



APPLICATION ACCEPTED: October 8, 2013  
BOARD OF ZONING APPEALS: December 18, 2013  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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December 11, 2013

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-PR-084

### PROVIDENCE DISTRICT

**APPLICANTS/OWNERS:** Ramesh Raman, Trustee  
Latha Ramen, Trustee

**SUBDIVISION:** Tysons Woods

**STREET ADDRESS:** 2305 Malroux Drive, Vienna, 22182

**TAX MAP REFERENCE:** Tax Map 39-3 ((28)) 95

**LOT SIZE:** 9,430 square feet

**ZONING DISTRICT:** R-4

**ZONING ORDINANCE PROVISIONS:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit roofed deck 25.4 ft. from front lot line and dwelling 6.4 ft. from side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2013-PR-084 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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.

O:\vhorner\Special Permits\Raman (50%)\Staff Report Raman.doc

Rebecca Horner

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.

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



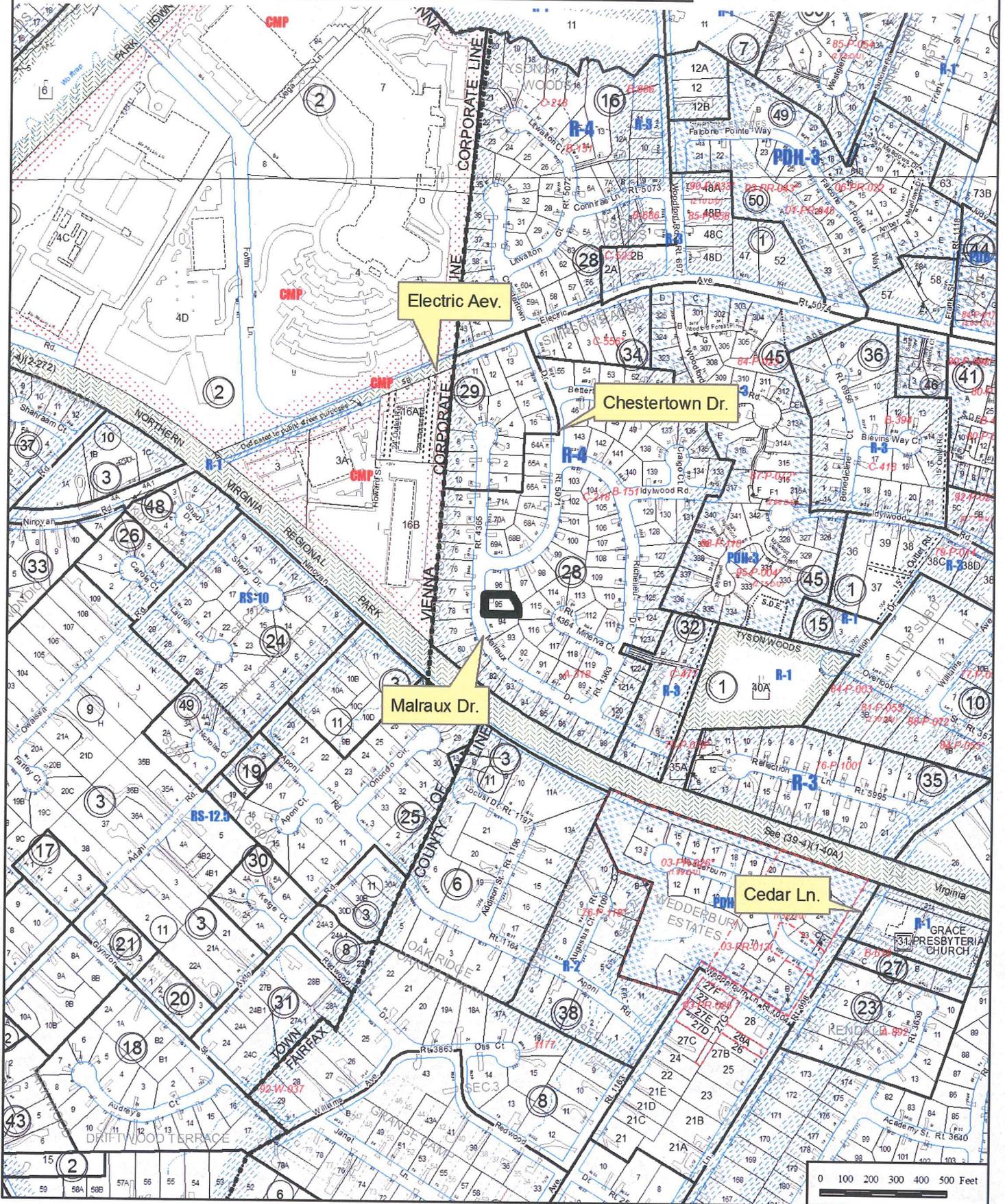
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

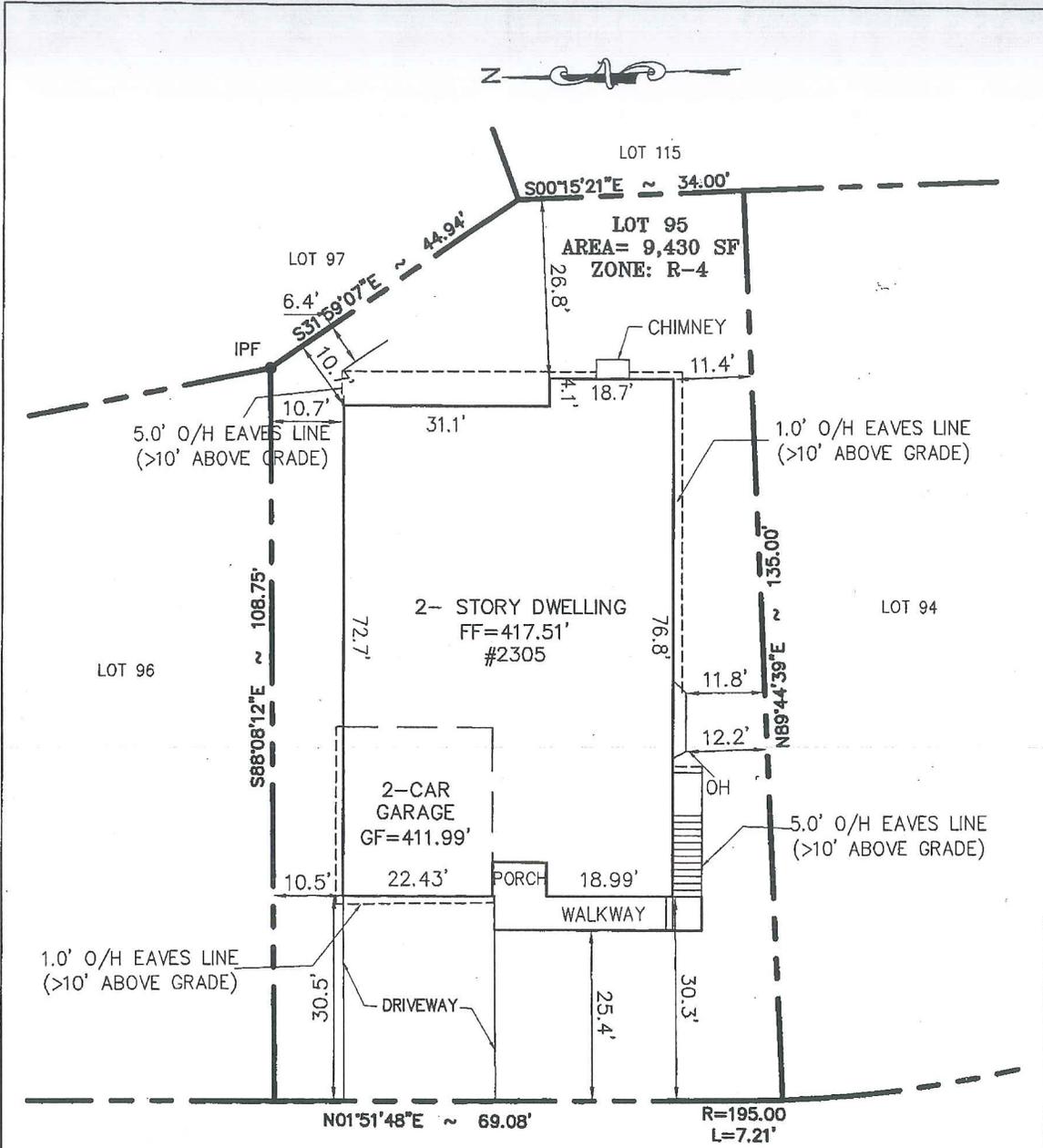


# Special Permit

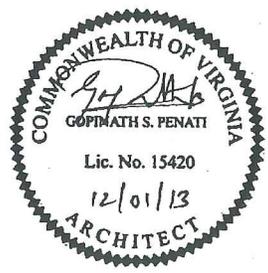
## SP 2013-PR-084

RAMESH RAMAN TRUSTEE & LATHA RAMAN TRUSTEE





MALRAUX DRIVE, VA. RTE # 4365  
(50' R/W)



- NOTES:
1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
  2. THE COUNTY RECORD TAX MAP #:39-3-((28))-95.
  3. THE BOUNDARY INFORMATION SHOWN HEREON IS FROM RECORD AND DOES NOT CONSTITUTE A BOUNDARY BY THIS INDIVIDUAL.
  4. THE HOUSE LOCATION PLAT IS A RESULT OF FIELD RUN SURVEY BY USING TOTAL STATION (EDM).
  5. O/H OVERHANG.
  6. IPF-IRON PIPE FOUND & HELD.

**SETBACK CERTIFICATION PLAT**  
FOR  
LOT 95, SEC 3, TYSONS WOODS  
2305 MALRAUX DR, VIENNA  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA 22182

**PREPARED BY**  
*Studio 76, LLC*  
Architects and Engineers  
2989 Borge Street  
Oakton  
Va 22124

SCALE: 1"=20', DATE: December 01st, 2013

**Studio 76, LLC**  
 Architects & Interiors  
 2305 Malraux Dr  
 Vienna, VA 22182  
 (703) 841-1111  
 www.studio76.com

**Raman Residence**  
 2305 Malraux Dr  
 Vienna, VA 22182

**Front & Rear Elevations**

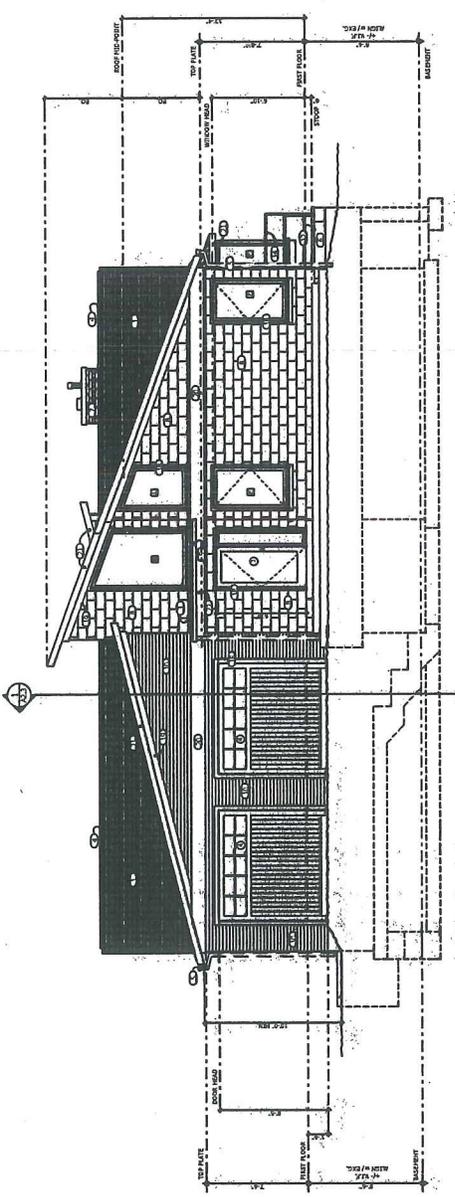
**DATE:** 11/27/2011  
**PROJECT PHASE:** Construction  
**REVISIONS:**

**NOTES:**  
 1. Within construction on final drawings, contractor shall provide all dimensions and conditions as shown on drawings and conditions as noted by the architect. The architect shall be responsible for any omissions or errors on these drawings and conditions.

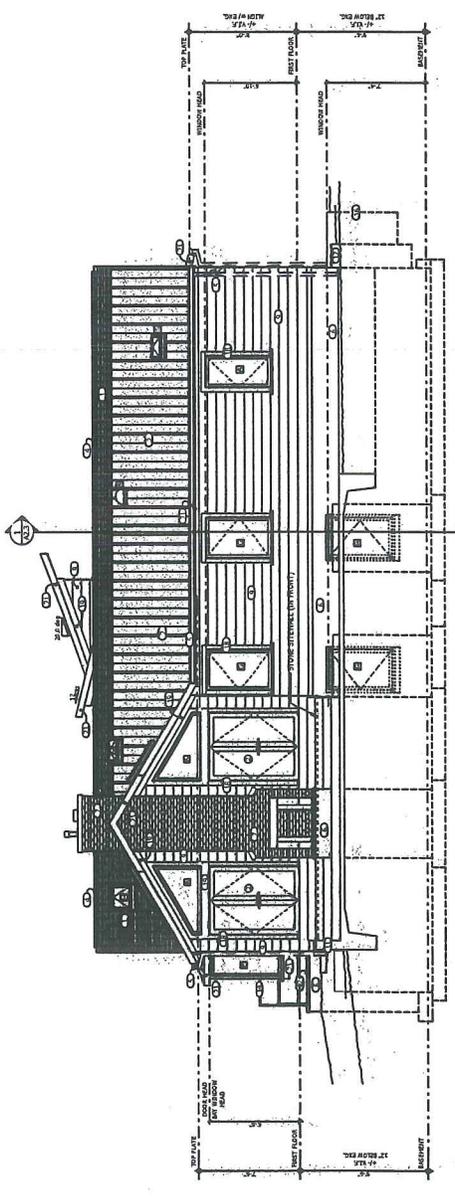
**COPYRIGHT © 2011**  
 ALL RIGHTS RESERVED

**A2.1**  
 SHEET 16 OF 26

- ELEVATION NOTES**
- 1. FINISHES: SEE FINISH SCHEDULE
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**1**  
**Front Elevation**  
 SCALE: 1/8" = 1'-0"



**2**  
**Rear Elevation**  
 SCALE: 1/8" = 1'-0"



**PIC 1 May 25, 2013**  
**FRONT VIEW FACING EAST**



**PIC 2 May 25, 2013**  
**FRONT/SIDE VIEW FACING NORTHEAST**  
**Note property on Lot 94**

**PIC 5 May 24, 2013**  
**SIDE VIEW FACING NORTH**



**PIC 6 May 25, 2013**  
**SIDE VIEW FACING NORTH**

**PIC 7 May 30, 2013**  
**FRONT/SIDE VIEW FACING EAST**  
**Note property on lot 94**



**PIC 8 May 30, 2013**  
**REAR VIEW FACING NORTH**  
**Note properties on lot 96 & lot 97**

**PIC 9 May 30, 2013**  
**REAR VIEW FACING NORTHWEST**  
**Note properties on lot 96 & lot 97**



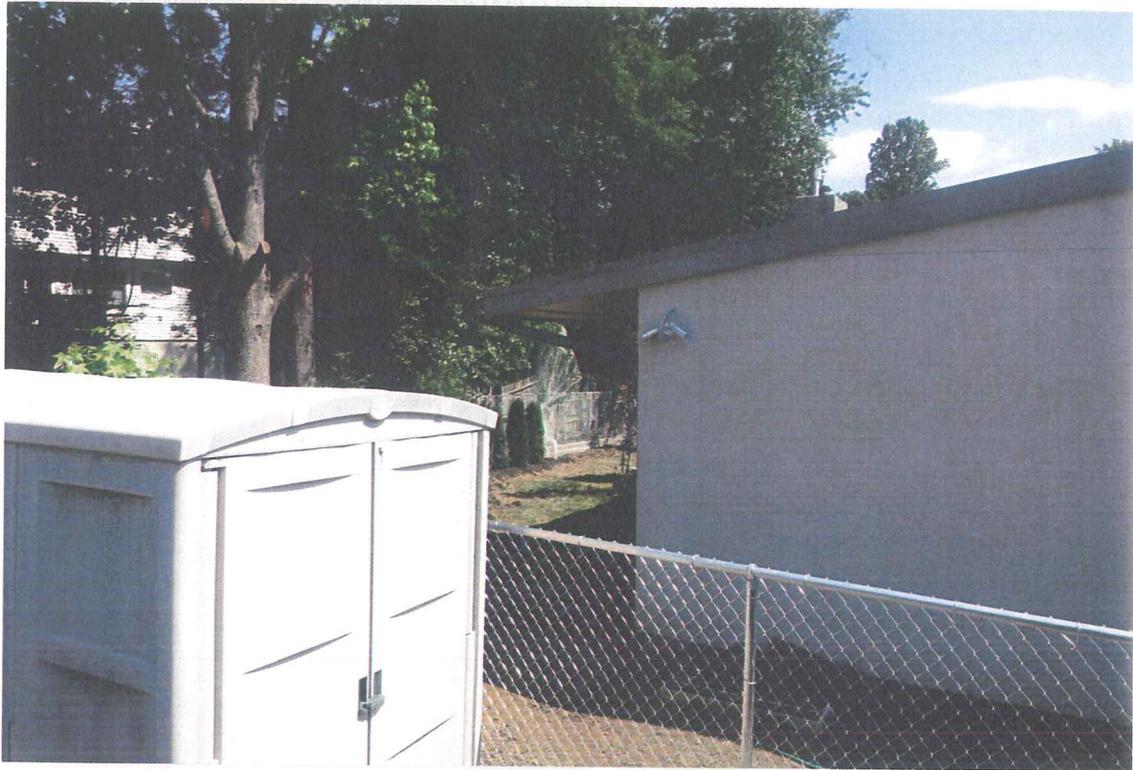
**PIC 10 May 30, 2013**  
**REAR VIEW FACING NORTHEAST**  
**Note property on lot 97**

**PIC 11 May 30, 2013**  
**REAR VIEW FACING SOUTH & UP**  
**Note properties on lot 94 (shed) & lot 93**



**PIC 12 May 30, 2013**  
**REAR VIEW FACING SOUTHEAST**  
**Note property on lot 115 covered by trees**

**PIC 13 May 30, 2013**  
**REAR/SIDE VIEW from property 96 FACING SOUTHEAST**  
**Note property on lot 115 covered by trees**



**PIC 14 May 30, 2013**  
**REAR VIEW FACING EAST**  
**Note property on lot 115 covered by trees**

**PIC 15 May 30, 2013**  
**REAR VIEW FACING NORTH**  
**Property on lot 96 (including shed)**



**PIC 16 May 30, 2013**  
**REAR/SIDE VIEW FACING WEST**  
**Note properties on lot 94 & lots 78 & 79 across the street**

**PIC 17 May 30, 2013**  
**REAR/SIDE VIEW FACING SOUTHWEST**  
**Properties on lot 94 & lot 93**



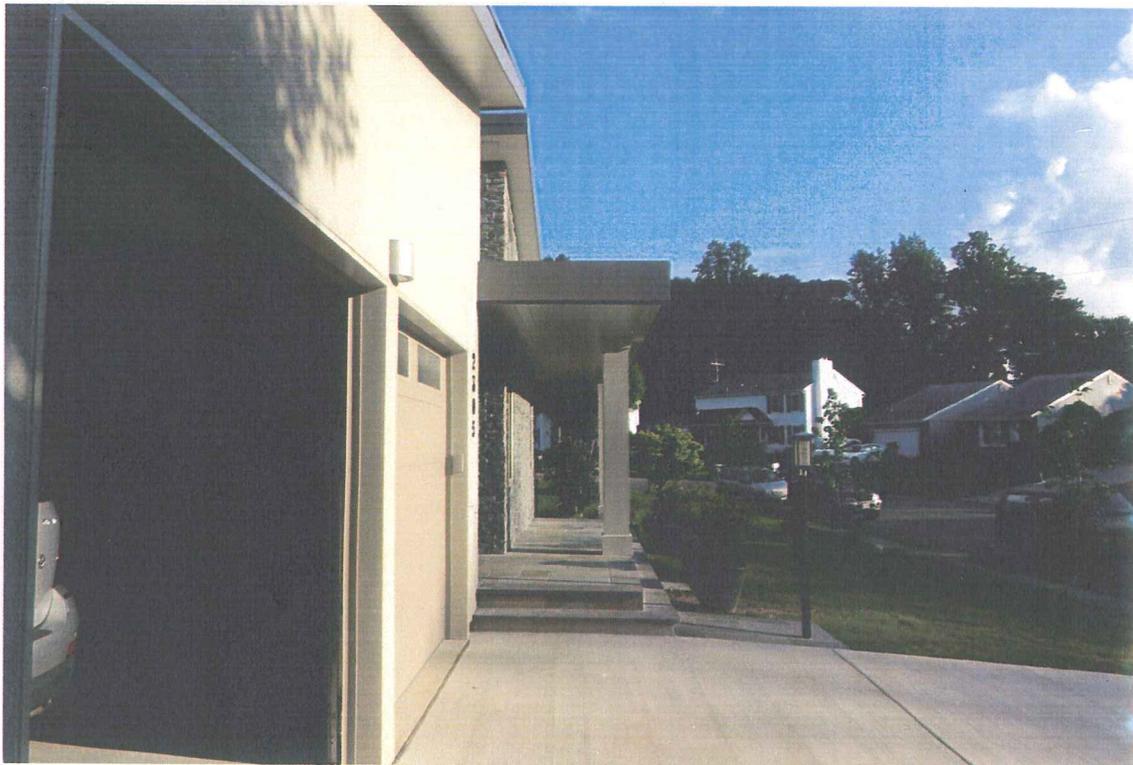
**PIC 18 May 30, 2013**  
**SIDE VIEW FACING SOUTH**  
**Property on lot 94**

**PIC 19 May 30, 2013**  
**FACING WEST**  
**Properties on lot 77, lot 78 & lot 79 across the street**



**PIC 20 May 30, 2013**  
**FACING WEST**  
**Properties on lot 78, lot 79 & lot 80 across the street**

**PIC 3 May 25, 2013**  
**FRONT VIEW FACING SOUTHEAST**  
**Note property on Lot 94**



**PIC 4 May 25, 2013**  
**SIDE VIEW FACING SOUTH**  
**Note properties across the street**



## SPECIAL PERMIT REQUEST

The applicant requests a special permit to allow reduction of certain yard requirements to permit a roofed deck to remain 25.4 feet from the front lot line and an addition to remain 6.4 feet from the eastern side lot line of a single family dwelling.

A copy of the special permit plat titled "Setback Certification Plat" prepared by Studio 76, LLC, dated December 1, 2013, is included at the front of the staff report.

A more detailed description of the request is on page two of this report.



### CHARACTER OF THE SITE AND SURROUNDING AREA:

The existing lot, zoned R-4, contains a two-story dwelling. The dwelling includes an oversized eave, off the rear of the dwelling, 6.4 feet from the eastern side lot line. The front of the dwelling includes a roofed deck and porch, 25.4 feet from the front lot line

The subject property is located on the east side of, and takes access to, Malraux Drive. An existing hard-surfaced driveway connects Malraux Drive and terminates at an existing two-car garage. The driveway covers 29.8% of the front yard, as calculated by the applicants' engineer. A walkway connects the driveway to the front of the dwelling.

The lot is fairly flat with some existing and new vegetation and foundation plantings. No easements are shown on the plat.

The property is surrounded by single family dwellings, zoned R-4.

## BACKGROUND

The applicants received a building permit to construct a two-story addition to their existing home on February 24, 2012. A copy of the building permit is included as Appendix 4. The applicants constructed the addition. The construction failed the setback certification process because the minimum required front and side yards were not met. A copy of the setback certification is included as Appendix 5.

The Zoning Administration Division finalized the building permit and approved the setback certification on April 30, 2013, to allow occupancy by the applicants while they seek special permit approval.

Information outlining similar requests in the vicinity of the applicants' property is included in Appendix 6.

## DESCRIPTION OF THE REQUEST

The applicants request the approval of a special permit for a reduction of certain yard requirements to permit dwelling to remain 6.4 feet from the eastern side lot line and roofed deck, shown as a porch/walkway, to remain on the front of the dwelling, 25.4 feet from the front lot line.

The applicants indicate they constructed the roofed deck and eave to accommodate a medical condition. The roofed deck and rear eave extension are integral to and match the existing structure.

The applicant indicates the existing structure, prior to construction of the addition, was approximately 2,500 square feet. The applicant indicates the structure is now 3,662 square feet in area. The roofed deck and rear eave extension are not considered gross floor area and do not count toward the floor area of the dwelling.

## ANALYSIS

### Comprehensive Plan Provisions

|                         |                                   |
|-------------------------|-----------------------------------|
| <b>Plan Area:</b>       | Vienna Planning District, Area II |
| <b>Planning Sector:</b> | Cedar Community Planning Sector   |
| <b>Plan Map:</b>        | Residential 3-4 du/acre           |

## ZONING ORDINANCE REQUIREMENTS

The application must meet all of the following standards, copies of which are attached as Appendix 7:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

**Sect. 8-006 General Special Permit Standards**

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standards 3.

*General Standard 3* requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *The general character of the neighborhood is residential. The applicants built the eave extension at the rear of the home. The roofed deck was constructed at the front of the dwelling and designed to match the existing dwelling. The addition is harmonious with the existing dwelling and neighborhood.*

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

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

*Standard 6* states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The photographs submitted indicate that the materials, size and scale of the addition are compatible with the existing structure. The rear eave extension and roofed deck match the existing dwelling. They are clearly subordinate in bulk and scale to the principal dwelling and do not create any additional height to the overall existing structure. Staff believes the application meets this provision.*

*Standard 7* states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. *It appears the improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains residential homes, some with additions into side yards. There have been four modifications in the vicinity to allow reduced yards for additions. The exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. Staff believes the application meets this provision.*

*Standard 8* states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. *There is no RPA on the property. The roofed deck adds minimal impervious area on the site. Staff believes this standard is met.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The area of the addition is off the rear of the existing dwelling into the side yard of the property. The roofed deck extends off the front of the dwelling and is integral to the structure. It appears there is no impact to existing vegetation and minimal new impervious area, therefore staff believes that the application meets this provision.*

## **CONCLUSION**

Staff finds that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATIONS**

Staff recommends approval of SP 2013-PR-084, subject to 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 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.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Building Permit History
5. Setback Certification History
6. Similar Case History
7. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**December 11, 2013**

1. This special permit is approved for the location of the dwelling (rear eave) and roofed deck (front porch/walkway), as shown on the plat prepared by Studio 76, LLC., dated December 1, 2013, submitted with this application and is not transferable to other land.

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

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 29, 2013  
(enter date affidavit is notarized)

I, Ramesh Raman Trustee, 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

12/332

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<br>(enter first name, middle initial, and last name)  | ADDRESS<br>(enter number, street, city, state, and zip code) | RELATIONSHIP(S)<br>(enter applicable relationships listed in <b>BOLD</b> above) |
|--|--|---|
| Ramesh Raman, Trustee<br>&<br>Latra Raman, Trustee   | 2305 Melvale Dr<br>Vienna, VA 24182                          | <b>APPLICANTS/TITLE OWNERS</b>  |
| Trustees and Beneficiaries<br>of the Ramesh Raman Revocable<br>Trust & Latra Raman Revocable<br>Trust dated Dec 17, 2002 |  |   |

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 29, 2013  
(enter date affidavit is notarized)

121332

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

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

**CORPORATION INFORMATION**

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

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

N/A

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 29, 2013  
(enter date affidavit is notarized)

121332

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

**PARTNERSHIP INFORMATION**

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

N/A

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

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

N/A

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

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

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 29, 2013  
(enter date affidavit is notarized)

121332

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 29, 2013  
(enter date affidavit is notarized)

121332

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

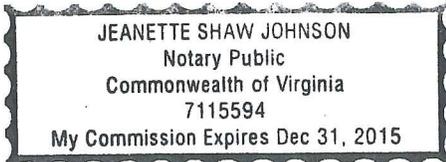
Applicant's Authorized Agent

RAMESH RAMAN TRUSTEE / LATHA RAMAN TRUSTEE  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29 day of May, 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Jeanette Shaw Johnson  
Notary Public

My commission expires: 12/31/2015



**Ramesh Raman, MD, FACP**  
**Latha Raman**

Address: 2305 Malraux Drive, Vienna, VA 22182  
 E-mail: rraman2305@aol.com (h)  
 ramesh.raman@fda.hhs.gov (w)  
 Tel/Fax: 703-560-1923 (h); 703-560-3339 (f)  
 703-300-4051 (c); 301-796-1436 (w)

**SPECIAL PERMIT APPLICATION- STATEMENT OF JUSTIFICATION**

May 31, 2013

RECEIVED  
 Department of Planning & Zoning

JUN 03 2013

County of Fairfax  
 Department of Planning and Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax, VA 22035  
 Tel: (703) 324 1290

Zoning Evaluation Division

**Sub:** Statement of Justification for Application for Special Permit under zoning ordinance section 8-922

- Ref:**
- 1) Our complete application along with the requested documents contained in the package
  - 2) Property Address: 2305 Malraux Drive, Vienna, VA 22182
  - 3) Tax Map #: 39.3.28-0095
  - 4) Size: 9430 sq. ft.
  - 5) Zoning R-4; Magisterial District: Providence
  - 6) Our previous correspondences-
    - our original request of 11/29/2011
    - our meeting with Mr. Getachew A. Tadesse on November 18, 2011 and Dec 2, 2011; our telephonic conversation with Mr. Tadesse on Dec 7, 2011; and Mr. Tadesse's email of Dec 8, 2011
    - our second request dated Dec 12, 2011
    - our meeting on December 29, 2011 with Mr. Tadesse and Ms. Michelle O' Hare (Deputy Zoning Administrator)
    - Mr. Tadesse's response of Jan 10, 2012
    - our building permit issued on Feb 24 2012 that includes the front porch
    - our third request of May 17 2012 for an accessibility ramp
    - Ms. Michelle O' Hare's response of Jul 16 2012
    - Set back certification failure letter of Feb 13, 2013
    - our meeting on Feb 19, 2013 with Mr. Tadesse and Ms. Michelle O' Hare
    - our Mar 28, 2013 letter to Supervisor Ms. Linda Q Smyth
    - our meeting on April 25, 2013 with Ms. Leslie Johnson (Zoning Administrator)
    - Setback Certification Approval letter dated May 2 2013 from Ms. Leslie Johnson

Dear Sir/Madam:

We are requesting a reduction in certain yard requirements for the referenced property zoned as R-4. Per R-4 District zoning requirements, a minimum front yard requirement of 30 feet and a minimum side yard requirement of 10 feet and a minimum rear yard requirement of 25 feet is required. The two structures presently in question that initiated this request as identified in the setback certification failure are:

1. A 5.0 foot canopy of more than 10 feet above grade located at 25.4 feet from the front lot line
2. A ~ 6.2 feet overhang eave from the left side lot line at the rear left corner.

These structures encroach into the 30 feet front yard minimum requirement by 4.6 feet and into the 10 feet minimum side yard requirement by 3.8 feet, respectively. Since each of these exceed the three feet permitted extension into the minimum required yards (Par 1A of section 2-412 of the Zoning Ordinance), as such and in essence, the front porch overhang canopy exceeds 1.6 feet and the rear side overhang exceeds 0.8 feet. These extensions do not exceed any yard requirement that is less than 50 % of the required 30 feet in the front or the required 10 feet in the side and does not result in any yard less than five feet from the measured lot line closest to these built structures. The original house prior to the addition measured ~ 2500 sq ft. and the present house with the new addition measures ~ 3662 sq ft. The extent of the addition is ~ 1162 sq ft. Overall, the resulting gross floor area of these additions is within the 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request.

As shown in the pictures, both these structures, while harmonious with and conforming and adding beauty to the house and the neighborhood, do not adversely affect the use or development of neighboring properties. Further, if any, we believe that the overall value of the neighboring properties has only increased with this remodeling.

Justification on issues such as hours and type of operation, estimated number of patrons/clients/patients/pupils/etc., proposed numbers of employees/etc., traffic impact, hazardous or toxic substances; etc., is not provided as they are not relevant and do not apply to this request.

The following relevant background information contained in the regulatory records of our remodeling project additionally justifies this request:

1. We have been Fairfax County residents since 1982 and are the owners of the referenced property in which we have been living since 1991. We are a family of five members (Ramesh Raman, Latha Raman, Arjun Raman [our son], Anita Raman [our daughter] and Lalitha Raman [Ramesh Raman's mother]).

Our re-modeling project began in March 2012. After securing all the necessary permits, the construction work was successfully completed and has passed all inspections per the approved multiple work permit #113360042. On this front porch issue, as the record will indicate (in the cited references), we have frequently and constantly interacted with the Ordinance branch that predates

the approved permit date of Feb 24 2012. During this *pre-permit* approval period, the onus of the interaction was whether such a porch (and subsequently a ramp) could be considered an accessibility improvement which were based on our mother, Mrs. Lalitha Raman's documented disability and worsening medical condition with the clear intent of addressing any futuristic potential zoning violation issues. We submitted plans both with and without the overhanging eaves and canopy. The outcome of these worthy and preventative intentions was futile despite our repeated merited pleas as the Ordinance office, in spite of the documented medical need for a disabled elderly, decided that the porch could not be considered an accessibility improvement. In the interim while we were seriously considering and deliberating on whether we should be seeking a special permit for the approval of the much-needed front porch that was recommended by the Ordinance branch, our building permit was issued on Feb 24 2012 in which the front porch addition was included. Accordingly, we completed the project, including building the front porch.

Subsequently, following an unexpected setback failure certification, based on the specific discussions with Ms. Johnson and acknowledging the ambiguity surrounding our paperwork with respect to the structures in question, a special permit as a necessary viable option was considered. This special permit application, therefore, is for the structures in question (the front porch and the side eave) that have *already been built*. As the record will indicate, this request has arguably been influenced by the ambiguity surrounding the submitted plans and other documents on what was considered the front porch by the County staff versus what constituted the front porch that was depicted and approved in the County issued permit. Our good intentions, well-documented self-initiated and frequent dialogues and the notion that the front porch was actually built by us based on the notation contained in the issued permit did not have any bearing in the determinations on the need for a special permit. Additionally, we have been told that we do not qualify for potentially alternate feasible remedies such as administrative waivers. It is under such arguably questionable conditions and circumstances that we, as responsible citizens who believe in this process, submit this special permit application to meet the ambiguity and redundancy that we feel is not self-propelled, but appears to be the only viable option that we can pursue at this time.

2. While conforming, adding value, and being harmonious; and barring these aforementioned regulatory ambiguities and the resulting arduous outcome of the need to request this special permit, these structures under question sub serve important safety and medical needs and functions. Our mother, Mrs. Lalitha Raman, who also has been a Fairfax County resident since the late 1980's, is 77 years old, and has been living with us since. She is an independent spirited lady who despite the severe restrictions, limitations and associated disabilities from undergoing hip and knee replacement surgeries and other medical conditions such as diabetes, high blood pressure, osteoporosis, etc., likes to and continues to stay as independent as possible. To help her keep up with such activities that are highly recommended by the health care professionals, it is important to provide her a safe environment that she can access and navigate without difficulty and safely. To that effect, we have additionally and painstakingly re-designed the entire house by incorporating several features that would help her move freely and safely. The front

porch covering provides our elderly disabled mother, with a better and safer access and navigability. Given Mrs. Lalitha Raman's medical condition, her risk of slipping and falling while walking on wet surfaces (whether from rain or ice or snow) is very high and an open deck that is bound to become wet would not only be contributory but would clearly facilitate such slipping and falling. This covering has already provided our mother the required flexibility, liberty, confidence and peace of mind to go around at will in "her house" without fear, worries or anxiety that she deserves. While our previous similarly justified pleas for the covering of the front porch went futile, we reemphasize and posture similarly once again on the medical necessity and the pivotal safety that such a canopy can provide as an additional justification for the special permit approval.

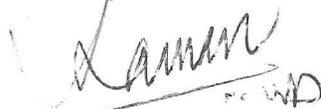
In summary, we believe that this justification that meets the following is found acceptable, adequate and merited for special permit approval-

- a. the zoning ordinance 8-922 under the proposed use to permit reduction of certain yard requirements for the constructed front porch and the rear eave;
- b. Ms. Leslie Johnson's recommendation that we have committed to fulfilling although the structures in question have arguably been built per permit; and
- c. the safety and medical needs of a very important member of our family- our disabled mother, Ms. Lalitha Raman.

We humbly request that this justified request of ours is approved.

Thank you.

Sincerely,



Ramesh Raman, MD, FACP

Senior/Expert Reviewer and Medical Officer  
Department of Health and Human Services (DHHS)  
Food and Drug Administration (FDA)  
Division of Neurology Drug Products (DNP)  
Silver Spring, MD.

Special Visiting Faculty  
Department of Medicine and Neurology  
INOVA Fairfax Hospital  
Fairfax, VA.



Latha Raman

Cc: Ms. Leslie Johnson, Zoning Administrator



# County of Fairfax, Virginia

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

January 10, 2012

Dr. Ramesh Raman and Mrs. Latha Raman  
2305 Malraux Drive  
Vienna, VA 22182

Re: Roofed Deck as an Accessibility Improvement  
Tysons Wood, Section 3, Lot 95  
Tax Map Ref.: 39-3((28)) 95  
Zoning District: R-4

Dear Dr. and Mrs. Raman:

This is in response to your written inquiry dated November 29, 2011 to Eileen McLane and our meeting on December 29, 2011 requesting to build a roofed deck at the front, right corner of your home as a component of your home remodeling project. Based on the plans provided, you are proposing to build a 5 foot wide roofed deck, starting at the front door and wrapping around the side of the house to provide coverage between the front door and basement entryway. Two steps provide access to the proposed roofed deck, and there is a set of stairs leading down to the basement entrance.

The referenced property is zoned R-1 District and has a 30 foot minimum required front yard. The proposed roofed deck encroaches approximately 6 feet into required front yard. Your letter indicates that Dr. Raman's mother lives with the family at the referenced property; and although independent, she requires a cane due to existing medical conditions and previous surgeries. To protect her from slipping and falling hazards during inclement weather, you believe the roofed deck is a necessary accessibility improvement. Pursuant to Par. 1F of Sect. 2-412 of the Zoning Ordinance, any accessibility improvement is permitted to encroach into any minimum required yard.

Under Article 20 of the Zoning Ordinance, an accessibility improvement is defined as follows:

**ACCESSIBILITY IMPROVEMENT:** The provision of ramps and other facilities or equipment, such as elevator shafts and bathroom fixtures, and/or accessible parking spaces, related access aisles and accessible routes for persons with disabilities in accordance with the design specifications set forth in the Virginia Uniform Statewide Building Code (VUSBC) and the Public Facilities Manual whether such improvement is mandated by Federal or State law or is provided voluntarily.

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/](http://www.fairfaxcounty.gov/dpz/)



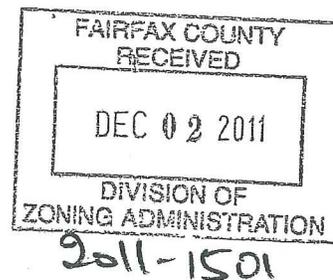
RAMESH RAMAN, MD, FACP  
LATHA RAMAN

2305 Malraux Drive  
Vienna, VA 22182  
P: 703-560-1923  
P: 703-300-4051  
rraman230@aol.com

11/29/11

To

**Ms. Eileen McLane**  
Zoning Administrator  
County of Fairfax; Department of Planning and Zoning  
12055 Government Center Parkway, Suite 807  
Fairfax, VA 22035-5508  
ordadmin@fairfaxcounty.gov



- Sub:** 1) Request to build a canopy roof covering over the front deck and areaway stairwell as proposed.
- Ref:** 1) Attached *permit submittal* re-modeling plan of our primary residence located at **2305 Malraux Drive, Vienna, VA 22182** without roof covering  
2) Attached *proposed* re-modeling plan of our primary residence located at **2305 Malraux Drive, Vienna, VA 22182** with roof covering  
3) Copy of Mrs. Lalitha Raman's Handicapped sticker  
4) Our meeting with your staff member, Mr. Getachew (Asst. Zoning Administrator) on November 18, 2011

Dear Ms. McLane:

At the onset, we want to thank you for the time, advice and suggestions that your office offered on Nov 18, 2011 when we met your staff and Mr. Getachew along with our Architect, Mr. Nate Penati (Studio 76, LLC; 2989 Borge Street, Oakton, VA 22124; Phone: 703-867-8935; Fax: 703-896-5051).

As indicated to Mr. Getachew, the purpose of that meeting was to ensure that we are compliant with the requirements of your office with respect to the re-modeling plans of the referenced property prior to its formal submission and approval. Specifically, the issue was to discuss the feasibility of the inclusion of a canopy along the front porch and the areaway stairwell, as shown in the *proposed* plan. It is our understanding that, as proposed, the five foot covered porch across the front of the house and the one on the side that would cover the stairwell, both fall outside the permissible setbacks. Albeit small, for reasons provided below, allowances for these variations are important and critical, as they will help provide my elderly mother with a better and safer access and navigability. Mr. Getachew's guidance has been invaluable and as explained by him, it is our understanding that under the provisions of article 2-412 1F ("An accessibility improvement may extend into any minimum required yard"), we could request for permission to build such structures as proposed.

Our architect has informed us that any attempts to push the outer wall towards the rear would have a cascading domino effect that would negatively impact the existing structure, layout and the design rendering the overall plan and the re-modeling process futile; not to mention the additional costs. Like wise moving the stairwell would impact the design profoundly to the point that we may have to completely re-design the entire plan. Our existing proposal is the product of years of planning and we are afraid that any deviations in design may prevent us from moving forward.

As proud residents of a great community within Fairfax County, as we have hither to, we would like to continue to maintain its integrity and charm and we will not engage in actions that would endanger such a wonderful private living which we highly care for, respect and nurture. To that effect, we assure you that the addition of a canopy would only add to the beauty of our home without compromising the integrity of the neighborhood. In fact, we too would become the proud owners of a house with a covered porch just like several homes in our neighborhood that already have covered porches. Our canopies, however, that are necessary, would additionally be highly functional by sub serving an important medical need to a very important member of our family- our mother, giving her the flexibility, liberty, confidence and peace of mind to go around at will in "her house" without fear, worries or anxiety.

We therefore respectfully request that you review our special needs and allow for us to build this canopy over the porch and the stairwell as proposed. We hope that our humble yet necessary request is granted under your allowable ordinance.

We once again thank you for your time and our special thanks to Mr. Getachew. Please do not hesitate to contact us if you need any additional information.

Sincerely,



Dr. Ramesh Raman, MD, FACP



Latha Raman

cc: Mr. Nate Penati (Studio 76, LLC; 2989 Borge Street, Oakton, VA 22124; Phone: 703-867-8935; Fax: 703-896-5051).



# County of Fairfax, Virginia

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

July 16, 2012

JUL 18 2012

Dr. Ramesh and Mrs. Latha Raman  
2305 Malraux Drive  
Vienna, VA 22182

Re: Covered Porch as an Accessibility Improvement  
Tysons Woods, Section 3, Lot 95  
Tax Map Ref.: 39-3 ((28)) 95  
Zoning District: R-4

Dear Dr. and Mrs. Raman:

This letter is in response to your May 17, 2012 inquiry to Eileen McLane requesting a determination that a proposed covered porch is an accessibility improvement. This is a subsequent request, as you made a similar inquiry in November 2011. As in your original proposal, the covered porch with steps encroaches into the minimum required 30 foot front yard by approximately 6 feet. In this submission, you have added a ramp and landing directly in front of the covered porch so that the ramp ties into the covered porch on one side. Based on this revision, you are asking if the ramp and covered porch are considered accessibility improvements.

An accessibility improvement is the provision of ramps or other facilities or equipment for persons with disabilities. Based on your proposal, the ramp is deemed an accessibility improvement. The covered porch with steps, however, is not. Absent approval of a special permit for a Reduction of Certain Yard Requirements by the Board of Zoning Appeals (BZA), the covered porch may not encroach into the minimum required front yard. Approval of special permit requires the filing of an application, a fee, notices, and a public hearing before and action by the BZA. For more information on special permits, please contact the Zoning Evaluation Division at 703-324-1290.

This determination is based upon the facts presented in your request letter and the applicable Fairfax County zoning Ordinance Provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change subsequent to the issuance of this determination, the determination may be subject to modification.

I trust that this letter adequately responds to your request. Should you have any additional questions, please feel free to contact me at 703-324-1314.

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/



**RAMESH RAMAN, MD, FACP**  
**LATHA RAMAN**

2305 Malraux Drive  
Vienna, VA 22182  
P: 703-560-1923  
P: 703-300-4051  
rraman2305@aol.com

**5/17/12**

**To**

**Ms. Eileen McLane**  
Zoning Administrator  
County of Fairfax; Department of Planning and Zoning  
12055 Government Center Parkway, Suite 807  
Fairfax, VA 22035-5508  
ordadmin@fairfaxcounty.gov

**Sub:**

1. Response to Mr. Getachew A. Tadesse's (Assistant to the Zoning Administrator, Ordinance Administration Branch, Zoning Administration Division) letter of Jan 10, 2012.
2. Request to build a canopy roof covering over the front deck with revisions to the plan (see attachments).

**Ref:**

1. Our original request of 11/29/2011 (submitted Dec 2, 2011) to build a canopy roof covering over the front deck along with the re-modeling of our primary residence located at **2305 Malraux Drive, Vienna, VA 22182**.
2. Our meeting with Mr. Getachew A. Tadesse on November 18, 2011 and Dec 2, 2011; our telephonic conversation with Mr. Tadesse on Dec 7, 2011; and Mr. Tadesse's email of Dec 8, 2011.
3. Our second request dated Dec 12, 2011.
4. Our meeting of December 29, 2011 with Mr. Tadesse and the Deputy of your office.
5. Mr. Tadesse's response of Jan 10, 2012.
6. Accessibility Improvement Article 20, Part 3, Page 20-7 (<http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art20.pdf>)
7. Permitted Extensions Into Minimum Required Yards, Article 2, Section 2-412, page 2-22 (<http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art02.pdf>)

Dear Ms. McLane:

At the onset, we want to thank you for the time that your office has continued to provide us with.

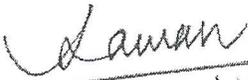
The renovation / remodeling project of our house is progressing well. We are at a stage in its development that requires us to make very important decisions on certain critical issues amongst which is the front canopy roof covering the front deck. In the context that your office did not view our previous requests and pleas favorably, we

abandoned pursuing our request to build such a canopy. However, with my mother's worsening medical condition, we are convinced that in the imminent future, without some accessibility provision, we will not be able to meet her medical and physical needs. We have therefore seriously deliberated over this issue and have reconsidered the various options, including the recommendations previously made by you.

In support of the aforementioned request that will meet both your requirements and my mother's present and on-going medical needs, we have made changes in the plan that incorporates further improvements in accessibility elements that previously were felt to be missing by your office. Specifically, in addition to all the previously highlighted accessibility improvements, we are now proposing (see attached plan) to include an accessibility ramp. With the inclusion of this ramp, we hope that our request to build a canopy will now qualify for approval.

We will be happy to discuss this further with you. Please do not hesitate to contact us if you have any further questions.

Sincerely,

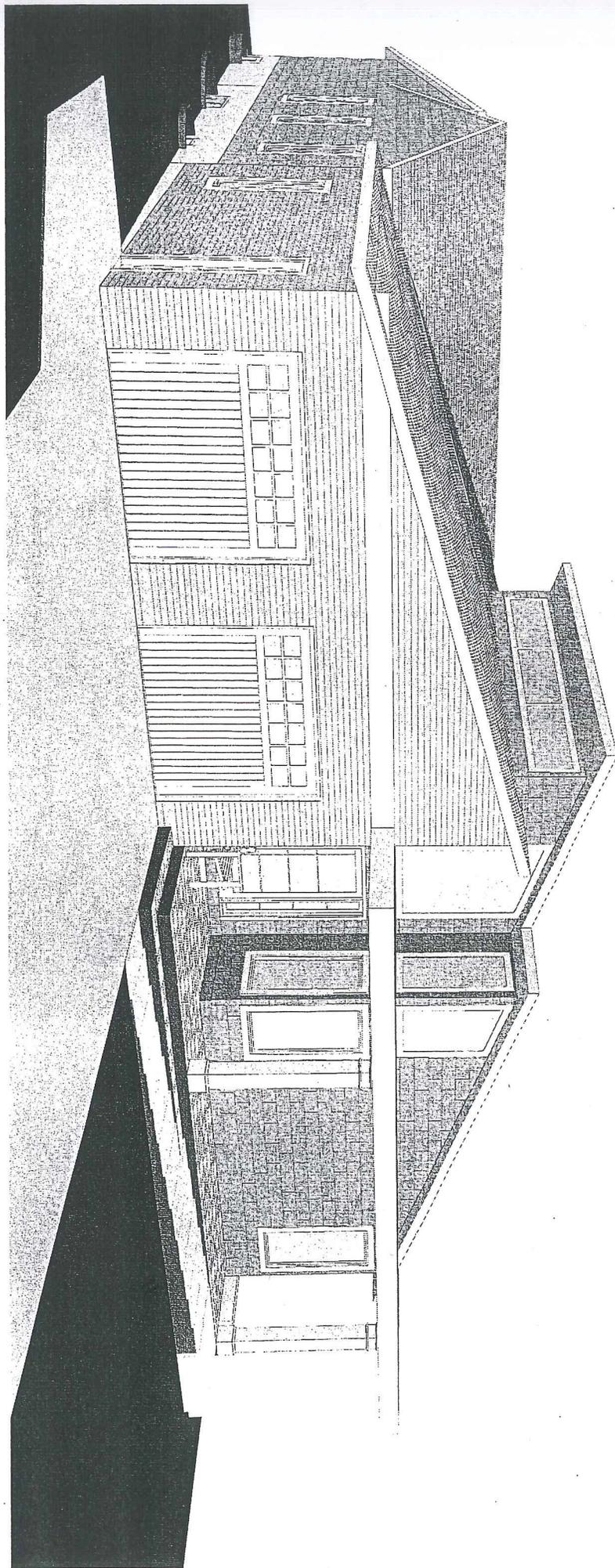


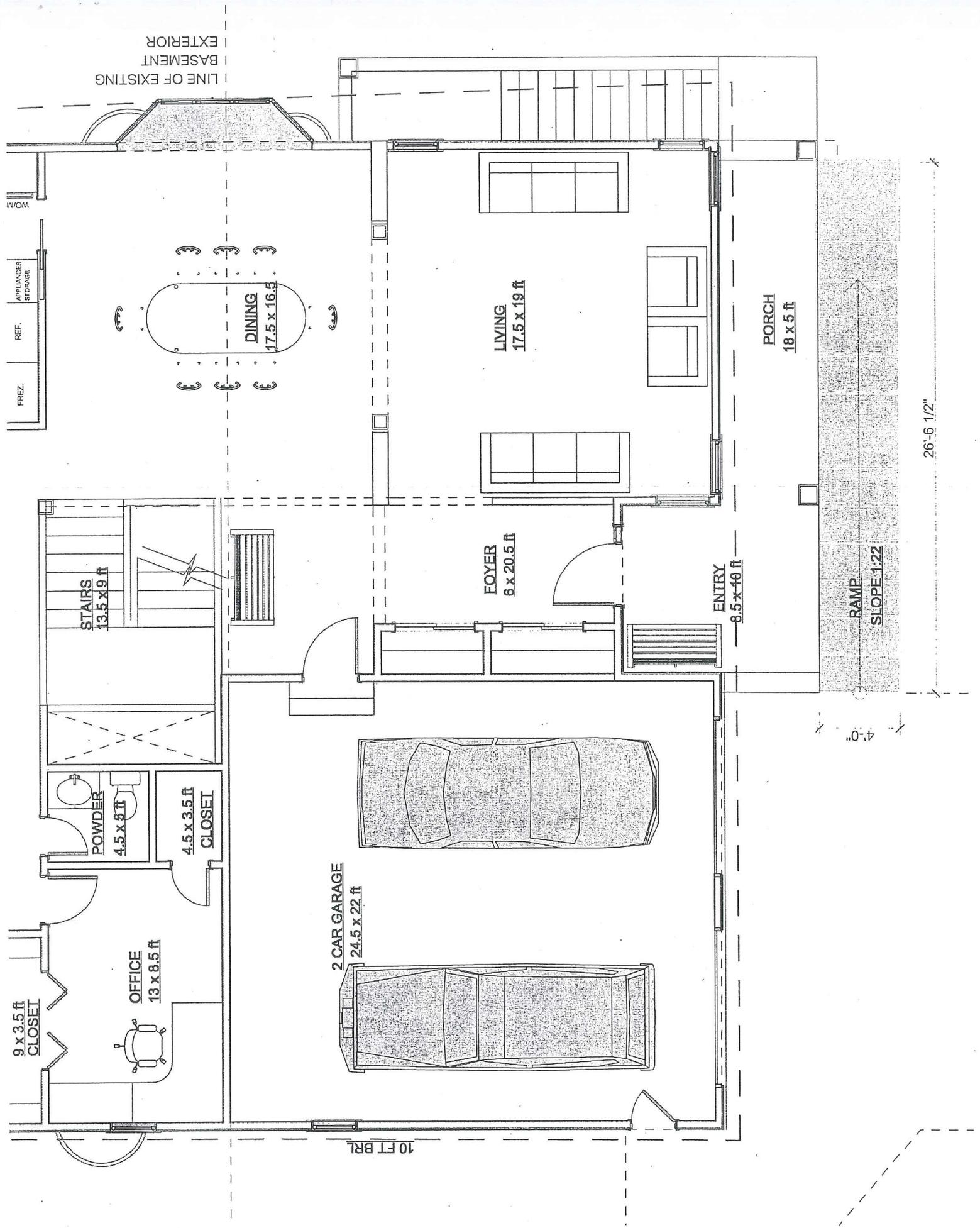
Dr. Ramesh Raman, MD, FACP



Latha Raman

cc: Mr. Nate Penati (Studio 76, LLC; 2989 Borge Street, Oakton, VA 22124; Phone: 703-867-8935; Fax: 703-896-5051).





LINE OF EXISTING  
BASEMENT  
EXTERIOR

9 x 3.5 ft  
CLOSET

OFFICE  
13 x 8.5 ft

POWDER  
4.5 x 5 ft

4.5 x 3.5 ft  
CLOSET

STAIRS  
13.5 x 9 ft

DINING  
17.5 x 16.5 ft

LIVING  
17.5 x 19 ft

FOYER  
9 x 20.5 ft

ENTRY  
8.5 x 10 ft

PORCH  
18 x 5 ft

RAMP  
SLOPE 1:22

26'-6 1/2"

4'-0"

10 FT BRL

W/O/M

REF.  
APPLIANCES  
STORAGE

FREZ.

**MULTIPLE WORK PERMIT**

Permit Number: 113360042

Issue Date: 02/24/2012

Parent Permit: 113360042

Tax Map ID: 039-37-287 / 0095

Job Address: 2305 Malraux Dr  
Vienna, VA 22182-5044

Plan No: R-11-1997

Tenant Name:

Issued To:

Contractor:

RAMAN LATHA TR, RAMAN RAMESH TR  
2305 Malraux Dr  
Vienna, Va 22182  
(703)560-1923

STUDIO 76 LLC  
2989 Borge Street  
Oakton, Va 22124-0000  
(703)867-8935

Structure: SINGLE FAMILY DWELLING

Code: (USBC 2009) IRC 2009

GROUP: R5

Type of Construction: VB

HAS PERMISSION ACCORDING TO APPROVED PLANS, APPLICATION AND RESTRICTIONS OF RECORD TO BUILD 2 2STY ADDITION FRONT AND BACK TO INCLUDE INTERIOR ALTERATION OF EXISTING SFD TO INCLUDE 2ND KITCHEN AND 3 BEDROOMS WITH AREAWAY IN BASEMENT/BAY WINDOWS/NEW FRONT PORCH ADDITION

**Site Related Approval Conditions and Alerts**

- Before you start work, you are required to notify the Site Inspector at 703-324-1960. Failure to notify can result in a violation and fee charge per compliance inspection.

**Deck Summary Information**

**Zoning Review and Approval Conditions**

Second Kitchen Letter on file: Zoning Review and approval of the construction of a second kitchen does not authorize the establishment of an apartment or second dwelling unit within the primary dwelling. Establishment of a second dwelling unit within the primary dwelling is a violation of the Fairfax County Zoning Ordinance, Section 2-502.

Property line setback verification required at framing inspection. Failure to comply may result in non-issuance of Residential Use Permit or Final Inspection.

**Note to Property Owner:** In accordance with Chapter 102 of the Code of the County of Fairfax, the property address must be displayed on the property in such a manner as to be visible from the public right of way. A copy of the building permit shall be posted on the construction site for public inspection until the work is completed.

Prior to beginning construction, contact your Homeowners' Association regarding any restrictive covenants governing property improvements. Sometimes, covenants may be more restrictive than the Fairfax County Code. Furthermore, requirements of covenants are not addressed by the issuance of your building permit.

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

BUILDING OFFICIAL



To Schedule an Inspection:

Internet - [www.fairfaxcounty.gov/fido](http://www.fairfaxcounty.gov/fido)  
Call Center - 703-222-0455

AIRS - 703-222-2474

TTY, VA Relay - 711

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Fairfax County, Virginia  
Department of Public Works and Environmental Services  
Permit Application Center  
12055 Government Center Parkway  
Fairfax, Virginia 22035-5504

**MULTIPLE WORK PERMIT**

Permit Number: 113360042

Issue Date: 02/24/2012

Parent Permit: 113360042

Tax Map ID: 039-3 / 28 / 10095

Job Address: 2305 Malraux Dr  
Vienna, VA 22182-5044

Plan No: R-11-1997

Tenant Name:

Issued To:

RAMAN LATHA TR RAMAN RAMESH TR  
2305 Malraux Dr  
Vienna, Va 22182  
(703)560-1923

Contractor:

STUDIO 76 LLC  
2989 Borge Street  
Oakton, Va 22124-0000  
(703)867-8935

Structure: SINGLE FAMILY DWELLING

Code: (USBC 2009) IRC 2009

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Type of Construction: VB

AS PERMISSION, ACCORDING TO APPROVED PLANS, APPLICATION AND RESTRICTIONS OF RECORD  
O: BUILD 2 2STY ADDITION FRONT AND BACK TO INCLUDE INTERIOR ALTERATION OF EXISTING SFD  
O INCLUDE 2ND KITCHEN AND 3 BEDROOMS WITH AREAWAY IN BASEMENT/BAY WINDOWS/NEW  
FRONT PORCH ADDITION

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Fairfax County, Virginia  
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Type of Construction: VB

HAS PERMISSION, ACCORDING TO APPROVED PLANS, APPLICATION AND RESTRICTIONS OF RECORD TO: BUILD 2 2STY ADDITION FRONT AND BACK TO INCLUDE INTERIOR ALTERATION OF EXISTING SFD TO INCLUDE 2ND KITCHEN AND 3 BEDROOMS WITH AREAWAY IN BASEMENT/BAY WINDOWS/NEW FRONT PORCH ADDITION

**Site Related Approval Conditions and Alerts**

- Before you start work, you are required to notify the Site Inspector at 703-324-1950. Failure to notify can result in a violation and fee charge per compliance inspection.

**Deck Summary Information**

**Zoning Review and Approval Conditions**

Second Kitchen Letter on file: Zoning Review and approval of the construction of a second kitchen does not authorize the establishment of an apartment or second dwelling unit within the primary dwelling. Establishment of a second dwelling unit within the primary dwelling is a violation of the Fairfax County Zoning Ordinance, Section 2-502.

Property line setback verification required at framing inspection. Failure to comply may result in non-issuance of Residential Use Permit or Final Inspection.

Note to Property Owner: In accordance with Chapter 102 of the Code of the County of Fairfax, the property address must be displayed on the property in such a manner as to be visible from the public right of way. A copy of the building permit shall be posted on the construction site for public inspection until the work is completed.

Prior to beginning construction, contact your Homeowners' Association regarding any restrictive covenants governing property improvements. Sometimes, covenants may be more restrictive than the Fairfax County Code. Furthermore, requirements of covenants are not addressed by the issuance of your building permit.

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

BUILDING OFFICIAL



To Schedule an Inspection:

Internet - [www.fairfaxcounty.gov/fido](http://www.fairfaxcounty.gov/fido)  
Call Center - 703-222-0455

AIRS - 703-222-2474

TTY, VA Relay - 711

P  
E  
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A/P # 113360042

**Application Information**

**Stages**

|           | Date / Time      | By     | Temp COO | Date / Time | By |
|-----------|------------------|--------|----------|-------------|----|
| Processed | 02/24/2012 11:33 | MJASK0 | Temp COO |             |    |
| Issued    | 02/24/2012 12:49 | SKAPOO | COO      |             |    |
| Final     |                  |        | Expires  | 08/24/2012  |    |

**Associated Information**

| Associated Information |         |                        |  | Valuation  |                      |           |
|------------------------|---------|------------------------|--|------------|----------------------|-----------|
| Type of Work           | MULTI   | MULTI WORK             | # Plans  | 2          | Declared Valuation   | 250000.00 |
| Dept of Commerce       | SFD     | SINGLE FAMILY DWELLING | # Pages  | 0          | Calculated Valuation | 0.00      |
| Priority               | IR09    | IRC 2009               | <input checked="" type="checkbox"/> Auto Reviews | Bill Group | Actual Valuation     | 0.00      |
| Square Footage         | 3469.00 | Name                   |  |            |                      |           |

**Description of Work**

build 2 2sty addition front and back to include interior alteration of existing sfd to include 2nd kitchen and 3 bedrooms with areaway in basement/bay windows/  
new front porch addition

**Parent A/P #**

| Project # | Project/Phase Name | Phase # |
|-----------|--------------------|---------|
| Size/Area | Size Description   |         |

**Property/Site Information**

Address 2305 MALRAUX DR  
VIENNA VA 22182-5044

**Location**

**Owner/Tenant**

|                                 |                                     |                   |                                  |
|---------------------------------|-------------------------------------|-------------------|----------------------------------|
| Contact ID PC2397021            | Name RAMAN LATHA TR RAMAN RAMESH TR | Organization      |                                  |
| Mailing Address 2305 MALRAUX DR |                                     | State/Province VA |                                  |
| City VIENNA                     |                                     | Country           | <input type="checkbox"/> Foreign |
| ZIP/PC 22182                    |                                     | Evening Phone     |                                  |
| Day Phone (703)560-1923 x       |                                     | Mobile #          |                                  |
| Fax                             |                                     |                   |                                  |

**A/P Linked Addresses**

No Addresses are linked to this Application

**Linked Addresses**

No Addresses are linked to this Application

**A/P Addresses**

No Other Addresses are associated to this Application

**Linked Parcels**

0393 28 0095

**A/P Linked Parcels**

No Parcels are linked to this Application

**Applicants/Contacts**



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Applicants/Contacts

Primary Y Capacity OWNER Contact ID PC2397021  Foreign  
 Effective Expire  
 Name RAMAN LATHA TR RAMAN RAMESH TR  
 Day Phone (703)560-1923 x Eve Phone Organization  
 Pager PIN # Position  
 Fax Mobile Profession  
 E-Mail  
 Address 2305 MALRAUX DR  
 VIENNA, VA 22182  
 Comments No Comments  
 Additional Info

Returned Checks

| Check # | Check Date | Repayment Date | Comments | Finance Report Date |
|---------|------------|----------------|----------|---------------------|
|---------|------------|----------------|----------|---------------------|

There are no items in this list

Contractors

Primary N Capacity Type  
 Effective Expire  
 Contact ID 376448 Name STUDIO 76 LLC  
 Phone (703)867-8935 x Fax Address 2989 BORGE STREET  
 Comments OAKTON , VA 22124-0000  
 No Comments

Item Description

Item Status

|  |                    |
|--|--------------------|
| Check Fees   | Fees Successful    |
| FILING FEE (\$161.31)                              | Paid               |
| FILING FEE (\$651.31)                              | Paid               |
| FILING FEE (\$718.93)                              | Paid               |
| PERMIT FEE (\$161.31)                              | Paid               |
| PERMIT FEE (\$980.00)                              | Paid               |
| PERMIT FEE (\$651.31)                              | Paid               |
| Check Inspections                                  | Inspections Failed |
| 5618664 R FINAL #1 (RESIDENTIAL FINAL)             | No Action          |
| 5685130 R FOOTING #1 (RESIDENTIAL FOOTING)         | Passed             |
| 5711360 R FRAMING #1 (RESIDENTIAL FRAMING)         | Failed             |
| 5712775 R FRAMING #2 (RESIDENTIAL FRAMING)         | Passed             |
| 5727956 R FRAMING #3 (RESIDENTIAL FRAMING)         | Closed             |
| 5711368 R MASONRY #1 (RESIDENTIAL MASONRY CHIMNEY) | No Action          |
| 5697396 R ROUTINE #1 (RESIDENTIAL ROUTINE)         | Failed             |
| 5699405 R ROUTINE #2 (RESIDENTIAL ROUTINE)         | No Action          |
| 5685136 R SLAB #1 (RESIDENTIAL SLAB)               | Passed             |
| 5685139 R SLAB #2 (RESIDENTIAL SLAB)               | Passed             |
| 5685133 R WALL #1 (RESIDENTIAL WALL)               | Passed             |
| 5685135 R WATERPRF #1 (RESIDENTIAL WATERPROOFING)  | Passed             |
| Check Reviews                                      | Reviews Failed     |
| 2075162 BUILDING #1 (BUILDING REVIEW)              | Failed             |
| 2084735 BUILDING #2 (BUILDING REVIEW)              | Approved           |
| 2080787 HEALTH #1 (HEALTH REVIEW)                  | Approved           |
| 2095455 SETBACK #1 (SETBACK CERTIFICATION REVIEW)  | Failed             |



| Item Description                                  | Item Status             |
|---|-------------------------|
| 2197381 SETBACK #2 (SETBACK CERTIFICATION REVIEW) | Incomplete              |
| 2075163 SITEPERMIT #1 (SITE PERMITS REVIEW)       | Approved                |
| 2075161 ZONING #1 (ZONING REVIEW)                 | Approved                |
| Check Conditions                                  | Conditions Successful   |
| LOG OUT PERMIT                                    | Approved, APPRVD        |
| BPOL VERIFICATION REQUIRED                        | Approved, EXEMPT        |
| Check Alert Conditions                            | Alert Conditions Failed |
| INSPECTION MUST BE SCHEDULED                      |                         |
| Check Licenses                                    | Not Checked             |
| Check Children Status                             | Children Failed         |
| 120940209   | Not Dependent           |
| 121280260   | Child Not Finalized     |
| 121600021   | Child Not Finalized     |
| Check Open Cases                                  | 0                       |

Inspections

|                      |                         |           |                    |   |
|----------------------|-------------------------|-----------|--------------------|---|
| Inspection # 5618664 | Inspection Type R FINAL | # 1       | Assigned To DBOLT0 | Call                                      |
| Inspected By         | Order/Group 0           | Scheduled | Preference         |   |
| Started              | Completed               |           | Status             | No Action Waived <input type="checkbox"/> |
| Comments             |                         |           |                    |   |

Inspection Details

|                                       |             |                    |
|---------------------------------------|-------------|--------------------|
| Detail FINISHED BASEMENT INFO FOR DTA | Modified By | Modified Date/Time |
| Comments                              |             |                    |
| No Comments                           |             |                    |

|  |                            |           |                    |  |
|--|----------------------------|-----------|--------------------|--|
| Inspection # 5685130   | Inspection Type R FOOTING  | # 1       | Assigned To DBOLT0 | Call                                   |
| Inspected By SWEYAN  | Order/Group 0              | Scheduled | Preference         |  |
| Started 03/19/2012 00:00                                       | Completed 03/19/2012 00:00 |           | Status             | Passed Waived <input type="checkbox"/> |
| Comments   |                            |           |                    |  |
| 039996-farid vessal-advanced construction engineering//3 piers |                            |           |                    |  |

Inspection Details

|                                       |             |                    |
|---------------------------------------|-------------|--------------------|
| Detail FINISHED BASEMENT INFO FOR DTA | Modified By | Modified Date/Time |
| Comments                              |             |                    |
| No Comments                           |             |                    |

|   |                            |           |                    |  |
|---|----------------------------|-----------|--------------------|--|
| Inspection # 5685133                                    | Inspection Type R WALL     | # 1       | Assigned To DBOLT0 | Call                                   |
| Inspected By SWEYAN                                     | Order/Group 0              | Scheduled | Preference         |  |
| Started 03/21/2012 00:00                                | Completed 03/21/2012 00:00 |           | Status             | Passed Waived <input type="checkbox"/> |
| Comments  |                            |           |                    |  |
| 039996-farid vessal-advanced construction engineering// |                            |           |                    |  |

Inspection Details

|                                       |             |                    |
|---------------------------------------|-------------|--------------------|
| Detail FINISHED BASEMENT INFO FOR DTA | Modified By | Modified Date/Time |
| Comments                              |             |                    |
| No Comments                           |             |                    |

|   |                            |           |                    |  |
|---|----------------------------|-----------|--------------------|--|
| Inspection # 5685135  | Inspection Type R WATERPRF | # 1       | Assigned To DBOLT0 | Call                                   |
| Inspected By SWEYAN   | Order/Group 0              | Scheduled | Preference         |  |
| Started 03/29/2012 00:00  | Completed 03/29/2012 00:00 |           | Status             | Passed Waived <input type="checkbox"/> |
| Comments  |                            |           |                    |  |
| 039996-farid vessal-advanced construction engineering//draintile/backfill |                            |           |                    |  |



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Inspection Details

Detail FINISHED BASEMENT INFO FOR DTA Modified By Modified Date/Time  
Comments  
No Comments

Inspection # 5685136 Inspection Type R SLAB # 1 Assigned To DBOLT0 Call  
Inspected By SWEYAN Order/Group 0 Scheduled Preference  
Started 04/10/2012 00:00 Completed 04/10/2012 00:00 Status Passed Waived   
Comments  
039996-farid vessal-advanced construction engineering//basement

Inspection Details

Detail FINISHED BASEMENT INFO FOR DTA Modified By Modified Date/Time  
Comments  
No Comments

Inspection # 5685139 Inspection Type R SLAB # 2 Assigned To DBOLT0 Call  
Inspected By SWEYAN Order/Group 0 Scheduled Preference  
Started 05/08/2012 00:00 Completed 05/08/2012 00:00 Status Passed Waived   
Comments  
039996-farid vessal-advanced construction engineering//garage/front porch

Inspection Details

Detail FINISHED BASEMENT INFO FOR DTA Modified By Modified Date/Time  
Comments  
No Comments

Inspection # 5697396 Inspection Type R ROUTINE # 1 Assigned To DBOLT0 Call 05/23/2012 10:50  
Inspected By RLAKE0 Order/Group 0 Scheduled 05/24/2012 10:51 Preference  
Started 05/24/2012 12:04 Completed 05/24/2012 12:04 Status Failed Waived   
Comments  
house ok except portal frame garage, need continuous sheathing at ends with nailing pattern.

Inspection Details

Detail FINISHED BASEMENT INFO FOR DTA Modified By Modified Date/Time  
Comments  
No Comments

Inspection # 5699405 Inspection Type R ROUTINE # 2 Assigned To DBOLT0 Call  
Inspected By Order/Group 0 Scheduled Preference  
Started Completed Status No Action Waived   
Comments

Inspection Details

Detail FINISHED BASEMENT INFO FOR DTA Modified By Modified Date/Time  
Comments  
No Comments

Inspection # 5711368 Inspection Type R MASONRY # 1 Assigned To DBOLT0 Call  
Inspected By Order/Group 0 Scheduled Preference  
Started Completed Status No Action Waived   
Comments



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Inspection Details

Detail FINISHED BASEMENT INFO FOR DTA Modified By Modified Date/Time  
Comments  
No Comments

Inspection # 5711360 Inspection Type R FRAMING # 1 Assigned To DBOLT0 Call 06/07/2012 10:11  
Inspected By GKENDR Order/Group 0 Scheduled 06/08/2012 10:11 Preference  
Started 06/08/2012 10:36 Completed 06/08/2012 10:36 Status Failed Waived   
Comments  
see list

Inspection Details

Detail FINISHED BASEMENT INFO FOR DTA Modified By Modified Date/Time  
Comments  
No Comments

Inspection # 5712775 Inspection Type R FRAMING # 2 Assigned To DBOLT0 Call 06/09/2012 16:07  
Inspected By DBOLT0 Order/Group 0 Scheduled 06/11/2012 00:00 Preference  
Started 06/11/2012 09:35 Completed 06/11/2012 09:35 Status Passed Waived   
Comments

Inspection Details

Detail FINISHED BASEMENT INFO FOR DTA Modified By Modified Date/Time  
Comments  
No Comments

Inspection # 5727956 Inspection Type R FRAMING # 3 Assigned To DBOLT0 Call 06/25/2012 13:16  
Inspected By DBOLT0 Order/Group 0 Scheduled 06/26/2012 13:16 Preference  
Started 06/26/2012 10:37 Completed 06/26/2012 10:37 Status Closed Waived   
Comments  
already passed

Inspection Details

Detail FINISHED BASEMENT INFO FOR DTA Modified By Modified Date/Time  
Comments  
No Comments

| Review Activities<br>Review #<br>Comments | Review Type | # | Status   | Waived                   | Issued           | Started          | Completed        | Comp By |
|---|-------------|---|----------|--------------------------|------------------|------------------|------------------|---------|
| 2075161                                   | ZONING      | 1 | Approved | <input type="checkbox"/> | 12/02/2011 10:27 | 02/22/2012 13:36 | 02/22/2012 13:36 | AMoor4  |
| 2075162                                   | BUILDING    | 1 | Failed   | <input type="checkbox"/> | 12/02/2011 10:27 | 01/13/2012 11:03 | 01/13/2012 11:03 | JJEREZ  |
| 2075163                                   | SITEPERMIT  | 1 | Approved | <input type="checkbox"/> | 12/02/2011 10:27 | 02/22/2012 12:41 | 02/22/2012 12:41 | VNGUYE  |
| 2084735                                   | BUILDING    | 2 | Approved | <input type="checkbox"/> | 01/13/2012 11:03 | 02/23/2012 14:10 | 02/23/2012 14:10 | JJEREZ  |
| 2080787                                   | HEALTH      | 1 | Approved | <input type="checkbox"/> | 12/22/2011 13:29 | 12/22/2011 14:02 | 12/22/2011 14:30 | JDICKS  |



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| Review Activities<br>Review #<br>Comments | Review Type | # | Status     | Waived                   | Issued           | Started          | Completed        | Comp By |
|---|-------------|---|------------|--------------------------|------------------|------------------|------------------|---------|
| 2095455                                   | SETBACK     | 1 | Failed     | <input type="checkbox"/> | 02/24/2012 12:49 | 02/04/2013 12:16 | 02/13/2013 08:54 | GTADES  |
| 2197381                                   | SETBACK     | 2 | Incomplete | <input type="checkbox"/> | 02/13/2013 08:54 |                  |                  |         |

Activity Review Details

Detail BPR - MULTI WORK RES Modified By JJEREZ Modified Date/Time 01/13/2012 10:56  
Comments  
No Comments

Additional Info

Review Process Plan Number

Group Peer Review Information  
Construction Type Type PR Number Floodplain? N  
Code, Year IR09 Residential Historic District? N  
Revitalization Area? N

Code Modification  Unconditional Space

Building Height Certification Required? \* Not required if Residential Walk-thru

Grid  
Soil Type

N108

Detail BPR - MULTIWORK SPECIFIC WORK Modified By DMCMAH Modified Date/Time 12/22/2011 13:24  
Comments  
No Comments

Specific Work Detail

Residential Specific Work Details

Commercial Specific Work Details

- 1 Story Ground
- 1 Story Crawl
- 1 Story Basement
- 2 Story Ground
- 2 Story Crawl
- 2 Story Basement
- 2nd Story Addition
- Multi-Level
- Single Span
- Stairs
- Hot Tub
- Bedroom
- Second Kitchen
- Wet Bar
- Existing Egress
- New Egress
- Areaway

- 1 Story
- 2 Story Above
- 2nd Story Addition
- Number of Antennas
- Number of Equipment Cabinets
- Number of Towers
- Number of Mono Poles

Detail SITE - MULTI-WORK Modified By VNGUYE Modified Date/Time 02/22/2012 12:41  
Comments  
No Comments



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Additional Info

Total Disturbed Area 0 Total Impervious Area 0 Construction Access? <sup>N</sup> Certified Plat? <sup>N</sup>

Site Related Plan Information

Site Related Plan # 25578-INF-001-2 Date Approved 02/21/2012

Conservation Escrow Received? <sup>Y</sup> Conservation Escrow Released? <sup>N</sup> VDOT Permit? PRS Paid?

Soil Report? <sup>N</sup> Soil Report Number

Geo-Technical Engineer of Record

Certified Responsible Land Disturber refer to lds

Floodplain Information

Floodplain? <sup>N</sup> FEMA Floodplain? <sup>N</sup>

Is structure located in FEMA floodplain?

Permission to Build? <sup>Y</sup>

RPA? <sup>N</sup> Waiver Number

Conservation District? <sup>N</sup> Conservation District Name

Soil Type  
Soil Type

N108

Stamp  
Stamp

EFID

Detail ZONING - MULTI WORK Modified By AMOOR4 Modified Date/Time 02/22/2012 13:36

Comments

1 18 x 49.5 1stry rear addn overexisiting 1st level 2 3 x 49 1 stry addn over exisiting 1st level per plan on file 25578-inf-001-2 on file 2nd kitchen ok per ltr in file from Diane height certified at 17.42' rear yard setback from chimey which is 5' wide needs setback cert for front and left side lot line

Additional Info

Zoning District R-4 Are Parking Requirements Met? <sup>Y</sup> Proffers? <sup>N</sup>

Coverage Exceeds 30% <sup>N</sup> Height 17.4 Zoning Case

Second Kitchen? <sup>Y</sup> If YES, add letter to the file.

Wet Bar? <sup>N</sup> Wet Bar language will be printed on permit upon issuance.

Setback Certification? <sup>Y</sup>

Zoning Use

ADU Subdivision? <sup>N</sup>

Cluster Subdivision? <sup>N</sup>

Yard/Setbacks

Zoning Case  
Type Number

There are no items in this list



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Zoning Use Zoning Use GFA NFA

SFD

| Yard/Setbacks Structure No. | Front (A) | Front (B) | Front (C) | Left | Right | Rear |
|-----------------------------|-----------|-----------|-----------|------|-------|------|
| 1                           | 0.0       | 0.0       | 0.0       | 10.2 | 13.0  | 24.7 |
| 2                           | 30.0      | 0.0       | 0.0       | 10.0 | 0.0   | 0.0  |

Check Conditions Condition Approval Supervisor Required Approved By Comments Approved Date Applied By Applied Date Assigned

LOG OUT N APPRVD SKAPOO 02/24/2012 12:49 SKAPOO 02/24/2012 12:49

BPOL N EXEMPT SKAPOO 02/24/2012 12:49 JPEROT 12/02/2011 10:27

Planning Condition Description Effective Expire Comments

There is no planning condition for this project.

Model Home Details Type Model #/Option Comments

There are no items in this list

Employee Employee ID Last First MI Comments

No Employee Entries

Log Action Comments Description Entered By Start Stop Hours

EXPDAT EXPIRATION DATE CHANGED MJASKO 02/24/2012 11:33 0.00  
 Old Expiry Date: 02-JUN-12



# County of Fairfax, Virginia

APPENDIX 5

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

May 2, 2013

Dr. Ramesh Raman  
2305 Malraux Drive  
Vienna, VA 22182

RE: Setback Certification – Building Permit #113360042  
2305 Malraux Drive  
Tax Map Ref.: 39-3 ((28)) 95  
Zoning District: R-4

Dear Dr. Raman:

This is to confirm our discussion on April 25, 2013 regarding the setback certification, which was previously submitted and failed for eave encroachments into the minimum required front yard and side yard of the referenced property.

At the meeting, it was discussed that the major work of construction on the referenced property was interior renovation and it was agreed that the setback certification would be approved so that the final inspection could be obtained. However, in order to correct the eave encroachments, you have agreed to submit a special permit approval request for an error in building location to the Zoning Evaluation Division within the next 30 days. Therefore, based on this agreement, the setback certification is approved and enclosed is the approved setback certification plat for your records.

I trust that this correspondence adequately responds to your request. If you have any additional questions, please feel free to contact me at 703-324-1314.

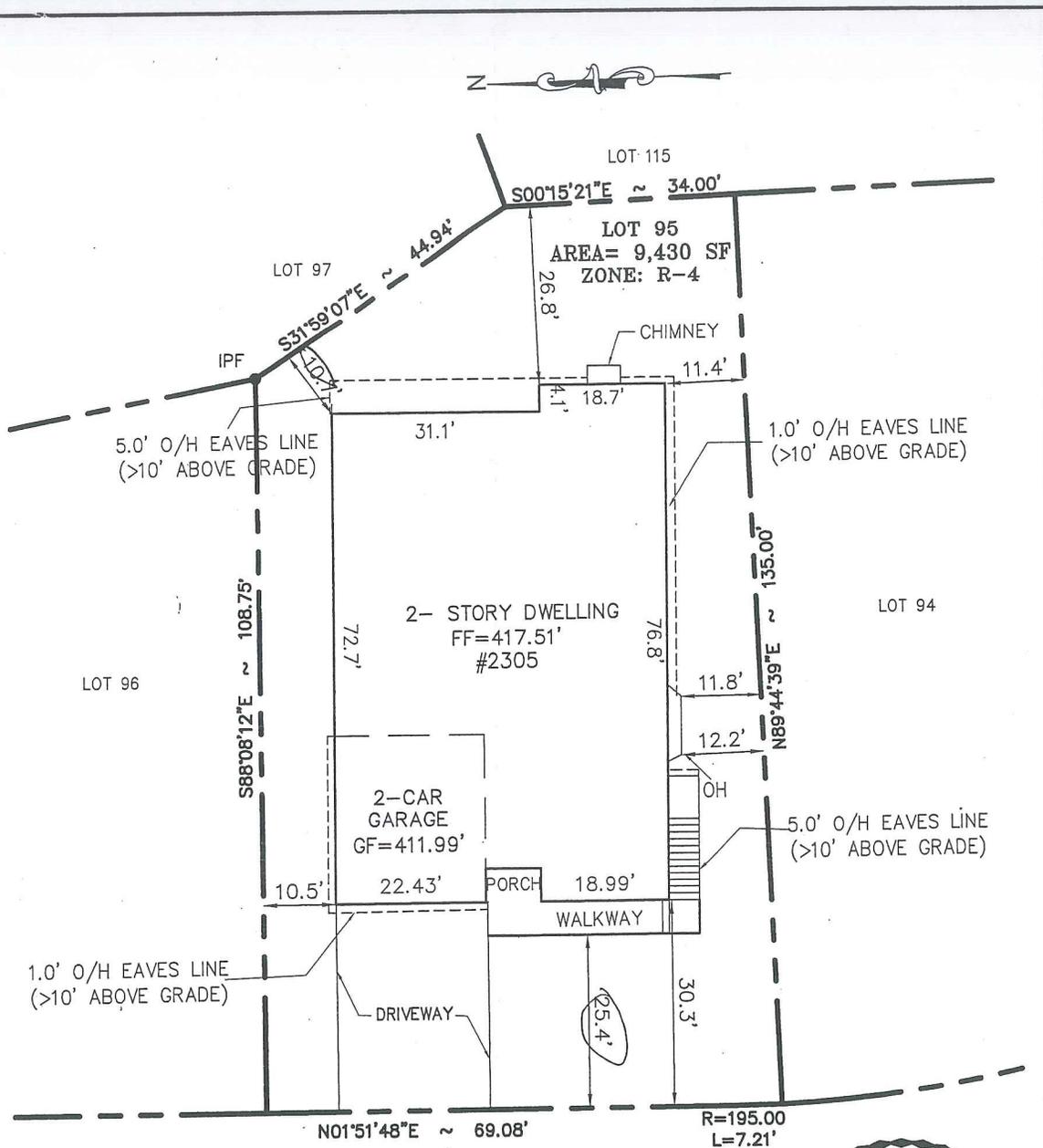
Sincerely,

Leslie B. Johnson  
Zoning Administrator

cc: Linda Q. Smyth, Supervisor, Providence District  
Charles O'Donnell, Residential Inspections Branch, DPWES  
Bijan Sistani, Acting Director, Site Development and Inspections Division, DPWES  
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch

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/](http://www.fairfaxcounty.gov/dpz/)





**MALRAUX DRIVE, VA. RTE # 4365  
(50' R/W)**

4-30-13 APPROVED  
Setback certification  
*Kevin B. Johnson*  
Zoning Administrator



- NOTES:
1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
  2. THE COUNTY RECORD TAX MAP #:39-3-((28))-95.
  3. THE BOUNDARY INFORMATION SHOWN HEREON IS FROM RECORD AND DOES NOT CONSTITUTE A BOUNDARY BY THIS INDIVIDUAL.
  4. THE HOUSE LOCATION PLAT IS A RESULT OF FIELD RUN SURVEY BY USING TOTAL STATION (EDM).
  5. O/H OVERHANG.
  6. IPF-IRON PIPE FOUND & HELD.

**SETBACK CERTIFICATION PLAT**

FOR  
LOT 95, SEC 3, TYSONS WOODS  
2305 MALRAUX DR, VIENNA  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA 22182

**PREPARED BY  
GeoEnv Engineers**

Civil, Environmental & Geotechnical Engineering  
10875 Main Street, Suite 213  
Fairfax, VA 22030  
Phone: 703.591.7170  
Fax: 703.591.7074



# County of Fairfax, Virginia

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

February 13, 2013

Mr. Gopinath Penati  
2305 Malraux Drive  
Vienna, Virginia 22182

Re: Setback Certification – Building Permit #113360042  
2305 Malraux Drive  
Tysons Woods, Section 3, Lot 95  
Tax Map Ref: 111-1 ((6)) (18) 95  
Zoning District: R-4

Dear Mr. Penati:

This letter is in response to your request for approval of the setback certification for an addition pursuant to Building Permit #113360042. The property is zoned R-4 District, which has a minimum front yard requirement of 30 feet, minimum side yard requirement of 10 feet and minimum rear yard requirement of 25 feet. After review of your submission, the setback certification has been failed due to the following:

- The distances from the lot lines to the eaves of the structure are provided.
- The setback certification shows 5.0 foot overhang eaves with their heights more than 10 feet above grade located at 25.4 feet from the front lot line in the front and approximately 6.2 feet from the left side lot line at the rear left corner. As such, the overhang eaves encroach into the 30 feet minimum required front yard by 4.6 feet and into the 10 feet minimum required side yard by 3.8 feet respectively; and, these encroachments exceed the three feet permitted extension into the minimum required yards pursuant to Par. 1A of Section 2-412 of the Zoning Ordinance.

Enclosed is a copy of the failed setback certification and the Technical Memorandum regarding setback certifications. Please address the above and resubmit five copies of the new setback certification plat. For the encroachment issues, the overhang eaves could be modified so they do not exceed the permitted three feet extension. Alternatively, a reduction of the minimum required yard or an error in building location special permit could be sought from the Board of Zoning Appeals (BZA) for the encroachment. All special permits require the submission of an application, plat and fee; notification of adjacent property owners; and a public hearing before the BZA. Information pertaining to the special permit process is available from the Zoning Evaluation Division by calling 703-324-1290. If you choose to modify the structure, a revised

Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

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/](http://www.fairfaxcounty.gov/dpz/)

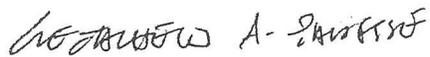


2305 Malraux Drive  
February 13, 2013  
Page 2

building permit will be required. For information related to building permits, please call 703-222-0801.

Your cooperation in this matter is greatly appreciated. Please be advised that an inspection hold has been placed on the Building Permit. If you have any questions regarding this response, please feel free to contact me at 703-324-1314.

Sincerely,



Getachew A. Tadesse  
Assistant to the Zoning Administrator

cc: Linda Q. Smyth, Supervisor, Providence District  
Leslie B. Johnson, Zoning Administrator  
Michelle M. O'Hare, Deputy Zoning Administrator, Ordinance Administration Branch  
Diane E. Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch  
Charles O'Donnell, Residential Inspections Division, DPWES  
Elisabeth Smith, Director, Site Development and Inspections Division, DPWES



Land Development News

# Technical Memorandum

**Subject:** Compliance with the Minimum Yard and Location Requirements of the Zoning Ordinance

**Date:** February 3, 2010 **No.:** 10-02

**Summary:** In instances where proposed construction is within two feet of a required yard(s) a setback certification will be required for single family detached dwelling units to ensure compliance with the applicable minimum yard requirements of the Zoning Ordinance, as well as proffers or development conditions relating to yard requirements. The need for a setback certification for other types of structures associated with a detached dwelling, including accessory structures, will be determined on a case-by-case basis during the review of the building permit application.

**Effective Date:** April, 1, 2010

**Background:** The Zoning Ordinance contains minimum yard requirements relating to single family detached dwelling units. In addition, yard requirements may be proffered or required by development conditions associated with an approved zoning application. When improvements are constructed in proximity to these limits, it is not always possible for an inspector to determine by visual inspection if the construction is compliant with the requirements. In instances where a visual inspection is not sufficient, inspectors have requested that a setback certification be performed to verify compliance prior to the issuance of a Residential Use Permit (RUP). Identifying the need for a setback certification earlier in the process would assist both applicants and County inspectors. Therefore, staff of Land Development Services (LDS) and the Department of Planning and Zoning (DPZ) has developed a process to alert both applicants and County inspectors, at the time of building permit issuance, if a setback certification will be required.

**Requirement:** Effective April 1, 2010, setback certifications will be required for all new single family detached dwellings and additions to existing single family detached dwellings where the proposed structure is within 2 feet or less of the minimum yard requirement. The need for a setback certification will be determined by staff of DPZ during their review of building permit applications. If a setback certification is required, a notation regarding the requirement will be made to the file for the building permit application in the Fairfax Inspections Database On-line (FIDO) system. In addition, the building permit, and grading plan, if applicable, will contain a notation regarding the need for a setback certification. The setback certification survey shall verify compliance with the minimum yard requirements of the Zoning Ordinance prior to the issuance of the RUP in the case of new single family detached dwellings; and prior to approval of the final inspection for additions to single family dwellings. The setback certification must be prepared, sealed and signed by a professional in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with Chapter 4 of Title 54.1 of the Code of Virginia and attendant regulations.

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Land Development Services  
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Please note, that if an inspector deems a setback certification to be necessary to verify regulatory compliance, then he or she will require one whether or not the need for the survey was identified during review of the building permit application.

As stated above, if a setback certification is deemed necessary, the RUP will not be issued until the certification is submitted to DPZ and the structure is verified as compliant with the Zoning Ordinance. In the case of additions where the final building inspection serves as the occupancy permit, county inspectors will be requesting documentation of an approved certification prior to conducting the final inspection. Applicants are encouraged to verify setbacks prior to requesting the framing inspection, if not earlier, so that problems can be identified and corrected early in the construction process.

The setback certification must include the distance from the dwelling unit, including any extensions from the vertical plane of the structure (such as eaves, bay windows, chimneys, etc.), to the lot line or lines in question. In the event that an eave is encroaching into a minimum required yard, the setback certification must also include the height of the eave above the finished ground level, in accordance with Par. 1A of Sect. 2-412 of the Zoning Ordinance. If all structures on the property and their respective distances to all lot lines are shown on the setback certification, the setback certification may also serve as the as-built house location survey plat required for new single family detached dwellings pursuant to Par. 13 of Sect. 18-704 of the Zoning Ordinance.

Five copies of the setback certifications shall be submitted to the Zoning Administration Division, Ordinance Administration Branch, DPZ, located in Suite 807 of the Herrity Building, 12055 Government Center Parkway, Fairfax, Virginia 22035. Questions regarding the submission and processing of setback certifications should be directed to the Ordinance Administration Branch at 703-324-1314.

If you have any questions, please contact please contact Michelle Brickner, Department of Public Works and Environmental Services at 703-324-1780 or Leslie Johnson, Department of Planning and Zoning at 703-324-1314, TTY 711.

Approved by:

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Michelle Brickner, P.E.  
Acting Director, Land Development Services  
Department of Public Works and  
Environmental Services

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Eileen McLane  
Zoning Administrator  
Department of Planning and Zoning

# Similar Case History

Group: 97-P-117

VC 97-P-117

APPLICANT: FATTAHI, HOSSEIN  
 STATUS: APPLICATION APPROVED  
 STATUS/DECISION DTE: 03/18/1998  
 ZONING DISTRICT: R-4  
 DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 7.7 FT. FROM SIDE LOT LINE  
 LOCATION: 8723 LITWALTON COURT  
 TAX MAP #: 0393 28 0005A

Group: 2003-PR-087

VC 2003-PR-087

STAFF REPORT

APPLICANT: GEORGE AND DIMITRA SGARDELIS  
 STATUS: APPLICATION APPROVED  
 STATUS/DECISION DTE: 07/30/2003  
 ZONING DISTRICT: R-4  
 DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 8.5 FEET FROM SIDE LOT LINE  
 LOCATION: 2238 RICHELIEU DRIVE  
 TAX MAP #: 0393 28 0105

Group: 2004-PR-037

VC 2004-PR-037

STAFF REPORT

APPLICANT: HOSSEIN FATTAHI  
 STATUS: WITHDRAWN  
 STATUS/DECISION DTE: 04/13/2007  
 ZONING DISTRICT: R-4  
 DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITIONS 6.5 FEET FROM SIDE LOT LINE  
 LOCATION: 8723 LITWALTON COURT  
 TAX MAP #: 0393 28 0005A

Group: 2007-PR-014

SP 2007-PR-014

STAFF REPORT

APPLICANT: HOSSEIN FATTAHI  
 STATUS: APPLICATION APPROVED  
 STATUS/DECISION DTE: 04/10/2007  
 ZONING DISTRICT: R-4  
 DESCRIPTION: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 6.5 FEET FROM SIDE LOT LINE.  
 LOCATION: 8723 LITWALTON COURT  
 TAX MAP #: 0393 28 0005A

**8-006 General Standards**

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

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

**8-903 Standards for All Group 9 Uses**

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

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

### 8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

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

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

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.

- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.