



APPLICATION ACCEPTED: December 20, 2011
DATE OF PUBLIC HEARING: March 14, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 7, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MA-109

MASON DISTRICT

APPLICANT/OWNER: Maria Arrieta

LOCATION: 6323 Everglades Drive

SUBDIVISION: Parklawn

TAX MAP: 61-3 ((7))(J) 21

LOT SIZE: 11,465 square feet

ZONING: R-3

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit existing accessory structure to remain 0.0 feet from a side lot line.

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

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

O:\rhome\Special Permits\Arrieta\Arrieta 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.**

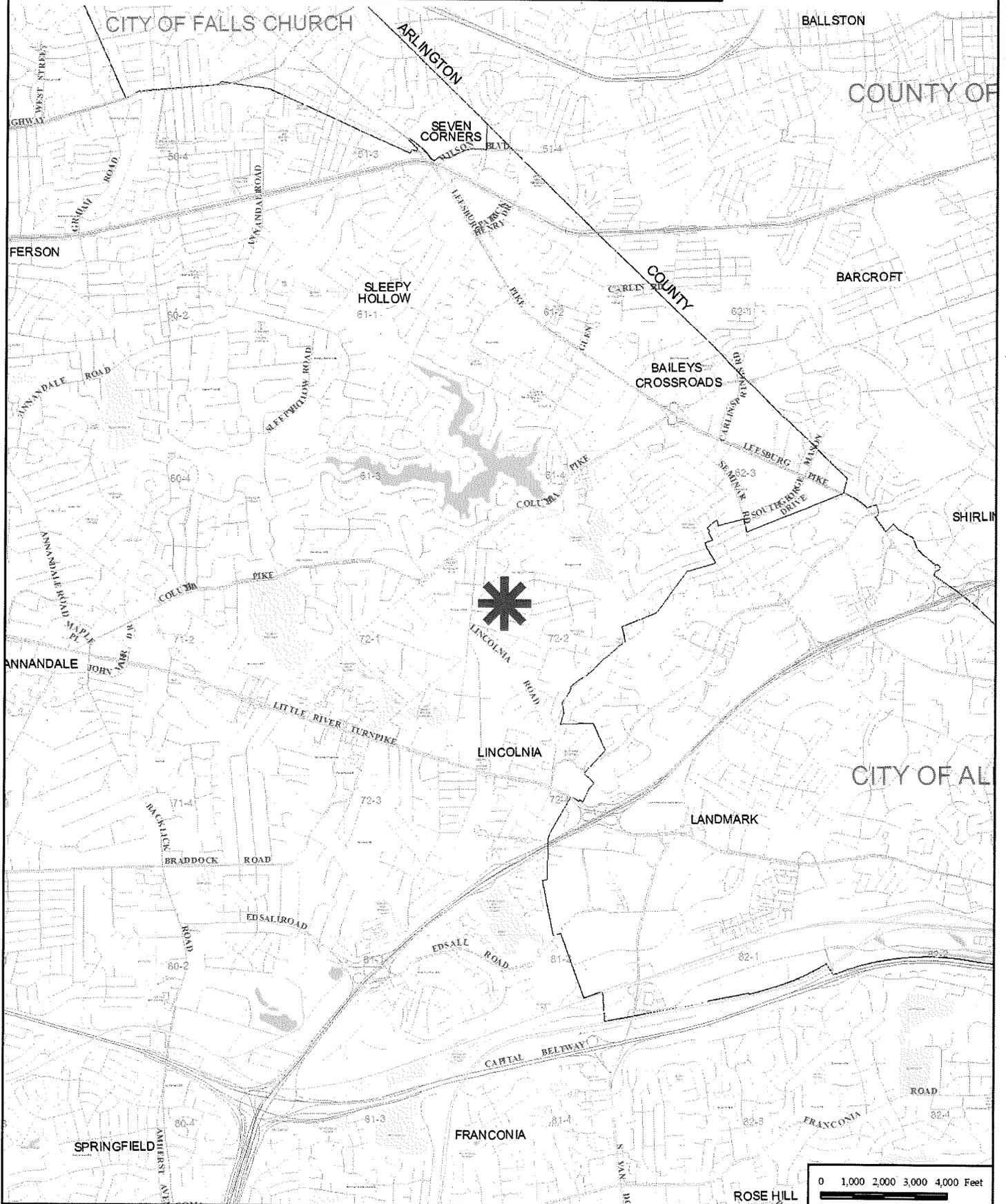


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

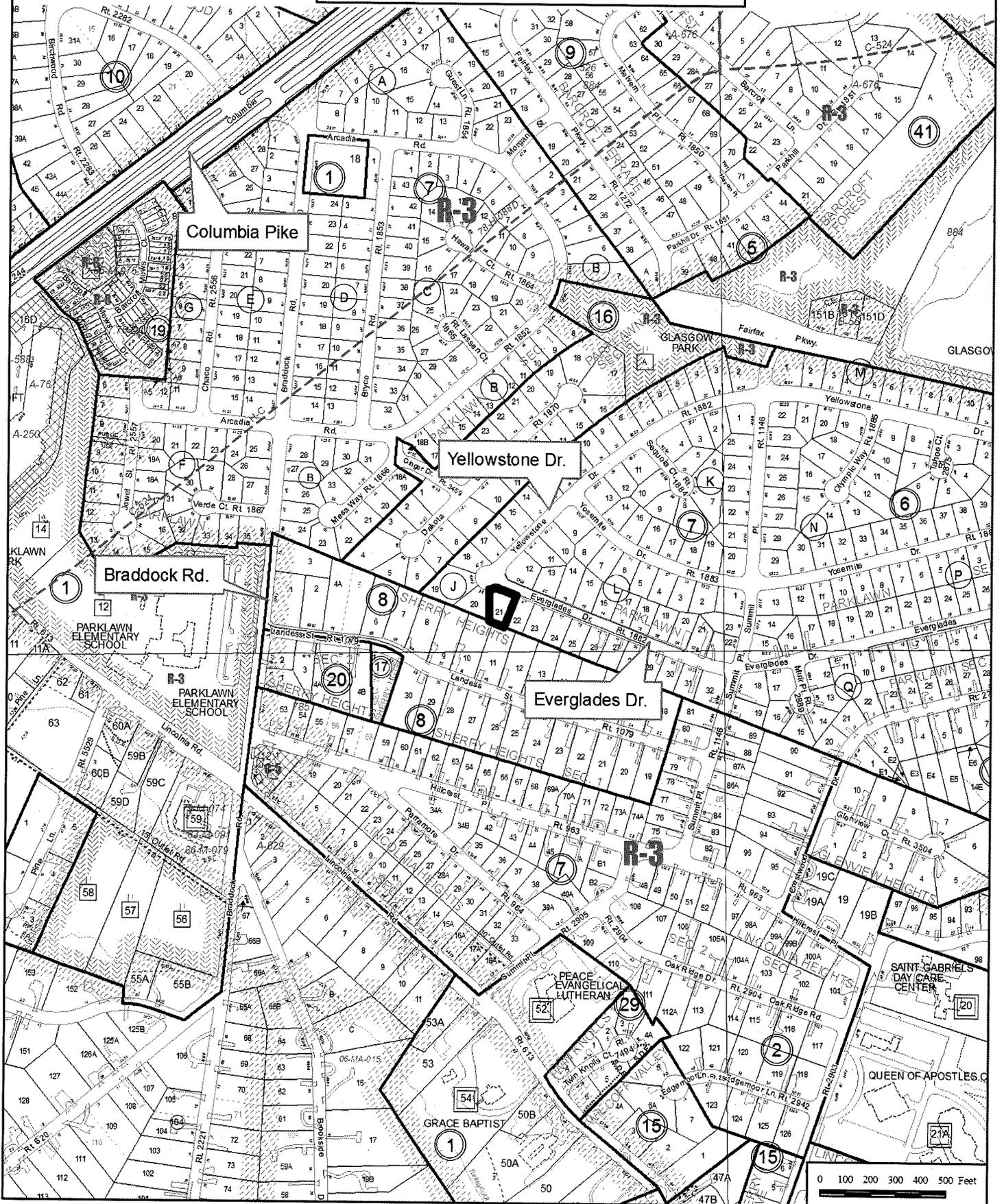
SP 2011-MA-109

MARIA ARRIETA



Special Permit

SP 2011-MA-109
MARIA ARRIETA

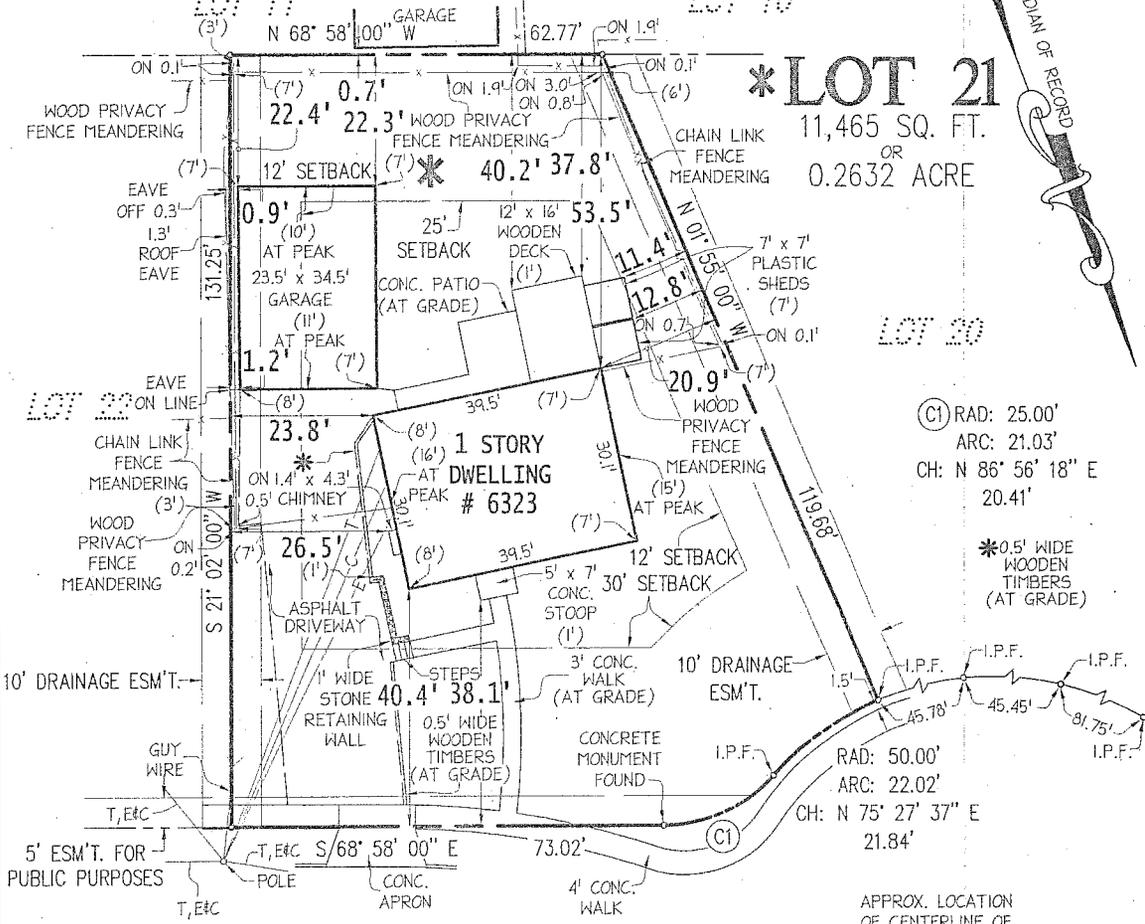


SHERRY HEIGHTS

LOT 11

LOT 10

*** LOT 21**
11,465 SQ. FT.
OR
0.2632 ACRE



(C1) RAD: 25.00'
ARC: 21.03'
CH: N 86° 56' 18" E
20.41'

*0.5' WIDE WOODEN TIMBERS (AT GRADE)

RAD: 50.00'
ARC: 22.02'
CH: N 75° 27' 37" E
21.84'

EVERGLADES DRIVE

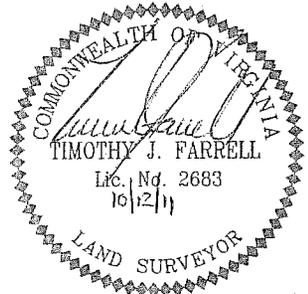
APPROX. LOCATION OF CENTERLINE OF YELLOWSTONE DR.

CENTERLINE (50' WIDE)

OCT 28 2011

SETBACK TABLE
ZONED R3

SETBACK REQUIREMENTS	
YARD	SETBACK
FRONT	30'
SIDE	12'
REAR	25'



LEGEND:
I.P.F. DENOTES IRON PIPE FOUND
-X- DENOTES FENCE LINE
(1') DENOTES HEIGHT ABOVE GRADE
-T,E&C- DENOTES OVERHEAD TELEPHONE, ELECTRIC, AND CABLE LINES

	AREA
EX. HOUSE	1,188 SQ. FT.
DETACHED GARAGE	810 SQ. FT.
TOTAL SQ. FT.	1,998 SQ. FT.

THE DETACHED GARAGE IS AN ADDITIONAL 6% OF THE PRINCIPAL STRUCTURE

- NOTES:
- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 - 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.E.M.A. MAP # 51059C0285E EFFECTIVE DATE: SEPTEMBER 17, 2010
 - 3) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 061-3-07-J-0021
 - 4) PROPERTY SERVED BY PUBLIC WATER AND SEWER.
 - 5) NO BURIAL SITES ON LOT PER RECORD PLAT.
 - 6) NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE FEET OR MORE PER RECORD PLAT.
 - 7) EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 1315, PAGE 108 (UNLESS NOTED OTHERWISE).
 - 8) THE LOT SHOWN HEREON PLOTS IN R.P.A. PER FAIRFAX COUNTY CHESAPEAKE PRESERVATION AREA PROPERTY MAP.

SPECIAL PERMIT PLAT
LOT 21
SECTION TWO, BLOCK J
PARKLAWN
MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA

B.W. SMITH AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYING
MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996

FIELD CREW: D. CONRAD

JOB# 20112999

DATE: 10/12/11

DFT: M.K.S. CHK: R.D.P. NO TITLE REPORT FURNISHED SCALE= 1" = 25'

From Everglades directly opposite house facing south

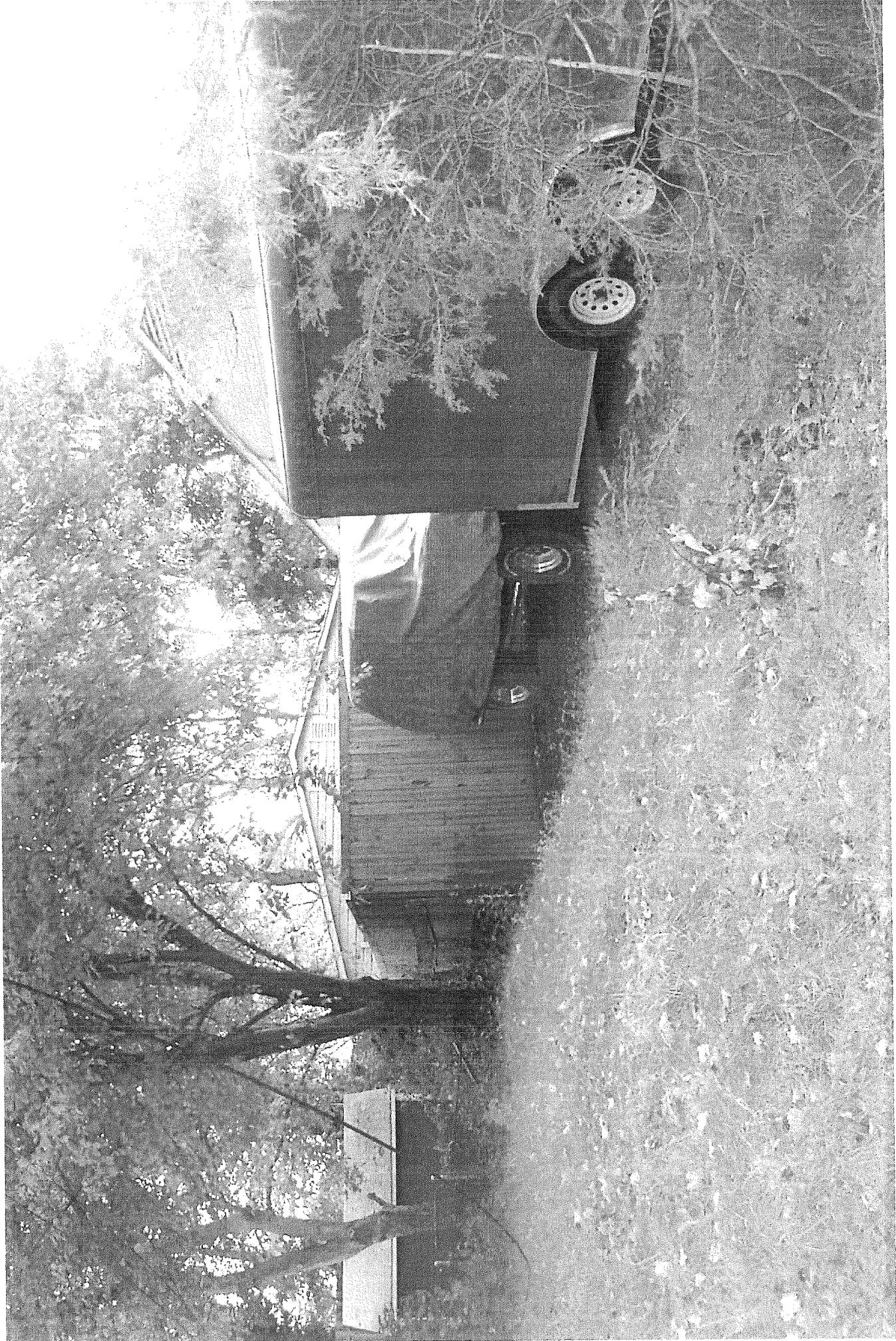
11/22/11



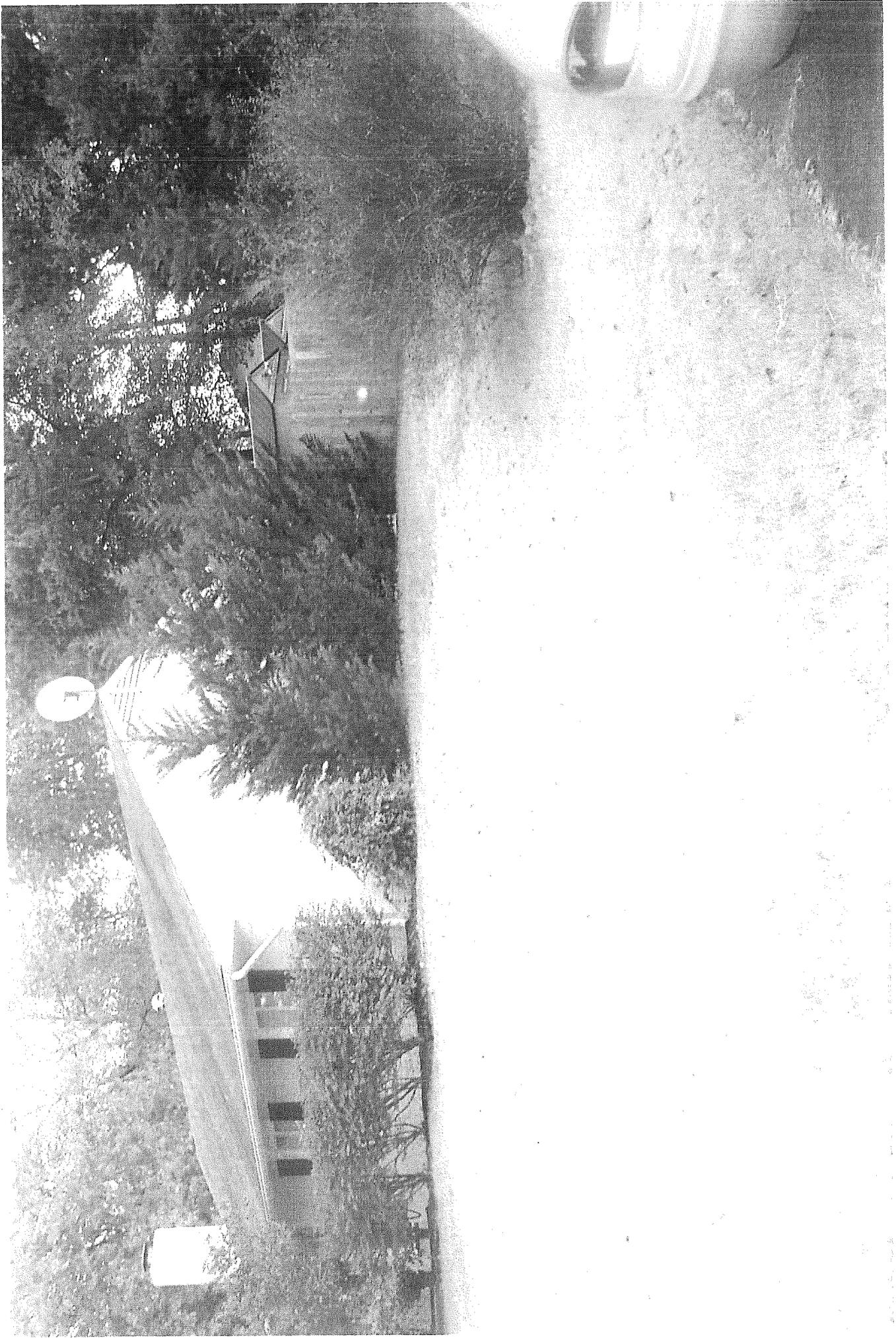
From Everglades Drive application lot driveway facing south



From Everglades Drive sidewalk @ adjacent lot# 22 facing southwest

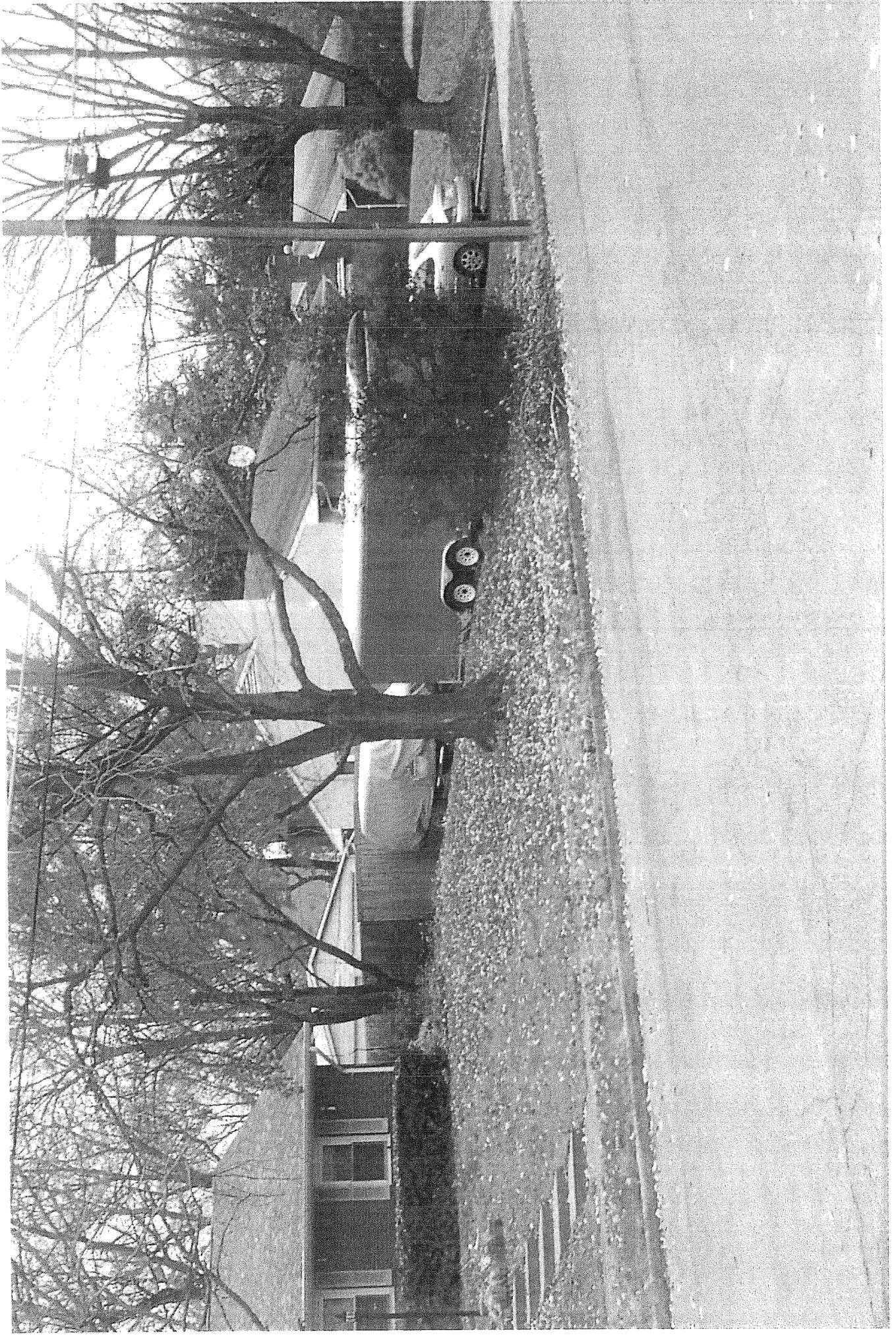


From Everglades Drive adjacent lot# 20 driveway facing southeast



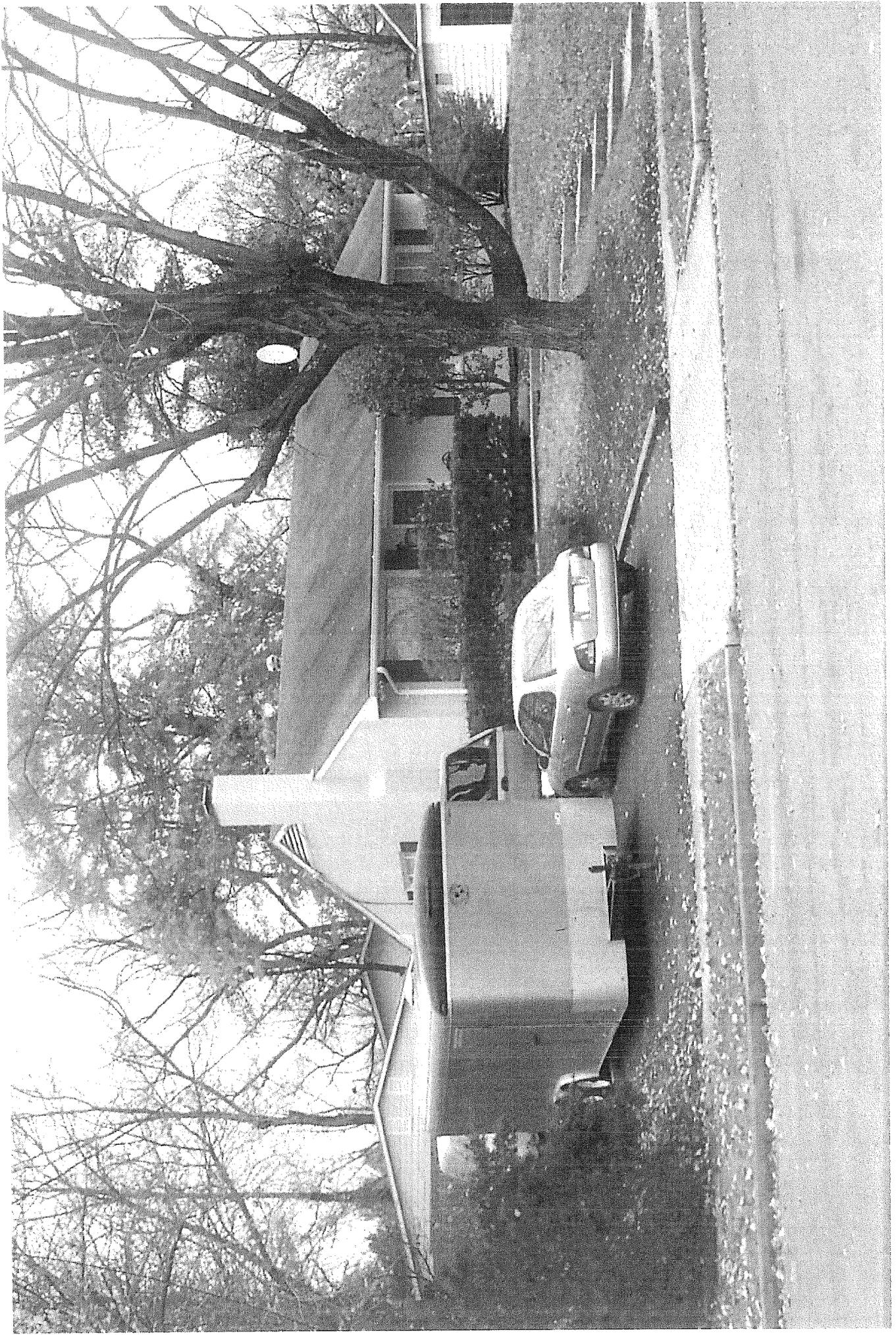
From Everglades facing southwest from distance

11/22/11



From Everglades facing southwest

11/22/11

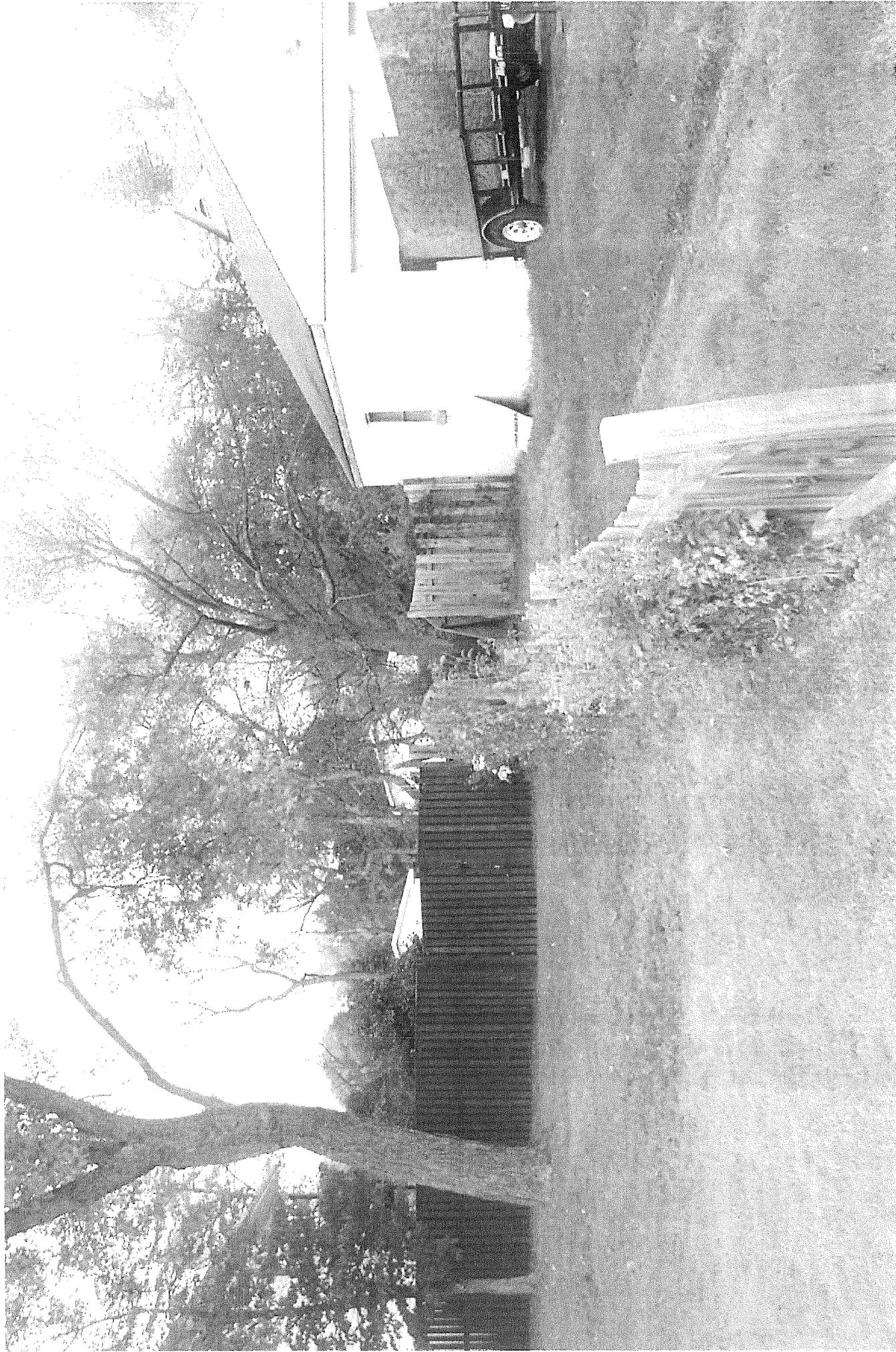


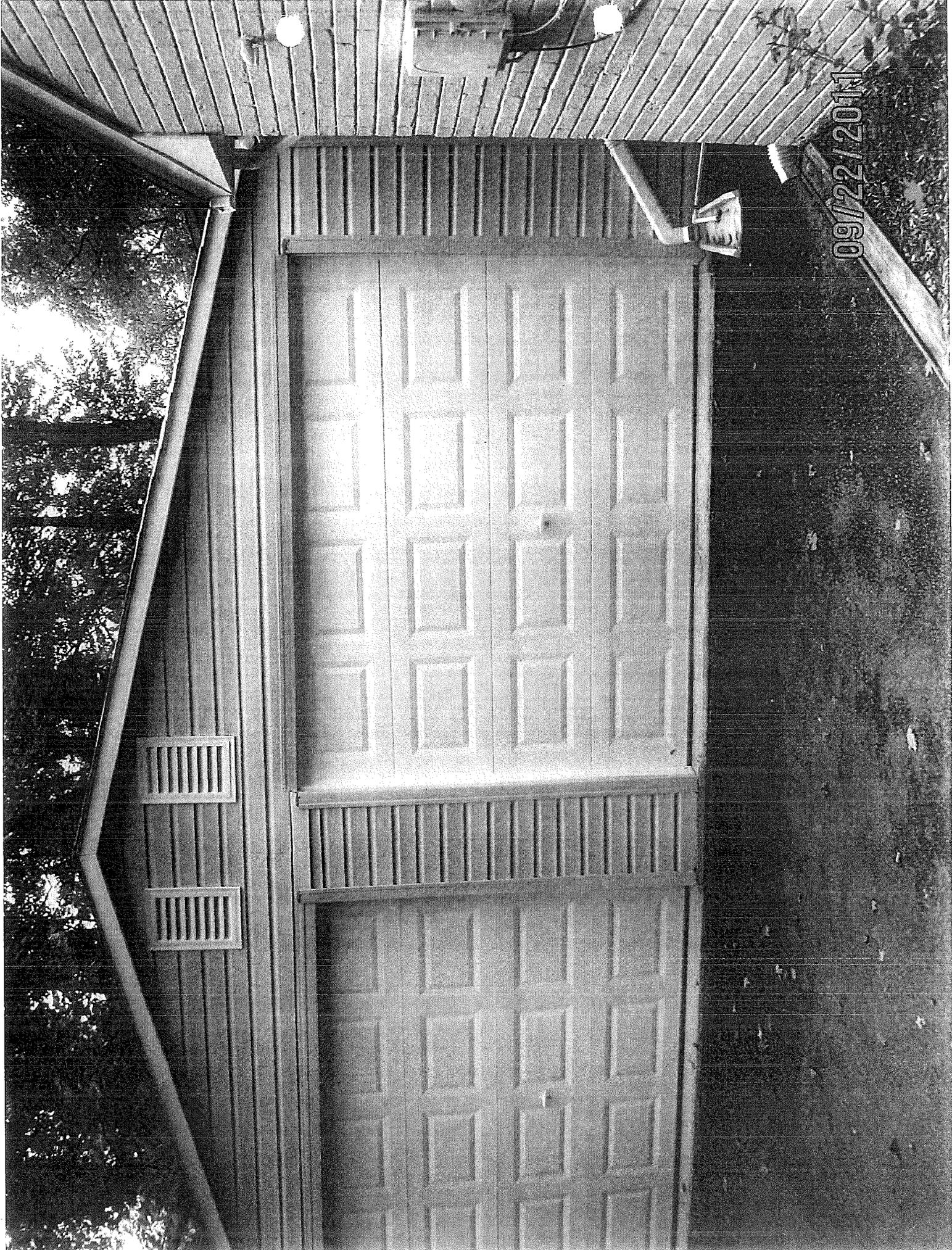
From Everglades/Yellowstone Court facing south

11/22/11

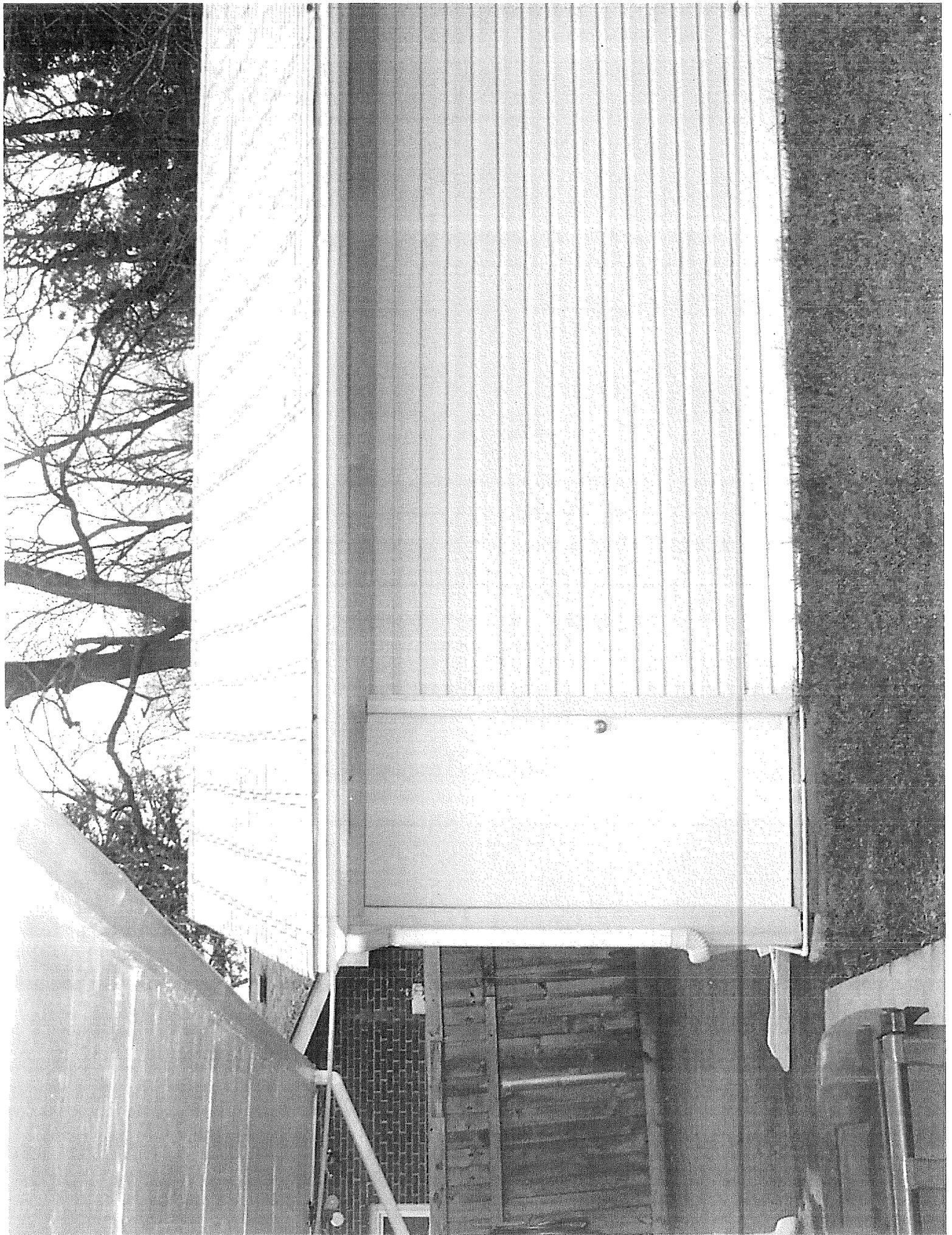


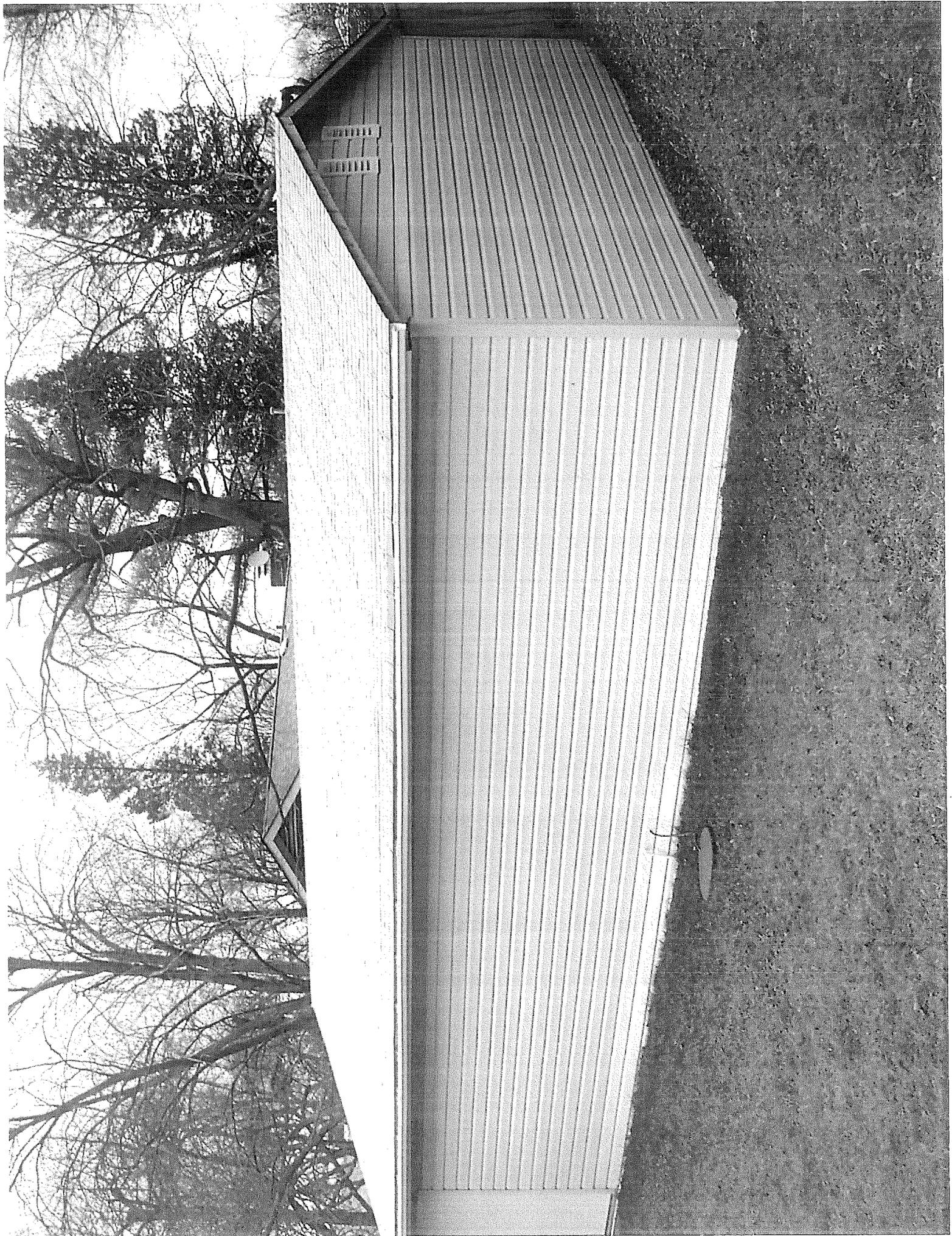
Property behind house from Landess St Lot 11 Sherry Heights facing North



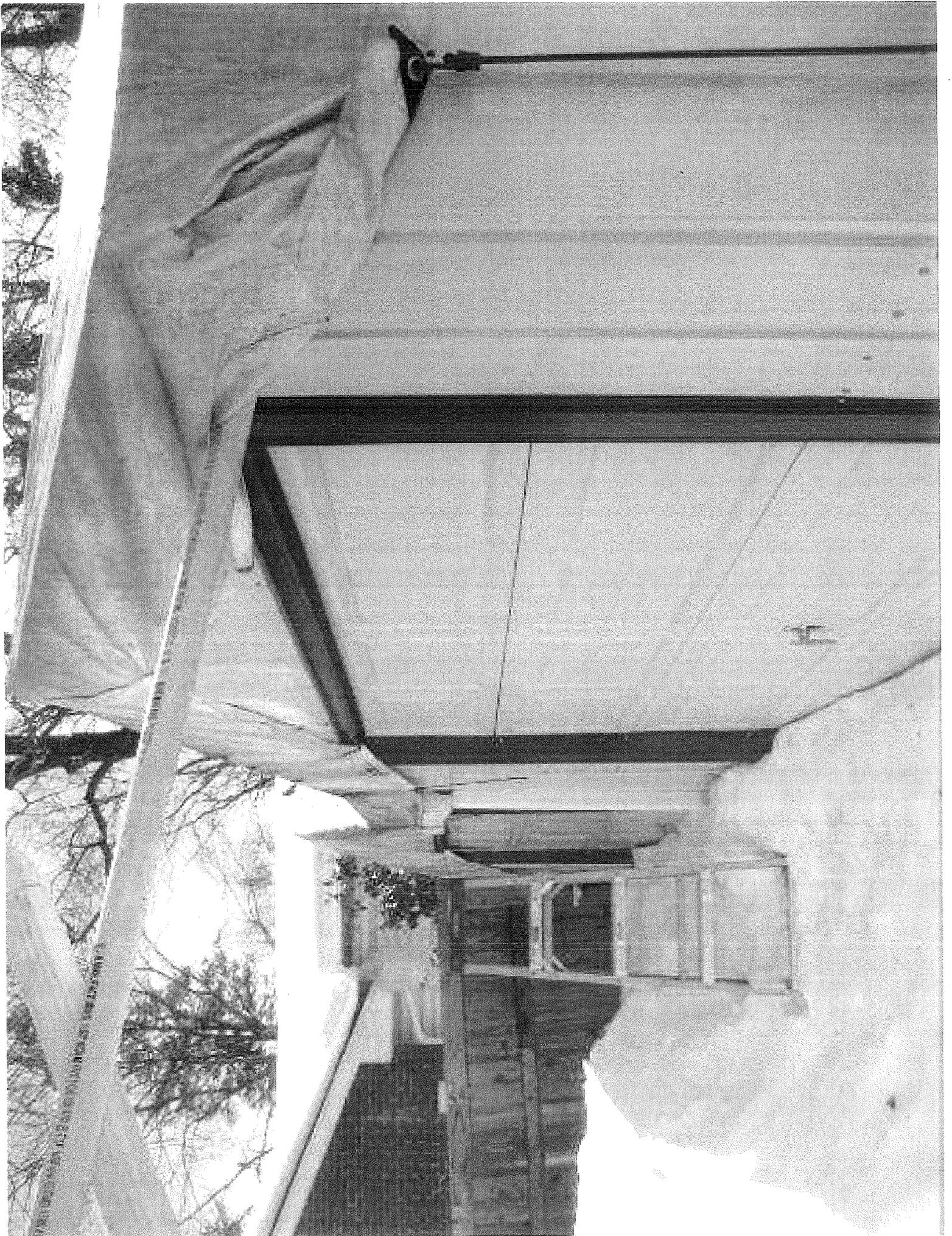


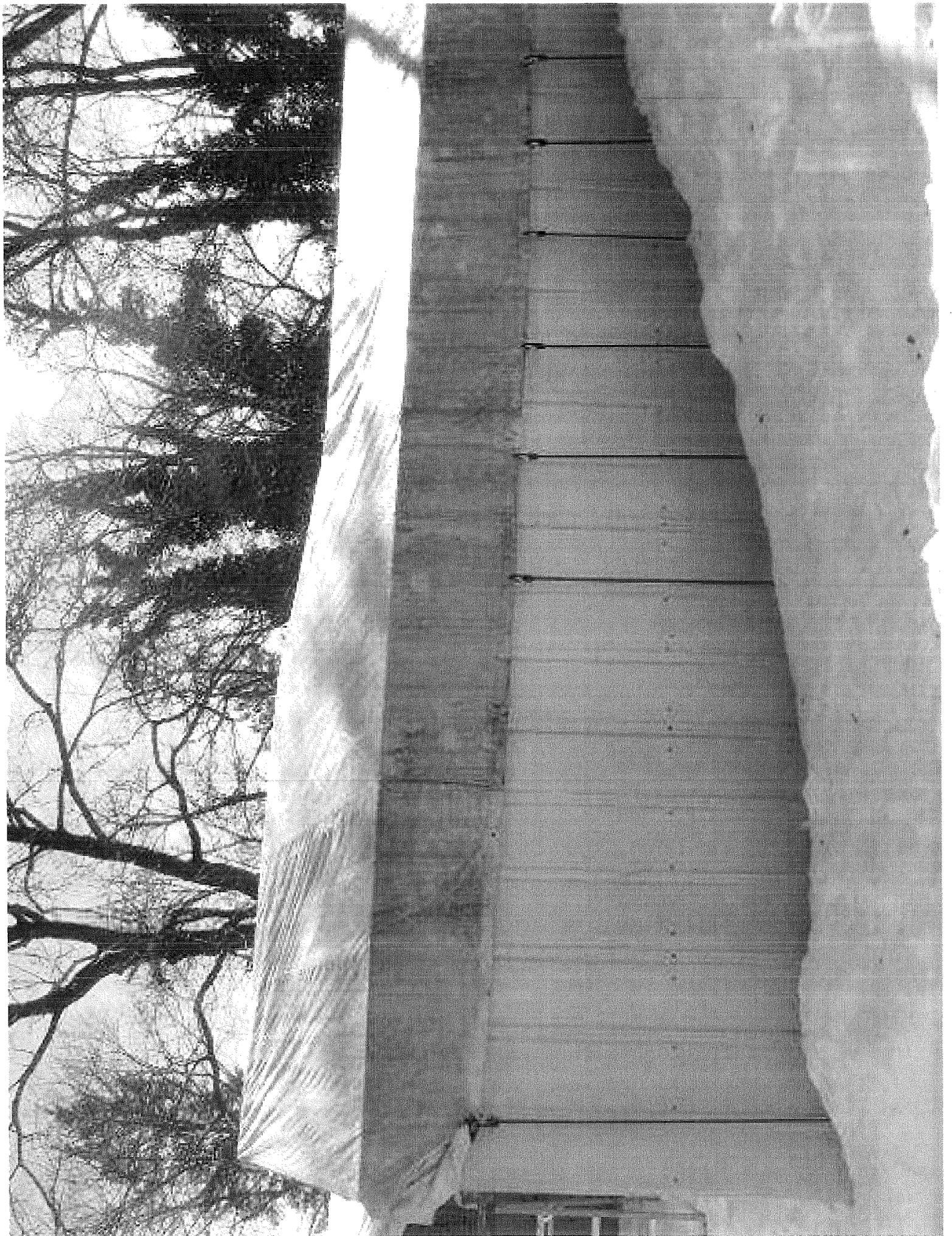
09/22/2011















DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for an error in building location to permit an accessory structure, a detached garage, to remain 0.0 feet from the eastern side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Addition	Side	12.0 feet	0.0 feet	12 feet	100%

*Minimum Yard Requirement per Section 3-307

LOCATION AND CHARACTER

Character of the Area

	Zoning	Use
North	R-3	Single Family Detached Dwellings
South	R-3	Single Family Detached Dwellings
East	R-3	Single Family Detached Dwellings
West	R-3	Single Family Detached Dwellings

Existing Site Description

The 11,465 square foot lot was developed under the R-3 regulations and contains a single family detached dwelling constructed in 1955. The lot slopes from the rear of the lot to the street and has mature trees and shrubs. The site is accessed via a hard surfaced driveway from Everglades Drive. There is an existing storm sewer easement along the eastern property line, in the location of the detached accessory structure, for surface drainage.

BACKGROUND

The existing one-story dwelling was built in 1955. Permit files contained the original building permit but no other permit requests.

In 2002, the applicant purchased the property. The applicant indicates that there were two existing metal accessory structures on the property in the same general location of the existing detached garage.

The applicant states that in 2010, a blizzard caused the existing metal structures to be damaged and the property owner constructed the existing detached accessory structure, without a building permit. A complaint was received by Fairfax County regarding a structure being built without a permit. On August 16, 2010, a Notice of Violation was sent to the owner indicating the owner needed to obtain building permits. Through the process of trying to obtain building permits, it was determined the structure violated the Zoning Ordinance and on November 7, 2011, a Notice of Violation was sent to the owner indicating that the structure could not receive a building permit because it violated the zoning ordinance and a special permit was required or the garage had to be removed. Copies of the NOV's are included as appendices 4 and 5.

The existing structure wall is 0.9 feet from the eastern side property line and the eave is 0.3 feet over the property line into the neighbor's property. In the event the Board approves the application, a development condition is included in Appendix 1 requiring the eave to be reduced so that all the structure is on the application property.

There is an existing 10 foot wide drainage easement along the eastern property line. Structures are generally not permitted to be located within drainage easements. However, the Storm Water Division of the Department of Public Works and Environmental Services indicates that the easement is not necessary and may be vacated by the owner. A development condition is included to address this issue. A copy of the memo from staff in the Storm Water Division is included as Appendix 6.

The existing dwelling is approximately 1,188 square feet in size. The detached accessory structure is 810 square feet in size, making the detached structure 68% of the size of the primary dwelling structure. According to the definition of accessory uses and structures, all such structures must be clearly subordinate to the primary use structure on site. Based on a review by staff from the Zoning Administration Division, the existing detached accessory structure does not meet the definition of an accessory structure and the size must be reduced. Staff indicates that a structure approximately 600 square feet in size would be appropriate for this property. A development condition requiring the garage be reduced to 600 square feet in size has been included in Appendix 1.

Staff and the applicant met with the Building Code Review Division and found several residential building code deficiencies. The existing structure does not have a concrete slab foundation or footings, which are required for a garage. The existing framing also needs to be reinforced. The applicant is consulting with a contractor to determine the best way to complete the work to bring the detached garage up to building code requirements if the Board of Zoning Appeals approves the application.

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

- Special Permit SP 2002-MA-011 was approved on June 19, 2002 for Tax Map 61-3 ((6)) 30, zoned R-2, at 6447 Holyoke Drive, to permit accessory structure to remain 2.1 feet from side lot line and 5.4 feet from rear lot line.
- Special Permit SP 98-M-010 was approved June 17, 1998 for Tax Map 61-3 ((6)) 8, zoned R-2, at 6452 Holyoke Drive, to permit dwelling to remain 13.5 feet from side lot line and accessory structure to remain 3.7 feet from side lot line.

ZONING ORDINANCE REQUIREMENTS (See Appendix 7)

- 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.

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. Violation Letter dated August 16, 2010
5. Violation Letter dated November 7, 2011
6. Storm Water Division comments
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2011-MA-109****March 7, 2012**

1. This special permit is approved only for the location of the accessory structure, a detached garage, as shown on the plat prepared B.W. Smith and Associates, Inc., dated October 12, 2011, signed by Timothy J. Farrell, submitted with this application and is not transferable to other land. This approval is subject to the following:
 - a. The drainage easement along the eastern property line shall be vacated as per the February 1, 2012, memorandum included as attachment 1.
 - b. The accessory structure shall be reduced to a maximum of 600 square feet in size.
 - c. All parts of the accessory structure, including eaves, shall be brought onto the application property.

2. All applicable permits and final inspections shall be obtained for the detached garage within nine months of approval of this special permit.

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

Application No.(s): SP 2011-MA-109
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February, 3 2012
 (enter date affidavit is notarized)

I, David C. Shindle, 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

109 804

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)
David C. Shindle	6300 Stevenson Ave #618 Alexandria, VA 22304	Agent for Applicant/Title Owner
Maria Arrieta	6323 Everglades Dr. Alexandria, VA 22312	Applicant/Title Owner

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February, 3 2012
(enter date affidavit is notarized)

109804

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-MA-109
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February, 3 2012
(enter date affidavit is notarized)

109804

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-MA-109
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February, 3 2012
(enter date affidavit is notarized)

109804

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): CP 2011-MA-109
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February, 3 2012
(enter date affidavit is notarized)

109804

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.

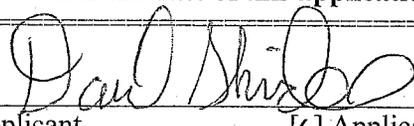
EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
None

(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.**

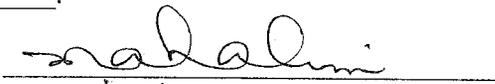
WITNESS the following signature:



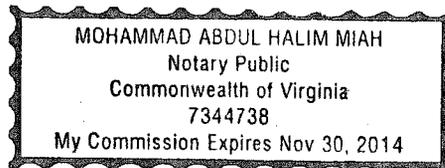
(check one) Applicant Applicant's Authorized Agent

David C. Shindle Agent for Applicant/Title Owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3rd day of February 2012, in the State/Comm. of State of Virginia, County/City of Fairfax.


Notary Public

My commission expires: November 30, 2014



COMMONWEALTH OF VIRGINIA - CERTIFICATE OF DEATH
DEPARTMENT OF HEALTH - DIVISION OF VITAL RECORDS - RICHMOND

COPY A

FOR DIVISION OF VITAL RECORDS

REGISTRATION AREA NUMBER 129	CERTIFICATE NUMBER 621	STATE FILE NUMBER
1. FULL NAME OF DECEDENT (first) (middle) (last) Carlos Arrieta		2. SEX male <input checked="" type="checkbox"/> female <input type="checkbox"/>
3. DATE OF DEATH (mo.) (day) (year) Feb 21, 2011	4. AGE 67 years	5. DATE OF BIRTH (mo.) (day) (year) April 30, 1943
7. NAME OF HOSPITAL OR INSTITUTION OF DEATH (if none, so state) Inova Fairfax Hospital		8. COUNTY OF DEATH (if independent city, leave blank) Fairfax
9. CITY OR TOWN OF DEATH Falls Church		10. STREET ADDRESS OR RT. NO. OF PLACE OF DEATH 3300 Gallows Road
11. STATE (OR FOREIGN COUNTRY) OF DECEDENT'S RESIDENCE Virginia		12. COUNTY OF DECEDENT'S RESIDENCE (if independent city, leave blank) Fairfax
13. CITY OR TOWN OF RESIDENCE Alexandria		14. STREET ADDRESS OR RT. NO. OF RESIDENCE 6323 Everglades Drive
15. NAME OF DECEDENT'S FATHER Jose Arrieta		16. MAIDEN NAME OF DECEDENT'S MOTHER Rosario Duten
17. RACE OF DECEDENT White	18. OF HISPANIC ORIGIN? If yes, specify Cuban, Mexican, Puerto Rican, etc. <input type="checkbox"/> no <input checked="" type="checkbox"/> yes Spain	19. EDUCATION (Specify only highest grade completed) Elementary/Secondary (0-12) 12 College (1-4 or 5+) _____
20. CITIZEN OF WHAT COUNTRY Spain	21. BIRTHPLACE (state or country) Spain	22. NEVER MARRIED <input type="checkbox"/> DIVORCED <input type="checkbox"/> MARRIED <input checked="" type="checkbox"/> WIDOWED <input type="checkbox"/>
23. IF MARRIED OR WIDOWED, NAME OF SPOUSE (if divorced leave blank) Maria Rodriguez	24. SOCIAL SECURITY NUMBER 224-41-1438	25. USUAL OR LAST OCCUPATION Mechanic
26. KIND OF BUSINESS OR INDUSTRY Automobile	27. INFORMANT - OR SOURCE OF INFORMATION - RELATIONSHIP Belen Arrieta - daughter	
28. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. IMMEDIATE CAUSE (Final disease or condition resulting in death) → (A) <u>Carotid arrest</u> (B) <u>heart failure</u> (C) <u>heart operation by coarctation and CAD</u>		INTERVAL BETWEEN ONSET AND DEATH 1 hr 3 days 2 wks
PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.		28a. AUTOPSY? AUTHORIZED BY: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
29. BURIAL <input checked="" type="checkbox"/> REMOVAL <input type="checkbox"/> CREMATION <input type="checkbox"/>	30. PLACE OF BURIAL, REMOVAL, ETC. Mount Comfort Cemetery Alexandria VA	31. (Signature of funeral director or person legally filing this certificate) Everly-Wheatley F.H. NAME OF FUNERAL HOME AND ADDRESS: 1500 W. Braddock Rd Alex VA 22302
32. (Signature of registrar) Orville Kary	DATE RECORD FILED: 2/25/11	RESERVED FOR REGISTRAR'S USE

MARGIN RESERVED FOR BINDING
IMPORTANT: Use black ribbon in typewriter or print legibly with ball point pen having black unfracting ink. This is a permanent record and subject to reproduction by microfilm and other photographic process.

This is to certify that this is a true and correct reproduction of the original record filed with the FAIRFAX COUNTY HEALTH DEPARTMENT, FAIRFAX VIRGINIA.

FEBRUARY 25, 2011
DATE ISSUED

ANNIE WILSON
DEPUTY REGISTRAR

(SEAL)

VOID IF ALTERED OR DOES NOT BEAR IMPRESSED SEAL

VS 2 704

SEP 14 2010

Zoning Evaluation Division

Special Permit Statement of Justification

- A. Type of operation: Personal storage.
- B. Hours of operation: Not applicable or none.
- C. Estimated # of partons/clients/patients/pupils/etc: Not application or zero
- D. Proposed # of employees/attendants/teachers/etc: Not applicable or zero
- E. Estimate of traffic impact of the proposed use: No impact
- F. Vicinity or general area to be served by the use: None
- G. Description of building facade and architecture of proposed new building: Single story wooden low pitch roof building with vinyl siding, gable vents, two garage doors at front and one personal side door.
- H. Listing of hazardous or toxic substances: Absolutely none
- I. Request of a special permit for variance to side property line to rebuild storage garage damaged by record snowfall on 2/7/2010. Two prefabricated metal garages were erected prior to purchase of property and were located at the end of the driveway toward the rear of the property. Enclosed in special permit application is claim information regarding the loss of former garage.

The new construction will be stronger and more aesthetically appealing. Rebuilding on the former location is the most suitable because it is at the end of the driveway, is behind a fence providing security and less obtrusive to roadway, and is already graded so no further disruption of land is required. Due to typography and existing vegetation of the property, other locations would require excavating and/or removal of appealing large shade trees.

Enclosed in the special permit application is a signed letter from longterm neighbor Kristo Lluka whose property the storage garage is less than minimum distance from our mutual property line. He is fully aware of the permit and has no issues with the construction of the storage garage to replace the damaged garage.

Storage garage use is solely storage of personal classic cars owned by retired homeowner/resident of the home at this property and his grandson's gokarts. No repairs or storage of non-family members vehicles will take place on the property.

Hazardous or toxic substances stored on site

Gasoline stored in 2-3 vehicle fuel tanks, 2 gokart fuel tanks and 1 five-gallon federal approved red plastic fuel jug.

Hazardous or toxic substances generated, utilized, treated and/or disposed of on site

None.

RECEIVED
Department of Planning & Zoning
DEC 14 2011
Zoning Evaluation Division

12/12/2011

Re: File SP 2010-0189

Property Address: 6323 Everglades Dr Alexandria, VA 22042

RECEIVED
Department of Planning & Zoning

DEC 14 2011

Zoning Evaluation Division

The BZA determines that:

A.The error exceeds ten (10) percent of the measurement involved and is the reason for requesting the special permit.

B.The noncompliance was done in good faith and through no fault of the property owner. The noncompliance was done by the owner's (Maria Arrieta) late husband, Carlos Arrieta, who rebuilt a storage garage on the existing foundation of two adjacent storage garages erected by previous owner after their roofs partially collapsed from blizzard snow on 2/7/10. Insurance documents are included in application regarding this loss. Damaged buildings were promptly removed while their contents; his grandsons racing go-karts, his antique collector cars, toolboxes and workbench were stored under tarps in backyard till spring. To shelter his belongings, he rebuilt a stronger single storage garage on the same foundation as this location is best suited on property being level and at the end of the existing driveway. He assumed former owner who erected the previous buildings had already obtained approval for the location and his concern was to shelter his valuables from the elements as quickly as possible. The current property owner is now Maria Arrieta who had no fault.

C.Such reduction will not impair the purpose and intent of this Ordinance. The building is aesthetically appealing, unobtrusive and safe

D.It will not be detrimental to the use and enjoyment of other property owners in the immediate vicinity. The new single building is much more appealing visually than the previous two attached buildings it replaced. Included in our special permit application is a letter signed by long-term neighbor Kristo Lluka who resides at 6321 Everglades Dr, the property whose setback boundary infringes upon, stating he has no issues w/ the building location. Storage garage is barely visible with just the peak of the roof visible from the street to other neighbors.

E.It will not create an unsafe condition with respect to both other property and public streets. The storage garage is fully fenced in by tallest security fence allowed by zoning codes which gate remains locked when not in use. The setback of the building behind the residential house ensures it does not create unsafe condition to the use of public streets.

F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner, Maria Arrieta. Maria is now widowed w/ limited income and is being supported by her family. Rebuilding another garage is not financially possible. Being that the garage was the last mission in the life of her late husband, she would like to keep the building and its contents – his vintage racecar, as a memorial tribute to him. We hope to race his car again in his memory. The building is fondly referred to as Carlos's Playhouse.

Additionally, the 4 grandsons who he also built it to store their go-karts still come to Maria's house on weekends to prepare their karts for upcoming races while she is thrilled to cook them lunch so the garage has become a fixture in the family's unity. Please understand the garage has much more meaning to the entire extended family as a memorial for someone who meant so much to us and was taken from us unexpectedly.

G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations. Plat is provided in application.



LEGAL NOTICE

CORRECTIVE WORK ORDER: NOTICE OF INSPECTION

DATE OF ISSUANCE: August 16, 2010 **COMPLAINT #:** 201003899
SERVICE REQUEST #: 62138

LEGAL NOTICE ISSUED TO: Carlos Arrieta,
Maria Arrieta **LICENSE #:**

ADDRESS: 6323 Everglades Dr
Alexandria, Virginia 22312

PROPERTY OWNER(S): Carlos Arrieta,
Maria Arrieta

LOCATION OF VIOLATION: 6323 Everglades Dr **PERMIT #:**
Alexandria, Virginia 22312-1113

TAX MAP NUMBER: 0613 07J 0021

I inspected the above premises on July 28, 2010, and observed the following:

VIOLATION(S) CODE SECTION(S)

Built a garage approximately 24X32 in the rear of the yard without the required permits.

This construction activity requires permits as specified in the 2006 Virginia Uniform Statewide Building Code (VUSBC), effective May 1, 2008, Section 108.1, *When [Permit] applications are required*, which states that written application for permit(s) shall be made to the Building Official and said permit(s) shall be obtained before:

1. A demolition permit **shall be obtained prior to the removal** of any kitchen equipment, appliances, utilities and kitchen cabinets permanently attached to appliances [V]USBC.

Additionally, this construction project requires inspection(s) pursuant to Section 113.3, *Minimum inspections*, as follows:

- X 1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.
- X 2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code.
- X 3. Inspection of preparatory work prior to the placement of concrete.
- X 4. Inspection of structural members and fasteners prior to concealment.

- X 5. Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment.
- X 6. Inspection of energy conservation material prior to concealment.
- X 7. Final inspection

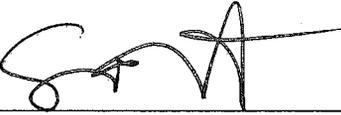
CORRECTIVE WORK ORDER: Pursuant to the VUSBC, Section 115, *Violations*, Section 115.2, *Notice of violation*, you are directed to immediately cease all unpermitted activities and correct these defects within thirty days of receipt of this Corrective Work Order by:

- Applying for and obtaining the required permit(s) at the Permit Application Center at 12055 Government Center Parkway, Fairfax, VA, Suite 222, phone (703) 222-0801.
- Ensuring all required inspections are conducted and approved before continuing construction.

Failure to follow this order within the specified time may result in 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 to the BBBCA at 703-324-1780 for more information about the appeals process.

LEGAL NOTICE ISSUED BY: Scott Hagerty
TITLE: Combination Inspector

SIGNATURE: 
NOTICE DELIVERED BY SHERIFF'S OFFICE.

cc: File



County of Fairfax, Virginia

APPENDIX 5

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: November 7, 2011

SHERIFF'S LETTER

CASE #: 201107010 SR#: 77370

SERVE: Carlos Arrieta
Maria Arrieta
6323 Everglades Drive
Alexandria, VA 22312

LOCATION OF VIOLATION 6323 Everglades Drive
Alexandria, VA 22312-1113
Tax Map #: 61-3 ((7)) (J) 21
Zoning District R-3

Dear Property Owners:

An inspection of the above referenced property on October 17, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 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 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.

In addition, you are advised a Building Permit cannot be issued for the garage until the property

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

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 garage from the property; or
- Applying for and obtaining the Zoning Administrator's approval of a Building Permit for the 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) 324-1190 or (703) 324-1300.

Sincerely,

Robert Burk
Code Compliance Investigator



County of Fairfax, Virginia

APPENDIX 6

MEMORANDUM

DATE: February 1, 2012

TO: William J. Schell, Branch Chief

FROM: Emily Abbott, Engineer Technician III

REF: Everglades Drive (6323) Easement Vacation

Gary Much and I inspected 6323 Everglades Drive on 1/31/2012 and spoke with the homeowner's daughter concerning the easement encroachment issue. We explained that permanent structures are not permitted in storm drainage easements. We also spoke with adjacent neighbor at 6321 Everglades Drive and explained to him that his permanent structure (shed) is not permitted in the storm drainage easement. The 10 ft. storm drainage easement was established in 5/1955.

After hearing testimony concerning no history of drainage problems from the homeowner of 6321 Everglades Drive, we entertain the idea of the homeowners vacating the storm drainage easement and leaving the permanent structures in their current location. Based off the grade of the properties, the permanent structures will not affect drainage for adjacent neighboring properties.

Department of Public Works and Environmental Services
Maintenance and Stormwater Management Division
10635 West Drive
Fairfax, VA 22030-4229
Phone: 703-877-2800, TTY: 711, FAX: 703-877-2805
www.fairfaxcounty.gov/dpwes



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.