



APPLICATION ACCEPTED: August 31, 2012
BOARD OF ZONING APPEALS: November 28, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 21, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-MV-057

MOUNT VERNON DISTRICT

APPLICANTS/OWNERS: Thomas A. Love
Lora L. Love

STREET ADDRESS: 1901 Rollins Drive, Alexandria, 22307

SUBDIVISION: Bucknell Manor

TAX MAP REFERENCE: 93-1 ((23)) (13) 19

LOT SIZE: 9,825 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISION: 8-914 and 8-923

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit deck to remain 1.5 feet from a side lot line and to permit fence greater than 4.0 feet in height to remain in the front yards 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\11-28) SP 2012-MV-057 (fence)\SP 2012-MV-057 Love 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.fairfaxcountv.gov/dpz/



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.**

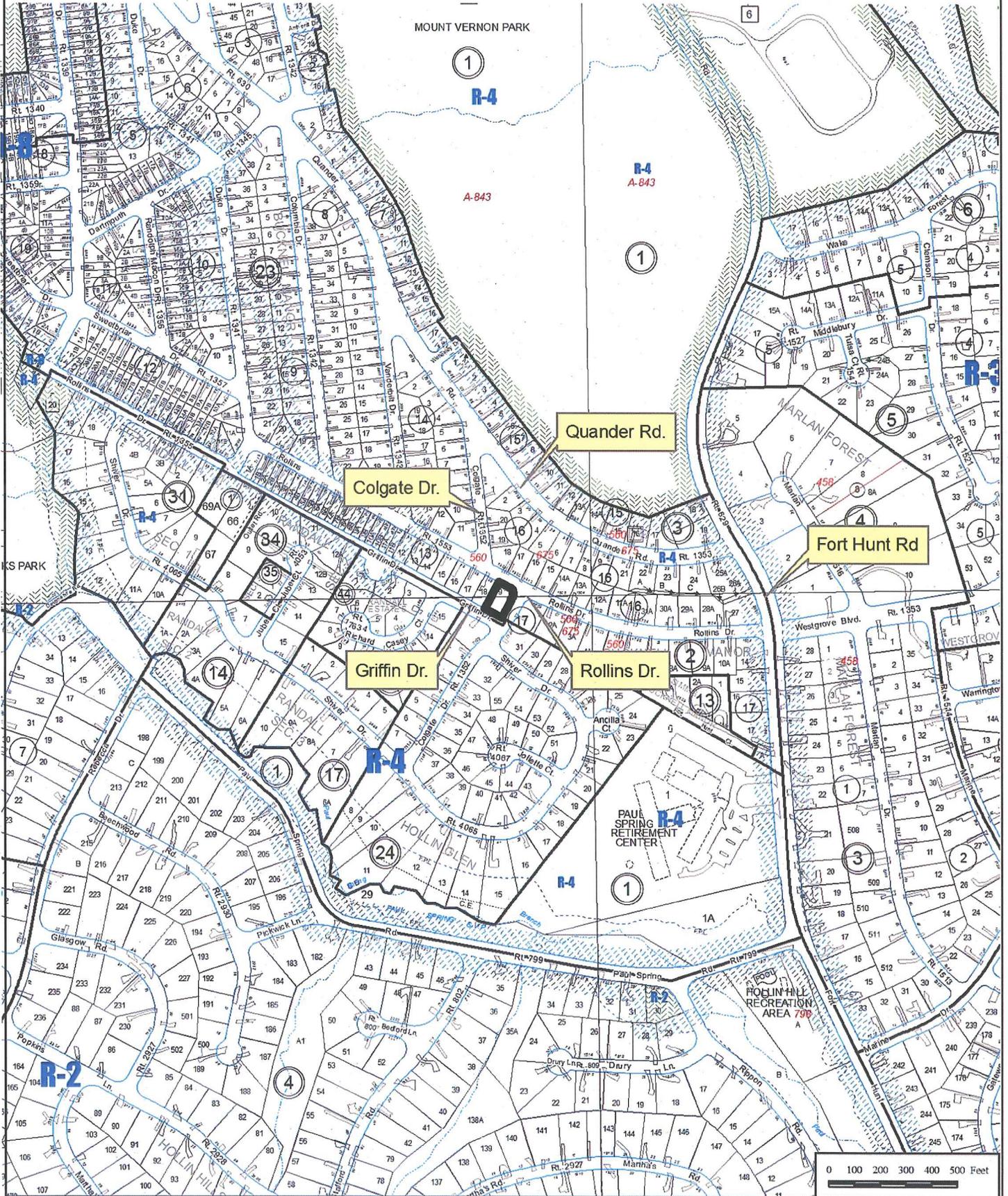


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

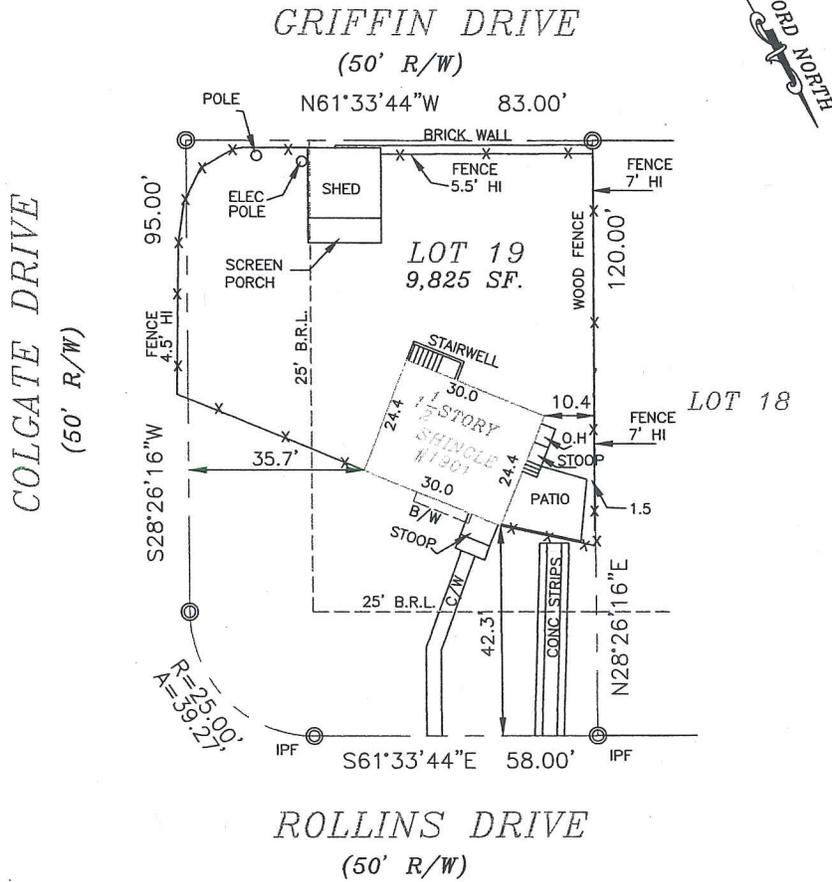
Special Permit
SP 2012-MV-057
THOMAS A. LOVE & LORA L. LOVE



Special Permit
SP 2012-MV-057
THOMAS A. LOVE & LORA L. LOVE



1. NO TITLE REPORT FURNISHED.
2. THIS PLAT IS NOT TO BE USED FOR THE CONSTRUCTION OF FENCES OR STRUCTURES.
3. BOUNDARY INFORMATION OBTAINED FROM AVAILABLE RECORDS.
4. THIS LOT MAY BE SUBJECT TO CERTAIN UTILITY EASEMENTS OF RECORD.
5. THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF LOT 19.
6. ANY FENCES SHOWN ARE APPROXIMATE.



FLOOD NOTE:
THIS LOT CLASSIFIED AS ZONE "X"
AREAS DETERMINED TO BE OUTSIDE
THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

COMMONWEALTH OF VIRGINIA
7/03/12
BARRY L. WISSINGER
Lic. No. 001295
LAND SURVEYOR

PLAT SHOWING
HOUSE LOCATION SURVEY
LOT 19
SECTION 4 ~ BLOCK 13
BUCKNELL MANOR
MT. VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA

FLOOD ZONE: "X"	PANEL: 137D	DATE: 3/05/90
COMMUNITY NO: 5155250137D	DATE: 3/05/90	CASE NAME: LOVE
DATE: 7/3/12	SCALE: 1"=30'	
PLAT SUBJECT TO RESTRICTIONS OF RECORD	SDE	SUBURBAN DEVELOPMENT ENGINEERING
I, HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.		
ENGINEERS ◦ PLANNERS ◦ SURVEYORS ◦ LANDSCAPE ARCHITECTS ◦		
7777 LEESBURG PIKE, SUITE #305N FALLS CHURCH, VIRGINIA 22043 703-556-0800		
DRAWN BY: S. OUDOM		CHECKED BY: BARRY L.

RECEIVED
Department of Planning & Zoning
AUG 14 2012
Zoning Evaluation Division



1901 Rollins Drive, Alexandria, 22307

COLGATE DR

QUANDER RD

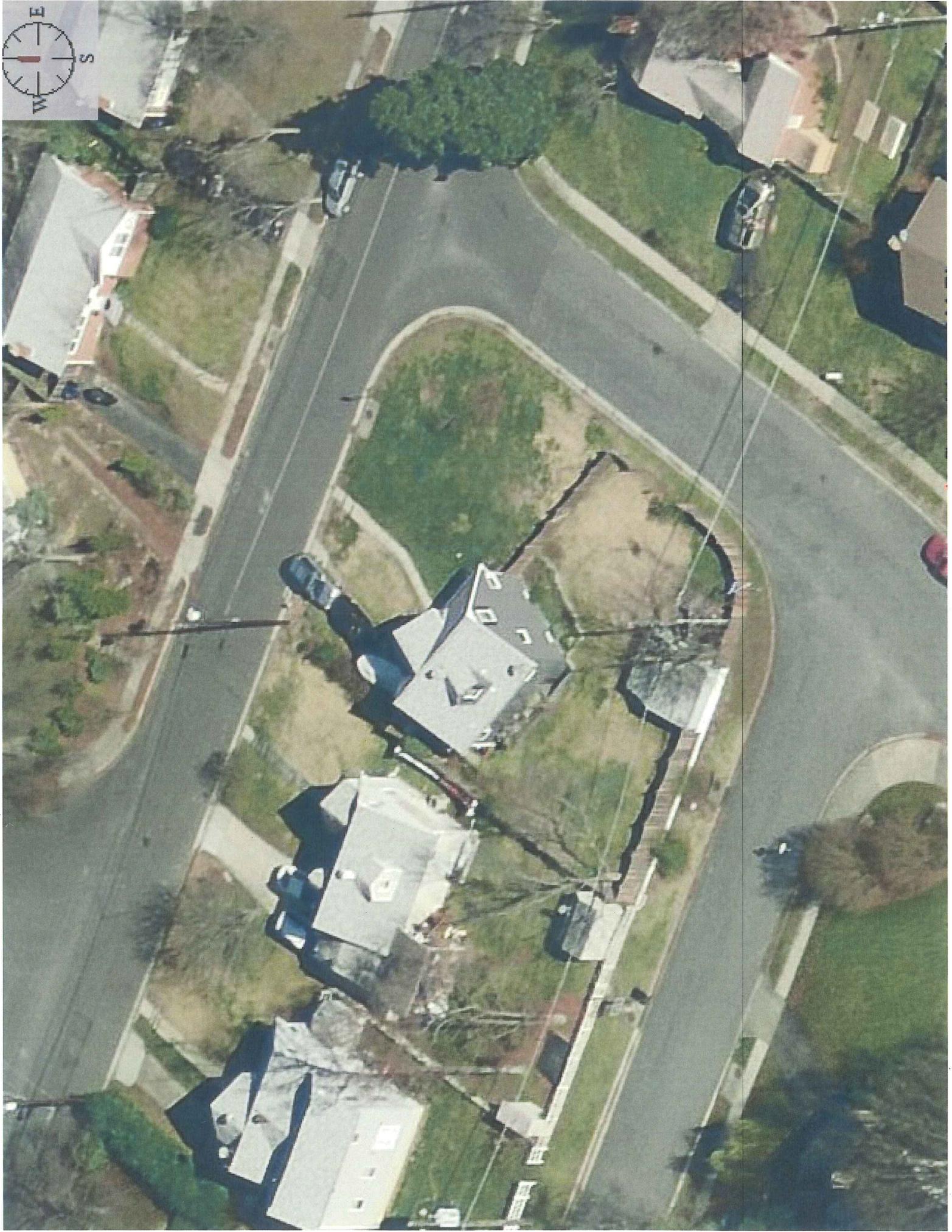
ROLLINS DR

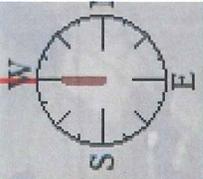
SAWYER DR

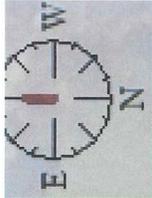
COLGATE DR

GREEN DR

RICHARD
CASEY CT







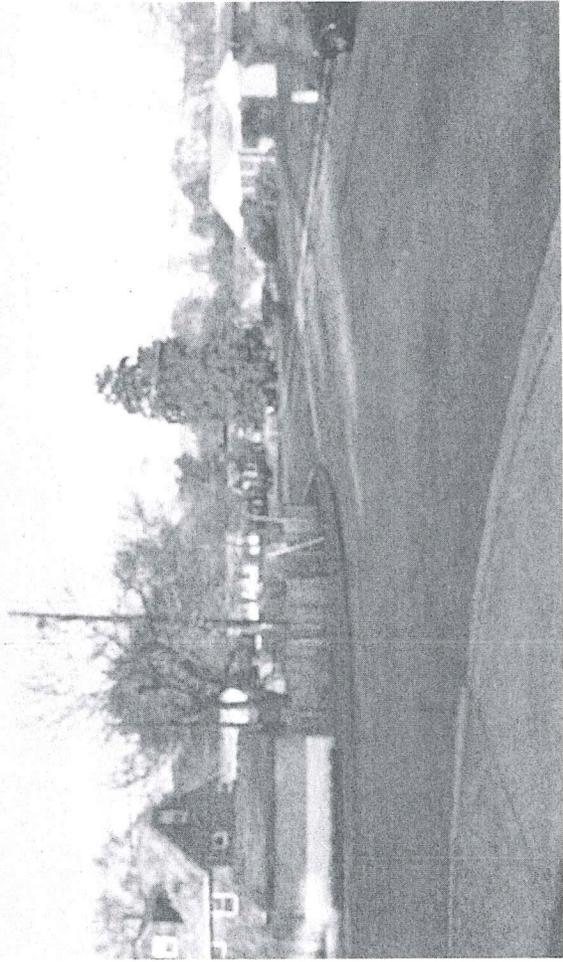






03/16/2012

corner of Colgate + Griffin Drive facing NE.



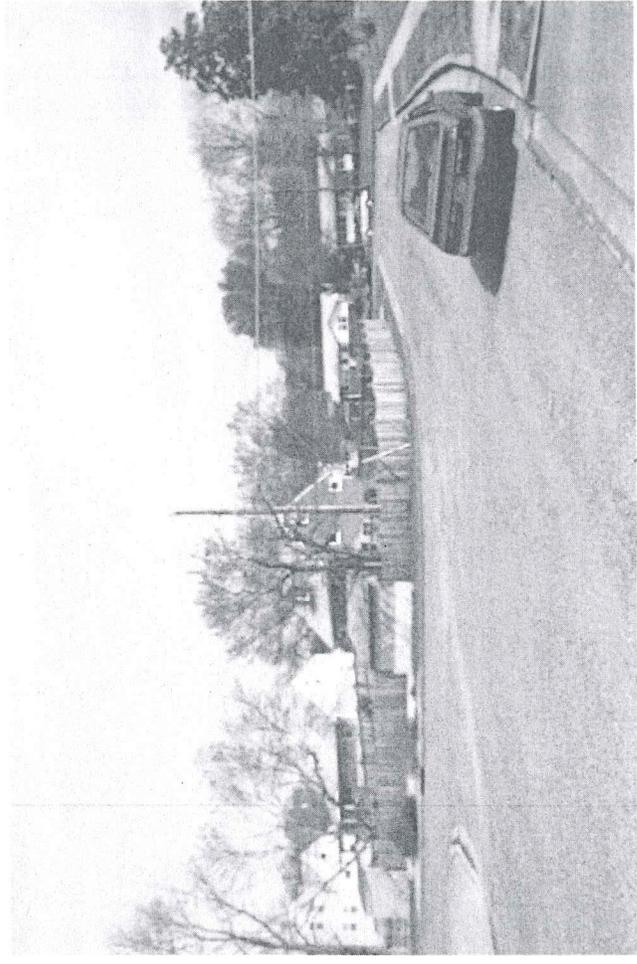
Griffin Drive facing NE.



All photos were taken on 14 March 2012

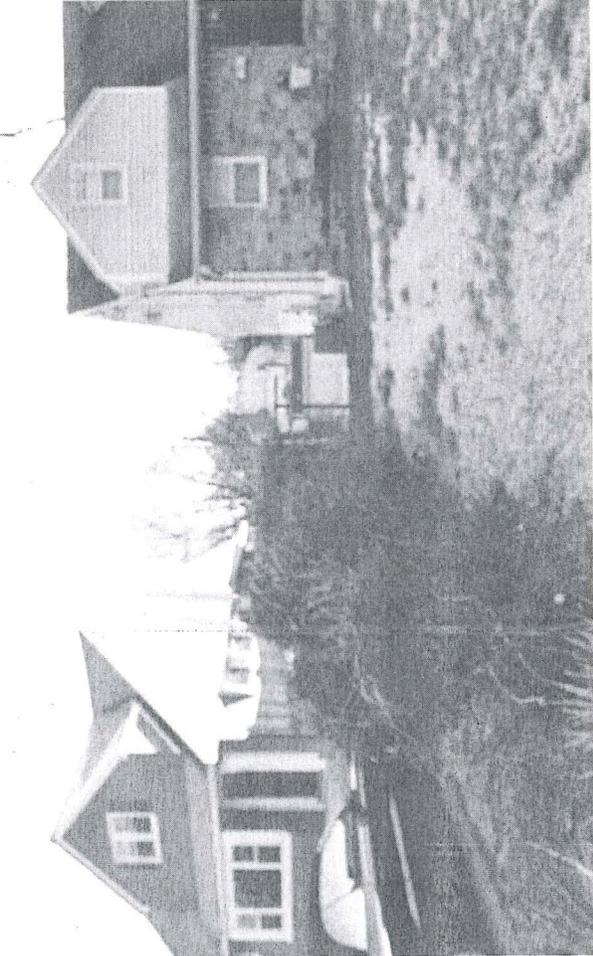


Rollins Drive facing SW.

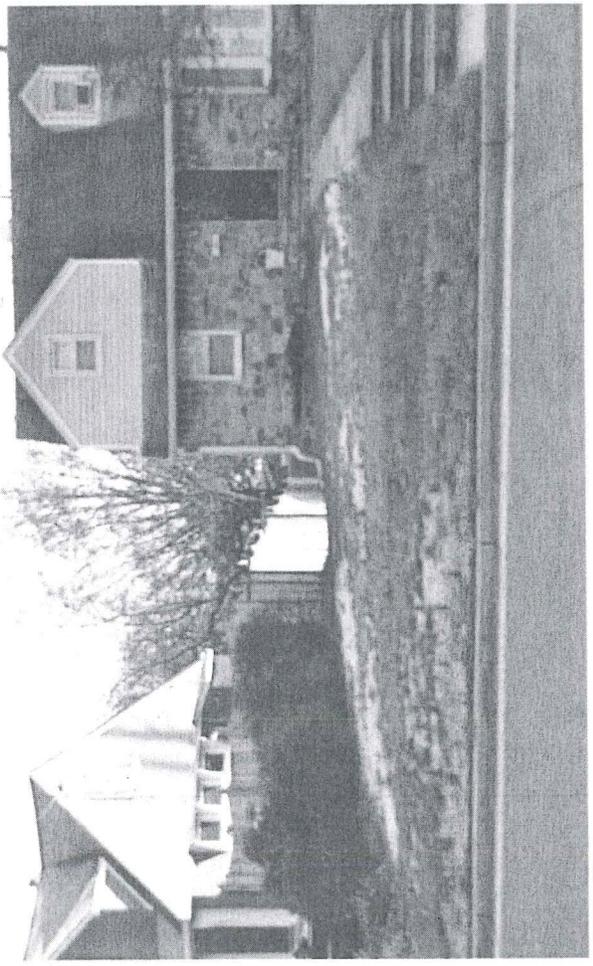


Colgate facing N.

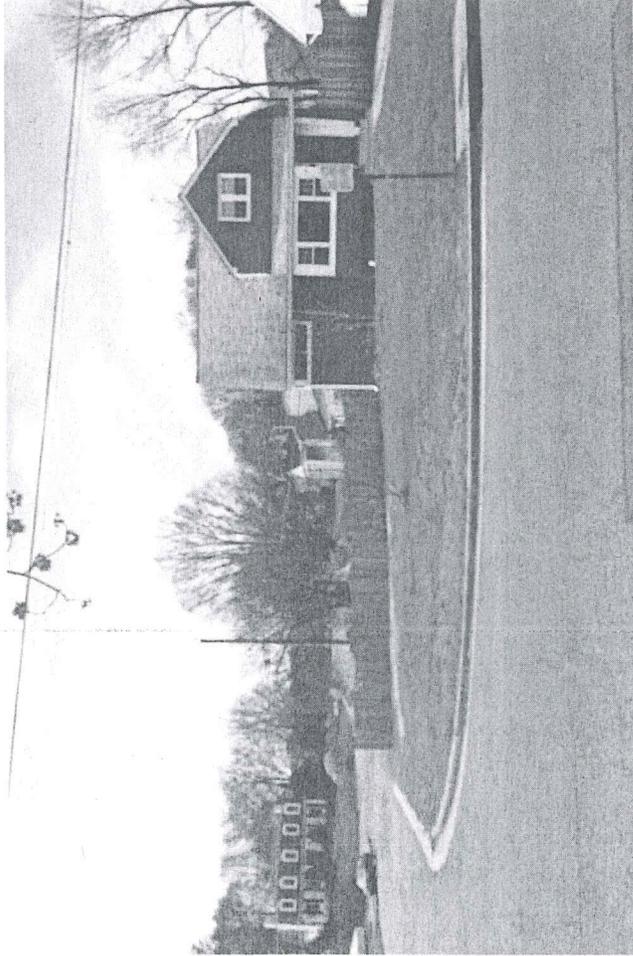
Rollins Drive facing S.



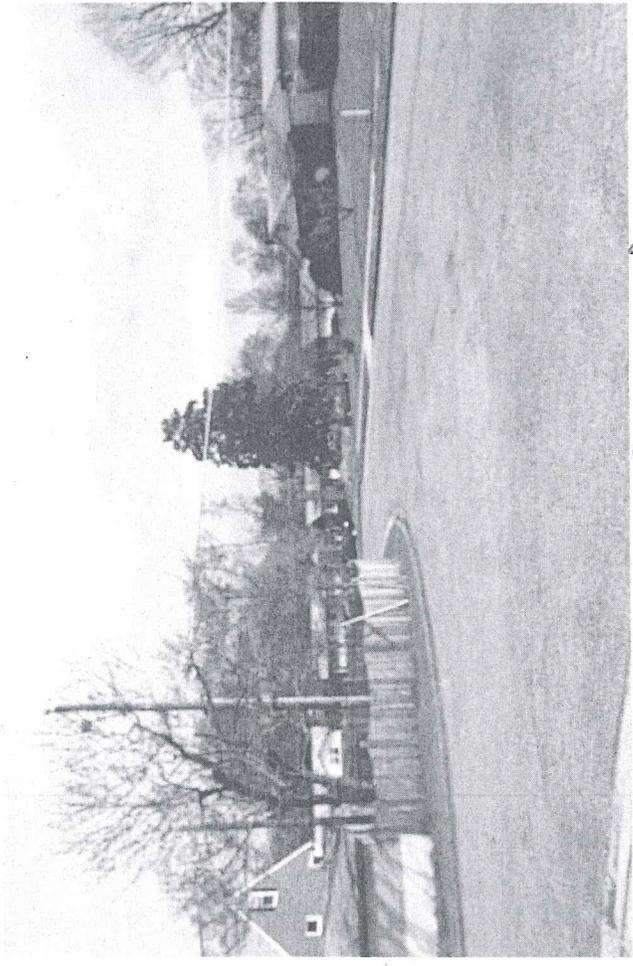
Rollins Dr facing S.



All Photos taken on 17 March 2012

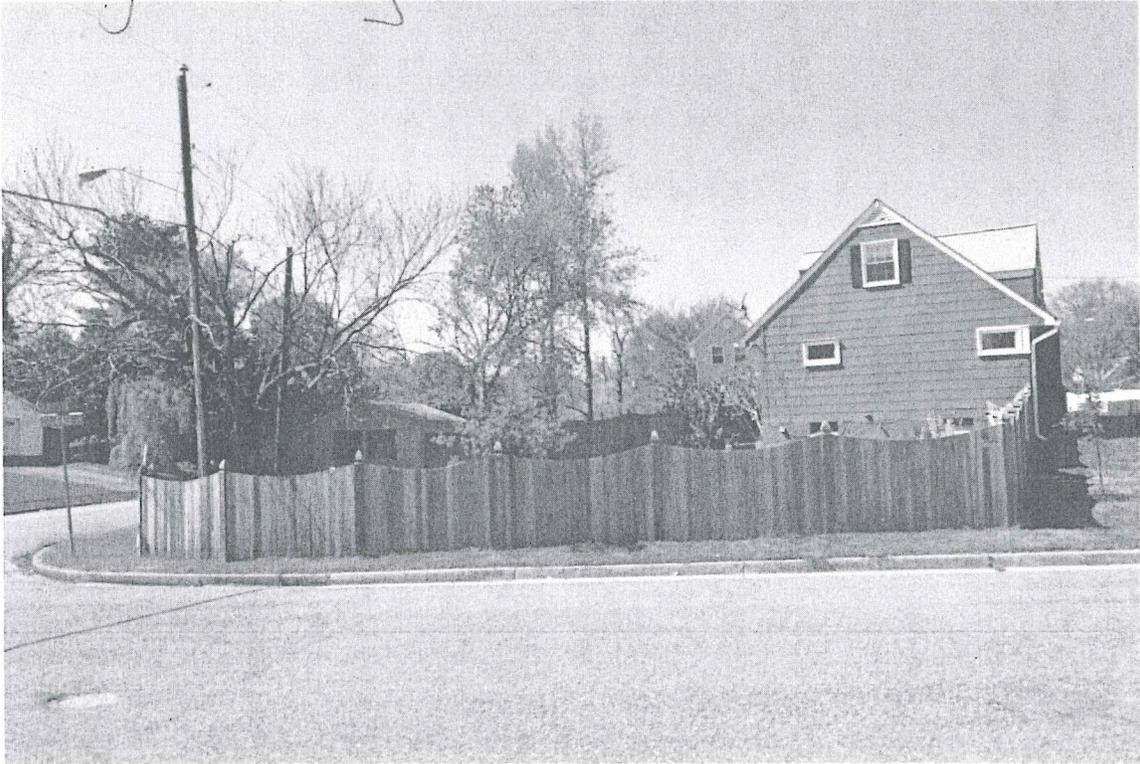


Rollins Drive Facing SW.



Griffin Drive facing N

Colgate facing West



Picture taken 27 March 2012

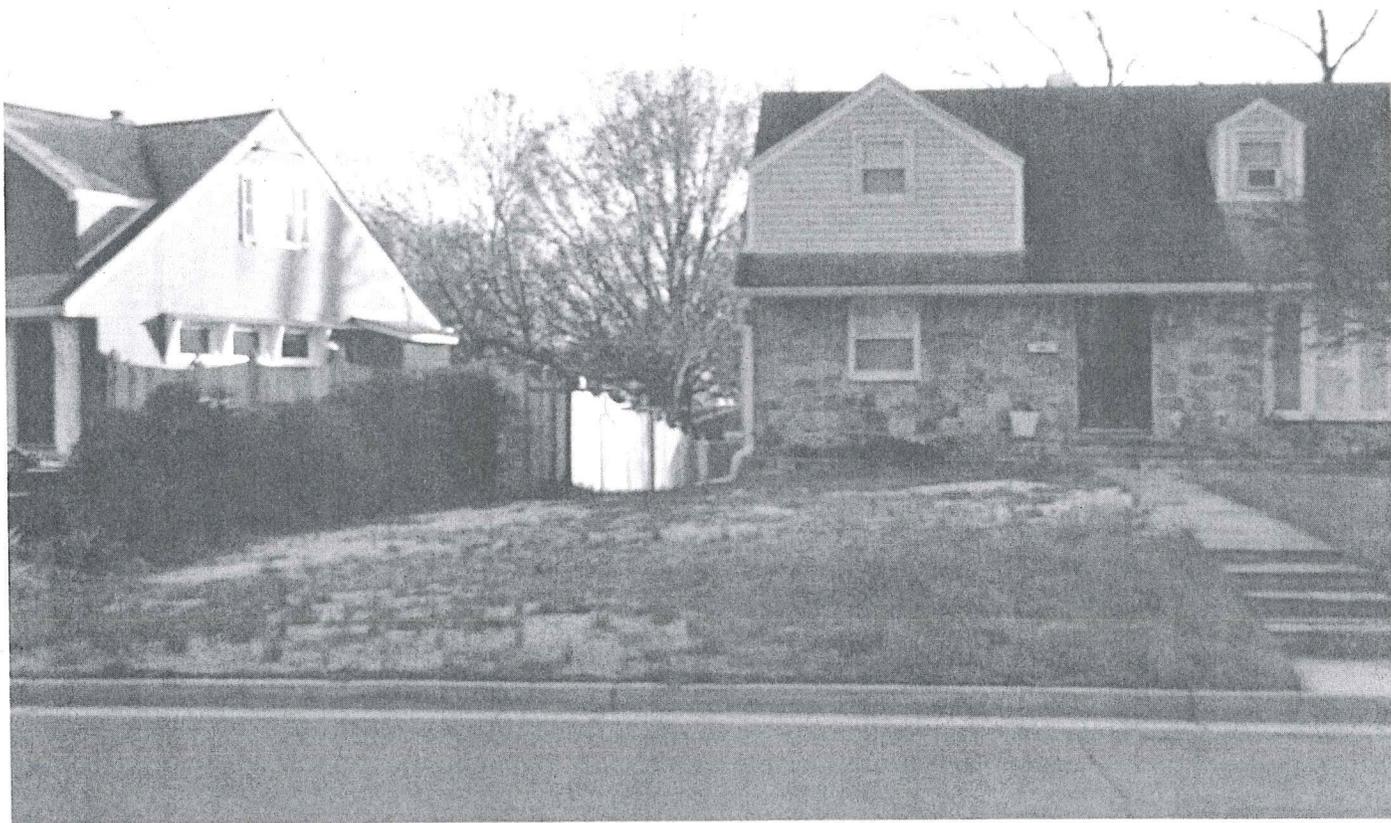
RECEIVED
Department of Planning & Zoning

MAR 29 2012

Zoning Evaluation Division

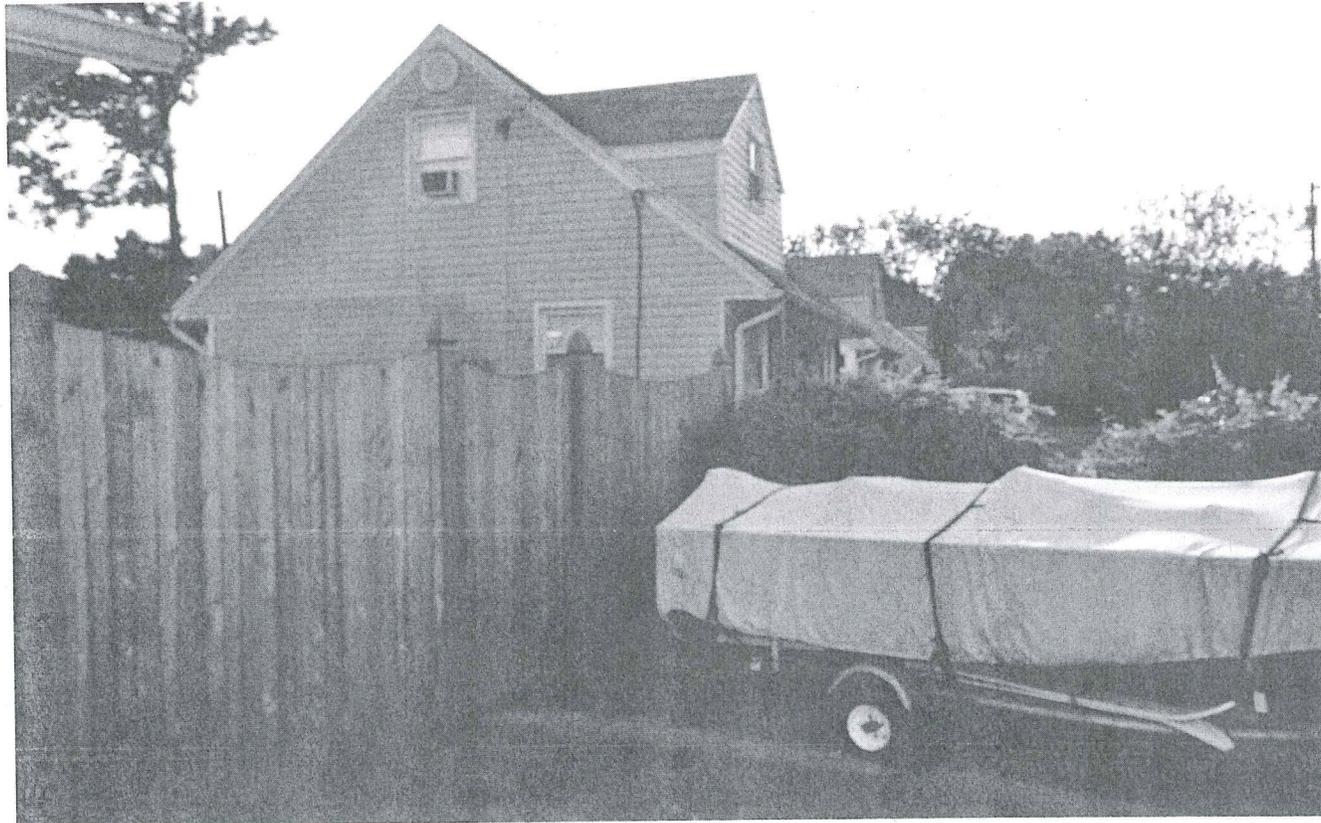
1905 Rollins Drive Facing South

Photo Taken 15 May

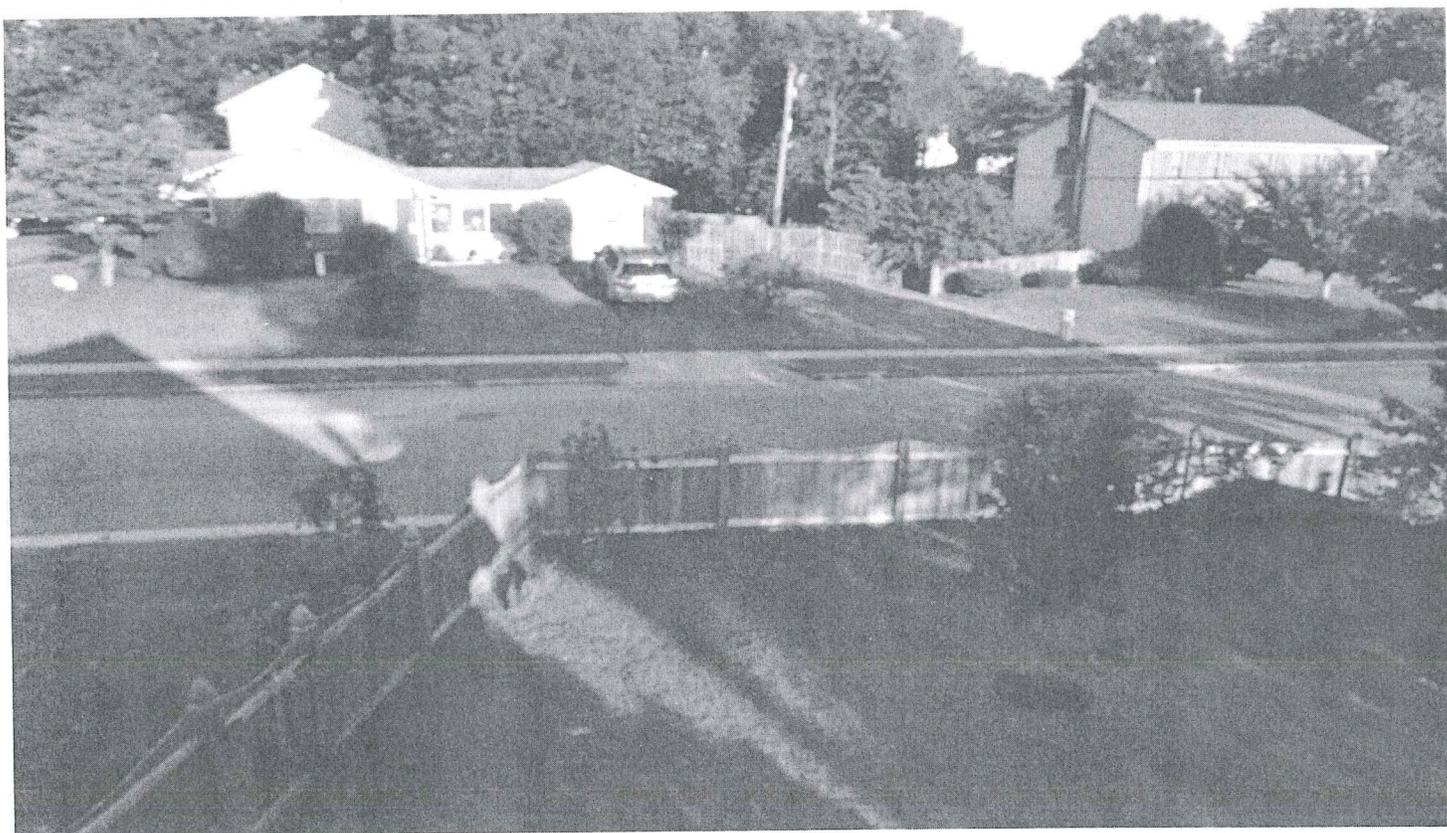


1905 Rollins Drive Facing West

Picture taken 15 May 2012

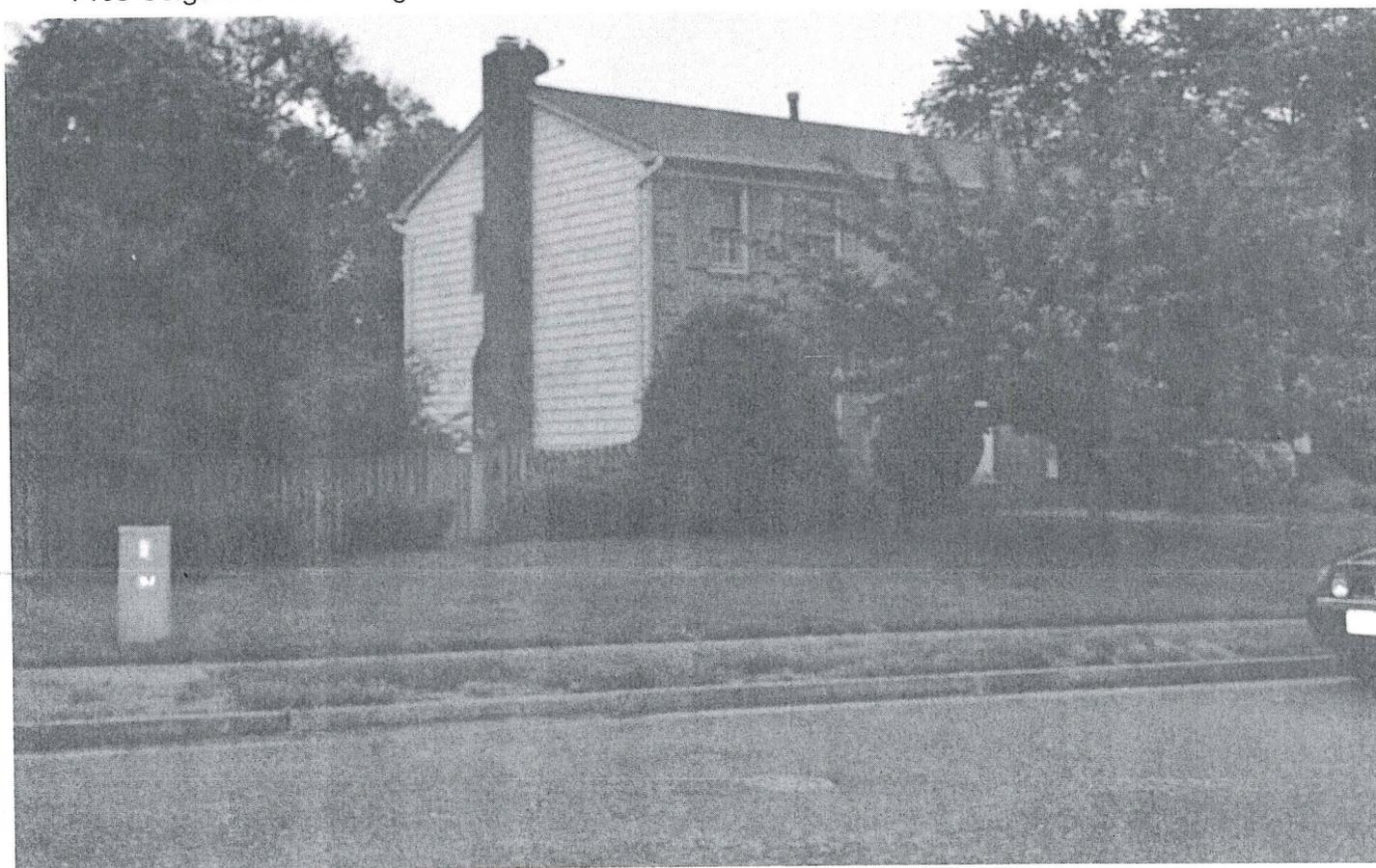


1809 Rollins Drive & 7103 Colgate Drive Facing East (Aerial View) Picture taken 15 May 2012



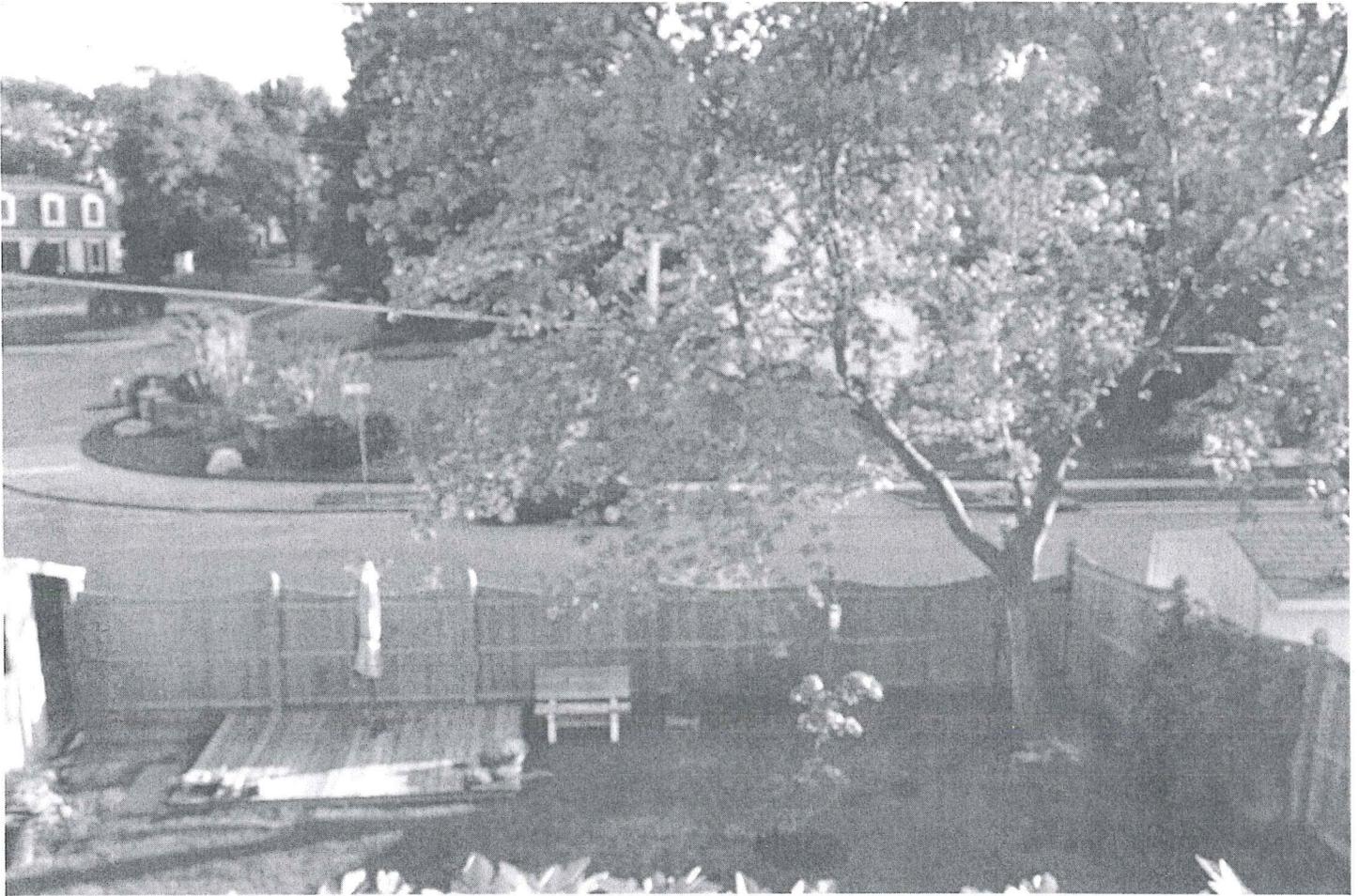
7103 Colgate Drive Facing Southeast

Picture taken 15 May 2012



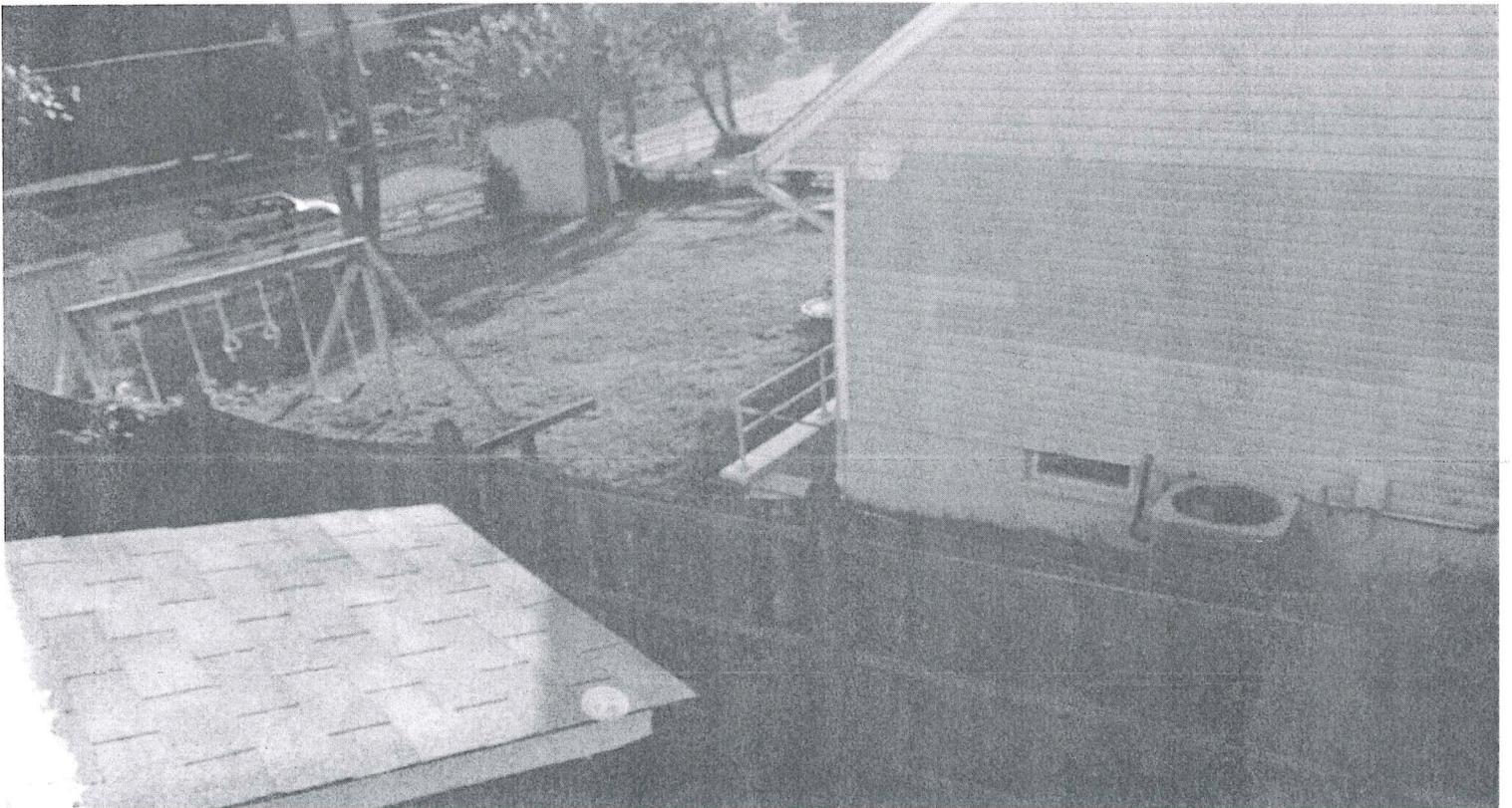
7102 Colgate Drive Facing Southwest.

Picture Taken 15 May 2012



1905 Rollins Drive Facing West (Aerial).

Picture taken 15 May 2012



1905 Rollins Drive Facing West (Aerial 3)

Picture taken 15 May 2012



1905 Rollins Drive Facing West (Aerial2)

Picture taken 15 May 2012



1905 Rollins Drive (abutting property to 1901 Rollins Drive) Facing South. Picture taken 15 May 2012



Rear of 1901 & 1905 Rollins Drive Facing North.

Picture Taken 15 May 2012



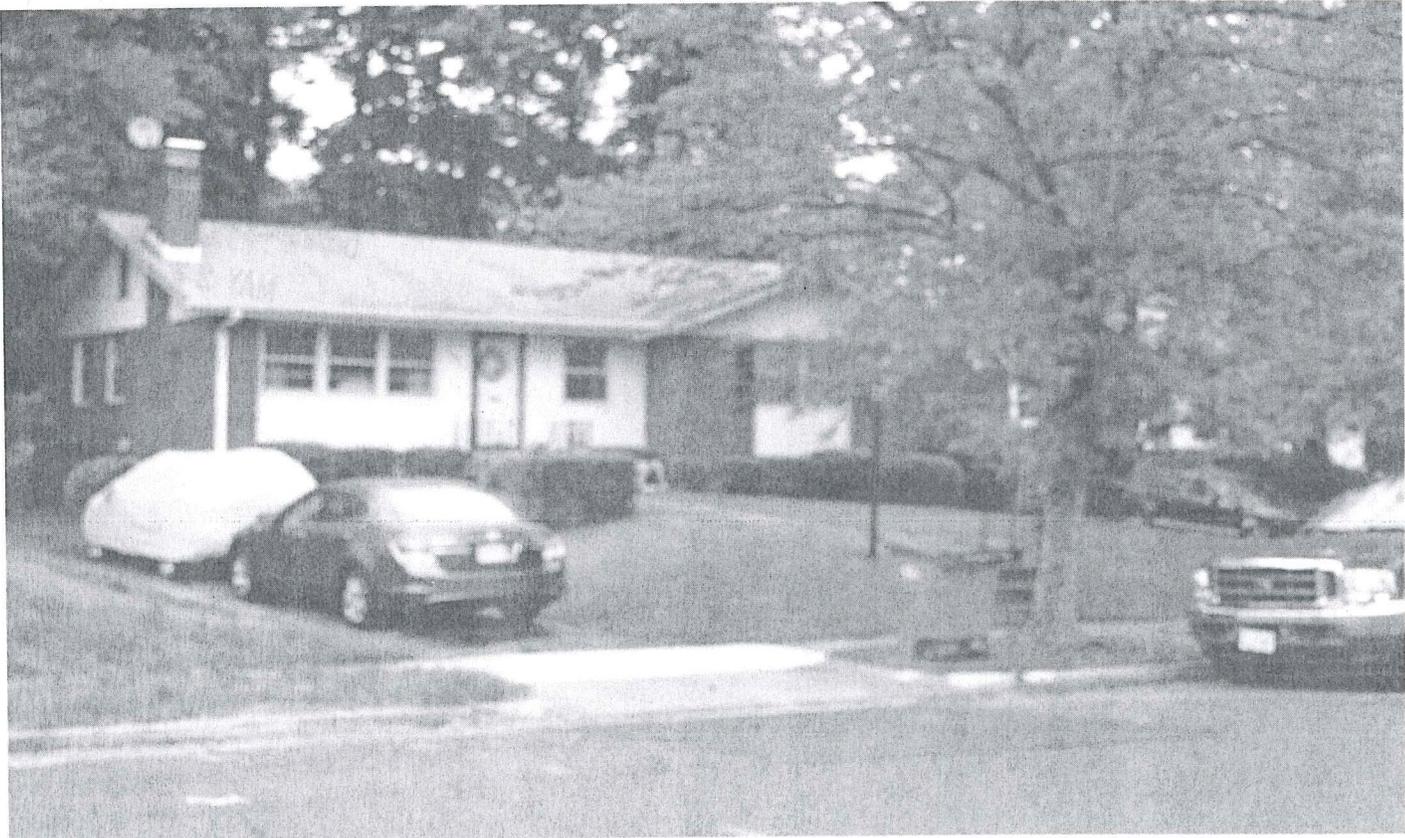
1900 Rollins Drive Facing Northeast

Picture taken 15 May 2012



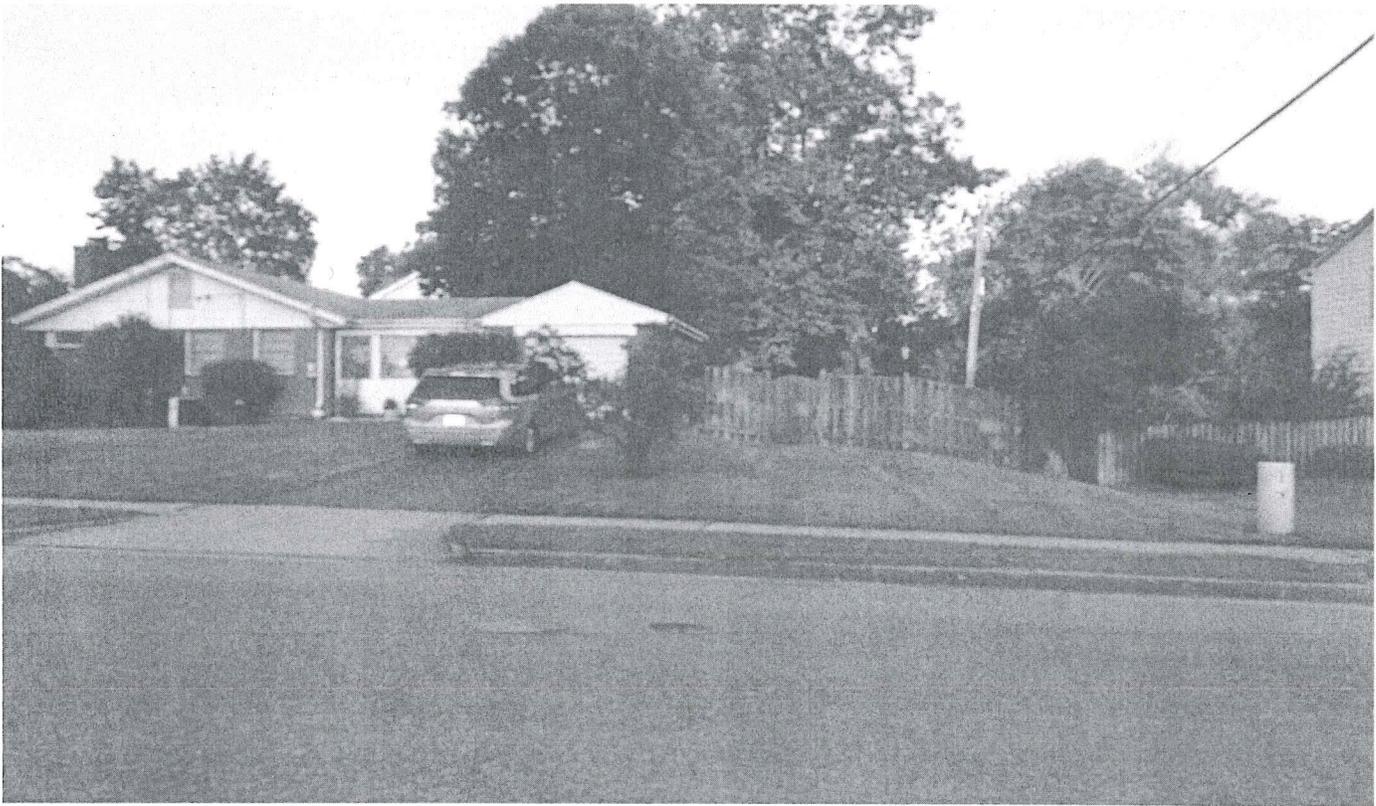
1810 Rollins Drive Facing North East

Picture taken 15 May 2012



1809 Rollins Drive Facing East

Picture taken 15 May 2012



1809 Rollins Drive Facing East

Picture taken 15 May 2012



DESCRIPTION OF THE APPLICATION

The applicants are requesting approval of a special permit to permit reduction to minimum yard requirements based on an error in building location to allow an existing deck, consisting of an at-grade patio, to remain 1.5 feet from the western side lot line.

	Structure	Yard	Min. Yard Req.*	Permitted Extension **	Permitted Yard	Structure Location	Amount of Error	Percent of Error
Special Permit	Deck (at-grade patio)	Side (west)	10.0 feet	5.0 feet	5.0 feet	1.5 feet	3.5 feet	70%

*Minimum yard requirement per Section 3-407

**Permitted Extensions per Section 2-412

The applicants also seek special permit approval to allow an existing wood fence greater than 4.0 feet in height to remain in the front yards of a corner lot. The property is a corner lot that borders on three roads; Rollins Drive, Colgate Drive and Griffin Drive. The fence ranges in height from 4.5 feet to 7.0 feet. The fence which borders Rollins Drive and Colgate Drive is 4.5 feet in height. The remaining section of fence along Griffin Drive is 5.5 feet in height. A portion of the fence along Lot 18 is 7.0 feet in height which exceeds the maximum height permitted under special permit. 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. Therefore, the applicants have committed to reduce the 7.0 foot high fence to a maximum of 6.0 feet in height if the application is approved.

	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 9,825 square foot corner lot is currently zoned R-4 and developed with a one and one-half story single family detached dwelling constructed in 1953. A detached shed is located along the front lot line with Griffin Drive. An at-grade patio is located along the eastern side of the dwelling approximately 1.5 feet from the side lot line. The site is accessed via a concrete driveway from Rollins Drive which terminates at the dwelling.

CHARACTER OF THE AREA

	Zoning	Use
North	R-4	Single-Family Dwellings
East	R-4	Single-Family Dwellings
South	R-4	Single Family Dwellings
West	R-4	Single Family Dwellings

BACKGROUND

On July 19, 2010, the applicants were issued a Notice of Violation (NOV) for a fence in the front yards exceeding 4.0 feet in height. A copy of the NOV is attached as Appendix 4. As shown on the special permit plat titled "Plat Showing House Location Survey, Lot 19, Section 4, Block 13, Bucknell Manor" prepared by Suburban Development Engineering dated March 5, 1990, as revised and sealed through July 3, 2012, the fence has been constructed along three front lot lines. Enforcement of the violation was stayed for an extended period of time since one of the applicants was on active military duty.

On June 14, 2012, the applicants entered into an Agreed Final Order with the circuit court which required them to obtain special permit approval for the fence and fence posts by September 1, 2012, reduce the height of the fence, or remove the fence and fence posts from the property by not later than September 30, 2012. Staff from the County Attorney's Office (CAO) entered an Amended Agreed Order with the Court to extend the date to provide the applicants additional time to go through the special permit process. The Amended Agreed Order proposes to extend the date to December 31, 2012, and if special permit approval is not obtained by that date, the applicants will be required to reduce the height or remove the fence and fence posts from the property by January 31, 2013. At the time of the publication of this staff report, staff had not received a signed copy of the Amended Agreed Final Order. A copy of the October 17, 2012, Amended Agreed Final Order submitted by the CAO to the circuit court and the original Agreed Final Order are included as Appendix 5.

In a letter dated September 23, 2012, attached as Appendix 6, the Zoning Administration Division provided the applicants a Vested Rights Determination for an existing 270 square foot workshop with an attached screened porch since the structures have been taxed for at least 15 years.

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

ZONING ORDINANCE REQUIREMENTS (See Appendix 7)

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

CONCLUSION

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notice of Violation
5. Agreed Final Order
6. Vested Rights Determination
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2012-MV-057

November 21, 2012

1. This special permit is approved for the location of an at-grade patio and the location and maximum height of 6.0 feet of a wood fence, as shown on the plat prepared by SDE Suburban Development Engineering dated March 5, 1990 as revised and sealed through July 3, 2012, submitted with this application and is not transferable to other land.

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

Application No.(s): SP 2012-MV-057
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23 March 2012
(enter date affidavit is notarized)

I, ThomasALove & Local.Love, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant 115652
 applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Thomas A. Love	1901 Rollins Dr. Alexandria, VA 22307	Applicant
Lora L. Love	1901 Rollins Dr. Alexandria, VA 22307	Applicant

(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-057

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

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23 March 2012
(enter date affidavit is notarized)

115652

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

Application No.(s): SP 2012-MV-057
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23 March 2012
(enter date affidavit is notarized)

115652

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

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

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

Application No.(s): SP 2012-MV-057
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23 March 2012
(enter date affidavit is notarized)

115652

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. MV-057

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23 March 2012
(enter date affidavit is notarized)

115652

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)

[X] Applicant [] Applicant's Authorized Agent

Thomas A. Love Lora L. Love Applicants
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 23 day of March 2012, in the State/Comm. of Virginia, County/City of Alexandria

Brandi Galloway
Notary Public

My commission expires: 8/31/2012



RECEIVED
Department of Planning & Zoning

AUG 14 2012

Zoning Evaluation Division

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

We are seeking a Special Permit to have a fence taller than the four foot restriction for front yards. Our property is a corner lot that borders three roads when we purchased the property we were unaware that this meant we had three front yards and therefore, certain restrictions would apply. I believe these restrictions were put in place for good reason; however, given the unusual nature of our property they are unnecessarily restrictive and do not allow us the same privacy in our yard that our neighbors enjoy. The fence was constructed in keeping with the style and heights of the other fences in the neighborhood and specific attention was paid to ensure that drivers had no visual obstructions (that's why the fence bordering Colgate and a portion of Griffin is lower). Our property slopes up toward the house, so it is difficult to achieve any privacy in our yard and a shorter fence will only eliminate any privacy that we have now.

We needed the additional height for privacy and security in what we consider our backyard. I am in the military and often travel for extended periods of time so we put the fence up in order to allow my wife privacy and added security when she is home alone. My wife also volunteers with several animal rescue groups and we often foster dogs at our home. The larger fence ensures that they stay in our yard and do not disturb our neighbors.

Due to the unique nature of our property having three front yards there is no way for us to achieve any privacy if the fence is lowered to four feet. The fence ranges from 4.5ft to 7ft in height. The section of the fence on the right side of our home that borders Rollins Drive, and Colgate Drive is 4.5ft high, this includes the corner of Colgate Drive and Griffin Drive. The remaining section along Griffin Drive is 5.5ft high. We request that the fence remain unchanged in these areas. The fence between our neighbor's property and ours is 7ft high. The only section of our property that does not border the street we installed a seven foot high section due to the fact that our neighbor installed a professional height basketball net and a swing set that is higher than 7ft. We are only seeking to have a little privacy in our yard, if it is determined that this section has to be lowered we ask that it not go below 6ft in height. The fence is in keeping with the style of our neighborhood and almost all of our neighbors have a 6ft fence that borders the road. We have received nothing but complements on the fence and paid a lot of money to have a nice fence installed that would improve the property and enhance the look of the neighborhood.

Since we have installed the fence we have paid \$1200.00 in additional fees to keep the fence and we cannot afford to make further modifications. We have made dramatic improvements to our home and I do most of the work so we can afford it. We paid a lot of money to have the fence installed so we could have privacy in our yard and have the same enjoyment most of our neighbors have that do not have three front yards.

A patio was built in error on the side of our home that extends from the house to 1.5 ft from the property line. I was not aware that putting pavers that touched the home constituted a permanent structure nor that it had to be more than 5ft from the property line. The patio is in the only section of our yard that has any privacy and is still a very small area. Almost all of our neighbors have a patio or

deck on their property and ours is in keeping with the style of the house and only adds to the value of the property. We request that the patio be approved as part of the special permit.

The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards except as noted. No hazardous or toxic substances exist on our property.

Return Copy



County of Fairfax, Virginia

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: July 19, 2010

SHERIFF'S LETTER

CASE #: 201003790 **SR#:** 61989

SERVE: Thomas A. Love
Loa L. Love
1901 Rollins Drive
Alexandria, VA 22307

LOCATION OF VIOLATION 1901 Rollins Drive
Alexandria, VA 22307
Bucknell Manor Blk. 13, Lot 19
Tax Map #: 93-1 ((23)) (13) 19
Zoning District: R-4

Dear Property Owners:

An inspection of the above referenced property on July 14, 2010 revealed the following violations of the Fairfax County Zoning Ordinance.

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

The inspection has determined that this property is a corner lot and is deemed to have three (3) front yards. Article 20 of the Fairfax County Zoning Ordinance defines a front yard in part as:

A yard extending across the full width of a lot and lying between the front lot line and the principal building.

On a corner lot, the two (2) yards lying between the principal building and the intersecting streets shall both be deemed to be front yards.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, VA 22035
Phone 703-324-1300, Fax 703-324-9346
www.fairfaxcounty.gov

It has been determined that you have erected or allowed the erection of a fence that exceeds four (4) feet in height, in the front yard. 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.
- 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.

Thomas A. Love
Loa L. Love
July 19, 2010
Page 3

Therefore, as this accessory fence exceeds four (4) feet 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 yards.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a special permit for an increase in fence height in the front yard for up to six (6) feet in height by the BZA in accordance with Part 9 of Article 8. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

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 \$2455.00 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) 324-1318 or 703-324-1300.



County of Fairfax, Virginia

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

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

October 17, 2012

Hand-Delivered

John T. Frey, Clerk
Fairfax County Circuit Court
4110 Chain Bridge Road
Fairfax, Virginia 22030

Re: *Eileen M. McLane, Zoning Administrator v. Thomas A. Love, et al.*
Case No. CL-2012-0004440

Dear Mr. Frey:

Enclosed please find a fully endorsed Amended Agreed Final Order in the above-referenced case. Please submit the Order to one of the Judges for entry. Upon entry of the Order, please return a certified copy to me in the enclosed self-addressed stamped envelope.

If you have any questions, please feel free to give me a call.

Sincerely,

Paul T. Emerick
Assistant County Attorney

Enclosure

cc: Thomas A. Love
Lora L. Love
Debbie Hedrick, ZED

remain in its present location in the front yards of the subject property in excess of the otherwise applicable height limitations; and

IT FURTHER APPEARING TO THE COURT that the Defendants' Special Permit application was accepted for hearing on or about August 31, 2012; and

IT FURTHER APPEARING TO THE COURT that Paragraph 9 of the Agreed Final Order states as follows: "[t]he terms set forth in this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the parties hereto with the approval of this Court"; and

IT FURTHER APPEARING TO THE COURT that the Defendants have requested a reasonable extension of time and/or relief from the various deadlines set forth in the Agreed Final Order, including Paragraph 4 of the Agreed Final Order, so that the BZA may consider the Group 9 Special Permit that is currently pending before the BZA and the Zoning Administrator agrees to that extension; and

IT FURTHER APPEARING TO THE COURT that this Amendment constitutes a written agreement of the parties submitted for the approval of the Court pursuant to Paragraph 4 of the Agreed Final Order; now, therefore, it is hereby

IT FURTHER APPEARING TO THE COURT that the Board of Supervisors has designated Leslie B. Johnson as the Fairfax County Zoning Administrator, following the retirement of Eileen M. McLane; and it is therefore

ADJUDGED AND ORDERED that the Agreed Final Order is amended as follows:

4. Any Special Permit as set forth above shall be obtained by the Defendants by December 31, 2012, and if not obtained by that date the Defendants shall complete the height reduction and/or fence removal as set forth in Paragraph 3 above, by no later than January 31, 2013.

IT IS FURTHER ORDERED THAT pursuant to Supreme Court of Virginia Rule 3:17, Leslie B. Johnson is hereby substituted as the plaintiff in this case.

Pursuant to Va. Code Ann. § 17.1-227 (Supp. 2012) the Clerk of the Fairfax County Circuit Court shall record a copy of this Amended Agreed Final Order among the land records of Fairfax County, Virginia, to give notice of the prohibitions and restrictions contained herein to any successors-in-interest to the Defendants and shall index said Order Judgment as follows:

GRANTORS: Thomas A. Love; Lora L. Love

GRANTEES: Leslie B. Johnson; Fairfax County
Zoning Administrator

AND THIS CAUSE IS ENDED.

Entered this _____ day of October 2012.

JUDGE, FAIRFAX COUNTY CIRCUIT COURT

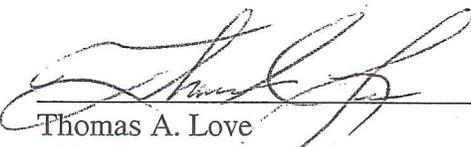
WE ASK FOR THIS:

DAVID P. BOBZIEN
COUNTY ATTORNEY

By: 

Paul T. Emerick (VSB No. 33443)
Assistant County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035
Ph.: (703) 324-2421; Fax: (703) 324-2665
Counsel for Plaintiff Leslie B. Johnson,
Fairfax County Zoning Administrator

SEEN AND AGREED


Thomas A. Love
1901 Rollins Drive
Alexandria, Virginia 22307
Defendant *pro se*

SEEN AND AGREED


Lora L. Love
1901 Rollins Drive
Alexandria, Virginia 22307
Defendant *pro se*

3

RECEIVED
COUNTY ATTORNEY'S OFFICE
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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

EILEEN M. McLANE, FAIRFAX COUNTY
ZONING ADMINISTRATOR,

Plaintiff,

v.

THOMAS A. LOVE,

and

LORA L. LOVE,

Defendants.

CASE NO. CL-2012-0004440

AGREED FINAL ORDER

THIS CAUSE came before the Court by the consent of the Plaintiff, Eileen M. McLane, Fairfax County Zoning Administrator ("Zoning Administrator") and Defendants Thomas A. Love and Lora L. Love ("Defendants"), for the entry of this Agreed Final Order; and

IT APPEARING TO THE COURT that the Zoning Administrator filed a Complaint for Declaratory Judgment and Injunctive Relief ("Complaint") in this case against the Defendants on March 21, 2012, alleging, *inter alia*, that the Defendants are in violation of the Fairfax County Zoning Ordinance ("Zoning Ordinance") in connection with the Defendants' use of the property located at 1901 Rollins Drive, Alexandria, Virginia, which is shown on the Fairfax County Real Property Identification Map as Tax Map No. 93-1((23))(13) parcel 19 ("subject property"); and

IT FURTHER APPEARING TO THE COURT that the parties hereto agree that the terms of this Agreed Final Order are reasonable and shall not be modified except by

cc to Emerick / L.R. 6/15/12

the written agreement of the Plaintiff and the Defendants with the approval of this Court;
and

IT FURTHER APPEARING TO THE COURT that this Agreed Final Order
should be entered; now, therefore, it is hereby

ADJUDGED AND ORDERED THAT:

1. The Defendants' installation and/or maintenance of a fence and fence posts in the front yards of the subject property that exceed four (4) feet in height violates Zoning Ordinance §§ 2-302(6) and 10-104(3)(B).
2. Within forty-five (45) days after the date this Agreed Final Order is entered by the Fairfax County Circuit Court, the Defendants shall submit a full and complete application for a Group 9 Special Permit to the Fairfax County Board of Zoning Appeals ("BZA"), which, if approved, would allow the existing fence and fence posts to remain in excess of four (4) feet in height in the front yards of the subject property.
3. In the event that the Defendants fail to submit an application for a Group 9 Special Permit within the timeframe set forth in Paragraph 2 above, or in the event that the BZA refuses to accept or denies the Defendants' application for a Special Permit referenced in Paragraph 2 above, then within thirty (30) days of such failure, refusal, or denial, whichever first occurs, the Defendants shall (1) permanently reduce the fence and fence posts to a height of no greater than four (4) feet in the front yards of the subject property, and any other portion of the fence and fence posts on the subject property that exceed the height limitation set forth in the Zoning Ordinance, or (2) remove such fence and fence posts from the subject property to a lawful site.

4. Any Special Permit as set forth above shall be obtained by the Defendants by September 1, 2012, and if not obtained by that date the Defendants shall complete the height reduction and/or fence removal as set forth in Paragraph 3 above, by no later than September 30, 2012.

5. To the extent that the use of the subject property and the violations regarding the installation and maintenance of the fence and fence posts in the front yards of the subject property are not resolved by a Special Permit as set forth in Paragraph 2 above, the Defendants, their agents, employees, tenants, and/or any successors-in-interest are permanently enjoined from placing and/or allowing to be placed on the subject property at any time in the future any fence and/or fence posts that exceeds four (4) feet in height in the front yards, and any other portion of the fence and fence posts on the subject property that exceed the height limitation set forth in the Zoning Ordinance, in violation of Zoning Ordinance §§ 2-302(6) and 10-104(3)(B).

6. To the extent that the use of the subject property and the violations regarding the installation and maintenance of the fence and fence posts in the front yards of the subject property are not resolved by a Special Permit as set forth in Paragraph 2 above, the placement on the subject property and/or allowing to be placed on the subject property at any time in the future any fence and/or fence posts that exceeds four (4) feet in height in the front yards, and any other portion of the fence and fence posts on the subject property that exceed the height limitation set forth in the Zoning Ordinance, in violation of Zoning Ordinance §§ 2-302(6) and 10-104(3)(B) is permanently enjoined.

7. If the Defendants, their agents, employees, tenants, and/or any successors-in-interest fail to comply with any provisions set forth in this Agreed Final Order,

he/she/they shall pay the sum of \$100 per day to the County of Fairfax (delivered to the Office of the County Attorney in the form of a certified check made payable to the "County of Fairfax") for every day the Court finds a violation. Payment of this amount shall be in addition to any additional sanctions the Court may impose upon a finding of contempt for any violation of this Agreed Final Order.

8. The Zoning Administrator and/or her agents shall be permitted to enter upon the subject property at reasonable times to inspect the subject property for the purpose of monitoring compliance with this Agreed Final Order.

9. The terms set forth in this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the parties hereto with the approval of this Court.

10. Pursuant to Va. Code Ann. § 17.1-227 (Supp. 2011) the Clerk of the Fairfax County Circuit Court shall record a copy of this Agreed Final Order among the land records of Fairfax County, Virginia, to give notice of the prohibitions and restrictions contained herein to any successors-in-interest to the Defendants and shall index said Agreed Final Order as follows:

GRANTORS: Thomas A. Love; Lora L. Love

GRANTEES: Eileen M. McLane; Fairfax County
Zoning Administrator

AND THIS CAUSE IS FINAL.

June 8th
ENTERED May 8, 2012.



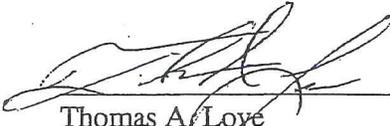
JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

DAVID P. BOBZIEN
COUNTY ATTORNEY

By: 
Paul T. Emerick (VSB No. 33443)
Assistant County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035
Ph.: (703) 324-2421; Fax: (703) 324-2665
Counsel for Plaintiff Eileen M. McLane,
Fairfax County Zoning Administrator

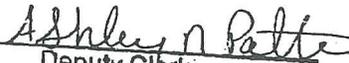
SEEN AND AGREED


Thomas A. Love
1901 Rollins Drive
Alexandria, Virginia 22307
Defendant *pro se*

SEEN AND AGREED


Lora L. Love
1901 Rollins Drive
Alexandria, Virginia 22307
Defendant *pro se*

A COPY TESTE:
JOHN T. FREY, CLERK

BY: 
Deputy Clerk

Date: 6/14/12
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia
2012-4440



County of Fairfax, Virginia

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



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

Property Tax Map Number:	93-1 ((23)) 19
Property Address:	1901 Rollins Drive, Alexandria VA 22307
Requestor's Name:	Ms. Lora Love
Requestors Address: (if different than above)	
Requestor's Phone Number:	(478) 396-0406
Current Zoning:	R-4
Magisterial District:	Mount Vernon
Subdivision Name/Section/Block/Lot No.:	Bucknell Manor, Block 13, Lot 19

Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia

A 15 foot by 18 foot (270 square foot) workshop with screened porch constructed in the front yard on the south side of the property adjacent to Griffin Drive, and located 2 feet from the south side property line. In the R-4 District, such an accessory structure is not permitted to be placed in a front yard of less than 36,000 square feet. The subject property is 9,825 square feet.

Department of Tax Administration (DTA) records indicated the structure to be a 270 square foot screened porch until 2010 when the designation was changed to a 15 foot by 8 foot (120 square foot) workshop with a 15 foot by 10 foot (150 square foot) screened porch (total 270 square feet). Further DTA records indicate that the same structure has been taxed for at least 15 years. In addition, County records contain a house location plat dated July 14, 1971 denoting a shed of the same approximate size as the current structure, and correspondence dated May 9, 1972 from a previous homeowner describing the structure to be a shed with porch.

Background Summary (check all that are applicable):

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

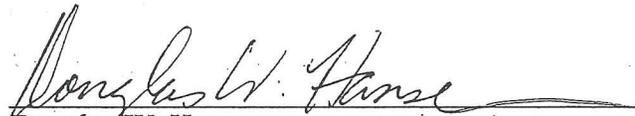
Department of Planning and Zoning
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1314 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/



Staff Determination:

- §15.2-2307 of the Code of Virginia is applicable and the structure(s) may remain. Since County records reveal the structure was first in existence during the 1971-1972 time period, current Building Code regulations are not applicable; therefore no Building Permit is required. However, the structure may not be replaced or enlarged unless the replacement or expansion complies with all regulations of the district in which located and a Building Permit is obtained for the replacement or expansion of the structure.
- §15.2-2307 of the Code of Virginia is applicable for the structure and the structure(s) may remain; however, §15.2-2307 is not applicable for the use of the structure. A separate letter explaining the status and use of the structure(s) will be issued.
-
- §15.2-2307 of the Code of Virginia is not applicable. A separate letter explaining the status of the structure(s) will be issued.

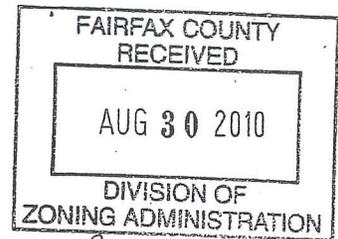
Reviewer's Signature:


Douglas W. Hansen

Date: 9/23/10

Senior Assistant to the Zoning Administrator
Zoning Administration Division
Department of Planning and Zoning

cc: Janet E. Coldsmith, Director, Real Estate Division, DTA
Eileen M. McLane, Zoning Administrator
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch
Jim Ciampini, Field Division 5, Department of Code Compliance



Lora Love
1901 Rollins Drive
Alexandria, VA 22307
(478) 396-0406
lora.love@alexandriava.gov
August 25, 2010

Ms. Eileen McLane
Zoning Administrator
Zoning Administration Division
Department of Planning and Zoning
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5508

RE: Shed at 1901 Rollins Dr, Alexandria, VA 22307

Dear Ms. McLane:

I was told that you may be able to assist me in determining when a shed was built on our property that we purchased in October of last year. I would like to know when the permit to build this shed was applied for and granted.

I have enclosed a Plat Map which should contain any information you may need.

Thank you very much for your assistance. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lora Love".

Lora Love

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. 3l 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.