



APPLICATION ACCEPTED: November 7, 2012
BOARD OF ZONING APPEALS: January 30, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 23, 2013

STAFF REPORT

VARIANCE APPLICATION NO. VC 2012-MV-006

MOUNT VERNON DISTRICT

APPLICANT: Brandon W. Winfrey

OWNERS: Brandon W. Winfrey
Shazalynn R. Cavin Winfrey

SUBDIVISION: Belle Haven

STREET ADDRESS: 2200 Windsor Road, Alexandria, 22307

TAX MAP REFERENCE: 83-3 ((14))(21) 32

LOT SIZE: 9,421 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 18-401

VARIANCE PROPOSAL: To permit construction of a deck 3.0 feet from rear lot line and 1.4 feet from side lot line and to permit greater than 30 percent minimum rear yard coverage.

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

O:\vgumk2\SP Cases\1-30 VC 2012-MV-006 Winfrey (Coverage)\VC 2012-MV-006 Winfrey staff report.doc

Laura Gumkowski

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

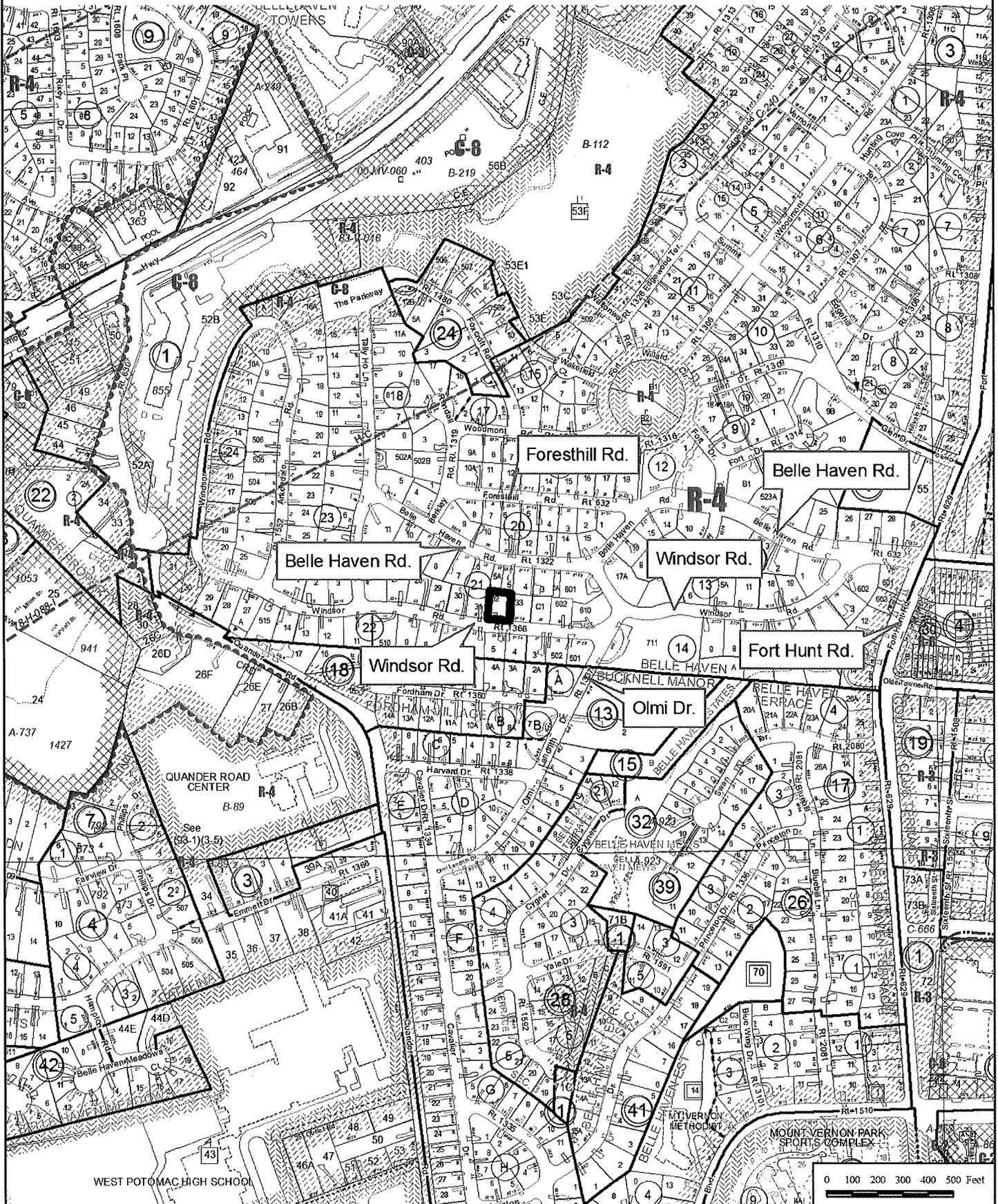
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

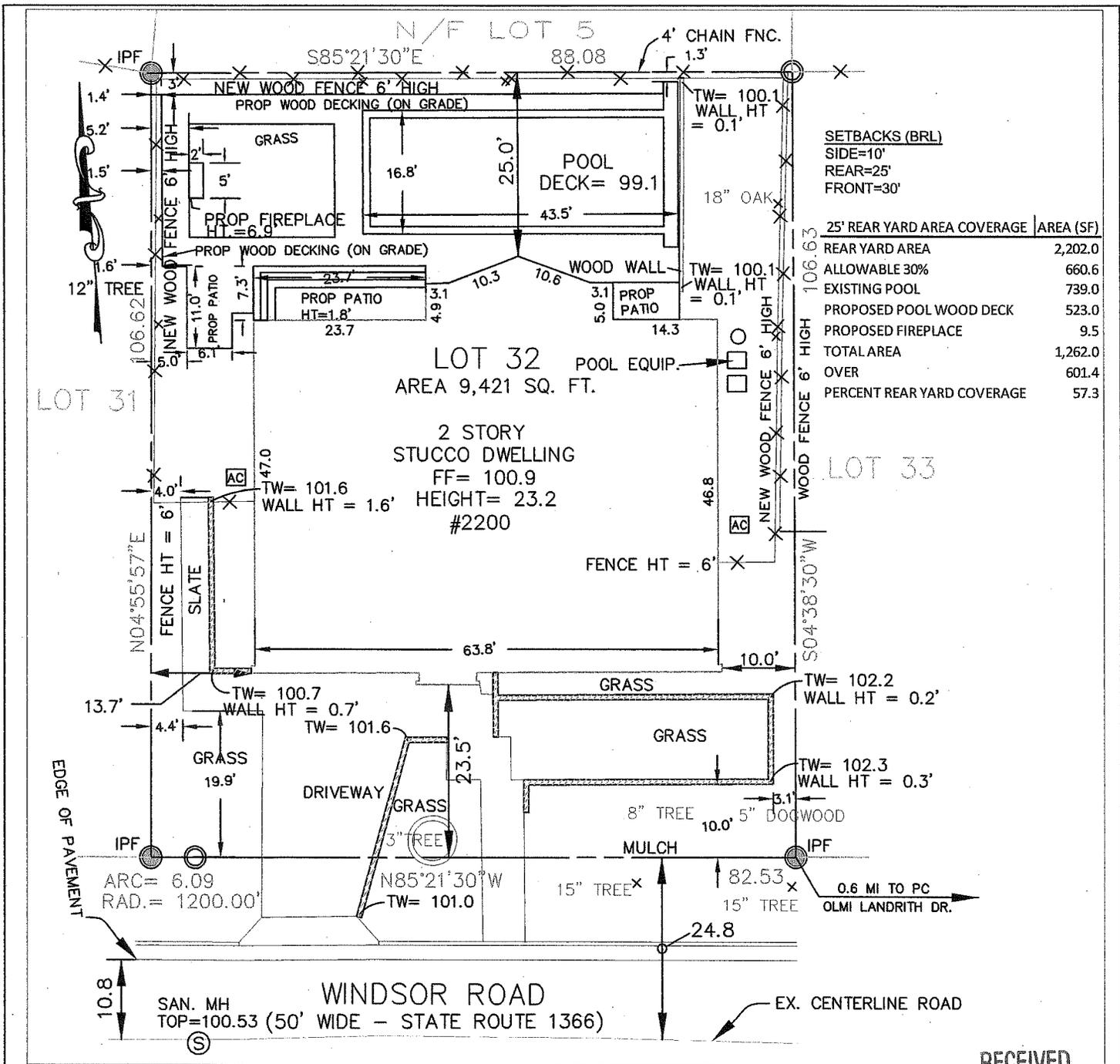


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Variance Application

VC 2012-MV-006
BRANDON W. WINFREY

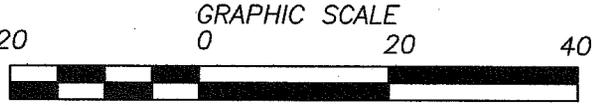




SETBACKS (BRL)
 SIDE=10'
 REAR=25'
 FRONT=30'

25' REAR YARD AREA COVERAGE	AREA (SF)
REAR YARD AREA	2,202.0
ALLOWABLE 30%	660.6
EXISTING POOL	739.0
PROPOSED POOL WOOD DECK	523.0
PROPOSED FIREPLACE	9.5
TOTAL AREA	1,262.0
OVER	601.4
PERCENT REAR YARD COVERAGE	57.3

- NOTES:
1. THE POSITIONS OF ALL EXISTING FEATURES HAVE BEEN ESTABLISHED BY A FIELD RUN SURVEY.
 2. THERE ARE NO EASEMENTS SHOWN ON THE RECORDED PLAT OF SUBDIVISION.
 3. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 4. THE PROPERTY SHOWN HEREON IS ZONED R4.
 5. IPF DENOTES: IRON PIN FOUND
 6. [Hatched Pattern] DENOTES: BRICK WALL
 7. BASED ON FEMA PANEL #51059C0315E, DATED SEPT. 17, 2010, IT APPEARS THAT THE PROPERTY PROPERTY SHOWN HEREON IS LOCATED IN ZONE "X".
 8. CONSTRUCTED DATES: DWELLING 1952, ADDITION 1988, POOL 2011 AND NEW FENCE 2012.



RECEIVED
 Department of Planning & Zoning
 OCT 24 2012
 Zoning Evaluation Division

William Channing Blackwell
 Lic. No. 034348

VARIANCE PLAT
 BELLE HAVEN
 BLOCK 21, SECTION 7, LOT 32
 FAIRFAX COUNTY, VIRGINIA
 MOUNT VERNON DISTRICT
 SCALE: 1" = 20' DATE: MARCH 20, 2012

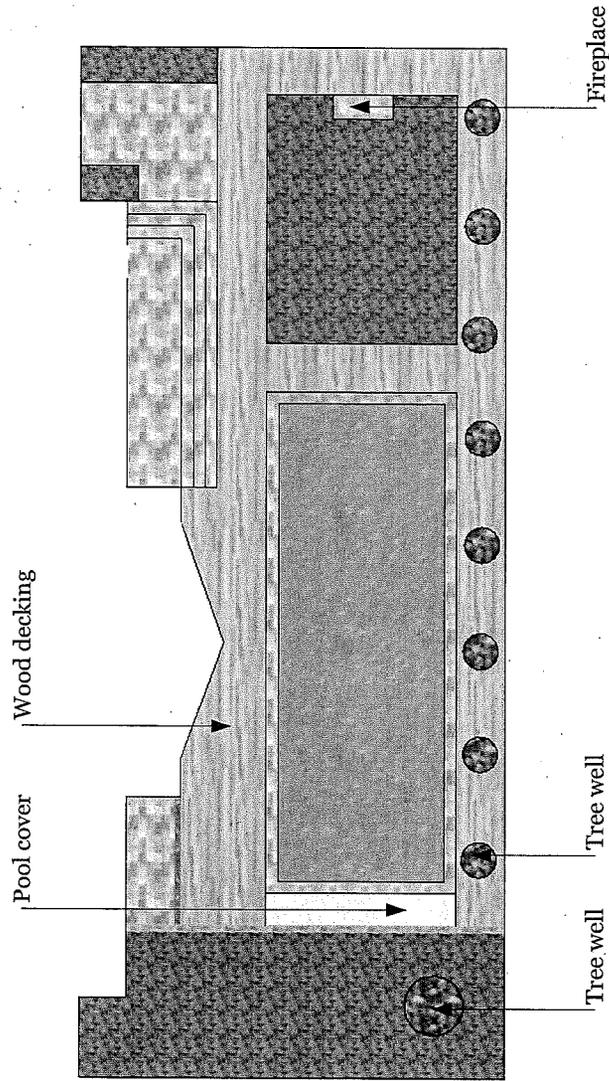
SCW INTERIORS

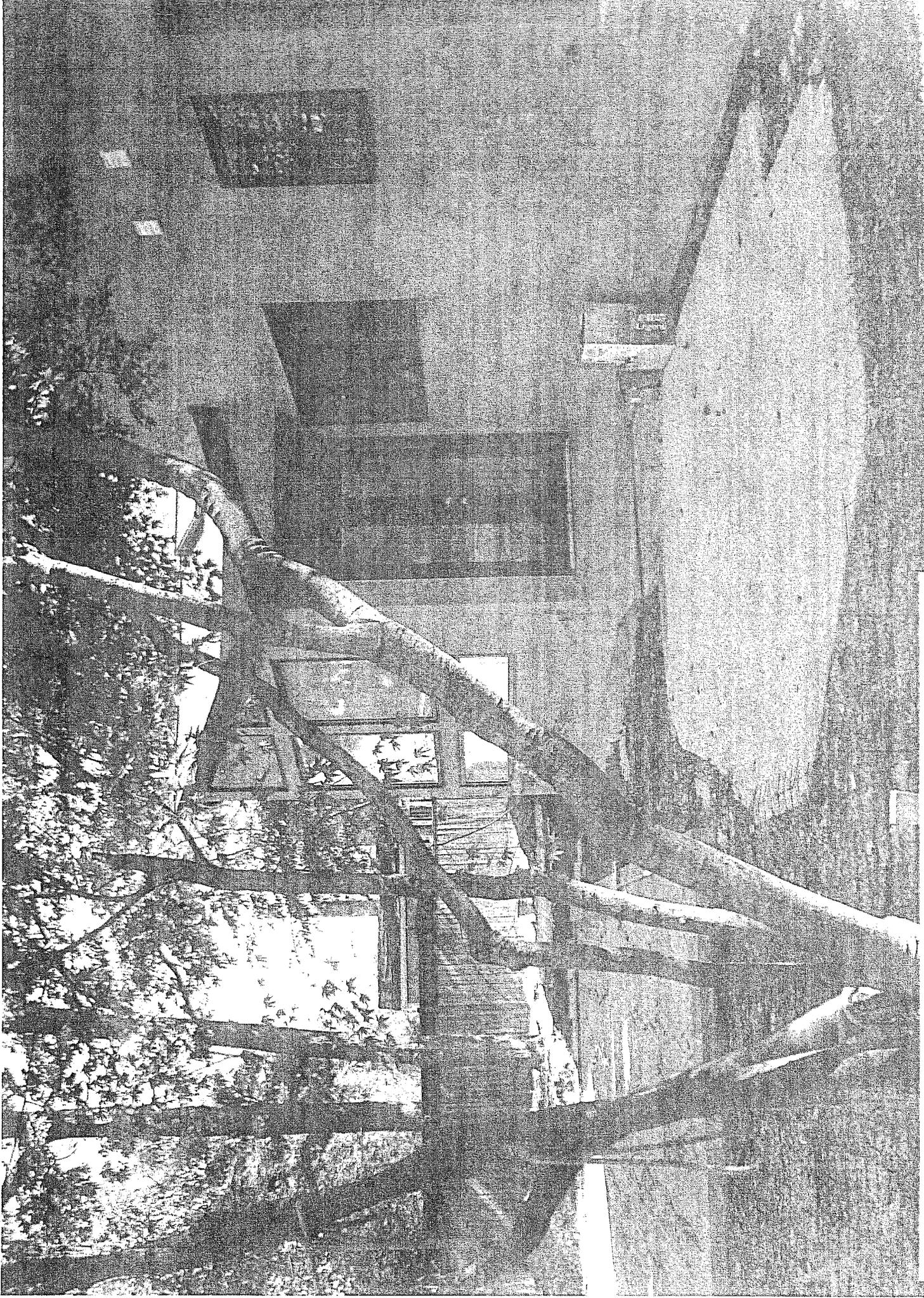
SCW Interiors
228 S Washington Street
Suite B20
Alexandria, VA 22314
Office: 703-549-2449
Fax: 703-299-4605

Backyard

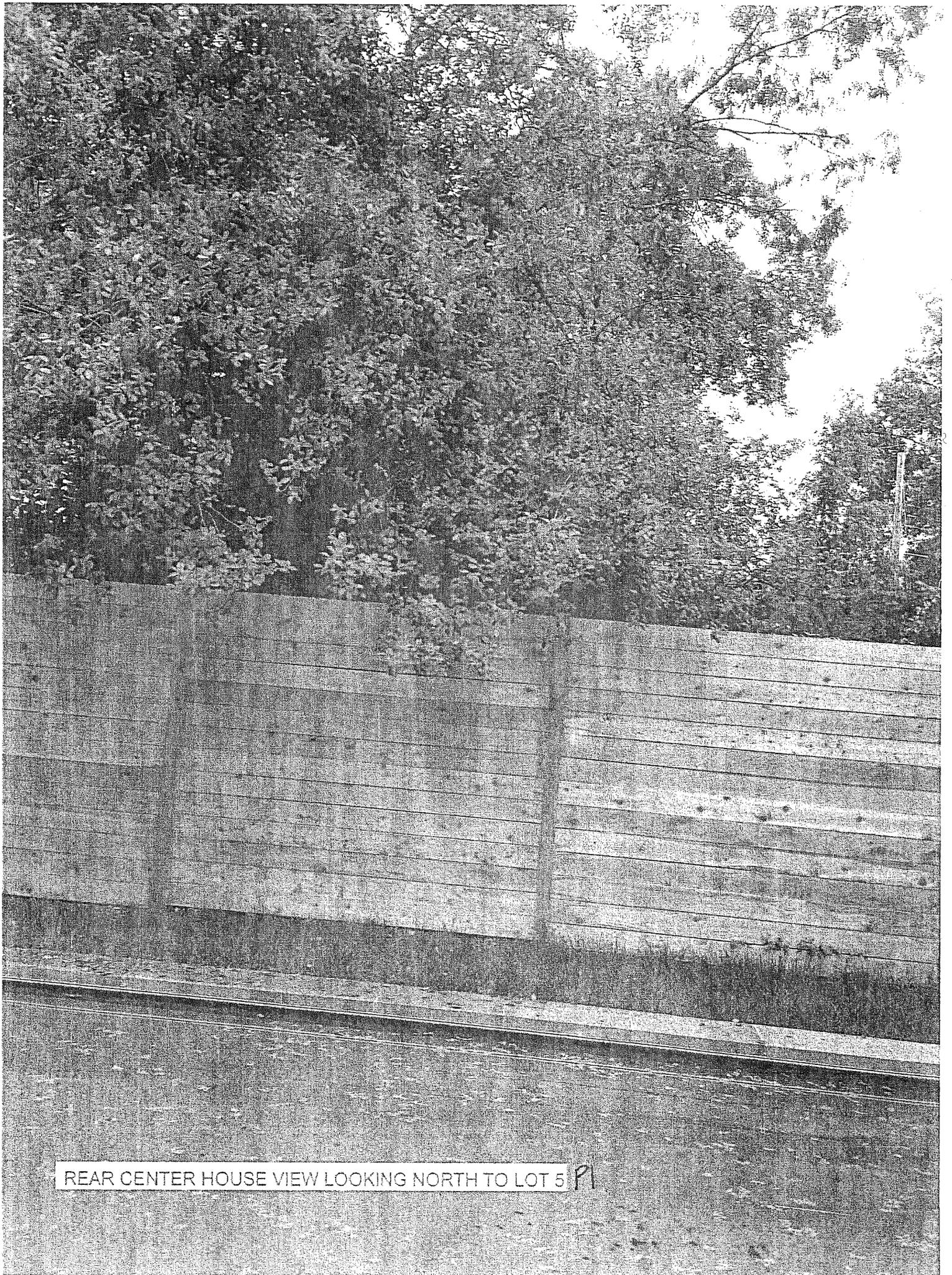
Winfrey Residence
2200 Windsor Road
Alexandria, VA 22307

Scale 1/16" = 1'

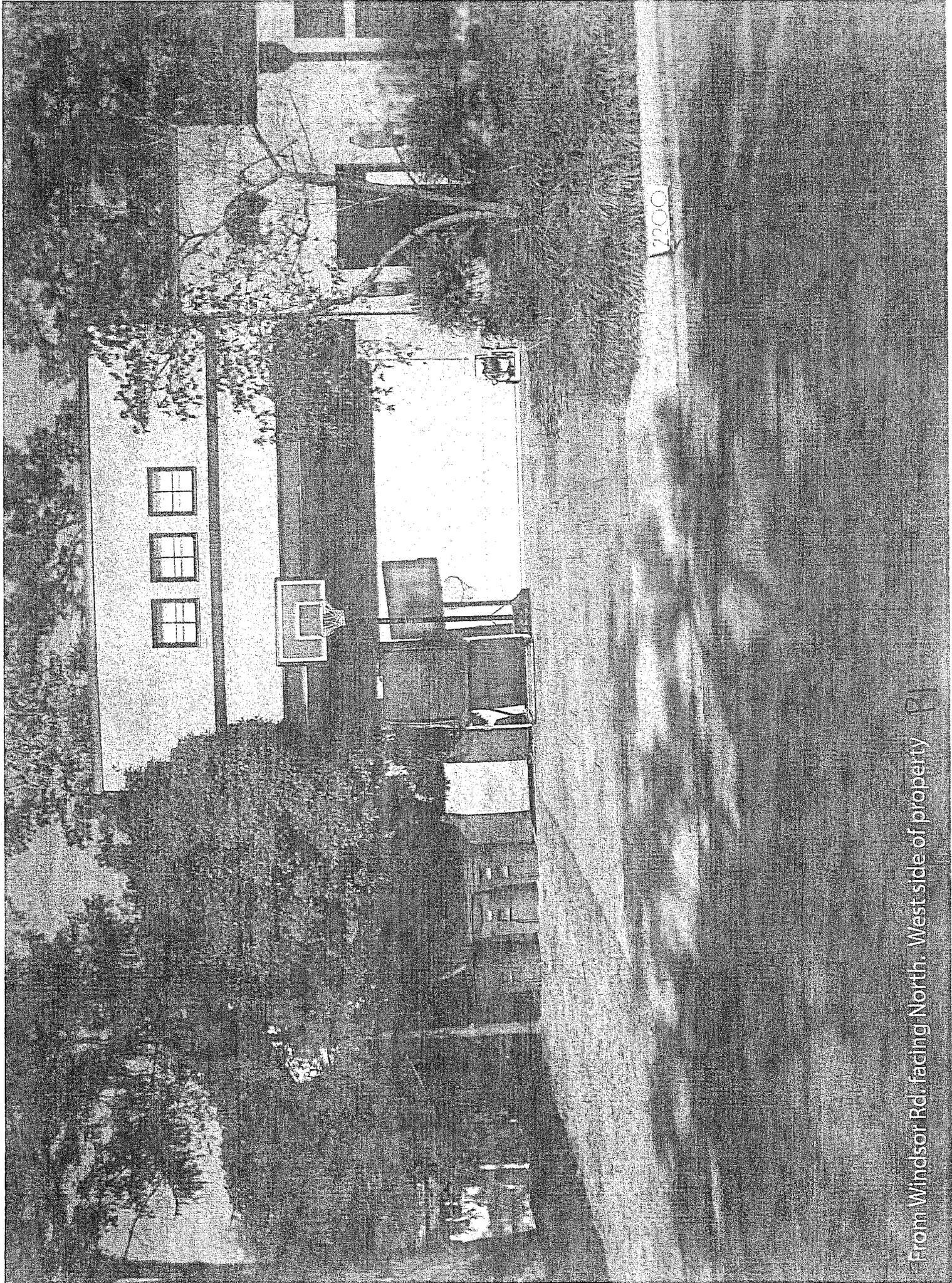




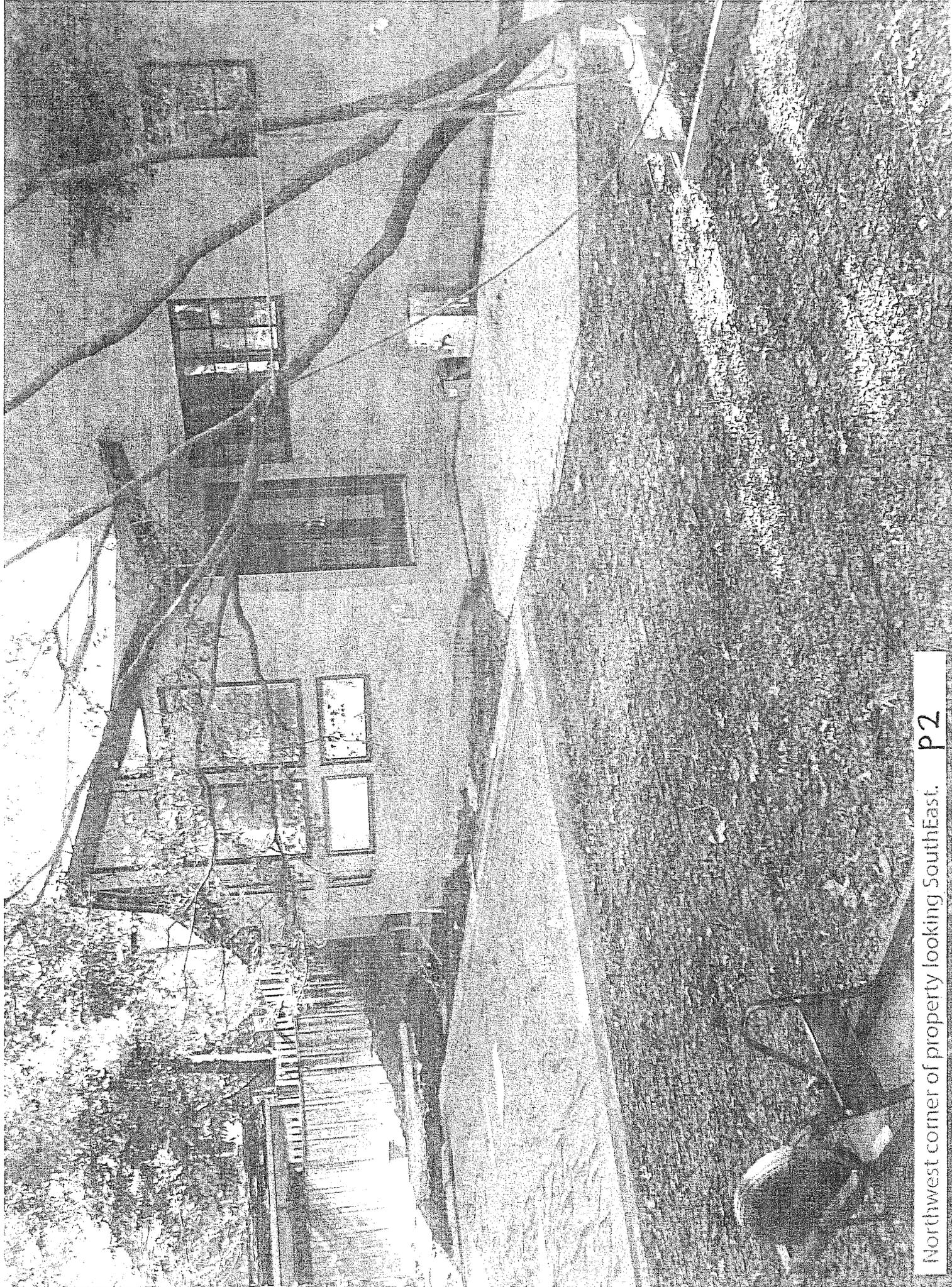
Looking East across rear yard from West property line.



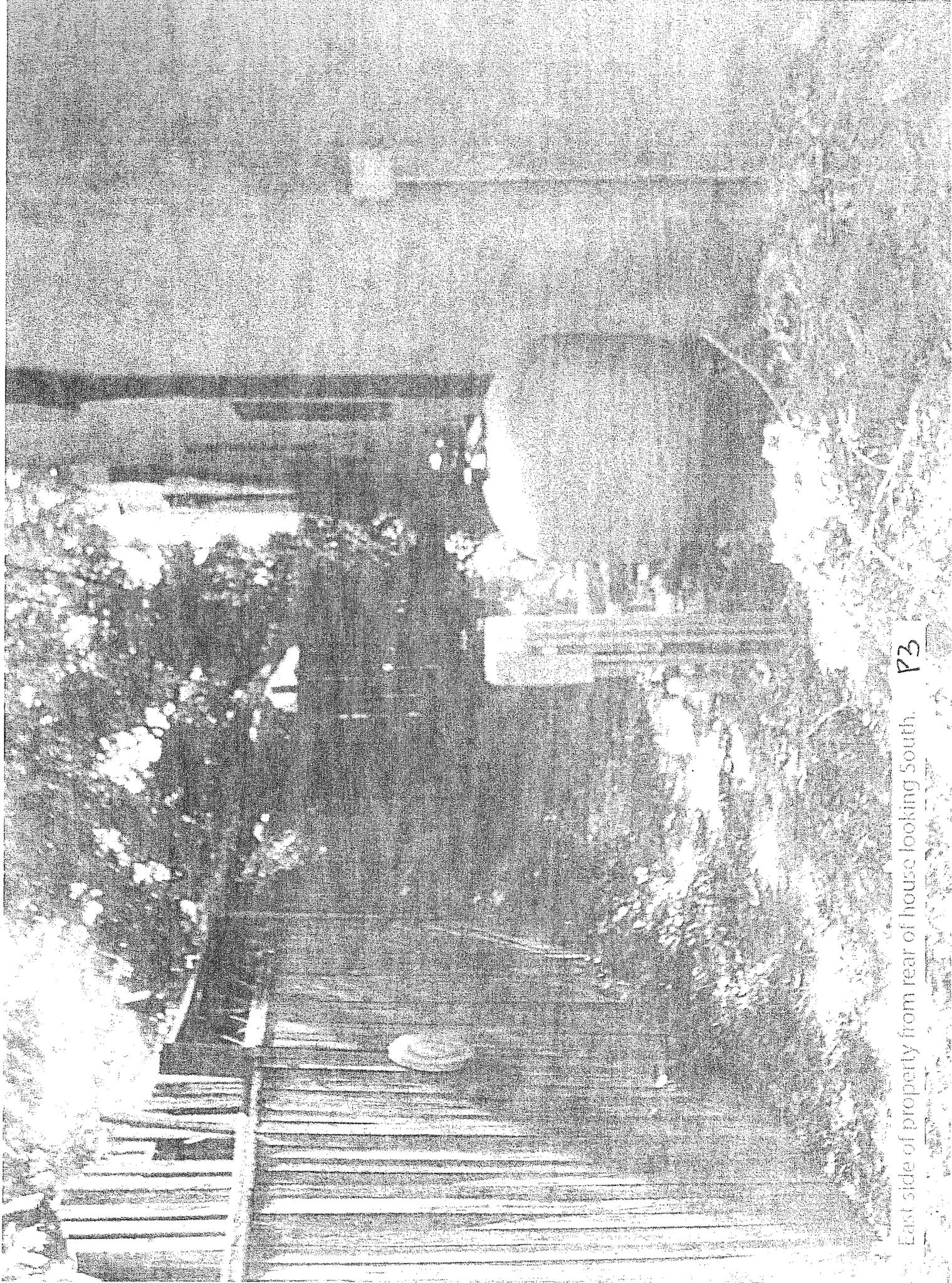
REAR CENTER HOUSE VIEW LOOKING NORTH TO LOT 5 P1



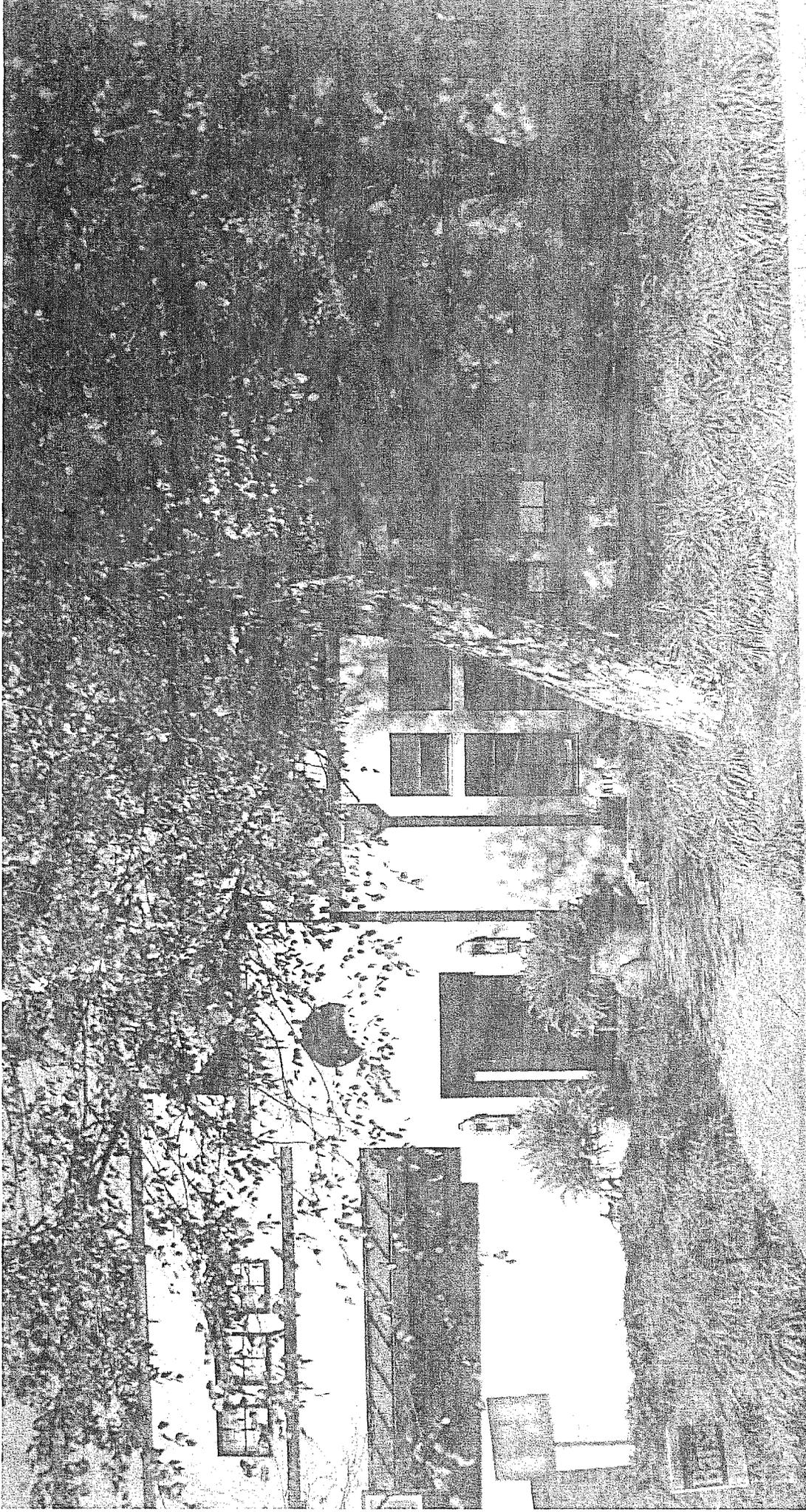
From Windsor Rd. facing North. West side of property



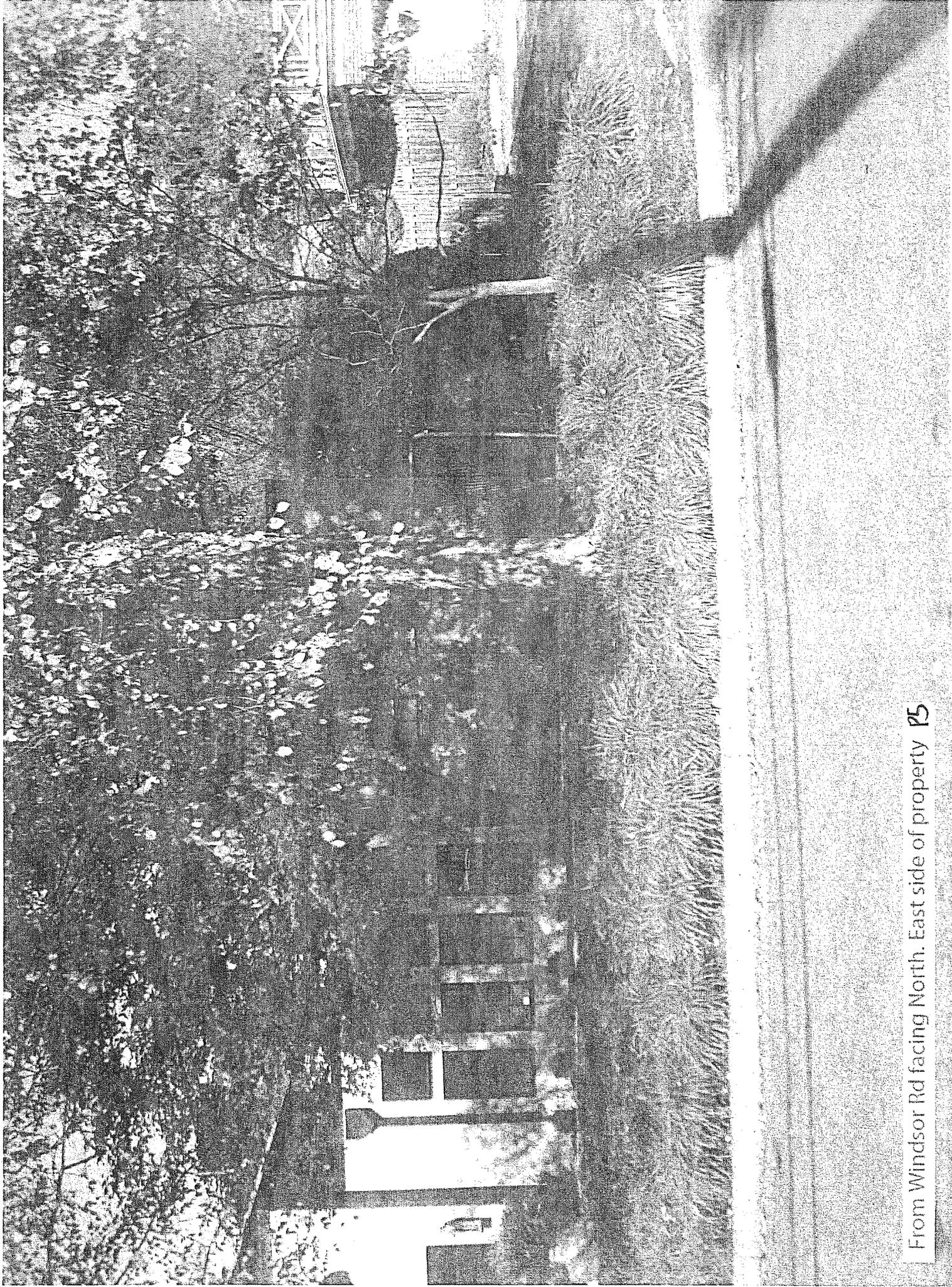
Northwest corner of property looking SouthEast. P2



East side of property from rear of house looking South. P3



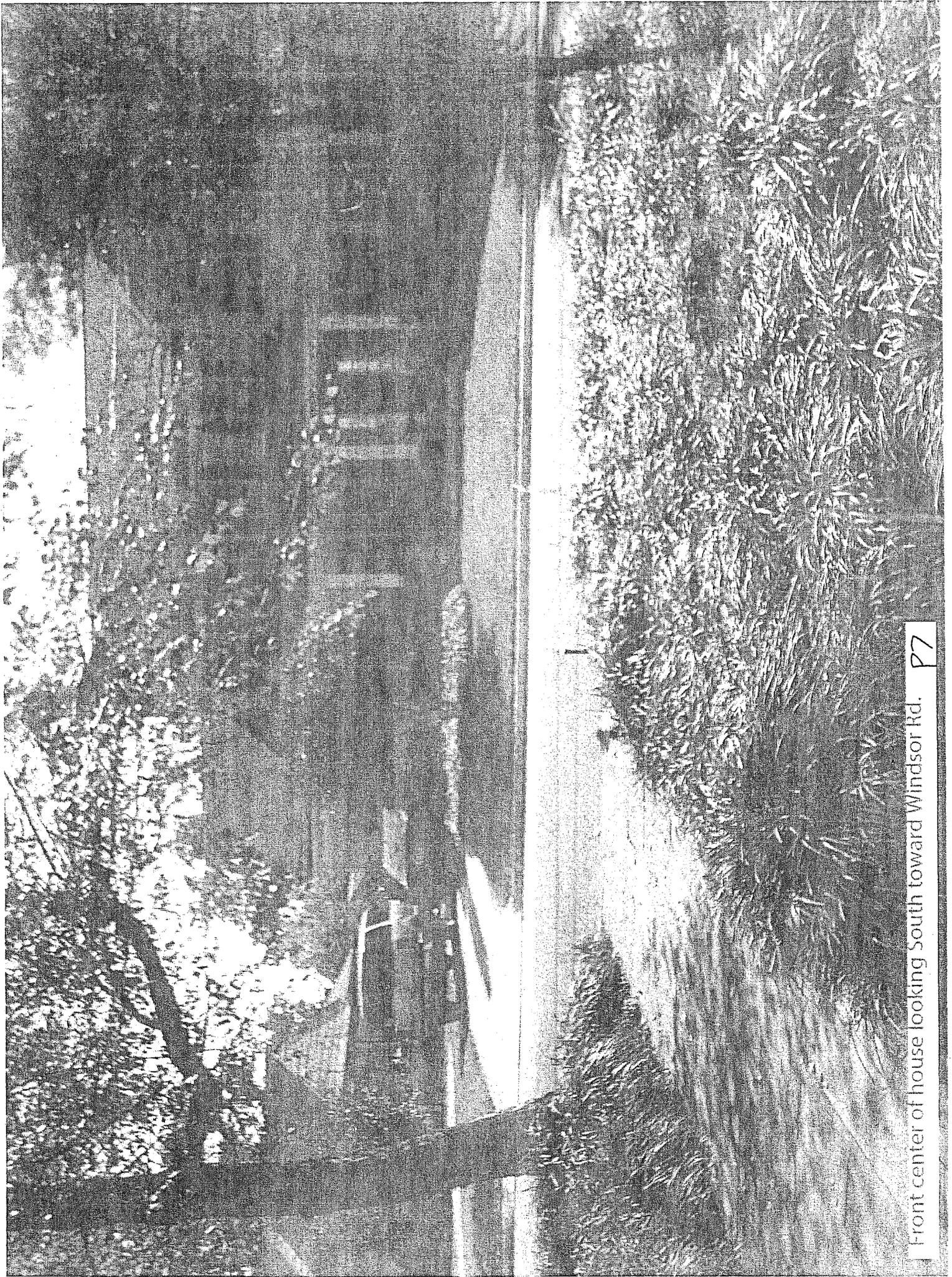
From Windsor Rd. facing North Center of property P4



From Windsor Rd facing North. East side of property P5



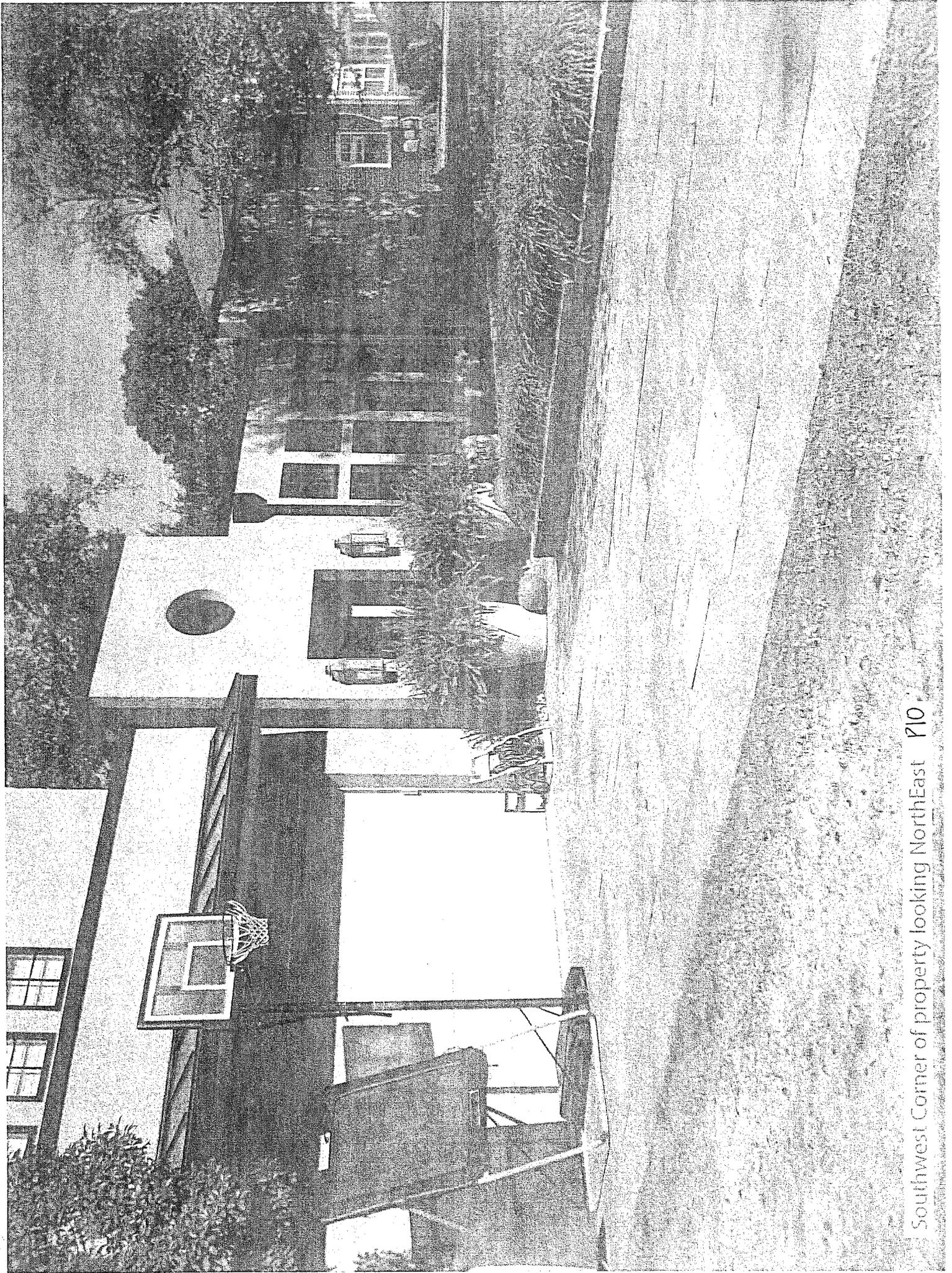
West side of property from front of house facing north toward rear yard. P6



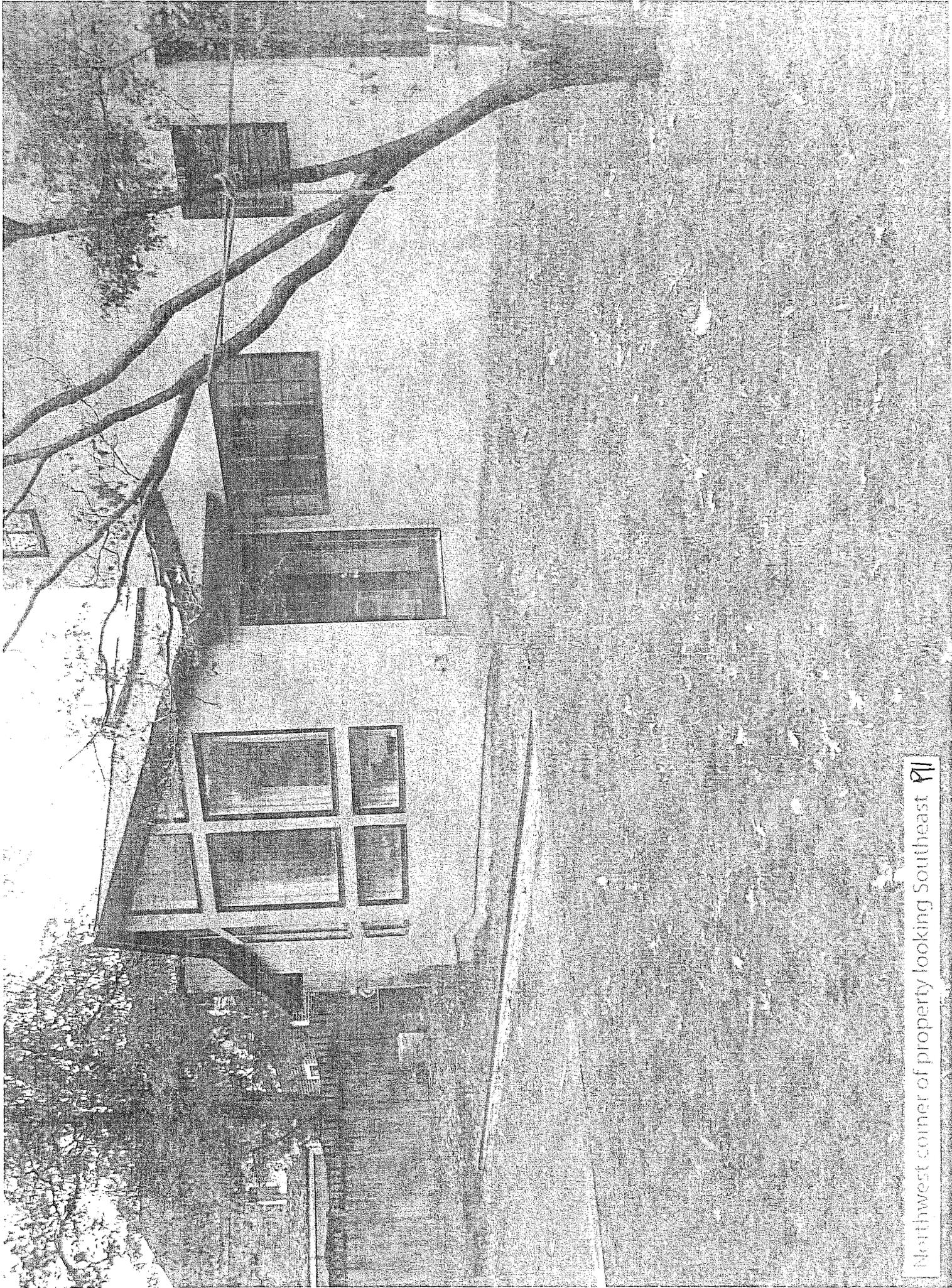
Front center of house looking south toward Windsor Rd. P7



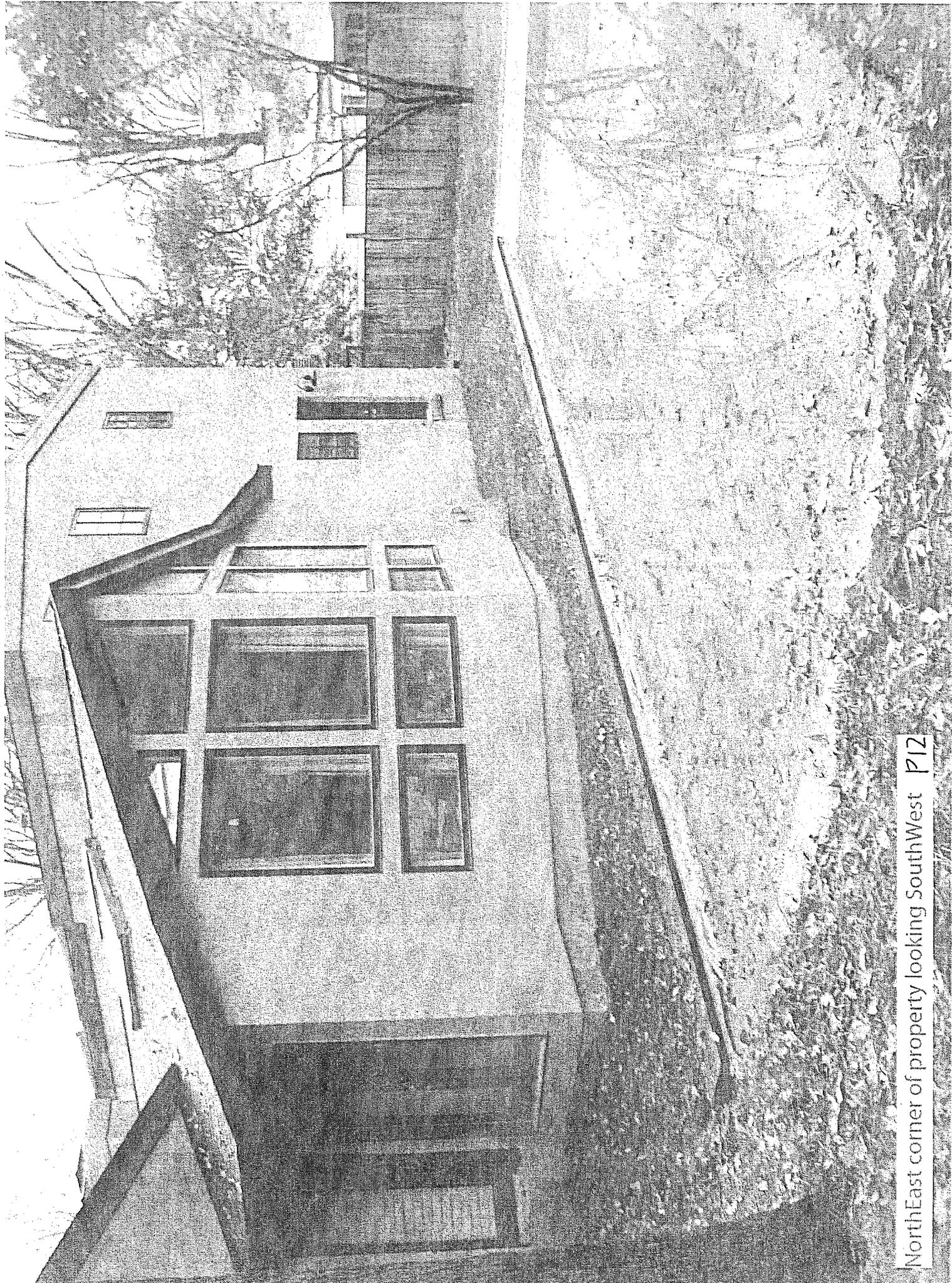
East property line looking West across front yard P8



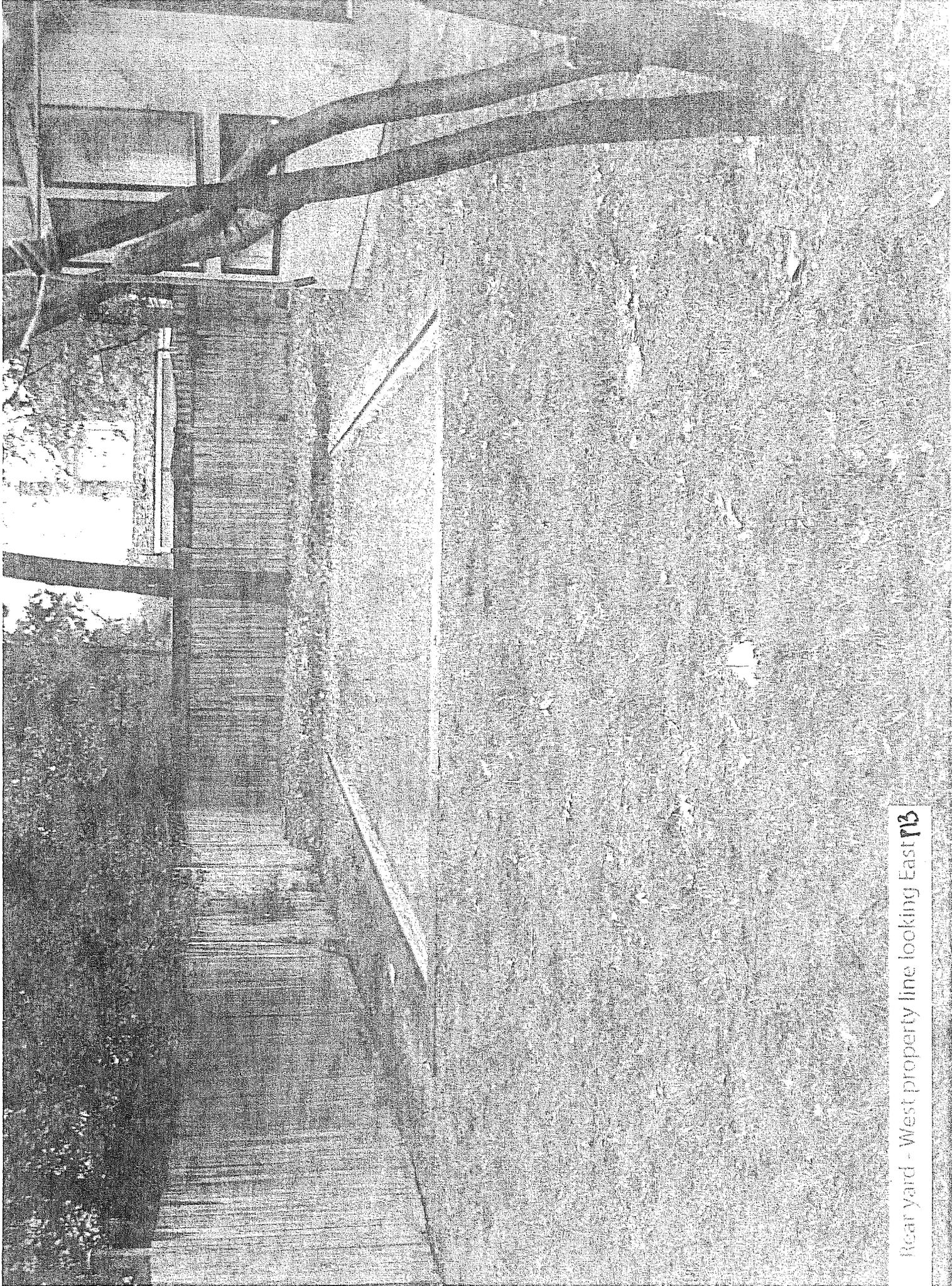
Southwest Corner of property looking NorthEast P10



Northwest corner of property looking Southeast 211



NorthEast corner of property looking SouthWest P12



Rear yard - West property line looking East 13

DESCRIPTION OF THE APPLICATION

The applicant requests variance approval to permit the construction of a deck 3.0 feet from the rear lot line and 1.4 feet from the side lot line.

		Yard	Minimum Yard Required	Permitted Extension	Minimum Yard Permitted	Proposed Location	Reduction Requested
Variance	Deck	Rear	25.0 feet	20.0 feet	5.0 feet	3.0 feet	2.0 feet
Variance	Deck	Side	10.0 feet	5.0 feet	5.0 feet	1.4 feet	3.6 feet

*Minimum yard requirement per Section 2 3-407 & 2-412

The applicant also requests greater than 30 percent minimum rear yard coverage on the application property. Currently, the impervious area in the minimum required rear yard on this site measures 739.0 square feet, or approximately 33.5% rear yard coverage. The existing coverage area includes the pool only which was built with an approved building permit. Please see the Background section of this report for additional information regarding the pool. Through this application, the applicant is asking to add a wood deck around the pool (523 square feet) and a fireplace (9.5 square feet) that will increase the rear yard coverage to 57.7% or a total square footage of 1,271.5 square feet.

EXISTING SITE DESCRIPTION

The application property is zoned R-4, is located in the Belle Haven subdivision, contains 9,421 square feet and is developed with a two story single-family detached dwelling originally constructed in 1952. Access to the site is provided from Windsor Road via an existing concrete paver driveway. The rear of the lot is covered gravel and wire, where grass was formerly planted. Two trees exist in the rear yard. The front yard contains decorative grasses and other mature vegetation. A small area near the house contains a grass area surrounded by concrete blocks which contains sports equipment. A six foot high wooden fence exists along the northern, eastern and western property lines.

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

BACKGROUND

A building permit was issued in July of 1983, for an addition which included a dining room, bedroom, living room and converted a carport into a garage. This same permit also included the construction of a sunroom. The addition reduced the front yards from 35.0 feet to 25.0 feet. In July of 1988, a permit was approved for the construction of a second story addition. According to the building permit there was no change to the first floor footprint of the house. Another permit was granted in November of 1990, to construct a deck for the rear of the house. In April of 2011, a permit was approved to install an in-ground pool. The building permit stated that the proposed pool was less than 30% of the minimum required rear yard. In October of 2011, a Notice of Violation (NOV) was issued to the applicant which stated that the pool and patio in the rear yard exceeded the 30% rear yard coverage maximum. Please see Appendix 4 for relevant building permits and Appendix 5 for a copy of the NOV.

A copy of the submitted plat titled "Variance Plat, Belle Haven, Block 21, Section 7, Lot 32," prepared by William Blackwell, dated March 20, 2012, is included at the front of the staff report.

Although County records indicate that there have been multiple variance and special permit applications approved in the immediate vicinity of the application site, none of the requests have been for rear yard coverage exceeding 30%.

ZONING ORDINANCE REQUIREMENTS (See Appendix 6)

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

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 18-404 Required Standards for Variances

This special permit and variance are subject to Sects. 8-006, 8-903, 8-914 and 18-404 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

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

APPENDICES

1. Proposed Variance Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit History
5. Notice of Violation dated October 24, 2011
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

VC 2012-MV-006

January 23, 2013

1. This variance is approved for the deck and rear yard coverage (57.7%) as shown on the plat prepared by William Blackwell, dated March 20, 2012 as submitted with this application and is not transferable to other land.
2. Prior to commencement of and during the entire construction process, the applicant shall install tree protection fencing around an existing tree in the grass area to the east of the existing pool, to protect this tree from construction activities. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that an inappropriate activity, such as the storage of construction equipment, does not occur within the area.

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

THE ATTACHED AFFIDAVIT

HAS NOT BEEN APPROVED

BY THE OFFICE OF THE COUNTY ATTORNEY

W/C la Rette
12/12/11

Application No.(s): VC 2012-MV-006
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/12/2011
(enter date affidavit is notarized)

I, William Channing Blackwell, 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

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)
Brandon W Winfrey	2200 Windsor RD Alexandria VA 22307	Applicant
Shazalynn R Cavin Winfrey	2200 Windsor RD Alexandria VA 22307	Applicant
William Channing Blackwell	8757 BUCKLAND MILL ROAD GAINESVILLE, VA 20155	Agent

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

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

Application No.(s): VC 2012-MV-006
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/12/2011
(enter date affidavit is notarized)

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

SOLE PROPRIETORSHIP

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): √ C 2012-MV-006
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/12/2011
(enter date affidavit is notarized)

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s):

VC 2012-MV-006

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

12/12/2011

(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):

VC 2012-MV-006

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/12/2011
(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

[x] Applicant's Authorized Agent

William Channing Blackwell

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

Subscribed and sworn to before me this 12 day of December 20 11, in the State/Comm. of Prince William, County/City of

Patricia K Blackwell
Notary Public

My commission expires: 2-10-12

ZONING ORDINANCE STANDARDS FOR A VARIANCE

Pursuant to Section 18-404 of the Zoning Ordinance, in considering a variance, the Board of Zoning Appeals (BZA) makes specific findings based on the evidence before it. The BZA can approve a variance only when it finds that the application satisfies **all of the following enumerated requirements**. *In support of a request for a variance, a detailed explanation of how each of these standards is met should be provided in writing and submitted with the application by the applicant.*

1. That the subject property was acquired in good faith.
 - a. Yes the property was purchased in March 8, 2004 by the applicant

2. That the subject property has at least one of the following characteristics (note: "the effective date of the Ordinance" is August 14, 1978):
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - a. N/A
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - a. The property is shallow, relative to the rear house line
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - a. N/A
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - a. N/A
 - E. Exceptional topographic conditions;
 - a. N/A
 - F. An extraordinary situation or condition of the subject property; or
 - a. N/A
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
 - a. At the time of purchase 90% of the entire backyard was developed with an above grade deck.

3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
 - A. The rear lot line to house is 25 feet. This is very unique and has pushed the rear lot coverage to start practically at the rear house.

4. That the strict application of this Ordinance would produce undue hardship.
 - a. The pool has been constructed in error and exceeds the allowable lot coverage. This lot coverage exceedence is for the pool shell alone. Removal of the pool

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Department of Planning & Zoning

DEC 12 2011

Zoning Evaluation Division

would cost in excess of \$60,000. Additionally, we are requesting additional pool decking, as shown to allow for reasonable use around the pool area. Additionally, a privacy fence of 6 feet tall will be provided to establish an area of visual separation from the proposed in this variance and the surrounding neighbors.

5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - A. Due to the unique nature of the house construction design the allowable rear lot coverage is severely restricted.

6.
 - A. That the strict application of the Zoning Ordinance would *effectively prohibit or unreasonably restrict all reasonable use* (emphasis added) of the subject property, or
 - B. The Winfrey's purchased the lot in good faith with all fees and taxes paid at time of sale. The lot was sold with substantial rear lot coverage of existing wood deck and improvements in well of the minimum rear lot coverage of 30%. While the proposed pool and minimal decking will exceed the rear lot coverage allowance, this is substantially below the purchased amount of rear lot coverage.
 - B. That the granting of a variance will alleviate a clearly demonstrable hardship *approaching confiscation* (emphasis added) as distinguished from a special privilege or convenience sought by the applicant.

7. That authorization of the variance will not be of substantial detriment to adjacent property.
 - A. The included 6' tall privacy fence along with the actual reduction from the pre purchased lot coverage will provide the neighbors with a greater buffer.

8. That the character of the zoning district will not be changed by the granting of the variance.
 - A. This pool and minimal decking is very similar to several lots in the neighborhood.

9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.
 - A. The existing pool and proposed decking is typical of rear yard use and only request is to deal with the unique house location and minimal yard available to the Winfrey's.

BUILDING PERMIT APPLICATION

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

PERMIT # 111100085
 FOR INSPECTIONS CALL: 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp

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

JOB LOCATION
 ADDRESS 2200 WINDSOR RD
 LOT # 72 BUILDING _____
 FLOOR _____ SUITE BIK 21
 SUBDIVISION BELLE HAVEN
 TENANT'S NAME _____
 EMAIL see 7
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME BRANDON WILFREY
 ADDRESS 2200 WINDSOR ROAD
 CITY ALEXANDRIA STATE VA ZIP 22309
 TELEPHONE _____
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME LEWIS AQUATECH
 ADDRESS 14100 WILLARD RD
 CITY CHANTILLY STATE VA ZIP 20151
 TELEPHONE 703-631-7900
 EMAIL _____
 STATE CONTRACTORS LICENSE # 2701-037603A
 COUNTY BPOL # 18-1801
 CONTACT ID 2477477

APPLICANT
 NAME LORRI KRAPPWEIS
 ADDRESS 13211 WRENH HOUSE LAKE
 CITY HERNDON STATE VA ZIP 20191
 TELEPHONE 703-328-4108
 EMAIL _____
 CONTACT ID AC 3382964

DESCRIPTION OF WORK
INGROUND POOL

HOUSE TYPE SFD
 ESTIMATED COST OF CONSTRUCTION \$60,000.00
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____

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

DO NOT WRITE IN GRAY SPACES (COUNTY USE ONLY)

PLANNING	DATE	APPROVED BY
ENGINEERING		
ZONING		
STREET PERMITS		
HEALTH DEPT		
BUILDING REVIEW		
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFESSION		

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

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

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

ZONING REVIEW
 USE SFD
 ZONING DISTRICT R-4 HISTORICAL DISTRICT _____
 ZONING CASE # _____

GROSS FLOOR AREA OF TENANT SPACE
 YARDS: FRONT _____ REAR _____
 GARAGE 1 2 3
 OPTIONS YES NO
 REMARKS build in ground pool

REMARKS
pool less than 30% of min reqd rear yard

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.

Lorri Krappweis (4-20-11)
 Signature of Owner or Agent Date
LORRI KRAPPWEIS 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, _____
 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)



County of Fairfax, Virginia

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: October 24, 2011

SHERIFF'S LETTER

CASE #: 201105196 **SR#:** 74650

SERVE: Brandon W. Winfrey
Shazalynn R. Cavin-Winfrey
2200 Windsor Road
Alexandria, VA 22307

LOCATION OF VIOLATION 2200 Windsor Road
Alexandria, VA 22307-1018
Tax Map #: 83-3 ((14)) (21) 32
Zoning District: R-4

Dear Property Owners:

A zoning inspection conducted, on September 1, 2011, revealed over thirty (30) percent of the minimum required rear yard has been covered with a swimming pool and concrete pad on the above referenced property. The required minimum rear yard requirement for a lot in the R-4 District is twenty-five (25) feet.

A swimming pool and patio are permitted accessory uses in the R-4 District, subject to limitations detailed in Par. 15 of Sect. 10-102 and Par. 3 of Sect. 10-103 of the Fairfax County Zoning Ordinance, which state respectively that:

All uses and accessory structures to single family detached dwellings, to include those extensions permitted by Sect. 2-412, shall cover no more than thirty (30) percent of the area of the minimum required rear yard.

Since, the swimming pool and concrete pad encompasses approximately thirty-two (32) percent of the required minimum rear yard of this lot it is in violation of Par. 6 of Sec. 2-302 of the Zoning Ordinance that states:

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

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 Part 1 of Article 10.

You are, hereby, directed to clear these violations within sixty (60) days of receipt of this Notice. Compliance can be accomplished by the following:

- Reduce the amount of coverage of the required minimum rear yard to comply with the provisions of Par. 3 of Sect. 10-103 as detailed above.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Variance to allow for the swimming pool and concrete patio to remain 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.

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, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party, and any other information you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

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

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1317 or (703) 324-1300.

Sincerely,

Nancy Stallings
Code Compliance Investigator

18-404 Required Standards for Variances

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

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

18-405 Conditions

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