



APPLICATION ACCEPTED: October 3, 2012
DATE OF PUBLIC HEARING: December 12, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

December 5, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-MV-067

MOUNT VERNON DISTRICT

APPLICANTS/OWNERS: George I. Diffenbaucher and
Kathleen A. Dodson

LOCATION: 8141 Stacey Rd., Alexandria 22308

SUBDIVISION: A.H. Tinkle

TAX MAP: 102-3 ((8)) 4

LOT SIZE: 21,853 square feet

ZONING: R-3

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction in minimum yard requirements based on error in building location to permit open deck to remain 9.4 ft. from a side lot line.

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:\vgumk2\SP Cases\12-12) SP 2012-MV-067 Diffenbaucher (Error)\SP 2012-MV-067

Laura Gumkowski

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

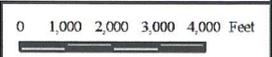
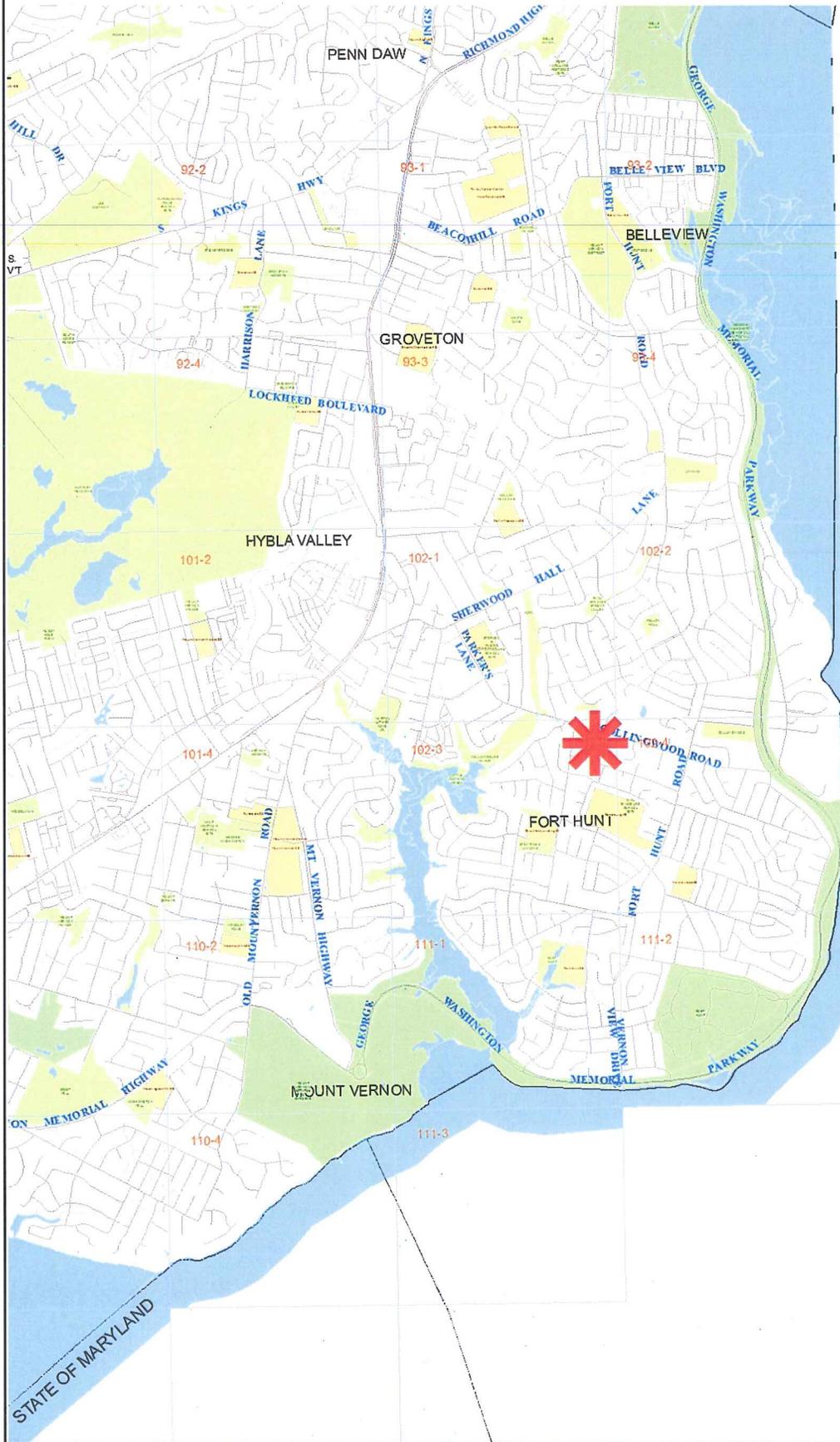


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2012-MV-067

GEORGE I. DIFFENBAUCHER & KATHLEEN A. DODSON



Special Permit

SP 2012-MV-067

GEORGE I. DIFFENBAUCHER & KATHLEEN A. DODSON

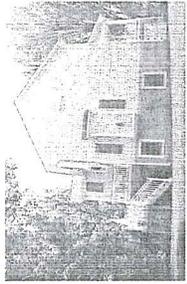


NOTES

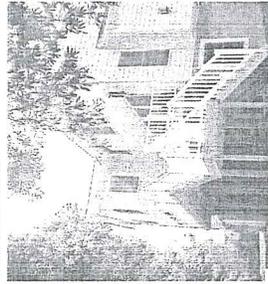
- TAX MAP: 102-3-008-0004
- ZONE: R-3 (RESIDENTIAL 3 DU/AC)
- LOT AREA: 21,853 SF (0.5017 AC)
- REQUIRED YARDS: (SUBJECT PROPERTY IS A CORNER LOT)
 FRONT: = 30.0 FEET
 SIDE: = 12.0 FEET
 REAR: = 25.0 FEET
- HEIGHTS:
 DWELLING = 30.4 FEET
 OP FLOOR = 07.4 FEET
 OP PEAK = 12.2 FEET
 DECK = 10.0 FEET
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
- THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- AREAS:
 BASEMENT = 1,390 SF
 FIRST FLOOR = 2,133 SF
 SECOND FLOOR = 1,979 SF
 GROSS FLOOR AREA = 5,502 SF
- FLOOR AREA RATIO: EX. GFA (5502) / LOT AREA (21853) = 0.25
- UTILITIES ARE UNDERGROUND.

NOT TO SCALE

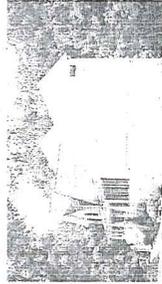
PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 4
A.H. TINKLE SUBDIVISION
 (DEED BOOK 568, PAGE 339)
 FAIRFAX COUNTY, VIRGINIA
 MOUNT VERNON DISTRICT
 SCALE: 1" = 20'
 JUNE 29, 2012



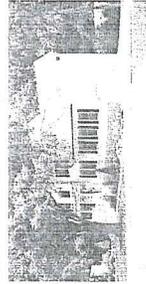
NORTH SIDE OF DWELLING



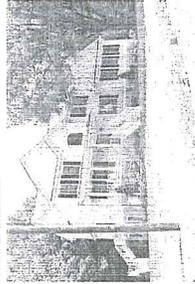
DECK, STEPS, LND. AND PATIO



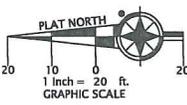
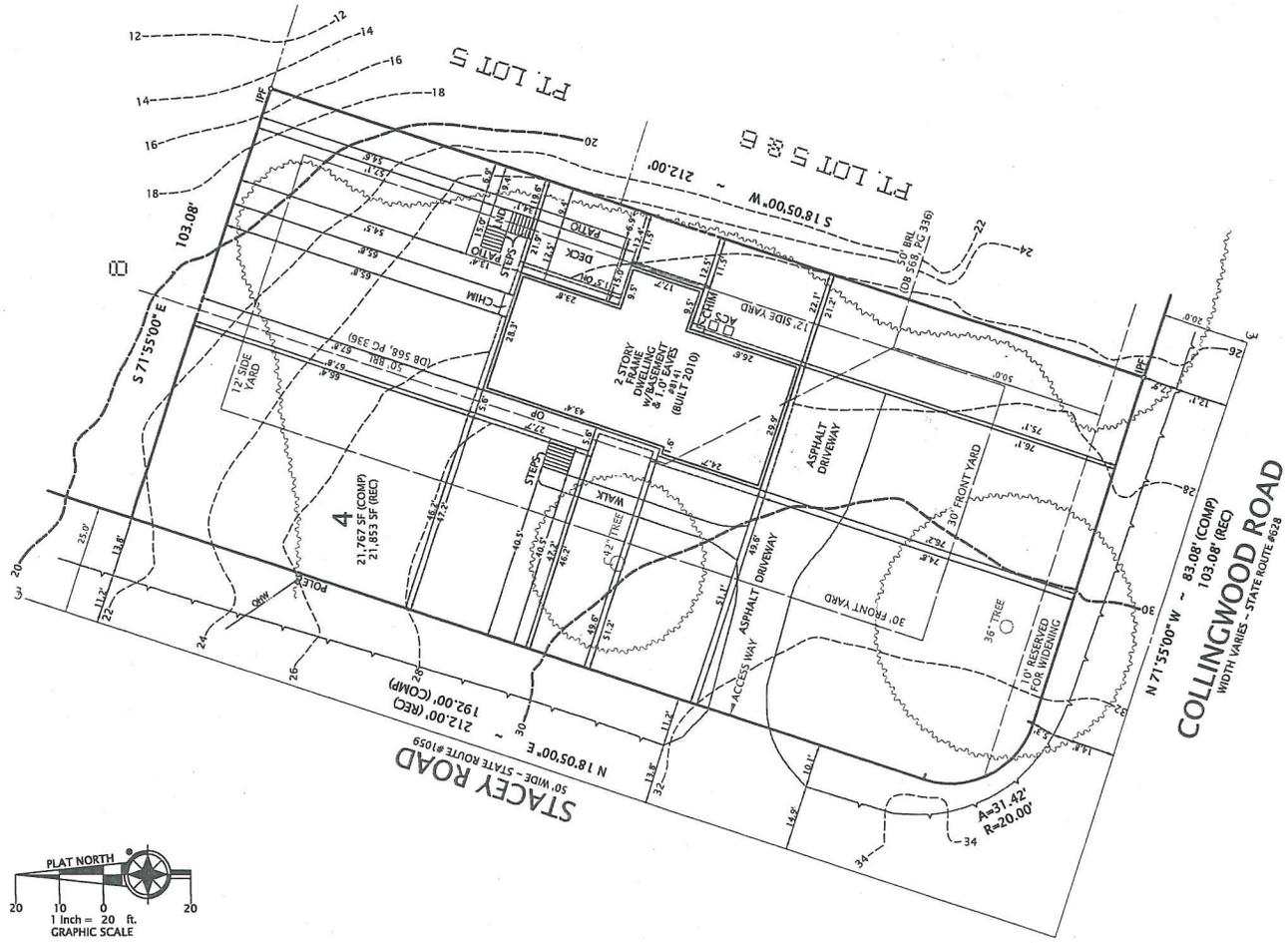
GARAGE AND DRIVEWAY



FRONT OF DWELLING



FRONT OF DWELLING



I HEREBY CERTIFY THAT THE PORTIONS OF THIS PLAT WHICH ARE NOT SHOWN CAREFULLY ESTABLISHED BY A CORNER BEILD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

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

CASE NAME:
 GEORGE I. DIFFENHAUHLER
 KATHLEEN A. DOBSON

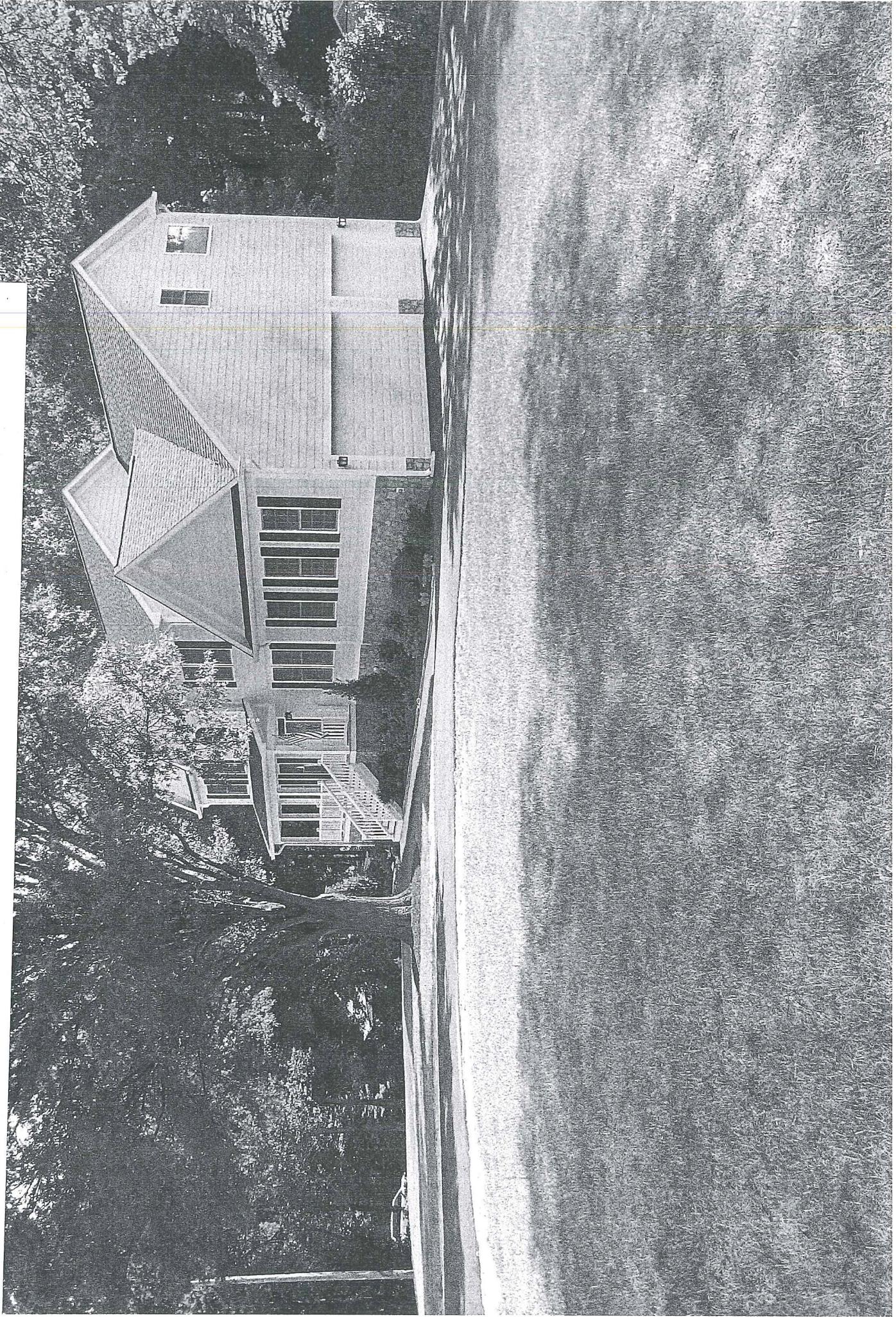
DOMINION Surveyors Inc.
 8808-H PEAR TREE VILLAGE COURT
 ALEXANDRIA, VIRGINIA 22309
 FAX: 703-799-6412

STATE OF VIRGINIA
 06/29/2012
 GEORGE M. O'QUINN
 LICENSE NO. 2089
George M. O'Quinn

8141 Stacey Rd., taken from the west, standing on Stacey Rd. on June 18,
2012



8141 Stacey Rd., taken from the southwest, standing near the corner of Stacey Rd. and Collingwood Rd. on June 18, 2012



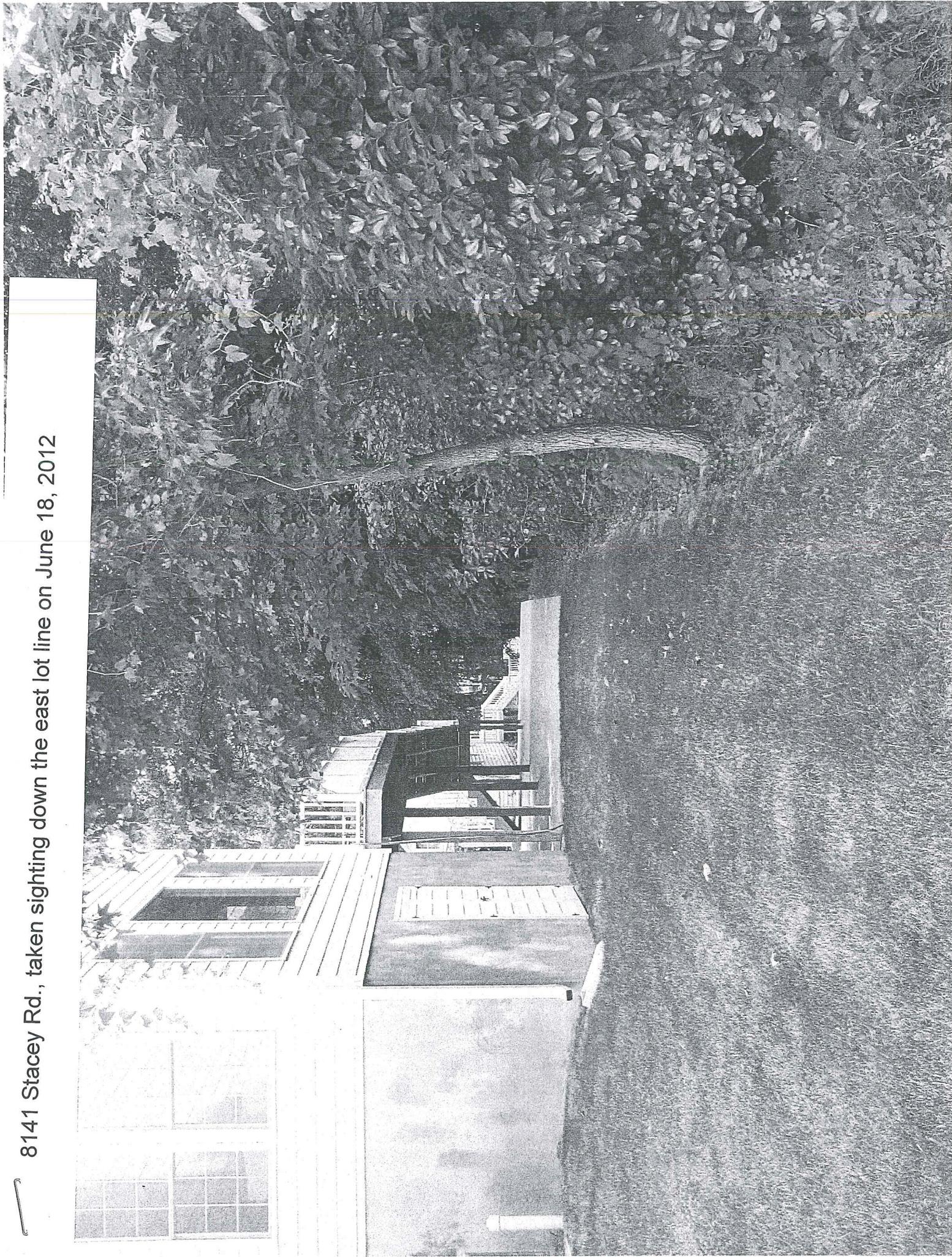
8141 Stacey Rd., taken from the south, standing at Collingwood Rd. on
June 18, 2012



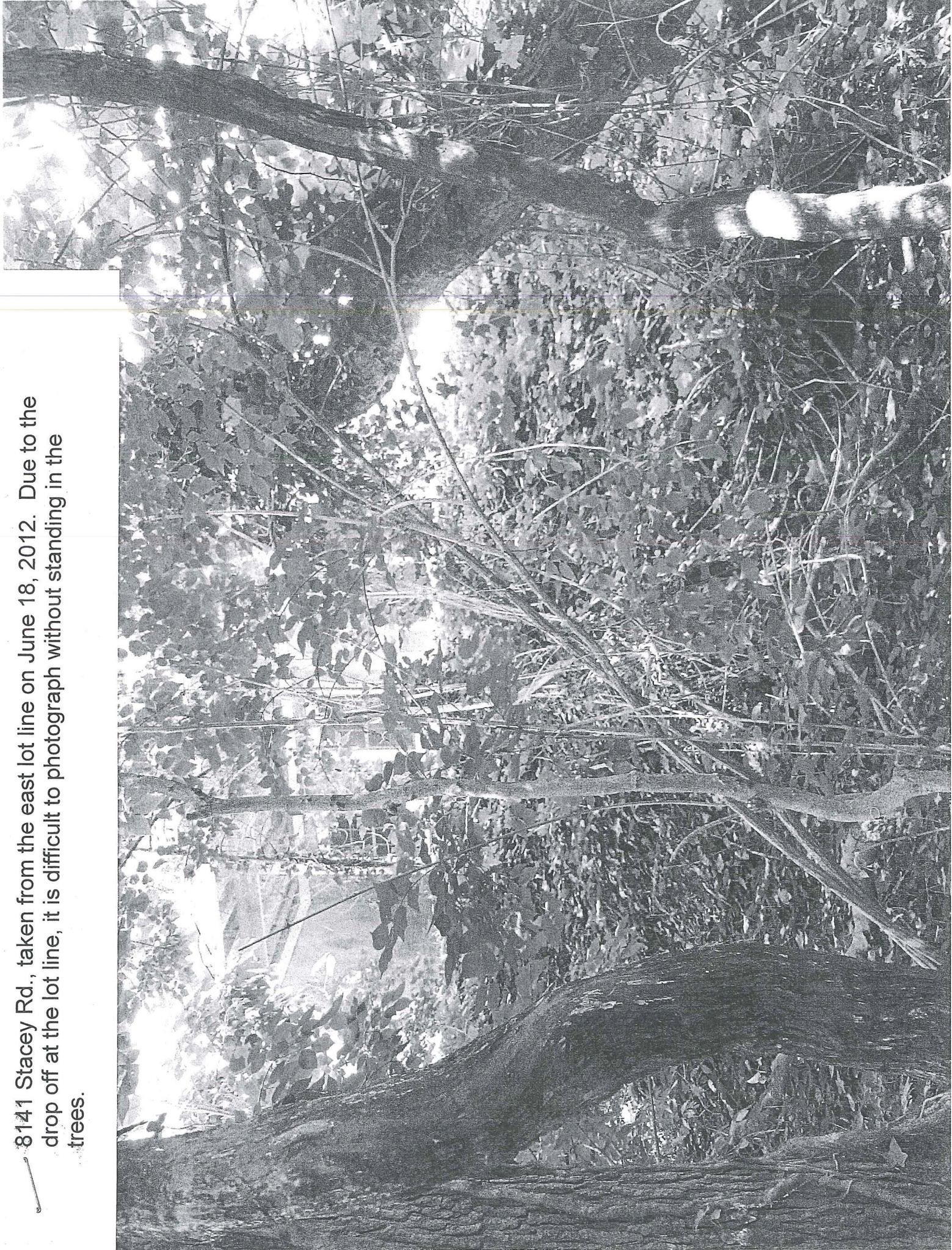
8141 Stacey Rd., taken from the north, standing at the lot line between
8141 and 8139 Stacey Rd. on June 18, 2012



8141 Stacey Rd., taken sighting down the east lot line on June 18, 2012



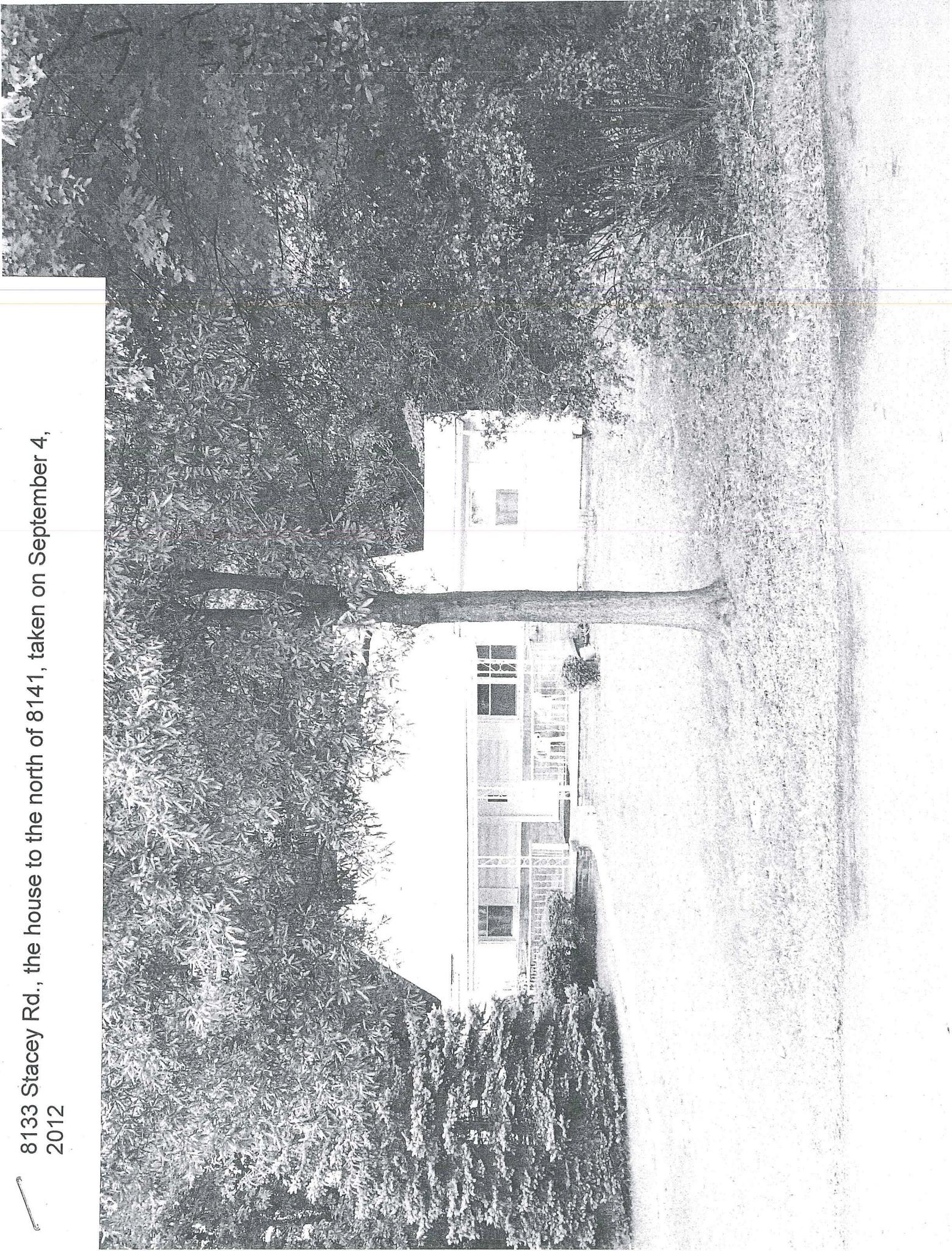
8141 Stacey Rd., taken from the east lot line on June 18, 2012. Due to the drop off at the lot line, it is difficult to photograph without standing in the trees.



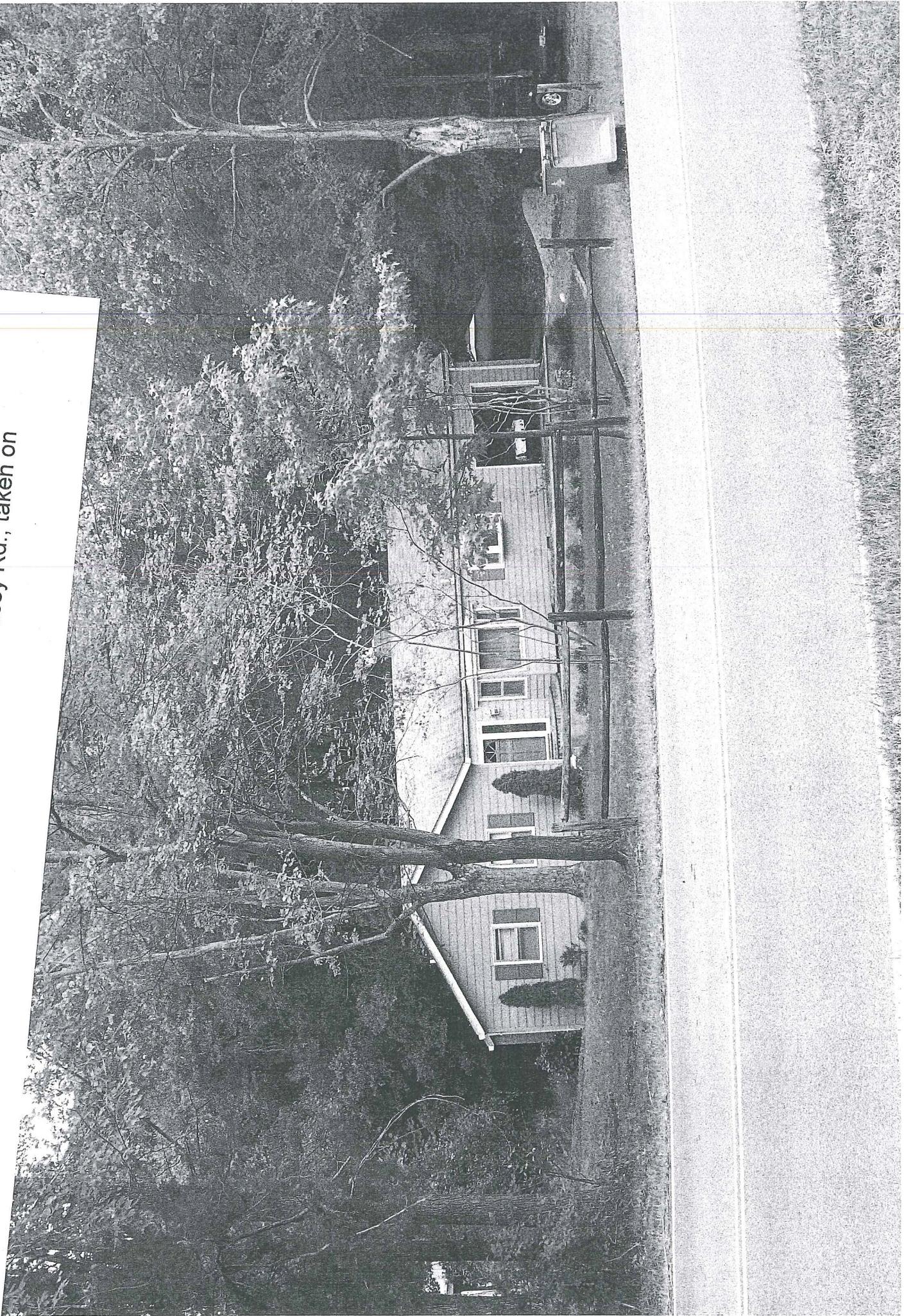
8140 Stacey Rd., the house directly west of 8141, taken on August 20, 2012



8133 Stacey Rd., the house to the north of 8141, taken on September 4,
2012



1816 Collingwood Rd., the house to the east of 8141 Stacey Rd., taken on
September 4, 2012



DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for an error in building location to permit an existing deck to remain 9.4 feet from to the eastern side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Deck	Eastern Side	12.0 feet	9.4 feet	2.6 feet	78.3%

*Minimum Yard Requirement per Section 2-412

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Single Family Detached Dwellings
South	R-3	Single Family Detached Dwellings
East	R-3	Single Family Detached Dwellings
West	R-3	Single Family Detached Dwellings

EXISTING SITE DESCRIPTION

The 21,853 square foot lot is developed with a two story vinyl and stone single-family detached dwelling with a basement, constructed in 2010. The lot has a manicured lawn with mature trees and shrubs. An asphalt driveway provides access from Stacey Road. A concrete walkway with extends from the driveway to the front porch. A deck and concrete patio exists to the rear of the primary dwelling.

BACKGROUND

The applicant purchased the property in 2011. A one story 1,232 square foot house was built on this property in 1957. In 2010 a building permit was issued to demolish the existing house to its foundation. In the same year a building permit application was filed to build a new single family dwelling on the old foundation. According to the 2010 plat on file, a five foot portion of the patio in the western side yard was to be removed. A Setback Certification was approved by the Zoning Administrator on October 12, 2010.

A reduction in yards was approved for a 12.6 foot western side yard from the principal dwelling and a 7.0 foot western side yard from the patio (see Appendix 5). A Corrective Work Order was issued on July 5, 2012, in which the inspector cited that a deck had been built in the western side yard without the proper permits (see Appendix 6).

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

A copy of the submitted special permit plat titled "Plat, Showing the Improvements on Lot 4, A.H. Tinkle Subdivision" prepared by Dominion Surveyors Inc., dated June 29, 2012, is included at the front of the staff report.

ZONING ORDINANCE REQUIREMENTS

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

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

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. Building Permit History
5. Setback Certification dated October 12, 2010
6. Corrective Work Order dated July 5, 2012
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2012-MV-067

December 5, 2012

1. This special permit is approved only for the location of the existing deck as shown on the plat prepared by George M. O'Quinn, dated June 29, 2012 as submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the deck within 180 days of approval of this application.

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

Application No.(s): SP 2012-MV-067
 (County-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/13/12
 (enter date affidavit is notarized)

I, George I. Diefenbacher & Kathleen A. Dodson, 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

117252

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)
George I. Diefenbacher	8141 Stacey Rd., Alexandria, VA 22308	Applicant/Title owner
Kathleen A. Dodson	"	"

(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.

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

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/13/12
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117252

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)

NA

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- NA 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)

NA

(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-067
(County-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/13/12
(enter date affidavit is notarized)

117252

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)

NA

(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**)

NA

(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-067
(County-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/13/12
(enter date affidavit is notarized)

117252

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-067
(County-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/13/12
(enter date affidavit is notarized)

117252

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.)

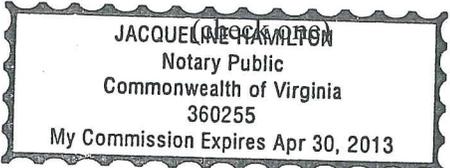
None

(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:



George I. Diffenbacher
Kathleen A. Dodson

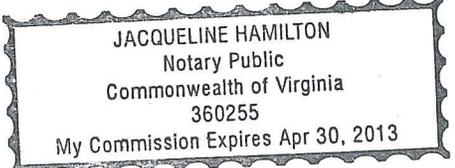
Applicant [] Applicant's Authorized Agent

George I. Diffenbacher
Kathleen A. Dodson
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 13 day of July 2012, in the State/Comm. of Virginia, County/City of Fairfax.

Jacqueline Hamilton
Notary Public

My commission expires: April 30, 2013



**Statement of Justification In Support of
Application for a Special Permit**

RECEIVED
Department of Planning & Zoning

JUL 16 2012

Applicant: George I. Diffenbaucher and Kathleen A. Dodson

Property: 8141 Stacey Road, Alexandria, VA 22308

Zoning Evaluation Division

The structure in question is the deck attached to the rear of our home, which we have come to understand extends slightly too close to the lot line. This problem was unknown to us when we purchased our home in April 2011.

We first saw the house when it had been completed and on the market for several months. At the time of purchase, we of course had no idea that the builder had apparently built the deck without obtaining a county permit. We assumed, in good faith, that the county had inspected and approved all of the structure, including the deck.

We believe that part of the cause of the misplacement of the deck came from the fact that the builder had demolished a previous house and build a new one on the same foundation. This, along with the fact that there is a large and very large willow oak in the front of the home, may have determined the home's placement. While the house itself is within the prescribed setback requirements, a small portion of the deck extends into the setback.

The current position of the deck, while in violation of the setback, does not have a detrimental effect on nearby properties. The deck faces east, toward a stand of woods behind our house and can barely be seen from Stacey Road. Due to the elevation of our home, the deck is in the treetops. We have no neighbor next door on our south side since we are a corner lot, and the deck is minimally observable from Collingwood Road on the south. We do have a neighbor on our north side, however he has never expressed any concern with the fact that our deck is slightly over the setback.

In addition to not having a detrimental effect on others, it does not create any unsafe conditions that might harm anyone.

If our request should not be approved, correcting this slight builder's error would cause unreasonable hardship for us. In order to reduce the deck by the required amount, we would have to dismantle the deck and have it rebuilt. We could not simply narrow the deck by the required amount, as the steps that go from the deck to the ground begin at the edge that encroaches. Thus, narrowing the deck would require that the staircase also be torn down and rebuilt. In addition, the supports are set from the corners of the deck into a concrete patio. These would have to be dug out of the concrete and moved. All of this work would be very expensive and disruptive to our use of the deck, and would result in a deck that is too narrow for enjoyable use.

Therefore, because:

- We purchased the home in good faith, without knowledge that the builder had not obtained a permit for the deck in accord with Fairfax County zoning rules, and
- The placement of our deck, elevated and facing the woods, is not detrimental to any neighbors, and
- Its placement does not create any unsafe situations, and
- Correction of this slight error in placement would cause unreasonable hardships for us in cost, time, and subsequent use of the deck,

we ask that a variance be approved to allow the deck to remain as constructed.

We appreciate your consideration of our request.

Owners of the property:



George I. Diffenbacher



Kathleen A. Dodson

July 13, 2012

COUNTY OF FAIRFAX, VIRGINIA

MAP REFERENCE			
PLAT NUMBER	Subd. Dist.	Blk. of Sec.	PARCEL OR LOT

OFFICE OF BUILDING INSPECTOR

Building Permit No. 17928

APPLICATION FOR PERMIT TO BUILD

Land 45-E

Fairfax, Va., Feb. 15, 1957

TO THE BUILDING INSPECTOR:

The undersigned hereby applies for a permit to build according to the following specifications:

1. State how many buildings to be erected One
2. Material Brick and timber
3. Name of Owner Mr. and Mrs. Frederick S. Alloway Phone _____
Address 1643 New Jersey Ave N.W. Wash. D.C.
4. Name of Designer Paul S. Thompson Phone CO. 5-1381
Address 2006 9th St. N.W. Wash. D.C.
5. Name of Contractor To be selected Phone _____
Address _____
6. Location: Lot No. 4 Block _____ Section _____ Subdivision Single
Name (NO.) of Street Collingwood and Hardy

I hereby certify that the property described above is listed in the name of Frederick S. Alloway

Mag. Dist. mt. V. #4 Deed Book Reference 1710-219
John W. Sugerson
 Supervisor of Assessments

7. Size of building: No. of feet front 44; No. feet rear 44; No. feet deep 28; No. stories in height 1; No. rooms 7; Cubic contents of bldg. _____ cu. ft. Estimated cost \$12,000.00
8. Zoning: Use of building RESIDENCE; No. of families or housekeeping units ONE; No. kitchens ONE; Size of lot: Width 108 ft., Depth 242 ft., Area 26,096; Height of building (to highest point of roof) 17'-4" ft. Setback from property line: Front 5' ft., Rear 22' ft., Side 68' ft. Zone Suburban Class Two
9. Check system to be used: (a) Sewage Disposal by: Public Sewer Community System _____, Septic tank _____, Pit privy _____ (b) Water Supply: Public System _____, Individual well _____
10. What will the building be erected on? (Solid or filled land) SOLID LAND
Finished outside grade to cellar floor 2'-6" ft. First floor is 5'-8" ft. above curb grade.
11. Material of foundation 12" BLOCK (C.B.) Thickness and material of external walls:
Cellar or basement 8" C.B. & 4" BRICK; 1st story TIMBER - 8"
2nd story _____; 3rd story _____
4th story _____; 5th story _____
Thickness of other walls _____; 1st story _____
2nd story _____; 3rd story _____
4th story _____; 5th story _____
12. What will be the material of the front? BRICK & TIMBER
13. Will the roof be flat, pitch, or mansard?
14. Roofing material 3" ARMSTRONG TEMLOCK ROOF DECKING - 4 PLY - 1/2" A"
15. What will be the means of access to the roof? EXTERIOR
16. How is the building heated? OIL FIRED WINTER AIR CONDITIONER
17. Is the lower story to be used for business purposes of any kind? NO

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

Paul S. Thompson agent
 Signature of owner or authorized agent
2006 9th St. N.W.
 Address

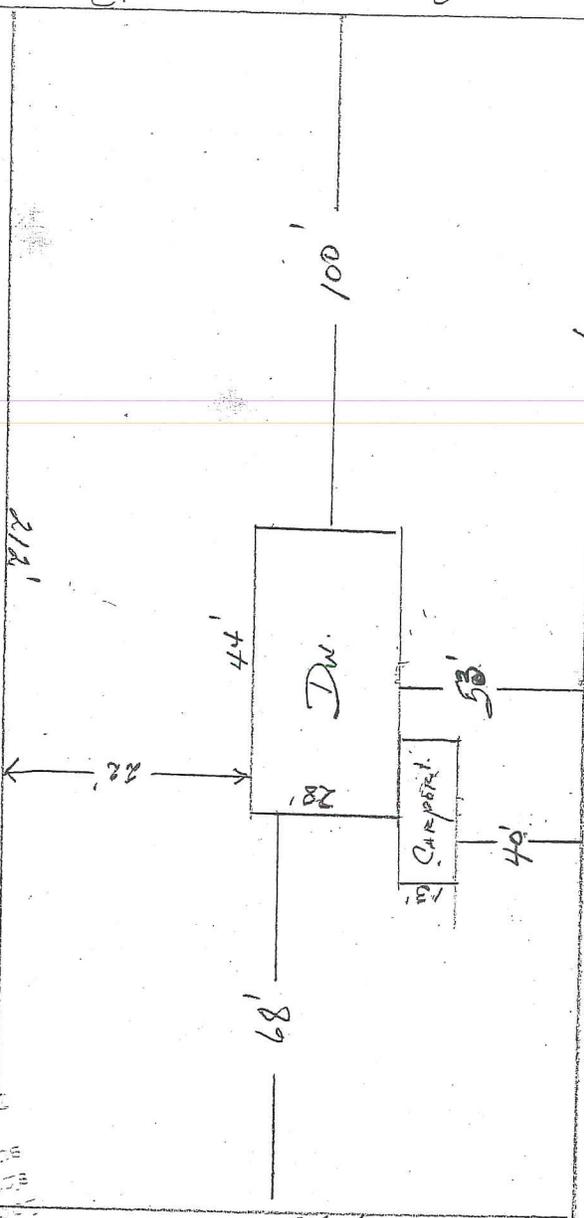
Fire-proof _____	Non-fireproof _____
Total sq. ft. _____	Fee <u>21.00</u>
Pay't Order No. _____	
Date received <u>2-15-57</u>	
<u>J.S.</u> Initials	
Approved by Building Inspector	
<u>2/15/57</u>	<u>Paul S. Thompson</u>
Date	

Telephone Number _____ Date _____

Colthinsworth Road

Stacy Road.

Lot 4
A. H. Tinkles



APPROVED FOR RECORDING
 COUNTY OF WASHINGTON
 FEB 19 1967

BUILDING PERMIT APPLICATION

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

PERMIT # 100640118

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

DO NOT WRITE IN THESE SPACES - COUNTY USE ONLY
 PLAN # _____
 TAX MAP # _____

ROUTING	DATE	APPROVED BY
CENSING		
ZONING		
SITE PERMITS		
HEALTH DEPT		
BUILDING REVIEW		
SANITATION		
FIRE MARSHAL		
ASEBESTOS		
PROFEERS		

FILE _____
 FILING FEE \$ _____
 AMOUNT DUE = \$ _____

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

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

ZONING REVIEW
 USE SFD
 ZONING DISTRICT R-3 HISTORICAL DISTRICT NO
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT	REMARKS	<u>Change</u>		
L SIDE		<u>SFD (Plumbing)</u>		
R SIDE		<u>Construction</u>		
REAR		<u>0</u>		

REMARKS Not in this site File already
new SFD/00640118

29150.676
 7500 N 046
 DP
 Fence
 FF

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

JOB LOCATION
 ADDRESS 8141 Stacey Rd
 LOT # 4 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION A H Tinkle
 TENANT'S NAME _____
 EMAIL _____
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME Virginia Mid Atlantic Properties
 ADDRESS 2006 Pony Island Lane
 CITY Berlin STATE MD ZIP 21811
 TELEPHONE 703-434-0001
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 EMAIL _____
 STATE CONTRACTORS LICENSE # _____
 COUNTY BPOL # _____
 CONTACT ID _____

APPLICANT
 NAME Rob Patriarca
 ADDRESS 4372 Clarecastle Dr
 CITY South Riding STATE VA ZIP 20152
 TELEPHONE 703-600-8595
 EMAIL _____
 CONTACT ID AC 3286424

DESCRIPTION OF WORK
Demo existing house to
foundation

HOUSE TYPE _____
 ESTIMATED COST OF CONSTRUCTION \$3,000
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____
 DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

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

[Signature] 3/5/10
 Signature of Owner or Agent Date

Rob Patriarca member
 Printed Name and Title
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit: I, _____, a _____
 Notary Public in the State and County aforesaid, do certify that _____

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

 (Notary Signature)

BUILDING PERMIT APPLICATION

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

PERMIT # 100640115
 FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp

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

JOB LOCATION
 ADDRESS 8411 Stacey RD
 LOT # 44 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Ac H. Tinkle
 TENANT'S NAME _____
 EMAIL _____
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME Virginia Mid Atlantic Properties
 ADDRESS 2606 Pony Island Lane
 CITY Leesville STATE MD ZIP 21811
 TELEPHONE 703-434-0001
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME Green Vision Construction
 ADDRESS 7705 ...
 CITY _____ STATE VA ZIP 22144
 TELEPHONE _____
 EMAIL _____
 STATE CONTRACTORS LICENSE # 270899071A
 COUNTY BPOL # _____
 CONTACT ID _____

APPLICANT
 NAME Robert Patriarca
 ADDRESS 1397 Clarendon Dr
 CITY South Riding STATE VA ZIP 20152
 TELEPHONE 703-600-9595
 EMAIL _____
 CONTACT ID AC 3236424

DESCRIPTION OF WORK
Remove existing 1st & 2nd floor
1 down & replace add garage
11' by 28' on
existing foundation
 HOUSE TYPE single family
 ESTIMATED COST OF CONSTRUCTION 140,000
 USE GROUP OF BUILDING RS
 TYPE OF CONSTRUCTION VB
DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

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

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING		
STEP PERMITS		
HEALTH DEPT		
BUILDING REVIEW		
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFESSIONALS		

FILE _____
 FILING FEE = \$ _____
 AMOUNT DUE = \$ _____

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

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

ZONING REVIEW
 USE SFD-57 **A SETBACK CERTIFICATION BASED ON FIELD SURVEY IS REQUIRED PRIOR TO RUP ISSUANCE OR FINAL INSPECTION**
 ZONING DISTRICT R-3
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT _____

YARDS: _____ GARAGE 1 2 3
 FRONT 18' OPTIONS YES NO
 FRONT 15' REMARKS 67x29 New SF
 L SIDE 680' House with attached
 R SIDE 12'6" storage shed, New
 REAR _____ (3) car garage, front

REMARKS Porch, see plat attached
 COMPUTER NOTES: New SFD with
Finish Basement & egress
window, NO WET BAR NO 2ND
Kitchen, Fire place, porch
696 (W) Fail permit
(NO HEIGHT CERT)
2430 Bldg Ht. 26.5 ft.
(2) fail permit
11-0-46 Ht. cert incorrect
asht. Plans and Plat

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

Robert Patriarca 3/4/10
 Signature of Owner or Agent Date
 Printed Name and Title
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required) Do no match.
 State (or territory or district) of _____
 County (or city) of _____ to wit: I, _____ a _____
 Notary Public in the State and County aforesaid, do certify that _____ whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____
 My commission expires the _____ day of _____, 20____
 (Notary Signature)

FOOTINGS AND LOT IS MUST BE
PLACED ON COMPETENT MATERIAL

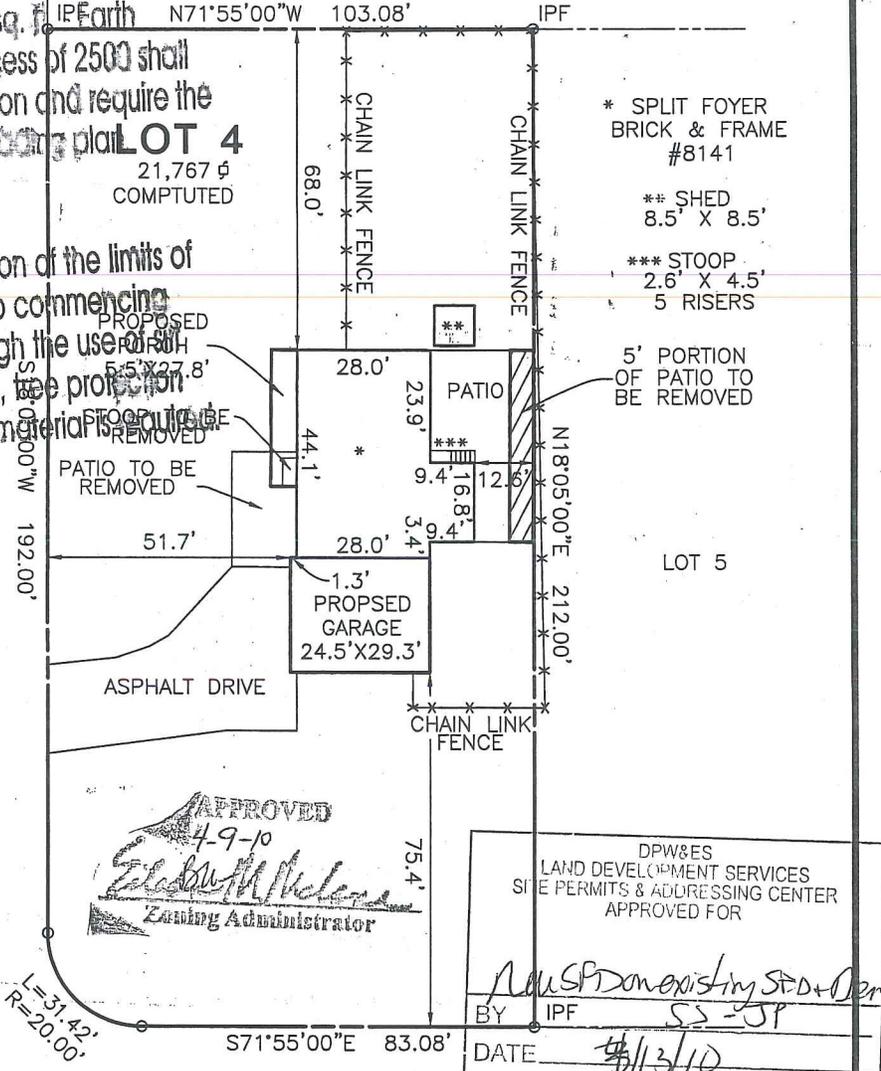
Total earth disturbance on this lot shall
not exceed 2500 sq. ft. If earth
disturbance in excess of 2500 shall
constitute a violation and require the
submission of a grading plan.

LOT 4
21,767 sq
COMPUTED

Physical demarcation of the limits of
disturbance prior to commencing
construction, through the use of soil
fence, snow fence, tree protection
or a comparable material is to be

FACEY ROAD
50' R/W

REPRODUCTION OF THIS DRAWING IS PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.



APPROVED
4-9-10
Elizabeth M. Nelson
Zoning Administrator

DPW&ES
LAND DEVELOPMENT SERVICES
SITE PERMITS & ADDRESSING CENTER
APPROVED FOR
Ann SPD on existing SPD + Demo
BY IPF SS-JP
DATE 3/13/10

COLLINGWOOD ROAD
STATE ROUTE 628

COMMONWEALTH OF VIRGINIA
DAVID R. WHEELING
No. 1821
David R. Wheeling
3/30/10
LAND SURVEYOR

HOUSE LOCATION SURVEY
SHOWING PROPOSED IMPROVEMENTS
LOT 4
A.H. TINKLE
SUBDIVISION
MT. VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA
D.B. 568 PG. 336

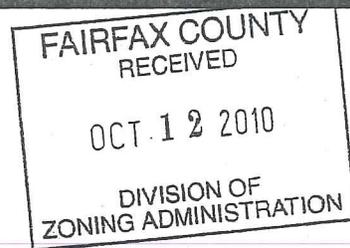
 **TARGET SURVEYS, INC.**
8807 SUDLEY ROAD, SUITE 201
MANASSAS, VIRGINIA 20110
TEL:(703)368-8828 FAX:(703)365-7998



County of Fairfax, Virginia

APPENDIX 5

MEMORANDUM



DATE: October 12, 2010

TO: Distribution

FROM: Michelle O'Hare, Deputy Zoning Administrator for Ordinance Administration Branch

SUBJECT: Setback Certification: Application Permit No.: 10064115

RE: 8141 Stacey Road
A.H. Tinkle Subdivision, Lot 4
Tax Map Ref. #: 102-3 ((8)) 4
Zoning District: R-3

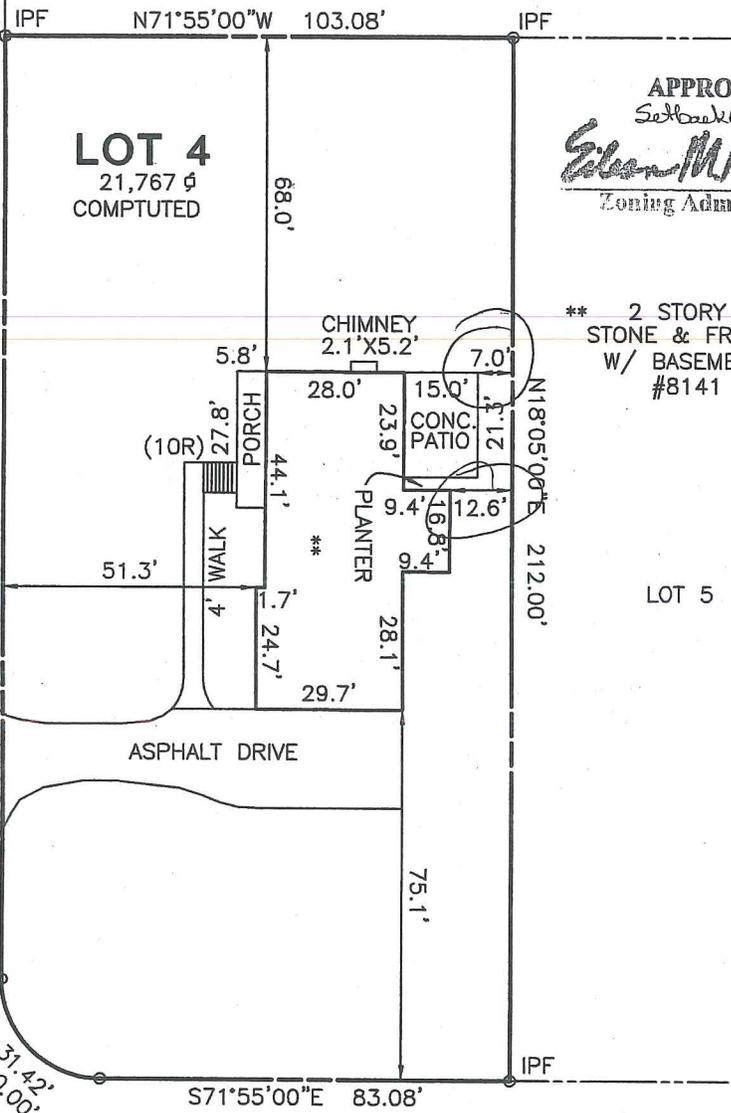
Attached for your records is an approved Setback Certification for the referenced property. The yards in question are the 12.6 foot side yard for the principal structure and the 7.0 side yard for the patio.

Distribution:

Rob Patriarca (For Pick-Up)
Paul Lynch, Director, Residential Inspections Division, DPWES
Jack W. Weyant, Director, Environmental and Facilities Inspections Division, DPWES
~~Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch~~

THIS LOT IS WITHIN ZONE "X"
PER F.E.M.A. MAP.

LOT 8



LOT 4
21,767 sq
COMPUTED

APPROVED
Setback List 10/6/10
Eden M. Nelson
Zoning Administrator

** 2 STORY
STONE & FRAME
W/ BASEMENT
#8141

STACEY ROAD
50' R/W

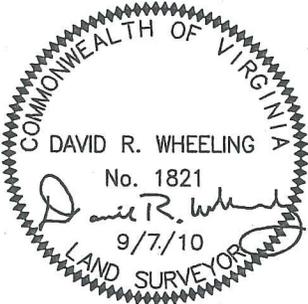
S18°05'00"W 192.00'

N18°05'00"E 212.00'

L=31.42'
R=20.00'

S71°55'00"E 83.08'

COLLINGWOOD ROAD
STATE ROUTE 628



PHYSICAL IMPROVEMENTS SURVEY

LOT 4
A.H. TINKLE
SUBDIVISION

MT. VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA
D.B. 568 PG. 336



TARGET SURVEYS, INC.

8807 SUDLEY ROAD, SUITE 201
MANASSAS, VIRGINIA 20110
TEL:(703)368-8828 FAX:(703)365-7998

RECERT: SEPTEMBER 7, 2010

NO TITLE REPORT FURNISHED

SCALE: 1"=30'

DATE: JANUARY 15, 2010



County of Fairfax, Virginia

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

CORRECTIVE WORK ORDER Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: July 05, 2012

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Diffenbaucher George I
ADDRESS: 8141 Stacey Road
Alexandria, VA 22308

LOCATION OF VIOLATION: 8141 Stacey Road
Alexandria, VA 22308-1623

TAX MAP REF: 1023 08 0004

CASE #: 201204031 **SR#:** 84389

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011, an inspection on July 05, 2012 revealed a violation or violations as listed below at the referenced location. The cited violation(s) must be corrected within 14 calendar days from receipt of this notice unless otherwise indicated.

Explanation: On July 05, 2012, County staff inspected the above referenced premises and discovered that a deck had been constructed in the back yard without the issuance of the required permit or permits, inspections, and approvals.

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2009 edition, you are hereby directed to apply for and obtain the required permit or permits, inspections and approvals for the work described above or demolition of same at the above referenced address.

Corrective Action Required: Apply for and obtain all necessary County permits for the work described above within 14 calendar days from the date you receive this Order, or obtain a County permit to demolish the work described above within the same timeframe.

1. Schedule and pass the required County inspection(s) for the work described above within 30 calendar days from the date you are issued the required permit or permits for construction or demolition.

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

2. Contact me at (703)324-9321 within the timeframe established to confirm the violation(s) have been abated.
3. Call (703)222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201204031.

Note:

*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035
Telephone: 703-222-0801

*When work described above involves the removal of unpermitted features (including appliances, cabinets, plumbing/gas fixtures) a demolition permit will be required. Be advised that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit. If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703)324-1300 who issued the Notice before coming to the Permit Application Center in the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.

You are directed to notify Rakesh Kapoor by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703)324-9321 within three (3) working days from the date you receive this Order, of your election to accept or reject the terms of this Order. Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703)324-9321 or the main office at (703)324-1300.

Notice Issued By: Rakesh Kapoor
Department of Code Compliance Investigator III

Signature: _____

CC: Case File
Chuck O'Donnell, Residential Inspections Branch Chief

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.