



APPLICATION ACCEPTED: April 26, 2013
DATE OF PUBLIC HEARING: July 17, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 10, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-MV-033

MOUNT VERNON DISTRICT

APPLICANT/OWNER: Adam Kimmich

LOCATION: 6402 Thirteenth Street, Alexandria, 22307

SUBDIVISION: New Alexandria

TAX MAP: 83-4 ((2)) (25) 19

LOT SIZE: 7,000 square feet

ZONING: R-3

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction in minimum yard requirements based on error in building location to permit roofed deck to remain 6.8 ft from side lot line, dwelling to remain 4.8 ft from side lot line, and accessory storage structure to remain 0.8 ft from side lot line and 3.1 ft from rear lot line.

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

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

O:\ehaley\7-17) SP 2013-MV-033 Kimmich (Error)\SP 2013-MV-033 Kimmich SR.docx

Erin M. Haley

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.**

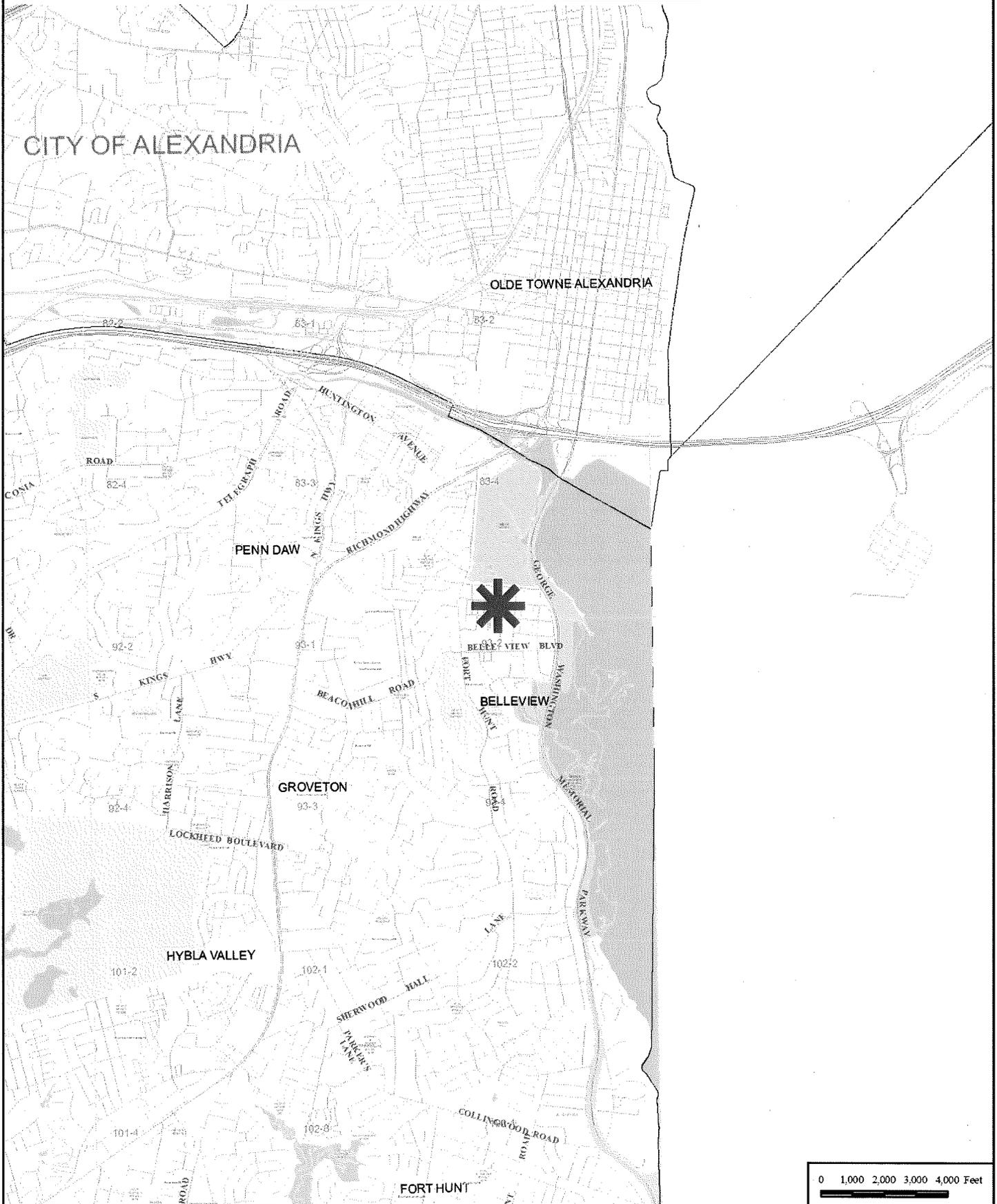


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2013-MV-033

ADAM J. KIMMICH

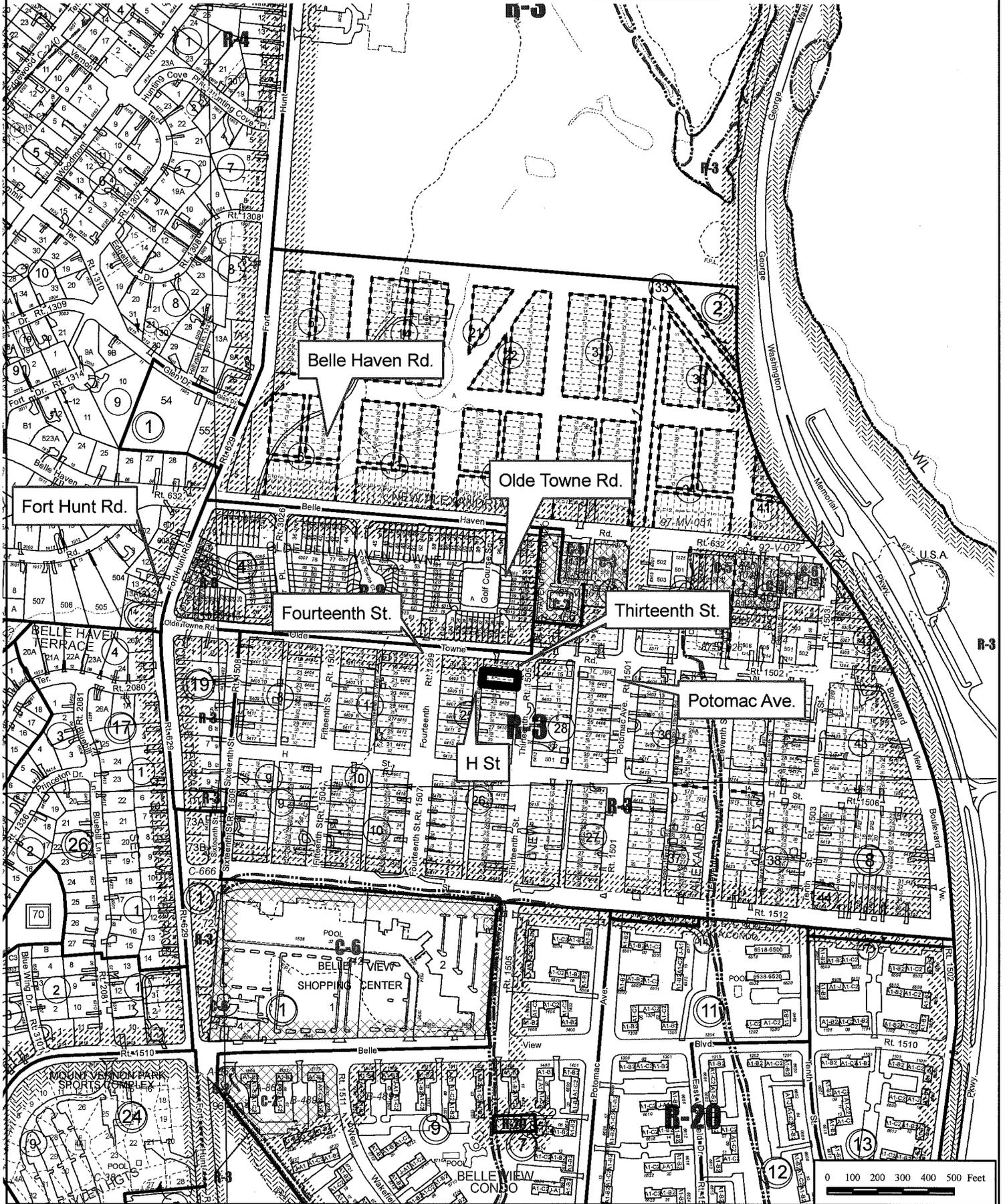


0 1,000 2,000 3,000 4,000 Feet

Special Permit

SP 2013-MV-033

ADAM J. KIMMICH



NOTES:

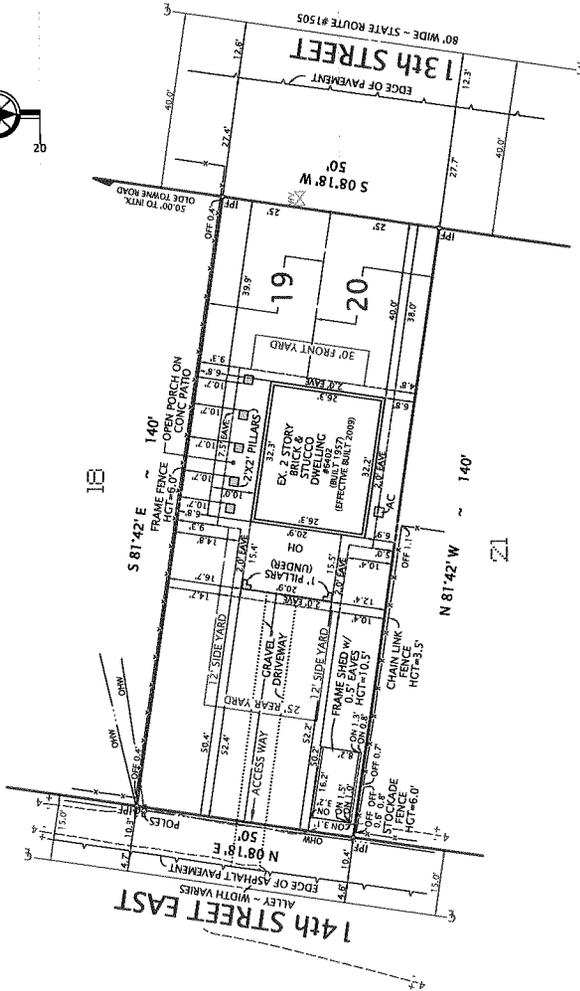
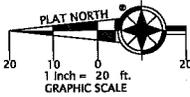
- TAX MAP: 83-4-02-25-0019
- ZONE: R-3 (RESIDENTIAL 3 DU/AC)
- TOTAL AREA: 7,000 SQUARE FEET (0.1607 ACRE)

- REQUIRED YARDS:
- FRONT: = 30.0 FEET
 - SIDE: = 12.0 FEET
 - REAR: = 25.0 FEET

- HEIGHTS:
- EX. DWELLING = 22.5 FEET
 - EX. SHED = 10.5 FEET
 - FENCES = AS NOTED

- 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.
- THIS PROPERTY IS ENTIRELY WITHIN THE FLOODPLAIN AND THE 1993 RESOURCE PROTECTION AREA.

12. AREAS:
- EX. 1ST FLOOR = 849 SF
 - EX. 2ND FLOOR = 1,172 SF
 - EX. GROSS FLOOR AREA = 2,021 SF
 - EX. FLOOR AREA RATIO: EX. GFA (2021) / LOT AREA (7000) = 0.29



PLAT
 SHOWING THE IMPROVEMENTS ON
 LOTS 19 AND 20, BLOCK 25
NEW ALEXANDRIA
 (DEED BOOK N-5, PAGE 234)
 FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 20'
 MOUNT VERNON DISTRICT
 FEBRUARY 27, 2012

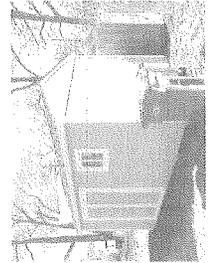


ADAM J. KUMRICH

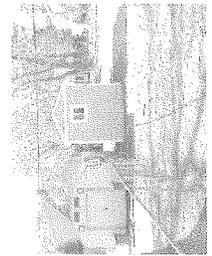
DOMINION Surveyors Inc.
 8608 HERRING TRAIL PLACE
 ALEXANDRIA, VIRGINIA 22309
 FAX: 703-799-6412

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

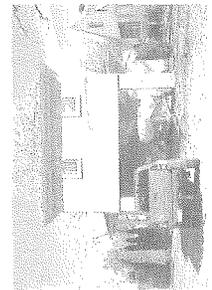
THIS PLAT IS SUBJECT TO THE PROVISIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.



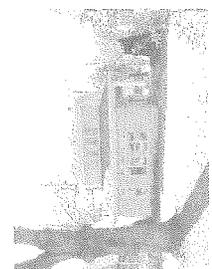
SHED (02/27/12)



SHED (02/27/12)



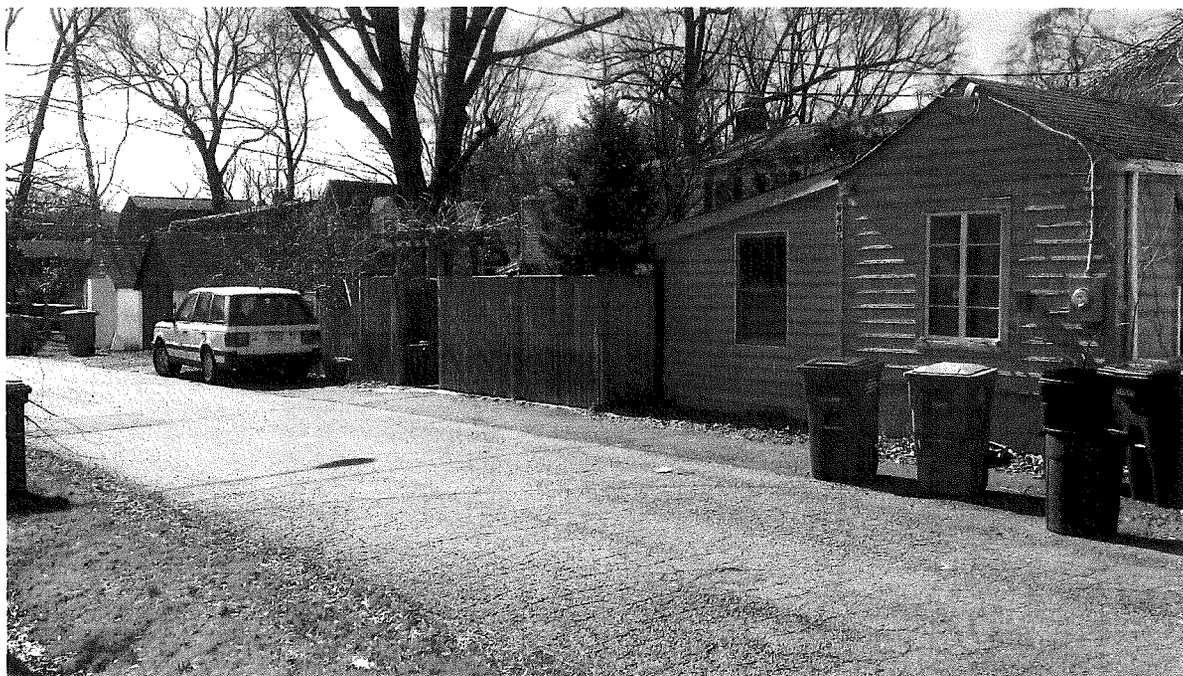
REAR OF DWELLING (02/27/12)



FRONT OF DWELLING (02/27/12)

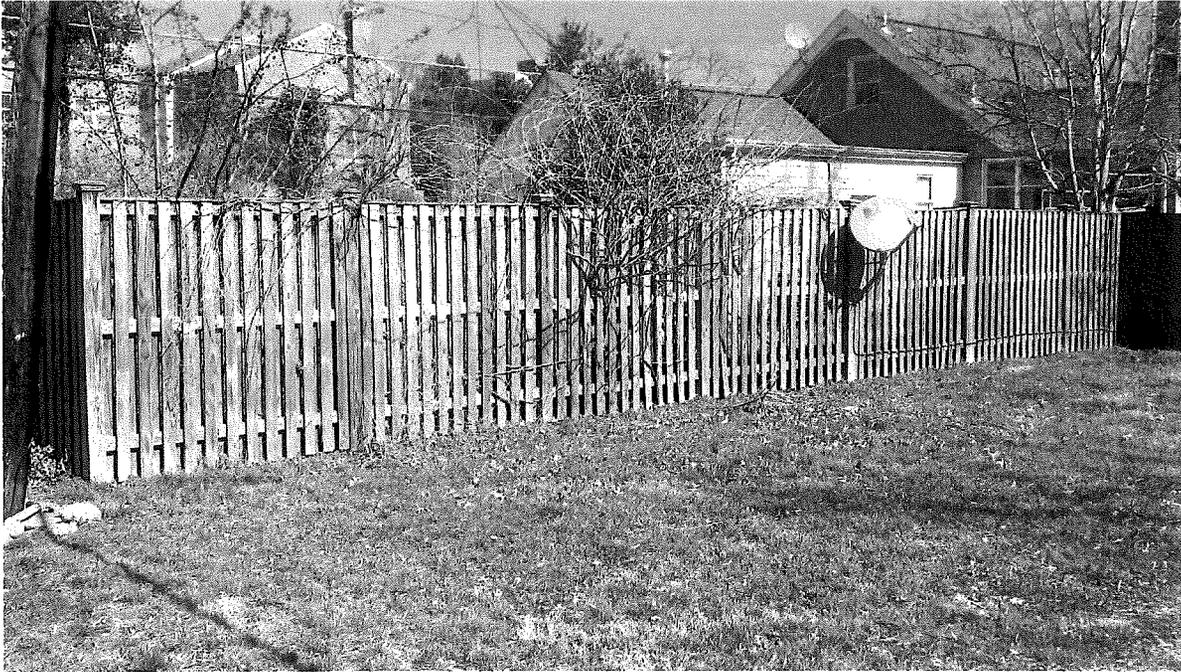


(7) From Southwest corner of property along 14th Street East, looking at abutting property with numerous storage units and garages along 14th Street East in background.



(8) From Southwest corner of lot, looking across 14th Street East at abutting property. Detached unit/Storage seen on abutting property with numerous other sheds along 14th Street East.

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Department of Planning & Zoning
MAR 02 2012
Zoning Fuel...



(11) From Northwest corner of lot, looking at abutting property to North.

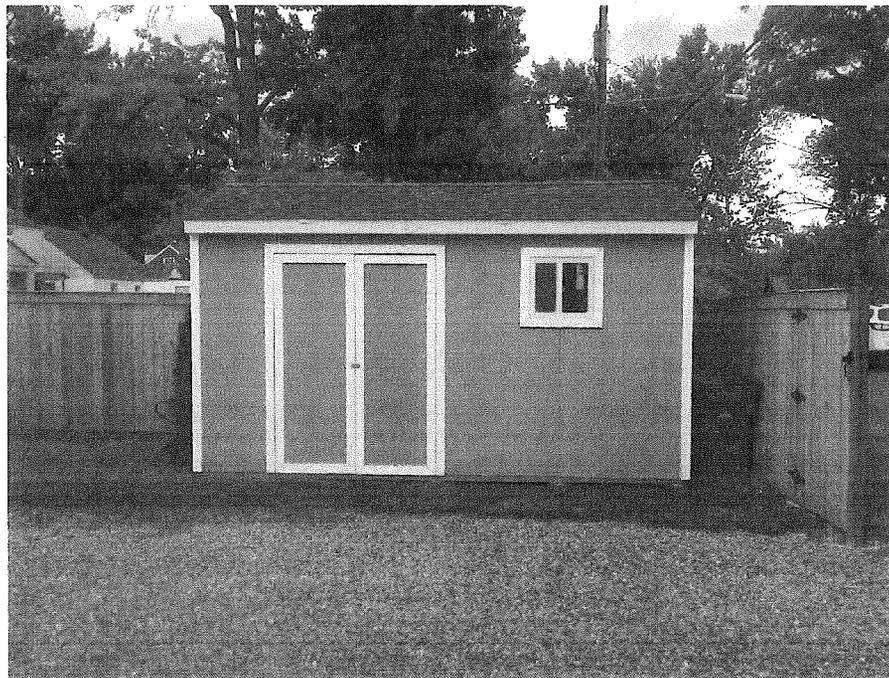
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Zoning Evaluation Division



Shed with new fence



New fence conceals trash bins and masks majority of shed from neighbors



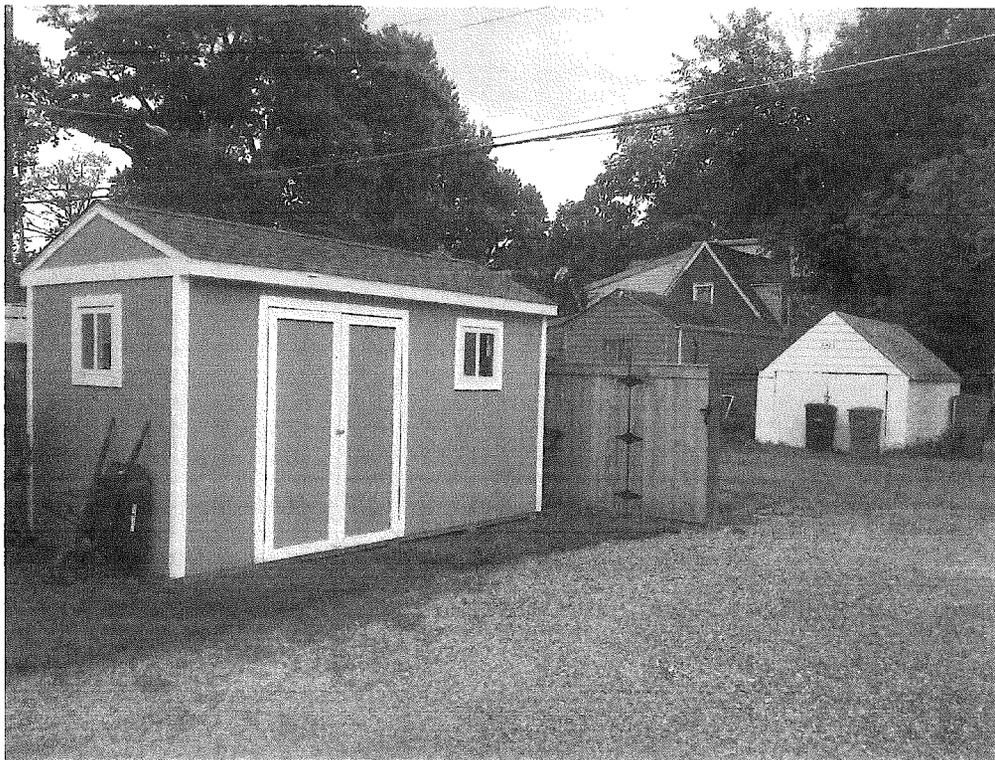
Fence with unfinished gate across driveway



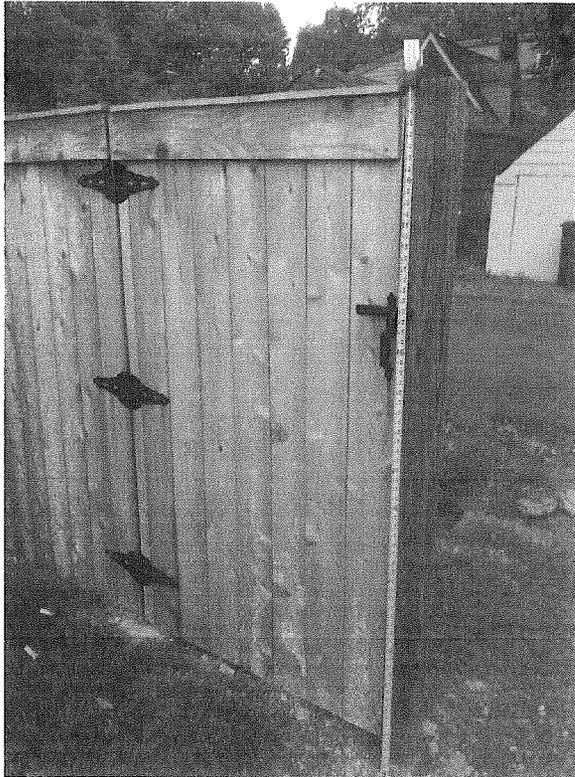
View of new fence and shed from alley. Also depicts neighbors sheds and garages.



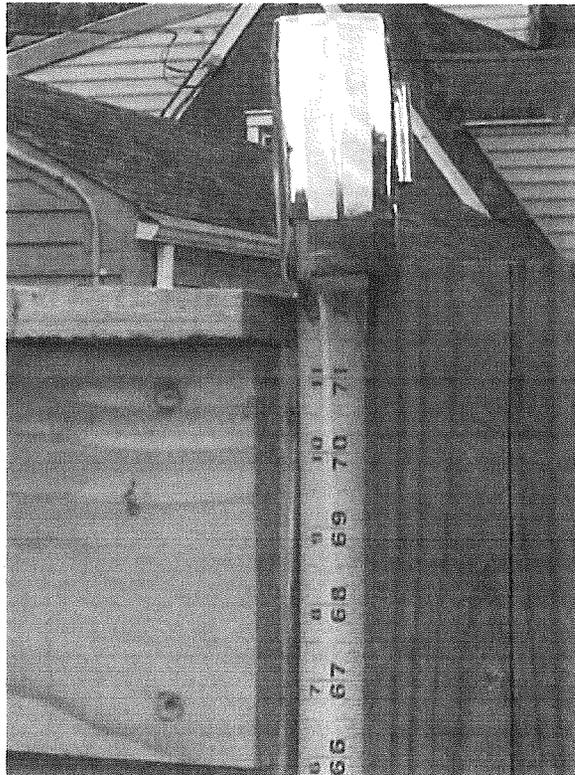
South side of Fence looking West toward shed



Looking West toward alley. Unfinished gate will cross driveway.

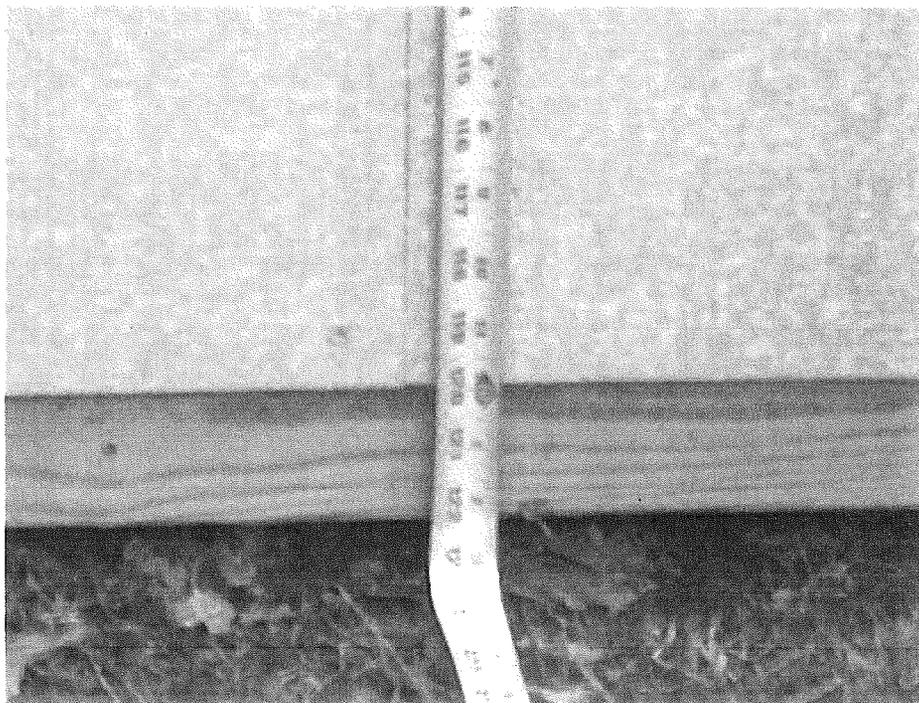


New fence is 6' tall





Shed height 10' 2". Fence Height 6'.



Shed height 10' 2"



(1) From Northeast corner of lot, looking West at front of house



(2) From East (13th Street), looking at front of house

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Zoning Evaluation Division

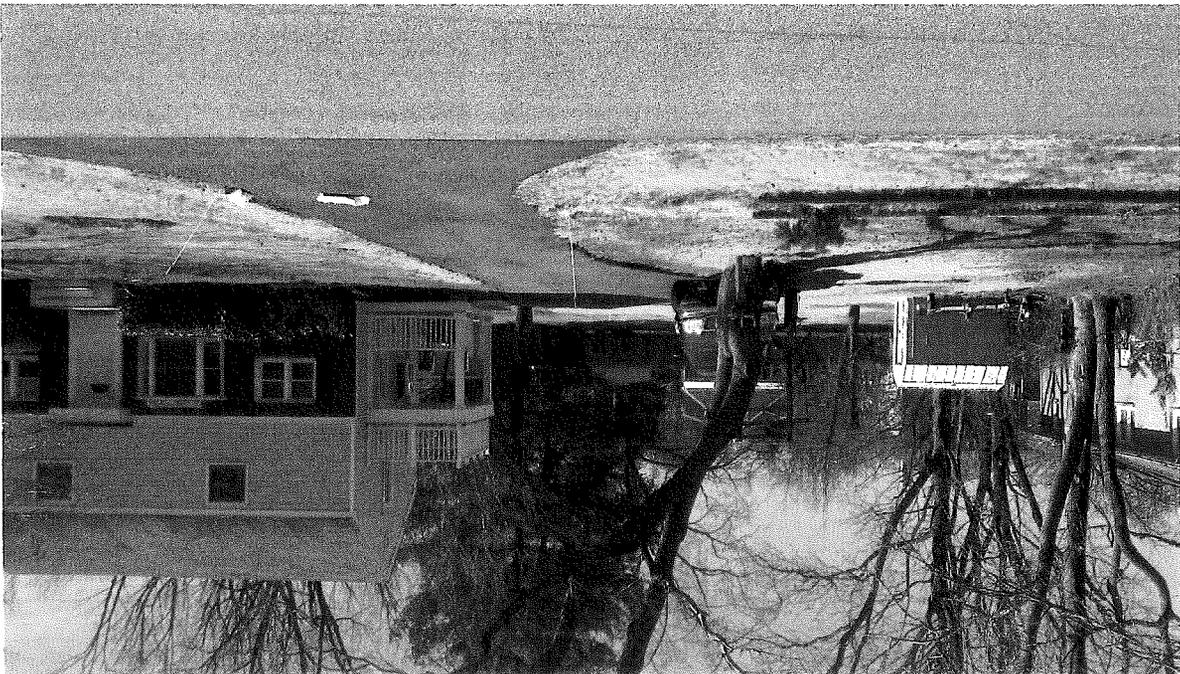
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(4) From Southeast corner of lot, looking across 13th Street at abutting property.



(3) From East side of lot, looking East across 13th Street at abutting property.



Photos Taken 27 February 2012

6402 13th Street, Alexandria, VA 22307



(5) From Southwest corner (14th Street East), looking at rear of house with storage unit in foreground.



(6) From West side of lot (14th Street East), looking at rear of house with storage unit in foreground.

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MAR 02 2012
Zoning Evaluation Division



(1) From Northeast corner of lot looking at abutting property to East.



(2) From Northeast corner of lot, looking at abutting property across 13th Street.

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Department of Planning & Zoning
MAR 02 2012
Zoning Evaluation Division



(3) From Southeast Corner (13th Street), looking at front of house. Storage Unit can be seen at rear of house adjacent to other storage sheds along 14th Street East.

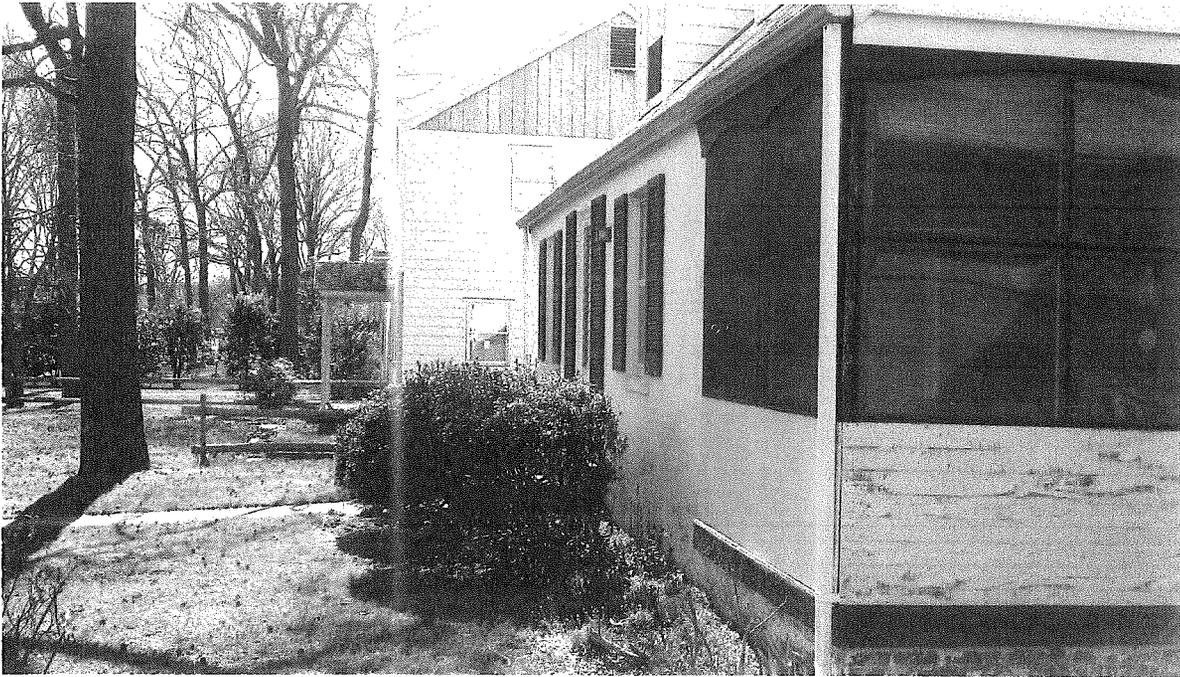


(4) From South side of house looking West at rear property line along 14th Street East. Storage Unit can be seen adjacent to neighboring unit and across 14th Street from larger storage units.

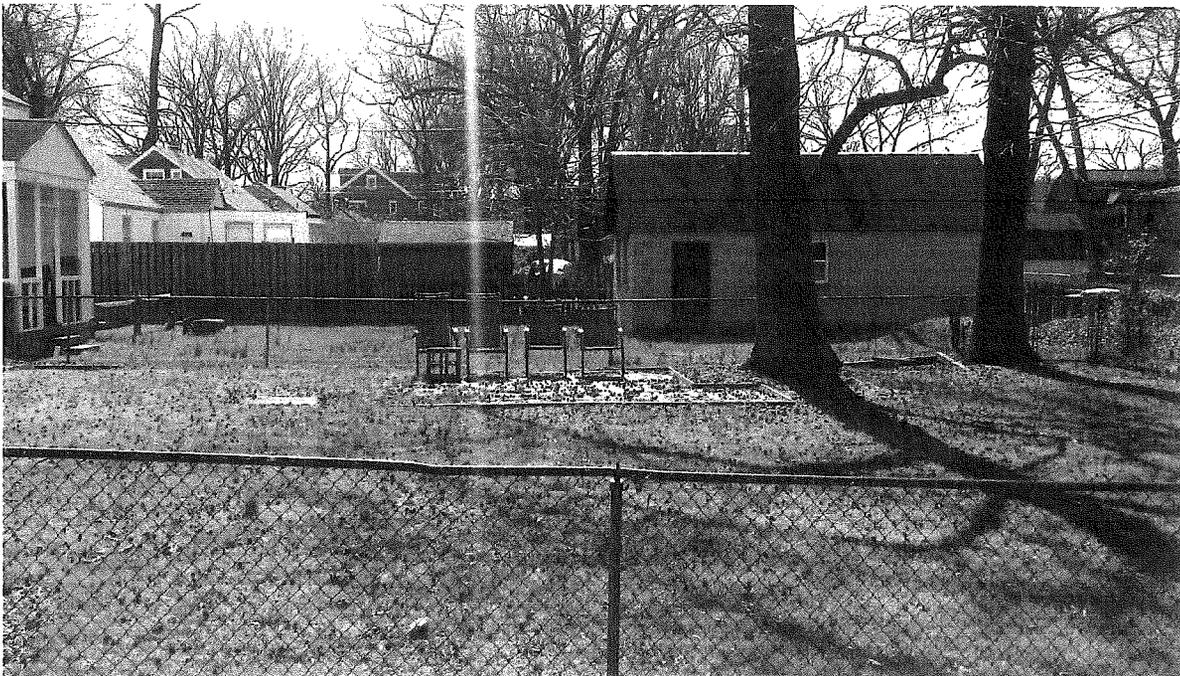
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MAR 02 2012

Zoning Evaluation Division



(5) From South side of house, looking South at abutting property front yard.



(6) From South side of house, looking South at abutting property rear yard.

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Department of Planning & Zoning
MAR 02 2012
Zoning Evaluation Division



(7) From Northwest corner of lot (14th Street East), looking at rear of house with storage unit in foreground

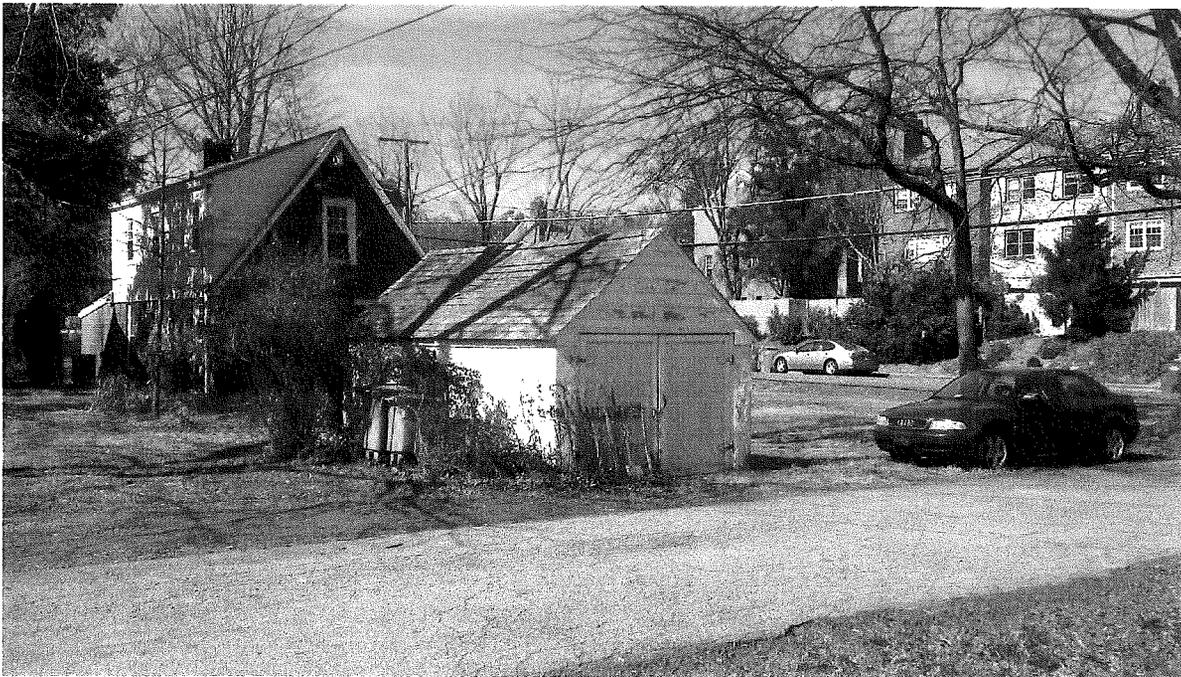


(8) From North side of house looking West at rear of lot

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Department of Planning & Zoning
MAR 02 2012
Zoning Evaluation Division



(9) From West side of lot, looking West across 14th Street East at abutting property with abutting larger storage unit in foreground.



(10) From Northwest side of lot, looking west across 14th Street East at abutting property with storage unit in foreground.

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Zoning Evaluation Division



View of neighbor's shed which is 10' tall. These sheds exist at almost every property in neighborhood.

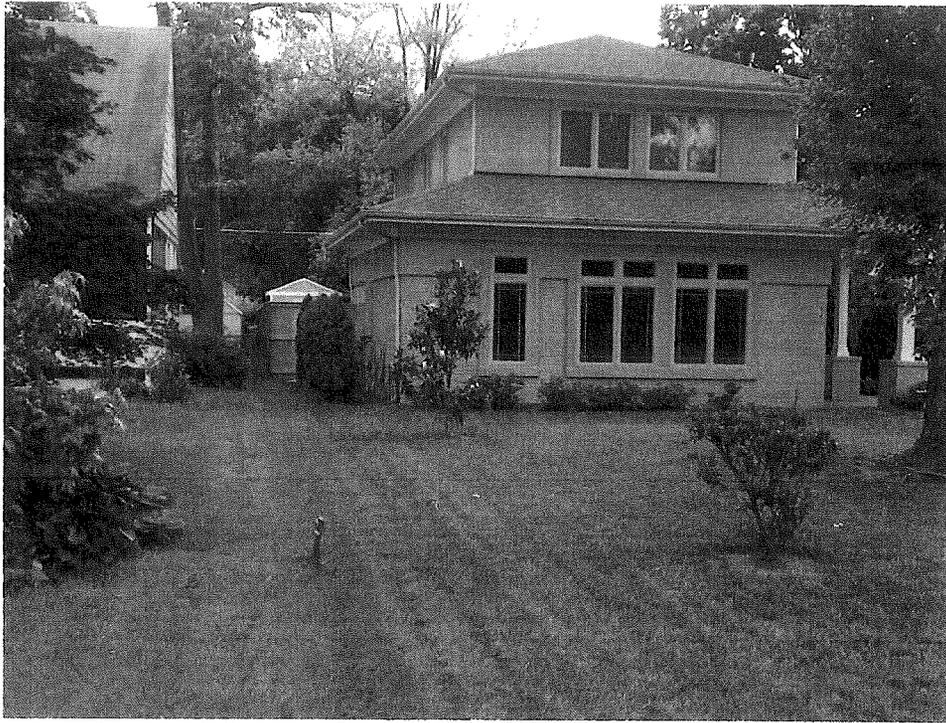


Neighbor's shed. 10' tall.



New fence concealing shed. New gate will cross driveway when complete.





**View of fence from front yard with shed well
concealed in background.**



**View of fence from North side of front yard.
Shed not visible.**







DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of three special permit requests. The first is to permit reduction in minimum yard requirements based on an error in building location to permit an existing roofed deck to remain 6.8 feet from the northern side lot line.

Special Permit	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Request #1	Roofed Deck	Side	12.0 feet	6.8 feet	5.2 feet	43.3%

The second special permit request is to permit reduction in minimum yard requirements based on an error in building location to permit an existing dwelling to remain 4.8 feet from the southern side lot line.

Request #2	Dwelling	Side	12.0 feet	4.8 feet	7.2 feet	60.0%
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The third special permit request is to permit reduction of minimum yard requirements based on an error in building location to permit a 10.5 ft tall accessory storage structure (shed) to remain 0.8 feet from the southern side lot line and 3.1 feet from the rear lot line.

Request #3	Shed	Side	12.0 feet	0.8 feet	11.2 feet	93.3%
		Rear	25.0 feet	3.1 feet	21.9 feet	87.6%

*Minimum Yard Requirement per Section 3-307

EXISTING SITE DESCRIPTION

The 7,000 square foot lot is developed with a two-story brick and stucco dwelling, constructed in 1957. The interior lot abuts an alley, Fourteenth Street East, to the rear. A roofed concrete patio exists on the north side of the single family dwelling. A gravel driveway provides access to the rear of the property from Fourteenth Street East. A step stone walkway leads from Thirteenth Street to the concrete patio where the front door of the house is located. A storage shed is located in the rear yard of the property. A six foot frame fence is located along the northern side lot line. The applicant recently built a six foot wood fence that extends along the southern side lot line, and rear lot line, with a space for a rear gate to be added later, enclosing the rear yard. 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 on November 14, 2011. On December 7, 2011, the Department of Code Compliance (DCC) inspected the property and found an accessory storage structure within a required side yard and rear yard. A Notice of Violation (NOV) was issued on December 21, 2011. A copy of the NOV is included in Appendix 4.

In 2009, a building permit was issued for an 860 square foot second-story addition. As per the plat filed with the building permit, the owner was to demolish a portion of the existing roofed deck to create 12 foot side yards on both sides of the dwelling. However, according to the plat filed with the current application, the dwelling is located 4.8 feet from the south side yard and the roofed deck is located 6.8 feet from the north side yard. A copy of the building permit is included as Appendix 5.

A copy of the submitted special permit plat titled "Plat, Showing the Improvements on Lots 19 and 20, Block 25, New Alexandria" prepared by Dominion Surveyors Inc., dated February 27, 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 92-V-010, was approved on June 30, 1992 for Tax Map 83-4 ((2)) (25) 11, zoned R-3, at 6405 Fourteenth Street, to permit a modification to minimum yard requirements based on error in building location to permit a structure to remain 4 feet from one side lot line, 23.3 feet from the other side lot line, and 3.5 feet from the rear lot line. Also, the dwelling was permitted to remain 10.4 feet from one side lot line.
- Special Permit, SP 2004-MV-038, was approved on August 10, 2004 for Tax Map 83-4 ((2)) (39) 20, zoned R-3, at 6404 Tenth Street, to permit a reduction to minimum yard requirements based on an error in building location to permit an

accessory storage structure to remain 2.6 feet with eave 2.3 feet from side lot line, and 9.1 feet with eave 8.9 feet from the rear lot line.

- Special Permit, SP 2007-MV-043, was approved on July 31, 2007, for Tax Map 83-4 ((2))(39) 20, zoned R-3, at 6404 Tenth Street, to permit a reduction to certain yard requirements to permit an addition 7.0 feet from a side 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 6. 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 December 21, 2011
5. 2009 Building Permit
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-MV-033

July 10, 2013

1. This special permit is approved for the locations of the roofed deck, dwelling, and accessory storage structure as shown on the plat prepared by Dominion Surveyors, Inc., dated February 27, 2012, as submitted with this application and is not transferable to other land.

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

Application No.(s): SP 2013-MV-033
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 27 FEB 12
(enter date affidavit is notarized)

I, ADAM J. KIMMICH, 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

115405

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)
ADAM J. KIMMICH	6402 13 th STREET ALEXANDRIA, VA 22307	APPLICANT/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): SP 2013-MV-033
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 27 FEB 12
(enter date affidavit is notarized)

115405

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): SP 2013 -MV-033
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 27 FEB 12
(enter date affidavit is notarized)

115405

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): SP 2013-MV-033
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 27 FEB 12
(enter date affidavit is notarized)

115405

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-MV-033
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 27 FEB 12
(enter date affidavit is notarized)

115405

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:

[Signature]

(check one)

Applicant

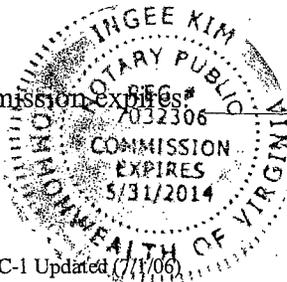
Applicant's Authorized Agent

ADAM J. KIMMICH, APPLICANT/TITLE OWNER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 27th day of Feb 2012, in the State/Comm. of VIRGINIA, County/City of Fairfax.

[Signature]
Notary Public

My commission expires _____



24 February 2012

Adam J. Kimmich
6402 13th Street
Alexandria, VA 22307

RECEIVED
Department of Planning & Zoning

MAR 02 2012

Zoning Evaluation Division

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

To whom it may concern:

Statement of Justification for Special Permit Application

I would like to request that I be granted a Special Permit to allow my newly constructed accessory storage structure to remain at its present height and at its present location. As an active-duty service member, this property was the first opportunity for me to purchase a new home and I neglected to consult the necessary zoning regulations to build my shed. As a first time home-owner, I used as the basis for constructing my shed the existing sheds on the neighboring lots and not the regulations. I ensured that I kept my shed at a reasonable size and location comparable to those of the neighboring lots, falsely assuming that I would be in compliance if doing so. Although in violation, I can assure that the shed is aesthetically appropriate and in a location that does not draw contrast from any other structure on neighboring lots.

The dimensions of my storage shed are 16' long x 8' wide x 10' high. The 10' height is in violation of the 8.5 feet allowable height in accordance with Par. 10E of Sect. 10-104 of the Zoning Ordinance. My shed is located approximately 2-3 feet from both the side and rear property line, which is in violation of the 12 feet allowable distance in accordance with Par. 6 of Sect. 2-302 of the Zoning Ordinance. The overall square footage is in compliance.

I acknowledge that I should have consulted the zoning regulation and not relied on existing neighboring structures as a guide. I built the shed myself over the course of 5 weekends as a cost-saving measure and in order to gain storage space that does not exist in my new home. My home does not have a basement due to the flood plain in which it exists and has extremely minimal attic storage. I would not be able to rebuild this necessary storage structure if not allowed to keep it at its present height and location. Moving the shed to the required location would place it directly in the center of my driveway.

I sincerely hope that the commission will allow this structure to remain in place at its current height, and I thank you for your consideration.

Respectfully,



Adam J. Kimmich



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: December 21, 2011

SHERIFF'S LETTER

CASE #: 2011-08156 **SR#:** 78546

SERVE: Adam J. Kimmich
6402 13th Street
Alexandria, Virginia 22307

LOCATION OF VIOLATION 6402 13th Street
Alexandria, Virginia 22307-1432
Tax Map Ref: 83-4 ((2)) (25) 19
Zoning District: R-3

Dear Property Owner:

An inspection of the above referenced property on December 7, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

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

The presence of an accessory storage structure which measured approximately over eight and one half (8-1/2) feet in height, is approximately one hundred and twenty (120) square feet in area and is located approximately two (2) feet and approximately one to two feet respectively, from the side, and rear, lot lines.

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. 10E 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 closer than a distance equal

to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

The minimum required side yard distance in the R- 3 District is twelve (12) feet as detailed in Par. 2 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. 10E of Sect. 10-104 above, it is in violation of Par. 10E 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 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 rear and side lot lines in accordance with Par. 10E 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.

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.

Adam J. Kimmich
December 21, 2011
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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) 324-9323 Monday through Thursday, weekdays.

Sincerely,

A handwritten signature in cursive script that reads "Marsha Ansel". The signature is written in black ink and is positioned above the typed name.

Marsha Ansel, MPH
Code Compliance Investigator
Zoning and Property Maintenance Inspector
Environmental Health Specialist II
Assistant Fire Marshal, Inspections

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 # 90700188

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) 13th

JOB LOCATION
 ADDRESS 6402 Thirteenth St
 LOT # 4,20 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Mount Vernon District
 TENANT'S NAME New Alexandria
 EMAIL _____
 CONTACT ID BLK 25

OWNER INFORMATION OWNER TENANT
 NAME North Virginia
 ADDRESS 6402 Thirteenth St
 CITY New Alexandria STATE VA ZIP 22307
 TELEPHONE _____
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME Northfield Const & Dev. LLC
 ADDRESS 1301 H St NW # 605
 CITY Washington STATE DC ZIP 20005
 TELEPHONE 202-577-5065
 EMAIL NHAMM@NORTHFIELDDEV.COM
 STATE CONTRACTORS LICENSE # 27051191044
 COUNTY BPOL # T-0010485
 CONTACT ID Nathan Hamman

APPLICANT
 NAME Nathan Hamman
 ADDRESS 1301 H St NW # 605
 CITY Washington STATE DC ZIP 20005
 TELEPHONE 202-577-5065
 EMAIL NHAMM@NORTHFIELDDEV.COM
 CONTACT ID _____

DESCRIPTION OF WORK
860 sq. ft. Addition to
the existing dwelling.

HOUSE TYPE Single on Grade
 ESTIMATED COST OF CONSTRUCTION 198,500.00
 USE GROUP OF BUILDING R5
 TYPE OF CONSTRUCTION VD

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____

NONE DESIGNATED PHONE _____

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY
 PLAN # _____
 TAX MAP # _____

ROUTING	DATE	APPROVED BY
LICENSING	3/11/09	RJ
ZONING	2-25-09	WDM
SITE PERMITS	2/26/09	TR
HEALTH DEPT		
BUILDING REVIEW	2-26-09	AK
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE	\$
FILING FEE	\$
AMOUNT DUE	\$ 1.02

BUILDING PLAN REVIEW

REVIEWER	AK	# OF HOURS
REVISION FEES \$		
FIRE MARSHAL FEES \$		
FIXTURE UNITS		PLAN LOC: J <input type="checkbox"/> R <input type="checkbox"/>

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OUT)
 BY _____ DATE 3/11/09

ZONING REVIEW
 USE R-3 D
 ZONING DISTRICT R-3 HISTORICAL DISTRICT No
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS:	GARAGE:	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT <u>7.1</u>	OPTIONS:	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT <u>12.5'</u>	REMARKS:	<u>Int att to 1st</u>		
L SIDE <u>12.5'</u>		<u>floor. Build 2nd story</u>		
R SIDE <u>12'</u>		<u>addition over 1st.</u>		
REAR <u>57.5'</u>		<u>Demo portion of porch in</u>		

REMARKS Entire lot in
setback
Floodplain and 1993 RPA
RPA exception reqd
Floodplain determination letter provided by applicant
exception under 15.5-5a
is required. Both forms 3/31/09
20.5' x 47' (24.5' tall) 2nd story ad
shorten porch to 5.5' wide, 30' long

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be compiled 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.

Nathan Hamman 3-11-09
 Signature of Owner or Agent Date
Nathan Hamman Managing Partner
 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 VA
 County (or city) of Fairfax to wit: _____

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)

Note to Property Owners If you have made arrangements with a contractor to do this work, Fairfax County strongly suggests that the contractor be the party to secure the permit. When contractors obtain the permit in their name, they indicate their responsibility for the work. You should avoid obtaining permits in your name for work that will be performed by a contractor. When a permit is issued solely to the owner, enforcement actions against the contractor for code violations become more difficult. Additionally, when a contractor applies for the permit, the County will verify that the contractor is licensed as required by State and local laws. Unwillingness to obtain the permit may be an indication that the contractor is not appropriately licensed. If you have any questions concerning this matter, please call the Permits Division at 703-222-0801 prior to signing the application.

Covenants and Building Permits Many subdivisions and neighborhoods within Fairfax County have private deed restrictions and covenants regulating building construction. The Fairfax County staff is not familiar with these covenants, and does not determine whether or not the work covered by a building permit satisfies these covenants. Obtaining a building permit does not relieve the property owner of responsibility for complying with applicable covenants. These covenants and restrictions are often recorded with the plat and deed records associated with the property. If you do not have a copy of such restrictions, we suggest that the records on file in the Land Records section of the Fairfax County Clerk of the Court's Office be checked to determine whether or not covenants or restrictions exist that regulate the work proposed.

Other Permits Required. A building permit does not authorize the performance of electrical, mechanical and plumbing work. Separate electrical, mechanical and plumbing permits are required to perform electrical, mechanical and plumbing work. Separate permits issued by the Health Department are also required for any individual well and/or sewage disposal system work.

Expiration of Permits An issued permit is non-transferable and shall become void if the authorized work has not commenced within six months after issuance, or if the work is suspended for a period of six or more months after having commenced. Requests for permit extensions may be made in writing to the Permits Division of the Office of Building Code Services. Requests must be received prior to the expiration of the permit. Expired permits cannot be extended.

Notification of Utilities The permit holder is required to notify all utilities before commencing any underground construction and must receive the proper clearances from the utilities as prescribed in the Code of the County of Fairfax.
(Miss Utility 1-800-257-7777)

Inspection Requirements The permit holder is responsible for scheduling required inspections and for assuring that final approvals are received prior to use of the building, structure or part thereof, as required by the Virginia Uniform Statewide Building Code.

Residential Inspections To maximize the benefits of the County's cross trained Residential Inspections Division, all initial residential concealment inspections (electrical, mechanical, plumbing, and framing inspections) for a project must be scheduled for a simultaneous inspection. A combined inspection is also required when scheduling final inspections. If the required inspections are not scheduled for the same day, the inspector may hold the inspection request(s) until all the work is ready for inspection.

Scheduling and Canceling Inspections Inspections can be scheduled or cancelled by using the internet, the Automated Inspection Requests System, or by speaking directly with County staff. To schedule or cancel an inspection via the internet, go to <http://www.fairfaxcounty.gov/living/construction/default.htm>, click on "Schedule", and follow directions on the screen. To schedule or cancel an inspection using the 24 hour Automated Inspection Request System (AIRS), touch tone telephone users can call 703-222-2474. Rotary telephone users and persons who prefer to speak with County staff may call 703-222-0455 during normal Permits Division office hours Monday through Friday.

After-Hours Inspections It is occasionally necessary for inspections to be performed outside of regular County business hours. After-hours building inspections can be arranged with prior approval and prepayment of inspection fees. A fee as outlined in the Office of Building Code Services Fee Schedule shall be charged for each 30 minute period, or fraction thereof, of inspection time performed outside of regular County business hours. This fee is in addition to the fee for the building permit which authorizes the performance of the work.

Right of Appeal Decisions of the Building Official may be appealed to the Fairfax County Board of Building Code Appeals in accordance with the Virginia Uniform Statewide Building Code, the Code of the County of Fairfax and the Board's current procedures.

STAMPS (These stamps are a part of this application and must be complied with)

The Limits of Clearing and Grading shown near and/or within the limits of the Resource Protection Area (RPA) must be strictly observed and enforced. Any encroachment into, and/or disturbance of, the RPA not shown on this plan is considered a violation of the Chesapeake Bay Preservation Ordinance (CBPO) and is subject to the penalties of CBPO Article 9 (Violations and Penalties).

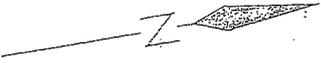
Date: 3/11/09

ESRD Stormwater Reviewer: 

The Limits of Clearing and Grading shown near and/or within the limits of the Resource Protection Area (RPA) must be strictly observed and enforced. Any encroachment into, and/or disturbance of, the RPA not shown on this plan is considered a violation of the Chesapeake Bay Preservation Ordinance (CBPO) and is subject to the penalties of CBPO Article 9 (Violations and Penalties).

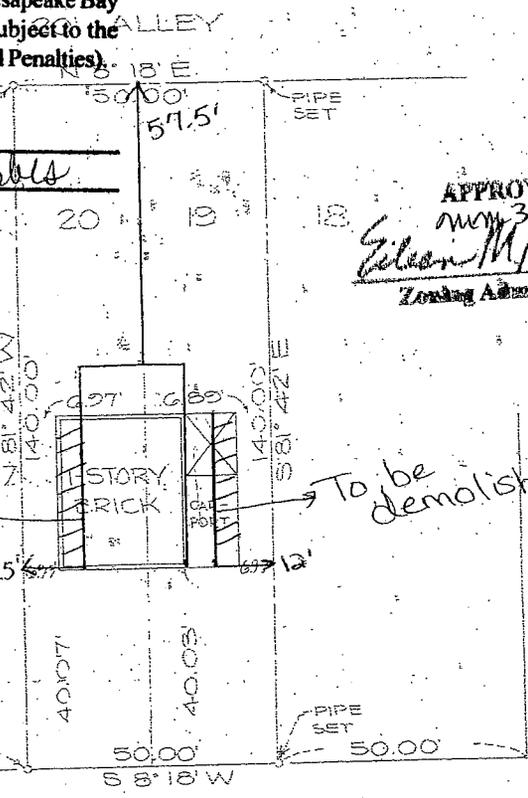
Date: 3/31/09
 ESRD Stormwater Reviewer: Beth Forbes

APPROVED
 MAY 3-31-09
Eileen M. Malone
 Zoning Administrator



Not Conforming ←
 To be demolished →

DPW&ES
 LAND DEVELOPMENT SERVICES
 SITE PLANS FOR ADDRESSING CENTER
 APPROVED FOR:
2nd story add'n
 BY: AF
 DATE: 3/31/09



total earth disturbance on this lot shall not exceed 2500 sq. ft. - Earth disturbance in excess of 2500 shall constitute a violation and require the submission of a grading plan. CS

FOOTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

ST. 80' R/W
 (RT. #1505)
PLAT
 SHOWING SURVEY
 LOT 19 & 20, BLOCK 25
 NEW ALEXANDRIA
 AIRFAX CO. VIRGINIA
 SCALE: 1" = 30' MAY 13, 1957
Cecil J. Cross
 CECIL J. CROSS
 CERTIFIED SURVEYOR
 117 S. COLUMBUS STREET
 ALEXANDRIA, VIRGINIA

APPROVED
[Signature]
 ZONING ADMINISTRATOR
 DATE FEB 20 1958

REF.
 1287-24

D/R #26125

tions, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

S. M. Perkins
 Signature of owner or authorized agent

Approved by Building Inspector
[Signature]
 Date 6/17/57

Address

Telephone Number

Date

The Limits of Clearing and Grading shown near and/or within the limits of the Resource Protection Area (RPA) must be strictly observed and enforced. Any encroachment into and/or disturbance of the RPA not shown on this plan is considered a violation of the Chesapeake Bay Preservation Ordinance (CBPO) and is subject to the penalties of CBPO Article 9 (Violations and Penalties).

Date: _____

ESRD Stormwater Reviewer: _____

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

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

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

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

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

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