SPECIAL PERMIT ACCEPTED: September 6, 2013
VARIANCE ACCEPTED: September 6, 2013
BOARD OF ZONING APPEALS: December 4, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 27, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-MV-071
CONCURRENT WITH VARIANCE APPLICATION NO. VC 2013-MV-017

MOUNT VERNON DISTRICT

APPLICANT:	Shafiq, Muhammad
OWNERS	Shafiq, Muhammad Shafiq, Rubina
SUBDIVISION:	Williamsburg Manor North
STREET ADDRESS:	8001 Lynnfield Drive, Alexandria, 22306
TAX MAP REFERENCE:	102-1 ((33)) 20
LOT SIZE:	14,387 acres
ZONING DISTRICT:	R-3
ZONING ORDINANCE PROVISIONS:	8-918, 18-401
SPECIAL PERMIT PROPOSAL:	To permit an accessory dwelling unit in an existing dwelling.
VARIANCE PROPOSAL:	To permit greater than 30 percent minimum rear yard coverage.
STAFF RECOMMENDATION:	Staff recommends approval of SP 2013-MV-071 for an accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

O:\lgumk2\SP_VC Cases\(12-4) SP 2013-MV-017_VC Shafiq (ADU)\SP 2013-MV-017_VC Shafiq Staff Report.doc
Laura Gumkowski

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner 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. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

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**.

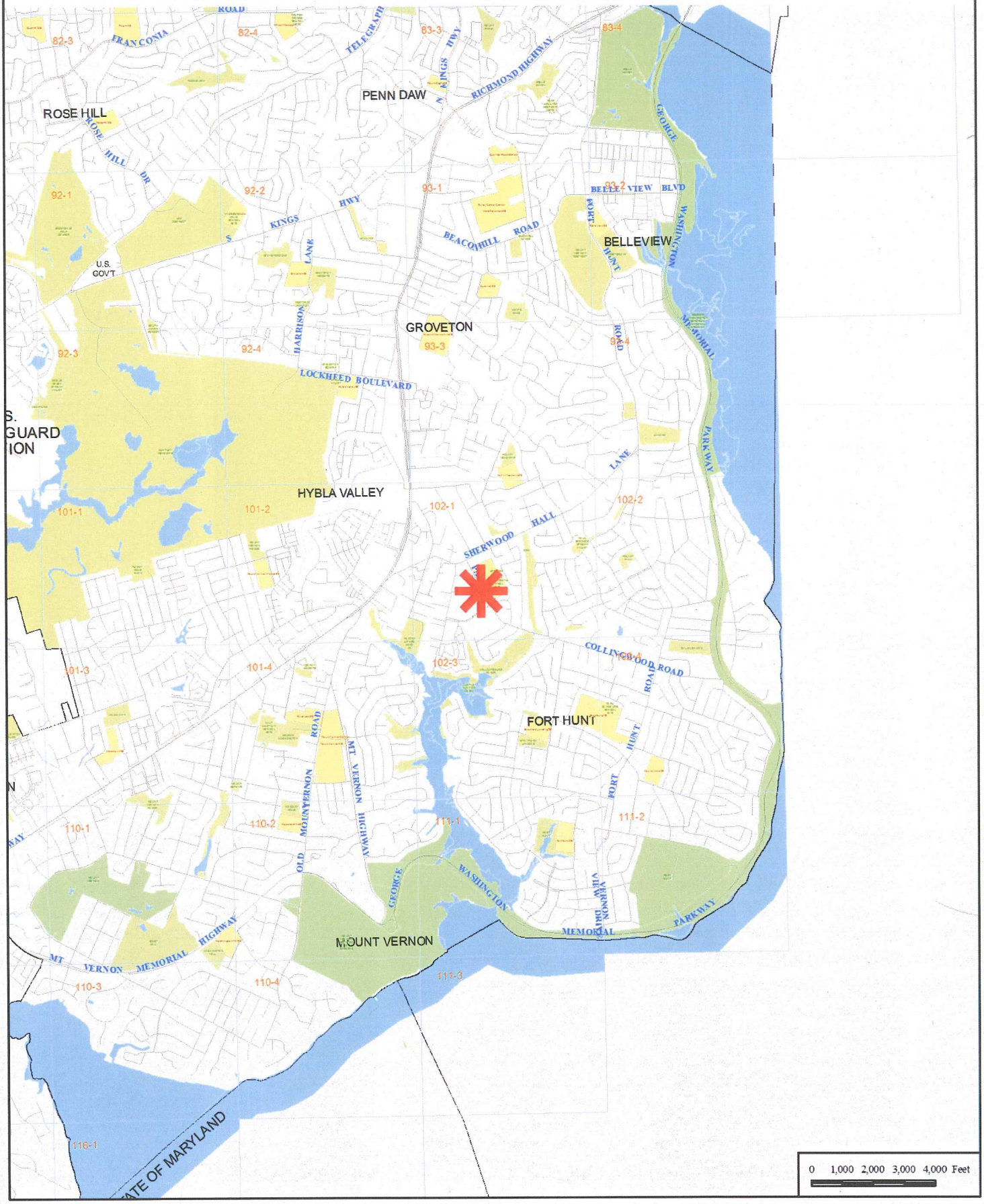
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2013-MV-071

MUHAMMAD SHAFIQ

Variance Application
VC 2013-MV-017

MUHAMMAD SHAFIQ

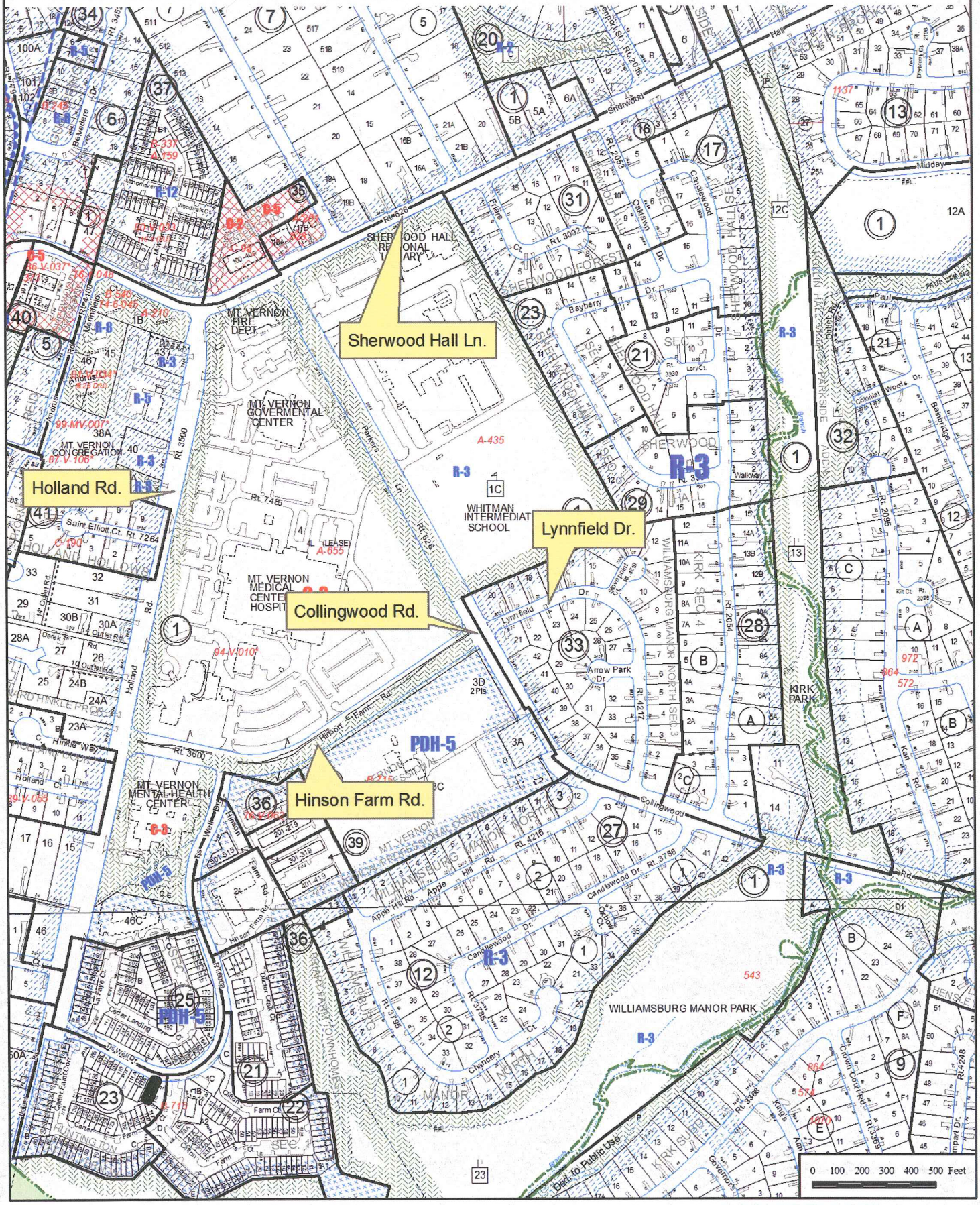


Special Permit
SP 2013-MV-071

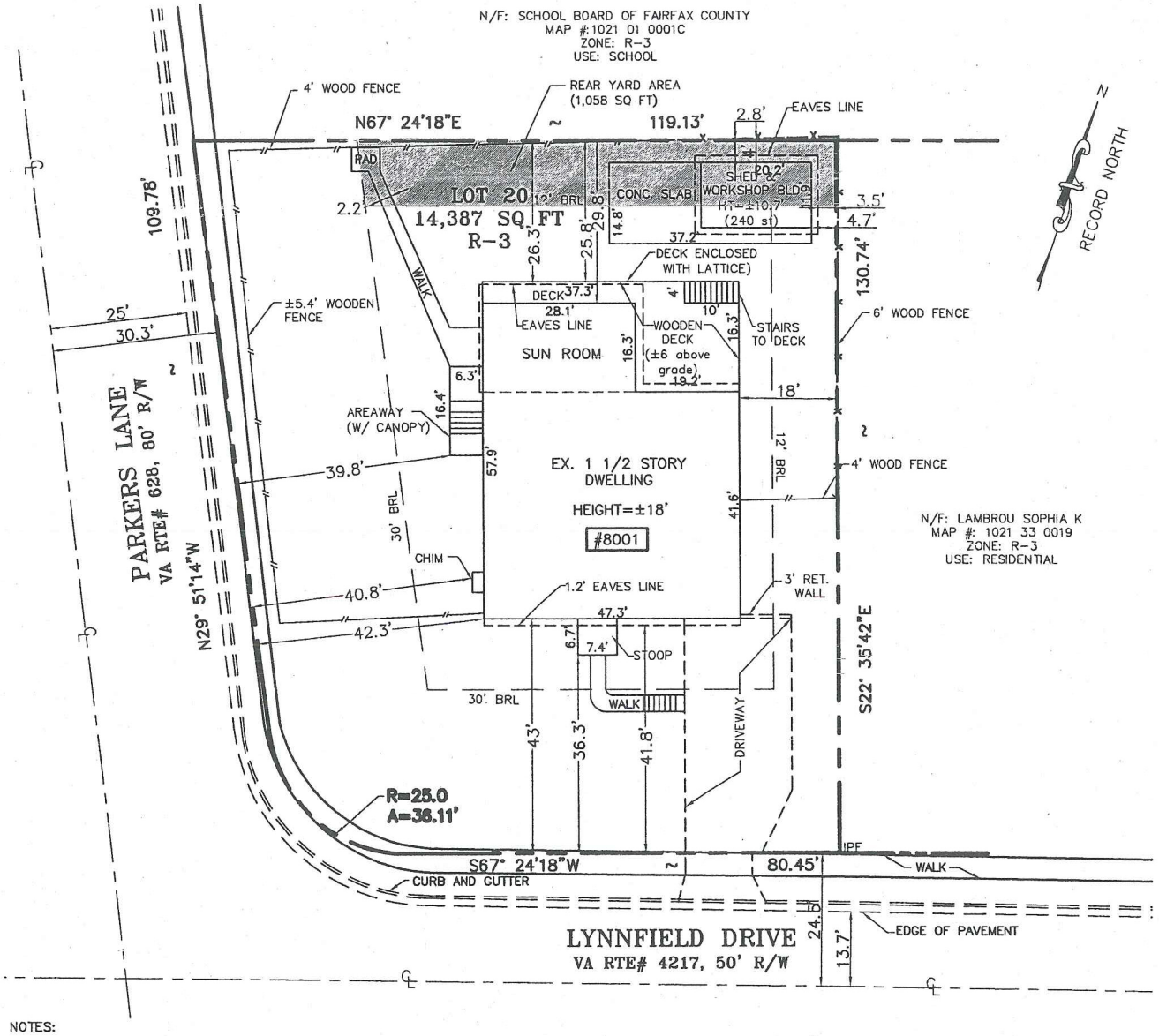
MUHAMMAD SHAFIQ

Variance Application
VC 2013-MV-017

MUHAMMAD SHAFIQ



Updated plat



NOTES:

1. TAX MAP#: 102-1-((33))-20
2. OWNER OF RECORDS: SHAFIQ MUHAMMAD, SHAFIQ RUBINA
   DEED BOOK: 16074, PAGE: 1761
3. LOCATION OF FENCES ARE APPROXIMATE.
4. THE DWELLING IS SERVED BY PUBLIC WATER AND SEWER SYSTEM.
5. THERE IS NO FLOOD PLAIN OR RESOURCE PROTECTION AREA ON THE LOT.
6. THERE IS NO GRAVEYARD OR BURIAL SITE ON THE LOT.
7. NO UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE, OR NO OTHER EASEMENTS EXIST ON THE LOT.
8. GROSS FLOOR AREA
   - 8.1. PRINCIPAL BUILDING=1967 (BSMT)+1967 1ST FLOOR+458 SUNROOM=4,392 SQ FT
   - 8.2. SHED & WORKSHOP BLD (ACCESSORY)=241 SQ FT OR 5.5% OF PRINCIPAL STRUCTURE
9. REAR YARD COVERAGE (NORTH FROM LYNNFIELD DR)
   REAR YARD AREA ON THE NORTH=1,058 SQ FT (ENCLOSED BY 12' SETBACK FROM THE REAR PROPERTY LINE)
   PART OF SHED WITHIN BRL=160 SQ FT
   PART OF CONC PATIO=135 SQ FT
   PART OF WALK AND PAD=38 SQ FT
   TOTAL COVERAGE=333 SQ FT OR 31.5% OF REAR YARD AREA

LEGEND

IPF IRON PIPE FOUND
A/C AIR CONDITION
CONC. CONCRETE

IMPERVIOUS AREA COMPUTATIONS:

BUILDING:	1967+458 SUN ROOM=2,425 SQ FT
DECK:	502 SQ FT (WOOD DECK NOT INCLUDED IN IMPERVIOUS AREA)
SHED:	241 SQ FT
DRIVEWAY:	816 SQ FT
WALK:	369 SQ FT
CONCRETE PAD FOR SHED:	310 SQ FT
SUB-TOTAL=	4161 SQ FT OR 28.9% OF LOT AREA
LOT AREA=	14,387 SQ FT

FRONT YARD COVERAGE:

FRONT YARD AREA: 4,336 SQ FT
IMPERVIOUS AREA (VEHICLE RELATED AREA): 816 SQ FT
% OF FRONT YARD: SUB-TOTAL=816/4,336X100%=18.8%<30%

SPECIAL PERMIT PLAT

LOT 20, WILLIAMSBURG MANOR NORTH
TAX ID:102-1-((33))-20
MT. VERNON DISTRICT
8001 LYNNFIELD DRIVE
SCALE: 1":20'
DATE: JUNE 5, 2013
REVISED: October 22, 2013

COMMONWEALTH OF VIRGINIA
Bhandari
PREM K BHANDARI
Lic. No. 02968
10/22/2013
LAND SURVEYOR

AMA ENGINEERS, LLC
3930 Pender Drive, Suite 310
Fairfax, Va-22030
TEL: 703-655-2151 (cell)
703-273-0300 (off)
Fax: 703-273-0303

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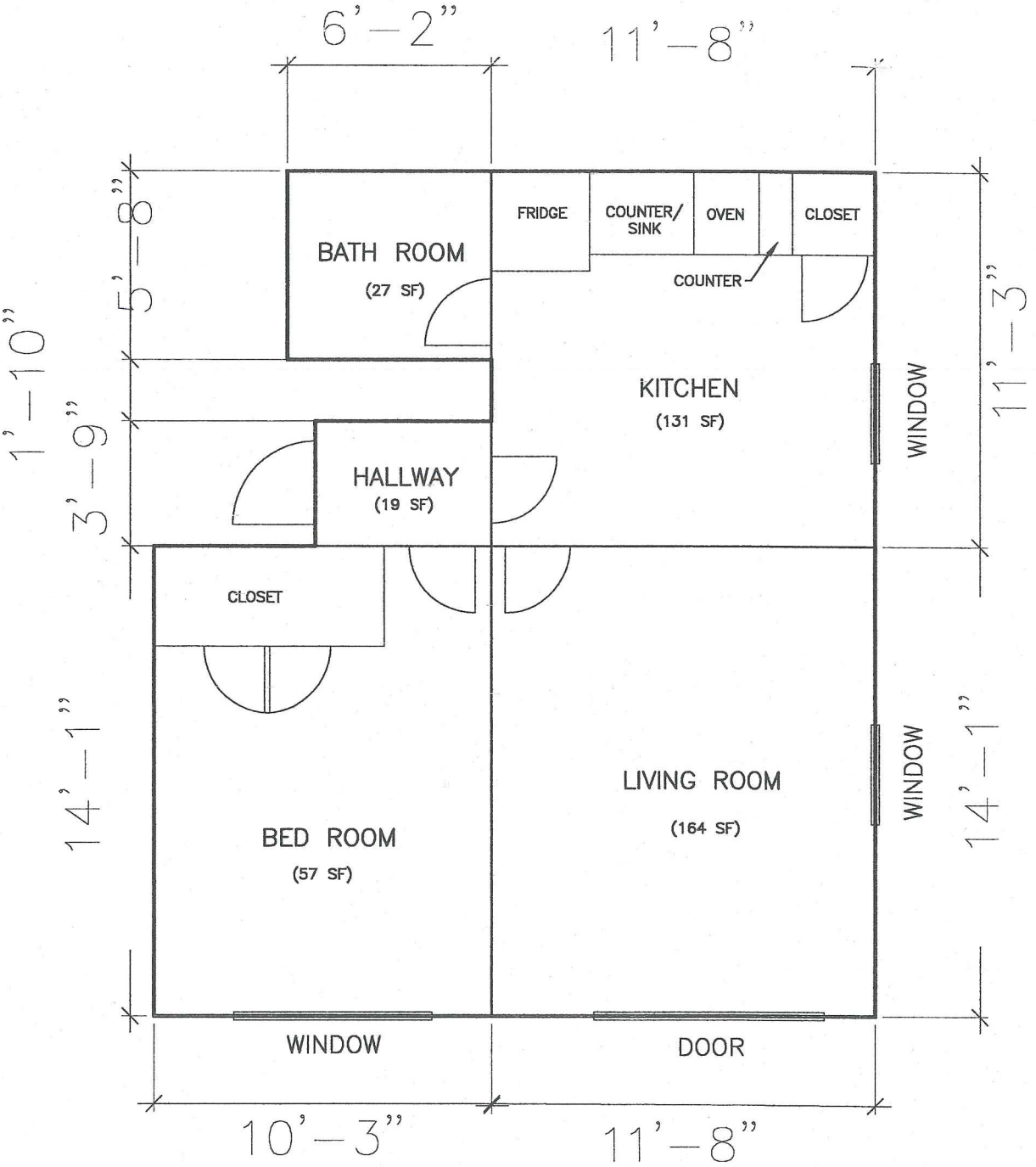
Department of Planning & Zoning
JUN 21 2013
Zoning Evaluation Division



ADU 398 s.f.
9% of GFA

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Department of Planning & Zoning
APR 01 2013
Zoning Evaluation Division

Left Back side

RECEIVED
Planning & Zoning
APR 01 2013
Zoning Evaluation Dept.

Storage Shade

RECEIVED
Department of Planning & Zoning
APR 01 2013
Zoning Evaluation Division

Left side of the Shade

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Department of Planning & Zoning
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Zoning Evaluation Di...

Back side of the shade

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Department of Planning & Zoning
APR 01 2013
Zoning Evaluation Div.

Right side of the Shade.

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APR 01 2013
Zoning Evaluation Div.

Back of the house

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Department of Planning & Zoning
APR 01 2013
Zoning Evaluation Divisi

Left side of the house

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Department of Planning & Zoning
APR 0 1 2013
Zoning Evaluation Division

Front.

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Department of Planning & Zoning
APR 0 1 2013
Zoning Evaluation Divis

Right side of the house

RECEIVED
Department of Planning & Zoning
APR 01 2013
Zoning Evaluation Division

Left side of the house

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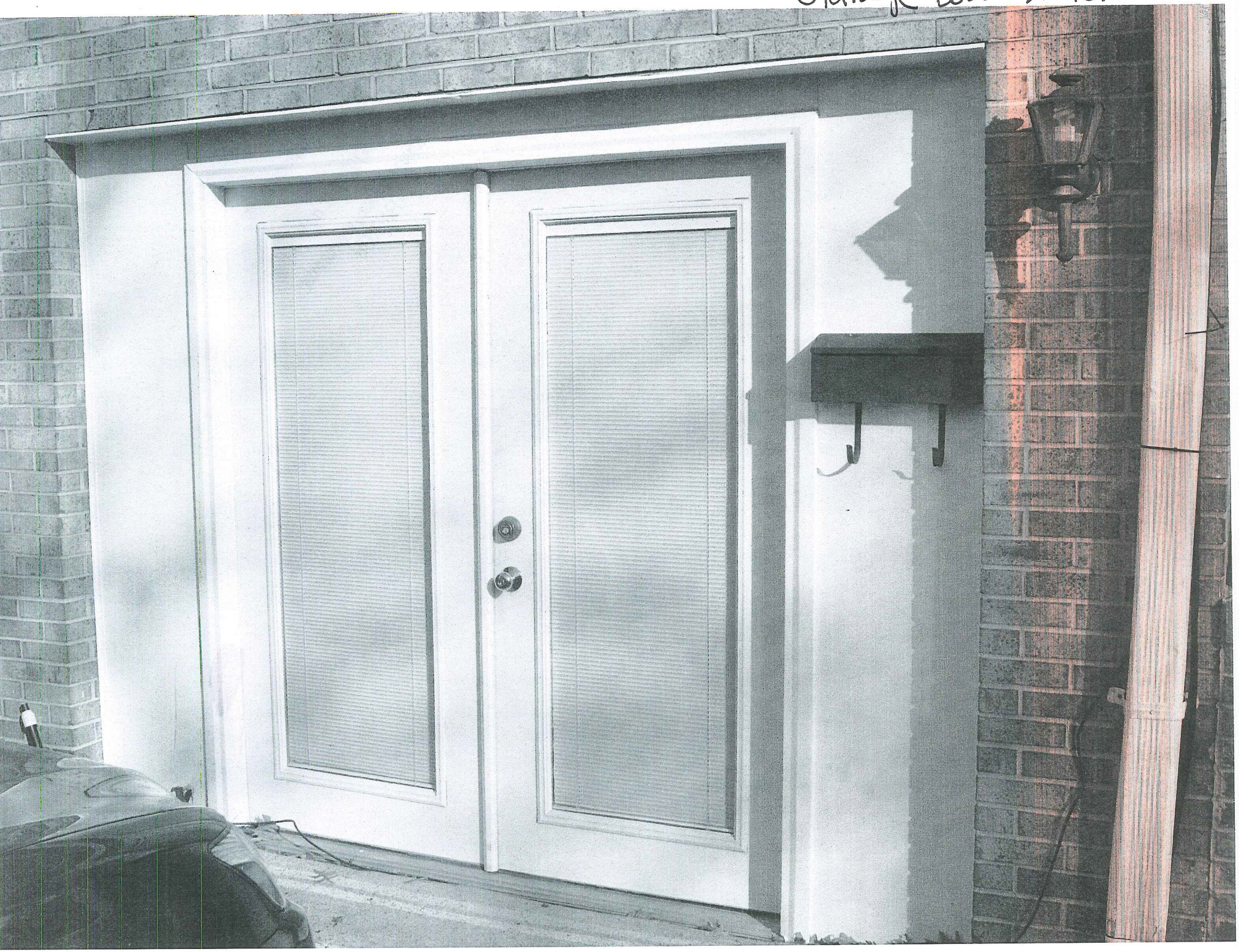
Zoning Evaluation Division

Front of the House

Garage Door Entrance



Front Neighbor's house

Back view – (School)

Left side Neighbeor's house

View of left hand Neighbor's house

Right hand side street (Hospital)

SPECIAL PERMIT REQUEST

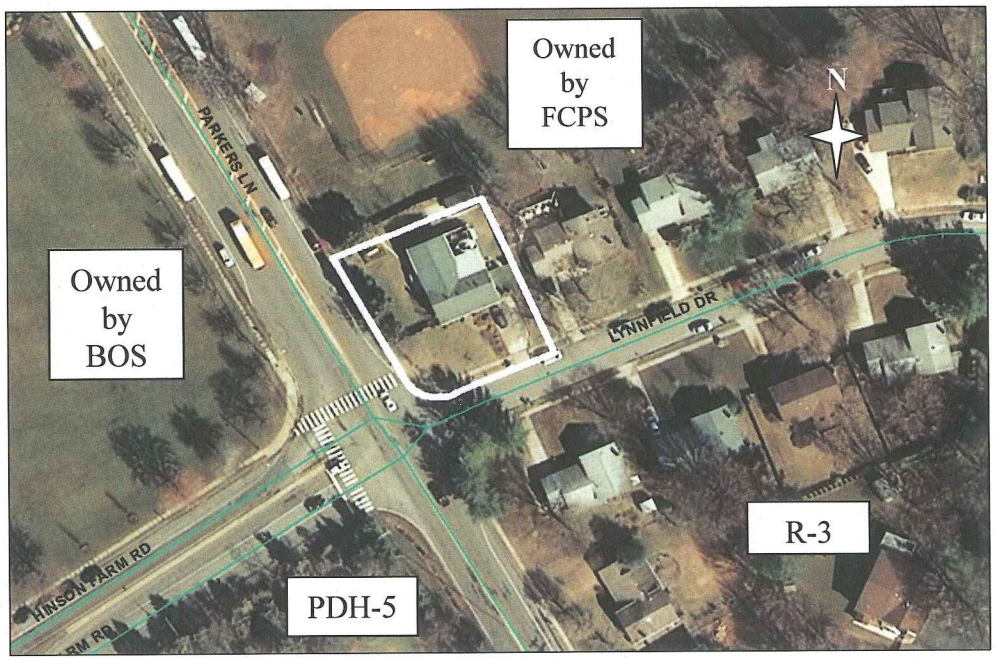
The applicant is seeking a special permit to allow an accessory dwelling unit in the basement of an existing single family detached dwelling. The applicant is also seeking a variance to permit greater than 30 percent minimum rear yard coverage.

A copy of the special permit plat, titled "Special Permit Plat, Lot 20, Williamsburg Manor North," prepared by Prem K. Bhandari, of AMA Engineers, LLC., dated June 5, 2013, as revised through October 22, 2013, is included in the front of the staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The property contains a single-family dwelling with frontage on Parkers Lane and Lynnfield Drive. A 240 square foot accessory structure (workshop/shed) and 310 square foot concrete slab are located to the northwest of the dwelling. A wooden deck and sunroom are attached to the north facade of the dwelling. A stoop with stairs and a concrete walkway exists on the western front yard along Parkers Lane. A separate stoop and a walkway exist in the southern façade of the house. A concrete driveway located in the front yard provides access to Lynnfield Drive. A four foot high wood fence exists in the eastern side yard along a portion of the eastern side lot line and along the northern rear lot line. A five foot, four inch high wood fence exists in the front yard and also in the front yard along Parkers Lane. A six foot high fence is located along the property lines in the northeast corner. A three foot high concrete retaining wall exists around a portion of the driveway in the front yard along Lynnfield Drive. The property is generally flat. Additionally, the property is well landscaped and has a number of large bushes.



As shown on the previous page, the existing lots to the east and south are zoned R-3 and developed with single family detached dwellings. The lot to the north is owned by Fairfax County Public Schools (Whitman Intermediary School) and zoned R-3. The property to the west, zoned C-3, is owned by the Board of Supervisors and is operated as Mount Vernon Medical Center. The property to the southwest is zoned PDH-5 and is used as a farm.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1968 and purchased by the applicant in 2002.

A building permit was approved on August 23, 2002, for the conversion of the attached garage on the property to living and storage space. The garage door was replaced with French doors that open to the concrete driveway area. This building permit also approved the construction of a 240 square foot storage shed to the northeast of the dwelling (Appendix 5).

A building permit was approved in January 2004, for the construction of a one-story addition and an open deck with stairs to the north of the dwelling. This permit was amended in February of 2004 to add a second floor to the initial addition.

A building permit was applied for in April 2004, for interior renovations. An amendment to this permit was approved in October 2004, for the construction of a wet bar. The building permit specifically says no bedroom or second kitchen (Appendix 6).

Subsequent building permits were approved for cover over the basement entrance, lattice work below the existing deck and enclosure of a portion of the deck as a porch.

Two complaints were filed against this property for multiple dwellings. Both are currently open and currently under investigation.

A Notice of Violation was issued on the property on September 11, 2012 (Appendix 7). Four violations found by the code inspector include: 1) three separate dwelling units, 2) the keeping of chickens, 3) a fence over four feet in a front yard and 4) encroachment of an accessory storage structure into the minimum required yards. It was verified by the inspector that at the time of the publication of the staff report the site only contains two dwelling units, there are no chickens on the property, and the fence in the initial violation has been lowered.

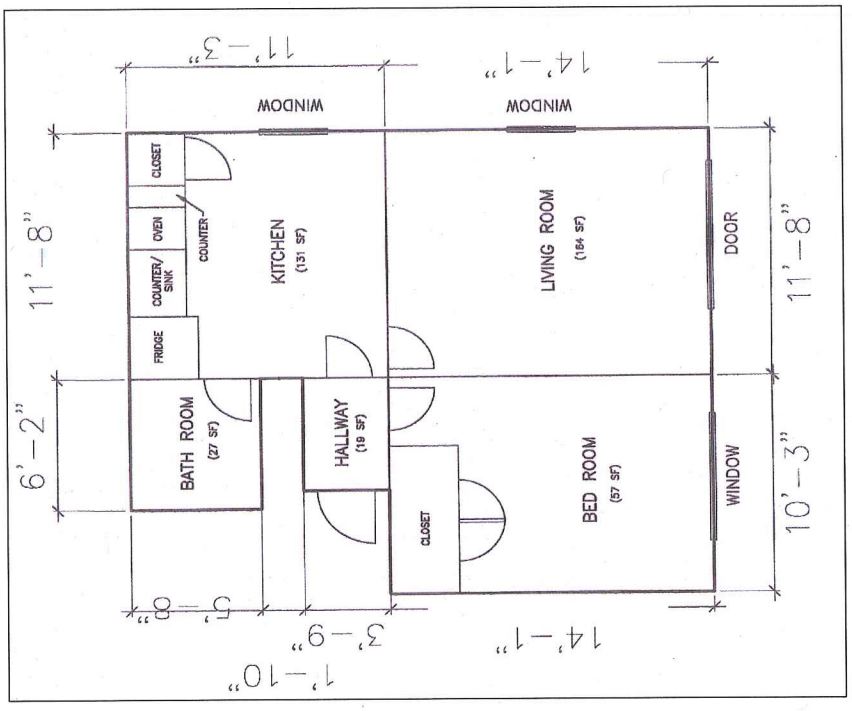
A Vested Rights Determination was requested by the applicant in May 2013, for the accessory structure and the concrete slab in the rear yard. The Zoning Administration Division found that a building permit for the shed/workshop passed final inspection; therefore the shed/workshop is vested and can remain, but it cannot be replaced or enlarged. The concrete slab however, is not vested (Appendix 8).

Records indicate that no other applications related to accessory dwelling units or yard coverage have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of an accessory dwelling unit in the basement of the single family dwelling as it currently exists. The applicant resides in the single family dwelling and the applicant's mother, who is over 55 years of age, will live in the proposed accessory dwelling unit.

The principal dwelling consists of 4,392 square feet. The calculated amount for the accessory dwelling unit is 398 square feet, which is 9.06 % of the total size of the single family dwelling. The proposed accessory dwelling unit will have one bedroom, a bathroom, kitchen, and a living room.



The applicant has three cars and his mother does not have a car. Adequate parking for both the primary residence and the accessory dwelling unit exists in the current driveway, which can accommodate a maximum of four vehicles.

Primary access to the basement, where the proposed accessory dwelling unit is to be located, is provided by a stairway from the main level of the house. The proposed accessory dwelling unit has two egress points. The window in the bedroom has been inspected by county staff to meet the Virginia Residential Building regulations for emergency egress. Additionally, a set of French doors located in the living room area provides access to the driveway outside of the dwelling.

A wood fence, over 4 feet in height, is located in the front yard along Parkers Lane. The applicant has agreed to reduce the height of this fence to four feet and therefore this issue is not included in the special permit application.

The applicant is also seeking a variance to permit greater than 30 percent minimum rear yard coverage which includes the vested shed and the concrete slab. The minimum required rear yard coverage is currently 31.5 percent.

ANALYSIS

Comprehensive Plan Provisions

Plan Area:	IV
Planning Sector:	Fort Hunt Community Planning Sector
Plan Map:	Residential, 2-3 du/ac

Zoning Ordinance Requirements

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards
- *Sect. 8-918* Additional Standards for Accessory Dwelling Units
- *Sect. 18-401* Required Standards for Variances

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 9. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

Staff believes that the request for the accessory dwelling unit is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 and Appendix 2 of the staff report. No issues related to the accessory dwelling unit have been identified by staff.

RECOMMENDATION

Staff recommends approval of SP 2013-MV-071 for the accessory dwelling unit with 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 Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicant's Affidavits
4. Applicant's Statements of Justification
5. Building Permit approved August 23, 2002
6. Building Permit signed April 20,2004 and amendment approved on October 14, 2004
7. Notice of Violation dated September 11, 2012
8. Vested Rights Determination dated May 8, 2013
9. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-MV-071

November 27, 2013

If it is the intent of the Board of Zoning Appeals to approve SP 2013-MV-071 located at Tax Map 102-1 ((33)) 20 to permit an accessory dwelling unit, under Sects. 8-918 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.

2. This approval is granted to the applicant only, Muhammad Shafiq and/or Rubina Shafiq, and is not transferable without further action of this Board, and is for the location indicated on the application, 8001 Lynnfield Road (14,387 s.f.) and is not transferable to other land.

3. This special permit is granted only for the purposes, structures and/or uses indicated on the plat titled "Special Permit Plat, Lot 20, Williamsburg Manor North," prepared by Prem K. Bhandari, of AMA Engineers, LLC., dated June 5, 2013 and revised through October 22, 2013, as submitted with this application and is not transferable to other land.

4. A copy of this special permit **SHALL BE POSTED in a conspicuous place in the accessory dwelling unit** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.

6. The accessory dwelling unit shall contain a maximum of 398 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.

7. All applicable building permits and final inspections shall be obtained for kitchen components in the accessory dwelling unit.

8. Provisions shall be made for the inspection of the property by County

personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.

9. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.

10. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.

11. All parking shall be provided on site as shown on the special permit plat.

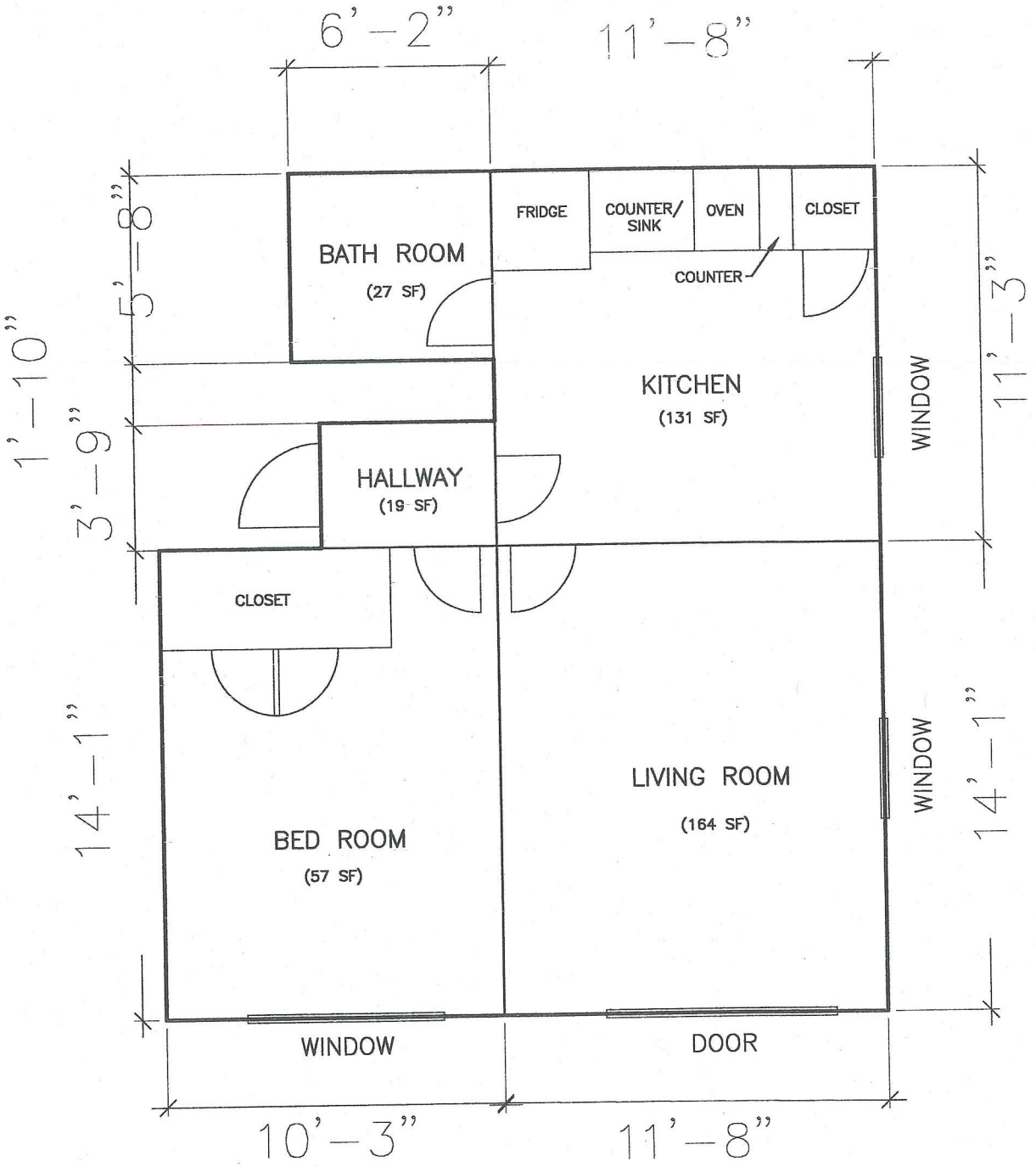
12. All portions of the wooden fence currently in the front yard along Parkers Lane shall be reduced to a maximum of four feet in height.

This approval, contingent on 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, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use 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.

ATTACHMENT 1

Department of Planning & Zoning
JUN 21 2013
Zoning Evaluation Division



ADU 398 s.f.
9% of GFA

PROPOSED DEVELOPMENT CONDITIONS

VC 2013-MV-017

November 27, 2013

1. This variance is approved for the rear yard coverage (31.5%) as shown on the plat titled "Special Permit Plat, Lot 20, Williamsburg Manor North," prepared by Prem K. Bhandari, of AMA Engineers, LLC., dated October 22, 2013, as submitted with this application, and is not transferable to other land.

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

APPENDIX 3

Application No.(s): SP 2013-MV-071
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-01-2013
(enter date affidavit is notarized)

I, SHAFIQ MUHAMMAD, 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

120506

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)
RUBINA SHAFIQ	8001, Lynnfield Dr, Alexandria, VA 22306	WIFE (TITLE OWNER)
SHAFIQ MUHAMMAD	8001, Lynnfield Dr, Alexandria VA 22306	SELF (TITLE OWNER) (HUSBAND)

(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).

FORM SP/VC-1 Updated (7/1/06)

Application No.(s): SP 2013-MV-071

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-01-13 120506

(enter date affidavit is notarized)

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

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

CORPORATION INFORMATION

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

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-071

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-01-13 120506

(enter date affidavit is notarized)

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

PARTNERSHIP INFORMATION

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

(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-071

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-01-13

(enter date affidavit is notarized)

12056

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:

5/7/13

[X] 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.

BT 5/7/13

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-071
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-01-13 120586
(enter date affidavit is notarized)

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

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

GT 5/7/13

NONE GT 5/7/13

(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:

SHAFIQ MUHAMMAD

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

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

Subscribed and sworn to before me this 01 day of April 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public

My commission expires: 06-30-2016

WAADALLA SHALAL
NOTARY PUBLIC 7536538
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JUNE 30, 2016

Application No.(s): VC 2013-MV-017
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/1/2013
(enter date affidavit is notarized)

I, Muhammad Shafiq, 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

12222T

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)
Shafiq Muhammad, also known of record as Muhammad Shafiq	8001 Lynnfield Dr. Alexandria, VA 22306	Applicant/Title Owner
Shafiq Rubina, also known of record as Rubina Shafiq	8001 Lynnfield Dr. Alexandria, VA 22306	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): VC 2013 - MV-017
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/1/2013
(enter date affidavit is notarized)

122227

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): VC 2013-MV-017
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/1/2013
(enter date affidavit is notarized)

122227

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): VC 2013-MV-017

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/1/2013 122227

(enter date affidavit is notarized)

==========

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

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

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

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

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

NONE

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

Application No.(s): VC 2013-MV-017
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/1/2013
(enter date affidavit is notarized)

122227

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

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

NONE

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

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

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

WITNESS the following signature:

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

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

Subscribed and sworn to before me this 1 day of October 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public

My commission expires: 31 December 2016

GABRIELA M. STAI
NOTARY PUBLIC 345255
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DECEMBER 31, 2016

APPENDIX 4

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

We, Shafiq Muhammad and Rubina Shafiq title owner of 8001, Lynnfield Drive, Alexandria, VA 22306, respectfully submit the Application to the Fairfax County BZA for the Approval of a Group Special Permit for 8-914 and 8-918.

8-914:

Accessory Storage Shed

The storage shed has been in place for more than 11 years, located at the corner on right hand side of the back yard and in the rear there is a school playground which is away from the side lot line. We built the shed in the year 2002 with a permit # 02235B0510 Approved by Fairfax County Office of Building Code Services (DPW& ES) on August 26, 2002 (copy attached) which is self-explanatory, the work done by the builder and the inspection was done time to time, and was cleared for shed by Code Enforcement (#14156) on 5/2/2006 by Inspector, Rebecca Goodyear (copy attached). Once the case for storage shed was closed on 5/2/2006 and the then Inspector did not found any problem.

According to the above statement we request you to consider the case for sec. 8-914 for the shed has been cleared and closed or approved us for the special permit regarding the height.

8-819:

Accessory Dwelling Units;

Further we would like to explain regarding the Multiple Dwelling. In the year 2002 we pulled the permit (copy attached) to remove the garage door and put a French door and it has to be used for the purpose of storage inside of the house, but unfortunately my father passed away and my mother whose age is 72 years old lived in that portion because she is unable to walk up on the stairs, for her convince we made a small kitchen, for her use.

We received a Notice of Violation for the correction of violation we applied for Special Permit and hopefully BZA will approve the special permit so that we will comply to clear all violation.

Please consider our request for the approval of Special Permit.

Thank you,

Sincerely,

Shafiq Muhammad
Rubina Shafiq

RECEIVED
Department of Planning & Zoning
APR 01 2013
Zoning Evaluation Division

Muhammad Shafiq

8001 Lynnfield Drive, Alexandria VA 22306

Written Statement on Additional Standards for Accessory Dwelling Units

1. There will be no more than one accessory dwelling unit per single family detached dwelling unit.
2. The accessory dwelling unit will be located within the structure of a single family detached dwelling unit.
3. The gross floor area of the accessory dwelling unit does not exceed thirty0five percent of the total gross floor area of the principle dwelling unit.
4. The accessory dwelling unit does not contain more than two bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit is in accordance with the following:
    a) One of the dwelling unit will be occupied by the owner
    b) One of the dwelling unit will be occupied by an elderly and disabled as specified;
        1) My mother is older than 55 years of age, she is 71 years old.
        2) She is not permanently disabled; she has problems walking up and down the stairs or even from one room to another sometimes. She has a hard time breathing if she walks more than she is able too.

    c) The accessory dwelling unit will be occupied by not more than two people; it will be occupied by my mother. The principal single family dwelling unit will be occupied by 1 family, which consists of me, my wife, and by my five kids.
6. Any accessory dwelling unit established for occupancy by a disabled person will provide reasonable access and mobility as required for the disabled person. My mother will have access to 1 uninterrupted entrance and access to 1 toilet room.
7. We understand that the BZA will review all existing and/or proposed parking to determine if the parking is sufficient to meet the needs of the principal and accessory dwelling units.
8. We understand that the BZA will determine that the proposed accessory dwelling unit together with any other accessory dwelling unit with the area will not constitute sufficient change to modify or disrupt the neighborhood.
9. We will make sure that the accessory dwelling unit meets the applicable regulations for building, safety, health and sanitation.
10. We understand that if the special permit is approved, the Clerk to the Board of Zoning Appeals can cause to be recorded among the land records of Farifax County a copy of the BZA's approval.
11. We will make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. We understand that the special permit for the accessory dwelling unit can be approved for a period that does not exceed five years from the date of approval also that such special permits may be extended for succeeding five year periods in accordance with the provisions of Sect. 012 above.
13. We understand that any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this section and Sect. 012 above.

5.08

In our home, there are no known hazardous or toxic substances as set forth in title 40, Code of Federal Regulations parts 116.4, 302.3 and 255, no known hazardous waste as set forth in Commonwealth of Virginia/Department of Waste Management Regulations VR 62-10-1 Virginia Hazardous Waste Management Regulations part 280, and no known petroleum products as defined in title 40, Code of Federal Regulations part 280 that is to be generated, utilized, stored, treated and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

5.09

The proposed development does in fact conform to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.

RECEIVED
Department of Planning & Zoning
MAY 29 2013
Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning
JUN 21 2013
Zoning Evaluation Division

Shafiq Muhammad

8001 Lynnfield Drive

Alexandria VA 22306

Revised Statement for Item #3

The gross floor area for the accessory dwelling unit does not exceed 35 percent of the total gross floor area of the principle dwelling unit. 398 sq ft of the entire area is being used for in laws with 2nd kitchen. It covers about 9% of the entire gross floor area of the house and does not exceed 35% of the total gross floor. or

Shafiq Muhammad

8001 Lynnfield Drive,

Alexandria, VA 22306

Zoning Ordinance Standards for a Variance

1. The subject property we have was acquired in good faith.
2. Exceptional shape of backyard.
3. Unique To our property it will not cause and Debages To anyone.
4. The strict application of the Ordinance would produce undue hardship.
5. The subject property is not shared by other properties in the same zoning district and the same vicinity.
6.
7. That the authorization of the subject property will not be a substantial detriment to the adjacent property.
8. The characters of the zoning district will not be changed by the granting of the subject property.
9. That the subject property will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

(6) Small yard not be able to use the way we would like to use, so it was kind of dead space not usable for anything. We didn't want anything to stay outside we like to keep area clean for neighbors. it make house clean and organize.

RECEIVED
Department of Planning & Zoning

AUG 1 8 2013

Zoning Evaluation Division

APPENDIX 5

BUILDING PERMIT APPLICATION

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

PERMIT # 02235B0510

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY
PLAN # KI-02-05333
TAX MAP # 102-1-/33/0020

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

JOB LOCATION
ADDRESS 8001 LYNNFIELD DRIVE
LOT # 20 BUILDING
FLOOR Sec #3 SUITE
SUBDIVISION Williams Bird Manor
TENANT'S NAME

OWNER INFORMATION OWNER ☑ TENANT ☐
NAME Mohammad SHAFIQ
ADDRESS 8001 LYNNFIELD DRIVE
CITY Alexandria STATE VA ZIP [illegible]
TELEPHONE 703-721-0607

CONTRACTOR INFORMATION SAME AS OWNER ☐
CONTRACTORS MUST PROVIDE THE FOLLOWING:
COMPANY NAME
ADDRESS
CITY STATE ZIP
TELEPHONE
STATE CONTRACTORS LICENSE #
COUNTY BPOL #

APPLICANT Mohammad Nawab

DESCRIPTION OF WORK
~~Enclosing Garage making a Storage Area~~ Access shed also/Co Details
Removing Garage door to install French door for storage space.
HOUSE TYPE
ESTIMATED COST OF CONSTRUCTION 650.00
BLDG AREA (SQ FT OF FOOTPRINT)
USE GROUP OF BUILDING
TYPE OF CONSTRUCTION
SEWER SERVICE PUBLIC ☑ SEPTIC ☐ OTHER ☐
WATER SERVICE PUBLIC ☑ WELL ☐ OTHER ☐
OTHER PLEASE SPECIFY

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

NONE DESIGNATED ☐ PHONE

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS		EXTER. WALLS	
# BATHS		INTER. WALLS	
# HALF BATHS		ROOF MATERIAL	
# BEDROOMS		FLOOR MATERIAL	
# OF ROOMS		FIN. BASEMENT	%
# STORIES		HEATING FUEL	
BUILDING HEIGHT	0 1/2	HEATING SYSTEM	
BUILDING AREA		# FIREPLACES	
BASEMENT			

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING	8/23/02	[illegible]
SITE PERMITS / RMP	8/23/02	[illegible]
HEALTH DEPT		
BUILDING REVIEW	8-23-02	TAC
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

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

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

APPROVED FOR ISSUANCE OF BUILDING PERMIT
(LOG OUT)
BY [illegible] DATE 8/23/02

ZONING REVIEW ZONING CLASS R-3
USE SFD
ZONING CASE #
GROSS FLOOR AREA OF TENANT SPACE

YARDS:	
FRONT	
FRONT	
L SIDE	
R SIDE	
REAR	

GARAGE 1 ☐ 2 ☐ 3 ☐
OPTIONS YES ☐ NO ☐
REMARKS Remove Garage Door for storage
BLD Storage Shed 12'x20'

GRADING AND DRAINAGE REVIEW
SOILS # Unmg A ☐ B ☐ C ☐
HISTORICAL DISTRICT
AREA TO BE DISTURBED (TOTAL SQ FT) 972 ft
ADD'L IMPERVIOUS AREA (ADDED SQ FT) 240 ft
PLAN # APPR. DATE

STAMPS
ESMT, FF, 2500, EXMAT

(See reverse side of application) over

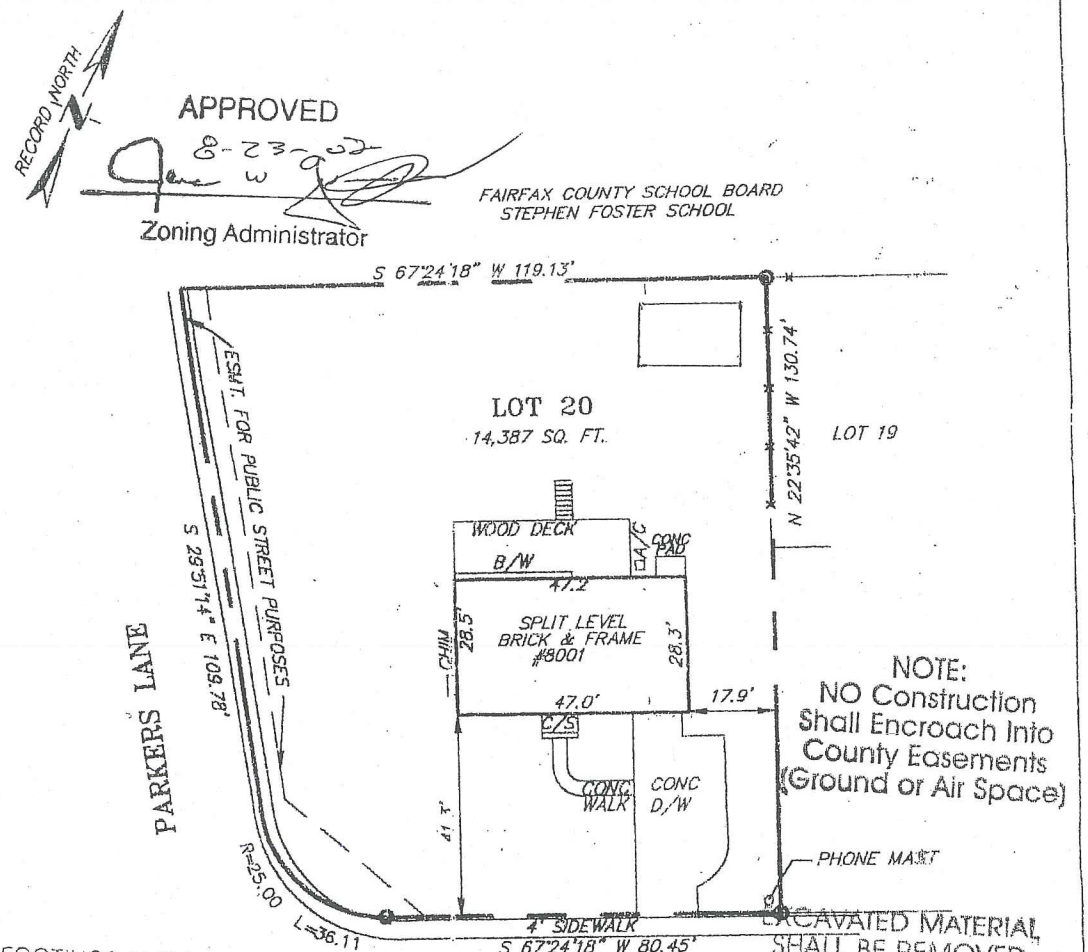
REMARKS

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

[signature] 8/21/02
Signature of Owner or Agent Date

Mohammad Shafiq
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 Virginia
County (or city) of Arlington, to wit:
I, Rosefina Royce
a Notary Public in the State and County aforesaid, do certify that
MOHAMMAD SHAFIQ
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 22 day of August, 2002
My commission expires the 31 day of July, 2005.
Rosefina Royce
(Notary Signature)



Office of Building
Code Services
Approved for
Build Detached Storage
By VTT Shed
Date 8/23/02 & remove garage door

TOTAL EARTH DISTURBANCE ON THIS
LOT SHALL NOT EXCEED 2500 S.F.

HOUSE LOCATION SURVEY

LOT 20 SECTION THREE
WILLIAMSBURG MANOR NORTH

DEED BOOK 3006 PAGE 556
FAIRFAX COUNTY, VIRGINIA
DATE: JUNE 21, 2002
SCALE: 1" = 30'

LEGEND

A/W = AREA WAY
CHIM. = CHIMNEY
B/W = BAY OR BOX WINDOW
O.H. = OVERHANG
C/S = CONCRETE STOOP
O = IRON PIPE FOUND
M/S = METAL STOOP
W/S = WOOD STOOP
C/L = CONCRETE LANDING
C/C/S = COVERED CONCRETE STOOP

COMMONWEALTH OF VIRGINIA
L.S. WHITSON
No. 1784
6/21/2002
LAND SURVEYOR

NOTES:

THIS IS NOT A BOUNDARY SURVEY. CORNER MONUMENTATION THAT MEETS THE STANDARDS FOR A BOUNDARY SURVEY IS NOT INCLUDED WITH A HOUSE LOCATION SURVEY.

IF CORNER MONUMENTATION IS DESIRED THEN A BOUNDARY SURVEY MUST BE REQUESTED BY THE OWNER FOR AN ADDITIONAL FEE.

LOCATION OF DRIVEWAYS AND FENCES ARE APPROXIMATE. THIS SURVEY DOES NOT DETERMINE THE OWNERSHIP OF FENCES. THIS PLAT IS NOT TO BE USED FOR CONSTRUTION OF FENCES.

THIS SURVEY WAS ESTABLISHED BY TRANSIT AND TAPE AND UNLESS OTHERWISE SHOWN THERE ARE NO ENCROACHMENTS. NO TITLE REPORT WAS FURNISHED.

SAM WHITSON, L.S./LAND SURVEYING
11170 LEE HIGHWAY, SUITE C
FAIRFAX, VIRGINIA 22030
(703)-352-9515 FAX: (703)-352-9516

OWNER: JOHNNIDES

BUYER: SHAFIQ

W.O. #02-3161 CLIENT #QB02U020

APPENDIX 6

5 pco. - 6 plots

BUILDING PERMIT AMENDMENT APPLICATION

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

AMENDED PERMIT # 0400?B0532

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY

PLAN # R-04-0017o

TAX MAP # 102-1-/331/ 0020

ROUTING	DATE	APPROVED BY
ZONING	4.21.04	
SITE PERMITS	4.21.04	SP
SANITATION		
HEALTH DEPT.		
BUILDING REVIEW	4-23-04	

AMOUNT DUE = $ 75.00

APPROVED FOR ISSUANCE OF AMENDMENT
(LOG OUT)
BY DATE

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

JOB LOCATION PERMIT # 0400?B0530
ADDRESS 8001 LYNNFIELD DR.
LOT # 20 BUILDING
FLOOR SUITE
SUBDIVISION (W) Hamsburg Mona North
TENANT'S NAME SEC 3

OWNER INFORMATION OWNER ☐ TENANT ☐
NAME MUHAMMAD SHAFIQ
ADDRESS 8001 LYNNFIELD DR
CITY ALEX. STATE VA ZIP 22306
TELEPHONE 703-625-0877

APPLICANT DIANA GUTIERREZ

ESTIMATED COST OF CONSTRUCTION $ 5,000.00
(Cost of change, not total construction costs)

AMENDMENT REQUESTED
☐ CHANGE HOUSE TYPE
FROM TO
☐ RELOCATE HOUSE ON LOT
☐ FINISH BASEMENT
☐ ADD DECK/PORCH/SUNROOM
☐ ADD GARAGE
☐ ADD CARPORT
☐ DELETE
☐ CHANGE MECHANICS' LIEN INFORMATION
DESIGNATED MECHANICS' LIEN AGENT:
NAME ENTIRE RENT. INSTEAD OF
ADDRESS DIECE-CLONG. WILL INSTEAD
OF GMU.
NONE DESIGNATED ☐ PHONE
☐ OTHER (PLEASE SPECIFY) #10 2 NO FLOOR
TO ADDITION AND TO EXISTING 1st
FLOOR / 1 BATH / / /
1 BEDROOM / / /
1 MATERIAL CLOSET, BALCONY.

ZONING REVIEW
USE SFD
ZONING DISTRICT R2 HISTORICAL DISTRICT
ZONING CASE #
GROSS FLOOR AREA OF TENANT SPACE

YARDS:	/	GARAGE	1 ☐ 2 ☐ 3 ☐
FRONT	/	OPTIONS	YES ☐ NO ☐
FRONT	/	REMARKS	Interior -
L SIDE	/		no change in size or
R SIDE	/		Location - Change wall
REAR	/		Material in Basement

GRADING AND DRAINAGE REVIEW
SOILS # 41 A ☐ B ☐ C ☐
AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) 9330
IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) 1434
PLAN # APPR. DATE

STAMPS
PG EXTRA, 2500
(See reverse side of application)

REMARKS
Totally finished area
Old Area is okay
& IT

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

Signature of Owner or Agent — Date: Apr. 1-20-04

DIANA GUTIERREZ
Printed Name and Title

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)

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

(Notary Signature)

BUILDING PERMIT AMENDMENT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES
PERMIT APPLICATION CENTER

12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035-5504

Telephone: 703-222-0801
Web site: http://www.co.fairfax.va.us/dpwes

AMENDED PERMIT # 04 007B0533

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY
PLAN # R-04-00170
TAX MAP # 102-1-/33/ 0020

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

JOB LOCATION PERMIT # 04007B0530
ADDRESS 8001 Lynnfield Dr - Fairfax
LOT # 20 BUILDING
FLOOR SUITE
SUBDIVISION Williamsburg Manor
TENANT'S NAME Sec 3 North

OWNER INFORMATION OWNER ☒ TENANT ☐
NAME Muhammad Shafiq
ADDRESS 8001 - Lynnfield Dr.
CITY Alex STATE VA ZIP 22306
TELEPHONE 9703 721-0607

APPLICANT Lorenzo Salgado / ODENZ

ESTIMATED COST OF CONSTRUCTION $ 15,000
(Cost of change, not total construction costs)

AMENDMENT REQUESTED
☐ CHANGE HOUSE TYPE
FROM TO
☐ RELOCATE HOUSE ON LOT
☒ FINISH BASEMENT w/wetbar no bedrm no 2nd kit
☐ ADD DECK/PORCH/SUNROOM
☐ ADD GARAGE
☐ ADD CARPORT
☐ DELETE
☐ CHANGE MECHANICS' LIEN INFORMATION
DESIGNATED MECHANICS' LIEN AGENT:
NAME
ADDRESS
NONE DESIGNATED ☐ PHONE
☐ OTHER (PLEASE SPECIFY)

ROUTING	DATE	APPROVED BY
ZONING	10/8/04	
SITE PERMITS		
SANITATION		
HEALTH DEPT.		
BUILDING REVIEW	10-8-04	

AMOUNT DUE = $ 56—

APPROVED FOR ISSUANCE OF AMENDMENT
(LOG OUT) permit Auth Aff need @ logout
BY DATE 10-14-04

ZONING REVIEW
USE SD
ZONING DISTRICT R-3 HISTORICAL DISTRICT
ZONING CASE #
GROSS FLOOR AREA OF TENANT SPACE

YARDS:
FRONT
FRONT
L SIDE
R SIDE
REAR

GARAGE 1 ☐ 2 ☐ 3 ☐
OPTIONS YES ☐ NO ☐
REMARKS Stillwood to finish basement w/ wet bar - no 2nd kitchen

GRADING AND DRAINAGE REVIEW
SOILS # A ☐ B ☐ C ☐
AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT)
IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT)
PLAN # APPR...

STAMPS

This permit is approved with the understanding that the wet bar will not contain permanent cooking facilities and will not be used in conjunction with a bedroom, bathroom and other living space in a manner that would constitute the establishment of a separate dwelling unit.

REMARKS

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

Rubina Shafiq 10/6/04
Signature of Owner or Agent **Date**

RUBINA SHAFIQ
Printed Name and Title

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

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

_____
(Notary Signature)

APPENDIX 7

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

September 11, 2012

SHERIFF'S LETTER

Mohammad Shafiq
Rubina Shafiq
8001 Lynnfield Drive
Alexandria, Virginia 22306

Re:	8001 Lynnfield Drive
Legal Desc:	Williamsburg Manor North, Sec. 3, Lt 20
Tax Map Ref:	102-1 ((33)) 20
Zoning Dist.:	R-3
Lot Area:	14,387
Magisterial District:	Mt. Vernon District
Case Number:	200903330

Dear Mr. and Mrs. Shafiq:

An investigation of the use of and the condition of the above-referenced property was concluded on August 29, 2012, and revealed that there are numerous violations of the Fairfax County Zoning Ordinance existing at the subject property. The subject property, located at 8001 Lynnfield Drive, was constructed as a single family detached dwelling in 1968 on a lot containing 14,387 square feet in area and is a corner lot, as defined in Part 3 of Article 20 of the Zoning Ordinance as:

> A lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed 135 degrees; provided, however, that when one of the intersecting streets is an interstate highway, the resultant lot shall not be deemed a corner lot.

Because the lot is a corner lot, this property has two front yards, one front yard rests between the single family detached dwelling and Lynnfield Drive, and the other front yard rests between the single family detached dwelling and Parkers Lane. The rear property boundary line is the line located opposite the front property boundary line that runs along Lynnfield Drive. The side property boundary line is that line that is located opposite to the front property boundary line the runs along Parkers Lane.

The investigation has revealed that you have constructed three dwelling units in the principal structure on this property. One dwelling unit occupies the top floor and part of the lower floor of this structure. Two additional dwelling units occupy areas of the lower floor of the principal structure. Each of these dwelling units contains a fully equipped kitchen, bedrooms, living areas and fully equipped bathrooms. The dwelling unit on the top floor is occupied by the property owners and their children. One of the dwelling units located on the lower floor is occupied by Sikender Begawm (mother of the property owner). Another dwelling unit located in the lower level is occupied by Darryl Clark and John William Nestor.

A dwelling unit is defined in part 3 of Article 20 of the Zoning Ordinance as:

> DWELLING UNIT: One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility, which includes provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

Therefore you are in violation of Sect. 2-501 of the Zoning Ordinance that states, in part:

> There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building.

A single family dwelling unit is the principle use of this property. A review of the records maintained by the Departments of Public Works and Environmental Services (DPWES) and Planning and Zoning (DPZ) has confirmed that no approved building permit applications have been endorsed by the Fairfax County Zoning Administrator to construct three (3) dwelling units located in the principal structure. The Zoning Ordinance, per Sect. 18-601, specifies before construction commences that:

> 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.

The investigation further revealed that you are keeping four chickens on the property that contains an area of 14,387 square feet. The keeping of chickens is allowed on property containing a minimum of two acres as set forth in Par. 3 of Sect. 2-512 of the Zoning Ordinance that states, in part:

> The keeping of livestock or domestic fowl shall be allowed as an accessory use on any lot of two (2) acres or more in size.

Therefore, for keeping chickens on the property that contains less than 2 acres, you are in violation of the above-referenced Par. 3 of Sect. 2-512 of the Zoning Ordinance.

The investigation further revealed that you have constructed a fence with a height of 5 feet 9 inches in the front yard of this corner lot. As mentioned earlier in this letter, the property contains two front yards, and the fence that exceeds four feet in height is located in the front yard between the principal structure and Parkers Lane.

Fences are allowed as accessory uses on residentially zoned properties subject to height and location limitations as set forth in Par. 3B of Sect. 10-104 of the Zoning Ordinance as follows:

3. Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

   B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:

      (1) the driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the dwelling faces a street other than the major thoroughfare, and

      (2) the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.

      The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.

      In addition, an increase in fence height in the front yard up to six (6) feet may be permitted with the approval of a special permit by the BZA in accordance with Part 9 of Article 8.

Neither Lynnfield Drive nor Parkers Lane are Major Thoroughfares; the maximum height of a fence allowable by-right on the subject property is four feet.

Therefore, you are in violation of Par. 6 of Sect 2-302, that 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 Part 1 of Article 10.

The Zoning Ordinance also identifies Bulk Regulations which establish among other things regulations controlling the distance between structures and property lines, minimum yard requirement, open space etc. Bulk Regulations are defined in Part 3 of Article 20 as:

> BULK REGULATIONS: Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include provisions controlling (a) maximum building height, (b) maximum floor area ratio, (c) minimum yard requirement and (d) minimum angle of bulk plane.

The inspection of this property revealed that you have constructed a freestanding accessory storage structure (shed) that is 11 ½ feet in height on the property and this shed is located approximately 4 feet 11 inches from the side lot line and 4 feet 4 inches from the rear lot line.

You are probably unaware that per **Par. 2A(1)(b) of Sect. 3-307** requires a 12 foot minimum required side yard or setback is specified for structures located in the R-3 District. Additionally, a shed that exceeds 8 ½ feet in height must be positioned on this lot a minimum distance of 12 feet from the side lot line and a distance equal to the height of a structure from the rear lot line.

In addition, the location regulations and other limitations associated with the accessory storage structure (shed) is detailed in **Par. 10F of Sect. 10-104, Par. 2A(1)(b) of Sect. 3-307, Par.1 of Sect. 2-307 and Par. 6 of Sect. 2-302 specify respectively that :**

> The following regulations shall apply to the location of freestanding accessory storage structures:
>
> F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, an accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located:
>
> (1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or
>
> (2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.

And

Bulk Regulations
Minimum yard requirements
Single family dwellings
Conventional subdivision lot
Side yard: 12 feet

And

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

The location of the accessory storage structure (shed) positioned closer than the required 12 feet from the side and rear lot lines does not conform to the aforementioned requirements of **Par. 12F and 10F of Sect. 10-104, Par. 2A(1)(b) of Sect. 3-307, Par.1 of Sect. 2-307 and Par. 6 of Sect. 2-302.**

As the owners of this property, you are in violation of all of the aforementioned Fairfax County Zoning Ordinance provisions.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by the following:

Multiple Dwelling Units

- For the violation of the separate complete and independent dwelling units existing in the single family dwelling at this property, compliance may be achieved as follows:

  - Submitting and obtaining approval from the Department of Public Works and Environmental Services (DPWES) of a Demolition (Building) Permit to completely and permanently remove the kitchen located in the detached garage on this property, and

  - Removing, on a permanent basis, the second kitchen in its entirety from the detached garage. This includes the removal of; upper and base cabinets, kitchen sink, all cooking, refrigeration and any other kitchen oriented appliances from the garage kitchen. Also cap or terminate, as deemed

appropriate and approved by the Building Official, all utilities including; gas, electric, water supply and sewer lines that service the kitchen located in the garage; and

- Relocating all of the components, materials, equipment from the garage kitchen to an off -site lawful disposal/storage site.

- Ceasing, on a permanent basis, in the maintenance of a separate and complete independent dwelling unit in the detached garage on this property.

Keeping of Chickens

For the violation pertaining to the keeping of chickens on a lot containing less than two acres, compliance may be achieved as follows:

- Removing the chickens from the property on a permanent basis.

For the positioning of the accessory storage structure (Shed) that encroaches into the minimum required side yard, compliance can be obtained by:

- Relocating the accessory structure so that it is positioned no closer than 12 feet to the side lot line and a distance no closer than 12 feet from the rear lot line, or

- Reducing the height of this structure from 12 feet 2 inches to no more than 8 feet 6 inches as measured from the existing finished grade to the highest point of the structure. (Bringing in fill material (dirt), mulch, gravel, etc. to raise the grade or building a retaining wall around the perimeter of the structure to reduce the height of the accessory storage structure is an unacceptable and will not be deemed a valid remedy for this option.)

- Removing this accessory structure from this property, and

- Removing all debris to a lawful disposal site.

As an alternative to relocating and or reducing the height of the accessory structure, and for keeping of chickens on a lot of less than two acres, approval may be granted by the Board of Zoning Appeals (BZA) if you submit and diligently pursue approval by the BZA of a Special Permit for a Group 9 Use Requiring Special Regulation within thirty (30) days from receipt of this Notice. Instructions and an application for a Special Permit may be obtained by contacting the Zoning Evaluation Division 703-324-1290 between the hours of 8:00 a.m. through 4:30 p.m., Monday through Friday. Should you elect to pursue this option, include a copy of this Notice with your application.

You may have the right to appeal this Notice of Violation within **thirty (30) days** of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. These decisions

shall be final and unappealable if it is not appealed within such time periods as described above. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party, and any other information you may wish to submit and a $600.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Failure to respond to and comply with this Notice and or to authorize both interior and exterior inspections to verify compliance will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Contact me directly at 703-324-1391 to schedule a zoning inspection or to discuss these issues. If I am unavailable, you are welcome to leave a message as this phone is equipped with voice mail. Please remember to provide a contact telephone number.

Because of the nature and the complexity of these separate violations, the most effective way to coordinate a meeting or to discuss these issues, if needed, (rather than visiting the County offices) is to contact me using the telephone number listed above and scheduling a meeting. Otherwise, if this office is visited without an appointment, it is likely that I will be in the field conducting other inspections and unable to assist you.

Sincerely,

Bruce Miller
Zoning /Property Maintenance Inspector

BM/bm

Enclosure: A/S

☐ 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 of party named above after giving information of it's purport. List name, age of recipient, and relation of recipient to party named above.

.....

.....

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

☐ Served on a Secretary of the Commonwealth.

☐ Not found

S. Gonzalez
SERVING OFFICER

9-12-12
DATE

Stan G. Barry, Sheriff
Fairfax County, VA

☐ PERSONAL SERVICE

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

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

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

.....

.....

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

☐ Served on a Secretary of the Commonwealth.

☐ Not found

S. Gonzalez
SERVING OFFICER

9-12-12
DATE

Stan G. Barry, Sheriff
Fairfax County, VA

APPENDIX 8

County of Fairfax, Virginia

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

Vested Rights Determination
under §15.2-2307 of the Code of Virginia

Property Tax Map Number:	102-1 ((33)) 20
Property Address:	8001 Lynnfield Drive
Requestor's Name:	Shafiq Muhammad
Requestors Address: (if different than above)	
Requestor's Phone Number:	(571) 969-9467
Current Zoning:	R-3
Magisterial District:	Mount Vernon
Subdivision Name/Section/Block/Lot No.:	Williamsburg Manor North, Section 3, Lot 20

Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia (See Attached Instruction Sheet)

The property is a corner lot zoned R-3 Residential District, Three Dwelling Units/Acre and is developed with a single family detached dwelling, a 12 foot by 20 foot accessory storage structure (shed) and a concrete slab. According to Bruce Miller with the Zoning Inspections Branch, the shed's peak height is 11.5 feet. A corner lot in the R-3 District has two (2) minimum required front yards of 30 feet and minimum required side and rear yards of 12 feet. The plat submitted shows the shed five feet from the side lot line and four feet from the rear lot line. The shed does not meet the location regulations contained in Par. 10 of Sect. 10-104 of the Zoning Ordinance, which require that a freestanding shed exceeding 8.5 feet in height not be located within the 12 foot minimum required side yard and also set back a minimum distance equal to its height from the rear lot line. Also, the shed exceeds the size limitation of Par. 25 of Sect. 10-102, which states that a shed must not exceed 200 square feet of gross floor area. Lastly, the shed, in combination with the concrete slab, covers approximately 32% of the minimum required rear yard, exceeding the 30% minimum required rear yard coverage limitation set forth in Par. 3 of Sect. 10-103. According to our records, Building Permit #02235B0510 was approved, in pertinent part, on August 23, 2002 for a 12 foot by 20 foot shed located approximately five (5) feet from the side and rear lot lines. Building Permit #02235B0510 passed final inspection on September 23, 2002.

Background Summary (check all that are applicable):

- ☑ A Building Permit was issued for the shed and the shed passed final inspection.
- ☐ A Building Permit and/or final inspections were not obtained for the shed.
- ☐ Department of Tax Administration records indicate that the shed has been taxed for at least 15 years.
- ☑ Department of Tax Administration records do not indicate that the shed has been taxed for at least 15 years.

Department of Planning and Zoning
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1314 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/

DEPARTMENT OF PLANNING & ZONING

2013-0726

FAIRFAX COUNTY
RECEIVED
MAY 03 2013
DIVISION OF
ZONING ADMINISTRATION

Vested Rights Determination (or "2307") Request
(Pursuant to §15.2-2307 of the *Code of Virginia*)

Property Address and/or Tax Map #: 8001 Lynnfield DR Alexandria VA 22306
Requestor's Name: SHAFIQ MUHAMMAD
Requestor's Address:
Requestor's Phone Number and/or Email: 571-969-9467
Description of Structure(s) in Question to include the date of construction if known (i.e. carport enclosure in 1974): 2002 Shed
Does the structure(s) in question have a building permit?: YES ✓ NO
If currently applying for a building permit, please provide the building permit number:
Is there a current zoning violation on the property? YES ✓ NO

REQUIRED SUBMISSION MATERIALS:

☐ If building permit application has been submitted, copy of the submitted plat.

☑ Or, a plat of the property, to scale, which shows the location of all existing structures, distance of structures from all property lines and the height of any detached accessory structures (garages, sheds, etc.).

☐ Photographs of the interior and exterior of the structure in question.

SUBMIT TO:

Department of Planning & Zoning
Zoning Administration Division
Attn: Leslie B. Johnson, Zoning Administrator
12055 Government Center Pkwy, Suite 807
Fairfax, Virginia 22035

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.

8-918 Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.

2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

   On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.

4. The accessory dwelling unit shall contain not more than two (2) bedrooms.

5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:

   A. One of the dwelling units shall be owner occupied.

   B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:

      (1) Any person fifty-five (55) years of age or over and/or

      (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security

Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:

(1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.

(2) A group of not more than four (4) persons not necessarily related by blood or marriage.

6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:

A. Uninterrupted access to one (1) entrance; and

B. Accessibility and usability of one (1) toilet room.

7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.

8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.

9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.

10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.

11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.

12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.

13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.

18-404 Required Standards for Variances

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

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

18-405 Conditions

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