



# County of Fairfax, Virginia

---

September 10, 2014

## STAFF REPORT

### SPECIAL PERMIT SP 2014-SP-134

#### SPRINGFIELD DISTRICT

**APPLICANT:** Weiqing Gu

**OWNERS:** Weiqing Gu  
Shenjun Jiang

**STREET ADDRESS:** 7938 Jansen Drive, Springfield, 22152

**SUBDIVISION:** West Springfield

**TAX MAP REFERENCE:** 89-2 ((4)) (5) 18

**LOT SIZE:** 10, 747 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISION:** 8-914, 8-918, 8-923

**SPECIAL PERMIT PROPOSAL:** To permit an accessory dwelling unit, to permit reduction to minimum yard requirement based on error in building location to permit accessory storage structure to remain 1.7 feet from side lot line, and fence greater than 4 feet in height to remain in the front yard.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2014-SP-134 for the accessory dwelling unit 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 applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.



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

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

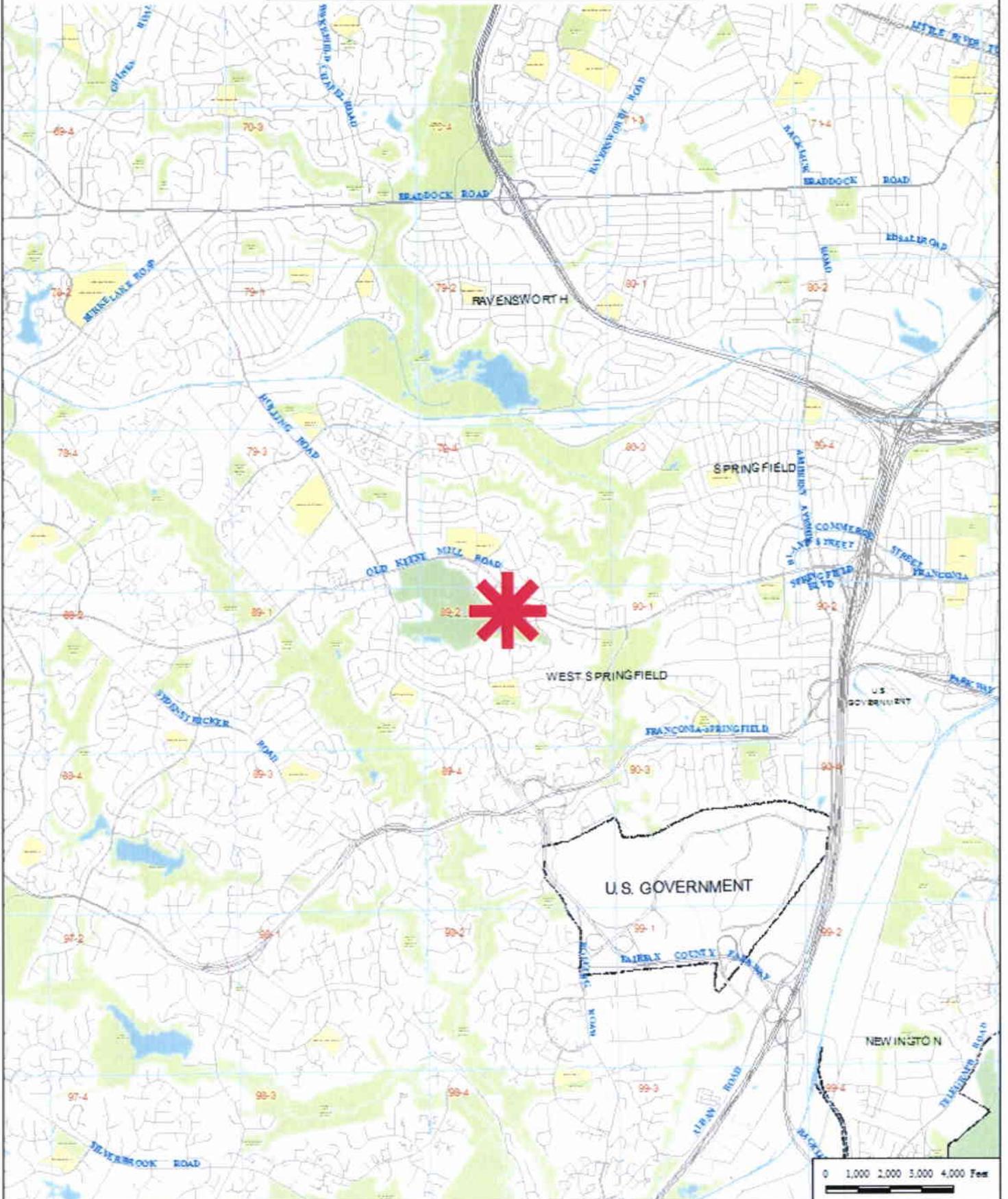
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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

# Special Permit

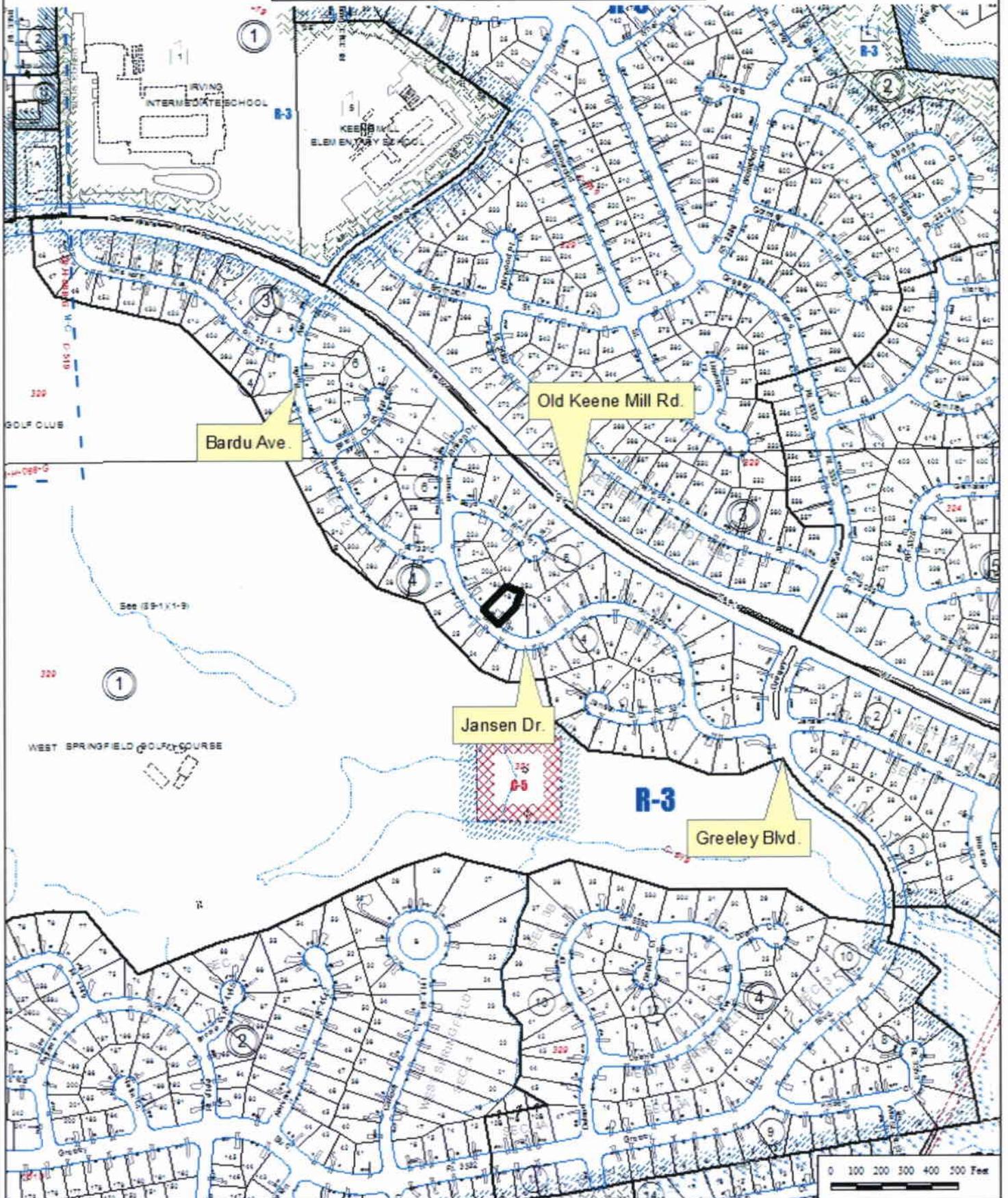
SP 2014-SP-134  
WEIQING GU



# Special Permit

SP 2014-SP-134

WEIQING GU



Updated plat

1. TAX MAP: 0892 04050018 ZONE: R-3
2. PROPERTY SERVED BY PUBLIC WATER AND SEWER.
3. NO UTILITY EASEMENTS 25 FEET WIDE OR GREATER WERE FOUND ON THIS PROPERTY.
4. THERE ARE NO FLOOD PLAIN OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.

5. NO GRAVE SITES OR BURIAL GROUNDS WERE FOUND ON THIS PROPERTY.
6. MINIMUM YARDS REQUIRED:  
 SINGLE FAMILY DWELLINGS:  
 FRONT 30 FEET  
 SIDE 12 FEET  
 REAR 25 FEET
7. HEIGHTS:  
 DWELLING 31 FEET  
 OPEN PORCH FLOOR 8.4 FEET  
 OPEN PORCH ROOF 19 FEET  
 SHED 10.8 FEET  
 OTHER AS SHOWN

8. APPROX. GROSS FLOOR AREA (G.F.A.)  
 TOTAL 4,530 S.F.  
 PROPOSED ACCESSORY DWELLING UNIT (A.D.U.) 696 S.F.  
 A.D.U. FLOOR AREA = 15.4% OF TOTAL G.F.A.

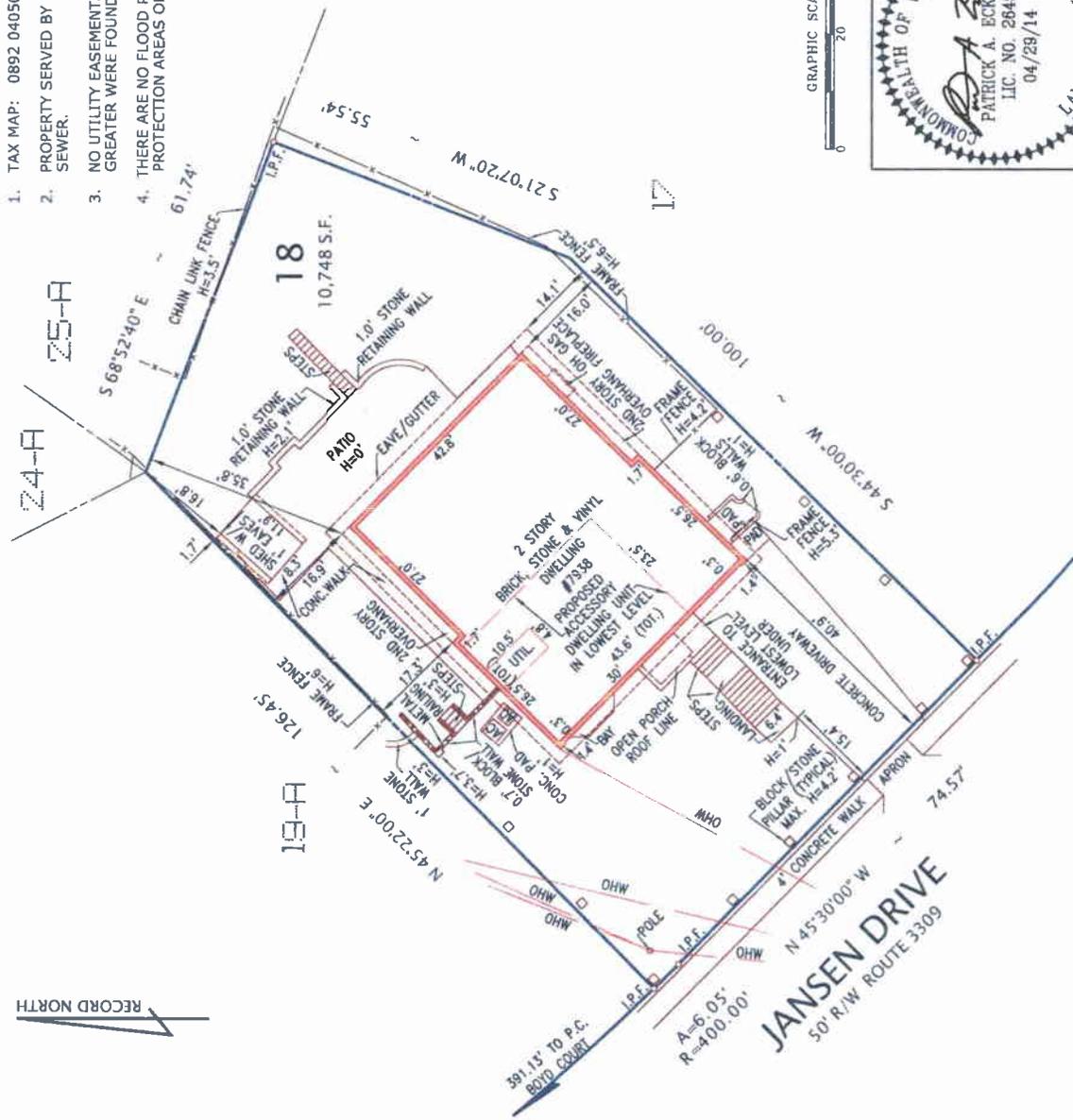
8. FAR: .43

9. THE DWELLING WAS CONSTRUCTED IN 1960 AND ADDITION MADE IN 2007.

10. IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS NOTED AS PROPOSED.

11. THERE ARE NO PLANNED CHANGES TO TREES OR SHRUBS.

12. THERE ARE NO KNOWN CURRENT OR PROPOSED NON PERMITTED HAZARDOUS OR TOXIC SUBSTANCES GENERATED, UTILIZED, STORED, TREATED, AND/OR DISPOSED OF ON THIS SITE.



GRAPHIC SCALE: 0 20 40

SCALE: 1" = 20'

SPECIAL PERMIT PLAT  
 LOT 18 BLOCK 5 SECTION 2  
**WEST SPRINGFIELD**  
 FAIRFAX COUNTY, VIRGINIA

AUGUST 6, 2013  
 APRIL 29, 2014 (REVISED)



THE POSITION OF THE EXISTING IMPROVEMENTS HAS BEEN ESTABLISHED BY AN ON SITE INSTRUMENT SURVEY.

NO TITLE REPORT FURNISHED. THIS PLAT IS SUBJECT TO EASEMENTS AND ENCUMBRANCES RECORDED OF RECORD OR ESTABLISHED.

**ALTERRA SURVEYS, INC.**  
 11350 RANDOM HILLS ROAD #430  
 FAIRFAX, VIRGINIA 22030  
 TEL NO. 703-520-1558  
 FAX NO. 703-995-4800  
 INFO@ALTERRASURVEYS.COM

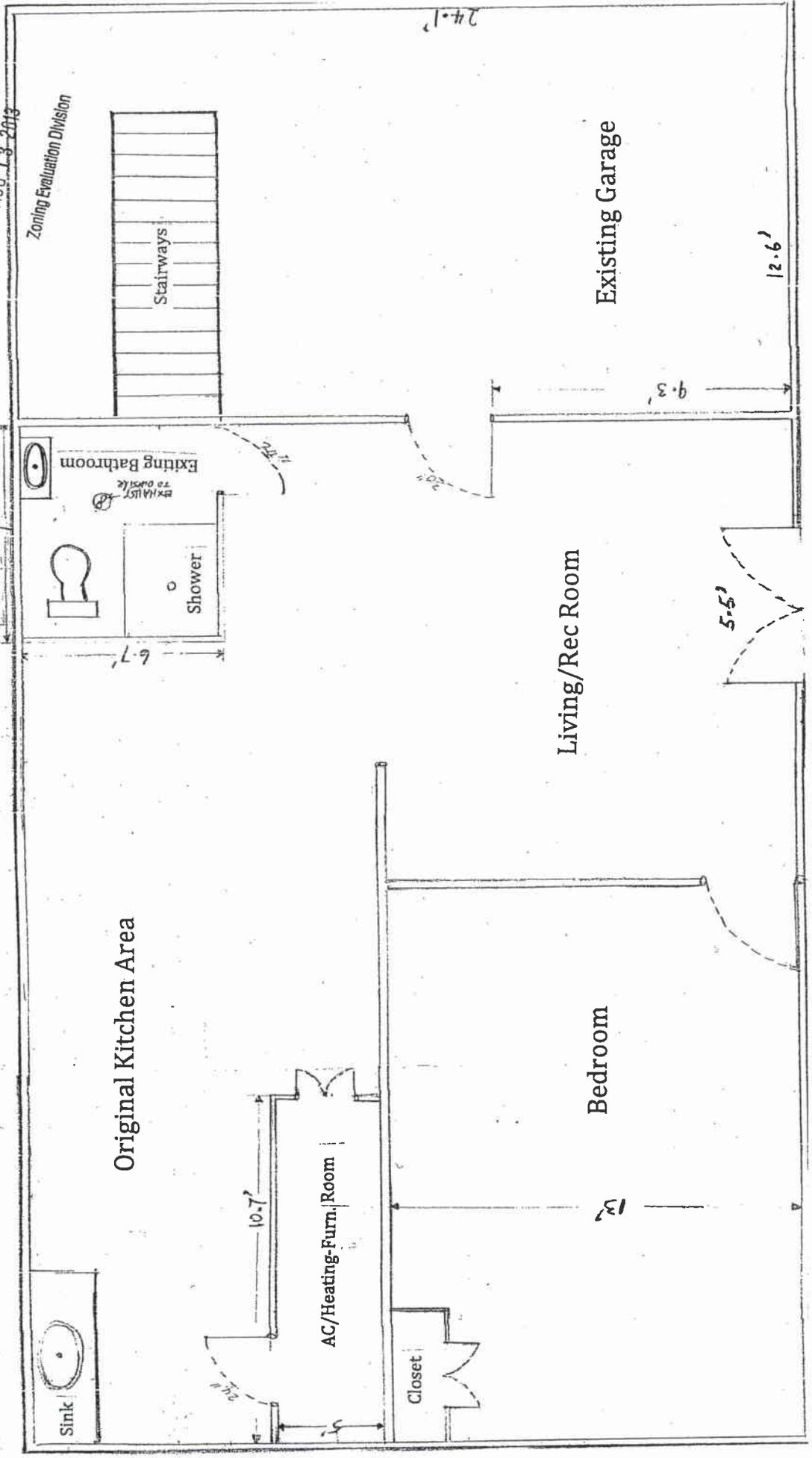
CASE NAME: GU  
 REQUESTED BY: WEIQING GU

*Weiqing Gu*  
 6/26/2014

RECEIVED  
Department of Planning & Zoning  
JUN 26 2014  
Zoning Evaluation Division

RECEIVED  
Department of Planning & Zoning  
AUG 13 2013

Basement and Garage-Lowest level of 7938 Jansen Dr. Springfield, VA



Zoning Evaluation Division

Existing Bathroom

Stairways

Original Kitchen Area

AC/Heating-Furn. Room

Sink

Shower

Living/Rec Room

Bedroom

Existing Garage

10.7'

6.7'

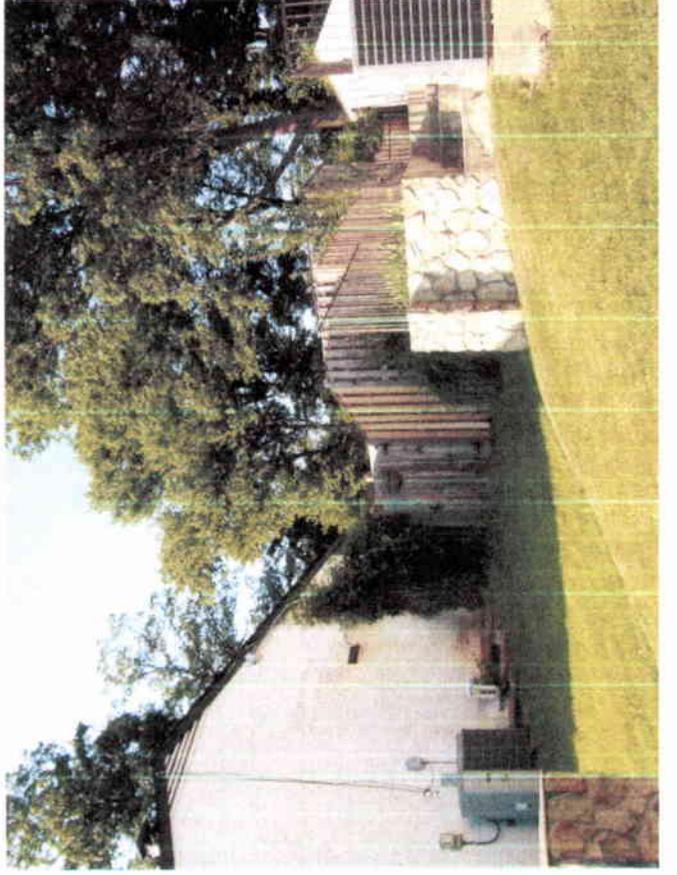
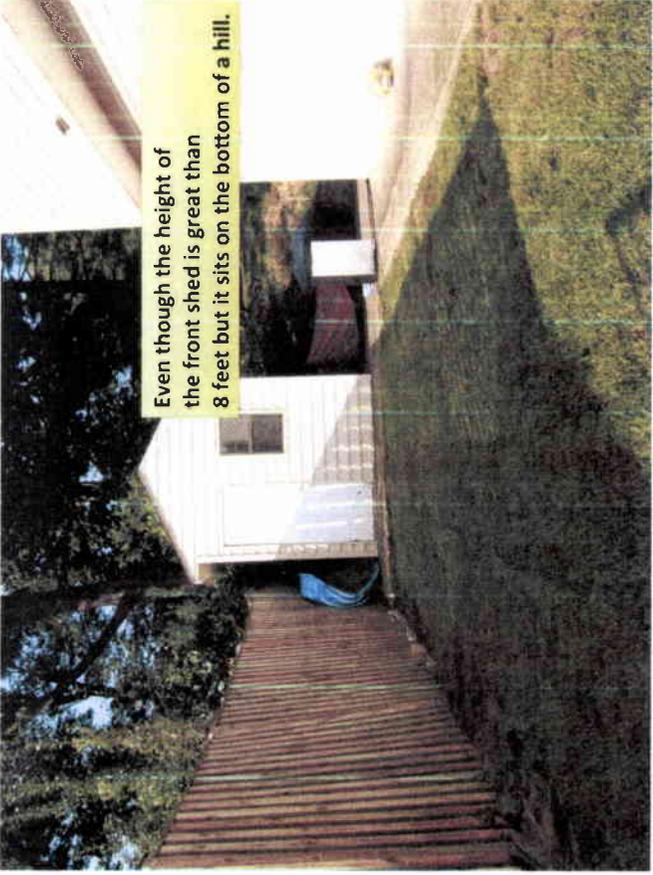
9.3'

5.5'

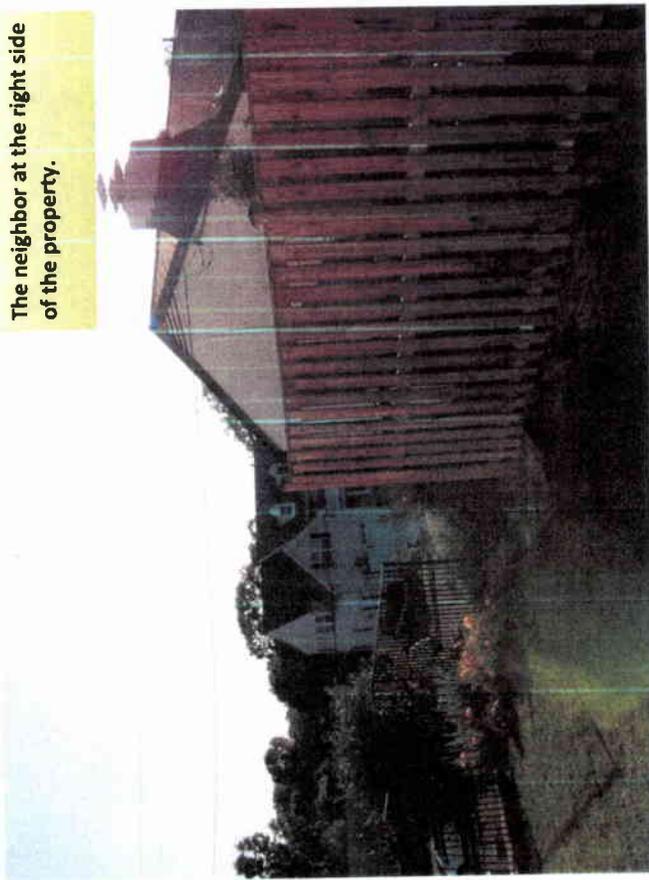
12.6'

24.1'

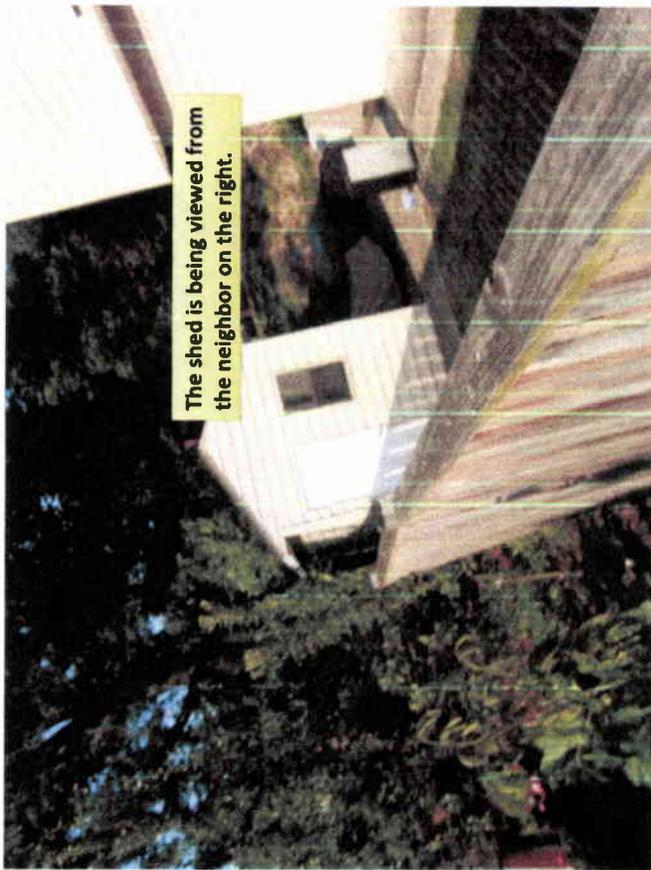




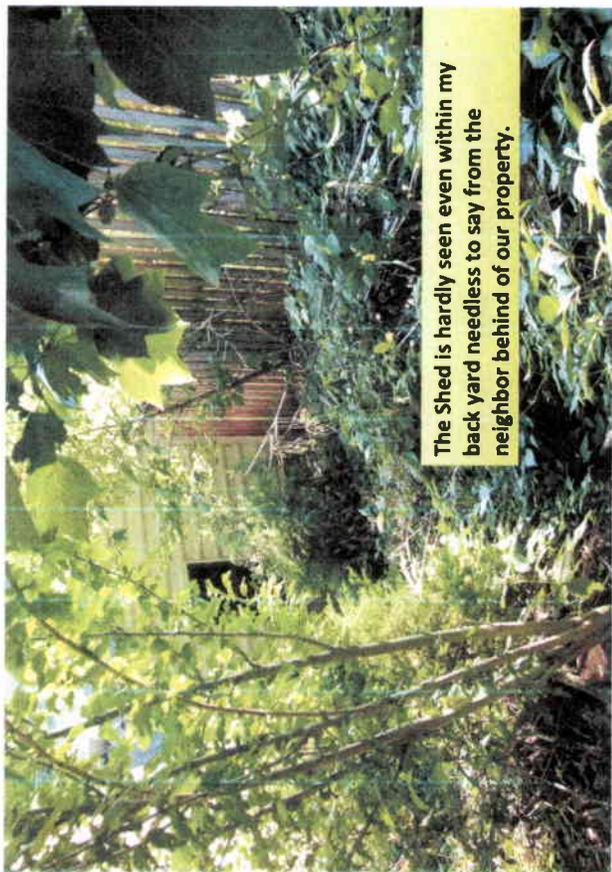
The neighbor at the right side of the property.



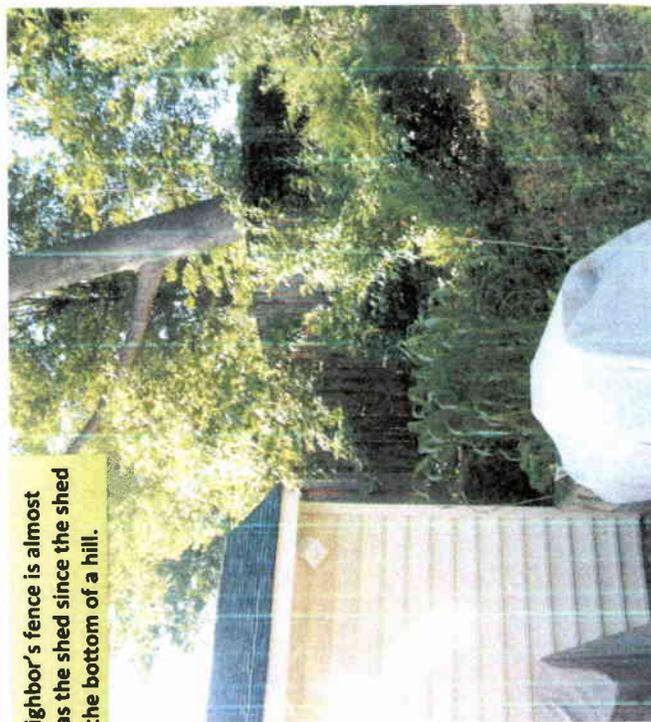
The shed is being viewed from the neighbor on the right.



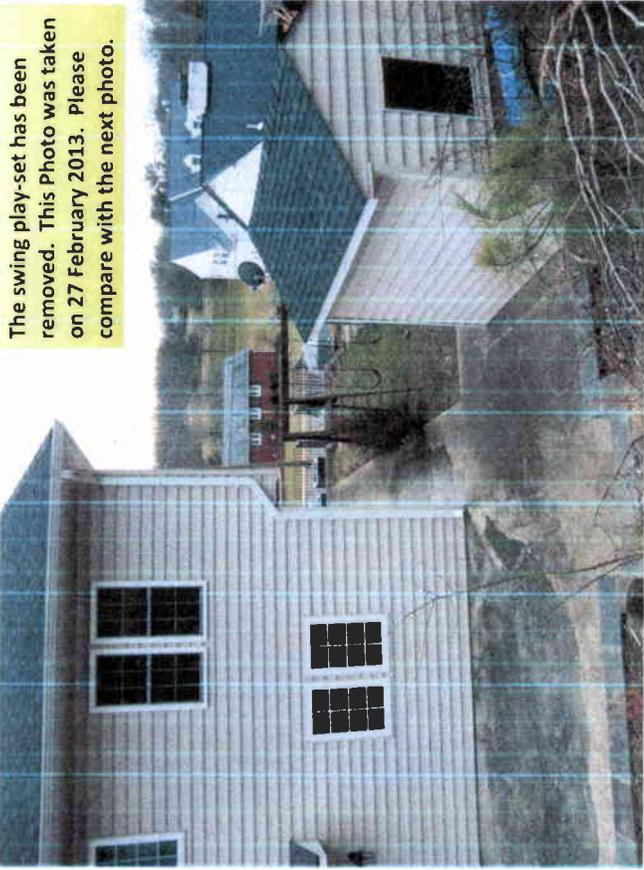
The Shed is hardly seen even within my back yard needless to say from the neighbor behind of our property.



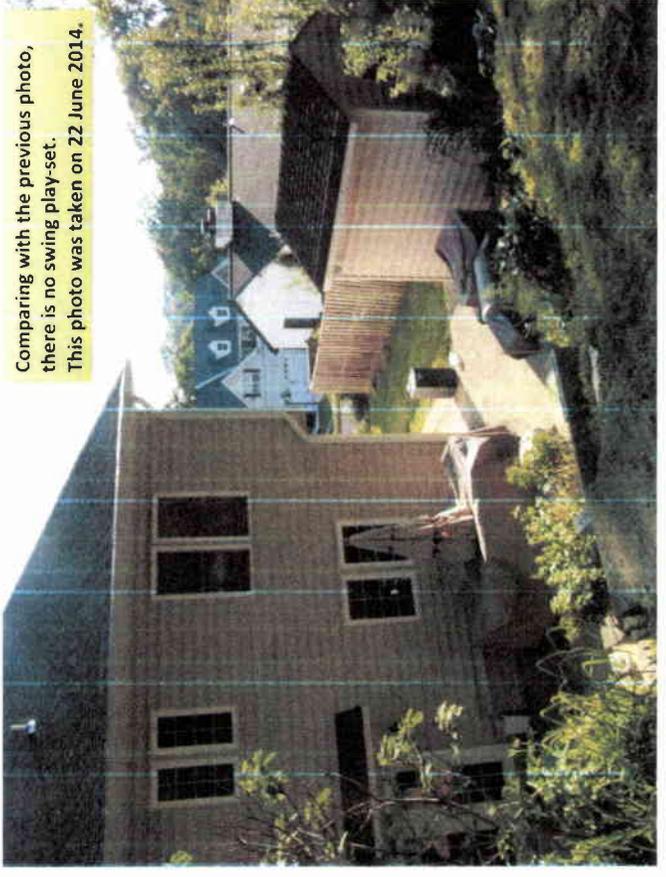
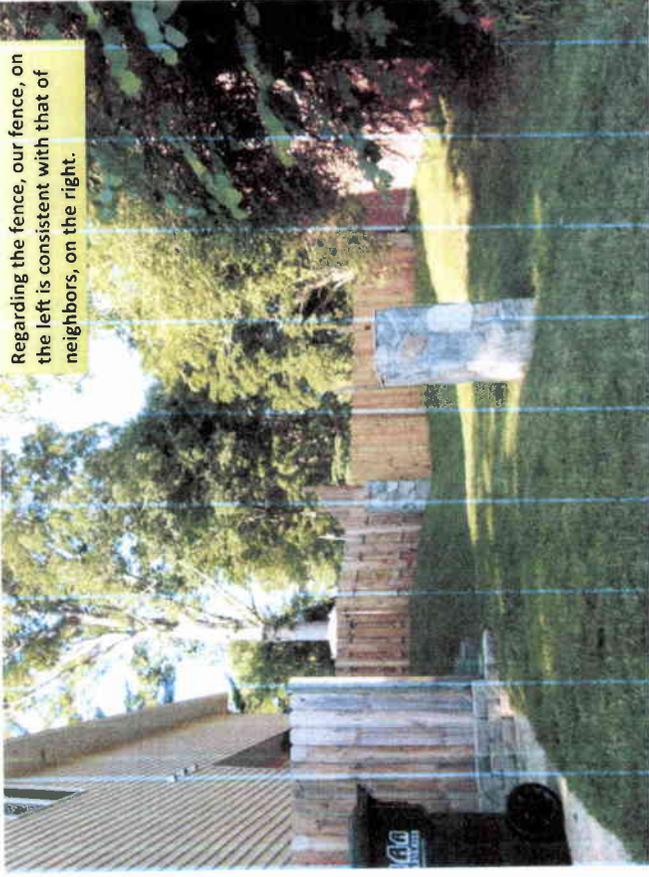
The neighbor's fence is almost as tall as the shed since the shed sits at the bottom of a hill.



The swing play-set has been removed. This photo was taken on 27 February 2013. Please compare with the next photo.



Regarding the fence, our fence, on the left is consistent with that of neighbors, on the right.



Comparing with the previous photo, there is no swing play-set. This photo was taken on 22 June 2014.

# Front of 7938 Jansen Dr.

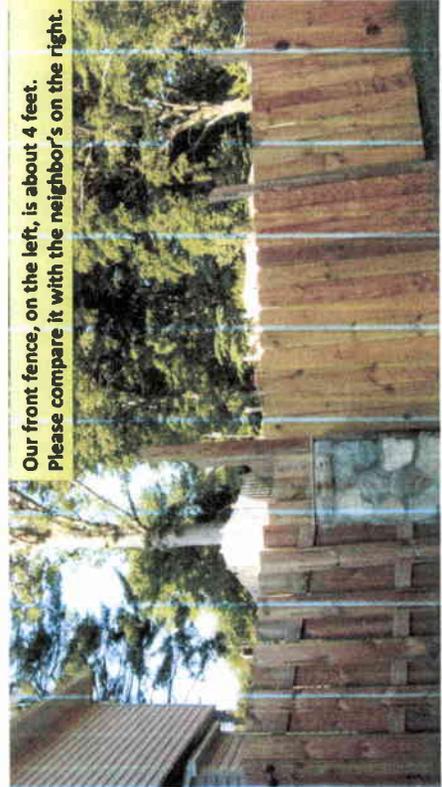
1



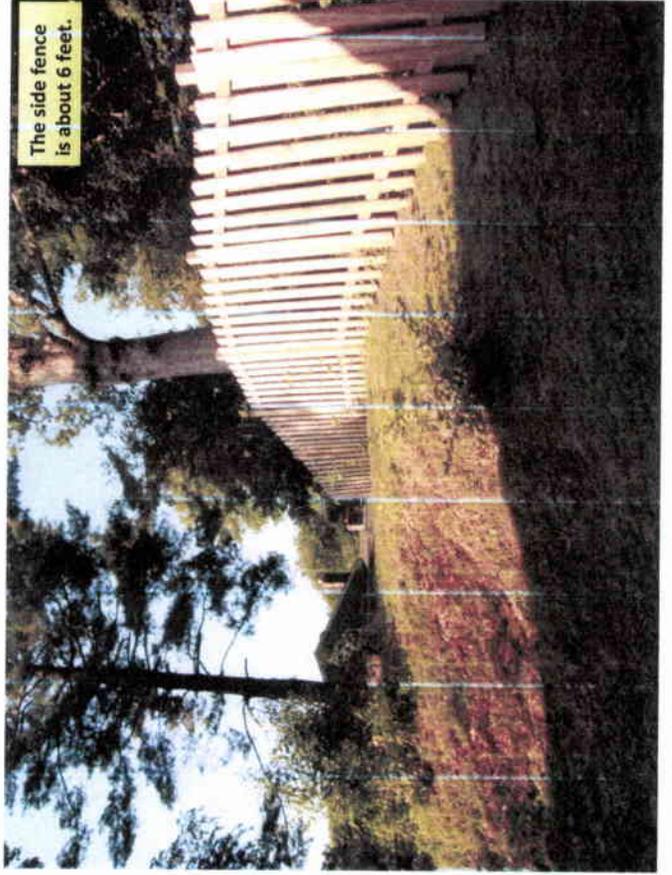
There is only one piece of the fence, which is not connected to the rest of the fence, just used for prevent seeing the trashcans from Jansen street.



Our front fence, on the left, is about 4 feet. Please compare it with the neighbor's on the right.



The side fence is about 6 feet.



### 7940 Jansen Dr, Springfield, VA

3

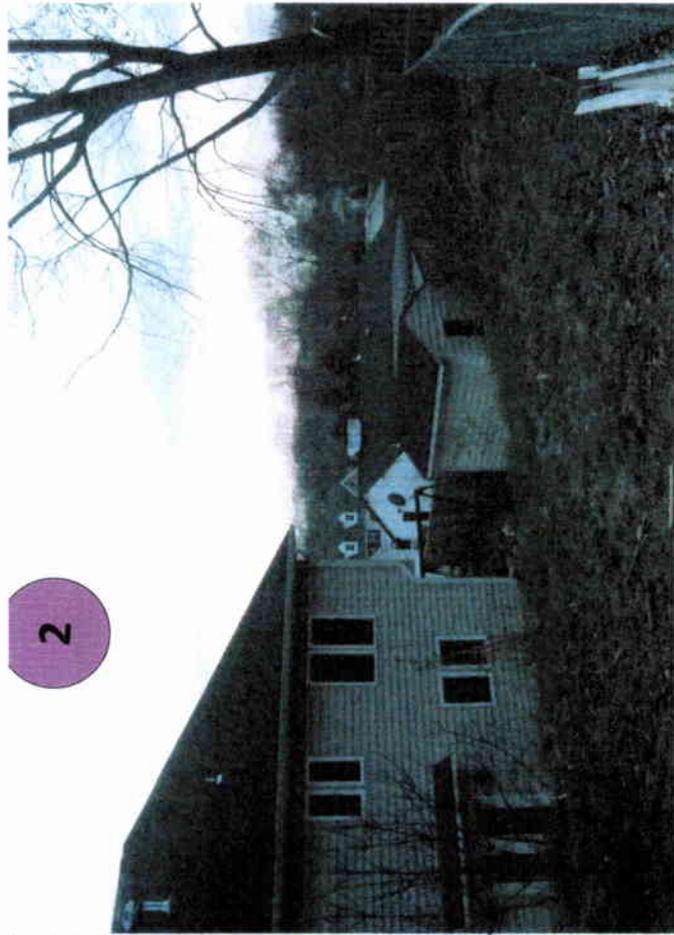


### 7733 Boyd Ct, Springfield, VA

5



2



### 7936 Jansen Dr, Springfield, VA

4



7939 Jansen Dr, Springfield, VA

7



7937 Jansen Dr, Springfield, VA

6



9



8





11

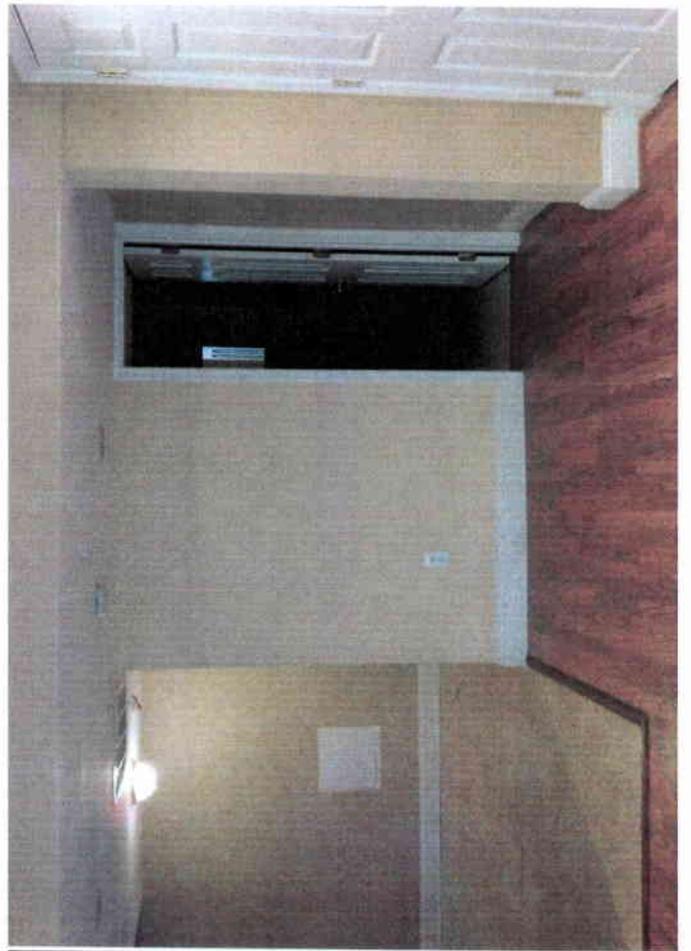
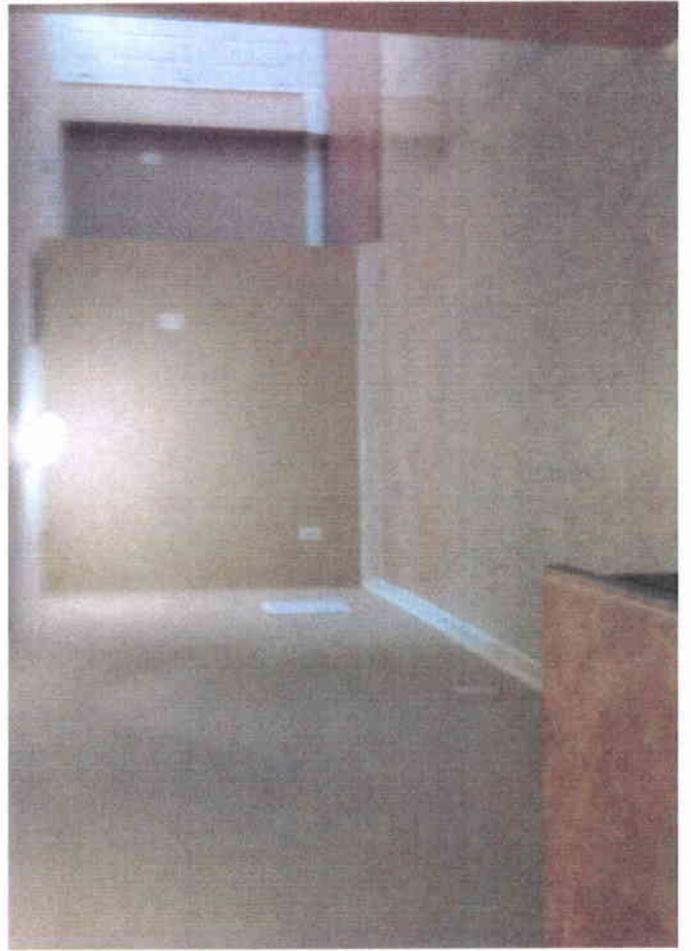


10

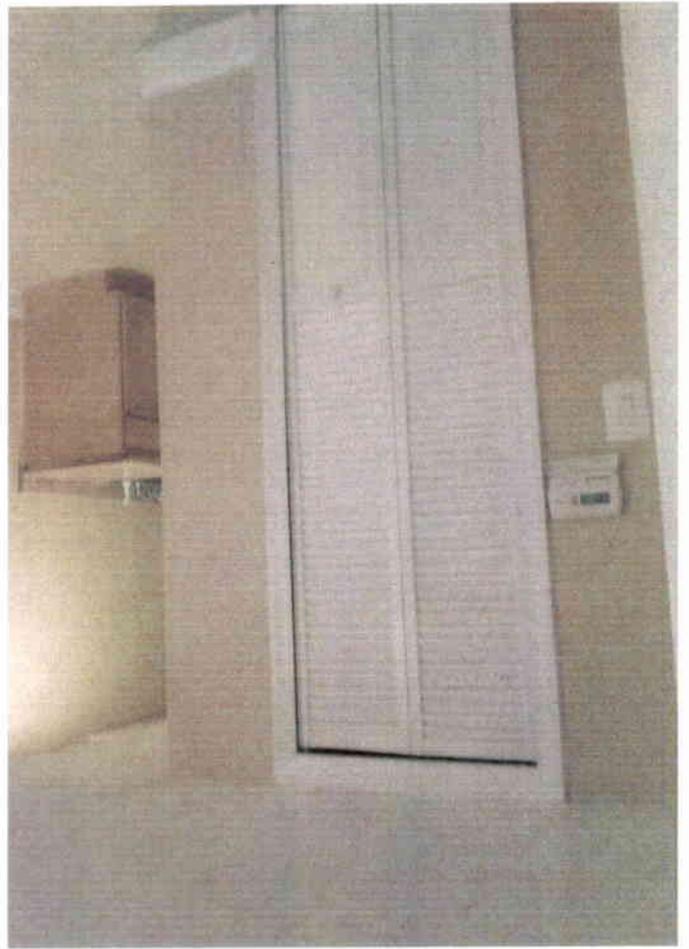
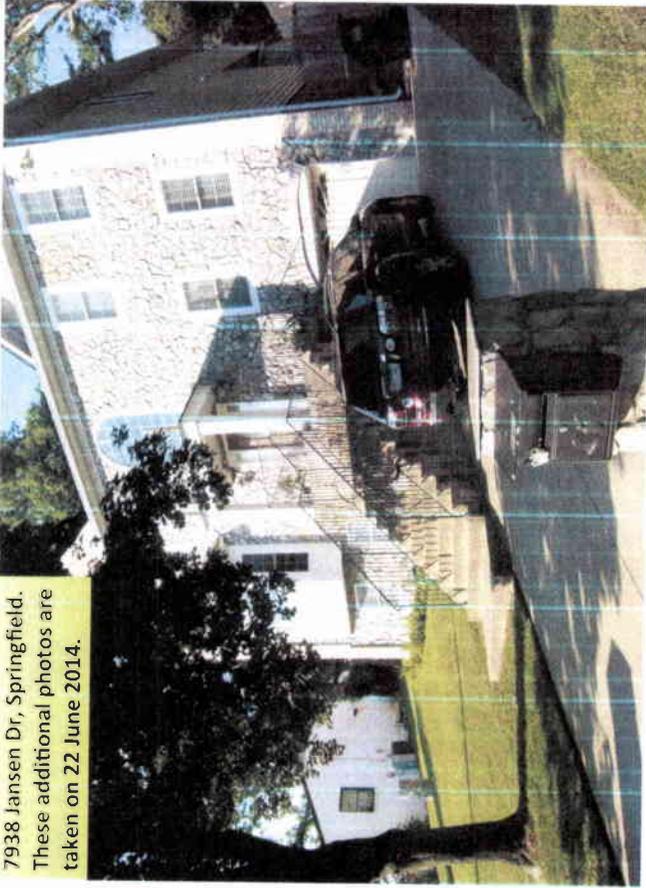


12

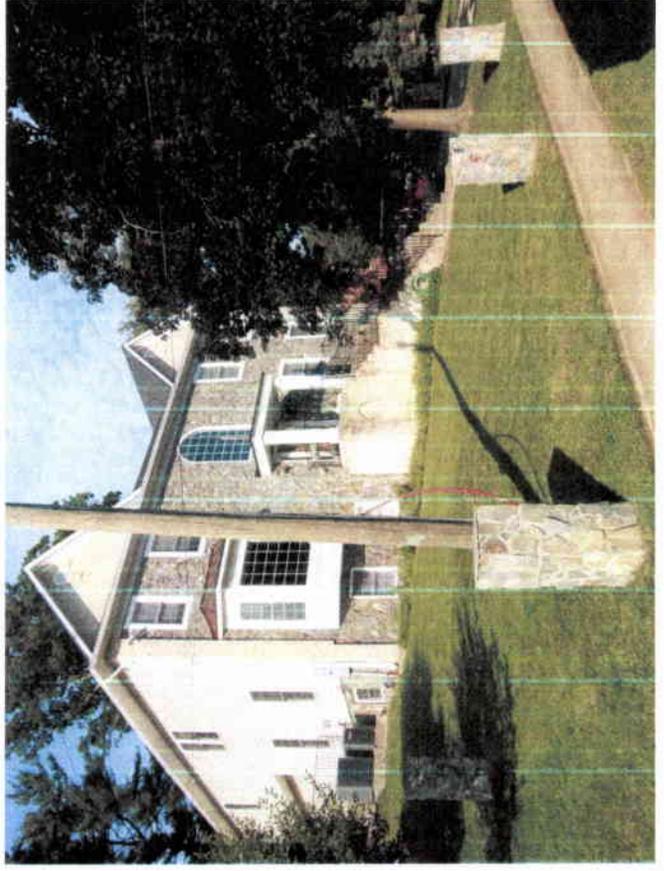
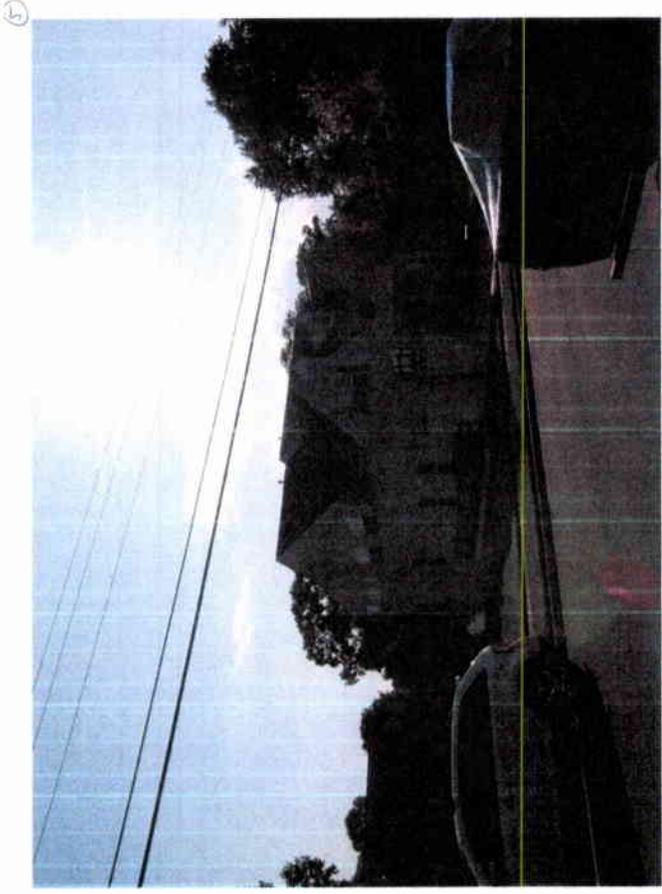


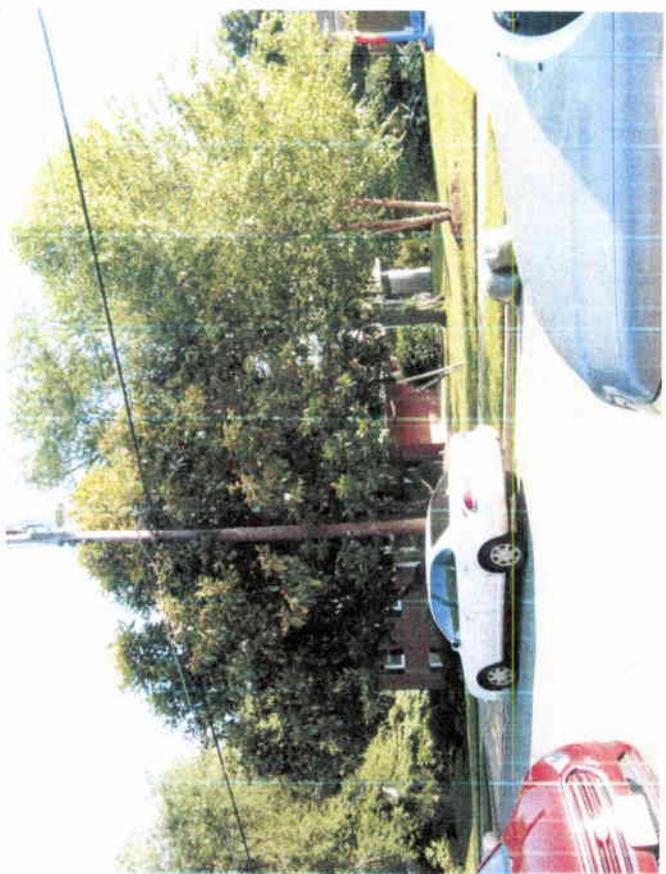
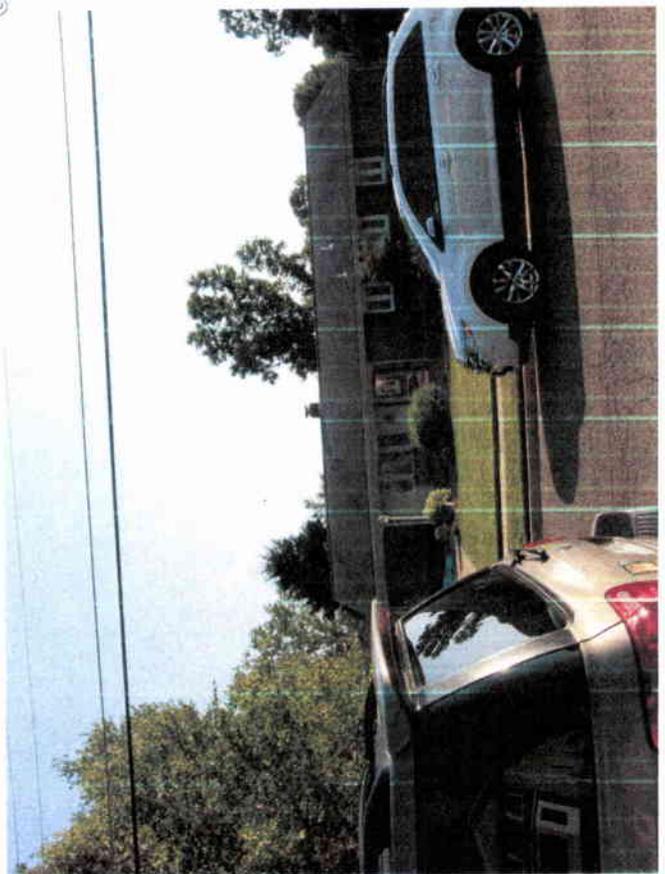
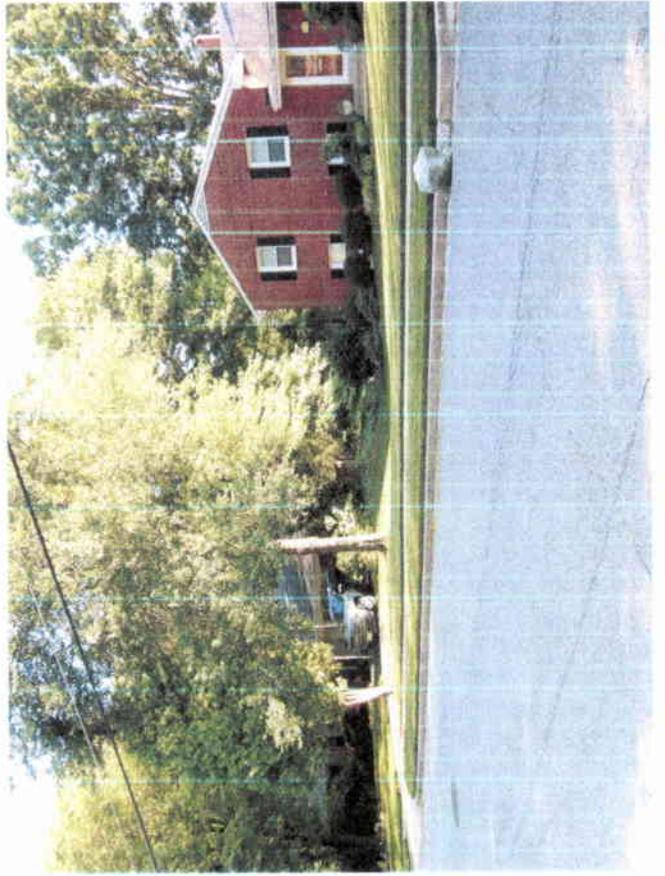


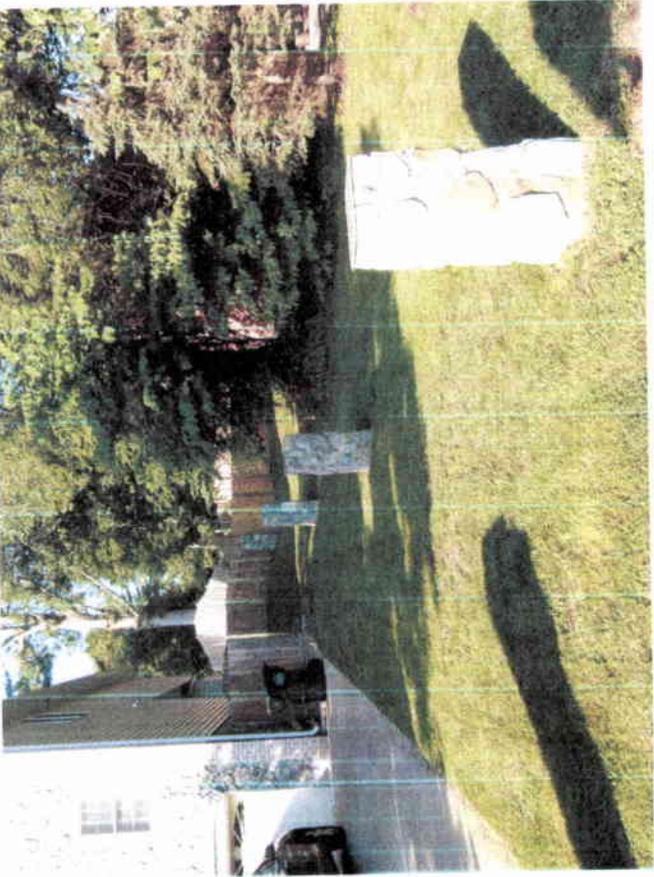
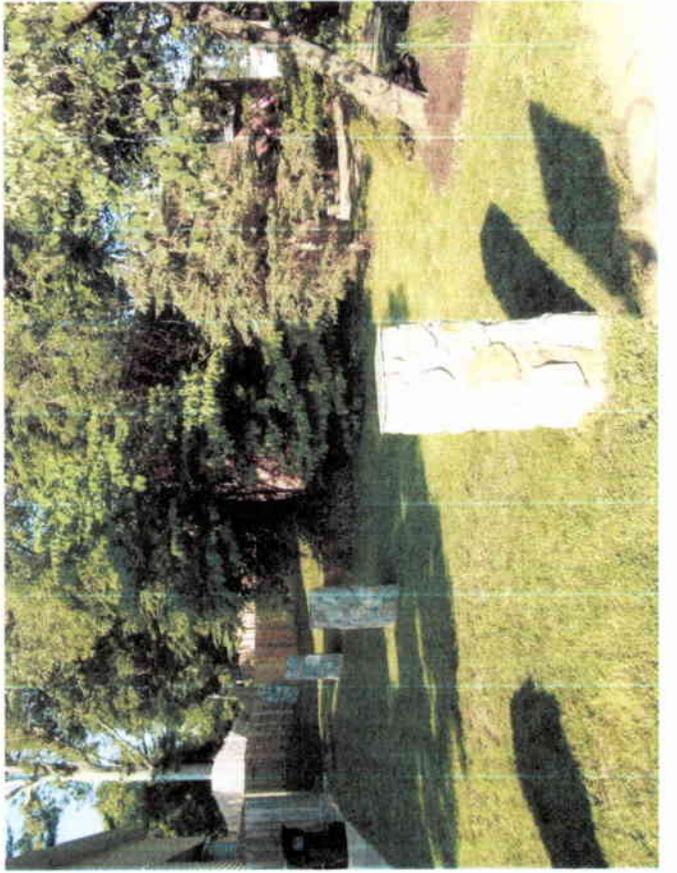
7938 Jansen Dr, Springfield.  
These additional photos are  
taken on 22 June 2014.



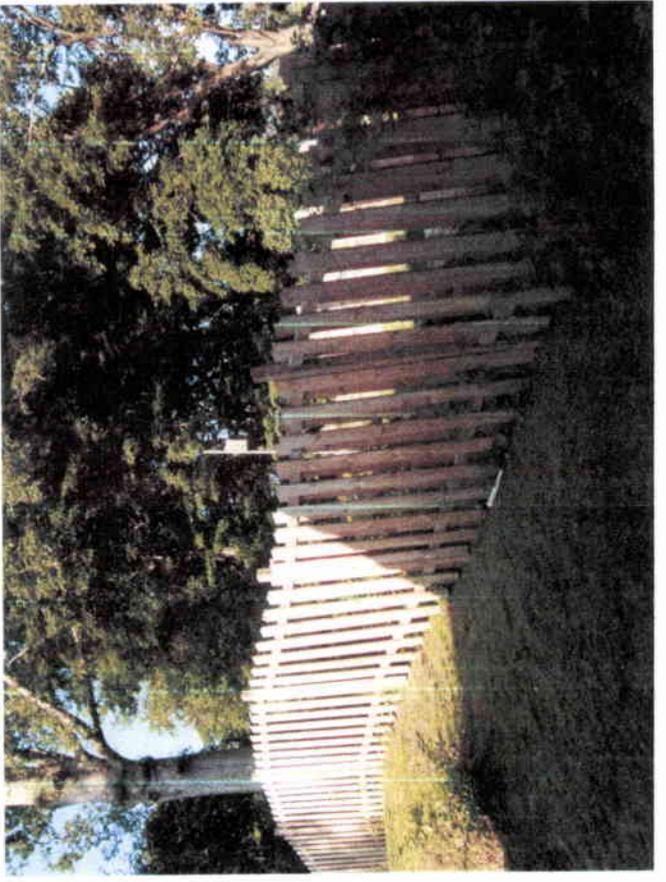
The red mark is 7938-Jansen. The photos were taken counter clockwise from my house.



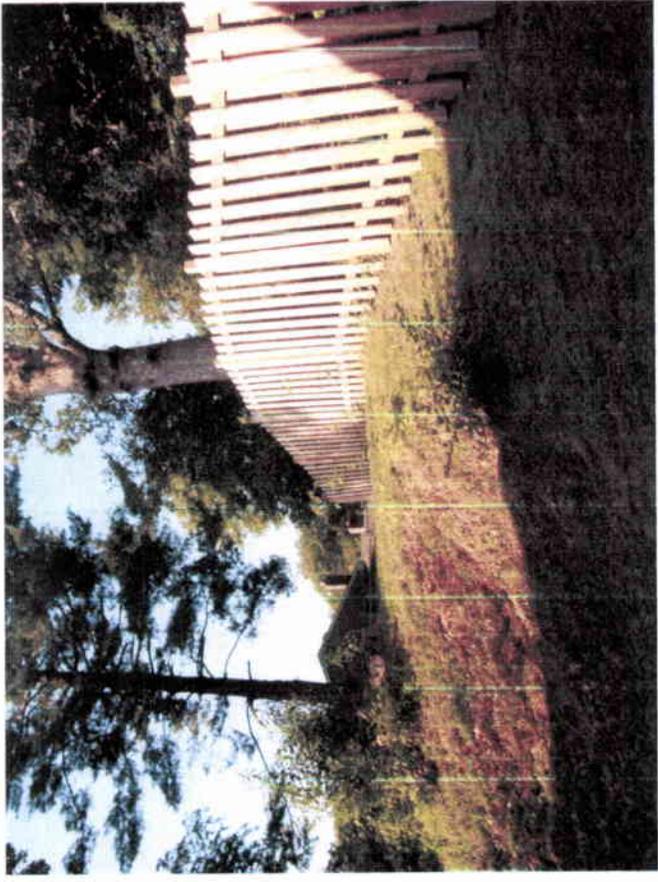




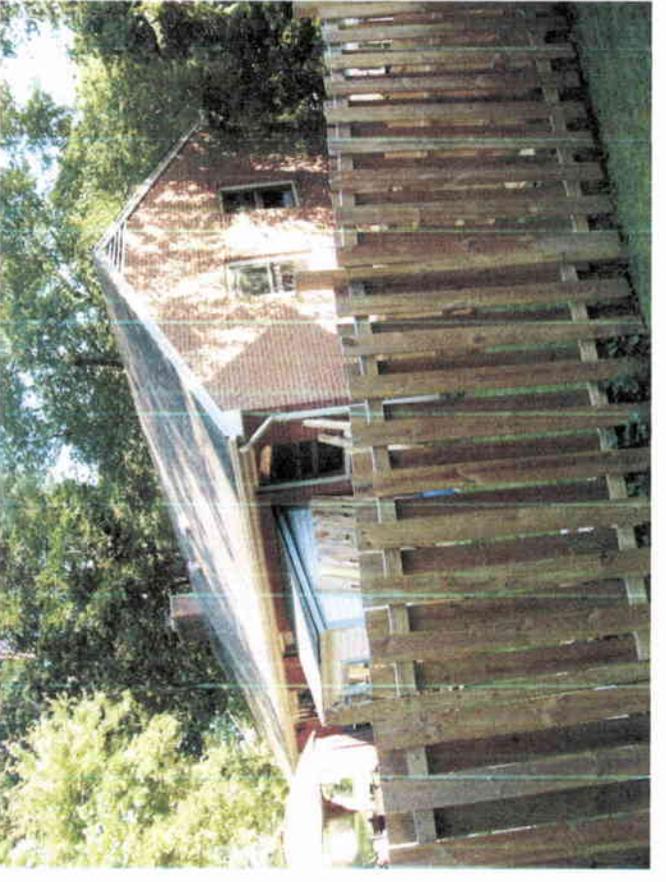
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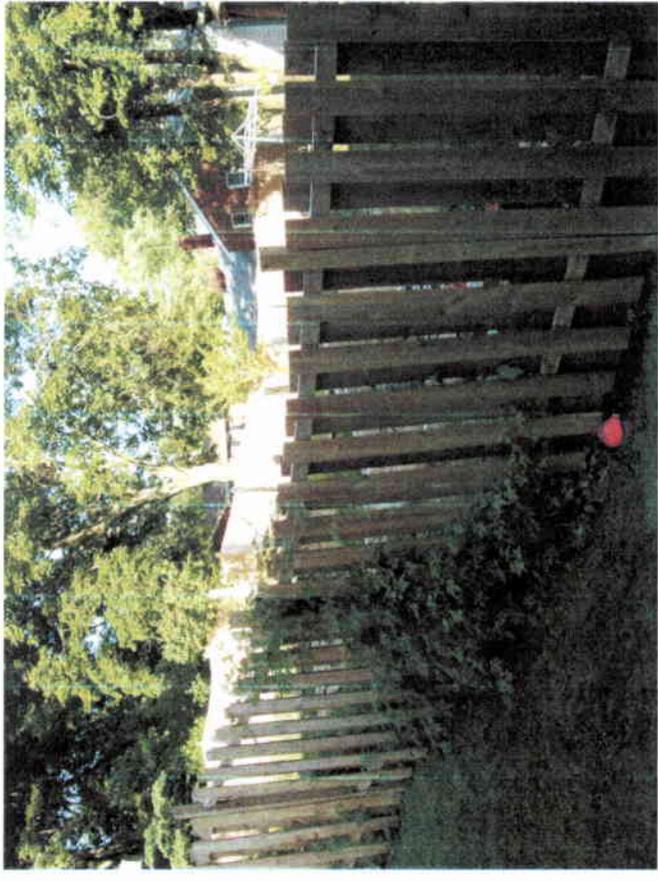
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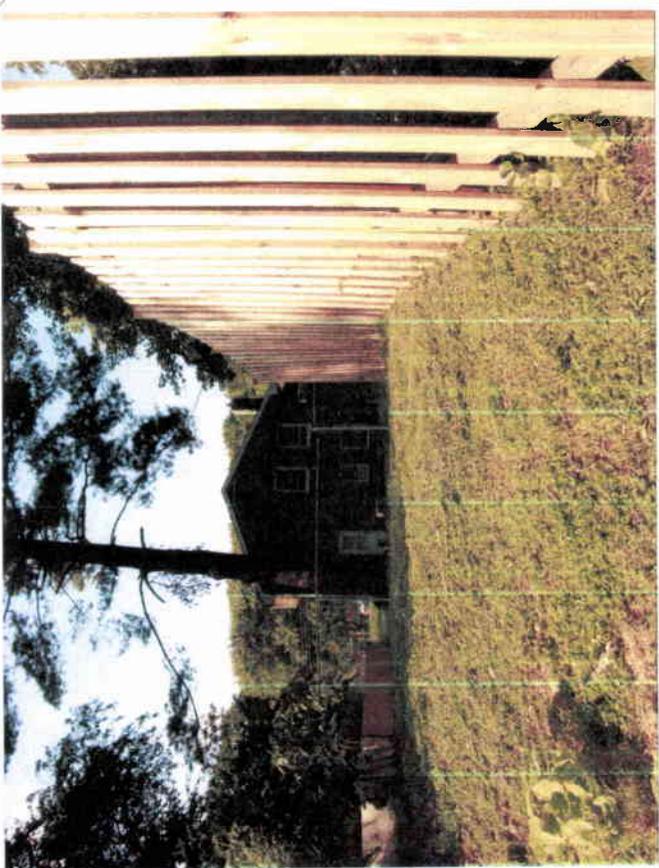
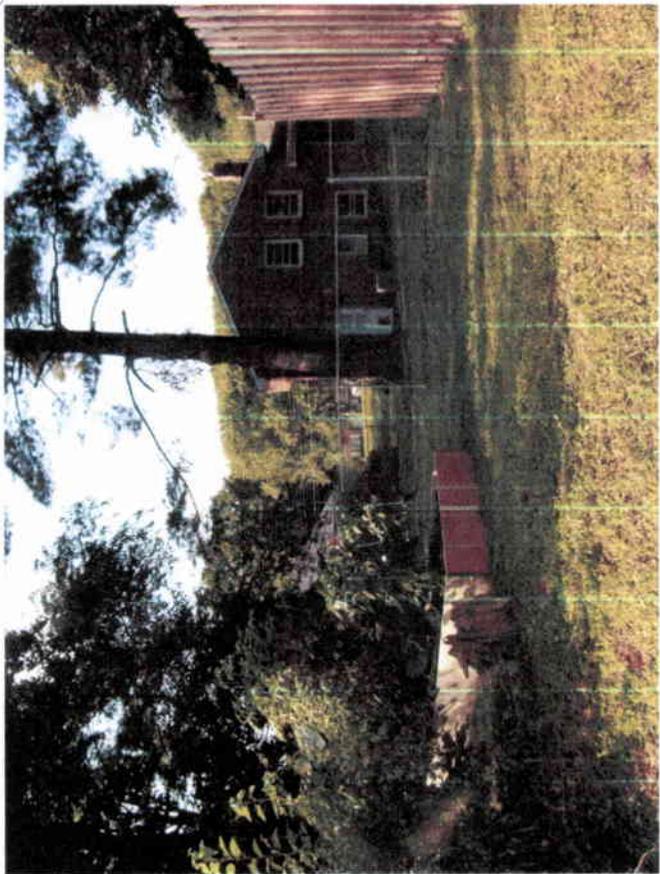


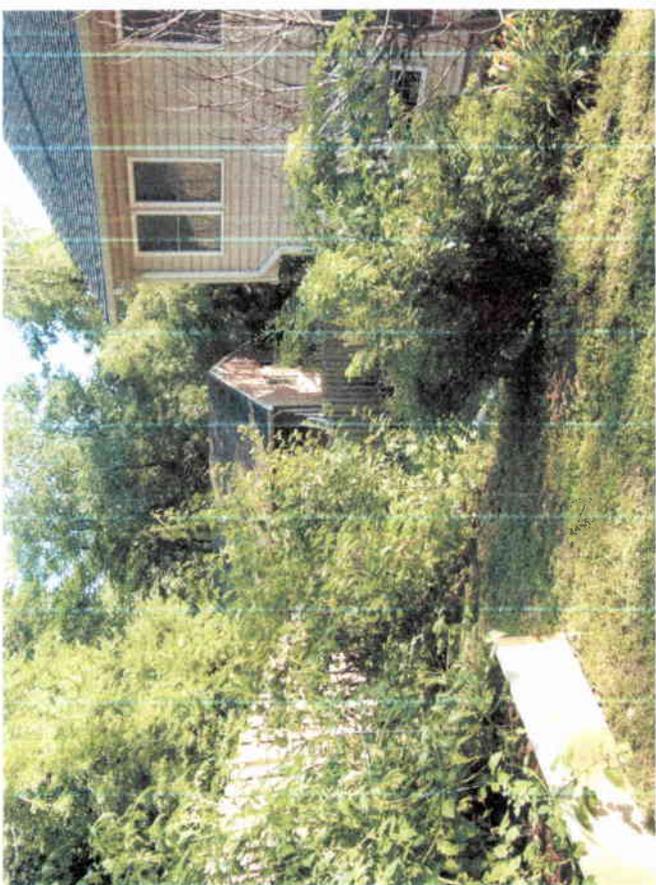
3



3







24





## **SPECIAL PERMIT REQUEST**

The applicant is seeking a special permit to allow an accessory dwelling unit, to permit a reduction to minimum yard requirement based on an error in building location to permit an accessory storage structure to remain 1.7 feet from side lot line and to permit a fence greater than 4 feet in height to remain in the front yard.

A copy of the special permit plat titled, "Special Permit Plat, Lot 18, Block 5, Section 2, West Springfield, " prepared by Patrick A. Eckert of Alterra Surveys, Inc., dated August 6, 2013, and as revised through April 19, 2014, is included in the front of the staff report.

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

## **CHARACTER OF THE SITE AND SURROUNDING AREA**

The 10, 747 square foot lot contains a two story single family dwelling with a basement. The property has a covered porch, associated steps and a concrete driveway to the southwest of the structure. A stone block wall, metal railing and steps are located to the northwest of the dwelling. A shed, patio and retaining wall are located to the northeast of the dwelling. A fence, ranging from 4.2 feet to 6 feet in height is located along the northwestern and southeastern property lines. A number of stone pillars ranging from 3.7 to 4.2 feet in height exist in the front yard and for this application are being considered a fence. The primary access to the accessory dwelling unit is located underneath the front porch on the lowest level. The property slopes from the northeastern property line to the southwestern property line. The property has a grass lawn and has mature trees in the northeast corner of the property.



The subject property is south of Old Keene Mill Road and west of Greeley Boulevard. As illustrated on the previous page, the subject property and surrounding parcels are zoned R-3 and developed with single family detached dwellings.

## **BACKGROUND**

Fairfax County Tax Records indicate that the single family dwelling was originally constructed in 1960 with a second floor addition constructed in 2007. The property was purchased by the applicant in February 2013.

A building permit was approved in April 1991 for the construction of a sunroom and bedroom addition to the northeast of the original dwelling. A copy of the building permits mentioned in this staff report are located in Appendix 4.

A building permit was approved in August 1996 for the construction of a second kitchen in the basement (Appendix 4).

A multi-work building permit was issued and approved on October 6, 2006. The permit was for the construction of a second story addition over the existing dwelling and interior renovations. The building permit also noted that no second kitchen would be constructed.

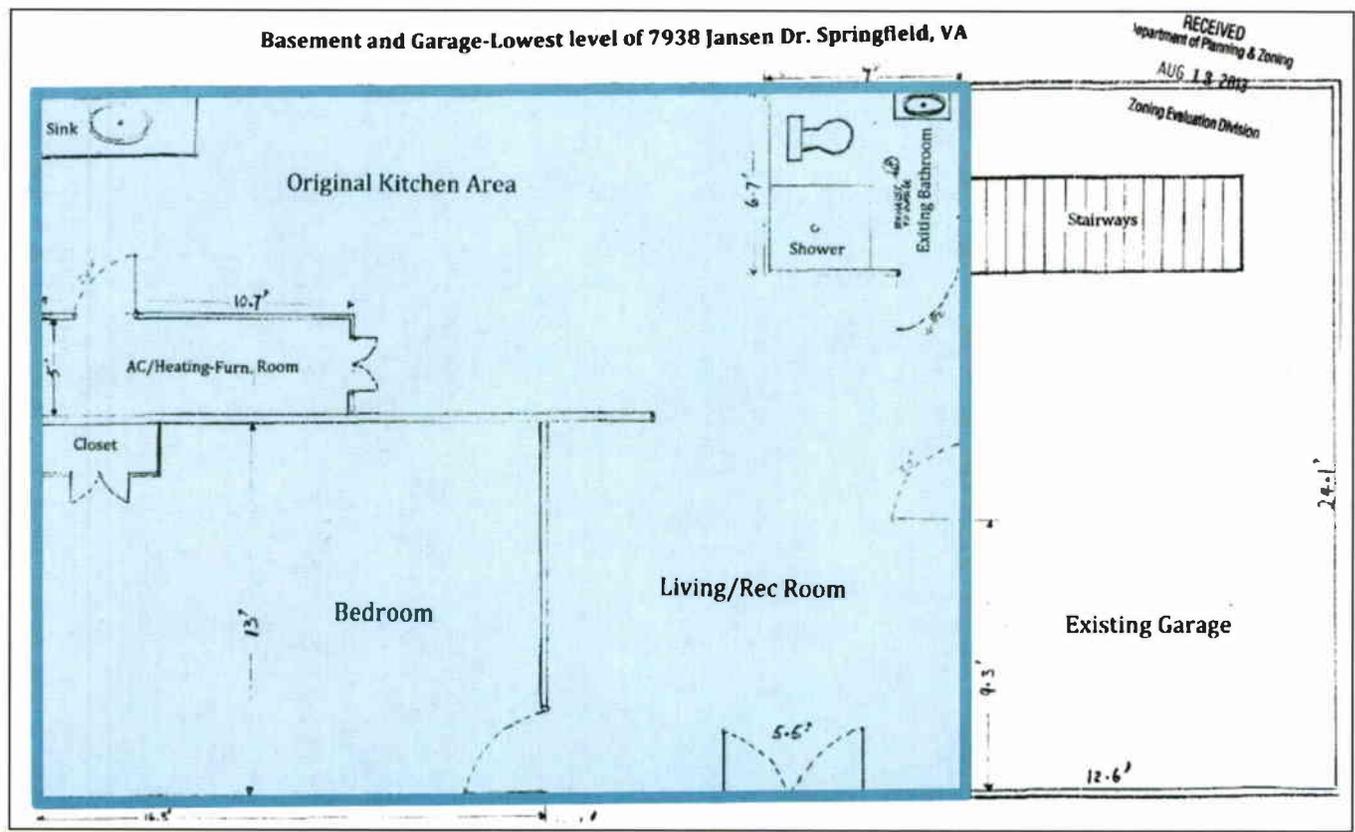
A number of complaints were issued on the property from 2007-2013. These complaints included issues relating to accessory fences in a front yard, trash, multiple dwellings, grass height, and an unsecured vacant dwelling. A copy of the complaint history is included in Appendix 5.

Only one outstanding complaint remains open and under investigation. A Notice of Violation (NOV) was issued by the Department of Code Compliance on May 3, 2013 for violations which include an accessory structure which did not meet location regulations and multiple dwellings on a property. A copy of the NOV is included in Appendix 6.

Records indicate that no other applications related to accessory dwelling units, fences or an error in building location for an accessory structure have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

## **DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit for an accessory dwelling unit within the basement of the existing single family dwelling. The proposed accessory dwelling unit would be 696 square feet in size and accounts for 15.4% of the total gross floor area of the structure (4,530 square feet). The accessory dwelling unit would contain one bedroom, one bathroom, a recreation room, and a kitchen as depicted on the following page. The garage is not considered a part of the accessory dwelling unit.



Two of the parents of the applicant, over the age of 55, would reside in the accessory dwelling unit (ADU). Stairs are located in the adjacent garage which provide access from the main level of the dwelling and a French door provides access to the front yard under the main porch of the dwelling. One parking space is available within an existing garage and approximately four cars can park in the concrete driveway, for a total of five parking spaces. The parents in the accessory dwelling unit will not have a car and the applicant will park their personal cars in the garage or driveway. Therefore, adequate parking exists in the current driveway for both the residents of the home and the proposed residents of the accessory dwelling unit.

The applicant is also requesting a modification of minimum side yard setbacks to allow an error in building location to permit an accessory structure to remain 1.7 feet from the northwestern side lot line. The existing shed is 10.8 feet in height and about 100 square feet in area.

Lastly, the applicant is requesting a special permit to allow an existing fence over 4.0 feet in height to remain in the front yard of the property. The fence consists of stone pillars dispersed along a portion of the northwestern property line, a portion of the southeastern property line and along the southwestern property line. The maximum height of the stone pillars in the front yard is 4.2 feet.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area IV, Springfield Planning District  
**Planning Sector:** Country Club Community Planning Sector (S-03)  
**Plan Map:** Residential, 2-3 dwelling units/acre (du/ac)

### **Zoning Ordinance Requirements**

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-3 Zoning District.

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards
- *Sect. 8-914* Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location
- *Sect. 8-918* Additional Standards for Accessory Dwelling Units
- *Sect. 8-923* Provisions for Increase in Fence and/or Wall Height in Any Front Yard

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 7. Subject to development conditions, the special permit must meet these standards.

## **CONCLUSION**

Staff believes that the request for the accessory dwelling unit is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATION**

Staff recommends approval of SP 2014-SP-134 for the accessory dwelling unit with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit History
5. Complaint History
6. Notice of Violation dated May 3, 2013
7. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-SP-134****September 10, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SP-134 located at Tax Map 89-2 ((4)) (5) 18 to permit an accessory dwelling unit, an accessory structure for an error in building location and a fence in a front yard, under Sect(s). 8-914, 8-918, 8-923 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the final inspection. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the height and location of the shed and fence as shown on the plat prepared by "Special Permit Plat, Lot 18, Block 5, Section 2, West Springfield," prepared by Patrick A. Eckert of Alterra Surveys, Inc., on August 6, 2013, and as revised through April 19, 2014, as submitted with this application and is not transferable to other land.
3. This approval is granted to the applicant only, Weiqing Gu, and is not transferable without further action of this Board, and is for the location indicated on the application, 7938 Jansen Drive, and is not transferable to other land.
4. A copy of this special permit **SHALL BE POSTED in a conspicuous place in the accessory dwelling unit** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 696 square feet (15.4 % of the total gross floor area), and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.

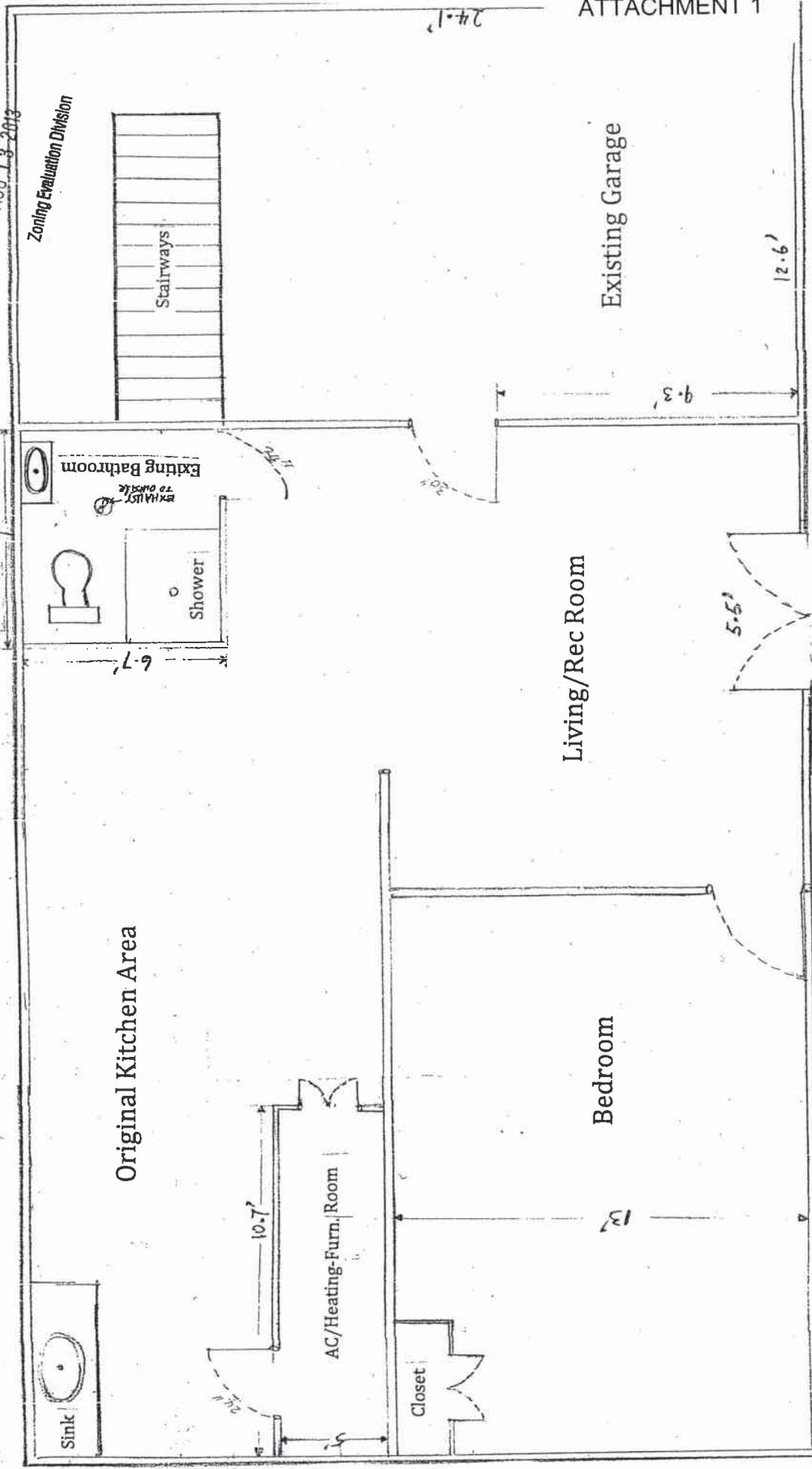
7. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
8. The accessory dwelling unit shall be approved for a period of five years from the final approval date of the special permit and may be extended for five year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
9. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
10. All parking shall be provided on site as shown on the special permit plat.
11. A point of egress, which meets emergency escape and rescue openings requirements of the 2009 Virginia Residential Building Code, shall be installed in the sleeping room, as labeled as being "Bedroom" on the floor plan in Attachment 1. This egress shall be installed within 90 days of the approval of the special permit and before the accessory dwelling unit is occupied.

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

RECEIVED  
Department of Planning & Zoning  
AUG 13 2013

Basement and Garage-Lowest level of 7938 Jansen Dr. Springfield, VA



Application No.(s): SP 2014-SP-134  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/22/13  
 (enter date affidavit is notarized)

I, Weiqing Gu, 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:

122154

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 <b>BOLD</b> above)
Weiqing Gu	12427 Popes Head Road Clifton, VA 20124	Applicant/Title Owner
Shenjun Jiang	(same)	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-SP-134

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

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

8/22/13

(enter date affidavit is notarized)

122154

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

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

**CORPORATION INFORMATION**

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

N/A

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

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

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

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

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

Application No.(s):

SP 2014-SP-134  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/22/13  
(enter date affidavit is notarized)

122154

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)

(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): SF 2014-SP-134  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/22/13  
(enter date affidavit is notarized)

122154

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-SP-134

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

8/22/13

(enter date affidavit is notarized)

122154

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)

[x] Applicant

[ ] Applicant's Authorized Agent

Weiqing Gu

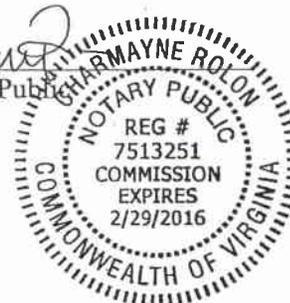
(type or print first name, middle initial, last name, and title of signee)

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

My commission expires:

2/29/16

Notary Public



**Statement of Justification** (June 24, 2014) -Regarding Standards 8-914 and 8-923 error in building location for shed and fence greater than 4 feet in height in front and side yards

JUN 26 2014  
 Planning Evaluation Division

I, Weiqing Gu, owner of 7938 Jansen Drive Springfield, VA 22152, respectively request Fairfax County approval of a Group 9 Special Permit for an error in building location to allow an accessory storage structure (garden shed) to remain within minimum yard setbacks for Fairfax County, and fence great than 4 feet in height in front and side yard. The garden shed is in the rear yard area within the lot, which is approximately (10') in height, 99 square-footage in area, and is located 1.7 feet from the side lot line and 16.8 feet from the rear lot line.

I measured the fence sizes, the height of the front fence is about 4 feet, except there is a small piece which is not connect to the remaining fence, about 5 feet, used to prevent seeing the trashcans from the Jansen street; and the height of the side fence is about 6 feet. But some of the wood pillars of the fence are a few inches taller than the fence materials especially if a pillar is sanding on a lowest point of the terrain. (Please see attached photos). This side of the fence including heights and materials is consistent to that of the neighbor in our left-hand side. Please see attached photos. The stone pillars have been built with the property which have the exact same patterns of stones as the front and side of the house; the height of them are all less or equal to 4 feet.

The shed has been on the site for at least 7 years since the house was remodeled in 2006. Any noncompliance has been in good faith. The house was original built 1960. I was told that there was a shed had been on there since 1960, but it was remolded in 2006.

Sine this property is on a hill, the land height gradually increases from the Jansen street, to the driveway, to the back yard deck and to the land where the shed is located, and finally to the other properties behind of the subject property, so the large portion of rear wall of the shed was built underground, like a wall of a basement, the window of the shed on backside shed is in the same level of the land. The window is barely fit into the rear wall due to the high land behind of the shed. The properties behind of the subject property is rather far from the shed and is sitting on an even higher landscape, so they could hardly see the shed.

Relocating the shed elsewhere on the property would

- Make the currently concealed shed a visual encroachment and eyesore to the neighbors, which in turn would
- Be out of character with the neighborhood and as such would
- Be detrimental to property values of bordering properties by creating the very situation for which the code is intended t prevent, visibility to neighbors.

The shed is much smaller than most accessory structure. It only has about 99 sq. ft. Based on the current construction costs forcing compliance would be an unreasonable financially hardship and would be counterproductive and detrimental to the neighborhood.

The approval of this application;

1. Does not interfere with, abrogate or annual any easements, covenants of other agreement between parties, as they may apply to the property subject to the application.
2. Will not impair the purpose and intent of this Ordinance.
3. Will not create an unsafe condition to other properties or public streets
4. Will not be detrimental to the use and enjoyment of the other property in the immediate vicinity.

Enclosed documentation:

- Photo of shed

- Photos of property from various property points
- Special Permit Plat/Survey of the property

Sincerely,

A handwritten signature in black ink, appearing to read 'Weiqing Gu', written over the printed name.

Weiqing Gu

Owner

7938 Jansen Dr, Springfield, VA 22152

Weiqing Gu  
7938 Jansen Drive  
Springfield VA 22152

To: County of Fairfax

**SUBJECT: Statement of Justification-- Regarding Standards 8-918**  
Accessory dwelling unit for our elderly parents

RECEIVED  
Department of Planning & Zoning  
AUG 14  
Zoning Evaluation Division

As part of the application process for a Special Permit for an Accessory Dwelling Unit at the above noted property address, and in accordance with the Fairfax County Ordinance #8-918, we would like to address all 13 conditions/items as follows:

1. The property in the subject is a single-family detached dwelling unit. The existing accessory dwelling unit is the only accessory dwelling unit. We are requesting that you allow us to keep the accessory dwelling unit in the basement of our single home.
2. The accessory dwelling unit is in our basement and is located with our single family dwelling unit. There is an external entrance to this basement beside the garage.
3. The living area of the house is 4,768 sq. ft. (public record), plus an additional gross floor area of the garage at 312 sq. ft., which gives a Total Gross Area of the House at 5080 sq. ft. and 35% of 5080 is 1,778 sq. ft. The current exiting accessory dwelling unit in the basement only has area a little over 500 sq. ft, which would allow for placing for Gu's elderly parents.
4. Our accessory dwelling unit will only have one bedroom.
5. The occupancy of our accessory dwelling unit shall be as follows:
  - a. The main dwelling unit shall be occupied by Weiqing Gu and Shenjun Jiang (the owner's of the property) and their children.
  - b. The accessory dwelling unit will be occupied by Weiqing Gu's mother and father who is 73 and 74 years old respectively. Gu's mother has kneel problems which would be inconvenient for her to live upstairs. They are clearly related to the owner, Weiqing Gu, by blood.
6. N/A
7. Parking should not be a problem. The property has a garage, the driveway can easily accommodate 3 vehicles, and should we need to park additional vehicles there is ample curbside for parking. In fact, there would be no additional car to the house, since Weiqing Gu's parents do not drive and they always ride with the owners or take public transportations (which is available in the area).

8. Our accessory unit has existed since 1996 (the 2<sup>nd</sup> kitchen in basement was applied and approved in August 15, 1996 with the PERMIT # 96228B0380). Please see attached document. This accessory dwelling unit only affected the interior of our basement and allows Gu's parents to live comfortably and conveniently. This does not in anyway disrupt the predominant character of the neighborhood.
9. We will insure that all requirements are met.
10. We understand that if it will be approved, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions.
11. Weiqing Gu and Shenjun Jiang, as owners of this property will allow inspections of the property by County personnel during reasonable hours and prior notice.
12. Weiqing Gu and Shenjun Jiang, as owners of this property, understand that Special Permit for accessory dwelling units are approved for a period not to exceed five (5) year periods in accordance with Fairfax ZBA.
13. N/A.

Sincerely,

A handwritten signature in cursive script that reads "Weiqing Gu". The signature is written in black ink and is positioned above the printed name.

Weiqing Gu

Owner

7938 Jansen Dr, Springfield, VA 22152

**Statement of No Known Hazards (June24, 2014)**

I, Weiqing Gu, owner of 7938 Jansen Drive Springfield, VA 22152, state that, in my best knowledge, that there are no known current or proposed non permitted hazardous or toxic substances generated, utilized, stored, treated, and/or disposed of on this site. My statement is also concurred by the professional Alterra surveys, Inc. Please see attached special permit plat.

Sincerely,



Weiqing Gu

Owner

7938 Jansen Dr, Springfield, VA 22152

RECEIVED  
Department of Planning & Zoning  
JUN 26 2014  
Zoning Evaluation Division

**Note: No swing playset any more—It has been removed.**

The original swing play set on the lot of 7938 Jansen Drive Springfield, VA 22152 has been removed. Please compare the attached two plats made on 08-09-2013 and 04-29-2014. The one made on 08-09-2013 has the swing playset and the one made on 04-29-2014 without. Please also see attached photos.

Thanks!

  
Sincerely,

**Wei Qing Gu**  
Owner  
7938 Jansen Dr, Springfield, VA 22152

RECEIVED  
Department of Planning & Zoning  
JUN 26 2014  
Zoning Evaluation Division

**BUILDING PERMIT APPLICATION**

APPLICATION NO

14-122199  
 Date

**JOB LOCATION**

Street 11111 JAMES AVE  
 Building \_\_\_\_\_ Floor \_\_\_\_\_ Suite \_\_\_\_\_  
 Subdivision \_\_\_\_\_  
 Tenants Name \_\_\_\_\_

**DO NOT WRITE IN THIS SPACE**

Permit No. 9111230950  
 Map Reference 084-2-0405-C018-  
 Building Permit No. \_\_\_\_\_ Control No. \_\_\_\_\_  
 Std. \_\_\_\_\_ Mag. \_\_\_\_\_ Plan \_\_\_\_\_ Census \_\_\_\_\_

OWNER

Name 11111 JAMES AVE  
 Address (Mailing) 11111 JAMES AVE  
 City FAIRFAX State VA Zip 22033  
 Telephone 703-690-7174

CONTRACTOR

Company Name \_\_\_\_\_  
 Master 11111  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone \_\_\_\_\_ License No. \_\_\_\_\_  
 State Contractors License No. \_\_\_\_\_  
 County Business Account No. \_\_\_\_\_

For 11111 JAMES AVE, 5000 SQ. FT. 4 BED ROOM

Description \_\_\_\_\_  
 Model/Use \_\_\_\_\_  
 Sewage: Public  Community  Septic Tank  None   
 WATER: Public  Individual Well  None   
 N-New  D-Demolish  
 R-Alter or Repair  M-Move  
 A-Add To  O-Other

ROUTING		Date	Approved By:
Health Review			
Site Review		<u>4-22-91</u>	<u>MR</u>
Zoning Review		<u>4-20-91</u>	<u>ES</u>
Sanitation Review			
Building Review		<u>4-22-91</u>	<u>AKL</u>
Fire Review			

REMARKS:  
**BUILDING DESCRIPTION** QUANTITY  
 # Units \_\_\_\_\_  
 # Stories \_\_\_\_\_  
 # Rooms \_\_\_\_\_  
 # Bedrooms \_\_\_\_\_  
 # To be Added \_\_\_\_\_  
 # Baths \_\_\_\_\_  
 # Half Baths \_\_\_\_\_  
 # Kitchens \_\_\_\_\_  
 # Fireplaces \_\_\_\_\_  
 Basement \_\_\_\_\_  
 % Basements to Finish \_\_\_\_\_

Use Group of Building R4  
 Type of Construction SD  
 Building Area \_\_\_\_\_  
 Estimated Const. Cost \_\_\_\_\_  
**ZONING REVIEW**  
 Zoning Proffers Building \_\_\_\_\_  
 Zoning Class R-3  
 Zoning Case # \_\_\_\_\_  
**BUILDING CHARACTERISTICS**  
 Building Height 8  
 Exterior Walls \_\_\_\_\_  
 Interior Walls \_\_\_\_\_  
 Roofing Material \_\_\_\_\_  
 Flooring Material \_\_\_\_\_  
 Heating Fuel \_\_\_\_\_  
 Heating System \_\_\_\_\_  
**GRADING AND DRAINAGE REVIEW**  
 Soils \_\_\_\_\_  
 Historical \_\_\_\_\_  
 Plan # \_\_\_\_\_  
 Retaining Wall \_\_\_\_\_

BUILDING DIMENSIONS			
No. Stories	Width	Depth	Sq. Ft.
<u>1</u>	<u>111' x</u>	<u>250'</u>	<u>= 10700</u>
	x		
	x		
	x		

YARDS	Front	Front	Left Side	Right Side	Rear
	<u>NC</u>		<u>+ 17'</u>	<u>16'</u>	<u>+ 40'</u>

REMARKS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FOR COUNTY USE ONLY:

Date _____ By _____ Approved for Issuance of Building Permit	Fee <u>\$ 129.16</u> Filing Fee _____ Amount Due _____
---	--

The request for and use of personal information on this form is subject to the provisions of the Privacy Protection Act of 1976 and the Freedom of Information Act.

I hereby certify that I have authority of the owner to make this application; that the information is complete and correct, and that if a permit is issued the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations including private building restrictions, if any, which relate to the property. He/She and the company or organization named and represented herein is duly registered or exempt from registration in accord with the provisions of Chapter 7 of the Code of Virginia.

Signature of Owner or Agent \_\_\_\_\_ Date \_\_\_\_\_ Notary Signature \_\_\_\_\_ Date \_\_\_\_\_

VIRGINIA STATE GRID NORTH

24 A

25 A

APPROVED

4-22-91

*James W. Quinn*

Zoning Administrator

**LOT 18**

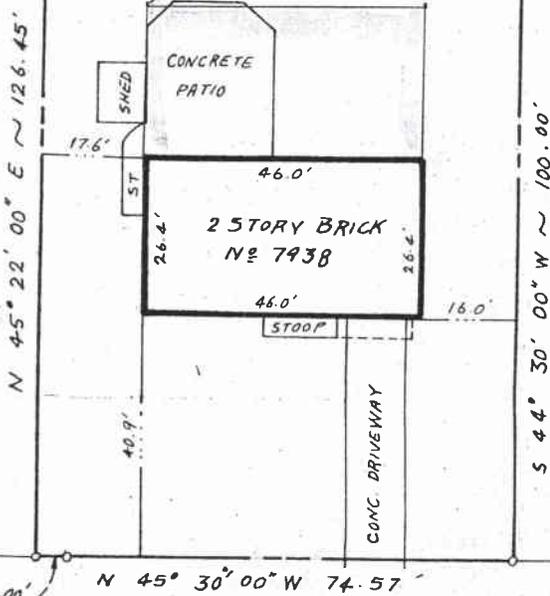
10,747 SF.

19A

APPROVED  
*John A. Kephart*  
DIVISION OF  
INSPECTION SERVICES

BY AR

Date 4-22-91



REQUIRED  
EXTERIOR AND INTERIOR PERIMETER FOUNDATION DRAINS  
CONNECTED THROUGH FOUNDATION/OUTLETED TO DAYLIGHT  
Gravity Flow Outlets  
Sump Pump  
SHOW DRAIN AND OUTLET DETAIL ON PLANS

date:

4-22-91

by:

*R. Reed*

R=400.00'  
A=6.05'

**JANSEN DRIVE**

50' R.O.W. RTE. 3309

OWNER(S): N/F THOMPSON

DEED REF.: 66-79-1985

PLAT REF.: 89-2-004-05-0018

USE LOCATION SURVEY

SPRINGFIELD DISTRICT  
FAIRFAX COUNTY, VIRGINIA

LOT <b>18</b>	BLOCK <b>5</b>	SECTION <b>2</b>	SUBDIVISION <b>WEST SPRINGFIELD</b>
------------------	-------------------	---------------------	--

SCALE: 1"=25'

DATE: JUNE 29, 1988

CHARLES HAZELWOOD,  
ATTORNEY  
THOMPSON TO SINGH

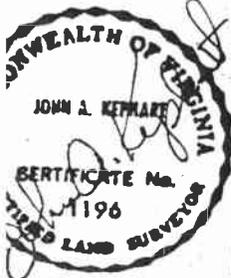
THIS PROPERTY LIES WITHIN  
A MINIMAL FLOOD HAZARD  
AREA BY FEMA/HUD  
ZONE: C PANEL: 23  
MAP # 515525C  
REVISED: MAY 14, 1976

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THE POSITION OF  
ALL THE EXISTING IMPROVEMENTS ON THE  
ABOVE DESCRIBED PROPERTY HAS BEEN CARE-  
FULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY  
AND THAT UNLESS OTHERWISE SHOWN, THERE  
ARE NO ENCROACHMENTS.

NO TITLE REPORT FURNISHED

NO PROPERTY CORNERS SET.



**KEPHART  
& COMPANY**

CIVIL ENGINEERING  
LAND SURVEYING  
LAND PLANNING  
(703) 548-5252  
548-4488

801 N. PITT ST., SUITE 117, ALEXANDRIA, VIRGINIA 22314



# BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT  
 PERMIT APPLICATION CENTER  
 12055 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-5504  
 Telephone: 703-222-0801  
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT #

62430264

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)  
 OR VISIT US ON THE WEB AT  
[http://www.fairfaxcounty.gov/isisnet/inspection\\_sched.asp](http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp)

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

## JOB LOCATION

ADDRESS 7938 JANSEN DR  
 LOT # 18 BUILDING SEC-2  
 FLOOR \_\_\_\_\_ SUITE BK-5  
 SUBDIVISION West Springfield  
 TENANT'S NAME \_\_\_\_\_  
 EMAIL \_\_\_\_\_  
 CONTACT ID \_\_\_\_\_

## OWNER INFORMATION

OWNER  TENANT

NAME JUAN CHICRIZA  
 ADDRESS 7938 JANSEN DR  
 CITY SPRINGFIELD STATE A ZIP 22152  
 TELEPHONE (703) 569 29-02  
 EMAIL \_\_\_\_\_  
 CONTACT ID GAME

## CONTRACTOR INFORMATION

SAME AS OWNER

CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_  
 EMAIL \_\_\_\_\_  
 STATE CONTRACTORS LICENSE # \_\_\_\_\_  
 COUNTY BPOL # \_\_\_\_\_  
 CONTACT ID \_\_\_\_\_

## APPLICANT

NAME JUAN CHICRIZA  
 ADDRESS 7938 JANSEN DR  
 CITY SPRINGFIELD STATE VA ZIP 22152  
 TELEPHONE \_\_\_\_\_  
 EMAIL \_\_\_\_\_  
 CONTACT ID \_\_\_\_\_

## DESCRIPTION OF WORK

ADD A 2ND FLOOR INTERIOR SFD.  
1000 sq ft. 2nd floor interior with  
colored kitchen  
2nd floor and kitchen

## HOUSE TYPE

SFD 9000

ESTIMATED COST OF CONSTRUCTION 9000

USE GROUP OF BUILDING \_\_\_\_\_

TYPE OF CONSTRUCTION \_\_\_\_\_

## DESIGNATED MECHANICS' LIEN AGENT

(Residential Construction Only)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

NONE DESIGNATED  PHONE \_\_\_\_\_

PLANNING	APPROVED	DATE
LICENSING		
ZONING		
SEC PERMITS		
HEALTH DEPT		
TECHNICAL REVIEW		
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFESSION		

FEE	
FILING FEE	
AMOUNT DUE	

BUILDING PLAN REVIEW	
REVISIONS	
REVISION FEES	
FIRE MARSHAL FEES	
FIXTURE UNITS	

APPROVED FOR ISSUANCE OF BUILDING PERMIT	
LOG BOOK	
BY	
DATE	

## ZONING REVIEW

USE SFD-69  
 ZONING DISTRICT R-3 HISTORICAL DISTRICT \_\_\_\_\_  
 ZONING CASE # \_\_\_\_\_  
 GROSS FLOOR AREA OF TENANT SPACE \_\_\_\_\_

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT <u>36'</u>	REMARKS	<u>2nd story addition over existing</u>		
L SIDE <u>17'</u>		<u>House, interior</u>		
R SIDE <u>16'</u>		<u>Renovations, see plat</u>		
REAR <u>35'</u>				

## REMARKS

attached  
no 2nd kitchen  
146x53 and 32" High  
INT AET 11140000

no included electrical  
PLB  
MCH

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

Signature of Owner or Agent \_\_\_\_\_ Date 9/31/06

Printed Name and Title JUAN CHICRIZA

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

## NOTARIZATION (if required)

State (or territory or district) of \_\_\_\_\_  
 County (or city) of \_\_\_\_\_, to wit: \_\_\_\_\_

Notary Public in the State and County aforesaid, do certify that \_\_\_\_\_

whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(Notary Signature) \_\_\_\_\_





Home Living Here Doing Business Visiting Departments & Agencies

Search Site:

Advanced Search

Complaints

homepage > fairfax inspections database online\_fido > community complaint inquiry

Submit a Complaint  
Complaint Search

Community Complaints for 7938 Jansen Dr , Springfield

Complaint Number	Description	Status	Opened	Closed	Disposition
19598	Accessory Fence In Front Yard	Closed	03/15/2007	03/19/2007	Unfounded (No Problem Found)
21209	Trash/Garbage	Closed	05/10/2007	06/12/2007	Compliance
54928	Multiple Dwelling	Closed	09/25/2009	11/04/2009	Compliance
→ 81289	Multiple Dwelling	Under Investigation	03/26/2012		
81953	Duplicate Call	Closed	04/16/2012	04/17/2012	Duplicate Case
82437	Grass Height In Excess 12 Inches On Property <= 1/2 Acre	Closed	04/27/2012	06/07/2012	Cut By Swm
83064	Vacant Dwellings Unsecured/Open To Entry	Closed	05/09/2012	05/02/2013	Compliance



Back

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### Community Complaint Result

<b>Complaint #</b>	81289
<b>Street Address</b>	7938 Jansen Dr
<b>Magisterial District</b>	Springfield
<b>Complaint Description</b>	Multiple Dwelling
<b>Agency</b>	Code Compliance
<b>Status</b>	Under Investigation
<b>Opened Date</b>	03/26/2012
<b>Closed Date</b>	
<b>Disposition</b>	
<b>Inspector Assigned</b>	Charles Fitzhugh, 703-324-1300
<b>Notice of Violation and/or Corrective Work Order</b>	Yes
<b>Litigation</b>	No



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# County of Fairfax, Virginia

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

## NOTICE OF VIOLATION Fairfax County Zoning Ordinance

**DATE OF ISSUANCE:** May 3, 2013

**METHOD OF SERVICE:** OFFICE OF THE SHERIFF

**LEGAL NOTICE ISSUED TO:** Jiang Shenjun  
Weiqing Gu

**ADDRESS:** 7938 Jansen Dr.  
Springfield, VA 22152

**LOCATION OF VIOLATION:** 7938 Jansen Dr.  
Springfield, Virginia 22152-2411

**TAX MAP REF:** 0892 04050018

**ZONING DISTRICT:** R- 3

**CASE #:** 201201691 **SR #:** 81289

### POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§2-302 (6)	\$ 200.00	\$ 500.00
	<b>TOTAL:</b>	<b>\$ 200.00</b>	<b>\$ 500.00</b>

Dear Responsible Party:

An inspection of the above referenced property on April 11, 2013 revealed the following violations of the Fairfax County Zoning Ordinance:

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

The presence of an accessory storage structure in the rear yard area which measured approximately ten feet (10') in height, is approximately 150 square feet in area and is located approximately two feet (2') and approximately two (2') respectively from the side and rear lot lines.

**Department of Code Compliance**  
12055 Government Center Parkway, Suite 1016  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 Fax 703-324-9346  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)

The Fairfax County Zoning Ordinance permits accessory storage structures to be located in minimum required yards; however, if the structure exceeds eight and one-half (8½) feet in height, it must be located on the lot so as to comply with Par. 10E of Sect. 10-104 of the Zoning Ordinance which states:

An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

The minimum required side yard distance in the R-3 District is ten feet (10') as detailed in Par. 2(B)2 of Sect. 3-307 of the Zoning Ordinance.

Therefore, as this accessory storage structure exceeds eight and one-half (8 ½) feet in height and is not located in accordance with the provisions of Par. 10E of Sect. 10-104 above, it is in violation of Par. 10E of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

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

- Removing the storage structure from the property in its entirety; or
- Reducing the height of the structure to eight and one-half (8 ½) feet or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the rear and side lot lines in accordance with Par. 10E of Sect. 10-104 of the Zoning Ordinance as outlined above.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory storage structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

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**§ 2-501 Limitation on the Number of Dwelling Units on a Lot:**

The inspection revealed that an unpermitted wet bar has been recently installed on the basement level, and that with the addition of the wet bar and with the current layout of the basement level rooms there are two complete and separate dwellings in this single family dwelling unit on the above-referenced property. Part 3 of Article 20 of the Zoning Ordinance defines a dwelling unit as:

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

Therefore, the presence of more than one dwelling unit on the above-referenced property is in violation of Sect. 2-501 of the Zoning Ordinance which states, in part:

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

You are hereby directed to clear this violation within thirty (30) days of the date of this notice. Compliance can be achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, the wet bar and all but one kitchen located in the dwelling and all plumbing, electrical, and gas connections and piping to the basement level wet bar; and
- Applying for and obtaining approval from the Fairfax County Building Official (12055 Government Center Parkway, Second Floor, Permit Application Center) for a valid demolition permit for the removal of all electrical circuits, plumbing fixtures and piping and natural gas piping systems which were installed to establish the wet bar in the dwelling unit at this property, and obtaining a passing final inspection of such demolition work; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit,

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Weiqing Gu  
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on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

As previously discussed, and as an alternative, you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an accessory dwelling unit to accommodate your aged parent(s) in the near future. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

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A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903(1).

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

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

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If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-1395. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:

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Signature

Charles P. Fitzhugh  
Code Compliance Investigator II

PERSONAL SERVICE \_\_\_\_\_  
 Being unable to make personal service a copy was delivered in the following manner:  
 Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.  
 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.  
\_\_\_\_\_  
\_\_\_\_\_  
 Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).  
 Served on a Secretary of the Commonwealth.  
 Not found.

\_\_\_\_\_  
SERVING OFFICER  
for \_\_\_\_\_  
DATE

PERSONAL SERVICE \_\_\_\_\_  
 Being unable to make personal service a copy was delivered in the following manner:  
 Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.  
 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.  
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 Not found.

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for \_\_\_\_\_  
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SERVING OFFICER  
for \_\_\_\_\_  
DATE

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 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.  
\_\_\_\_\_  
\_\_\_\_\_  
 Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).  
 Served on a Secretary of the Commonwealth.  
 Not found.

\_\_\_\_\_  
SERVING OFFICER  
for \_\_\_\_\_  
DATE

**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.

**8-918 Additional Standards for Accessory Dwelling Units**

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

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.
3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
  - A. One of the dwelling units shall be owner occupied.
  - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
    - (1) Any person fifty-five (55) years of age or over and/or
    - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security

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

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

- C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
  - (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
  - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
- 6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:
  - A. Uninterrupted access to one (1) entrance; and
  - B. Accessibility and usability of one (1) toilet room.

7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.
8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.
13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.

**8-923      *Provisions for Increase in Fence and/or Wall Height in Any Front Yard***

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3l of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. 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 or structure, to include existing or proposed fences and/or walls.
- 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 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. If applicable, existing 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.

8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.