



APPLICATION ACCEPTED: April 24, 2012
BOARD OF ZONING APPEALS: July 11, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 4, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-MV-021

MOUNT VERNON DISTRICT

APPLICANT/OWNER: Barbara J. Becker, Trustee for the
Barbara J. Becker Living Trust for the
benefit of Barbara J. Becker

STREET ADDRESS: 7216 Marine Drive, Alexandria, 22307

SUBDIVISION: Marlan Forest

TAX MAP REFERENCE: 93-4 ((3)) (1) 33

LOT SIZE: 16,124 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-923

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

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

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

O:\dhedri\Special Permits\7-11) SP 2012-MV-021 Becker (fence)\SP 2012-MV-021 Becker staff report.doc

Deborah Hedrick

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

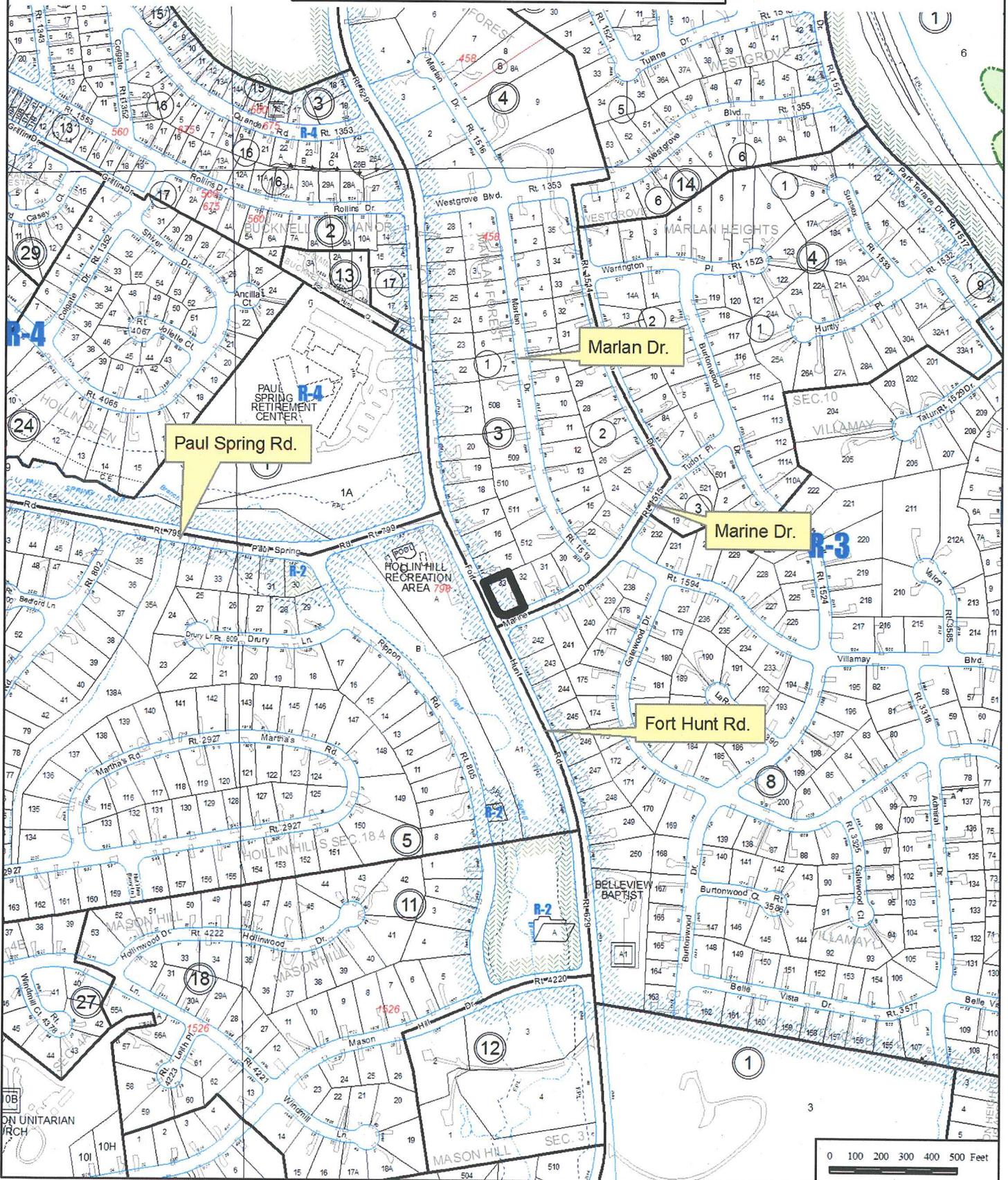
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/

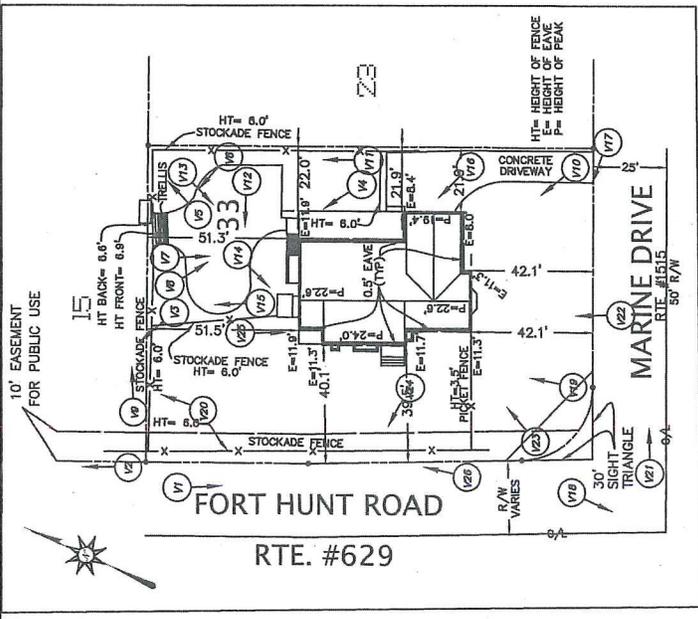
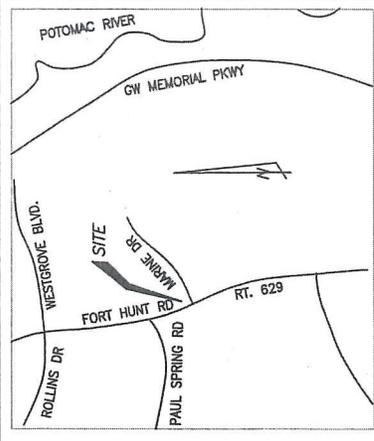


Special Permit

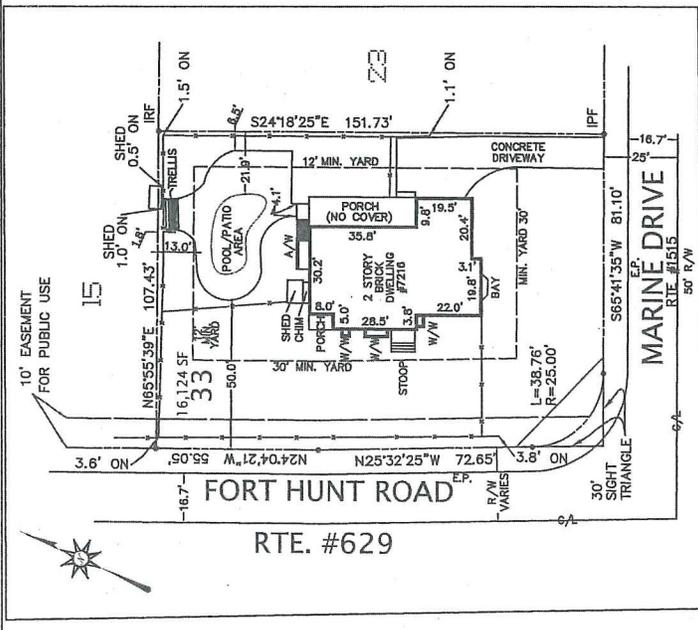
SP 2012-MV-021

BARBARA J. BECKER, TRUSTEE FOR THE
BARBARA J. BECKER LIVING TRUST





SITE HEIGHTS



PLAN VIEW

WETLANDS CERTIFICATE
 I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES.
 SIGNATURE: M.L.F.
 OWNER/DEVELOPER: M.L.F.
 AGENT: _____
 TITLE: _____

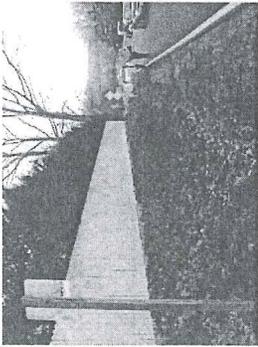
SPECIAL PERMIT PLAT
 ON
LOT 33, BLOCK 1, PART 2, SECTION 2
MARLAN FOREST
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 30'
 DATE: NOVEMBER 2, 2011

ALEXANDRIA SURVEYS, LLC
 3949 PENDER DRIVE, STE #105 FAIRFAX, VIRGINIA, 22030
 TEL. NO. 703-660-6615 FAX. NO. 703-768-7764



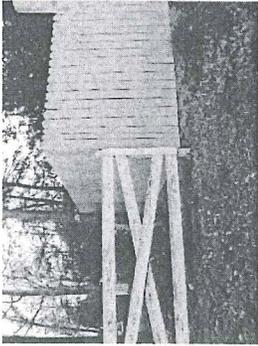
- NOTES :**
- THE PROPOSED USE OF THIS PROPERTY WILL REMAIN AS IT HAS FOR THE PAST 40 YEARS. THE ZONE IS R-3 (3 RESIDENTIAL DWELLING UNITS PER ACRE). THE SUBJECT LOT IS LOCATED IN MARLAN FOREST LOT 33, BLOCK 1, PART 2, SECTION 2. THE AREA OF THE LOT CONSISTS OF 16,124 SQUARE FEET AND IS RECORDED IN THE LAND RECORDS OF FAIRFAX COUNTY AT DEED BOOK 21988 AT PAGE 1940. THE LOT IS LOCATED IN MT. VERNON DISTRICT #1.
 - EXISTING USE: R-3, RESIDENTIAL
 PROPOSED USE: R-3, RESIDENTIAL (NOT TO CHANGE)
 SETBACKS REQUIRED (R-3 ZONE) FRONT = 30', SIDE = 12', REAR = 25'. ON A CORNER LOT THE REAR YARD IS REDUCED TO THE SIDE YARD SETBACK REQUIREMENT OF 12 FEET.
 - ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, ENCUMBRANCES, OR INTERESTS OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SHOWN HEREON.
 - OWNER: BECKER, BARBARA J. TR.
 7216 MARINE DR.
 ALEXANDRIA, VIRGINIA 22307.
 - THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 - THIS SITE HAS PUBLIC SEWER AND WATER, WELL AND SEPTIC DO NOT EXIST ON THIS LOT.
 - NO GRAVES OR STRUCTURES MARKING A GRAVE ARE LOCATED ON THIS SITE.
 - NO UTILITY EASEMENTS EXIST ON THIS SITE.
 - PERVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, ENCUMBRANCES, OR INTERESTS OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SHOWN HEREON.
 TOTAL AREA= 16,124 SQ. FT.
 (IMPERVIOUS FRONT YARD= 3,550 SQ. FT. OR 22%)
 (IMPERVIOUS REAR YARD= 1,590 SQ. FT. OR 9.9%)
 - THE LOT CONFORMS TO THE PROVISIONS OF ALL APPLICABLE CODES OR ORDINANCES AND REGULATIONS WITH THE EXCEPTION OF A 6.0 FOOT BOARD FENCE LOCATED ON THE WEST HUNT ROAD, APPROXIMATELY 115 FEET LONG FROM THE REAR PROPERTY LINE SOUTH. SAID FENCE HAS BEEN EXISTING ON THIS PROPERTY FOR OVER 25 YEARS AND HAS ALWAYS BEEN WELL MAINTAINED. THE ORIGINAL FENCE WAS CONSTRUCTED FOR THE PURPOSE OF REDUCING THE NOISE GENERATED FROM FORT HUNT ROAD.
 - USE LIMITATIONS ON CORNER LOTS. THE SIGHT TRIANGLES ARE SHOWN ON THIS PLAT AS REQUIRED BY THE LOCAL ZONING ORDINANCE. THERE ARE NO OBSTRUCTIONS AT THIS CORNER BY STRUCTURES, TREES OR SHRUBS OR GRADE WHICH WOULD HINDER THE SIGHT OF A MOTORIST.
 - ANY DAMAGE TO THE SUBJECT FENCE ALONG FORT HUNT ROAD BY PEOPLE USING THE PUBLIC USE EASEMENT WILL BE AT THE OWNERS EXPENSE.
 - THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES ON OR NEAR THIS PROPERTY AS DESCRIBED IN TITLE 40 CODE OF FEDERAL REGULATIONS PARTS 116.4, 302.4 AND 355 OR OTHER STATE OR LOCAL REGULATIONS.

VIEW 1



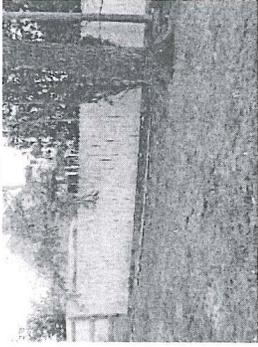
FENCE ALONG FRONT PROPERTY LINE

VIEW 2



LOOKING ALONG FRONT OF HOUSE FROM NORTH TO SOUTH

VIEW 9



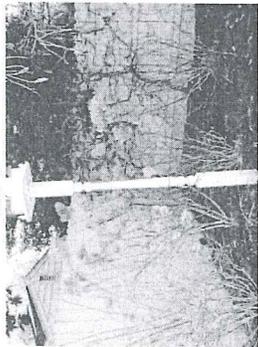
LOOKING ALONG NORTHERN PROPERTY LINE

VIEW 10



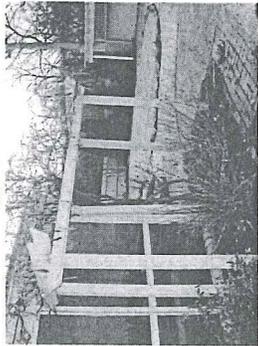
HOUSE FROM MARINE DRIVE LOOKING WEST

VIEW 3



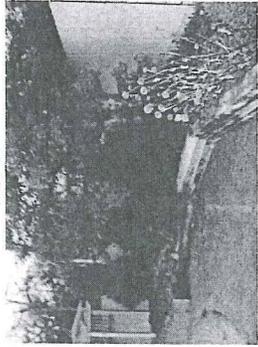
FENCE AT REAR AND EAST PROPERTY LINE

VIEW 4



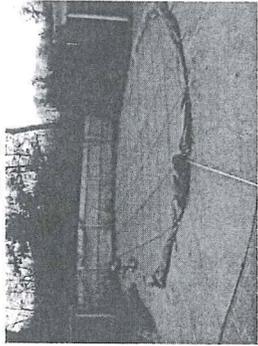
REAR YARD

VIEW 11



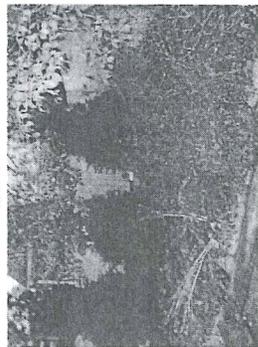
EASTERN PROPERTY LINE AT INTX. WITH REAR

VIEW 12



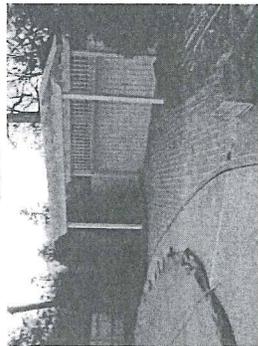
PROPERTY BACK YARD LOOKING WEST

VIEW 5



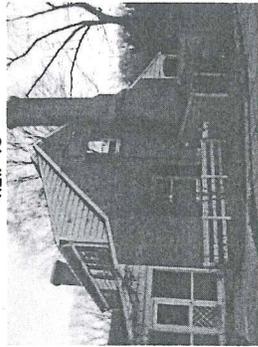
FRONT FENCE ON INSIDE LOOKING WEST

VIEW 6



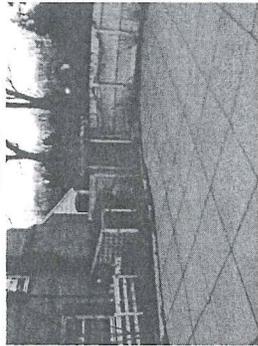
NORTH PROPERTY LINE FENCE AND COVERED AREA

VIEW 13



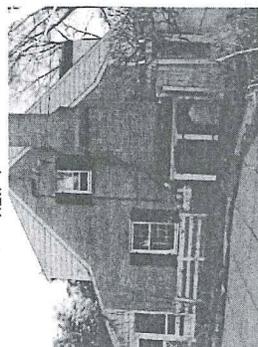
NORTH SIDE OF HOUSE

VIEW 14



FENCE AT FRONT CORNER TO REAR AROUND POOL

VIEW 7



BACK YARD LOOKING EAST

VIEW 8



VIEW LOOKING WEST ACROSS BACK YARD AT 6' WOOD FENCE

VIEW 15



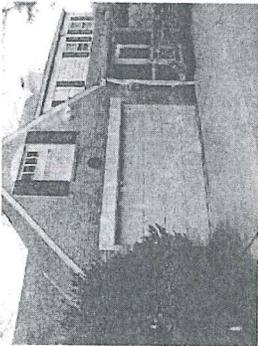
FENCE ALONG REAR PROPERTY LINE AND POOL FENCE



SPECIAL PERMIT PLAT
ON
LOT 33, BLOCK 1, PART 2, SECTION 2
MARLAN FOREST
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30'
DATE: NOVEMBER 2, 2011

ALEXANDRIA SURVEYS, LLC
3949 PENDER DRIVE, STE #105 FAIRFAX, VIRGINIA 22030
TEL. NO. 703-660-6615 FAX NO. 703-768-7764

VIEW 16



EAST SIDE OF HOUSE

VIEW 17



LOOKING WEST ALONG MARINE DR. TOWARD FT. HUNT

VIEW 18



LOOKING SOUTH FROM INTX.
OF MARINE AND FT. HUNT

VIEW 19



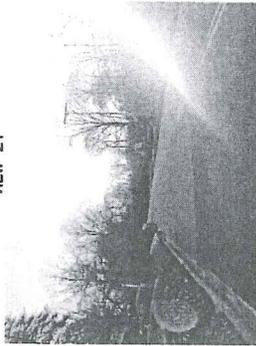
LOOKING ALONG THE FRONT OF HOUSE

VIEW 20



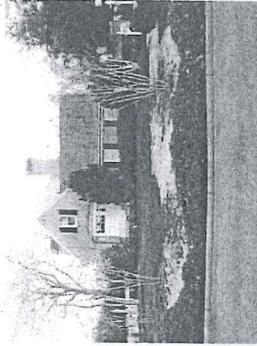
LOOKING AT FENCE ON REAR
OR NORTH PROPERTY LINE

VIEW 21



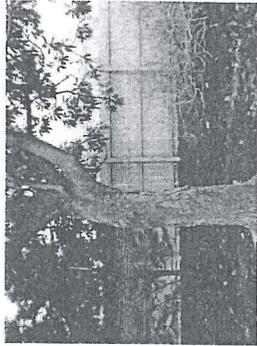
LOOKING ALONG MARINE DR. FROM FORT HUNT RD.

VIEW 22



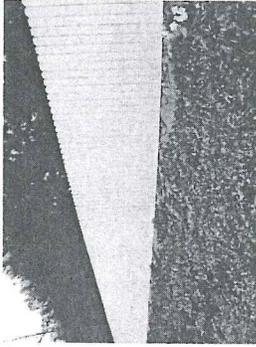
LOOKING NORTH AT SOUTH SIDE OF HOUSE

VIEW 24



LOOKING AT SUBJECT WOOD FENCE
FROM INSIDE PROPERTY

VIEW 26



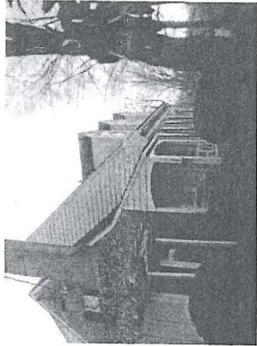
LOOKING ALONG SUBJECT FENCE
FROM SOUTH TO NORTH

VIEW 23



LOOKING AT FRONT AND SOUTH SIDE OF HOUSE

VIEW 25



LOOKING ALONG FRONT OF HOUSE
FROM NORTH TO SOUTH



SPECIAL PERMIT PLAT
ON
LOT 33, BLOCK 1, PART 2, SECTION 2

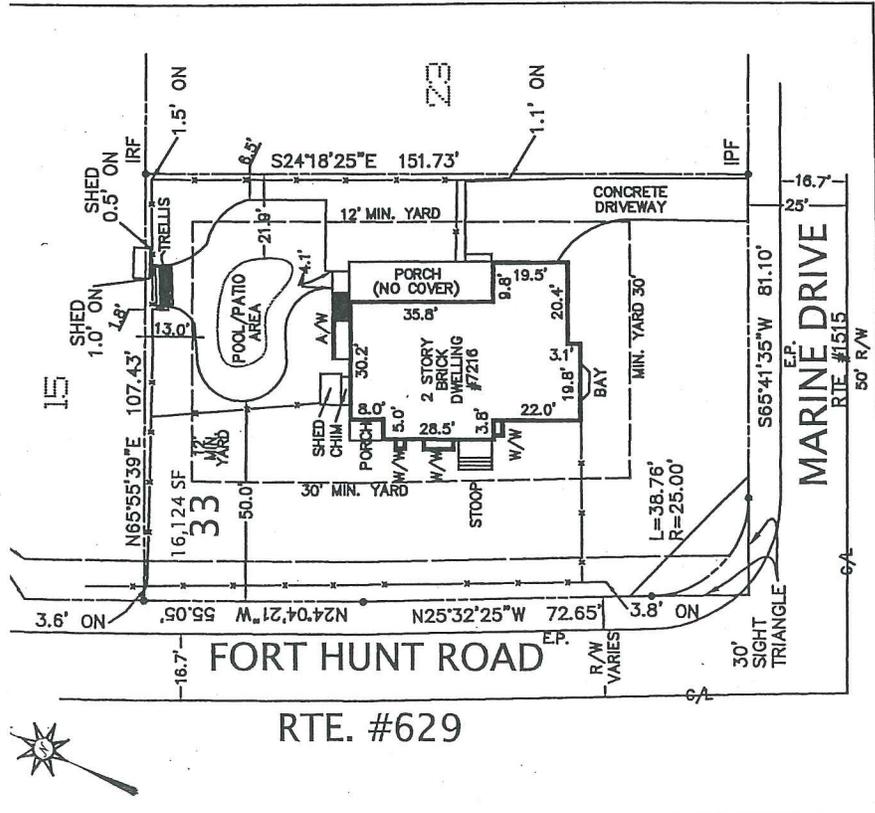
MARLAN FOREST

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30' DATE: NOVEMBER 2, 2011

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3949 PENDER DRIVE, STE #105 FAIRFAX, VIRGINIA 22030
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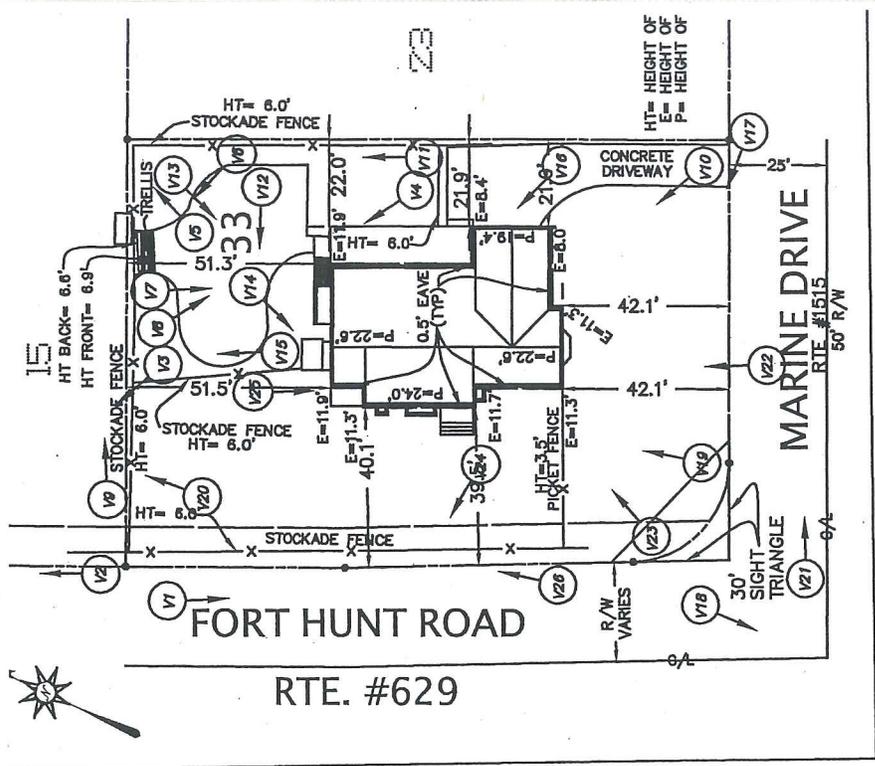
PLAN VIEW

NOTES :

1. THE PROPOSED USE OF THIS PROPERTY WILL REMAIN AS IT HAS FOR THE PAST 40 YEARS. THE ZONE IS R-3 (3 RESIDENTIAL DWELLING UNITS PER ACRE). THE SUBJECT LOT IS LOCATED IN MARLAN FOREST LOT 33, BLOCK 1, PART 2, SECTION 2. THE AREA OF THE LOT CONSISTS OF 16,124 SQUARE FEET AND IS RECORDED IN THE LAND RECORDS OF FAIRFAX COUNTY AT DEED BOOK 21968 AT PAGE 1940. THE LOT IS LOCATED IN MT. VERNON DISTRICT #1.
2. EXISTING USE: R-3, RESIDENTIAL
PROPOSED USE: R-3, RESIDENTIAL (NOT TO CHANGE)
SETBACKS REQUIRED (R-3 ZONE) FRONT = 30', SIDE = 12', REAR = 25'. ON A CORNER LOT THE REAR YARD IS REDUCED TO THE SIDE YARD SETBACK REQUIREMENT OF 12 FEET
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS OR OTHER INTERESTS OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SHOWN HEREON.
4. OWNER: BECKER, BARBARA J. TR,
7216 MARINE DR.
ALEXANDRIA, VIRGINIA 22307.

NOTES : (CONT.)

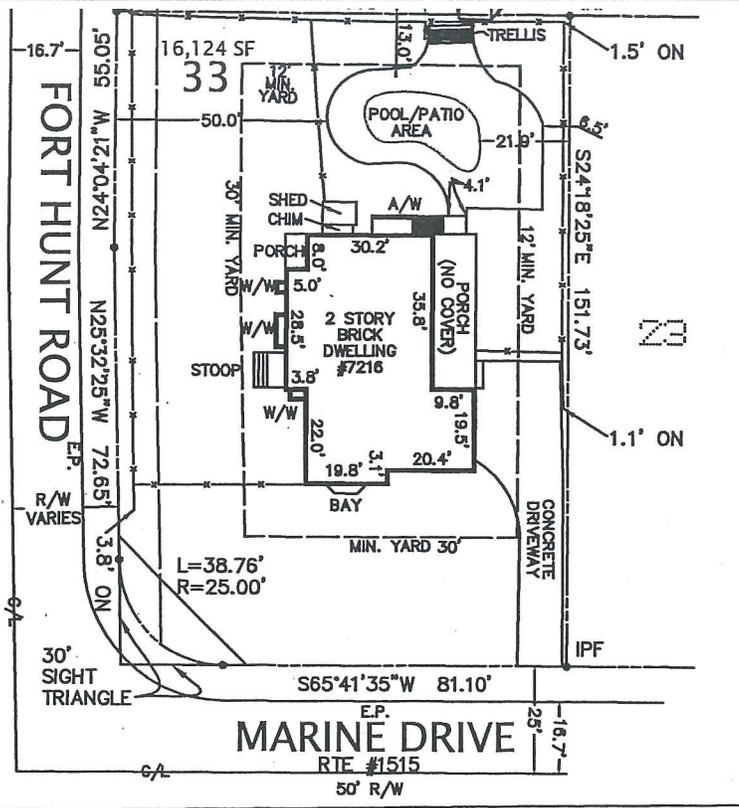
10. THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES ON OR NEAR THIS PROPERTY AS DESCRIBED IN TITLE 40 CODE OF FEDERAL REGULATIONS PARTS 116.4, 302.4 AND 355 OR OTHER STATE OR LOCAL REGULATIONS.
11. THE LOT CONFORMS TO THE PROVISIONS OF ALL APPLICABLE CODES OR ORDINANCES AND REGULATIONS WITH THE EXCEPTION OF A 6.0 FOOT BOARD FENCE LOCATED ON THE WEST SIDE OF THE SUBJECT LOT ALONG FORT HUNT ROAD; APPROXIMATELY 115 FEET LONG FROM THE REAR PROPERTY LINE SOUTH. SAID FENCE HAS BEEN EXISTING ON THIS PROPERTY FOR OVER 25 YEARS AND HAS ALWAYS BEEN WELL MAINTAINED. THE ORIGINAL FENCE WAS CONSTRUCTED FOR THE PURPOSE OF REDUCING THE NOISE GENERATED FROM FORT HUNT ROAD.
12. USE LIMITATIONS ON CORNER LOTS. THE SIGHT TRIANGLES ARE SHOWN ON THIS PLAT AS REQUIRED AND DEFINED IN SECTION



SITE HEIGHTS



RTE. #629



PLAN VIEW

NOTES :

1. THE PROPOSED USE OF THIS PROPERTY WILL REMAIN AS IT HAS FOR THE PAST 40 YEARS. THE ZONE IS R-3 (3 RESIDENTIAL DWELLING UNITS PER ACRE). THE SUBJECT LOT IS LOCATED IN MARLAN FOREST LOT 33, BLOCK 1, PART 2, SECTION 2. THE AREA OF THE LOT CONSISTS OF 16,124 SQUARE FEET AND IS RECORDED IN THE LAND RECORDS OF FAIRFAX COUNTY AT DEED BOOK 21968 AT PAGE 1940. THE LOT IS LOCATED IN MT. VERNON DISTRICT #1.
2. EXISTING USE: R-3, RESIDENTAL
PROPOSED USE: R-3, RESIDENTAL (NOT TO CHANGE)
SETBACKS REQUIRED (R-3 ZONE) FRONT = 30', SIDE = 12', REAR = 25'. ON A CORNER LOT THE REAR YARD IS REDUCED TO THE SIDE YARD SETBACK REQUIREMENT OF 12 FEET"
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS OR OTHER INTERESTS OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SHOWN HEREON.
4. OWNER: BECKER, BARBARA J. TR,
7216 MARINE DR.
ALEXANDRIA, VIRGINIA 22307.
5. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
6. THIS SITE HAS PUBLIC SEWER AND WATER. WELL AND SEPTIC DO NOT EXIST ON THIS LOT.
7. NO GRAVES OR STRUCTURES MARKING A GRAVE ARE LOCATED ON THIS SITE.
8. NO UTILITY EASEMENTS EXIST ON THIS SITE.
9. PERVIOUS AREA= 10,984 SQ. FT.
IMPERVIOUS AREA= 5,140 SQ. FT.
(IMPERVIOUS FRONT YARD= 3,550 SQ. FT.
OR 22%)
(IMPERVIOUS REAR YARD= 1,590 SQ. FT.
OR 9.9%)
TOTAL AREA= 16,124 SQ. FT.

NOTES : (CONT.)

10. THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES ON OR NEAR THIS PROPERTY AS DESCRIBED IN TITLE 40 CODE OF FEDERAL REGULATIONS PARTS 116.4, 302.4 AND 355 OR OTHER STATE OR LOCAL REGULATIONS.
11. THE LOT CONFORMS TO THE PROVISIONS OF ALL APPLICABLE CODES OR ORDINANCES AND REGULATIONS WITH THE EXCEPTION OF A 6.0 FOOT BOARD FENCE LOCATED ON THE WEST SIDE OF THE SUBJECT LOT ALONG FORT HUNT ROAD; APPROXIMATELY 115 FEET LONG FROM THE REAR PROPERTY LINE SOUTH. SAID FENCE HAS BEEN EXISTING ON THIS PROPERTY FOR OVER 25 YEARS AND HAS ALWAYS BEEN WELL MAINTAINED. THE ORIGINAL FENCE WAS CONSTRUCTED FOR THE PURPOSE OF REDUCING THE NOISE GENERATED FROM FORT HUNT ROAD.
12. USE LIMITATIONS ON CORNER LOTS THE SIGHT TRIANGLES ARE SHOWN ON THIS PLAT AS REQUIRED AND DEFINED IN SECTION 2-505 OF THE FAIRFAX COUNTY ZONING ORDINANCE. THERE ARE NO OBSTRUCTIONS AT THIS CORNER BY STRUCTURES, TREES OR SHRUBS OR GRADE WHICH WOULD HINDER THE SIGHT OF A MOTORIST.
13. ANY DAMAGE TO THE SUBJECT FENCE ALONG FORT HUNT ROAD BY PEOPLE USING THE PUBLIC USE EASEMENT WILL BE AT THE OWNERS EXPENSE.

RTE. #629



Maine Dr

629

Fort Hunt Rd

629

Fort Hunt Rd



















DESCRIPTION OF THE APPLICATION

The applicant is seeking a special permit to allow an existing fence greater than 4.0 feet in height to remain in the front yard of a corner lot. The 6.0 foot high board fence, which measures approximately 115 feet in length, is located along the west side of the lot along the front yard facing Fort Hunt Road. The Zoning Ordinance currently permits fences 4.0 feet in height by-right; however, through a special permit, an applicant can request a fence in the front yard up to 6.0 feet in height. The Zoning Ordinance permits fences up to 7.0 feet in height in the side and rear yards.

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

EXISTING SITE DESCRIPTION

The 16,124 square foot corner lot is currently zoned R-3 and developed with a one and one-half story, half-wood, half-brick, single family detached dwelling constructed in 1956. The dwelling faces Fort Hunt Road. A swimming pool and associated pool decking are located within the side yard and were constructed by building permit in 1983. A 6.0 foot in height stockade fence surrounds portions of the side and rear yards and the front yard adjacent to Fort Hunt Road. A 6.9 foot in height trellis is located in side yard at the edge of the pool decking and meets the requirements of the Zoning Ordinance. The site is accessed via a concrete driveway from Marine Drive which terminates at the rear of the dwelling. The yard is well manicured and contains mature trees, shrubs and foundation plantings.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Single-Family Dwellings
East	R-3	Single-Family Dwellings
South	R-3	Single Family Dwellings
West	R-3	Hollin Hill Civic Association Private Open Space - Recreation Center

BACKGROUND

On August 24, 2011, the applicant was issued a Notice of Violation (NOV) for a fence in the front yard exceeding 4.0 feet in height. A copy of the NOV is attached as Appendix 4. As shown on the special permit plat titled "Special Permit Plat on Lot 33, Block 1, Part 2, Section 2, Marlan Forest" prepared by Alexandria Surveys, LLC, dated November 2, 2011 as sealed through June 13, 2012, the fence has been constructed entirely within a 10 foot wide public use easement; therefore, a development condition has been included to address this concern. According to the applicant's agent, the easement is a Fairfax County easement for the purposes of construction of utilities which is located along a steep slope along the property's western lot line. According to the applicant, the fence was constructed approximately 25 years prior in its current location. The fence is located outside of the required sight distance per Section 2-505 of the Zoning Ordinance.



County records reflect that there have been no applications heard by the Board in the immediate vicinity for fences exceeding 4.0 feet in a front yard.

ZONING ORDINANCE REQUIREMENTS (See Appendix 5)

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

CONCLUSION

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

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

APPENDICES

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification and Attachments
4. Notice of Violation dated August 24, 2011
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2012-MV-021

July 4, 2012

1. This special permit is approved for the location and maximum height of 6.0 feet of a wood fence, as shown on the plat prepared by Alexandria Surveys, LLC, dated November 2, 2011, as sealed through June 13, 2012, submitted with this application and is not transferable to other land.
2. The applicant shall assume all responsibility for repair and/or replacement of any portions of the fence which must be removed to accommodate repairs and/or maintenance within the easement as shown on the special permit plat.

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 - MV-021
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02/15/2012
 (enter date affidavit is notarized)

I, Barbara J. Becker, Trustee, 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 113567a

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)
Barbara J. Becker, Trustee for the Barbara J. Becker Living Trust for the benefit of Barbara J. Becker	7216 Marine Drive Alexandria, VA 22307	Applicant/Title Owner
Alexandria Surveys International LLC	11216 Waples Mill Road, Suite 102 Fairfax, VA 22030	Agent/Engineers
Michael L. Flynn	(same)	Agent/Engineer
Tramonte, Yeonas, Roberts & Associates, PLLC	8221 Old Courthouse Road, #300 Vienna, VA 22182	Former Attorney/Agent
Keith C. Martin, Esq.	(same)	Former Attorney/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-MU-001

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

02/15/2012

(enter date affidavit is notarized)

113567a

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)

Alexandria Surveys International LLC
11216 Waple Mill Road, Suite 102
Fairfax, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

- [x] 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)

J. Paul Hoofnagle - sole member/manager

(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-MV-021
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

Special Permit/Variance Attachment to Par. 1(b)

DATE: 02/15/2012
(enter date affidavit is notarized)

113567a

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Tramonte, Yeonas, Roberts & Associates, PLLC (FORMER Attorney/Agent)
8221 Old Courthouse Road #300
Vienna, VA 22182

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Vincent A. Tramonte II
George P. Yeonas
Jill J. Roberts

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

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

Application No.(s):

SP 2012 - MV - 021

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

02/15/2012

(enter date affidavit is notarized)

113567a

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)

NONE

(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-MV-021
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02/15/2012
(enter date affidavit is notarized)

113567a

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-MU-021
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02/15/2012
(enter date affidavit is notarized)

113567a

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.

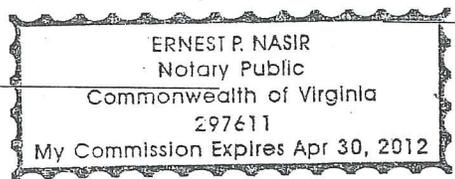
WITNESS the following signature: Barbara J Becker Trustee
(check one) [x] Applicant [] Applicant's Authorized Agent

BARBARA J. BECKER, TRUSTEE
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15th day of FEBRUARY 2012, in the State/Comm. of VA, County/City of ALEXANDRIA.

P. Nasir
Notary Public

My commission expires: _____



TRAMONTE, YEONAS, ROBERTS & ASSOCIATES, PLLC
ATTORNEYS AND COUNSELLORS AT LAW8221 OLD COURTHOUSE ROAD, SUITE 300
VIENNA, VIRGINIA 22182
TELEPHONE: 703-734-4800
FACSIMILE: 703-442-9532RECEIVED
Department of Planning & Zoning

DEC 08 2011

Zoning Evaluation Division

October 12, 2011

Ms. Susan Langdon
Dept. of Planning & Zoning
Board of Zoning Appeals Support Branch
12053 Government Center Pkwy.; Suite 801
Fairfax, VA 22030

Re: Special Permit for Increase in Fence Height in Any Front Yard on
Tax Map 93-4((3))(1)33
Barbara J. Becker, Trustee (Applicant)

Dear Ms. Langdon:

The following is a statement of justification for the above referenced Special Permit application. The Applicant lives at 7216 Marine Drive, a corner lot at the intersection of Marine Drive and Fort Hunt Road. She constructed the six foot high fence at the highest point of her front yard along Fort Hunt Road over 15 years ago and has kept it well maintained over the years. The purpose of the fence has been to provide privacy and noise and light mitigation against the thousands of cars traveling on Fort Hunt Road daily. There have been numerous near fatal accidents near this intersection. It is submitted that the fence is of a reasonable height and in a proper location to allow approval of the Special Permit.

It is further submitted that criteria set forth in Section 8-923 is satisfied as follows:

1. The maximum height of the fence shall not exceed 6 feet.
2. The fence shall meet the sight distance requirements of Sect. 2-505.
3. The fence height is warranted based upon multiple front yards, topography and concerns related to safety and noise.
4. The fence height has been for over 15 years harmonious with the surrounding off-site uses.

5. The fence height shall not adversely impact the use and enjoyment of other properties in the vicinity.

There are no known hazardous or toxic substances to be generated or stored on the Property.

The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Keith C. Martin', written over a horizontal line.

Keith C. Martin

Cc: Barbara J. Becker

bjbecker2@verizon.net

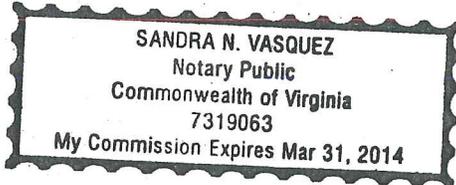
From: bjbecker2@verizon.net
Sent: Thursday, February 09, 2012 1:49 PM
To: 'Michael.hauncey@FairfaxCounty.gov'
Cc: 'phoof@alexandriasureys.com'
Subject: BZA Representaive

Dear Mr. Chaney,

This letter is to advise you know that Mr. Keith Martin is no longer my representative before the Fairfax County Board (BZA) regarding any matters at my residence located at 7216 Marine Drive, Alexandria, VA. 223007. Specifically, Case #201104937 and SR #74304. Hence forth Mr. Paul Hoofnagle is to be my representative regarding the aforementioned Case and SR numbers. I appreciate your help and kindness. Your acknowledgement is requested.

Barbara Becker

Barbara Becker



County/City of Alexandria
Commonwealth/State of Virginia
The foregoing instrument was acknowledged
before me this 9th day of February
2012, by Barbara Becker
(name of person signing instrument)
Michael Hoofnagle
Notary Public
My commission expires: 3/31/2014

RECEIVED
Department of Planning & Zoning

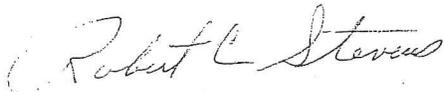
FEB 10 2012

Zoning Evaluation Division

September 1, 2011

To whom it may concern:

We have lived at 7214 Marine Drive, which is next door to the Becker family, since they moved in. We have no objection to the fence they built and do not find that it obscures our vision when driving out to Fort Hunt road. We feel that it was placed on their property and should not be disturbed.



Robert C. Stevens



Frances A. Echols

MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals

FROM: Keith C. Martin, Esq.

SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustee; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By: HARRY BORGARD

Name: Harry Borgard

Address: 7307 FORT HUNT ROAD

Date: 9/10/11

MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals

FROM: Keith C. Martin, Esq.

SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustee; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By:
Name:
Address:
Date:

MARK WALDRON
MARK WALDRON
7313 FORT HUNT RD
9-19-11

MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals

FROM: Keith C. Martin, Esq.

SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustee; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By:
Name:
Address:
Date:

Allen Lyubinsky *Allen Lyubinsky* 9/10/2011
7305 Fort Hunt Rd
Alexandria VA 22307
9/10/2011

MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals

FROM: Keith C. Martin, Esq.

SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustee; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By: MARK SCHUERIMANN
Name: 7216 FORT HUNT RD
Address: _____
Date: 9-10-11



MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals
FROM: Keith C. Martin, Esq.
SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustee; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By:
Name:
Address:
Date:

Mary Ellen Rotondo Mary Ellen Rotondo
Mary Ellen Rotondo Richard Rotondo
1371 GATWOOD DR AUSTIN, VA 22307
9.10.11

MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals
FROM: Keith C. Martin, Esq.
SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustee; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By: John B. Rosamond
Name: John B. Rosamond
Address: 825 EDEN CT. ALEXANDRIA, VA
Date: 9/14/11

9/14/11
Note: I travel Ft Hunt Rd on a daily basis and truly support the request for special permit in her behalf. Ft Hunt Rd is a busy and noisy street from 7:00 A.M until 12:00 P.M.
John Rosamond

MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals

FROM: Keith C. Martin, Esq.

SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustee; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By: JOHN VEATCH 

Name: _____

Address: 7213 MARINE ALEXANDRIA, VA 22307

Date: 9/10/11

MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals

FROM: Keith C. Martin, Esq.

SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustee; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By: Patricia L. Barnes
Name: Patricia L. Barnes
Address: 7211 Marine Dr., Alexandria, VA 22307
Date: 9-10-11

MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals

FROM: Keith C. Martin, Esq.

SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustee; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By: Mark K. Ulsh

Name: Mark K. Ulsh

Address: 7212 Marine Drive Alexandria VA 22307

Date: 10 September 2011

MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals

FROM: Keith C. Martin, Esq.

SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustee; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By: LaDonna Kuesner
Name: LaDonna Kuesner
Address: 3511 Witten Hall Ct.
Date: 9-16-11

RECEIVED
FAXED
SEP 1 2011

MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals

FROM: Keith C. Martin, Esq.

SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustee; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By:

Name:

Address:

Date:

Gronne E. Duvall
1922 S. Pitt St, Alexandria, Va
Sept 16, 2011

MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals

FROM: Keith C. Martin, Esq.

SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustée; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By: *Dorothy Sankin*
Name: *2301 Windsor Rd.*
Address: *Albany, Va 22307*
Date: *9/16/11*

MEMORANDUM

August 29, 2011

TO: Fairfax County Board of Zoning Appeals

FROM: Keith C. Martin, Esq.

SUBJECT: Special Permit for Increase in Fence Height in any Front Yard by Barbara J. Becker, Trustee; 7216 Marine Drive

The undersigned are neighbors of the Applicant residing on Marine Drive. We wish to support the application. The fence has been in place and maintained by Mrs. Becker for approximately 15 years. The fence provides needed noise and headlight mitigation along a very busy and dangerous section of Fort Hunt Road.

By: 
Name: N. C. Duncan
Address: 1102 AULDEN RD. AVE. 22308
Date: 9.14.2011



County of Fairfax, Virginia

Return Copy

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: August 24, 2011

SHERIFF'S LETTER

CASE #: 201104937 **SR#:** 74304

SERVE: Barbara J. Becker, Trustee
Barbara J. Becker Living Trust
7216 Marine Drive
Alexandria, VA 22307

LOCATION OF VIOLATION 7216 Marine Drive
Alexandria, VA 22307-1901
Tax Map #: 93-4 ((3)) (1) 33
Zoning District: R-3

Dear Property Owner:

An inspection of the above referenced property on July 25, 2011 and August 22, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

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

The presence of a 6'5" to 6'9" tall accessory fence in the front yard of this property which is less than two (2) acres in area. The Fairfax County Zoning Ordinance permits accessory fences in the front yard so long as they are in conformance with Par. 3B of Sect. 10-104 of the Zoning Ordinance which states:

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

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

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

+

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

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

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

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

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

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

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

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

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

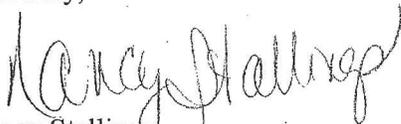
Barbara J. Becker, Trustee
Barbara J Becker Living Trust
August 23, 2011
Page 3

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

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

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1317 or (703)324-1300.

Sincerely,



Nancy Stallings
Code Compliance Investigator

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

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

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

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 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.