKeon "Repairs to Garage"*

Dear Mr. Hansen:

We are in receipt of your letter dated June 4, 2010<sup>1</sup> which, while addressing "repairs to garage," focuses on a wholly different topic concerning a pool and pool shed built many years ago in connection with a yard renovation project we undertook when we first purchased the home in 2003-2004 timeframe. But before addressing the substance of the letter, we would like to thank you for the helpful and courteous telephone conversation regarding your letter and we are further grateful for your indication that the "proposed repairs to the garage would be permitted." This letter is an earnest effort to seek reconsideration of your conclusion that either our existing pool shed must be destroyed or that a variance must be approved by the Board of Zoning Appeals, which is a long, burdensome and costly process.

In substance, your letter asserts for the first time we are aware of that our back yard is actually a second "front yard" and that the pool shed and pool are illegal under the zoning regulations. Needless to say, we were surprised by this novel assertion because, in addition to the fact that it had nothing to do with our garage repair, it was the first time it had ever been raised despite the prior permit to construct the pool and the extensive building project we undertook last year in which permits were issued and county inspectors visited our property with nary a word uttered about the second "front yard" or the supposed unlawful pool shed and pool. And, despite the fact that our garage is in dire need of structural and aesthetic repair (the brick and roof are unsafe and collapsing, and the garage doors are falling to pieces), you "hold hostage" those repairs to this ill-timed alleged ordinance violation. At bottom, we think your conclusion is based on erroneous facts, misguided interpretation of the governing ordinances, and an improper application of equity.

First, it would be more than clear to anyone that visits our property in person that we have only one front yard and that the assertion that our back yard is a second "front yard"

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<sup>1</sup> A copy of your letter is attached hereto for convenience.

Mr. Douglas W. Hansen  
Senior Assistant to the Zoning Administrator  
June 28, 2010  
Page 2

defies logic and any notion of definition plausible or possible. This is no doubt why the issue of a second "front yard" has never been raised before by anyone and that, importantly, why the permit for our pool was issued (we submit properly) in the first instance. In order to assist you in better understanding the facts, I have attached copies of photographs of our property. Attached as Exhibit 1 is a series of photographs of our front yard. This front yard sits on West Boulevard Drive, which is the proper address for our house. Attached as Exhibit 2 is a series of photographs with views of our back yard, now for the first time alleged by the County to be a "front yard." In these photographs you can see the pool shed as well as the back woods which abuts our property line. Finally, attached as Exhibit 3 is a series of photographs taken from the viewpoint of Ridgecrest Drive. I would like to particularly point out that Ridgecrest Drive is a dead end behind our house and that in the order of half our property line is woods; that is, Ridgecrest Drive does NOT bound our property to the west as erroneously suggested in your letter. Our property in the backyard is bounded (in large measure) by woods, which is County property, and the road only abuts our property partially. This can all be seen in the photographs attached as Exhibits 2 & 3. Thus, we respectfully request that you reconsider your decision as erroneous as a matter of fact.

Second, we believe that your interpretation of the County Ordinance is in error. The definition of "YARD, FRONT" provided in your letter states:

A yard extending across the full width of a lot and lying between the front lot line and the principal building. On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for the same.

The back yard of our home, alleged by you to be a second "front yard," does not fall within this definition. As noted in the photographs, our back yard, defined to extend across "the full width" of the lot DOES NOT sit between two streets in light of the woods that abuts a substantial portion of our property and that forms a substantial portion of the "lot line." Indeed, taking your proposed construction of the ordinance to extreme, if one inch of a street were to abut a 1,000 yard lot line of a yard, you would define that yard as a "front yard," which seems most illogical. Thus, we respectfully request that you reconsider your decision as erroneous as a matter of law.

Finally, we believe that your decision cannot withstand scrutiny as a matter of equity. Perhaps a little background would be helpful here. Prior to the purchase of our home in 2003, we lived in a townhouse in Old Town Alexandria, which we loved and adored. However, it was our desire to have a pool (Maureen loves to swim) and there are few homes in Old Town that can offer a pool (in the order of 20 as we understand). Thus we set our goal to buy property on the GW parkway with enough property to construct our own pool. We purchased 7824 West Boulevard Drive in December, 2003 and met a pool contractor in January, 2004. As you acknowledge, the County eventually issued a permit

Mr. Douglas W. Hansen  
Senior Assistant to the Zoning Administrator  
June 28, 2010  
Page 3

for the construction of our pool. No permit was sought for the pool shed (which is a structure for storing accessories for use with the pool) because of the low square footage which is acceptable for back yards. If the County had rejected our pool permit by pointing out that our back yard was actually a second front yard as it now alleges, we would have never constructed the pool and most likely would have sold the house immediately in favor for another house on GW parkway or remaining in Old Town. Indeed, had the County refused to issue our pool permit, we would have forgone the massive investment in the property we have made since purchasing the home in 2003 (well over \$1M in construction and improvements which we have paid for). Now, years later after substantial investment has been made (not to mention personal sweat equity), the County demands that we tear down our pool house structure, although it generously permits our pool to remain based on its original "error." Moreover, the pool shed is a necessary, integral and natural part and extension of the usage of our pool, which the County has approved. It is unfair to now deny this pool structure in light of the approval already given for the pool itself (by way of analogy, it would be like giving approval for the pool and, after construction, denying permission to put water in it). We respectfully submit that this result is unfair and offends the notion of equity.

For at least the foregoing reasons, we respectfully request that the County reconsider its decision as set forth in the letter dated June 4, 2010, withdraw its violation determination concerning the pool shed, and permit repairs to the garage which are urgently necessary for safety and appearance.

Sincerely,



Michael J. & Maureen M. McKeon

Attachment (Exhibits 1-3)

cc: Gerald W. Hyland, Supervisor, Mt. Vernon District (via hand delivery)  
Eileen McLane, Zoning Administrator  
Regina Coyle, Director, Zoning Evaluation Division  
Michelle O'Hare, Deputy Zoning for Ordinance Administration Branch  
Diane Johnson-Quinn, Deputy Zoning Administration for Zoning Permit  
Review Branch



# County of Fairfax, Virginia

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

June 4, 2010

Mr. Michael J. McKeon  
7824 West Boulevard Drive  
Alexandria, VA 22308

Re: Repairs to Garage  
7824 Boulevard Drive  
Wellington Subdivision  
Pt Lt 67, Sec 2  
Tax Map Ref.: 102-2 ((17)) 67  
Zoning District: R-2

Dear Mr. McKeon:

This is in response to your letter dated April 29, 2010 wherein you requested permission to make repairs to an existing garage on the referenced property. You mentioned that the garage was constructed in 1939 and is in a state of disrepair with a collapsing roof and garage doors falling apart. Further, you have engaged an architect to assist you in restoring the garage, while maintaining its original footprint, to resemble the original Georgian Colonial style of the existing structure. You also submitted a copy of a site plan approved by the Department of Public Works and Environmental Services (DPWES) on April 23, 2010 detailing the repairs to the garage and alteration to an existing portico. The site plan also shows an existing swimming pool and an 8 foot by 16 foot shed in the northwest quadrant of the property. In addition, a letter with pictures was received from your architect on May 19, 2010 that further described the extent of the repairs to the existing garage.

The referenced property is zoned R-2, Residential District, Two Dwelling Units/Acre. A review of Department of Tax Administration records indicates that the single family dwelling was built in 1939. County records also indicate that Building Permit # 5103 was approved on November 12, 1943 for a detached garage located 8 feet from the north side yard property line, which is corroborated by the site plan referenced above. The current minimum required side yard for accessory structures greater than 7 feet in height in the R-2 District is 15 feet. Therefore, the garage as currently situated does not meet the minimum side yard requirement for the R-2 District. However, pursuant to Par. 1 of Section 15-101 of the Zoning Ordinance, a building that was constructed in accordance with the provisions of the Zoning Ordinance in effect at the time but does not meet the current minimum yard requirements is not a nonconforming use, and such use can continue and be expanded, provided that any such enlargement complies with all of the current zoning requirements. According to the information provided, the proposed repairs to the

Department of Planning and Zoning  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
Phone 703-324-1314 FAX 703-803-6372  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



Mr. Michael J. McKeon  
June 4, 2010  
Page 2

garage consist of such elements as rebuilding the center brick pier between the two garage doors, replacing failing steel lintels, rotted roof rafters, decking and roofing, repairing cracked and bulging brickwork, and replacing the rotted wood garage doors. The proposed repairs to the garage would be permitted under Par. 1 of Sect. 15-101. However, a Building Permit would be required. Information pertaining to Building Permits is available from DPWES at (703) 222-0801.

It was noted that a swimming pool and an 8 foot by 16 foot shed exist on the northwest quadrant of the property. The swimming pool and shed are accessory structures. In addition, since the referenced property is bounded by two roads, West Boulevard Drive to the east and Ridgecrest Drive to the west, your property is a through lot and has two front yards. Article 20 of the Zoning Ordinance defines a through lot and front yard, in pertinent part, as follows:

**LOT, THROUGH:** An interior lot, but not a corner lot, abutting on two (2) or more public streets, but not including an alley.

**YARD, FRONT:** A yard extending across the full width of a lot and lying between the front lot line and the principal building. On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same.

As such, the swimming pool and shed are located in a front yard adjacent to Ridgecrest Drive. According to Par. 12C of Sect. 10-104 of the Zoning Ordinance, no accessory structure or use shall be located in any front yard on any lot containing 36,000 square feet or less. Since the referenced property is only 29,630 square feet, the swimming pool and shed do not meet the location requirements for accessory structures as they are both located in the front yard adjacent to Ridgecrest Drive. However, it appears that a Building Permit was issued in error for construction of the swimming pool and received a final inspection. Under § 15.2-2307 of the *Code of Virginia*, if a local government has issued a Building Permit, the structure was constructed in accordance with the Building Permit and a certificate of occupancy was issued, the structure may remain. Therefore, § 15.2-2307 is applicable and the swimming pool may remain in its current location.

Concerning the 8 foot by 16 foot shed shown on your submitted site plan and located in the front yard adjacent to the swimming pool, it is not permitted in the front yard nor was it shown on the plan submitted in conjunction with the swimming pool. In order to rectify the situation, the shed must be removed, or alternatively, a variance must be approved by the Board of Zoning Appeals (BZA) in order to retain the shed in its current location. A variance requires the filing of an application, submission of a plat, a fee, notices and a public hearing before the BZA. For more information on the variance process, please contact the Zoning Evaluation Division at 703-324-

Mr. Michael J. McKeon

June 4, 2010

Page 3

1290. Please note that you will not be able to obtain a Building Permit for repairs to the garage until the issue of the shed is rectified.

I trust this letter adequately responds to your request. If you have any additional questions, please feel free to contact me at (703) 324-1314.

Sincerely,

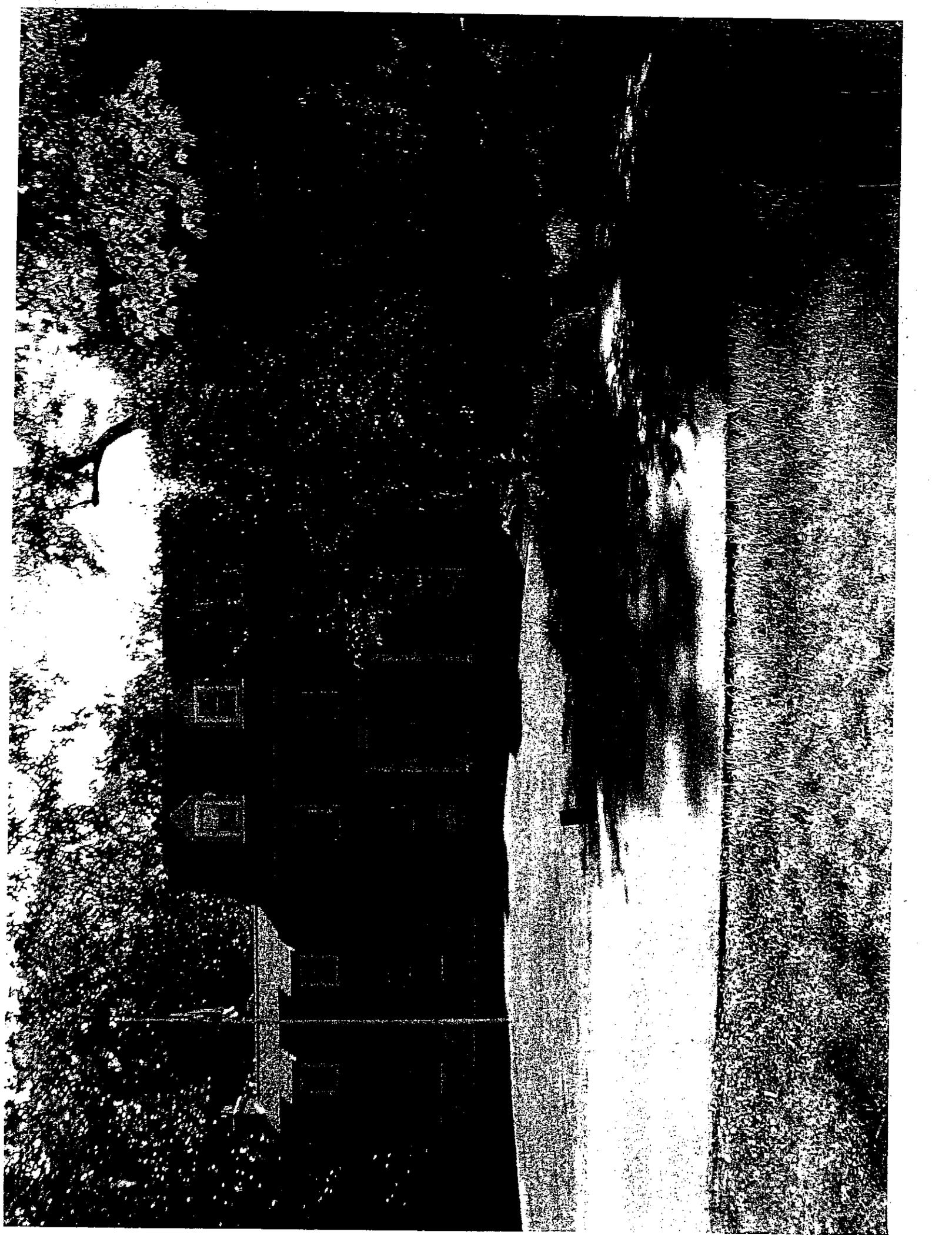
A handwritten signature in cursive script that reads "Douglas W. Hansen". The signature is written in black ink and is positioned above the printed name and title.

Douglas W. Hansen

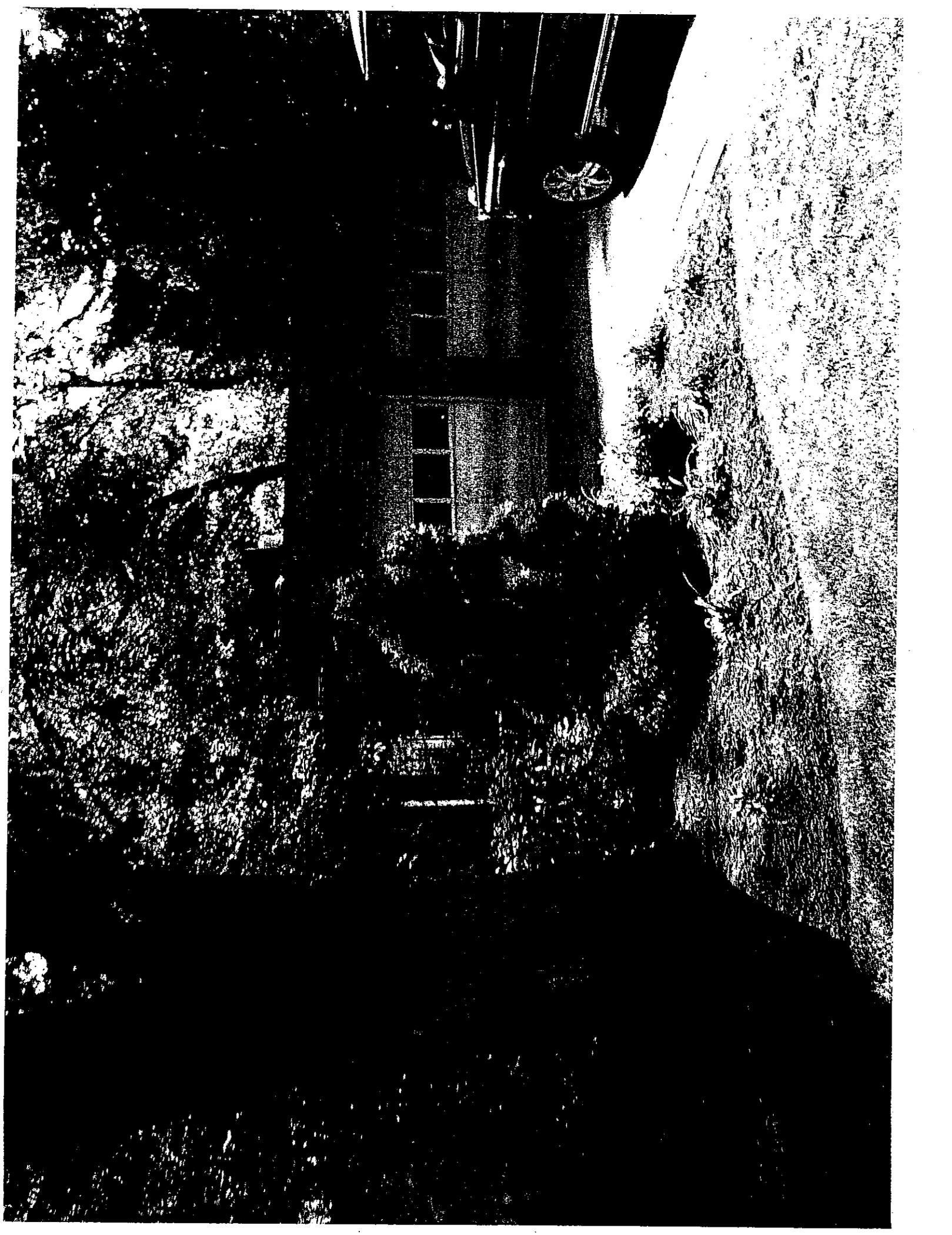
Senior Assistant to the Zoning Administrator

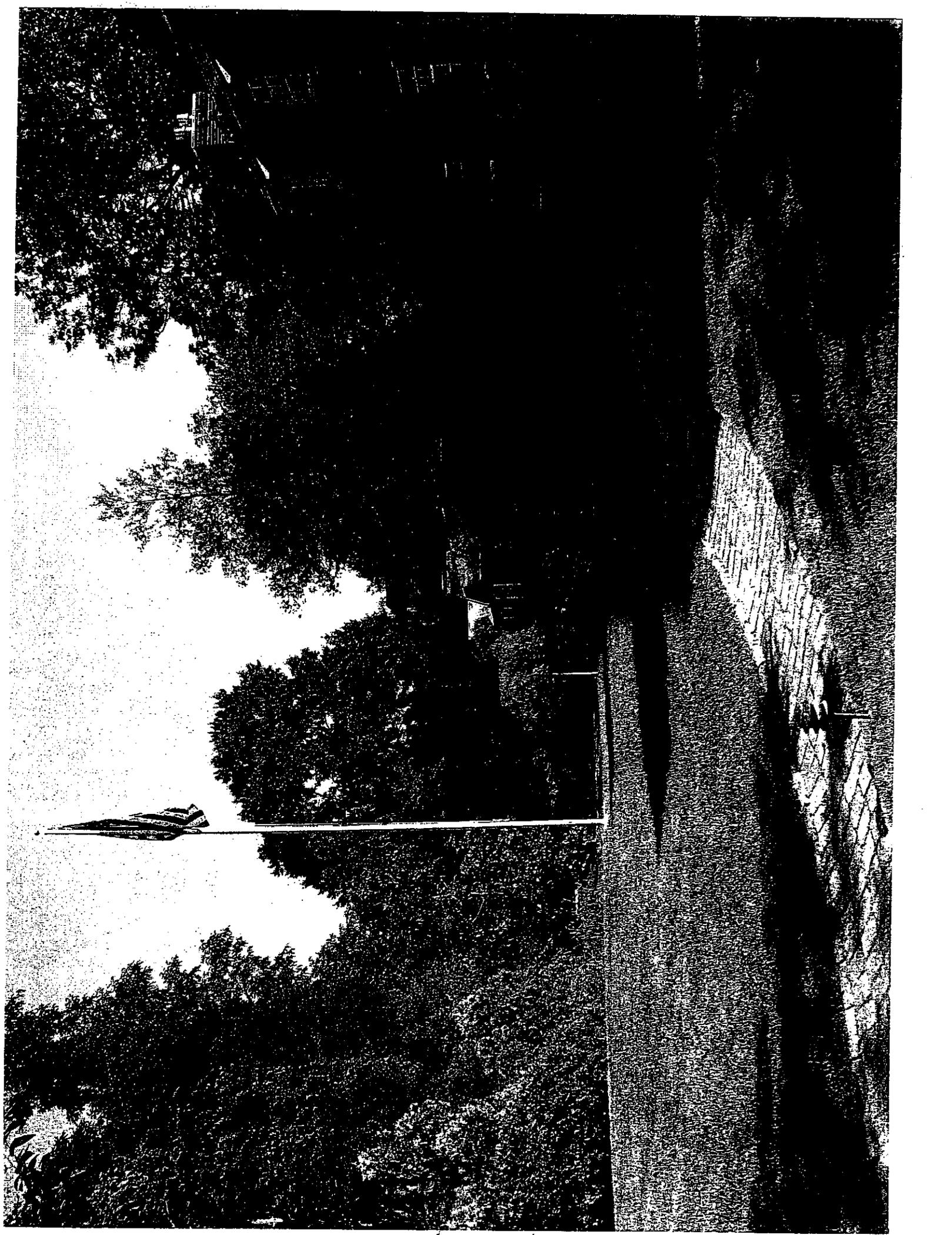
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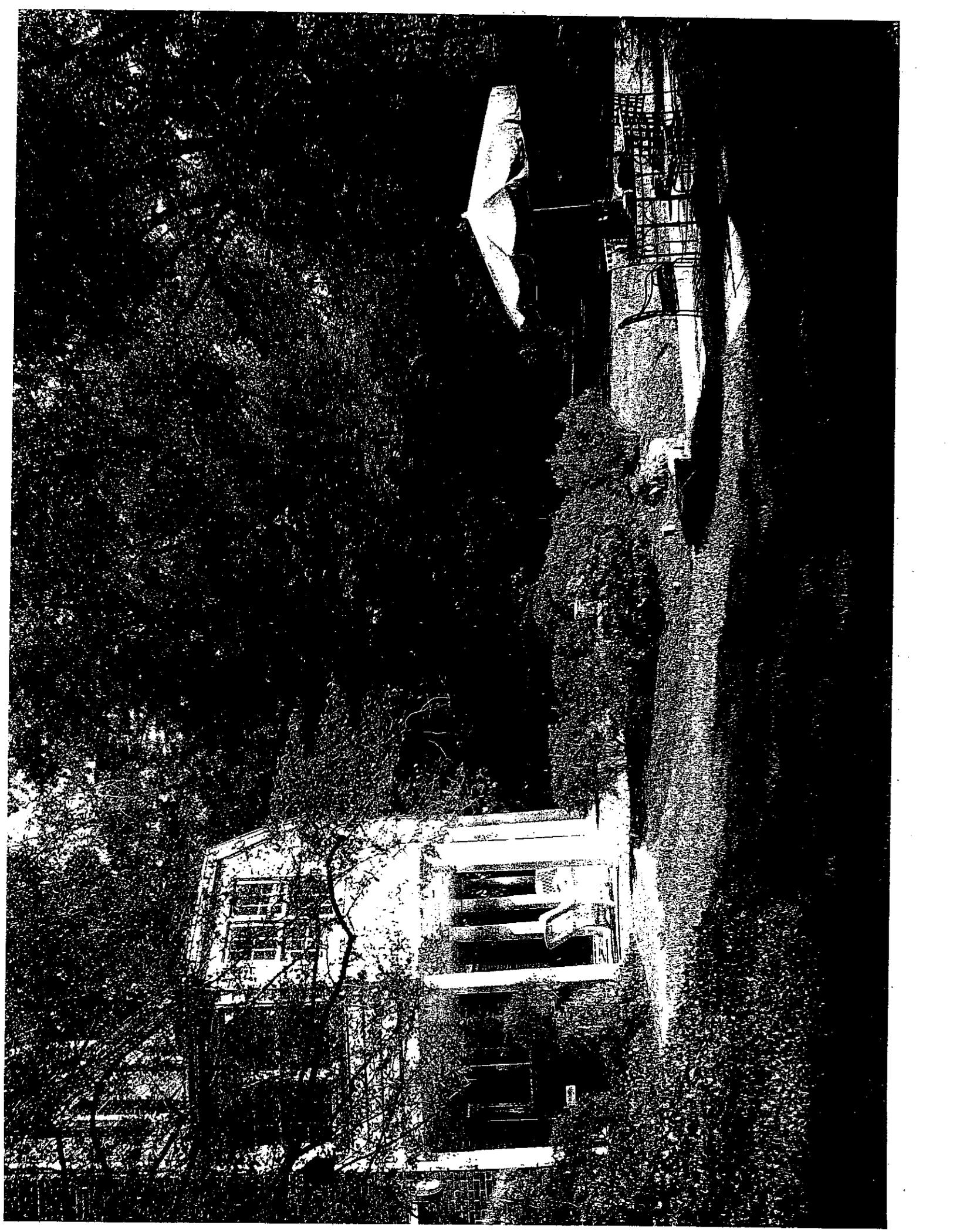
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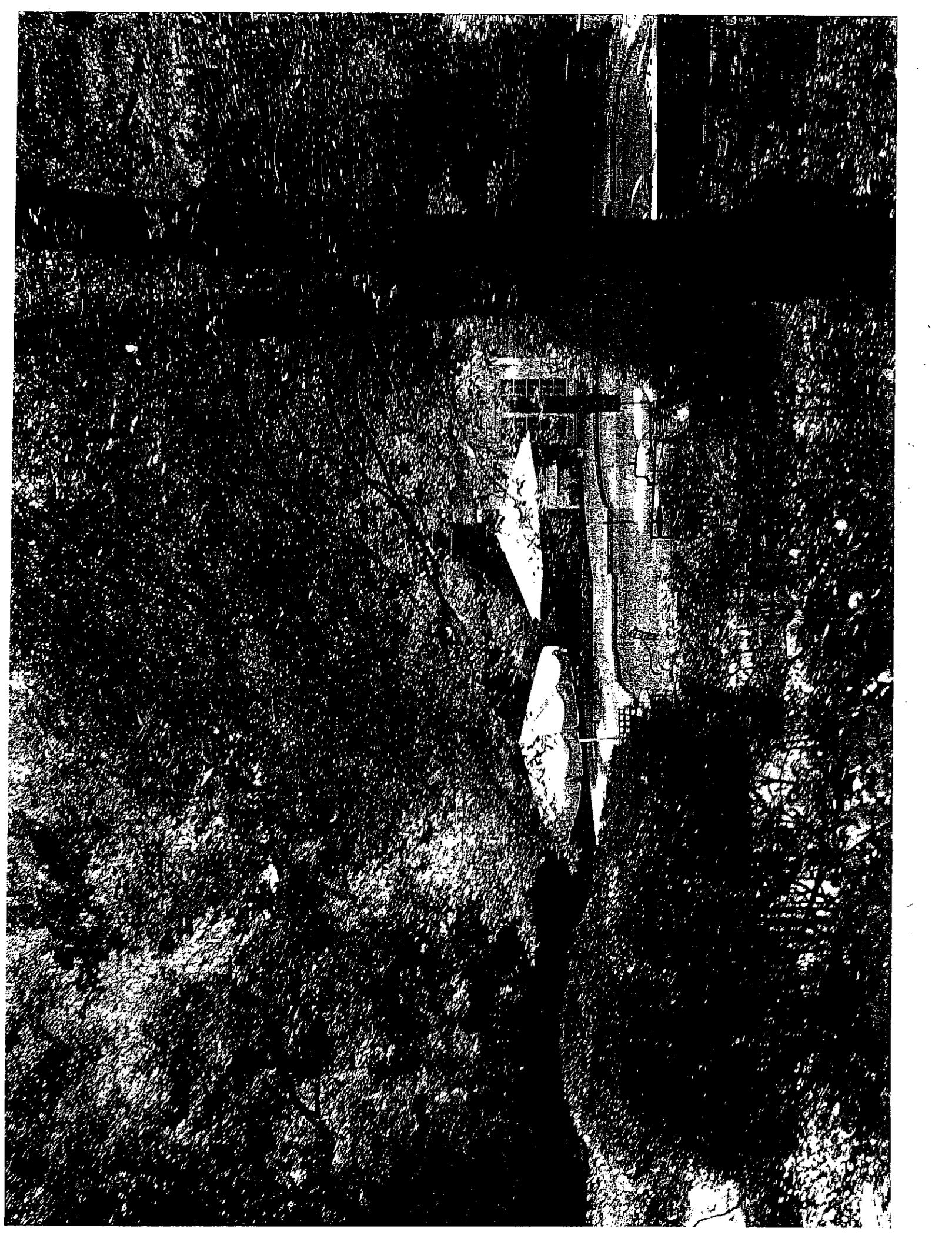


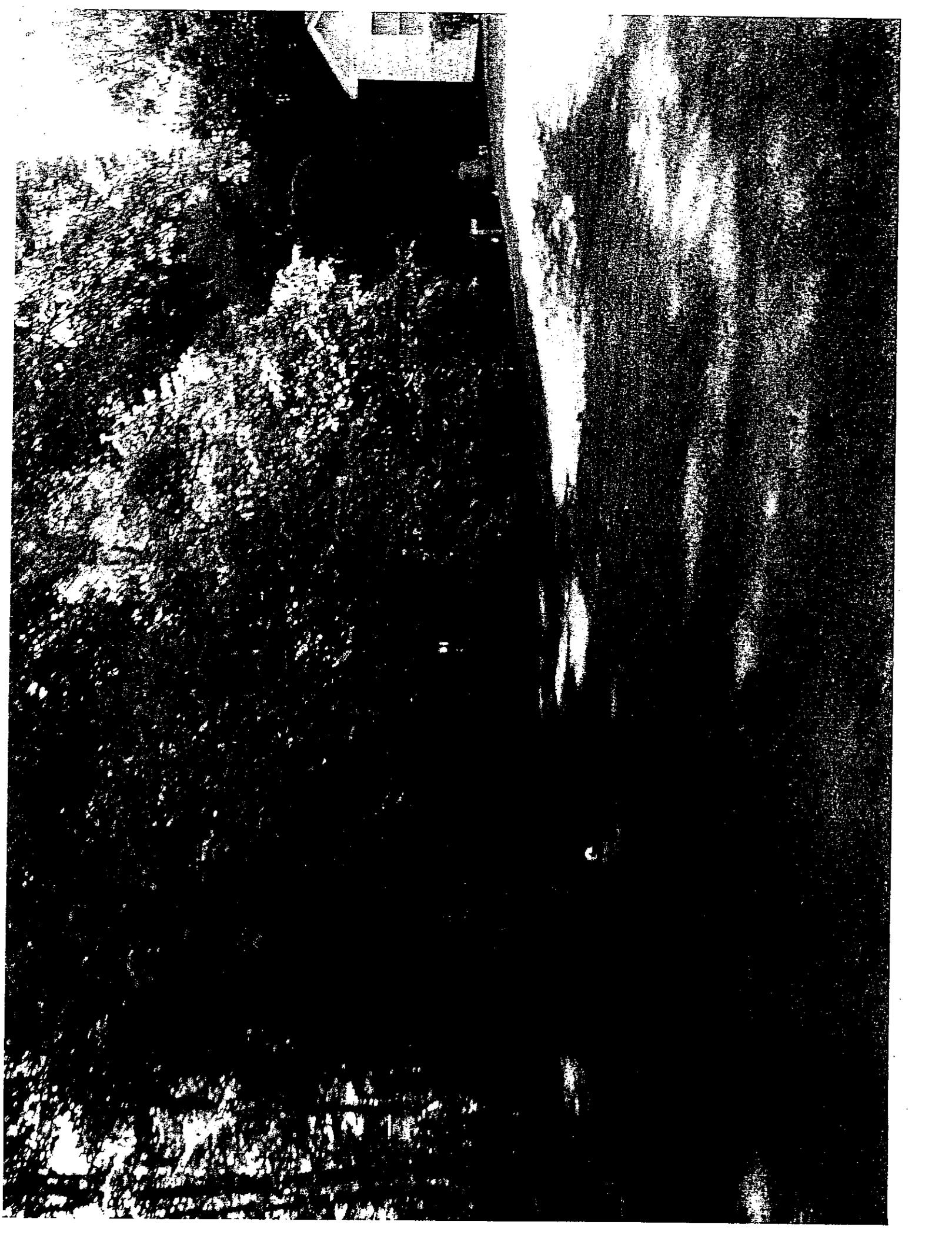




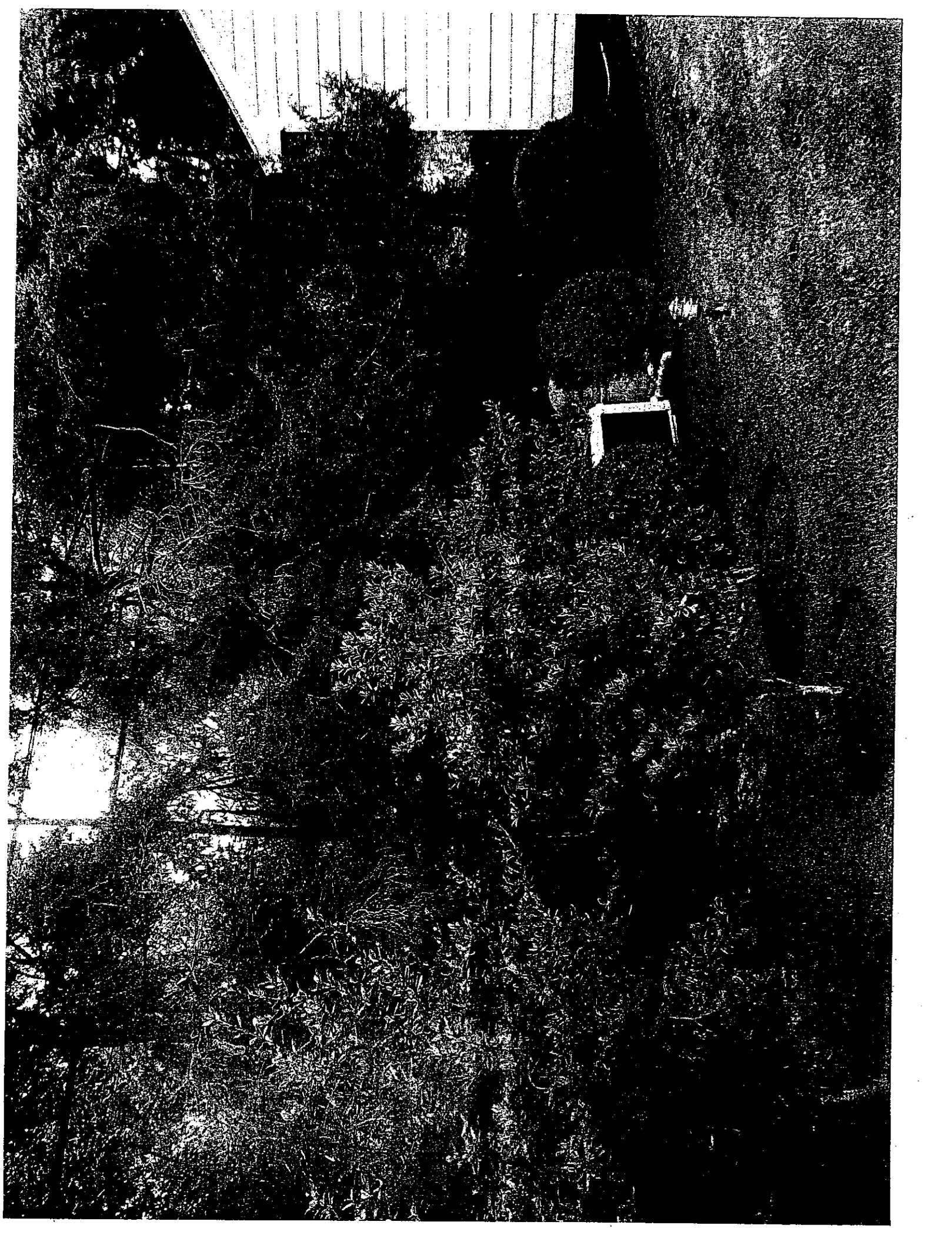


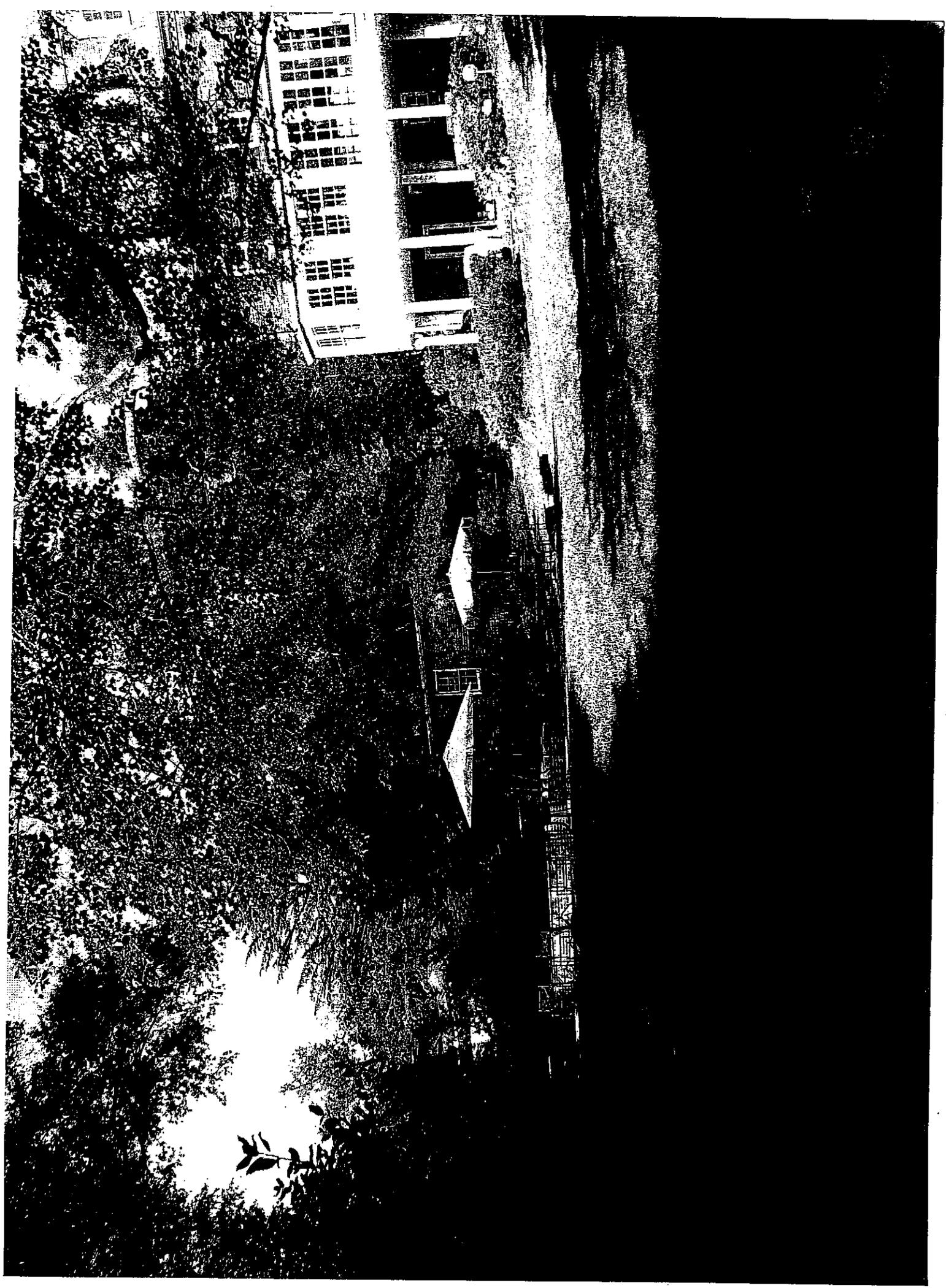


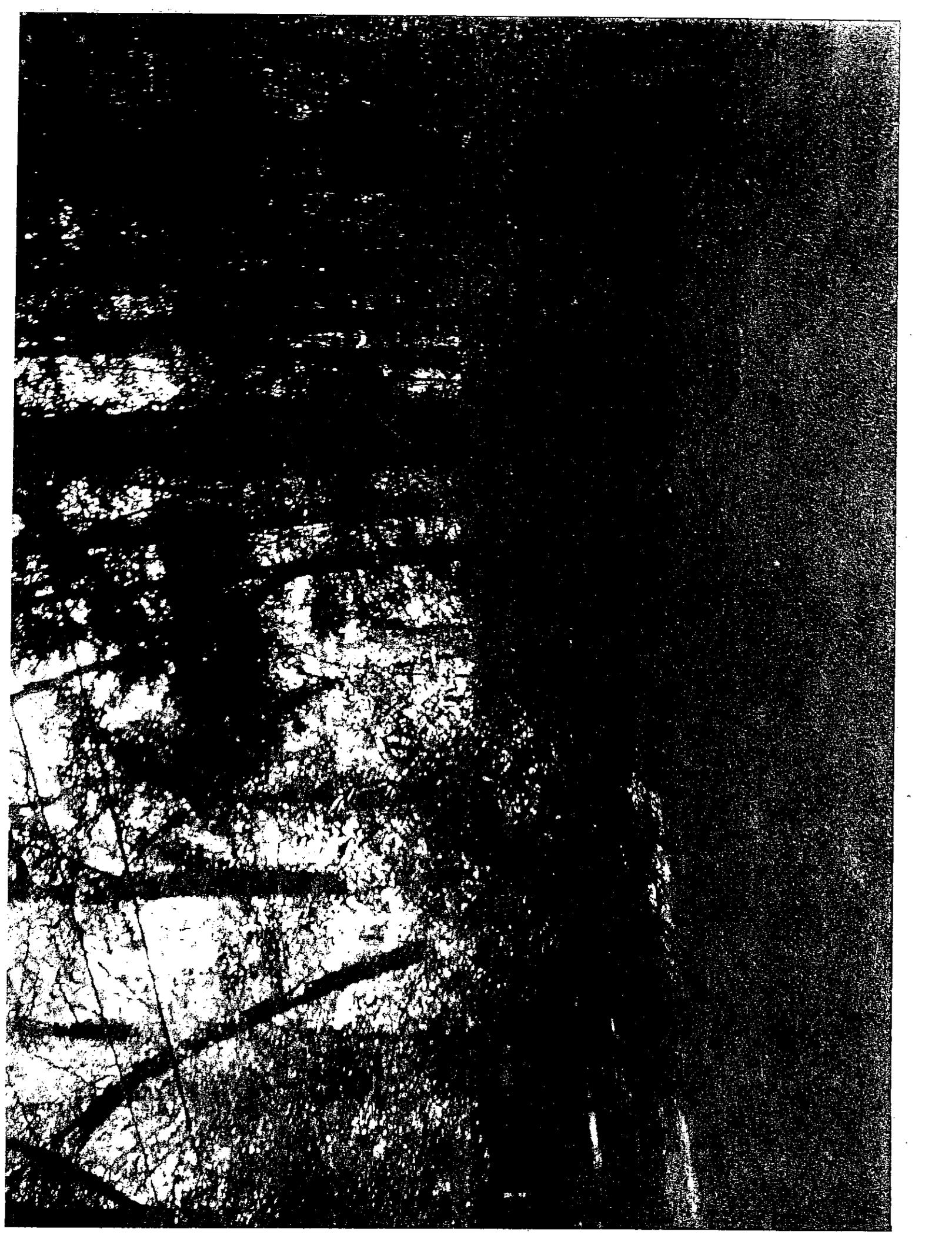


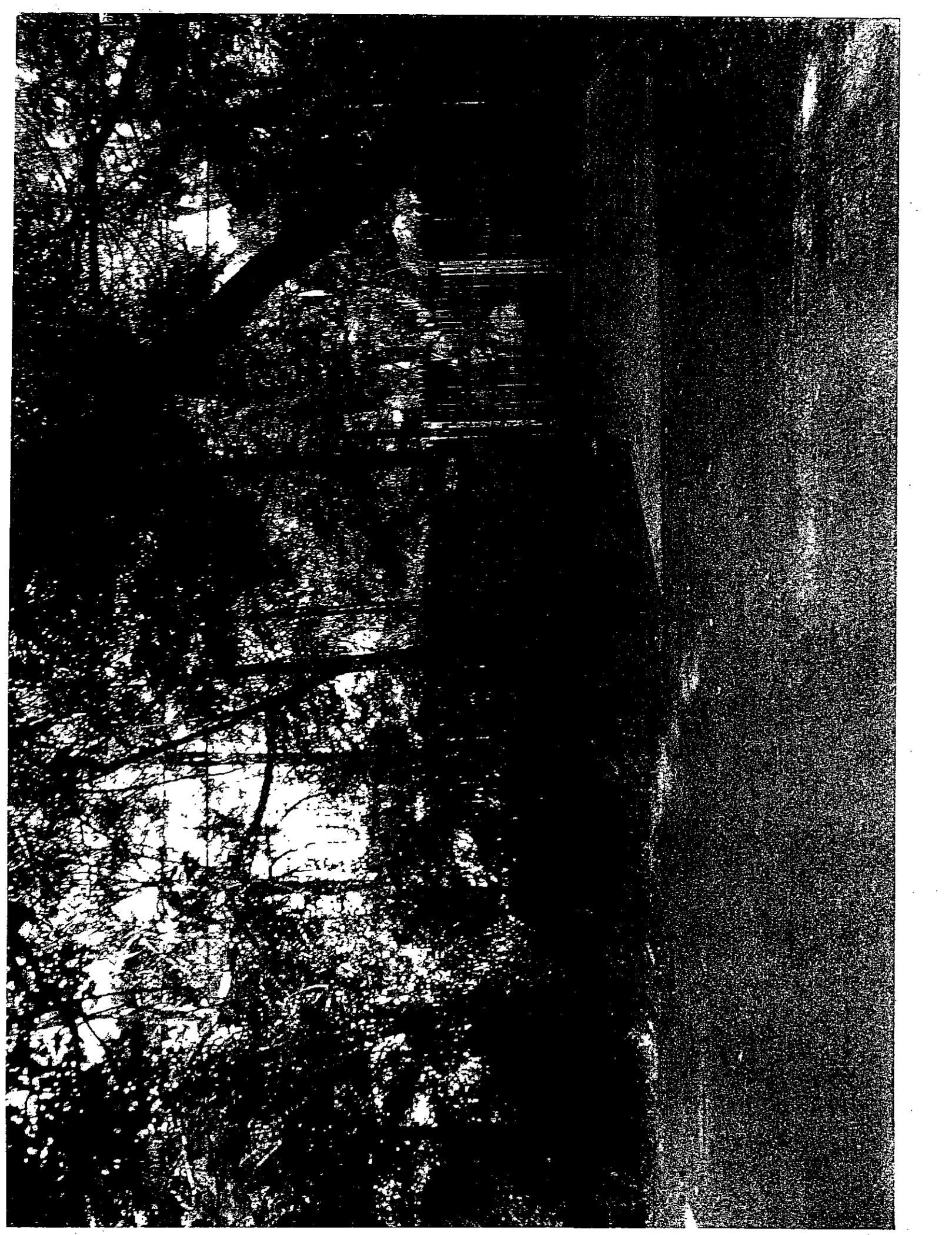






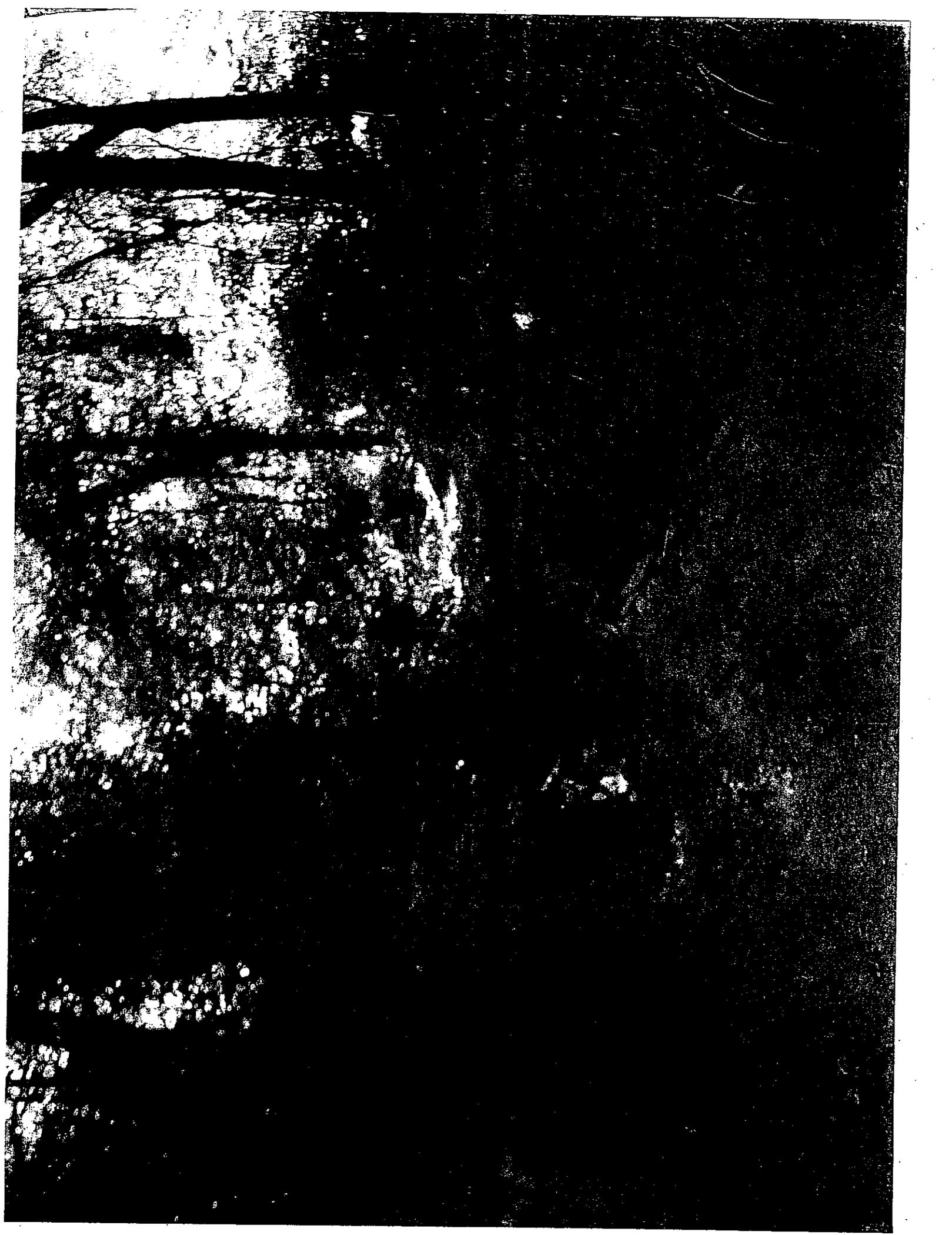




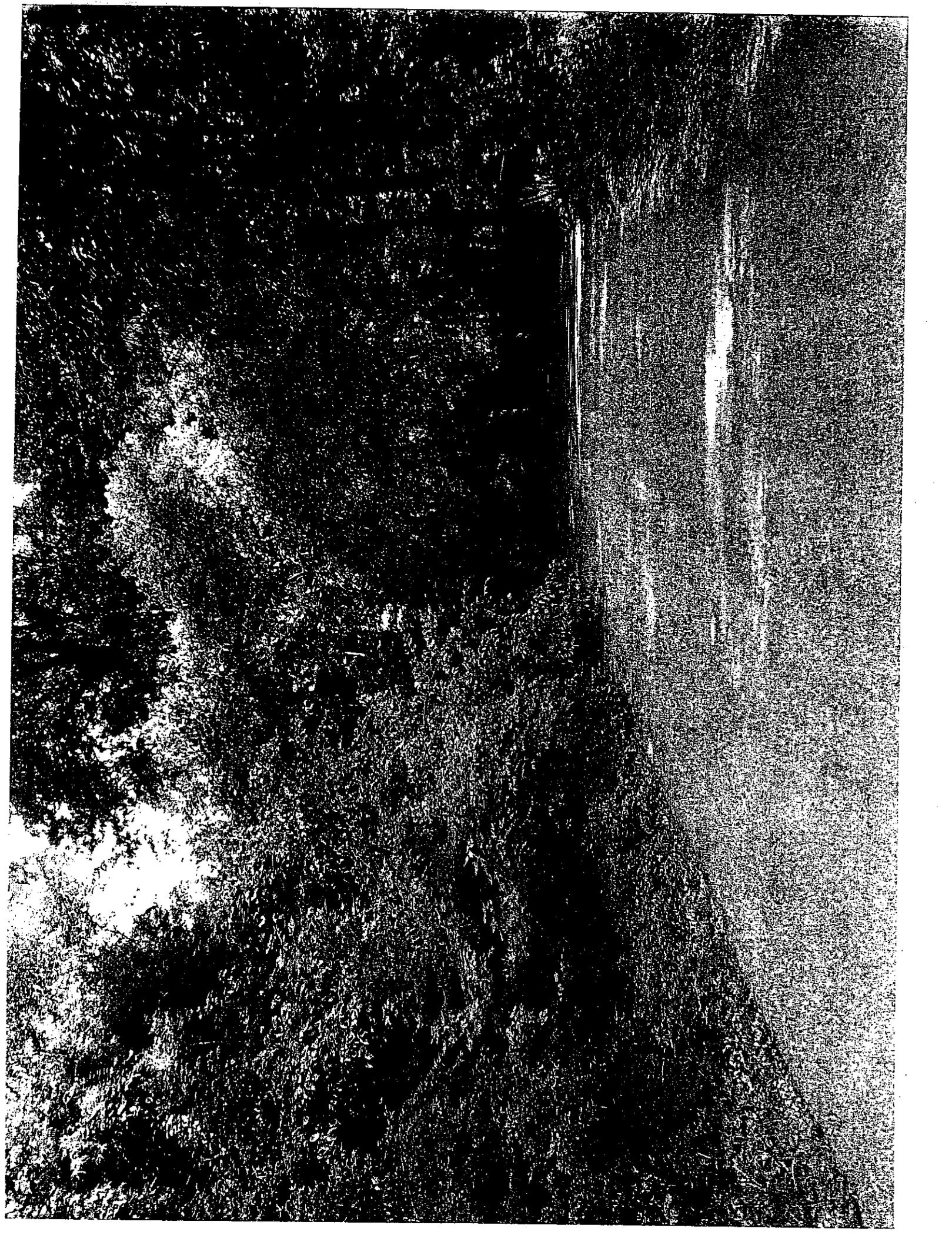












**BUILDING PERMIT APPLICATION**

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
 PERMIT APPLICATION CENTER  
 12055 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-2584 Telephone: 703-222-0881  
 Web site: www.fairfaxcounty.gov/dpw

PERMIT # 041610000

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES (COUNTY USE ONLY)  
 PLAN # W-04-03707  
 TAX MAP # 102-2-17-0069

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

**JOB LOCATION**  
 ADDRESS 7824 West Boulevard Drive  
 LOT # 107 BUILDING \_\_\_\_\_  
 FLOOR \_\_\_\_\_ SUITE SEC-2  
 SUBDIVISION WELLINGTON  
 TENANT'S NAME OWNER

**OWNER INFORMATION** OWNER  TENANT   
 NAME MCKEIN, Michael & Mauron  
 ADDRESS 7824 W. Boulevard Drive  
 CITY Alexandria STATE VA ZIP 22308  
 TELEPHONE 703 721 0488

**CONTRACTOR INFORMATION** SAME AS OWNER   
 CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME MARYLAND POOLS INC  
 ADDRESS 9515 Germantown  
 CITY Columbia STATE MD ZIP 21046  
 TELEPHONE 410 995 6600  
 STATE CONTRACTORS LICENSE # DBD910A  
 COUNTY BPOL # 18-3517

**APPLICANT**  
Holly Chamber, agent

**DESCRIPTION OF WORK**  
To build Inground gunite pool 632 sq ft

**HOUSE TYPE** SFD  
 ESTIMATED COST OF CONSTRUCTION 25000  
 BLDG AREA (SQ FT OF FOOTPRINT) \_\_\_\_\_  
 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 & CONBOS	
# KITCHENS	EXTER. WALLS
# BATHS	INTER. WALLS
# HALF BATHS	ROOF MATERIAL
# BEDROOMS	FLOOR MATERIAL
# OF ROOMS	FIN. BASEMENT %
# STORIES	HEATING FUEL
BUILDING HEIGHT	HEATING SYSTEM
BUILDING AREA	# FIREPLACES
BASEMENT	

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.

Holly Chamber, agent  
 Signature of Owner or Agent Date \_\_\_\_\_  
Holly Chamber, Agent  
 Printed Name and Title  
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

ROUTING	DATE	APPROVED BY
LICENSING	<u>7-21-04</u>	<u>[Signature]</u>
ZONING	<u>7/21/04</u>	<u>[Signature]</u>
SITE PERMITS	<u>7-21-04</u>	<u>[Signature]</u>
HEALTH DEPT		
BUILDING REVIEW	<u>7-21-04</u>	<u>[Signature]</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ 56.00  
 FILING FEE \$ \_\_\_\_\_  
 AMOUNT DUE - \$ \_\_\_\_\_

**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 \_\_\_\_\_ DATE \_\_\_\_\_

**ZONING REVIEW**  
 USE SD-39  
 ZONING DISTRICT R-2 HISTORICAL DISTRICT \_\_\_\_\_  
 ZONING CASE # \_\_\_\_\_

**GROSS FLOOR AREA OF TENANT SPACE**  
 YARDS: FRONT \_\_\_\_\_ REAR \_\_\_\_\_  
 GARAGE 1  2  3   
 OPTIONS YES  NO   
 REMARKS Pool is in the front yard

**GRADING AND DRAINAGE REVIEW**  
 SOILS # 46 A  B  C   
 AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) \_\_\_\_\_  
 IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) \_\_\_\_\_  
 PLAN # 628-NE-03 APPR. DATE 7-7-04

**STAMPS**  
**PROBLEM SOILS**  
**SEE APPROVED GRADING PLAN**  
**SITE PLAN AND/OR SOILS REPORT**  
 (See reverse side of application)

**REMARKS**  
 \_\_\_\_\_  
 \_\_\_\_\_

**NOTARIZATION** (if required)  
 State (or territory or district) of \_\_\_\_\_  
 County (or city) of \_\_\_\_\_ to wit: I  
 \_\_\_\_\_  
 Notary Public in the State and County aforesaid, do certify that  
 \_\_\_\_\_  
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.  
 Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ My  
 commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 (Notary Signature)

# BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
PERMIT APPLICATION CENTER

11955 Government Center Parkway, 2nd Floor Fairfax, Virginia 22030 Telephone: 703-222-0900 Web site: www.fairfaxcounty.gov/dps

PERMIT # 62970091

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

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

**JOB LOCATION**  
 ADDRESS 7824 West Boulevard Dr  
 LOT # Part # 7 BUILDING \_\_\_\_\_  
 FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
 SUBDIVISION Wellington Sec 2  
 TENANT'S NAME \_\_\_\_\_

**OWNER INFORMATION** OWNER  TENANT   
 NAME Michael & Maureen McLean  
 ADDRESS 7824 West Boulevard Drive  
 CITY Alexandria STATE VA ZIP 22306  
 TELEPHONE 802-626-6148

**CONTRACTOR INFORMATION** SAME AS OWNER   
 CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME Harry Braxell Inc  
 ADDRESS 312 Calvert Ave  
 CITY Alexandria STATE VA ZIP 22301  
 TELEPHONE \_\_\_\_\_  
 STATE CONTRACTORS LICENSE # 27010219831  
 COUNTY BPOL # 00-8659

APPLICANT James Moore AC 3076054

**DESCRIPTION OF WORK**  
2 1/2 Story Frame Add. w/ Masonry  
Basement Alter ex Basement  
2nd floor Bath, alter & extend  
ex: HVAC system w/ wet bar

HOUSE TYPE Demo exist porch  
 ESTIMATED COST OF CONSTRUCTION \$200000  
 BLDG AREA (SQ FT OF FOOTPRINT) 350 SF  
 USE GROUP OF BUILDING R-3  
 TYPE OF CONSTRUCTION S-B  
 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	INTER. WALLS
# HALF BATHS	ROOF MATERIAL
# BEDROOMS	FLOOR MATERIAL
# OF ROOMS	FIN. BASEMENT
# STORIES	HEATING FUEL
BUILDING HEIGHT	HEATING SYSTEM
BUILDING AREA	# FIREPLACES
BASEMENT	

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 James Moore Date \_\_\_\_\_  
 Printed Name and Title Agent  
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

DO NOT WRITE IN GRAY SPACES. COUNTY USE ONLY  
 PLAN # R-06-256  
 TAX MAP # 10012-17-006-7

ROUTING	DATE	APPROVED BY
LICENSING	11/19/07	M...
ZONING	11/19/07	J...
SITE PERMITS	11/19/07	J...
HEALTH DEPT		
BUILDING REVIEW	11/15/07	J...
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ 768.66  
 FILING FEE \$ 384.33  
 AMOUNT DUE \$ \_\_\_\_\_

**BUILDING PLAN REVIEW**  
 REVIEWER JAT # OF HOURS \_\_\_\_\_  
 REVISION FEES \$ \_\_\_\_\_  
 FIRE MARSHAL FEES \$ \_\_\_\_\_  
 FIXTURE UNITS \_\_\_\_\_ PLAN LOC. I  R

**APPROVED FOR ISSUANCE OF BUILDING PERMIT**  
 (LOG OUT)  
 BY [Signature] DATE 11/19/07

**ZONING REVIEW**  
 USE SFD  
 ZONING DISTRICT R-2 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	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT <u>59.4'</u>	REMARKS	<u>Demo Existing</u>		
L SIDE <u>31.5'</u>		<u>porch, build 2 story</u>		
R SIDE <u>n/c</u>		<u>addition w/ bsmt int</u>		
REAR <u>n/c</u>		<u>alts to bsmt &amp; 1st floor</u>		

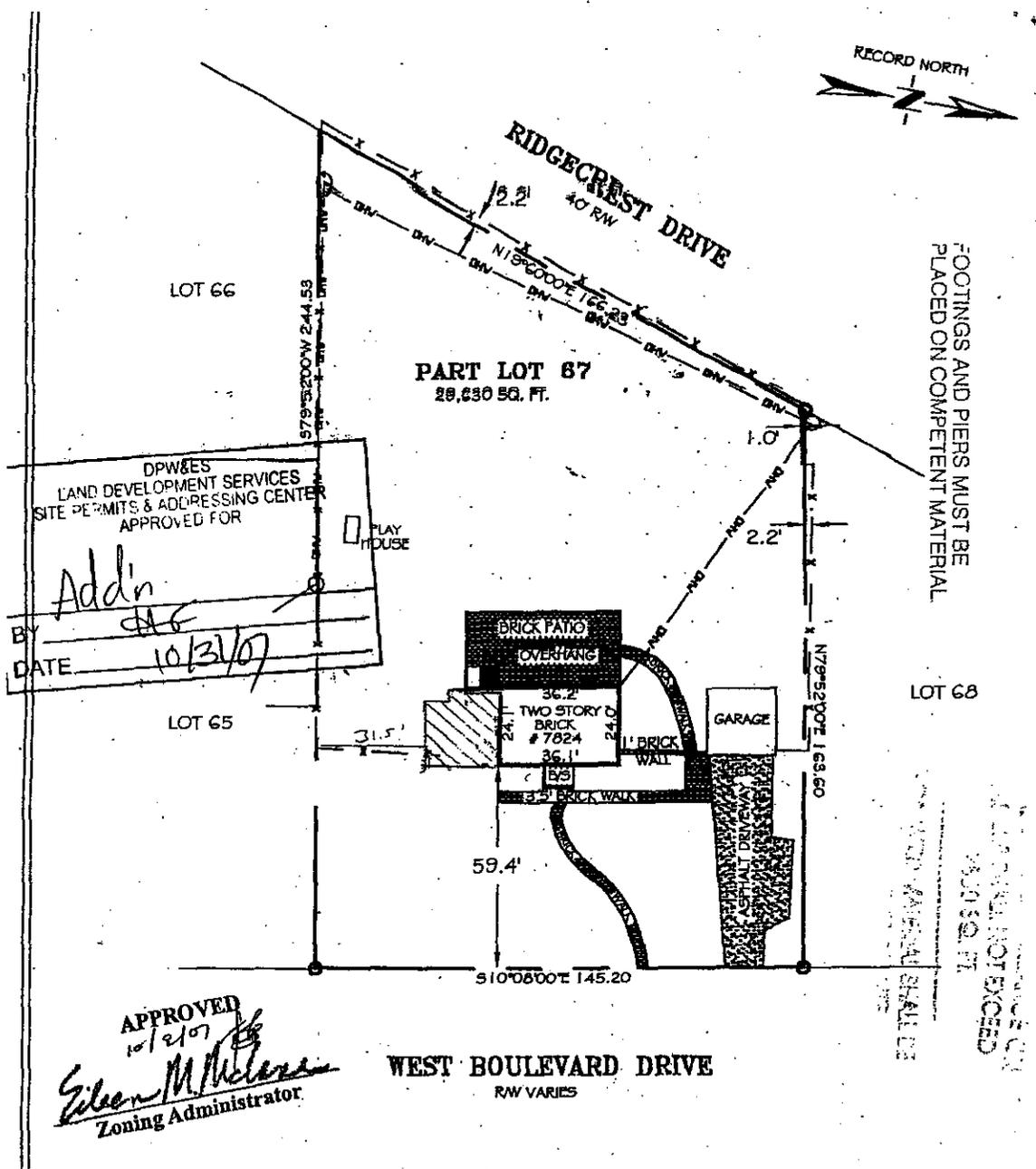
**GRADING AND DRAINAGE REVIEW**  
 SOILS # \_\_\_\_\_ A  B  C   
 AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) \_\_\_\_\_  
 IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) \_\_\_\_\_  
 PLAN # \_\_\_\_\_ APPR. DATE \_\_\_\_\_

**STAMPS**  
 (See reverse side of application)

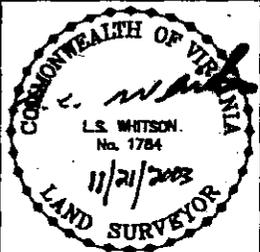
**REMARKS**  
Tot. AH. 45000  
Ad

This permit is approved with the understanding that the wet bar will not contain permanent cooking facilities and will not be used in conjunction with a bedroom, bathroom and other living space in a manner that would constitute the establishment of a separate dwelling unit.

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)



**HOUSE LOCATION SURVEY**  
**PART LOT 67 SECTION 2**  
**WELLINGTON**  
**DEED BOOK Y12 PAGE 362**  
**FAIRFAX COUNTY, VIRGINIA**  
**DATE: NOVEMBER 21, 2003**  
**SCALE: 1" = 40'**  
**DRAWN BY: A.L.S.**



**LEGEND**

CW = CONC WALK	CP = CONC PATIO
SW = STONE WALK	RE = RECESSED ENTRY
WL = WOOD LANDING	CHIM = CHIMNEY
BL = BRICK LANDING	O.H. = OVERHANG
WD = WOOD DECK	BW = BAY WINDOW
CS = CONC STOOP	OHW = OVERHEAD WIRE
MS = METAL STOOP	AW = AREA WAY
C/CB = COVERED CONC STOOP	○ = MONUMENT FOUND
	-x- = FENCE

**NOTES**

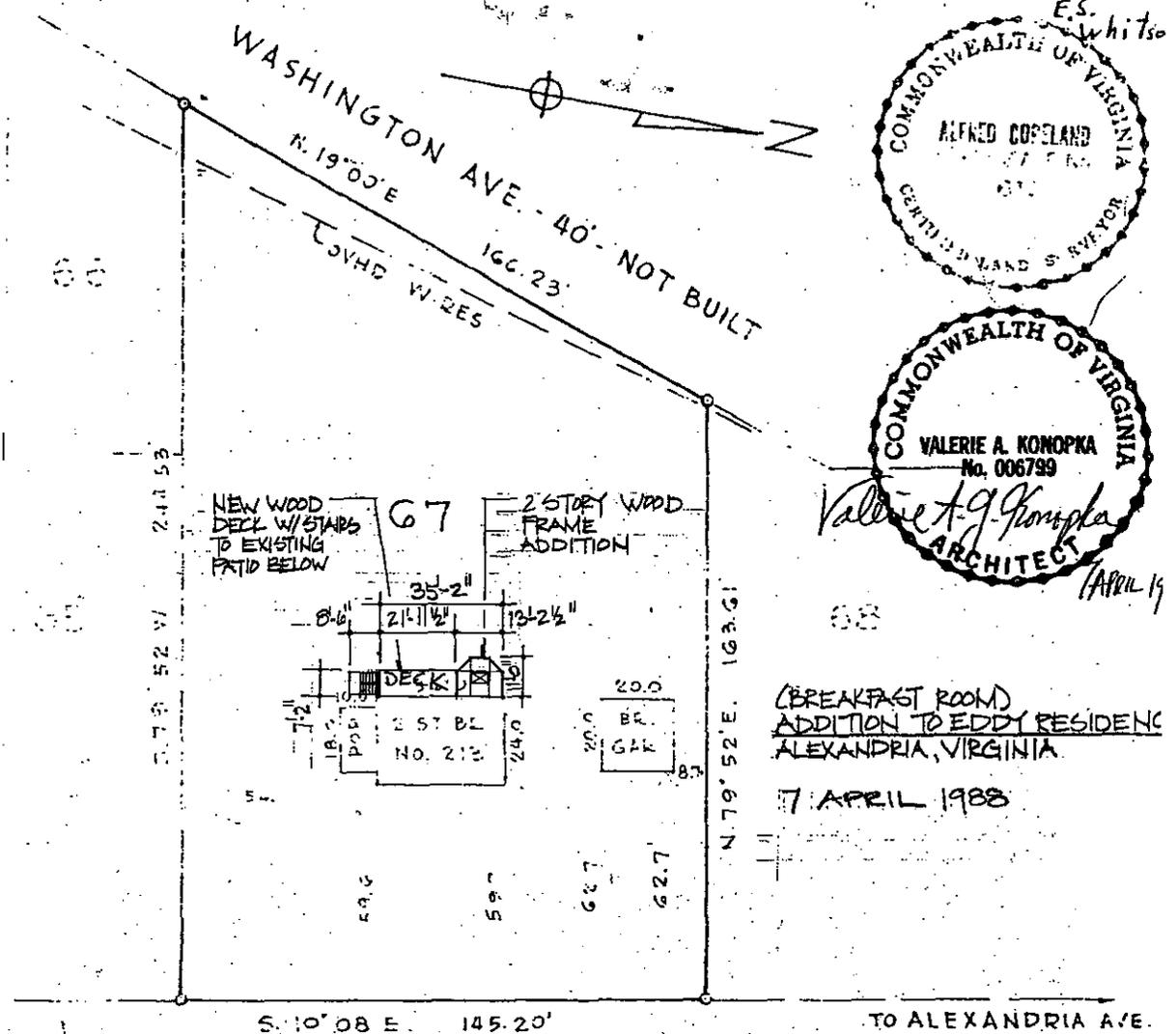
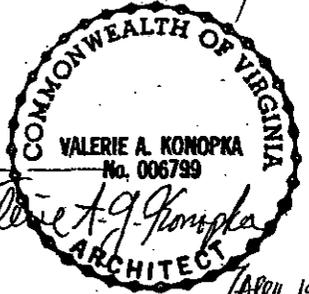
THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY; IT IS A HOUSE LOCATION SURVEY. ANY MONUMENTS SHOWN ON THIS PLAT WERE RECOVERED IN THE FIELD AND DEEMED SUFFICIENT FOR A HOUSE LOCATION SURVEY. THIS PLAT DOES NOT CERTIFY THAT THE LOCATIONS OF THESE MONUMENTS ARE PRECISELY CORRECT. YOUR LENDER REQUIRED A HOUSE LOCATION SURVEY TO VERIFY THE ORIENTATION OF THE HOUSE, LOCATION OF IMPROVEMENTS, AND TO ENSURE THAT THERE ARE NO IMPROPER ENCUMBRANCES UPON THE PROPERTY. IF THE OWNER DESIRES THE PRECISE LOCATION OF CORNERS TO BE MARKED, THEN A BOUNDARY SURVEY MAY BE REQUESTED FOR AN ADDITIONAL FEE. THE LOCATION OF FENCES, DRIVEWAYS, AND OTHER IMPROVEMENTS ARE APPROXIMATE. THIS PLAT DOES NOT DETERMINE THE OWNERSHIP OF FENCES. THIS PLAT IS NOT TO BE USED FOR THE CONSTRUCTION OF FENCES OR ANY OTHER IMPROVEMENTS. THIS PLAT WAS ESTABLISHED BY TRANSIT AND TAPE. NO TITLE REPORT WAS FURNISHED.

**SAM WHITSON, L.S./LAND SURVEYING**  
 11170 LEE HIGHWAY SUITE C  
 FAIRFAX, VIRGINIA 22030  
 (703)352-9515 FAX: (703)352-9516

**OWNER: FITZPATRICK**  
**BUYER: MCKEON**  
 W.O. #03-6472 CLIENT # A3-2262



S 111' 7  
E.S. Whitson



(BREAKFAST ROOM)  
ADDITION TO EDDY RESIDENCE  
ALEXANDRIA, VIRGINIA

7 APRIL 1988

WEST BLVD. DRIVE

ALONG MT VERNON MEMORIAL HIGHWAY

APPROVED  
  
 James W. G. Jones  
 zoning Administrator  
 FAIRFAX COUNTY, VA.

HOUSE LOCATION SURVEY			D.B. Y-12/P. 352	
LOT 67	BLOCK	SECTION 2	SUBDIVISION WELLINGTON	
SCALE 1" = 40'		ALFRED COPELAND CIVIL ENGINEER & LAND SURVEYOR 4458 SO. FIRST PLACE ARLINGTON, VIRGINIA		DATE NOV. 6, 1958 CERTIFIED CORRECT 
D-R 28931 W W WHITSON ID.				

County of Fairfax, Virginia  
OFFICE OF THE ZONING ADMINISTRATOR

DUPLICATE

Magisterial District Mt. Vernon APPLICATION FOR ZONING APPROVAL Building Permit No. 5103

Name of Owner Capt. C.C. Wadsworth Address #1 Alex. Va.

Name of Builder \_\_\_\_\_ Address \_\_\_\_\_

Subdivision Re-sub. Wellington Villa Lot No. 67 Block \_\_\_\_\_ Section \_\_\_\_\_

Use of Building Garage - Fireproof (Brick)

No. of Families or Housekeeping Units \_\_\_\_\_ Plans \_\_\_\_\_ Cost \_\_\_\_\_

Size of Lot: Width 300+ ft. Depth 300+ ft. Area 7 acres sq. ft.

Height of building, at front center to highest point of roof 10 ft.

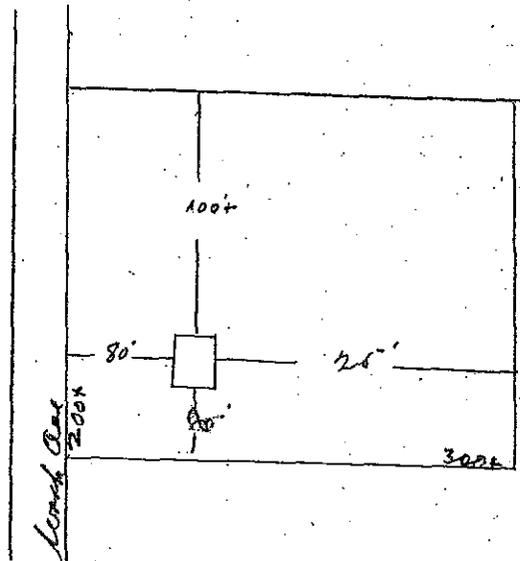
Set back from center line of street 80 side ft. Width of street \_\_\_\_\_ ft. (right of way)

Name (No.) of street W. side Washington Ave Paving of street \_\_\_\_\_

Size yard \_\_\_\_\_ ft. Side yard 8' ft. Rear yard 25' ft.

Are water and/or sewer available \_\_\_\_\_ At what distance \_\_\_\_\_

Sketch property to scale, showing ALL buildings and ALL distances to property lines  
W. side Washington Ave - Mt. Vernon Blvd.



APPROVED E.R. White  
Zoning Administrator  
DATE 11/12/43

I hereby certify that I have the authority to make the foregoing application, that the information given is correct, and that the construction will conform to the regulations in the Building and Zoning Ordinances, and private building restrictions, if any, which may be imposed on the property by deed.

C.C. Wadsworth  
By J.P. [Signature]  
Signature

Address

ZONE Rural Residence

**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 all reasonable use 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.

**18-405 Conditions**

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.