



APPLICATION ACCEPTED: October 18, 2012
BOARD OF ZONING APPEALS: January 9, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 2, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-MA-070

CONCURRENT WITH VC 2012-MA-005

MASON DISTRICT

APPLICANTS/OWNERS: James L. Leslie
Bernadette Boka-Leslie

SUBDIVISION: Annandale Terrace

STREET ADDRESS: 4399 Medford Drive, Annandale 22003

TAX MAP REFERENCE: 71-1 ((15)) 86

LOT SIZE: 13,182 square feet

ZONING DISTRICT: R-4

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

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit accessory structure to remain 1.8 feet from rear lot line and to permit existing fence greater than 4.0 feet in height to remain in a front yard.

VARIANCE PROPOSAL: To permit an accessory storage structure to remain in a front yard of a lot containing 36,000 square feet or less.

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

O:\vgumk2\SP Cases\1-9) SP 2012-MA-070_VC Leslie (error, fence and vc)\SP_VC Leslie Staff Report.doc

Laura Gumkowski

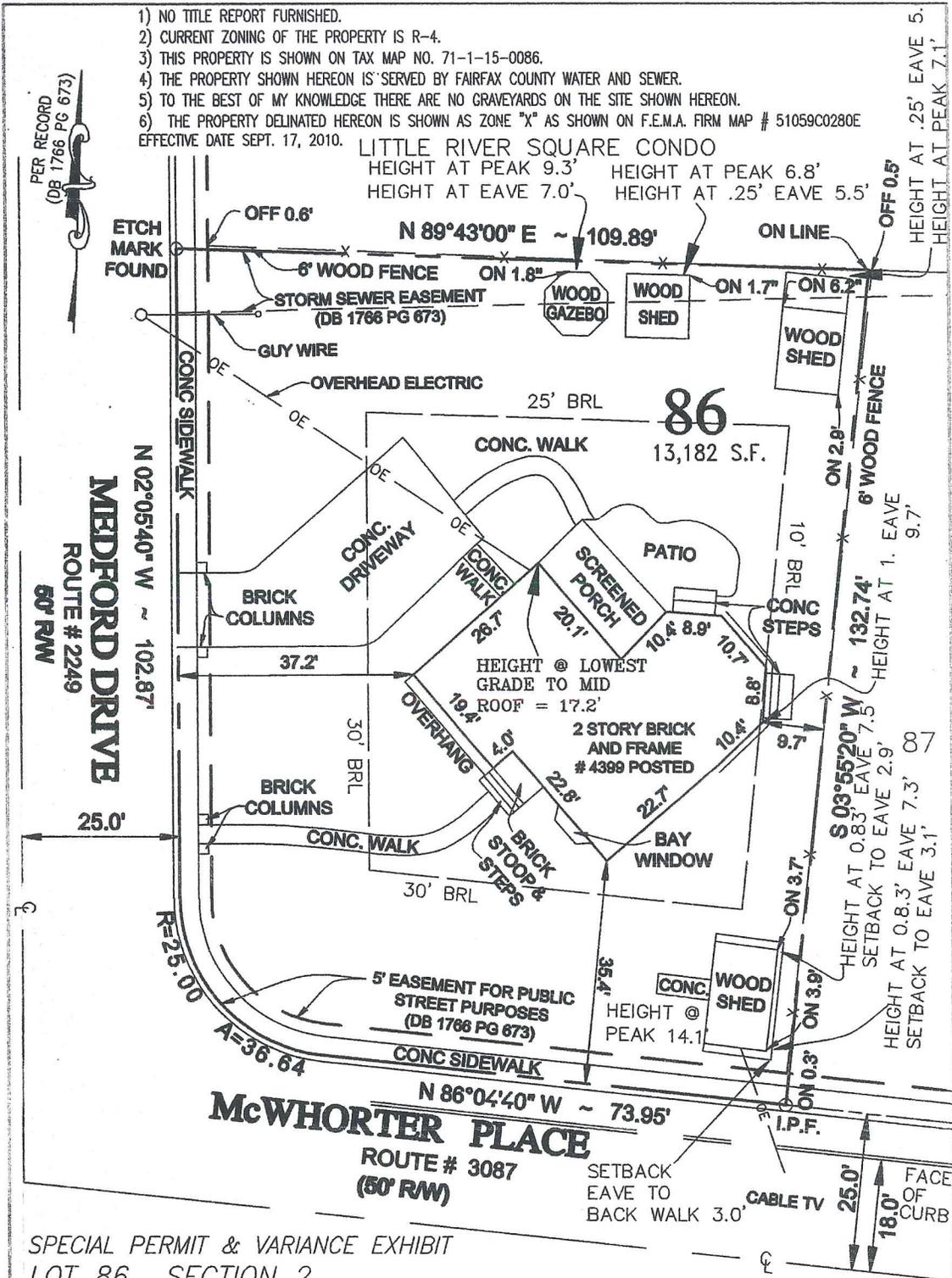
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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).

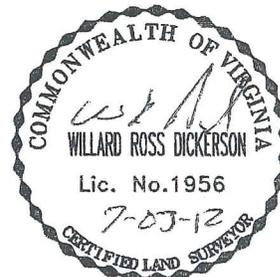
- 1) NO TITLE REPORT FURNISHED.
- 2) CURRENT ZONING OF THE PROPERTY IS R-4.
- 3) THIS PROPERTY IS SHOWN ON TAX MAP NO. 71-1-15-0086.
- 4) THE PROPERTY SHOWN HEREON IS SERVED BY FAIRFAX COUNTY WATER AND SEWER.
- 5) TO THE BEST OF MY KNOWLEDGE THERE ARE NO GRAVEYARDS ON THE SITE SHOWN HEREON.
- 6) THE PROPERTY DELINEATED HEREON IS SHOWN AS ZONE "X" AS SHOWN ON F.E.M.A. FIRM MAP # 51059C0280E EFFECTIVE DATE SEPT. 17, 2010.



SPECIAL PERMIT & VARIANCE EXHIBIT
 LOT 86 SECTION 2
 ANNANDALE TERRACE

DB 16820 PG 82
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20'
 DATE: MARCH 25, 2011
 REVISED : 5-20-2012

DICKERSON SURVEY AND ARBORIST SERVICES
 LAND SURVEYING * CERTIFIED ARBORISTS

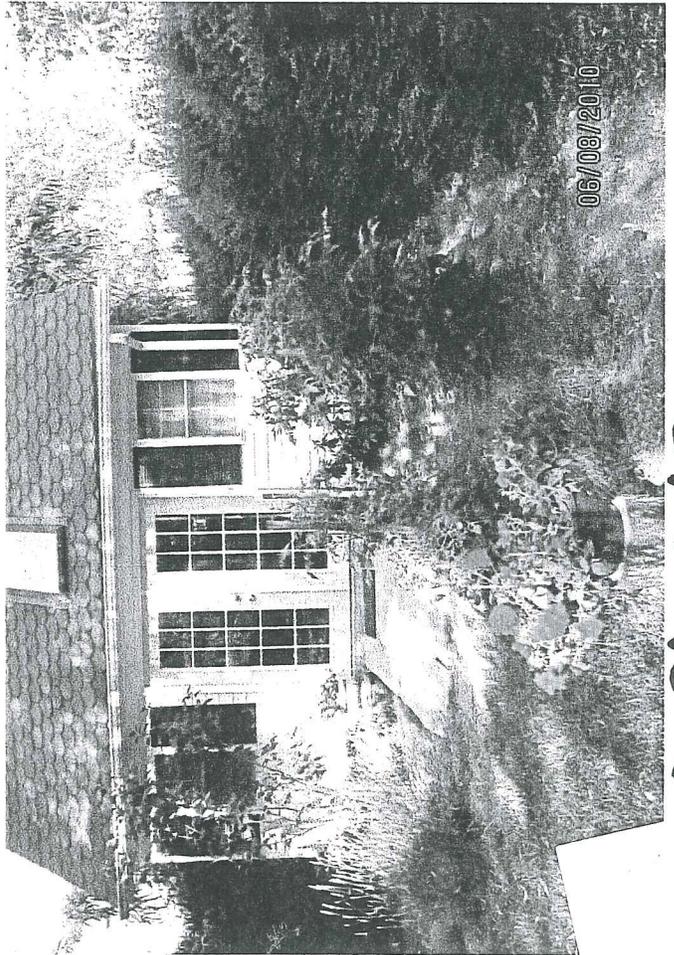




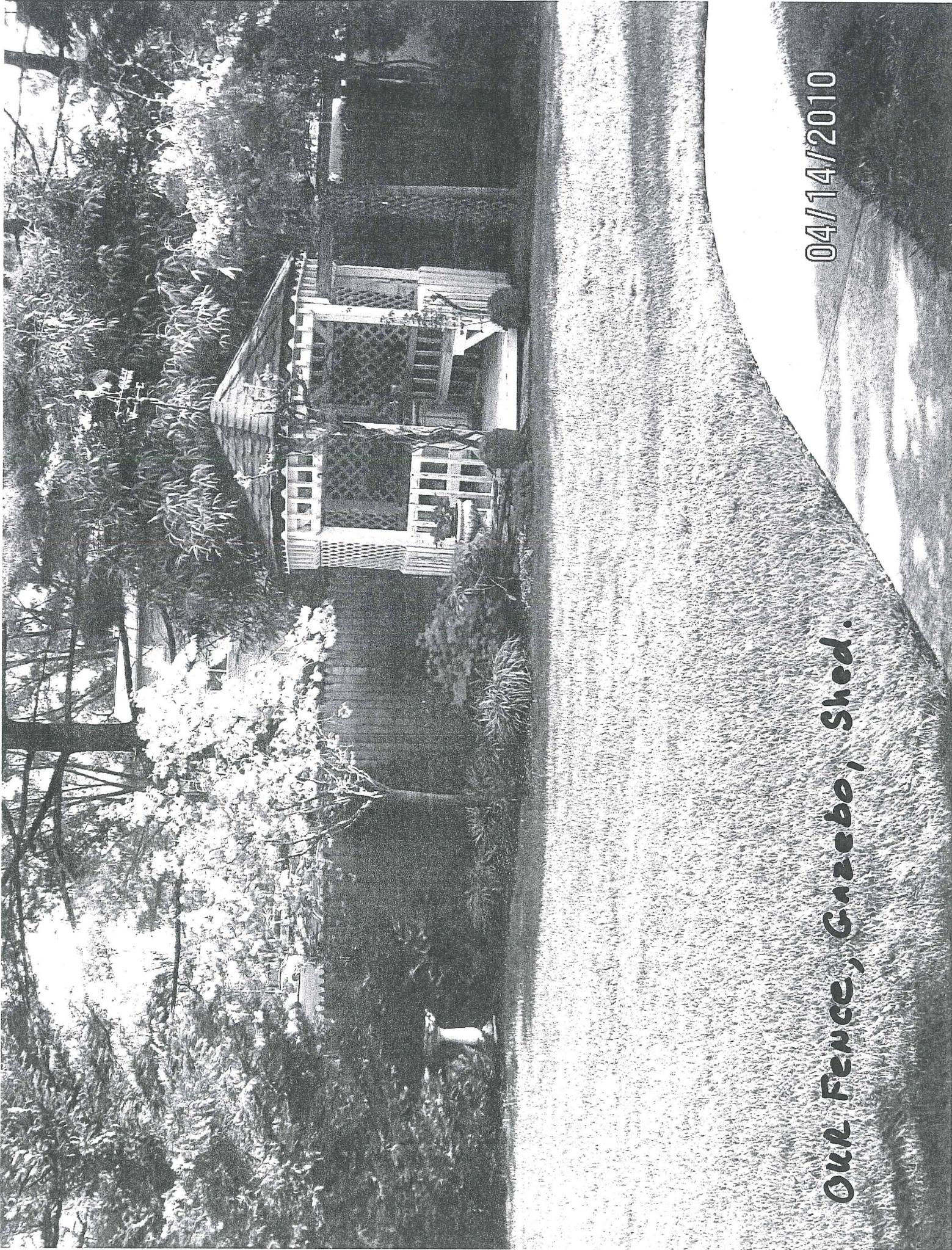






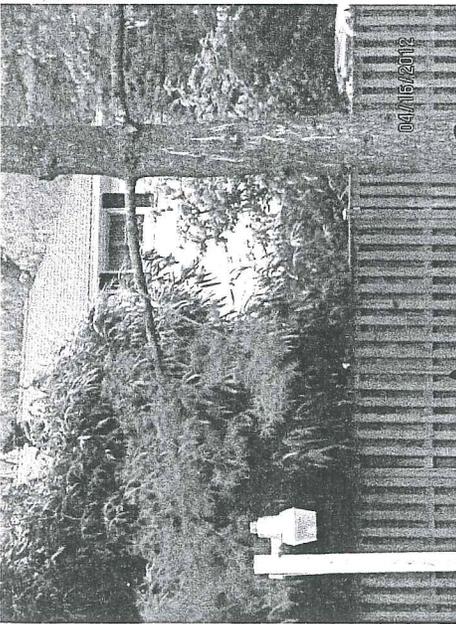


R Shed / Garden



04/14/2010

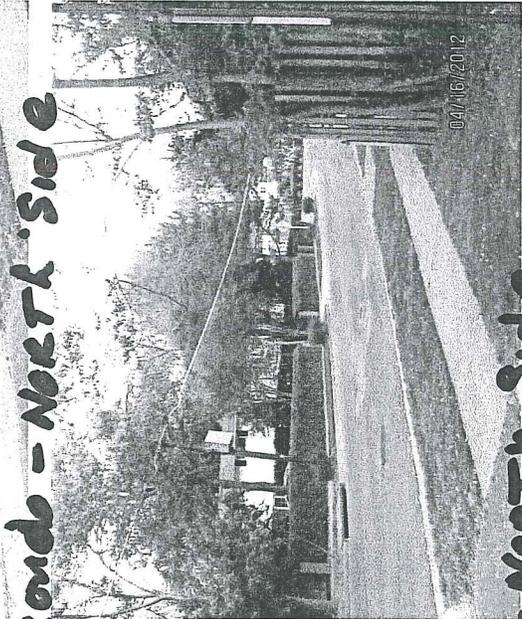
Our Fence, Gazebo, Shed.



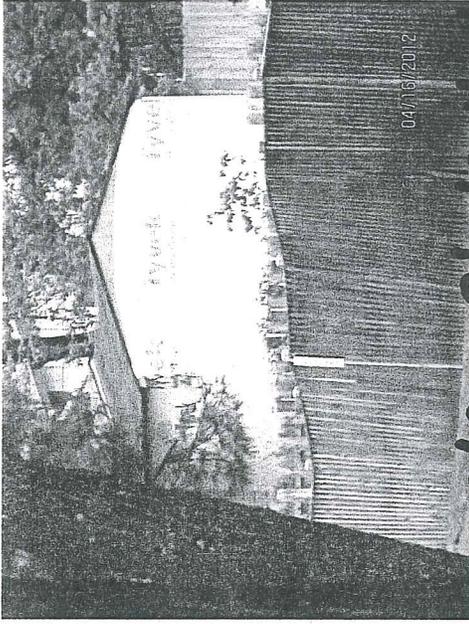
Our House/Gazebo Flow Condo



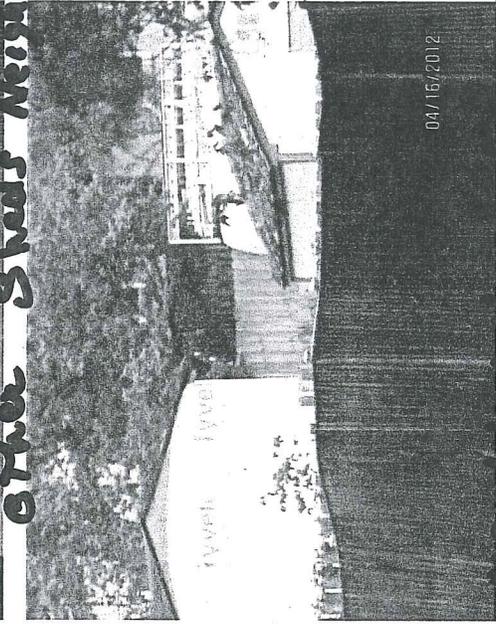
Medford Dr. →



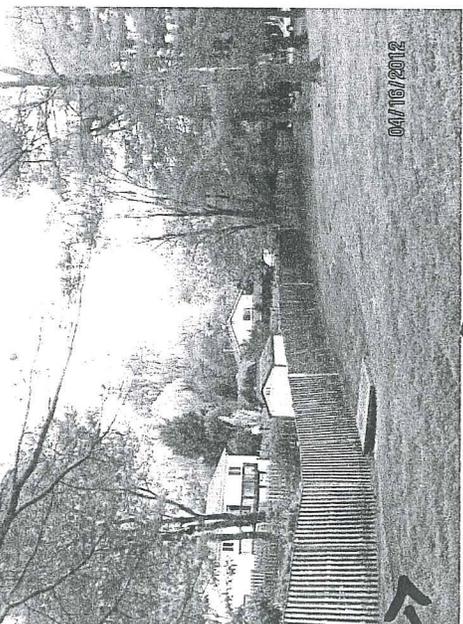
Condo - North Side



Other Sheds Neighbors



Neighbor Hood Fence



Fence of Condo Assoc

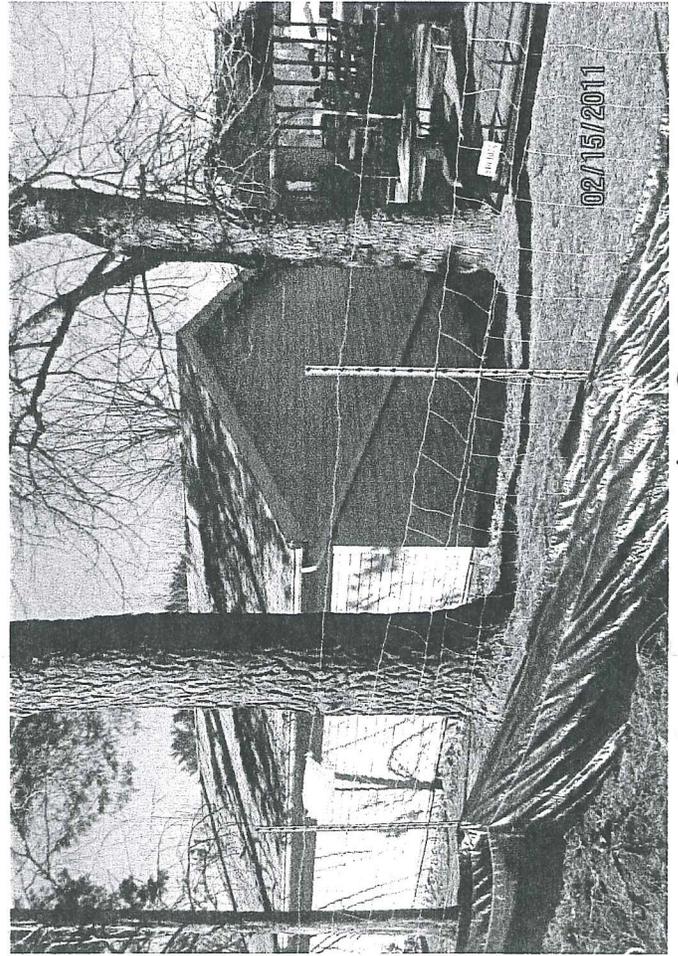
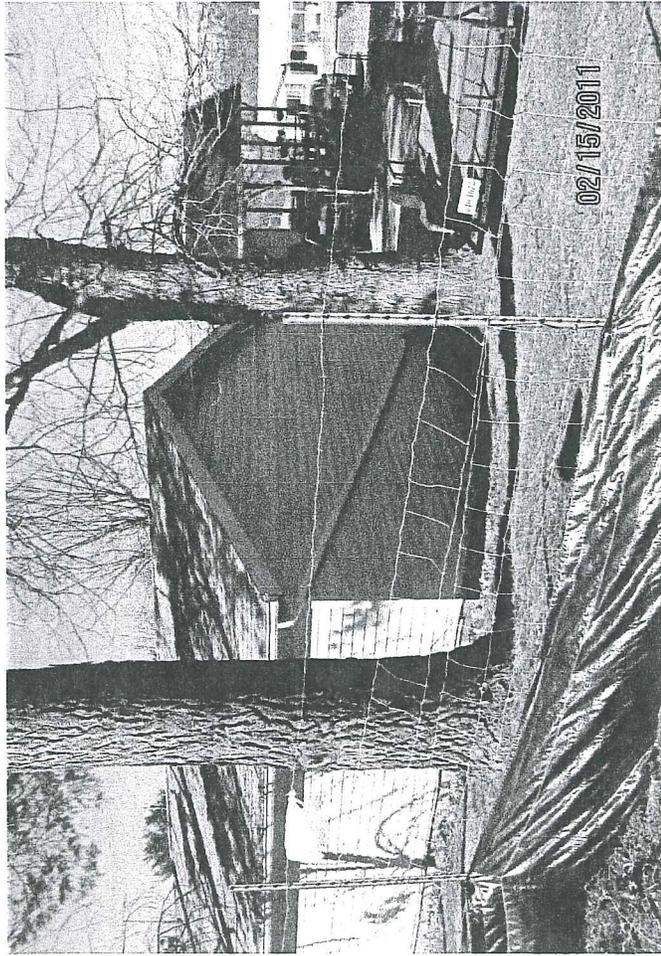


Condo fence

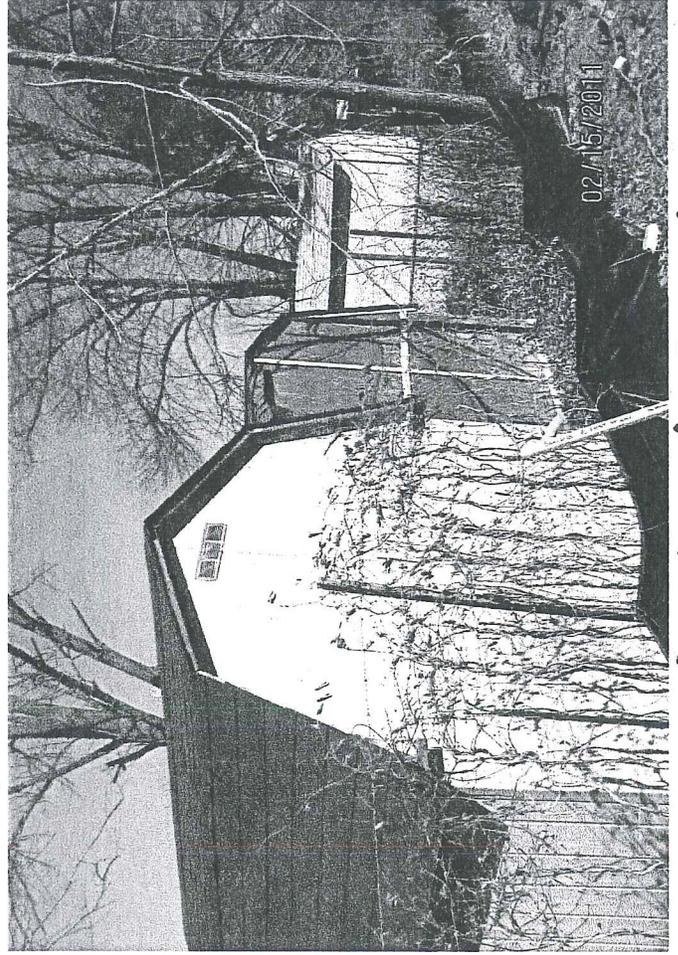


Condo Fence
Backs To Oak
Fence

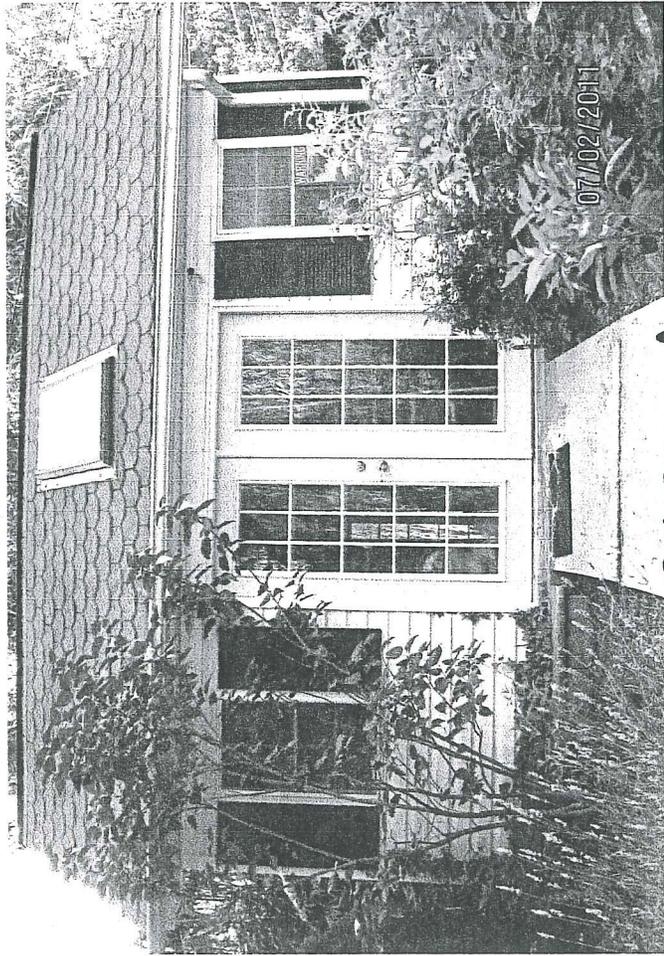
Other Sheds in our
Neighborhood.



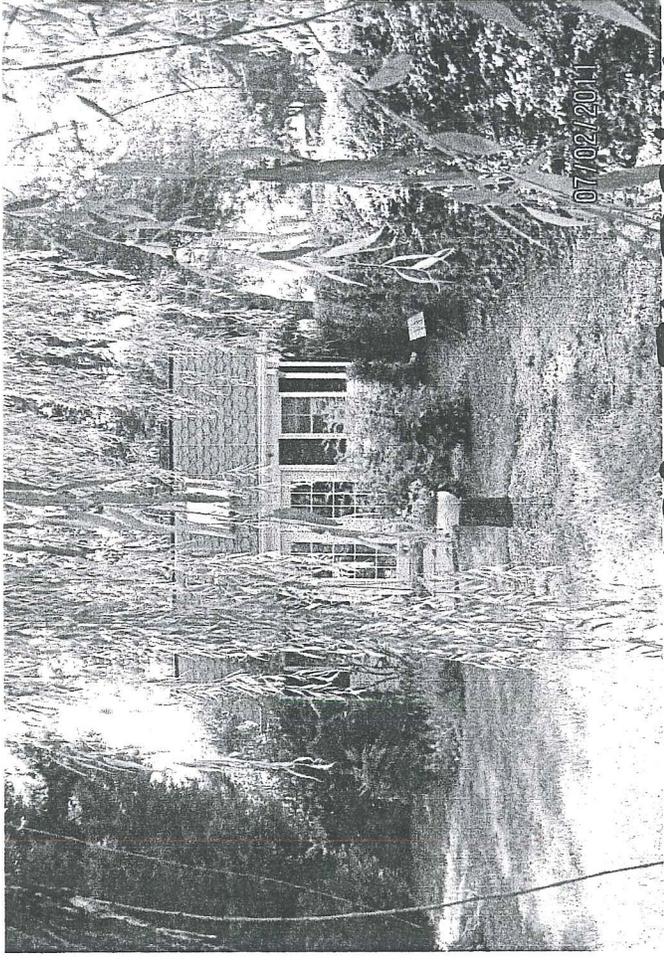
Neighborhood Sheds



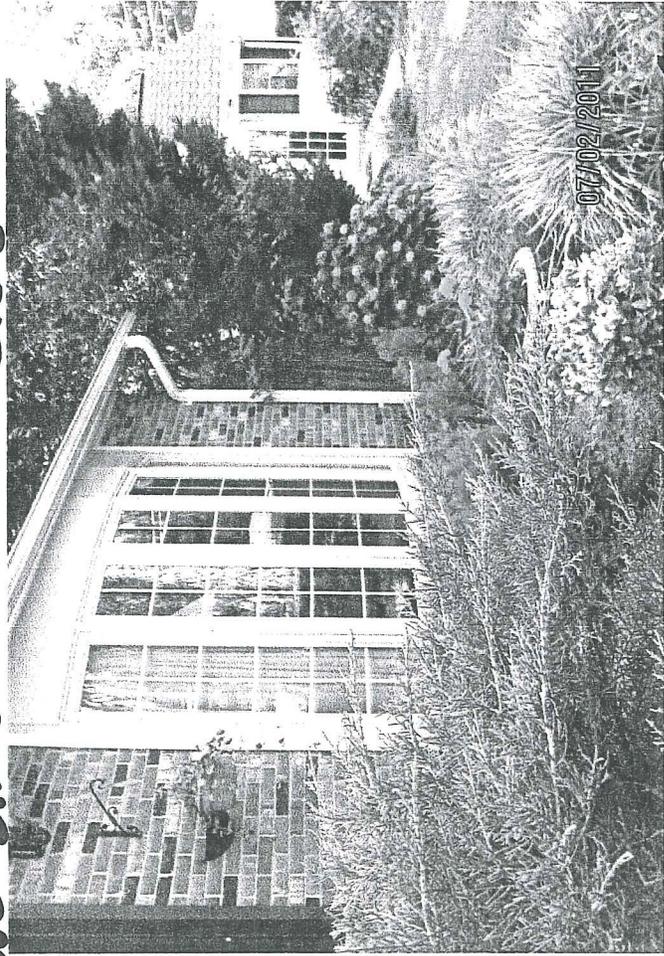
Neighborhood Sheds.



TOOL SHED EAST SIDE



TOOL SHED EAST SIDE



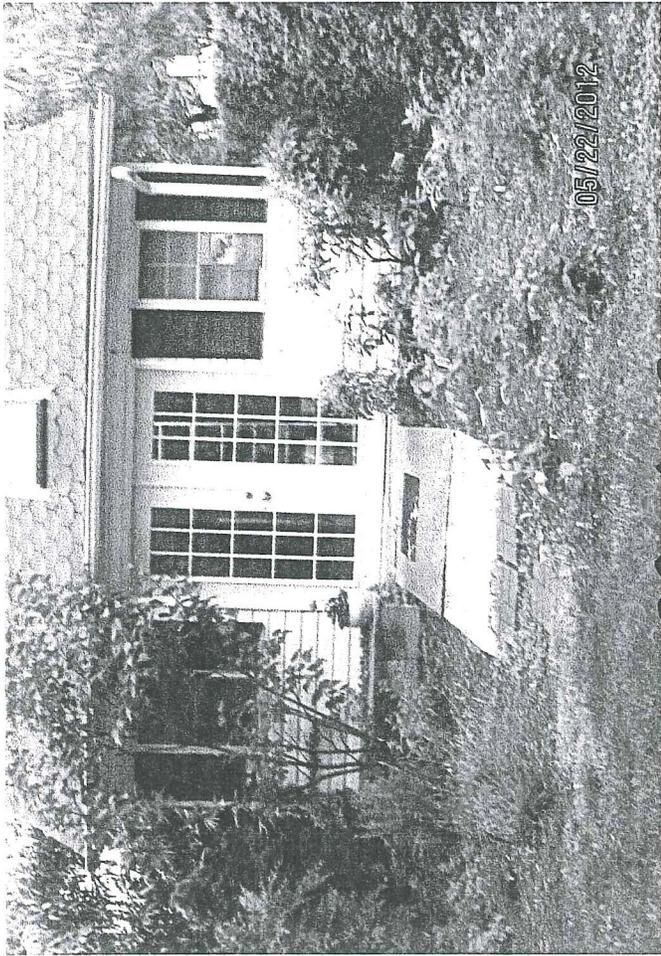
House - Shed East Side



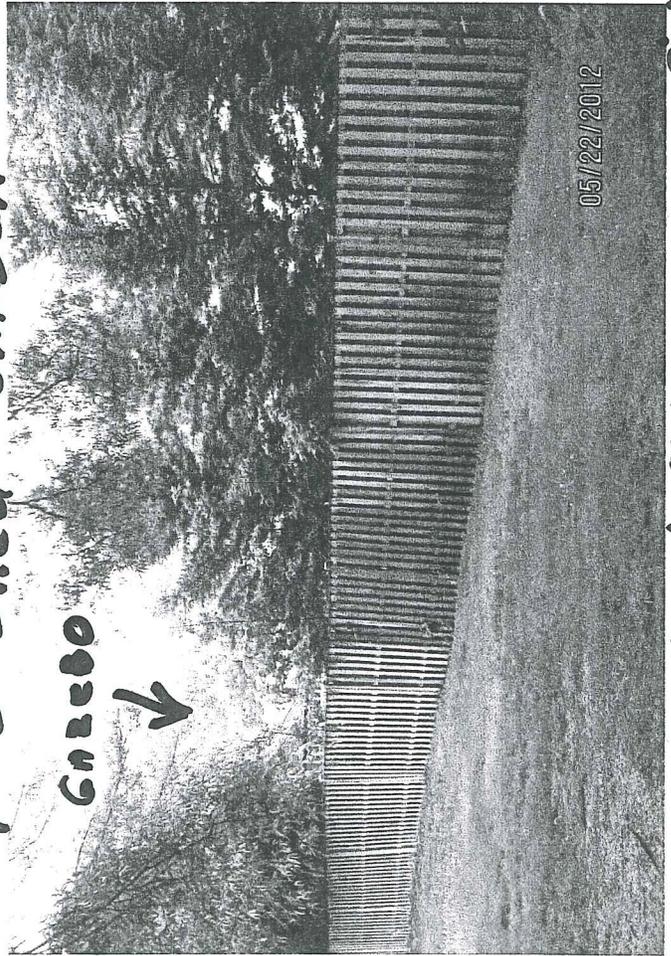
TOOL SHED EAST SIDE

Col. Jim Leslie-Re/MaxPres
4399 Medford Dr
Annandale, Va. 22003
703-642-2787



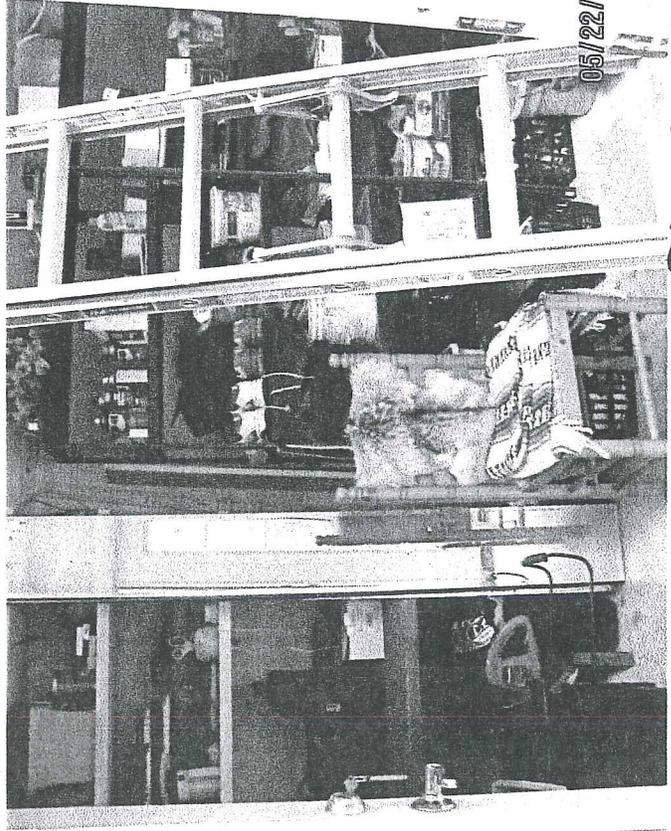


TOOL - SHED - GARDEN



GARDEN
↓

FENCE - NORTH SIDE - CONDO SIDE



TOOLS INSIDE SHED. E. SIDE

Col. Jim Leslie-Re/MaxPres
4399 Medford Dr
Annandale, Va. 22003
703-642-2787

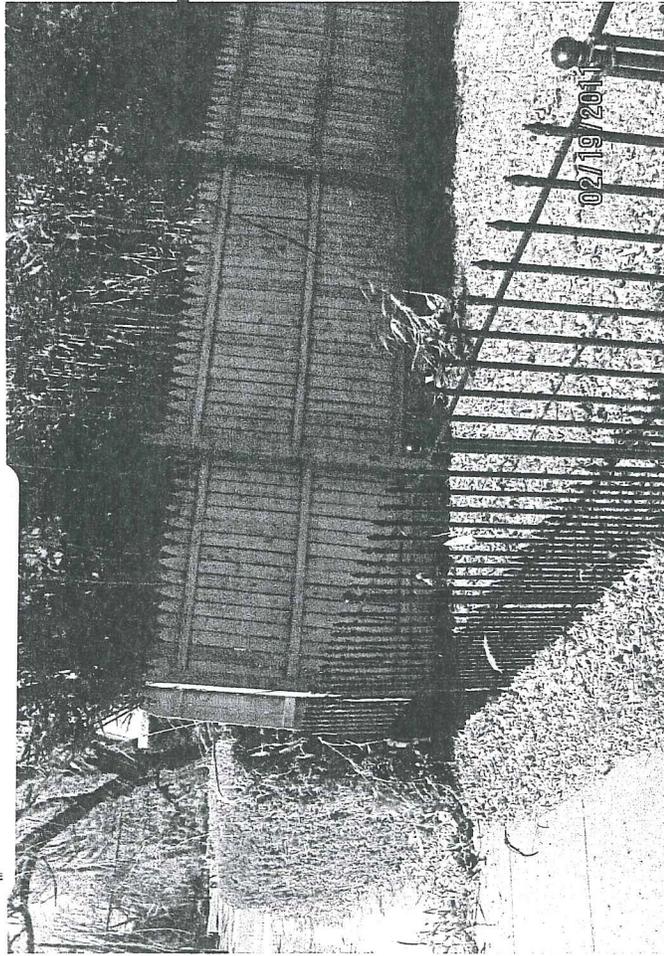


05/22/2012

Col. Jim Leslie-Re/MaxPres
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703-642-2787



Tool Shed



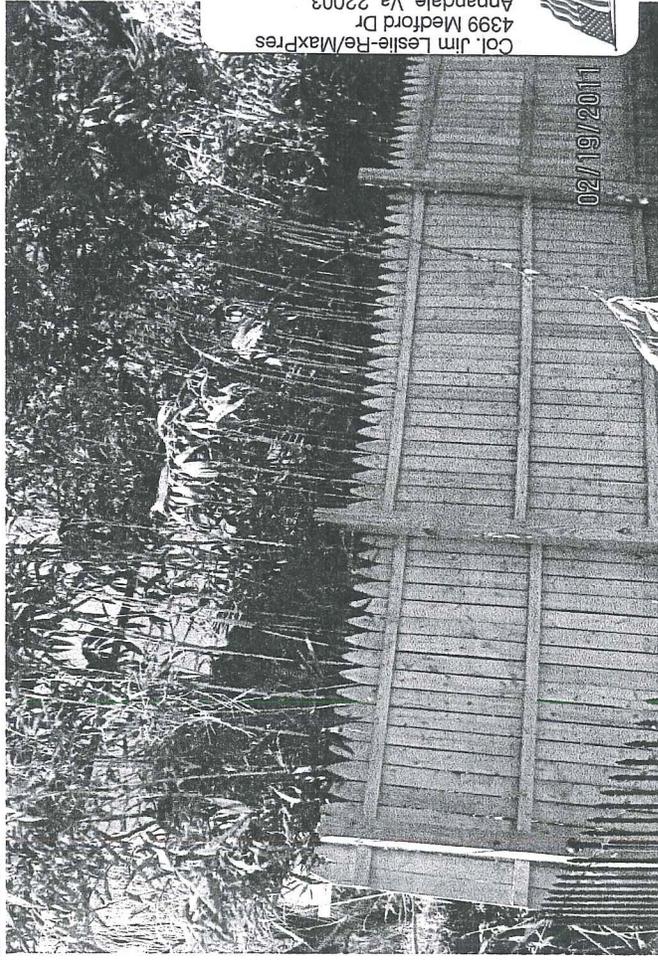
02/19/2011

FENCE EAST SIDE NEIGHBOR'S SIDE



02/19/2011

FENCE 6' EAST SIDE
Tool Shed

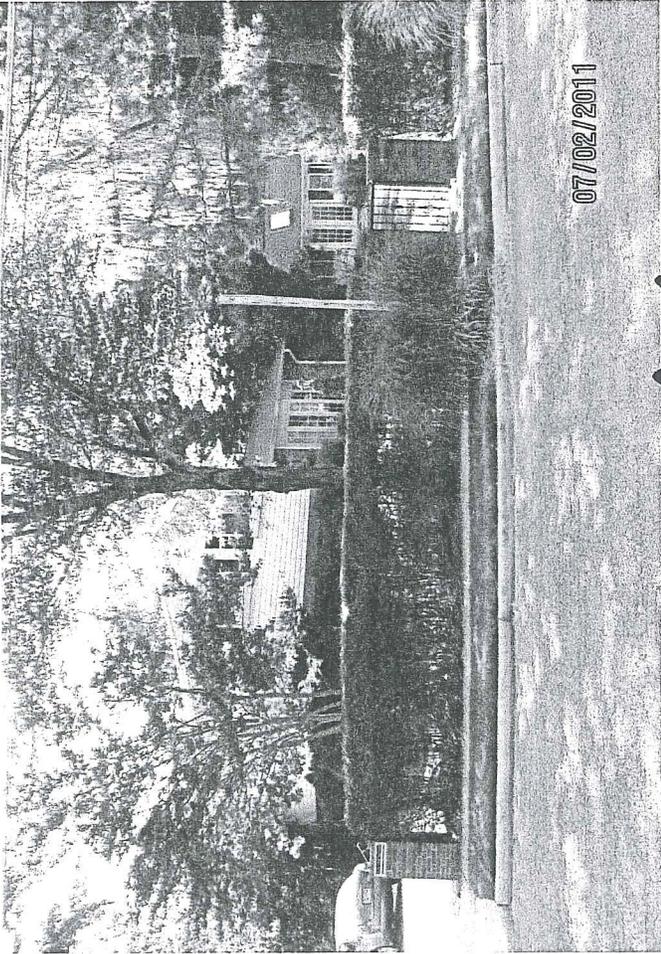


02/19/2011

STOCKPILE FENCE 6' EAST
Tool Shed

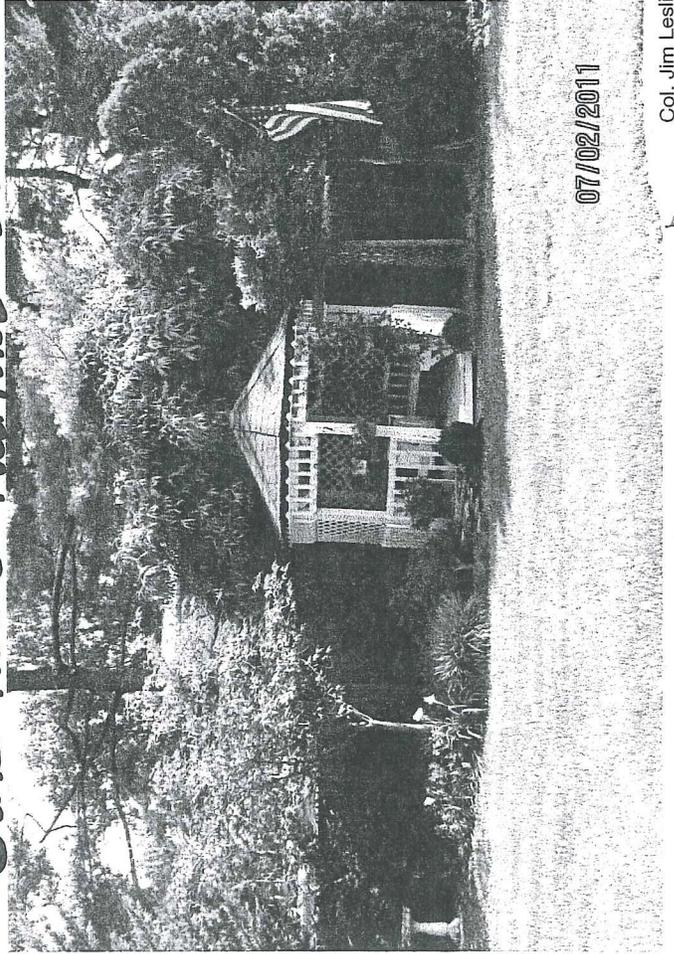
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07/02/2011

OUR HOME Medford DR.



07/02/2011

Shed Gazebo



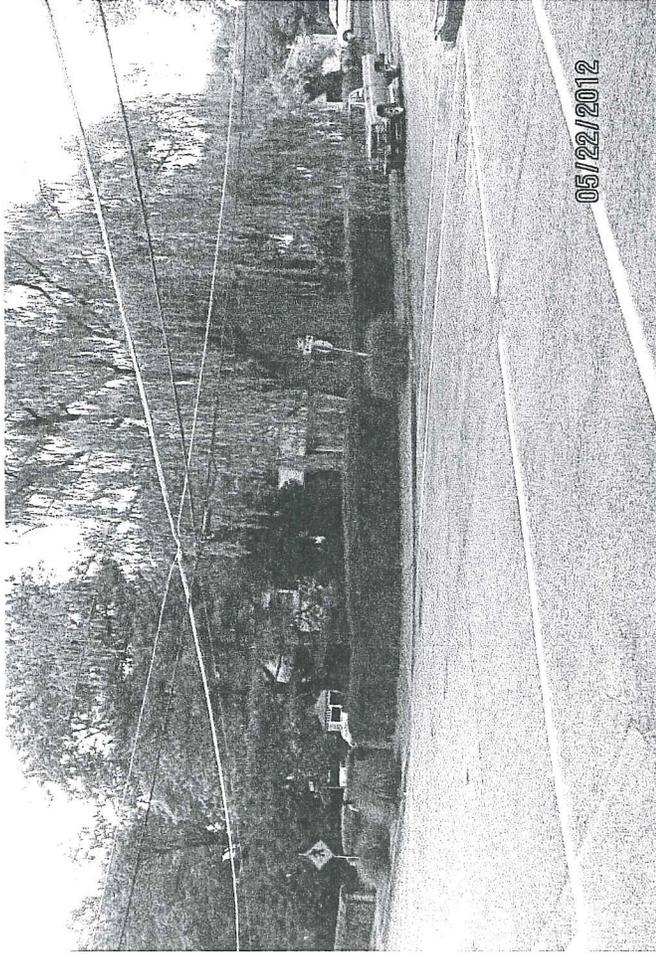
Col. Jim Leslie-Re/MaxPres
4399 Medford Dr
Annandale, Va. 22003
703-642-2787

GARBO



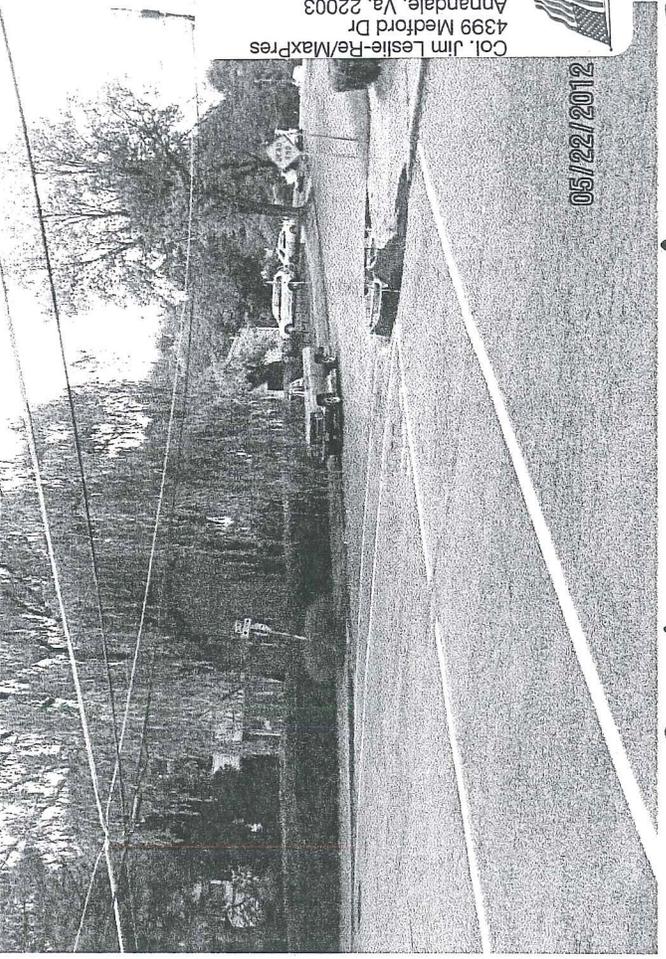
05/22/2012

FENCE ON CONDO SIDE N.



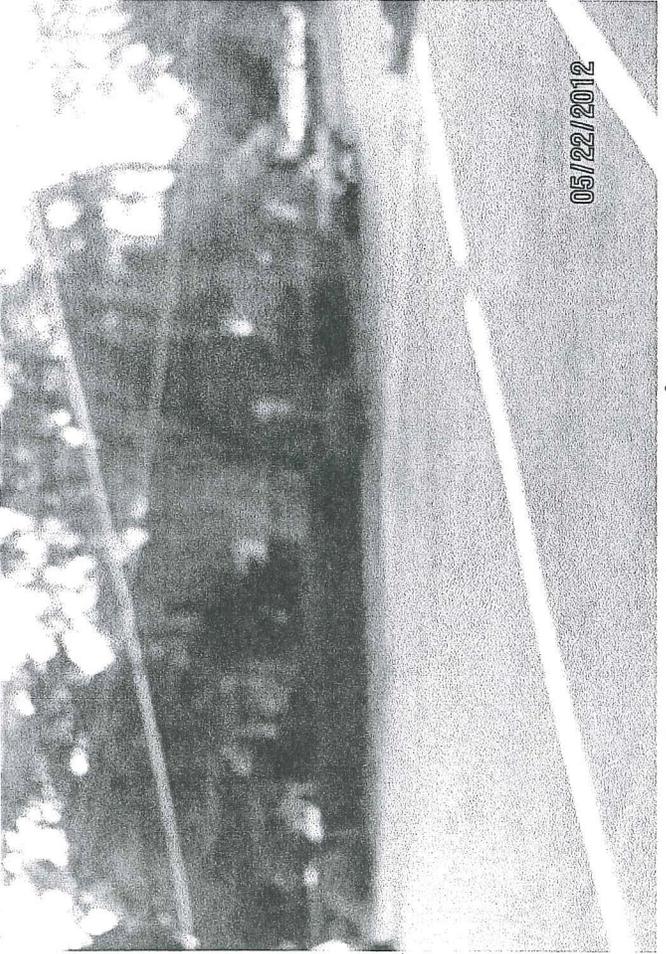
05/22/2012

CORNER LOT MEDFORD - McWHORTER PL.



05/22/2012

Medford Dr. - McWhorter Pl.
CORNER LOT

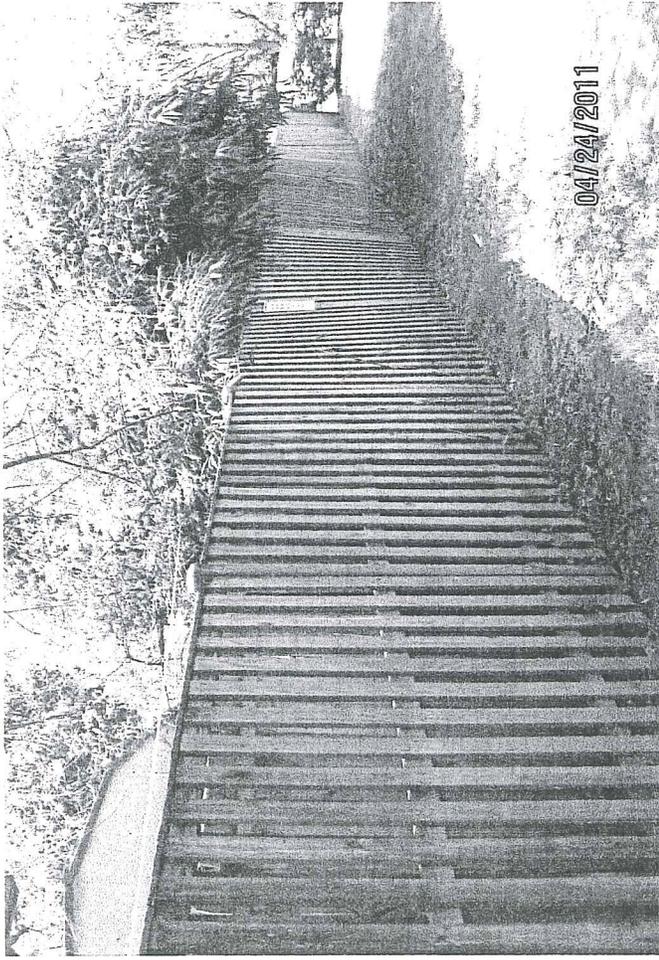


05/22/2012

Medford & McWhorter

Col. Jim Leslie-Re/MaxPres
4399 Medford Dr
Annandale, Va. 22003
703-642-2787





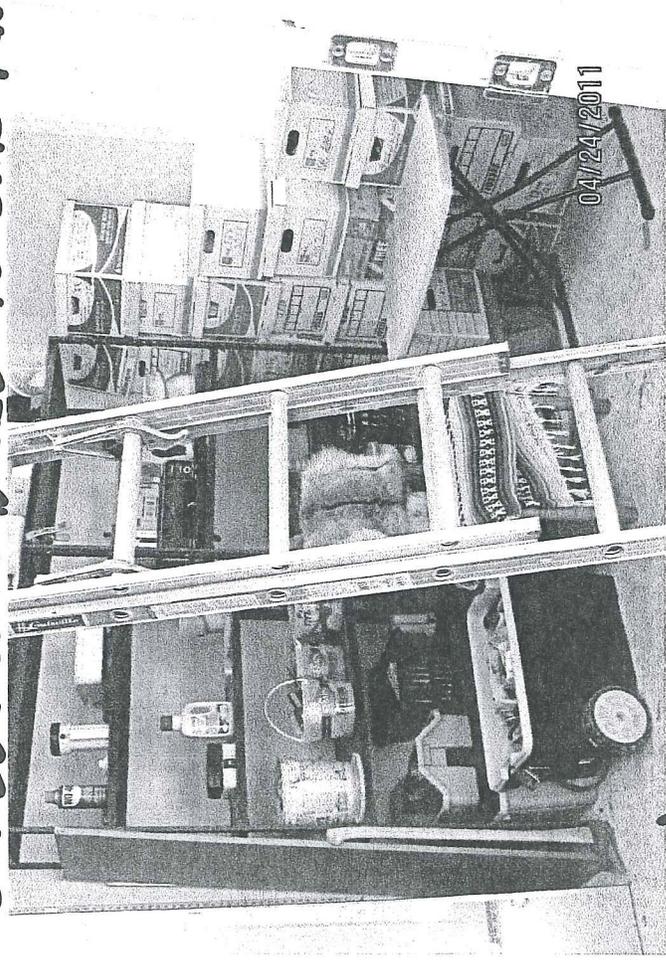
04/24/2011

CONDO FENCE BACKS TO OUR FENCE



04/24/2011

SHED + HOUSE FROM SOUTH SIDE



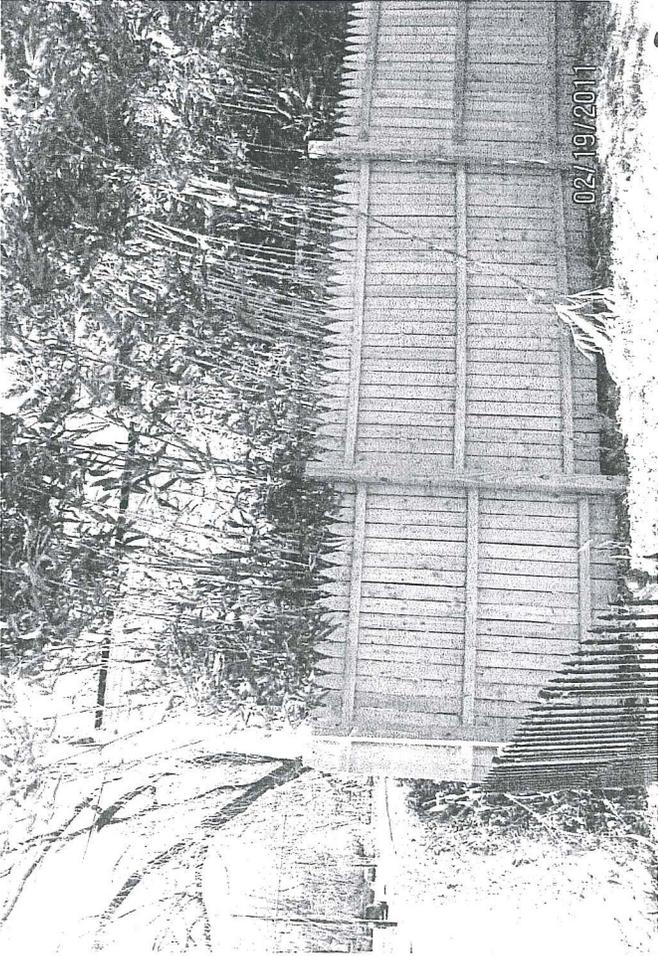
04/24/2011

INSIDE OUR SHED

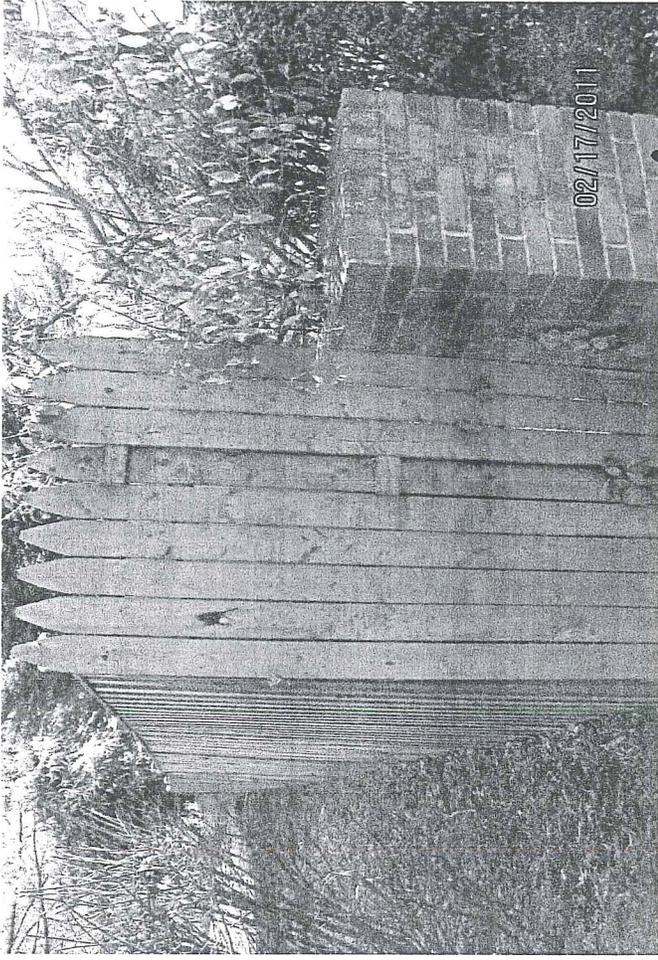


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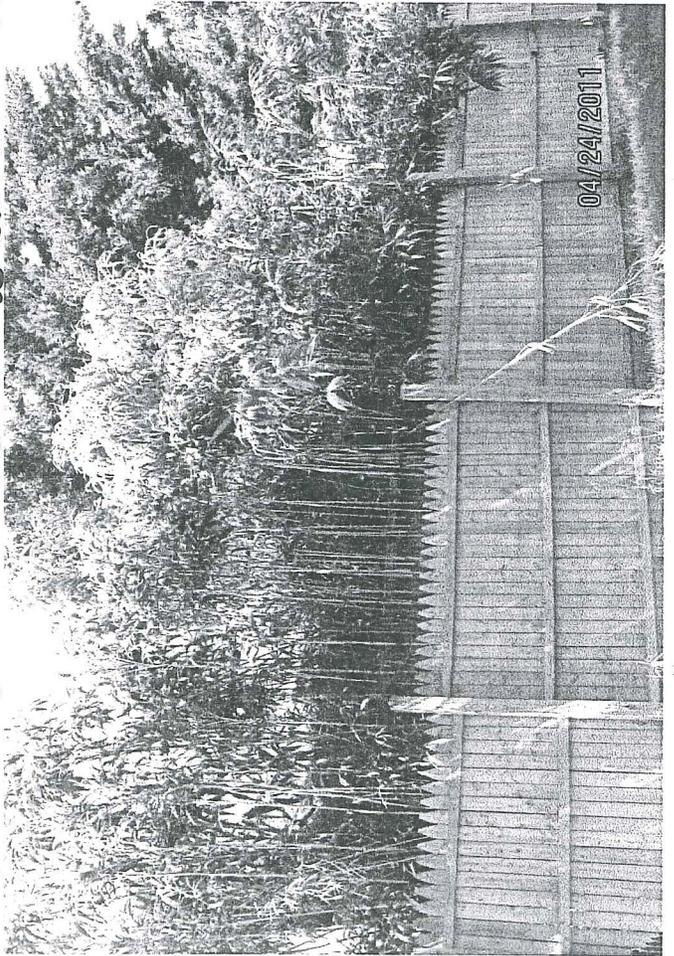
FRONT FROM MEDFORD DR.



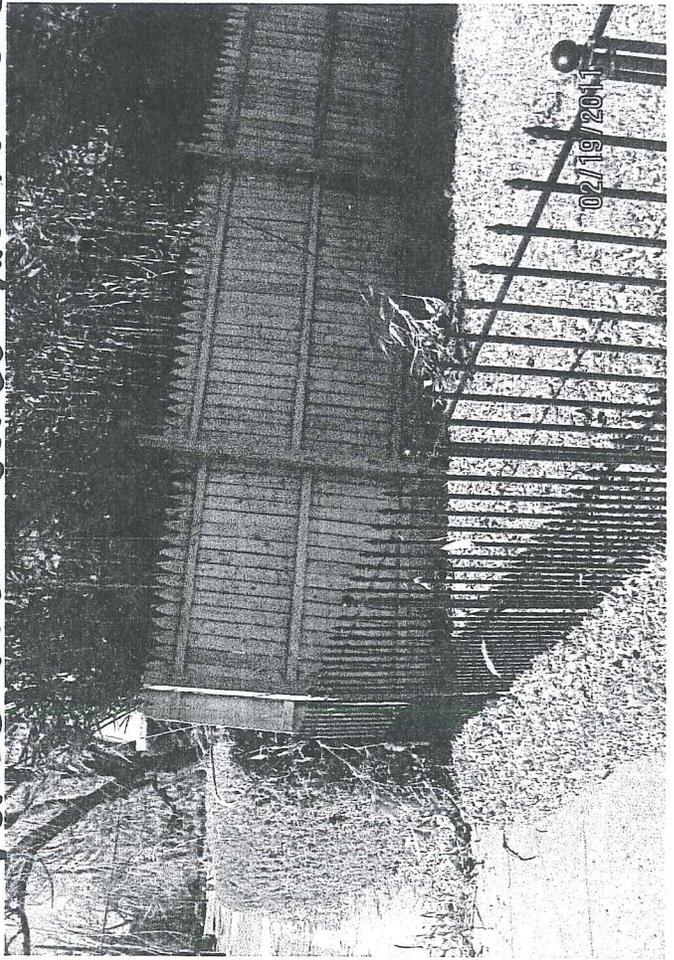
FROM EAST SIDE MOWHATEE PL.



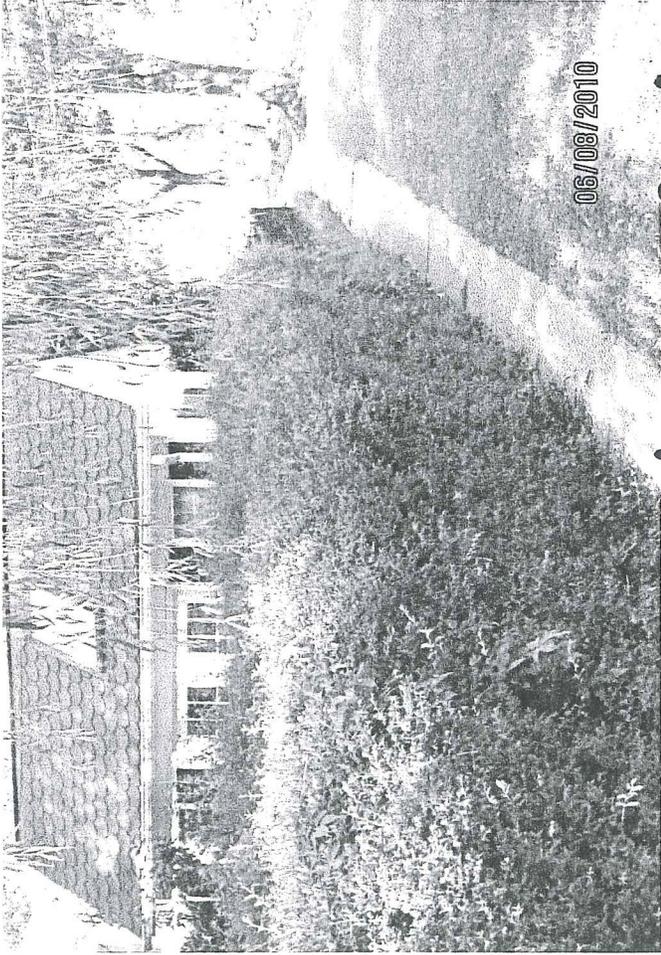
FENCE FROM CONDO - NORTH SIDE



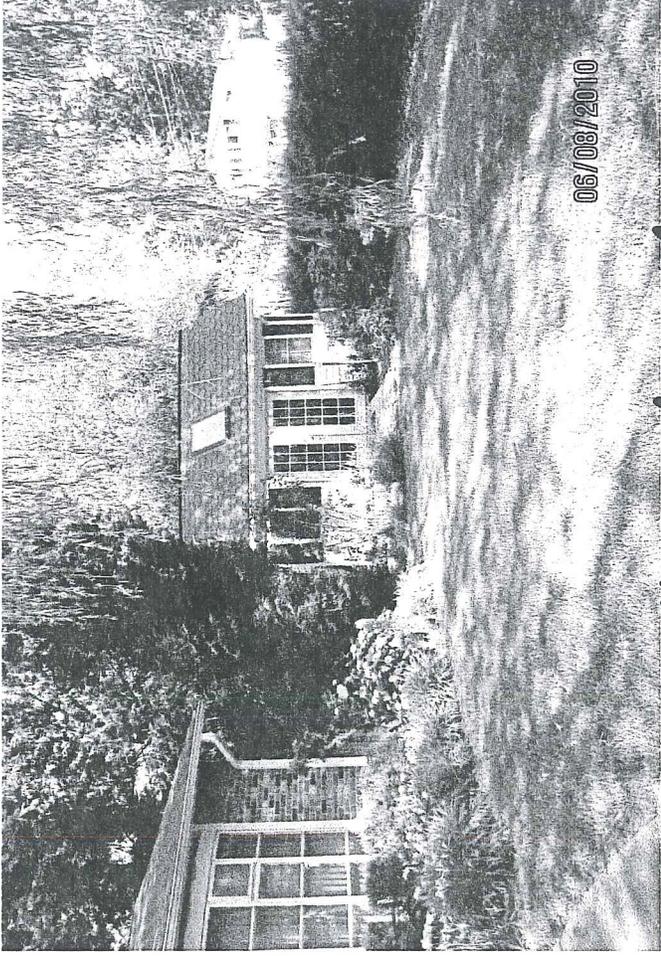
OUR SHED + GAZEBO FROM CONDO SIDE



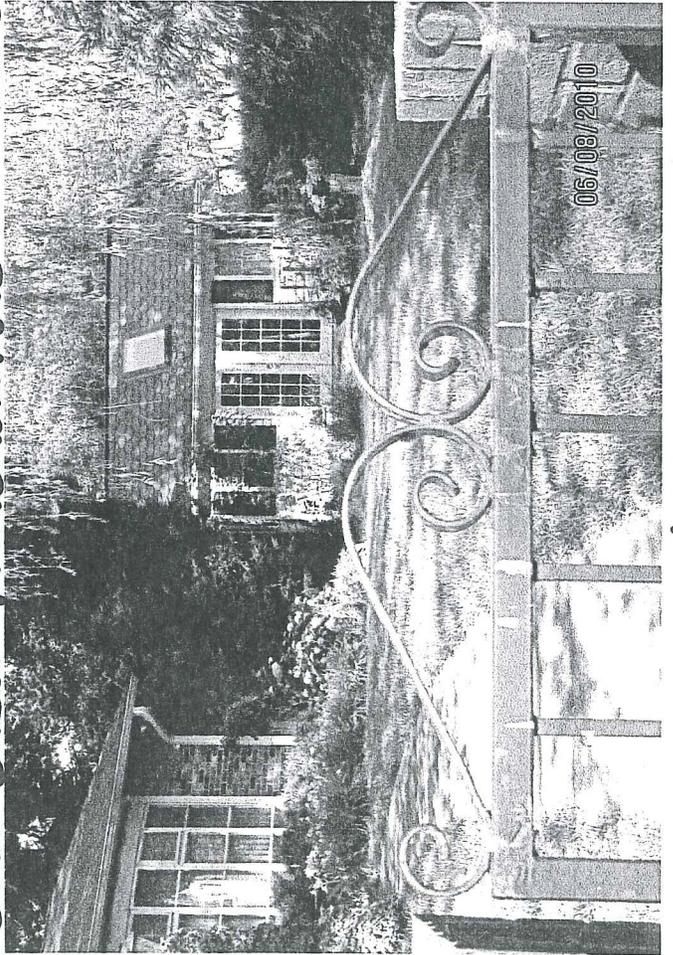
FENCE FROM EAST SIDE



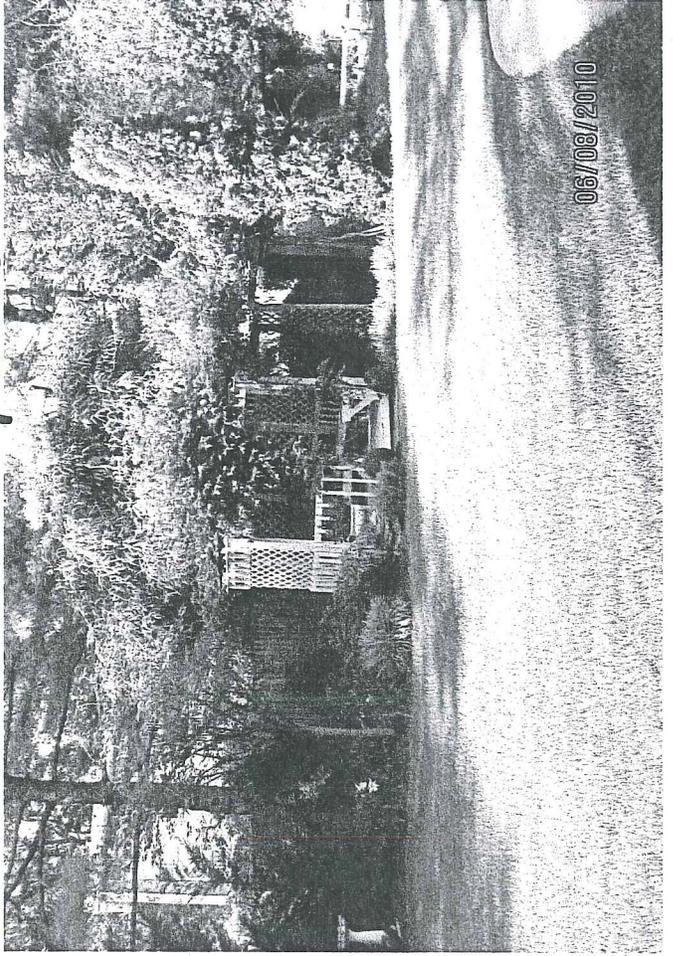
Our Shed McWhorter Pl Side



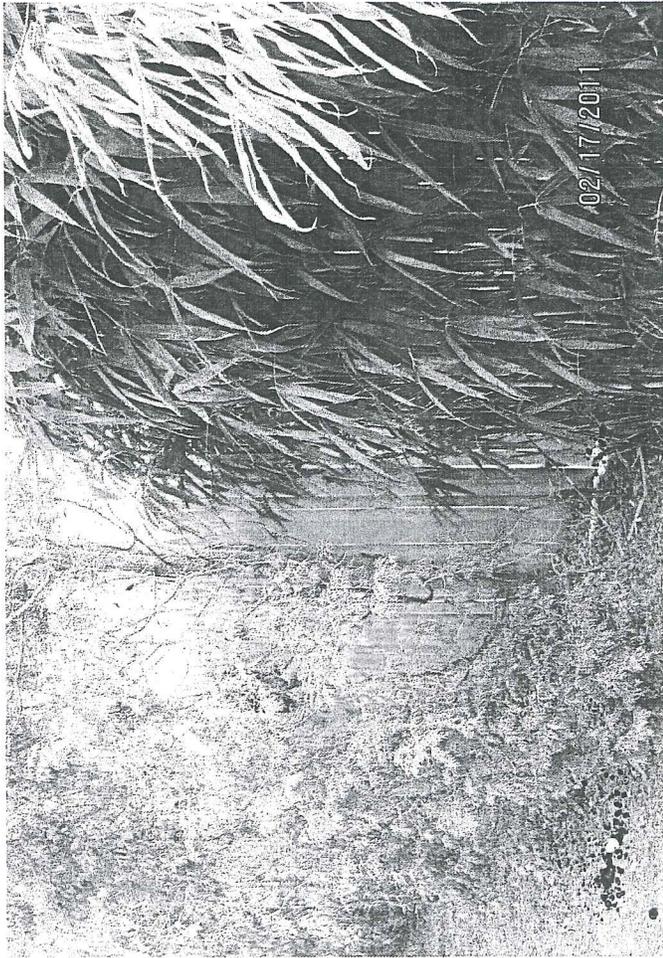
Our House / Shed



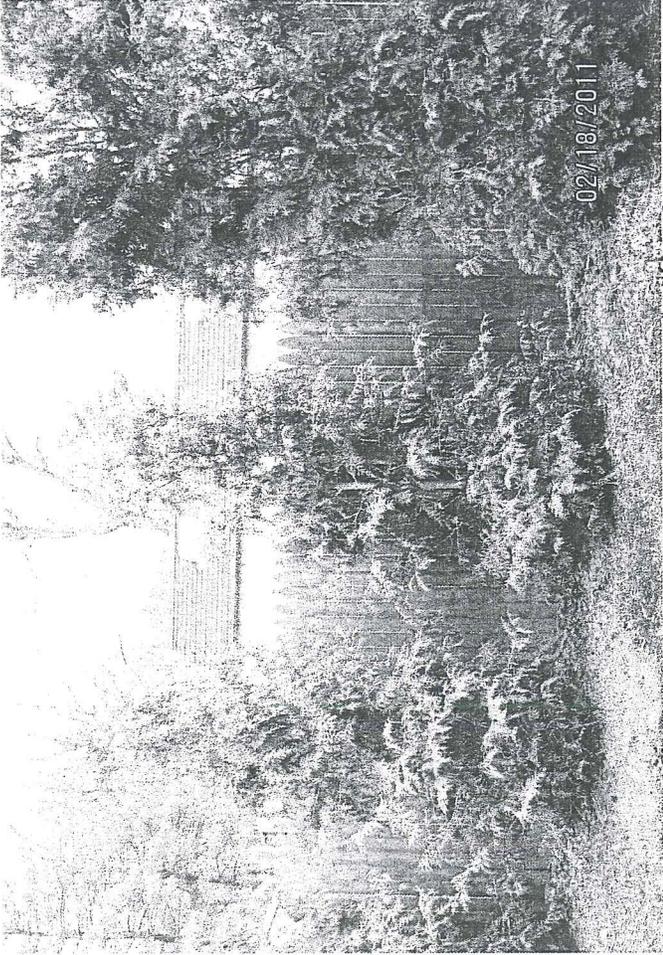
Our House & Shed Medford Dr



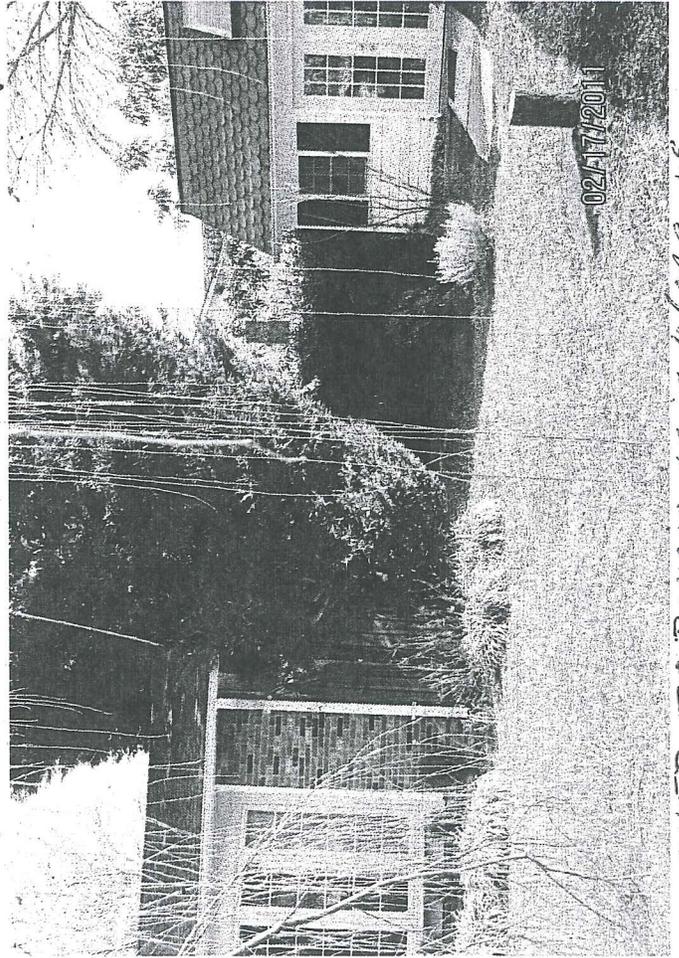
Our Gazebo / Fence - Condor Brook



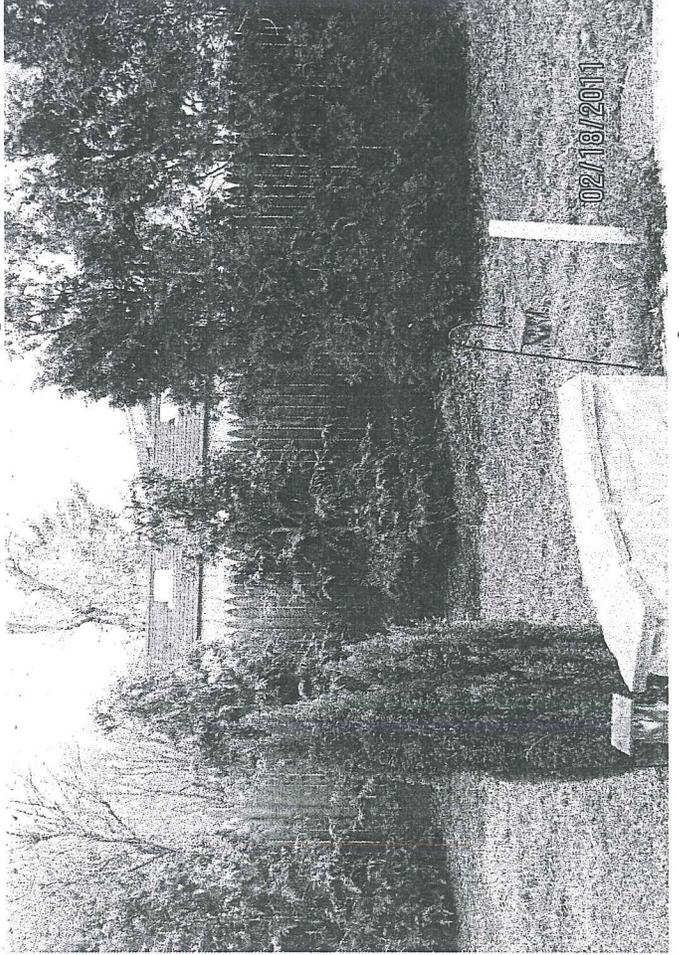
6' Fence North Side of Lot



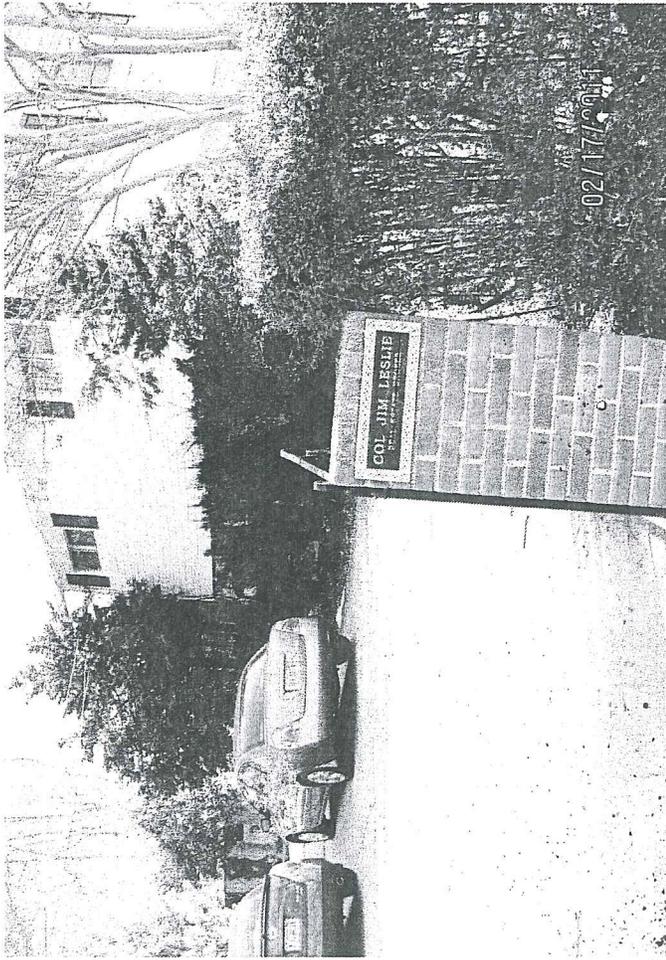
6' Fence East Side of Lot



SHED TO REMAIN AS IS WHERE IS EAST Side of LOT

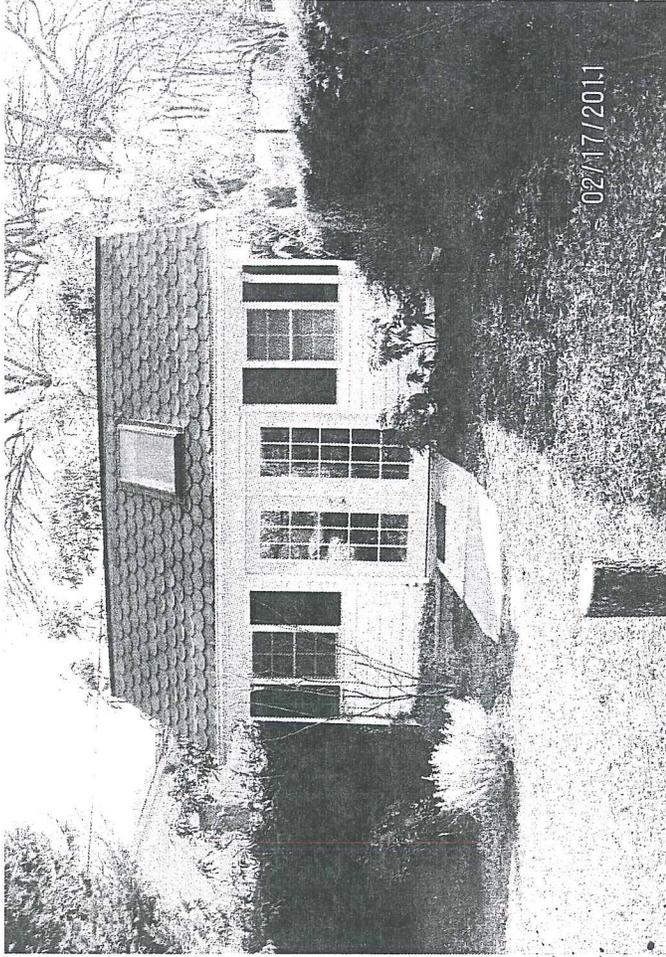


FENCE East Side of Lot



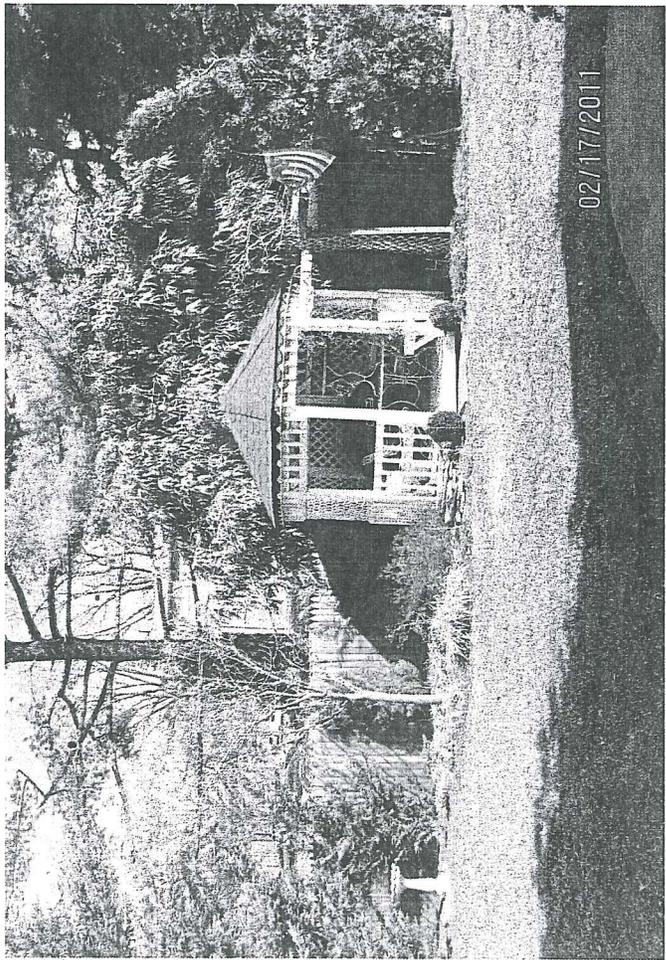
Sign Covered By Aluminum Plate

02/17/2011



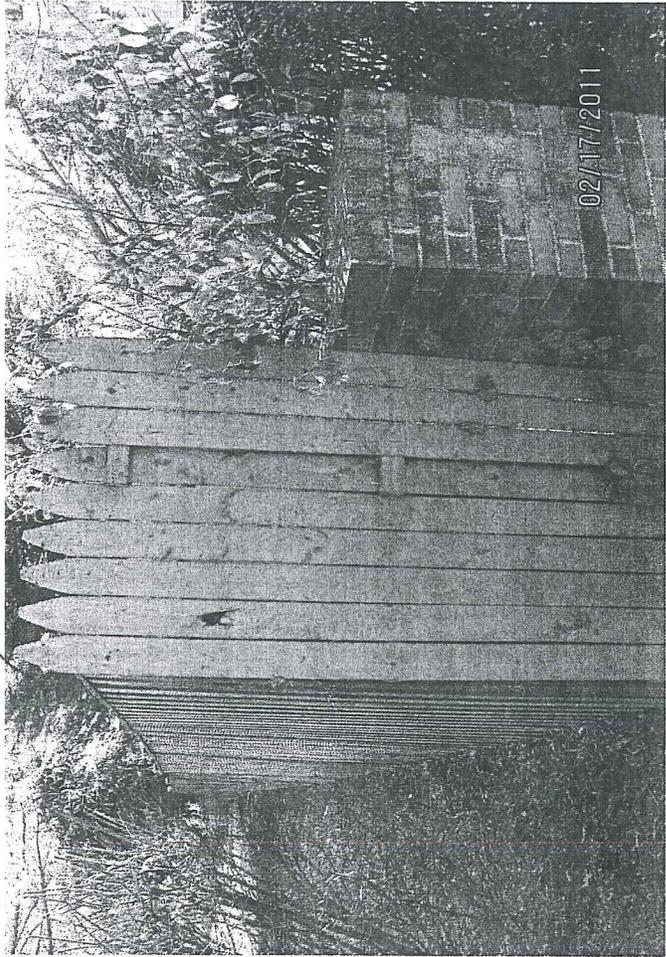
Shed 150 Sq' To Remain AS IS Where Is

02/17/2011



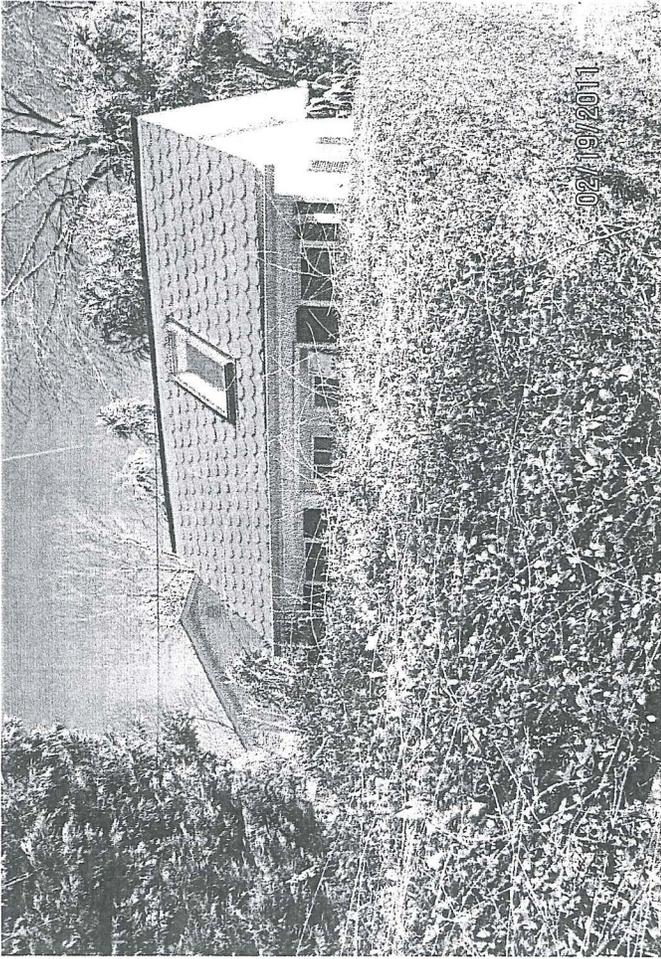
Gazebo Built 1980 To Remain AS IS Where Is North Side of Lot 86

02/17/2011

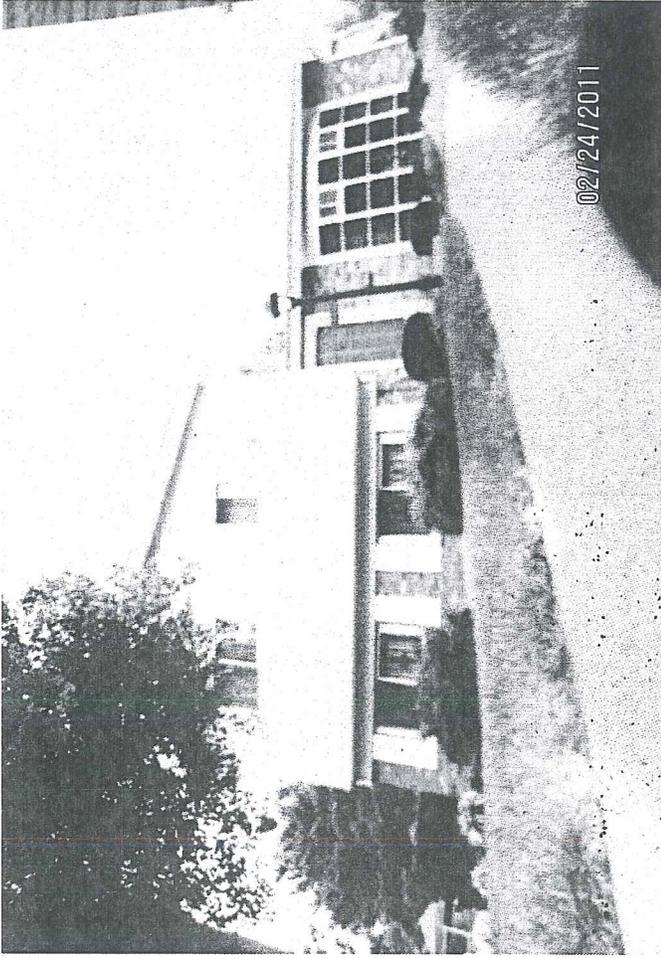


Fence on North Side 6' Condo Fence Backs To Our Fence

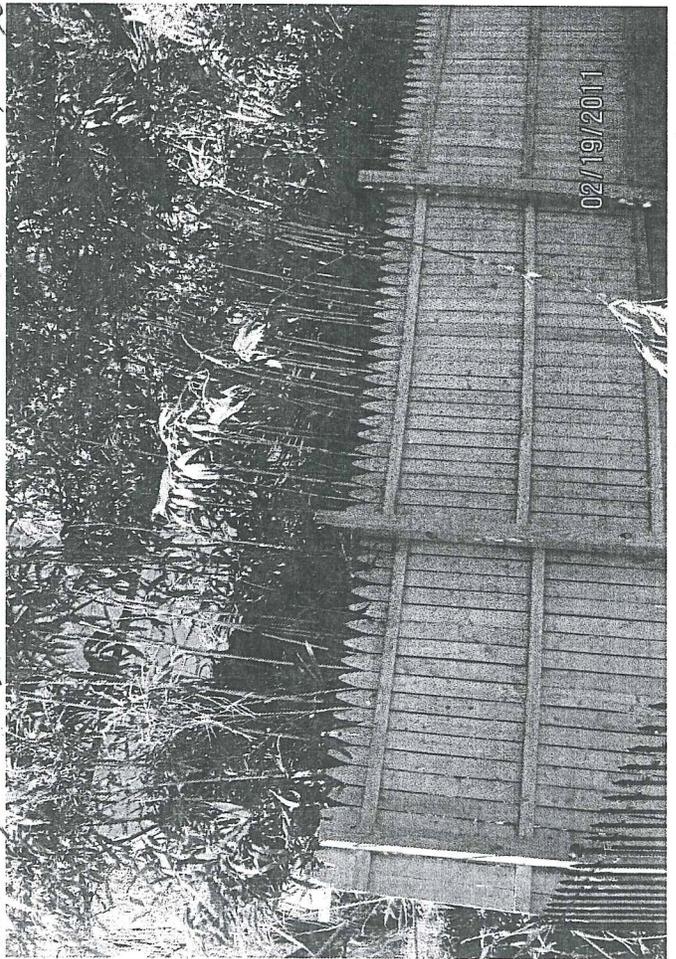
02/17/2011



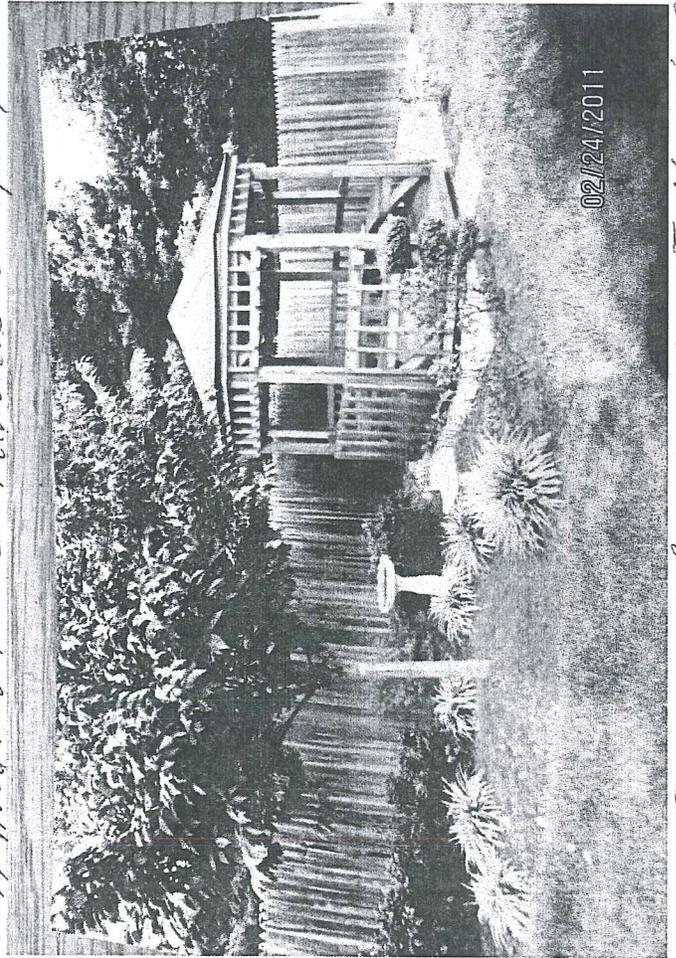
1500 sq ft. signed from South Side. Hedge



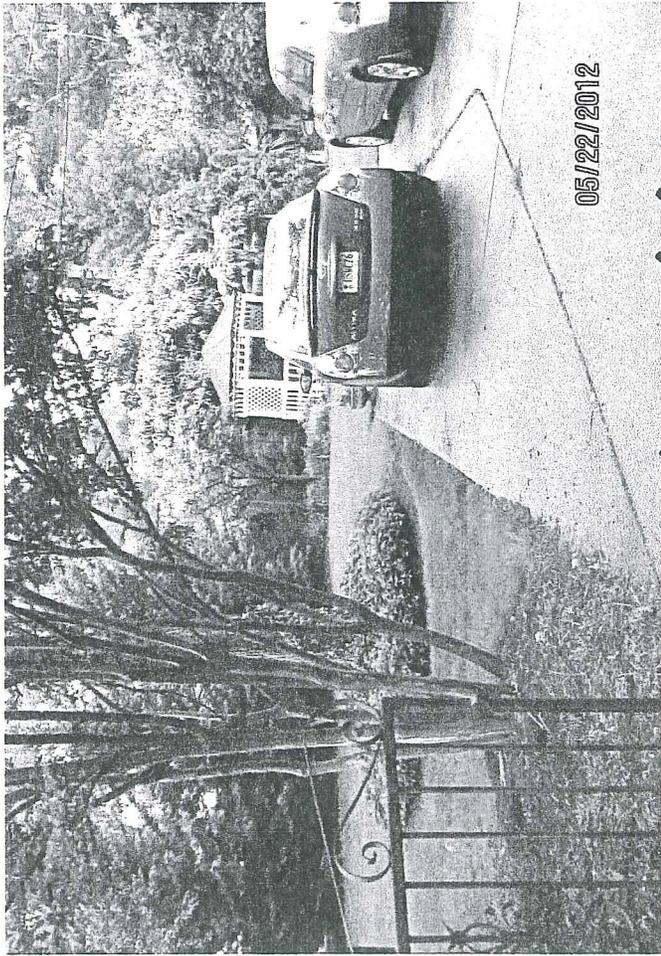
4399 Medford Home Purchased 1987



Fence EAST side from outside

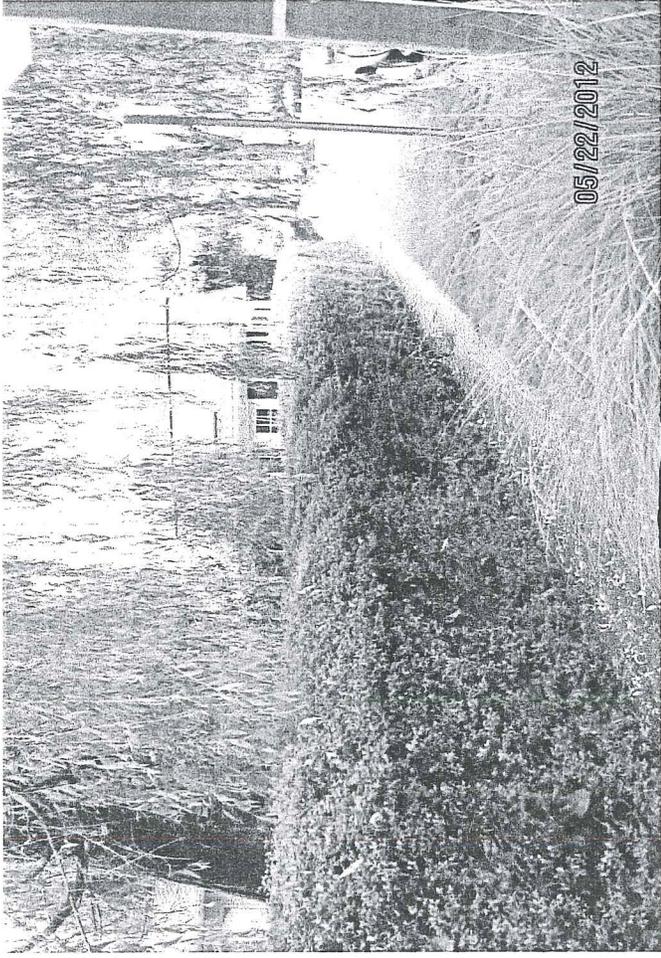


Gazebo when we bought Home 1987



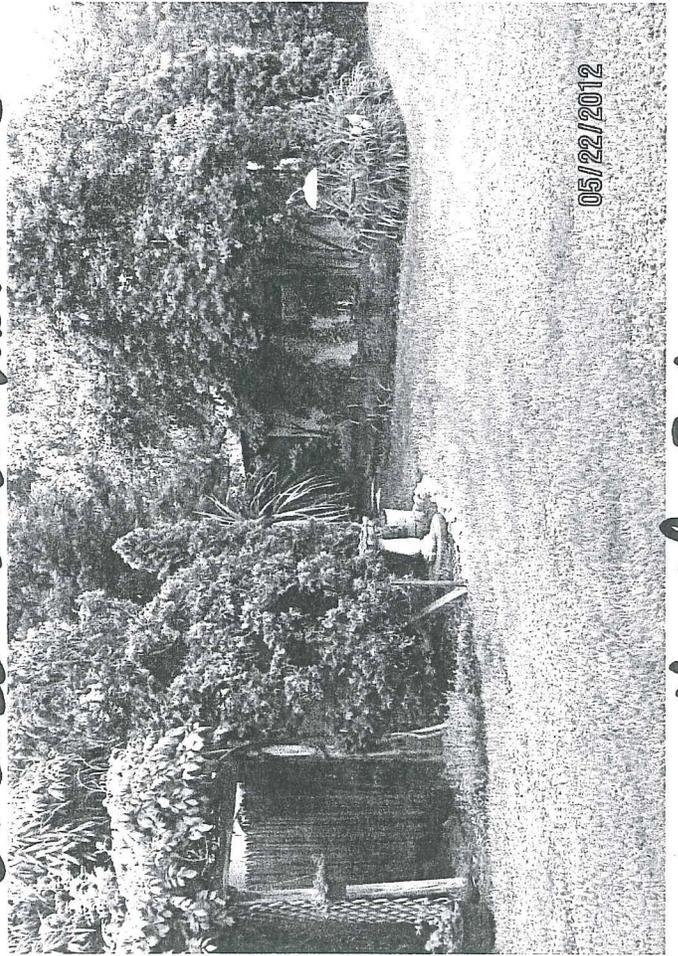
GARAGE - shed North Side

05/22/2012



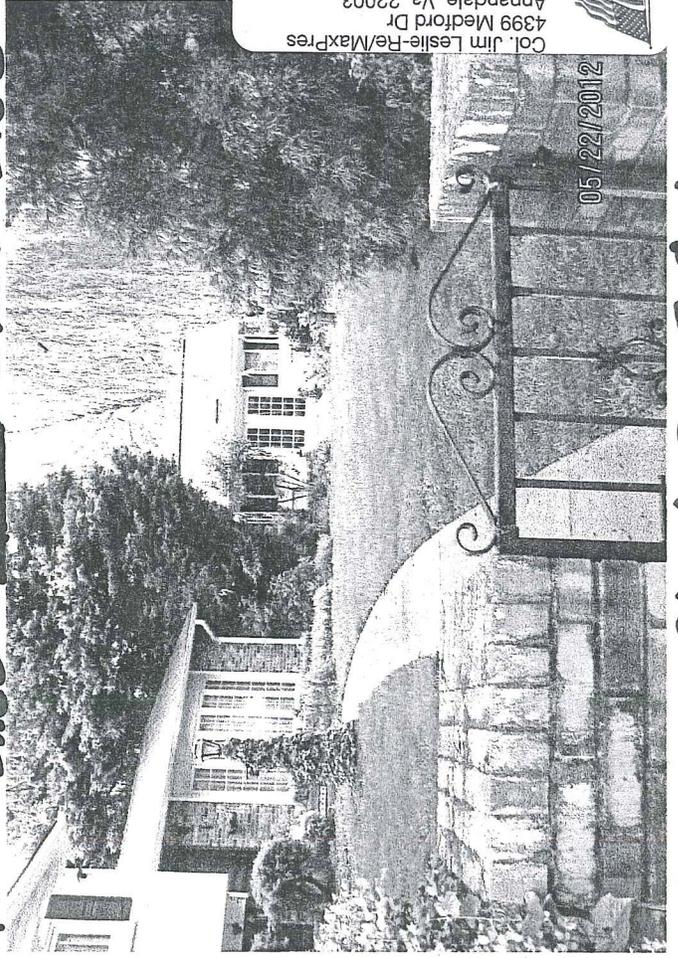
Tool shed - EAST Side

05/22/2012



Sheds North Side

05/22/2012

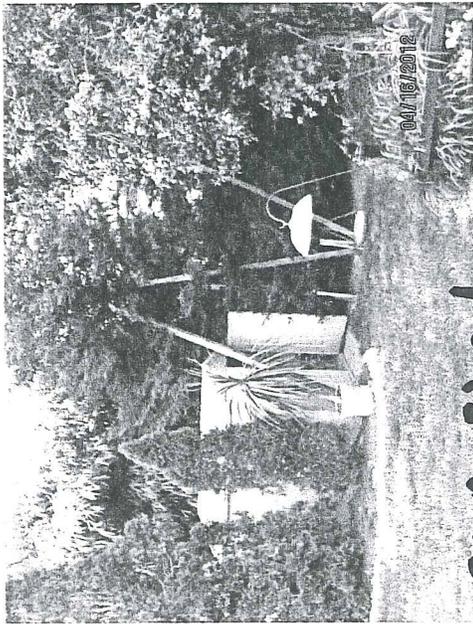


House - Shed East Side

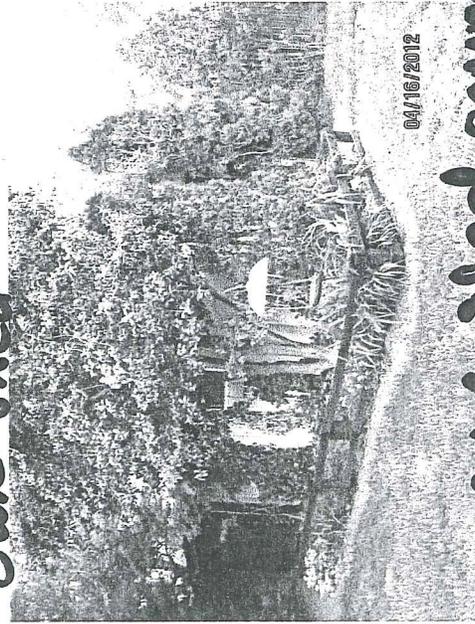
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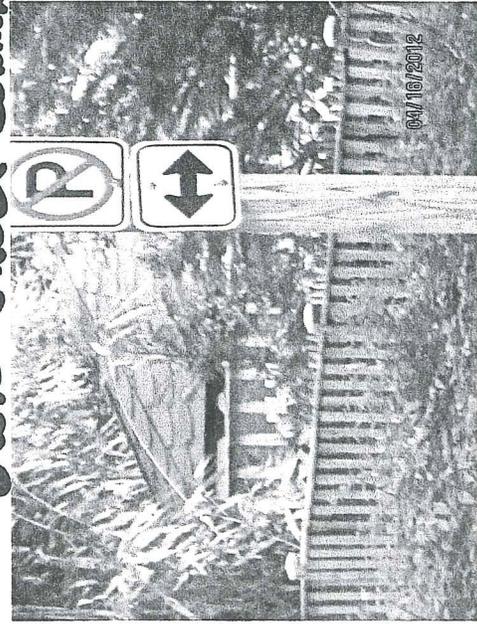




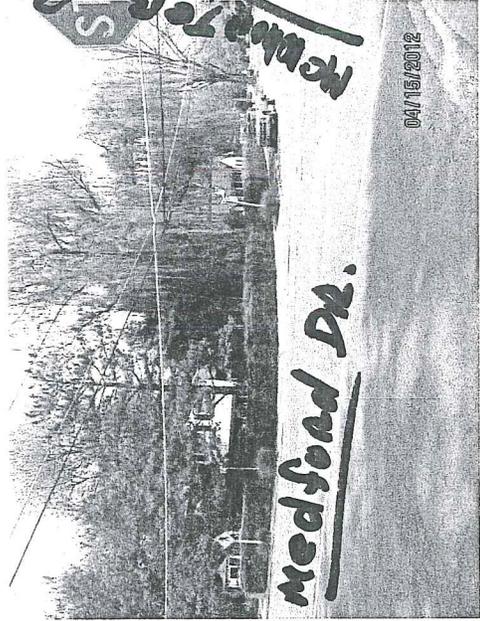
OUR SHED



OUR SHED CORNER. OUR HOUSE

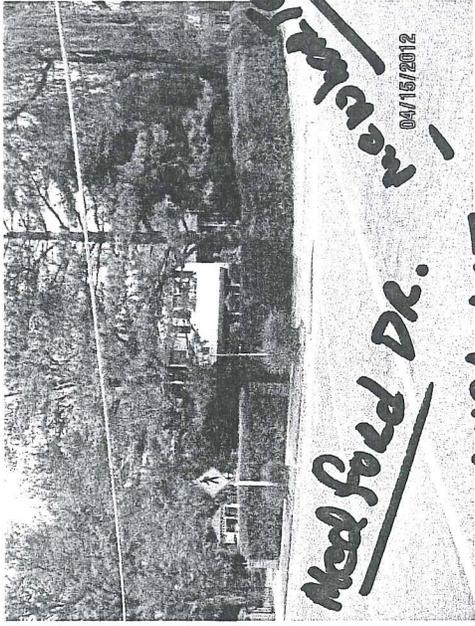
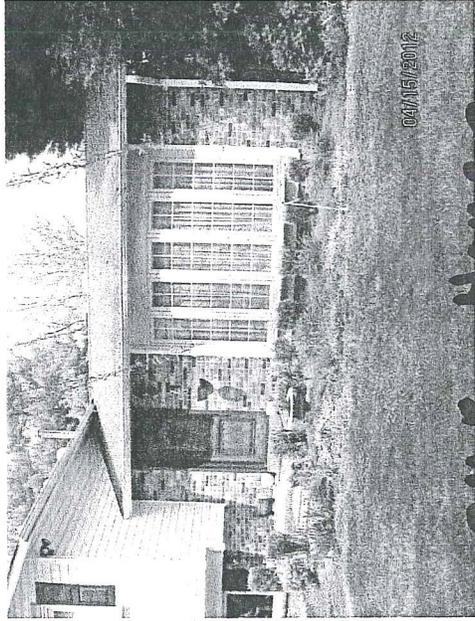


GAZEBO FROM CORNER FENCE

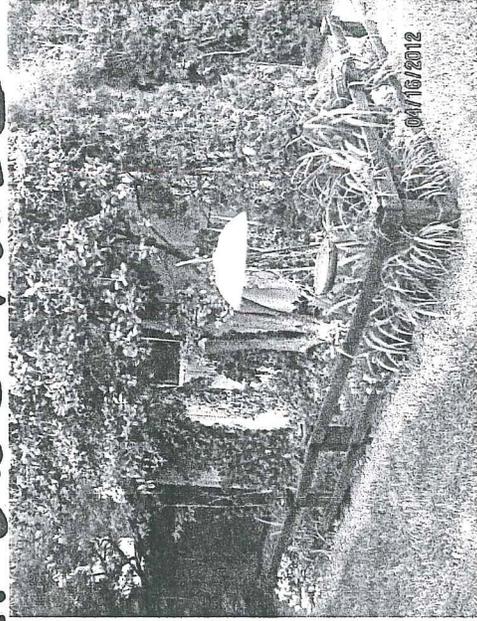


Medford Dr.

Sp. Gazebo, House, Shed
FENCE FROM FRONT
WEST SIDE
CORNER Medford DR.
+ MEWHOERTER PL.



Medford DR.
CORNER LOT



Medford DR

OUR HOUSE/GAZEBO

DESCRIPTION OF THE APPLICATIONS

Description of Special Permit Request

The applicants request special permit approval for a reduction to the minimum yard requirements based on an error in building location to permit an accessory structure, a gazebo, to remain 1.8 feet from the rear lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit Request	Gazebo	Rear	9.3 feet	1.8 feet	7.5 feet	80%

*Minimum yard requirement per Section 10-104

The applicant is also seeking a special permit to allow an existing fence greater than four feet in height to remain in the front yard of a corner lot. The six foot high frame fence is located on the northern rear lot line and on the eastern side lot line. The portion of the fence in violation is approximately 60 feet in length.

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

Description of Variance Application

The applicant also requests a variance approval to permit an accessory storage structure to remain in a front yard of a lot containing 36,000 square feet or less. Currently the property is 13,182 square feet.

EXISTING SITE DESCRIPTION

The application property is developed with a split level, single-family detached dwelling covered in vinyl siding and brick. County records indicate that the dwelling was constructed in 1959. An addition, built in 2003, exists to the rear. A screened porch and patio also exist to the rear of the house. The property is a corner lot; therefore it has two front yards, one located on Medford Drive and one located on McWhorter Place. Access to the site is provided from Medford Drive via an existing concrete driveway. A wood gazebo, 9.3 feet in height, and two wood sheds (both approximately seven feet in

height) are located near the northern rear lot line. Another wood shed, 14.1 feet in height, is located on the southeast corner of the property, within a front yard. A six foot high wood fence exists on the eastern side lot line and the northern rear lot line. A box hedge exists along the perimeter of both of the front yards. Two brick columns with gates stand on either side of the driveway and two more also stand on either side of the sidewalk that accesses the front of the house, which are permitted by the Zoning Ordinance. The rest of the yard consists of a well-manicured lawn with some trees and shrubs. The site is surrounded by single-family detached homes along all property lines. A storm sewer easement is located on the property along the northern rear lot line and a five foot easement for public street purposes (a sidewalk) exists on the southern front and eastern side lot lines. A copy of the deed referencing the easements is included in Appendix 5.

CHARACTER OF THE AREA

	Zoning	Use
North	R-20	Multi-family dwellings- Garden Style Condominiums
South	R-4	Single family detached dwellings
East	R-4	Single family detached dwellings
West	R-4	Single family detached dwellings

BACKGROUND

County records indicate that a building permit was issued on October 21, 2002, for an addition. There are no building permits for the gazebo, or any of the accessory storage structures (sheds). According to aerial photography, the two sheds in the rear yard have existed prior to 2002. Aerial photography also demonstrates that the gazebo in the rear yard and the shed in the eastern side of the front yard were built between 2004 and 2007. See Appendix 6 for aerial photos. The applicant has confirmed that the shed in the eastern side of the front yard is about five years old and that a previous shed was built in the same location. On February 3, 2011, a Notice of Violation (NOV) was issued to the owners for a fence six feet in height and an accessory storage structure in the front yard of a corner lot. A copy of the NOV is attached as Appendix 7. On May 20, 2011, a letter from the Zoning Administration Division (ZAD) made a vested rights determination regarding the gazebo, sheds and fence on the applicant's property (See Appendix 8). The determination indicated the northeastern shed, 8.5 feet in height, is the only item in compliance with Zoning Ordinance provisions. None of the other structures qualified to remain under a vested rights determination. On December 6, 2012, County staff from the Maintenance and Stormwater Management Division of the Department of Public Works and Environmental Services (DPWES) made a site visit to

the application property (see Appendix 9). Staff determined that the gazebo and two sheds must be removed from the storm drainage easement along the northern lot line. A development condition has been included in Appendix 1 to address this issue. According to the Office of the County Attorney, this case has pending litigation for the shed in the front yard that is scheduled to be heard in February, 2013. As of the publication date of this staff report there is no Agreed Order related to this case.

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

ZONING ORDINANCE REQUIREMENTS (See Appendix 10)

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

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

This special permit and variance are subject to Sects. 8-006, 8-903, 8-914, 8-923 and 18-401 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 10. Subject to development conditions, the special permit and variance must meet these standards.

CONCLUSION

If it is the intent of the BZA to approve these applications, staff recommends the BZA condition its approval by requiring conformance with the conditions set forth in Appendix 1 and Appendix 2 of this report, Proposed Development Conditions.

APPENDICES

1. Proposed Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicant's Affidavits
4. Applicant's Statement of Justifications
5. Deed for Subdivision
6. Aerial Photography
7. Notice of Violation dated February 3, 2011
8. Vested Rights Determination May 20, 2011
9. Department of Public Works and Environmental Services Recommendations
10. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2012-MA-070

January 2, 2013

1. This special permit is approved for the height and location of fences as shown on the plat prepared by Dickerson Survey and Arborist Services dated March 25, 2011 and revised through May 20, 2012 as submitted with this application and is not transferable to other land.
2. The gazebo and a 6.8 foot high shed shall be removed from the Storm Sewer Easement located on the northern rear property line within 180 days of approval of this special permit. The structures shall be removed from the property or to a location on the property so they are in conformance with the Sects. 10-104.10 and 10-104.12 of the Zoning Ordinance.
3. The covered lean-two at the rear of the wood shed in the northeast corner of the property shall be removed.

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.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

PROPOSED DEVELOPMENT CONDITIONS

VC 2012-MA-005

January 2, 2013

1. This variance is approved for the wood shed in the front yard on the property as shown on the plat prepared by Dickerson Survey and Arborist Services, dated March 25, 2011, and revised through May 20, 2012, as 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 including requirements for building permits.

Application No.(s): SP 2012-MA-070
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6-21-12
 (enter date affidavit is notarized)

I, James L. Leslie, 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 111 2356

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)
James L. Leslie	4399 Medford Drive Annandale, VA 22003	Applicant/Title Owner
Bernadette Boka-Leslie	(same)	Applicant/Title Owner
Larry E. Johnson, Esq.	5415 Backlick Rd. Springfield, VA 22151	Attorney/Agent

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

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

Application No(s): SP 2012-MA-070
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6-21-12
(enter date affidavit is notarized)

1112358

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)

Larry E. Johnson, Esq. (Sole Proprietorship)
5415 Backlick Rd.
Springfield, VA 22151

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)

Larry E. Johnson, Sole Proprietor

(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-MA-070
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/~~VARIANCE~~ AFFIDAVIT

DATE: 6-21-12
(enter date affidavit is notarized)

1112356

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

PARTNERSHIP INFORMATION

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

N/A

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

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

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

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

Application No.(s):

SP 2012-MA-070

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

Page Four

SPECIAL PERMIT/~~VARIANCE~~ AFFIDAVIT

DATE:

6-21-12

(enter date affidavit is notarized)

1112356

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-MA-070
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6-21-12
(enter date affidavit is notarized)

1112356

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:

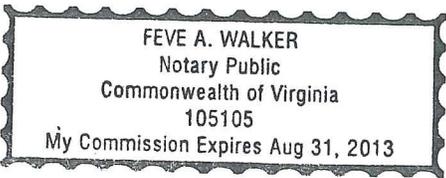
(check one) James L. Leslie Applicant Applicant's Authorized Agent

JAMES L. LESLIE
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 21st day of June, 2012, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: August 31, 2013



Application No.(s): VC 2012-MA-005
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6-4-12
(enter date affidavit is notarized)

I, James L. Leslie, 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

111531.2

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)
James L. Leslie	4399 Medford Drive Ammandale, VA 22003	Applicant/Title Owner
Bernadette Boka-Leslie	(same)	Applicant/Title Owner
Larry E. Johnson, Esq.	5415 Backlick Rd. Springfield, VA 22151	Attorney/Agent

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): VC 2012-MA-005
(county-assigned application number(s), to be entered by County Staff)

~~SPECIAL PERMIT~~/VARIANCE AFFIDAVIT

DATE: 6-9-12
(enter date affidavit is notarized)

111531a

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)

Larry E. Johnson, Esq. (Sole Proprietorship)
5415 Backlick Rd
Springfield, VA 22151

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)

Larry E. Johnson, Sole Proprietor

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

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

Application No.(s):

VC 2012-MA-005

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

Page Three

~~SPECIAL PERMIT~~ VARIANCE AFFIDAVIT

DATE: 6-4-12
(enter date affidavit is notarized)

11531a

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

PARTNERSHIP INFORMATION

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

N/A

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

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

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

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

Application No.(s):

VC 2012-MA-005

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

Page Four

~~SPECIAL PERMIT~~/VARIANCE AFFIDAVIT

DATE:

6-4-12

(enter date affidavit is notarized)

111931a

1(d). One of the following boxes must be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): VC 2012-MA-005
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6-4-12
(enter date affidavit is notarized)

111531a

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

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

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

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

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

WITNESS the following signature:

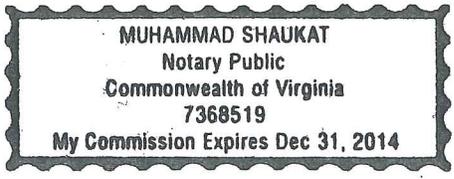
(check one) Applicant Applicant's Authorized Agent

JAMES L. LESLIE
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 4th day of June 2012, in the State/Comm. of Virginia, County/City of Fairfax

Muhammad Shaukat
Notary Public

My commission expires: Dec 31, 2014



Special Permit Statement of Justification

**Re: Jim Bernadette Leslie
4399 Medford Dr.
Annandale VA, 22003
Existing 6' foot tall fences**

- 1. The maximum fence height shall not exceed six (6) feet and such fence shall not be eligible for an increase in fence height pursuant to Par.3I of Section 10-104. The existing fences have been in place for over 25 years and are no more than 6'feet tall.**
- 2. The fence shall meet the sight distance requirements contained in Section 2-505.**
- 3. The BZA shall determine that the proposed fence 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 the nearby off-site structures, topography of the lot, presence of multiple yards, and concerns related to safety and/or noise. The neighboring property is an apartment community that is the cause of high traffic and noise in our community. Because our property is a corner lot adjacent to this apartment community, the fence requirements are a bit more restrictive than our neighbors who have true "rear lot lines" where 6' foot fences are allowed. This is why we need special approval for our fences to remain.**
- 4. The BZA shall determine that the proposed fence 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. The neighboring property is an apartment community that actually owns one of the two 6' foot tall fences that run along the North-East property line. There is a huge concern for the lack of privacy we are able to have from the neighboring multi-family structures and these fences help with that concern. Also, these same 6' foot fences run along the entire apartment community and along the rear of over 15 of my neighbor's properties.**
- 5. The BZA shall determine that the proposed fence height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity. The buildings adjacent to our property are apartments that are much taller than ours and shall not impact their use. Because we have a corner lot, and our house is situated the way it is, it causes the back of our home to be angled slightly toward our neighbor's house to the right. This also causes a lack of privacy and is why we request that our 6' foot fence remain, in hopes to help alleviate some of these issues.**
- 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 design requirements. However we request that the BZA take into consideration that the fences have been in place for over 25 years, and that trees and shrubs already run along the property line.**
- 7. We have also obtained support from our neighbors in the community for the fences to remain in place as-is.**

RECEIVED
Department of Planning & Zoning

SEP 25 2012

Zoning Evaluation Division

Special Permit Statement of Justification

**Re: Jim and Bernadette Leslie
4399 Medford Dr.
Annandale VA, 22003
Existing Side Accessory Structures- 2 Sheds & Gazebo**

- A. The error made on the property exceeds ten (10) percent of the measurement involved.**
- B. The noncompliance was done in good faith. We were unaware that a building permit was not obtained for these sheds and gazebo because they were already on the property when we purchased the house over 25 years ago and no one had ever complained. We have made many improvements to our property and we have always sought and obtained the necessary permits to complete such projects.**
- C. Such reductions will not impair the purpose and intent of this ordinance. The current structures have been standing in their current locations for over 25 years and are used to store lawn care items, household items, and tools that have been purchased over the years. These structures are not to be used for any commercial purposes.**
- D. The accessory structures will not be detrimental to the use and/or enjoyment of other properties in the immediate vicinity. Most neighbors in the surrounding properties support these structures remaining in their current form and locations. The structures are barely visible from the public view and are not encroaching toward any neighboring structures.**
- E. These accessory structures will not create any unsafe conditions with respect to all other properties and public streets.**
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner. We bought this property 25 years ago with the intent to live here for many years, and to use the sheds. Over the years we have needed these sheds storage purposes. The gazebo is part of our yard and is esthetically pleasing in its current location. To relocate any of these structures would not only be difficult but would appear unattractive to members of the community.**
- G. The reduction will not result in an increase in density or floor area ratio from that of permitted by the applicable zoning district regulation. The accessory structures were built over 25 years ago, and since then- we have obtained the appropriate permits for other structures built on our property without issue.**
- H. No hazardous or toxic substances will be generated, utilized, stored, treated, and/or disposed of at this residence and the size and contents of any existing or proposed storage tanks or containers. The accessory structures are used for household and lawn care storage.**

RECEIVED
Department of Planning & Zoning

SEP 25 2012

Zoning Evaluation Division

- I. A waiver is requested for the existing rear accessory structures- encroaching into the side lot property line in an R-4 zone. The gazebo shall remain 1.8'feet from the existing eave to the side lot property line. The shed shall remain 1.7 'feet from the existing eave to the side lot property line. And a second shed shall remain .5'feet from the existing eave to the side lot property line**

- J. These accessory structures are harmonious with other offsite neighboring structures, built on neighboring properties. Many neighbors have similar structures that are even larger in size on their properties, and in similar locations. While we do not object to their accessory structures in any way, we simply wish to keep our structures in their current locations, with their current size and look.**

Variance Statement of Justification

**Re: Jim and Bernadette Leslie
4399 Medford Dr.
Annandale VA, 22003
Existing Front Shed**

- 1. The subject property is currently located in an R-4 zone, and was acquired in good faith.**
- 2. The subject property also has extraordinary situations and conditions. The property is a corner lot, and the house is slightly angled toward the corner. It has also been the site of two separate burglaries.**
- 3. The condition or situation of this property or the intended use of this property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.**
- 4. The strict application of this Ordinance would produce undue hardship upon our family. My wife is battling stage-three cancer and we currently store some of her medical supplies in this shed. It also has a permanent foundation and was built and finished with materials of good quality. We have lived at this property for over 25 years and if we were forced to remove this shed, we would not have anywhere secured, to store our possessions. Some of which we need access to on a daily basis.**
- 5. Such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity. We are currently the only corner lot that has a house angled as ours. We have also been the victims of burglary twice, and this shed is located in a safer place that is more visible by the public and law enforcement.**
- 6. Authorization of the variance will not be of substantial detriment to adjacent properties. Many of the neighboring properties have similar structures on their properties in similar locations. We have also reached out to members of the community and have gained their support in leaving this existing shed in its current form and location.**
- 7. The character of the zoning district will not be changed by the granting of the variance. Our property is a corner lot which can sometimes create issues in all zones. Most properties in any given community are standard interior lots and few corner lots. Our house is currently angled toward the corner, which makes our setback requirements slightly different than most other corner and interior lots in the same zone.**
- 8. The variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest. This shed is esthetically pleasing and even has very distinct shingles that match the existing house shingles. It truly compliments the look of the property as a whole.**

RECEIVED
Department of Planning & Zoning

SEP 25 2012

Zoning Evaluation Division

DEED BOOK 1766 PAGE 673

STATE OF VIRGINIA,
COUNTY OF ARLINGTON, to-wit:

I, *Virginia N. Dawson*, A Notary Public in and for the State and County aforesaid, whose commission expires on the *16th* day of *March* 19*62*, do hereby certify that CYRIL CROUCH and REBECCA L. CROUCH, whose names are signed to the foregoing deed bearing date on the 1st day of April, 1959, have acknowledged the same before me in my State and County aforesaid.

GIVEN under my hand this *24th* day of April, 1959.

Virginia N. Dawson
Notary Public

In the Clerk's Office of the Circuit Court of Fairfax County, Virginia APR 29 1959 11:00 A.M.
This instrument was received and, with the certificate annexed, admitted to record

Tests:

Thomas A. Chapman, Jr.
Clerk

11261

*May 15, 1959 - Lx 25.
This - Rutledge, atty.*

THIS DEED OF DEDICATION, Made this 15th day of April, 1959, by and between HILLTOP TERRACE DEVELOPMENT CORPORATION, a corporation existing under the laws of the District of Columbia, party of the first part; JAMES KEITH and DOUGLASS S. MACKALL, III, Trustees, parties of the second part; CATHERINE L. NORFOLK, Beneficiary, party of the third part; and X. CHARLES SURACI and JUNE C. SURACI, his wife, parties of the fourth part;

W I T N E S S E T H

WHEREAS, the party of the first part is the owner of that certain tract of land situated in Fairfax County, Virginia, as hereinafter described by metes and bounds; and

WHEREAS, the parties of the second part are the Trustees and the party of the third part is the Beneficiary under a certain Deed of Trust duly recorded among the land records of said County in Deed Book 1632 at page 553, securing the payment of five (5) interest-bearing notes, and one (1) non-interest-bearing note; and

WHEREAS, the interest-bearing notes secured by said Deed of Trust recorded in Deed Book 1632 at page 553 have been paid in full, however, the said Deed of Trust is to remain in full force and effect on the entire tract of land conveyed thereby to secure the payment of the non-interest-bearing note; and

WHEREAS, the parties of the fourth part are the owners of a tract of land more particularly described in a Deed duly recorded among the land records of said County in Deed Book Y-4 at page 204, which said tract adjoins the hereinafter described parcel of land, and through which the party of the first part desires to construct a temporary construction and drainage easement as more particularly shown on the plat attached hereto and made a part hereof; and

WHEREAS, the parties hereto are desirous of subdividing the said tract of land into lots and dedicating certain parts thereof to street, roadways and the said subdivision is to be known as Section TWO (2), ANNANDALE TERRACE.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto being the sole owners and proprietors of the hereinafter described parcel of land, as more particularly shown on a plat attached hereto and made a part hereof, made by Thomas B. Chamberlin, Certified Land Surveyor, Arlington, Virginia, dated the 27th day of March, 1959, do subdivide that certain tract more particularly described as follows:

BEGINNING at a point in the easterly line of the X. Charles Suraci property, said point being the extreme northerly corner of Lot 67, Section 1, ANNANDALE TERRACE, as the same appears duly platted and recorded among the land records of Fairfax County, Virginia; thence running with a portion of the east boundary of the X. Charles Suraci property, N. 23° 42' 55" E., 1183.81 feet to a point; thence departing from said boundary line of the X. Charles Suraci property and running through the property of Hilltop Terrace Development Corporation on the following courses and distances: S. 78° 09' 00" E., 289.44 feet, N. 89° 43' 00" E., 200.91 feet, N. 83° 53' 00" E., 136.05 feet, and N. 76° 19' 00" E., 508.00 feet to a point in the westerly line of Hannah Subdivision, as the same appears duly platted and recorded among the land records of Fairfax County, Virginia; thence running with a portion of said westerly line of Hannah Subdivision, S. 21° 19' 30" W., 242.06 feet and S. 22° 27' 10" W., 179.46 feet to a point; thence departing from said westerly line and running through the property of Hilltop Terrace Development Corporation on the

following courses and distances: N. 76° 00' 00" W., 102.86 feet, S. 77° 30' 00" W., 280.00 feet, S. 82° 49' 40" W., 113.60 feet, S. 50° 04' 06" W., 57.45 feet, S. 87° 54' 20" W., 100.00 feet, N. 89° 13' 50" W., 50.06 feet, S. 87° 54' 20" W., 103.87 feet, S. 1° 19' 30" E., 194.88 feet, S. 12° 12' 10" E., 144.63 feet, S. 43° 20' 30" W., 204.77 feet, S. 29° 05' 00" E., 194.12 feet, S. 60° 55' 00" W., 120.00 feet, S. 29° 05' 00" E., 19.37 feet, 13.26 feet on the arc of a curve to the left, which curve has a radius of 300.00 feet and the chord of which arc bears S. 30° 21' 00" E., 13.26 feet, and S. 58° 23' 00" W., 170.46 feet to a point in the rear line of Lot 25 of the aforementioned Section One, Annandale Terrace; thence running with a portion of the boundary of Section One, Annandale Terrace on the following courses and distances: N. 29° 05' 00" W., 115.95 feet, N. 18° 56' 55" W., 48.76 feet, S. 79° 38' 00" W., 122.64 feet, 23.79 feet on the arc of a curve to the right, which

curve has a radius of 235.00 feet and the chord of which arc bears N. 7° 28' 00" W., 23.78 feet, S. 85° 26' 00" W., 193.04 feet, and N. 35° 05' 00" W., 26.96 feet to the point of beginning, containing 16.96221 acres of land, LESS AND EXCEPT Parcel 1 owned by Catherine L. Norfolk.

THIS SUBDIVISION is made in accordance with the desire of the said owners and proprietors hereto in accordance with the statutes of Virginia and the ordinances of the County of Fairfax governing the subdividing the platting of land; all streets which appear on the plat attached hereto and made a part hereof are hereby dedicated as public streets.

It is also agreed by the parties hereto that the temporary construction and drainage easement may be constructed through the adjoining tract of land, as said easement is more particularly shown on the plat attached hereto and made a part hereof, made by Thomas B. Chamberlin, Certified Land Surveyor, Arlington, Virginia, dated March 27, 1959.

It is understood and agreed that the aforesaid land is to be owned subject to the following restrictions, conditions and limitations which are to be construed as covenants running with the land:

1. LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other

than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars.

2. BUILDING LOCATION: No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building set-back lines, as established by governing ordinances. In any event, no building shall be located on any lot nearer than 35 feet to the front lot line.

3. LOT AREA AND WIDTH: No dwelling shall be erected or placed on any lot having a width of less than 70 feet at the building line nor shall any dwelling be erected or placed on any lot having an area of less than 8,400 square feet.

4. NUISANCES: No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

5. TEMPORARY STRUCTURES: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

6. GARBAGE: No lot shall be used or maintained as a dumping ground for rubbish.

7. REFUSE DISPOSAL: Trash, garbage or other waste shall not be kept except in sanitary containers; all incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

8. LIVESTOCK AND POULTRY: No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purposes.

9. SIGNS: No signs of any kind shall be displayed to the public view on any lot except one professional sign

of not more than one square foot, one sign of not more than five square feet, advertising the property for sale or rent, or signs used by a builder to advertise that property during the construction and sales period.

10. LAND NEAR PARKS AND WATER COURSES: No building shall be placed nor shall any material or refuse be placed or stored on any lot within 20 feet of the property line of any part or edge of any open water course, except that clean fill may be placed nearer provided that the natural water course is not altered or blocked by such fill.

11. SIGHT DISTANCE AT INTERSECTIONS: No fence, wall, hedge or shrub planting which obstructs sight line at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections.

12. EASEMENTS: Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot.

13. TERM: These covenants are to run with the land and shall be binding on all parties and on all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

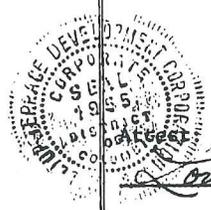
14. SEVERABILITY: Invalidation of any one of these covenants by judgment or court order shall inno wise affect any of the other provisions which shall remain in full force and effect.

15. ENFORCEMENT: Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

These restrictions shall not apply to Parcel 1 owned by Catherine L. Norfolk.

IN WITNESS WHEREOF, the said parties hereto, individually, and the President and Secretary, respectively, of HILLTOP TERRACE DEVELOPMENT CORPORATION, have caused this dedication to be executed as evidenced by their signatures and seals:

Handwritten initials: JMM, P.M.



HILLTOP TERRACE DEVELOPMENT CORPORATION

By: *Ray H. Phillips*
President

Lawrence G. Zuckerman
Secretary

James Keith (SEAL)
James Keith, Trustee

Douglas S. Mackall, III (SEAL)
 Douglass S. Mackall, III, Trustee
Catherine L. Norfolk (SEAL)
 Catherine L. Norfolk, Beneficiary
X. Charles Suraci (SEAL)
 X. Charles Suraci
June C. Suraci (SEAL)
 June C. Suraci

DISTRICT OF COLUMBIA, to-wit:

I, DAVID ROSENEAUM, a Notary Public, in and for the District of Columbia aforesaid, whose commission as Notary expires MAY 15, 1962, do hereby certify that LOUIS G. MELTZER and LOUIS A. ZUCKERMAN, whose names as President and Secretary, respectively, of HILLTOP TERRACE DEVELOPMENT CORPORATION, are signed to the foregoing writing bearing date on the 15th day of April, 1959, have acknowledged the same before me in my said District aforesaid, that the said writing is signed and acknowledged by due Authority.

GIVEN under my hand and seal this 16th day of April, 1959.

David Rosenbaum
 Notary Public

STATE OF VIRGINIA, COUNTY OF FAIRFAX; to-wit:

I, E. Virginia Carr, a Notary Public, in and for the County aforesaid, in the State of Virginia, whose commission as Notary expires June 14, 1959, do hereby certify that JAMES KEITH and DOUGLASS S. MACKALL, III, Trustees, whose names are signed to the foregoing writing bearing date on the 15th day of April, 1959, have acknowledged the same before me in my County and State aforesaid.

GIVEN under my hand this 30th day of April, 1959.

E. Virginia Carr
 Notary Public

STATE OF VIRGINIA, COUNTY OF Arden; to-wit:

I, Burgaret B. Tabb, a Notary Public, in and for the County aforesaid, in the State of Virginia, whose commission as Notary expires October 1, 1960, do hereby

certify that CATHERINE L. NORFOLK, Beneficiary, whose name is signed to the foregoing writing bearing date on the 15th day of April, 1959, has acknowledged the same before me in my County and State aforesaid.

GIVEN under my hand this 27th day of April, 1959.

Margaret B. Trindle
Notary Public

DISTRICT OF COLUMBIA, to-wit:

I, DAVID ROSENBAUM, a Notary Public, in and for the District of Columbia aforesaid, whose commission as Notary expires MAY 15, 1962, do hereby certify that X. CHARLES SURACI and JUNE C. SURACI, whose names are signed to the foregoing writing bearing date on the 15th day of April, 1959, have acknowledged the same before me in my said District aforesaid.

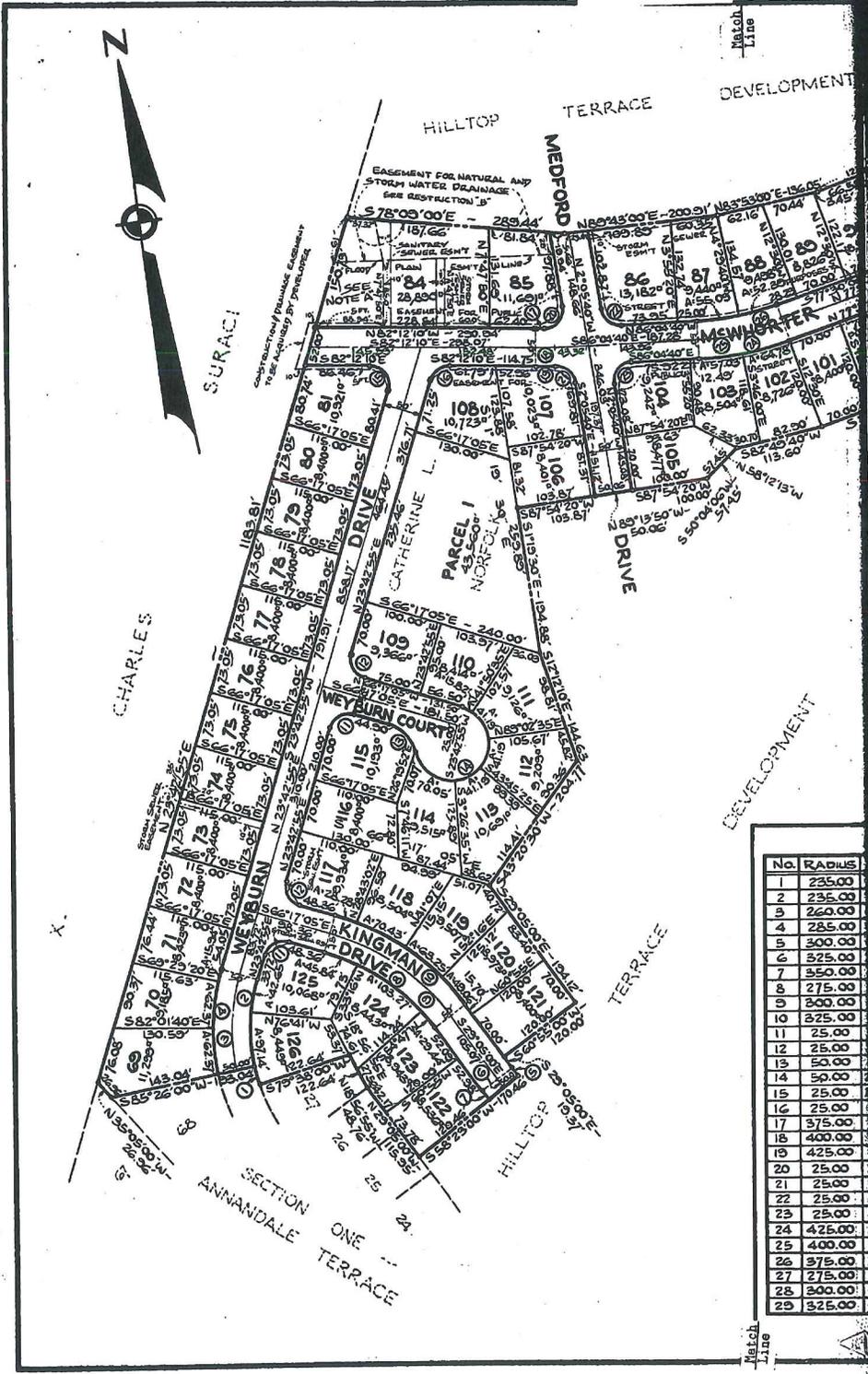
GIVEN under my hand and seal this 20th day of April, 1959.

David Rosenbaum
Notary Public

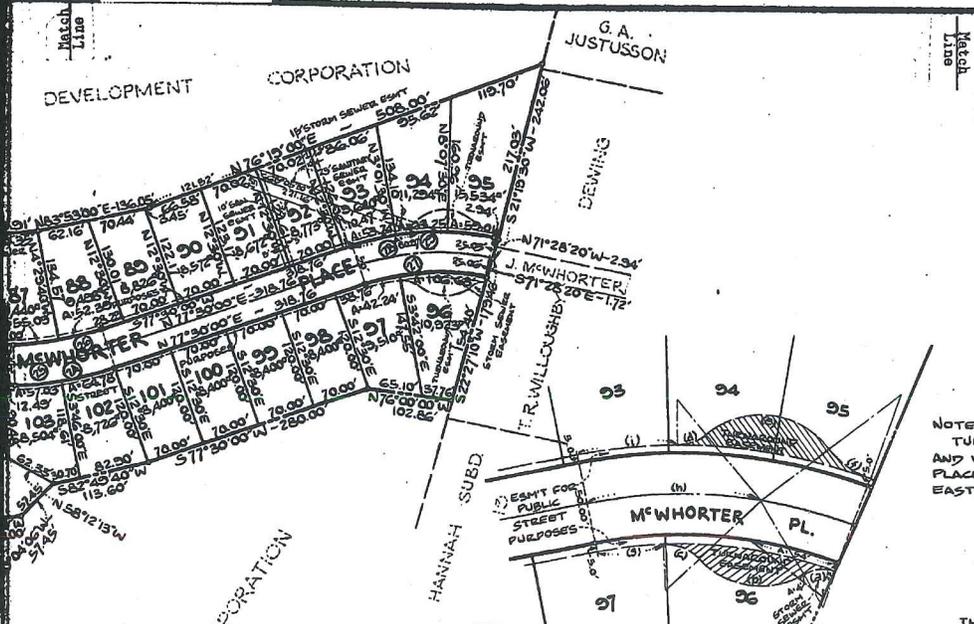


In the Clerk's Office of the Circuit Court of Fairfax County, Virginia APR 29 1959 at 11:34 A.M.
This instrument was received and, with the certificate annexed, admitted to record with plat attached
Teste:

Thomas A. Chapman, Jr. Clerk



NO.	RADIUS
1	235.00
2	235.00
3	260.00
4	285.00
5	300.00
6	325.00
7	350.00
8	275.00
9	300.00
10	325.00
11	25.00
12	25.00
13	50.00
14	50.00
15	25.00
16	25.00
17	375.00
18	400.00
19	425.00
20	25.00
21	25.00
22	25.00
23	25.00
24	425.00
25	400.00
26	375.00
27	275.00
28	300.00
29	325.00



NOTE:
TURN
AND VO
PLACE
EASTW

NOTE 'A'
RESTRICTION 'B'

LOT 84 CANNOT BE SUBDIVIDED WITHOUT APPROVAL OF THE BOARD OF COUNTY SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA SINCE A PORTION OF THE SAME IS BEING USED TO MEET THE AVERAGE LOT SIZE REQUIREMENTS OF THE COUNTY ZONING ORDINANCE AS THEY APPLY TO SECTION TWO. AT SUCH TIME AS THE AVERAGE LOT SIZE REQUIREMENTS CAN BE MET WITHOUT INCLUSION OF LOT 84, THEN THE SAME WILL BE APPROVED FOR SUBDIVISION.

NO USE SHALL BE MADE OF NOR SHALL ANY IMPROVEMENTS BE MADE IN THIS EASEMENT WHICH WOULD IN ANY WAY INTERFERE WITH THE NATURAL DRAINAGE.

R	Δ	A
(a) 23.0	50° 24' 05"	20.48
(b) 52.0	77° 41' 35"	70.51
(c) 28.0	45° 42' 55"	24.30
(d) 28.0	38° 55' 16"	19.02
(e) 52.0	51° 03' 02"	82.64
(f) 55.88	21° 17' 56"	30.59
(g) 27.0	8° 05' 12"	35.19
(h) 300.0	19° 50' 26"	103.88
(i) 330.0	10° 11' 46"	58.75

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CURVE TABLE

No.	RADIUS	DELTA	TAN.	ARC	CH. BEARING	CHORD
1	235.00	5° 48' 00"	11.50	23.79	N 7° 25' 00" W	23.78
2	235.00	28° 16' 55"	59.21	116.00	N 5° 34' 27.5" E	114.83
3	260.00	28° 16' 55"	65.505	128.34	N 5° 34' 27.5" E	127.04
4	285.00	28° 16' 55"	71.80	140.68	S 5° 34' 27.5" W	139.26
5	300.00	2° 32' 00"	6.63	13.26	S 30° 21' 00" E	13.26
6	325.00	2° 32' 00"	7.19	14.37	S 30° 21' 00" E	14.37
7	350.00	2° 32' 00"	7.74	15.48	S 30° 21' 00" E	15.47
8	275.00	37° 12' 05"	32.55	178.55	S 47° 41' 02.5" E	175.43
9	300.00	37° 12' 05"	100.97	194.79	S 47° 41' 02.5" E	191.38
10	325.00	37° 12' 05"	109.38	211.02	N 47° 41' 02.5" W	207.33
11	25.00	90° 00' 00"	25.00	39.27	N 68° 42' 55" E	35.36
12	25.00	90° 00' 00"	25.00	39.27	N 21° 17' 05" W	35.36
13	50.00	60° 00' 00"	28.87	52.36	S 32° 17' 05" E	50.00
14	50.00	240° 00' 00"	-	209.44	N 53° 42' 55" E	86.60
15	25.00	105° 55' 05"	33.13	46.22	S 29° 14' 37.5" E	39.91
16	25.00	74° 04' 55"	18.87	32.32	N 60° 45' 22.5" E	30.12
17	375.00	1° 52' 12"	6.12	12.24	N 83° 08' 12" W	12.24
18	400.00	3° 52' 30"	13.58	27.05	S 84° 08' 25" E	27.05
19	425.00	3° 30' 38"	13.58	27.15	S 84° 01' 53" E	27.15
20	25.00	98° 01' 18"	23.77	42.77	S 43° 54' 55" W	31.74
21	25.00	83° 42' 08"	22.42	36.55	S 43° 58' 44" E	33.38
22	25.00	83° 59' 00"	22.50	36.64	N 44° 05' 10" W	33.45
23	25.00	92° 01' 00"	27.77	41.90	N 45° 54' 50" E	37.16
24	425.00	16° 25' 20"	41.33	121.81	N 85° 42' 40" E	121.40
25	400.00	16° 25' 20"	57.72	114.65	N 85° 42' 40" E	114.26
26	375.00	16° 25' 20"	54.11	107.48	S 85° 42' 40" W	107.12
27	275.00	31° 01' 40"	76.34	148.92	S 86° 59' 10" E	147.11
28	300.00	31° 01' 40"	83.28	162.46	S 86° 59' 10" E	160.48
29	325.00	31° 01' 40"	90.22	176.00	N 86° 59' 10" W	173.86

OWNER-DEVELOPER

LOUIS G. MELTZER & ASSOCIATES
507 CONTINENTAL BUILDING
WASHINGTON 5, D.C.

FINAL PLAT
RECOMMENDED FOR APPROVAL
FOR THE COUNTY RECORDS

4/29/59. John J. [Signature]

APPROVED BY
BOARD OF COUNTY SUPERVISORS
FAIRFAX COUNTY, VIRGINIA

4/29/59. [Signature]

APPROVAL VOID IF NOT FILED FOR RECORD WITHIN 30 DAYS AFTER DATE DATED

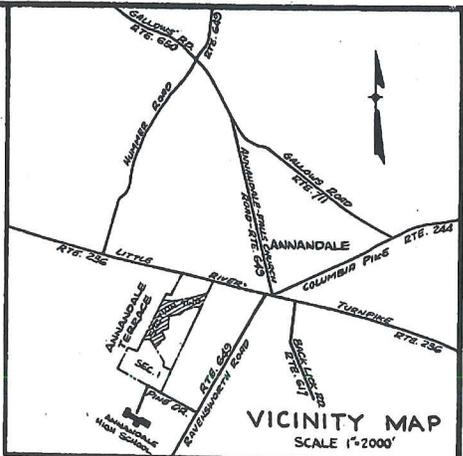
DEVELOPMENT

Match Line

Match Line

APPROVED
 COUNTY OF FAIRFAX
 DIVISION OF SANITATION
Paul J. Hill
 4-16-59
 U.S.

ALL RIGHTS RESERVED
 COPYRIGHT © 1959
 BY J.C.P. & A.E.S.
 4/28/59



NOTE:
 TURNAROUND EASEMENT TO BE NULL
 AND VOID AT SUCH TIME AS WHOEVER
 PLACE IS DEDICATED AND CONSTRUCTED
 EASTWARD THROUGH THE ADJOINING PROPERTY.

SURVEYOR'S CERTIFICATE

I, THOMAS B. CHAMBERLIN, A DULY AUTHORIZED LAND SURVEYOR, DO HEREBY CERTIFY THAT THE LAND EMBRACED IN THIS SUBDIVISION OF SECTION TWO, ANNANDALE TERRACE, IS NOW IN THE NAME OF (1) HILLTOP TERRACE DEVELOPMENT CORPORATION AND WAS ACQUIRED BY SAID CORPORATION FROM CHARLES PICKETT, ET AL BY DEED DATED FEBRUARY 28, 1956 AND RECORDED IN DEED BOOK 1632 AT PAGE 546 OF THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA, AND (2) CATHERINE L. NORFOLK, ET AL AND WAS ACQUIRED BY HER FROM HILLTOP TERRACE DEVELOPMENT CORPORATION BY DEED RECORDED IN DEED BOOK 1632 AT PAGE 557 OF THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

I FURTHER CERTIFY THAT THE SUBDIVISION IS WHOLLY WITHIN THE BOUNDS OF THE ORIGINAL TRACT; THAT THE BEARINGS ARE CALCULATED FROM THE TRUE MERIDIAN; AND THAT CONCRETE MONUMENTS WILL BE SET AT ALL POINTS INDICATED THUS: ■ AND IRON PIPE WILL BE SET AT ALL POINTS INDICATED THUS: ○ IN ACCORDANCE WITH THE REQUIREMENTS OF THE FAIRFAX COUNTY SUBDIVISION CONTROL ORDINANCE.

GIVEN UNDER MY HAND THIS 27TH DAY OF MARCH, 1959:
Thomas B. Chamberlin
 CERTIFIED LAND SURVEYOR

2.0	50°54'06"	20.43
2.0	77°41'53"	70.91
3.0	45°42'58"	24.30
3.0	35°55'16"	19.02
2.0	91°03'06"	82.64
1.88	31°17'56"	30.59
0.0	8°06'12"	58.19
2.0	19°50'26"	103.88
2.0	10°11'46"	58.73

DEVELOPER
 MELTZER & ASSOCIATES
 1000 PENTAGON BUILDING
 WASHINGTON, D.C.

TOTAL AREA OF LOTS =	12.44892 ±
TOTAL AREA OF PARCEL =	1.00000 ±
TOTAL AREA OF STREETS =	3.51389 ±
TOTAL AREA OF SUBDIVISION =	16.96221 ±

**SECTION TWO
 ANNANDALE TERRACE**

FALLS CHURCH MAGISTERIAL DISTRICT
 FAIRFAX COUNTY, VIRGINIA



DeLASHMUTT ASSOCIATES
 CERTIFIED ENGINEERS & SURVEYORS
 ARLINGTON, VIRGINIA

Photographed 70%



11261

DEED BOOK 1632 PAGE 553

4442

*Mar. 21, 1957. Rev. 8:
Pickett, Keith v
Mackall, et al.*

THIS DEED OF TRUST, made this 28th day of February, 1958 by and between, HILLTOP TERRACE DEVELOPMENT CORPORATION, a corporation existing under the laws of the District of Columbia, party of the first part; JAMES KEITH and DOUGLASS S. MACKALL, III, Trustees, parties of the second part; and CHARLES PICKETT, Bonded Commissioner in the Chancery cause of Catherine L. Norfolk, complainant, v. Joseph Michael Suraci, et al., defendants, In Chancery #12162, now pending in the Circuit Court of Fairfax County, Virginia, party of the third part;

W I T N E S S E T H

That in consideration of the sum of \$5.00, cash in hand paid by the parties of the second part to the party of the first part, receipt whereof is hereby acknowledged, the party of the first part does hereby grant, bargain, sell and convey with GENERAL WARRANTY OF TITLE unto the parties of the second part all that certain tract or parcel of land situated in Falls Church Magisterial District, Fairfax County, Virginia, containing 66.0451 acres, and being the same land conveyed to the party of the first part by Charles Pickett and Joseph C. Suraci, Special Commissioners in the Chancery cause of Catherine L. Norfolk, complainant v. Joseph Michael Suraci, et al., defendants, In Chancery #12162, now pending in the Circuit Court of Fairfax County, Virginia, by deed bearing even date herewith and to be recorded simultaneously with this deed of trust among the land records of Fairfax County, Virginia.

REFERENCE is hereby made to the said deed and to the deeds and records therein referred to for a further and more particular description of the land hereby conveyed.

*See Release, Deed Book 1632
Page 560
See Release, Deed Book 1632
Page 560*

IN TRUST, to secure the payment of the sum of \$139,000.00, evidenced by five (5) negotiable promissory notes in the sum of \$27,800.00 each, with interest from date at the rate of $4\frac{1}{2}\%$ per annum, payable semi-annually, said notes being numbered from 1 to 5 both inclusive, and being payable 18 months, 30 months, 42 months, 54 months and 66 months after date respectively to the order of the party of the third part.

And, also, to secure the payment of a non-interest bearing note in the sum of \$20,000.00, bearing even date with this trust, payable to the order of Catherine L. Norfolk 18 months after date.

The parties of the second part shall execute deeds of release and join in deeds of dedication and do and perform all other acts and things required of them under the terms and provisions of Exhibit #2 with the bill of complaint in the aforesaid chancery cause, which terms and conditions are incorporated herein by reference.

Said notes are identified by signature of Trustees, exemptions waived, deferred purchase money, subject to all upon default.

This deed of trust is made, executed and delivered pursuant to and is to be construed in accordance with the provisions of Section 55-59 et seq. of the Code of Virginia, as amended.

In the event of default in the performance of any of the covenants contained herein or imposed by the provisions of Section 55-59 et seq. of the Code of Virginia, the parties of the second part shall proceed to sell as a whole the above described land for cash at public auction in front of the Court House at Fairfax, Virginia, after advertising the said sale by four weekly insertions thereof in the Fairfax Herald, a newspaper published and circulated

in said County in the four issues of the said newspaper next preceding the day of sale, and should the Fairfax Herald not be in existence at the time of such default the sale shall be advertised in a similar manner in any other newspaper published or circulated in said County.

In the event the property hereby conveyed should be advertised for sale under this trust, and sale not made for any reason, the parties of the second part shall be entitled to receive one-half of the regular commissions calculated upon the principal of the indebtedness hereby secured and remaining unpaid.

In the event of the resignation, death, incapacity, disability, removal or absence from the State of the parties of the second part, the holders of a majority in amount of the indebtedness hereby secured shall have the right to appoint a substituted trustee or trustees in accordance with the provisions of the Statute in such cases made and provided.

In event of a discharge of all the debts, duties and obligations imposed by this deed of trust or by law upon the grantor, its successors and assigns, the holders of the notes hereby secured shall at the request of the grantor cause the trustees to execute and deliver a good and sufficient deed of release of this trust, or to have a good and sufficient endorsement of its release entered on the margin of the deed book wherein it shall have been recorded but at the grantor's own proper costs and charges in either event.

In event of sale, bidder's deposit of not more than 10% of his bid may be required.

IN WITNESS WHEREOF, the party of the first part has caused this deed of trust to be executed on its behalf by,

LOUIS G. MELTZER, its President and its corporate seal hereunto affixed by LOUIS A. ZUCKERMAN, its Secretary, the day and year first above written.

HILLTOP TERRACE DEVELOPMENT CORPORATION a corporation existing under the laws of the District of Columbia

By Louis G. Meltzer its President



ATTEST: Louis A. Zuckerman its Secretary

STATE OF VIRGINIA, Arlington COUNTY OF ~~FAIRFAX~~ to-wit:-

I, Carolyn E. Micara, a Notary Public in and for the State and County aforesaid, whose commission as such expires on the 26th day of February, 1960, do hereby certify that LOUIS G. MELTZER and LOUIS A. ZUCKERMAN whose names as President and Secretary, respectively, of HILLTOP TERRACE DEVELOPMENT CORPORATION, are signed to the foregoing and hereunto annexed deed of trust bearing date on the 28th day of February, 1958 have on behalf of said corporation acknowledged the same before me in my county aforesaid.

Given under my hand this 28th day of February, 1958.

Carolyn E. Micara NOTARY PUBLIC

In the Clerk's Office of the Circuit Court of Fairfax County, Virginia MAR 5 1958 at 11:22 AM. This instrument was received and, with the certificate annexed, admitted to record.

Teste: Thomas C. Chapman, Jr. Clerk

In Fairfax County Court. Dec. Court 1849.
 The aforesaid Deed was this day pre-
 sented to the Court & ordered to be recorded.
 W. S. Richardson Clerk

Know all men by these presents, that
 J. N. Shepherd, a citizen of Fairfax
 County in the State of Virginia, being a
 householder and head of a family, and
 being desirous of claiming the benefit
 of the provisions of the act of the General
 Assembly of Va. approved on the 27th day of
 June 1840, under and in pursuance of
 the State Constitution of 1829, entitled an
 act to prescribe in what manner and on
 what conditions a householder and head
 of a family shall set apart and hold a home-
 stead, and personal property for the
 benefit of himself and family exempt from
 sale for debt, do by this deed make on
 this 15th day of Decr 1849, declare my
 intention of claiming such homestead in
 the following real and personal property,
 to wit 100 acres of land known as part
 of the Norpers tract situated in Fairfax Co. 1000.

100 Acres in Prince William Co. near Meabsco =	200.
2 head Horses at \$75.	150.
1 Colt	30
3 Cows at \$15	45
2 Yoke oxen at \$50	100
2 head cattle at \$10	20
2 wagons & farming implement.	80
Household and Kitchen Furniture	50
2 Hogs	10
	<hr/> \$1685.

To be held by me as my homestead
 exempt from sale for debt by virtue
 of the provisions of the Act of Assembly
 aforesaid, as witness my hand & seal,
 the day and year aforesaid.
 J. N. Shepherd

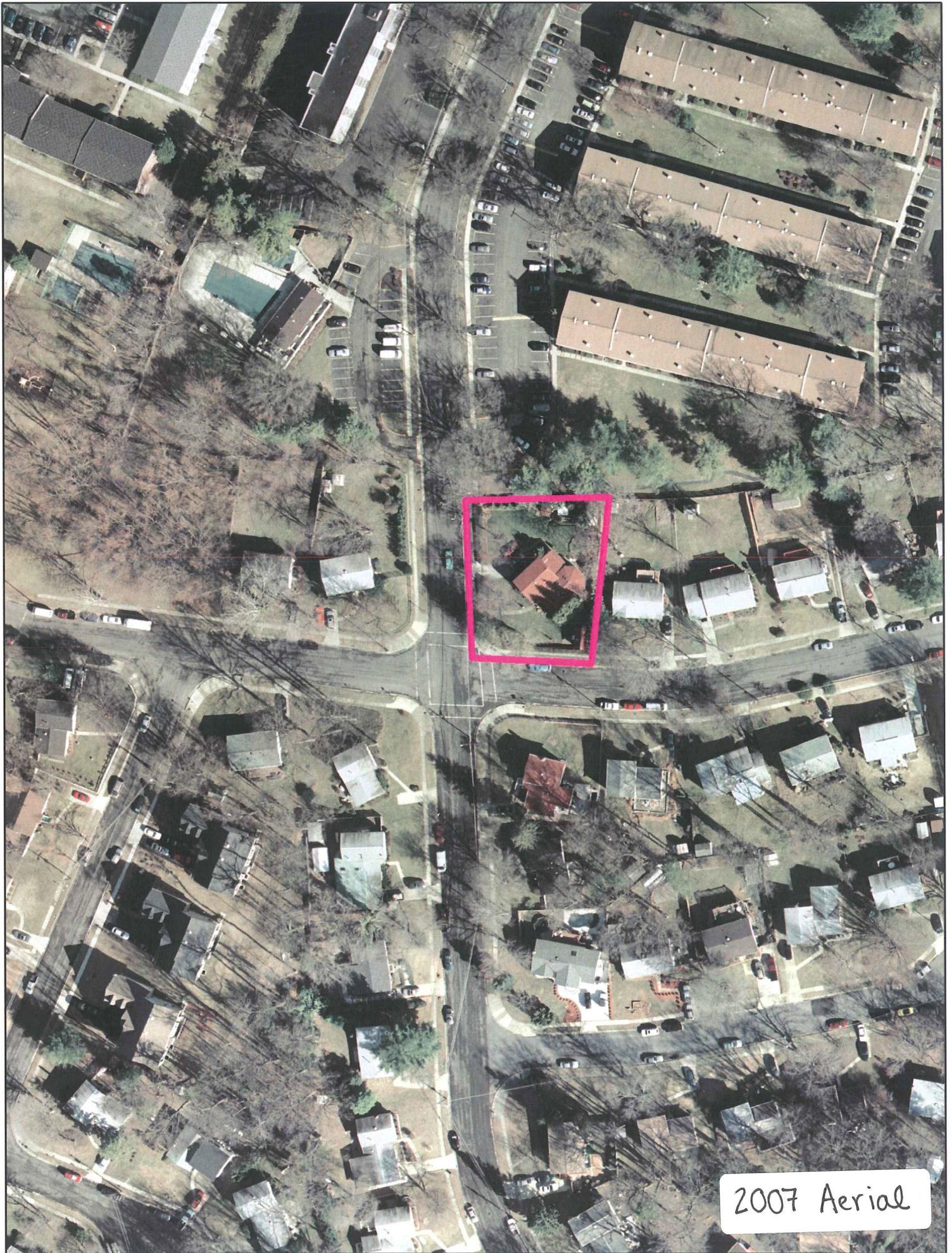
In Fairfax County Court. Dec Court
 1849. The Deed was received, ac-
 knowledged before me by J. N.
 Shepherd & ordered to be recorded.
 W. S. Richardson Clerk



2002 Aerial



2003/2004
Aerial



2007 Aerial

Brady, Megan A.

From: Forshee, Charles "Danny"
Sent: Friday, March 11, 2011 9:12 AM
To: Brady, Megan A.
Subject: SHED FRONT YARD FENCE TO TALL FRONT YARD

4399 Medford Drive

NOTICE OF VIOLATION**DATE OF ISSUANCE:** February 03, 2011**SHERIFF'S LETTER****CASE #:** 201001126 **SR#:** 58549

SERVE: Bernadetta Boka
 James L. Leslie
 4399 Medford Drive
 Annandale, Virginia 22003

LOCATION OF VIOLATION 4399 Medford Drive
 Annandale, Virginia 22003-5611
 Tax Map #: 71-1 ((15)) 86
 Zoning District: R-4

Dear Property Owners:

An inspection of the above referenced property on February 01, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

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

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

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

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

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

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

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

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

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

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

You are hereby directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance can be accomplished by:

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

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

Furthermore, the inspection revealed a accessory storage structure (shed), approximately 150 square feet in area in the front yard of a lot containing 13,182 square feet in area.

§ 10-104.10 (B) Accessory Storage Structure in the Front Yard of a Corner Lot

The following regulations shall apply to the location of freestanding accessory storage structures:

A. For purposes of determining height, the height of an accessory storage structure shall be measured in accordance with Par. 4 of Sect. 10-103 above.

B. An accessory storage structure shall not be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less.

C. An accessory storage structure which does not exceed eight and one-half (8 ½) feet in height may be located in any part of any side yard or rear yard, except as qualified in Sect. 2-505.

D. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located in any part of any minimum required side yard.

E. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, an accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located:

(1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or

(2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.

- Relocate the accessory storage structure (shed) to a legal area on the property, or
- Remove the accessory storage structure in its entirety and dispose of at a lawful site.

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

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

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1348 or 703-324-1300.

Sincerely,

Charles D. Forshee
Property Maintenance/Zoning Enforcement Inspector



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:	71-1 ((15)) 86
Property Address:	4399 Medford Drive
Requestor's Name:	Jim and Bernadette Leslie
Requestors Address: (if different than above)	4399 Medford Drive
Requestor's Phone Number:	703-642-2787
Current Zoning:	R-4
Magisterial District:	Braddock
Subdivision Name/Section/Block/Lot No.:	Annandale Terrace, Section 2, Lot 86

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

The property is developed with a single family detached dwelling and accessory structures including a gazebo, shed, and fence. According to our records, the dwelling was constructed in 1959, with an addition constructed in 2003. A House Location Survey entitled "House Location, Lot 86, Section 2, Annandale Terrace," prepared by Rice Associates on November 17, 1991, was included with the building permit application for the construction of the addition to the dwelling. This survey shows both a gazebo and a shed at the rear of the property, but does not include dimensions, heights, or distance from the property line for these structures, and no shed is illustrated at the front of the property. Additionally, brick columns likely associated with a fence are also illustrated, but no heights of either the columns or the fence are indicated. We did not locate building permits for any of these accessory structures in the Dept. of Planning and Zoning files. You received a Notice of Violation (NOV) for your 6 foot tall fence located in the front yard, stating that it exceeds the 4 foot height limitation in the front yard, for the location of your gazebo which the NOV states is 10 feet high and is located 3 feet from the side lot line, and for the location of an 11 foot high shed located in the front yard. Minimum yard requirements for single family detached dwellings in the R-4 District are for the front yard 30 feet, for the side yard 10 feet, and for the rear yard 25 feet. Pursuant to Par. 10 of Sect. 10-104 of the Zoning Ordinance, freestanding accessory storage structures (sheds) that exceed 8.5 feet in height must adhere to the minimum side yard requirement, and be located a minimum distance equal to its height from the rear lot line, and are not permitted to be located in a front yard. Pursuant to Par. 12 of Sect. 10-104, other freestanding accessory structures (the gazebo) which exceed 7 feet in height must meet the minimum side yard requirement, and be located a minimum distance equal to its height from the rear lot line.

Background Summary (check all that are applicable):

- A Building Permit has been issued for the structure, but was not constructed in accordance with the Building Permit.
- No evidence of a Building Permit having been issued for the gazebo, shed, or fence.
- 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) have been taxed for at least 15 years.
- Department of Tax Administration records do not indicate that the gazebo, shed, or fence have been taxed for 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:

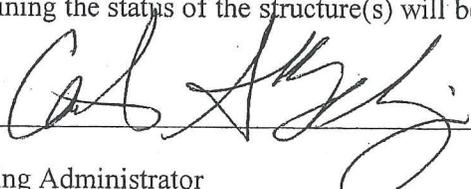
- §15.2-2307 of the Code of Virginia is applicable and the structure(s) may remain. The structure may not be replaced or enlarged unless the replacement or expansion complies with all regulations of the district in which located.
- §15.2-2307 of the Code of Virginia is applicable for the structure and 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 to the gazebo, shed, or fence. A separate letter explaining the status of the structure(s) will be issued.

Reviewer's Signature:

Cathy S. Belgin, AICP

Senior Assistant to the Zoning Administrator

Zoning Administration Division, Department of Planning and Zoning



Date:

5/20/11

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
Virginia Ruffner, Applications Acceptance, Zoning Evaluation Division

Gumkowski, Laura B.

From: Abbott, Emily
Sent: Friday, December 07, 2012 1:31 PM
To: Gumkowski, Laura B.
Subject: RE: 4399 Medford Drive Annandale Storm Water Sewer Easement

Hi Laura,

The concrete slab will be handled like a patio in that as long as it does not change the natural drainage pattern then it can stay. We inform property owners that it's at their own risk to install a patio in the easement. If work is required in the easement, we will remove the patio but not replace it.

Only the gazebo and sheds will need to be relocated out of the easement.

If it would help for me to be present at the meeting then yes I can attend. I will be out of the office on Monday, December 10th.

Thanks!
Emily

From: Gumkowski, Laura B.
Sent: Thursday, December 06, 2012 10:41 AM
To: Abbott, Emily
Subject: RE: 4399 Medford Drive Annandale Storm Water Sewer Easement

Hi Emily.

Thank you for the quick review of this property. I have two questions for you. Would the concrete slab underneath the gazebo need to be moved as well? And would you be willing to have a meeting with the applicant to help me explain the stormwater issues and lingo to him early next week? Please let me know. Thank you in advance for your help.

Laura

From: Abbott, Emily
Sent: Thursday, December 06, 2012 9:23 AM
To: Gumkowski, Laura B.
Cc: Schell, Bill
Subject: RE: 4399 Medford Drive Annandale Storm Water Sewer Easement

Laura,

Per my discussion with Bill this morning, the property owners will need to relocate the permanent structures (gazebo and two sheds) out of the storm drainage easement.

Thanks!
Emily Abbott
Engineer Technician III
Maintenance & Stormwater Management Division
703-877-2819

Gumkowski, Laura B.

From: Abbott, Emily
Sent: Thursday, December 06, 2012 9:23 AM
To: Gumkowski, Laura B.
Cc: Schell, Bill
Subject: RE: 4399 Medford Drive Annandale Storm Water Sewer Easement

Follow Up Flag: Follow up
Flag Status: Completed

Laura,

Per my discussion with Bill this morning, the property owners will need to relocate the permanent structures (gazebo and two sheds) out of the storm drainage easement.

Thanks!
Emily Abbott
Engineer Technician III
Maintenance & Stormwater Management Division
703-877-2819

From: Schell, Bill
Sent: Tuesday, December 04, 2012 11:58 AM
To: Ridenour, Sara D.; Abbott, Emily
Cc: Gumkowski, Laura B.
Subject: FW: 4399 Medford Drive Annandale Storm Water Sewer Easement

Sara,

Please log this request into our database.

Emily: Please review the shed and gazebo encroachment and coordinate a response. Include me in your coordination

Thank you, Bill

From: Gumkowski, Laura B.
Sent: Tuesday, December 04, 2012 9:51 AM
To: Schell, Bill
Subject: 4399 Medford Drive Annandale Storm Water Sewer Easement

Bill, ,

Attached is the information for this case (SP 2012-MA-070/VC 2012-MA-005). Please let me know if you need any further clarification to make your analysis.

Thanks,

8-006 General Standards

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

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

8-903 Standards For All Group 9 Uses

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

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

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

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

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

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

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

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

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

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

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

18-404 Required Standards for Variances

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

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

18-405 Conditions

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