



APPLICATION ACCEPTED: August 1, 2013
BOARD OF ZONING APPEALS: November 20, 2013
ADMINISTRATIVELY MOVED AT APPLICANT'S REQUEST
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 13, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-LE-057

LEE DISTRICT

APPLICANT/OWNER: Salvador Garcia

STREET ADDRESS: 4807 Flower Lane, Alexandria, 22310

SUBDIVISION: Rose Hill Farm

TAX MAP REFERENCE: 82-3 ((14)) (H) 2

LOT SIZE: 11,036 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of minimum yard requirements based on error in building location to permit addition to remain 8.2 ft. from side lot line and reduction of certain yard requirements to permit construction of accessory storage structure 6.5 ft. from side and rear lot lines.

STAFF RECOMMENDATION: Staff recommends denial of SP 2013-LE-057 for the accessory storage structure.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\gumk2\SP_VC Cases\11-20 SP 2013-LE-057 Garcia\SP 2013-LE-057 Garcia SR.doc

Laura Gumkowski

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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

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



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

Special Permit
SP 2013-LE-057
SALVADOR GARCIA

CITY OF ALEXANDRIA



ROSE HILL

U.S. COAST GUARD STATION

HYBLA VALLEY

GROVETON

PENN DAW

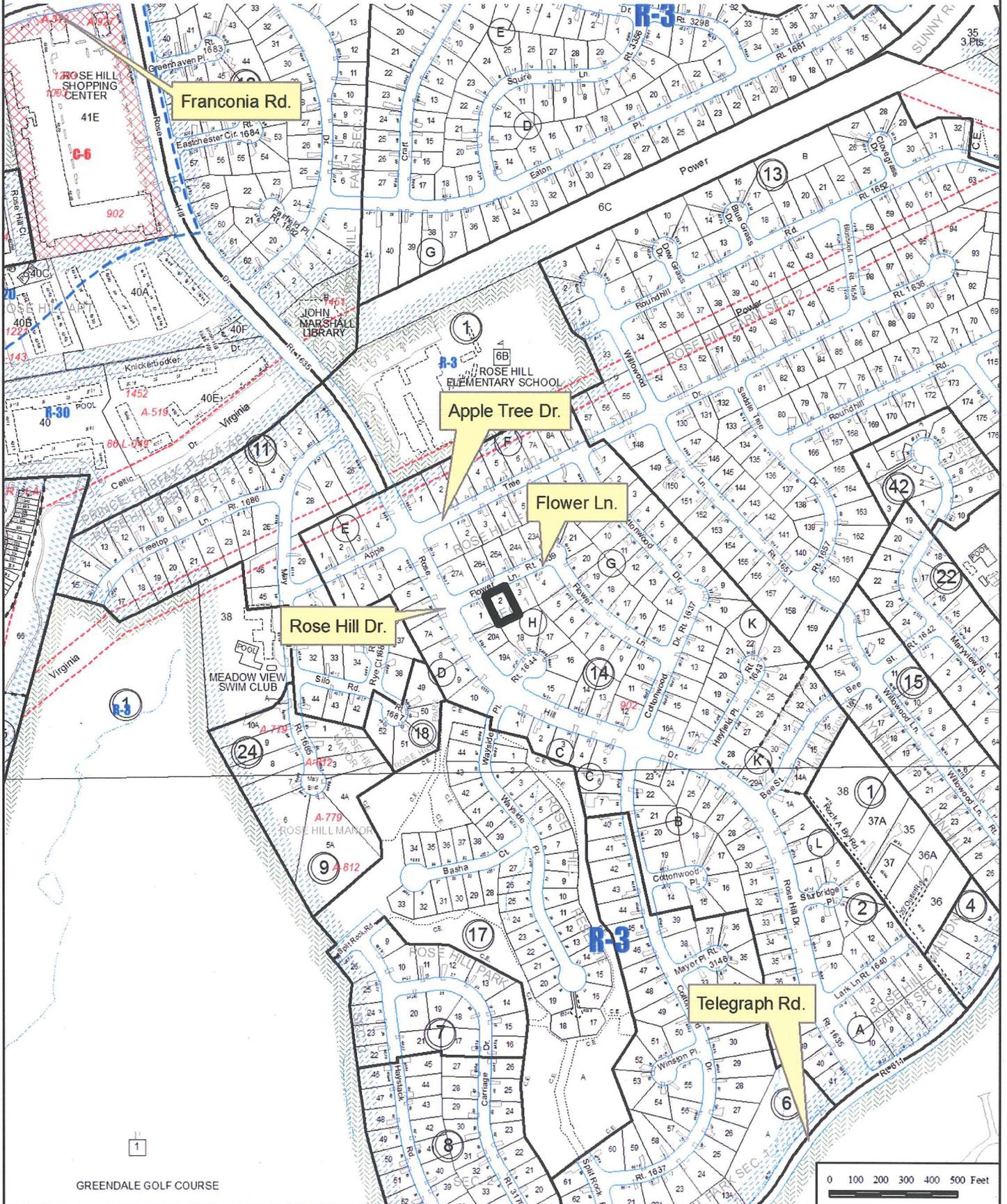
FRANCONIA

LANDMARK

LINCOLNIA



Special Permit
SP 2013-LE-057
SALVADOR GARCIA



GREENDALE GOLF COURSE

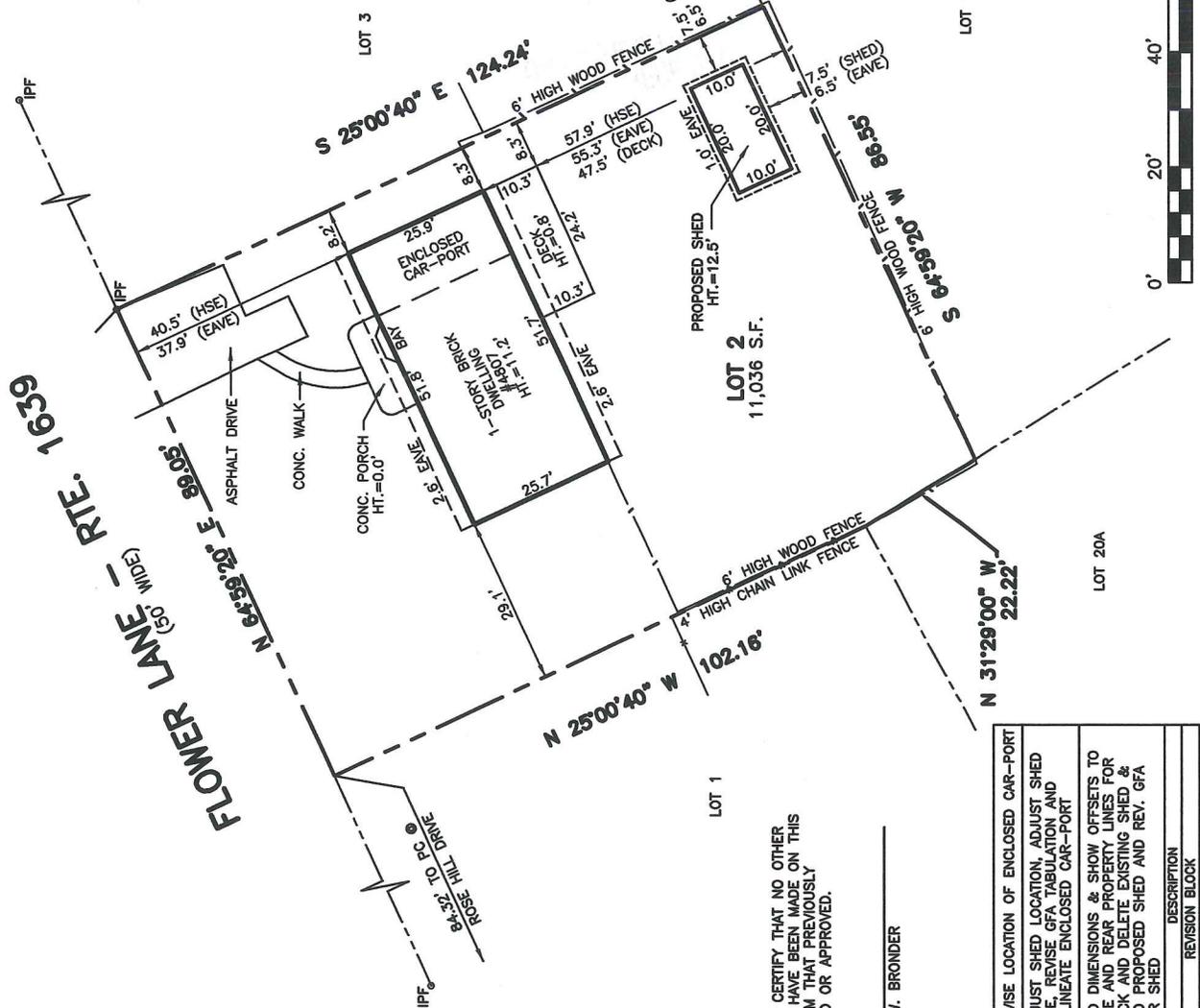
0 100 200 300 400 500 Feet

NOTES:

1. TAX MAP - 082-3-14-H-0002
2. ZONED - R-3
3. LOT AREA = 11,036 S.F.
4. NO TITLE REPORT FURNISHED
5. MINIMUM YARD REQUIREMENTS
FRONT YARD = 30'
SIDE YARD = 12'
REAR YARD = 25'
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER
7. NO GRAVE, OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL WAS OBSERVED DURING FIELD INSPECTION
8. THERE ARE NO EASEMENTS 25' OR GREATER IN WIDTH ON THIS LOT
9. THIS LOT IS IN AN AREA SHOWN ON FIRM COMMUNITY PANEL 315E EFFECTIVE SEPTEMBER 17, 2010 DESIGNATED AS ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
10. THERE ARE NO RPA'S ON THIS SITE

GROSS FLOOR AREA TABULATION

ORIGINAL HOUSE = 941 S.F.
ENCLOSED CAR-PORCH = 293 S.F.
TOTAL EXISTING HOUSE = 1,234 S.F.
PROPOSED SHED = 181 S.F.



I HEREBY CERTIFY THAT NO OTHER CHANGES HAVE BEEN MADE ON THIS PLAT FROM THAT PREVIOUSLY SUBMITTED OR APPROVED.

JOSEPH W. BRONDER

NO.	DESCRIPTION
3	REVISE LOCATION OF ENCLOSED CAR-PORCH
2	ADJUST SHED LOCATION, ADJUST SHED SIZE, REVISE GFA TABULATION AND DELINEATE ENCLOSED CAR-PORCH
1	ADD DIMENSIONS & SHOW OFFSETS TO SIDE AND REAR PROPERTY LINES FOR DECK AND DELETE EXISTING SHED & ADD PROPOSED SHED AND REV. GFA FOR SHED
	REVISION BLOCK



SPECIAL PERMIT PLAT
LOT 2
BLOCK H
ROSE HILL FARM
SECTION ONE
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE - 1"=20'
APRIL 1, 2013
DIGULIAN ASSOCIATES, P.C.
LAND SURVEYORS
7000-D NEWINGTON ROAD
LORTON, VIRGINIA
703-339-7449

REV. 8-26-13
REV. 7-16-13
REV. 5-31-13

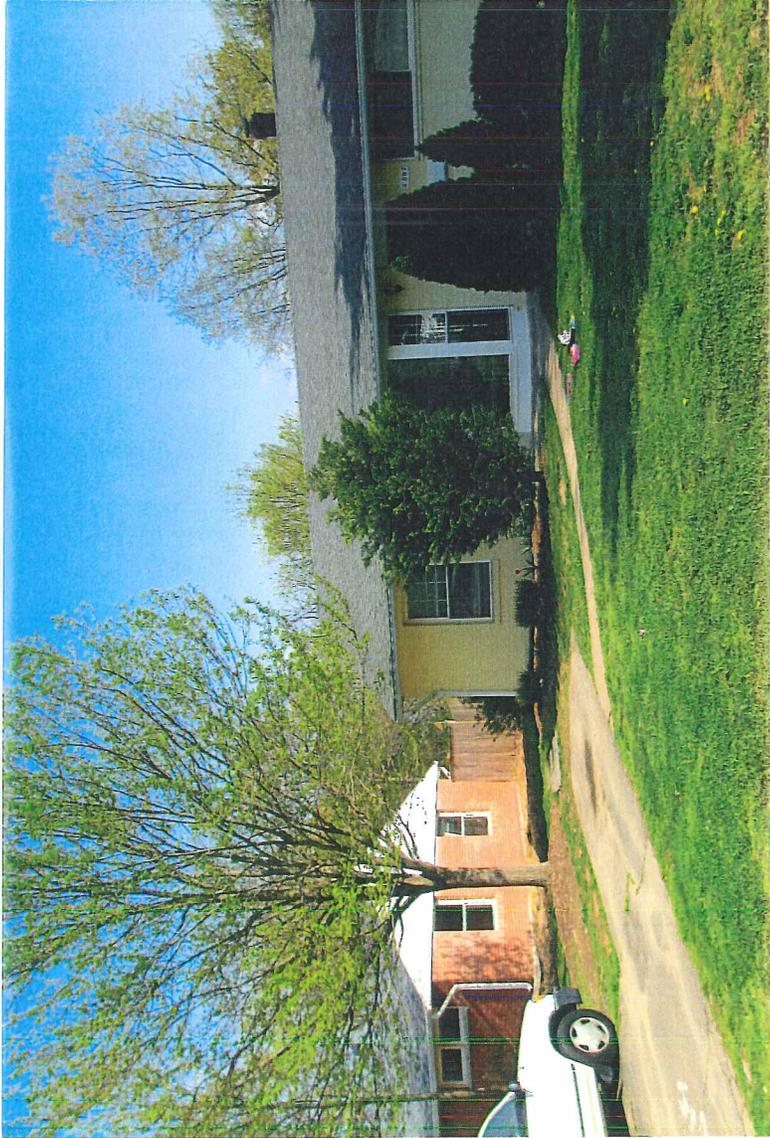
Pictures of shed removed







ROSEHILL DR



NEIGHBOR

(LEFT SIDE)

4807 FLOWER LANE

FRONT OF THE HOUSE



APR. 16,
2013

NEIGHBOR
(RIGHT SIDE)

RECEIVED
Department of Planning & Zoning

APR 23 2013

Zoning Evaluation Division

ROSEHILL DR



FLOWER LANE

NEIGHBOR HOME AT THE RIGHT SIDE



Apr. 16,
2013

RECEIVED
Department of Planning & Zoning
APR 23 2013
Zoning Evaluation Division

ROSE HILL DR



FLOWER LANE

Apr. 16, 2013

↖ NEIGHBOR HOME AT THE LEFT SIDE

RECEIVED
Department of Planning & Zoning
APR 23 2013
Zoning Evaluation Division



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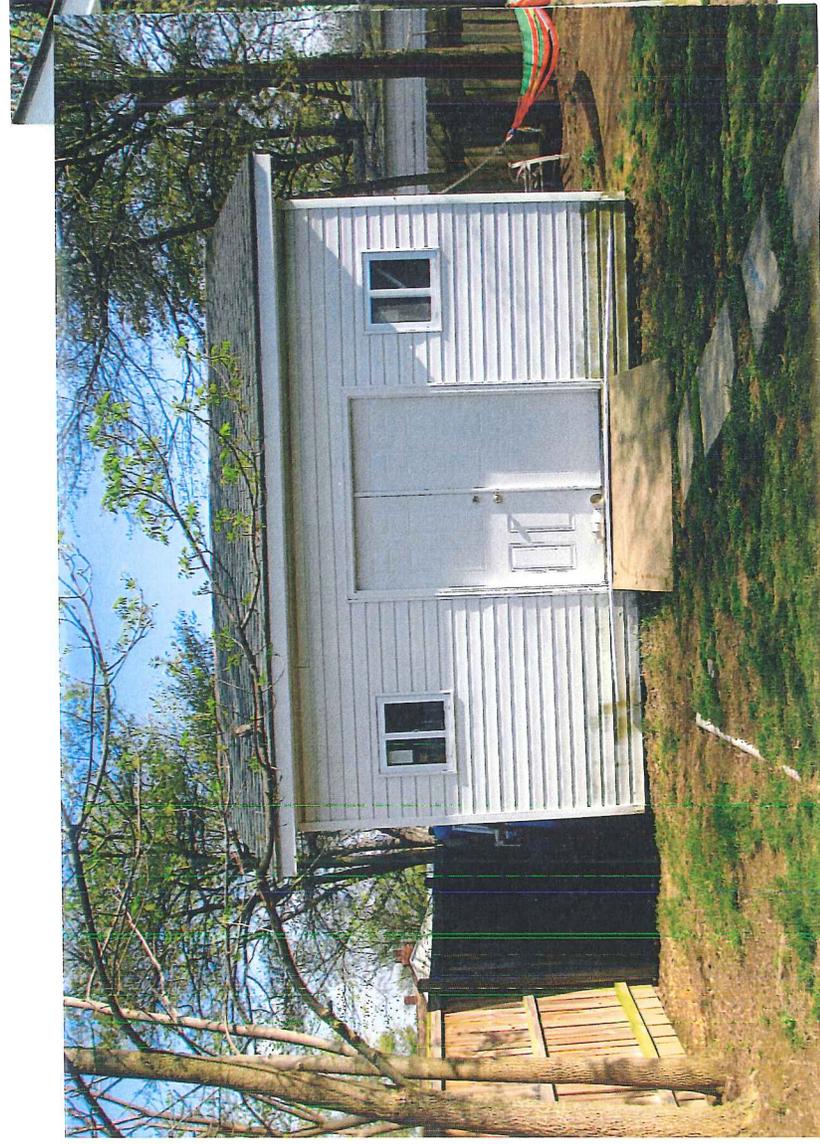
Apr. 16, 2013

ENCLOSED (FRONT)
CARPORT



ENCLOSED
CARPORT
LEFT
(SIDE)

Apr. 16,
2013



STORAGE STRUCTURE
IN THE REAR YARD



Apr. 16, 2013

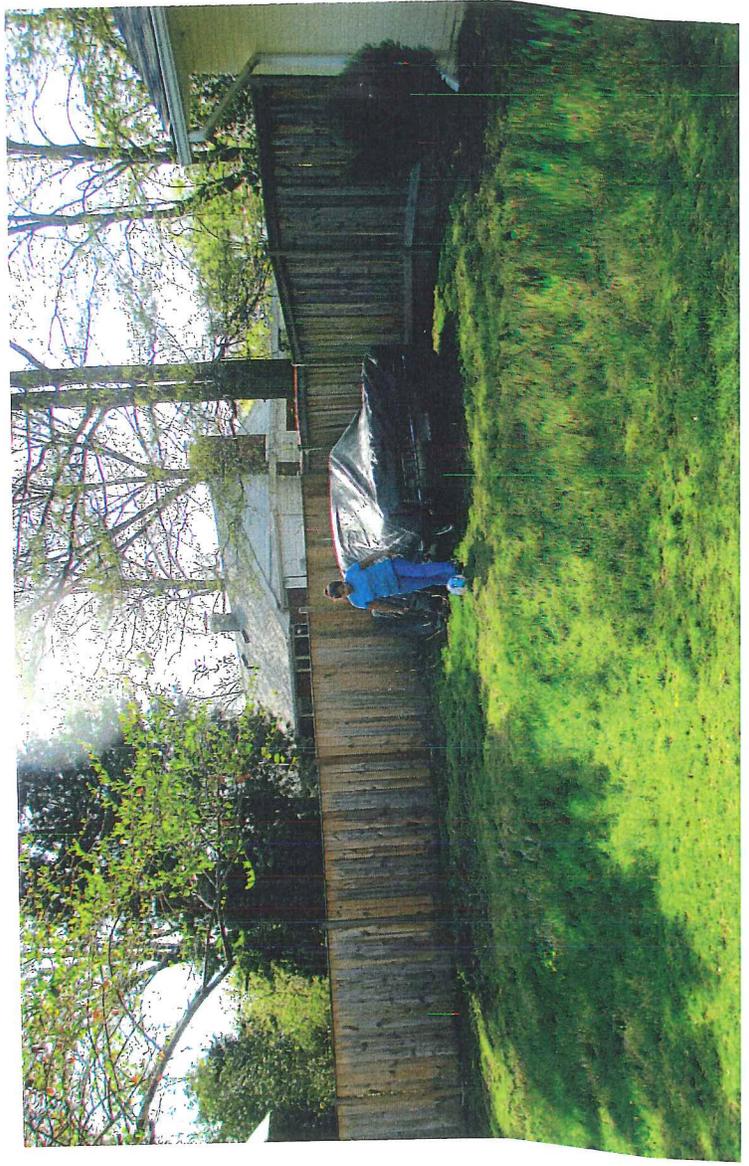


Apr. 14, 2013

BACK RIGHT SIDE

BACK RIGHT SIDE

Apr. 16, 2013



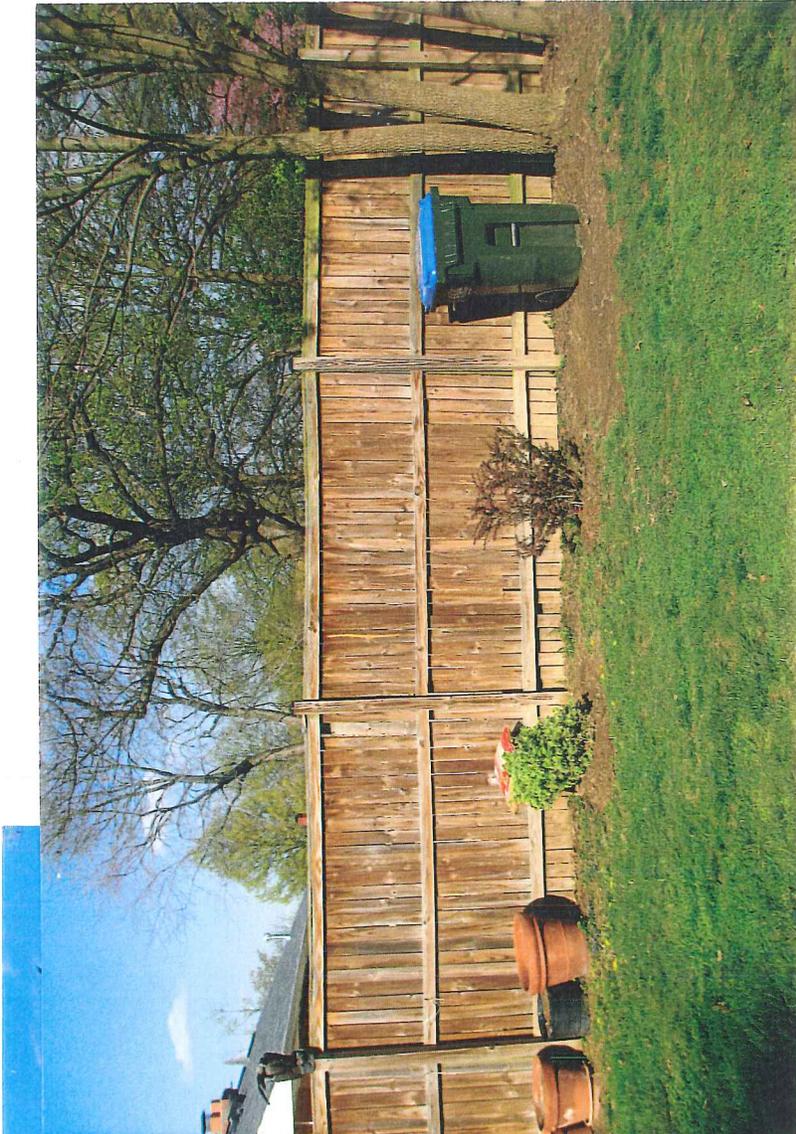


BACK OF THE HOUSE

Apr. 16,
2013

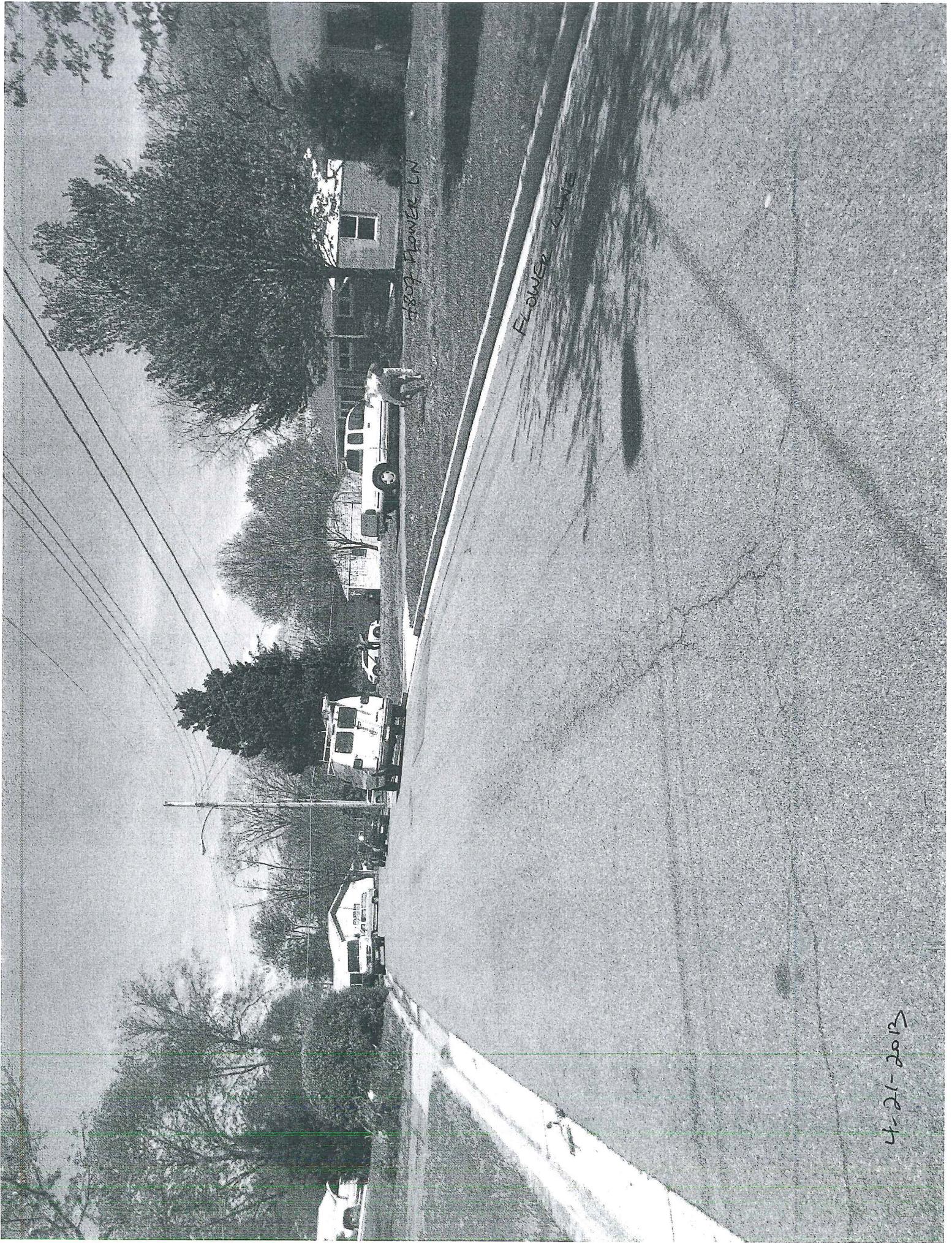


BACK LEFT SIDE



BACK LEFT SIDE

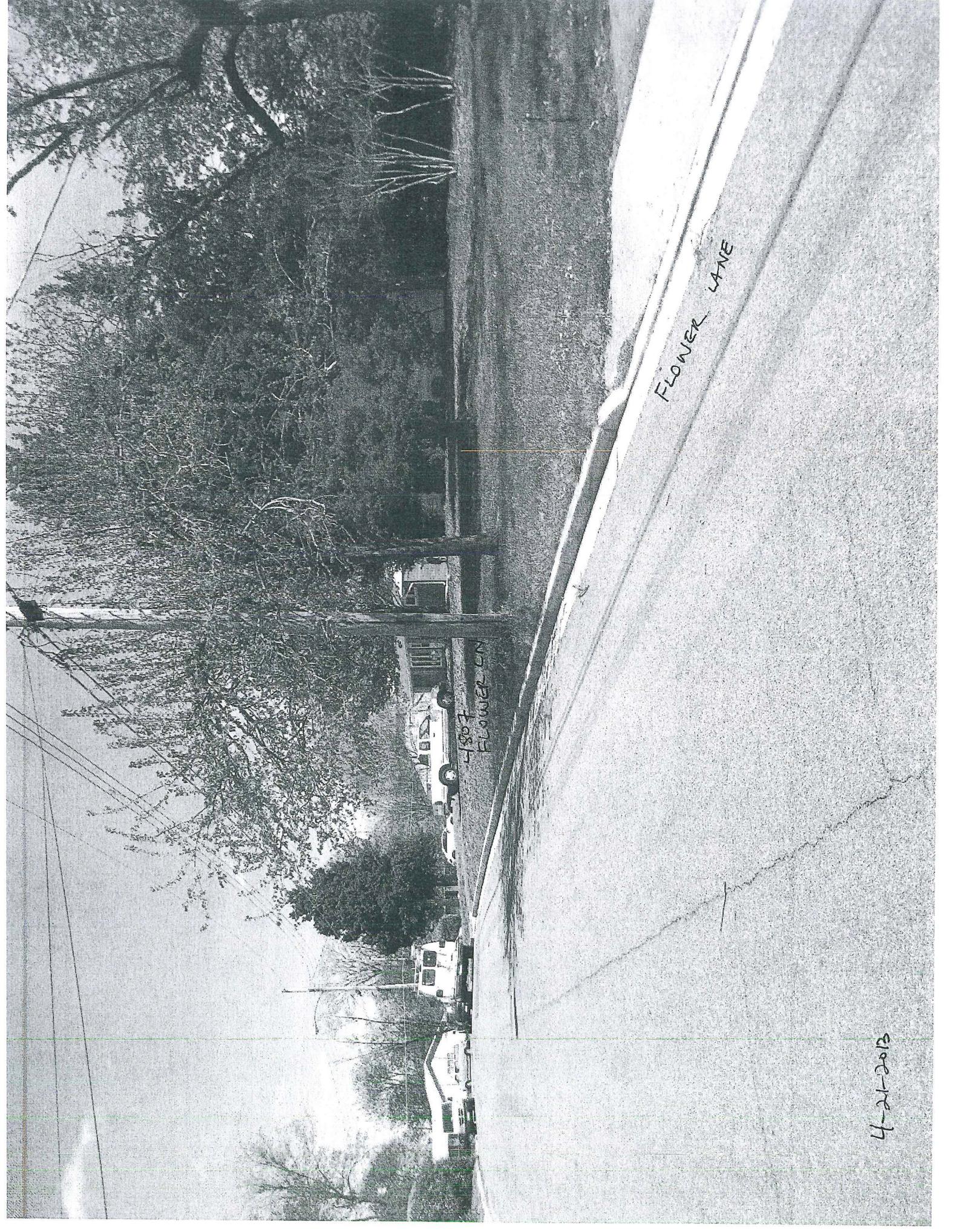
Apr 16, 2013



4807 Flower Ln

FLOWER LN

4-21-2013



FLOWER LANE

4807
FLOWER LN

4-21-2013



NEIGHBOR
RIGHT
SIDE

FLOWER
LAVE

43 of PEANUT LANE

4-21-2013



FLOWER
LANE

ROSE HILL DC

ROSE HILL
DC

4-21-2013

DESCRIPTION OF THE APPLICATION

The applicant is seeking a special permit to allow a reduction of certain yard requirements to permit an error in building location for an existing addition to remain and to permit construction of an accessory storage structure.

A copy of the special permit, plat titled "Special Permit Plat, Lot 2, Block H, Rose Hill Farm," prepared by Joseph W. Bronder of DiGuilian Associates, P.C., dated April 1, 2013, as revised through August 26, 2013, is included in the front of the staff report.

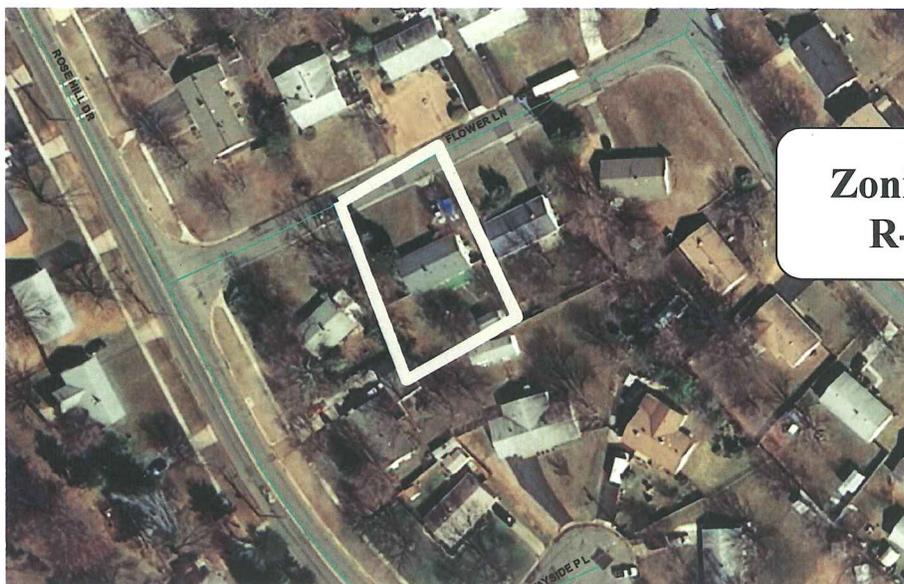
A more detailed description of the proposal is provided on page two.

EXISTING CONDITIONS

The 11,036 square foot lot contains a one story, single family detached, brick dwelling. A wooden deck is attached to the southeast portion of the house. A concrete porch exists on the northern façade of the house and a walkway connects the porch to the asphalt driveway. The driveway provides vehicular access to Flower Lane. A concrete paver walkway exists to the east of the house and another separate concrete paver walkway leads from the south façade of the dwelling to the proposed location of the new shed in the rear yard. A six foot high wooden fence encloses the rear yard.

A shed, as shown in some of the photos in the beginning of the staff report, has been torn down.

CHARACTER OF THE AREA



The subject property and surrounding properties, as shown above, are zoned R-3 and

developed with single family detached dwellings. The property is north of Telegraph Road and east of Rose Hill Drive.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1954 and purchased by the applicant in 2005. There are no building permits on file for this property.

A number of complaints were issued on this property since 2004. These complaints are related to outdoor storage, parking in the grass, grass height, fire regulations and unpermitted interior renovations.

Four Notices of Violation (NOV) have been issued for this property and complete copies are listed chronologically and located in Appendix 4. A NOV was issued in August of 2009 for vehicles parking on the lawn and this case was resolved. A second NOV was issued to the applicant on March 1, 2013, for the conversion of a carport into living space without necessary building permits and also for the failure to install smoke detectors. A third NOV was issued on March 15, 2013, for an accessory storage structure located in the minimum required yards and for an addition built in a minimum required side yard constructed without building permits. A fourth NOV was opened on April 19, 2013, for a business operating in a residence without a proper Home Occupation Permit.

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

DESCRIPTION OF THE REQUEST

The applicant is requesting approval of two special permits. The first is for a reduction of certain yard requirements based on error in building location to permit an addition to remain 8.2 feet from the eastern side lot line. The addition is the enclosure of a carport into living space. A minimum yard of 12.0 feet is required. The second special permit request is for a reduction of certain yard requirements to permit construction of an accessory storage structure, a shed, to be built 6.5 feet from the eastern side and rear lot lines. The shed is proposed to be 181 square feet in size (dimensions shown include the eaves), and 12.5 feet in height. A minimum rear yard of 12.5 feet and a minimum side yard of 12.0 feet is required.

	Structure	Yard	Minimum Yard Required*	Proposed/ Existing Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #1	Existing Addition	Side	12.0 feet	8.2 feet	3.8 feet	31.7%
Special Permit #2	Shed	Side	12.0 feet	6.5 feet	5.5 feet	45.8 %
	Shed	Rear	12.5 feet	6.5 feet	6.0 feet	48.0 %

*Minimum yard requirement per Section 3-307 and 10-104

ANALYSIS

Zoning Ordinance Requirements

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

The application must meet all of the following standards, copies of which are attached as Appendix 5:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Of particular note regarding this application is General Standard 3.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *A number of properties located in this neighborhood have constructed sheds of similar size and location in their rear yards. The applicant however has not yet submitted elevations of the shed and therefore staff cannot determine if the shed will adversely affect the use or development of the neighboring properties. Therefore, staff does not believe this standard has been met.*

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8 922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 4 relates to additions, which does not apply to this application, and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met Standards 5, 8, and 9. *Staff finds that the application does not meet Standards 6 and 7.*

Standard 5 states that 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. The proposed accessory storage structure will serve as a shed. The size of the shed is 181 square feet and is subordinate to the 1,234 square foot primary dwelling. Therefore, staff believes that the application meets this provision.

Standard 6 states that 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. *The plat submitted indicates that the size and scale of the proposed shed will be compatible with the dwelling. The height of the shed, 12.5 feet, will not be higher than the existing height of the house which measures 11.1 feet to the midpoint of the roof. However, elevations showing the materials to be used and style of the structures have not yet been submitted, and staff cannot analyze the compatibility of the accessory storage structure with the dwelling. Therefore, at this point staff does not believe that the application meets this provision.*

Standard 7 states that 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. *Through aerial photography, staff has confirmed that the shed is similar to others in the neighborhood in terms of its height and location on the lot. Staff, however, did not receive elevations of the shed; therefore, staff cannot determine if the shed will be harmonious with offsite uses. Staff does not believe the application has met this provision.*

Standard 8 states that 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. *Staff believes that the application meets the erosion and stormwater runoff portion of the standards since DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that the proposed shed, 181 square feet, will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. Staff believes the addition will not increase runoff or erosion as the shed is being constructed on the site of a previous shed. Therefore, staff believes the application meets this provision.*

Standard 9 states that 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. *Staff believes the request to build the addition is a modest request. The construction and layout of the structure is minimal as the applicant is asking to reconstruct a shed on the site of a demolished shed of similar size and height. No existing vegetation or trees will be impacted by this construction. Other issues of wells, floodplains and/or Resource Protection Areas, and historic resources are not applicable to this site. Staff believes the application meets this provision.*

CONCLUSION

Staff does not believe that the request is in conformance with the applicable Zoning Ordinance provisions for a reduction in certain yard requirements.

RECOMMENDATION

Staff recommends denial of SP 2013-LE-057 for the accessory storage structure.

However, should the Board find that the applicant is in conformance with the applicable Zoning Ordinance provisions; staff recommends the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notices of Violation
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2013-LE-057****November 13, 2013**

1. This special permit is approved only for the location and size of the 344 square foot addition (enclosed carport) and the shed as shown on the plat titled "Special Permit Plat, Lot 2, Block H, Rose Hill Farm," prepared by Joseph W. Bronder of DiGuilian Associates, P.C., dated April 1, 2012, as revised through August 26, 2013, as submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the carport enclosure within six months of approval of this special permit.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced on the shed and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): SP 2013-LE-057
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4-22-2013
(enter date affidavit is notarized)

I, SALVADOR GARCIA, 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

120795

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)
SALVADOR GARCIA	4807 FLOWER LANE ALEXANDRIA, VA 22310	APPLICANT TITLE HOLDER

(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-LE-057
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4-22-2013
(enter date affidavit is notarized)

120795

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

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

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

(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-057
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4-22-2013
(enter date affidavit is notarized)

120795

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

PARTNERSHIP INFORMATION

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

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

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

N/A

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

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

Application No.(s): SP 2013-LE-057
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4-22-2013
(enter date affidavit is notarized)

120795

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4-22-2013
(enter date affidavit is notarized)

120795

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:

Salvador Garcia

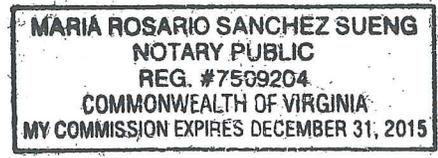
(check one) Applicant [] Applicant's Authorized Agent

SALVADOR GARCIA / OWNER - TITLE HOLDER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22nd day of April 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Maria Rosario Sanchez Sueng
Notary Public

My commission expires: Dec. 31, 2015

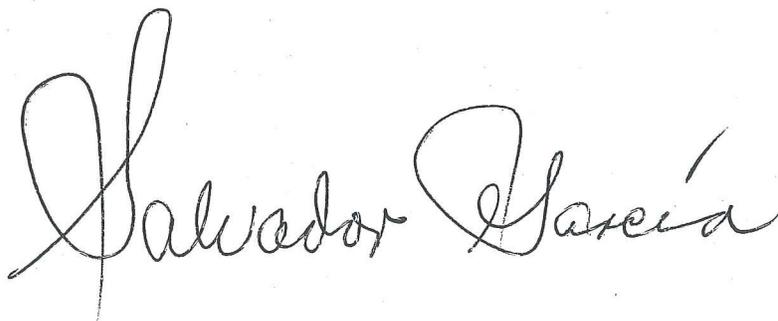


JUL 29 2013

Zoning Evaluation Division

Statement Addressing
Section 8-922
Items 4-10

4. The gross floor area of the existing principal structure (not including the existing car-port) is 941 square feet. The gross floor area of the addition (enclosed car-port) is 293 square feet. The resulting gross floor area is 1,234 square feet. The percentage of increase in gross floor area to the principal structure (dwelling) is 31.0% which is less than the allowable 150% of the total gross floor area of the principal structure that existed prior to the addition of the enclosed car-port. None of the principal structure will be removed in connection with the proposed request.
5. The addition of the proposed shed (gross floor area = 181 square feet) will be subordinate in purpose, scale, use and intent to the principal structure.
6. The proposed development (enclosed car-port and addition of the proposed shed) will be in character with the existing on-site development in terms of location, height, bulk and scale of the existing structures on the lot.
7. The proposed development (enclosed car-port and addition of the proposed shed) is harmonious with the surrounding 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 enclosure of the car-port and the addition of the proposed shed will not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion and storm run-off.
9. The proposed reduction represents the minimum amount of reduction necessary to accommodate the enclosed car-port and proposed shed on the lot with respect to all of the applicable factors.
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.

A handwritten signature in cursive script that reads "Salvador Garcia". The signature is written in black ink and is located at the bottom of the page.

JUN 11 2013

Zoning Evaluation Division

Updated Statement of Justification
Special Permit Application

Page 2

June 11, 2013
Salvador Garcia
4807 Flower Lane
Alexandria, VA 22310
C: (571) 220-0792

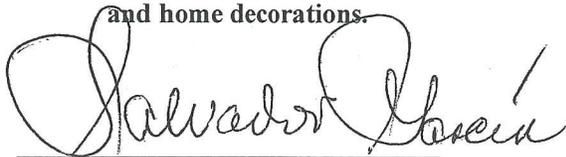
Storage Structure:

Since the last written statement of justification submitted I already have removed completely the accessory storage structure constructed. The new one will be constructed in according with the minimum required side yard distance.

I hereby request Special Permit for a reduction of yard requirement to construct an accessory storage structure (garden shed) 6.2' (shed) and 5.2' (eave) from the rear and side lot lines. The storage structure measures 12'x20 and will be 12.5' in height.

The approval of this application:

1. Will not impair the purpose and intent of this Ordinance.
2. Will not result in an increase in density or floor area ratio.
3. Will not create an unsafe condition to other properties or public streets.
4. Will not be detrimental to the use and enjoyment of other property in the immediate vicinity.
5. No hazardous or toxic substances generated, utilized, stored, treated or disposed will be on site.
6. **A Special Permit is being requested to construct an accessory storage structure (garden shed) 6.2' (shed) and 5.2' (eave) from the rear and side lot lines. This request is being made under Section 8-922 of the Zoning Ordinance (Reduction of Certain Yard Requirement). The reduction is being requested to allow the construction of a garden shed which will be used as a storage for my medium and small job equipment and tools, instead of have them in my work vehicle all the time. Also to store lawn mowers, garden tools, seasonal supplies and home decorations.**



Salvador Garcia

JUN 11 2013

Zoning Evaluation Division

File # SP 2013-0103

Updated Statement of Justification
Special Permit Application

June 11, 2013
Salvador Garcia
4807 Flower Lane
Alexandria, VA 22310
C: (571) 220-0792

To: Mr. Michael P. Chauncey, Planning Technician II
Application Acceptance Section, ZED, DPZ
County of Fairfax, Virginia

Enclosed Carport:

I am requesting a Special Building Permit based on error in building location regarding the property at 4807 Flower Lane, Alexandria, VA 22310. In that a previous owner enclosed a carport to make a living space. The living space encompasses the exact dimensions that the carport previously occupied. I request the permit to keep this living space.

- A) The addition is located on to the left front side of the single family detached dwelling with the following dimensions: approximately twelve (12') feet in width and approximately twenty six (26') feet in length. And is approximately eight feet seven inches (8'7") feet from the side lot line.
- B) The noncompliance is in good faith and was done through no fault of the current property owner. When I bought the house back in 2005 the carport was already enclosed and attached as a living space.
- C) The reduction does not impair the purpose and intent of the ordinance.
- D) The enclosure will not be detrimental of other property in the vicinity.
- E) The enclosure will not create an unsafe condition with respect to both other property nor public streets.
- F) To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
- G) The proposed enclosure will not result in an increase in density or floor area ratio from that permitted by applicable zoning district regulations.
- H) There will be no impact on traffic.
- I) The building façade is brick and the architecture is standard residential.
- J) No hazardous or toxic substances generated, utilized, stored, treated or disposed will be on site.
- K) **A Special Permit is being requested to allow the existing dwelling to remain 8.2' from the side property line. The required setback is 12'. This request is being made under Section 8-914 of the Zoning Ordinance (Error in Building Location). The error in building occurred from a former owner of the property enclosing an existing carport into living space.**

CASE # 201204015

**Statement of Justification
Special Permit Application**

Salvador Garcia
4807 Flower Lane
Alexandria, VA 22310
C: (571) 220-0792
April 22, 2013

RECEIVED
Department of Planning & Zoning
APR 23 2013
Zoning Evaluation Division

Fairfax County Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

To Whom It May Concern:

Enclosed Carport:

I am requesting a Special Building Permit based on error in building location regarding the property at 4807 Flower Lane, Alexandria, VA 22310. In that a previous owner enclosed a carport to make a living space. The living space encompasses the exact dimensions that the carport previously occupied. I request the permit to keep this living space.

- A) The addition is located on to the left front side of the single family detached dwelling with the following dimensions: approximately twelve (12') feet in width and approximately twenty six (26') feet in length. And is approximately eight feet seven inches (8'7") feet from the side lot line.
- B) The noncompliance is in good faith and was done through no fault of the current property owner. When I bought the house back in 2005 the carport was already enclosed and attached as a living space.
- C) The reduction does not impair the purpose and intent of the ordinance.
- D) The enclosure will not be detrimental of other property in the vicinity.
- E) The enclosure will not create an unsafe condition with respect to both other property nor public streets.
- F) To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
- G) The proposed enclosure will not result in an increase in density or floor area ratio from that permitted by applicable zoning district regulations.
- H) There will be no impact on traffic.
- I) The building façade is brick and the architecture is standard residential.
- J) No hazardous or toxic substances generated, utilized, stored, treated or disposed will be on site.
- K) No waivers, exceptions or variances for the proposed use are requested.

**Statement of Justification
Special Permit Application**

Page 2

Salvador Garcia
4807 Flower Lane
Alexandria, VA 22310
C: (571) 220-0792
April 22, 2013

Storage Structure:

I request Special Permit for an error in building location to relocate the accessory storage structure (garden shed) to a distance from the rear and side lot lines in accordance with Par. 10E of Sect. 10-104 of the Zoning Ordinance. The storage structure measures approximately twelve feet six inches (12'6") in height; and is located approximately four feet ten inches (4'10") and approximately four feet three inches (4'3") respectively from the side and rear lot lines.

Any noncompliance has been in good faith and I am willing to comply with the minimum required side yard distance by relocating the storage structure.

The approval of this application:

1. Will not impair the purpose and intent of this Ordinance.
2. Will not result in an increase in density or floor area ratio.
3. Will not create an unsafe condition to other properties or public streets.
4. Will not be detrimental to the use and enjoyment of other property in the immediate vicinity.
5. No hazardous or toxic substances generated, utilized, stored, treated or disposed will be on site.
6. No waivers, exceptions or variances for the proposed use are requested.

SALVADOR GARCIA

stae



County of Fairfax, Virginia

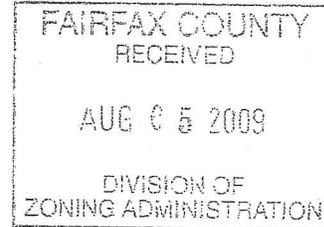
To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

August 4, 2009

NOTICE OF VIOLATION

CERTIFIED MAIL

Return Receipt Requested
 Receipt #7008 1830 0004 9542 3194



Salvador Garcia
 4807 Flower Lane
 Alexandria, VA 22310

Re: 4807 Flower Lane
 Subdivision: Rose Hill Farm Lot 2, Block H, Section 1
 Tax Map Ref.: 82-3 ((14)) (H) 2
 Zoning District: R-3

Dear Mr. Garcia:

A zoning inspection of the above-referenced property, on July 24, 2009, revealed that you are parking vehicles on the lawn, in the front yard of this property. This property is located in a developed residential community and is zoned R-3.

Par. 8 of Sect. 11-102 of the Fairfax County Zoning Ordinance limits off-street parking as follows:

For single family detached dwellings on lots containing 36,000 square feet or less in the R-1, R-2, R-3, and R-4 Districts all parking for vehicles or trailers in a front yard shall be on a surfaced area; provided, however, that this shall not be deemed to preclude temporary parking on an unsurpassed area in a front yard for a period not to exceed forty-eight (48) hours for loading, unloading, cleaning or repair of vehicles or trailers. In addition, in the R-1 and R-2 Districts, no more than twenty-five (25) percent of any front yard and in the R-3 and R-4 districts, no more than thirty (30) percent of any front yard shall be surfaced area for a driveway or vehicle/trailer parking area; provided, however, that these limitations may be exceeded for a surfaced area that is:



- A. Directly contiguous with, and providing primary access to, two side-by-side parking spaces as long as the surfaced area is not more than twenty-five (25) feet long and eighteen (18) feet wide;
- B. On a lot which has its primary access from a major thoroughfare, consists of two side-by-side parking spaces, a vehicular turn-around area as long as the surfaced area is not more than twenty-five (25) feet long, eighteen (18) feet wide, and the turnaround area does not exceed 150 square feet;
- C. Provided as an accessibility improvement as approved by the Zoning Administrator.

Surfaced area shall include: Asphalt, poured or precast concrete, brick, stone, gravel, any other impervious surface, grasscrete, or other similar pervious surface. On a pipestem lot, the surfaced area within the pipestem driveway shall be included in this limitation.

Except as may be qualified elsewhere in this Ordinance, parking structures and carports shall be subject to minimum yard requirements applicable in the zoning district in which located; except parking structures that are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.

The parking of vehicles on the lawn in the front yard of this property, which contains 11,036 square feet, in area, is in conflict of this aforementioned Zoning Ordinance provision.

Therefore, you are in violation of Par. 5 of Sect. 2-302 of the Zoning Ordinance that states:

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

You are, hereby, directed to clear this violation within forty-eight (48) hours of receipt of this Notice. Compliance can be accomplished by the following:

Ceasing, on a permanent basis, the parking of vehicles on the lawn in the front yard at this property, and taking whatever action is necessary to ensure continued compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within ten (10) days of the date of this letter in accordance with Sec. 15.2-2311 and Sec. 15.2-2286 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such ten (10) days. Should

Salvador Garcia

August 4, 2009

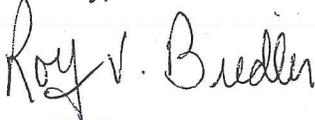
Page 3

you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party, and any other information you may wish to submit and a \$2445.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Failure to comply, with this Notice, shall result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Should you have any questions regarding this notice or need additional information, please do not hesitate to contact me at (703) 324-1331 or (703) 324-1300.

Sincerely,

A handwritten signature in black ink that reads "Roy V. Biedler". The signature is written in a cursive style with a large, prominent "R" and "B".

Roy Biedler
Senior Zoning Inspection

RVB

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Salvador Garcia
 4807 Flower Lane
 Alexandria, VA 22310

2. 7008 1830 0004 9542 3194

PS Form 3811, February 2004

Domestic Return Receipt

200904211
 BIEDLER

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Pk	

Sent To: Salvador Garcia
 Street, Apt. or PO Box: 4807 Flower Lane
 City, State: Alexandria, VA 22310

Postmark Here: BIEDLER 200904211

7008 1830 0004 9542 3194
 7008 1830 0004 9542 3194

PLEASE STICKLEAF TO THE ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS FOLD AT DOTTED LINE
CERTIFIED MAIL

PS Form 3800 August 2006 See reverse for instructions



County of Fairfax, Virginia

Return Copy

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

NOTICE OF VIOLATION Virginia Statewide Fire Prevention Code

DATE OF ISSUANCE: March 1, 2013

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO:
PROPERTY OWNER: Salvador Garcia
ADDRESS: 4807 Flower Lane
Alexandria, VA 22310

LOCATION OF VIOLATION: 4807 Flower Lane
Alexandria, VA 22310-2862

TAX MAP REF: 82-3 ((14)) (H) 2

CASE #: 201204015 — **SR#:** 91773

Dear Responsible Party / Salvador Garcia,

Pursuant to Sections 106.6, 110.2 and 111.1 of the 2009 Virginia Statewide Fire Prevention Code (SFPC) and 61-5-5 of the Code of the County of Fairfax, Virginia, this letter shall serve as a Notice of Violation. Sect. 110.2 of the SFPC states:

§ 110.2-Maintenance. The owner shall be responsible for the safe and proper maintenance of any structure, premises or lot. In all structures, the fire protection equipment, means of egress, alarms, devices and safeguards shall be maintained in a safe and proper operating condition as required by the SFPC and applicable referenced standards.

The February 26, 2013, inspection was conducted by Peggy Delean, Assistant Fire Marshall in the presence of Salvador Garcia who granted entry. The following violations were noticed during this inspection of the above referenced structure/premises and shall be corrected **immediately** upon receipt this notice.

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

Violation: OCCUPANCY - SFPC-2009: 301.3

The occupancy of a structure shall be continued as originally permitted under and in full compliance with the codes in force at the time of construction or alteration. The occupancy of a structure shall not change to another occupancy that will subject the structure to any special provisions of this code or the USBC without the approval of the building official.

Location: Carport converted to living space without permits.

Work To Be Performed: Obtain a building permit and all required inspections to convert carport to living space.

VIOLATION: SMOKE DETECTORS. In accordance with section 61-5-2 of the code of the county of Fairfax, smoke detectors (smoke alarms) shall be installed in any building containing one (1) or more dwelling units regardless of when constructed.

Moreover, smoke detectors shall be installed in accordance with manufacturer's specifications, instructions and/or installations guide lines outside each sleeping area in the immediate vicinity of the bedrooms, on each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics, and should be installed in each existing first floor sleeping room.

As the homeowner, you are responsible to comply with all applicable sections of Article 5 (Smoke Detectors) of Chapter 61 of the Code of Fairfax County code.

Location: Entire house including addition.

Corrective Order: Install a smoke detector on each floor, in each bedroom, and in the immediate vicinity of the bedrooms.

RESPONSIBILITY & COMPLIANCE-The owner shall be responsible for the safe and proper maintenance of any structure, premises or lot. In all structures, the fire protection equipment, means of egress, alarms, devices and safeguards shall be maintained in a safe and proper operating condition as required by the SFPC and applicable referenced standards.

FAILURE TO CORRECT VIOLATIONS-In accordance with Section 111.3 of the Fire Prevention Code, if the notice of violation is not complied with within the time specified, the fire official shall request the legal counsel of the local governing body to institute the appropriate legal proceedings to restrain, correct or abate such alleged violation.

PENALTY- In accordance with Section 62-1-1 of the Code of the County of Fairfax, any person, firm or corporation who shall violate any of the Sections of this Chapter or any provisions of the Fire Prevention Code adopted by Section 62-2-6 or shall fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall fail to comply with such an order within the time fixed therein shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of this Chapter, and shall, upon conviction, be punishable by imprisonment not to exceed twelve (12) months or by a fine not to exceed Two

Salvador Garcia

March 1, 2013

Page 3

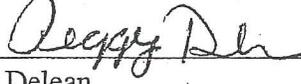
Thousand Five Hundred Dollars (\$2,500.00) or both. Each day that a violation continues after a service of notice as provided for in this Code shall be deemed a separate offense.

FOLLOW-UP INSPECTION-A follow-up inspection will be scheduled upon the confirmed receipt of notice to ensure compliance with this notice.

Thank you for your attention to these important fire protection and life safety issues. If you have any questions, would like to schedule an appointment to meet with an inspector, or to schedule a follow up inspection, please contact me directly at (703)324-1330 or the office at (703)324-1300.

Notice Issued By:

Signature: _____


Peggy Delean
(703)324-1330

Assistant Fire Marshal
Office of the Fire Marshal
Fairfax County Fire & Rescue Department
Department of Code Compliance

CC: Case File
Fire Marshal File



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: March 15, 2013

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Salvador Garcia
ADDRESS: 4807 Flower Lane
Alexandria, Virginia 22310

LOCATION OF VIOLATION: 4807 Flower Lane
Alexandria, Virginia 22310
Rose Hill farm, Section 1, Block H, Lot 2

TAX MAP REF: 82-3 (914)) (H) 2
ZONING DISTRICT: R- 3

CASE #: 201204015 **SR #:** 84351

Dear Responsible Party:

An inspection of the above referenced property on February 26, 2013 revealed the following violation(s) 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 twelve feet six inches (12'6") in height, is approximately one hundred eighty-nine (189) square feet in area and is located approximately four feet ten inches (4'10") and approximately four feet three inches (4'3") 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.

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

Salvador Garcia
March 15, 2013
SR 84351
2

The minimum required side yard distance in the R- 3 District is twelve (12') feet as detailed in Par. 2A (1) (b) 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 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 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.

§ 2-307 Meeting Minimum Bulk Regulations – Addition Added

The investigation revealed the carport has been enclosed and converted into a separate living space with a full bathroom. The addition is located on to the left front side of the single family detached dwelling with the following dimensions: approximately twelve (12') feet in width and approximately twenty six (26') feet in length. This addition, thereby, becomes part of the principal building or dwelling.

This addition is approximately eight feet seven inches (8'7") feet from the side lot line. This property is zoned R-3 District and bulk regulations for this district include minimum yard requirements for a single family attached dwelling, which is delineated in Par. 2A (1) of Sect. 3-307 of the Zoning Ordinance, which states:

Minimum yard requirements

A. Single family dwellings

- (1) Conventional subdivision lot
 - (a) Front yard: 30 feet
 - (b) Side yard: 12 feet
 - (c) Rear yard: 25 feet

Therefore, since the dwelling with the addition does not meet the minimum side yard requirement for the R-3 District, it is in violation of Par. 2A (1) of Sect. 3-307 and Par. 1 of Sect. 2-307 of the Zoning Ordinance, which states:

Except as may be qualified by provisions of this Ordinance, no structure or part thereof shall hereafter be built or moved on a lot which does not meet all minimum bulk regulations presented for the zoning district in which the structure is located, and no structure shall hereafter be used, occupied or arranged for use on a lot which does not meet all minimum bulk regulations presented for the zoning district in which such structure is located.

You are hereby directed to clear these violations within thirty (30) days after the date of this notice. Compliance must be accomplished by:

- Removing the addition from the property entirely; or
- Reducing the size of the addition to meet minimum required side yard requirements and obtaining approval for a Building Permit; or
- Applying for and obtaining the Zoning Administrator's approval of a Building Permit for the enclosed carport addition.

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 location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at (703) 324-1290.

§ 18-601 Building Permit

§ 18-603 Compliance with Other Codes:

The inspection revealed the carport has been enclosed and converted into a separate living space with a full bathroom. The carport conversion requires a building permit.

Salvador Garcia
March 15, 2013
SR 84351
4

A review of Fairfax County Land Development records indicates that a Building Permit was never obtained for the construction/erection of the carport conversion as required by Sect. 18-601 of the Zoning Ordinance; and therefore is in violation of Sect. 18-601 of the Zoning Ordinance which specifies:

The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit Application has been approved by the Zoning Administrator.

In addition, you are advised a Building Permit cannot be issued for the enclosed carport addition until the property is in compliance with Par. 1 of Sect. 18-603 of the Zoning Ordinance which states:

No Building Permit shall be issued for the erection of any building or structure on a lot or addition or modification to a building or structure that is in violation of any of the provisions of Chapter 101, Chapter 116 or Chapter 118 of The Code, this Ordinance, all other applicable laws and ordinances, any proffered conditions, or any development conditions of any approved rezoning, special permit, special exception or variance. Appeals of decisions made pursuant to Chapter 118 of The Code which are appealable shall be processed in accordance with Article 8 of Chapter 118.

You are hereby directed to clear these violations within thirty (30) days after of the date of this notice. Compliance must be accomplished by:

- Removing the enclosed carport addition from the property; or
- Applying for and obtaining the Zoning Administrator's approval of a Building Permit for the enclosed carport addition.

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 Section 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

Salvador Garcia
March 15, 2013
SR 84351
5

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, 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. For information regarding an appeal, contact:

Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, VA 22035
Office: (703) 324-1314
Information and forms can also be obtained at: <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703) 324-4375. For any other questions, contact our main office at (703) 324-1300.

LEGAL NOTICE ISSUED BY:

Signature

Al Sanchez
Code Compliance Investigator
(703) 324-4375



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: April 19, 2013

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Salvador Garcia
ADDRESS: 4807 Flower Lane
Alexandria, Virginia 22310

LOCATION OF VIOLATION: 4807 Flower Lane
Alexandria, Virginia 22310
Rose Hill farm, Section 1, Block H, Lot 2

TAX MAP REF: 82-3 (914)) (H) 2

ZONING DISTRICT: R- 3

CASE #: 201204015 **SR #:** 84351

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§ 2-302 (8)	\$ 200.00	\$ 500.00
	TOTAL:	\$ 200.00	\$

Dear Responsible Party:

Investigation of the above referenced property on August 30, 2012, February 20, 2013, February 26, 2013 and April 17, 2013 revealed the following violations of the Fairfax County Zoning Ordinance:

§ 10-304 Home Occupation:

§ 2-302 (8) Permitted Uses:

The investigation revealed that you are conducting a Contracting Business at your residence on a regular basis. Garcia S. Remodeling Inc., (HIC) business license # 2705148736, and commercial vehicle VIN # 2D7JB21Y33K520863 advertising, Garcia S. Remodeling Inc. and parked at the

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

residence, are both addressed to the property. While a home occupation is permissible under Article 10 of the Fairfax County Zoning Ordinance, a Home Occupation Permit must be obtained from Fairfax County. A review of Home Occupation Permit records, maintained by the Department of Planning and Zoning confirmed that no such permit has been issued for the business operation located on the above-referenced property.

Additionally, in accordance with Sect. 10-304 of the Zoning Ordinance, all home occupations shall be subject to the following use limitations:

- A home occupation must be conducted by the Home Occupation Permit applicant, within the dwelling, which the primary residence of the applicant or in an accessory building thereto which is normally associated with a residential use, and shall be clearly subordinate to the principal use of the lot as a dwelling.
- Except for articles produced, on the premises, no stock in trade shall be stored, displayed or sold on the premises.
- There shall be no exterior evidence that the property is used in any way other than for a dwelling.
- No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home, associated with a hobby, or avocation not conducted for gain or profit, or customary for a small office.
- No outside display or storage of goods, equipment, or materials used in connection with the home occupation shall be permitted.
- The Home Occupation Permit applicant and other persons, who use the dwelling, as their primary residence, may be involved in the home occupation use. In addition, one (1) non-resident person, whether or not paid for their services, may be involved in the home occupation use on the property provided that there is only one (1) such person on the property and the hours, of such attendance, shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday.
- Only one commercial vehicle shall be permitted, per dwelling unit, subject to the provisions of Sect. 102 above.
- The dwelling, in which the home occupation is being conducted, shall be open for inspection to County personnel during reasonable hours.
- A permit, for a home occupation, is valid for only the original applicant and is not transferable to any resident, address or any other occupation. Upon termination, of the applicant's residency, the Home Occupation Permit shall become null and void.
- No sign shall be permitted.
- There shall be no customers or clients.

Salvador Garcia
April 19, 2013
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You are in violation of Par. 8 of Sect. 2-302 of the Zoning Ordinance that states:

No home occupation shall hereafter be established, altered or enlarged unless such home occupation complies with the provisions of Part 3 of Article 10.

You are hereby directed to comply with the Zoning Ordinance immediately upon receipt of this notice. Compliance can be accomplished by:

- Ceasing operation of the business use until such time as you obtain a Home Occupation Permit for conducting a Contracting business and complying, on a permanent basis, with all limitations of the Home Occupation Permit

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 or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning Ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance § 18-903(1).

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 Section 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, 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. For information regarding an appeal, contact:

Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, VA 22035
Office: (703) 324-1314

Information and forms can also be obtained at: <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703) 324-4375. For any other questions, contact our main office at (703) 324-1300.

Salvador Garcia
April 19, 2013
SR 84351
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LEGAL NOTICE ISSUED BY:

Signature

Al Sanchez
Code Compliance Investigator
(703) 324-4375

PERSONAL SERVICE _____

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

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

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

SERVING OFFICER

_____ for _____

DATE _____

PERSONAL SERVICE _____

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

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- Not found.

SERVING OFFICER

_____ for _____

DATE _____

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.

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.