



APPLICATION ACCEPTED: February 25, 2013
DATE OF PUBLIC HEARING: May 15, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

May 8, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-LE-021

LEE DISTRICT

APPLICANT/OWNER: John M. Young

LOCATION: 7503 Mendota Place, Springfield 22150

SUBDIVISION: Springfield

TAX MAP: 80-3 ((2)) (57) 12

LOT SIZE: 16,308 square feet

ZONING: R-3

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction of minimum yard requirements based on error in building location to permit existing accessory structure to remain 0.5 feet from side lot line.

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

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

O:\vgumk2\SP Cases\SP 2013-LE-021 Young Staff Report.docx

Laura Gumkowski

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

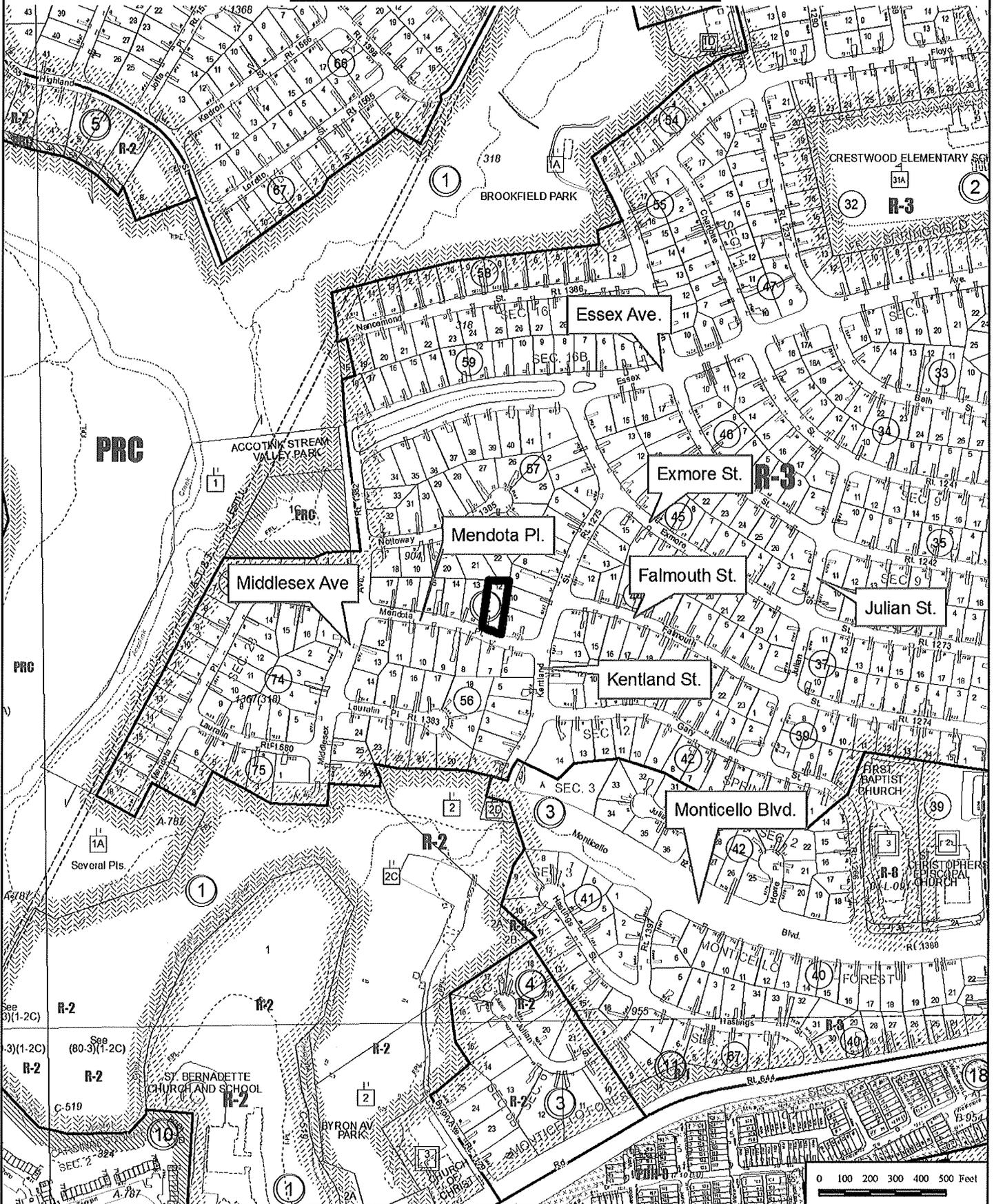


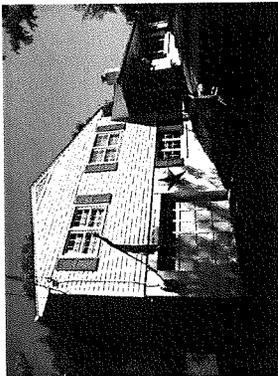
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2013-LE-021

JOHN M YOUNG

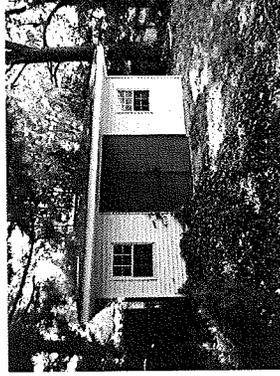




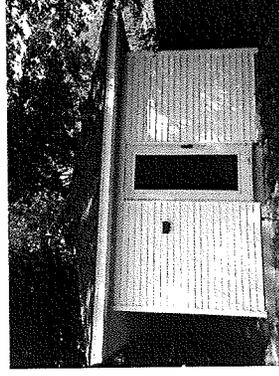
FRONT OF DWELLING 09/20/12



REAR OF DWELLING 09/20/12



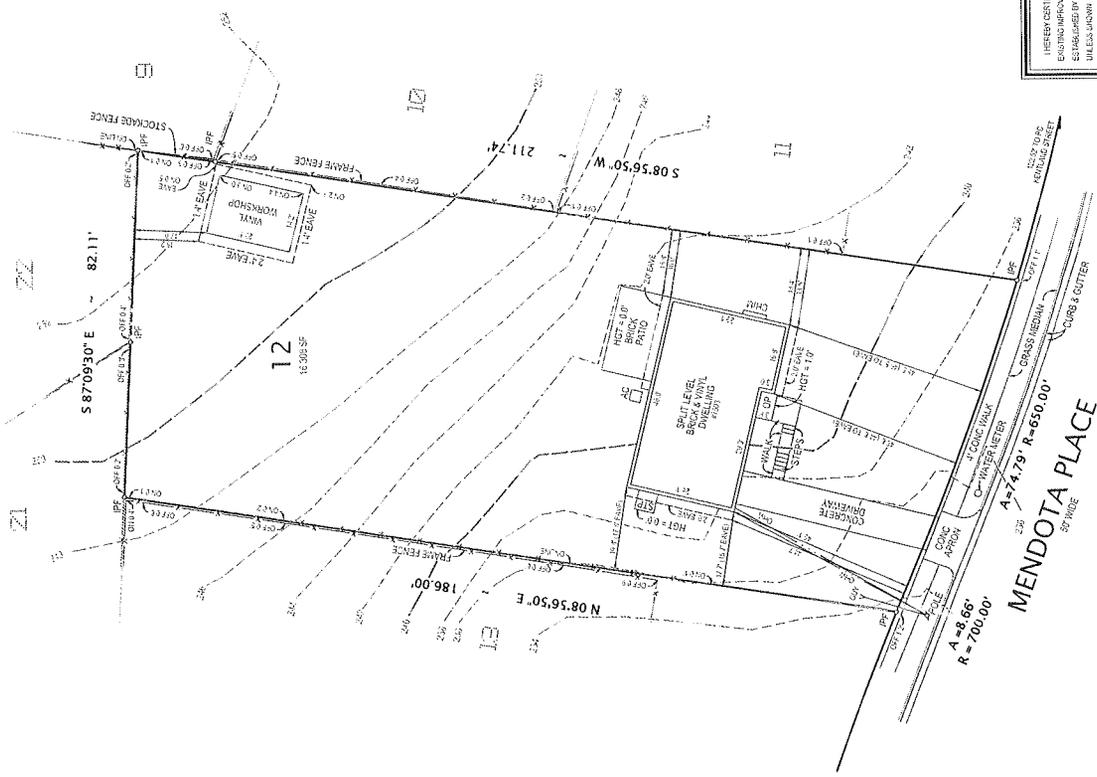
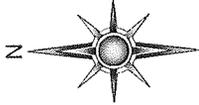
SIDE OF DWELLING 09/20/12



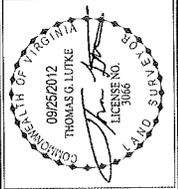
SIDE OF SHED 09/20/12

NOTES

- TAX MAP: 0603 02570012
- ZONE: R-3 (RESIDENTIAL 3 DUPLIC)
- LOT AREA: 16,308 SF
- REQUIRED YARDS:
 - FRONT: 30.0 FEET
 - SIDE: 12.0 FEET
 - REAR: 25.0 FEET
- HEIGHTS:
 - EX. DWELLING: 22.4 FEET
 - VINYL SHED: 11.5 FEET
 - STOCKADE FENCES: 6.5 FEET
 - CHAIN LINK FENCES: 3.3 FEET
 - FRAME FENCES: 6.5 FEET
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS. IS SHOWN AT 2 INTERVALS, AND IS AERIAL.
- THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- AREAS:
 - EX. EASEMENT: 634 SF
 - EX. FIRST FLOOR: 1,251 SF
 - EX. GROSS FLOOR AREA: 1,688 SF
- FLOOR AREA RATIO: EX. GFA (1885)/LOT AREA (16308) = 0.12
- FENCES ARE CHAIN LINK UNLESS NOTED



PLAT
SHOWING IMPROVEMENTS ON
LOT 12, SECTION 19, BLOCK 57
SPRINGFIELD
BIRD BOON LICK ROAD, VA
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20'
SEPTEMBER 25, 2012



HEREBY CERTIFY THAT THE LOCATION OF ALL EXISTING IMPROVEMENTS HAS BEEN CAREFULLY ESTABLISHED BY ADJACENT FIELD SURVEY AND RECORDED IN THE PUBLIC RECORDS OF THE COMMONWEALTH OF VIRGINIA. THIS TITLE REPORT WAS NOT FORWARDED TO THE COUNTY RECORDS DEPARTMENT.

NO OTHER NUMBER SET

ORDERED BY
JOHN KOUNG
NOVA
1000 COLLEGEWAY
ALEXANDRIA, VA 22304
703-998-4808
FAX: 703-448-6925

RECEIVED
Department of Planning & Zoning

OCT 01 2012

Zoning Evaluation Division

John M Young
7503 Mendota Place
Springfield, Va 22150

28 September 2012

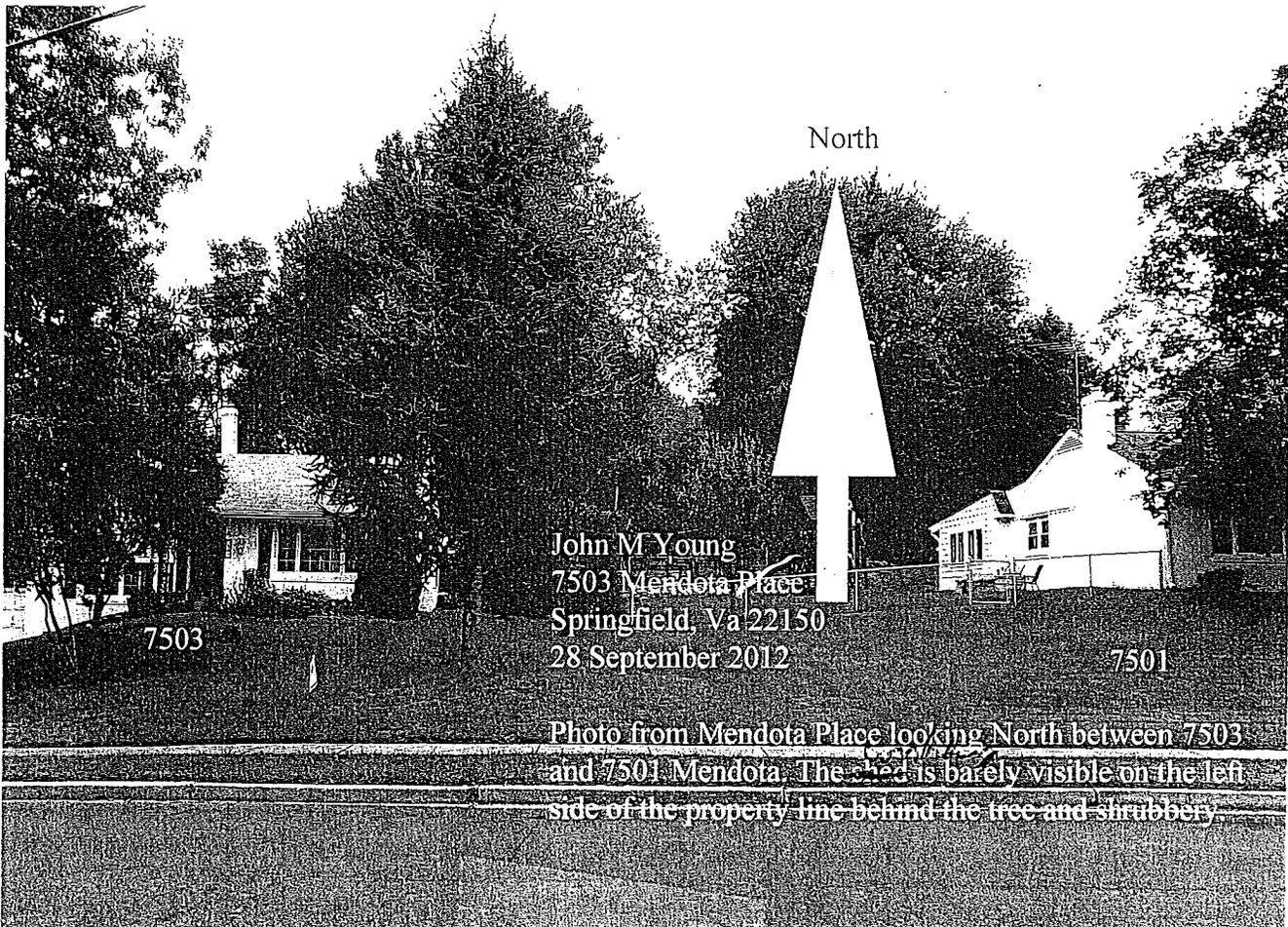


Photo 1 of 13

RECEIVED
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Zoning Evaluation Division

John M Young
7503 Mendota Place
Springfield, Va 22150

28 September 2012



John Young's ^{workshop} ~~Shed~~

photo 2 of 13

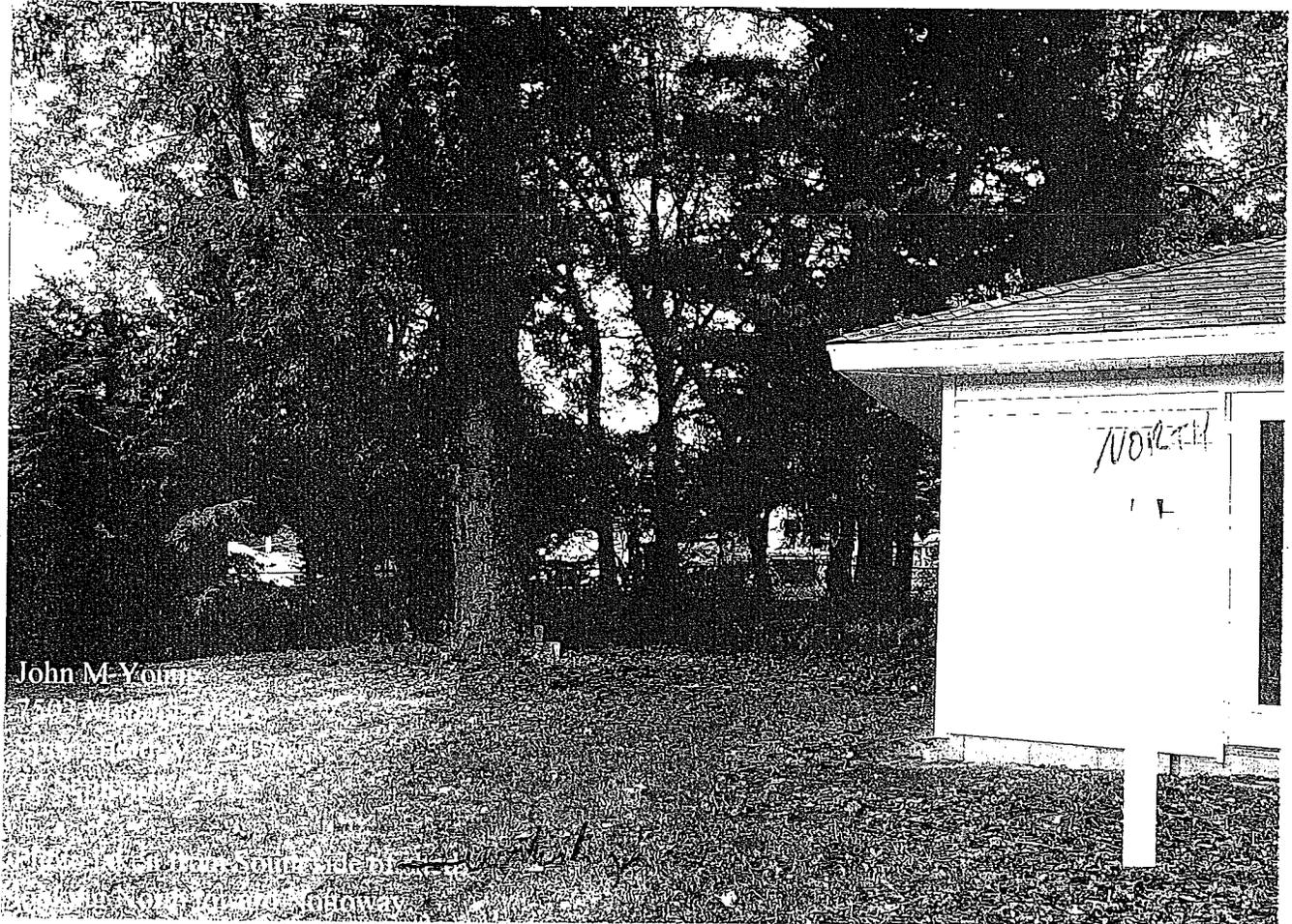
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John M Young
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Springfield, Va 22150

28 September 2012



John M Young

7503 Mendota Place

Springfield, VA 22150

28 September 2012

Photo 3 of 13

John Young's ~~shed~~ workshop on Right

Photo 3 of 13

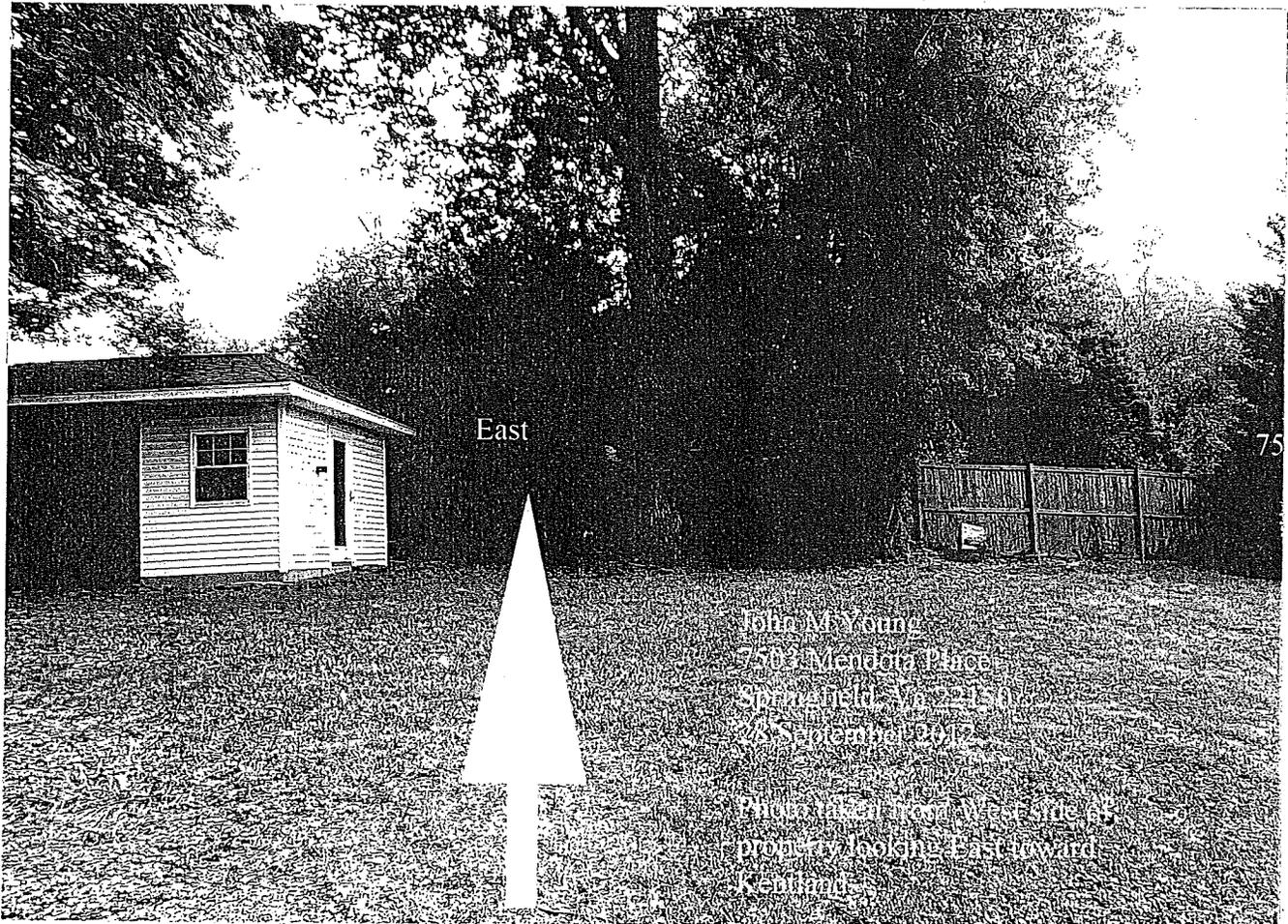
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John M Young
7503 Mendota Place
Springfield, Va 22150

28 September 2012



John Young's Workshop
street on Left

Photo 4 of 13

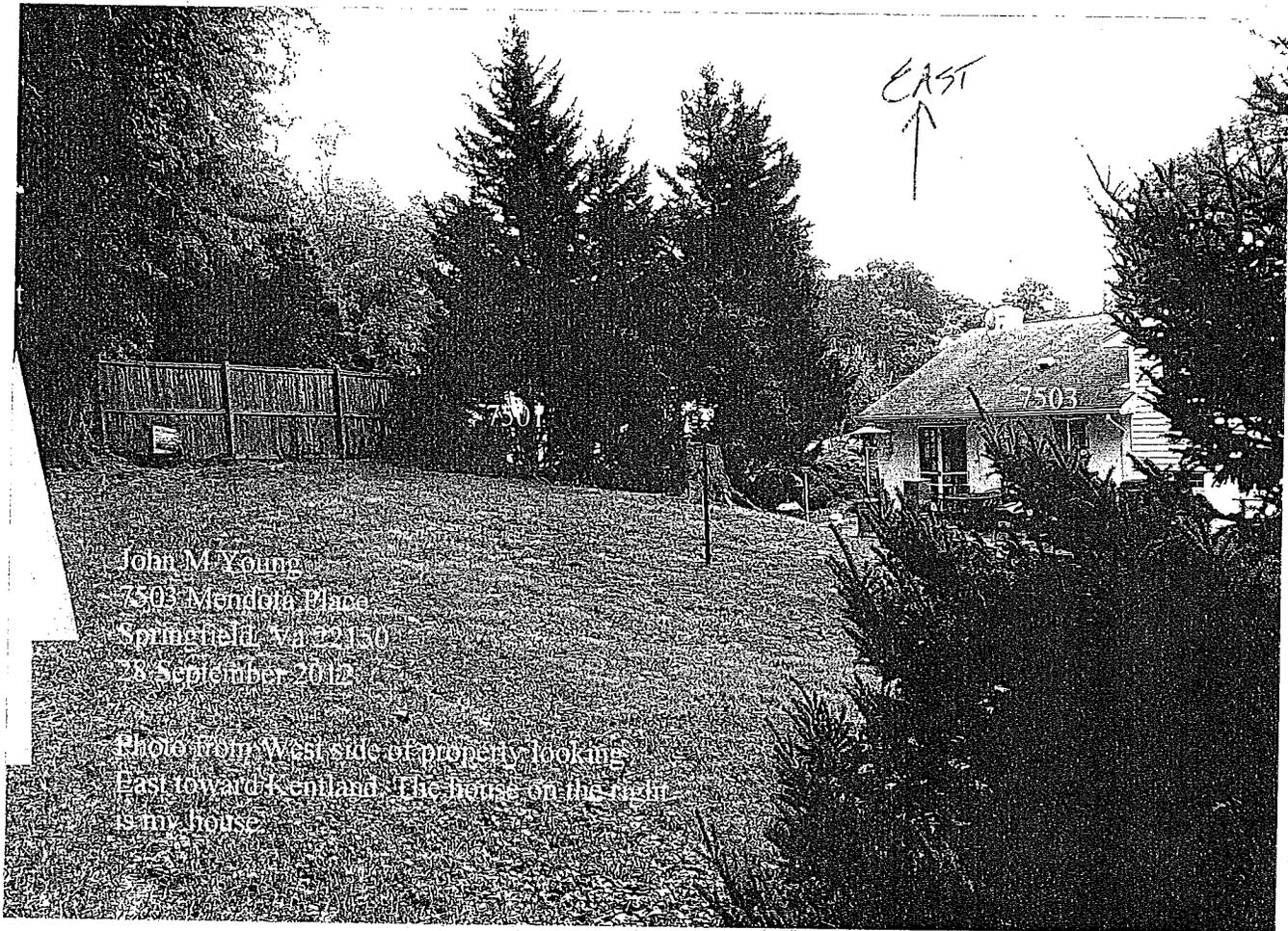
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Zoning Evaluation Division

John M Young
7503 Mendota Place
Springfield, Va 22150

28 September 2012



John M Young
7503 Mendota Place
Springfield, Va 22150
28 September 2012

Photo from West side of property looking
East toward Kenland. The house on the right
is my house.

Photo 52713

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Zoning Evaluation Division

John M Young
7503 Mendota Place
Springfield, Va 22150

28 September 2012

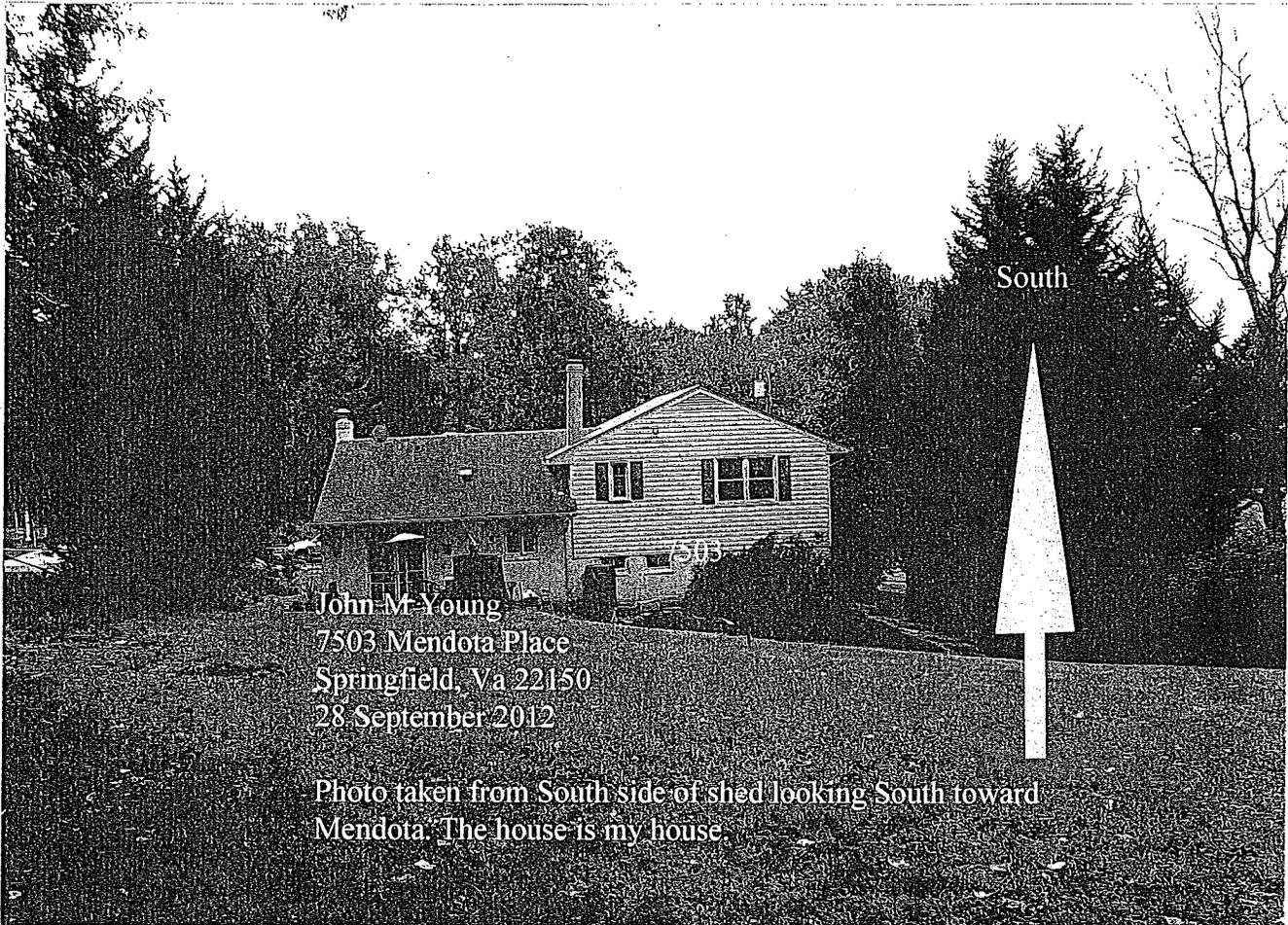


Photo 6 of 13

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Zoning Evaluation Division

John M Young
7503 Mendota Place
Springfield, Va 22150

28 September 2012



Photo 7 of 13

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Zoning Evaluation Division

John M Young
7503 Mendota Place
Springfield, Va 22150

28 September 2012



Photo 8 of 13

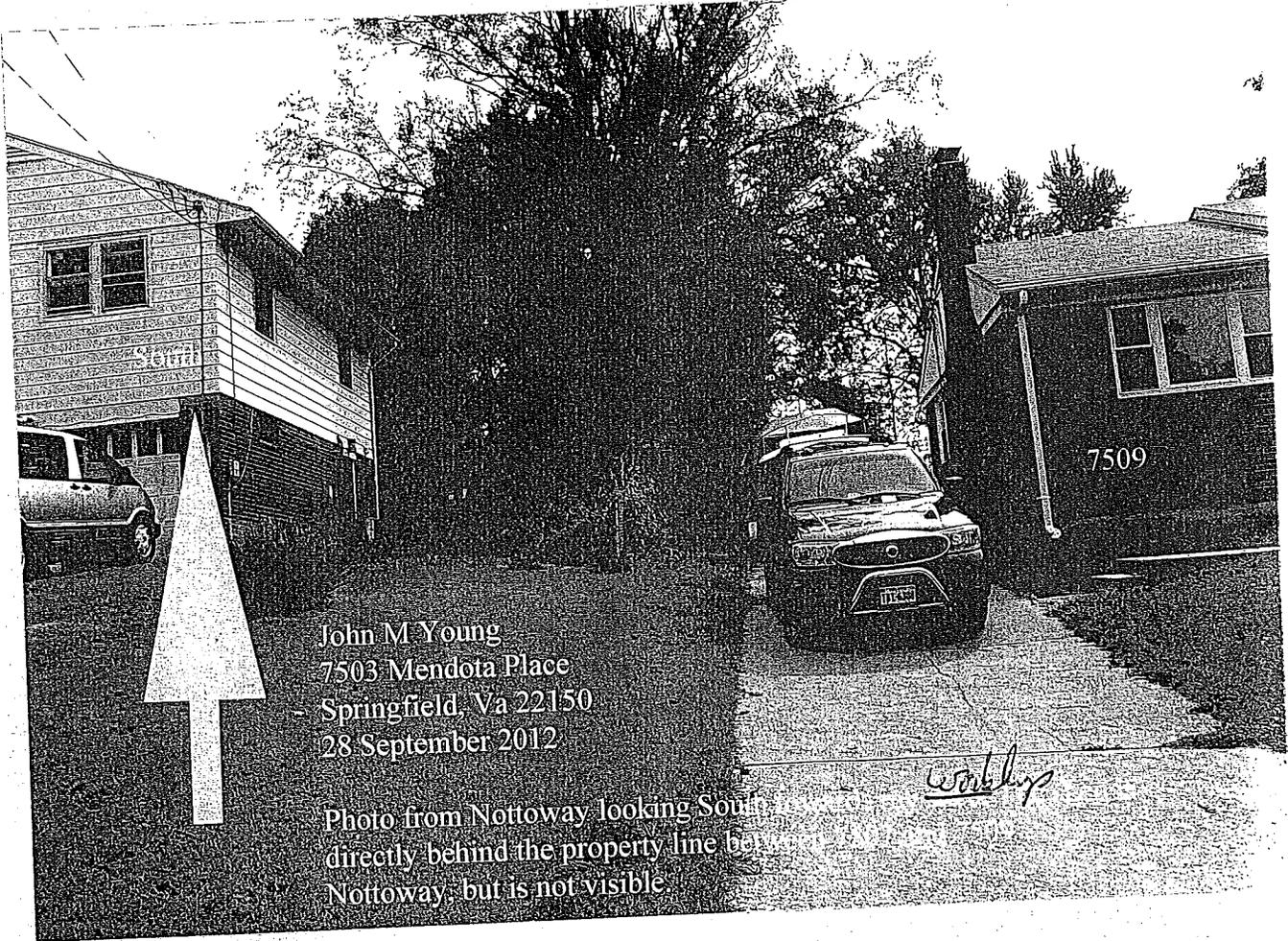
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Zoning Evaluation Division

John M Young
7503 Mendota Place
Springfield, Va 22150

28 September 2012



John M Young
7503 Mendota Place
- Springfield, Va 22150
28 September 2012

Photo from Nottoway looking South
directly behind the property line between
Nottoway, but is not visible

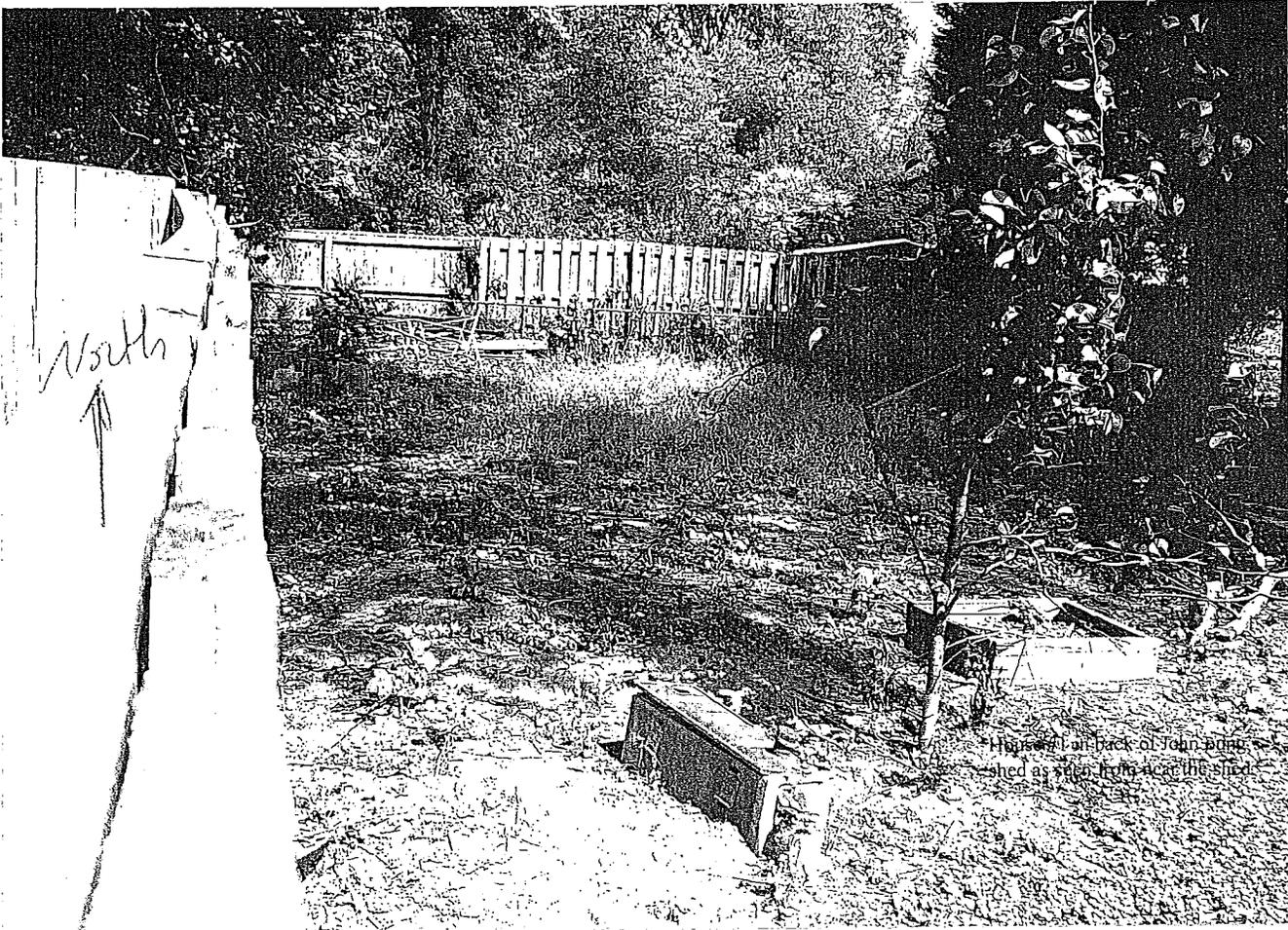
workings

Photo 9/13

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Department of Planning & Zoning
OCT 01 2012
Zoning Evaluation Division

John M Young
7503 Mendota Place
Springfield, Va 22150

28 September 2012



House of John Young
shed as seen from near the shed

Backyard @ 6212 Kentland
immediately behind my shed
i.e. to East of my shed along
common fence. *works*

Photo 10 of 13

John M Young
7503 Mendota Place
Springfield, Va 22150

28 September 2012

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Zoning Evaluation Division

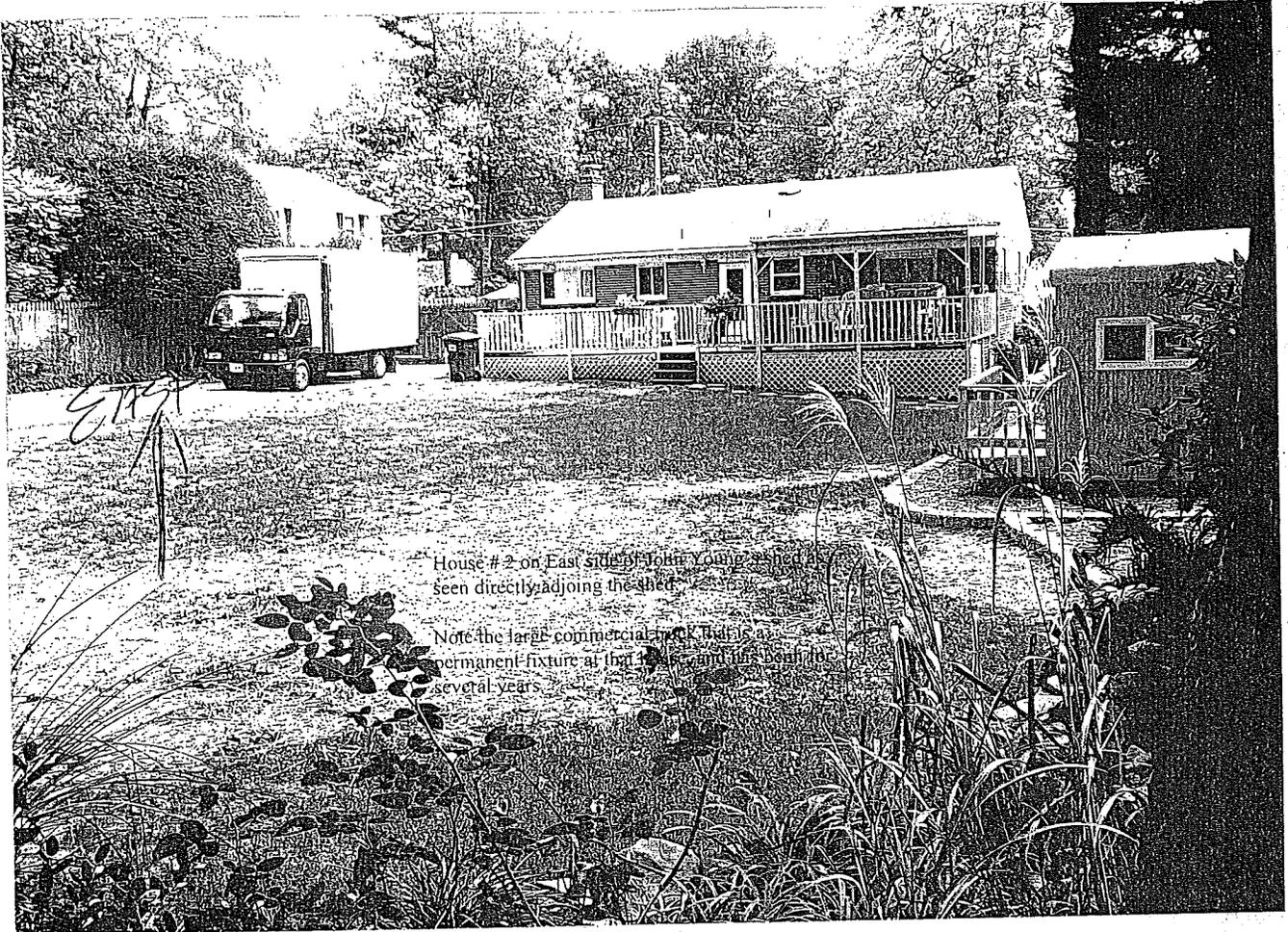


Backyard @ 6210 Kentland
immediately behind my ~~shed~~ workshop
i.e. to East of my shed along
Common fence

photo 11/13

John M Young
7503 Mendota Place
Springfield, Va 22150

28 September 2012



Backyard @ 6210 Kentland
Immediately behind my ~~shed~~ workshop
i.e. to the East of my shed along
Common fence.

Photo 12 of 13

RECEIVED
Department of Planning & Zoning

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Zoning Evaluation Division

John M Young
7503 Mendota Place
Springfield, Va 22150

28 September 2012



Backyard of 7505 Mendota Place (Right side)
opposite my house (left side) along
common fence.

Photo 13 of 13

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a reduction to the minimum yard requirements based on an error in building location to permit an accessory structure to remain 0.5 feet from the eastern side lot line. The structure is a combination workshop and shed 11.5 feet in height.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Workshop/ Shed	East Side	12.0 feet	0.5 feet	11.5 feet	95.8%

*Minimum Yard Requirement per Section 3-307

EXISTING SITE DESCRIPTION

The 16,308 square foot lot is developed with a split level brick and vinyl dwelling constructed in 1955. A brick patio exists on the rear of the single family dwelling. A chimney exists on the eastern façade of the dwelling and a concrete stoop exists on the western façade. A concrete driveway provides access from Mendota Place. A concrete walkway with steps leads from the driveway to the front door of the house. A combination workshop and shed exists in the rear yard of the property. A chain link fence is located along a portion of the western and northern property line. The property has a manicured lawn with mature trees and shrubs.

CHARACTER OF THE AREA

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

BACKGROUND

According to Fairfax County Tax Records, the applicant purchased the property in 1996. A complaint for an accessory structure on the property was recorded on August 9, 2012.

A Notice of Violation was issued by the Department of Code Compliance on August 23, 2012, for violations of an accessory structure exceeding 200 square feet in area and an accessory storage structure over 8.5 feet in height located in the minimum required yards (see Appendix 4). Since the structure includes a workshop, it is permitted to be greater than 200 square feet in size.

A copy of the submitted special permit plat titled "Plat, Showing Improvements on Lot 12, Section 17, Block 57, Springfield" prepared by NoVA Surveys, dated September 25, 2012, is included at the front of this report.

Following the adoption of the current Ordinance, the BZA has heard the following special permit and variance applications in the vicinity of the application parcel:

- Special Permit, SP 2004-LE-011, was approved on June 9, 2004 for Tax Map 80-3 ((2)) (72) 10, zoned R-3, at 6219 Hanover Avenue, to permit a modification to minimum yard requirements based on error in building location to permit accessory storage structure to remain 4.4 feet from the rear lot line and 4.4 feet with eave 3.4 feet from the side lot line.
- Special Permit, SP 2005-LE-033, was denied on November 11, 2005 for Tax Map 80-3 ((2)) (34) 20, zoned R-3, at 7320 Bath Street, to permit a reduction to minimum yard requirements based on errors in building locations to permit dwelling to remain 10.2 feet, roofed deck 0.4 feet with eave 0.0 feet, carport 1.0 feet with eave 0.3 feet and roofed deck 0.0 feet from side lot line, deck 0.4 feet from side and 2.2 feet from rear lot lines and accessory storage structure 2.2 feet with eave 1.0 feet from rear and 8.2 feet from side lot lines.
- Special Permit, SP 2010-LE-022, was approved on July 14, 2010, for Tax Map 80-3 ((2))(63) 13, zoned R-3, at 5908 Atteentee Road, to permit a reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 3.3 feet from side lot line.
- Variance, VC 2011-LE-014, was denied on January 25, 2012 for Tax Map 80-3 ((2)) (10) 27, zoned R-4, at 6007 Craig Street, to permit greater than 30 percent minimum rear yard coverage and accessory storage structure greater than 200 square feet in gross floor area.
- Special Permit, SP 2011-LE-098, was approved on January 25, 2012, for Tax Map 80-3 ((2)) (10) 27, zoned R-4, at 6007 Craig Street, to permit a reduction in the minimum yard requirements based on error in building locations to permit roofed deck to remain 21.0 feet from the front lot line and accessory storage structure to remain 1.1 feet from the rear lot line and 0.6 feet from the side lot line.
- Special Permit, SP 2012-LE-065, was approved on December 12, 2012, for Tax Map 80-3 ((2)) (48) 19, zoned R-3, at 5903 Amelia Street, to permit a reduction of certain yard requirements to permit accessory structure 6.0 feet from the side lot line and 7.0 feet from the rear lot line.

ZONING ORDINANCE REQUIREMENTS

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

This special permit is subject to Sects. 8-006, 8-903 and 8-914 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notice of Violation dated August 23, 2013
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-LE-021

May 8, 2013

1. This special permit is approved for the locations of the vinyl workshop/shed as shown on the plat prepared by NoVA Surveys, titled "Plat, Showing Improvements on Lot 12, Section 17, Block 57, Springfield" dated September 25, 2012, as submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the workshop within 6 months of approval of this application.

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

Application No.(s): SP 2013-LE-021
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Oct 1, 2012
(enter date affidavit is notarized)

I, John M Young, 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

118105

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)
JOHN M YOUNG	7503 MENDOTA PLACE SPRINGFIELD, VA 22150	MYSELF AS SOLE OWNER AND OWNER OF RECORD.

(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).

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Oct 1, 2012
(enter date affidavit is notarized)

118105

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)

NOT A CORPORATION

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): SP 2013-LE-021
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Oct 1, 2012
(enter date affidavit is notarized)

118105

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**)

NOT A PARTNERSHIP

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

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

Application No.(s):

SP 2013-LE-021

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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Oct 1, 2012
(enter date affidavit is notarized)

118105

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

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

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

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

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

* NONE *

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

Application No.(s): SP 2013-LE-021
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Oct 1, 2012
(enter date affidavit is notarized)

118105

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

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

* NONE *

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

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

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

WITNESS the following signature:

(check one) Applicant Applicant's Authorized Agent
John M Young
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 1 day of October 2012, in the State/Comm. of Virginia, County/City of Alexandria.

Bernadette Osborne
Notary Public

My commission expires: 12-31-2012



John M Young
7503 Mendota Place
Springfield, VA

9 November 2012

SPECIAL PERMIT STATEMENT OF JUSTIFICATION to Fairfax County
Zoning Ord. Section 8-914
Notice of Violation 201205711 86607
Code sections: 10-102(25), 10-104(10D), 2-302(6) Error in Building Location.

This application is for a slightly oversize and slightly mislocated hobby workshop shed to remain where it has been since 1998.

The structure was built in the year 1998, replacing a same located, dilapidated shed that was constructed c. 1956. Plat dated Dec 20, 1995 showing the original shed is enclosed, and the replacement shed is at the same location.

I had no idea that Fairfax County zoned small structures like mine, and I have talked to a number of surveyors, lawyers and neighbors and all were surprised.

The structure is a hobby workshop and I also store gardening equipment and supplies in it.

The structure is quite attractive, well-made, is not readily visible from the street or neighbors' homes, and is an upgrade to most neighborhood construction and practices, all of which is readily visible in the 13 submitted photographs.

Destruction of this structure would be an undue hardship as I use it regularly for worthwhile purposes typical of a homeowner that cannot be done inside my house. The reason for building, in the first place, is that these older homes are quite small and have no practicable provision for a hobby room.

Uses include:

- rebuilding an 11 hp engine on the workbench in it,
- occasionally refinishing furniture,
- cutting lumber with a table saw,
- storing household paint and supplies in a metal paint locker and refinishing and painting portable items such as house shutters,
- storing lawn mowers, a rototiller, string trimmer, ladder, small quantities of gas and oil, fertilizer, etc. Typical homeowner stuff.

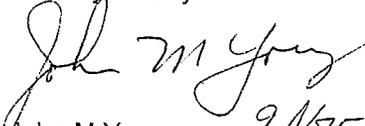
General description:

- was built to complement my house and other neighborhood houses using similar exterior design and quality materials. It is a nice looking shed and a credit to the neighborhood. Fairfax County should encourage similar.
- is uninsulated, no heat source, no utilities. Part of the floor is gravel on earth and the other part is cement pavers on earth, none of which adversely affects utility or external appearance.
- when I want electricity, I run an extension cord from the house,
- only access is by walking through my back yard. There are no roads, driveways, paths, etc. to the shed.
- dimensions are precisely measuring outside corners: $14'2\frac{1}{2}" \times 20'1\frac{3}{4}" = 286$ sq.ft. That is a little bigger than the original shed but not much bigger.
- is precisely $11'1\frac{3}{4}"$ in height, measured from the outside roof peak to the bottom of the sill plate. The ground slopes slightly downward from North to South and at the North the bottom of the sill plate is 2 inches above grade and 8 inches at the South end. That is smaller and quite less high than the Notice of Violation.
- has no drainage or erosion issues. There is no evidence of erosion and no observed runoff even during hurricanes over the past 14 years.
- is secluded (See Fairfax County map 0803 02570012, copy enclosed)
 - West side, about 10 years ago, Fairfax County built a 6 feet high wood fence in order to contain a neighbor's autistic child, which was a failure.
 - East side, about 10 years ago, a neighbor built a very similar fence as that built by the County, but for different reason.
 - North side, there are many trees and shrubs, and the nearest house, 7507, Nottoway, is approximately 170 feet distant.
 - The nearest house - my house - is distant from the shed by at least 83 feet.
 - visibility from the public streets, Mendota, Kentland, and Nottoway, ranges from no visibility to very limited visibility such as part of the roof, due to location of my house blocking the view from Mendota place, trees, shrubs, fences and distance. See photos enclosed.

Addressing the Fairfax County requirement quoted below, I think nothing in that requirement other than described above pertains to my hobby workshop. My hobby workshop is well within appearance and sizes seen about the county, the materials and architecture standard are quite good, and is used in ways as would be expected for a homeowner.

There are no operations, patrons, employees, traffic impact, HazMat, etc.; no one to be served other than myself,

Thank you for your consideration,


John M Young. 9/15/2012

A Fairfax County requirement to be addressed:

"A written statement from the applicant describing the proposed use, and other pertinent data, including specifically: A. Type of operation(s). B. Hours of operation. C. Estimated number of patrons/clients/patients/pupils/etc. D. Proposed number of employees/attendants/teachers/etc. E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day. F. Vicinity or general area to be served by the use. G. Description of building facade and architecture of proposed new building or additions. H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification."



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 Fairfax County Zoning Ordinance

DATE OF ISSUANCE: August 23, 2012

SHERIFF'S LETTER

CASE #: 201205711 **SR#:** 86607

SERVE: John M. Young
7503 Mendota Place
Springfield, VA 22150

LOCATION OF VIOLATION 7503 Mendota Place
Springfield, VA 22150-4123
Tax Map #: 0803 02570012
Zoning District: R-3

Dear Property Owner:

An inspection of the above referenced property on August 17, 2012 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 10-102 (25) Accessory Storage Structure exceeding 200 square feet in GFA
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory storage structure which measured approximately 294 square feet in area on this property which is zoned R-3. The Fairfax County Zoning Ordinance permits accessory storage structures so long as they conform to Par. 25 of Sect. 10-102 of the Zoning Ordinance is which permits:

Storage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area.

Therefore, as this accessory storage structure exceeds 200 square feet in area in the R-3 District,

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

you are in violation of Par. 25 of Sect. 10-102 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 thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; or
- Reducing the square footage of this accessory storage structure so it does not exceed 200 square feet in area.

§ 10-104 (10D) Accessory Storage Structure Location
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory storage structure which measured approximately twelve (12) feet in height, is approximately 294 square feet in area and is located approximately three (3) feet, four (4) inches from the side lot line.

The Fairfax County Zoning Ordinance permits accessory storage structures to be located in minimum required yards; however, if the structure exceeds eight and one-half (8½) feet in height, it must be located on the lot so as to comply with Par. 10D of Sect. 10-104 of the Zoning Ordinance which states:

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

The minimum required side yard distance in the R-3 District is twelve (12) feet as detailed in Par. 2 of Sect. 3-307 of the Zoning Ordinance.

Therefore, as this accessory storage structure exceeds eight and one-half (8 ½) feet in height and is not located in accordance with the provisions of Par. 10D of Sect. 10-104 above, it is in violation of Par. 10D 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 thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; or
- Reducing the height of the structure to eight and one-half (8 ½) feet or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the side lot line in accordance with Par. 10D of Sect. 10-104 of the Zoning Ordinance as outlined 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 Group 9 Special Permit for an error in building location to allow the accessory storage structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

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.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1931 or (703) 324-1300.

Sincerely,

Wayne Bass
Code Compliance Investigator



08/17/2012

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.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. 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, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - 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 and proposed 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. Existing and proposed 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.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.