



APPLICATION ACCEPTED: June 27, 2011
DATE OF PUBLIC HEARING: October 5, 2011
MOVED WITH APPLICANT'S CONSENT
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 28, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-LE-064

LEE DISTRICT

APPLICANT: Minerva Espinosa

OWNERS: Minerva Espinosa
Ramil Apurada

LOCATION: 6735 Bowie Drive

SUBDIVISION: Springfield Estates

TAX MAP: 80-4 ((5)) (8) 2

LOT SIZE: 9,783 square feet

ZONING: R-4

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction to minimum yard requirements based on errors in building locations to permit an addition to a single-family detached dwelling to remain 4.0 feet from a side lot line, awning to remain 2.7 from a side lot line and an accessory storage structure to remain 0.0 feet from a side lot line and 5.0 feet from the rear lot line.

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Brenda J Cho

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

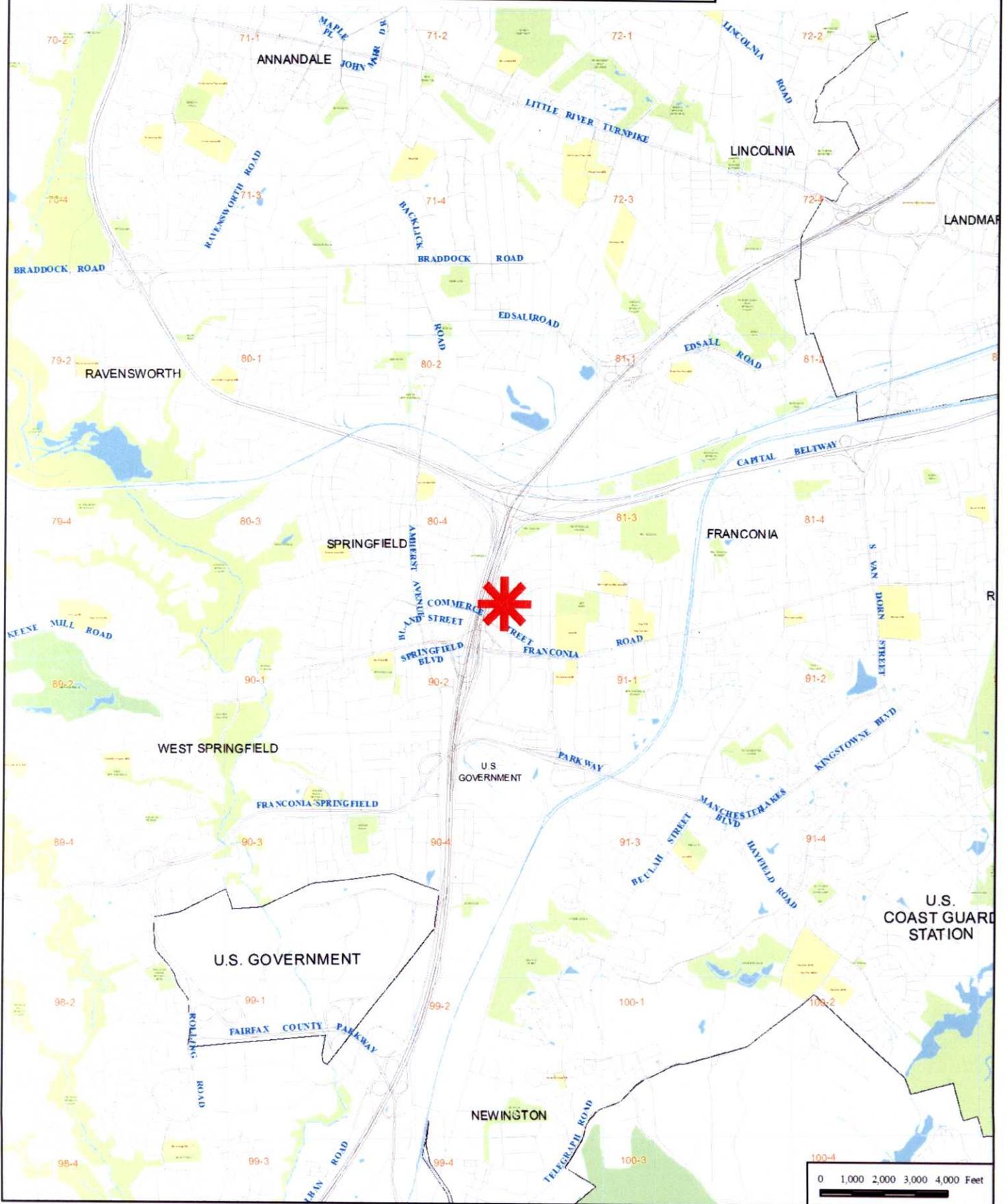
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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).

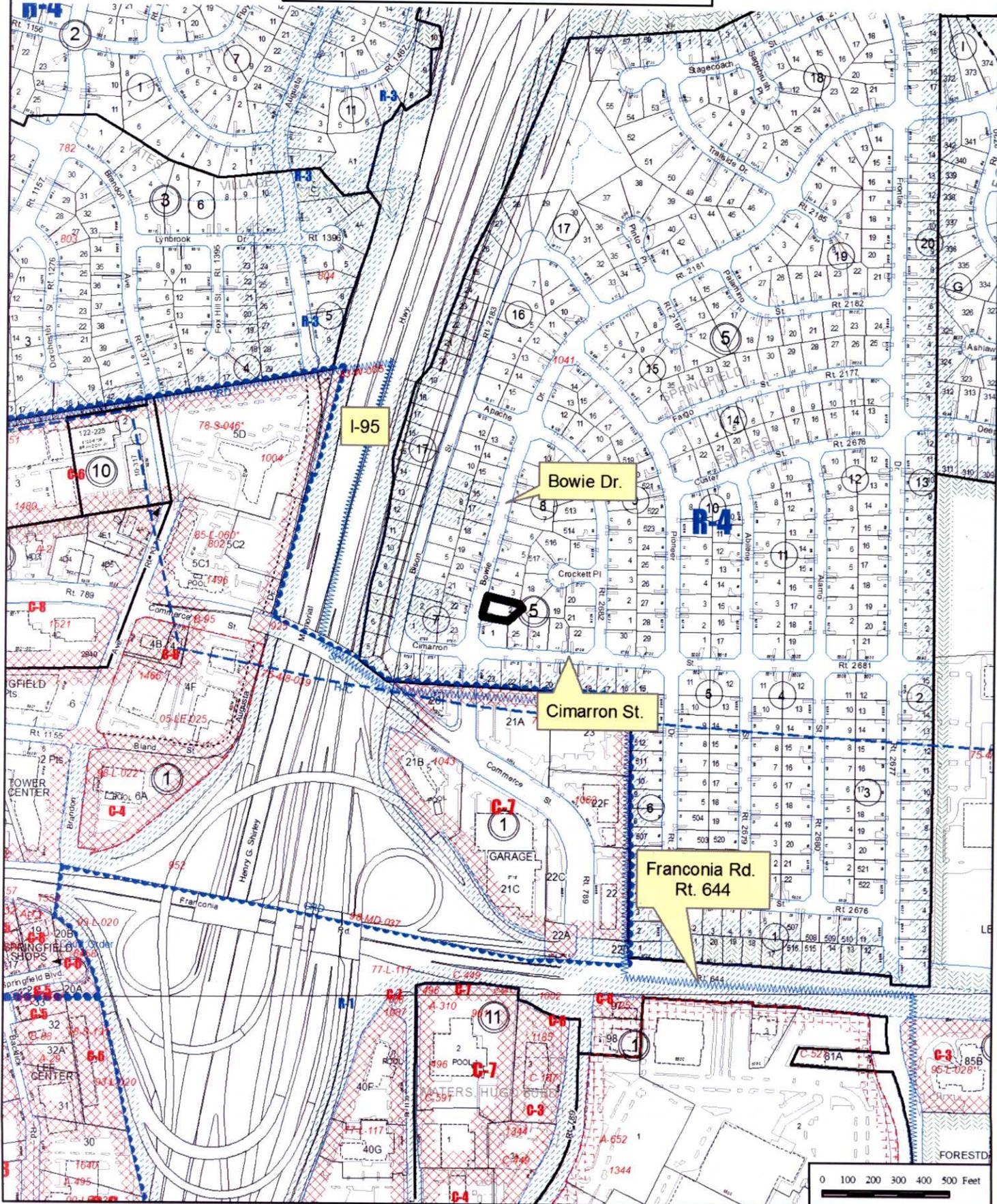
Special Permit
SP 2011-LE-064
MINERVA ESPINOSA



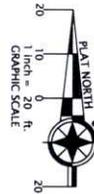
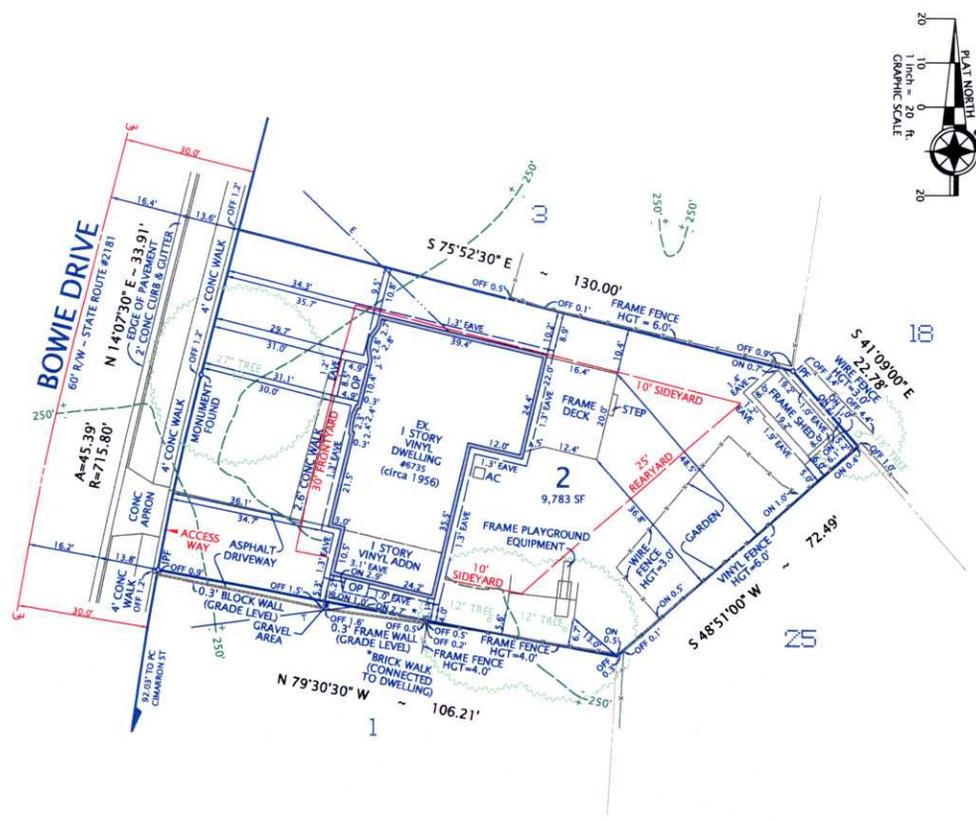
Special Permit

SP 2011-LE-064

MINERVA ESPINOSA



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NOTES

1. TAX MAP: 80-4-005-08-0002
2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
3. LOT AREA: 9,783 SF (0.2267 ACRE)
4. REQUIRED YARDS:

FRONT:	=	30.0 FEET
SIDE:	=	10.0 FEET
REAR:	=	25.0 FEET
5. HEIGHTS:

EX DWELLING	=	12.2 FEET
SHED	=	09.8 FEET
DECK	=	01.0 FEET
FENCES	=	AS NOTED
PLAYGROUND EQUIP	=	07.5 FEET
WALLS	=	GRADE LEVEL
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY. THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 515525 0150 D, REVISED MARCH 5, 1990.
12. AREAS:

EX GROSS FLOOR AREA 1ST FLOOR	=	1,908 SF
EX FLOOR AREA RATIO = EX GFA (1908)/LOT AREA (9783)	=	0.20



PLAT
SHOWING THE IMPROVEMENTS ON
LOT 2, BLOCK 8, SECTION ONE
SPRINGFIELD ESTATES

(DEED BOOK 1334, PAGE 164)
FAIRFAX COUNTY, VIRGINIA
LEE DISTRICT
SCALE: 1" = 20'
JANUARY 13, 2010
JULY 06, 2010 (REV BRL)

<p>I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:</p>	<p>01/13/2010 GEORGE M. O'QUINN LICENSE NO. 2069</p> <p style="font-size: small;">COMMONWEALTH OF VIRGINIA LAND SURVEYORS</p> <p style="font-size: x-small;"><i>George M. O'Quinn</i></p>	<p>ORDERED BY: ANNE MARIE PALKA</p> <hr/> <p>DOMINION Surveyors Inc.®</p> <p style="font-size: x-small;">8808-H PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309 703-619-6555 FAX: 703-799-6412</p>
<p>THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.</p>	<p style="text-align: right;">#05-10 #100105005</p>	

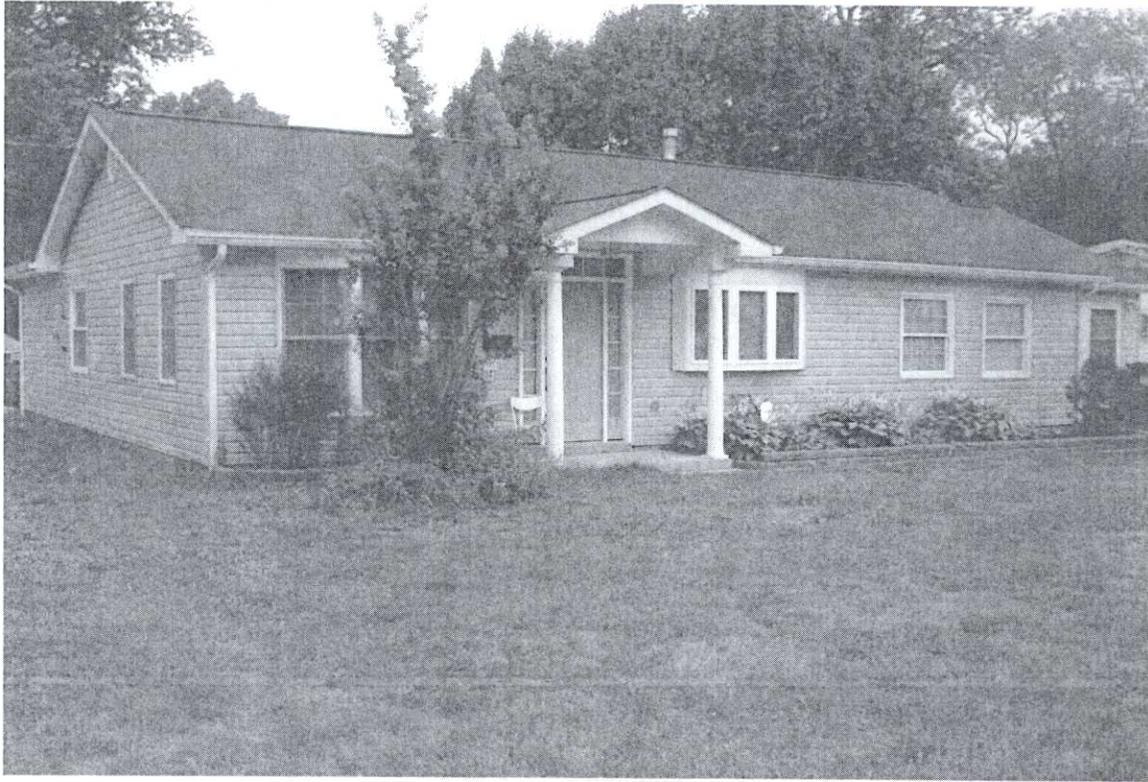


Front of subject House, 6735 Bowie Dr. 6/29/10



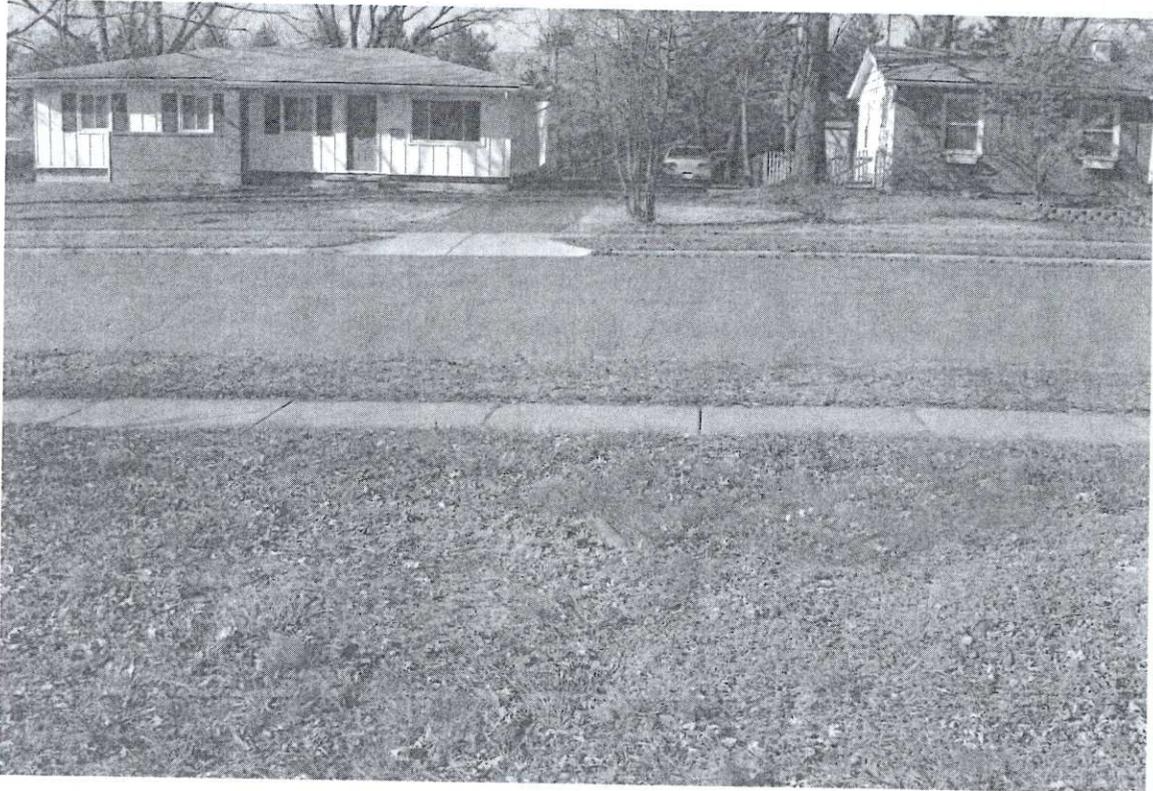
View of right side of subject property from the street

6/29/10



View of left side of property from the street

6/29/10



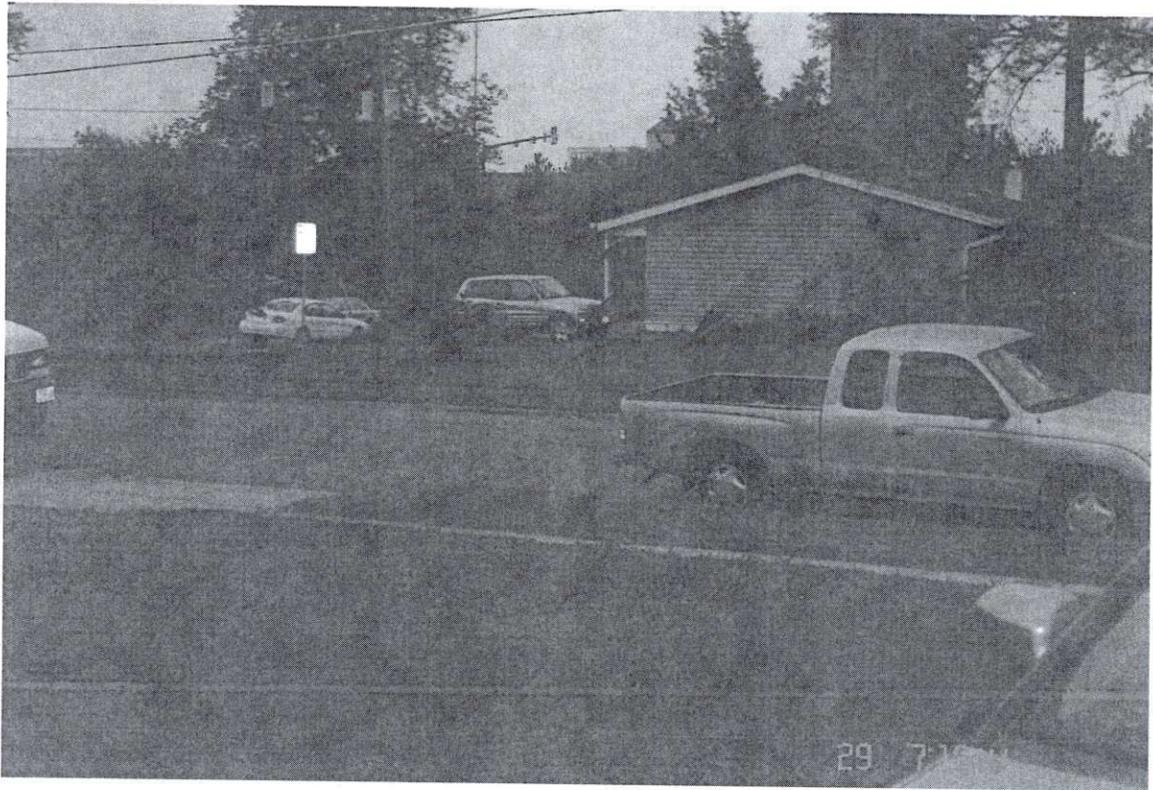
View from ^(House) subject property toward house nos. 6734 and 6736

6/29/10

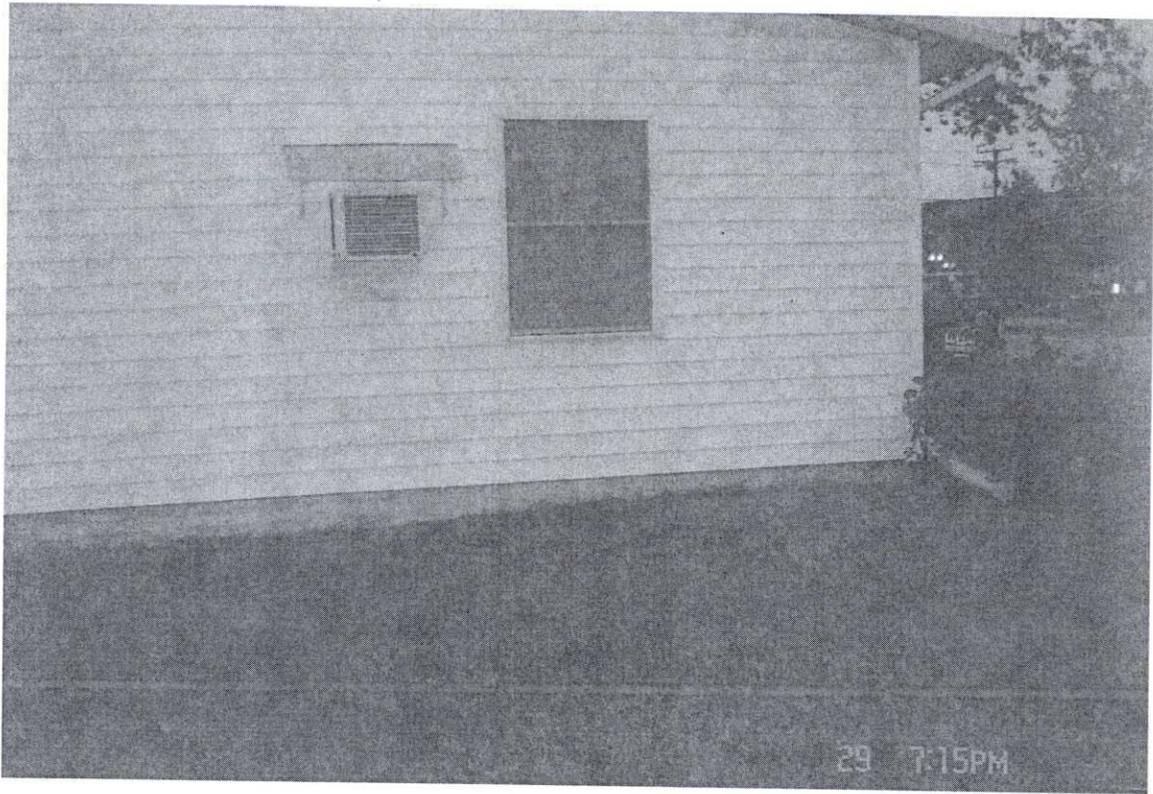


View from subject property to the right side, towards 6734, 6732

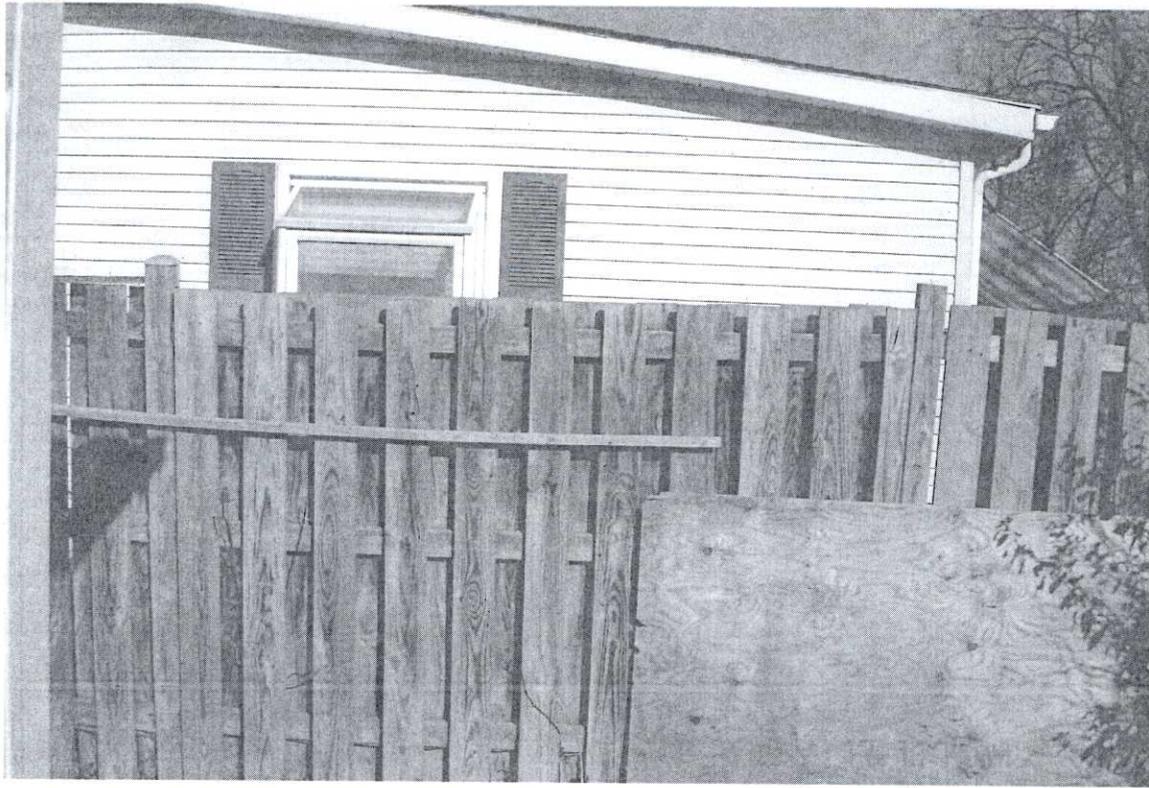
6/29/10



View from Subject Property to the left side
towards Cimarron St. 6/29/10

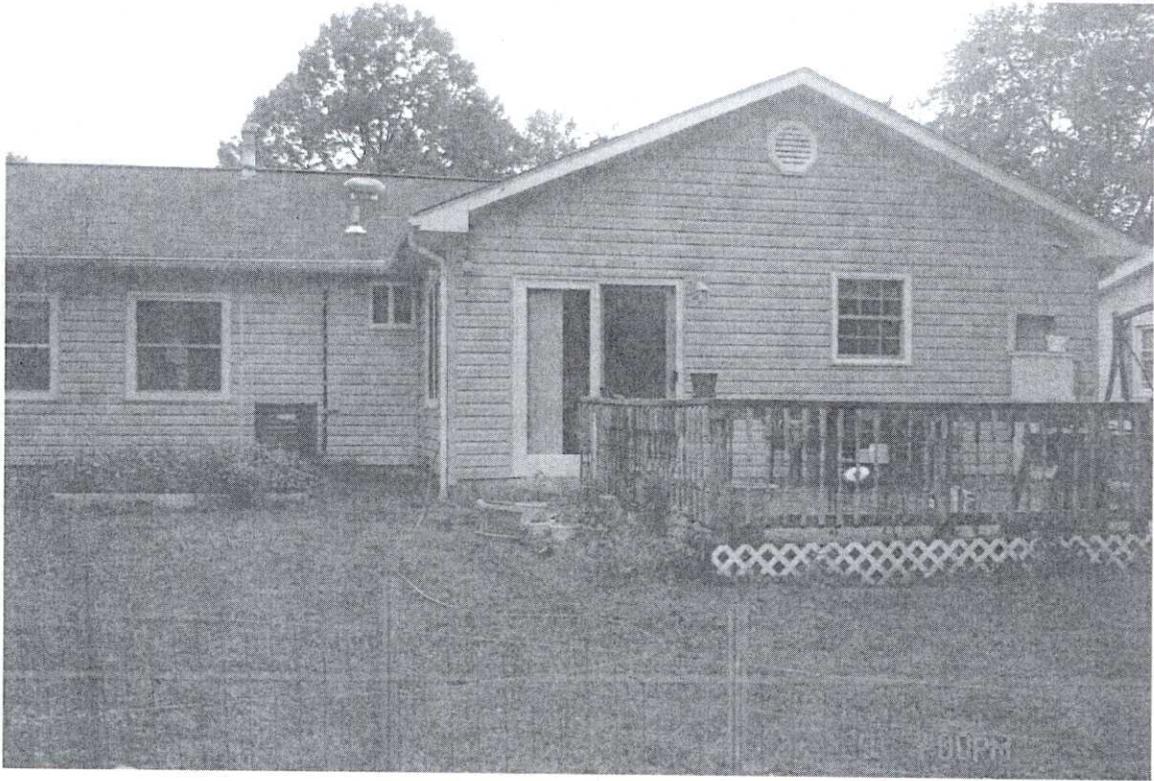


View from subject property toward house no. 6739 Bowie 6/29/10



View from Subject Property toward House # 6733

6/17/10

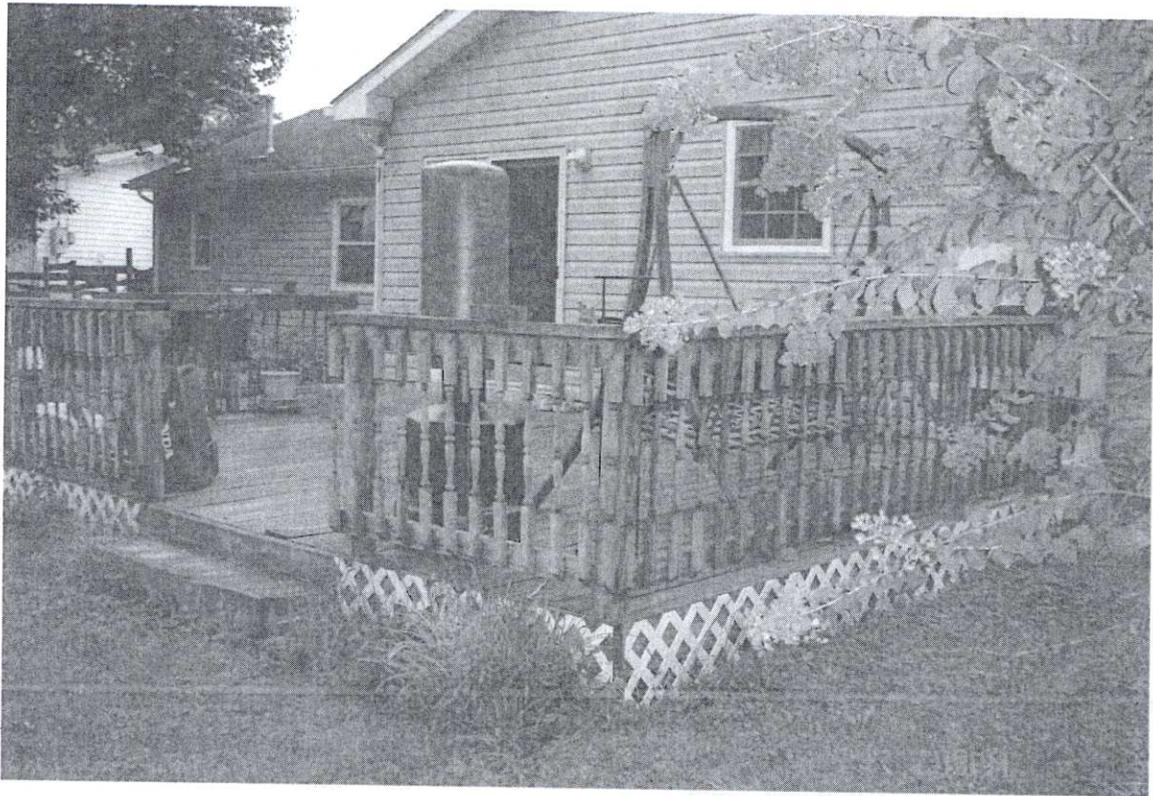


Back of House

6/29/10



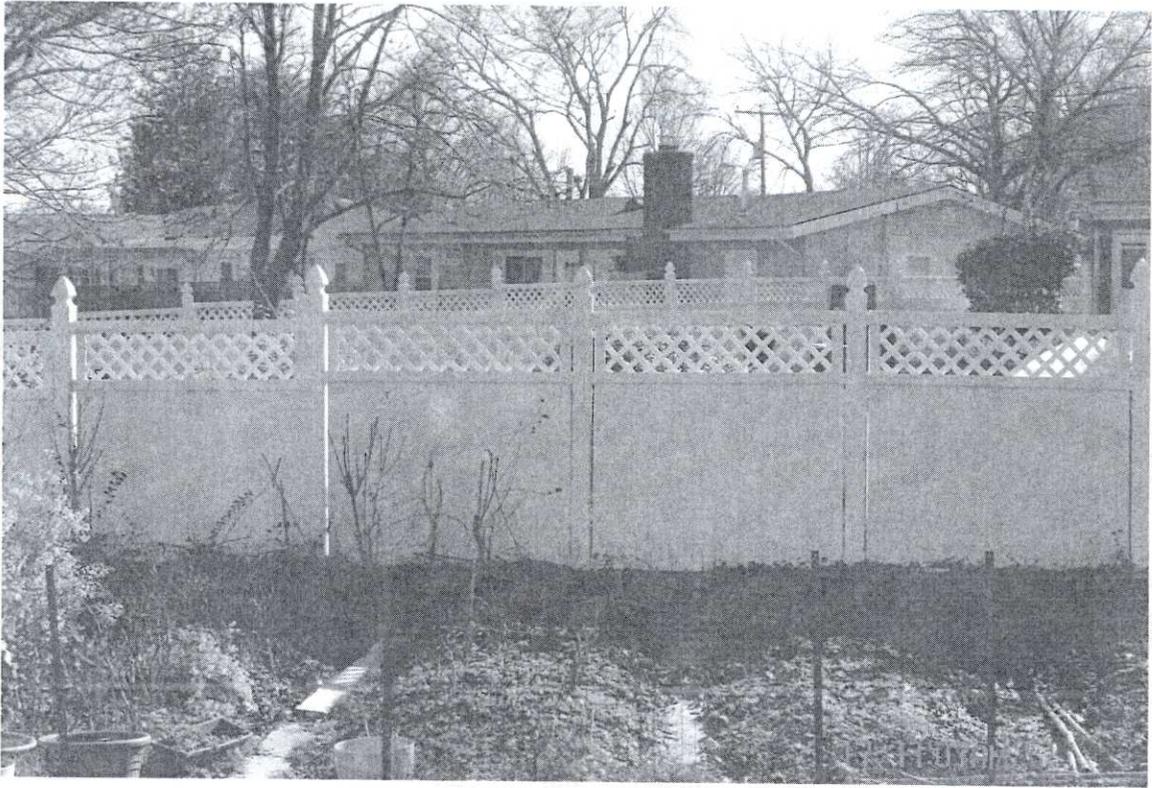
Back of the House 6/29/10
View from Property line in the Back



Back of the House, View from the right side
towards Left side 6/29/10

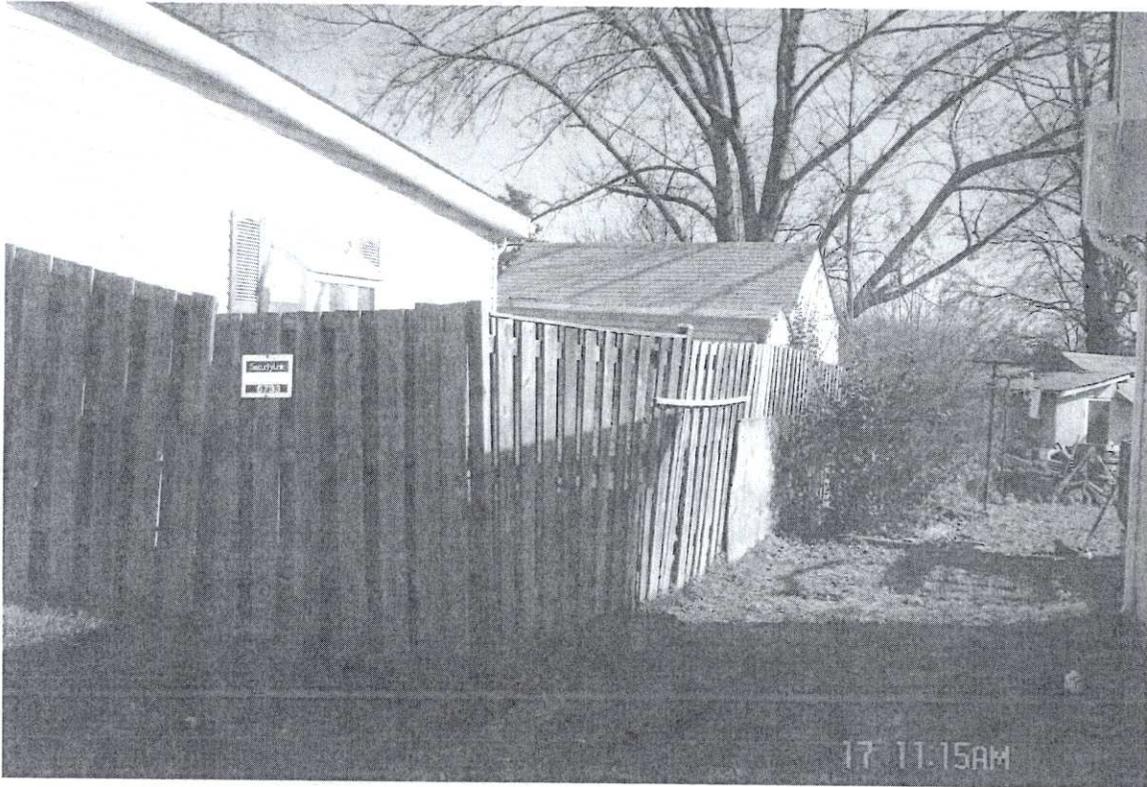


Back of the House, Left side , 6/13/10



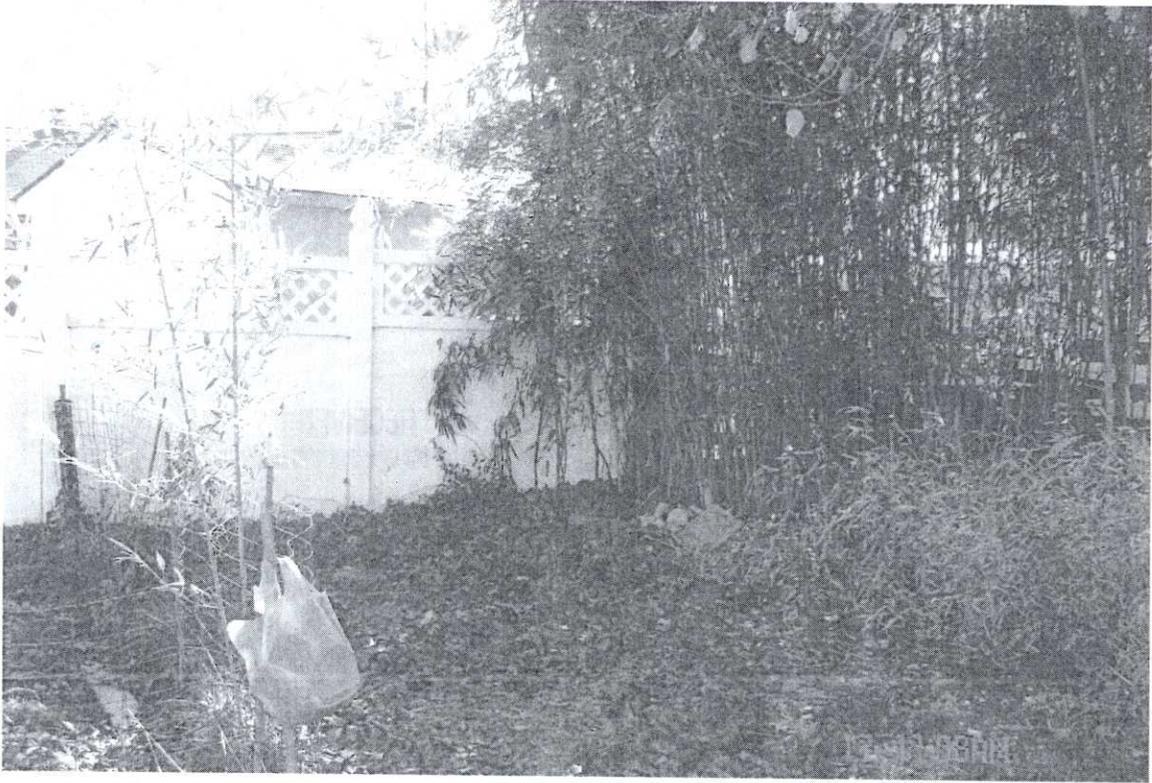
Picture of rear lot line,
View from Back of House

6/29/10



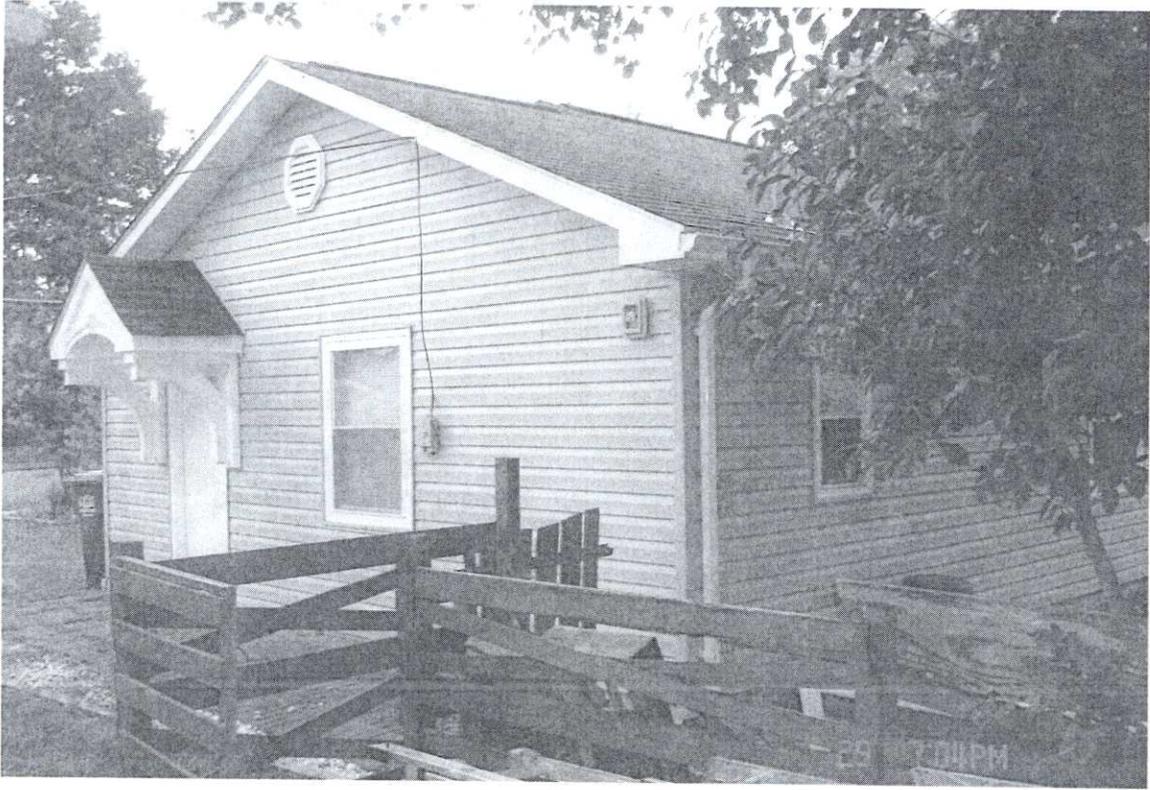
Picture of lot line, looking toward House no. 6733 Bowie

6/29/10



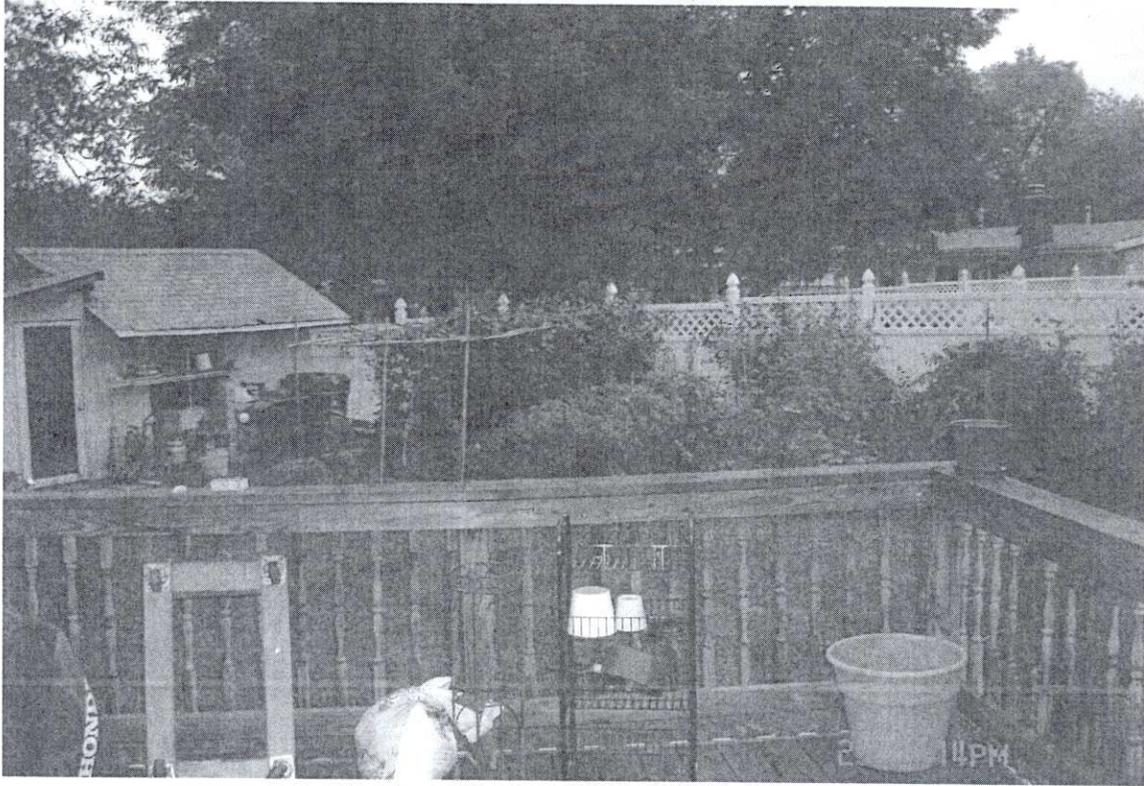
Picture of lot line, looking toward House no. 6739 Bowie
Taken from Back of House

4/17/10



View of the back of subject property from 6739 Bowie

6/29/10



Picture of shed *at* back of subject House 6/29/10
Left Side Rear, white fence is the property Line

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for errors in building locations to permit a single story addition 4.0 feet from the southern side lot line and awning 2.7 feet from the southern side lot line. The applicant also requests an error in building location to permit an accessory storage structure, which measures approximately 154 square feet in area and 9.8 feet in height, to remain 0.0 feet from the northern side lot line and 5.0 feet from the rear lot line.

	Structure	Yard	Min. Yard Req.	Structure Location	Amount of Error	Percent of Error
Special Permit	Addition	Side	10.0 feet	4.0 feet	6.0 feet	60%
Special Permit	Awning	Side	10.0 feet	2.7 feet	7.3 feet	73%
Special Permit	Accessory Storage Structure*	Side	10.0 feet	0.0 feet	10.0 feet	100%
Special Permit	Accessory Storage Structure*	Rear	9.8 feet	5.0 feet	4.8 feet	49%

* Par. 10 (E) of Sect. 10-104 states that any accessory storage structure which exceeds eight and a half (8 ½) feet in height shall be located at a distance equal to its height to the rear lot line and equal to the minimum required side yard to the side lot line.

EXISTING SITE DESCRIPTION

The subject site measures 9,783 square feet in size and is zoned R-4. There is a single story vinyl detached dwelling on the site which measures approximately 1,908 square feet in area. An asphalt driveway accessed via Bowie Drive is located in the front. A four (4) foot wide concrete sidewalk runs along the frontage of the property, and a brick sidewalk connects driveway to the rear yard along the right (south) side of the house. The front yard is planted with grass, ornamental trees and shrubs. There is a frame deck at the rear of the house. Playground equipment and a frame shed are located in the rear yard, and the rear yard is planted with a couple of trees, grass and a garden. Fencing of varied heights and materials surrounds the rear yard.

CHARACTER OF THE AREA

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

BACKGROUND

On October 19, 2009, a Corrective Work Order (CWO) was issued to the applicant for a failure to obtain required building permits and inspections following a renovation to the carport addition (see Appendix 4). A Notice of Violation (NOV) was issued on January 22, 2010 (see Appendix 4). The applicant, who purchased the property in 1998, states that the previous owner enclosed the carport and built the shed. No permit records of the carport's enclosure were found. An open carport was built in 1973 after the house's original construction in 1956, according to house location plats on file with the County.

The applicant applied for a building permit for the interior renovation to the addition on December 10, 2009 after the CWO was issued, but it was denied due to a requirement for a special permit for a minimum side yard reduction. The applicant also applied for two (2) other building permits in 2009 to build other additions along the front and rear of the house, and the projects were completed, as well as replacement of the siding on the house.

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

- Variance VC 1983-L-021 was approved on May 3, 1983 for Tax Map 80-4 ((5)) (19) 7, zoned R-4 at 6024 Trailside Drive, to permit construction of an addition to a dwelling 6.1 feet from the side lot line.
- Variance VC 1996-L-071 was approved on June 25, 1996 for Tax Map 80-4 ((5)) (5) 6, zoned R-4 at 6311 Pioneer Drive, to permit construction of an addition 5.5 feet from the side lot line.
- Special Permit SP 1991-L-055 was approved on December 3, 1991 for Tax Map 80-4 ((5)) (6) 8, zoned R-4 at 6314 Pioneer Drive, to permit a reduction to minimum yard requirements based on an error in building location to allow a dwelling to remain 5.47 feet from the side lot line and allow an accessory dwelling unit.

- Special Permit SP 2001-L-037 was approved on March 29, 2002 for Tax Map 80-4 ((5)) (9) 17, zoned R-4 at 6116 Pioneer Drive, to permit a reduction to minimum yard requirements based on an error in building location to permit an addition to remain 4.8 feet from the side lot line and an accessory dwelling unit.
- Variance VC 2003-LE-015 was approved on April 16, 2003 for Tax Map 80-4 ((5)) (9) 520, zoned R-4 at 6202 Pioneer Drive, to permit construction of an addition 8.0 feet from the side lot line.
- Special Permit SP 2003-LE-039 was approved on May 4, 2004 for Tax Map 80-4 ((5)) (1) 508, zoned R-4 at 6607 Buckskin Street, to permit a reduction to minimum yard requirements based on an error in building location to permit an addition to remain 5.0 feet with eave 4.0 feet from the side lot line.

ZONING ORDINANCE REQUIREMENTS

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

This special permit is subject to Sects. 8-006, 8-903 and 8-914 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, this special permit must meet these standards.

CONCLUSION

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS

SP 2011-LE-064

September 28, 2011

1. This special permit is approved for the location and size of the addition, awning and accessory storage structure as shown on the plat prepared by Dominion Surveyors Inc., dated and sealed January 13, 2010 and revised July 6, 2010, as submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections for the addition shall be diligently pursued and obtained within six months of final approval of this application.

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

Application No.(s): SP 2011-LE-064
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 6, 2010
 (enter date affidavit is notarized)

I, MINERVA ESPINOSA, 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 107658a

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)
MINERVA S. ESPINOSA*	6735 BOWIE DR., SPRINGFIELD VA 22150	Applicant/Title Owner
RAMIL V. APURADA	6735 BOWIE DR., SPRINGFIELD, VA 22150	Applicant/Title Owner
MARLENE C. PAUCAR	7839 EMILYS WAY, GREENBELT, MD 20770	Agent for Applicants/ Title Owners
JEANETTE A. PAUCAR	7839 EMILYS WAY, GREENBELT, MD 20770	Agent for Applicants/ Title Owners

* ALSO KNOWN OF RECORD AS MINERVA ESPINOSA - APURADA

(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-LE-064
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 6, 2010
(enter date affidavit is notarized)

107658 a

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

Application No.(s): SP 2011-LE-064
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 6, 2010
(enter date affidavit is notarized)

107658a

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

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

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

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

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

Application No.(s): SP 2011-LE-064
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 6, 2010
(enter date affidavit is notarized)

107658a

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-LE-064
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 6, 2010
(enter date affidavit is notarized)

1076582

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature: [Signature]
(check one) Applicant Applicant's Authorized Agent
MINERVA ESPINOSA
APPLICANT/TITLE OWNER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 6 day of May, 2010, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 31 Dec 2012
Gabriela M. Stai
Notary Public



JUN 20 2011

Zoning Evaluation Division

Statement of Justification

Property Address: 6735 Bowie Dr.
Springfield, VA 22150

Type: Improvement on existing enclosed carport

We would like to request your kind consideration to grant us a Special Permit on the above subject property.

It was our first time to buy a house in 1998. We did not know about the history of improvements and additions that were made to the house by the previous owner. When we bought the house, it has an existing carport that has been enclosed by the previous owner.

We have no way of contacting the previous owner to obtain a statement from him. We have no knowledge if he is still alive today. The previous owner was already in his late seventies in 1998.

We have added some improvements like updated the window and door and installed laminated flooring in the enclosure so that we could make it more efficient against the cold during the winter months. We are currently utilizing the space as a storage space for boxes and exercise equipment (treadmill, elliptical machine, punch bags, bikes and sporting equipment.)

In 2009, we have applied and have been granted two separate permits by the County for a kitchen addition and a front addition to the house. Inspectors from the County had visited several times to inspect each stage of the construction as required by the County, however, none of the inspectors had raised any issues on the existing enclosed carport. Had we known that it will be cited as an issue later on, we could have included the enclosed carport in our permit applications. The two building permits that we have applied for attest to our intention to comply with County regulations-. After the final inspection by the County on the kitchen addition and front addition, the County has informed us later on that there was no building permit filed by the previous owner who enclosed carport.

Further, I would like to indicate that:

There is no hazardous or toxic substances as set forth in title 40 code of federal regulations parts 116.4.302.4 and 355.

The proposed development conforms to the provisions of all applicable ordinance regulation and adopted standards.

8-914-standard for shed and addition

a. The error exceed ten(10%) percent of the measurements involved

- b.-The noncompliance was done in good faith (the structures were there before; when we bought the house)
- c.-Such reduction will not impair the purpose and intent of this Ordinance.
- d.-It will not be detrimental to the use and enjoyment of other property and the immediate vicinity,
- e.-It will not create an unsafe condition with respect to both other property and public streets.
- 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.

In view of the above, we request your office to kindly consider our request for a waiver. We have a pending building permit application to comply with the County rules and pass inspection, but it will only be granted if we are granted a Special Permit by your office.

Sincerely,



Minerva Espinosa
Applicant



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

DATE OF ISSUANCE: October 19, 2009 **COMPLAINT #:** 43544
SERVICE REQUEST#: 43544

LEGAL NOTICE ISSUED TO: Minerva Espinosa Apurada
Ramil Apurada

ADDRESS: 6735 Bowie Drive
Springfield, VA 22150

PROPERTY OWNER(S): Minerva Espinosa Apurada
Ramil Apurada

LOCATION OF VIOLATION: 6735 Bowie Drive
Springfield, VA 22150-1535

TAX MAP NUMBER: 0804 05080002

I inspected the above premises on October 8, 2009, and observed the following:

Violation 1: FAILURE TO OBTAIN REQUIRED PERMIT

A carport has been converted into habitable space without the required building and trade permits and the required minimum inspections. 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 MINIMUM INSPECTIONS

A carport has been converted into habitable space without the required minimum 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.

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.

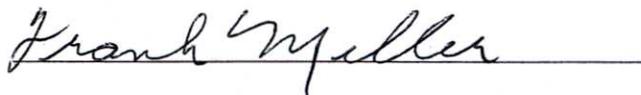
LEGAL NOTICE ISSUED BY:

Francis Miller

TITLE:

Combination Inspector

SIGNATURE:

A handwritten signature in cursive script, appearing to read "Francis Miller", is written over a horizontal line.

NOTICE DELIVERED BY CERTIFIED MAIL NO: 7005 3110 0002 5505 5467



County of Fairfax, Virginia

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

LEGAL NOTICE NOTICE OF VIOLATION

SHERIFF LETTER

DATE OF ISSUANCE: January 22, 2010 **COMPLAINT #:** 43544
SERVICE REQUEST#: 43544

LEGAL NOTICE ISSUED TO: Minerva Espinosa Apurada
Ramil Apurada

ADDRESS: 6735 Bowie Drive
Springfield, VA 22150

PROPERTY OWNER(S): Minerva Espinosa Apurada
Ramil Apurada

LOCATION OF VIOLATION: 6735 Bowie Drive
Springfield, VA 22150-1535

TAX MAP NUMBER: 0804 05080002

The property was inspected on October 8, 2009. A Corrective Work Order was issued on October 19, 2009. You are directed to complete the following:

Violation 1: FAILURE TO OBTAIN REQUIRED PERMIT

A carport has been converted into habitable space without the required building and trade permits and the required minimum inspections. 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

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

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 MINIMUM INSPECTIONS

A carport has been converted into habitable space without the required minimum 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.

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 Notice of Violation. 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 Notice of Violation, 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:
TITLE:

Francis Miller
Combination Inspector

SIGNATURE:

Francis Miller 1/22/10

SHERIFF LETTER

ZONING ORDINANCE PROVISIONS

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for all Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.

2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.

- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

- 2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
- 3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
- 4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
- 5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.