



APPLICATION ACCEPTED: October 24, 2012
DATE OF PUBLIC HEARING: January 16, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 9, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-PR-074

PROVIDENCE DISTRICT

APPLICANT/OWNER: Julio Del Pozo

LOCATION: 6807 Custis Parkway, Falls Church 22042

SUBDIVISION: Mason Terrace

TAX MAP: 50-4 ((5)) 453

LOT SIZE: 7,500 square feet

ZONING: R-4

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 3.2 feet from the rear lot line.

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

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

Susan Langdon/Reports

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



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

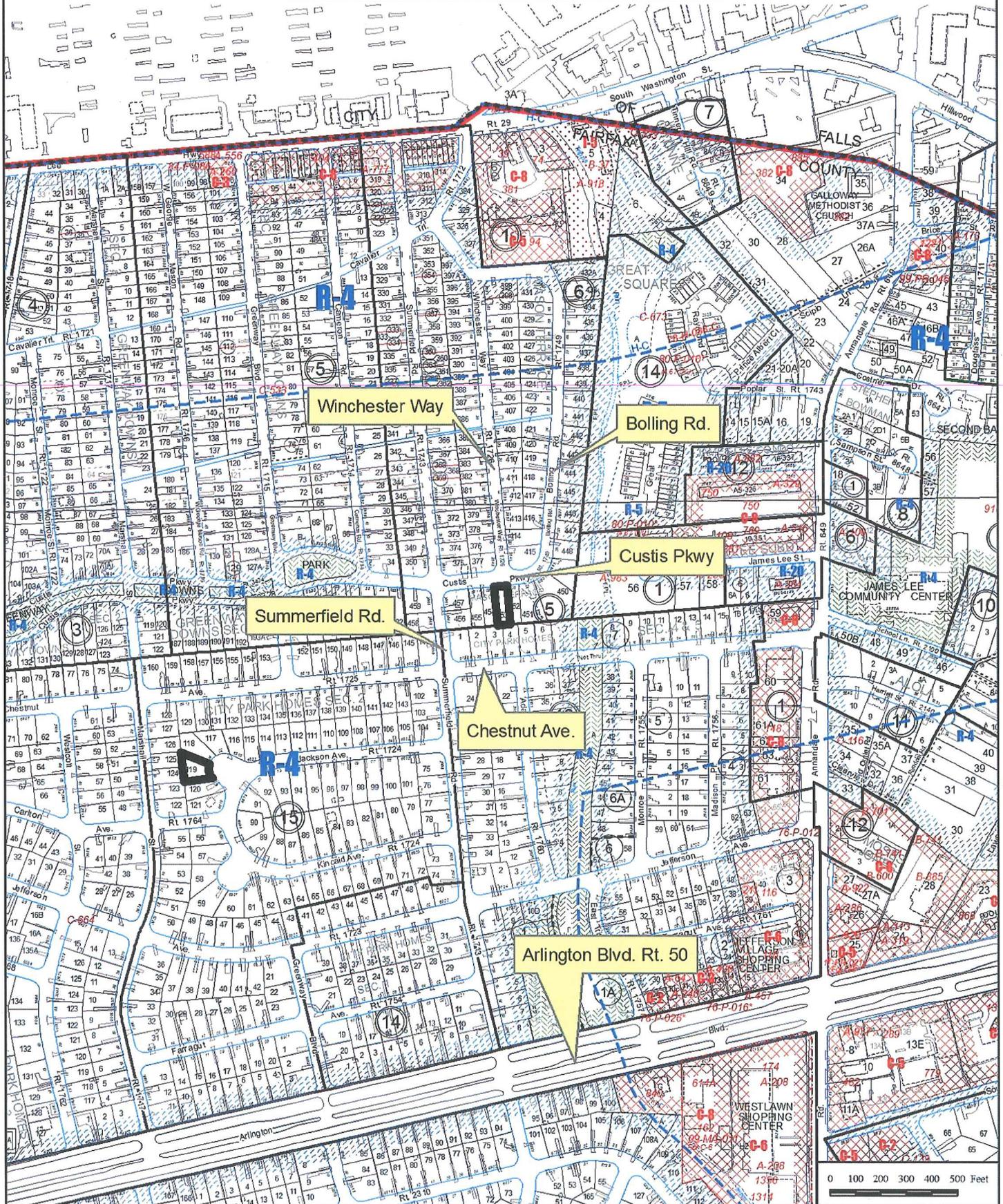


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2012-PR-074

JULIO DEL POZO



Winchester Way

Bolling Rd.

Custis Pkwy

Summerfield Rd.

Chestnut Ave.

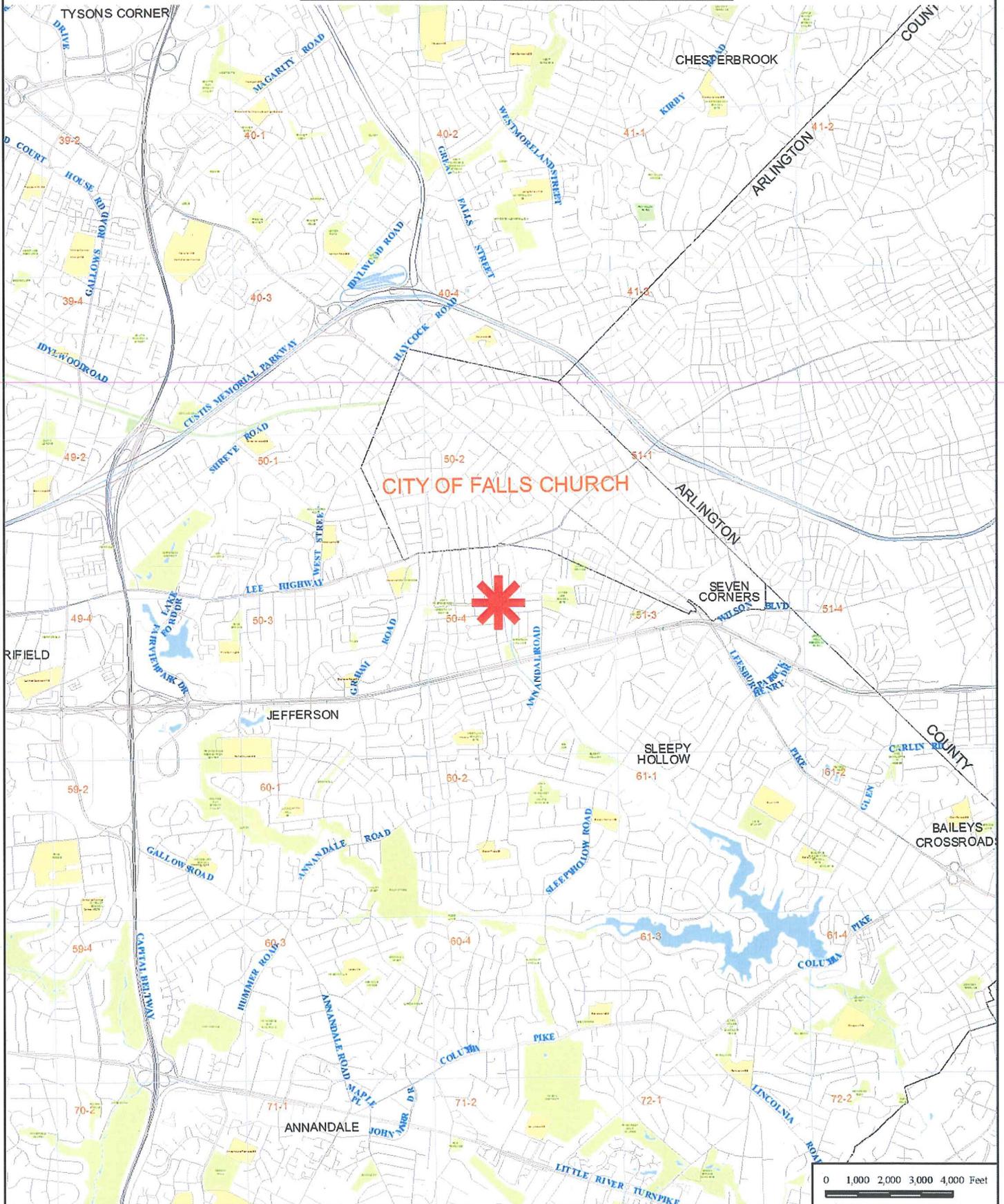
Arlington Blvd. Rt. 50

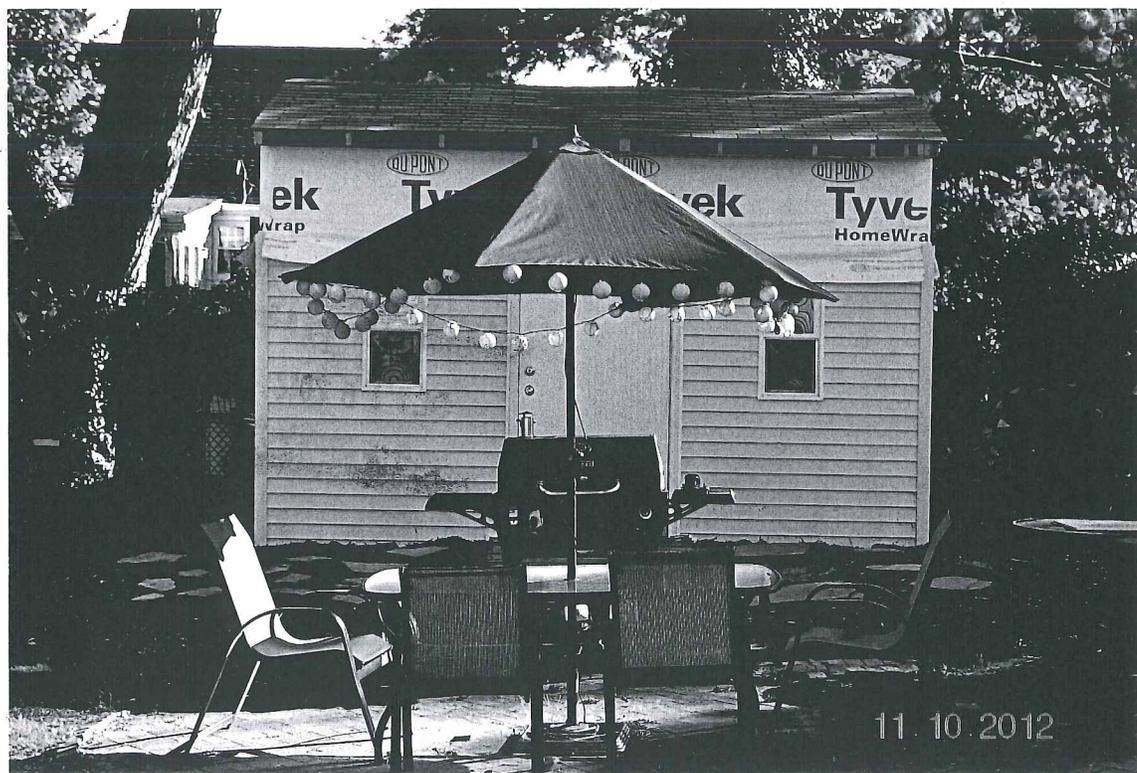
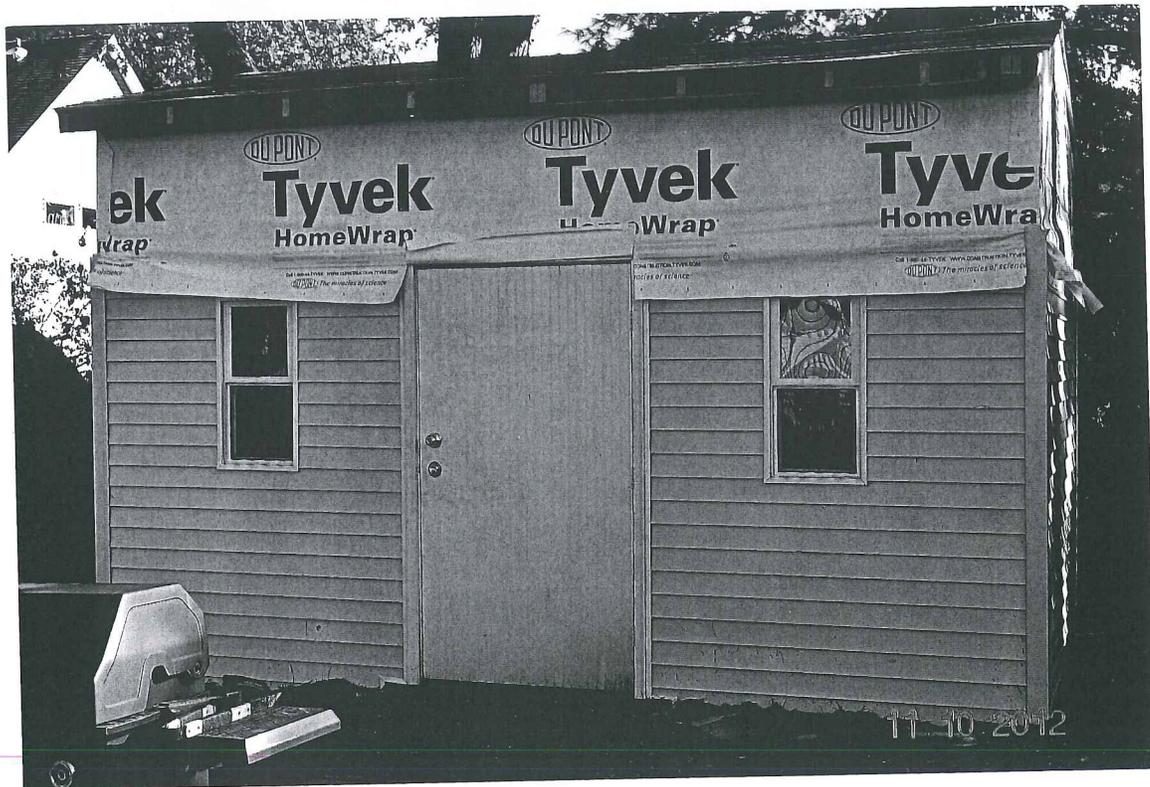
0 100 200 300 400 500 Feet

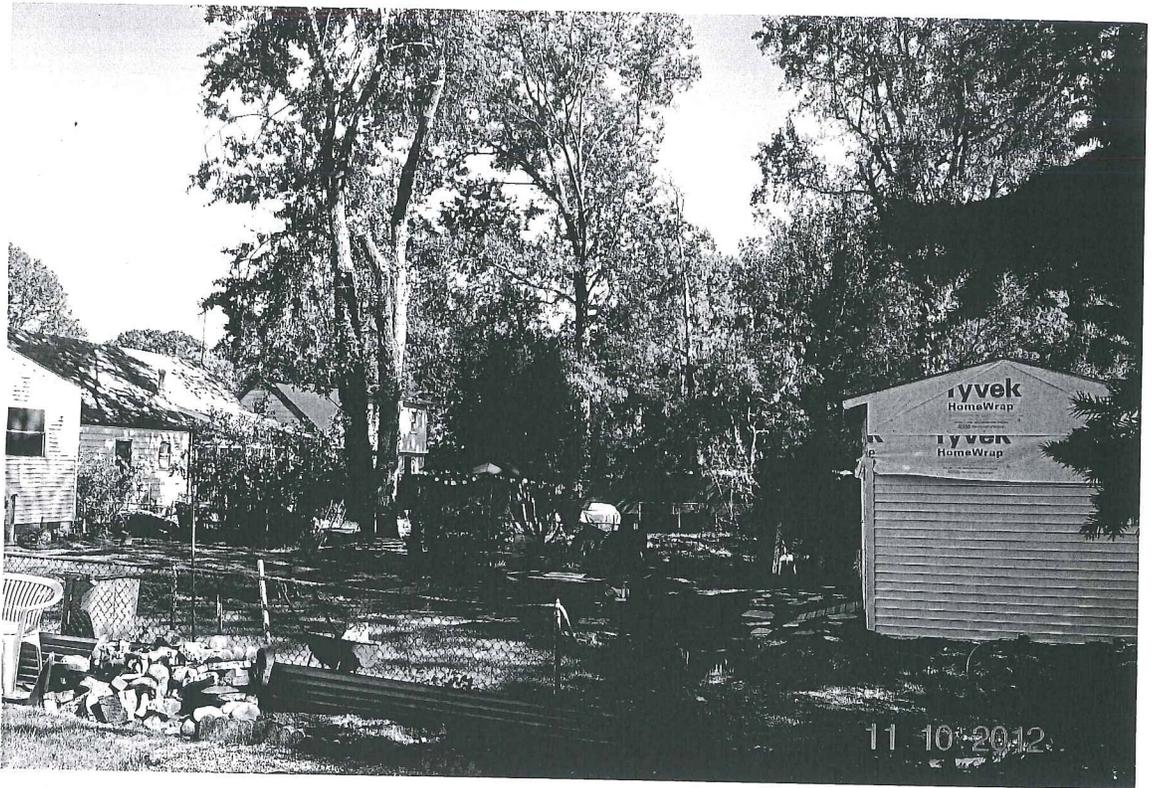
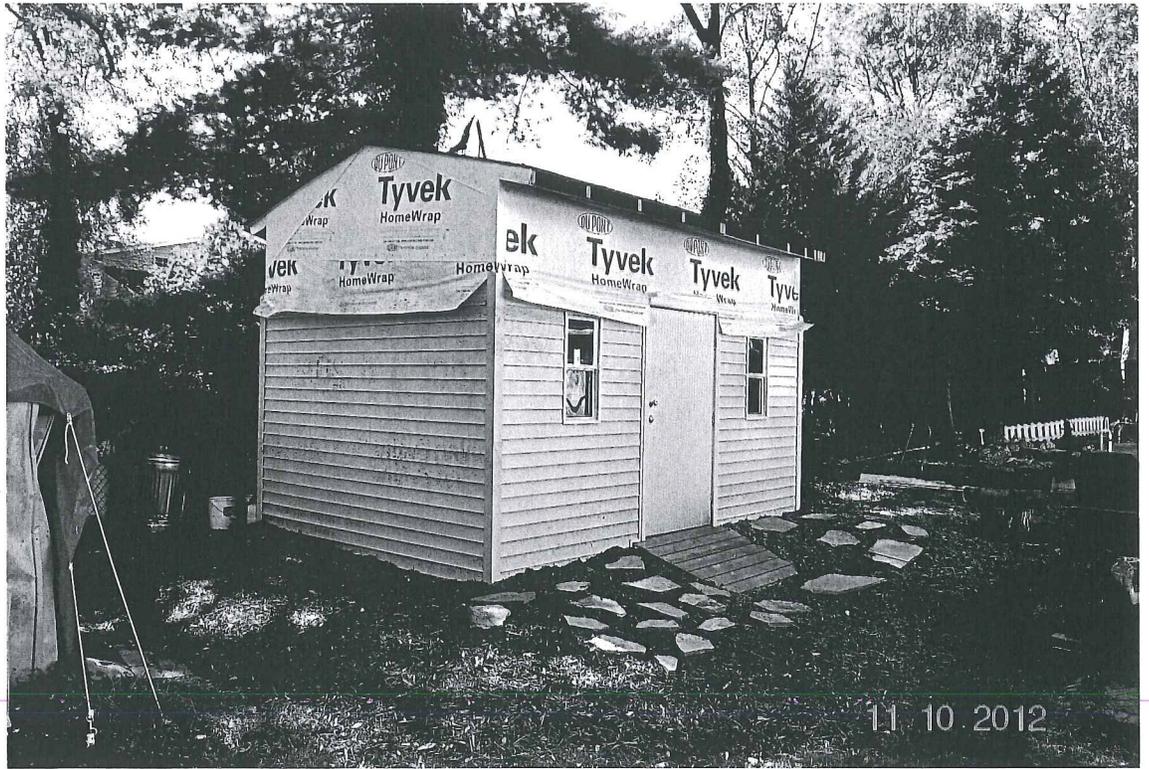
Special Permit

SP 2012-PR-074

JULIO DEL POZO

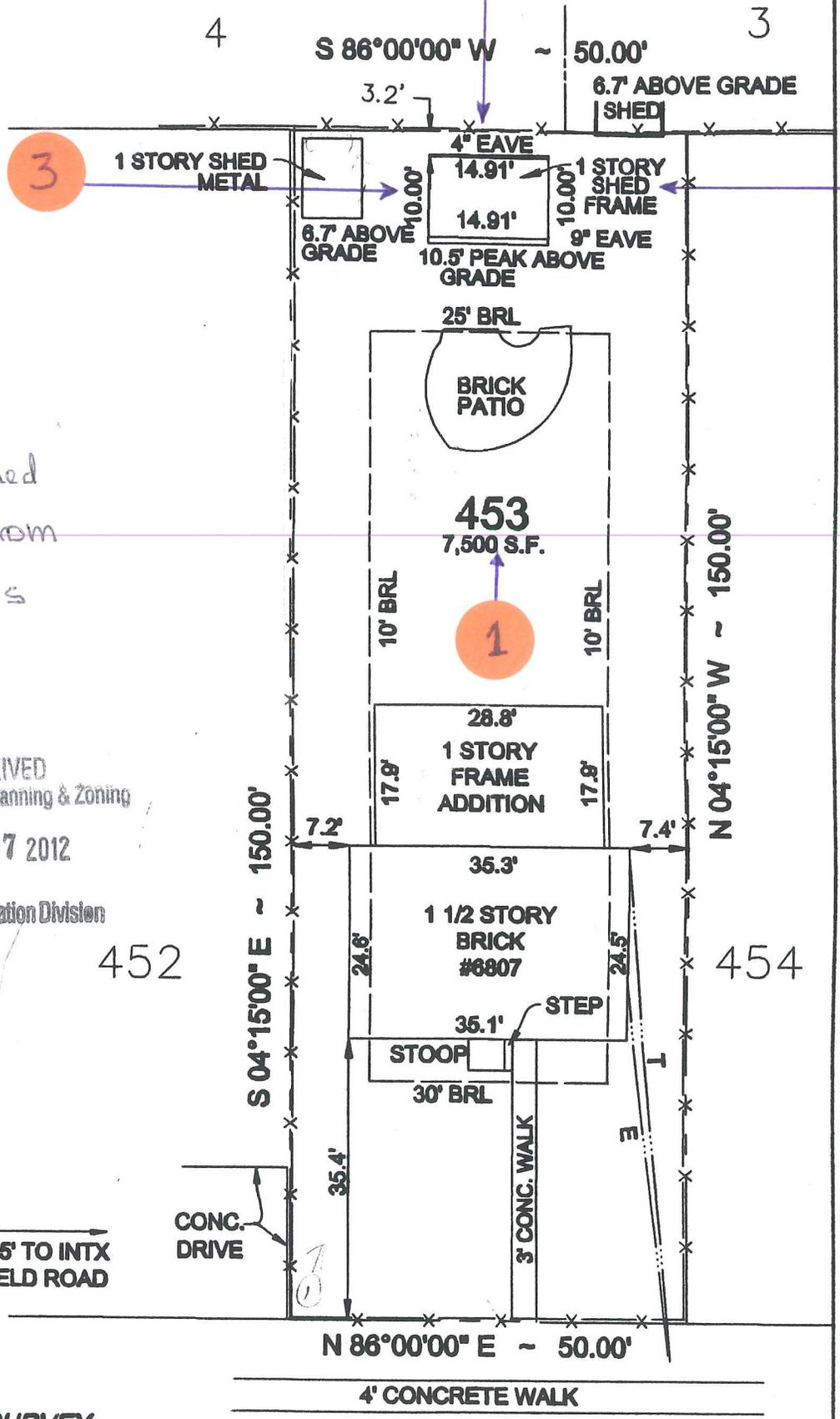






RECORD NORTH
(LIBER U, NO. 11, PG 599)

CITY PA² HOMES
BLOCK 7, SECTION 5



Pictures
Around the Shed
were taken from
these Locations

RECEIVED
Department of Planning & Zoning
SEP 07 2012
Zoning Evaluation Division

452

454

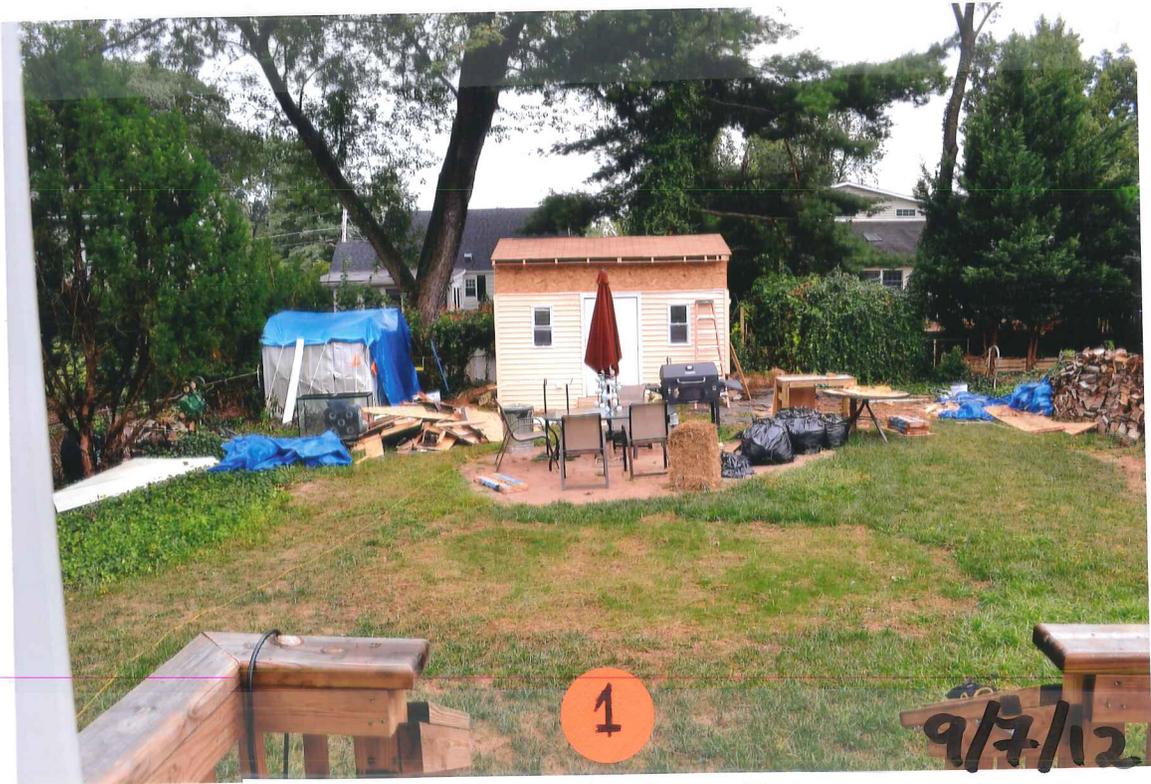
APPROX 205' TO INTX
SUMMERFIELD ROAD

CONC. DRIVE

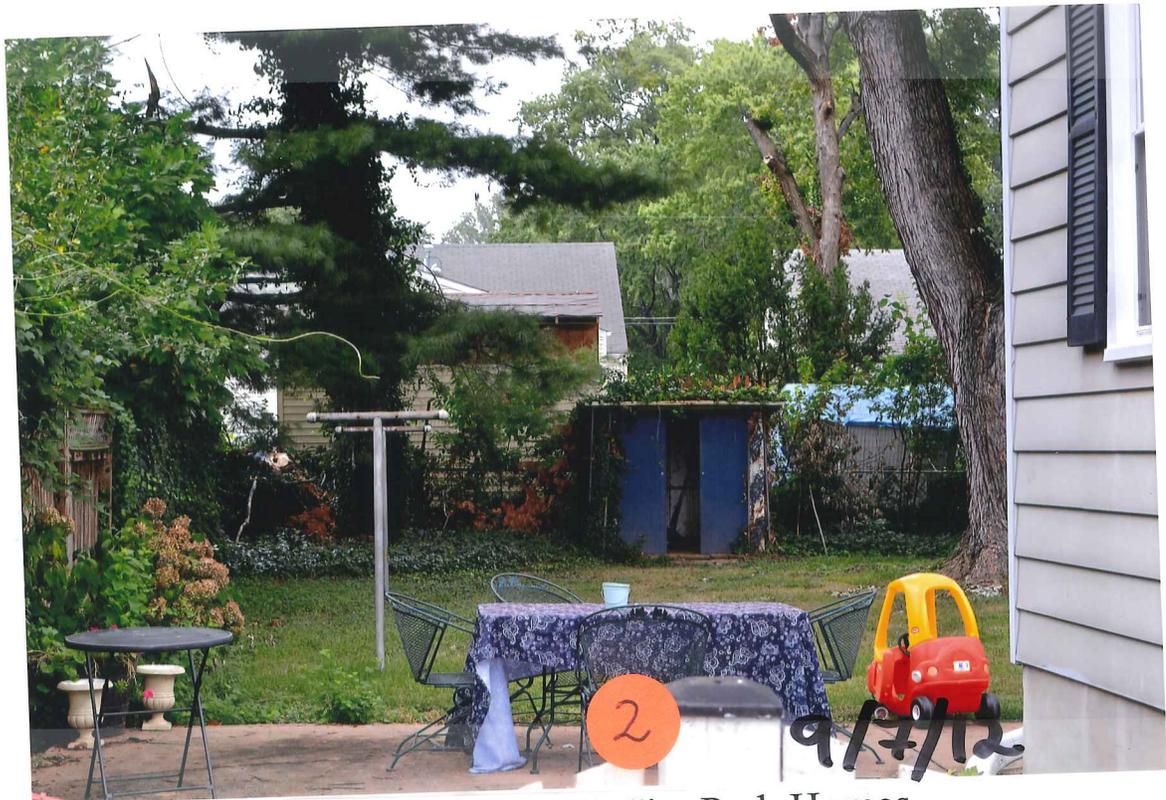
4' CONCRETE WALK

CUSTIS PARKWAY
50' R/W

ETBACK VERIFICATION SURVEY
LOT 453
MASON TERRACE



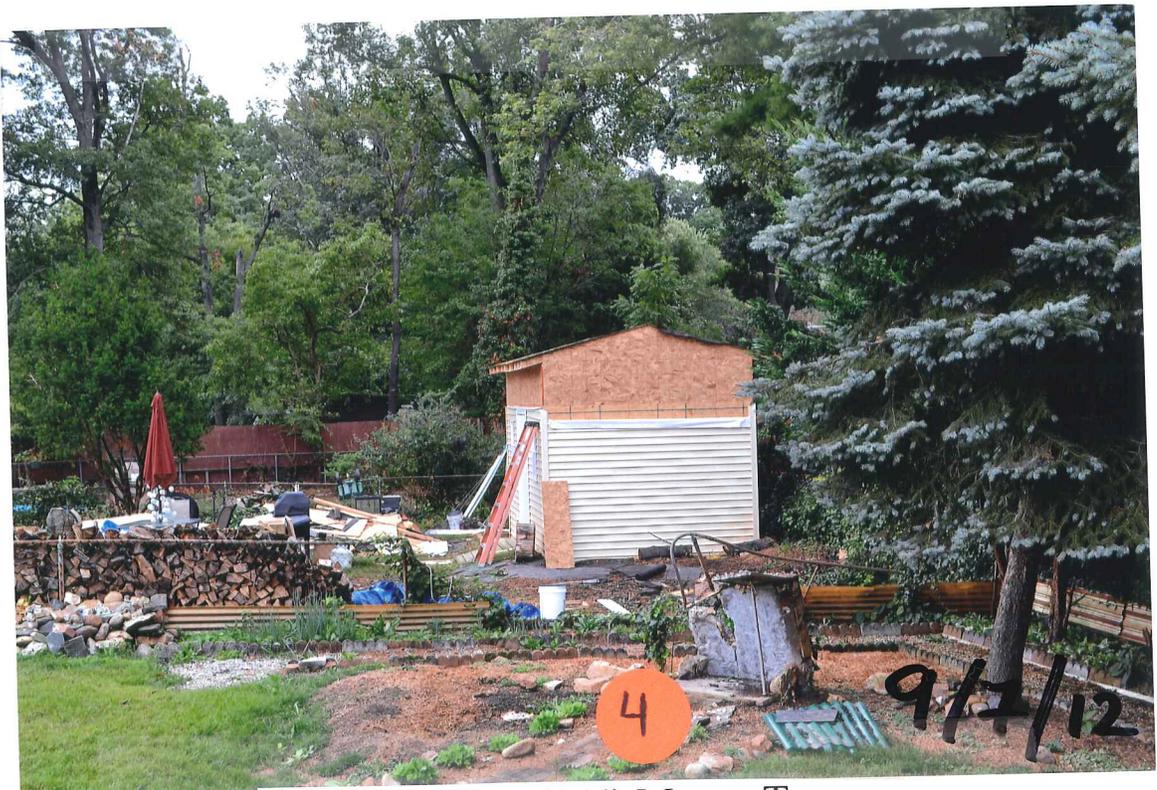
View from Lot (453) Mason Terrace



View from Lot (4) City Park Homes



View from Lot (452) Mason Terrace



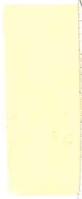
View from Lot (454) Mason Terrace



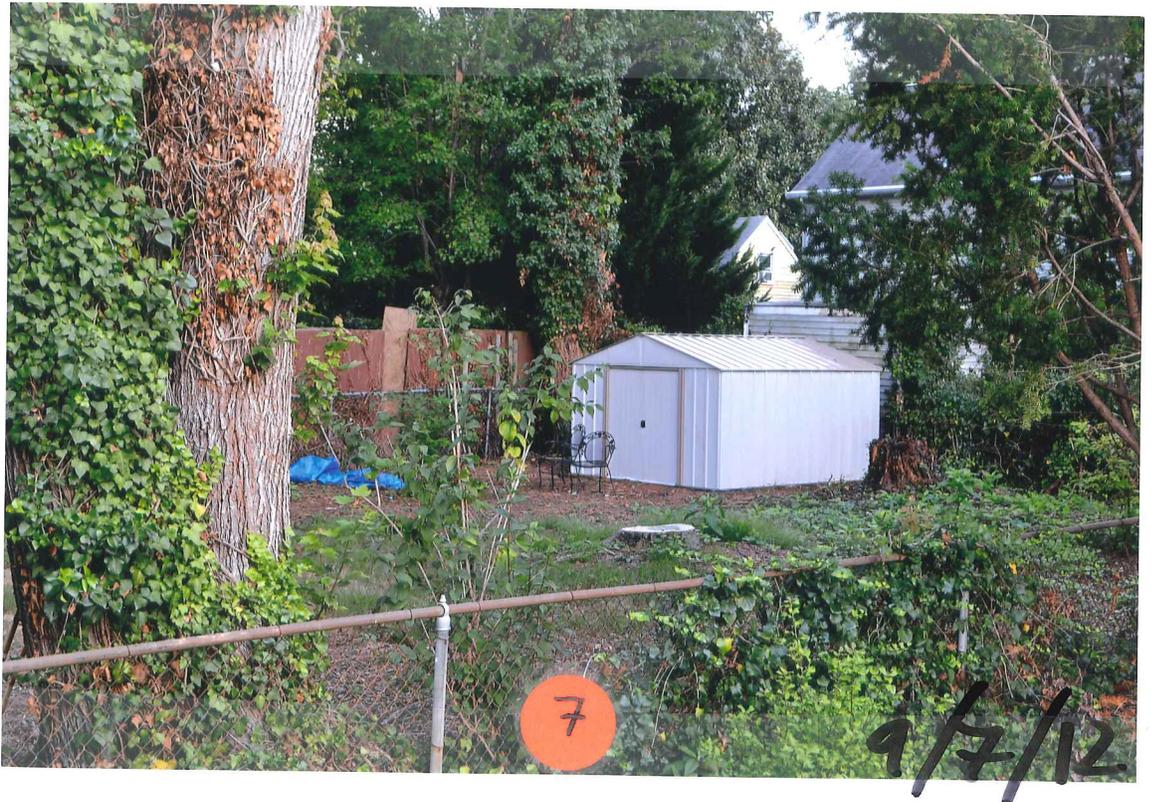


3

9/7/12

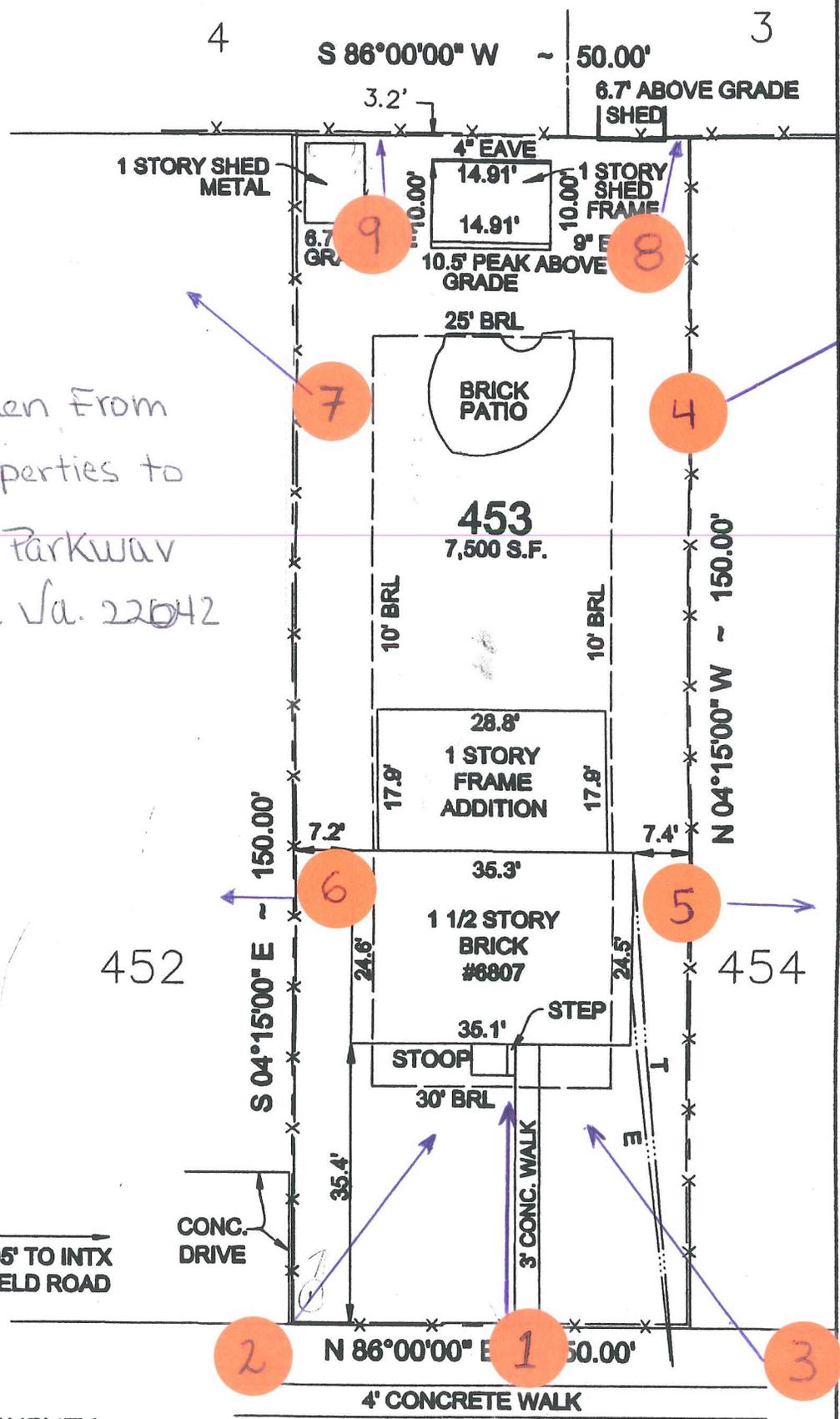






RECORD NORTH
(LIBER U, NO. 11, PG 500)

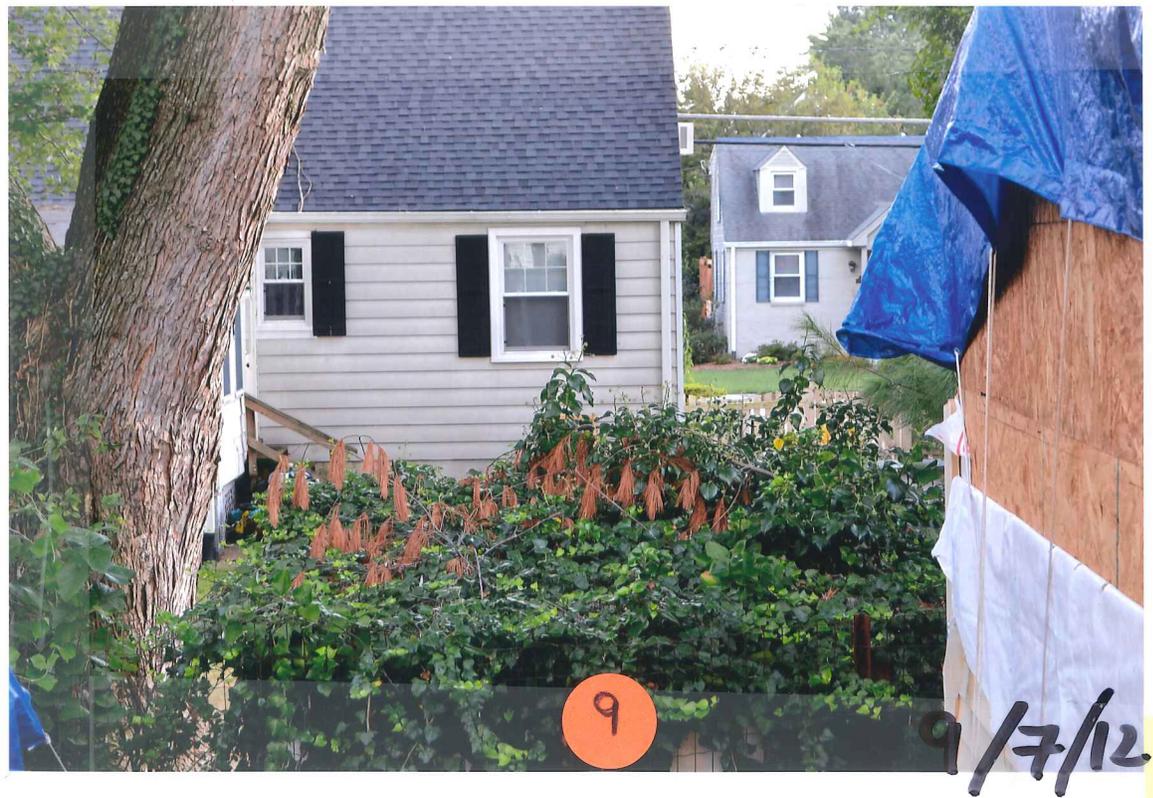
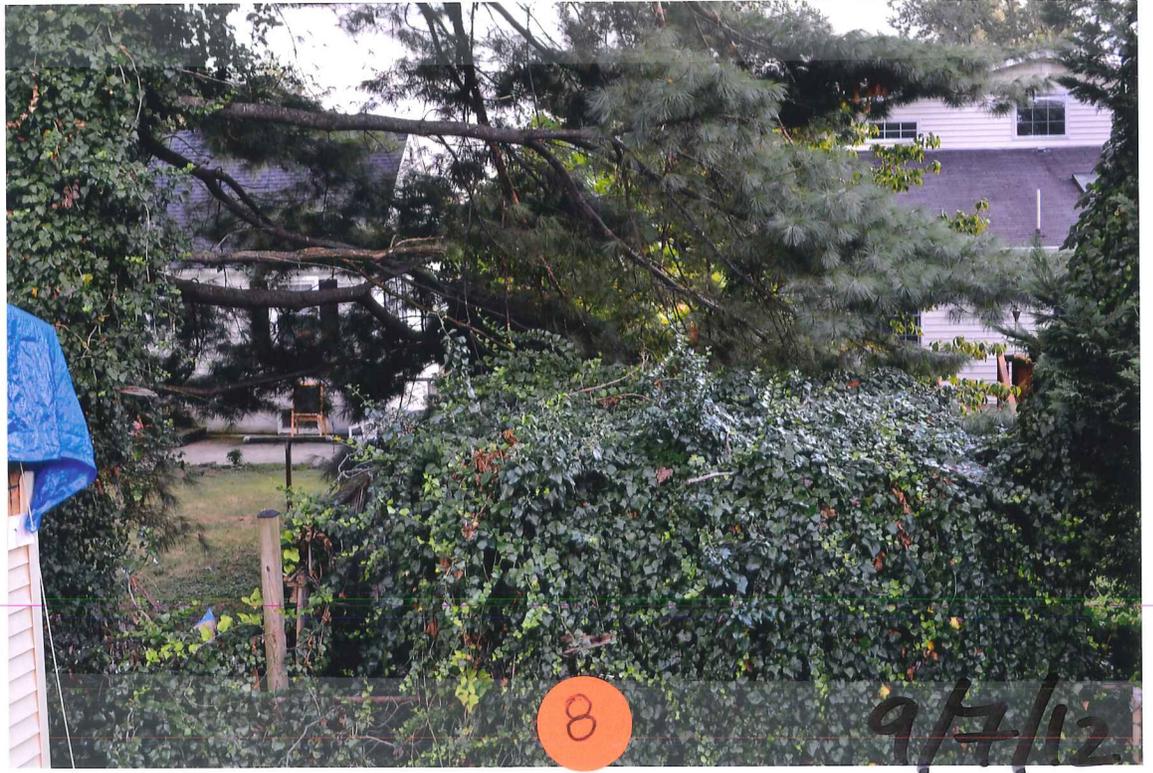
CITY PARK HOMES
BLOCK 7 , SECTION 5



Pictures taken from
abutting properties to
6807 Custis Parkway
Falls Church Va. 22042

ETBACK VERIFICATION SURVEY
LOT 453
MASON TERRACE

CUSTIS PARKWAY
50' RW



DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for an error in building location to permit an accessory storage structure, a one-story frame shed which measures 10.5 feet in height, to remain 3.2 feet from the rear lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Accessory Storage Structure	Rear	10.5 feet	3.2 feet	7.3 feet	69%

*Minimum Yard Requirement per Section 10-104

LOCATION AND CHARACTER OF THE AREA

Character of the Area

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

Existing Site Description

The 7,500 square foot lot is zoned R-4 and contains a one and one-half story single family detached dwelling constructed in 1951. A building permit was approved for a one-story addition at the rear of the dwelling in 2004. The lot is generally flat, sloping slightly up from the street to the front of the dwelling. Foundation plantings and small shrubs surround the house with a brick patio and two sheds located in the rear yard and a chain link fence surrounding the side and rear yards.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat, Lot 453, Mason Terrace
- **Prepared By:** Dickerson Survey and Arborist Services
- **Dated:** October 14, 2012
- **Building Permit Required:** Yes; the shed is greater than 200 sf & has electricity
- **Location Error Made By:** Current homeowner

BACKGROUND

In August, 2012, an investigator from the Code Compliance Division of Fairfax County visited the subject property in response to a complaint made by a neighbor. On September 7, 2012, the applicant was issued a Corrective Work Order (CWO) for a shed being constructed without the required permits and inspections. On November 6, 2012, a Notice of Violation (NOV) was issued for the same reasons. Copies of the CWO and NOV are attached as Appendix 4.

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 5)

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

CONCLUSION

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Corrective Work Order dated August 31, 2012
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2012-PR-074****January 9, 2013**

1. This special permit is approved only for the location of a one-story frame shed, as shown on the plat prepared by Dickerson Survey and Arborist Services dated October 14, 2012, submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the frame shed within 180 days of approval of this special permit.

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 a building permit and final inspections have been approved as outlined above. The Board of Zoning Appeals may grant additional time to establish the use 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.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 6th 2012
(enter date affidavit is notarized)

I, Julio Del Pozo, 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

117832

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)
Julio Del Pozo	6807 Custis Parkway. Falls Church VA 22042	Applicant/owner

(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): _____

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 6th, 2012.
(enter date affidavit is notarized)

117832

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)

N/A

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)

N/A

(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): _____

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 6th 2012
(enter date affidavit is notarized)

117832

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

PARTNERSHIP INFORMATION

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

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

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

N/A

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 6th, 2012 117832
(enter date affidavit is notarized)

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

117832

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 6th 2012
(enter date affidavit is notarized)

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.)

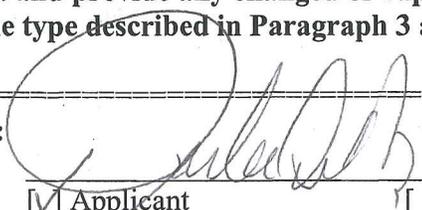
NONE

(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)

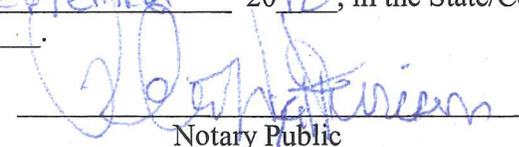
Applicant

Applicant's Authorized Agent

Julio Del Pozo

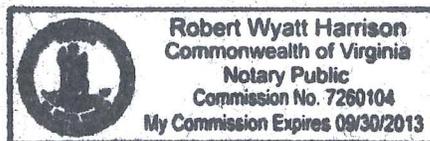
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 6 day of September 2012, in the State/Comm. of Virginia, County/City of Fairfax.



Notary Public

commission expires: 9-30-2013



Julio A. Del Pozo

6807 Custis Parkway Falls Church VA 22042
703-964-6753 - Juliandelpoz@yahoo.com

October 6th, 2012

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

RE: **Special Permit Application**

APPLICANT: **Julio A. Del Pozo**

ORDINANCE: 8-914

TAX MAP: 0504(05)0453 SIZE: 7500 SQ.

ZONING DISTRICT: R-4

MAGISTERIAL DISTRICT: Providence

CONSIDERATIONS AND FACTS

My name is Julio Del Pozo, I have lived in the Northern Virginia Community area for the last 22 years of my life. During this time, I can proudly state that I have been a good law abiding citizen, worked in support of my community and helped in making it a better place to live. During my professional career I have had the honor of working for a number of law enforcement and non-profit agencies and held diverse jobs to include: community supervision officer, investigation officer, probation officer and also assisted with the re-adaptation of ex-offenders.

I currently work for the Arlington County Department of Human Services assisting our homeless, unemployed and displaced population with their development, training and employment needs.

On Friday, June 29th 2013 Wind Storm Derecho, a band of rapidly moving showers and thunderstorms, hit the Northern Virginia area with a huge straight-line of damage. As a result, **branches of the tree behind my property and a large tree located two-houses down from my lot fell down** destroying my fence, most of my patio furniture, appliances, two utility sheds and the many tools and recreational equipment that I used to have inside of them. In addition, me and my family, as well as, many other Northern Virginia residents had to endure temperatures over 97 degrees without air-condition, telephone service and electricity. After numerous attempts I was able to reach my insurance company and after waiting for 3 weeks I had luxury of having one of their adjusters visiting my property. After a few minutes, I was given the sad news that considering the depreciation, use and deductible, I was basically on my own with my repairs.

I was truly shock and devastated, but with the help of God and my family member I embarked in the path to reconstruction. I am attaching pictures of the damage on my property including my shed (**TAB #10**). Notice the structural damage that my utility shed suffered as a consequence of the load and huge impact from my neighbors' tree trunk and branches.

Given the above mentioned reasons and my tight budget; I decided to repair my utility shed by myself. I contacted Fairfax County to learn if there was any program or assistance to victims of the Storm Derecho. I was informed that the Federal Government did not provide any additional assistance or support and there was no additional program from Fairfax County. In addition, I asked for information about sheds and I was informed that they cannot exceed of 200 sq feet and that additional information was given at the Fairfax County web page. I am attaching a print out of the section dealing with sheds (**TAB #11**). After reading the information contained on the above web site and knowing that my shed was almost 150 square feet I started working on my project. I had a truly difficult time removing the old roof and fixing the walls. The tree that fell on my shed damaged many support beams and I had to remove, reinforce them and find a way to attach a new roof while making my shed safer.

I want to emphasize that as of this writing, the neighbors on the back of my house still have a very large tree which branches periodically fall down on my shed (**TAB#12**). I have requested them to trim or reduce the size of this tree but, they just ignored my requests because they know that the law in Virginia states that "a falling tree is an act of God" and it is the responsibility of the owner of the property where the tree falls to cover any expenses including tree removal and damages. I am always concern about this fact because this tree is extremely tall and is basically neglected by neighbor. I am sure a large section or the whole tree will fall down when a heavy storm hits our area again.

VIOLATION

I worked through the very hot summer days removing debris, connecting a new roof to the existing wall and making a reinforced roof which has a buffer space (incremented height) to reduce impact on falling branches and provide more space between roof and items stored. As a consequence of my proactive actions, my shed's height incremented and I violated a **Fairfax County Ordinance 8-914**, set back requirements for my shed.

I acted in good faith trying to make a secure roof, because the lack of strength on my previous roof and the short space between ceiling and roof was the factor that determines the lost of many of my personal property items stored on my shed. The tree perforated the roof; parts of the roof collapsed and crushed many of my power tools, antiques, personal belonging and others of great sentimental value.

On August 17th, 2012, James Watson, Code Compliance Investigator III with Fairfax County visited my property responding a complaint from one of my neighbors. At that time, Mr. Watson spoke with one of my family members and I was able to talk with him over the phone. Mr. Watson informed me that my shed was over the height limitations set on Fairfax County. I informed Mr. Watson with the particulars surrounding my case and made him aware that I did not know about the specific height limitations for sheds. In addition, I reminded him that **my shed is located on a slanted surface and the difference on level is almost two feet in height**. Mr. Watson stated that he was aware of that and my case was a "typical case of unfairness of the law" and he was aware of the slope and slanted surface but the law is the same for everyone and I have to obtain a special permit or tear down my shed. On August 31st, 2012 I was served by the Sheriff Department with a Building Code Corrective Work Order

SPECIAL PERMIT REQUESTED

I live in constant fear of a new storm and being fully aware that my neighbors' trees are not healthy or safe; I truly believe that more tree branches and possibly other trees will fall on my property and I request to keep my shed as it is at this time. Notice that my new roof has 3 times the needed amount of supporting beams (**TAB #13**) increasing my expenses and hours of heavy labor. **I am respectfully requesting a reduction of the 10.5 foot setback requirement to 4 feet for my shed. My shed is not a new construction and raising the roof for reconstruction/ security reason has placed me under the provisions of "error of location"**.

DESCRIPTION OF BUILDING/ PROPOSED USE:

*This Special Permit is for a (14'.9" x 10') plywood constructed utility shed cover with plastic siding and asphalt roof, it also has with two windows on the front. This is a storage shed and it will hold personal items, sporting goods, lawn and power tools.

* No hazardous or toxic substances or hazardous waste set forth in title 40 of Federal Regulations are present or used on this construction.

* The above mentioned building conforms to the provisions of all applicable ordinances, regulations and adopted standards.

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

A-Given the above mentioned repairs on my shed, the set back exceed 10% of the distance required for its height.

B-The noncompliance was done in good faith without fault on the property owner.

C-The reduction requested will not impair the purpose and intent of this Ordinance.

D-My shed is not detrimental to the used or enjoyment of other property in the immediate vicinity.

E-My shed will not create and unsafe condition with respect to other properties and public streets.

F-I have worked very hard in recovering from the storm that hit our area and tearing down my shed to comply with the Fairfax County Zoning Ordinances will cause unreasonable hardship upon me and my family. I have shared my sad experience and situation with several of my neighbors.

Notice the attached six (6) letters of support (**TAB #14**).

G-The reduction requested will not result in an increment in density or floor area ratio front that permitted by the applicable zoning district regulation.

I am hereby in light of the already mentioned reasons and the good faith of my actions, respectfully submitting my application for a special permit.



County of Fairfax, Virginia

FILE COPY

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

CORRECTIVE WORK ORDER Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: September 7, 2012

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Julio Del Pozo

ADDRESS: 6807 Custis Parkway
Falls Church, Virginia 22042-2020

LOCATION OF VIOLATION: 6807 Custis Parkway
Falls Church, Virginia 22042-2020

TAX MAP REF: 50-4 ((5)) 453

CASE #: 201205838 **SR#:** 86768

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011, an inspection on September 5, 2012 revealed a violation or violations as listed below at the referenced location. The cited violations must be corrected within ten (10) calendar days from receipt of this notice unless otherwise indicated.

Explanation: On September 5, 2012, County staff inspected the above referenced premises and discovered that a shed is being constructed with the installation of electrical wiring, outlets and circuits. All the work was performed without the issuance of the required permit or permits, inspections, and approvals.

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

Corrective Action Required: Apply for and obtain all necessary County permits for the work described above within ten (10) calendar days from the date you receive this Order, or obtain a County permit to demolish the work described above within the same timeframe.

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

1. Schedule and pass the required County inspections for the work described above within ten (10) calendar days from the date you are issued the required permit or permits for construction or demolition.
2. Contact me at (703) 324-9326 within the timeframe established to confirm the violations have been abated.
3. Call (703) 222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201205838.

Note:

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

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

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

You are directed to notify James Watson by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703) 324-9326 within three (3) working days from the date you receive this Order, of your election to accept or reject the terms of this Order. Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703) 324-9326 or the main office at (703) 324-1300.

Notice Issued By: James Watson
Technical Assistant to the Building Official
Department of Code Compliance

Signature:  _____

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



County of Fairfax, Virginia

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

NOTICE OF VIOLATION Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: November 6, 2012

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Julio Del Pozo

ADDRESS: 6807 Custis Parkway
Falls Church, Virginia 22042-2020

TAX MAP REF: 50-4 ((5)) 453

LOCATION OF VIOLATION: 6807 Custis Parkway
Falls Church, Virginia 22042-2020

CASE #: 201205838 **SR#:** 86768

You were issued a Corrective Work Order on September 7, 2012 (copy enclosed) for violations of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011. Staff confirmed on November 5, 2012 that the violations itemized below remain.

Explanation: On September 5, 2012, County staff inspected the above referenced premises and discovered that a shed is being constructed with the installation of electrical wiring, outlets and circuits. All the work was performed without the issuance of the required permit or permits, inspections, and approvals.

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

Corrective Action Required:

1. Apply for and obtain all necessary County Permits for the work described above within fifteen (15) calendar days from the date you receive this Notice, or obtain a County permit to demolish the work described above within the same timeframe.

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

2. Schedule and pass the required County inspections for the work described above within fifteen (15) calendar days from the date you received this notice.
3. Contact me at (703) 324-9326 within the timeframe established to confirm the violations have been abated.
4. Call (703) 222-0455 to schedule all inspections related to this matter. Please reference CASE #: 201205838.

Note:

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

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

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

You have the right to appeal this decision within thirty (30) days to the Fairfax County Board of Building and Fire Prevention Code Appeals. Appeal application forms may be obtained by contacting:

Fairfax County Board of Building and Fire Prevention Code Appeals
Attention:
Secretary to the Fairfax County Board of Building and Fire Prevention Code Appeals
Office of Building Code Services
Department of Public Works and Environmental Services
12055 Government Center Parkway, Suite 444
Fairfax, Va. 22035-5504
Telephone: (703)324-1780

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision. Failure to correct these defects within the time limits specified shall result in enforcement action being taken under the applicable State and County Codes.

If you have any questions, would like to schedule an appointment to meet with me, or schedule a site visit, please contact me directly at (703) 324-9326 or the main office at (703) 324-1300.

Notice Issued By: James Watson
Technical Assistant to the Building Official
Department of Code Compliance

Signature: 

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

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

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

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

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

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

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