



APPLICATION ACCEPTED: April 12, 2012
DATE OF PUBLIC HEARING: June 27, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 20, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-DR-017

DRANESVILLE DISTRICT

APPLICANT: Lesley Forde

OWNERS: Lesley Forde and Sean Forde

LOCATION: 1464 Pathfinder Lane, McLean, 22101

SUBDIVISION: West McLean

TAX MAP: 30-2 ((7)) (8) 305

LOT SIZE: 11,174 square feet

ZONING: R-3

ZONING ORDINANCE PROVISION: 8-914 and 8-923

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit stairs to remain 12.0 ft. from one front lot line, deck to remain 26.8 ft. from other front lot line and to permit existing fence greater than 4.0 ft. in height to remain in 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.

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B. Cho

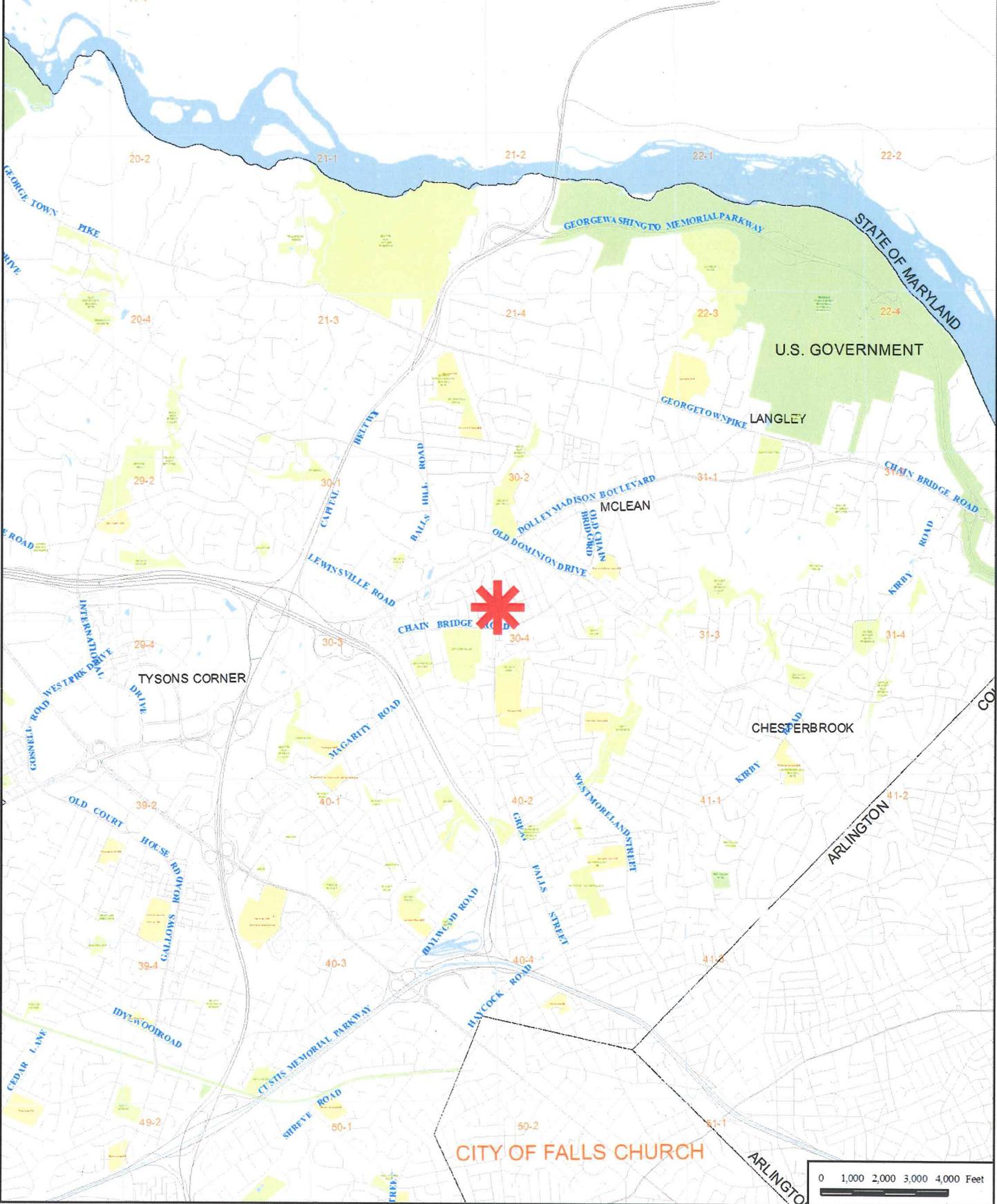
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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



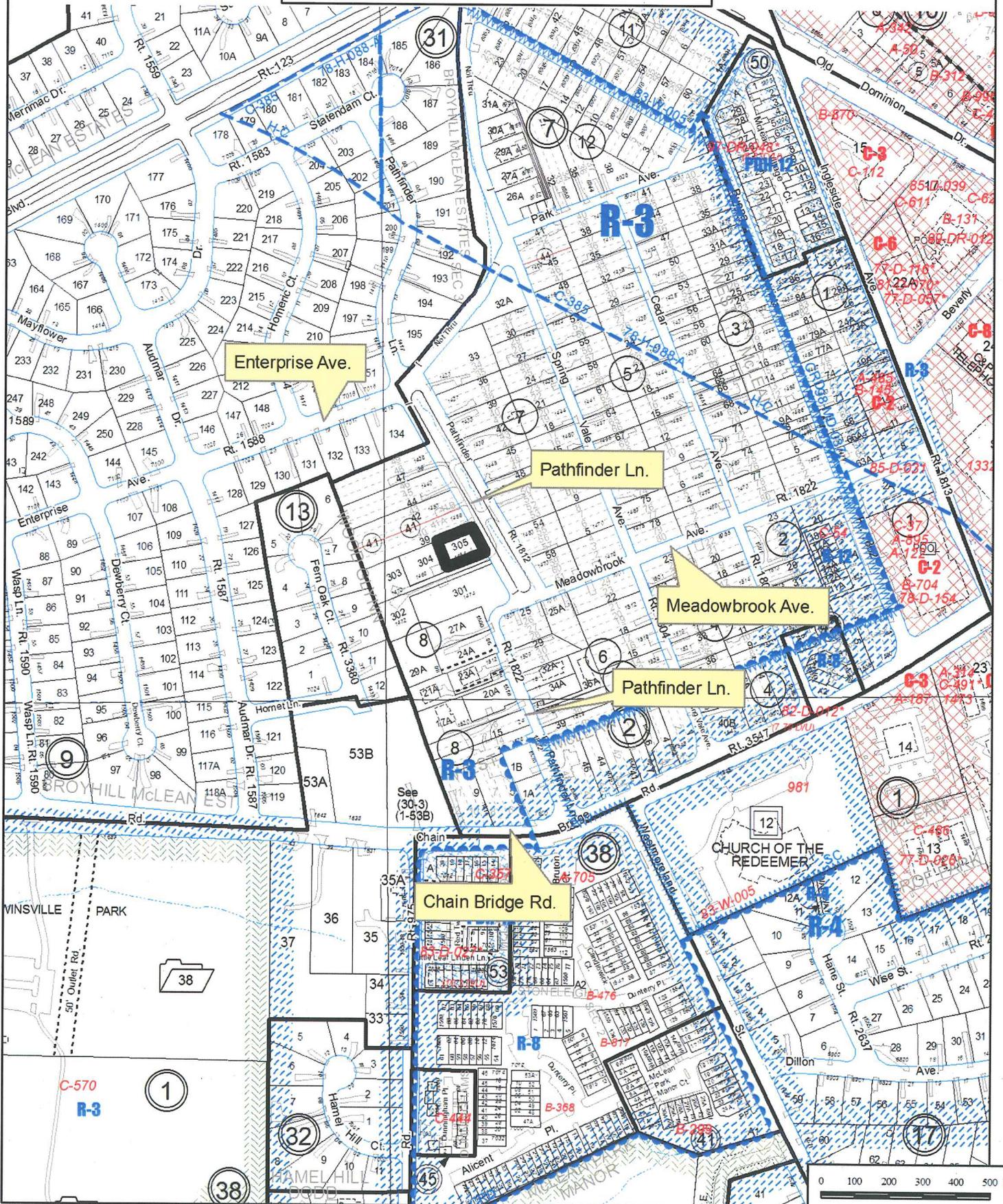
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2012-DR-017
LESLEY FORDE



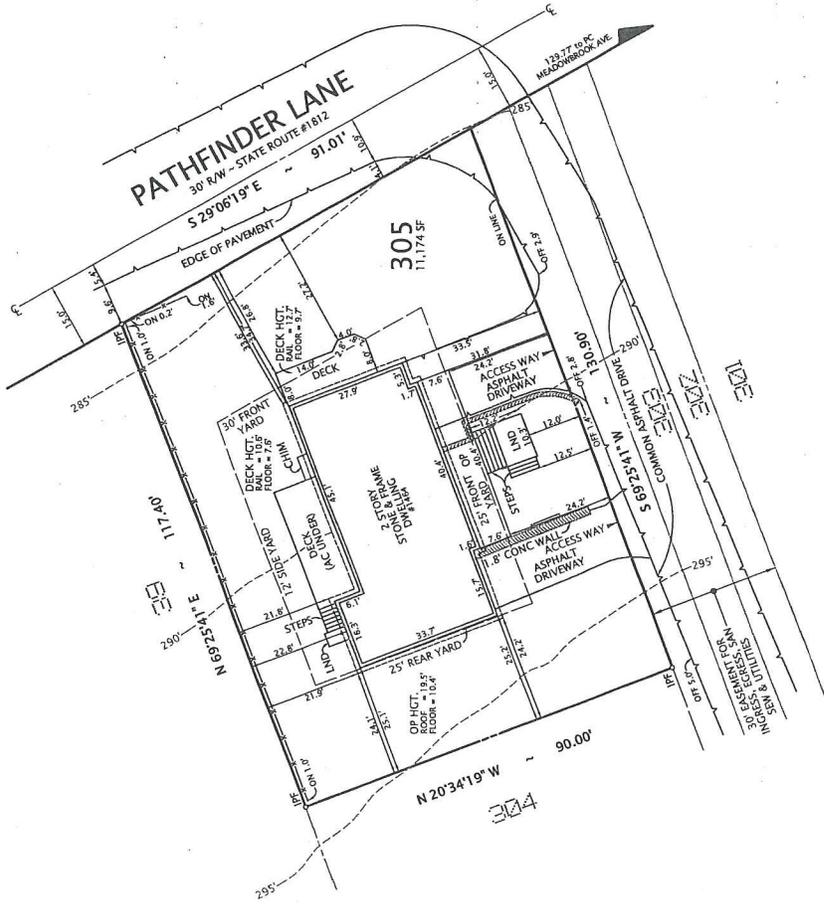
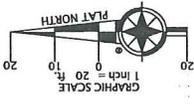
Special Permit

SP 2012-DR-017
LESLEY FORDE



NOTES:

1. UTILITIES ARE UNDERGROUND.
2. RETAINING WALLS ARE 1.0' STONE UNLESS NOTED.
3. FENCES ARE FRAME.



NOTES

1. TAX MAP: 0302 07080305
2. ZONE: R-3 (RESIDENTIAL 3 DU/AC)
3. LOT AREA: 11,174 SF
4. REQUIRED YARDS:
 - FRONT: = 30.0 FEET (ADJACENT PATHFINDER LANE)
 - = 25.0 FEET (ADJACENT 30' EASEMENT)
 - = 12.0 FEET
 - = 25.0 FEET
5. HEIGHTS:
 - DWELLING: = 33.9 FEET
 - OPEN PORCH: = AS NOTED
 - DECKS: = AS NOTED
 - FENCES: = 5.0 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.

PLAT

SHOWING THE IMPROVEMENTS ON
 LOT 305, BLOCK 8
 OF A RESUBDIVISION OF LOTS 30 THRU 38
 INCLUSIVE AND PART OF LOTS 28 & 29

WEST MCLEAN
 (DEED BOOK 5779, PAGE 1056)

FAIRFAX COUNTY, VIRGINIA

DRANESVILLE DISTRICT
 AUGUST 09, 2011 (REV. FRONT YARD)
 MARCH 03, 2012 (REV. FRONT YARD)

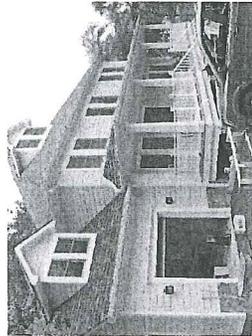


HEREBY CERTIFY THAT THE POSITIONS OF
 THE IMPROVEMENTS SHOWN ON THIS
 SURVEY AND UNLESS SHOWN THERE ARE NO
 VISIBLE ENCROACHMENTS AS OF THIS DATE:

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



REAR OF DWELLING



FRONT OF DWELLING



FRONT OF DWELLING

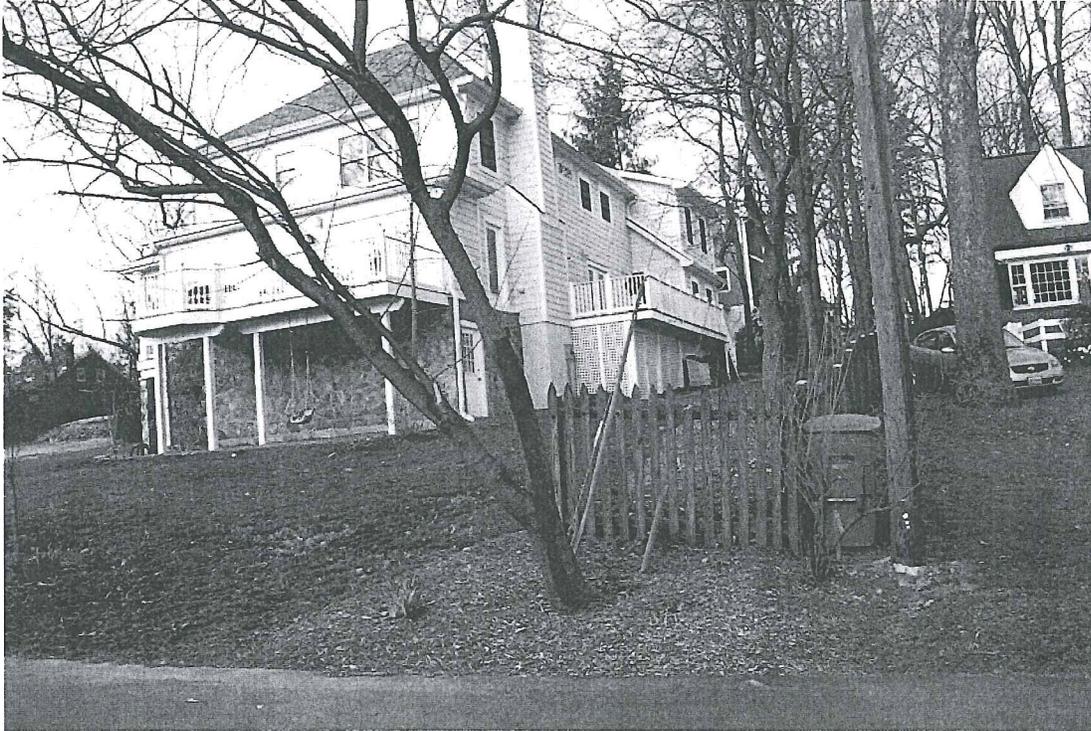
CASE NAME:
 LESLIE FORDE

DOMINION Surveyors
 8806-H PEAR TREE VILLAGE COURT
 ALEXANDRIA, VA 22309
 TEL: 703-619-6535
 FAX: 703-799-6412

Photos of Fence

All photos below are of the fence on the north east side of our property. There are planting beds in front of the fence. The landscape around the fence includes trees and shrubs. The trees are a combination of fruit trees and oak trees. The shrubs are hydrangeas, irises, hellebores, and hostas. The landscape on the back side of the fence consists of grass and english ivy.

Photo #1



RECEIVED
Department of Planning & Zoning

MAR 12 2012

Zoning Evaluation Division

Photo #2

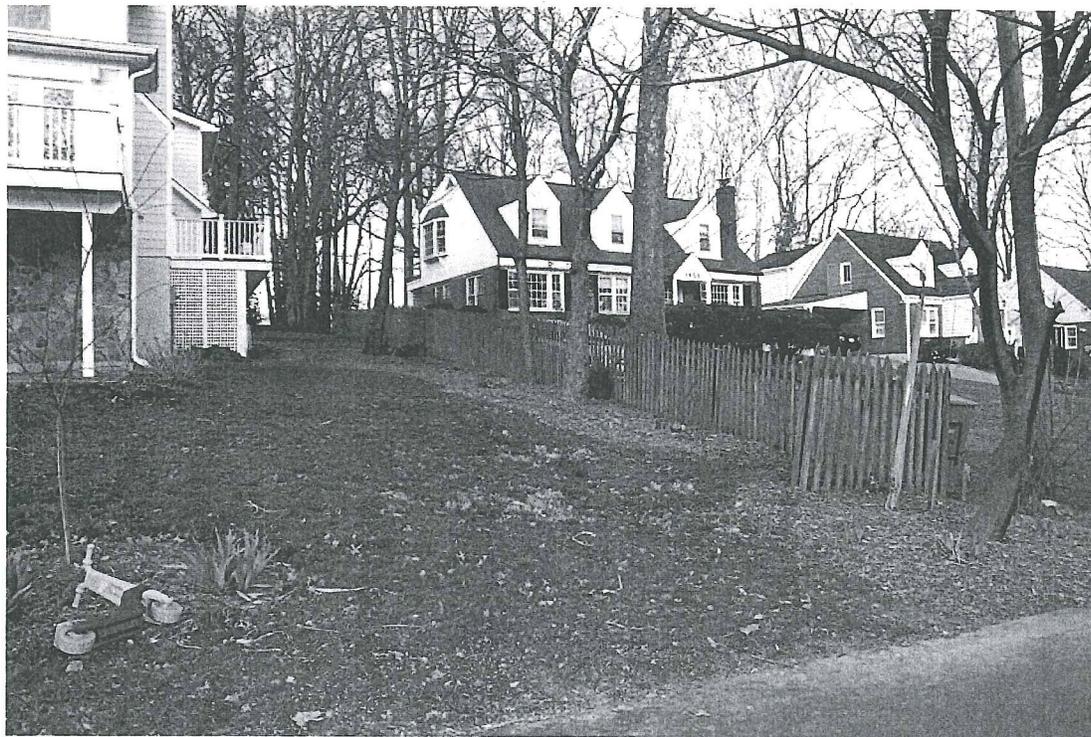
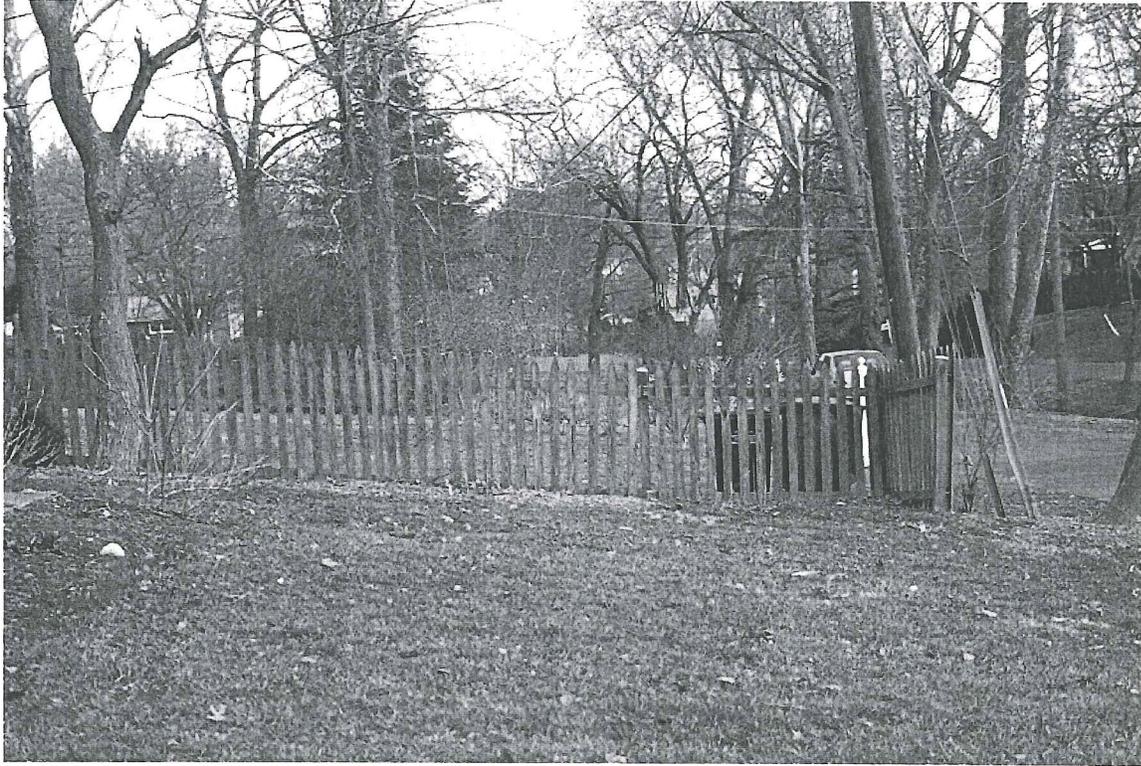


Photo #3

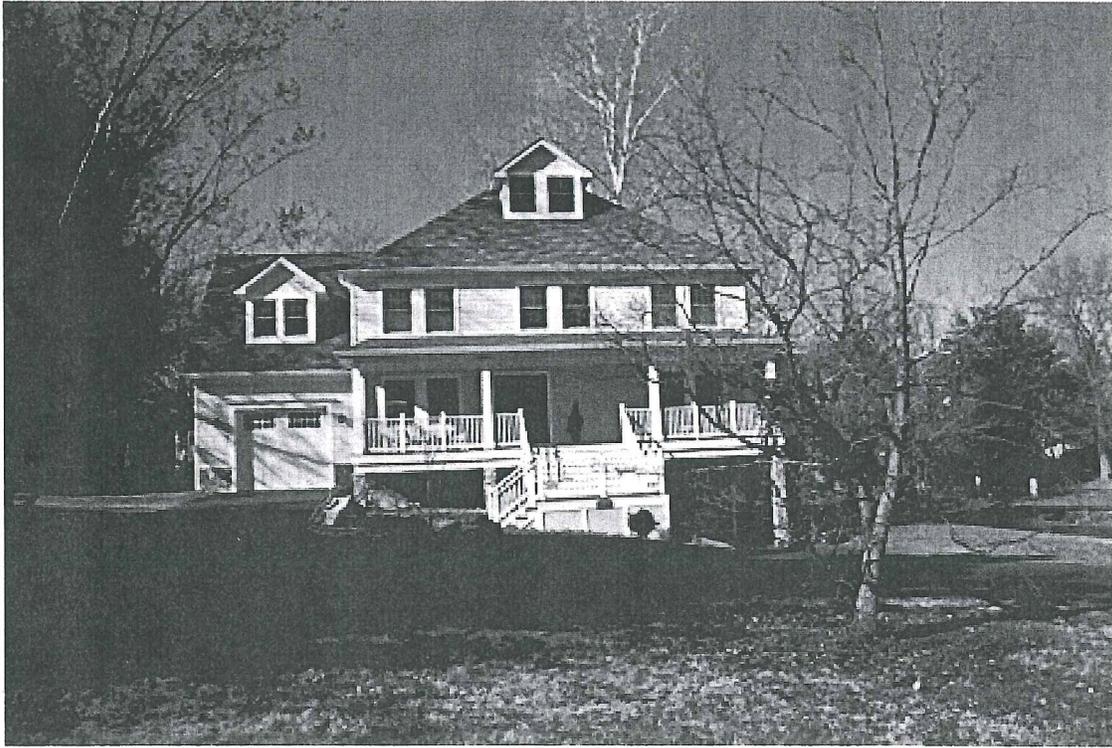


Photo #4



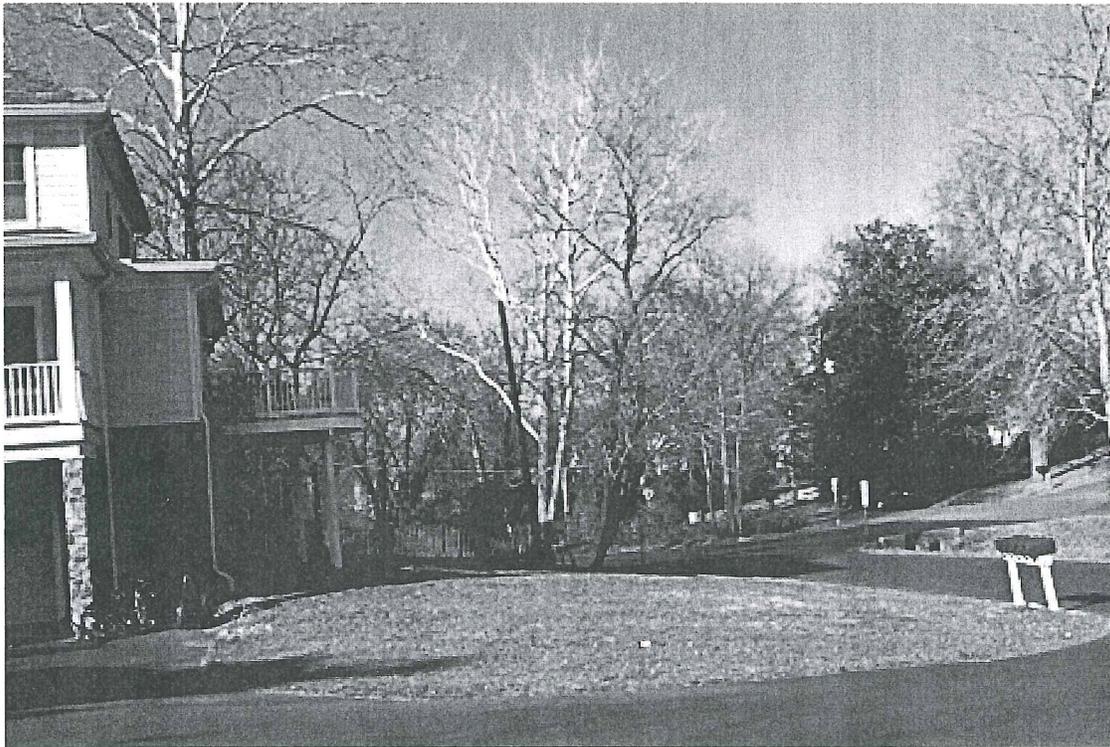
Property Photos

Photo #1



South Side of House - Took photo facing North

Photo #2

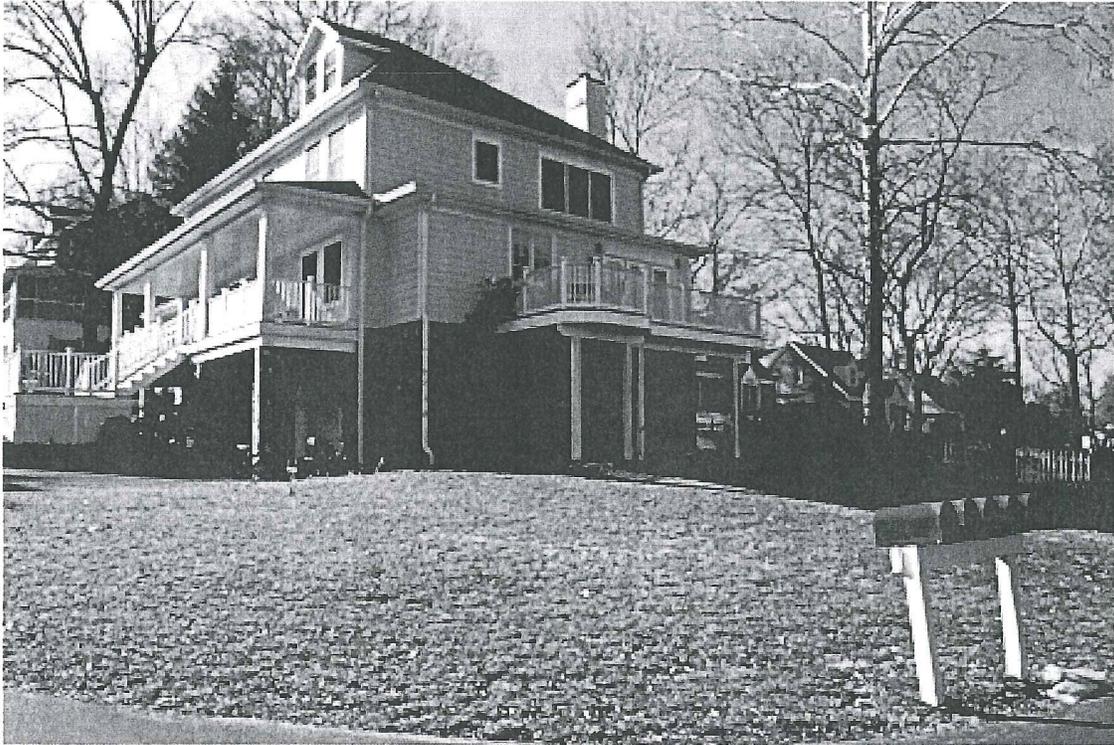


South East Side of House - Took photo facing North

~~Photo #3~~

Property Photos

Photo #3



South East Corner of House - Took photo facing North West

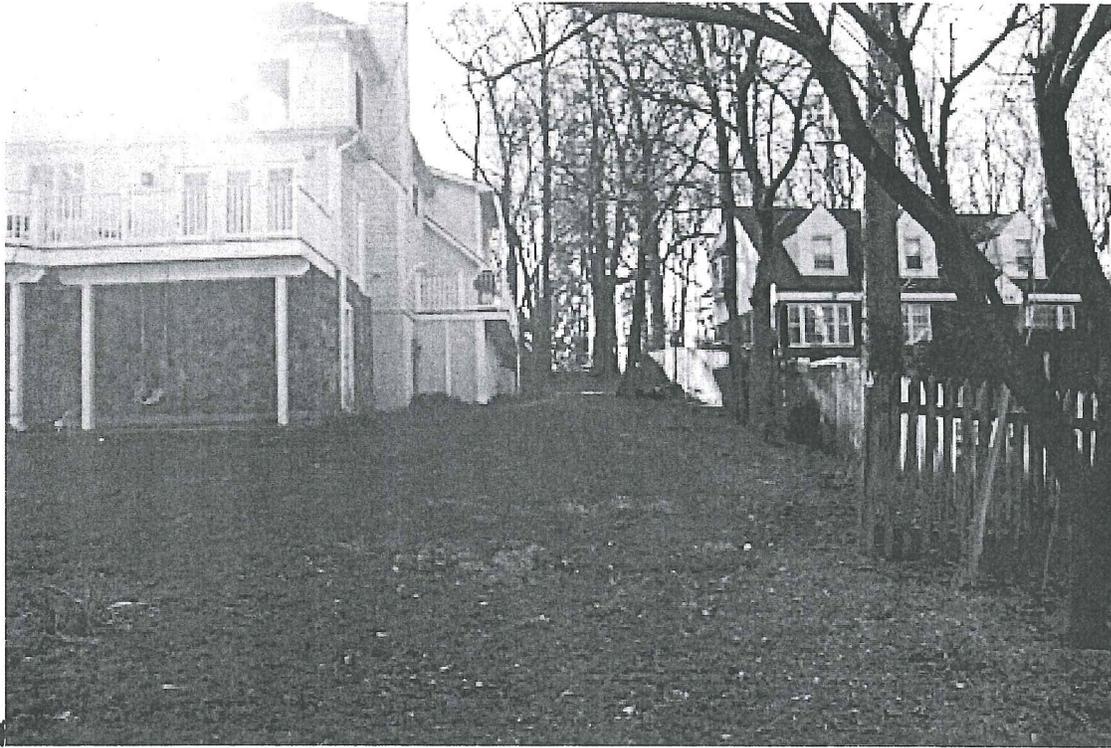
Photo #4



East Side of House - Took photo facing West

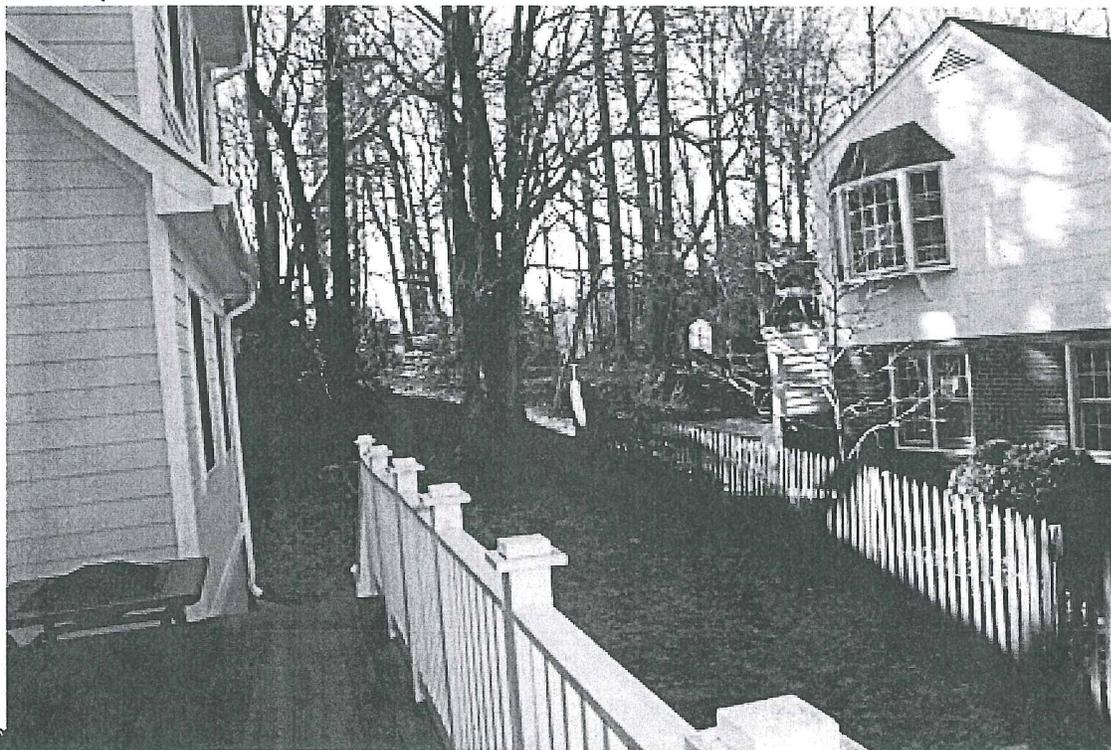
Property Photos

Photo #5



North East Corner of House - Took photo facing West

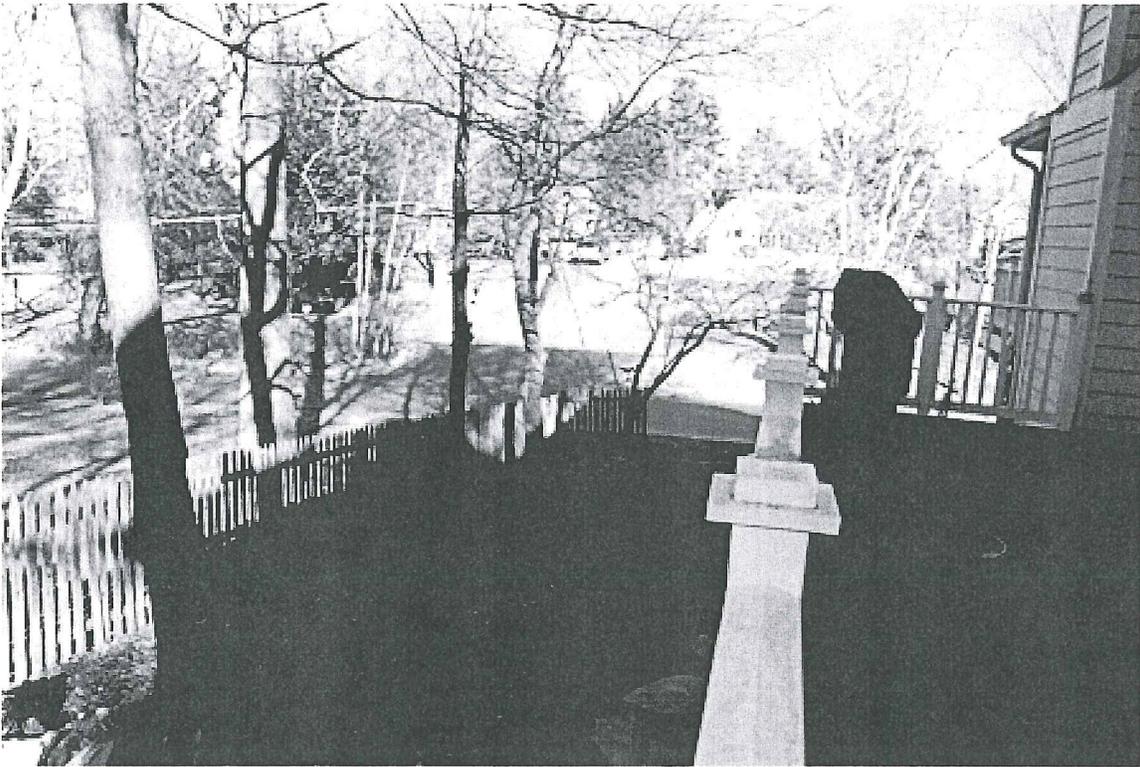
Photo #6



North Side of House - Took photo facing West.

Property Photos

Photo #7



North Side of House - Took photo facing East.

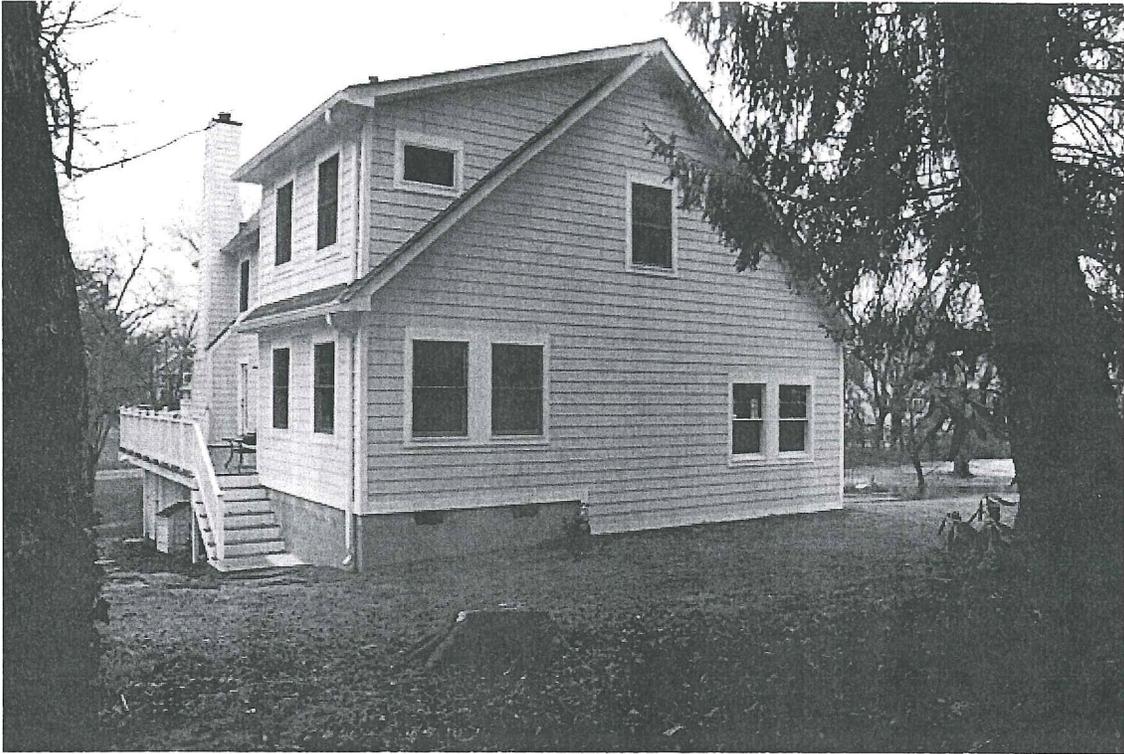
Photo #8



North West Corner of House - Took photo facing East.

Property Photos

Photo #9



West Side of House - Took photo facing South East.

Photo #10

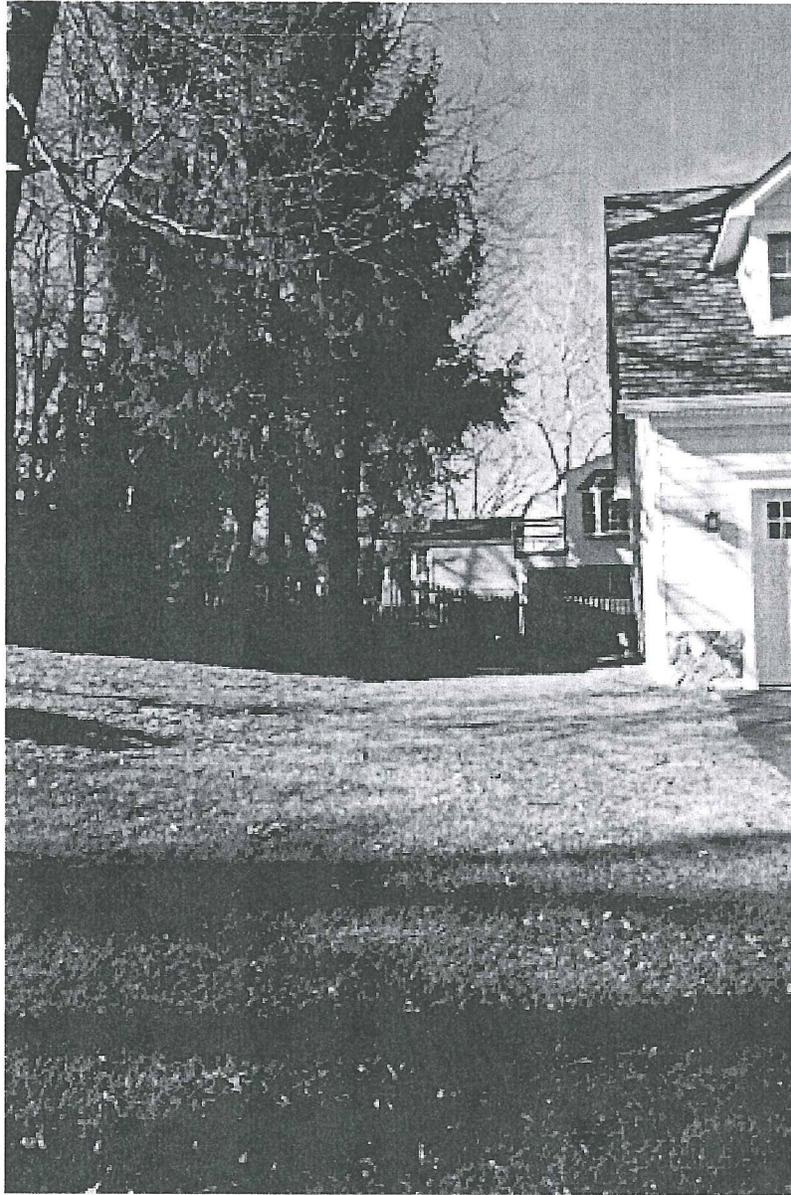


#10

West Side of House - Took photo facing South.

Property Photos

Photo #11



West Side of House - Took photo facing North.

Property Photos

Photo #12



#12

South West Corner of House - Took photo facing North West.

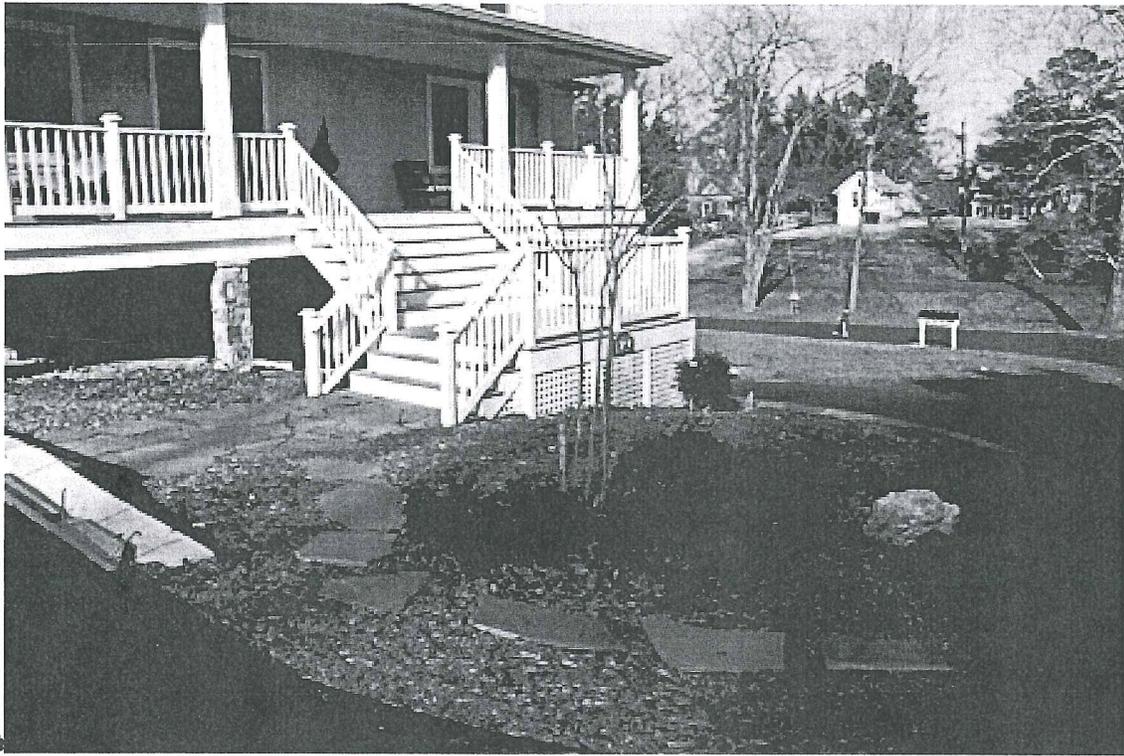
Photo #13



Staircase in Question - West Side of House - Took photo facing East.

Property Photos

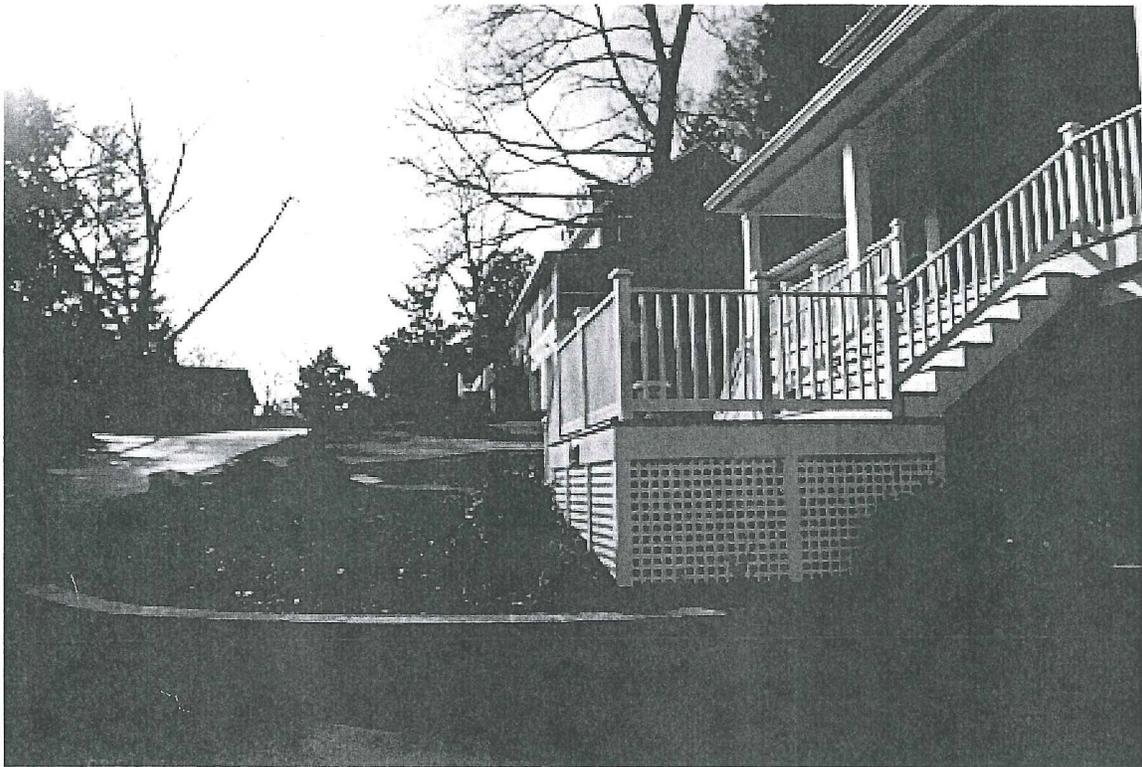
Photo #14



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Staircase in Question - South West Side of House - Took photo facing North East.

Photo #15



Staircase in Question - East Side of House - Took photo facing West.

DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit for reductions to minimum yard requirements based on errors in building locations to 1) permit stairs to remain 12.0 ft. from the southern front lot line, 2) deck to remain 26.8 ft. from the eastern front lot line and 3) to permit an existing fence greater than 4.0 ft. in height to remain in a front yard. The existing wood fence measures 5.0 feet in height and runs along the side (northern) property line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Stairs	Front	30.0 feet	12.0 feet	18.0 feet	60%
Special Permit #2	Deck	Front	30.0 feet	26.8 feet	3.2 feet	11%

*The minimum required front yard in the R-3 District is 30 feet.

EXISTING SITE DESCRIPTION

The subject site measures 11,174 square feet in area and is zoned R-3. The site is developed with a two story, stone and frame single family detached dwelling. The original dwelling was built in 1984 with additions added in 2008 and 2010. There is a deck at the front (along Pathfinder Lane) and at the rear of the house. The pipestem site is accessed by a common driveway off Pathfinder Lane, and the main frontage of the house is along the common driveway. There are two asphalt driveways in front of the house, which has coverage of 21% in the front yard. The site is landscaped with grass, shrubs and trees.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Single family detached dwelling
South	R-3	Single family detached dwelling
East	R-3	Single family detached dwelling
West	R-3	Single family detached dwelling

BACKGROUND

Permit #73470065 was issued on January 10, 2008 to construct a covered front porch (measuring 40 feet by 13 feet) and steps less than 10 feet wide as well as interior alterations to the existing home. and was amended shortly afterwards through Permit #80180108 on January 28, 2008 to permit a 5 feet by 29 feet addition along Pathfinder Lane. On March 18, 2008, Permit #80740142 was issued for an open deck and no stairs along Pathfinder Lane. On July 28, 2010, Permit #102090078 was issued to replace Permit #80740142 (deck permit) for final inspection purposes. Copies of all of the referenced permits are attached in Appendix 4.

The applicant purchased the dwelling in 2009. In May 2010, County staff discovered that the steps for the covered front porch were not built in accordance with the approved permit and plan after the applicant tried to obtain a building permit for an addition. On June 25, 2010, the Zoning Administration Division determined that the existing steps are not vested. A copy of the Vested Rights Determination letter is attached as Appendix 5.

On July 2, 2010, Permit #101820019 was issued for a demolition of the existing step and landing to be replaced with another landing and stairs, measuring 4 feet by 10 feet. This permit was not executed. On August 13, 2010, administrative reductions were granted by the Zoning Administration Division (ZAD) for a distance of 0.8 feet for the porch and steps along the common driveway frontage and a distance of 2.8 feet for the deck along Pathfinder Lane. A copy of the letter from ZAD is attached as Appendix 6.

Permit #103550243 was issued on December 21, 2010 for a two story addition with garage and removal of existing landing and stairs to replace Permit #101180047, which was issued on August 30, 2010 for the same request, but was subsequently cancelled due to a change in contractor. The addition has been constructed but the applicant requests to retain the existing stairs and landing as well as the deck along Pathfinder Lane as they remain. In March 2012, it was discovered that the administrative reduction for the deck along Pathfinder Lane no longer applied since the closest distance at 26.8 feet between the deck and front lot line exceeded 10% of the minimum yard requirement of 30 feet.

A copy of the submitted special permit plat titled "Plat Showing the Improvements on Lot 305, Block 8 of a Resubdivision of Lots 30 Thru 38 Inclusive and Part of Lots 28 & 29" prepared by Dominion Surveyors, Inc., dated August 9, 2011 and revised through March 5, 2012, is included at the front of the staff report.

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

- Variance VC 01-D-108 was denied on October 3, 2001 for Tax Maps 30-2 ((7)) (1) 19 and 30-2 ((7)) (1) 20A, zoned R-3 at 1440 Ingleside Avenue to permit construction of a dwelling 12.5 feet from the front lot line and a stoop 8.7 feet from the front property line.

- Variance VC 01-D-140 was denied on October 3, 2001 for Tax Maps 30-2 ((7)) 21A, 30-2 ((7)) 22A and 30-2 ((7)) 23, zoned R-3 at 1440 Ingleside Avenue to permit construction of a dwelling 12.5 feet from the front lot line and a stoop 8.5 feet from the front property line.

ZONING ORDINANCE REQUIREMENTS

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)
- Provisions for Increase in Fence and/or Wall Height in Any Front Yard (Sect. 8-923)

This special permit is subject to Sects. 8-006, 8-903, 8-914 and 8-923 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 7. Subject to development conditions, this special permit must meet these standards.

CONCLUSION

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Copies of referenced permits and plans
5. Vested Rights Determination Letter dated June 25, 2010
6. Administrative Reductions Letter dated August 13, 2010
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2012-DR-017

June 20, 2012

1. This special permit is approved for the location and size of the stairs, deck and fence as shown on the plat prepared by Dominion Surveyors Inc., dated August 9, 2011, revised, March 5, 2012, as submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections for the stairs and landing shall be diligently pursued and obtained within six months of final approval of this application.

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

Application No.(s): SP 2012-DR-017
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/6/2011
(enter date affidavit is notarized)

I, Lesley S. Forde, 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

112594

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)
Lesley S. Forde	1464 Pathfinder Lane McLean, VA 22101	applicant title owner
Sean C. Forde	1464 Pathfinder Lane McLean, VA 22101	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-PR-017
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/6/2011
(enter date affidavit is notarized)

112594

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 2012-OR-017
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/14/2011
(enter date affidavit is notarized)

112594

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 2012-DR-017
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/6/2011
(enter date affidavit is notarized)

112594

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-OR-017

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/6/2011
(enter date affidavit is notarized)

112594

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)

Lesly S Forde

[x] Applicant

[] Applicant's Authorized Agent

Lesly S Forde

(type or print first name, middle initial, last name, and title of signee)

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

Notary Public

My commission expires: 07/31/2012

Commonwealth of Virginia
Homaira Amin - Notary Public
Commission No. 7196278
My Commission Expires 07/31/2012

Applicant's Statement of Justification

RECEIVED
Department of Planning & Zoning
MAR 30 2012

My husband, Sean, and I purchased our property, 1464 Pathfinder Lane, McLean, VA, on September 11, 2009. Shortly after moving into the home we found out we were expecting a baby. We made the decision to expand the home to keep up with our expanding family. We hired an architect to develop blueprints for an addition. When the blueprints were complete we chose a contractor to build the addition. When we purchased the home in 2009 the home had been newly renovated. We loved the house so we decided to use the same contractor to build our addition.

In May, 2010, the contractor submitted our blueprints to Fairfax County for approval. The county quickly rejected our plans and explained the existing house was currently violating Fairfax County Zoning Ordinances and we would not be issued approval for a building permit since a violation exists on the property. Further explanation was that the front landing and lower staircase encroached the 25' property setback for the side yard. (Attachment 1). We also learned that the deck on the front of our house encroached the 30' property setback. We were shocked upon learning this. We were perplexed that this information was neither discovered nor disclosed to us prior to settlement. We were even more surprised to learn that the structure required removal as it did not have vested rights to remain.

We, immediately, discussed this issue with our contractor who emphatically promised that he was issued approval from the county in 2008 to build the front landing and lower staircase for the previous homeowners. On July 15, 2010, the contractor Claude A. Wheeler, CA Builders, sent a letter to Daryl L. Varney, Assistant Branch Chief, Zoning Permit Review Branch, City of Fairfax, Virginia, seeking a Request for Administrative Reductions for the Front Porch, Front Steps off Porch, and Side Deck. (Attachment 8). The request was approved in a letter dated, August 13, 2010, from Daryl L. Varney, stating the administrative reductions have been granted and the Zoning Ordinances have been met. (Attachment 9).

The contractor later sent an additional letter to Fairfax County Zoning Administrator requesting the front staircase and landing be grandfathered under the VA State Code Section 15-2307. (Attachment 2). He stated the front landing and lower staircase required immediate assistance as they were "structurally unsafe". The contractor stated that he changed the direction of the steps and the final inspection was performed and passed. The Department of Planning and Zoning rejected the request to grandfather the landing and lower staircase. (Attachment 3). The contractor had many meetings with Fairfax County Zoning Administrators to discuss the issue and work towards a resolution. After months of meetings with the county, the contractor agreed to remove the structure and replace it with landscaping. The contractor presented the Fairfax County Zoning Administrator with the landscape plan and the county approved the landscape plan and issued the building permit. (Attachment 4). Fairfax County Zoning also issued a revised plat stating the steps and landing are to be removed. (Attachment 5).

Shortly after the building permit was issued we parted ways with the contractor. The contractor cancelled the building permit and declared the landscape plan null and void. (Attachment 6). Months later, the building permit was transferred into another contractor's name.

Our property is a corner lot on a private pipestem. Since the property is on a corner lot it is considered to have 2 fronts, with setbacks of 30' and 25'. The front landing and lower staircase encroach the 25' setback.

Since submitting our original special permit application it has been brought to our attention that the fence in our front yard and the side deck do not comply with Fairfax County Zoning Ordinances.

The Structure:

We did not build the structure, and we were completely unaware of this issue when we purchased the home. We do not want to remove the structure. We are applying for a special permit hoping to obtain approval for the structure to remain as is. The proposed use of the structure is to enter (ingress) and leave (egress) our home. The structure allows ingress and egress through the front door of the home. Removing the structure renders ingress and egress through the front door of the home impossible..

There are no known hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size of the contents of any existing or proposed storage tanks or containers.

The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards except for the error in building location. The proposed developments will conform with the standards set forth in 8-914.

- A) The error exceeds ten (10) percent of the measurement involved, and
- B) The noncompliance was done in good faith and through no fault of the property owner.
- C) Such reduction will not impair the purpose and intent of this Ordinance. This error was done in good faith and such reduction will not impair the purpose and intent of the ordinance.
- D) The structure 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 hardship upon the owner.
- G) The reduction will not result in an increase in density or floor area ration from that permitted by the applicable zoning district regulations.

The Side Deck

On August 13, 2010 CA Builders received an administrative reduction for the side deck. The home location survey stated the side deck encroached the setback by 2.8'. However, we learned on March 26, 2012 that those measurements were incorrect and the administrative reduction was no longer applicable. The side deck encroaches the setback by 3.2'.

We did not build the side deck, and we were completely unaware of this issue when we purchased the home. We do not want to remove the side deck. We are applying for a special permit hoping to obtain approval for the side deck to remain as is. The proposed use of the side deck is for entertainment purposes. We would like to sit and dine outside.

There are no known hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size of the contents of any existing or proposed storage tanks or containers.

The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards except for the error in building location. (Attachment 9). The proposed developments will conform with the standards set forth in 8-914.

- A) The error exceeds ten (10) percent of the measurement involved, and
- B) The noncompliance was done in good faith and through no fault of the property owner.
- C) Such reduction will not impair the purpose and intent of this Ordinance. This error was done in good faith and such reduction will not impair the purpose and intent of the ordinance.
- D) The structure 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 hardship upon the owner.
- G) The reduction will not result in an increase in density or floor area ration from that permitted by the applicable zoning district regulations.

The Fence

Upon submitting our application for Special Permit, we have also learned that the fence in the front yard exceeds the 4' height requirement. The fence was installed before we purchased the property. We neither installed the fence or contracted a company to install the fence. We were completely unaware of this issue when we purchased the

home. We are applying for a special permit hoping to obtain approval for the fence to remain as is.

The fence conforms to the provisions of all applicable ordinances, regulations and adopted standards except for the error in height. The proposed development will conform with the standards set forth in 8-923.

1. The maximum fence and/or wall height will not exceed six (6) feet and such fence and/or wall will 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 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 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 proposed fence and/or wall height increase will not adversely impact the use and/or enjoyment of the other properties in the immediate vicinity.
6. We accept that 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.

Enclosed please find the following attachments that may be found useful while reviewing this application. We have also included the original plat, circa August 15, 1984, for reference as Attachment 7.

Attachment 1 - Email from Fairfax County Zoning Administrator Explaining Zoning Ordinance Violation.

Attachment 2 - Letter to Fairfax County from Contractor Requesting Structure Grandfathered

Attachment 3 - Response Letter from Fairfax County Rejecting Structure Grandfathered

Attachment 4 - Landscape Plan

Attachment 5 - Revised Property Plat, September 15, 2010, revisions July 13, 2010 and July 29, 2010.

Attachment 6 - Cancellation of Building Permit and Landscape Plan

Attachment 7 - Original Property Plat, August 15, 1984

Attachment 8 - Request for Administrative Reductions

Attachment 9 - Approval for Administrative Reductions

Attachment 1

Email from Fairfax County
Zoning Administrator
Explaining Zoning Ordinance Violation

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Department of Planning & Zoning
JUL 06 2011
Zoning Evaluation Division

Johnson-Quinn, Diane

From: Johnson-Quinn, Diane
Sent: Wednesday, July 21, 2010 1:53 PM
To: 'ByrnesSam@aol.com'
Cc: Varney, Daryl; Miller, Tammy; Cooper, Jill G.
Subject: RE: Pathfinder Lane

Candy,

I reviewed your plans for the retaining wall and walkway leading from the steps to the yard, and also discussed it with Leslie. We don't have a problem with that as a solution, provided we get a revised plat from the surveyor certifying that the steps from the porch to the ground (minus the landing and lower steps) which are to remain, do not exceed 10 feet in width. Once we get the revised plat, Daryl can proceed with the administrative yard reduction request.

Diane

From: ByrnesSam@aol.com [mailto:ByrnesSam@aol.com]
Sent: Wednesday, July 21, 2010 9:29 AM
To: Johnson-Quinn, Diane
Subject: Re: Pathfinder Lane

Diane - we will work on the step dimension but if you could let us know that you are okay with the plan that would be a huge help and we can tell her something while we are getting the surveyor out there and getting that done.

Thanks,
Candy

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Department of Planning & Zoning

JUL 06 2011

Zoning Evaluation Division

steps you need to overach

Johnson-Quinn, Diane

From: Johnson-Quinn, Diane
Sent: Friday, July 16, 2010 10:03 AM
To: 'Lesley Forde'
Cc: Miller, Tammy; Cooper, Jill G.
Subject: RE: 1464 Pathfinder Lane, McLean

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Zoning Evaluation Division

Ms. Forde,

To date, I have not heard anything more from Ms. Byrnes, Mr. Wheeler or Mr. O'Quinn regarding your property. Until we see the information from Mr. O'Quinn and then the plans for the revision to your steps, we cannot make any decision as to any further approvals.

Diane Johnson-Quinn

Deputy Zoning Administrator for
 Zoning Permit Review Branch
 Fairfax County Department of Planning and Zoning
 703-324-1387
Diane.Johnson-Quinn@fairfaxcounty.gov

From: Lesley Forde [mailto:lesleysforde@gmail.com]
Sent: Wednesday, July 14, 2010 2:56 PM
To: Johnson-Quinn, Diane
Cc: Miller, Tammy; Cooper, Jill G.
Subject: Re: 1464 Pathfinder Lane, McLean

Hi Ladies,

I wanted to check in and find out if you have heard anything from George O'Quinn regarding the revisions to our plat to obtain dimensions between property lines and the steps for the front steps and the side deck.

I'm on pins and needles.

Thank you very much,
 Lesley Forde

On Fri, Jul 9, 2010 at 5:22 PM, Johnson-Quinn, Diane <Diane.Johnson-Quinn@fairfaxcounty.gov> wrote:
 Ms. Forde:

This is in response to your phone messages and your email below. Ms. Byrnes and Mr. Wheeler have been in contact with several staff members in this office on the matter related to your proposed addition; the various decks and your front steps.

The front steps were not built in accordance with the building permit that was issued to extend the front porch and replace the steps, thus, it was determined that they did not have vested rights to remain. Thus, the steps constitute a Zoning Ordinance violation. The Zoning Ordinance prohibits us from approving any additional permits if a violation exists on the property. Thus, given the situation with the steps we cannot approve a permit for your proposed addition until we resolve the steps and the side deck, as I noted in an email to Candy (below).

7/19/2010

In order to keep the steps as they are, you need to apply to the Board of Zoning Appeals (BZA) for approval of a special permit, which will take a few months to go through the process. Candy and Sonny suggested an alternative resolution involving retaining walls and landscaping, and by removing the landing and lower portion of the steps. I told Candy that if you have plans drawn up for the revision to the steps, we'd review it. But, there is no guarantee we can approve it. We'd have to see the plans to better advise if it could be approved or modified and then approved. That being said, if we can agree that the landscaping is acceptable solution in concept, it will only solve the problem if the stairs coming down from the porch are a minimum of 20 feet from the property line (assuming they are not wider than 10 feet).

As you can see from the email below, I have also requested revisions to your plat to obtain dimensions between property lines and the steps, the front porch and the side deck. This will allow us to review and possibly issue administrative approvals for the errors in building location of the porch and deck. It will also provide information as to whether the revision to the steps will resolve the violation associated with them.

I have discussed this situation with the Zoning Administrator. I realize it is not the response you were seeking. However, we cannot approve a permit for the addition until the violation has been corrected. Truly, the best solution is to apply for the special permit, which, if approved would allow you to keep the existing steps.

Diane Johnson-Quinn

Deputy Zoning Administrator for
Zoning Permit Review Branch
Fairfax County Department of Planning and Zoning
703-324-1387
Diane.Johnson-Quinn@fairfaxcounty.gov

Text of email I sent to Candy Byrnes:

Candy,

I took this to the Thursday morning meeting with the Zoning Administrator and the Deputy ZAs. Based on the discussion I have the following decisions or requests:

First, regarding the plat - you were going to get George O'Quinn to revise the plat to give a dimension for the distance between the porch on the side of the house to the front lot line (not the pipestem front, but the Pathfinder front). Please also have him dimension the covered front porch to the pipestem lot line. Looking at that permit to extend the porch, the math doesn't add up and it looks like the porch is not meeting the 25' setback. Then if they are not more than 10% error, you can pose them for administrative reduction in a letter to Daryl to review.

Second, regarding the permit for the proposed addition - as we have stated before, we cannot approve the building permit for the addition while we have a violation of the Zoning

Ordinance, i.e., the steps encroaching too much into the front yard along the pipestems. We cannot sign off on any permits until the steps are brought into compliance.

Third, regarding the steps - before we could rule on the proposal to revise the steps to come straight down, removing the landing and lower steps and building up the area with fill for a flower bed, we'd need to see plans to make sure this is creating a new grade and not just substituting for the old landing and steps. That being said, as I mentioned yesterday, the existing steps that come straight down, appear to be closer than 20 feet to the property line. Sonny mentioned that he'd need to add two more steps to the staircase, which would extend even further. If you wish to prepare plans for this scenario, please have George O'Quinn also give a dimension to the bottom step as it exists, to assist in reviewing the plans.

Let me know how you decide to proceed. Thanks.

From: Lesley Forde [mailto:lesleysforde@gmail.com]
Sent: Friday, July 09, 2010 11:31 AM
To: Johnson-Quinn, Diane
Subject: 1464 Pathfinder Lane, McLean

Mrs. Johnson-Quinn,

My name is Lesley Forde and I live at property 1464 Pathfinder Lane in McLean. My contractor Sonny Wheeler and Candace Byrnes have been working closely with you in order to come up with a resolution regarding the existing front staircase of our house. The existing front landing and lower staircase encroach the 25' setback.

I understand that in order to move along with our plans of building the addition, we must fix the staircase. We WILL fix the staircase, I promise. We are in the process of meeting with a landscaper to come up with a solution that will enable us to enter and exit the front of the house AND meet the county's zoning requirements. I'm more than happy to show you the landscaping plans once we come to an agreement. I'm so sad and sorry we are in this situation. We had NO IDEA these issues existed when we purchased the house.

Is there ANYTHING I can do to convince you/the county to allow us to begin the addition with a promise and our word that the front will be reworked? Again, I promise the front WILL be reworked to meet zoning requirements!

My goal is to start on the addition as soon as possible and rework the front yard and staircase in October. I'd like you to consider this option for the following reasons;

1. The front door/entrance is our primary entrance and exit from the home. The kids always run in and out of the front door to play in the yard and with neighbors. Also, I prefer to use the front b/c I am 6 months pregnant and going up and down the basement stairs is difficult and exhausting. My due date is October 16, and it will be much easier to enter and exit from the basement/garage after the baby arrives.
2. We moved into the property in September '09. That fall I spent a great deal of time and money landscaping the front of the house. I love to garden, and it's heartbreaking to me that my time, energy, and money will all be lost. October is a great time for transplanting. The weather is cooler, so plants have an easier time adjusting to the disruption of being moved. The weather has been so hot this summer the plants will not survive being moved until the weather cools.

I'm aware that you have requested additional information from Candace Byrnes and Sonny Wheeler. I'm hopeful that upon receiving and approving of the additional requirements you will allow us to begin the building process with my word and promise that the front will be reworked and completed before the final inspection takes place.

Again, you have my word that the front landing and staircase will be reworked to meet the county zoning requirements.

Thank you for your consideration,

Lesley Forde

Attachment 2
Letter to Fairfax County
Requesting Structure Grandfathered

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Department of Planning & Zoning

JUL 06 2011

Zoning Evaluation Division

HAND DELIVERED

June 1, 2010

Ms. Eileen McLane
Zoning Administrator
Zoning Administration Division
Department of Planning and Zoning
12055 Government Center Parkway - Suite 307
Fairfax, Virginia 22035-5508

RECEIVED
Dept. of Planning & Zoning
JUN 04 2010
2010-0419
Zoning Administration Div.

Re: 1464 Pathfinder Lane - 2307 Determination Request For Existing Sidewalk

Dear Ms. McLane:

The purpose of this letter is to request that the existing steps on the above referenced address be grandfathered under the Virginia State Code Section 15 - 2307.

The house was originally built in August of 1984 by Robert A. Young Associates, Inc., with the front steps coming off the porch with the landing and lower steps. Due to the slope of the front yard, coming off the last step onto the ground would be too steep, therefore, the landing and lower steps had to be a part of the steps for safety purposes.

In October of 2007, George Lasnier and Wendy King purchased the home. Among many things that needed to be repaired/replaced, the current steps required immediate attention because they were deemed structurally unsafe. A building permit was obtained in December of 2009 to extend the front porch to either end of the house as well as redoing the existing wooden steps. The only change to the steps was to change the direction of the lower steps to eliminate the number of lower steps, therefore, reducing the steepness of the steps. A final inspection was performed and passed.

I have attached for your information a copy of the original record plat showing the steps, landing, and lower steps; copy of the original building permit and house location plat showing same; copy of the building permit for the porch and steps and the approved construction plans; the final inspection; Real Estate Agent's brochure when the Lasniers purchased the home that shows same; pictures of the current condition.

Your assistance in this matter is greatly appreciated. If you need any further or additional information, please do not hesitate to contact me at 703-868-1339.

Very truly yours,



Claude A. Wheeler, II, Managing Member
C A Builders, LLC

Attachments

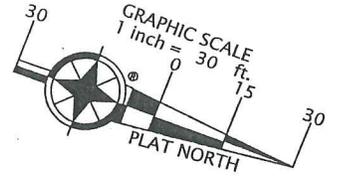
Cc: Leslie & Sean Forde
Cc: Files

RECEIVED
Department of Planning & Zoning

JUL 06 2011

Zoning Evaluation Division

- NOTES: 1. FENCES ARE FRAME.
 2. UTILITIES ARE UNDERGROUND.
 3. RETAINING WALL IS 1' STONE.



0.8 foot administrative reductions in the minimum required front yard from the pipelstem have been granted per Sect. 2-419 on August 13, 2010 by: Daryl L. Varney, Assistant Branch Chief for ZPRB



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 Zoning Evaluation Division

PLAT
 SHOWING HOUSE LOCATION ON
 LOT 305, BLOCK 8
 OF A RESUBDIVISION OF LOTS 30 THRU 38
 INCLUSIVE AND PART OF LOTS 28 & 29

A 3.8 foot administrative reduction in the minimum required FRONT yard has been GRANTED per Sect. 2-419 on AUGUST 13, 2010 by: *Daryl L. Varney*
 Daryl L. Varney, Assistant Branch Chief
 for Zoning Permit Review Branch

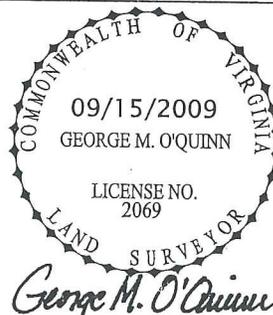
WEST McLEAN

(DEED BOOK 5779, PAGE 1056)
 FAIRFAX COUNTY, VIRGINIA
 DRANESVILLE DISTRICT
 SCALE: 1" = 30'

SEPTEMBER 15, 2009
 JULY 13, 2010 (REVISED-ADDED TIES)
 JULY 29, 2010 (REVISED-UPDATED FRONT STEPS)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

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



Ordered by:
Monarch
 TITLE, INC. 6861 Elm Street Suite 100
 McLean, Virginia 22101 703-852-1730

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

Attachment 3

Response Letter from Fairfax County
Rejecting Structure Grandfathered

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Department of Planning & Zoning

JUL 06 2011

Zoning Evaluation Division

VC 80-D-052

CF



County of Fairfax, Virginia

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

Via Facsimile (703-313-6723) and U.S. Mail

June 25, 2010

Mr. Claude A. Wheeler, II
Managing Member
C A Builders LLC
P.O. Box 150536
Alexandria, VA 22315

RECEIVED
Department of Planning & Zoning

JUL 06 2011

Zoning Evaluation Division

Re: 1464 Pathfinder Lane
Tax Map: 30-2 ((7)) (8) 305
Zoning District: R-3 Cluster
Status of Existing Front Steps

Dear Mr. Wheeler:

This is in response to your letter dated June 1, 2010 and received on June 4, 2010, requesting a determination that the existing steps located off the front porch of the single-family dwelling are vested pursuant to Section 15.2-2307 of the Code of Virginia. Section 15.2-2307 states:

Notwithstanding any local ordinance to the contrary, if (i) the local government has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the local government issued a certificate of occupancy or a use permit therefore, or (ii) the owner of the building or structure has paid taxes to the locality for such building or structure for a period in excess of 15 years, a zoning ordinance may provide that the building or structure is nonconforming, but shall not provide that such building or structure is illegal and shall be removed solely due to such nonconformity. Further, a zoning ordinance may provide that such building or structure be brought in compliance with the Uniform Statewide Building Code.

Unfortunately our research indicates that the steps as currently configured – consisting of a set of steps, a landing, and an additional set of steps ending twelve (12) feet from the closest front lot line – were not constructed according to Building Permit No. 73470065, which shows a single block of steps that is set back twenty (20) feet from the lot line pursuant to zoning regulations. In addition, the assessment records of the Department of Tax Administration only show the steps as presented on Building Permit No. 73470065, and only for the last three (3) years. Therefore, the front steps are not vested pursuant to Section 15.2-2307 of the Code of Virginia.

Department of Planning and Zoning
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 8
Fairfax, Virginia 22035-5500
Phone 703-324-1314 FAX 703-803-6300
www.fairfaxcounty.gov/d

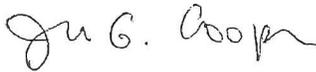
Mr. Claude A. Wheeler, II
June 25, 2010
Page 2

In addition, it appears from the plat dated September 15, 2009, enclosed with your request, that a previous deck located opposite to the front entrance of the dwelling was replaced with a new deck without the benefit of a building permit at some point in the last three (3) years. Also based on the plat dated September 15, 2009, it appears that the deck constructed pursuant to Building Permit No. 80740142 was not built according to the dimensions provided on the permit and encroaches into the minimum required front yard.

In order to remedy the existing condition of the front steps and the deck as noted above, you may be eligible to apply for a Special Permit for a Reduction to the Minimum Yard Requirements Based on Error in Building Location, pursuant to Section 8-914 of the Zoning Ordinance. A copy of Section 8-914 is enclosed for your reference. Please contact the Zoning Evaluation Division at 703-324-1290 for more information on the Special Permit process.

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

Sincerely,



Jill G. Cooper, AICP
Assistant to the Zoning Administrator

Attachments: A/S

cc: John W. Foust, Supervisor, Dranesville District
Eileen M. McLane, Zoning Administrator
Mavis E. Stanfield, Deputy Zoning Administrator for Appeals
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch



County of Fairfax, Virginia

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

JUL 06 2011

Vested Rights Determination under §15.2-2307 of the Code of Virginia

Zoning Evaluation Division

Property Tax Map Number:	30-2 ((7)) (8) 305
Property Address:	1464 Pathfinder Lane
Requestor's Name:	Claude A. Wheeler, II
Requestors Address: (if different than above)	P.O. Box 150536, Alexandria, VA 22315
Requestor's Phone Number:	703-868-1339
Current Zoning:	R-3 Cluster
Magisterial District:	Dranesville
Subdivision Name/Section/Block/Lot No.:	West McLean Lot 305 Blk 8

Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia (See Attached Instruction Sheet)

The structure consists of the front steps to an existing single-family dwelling. The steps include a set of steps, a landing, and a second set of steps, ending twelve (12) feet from the closest front lot line.

Background Summary (check all that are applicable):

- A Building Permit has been issued. (not constructed according to building permit)
- No evidence of a Building Permit having been issued.
- A Non-Residential Use Permit/Residential Use Permit has been issued or, when a Non-RUP/RUP is not required, evidence that the structure(s) has passed final inspection.
- Department of Tax Administration records indicate that the structure(s) has been taxed for at least 15 years.
- Department of Tax Administration records do not indicate that the structure(s) has been taxed for at least 15 years.

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/



Attachment 4
Landscape Plan

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Department of Planning & Zoning

JUL 06 2011

Zoning Evaluation Division

July 19, 2010

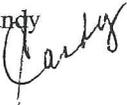
Hi Diane - hope you had a great weekend and survived the heat!!! Here is the landscape plan for 1464 Pathfinder Lane - they are removing the landing and the lower steps and build a 2' landscape wall with plantings - there are already existing plantings below them and then have a slate walkway up to the plantings and front steps - there will be other steps added.

Also have submitted to Darly for a administrative reduction in setback with new house location plat and am also enclosing a copy of the new house location plat for you.

If you need any additional information, please don't hesitate to call me.

Thanks for all your help - I really appreciate it!!

Candy

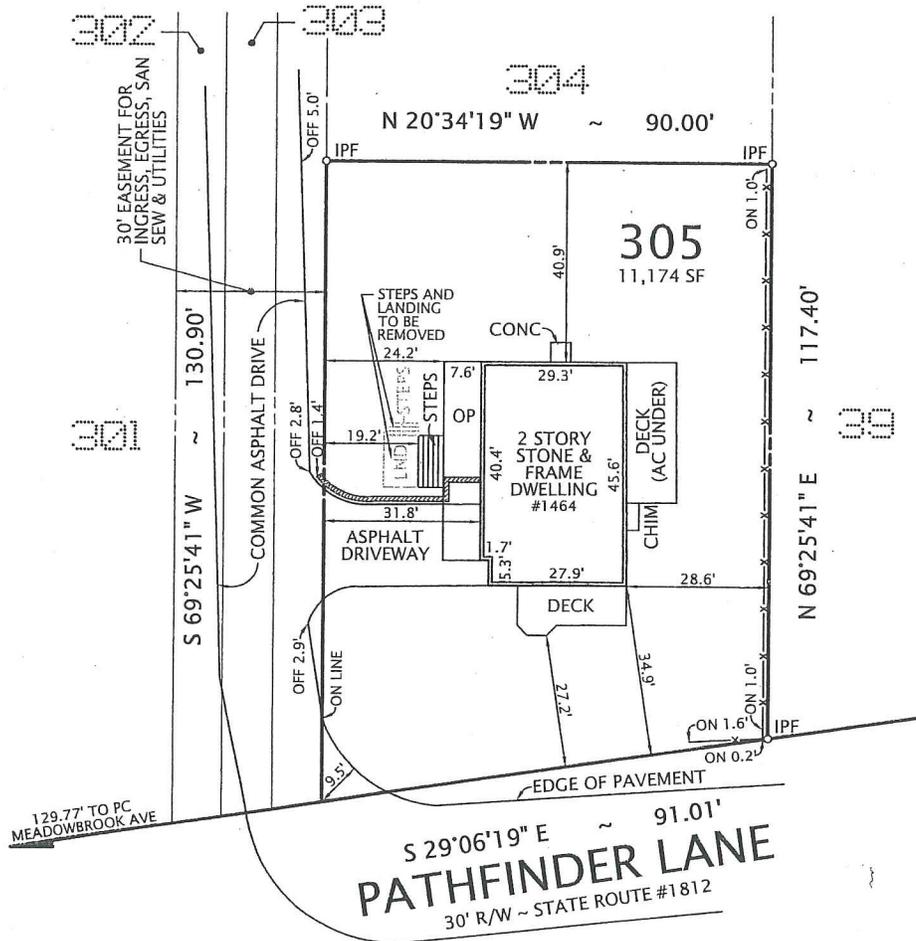
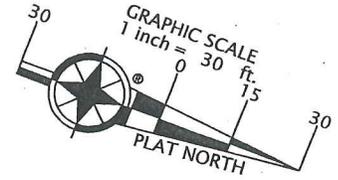


RECEIVED
Department of Planning & Zoning

JUL 06 2011

Zoning Evaluation Division

- NOTES: 1. FENCES ARE FRAME.
 2. UTILITIES ARE UNDERGROUND.
 3. RETAINING WALL IS 1' STONE.

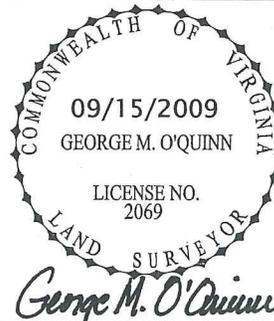


PLAT
 SHOWING HOUSE LOCATION ON
 LOT 305, BLOCK 8
 OF A RESUBDIVISION OF LOTS 30 THRU 38
 INCLUSIVE AND PART OF LOTS 28 & 29
WEST McLEAN
 (DEED BOOK 5779, PAGE 1056)
FAIRFAX COUNTY, VIRGINIA
 DRANESVILLE DISTRICT
 SCALE: 1" = 30' SEPTEMBER 15, 2009
 JULY 13, 2010 (REVISED-ADDED TIES)

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I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY CHECKED BY RECENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

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



Ordered by:
 6861 Elm Street
 Suite 100
 McLean, Virginia 22101
 703-852-1730

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

July 19, 2010

Hi Diane - hope you had a great weekend and survived the heat!!! Here is the landscape plan for 1464 Pathfinder Lane - they are removing the landing and the lower steps and build a 2' landscape wall with plantings - there are already existing plantings below them and then have a slate walkway up to the plantings and front steps - there will be other steps added.

Also have submitted to Darly for a administrative reduction in setback with new house location plat and am also enclosing a copy of the new house location plat for you.

If you need any additional information, please don't hesitate to call me.

Thanks for all your help - I really appreciate it!!

Candy



Attachment 5

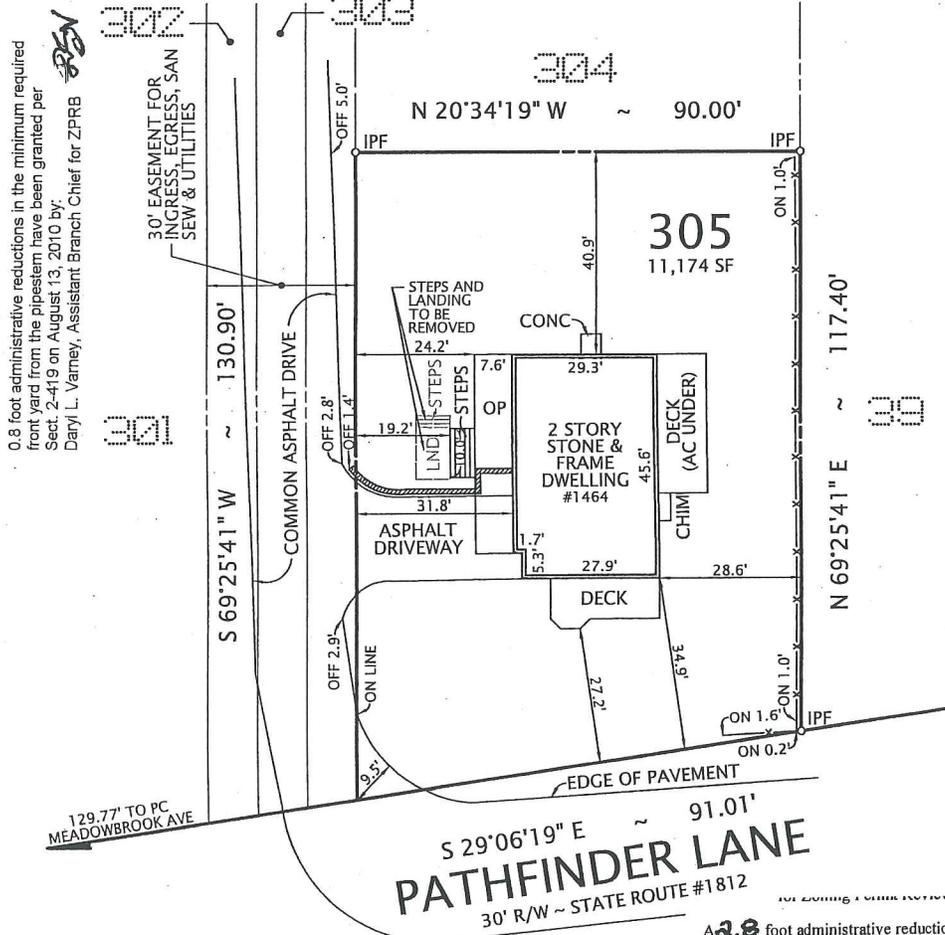
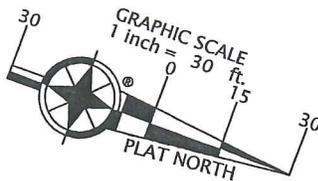
Revised Property Plat, September 15, 2010,
revisions July 13, 2010 and July 29, 2010

RECEIVED
Department of Planning & Zoning

JUL 06 2011

Zoning Evaluation Division

- NOTES: 1. FENCES ARE FRAME.
 2. UTILITIES ARE UNDERGROUND.
 3. RETAINING WALL IS 1' STONE.



0.8 foot administrative reductions in the minimum required front yard from the pipelstem have been granted per Sect. 2-419 on August 13, 2010 by: Daryl L. Varney, Assistant Branch Chief for ZPRB

A 2.8 foot administrative reduction in the minimum required FRONT yard has been GRANTED per Sect. 2-419 on AUGUST 13, 2010 by:

Daryl L. Varney
 Daryl L. Varney, Assistant Branch Chief
 for Zoning Permit Review Branch

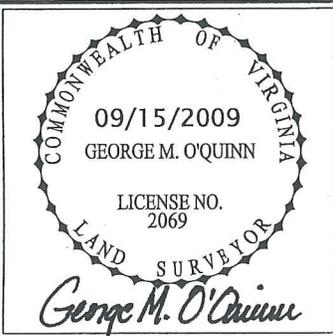
PLAT
 SHOWING HOUSE LOCATION ON
 LOT 305, BLOCK 8
 OF A RESUBDIVISION OF LOTS 30 THRU 38
 INCLUSIVE AND PART OF LOTS 28 & 29

WEST McLEAN

(DEED BOOK 5779, PAGE 1056)
 FAIRFAX COUNTY, VIRGINIA
 DRANESVILLE DISTRICT
 SCALE: 1" = 30' SEPTEMBER 15, 2009
 JULY 13, 2010 (REVISED-ADDED TIES)
 JULY 29, 2010 (REVISED-UPDATED FRONT STEPS)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

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



Ordered by:
Monarch
 TITLE, INC.
 6861 Elm Street
 Suite 100
 McLean, Virginia 22101
 703-852-1730

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

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County of Fairfax, Virginia

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

August 13, 2010

Claude A. Wheeler, II
C A Builders LLC
P.O. Box 150536
Alexandria, Virginia 22315

RE: Request for Administrative Reductions
1464 Pathfinder Lane
West McLean, Block 8, Lot 305
Tax Map Ref.: 30-2 ((7)) (8) 305
Zoning District: R-3

Dear Mr. Wheeler:

This is in response to your letter dated July 15, 2010, which requested administrative reductions in the minimum required front yards for the existing dwelling on the referenced property. After reviewing your request, and as a duly authorized agent of the Zoning Administrator, I have determined that the requirements set forth in Sect. 2-419 of the Zoning Ordinance have been met. Therefore, 0.8 foot administrative reductions for the porch and steps have been granted for the front yard from the pipestem. A 2.8 foot administrative reduction has been granted for the deck from the front lot line.

I trust this adequately responds to your request. Should you have any additional questions, please feel free to contact me at (703) 324-1359.

Sincerely,

Daryl L. Varney
Assistant Branch Chief
Zoning Permit Review Branch

Attachment: Approved Plat

cc: John W. Foust, Supervisor
Dranesville District
Eileen M. McLane, Zoning Administrator
Diane Johnson-Quinn, Deputy Zoning Administrator
for Zoning Permit Review Branch

Department of Planning and Zoning
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508
Phone 703-324-1359 FAX 703-324-2301
www.fairfaxcounty.gov/dpz/

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Attachment 6

Cancellation of Building Permit and Landscape Plan

RECEIVED
Department of Planning & Zoning

JUL 06 2011

Zoning Evaluation Division

WEST MICHIGAN, DIR 0, PUT 200

Miller, Tammy

From: Candy Byrnes [byrnessam@aol.com]
Sent: Monday, September 27, 2010 10:37 AM
To: Miller, Tammy
Subject: 1464 Pathfinder Lane - Cancellation of Permit

Hi Tammy - I just wanted to let you know that I cancelled the building permit for the above referenced project - Sonny is no longer doing the job and therefore the landscape plan that was submitted to you all to address the removal of the front landing and steps is now null and void. I had mentioned to Diane a couple of weeks ago that this may occur and she indicated that as soon as the building permit was cancelled to email her and advise her of same so that a copy of this can go in the street files.

I would like to thank you and Diane for working with us on getting everything approved but unfortunately a turn of events has prevented this project from going forward.

Thanks so much,
Candy
Candy Byrnes
RAMCO of Virginia, Inc.
3900 Jermantown Road - Suite 300
Fairfax, Virginia 22030
703-930-2003 (cell)
703-222-0908 (fax)

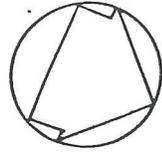
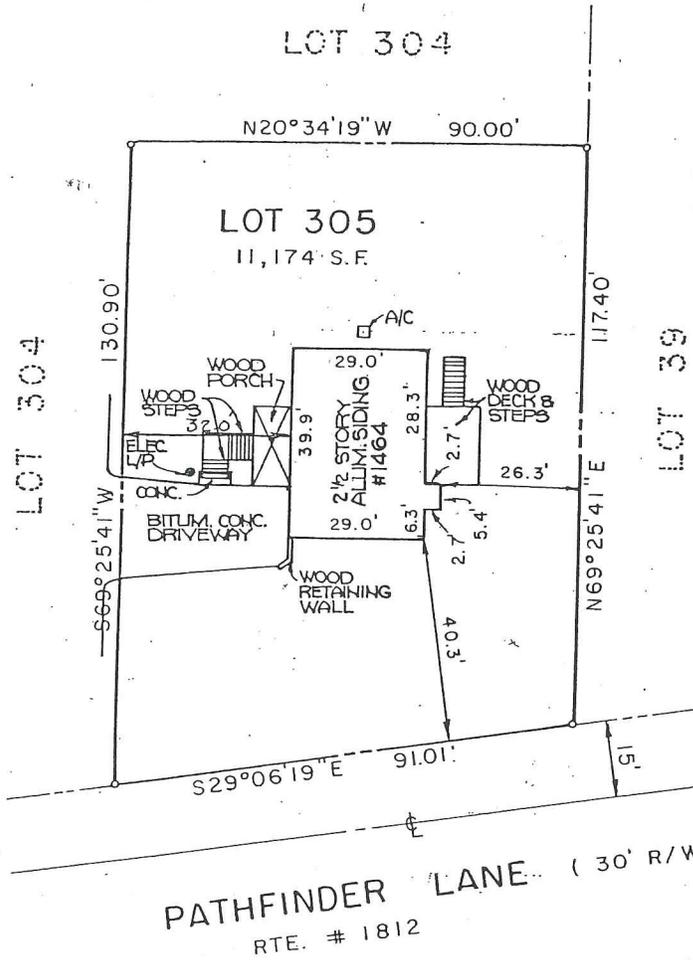
RECEIVED
Department of Planning & Zoning
JUL 06 2011
Zoning Evaluation Division

Attachment 7
Original Property Plat, August 15, 1984

RECEIVED
Department of Planning & Zoning

JUL 06 2011

Zoning Evaluation Division



FINAL APPROVAL

AUG 15, 1984

[Signature]
Zoning Administrator

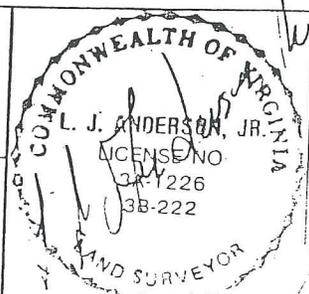
HOUSE LOCATION SURVEY
LOT 305 - BLOCK 8
WEST McLEAN
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE 1" = 30' DATE 7-18-84

RECEIVED
Department of Planning & Zoning
JUL 06 2011
Zoning Evaluation Division

I hereby certify that the locations of the improvements on the property shown hereon have been carefully established by a transit-tape survey and unless shown, there are no encroachments. This is not a boundary survey.
This location survey has been prepared without the benefit of a title report and does not therefore necessarily indicate all encumbrances on the property.

RUNYON, DUDLEY ASSOCIATES, INC.
ENGINEERING, SURVEYING & PLANNING
7649 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22043

(703) 827-8227





Staircase in Question

RECEIVED
Department of Planning & Zoning

JUL 06 2011

Zoning Evaluation Division

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: http://www.fairfaxcounty.gov/dpwes

PERMIT # 73470065

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
 http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY
 PLAN # 109
 TAX MAP # 109

ROUTING	DATE	APPROVED BY
LICENSING	1/11/08	[Signature]
ZONING	1/11/08	[Signature]
SITE PERMITS	1/11/08	[Signature]
HEALTH DEPT.		
BUILDING REVIEW	1/11/08	[Signature]
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$
 FILING FEE \$ 416.52
 AMOUNT DUE = \$

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC: J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG-OUT)
 BY [Signature] DATE 1/11/08

ZONING REVIEW
 USE SFD
 ZONING DISTRICT R-3C HISTORICAL DISTRICT _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE 1,680 SQ FT

YARDS: FRONT 43' GARAGE 1 2 3
 FRONT 20' OPTIONS YES NO
 L SIDE _____ REMARKS Construct covered
 R SIDE n/c front porch w/ steps
 REAR _____ interior atts to

REMARKS existing home
40' x 13' (including steps) ht = 7'
steps uncovered
modified to
Steps less than 10' wide -> can
encroach into 25' setback

(no longer constructing deck
with this permit
needs 25' real setback and
LCF needs to be to scale.

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION
 ADDRESS 1464 PATHFINDER LANE
 LOT # 305 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION WEST MCLEAN - BLK 8
 TENANT'S NAME _____
 EMAIL _____
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME GEORGE LASNIER
 ADDRESS 1464 PATHFINDER LA
 CITY MCLEAN STATE VA ZIP 22101
 TELEPHONE _____
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME CA BUILDERS LLC
 ADDRESS P.O. BOX 150536
 CITY ALEXANDRIA STATE VA ZIP 22315
 TELEPHONE 703-868-1339
 EMAIL _____
 STATE CONTRACTORS LICENSE # 05-108212A
 COUNTY BPOL # 07-0150
 CONTACT ID _____

APPLICANT
 NAME CANDY
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 EMAIL _____
 CONTACT ID AC-3074561

DESCRIPTION OF WORK
ADDITION TO EXISTING HOUSE
25' x 38'
INTERIOR ATT'S +
EXPAND FRONT PORCH

HOUSE TYPE
 ESTIMATED COST OF CONSTRUCTION 900,000
 USE GROUP OF BUILDING R5
 TYPE OF CONSTRUCTION VB

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME FIRST SAVINGS MORTGAGE
 ADDRESS 3444 WESTARK DR - ANNEL
MCLEAN VA 22102
 NONE DESIGNATED PHONE 703-883-0256

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Candy Owens 12.13.07
 Signature of Owner or Agent Date

CANDY OWENS agent
 Printed Name and Title
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

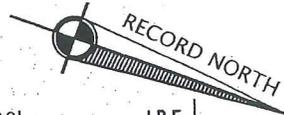
NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit: I, _____

Notary Public in the State and County aforesaid, do certify that _____ whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____
 My commission expires the _____ day of _____, 20____

 (Notary Signature)

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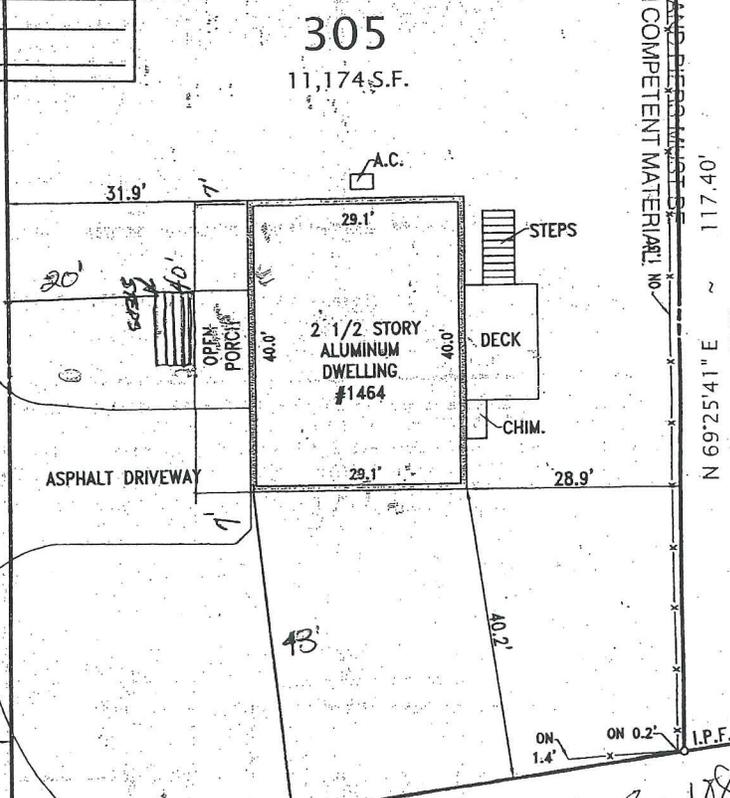
NOTES: 1. UTILITIES ARE UNDERGROUND.
2. FENCES ARE FRAME.



DPW&ES
LAND DEVELOPMENT SERVICES
SITE PERMITS & ADDRESSING CENTER
APPROVED FOR
Porche et
BY _____
DATE *11/9/07*

304
N 20°34'19" W ~ 90.00'
ON 1.2' I.P.F.

301
302
S 69°25'41" W ~ 130.77'
30' EASEMENT FOR INGRESS & EGRESS SANITARY SEWER & UTILITIES



ON 1.2' I.P.F.
N 69°25'41" E ~ 117.40'
ON 0.2' I.P.F.
ON 1.4'

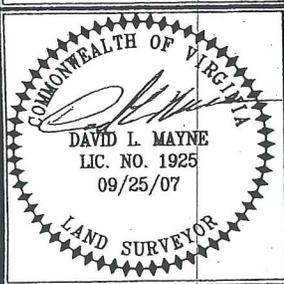
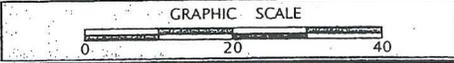
129.77' TO P.C.
MEADOWBROOK AVENUE

N 29°06'19" W ~ 91.01'
PATHFINDER LANE
50' R/W

11/9/08
APPROVED
Gilson M. Malone
Zoning Administrator

PLAT
SHOWING HOUSE LOCATION ON
LOT 305, RESUBDIVISION OF LOTS 30 THRU 38
INCLUSIVE AND PART OF LOTS 28 & 29, BLOCK 8
WEST MCLEAN
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20' SEPTEMBER 21, 2007

CASE NAME: LEE ~ LASNIER/ KING



BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET, BOUNDARY SURVEY NOT PERFORMED.
PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

DAVID L. MAYNE. I.S.

REQUESTED BY
LIGHTHOUSE TITLE

ALEXANDRIA SURVEYS
INTERNATIONAL, LLC
6343 SOUTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22306
TEL. NO. 703-660-6615 FAX NO. 703-768-7764

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT #

80180108

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY

PLAN # 1101
 TAX MAP # 0500 0580305

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING		
SITE PERMITS		
HEALTH DEPT		
BUILDING REVIEW		
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE
 FILING FEE \$ 65
 AMOUNT DUE \$ 65

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC. REF

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OUT)
 By: _____ DATE: _____

ZONING REVIEW
 USE Res
 ZONING DISTRICT R3 HISTORICAL DISTRICT _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT <u>34</u>	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT _____	REMARKS			
L SIDE <u>32</u>				
R SIDE <u>29</u>				
REAR <u>11/4</u>				

REMARKS
5' x 29' addition in front yard
110 flush on piers
no wet areas
2nd kitchen

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION
 ADDRESS 1464 PATHFINDER LANE
 LOT # 305 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION WEST McLEAN BLK. 8
 TENANT'S NAME _____
 EMAIL _____
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME GEORGE LASNIEE
 ADDRESS 1464 PATHFINDER LANE
 CITY McLEAN STATE VA ZIP 22101
 TELEPHONE 571-481-4275
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME C.A. BDRS LLL
 ADDRESS P.O. BOX 150536
 CITY ALEX STATE VA ZIP 22315
 TELEPHONE 703-868-1339
 EMAIL _____
 STATE CONTRACTORS LICENSE # _____
 COUNTY BPOL # _____
 CONTACT ID _____

APPLICANT
 NAME CANDY BYRNES
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 EMAIL _____
 CONTACT ID ACS

DESCRIPTION OF WORK
AMEND PERMIT # 734 70065
TO ADD 5' ADDITION

HOUSE TYPE _____
 ESTIMATED COST OF CONSTRUCTION 10000
 USE GROUP OF BUILDING R5
 TYPE OF CONSTRUCTION UB

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only) FIDELITY NATIONAL TITLE
 NAME 10300 EATON PLACE - STE. 370
 ADDRESS Fx, VA 22030
 NONE DESIGNATED PHONE 703-691-9500

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Candy Byrnes 1-18-08
 Signature of Owner or Agent Date
CANDY BYRNES AGENT
 Printed Name and Title
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit: I, _____
 Notary Public in the State and County aforesaid, do certify that _____
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____
 My commission expires the _____ day of _____, 20____

 (Notary Signature)

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT # 80740142

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY

PLAN # 1404 PATHERNER

TAX MAP # 10-00-0110-80-305

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING		
SUB PERMITS		
HEALTH DEPT		
BUILDING REVIEW		
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$

FILED FEE \$

AMOUNT DUE = \$ 105

BUILDING PLAN REVIEW

REVIEWER _____ # OF HOURS _____

REVISION FEES \$ _____

FIRE MARSHAL FEES \$ _____

FIXTURE UNITS _____ PISANLOC R

APPROVED FOR ISSUANCE OF BUILDING PERMIT

LOG # 1404 PATHERNER

BY [Signature] DATE 3/14/08

ZONING REVIEW

USE 800

ZONING DISTRICT R3 HISTORICAL DISTRICT _____

ZONING CASE # _____

GROSS FLOOR AREA OF TENANT SPACE _____

YARDS: _____

FRONT _____

FRONT _____

L SIDE _____

R SIDE _____

REAR _____

GARAGE 1 2 3

OPTIONS YES NO

REMARKS Built open Deck
NO Stairs

REMARKS 8x24x no stairs

7/7/10 - no final inspection yet.

NOTARIZATION (if required)

State (or territory or district) of _____

County (or city) of _____, to wit: I, _____

Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.

Given under my hand this _____ day of _____, 20____

My commission expires the _____ day of _____, 20____

(Notary Signature)

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION

ADDRESS 1404 PATHERNER

LOT # 305 BUILDING _____

FLOOR _____ SUITE _____

SUBDIVISION WEST MCLEAN

TENANT'S NAME _____

EMAIL _____

CONTACT ID _____

OWNER INFORMATION OWNER TENANT

NAME GEORGE LASNIER

ADDRESS 1404 PATHERNER LA

CITY MCLEAN STATE VA ZIP 22101

TELEPHONE _____

EMAIL _____

CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER

CONTRACTORS MUST PROVIDE THE FOLLOWING:

COMPANY NAME CA BLDGS LLC

ADDRESS PO BOX 150536

CITY ALEX STATE VA ZIP 22315

TELEPHONE 703-868-1339

EMAIL _____

STATE CONTRACTORS LICENSE # 108212AV

COUNTY BPOL # 07-0150V

CONTACT ID 329530

APPLICANT

NAME CANDY

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

EMAIL _____

CONTACT ID AC3074H01

DESCRIPTION OF WORK

Bld Deck per city
DETAILS
9
100 x 20
NO Hot tub no stairs

HOUSE TYPE _____

ESTIMATED COST OF CONSTRUCTION 1000

USE GROUP OF BUILDING R5

TYPE OF CONSTRUCTION VB

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)

NAME EIDELAY NAIL TITLE INS Co

ADDRESS 10300 EATON PL - STE 270
FX VA 22030

NONE DESIGNATED PHONE 703-691-9500

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Candy Byrnes 3-14-08
 Signature of Owner or Agent Date

CANDY BYRNES AGENT
 Printed Name and Title

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

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NOTES: 1. UTILITIES ARE UNDERGROUND.
2. FENCES ARE FRAME

DPW&ES
LAND DEVELOPMENT SERVICES
SITE PERMITS & ADDRESSING CENTER
APPROVED FOR

Porch
11/19/07

304

N 20°34'19" W ~ 90.00'



DPW&ES
LAND DEVELOPMENT SERVICES
SITE PERMITS & ADDRESSING CENTER
APPROVED FOR

305

11,174 S.F. *Story Ad*

BY *WJ*
DATE C. *1/20/08*

FOOTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

S 69°25'41" W ~ 130.77'

PERMIT FOR ACCESS & EGRESS SANITARY SEWER & UTILITIES

NO TOTAL EARTH DISTURBANCE ON THIS LOT SHALL NOT EXCEED 2500 SQ. FT. EXCAVATED MATERIAL SHALL BE REMOVED FROM SITE.

2 1/2 STORY ALUMINUM DWELLING #1464



FOOTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

DPW&ES
LAND DEVELOPMENT SERVICES
SITE PERMITS & ADDRESSING CENTER
APPROVED FOR

Open Deck
02/18/08

N 29°06'19" W ~ 91.01'

PATHFINDER LANE
50' R/W

129.77' TO P.C.
MEADOWBROOK AVENUE

APPROVED
Eileen M. McLean
Zoning Administrator

PLAT
SHOWING HOUSE LOCATION ON
LOT 305, RESUBDIVISION OF LOTS 30 THRU 38
INCLUSIVE AND PART OF LOTS 28 & 29, BLOCK 8

WEST MCLEAN
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 20' SEPTEMBER 21, 2007

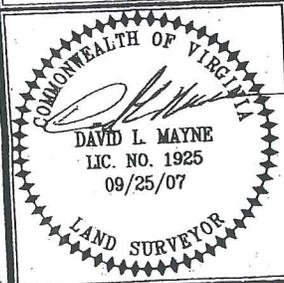
APPROVED
Eileen M. McLean
Zoning Administrator

APPROVED
Eileen M. McLean
Zoning Administrator

CASE NAME: LEE ~ LASNIER/ KING

GRAPHIC SCALE
0 20 40

BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET, BOUNDARY SURVEY NOT PERFORMED.
PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

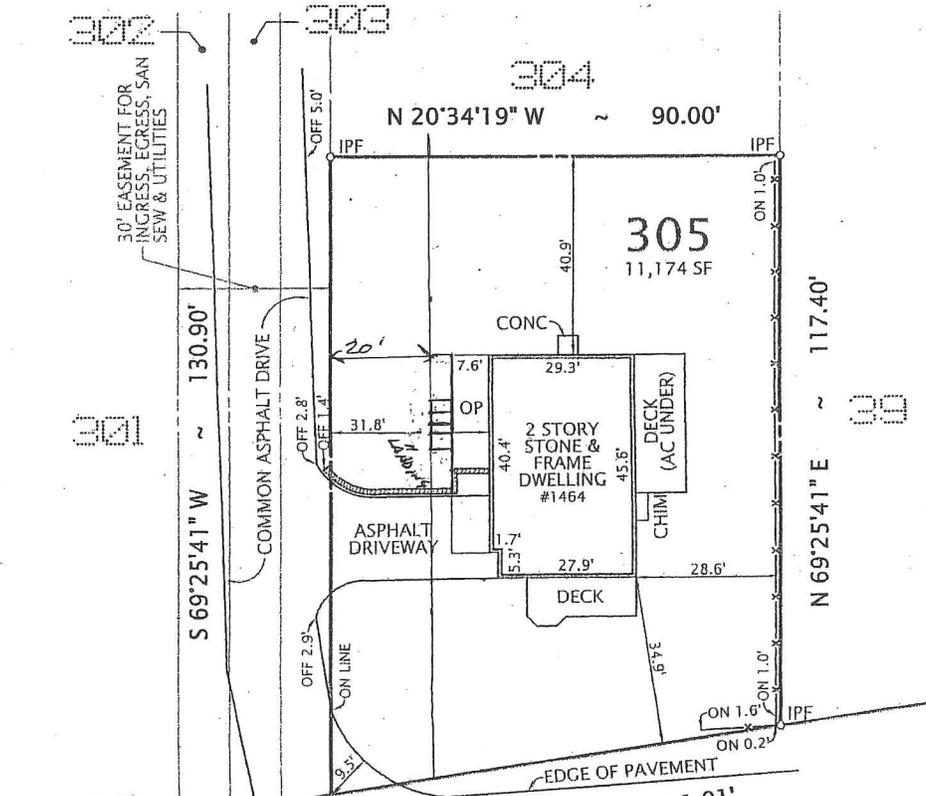
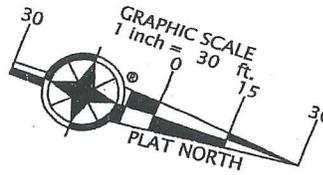


I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCRoACHMENTS.
DAVID L. MAYNE I.S.

REQUESTED BY
LIGHTHOUSE HOTEL
ALEXANDRIA SURVEYS INTERNATIONAL, LLC
6343 SOUTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22306
TEL. NO. 703-660-6615 FAX NO. 703-758-7764

- NOTES: 1. FENCES ARE FRAME.
 2. UTILITIES ARE UNDERGROUND.
 3. RETAINING WALL IS 1' STONE.

FOOTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL



DPW&S
 LAND DEVELOPMENT SERVICES
 SITE PERMITS & ADDRESSING CENTER
 APPROVED FOR
PATHFINDER LANE
 30' R/W ~ STATE ROUTE #1812

Landing & Stairs PLAT
 BY MC SHOWING HOUSE LOCATION ON
 DATE 7-2-10 LOT 305, BLOCK 8
 OF A RESUBDIVISION OF LOTS 30 THRU 38
 INCLUSIVE AND PART OF LOTS 28 & 29

APPROVED
 JM 7/2/10
 Eileen M. McLean
 Zoning Administrator

WEST MCLEAN
 (DEED BOOK 5779, PAGE 1056)
 FAIRFAX COUNTY, VIRGINIA
 DRANESVILLE DISTRICT
 SCALE: 1" = 30' SEPTEMBER 15, 2009

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

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

COMMONWEALTH OF VIRGINIA
 09/15/2009
 GEORGE M. O'QUINN
 LICENSE NO. 2069
 George M. O'Quinn

Ordered by:
Monarch
 TITLE, INC.
 6861 Elm Street
 Suite 100
 McLean, Virginia 22101
 703-852-1730

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

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT # 101180047

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION	
ADDRESS <u>1464 PATHFINDER LANE</u>	
LOT # <u>305</u>	BUILDING
FLOOR	SUITE <u>101180</u>
SUBDIVISION <u>WEST McLEAN BIK 8</u>	
TENANT'S NAME	
EMAIL	
CONTACT ID	
OWNER INFORMATION OWNER <input checked="" type="checkbox"/> TENANT <input type="checkbox"/>	
NAME <u>SEAN FORDE</u>	
ADDRESS <u>1464 PATHFINDER LANE</u>	
CITY <u>MCLEAN</u>	STATE <u>VA</u> ZIP <u>2201</u>
TELEPHONE	
EMAIL	
CONTACT ID	
CONTRACTOR INFORMATION SAME AS OWNER <input type="checkbox"/>	
CONTRACTORS MUST PROVIDE THE FOLLOWING:	
COMPANY NAME <u>CA BLDGS LLC</u>	
ADDRESS <u>P.O. Box 150536</u>	
CITY <u>ALEX</u>	STATE <u>VA</u> ZIP <u>22315</u>
TELEPHONE <u>703-868-1339</u>	
EMAIL	
STATE CONTRACTORS LICENSE # <u>2705108212A</u>	
COUNTY BPOL # <u>07-0150</u>	
CONTACT ID <u>329530</u>	
APPLICANT	
NAME <u>CANDY BYRNES</u>	
ADDRESS	
CITY	STATE ZIP
TELEPHONE <u>703-930-2003</u>	
EMAIL	
CONTACT ID <u>AC # 3074561</u>	
DESCRIPTION OF WORK	
<u>BUS ADDITION - 344' - 2 STORY +</u>	
<u>REMOVING LANDING + STEPS</u>	
<u>PER HOUSE LOCATION PLAT</u>	
HOUSE TYPE	
ESTIMATED COST OF CONSTRUCTION <u>50,000</u>	
USE GROUP OF BUILDING <u>R5</u>	
TYPE OF CONSTRUCTION <u>VB</u>	
DESIGNATED MECHANICS' LIEN AGENT (Residential Construction Only)	
NAME	
ADDRESS	
NONE DESIGNATED <input checked="" type="checkbox"/> PHONE	

DO NOT WRITE IN GRAY AREAS - GOVERNMENT USE ONLY

PLAN #	
TAX MAP #	
ROUTING:	DATE APPROVED BY
LICENSING	
ZONING	
SITE PERMITS	
HEALTH DEPT.	
BUILDING REVIEW	
SANITATION	
FIRE MARSHAL	
ASBESTOS	
PROFFERS	
FEE	
FILING FEE	
AMOUNT DUE	
BUILDING PLAN REVIEW	
REVIEWER <u>RS</u>	# OF HOURS
REVISION FEES \$ <u>110</u>	
FIRE MARSHAL FEES \$	
FIXTURE UNITS <u>0</u>	PLAN LOC: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
APPROVED FOR ISSUANCE OF BUILDING PERMIT	
(LOG OUT)	
BY	DATE

ZONING REVIEW

USE SFD

ZONING DISTRICT R-3 HISTORICAL DISTRICT

ZONING CASE #

GROSS FLOOR AREA OF TENANT SPACE

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT <u>N/C</u>	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT <u>↓</u>	REMARKS	<u>33' x 16', 19.5 ft</u>		
L SIDE <u>↓</u>	<u>Build two-story</u>			
R SIDE <u>24'</u>	<u>addition with garage</u>			
REAR <u>25'</u>	<u>+ office below or</u>			

REMARKS main floor + landing
bedroom on upper floor
Remove existing landing + steps per
NO - 10' house location plat
front porch w/ steps was built
too close to front lot line off
of pipestem - only 12' from lot line
* Admin. reduction granted by Daniel Vandy
for front porch + front deck!

A SETBACK CERTIFICATION BASED ON FIELD SURVEY IS REQUIRED PRIOR TO RUP ISSUANCE OR FINAL INSPECTION

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

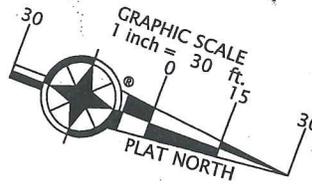
Candy Byrnes 4-28-10
 Signature of Owner or Agent Date
CANDY BYRNES AGENT
 Printed Name and Title
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)

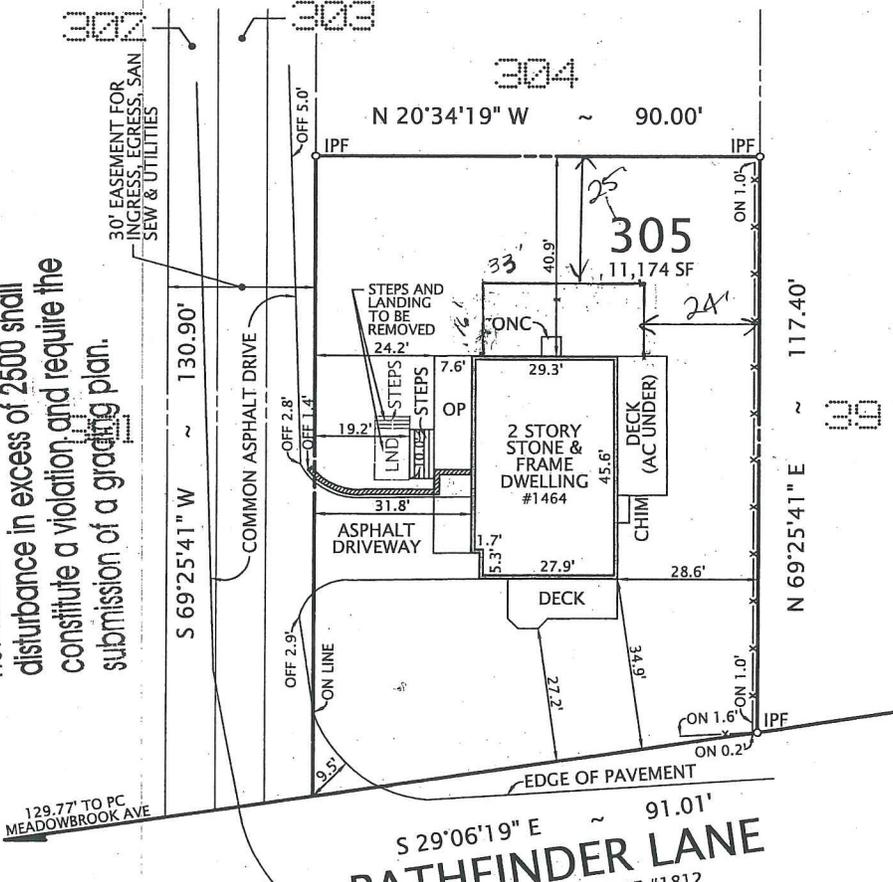
State (or territory or district) of _____
 County (or city) of _____ to wit: I, _____ a _____
 Notary Public in the State and County aforesaid, do certify that _____ whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____
 My commission expires the _____ day of _____, 20____

 (Notary Signature)

- NOTES: 1. FENCES ARE FRAME.
 2. UTILITIES ARE UNDERGROUND.
 3. RETAINING WALL IS 1' STONE.



Total earth disturbance on this lot shall not exceed 2500 sq. ft. - Earth disturbance in excess of 2500 shall constitute a violation and require the submission of a grading plan.



FOOTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

APPROVED
 8/24/10
Wilson M. McLean
 Zoning Administrator

DPW&S
 LAND DEVELOPMENT SERVICES
 SITE PERMITS & ADDRESSING CENTER
 APPROVAL: OR

PLAT
 SHOWING HOUSE LOCATION ON
 LOT 305, BLOCK 8
 OF A RESUBDIVISION OF LOTS 30 THRU 38
 INCLUSIVE AND PART OF LOTS 28 & 29

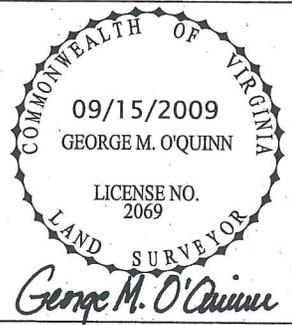
Addition
 AF For MF
 DATE 4/28/10

WEST MCLEAN

(DEED BOOK 5779, PAGE 1056)
 FAIRFAX COUNTY, VIRGINIA
 DRANESVILLE DISTRICT
 SCALE: 1" = 30' SEPTEMBER 15, 2009
 JULY 13, 2010 (REVISED-ADDED TIES)
 JULY 29, 2010 (REVISED-UPDATED FRONT STEPS)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

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



Ordered by:
Monarch
 TITLE, INC.
 6861 Elm Street
 Suite 100
 McLean, Virginia 22101
 703-852-1730

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

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County of Fairfax, Virginia

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

Via Facsimile (703-313-6723) and U.S. Mail

June 25, 2010

Mr. Claude A. Wheeler, II
 Managing Member
 C A Builders LLC
 P.O. Box 150536
 Alexandria, VA 22315



Re: 1464 Pathfinder Lane
 Tax Map: 30-2 ((7)) (8) 305
 Zoning District: R-3 Cluster
 Status of Existing Front Steps

Dear Mr. Wheeler:

This is in response to your letter dated June 1, 2010 and received on June 4, 2010, requesting a determination that the existing steps located off the front porch of the single-family dwelling are vested pursuant to Section 15.2-2307 of the Code of Virginia. Section 15.2-2307 states:

Notwithstanding any local ordinance to the contrary, if (i) the local government has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the local government issued a certificate of occupancy or a use permit therefore, or (ii) the owner of the building or structure has paid taxes to the locality for such building or structure for a period in excess of 15 years, a zoning ordinance may provide that the building or structure is nonconforming, but shall not provide that such building or structure is illegal and shall be removed solely due to such nonconformity. Further, a zoning ordinance may provide that such building or structure be brought in compliance with the Uniform Statewide Building Code.

Unfortunately our research indicates that the steps as currently configured – consisting of a set of steps, a landing, and an additional set of steps ending twelve (12) feet from the closest front lot line – were not constructed according to Building Permit No. 73470065, which shows a single block of steps that is set back twenty (20) feet from the lot line pursuant to zoning regulations. In addition, the assessment records of the Department of Tax Administration only show the steps as presented on Building Permit No. 73470065, and only for the last three (3) years. Therefore, the front steps are not vested pursuant to Section 15.2-2307 of the Code of Virginia.

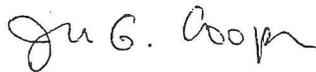
Mr. Claude A. Wheeler, II
June 25, 2010
Page 2

In addition, it appears from the plat dated September 15, 2009, enclosed with your request, that a previous deck located opposite to the front entrance of the dwelling was replaced with a new deck without the benefit of a building permit at some point in the last three (3) years. Also based on the plat dated September 15, 2009, it appears that the deck constructed pursuant to Building Permit No. 80740142 was not built according to the dimensions provided on the permit and encroaches into the minimum required front yard.

In order to remedy the existing condition of the front steps and the deck as noted above, you may be eligible to apply for a Special Permit for a Reduction to the Minimum Yard Requirements Based on Error in Building Location, pursuant to Section 8-914 of the Zoning Ordinance. A copy of Section 8-914 is enclosed for your reference. Please contact the Zoning Evaluation Division at 703-324-1290 for more information on the Special Permit process.

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

Sincerely,



Jill G. Cooper, AICP
Assistant to the Zoning Administrator

Attachments: A/S

cc: John W. Foust, Supervisor, Dranesville District
Eileen M. McLane, Zoning Administrator
Mavis E. Stanfield, Deputy Zoning Administrator for Appeals
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch

HAND DELIVERED

June 1, 2010

Ms. Eileen McLane
Zoning Administrator
Zoning Administration Division
Department of Planning and Zoning
12055 Government Center Parkway - Suite 307
Fairfax, Virginia 22035-5508

RECEIVED
Dept. of Planning & Zoning
JUN 04 2010
2010-0419
Zoning Administration Div.

Re: 1464 Pathfinder Lane - 2307 Determination Request For Existing Sidewalk

Dear Ms. McLane:

The purpose of this letter is to request that the existing steps on the above referenced address be grandfathered under the Virginia State Code Section 15 - 2307.

The house was originally built in August of 1984 by Robert A. Young Associates, Inc., with the front steps coming off the porch with the landing and lower steps. Due to the slope of the front yard, coming off the last step onto the ground would be too steep, therefore, the landing and lower steps had to be a part of the steps for safety purposes.

In October of 2007, George Lasnier and Wendy King purchased the home. Among many things that needed to be repaired/replaced, the current steps required immediate attention because they were deemed structurally unsafe. A building permit was obtained in December of 2009 to extend the front porch to either end of the house as well as redoing the existing wooden steps. The only change to the steps was to change the direction of the lower steps to eliminate the number of lower steps, therefore, reducing the steepness of the steps. A final inspection was performed and passed.

I have attached for your information a copy of the original record plat showing the steps, landing, and lower steps; copy of the original building permit and house location plat showing same; copy of the building permit for the porch and steps and the approved construction plans; the final inspection; Real Estate Agent's brochure when the Lasniers purchased the home that shows same; pictures of the current condition.

Your assistance in this matter is greatly appreciated. If you need any further or additional information, please do not hesitate to contact me at 703-868-1339.

Very truly yours,



Claude A. Wheeler, II, Managing Member
C A Builders, LLC

Attachments

Cc: Leslie & Sean Forde
Cc: Files



County of Fairfax, Virginia

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

Vested Rights Determination under §15.2-2307 of the Code of Virginia

Property Tax Map Number:	30-2 ((7)) (8) 305
Property Address:	1464 Pathfinder Lane
Requestor's Name:	Claude A. Wheeler, II
Requestors Address: (if different than above)	P.O. Box 150536, Alexandria, VA 22315
Requestor's Phone Number:	703-868-1339
Current Zoning:	R-3 Cluster
Magisterial District:	Dranesville
Subdivision Name/Section/Block/Lot No.:	West McLean Lot 305 Blk 8

Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia (See Attached Instruction Sheet)

The structure consists of the front steps to an existing single-family dwelling. The steps include a set of steps, a landing, and a second set of steps, ending twelve (12) feet from the closest front lot line.

Background Summary (check all that are applicable):

- A Building Permit has been issued. (not constructed according to building permit)
- No evidence of a Building Permit having been issued.
- A Non-Residential Use Permit/Residential Use Permit has been issued or, when a Non-RUP/RUP is not required, evidence that the structure(s) has passed final inspection.
- Department of Tax Administration records indicate that the structure(s) has been taxed for at least 15 years.
- Department of Tax Administration records do not indicate that the structure(s) has been taxed for at least 15 years.

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/





County of Fairfax, Virginia

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

August 13, 2010

Claude A. Wheeler, II
C A Builders LLC
P.O. Box 150536
Alexandria, Virginia 22315

RE: Request for Administrative Reductions
1464 Pathfinder Lane
West McLean, Block 8, Lot 305
Tax Map Ref.: 30-2 ((7)) (8) 305
Zoning District: R-3

Dear Mr. Wheeler:

This is in response to your letter dated July 15, 2010, which requested administrative reductions in the minimum required front yards for the existing dwelling on the referenced property. After reviewing your request, and as a duly authorized agent of the Zoning Administrator, I have determined that the requirements set forth in Sect. 2-419 of the Zoning Ordinance have been met. Therefore, 0.8 foot administrative reductions for the porch and steps have been granted for the front yard from the pipestem. A 2.8 foot administrative reduction has been granted for the deck from the front lot line.

I trust this adequately responds to your request. Should you have any additional questions, please feel free to contact me at (703) 324-1359.

Sincerely,

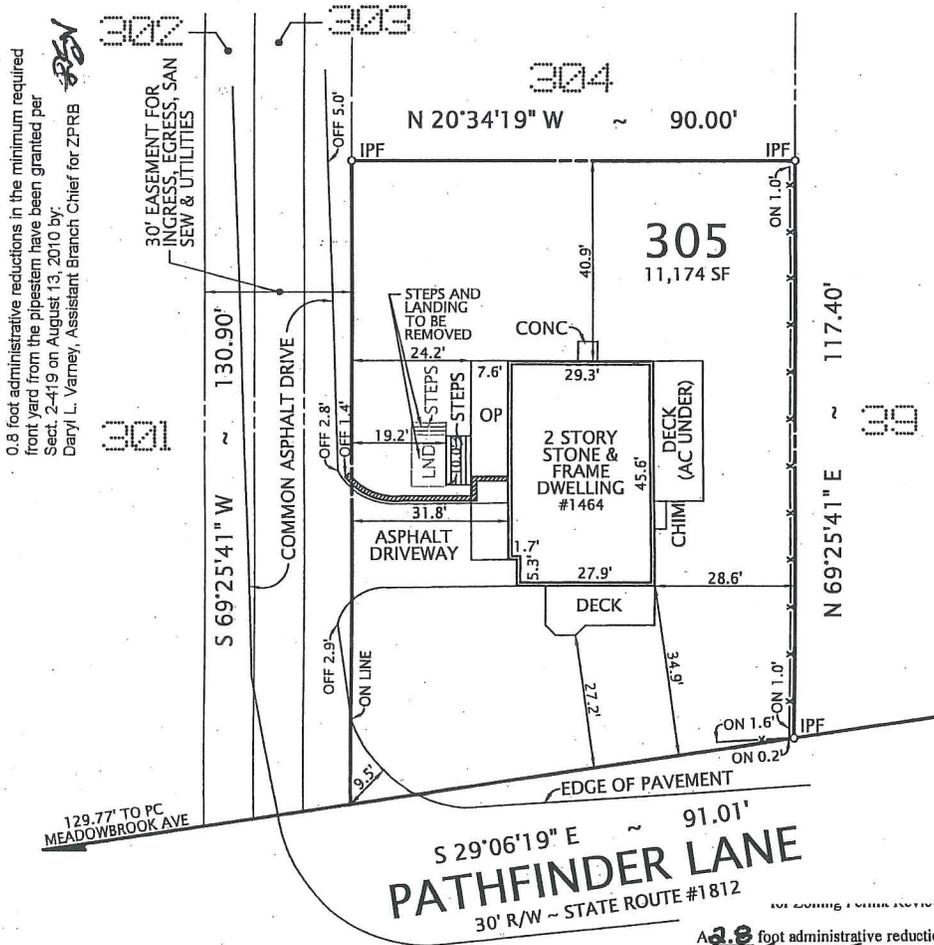
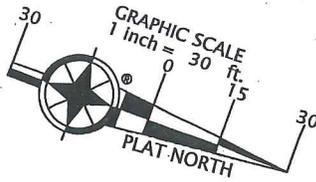
Daryl L. Varney
Assistant Branch Chief
Zoning Permit Review Branch

Attachment: Approved Plat

cc: John W. Foust, Supervisor
Dranesville District
Eileen M. McLane, Zoning Administrator
Diane Johnson-Quinn, Deputy Zoning Administrator
for Zoning Permit Review Branch

Department of Planning and Zoning
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508
Phone 703-324-1359 FAX 703-324-2301
www.fairfaxcounty.gov/dpz/

- NOTES: 1. FENCES ARE FRAME.
 2. UTILITIES ARE UNDERGROUND.
 3. RETAINING WALL IS 1' STONE.



0.8 foot administrative reductions in the minimum required front yard from the pipeliner have been granted per Sect. 2-419 on August 13, 2010 by: Daryl L. Varney, Assistant Branch Chief for ZPRB

2.8 foot administrative reduction in the minimum required front yard has been GRANTED per Sect. 2-419 on August 13, 2010 by:

Daryl L. Varney
 Daryl L. Varney, Assistant Branch Chief
 for Zoning Permit Review Branch

PLAT
 SHOWING HOUSE LOCATION ON
 LOT 305, BLOCK 8
 OF A RESUBDIVISION OF LOTS 30 THRU 38
 INCLUSIVE AND PART OF LOTS 28 & 29

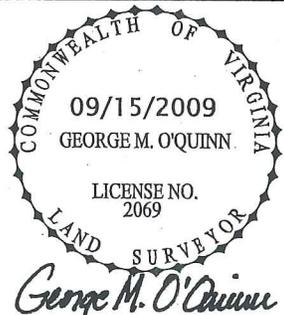
WEST MCLEAN

(DEED BOOK 5779, PAGE 1056)
 FAIRFAX COUNTY, VIRGINIA
 DRANESVILLE DISTRICT

SCALE: 1" = 30' SEPTEMBER 15, 2009
 JULY 13, 2010 (REVISED-ADDED TIES)
 JULY 29, 2010 (REVISED-UPDATED FRONT STEPS)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

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



Ordered by:
Monarch
 TITLE, INC.
 6861 Elm Street
 Suite 100
 McLean, Virginia 22101
 703-852-1730

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

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ZONING ORDINANCE PROVISIONS

8-006 General Standards

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

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

8-903 Standards for all Group 9 Uses

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

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

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

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

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

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

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

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

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

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 Emergency Management Agency, 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.