**APPLICATION ACCEPTED**: April 13, 2011
**DATE OF PUBLIC HEARING**: June 29, 2011
**TIME**: 9:00 a.m.

# County of Fairfax, Virginia

**June 22, 2011**

**STAFF REPORT**

**SPECIAL PERMIT APPLICATION NO. SP 2011-PR-029**

**PROVIDENCE DISTRICT**

| | |
|---|---|
| **APPLICANT:** | Ruben Jordan Rosales |
| **OWNERS:** | Ruben Jordan Rosales<br>Silvia Beatriz Jimenez<br>Oscar Castro |
| **LOCATION:** | 7208 Quincy Avenue |
| **SUBDIVISION:** | Tyler Park |
| **TAX MAP:** | 50-3 ((9)) 168 |
| **LOT SIZE:** | 7,384 square feet |
| **ZONING:** | R-4 |
| **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 2.2 feet from the side 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\June 29 - SP 2011-PR-029 (Jordan)\staff_report.doc* **Brenda J Cho**

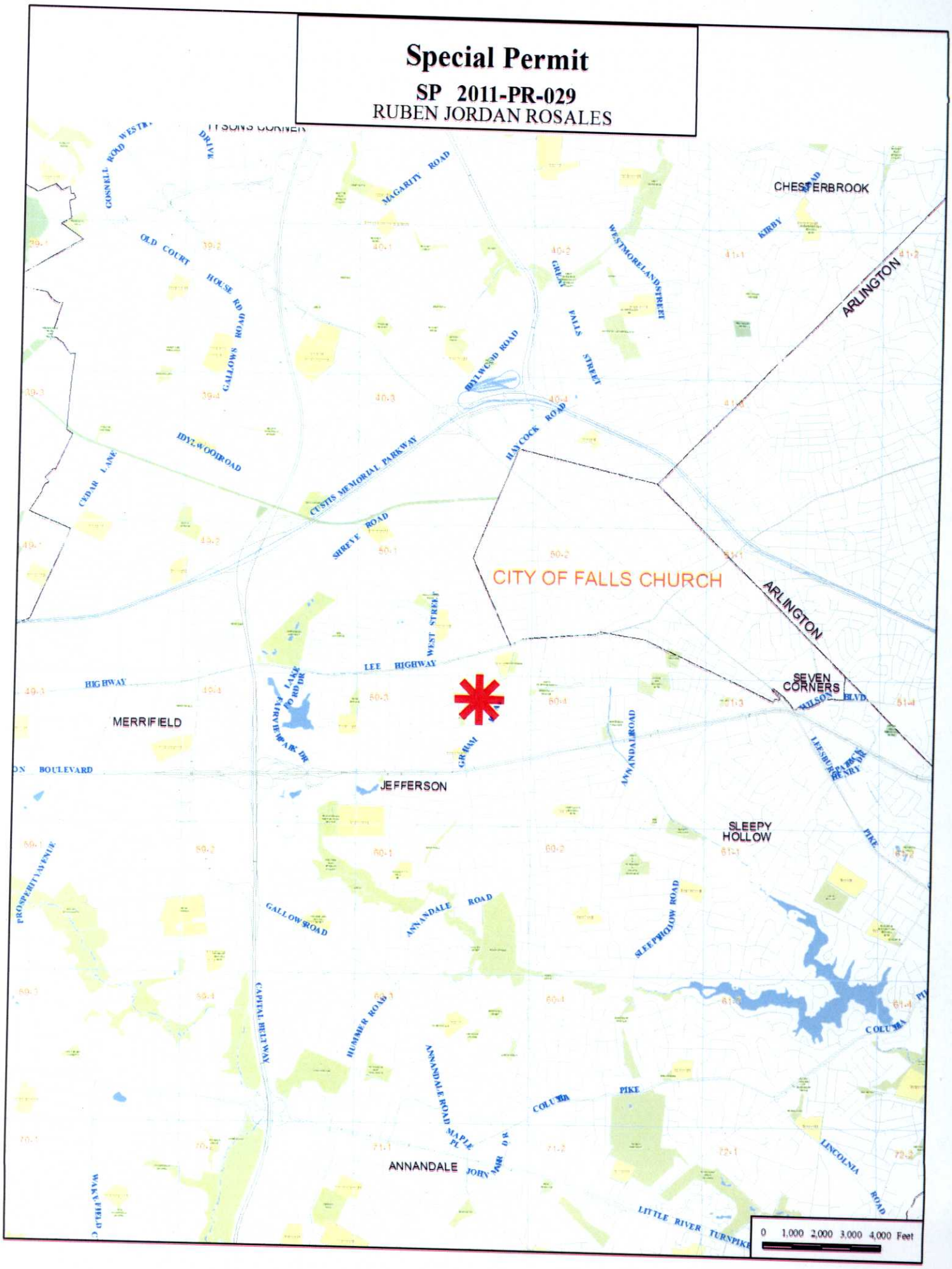
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center 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-PR-029**

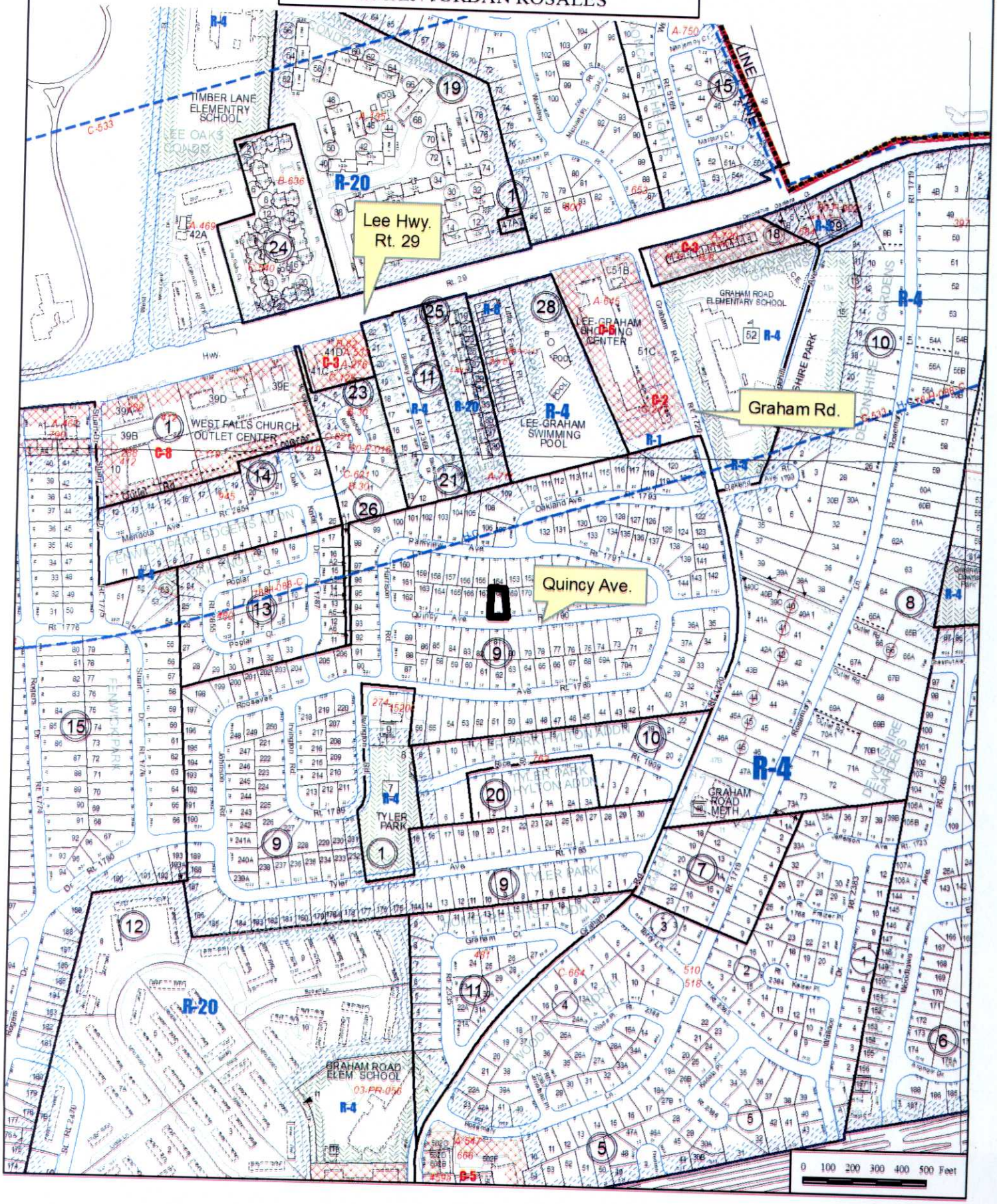
RUBEN JORDAN ROSALES

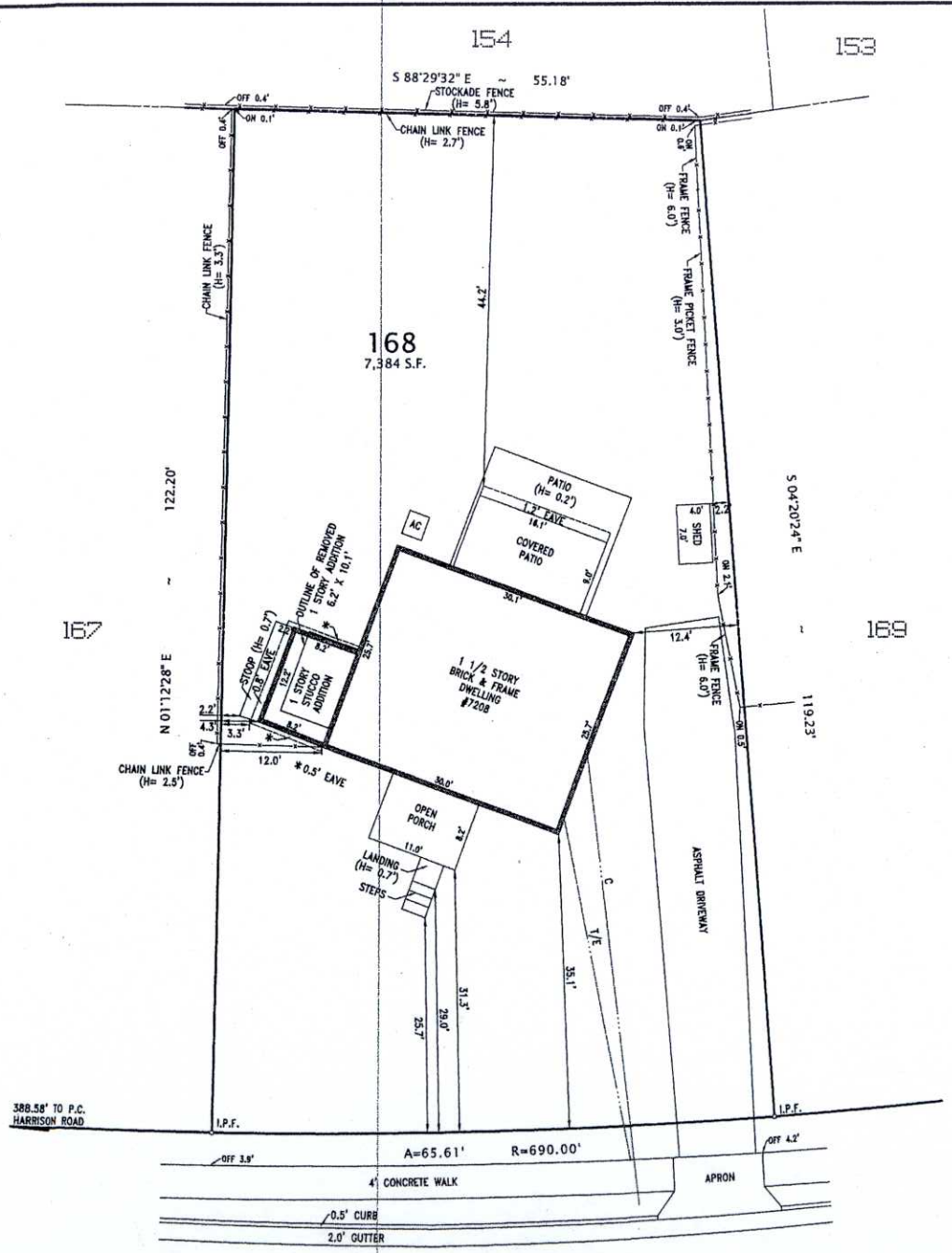


# Special Permit

## SP 2011-PR-029

RUBEN JORDAN ROSALES






NOTES

1. TAX MAP: 0503 09 0168
2. ZONE: R-4
3. LOT AREA: 7,384 SQUARE FEET
4. REQUIRED YARDS:

| | | |
|---|---|---|
| FRONT: | = | 30 FEET |
| SIDE: | = | 10 FEET |
| REAR: | = | 25 FEET |

5. HEIGHTS:

| | | |
|---|---|---|
| DWELLING | = | 16 FEET |
| OPEN PORCH | = | 10 FEET |
| COVERED PATIO | = | 10 FEET |
| ADDITION | = | 12 FEET |
| ADDITION EAVE | = | 9 FEET |
| SHED | = | 6.4 FEET |
| FENCES | | AS NOTED |

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. THERE ARE NO FLOOD PLAINS, FLOOD HAZARD AREAS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. APPROXIMATE FLOOR AREAS:
    (BASED IN PART ON EXTERIOR WALL DIMENSIONS)
    EXISTING DWELLING: 1,150 SQUARE FEET
    ADDITION: 100 SQUARE FEET
    FLOOR AREA OF ADDITION EQUALS 8.7% OF THE EXISTING FLOOR AREA.

# PLAT

SHOWING THE IMPROVEMENTS ON

LOT 168 SECTION 3

# TYLER PARK

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 10' NOVEMBER 17, 2010

CASE NAME: ROSALES

GRAPHIC SCALE 0 10 20

COMMONWEALTH OF VIRGINIA
PATRICK A. ECKERT
LIC. NO. 2645
12/07/2010
LAND SURVEYOR

BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET, BOUNDARY SURVEY NOT PERFORMED. PLAT SUBJECT TO RESTRICTIONS OF RECORD AND NO TITLE REPORT IS FURNISHED.

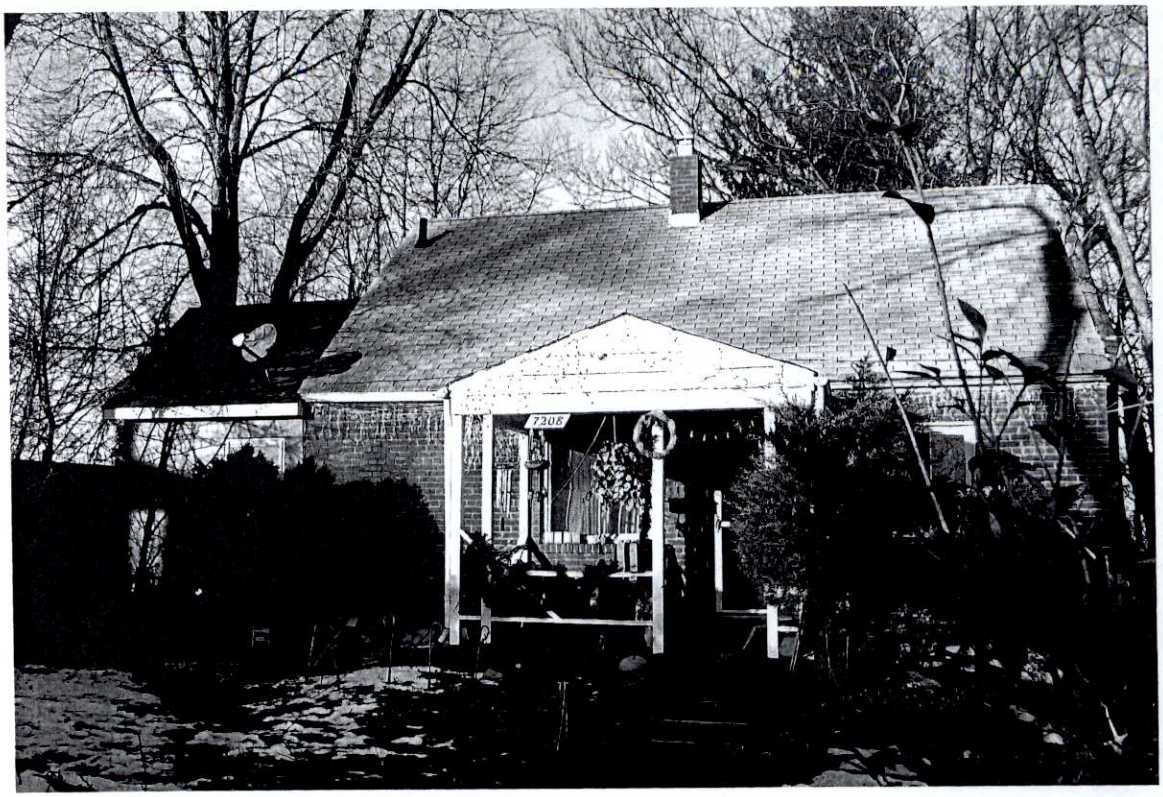
I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

REQUESTED BY: RUBEN ROSALES

ALEXANDRIA SURVEYS INTERNATIONAL, LLC
11216 WAPLES MILL ROAD #102 FAIRFAX, VIRGINIA 22030
TEL. NO. 703-660-6615 FAX NO. 703-768-7764

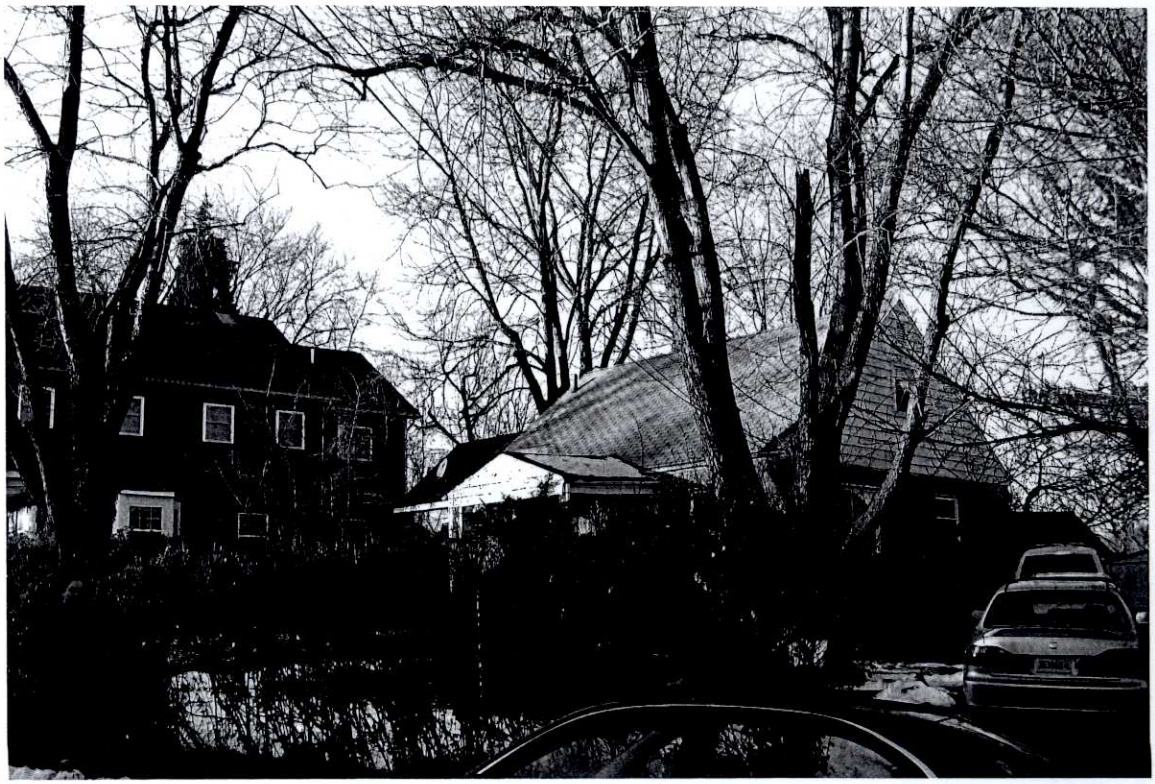
AA/15-F6

10-1162

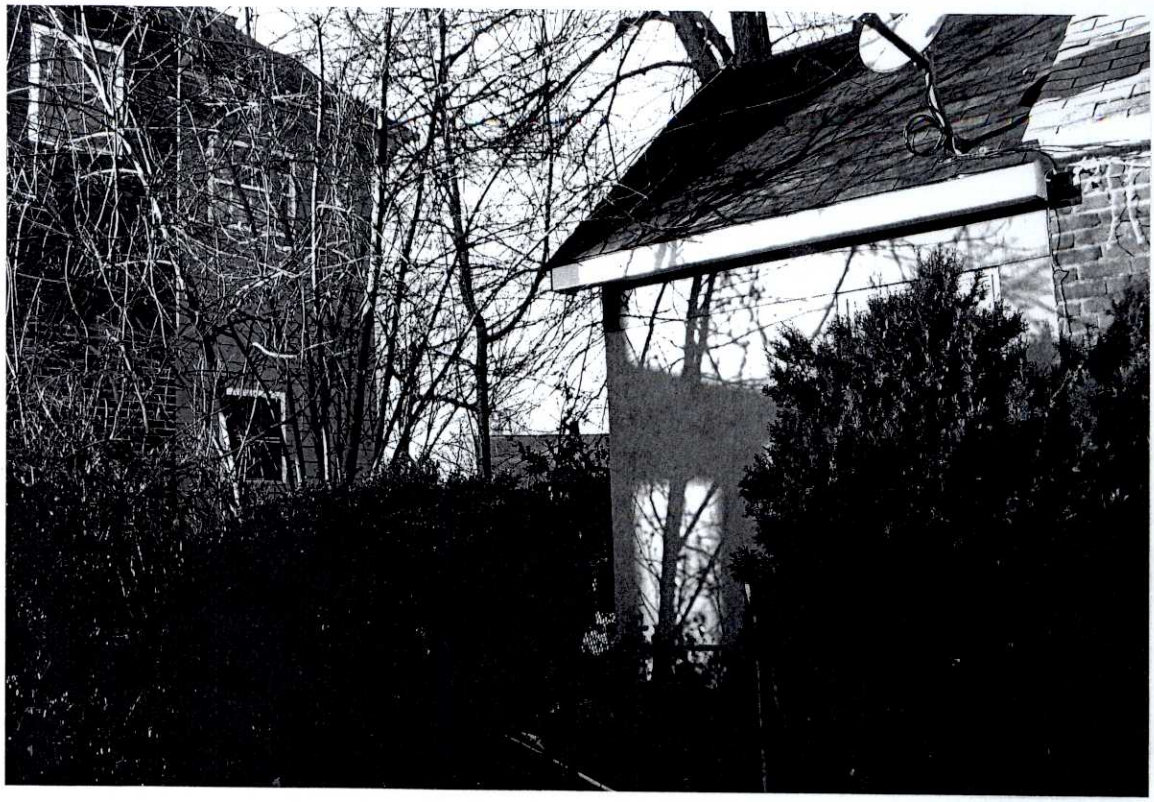



FRONT VIEW OF THE HOUSE
ADDITION IS ON LEFT.

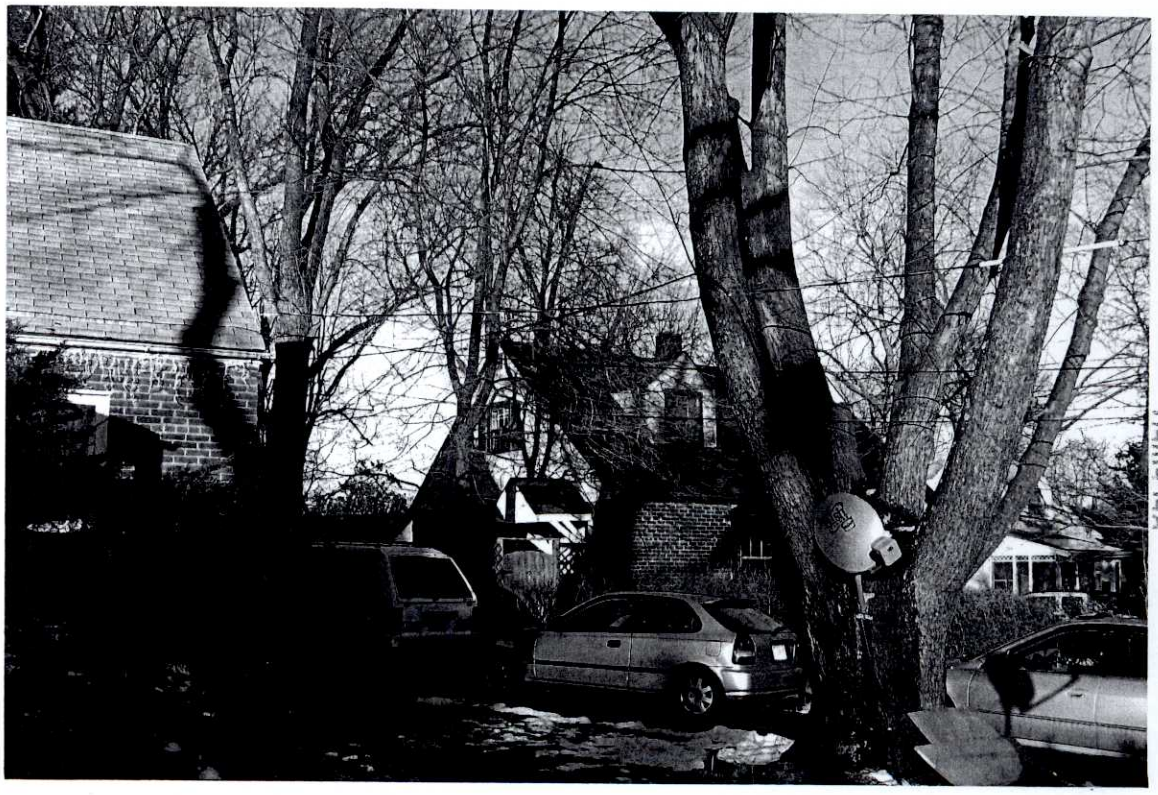
RECEIVED
Department of Planning & Zoning
MAR 08 2011
Zoning Evaluation Division



FRONT VIEW OF THE HOUSE



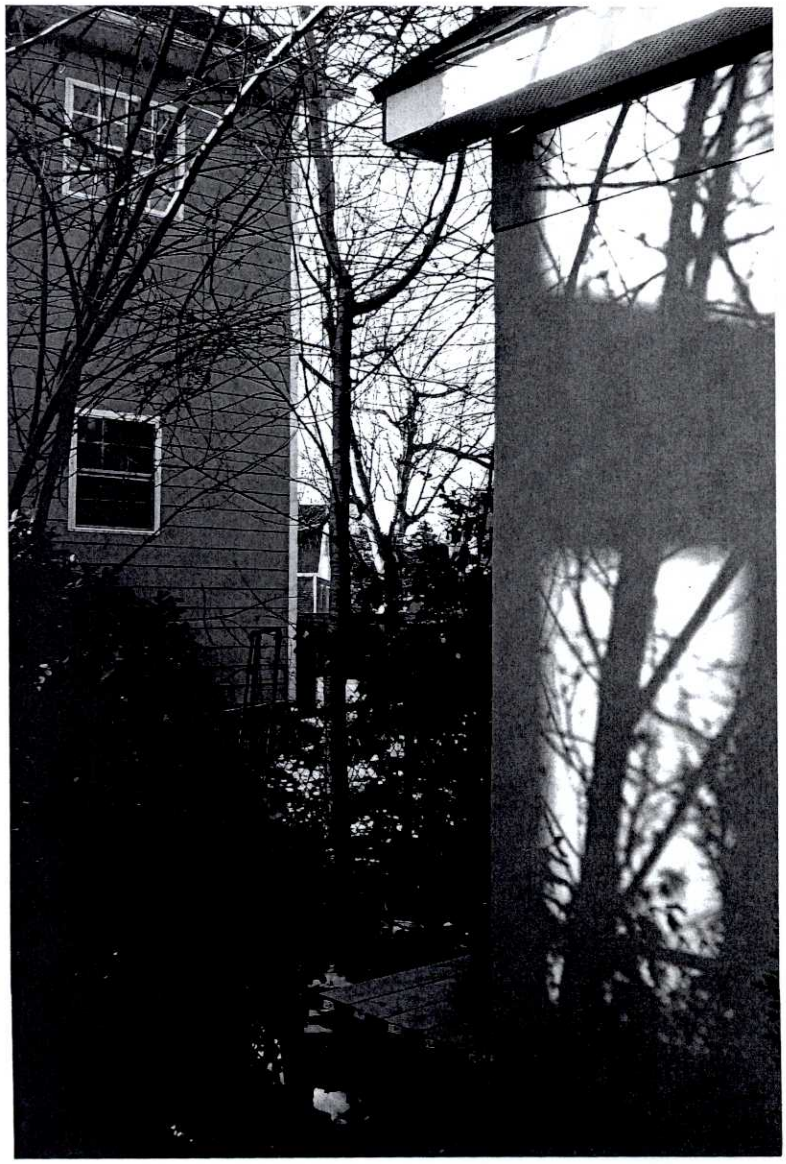
FRONT LEFT SIDE (STUCCO ADDITION IS GRAY)



RECEIVED
Department of Planning & Zoning
MAR 08 2011
Zoning Evaluation Division

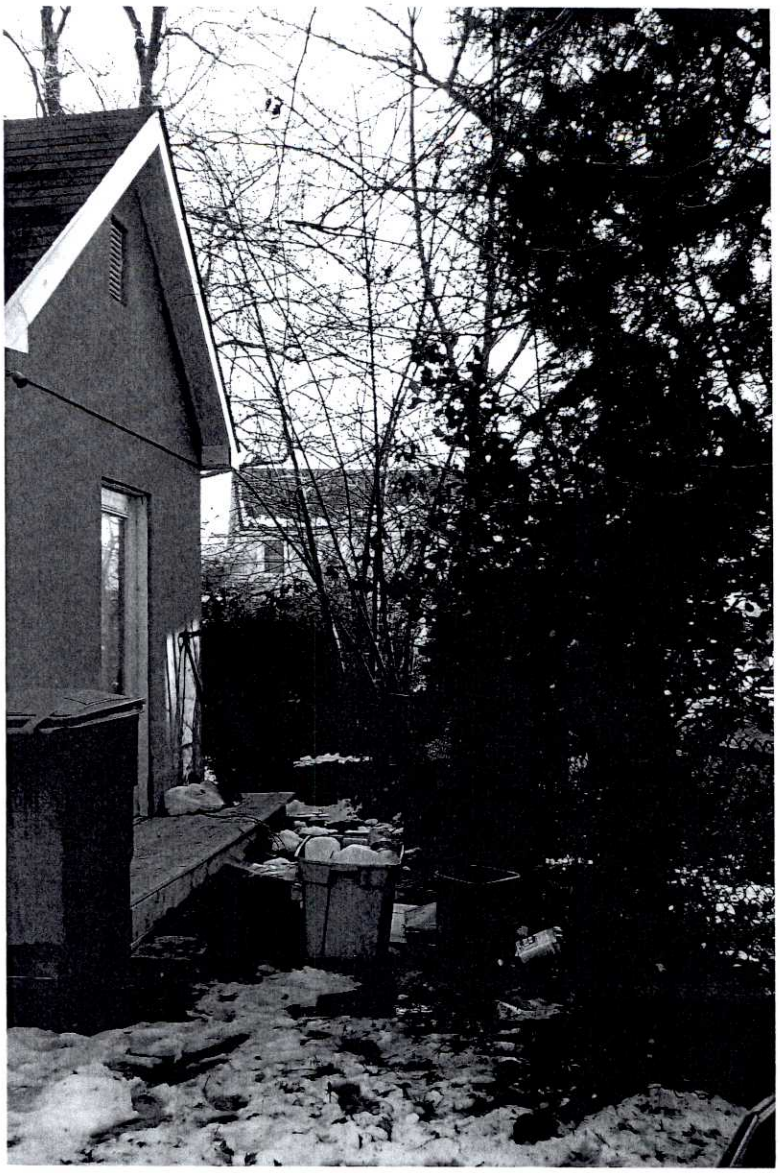
FRONT RIGHT SIDE

FRONT VIEW OF THE LEFT SIDE WHERE THE ADDITION IS AND THE NEXT PROPERTY →



A CLOSER VIEW OF THE ADDITION AND THE NEXT PROPERTY (FRONT VIEW)

RECEIVED
Department of Planning & Zoning
MAR 08 2011
Zoning Evaluation Division



BACK VIEW OF THE LEFT SIDE OF THE HOUSE, SHOWING ADDITION AND PROPERTY FENCE

RECEIVED
Department of Planning & Zoning
MAR 08 2011
Zoning Evaluation Division

BACK VIEW OF THE HOUSE AND THE ADDITION

VIEW FROM THE HOUSE OF THE LEFT FRONT YARD

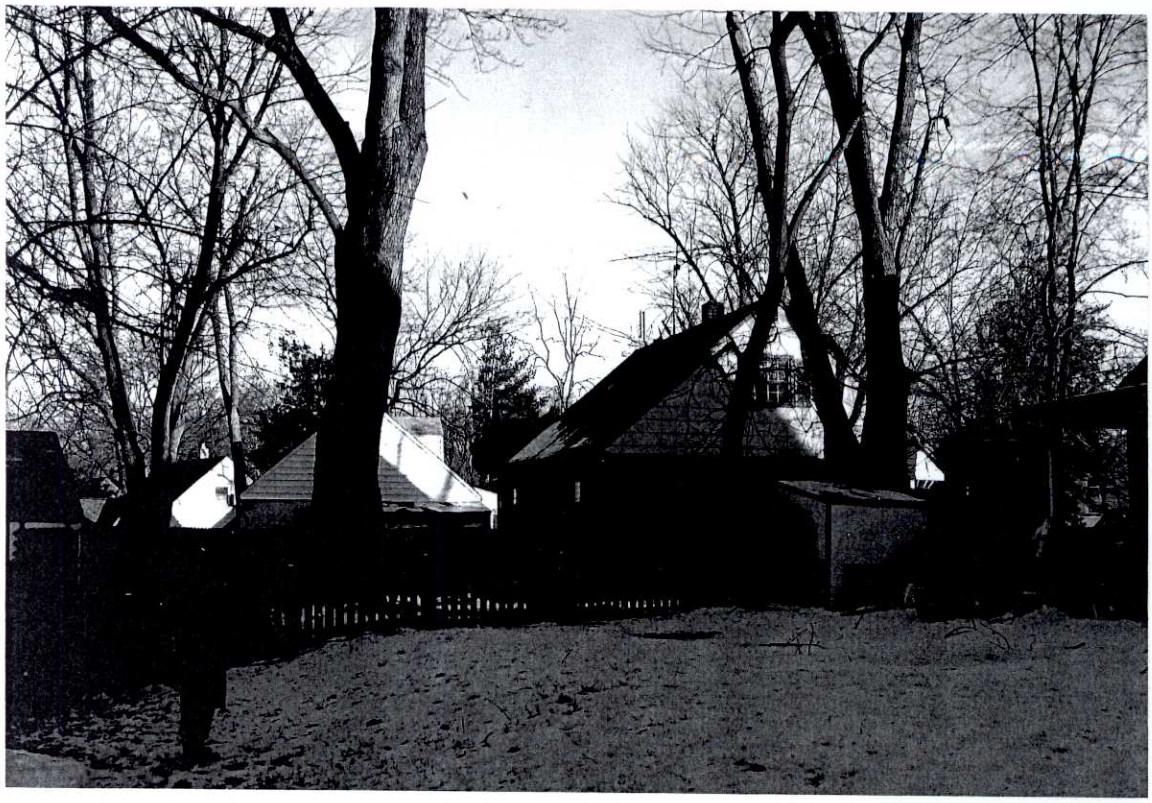
VIEW FROM THE HOUSE OF THE RIGHT FRONT YARD

RECEIVED
Department of Planning & Zoning
MAR 08 2011
Zoning Evaluation Division

VIEW OF THE BACKYARD

RECEIVED
Department of Planning & Zoning
MAR 08 2011
Zoning Evaluation Division

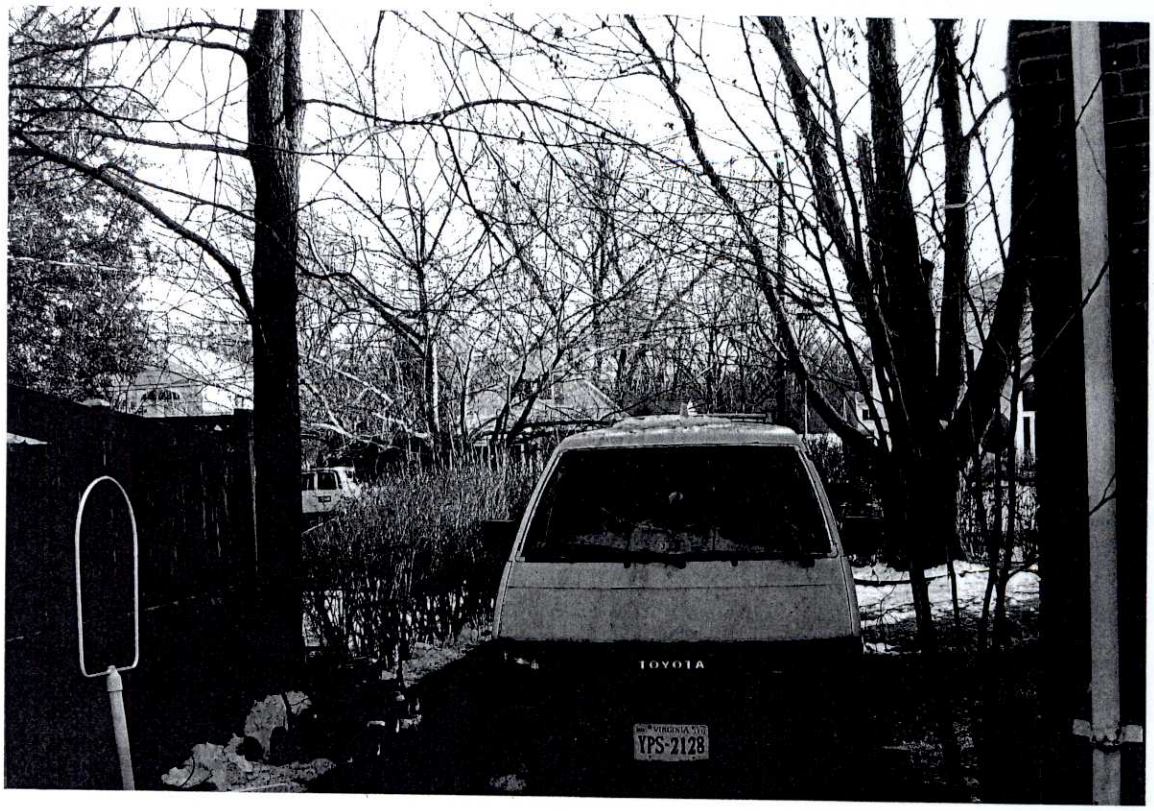
VIEW OF THE RIGHT SIDE OF THE BACKYARD



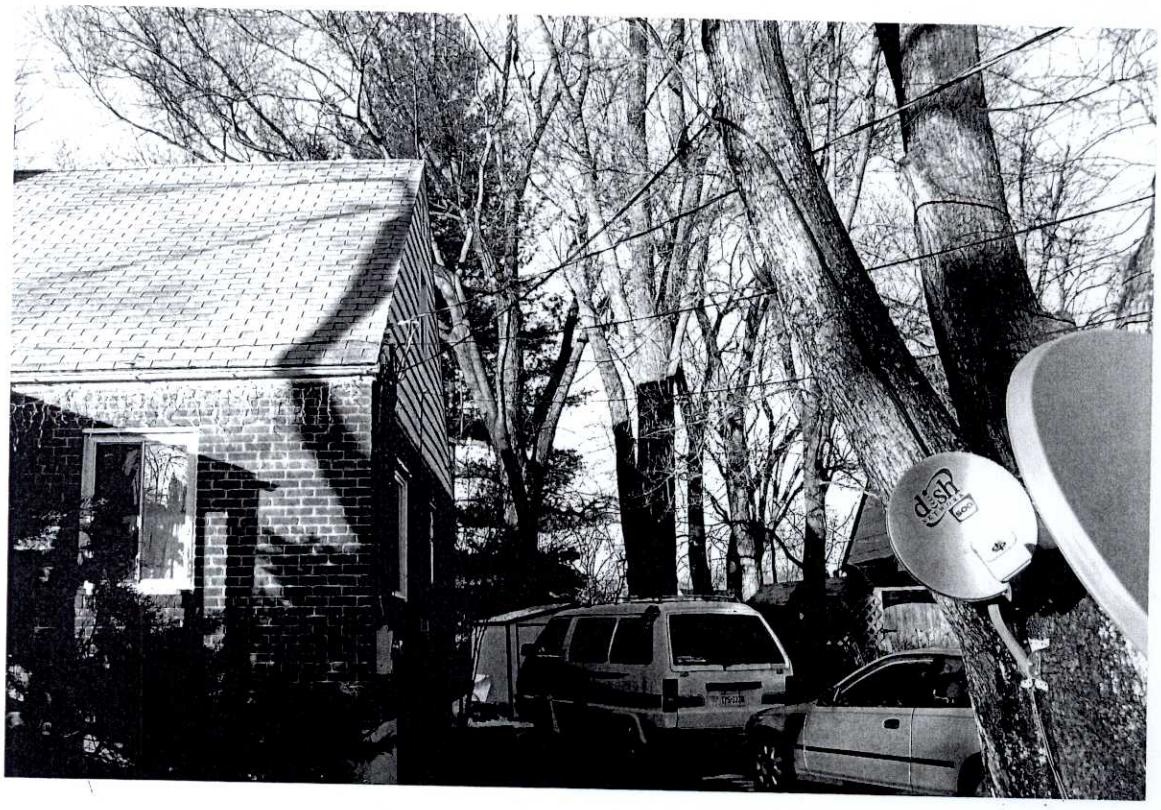
VIEW OF THE RIGHT SIDE OF THE BACKYARD

BACK VIEW OF THE RIGHT SIDE OF THE HOUSE

RECEIVED
Department of Planning & Zoning
MAR 08 2011
Zoning Evaluation Divisi




BACK VIEW OF THE RIGHT SIDE OF THE HOUSE



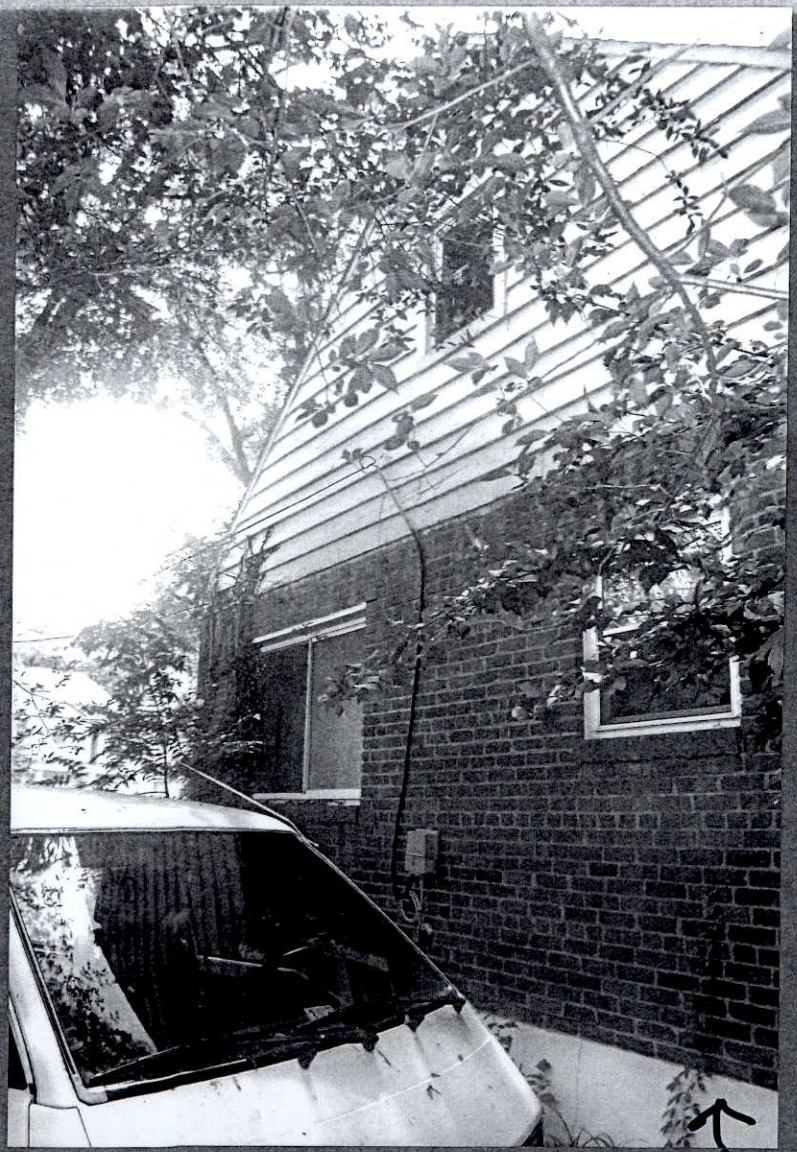

FRONT VIEW OF THE RIGHT SIDE OF THE HOUSE

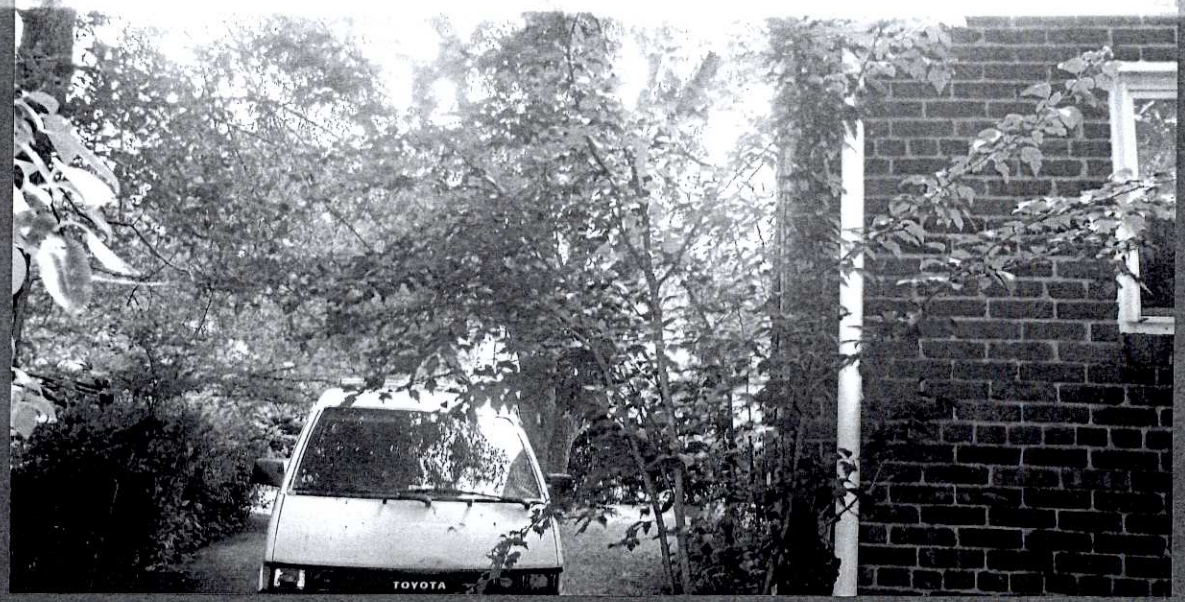
RECEIVED
Department of Planning & Zoning
MAR 08 2011
Zoning Evaluation Division

NEW ADDITION

SOUTH VIEW

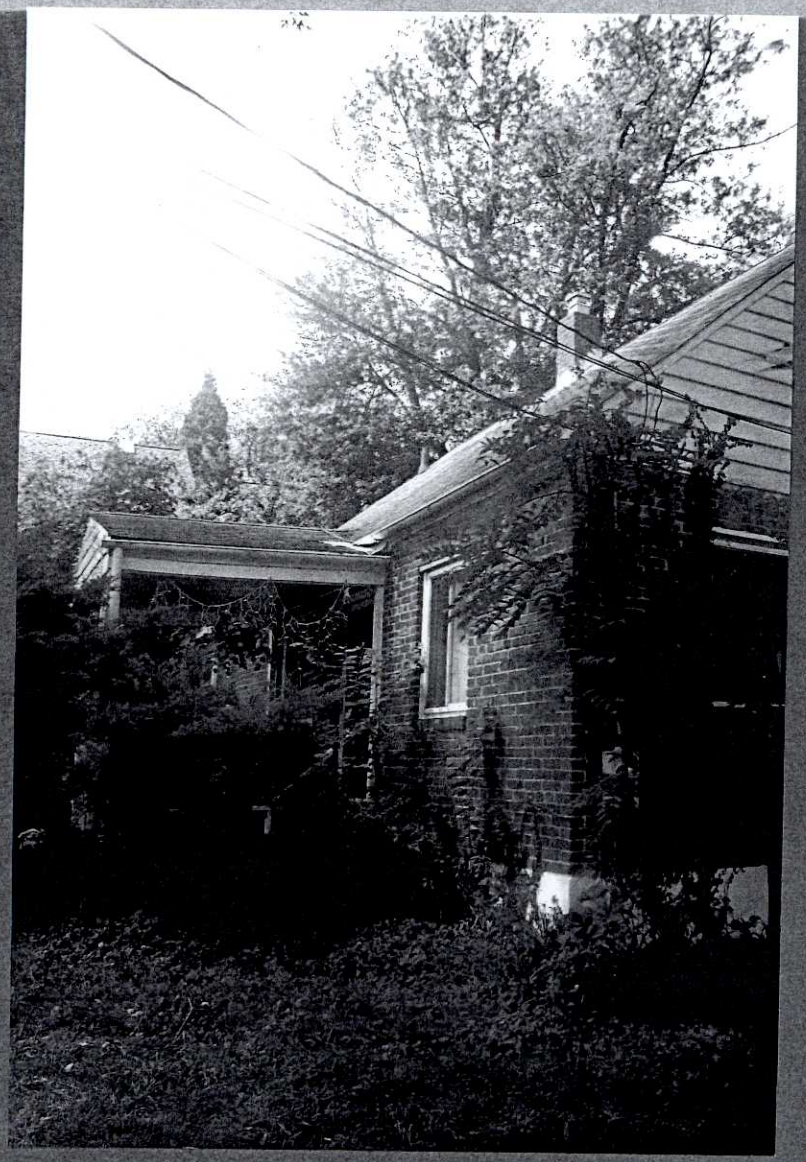
SIDE

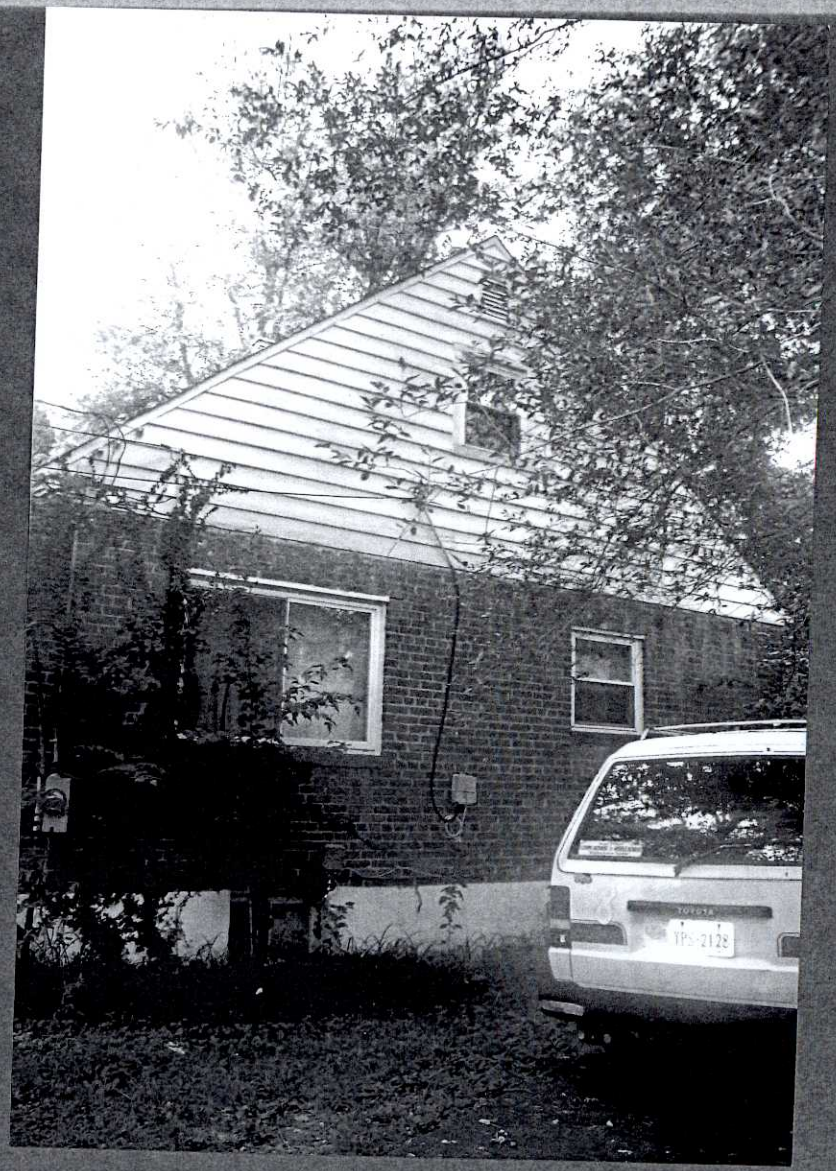





EAST VIEW

WEST VIEW





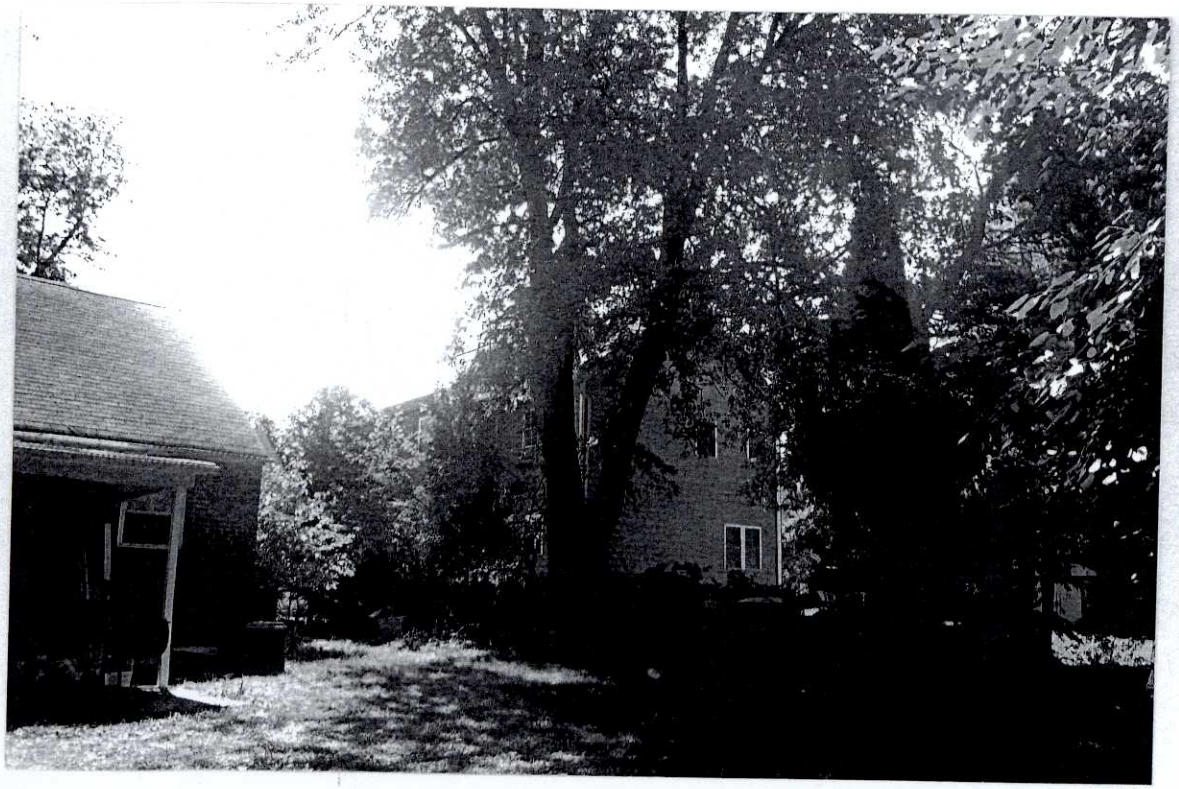

EAST VIEW

WEST VIEW
BACK

NORTH
VIEW
SIDE

NORTH
VIEW

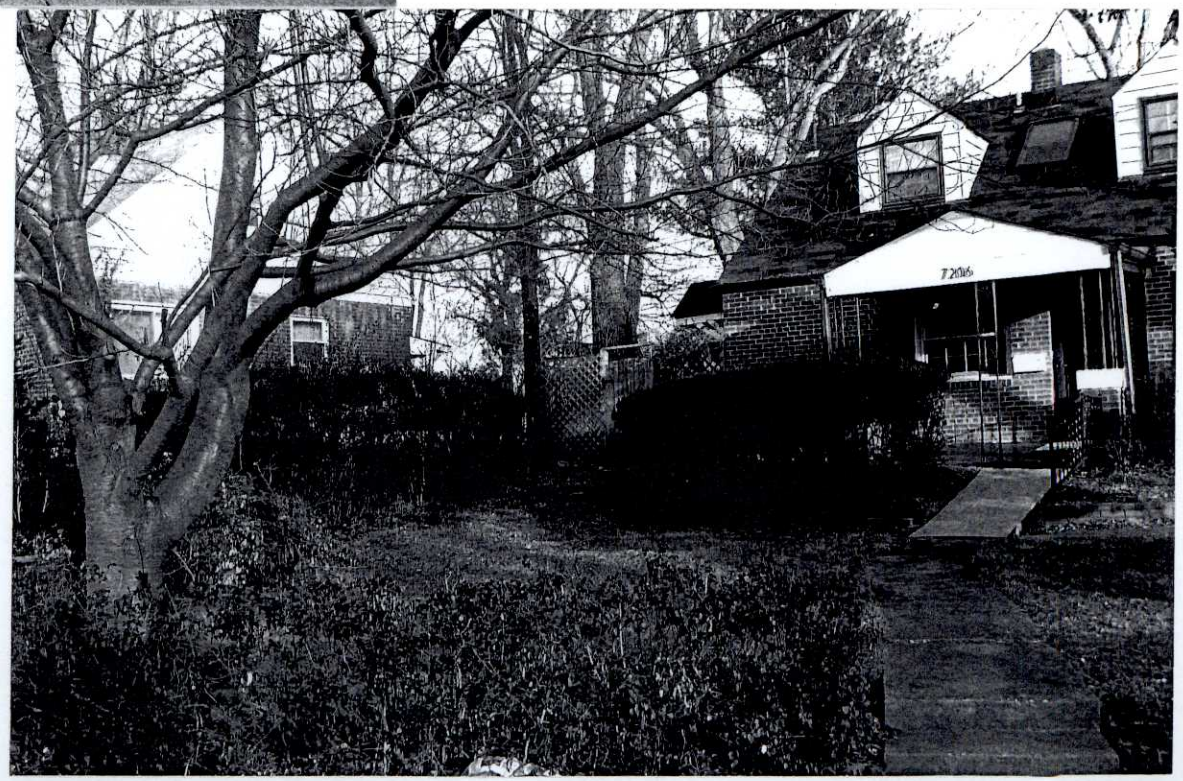
VIEW FROM THE BACK TO FRONT



SIDE OF THE FRONT PORCH

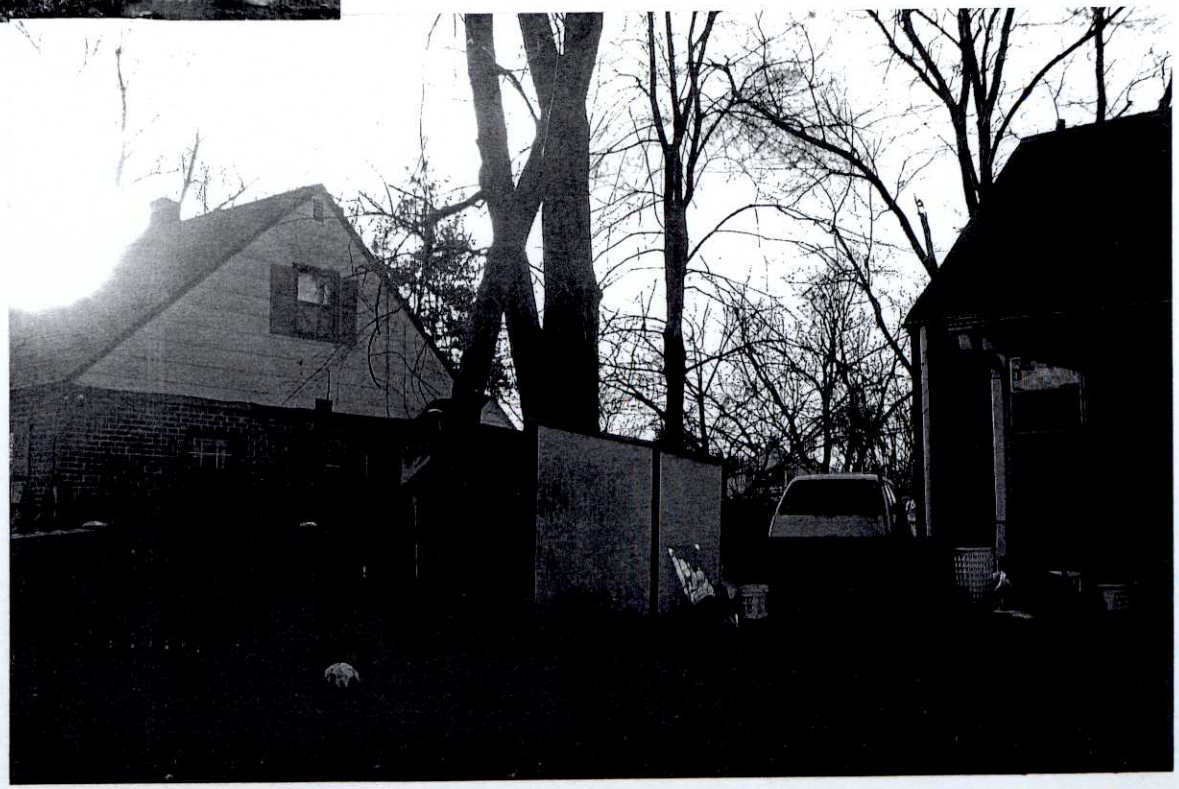
WEST NEIGHBOR HOUSE

NEW ADDITION



VIEW AT ENTRANCE ↗

← EAST NEIGHBOR VIEW



EAST NEIGHBOR VIEW →

← WEST NEIGHBOR VIEW

NEW ADDITION

WEST NEIGHBOR VIEW →

## 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 "1 Story Stucco Addition" on the plat. The addition measures 12 feet in height and is approximately 100 square feet in area. The request is for the addition to remain 2.2 feet from the side lot line. Specifically, the addition is 4.3 feet with eave 3.3 feet from the side lot line, but an uncovered stoop is located 2.2 feet from the side lot line.

| | Structure | Yard | Min. Yard Req.* | Structure Location | Amount of Error | Percent of Error |
|---|---|---|---|---|---|---|
| **Special Permit** | **Addition** | Side | 10.0 feet | 2.2 feet | 7.8 feet | 78% |

* A minimum side yard of 10 feet is required in the R-4 District.

## EXISTING SITE DESCRIPTION

The subject site, which measures 7,384 square feet in area, is developed with a one and a half (1 ½) story brick and frame single family detached dwelling. The site is zoned R-4, and the house was constructed in 1946. There is a ground level patio at the rear of the house, as well as a porch (roofed deck) and stairs in the front of the house. A shed, which measures approximately 28 square feet in area and six feet 4 inches in height, is located in the side yard along the eastern property boundary. There is an asphalt driveway along the left (east) side of the house which can be accessed via Quincy Street. Fencing surrounds the rear yard.

The addition, which measures approximately 100 square feet in area and 12 feet in height, is located along the western side of the house. A kitchen is located in the addition, as shown on the floor plan, attached as Appendix 5. It is constructed of stucco and has a door leading out to an uncovered stoop, which runs along the length of the addition. The closet edge of the stoop is located 2.2 feet from the side lot line.

## CHARACTER OF THE AREA

| | Zoning | Use |
|---|---|---|
| **North** | R-4 | Single Family Detached Dwelling |
| **South** | R-4 | Single Family Detached Dwelling |
| **East** | R-4 | Single Family Detached Dwelling |
| **West** | R-4 | Single Family Detached Dwelling |

## BACKGROUND

Following a complaint, a Correction Work Order (CWO), attached as Appendix 4, was issued to the owners on August 11, 2010 for the addition, which was built without necessary permits and inspections. The CWO required compliance within twenty (20) days of receipt, and the applicant requested an extension of time, attached as Appendix 5. The extension was granted for 120 days on August 23, 2010.

The 100 square foot addition replaced a single-story, 62 square foot addition. The previous addition was located 6 feet 9 inches from the side lot line, and a special permit was not issued for the previous addition. County records also do not show any necessary permits obtained for the previous addition. A copy of the special permit plat titled "Plat Showing the Improvements on Lot 168, Section 3, Tyler Park," showing the current and previous additions, is located at the front of the staff report. The plat was prepared by Alexandria Surveys International, LLC and is dated November 17, 2010, signed December 7, 2010.

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

- Variance VC 2000-P-058 was approved on August 2, 2000 for Tax Map 50-3 ((8)) 65B, zoned R-4, 2903 Rosemary Lane, to permit construction of an addition 6.9 feet from the side lot line and 27.3 feet from the front lot line.

- Special Permit SP 99-P-006 was denied on April 28, 1999 for Tax Map 50-3 ((9)) 195, zoned R-4, 2916 Johnson Road, to permit a reduction to minimum yard requirements based on error in building location for an addition to remain 5.0 feet from the side lot line and a covered porch 26.8 feet from the front lot line.

- Special Permit SP 96-P-019 was approved on November 8, 1996 for Tax Map 50-3 ((9)) 123, zoned R-4, 2858 Graham Road, to permit a reduction to minimum yard requirements based on error in building location for a shed to remain 2.0 feet from the rear lot line and 2.7 feet from the side lot line.

- Special Permit SP 89-P-017 was approved on July 28, 1989 for Tax Map 50-3 ((9)) 227, zoned R-4, 2928 Irvington Road, to permit a modification to minimum yard requirements based on error in building location for an addition to remain 21.3 feet from the front lot line and 7.4 feet from the side lot line.

## ZONING ORDINANCE REQUIREMENTS

- 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, this 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. Corrective Work Order dated August 11, 2010
5. Corrective Work Order Extension Letter dated August 23, 2010
6. Floor Plan of Addition
7. Zoning Ordinance Provisions

# PROPOSED DEVELOPMENT CONDITIONS

## SP 2011-PR-029

## June 22, 2011

1. This special permit is approved for the location and size of the single-story addition, as shown on the plat prepared by Alexandria Surveys International, LLC, dated November 17, 2010, signed December 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 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: 10/14/10
(enter date affidavit is notarized)

I, RUBEN ROSALES, 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

109645a

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) |
|---|---|---|
| RUBEN J. ROSALES | 7208 QUINCY AVE. FALLS CHURCH VA 22042 | APPLICANT/TITLE OWNER |
| SILVIA B. JIMENEZ | | TITLE OWNER |
| OSCAR CASTRO | 4459 S. FORTH MILLE RD. ARLINGTON VA. 22204 | TITLE OWNER |
| ERICK GARCIA | 8474 ARARAT CT ANNANDALE VA 22003 | AGENT |

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

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

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

Application No.(s): _____

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



## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/14/10 109645a

(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)

**DESCRIPTION OF CORPORATION:** (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

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

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

Application No.(s): _____

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



## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/14/10
(enter date affidavit is notarized)

109645a

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)



**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10/14/10
(enter date affidavit is notarized)

109645

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: 10/14/10 109645a
(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 [✓] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 14 day of OCTOBER 20 10, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Notary Public

My commission expires: 04/30/2011

LUIS G. CISNEROS
Notary Public
Commonwealth of Virginia
281316
My Commission Expires Apr 30, 2011

APPENDIX 3

RECEIVED
Department of Planning & Zoning
APR 08 2011
Zoning Evaluation Division

Mar. 15, 2011

8474 Ararat Court

Annandale, VA 22003

Virginia H. Ruffner, Planner III

Application Acceptance Section, ZED, DPZ

Department of Planning Zoning

12055 Government Center Parkway, Suite 801

Fairfax, VA 22035-5509

Re: Special Permit Application – Ruben Rosales

Dear Ms. Ruffner:

I would like to address your comments in the letter, dated March 14, 2011, concerning the Special Permit Application for Ruben Rosales, owner of 7208 Quincy Ave., Falls Church, VA 22042.

With regard to Section 5.09, please note that:

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

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

Such reduction will not impair the purpose and intent of this Ordinance, and

It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and

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

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

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

If you have any questions, please feel free to contact me. Thank you very much for your kind assistance on this matter.

Sincerely,

Erick Garcia

# County of Fairfax, Virginia

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

## LEGAL NOTICE
## CORRECTIVE WORK ORDER: NOTICE OF INSPECTION

**DATE OF ISSUANCE:** August 11, 2010

**COMPLAINT #: 201001510**
**SERVICE REQUEST #: 59054**

**LEGAL NOTICE ISSUED TO:** Ruben Jordan Rosales
Silvia Beatriz Jimenez
Oscar Castro

**ADDRESS:** 7208 Quincy Avenue
Falls Church, VA 22042

**PROPERTY OWNER(S):** Ruben Jordan Rosales
Silvia Beatriz Jimenez
Oscar Castro

**LOCATION OF VIOLATION:** 7208 Quincy Avenue
Falls Church, VA 22042-1622

**TAX MAP NUMBER:** 0503 09 0168

I inspected the above premises on July 1, 2010, and observed the following:

VIOLATION(S)

An addition was constructed on the side of the above referenced single family dwelling unit without the required permits.

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

1. A demolition permit **shall be obtained prior to the removal** of any kitchen equipment, appliances, utilities and kitchen cabinets permanently attached to appliances [V]USBC.

Additionally, this construction project requires inspection(s) pursuant to Section 113.3, ***Minimum inspections***, as follows:

X 1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.
X 2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code.

RECEIVED
Department of Planning & Zoning
JUN 03 2011
Zoning Evaluation Division

**Department of Code Compliance**
12055 Government Center Parkway, Suite 1016
Fairfax, VA 22035-5508
Phone: 703-324-1300 Fax: 703-324-9346
www.fairfaxcounty.gov/code

X 3. Inspection of preparatory work prior to the placement of concrete.
X 4. Inspection of structural members and fasteners prior to concealment.

X 5. Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment.
X 6. Inspection of energy conservation material prior to concealment.
X 7. Final inspection

**CORRECTIVE WORK ORDER**: Pursuant to the VUSBC, Section 115, ***Violations***, Section 115.2, ***Notice of violation***, you are directed to immediately cease all unpermitted activities and correct these defects within twenty (20) days of receipt of this Corrective Work Order by:

☒ Applying for and obtaining the required permit(s) at the Permit Application Center at 12055 Government Center Parkway, Fairfax, VA, Suite 222, phone (703) 222-0801.

☒ Ensuring all required inspections are conducted and approved before continuing construction.

***Failure to follow this order within the specified time may result in a Notice of Violation under the applicable State and County Codes.***

**RIGHT TO APPEAL THIS NOTICE**: As provided by the VUSBC, Section 119.5, ***Right of appeal; filing of appeal application***, you have the right to appeal this decision to the Local Board of Building Code Appeals (LBBCA), within thirty (30) calendar days of receipt of this Notice. You may call the Secretary to the BBCA at 703-324-1780 for more information about the appeals process.

**LEGAL NOTICE ISSUED BY: Scott Hagerty**
**TITLE:** Combination Building Inspector

**SIGNATURE:** _____
**NOTICE DELIVERED BY SHERIFF'S OFFICE.**

cc: File

**Department of Code Compliance**
12055 Government Center Parkway, Suite 1016
Fairfax, VA 22035-5508
Phone: 703-324-1300 Fax: 703-324-9346
www.fairfaxcounty.gov/code

APPENDIX 5

# County of Fairfax, Virginia

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

## EXTENSION LETTER

August 23, 2010

Ruben Jordan Rosales
Silvia Beatriz Jimenez
Oscar Castro
7208 Quincy Avenue
Falls Church, Virginia 22042-1622

Re: 7208 Quincy Avenue
Tax Map: 50-3 ((09)) 0168

Dear Mr. Rosales, Ms. Jimenez, and Mr. Castro:

This is in response to our in person visit in which you have requested an extension of time in order to comply with the violations on your property.

Failure to Obtain Required Permit—VUSBC 108.1

Failure to Obtain Minimum Required Inspections—VUSBC 113.3

Based on the justification provided, you are hereby granted a 120 day extension in time in which to comply with the August 11, 2010 Corrective Work Order. Your deadline for compliance is December 31, 2010. No further extensions of time will be granted.

If you have any further questions or need for elaboration, please do not hesitate to contact me at 703-324-1300.

Sincerely,

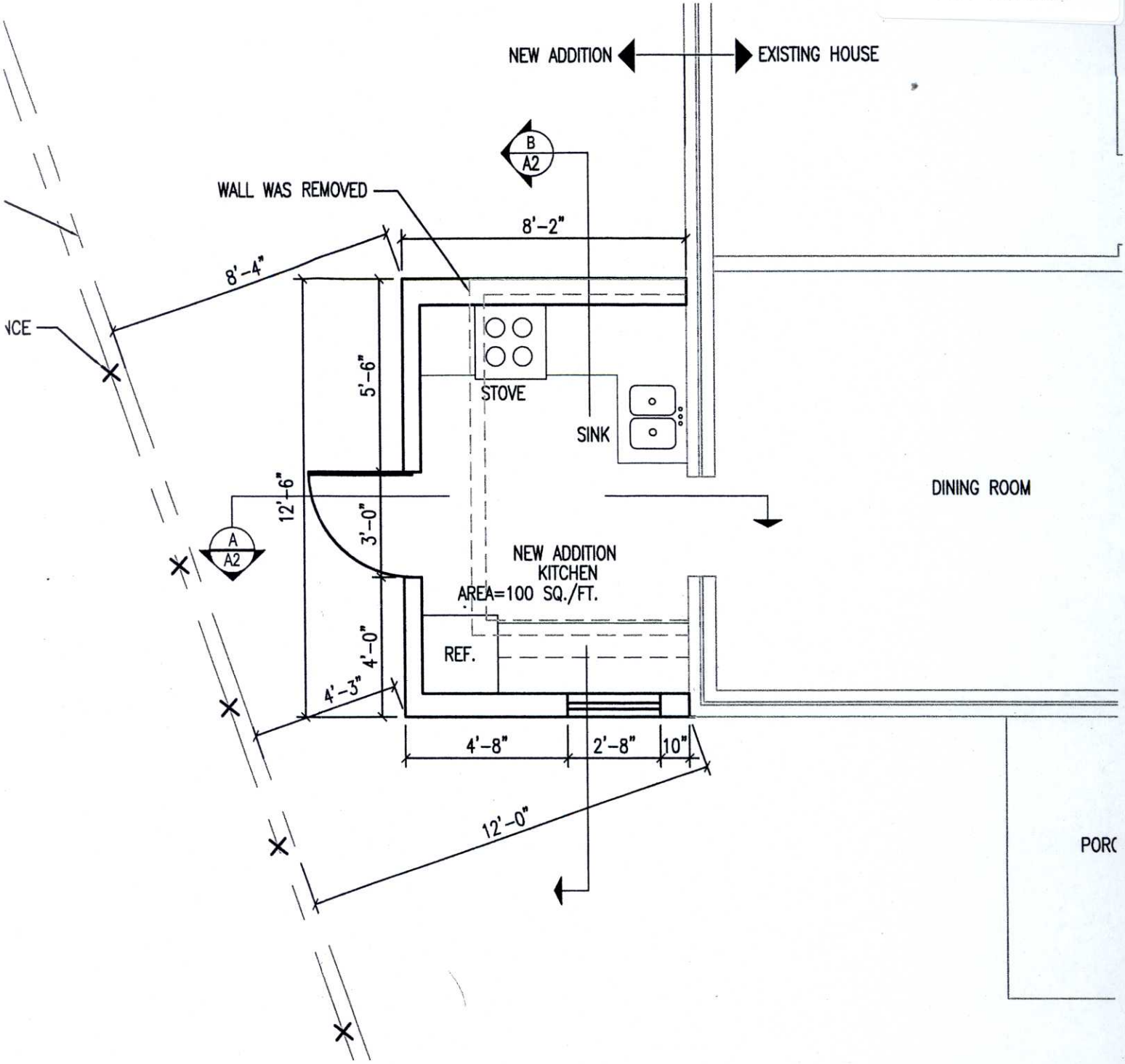
Melissa Smarr

Melissa Smarr
Code Specialist II

MS

Enhanced Code Enforcement Strike Team
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5500
Phone 703-324-1937

**APPENDIX 6**




4 / A2 PROPOSED FLOOR PLAN

SCALE : 1/4"=1'-0"

NOTE: ALL PROPOSED CONSTRUCTION IS ALL READY BUILT AS SHOWN IN THIS PLAN

RE
Department of
AUG
Zoning Evalua

## 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.