



APPLICATION ACCEPTED: January 20, 2011
DATE OF PUBLIC HEARING: April 20, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 13, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-LE-004

LEE DISTRICT

APPLICANT: Sidney H. Alexander, Jr.

OWNERS: Sidney H. Alexander, Sr.
Patricia Alexander
Sidney H. Alexander, Jr.

LOCATION: 7129 Vantage Drive

SUBDIVISION: Stoneybrooke

TAX MAP: 92-3 ((2)) 6092

LOT SIZE: 9,171 square feet

ZONING: R-3 Cluster

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction to minimum yard requirements based on error in building location to permit an addition to a single-family detached dwelling to remain 22.1 feet with eave 21.2 feet from the 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:\bcho00\SP\SP 2011-LE-004 (Alexander)\draft_report.doc

Brenda J Cho

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.**

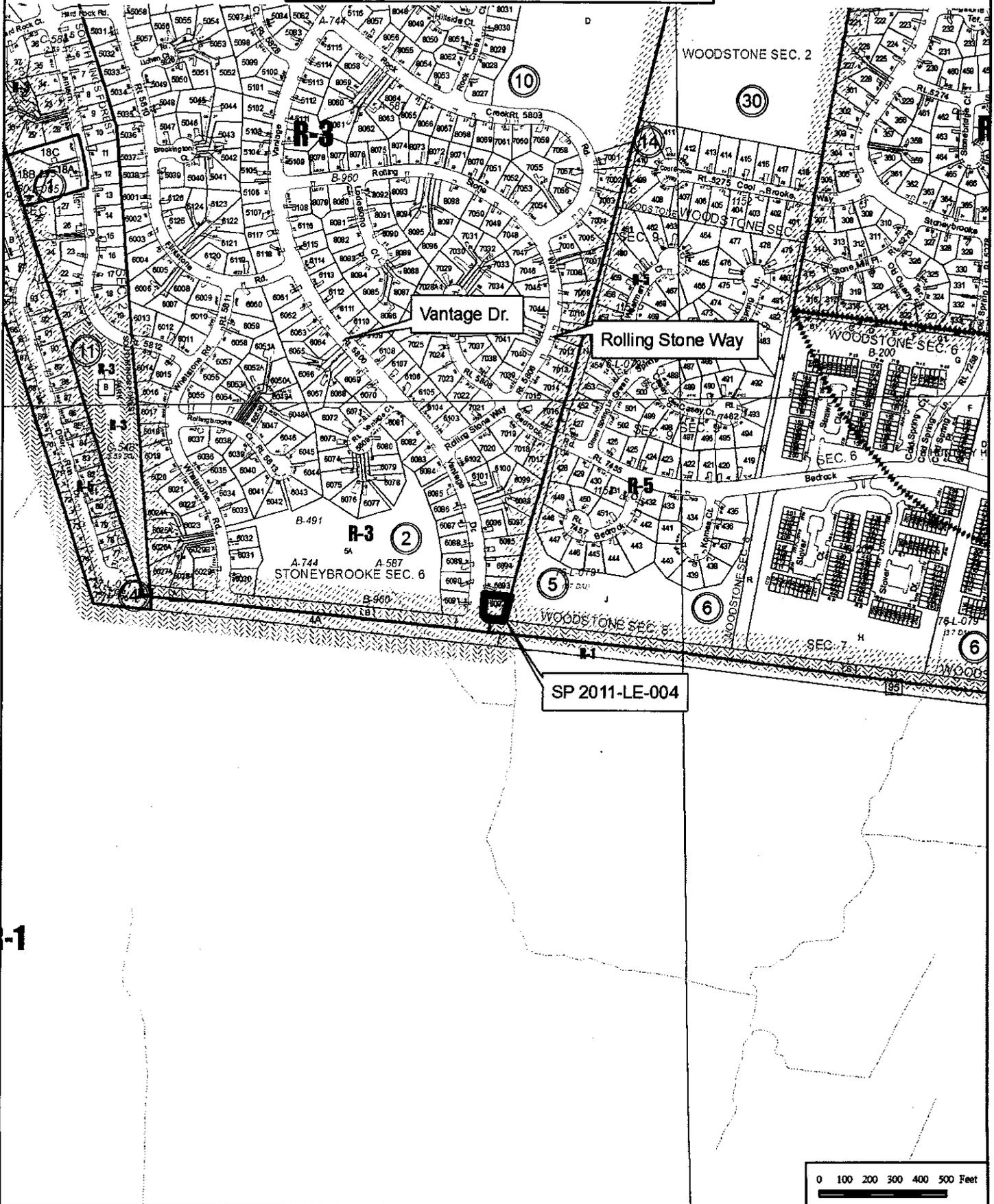


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2011-LE-004
SIDNEY HAROLD ALEXANDER JR.



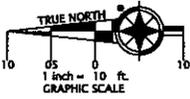
Special Permit
SP 2011-LE-004
SIDNEY HAROLD ALEXANDER JR.



SP 2011-LE-004

0 100 200 300 400 500 Feet

1



NOTES:
1. TAX MAP: 92-3-02-6092

2. ZONE: R-3C (R-3 w/CLUSTER DEV)

3. LOT AREA: 9,171 SF (0.2105 AC)

4. REQUIRED YARDS:

- FRONT: 20.0 FEET
- SIDE: 08.0 FEET MIN., BUT A TOTAL OF 20.0 FEET
- REAR: 25.0 FEET

- 5. HEIGHTS: 18.4 FEET
- DWELLING AS NOTED
- 2 STORY ADDN 06.0 FEET
- FENCES 02.2 FEET
- END WALL 03.0 FEET
- AC

6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.

7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.

8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.

9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.

10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.

11. THERE IS A RESOURCE PROTECTION AREA ON THIS PROPERTY. THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 515525 0150 D, REVISED MARCH 5, 1990.

- 12. AREAS:
 - BASEMENT 1,109 SF
 - FIRST FLOOR 1,150 SF
 - 2 STORY ADDN 440 SF
 - EX GROSS FLOOR AREA 2,699 SF

EX FLOOR AREA RATIO: EX CFA (2699) / LOT AREA (9171) = 0.29

PLAT

SHOWING THE IMPROVEMENTS ON LOT 6092, SECTION SIX

FIRST ADDITION TO STONEYBROOKE

FAIRFAX COUNTY, VIRGINIA

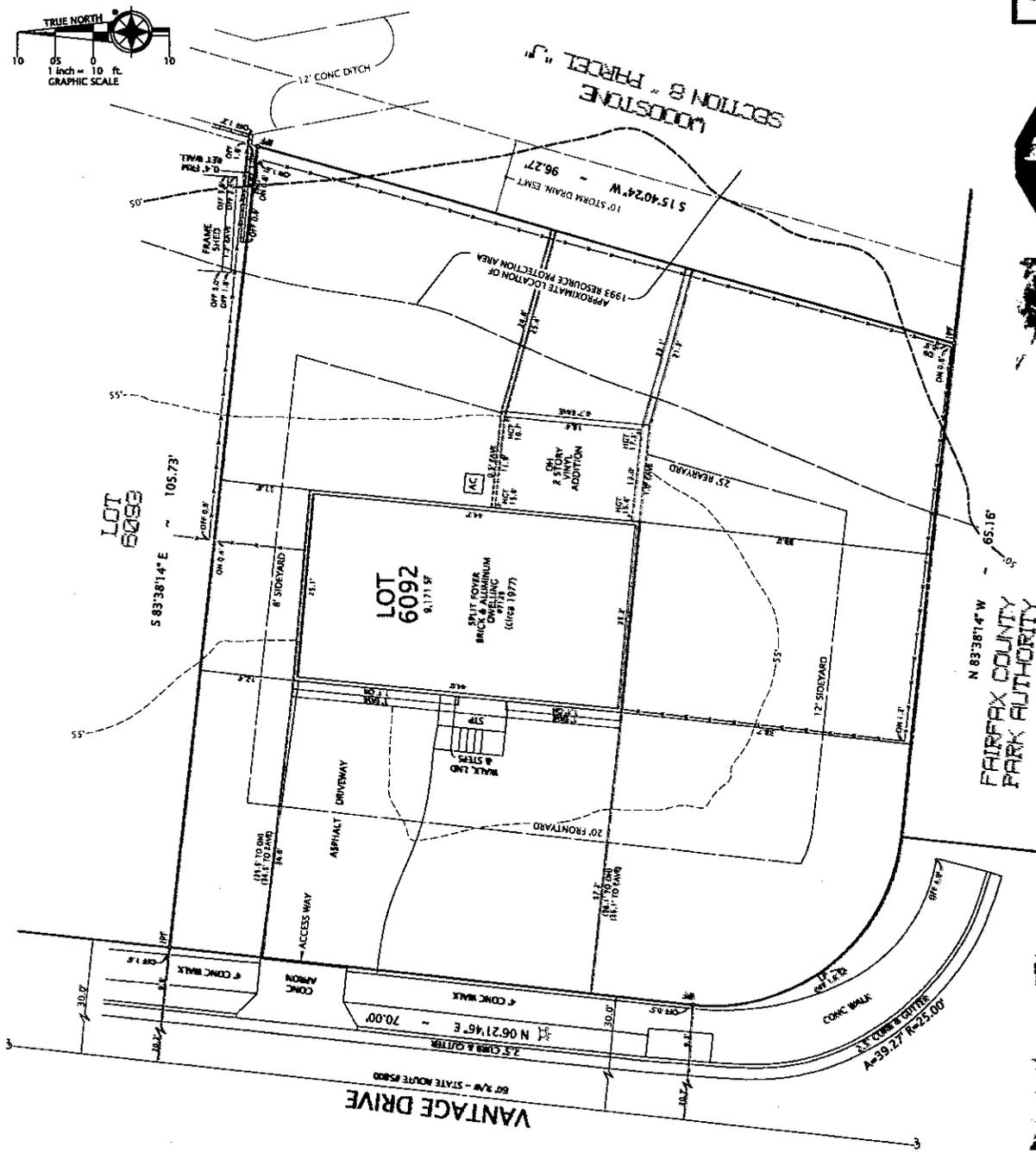
LEE DISTRICT MAY 07, 2010
SCALE: 1" = 10'



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

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

CASE NAME:
STONEY H. ALEXANDER SR., STONEY H. ALEXANDER JR., AND PATRICIA ALEXANDER
DOMINION SURVEYS, INC.
8800 HILLCREST DRIVE, SUITE 100
FAIRFAX COUNTY, VIRGINIA 22031
TEL: 703-786-8117



REAR OF DWELLING



RIGHT SIDE OF DWELLING

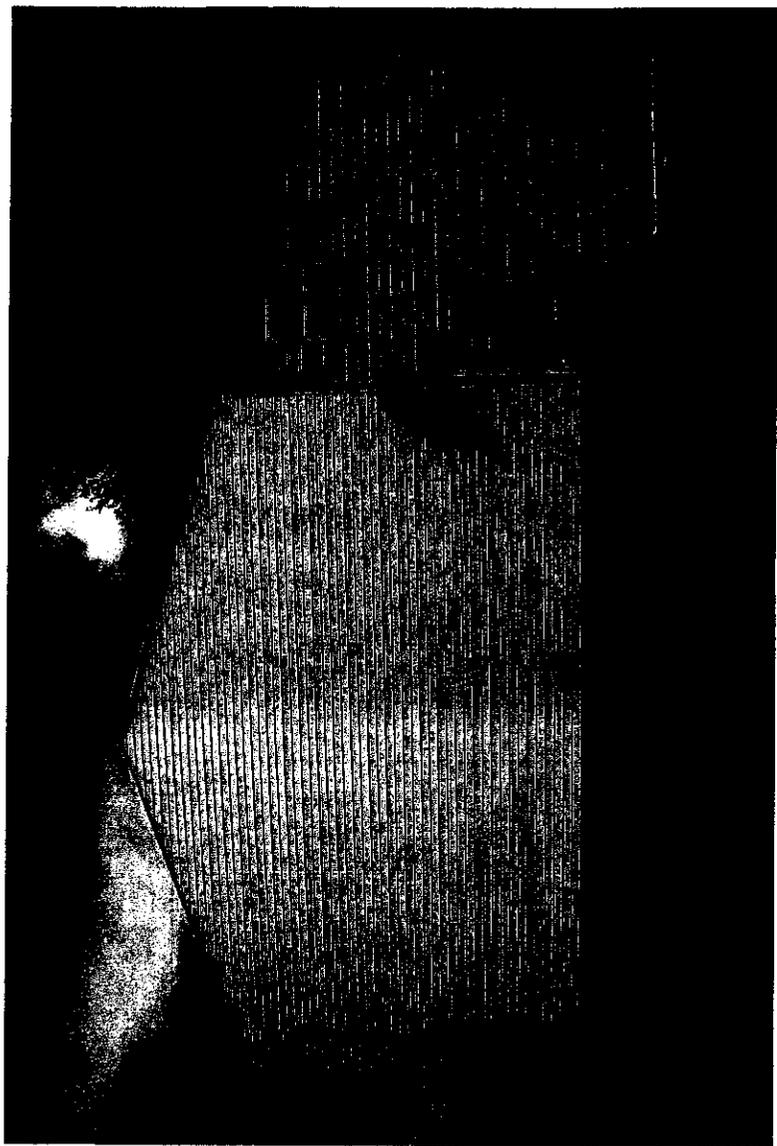


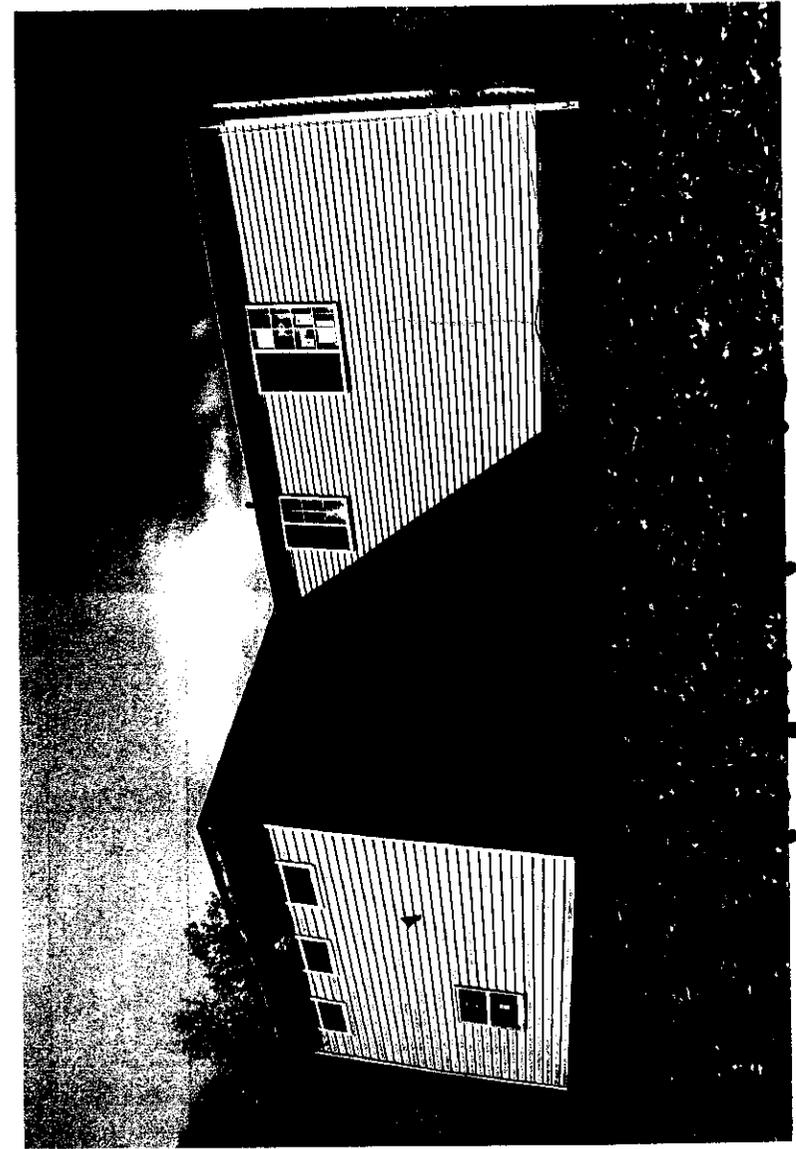
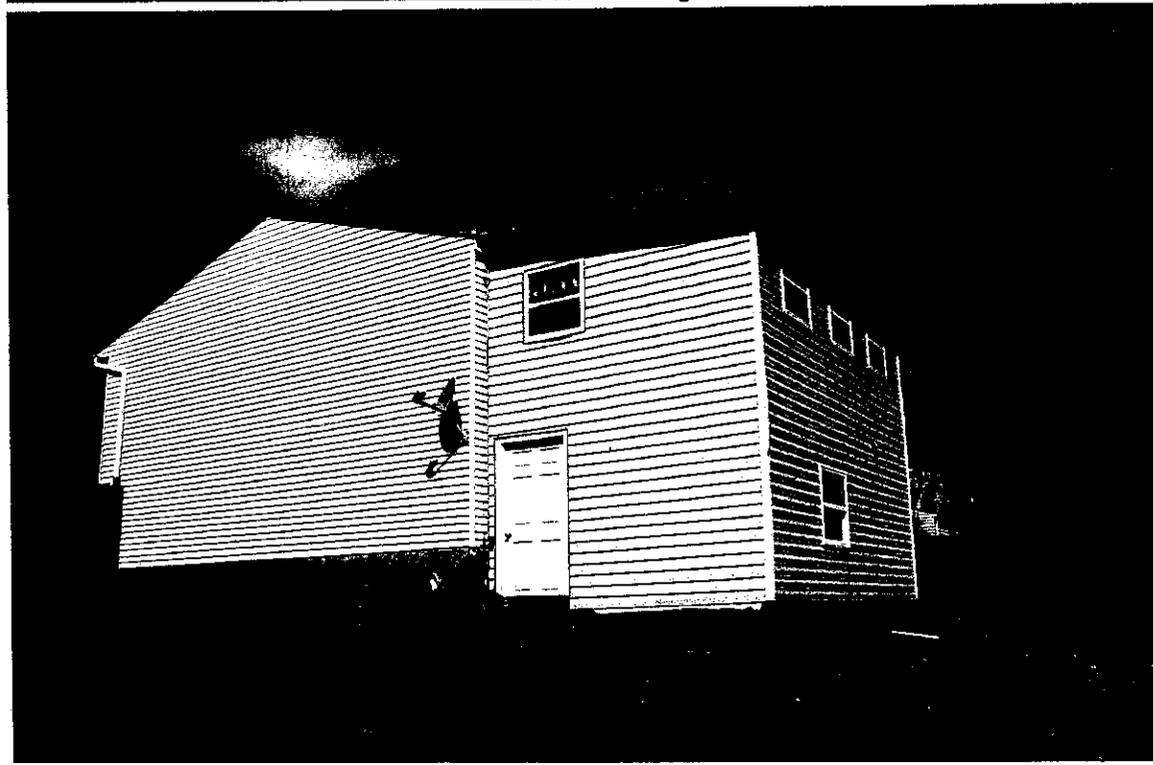
FRONT OF DWELLING



Right Front

SID Alexander
7129 Vantage DR.
Alex. VA 22306





DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for an error in building location to permit an addition to a single family detached dwelling, which is depicted as "OH 2 Story Vinyl Addition" on the plat. The addition measures between 15.4 to 17.3 feet in height and is 440 square feet in area. The request is for the addition to remain 22.1 feet with eave 21.2 feet from the rear lot line.

	Structure	Yard	Min. Yard Req.*	Permitted Extension **	Min. Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit	Addition	Rear	25.0 feet	N/A	25.0 feet	22.1 feet	2.9 feet	12%
Special Permit	Eave	Rear	25.0 feet	3.0 feet	22.0 feet	21.2 feet	.8 feet	4%

* A minimum rear yard of 25 feet is required in the R-3 Cluster District.

** Permitted extension per Section 2-412

SPECIAL PERMIT PLAT

- **Title of SP Plat:** Plat showing the improvements on Lot 6092, Section Six, First Addition to Stoneybrooke
- **Prepared By:** George M. O'Quinn
- **Dated:** May 7, 2010

EXISTING SITE DESCRIPTION

The 9,171 square foot lot is developed with a two-story, vinyl clad single family detached dwelling which was constructed in 1977. The site is zoned R-3 Cluster. A two-car garage is located on the ground floor, which is accessed via an asphalt driveway off of Vantage Drive. There is a 440 square foot, two-story addition in the rear of the house. The subject lot is surrounded by heavily forested open space to the east (rear) and south (left side), and a six (6.0) foot high wooden fence surrounds the rear yard. There are single family detached dwellings to the north (right side) and west (across Vantage Drive).

CHARACTER OF THE AREA

	Zoning	Use
North	R-3 Cluster	Single Family Detached Dwelling
South	R-1	Huntley Meadows Park
East	R-5 Cluster	Woodstone Homeowners Association Open Space
West	R-3 Cluster	Single Family Detached Dwelling

BACKGROUND

Following a complaint, two (2) corrective work orders were issued to the previous owner on April 30, 2008, for the two-story addition. The addition was built without required permits and inspections. Subsequent notices of violation were issued on October 31, 2008, for a lack of response to the corrective work orders. Court summons were issued in December 2008 to the previous owners for a court date in late December 2008. However, during this time, the home went into foreclosure, and the ownership of the house was transferred to the Federal National Bank of Nevada.

Corrective work orders for the addition were then issued on February 24, 2009, to the Federal National Bank of Nevada, which was subsequently seized by the Federal Deposit Insurance Corporation (FDIC). The current owners purchased the home from FDIC in June 2009, but stated they were not informed or aware of the cited violations on the addition.

On October 5, 2009, a legal notice of corrective work order, attached as Appendix 4, was issued for failure to obtain required permits and inspections to the applicant. On December 30, 2009, a legal notice of violation, attached as Appendix 5, was issued. Summons were issued in April 2010, for the current owners to appear in court on May 11, 2010, which was extended to January 13, 2011. On December 6, 2010, Fairfax County continued the original court date of January 13, 2011 to September 28, 2011, for the complainant.

Following adoption of the current Ordinance, the BZA heard the following similar special permit and variance applications in the vicinity of the application parcel:

- Special Permit SP 2008-LE-009 was approved on April 15, 2008 for Tax Map 92-3 ((2)) 6096, zoned R-3 Cluster, 7121 Vantage Drive, to permit reduction of certain yard requirements to permit an addition 15.8 feet from the rear lot line.

- Variance VC 90-L-063 was approved on September 14, 1990 for Tax Map 92-3 ((2)) 6099, zoned R-3 Cluster, 7115 Vantage Drive, to permit construction of an addition 19.5 feet from the rear lot line.

ZONING ORDINANCE REQUIREMENTS (See Appendix 7)

- 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, staff suggests the BZA 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. Notice of Violation dated December 30, 2009
5. Corrective Work Order dated October 5, 2009
6. Fairfax County Department of Transportation Analysis
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2011-LE-004

April 13, 2011

1. This special permit is approved for the location and size of the two-story addition, as shown on the plat prepared by George M. O'Quinn, dated May 7, 2010, as submitted with this application and is not transferable to other land.
2. Appropriate building permits and final inspections for the addition shall be diligently pursued and obtained within six (6) months of final approval of this application.

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: 1/12/11
 (enter date affidavit is notarized)

I, Sidney H. Alexander JR, 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 109922a

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)
Sidney H. Alexander JR	5930 Peverill DR Alex. VA 22310	Applicant / Title owner
Patricia L. Alexander	" "	Title owner
Sidney H. Alexander	7129 Vantage DR. Alex. VA 22306	Title owner

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

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

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

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

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/12/11
(enter date affidavit is notarized)

7
109922a

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)

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: 1/12/11
(enter date affidavit is notarized)

1099220

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/12/11
(enter date affidavit is notarized)

109922a

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/12/11
(enter date affidavit is notarized)

109922a

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:

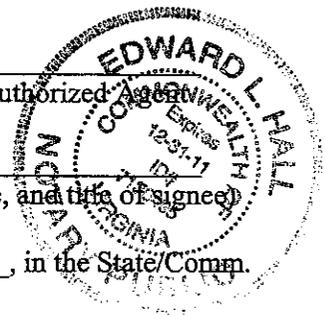
(check one) Applicant Sidney H. Alexander Jr. [] Applicant's Authorized Agent

Sidney H. Alexander Jr.
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 12th day of January 2011, in the State/Comm. of Virginia, County/City of Fairfax.

E. L. H.
Notary Public

My commission expires: 12/31/11



9/28/10

Sidney H. Alexander JR

5930 Peverill DR

Alex. VA 22310

RE: Permit For 7129 Vantage DR

Alex. VA. 22306

I purchased this house June 2009 From FDIC.

I was NOT aware the Addition was NOT UP

TO Code. FAIRFAX Co. Told me I needed to get

a permit. When I went to get permit on

4/27/10 I was told I would need a special

Permit (8-914).

RECEIVED
Department of Planning & Zoning
SEP 28 2010
Zoning Evaluation Division

Sidney H. Alexander JR



County of Fairfax, Virginia

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

LEGAL NOTICE NOTICE OF VIOLATION

SHERIFF'S LETTER

DATE OF ISSUANCE: December 30, 2009 **COMPLAINT #:** 31092
SERVICE REQUEST#: 48965

LEGAL NOTICE ISSUED TO: Sidney H. Alexander, Sr.
Sidney H. Alexander, Jr.
Patricia Alexander

ADDRESS: 7129 Vantage Drive
Alexandria, VA 22306-1251

PROPERTY OWNER(S): Sidney H. Alexander, Sr.
Sidney H. Alexander, Jr.
Patricia Alexander

LOCATION OF VIOLATION: 7129 Vantage Drive
Alexandria, VA 22306-1251

TAX MAP NUMBER: 0923 02 6092

A Corrective Work Order was issued on October 5, 2009 directing you to correct the following:

Violation 1: FAILURE TO OBTAIN REQUIRED PERMIT

An addition attached to the single family dwelling unit was built without the required permits. Because you have added to the habitable space of your dwelling, you may also require additional permits (electrical, plumbing, mechanical) to fully comply with this notice. You are directed to obtain the required permits for the work already in progress or completed, or demolish the work entirely after first obtaining a permit to demolish. You may call or visit the permit application center for further details. The permit application center is located at 12055 Government Center Parkway, Suite 230, Fairfax, VA 22035. The phone number is 703 222-0801.

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

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

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

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

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

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

Violation 2: FAILURE TO OBTAIN REQUIRED MINIMUM INSPECTIONS

An addition attached to the single family dwelling unit was built without the required minimum inspections. You are directed to schedule, obtain and successfully pass all required inspections for this work, after first obtaining the required permits.

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

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

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

2. Inspection of foundation systems during phases of construction necessary to

Sidney H. Alexander, Jr.

December 30, 2009

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assure compliance with this code.

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

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

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

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

LEGAL NOTICE ISSUED BY:

Francis Miller

TITLE:

Combination Inspector

SIGNATURE:

Francis Miller 12/30/09

SHERIFF'S LETTER



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

DATE OF ISSUANCE: October 5, 2009

COMPLAINT #: 31092

SERVICE REQUEST#: 48965

LEGAL NOTICE ISSUED TO: Sidney H. Alexander

ADDRESS: 5930 Peverill Drive
Alexandria, Virginia 22310

PROPERTY OWNER(S): Sidney H. Alexander

LOCATION OF VIOLATION: 7129 Vantage Dr
Alexandria, VA 22306-1251

TAX MAP NUMBER: 0923 02 6092

I inspected the above premises on October 5, 2009, and observed the following:

Violation 1: FAILURE TO OBTAIN REQUIRED PERMIT

An addition attached to the single family dwelling unit was built without any of the required permits (which include building, electrical, plumbing, and possibly mechanical permits). You are directed to obtain the required permits for the work already in progress or completed, or demolish the work entirely after first obtaining a permit to demolish. You may call or visit the permit application center for further details. The permit application center is located at 12055 Government Center Parkway, Suite 230, Fairfax, VA 22035. The phone number is 703 222-0801.

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

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

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

Violation 2: FAILURE TO OBTAIN MINIMUM REQUIRED INSPECTIONS

An addition attached to the single family dwelling unit was built without any of the required permits (which include building, electrical, plumbing, and possibly mechanical permits). You are directed to schedule, obtain and successfully pass all required inspections for this work, after first obtaining the required permits.

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

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

1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.
2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code.
3. Inspection of preparatory work prior to the placement of concrete.
4. Inspection of structural members and fasteners prior to concealment.
5. Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment.
6. Inspection of energy conservation material prior to concealment.
7. Final inspection.

Sidney H. Alexander
October 5, 2009
Page 3

CORRECTIVE WORK ORDER: Pursuant to the VUSBC, Section 115, Violations, 115.2, Notice of Violation, you are directed to correct these defects within thirty (30) days of receipt of this Corrective Work Order. Failure to follow this order within the specified time may result in the issuance of a Notice of Violation under the applicable State and County codes.

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

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

LEGAL NOTICE ISSUED BY: Francis Miller
TITLE: Combination Inspector

SIGNATURE:  10/5/09

NOTICE DELIVERED BY CERTIFIED MAIL NO: 7008 2810 0001 8755 2952



County of Fairfax, Virginia

MEMORANDUM

DATE: March 3, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

SUBJECT: Transportation Impact

REFERENCE: SP 2011-LE-004; Sidney Harold Alexander Jr.
Land Identification Map: 092-3((2))6092

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on the informational packet made available to this department on February 10, 2011 and plat dated May 7, 2010.

The proposed application for reduction of certain yard requirements to allow a rear addition to the existing dwelling would not create any significant additional impacts on the surrounding public street system. Therefore, this department would not object to the approval of the subject application.

AKR/mdd

ZONING ORDINANCE PROVISIONS

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.