



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-016

concurrent with VARIANCE APPLICATION NO. VC 2012-DR-003

DRANESVILLE DISTRICT

APPLICANT/OWNER: Sanjeev Magoon

LOCATION: 6319 Old Dominion Drive

SUBDIVISION: Chesterbrook

TAX MAP: 31-3 ((1)) 72

LOT SIZE: 32,154 square feet

ZONING: R-1

ZONING ORDINANCE PROVISIONS: 8-914, 8-923 and 18-401

SPECIAL PERMIT PROPOSALS: To permit reduction to minimum yard requirements based on error in building location to permit a deck (at-grade patio) to remain 23.4 feet from a front lot line and fence greater than 4.0 feet in height to remain in a front yard.

VARIANCE PROPOSAL: To permit fence greater than 6.0 feet in a front yard.

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

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

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Deborah Hedrick

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



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

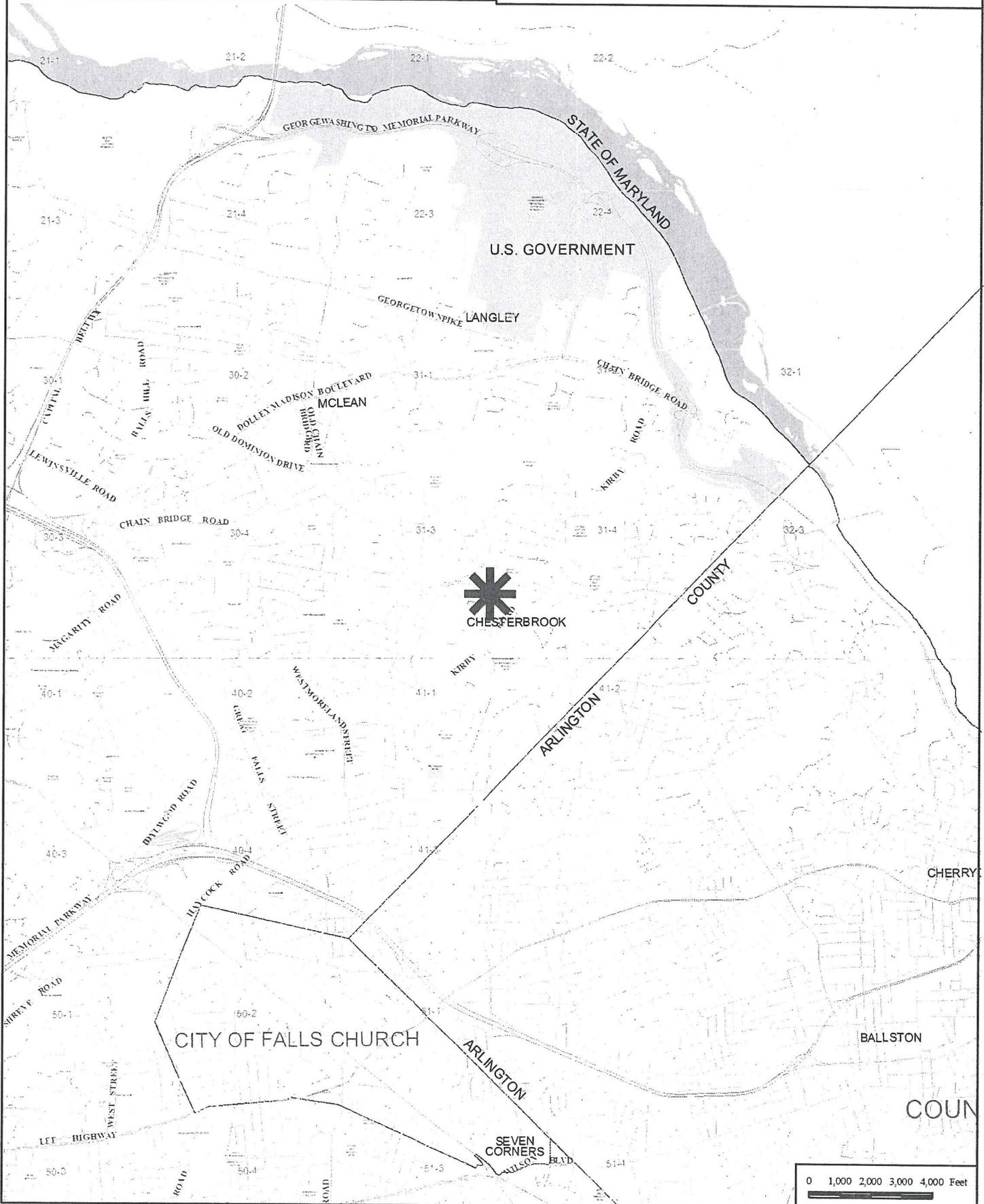
SP 2012-DR-016

SANJEEV MAGOON

Variance Application

VC 2012-DR-003

SANJEEV MAGOON



Special Permit

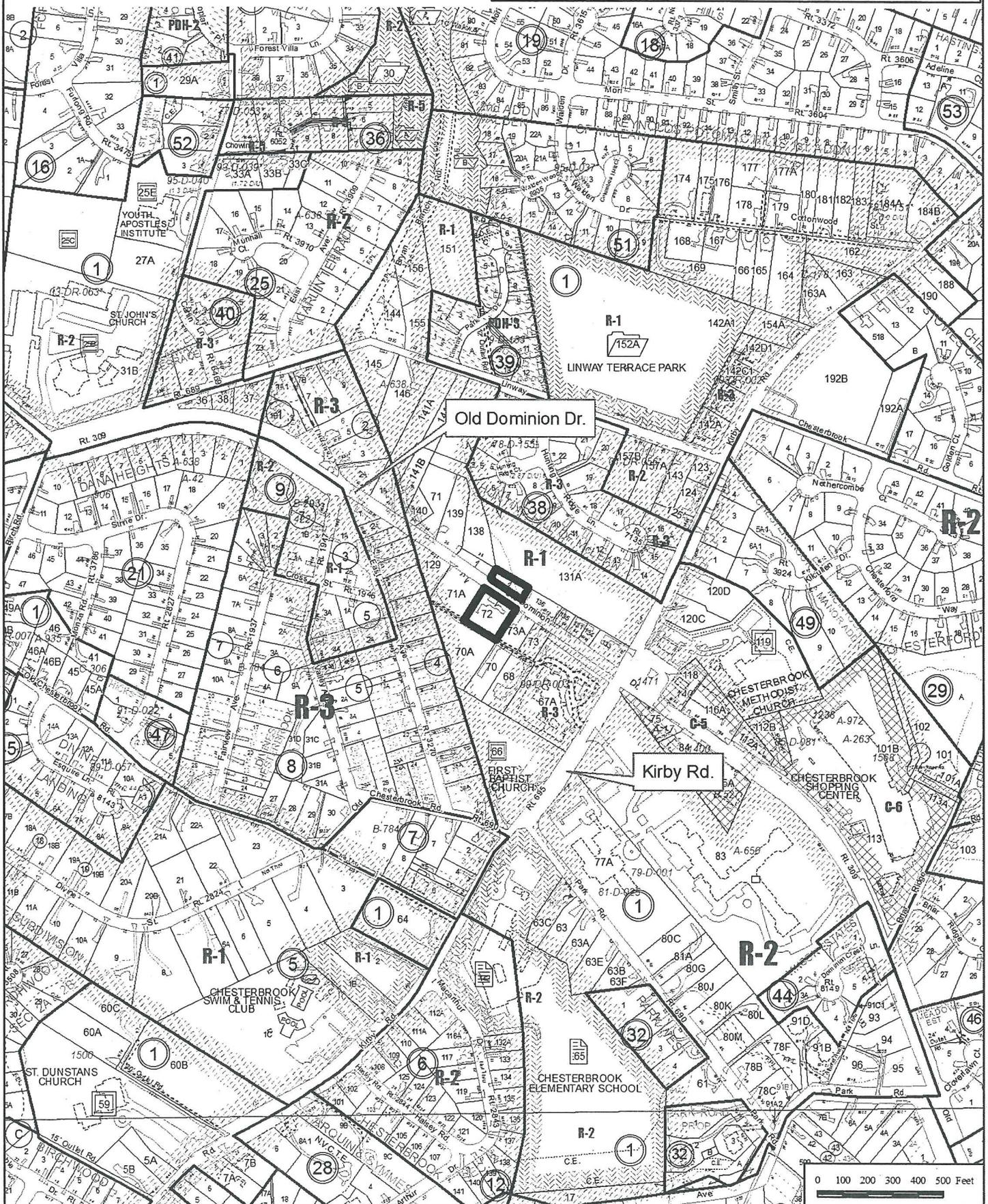
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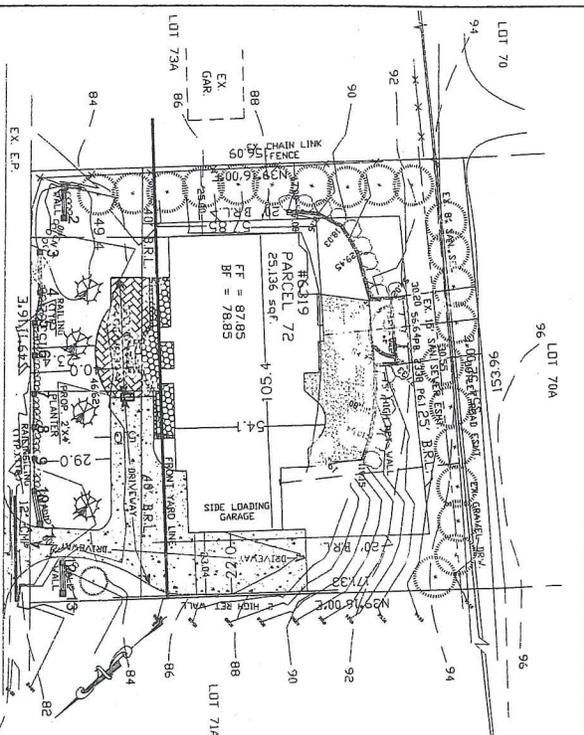
SANJEEV MAGOON

Variance Application

VC 2012-DR-003

SANJEEV MAGOON





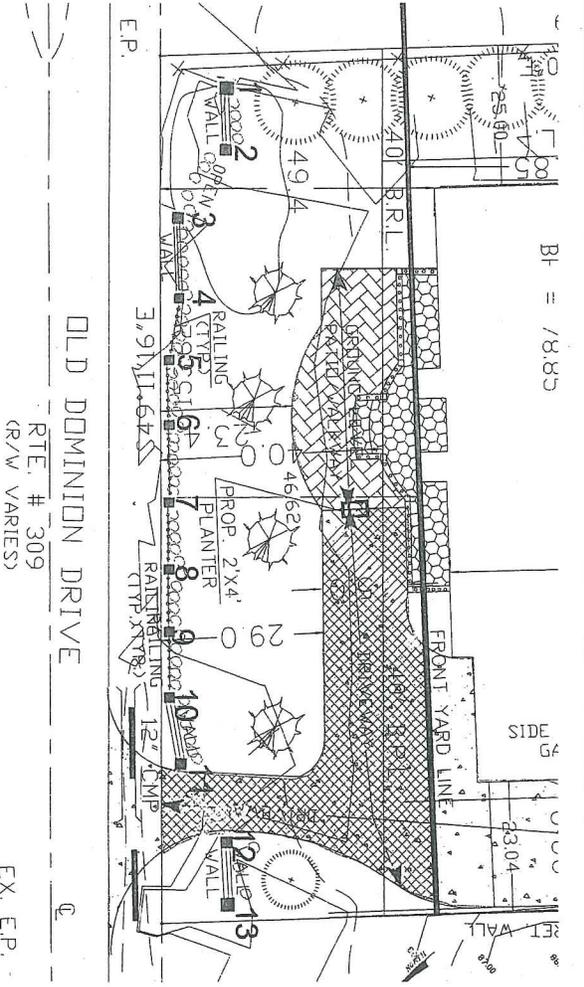
ENTIRE EXISTING SITE PLAN
SCALE: 1"=20'

LEGEND

- EXISTING CONTOURS
- EXISTING WALL
- EXISTING RAILING
- EXISTING ORNAMENTAL PILLARS
- EX. 5' HIGH EVERGREEN TREES
- EX. CONC. RAILING
- PAVED ENTRANCE/DRIVEWAY
- GROUND LEVEL PATIO/WALKWAY
- FRONT PATIO
- FRONT YARD DRIVEWAY AREA
- EX. LARGE SHADE TREES
- EX. LARGE SHADE TREES
- EX. LARGE EVERGREEN TREES

EXISTING SITE TABULATIONS

- ORNAMENTAL PILLAR HEIGHTS VARY FROM 5.17' TO 7.83'
- EXISTING ZONING R-1 SETBACKS REQUIRED
- AREA IN AGRES Z38 AREA IN SF 23,154
- USE SINGLE FAMILY DETACHED
- NO OF LOTS 1
- EXISTING BUILDING GROSS FLOOR AREA 7949 S.F.
- EXISTING BUILDING NET FLOOR AREA 7240 S.F.
- BUILDING HEIGHT 26 FEET
- PROPERTY IS LOCATED WITHIN PUBLIC WATER SHED.
- PROPERTY IS SERVED BY EXISTING PUBLIC WATER AND SEWER
- THERE ARE NO KNOWN PUBLIC UTILITY FACILITIES
- THERE ARE NO BURIAL SITES ON THIS SITE
- FIELD RIN SURVEY PREPARED BY BAZZIAN CONSULTANTS, LTD.
- THE ENTIRE SITE HAS BEEN CLEARED AND ALL OPEN SPACE AREAS HAS BEEN LANDSCAPED PER ARTICLE 13 OF THE ZONING ORDINANCE COUNTY TAX MAP # 031-3-001-72



BLOWN UP OF EXISTING FRONT IMPERVIOUS AREA PLAN
SCALE: 1"=10'

EX. PILLARS

NO.	HEIGHT
1	7.83'
2	6.33'
3	6.58'
4	5.41'
5	5.51'
6	5.25'
7	5.17'
8	5.33'
9	5.17'
10	5.17'
11	6.75'
12	6.71'
13	7.71'

WALL HEIGHTS
SCALE: 1"=10'

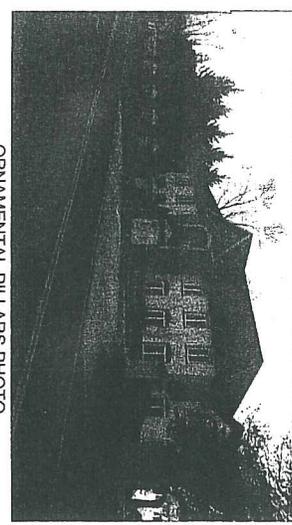
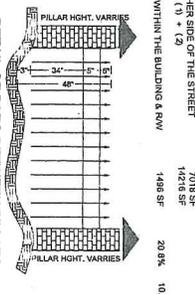
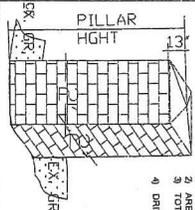
NO.	HEIGHT
1	42'-52"
2	41'-54"
3	41'-54"
4	42'-52"

FRONT YARD AREA USAGE SUMMARY

AREA	% AREA
1) REAR-BUILDING AND FRONT OF WAY	7.98%
2) TOTAL AREA AND (1) + (2)	14.21%
3) DRIVEWAY AREA WITHIN THE BUILDING & RAW	14.88%
4) DRIVEWAY AREA WITHIN THE BUILDING & RAW	20.94%
5) TOTAL AREA AND (3) + (4)	35.82%

COMPARISON TO

AREA	% AREA
1)	10%
2)	10.25%



FRONT IMPERVIOUS COVERAGE & ORNAMENTAL FENCE PILLAR HEIGHT VARIANCE REQUEST PLAT

OLD DOMINION DRIVE
RTE. # 309
R/W VARIES

OLD DOMINION DRIVE
RTE. # 309
R/W VARIES

PART OF LOT 3 CHESTERBROOK DRANESVILLE DISTRICT FAIRFAX, VA

OWNER/DEVELOPER
SANJEEV MAGOON
6319 OLD DOMINION DR.
MCLEAN, VA 22101

CIVILAND, LLC
P.O. BOX 650206 STERLING, VIRGINIA 20185
(703) 404-0363 • Fax (703) 404-0443
fmoj@civilandllc.com

DESIGN BY: RB
CHKD BY: FM
DATE: APRIL 3 2012

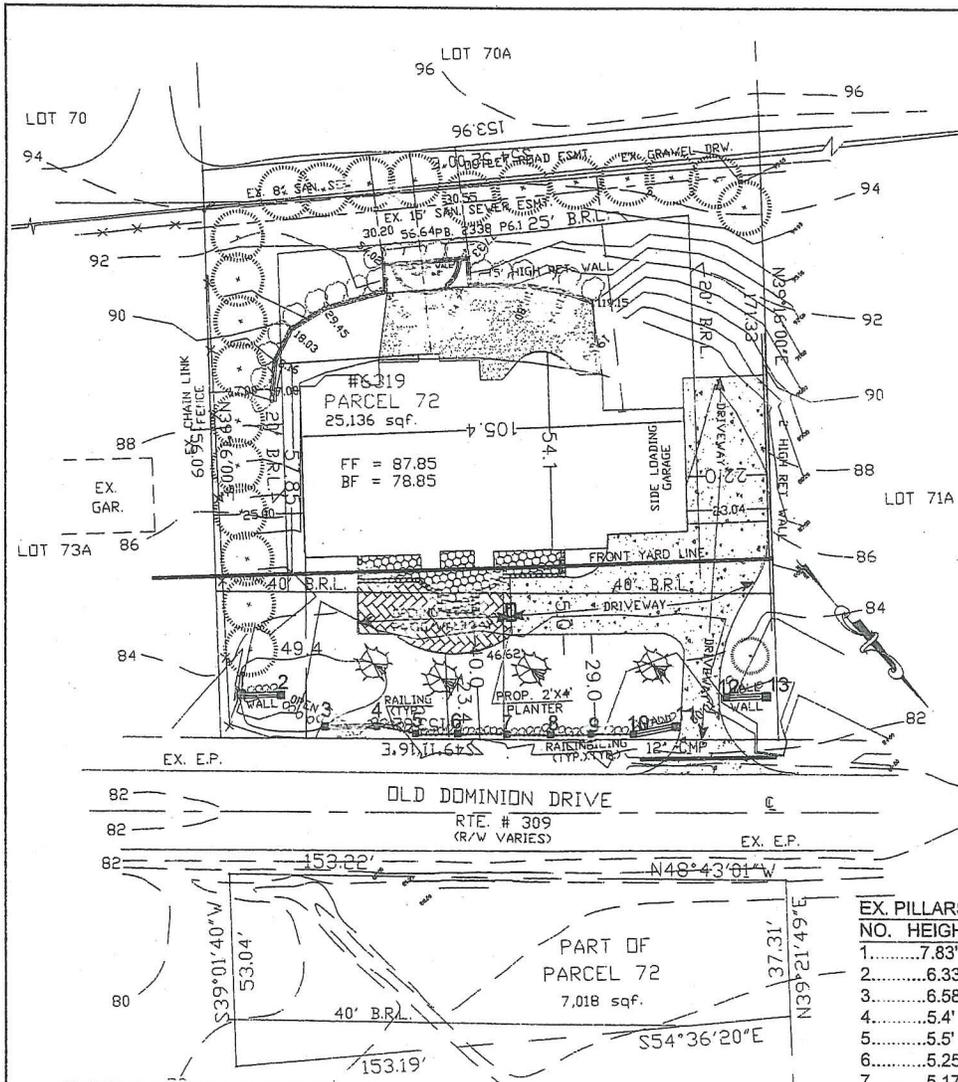
NO. DATE REVISION

SCALE: AS SHOWN

APPROVED FOR THE BOARD OF SUPERVISORS
APRIL 12 2012

APPROVED FOR THE BOARD OF SUPERVISORS
APRIL 12 2012

APPROVED FOR THE BOARD OF SUPERVISORS
APRIL 12 2012



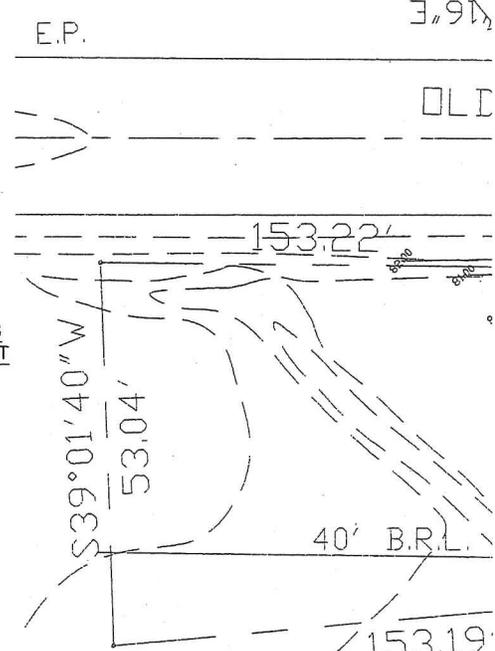
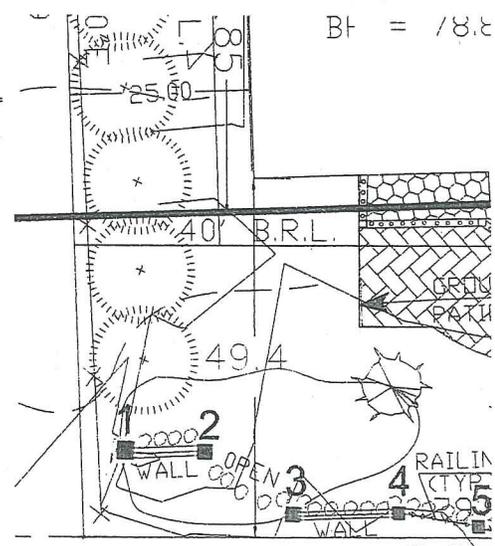
ENTIRE EXISTING SITE PLAN
SCALE: 1"=20'

LEGEND

- EXISTING CONTOURS
- ≡ EXISTING WALL
- ⊕ EXISTING RAILING
- EXISTING ORNAMENTAL PILLARS
- EX. 5' HIGH EVERGREEN TREES
- ⊗ EX. CONC. RAILING
- ▨ PAVED ENTRANCE/DRIVEWAY
- ▩ GROUND LEVEL PATIO/WALKWAY
- ▧ FRONT PATIO
- ▨ FRONT YARD DRIVEWAY AREA
- ⊗ EX. LARGE SHADE TREES
- ⊗ EX. LARGE SHADE TREES
- ⊗ EX. LARGE EVERGREEN TREES

EXISTING SITE TABULATIONS

- 1) ORNAMENTAL PILLAR HEIGHTS VARY FROM 5.17' TO 7.83'
- 2) EXISTING ZONING R-1
SETBACKS: REQUIRED PROVIDED
FRONT 40' 49.4'
BACK 25' 56.6'
SIDES 20' 25'(LT) 23' (RT)
- 3) AREA IN ACRES .738 AREA IN SF 32,154
- 4) AREA OF STREET DEDICATION N/A
- 5) USE SINGLE FAMILY DETACHED
- 6) NO OF LOTS 1
- 7) EXISTING BUILDING GROSS FLOOR AREA 7949 S.F.
- 8) EXISTING BUILDING NET FLOOR AREA 7420 S.F.
- 9) TOTAL FLOOR AREA RATIO (FAR) FOR ENTIRE SITE .24
- 10) BUILDING HEIGHT 35 FEET
- 11) THE PROPERTY IS LOCATED WITHIN PIMMIT RUN WATERSHED.
- 12) PROPERTY IS SERVED BY EXISTING PUBLIC WATER AND SEWER
- 13) THERE ARE NO KNOWN PUBLIC UTILITY EASEMENTS
- 14) THERE ARE NO BURIAL SITES ON THIS SITE
- 15) FIELD RUN SURVEY PREPARED BY BAZIKIAN CONSULTANTS, LTD.
- 16) THE ENTIRE SITE HAS BEEN COMPLETED SINCE MID 2006
- 17) THE ENTIRE PARCEL WAS CLEARED AND ALL OPEN SPACE AREAS HAS BEEN LANDSCAPED PER ARTICLE 13 OF THE ZONING ORDINANCE.
- 18) THE PROPERTY DELINEATED HEREON IS SHOWN ON FAIRFAX COUNTY TAX MAP # 031-3-001-72.



EX. PILLARS

NO.	HEIGHT
1.....	7.83'
2.....	6.33'
3.....	6.58'
4.....	5.4'
5.....	5.5'
6.....	5.25'
7.....	5.17'
8.....	5.33'
9.....	5.17'
10.....	5.17'
11.....	6.75'
12.....	6.71'
13.....	7.71'

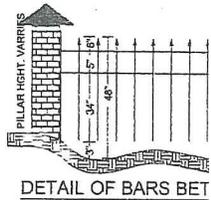
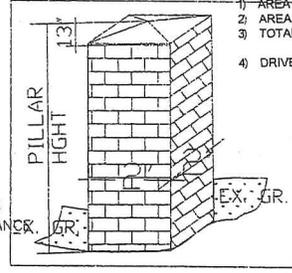
WALL HEIGHTS BETWEEN PILLARS

1 TO 2	42" - 52"
3 TO 4	41" - 54"
10 TO 11	37" - 55"
12 TO 13	42" - 52"

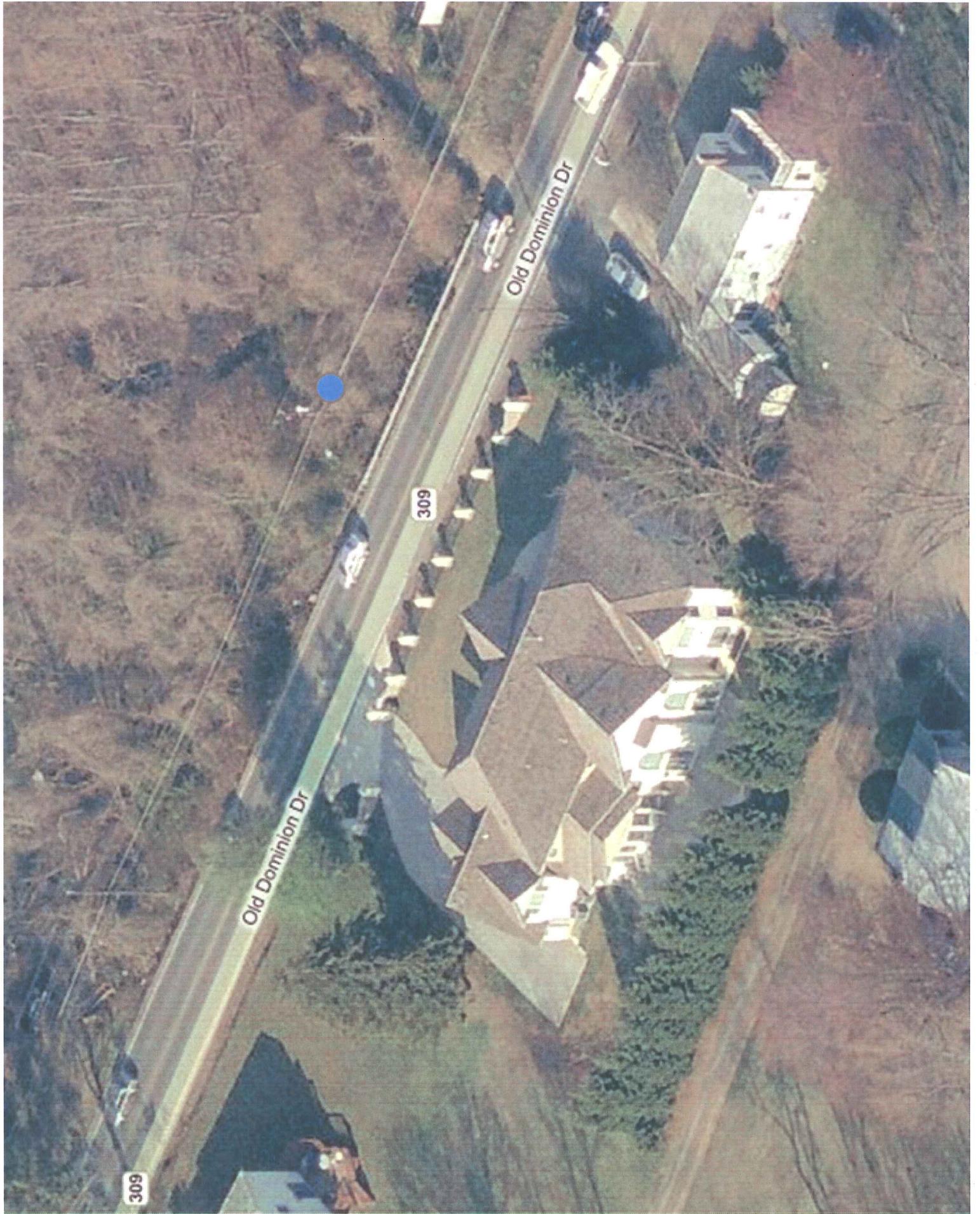
BLOWN UP OF EXISTING FRONT IMPERVIOUS WALL
SCALE: 1"=10'

FRONT YARD AREA USAGE SUMMARY

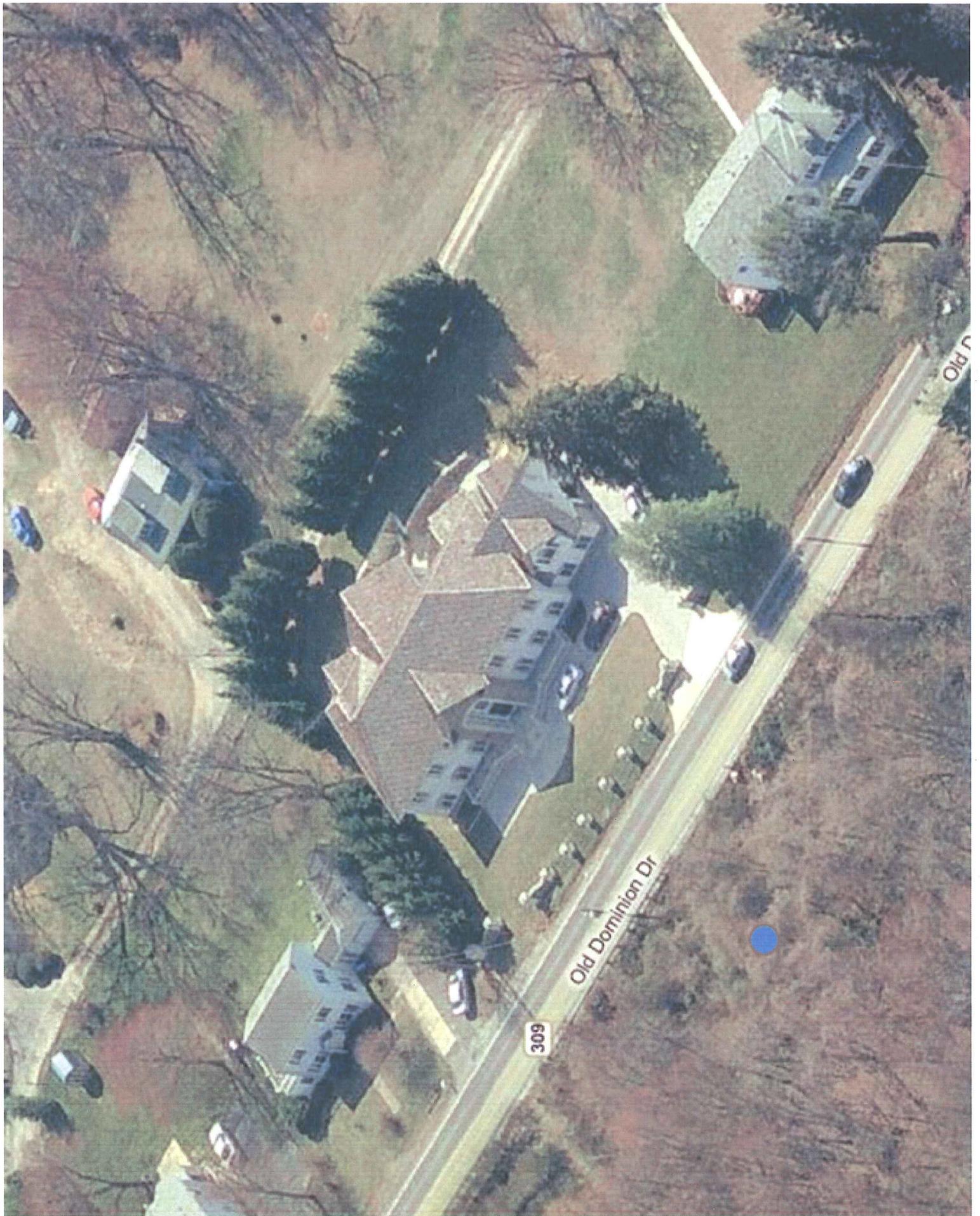
- 1) AREA BETWEEN BUILDING AND RIGHT OF WAY
- 2) AREA ON THE OTHER SIDE OF THE STREET
- 3) TOTAL AREA NO. (1) + (2)
- 4) DRIVEWAY AREA WITHIN THE BUILDING & RW

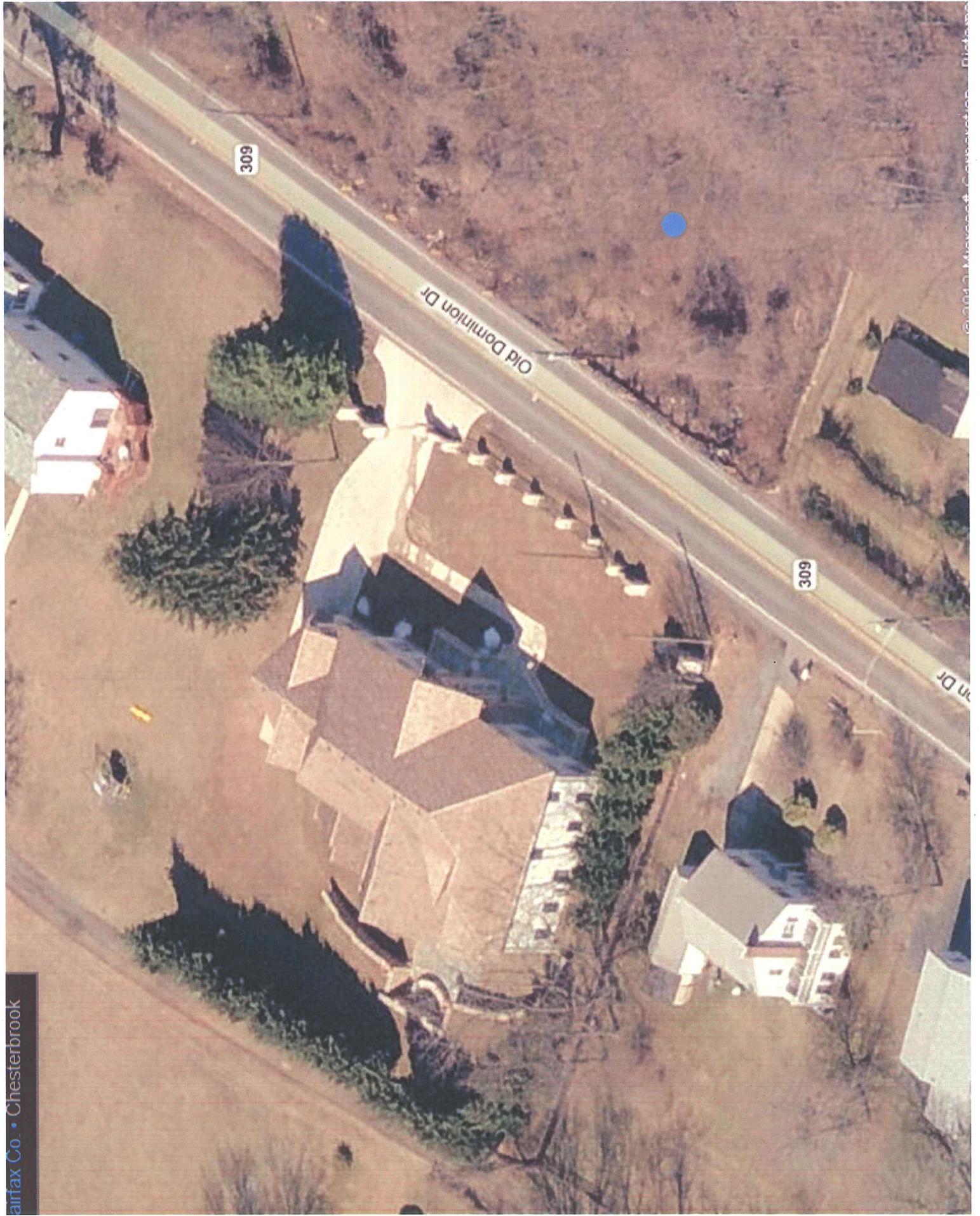


DETAIL OF BARS BETWEEN PILLARS



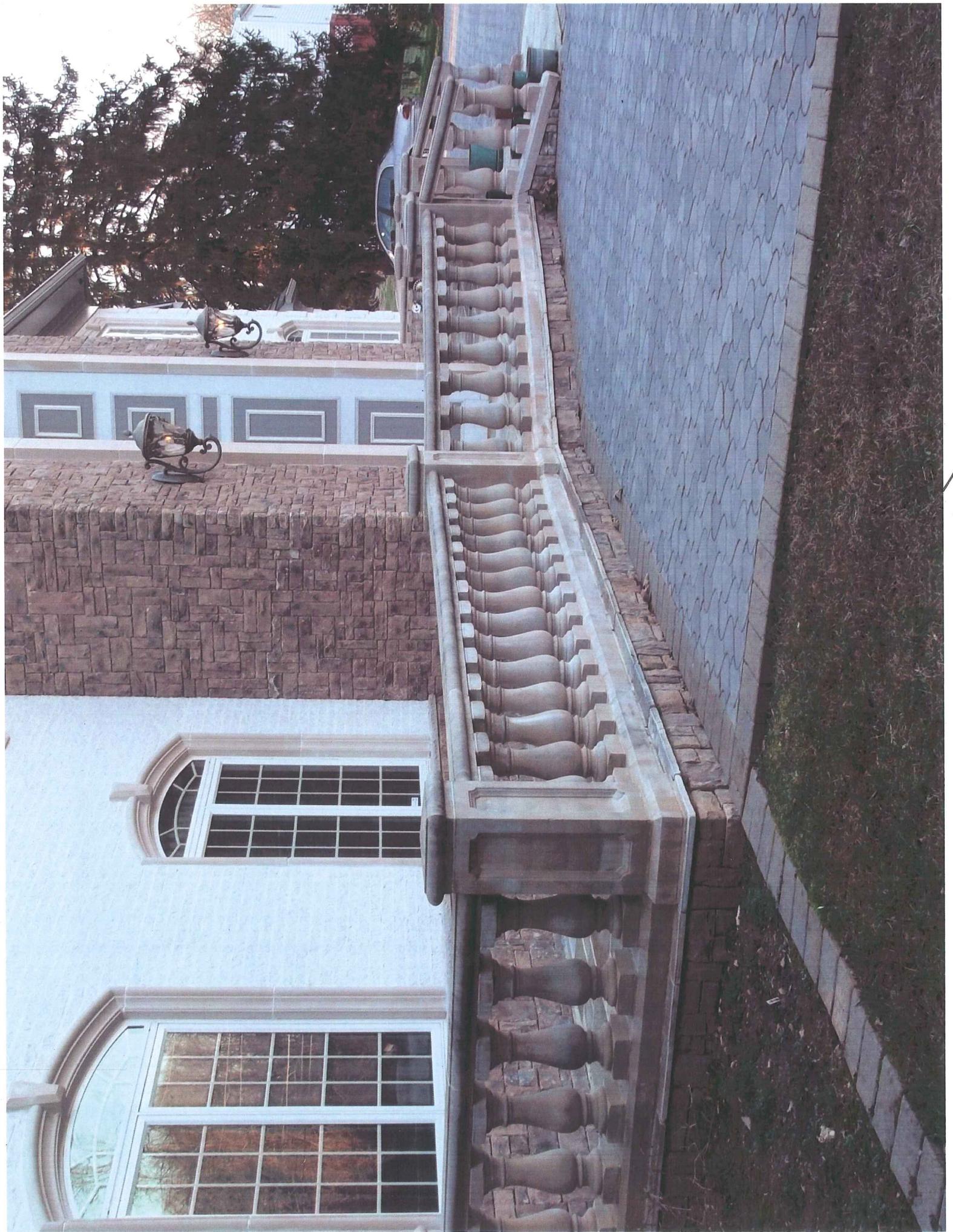








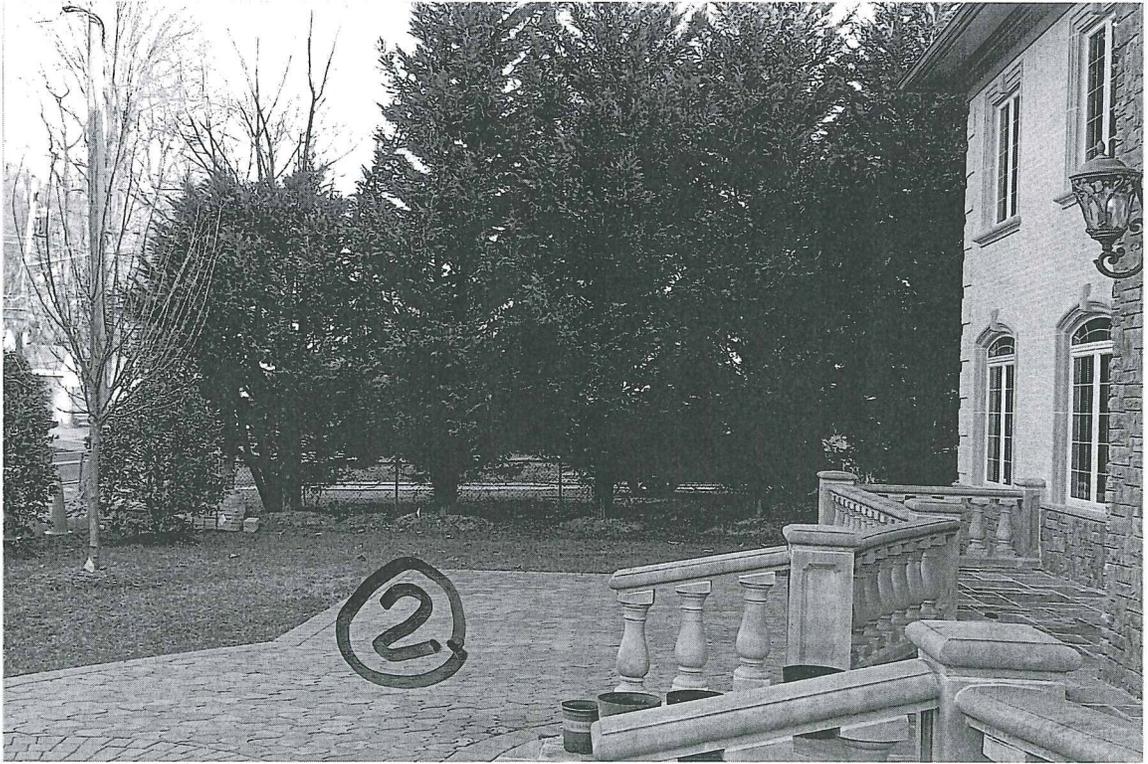
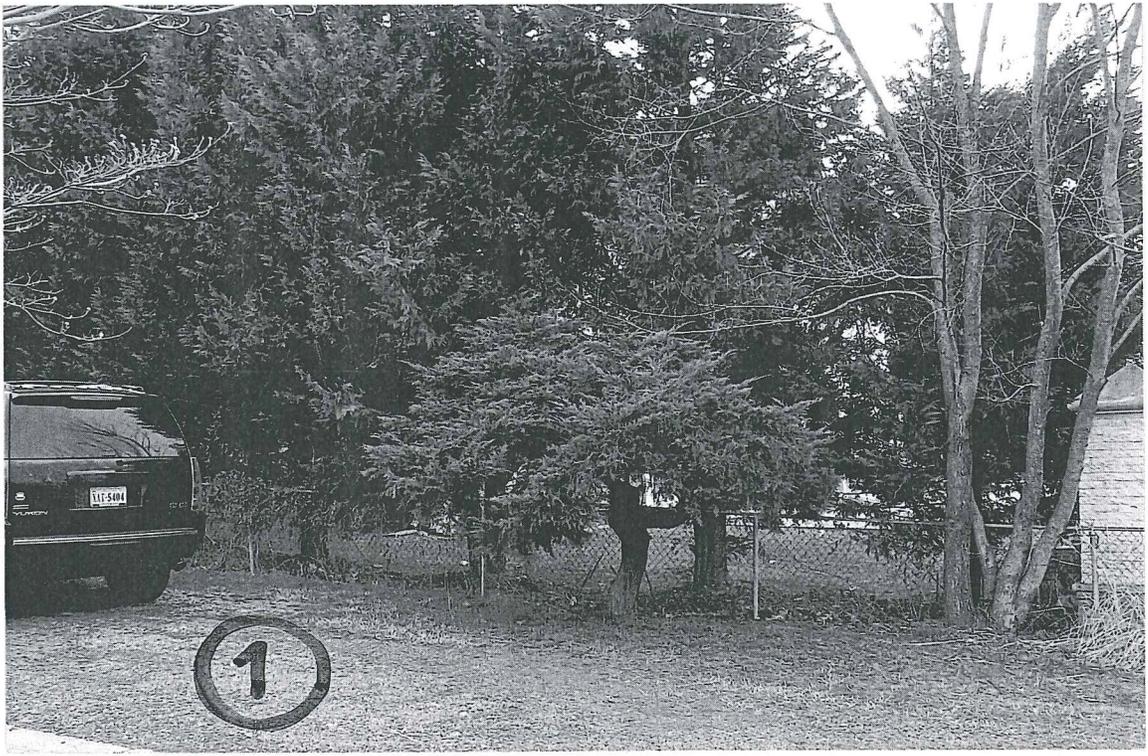


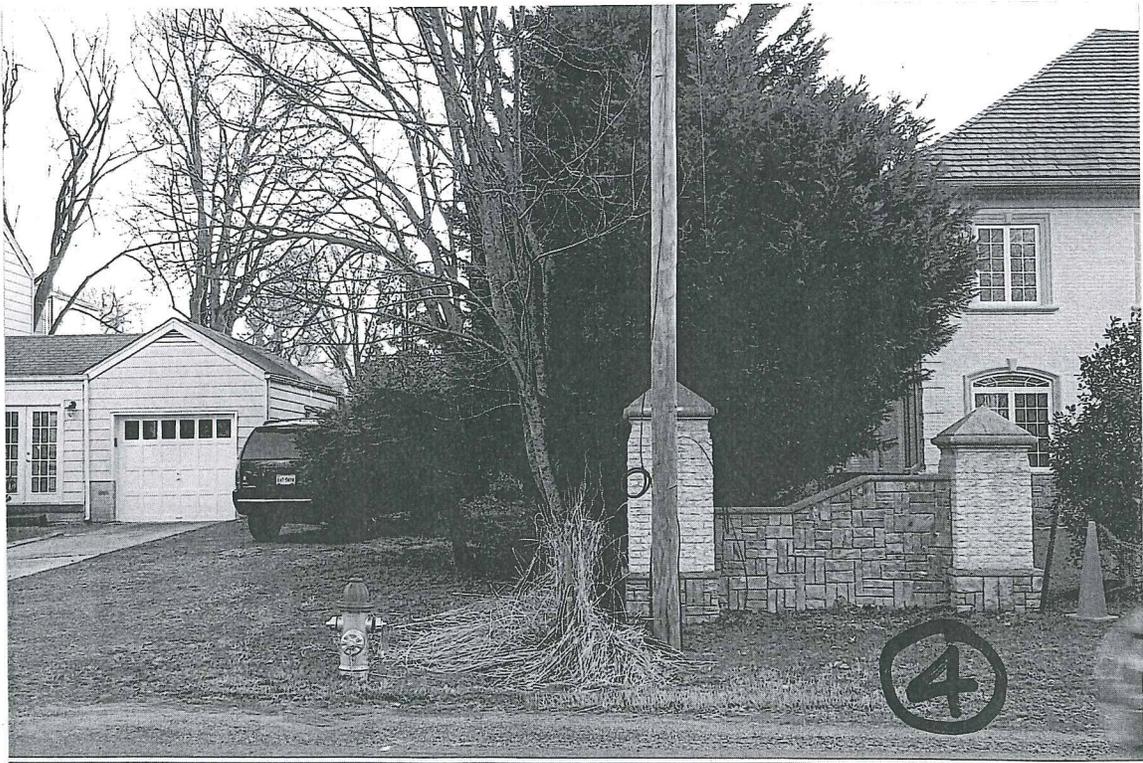
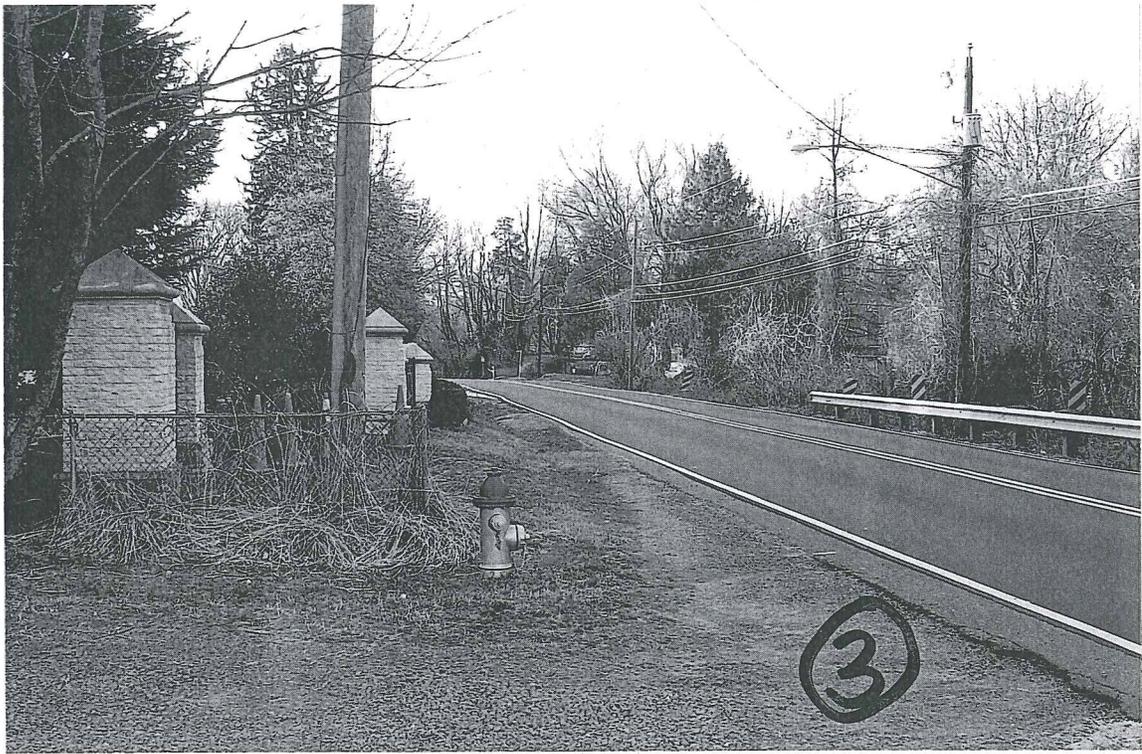


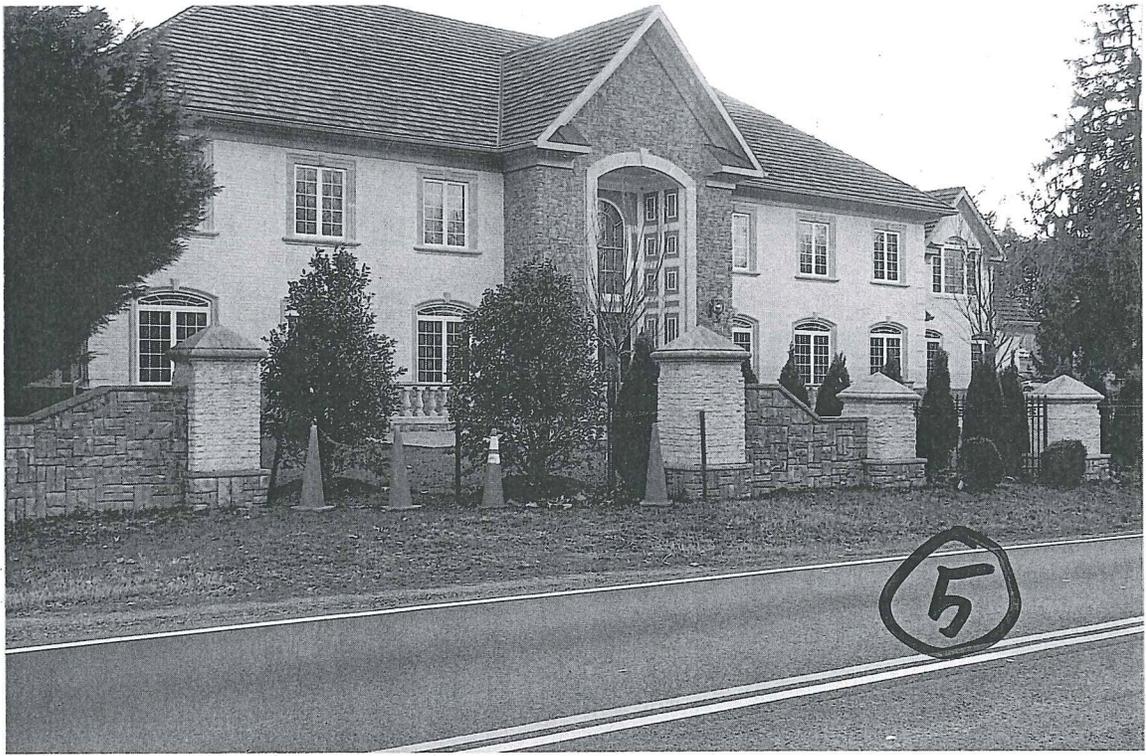


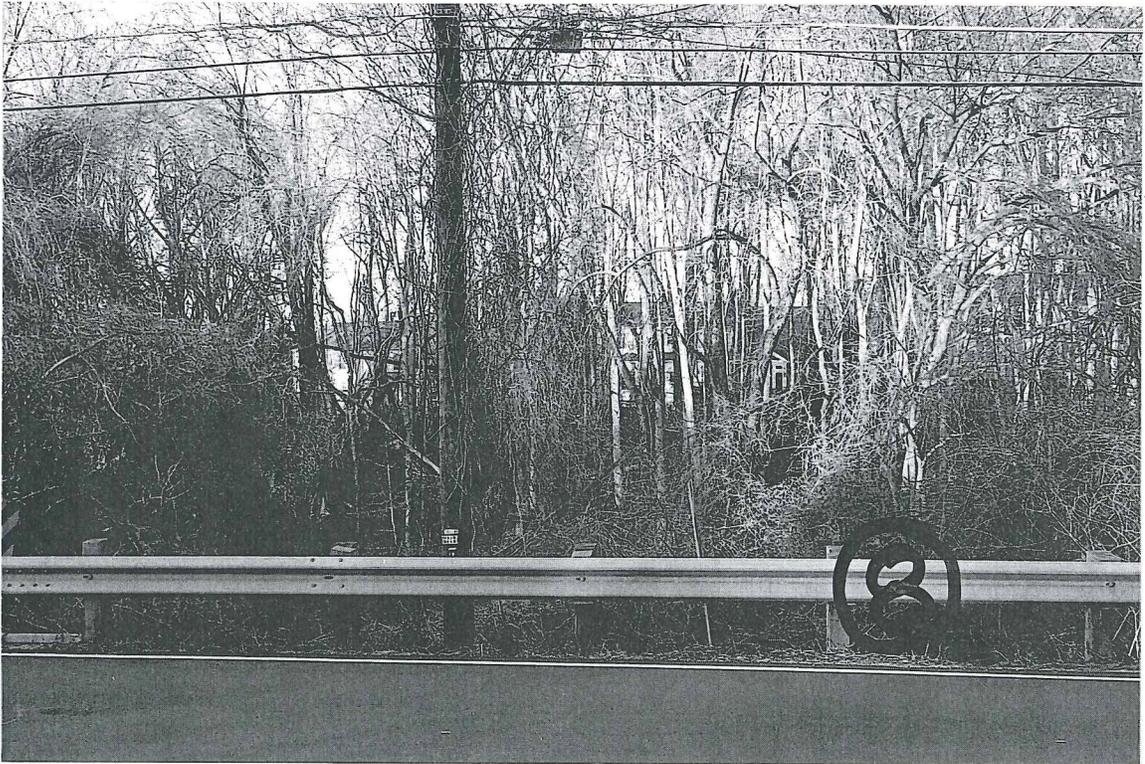
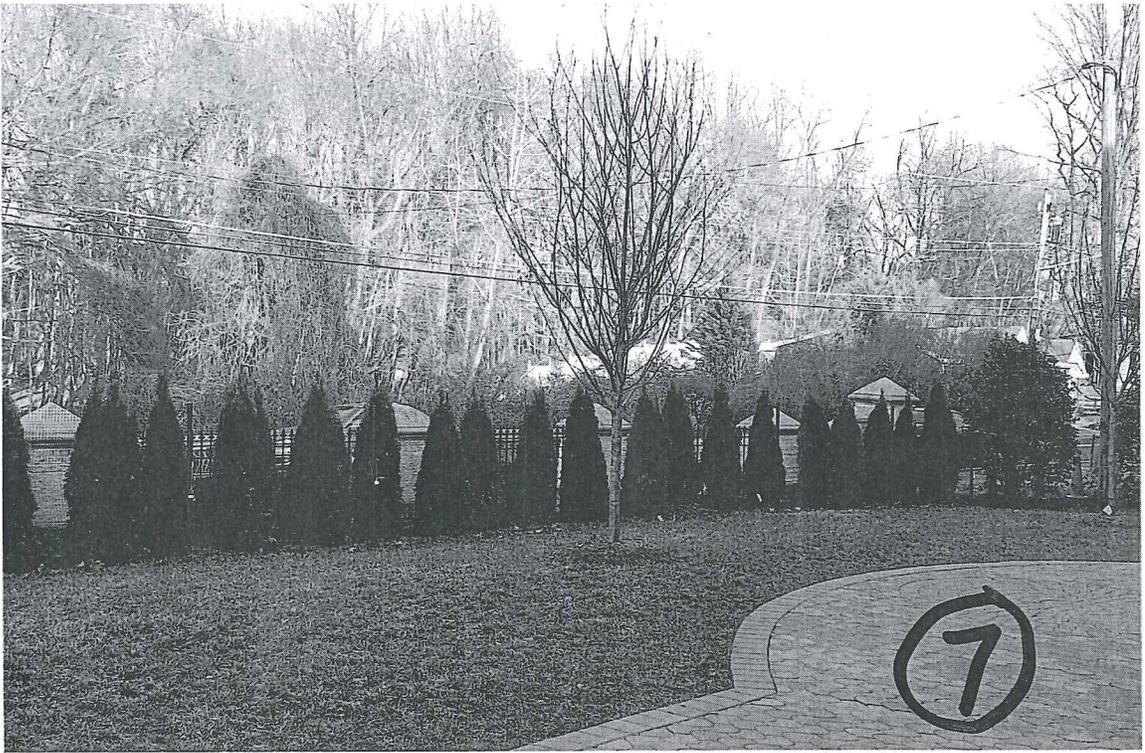


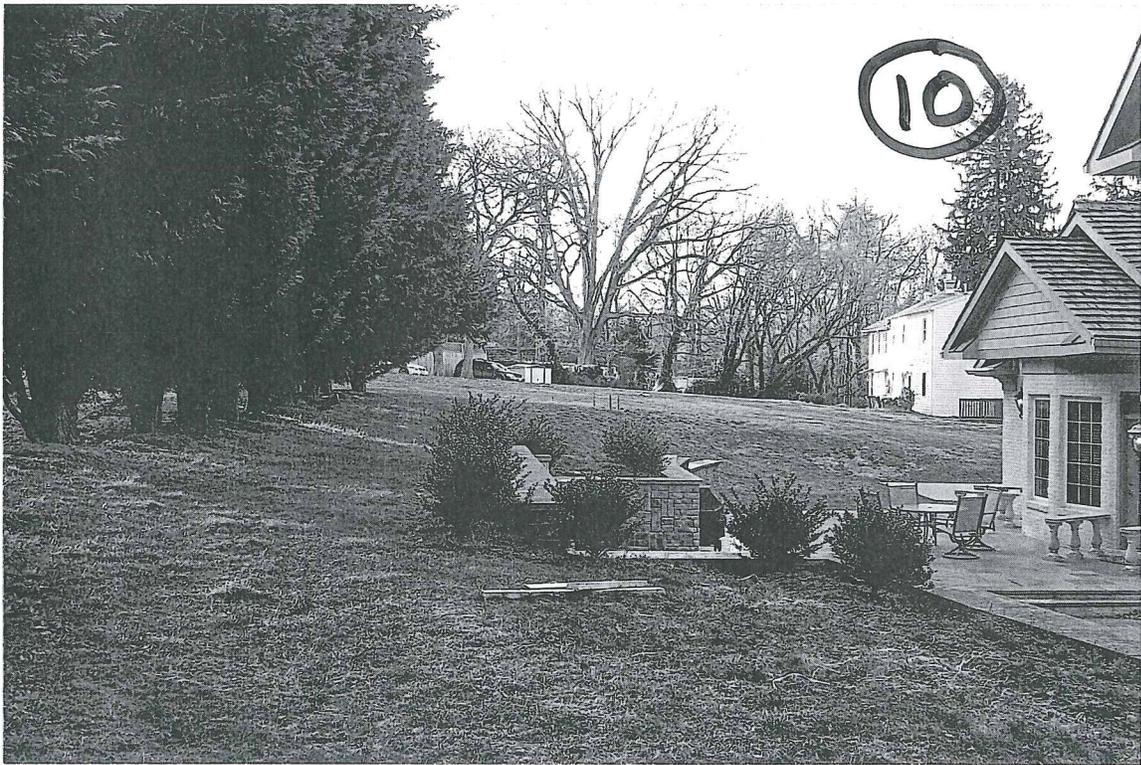
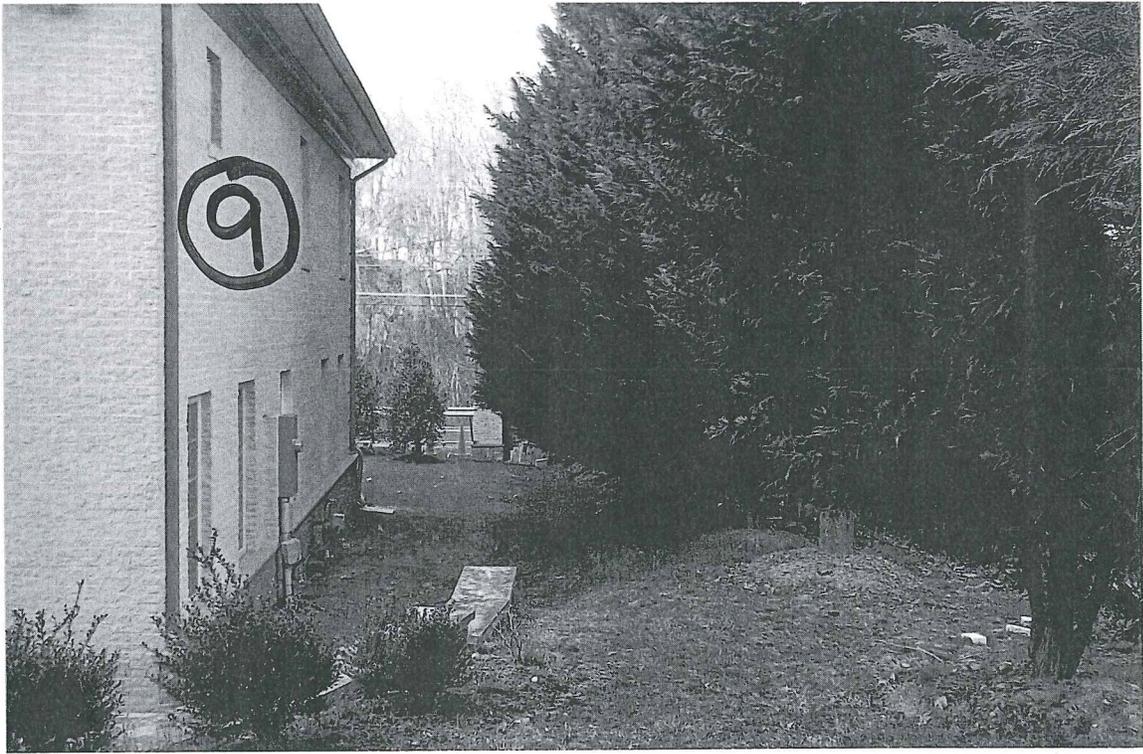


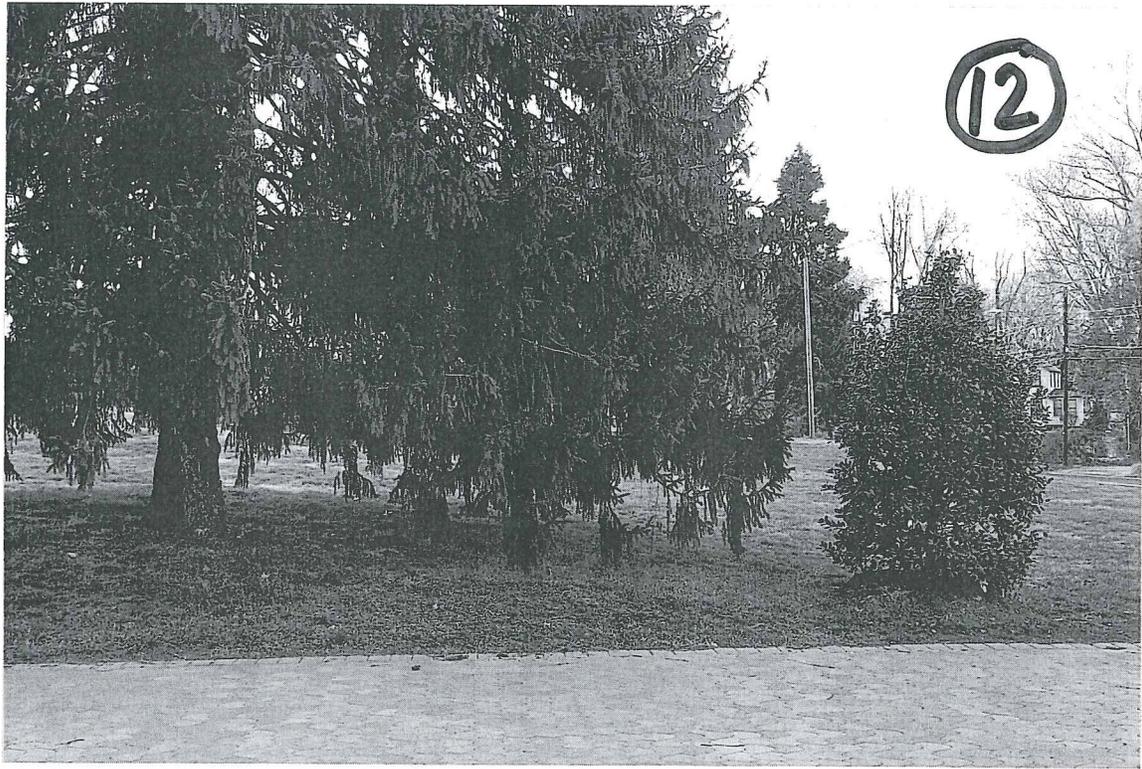




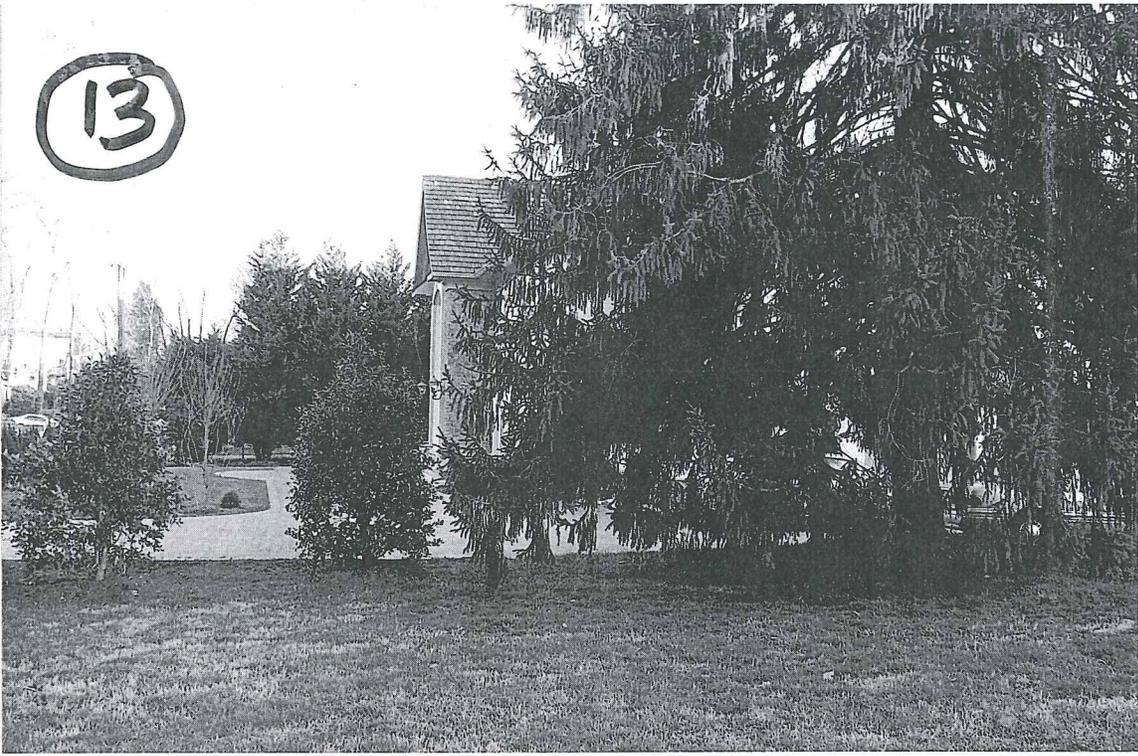




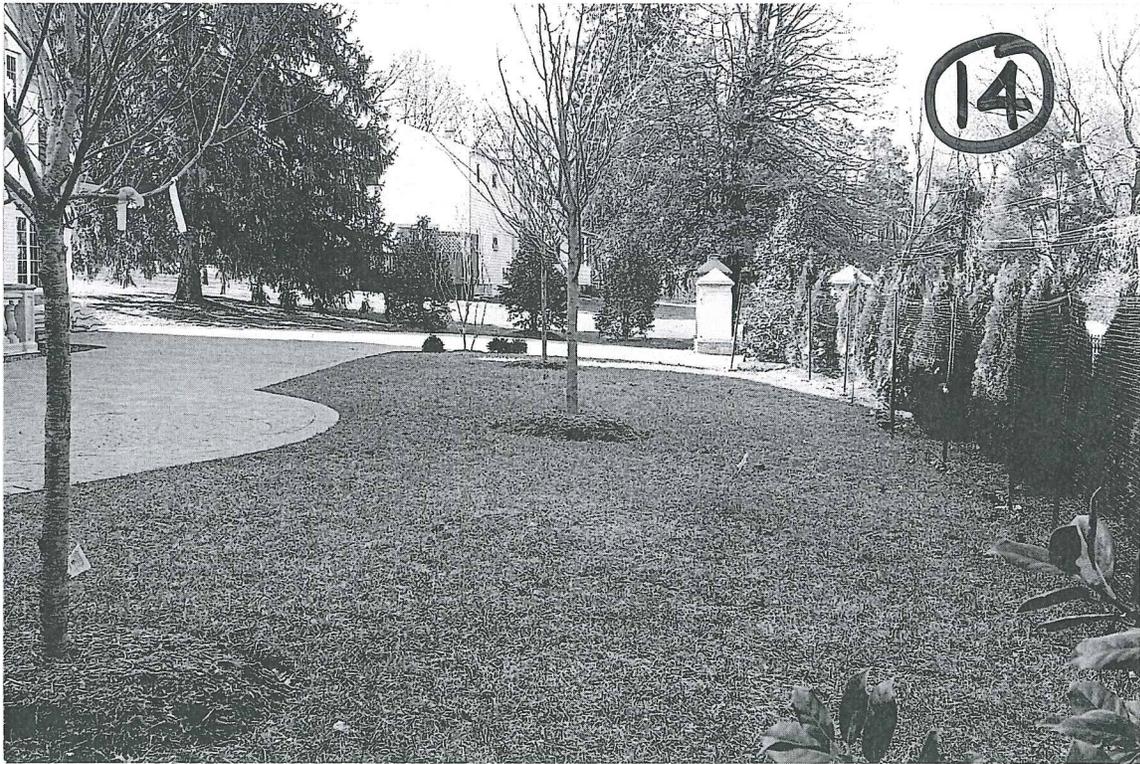


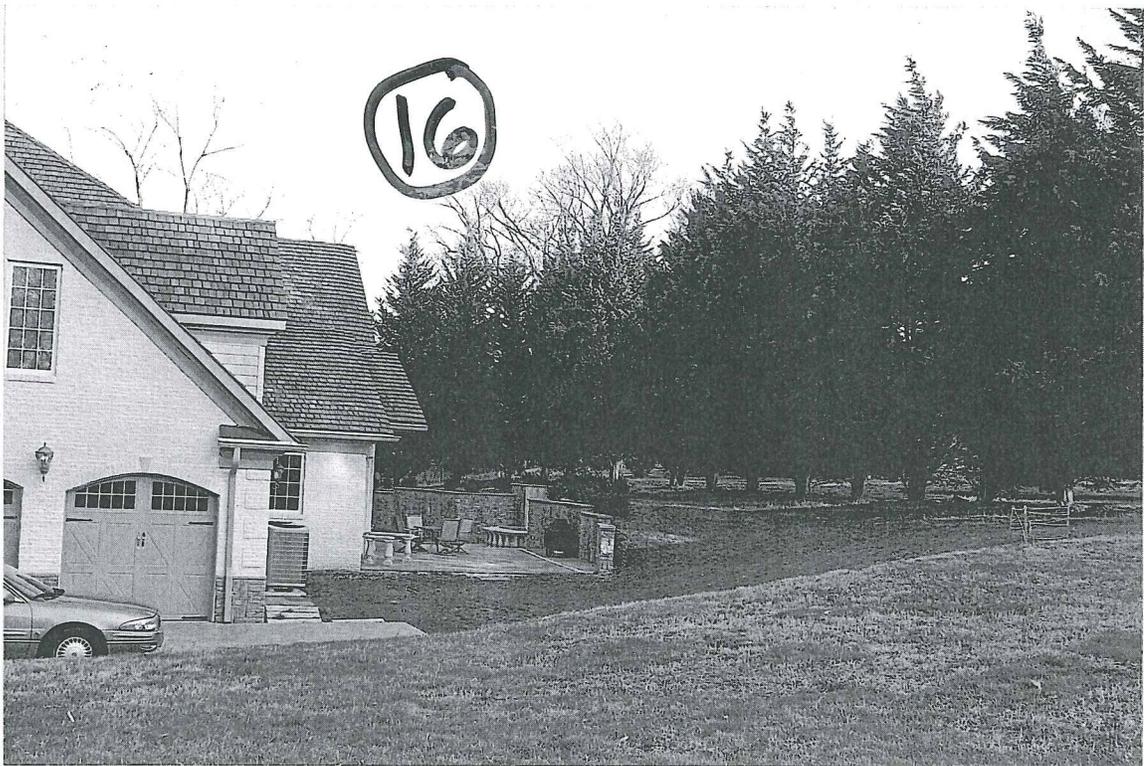
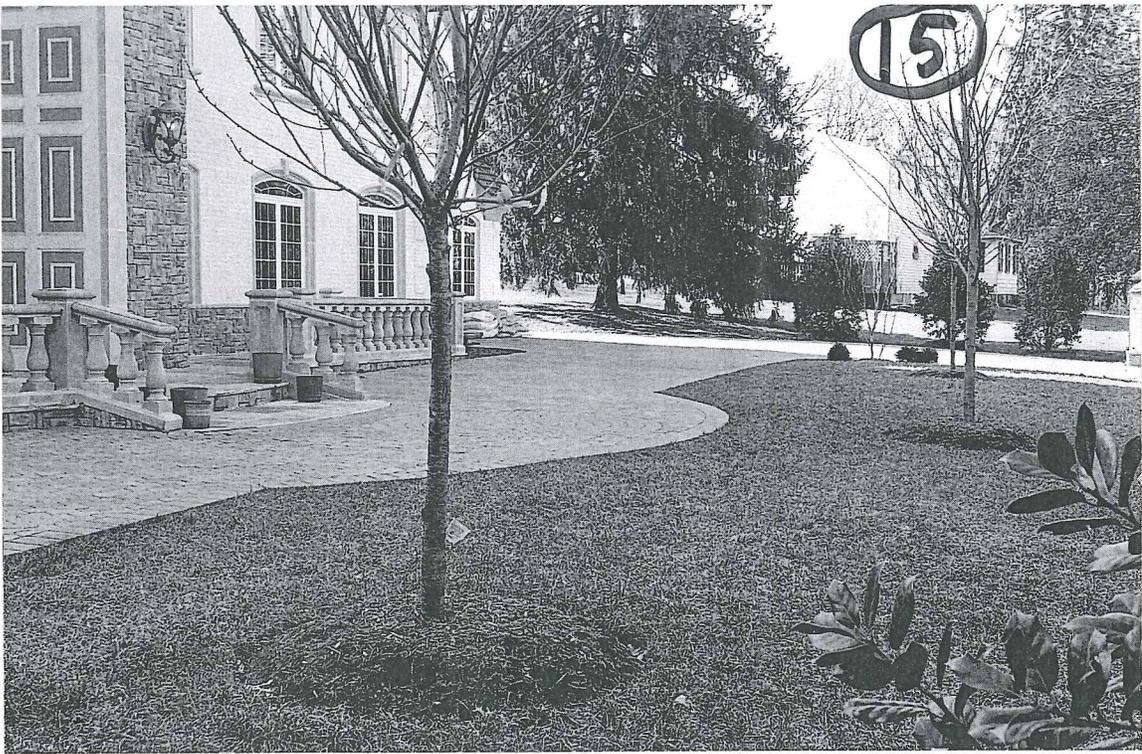


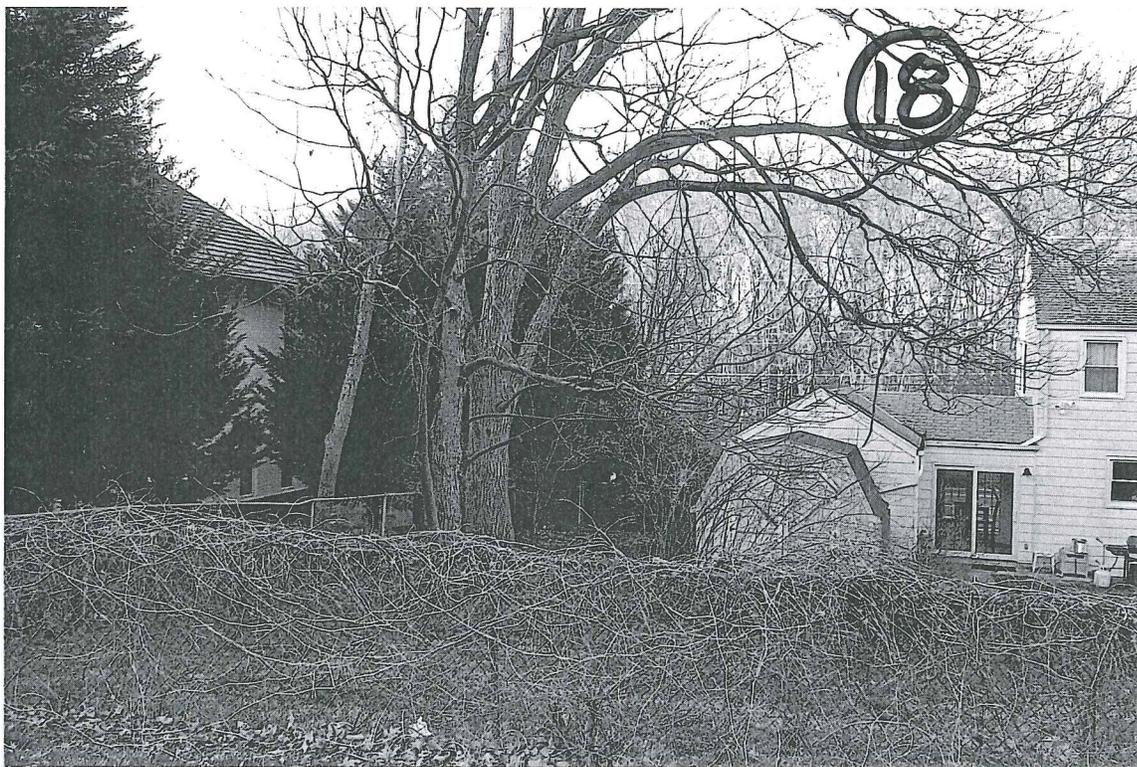
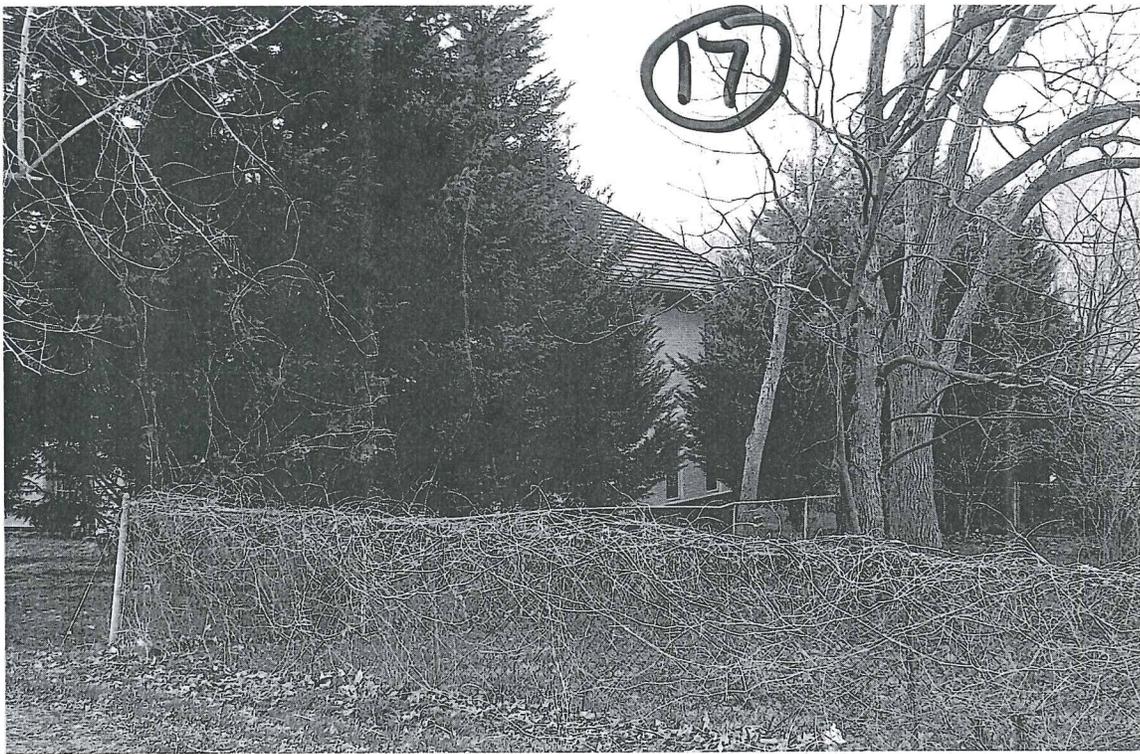
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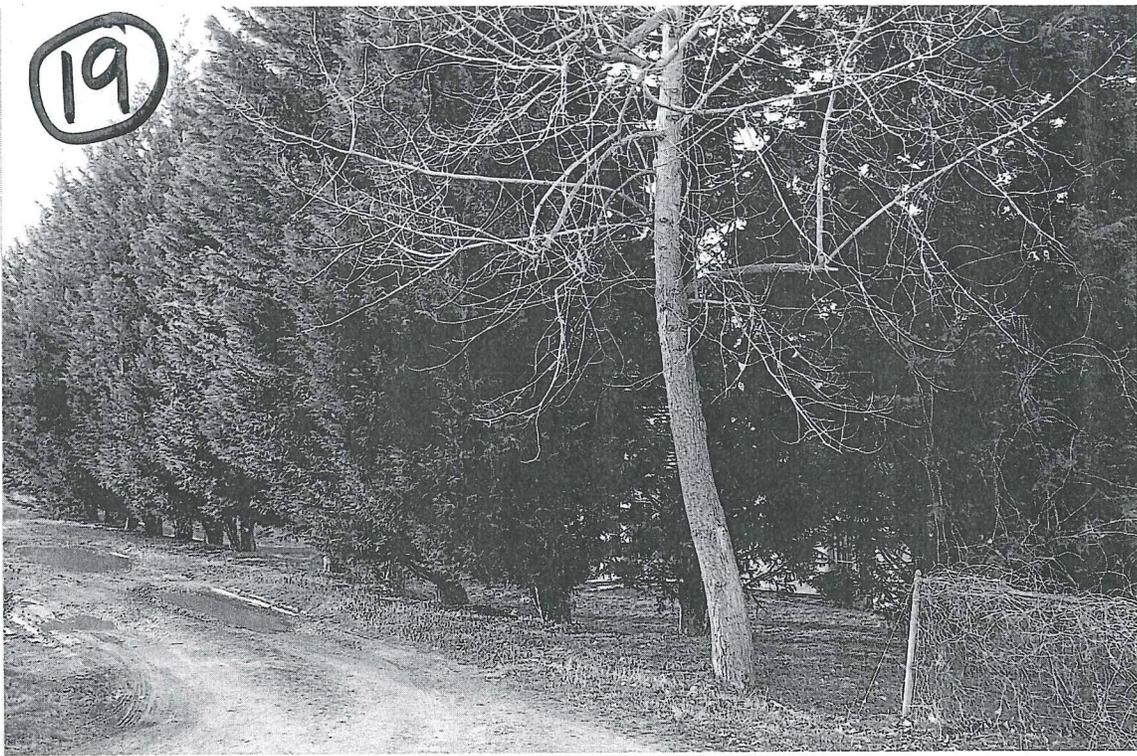
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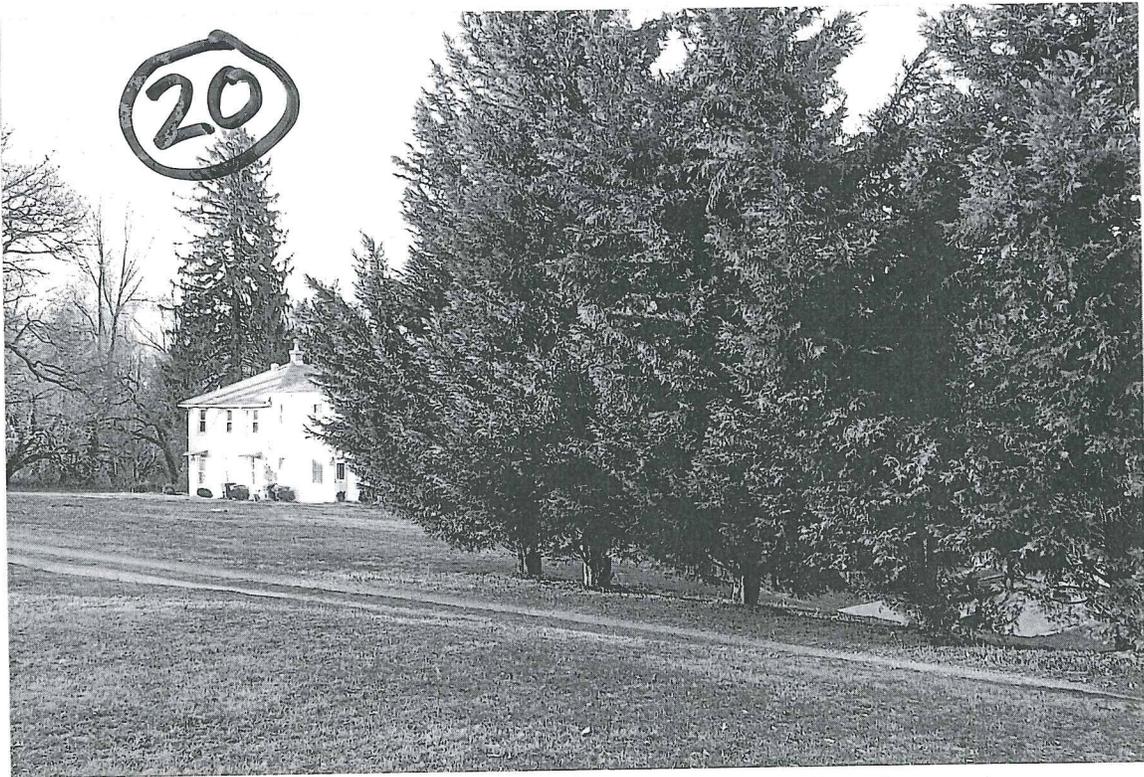


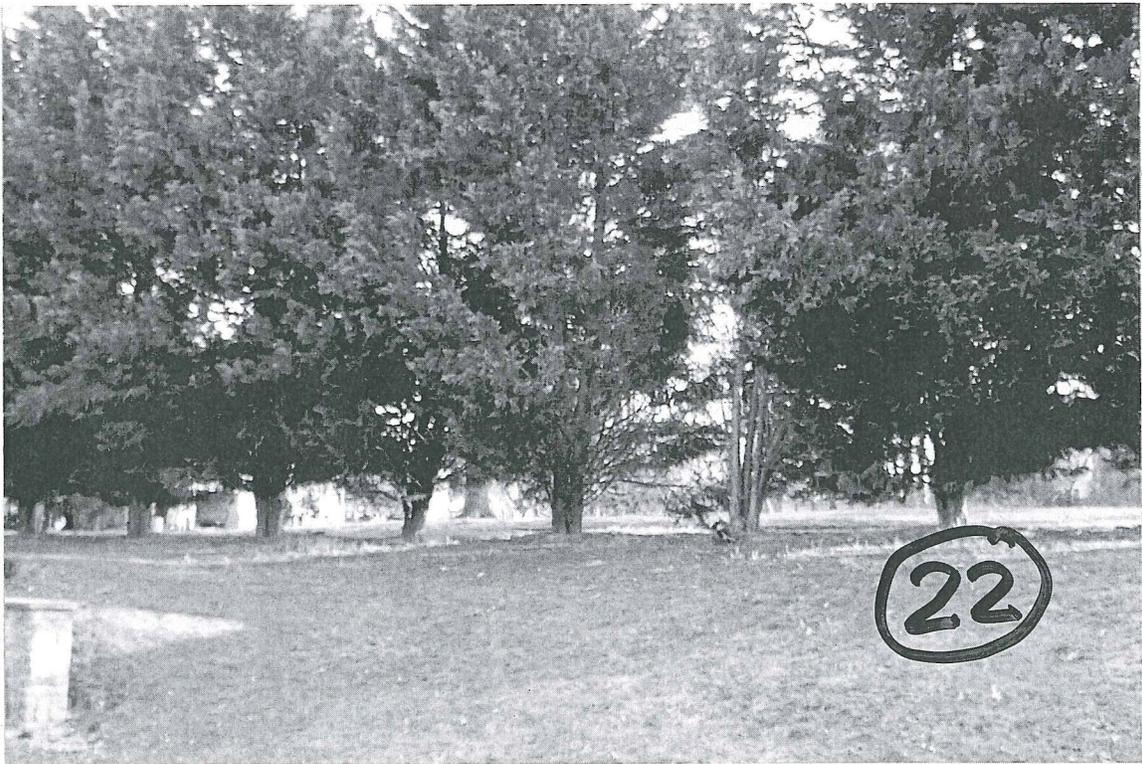
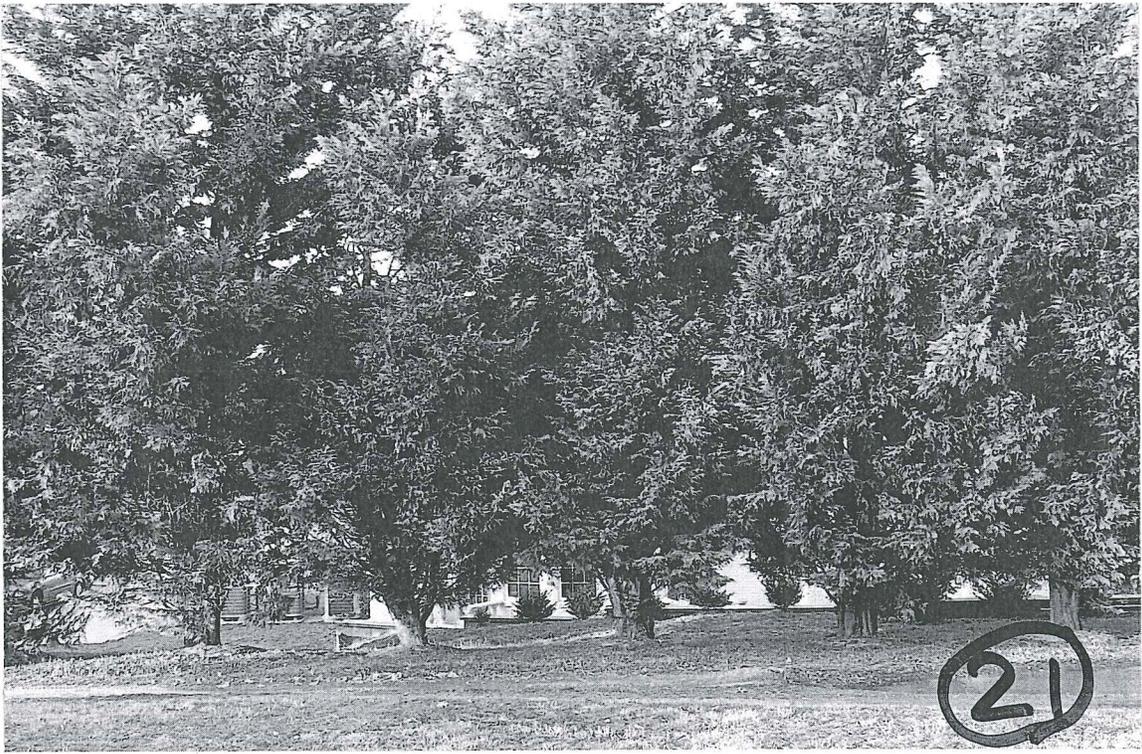


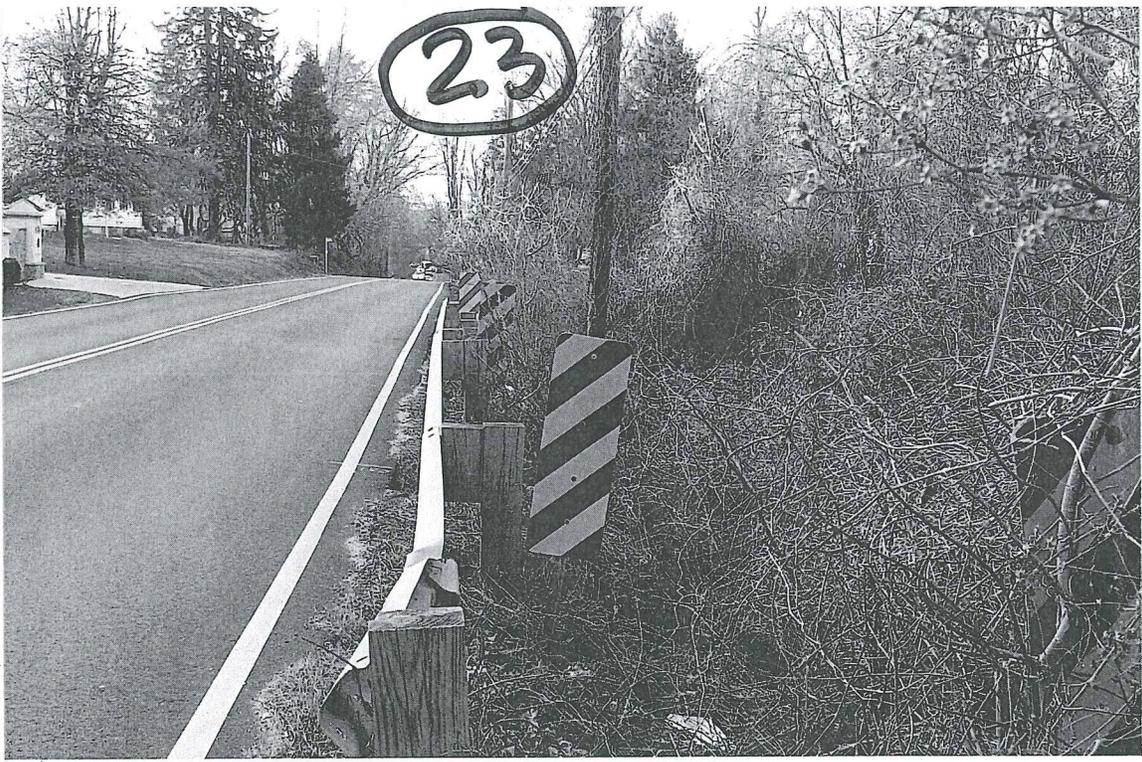
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DESCRIPTION OF APPLICATIONS

Special Permit Requests

The applicant is requesting approval of two separate special permits. The first request is to allow a reduction to minimum yard requirements based on an error in building location to permit an existing deck, consisting of an at-grade concrete paver patio, which is located 23.4 feet from a front lot line to remain.

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit Request #1	Deck (at-grade patio)	Front	40.0 feet	6.0 feet**	34.0 feet	23.4 feet	10.6 feet	31%

* Minimum yard requirement per Section 3-107

** Permitted extension per Section 2-412

The second special permit request is to permit an existing fence greater than 4.0 feet in height to remain in a front yard. A special permit can be filed to permit a fence in a front yard up to 6.0 feet high. Since some portions of the fence/wall and pillars are higher than 6.0 feet, if the Board of Zoning Appeals (BZA) approves the special permit request, the applicant will reduce those sections where applicable to 6.0 feet.

	Structure	Yards	Height Permitted By right	Maximum Height Permitted by Special Permit	Modification Requested
Special Permit Request #2	Fence	Front	4.0 feet	6.0 feet	2.0 feet

Variance Request

Although the applicant is requesting a fence height increase through special permit, the maximum height permitted under special permit approval is 6.0 feet. Since some of the pillars and portions of the decorative wall between 4 sections of the pillars exceed the maximum height of 6.0 feet, the applicant is also requesting a variance to allow the existing fencing and pillars to remain at their current heights along the front property line. The applicant would prefer not to modify the existing pillar and wall heights; however, if the Board does not grant the applicant's variance request, he proposes to reduce the height of the brick pillars and decorative walls as referenced previously if the BZA approves the special permit.

The combination wrought iron fencing, brick pillars and decorative walls are located in the front yard along Old Dominion Drive. As outlined in detail on the plat located at the front of the staff report, there are 13 brick pillars which range in height from 5.17 feet to 7.83 feet. Between some of the pillars there are brick decorative walls ranging in height from 3.08 feet (37") to 4.58 feet (55"). Between other pillars there are 4.0 foot in height wrought iron fence panels.



EXISTING SITE DESCRIPTION

The 32,154 square-foot property is separated by Old Dominion Drive and consists of 25,136 square feet on the south side where the dwelling is located and 7,018 on the north side of Old Dominion Drive which is vacant. Based on a Zoning Administration verbal determination, the front lot line is measured from only the 25,136 square foot portion of the parcel. The site is accessed via a concrete paver driveway which extends from Old Dominion Drive alongside the eastern side of the dwelling and terminates at an existing side loading garage. The front of the dwelling contains a front porch which extends along a majority of the front of the house with steps leading onto a concrete paver at-grade patio and the driveway. The yard is well manicured and contains existing mature trees. An at-grade patio and decorative wall and fountain feature are located in the rear yard.

CHARACTER OF THE AREA

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

BACKGROUND

Records indicate that the two-story brick with stone single-family detached dwelling was constructed in 2007. The applicant purchased the property in 2009 with all of the features as they exist on the site today. The previous homeowners obtained a building permit which included the submission of an Infill Lot Grading Plan (IGP) to construct the proposed dwelling and driveway and other features on the lot. During Site Review of the IGP, it was determined that the construction on the property exceeded the building permit request and the allowable impervious surface calculation for the entire lot exceeded the permitted 18% per the Public Facilities Manual and therefore the plan was not approved. The property subsequently went into foreclosure status and the permitting process was not pursued. The applicant purchased the property in 2009 and has been working with County staff to receive final inspection and close the permitting process; however, is unable to finalize these items without BZA action on the applications.

On January 25, 2011, a Notice of Violation (NOV) was issued by the Department of Public Works and Environmental Services (DPWES) to the applicant for failure to follow the approved Infill Lot Grading Plan on record. The notice outlined that it was required that the applicant submit a revised plan which would show the current site conditions to include driveways, columns, side load garage, retaining walls, etc. A copy of the NOV is attached as Appendix 5.

The applicant originally submitted a variance request to permit impervious coverage in the front yard which exceeded 25% allowable under the Zoning Ordinance. However, during review of the applications it was determined that portions of the calculation included areas utilized as an at-grade patio located in front of the dwelling adjoining the driveway. The areas used as a driveway reflect 20.8% of impervious coverage. As shown on the plat, to ensure the area delineated as a ground level patio/walkway is not utilized in the future to park vehicles, the applicant has committed to installing a 2 x 4 permanent planter feature to delineate the two areas. Staff has included a development condition to ensure this issue has been resolved.

If the special permit and/or variance applications are approved, the resubmission of an Infill Lot Grading Plan will need to be formally submitted to DPWES, along with a BMP waiver. DPWES engineers believe, based on their current review, that the applicant should be required to submit the plans to their office for review and approval within 120 days of the variance approval.

Records indicate that no other applications for similar requests have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

A copy of the plat depicting the structures on site, titled "Front Impervious Coverage & Ornamental Fence Pillar Height Variance Request Plat", prepared by Civiland, LLC, dated April 3, 2012, as revised and sealed through June 4, 2012, is included at the front of the staff report.

ZONING ORDINANCE REQUIREMENTS (See Appendix 6)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location (Sect. 8-914)
- Provisions for Increase in Fence and/or Wall Height in Any Front Yard (Sect. 8-923)
- Required Standards for Variances (Sect. 18-401)

This special permit is subject to Sects. 8-006, 8-903, 8-914, 8-923 and 18-401 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the 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, Proposed Development Conditions.

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

APPENDICES

1. Special Permit Proposed Development Conditions
2. Variance Proposed Development Conditions
3. Applicant's Affidavits
4. Applicant's Statement of Justification and Attachments
5. Notice of Violation dated January 25, 2011
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2012-DR-016

June 20, 2012

1. This special permit is approved for the location of fencing, brick pillars and decorative walls in the front yard, a maximum 6.0 feet in height, and deck (at-grade patio) as shown on the plat prepared by Civiland, LLC, dated April 3, 2012, as revised and sealed through June 4, 2012, as submitted with this application and is not transferable to other land.
2. A revised Infill Lot Grading Plan which reflects the current site conditions shall be submitted to the Department of Public Works and Environmental Services within 120 days of approval of this application.
3. The fencing, brick pillars and decorative walls shall be reduced in height as applicable, and permits and final inspections for these features shall be obtained within 120 days of approval of this variance application.
4. The installation of a 2 x 4 permanent planter to clearly delineate the concrete paver driveway from the concrete paver patio, as shown on the plat, shall be installed within 30 days of approval of this application and shall be reflected on the revised Infill Lot Grading Plan.

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.

PROPOSED DEVELOPMENT CONDITIONS

VC 2012-DR-003

June 20, 2012

1. This variance is approved for the location of fencing, brick pillars and decorative walls as shown on the variance plat prepared by Civiland, LLC, dated April 3, 2012 as revised and sealed through June 4, 2012, as submitted with this application and is not transferable to other land.
2. A revised Infill Lot Grading Plan which reflects the current site conditions shall be submitted to the Department of Public Works and Environmental Services within 120 days of approval of this application
3. All applicable permits and final inspections for the fence, brick pillars and decorative walls shall be obtained within 120 days of approval of this variance application.
4. The installation of a 2 x 4 permanent planter to clearly delineate the concrete paver driveway from the concrete paver patio, as shown on the variance plat, shall be installed within 30 days of approval of this application and shall be reflected on the revised Infill Lot Grading Plan.

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 including requirements for building permits.

Application No.(s): SP 2012-DR-016
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/17/2012
(enter date affidavit is notarized)

I, Farhang Mojgani, 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 115373

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)
Sanjeev Magoon	6319 Old Dominion Dr. McLean, VA. 22101	Owner / Applicant FM
CIVILAND, LLC	20924 Nerine Ct Sterling, VA. 20165	Agent
Farhang Mojgani	20924 Nerine Ct. Sterling, VA. 20165	Agent

(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-DR-016
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/17/2012
(enter date affidavit is notarized)

115 373

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)
CIVILAND, LLC
20924 Nerine Ct.
Sterling, VA. 20165

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)
Farhang Mojgani

(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 2013-DR-016
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/17/2012
(enter date affidavit is notarized)

115273

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)

N/A

(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-016
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/17/2012
(enter date affidavit is notarized)

115373

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-DR-016
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/17/2012
(enter date affidavit is notarized)

115373

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

[] Applicant [Signature] [x] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 17th day of April, 2012, in the State/Comm. of VIRGINIA, County/City of LOUDOUN.

[Signature]
Notary Public

My commission expires: 2/29/2016

SHERAZ FRANCIS
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES FEB. 29, 2016
COMMISSION # 7205839

Application No.(s): VC 2012-DR-003
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/17/2012
(enter date affidavit is notarized)

I, Farhang Mojgani, 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

115367

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)
Sanjeev Magoon	6319 Old Dominion Dr. McLean, VA. 22101	Owner / Applicant F.M.
CIVILAND, LLC	20924 Nerine Ct Sterling, VA. 20165	Agent
Farhang Mojgani	20924 Nerine Ct. Sterling, VA. 20165	Agent

(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): VC 2012-DR-003
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/17/2012
(enter date affidavit is notarized)

115367

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)
CIVILAND, LLC
20924 Nerine Ct.
Sterling, VA. 20165

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)
Farhang Mojgani

(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): VC 2012 - DR - 003
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/17/2012
(enter date affidavit is notarized)

115367

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)

N/A

(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):

VC 2012-DR-003
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/17/2012
(enter date affidavit is notarized)

115 367

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): VC 2012-DR-003
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/17/2012
(enter date affidavit is notarized)

115 367

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

[] Applicant

[x] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 17th day of April, 2012, in the State/Comm. of VIRGINIA, County/City of LOUDOUN.

[Signature]
Notary Public

My commission expires: 2/29/2016

SHERAZ FRANCIS
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES FEB. 29, 2016
COMMISSION # 7205839

May 23, 2012

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

**Re: Mr. Sanjeev Magoon Property located in 6319 Old Dominion Drive,
McLean, VA 22101 (Tax Map 031-3-001-72)
Fence and Pillar Height Variance Request**

Dear Board:

I Sanjeev Magoon, hereby certify that I have purchased this property in good faith from Citibank and was not involved in any of the construction that I am requesting waiver for, the construction was complete when Citibank obtained possession of the property in foreclosure and when we have purchased the property.

Sincerely yours,



Sanjeev Magoon
Property Owner
6319 Old Dominion Drive
McLean, VA 22101
202-550-7893



CIVIL AND LAND DEVELOPMENT ENGINEERING

P.O. Box 650206
Sterling, VA 20165
Tel (703) 404-0363
Fax (703) 404-0443

April 4, 2012

LETTER OF JUSTIFICATION

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

RECEIVED
Department of Planning & Zoning

APR 04 2012

Zoning Evaluation Division

**Re: Mr. Sanjeev Magoon Property located in 6319 Old Dominion Drive,
McLean, VA 22101 (Tax Map 031-3-001-72)
Fence and Pillar Height Variance Request**

Dear Sir/Madam:

Mr. Sanjeev Magoon, hereby request a grant for variance from current zoning ordinance as indicated below, please see attached detailed site plan and justification.

SITE DESCRIPTION

The subject property is constructed and within the years of 2005-2006 by original owner, Mr. Magoon is current and the second owner of this property, he has tried to obtain all inspection close outs that previous owner missed, and the issue of the 6 inch variation in pillar height has arise from such inspections.

The entire property is approximately 32,154 sf and is identified on Fairfax County Tax Map 031-3-001- Parcel 72. 25136 sf is located in one side of Old Dominion Drive and 7018 sf on the other side with R-1 zoning. The site is bounded by residential properties with the same R-1 zoning designation in all four North, South, East and west directions.

Yard Setback	Required	Provided
Sides	20'	25' (LT), 22' (RT)
Rear	25'	56.6'
Front	40'	49.4'

ZONING VARIANCE REQUEST

Front yard existing ornamental pillar and fence height is less than 6' this request is to keep the fence as it is with no alteration requirement.

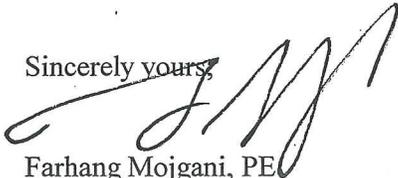
ZONING VARIANCE REQUEST RESONING

RECEIVED
Department of Planning & Zoning
APR 04 2012
Zoning Evaluation Division

1. The maximum fence or wall does not exceed six (6) feet pursuant to par. 31 of Sec. 10-104
- 2 The fence meets the sight distance requirements in section 2-505.
3. That fence is already constructed about in year 2006-7.
4. That the fence is harmonious with surrounding properties.
5. That existing fence does not adversely impact the properties in the vicinity, please see positive comment letters from two adjacent neighbors.
6. That the entire length of the fence has densely landscaped and within few years the plantings will screen the fence from street view.

For the above reasons, this variance to the current zoning designation is respectfully requested and we hope that the staff will support this request.

Sincerely yours,



Farhang Mojgani, PE
project Manager



CIVIL AND LAND DEVELOPMENT ENGINEERING

P.O. Box 650206
Sterling, VA, 20165
Tel (703) 404-0363
Fax (703) 404-0443

April 4, 2012 **LETTER OF JUSTIFICATION**

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

RECEIVED
Department of Planning & Zoning

APR 04 2012

**Re: Mr. Sanjeev Magoon Property located in 6319 Old Dominion Drive,
McLean, VA 22101 (Tax Map 031-3-001-72)
Front Impervious Percentage Variance Request**

Zoning Evaluation Division

Dear Sir/Madam:

Mr. Sanjeev Magoon, hereby request a grant for variance from current zoning ordinance as indicated below, please see attached detailed site plan and justification.

SITE DESCRIPTION

The subject property is constructed and within the years of 2005-2006 by original owner, Mr. Magoon is current and the second owner of this property, he has tried to obtain all inspection close outs that previous owner missed, and the issue of front impervious percentage has arise from such inspections.

The entire property is approximately 32,154 sf and is identified on Fairfax County Tax Map 031-3-001- Parcel 72. 25136 sf is located in one side of Old Dominion Drive and 7018 sf on the other side with R-1 zoning. The site is bounded by residential properties with the same R-1 zoning designation in all four North, South, East and west directions.

Yard Setback	Required	Provided
Sides	20'	25' (LT), 22' (RT)
Rear	25'	56.6'
Front	40'	49.4'

ZONING VARIANCE REQUEST

The area for the front yard from 40' setback from old dominion Drive:	6264 sf
The area on other side of the street:	7018 sf
Total area:	13282 sf
The impervious area within 40' BRL and Right of way:	1895 sf
Percent impervious required by zoning ordinance:	25.0%
Percent impervious provided without considering 7018 sf:	30.0%
Percent impervious provided considering 7018 sf:	7.0%

APR 04 2012

Zoning Evaluation Division

Approval of 30% front impervious considering the yard setting and use.

ZONING VARIANCE REQUEST REASONING

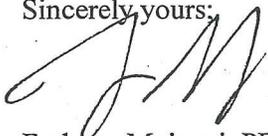
1. That the subject property was acquired in good faith.
2. That the subject property has exceptional shape at the time of the effective date of the Ordinance.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That the strict application of the Zoning Ordinance would *effectively prohibit or unreasonably restrict all reasonable use* (entrance configuration and screened pillars not intrusive architectural nature) of the subject property.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

Please see comments from two adjacent neighbors attached, that are in agreement with this variance request.

This change in zoning request is subject to Section 8-404 of the zoning ordinance, which specifies that a change in zoning may be granted based on the above mentioned criteria.

For the above reasons, this variance to the current zoning designation is respectfully requested and we hope that the staff will support this request.

Sincerely yours:



Farhang Mojgani, PE
project Manager

RECEIVED
Department of Planning & Zoning

APR 09 2012

Zoning Evaluation Division

April 5, 2012

County of Fairfax, Virginia
Virginia H. Ruffner
Application Acceptance Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 11035-5505

RE: VC 2012-0056

Dear Mrs. Ruffner:

I hereby authorize Farhang Mojgani, P.E. of Civiland, LLC to act as my agent and represent me in dealing with Fairfax County and the Fairfax County Board of Zoning Appeals regarding the property located at 6319 Old Dominion Drive, McLean, Virginia 22101. This authorization is valid through December 31, 2012. Regards,



Sanjeev Magoon
202-550-7893(c)

COUNTY OF NEW YORK }
STATE OF NEW YORK } ss:

SWORN TO AND SIGNED BEFORE ME THIS
6th DAY OF APRIL, 2012.



KEVIN H. SMITH
Notary Public State of New York
No. 01SM4792838
Qualified in New York County
Commission Expires OCT. 31, 2014

March 12, 2012

RECEIVED
Department of Planning & Zoning

MAR 16 2012

Zoning Evaluation Division

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

Attn: Mrs. Virginia H Ruffner

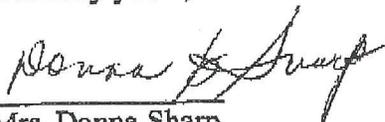
Re: **Mr. Sanjeev Magoon Property**
6319 Old Dominion Drive, McLean VA

Dear Mrs. Ruffner:

I, Mrs. Donna Sharp, residing at 6323 Old Dominion Drive, McLean, VA and adjacent neighbor of Sanjeev Magoon, hereby affirm that I am aware of Mr. Magoon's application for variance of front yard coverage and minor height increase in ornamental pillars along Old Dominion Drive. With the tree screening and additional landscaping that they have provided since their moving in (within the last three years), the neighborhood has been improved; therefore we wholeheartedly are in support of their application and will be happy when it is approved.

If you have any questions or concerns with respect to this support letter, please do not hesitate to contact me at 703-881-6055.

Sincerely yours,


Mrs. Donna Sharp

March 9, 2012

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

Attn: Mrs. Virginia H Ruffner

Re: **Mr. Sanjeev Magoon Property**
6319 Old Dominion Drive, McLean VA

Dear Mrs. Ruffner:

I, Mr. Andre Johnson, residing at 6317 Old Dominion Drive, McLean, VA and adjacent neighbor of Sanjeev Magoon, hereby affirm that I am aware of Mr. Magoon's application for variance of front yard coverage and minor height increase in ornamental pillars along Old Dominion Drive. With the tree screening and additional landscaping that they have provided since their moving in (within the last three years), the neighborhood has been improved; therefore we wholeheartedly are in support of their application and will be happy when it is approved.

If you have any questions or concerns with respect to this support letter, please do not hesitate to contact me at 703-609-5545.

Sincerely yours,



Mr. Andre Johnson

RECEIVED
Department of Planning & Zoning

MAR 16 2012

Zoning Evaluation Division



County of Fairfax, Virginia

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

1/25/2011

Certified Return Receipt #: 7009 2250 0003 4082 7302
(If Applicable)

Sanjeev Magoon
6319 Old Dominion Drive
McLean, VA 22101

NOTICE OF VIOLATION

PROJECT: 6319 OLD DOMINION DRIVE
PLAN NUMBER: 004335-INF-001 **VIOLATION #:** 0003
MAP REFERENCE: 31-3
LOT NUMBER:
INSPECTION AREA: 1

On 1/25/2011 I inspected the above referenced construction/premises and found the following violation(s):

Failure to follow the approved plan.

This is a violation of the Fairfax County Code: Section 104-1-5 which reads as follows:

Persons engaged in land-disturbing activity shall comply with the approved conservation plan and field practices specified in the standards.

You are directed to correct this violation by **2/25/2011** before proceeding with further related work or further action will be taken. For violations of the Code of the County of Fairfax, Virginia, (County Code) Chapter 104, the County shall utilize conservation deposit funds to complete work upon expiration of time allotted by this notice. Corrective work being:

Submit for reevaluation and approval within 30 days a revised grading plan to show the current site conditions to include driveways, columns, side load garage, retaining walls, ect..

Once the plan is approved all requirements, permits, fees,ect..shall be paid and the plans recieved
All necessary corrections on the plan shall be implemented in a timely manner.

For your information, a \$292 inspection fee is assessed for each inspection resulting from an issued violation until conformance is achieved and the violation is released. For bonded projects, this fee will be payable at the next bonding action. For projects not requiring a bond, the fee will be payable prior to release of the conservation deposit.

Steven Rudy, Inspector 
12055 Government Center Parkway, 3rd Floor
Fairfax, Virginia 22035-5503
Phone: (703) 324-1950

Permitee or Authorized Agent of Permitee:

Signature Print Name

Permitee Present? Yes No
(or Authorized Agent of Permitee)

I certify that the permittee or his/her duly authorized agent was afforded an opportunity to sign this form, but chose not to do so.
Inspector's Signature _____ Date _____

I, _____, served by hand a copy of this Notice of Violation to _____
on _____ 200 at _____.

cc: EFID Bond File
EFID Field File
Registered Land Disturber
Hallala Faraj
David V. Sharp
Debbie McMahon



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. 31 of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.

- C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. If applicable, existing gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.

18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property; or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

18-405 Conditions

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.