



APPLICATION ACCEPTED: September 9, 2014
DATE OF PUBLIC HEARING: December 10, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

December 3, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-MV-203

MOUNT VERNON DISTRICT

APPLICANT: Rajiv Lal

OWNERS: Neeru Lal
Rajiv Lal

LOCATION: 7302 Park Terrace Dr., Alexandria, 22307

SUBDIVISION: Villamay, Section 2

TAX MAP: 93-4 ((8)) 47

LOT SIZE: 10,500 square feet

ZONING: R-3

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 addition to remain 21.1 ft. from rear 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.

Erin M. Haley

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.**

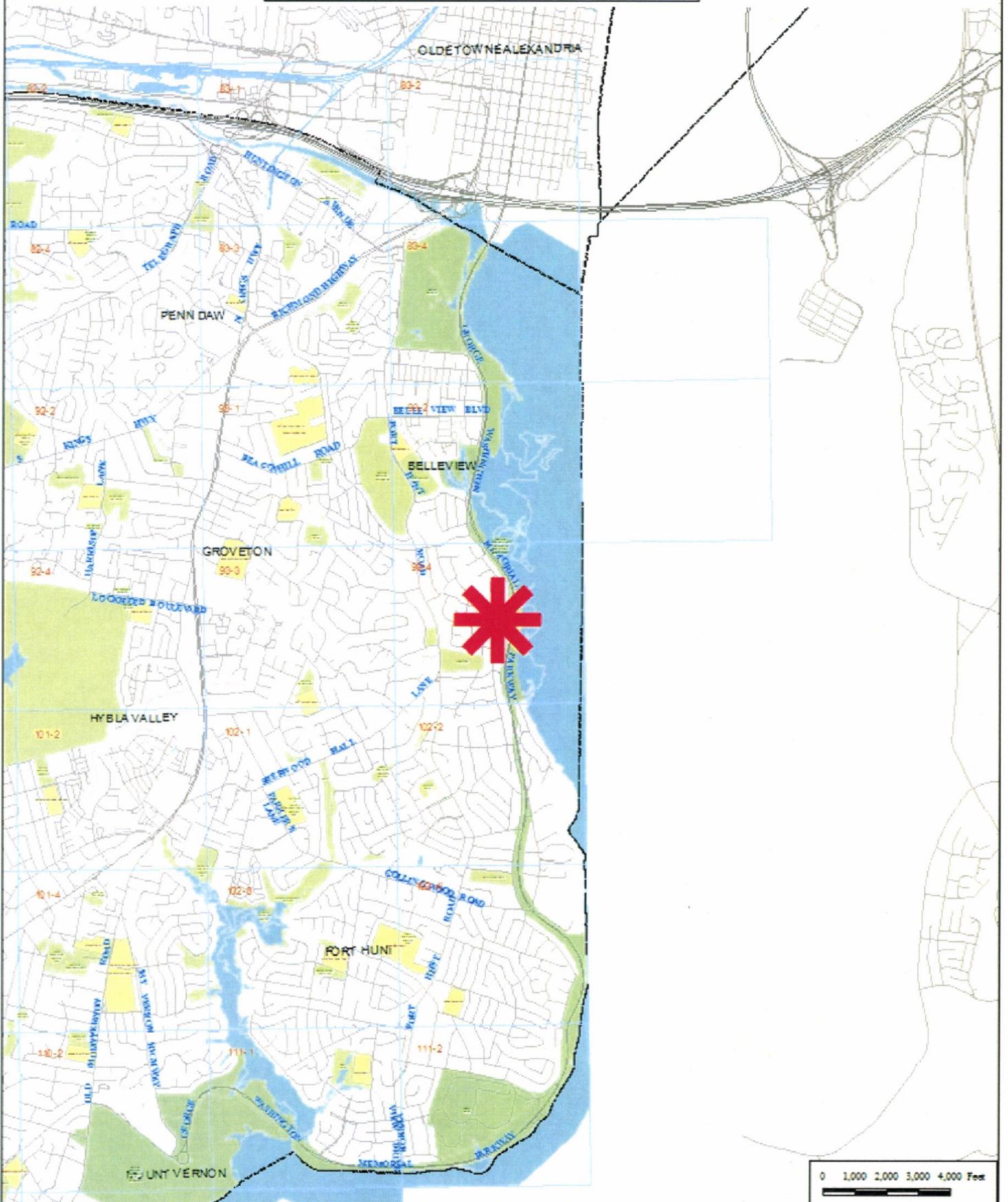


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-MV-203

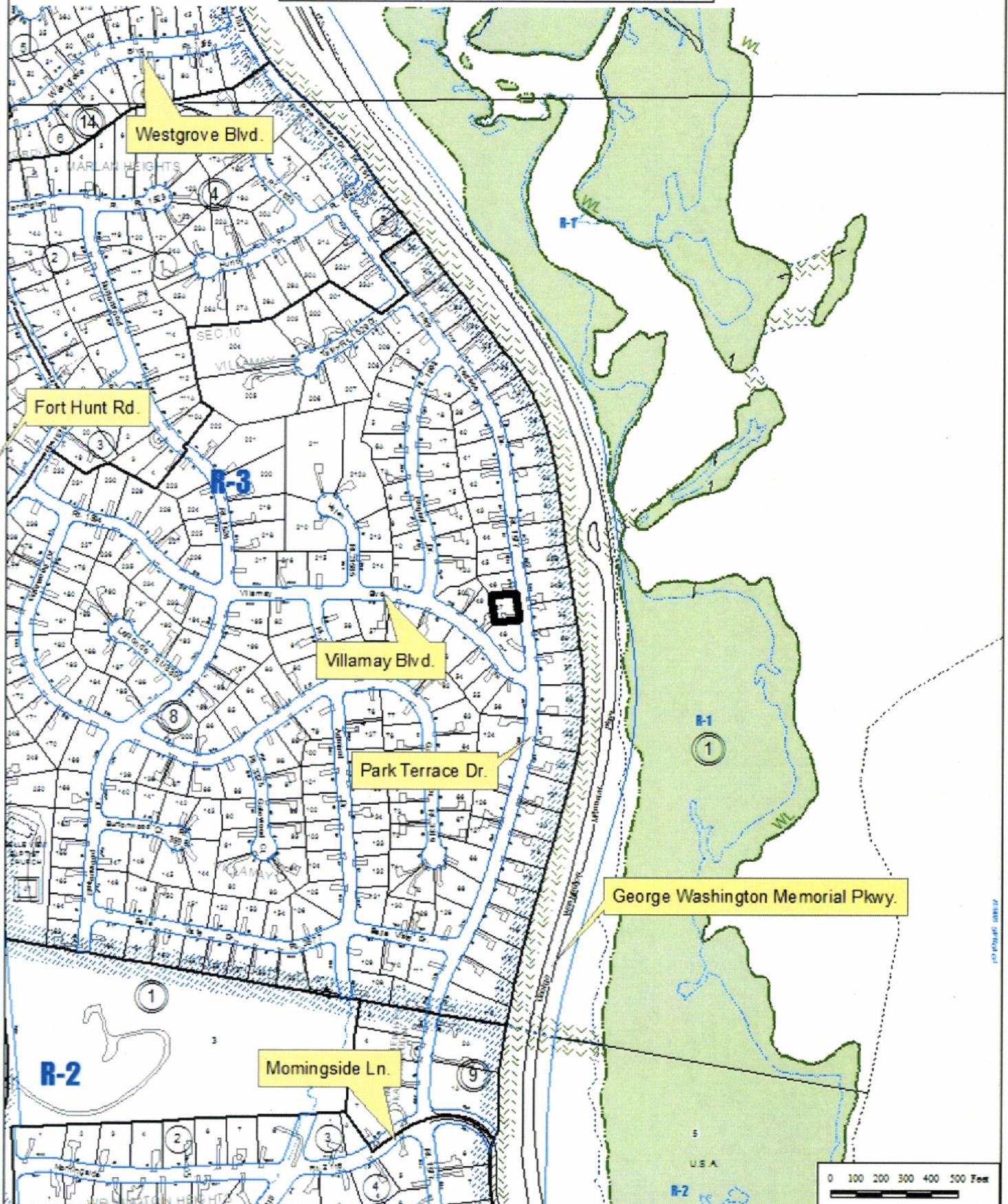
RAJIV LAL



Special Permit

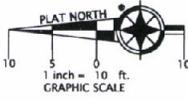
SP 2014-MV-203

RAJIV LAL



NOTES

- TAX MAP: 93-4-08-0047
 - ZONE: R-3 (RESIDENTIAL 3 DU/AC)
 - LOT AREA: 10,500 SF (0.2410 ACRE)
 - REQUIRED YARDS:
 - FRONT: = 30.0 FEET
 - SIDE: = 12.0 FEET
 - REAR: = 25.0 FEET
 - HEIGHTS:
 - DWELLING: = 20.0 FEET
 - 1 STORY ADDN: = 09.9 FEET
 - WALLS: = AS NOTED
 - THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 - THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
 - ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
 - THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 20 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
 - TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
 - THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
 - AREAS:
 - BASEMENT: = 1,738 SF
 - FIRST FLOOR: = 1,911 SF
 - GROSS FLOOR AREA: = 3,649 SF
- FLOOR AREA RATIO: GFA (3649) / LOT AREA (10500) = 0.348



NOT TO SCALE

PLAT
SHOWING THE IMPROVEMENTS ON
LOT 47, SECTION TWO
VILLAMAY
(DEED BOOK 1749, PAGE 575)
FAIRFAX COUNTY, VIRGINIA
MT. VERNON DISTRICT
SCALE: 1" = 10'
JULY 19, 2014

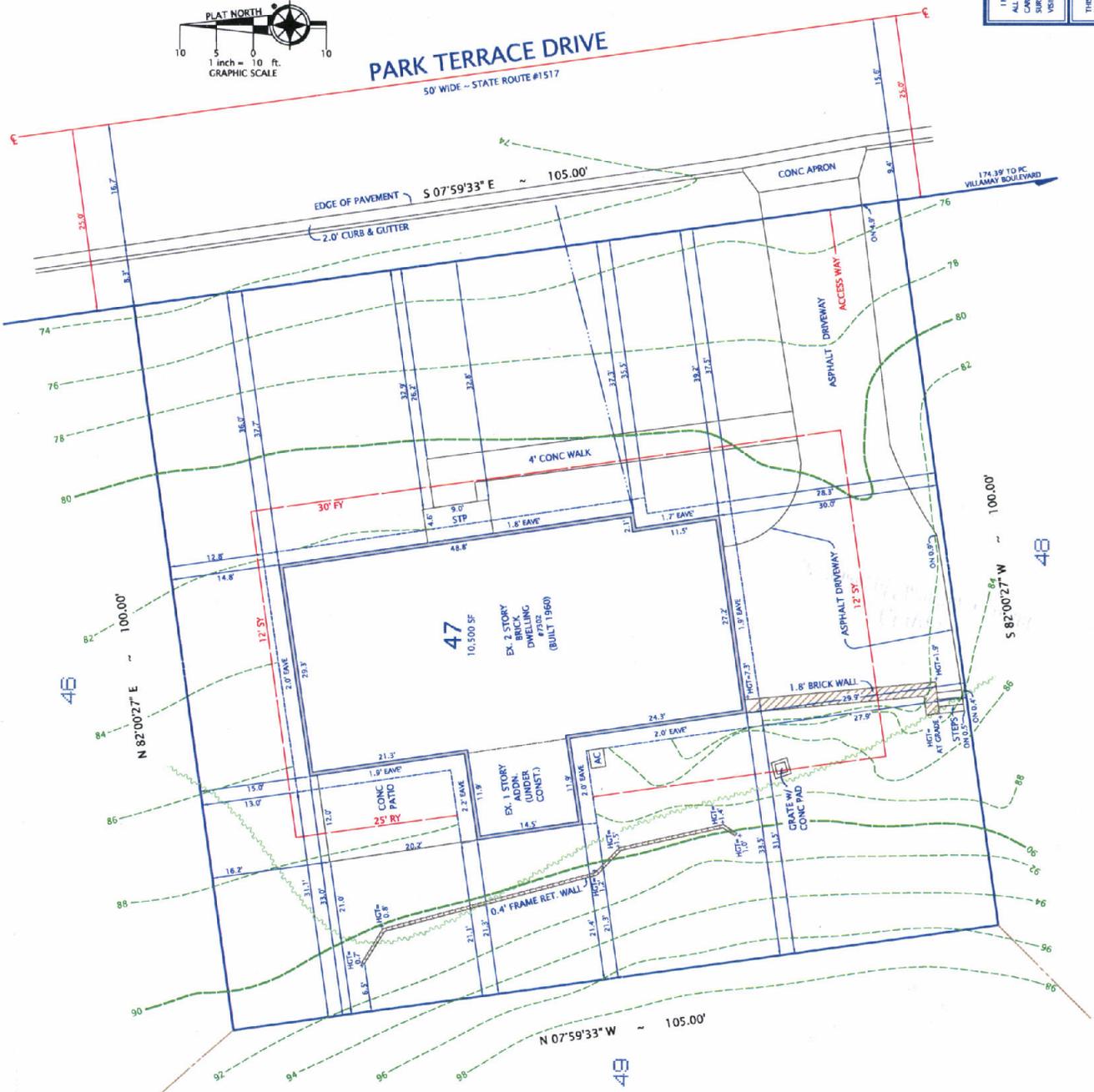
CASE NAME:
NEERU LAL AND BANIYAL

DOMINION Surveyors
8808 H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703.619.6535
FAX: 703.799.9412



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

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET.



RECEIVED
Department of Planning & Zoning
AUG 02 2011
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 single story addition to remain 21.1 ft. from rear lot line. A minimum rear yard of 25.0 feet is required in an R-3 District. Therefore a modification of 3.9 feet is requested for the single story addition.

A copy of the special permit plat depicting the structures on site titled, "Plat, Showing the Improvements on, Lot 27, Section Two, Villamay," prepared by George M. O'Quinn, L.S., of Dominion Surveyors, Inc., dated July 19, 2014, is included at the front of the staff report.

A copy of the proposed development conditions, statement of justification with file photographs and the affidavit are in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,500 square foot lot is developed with a two story, single family detached dwelling. A one story addition is under construction at the rear of the dwelling. A concrete patio is located to the rear of the dwelling. A frame retaining wall 0.4 feet in height runs along a portion of the rear yard. A brick retaining wall 1.8 feet in height is located at the rear of the asphalt driveway. The driveway provides vehicular access to the property from Park Terrace Drive. A concrete walkway runs from the driveway to the front stoop.



The property is to the west of Park Terrace Drive. As depicted in the picture to the left, the application property and surrounding lots are zoned R-3 and are developed with single family detached dwellings.

BACKGROUND

According to Fairfax County Tax Records the house was constructed in 1960 and purchased by the applicant in 2013.

On May 2, 2014, a corrective work order was issued to the applicant for constructing the addition and remodeling the kitchen without the issuance of required permits and approvals (Appendix 4). The applicant filed for a building permit for the one story addition on June 19, 2014 and listed the owner as the contractor. A building permit has not yet been issued. On July 7, 2014, a notice of violation was issued to the property owner since the violations remain on the property (Appendix 5). The applicant subsequently submitted an application for this special permit.

Records indicate that other applications to allow reductions in minimum required yards due to errors in building location have been heard by the Board of Zoning Appeals (BZA) in the surrounding area (Appendix 6).

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 7. 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 Statement of Justification with File Photographs
3. Applicant's Affidavit
4. Corrective Work Order
5. Notice of Violation
6. Similar Case History
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-MV-203

December 3, 2014

1. This special permit is approved for the location of the addition as shown on the plat titled, "Plat, Showing the Improvements on, Lot 27, Section Two, Villamay," prepared by George M. O'Quinn, L.S., of Dominion Surveyors, Inc., dated July 19, 2014.
2. All applicable permits and final inspections shall be obtained for the one-story addition within 180 days of the approval of this application.

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

September 5, 2014

APPENDIX 2

To:

Ms. Deborah Lesko Pemberton
Senior Applications Acceptance Planner
Special Projects/Applications Management Branch, ZED, DPZ
The Department of Planning and Zoning
12055 Government Centre Parkway, Suite 801
Fairfax, VA 22035

Re: Special Permit Application, Waiver of Minimum Rear Yard on Tax Map 0934-08-0047, Villamay, Lot 47, Section 8, Mt. Vernon District.

Dear Ms. Pemberton,

Please refer our conversation on September 9 regarding our application referenced above. As discussed I am amending the Application submission to that of Zoning Ordinance 8-914 and submitting other relevant information as requested.

The following is submitted as a Statement as requested in line item 5.00 Page 1, in your letter dated August 29, 2014 as referenced for our Special Permit Application above. The property consists of a 10,500 sq. ft. and a single family dwelling with e GFA of 3,649 SF, and has public street frontage on Park Terrace Drive. Special Permit under Section 3-307 2A (2) (c) of the Zoning Ordinance to decrease the minimum rear yard setback in the R-3C zoning to 21' 4 instead of the 25'. We the applicants, in error, have constructed a small addition of 14'5" by 11' 9", approximately 169 sq. ft. to the existing kitchen. The owners Neeru Lal and Rajiv Lal desire to bring into compliance a kitchen addition to the rear of the dwelling.

It is our belief and contention that this request falls under the Zoning Ordinance of 8-914 and complies with the relevant standards listed below.

A. The error exceeds 10% of the measurement involved

The request complies with this standard. The standard allowable setback is 25'. The current addition stands at 21' 4" from the rear lot line. As such the error is in excess of 10%

B. Not applicable as A. above complies with the standard

C. The noncompliance was done in good faith

the exact specifications laid out in the plans given to us in the house sale. Subsequently we found out that not only was a permit required but the dimensions, specifically the setback shown on the drawings was incorrect. It was a serious shock to us and something we were totally unaware of and thereby submit that this mistake was made in good faith.

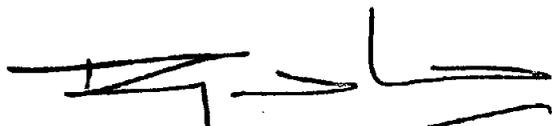
- D. **Such reduction or modification will not impair the purpose and intent of this Ordinance:** The addition complies with this standard.
- E. **It will not be detrimental to the use and enjoyment of other property in the immediate vicinity:** Complies with this standard.
- F. **It will not create an unsafe condition with respect to both other property and public streets:** Complies with this standard.
- G. **To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner:** strict application of the ordinance would completely deny us the full use and enjoyment of our property. We purchased this house with the intention based on drawings given to us to make the kitchen a little larger so that we could use and enjoy as a family. Being that the addition is near complete, appliances have been bought, hardwood flooring has been laid, not being able to go forward would create enormous emotional and serious marital discord, notwithstanding significant financial loss. We sincerely request the assistance, and put ourselves at the mercy of the BZA.
- 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:** The kitchen addition measures 14'5" by 11'9" with a total area of 169 SF. Thus the modification remains within the allowable density and/or floor area ratio as permitted by the applicable zoning district regulations.

All other applicable ordinance and requirements will be met with this application.

I hope the corrections and additions are now in line with the application Zoning Ordinance of 8-914.

We thank you for your guidance and cooperation and remain at your disposal for any further questions and/or clarifications.

Sincerely



Rajiv Lal
7302 Park Terrace Drive
Alexandria, VA 22307

STATEMENT OF JUSTIFICATION

July 15, 2014

To:
The Department of Planning and Zoning
12055 Government Centre Parkway
Suite 801
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning

AUG 6 2014
Zoning Evaluation Division

Re: Special Permit Application, Waiver of Minimum Rear Yard on Tax Map 0934-08-0047, Villamay, Lot 47, Section 8, Mt. Vernon District.

Dear Sir/Madam,

The following is submitted as a Statement of Justification for the above referenced Special Permit Application. The property consists of 10,500 sq. ft. and has public street frontage on Park Terrace Drive. The owners Neeru Lal and Rajiv Lal desire to bring into compliance a kitchen addition to the rear of the dwelling.

A. Type of Operation

This application is seeking a Special Permit under Section 3-307 2A (2) (c) of the Zoning Ordinance to decrease the minimum rear yard setback in the R-3C zoning to 21' 4" instead of the 25'. We the applicants, have constructed a small addition of 14'5" by 11' 9", approximately 169 sq. ft. to the existing kitchen. The house was built in 1959 with an extremely small kitchen and thus the reason for the expansion. Strict application of the ordinance would completely deny us the full use and enjoyment of our Property.

B. Hours of Operation

The Special Permit is required to permit the proposed residential addition. No commercial uses are proposed; hence the "Hours of Operation" are not applicable.

C. Estimated Number of Patrons/Clients/Patients/Pupils/Etc.

The Special Permit is required to permit the proposed residential addition. No commercial uses are proposed; hence this Section is not applicable.

D. Proposed Number of Employees/Attendants/Teachers/Etc.

The Special Permit is required to permit the proposed residential addition. No commercial uses are proposed; hence this Section is not applicable.

E. Estimation of Traffic Impact of the Proposed Use, Including the Maximum Expected Trip Generation and the Distribution of Such Trips by mode and Time of Day.

The subject Property currently contains one single family detached house. There is no proposed increase in vehicle traffic.

F. Vicinity of General Area to be served by the Use.

The Special Permit is required to permit the proposed residential addition. No commercial uses are proposed; hence this Section is not applicable.

G. Description of Building Façade and Architecture of Proposed New Building Additions.

The addition is consistent with the surrounding architecture.

H. A Listing of All Hazardous or Toxic Substances.

To the best of our knowledge the subject property does not contain any hazardous and/or toxic substances.

I. A Statement of How the proposed Use Conforms to the Provision of All Applicable Ordinances, Regulations, Adopted Standards and any Applicable Conditions.

The subject Property and proposed use will conform to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, except for the Special Permit Conditions requested as part of this application.

In addition to the items listed above, the application proposes to meet the following general standards:

All applicable ordinance and requirements will be met with this application.

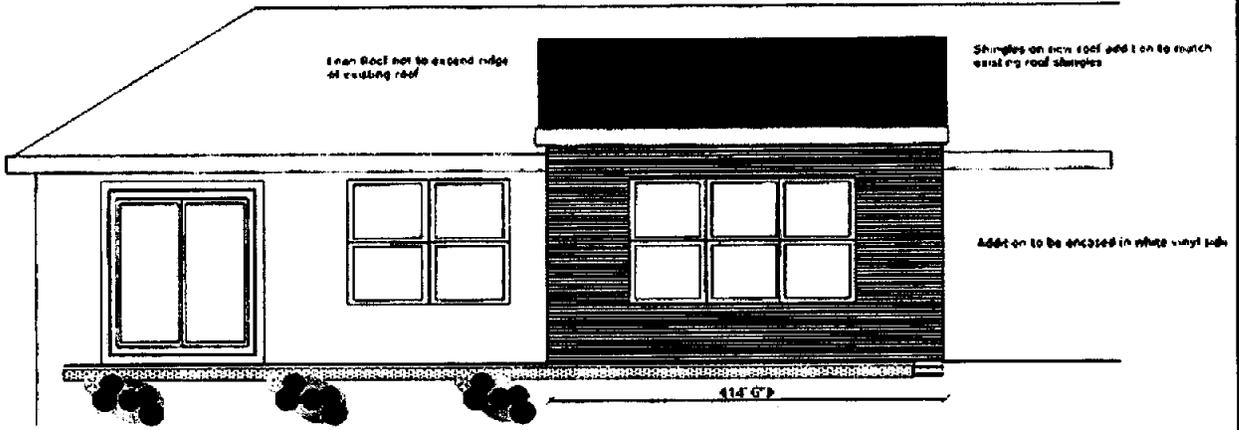
If you have any questions please do not hesitate to contact me,

Sincerely

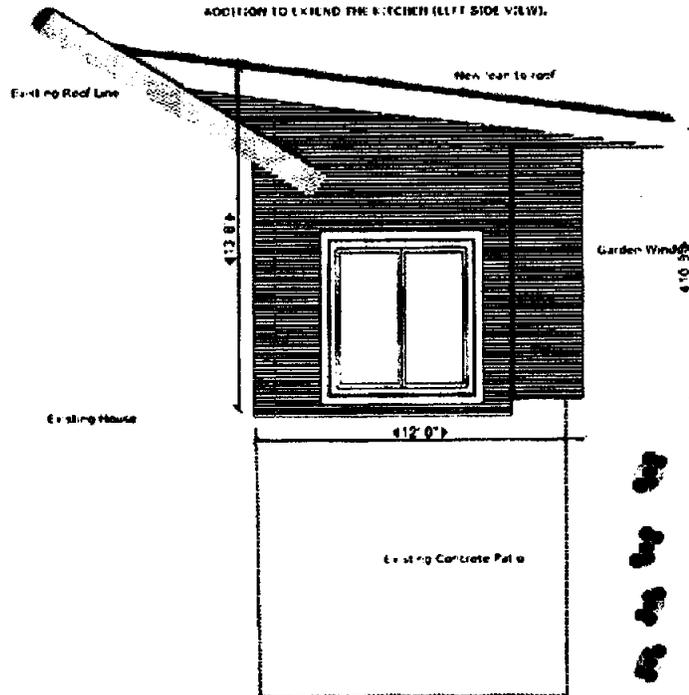


Rajiv Lal

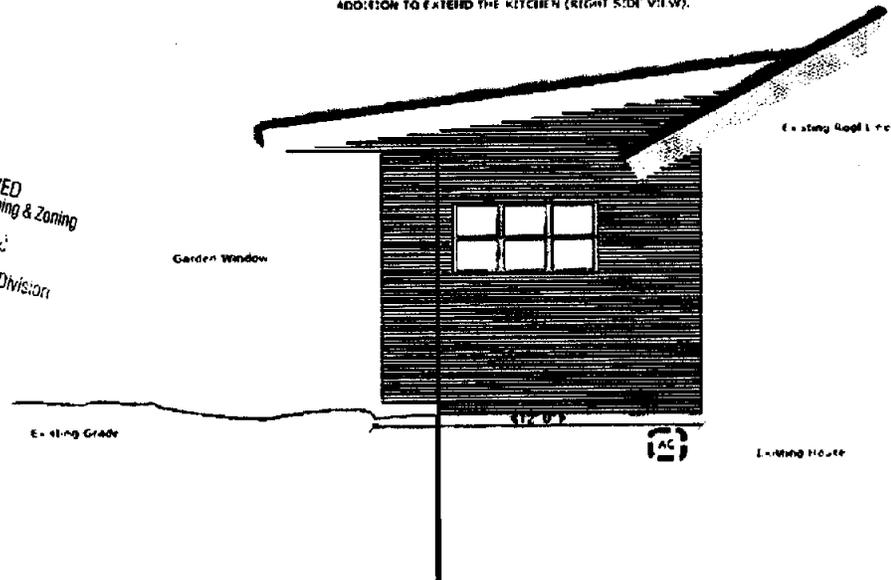
Add on to measure 27'31" 6"



ADDITION TO EXTEND THE KITCHEN (LEFT SIDE VIEW).

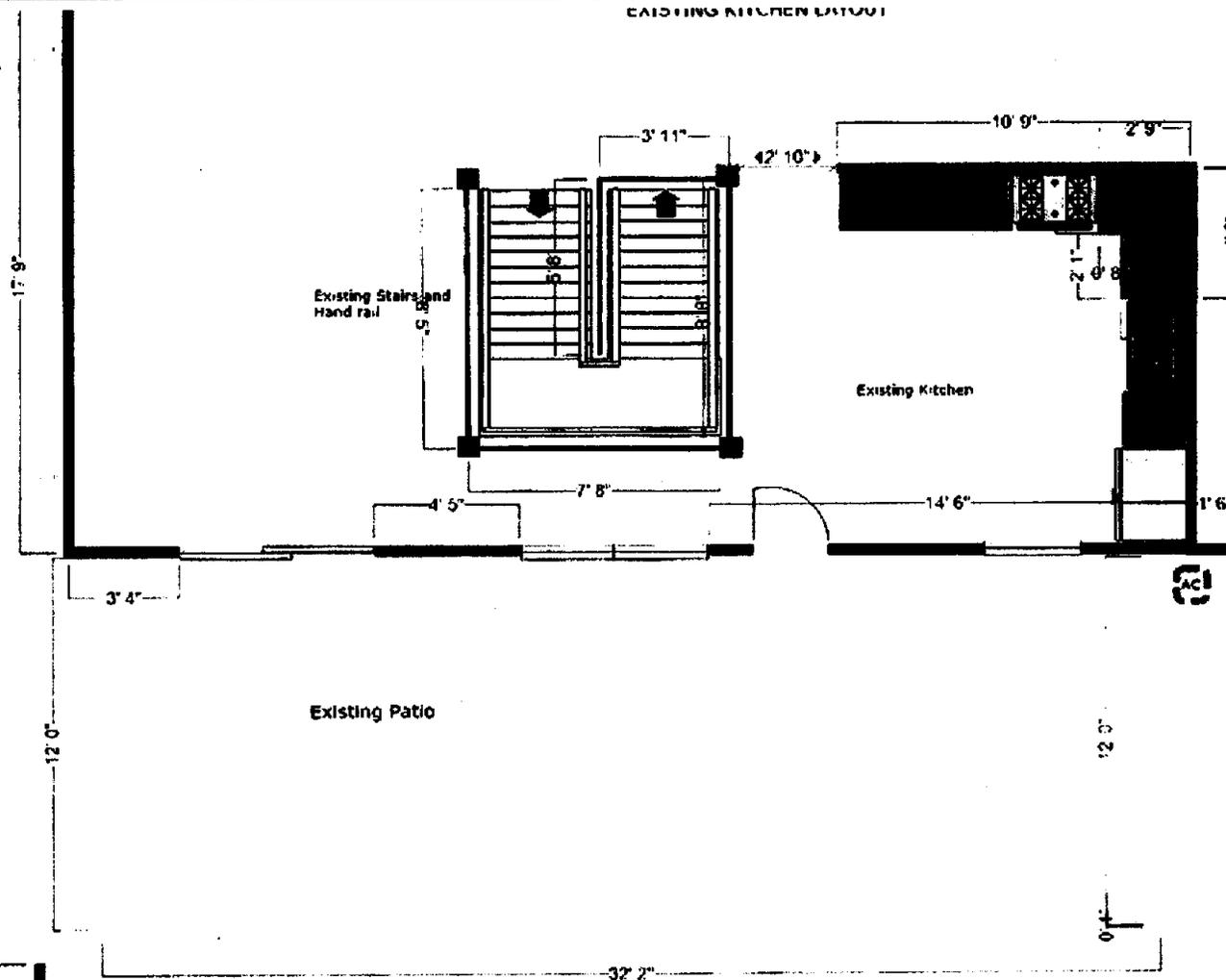


ADDITION TO EXTEND THE KITCHEN (RIGHT SIDE VIEW).

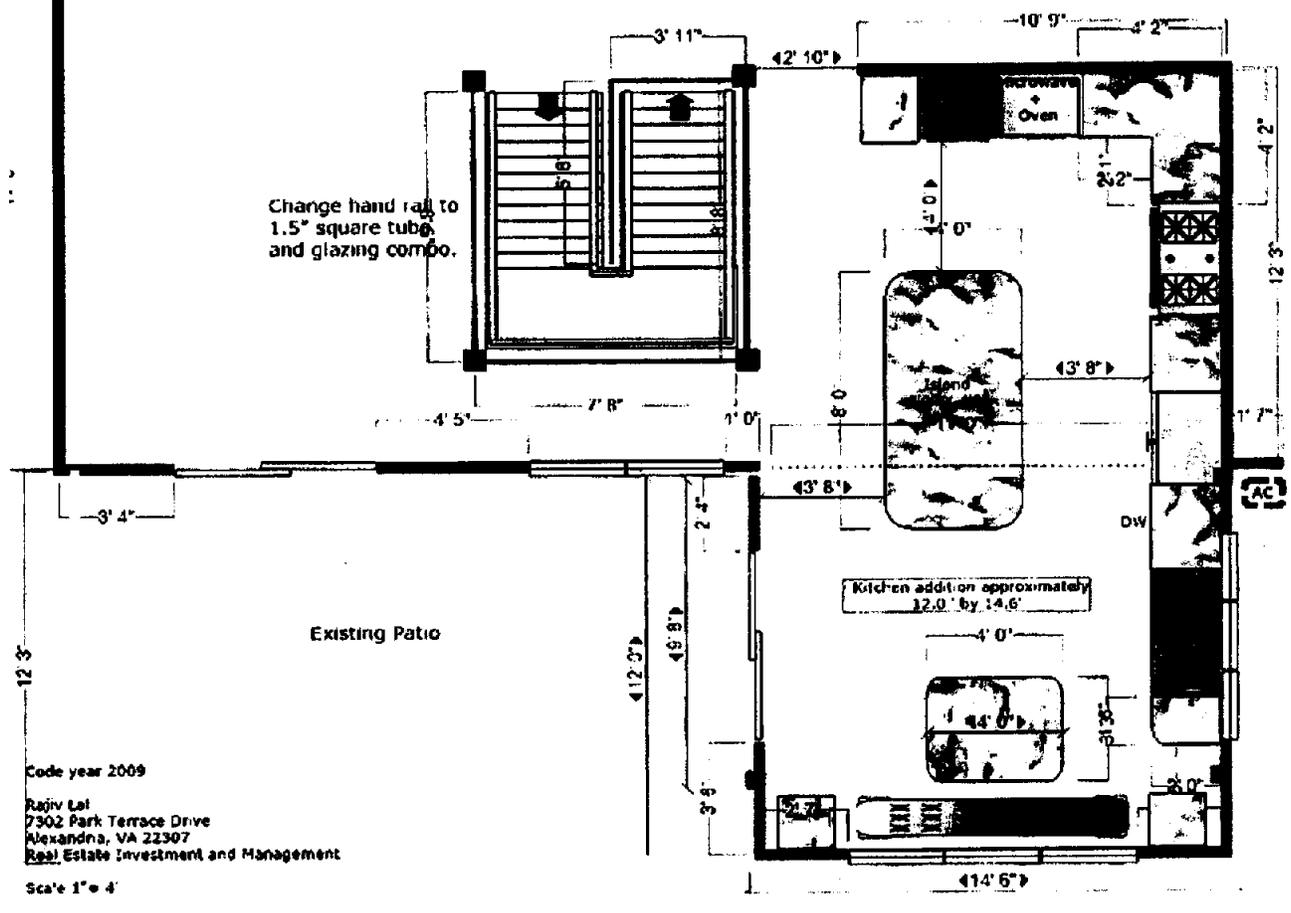


RECEIVED
 Department of Planning & Zoning
 05/01/20
 Zoning Evaluation Division

EXISTING KITCHEN LAYOUT

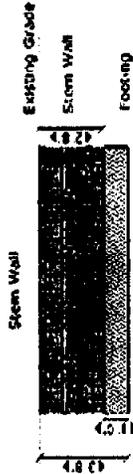
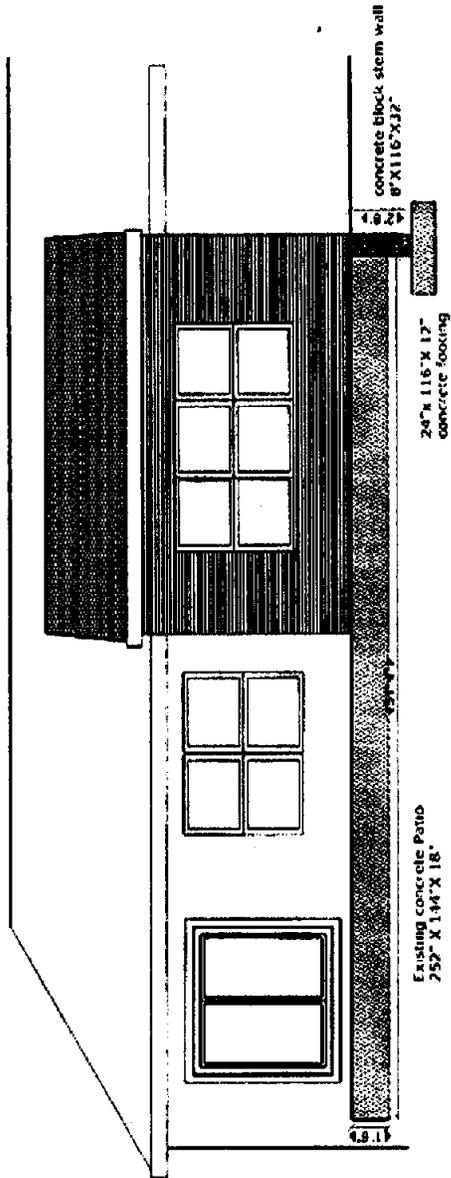


NEW KITCHEN LAYOUT

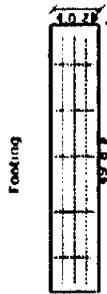


Code year 2009
 Rajiv Lal
 7302 Park Terrace Drive
 Alexandria, VA 22307
 Real Estate Investment and Management
 Scale 1" = 4'

FOUNDATION PLANS



Stem Wall dimensions 8' X 11.6' X 12"
Constructed of concrete blocks 8' X 16' X 16 (Model # 20163807)

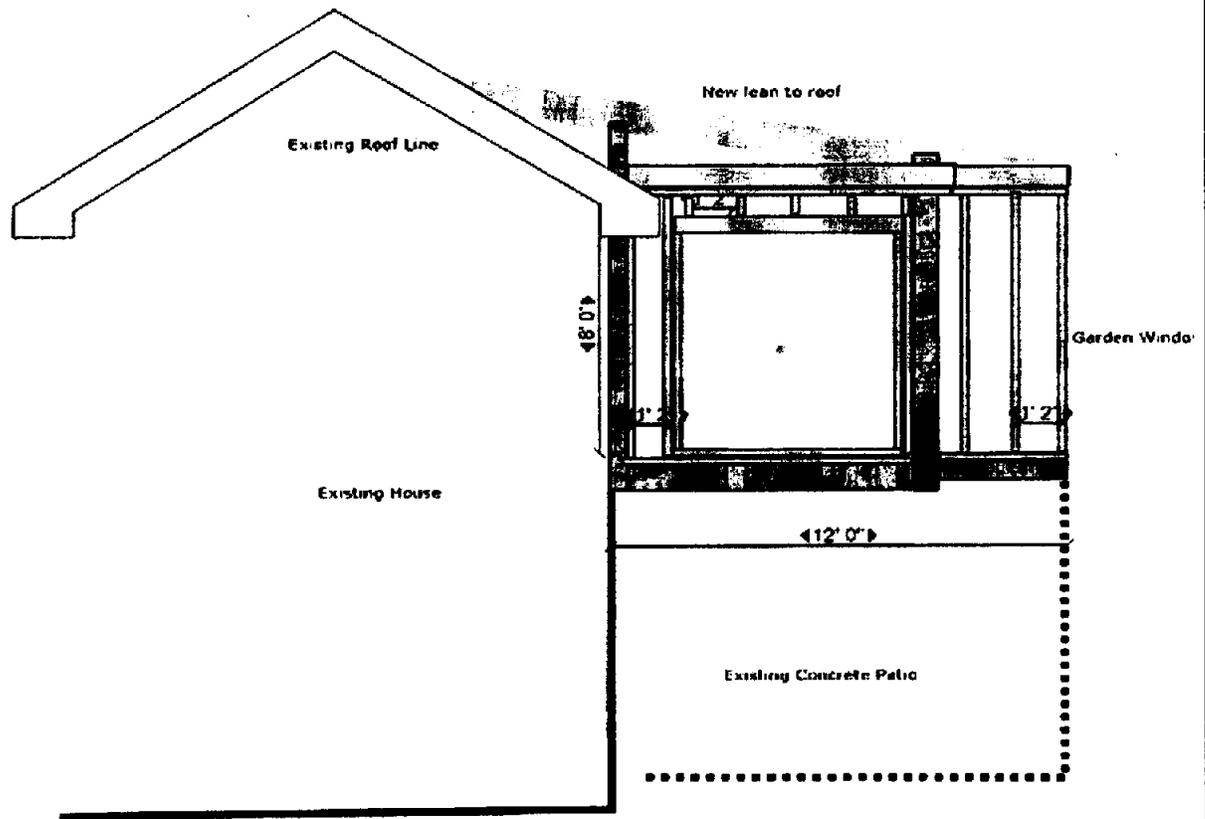


the footing is 24" wide and 12" deep and 11.6' long
is re-enforced with 3 #5 Rebar with 5 cross ties.
box is made out of Sakrete Concrete mix
Model # 652003590

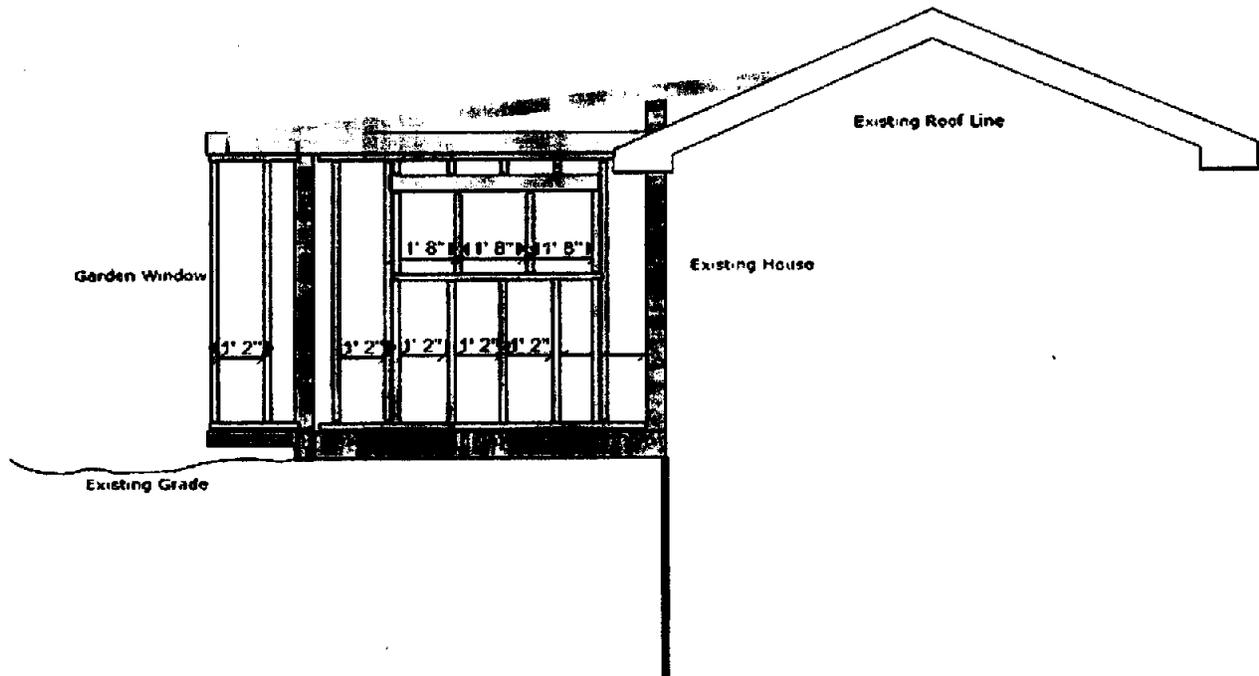
Code year 2009

Ralph Ltd
7302 Park Terrace Drive
Alexandria, VA 22307
Real Estate Investment and Management

SCALE 1" = 4'



ADDITION WALL FRAMING RIGHT ELEVATION

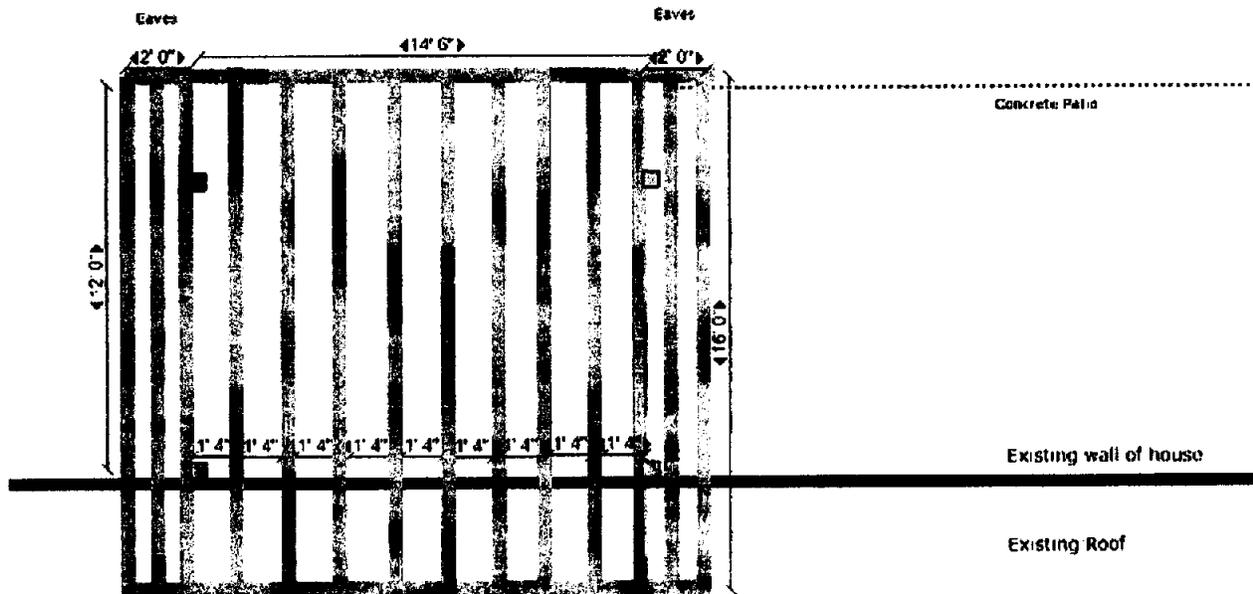


Code year 2009

Rajiv Lal
 7302 Park Terrace Drive
 Alexandria, VA 22307
 Real Estate Investment and Management

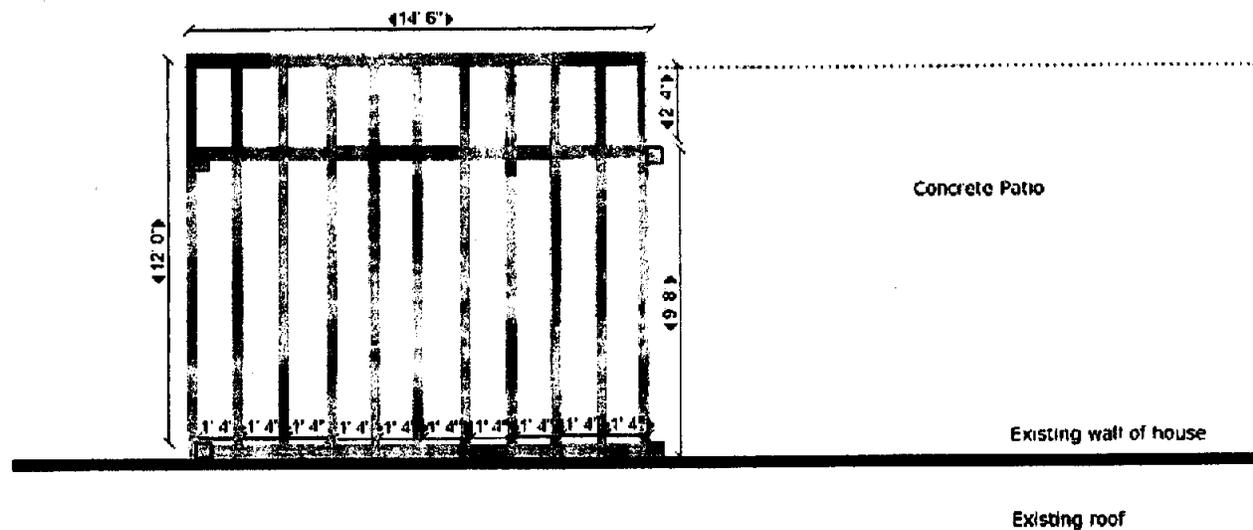
SCALE 1" = 4'

Aerial view of roof rafter framing



1. Attached below existing ridge of roof via ledger board.
2. Rafters are 2"X 8" X 16" premium fir lumber (Model #201088) spaced at 16" OC
3. 4 support posts are 6"X6" no. 2 pressure treated timber (Model # 6330254)
4. 3" framing nails.
5. Galvanized steel 7 carriage bolts .
6. RTD Sheathing 15/32 inX4'X8' CAT 3 ply sheathing (Model #166073)
7. Roofing underlayment Grace Tri-Flex (#5008025)
8. Shingles GAF Roynl Sovereign (Model @0202920)
9. Insulation is Owens Corning Eco Touch R-13 (Model #BF10)

Aerial view of ceiling joist framing

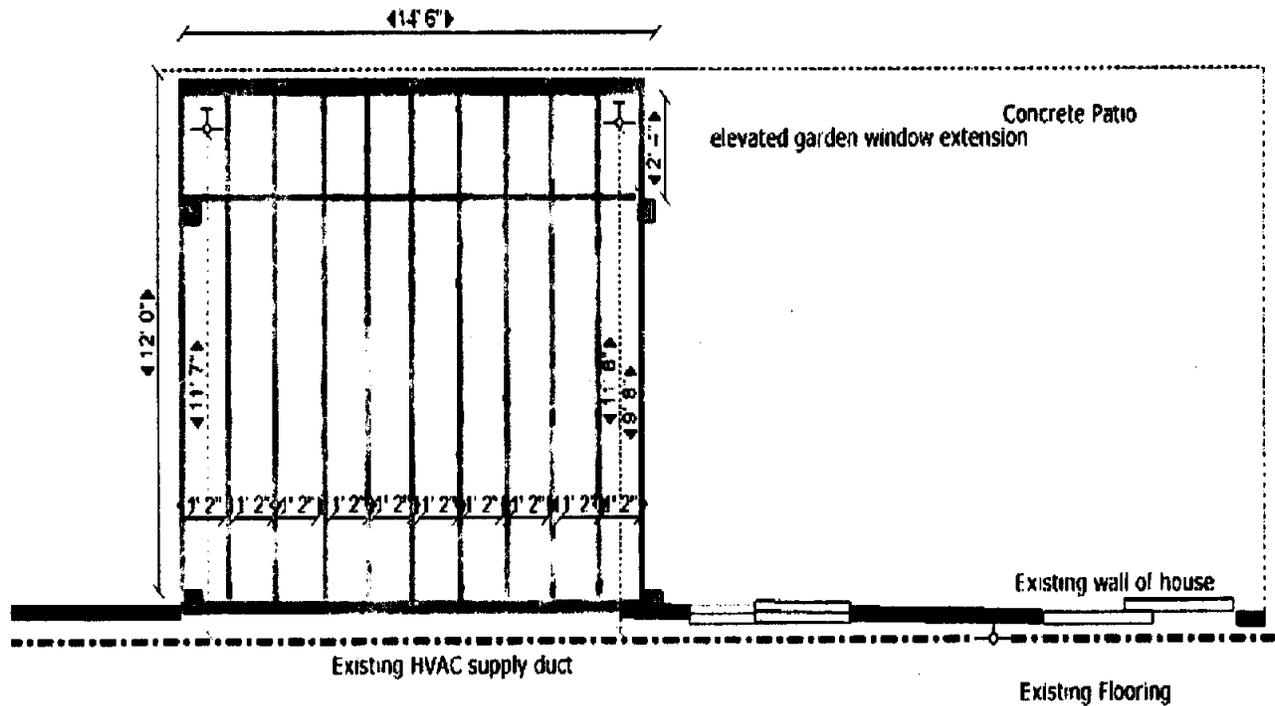


1. Rafters are 2"X8"X16" premium Fir lumber (model #201088) spaced at 16" OC
2. 3" framing nails
3. Insulation is Owens Corning Eco Touch R-30 (Model #BF70)
4. Ceiling finish is 1/2"X4'X8' drywall.(Model #14113411708)
5. RTD Sheathing 15/32"X4'X8' CAT 3 Ply sheathing (Model #166073)
6. Rafters rest on cross beams of 2"X10"X14' Premium #2 Douglas Fir Lumber (Model #603740) bolted to posts

Code year 2009

Rajiv Lal
 7302 Park Terrace Drive
 Alexandria, VA 22307
 Real Estate Investment and Management

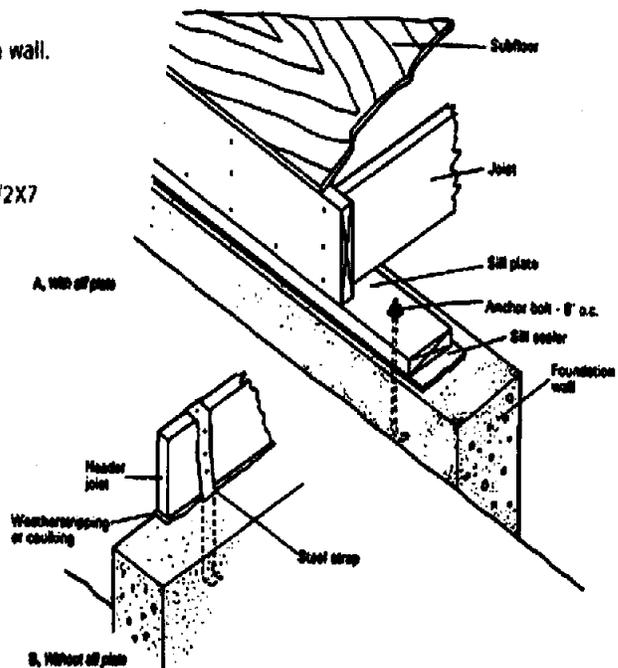
Aerial view of floor joist framing



1. Joists are 2"x10"x12' No 2 Prime Pressure treated lumber (model #356660)
2. 3" framing nails
3. Insulation is Owens Corning Eco Touch R-15 (Model #BF30)
4. Joists rest on cross beams of 2"x10"x14' Premium #2 Pressure treated Lumber (Model #356660) bolted to posts with 7" galvanized steel carriage bolts.
5. RTD Sheathing 15/32"x4'x8' CAT 3 Ply sheathing (Model #166073)
6. Aiguard 3 in 1, Premium underlayment (Model #70-105)
7. Floor finished with Red Oak Hardwood to match existing floor. (Model #RSB-3SSF)
3. New ducts from existing supply duct to marked locations.

Anchoring floor section to the concrete foundation wall.

Sill Plate is Pressure treated lumber 2'x6"x12'
8 galvanized steel anchor bolts Wedge Anchor 1/2x7



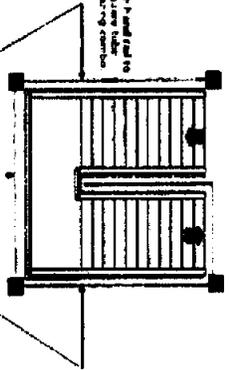
Code year 2009

Rajiv Lal
7302 Park Terrace Drive
Alexandria, VA 22307
Real Estate Investment and Management

SCALE 1" = 4'

2007 West Virginia State Building Code

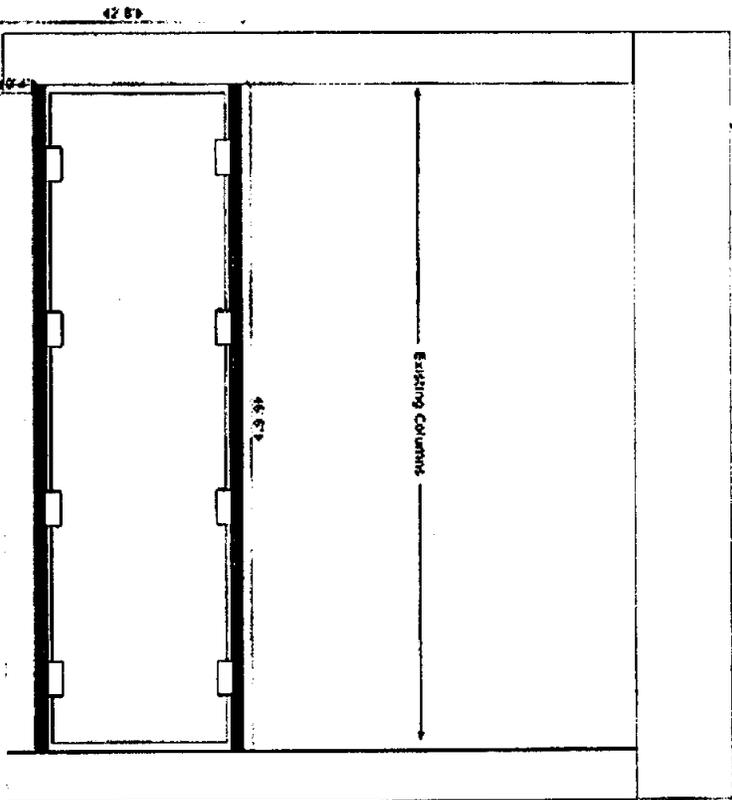
Change handrail to
1 1/2" diameter
and 4" glazing section



Sample of rail and glazing between each panel section

pipe/rail code

section 1012.3-1012.9, 3407



Galvanized steel 1 1/2" outside perimeter 6' x 3" square steel tube hand rail and base rail
Glazing attached to hand rail and base rail with 8/16" stainless steel clamps and glazing as per code to be verified by Contractor

HARDWOOD FLOOR

Code year 2009
Bajis Ltd
7202 Park Terrace Drive
Arlington, VA 22207
Risk Etc. Inc. Inspection and Management



7302 Park Terrace Drive Lot 47



Front of 7302 Park Terrace Drive Lot 47



Adjacent property to the South. Lot 48



Adjacent Property to the North Lot 46



7302 Park Terrace Drive Lot 47



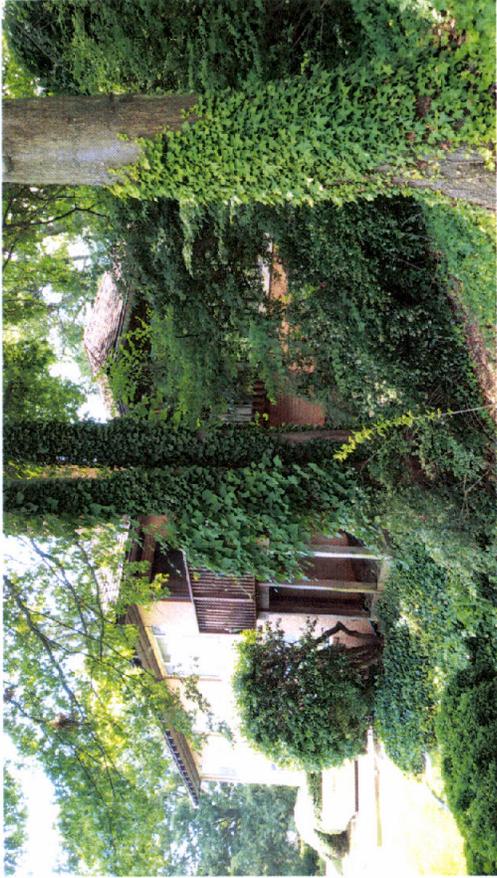
Front of 7302 Park Terrace Drive Lot 47



Adjacent property to the South. Lot 48



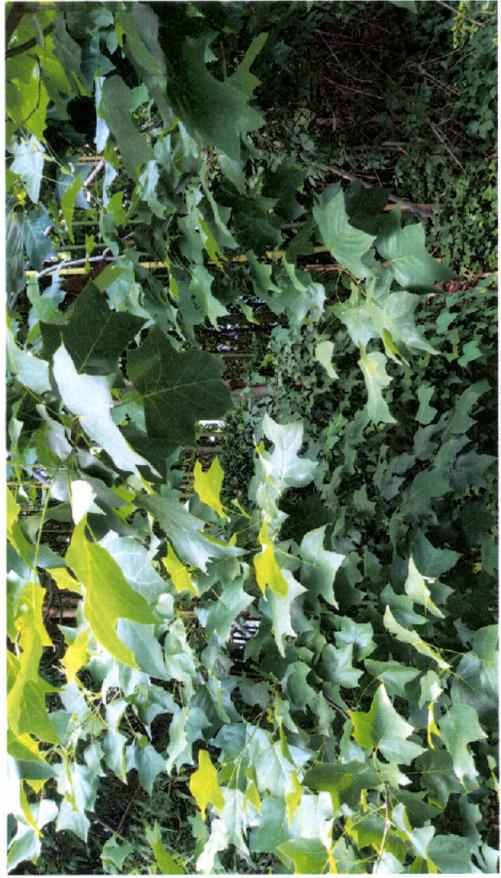
Adjacent Property to the North Lot 46



Rear Yard Facing South



Rear Yard Facing North



Rear Yard Facing West (Back)



Kitchen Addition

Application No.(s):

SP 2014-MV-203

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

SPECIAL PERMIT/VARIANCE AFFIDAVITDATE: 7/30/2014

(enter date affidavit is notarized)

I, RAJIV LAL, 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

126564

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)
NEERU LAL RAJIV LAL	7302 PARK TERRACE DRIVE ALEXANDRIA, VA 22307	APPLICANT/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) _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/30/2014
(enter date affidavit is notarized)

126566

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/30/2014
(enter date affidavit is notarized)

126526

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/30/2014
(enter date affidavit is notarized)

126566

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

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

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

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

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

NONE

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

Application No.(s):

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/30/2014

(enter date affidavit is notarized)

12656

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

RAJIV LAL

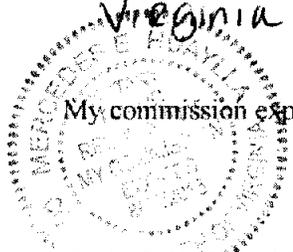
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30 day of July, 20 14, in the State/Comm. of Alexandria, County/City of Alexandria, Virginia

My commission expires:

8/31/15


Notary Public



Jem for CAB



County of Fairfax, Virginia

Return Copy

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

CORRECTIVE WORK ORDER Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: May 2, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Neeru Lal
Rajiv Lal

ADDRESS: 7302 Park Terrace Dr.
Alexandria, VA 22307

LOCATION OF VIOLATION: 7302 Park Terrace Dr.
Alexandria, VA 22307

TAX MAP REF: 0934 08 0047

CASE #: 201402274 **SR#:** 103705

ISSUING INVESTIGATOR: Ricky Antonowics, (703)324-9329

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011, an inspection on April 24, 2014 revealed a violation or violations as listed below at the referenced location. The cited violation(s) must be corrected within 30 calendar days from receipt of this notice unless otherwise indicated.

Explanation: On April 24, 2014, County staff inspected the above referenced premises and discovered several violations to include but not limited to the following; (a) the existing kitchen area is being remodeled; (b) there is a new addition under construction on the rear of the dwelling; (c) the guardrail system at the steps is being replaced near the kitchen area. This regulated work was performed that without the issuance of the required permit or permits, inspections, and approvals.

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

Neeru Lal
Rajiv Lal
May 2, 2014
SR 103705
Page 2

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2009 edition, you are hereby directed to apply for and obtain the required permit or permits, inspections and approvals for the work described above or demolition of same at the above referenced address.

Corrective Action Required: Apply for and obtain all necessary County permits for the work described above within 30 calendar days from the date you receive this Order, or obtain a County permit to demolish the work described above within the same timeframe.

1. Schedule and pass the required County inspection(s) for the work described above within 30 calendar days from the date you are issued the required permit or permits for construction or demolition.
2. Contact me at (703)324-9329 within the timeframe established to confirm the violation(s) have been abated.
3. Call (703)222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201402274.

Note:

*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035
Telephone: 703-222-0801

*When work described above involves the removal of unpermitted features (including appliances, cabinets, plumbing/gas fixtures) a demolition permit will be required. Be advised that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit. If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703)324-1300 who issued the Notice before coming to the Permit Application Center in the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.

*Additional fees for unpermitted work may apply.

Neeru Lal
Rajiv Lal
May 2, 2014
SR 103705
Page 3

You are directed to notify Ricky Antonowics by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703)324-9329 within three (3) working days from the date you receive this Order, of your election to accept or reject the terms of this Order.

Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703)324-9329 or the main office at (703)324-1300.

Notice Issued By:



Signature

Ricky Antonowics
(703)324-9329
Technical Assistant to the Building Official
Department of Code Compliance

CC: Case File
Residential Inspections Branch Chief
Commercial Inspections Engineer V

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.

SS. Gonzalez
SERVING OFFICER

DATE 5-2-14 for Stacey A. Kincaid, Sheriff
Fairfax County, VA

PERSONAL SERVICE

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

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Not found.

SS. Gonzalez
SERVING OFFICER

DATE 5-2-14 for Stacey A. Kincaid, Sheriff
Fairfax County, VA

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Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER
for _____

DATE _____

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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 _____



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 Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: July 7, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Neeru Lal
Rajiv Lal

ADDRESS: 7302 Park Terrace Dr.
Alexandria, VA 22307

TAX MAP REF: 0934 08 0047

LOCATION OF VIOLATION: 7302 Park Terrace Dr.
Alexandria, VA 22307-2037

CASE #: 201402274 **SR#:** 103705

You were issued a Corrective Work Order on May 2, 2014 for violations of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011. Staff confirmed on July 3, 2014 that the violations itemized below remain.

Explanation: On April 24, 2014, County staff inspected the above referenced premises and discovered several violations to include but not limited to the following; (a) the existing kitchen area is being remodeled; (b) there is a new addition under construction on the rear of the dwelling; (c) the guardrail system at the steps is being replaced near the kitchen area. This regulated work was performed that without the issuance of the required permit or permits, inspections, and approvals.

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2009 edition, you are hereby directed to apply for and obtain the required permits, inspections, and approvals for the work described above or demolition of same at the above referenced address.

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

Neeru Lal
Rajiv Lal
July 7, 2014
SR 103705
Page 2

Corrective Action Required:

1. Apply for and obtain all necessary County Permits for the work described above within 30 calendar days from the date you receive this Notice, or obtain a County permit to demolish the work described above within the same timeframe.
2. Schedule and pass the required County inspection(s) for the work described above within 30 calendar days from the date you received this notice.
3. Contact me at (703)324-9329 within the timeframe established to confirm the violation(s) has/have been abated.
4. Call (703)222-0455 to schedule all inspections related to this matter. Please reference CASE #: 201402274.

Note:

*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035
Telephone: 703-222-0801

*When work described above involves the removal of unpermitted features (including appliances, cabinets, plumbing/gas fixtures) a demolition permit will be required. Be advised that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit. If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703)324-1300 who issued the Notice before coming to the Permit Application Center in the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.

*Additional fees for unpermitted work may apply.

You have the right to appeal this decision within 30 days to the Fairfax County Board of Building and Fire Prevention Code Appeals. Appeal application forms may be obtained by contacting:

Fairfax County Board of Building and Fire Prevention Code Appeals
Attention:

Neeru Lal
Rajiv Lal
July 7, 2014
SR 103705
Page 3

Secretary to the Fairfax County Board of Building and Fire Prevention Code Appeals
Office of Building Code Services
Department of Public Works and Environmental Services
12055 Government Center Parkway, Suite 444
Fairfax, Va. 22035-5504
Telephone: (703)324-1780

Information and forms can also be obtained at:

http://www.fairfaxcounty.gov/dpwes/publications/codemods_appeals.htm

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision. Failure to correct these defects within the time limits specified shall result in enforcement action being taken under the applicable State and County Codes.

If you have any questions, would like to schedule an appointment to meet with me, or schedule a site visit, please contact me directly at (703)324-9329 or the main office at (703)324-1300.

Notice Issued By:

Signature

Ricky Antonowics
(703)324-9329
Technical Assistant to the Building Official
Department of Code Compliance

CC: Case File
Residential Inspections Branch Chief
Commercial Inspections Engineer V

PERSONAL SERVICE _____

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

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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 _____

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

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- Served on a Secretary of the Commonwealth.
- Not found.

SERVING OFFICER
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- Served on a Secretary of the Commonwealth.
- Not found.

SERVING OFFICER
_____ for _____

DATE _____

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- Served on a Secretary of the Commonwealth.
- Not found.

SERVING OFFICER
_____ for _____

DATE _____

Similar Case History

Group: 01-V-058

SP 01-V-058

APPLICANT: KOSTER, MARK S. & MOUNTCASTLE, KATHARINE R.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 12/11/2001
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION FOR EXISTING PORCH TO REMAIN 10.4 FEET FROM SIDE LOT LINE. **THE BOARD WAIVED THE 8-DAY WAITING PERIOD**
LOCATION: 7204 BURTONWOOD DRIVE, ALEXANDRIA, VA 22307
TAX MAP #:
 0934 04030003

Group: 2004-MV-035

SP 2004-MV-035

APPLICANT: DIANA A. HARRISON - CRAUN
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 08/10/2004
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 3.1 FEET WITH EAVE 2.1 FEET FROM THE REAR LOT LINE AND 5.7 FEET FROM SIDE LOT LINE
LOCATION: 7113 FORT HUNT ROAD
TAX MAP #:
 0934 03010022

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.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
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, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305**Additional Standards for Home Child Care Facilities**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

Sect. 10-103 Use Limitations

6. The following use limitations shall apply to home child care facilities:

A. The maximum number of children permitted at any one time shall be as follows:

- (1) Seven (7) when such facility is located in a single family detached dwelling.
- (2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.

C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.

D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.

F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.