



APPLICATION ACCEPTED: July 14, 2011
DATE OF PUBLIC HEARING: September 28, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 21, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MA-071

MASON DISTRICT

APPLICANT/OWNER: Linda M. Figura

LOCATION: 6408 Second Street, Alexandria, 22312

SUBDIVISION: Weyanoke

TAX MAP: 72-3 ((8)) (B) 36 and 37

LOT SIZE: 5,500 square feet

ZONING: R-2 and HC

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction of minimum yard requirements based on errors in building locations to permit a deck to remain 8.4 feet and an at-grade patio to remain 2.2 feet from the eastern side lot line, a stoop to remain 6.9 feet from the western side lot line, and an accessory storage structure to remain 6.8 feet from the rear lot line and 2.7 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\9-28) SP 2011-MA-071 Figura (error)\SP 2011-MA-071 Figura staff report.docx

Deborah Hedrick

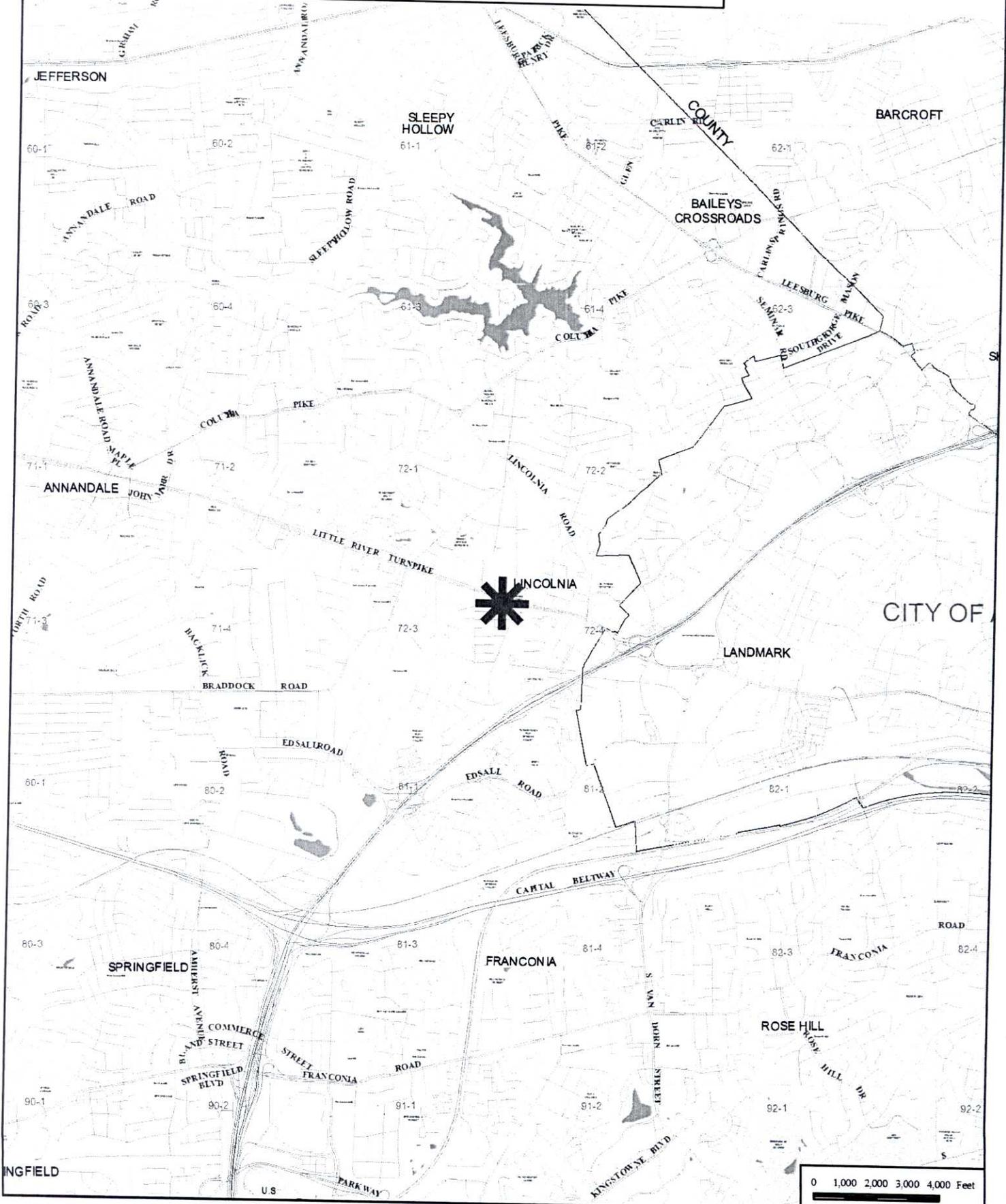
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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

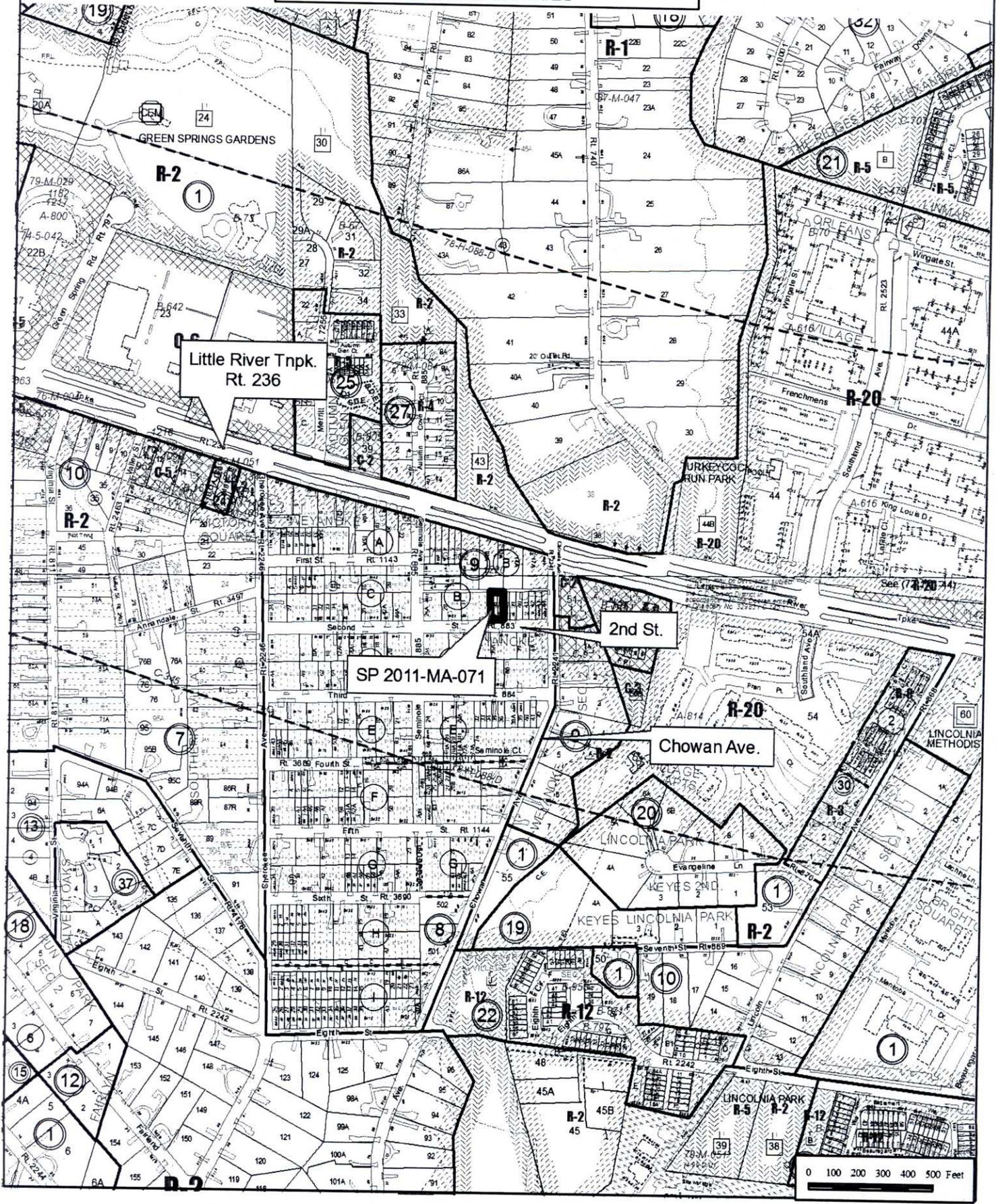
SP 2011-MA-071
LINDA M. FIGURA



Special Permit

SP 2011-MA-071

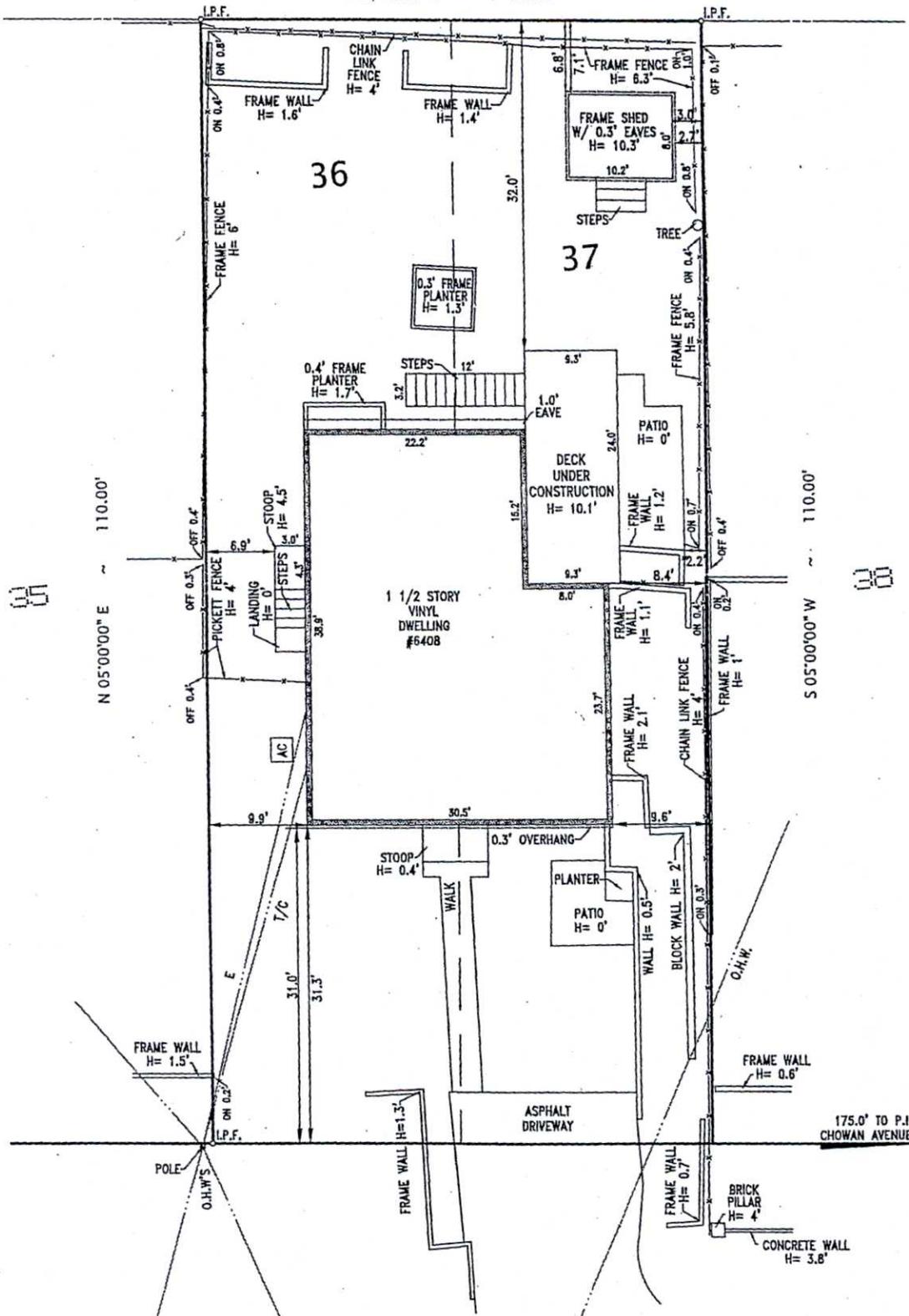
LINDA M. FIGURA





10' ALLEY

S 85°00'00" E ~ 50.00'



03

03

N 85°00'00" W ~ 50.00'
2ND STREET
50' R/W ROUTE 883

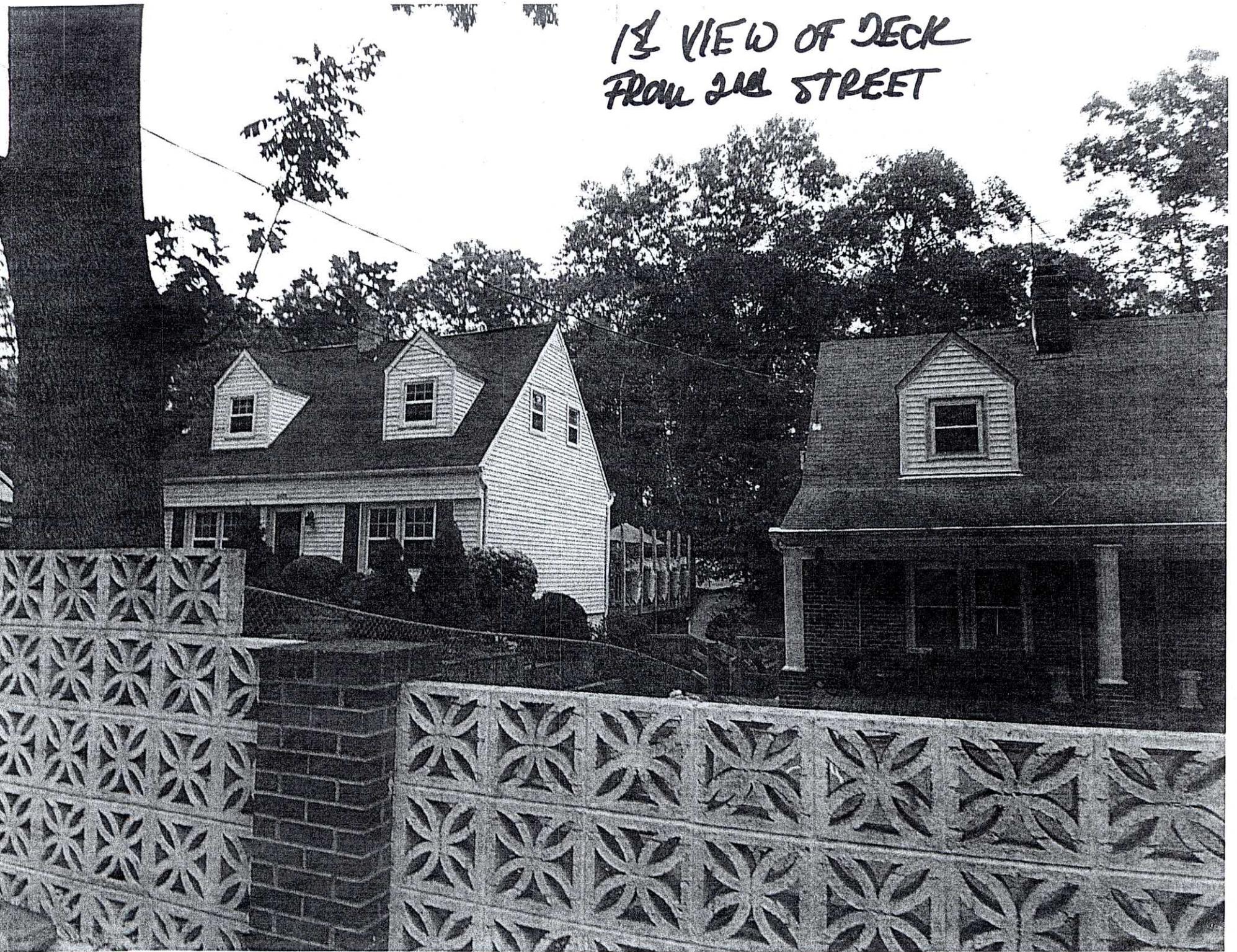
175.0' TO P.I.
CHOWAN AVENUE

2nd VIEW OF DECK
FROM 2nd STREET





1st VIEW OF DECK
FROM 2nd STREET



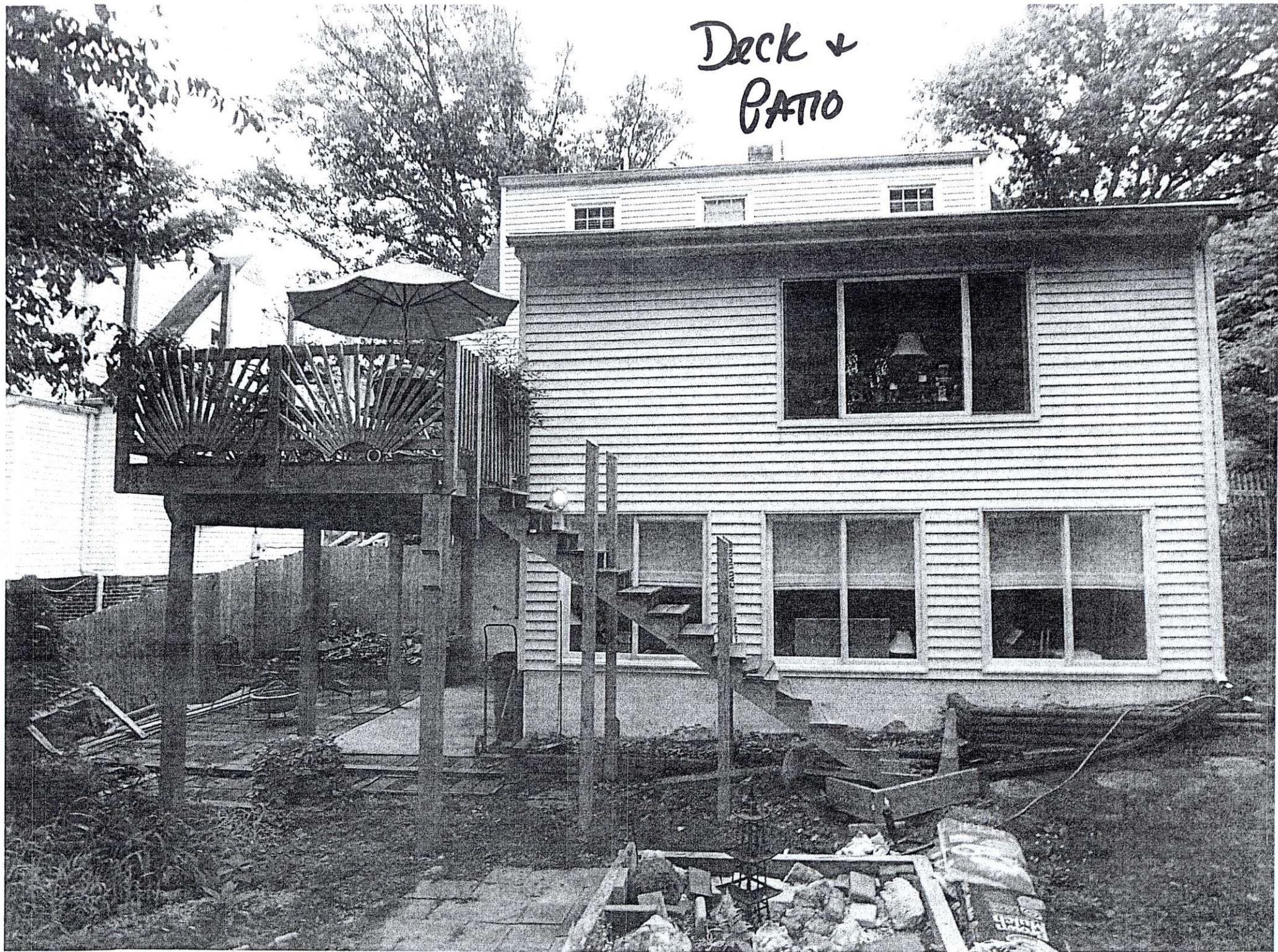
SHED



VIEW FROM
CHOWAN AVENUE
(DECK)

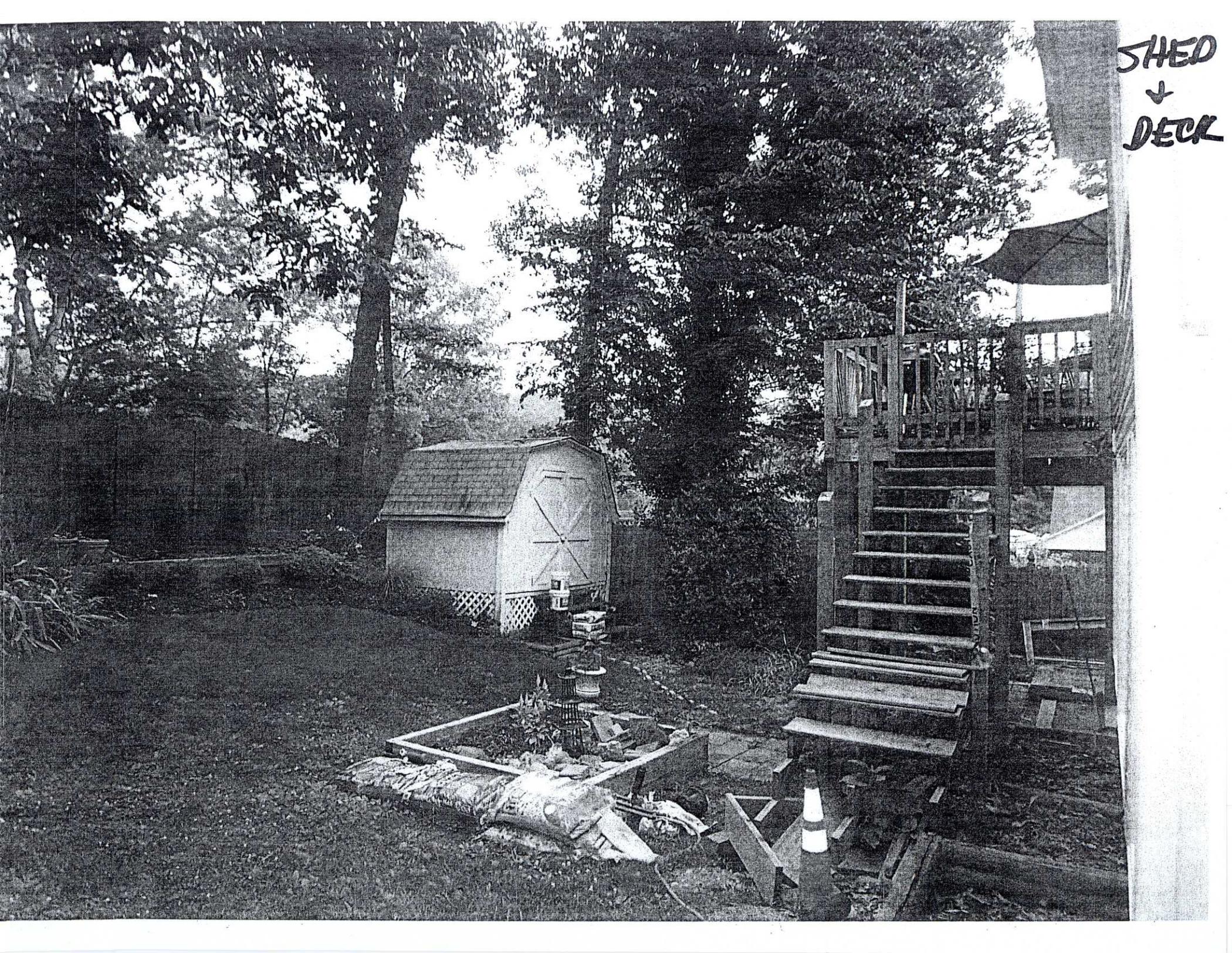


Deck +
PATIO



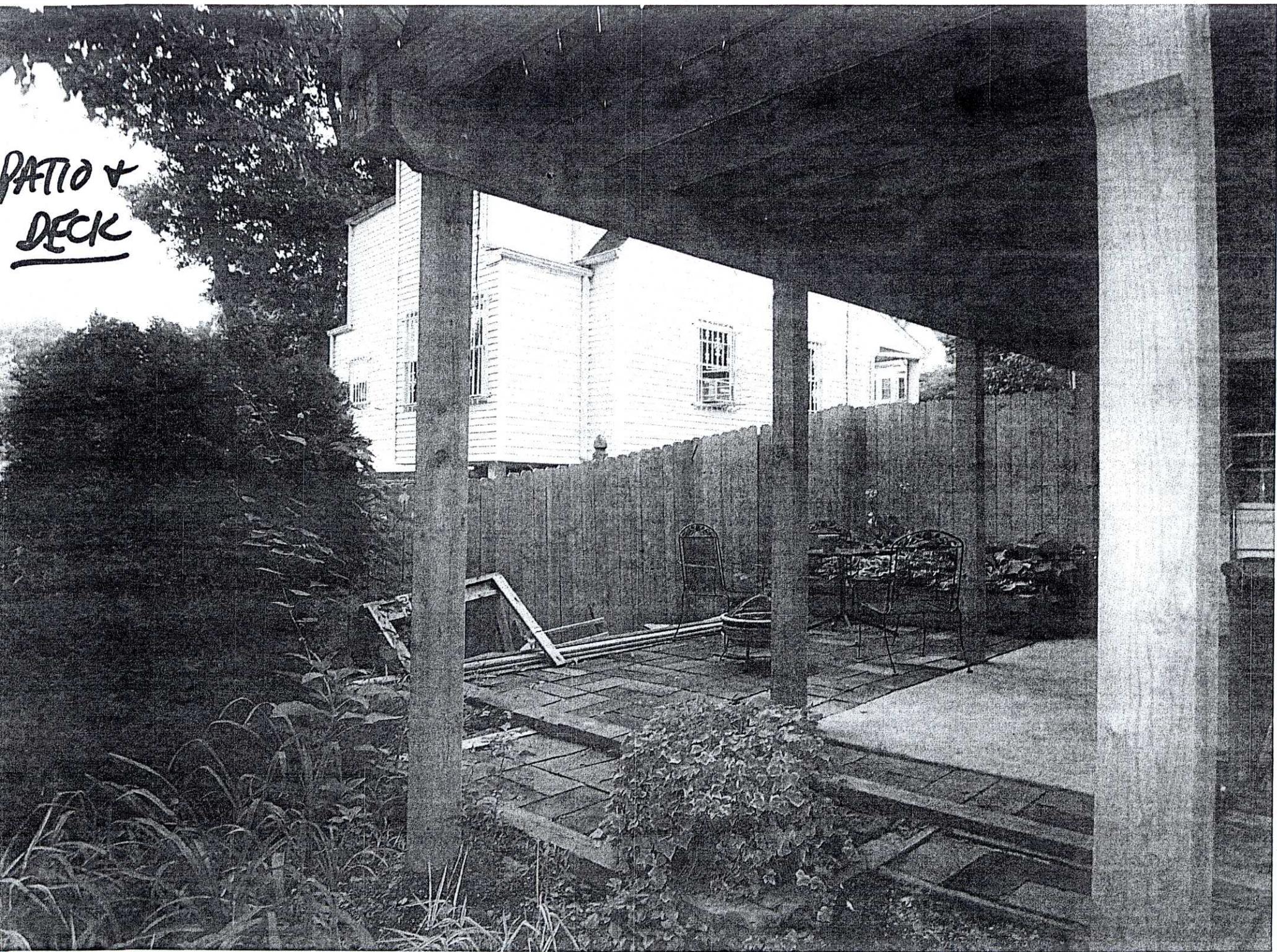


SHED

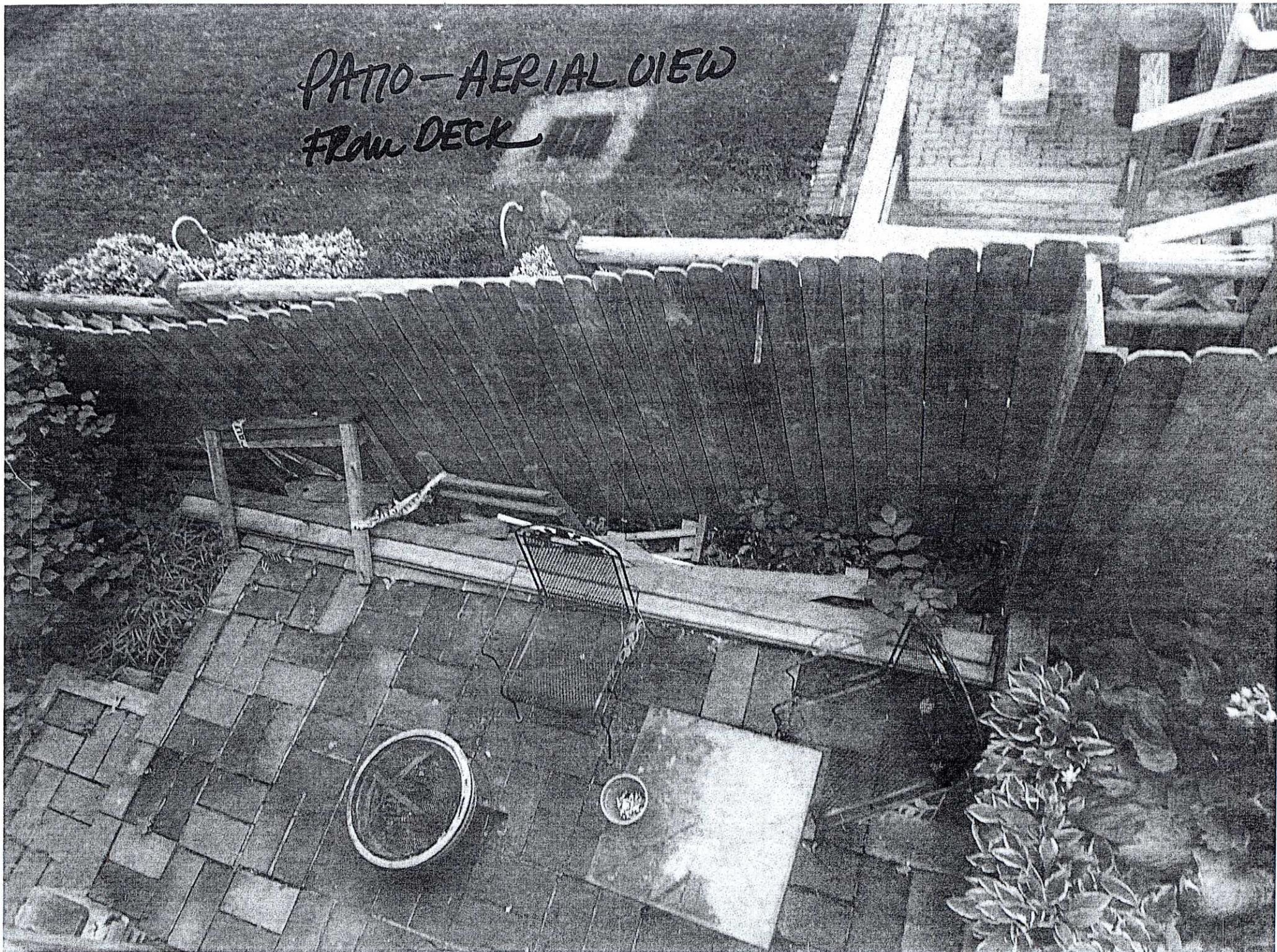


SHED
↓
DECK

PATIO & DECK

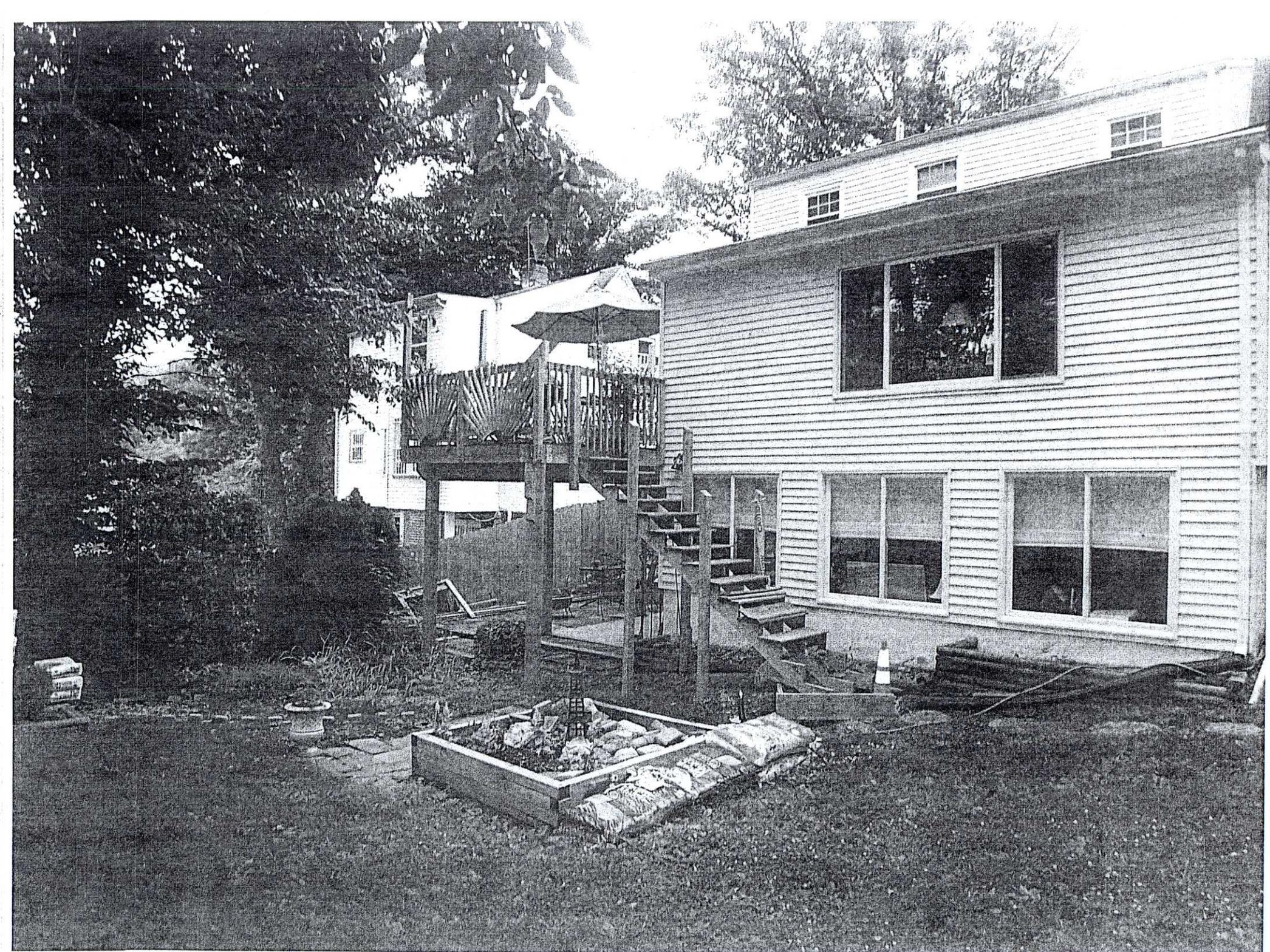


PATIO - AERIAL VIEW
FROM DECK



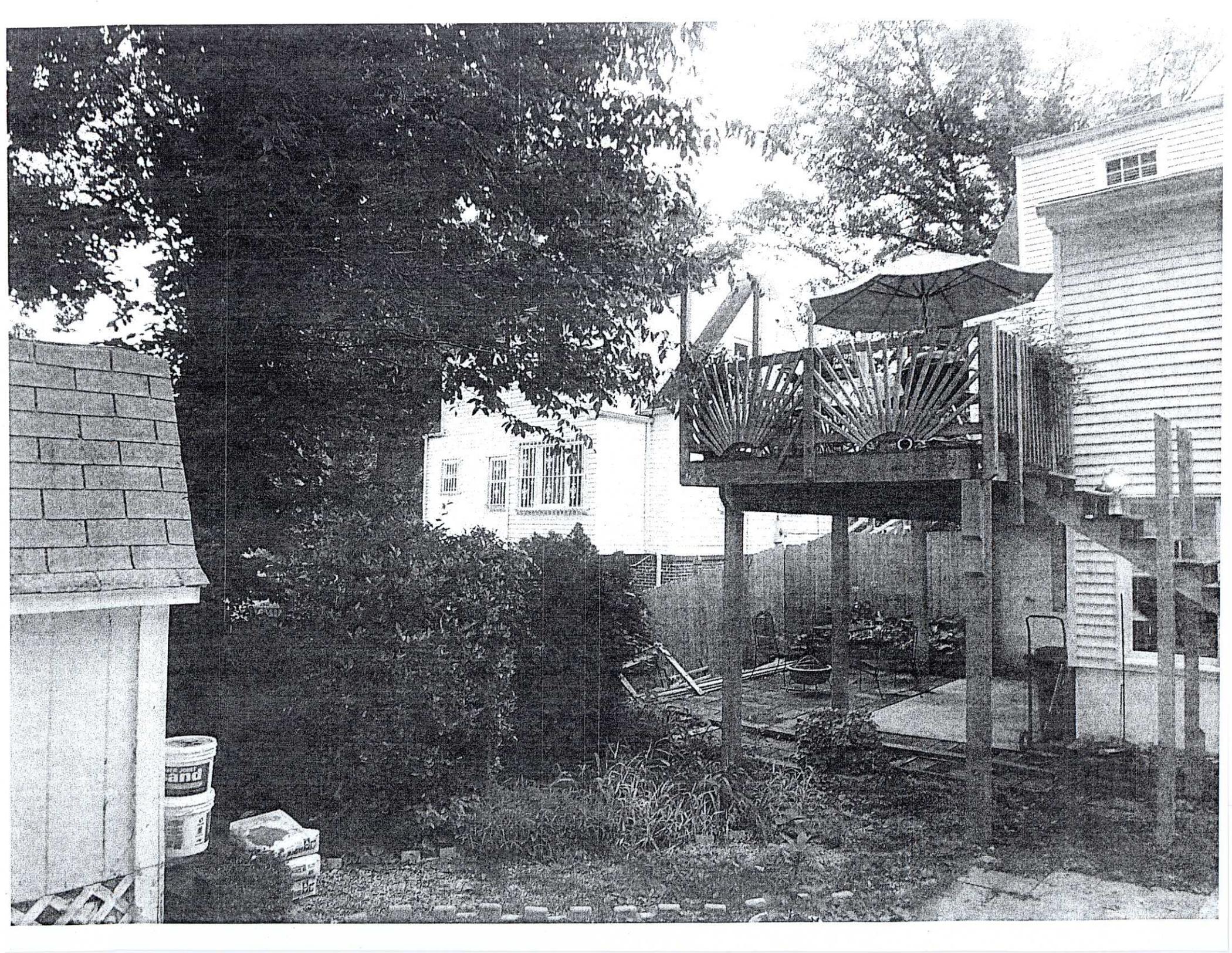
SHED, PATIO, DECK



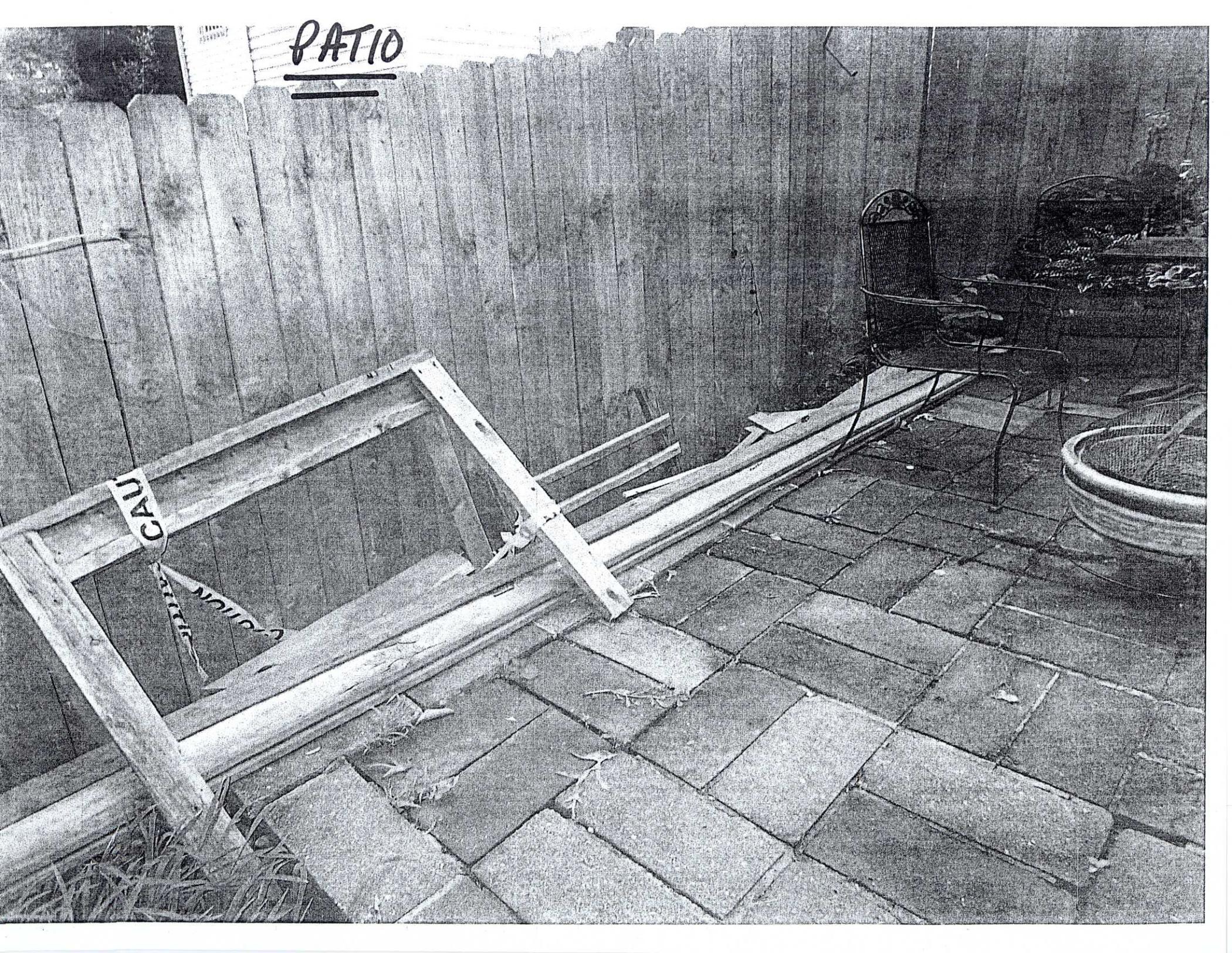


PATIO





PATIO



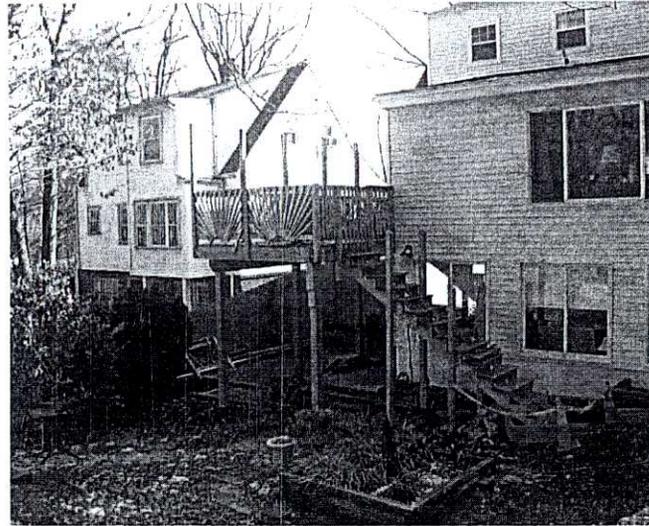


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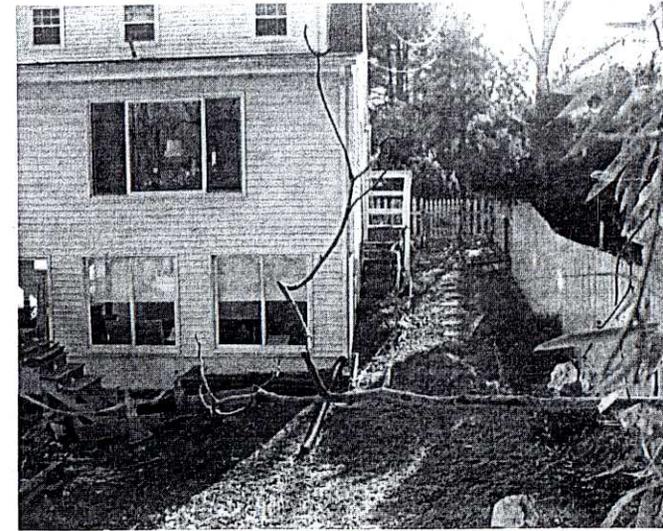




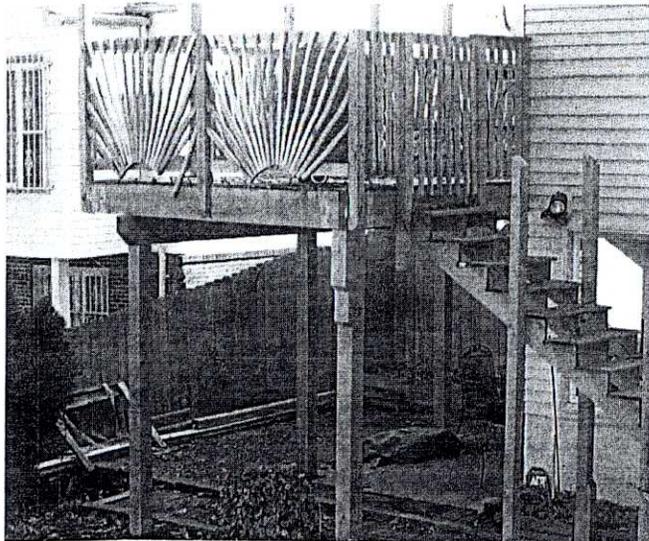
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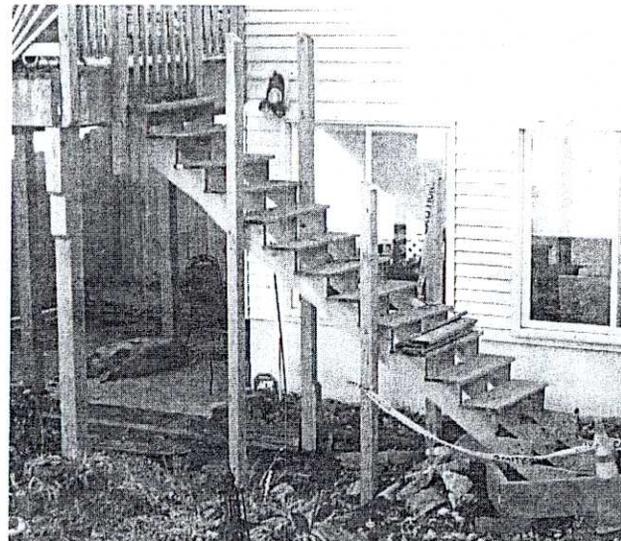
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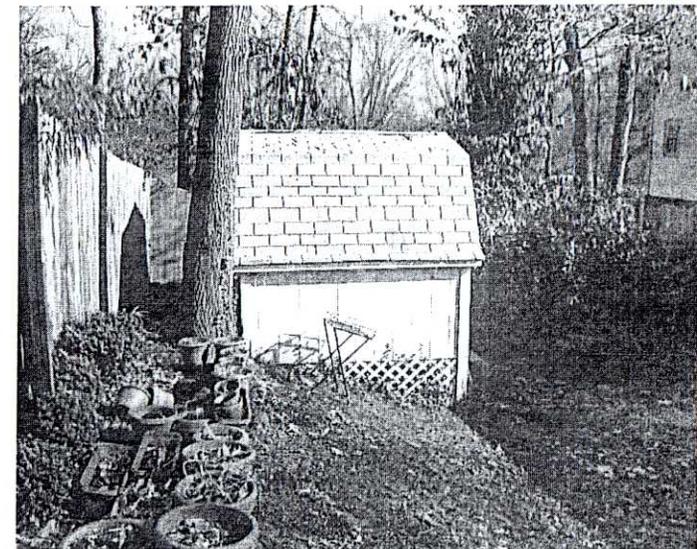
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Department of Planning & Zoning

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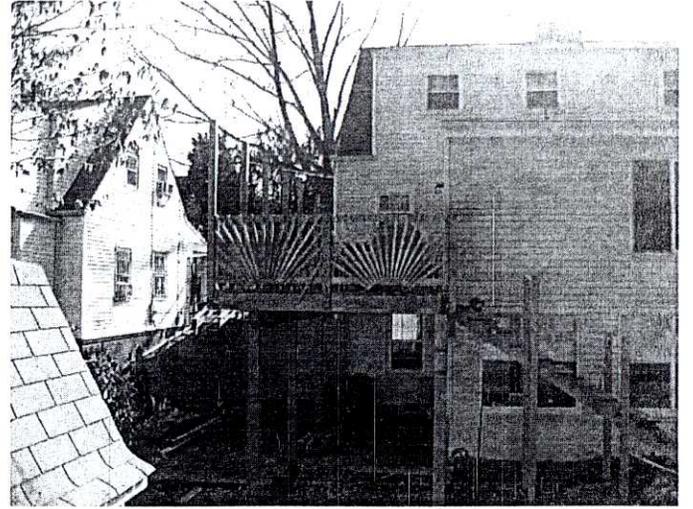
Zoning Evaluation Division



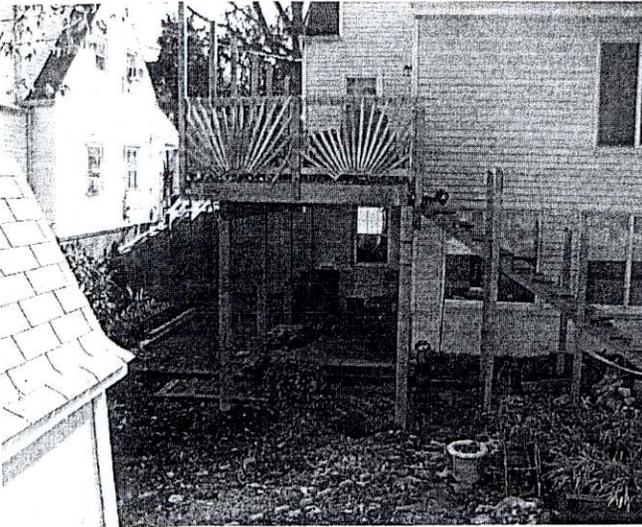
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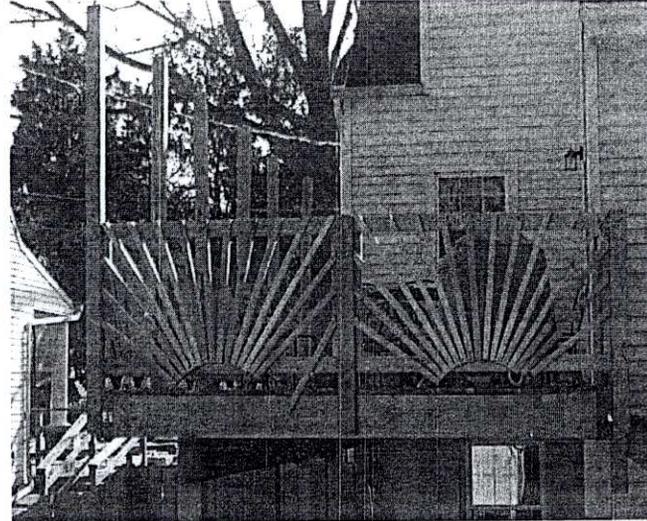
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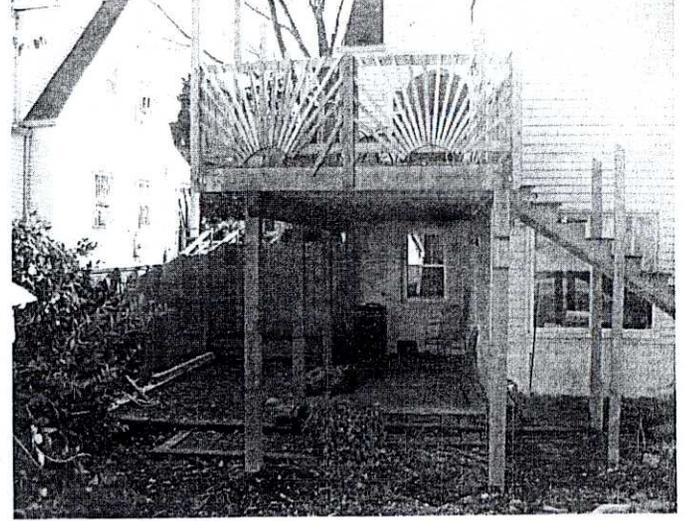
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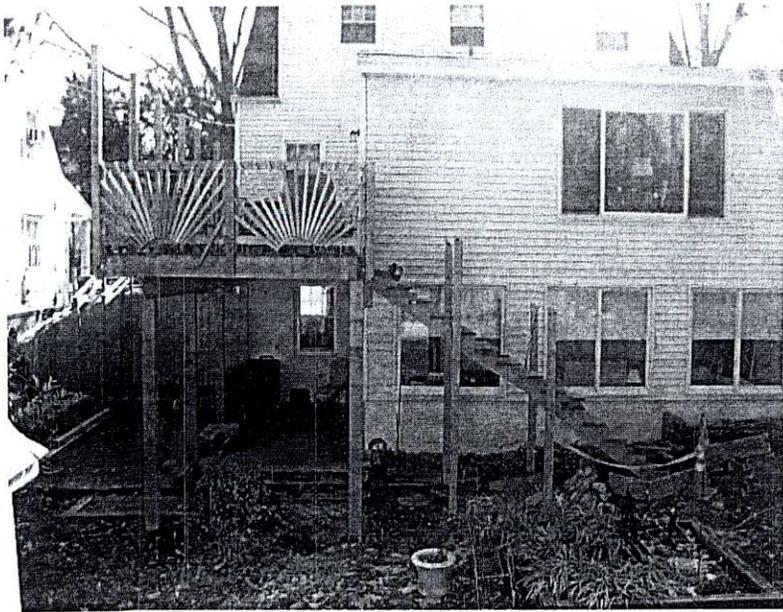
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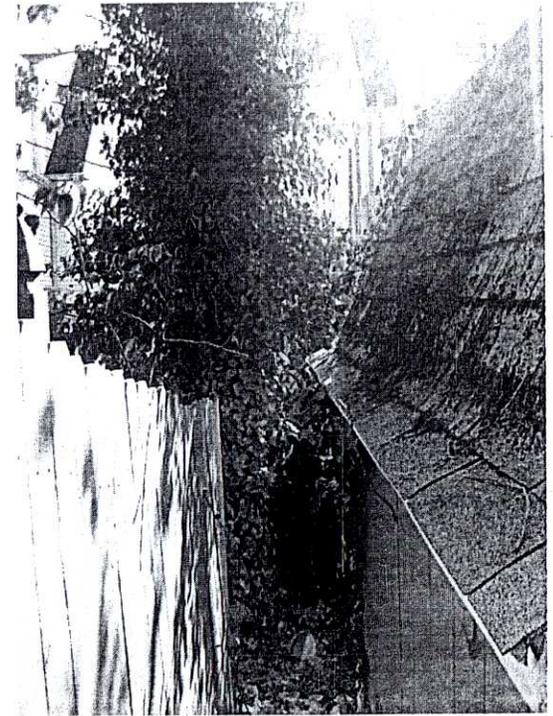
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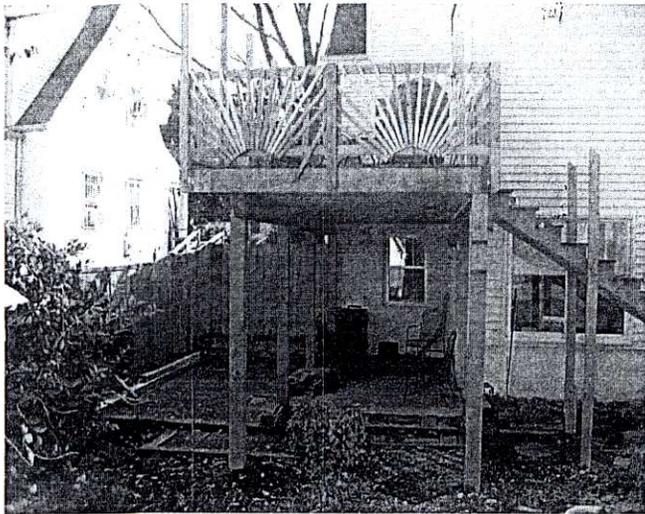
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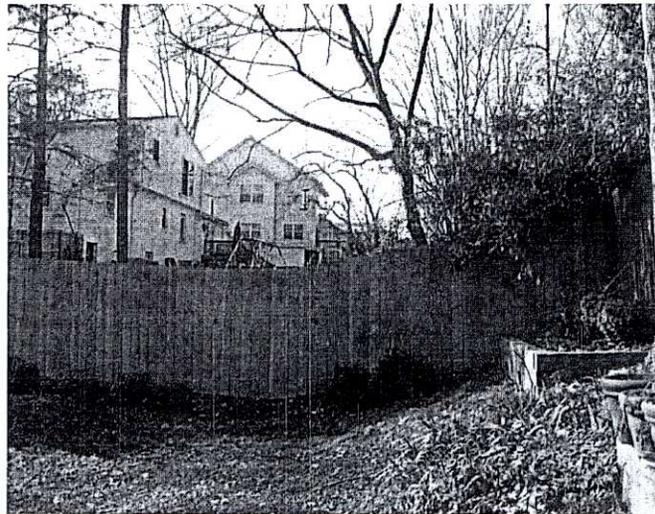
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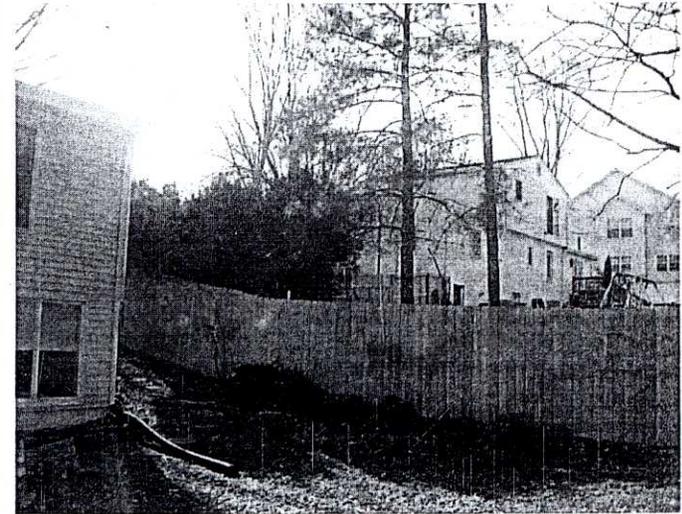
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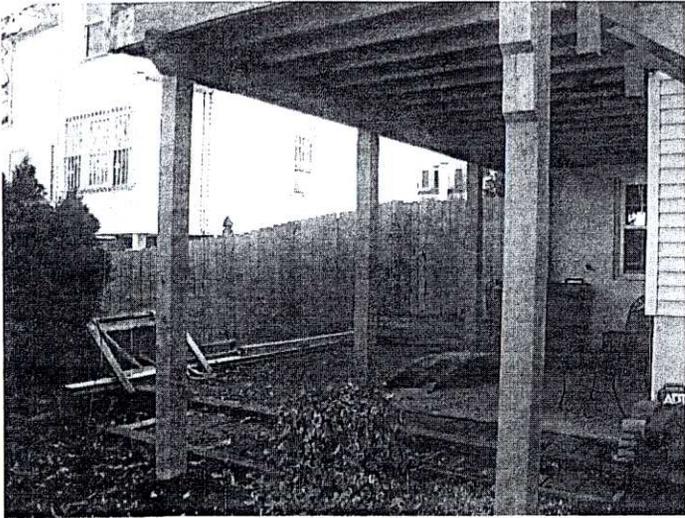
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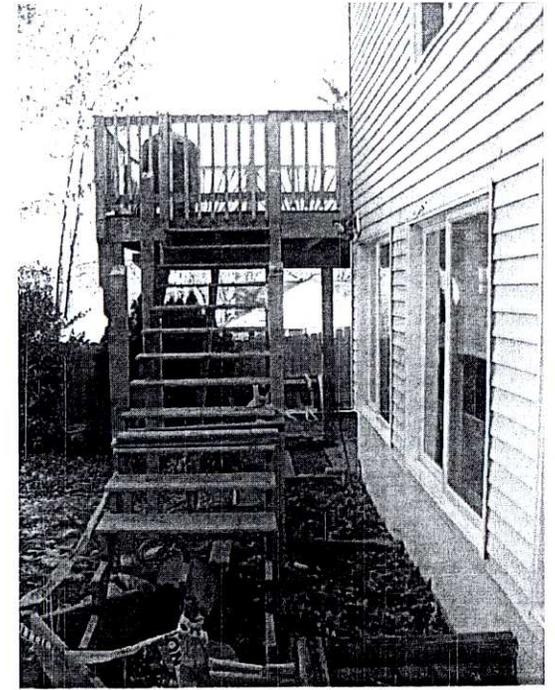
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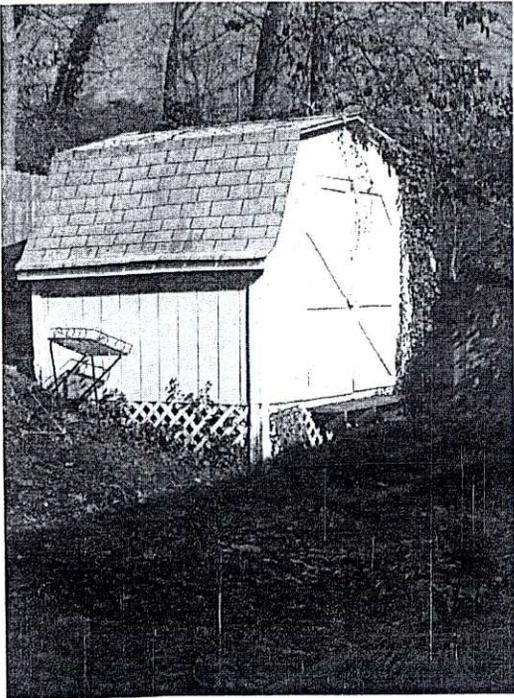
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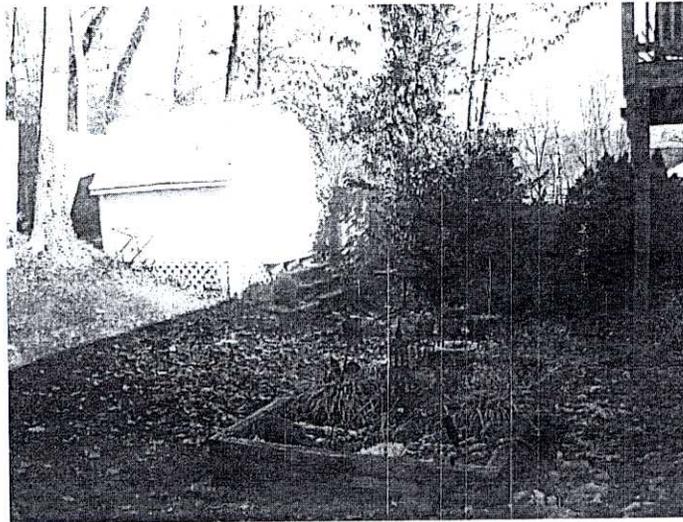
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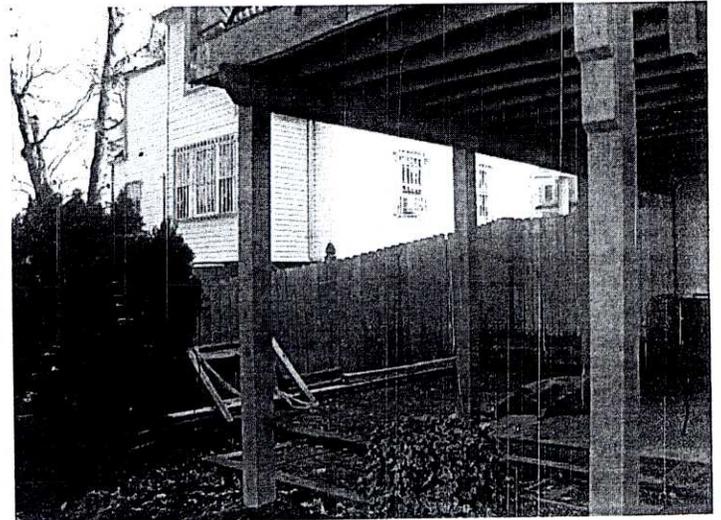
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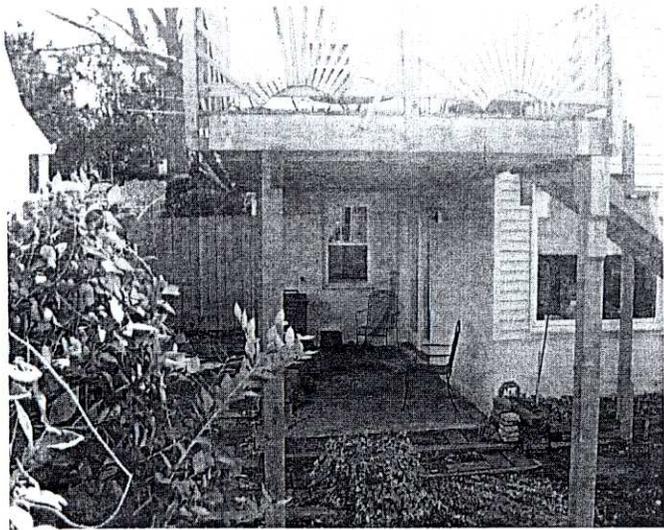
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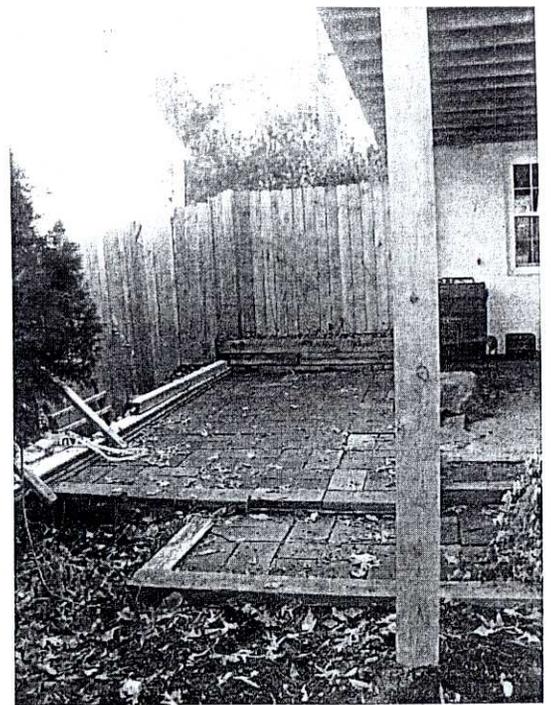
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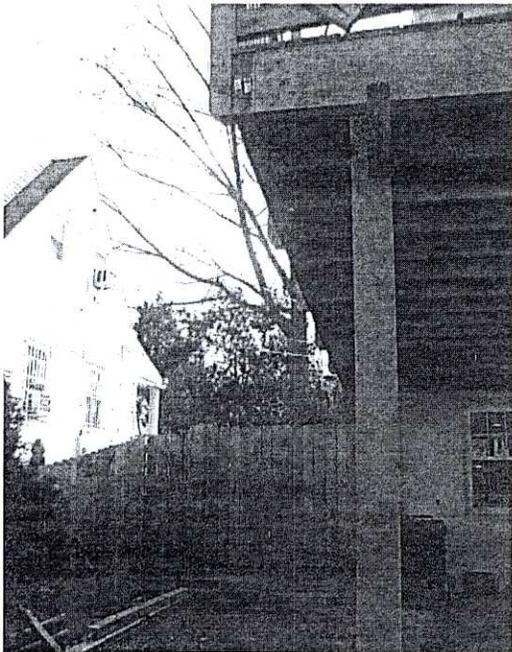
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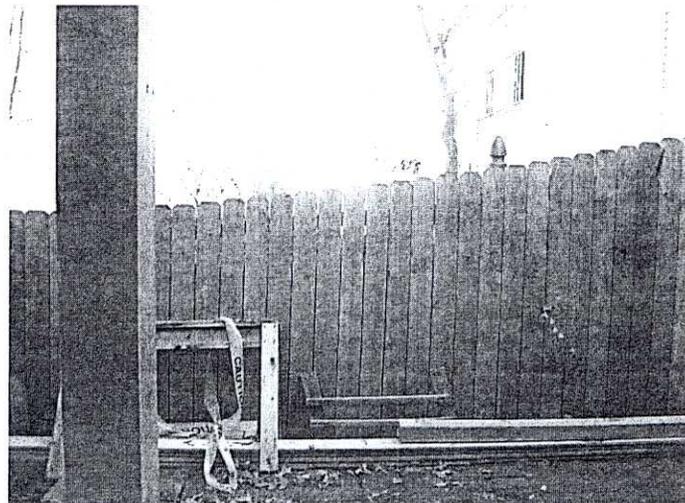
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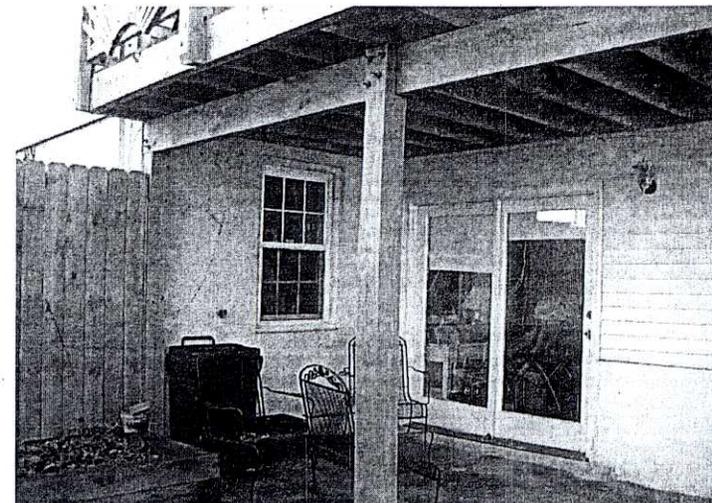
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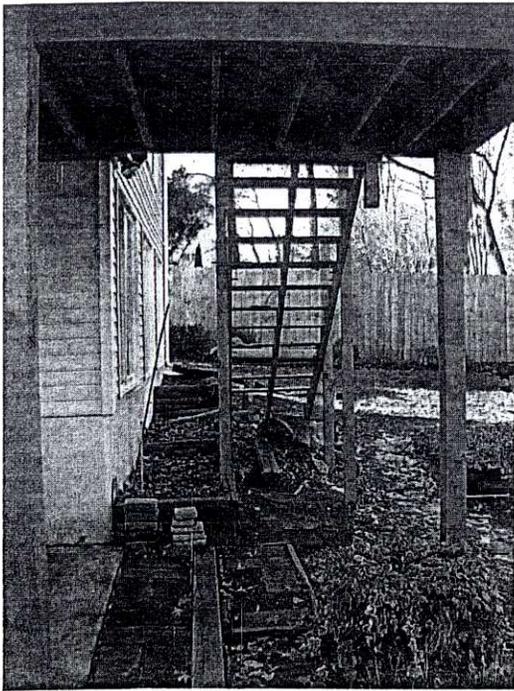
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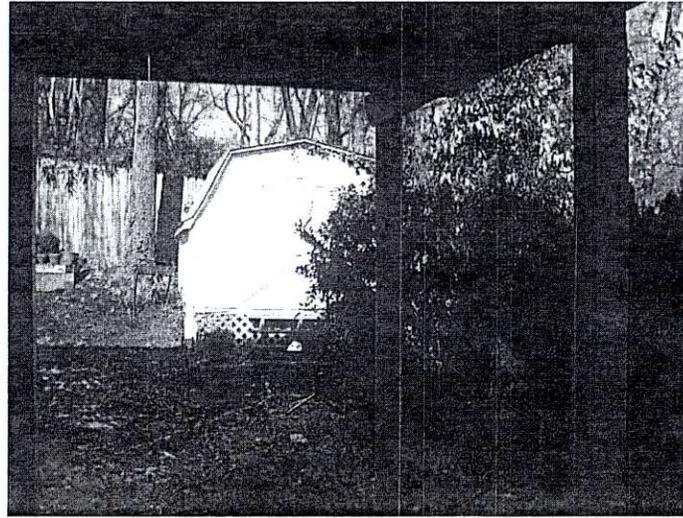
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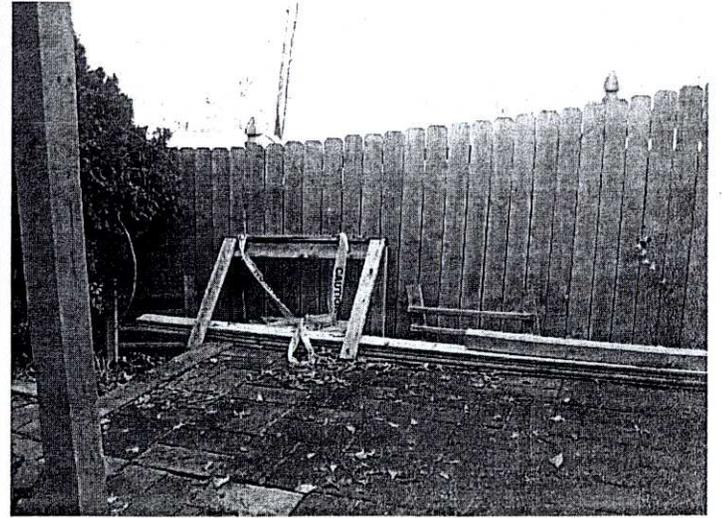
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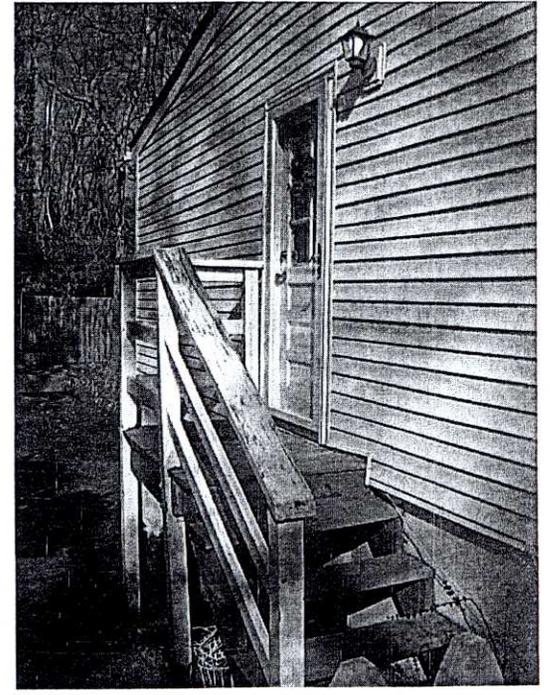
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DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for reduction of minimum yard requirements based on errors in building locations to permit a 1) deck to remain 8.4 feet from the eastern side lot line; 2) an at-grade patio to remain 2.2 feet from the eastern side lot line; 3) a stoop to remain 6.9 feet from the western side lot line; and 4) an accessory storage structure, frame shed, which measures 10.3 feet in height, to remain 6.8 feet from the rear lot line and 2.7 feet from the eastern side lot line.

	Structure	Yard	Min. Yard Req.*	Permitted Ext.**	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Deck	Side	15.0 feet	N/A	8.4 feet	6.6 feet	44%
Special Permit #2	At-grade Patio	Side	15.0 feet	5.0 feet	2.2 feet	7.8 feet	78%
Special Permit #3	Stoop	Side	15.0 feet	5.0 feet	6.9 feet	3.1 feet	31%
Special Permit #4	Frame Shed	Rear	10.3 feet	N/A	6.8 feet	3.5 feet	34%
Special Permit #4	Frame Shed	Side	15.0 feet	N/A	2.7 feet	12.3 feet	82%

*Minimum Yard Requirement per Sections 3-207 and 10-104

**Permitted extension per Section 2-412

CHARACTER OF THE AREA

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

Existing Site Description

The 5,500 square foot lot is developed with a one and a half story vinyl dwelling constructed in 1964. The dwelling was constructed in its existing location prior to the current Zoning Ordinance. A family room and deck additions were constructed by building permit in 1977. The site is accessed via 2nd Street and there is 10' wide alley to the north of the property. Fences ranging in height from 4.0 feet to 6.3 feet surround the rear and side yards of the property. Several frame walls are located throughout the site. There is existing mature vegetation located throughout the property consisting of a variety of evergreen trees and shrubs, and a manicured lawn.

BACKGROUND

On January 30, 2011, the applicant was issued a Notice of Violation (NOV) as a result of a Corrective Work Order issued on July 26, 2010, which discovered that a wooden deck had been constructed without the issuance of a building permit. A copy of these notices is included as Appendix 4. The deck remains under construction pending the outcome of this special permit application. The other requests in this application, specifically, the at-grade patio, stoop and storage structure, none of which require building permits, were all determined to be in violation of the Zoning Ordinance requirements while the application was being reviewed and are not a part of the NOV.

Following the adoption of the current Ordinance, the BZA has heard the following similar special permits or variances in the vicinity of the application parcel:

- Special Permit SP 90-M-014 was approved on May 25, 1990 for Tax Map 72-3 ((8)) (E) 1, 2 and 3, at 4861 Cherokee Avenue, to permit reduction to minimum yard requirements based on error in building location to permit an enclosed porch to remain 12.2 feet from one side lot line.
- Special Permit SP 93-M-033 was approved on October 13, 1993 for Tax Map 72-3 ((8)) (F) 33 – 38, at 4900 Chowan Avenue, to permit reduction to minimum yard requirements based on error in building location to permit accessory structure to remain 0 feet from side lot line.
- Variance VC 97-M-108 was approved on September 15, 1998 for Tax Map 72-3 ((8)) (D) 28, at 6423 Second Street, to permit construction of addition 9.8 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 January 20, 2011
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2011-MA-071

September 21, 2011

1. This special permit is approved only for the location of a deck, at-grade patio, stoop and an accessory storage structure (frame shed), as shown on the plat prepared by Alexandria Surveys International, LLC, dated October 14, 2010 as revised through May 6, 2011, submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the deck within 120 days of approval of this special permit or the structure shall be removed or relocated to comply with applicable Zoning Ordinance provisions.

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): SP 2011-MA-071
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: FEBRUARY 15, 2011
(enter date affidavit is notarized)

I, LINDA M. FIGURA, 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

111154

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)
LINDA M. FIGURA	6408 2ND STREET ALEXANDRIA, VA 22312	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): SP 2011 MA-071
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: FEBRUARY 15, 2011
(enter date affidavit is notarized)

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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)

u/a

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)

u/a

(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-MA-071
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Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: FEBRUARY 15, 2011
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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**)

W/a

(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-MA-071

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: FEBRUARY 15, 2011
(enter date affidavit is notarized)

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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-MA-071
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

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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 Linda M. Figora Applicant's Authorized Agent

LINDA M. FIGORA, APPLICANT/TITLE OWNER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15 day of FEBRUARY, 2011, in the State/Comm. of DISTRICT OF COLUMBIA, County/City of WASHINGTON, D.C.

[Signature]
Notary Public

My commission expires: APRIL 14, 2014

6408 2nd Street
Alexandria, VA 22312
703-750-1134 (home)
202-944-1301 (work)
202-306-9119 (cell)

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

July 7, 2011

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

To Whom It May Concern,

This document will serve as my amended **Special Permit Statement of Justification and Statement of Ownership** for a deck, shed and patio on my property.

SHED: The shed depicted in the attached photos was built by my then husband in 1988 (we moved into this house in 1988) with the help of my then father-in-law to store yard tools and equipment. At the time it was built, we were unaware of any requirements for a building permit or the need for it to be located a certain distance from the rear and side lot lines.

If required to tear down and relocate, it would provide an unreasonable hardship to me as the sole homeowner of this property/house. The shed's construction was done in good faith and would does not create an

unsafe condition with respect to other properties in the immediate vicinity and other adjoining properties and public streets. If required to relocate the shed to comply with zoning requirements, the shed would have to be relocated to the **middle** of my back yard – give the narrow railroad lot that my house sits on. The shed is in good condition and has been maintained in good working order. It is not an eye-sore and will continue to be maintained by me as the homeowner.

PATIO: The patio depicted in the attached photos was built by my then husband around 1988 or 1989. Again, at the time it was constructed, we were unaware of any restrictions for it to be located 10 feet from the side lot line or the requirement for a building permit. It is currently about 18 inches from the property line and abuts the concrete patio located underneath the deck. The concrete patio was there when we bought the house. We simply wanted to extend the patio out from underneath the deck to enlarge the patio for general use.

If I am required to bring the patio into compliance of 10 feet from side lot, it would cause an unreasonable hardship for me as the homeowner and it would not be able to be rebuilt at all give the unusual narrowness of my lot. The patio does not cause an unsafe condition with respect to both other property and public streets. It is not detrimental to the use and enjoyment of other property in the immediate vicinity and is well maintained by me as the homeowner.

DECK: The deck depicted in the attached photos was constructed in 2009/2010 to replace an existing deck that had been built and properly permitted in 1977 by a previous homeowner. The old deck was in bad shape with rotted boards and support beams and an eye-sore.

At the recommendation of my ex-mother-in-law who lives nearby, I interviewed and hired a contractor who lives in West Virginia who told me he was properly licensed, knew the Fairfax County building codes inside and out and would secure the appropriate building permit to replace my existing deck. I asked him if we could extend the deck about 2 feet in width and about 8 feet in length to give some extra room. The old deck measured about 8 X 15 and felt very small. The contractor told me there was no problem adding to the width and the length of the deck. Not being familiar

with the building permit process, I assumed that he had secured the proper permit to start the deck. At one point he asked for a plat for my property for the permit and when I told him I would have to dig in my files for one, he said he could get one on his own.

In November, 2009 he started the demolition and construction of my new deck. Bad weather and the contractor's busy schedule/commuting from West Virginia caused the deck construction to be substantially delayed to the point where it was not "finished" until early May, 2010. On final walk-through I found several issues with the new deck. I fired the contractor and did not make the last payment to him. My neighbors next door who used to build houses/decks offered to correct some of the problems with the new deck – mainly the stairs, railings, as well as the floor boards. They were actively working on it when it was discovered by the Fairfax County Department of Code Compliance (when they were inspecting another deck in view of my deck) that we did not have a proper building permit. I received a letter from Bob Burk to this effect on July 26, 2010 when I was on vacation with my two sons at a beach in North Carolina.

After talking to Bob Burk upon my immediate return from the beach, I went to the Fairfax County Govt. Center to apply for a building permit on Friday, August 6, 2010. I was told by a woman in the office where I picked up a copy of my property plat that I could not build a new deck to replace the old deck since the newer 15' variance code regulation precludes such deck construction.

My original special permit application was found deficient by letter of March 17, 2011 from Virginia Ruffner. Since that time, I have met with Ms. Ruffner and Penny Gross to help me to understand where my application was deficient and I've taken steps to correct these deficiencies through this second application submission today. It is my hope that the corrected plats, embellished statement, corrected application page and new photos will help to facilitate an approved special permit application and the next steps. My delay in resubmitting this matter to you has been caused by some recent health issues which have now been resolved. I apologize for this delay in this resubmission.

I look forward to hearing back from you as to the status of this application and any other information you may need from me.

Thank you very much.

Sincerely,

A handwritten signature in cursive script that reads "Linda M. Figura". The signature is written in black ink and is positioned above the printed name.

Linda M. Figura



County of Fairfax, Virginia

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

LEGAL NOTICE CORRECTIVE WORK ORDER

SHERIFF'S LETTER

DATE OF ISSUANCE: July 26, 2010 **COMPLAINT #:** 201004552
SERVICE REQUEST#: 62981

LEGAL NOTICE ISSUED TO: Linda M. Figura

ADDRESS: 6408 Second Street
Alexandria, VA 22312

PROPERTY OWNER(S): Linda M. Figura

LOCATION OF VIOLATION: 6408 2nd Street
Alexandria, VA 22312-1839

TAX MAP NUMBER: 0723 08B 0036

I inspected the above premises on July 21, 2010, and observed the following:

Violation 1: FAILURE TO OBTAIN REQUIRED PERMIT

A deck is being constructed at the rear of your home without the required permit. You are directed to obtain the required permits for the work already in progress or completed, or demolish the work entirely after first obtaining a permit to demolish. You may call or visit the permit application center for further details. The permit application center is located at 12055 Government Center Parkway, Suite 230, Fairfax, VA 22035. The phone number is 703 222-0801.

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

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

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

Violation 2: FAILURE TO OBTAIN REQUIRED INSPECTIONS

A deck is being constructed at the rear of your home without the required inspections. You are directed to schedule, obtain and successfully pass all required inspections for this work, after first obtaining the required permits.

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

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

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

Linda M. Figura

July 26, 2010

Page 3

CORRECTIVE WORK ORDER: Pursuant to the VUSBC, Section 115, Violations, 115.2, Notice of Violation, you are directed to correct these defects within twenty (20) days of receipt of this Corrective Work Order. Failure to follow this order within the specified time may result in the issuance of a Notice of Violation under the applicable State and County codes.

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

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

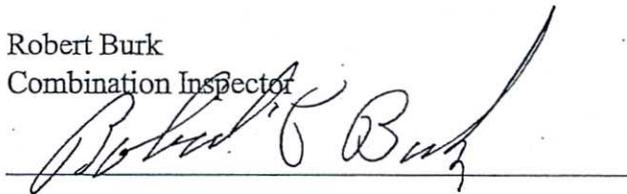
LEGAL NOTICE ISSUED BY:

Robert Burk

TITLE:

Combination Inspector

SIGNATURE:

A handwritten signature in black ink, appearing to read "Robert Burk", is written over a horizontal line. The signature is cursive and includes a large, sweeping flourish at the end.

NOTICE DELIVERED BY SHERIFF



County of Fairfax, Virginia

Return Copy

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

NOTICE OF VIOLATION Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: January 20, 2011

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Linda M. Figura

ADDRESS: 6408 2nd Street
Alexandria, VA 22312-1839

TAX MAP REF: 72-3 ((8)) (B) 36

LOCATION OF VIOLATION: 6408 2nd Street
Alexandria, VA 22312-1839

CASE #: 201004552 **SR#:** 62981

You were issued a Corrective Work Order on July 26, 2010 (copy enclosed) for violations of the Virginia Uniform Statewide Building Code (USBC) 2006 Edition, effective May 1, 2008. Staff confirmed on January 10, 2011 that the violations itemized below are remaining.

Explanation: On July 21, 2010 County staff inspected the above referenced premises and discovered that a wooden deck had been constructed on the east side of the house without the issuance of a Building Permit, required inspections and approvals.

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2006 edition, you are hereby directed to apply for and obtain the required permits and required inspections for the wooden deck constructed at the above address.

Corrective Action Required:

1. Apply for and obtain all necessary County Permits for the work described above within 20 calendar days from the date you receive this Notice, or obtain a County permit to demolish the work described above within the same timeframe.
2. Schedule and pass the required County inspection(s) for the work described above within 20 calendar days from the date you received this notice.
3. Contact me at (703) 324-1190 within the timeframe established to confirm the violation(s) has/have been abated.

Department of Public Works and Environmental Services
Land Development Services, County Building Official
12055 Government Center Parkway, Suite 444
Fairfax, VA 22035

Phone: 703-324-1780, 703-324-1980 TTY: 711, Fax: 703-324-1847
www.fairfaxcounty.gov/dpwes/lds

4. Call (703) 222-0455 to schedule all inspections related to this matter. Please reference CASE #: 201004552.

You have the right to appeal this decision within 30 days to the Fairfax County Board of Building and Fire Prevention Code Appeals. 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) 324-1780

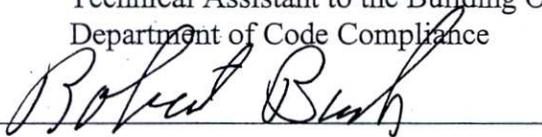
Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision. Failure to correct these defects within the time limits specified shall result in enforcement action being taken under the applicable State and County Codes.

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. **If you have received a Zoning Notice of Violation, contact the Zoning inspector at (703) 324-1300 who issued the Notice before coming to the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.**

If you have any questions, would like to schedule an appointment to meet with me, or schedule a site visit, please contact me directly at (703) 324-1190 or the main office at (703) 324-1300.

Notice Issued By: Robert Burk
Technical Assistant to the Building Official
Department of Code Compliance

Signature: _____



CC: Case File
Ray Pylant, Building Official
Debra McMahon, Permit Application Center
Paul Lynch, Director, Inspections Division

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.