



APPLICATION ACCEPTED: August 4, 2014
DATE OF PUBLIC HEARING: October 29, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 22, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-MA-166

MASON DISTRICT

APPLICANTS/OWNERS: Bao T. Nguyen
Ninh T. Nguyen

LOCATION: 3319 St. James Place, Falls Church, 22042

SUBDIVISION: Raymondale

TAX MAP: 60-1 ((16)) 39

LOT SIZE: 12,270 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 error in building location to permit roofed deck to remain 26.0 ft. from front lot line and dwelling to remain 27.3 ft. from other front 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.

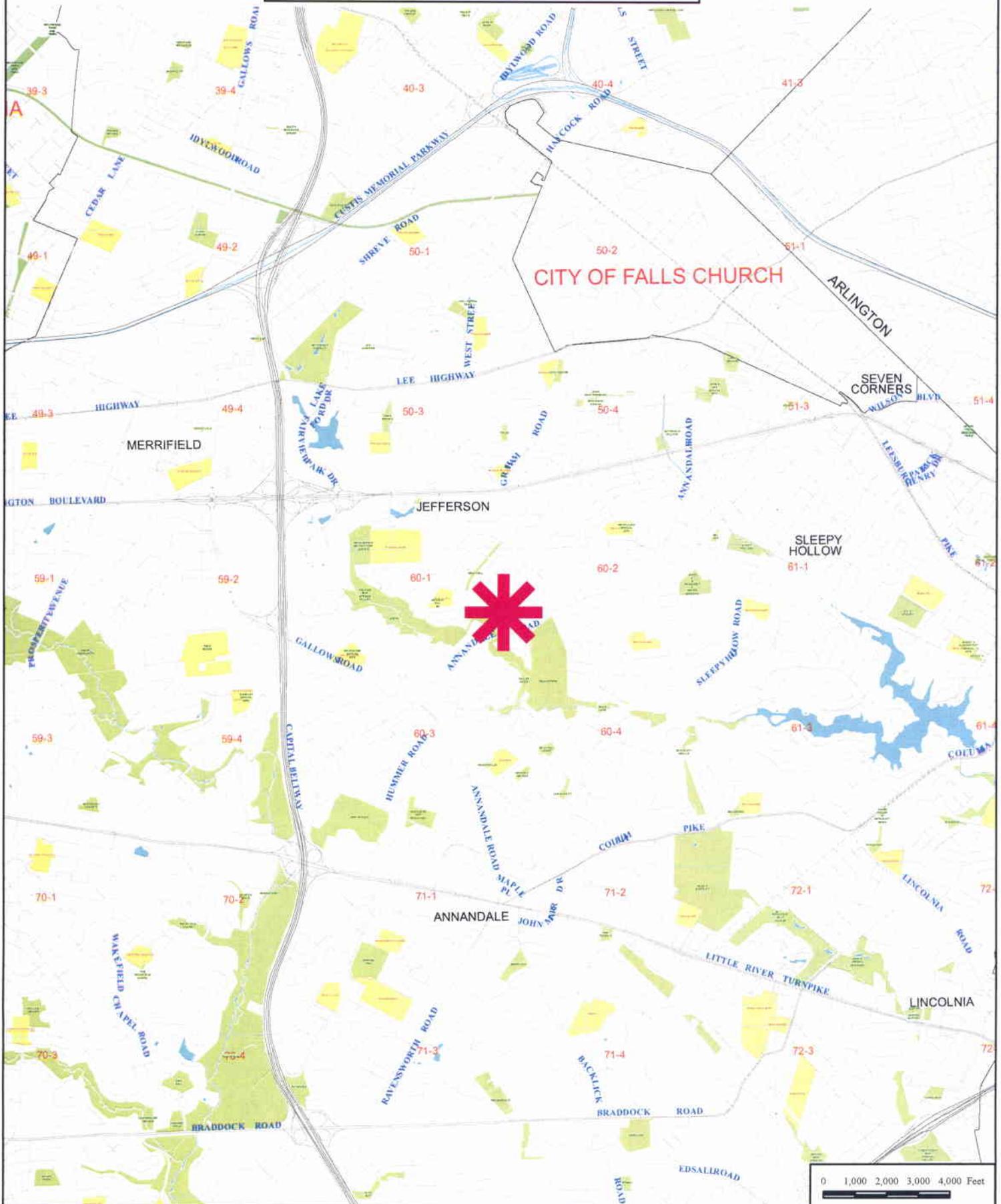
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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.**

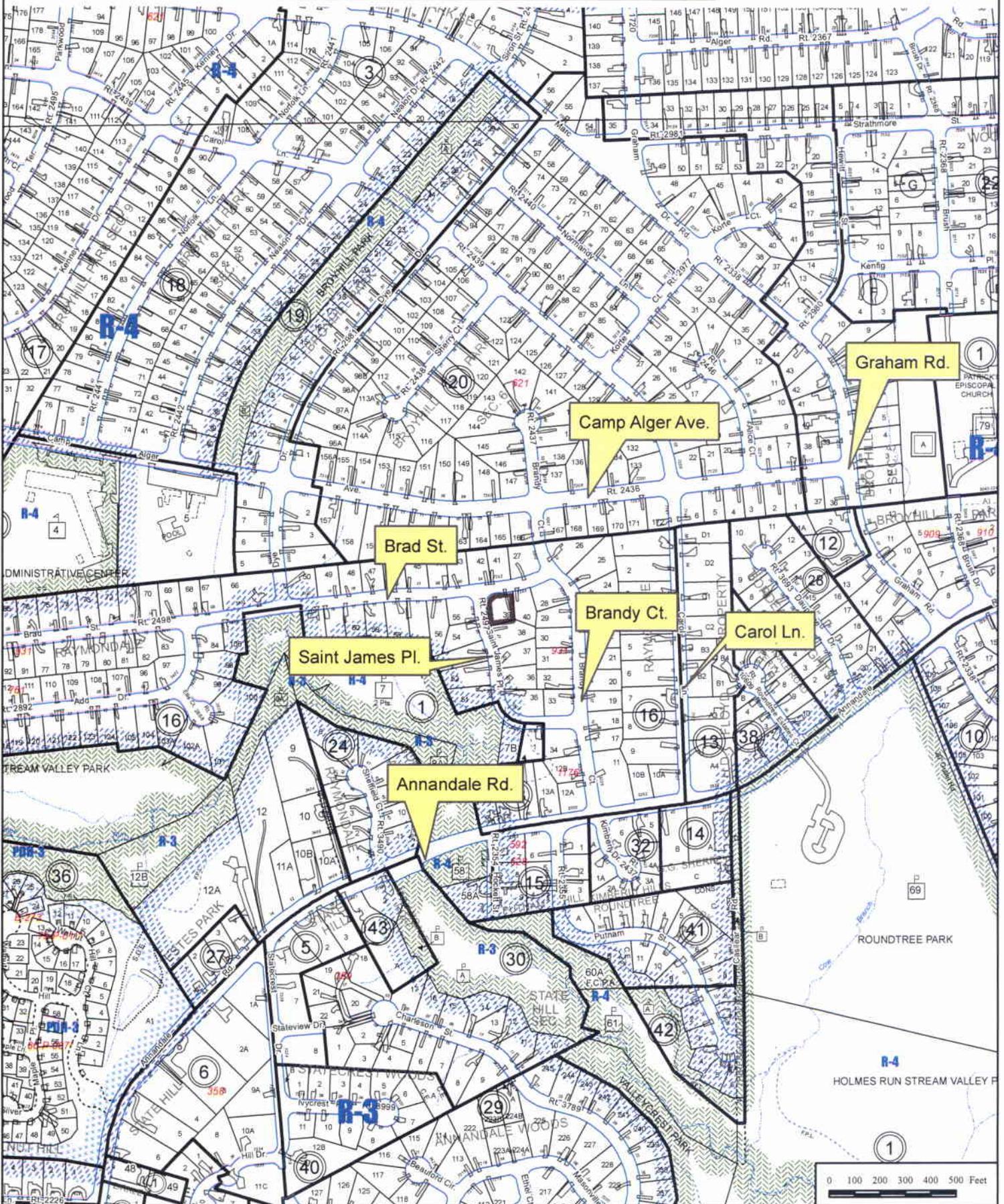


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2014-MA-166
BAO T. NGUYEN & NINH T. NGUYEN



Special Permit
SP 2014-MA-166
BAO T. NGUYEN & NINH T. NGUYEN

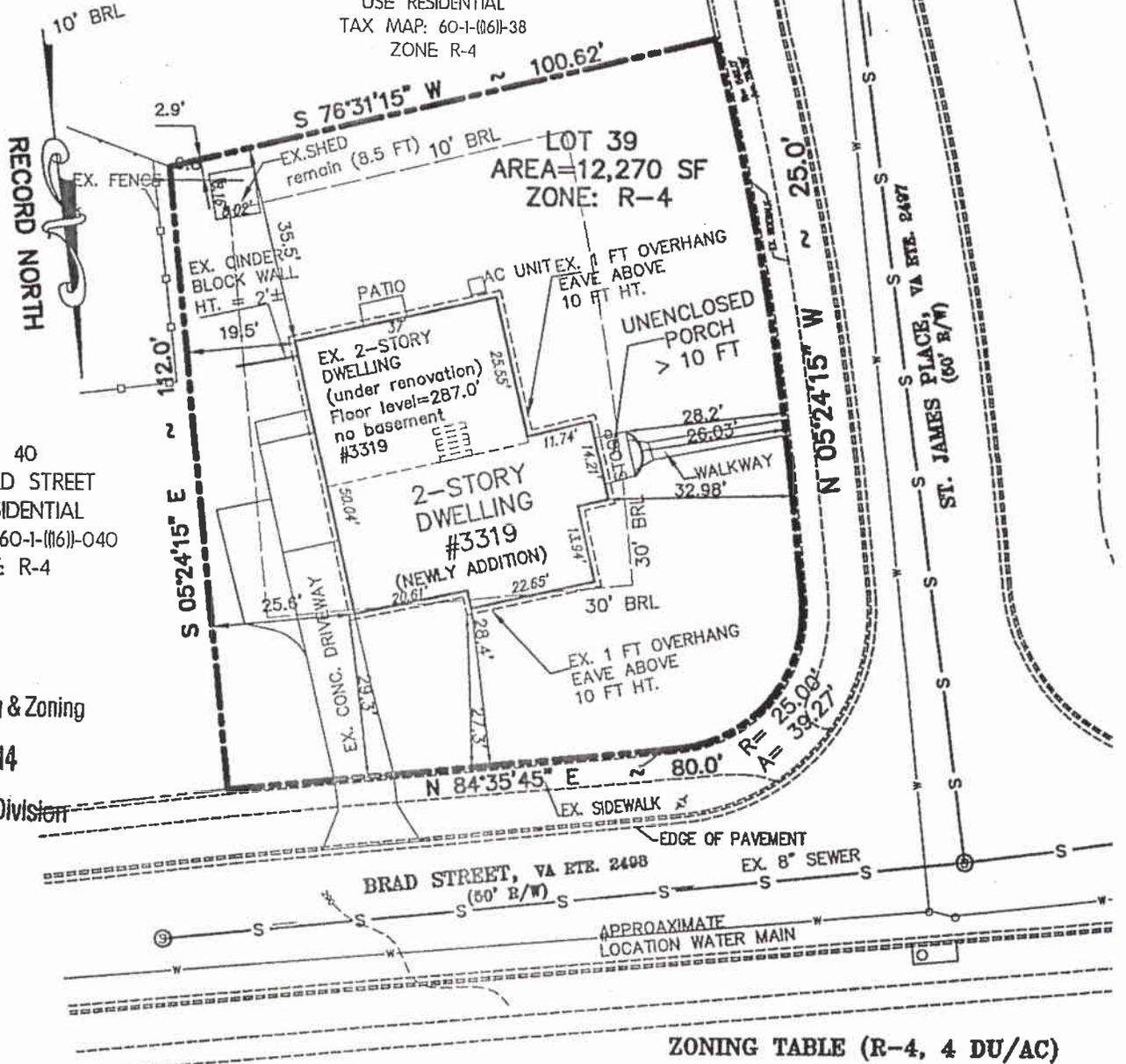


STOOP 46 SF
 DRIVEWAY 875 SF
 SHED/PATIO 97 SF
 WALKWAYS/STEPS 88 SF
 3,268 SF

FOOT PRINT OF THE HOUSE
 PRIOR TO NEW ADDITION
 =985 SF
 NEW ADDITION = 1,177 SF

OH = OVERHANG

LOT 38
 3321 SAINT JAMES PLACE
 USE RESIDENTIAL
 TAX MAP: 60-1-(16)-38
 ZONE R-4



LOT 40
 7303 BRAD STREET
 USE RESIDENTIAL
 TAX MAP: 60-1-(16)-040
 ZONE R-4

RECEIVED
 Department of Planning & Zoning
 AUG 01 2014
 Zoning Evaluation Division

NOTE: THE PROPOSED DEVELOPMENT CONFORMS TO PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS OR, IF ANY WAIVER, EXCEPTION OR VARIANCE IS SOUGHT BY THE APPLICANT SUCH SHALL BE SPECIFICALLY NOTED WITH JUSTIFICATION FOR SUCH MODIFICATION.

SETBACK TABLE
 (ZONE R-4, CORNER LOT)

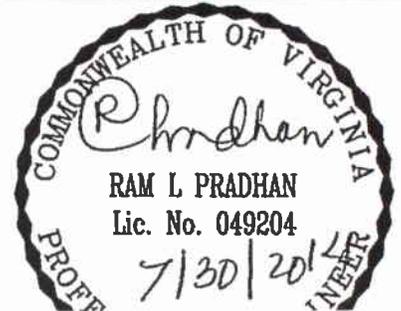
	REQUIRED	PROVIDED
FRONT	30' (MIN.)	28.4'
FRONT	30' (MIN.)	26.03'
SIDE/REAR	10' (MIN.)	23.1'

ZONING TABLE (R-4, 4 DU/AC)

DESCRIPTIONS	EXISTING
IMPERVIOUS AREA	26.63%
EX.GROSS FLOOR AREA	2,170 SF
FLOOR AREA RATIO (FAR)	0.177
BUILDING HEIGHT	28' ± (MAX)

NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. THE COUNTY RECORDED TAX MAP #:60-1-((16))-39.
3. THE BOUNDARY INFORMATION SHOWN HEREON IS FROM RECORD AND DOES NOT CONSTITUTE A BOUNDARY BY THIS INDIVIDUAL.
4. THE SURVEY PLAT IS A RESULT OF FIELD RUN SURVEY BY USING TOTAL STATION (EDM).
5. NO KNOWN GRAVE SITE OR BURIAL SITE EXIST ON THE LOT.
6. NO KNOWN HAZARDOUS AND TOXIC SUBSTANCES FOUND ON SITE.
7. THE PROPERTY IS SERVED BY PUBLIC WATER AND SANITARY SEWER SYSTEM.
8. NO UTILITY EASEMENT EXISTS ON SITE.















2111 W. ...



1111 W. ...



1111 W. ...



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10/10/13 10:00 AM



10/10/13 10:00 AM



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RECEIVED
Department of Planning & Zoning

AUG 01 2014

Zoning Evaluation Division

DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit to allow a modification of the minimum yard requirements based on an error in building location, to permit a roofed deck (unenclosed porch) to remain 26.0 ft. from a front lot line and the dwelling to remain 27.3 ft. from the other front lot line. In an R-4 zoning district, a front yard must be 30.0 feet; therefore, modifications of 4.0 ft. and 3.7 ft. feet are requested.

A copy of the special permit plat title, "Special Permit Plat, Lot 39, Sec 3, Raymondale," prepared by Ram L. Pradhan, P.E., of Inova Engineering Consultants, Inc., dated July 25, 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 12,270 square foot lot is developed with a two-story brick and vinyl single family detached dwelling, which is accessed via a concrete driveway from Brad Street. The main entrance is accessed from an unenclosed porch fronting St. James Place. In the rear of the dwelling, there is an existing patio, a shed measuring 8.5 ft. in height, and a cinderblock wall approximately 2.0 ft. in height. There is no fence enclosing the property, and there are mature trees in the front, side, and rear yards of the application property.

	Zoning	Use
North	R-4	Single Family Detached Dwelling
East	R-4	Single Family Detached Dwelling
South	R-4	Single Family Detached Dwelling
West	R-4	Single Family Detached Dwelling



Figure 1. Lot location

BACKGROUND

According to Fairfax County Tax Records, the property was purchased by the applicants in 1999, and the house was constructed in 2013. A copy of the building permit is included in Appendix 4.

On February 25, 2014, the applicants were issued a Notice of Violation for exceeding 2,500 square feet of disturbance during the construction of the dwelling without obtaining an approved grading/conservation plan. The land disturbance totaled approximately 4,136 square feet. The Notice of Violation is included as Appendix 5.

Since the adoption of the Zoning Ordinance, the Board of Zoning Appeals has heard one similar application on a surrounding property. The case is listed in Appendix 6.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit to allow a reduction in minimum yard requirements based on an error in building location to permit a roofed deck (unenclosed porch) to remain 26.0 ft. from a front lot line and the dwelling to remain 27.3 ft. from the other front lot line. According to the applicant, the errors in building locations were done by their contractor unknowingly and unintentionally. These mistakes were not discovered by the engineer until construction had been completed and the topography survey was being performed.

A minimum front yard of 30 ft. is required in an R-4 District; therefore, reductions of 4.0 ft. and 3.7 ft. are requested by the applicant.

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
Special Permit	Roofed Deck	Front	30.0 feet	26.0 feet	4.0 feet	13.3%
Special Permit	Dwelling	Front	30.0 feet	27.3 feet	3.7 feet	12.3%

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Jefferson Planning District
Planning Sector: Walnut Hill Community Planning Sector (J4)
Plan Map: Residential uses at 3-4 dwelling units/acre (du/ac)

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 6. 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. Building Permit History
5. Notice of Violation, Dated February 25, 2014
6. Similar Case History
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-MA-166****October 22, 2014**

1. This special permit is approved for the location of the addition as shown on the plat prepared titled, "Special Permit Plat, Lot 39, Sec 3, Raymondale," prepared by Ram L. Pradhan, P.E., of Inova Engineering Consultants, Inc., dated July 25, 2014.
2. All applicable permits and final inspections shall be obtained for the dwelling 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.

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

Application No.(s): SP 2014-MA-166
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08/14/2014 125881
 (enter date affidavit is notarized)

I, Bao T. Nguyen & Ninh T.T. Nguyen 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)
1 {	Bao T. Nguyen	7418 Add Dr.	Applicant/Owner
1 {	Ninh T. Nguyen	Falls Church, VA 22042	Applicant/Owner
2.	INDVA Engineering Consultants, Inc. Ram L. Pradhan	35209 Larks Terrace South Riding, VA 20152	Agent/Engineer

(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-MA-166
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08/14/2014
(enter date affidavit is notarized)

125881

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)

Inova Engineering Consultants, Inc.

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)

Ram L. Pradhan.

(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-MA-166

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

08/14/2014

(enter date affidavit is notarized)

125881

NONE

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-MA-166
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08/14/2014
(enter date affidavit is notarized)

125881

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-MA-166
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08/14/2014
(enter date affidavit is notarized)

125881

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

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

None

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

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

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

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

BAO T. NGUYEN
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 14 day of AUGUST, 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires: 10/31/2015

DIANA D VASQUEZ
Notary Public

DIANA D VASQUEZ
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES OCT. 31, 2015
COMMISSION # 7500770

June 06, 2014

Department Planning and Zoning
 Zoning Evaluation Department
 12055 Government Center Parkway
 Fairfax, Virginia 22035

RECEIVED
 Department of Planning & Zoning
 JUN 10 2014
 Zoning Evaluation Division

Re: Proposed Special Use Permit for Approval of reduction to minimum yard requirements based on error in building location under zoning Section 8-901(13).

Property Address: 3319 Saint James Place, Falls Church, Va 22042
Tax Map: 60-1-((16))-39
District: Mason

Written Statement for Proposed use:

A. Type of operation: Residential use

B. Estimate number of Patrons:

N/A

C. Estimate number of employees:

N/A

D. Estimate Traffic impact:

No impact on traffic volume.

E. Vicinity and General area to be served by the use

The property is located at residential area of Falls church.

The property is located at intersection of the St. James Place and Brad Street, Falls church, Virginia 22042. The property is under zoning district R-4 and contains 12,270 SF. The site was developed with 1-story single family dwelling. The two story addition in the front of the ex dwelling was done under building permit number #131310052. During recent field run survey for preparation for site grading plan for disturbing more than 2,500 sf, it is noticed that the front side of the addition has been encroach 0.7ft, 1.6' and stoop 1.8 ft to the front building restriction lines along Brad street and saint James Place. The error on building locations was done by contractor unknowingly and unintentionally. Thus a special use permit plan has been submitted under zoning

ordinance 8-901(13) for approval of reduction to minimum yard requirements based on error in building location. The proposed use will not adversely affect the use and development of the neighboring properties. I would like to request you for granting special use permit for approval of reduction to minimum yard requirements based on error in building location. If you have any questions please call me at 703-849-0012.

Sincerely,

Bao Nguyen,

A handwritten signature in black ink, appearing to read "Bao Nguyen", is written over the typed name.

Bao T. Nguyen & Ninh T. Tran
7418 Add Drive, Falls Church, VA 22042
Tel. 703 849 0012 bnarch_1@cox.net

Date: July 28th, 2014

To: County of Fairfax
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

**Re. Special Permit -Residential @ 3319 St. James Pl. -
Falls Church, VA 22042**

This statement is our confirm that: "**our property at 3319 ST. James Place was a single family home before and still a single family home after the addition & remodeling**".

The construction starts on Sept. 2013 by MBC construction Company who is recommended by Home Advisor on Virginia web site.

During the construction of the building, there are unexpected mistakes in building location until the discovery of the civil engineer when his performing topography survey :

- 1/ The set back of building on the North side = 28.4' instead of 30' as per design and zoning code R-4 requirement.
- 2/ The set back of the building open porch on the West side = 26.03' instead of 30'.
- 3/ Also during the construction the contractor couldn't control the disturbed area under 2,500 S.F. as per approved building permit.

We are owners of this property, as per our honor judgment:

- a/ These unknown errors, noncompliance were mistakenly, not intentionally; no fault of the property owners. it was done in a good faith.
- b/ These deductions won't impair the purpose and intent of the ordinance.
- c/ It will not be detrimental to the use & enjoyment of other properties.
- d/ It will not create an unsafe condition with respect to both other property and public street.
- e/ These reductions will not result in an increase in density or floor area ratio that permitted by the applicable zoning district regulation.

- 2/ Fill out an application for a Special Permit as required by Fairfax County Zoning Department.

Bao T. Nguyen

Ninh T. Tran Nguyen

Applicant Name

Co Applicant Name





Signature

Signature





Date

Date

Fairfax County Government
 12055 Government Center Parkway
 Fairfax, VA 22035

**Building Permit
 Zoning Review**

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

5/31/13 10:50:54AM

Bldg Permit #: **131510052** NEW SINGLE FAMILY DWELLING

Address: 3319 Saint James PI Falls Church VA 22042-0000
 Bldg: N/A Floor: Suite: N/A

Subdly: **Raymondale Lt 39 Sec 3** Sub Census: 506.06 Lot Size: 12,270.00
 Tax Map: 0601 16 0039
 Owner: Nguyen Bao T
 Phone Day: (703)849-0012 x Evening:

Contractor:
 OWNER IS CONTRACTOR
 (999) 999-9999

Type of Work: NEW SINGLE FAMILY DWELLING
Description of Work: new sfd

ZPRB Review:

Date		Status
5/31/13	ALANGH	Approved

Zoning Detail Review TAB

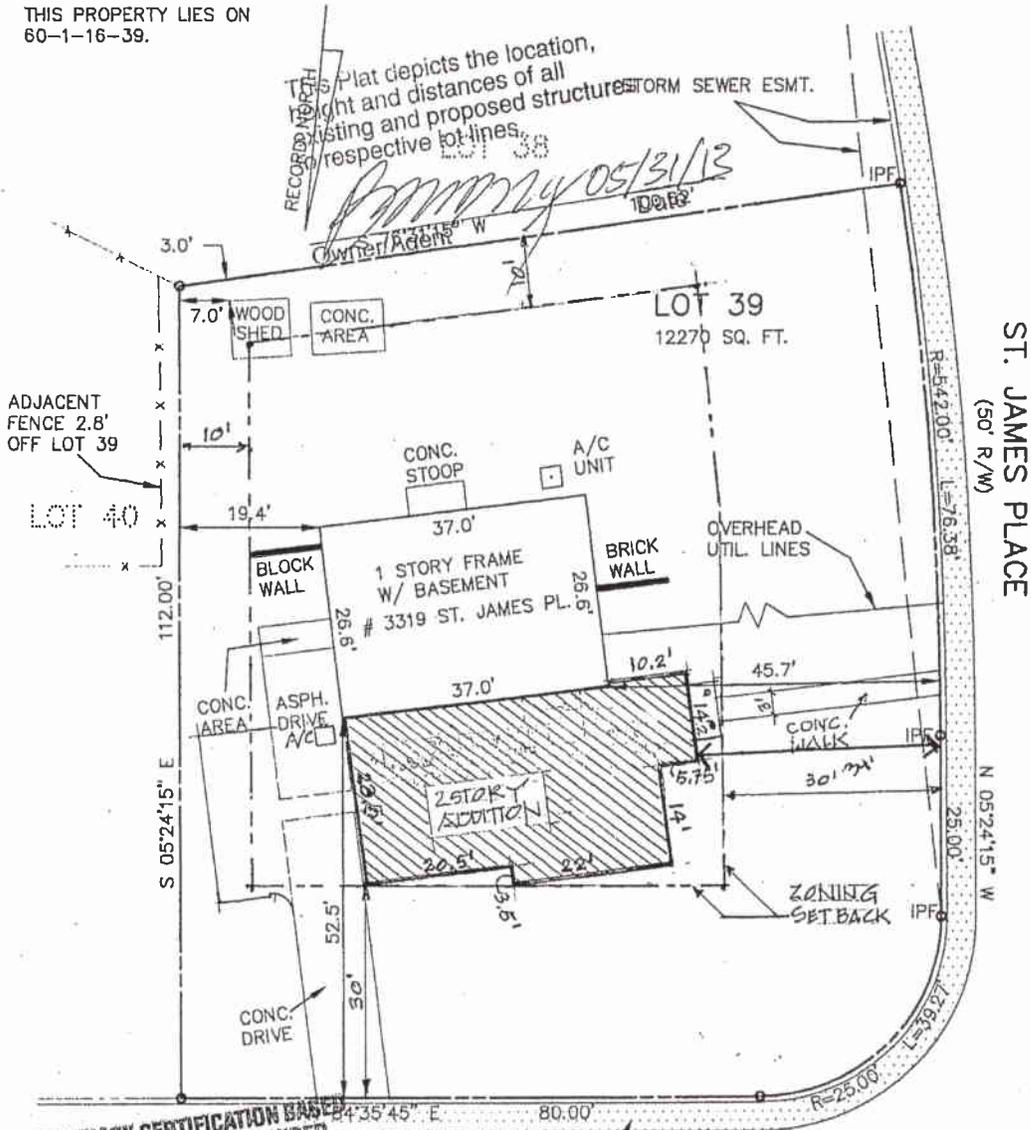
Zoning Dist	Cluster Subdly	Use	Height	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-4	N	SFD	20.40	N	N	N	N	Y

Yard/Setbacks:

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear
addition	34.00	30.00	0.00	0.00	0.00	0.00

DETAILS COMMENTS:
 build addition to add master bedroom, bedroom and bath per plan

TAX MAP NOTE:
THIS PROPERTY LIES ON
60-1-16-39.



Plat depicts the location,
height and distances of all
existing and proposed structures
respective lot lines.

RECORDED
05/31/13
Owner/Adem

ADJACENT
FENCE 2.8'
OFF LOT 39

LOT 40

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

BRAD STREET
(50' R/W)

CONC. SIDEWALK
0.8' OFF LOT

APPROVED
05/31/13
County Administrator
Adation



HOUSE LOCATION SURVEY
LOT 39 SECTION 3
RAYMONDALE
DEED BOOK 1335 PAGE 116
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
DATE: JULY 7, 1999 SCALE: 1" = 20'

LEGEND:
[] EXISTING
[] ADDITIONAL

GENERAL NOTE:
LOCATION OF ALL EXISTING IMPROVEMENTS ON THIS PROPERTY
HAS BEEN ESTABLISHED BY TRANSIT AND TAPE SURVEY AND
UNLESS OTHERWISE NOTED THERE ARE NO ENCROACHMENTS
EITHER WAY. THIS SURVEY HAS BEEN PREPARED WITHOUT A
TITLE REPORT. NO CORNER MONUMENTATION HAS BEEN SET
UNLESS REQUESTED. IPF DENOTES IRON PIPE FOUND.

FLOOD NOTE:
THIS PROPERTY LIES IN FLOOD ZONE X, AN AREA
OUTSIDE THE 500 YEAR FLOODPLAIN, AS SHOWN
ON THE FLOOD INSURANCE RATE MAP COMMUNITY
PANEL NUMBER 515525 0087 D DATED MARCH 5,
1990.

STEPHEN L. MOORE LAND SURVEYOR
15315 COLORADO AVENUE WOODBRIDGE, VA. 22191
(703) 492-8725 FAX: (703) 492-9725

OWNER: GILLESPIE
BUYER: NGUYEN
CLIENT#99004166 WORK#99159

MAP REFERENCE

PLAT NUMBER	SUBD. No.	BLK. OF SEC.	PARCEL OR LOT
6001	16	39	

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE BUILDING INSPECTOR
Application for Building Permit

CENSUS TRACT NO. 26B
DATE 10-27-1961
PERMIT NO. 725796

To: BUILD Alter or Repair Add to Demolish Move

LOCATION
 DIRECTIONS
 Route _____
 Street 1910 St. James PL.
 Lot No. 39 Block 3 Section _____
 Subdivision Raymondville

OWNER
 Name C. King Finley
 Address 1910 St. James PL.
 City Falls CH. Va. JF2-7357
 Tel. No. _____

ARCHITECT/ENGINEER
 Name _____
 Address _____
 City _____ State Reg. No. _____

CONTRACTOR
 Name C. W. Bradshaw Inc
 Address 1515 N. Quincey St.
 City ARL. Va. JAS 6061
 State Reg. No. _____

DESCRIPTION

For: Residential Institutional
 Commercial Industrial

No. of Bldgs. _____ Type Retaining Wall
 No. of Units _____ Est. Const. Cost \$ 2500
 No. of Kitchens _____ No. of Stories _____
 No. of Baths _____ Ht. of Building _____ Ft.
 No. of Rooms _____ Total Area _____
 (Exclude Kit. & Bath)

Basement Slab Crawl FILL Soilsolid

Footings Size _____ Depth from Finish Grade _____ Ft.

Material of Exterior Walls _____
 Basement _____ 1st Floor _____
 2nd Floor _____ Other _____

Material of Interior Walls _____

HEAT: Gas Oil Hot Air Hot Water
 Boiler Air Conditioner Sprinkler

ROOF: Flat Pitch Shed

SEWAGE: Public Community Septic Tank Pit Privy None
 WATER: Public Individual Well None

Remarks:

7' x 10 1/2" x 8" cinder block wall.

AUTHORIZATION

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

JAS 6061 Phone No. _____ Date Oct. 27-1961 Signature of Owner or Auth. Agent _____

PLAN APPROVAL

Use Group of Building res Area of Bldg. _____ @ _____ per Sq. Ft. \$ _____
 Type of Construction ret Area of Bldg. _____ @ _____ per Sq. Ft. \$ _____
 Fire District _____ Total Each Bldg. \$ _____
 Date Checked 10-27-1961 By _____ TOTAL FEE \$300
 Approved by Building Inspector _____

ROUTING

OFFICE	Rm. No.	DATE	APPROVAL	REMARKS
Land Office	112	10/27/61	E. P. H.	
Zoning Administrator	210	10-27-61	lpt	
Health Officer	Rt. 237			Health and Welfare Bldg. on Rt. 237
Sanitary Engineer	Bsmt			
Finance Office	120			
Building Inspector	203			Return to secure Bldg. Permit

CERTIFICATION

Supervisor of Assessments

Property is listed in name of Clyde King Finley
 Magisterial District Falls Church #1 Deed Book Reference 1499-512
 Authorization: Julius W. Ferguson, H.

ZONING

Subdivision Raymondville Lot No. 39 Block _____ Section 3 Zone D-10
 No. Acres or Sq. Ft. _____
 Street Address _____
 LOT SIZE: Front _____ Right Side _____ Left Side _____ Rear _____
 Use of Bldg. Retaining Wall Use after Alteration 5 ft high side No. Families 1
 Set Back: Front 5-3 Rt. Side 4-6 Left Side 1-9 Rear 3-6-1 Authorization lpt

COUNTY OF FAIRFAX, VIRGINIA

OFFICE OF THE BUILDING INSPECTOR

Application for Building Permit

MAP REFERENCE			
PLAT NUMBER	Subd. Dist.	Blk. or Sec.	PARCEL OR LOT
6011	16		291

CENSUS TRACT NO.	26B
DATE	10-10-61
PERMIT NO.	P-8508

To: BUILD Alter or Repair Add to Demolish Move

JOB LOCATION	DIRECTIONS		DESCRIPTION	
	Route	A9483	For: Residential <input checked="" type="checkbox"/>	Institutional <input type="checkbox"/>
OWNER	Street	1910 St. James Pl.	Commercial <input type="checkbox"/>	Industrial <input type="checkbox"/>
	Lot No.	39	No. of Bldgs.	1
ARCHITECT ENGINEER	Subdivision	Raymondale	No. of Units	
	Name	C. King Finley	No. of Kitchens	
CONTRACTOR	Address	1910 St. James Pl.	No. of Baths	
	City	Falls Ch. Va. 22041	No. of Rooms	
			Type <i>fall out shelter</i>	
			Est. Const. Cost \$ <i>1600</i>	
			Ht. of Building <i>8</i> Ft.	
			Total Area <i>64 sq. ft.</i>	
			Basement <input type="checkbox"/> Slab <input type="checkbox"/> Crawl <input type="checkbox"/>	
			Footing Size _____ Depth from Finish Grade _____ Ft.	
			Material of Exterior Walls <i>concrete block</i>	
			Basement _____ 1st Floor _____	
			2nd Floor _____ Other _____	
			Material of Interior Walls _____	
			HEAT: Gas <input type="checkbox"/> Oil <input type="checkbox"/> Hot Air <input type="checkbox"/> Hot Water <input type="checkbox"/>	
			Boiler <input type="checkbox"/> Air Conditioner <input type="checkbox"/> Sprinkler <input type="checkbox"/>	
			ROOF: Flat <input type="checkbox"/> Pitch <input type="checkbox"/> Shed <input type="checkbox"/> <i>con. slab</i>	
			SEWAGE: Public <input type="checkbox"/> Community <input type="checkbox"/> Septic Tank <input type="checkbox"/> Pit Privy <input type="checkbox"/> None <input type="checkbox"/>	
			WATER: Public <input type="checkbox"/> Individual Well <input type="checkbox"/> None <input type="checkbox"/>	
Remarks:				

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

JA 56061 10 Oct 1961
 Phone No. _____ Date _____
 Signature of Owner or Auth. Agent *James D. George*

PLAN APPROVAL

Use Group of Building *III* Area of Bldg. _____ @ _____ per Sq. Ft. \$ _____

Type of Construction *H-B* Area of Bldg. _____ @ _____ per Sq. Ft. \$ _____

Fire District _____ Total Each Bldg. \$ _____

Date Checked *10-10-1961* By *DMW* TOTAL FEE \$ *3.00*

Approved by Building Inspector *Dwight G. Gray*

ROUTING	OFFICE	Rm. No.	DATE	APPROVAL	REMARKS
<input checked="" type="checkbox"/>	Land Office	112	10-10-61	MH	
<input checked="" type="checkbox"/>	Zoning Administrator	210	10-10-61	u	
<input checked="" type="checkbox"/>	Health Officer	Rt. 237			Health and Welfare Bldg. on Rt. 237
<input checked="" type="checkbox"/>	Sanitary Engineer	Bsmt			
<input checked="" type="checkbox"/>	Finance Office	120			
<input checked="" type="checkbox"/>	Building Inspector	203			Return to secure Bldg. Permit

CERTIFICATION

Supervisor of Assessments

Property is listed in name of *Clyde King Finley*

Magisterial District *Falls Church-1* Deed Book Reference *1477-512*

Authorization: *John W. Ferguson*

ZONING

Subdivision *Raymondale* Lot No. *39* Block _____ Section *3* Zone *R-10*

No. Acres or Sq. Ft. _____

Street Address _____

LOT SIZE: Front _____ Right Side _____ Left Side _____ Rear _____

Use of Bldg. *fall out shelter* Use after Alteration _____ No. Families *None*

Set Back: Front _____ Rt. Side _____ Left Side _____

Authorization _____

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE BUILDING INSPECTOR
Application for Building Permit

MAP REFERENCE			
PLAT NUMBER	ANNO. DIV.	DIR. OF REG.	PARCEL OR LOT
6011	16		39

CENSUS TRACT NO.	26-8
DATE	9-5-1961
PERMIT NO.	7-197

To: BUILD Alter or Repair Add to Demolish Move

JOB LOCATION	A8913 DIRECTIONS Route _____ Street <u>1910 ST. JAMES PLACE</u> Lot No. <u>39</u> Block <u>3</u> Subdivision <u>Raymondale</u> Section _____	DESCRIPTION	For: Residential <input checked="" type="checkbox"/> Institutional <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> <i>Jalousies</i> No. of Bldgs. _____ Type <u>Enclosure Porch</u> No. of Units _____ Est. Const. Cost \$ <u>750.00</u> No. of Kitchens _____ No. of Stories _____ No. of Baths _____ Ht. of Building _____ Ft. No. of Rooms _____ Total Area _____ (Exclude Kit. & Bath) Basement <input type="checkbox"/> Slab <input type="checkbox"/> Crawl <input type="checkbox"/> FILL <input type="checkbox"/> Soil Depth from SOLID <input type="checkbox"/> Finish Grade _____ Ft.
	OWNER		Name <u>Clyde K. FINLAY</u> Address <u>1910 ST. JAMES PLACE</u> City <u>FALLS CHURCH, VA</u> Tel. No. <u>2-7351</u>
ARCHITECT ENGINEER	Name _____ Address _____ City _____ State Reg. No. _____	Footing Size _____ Material of Exterior Walls _____ Basement _____ 1st Floor _____ 2nd Floor _____ Other _____ Material of Interior Walls _____	
CONTRACTOR	Name <u>CAPITOL ALUMINUM PRODUCTS CO. INC.</u> Address <u>2016 SHANNON PL., SE</u> City <u>WASHINGTON 20, D.C.</u> State Reg. No. _____	HEAT: Gas <input type="checkbox"/> Oil <input type="checkbox"/> Hot Air <input type="checkbox"/> Hot Water <input type="checkbox"/> Boiler <input type="checkbox"/> Air Conditioner <input type="checkbox"/> Sprinkler <input type="checkbox"/> ROOF: Flat <input type="checkbox"/> Pitch <input type="checkbox"/> Shed <input type="checkbox"/> SEWAGE: Public <input type="checkbox"/> Community <input type="checkbox"/> Septic Tank <input type="checkbox"/> Pit Privy <input type="checkbox"/> None <input type="checkbox"/> WATER: Public <input type="checkbox"/> Individual Well <input type="checkbox"/> None <input type="checkbox"/> Remarks: _____	

Enclose existing porch with JALOUSIES AND ALUMINUM SIDING.

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

Phone No. LU 4-8800 Date Sept. 5, 1961
 Signature of Owner or Auth. Agent Clyde K. Finlay

PLAN APPROVAL	Use Group of Building <u>L-3</u> Area of Bldg. <u>750.00</u> @ <u>3.00</u> per Sq. Ft. \$ <u>300</u> Type of Construction <u>4-B</u> Area of Bldg. _____ @ _____ per Sq. Ft. \$ _____ Fire District _____ Total Each Bldg. \$ _____ Date Checked <u>9-5-1961</u> By <u>DSB</u> TOTAL FEE \$ <u>300</u> Approved by Building Inspector <u>Davey G. Gray DSB</u>
---------------	--

ROUTING	OFFICE	Rm. No.	DATE	APPROVAL	REMARKS
<input checked="" type="checkbox"/>	Land Office	112	9-5-61	MH	
<input checked="" type="checkbox"/>	Zoning Administrator	210	9-5-61	RC	
<input type="checkbox"/>	Health Officer	Rt. 237			Health and Welfare Bldg. on Rt. 237
<input type="checkbox"/>	Sanitary Engineer	Bsmt			
<input checked="" type="checkbox"/>	Finance Office	120			
<input checked="" type="checkbox"/>	Building Inspector	203			Return to secure Bldg. Permit

CERTIFICATION

Supervisor of Assessments

Property is listed in name of Clyde K. Finlay
 Magisterial District Falls Church - 1 Deed Book Reference 1497-512
 Authorization: John W. Ferguson MH

ZONING

Subdivision Raymondale Lot No. 39 Block _____ Section 3 Zone R-10
 No. Acres or Sq. Ft. _____
 Street Address _____
 LOT SIZE: Front _____ Right Side _____ Left Side _____ Rear _____
 Use of Bldg. Enclosure of porch Use after Alteration _____ No. Families None
 Set Back: Front _____ Rt. Side No Change Left Side _____ Rear _____
 Authorization RC



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

VIOLATION ISSUED TO: Bao T. Nguyen and Ninh T. Nguyen
7418 Add Drive
Falls Church, Virginia 22042

LOCATION OF VIOLATION: 3319 Saint James Place
COMPLAINT NUMBER: 201400929
MAP REFERENCE: 0601 16 0039

On February 24, 2014, I inspected the above referenced site and found the following violation:

Land-disturbing activity in excess of 2500 square feet without an approved grading/conservation plan. The land disturbance totaled approximately 4,136 square feet.

This is a violation of Section 104-1-2 of the Fairfax County Code which requires:

No person may engage in land-disturbing activity until he has submitted to the County a conservation plan for the land-disturbing activity and the plan has been reviewed and approved by the Director.

You are directed to correct this violation within ten (10) days of receipt of this Notice of Violation. No additional land disturbing is permitted until the required corrective action is completed. The following corrective action is required:

1. **Immediately, cease and desist all land disturbing activities.**
2. **Immediately, install erosion and sediment control measures to protect waterways and off-site properties.**
3. **Immediately, seed and/or mulch all denuded areas.**
4. **Submit and obtain the required grading/conservation plan and permit as approved by Fairfax County.**
5. **Correct the violation in accordance with the approved plan and permit.**

Section 104-1-12 (a) Violations, reads as follows: Violators of Section 104-1-2 or 104-1-5 of this Article shall be guilty of a Class 1 misdemeanor.

Section 104-1-12 (h) Civil Penalty, reads as follows: Without limiting the remedies which may be obtained in this Section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this Section shall be subject, in the discretion of the court, to a civil penalty not to exceed Two Thousand Dollars (\$2,000.00) for each violation.





County of Fairfax, Virginia

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

Failure to correct the violation within the prescribed time limit may result in further legal action under the applicable state and county codes.

ISSUED BY:

John Zemlan, Senior Engineering Inspector
12055 Government Center Parkway
Fairfax, Virginia 22035-5503
Phone: (703) 324-1523
Email: john.zemlan@fairfaxcounty.gov

DATE ISSUED: February 25, 2014



Similar Case History

ZAPS - SP - SP 2004-PR-022

Application Description: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 15.3 FEET WITH EAVE 13.4 FEET FROM REAR LOT LINE

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.