



APPLICATION ACCEPTED: January 10, 2011  
BOARD OF ZONING APPEALS: April 6, 2011  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

March 30, 2011

## STAFF REPORT

### SPECIAL PERMIT APPLICATION NO. SP 2011-PR-001 Concurrent with VC 2011-PR-003

#### PROVIDENCE DISTRICT

**APPLICANT/OWNER:** Gertrude M. Jenkins

**SUBDIVISION:** City Park Homes

**STREET ADDRESS:** 2920 Summerfield Road

**TAX MAP REFERENCE:** 50-4 ((15)) 73

**LOT SIZE:** 10,023 square feet

**ZONING DISTRICT:** R-4

**ZONING ORDINANCE PROVISIONS:** 8-914, 8-923 & 10-104

**SPECIAL PERMIT PROPOSAL:** To permit reduction to minimum yard requirements based on error in building location to permit an accessory storage structure (shed) to remain 5.2 feet from the rear lot line and 6.1 feet from a side lot line and to permit existing fence greater than 4.0 feet in height to remain in a front yard.

**VARIANCE PROPOSAL:** To permit accessory structure (above-ground pool and deck) in the front yard of a 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.

O:\SMCKNI\SPJENKINS SP 2011-PR-001 (conc w VC)\STAFF REPORT\Staff Report Jenkins.doc

Shelby Johnson

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



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

# Special Permit

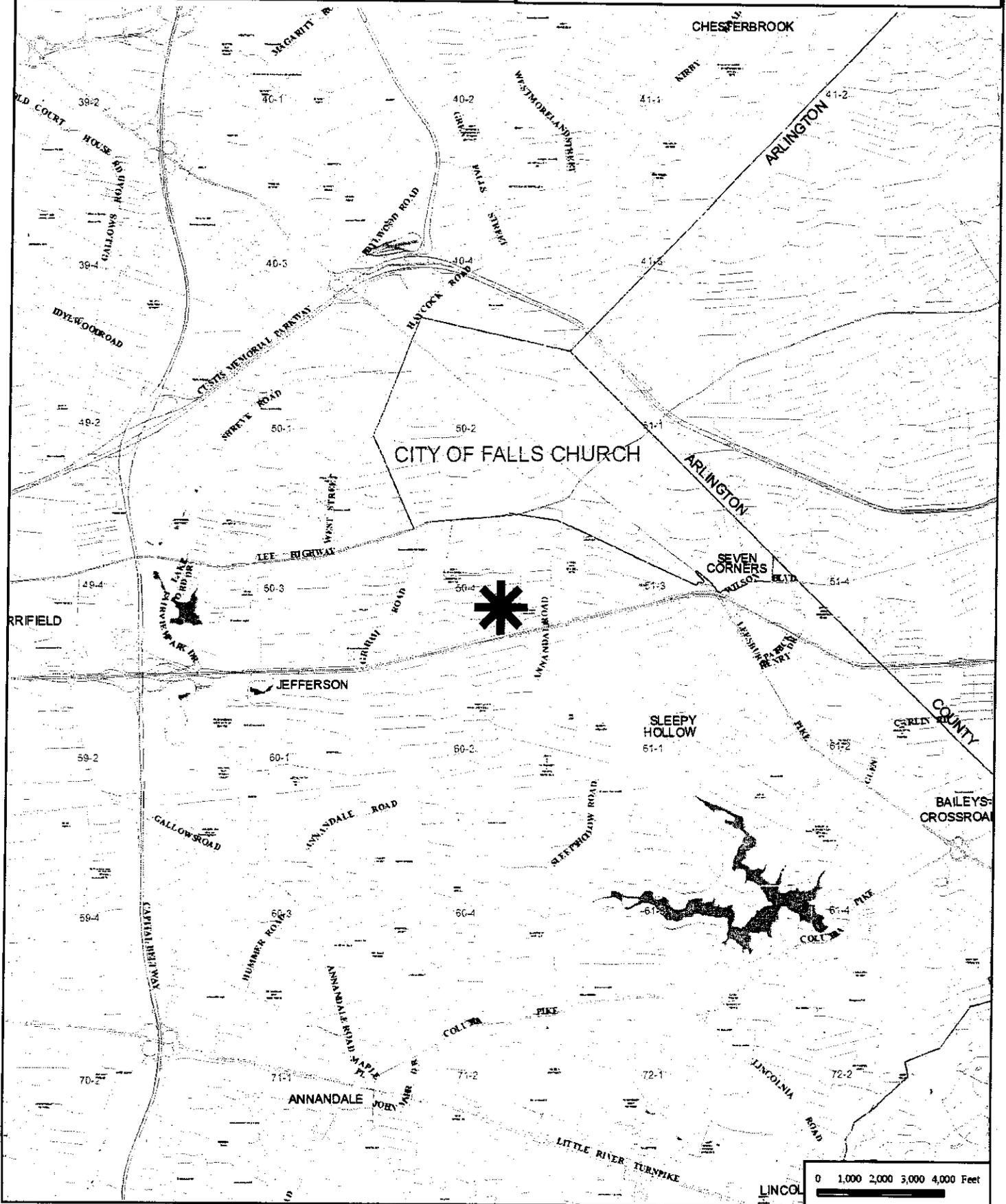
SP 2011-PR-001

GERTRUDE M JENKINS

# Variance Application

VC 2011-PR-003

GERTRUDE M JENKINS



# Special Permit

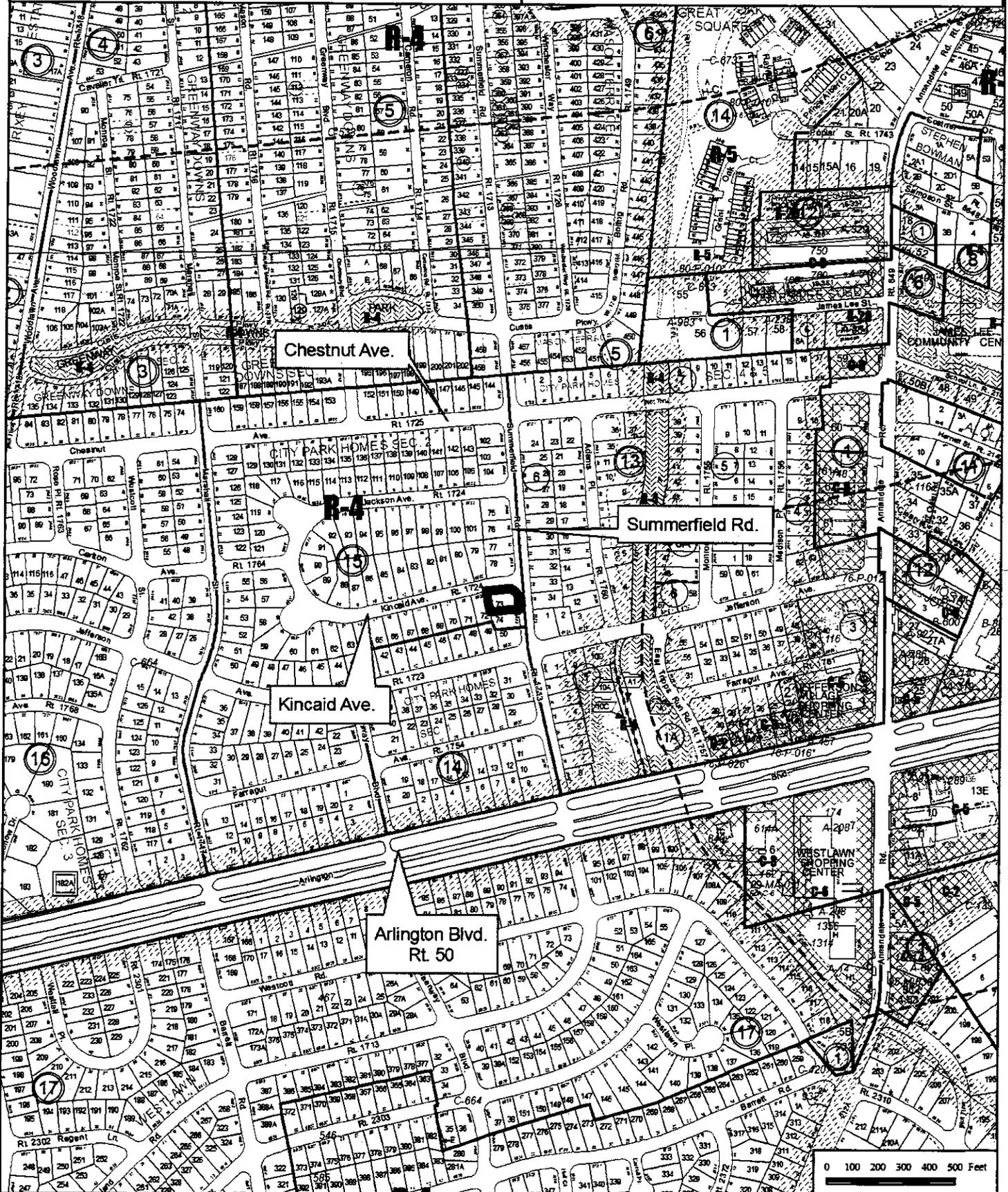
SP 2011-PR-001

GERTRUDE M JENKINS

# Variance Application

VC 2011-PR-003

GERTRUDE M JENKINS





*My Home*



*View from front of house looking toward pool & fence*



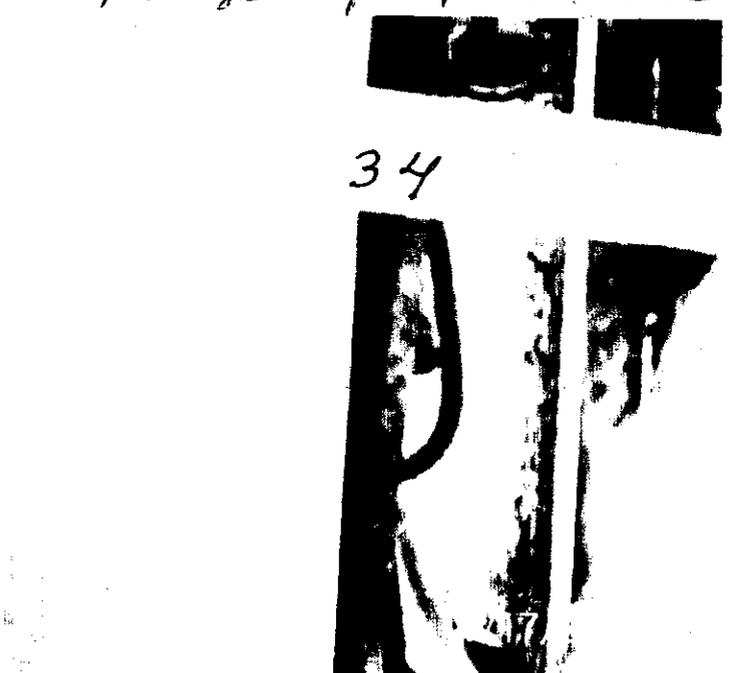
*Additional footage to property line*



*2920 San Antonio Blvd*



*32"*

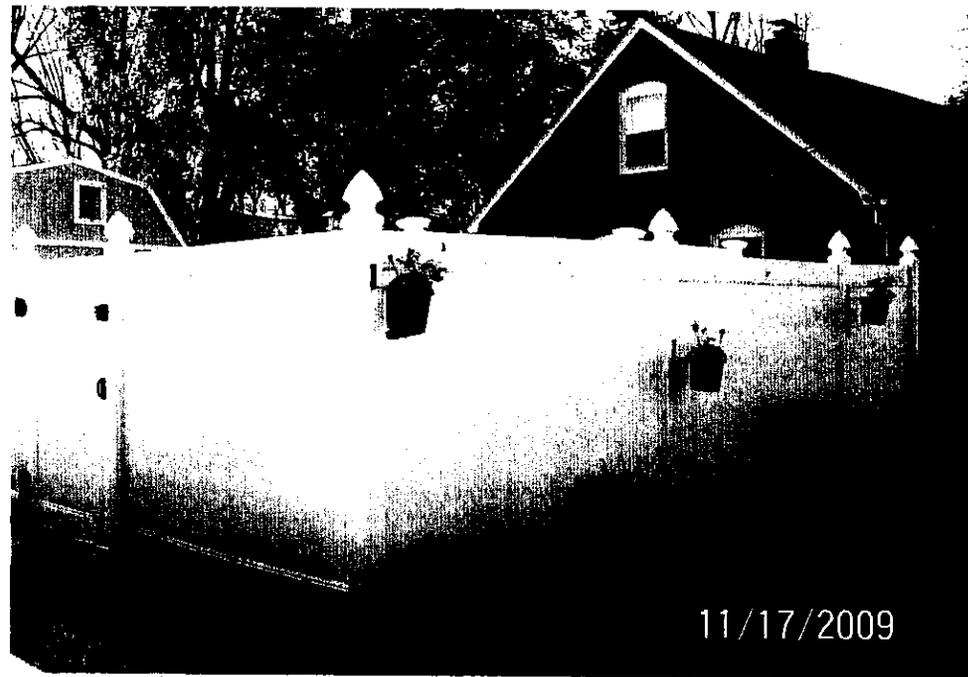


*34" from my fence to property line*

2920 Sumner field rd



my shed with neighbor's shed across



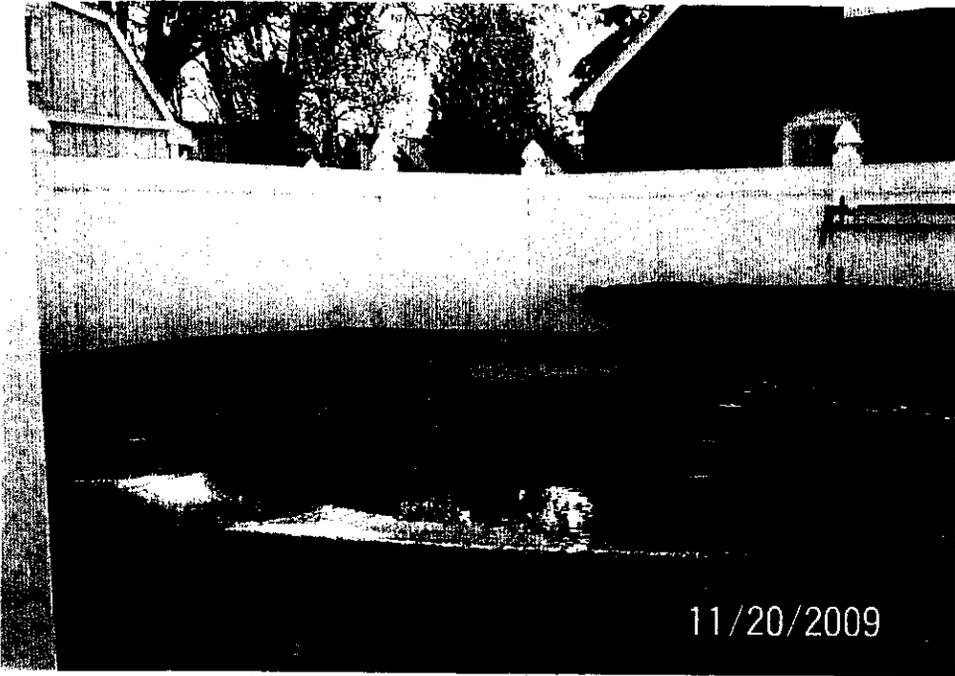
View of left fence around pool



View of shed from my back door



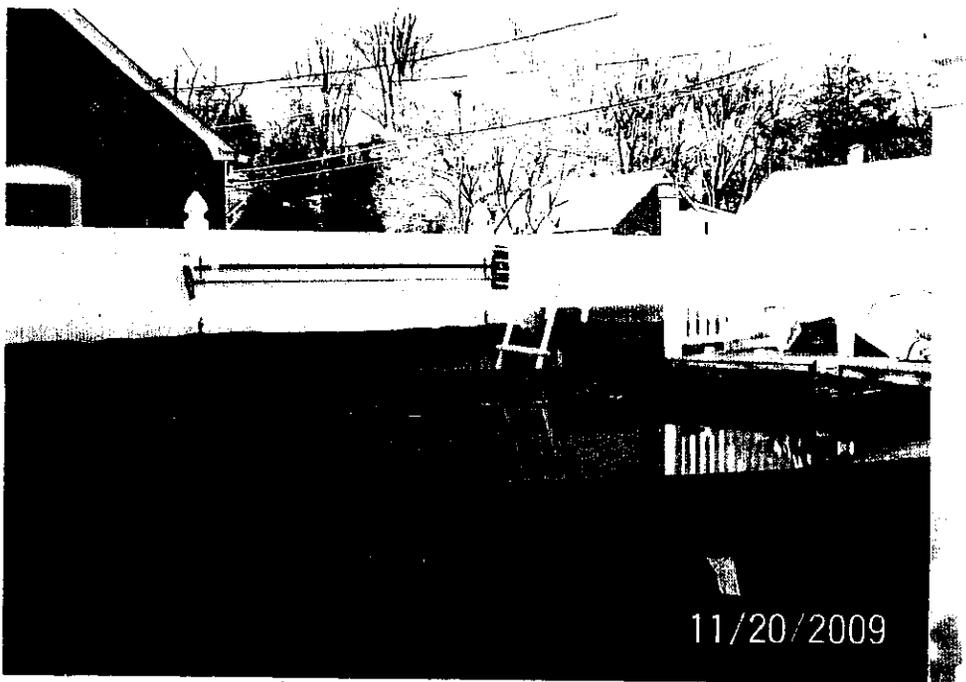
another view left fence around pool showing location gate



*Pool*



*Pool Deck*



*Pool*



11/17/2009

*View fence between us and Kelly's house*



11/17/2009

*View of pool fence & fence between us and back yard house*



11/17/2009

*View of fence between us and Michael's*

2920 Sumner field rd



my shed with neighbor's shed across



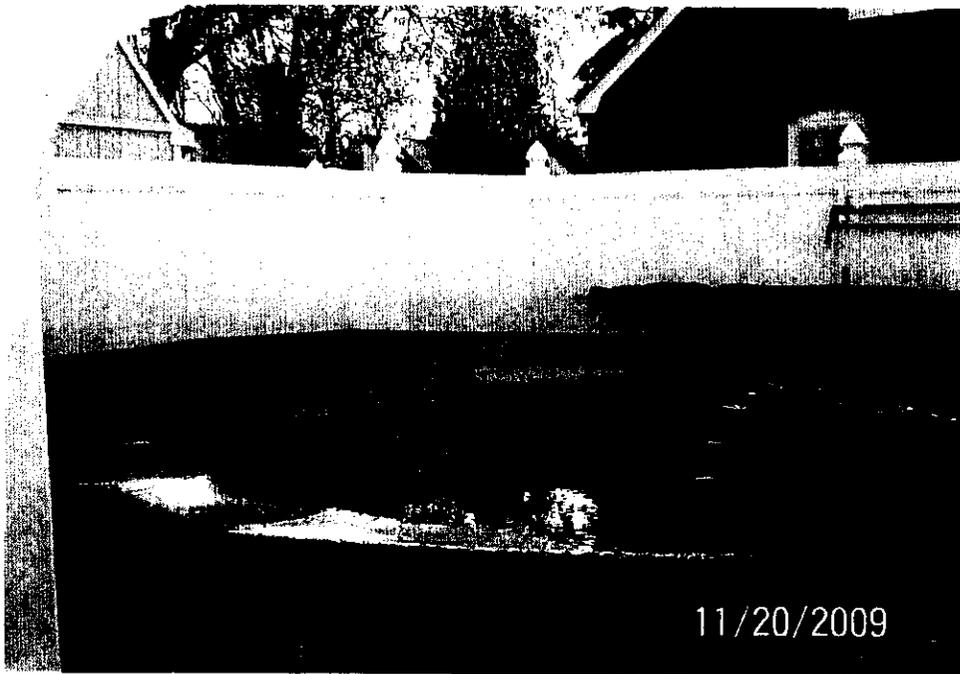
view of left fence around pool



view of shed from my back door



another view left fence around pool showing back door



*Pool*



*Pool Deck*



*Pool*



*View fence between us and Neil's house*



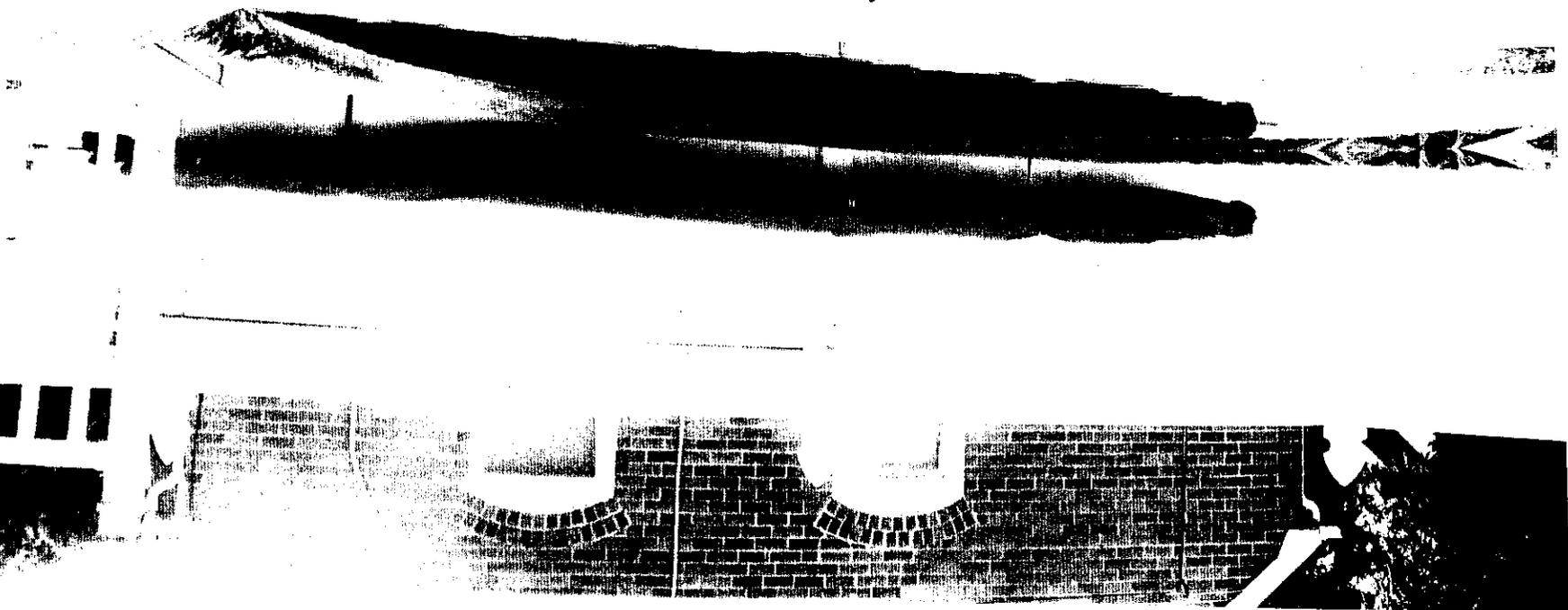
*View of pool fence & fence  
between us and back neighbor*

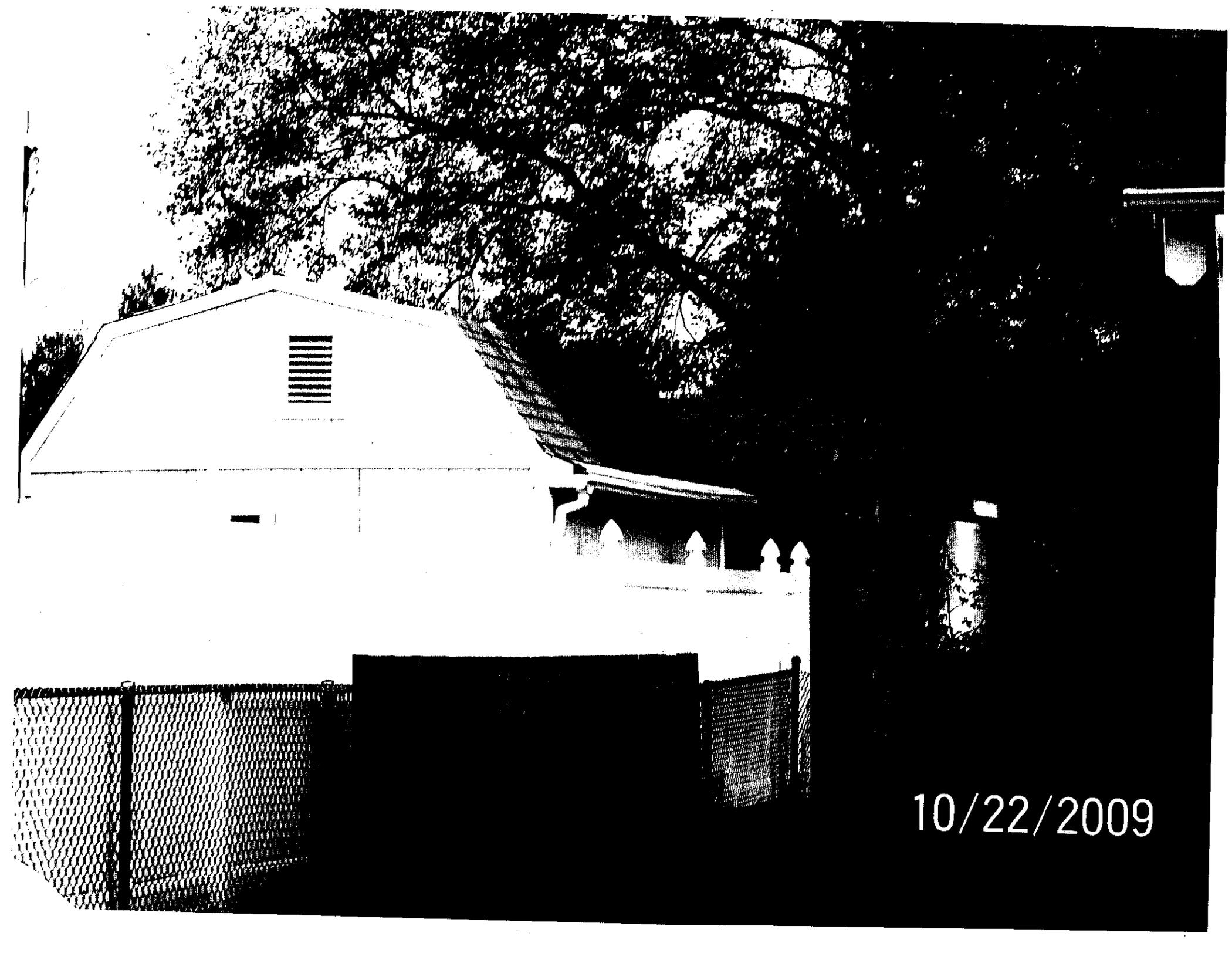


*View of fence between us and  
Neil's house*

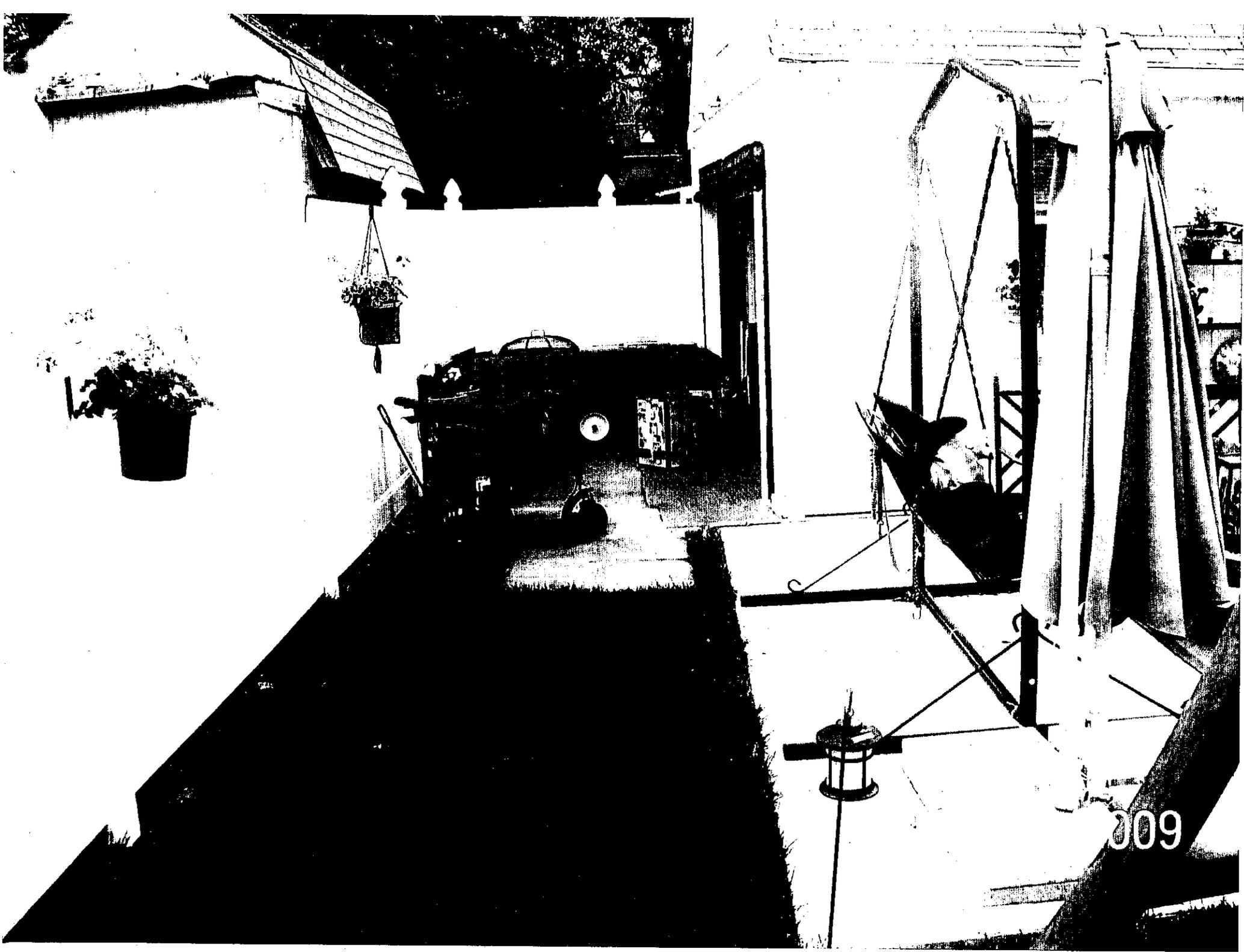


01/20/2011





10/22/2009



009

**DESCRIPTION OF THE APPLICATION**

This application contains two special permit (SP) requests and one variance request. The applicant requests special permit approval to permit a reduction to minimum yard requirements based on an error in building location to permit an accessory storage structure (shed) to remain 5.2 feet from the rear lot line and 6.1 feet from a side lot line. The shed is located along the southwest property line and measures 11.4 feet in height and approximately 196 square feet in area. The rear yard takes a side yard setback of 10.0 feet because this is a corner lot.

**Description of Special Permit Request #1**

	<b>Structure</b>	<b>Yard</b>	<b>Min. Yard Req.*</b>	<b>Structure Location</b>	<b>Amount of Error</b>	<b>Percent of Error</b>
<b>Special Permit Request #1</b>	Accessory Storage (Shed)	Rear (West)	10.0 feet	5.2 feet	4.8 feet	48.0%
<b>Special Permit Request #1</b>	Accessory Storage (Shed)	Side (South)	10.0 feet	6.1 feet	3.9 feet	39.0%

\*Location Regulations per Section 10-104

The second SP request is to permit an existing fence greater than 4.0 feet in height to remain in a front yard of a corner lot. The vinyl privacy fence ranges in height from 5.9 feet to 6.2 feet and is located northwest of the minimum required front yard facing Kincaid Avenue. The vinyl fence extends along the western rear lot line and a portion of the southern side lot line. The Zoning Ordinance currently permits fences 4.0 feet in height to be located in the front yard by-right; however, through a special permit, an applicant can request a fence in the front yard up to 6.0 feet in height. The sections of the fence that exceed 6.0 feet in height are not located in the front yard and meet the height regulations in accordance with the Zoning Ordinance.

**Description of Special Permit Request #2**

	<b>Structure</b>	<b>Yard</b>	<b>Height Permitted By right</b>	<b>Maximum Height Requested</b>	<b>Modification Requested</b>
<b>Special Permit Request #2</b>	Fence	Front (North)	4.0 feet	6.0 feet	2.0 feet

## **Description of Variance Application**

The variance request is to permit an accessory structure (above-ground pool and wood deck) to remain in the front yard of a corner lot. The application site consists of 10,023 square feet per tax assessment records and the plat prepared by George M. O'Quinn, Dominion Surveyors Inc., dated December 29, 2010, as revised through March 11, 2011. Section 10-104 (12C) of the Zoning Ordinance states that no freestanding accessory structure or use shall be located in any front yard on a lot containing 36,000 square feet or less.

## **EXISTING SITE DESCRIPTION**

Zoned to the R-4 Zoning District, the application property is located in the City Park Homes Subdivision in the southwest quadrant of the intersection of Summerfield Road with Kincaid Avenue. The 10,023 square-foot property is a corner lot with two front yards, one along Summerfield Road and the other along Kincaid Avenue. Access to the site is provided from Kincaid Avenue via an existing concrete driveway that extends from the curb to a walkway along the northwestern side of the dwelling. The side yard is south of the dwelling. The rear yard is located along the western property line. It has been determined that the rear yard of this property takes a side yard setback therefore, the minimum required rear yard is 10 feet. The site is currently developed with a one and one half-story, brick, single-family detached dwelling consisting of 1,567 square feet of living area. County records indicate the original dwelling was constructed in 1943. A building permit was approved in 1945 to construct a first floor room addition to the rear of the dwelling. In 1993, a building permit for an above ground pool was approved to be located six feet from the western lot line and 30 feet from the Kincaid Avenue front lot line. The actual location of the pool and deck encroaches into minimum required front yard. Copies of these permits are included as Appendix 5 to the staff report.

The site is enclosed by two types of fences. A 3.5-foot high chain link fence is located in the front yards along the Summerfield Road and Kincaid Avenue frontages and extends along the perimeter of the entire site. A second vinyl fence, which ranges in height from 5.9 feet to 6.0 feet, encloses the above-ground pool and deck along the western property line and continues along the southern and a portion of eastern property lines; the fence ranges in height from 6.0 feet to 6.2 feet south and east of the front yard. The vinyl fence is decorated with finials that exceed the maximum height allowed in the front yard. The applicant has committed to removing those finials to comply with the Zoning Ordinance. There is a ten (10) foot wide easement depicted on the special permit and variance plat in which half of the easement is located along the western lot line of the application site. The site is surrounded by a mixture of single-family detached homes, townhomes and non-residential uses.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-4	Single family detached dwellings
<b>South</b>	R-4	Single family detached dwellings
<b>East</b>	R-4	Single family detached dwellings
<b>West</b>	R-4	Single family detached dwellings

**BACKGROUND**

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

- *Variance VC 85-P-106* was approved on March 25, 1986 for Tax Map 50-4 ((15)) 78, zoned R-4, at 2914 Summerfield Road, to permit 6-foot high fence to remain and hot tub to be located in a front yard of a corner lot and to permit approximately 240 square-foot shed to remain (200 square feet maximum size as limited by Sect. 10-104).
- *Special Permit SP 86-P-013* was approved on March 25, 1986 for Tax Map 50-4 ((15)) 78, zoned R-4, at 2914 Summerfield Road, to permit reduction in minimum yard requirements based on error in building location to permit shed to remain 1.7 feet from side lot line and 4.1 feet from rear lot line of a corner lot (10 feet minimum side yard required).
- *Special Permit SP 92-P-051* was denied on November 4, 1992 for Tax Map 50-4 ((14)) 30, zoned R-4, at 2928 Summerfield Road, to permit reduction to minimum yard requirements based on error in building location to permit carport to remain 0.4 feet from side lot line (5 feet minimum side yard required) and 29 feet from front lot line (30 feet minimum front yard required).
- *Special Permit SP 93-P-031* was approved on November 11, 1993 for Tax Map 50-4 ((14)) 30, zoned R-4, at 2928 Summerfield Road, to permit reduction to minimum yard requirements based on error in building location to permit carport to remain 0.4 feet from side lot line (5 feet minimum side yard required).

On October 27 2009, a Notice of Violation, found in Appendix 6 of this report, was issued to the applicant for violating Paragraphs 3B, 10F and 12C of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Fairfax County Zoning Ordinance for exceeding the height of a permitted fence in the front yard; the location of an accessory storage on a corner lot (shed); and the location of an accessory structure (pool and deck) in the front yard of a lot containing less than 36,000 square feet.

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

- **Title of Plat:** Plat, Showing House the Improvements on Lot 73, Section Two
- **Prepared by:** George M. O'Quinn, Land Surveyor, Dominion Surveyors Inc.
- **Dated:** December 29, 2009, as revised through March 11, 2011
- **Building Permits Required:** No
- **Error Made by:** Applicant (as stated by applicant)

**ZONING ORDINANCE REQUIREMENTS (See Appendix 7)**

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

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location
- Sect. 8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard
- Sect. 10-104 Location Regulations
- Sect. 18-404 Required Standards for Variance

**CONCLUSION**

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

**APPENDICES**

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

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2011-PR-001**

**March 30, 2011**

1. This special permit is approved for the location of an existing accessory storage structure (shed) and existing vinyl fence as shown on the plat prepared by George M. O'Quinn, Land Surveyor, Dominion Surveyors Inc., dated December 29, 2009, as revised through March 11, 2011, submitted with this application and is not transferable to other land.
2. The finials shall be removed or reduced in height to be in conformance with Sect. 10-104 (3J) of the Fairfax County Zoning Ordinance.

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

**PROPOSED DEVELOPMENT CONDITIONS**

**VC 2011-PR-003**

**March 30, 2011**

1. This variance is approved for the accessory structure (above-ground pool and deck) to remain in the front yard as shown on the plat prepared by George M. O'Quinn, Land Surveyor, Dominion Surveyors Inc., dated December 29, 2009, as revised through March 11, 2011, as submitted with this application and is not transferable to other land.

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

Application No.(s): SP 2011-PR-001  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/7/2011  
 (enter date affidavit is notarized)

I, Terry L. Looney, 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

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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
GERTRUDE M. JENKINS	2920 SUMMERFIELD ROAD FALLS CHURCH, VA 22042	<b>APPLICANT/TITLE OWNER</b>
TERRY L. LOONEY	(SAME)	<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): SP 2011-PR-001  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/7/2011  
(enter date affidavit is notarized)

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)

N/A

**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): SP 2011-PR-001  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/7/2011  
(enter date affidavit is notarized)

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)

N/A

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

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

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

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

Application No.(s): SP 2011-PR-001  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/7/2011  
(enter date affidavit is notarized)

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

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

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

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

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

NONE

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

Application No.(s): SP 2011-PR-001  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/7/2011  
(enter date affidavit is notarized)

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.

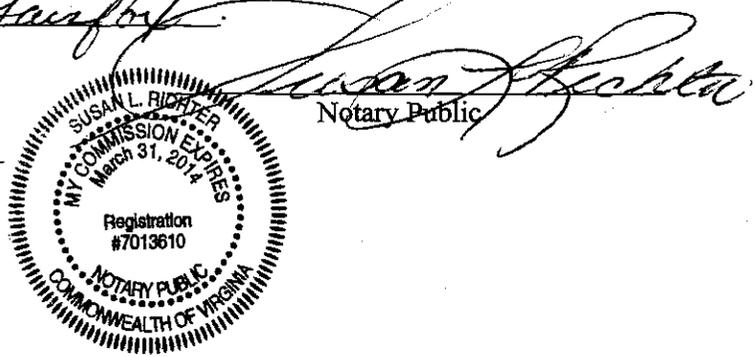
WITNESS the following signature:

(check one) Terry L. Looney  
[ ] Applicant [x] Applicant's Authorized Agent

TERRY L. LOONEY  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 7 day of March 2011, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 3/31/2014



Application No.(s):

VC 2011-PR-003  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/7/2011  
(enter date affidavit is notarized)

I, Terry L. Looney, 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

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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
GERTRUDE M. JENKINS	2920 SUMMERFIELD ROAD FALLS CHURCH, VA 22042	<b>APPLICANT/TITLE OWNER</b>
TERRY L. LOONEY	(SAME)	<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.  
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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)

N/A

**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): VC 2011-PR-003  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/7/2011  
(enter date affidavit is notarized)

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)

N/A

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

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

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

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

Application No.(s): VC 2011-PR-003  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/7/2011  
(enter date affidavit is notarized)

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

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

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

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

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

NONE

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

Application No.(s):

VC 2011-PR-003

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

3/7/2011

(enter date affidavit is notarized)

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

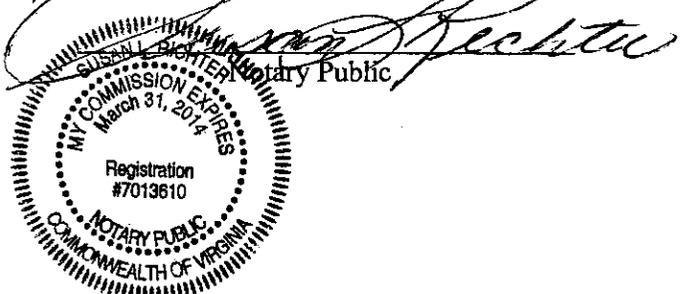
TERRY L. LOONEY

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

Subscribed and sworn to before me this 7 day of March, 2011, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires:

3/31/2014



Statement of justification for Special Permit

Applicant: Gertrude M. Jenkins

Associated application number SP 2010-0050

Proposed Special Permit: To allow for and existing accessory storage structure of 196.02 sq. ft to remain as it is.

District: Providence

Location: 2920 Summerfield Rd. (Section 2: City Park Homes, Lot 73)

Area: 10, 023 Sq Ft of land

TM 50-4-15-0073

Zoning: R-4

The subject property was acquired in good faith. My deceased husband had a accessory building placed in this area in 1973 by a contractor he hired and I have only strived to maintain and replace this structure as needed and necessary.

The subject property has an exceptional size at the time of the effective date of ordinance. I was unaware till a complaint was filed on this accessory building that no permit was obtained on any accessory building that has been in this same area since 1973. As I have stated before I have only strived to maintain and replace this structure as needed and necessary.

Structure: Accessory storage structure

Current area 196.02 sq. ft

Height of Structures

Existing House Height (Peak): 15.4 ft

Existing Accessory storage structure (Peak): 11.4 ft

Dimensions of accessory storage structure

Length (running north to south on plat) 16.2 ft

Width (running east to west on plat: 12.1 ft

The plat shows a sanitary sewer easement 10 ft wide that ends behind the accessory storage building and is not affecting this accessory storage building.

Existing Gross Floor Area of the House: 1567 sq ft

Proposed Gross Floor Area of Accessory Structure: 196 sq

Proposed Total Gross Interior Floor Area (Accessory Structure) is approximately 12% of the Existing Gross Interior Floor Area of main Dwelling.

The area of this accessory structure is 196.02 sq ft which is approximately 12% of the current single family house on this property which is measured at 1567 sq ft. The use of this structure is for lawn equipment, general storage, tools and shall not be finished to allow for any occupancy.

I do not want to apply for this special permit to be applied to our entire District, I would prefer that this be treated as a special circumstance, so that the condition or situation of the property or the intended use of the property is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors.

The strict application of the Ordinance would produce an undue hardship. I would like to ask that you allow the existing accessory storage structure of 196.02 sq. ft to remain as it. I was not aware it exceeded the maximum allowable size for accessory storage structures, it houses my lawn equipment, tools and general storage needs that I can not accommodate in my house. As far as I know it has not, till this complaint, has not caused any hardship to our adjacent/surrounding neighbors. I have attempted to make it aesthetically pleasing, functional and fit in my yard without the removal of any trees or destroying any open space. Have to modify or remove this accessory structure would cause me great hardship as I would have limited space or no space to store the things that are currently stored there as I have no additional storage space in my house.

Such undo hardship is not generally shared by other properties in the same zoning district and the same vicinity, as this is a specific case as far as I can observe from my local area.

The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property for its intended use of safe storage area for my lawn equipment, tools and general storage needs. .

The authorization of the special permit will not be of substantial detriment to adjacent properties.

The character of the zoning district will not be changed by the granting of the special permit.

The Special permit will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to public interest.

It would be a great hardship to myself to take down or modify this accessory building and cause an enormous financial burden I can not afford as I am on a strict set income. I sincerely ask that this special permit be allowed. I have been in this neighborhood for 46 years and have strived to maintain my property in a useful and pleasing appearance. My adjacent neighbors had stated they have no problems with the location or look of the accessory building. Keeping this structure helps me to store my items easily and keep my yard clear of lawn equipment and other general items. In addition the current financial climate has devalued my house and as being on a strict set income it is impossible for me to have any other options. Also removal of this accessory storage structure would devalue my property even further.

I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Planning Commission at you earliest convenience. Thank you for you time and attention. Should you have any questions or require any additional information please don't hesitate to contact me.

Thank you,

A handwritten signature in cursive script that reads "Gertrude M. Jenkins".

Gertrude M. Jenkins  
Owner/Applicant  
2920 Summerfield Rd  
Falls Church, VA 22042  
703-532-3948

Statement of Justification

RECEIVED  
Department of Planning & Zoning

APR 01 2010

Zoning Evaluation Division

Date: March 25, 2010

Applicant: Gertrude M. Jenkins

To allow for pool and deck to remain

I received a permit for the above ground pool with small deck and electrical on May 11, 1993. I have enclosed copied of those permits and adjoining paper work. I told everyone at the county I came in contact with from the time I applied for the permits that I was also putting up a 6 ft fence to completely enclose the pool and the back of my property. When the instillation of the pool, deck, electrical and fence was complete I called for inspection which would have been in Late July or early to mid August of 1993. On October 27, 2009 I was served with a violation for an above ground pool in my front yard, I live on a corner lot. When Victoria Dzierzek came out here I was informed the final inspection never happened. Ms Dzierzek told me herself on the day she came out here, that the computer system has been changed several times and the paper work could have been lost in the system or just never done even though I may have called for it. She also stated when I showed her the permit information and paper work I had that she did not know who the original inspector was and that he probably is retired and could or probably be is dead. The pool location was inspected prior to instillation, paid for and received permits for the pool, small deck and electrical to run the pool pump. I put the pool, deck and surrounding fence in the position in relation to the front corner of my residence that the inspector marked on the inspection approval that he gave me. I had no idea that the final inspection was never done as when the original inspection to get the permit was done the only way I knew the inspector was there was I saw someone in my yard looking around and went out to see what he was doing.

The pool is located approximately 27 ft from my property line on the Kincaid Ave and the deck is approximately 21 ft at its widest point from the same property line.

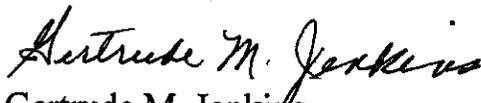
The pool is located approximately 6.9 ft from my west property line and the deck is approximately 10 ft from my west property line.

Also within a quarter mile area of my residence is another residence on a corner lot with an above ground pool with a deck and 6 ft fence surrounding its entire back yard. On my street is another corner lot residence with an in ground pool with a 6 ft fence that appears to be on the same angle as my fence from the front corner of the residence

To remove or modify this pool, deck and surrounding fence would be a great hardship which would also cause a financial burden that I can not afford. The strict application of the zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the property and the granting of a variance would alleviate at clearly demonstratable hardship as distinguished from a special privilege or convenience sought by myself. Also the authorization of the variance will not be of detriment to adjacent property and the character of the zoning district will not be change by the granting of the variance. The variance will be in harmony with the intended spirit and purposes of this ordinance and will not be contrary to public interest

I have always tried to maintain my property in top appearance and continue to do so. I have always attempted to follow the laws of this county, paid taxed on all my property including the pool, deck and fence. I would appreciate the acceptance of this application, statement, plats, information, photos and the scheduling of a public hearing before the Fairfax County Planning Commission at you earliest convenience. Thank you for you time and consideration. Should you have any question or require any additional information please don't hesitate to contact me.

Thank you,



Gertrude M. Jenkins

Owner/Applicant

2920 Summerfield Rd

Falls Church, VA 22042

703-532-3948

County of Fairfax, Virginia  
OFFICE OF THE ZONING ADMINISTRATOR

TRIPPLICATE

Magisterial District Glenn Church APPLICATION FOR ZONING APPROVAL Building Permit No. 6260

Name of Owner T. J. Fahey Address 601 Westmoreland Road, Fairfax

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

Subdivision City Park Homes Lot No. 73 Block \_\_\_\_\_ Section 2

Use of Building Developing - Basement

No. of Families or Housekeeping Units 1 Plans \_\_\_\_\_ Cost 200

Size of Lot: Width 95 ft. Depth 120 ft. Area 11200 acres sq. ft.

Height of building, at front center to highest point of roof 25 ft.

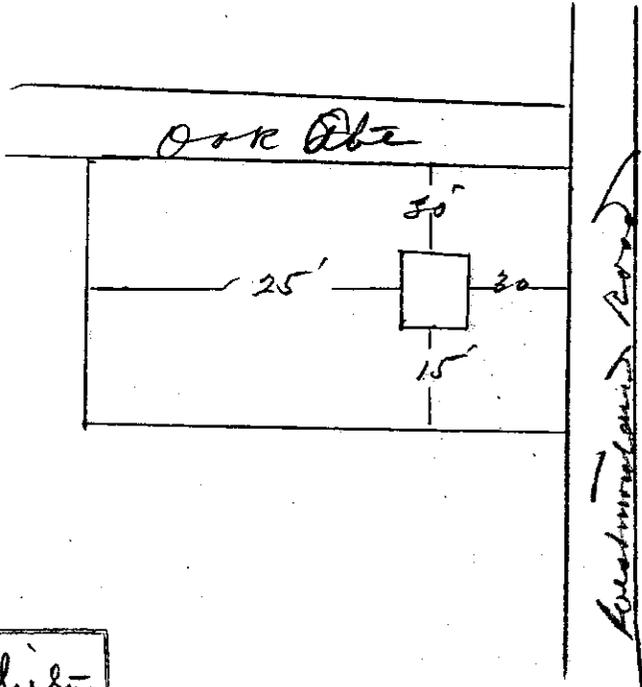
Set back from <sup>side</sup> center line of street 30 Width of street 50 ft. (right of way)

Name (No.) of street 601 Westmoreland Rd + Oak Paving of street \_\_\_\_\_

Size yard 30 x 81 ft. Side yard 30 and 15 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.



APPROVED E.R. White  
Zoning Administrator  
Date 7/28/48

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.

Thomas J. Fahey  
Signature  
Address \_\_\_\_\_

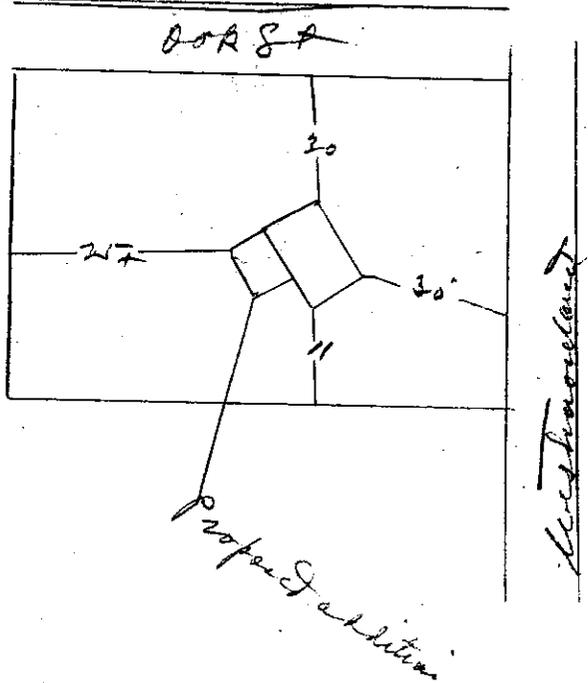
ZONE Urban Residence

County of Fairfax, Virginia  
OFFICE OF THE ZONING ADMINISTRATOR

DUPLICATE

APPLICATION FOR ZONING APPROVAL

Magisterial District T. J. Foley Building Permit No. 6879  
 Name of Owner T. J. Foley Address 601 Westmoreland Rd., Falls Ch., Va.  
 Name of Builder Address \_\_\_\_\_  
 Subdivision City Park Homes Lot No. 73 Block \_\_\_\_\_ Section 2  
 Use of Building Dwelling - add kitchen on 1st floor add 2 in attic  
 No. of Families or Housekeeping Units One Plans \_\_\_\_\_ Cost 50  
 Size of Lot: Width 80+ ft. Depth 180+ ft. Area \_\_\_\_\_ acres  
 Height of building, at front center to highest point of roof 25 ft.  
 Set back from center line of street 30' side Width of street 50 ft. (right of way)  
 Name (No.) of street Westmoreland + Rte 15 Paving of street \_\_\_\_\_  
 Size yard 30 X 50+ ft. Side yard 11 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



APPROVED E. R. White  
 Zoning Administrator  
 7/11/45

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.

T. J. Foley  
 Signature

601 Westmoreland Rd.  
 Address

ZONE Urban Residence

Inspection

County of Fairfax, Virginia

OFFICE OF THE ZONING ADMINISTRATOR

APPLICATION FOR ZONING APPROVAL

Magisterial District 7C #4 Building Permit No. 89273R  
 Name of Owner Howard J. Fahy 601 Westmount Rd  
 Name of Builder City Park Home Address 7C  
 Subdivision City Park Home Lot No. 73 Block 7C Section 2  
 Use of Building add to DWG 16 X 8  
 No. of Families or Housekeeping Units ONE Plans ONE Cost \$800  
 Size of Lot: Width 46.54 ft. Depth 40.42 ft. Area 1884 sq. ft.  
 Height of building, at front center to highest point of roof 35 ft.  
 Set back from side line of street 35 ft. Width of street 10 ft. (right of way)  
 Name (No.) of street Westmount Rd Typing of street West  
 Side yard 10 ft. Side yard 25 ft. Rear yard 25 ft.  
 Are water and/or sewer available Water Zone Water West

Plat property to scale, showing ALL buildings and ALL distances to property lines, if plat is required, and attach hereto. When this is done preliminary (foundation) zoning permit shall be issued provided the requirements of the Fairfax County Zoning Ordinance are met.

I, the undersigned hereby certify that I understand the foregoing requirement and procedure. I understand that building construction cannot exceed the height of first floor joists until after Final Zoning Approval is issued. I understand that I am required to either furnish the Zoning Administrator with 2 copies of a certified surveyor's plat showing the exact location of the walls in relation to the property and street lines, or to notify him when foundation is ready for inspection before Final Zoning Approval may be obtained. I further certify that I have the authority to make this application, that the information given is correct, and that the use and construction, if permit is issued shall conform to the County Health Regulations, the Building and Zoning Ordinances and private deed restrictions if any, which may be imposed on the property.

711-7328  
Telephone No.

Juanita C. Fahy  
Applicant  
Address 7110/150  
Date

INSPECTOR'S REPORT

Foundation location inspected and approved as being in conformance with the requirements of the Fairfax County Zoning Ordinance.

Date 7-13-50  
E. R. White  
Inspector

FINAL ZONING APPROVAL

In compliance with the Zoning Ordinance, effective as of this date, and by authority vested in me as Zoning Administrator by the Board of Supervisors, I hereby issue Final Zoning Approval for the above described use and building construction based on attached surveyor's plat or foundation inspection made as indicated by above inspector's report.

Date JUL 13 1950  
J. F. Schumann, Jr.  
Zoning Administrator

PRELIMINARY (FOUNDATION) PERMIT

Construction cannot exceed the height of 1st floor joists until final zoning approval is issued. Before Final Zoning Approval of building permit shall be issued the applicant is required to either furnish the Zoning Administrator with 2 copies of a certified surveyor's plat showing the exact location of the walls in relation to the property and street lines or to notify him when the foundation is ready for inspection.

Preliminary (Foundation) Permit issued based on attached plat. Final approval subject to above.

Date 7/14/50  
J. F. Schumann, Jr.  
Zoning Administrator

#67

COUNTY OF FAIRFAX, VIRGINIA

OFFICE OF THE BUILDING INSPECTOR

Application for Building Permit

MAP REFERENCE		
PLAT NUMBER	SEC. OR TWP.	PANEL OR LOT
504	A	73

CENSUS TRACT NO.	
DATE	19 63
PERMIT NO.	P17512

To: BUILD  Alter or Repair  Add to  Demolish  Move

JOB LOCATION	DIRECTIONS Route # 601 EAST WESTMORELAND ST.	DESCRIPTION For: Residential <input checked="" type="checkbox"/> Institutional <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> No. of Bldgs. <input type="checkbox"/> Type RE ROOF No. of Units <input type="checkbox"/> Est. Const. Cost \$ 300.00 No. of Kitchens <input type="checkbox"/> No. of Stories <input type="checkbox"/> No. of Baths <input type="checkbox"/> Ht. of Building 9' EXC Ft. No. of Rooms <input type="checkbox"/> Total Area 12 sq. ft. (Exclude Kit. & Bath) Basement <input type="checkbox"/> Slab <input type="checkbox"/> Crawl <input type="checkbox"/> FILL <input type="checkbox"/> Soil <input type="checkbox"/> Depth from Finish Grade _____ Ft. Material of Exterior Walls Basement _____ 1st Floor _____ 2nd Floor _____ Other _____ Material of Interior Walls _____ HEAT: Gas <input type="checkbox"/> Oil <input type="checkbox"/> Hot Air <input type="checkbox"/> Hot Water <input type="checkbox"/> Boiler <input type="checkbox"/> Air Conditioner <input type="checkbox"/> Sprinkler <input type="checkbox"/> ROOF: Flat <input type="checkbox"/> Pitch <input type="checkbox"/> Shed <input type="checkbox"/> SEWAGE: Public <input type="checkbox"/> Community <input type="checkbox"/> Septic Tank <input type="checkbox"/> Pit Privy <input type="checkbox"/> None <input type="checkbox"/> WATER: Public <input type="checkbox"/> Individual Well <input type="checkbox"/> None <input type="checkbox"/> Remarks:
	OWNER Name: STAN SMITH Address: 601 E. WESTMORELAND ST. City: FALLS CHURCH VA	
ARCHITECT ENGINEER	Name: _____ Address: _____ City: _____ State Reg. No. _____	
CONTRACTOR	Name: HARRY V. OGG Address: 4500 WISDOM AVE. D.C. City: _____ State Reg. No. _____	

shingle roof

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

EM 2-1122 Phone No. 8 63 Date  
Signature of Owner or Auth. Agent: HARRY V. OGG

PLAN APPROVAL

Use Group of Building L-3 Area of Bldg. @ \_\_\_\_\_ per Sq. Ft. \$ \_\_\_\_\_  
 Type of Construction 4-B Area of Bldg. @ \_\_\_\_\_ per Sq. Ft. \$ \_\_\_\_\_  
 Fire District 8-29, 19.63 By J.E.S. Total Each Bldg. \$ \_\_\_\_\_  
 Date Checked 8-29, 19.63 By J.E.S. TOTAL FEE 5.00  
 Approved by Building Inspector Charles Wood

ROUTING	OFFICE	Rm. No.	DATE	APPROVAL	REMARKS
v	Land Office	112	8-29-63	[Signature]	
v	Zoning Administrator	210	8-29-63	[Signature]	Final
	Health Officer	Rt. 237			(Health and Welfare Bldg. on Rt. 237)
	Sanitary Engineer	Basmt			
v	Finance Office	120			
v	Building Inspector	203			Return to secure Bldg. Permit

CERTIFICATION

Supervisor of Assessments  
 Property is listed in name of Stanley R. Smith  
 Magisterial District Falls Church Bldg Reference 2305-201  
 Authorization: John W. Ferguson

ZONING

Subdivision City Park Home Lot No. 73 Block \_\_\_\_\_ Section 2 Zone R-10  
 No. Acres or Sq. Ft. \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 LOT SIZE: Front \_\_\_\_\_ Right Side \_\_\_\_\_ Left Side \_\_\_\_\_ Rear \_\_\_\_\_  
 Use of Bldg. R-Roof Use after Alteration \_\_\_\_\_ No. Families \_\_\_\_\_  
 Set Back: Front \_\_\_\_\_ Rt. Sid \_\_\_\_\_ Left Side \_\_\_\_\_ Rear \_\_\_\_\_ Authorization [Signature]

Linda  
Beverly  
Melinda  
Astron

County of Fairfax, Virginia  
OFFICE OF THE ZONING ADMINISTRATOR  
APPLICATION FOR ZONING APPROVAL

DUPLICATE

Magisterial District T. J. [unclear]

Name of Owner [unclear] Address [unclear] Building Permit No. 6379

Name of Builder [unclear] Address [unclear]

Subdivision City Park Homes Address [unclear]

Use of Building Residential - Single-Family Lot No. 73 Block [unclear] Section 2

No. of Families or Housekeeping Units One Plans [unclear] Cost 50

Size of Lot: Width 50+ ft. Depth 100+ ft. Area [unclear] sq. ft.

Height of building, at front center to highest point of roof 7.5 ft. Area [unclear] sq. ft.

Set back from center line of street 30 ft.

Name (No.) of street [unclear] Width of street 50 ft. (right of way)

Size yard 30 x 50+ ft. Side yard 11 ft. Paving of street [unclear]

Are water and/or sewer available [unclear] ft. Rear yard 30+ ft.

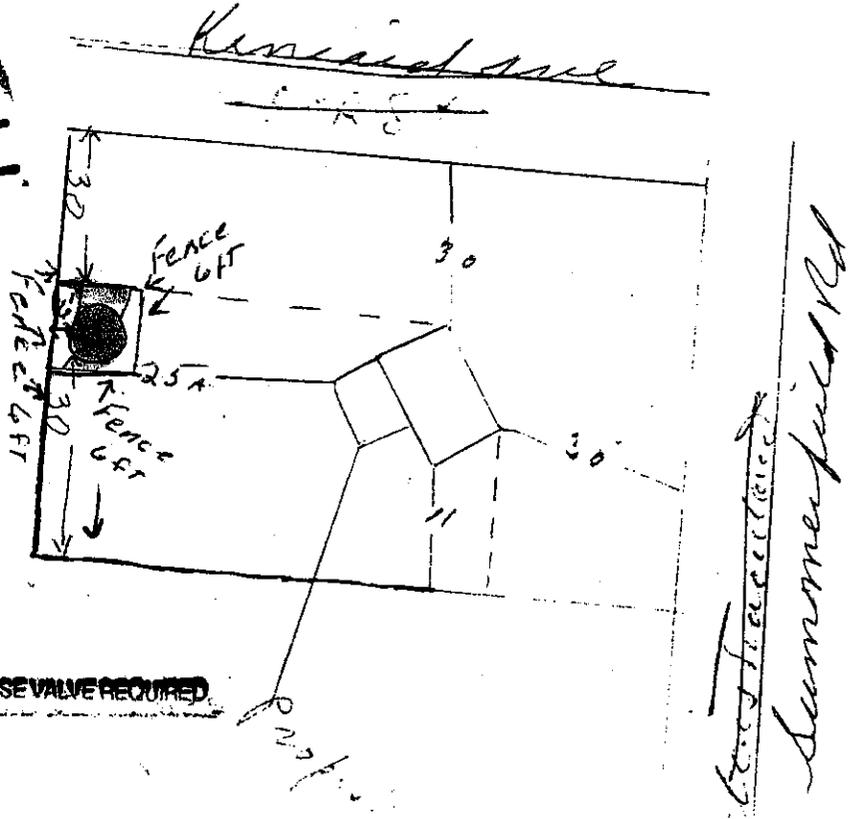
Sketch property to scale, showing ALL buildings and ALL distances to property lines At what distance.

DEM  
Division of  
Inspection Services  
Approved for  
Above Gnd pool

By [unclear]  
Date 5-11-93

APPROVED  
5-11-93

[Signature]  
Zoning Administrator



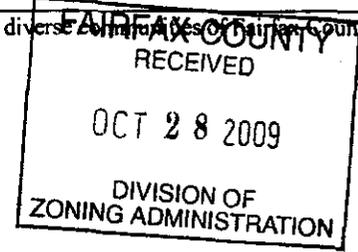
HYDROSTATIC PRESSURE RELEASE VALVE REQUIRED



Street

# County of Fairfax, Virginia

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



## NOTICE OF VIOLATION

**DATE OF ISSUANCE:** October 27, 2009

### SHERIFF'S LETTER

**CASE #:** 200906670 **SR#:** 55845

**SERVE:** Gertrude M. Jenkins  
2920 Summerfield Road  
Falls Church, VA 22042

**LOCATION OF VIOLATION** 2920 Summerfield Road  
Falls Church, VA 22042-1963  
City Park Homes, Sec. 2, Lot 73  
Tax Map #: 0504 15 0073  
Zoning District: R-4

Dear Property Owner:

An inspection of the above referenced property on October 22, 2009 revealed the following violations of the Fairfax County Zoning Ordinance.

**§ 10-104 (10F) Accessory Storage Structure Location on a Corner Lot**  
**§ 2-302 (6) Accessory Use must comply with Article 10:**

The presence of an accessory storage structure which measured approximately 12' x 16' x 12' in height is approximately 192 square feet in area and is located approximately one foot (1") and approximately seven foot four inches (7'4") respectively from the side and rear lot lines.

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

On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, an accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located:



- (1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or
- (2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.

The minimum yard requirements for the R-4 District are delineated in Par. 2(A)1 of Sect. 3-407 of the Zoning Ordinance are:.

Minimum yard requirements:

A. Single family dwellings

- (1) Conventional subdivision lot
  - (a) Front yard: 30 feet
  - (b) Side yard: 10 feet
  - (c) Rear yard: 25 feet

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

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

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

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

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**§ 10-104 (3B) Accessory Fence Exceeding 4' in the Front Yard**

**§ 2-302 (6) Accessory Use must comply with Article 10:**

An inspection on October 22, 2009 revealed the presence of a six foot tall accessory fence in the front yard of this property which is less than two (2) acres in area. The Fairfax County Zoning Ordinance permits accessory fences in the front yard so long as they are in conformance with Par. 3B of Sect. 10-104 of the Zoning Ordinance which states:

Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

A. In any yard on any lot containing not less than two (2) acres located in the R-A through R-1 Districts, a fence or wall not exceeding seven (7) feet in height is permitted.

B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:

(1) the driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the dwelling faces a street other than the major thoroughfare, and

(2) the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.

The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.

In addition, an increase in fence height in the front yard up to six (6) feet may be permitted with the approval of a special permit by the BZA in accordance with Part 9 of Article 8.

Therefore, as this accessory fence exceeds four feet (4') in height in the front yard contrary to the provisions of Par. 3B of Sect. 10-104 of the Zoning Ordinance, you are in violation of Par. 3B of Sect. 10-104 and Par 6 of Sect. 2-302 of the Zoning Ordinance which states:

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

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

- Removing the fence from the property in its entirety; or
- Reducing the height of the fence to four feet (4') in the front yard.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the fence to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

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**§ 10-104 (12C) Accessory Structure in the Front Yard**

**§ 2-302 (6) Accessory Use must comply with Article 10:**

An inspection on October 22, 2009 revealed the presence of an above ground swimming pool located in the front yard of this property which is less than 36,000 square feet. The Fairfax County Zoning Ordinance prohibits accessory structures in the front yard. Par. 12 C of Sect. 10-104 of the Zoning Ordinance states:

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. When located in a front yard, basketball standards shall not be located closer than fifteen (15) feet to a front lot line or twelve (12) feet to a side lot line, and shall not be used between the hours of 8:00 PM and 8:00 AM.

Therefore, as this accessory structure located in the front yard contrary to the provisions of Par. 12C of Sect. 10-104 of the Zoning Ordinance, you are in violation of Par. 12C of Sect. 10-104 and Par 6 of Sect. 2-302 of the Zoning Ordinance which states:

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

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

- Removing the swimming pool from the property in its entirety.

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A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

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

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aggrieved party and any other information that you may wish to submit and a \$2455.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1398 or 703-324-1300.

Sincerely,

A handwritten signature in cursive script that reads "Victoria Dzierzek". The signature is written in black ink and is positioned above the printed name.

Victoria Dzierzek

Property Maintenance/Zoning Enforcement Inspector

**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.

**8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard**

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

- 1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 31 of Sect. 10-104.
- 2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
- 3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
- 4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.

5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) 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. 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. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
  - E. All required minimum yards to include front, side and rear, 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 a well and/or septic field.
  - I. If applicable, existing gross floor area and floor area ratio.

- 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. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.

**18-401 Initiation**

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

**18-404 Required Standards for Variances**

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

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

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

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