



APPLICATION ACCEPTED: May 26, 2011
Moved with applicant's consent
BOARD OF ZONING APPEALS: September 21, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 14, 2011

STAFF REPORT

VARIANCE APPLICATION NO. VC 2011-MA-007

MASON DISTRICT

APPLICANT: Mark W. Grapin

OWNERS: Mark W. Grapin
Brinda S. Grapin

SUBDIVISION: Broyhill Park

STREET ADDRESS: 7415 Marc Drive

TAX MAP REFERENCE: 50-3 ((2)) 94

LOT SIZE: 12,916 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISION: 10-104

VARIANCE PROPOSAL: To permit an accessory structure to remain in a front yard of a lot containing 36,000 square feet or less.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

O:\dhedr\Variances\9-21 VC 2011-MA-007 Grapin\VC 2011-MA-007 Grapin staff report.doc

Deborah Hedrick

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

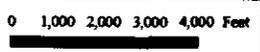
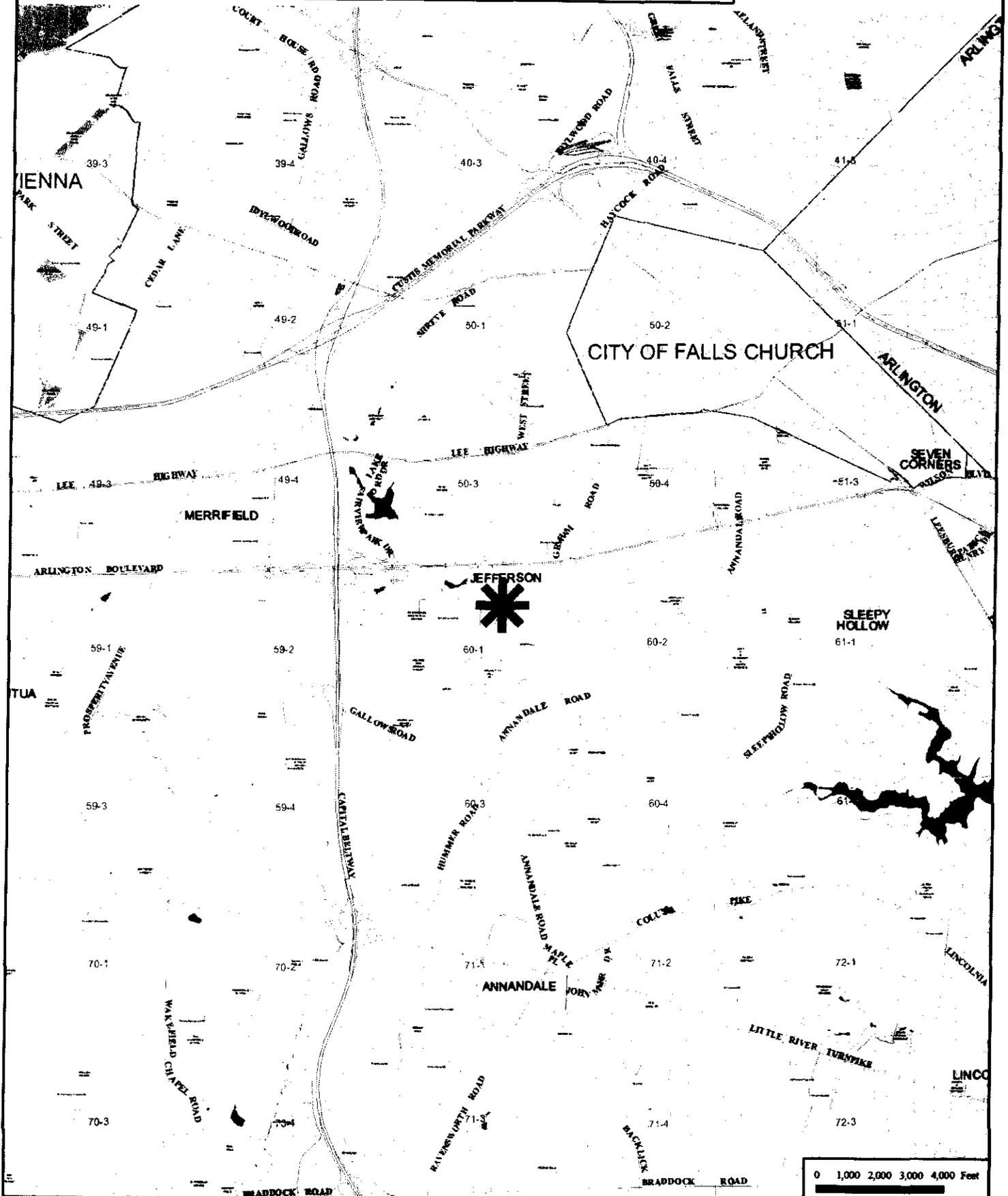


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Variance Application

VC 2011-MA-007

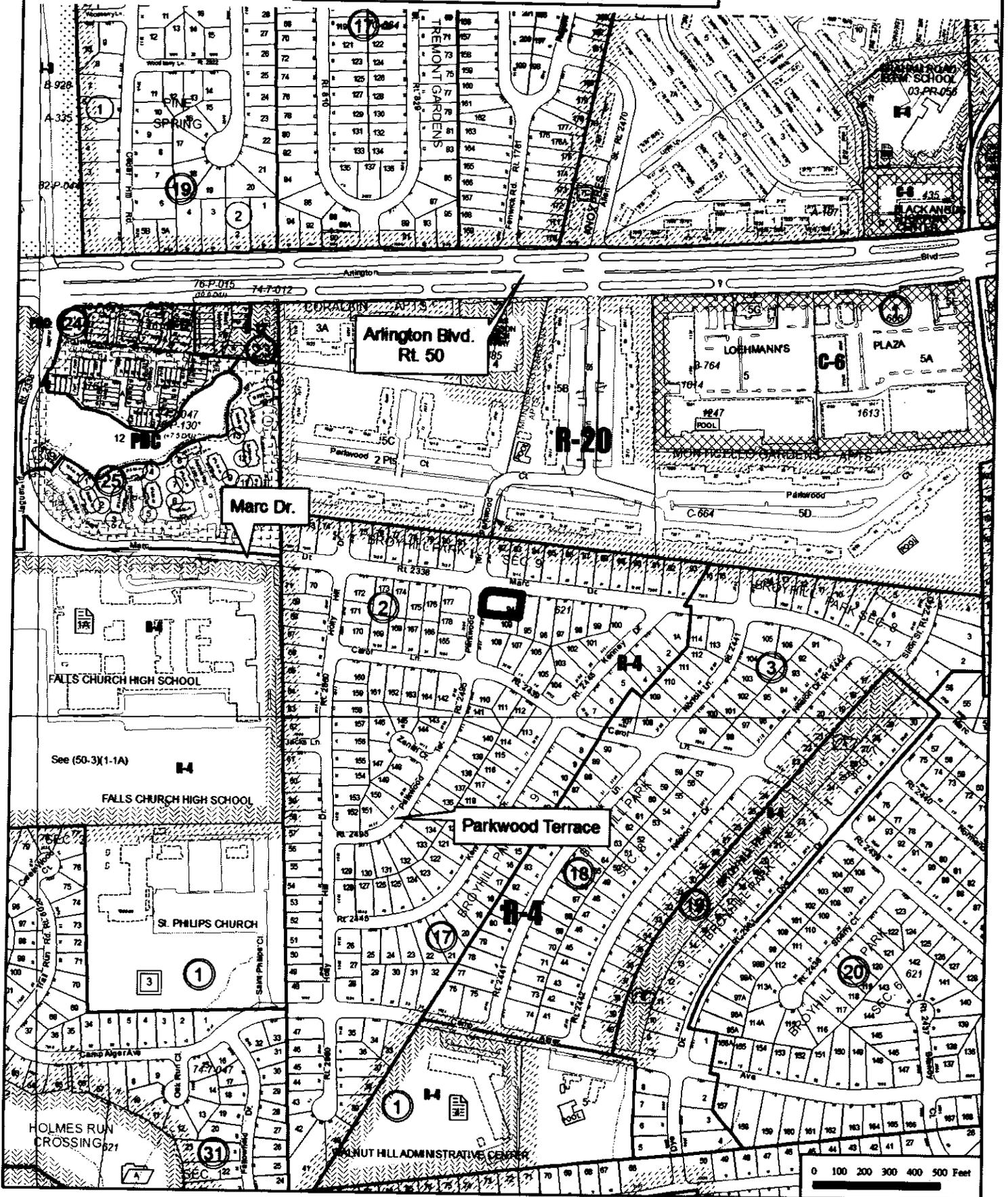
MARK W. GRAPIN



Variance Application

VC 2011-MA-007

MARK W. GRAPIN

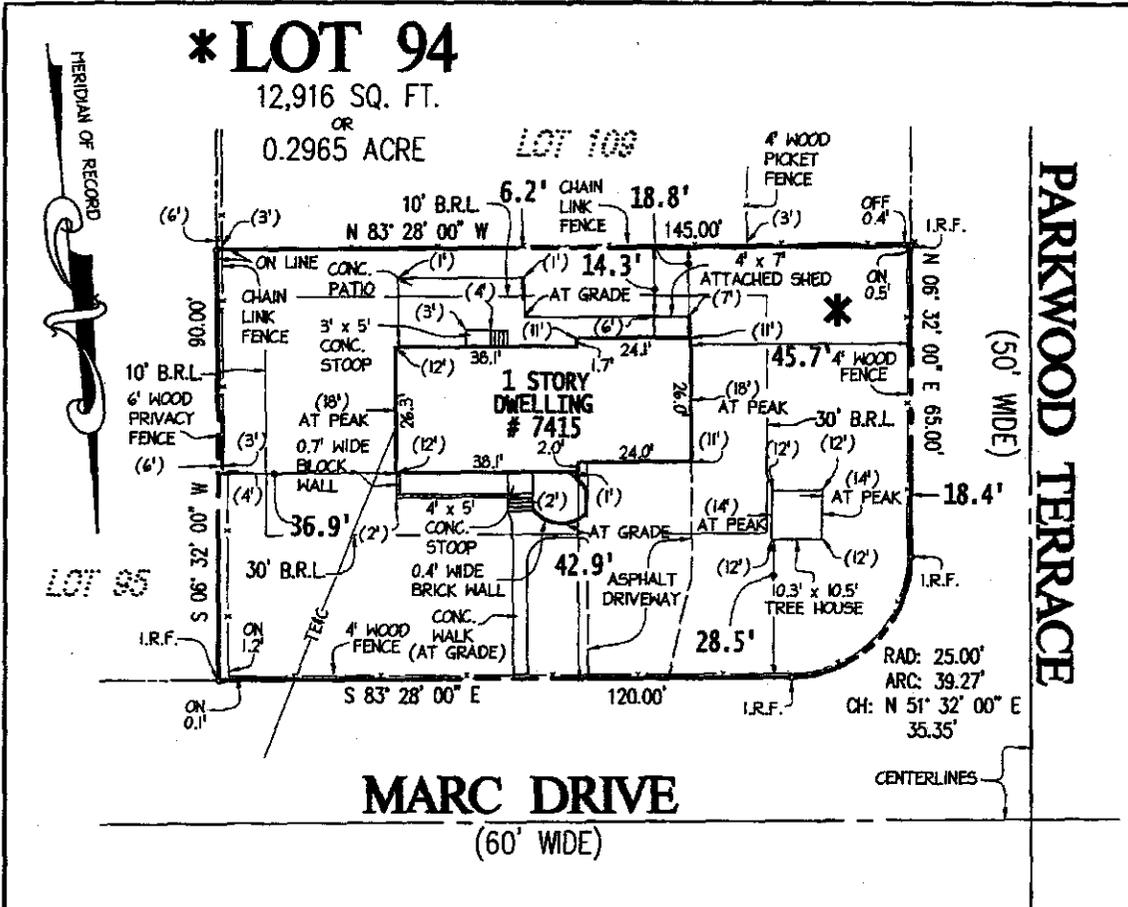


* LOT 94

12,916 SQ. FT.

OR
0.2965 ACRE

LOT 108

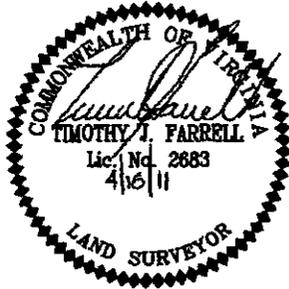


MARC DRIVE

(60' WIDE)

LEGEND:

- I.P.F. DENOTES IRON PIPE FOUND.
- X- DENOTES FENCE LINE
- I.R.F. DENOTES IRON ROD FOUND
- T,E&C- DENOTES OVERHEAD TELEPHONE, ELECTRIC, AND CABLE LINES
- B.R.L. DENOTES BUILDING RESTRICTION LINES
- N/F DENOTES NOW OR FORMERLY
- DB, PG DENOTES DEED BOOK AND PAGE
- (1') DENOTES HEIGHT FROM GRADE



NOTES:

- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.E.M.A. MAP # 51059C0280E EFFECTIVE DATE: SEPTEMBER 17, 2010
- 3) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 050-3-02-0094
- 4) EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 1295, PAGE 539 (UNLESS NOTED OTHERWISE).
- 5) PROPERTY SERVED BY PUBLIC WATER AND SEWER.
- 6) NO BURIAL SITES ON LOT PER RECORD PLAT RECORDED IN DEED BOOK 1295, PAGE 539 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
- 7) NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE FEET OR MORE PER RECORD PLAT.

VARIANCE PLAT
LOT 94
SECTION NINE
BROYHILL PARK
MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA

B.W. SMITH AND ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYING
MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996

FIELD CREW: D. CONRAD

JOB# 20111060

DATE: 04/18/11

DFT: R.D.P.

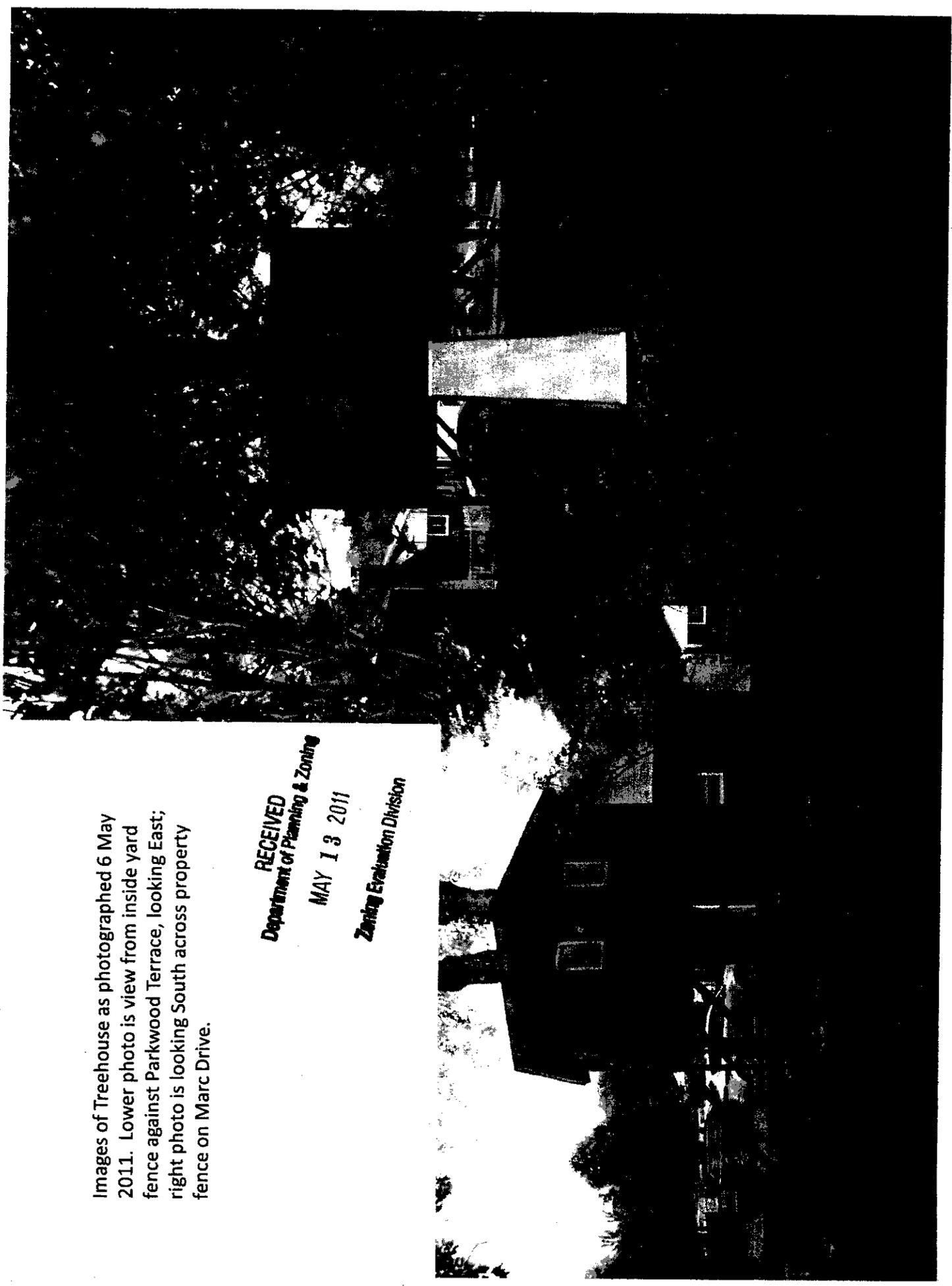
CHK: M.K.S.

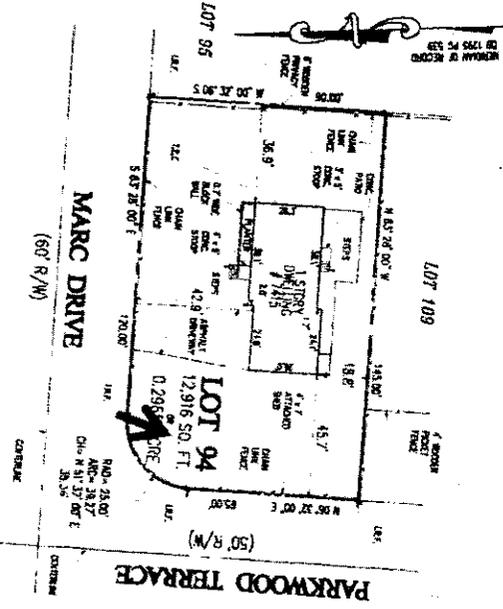
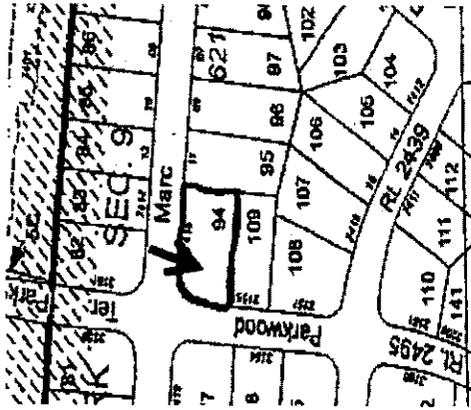
NO TITLE REPORT FURNISHED

SCALE= 1"= 30'

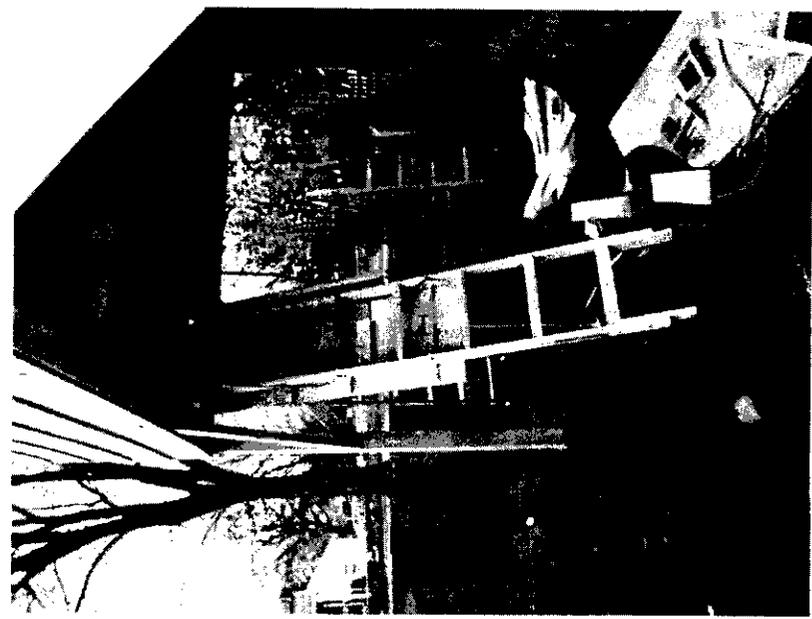
Images of Treehouse as photographed 6 May 2011. Lower photo is view from inside yard fence against Parkwood Terrace, looking East; right photo is looking South across property fence on Marc Drive.

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Department of Planning & Zoning
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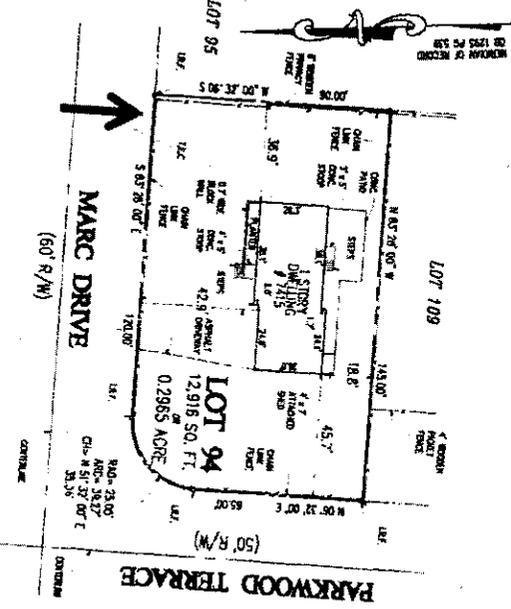
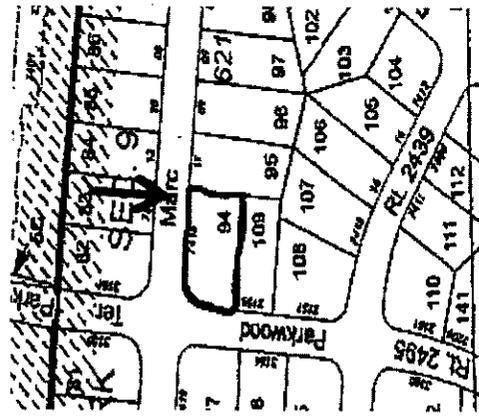


View of yard looking South, from Northeast corner of treehouse, shortly after installation of the pre-fabricated attic pull-down access door. Deducting for the tree trunk, access door, and protective banister surrounding the door access, net square footage of the treehouse is about 58 square feet. Applicant's oldest son, Eric (10) included in photo for scale.



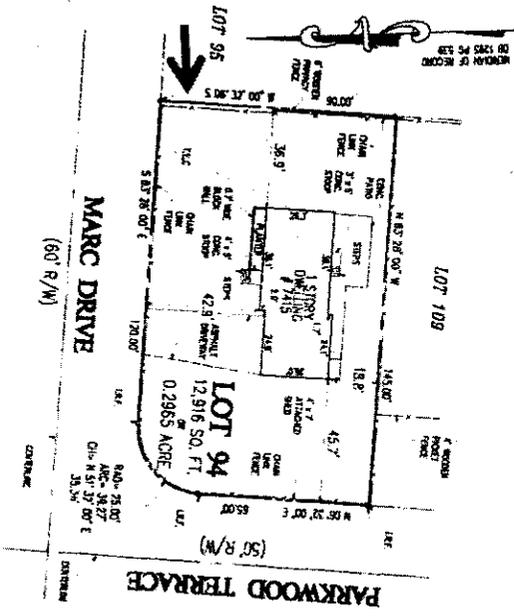
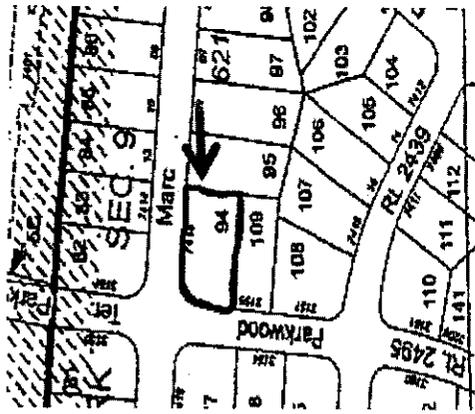
Fairfax County Board of Zoning Appeals Variance Special Permit Application
 7415 Marc Drive, Falls Church, VA (Treehouse/Child's Playhouse). Photo taken April 2011 by Applicant.

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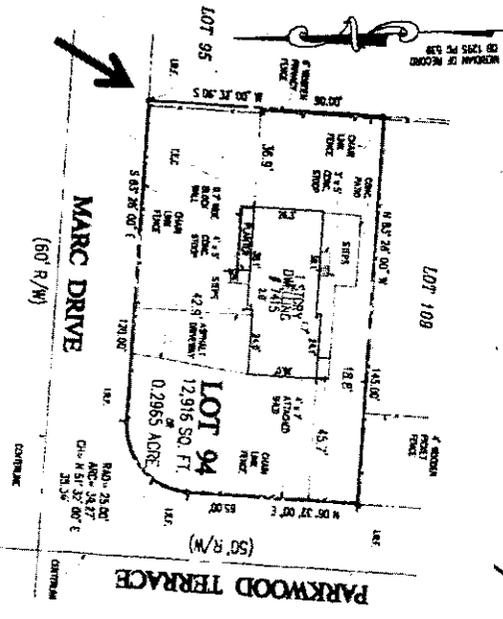
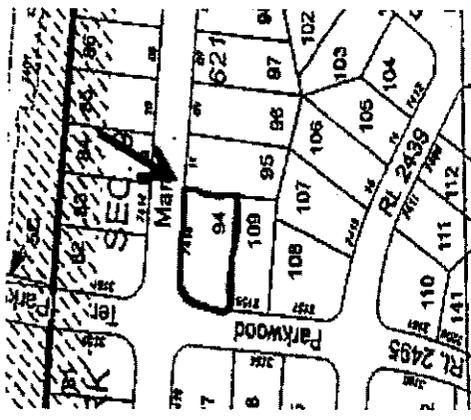


View looking South from Marc Drive onto east yard of property. Eastern boundary of property (left in photo) is marked by a 3-foot tall chain link fence, which becomes a 6-foot tall wooden picket fence further back in the property. The two wooden sheds, center of photo in the distance, are on the neighboring property to the south, as are each of the hardwood trees at the center of the photo.

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View east to west across from yard; Marc Drive is on the right in the photo, and the Treehouse is in the background, behind the Redspine Pear tree, center of photo. The top of the chainlink fence, barely visible at the bottom of the photo, separates the adjoining property on Marc Drive to the east. Photo shows the front yard, as understood to be the only front yard on the property; none of the trees in this yard are suitable for a treehouse, and such a treehouse would appear out of sorts between the home and Marc Drive.

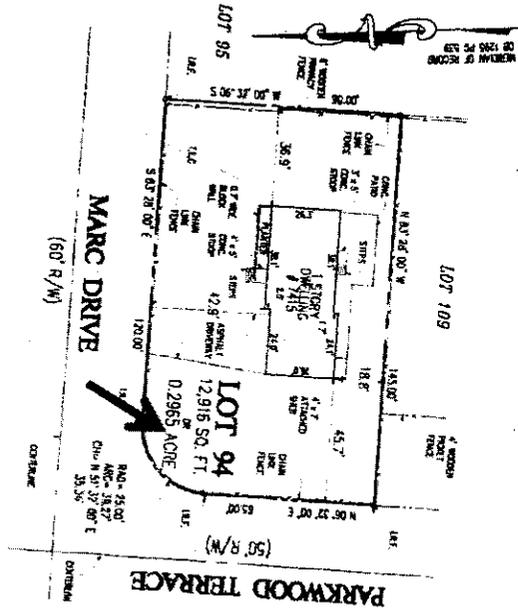
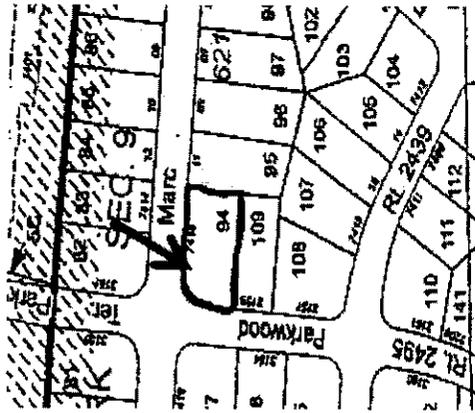


View looking South-Southwest from Marc Drive onto Northeast corner of property. East chainlink fence marks (left of the Rose of Sharon bush) marks eastern property boundary; no trees from this vantage suitable for the treehouse.

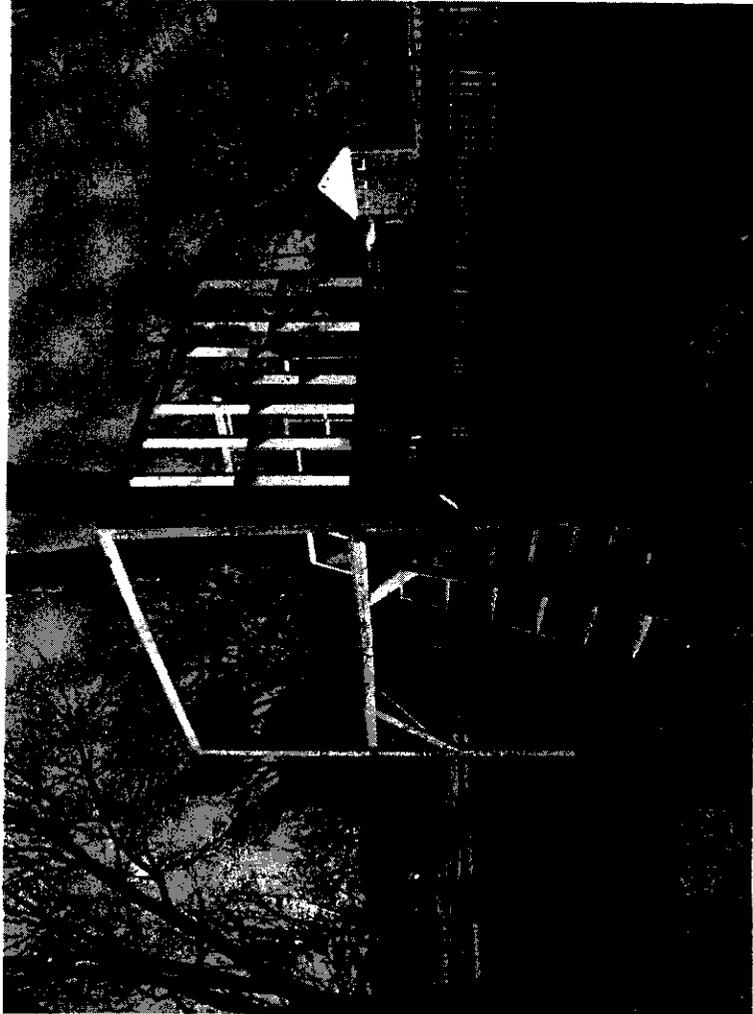


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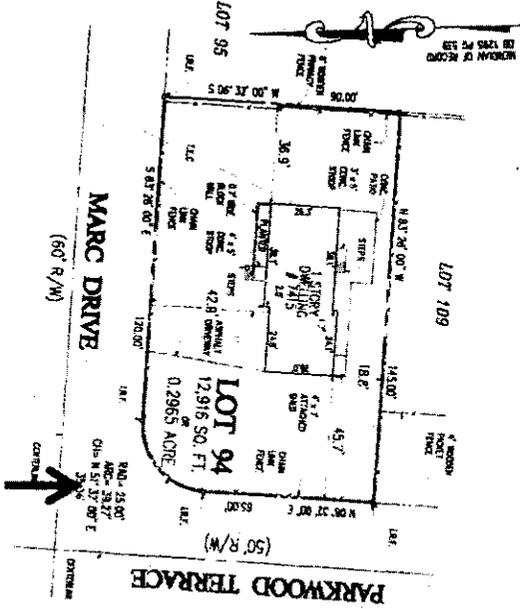
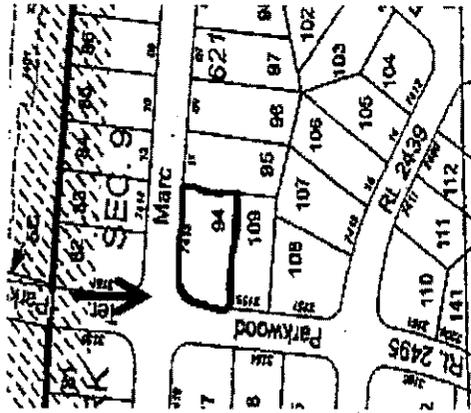
Fairfax County Board of Zoning Appeals Variance Special Permit Application
 7415 Marc Drive, Falls Church, VA (Treehouse/Child's Playhouse). Photo taken June 2010, courtesy of Google Maps.



View looking South-Southwest from residential driveway, just a few feet off Marc Drive, across West yard, shortly after the first few timbers of the treehouse were erected. The size or locations of each of the other trees in the lot show each to be unsuitable for a treehouse. Applicant's youngest son, Sean (8 years old) included in photo for scale.



Fairfax County Board of Zoning Appeals Variance Special Permit Application
 7415 Marc Drive, Falls Church, VA (Treehouse/Child's Playhouse). Photo taken March 2011 by Applicant.

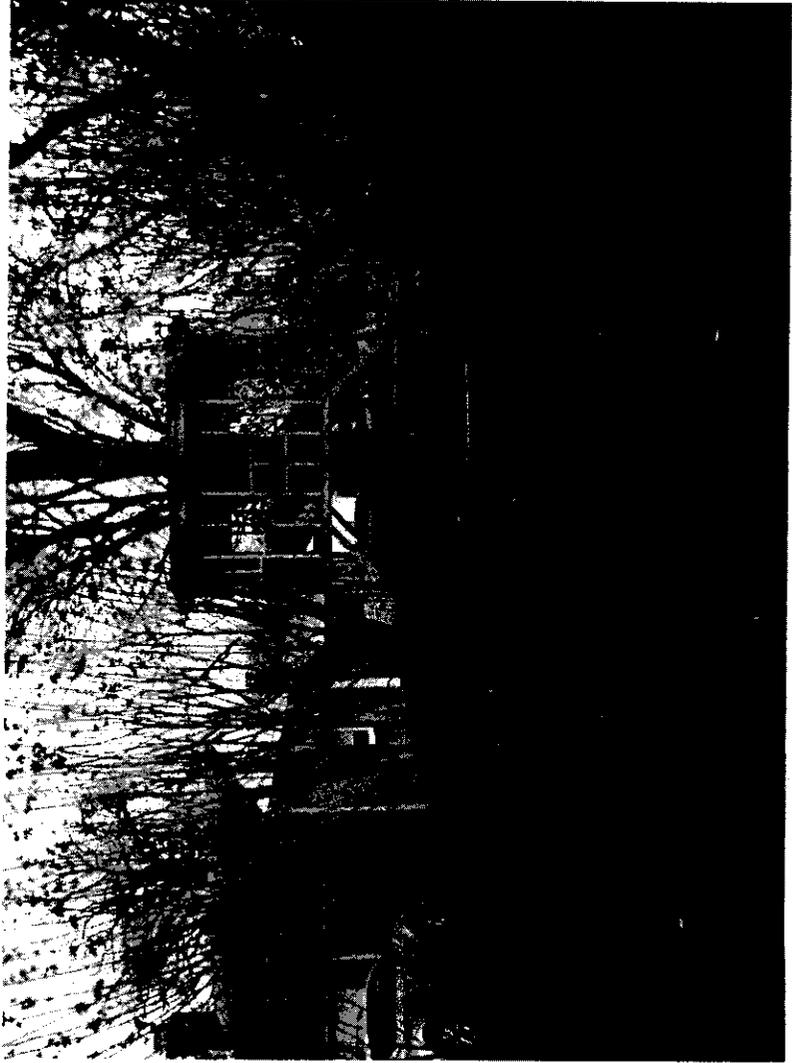
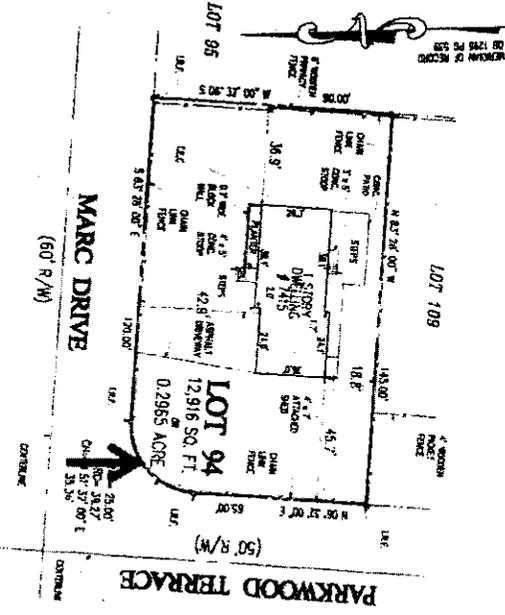
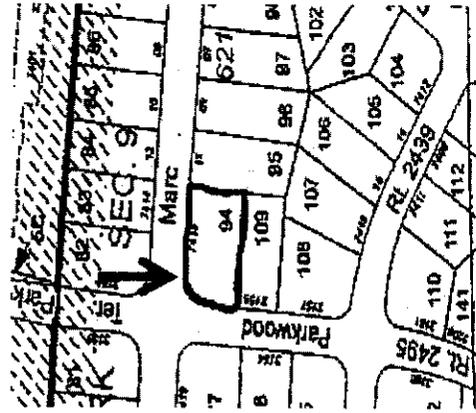


View looking South-Southeast from northeast corner of Parkwood Terrace and Marc Drive. The photo shows no other suitable trees in which to safely build a treehouse on the property; and that the location selected does not pose an obstruction hazard to vehicles negotiating the corner turn between Marc Drive and Parkwood Terrace. Photo taken before trees foliated in Spring.



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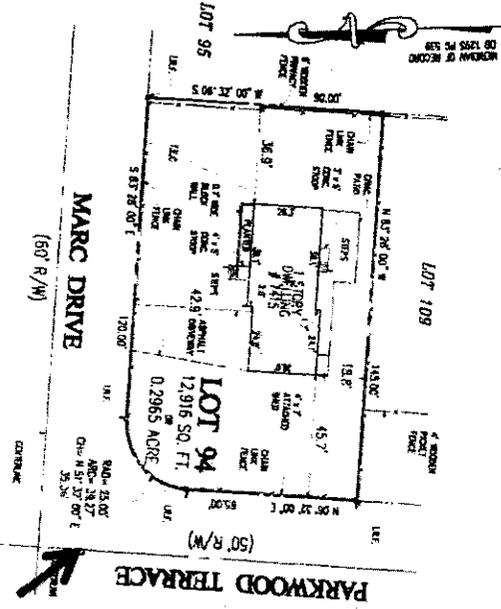
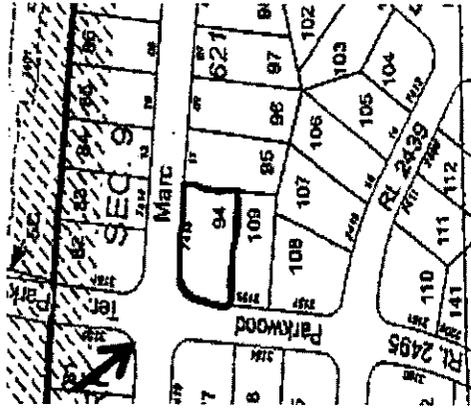
Fairfax County Board of Zoning Appeals Variance Special Permit Application
 7415 Marc Drive, Falls Church, VA (Treehouse/Child's Playhouse). Photo taken April 2011 by Applicant.



Closer view of property, standing outside north fence at Northwest corner of property, looking south across the west yard. The two large Maple trees on the property are in alignment – the more distant of the two overhangs the neighbor's proeperty and driveway. Although denuded, the shrubery in the foreground, and Dogwood (right in the photo) provide a certain concealment of the treehouse from the street.

Fairfax County Board of Zoning Appeals Variance Special Permit Application
 7415 Marc Drive, Falls Church, VA (Treehouse/Child's Playhouse). Photo taken April 2011 by Applicant.

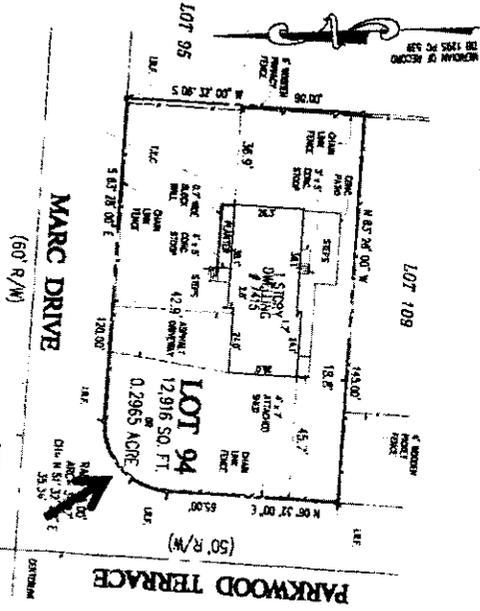
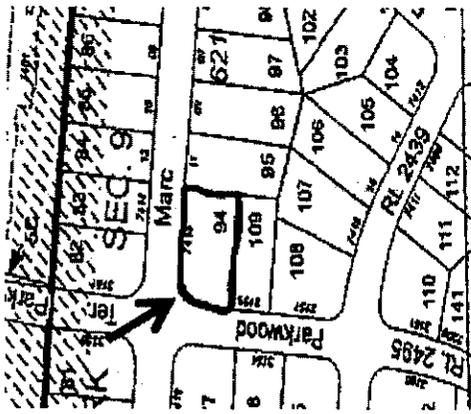
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View of property taken from Northwest corner of Parkwood Terrace and Marc Drive. The large Maple in the center-right of the photo dwarfs the much smaller Peach, Apple, and Apricot trees which are closer to the fence line -- none of which are suitable for a treehouse. The Loblolly Pine tree, left-center of photo, is too close to the north fence of the property, and would impede the driveway.

Fairfax County Board of Zoning Appeals Variance Special Permit Application
 7415 Marc Drive, Falls Church, VA (Treehouse/Child's Playhouse). Photo taken April 2011 by Applicant.

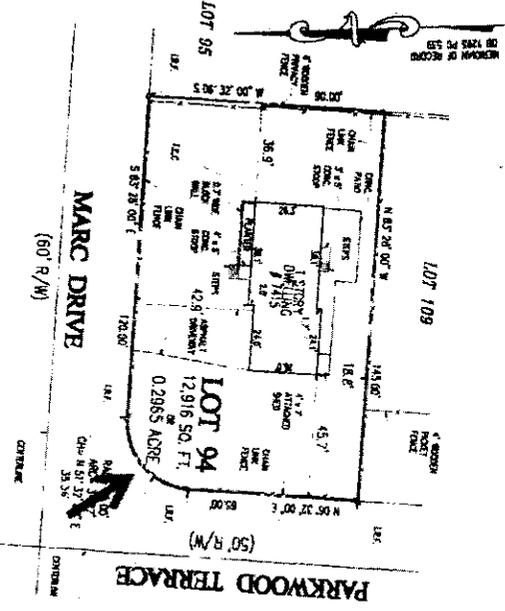
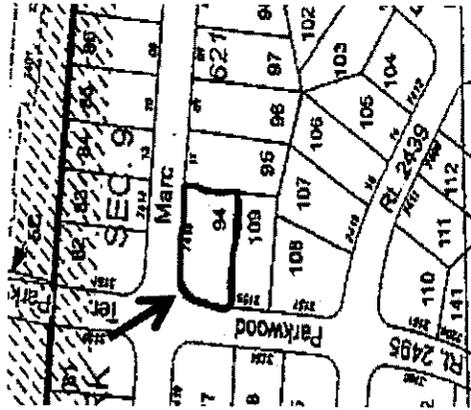
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View looking South-Southeast from corner of Marc Drive and Parkwood Terrace onto Northwest corner of property. Large maple just right of center in photo, behind and to the right of the dogwood in the foreground, is the location of the treehouse, prior to installation. This tree is the only suitable tree on the property for a treehouse.

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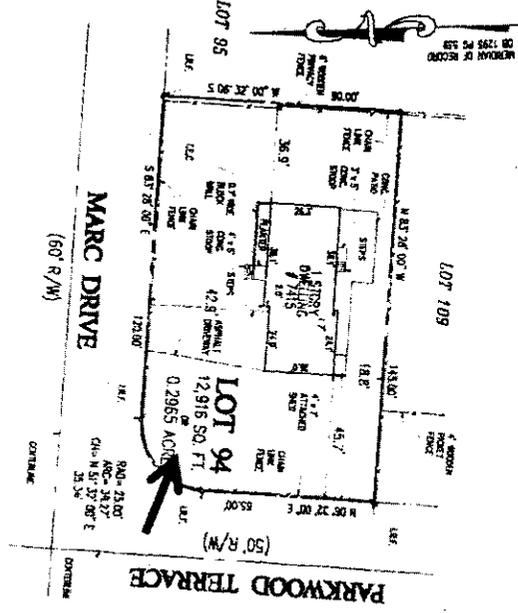
Fairfax County Board of Zoning Appeals Variance Special Permit Application
 7415 Marc Drive, Falls Church, VA (Treehouse/Child's Playhouse). Photo taken June 2010, courtesy of Google Maps.



Same view as previous slide, before Spring foliage. Nearly 70 percent of total yard space of lot is viewable, showing Maple selected is only suitable location for a treehouse. View looking South-Southeast from corner of Marc Drive and Parkwood Terrace onto Northwest corner of property.

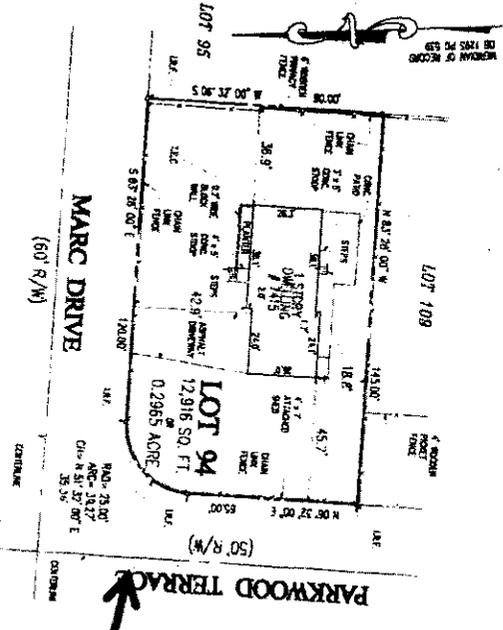
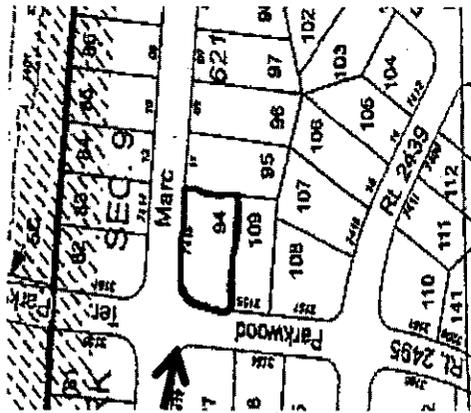
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 Zoning Evaluation Division 9

Fairfax County Board of Zoning Appeals Variance Special Permit Application
 7415 Marc Drive, Falls Church, VA (Treehouse/Child's Playhouse). Photo taken April 2011 by Applicant.



Evidencing quality of construction, and consistency of colors/themes with those of the surrounding buildings. This view is taken immediately after the roof was finished, looking down to the East Southeast from the west side of the treehouse roof.

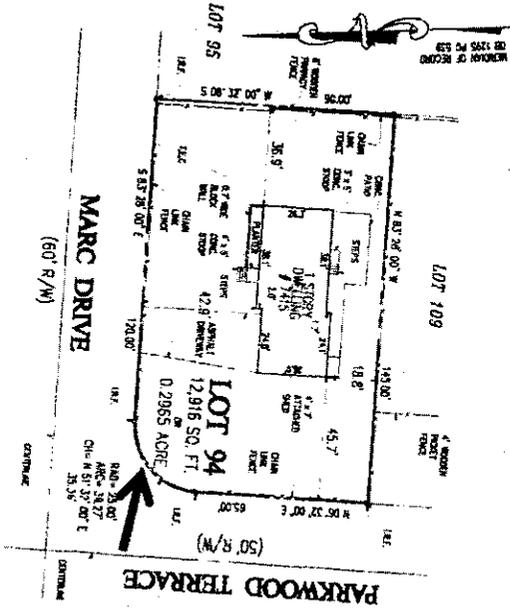
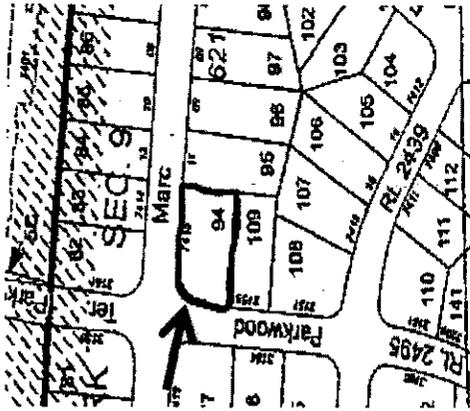
The County arborist would be pleased in that no structure was affixed to the tree itself, and that there is room between the tree and the structure for flexibility and growth; and that the roof and floor structural components immediately surrounding the tree are each easily detached and moved outward.



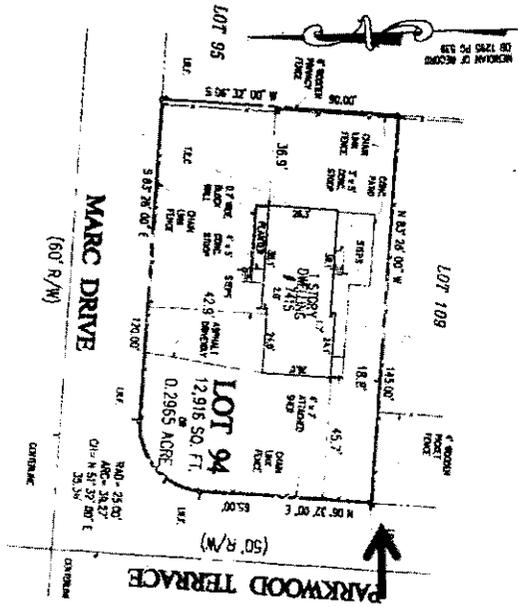
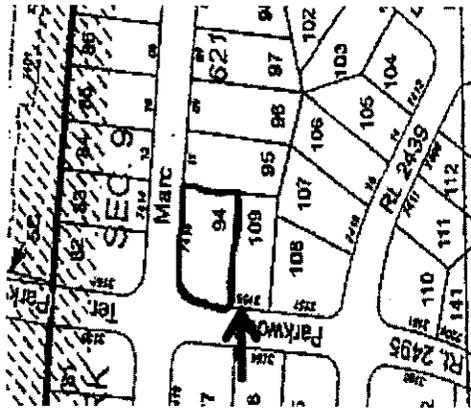
View looking East across front yard from west to east, standing on Southeast corner of Parkwood Terrace and Marc Drive, looking onto Northwest corner of property. Large maple just right of center in photo is the location of the treehouse, shortly after the roof was completed. Dogwood in foreground, Redspine Pears, and Peach trees (other trees, left-to-right in photo) are each too small to accommodate the treehouse.

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 MAY 13 2011
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Fairfax County Board of Zoning Appeals Variance Special Permit Application
 7415 Marc Drive, Falls Church, VA (Treehouse/Child's Playhouse). Photo taken April 2011 by Applicant.



Same view as previous photo – this one showing full foliage of yard. View looking East across front yard from west to east, standing on Parkwood Terrace, onto Northwest corner of property. Large maple just right of center in photo is the location of the treehouse, prior to installation. Dogwood in foreground, Redspine Pears, and Peach trees (other trees, left-to-right in photo) are each too small to accommodate the treehouse.

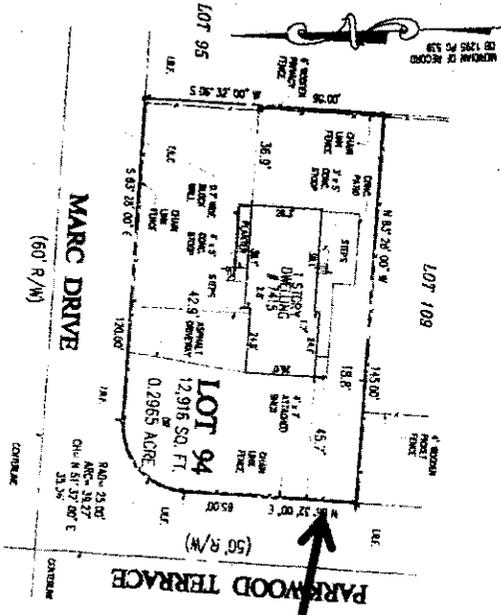
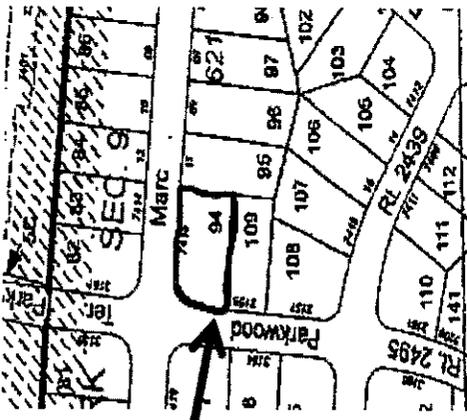


View looking East across back yard (silver chain link fence and left in photo) from west to east, standing on Parkwood Terrace. Large maple just north of fence line is the second largest Maple tree on the property, but is unsuitable due to overhang of neighbor's driveway, and proximity to property line. Seven-foot-tall wooden fence (above minivan in photo) marks the east property boundary; no other trees in these yards are suitable for a treehouse.

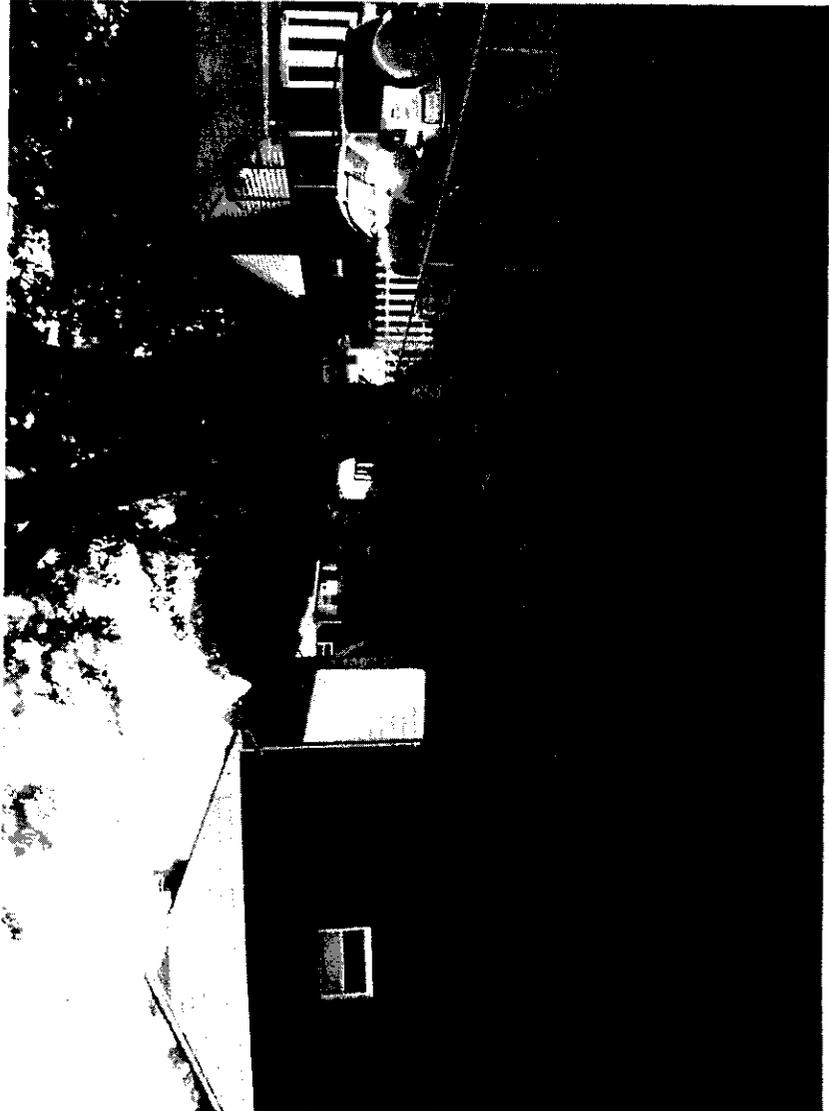


Fairfax County Board of Zoning Appeals Variance Special Permit Application
 7415 Marc Drive, Falls Church, VA (Treehouse/Child's Playhouse). Photo taken June 2010, courtesy of Google Maps.

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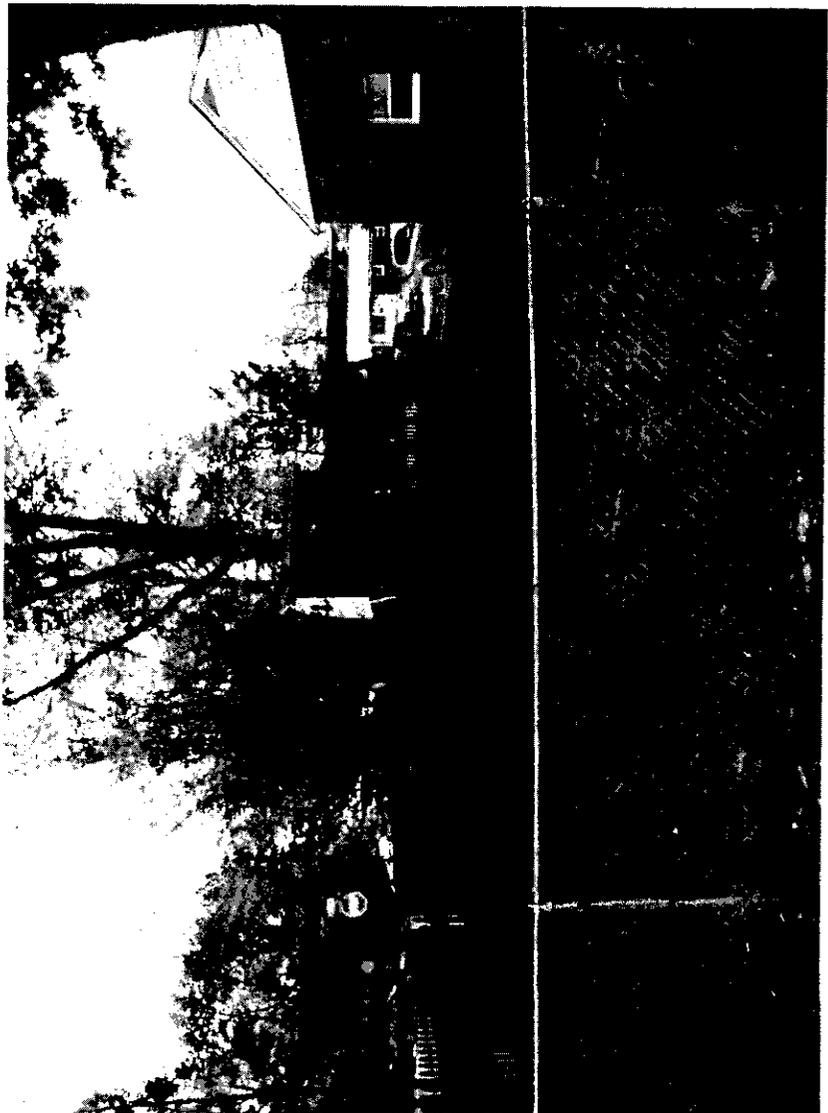
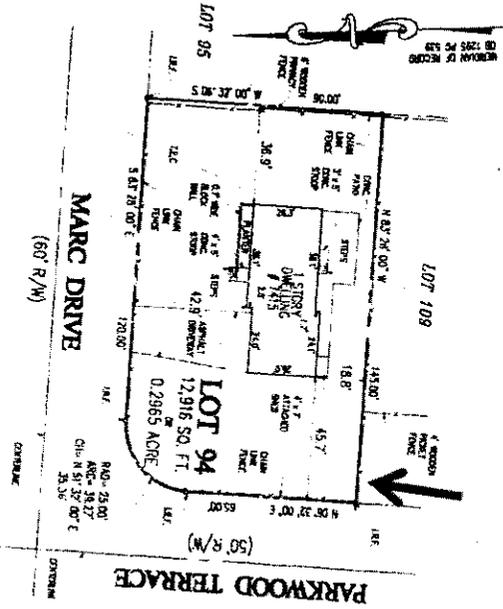
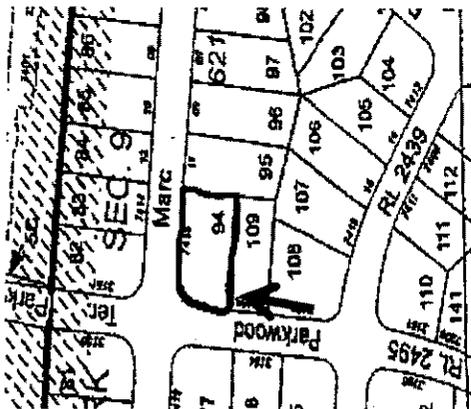


View looking East across back yard (silver chain link fence right in photo abuts neighbor's property on Parkwood Terrace) Large maple just north of the property, but second large Maple tree on the property, but is unsuitable due to overhang of neighbor's driveway, and proximity to property line.



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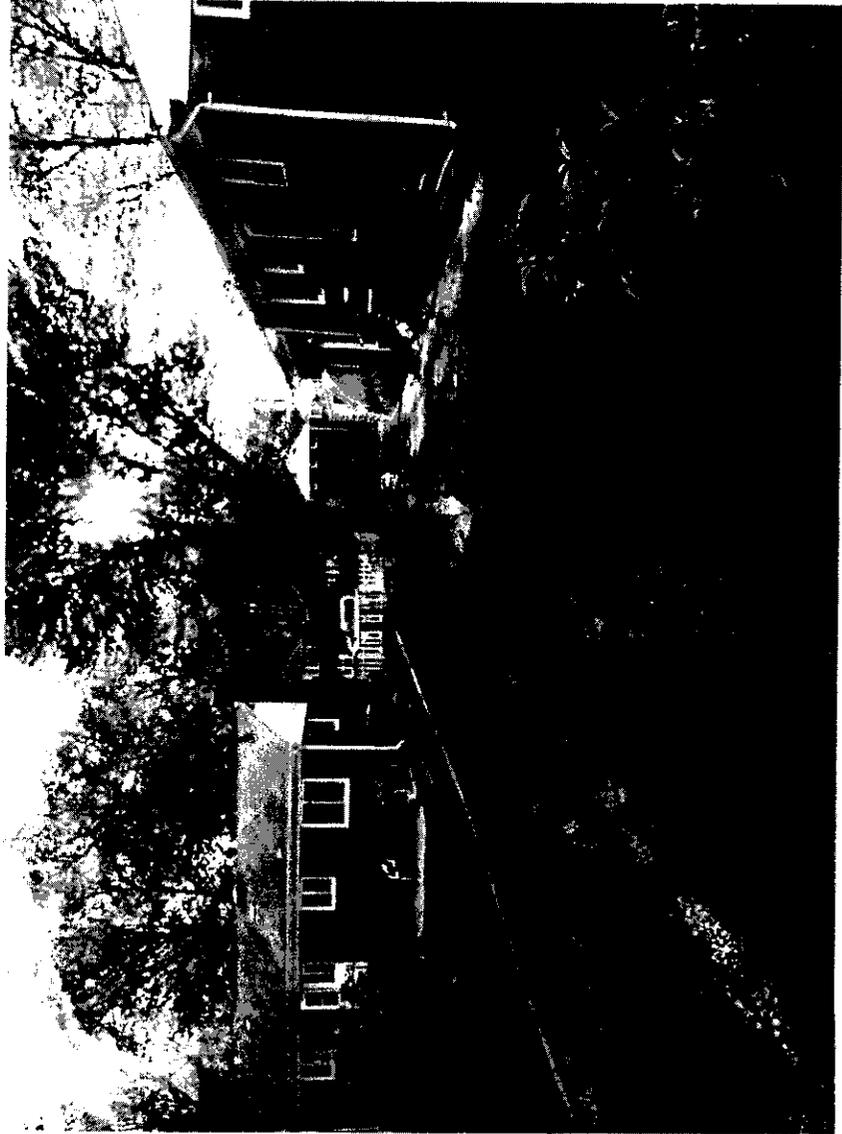
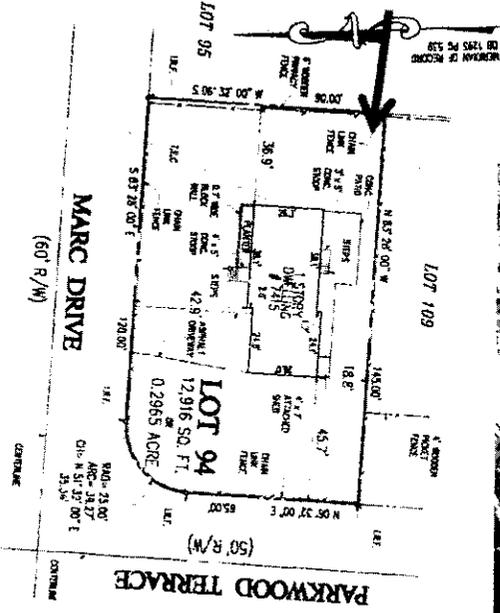
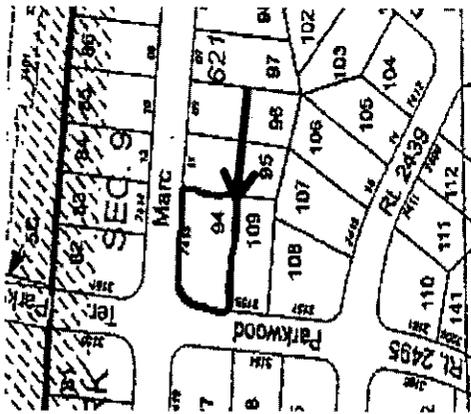
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View looking North across west yard (silver chain link fence in the foreground) adjoins neighboring property to south on Parkwood Terrace. Second large maple on property overhangs south property fence line and neighbor's driveway.

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 MAY 13 2011
 Zoning Evaluation Division
 15

Fairfax County Board of Zoning Appeals Variance Special Permit Application
 7415 Marc Drive, Falls Church, VA (Treehouse/Child's Playhouse). Photo taken April 2011 by Applicant.



View looking across back yard, from east to west, across south end of property. Chain link fence on left of photo abuts neighbor's property on Parkway Terrace; Large Maple in center of photo is that at the sound end of the west yard of property – overhangs the neighboring Parkway Terrace property, making it unsuitable and impractical for a treehouse.

Fairfax County Board of Zoning Appeals Variance Special Permit Application
 7415 Marc Drive, Falls Church, VA (Treehouse/Child's Playhouse). Photo taken April 2011 by Applicant.

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DESCRIPTION OF THE APPLICATION

The applicant is requesting a variance to permit an existing accessory structure, depicted on the plat as a 10.3 foot x 10.5 foot, 14 foot tall tree house to remain in a front yard of a lot containing 36,000 square feet or less. Section 10-104, Par. 12-C, of the Zoning Ordinance states that no accessory structure or use, except a statue, basketball standard or flagpole, shall be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less.

EXISTING SITE DESCRIPTION

The corner lot is currently zoned R-4, and contains a one-story brick, with cellar, single-family detached dwelling built in 1955. The lot has frontage on both Parkwood Terrace and Marc Drive and is accessed via an asphalt driveway from Marc Drive which terminates at an existing two car garage. The lot consists of 12,916 square feet and the yard is well manicured with mature trees and shrubs. A combination of wood privacy, chain link, and picket fencing surrounds the entire lot along all lot lines. The front door of the dwelling faces Marc Drive and the tree house is located over 18 feet from Parkwood Terrace and 28 feet from Marc Drive.

CHARACTER OF THE AREA

	Zoning	Use
North	R-4	Single family detached dwellings
South	R-4	Single family detached dwellings
East	R-4	Single family detached dwellings
West	R-4	Single family detached dwellings

BACKGROUND

On April 11, 2011, the applicant was issued a Notice of Violation (NOV) for the presence of a tree house in the front yard of property which is less than 36,000 square feet in size. A copy of the NOV is attached as Appendix 4.

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

VARIANCE PLAT (Copy at front of staff report)

- **Title of Plat:** Variance Plat, Lot 94, Section Nine, Broyhill Park
- **Prepared by:** B.W. Smith and Associates, Inc.
- **Dated:** April 18, 2011

ZONING ORDINANCE REQUIREMENTS

This variance application must satisfy all of the nine (9) enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance, which would afford relief as set forth in Sect. 18-405. A copy of these provisions is included as Appendix 5.

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.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification and Attachments
4. Notice of Violation
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

VC 2011-MA-007

September 14, 2011

1. This variance is approved for the size and location of an accessory structure, "Tree House", as shown on the plat prepared by B.W. Smith and Associates, Inc., dated April 18, 2011, as submitted with this application and is not transferable to other land.

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

Application No.(s): VC 2011-MA-007
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 26 April 2011
(enter date affidavit is notarized)

I, Mark W. Grapin, 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 111998

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)
Mark W. Grapin	7415 Marc Drive, Falls Church, VA 22042-3611	Applicant/Title Owner
Brinda S. Grapin	7415 Marc Drive, Falls Church, VA 22042-3611	Applicant/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): VC 2011-MA-007
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 26 April 2011
(enter date affidavit is notarized)

111998

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)

Not applicable.

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

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

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

Application No.(s): VC 2011-MA-007
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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(enter date affidavit is notarized)

111998

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)

Not applicable.

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

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

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

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

Application No.(s):

VC 2011-MA-007

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 26 April 2011

(enter date affidavit is notarized)

111998

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

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

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

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

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

None.

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

Application No(s): VC 2011-MA-007
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 26 April 2011
(enter date affidavit is notarized)

111998

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

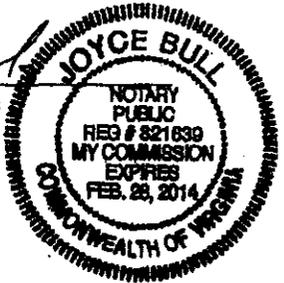
Mark W. Grapin

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

Subscribed and sworn to before me this 26 day of April, 2011, in the State/Comm. of Arlington, County/City of Charlottesville

My commission expires: 28 Feb 2014

Joyce Bull
Notary Public



MARK W. GRAPIN
7415 MARC DRIVE
FALLS CHURCH, VA 22042-3611

RECEIVED
Department of Planning & Zoning
MAY 13 2011
Zoning Evaluation Division

Zoning Evaluation Division
Fairfax Department of Planning and Zoning
12055 Government Center Parkway, Ste 801
Fairfax, VA 22035

SUBJECT: Written Statement of Justification addressing how application complies with all Nine required standards for the variance as set forth in Section 18-404 of the Zoning Ordinance, County of Fairfax, Virginia; Item 5 in the Special Permit of Variance for Treehouse/Child's Playhouse, 7415 Marc Drive, Falls Church, Fairfax County, VA 22042-3611

Dear Sirs:

28 April 2011

The applicants respectfully request favorable consideration for a variance to allow an existing accessory Child's Playhouse structure (Treehouse) to remain at its present location in the perceived front yard of the property.

Background: The applicants (Mark W. and Brinda S. Grapin) wished to build a Treehouse for their sons as a safe place for them to play on their home property. They were told by the Fairfax County office administering *building* permits that no such permit was required for a Treehouse, prior to the undertaking of any such building; and unwittingly violated the applicable *zoning* ordinances of the County (not knowing these were two separate processes, controlled by two separate agencies of the same County Government). They were notified of the violation by written correspondence on 11 April 2011 (case number 201101564, SR number 69720), following a citizen complaint. With a non-existent back yard, and only one suitable tree (a mature Maple) in any of the remaining three yards, the Grapins selected this tree on the northwest corner of their property. Also unknown until the application process, such homes on a corner lot are viewed as having two front yards. The yard in which the Treehouse was erected was always viewed by the applicants (and their Real Estate Agent) as the "West yard", since it adjoins the west side of the house, on Parkwood Terrace -- a residential side street; and the "front yard" was always viewed as that between the north side of the house and Marc Drive -- the main residential street, and address -- for the home. By code, they have, in fact, two front yards, with scant rear yard; therefore, any accessory structure located on the west side of the attached garage, on the west yard of the property, is in violation of zoning requirements Section 10-104 (12C), Accessory Structure in the Front Yard.

The 57 year-old home is located at 7415 Marc Drive, Falls Church, Fairfax County, Virginia, in the Broyhill Park neighborhood (10-104-6). The home was purchased, in part, because of its enclosed yard, and child-friendly neighborhood.

The applicants respectfully request a variance be granted to allow the existing Child's Playhouse/Treehouse to remain in place. Evidence as to how the request for variance meets the nine Zoning Ordinance Standards for a Variance (effective date 14 August 1978) is as follows:

-- Continued --

1. That the subject property was acquired in good faith.

- The Grapins' move to Northern Virginia from Utah in 2000 – for military assignment at the National Guard Bureau in Arlington, Virginia – was followed after the birth of their oldest son, Eric, to the home on Marc Drive in 2001. The search for the home started with a search for good schools in the greater DC area, then focused on a suitable home for children – namely, a yard in which to play, and a one- or two-story structure, in a safe neighborhood.
- Although the Marc Drive property had a scant back yard, it had a suitable front yard and two side yards. No representation in the purchase process identified multiple front yards – by label or practical application – for this corner lot. The original chain link fence was among the first improvements planned by the Grapins – improving not only the closeability of the gates, but making it more aesthetically pleasing and consistent with the neighborhood.

2. That the subject property has at least one of the following characteristics: A, D, and F.

A. Exceptional narrowness at the time of the effective date of the Ordinance (14 August 1978). The back yard of the property – that adjacent to the property immediately to the south of the home – is little more than a two-mower wide grass strip between the property fence and the edge of the asphalt patio. There are no trees in this strip, and the residual ground slopes downward toward the neighboring fence.

D. Exceptional shape at the time of the effective date of the Ordinance. Being a corner lot, the Fairfax County ordinances define both the west and north yards of the home as “front yards”. No suitable trees exist in the north (front) yard, and any such placement of a Treehouse would likely appear out of sorts with the neighborhood; the east (side) yard is mostly grass, and the trees therein are often confused with shrubbery. The west (front) yard is the primary playground for the Grapins' two sons – now 8 and 10, with mild slope drainage, shrubbery against the north fence for some degree of privacy and concealment, and two mature Maples (each several feet around).

F. An extraordinary situation or condition of the subject property.

(1) Condition: As mentioned above, these two Maples are rare in the neighborhood, due to their maturity and their location in the center of the yard (most other such mature trees are either close to a property fence, or planted in the grass strip between the sidewalk and curb of the property). These trees are healthy, and are regularly maintained by a professional tree service (major pruning each five years).

(2) Situation: This Treehouse provides a safe environment in which to play for two young boys. It is aesthetically pleasing to fellow residents and passers-by as evidenced by the scores of signatures from neighbors and frequent visitors to the neighborhood as included as Item 9 of this application).

3. That the condition or situation of the subject property or intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.

- Because of the duality of the front yards on this property, and the huge influx of new residents across this neighborhood, the applicants would be among the first to argue against a change to the zoning ordinance – now that they have been made aware of it. This ordinance is substantially broad in its reach, and serves to prohibit those activities which may be seen as otherwise inconsistent with the surrounding neighborhood.

- It is interesting to note that during the construction of the Treehouse, no two hours in a row would pass without some comment or question asked of a passer-by. Many of these people would park their cars, and ask how much the applicant would charge for building one for their children, in their yards – reflective of a bygone era when Treehouses were the norm. While this applicant expects no flood of such variance applications, it is reasonable to expect that this Treehouse, on this property, and visible to those who walk, bicycle or drive by, is seen as deepening the neighborhood appeal of Broyhill Park.

- It is also worth advocating that some seriousness of the applicants must include a commitment to the safety of their children, and the structures built for them. While there was cause for pause in the application process – from purchasing redrawn plats at the cost of nearly a thousand dollars, to the doubling of that investment in the application fee alone – and those expenses are before the first dime is spent at Home Depot for a screw or plank. This applicant has opted against the inclusion of electrical fixtures, but the inclusion of a fire detector and smoke alarm in the Treehouse, out of concern for the safety of the children who will play there. Good taste is difficult to regulate, and this applicant would be hard pressed to better articulate the need for it than in our current suite of ordinances.

4. The strict application of this Ordinance would produce undue hardship.

- While the applicant has invested *more than twice again* the zoning variance application fee alone in lumber and hardware – and those thousands of dollars lost for no net gain would be a difficult fiscal pill to swallow, the larger toll would be taken in the civics lessons opportunities lost. The applicants' sons each were witness to the notification of the violation by the County Zoning Enforcement office, and the downstream actions; they were witness to the composition of this application, the collection of petition signatures in Item 9 of this application; and the sharing of these lessons with their schoolmates, and fellow Cub Scouts. While most parents in the financial position of the applicant would gladly write a check to make a problem evaporate, the larger value of the process is seen through the young eyes of those watching the process that *we can't know of every law, but are bound by them*; and that following the prescriptive answers for violating the law can *yield the right solutions*.

- And, while it would certainly be a financial loss to the application to realize a denial of this application, the larger loss would undoubtedly be in how the order to tear the Treehouse down would be perceived by the applicants' sons. The applicants would advocate that more young taxpayers, understanding the value of our codes, laws and ordinances, and living as willing participants in each of those processes of our infrastructure, would be a desirable byproduct of this application process. A benefit that really requires no amplification, of course, is the value these boys have learned in enjoying the use of their imaginations in building the Treehouse from scratch, and taking direct part as each plank, beam and stud was installed.

5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.

- To the point, the hardship lies in an otherwise lack of safe place to play outdoors for the applicants' sons – out of sight of those who may wish harm to the boys, even from the other side of the property fence, or within earshot of a summons for lunch or dinner. There are no other suitable trees on the property in which to build a Treehouse – either in physical location on the lot, or of sufficient size to practically sustain the structure.

- In a pure numerical count, the vast majority of homes in the Broyhill Park neighborhood enjoy substantial back yards – many of which evidence suitable trees in which to build a Treehouse. Fewer homes still are corner lots with two front yards, and fewer still of those have no such suitable trees in their remaining yards.

- While there is no *requirement* to build a Child's Playhouse – let alone one lofted among the branches of a tree, such corner lot homes in Broyhill Park with young children in the home – are by any measure, rare. It is reasonable to expect that of that tally, the number in which a father resides who is willing to make the fiscal and calendar investment necessary to erect such a Treehouse can be counted on less than a single hand. Without implying melodrama, had the applicants understood these challenges of dual front yards, and its potential impact in violating zoning ordinances, they likely would have kept looking for a new home on a more suitable lot in 2001.

6A and 6B. That the strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property; or the granting of a variance will alleviate a clearly demonstrable hardship as distinguished from the special privilege or convenience sought by the applicant.

- The failure of the applicants to receive the variance would compel the dismantling of the Treehouse, and what *that* represents: Youth, respect for community and consistency with the neighborhood, and the love of the parents who would swing the hammer and paintbrush, and tender the associated costs. Rather than being relegated to playing video games, the applicants want more for their children – not so much more that it is inconsistent with the neighborhood and neighboring properties; but more of the “*go play outside*” memories of the last generation and the generations before that. True, there are County and City parks within easy driving distance, but these are not within the property fence of the residence, and a watchful parental eye.

- Perhaps more consistent with 6B, the applicants wish to represent to the Board the potential hardship of having to tear down the Treehouse, and weather the disappointment of two boys as a result. Very few adults may reasonably be expected to climb the stairs of the Treehouse, sing songs or daydream inside it, swing on a rope from the attached yardarm, or wave to passers-by from its windows. And, aside from periodic visits for maintenance or touch-ups, the applicants themselves likely will not spend much time in the Treehouse. Aside from the financial loss of having built the Treehouse, and having applied for a then-denied application, the hardship in denial will be exclusive to the disappointment of the applicants' sons.

7. That authorization of the variance will not be of substantial detriment to adjacent property.

- As noted earlier, and in Item 9, dozens of neighbors – and scores more of those who frequent the neighborhood – gladly signed a petition indicating their support of the Treehouse, and had no material objections to it. Great measure was taken in selecting a quality and color of stain that would be not only be consistent with the surrounding property fence and brick tone of the house, even the roof shingles were selected for consistency with the locale in as close to universal earth and arbor tones as possible. Many neighbors have been inspired to spend more time in their own yards, trimming their hedges, pruning back old tree growth, and recoating their driveways. While no specific amount of the effort of improvement of neighboring properties can be seen as directly attributable to the Treehouse, the sense of community and neighborhood has certainly realized an uptick. People tend to slow down on Marc Drive – and pause on Parkwood Terrace – to have a look at the Treehouse; and very few are seen walking or driving by without at least a smile at the thought of what such children's playhouses represent to a neighborhood.

- During the applicants' informal conversations with real estate agents and those who estimate the market value of homes, none have indicated that this particular Treehouse would in any way adversely affect the value of adjacent homes, nor detract in any manner from any of the adjacent properties.

8. That the character of the zoning district will not be changed by the granting of the variance.

- In an extension to point 7 above, the home on 7415 Marc Drive is less than two blocks from Falls Church High School. By the time children begin attendance at their finishing school, most have outgrown the desire to spend time in a Treehouse. But for the buses of children who daily embark and disembark their yellow conveyance to their elementary and junior high schools, many have indicated an excitement by seeing it built, and hoping for one of their own.

- It merits repeating that no real estate agent consulted by the applicant has indicated the slightest potential of detriment to the character of the zoning district in the granting of this variance – and that the only potential would be one of an upside in such values, provided the Treehouse remains in good repair. To that end, the applicant does, in fact, represent full intent to maintain such repairs of the Treehouse and adjoining home.

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

- This, and the previous two questions, deal with the enlargement of scope of concern, in whether the granting of the variance will adversely impact the County or its components. This variance will be in harmony with the intended spirit and purposes of this Ordinance, in that no unfairness is claimed in the Ordinance. The County fathers could not have foreseen every uniqueness of every residence in every neighborhood for such circumstances of two front yards on a corner lot, and the desire of a homeowner to tastefully fulfill a promise for a Treehouse, while remaining consistent with the intent of the fabric and feel of the neighborhood.

- Beyond being *not* contrary to the public interest, this variance would be *wholly consistent with* the public interest, and living to the spirit of Fairfax County as home. There is no gain being sought by the applicants for commercial benefit, no desire to seek property value enhancement, and clearly no desire to adversely impact the property values of the surrounding properties nor community as a whole. Although those who would object to this variance are welcome to express their concerns in a public hearing, none have identified themselves – or their objections – to the applicants. These objections would undoubtedly have affected the original plans for the Treehouse, or caused it to be amended in some fashion during the construction to sell into such objections. To that end, the Board has the deep appreciation of the applicants in considering this variance, and its potential positive impact on the applicants' home, their neighborhood, and our County.

Questions regarding this statement may be directed to the undersigned at 703 204-1110, 703 307-8725, or mark.grapin@us.army.mil.

Sincerely,



PLEASE SIGN OUR PETITION AND SAVE OUR TREEHOUSE!

Eric (10), left, and Sean (8) right – are both members of Cub Scout Pack 675 at Westlawn Elementary. Photo taken after each took first place for their Dens at the Pack's Pinewood Derby.



We're Eric and Sean Grapin, and we live at 7415 Marc Drive. Before our dad left on his last deployment with the Army to Operation Iraqi Freedom, he promised to build us a treehouse. Before he heads off for his next deployment, he wanted to keep his promise.

BUT!... We had no idea that we had TWO front yards – we thought the treehouse was being built in our SIDE yard. Dad is putting together a Variance Request to present to the Fairfax County Board of Zoning Appeals, and we wanted to help him with a petition (it's not a required part of the request, but we're told it will help).

Although these requests are expensive (\$885 application fee), and also require an Engineering Plat (another \$975), we're not asking for any money – only your signature on our petition. The lemonade is our gift to you for stopping and helping with our petition!

Thanks!

Eric and Sean

RECEIVED
Department of Planning & Zoning
MAY 19 2011
Zoning Evaluation Division

PETITION ATTACHMENT FOR SPECIAL PERMIT APPLICATION TO THE
 COUNTY OF FAIRFAX, VIRGINIA BOARD OF ZONING APPEALS

AS A MEMBER, OR FREQUENT VISITOR, OF THE BROYHILL PARK COMMUNITY OF FALLS CHURCH, VIRGINIA, EACH OF THE UNDERSIGNED AFFIRM HAVING SEEN THE TREEHOUSE/CHILD'S PLAYHOUSE - OR CLEAR DEPICTION THEREOF IN PHOTOGRAPHS - ERECTED IN THE NORTHWEST CORNER OF THE PROPERTY AT 7415 MARC DRIVE, FALLS CHURCH, FAIRFAX COUNTY, VIRGINIA; AND HAVE NO MATERIAL OR SUBSTANTIVE OBJECTIONS TO THIS TREEHOUSE. I/WE UNDERSTAND THAT THE PURPOSE OF THE STRUCTURE IN ZONING TERMS IS THAT OF A CHILD'S PLAYHOUSE, AND NOT INTENDED TO BE USED FOR ANY OTHER PURPOSE; THAT THERE WILL BE NO (ELECTRICAL OR PLUMBING) UTILITIES SUPPLIED TO THE TREEHOUSE, THAT THE BASIC DIMENSIONS OF THE TREEHOUSE ARE 10' x 10', ABOUT 6-1/2' OFF THE GROUND, AND ABOUT 7' HIGH (ABOUT 13' FROM THE GROUND) AT THE PEAK OF ITS ROOF; THAT THE OUTSIDE WILL BE FINISHED IN A COLOR COMPARABLE TO THE PICKET FENCE SURROUNDING THE PROPERTY; AND THAT THE OWNER HAS PROMISED TO MAINTAIN THE TREEHOUSE IN GOOD REPAIR AND SERVICE.

NAME	ADDRESS	SIGNATURE	PHONE NUMBER	DATE
Samantha Barker	3152 Norfolk Lane	<i>Samantha Barker</i>	(703) 795-4031	4/11/11
ROSCOE EAGLE	7414 MARC DRIVE	<i>Roscoe Eagle</i>	703 573-5464	4/6/11
JATINDER PALSINGH SYAL	7412 MARC DRIVE	<i>Jatinder Pal Singh</i>	703-641-8553	4/11/11
TOM KNOTT	7410 MARC DR.	<i>Tom Knott</i>	703 573 5573	4-11-11
Adela Knott	7410 Marc Dr.	<i>Adela C. Knott</i>	703.573.5573	4-11-11
Kristy Piette	7410 Marc Dr.	<i>Kristy A. Piette</i>	573 501-4830	4/11/11
Erik Linares	7411 Marc Dr.	<i>Erik Linares</i>	703 698-8285	4/14/11
RAJINDER PAL	3157 Parkwood Terrace	<i>Rajinder Pal</i>	(703) 204-3113	4/11/11
Danny Romero	3155 Parkwood Terrace	<i>Danny Romero</i>	(703) 204-4819	4/11/11
JOSEPH W. HOLUS	7410 MARC DR.	<i>Joseph W. Holus</i>	703/992-8707	4-11-11
PATRICIA VAREAS	3151 Parkwood Terrace	<i>Patricia Vareas</i>	703 477 2587	4/11/11

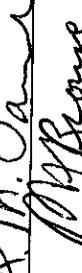
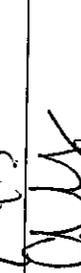
NAME	ADDRESS	SIGNATURE	PHONE NUMBER	DATE
DEAN STOPS	4501 ARLINGTON BLVD, ARLINGTON VA	<i>[Signature]</i>	502-682-8454	12 APR 11
Willis David L	16910 Dove tail ST Fairfax VA	<i>[Signature]</i>	806 255-0769	12 APR 11
JOHN J. BRETT	132 CHERRY AVE, BOUND BROOK, NJ	<i>[Signature]</i>	848-702-2476	12 APR 11
Bucky L. Hensley	7716 MEMORIAL AVE. FAIRFAX COUNTY VA	<i>[Signature]</i>	606-585-3644	12 APR 11
Dustin W. Paek	5224 Shadelock FF. Blaine VA	<i>[Signature]</i>	506-615-0639	12 APR 11
Jessica Fosson	3209 PARKWOOD TER FC VA	<i>[Signature]</i>	703-039-0005	4-23-11
Tim Rosson	3209 Parkwood Ter, FC, VA	<i>[Signature]</i>	703-639-0965	4-23-11
JACQUELINE SUGGS	3206 Dauphine Dr. FC VA	<i>[Signature]</i>	703 304 7694	23 APR 2011
Art DeCelle	2848 Fairmont St FC 22042	<i>[Signature]</i>		
John Decelle	"	<i>[Signature]</i>	571-641-3006	4/23/11
Stephen Decelle	"			
Liz Decelle	"			
Joyce Turk	3533 DEVON DR. 22042 FALLS CH.	<i>[Signature]</i>	(703) 237-4516	4-23-11
Umar Barakat	6551 Bearbarn dr FC 22044	<i>[Signature]</i>	703 625 5999	4-23-11
LAYNE AMERIN	6810 ROSEWOOD ST.	<i>[Signature]</i>	703-354-7929	4-23-11
Fain Gilder	3221 Holly Hill Dr 22042	<i>[Signature]</i>	202 549 7424	4-23-11
Shannon Kirby	7017 Roundtree Rd	<i>[Signature]</i>	619-944-2264	4/23/11
Rattamy Hort	3306 Pine Drive FC VA	<i>[Signature]</i>	703 663 8194	4/23/11
Sophane SO	3237 Norfolk Lane, FC VA	<i>[Signature]</i>	703-685-8188	4/23/11

NAME	ADDRESS	SIGNATURE	PHONE NUMBER	DATE
Patrick Beard	5172 Covewood Court	<i>Patrick Beard</i>	703 863 8280	23-4-11
Cathy Moberly	3305 Oak Bunch	<i>Cathy Moberly</i>	703 560-5302	4/23/11
Yvonne Washburn	3230 Sherry Ct	<i>Yvonne Washburn</i>	703-819-9566	4-23-11
Lauren Sacks	7596 Lakeside Village Dr.	<i>Lauren Sacks</i>	617-877-0840	4-23-11
Peter Toohay	7596 Lakeside Village Dr.	<i>Peter Toohay</i>	617-584-5470	4-23-11
Fabian Sandoval	7428 Carol Lane	<i>Fabian Sandoval</i>	571-242-3545	4-23-11
Ginny Sandoval	7428 Carol Lane	<i>Ginny Sandoval</i>	571-242-3706	4-23-11
Greg Giannitotrio	3443 Sleepy Hollow Ln.	<i>Greg Giannitotrio</i>	703-536-9225	4-23-11
Harriet <i>Harriet</i>	7015 Strathmore Dr.	<i>Harriet</i>		4-23-11
Jatinder Bajaj	7412 Marie Dr	<i>Jatinder Bajaj</i>	703-641-8657	4-23-11
Harrie Maines	7015 Strathmore St.	<i>Harrie Maines</i>	703-573-5181	4-23-11
STEVE CARLSON	3155 KENNEDY DRIVE	<i>Steve Carlson</i>	571-338-9608	4/23/11
Eddy Zamorano	3052 Westmore Dr.	<i>Eddy Zamorano</i>	301-455-1666	4/23/11
Sergio Chacuin	3038 Westmore Dr.	<i>Sergio Chacuin</i>	801-445-1666	4/23/11
Ashley Fletcher	3150 Brush Dr	<i>Ashley Fletcher</i>	703-587-8047	4-23-11
Margaret Connor	7400 Lakeside Village Dr	<i>Margaret Connor</i>	703-786-1777	4-23-11
Songul Ates	3150 parkwood Ter.	<i>Songul Ates</i>	571-7314867	04-23-2011
Wade Fletcher	3455 Slade Run	<i>Wade Fletcher</i>		4-23-11

NAME	ADDRESS	SIGNATURE	PHONE NUMBER	DATE
Damiré Tate	5443 Sleepy Hollow Rd	<i>Damiré Tate</i>	703-536-9225	4/23/11
Joe Glavin Florio	3443 Sleepy Hollow Rd	<i>Joe Glavin Florio</i>	703-732-3274	4/23/11
Lelah Kirchner	6800 Valley Brook Drive	<i>Lelah Kirchner</i>	703-992-9439	04/23/11
Teresa Carlsson	3155 Kenney Drive	<i>Teresa Carlsson</i>	571-338-9607	4/23/11
Angela Fletcher	3455 Slade Run Dr	<i>Angela Fletcher</i>	703-534-7741	4/23/11
Robert Almonte	3300 Woodburn Village Dr	<i>Robert Almonte</i>	703-945-4494	4/23/11
Sarah Mentore	7000 S Kenfig Dr.	<i>Sarah Mentore</i>	703-677-2444	4/23/11
Lennie Martinez	7000 S Kenfig Dr.	<i>Lennie Martinez</i>	703-677-2445	4/23/11
William Moberly	3305 Oak Run Ct	<i>William Moberly</i>	703-868-3636	4/23/11
Cibara Koksai	3150 Parkwood Terr	<i>Cibara Koksai</i>	571-277-1423	4/23/11
Melanie Hoff	3516 Highview Pl.	<i>Melanie Hoff</i>	703-916-0681	4/23/11
KATHLEEN KAMPA	11900 BENNETT RD	<i>K Kampas</i>	703-915-0665	4/23/11
Allison Metzger	3322 Holloman Rd. Falls Church	<i>Allison Metzger</i>	703-963-0923	4/23/11
DAVE METZGER	3322 Holloman Rd. F.C.	<i>Dave Metzger</i>	703-237-0609	4/23/11
Shauna Amroyave	3209 Parkwood Terr	<i>Shauna Amroyave</i>	703-639-0965	4/23/11
DAVE ENDRES	1645 International	<i>Dave Endres</i>	703-290-8880	4/23/11
MIKE PARRIS	7747 WILLOW POINT DR.	<i>Mike Parris</i>	703-992-0621	4/23/11
CHRIS PARRIS	3207 HESSNEY DR	<i>Chris Parris</i>	703-396-2324	4/23/11
KATHLEEN KASPAR-PAY	7112 CAMP ALGER AVE. FALLS CHURCH 22048	<i>Kathleen Kaspar-Pay</i>	703-698-8052	4-23-11

NAME	ADDRESS	SIGNATURE	PHONE NUMBER	DATE
Drew Hayes	3155 Juniper Lane, Falls Church 22044	Drew Hayes	703 343 3868	4/23/11
Christian Rowcliffe	6326 Waterway Dr Asunc	Christian Rowcliffe	571 382 0903	4/23/11
ERIC Mioduski	6201 Homespun Lane	Eric Mioduski	703-538-4889	4/23/11
Max Miller	3756 Tennis Ct	Max Miller	703-642-0888	4/23/11
Nick Young	3824 Pickett Ct	Nick Young	703-354-6417	4/23/11
Emily Browne	7602 A Lakeside Village Dr	Emily Browne	571-505-3043	4/23/11
Foxwell, Andrew	6514 Westcott Rd FC	Andrew Foxwell	703-309-4364	4/23/11
Kathy Foxwell	6810 Westcott Rd FC	Kathy Foxwell	703-309-5005	4-23-11
Christine Whalen	7592 C Lakeside Village Dr FC	Christine Whalen	703 919-6083	4-23-11
Christie Martin	7021 Roundtree Rd, FC	Christie Martin	646.841.4472	4-23-11
Hunter Martin	7021 Roundtree Rd FC	Hunter Martin	646 841 4489	4-23-11
Eric Kowar	7408 Mare Rd	Eric Kowar	703-552-9276	4/23/11
Ben Joyce	6353 Crooked Oak Lane	Ben Joyce	571-643-5271	4/23/11
Alexandra Osburn	7302 Beverly Marwood	Alexandra Osburn	702-784-3701	4/23/11
REBECCA SCHWARTZ	7302 Beverly Marwood	Rebecca Schwartz	703-231-3221	4/23/11
Rachel Schwartz	7302 Beverly Marwood	Rachel Schwartz		4/23/11
Mark Moody	3157 Simon St	Mark Moody	512 963 6205	4/23/11
Ann Moody	3157 Simon St	Ann Moody	"	"
Robert & Sunny Johnson	"	Robert & Sunny Johnson	512-966-0575	4/23/11

NAME	ADDRESS	SIGNATURE	PHONE NUMBER	DATE
Jordan Hollis	2420 marc dr	Jordan	571-235-7386	apr 1 23 2011
Lambert Mendis	2015 Hickory Hill rd	Jane	571-585-0355	
Polly M. Zachell	11460 River Rd	Polly M. Zachell	804-414-4537	4-23-2011
Amber Anderson	11400 river rd	Amber Anderson	804-586-9833	4/23/11
Eli Tess	7521 Jaguar Trail	Eli Tess	703-207-4000	4/23/11
Paul Chromicz	7108 Strathmore St	Paul Chromicz	703-698-0835	4/23/11
Justin Kephart	3159 meadow dr.	Justin Kephart	703-399-5799	4.23.11
JEFF KEPHART	3159 meadow dr.	Jeff Kephart	703-629-9477	4/23
TODD CLARK	3230 NORFOLK LANE	Todd Clark	703-204-1858	4/23/11
Caroline Gee	3230 Norfolk lane	L F Gee	703-629-9191	4/23/11
Billie Tamber	6803 Arlington Blvd Falls Church VA ²²⁰⁴⁸	Billie Tamber	703-592-4839	4/23/11
Heather Sipe	3401 Slade Ct. FC, VA ²²⁰³¹	Heather Sipe	703-241-5794	4-23-11
Scott Sipe	3401 Slade Ct. FC, VA ²²⁰³¹	Scott Sipe	703-241-5794	4-23-11
Janet Mansfield	7013 Kenby Pl. Falls Church, VA	Janet Mansfield	703-202-3359	4-23-11
George Lewis	"	George Lewis		
Henry Lewis	7013 Kenby Pl. Falls Church, VA	Henry Lewis	703-202-3359	4-32-11
Josh Sims	3221 Kenby Dr. Falls Church, VA	Josh Sims	703-202-3359	4-32-11
Sam Nehman	7409 Marc Dr Falls Church, VA	Sam Nehman	703-207-3088	4-32-11
Andrea Burgess	11100 Dumbunday Ln Falls Church, VA ²²⁰⁴⁸	Andrea Burgess	703-510-3889	4-23-11
			757-310-7892	4-23-11

NAME	ADDRESS	SIGNATURE	PHONE NUMBER	DATE
SHANK	7505 Maticele			24/04/11
Stephen Burk	7829 Thor Drive			24/04/11
Aaron Carter	3311 Graham Rd.			24/04/11
Robert Montelinos	3211 Annandale rd			24/04/11
Katie Janda	7409 MARCOR			4/24/11
Peter Browne	3432 Burger Dr. FC			4/24/11
Amber Elliotts	7314 MARK DR FCVA			
Ella Warner	7314 MARK DR FCVA			
Tony Harris	8408 Ordier GIMNSVA			
Amy Elliotts	7314 MARK Drive FC			
Jilka Paz	7205 Normandy Ln			4/24/11
William Paz	7205 Normandy Ln			"
Heather Kazemi	7223 CAROL Lane FCVA			4/24/11
Roy Edwards	7114 Camp Alger Ave		703-303-2492	"
CHRIS EDWARDS	"		703-303-2429	"
ERIC EDWARDS	"		703-560-0496	"
HOLLIE RASZEWSKI	"		703 508 5278	"
Valerie Hamilton	7005 Hickory Hill Rd		(443)629-8056	"

NAME	ADDRESS	SIGNATURE	PHONE NUMBER	DATE
Ashley	7005 Hickory Hill Rd			4/24/11
MARY DSOUZA	7503 PARKWOOD CT APT 204			4/24/11
VANESSA DSOUZA	↑			
MELISSA DSOUZA	↓			
CLOTILDA DSOUZA				4/24/11
Irving Kier	7501 PARKWOOD CT APT 201			4/24/11
Dorothy Kier	7501 PARK WOOD CT APT 201			4/24/11
Melanie Kopack	7334 Marc Drive FC VA 22032	Melanie Kopack		4/24/11
Kay Koppel	2334 Marc Dr. FC VA 22034	Kay Koppel		4/24/11
RON BURGESS	11008 DORSEY LN MARIETTA, VA 20136	Ron Burgess		24 APR 11
Josie Page	3211 Dye Drive Falls Church VA	Josie Page	703-223-9577	24 APR 2011
Laurie Page	3211 Dye Dr. Falls Church	Laurie Page	703-403-9419	4/24/11
Ashley Ad	7504 parkwood of Falls Church	Ashley Ad		4/24/11
Charis Kullas	3811 Dye dr falls church, VA	Charis Kullas	821-223-4622	4/24/11
Jorden Kullas	11	Jorden Kullas	"	4/24/11
PAUL GIANOLI	7597 S LAKE SIDE VILLAGE DR	Paul Gianoli	571-223-6430	4/24/11
Nicolette Gianoli	"	Nicolette Gianoli	"	4/24/11
Ailene Dumo	7421 Marc Dr. Falls Church VA	Ailene Dumo	703-560-4975	4/24/11
Elizabeth Nehman	7409 Marc Dr. Falls Church, VA	Elizabeth Nehman	703-560-3407	4/24/11

NAME	ADDRESS	SIGNATURE	PHONE NUMBER	DATE
Elizabeth Ogilvie	7606 Wilson Point Dr	[Signature]	703-857-4646	4-24-11
Jennifer Upchurch	3132 Holmes Run Rd FE	[Signature]	703 462 8491	4-24-11
Bernie Upchurch	3132 Holmes Run Rd FE	[Signature]	703-882-8881	4/24/11
Roane Dupre	5806 Jackson Rd Fredburg VA	[Signature]	540785-7420	4/24/11
Elizabeth Mephart	2913 Fairmont St, F.C.	[Signature]	703 566 0643	4-24-11
MAE KEPHART	3159 NEARIN DR. F.C.	[Signature]	703-573-6647	4-24-11
DONNA SANDOVAL	16307 29th St N, Ari. VA	[Signature]	703-534-2864	4-24-11
Hisa Fucui	14170 Cuddy Lane Woodbridge VA	[Signature]	571 430 1340	4-24-11
Saret Sims	3221 Kenney Drive Falls Church	[Signature]	703-207-3098	4-24-2011
Ken Sims	3221 Kenney Drive Falls Church	[Signature]	703-207-3098	4-24-2011
Mary Simms	7604 L.A. Reside Village F.C. VA	[Signature]	703-204-1025	4-25-11
DeAN Simms	7604-I LA Reside Village Falls Church 220410	[Signature]	703-204-1025	4-25-11
Ken Mariano		[Signature]	571-782-506	4/26/11
Jacquelyn Osburn	328 Korte Ct	[Signature]	202-415-0225	4/27/11
Troye O'Rourke	3113 Greenway Blvd, F.C. VA	[Signature]	703 237 7835	5/1/11
Rachel Glarinde	3113 Greenway Blvd F.C. VA	[Signature]	703 237 7835	5/1/11
[Signature]	7134 Oak Ridge Rd	[Signature]	703-573-2579	5-1-11
Donald Boose	3211 Nottage Ln	[Signature]	703 241 5569	5/1/11
John Rusk	3200 N. Frederick St	[Signature]	703 538-5410	5/1/11



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: April 11, 2011

SHERIFF'S LETTER

CASE #: 201101564 **SR#:** 69720

SERVE: Mark W. Grapin
Brinda S. Grapin
7415 Marc Drive
Falls Church, Virginia 22042

LOCATION OF VIOLATION 7415 Marc Drive
Falls Church, Virginia 22042-3611
Tax Map #: 50-3 ((2)) 94
Zoning District: R-4

Dear Property Owners:

An inspection of the above referenced property on April 07, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 10-104 (12C) Accessory Structure in the Front Yard
§ 2-302 (6) Accessory Use must comply with Article 10:

An inspection on April 8, 2011 revealed the presence of a tree house located in the front yard of this property which is less than 36,000 square feet. The Fairfax County Zoning Ordinance prohibits accessory structures in the front yard. Par. 12 C of Sect. 10-104 of the Zoning Ordinance states:

No accessory structure or use, except a statue, basketball standard or flagpole, shall be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less. When located in a front yard, basketball standards shall not be located closer than fifteen (15) feet to a front lot line or twelve (12) feet to a side lot line, and shall not be used

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

between the hours of 8:00 PM and 8:00 AM.

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

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

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

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

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

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

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

Sincerely,



Victoria Dzierzek

Property Maintenance/Zoning Enforcement Inspector

18-404 Required Standards for Variances

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

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

18-405 Conditions

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.