



APPLICATION ACCEPTED: April 29, 2011  
DATE OF PUBLIC HEARING: July 20, 2011  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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July 13, 2011

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MV-034

### MOUNT VERNON DISTRICT

**APPLICANT:** Daniel M. Sheehan

**OWNERS:** Daniel M. Sheehan  
Faith O. Sheehan

**LOCATION:** 7016 Stanford Drive

**SUBDIVISION:** Bucknell Heights

**TAX MAP:** 93-1 ((20)) (10) 19A

**LOT SIZE:** 4,446 square feet

**ZONING:** R-8

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit reduction to minimum yard requirements based on error in building location to permit a roofed deck (addition) to remain 3.3 feet from a 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:\dhedr\Special Permits\7-20 SP 2011-MV-034 Sheehan (error)\SP 2011-MV-034 Sheehan staff report.docx*

*Deborah Hedrick*

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



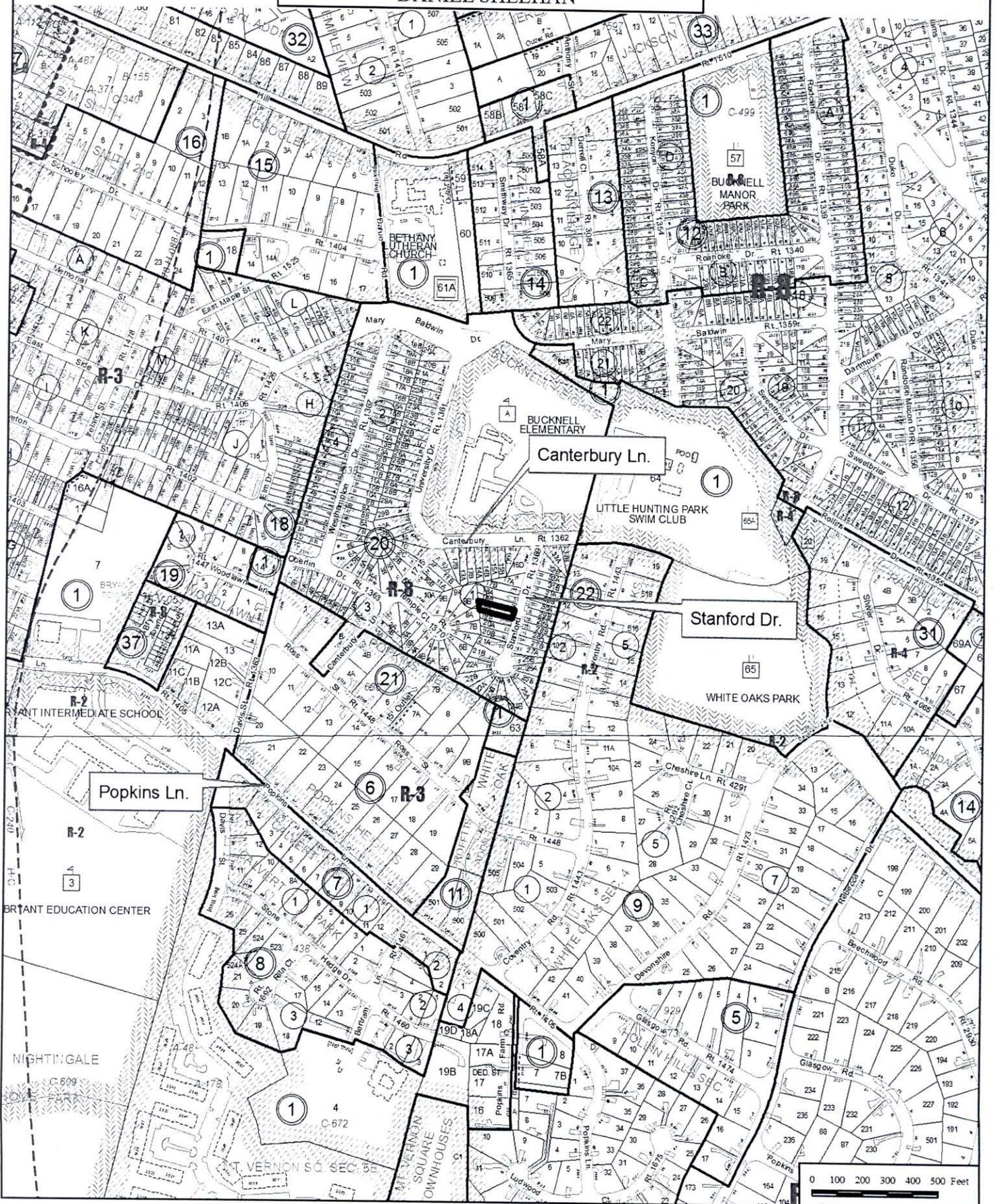
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

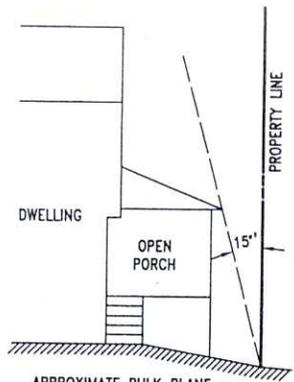
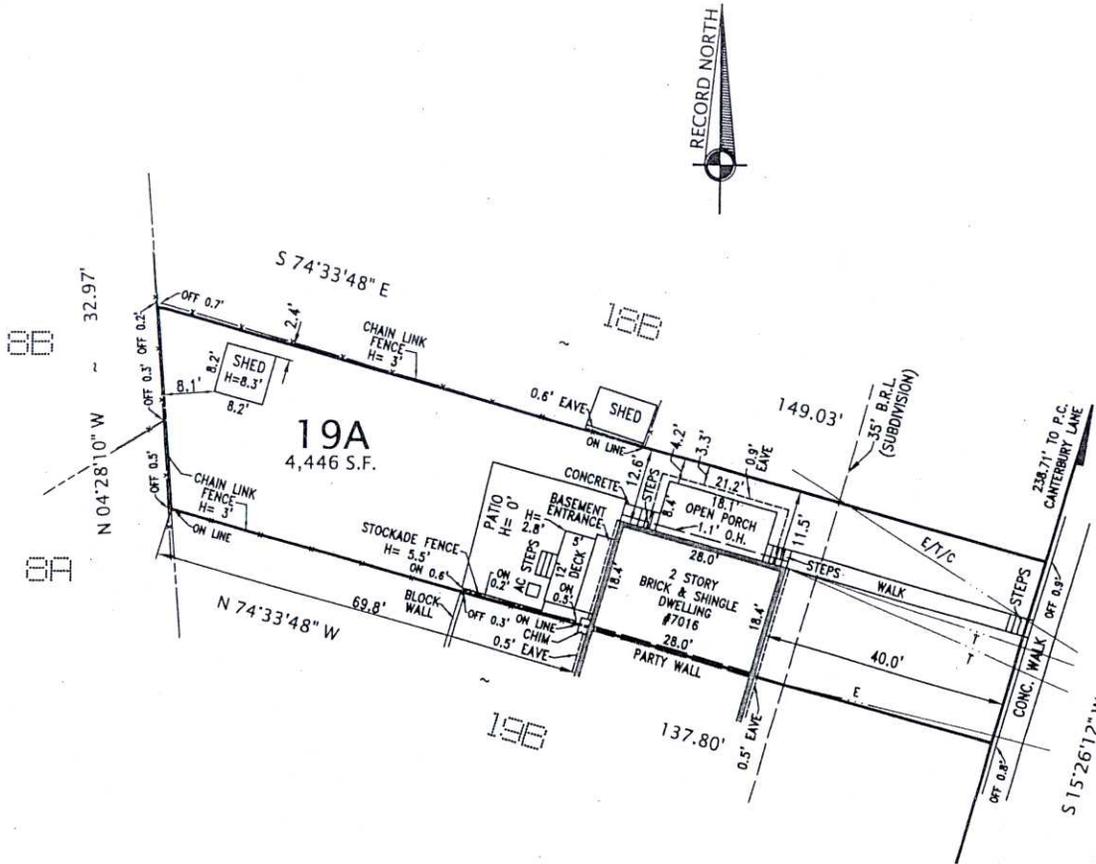


# Special Permit

SP 2011-MV-034

DANIEL SHEEHAN



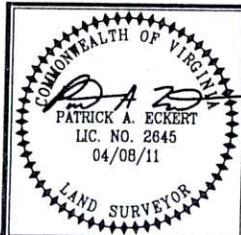


**NOTES**

- TAX MAP: 0931 20010019A
- ZONE: R-8
- LOT AREA: 4,446 SQUARE FEET
- MINIMUM REQUIRED YARDS:  
 DWELLING FRONT YARD: CONTROLLED BY A 15° ANGLE OF BULK PLANE BUT NOT LESS THAN 5 FEET  
 SIDE YARD: CONTROLLED BY A 15° ANGLE OF BULK PLANE BUT NOT LESS THAN 10 FEET  
 REAR YARD: CONTROLLED BY A 30° ANGLE OF BULK PLANE BUT NOT LESS THAN 20 FEET
- HEIGHTS:  
 DWELLING = 23 FEET  
 COVERED PORCH = 13 FEET TO EAVE  
 FENCES, OTHER = AS NOTED ON DRAWING
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- THERE IS NO FLOOD PLAIN OR RESOURCE PROTECTION AREA ON THIS PROPERTY.
- COVERED PORCH CONSTRUCTED WITHIN THE LAST FIVE YEARS.
- APPROXIMATE FLOOR AREA BASED ON EXTERIOR WALL MEASUREMENTS IS 1,546 SQUARE FEET INCLUDING LOWEST LEVEL BASEMENT / CELLAR.

**STANFORD DRIVE**  
50' R/W ROUTE #1369

**SPECIAL PERMIT PLAT**  
SHOWING THE IMPROVEMENTS ON  
LOT 19A BLOCK 1  
**BUCKNELL HEIGHTS**  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 20' MARCH 21, 2011

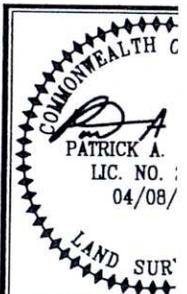
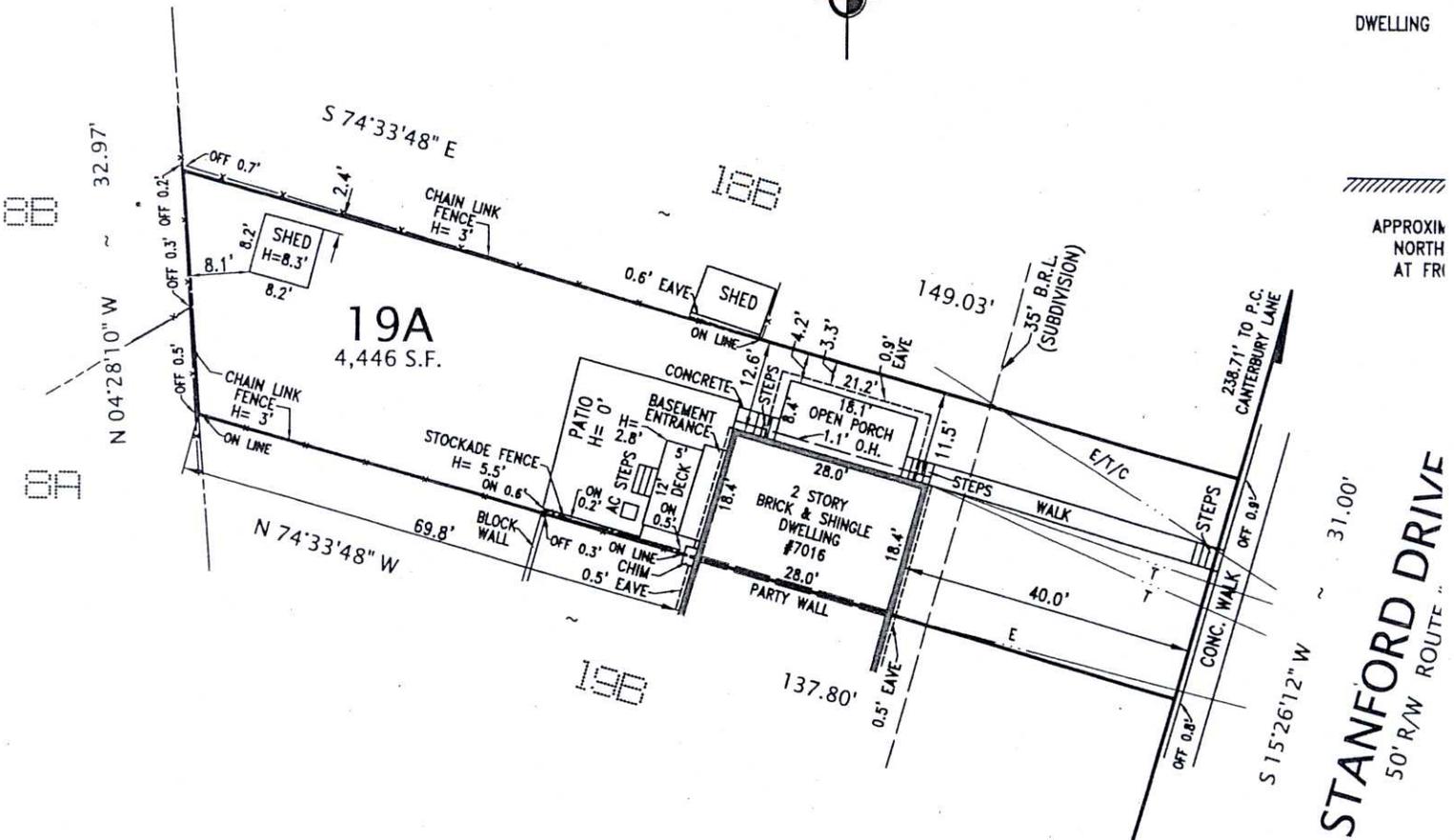


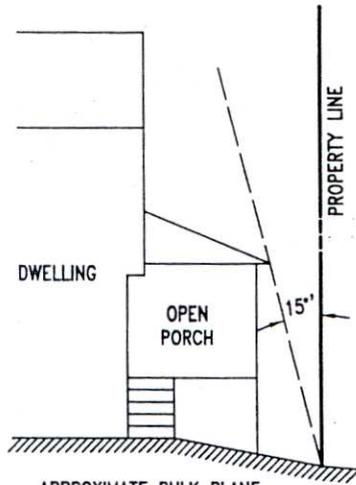
CASE NAME: SHEEHAN	
GRAPHIC SCALE 0 20 40	REQUESTED BY: DANIEL SHEEHAN
PLAT SUBJECT TO RESTRICTIONS OF RECORD. TITLE REPORT NOT FURNISHED.	<b>ALEXANDRIA SURVEYS</b> INTERNATIONAL, LLC 11216 WAPLES MILL ROAD SUITE 102 FAIRFAX, VIRGINIA 22030 TEL. NO. 703-660-6615 FAX NO. 703-768-7764



DWELLING

APPROX NORTH AT FRI

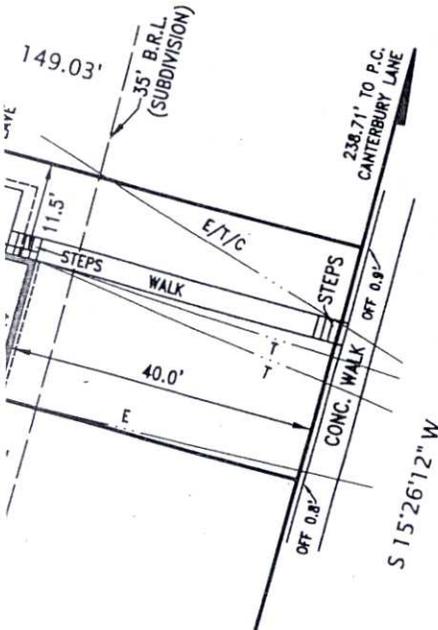




APPROXIMATE BULK PLANE  
NORTHERLY LOT LINE  
AT FRONT OF PORCH

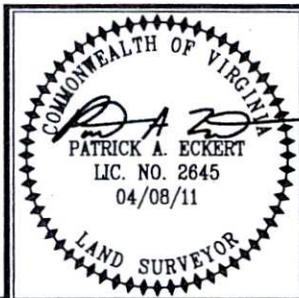
**NOTES**

1. TAX MAP: 0931 20010019A
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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.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE IS NO FLOOD PLAIN OR RESOURCE PROTECTION AREA ON THIS PROPERTY.
11. COVERED PORCH CONSTRUCTED WITHIN THE LAST FIVE YEARS.
12. APPROXIMATE FLOOR AREA BASED ON EXTERIOR WALL MEASUREMENTS IS 1,546 SQUARE FEET INCLUDING LOWEST LEVEL BASEMENT / CELLAR.



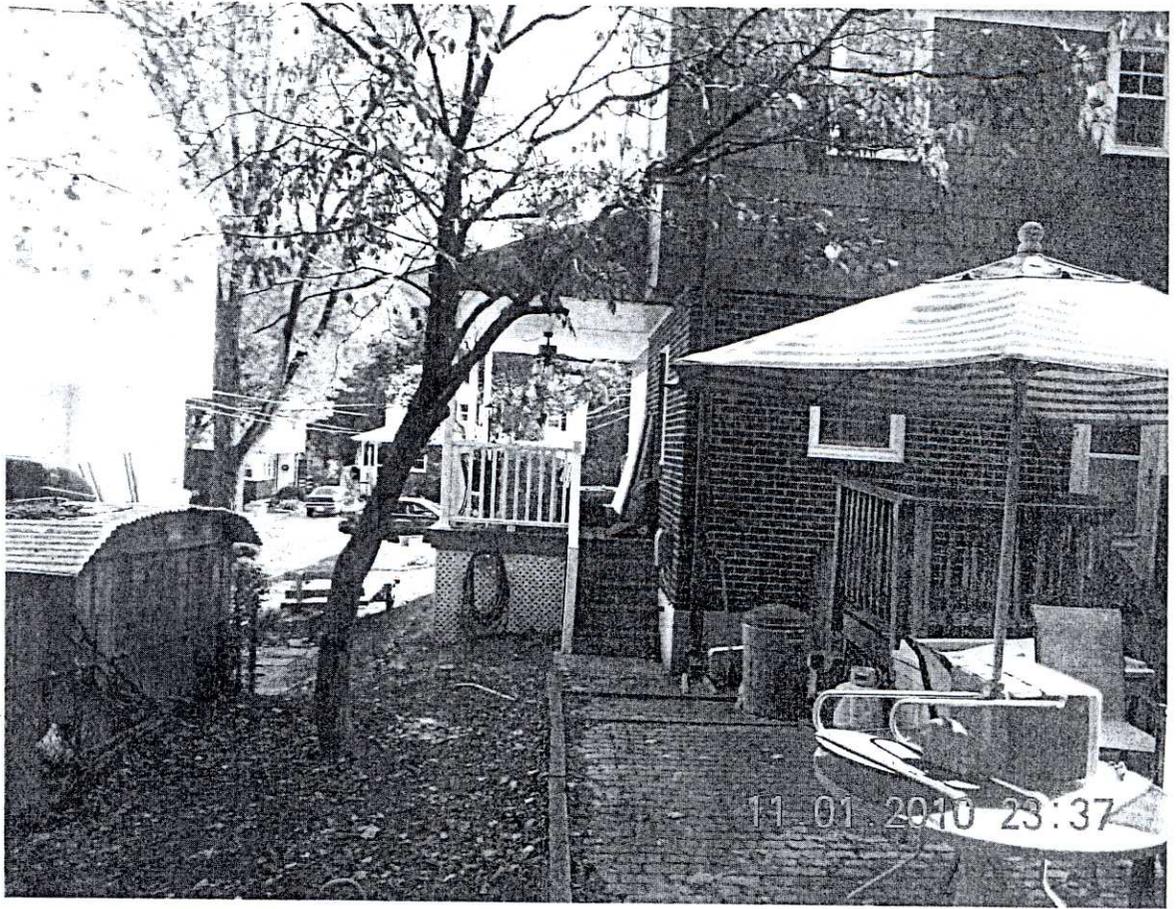
**STANFORD DRIVE**  
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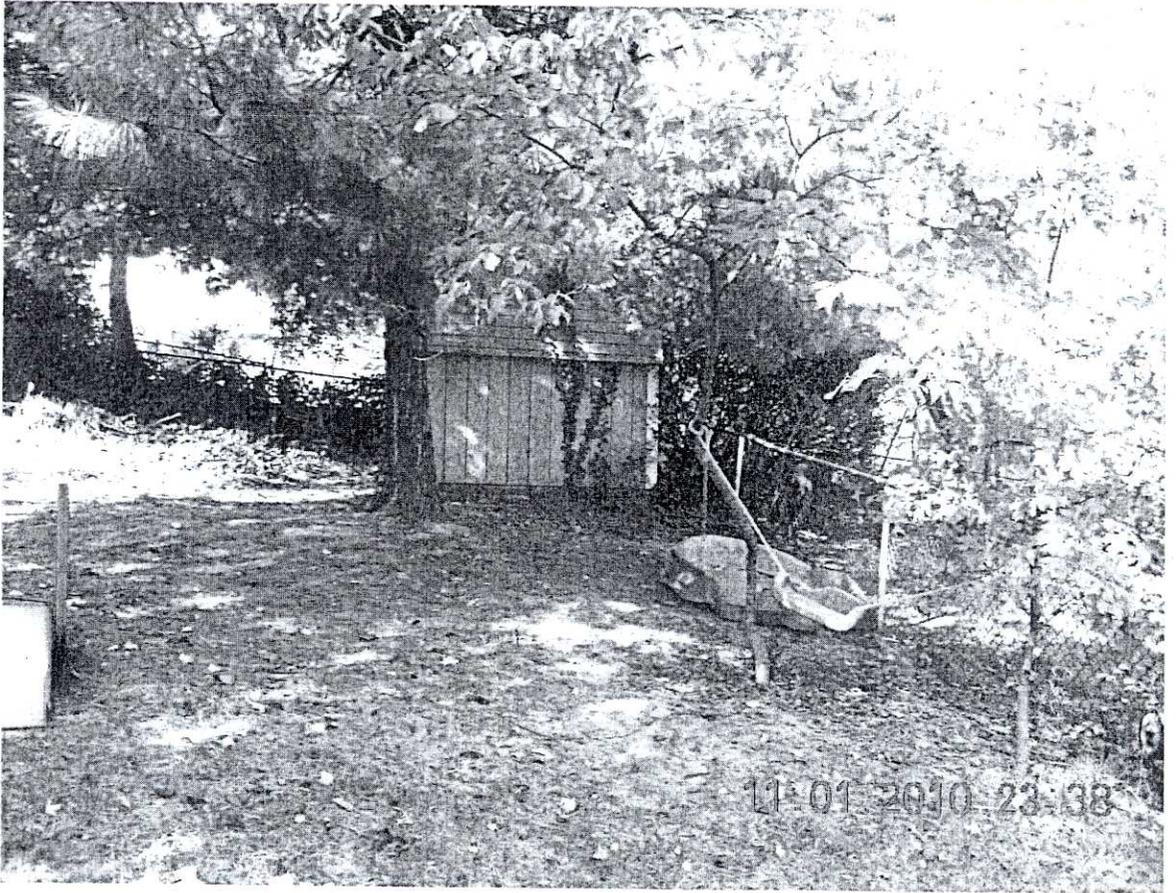


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from backyard Folg looking towards  
Street

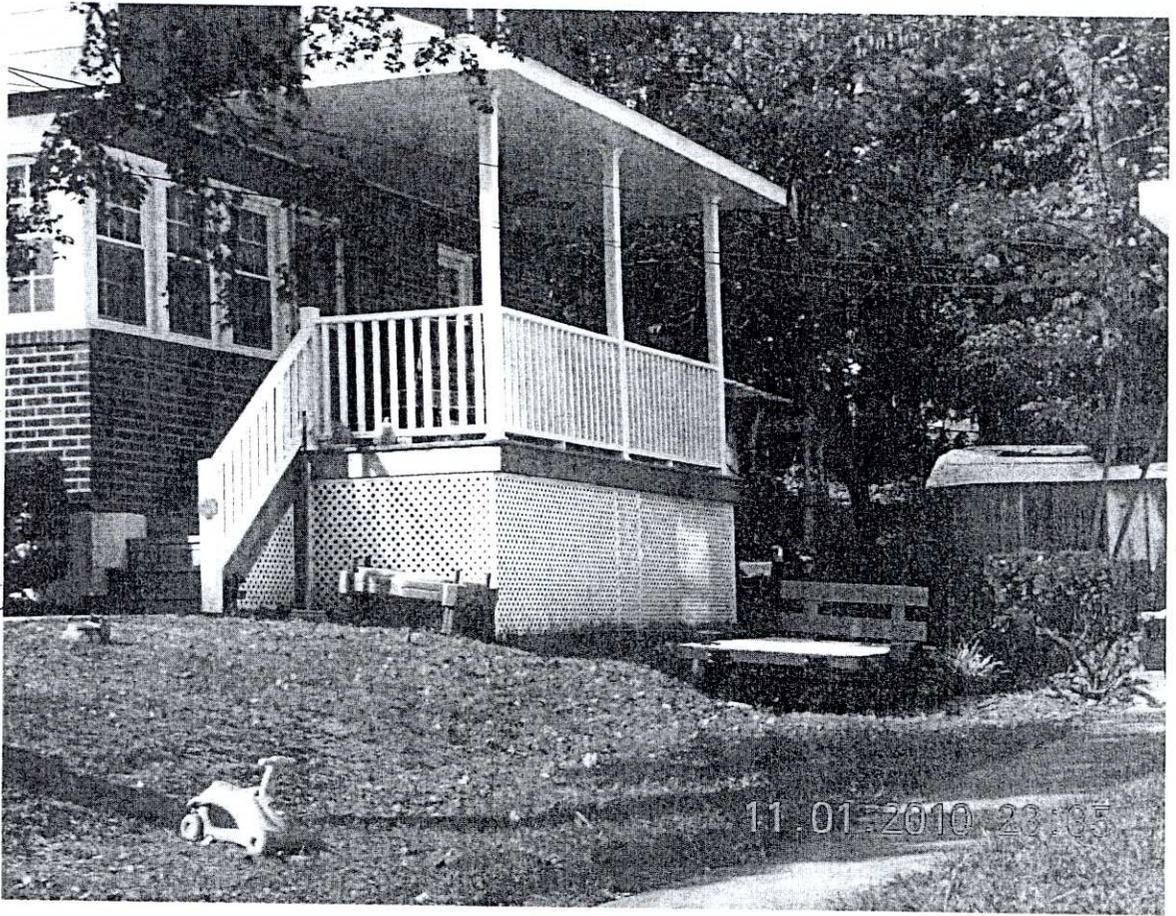


picture of shed - from patio (backyard)  
of Folg \*

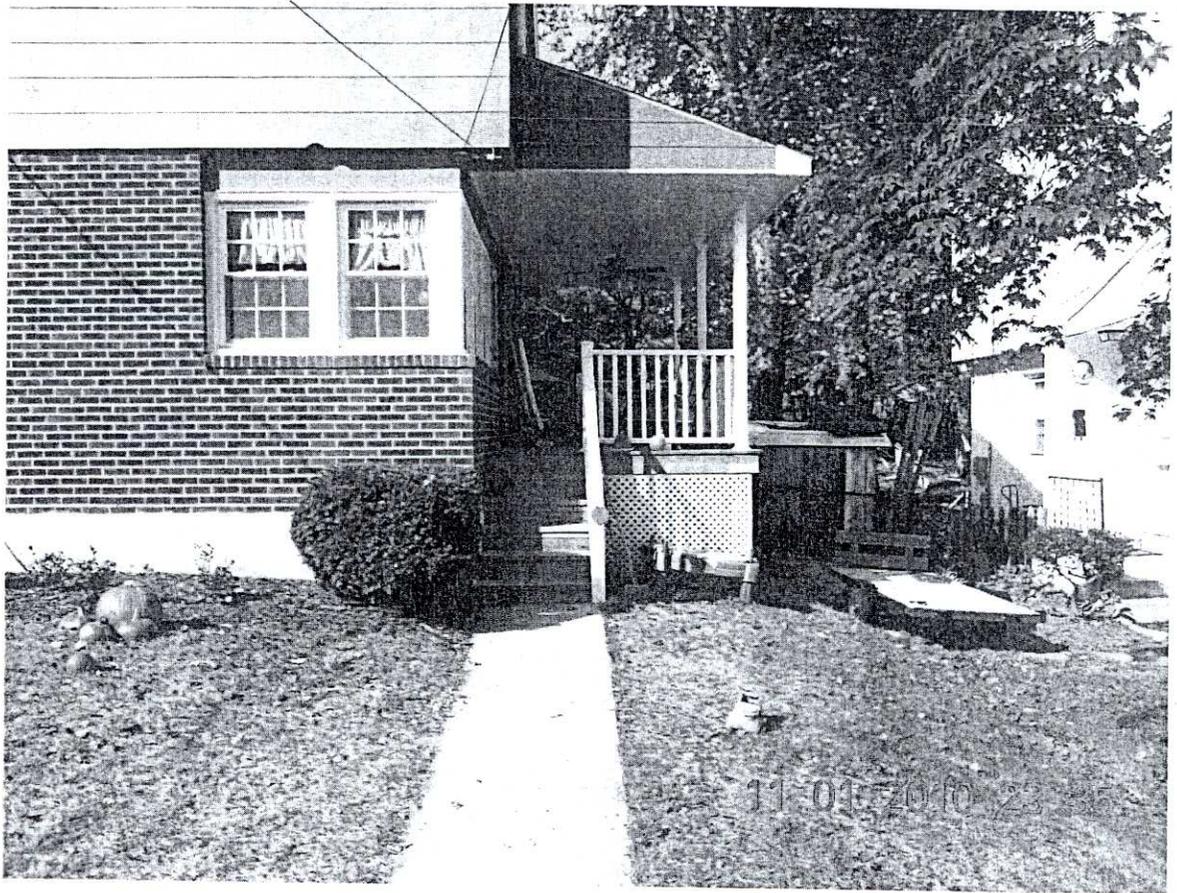


- side view from 7014 Looking at 7016

□



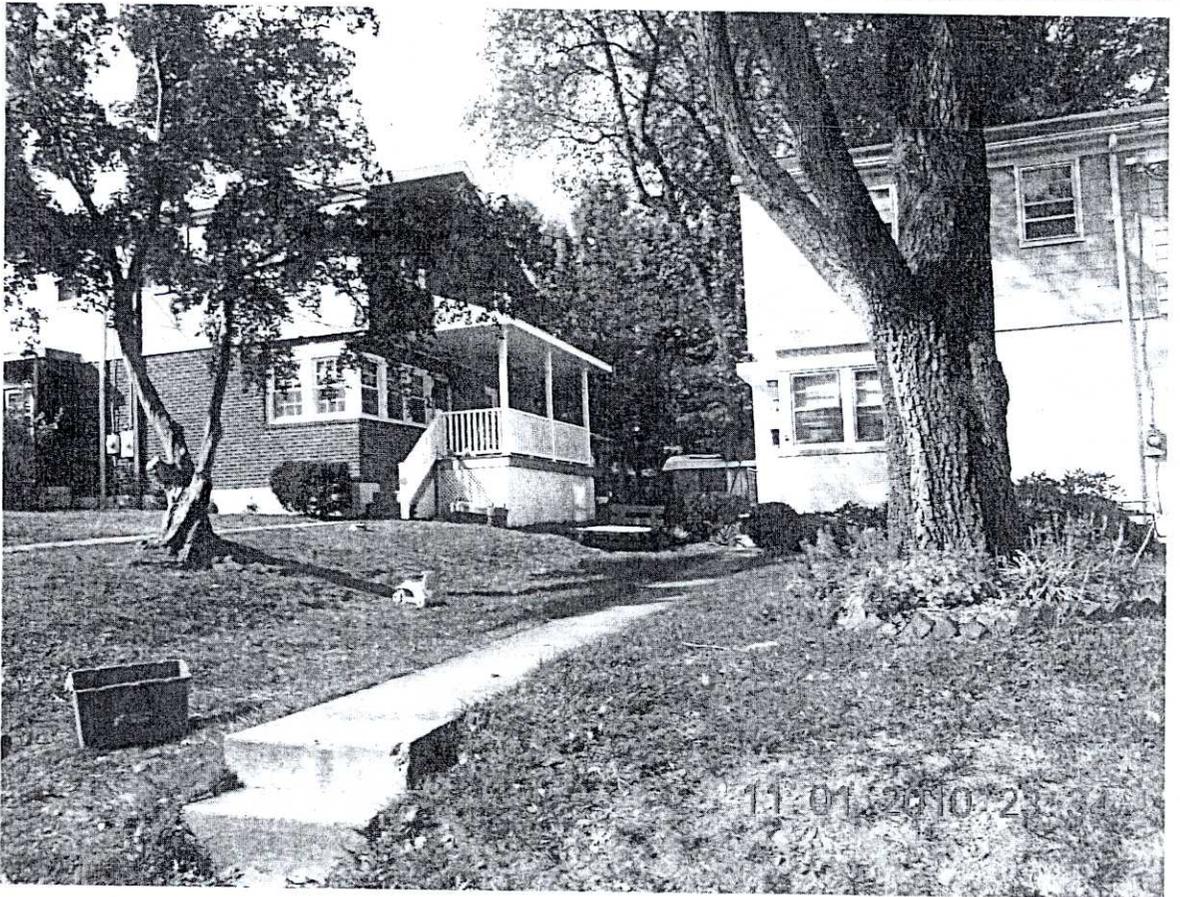
End of walkway before steps to  
sidewalk



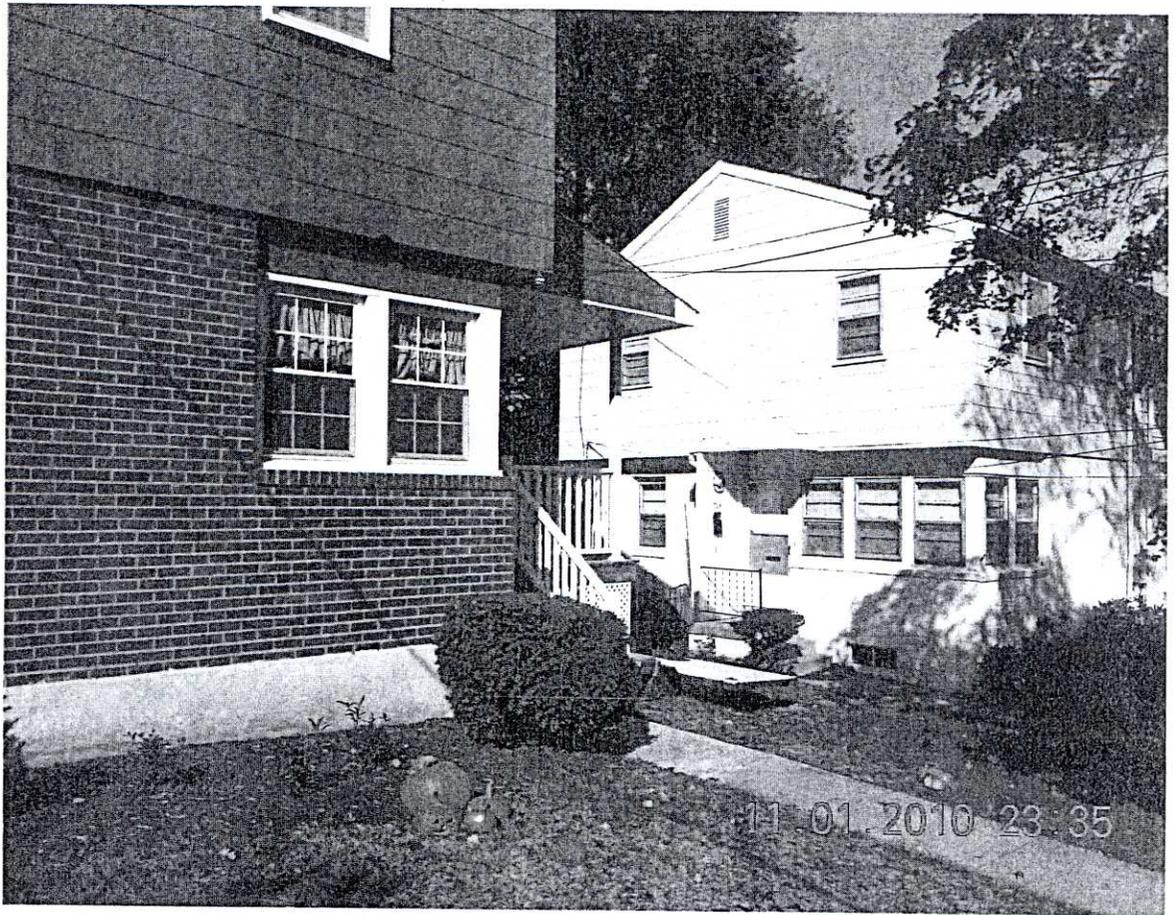
Standing in front of 7018 looking at 7016  
7016 Stamford Drive



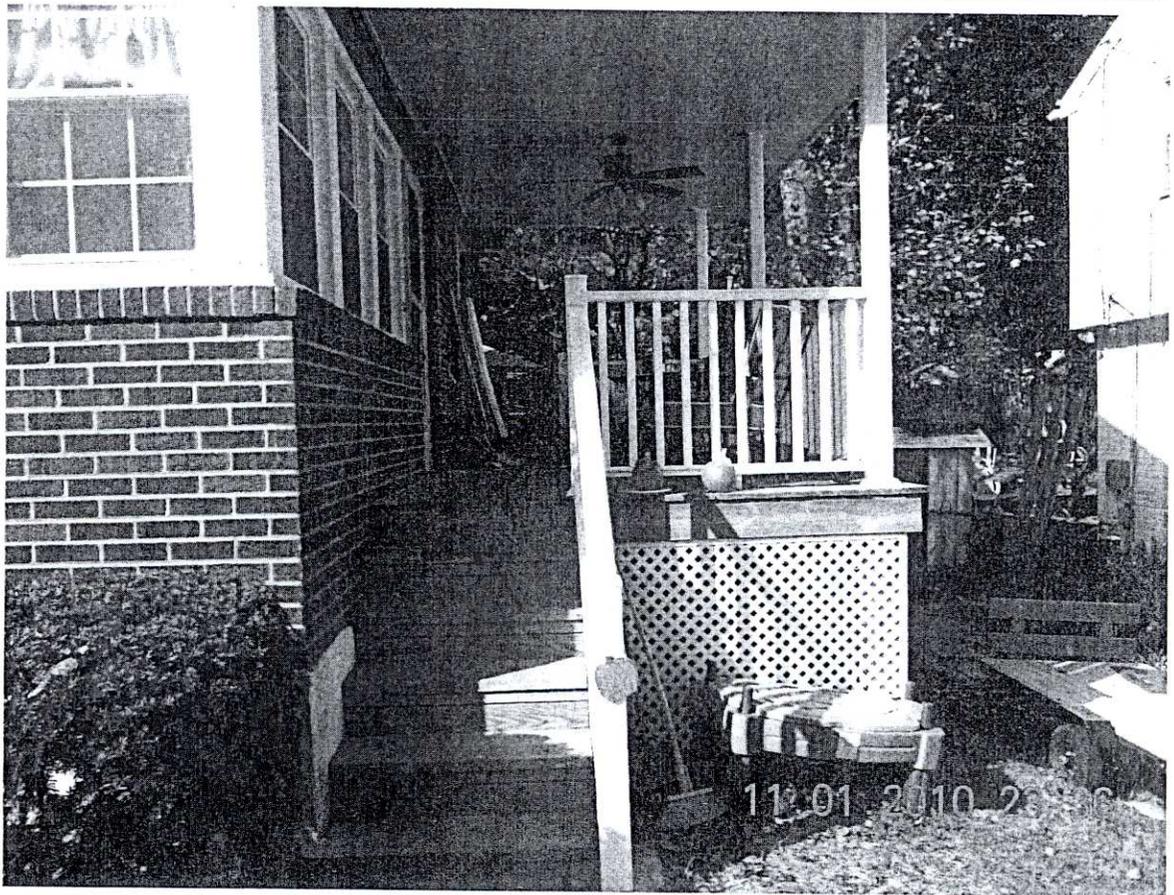
Standing in front of 7014  
looking at 7016



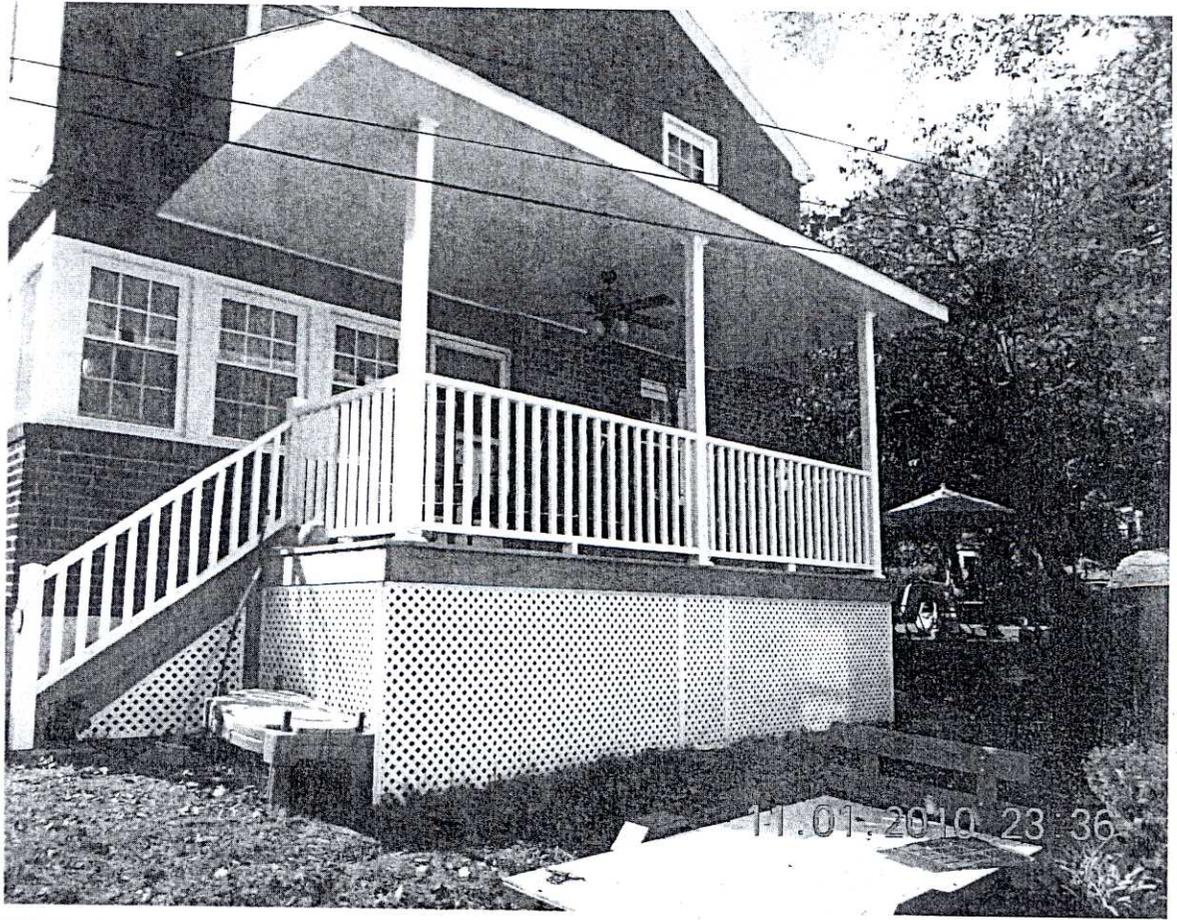
5 family front edge of property of 7516 Stanford.



- close up from walkway



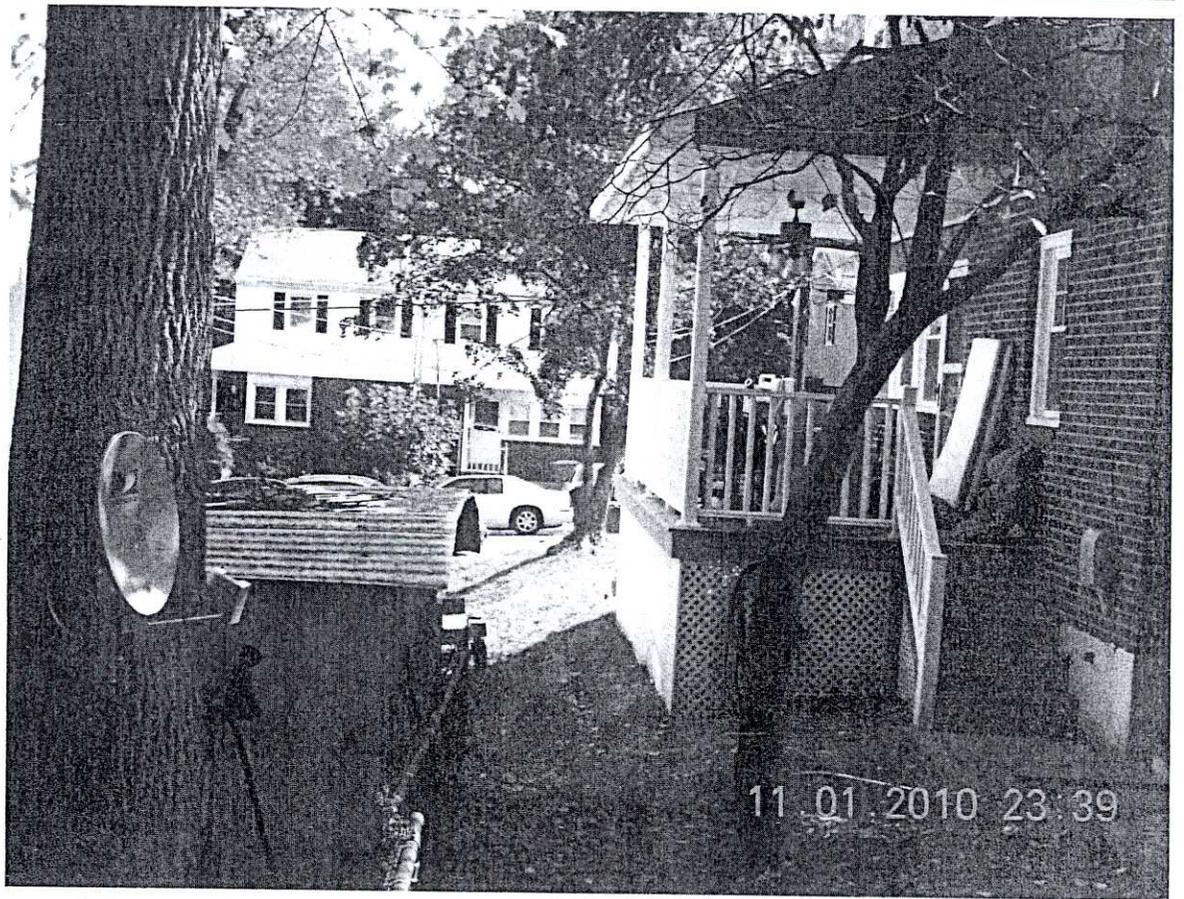
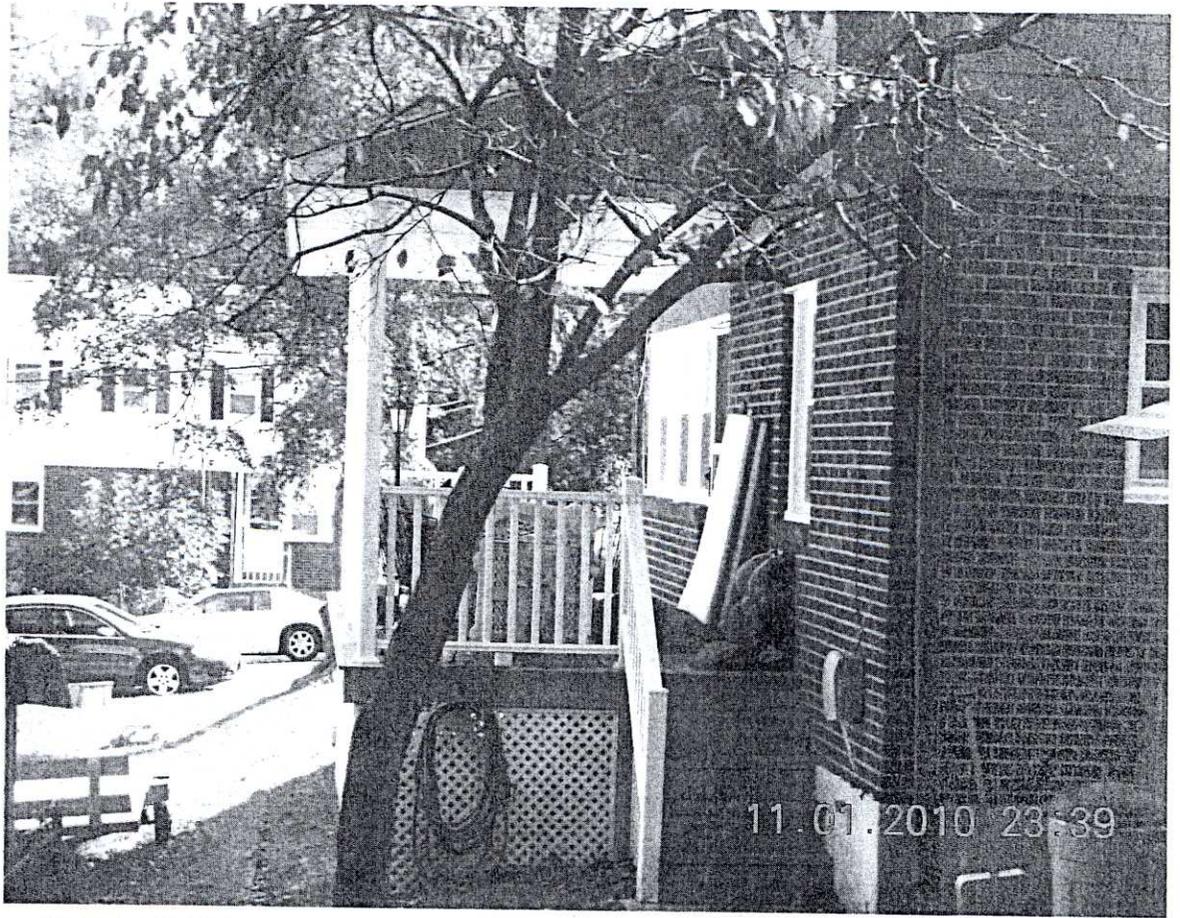
Property line of 7014



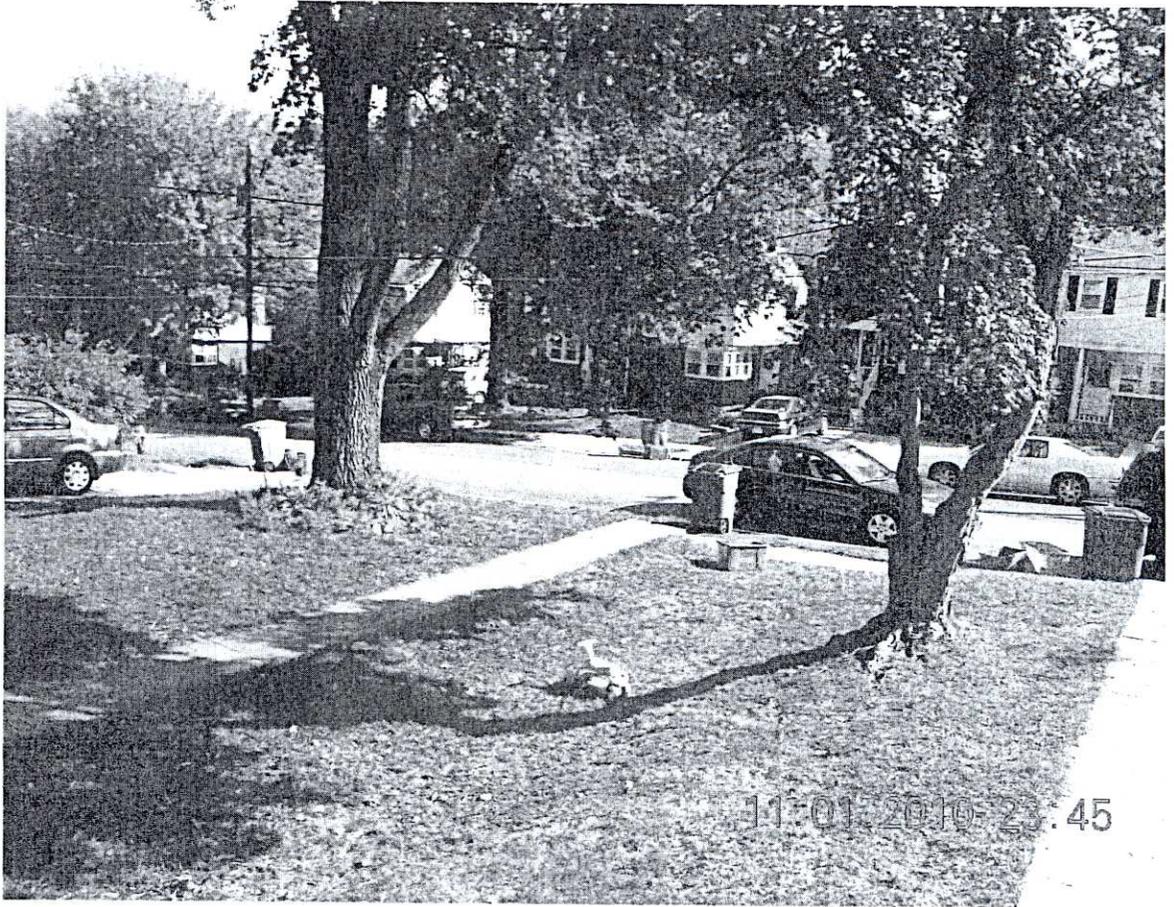
Property line of 7014 looking at 7016 (Close up)



Pictures from backyard of 706 Duane Street



from porch toward  
7/14

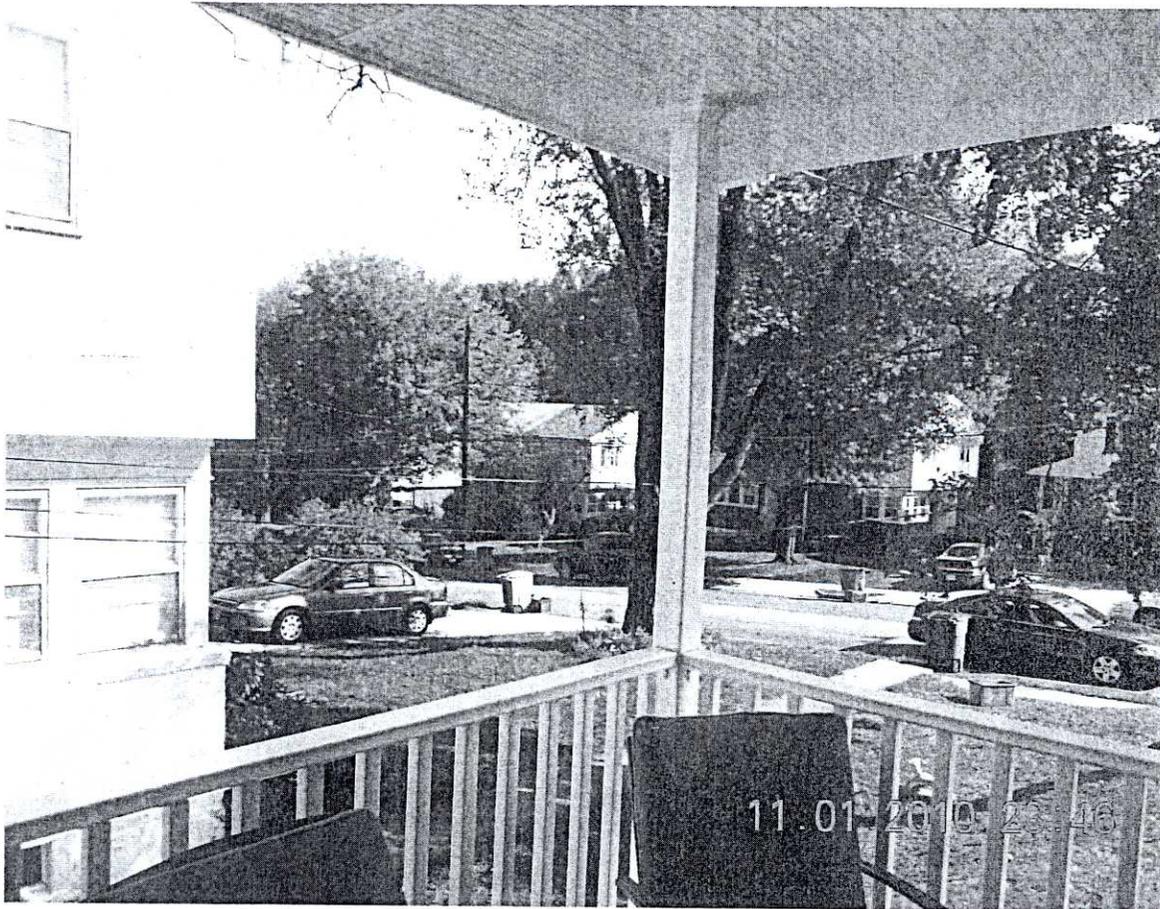


front of house  
toward  
7/18





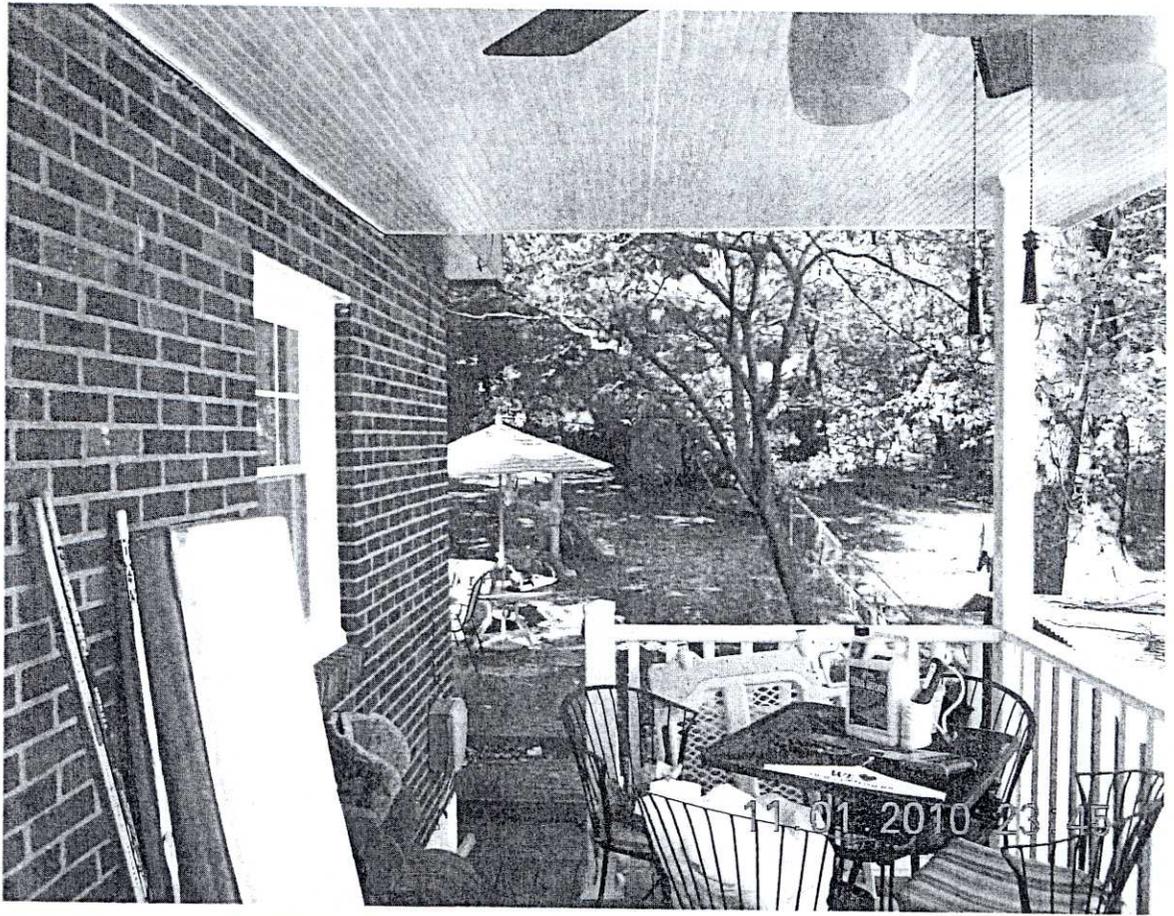
from porch towards park



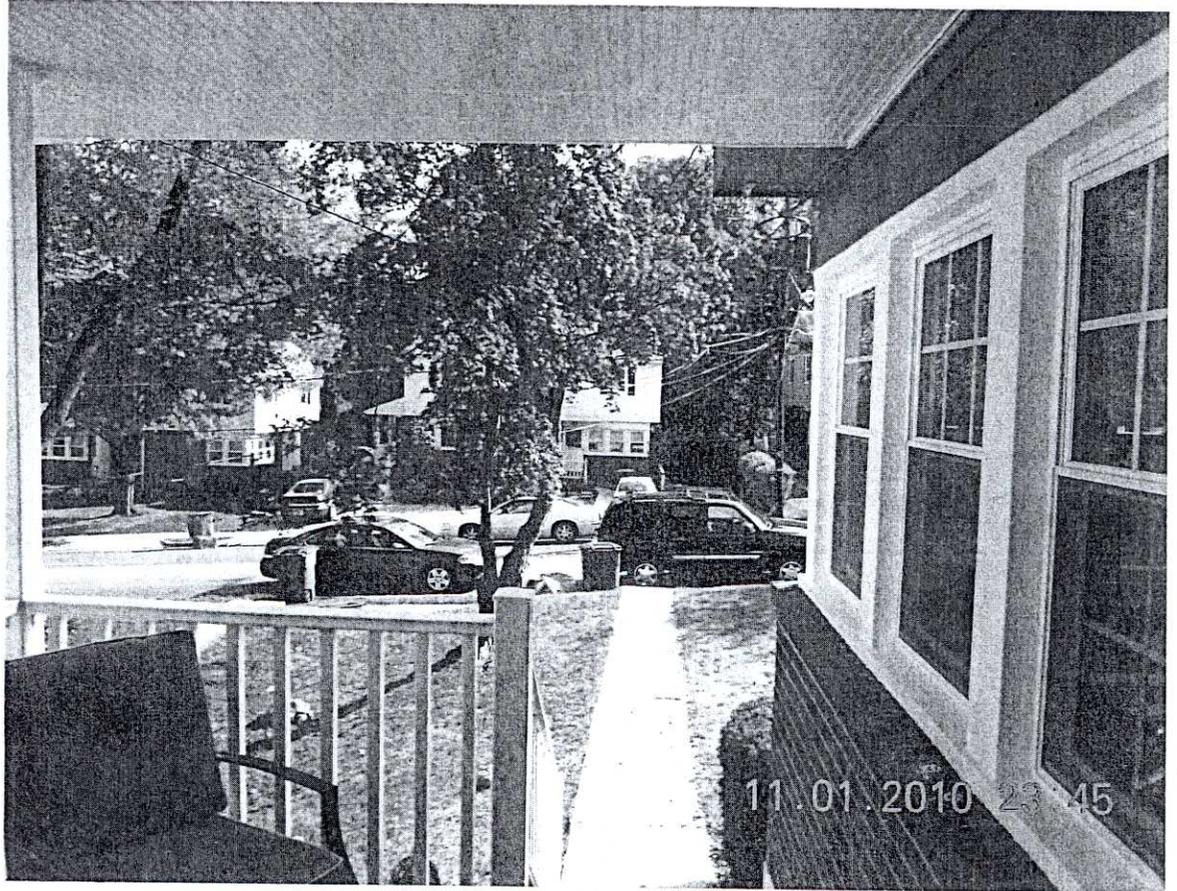
top of steps towards backyard



Middle of porch towards back yard.



Middle of porch towards Street.



**DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit for an error in building location to permit an addition, a roofed deck depicted as an "Open Porch" on the special permit plat, to remain 3.3 feet to its eave from the northern side lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Min. Yard Req.*</b>	<b>Structure Location</b>	<b>Amount of Error</b>	<b>Percent of Error</b>
<b>Special Permit</b>	<b>Roofed Deck</b>	Side	8.0 feet	3.3 feet	4.7 feet	59%

\*Minimum Yard Requirement per Section 3-807

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-8	Single Family Detached Dwellings
<b>South</b>	R-8	Single Family Detached Dwellings
<b>East</b>	R-8	Single Family Detached Dwellings
<b>West</b>	R-8	Single Family Detached Dwellings

**EXISTING SITE DESCRIPTION**

The 4,446 square foot lot contains a half-shingle, half-brick, two-story duplex constructed in 1954. A combination of stockade wood and chain link fencing surround the side and rear yards. An at-grade patio and a deck are located along the rear of the dwelling. A shed is located in the northwestern corner of the lot. The lot is narrow and flat and contains mature trees and shrubs.

**BACKGROUND**

On October 6, 2010, the applicant was issued a Notice of Violation (NOV) for failure to obtain a building permit and final inspections for the construction of a roofed deck. A copy of the NOV is attached as Appendix 4. A copy of the special permit plat depicting the structures on site, titled "Special Permit Plat, Showing the Improvements on Lot

19A, Block 1, Bucknell Heights", prepared by Alexandria Surveys International, LLC, dated March 21, 2011 as sealed through April 8, 2011, is included at the front of the staff report.

Following the adoption of the current Ordinance, the BZA has heard the following similar applications in the vicinity of the subject parcel:

- Special Permit SP 2006-MV-041 was approved on October 17, 2006 for Tax Map 93-1 ((20)) (10) 29B, zoned R-8, at 7013 Stanford Drive, to permit reduction to minimum yard requirements based on error in building location to permit a deck to remain 1.8 feet and a roofed deck 6.2 feet with eaves 4.9 feet from a 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 5. Subject to development conditions, the special permit must meet these standards.

## **CONCLUSION**

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

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

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notice of Violation dated October 6, 2010
5. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2011-MV-034**

**July 13, 2011**

1. This special permit is approved only for the location of a roofed deck addition (open porch), as shown on the plat prepared by Alexandria Surveys International, LLC, dated March 21, 2011 as sealed through April 8, 2011, submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the roofed deck addition within six months of approval of this special permit.

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

Application No.(s): GP 2011-MV-034  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6-1-11  
 (enter date affidavit is notarized)

I, Daniel Sheehan, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)  applicant 110295a  
 applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

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 <b>BOLD</b> above)
Daniel M. Sheehan	7016 Stanford Drive Alexandria, VA 22307	Applicant/Title Owner
Paith O. Sheehan	7016 Stanford Drive Alexandria, VA 22307	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): SP 2011-MU-034  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6-1-11  
(enter date affidavit is notarized)

110295a

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): SP 2011-MN-034  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6-1-11  
(enter date affidavit is notarized)

110295a

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):

SP 2011-MV-034

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

6-1-11

(enter date affidavit is notarized)

110295a

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

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

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

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

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

None

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

Application No.(s): SP 2011-MU-034  
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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6-1-11  
(enter date affidavit is notarized)

110295a

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.

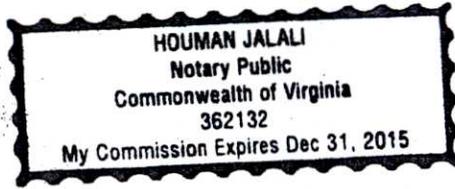
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, 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: [Signature]  
(check one)  Applicant [ ] Applicant's Authorized Agent  
Daniel M. Stehan  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 1<sup>st</sup> day of June, 2011, in the State/Comm. of VA, County/City of Fairfax.

[Signature]  
Notary Public

My commission expires: 12/31/2015



Daniel Sheehan  
7016 Stanford Drive  
Alexandria, VA 22307  
703.499.2516 – cell

Statement of Justification

I built a porch to the side of house 2.5 years ago without getting the proper permits. The porch is used by my family, friends, and neighbors for a place to sit and talk as the kids play in the back yard or play games out front. I am applying to permit a reduction to the minimum yard requirements based on an error in the building location to permit a roofed deck to remain 3.3' from the side lot line.

A reduction will not impair the purpose and intent of this ordinance. It will not be detrimental to the use and enjoyment of my neighbors in anyway. Many have commented on it think it looks great. It by no means creates any unsafe conditions to my property, neighbors or public streets. If compliance is forced to meet the min yard requirements it would cause unreasonable hardship for the time and money already invested. The cost to involved to take the porch down and repair house to the way it was would be significant.

There is or was not any hazardous or toxic substance found or removed from the property.

RECEIVED  
Department of Planning & Zoning  
APR 26 2011  
Zoning Evaluation Division

Side view

7016 Stanford Drive

House

Steps

T-11  
SHEATHING

3/8" X 6"  
CARRIAGE  
BOLTS

4x4

4x4  
Notch  
for 2x

Notched  
4x4

4x4 PT

Vinyl  
Sleeved

Prefab  
Vinyl  
Rail  
System  
3.5"  
SPACING

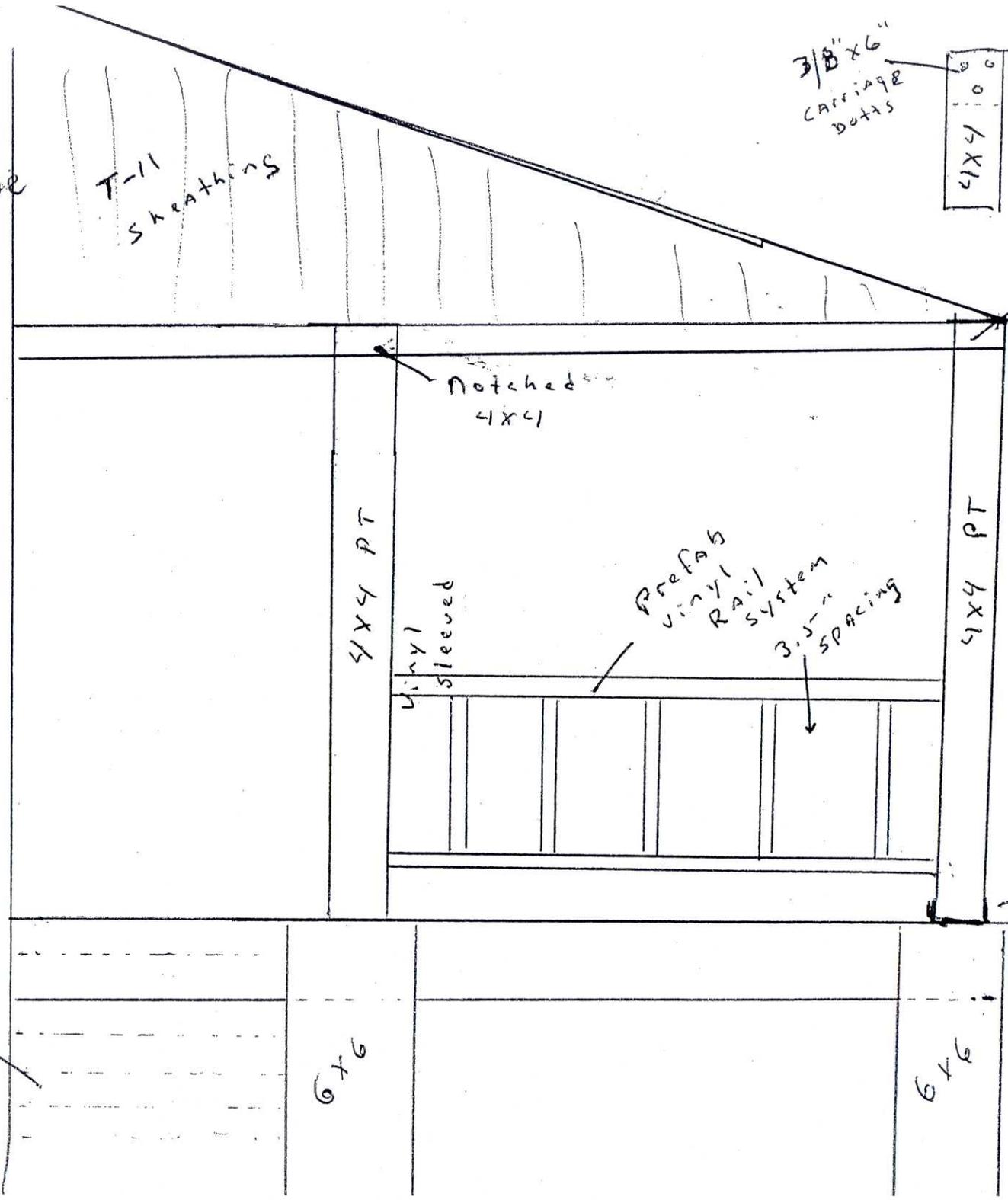
4x4 PT

Vinyl  
Sleeved

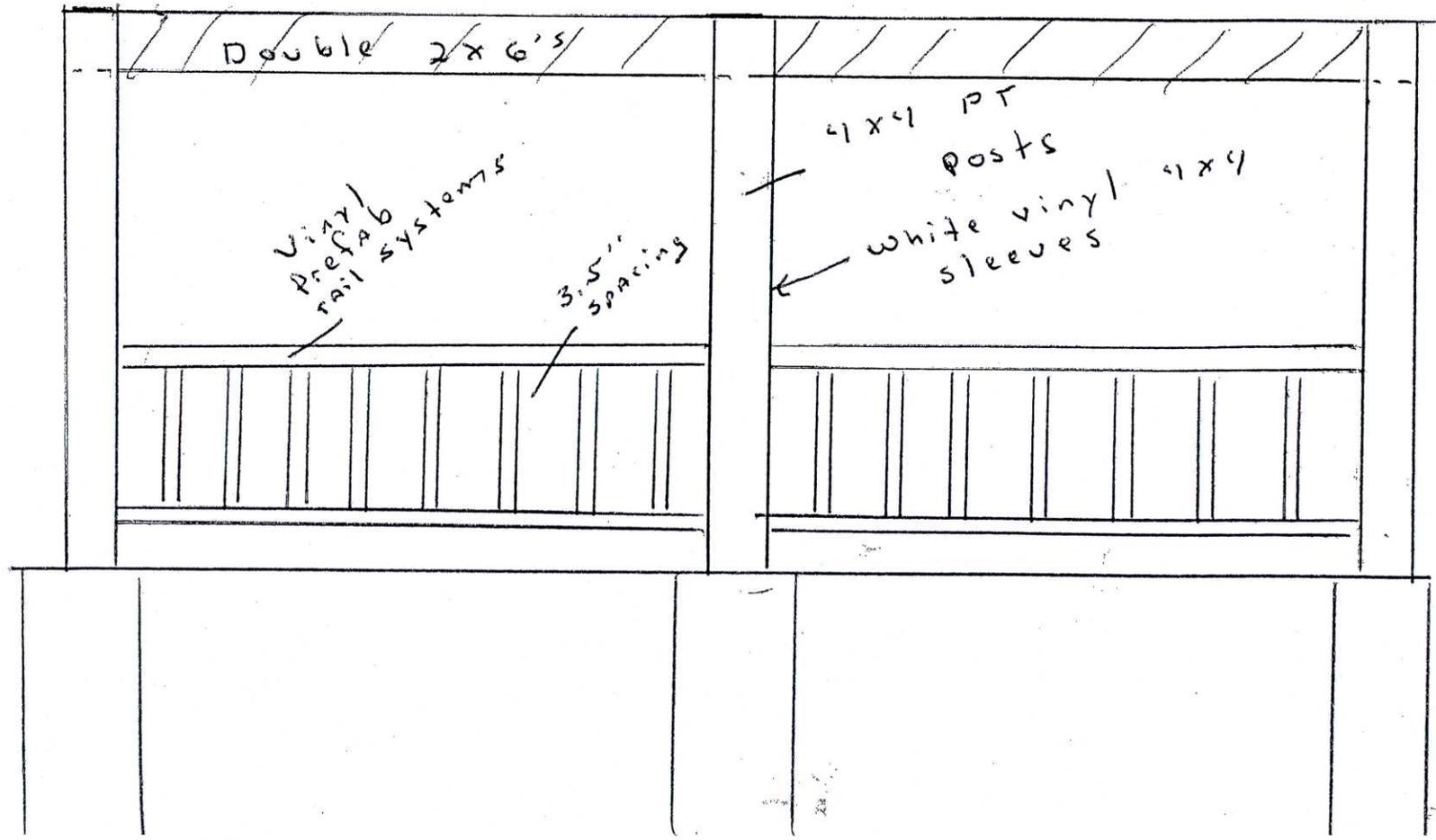
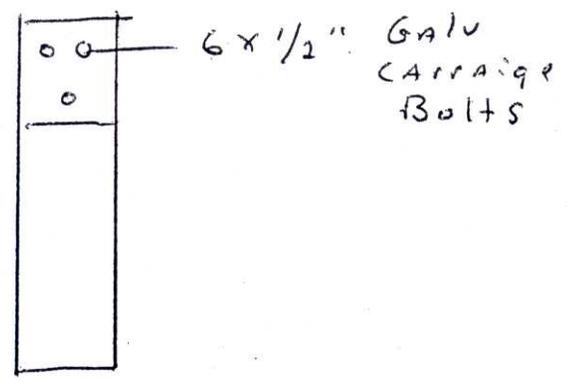
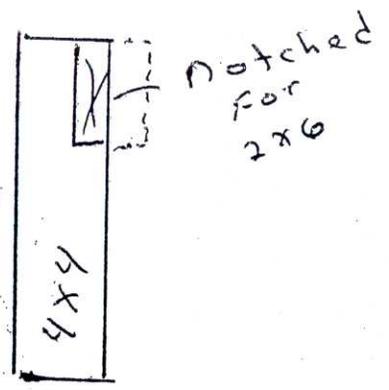
4x4  
mounting  
plates

6x6

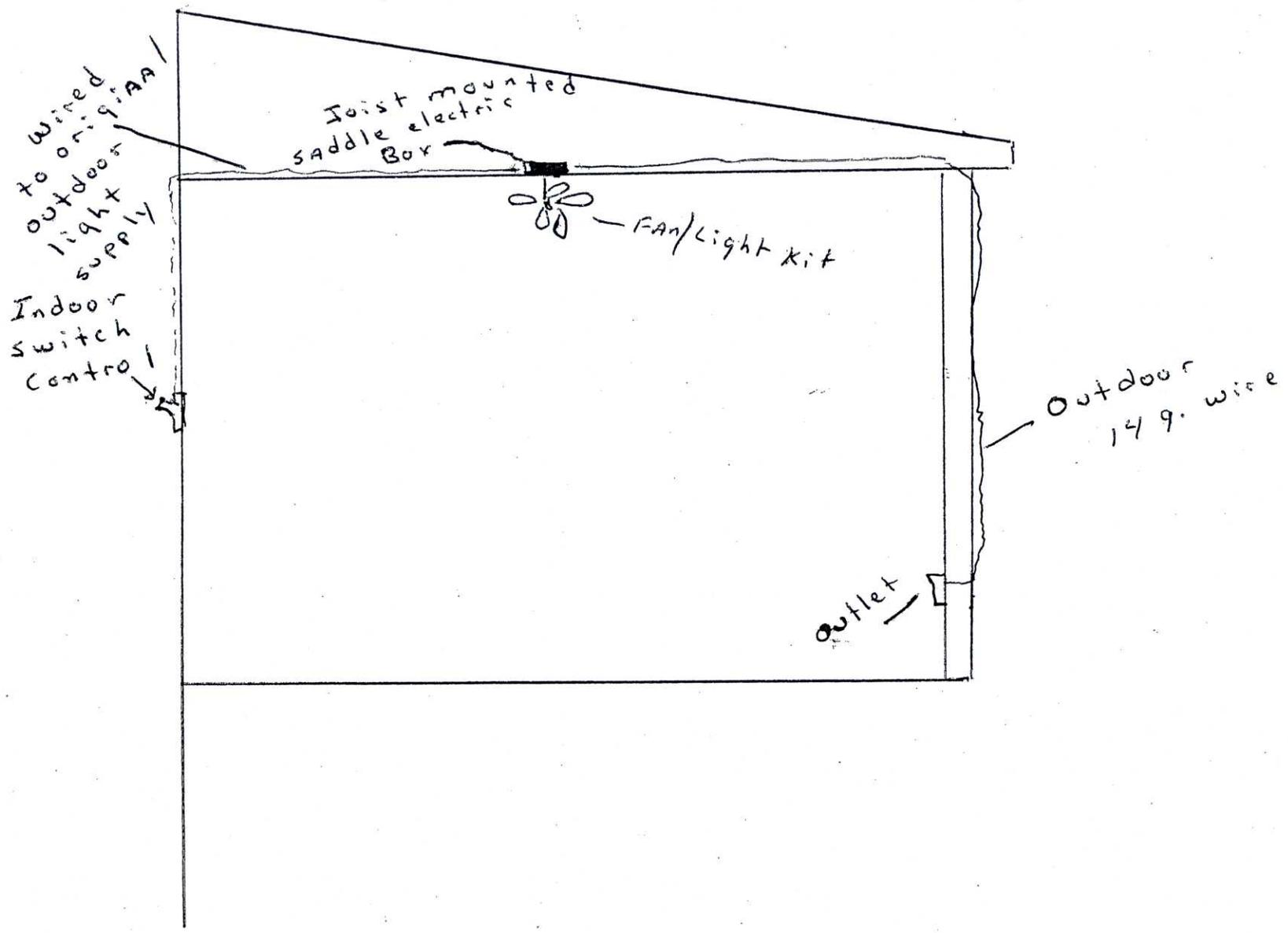
6x6

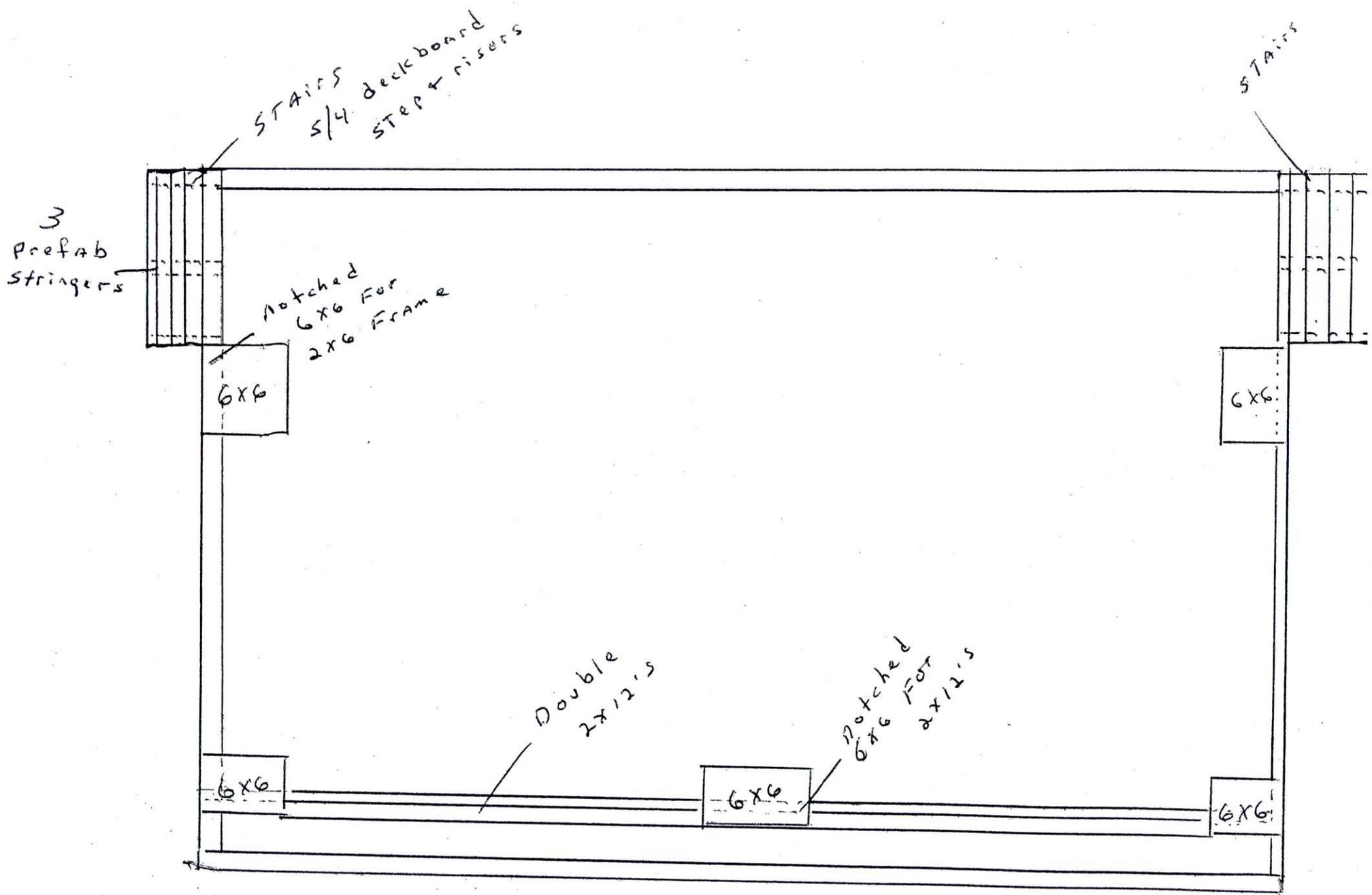


Front View



Elect.





STAIRS  
5/4 deck board  
STEP risers

STAIRS

3  
Prefab  
stringers

Notched  
6x6 for  
2x6 frame

6x6

6x6

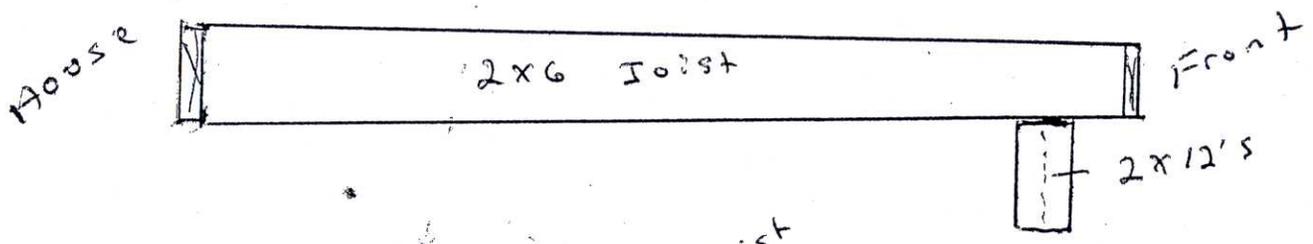
Double  
2x12's

Notched  
6x6 for  
2x12's

6x6

6x6

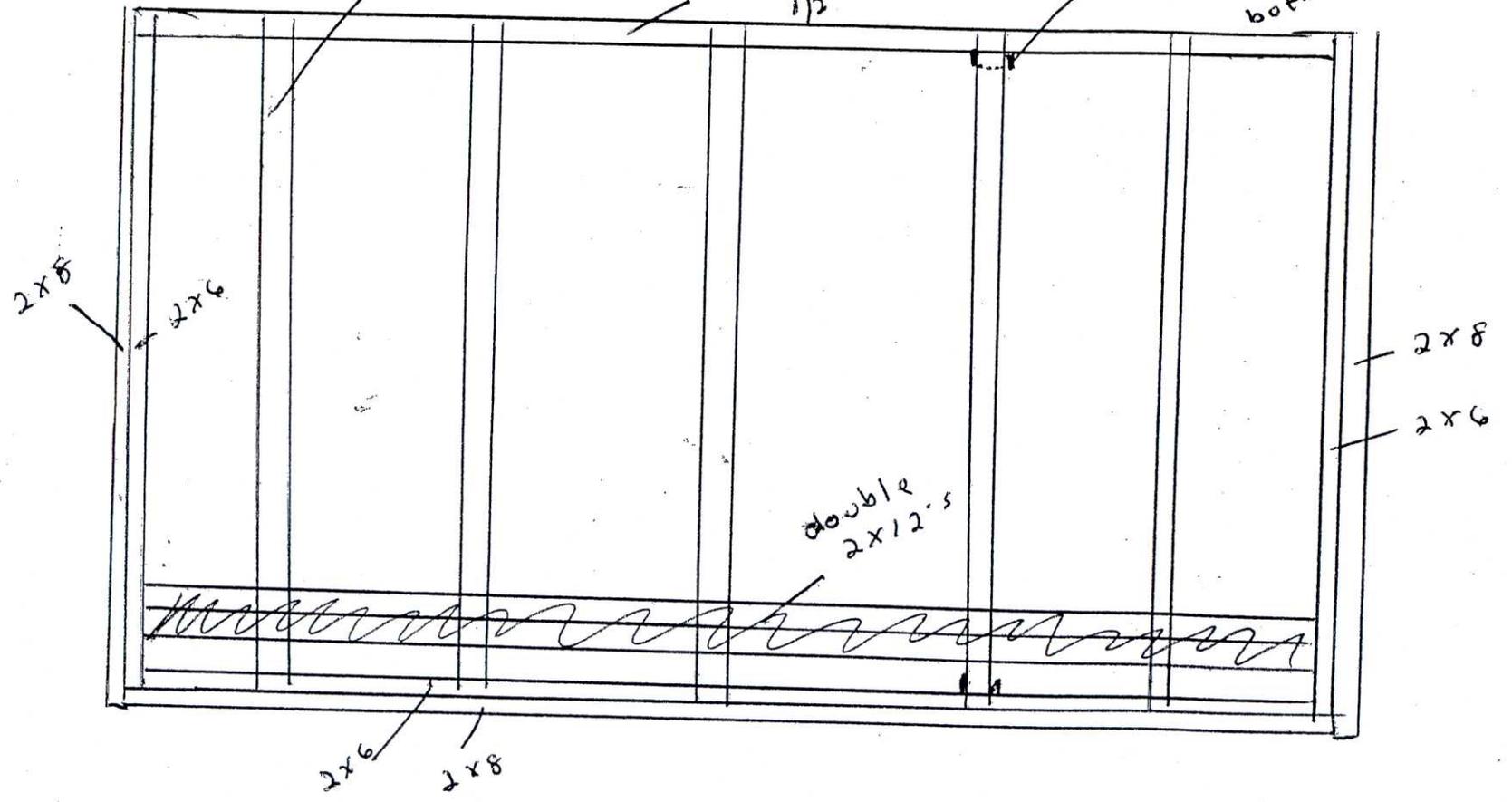
6x6



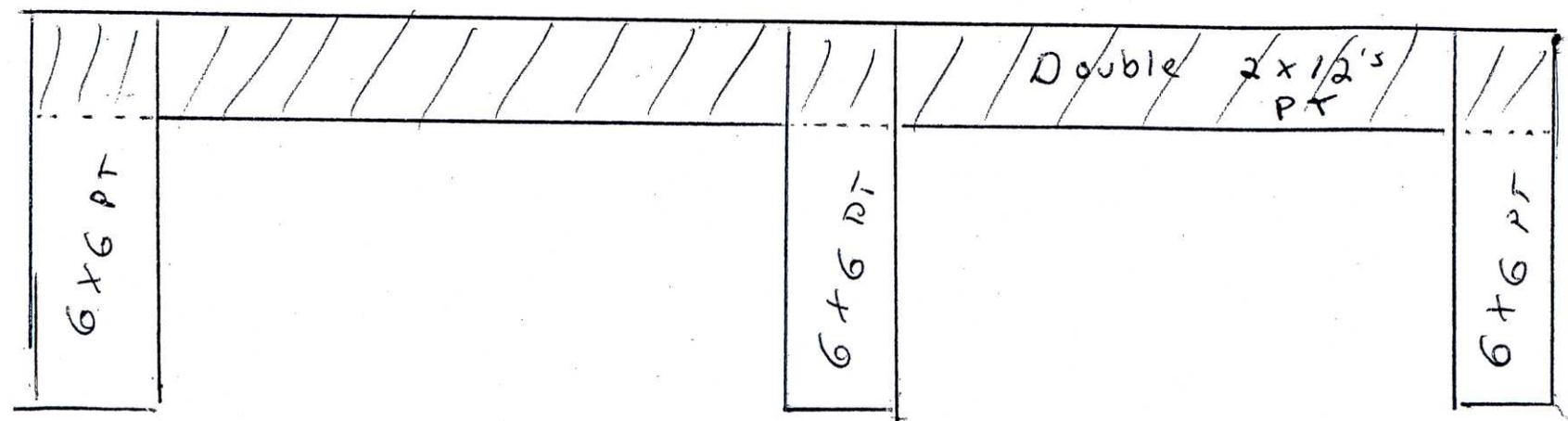
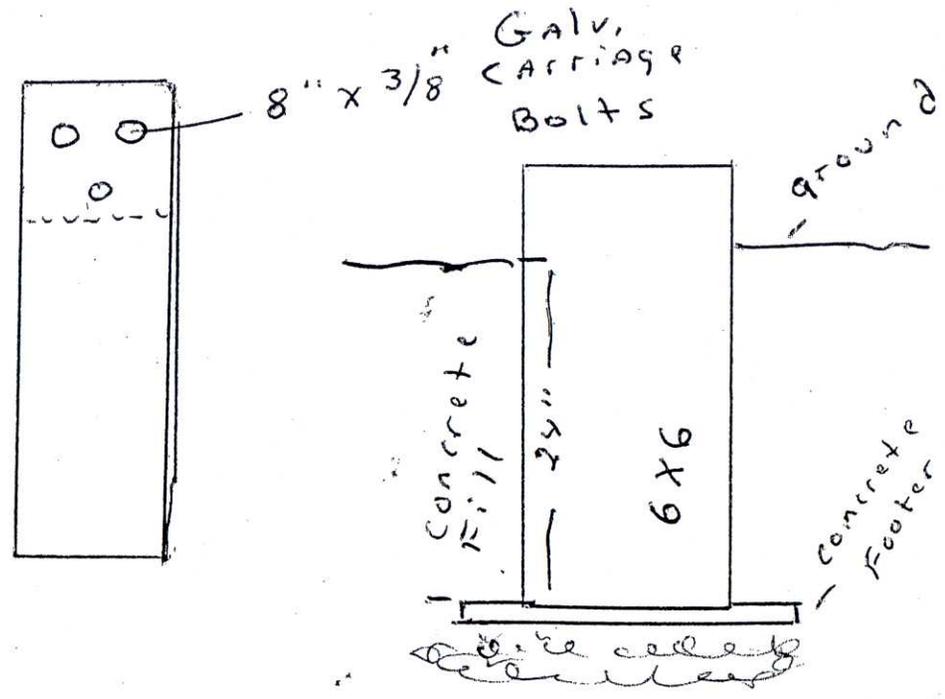
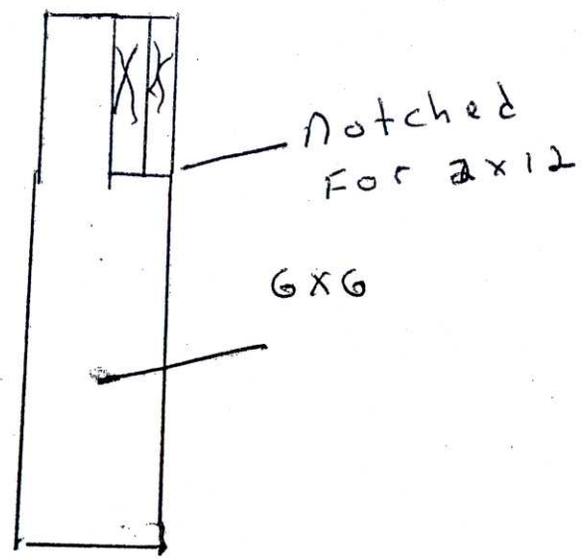
2x6 Floor Joist  
16" OC

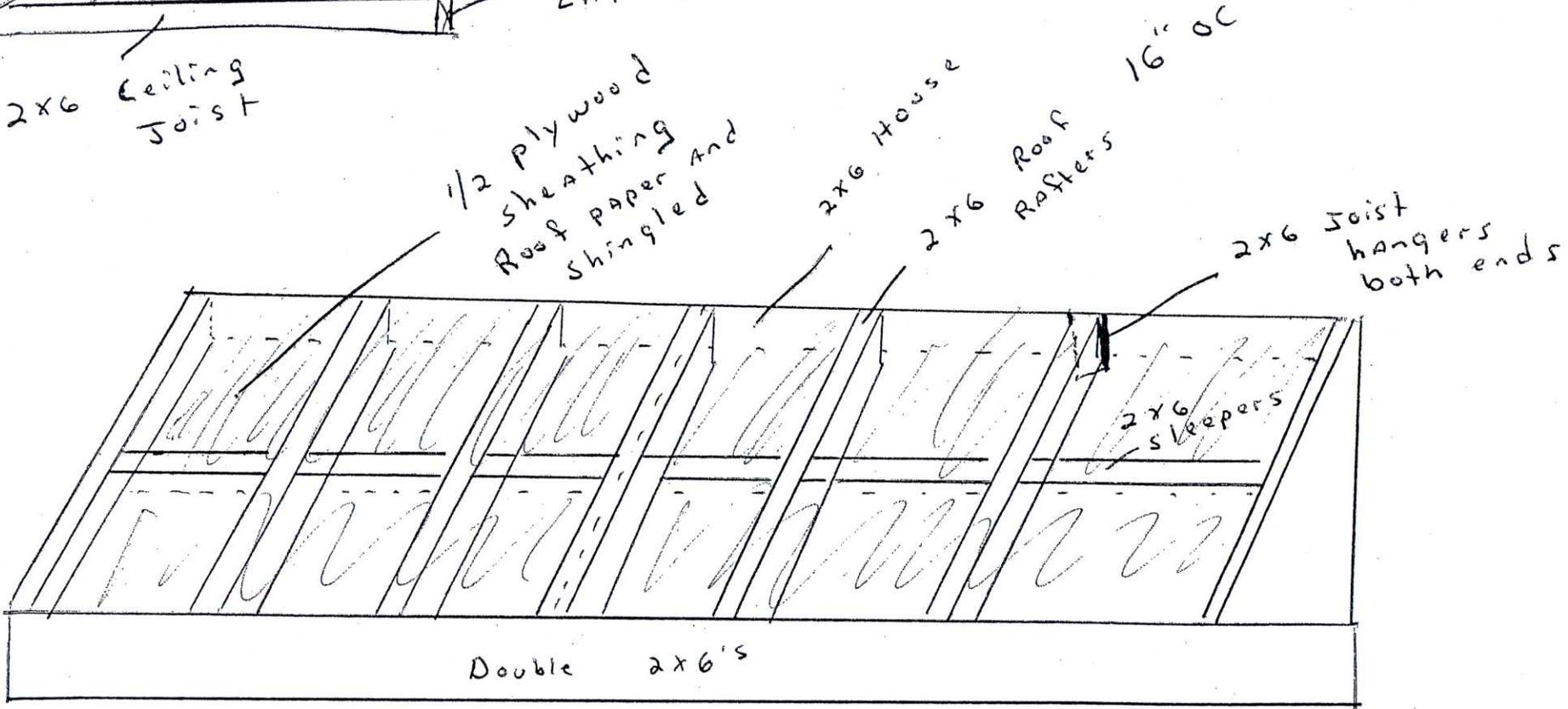
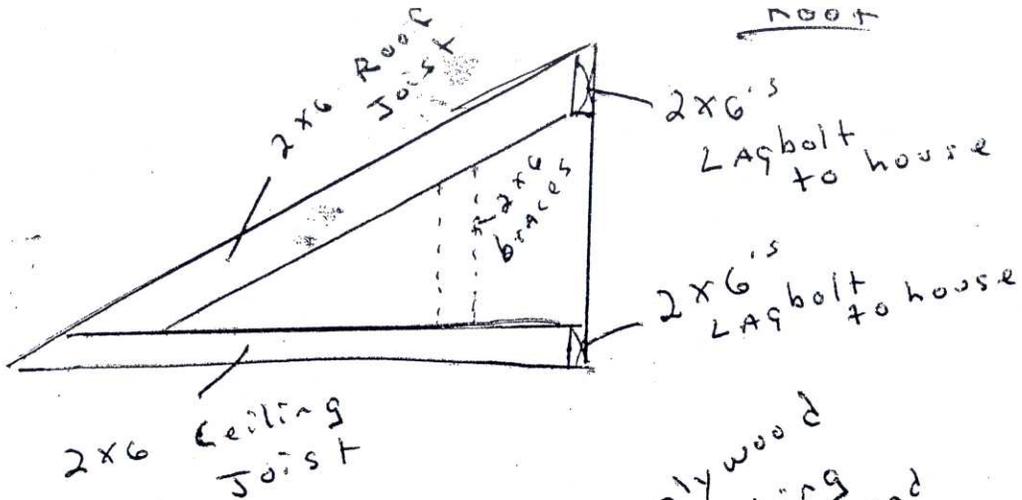
House  
board  
1/2" LAG Bolted

2x6 Joist  
hangers  
both ends



Front View

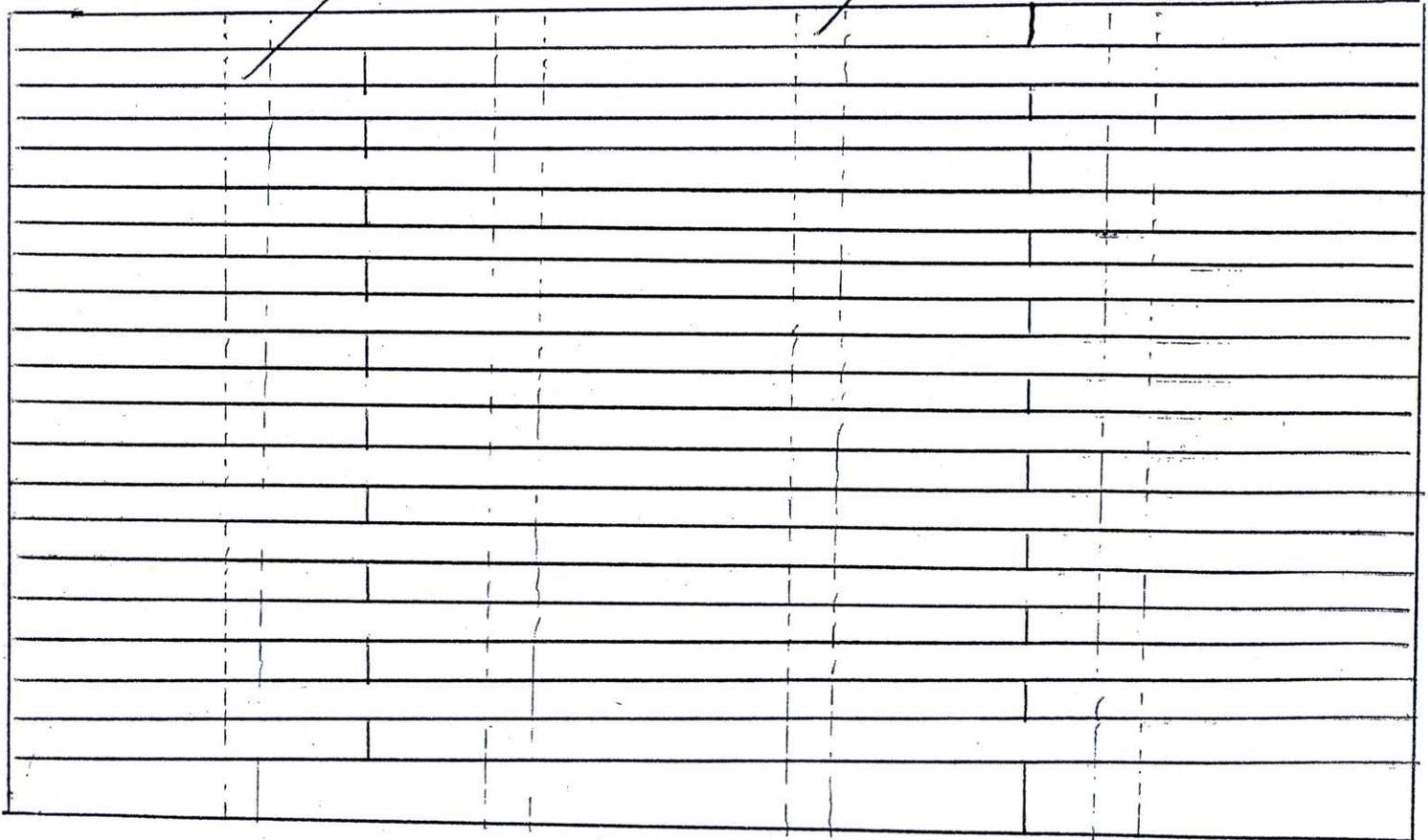




# Deck Top View

Floor Joists

5/4 X 6 PT Deck Board





# County of Fairfax, Virginia

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

## NOTICE OF VIOLATION

**DATE OF ISSUANCE:** October 6, 2010

**SHERIFF'S LETTER**

**CASE #:** 200907042 **SR#:** 55980

**PROPERTY OWNERS:** Daniel Sheehan  
Faith O. Sheehan  
**ADDRESS:** 7016 Stanford Drive  
Alexandria, VA 22307-1521

**LOCATION OF VIOLATION:** 7016 Stanford Drive  
Alexandria, VA 22307-1521  
0931 20010019A

Dear Responsible Party:

In accordance with Part I of the Uniform Statewide Building Code - 2006 Edition effective May 1, 2008, an inspection on May 11, 2010, revealed violations as listed below at the referenced location. The cited violations must be corrected within **20 days** from receipt of this notice unless otherwise indicated.

**Violation 1: FAILURE TO OBTAIN BUILDING PERMIT – Section 108.1 When applications are required.**

**Location:** A porch addition was built on the side of the dwelling without the issuance of a Building Permit and without required inspections.

**Corrective Action Required:** Obtain all necessary Building Permits and final inspection of all work performed within **20 days** or demolish the work after obtaining a demolition permit.

**Violation 2: FAILURE TO OBTAIN REQUIRED INSPECTIONS – Section 113.3 Minimum Inspections.**

**Location:** A porch addition was built on the side of the dwelling without the issuance of a Building Permit and without required inspections.

**Corrective Action Required:** Obtain all necessary Building Permits and successfully pass all required inspections including final inspection of all work performed within **20 days**.

All repairs, alterations, and/or additions must be made in accordance with applicable laws. Any additional violations that may appear as work progresses will require correction.

Daniel Sheehan  
Faith O. Sheehan  
October 6, 2010  
Page 2

Information about obtaining any necessary permits required by other Fairfax County agencies may be obtained by calling (703) 222-0801 and requesting the appropriate department.

The owner of a building or structure, or the owner's agent or any other person involved in the use of the subject building or structure may appeal a decision of the code official concerning the application of the Virginia Maintenance Code to such building or structure and may also appeal a refusal by the code official to grant a modification to the provisions of this code pertaining to such building or structure. Applications for appeals shall be submitted in writing to the Fairfax County Board of Building and Fire Prevention Code Appeals within 14 calendar days of the decision being appealed. Appeal application forms may be obtained by contacting:

Fairfax County Board of Building and Fire Prevention Code Appeals  
Attention: Secretary to the Fairfax County Board of Building and Fire Prevention Code Appeals  
Office of Building Code Services  
Department of Public Works and Environmental Services  
12055 Government Center Parkway  
Fairfax, Va. 22035-5504  
Telephone: (703) 324-1960

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision.

The Fairfax County Board of Building and Fire Prevention Code Appeals shall meet within 30 calendar days after the date of receipt of the application for appeal.

In accordance with the code, the owner or person to whom this notice of violation has been issued is responsible for contacting me within the time frame established for any re-inspections to assure the violations have been corrected. When calling to schedule a re-inspection, please mention the subject address and the "case number" on the first page. I can be reached on **703-324-1958**.

Be advised that any Zoning Ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a Building Permit. If removal of unpermitted features (including appliances, cabinets and plumbing fixtures) is required, a separate demolition permit will be required for this work.

NOTICE ISSUED BY:  
Jeffrey Perka  
Technical Assistant to the Building Official

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Signature

cc: L. Ray Pylant, Building Official

## **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.