



APPLICATION ACCEPTED: March 17, 2011
DATE OF PUBLIC HEARING: June 8, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 1, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-DR-025

DRANESVILLE DISTRICT

APPLICANT: Jean-Charles Jaffray

OWNERS: Jean-Charles Jaffray
Sylvie Jaffray

LOCATION: 5910 Woodley Road

SUBDIVISION: Chesterbrook Woods, Sec 1

TAX MAP: 31-4 ((4)) 309F

LOT SIZE: 20,041 square feet

ZONING: R-2

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to the minimum yard requirements based on error in building location to permit open deck and open stairs to remain 24.7 feet and 25.7 feet, respectively, from a front 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:\mmertz\SP_Jaffray\SP 2011-DR-025.doc

Matthew Mertz

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**

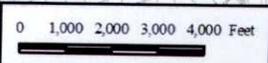


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2011-DR-025
JEAN-CHARLES JAFFRAY



COUNTY OF ARLING



Special Permit
SP 2011-DR-025
JEAN-CHARLES JAFFRAY



GENERAL NOTES

- TAX MAP # 31-1-(4)-309F
- TOTAL PROPERTY ACREAGE: 20.041 37' OR 0.4601 AC
- ZONE: R-2
SETBACKS (CONVENTIONAL SUBDIVISION LDT):
FRONT: 34'
SIDE: 12'
REAR: 12'
MAX. BUILDING HEIGHT: 35'
- THE HEIGHT AT THE MAIN BUILDING IS 11'-8" FROM GROUND TO EAVE.
- THE HEIGHT OF THE MAIN BUILDING IS 14'-0" FROM GROUND TO MIDROOF AND 16'-3" FROM GROUND TO HIGHEST PEAK.
- THERE ARE NO ACCESSORY STRUCTURES ON THE SITE EXCEPT FOR ONE PLAY AREA IN THE FRONT LEFT OF THE HOUSE. THE HEIGHT OF THIS STRUCTURE IS 5'.
- NO TITLE REPORT FURNISHED.
- THIS PLAT IS NOT TO BE USED FOR THE CONSTRUCTION OF FENCES.
- BOUNDARY INFORMATION OBTAINED FROM AVAILABLE RECORDS.
- THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF LOT 500. ANY FENCES SHOWN ARE APPROXIMATE.
- THE LOCATION OF FRONT STAIRS, PATIO, AND PROPERTY LINES ARE FROM SURVEYS PERFORMED BY SDE, INC. DATED SEPTEMBER 2009 AND NOVEMBER 2010.
- NO CORNER MARKERS SET.
- NO GRAVE SITES HAVE BEEN FOUND.
- THE PROPERTY SHOWN HEREIN IS SERVED BY FAIRFAX COUNTY WATER AND SEWER.
- THERE ARE NO UTILITY EASEMENTS OVER 25' ON THIS LOT.
- THE STRUCTURE WHICH IS IN VIOLATION IS TO BE USED AS A SINGLE-FAMILY DETACHED HOUSE AS A RESIDENCE AND FRONT PATIO ONLY.
- THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES LOCATED ON THE SITE AS DEFINED BY COMMONWEALTH OF VIRGINIA DEPARTMENT OF WASTE MANAGEMENT OR FEDERAL REGULATIONS.
- THE SUBJECT PROPERTY CONFORMS TO ALL APPROPRIATE PROVISIONS AND ORDINANCES EXCEPT FOR THE FRONT UNCOVERED STAIRCASE WHICH EXTENDS 9.3' BEYOND THE FRONT SETBACK LIMIT. 4.5' BEYOND THE PERMITTED EXTENSION OF 5.0'. FRONT STEPS ARE ADDITIONALLY REQUIRED TO BE 30.0' FROM THE FRONT PROPERTY LINE. AND THE FRONT STEPS ON THIS HOUSE EXTEND TO 25.7' FROM THE FRONT PROPERTY LINE.
- THE OPEN PATIO EXTENDS 10.3' INTO THE FRONT SETBACK LIMIT. AN OPEN UNENCLOSED PATIO IS REQUIRED TO BE 29.0' FROM THE FRONT PROPERTY LINE. AND THE PATIO ON THIS HOUSE EXTENDS TO 24.7' FROM THE FRONT PROPERTY LINE.
- THE HOUSE IS CONSTRUCTED WITH WOOD AND A STONE FACADE ON THE FIRST LEVEL (ENGLISH BASEMENT) AND WITH A SHINGLED ROOF.
- EXISTING HOUSE WAS CONSTRUCTED IN 1998.
- TOPOGRAPHIC INFORMATION FOR THIS LOT WAS FURNISHED BY THE FAIRFAX COUNTY GIS AND A SURVEY AND BY THE SURVEYS PERFORMED BY SDE, INC. BASED ON FAIRFAX COUNTY BENCHMARKS.
- THIS SPECIAL PERMIT IS JUSTIFIED UNDER THE STANDARDS OF B-914 A-G AS FOLLOWS:
A. THE ERROR EXCEEDS TEN (10) PERCENT OF THE ERROR INVOLVED.
B. THE NON-COMPLIANCE WAS DONE IN GOOD FAITH THROUGH NO FAULT OF THE PROPERTY OWNER. THERE IS NO INFORMATION AS TO WHETHER OR NOT THE ORIGINAL HOUSE WAS CONSTRUCTED IN THE INCORRECT LOCATION DUE TO CONTRACTOR ERROR.
C. THE REDUCTION IN BUILDING SETBACKS DOES NOT IMPAIR THE PURPOSE OF THE ZONING ORDINANCE NOR CREATE AN UNSAFE CONDITION WITH RESPECT TO EITHER PROPERTY OR PUBLIC STREETS.
D. THIS REDUCTION IN SETBACK LIMITS WILL NOT BE DETRIMENTAL TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE IMMEDIATE VICINITY.
E. THIS REDUCTION IN SETBACK LIMITS WILL NOT CREATE AN UNSAFE CONDITION WITH RESPECT TO OTHER PROPERTY OR TO PUBLIC STREETS.
F. TO RETROACTIVELY ENFORCE THE MINIMUM YARD RESTRICTIONS UPON THE OWNER WOULD CAUSE UNREASONABLE HARDSHIP FOR THE OWNER.
G. THE REDUCTION FROM REQUIRED SETBACK LIMITS ON THIS PROPERTY DOES NOT EXCEED THE FLOOR AREA RATIO (FAR) PERMITTED BY THE CURRENT ZONING REGULATION (R-2).

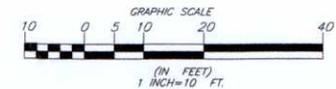
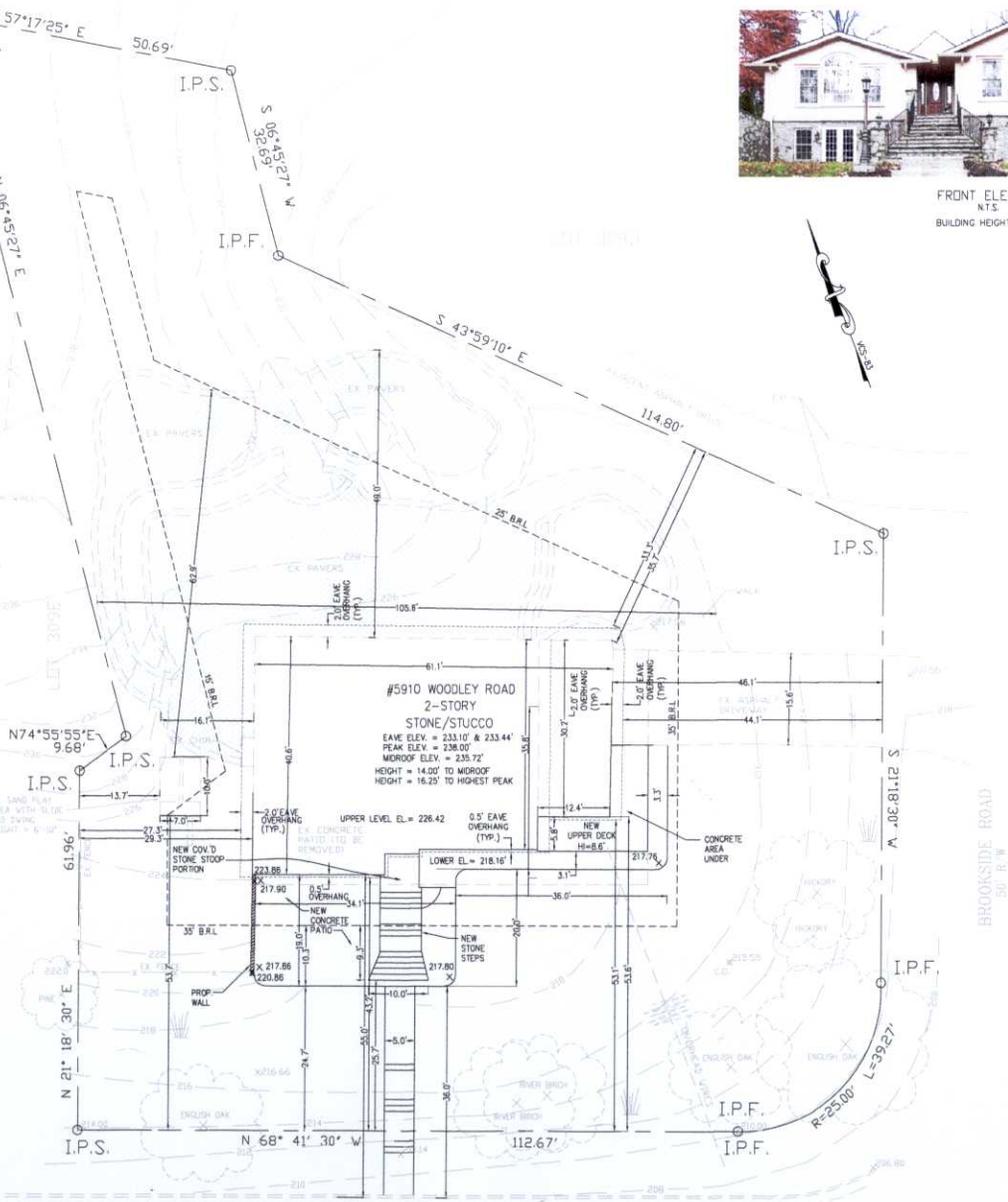


FRONT ELEVATION
N.T.S.
BUILDING HEIGHT = 235.72' - 221.75' = 13.97'
13.97' < 35' (GOOD)

HIGHEST ROOF = 238.00'
MID-ROOF = 235.72'
EAVE = 233.44'
FFE = 226.36' (1ST LEVEL)
MIN. AVERAGE GRADE = 221.25'
BFE = 216.40' (BASEMENT)



VICINITY MAP
(N.T.S.)



SDE, INC.

ENGINEERS - PLANNERS - ARCHITECTS - LANDSCAPE ARCHITECTS - SURVEYORS
LEESBURG PIKE, SUITE 305N
FALLS CHURCH, VA 22043 PH: (703) 556-0800

5910 WOODLEY ROAD

LOT 309F SEC 1, CHESTERBROOK WOODS

MAGISTERIAL DISTRICT: BRANDESTYLLER FAIRFAX COUNTY

SPECIAL PERMIT PLAT



DESIGNED BY: SDE, INC.

DRAWN BY: B.H.

CHECKED BY: HAMID T., PE

SCALE: 1"=10'

DATE: 03/14/2011

PROJECT/FILE #

SHEET NUMBER

Small play ground on the side of our house.

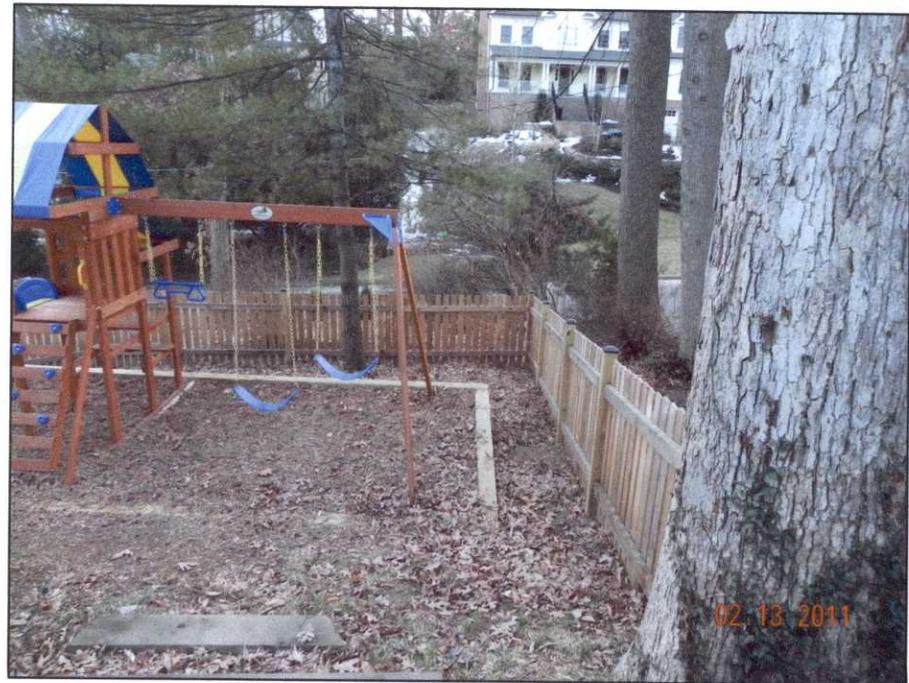
RECEIVED
Department of Planning & Zoning
FEB 15 2011
Zoning Evaluation Division



From 5910 Woodley Rd
Looking Toward our house From
Woodley Dr.



side
FRONT
↑
back yard
↓



← our playground on the side of our house.

Looking Toward Street from our side yard, L shape 4' Fence For kids security.

5



FROM FRONT yard
ACROSS 5910 Woodley Rd.

13



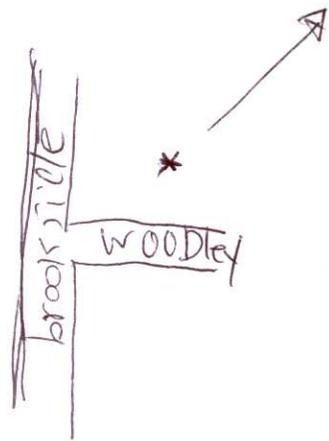
FROM FRONT yard
Toward Woodley Rd and
1620 brookside Rd.

Commercial size play ground
belonging TO Neighbour other side of
Woodley rd.

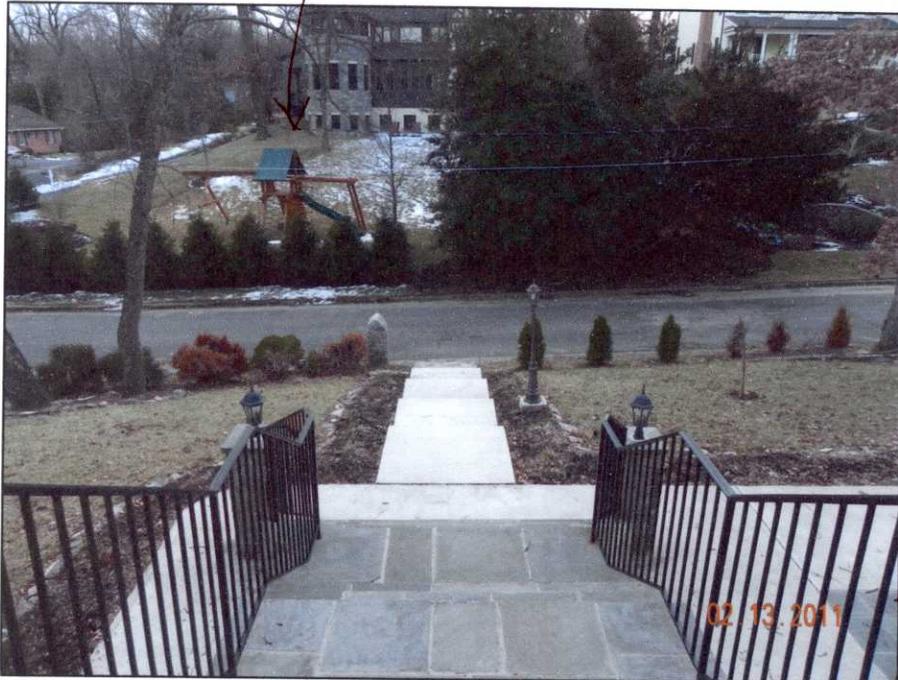
Estimate
size
15, 20
25-30'



←
this is
NOT own
playground
"As requested
by you."



Neighbour play Ground
in FRONT yard.



← own
stairs

RECEIVED
Department of Planning & Zoning
FEB 15 2011
Zoning Evaluation Division

Picture showing FRONT of our house

RECEIVED
Department of Planning & Zoning
FEB 15 2011
Zoning Evaluation Division

slab
patio



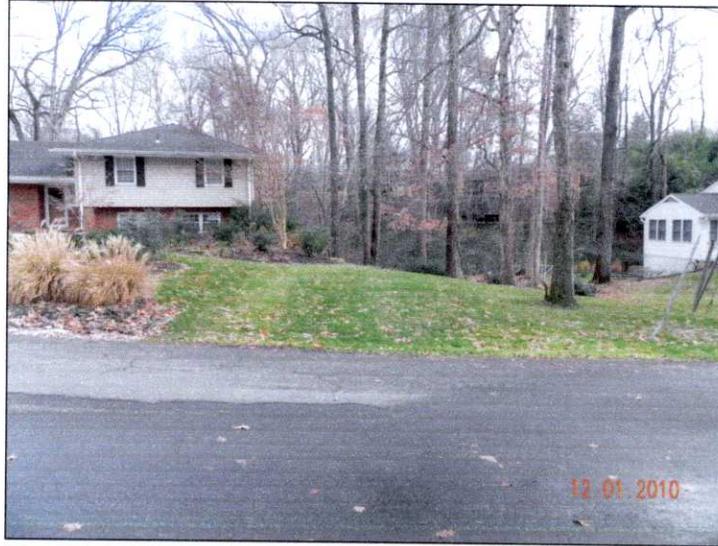
5910 Woodley Rd.

brookside
Woodley Rd
slab patio



5910
Woodley Rd

11



FROM side yard Toward 1617 and
1619 brookside rd.

3



FROM side yard
Toward 5910 woodley.

①



FROM Rear yard
OF BACK yard
Toward the 5910 woodley.(house)

②



From Rear yard
OF BACK yard
ACROSS 1616 brookside rd.

6



FROM FRONT yard corner
side of 5910 Woodley Rd.

14



FROM FRONT yard corner
ACROSS 5915 Woodley Rd.

2



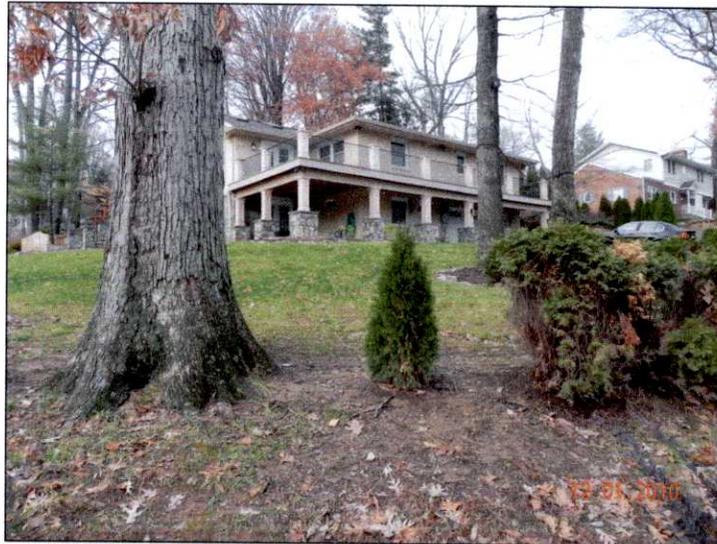
FROM Side yard
OF Rear yard

10



FROM side yard
OF rear yard Across
1616 brook side rd.

4



FROM CORNER OF brookside & Woodley
Rd, ACROSS 5910 Woodley.

12



FROM CORNER OF brookside & Woodley
ACROSS 1619 brookside rd.

15



FROM side yard Toward
5914 woodley

7



FROM side yard Toward
our house 5910 woodley rd.

8



FROM side yard
OF REAR yard Toward
5910 Woodley Rd.

16



FROM side yard
OF rear yard Toward
5914 Woodley rd

DESCRIPTION OF THE APPLICATION

The applicant is requesting a special permit to permit reduction to the minimum yard requirements based on an error in building location to permit an open deck and open stairs to remain 24.7 feet and 25.7 feet, respectively, from the southern front lot line on a corner lot.

	Structure	Yard	Min. Yard Req.*	Permitted Extension **	Min. Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit	Open Deck	Front	35.0 feet	6.0 feet	29.0 feet	24.7 feet	4.3 feet	15%
Special Permit	Open Stairs	Front	35.0 feet	5.0 feet	30.0 feet	25.7 feet	4.3 feet	14%

* Minimum yard requirement per Section 3-207

** Permitted extensions per Section 2-412

EXISTING SITE DESCRIPTION

The 20,041 square foot lot is developed with a one and a half story, brick and stucco single family detached dwelling, originally constructed in 1958 and expanded in 2009. The property is accessed via a 46.1 foot long, 15.6 foot wide driveway from Brookside Road. The lot slopes up from Woodley Road and is surrounding mostly by planted evergreen trees.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2	Single Family Detached Dwellings
South	R-2	Single Family Detached Dwellings
East	R-2	Single Family Detached Dwellings
West	R-2	Single Family Detached Dwellings

BACKGROUND

On September 18, 2008, the applicant obtained a building permit to construct a one story addition with a basement, as well as a porch. A copy of the building permit application is attached as Appendix 4. It appears that the addition and porch were built in accordance with the plat accompanying the building permit application and passed final inspection on October 13, 2009. However, as noted on the special permit plat located at the front of the staff report, titled "Special Permit Plat, 5910 Woodley Road," prepared by SDE, Inc. and dated March 14, 2011, a patio (open deck) and stairs were also constructed 24.7 feet and 25.7 feet from the lot line adjacent to Woodley Road. These were not shown on the plat associated with the building permit.

On June 9, 2009, the applicant was issued a Notice of Violation, attached as Appendix 5, for land disturbing activities in excess of 2,500 square feet without an approved conservation/grading plan. The applicants are unable to obtain the appropriate grading permits due to the location of the stairs and patio. The Department of Public Works and Environmental Services (DPWES) has a pending case against the applicants with the Fairfax County Circuit Court awaiting the outcome of this special permit application. The Court date has been postponed until October, 2011.

The applicant will be required to obtain a building permit for the retaining wall adjacent to the side of the patio and for the stairs (if applicable). The patio itself will not require a building permit since it is at grade. A development condition has been included to address this issue.

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

Special Permit SP 2010-DR-002 was approved on March 24, 2010 for Tax Map 31-4 ((5)) 13, zoned R-2, at 1703 Forest Lane, to permit reduction of certain yard requirements to permit addition 8.8 feet from side lot line.

Variance VC 96-D-009 was approved on April 2, 1996 for Tax Map 31-4 ((19)) 57, zoned R-2, at 5848 Upton Street, to permit construction of addition 7.3 feet from side lot line.

Special Permit SP 95-D-057 was approved on October 24, 1995 for Tax Map 31-4 ((4)) 0535, zoned R-2, at 1611 Forest Lane, to permit reduction to minimum yard requirements based on error in building location to permit dwelling to remain 10.3 feet from side lot line and deck 9.7 feet from side lot line.

Variance VC 95-D-095 was approved on October 24, 1995 to Tax Map 31-4 ((4)) 0535, zoned R-2, at 1611 Forest Lane, to permit construction of deck 9.7 feet from side lot line.

Variance VC 87-D-040 was approved on June 30, 1987 for Tax Map 31-4 ((4)) 301, zoned R-2, at 1620 Oak Lane, to permit construction of addition 10' from side lot line.

ZONING ORDINANCE REQUIREMENTS (See Appendix 6)

- 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)

This special permit is subject to Sects. 8-006, 8-903 and 8-914 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

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. Building Permit History
5. Notice of Violation dated June 9, 2009
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2011-DR-025

June 1, 2011

1. This special permit is approved for the location of the open deck and open stairs as shown on the plat prepared by Suburban Development Engineering Incorporated, dated March 14, 2011, as submitted with this application and is not transferable to other land.
2. A building permit and final inspection for the retaining wall adjacent to the open deck and for the stairs, if applicable, shall be 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: Feb 14, 2011
 (enter date affidavit is notarized)

I, JEAN-CHARLES JAFFRAY, 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 110863a

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)
JEAN-CHARLES JAFFRAY	5910 WOODLEY RD MCLEAN, VA 22101	HUSBAND Applicant/ title owner
SYLVIE JAFFRAY	5910 WOODLEY RD McLean, VA 22101	WIFE <i>JJ</i> 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).

N/A

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Feb 14, 2011
(enter date affidavit is notarized)

110863a

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.

N/A

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Feb 14, 2011
(enter date affidavit is notarized)

1108630

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: Feb 14, 2011
(enter date affidavit is notarized)

110863a

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: Feb 14, 2011
(enter date affidavit is notarized)

110803a

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 Jaffray [] Applicant's Authorized Agent

JEAN-CHARLES JAFFRAY
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 14th day of February 2011, in the State/Comm. of Virginia, County/City of Fairfax.

Maame Ekua Wireku
Notary Public

My commission expires: Feb 28, 2014

MAAME EKUA WIREKU
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES FEB. 28, 2014
COMMISSION # 7330704

To Mr. Matthew Mertz (Fax Number : 703-324-2301)

Special Permit SF 2011 DR-025

5910 Woodley Rd, Mclean VA 22101 (Jean-Charles Jaffray)

A. The error exceeds ten (10) percent of the measurement involved, and

Encroachment of Staires is about 14% and Patio is about 15%.

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

- The architect/Builder assured us that everything is built as approved in plan and permit approved by the fairfax county, that he will follow all county rule and regulations, the county inspectors visited the site many many times and did not notice any setback issues, the only issue notified to us was related to ground disturbance, which we measured through engineering firm and still it was under 2500 sqft which was allowed, however we did not contest the violation notice and complied with all the county inspector request's, so we removed material from front yard, we reseeded the whole front yard and added new flowers, shrub and grasses area, the landscape is much nicer than previously existing. And we provided new survey and grading plan to the county.

In our opinion the error also arised from wrong calculation of setback , because of the non existance of side walk in woodley Rd,

- We were very busy working and taking care of three kids, so we relied heavily on the contractors, county and third party staff to do the right job, we did not want in any way cause so much headache to ourselves by noncompliance and in no way was there any initial intention of building extra feet of stairs or patio.

So to recapitulate the situation, at the beginning of the proejct before start of the construction my contractor prepared a grading plan and permit application showing the limit of disturbed area due to addition less than 2500sqft, while the project was under construction the county zoning inspector visited the site and claimed that we are disturbing more than 2500sqft and isseud a notice of violation to submit a grading plan to the county, during the submission of the grading plan to the county we noticed that error in setback that the staires and front block patio encroched into front setback.

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

- The current finished house has improved the street and neighborhood greatly by adding cachet, beautiful landscape and also easy access to our address by visitors, also the front yard and the stairs on Woodley Rd are not directly located in front of any adjacent house, and there is absolutely no changes to how the neighbor use their properties, as shown in the previously submitted pictures.

E. It will not create an unsafe condition with respect to both other property and public streets, and

- We have added many outdoor lighting and stairs/garden light and night light stand which improve securities for evening walkers in the street, also all new lines of shrub and bushes add an inviting clean appeal to this section of street, we receive continuous complement about the addition and the house by most of neighbors and pepoles in the street.

- The new stairs is also a safety measure for our kids picking up the mail, not walking on the grass, also the guests know where to park and not drive back and forth in the neighborhood, because previously our address was confusing because of being corner house on two streets with no visible stairs.

F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.

This will be very hard at all level, it will require lots of demolishing just to fix small part of stairs which are in concrete, then it will require new grading of side yard, the side yard and part of front yard have to be modified and regraded, tons of dirt need to be removed to grade the yard, then taking of extra stairs will need complete reconfiguration because of height and we will not be able access the house. The whole set of stairs need to be rebuild in another direction which will damage more of the garden and make the ergonomic and beauty of current design obsolete, removing lots of concrete and foundation will create new disturbance, Also this will be very harsh on us in this difficult economic time, we are putting our daughter to college this coming fall and need to focus on her education not spending more of her college money in this compliance issue, at all level will be disasterous from finace to emotial distress

So to recapitulate in order to meet the required set back for staires and patio these concrete and stone structures need to be removed which requires significant cost and it will not be due to hight of main entrance relative to the front patio, it would not be possible to reconfigure the staires without any enchrochment into set back requirement.

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

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT # 32620066
 FOR INSPECTIONS CALL 703-
 OR VISIT U
<http://www.fairfaxcounty> APPENDIX 4

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

JOB LOCATION
 ADDRESS 5910 Woodley Road
 LOT # 309F BUILDING J
 FLOOR _____ SUITE _____
 SUBDIVISION Chesterbrook Woods
 TENANT'S NAME JAFFRAY Sec. 1
 EMAIL _____
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME JAFFRAY Sylvie & JC
 ADDRESS 5910 Woodley Road
 CITY Herlean STATE VA ZIP 22101
 TELEPHONE 703-241-1277
 EMAIL sylviejaff@gmail.com
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME SELF
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 EMAIL _____
 STATE CONTRACTORS LICENSE # _____
 COUNTY BPOL # _____
 CONTACT ID _____

APPLICANT
 NAME SELF JAFFRAY
 ADDRESS 5910 Woodley Road
 CITY Herlean STATE VA ZIP 22101
 TELEPHONE 703-241-1277
 EMAIL sylviejaff@gmail.com
 CONTACT ID _____

DESCRIPTION OF WORK
ADDITION TO FIRST FLOOR / BASEMENT

HOUSE TYPE Cambler
 ESTIMATED COST OF CONSTRUCTION 120K.
 USE GROUP OF BUILDING R1
 TYPE OF CONSTRUCTION SB

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

DO NOT WRITE IN GRAY

PLAN # _____
 TAX MAP # _____

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING	<u>4/18/05</u>	<u>[Signature]</u>
SITE PERMITS	<u>9/28/05</u>	<u>[Signature]</u>
HEALTH DEPT		
BUILDING REVIEW	<u>1/28/05</u>	<u>[Signature]</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE
 FILING FEE \$ _____
 AMOUNT DUE \$ _____

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN/DOC R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OUT)
 BY [Signature] DATE 4/18/05

ZONING REVIEW
 USE SFD
 ZONING DISTRICT R-2 HISTORICAL DISTRICT _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT <u>41'</u>	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT <u>43'</u>	REMARKS			
L SIDE <u>28'</u>	<u>build one story</u>			
R SIDE <u>28'</u>	<u>addition with</u>			
REAR _____	<u>basement + porch</u>			

REMARKS on side per plan
22' hgt; ~~32' x 22'~~
40' x 18' addition
8' hgt, 32' x 11' deck

55

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

NOTARIZATION (if required)
 State (or territory or district) of _____,
 County (or city) of _____, to wit: I,
 _____, a
 Notary Public in the State and County aforesaid, do certify that

DETAIL NOT TO SCALE:



TOTAL EARTH DISTANCE ON THIS LOT SHALL NOT EXCEED 2500.00 FEET. EXCAVATED MATERIAL SHALL BE REMOVED FROM SITE.

BRICK WALL

CONC. PATIO

WOOD DECK

61.0'

TWO STORY BRICK #5910

ASPH. DW

36.4'(TOTAL) F15/5

28.0'

36.6'

S57°17'25"E 50.69'

S6°45'27"E 32.69'

HELD

PROPOSED ADDITION

EDGE OF ASPH. AND PIZZA MUST BE 30" FROM PROPERTY. DW IS 0.9' ON PROPERTY.

CONC. PATIO

RECESSED ENTRY

LOT 309F
20,054 SQ. FT.

S43°59'03"E 114.80'

28'

DPW&S LAND DEVELOPMENT SERVICES SITE PERMITTING & ADDRESSING CENTER APPROVED FOR

BRICK WALL

CONC. PATIO

WOOD DECK

SEE DETAIL

ASPH. DW

BY *DPW*
DATE 9-18-08

BROOKSIDE ROAD
50' RW

N74°55'50"E 9.68'

N21°18'30"E 61.96'

CONC. PATIO

BRICK WALL

SEE DETAIL "A"

28.8'

23'

41'

48.2'

21'

52.10'±

77.58'

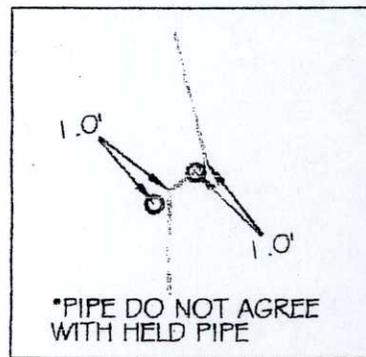
APPROVED 9/18/08 OR 10/20/08 N68°41'30"W 112.67'

Eileen M. Nelson
Zoning Administrator

WOODLEY ROAD
50' RW

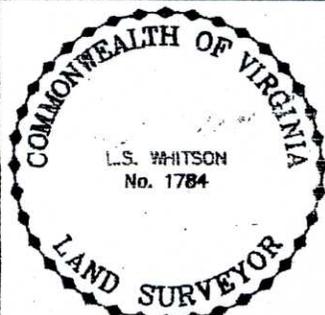
R=25.00' L=39.27'

DETAIL "A"



HOUSE LOCATION SURVEY

LOT 309F SECTION ONE
CHESTERBROOK WOODS
DEED BOOK 1638 PAGE 348
FAIRFAX COUNTY, VIRGINIA
DATE: AUGUST 1, 2005
SCALE: 1" = 40'



LEGEND

- CW = CONC WALK
- S/W = STONE WALK
- W/L = WOOD LANDING
- B/L = BRICK LANDING
- W/D = WOOD DECK
- C/S = CONC STOOP
- M/S = METAL STOOP
- C/C/S = COVERED CONC STOOP
- C/P = CONC PATIO
- R/E = RECESSED ENTRY
- CHIM = CHIMNEY
- O.H. = OVERHANG
- B/W = BAY WINDOW
- OHW = OVERHEAD WIRE
- AW = AREA WAY
- = IRON PIPE
- = FENCE



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

VIOLATION ISSUED TO: Jaffray Jean-Charles
5910 Woodley Rd
Mc Lean, Virginia 22101

LOCATION OF VIOLATION: 5910 Woodley Road

COMPLAINT NUMBER: 200903151

MAP REFERENCE: 0314 04 0309 F

On June 8, 2009, I inspected the above referenced site and found the following violation:

Land-disturbing activity in excess of 2500 square feet without an approved conservation/grading plan.

This is a violation of Section 104-1-2 of the Fairfax County Code which requires:

No person may engage in land-disturbing activity until he has submitted to the County a conservation plan for the land-disturbing activity and the plan has been reviewed and approved by the Director.

You are directed to correct this violation within thirty (30) days of receipt of this Notice of Violation. No additional work is permitted until the required corrective action is completed. The following corrective action is required:

1. **Immediately, cease and desist all land disturbing activities.**
2. **Immediately, install erosion and sediment control measures to protect waterways and off-site properties.**
3. **Immediately, seed and mulch all denuded areas.**
4. **Submit and obtain the required permit and grading plan approved by Fairfax County to remedy the violation. Documents should be hand delivered to Plan and Document Control, Suite 506, 12055 Government Center Parkway, Fairfax, Va. You may call 703-324-1730 if there are any questions regarding submission fees.**

Failure to correct the violation within the prescribed time limit may result in further legal action under the applicable state and county codes.

ISSUED BY: Antonio Torrico

Antonio Torrico, Senior Engineering Inspector
 12055 Government Center Parkway
 Fairfax, Virginia 22035-5503
 Phone: (703) 324-1937
 Email: antonio.torrico@fairfaxcounty.gov

DATE ISSUED: June 9, 2009

Department of Public Works and Environmental Services
 Land Development Services, Environmental and Facilities Inspections Division
 12055 Government Center Parkway, Suite 334
 Fairfax, VA 22035-5503

Phone: 703-324-1950, TTY: 711, Fax: 703-324-1822



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.