



APPLICATION ACCEPTED: April 11, 2012
BOARD OF ZONING APPEALS: June 27, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 20, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-SP-015

SPRINGFIELD DISTRICT

APPLICANT/OWNERS: Bridgette S. Downer
Jesse T. Downer

STREET ADDRESS: 12377 Henderson Road, Clifton, 20124

TAX MAP REFERENCE: 86-3 ((1)) 12

LOT SIZE: 1.96 acres

ZONING DISTRICT: R-C and WS

ZONING ORDINANCE PROVISIONS: 8-923

SPECIAL PERMIT PROPOSAL: To permit fence greater than 4.0 feet in height to remain in a front yard.

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

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

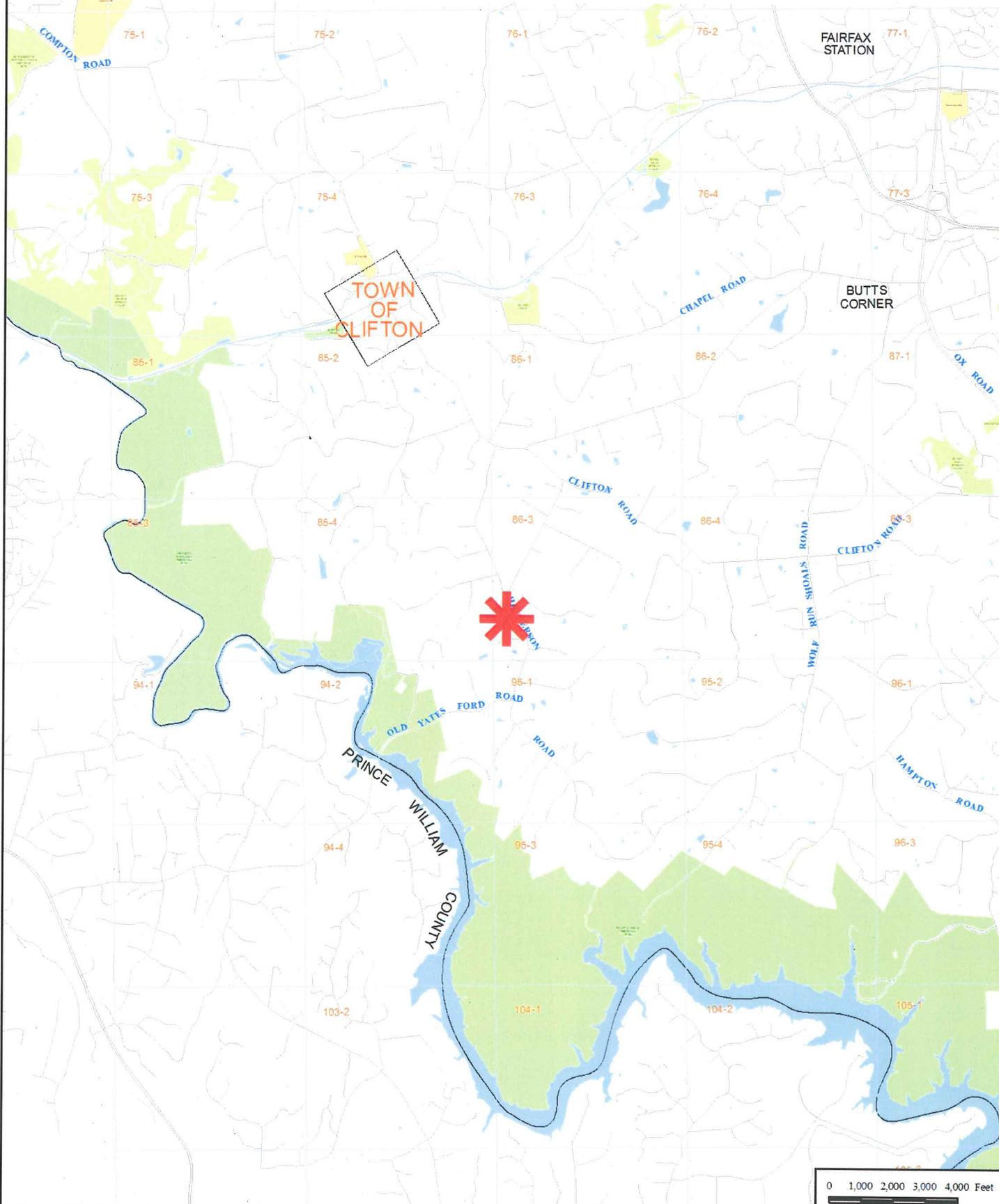
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

O:\dhedri\Special Permits\6-27 SP 2012-SP-015 Downer (fence)\SP 2012-SP-015 Downer staff report.doc
Deborah Hedrick

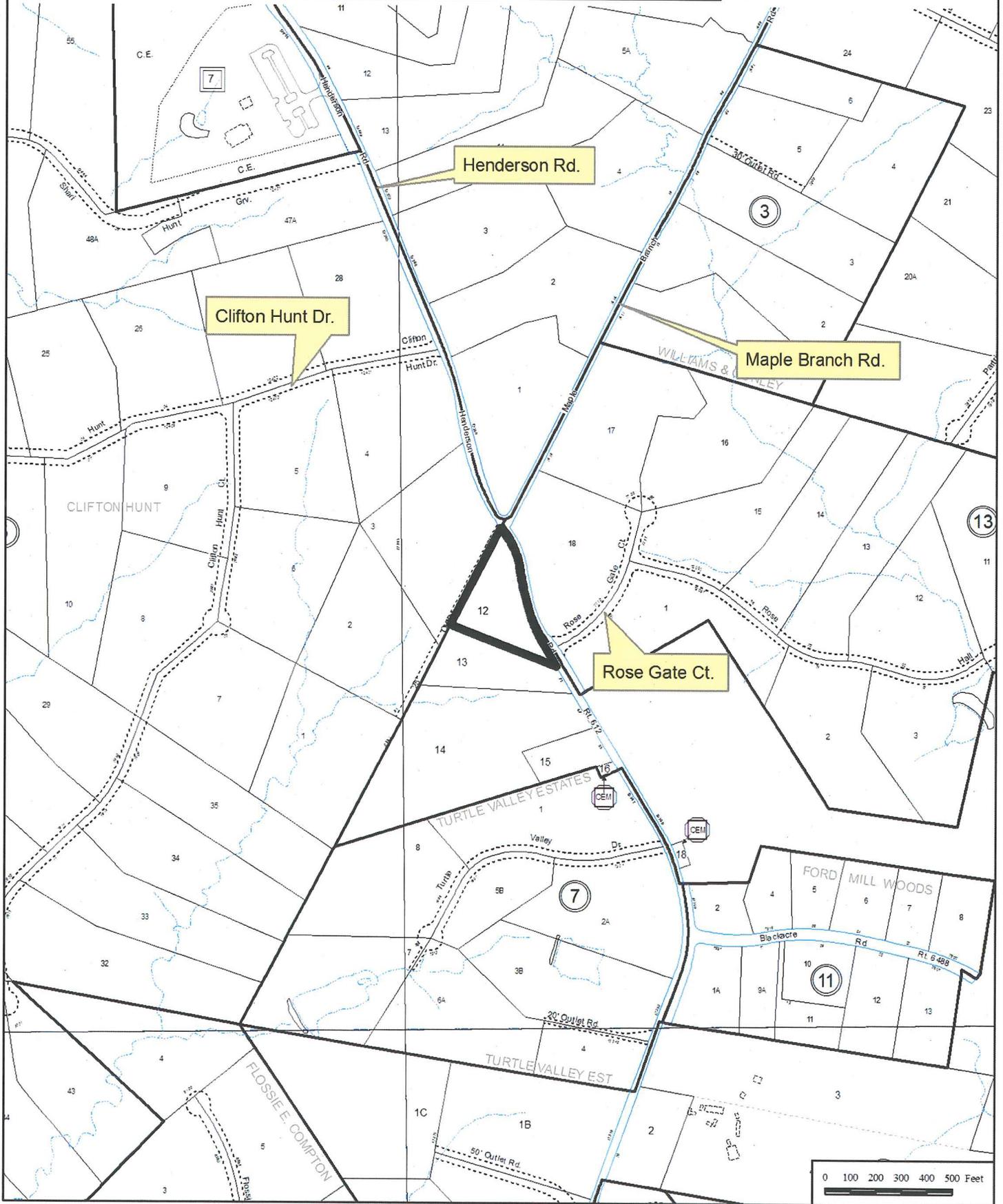


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2012-SP-015
BRIDGETTE DOWNER & JESSE DOWNER



Special Permit
SP 2012-SP-015
BRIDGETTE DOWNER & JESSE DOWNER



Henderson Rd.

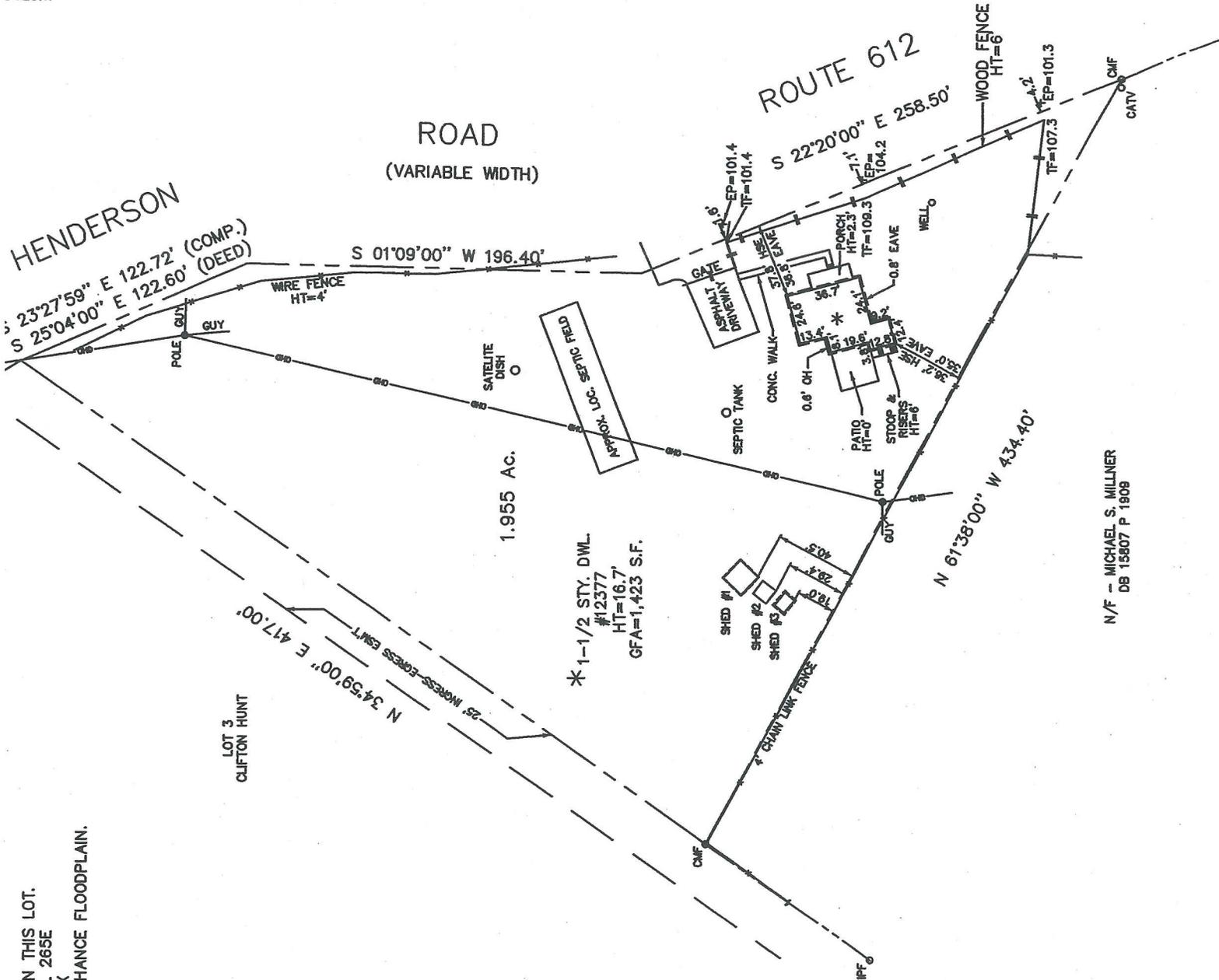
Clifton Hunt Dr.

Maple Branch Rd.

Rose Gate Ct.



INSPECTION.
 WATER IN WIDTH ON THIS LOT.
 COMMUNITY PANEL 265E
 NATED AS ZONE X
 E 0.2% ANNUAL CHANCE FLOODPLAIN.



HENDERSON
 S 23°27'59" E 122.72' (COMP.)
 S 25°04'00" E 122.60' (DEED)

ROAD
 (VARIABLE WIDTH)

ROUTE 612

S 01°09'00" W 196.40'

S 22°20'00" E 258.50'

WOOD FENCE
 HT=6'

1.955 Ac.

* 1-1/2 STY. DWL.
 #12377
 HT=16.7'
 GFA=1,423 S.F.

N 61°38'00" W 434.40'

LOT 3
 CLIFTON HUNT

N 34°59'00" E 417.00'

N/F - MICHAEL S. MILLNER
 DB 15807 P 1809

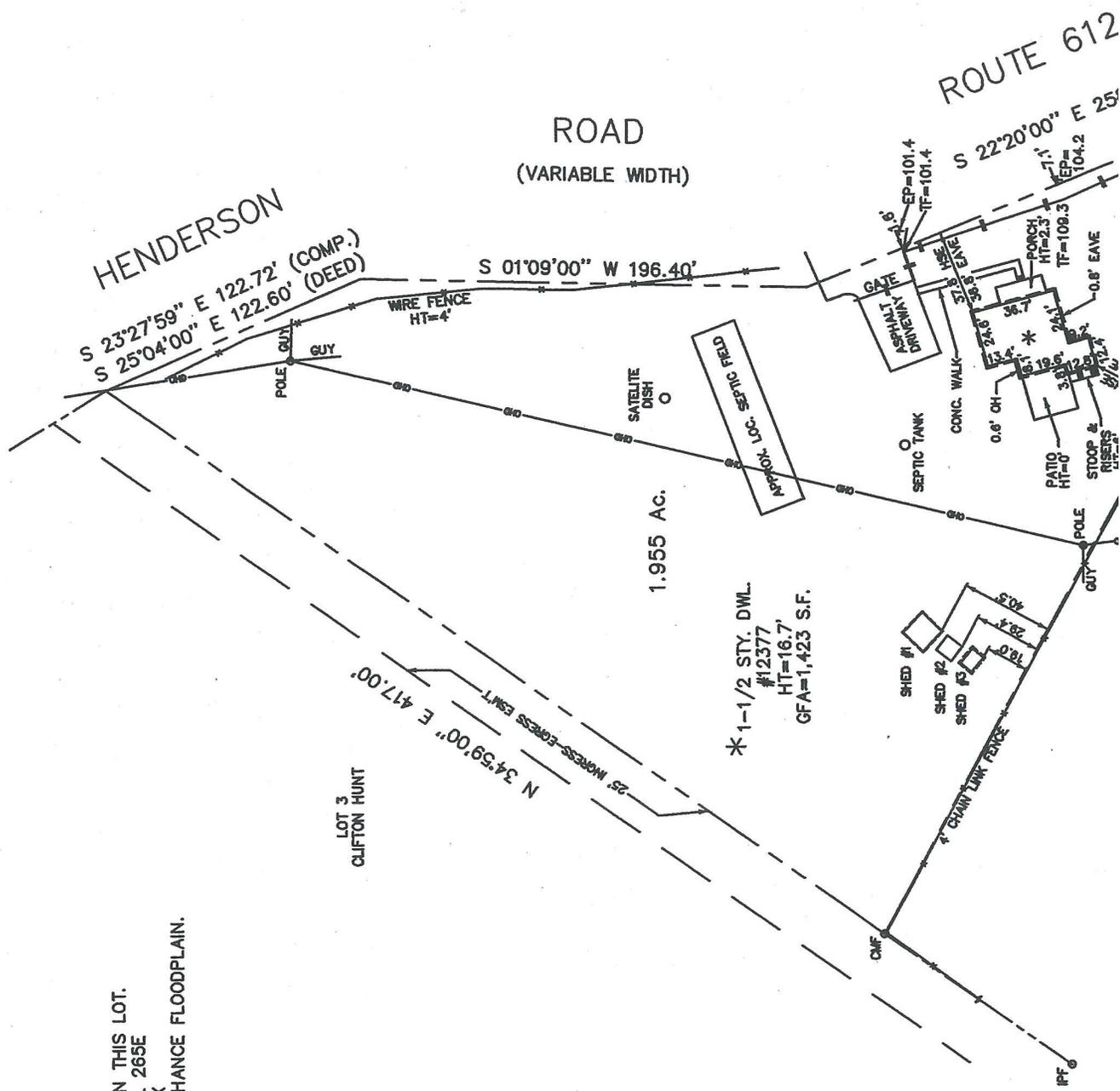
NOTES:

1. TAX MAP -- 086-3-01-0012
2. ZONED -- RC
3. LOT AREA = 1,955 AC.
4. NO TITLE REPORT FURNISHED
5. MINIMUM YARD REQUIREMENTS
FRONT YARD = 40'
SIDE YARD = 20'
REAR YARD = 25'
6. THIS PROPERTY IS SERVED BY WELL AND SEPTIC
NO GRAVE, OR OBJECT MARKING A PLACE OF
BURIAL WAS OBSERVED DURING FIELD INSPECTION.
7. THERE ARE NO EASEMENTS 25' OR GREATER IN WIDTH ON THIS LOT.
8. THIS LOT IS IN AREA SHOWN ON FIRM COMMUNITY PANEL 265E
EFFECTIVE DATE SEPT. 17, 2010, DESIGNATED AS ZONE X
AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
9. THERE ARE NO RPA'S ON THIS SITE
10. ELEVATION DATUM IS ASSUMED
11. EP = ELEVATION OF EDGE OF PAVEMENT
12. TF = ELEVATION OF TOP OF FENCE

SHED #1
12.2'x12.2'
EAVE = 0.3'
HT. = 10.2'
GFA=133 S.F.

SHED #2
8.2'x8.0'
EAVE = NONE
HEIGHT = 7.9'
GFA=55 S.F.

SHED #3
6.3'x8.3'
EAVE = 0.6'
HEIGHT = 9.8'
GFA=42 S.F.



ROUTE 612

ROAD
(VARIABLE WIDTH)

HENDERSON

1.955 AC.

LOT 3
CLIFTON HUNT

* 1-1/2 STY. DWL.
#12377
HT=16.7'
GFA=1,423 S.F.

SHED #1
SHED #2
SHED #3

CMF

PPF























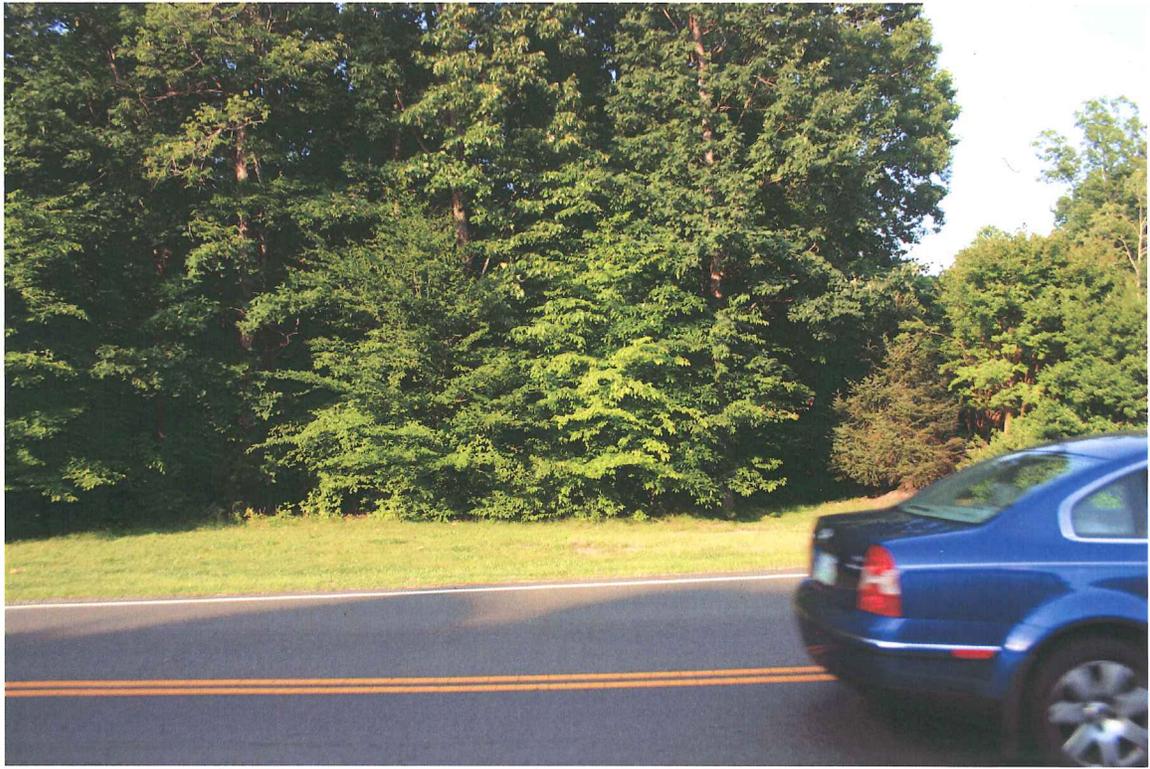














DESCRIPTION OF THE APPLICATION

The applicants seek approval of a special permit to allow an existing fence greater than 4.0 feet in height to remain in a front yard. The 6.0 foot high wood privacy fence is located along the front lot line facing Henderson Road. The fence measures approximately 170 feet along the Henderson Road frontage and 65 feet along the side lot line beyond the front plane of the dwelling on the lot. The Zoning Ordinance currently permits fences 4.0 feet in height by-right; however, through a special permit, an applicant can request a fence in the front yard up to 6.0 feet in height.

	Structure	Yards	Height Permitted By Right	Maximum Height Requested	Modification Requested
Special Permit Request	Fence	Front	4.0 feet	6.0 feet	2.0 feet

EXISTING SITE DESCRIPTION

The 1.96 acre lot is currently zoned R-C and within a Water Supply Protection Overlay District, developed with a one and a half story single family detached dwelling constructed in 1935. The site is accessed via an asphalt driveway from Henderson Road. The dwelling is situated toward the far southeastern portion of the irregular shaped lot, placed approximately 38 feet from the front lot line along Henderson Road. There are three storage sheds located within the rear yard. Portions of the front and rear yards are well manicured and contain mature trees, shrubs and foundation plantings. A majority of the 1.96 acre lot is heavily wooded.

CHARACTER OF THE AREA

	Zoning	Use
North	R-C and WS	Single-Family Detached Dwelling
East	R-C and WS	Single-Family Detached Dwelling
South	R-C and WS	Single Family Detached Dwelling
West	R-C and WS	Single-Family Detached Dwelling

SPECIAL PERMIT PLAT

- **Title of SP Plat:** Plat for Special Permit Plat, the land of Bridgette Downer and Jesse Downer
- **Prepared By:** DiGiulian Associates, P.C., Land Surveyors, dated May 24, 2011, as revised and sealed through March 16, 2012

BACKGROUND

The applicants purchased the property in December 2009 and constructed the wood privacy fence along a portion of the front lot line on Henderson Road to screen their home from vehicular traffic. On May 13, 2011, the applicant was issued a Notice of Violation (NOV) for constructing the fence in a front yard on a lot that contains less than 2 acres of land. A copy of the NOV is attached as Appendix 4.

On March 30, 2012, a 1.7 foot, or 5% Administrative Reduction was granted by the Zoning Administration Division for a 9.8 foot high shed, depicted as "Shed 3" on the special permit plat, and a 3.2 foot, or 9% Administrative Reduction was granted for an addition to the front of the house closer to the front lot line than permitted. A copy of the letter is attached as Appendix 5.

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

ZONING ORDINANCE REQUIREMENTS (See Appendix 6)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Increase in Fence and/or Wall Height in Any Front Yard (Sect. 8-923)

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 and Attachments
4. Notice of Violation dated March 30, 2011
5. Zoning Administration letter dated March 30, 2012
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2012-SP-015

June 20, 2012

1. This special permit is approved for the location and maximum height of the wood privacy fence as shown on the plat prepared by DiGiulian Associates, P.C., dated May 24, 2011, as signed and sealed through March 16, 2012, as submitted with this application and is not transferable to other land.

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

Application No.(s): SP 2012-SP-015
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/6/11
 (enter date affidavit is notarized)

I, Bridgette Downer, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant 112322
 applicant's authorized agent listed in Par. 1(a) below

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)
Bridgette S. Downer	12377 Henderson Rd. Clifton VA 20124	Applicant / Title Owner
Jesse T. Downer	12377 Henderson Rd Clifton VA 20124	Applicant / Title Owner

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

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

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

Application No.(s): SP 2012-SP-015
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/6/11
(enter date affidavit is notarized)

112322

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)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

(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 2012-SP-015
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/6/11
(enter date affidavit is notarized)

112322

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)

N/A

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

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

Application No.(s): SP 2012 SP-015
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/6/11
(enter date affidavit is notarized)

112322

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

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

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

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

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

NONE

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

Application No.(s): SP 2012-SP-015
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/6/11
(enter date affidavit is notarized)

112322

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)

Bridgette S. Downer
 Applicant Applicant's Authorized Agent

Bridgette S. Downer
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 6 day of June 2011, in the State/Comm. of Fairfax/Virginia County/City of Springfield.

Aminia Imran
Notary Public

My commission expires: 04/30/2013
Notary ID # 366542



Bridgette and Jesse Downer
 12377 Henderson Road
 Clifton, VA 20124
 June 13, 2011

RECEIVED
 Department of Planning & Zoning

JUN 10 2011

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

Zoning Evaluation Division

Dear Members of the Board of Zoning Appeals:

For the past 15 years the Washington DC area has ranked in the top five for the worst traffic congestion in the nation. As the freeways have become more clogged, the congestion on arterial streets has worsened. Severe congestion not only affects roadway users, it affects DC area neighborhoods. To avoid the delays on major roadways, motorists use local streets, negatively impacting the quality of life of residents and compromising the safety of children. Some local streets carry more than their intended volume of traffic. Henderson Road is a prime example. Stopped traffic is a daily occurrence. Excessive speeding is a common complaint prompting the need for police speed traps and accidents are more prevalent. We have witnessed three in immediate vicinity of our property in the last six months. These conditions have spawned at least 5 homeowners in a 2 mile radius to erect fences in their front yards, 6' or greater in height. In each of these lots, as is ours, the houses' front façades are within 50' of the road.

According to Par. 3B of Sect. 10104 of the Zoning Ordinance, "In any yard on any lot containing not less than two (2) acres located in the R-A through R-1 Districts, a fence or wall not exceeding seven(7) feet in height is permitted." Our lot is 1.96 acres.

In order to minimize the visual emphasis of the fence we chose to span only 166' of the 482' of road frontage that our lot sits on. It spans the minimum length we feel is necessary for the safety of ourselves and our 2 year old son and provides sufficient noise reduction. It is located in front of our home and on the south front side yard within the property lines. It terminates where our neighbor's fence begins. They are the only property owners who can see the fence from within their home. See attached for their letter of support. Also, the road grade sits level with the fence on either end but the lots slopes gradually downhill from the road so at its midpoint, the bottom of the fence span is 20" below road grade, further masking its height.

The fence was constructed with great detail to aesthetics, longevity and durability. 4"x4" pressure treated posts, spaced 8' on center, are 36" below grade and concreted on ends and gates. Three 2"x4" stringers hold 1" x 6" pressure treated pine dog-eared pickets. All visible fasteners are stainless steel to prevent staining. We plan to seal the fence when the wood cures. To improve street appeal, we invested \$600 in twelve Virginia native evergreen Tangerine Beauty Crossvine *Bignonia capreolata* 'Tangerine Beauty' vines which will drape over and along the fence, flowering in spring and summer. These vines are currently on a timed drip irrigation system. Should you, the Members of the BZA, deem it necessary, the paperwork for a Land Use Permit Application for approved plantings within the VDOT right-of-way has been

prepared and is ready for submission? We will also comply with any further impositions of landscaping or fence design requirements from the BZA.

Our home, a 1930's farmhouse, is a piece of Clifton history. Until our purchase in December 2009, it was passed along generationally through wills. However, it was vacant for 4 years and on the market for 269 days prior to closing. We spent an entire year renovating it, retaining nearly all of the original exterior and interior, investing approximately \$40,000 and 700 of our own man-hours. We love our home, the land it is on and our community. We feel the fence is a necessary component to the well-being and safety of ourselves and our son. We hope this letter justifies that we meet the provisions stated in the Zoning Ordinance Section 8-923, allowing you to grant us the variance we would not have needed had our lot been .04 acres larger in size. Please take into account the factors listed above and grant us a special permit to increase the fence height in the front yard from 4' to 6'.

Respectfully Yours,

Bridgette & Jesse Downer

Bridgette and Jesse Downer

Michael Millner
12371 Henderson Road
Clifton, VA 20124
June 3, 2011

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

Dear Members of the Board of Zoning Appeals:

I am a 7-year resident of my current home in Clifton, and I am writing to express my full support for the special permit/variance Bridgette and Jesse Downer are seeking to allow for an increase in fence height in their front yard from 4 feet to 6 feet.

I understand that someone in our community has voiced concern over their current fence height. However, I am one of the many citizens who have to endure Henderson Road rush hour each morning and evening as part of my daily life. The traffic has increased substantially from when I purchased my home in 2004.

The fence is an aesthetically proper addition if not an enhancement to my neighborhood. I particularly enjoy the reduction in noise from oncoming cars, trucks and motorcycles and the lack of headlights through my family room windows.

I urge you to move forward on the decision to grant Bridgette and Jesse Downer the variance allowing them to keep their current fence at the height of 6'.

Sincerely,



Michael Millner

RECEIVED
Department of Planning & Zoning

JUN 10 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 13, 2011

SHERIFF'S LETTER

CASE #: 201101518 **SR#:** 69650

SERVE: Jesse I. Downer
Bridgitte I. Downer
12377 Henderson Rd
Clifton, VA 20124-2019

LOCATION OF VIOLATION 12377 Henderson Rd
Clifton, VA 20124-2019
Tax Map Ref. #: 86-3 ((1)) 12
Zoning District: R-C

Dear Property Owner(s):

An inspection of the above referenced property on April 7, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 10-104 (3B) Accessory Fence Exceeding 4' in the Front Yard
§ 2-302 (6) Accessory Use must comply with Article 10:

The inspection on April 7, 2011 found the presence of a six foot (6') tall accessory fence in the front yard of this property which is less than two (2) acres in area. The Fairfax County Zoning Ordinance permits accessory fences in the front yard so long as they are in conformance with Par. 3B of Sect. 10-104 of the Zoning Ordinance which states:

Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

- A. In any yard on any lot containing not less than two (2) acres located in the R-A through R-1 Districts, a fence or wall not exceeding seven (7) feet in height is permitted.

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

B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:

- (1) the driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the dwelling faces a street other than the major thoroughfare, and
 - (2) the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.
-

The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.

In addition, an increase in fence height in the front yard up to six (6) feet may be permitted with the approval of a special permit by the BZA in accordance with Part 9 of Article 8.

Therefore, as this accessory fence exceeds four feet (4') in height in the front yard contrary to the provisions of Par. 3B of Sect. 10-104 of the Zoning Ordinance, you are in violation of Par. 3B of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

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

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

- Removing the fence from the property in its entirety; or
- Reducing the height of the fence to four feet (4') in the front yard.

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 fence 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.

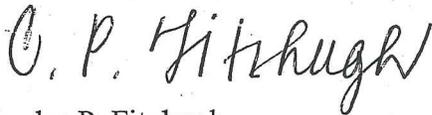
Jesse I. Downer
Bridgitte I. Downer
May 13, 2011
Page 3

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)324-1395.

Sincerely,



Charles P. Fitzhugh
Property Maintenance/Zoning Inspector

CPF



County of Fairfax, Virginia

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

March 30, 2012

Bridgette Downer
12377 Henderson Road
Clifton, VA 20124-2019

RE: Administrative Reduction of Yard Requirements
12377 Henderson Road
Tax Map: 86-3 ((1)) 12
Zoning District: R-C

Dear Ms. Downer:

This is in response to your request for an administrative reduction for a shed at the above referenced address. It appears that you have applied for a Special Permit for a fence up to six (6) feet in height in your front yard. As part of the application process, the Zoning Evaluation Division has instructed you to apply for the administrative reduction.

The property is zoned R-C, which requires a minimum side yard of 20 feet. The plat that you submitted along with your request shows the outer wall of the shed in question to be 19 feet from the left side lot line. During a telephone call with the land surveyor, DiGiulian Associates, P.C., it was confirmed that the eaves of the shed are 18.3 feet from the left side lot line. Storage sheds greater than 8.5 feet tall, measured from lowest finished ground level to the peak of the roof, must not be located in the minimum required side yard. As such, the shed does not comply with the minimum required side yard. Also, the plat shows the northern portion of the single family dwelling to be 36.8 feet from the front lot line. Therefore, the existing dwelling also does not meet the minimum yard requirements, as a minimum front yard of 40 feet is required in the R-C district. A review office records indicates the latter error occurred subsequent to the issuance of Building Permit #F2900 in 1968 for an addition to the northern side of the dwelling. Lastly, even though the front porch encroaches into the minimum required front yard, it appears that it met the requirements in effect at the time of construction.

In light of this situation, pursuant to Sect. 2-419 of the Zoning Ordinance, the Zoning Administrator has the authority to reduce the minimum required yard for any building wherein the error does not exceed 10 percent of the measurement involved, was the result of an error in the location of the building subsequent to the issuance of a Building Permit and/or the noncompliance was done in good faith or through no fault of the property owner. I note that the errors in building location do not exceed 10 percent of the measurements involved. For these reasons, a 1.7 foot administrative reduction of the minimum required left side yard is granted for the shed and a 3.2 foot reduction of the minimum required front yard is granted for the addition

Department of Planning and Zoning
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1314 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/

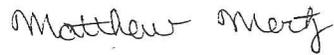


Bridgette Downer
Page 2

to the single family dwelling. A copy of the plat submitted with the administrative reduction approvals is attached.

If you have any additional questions, please feel free to contact me at (703) 324-1314.

Sincerely,



Matthew Mertz
Assistant to the Zoning Administrator

Enclosures

cc: Michelle O'Hare, Deputy Zoning Administrator for Ordinance Administration Branch
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch
Virginia Ruffner, Special Projects and Applications Management Branch ✓

Bridgette Downer
12377 Henderson Road
Clifton, VA 20124
March 13, 2012

RECEIVED
Dept. of Planning & Zoning

MAR 26 2012

Zoning Administration Div.

2012-0414

Eileen McLane
Zoning Administrator
12055 Government Center Parkway
Fairfax, VA 22035

Dear Mrs. McLane:

In order to amend an unacceptable Special Permit Application, Virginia Ruffner, Planner III requires that we obtain a Administration Reduction to allow a shed exist 19' from the south property line at 12377 Henderson Road Clifton VA 20124. Enclosed is a copy of the plat for your reference. Our application is concurrently being resubmitted to the Application Acceptance Section. The case # is 2011-0175 .

Warmly,



Bridgette Downer

703 231 0411 or
571 259 6382

- NOTES:**
1. TAX MAP - 086-3-01-0012
 2. ZONE - R-C
 3. LOT AREA = 1,955 AC
 4. NO TITLE REPORT FURNISHED
 5. MINIMUM YARD REQUIREMENTS
FRONT YARD = 40'
SIDE YARD = 20'
REAR YARD = 25'
 6. THIS PROPERTY IS SERVED BY WELL AND SEPTIC
 7. NO GRAVE, OR OBJECT MARKING A PLACE OF BURIAL WAS OBSERVED DURING FIELD INSPECTION.
 8. THERE ARE NO EASEMENTS 25' OR GREATER IN WIDTH ON THIS LOT.
 9. THIS LOT IS IN AREA SHOWN ON PRM COMMAND FRAME 265E
 10. THESE ARE NO PRATS ON THIS SITE
 11. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
 12. THERE ARE NO PRATS ON THIS SITE
 13. ELEVATION DATUM IS ASSUMED
 14. EP = ELEVATION OF EDGE OF PAVEMENT
 15. TF = ELEVATION OF TOP OF FENCE

SHEED #1
12.2x12.2'
EAVE = 0.3'
HT. = 10.2'
GFA=133 S.F.

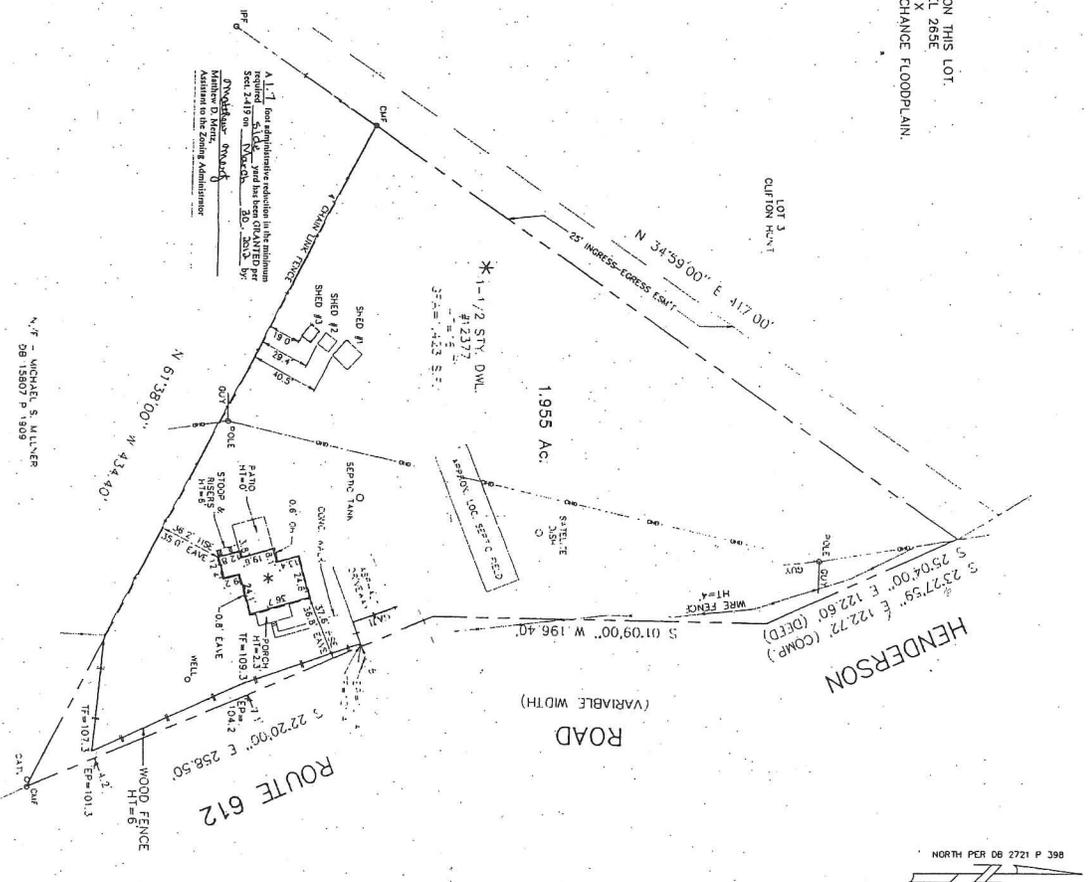
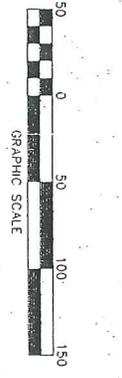
SHEED #2
8.2x8.0'
EAVE = NONE
HEIGHT = 7.9'
GFA=55 S.F.

SHEED #3
8.3x8.3'
EAVE = 0.6'
HEIGHT = 9.8'
GFA=42 S.F.

NO.	DESCRIPTION
1	REVISED WOOD FENCE HEIGHT, DELETED SHEED #4, ADDED 4' WIRE FENCE & GATE, ADDED PAYMENT AND TOP OF FENCE ELEVATIONS AND ADDED NOTES 11-13

I HEREBY CERTIFY THAT NO OTHER CHANGES HAVE BEEN MADE ON THIS PLAT FROM THAT PREVIOUSLY SUBMITTED OR APPROVED.

JOSEPH W. BRONDER



A 1.1 Best administrative procedure in the minimum required by the Virginia Code, and has been OBTAINED per Sect 2-419 of the Code, 20.1-20.2 by
Michael D. Wren, M.A.S.
 Assistant to the Zoning Administrator

A 3.2 Best administrative procedure in the minimum required by the Virginia Code, and has been OBTAINED per Sect 2-419 of the Code, 20.1-20.2 by
Michael D. Wren, M.A.S.
 Assistant to the Zoning Administrator



RECEIVED
 MAR 23 2012
 Department of Planning & Zoning
 7000-D NEWINGTON ROAD
 LORTON, VIRGINIA 22079

PLAT FOR SPECIAL PERMIT
 THE LAND OF
BRIDGETTE DOWNER
 and
JESSE DOWNER
 DB 20831 P 1579
 SPRINGFIELD DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE - 1" = 50'
 MAY 24, 2011
 DIGITULAN ASSOCIATES, P.C.
 LAND SURVEYORS

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.

8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) 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. 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. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
 - E. All required minimum yards to include front, side and rear, 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 a well and/or septic field.
 - I. If applicable, existing gross floor area and floor area ratio.
 - 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. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.