



APPLICATION ACCEPTED: May 9, 2014
DATE OF PUBLIC HEARING: August 6, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 30, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-LE-067

LEE DISTRICT

APPLICANT: Mohammad Manirul Kabir

OWNERS: Mohammad M. Kabir
Shahida Begum

LOCATION: 6701 Cimarron Street, Springfield, 22150

SUBDIVISION: Springfield Estates, Block 6, Section 1

TAX MAP: 80-4 ((5)) (6) 15

LOT SIZE: 10, 664 square feet

ZONING: R-4

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction to the minimum rear yard requirements based on an error in building location to permit an addition to remain 8.0 feet from the side lot line.

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

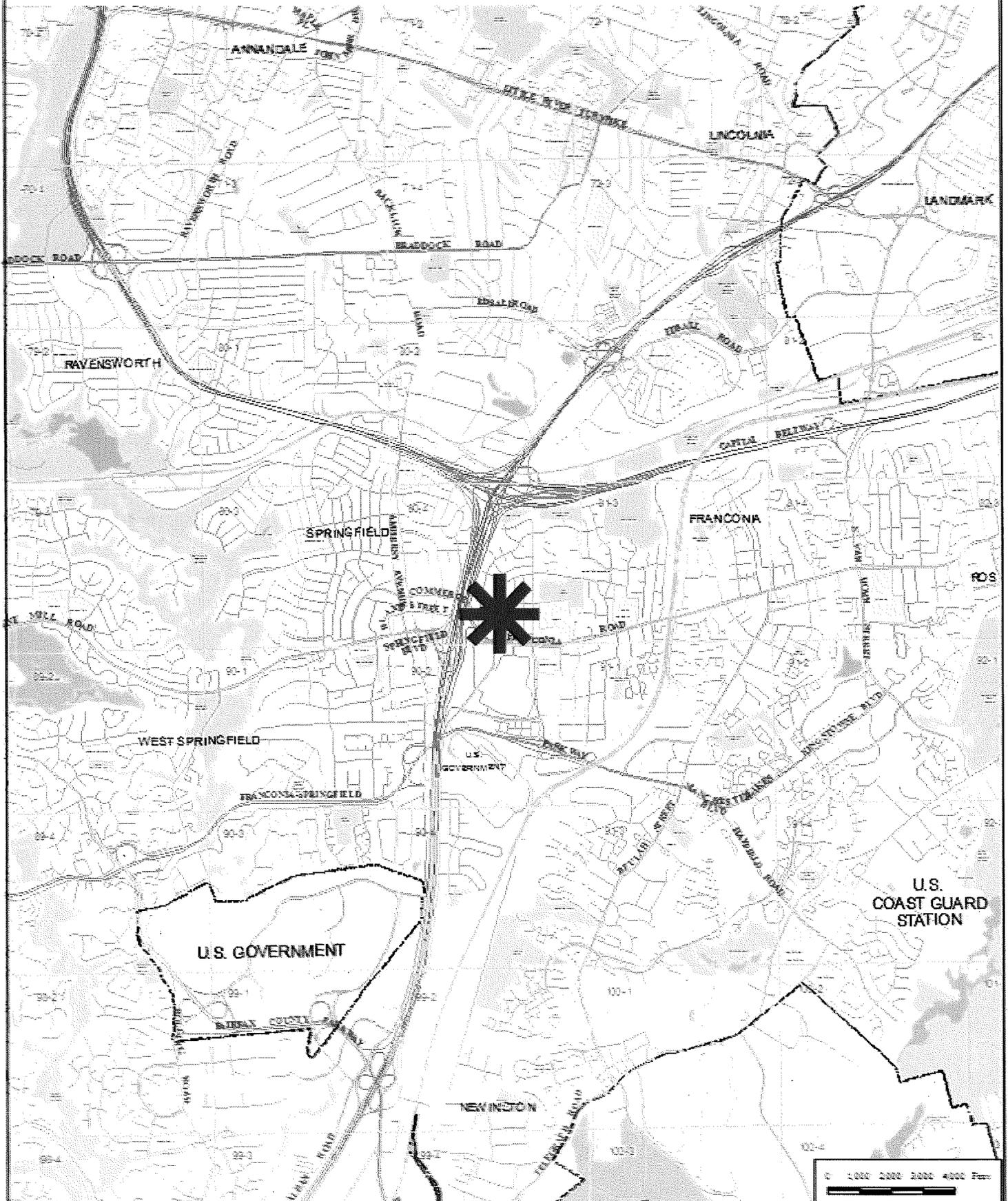
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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



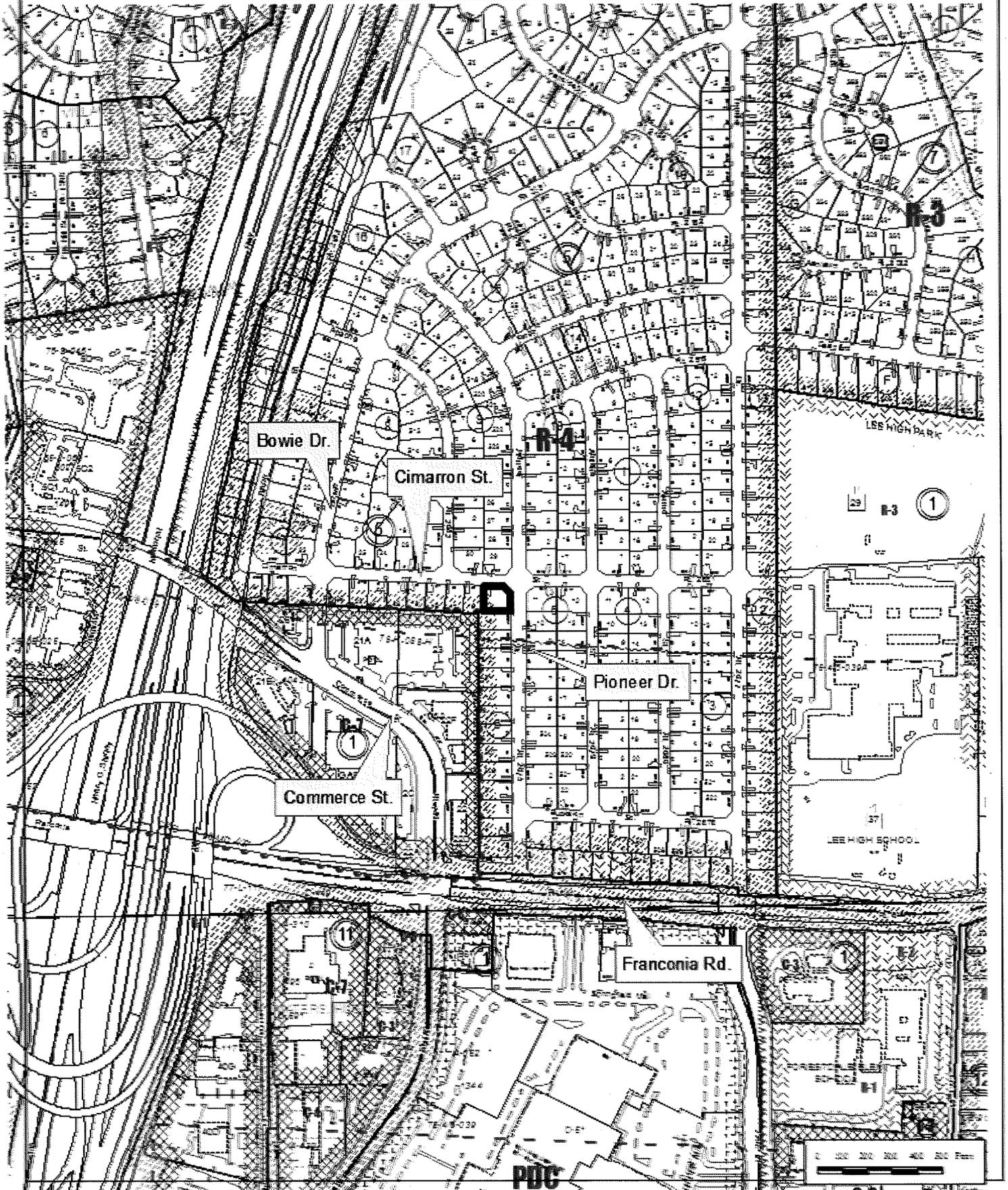
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

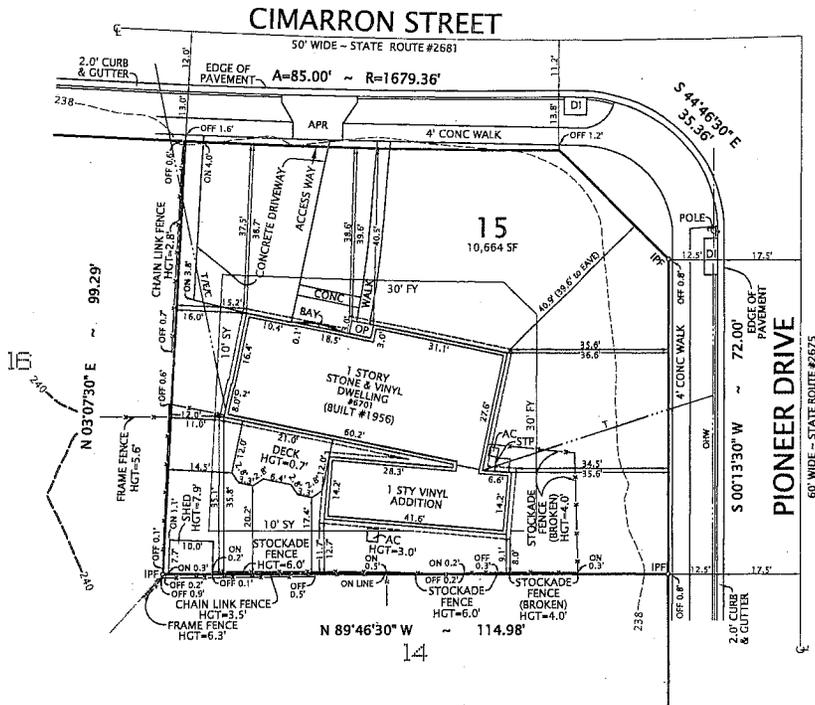
Special Permit
SP 2014-LE-067
MOHAMMAD MANIRUL KABIR



Special Permit

SP 2014-LE-067
MOHAMMAD MANIRUL KABIR





- NOTES
- TAX MAP: 80-4-05-06-0015
 - ZONE: R-4 (RESIDENTIAL 4 DU/AC)
 - LOT AREA: 10,664 SF (0.2448 ACRE)
 - REQUIRED YARDS: (CORNER LOT)

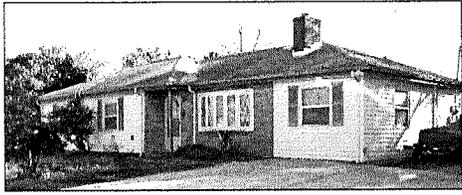
FRONT:	=	30.0 FEET
SIDE:	=	10.0 FEET
 - HEIGHTS:

DWELLING	=	11.2 FEET
SHED	=	07.9 FEET
NEW ADDITION	=	10.2 FEET
DECK	=	0.7 FEET
FENCES	=	AS NOTED
 - THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 - THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
 - ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
 - THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
 - TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
 - THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
 - AREAS:

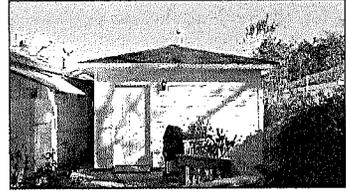
1 STORY STONE AND VINYL DWELLING	=	1,569 SF
1 STORY VINYL ADDITION	=	593 SF
GROSS FLOOR AREA	=	2,162 SF
- FLOOR AREA RATIO: GFA (2162) / LOT AREA (10,664) = 0.20

NOT TO SCALE

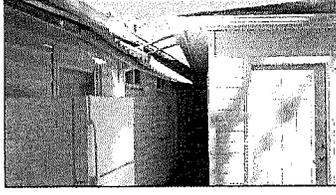
PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 15, BLOCK 6, SECTION ONE
 OF A RESUBDIVISION OF
SPRINGFIELD ESTATES
 (DEED BOOK 1334, PAGE 164)
 FAIRFAX COUNTY, VIRGINIA
 LEE DISTRICT
 SCALE: 1" = 20' JANUARY 14, 2014



FRONT OF DWELLING (1-21-14)



VINYL ADDITION FACING EAST (1-21-14)



VINYL ADDITION FACING EAST (1-21-14)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE. THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.		CASE NAME: MOHAMMAD M. KABIR SHAHIDA BEGUM

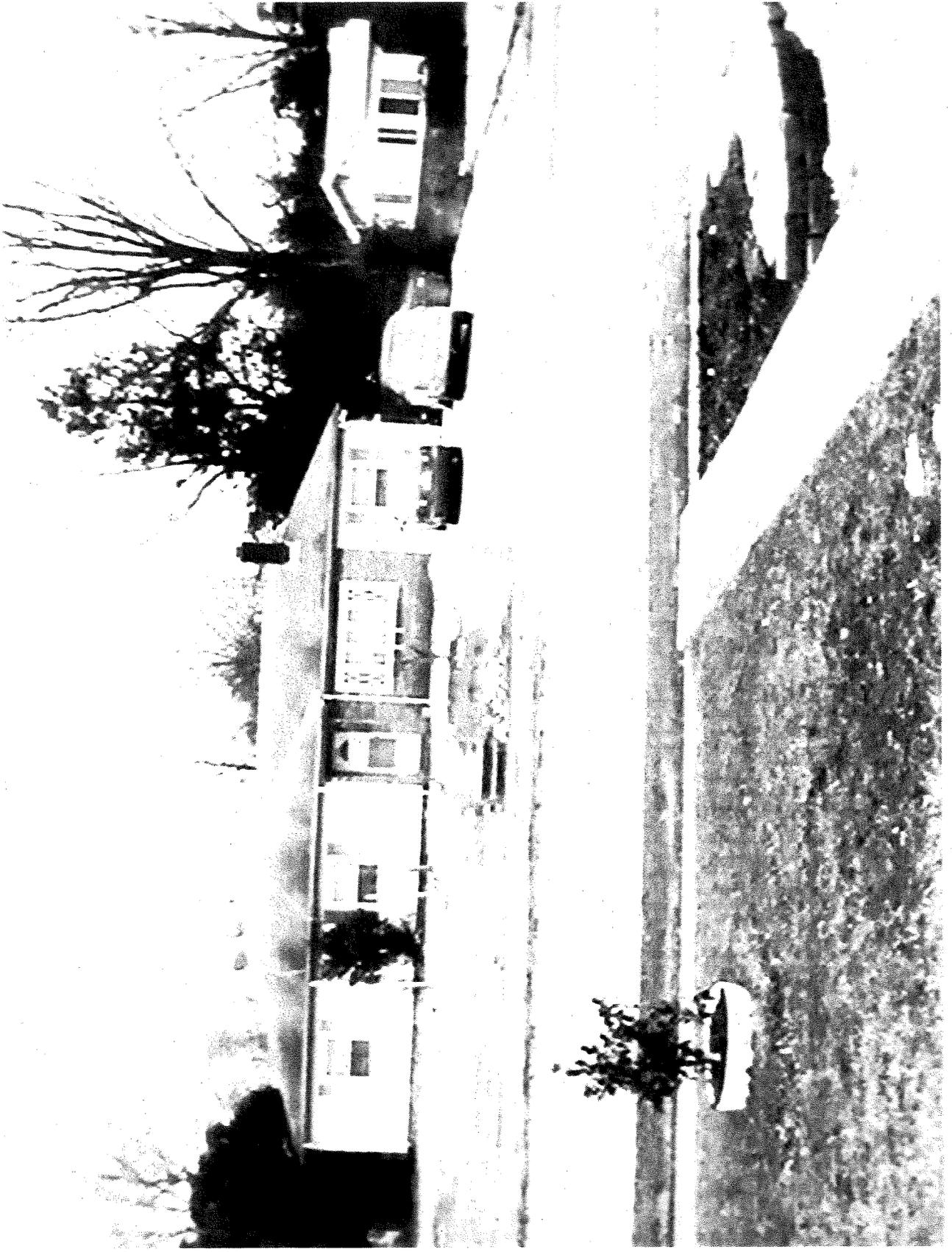
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VIEW FACING WEST FROM M PIONEER DR.

RECEIVED
Department of Planning & Zoning
JAN 29 2014
Zoning Evaluation Division

FRONT VIEW FROM CIMARRON ST.



RECEIVED
Department of Planning & Zoning
JAN 29 2014
Zoning Evaluation Division

Zoning Evaluation Division
JAN 29 2014
RECEIVED
Department of Planning & Zoning



VIEW FACING EAST AT BACK YARD

Date: 04/16/2014

RECEIVED
Department of Planning & Zoning
APR 17 2014
Zoning Evaluation Division



FRONT VIEW FROM N/W LOT LINE

June 07/16/2014



2

FRONT VIEW FROM CIMARRON ST.



FRONT VIEW FROM ~~E~~ N/E LOT LINE

NEIGHBOR PROPERTY (SEE PAGE 2) SUBJECT'S PROPERTY



4

EAST END VIEW FROM PIONEER DR. WITH NEIGHBOR PROPERTY

5

June 2, 1957



VIEW FROM PIONEER DR

BACK VIEW FROM NEIGHBOR LOT

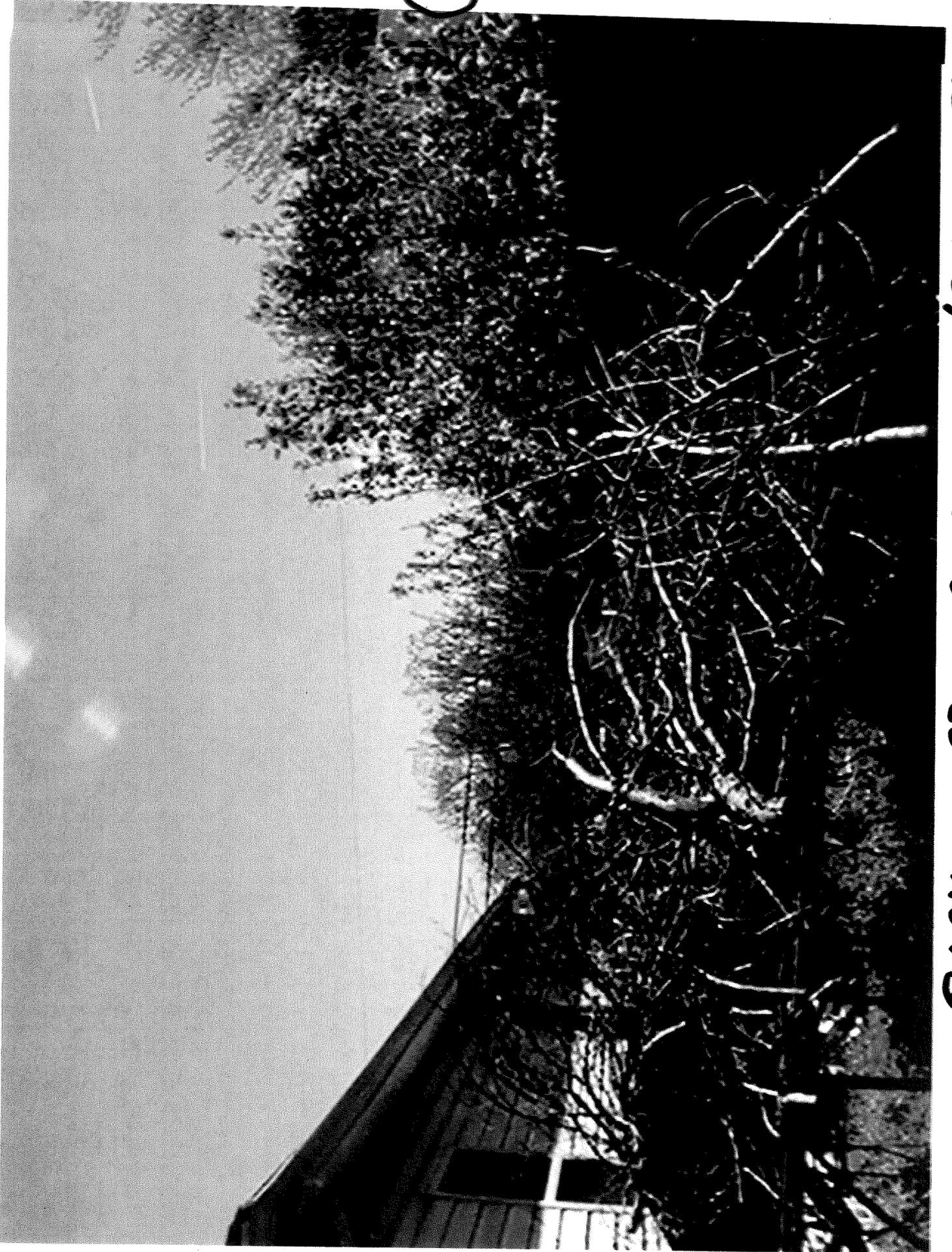


6

Back view from neighbor lot

Date: 04/16/2014

7



BACK YARD VAGITATION W/ BOUNDARY BARI

W

DATE: 06/10/2017



BACK YARD VIEW FROM WEST

(8)

(8)

Date: 04/16/2014



BACK YARD VIEW FROM WEST LOT LINE

9

Date. 04.16.14



VIEW OF BACK YARD FROM S/W LOT LINE



VIEW OF BACK YARD

11

11

DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit to allow a reduction in yard requirements based on an error in building location to permit an addition to remain 8.0 feet from the side lot line. The existing single story addition is 10.2 feet in height. A minimum side yard of 10.0 feet is required in an R-4 subdivision. Therefore, a modification of 2.0 feet is requested.

A copy of the special permit plat depicting the structures on site titled, "Plat, Showing the Improvements on Lot 15, Block 6, Section One of a Resubdivision of Springfield Estates," prepared by George M. O'Quinn of Dominion Surveyors Inc., dated January 14, 2014, is included at the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,664 square foot lot is developed with a one-story, single family detached dwelling. The property is a corner lot and has two front yards, one on Cimarron Street and one on Pioneer Drive. Vehicular access to the site is provided from Cimarron Street. An open porch, walkway and a concrete driveway are located to the north of the dwelling. A one-story addition is located on the south side of the dwelling. A deck and a 7.9 foot high shed exist to the south. The rear yard is enclosed by a wooden fence ranging 4.0 to 6.3 feet in height.

The property is relatively flat and has a few mature trees in the front yard.

The property is located north of Franconia Road and west of the Capital Beltway. As depicted in the picture on the following page, the application property and surrounding lots are zoned R-4 and developed with single family detached dwellings. The property to the southwest is a hotel and zoned C-7.



BACKGROUND

According to Fairfax County Tax Records the house was constructed in 1956 and purchased by the applicant in 2008.

A number of complaints were issued against the property from 2008 to 2013. Complaints included violations in grass height, an unpermitted addition and health violations with the presence of rats. Complaints for fire violations and outdoor storage were investigated and Notice of Violation letters were issued to the applicant (Appendix 4).

On October 28, 2011, a building permit was approved for the construction of a deck to the south of the dwelling and a garage addition to the west (Appendix 5).

On December 28, 2011, a building permit was approved for the construction of a one story addition to the south of the dwelling. The addition was proposed to be 41 feet by 13 feet and 11 feet in height. The building permit illustrates the setback of the addition at 10.5 feet from the side lot line (Appendix 5).

On December 4, 2013 before final inspection the case was referred to the Department of Code Compliance (DCC). On January 29, 2014, DCC recommended that the House Occupation Permit not be issued due to outstanding zoning violations (Appendix 6).

On December 19, 2013, the Zoning Administration Division determined that the addition to the south of the structure did not meet minimum setback requirements (Appendix 7). In addition, a shed was located in a front yard which violated zoning ordinance provisions. The shed has since been removed.

All the complaints have been resolved and closed with the Department of Code Compliance (DCC).

A copy of information outlining similar special permit requests in the area is attached in Appendix 8.

ZONING ORDINANCE REQUIREMENTS

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

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

CONCLUSION

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Complaint History
5. Building Permit History
6. Setback Certification Letter dated December 19, 2013
7. Similar Case History
8. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-LE-067

July 30, 2014

1. This special permit is approved for the location of the addition (10.2 feet in height and 593 square feet in area) as shown on the plat prepared titled, "Plat, Showing the Improvements on Lot 15, Block 6, Section One of a Resubdivision of Springfield Estates," prepared by George M. O'Quinn of Dominion Surveyors Inc., dated January 14, 2014.
2. All applicable permits and final inspections shall be obtained for the one-story addition within 180 days of the approval of this application.

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

Application No.(s): SP 2014-LE-067
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124159

DATE: 03-21-2014
 (enter date affidavit is notarized)

I, MOHAMMAD M KABIR, 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

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
MOHAMMAD M KABIR	6701 CIMARRON ST SPRINGFIELD, VA-22150	APPLICANT/TITLE OWNER
SHAHIDA BEGUM	6701 CIMARRON ST SPRINGFIELD, VA-22150	CO-TITLE OWNER

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP 2014-LE-067
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

124159

DATE: 03-21-2014
(enter date affidavit is notarized)

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

Application No.(s): SP 2014-LE-067
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124159

DATE: 03-21-2014
(enter date affidavit is notarized)

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s):

SP 2014-LE-067

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 03-21-2014

(enter date affidavit is notarized)

124159

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

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

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

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

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

NONE

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

Application No.(s): SP 2014-LE-067
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124159

DATE: 03-21-2014
(enter date affidavit is notarized)

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

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

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:

Md. Maivurul Kabir

(check one)

Applicant

Applicant's Authorized Agent

MOHAMMAD M KABIR

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

Subscribed and sworn to before me this 21st day of March 2014, in the State/Comm. of VA, County/City of Fairfax.

My commission expires: 07/31/2017

[Signature]
Notary Public



John Nguyen
Notary Public
Commonwealth of Virginia
ID #7559888
My Commission Expires
July 31, 2017

RECEIVED
 Department of Planning & Zoning
 JAN 29 2014
 Zoning Evaluation Division

To Whom It May Concern.

Date: January 3rd 2014.

Special Permit Statement of Justification.

I MOHAMAD MONIRUL KABIR do hereby state the following justification for the Special Permit Application:

- A. Types of operation: Residential use.
- B. Hours of operation: 24 Hour Residential use.
- C. Estimated number of persons/Clients/Patients/Pupils/etc.: N/A.
- D. Proposed number of employees/attendant/teachers etc. N/A.
- E. Estimate of traffic impact of the proposed use: N/A.

Proposed property is the addition at the back yard of a single family home. There will be never traffic in the backyard. Other side of the boundary is neighbor Home.

- F. Vicinity or general area to served by the use: 580 sq. ft. residential home.
- G. Description of building facade and architecture of proposed New building or addition:
 One level backside addition of a single family Detached home.
- H. A listing, if known, of all hazardous or toxic Substances: None.
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances:

This property is going to be use as Residential Home and it will conforms all residential regulations. If the proposed variance approved, it will not be any impact on the county regulations. The space at the back of the addition of the house is already almost 11ft (12ft7in +9ft1in=21ft8in/2=10ft10in) from the wall and 9ft10in

from the eave. The county regulation is to keep 10ft. So, it is under the 10% allowable variance also. I am very surprised to see why my set back certificate was failed. I was not aware before that any point could not be exceed 10ft space limitation at back of the building. My plan for the addition was approved leaving 10ft space at the back of the building. Contractor was working and I was depending upon him. After the construction final and contractor left this error found. Therefore, approval of variance will conform all applicable ordinance and regulations.

Signature: *Md. Mawirul Kabir*
Name of Applicant: Mohammad M Kabir
Address: 6701 Cimarron St
Springfield, VA 22150



Land Development Information History: Search [Help](#)

Search Form

All text: All Ids: After Date:
 Address: Project Name: Before Date:
 Grid: 80 Quad: 4 Subdivision: 5 Block: 6 Lot: 15 Suffix:

Search Results

Switch to view:

Showing from 1 to 7 of about 7 results

Sort by: Pages: [1](#)

# Record	Status	Date
1 FIDO - DPW - Complaint 36364 Project Name: SPRINGFIELD ESTATES Address: 006701 CIMARRON ST	Closed	Closed: 2008-07-23
2 FIDO - DCC - Complaint 81845 Project Name: SPRINGFIELD ESTATES Address: 006701 CIMARRON ST	Closed	Closed: 2012-04-26
3 FIDO - DCC - Complaint 85334 Project Name: SPRINGFIELD ESTATES Address: 006701 CIMARRON ST	Closed	Closed: 2012-07-18
4 FIDO - HLTH - Complaint 100416 Project Name: SPRINGFIELD ESTATES Address: 006701 CIMARRON ST	Closed	Closed: 2013-11-15
5 FIDO - DCC - Complaint 100532 Project Name: SPRINGFIELD ESTATES Address: 006701 CIMARRON ST	Closed	Closed: 2013-12-17
6 FIDO - DCC - Complaint 100533 Project Name: SPRINGFIELD ESTATES Address: 006701 CIMARRON ST	Closed	Closed: 2013-12-17
7 FIDO - DCC - Complaint 100413 Project Name: SPRINGFIELD ESTATES Address: 006701 CIMARRON ST	Under Investigation	No Date In Record

Showing from 1 to 7 of about 7 results

Pages: [1](#)

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Phone: [County Main Number - 703-FAIRFAX \(703-324-7329\)](#), TTY 711 | [County Phone Listing](#)

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Land Development Information History: FIDO - DPW - Complaint 36364

Complaint Details

Complaint #	36364
Street Address	006701 CIMARRON ST
Magisterial District	Lee
Complaint Description	Grass Height In Excess 12 Inches On Property <= 1/2 Acre
Agency	DPW
Status	Closed
Opened Date	2008-07-11
Closed Date	2008-07-23
Disposition	Compliance
Inspector Assigned	
Notice of Violation and/or Corrective Work Order	Yes
Litigation	No

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Land Development Information History: FIDO - DCC - Complaint 81845

Complaint Details

Complaint #	81845
Street Address	006701 CIMARRON ST
Magisterial District	Lee
Complaint Description	Outdoor Storage
Agency	DCC
Status	Closed
Opened Date	2012-04-12
Closed Date	2012-04-26
Disposition	Compliance
Inspector Assigned	
Notice of Violation and/or Corrective Work Order	Yes
Litigation	No

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Phone: [County Main Number](#) - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

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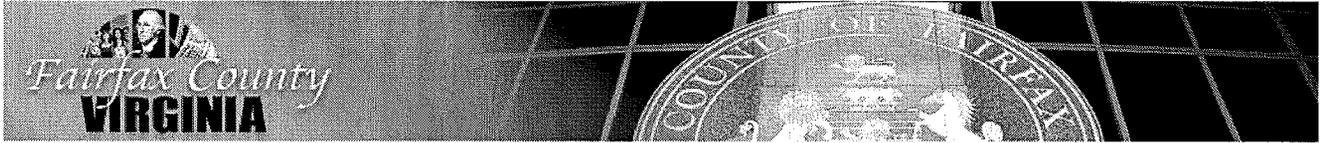
Land Development Information History: FIDO - DCC - Complaint 85334

Complaint Details

Complaint #	85334
Street Address	006701 CIMARRON ST
Magisterial District	Lee
Complaint Description	Unpermitted Addition
Agency	DCC
Status	Closed
Opened Date	2012-07-03
Closed Date	2012-07-18
Disposition	Unfounded (No Problem Found)
Inspector Assigned	Ricky Antonowics
Notice of Violation and/or Corrective Work Order	No
Litigation	No

Contact Us: [General](#) (Office of Public Affairs) | [Technical](#) (Web Administrator) | [Directed Inquiries](#) (County Agencies)
Phone: [County Main Number](#) - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

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Land Development Information History: FIDO - HLTH - Complaint 100416

Complaint Details

Complaint #	100416
Street Address	006701 CIMARRON ST
Magisterial District	Lee
Complaint Description	Rats
Agency	HLTH
Status	Closed
Opened Date	2013-11-07
Closed Date	2013-11-15
Disposition	Unfounded (No Problem Found)
Inspector Assigned	Lois Maisel
Notice of Violation and/or Corrective Work Order	No
Litigation	No

Contact Us: [General](#) (Office of Public Affairs) | [Technical](#) (Web Administrator) | [Directed Inquiries](#) (County Agencies)
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Land Development Information History: FIDO - DCC - Complaint 100532

Complaint Details

Complaint #	100532
Street Address	006701 CIMARRON ST
Magisterial District	Lee
Complaint Description	Unpermitted Addition
Agency	DCC
Status	Closed
Opened Date	2013-11-13
Closed Date	2013-12-17
Disposition	Unfounded (No Problem Found)
Inspector Assigned	Ricky Antonowics
Notice of Violation and/or Corrective Work Order	No
Litigation	No

Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
Phone: [County Main Number - 703-FAIRFAX \(703-324-7329\)](#), TTY 711 | [County Phone Listing](#)

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Land Development Information History: FIDO - DCC - Complaint 100533

Complaint Details

Complaint #	100533
Street Address	006701 CIMARRON ST
Magisterial District	Lee
Complaint Description	Dcc Fire
Agency	DCC
Status	Closed
Opened Date	2013-11-13
Closed Date	2013-12-17
Disposition	Compliance
Inspector Assigned	Peggy Delean
Notice of Violation and/or Corrective Work Order	Yes
Litigation	No

Contact Us: [General](#) (Office of Public Affairs) | [Technical](#) (Web Administrator) | [Directed Inquiries](#) (County Agencies)
Phone: [County Main Number](#) - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

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Land Development Information History: FIDO - DCC - Complaint 100413

Complaint Details

Complaint #	100413
Street Address	006701 CIMARRON ST
Magisterial District	Lee
Complaint Description	Multiple Occupancy
Agency	DCC
Status	Under Investigation
Opened Date	2013-11-07
Closed Date	
Disposition	
Inspector Assigned	Peggy Delean
Notice of Violation and/or Corrective Work Order	No
Litigation	No

Contact Us: [General](#) (Office of Public Affairs) | [Technical](#) (Web Administrator) | [Directed Inquiries](#) (County Agencies)
Phone: [County Main Number](#) - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

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**Building Permit
 Zoning Review**

*This document does not reflect
 Building Permit approval.*

Bldg Permit #: 112910260 **RESIDENTIAL ADDITION**

Address: 6701 Cimarron St Springfield VA 22150-1645
 Bldg: N/A Floor: Suite: N/A

Subdiv: Springfield Estates Lt 15 Blk 6 Sec 1 **Sub Census:** 201.01 **Lot Size:** 10,664.00
Tax Map: 0804 05060015
Owner: Kabir Mohammad M
Phone Day: (999)999-9999 x **Evening:**

Contractor:
 OWNER IS CONTRACTOR
 (999) 999-9999

Type of Work: ADDITIONAL STORIES
Description of Work: 1 story addition

Specific Description of Work:

1 Story Ground	1 Story Crawl	1 Story Bsmt Below	2 Story Ground	2 Story Crawl	2 Story Bsmt below	2nd Story Addn Over Exist Structure
Y	N	N	N	N	N	N

ZPRB Review:

Date	Status
10/28/11	LBOWES Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-4	N	SFD	N	N	N	N	Y

Yard/Setbacks:

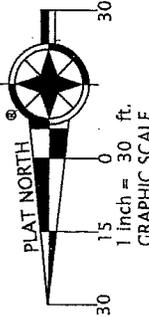
Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type
eave	35.00	0.00	0.00	10.00	0.00	0.00	addition 41'x13'	11.00	ONE STORY
addition	35.50	0.00	0.00	10.50	0.00	0.00			

DETAILS COMMENTS:
 corner lot
 Setback certification needed for right side setback.

112910260

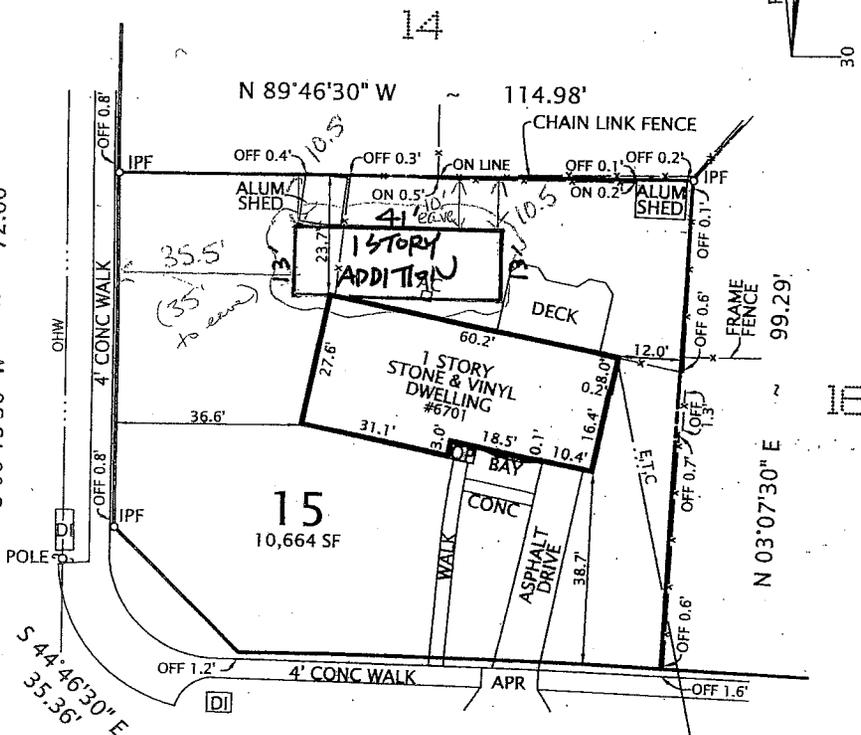
NOTES: 1. FENCES ARE STOCKADE UNLESS NOTED.

A SETBACK CERTIFICATION BASED ON FIELD SURVEY IS REQUIRED PRIOR TO RUP ISSUANCE OR FINAL INSPECTION



PIONEER DRIVE
60' WIDE ~ STATE ROUTE #2675

S 00°13'30" W ~ 72.00'



CIMARRON STREET
50' WIDE

PLAT
SHOWING HOUSE LOCATION ON
LOT 15, BLOCK 6, SECTION ONE
SPRINGFIELD ESTATES

(DEED BOOK 1334, PAGE 164)

FAIRFAX COUNTY, VIRGINIA

LEE DISTRICT

SCALE: 1" = 30'

MAY 5, 2008

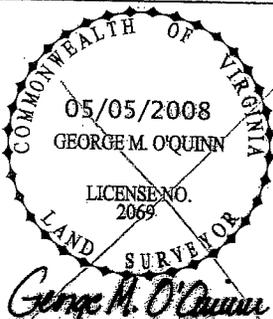
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I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.



CASE NAME:

DEUTSCHE BANK NATIONAL TRUST COMPANY ~ KABIR/BEGUM
PROVIDENT TITLE & ESCROW, LLC

DOMINION Surveyors Inc.®

8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

CASE NAME: KABIR/BEGUM

CASE NO: B804021F

#80428037

**Building Permit
 Zoning Review**

*This document does not reflect the final
 Building Permit approval.*

10/28/11 11:15:17PM

Bldg Permit #: **113010120** **RESIDENTIAL ADDITION**

Address: 6701 Cimarron St Springfield VA 22150-1645
Bldg: N/A **Floor:** **Suite:** N/A
Subdiy: Springfield Estates Lt 15 Blk 6 Sec 1 **Sub Census:** 201:01 **Lot Size:** 10,664.00
Tax Map: 0804 05060015
Owner: Kabir Mohammad M
Phone Day: (999)999-9999 x **Evening:**

Contractor:
 OWNER IS CONTRACTOR
 (999) 999-9999

Type of Work: ADDITIONAL STORIES
Description of Work: build one story side addition and rear deck, no stairs and no hot tub / structure already exist

Specific Description of Work:

1 Story Ground	1 Story Crawl	1 Story Bsmt Below	2 Story Ground	2 Story Crawl	2 Story Bsmt below	2nd Story Addn Over Exist Structure
Y	N	N	N	N	N	N

ZPRB Review:

Date	Status
10/28/11	LBOWES Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-4	N	SFD	N	N	N	N	Y

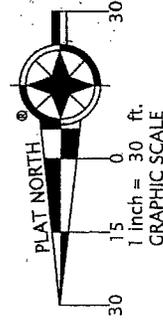
Yard/Setbacks:

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type
deck	0.00	0.00	0.00	0.00	12.00	17.00	21'x14'	1.50	OPEN
addition							24.4'x10.4'	14.00	ONE STORY

DETAILS COMMENTS:
 corner lot
 Setback certification needed for carport enclosure at right side.
 See referral sheet in file regarding this permit (the carport enclosure and deck have already been built).

113010120

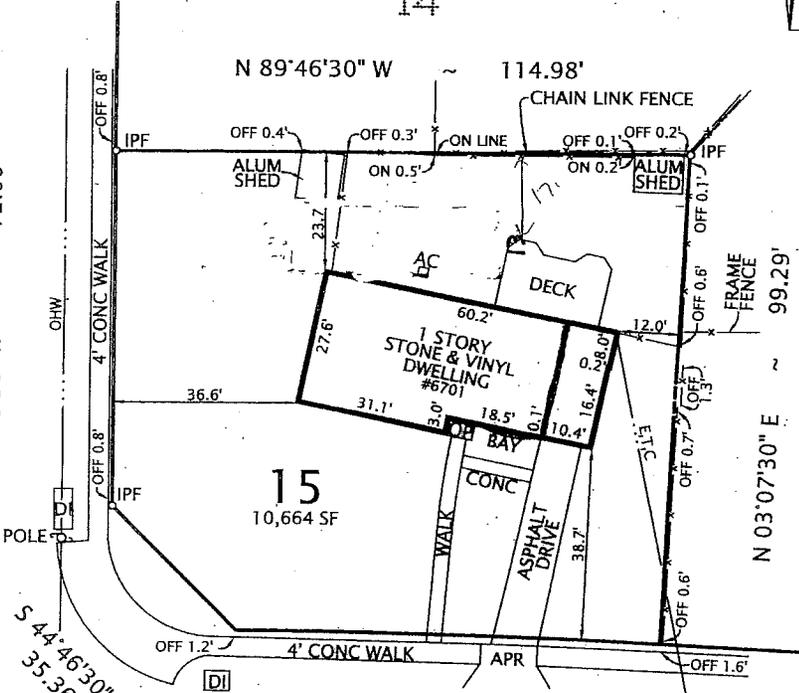
NOTES: 1. FENCES ARE STOCKADE UNLESS NOTED.



14

PIONEER DRIVE
60' WIDE ~ STATE ROUTE #2675

S 00°13'30" W ~ 72.00'



A=85.00' ~ R=1679.36'

CIMARRON STREET
50' WIDE

A SETBACK CERTIFICATION BASED ON FIELD SURVEY IS REQUIRED PRIOR TO RUP ISSUANCE OR FINAL INSPECTION

APPROVED
10/24/08
George M. O'Quinn
Land Surveyor

PLAT
SHOWING HOUSE LOCATION ON
LOT 15, BLOCK 6, SECTION ONE
SPRINGFIELD ESTATES

(DEED BOOK 1334, PAGE 164)
FAIRFAX COUNTY, VIRGINIA
LEE DISTRICT

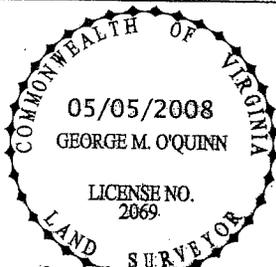
SCALE: 1" = 30' MAY 5, 2008

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

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.



CASE NAME:

DEUTSCHE BANK NATIONAL TRUST COMPANY ~ KABIR/BEGUM
PROVIDENT TITLE & ESCROW, LLC



8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412



Report Date 02/05/2014 10:51 AM

Submitted By

Page 1

Act # 2285703 A/P # 17552 Act Type HOP REVIEW # 2

Property Information

Address 6701 CIMARRON ST
 SPRINGFIELD VA 22150-1645

Location

Application Information

Type HOME0CC HOME OCCUPATION PERMIT Priority Type of Work OPROOM Dept of Commerce
 Square Footage 0.00 Declared Valuation 0.00 A/P Name MOHAMMAD M. KABIR
 Desc of Work

Initial Review

Issued Date/Time 12/04/2013 15:12 Issued By System Generated
 Scheduled Date/Time Scheduled By Waived
 Department ZPRB Assigned To

Review Results

Reviewed By RGOOD3 Failed Suspense Date
 Start Date/Time 02/05/2014 10:50 Completed Date/Time 02/05/2014 10:50 Actual Time 0.00

Comments

No Comments

Problems

Violation ZOTHER Description OTHER
 Recorded Date 12/04/2013 00:00 Recorded By RGOOD3 Recorded Version
 Resolved Date 02/05/2014 00:00 Resolved By RGOOD3 Resolved Version
 Status Status Date
 Comments Open DCC 201307760

Violation ZOTHER Description OTHER
 Recorded Date 02/05/2014 00:00 Recorded By RGOOD3 Recorded Version
 Resolved Date Resolved By Resolved Version
 Status Status Date

Comments Per signed referral sheet from Rachael Perrott this application for a HOP is to be denied at this time due to other outstanding zoning violations. Any questions contact Rachael Perrott or Peggy DeLean with Department of Code Compliance at 703-324-1300.

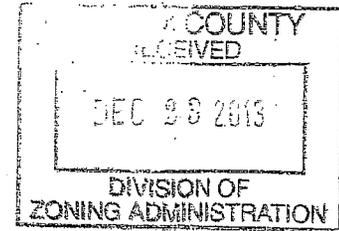


County of Fairfax, Virginia

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

December 19, 2013

Mr. Mohammad Kabir
6701 Cimarron Street
Springfield, Virginia 22150



Re: Setback Certification – Building Permit #112910260
6701 Cimarron Street
Springfield Estates, Section 1, Block 6, Lot 15
Tax Map Ref: 80-4 ((5)) (6) 15
Zoning District: R-4

Dear Mr. Kabir:

This letter is in response to your request for approval of the setback certification for an addition pursuant to Building Permit #112910260. The property is a corner lot zoned R-4 District, containing 10,664 square feet. The referenced property has a minimum front yard requirement of 30 feet, minimum side yard requirement of 10 feet and minimum rear yard requirement of 10 feet. After review of your submission, the setback certification has been failed due to the following:

- The setback certification shows an addition with its eave 9.5 feet in height at a distance of 8.0 feet from the side lot line. As such, the addition encroaches into the 10 feet minimum required side yard by 2.0 feet. Pursuant to Par. 1 of Section 2-412 of the Zoning Ordinance, eaves less than 10 feet in height must meet the minimum required yards of the district in which it is located. The 2.0 foot encroachment exceeds the 10% administrative reduction for the R-4 District.
- Your setback certification plat shows a shed (storage structure) in the front yard. Pursuant to Par. 10B of Sect. 10-104 of the Zoning Ordinance, an accessory storage structure shall not be located in any front yard on any lot containing 36,000 square feet or less.

Enclosed is a copy of the failed setback certification and the Technical Memorandum regarding setback certifications. Please address the above comments and resubmit five copies of the new setback certification plat. For the 2.0 foot encroachment issue, the addition could be modified so it meets the minimum required 10 feet side yard. 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

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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/



6701 Cimarron Street

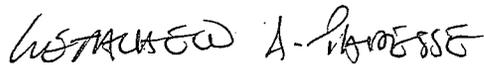
December 19, 2013

Page 2

Evaluation Division by calling 703-324-1290. If you choose to modify the structure, a revised 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.

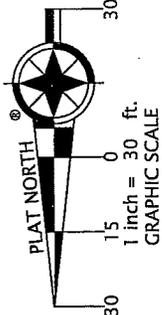
Sincerely,



Getachew A. Tadesse
Assistant to the Zoning Administrator

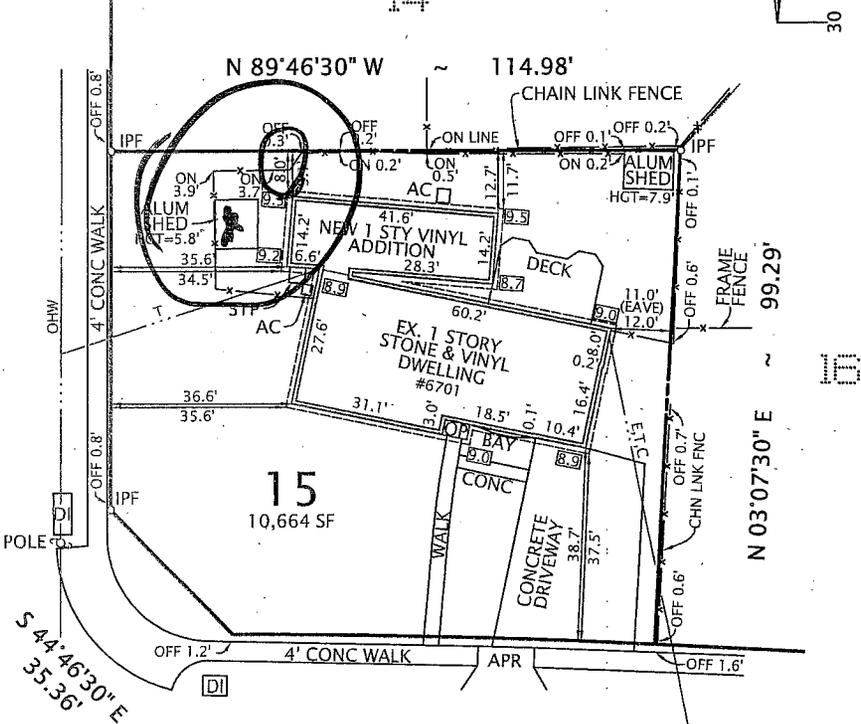
cc: Jeff C. McKay, Supervisor Lee District
Leslie B. Johnson, Zoning Administrator
Michelle M. O'Hare, Deputy Zoning Administrator, Ordinance Administration Branch
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch
Charles O'Donnell, Residential Inspections Division, DPWES
Jack W. Weyant, Director, Site Development and Inspections Division, DPWES

- NOTES: 1. FENCES ARE STOCKADE UNLESS NOTED.
 2. EAVES ON EXISTING DWELLING ARE 0.9' WIDE.
 3. EAVES ON NEW ADDITION ARE 1.0' WIDE.
 4. EAVE HEIGHTS ARE SHOWN IN BOXES 0.5



PIONEER DRIVE
60' WIDE ~ STATE ROUTE #2675

S 00°13'30" W ~ 72.00'



A=85.00' ~ R=1679.36'

Setback cert. failed. 12/19/13

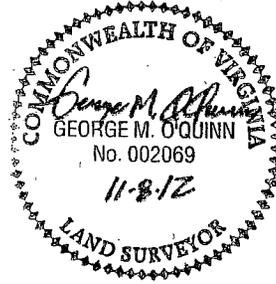
CIMARRON STREET
50' WIDE ~ STATE ROUTE #2681

PLAT
SHOWING HOUSE LOCATION ON
LOT 15, BLOCK 6, SECTION ONE
SPRINGFIELD ESTATES

(DEED BOOK 1334, PAGE 164)

FAIRFAX COUNTY, VIRGINIA
LEE DISTRICT

SCALE: 1" = 30' NOVEMBER 8, 2012 (SETBACK CERT.)

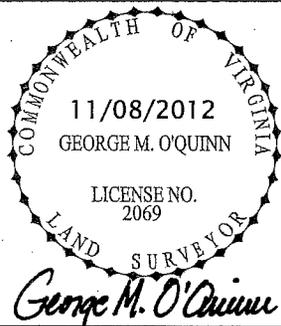


I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.



ORDERED BY:

MOHAMMAD KABIR

DOMINION Surveyors Inc.®

8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

Similar Case History

# Record		Status
1	ZAPS - SP - SP 2012-LE-049 Land Use: BUILDING IN ERROR: MODIFICATION TO MIN YD REQUIREMENT BASED ON ERROR Appl Description: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 4.0 FEET FROM SIDE LOT LINE	APPLICATION APPROVED
2	ZAPS - SP - SP 91-L -055 Land Use: ACCESSORY DWELLING UNIT, BUILDING IN ERROR: MODIFICATION TO MIN YD REQUIREMENT BASED ON ERROR Appl Description: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW DWELLING TO REMAIN 5.47 FT. FROM SIDE LOT LINE AND ALLOW ACCESSORY DWELLING UNIT	APPLICATION APPROVED
3	ZAPS - SP - SP 2011-LE-064 Land Use: BUILDING IN ERROR: MODIFICATION TO MIN YD REQUIREMENT BASED ON ERROR Appl Description: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 4.0 FEET FROM SIDE LOT LINE, AWNING 2.7 FEET FROM SIDE LOT LINE AND ACCESSORY STORAGE STRUCTURE TO REMAIN 0.0 FEET FROM SIDE LOT LINE AND 5.0 FEET FROM REAR LOT LINE	APPLICATION APPROVED
4	ZAPS - SP - SP 01-L -037 Appl Description: REDUCTION TO THE MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 4.8 FEET FROM SIDE LOT LINE AND ACCESSORY DWELLING UNIT	APPLICATION APPROVED
5	ZAPS - SP - SP 2003-LE-039 Appl Description: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 5.0 FEET WITH EAVE 4.0 FEET FROM SIDE LOT LINE	APPLICATION APPROVED

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

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

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

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

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

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

4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.