



APPLICATION ACCEPTED: October 27, 2011
DATE OF PUBLIC HEARING: January 11, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 4, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MA-093

MASON DISTRICT

APPLICANT/OWNER: Abderrahman Rhanime
LOCATION: 4508 Brookside Drive
SUBDIVISION: Pinecrest
TAX MAP: 72-1 ((6)) 51
LOT SIZE: 28,718 square feet
ZONING: R-1
ZONING ORDINANCE PROVISION: 8-914
SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on errors in building locations to permit accessory structure to remain 4.8 feet from side lot line and accessory storage structure to remain 2.0 feet from 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:\rhomert\Special Permits\abderhaman rhanime\staff report.docx

Rebecca Homer

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.**

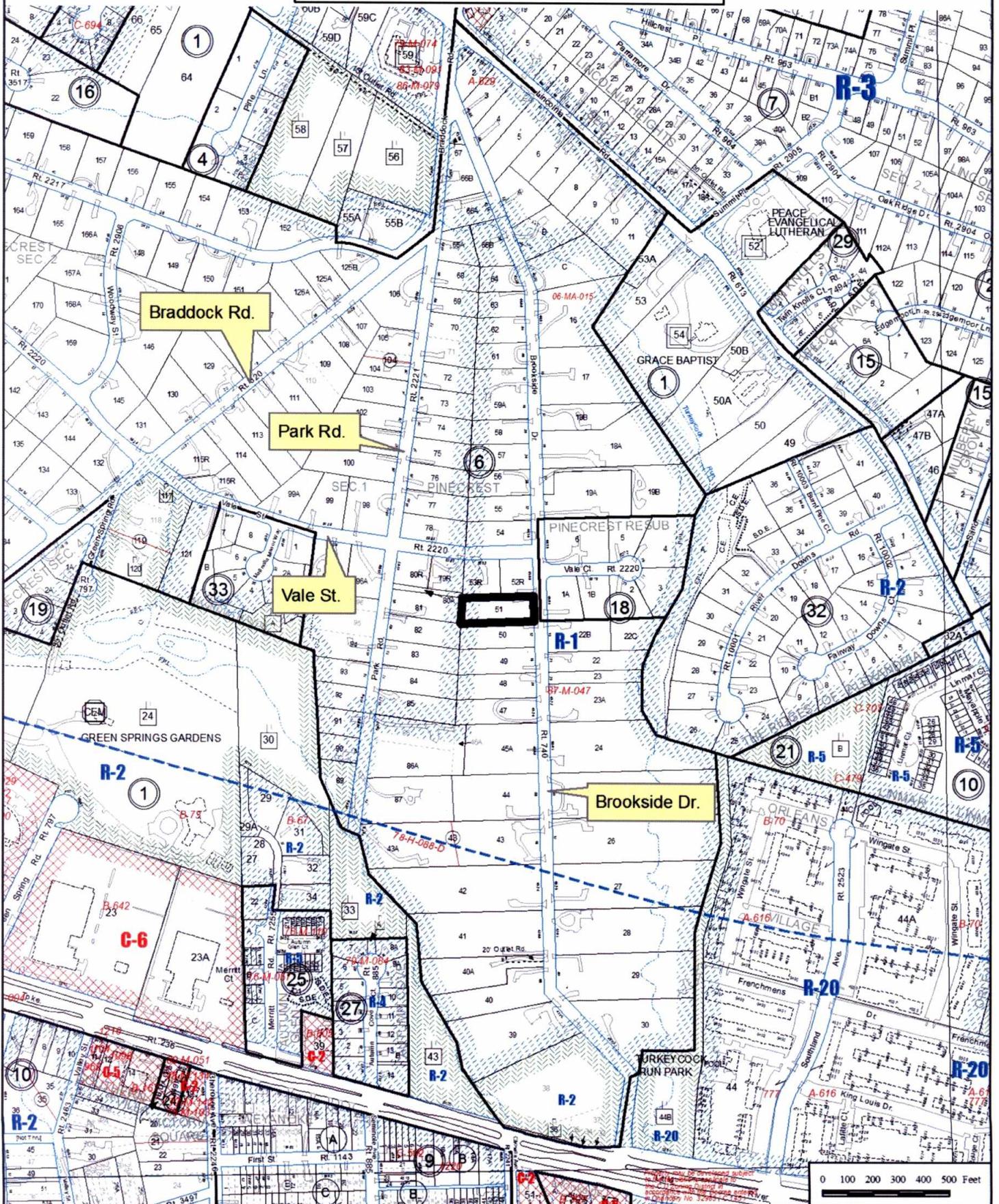


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

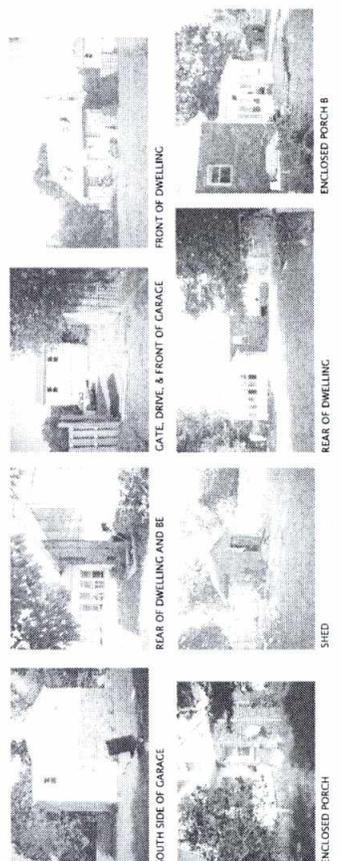
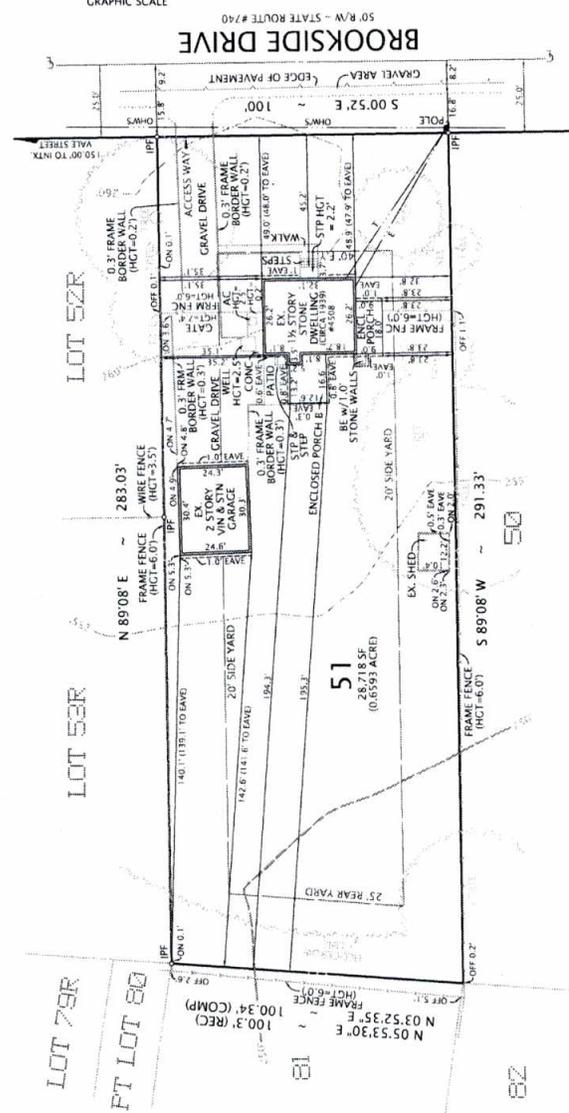
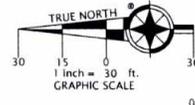
Special Permit

SP 2011-MA-093

ABDERRAHMAN RHANIME



1. TAX MAP: 72-1-06-0051
2. ZONE: R-1 (RESIDENTIAL 1 DU/AC)
3. LOT AREA: 28,718 SF (0.6593 ACRE)
4. REQUIRED YARDS:
 - FRONT: = 40.0 FEET
 - SIDE: = 20.0 FEET
 - REAR: = 25.0 FEET
5. EX. HEIGHTS:
 - DWELLING (MIDLINE) = 19.0 FEET
 - DWELLING (RIDGE LINE OF ROOF) = 24.6 FEET
 - GARAGE (MIDLINE) = 22.1 FEET
 - GARAGE (RIDGE LINE OF ROOF) = 22.7 FEET
 - ENCLOSED PORCH (MIDLINE) = 11.8 FEET
 - ENCLOSED PORCH (RIDGE LINE OF ROOF) = 11.5 FEET
 - FENCES, WELL, ETC... = AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. 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.
12. EXISTING DWELLING AREAS:
 - BASEMENT = 859 SF
 - 1ST FLOOR = 1,215 SF
 - 2ND FLOOR = 429 SF
 - GROSS FLOOR AREA = 2,503 SF
- EXISTING GARAGE AREAS:
 - 1ST FLOOR = 741 SF
 - 2ND FLOOR = 741 SF
 - GROSS FLOOR AREA = 1,482 SF
- TOTAL GROSS FLOOR AREA = 3,985 SF
- FLOOR AREA RATIO = 0.14
- PROP. 1ST FLOOR = 572 SF
- PROP. 2ND FLOOR = 544 SF
- PROP. GROSS FLOOR AREA = 1,116 SF
- PROP. ADDN (1116) / EX. GFA (2503) = 0.45



- NOTES: (CONT)
12. PROPOSED DWELLING AREA:
 - PROP. BASEMENT = 859 SF
 - PROP. 1ST FLOOR = 1,594 SF
 - PROP. 2ND FLOOR = 923 SF
 - PROP. GROSS FLOOR AREA = 3,426 SF
 - PROP. GFA (3426) + GARAGE GFA (1125) = 4551 SF.
 - PROP. FLOOR AREA RATIO: 0.16

PLAT
SHOWING THE IMPROVEMENTS ON
LOT 51
PINECREST
(PLAT BOOK T-12, PAGE 567)
FAIRFAX COUNTY, VIRGINIA
MASON DISTRICT
SCALE: 1" = 30'

SEPTEMBER 14, 2011
OCTOBER 19, 2011 (REV AREAS)
DECEMBER 15, 2011 (ADDN.)

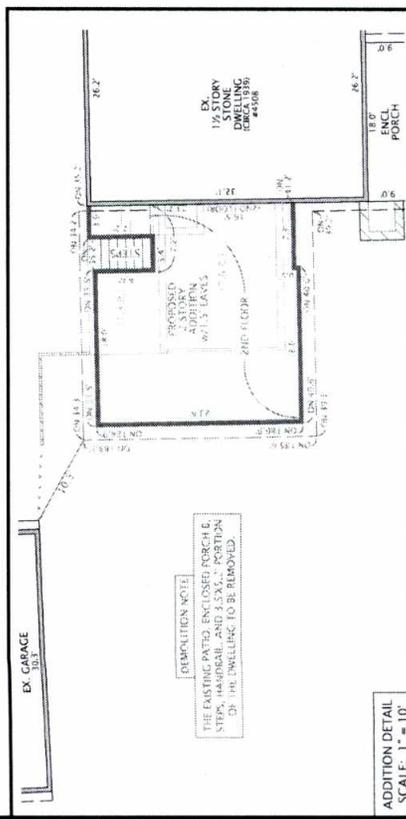
HEREBY CERTIFY THAT THE PORTIONS OF ALL LOTS SHOWN ON THIS PLAT HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.

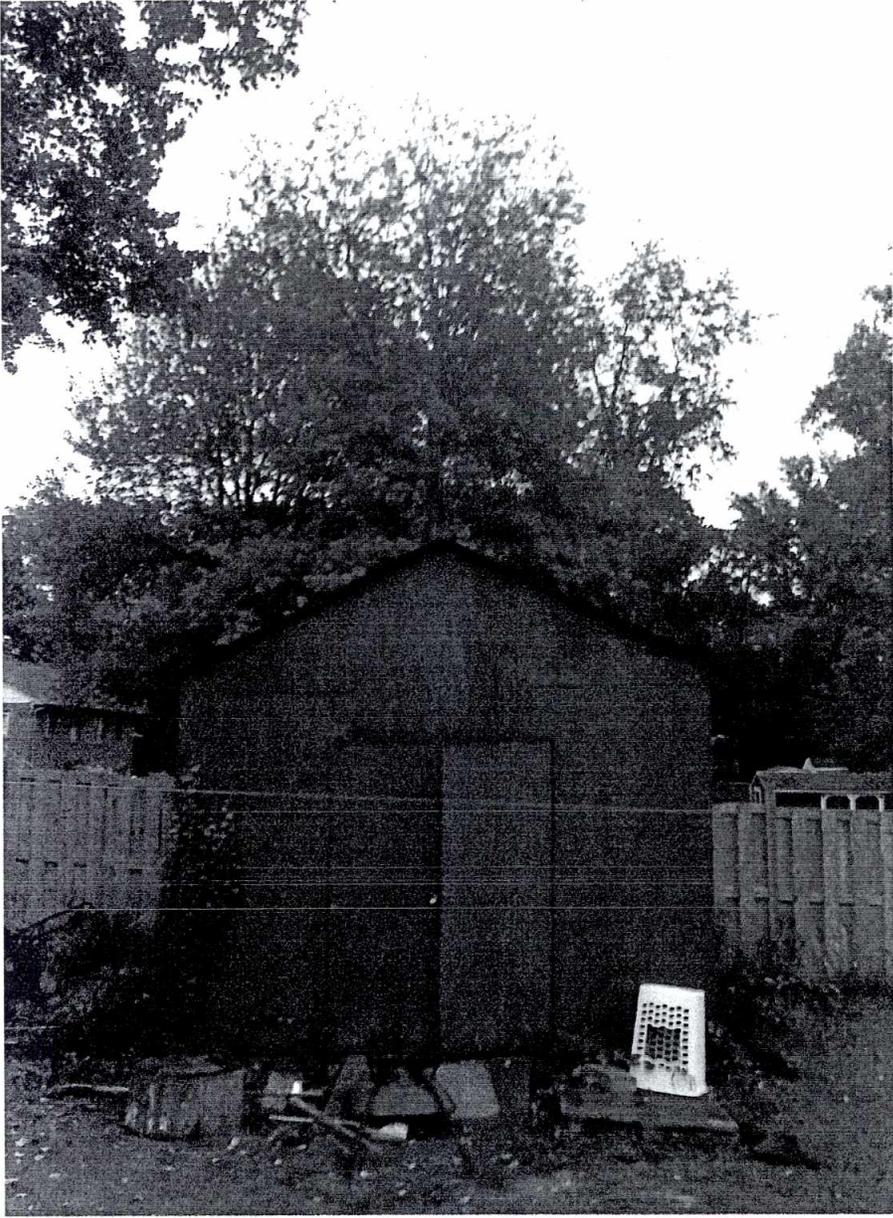
CASE NAME:
ABDERRAHMAN RHANIME

DOMINION Surveyors, Inc.
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VA 22309
TEL: 703-619-6555
FAX: 703-799-6412

09/14/2011
LISENSE NO 2869
GEORGE M. QUINN
COMMISSIONER OF VIRGINIA SURVEYING
George M. Quinn







SHED PHOTO

NORTH SIDE VIEW

RECEIVED
Department of Planning & Zoning

OCT 12 2011

Zoning Evaluation Division

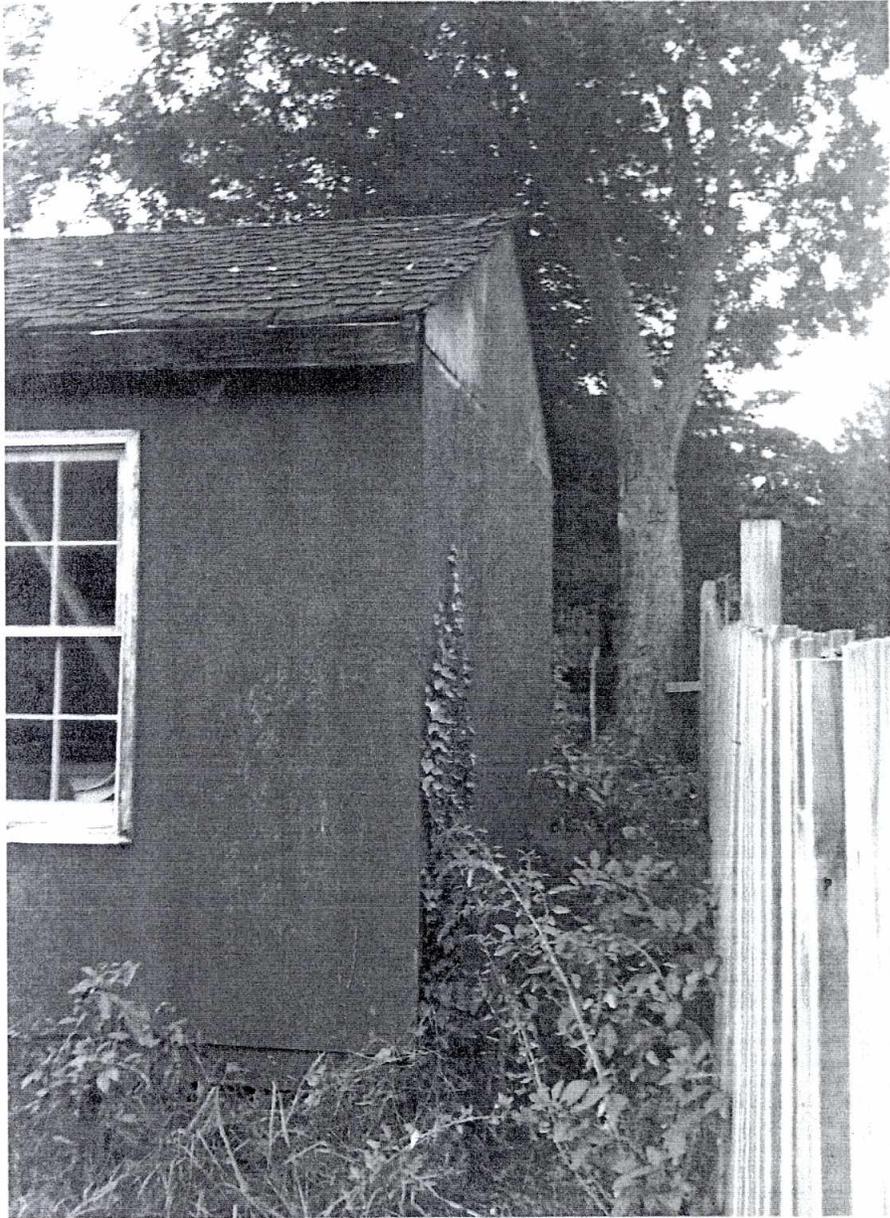


SHED PHOTO
WEST SIDE VIEW

RECEIVED
Department of Planning & Zoning

OCT 12 2011

Zoning Evaluation Division

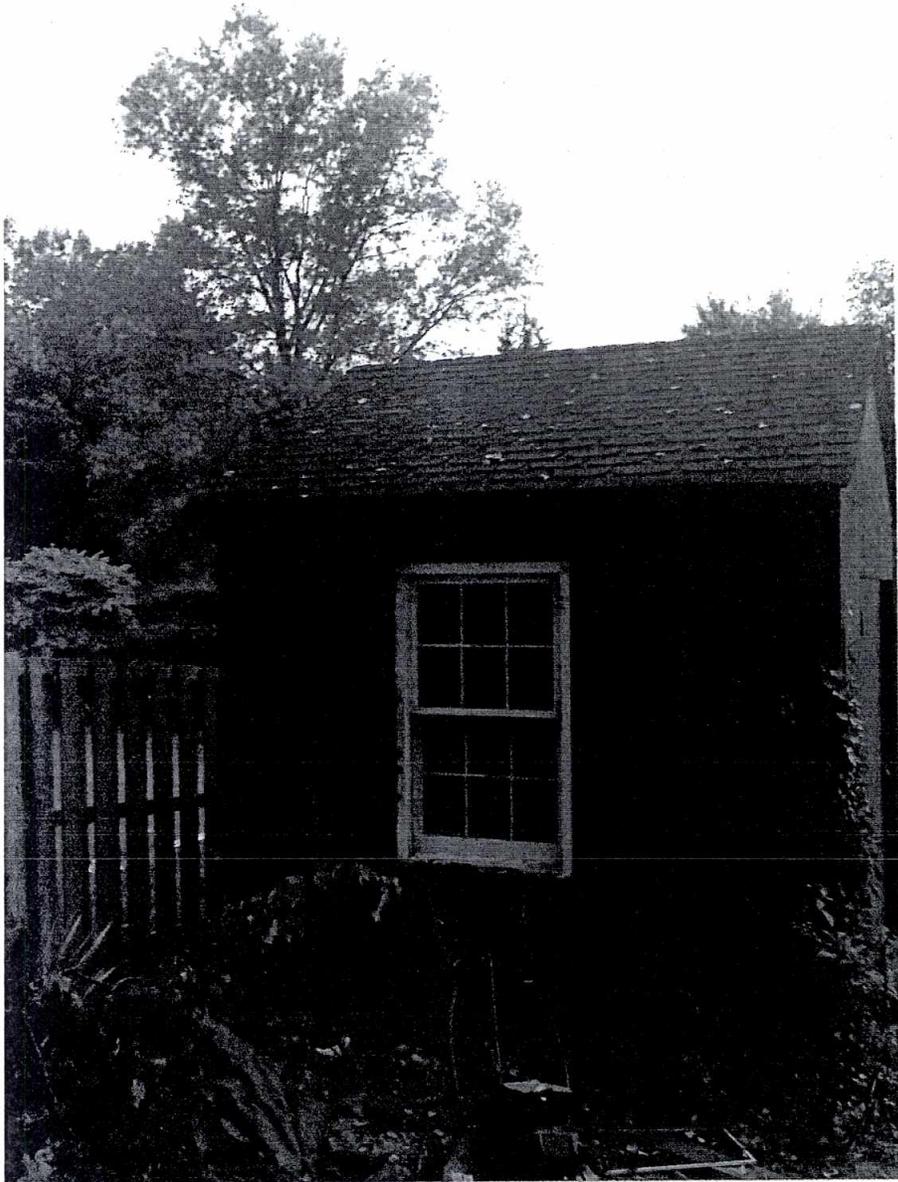


SHED PHOTO
SOUTH-WEST SIDE VIEW

RECEIVED
Department of Planning & Zoning

OCT 12 2011

Zoning Evaluation Division

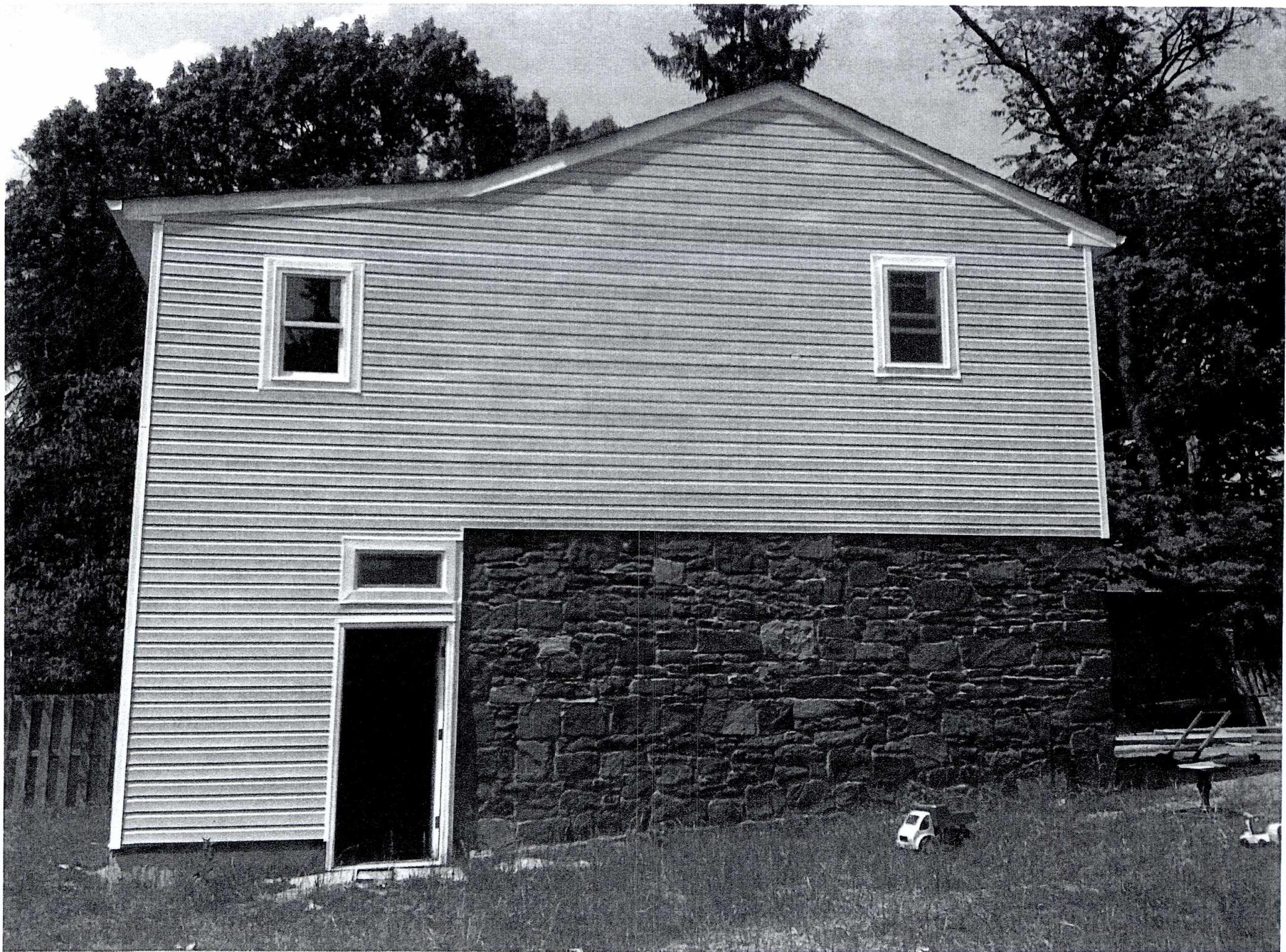


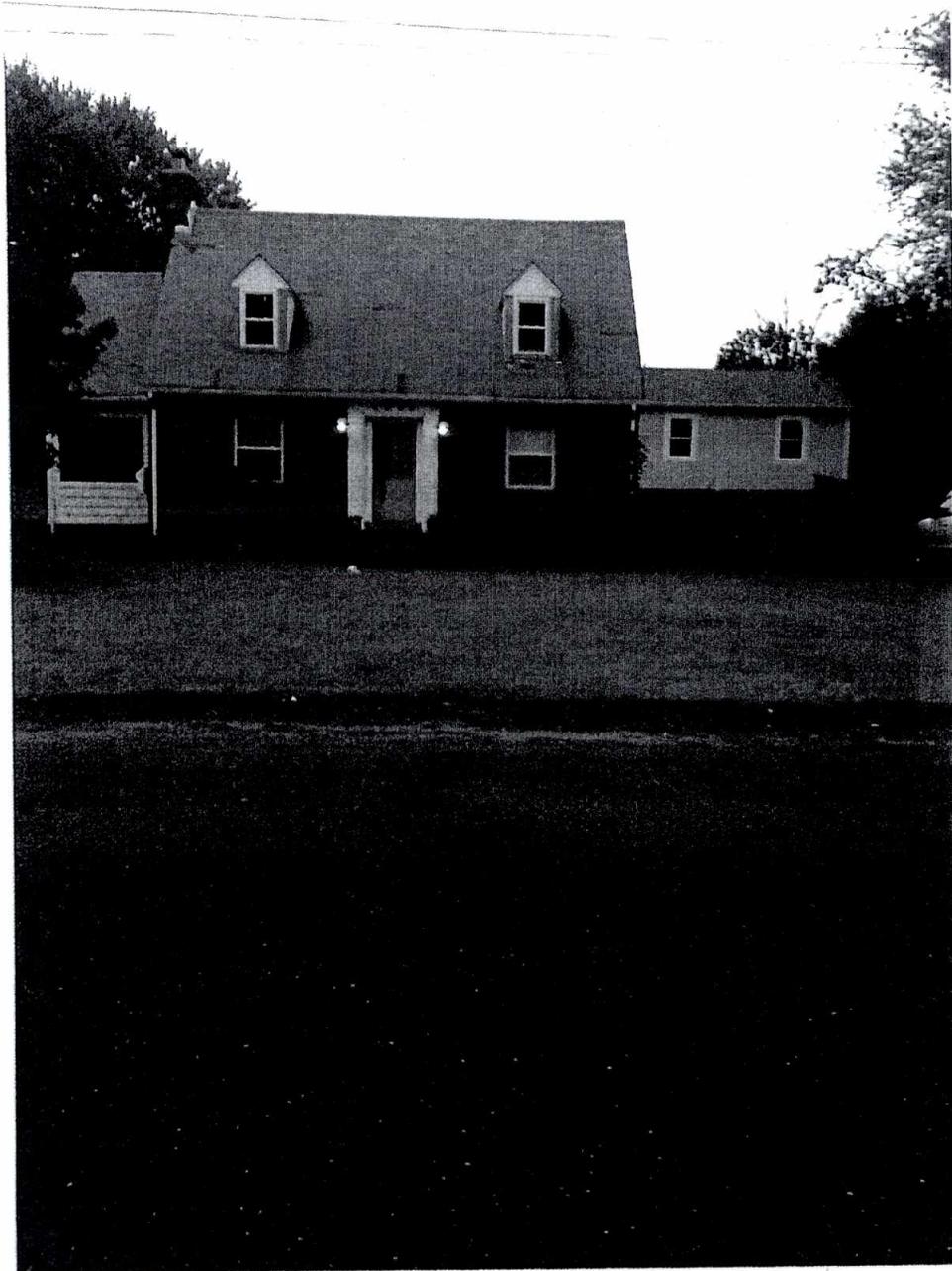
SHED PHOTO.
EAST SIDE VIEW

RECEIVED
Department of Planning & Zoning

OCT 12 2011

Zoning Evaluation Division





~~EAT~~
EAST SIDE OF THE MAIN and GARAGE/Accessary
as seen from the street.

4508 BROOKSIDE DRIVE
Alex. VA 22312

RECEIVED
Department of Planning & Zoning

SEP 30 2011

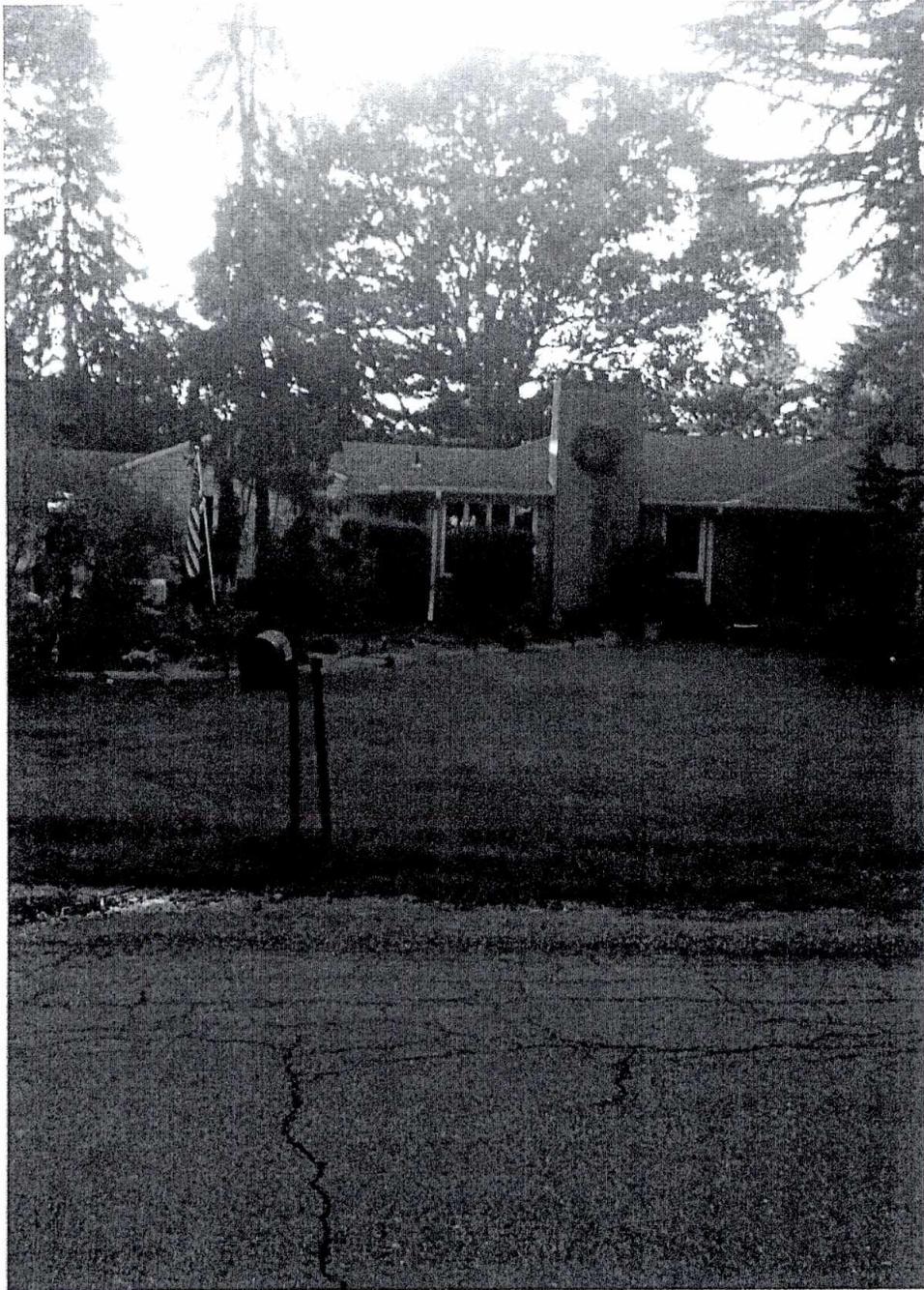
Zoning Evaluation Division

EAST SIDE OF MAIN HOUSE

looking at it from STREET

4508 BROOKSIDE DRIVE
ALEXANDRIA VA 22312

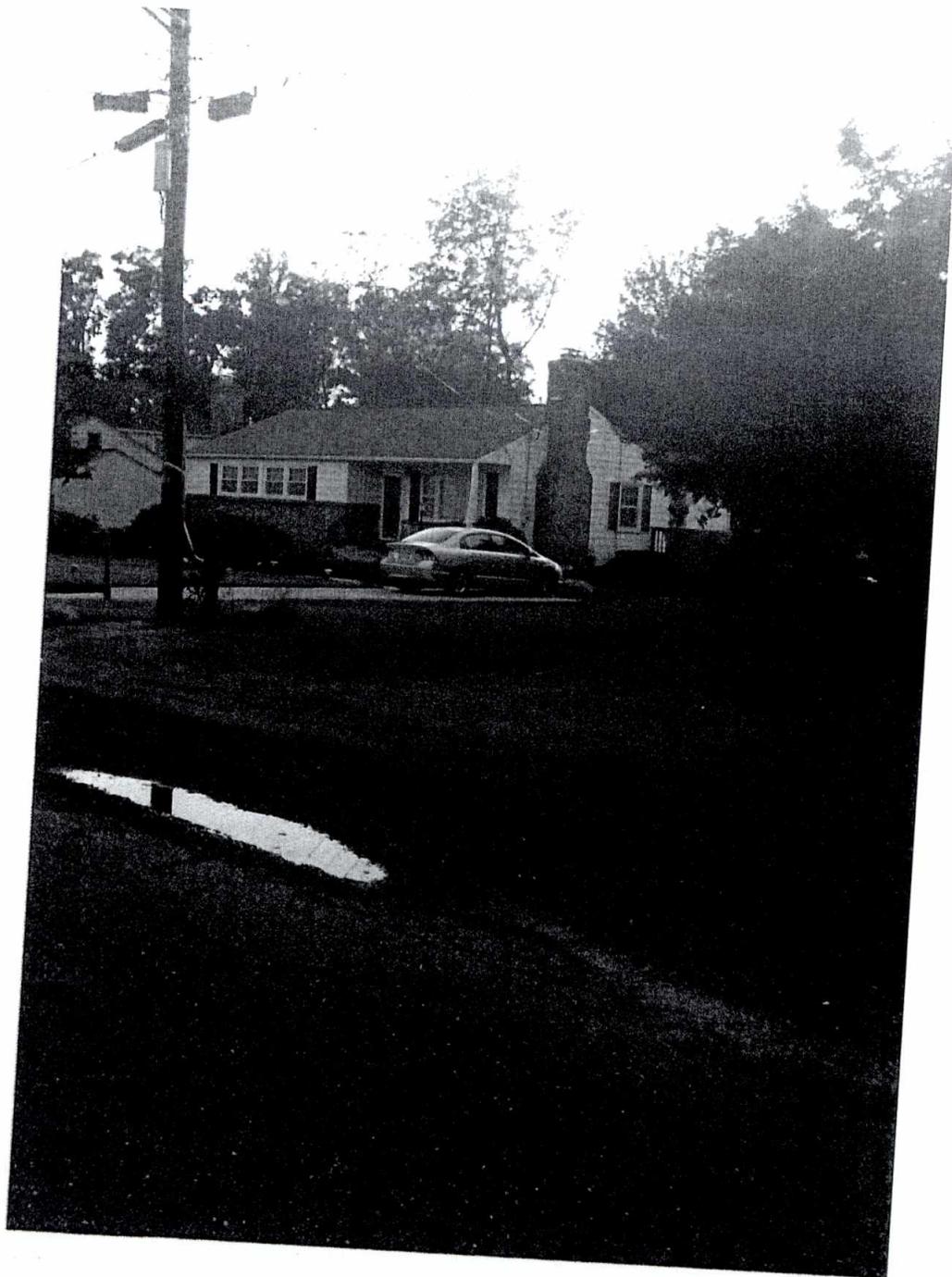




This is the house of the neighbor to my
NORTH NORTH side as seen from the street

4508 BROOKSIDE DRIVE
ALEX. VA 22312

RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division



This is THE HOUSE of the neighbor
to my south.
as seen from the street

4508 ~~4508~~ BROOKSIDE DR.

Alex, VA 22312

RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division



This is the house of the neighbor to my
EAST across from my house
as seen from the street

4508 BROOKSIDE DR
ALEX, VA 22312

RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division



EAST SIDE OF
GARAGE/ACCESSORY

4508 BROOKSIDE DR

Alex, VA 22312

RECEIVED
Department of Planning & Zoning

SEP 30 2011

Zoning Evaluation Division

EAST SIDE OF
ACCESSORY/GARAGE
with the backyard view
looking towards the
SOUTHWEST DIRECTION

4503 BROOKSIDE DR
Alex, VA 22312



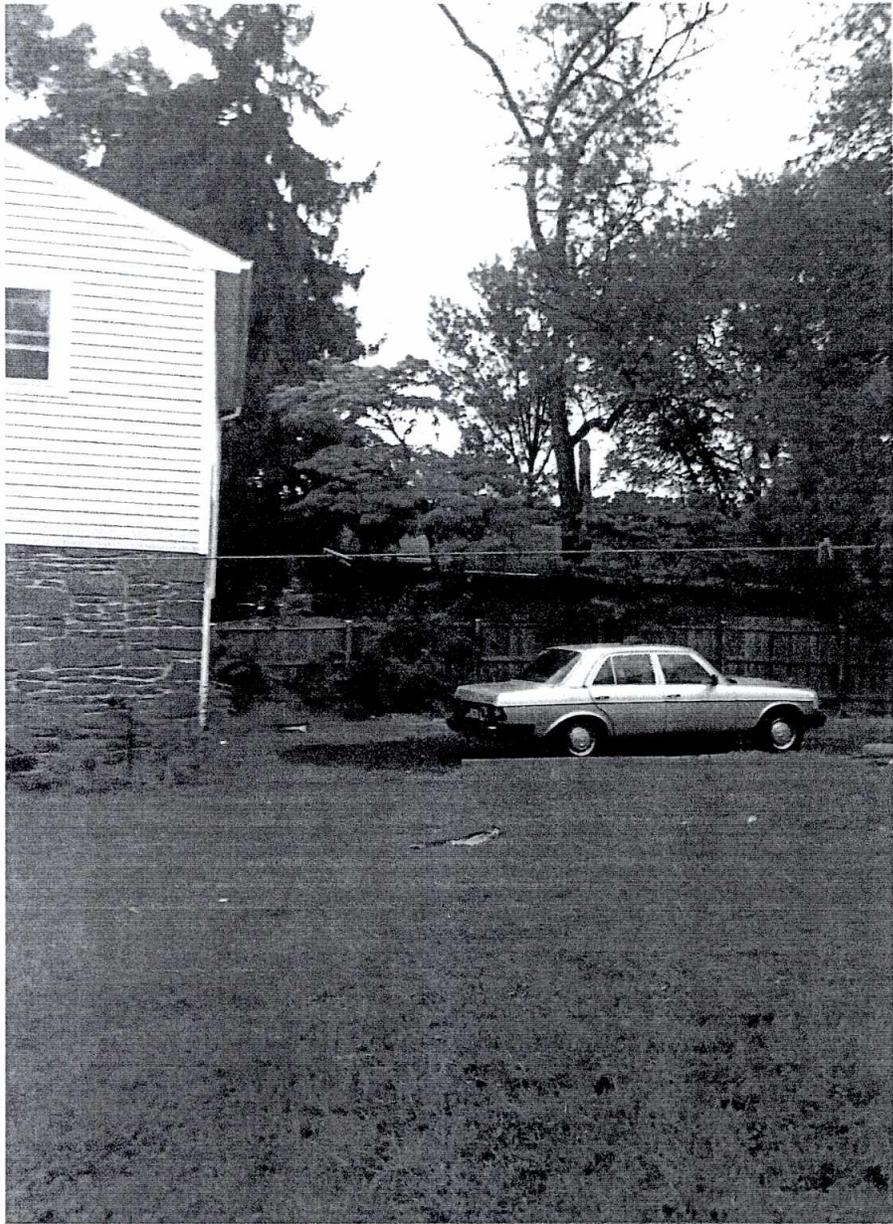
RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division

WEST SIDE OF ACCESSORY/GARAGE

4508 BROOKSIDE DR
ALEX, VA 22312



RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division

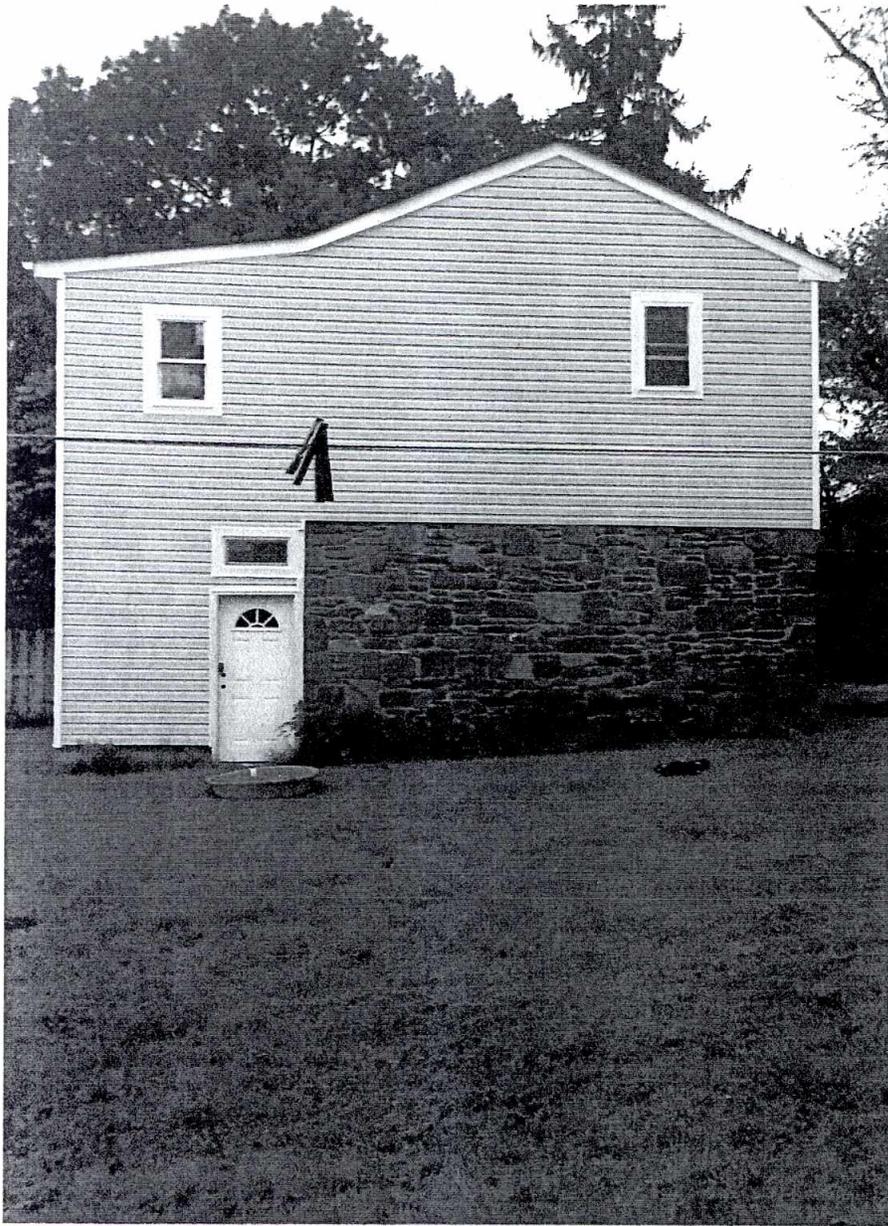


SOUTH of NECESSARY / GARAGE
LOOKING AT MY ~~NEIGHBOR~~ NEIGHBOR
~~PROPERTY~~ NORTH OF MY HOUSE.

4508 BROOKSIDE DR

Alex VA 22312

RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division

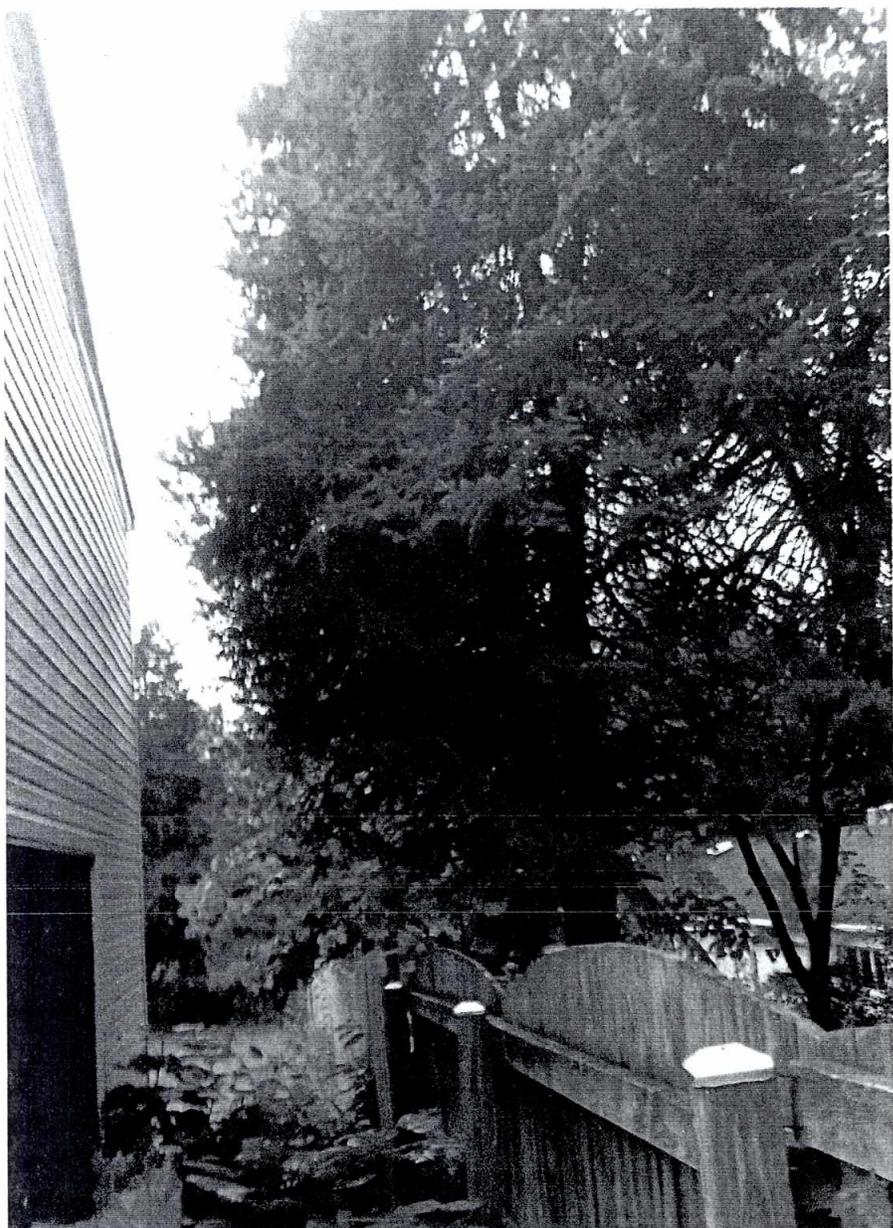


SOUTH SIDE OF NECESSARY/GARAGE

4508 Brookside Dr

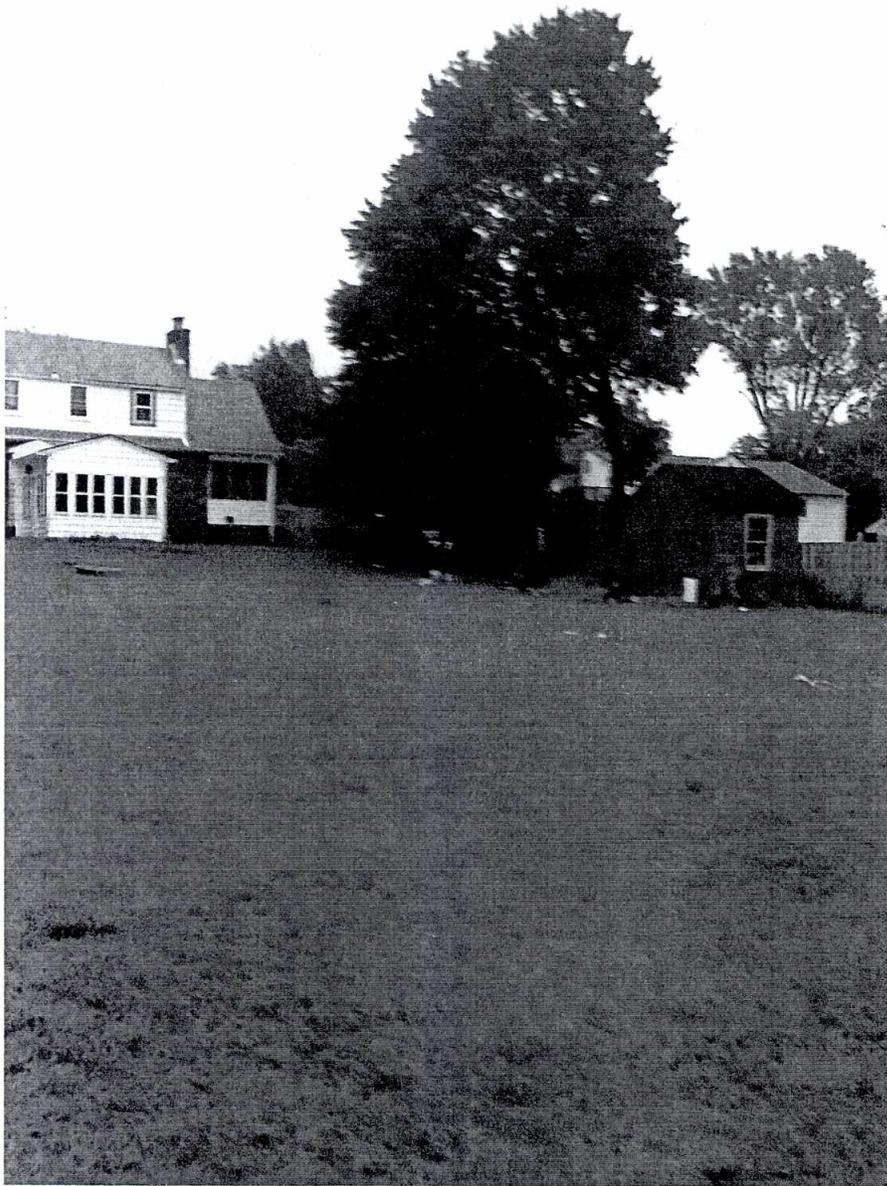
Alex. VA 22312

RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division



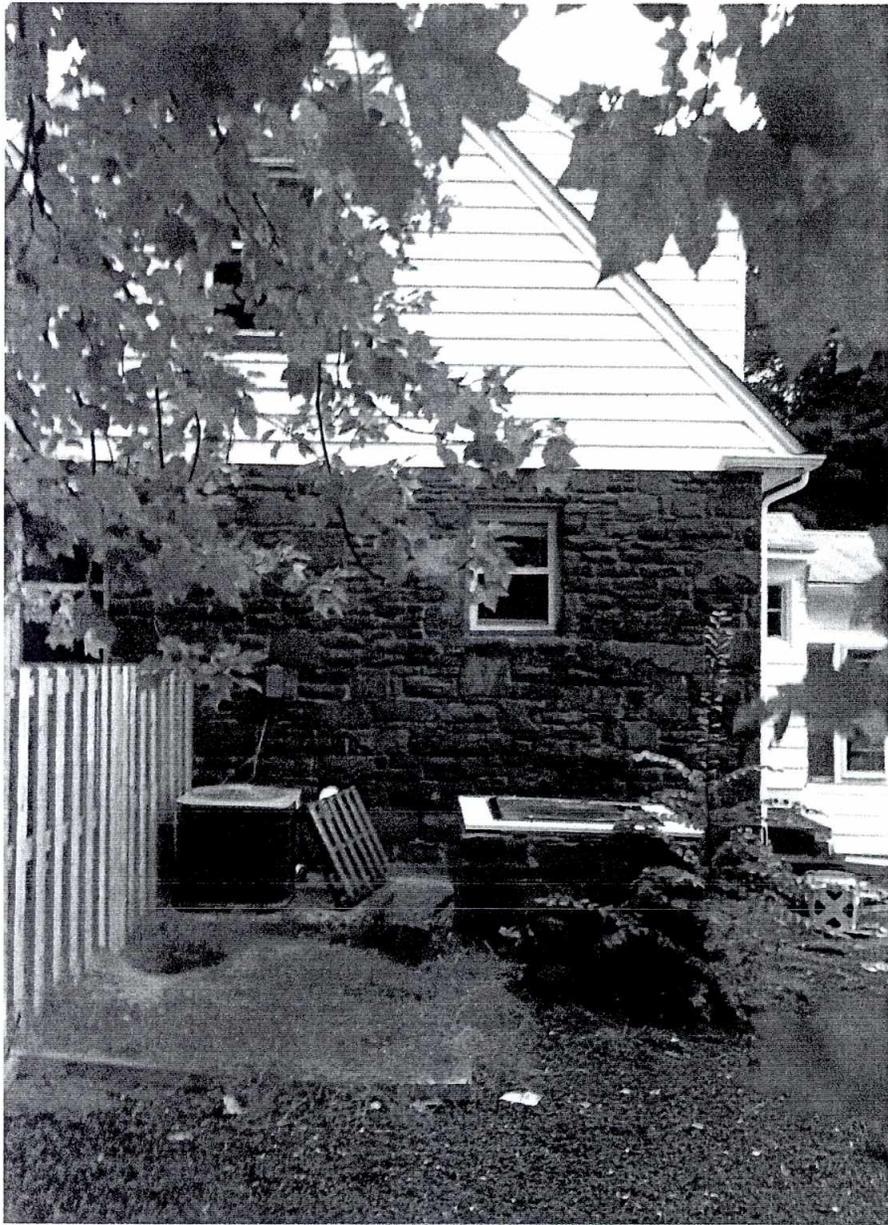
NORTH EAST VIEW OF
THE ACCESSORY/GARAGE
looking at my neighbor
north west of me

RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division



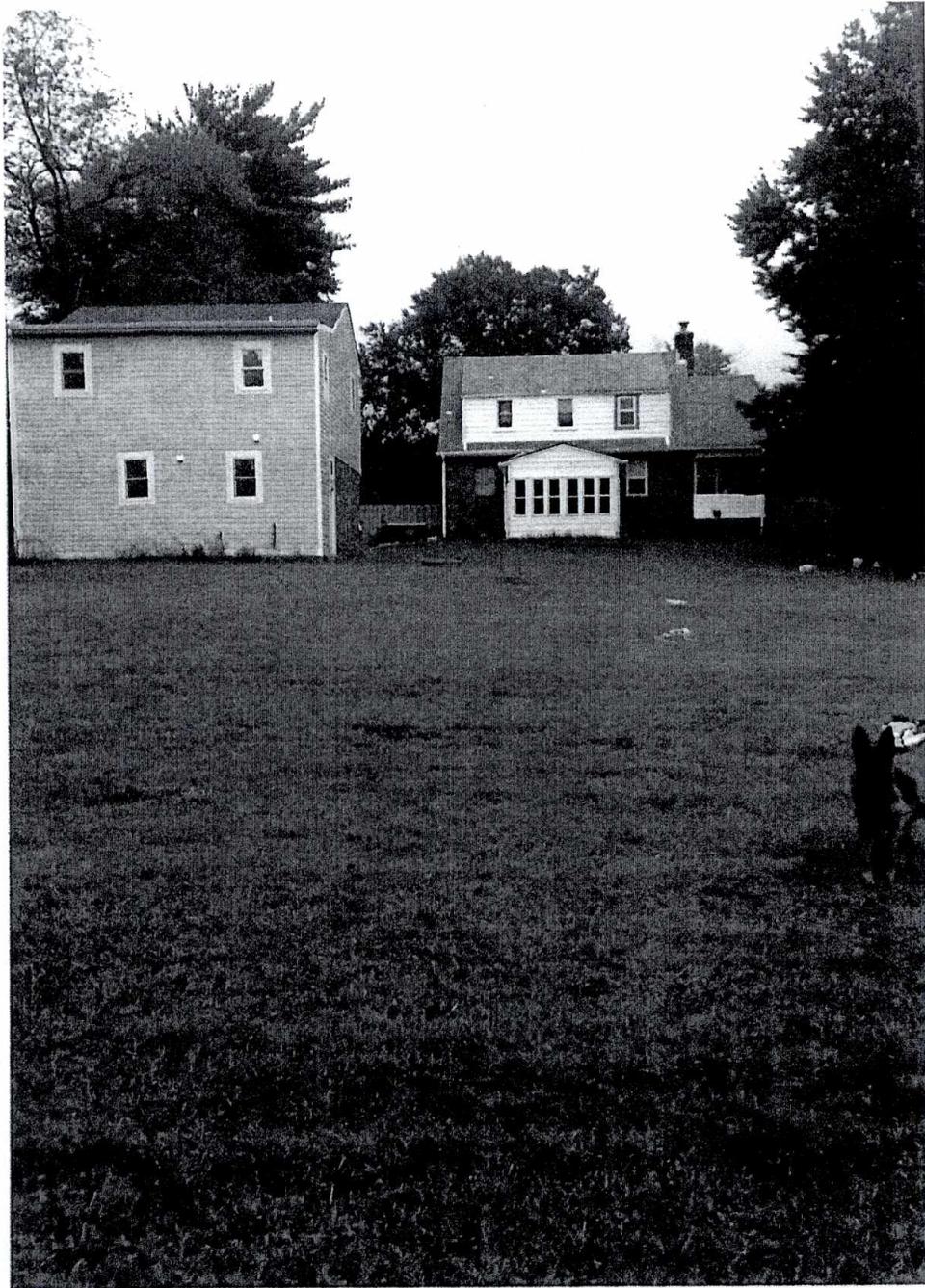
NORTH WEST SIDE of
THE MAIN HOUSE Looking also
at my neighbor to my south

RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division

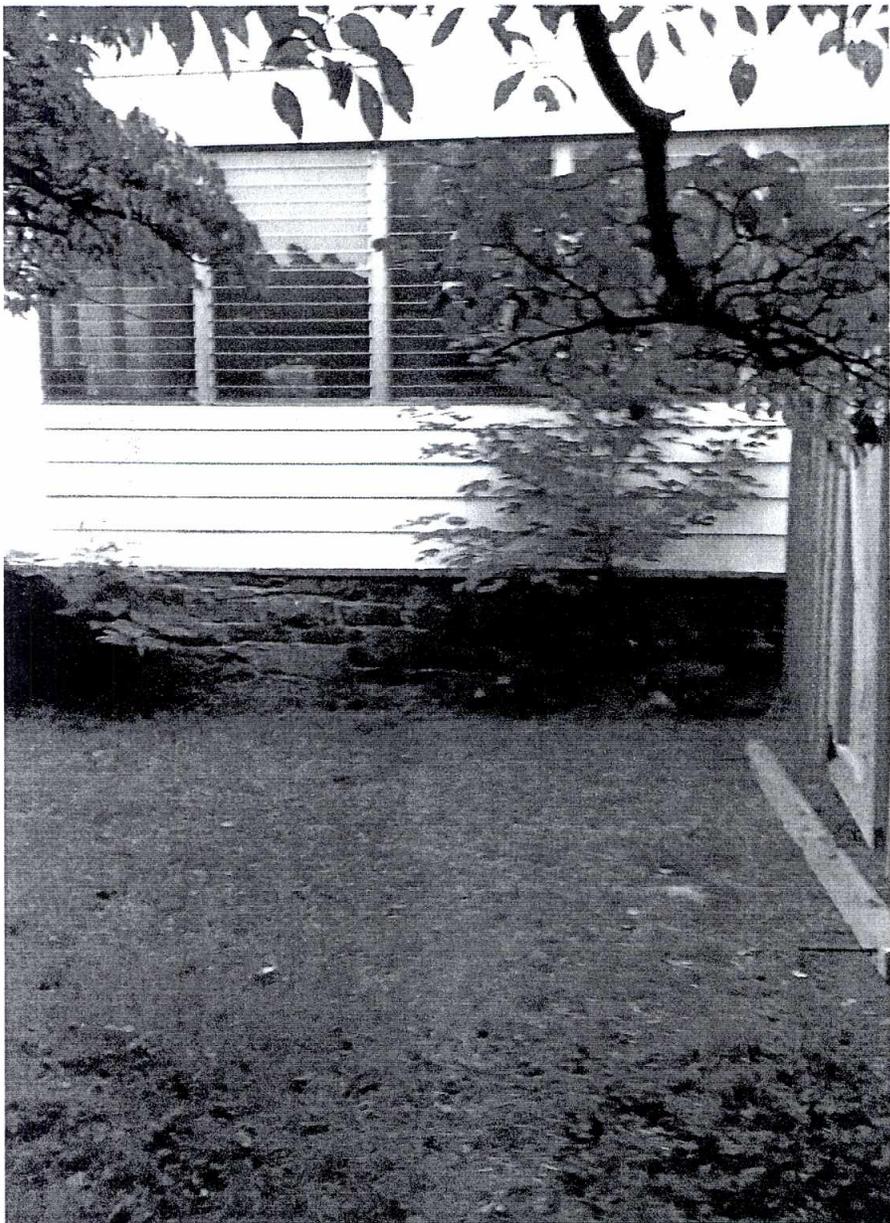


NORTH SIDE OF THE
MORRIS HOUSE FROM THE NORTH
LOT LINE AND LOOKING ALSO
AT THE WEST PACE

RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division

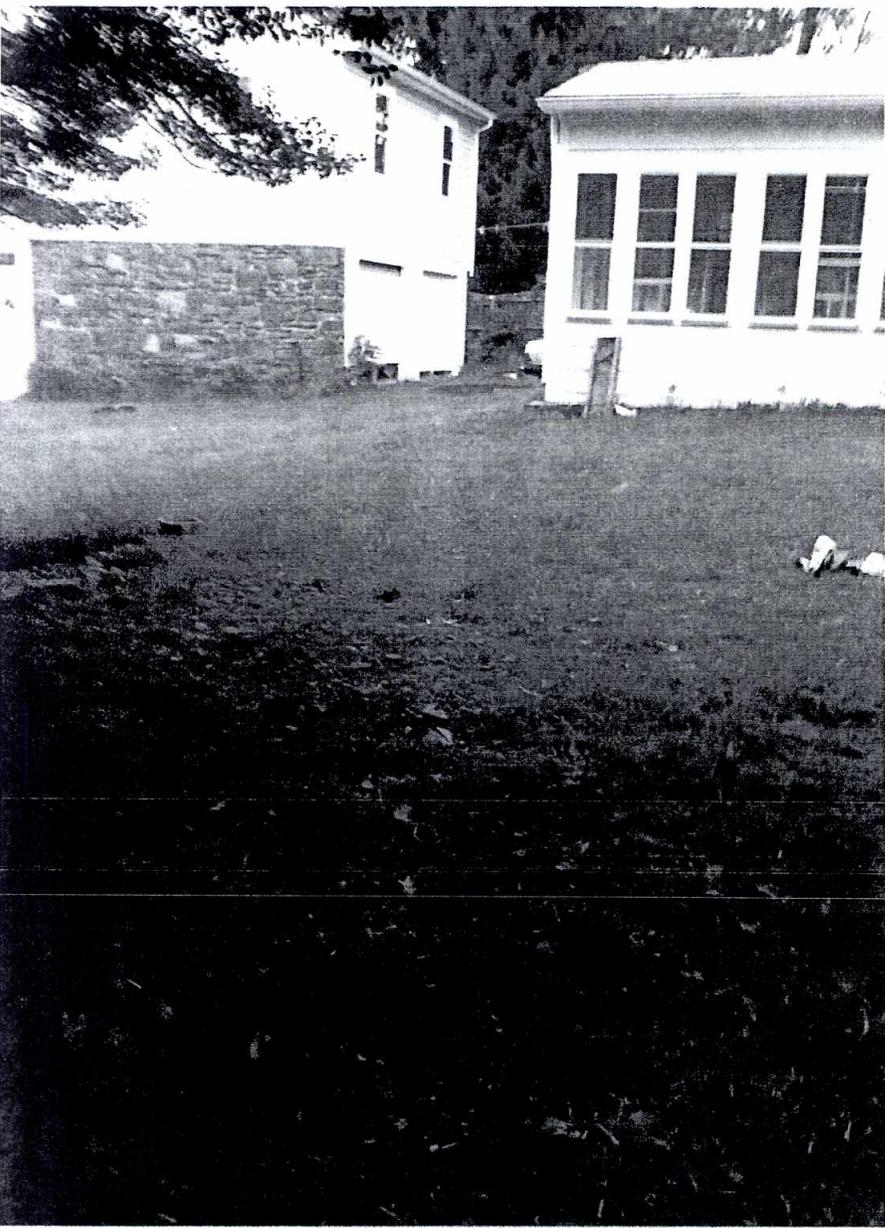


WEST SIDE OF MAIN HOUSE and
ACCESSORY / GARAGE.



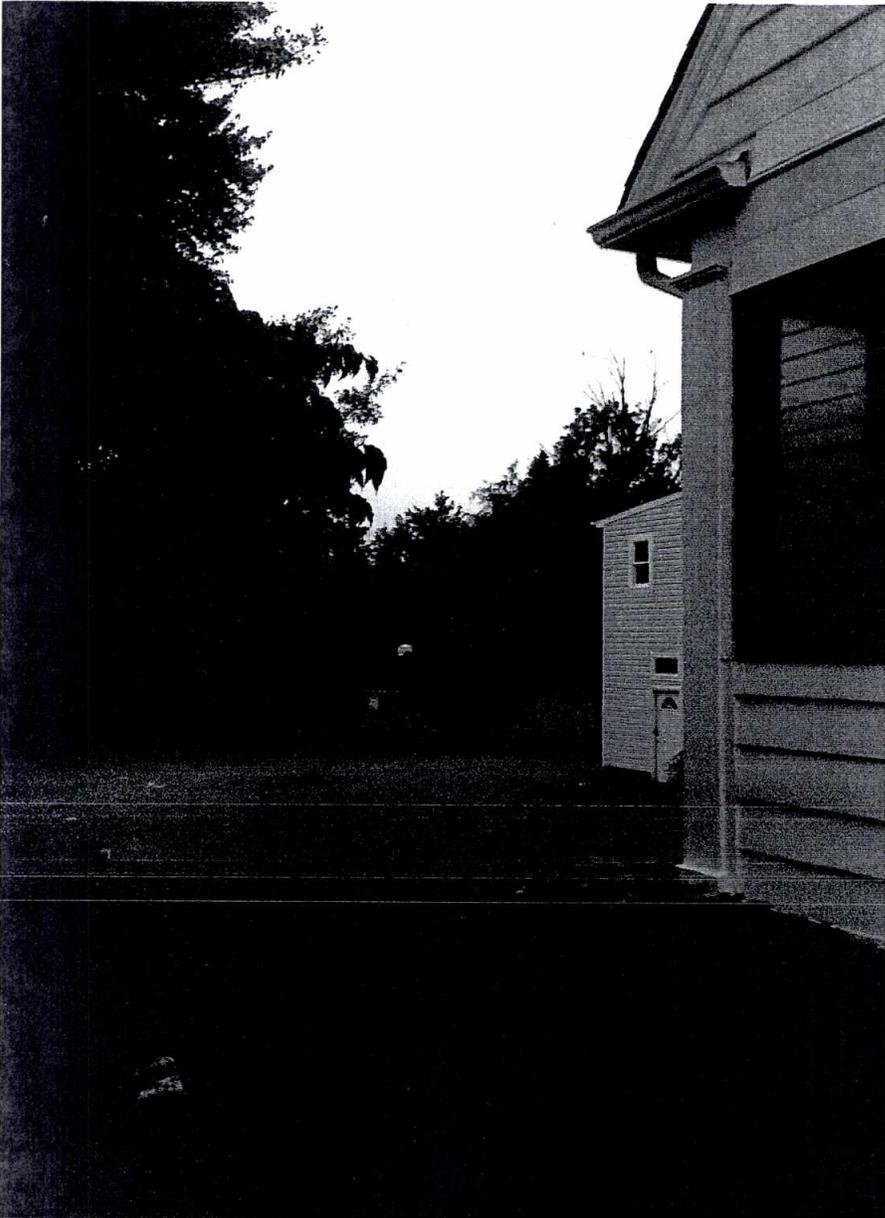
SOUTH ~~side~~ SIDE OF MAIN HOUSE
looking at the south ~~part~~ portion
of the Main House.

RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division



SOUTH SIDE OF MAIN and
ACCESSORY/GARAGE looking
at the WEST porch

RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division



SOUTH EAST SIDE
looking at part of accessory/garage
and back yard.

RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division

EAST SIDE OF THE MAIN HOUSE
and Accessory/GARAGE
looking at it from the
~~the~~ edge of Driveway.



RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division

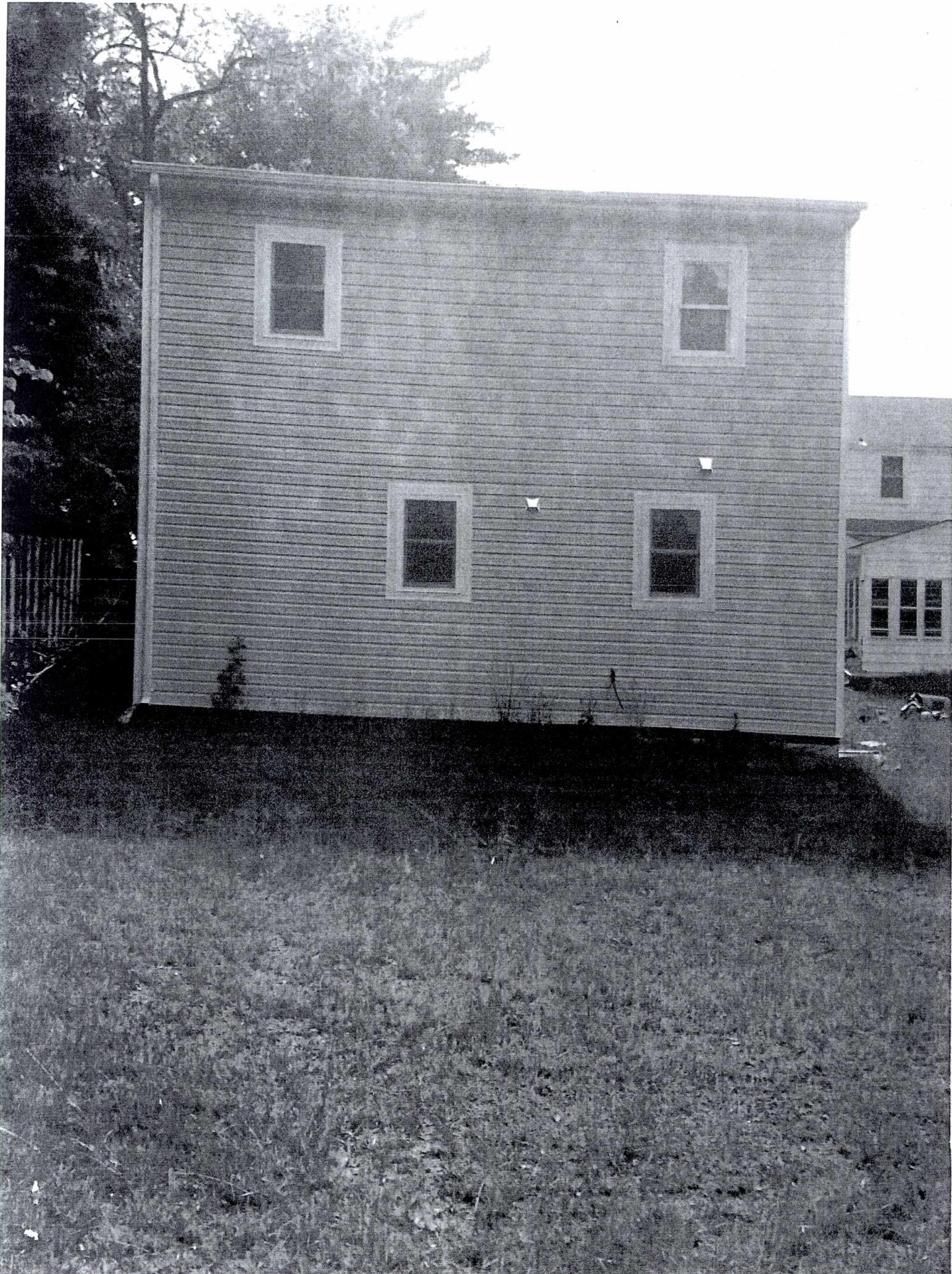


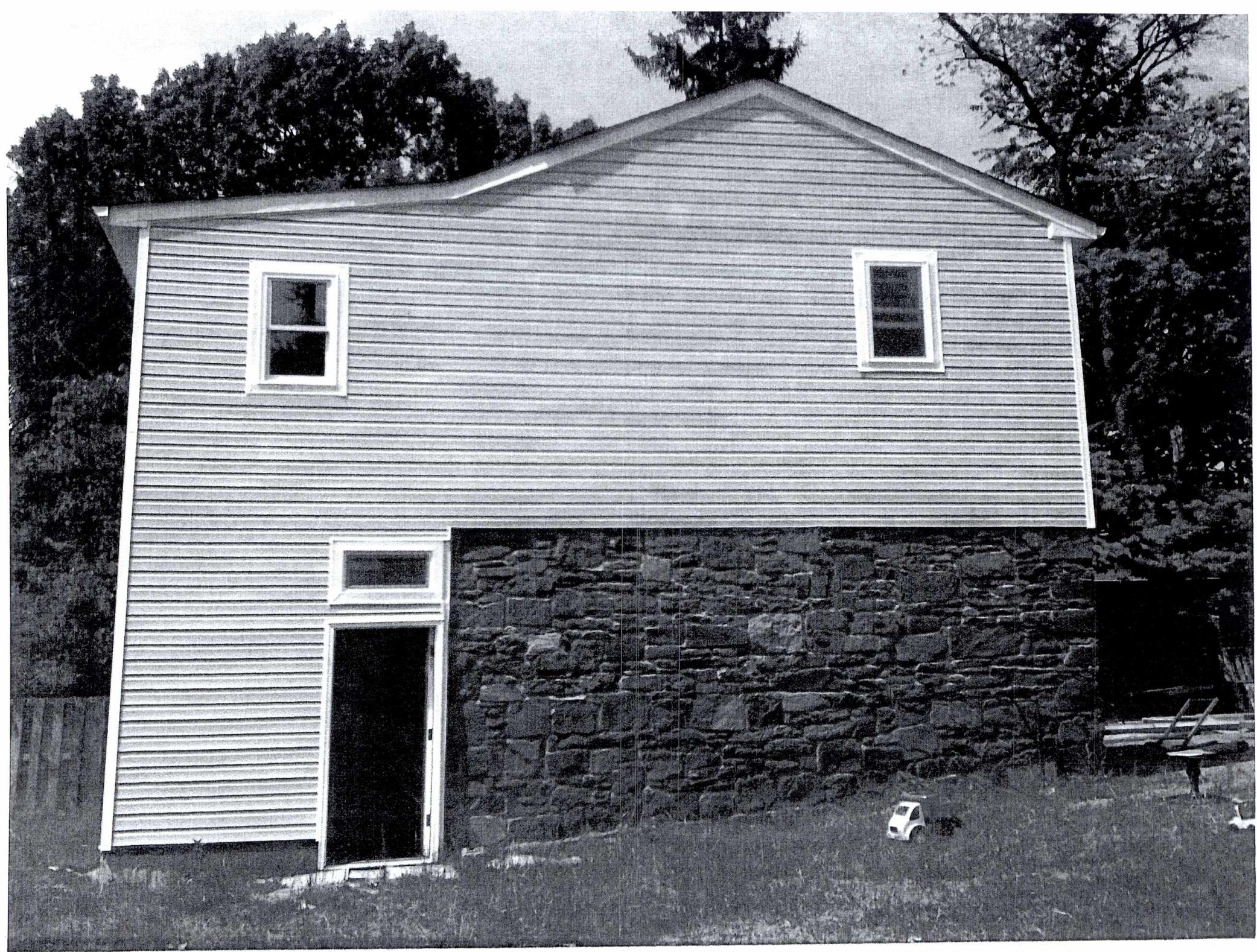
South side of main house
from lot line, looking also at
the west porch.

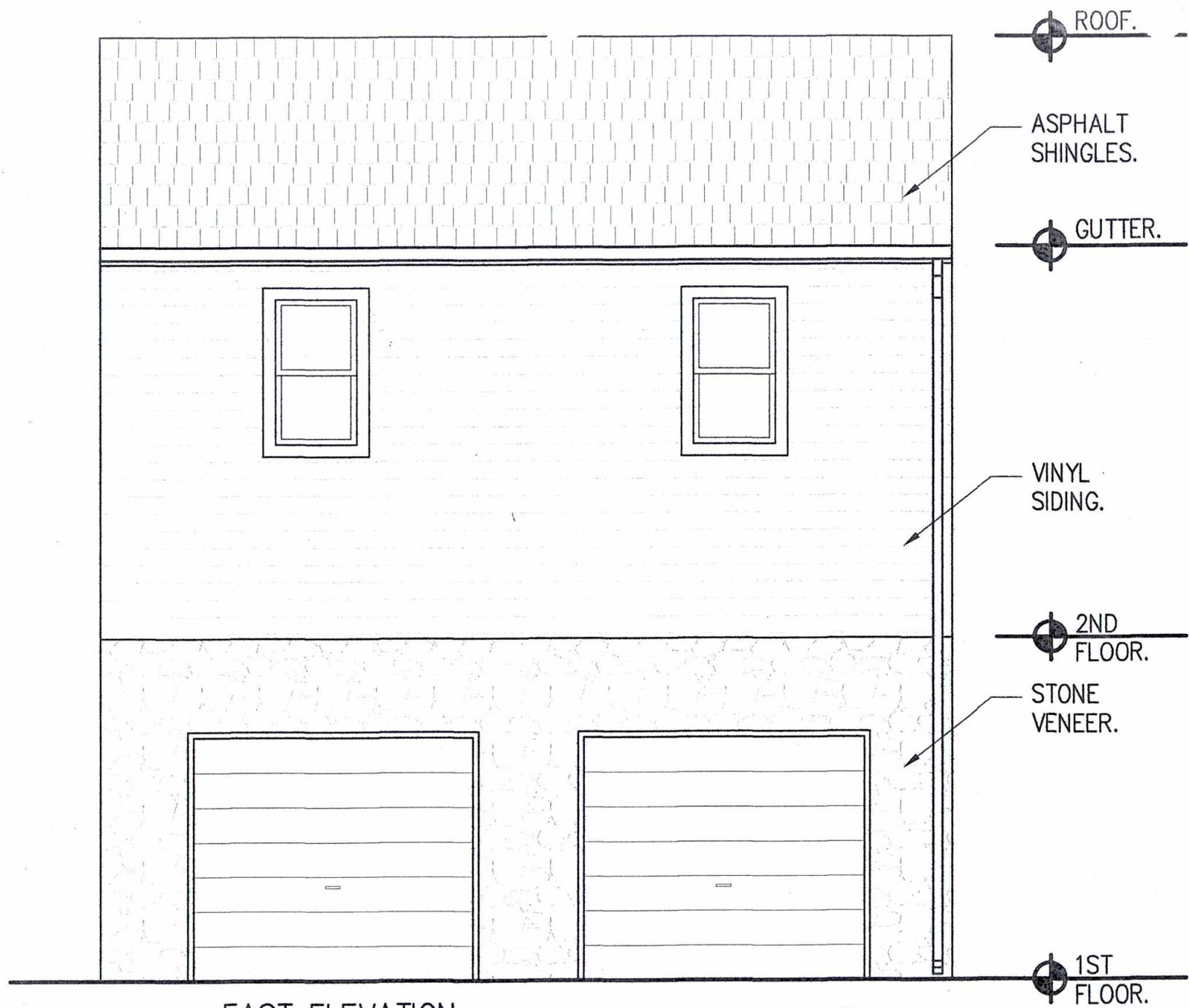
RECEIVED
Department of Planning & Zoning
SEP 30 2011
Zoning Evaluation Division







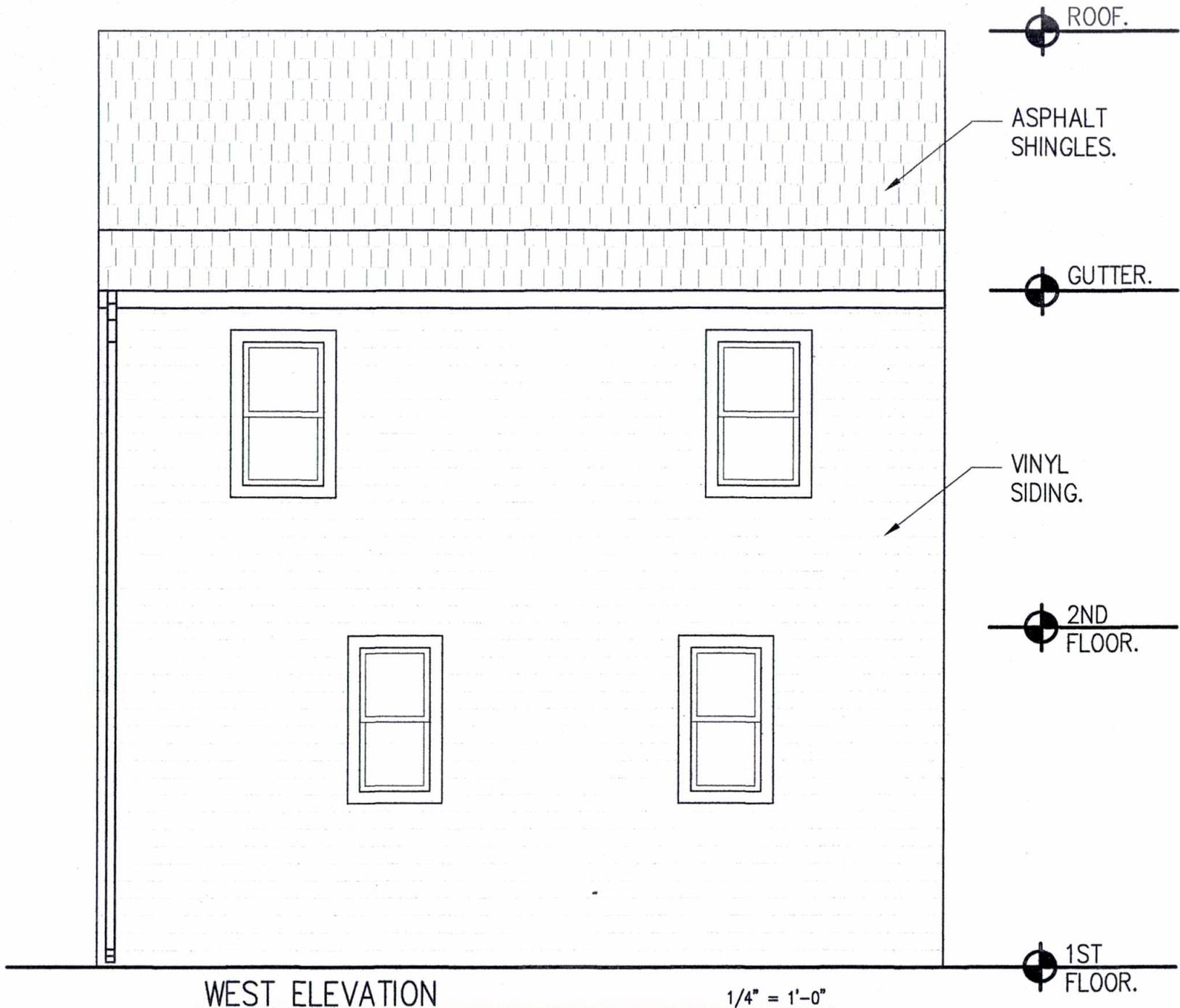




EAST ELEVATION

1/4" = 1'-0"

**4508 BROOKSIDE DRIVE
FALLS CHURCH VA**



WEST ELEVATION

1/4" = 1'-0"

**4508 BROOKSIDE DRIVE
FALLS CHURCH VA**



SOUTH ELEVATION

1/4" = 1'-0"

**4508 BROOKSIDE DRIVE
FALLS CHURCH VA**

ROOF.

ASPHALT SHINGLES.

GUTTER.

VINYL SIDING.

2ND FLOOR.

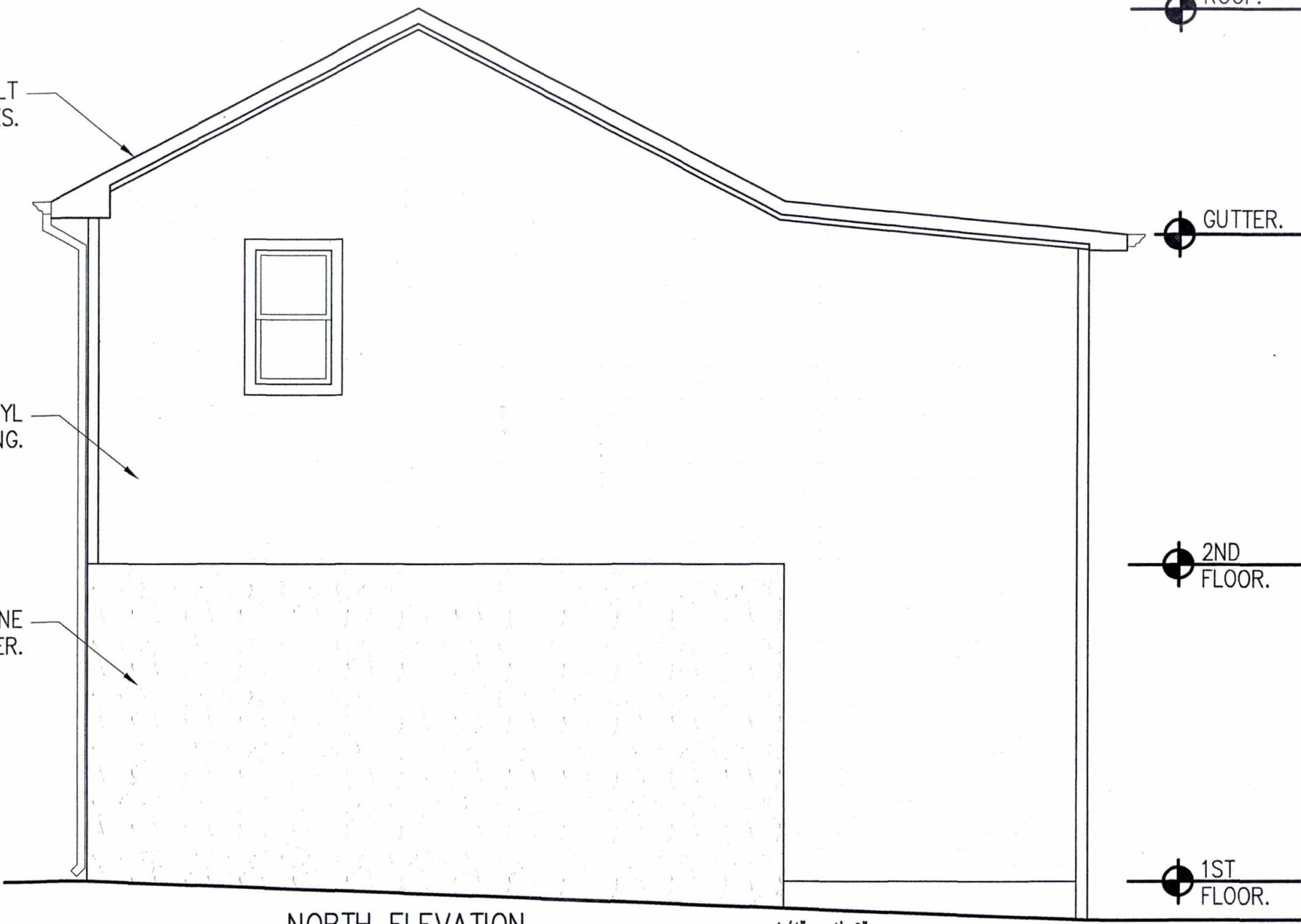
STONE VENEER.

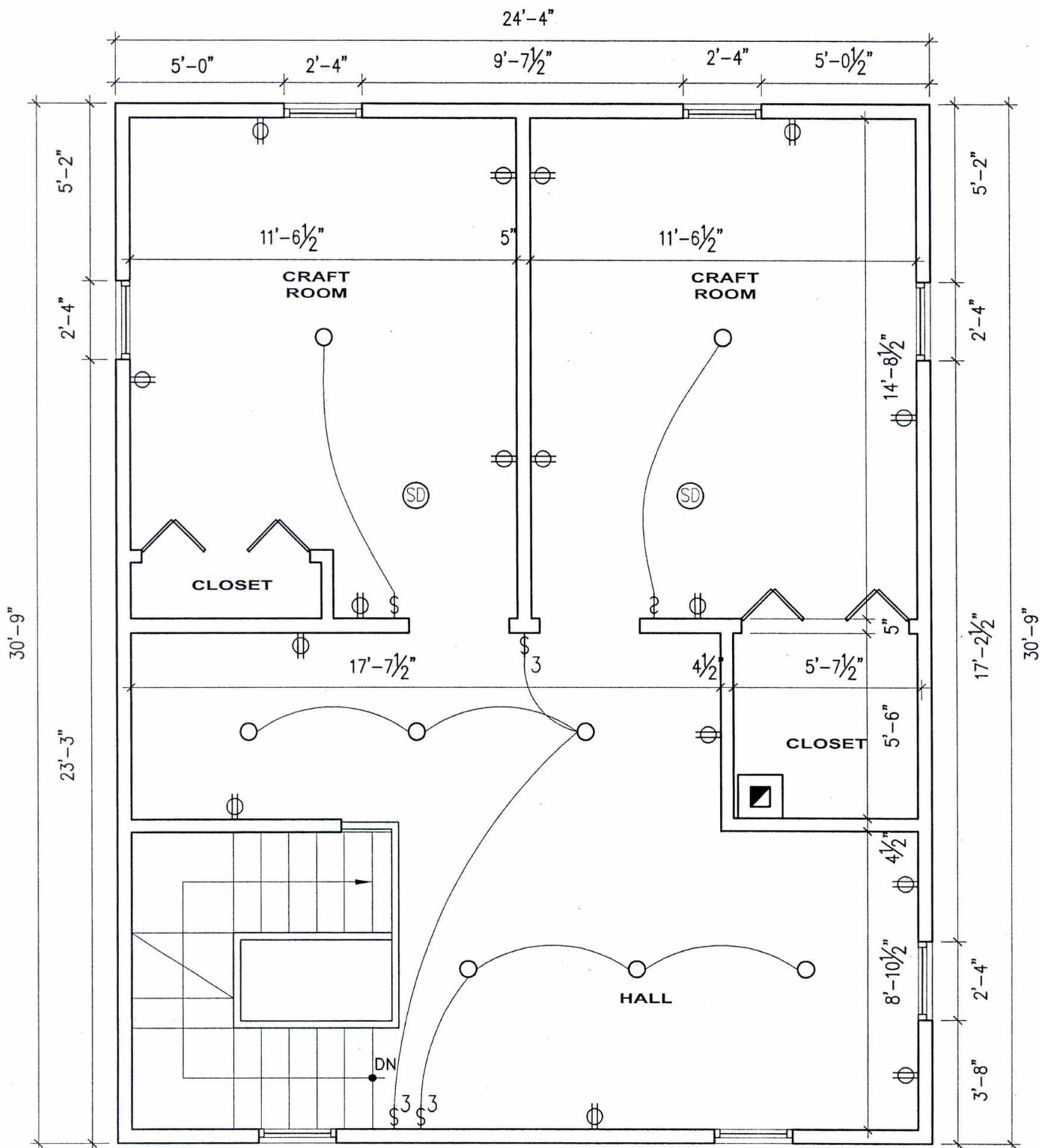
1ST FLOOR.

NORTH ELEVATION

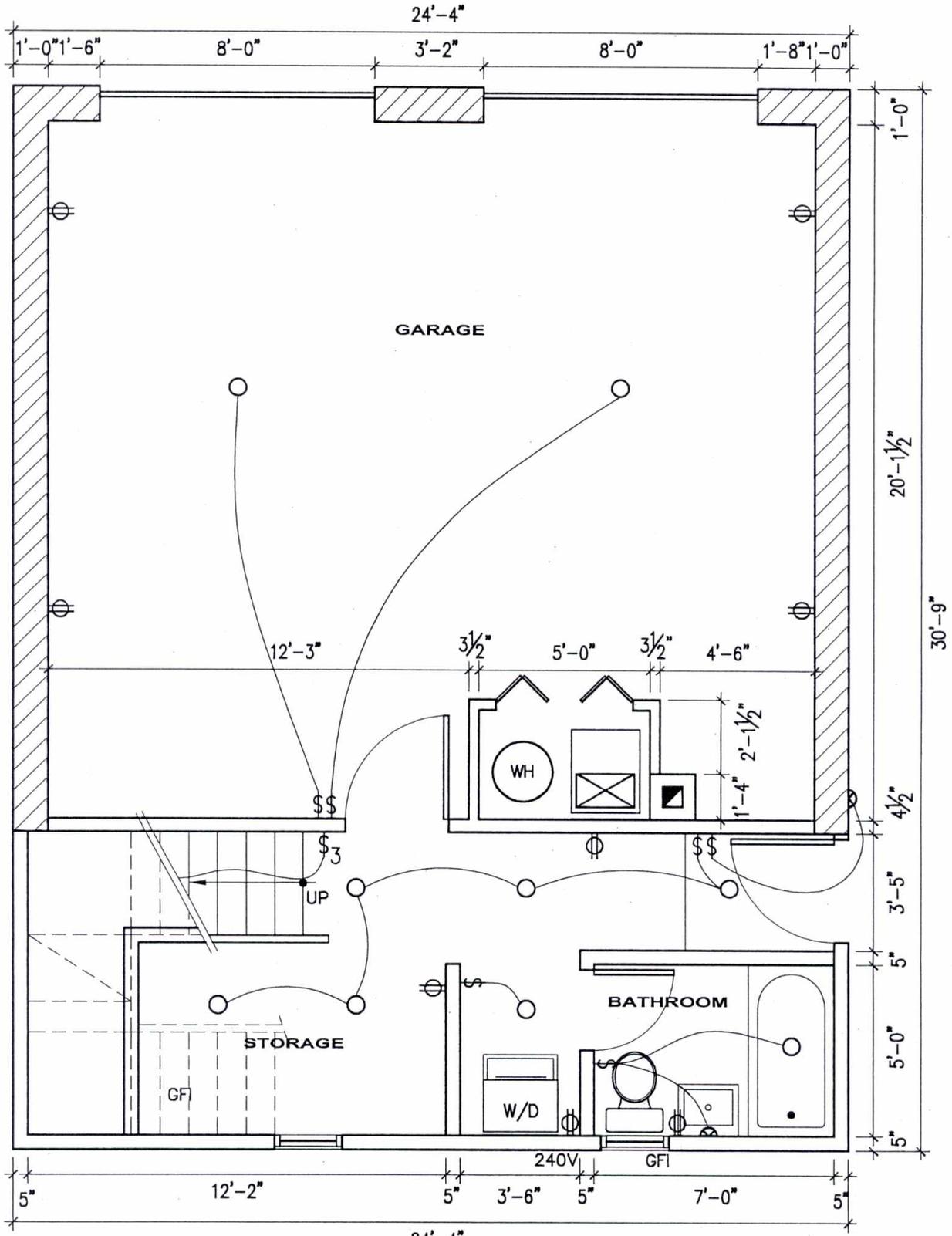
1/4" = 1'-0"

**4508 BROOKSIDE DRIVE
FALLS CHURCH VA**





4508 BROOKSIDE DRIVE
FALLS CHURCH, VA



GARAGE FLOOR PLAN 24'-4" 1/4" = 1'-0"

**4508 BROOKSIDE DRIVE
FALLS CHURCH, VA**

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for two errors in building locations to permit 1) a 24.6 foot tall, 2-story accessory structure (detached garage with rooms above) to remain 4.8 feet from the northern side lot line and 2) an 11.8 foot tall accessory storage structure (shed) to remain 2.0 feet from the southern side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit #1	2-story Accessory Structure	Side	20 feet*	4.8 feet	15.2 feet	76%
Special Permit #2	Accessory Storage Structure	Side	20 feet*	2.0 feet	18.0 feet	90%

*Minimum Yard Requirement per Section 10-104.

LOCATION AND CHARACTER

Character of the Area

	Zoning	Use
North	R-1	Single Family Detached Dwellings
South	R-1	Single Family Detached Dwellings
East	R-1	Single Family Detached Dwellings
West	R-1	Single Family Detached Dwellings

Existing Site Description

The 28,718 square foot lot was developed under the R-1 regulations and contains a single family detached dwelling constructed in 1939, a detached garage and storage shed. It appears the dwelling and the original 1-story portion of the detached garage were built around the same time since the construction and architecture is similar. The lot is predominately flat and slopes very gently to the west and has limited vegetation. The site is accessed via a hard surfaced driveway from Brookside Drive.

BACKGROUND

The applicant purchased the house in April of 2010. At the time of the conveyance there was the existing 1.5-story dwelling with stone walls and dormers having a total height of 19 feet to the midline of the roof, an existing detached garage with stone walls and dormers (which had a noncompliant vested side yard setback) and an existing shed having a height of 11.8 feet. It appears the shed is not vested because it has not been taxed for the required number of years. The existing shed is being used for storage of yard equipment. The dwelling has a screened-in porch that appears to have been constructed after the initial construction of the dwelling.

After taking possession of the house, the owner began construction on the detached garage without the issuance of a valid building permit. At such time, all vested rights were lost. Exterior construction appears to have been completed with only framing finished inside the structure. The reconstructed garage is now 24.6 feet in height to the ridgeline of the roof. Staff does not know the height of the original detached garage prior to reconstruction by the current owners.

On May 24, 2011, a notice of violation (NOV) was issued, after investigation due to an anonymous complaint, indicating that an accessory structure was located within the minimum required side yard. The applicant had also made application for a building permit for reconstruction of the existing detached garage. The Zoning Permit Review Branch denied the permit request due to the active violation and setback issue. The shed built in error was found through the application process. A copy of the NOV is included as Appendix 4.

The unfinished reconstructed garage contains two parking stalls, a partially finished bathroom and washer/dryer space, and in the upper level, two separate rooms and an open flex space. The attached proposed floor plan indicates the spaces to be used for a personal office and craft room.

Staff from the Zoning Administration Division (ZAD) was asked to determine if the detached garage was considered accessory to the dwelling because of its size and bulk. It is now 90% of the size of the existing dwelling (the cellar in the dwelling cannot be counted toward gross floor area). Staff from ZAD determined that the structure was too large to be considered accessory to the main dwelling. Subsequently, the applicant revised the special permit plat (as attached at the front of the staff report) to show a proposed 2-story addition to the dwelling. With the addition, the 2-story garage would be 54% of the area of the primary dwelling structure which was determined to be "accessory" by the Zoning Administration Division.

Following the adoption of the current Ordinance, the BZA has heard the following variance requests in the vicinity of the application parcel:

- Variance VC 89-M-006 was approved May 3, 1989 for Tax Map 72-1 ((06)) 85, zoned R-2, at 4521 Park Road, to permit construction of an addition 4.8 feet from side lot line.

ZONING ORDINANCE REQUIREMENTS (See Appendix 5)

- 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)

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, including tying the approval of the error to the construction of the home addition.

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 May 24, 2011
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2011-MA-093

January 4, 2012

1. This special permit is approved only for the location of the accessory storage structure and accessory garage structure, as shown on the plat prepared Dominion Surveyors, Inc., dated September 14, 2011, revised through December 15, 2011, submitted with this application and is not transferable to other land as noted in Condition 2.
2. All applicable building permits shall be obtained for the 2-story addition to the dwelling as depicted on the special permit plat as "Addition Detail" and for the accessory garage structure so that:
 - a. Construction of the two story addition to the dwelling shall be complete and all final building inspections approved within 18 months of approval of this special permit; and,
 - b. All final building inspections for the accessory garage structure shall be approved within six months of final building inspection approval of the dwelling addition.

If sections a and b above are not completed in the time frame outlined, the accessory garage structure shall be reduced in size and reconstructed to meet minimum yard and size requirements as determined by the Zoning Administration Division, DPZ.

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

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/23/2011
(enter date affidavit is notarized)

I, ABDERRAHMAN RHANIME, 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

112.408

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)
ABDERRAHMAN RHANIME	4508 BROOKSIDE DRIVE ALEXANDRIA, VIRGINIA 22312	APPLICANT/TITLEOWNER

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

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

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

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/23/2011
(enter date affidavit is notarized)

112 408

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/23/2011
(enter date affidavit is notarized)

112408

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/23/2011
(enter date affidavit is notarized)

112408

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

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

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

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

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

NONE

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

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/23/2011
(enter date affidavit is notarized)

112408

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

Applicant

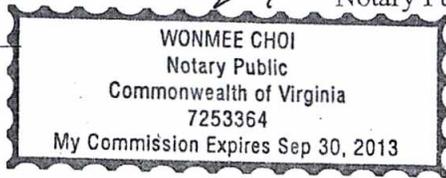
Applicant's Authorized Agent

ABDERRAHMAN RHANINE / TITLE OWNER / CONTRACTOR
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 23rd day of Sep 2011, in the State/Comm. of Virginia, County/City of Fairfax.

Wonmee Choi
Notary Public

My commission expires: 09/30/13



Letter of justification

I, Abderrahman Rhanime, hereby certify that I am currently living in 4508 Brookside Drive, Alexandria Va 22312. I have purchased the house in April 28th, 2010 and been living there since. The house consists of the main house having two levels and a basement, and a detached two story accessory/garage containing two bedroom on top and a two-car garage on the bottom. Both structures were built in 1939 and county inspector Mr. Charles, Forshee confirmed that by witnessing the old stone chimney existing inside the two-story garage/accessory. The error of the change in the accessory does exceed 10% of the building size. I had to change the staircase from the front of the garage to the back of the building. I needed to do it in order to make room in the garage so that it will hold two cars. When the staircase was shifted to the back. No changes were done to change the size of the structure. Everything remained the same with the exception of the staircase that required me to do the modification. I do not intend to make it a second dwelling. All I wanted is to fix the place after it was in a very bad shape and decided to gut it out completely. I did in fact make an honest mistake by not applying for a license thinking that I would not need it after consulting with a Spanish contractor who offered to do the job for me. I chose to hire a carpenter myself and save some money. I have in deed submitted an application for the addition back in September 2010 (I have the receipt of it with me if you need it). I apologize again for not doing the proper research before touching the accessory building and making the changes listed above.

Regards

Abderrahman Rhanime



RECEIVED
Department of Planning & Zoning

SEP 23 2011

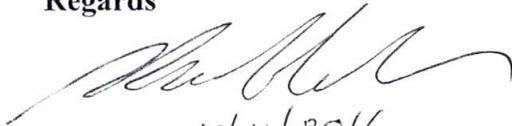
Zoning Evaluation Division

*Abderrahman Rhanime
4508 Brookside Drive
Alexandria, VA 22312*

Letter of Justification

This letter is to certify that I, Abderrahman Rhanime, title owner of the property located in 4508 Brookside drive, hereby certify that I bought the property in April 2010. The garage/accessory an the accessory storage (Shed) were not in compliance with the current zoning regulations due to the fact that they were built in 1939. n The error exceeds ten(10) percent of the measurements involved, and the noncompliance was done in good faith. Such reduction will not impair the purpose and intent of this ordinance, and it will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and it will not create an unsafe condition with respect to both property and public streets, and to force compliance with the minimum yard requirements would cause unreasonable hardship upon me as an owner. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Regards


10/11/2011

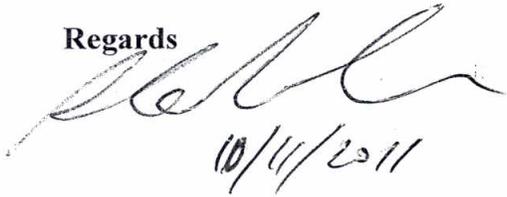
RECEIVED
Department of Planning & Zoning
OCT 12 2011
Zoning Evaluation Division

*Abderrahman Rhanime
4508 Brookside Drive
Alexandria, VA 22312*

Letter of Justification

This letter is to certify that I, Abderrahman Rhanime, title owner of the property located in 4508 Brookside drive, hereby certify that the accessory storage (shed) existed in the location as seen on the attached photographs. As you can see in the photos, the shed is very old and dates back to the time when no fairfax county code existed. I am not able to get ^Rold of the previous owner to take a statement from him, but I will try my best to do so in the coming weeks.

Regards



10/11/2011

RECEIVED
Department of Planning & Zoning
OCT 12 2011
Zoning Evaluation Division

Letter of Justification

I, Abderrahman Rhanime, hereby certify that I am currently living in 4508 Brookside drive. I have purchased the house in April 28,2010 and been living there since. The house consists of a main house and a two story detached garage/accessory with two bedrooms on the second floor. The detached structure was build in 1939 as well as the main house, and county Inspector, Dan Forshee confirmed that by witnessing the stone and the old chimney that still exist inside. The error that is taking place does not exceed 10% and the only change in the building structure is the stair case that was coming up from the main garage causing it to be narrow not allowing a second car inside. The staircase was moved to the back where it will not block the movement inside the garage. I am applying for the special permit to allow me to finish the construction and be able to use the accessory as I need space for office work and my children's studies. This minor change done should not harm anyone to include my neighbors who did not even notice the change nor get affected by this minor change. I do not intend to make it a second dwelling and all I am trying to do is to use the space I have to better enhance my children's life style as well as mine. I surely made an honest mistake when I thought that I would not need a permit for doing this minor change. In fact, prior to making this change, I have submitted a permit application for a two story addition(consisting of a large living room at the floor level and a master bedroom on the second floor) that dates back to September 2010 (I have the receipts with me), three months before I even touched the accessory garage. I do apologize again for not researching this matter before engaging in making the change listed above.

Regards



RECEIVED
Department of Planning & Zoning

JUN 17 2011

Zoning Evaluation Division



County of Fairfax, Virginia

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: May 24, 2011

SHERIFF'S LETTER

CASE #: 201007290 **SR#:** 71226

SERVE: Abderrahman Rhanime
4508 Brookside Drive
Alexandria, Virginia 22312

LOCATION OF VIOLATION 4508 Brookside Drive
Alexandria, Virginia 22312-1405
Tax Map #: 72-1 ((6)) 51
Zoning District: R-1

Dear Property Owner:

An inspection of the above referenced property on May 24, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 10-104 (12E) Accessory Structure Location
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory structure which measured approximately twenty four (24) feet in height, is approximately seven hundred and twenty (720) square feet in area and is located approximately three (3) feet and approximately one hundred and forty (140) feet respectively from the side and rear lot lines.

The Fairfax County Zoning Ordinance permits accessory structures to be located in minimum required yards; however, if the structure exceeds seven (7) feet in height, it must be located on the lot so as to comply with Par. 12E of Sect. 10-104 of the Zoning Ordinance which states:

No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

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

The minimum required side yard distance in the R- 1 District is twenty (20) feet as detailed in Par. (b) 2.A.(1) of Sect. 3-107 of the Zoning Ordinance.

Therefore, as this accessory structure exceeds seven (7) feet in height and is not located in accordance with the provisions of Par. 12E of Sect. 10-104 above, it is in violation of Par. 12E of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

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

You are hereby directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance can be accomplished by:

- Removing the accessory structure from the property in its entirety;
or
- Reducing the height of the structure to seven (7') feet in height or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the rear and side lot lines in accordance with Par. 12E of Sect. 10-104 of the Zoning Ordinance as outlined above.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory storage structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

§ 18-601 Building Permit

§ 18-603 Compliance with Other Codes:

A review of Fairfax County Land Development records indicates that a Building Permit was never obtained for the construction/erection of a detached garage as required by Sect. 18-601 of the Zoning Ordinance; and therefore is in violation of Sect. 18-601 of the Zoning Ordinance which specifies:

The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit Application has been approved by the Zoning Administrator.

Abderrahman Rhanime

May 24, 2011

Page 3

In addition, you are advised a Building Permit can not be issued for the detached garage until the property is in compliance with Par. 1 of Sect. 18-603 of the Zoning Ordinance which states:

No Building Permit shall be issued for the erection of any building or structure on a lot or addition or modification to a building or structure that is in violation of any of the provisions of Chapter 101, Chapter 116 or Chapter 118 of The Code, this Ordinance, all other applicable laws and ordinances, any proffered conditions, or any development conditions of any approved rezoning, special permit, special exception or variance. Appeals of decisions made pursuant to Chapter 118 of The Code which are appealable shall be processed in accordance with Article 8 of Chapter 118.

You are hereby directed to clear these violations within fifteen (15) days after of the date of this notice. Compliance must be accomplished by:

- Removing the detached garage from the property; or
- Applying for and obtaining the Zoning Administrator's approval of a Building Permit for the detached garage.

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

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

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1348 or 703-324-1300.

Sincerely,

Charles D. Forshee
Property Maintenance/Zoning Enforcement Inspector

CDF/

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.