



APPLICATION ACCEPTED: January 10, 2011
DATE OF PUBLIC HEARING: March 16, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 9, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-LE-002

LEE DISTRICT

APPLICANT: David R. Carpenter

OWNERS: David R. Carpenter
Catherine H. Carpenter

LOCATION: 5712 Broadmoor Street

SUBDIVISION: Hayfield Farm

TAX MAP: 91-4 ((4)) 631

LOT SIZE: 12,442 square feet

ZONING: R-3 (Cluster)

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 4.8 feet from a side lot line and 5.1 feet from a rear 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.

O:\dhedn\Special Permits\3-16) SP 2011-LE-002 Carpenter (error)\SP 2011-LE-002 Carpenter staff report.doc

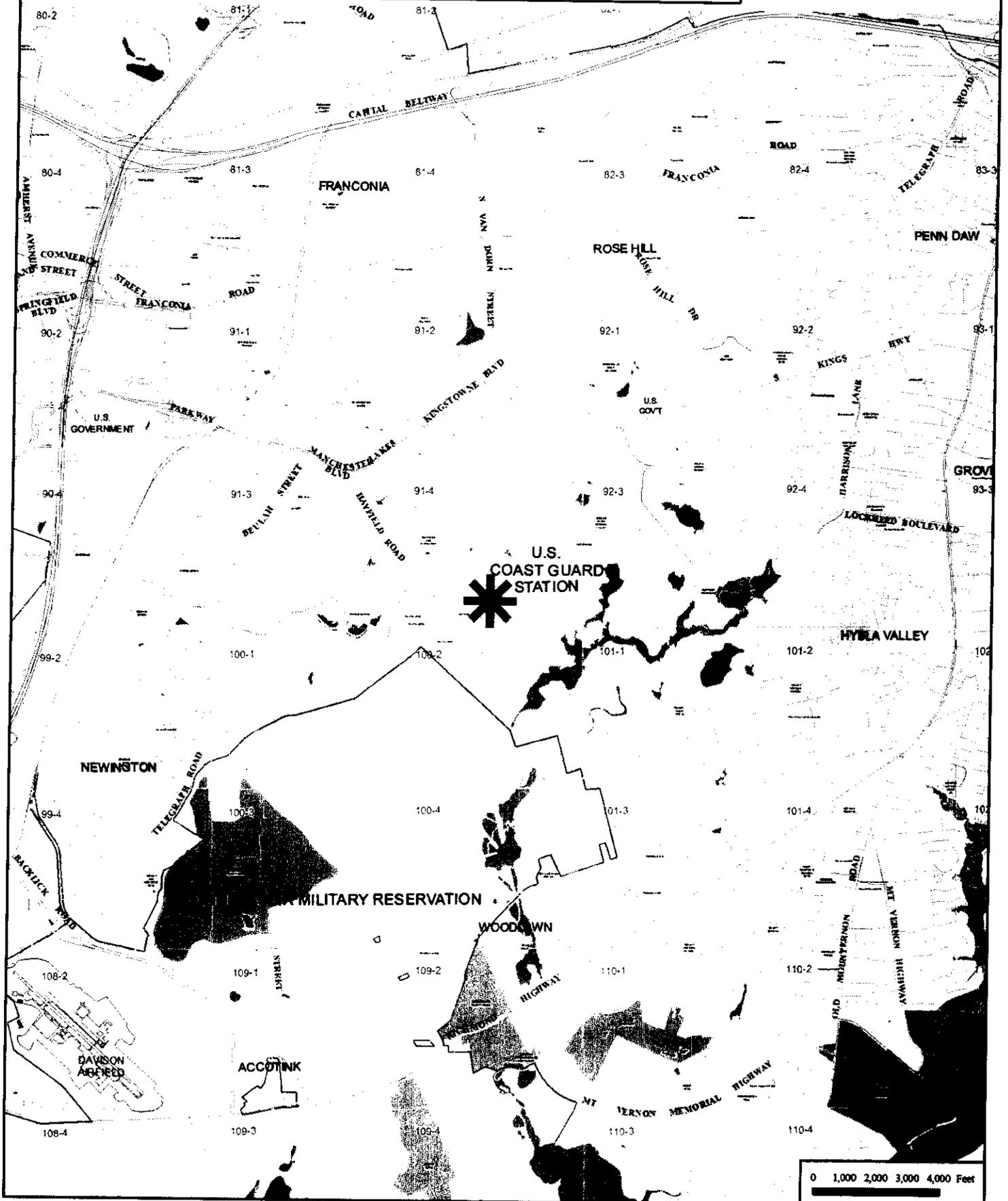
Deborah Hedrick

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).

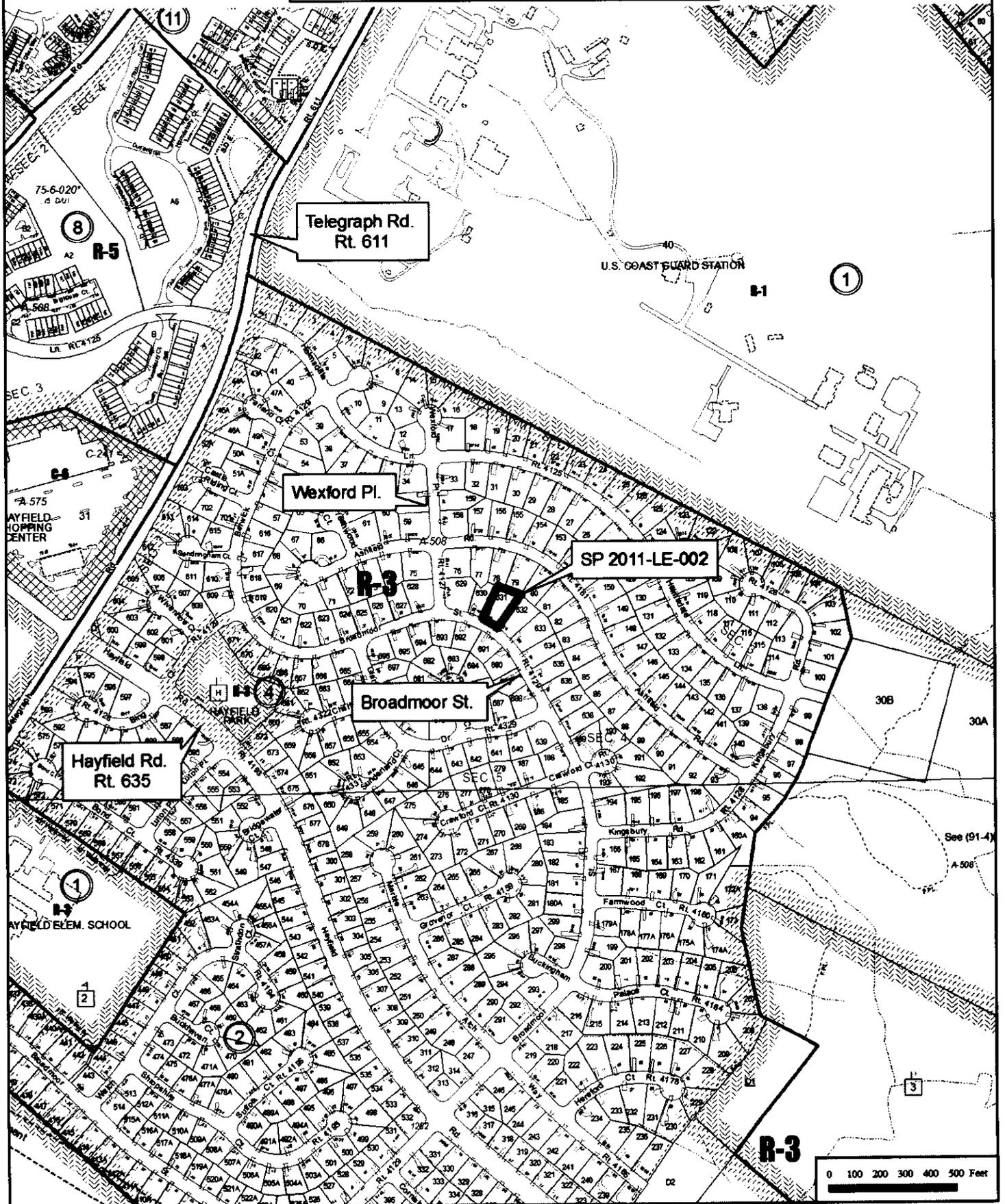
Special Permit
SP 2011-LE-002
DAVID CARPENTER



Special Permit

SP 2011-LE-002

DAVID CARPENTER



COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

- NOTES:
1. TAX MAP 091-4-04-0631
 2. PROPERTY SHOWN HEREON IS ZONED:
R-3C (R-3 W/CLUSTER DEV)
 3. MINIMUM YARD REQUIREMENTS IN R-3C
FRONT YARD: 20'
SIDE YARD: 8', BUT A TOTAL MINIMUM OF 20'
REAR YARD: 25'
 4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 5. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0295E EFFECTIVE DATE, SEPTEMBER 17, 2010.
 6. THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
 7. ELEVATION DATUM IS ASSUMED.
 8. FLOOR AREA:
EXISTING GROSS FLOOR AREA HOUSE 1,368 SQ. FT.
EXISTING GROSS FLOOR ENCLOSED CARPORT 264 SQ. FT.
EXISTING GROSS FLOOR SCREENED PORCH 345 SQ. FT.
TOTAL FLOOR AREA 1,977 SQ. FT.
FLOOR AREA RATIO: 0.158

HEIGHT TABLE

EXISTING HOUSE IS 18.7'
EXISTING ENCLOSED CARPORT IS 12.3'
EXISTING ENCLOSED PATIO 9.2'

CASE NAME: CARPENTER
EZ CAD DESIGNS

NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY
AND DO NOT CERTIFY AS TO OWNERSHIP.

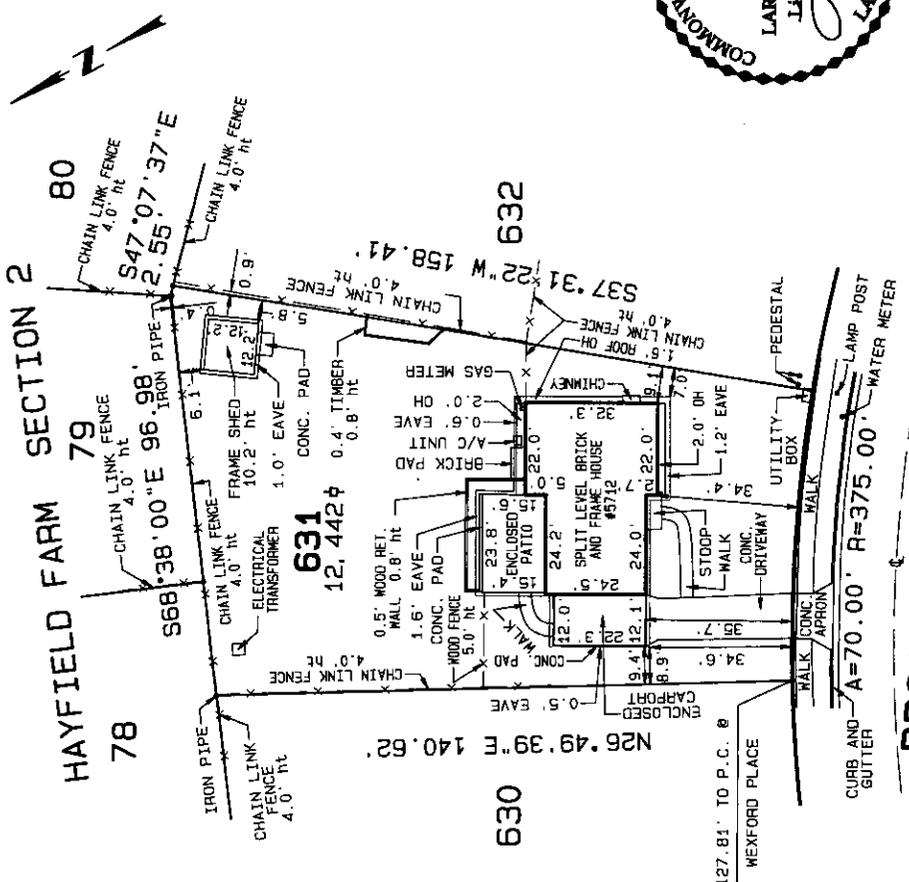
SCARTZ SURVEYS

LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
HOOVERVILLE, VIRGINIA
LOCAL (703) 494-4181
FAX (703) 494-3330
LARRY.SCARTZ@SCARTZ.COM

TAX MAP # 091-4-04-0631

JOB # 20101360_SPP

DSE



SPECIAL PERMIT PLAT
LOT 631, SECTION 7

HAYFIELD FARM

LEE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=30'
DATE: OCTOBER 5, 2010

BROADMOOR STREET
ROUTE #4129
50' R/W

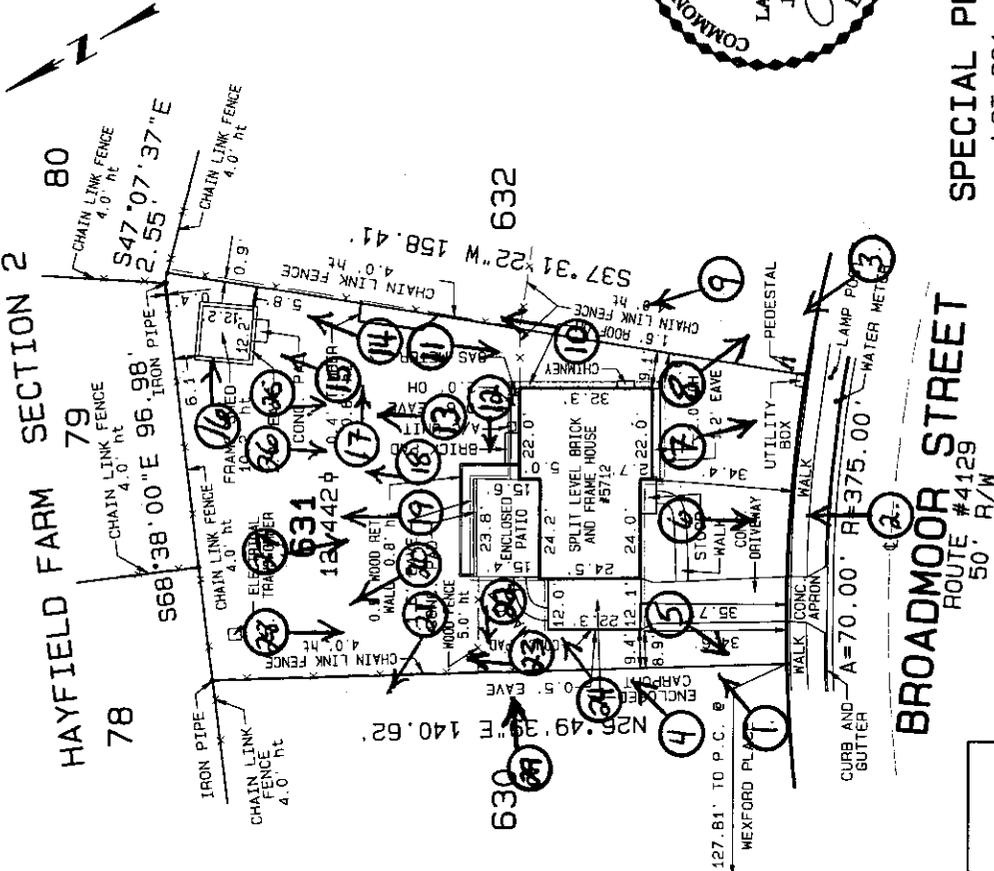
Photo Key N.T.S.

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SEPTEMBER 17, 2010.
 - THE RECORD PLAT DOES NOT SHOW ANY UTILITY
EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25)
FEET OR MORE EFFECTING THIS PROPERTY.
 - ELEVATION DATUM IS ASSUMED.
 - FLOOR AREA:
EXISTING GROSS FLOOR AREA HOUSE 1,388 SQ. FT.
EXISTING GROSS FLOOR ENCLOSED CARPORT 264 SQ. FT.
EXISTING GROSS FLOOR SCREENED PORCH 345 SQ. FT.
TOTAL FLOOR AREA 1,977 SQ. FT.
FLOOR AREA RATIO: 0.158

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LOT 631, SECTION 7
HAYFIELD FARM
LEE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA
DATE: OCTOBER 5, 2010
SCALE: 1"=30'

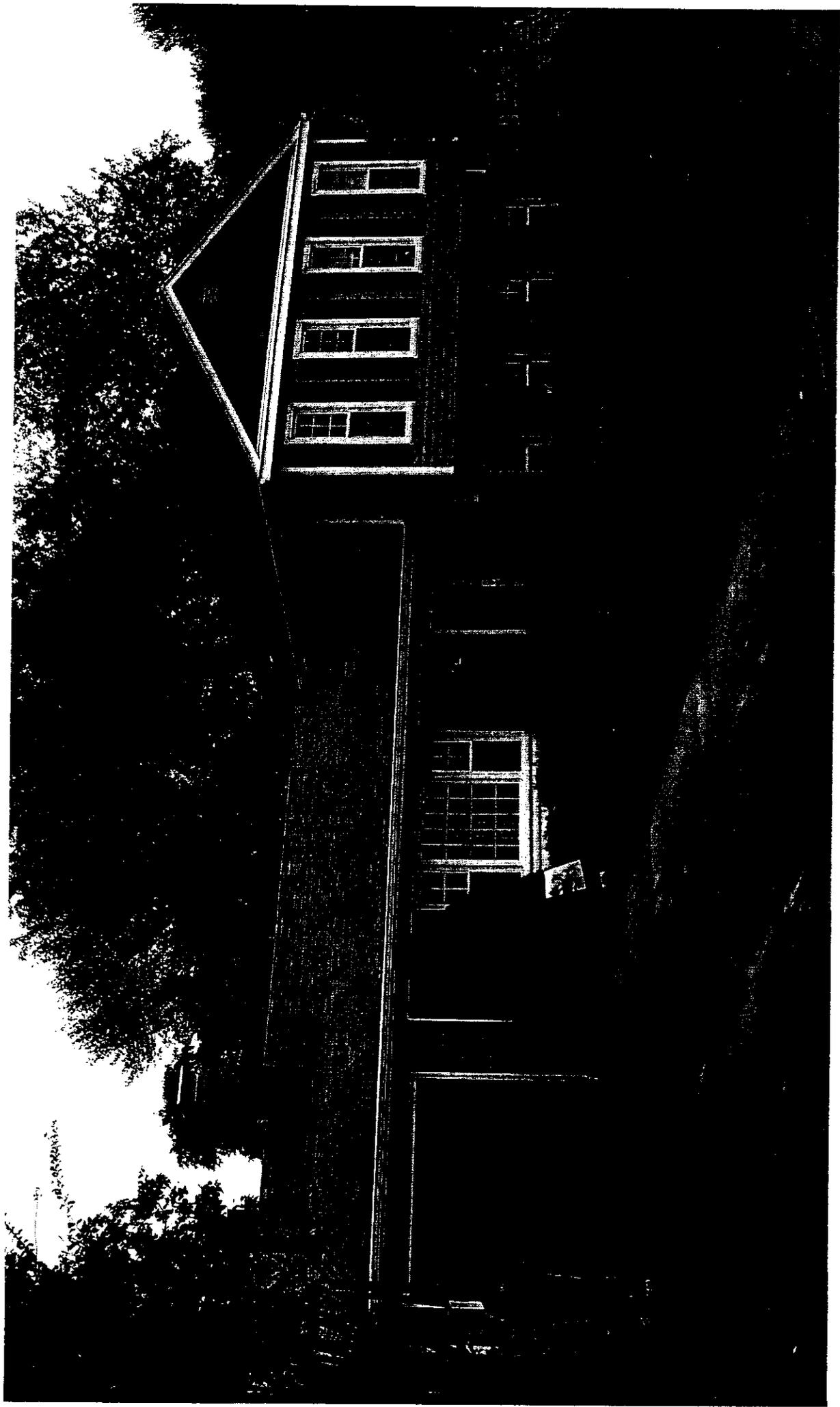
BROADMOOR STREET
ROUTE #4129
50' R/W

CASE NAME: CARPENTER
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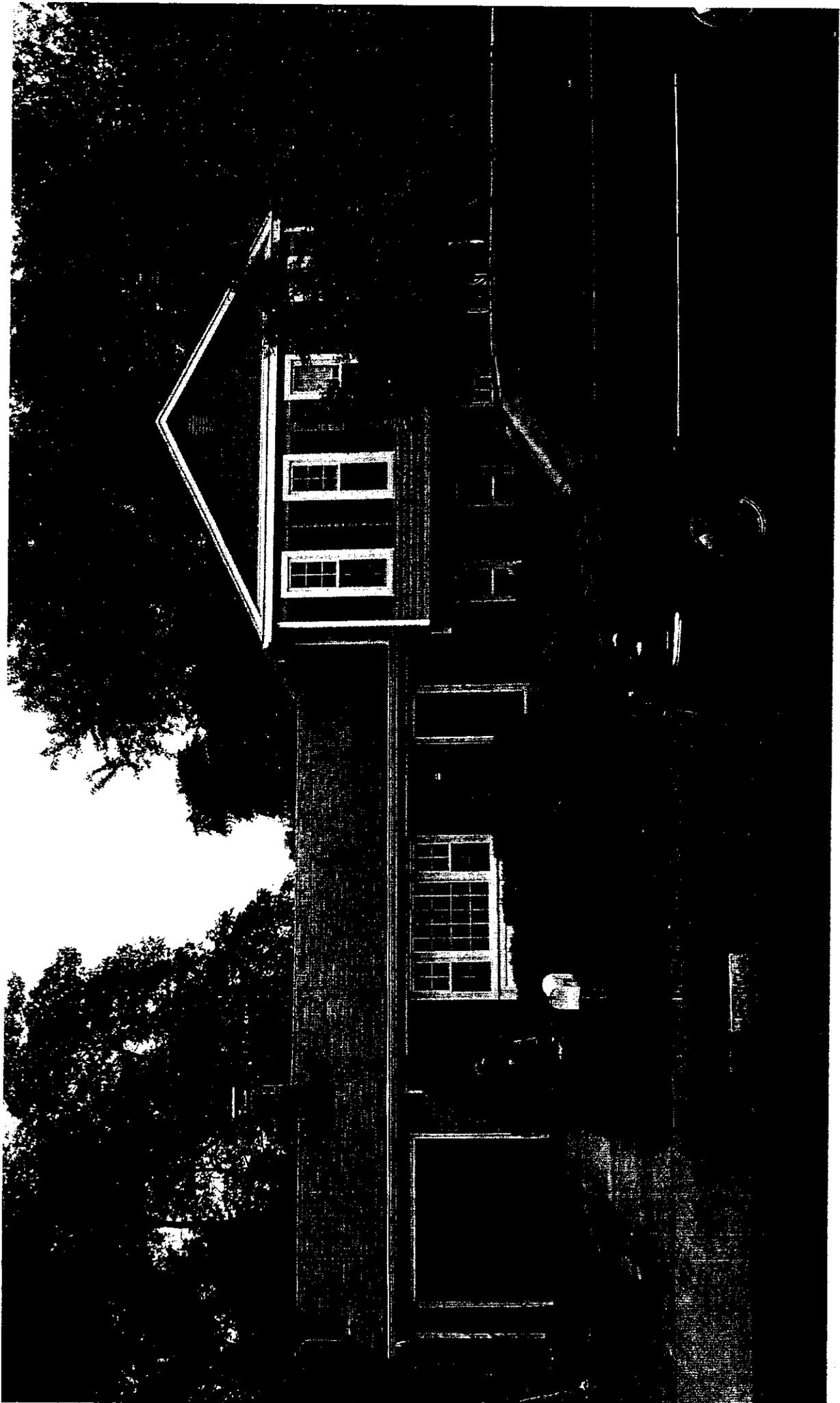
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LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
WOODBRIDGE, VIRGINIA
LOCAL (703) 494-4181
FAX (703) 494-3330
LARRY.SCARTZ@SCARTZ.COM

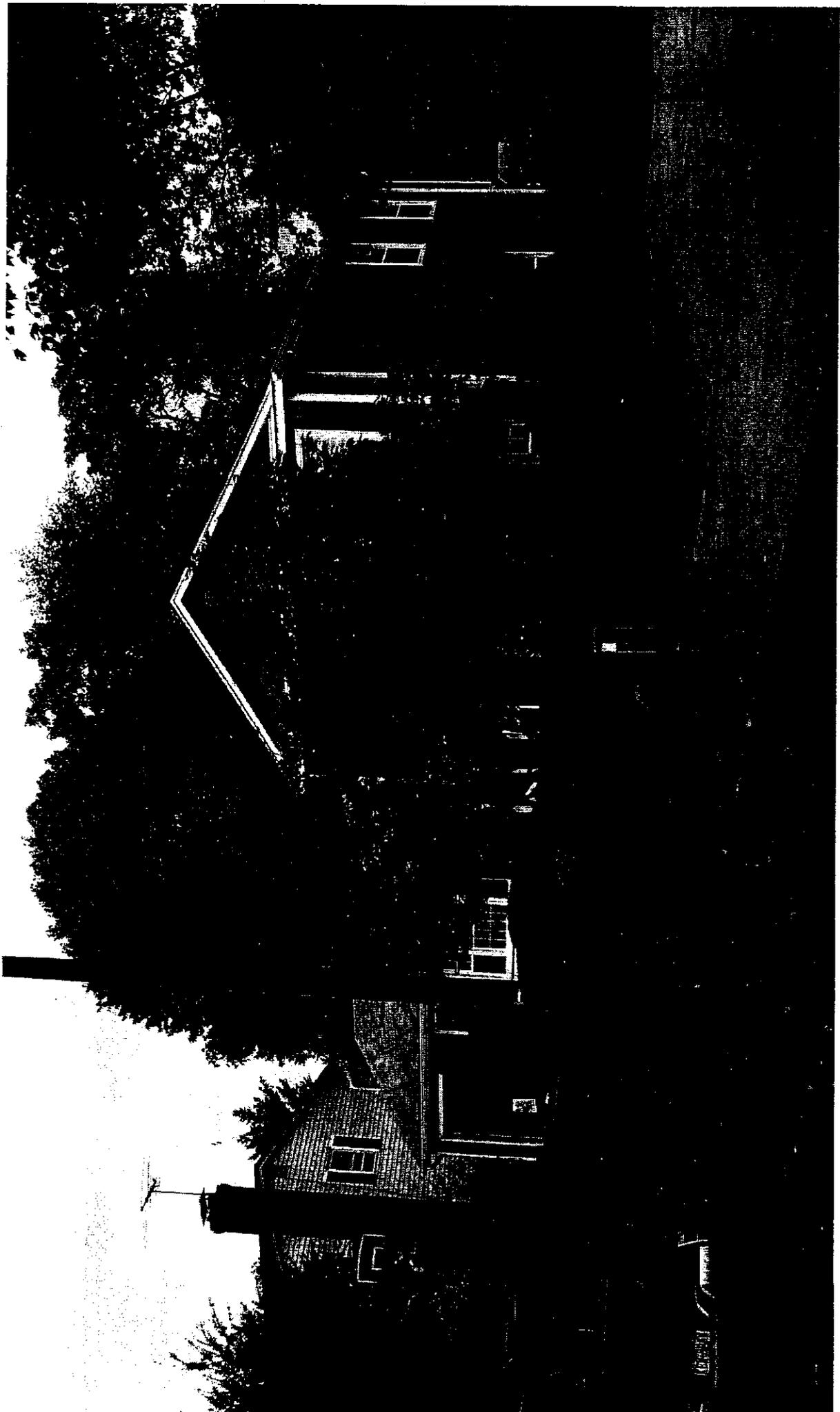
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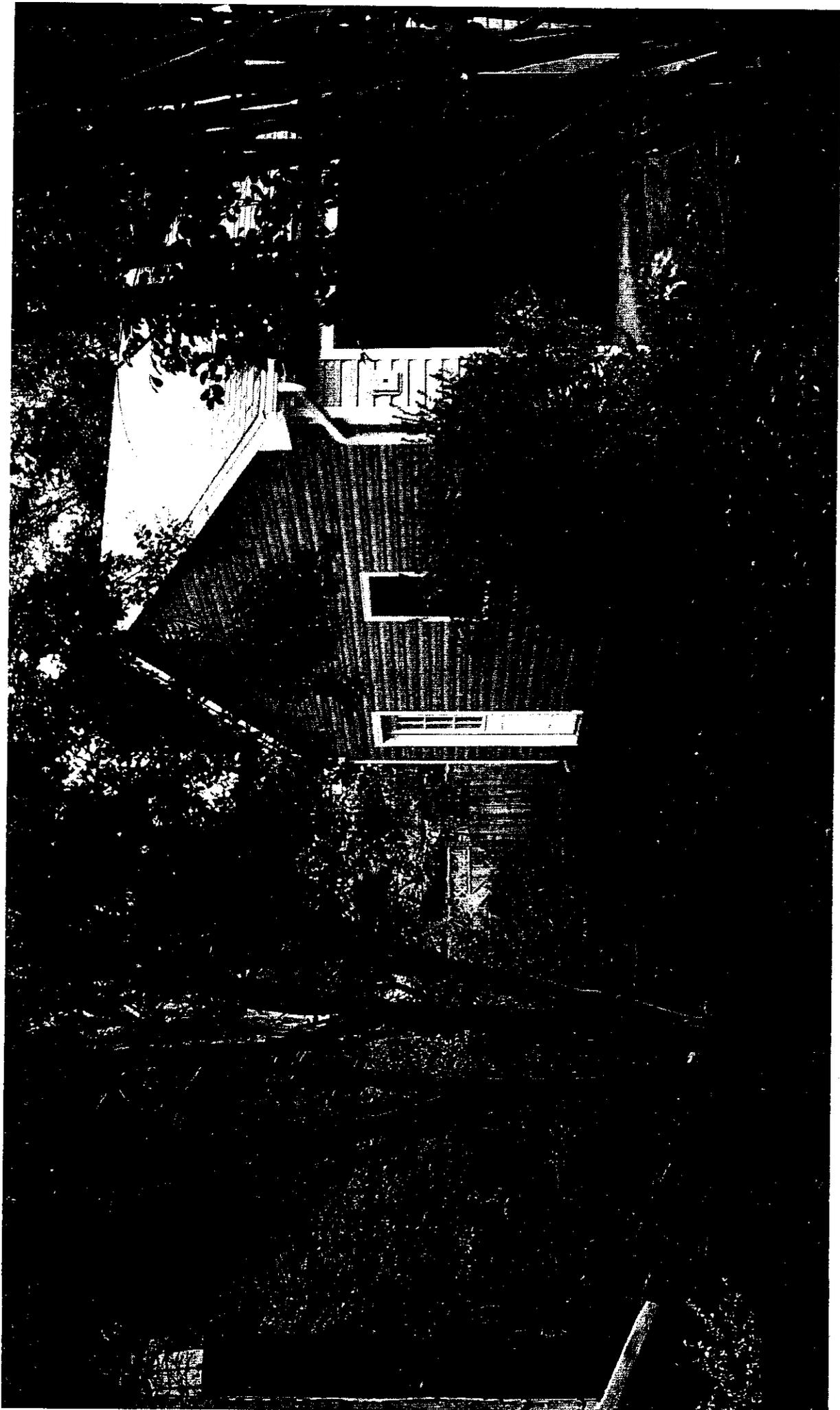
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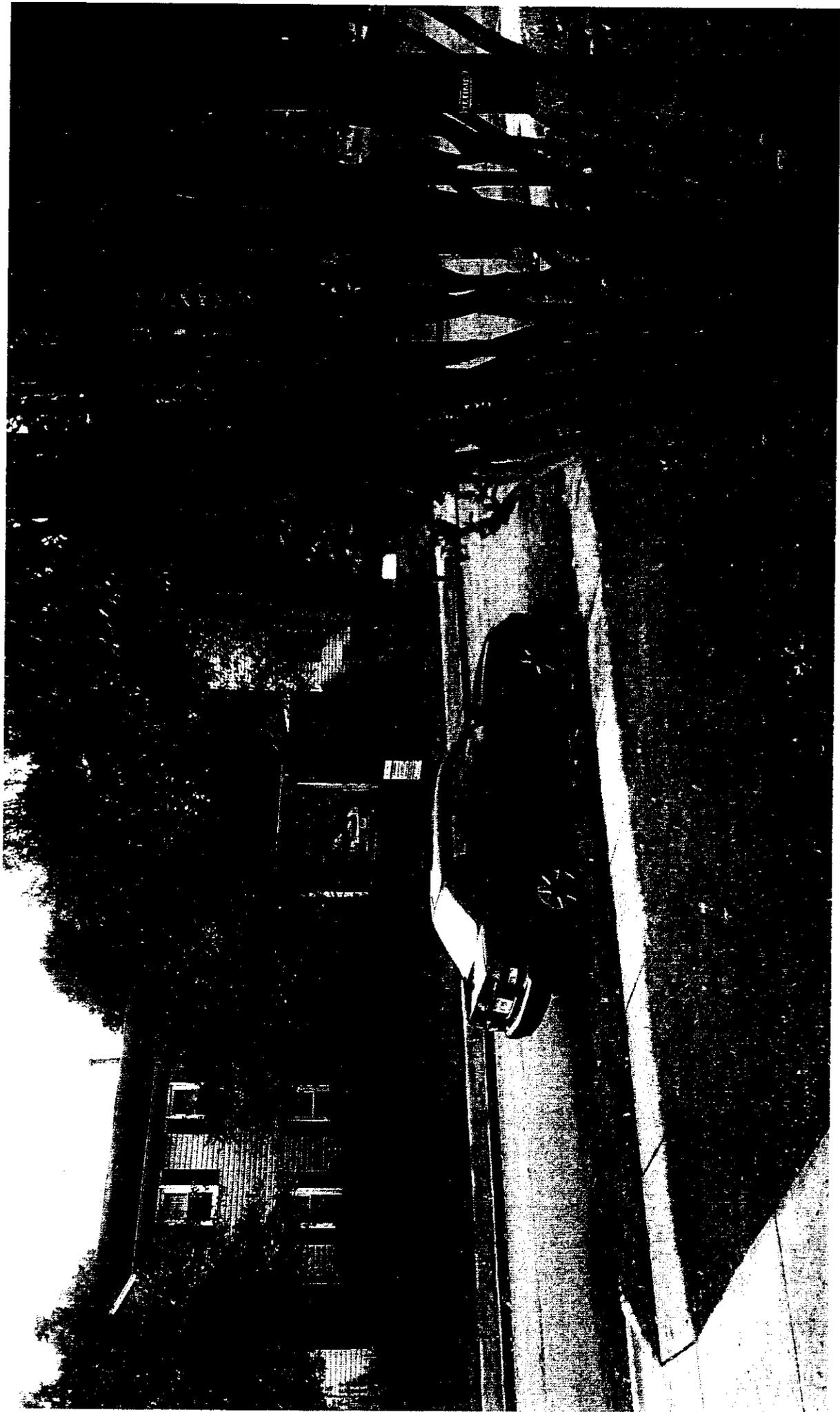
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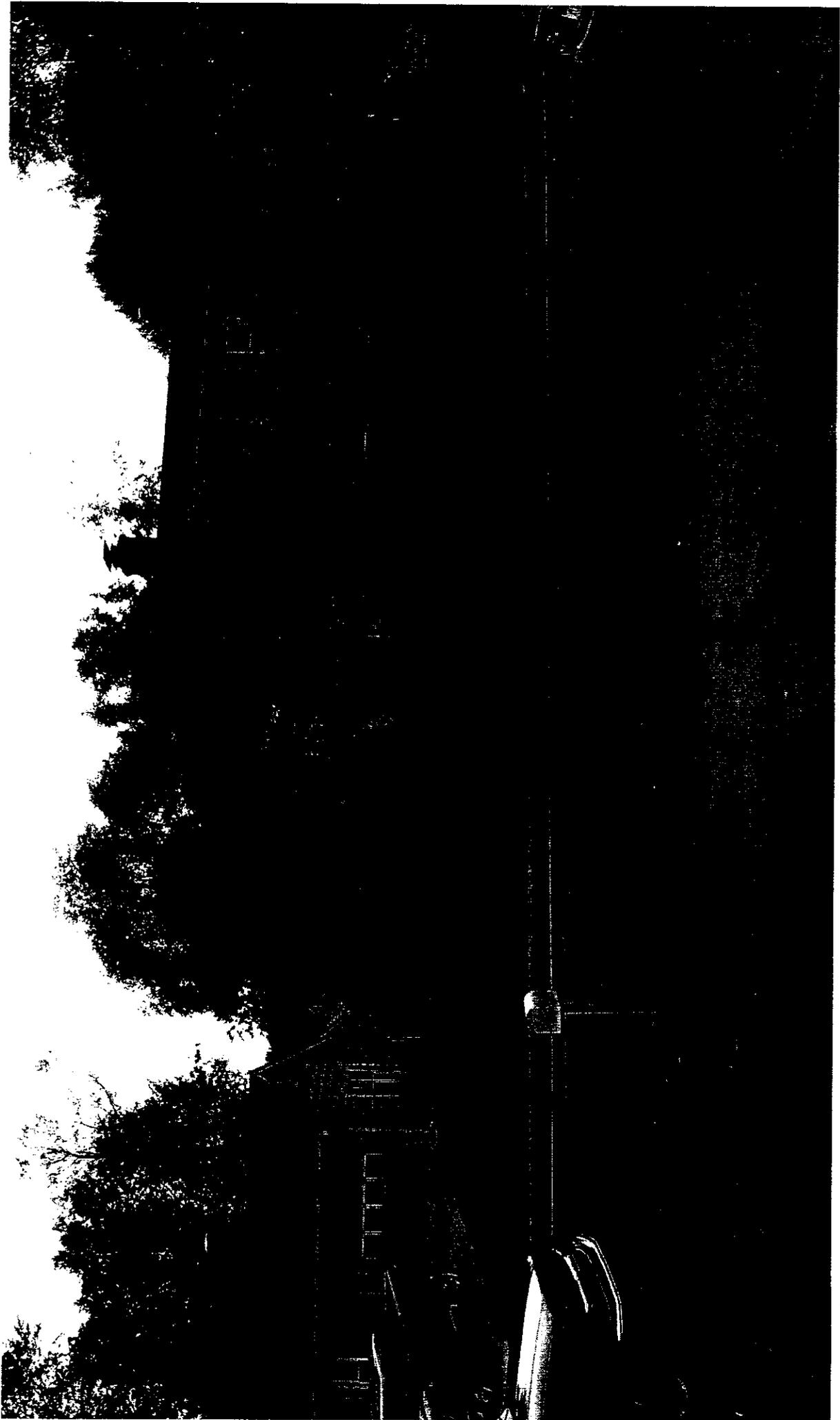
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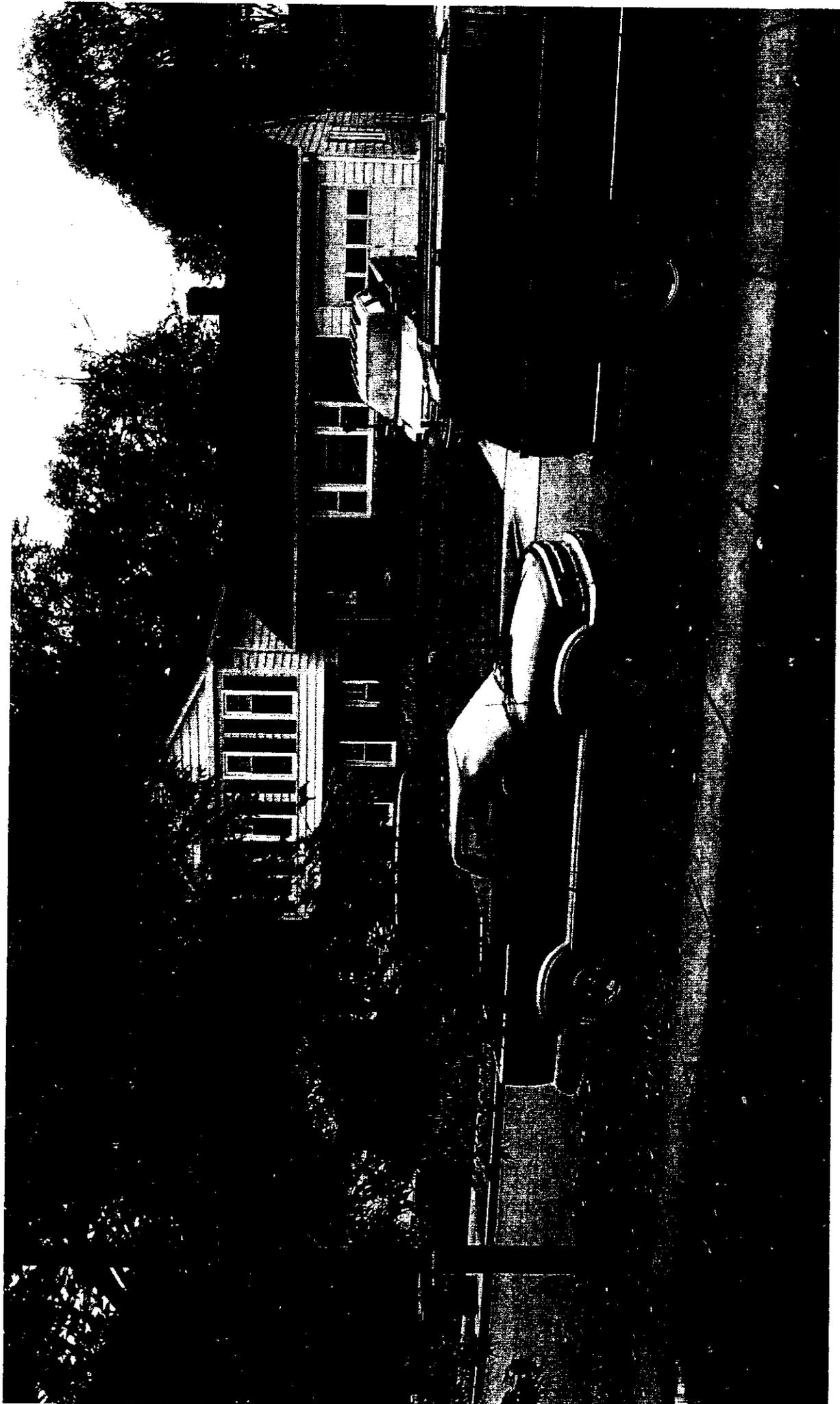
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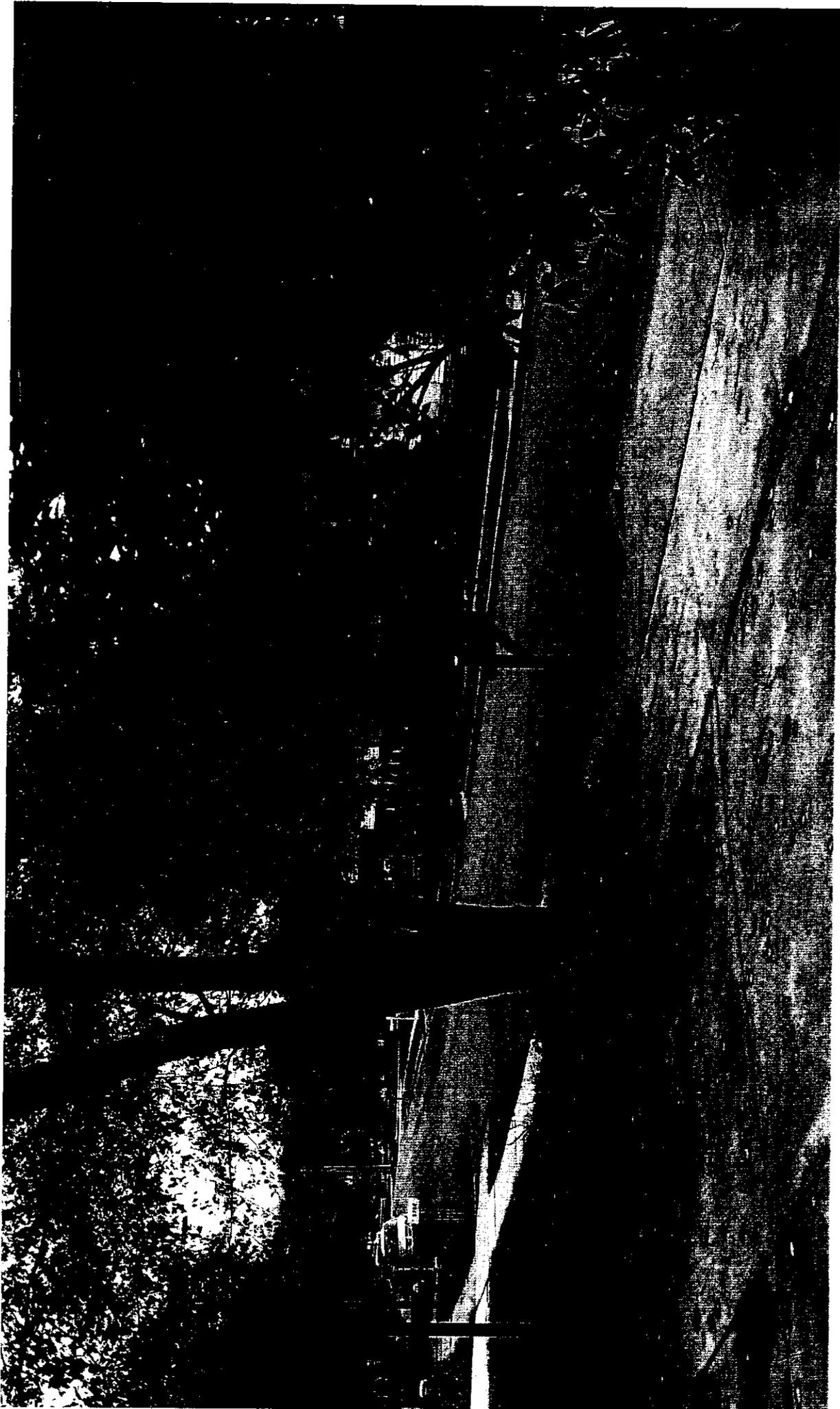
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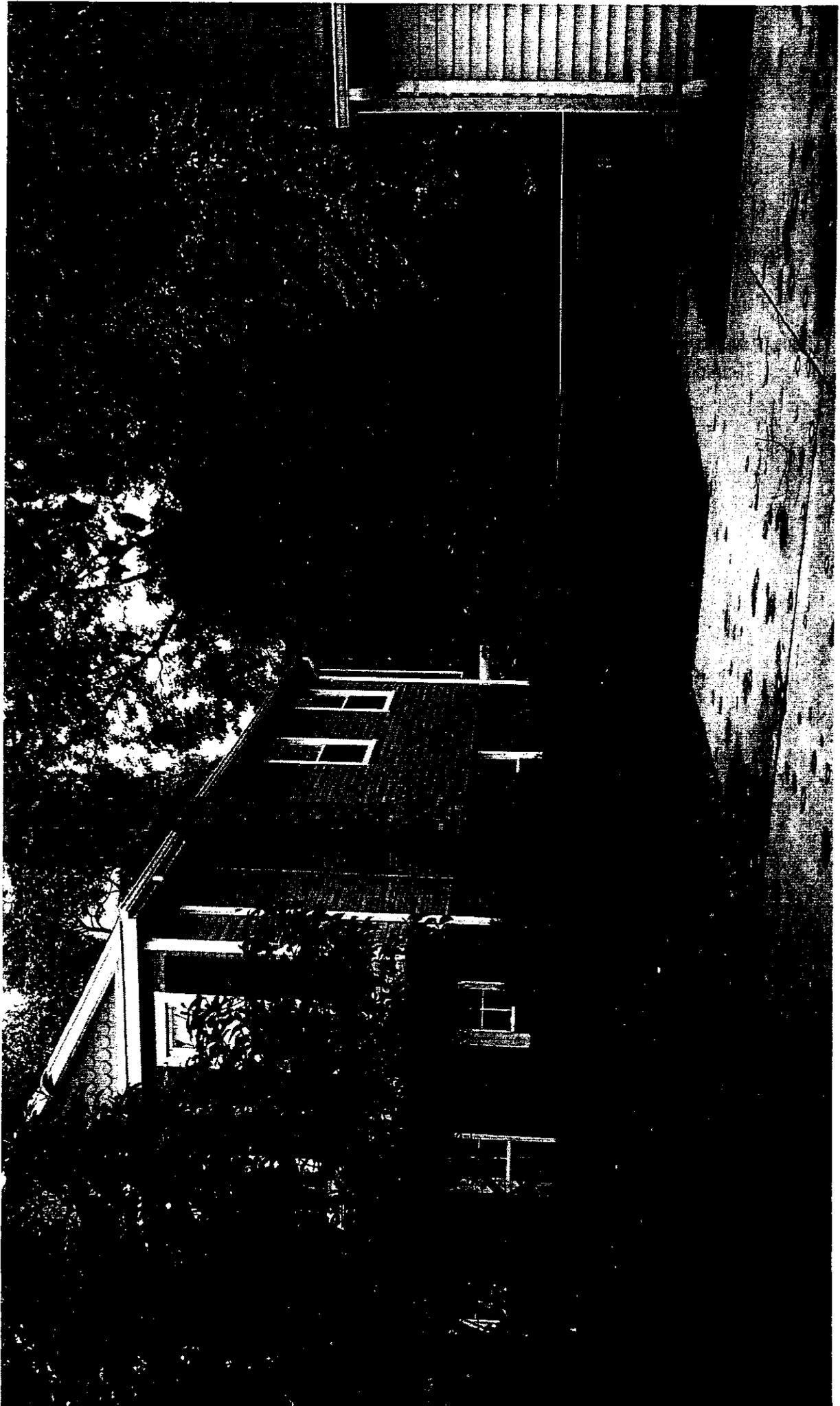
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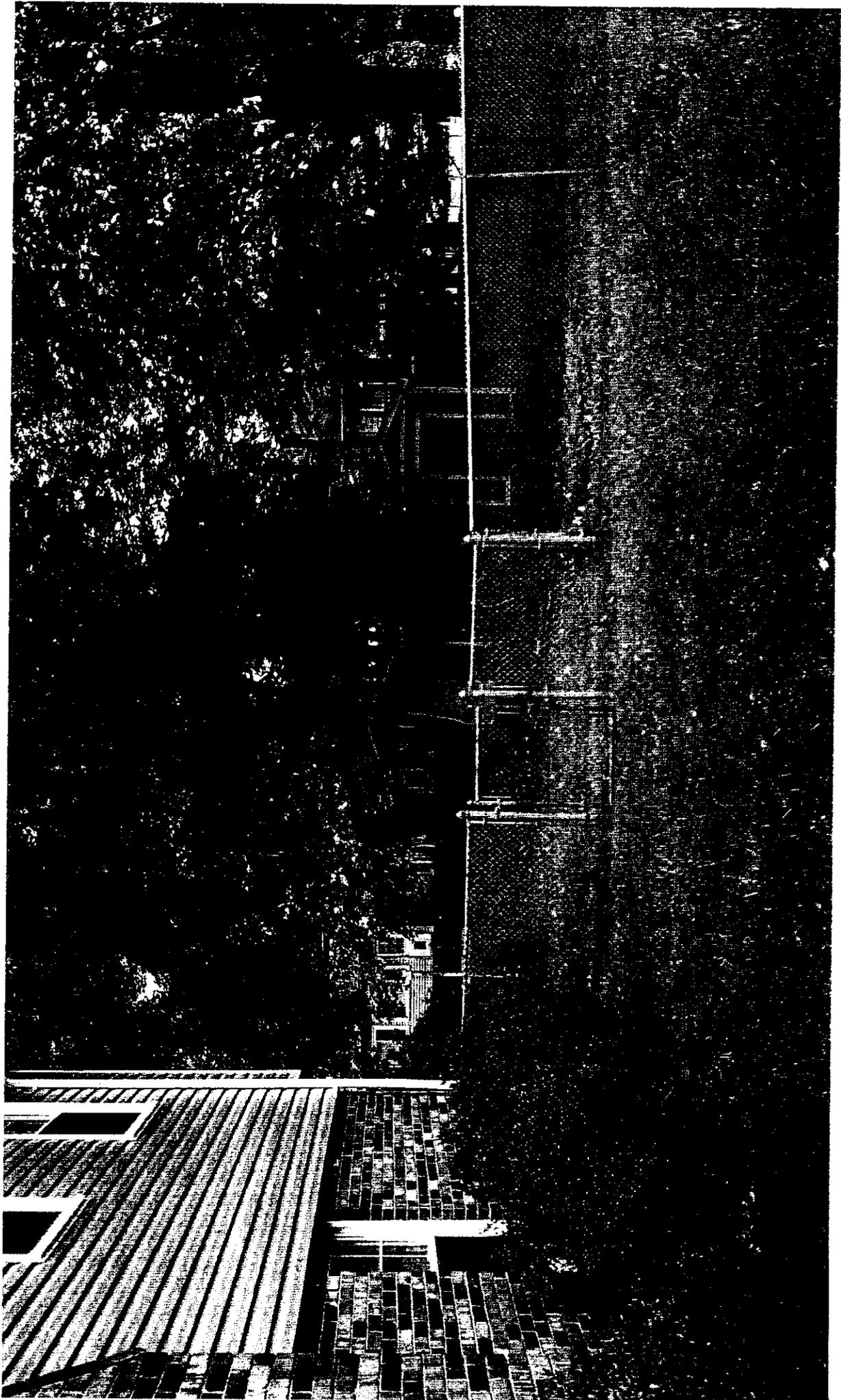
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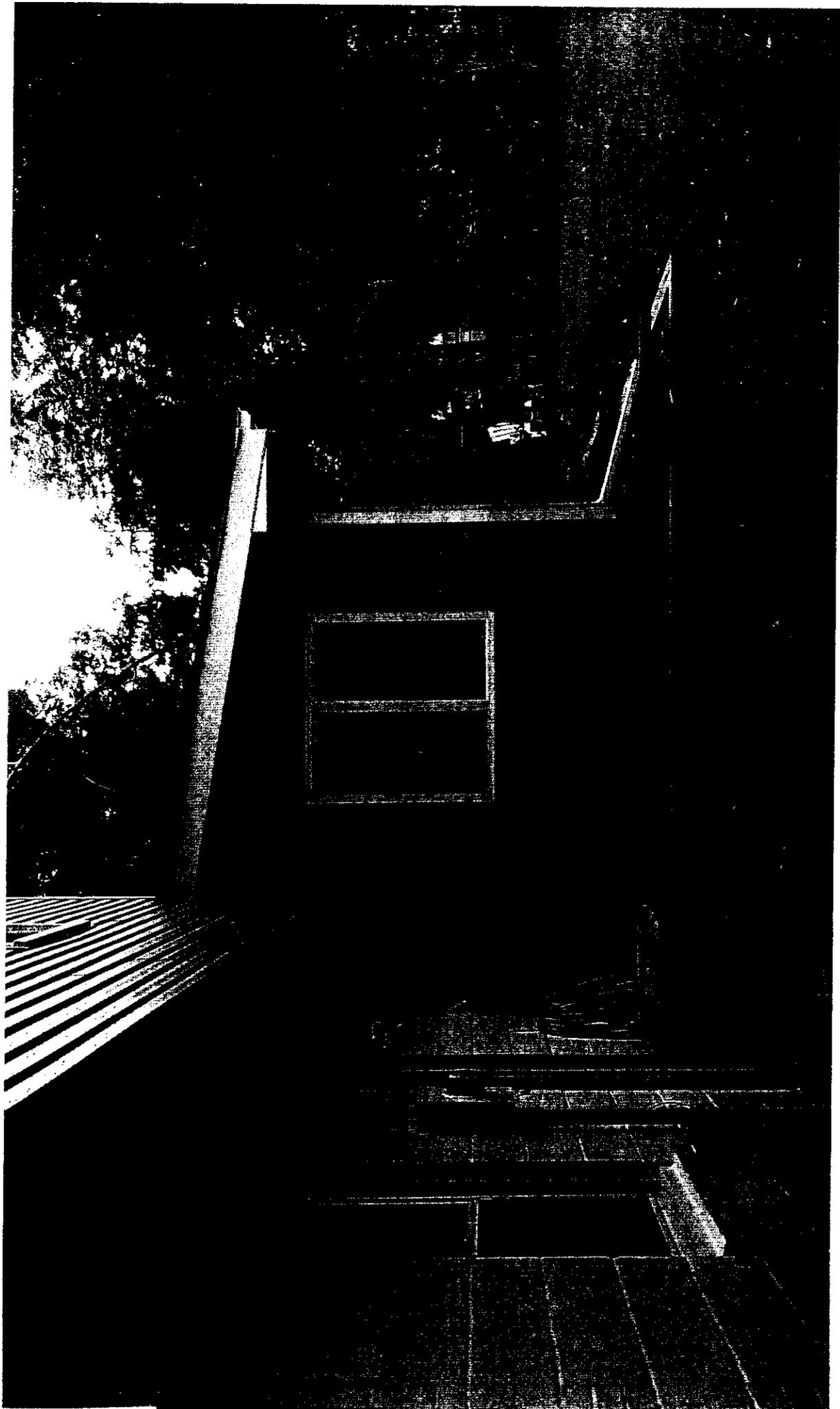
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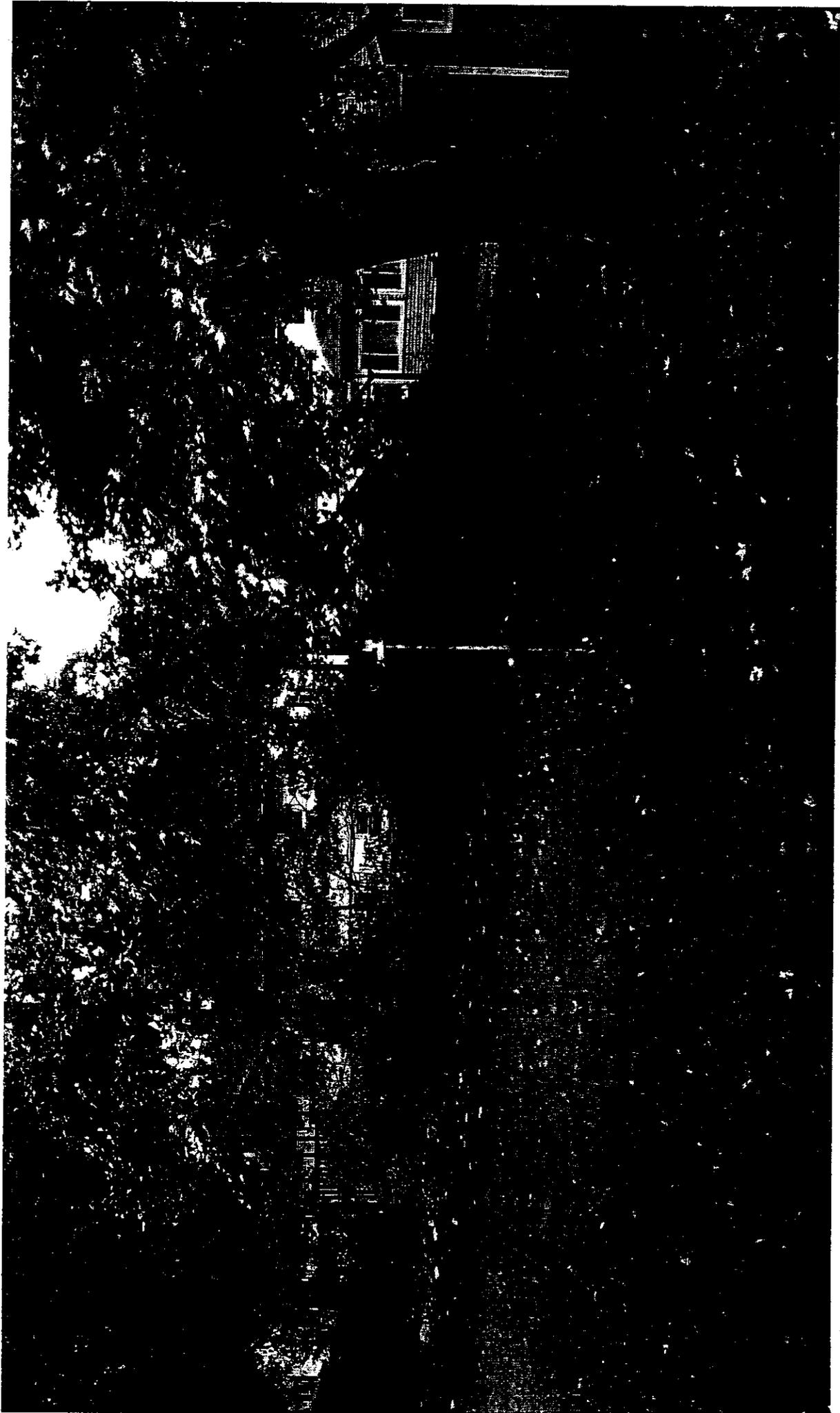
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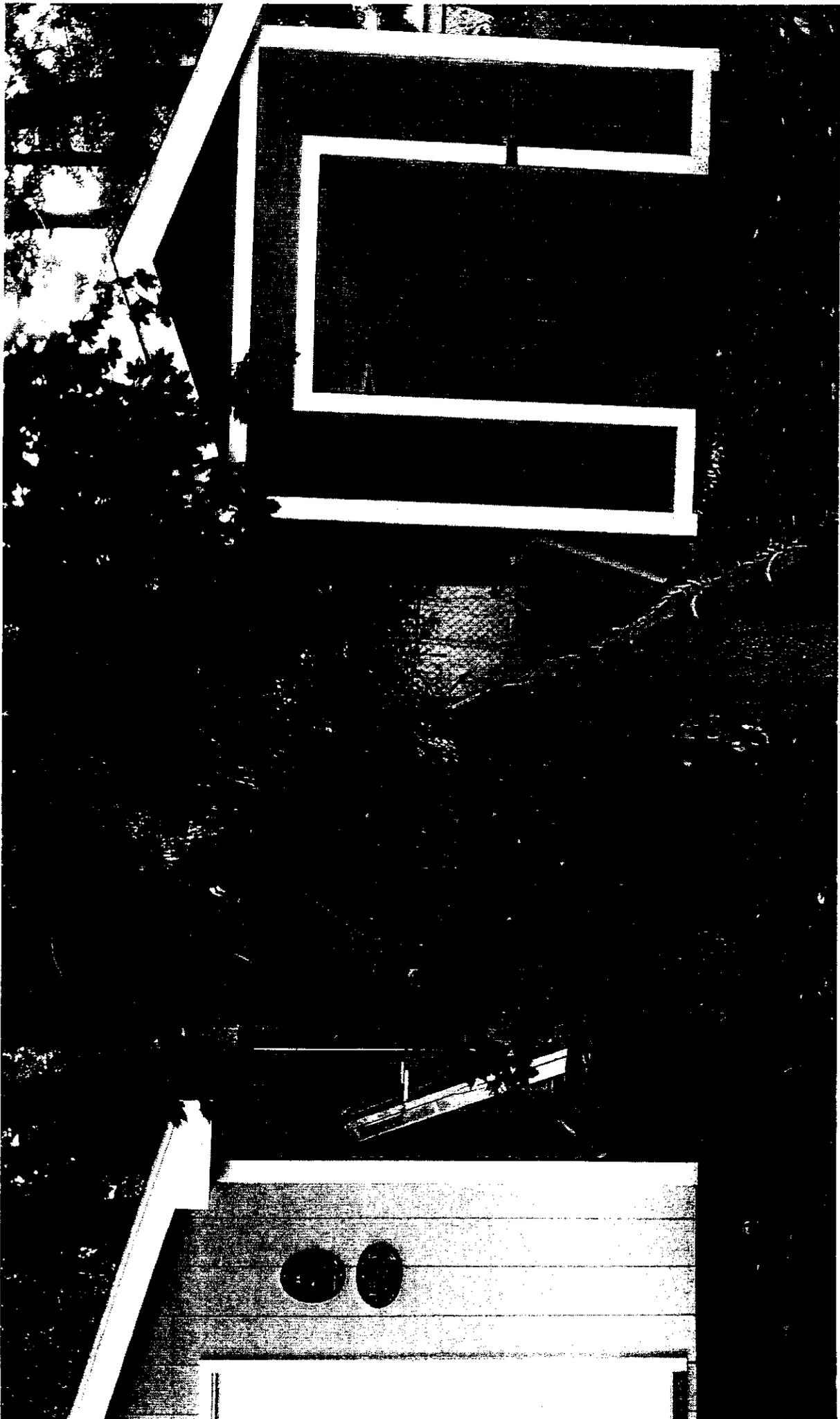
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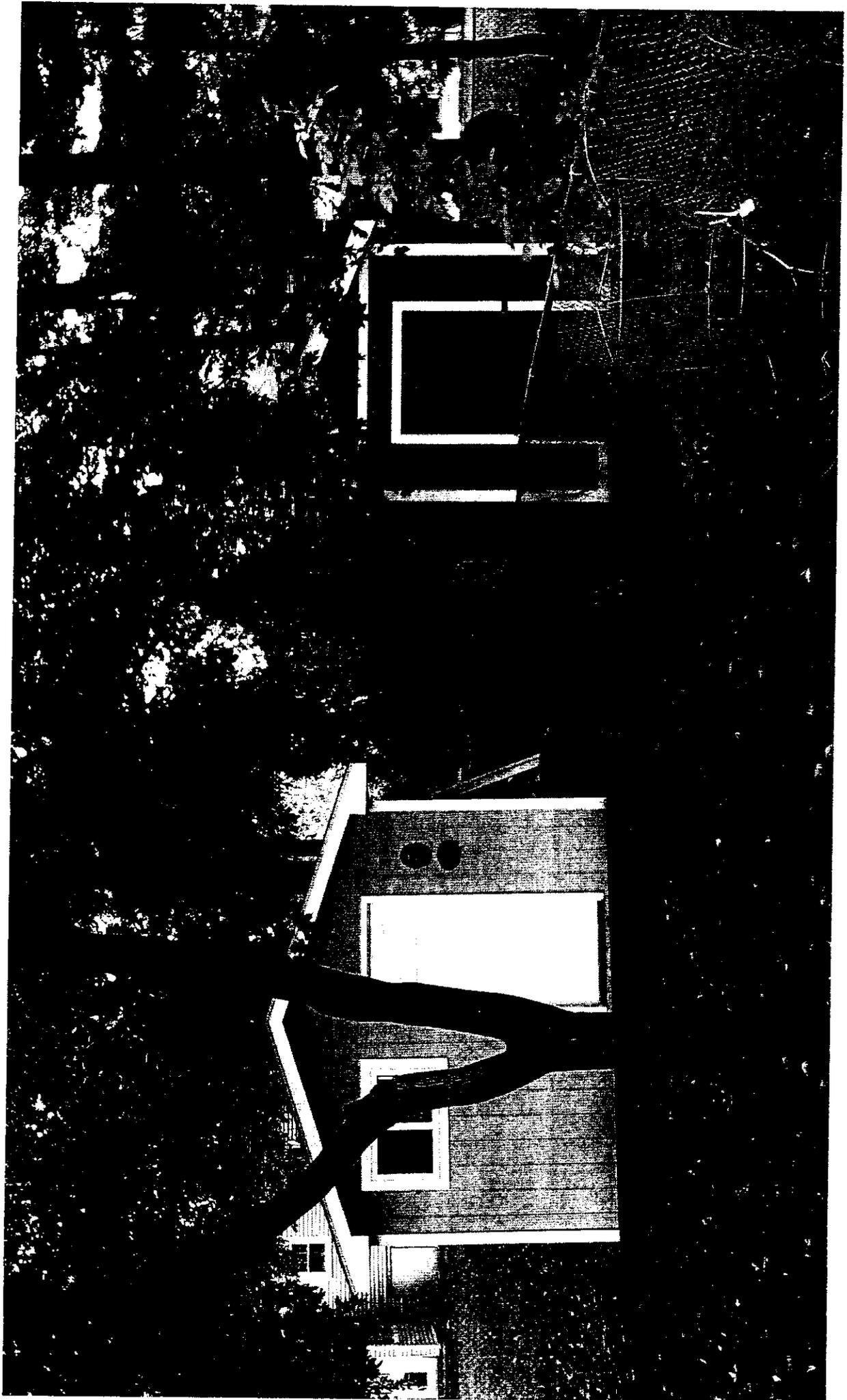
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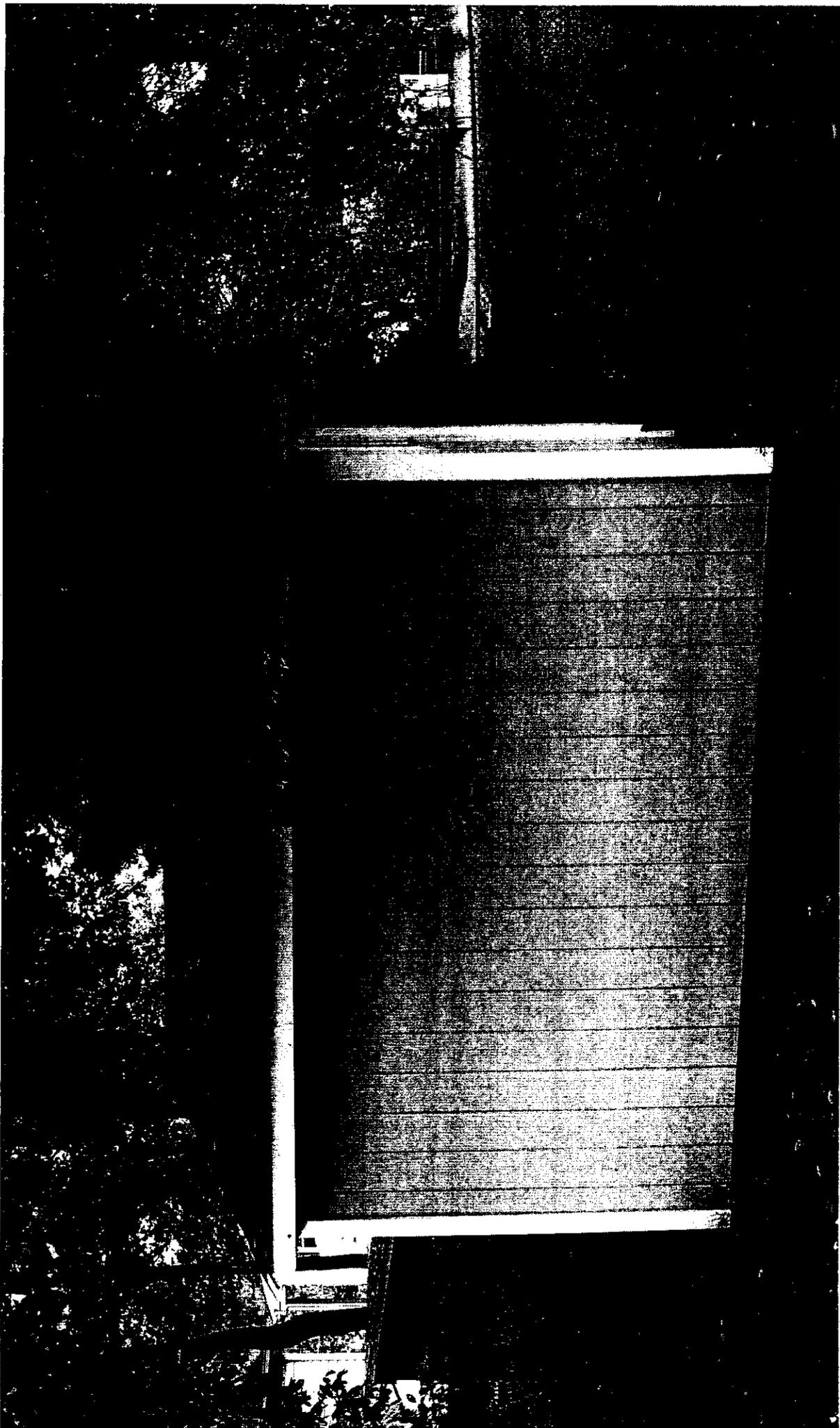
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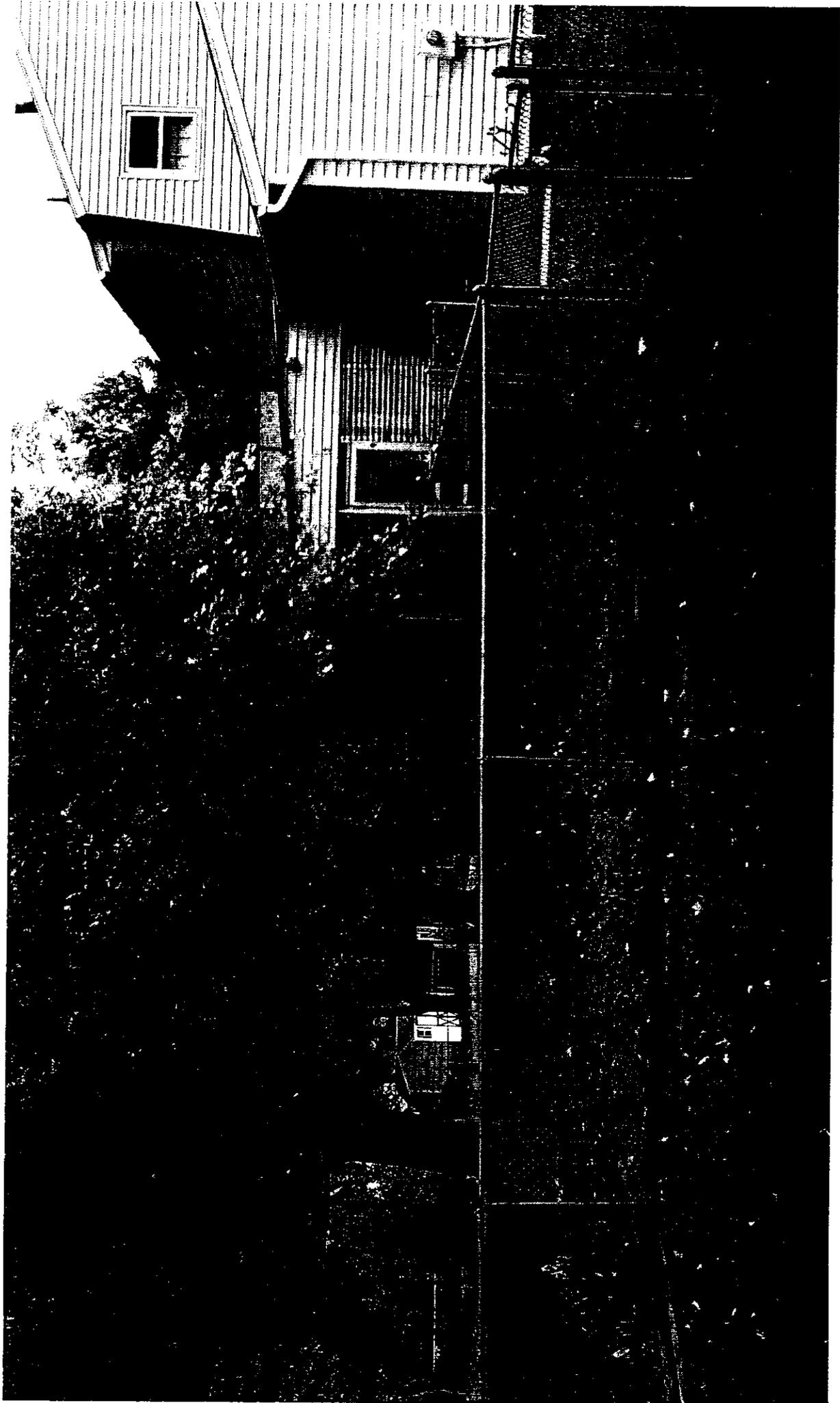
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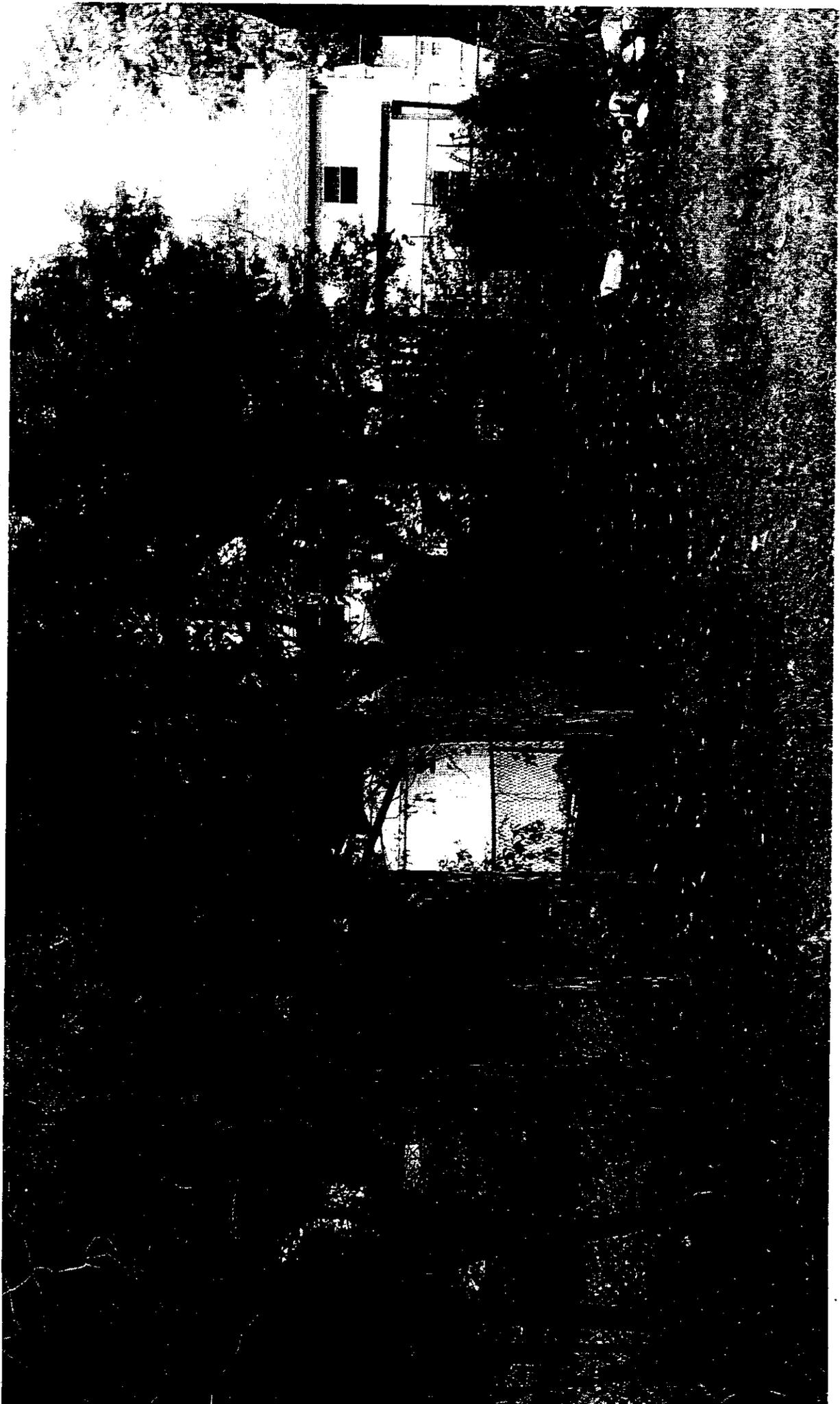
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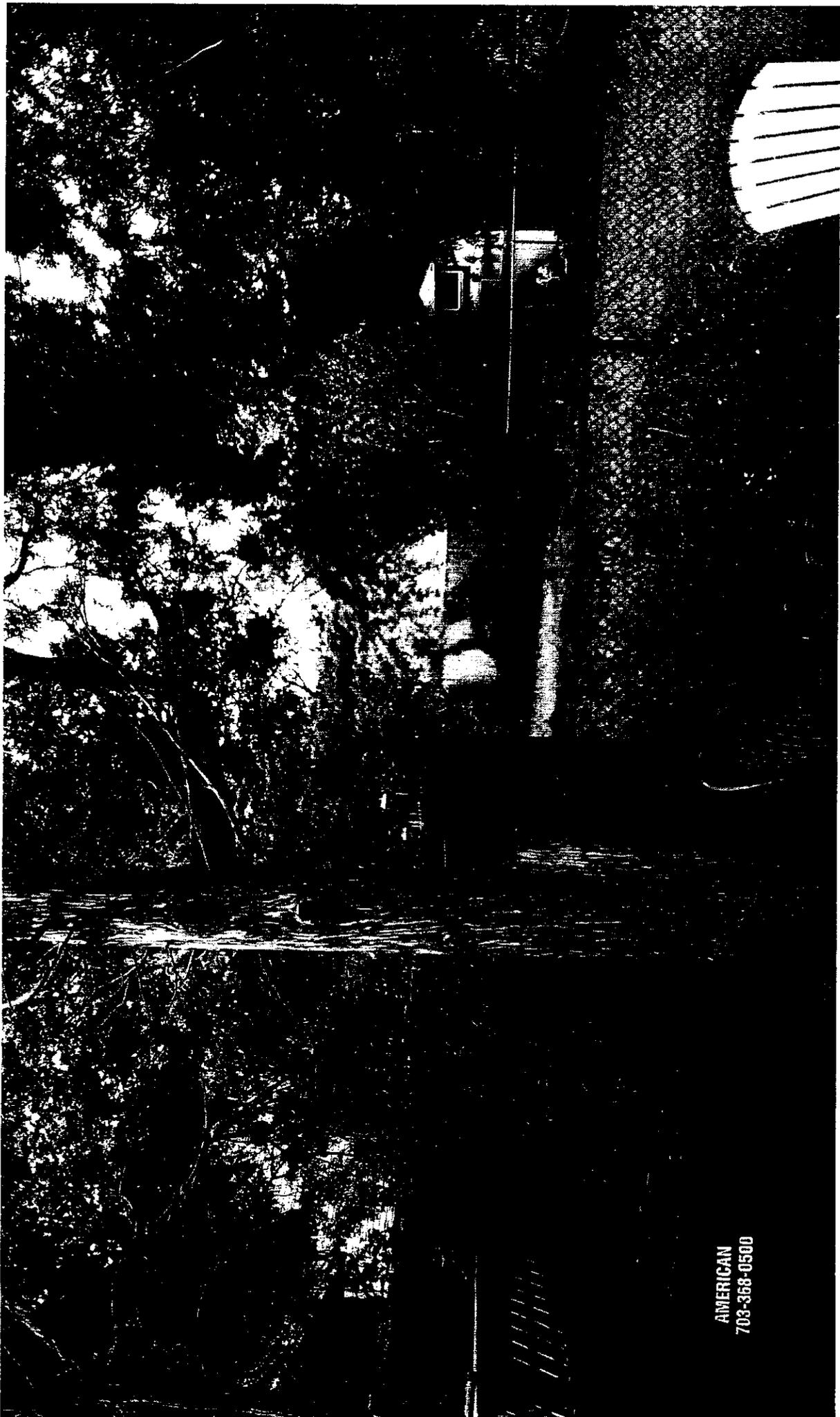
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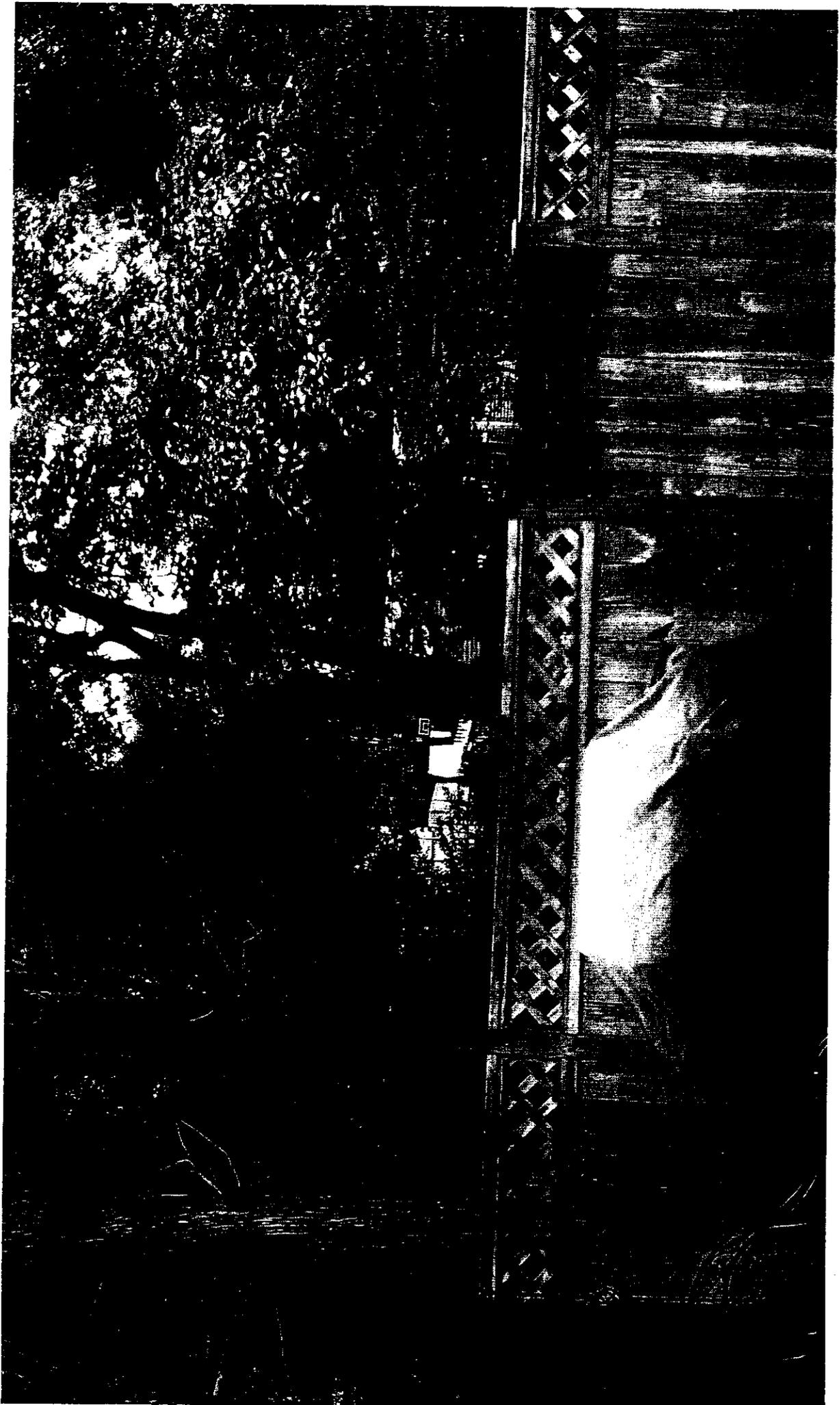


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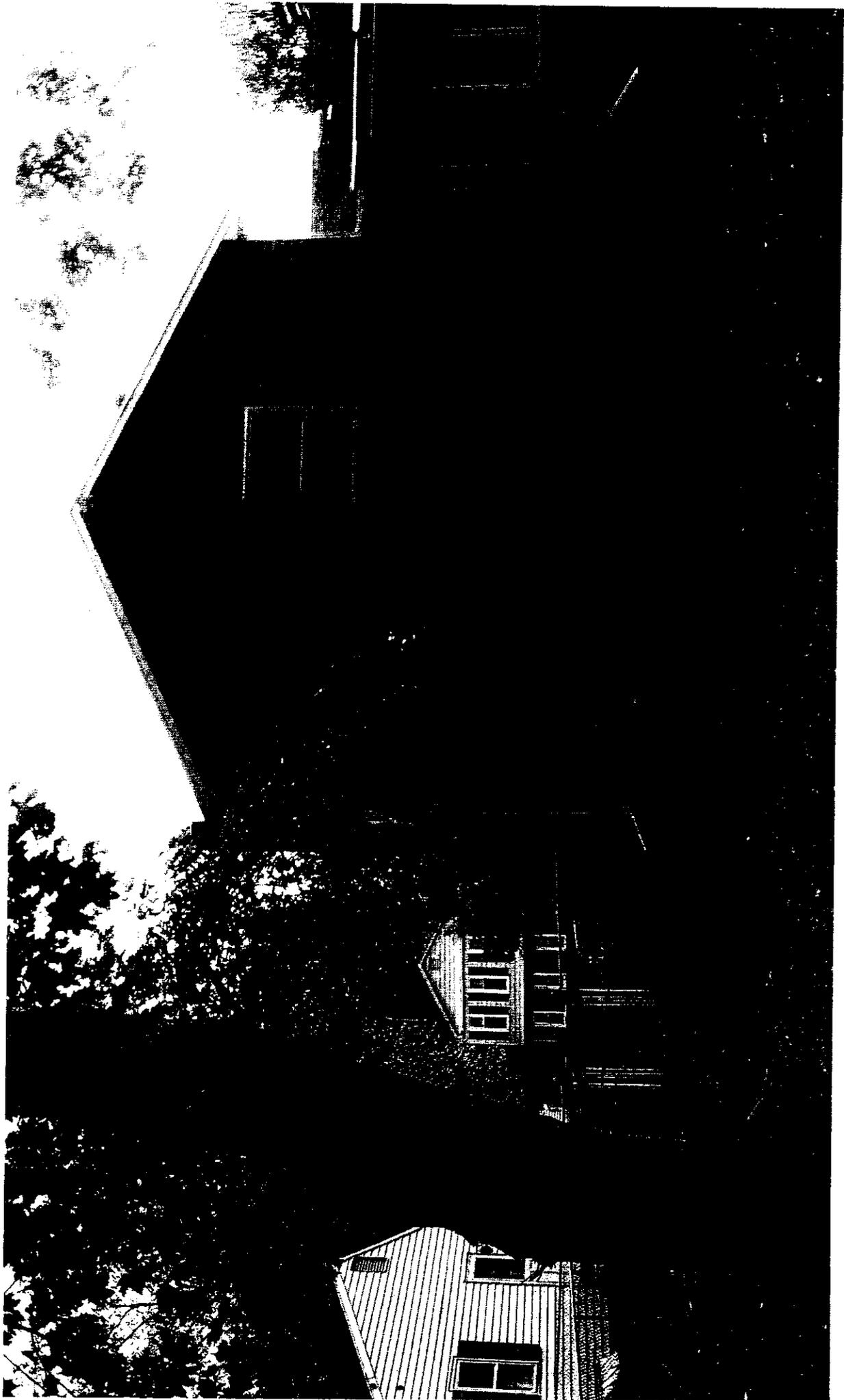
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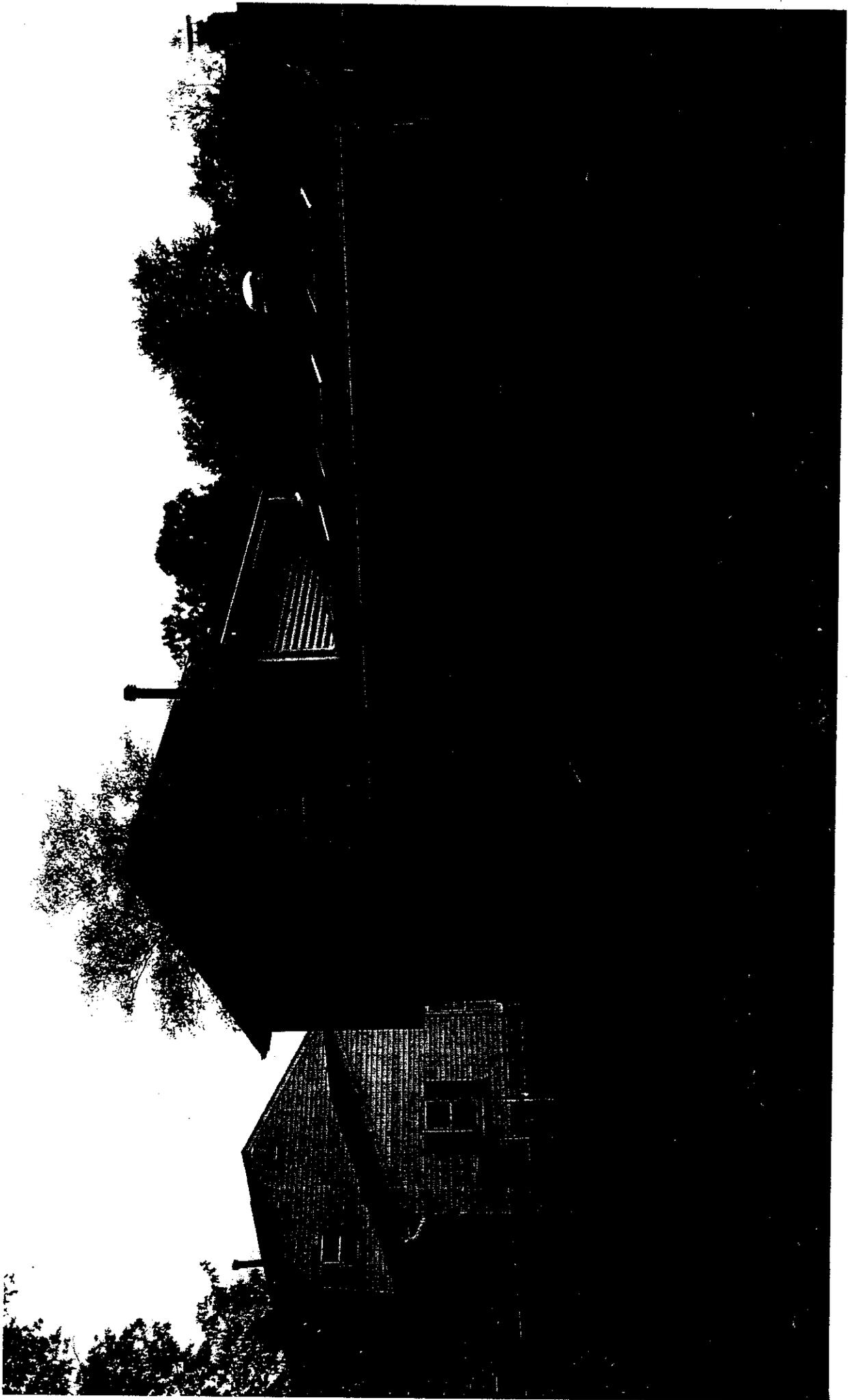
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27.



28.



29.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for an error in building location to permit an accessory storage structure (frame shed), which measures 10.2 feet in height, to remain 4.8 feet from the eastern side lot line and 5.1 feet from the rear lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Accessory Storage Structure	Side	8.0 feet	5.8 feet	2.2 feet	28%
Special Permit	Accessory Storage Structure	Rear	10.2 feet	6.1 feet	4.1 feet	40%

*Minimum Yard Requirement per Section 10-104

LOCATION AND CHARACTER

Character of the Area

	Zoning	Use
North	R-3	Single Family Detached Dwellings
South	R-3	Single Family Detached Dwellings
East	R-3	Single Family Detached Dwellings
West	R-3	Single Family Detached Dwellings

Existing Site Description

The 12,442 square foot lot was developed under the cluster regulations and contains a split level single family detached dwelling constructed in 1970. The lot is flat and has a manicured lawn with mature trees and shrubs. A combination of wood and chain link fencing are located along the side and rear lot lines.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat, Lot 631, Section 7, Hayfield Farm
- **Prepared By:** Scartz Surveys dated October 5, 2010
- **Building Permit Required:** No, as the structure measures 148 square feet in size.
- **Location Error Made By:** Previous homeowners

BACKGROUND

On August 31, 2010, the applicant was issued a Corrective Work Order (CWO) for converting an existing open carport into an enclosed garage and for converting an existing screened porch into an enclosed sunroom without first obtaining applicable building and electrical permits. A copy of the CWO is attached as Appendix 4. The applicant became aware of the error in building location for the storage shed when he attempted to obtain the applicable permits for the garage and sunroom additions. When he provided the plat for the special permit application for the accessory storage structure, it was determined that the combined total side yards of 20.0 feet under the R-3 cluster regulations were not met since the "garage" is located 9.4 feet from the western side lot line and the dwelling is located 9.1 feet from the eastern side lot line, for total side yards of 18.5 feet. On January 5, 2011, a 1.5 foot, or 9% Administrative Reduction was granted by the Zoning Administration Division for the total side yards.

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 1 of this report, Proposed Development Conditions.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Corrective Work Order dated August 31, 2010
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2011-LE-002

March 9, 2011

1. This special permit is approved only for the location of a detached accessory storage structure (frame shed), as shown on the plat prepared by Scartz Surveys dated October 5, 2010, submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the garage enclosure and sunroom enclosure 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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/27/10
 (enter date affidavit is notarized)

I, Schuyler P. Ahrens, 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

110258

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)
David R. Carpenter	5712 Broadmoor St. Alexandria VA, 22315	Applicant/Title Owner
Catherine H. Carpenter	5712 Broadmoor St. Alexandria VA, 22315	Title Owner/Applicant
Schuyler P. Ahrens JBA Ez Cad Designs	4871 Benecia Lane Dumfries VA, 22025	Applicant's 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).

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/27/10
(enter date affidavit is notarized)

110258

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)

*(Sole Proprietor) Schayler P. Ahrens D/B/A Ez Cad Designs
4871 Benecia Lane, Dumfries VA, 22025*

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/27/10
(enter date affidavit is notarized)

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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.

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/27/10
(enter date affidavit is notarized)

110258

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: 10/27/10
(enter date affidavit is notarized)

110258

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)

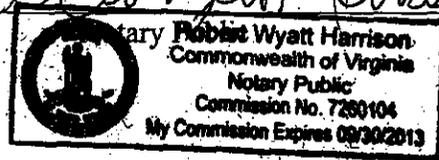
[] Applicant

[X] Applicant's Authorized Agent

Schuyler P. Ahrens
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 27 day of October, 2010, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires: 9-30-2013



Statement of Justification

APPENDIX 3

Re: 5712 Broadmoor St.
Alexandria VA, 22315
Existing Rear Shed

RECEIVED
Department of Planning & Zoning
JAN 07 2011
Zoning Evaluation Division

- A. The error made on the property exceeds ten (10) percent of the measurement involved.
- B. The noncompliance and alterations were done in good faith, and was originally through no fault of the current property owner. The current homeowner made some improvements to the existing shed after purchasing the property and refinished the structure with new siding.
- C. Such reduction will not impair the purpose and intent of this ordinance. The shed is in good condition and is harmonious with other on and off site structures.
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity. Most neighbors in the surrounding properties also have sheds of similar size and location on their properties.
- E. The shed will not create an unsafe condition with respect to all other properties and public streets.
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner. The shed has a permanent foundation and would need to be demoed in order to appease the current zoning ordinance.
- G. The reduction will not result in an increase in density or floor area ratio from that of permitted by the applicable zoning district regulation.
- H. No hazardous or toxic substances will be generated, utilized, stored, treated, and/or disposed of at this residence and the size and contents of any existing or proposed storage tanks or containers. The shed is currently used for household storage and tools.
- I. A waiver is requested for the existing rear shed- encroaching into the side lot property line in an R-3 Cluster zone within 5.8' from the existing eave and encroaching into the rear property line in an R-3 Cluster zone within 6.1' from the existing eave.



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: NOTICE OF INSPECTION

DATE OF ISSUANCE: August 31, 2010 **COMPLAINT #:** 201005042

NOTICE ISSUED TO: David R. Carpenter
Catherine H. Carpenter

ADDRESS: 5712 Broadmoor Street **License #:** N/A
Alexandria, VA 22315

PROPERTY OWNER(S): David R. Carpenter
Catherine H. Carpenter

LOCATION OF VIOLATION: 5712 Broadmoor Street
Alexandria, VA 22315

TAX MAP NUMBER: 091-4 04 0631

I inspected the above premises on August 26, 2010 and observed the following:

1. Building, and Electrical work performed without permits, including but not limited to, converting carport into garage and screen porch into sunroom.
2. Building, Plumbing, and Electrical work concealed without minimum required inspections, including but not limited to, converting carport into garage and screen porch into sunroom.

This construction activity requires permits as specified in the 2006 Virginia Uniform Statewide Building Code (VUSBC), effective May 1, 2008 Section 108.1, *When [Permit] applications are required*, which states that written application for permit(s) shall be made to the Building Official and said permit(s) shall be obtained before:

1. Construction or demolition of a building or structure, including the installation or altering of any equipment regulated by the [V]USBC.
Additionally, this construction project requires inspection(s) pursuant to Section 113.3, *Minimum inspections*, as follows:

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

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, VA 22035
Phone 703-324-1300, Fax 703-324-9346
www.fairfaxcounty.gov

- 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*, Section 115.2, *Notice of violation*, you are directed to immediately cease all unpermitted activities and correct these defects within thirty (30) days of receipt of this Corrective Work Order by:

- Applying for and obtaining the required permit(s) at the Permit Application Center at 12055 Government Center Parkway, Fairfax, VA, Suite 222, phone (703) 222-0801.
Or
Applying for and obtaining a demolition permit and removing all unpermitted work.
- Ensuring all required inspections are conducted and approved before continuing construction.

Failure to follow this order within the specified time may result in 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 to the BBBCA at 703-324-1980 for more information about the appeals process.

LEGAL NOTICE ISSUED BY: Rick Antonowics
TITLE: Master Combination Inspector
Code Compliance Team D4

SIGNATURE: _____
NOTICE DELIVERED BY SHERIFF'S OFFICE.

cc: File
Permits Application Center

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.