



APPLICATION ACCEPTED: November 16, 2012
BOARD OF ZONING APPEALS: February 13, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

February 6, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-HM-081

HUNTER MILL DISTRICT

APPLICANT: Abolhassan Zarandazchi

OWNERS: Abolhassan Zarandazchi
Fariba Javaherian

SUBDIVISION: Hunter Mill Estates

STREET ADDRESS: 10240 Brittenford Drive, Vienna, 22182

TAX MAP REFERENCE: Tax Map 18-4 ((13)) 126

LOT SIZE: 37,761 square feet

ZONING DISTRICT: R-1 Cluster

ZONING ORDINANCE PROVISIONS: 8-923

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

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

The approval of this 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.

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Rebecca Horner

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 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

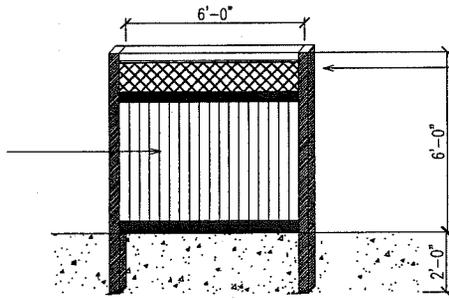
Special Permit
SP 2012-HM-081
ABOLHASSAN ZARANDAZCHI



Special Permit
SP 2012-HM-081
ABOLHASSAN ZARANDAZCHI



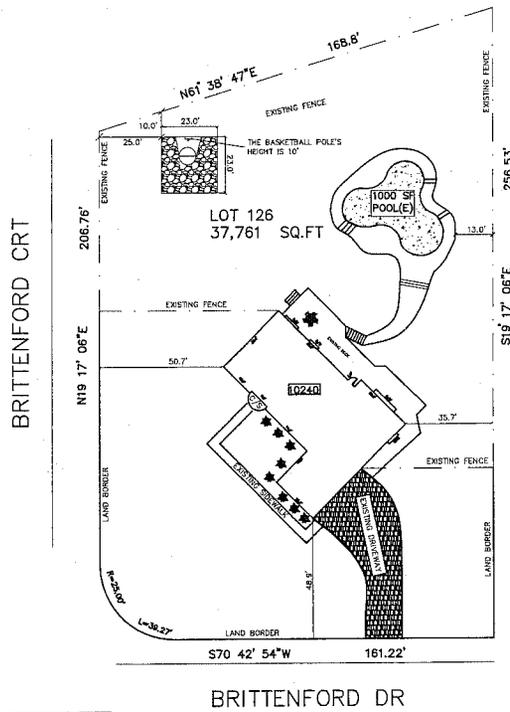
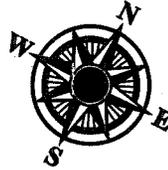
Type Privacy Fence
 Style Lattice top
 Nominal Length (Feet) 6.0
 Nominal Height (Inches) 72.0
 Actual Length (Feet) 5.6456
 Actual Height (Inches) 70.0
 Manufacturer Color White
 Color/Finish Family White



Type Post
 Color/Finish Family White
 Wall Thickness (Inches) 0.125
 Number of Rail Holes None
 Nominal Length (Inches) 98.0
 Nominal Width (Inches) 5
 Nominal Depth (Inches) 5
 Actual Length (Inches) 98.0
 Actual Width (Inches) 4.75
 Actual Depth (Inches) 4.75
 Manufacturer Color White

SCALE: 1/4" = 1'

FENCE DETAILS



SCALE: 1" = 50'

EXISTING FENCE

ADDRESS:
 10240 BRITTENFORD DR
 VIENNA VA 22182





Picture number 1

View of 10240 Brittenford Drive from
corner of Brittenford Drive and Brittenford
Court looking NORTH BOUND



Picture number 2

View of 10240 Brittenford Drive from
corner of Brittenford Drive and Brittenford
Court looking NORTH BOUND



Picture number 3

View of house from Brittenford Drive

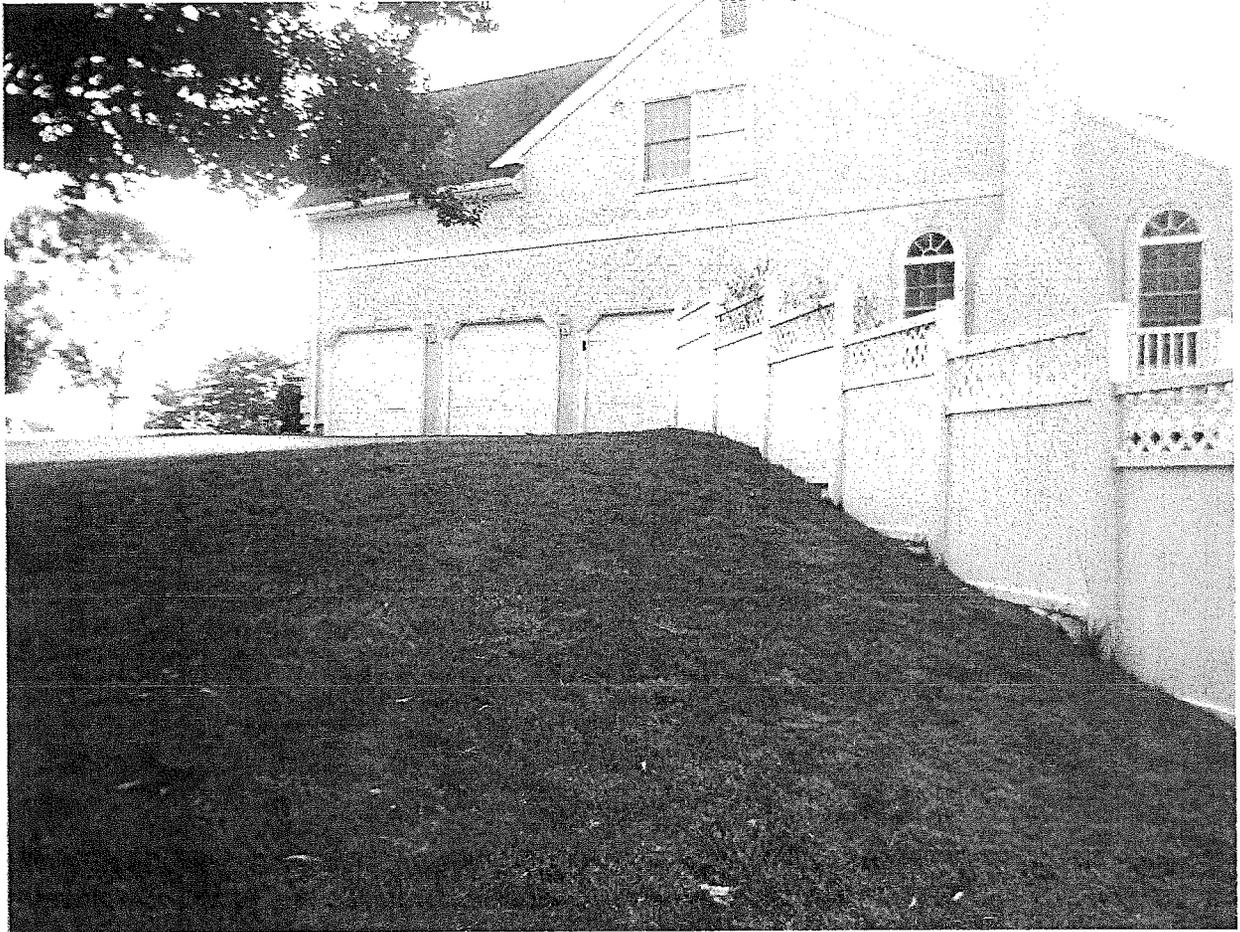


Picture number 4

Driveway and garage



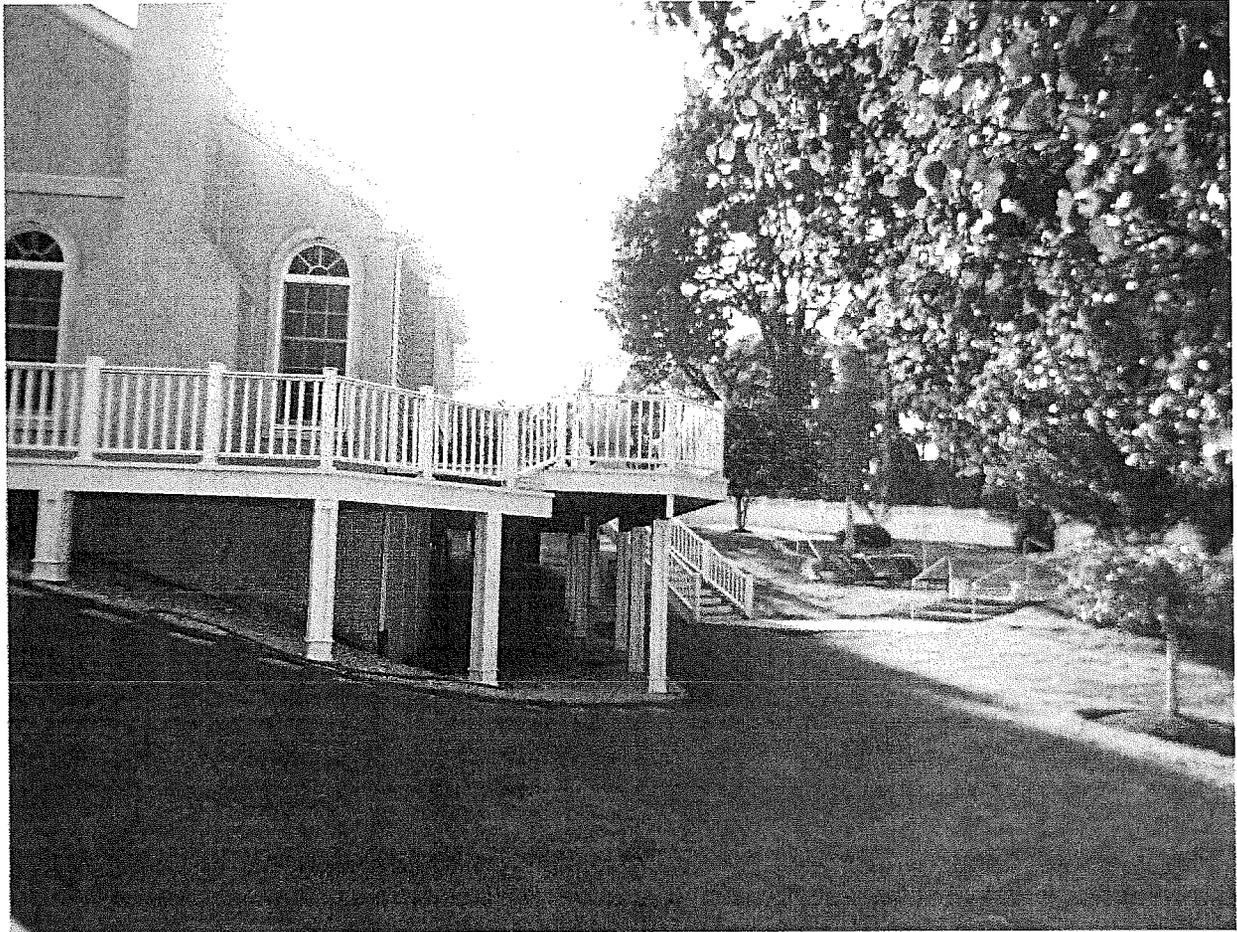
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Picture number 6



Picture number 7



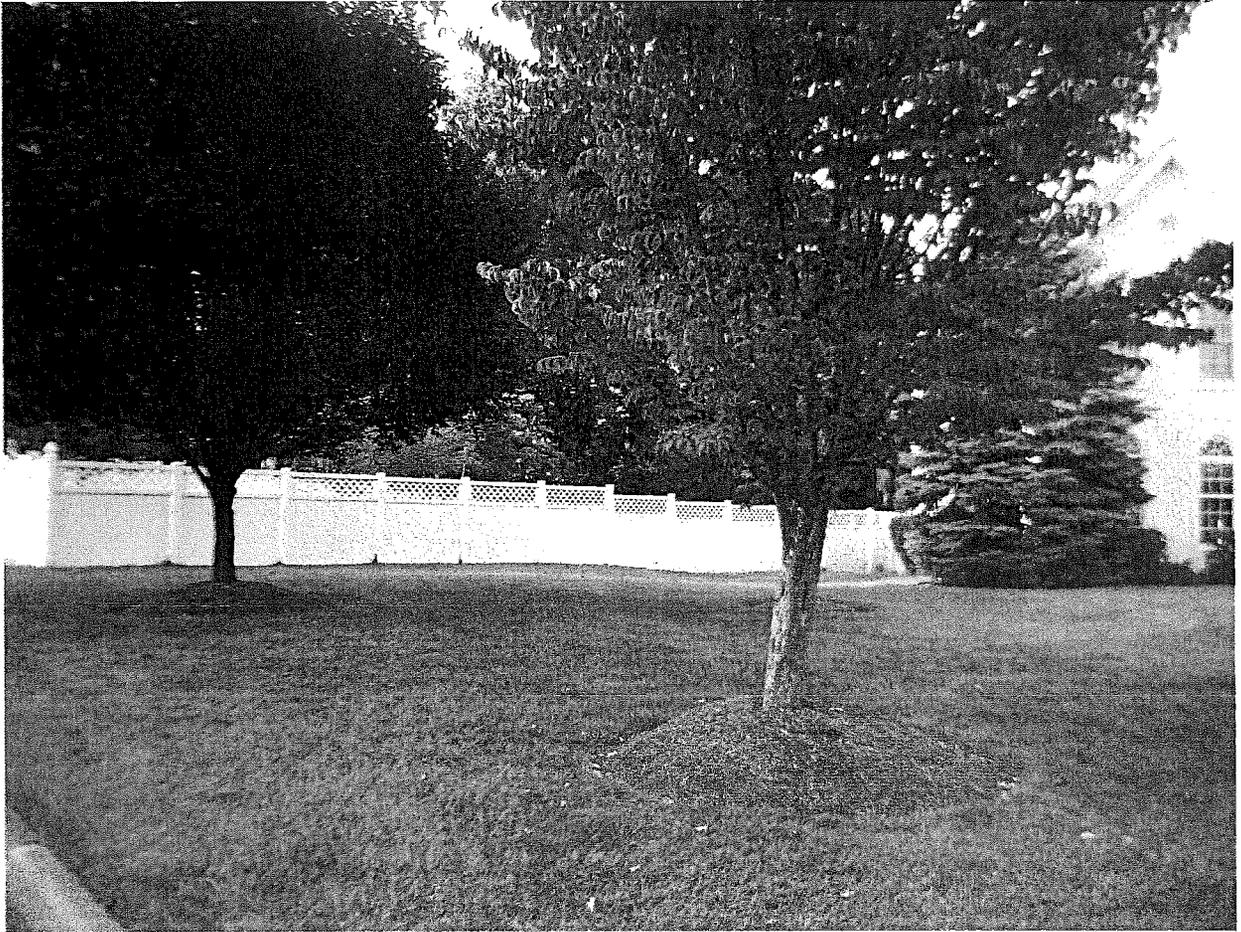
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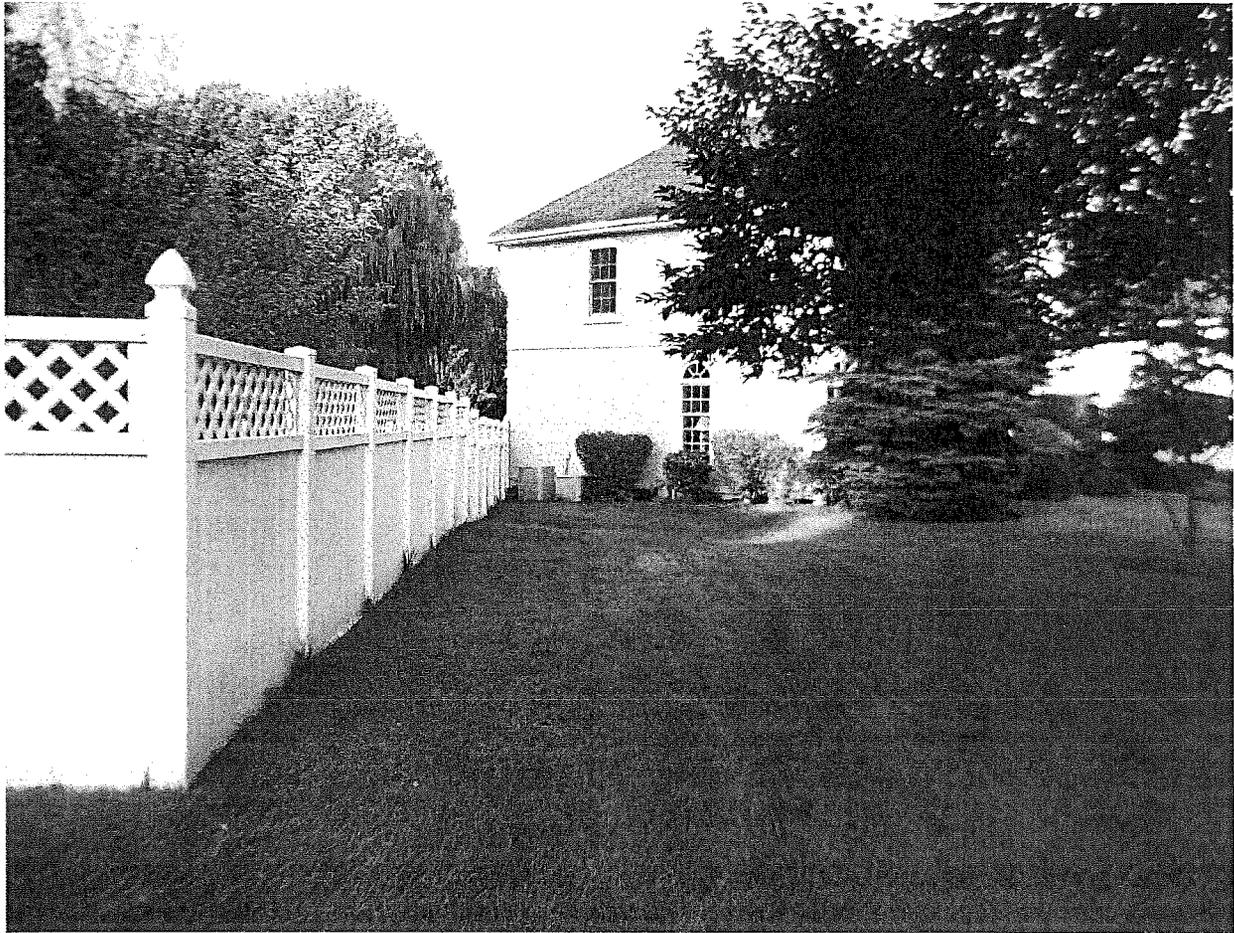
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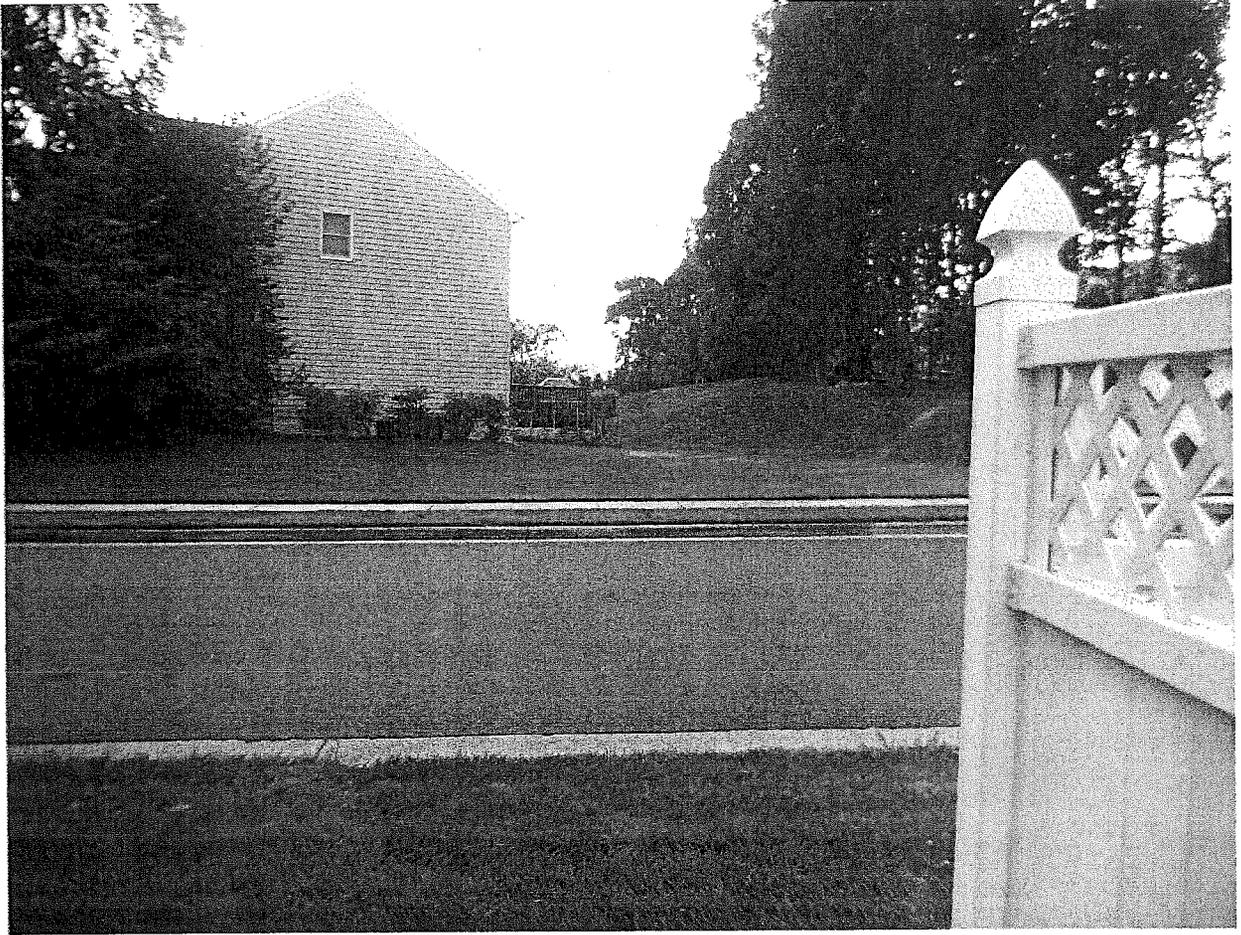
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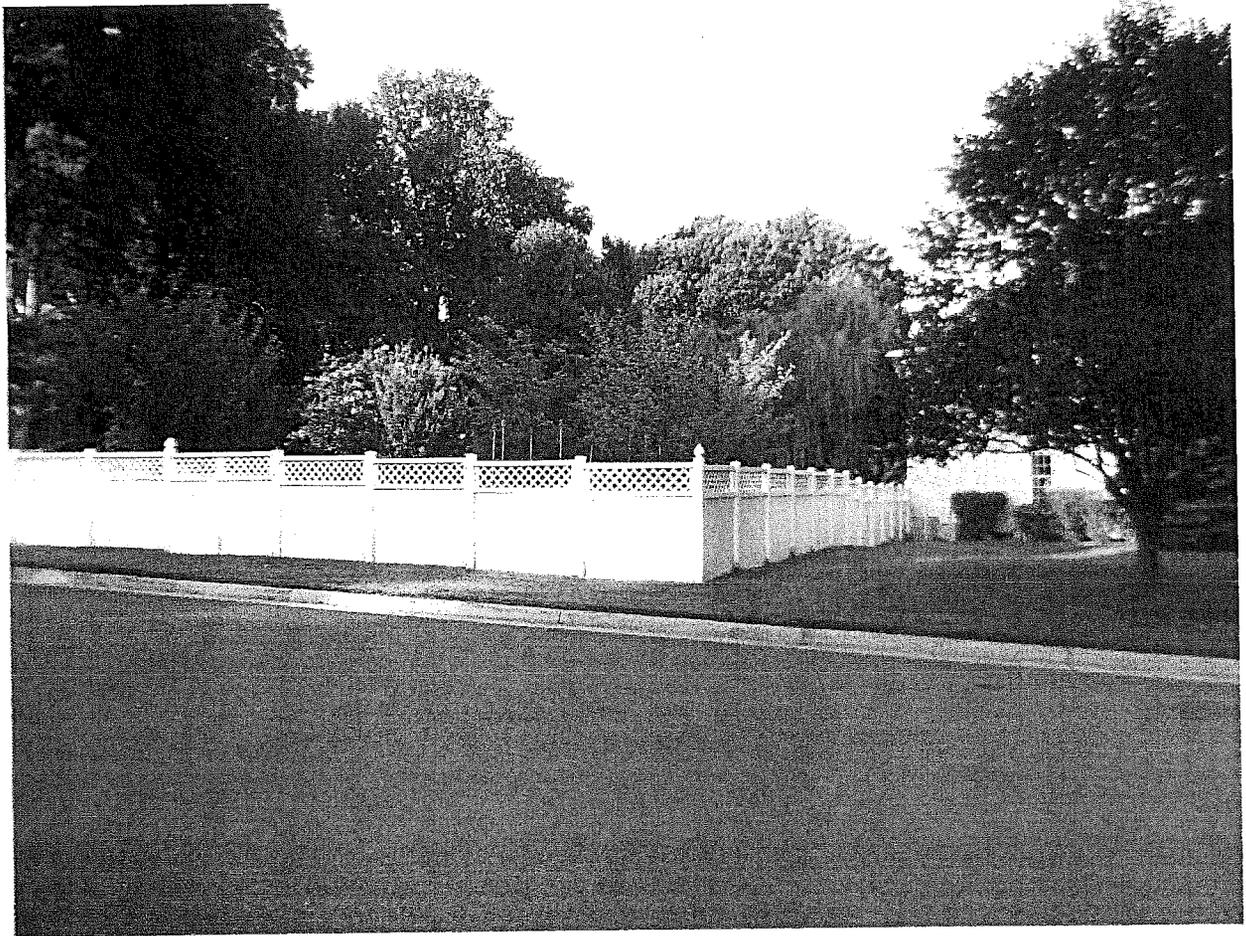
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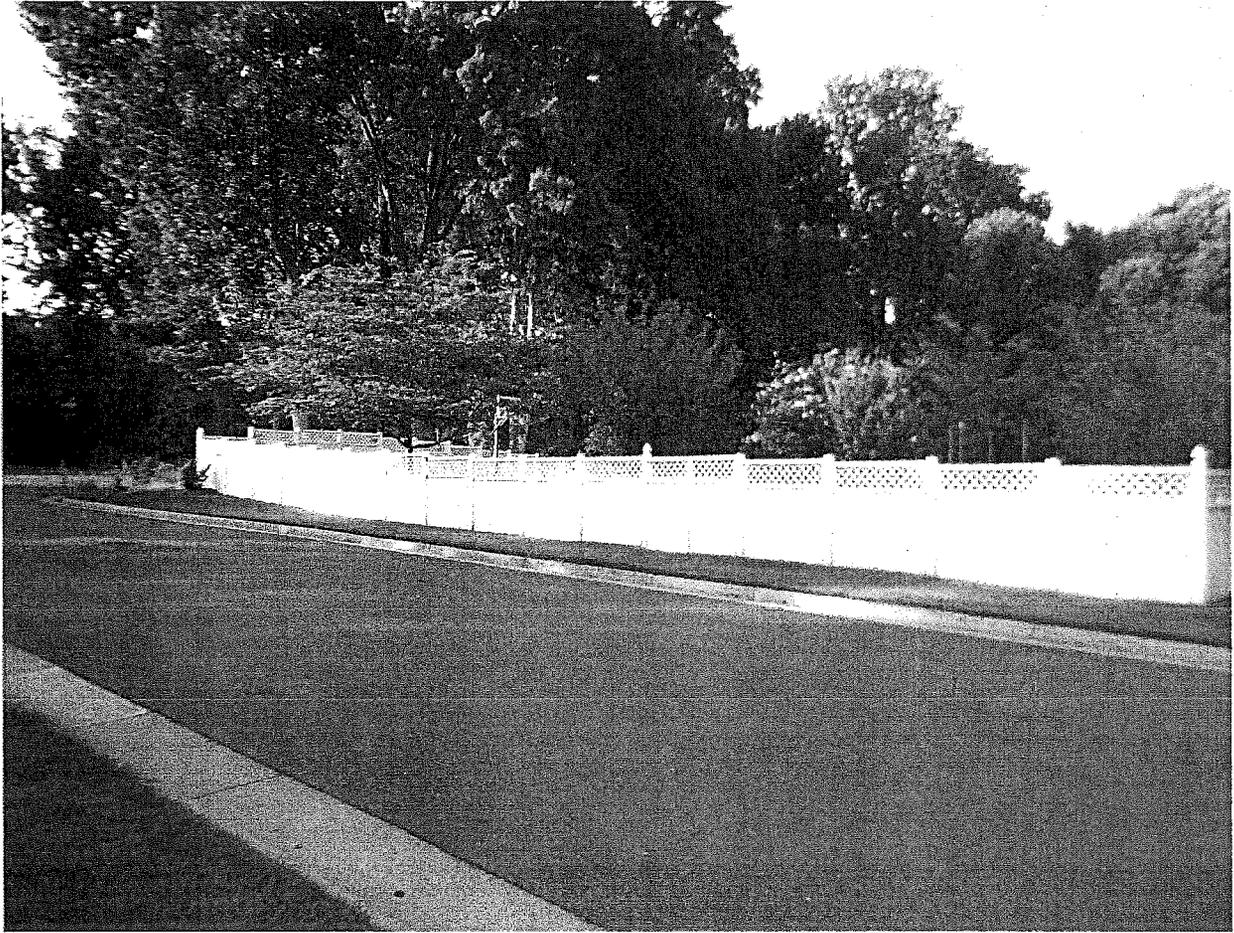
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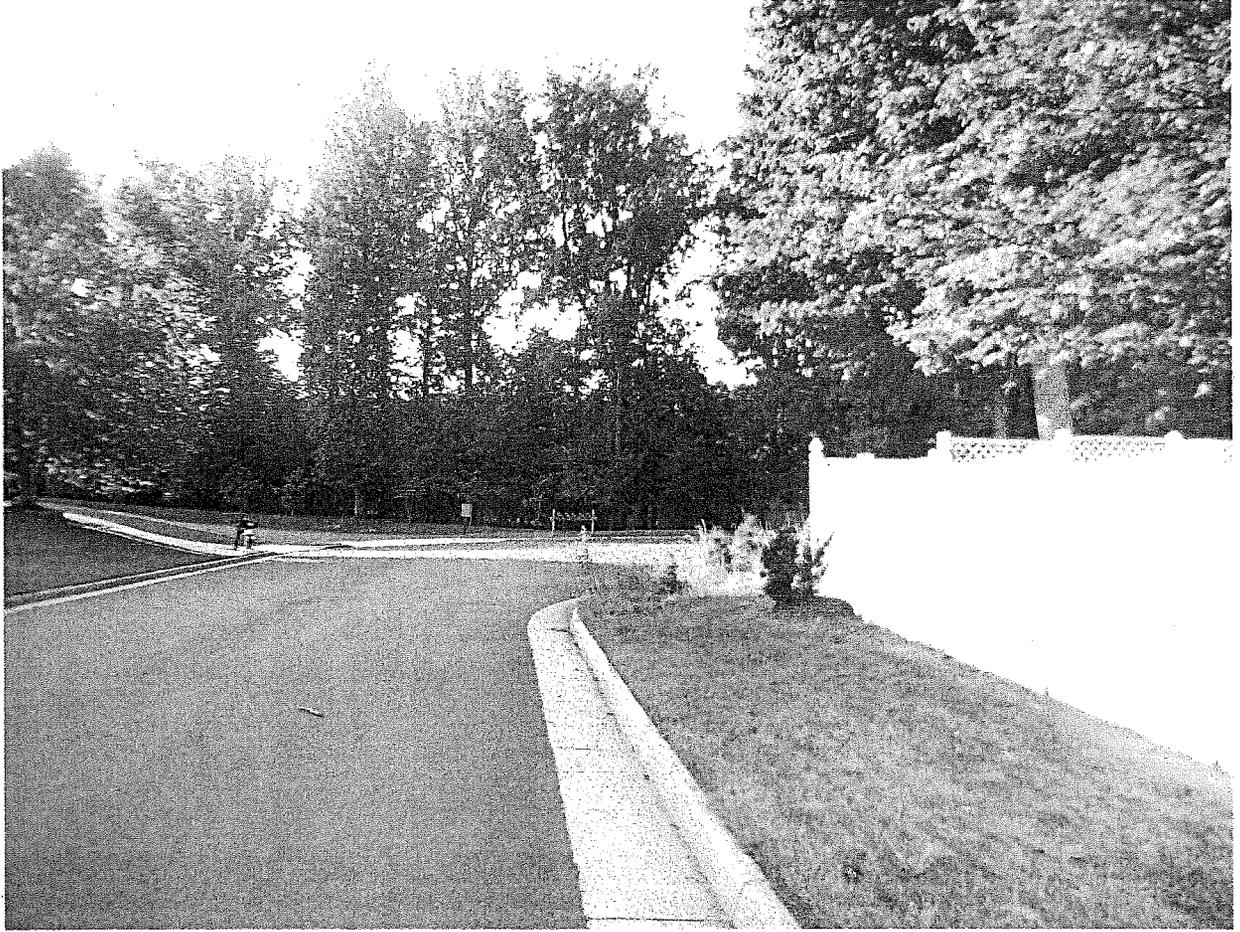
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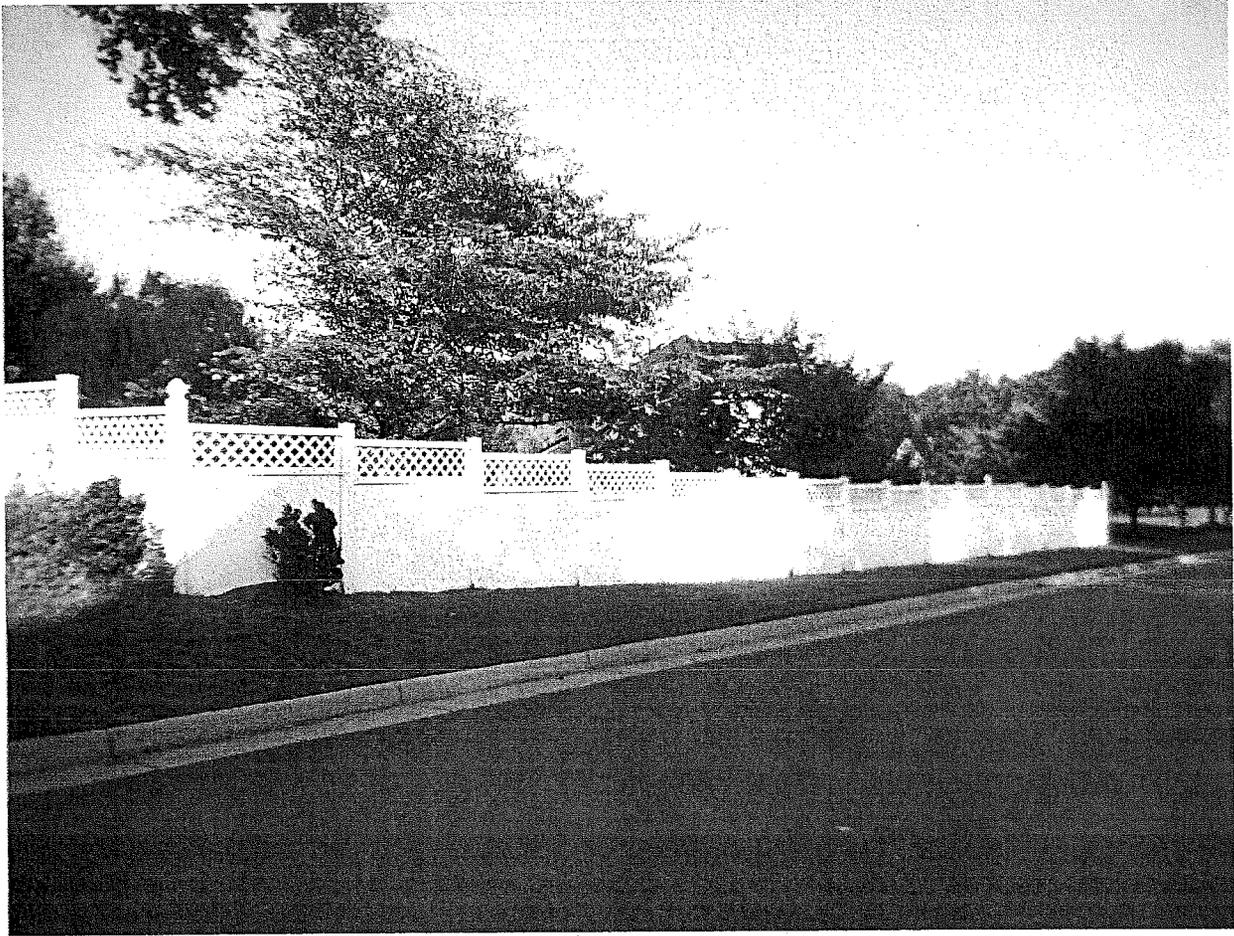
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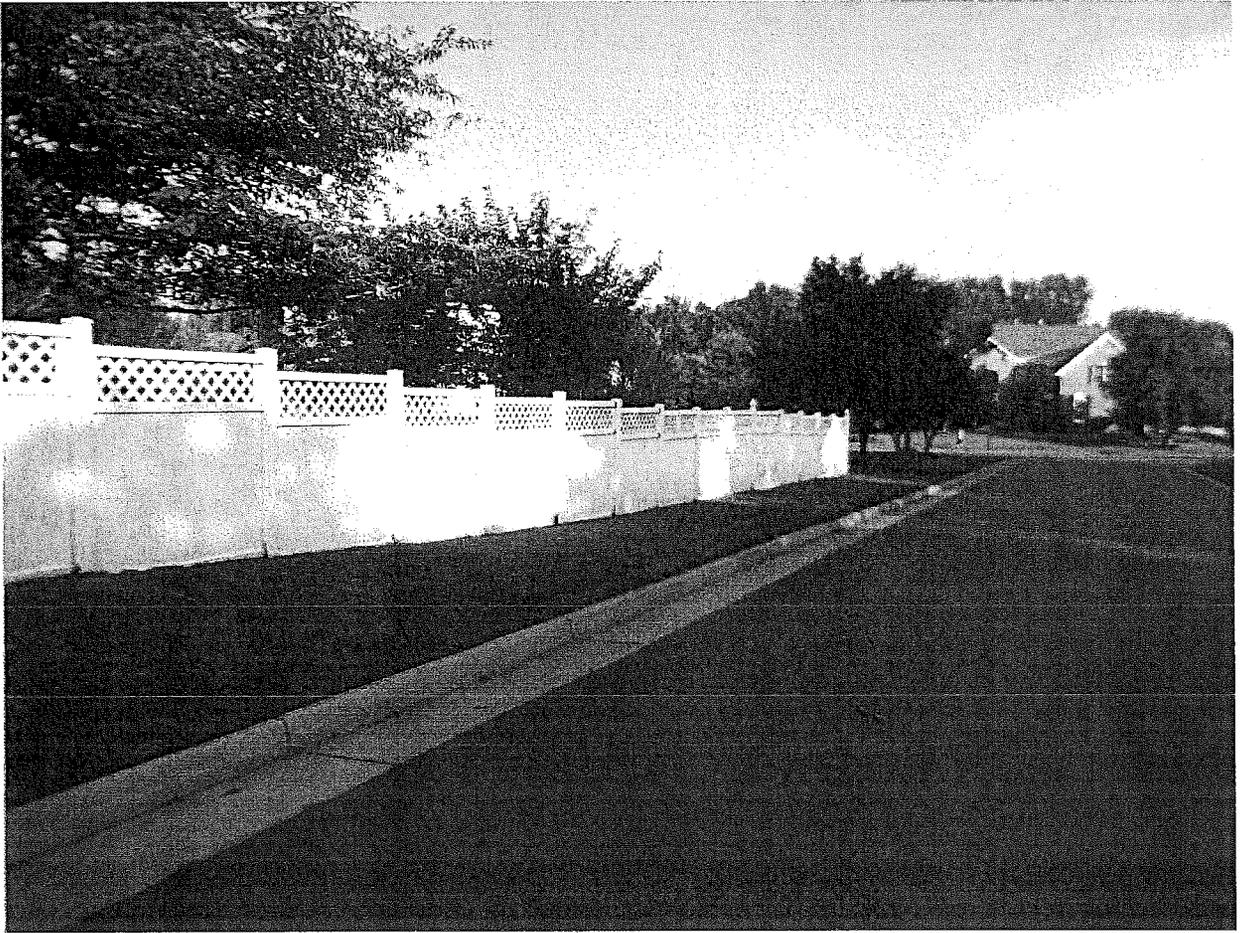
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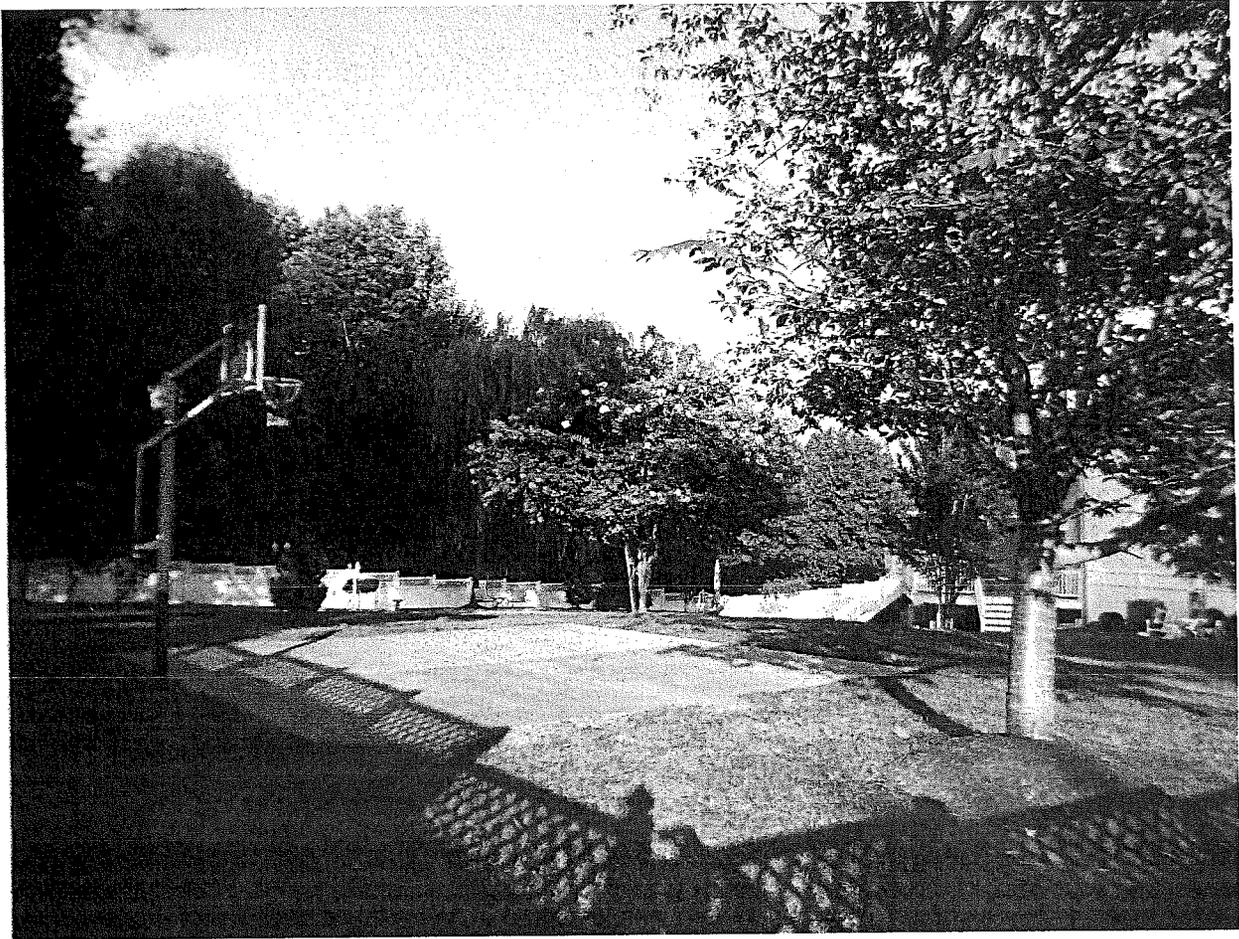
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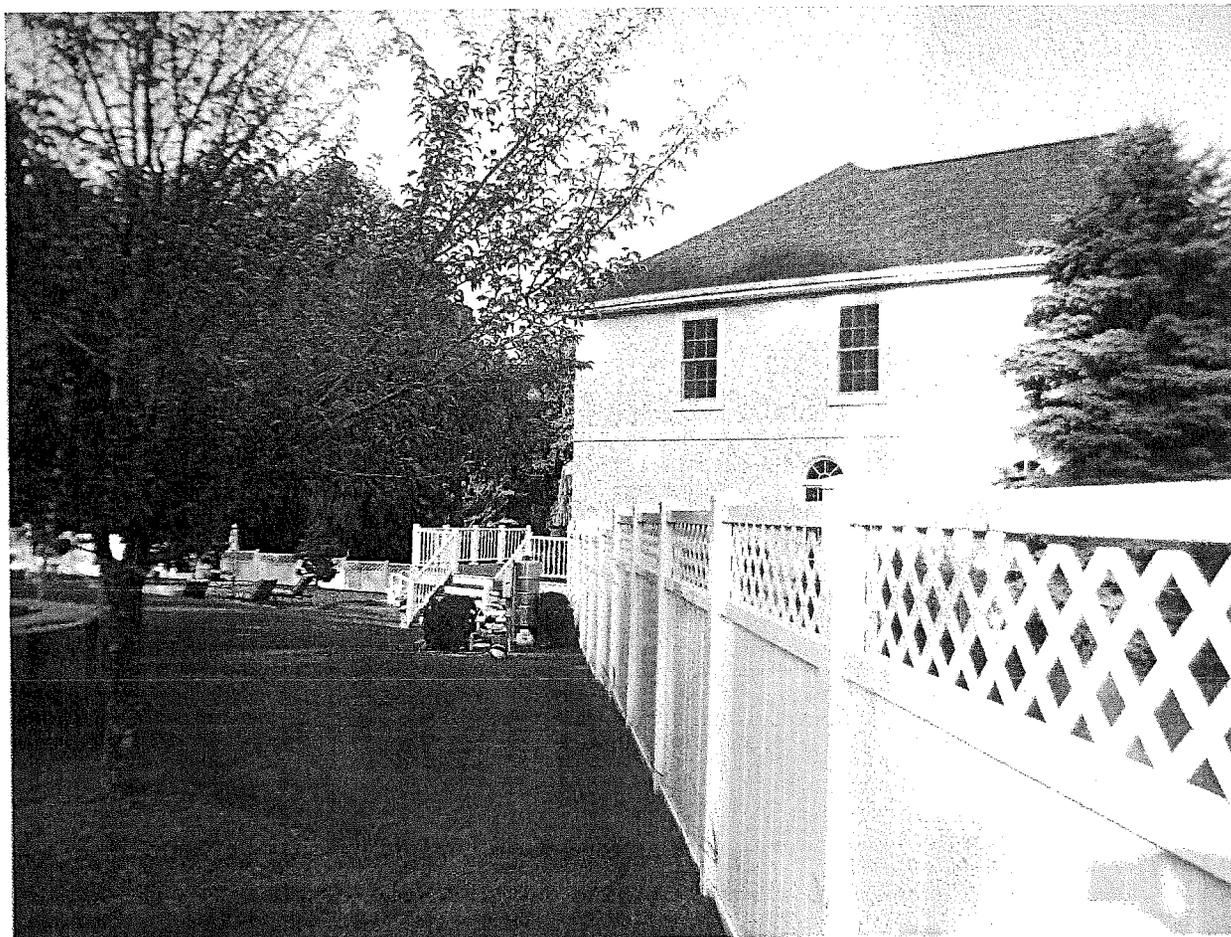
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Picture number 27



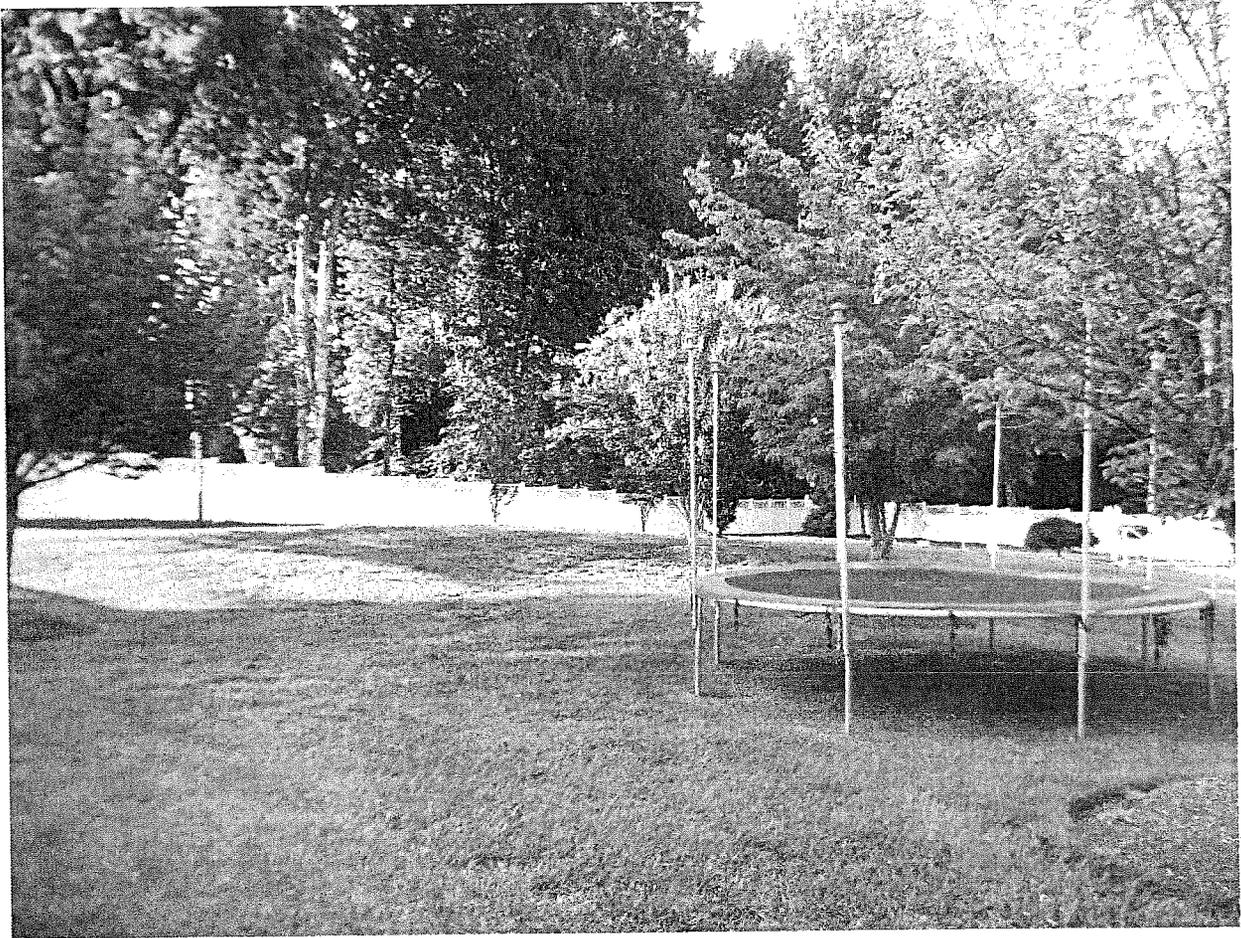
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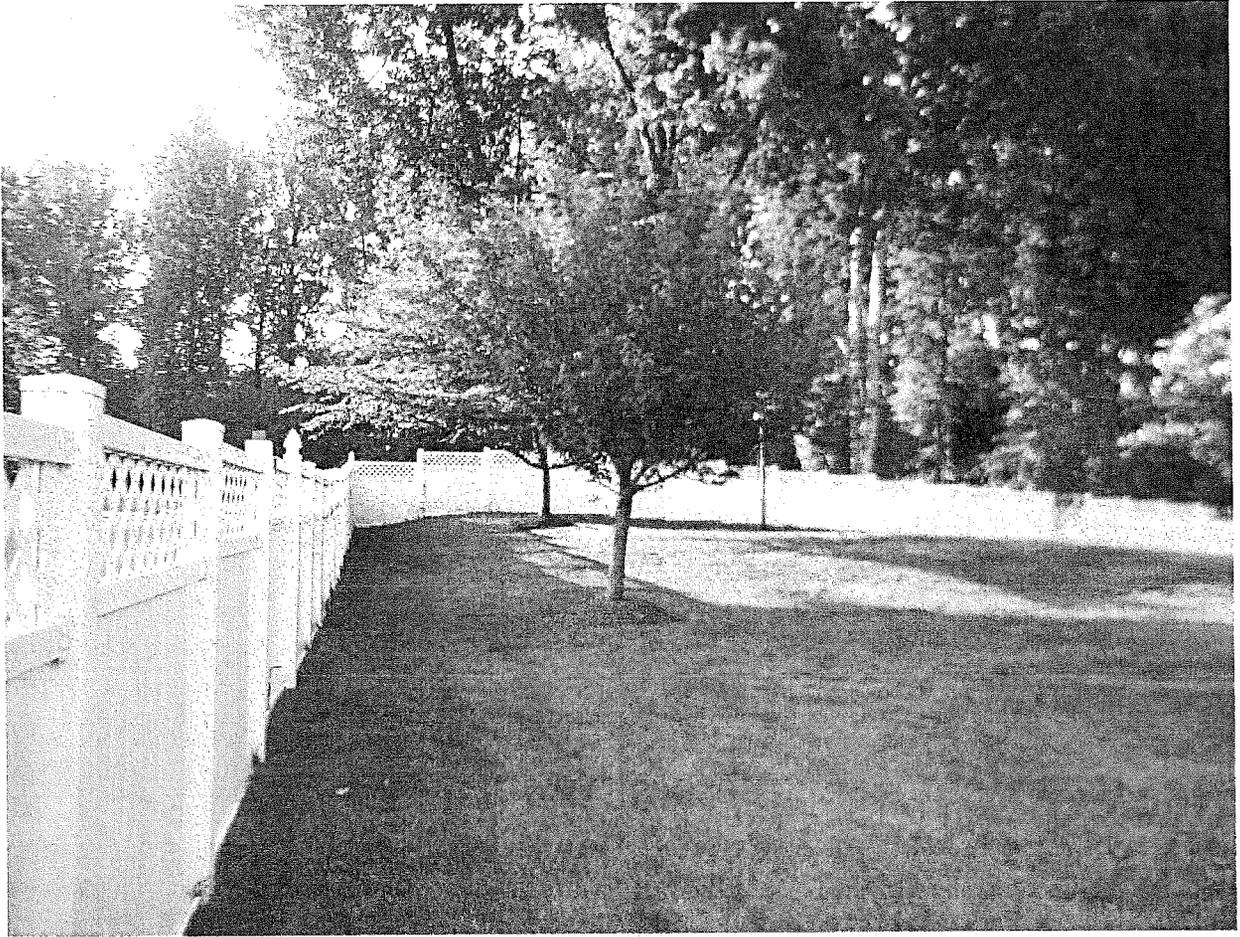
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Picture number 30



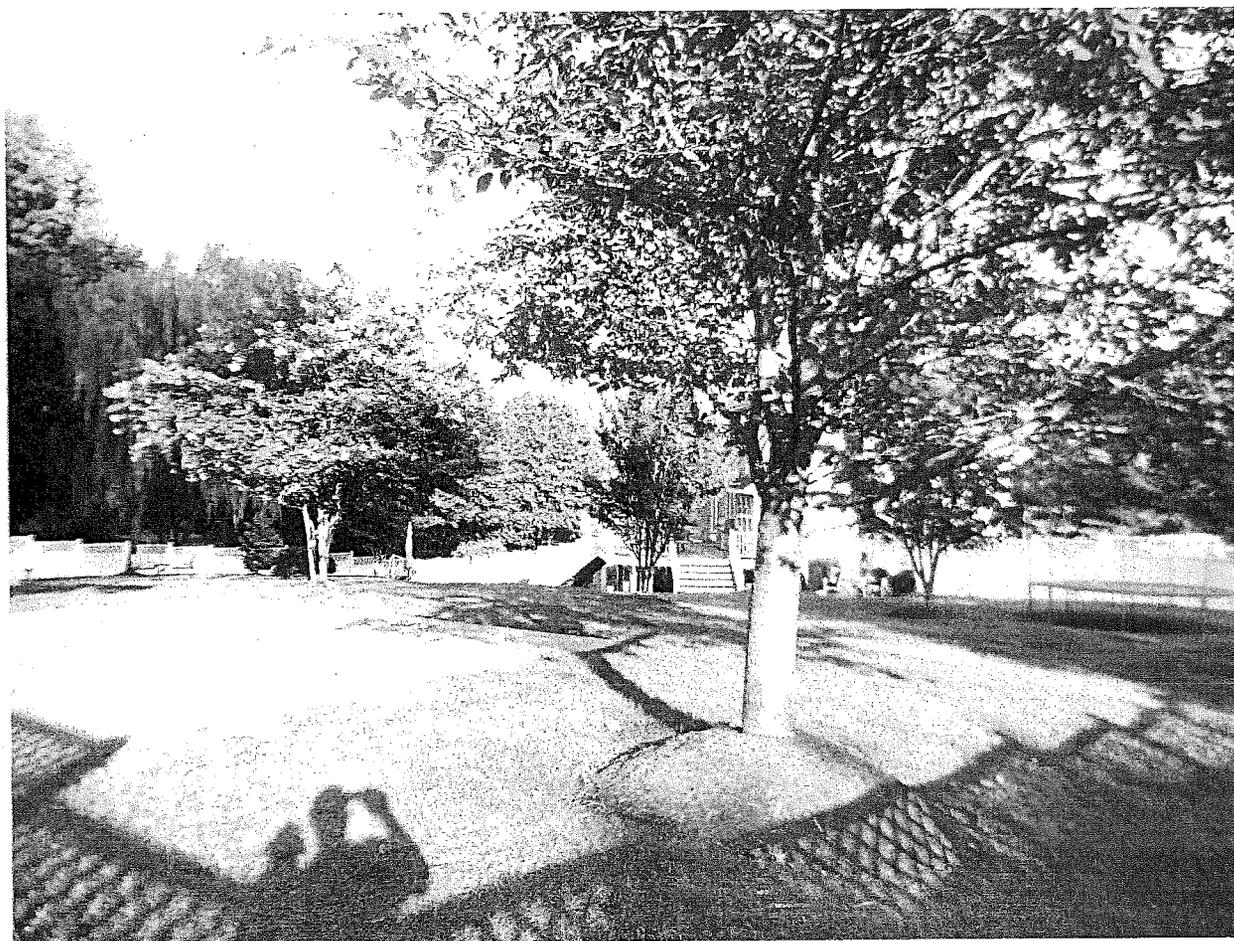
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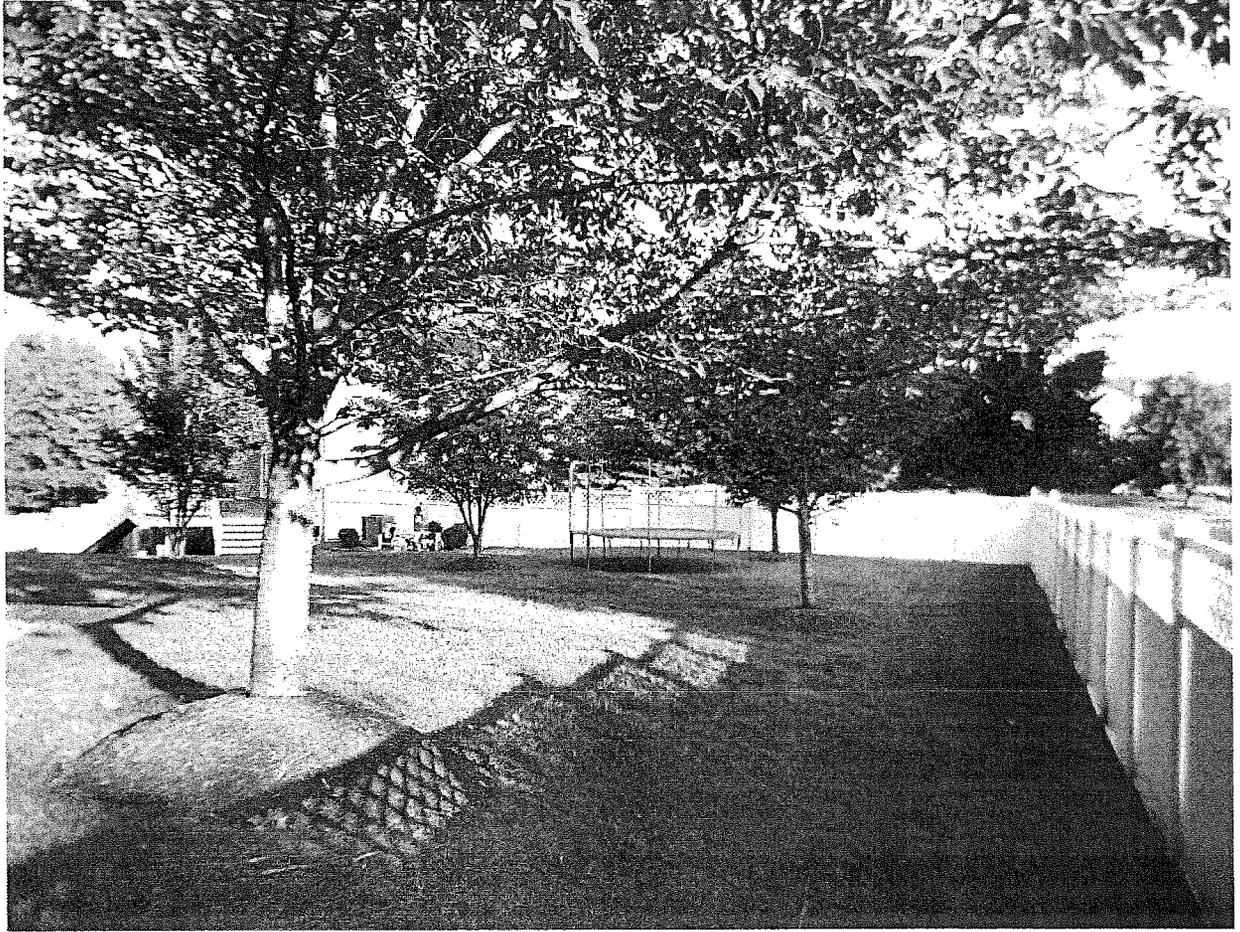
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Picture number 33



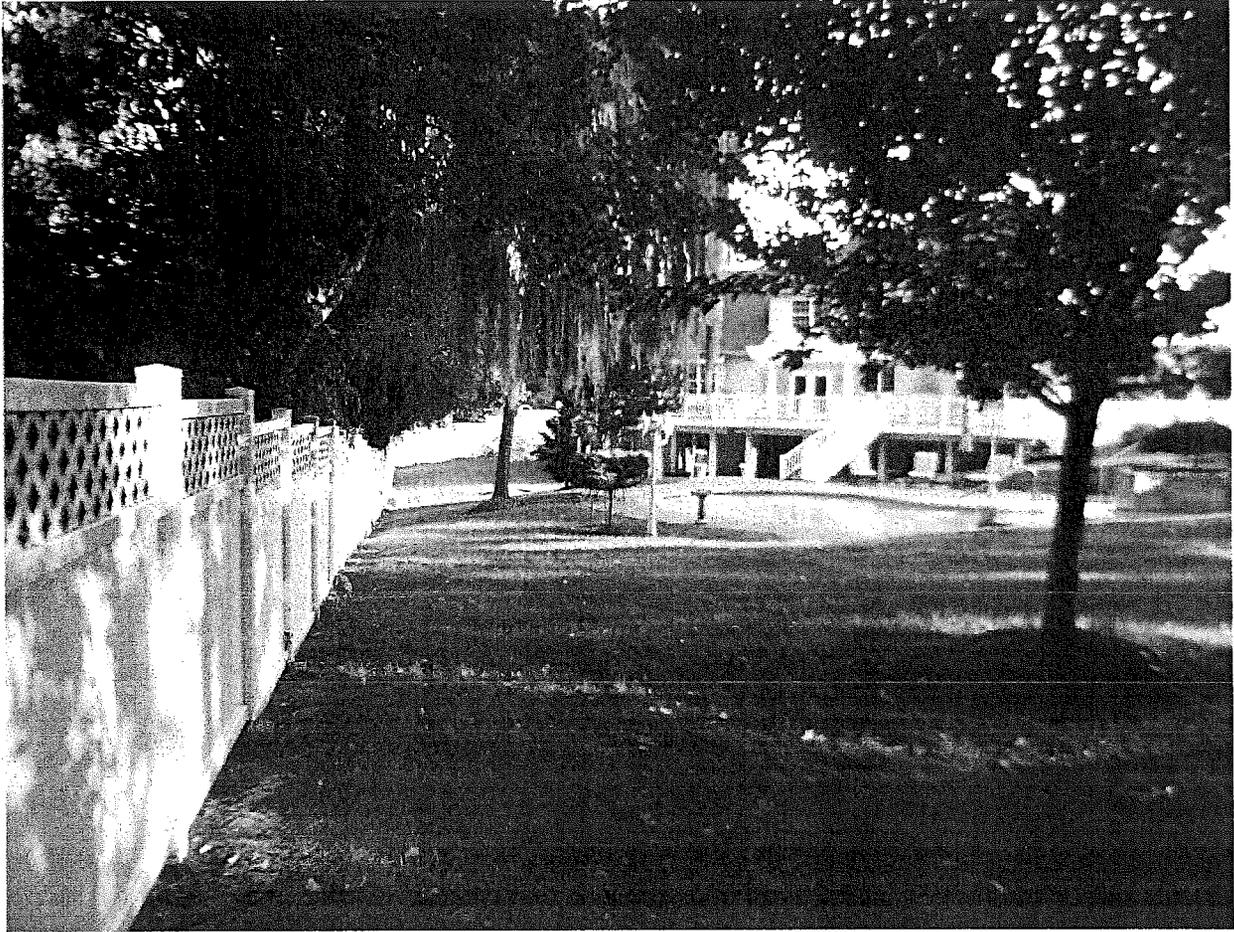
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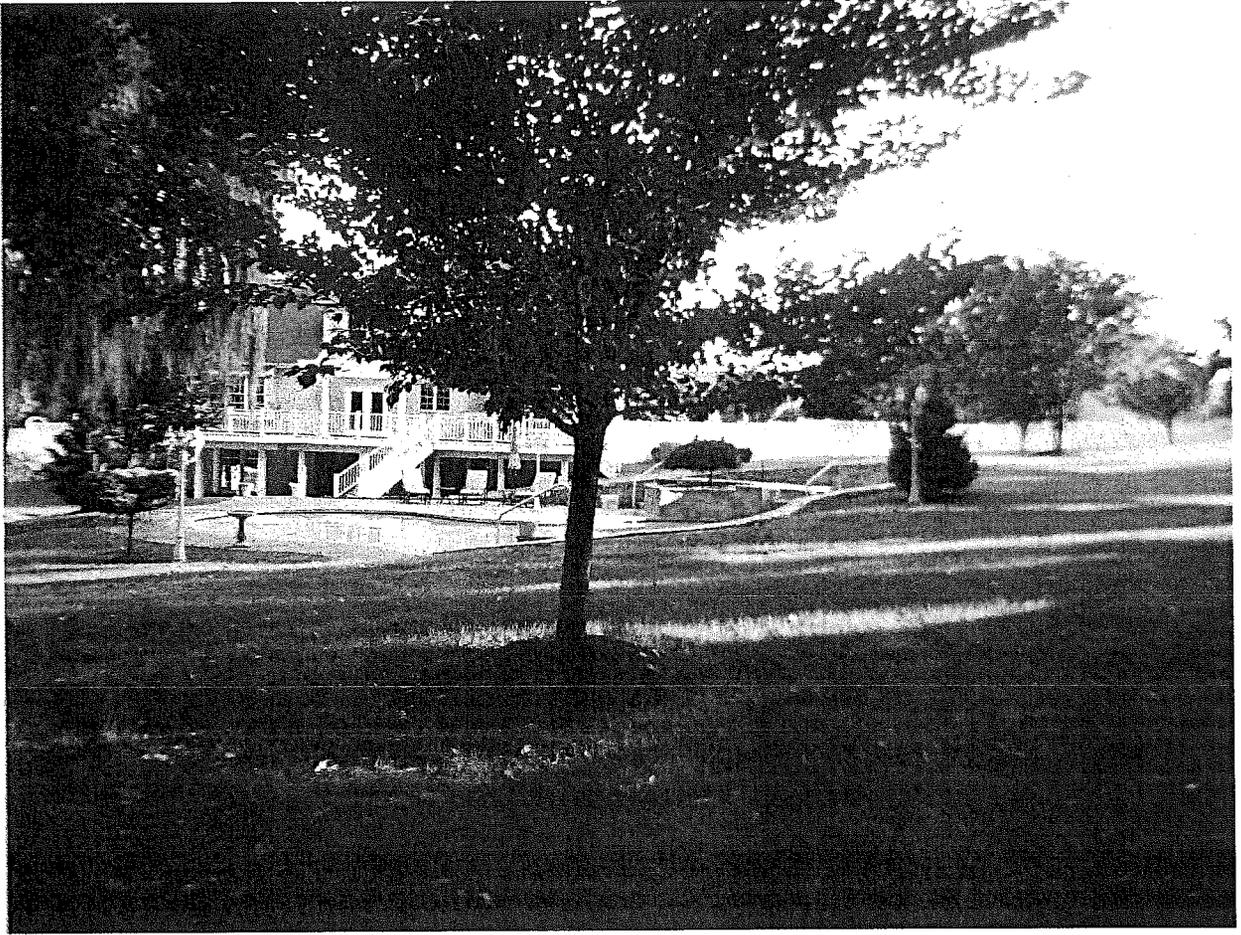
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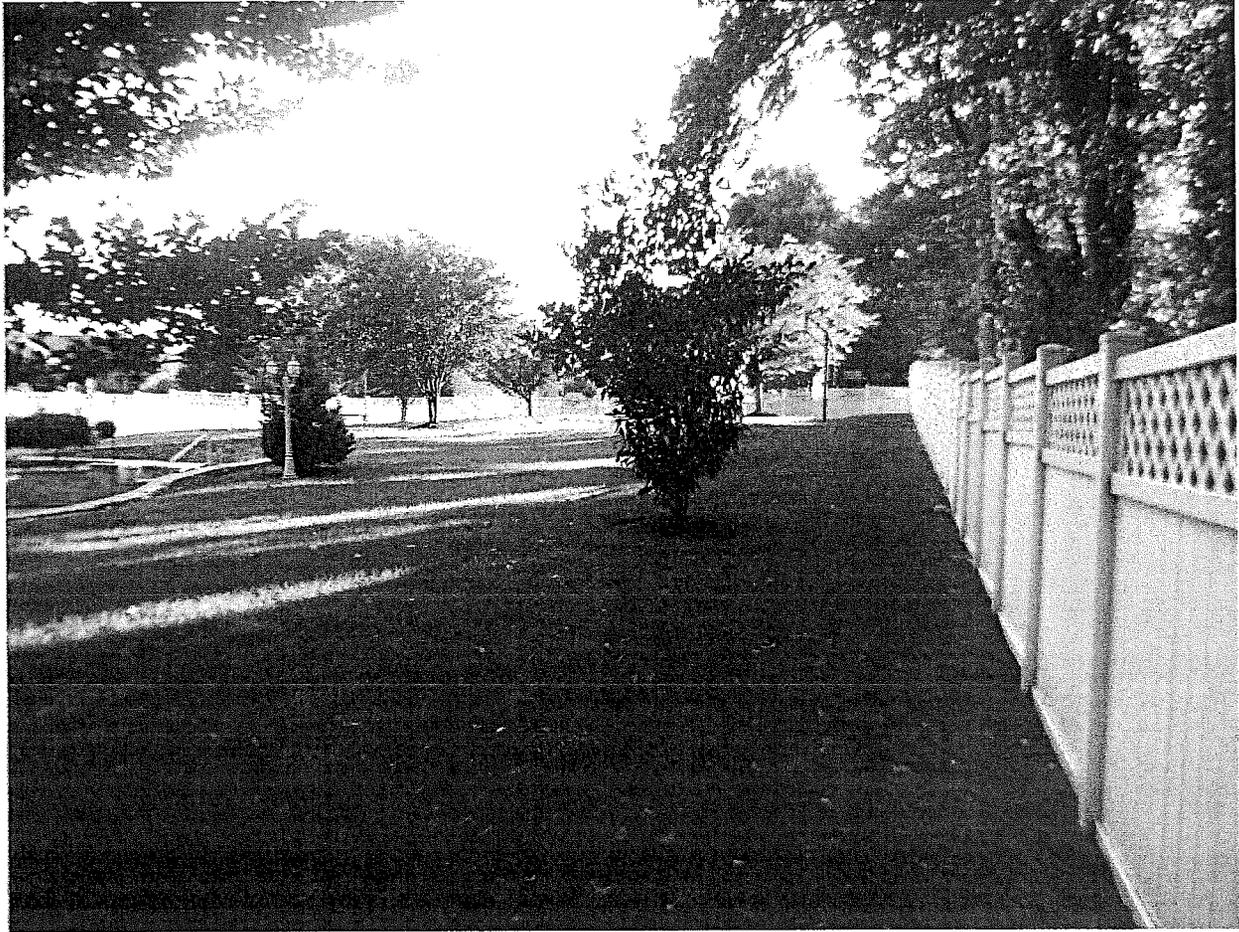
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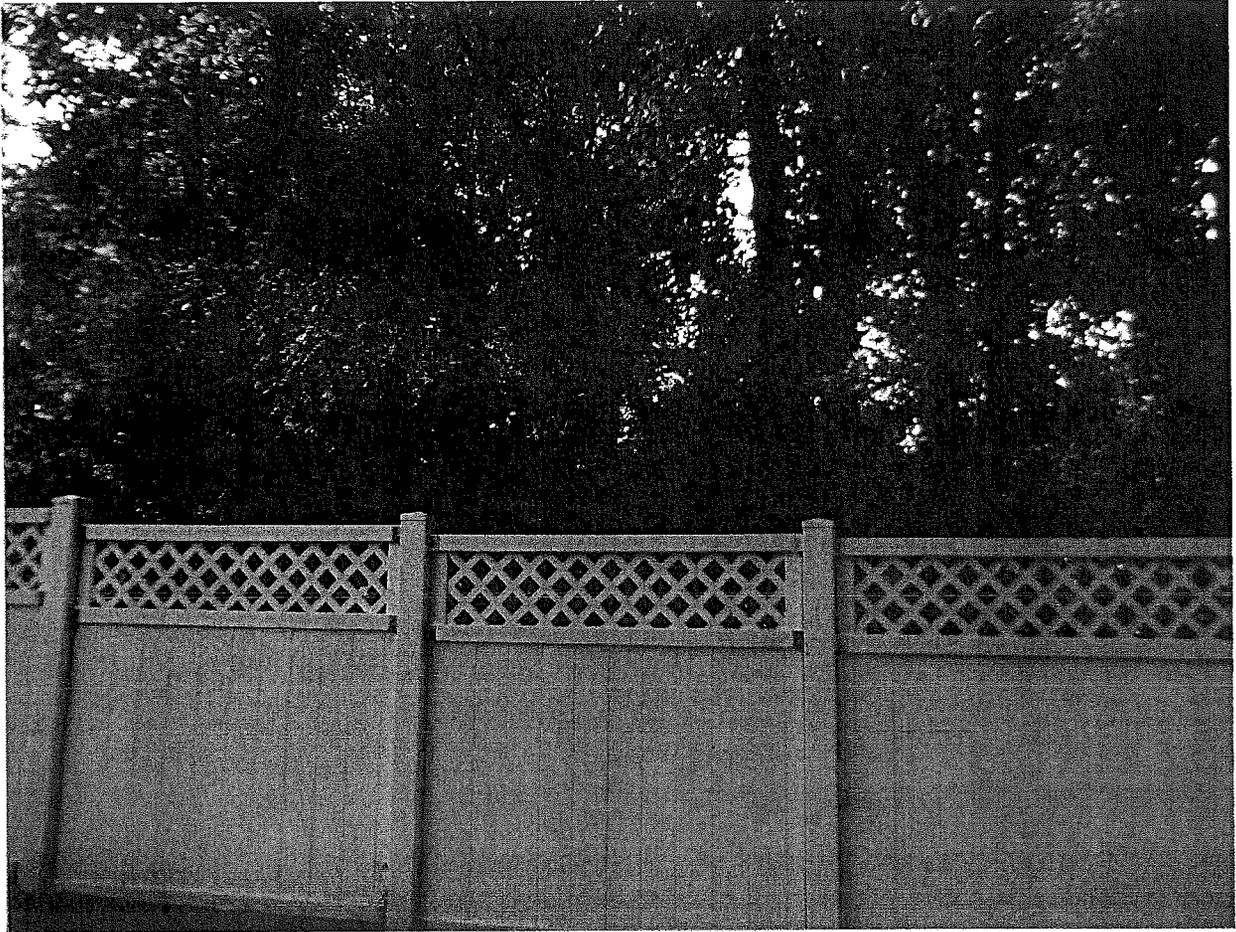
Picture number 37



Picture number 38



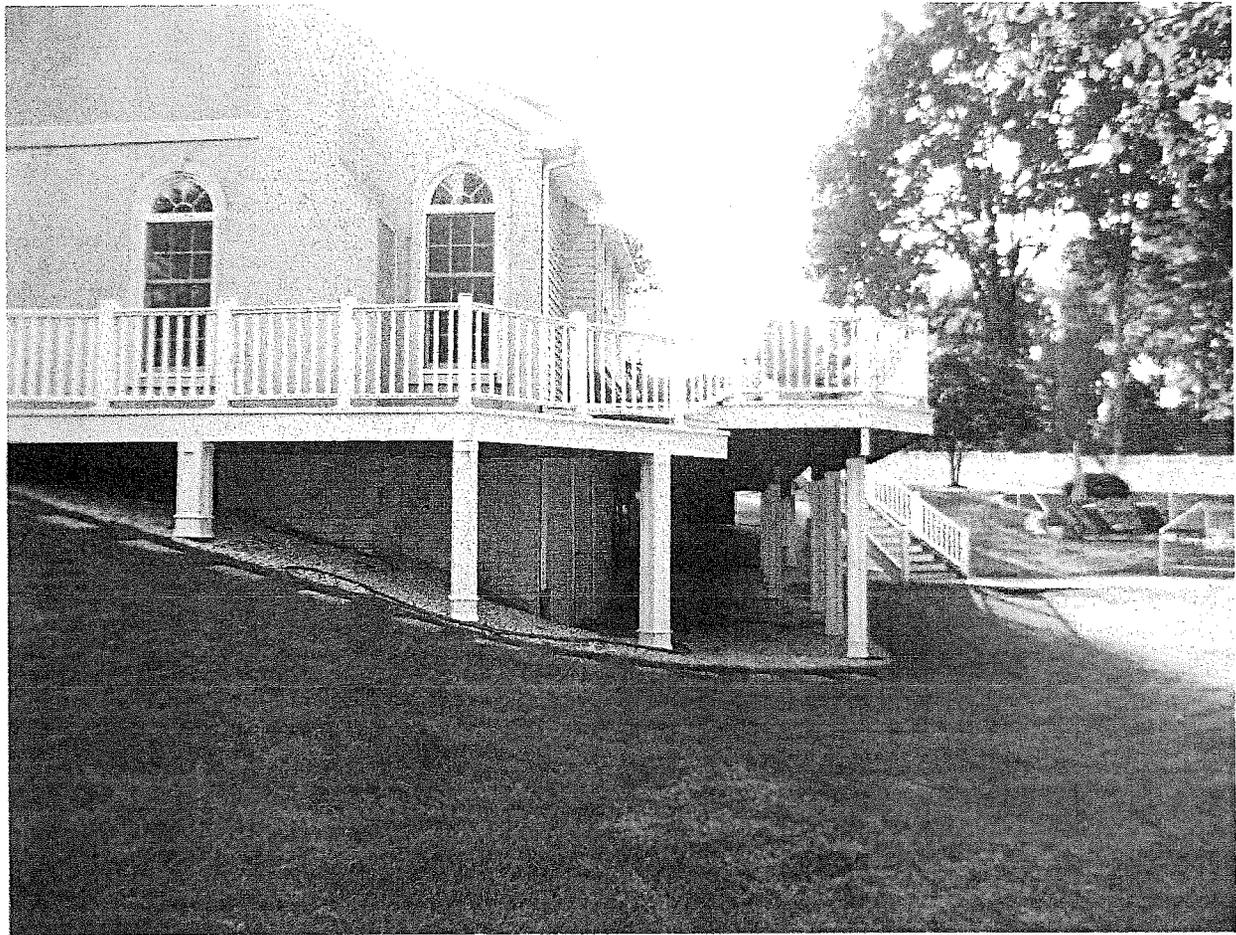
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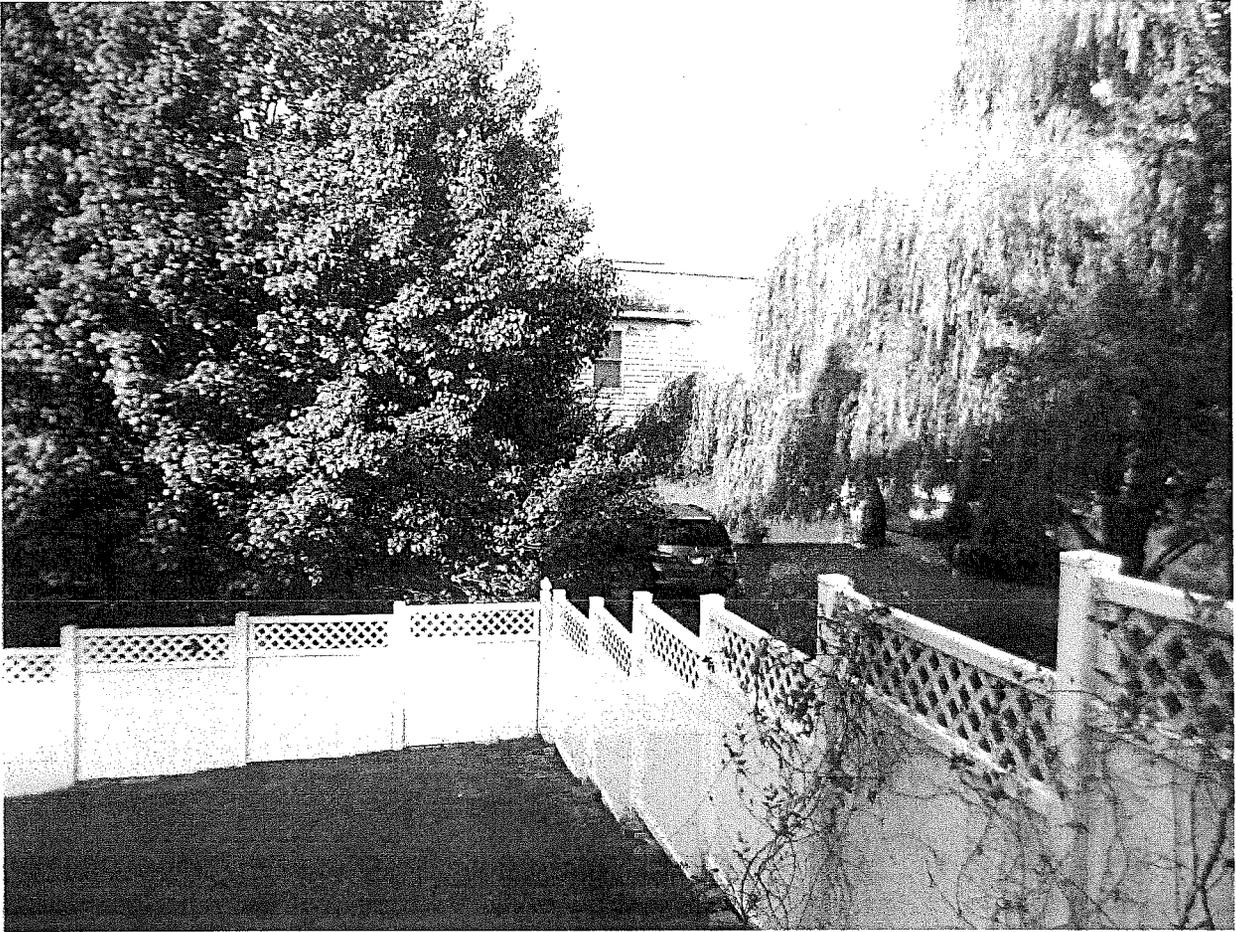
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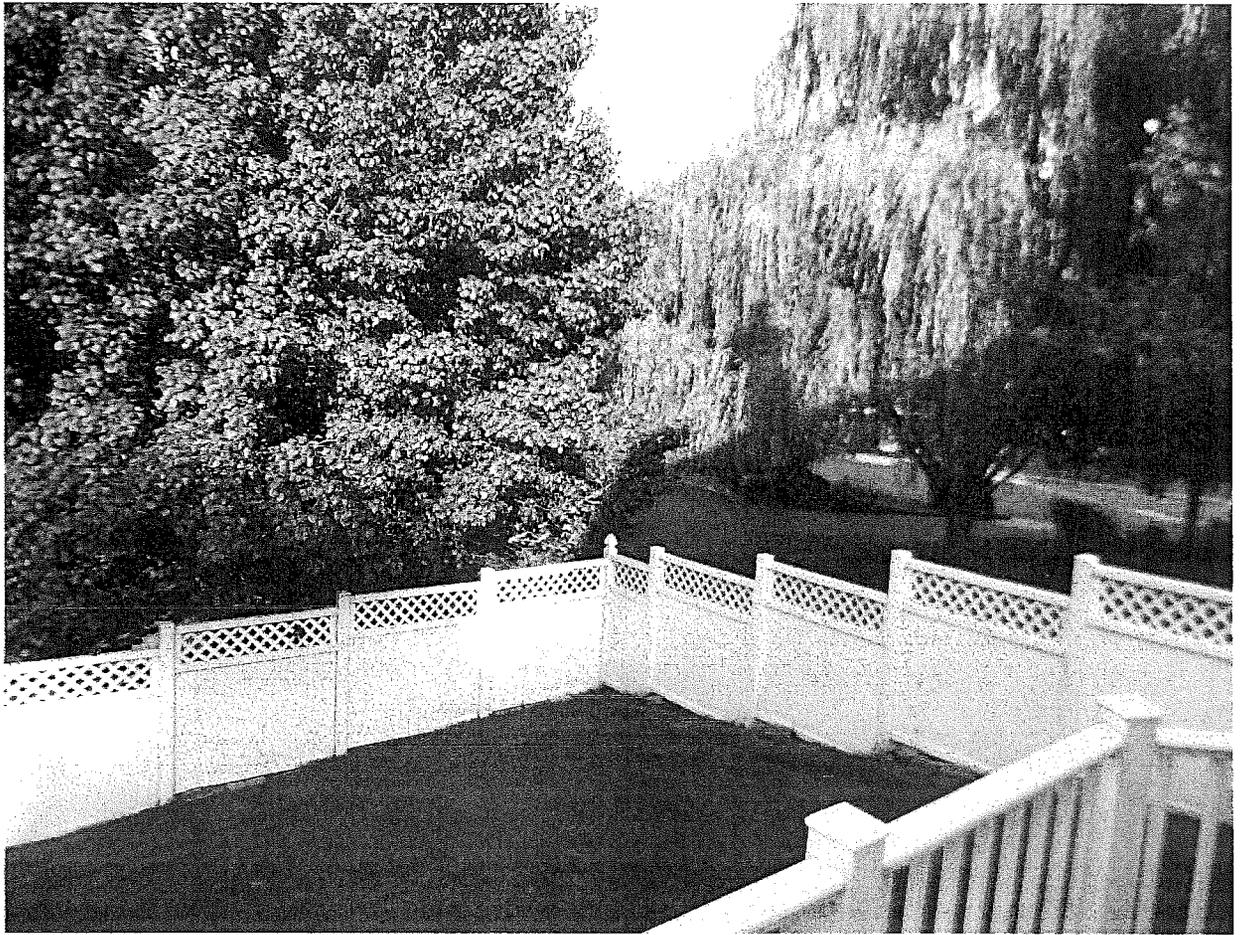
Picture number 49



Picture number 50



Picture number 51



Picture number 52

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval to permit an existing fence 6.0 foot in height (to the top of the posts) to remain in the front yard of a corner lot.

	Structure	Yard	Height Permitted By Right	Maximum Height Requested	Modification Requested
Special Permit	Fence	Front	4.0 feet	6.0 feet	2.0 feet

EXISTING SITE DESCRIPTION

The 37,761 square foot lot is zoned R-1, Cluster, and developed with a 3,605 square foot single family detached dwelling built in 1996. The property contains several trees, shrubs and foundation plantings. There is an in-ground swimming pool in the rear yard and an existing multi-level deck and stairs off the rear of the dwelling.

There is an existing 23.0 foot square concrete pad with 10.0 feet tall basketball standard located 15.0 feet from the front lot line and 10.0 feet from the rear lot line.

Fencing encloses the rear yard and is connected to the primary dwelling. Fencing is 6.0 feet in height to the top of the posts and extends from the dwelling into the front yard of Brittenford Court and along the front lot line toward the rear lot line and continues along the rear lot line, to the side lot line, connecting back to the dwelling.

The lot is accessed via a hard-surfaced driveway that extends from Brittenford Drive and terminates at an attached garage.

CHARACTER OF THE AREA

	Zoning	Use
North	R-1	Open Space (Hunter Mill Overlook Home Owners Association)
East	R-1	Single-Family Detached Dwellings
South	R-1	Single Family Detached Dwellings
West	R-1	Single-Family Detached Dwellings

BACKGROUND

A building permit was issued for the deck and stairs in 1997.

A building permit was issued for the pool in 2001. The applicant indicated that the fence was installed at the same time as the pool. A copy of the building permit for the pool is included in Appendix 4.

The applicant indicates that the concrete pad for the basketball standard was poured at the same time as the pool foundation.

A Notice of Violation (NOV) was issued April 16, 2012, including a fence in the front yard. A copy of the NOV is contained in Appendix 5. The NOV included a violation related to a business operating from the home, which has since ceased operation.

The property is currently under litigation for the fence. A copy of the Agreed Final Order, provided by the County Attorney's Office, is included in Appendix 6.

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

A copy of the special permit plat entitled "10240 Brittenford Drive" prepared by Sunil Taori, Professional Engineer and dated January 10, 2013, is included at the front of the staff report.

ZONING ORDINANCE REQUIREMENTS (Appendix 7)

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

CONCLUSION

If it is the intent of the BZA to approve this application, staff suggests the BZA 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. Swimming Pool Building Permit
5. Notice of Violation, April 16, 2012
6. Litigation Information
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2012-HM-081

February 6, 2013

1. This special permit is approved for the location of a fence in the front yard, a maximum 6.0 feet in height, as shown on the special permit plat prepared by Sunil Taori, Professional Engineer, dated January 10, 2013, 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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

I, Abolhassan Zaramdazchi 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 118528

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)
Abolhassan Zaramdazchi	10240 Brittenford Dr. Vienna VA 22182	Applicant
Fariba Javaherian	10240 Brittenford Dr. Vienna VA 22182	title owner
		title 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: Nov 6th | 2012
(enter date affidavit is notarized)

118528

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

118528

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

118528

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 (A.2)

(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)

SPECIAL PERMIT/VARIANCE/AFFIDAVIT

DATE: Nov 6th / 2012.
(enter date affidavit is notarized)

118528

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 A.Z

(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)

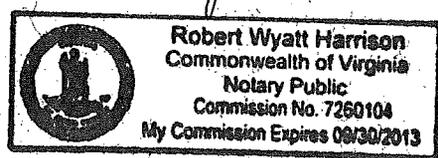
Applicant Applicant's Authorized Agent

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

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

Robert Wyatt Harrison
Notary Public

My commission expires: 9-30-2013



APPENDIX 3

October 22, 2012

RECEIVED
Department of Planning & Zoning
OCT 23 2012
Zoning Evaluation Division

Fairfax County Zoning evaluation division
Department of planning and zoning
12055 government center parkway, suite 801
Fairfax, VA 22035

RE: STATEMENT REQUIRED FOR DEFICIENTCY OF APPLICATION SP 2012-0183

Dear members of Fairfax County Zoning evaluation division

STATEMENT FOR ITEM # 5.08

There are NO hazardous or toxic substances present on this property.

STATEMENT FOR ITEM # 5.00

The maximum existing fence height does not exceed six (6) feet and is within article fence height pursuant to Par. 3l of Sect. 10-104.

The existing fence meets the sight distance requirements contained in Sect. 2-505.

The existing fence was approved by Fairfax county inspectors 12 years ago when the construction of the pool was ended. The existing fence height was and is warranted based upon requirements set forth by Fairfax County for the construction of huge deep pool in the back yard. Factors set forth by Fairfax County included, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of large deep pool in the back yard, topography of the lot. The existing fence was constructed for safety of public, and does not create any noise.

The existing fence height is in character with the existing on-site development and is in harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.

The existing fence height does not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.

The existing fence does satisfy all criteria, including but not limited to imposition of landscaping or fence design requirements.

STATEMENT FOR ITEM #5.09

The existing fence is in harmony with comprehensive plan of our house.

The existing fence use is in harmony with the general purpose and intent of the applicable zoning district regulations for pool use.

The existing fence use is 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.

The existing fence use is 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.

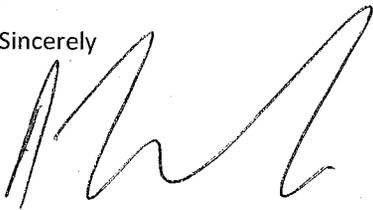
The existing fence is in harmony and has sufficient landscaping and screening in accordance with the provisions of Article 13.

Open space is provided in an amount equivalent to that specified for the zoning district in which the existing fence use is located.

Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use is provided. Parking and loading requirements are in accordance with the provisions of Article 11.

There are NO signs posted on existing fence by the provisions of Article 12.

Sincerely



Abolhassan Zarandazchi

10240 Brittenford drive

Vienna, VA 22182

RECEIVED
Department of Planning & Zoning
OCT 28 2007
Zoning Evaluation Division

July 25TH, 2012

RECEIVED
Department of Planning & Zoning

AUG 02 2012

Zoning Evaluation Division

Fairfax County zoning evaluation division

Department of planning and zoning

12055 government center parkway, suite 801

Fairfax, VA 22035

RE: Statement of Justification to permit existing fence that was approved by Fairfax County in the year of 2000 greater than 4 feet in height to remain in the back yard of a corner lot.

Dear members of Fairfax County zoning evaluation division

I am writing to you this letter because of Fairfax county code inspector Mr. Caudle objection to the height of the existing fence that has been in place for the past 12 years of my house.

This fence was installed because of the large and deep swimming pool in the back yard of my house to comply with Fairfax county rules and regulation.

The inspector of the Fairfax County at the time told us because of the size and depth of the pool we have to have a tall fence so children would not be able to get into your back yard.

As a home owner I was hoping to install a short in height fence for my yard, but because of the Fairfax county inspector I was forced to place this existing fence.

After the completion of pool and installed fence in the year of 2000, the inspectors of the Fairfax County visited our house and checked the fence height, the pool, the doors, and gates of our house. The project was approved by Fairfax County zoning department and the records exist in Fairfax county records department from the year 2000.

The fence was also approved by the home owners association of the Hunter Mill Estates in the year of 2000.

The existing fence is a well built, tastefully designed and matches the color and architecture of the house.

I believe it is unfair and unjust for the Fairfax County to approve a project in the year 2000 and after 12 years in the year 2012 to have an objection to their own statements and penalize the resident for the counties actions.

Please accept this letter for the special exception to permit the existing fence for the past 12 years to remain in place at 10240 Brittenford drive Vienna, VA 22182.

Sincerely



Abolhassan Zarandazchi

10240 Brittenford Drive

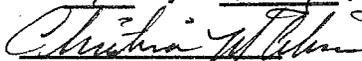
Vienna, VA 22182

703-628-2020



Commonwealth of Virginia
City/County of Fairfax

Sworn to and subscribed before me on
the 1 day of Aug, 2012



Notary Public's Signature

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: http://www.co.fairfax.va.us/dpwes

PERMIT # 01046 B0730
 FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY
 PLAN # WJ 01-00764
 TAX MAP # 013-4-15-0126

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

JOB LOCATION
 ADDRESS 10240 Brittenford Dr.
 LOT # 126 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Edenway Station Inc
 TENANT'S NAME Montez Mill 847

OWNER INFORMATION OWNER TENANT
 NAME Hassan Zaranda
 ADDRESS 10240 Brittenford Dr.
 CITY Vienna STATE VA ZIP 22182
 TELEPHONE 703-4020-3048

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME Fairfax County Pools
 ADDRESS 1540 Fullerton St
 CITY Springfield STATE VA ZIP 22153
 TELEPHONE 703-451-1660
 STATE CONTRACTORS LICENSE # Class A 18370
 COUNTY BPOL # 049022

APPLICANT Holly Schmitz

DESCRIPTION OF WORK
Inground granite swimming pool
and retaining wall under
2 feet

HOUSE TYPE _____
 ESTIMATED COST OF CONSTRUCTION 118,000.00
 BLDG AREA (SQ FT OF FOOTPRINT) _____
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____
 SEWER SERVICE PUBLIC SEPTIC OTHER
 WATER SERVICE PUBLIC WELL OTHER
 OTHER PLEASE SPECIFY _____

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS _____	EXTER. WALLS _____
# BATHS _____	INTER. WALLS _____
# HALF BATHS _____	ROOF MATERIAL _____
# BEDROOMS _____	FLOOR MATERIAL _____
# OF ROOMS _____	FIN. BASEMENT _____ %
# STORIES _____	HEATING FUEL _____
BUILDING HEIGHT _____	HEATING SYSTEM _____
BUILDING AREA _____	# FIREPLACES _____
BASEMENT _____	

ROUTING	DATE	APPROVED BY
LICENSING	<u>2/15/01</u>	<u>Ky</u>
ZONING	<u>3/2/01</u>	<u>UMA</u>
SITE PERMITS	<u>3/26/01</u>	<u>MIS</u>
HEALTH DEPT.		
BUILDING REVIEW	<u>3-03-01</u>	<u>UMA</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ _____
 FILING FEE - \$ _____
 AMOUNT DUE = \$ 56.00

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

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OUT)
 BY Ky DATE 3/5/01

ZONING REVIEW ZONING CLASS R-1C
 USE SFD
 ZONING CASE # _____

GROSS FLOOR AREA OF TENANT SPACE

YARDS: _____	GARAGE 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
FRONT <u>NC</u>	OPTIONS YES <input type="checkbox"/> NO <input type="checkbox"/>
FRONT <u>NC</u>	REMARKS <u>BUILD INGROUND</u>
L SIDE <u>84'</u>	<u>GRANITE SWIMMING POOL</u>
R SIDE <u>10'</u>	<u>PLANS ATTACHED</u>
REAR _____	

GRADING AND DRAINAGE REVIEW
 SOILS # _____ A B C
 HISTORICAL DISTRICT _____
 AREA TO BE DISTURBED (TOTAL SQ FT) 2,750
 ADD'L IMPERVIOUS AREA (ADDED SQ FT) 4,200
 PLAN # 8129-SD-05 APPR. DATE _____

STAMPS WFF, SPW, PRU 2500
Exmalt
 (See reverse side of application)

REMARKS Placed all coins
not to exceed 2500sqft

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

Holly Schmitz 2-15-01
 Signature of Owner or Agent Date
Holly Schmitz, Agent
 Printed Name and Title
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit:
 I, _____
 a Notary Public in the State and County aforesaid, do certify that _____
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____.
 My commission expires the _____ day of _____, 20____.
 (Notary Signature)

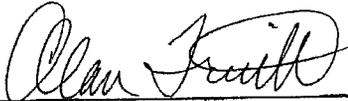
March 2, 2001

Town & Country Pools, Inc.
7540 Fullerton Ct
Springfield, VA, 22153

Gentleman,

Toll Brothers at Hunter Mill Estates gives permission to Town & Country Pools to access the Zaranda property at 10240 Brittenford Drive through Toll owned roads.

Signed



Alan Truitt
Project Manager



County of Fairfax, Virginia

Return Copy

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: April 16, 2012

SHERIFF'S LETTER

CASE #: 201201770 **SR#:** 81380

SERVE: Abolhassan Zarandazchi
Fariba Javaherian
10240 Brittenford Drive
Vienna, Virginia 22182

LOCATION OF VIOLATION 10240 Brittenford Drive
Vienna, Virginia 22182-1865
Tax Map #: 18-4 ((13)) 126
Hunter Mill Estates, sec. 4, Lot 126
Zoning District: R-1

Dear Property Owners:

An inspection of the above referenced property on April 10, 2012 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-302 (5) Business in Residential District:

You are allowing a laser hair removal business to operate from the basement of the residence. This business is an office, which is defined in Part 3 of the Article 20 of the Fairfax County Zoning Ordinance in part as:

Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting , correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen sales representative or manufacturer's representatives; or the conduct of a business by professionals such as engineer's, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, certified massage therapists in accordance with Chapter 28.1 of the Code,

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

dentists, or physicians, urban planners and landscape architects.

An office is not a permitted use in the R-1 District. Therefore, you are in violation Par. 5 of the Sect. 2-302 of the Zoning Ordinance that states:

No use shall be allowed in any district which is not permitted by regulations for the district.

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

- Removal of all related supplies, materials, and equipment associated with this business from the residence.

§ 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 5.5 - 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 fence to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

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 which can result in court ordered sanctions.

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.

Zarandazchi Abolhassan
Fariba Javaherian
April 16, 2012
Page 4

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-9327 or (703)324-1300.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Caudle". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Michael Caudle
Code Compliance Investigator

PERSONAL SERVICE

Being unable to make personal service a copy was delivered in the following manner:

Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information of it's purport. List name, age of recipient, and relation of recipient to party named above.

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

Served on a Secretary of the Commonwealth

Not found

Pfc. P.H. Cameron
SERVING OFFICER

4/12/02
DATE

for **Stan G. Barry, Sheriff**
Fairfax County, VA

PERSONAL SERVICE

Being unable to make personal service a copy was delivered in the following manner:

Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

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Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

Served on a Secretary of the Commonwealth

Not found

Pfc. P.H. Cameron
SERVING OFFICER

4/12/02
DATE

for **Stan G. Barry, Sheriff**
Fairfax County, VA



County of Fairfax, Virginia

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

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

December 12, 2012

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

Re: Johnson v. Zarandazchi, et al.; CL 2012-15184

Dear Mr. Frey:

Enclosed please find a proposed Agreed Final Order that would resolve the above referenced matter. Please forward this Order to the appropriate law clerk for review and entry by a Judge.

Please do not hesitate to call with any questions or concerns. Thank you for your time and attention to this matter.

Very truly yours,

Sara G. Silverman
Assistant County Attorney

cc: Abolhassan Zarandazchi
Fariba Javaherian

RECEIVED
DEC 12 PM 3:30

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

**LESLIE B. JOHNSON, FAIRFAX COUNTY
ZONING ADMINISTRATOR,**

Plaintiff,

v.

ABOLHASSAN ZARANDAZCHI

and

FARIBA JAVAHERIAN,

Defendants.

CASE NO. CL-2012-15184

RECEIVED 12 PM 3:30

AGREED FINAL ORDER

THIS CAUSE came before the Court at the request of Plaintiff Leslie B. Johnson, Fairfax County Zoning Administrator ("Zoning Administrator"), and Defendants, Abolhassan Zarandazchi and Fariba Javaherian ("Defendants"), for the entry of this Agreed Final Order; and

IT APPEARING TO THE COURT that the property owned by the Defendants that is the subject of this lawsuit is located at 10240 Brittenford Road, Vienna, Virginia 22182 (Tax Map No. 18-4((13)) parcel 126) ("subject property"), contains approximately 37,761 square feet, and is zoned to the R-1C District (Residential District, One Dwelling Unit/Acre with Cluster Development); and

IT FURTHER APPEARING TO THE COURT that the Defendants are maintaining an accessory fence exceeding four feet in height in the front yard of the subject property in violation of the Fairfax County Zoning Ordinance ("Zoning Ordinance") §§ 2-302(6) and 10-104(3)(B); and

IT FURTHER APPEARING TO THE COURT that the Defendants have submitted a full and complete application for a Special Permit for an increase in fence height in their front yard from the Fairfax County Board of Zoning Appeals ("BZA") to permit the accessory fence to remain in its present location at up to 6 feet in height on the subject property, which has been assigned application number SP 2012-HM-081 by the Fairfax County Department of Planning and Zoning, ("Special Permit"); and

IT FURTHER APPEARING TO THE COURT that the Zoning Administrator and the Defendants have agreed to settle this case under the terms and conditions set forth below as evidenced by the endorsements hereon of the Defendants and counsel for the Zoning Administrator; and

IT FURTHER APPEARING TO THE COURT that the parties hereto agree that the terms of this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the Zoning Administrator and the Defendants with the approval of this Court; and

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

ADJUDGED and ORDERED as follows:

1. The establishment and/or maintenance of the accessory fence exceeding four feet in height in the front yard of the subject property violates Zoning Ordinance §§ 2-302(6) and 10-104(3)(B); and
2. The Defendants shall diligently and expeditiously pursue the BZA's approval of their Special Permit application, cooperate in scheduling the earliest possible hearing date on the application, and satisfy all requests and conditions of the BZA and

County Staff relative to the Special Permit application and the approved Special Permit within 14 days, if no other time is specified by the BZA, and the parties agree that the failure to comply with this provision shall be considered a failure to diligently pursue the BZA's approval of such application and/or a failure to comply with any conditions imposed on an approved Special Permit; and

3. If the Defendants fail to obtain the BZA's approval of the Special Permit application, fail to diligently pursue the BZA's approval of such application, and/or fail to comply with any conditions imposed on an approved special permit, the Defendants shall, within 30 days after the first to occur of these events, (1) permanently remove the accessory fence that exceeds four feet in height in the front yard from the subject property to a lawful site or (2) permanently reduce the height of the accessory fence to no more than four feet and leave it in its present location on the subject property; and

4. The Zoning Administrator, in her sole discretion, may agree to extend the deadlines set forth herein as long as such agreement is in a writing signed by the Zoning Administrator; and

5. Subject to the times set forth herein for remediation, the Defendants, their agents, employees, and/or tenants are permanently enjoined from constructing, maintaining and/or allowing the maintenance on the subject property of an accessory fence that exceeds four feet in height in the front yard of the subject property at any time in the future in violation of Zoning Ordinance §§ 10-104(3)(B) and 2-302(6) without the approval by the BZA of a Special Permit permitting the accessory fence exceeding four feet in height to be located in its present location; and

6. Subject to the times set forth herein for remediation, establishment and/or maintenance on the subject property of an accessory fence that exceeds 4 feet in height and is located in the front yard at any time in the future in violation of Zoning Ordinance §§ 10-104(3)(B) and 2-302(6) is permanently enjoined without the approval by the BZA of a Special Permit permitting the accessory fence to be greater than 4 feet in height and located in its present location; and

7. Should the BZA approve a Special Permit permitting the accessory fence to be located in its present location at greater than 4 feet in height, the Defendants shall promptly comply with all terms and conditions imposed by the BZA on the approved Special Permit, including any reduction in height to the accessory fence; and

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

9. If the Defendants and/or their agents, employees, tenants, and/or successors-in-interest fail to comply with any of the provisions set forth in this Agreed Final Order, they, he, she, or it shall pay \$100 to the County of Fairfax (delivered to the Office of the County Attorney in the form of a certified check made payable to the "County of Fairfax") for each day the Court finds the subject property is in violation of this Agreed Final Order. Payment of this amount shall be in addition to any sanctions the Court may impose upon a finding of contempt for any violation of this Agreed Final Order; and

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

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

GRANTOR: Abolhassan Zarandazchi; Fariba Javaherian

GRANTEES: Leslie B. Johnson; Fairfax County Zoning Administrator

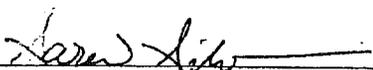
AND THIS ORDER IS FINAL.

ENTERED this _____ day of _____ 2012.

JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

DAVID P. BOBZIEN
COUNTY ATTORNEY

By 

Sara G. Silverman (VSB No. 77317)
Assistant County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035-0064
Telephone: (703) 324-2421
Facsimile: (703) 324-2665
Counsel for Plaintiff Leslie B. Johnson, Fairfax County Zoning Administrator

SEEN AND AGREED:

Abolhassan Zarandazchi
10240 Brittenford Road
Vienna, Virginia 22182
Defendant *Pro se*

SEEN AND AGREED:

Fariba Javaherian
10240 Brittenford Road
Vienna, Virginia 22182
Defendant *Pro se*

\\s17prolaw01\Documents\118156\SGS\469667.doc

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

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

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

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

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