



**APPLICATIONS ACCEPTED:** September 9, 2014  
**BOARD OF ZONING APPEALS:** January 7, 2015  
**ADMINISTRATIVELY MOVED AT APPLICANTS' REQUEST**  
**TIME:** 9:00 a.m.

# County of Fairfax, Virginia

---

**December 31, 2014**

## **STAFF REPORT**

**SPECIAL PERMIT APPLICATION NO. SP 2014-MA-202**  
**CONCURRENT WITH VARIANCE APPLICATION NO. VC 2014-MA-014**

### **MASON DISTRICT**

**APPLICANTS/OWNERS:** Muhammad Yasin and Muhammad J Ali

**SUBDIVISION:** Culmore, Section 4

**STREET ADDRESS:** 3314 Glenmore Drive, Falls Church, 22041

**TAX MAP REFERENCE:** 61-2 ((9)) 5

**LOT SIZE:** 11,550 square feet

**ZONING DISTRICT:** R-3, HC

**ZONING ORDINANCE PROVISIONS:** 8-914, 18-401

**SPECIAL PERMIT PROPOSAL:** To permit a reduction to the minimum rear yard requirements based on an error in building location to permit an existing accessory storage structure to remain 7.2 feet from the rear lot line

**VARIANCE PROPOSAL:** To permit an existing accessory storage structure greater than 200 square feet to remain

### **STAFF RECOMMENDATION:**

Staff recommends denial of VC 2014-MA-014 for the accessory storage structure. However, if it is the intention of the Board of Zoning Appeals to approve VC 2014-MA-014, staff recommends that such approval be conditioned upon adoption

---

*Megan Duca*

**Department of Planning and Zoning**  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



of the proposed development conditions contained in Appendix 1.

Staff does not make recommendations on error in building location applications. However, if it is the intention of the Board of Zoning Appeals to approve SP 2014-MA-202 for the accessory storage structure, the BZA should condition its approval by requiring conformance with the proposed development conditions contained in Appendix 2.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

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



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

# Special Permit

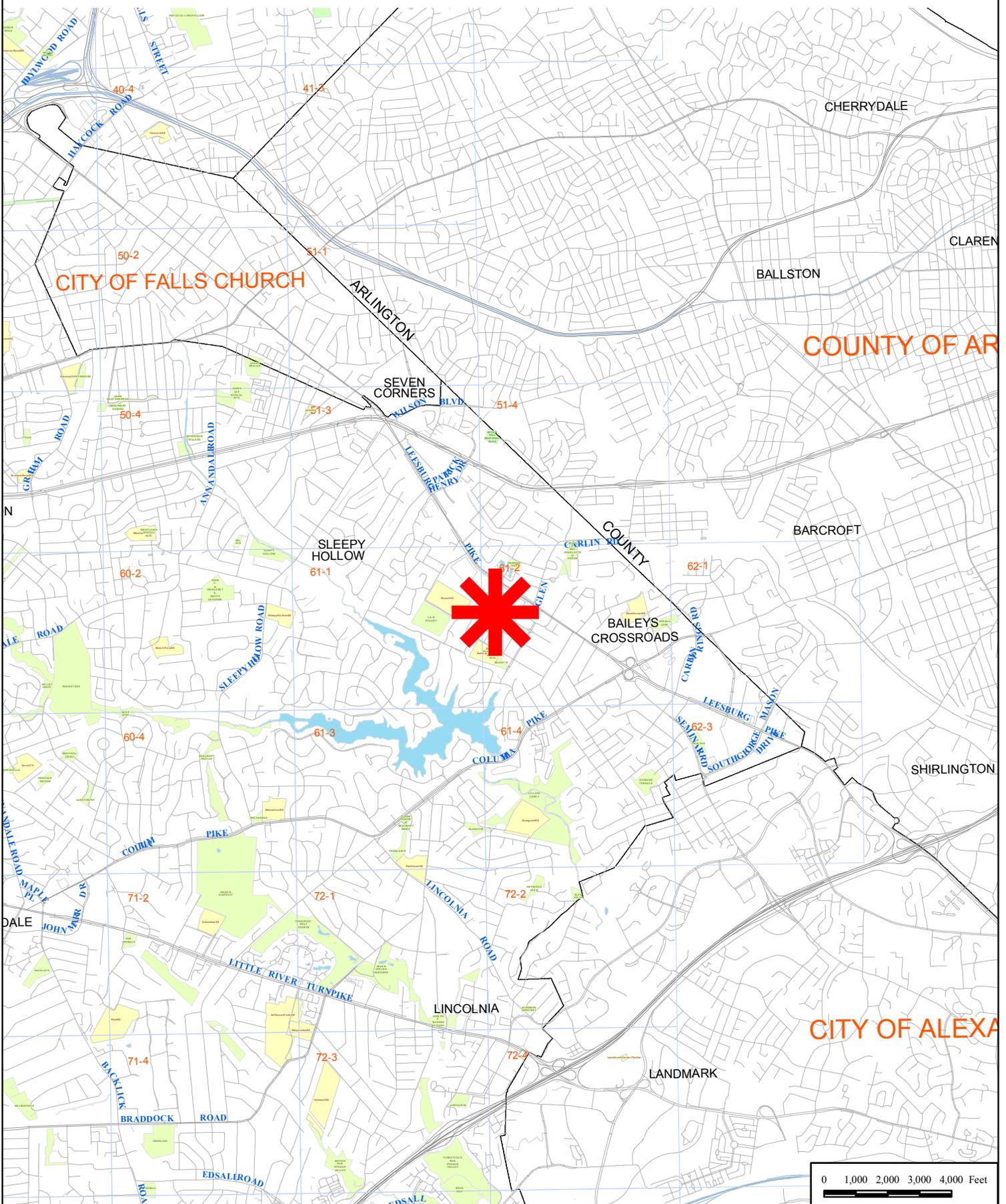
SP 2014-MA-202

MUHAMMAD YASIN AND MUHAMMAD J ALI

# Variance Application

VC 2014-MA-014

MUHAMMAD YASIN AND MUHAMMAD J. ALI



# Special Permit

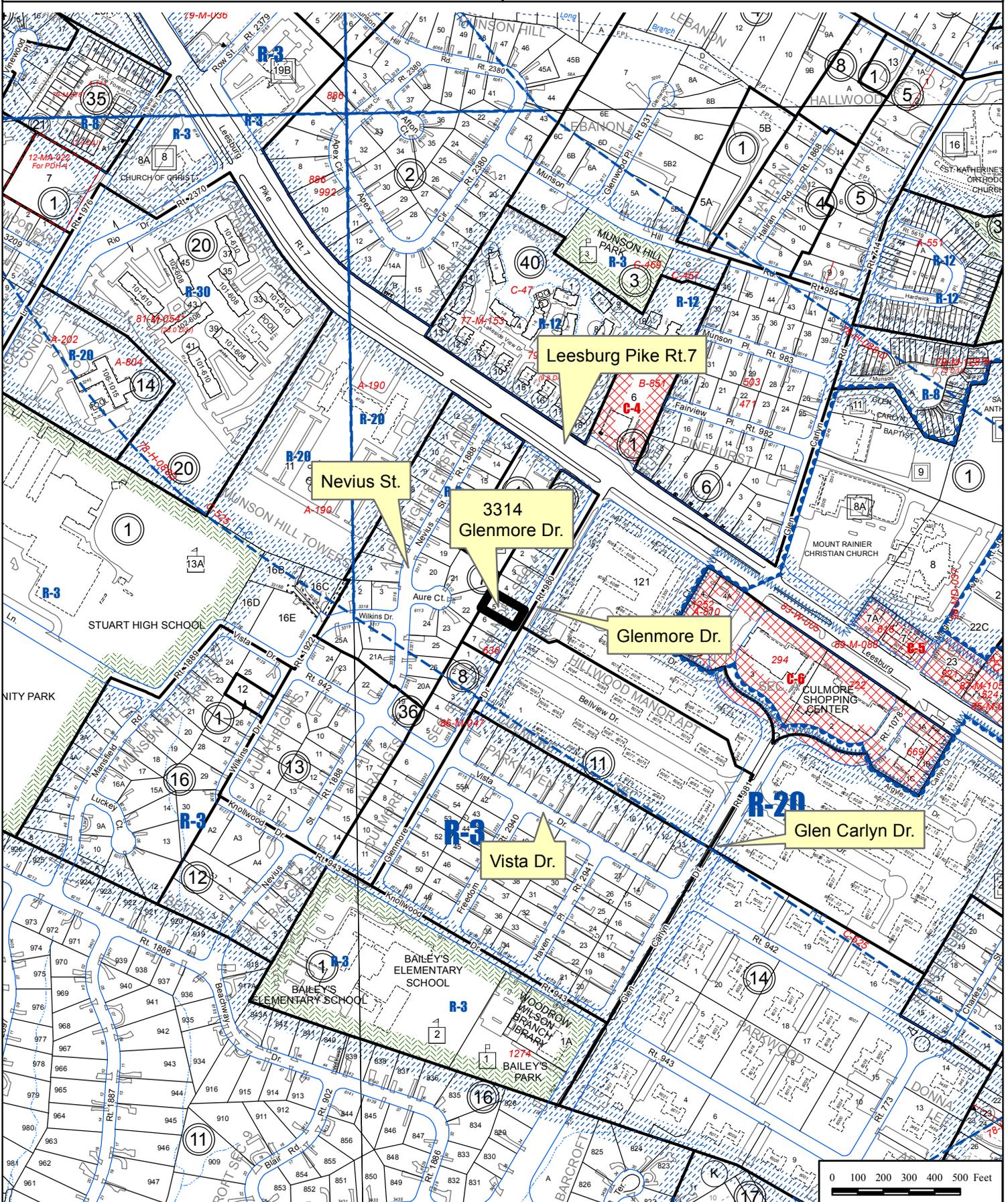
SP 2014-MA-202

MUHAMMAD YASIN AND MUHAMMAD J ALI

# Variance Application

VC 2014-MA-014

MUHAMMAD YASIN AND MUHAMMAD J. ALI





## DESCRIPTION OF THE APPLICATIONS

### Special Permit Request

The applicants request special permit approval for a reduction to the minimum yard requirements based on an error in building location to permit a 13.8-foot high accessory storage structure (shed) to remain 7.2 feet from the rear lot line.

|                               | Structure | Yard | Min. Yard Req.* | Structure Location | Amount of Error | Percent of Error |
|-------------------------------|-----------|------|-----------------|--------------------|-----------------|------------------|
| <b>Special Permit Request</b> | Shed      | Rear | 13.8 feet       | 7.2 feet           | 6.6 feet        | 48%              |

\*Minimum yard requirement per Section 10-104

Pursuant to Section 10-104 of the Zoning Ordinance, an accessory storage structure that exceeds 8.5 feet in height shall not be located closer than a distance equal to its height from the rear lot line.

### Variance Request

The applicants also request the approval of a variance to permit the same accessory storage structure approximately 245 square feet in area to remain in the northern corner of the property. The Zoning Ordinance limits accessory storage structures that are accessory to a single family detached dwelling in the R-3 Zoning District to a maximum of 200 square feet in gross floor area.

A copy of the special permit and variance plat depicting the structures on-site, titled "Special Permit / Variance Plat, Lot 5, Section Four," prepared by Willard Ross Dickerson, ACE Engineering, LLC, dated July 23, 2013, as revised through June 22, 2014, is included at the front of the staff report.

The proposed development conditions, statement of justification with file photographs, and affidavits are contained in Appendices 1 to 4, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is developed with a single family home constructed in 1952. The lot slopes upward from Glenmore Drive to the front of the dwelling. The rear yard of the property is relatively flat. An asphalt driveway provides vehicular access to the site from Glenmore Drive. A shed approximately 245 square feet in area and 13.8 feet in height to the roof peak is located in the northern corner of the property approximately

7.2 feet from the rear lot line. An additional shed that is approximately 69 square feet in area and 5 feet in height to the roof peak is located to the north of the larger shed and approximately 2.9 feet from the rear lot line. This shed meets the setback requirements. A chain link fence approximately 4 feet in height is located along the side property lines in the rear of the property and a wood fence approximately 5 feet and 10 inches in height is located along the rear lot line of the property.

The property is located south of Leesburg Pike and north of Lake Barcroft. The image below illustrates the application property and the surrounding area. The zoning and uses surrounding the subject property are as follows:

|              | <b>Zoning</b> | <b>Use</b>              |
|--------------|---------------|-------------------------|
| <b>North</b> | R-3, HC       | Single Family Home      |
| <b>East</b>  | R-20, HC      | Multifamily residential |
| <b>South</b> | R-3, HC       | Single Family Home      |
| <b>West</b>  | R-3, HC       | Single Family Home      |



Source: Fairfax County GIS with added graphics

**BACKGROUND**

The existing dwelling on the property was constructed in 1952.

On April 26, 2013, a Notice of Violation was issued to the applicants for an accessory storage structure that exceeds 200 square feet in gross floor area and is not in compliance with the location requirements of the Zoning Ordinance. An amended Notice of Violation was issued on May 23, 2013 (Appendix 5), to correct an error in the previous Notice regarding the monetary amount of the civic penalty. A building permit was not obtained for this shed.

A variance application to permit an accessory storage structure exceeding 200 square feet in area and a special permit application to permit a modification of the minimum yard requirements based on error in building location for the accessory storage structure, an accessory structure, and a deck have been filed and accepted on the property to the north of the application property.

County records indicate that no similar variance applications in the immediate vicinity of the application property have been heard by the Board of Zoning Appeals. A copy of information outlining similar special permit requests in the area is attached in Appendix 6.

## **ZONING ORDINANCE REQUIREMENTS (Appendix 7)**

### **Special Permit:**

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

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.

### **Variance:**

- Sect. 18-404 Required Standards for Variances

## **Summary of Zoning Ordinance Provisions – Variance**

The variance application must satisfy all of the nine enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance that would afford

relief as set forth in Sect. 18-405. A copy of these provisions is included as Appendix 7.

1. *That the subject property was acquired in good faith.*

Based on staff's evaluation of the Applicants' statement of justification, staff believes that the property was acquired in good faith.

2. *That the subject property has at least one of the following characteristics:*

A. *Exceptional narrowness at the time of the effective date of the Ordinance;*

The width of the application property is approximately 77 feet, which in staff's opinion is not exceptionally narrow when compared to the required minimum lot width of 80 feet in the R-3 District. In addition, the width of the application property appears to be consistent with other lots in the neighborhood based on staff's review of the County's property map and aerial imagery. In staff's opinion, the width of the lot does not prevent the applicants from having an accessory storage structure on the property that contains less than 200 square feet.

B. *Exceptional shallowness at the time of the effective date of the Ordinance;*

The lot has an approximate depth of 150 feet. Staff believes that this is not an exceptionally shallow lot and that the depth of the lot is consistent with other lots in the neighborhood based on a review of the County's property map and aerial imagery. Further, staff believes that the depth of the lot does not affect the applicants' ability to have an accessory storage structure that conforms to the 200 square foot maximum stated in the Zoning Ordinance.

C. *Exceptional size at the time of the effective date of the Ordinance;*

The area of the lot is 11,550 square feet. This area exceeds the minimum lot area of 10,500 square feet for the R-3 Zoning District. The size of the subject lot appears to be consistent with other lots in the neighborhood based on staff's review of the County's property map, aerial imagery, and tax records. Therefore, staff believes that the subject property is not of an exceptional size.

D. *Exceptional shape at the time of the effective date of the Ordinance;*

The lot is rectangular in shape and can accommodate a single family dwelling and accessory structures. The shape of the subject lot appears to be generally consistent with other lots in the neighborhood based on staff's review of the County's property map and aerial imagery. Therefore, staff believes that the subject property does not have an exceptional shape.

E. *Exceptional topographic conditions;*

The site slopes upward from Glenmore Drive to the front of the dwelling. The rear of the property is relatively flat, as shown in the photographs submitted by the applicants. In staff's opinion, the property does not contain exceptional topographic conditions.

*F. An extraordinary situation or condition of the subject property;*

In their statement of justification, the applicants state that the variance request to permit the existing shed that exceeds 200 square feet in area to remain is necessary because compliance with the Ordinance will cause undue financial hardship on the applicants and leave no other place to store their valuables. The applicants also state that the non-compliance was done in good faith, as they were not aware of a permit requirement for the shed when the contractor installed the shed. The applicants describe that an extraordinary situation or condition exists on the subject property because the shed was built under extraordinary circumstances and does not create an unsafe condition with respect to the property, adjacent properties, or public areas. Staff notes, however, that this is not an extraordinary situation or condition related to the property specifically. Further, staff finds that the conditions of the property do not preclude the applicants from reducing the size of the accessory storage structure or installing one that is 200 square feet in area or less within the required setbacks without unnecessary hardship. As a result, staff believes the situation or condition of the property does not present an extraordinary challenge.

*G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.*

The adjacent properties are similar in size to the subject property and do not create an extraordinary situation or condition affecting the subject property in staff's opinion.

3. *That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.*

The residential lots in the vicinity of the subject property contain single family detached dwellings with accessory structures and are similar to the subject property in terms of area, width, depth, and shape and. Staff finds that the condition or situation of the subject property or the intended use does not necessitate a new general regulation adopted by the Board of Supervisors or an amendment to the Zoning Ordinance.

4. *That the strict application of this Ordinance would produce undue hardship.*

Staff finds that the strict application of the Ordinance would not preclude the applicants from installing an accessory storage structure on the property that contains 200 square feet or less. Therefore, in staff's opinion an undue hardship does not exist.

5. *That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.*

Staff does not believe there is an undue hardship demonstrated with the request. Furthermore, as previously stated, the size, shape, and topography of the property are similar to that of adjacent properties.

6. *That:*

A. *The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or*

B. *The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.*

The strict application of the Zoning Ordinance would not unreasonably restrict or prohibit utilization of the subject property since staff finds that the applicants could install an accessory storage structure that complies with the size requirements outlined in the Zoning Ordinance. Staff believes that the variance request appears to be more of an accommodation to allow an existing structure to remain without consideration of the individual characteristics of the lot. It is staff's position that the granting of a variance for this case constitutes a convenience and would not alleviate a demonstrable hardship.

7. *That authorization of the variance will not be of substantial detriment to adjacent property.*

The accessory storage structure currently exists on the property and the applicants have received a Notice of Violation for the structure. The structure is located 7.2 feet from the rear lot line and could create a visual impact to surrounding properties given its size and proximity to adjacent properties.

8. *That the character of the zoning district will not be changed by the granting of the variance.*

Staff finds that the character of the R-3 Zoning District will not be changed by the granting of the variance.

9. *That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.*

Staff believes that in this instance the variance application constitutes a convenience and is contrary to the intended spirit and purposes of the Ordinance.

## **CONCLUSION AND RECOMMENDATION**

In staff's opinion, the applicants have not sufficiently justified the granting of a variance to allow the existing shed to remain. The purpose of a variance is to provide a reasonable deviation from Zoning Ordinance standards when there is a certain exceptional or extraordinary characteristic of the property and the application of such standards would result in an unnecessary or unreasonable hardship to the property owner. Staff does not believe that such is the case with the subject application. Based on staff's review of the Fairfax County property map, the subject property is similar to other properties in the neighborhood in terms of shape, width, depth, and area. In addition, it would be possible for the applicants to install an accessory storage structure that complies with the maximum size limitation of 200 square feet on the property without the approval of the variance. Staff believes that the financial hardship that the applicants may suffer to bring the structure into compliance nor the fact that the applicants were not made aware of the Zoning Ordinance requirements by their contractor constitute an unnecessary or unreasonable hardship as required by the variance standards. In staff's opinion, the applicants have not sufficiently demonstrated that an accessory storage structure containing an area of 200 square feet or less cannot reasonably be placed on the lot, or that it would present an unnecessary hardship to do so.

Based on the findings stated above, staff recommends denial of VC 2014-MA-014. However, if it is the intent of the BZA to approve the Variance and Special Permit applications, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 and Appendix 2 of this report.

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

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

## **APPENDICES**

1. Proposed Variance Development Conditions
2. Proposed Special Permit Development Conditions
3. Applicants' Statements of Justification and File Photographs

4. Applicants' Affidavits
5. Notice of Violation Dated May 23, 2014
6. Similar Case History
7. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**VC 2014-MA-014**

**December 31, 2014**

1. This variance is approved for the accessory storage structure (shed) shown on the plat titled, "Special Permit / Variance Plat, Lot 5, Section Four," prepared by Willard Ross Dickerson, ACE Engineering, LLC, dated July 23, 2013, as revised through June 22, 2014, as submitted with this application and is not transferable to other land.
2. All applicable building permits shall be obtained for the accessory storage structure.

This approval, contingent upon the above-noted conditions, shall not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2014-MA-202**

**December 31, 2014**

1. This special permit is approved for the height and location of the accessory storage structure (shed) as shown on the plat titled, "Special Permit / Variance Plat, Lot 5, Section Four," prepared by Willard Ross Dickerson, ACE Engineering, LLC, dated July 23, 2013, as revised through June 22, 2014, as submitted with this application and is not transferable to other land.
2. All applicable building permits shall be obtained for the accessory storage structure.

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

## SPECIAL PERMIT STATEMENT OF JUSTIFICATION

September 3, 2013

MUHAMMAD YASIN  
 3314 GLENMORE DR.  
 FALLS CHURCH, VA 22041  
 571-212-8616

RECEIVED  
 Department of Planning & Zoning  
 SEP 05 2013  
 Zoning Evaluation Division

TO WHOM IT MAY CONERN:

SUBJECT: Statement describing proposed use, and other pertinent data regarding shed

- A. **Type of Operation**
  - a. The Shed will be used for household items, lawn care and landscaping tools as well as recreational equipment such as bicycles, etc.
- B. **Hours of Operation**
  - a. The Shed is for personal use only, for myself and my family and can be accessed 24 hours a day, 7 days a week.
- C. **Estimated number of Patrons/Clients/Patients/Pupils/etc.**
  - a. There are no patrons/clients/patients/pupils/etc. using the Shed
- D. **Proposed number of employees/attendants/teachers/etc.**
  - a. There are no employees/attendants/teachers/etc.
- E. **Estimate 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.**
  - a. There are no traffic impact from the proposed use
- F. **Vicinity or general area serviced by the proposed use**
  - a. No particular area is served by the use of the sheds except the owner and the owner's family, which reside at this location (3312 Glenmore Dr. Falls Church, VA 22041)
- G. **Description of building façade and architecture of proposed new building or addition.**
  - a. The shed is a barn style with beige sidings
- H. **A listing of, if known, of all hazardous or toxic substance as set forth in Title 40, Code of Federal Regulation Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environment Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40 Code of Federal Regulations Part 280 ; to be generated, utilized, stored, treated, and/or disposed of on-site and the size and contents of any existing or proposed storage tanks or containers.**
  - a. There are no hazardous or toxic substances generated, utilized, stored, treated or disposed of on site.
- I. **A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinance, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.**
  - a. Used as residential Shed, no waivers, exceptions or variances for the proposed use are requested.

**Muhammad Yasin and Muhammad Ali**  
3314 Glenmore Drive, Falls Church, VA 22041

**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 or a modification to the location regulations of any freestanding accessory structure existing or partially constructed which does not comply with such requirements applicable at the time such building or structure 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.

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

**2. The BZA determines that:**

A. The error exceeds ten (10) percent of the measurement involved, or

**The shed structure is supposed to be 13.5ft from rear line and 12ft from sideline however it is 7.2ft from rear lot line**

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

**A trusted contractor was hired to replace a shed which was destroyed due to a tree fall in storm. We had assumed he has all the proper paperwork to complete the shed.**

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

**The current shed structure is not detrimental to the user and enjoyment of the other property in the immediate vicinity, it has been there for over 7 years, previous shed was at same location which was destroyed due to a tree fall.**

F. It will not create an unsafe condition with respect to both other property and public streets, and

**It does not create an unsafe condition with respect to the both other properties and public streets**

G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.

**Forcing compliance will cause undue hardship and leave no other space to store valubles and storage items for the owner. It will be a financial burden.**

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.

N/A

3. In granting such a reduction or modification under the provisions of this Section, the BZA shall allow only a reduction or modification 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 or modification for a particular building or structure 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.

ZONING ORDINANCE STANDARDS FOR A VARIANCE (Section 18-404)

August 26, 2014

MUHAMMAD YASIN  
MUHAMMAD ALI  
3314 GLENMORE DR.  
FALLS CHURCH, VA 22041  
202-445-9200

RECEIVED  
Department of Planning & Zoning  
AUG 27 2014  
Zoning Evaluation Division

TO WHOM IT MAY CONERN:

**SUBJECT: ZONING ORDINANCE STANDARDS FOR A VARIANCE**

**1. That the subject property was acquired in good faith.**

The shed was built by a trusted contractor in September of 2008 to replace a shed that had been destroyed in a storm; we were not informed by the contractor that a special permit would be required since the construction would be in within our boundary. The non- compliance was done in good faith as we were not aware of a special permit requirement for such a structure.

**2. That the subject property has at least one of the following characteristics/**

**F. An extraordinary situation or condition of the subject property; or**

Shed is used to store a large amount of personal items and acts strictly as a storage structure. As stated in question 1, it was built under extraordinary circumstances and the structure is in exceptional condition. It has been very well kept and does not create an unsafe condition with respect to our property, any adjacent properties, or public areas.

**3. That the condition or situation of the subject property or the intended use of the subject Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.**

This is a unique circumstance in which a special permit request is being requested. There are no plans to request an amendment to the general regulation nor are there any plans on building a future structure that does not meet the zoning ordinance guidelines set forth by the County of Fairfax.

**4. That the strict application of this Ordinance would produce undue hardship.**

The structure is not visible from the street and is not detrimental to the use and enjoyment of the neighbors or any adjacent properties. The forced compliance of this ordinance will cause undue financial hardship to me and my family and leave us no other place to store our valuables. We kindly request the special permit be considered for leaving the shed at its current location.

**5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.**

The shed is within our boundary lines and not visible from the public street. The structure has been in place for close to 6 years and we have never received a single verbal complaint against its size or location. We share a great relationship with our neighbors and respect their right to use and enjoyment. The hardship is not shared by other properties in the vicinity; willing to provide written approval of the structure by neighbors upon request.

**6. A. That the strict application of the Zoning Ordinance would *effectively prohibit or unreasonably restrict all reasonable use* (emphasis added) of the subject property, or**

Application of the zoning ordinance would effectively prohibit reasonable use of the shed. It would create a shortage of space for personal items and cause undue financial hardship in any movement or restructure of the property.

**B. That the granting of a variance will alleviate a clearly demonstrable hardship Approaching *confiscation* (emphasis added) as distinguished from a special privilege or Convenience sought by the applicant.**

Granting a special permit will allow for continued use and enjoyment of the structure by my family and me. It will alleviate the need to make additional investments in to this application process as we have spent countless hours over the months to provide as much detail as possible to allow for a favorable decision. Granting this special use permit will provide much needed closure to us.

**7. That authorization of the variance will not be of substantial detriment to adjacent property.**

Authorization of the variance will not be detrimental to any adjacent properties.

**8. That the character of the zoning district will not be changed by the granting of the variance.**

The character of the zoning district will not be changed by granting this variance. We do not plan on requesting any additional exceptions.

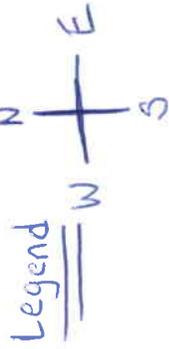
**9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.**

The variance will be in harmony with the intended spirit and purposes of this ordinance. It will be strictly used to store items of belonging and will not be used in any other intent then stated throughout this application process. It is not visible to the public rights of way and nor does it sit on any property outside of our boundaries.

Aerial View

TAKEN: August 28th, 2013

Source: Google



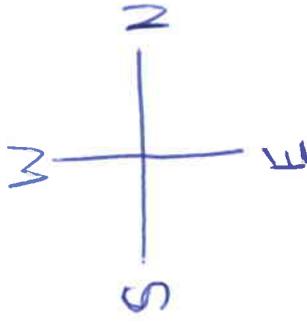
Picture #1

Street View - Front Right (Glenmore Dr)

North Angle

DATE = 8-28-2013

Legend



Glenmore Drive

Picture # 2

Street View - Front Center - Glenmore Dr

West Angle

DATE= 8-28-2013



← Glenmore Drive →

Picture # 3

Street View - Front Left (Glenmore Dr.)

South Angle

DATE = 8-28-2013



← Glenmore Drive →

Picture #4  
Side Panoramic (Right)  
Facing South  
DATE = 8-28-2013



Glenmore Drive

Picture # 5  
Rear Right corner of lot  
Facing South  
DATE = 8/28/2013



Picture #6

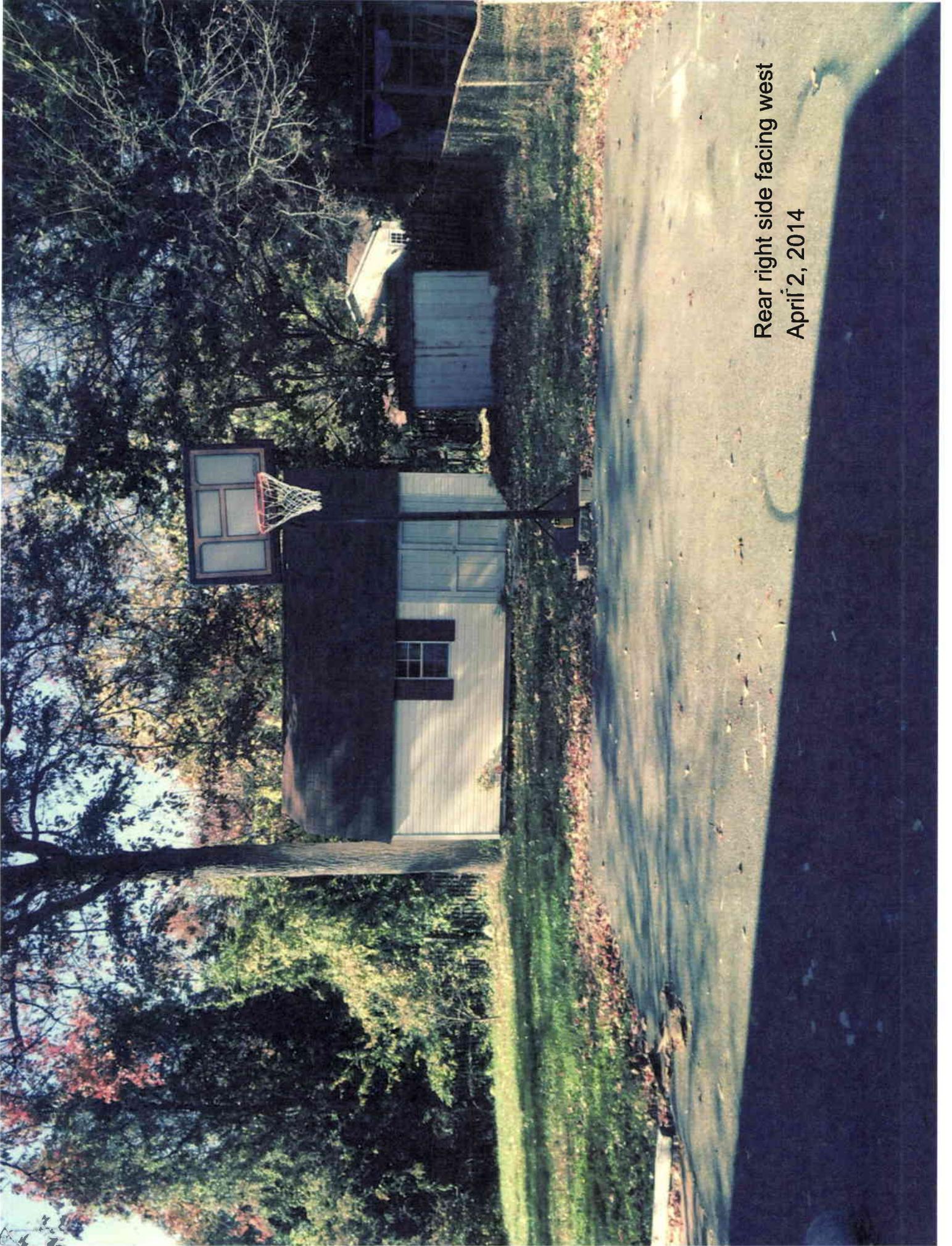
Rear left corner of lot

Panoramic Starting from (left - Right)

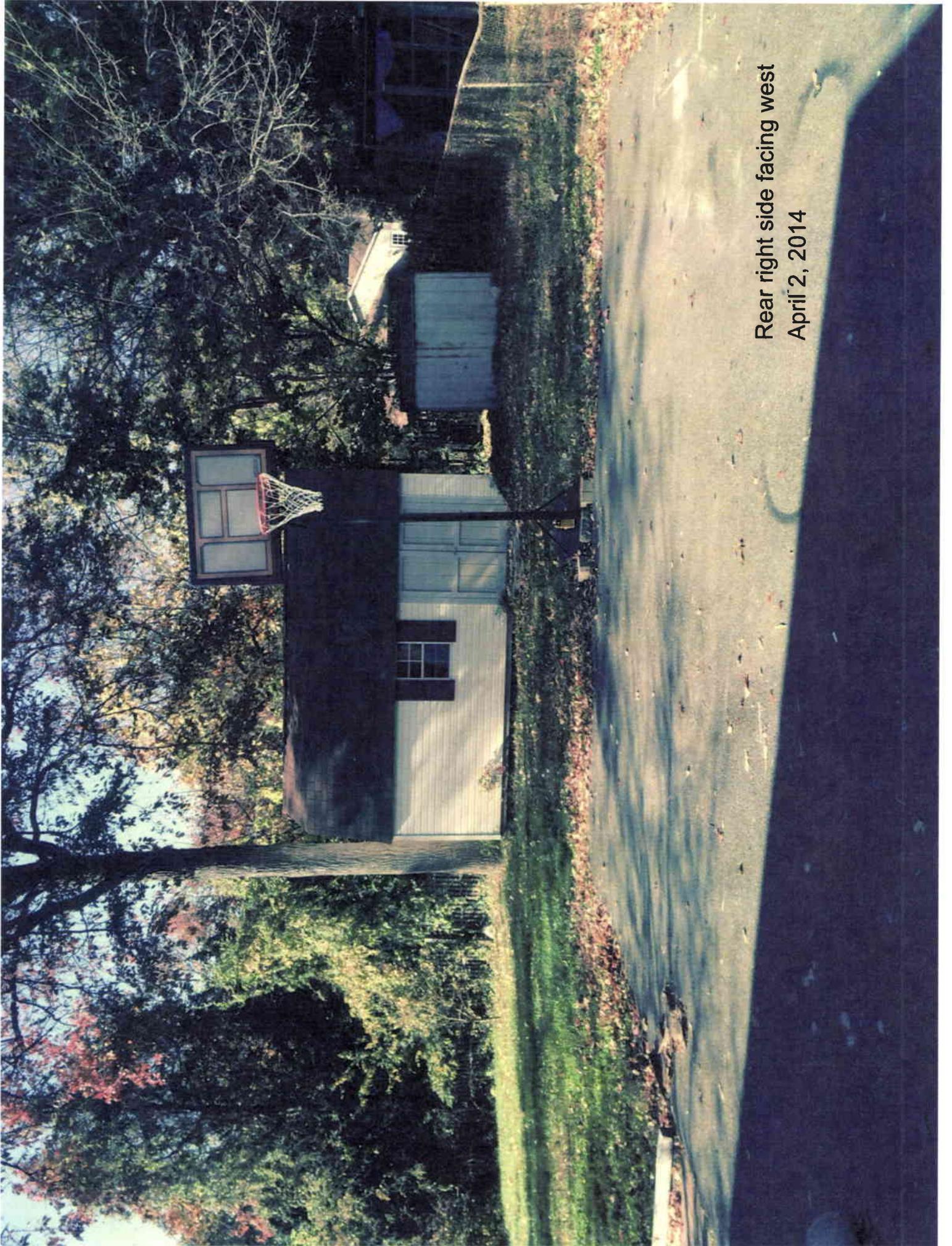
North → East

DATE = 8/28/2013



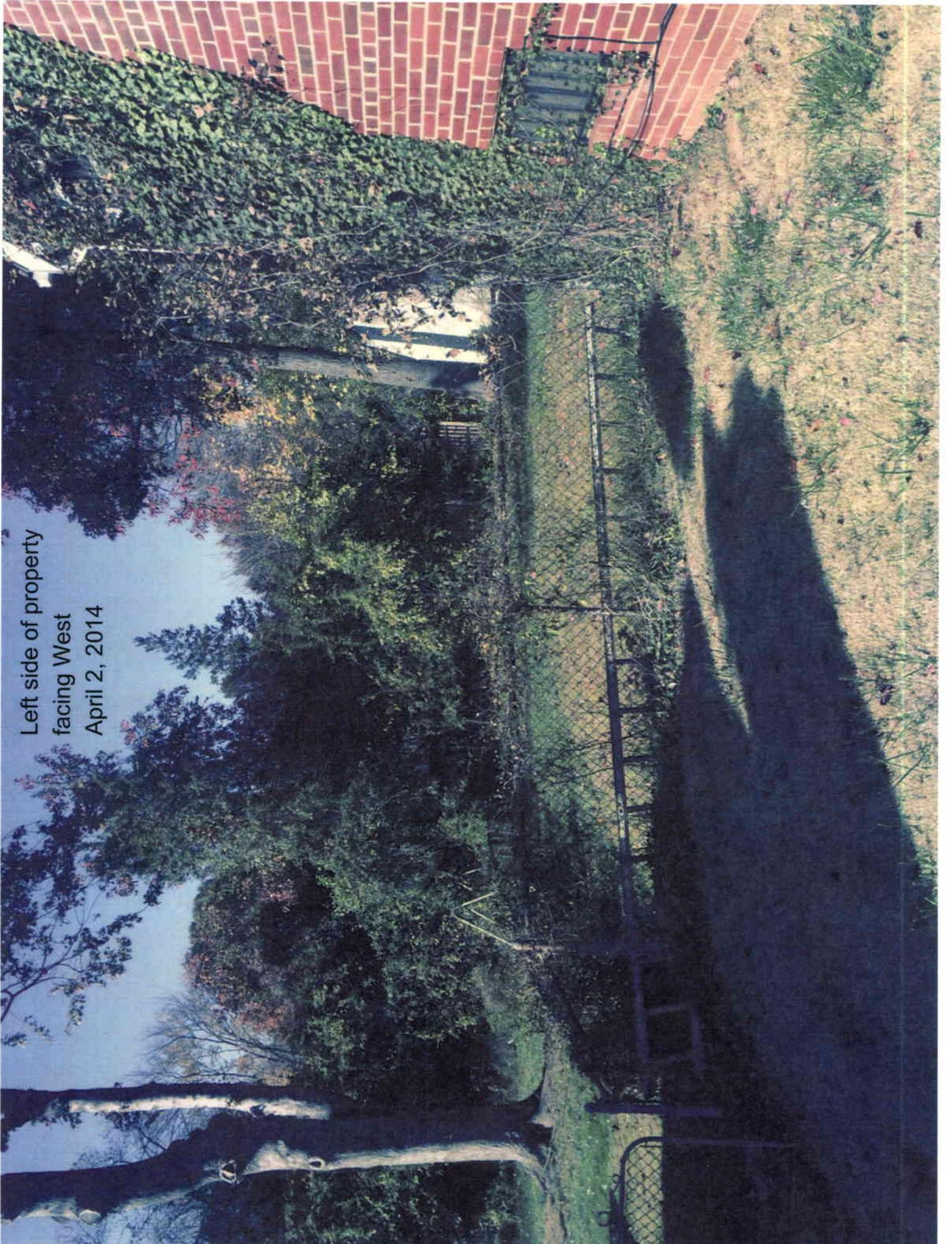


Rear right side facing west  
April 2, 2014

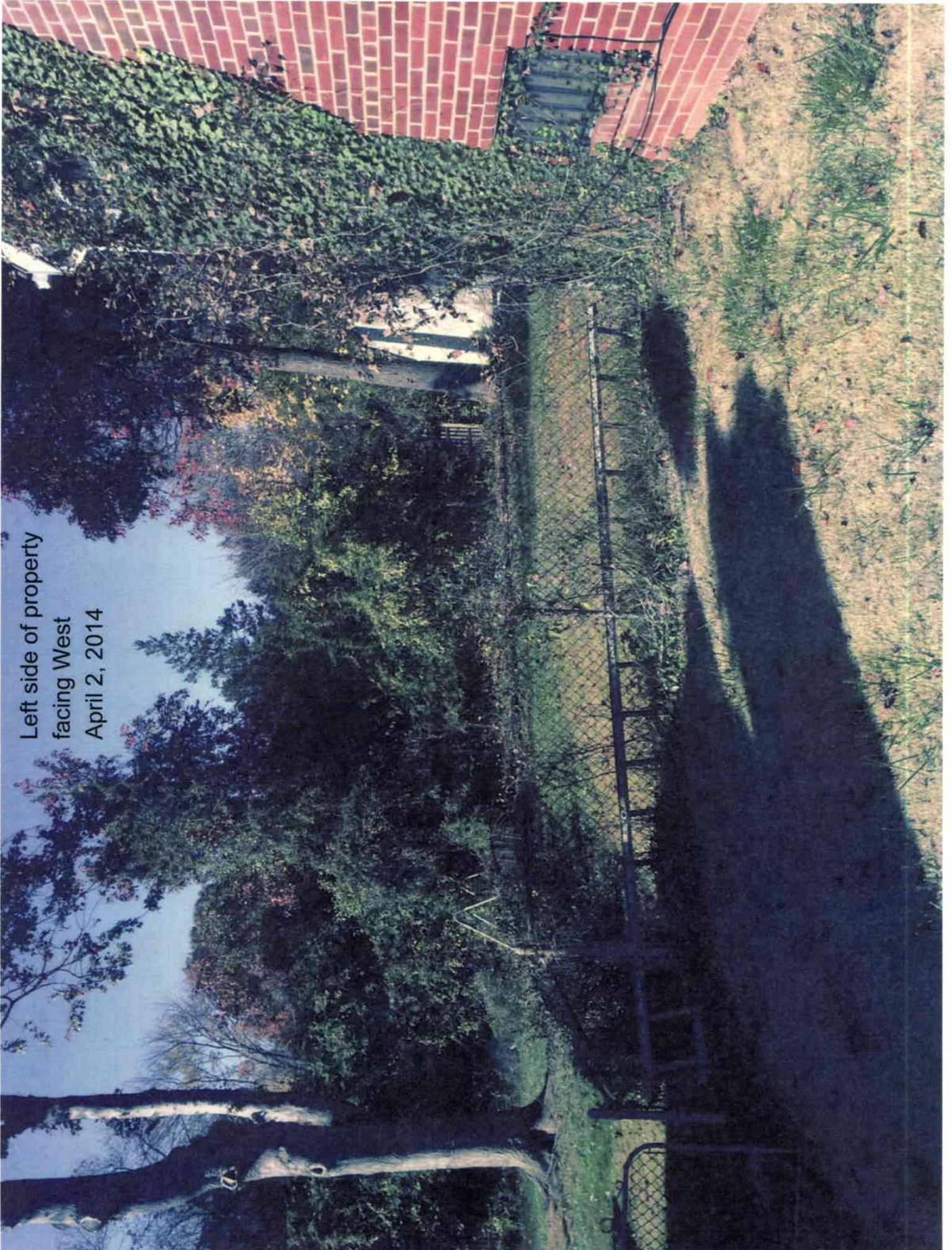


Rear right side facing west  
April 2, 2014

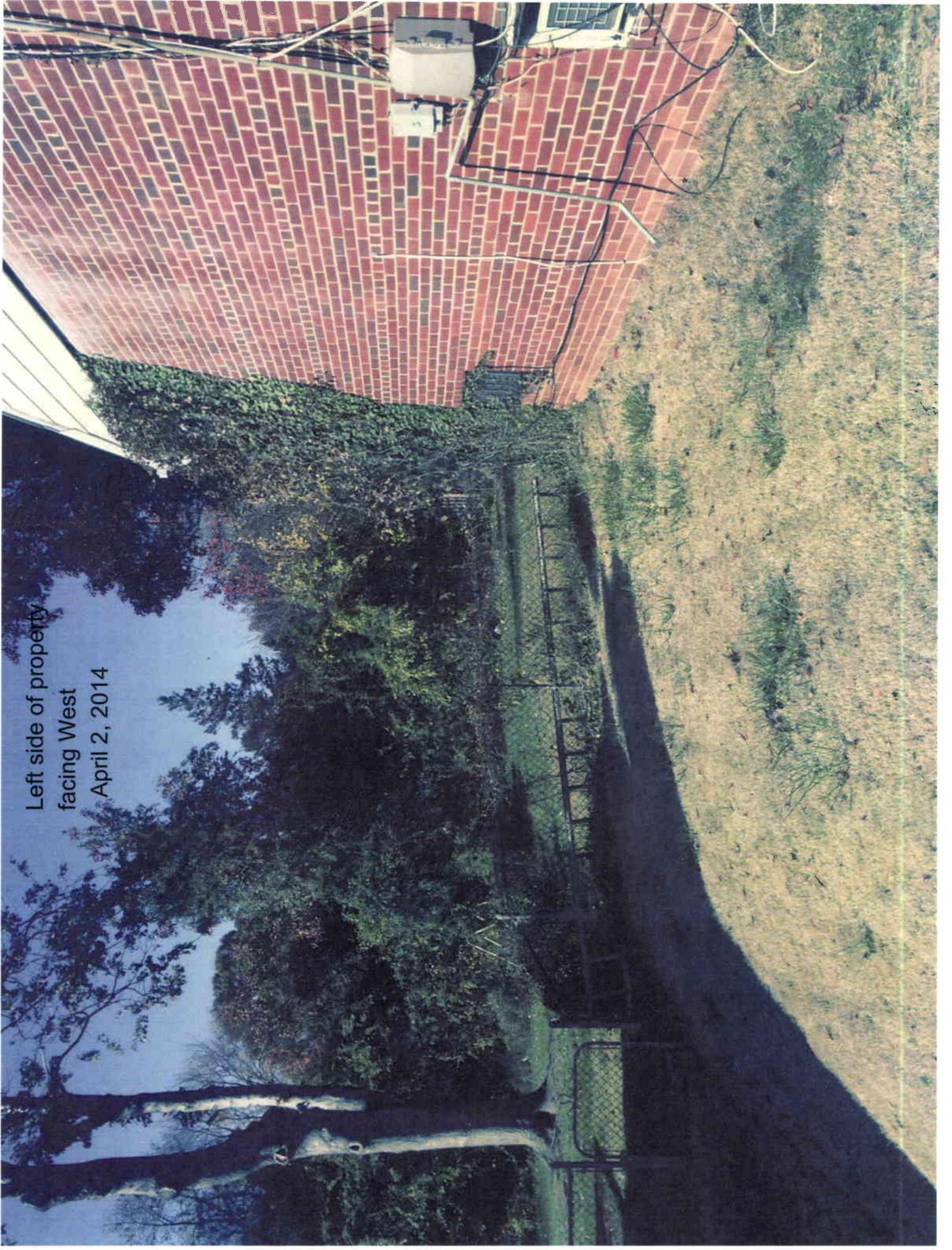
Left side of property  
facing West  
April 2, 2014



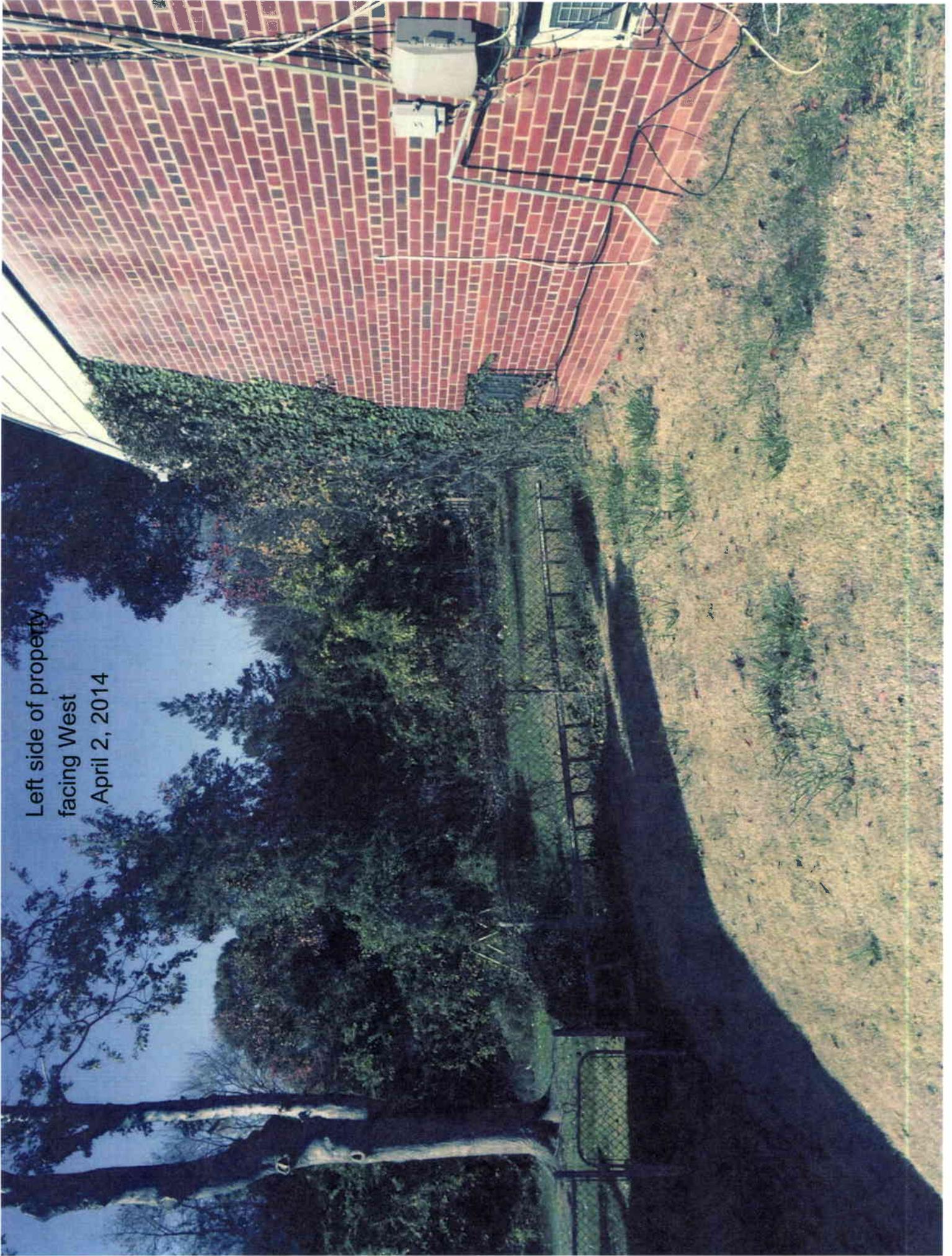
Left side of property  
facing West  
April 2, 2014



Left side of property  
facing West  
April 2, 2014

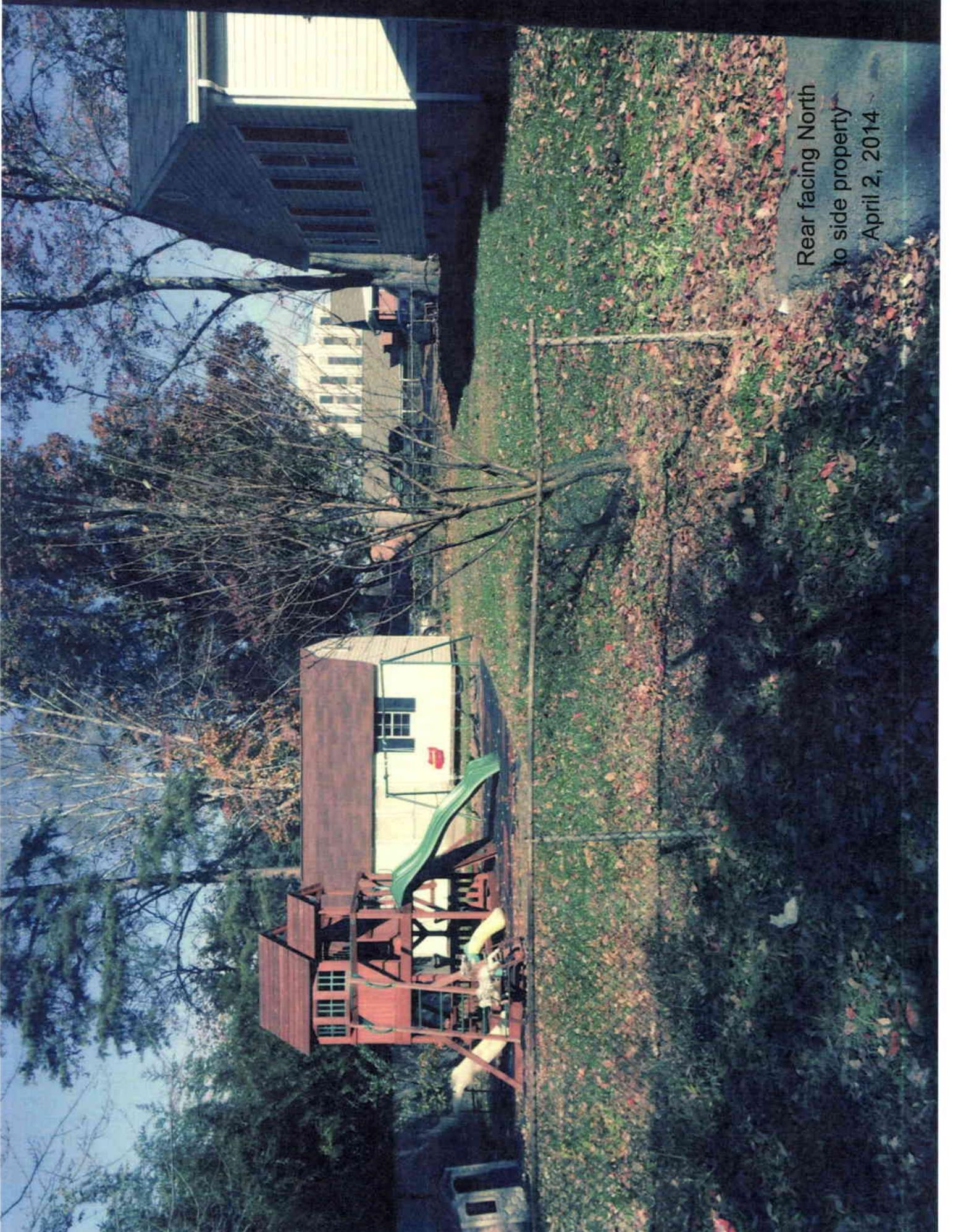


Left side of property  
facing West  
April 2, 2014



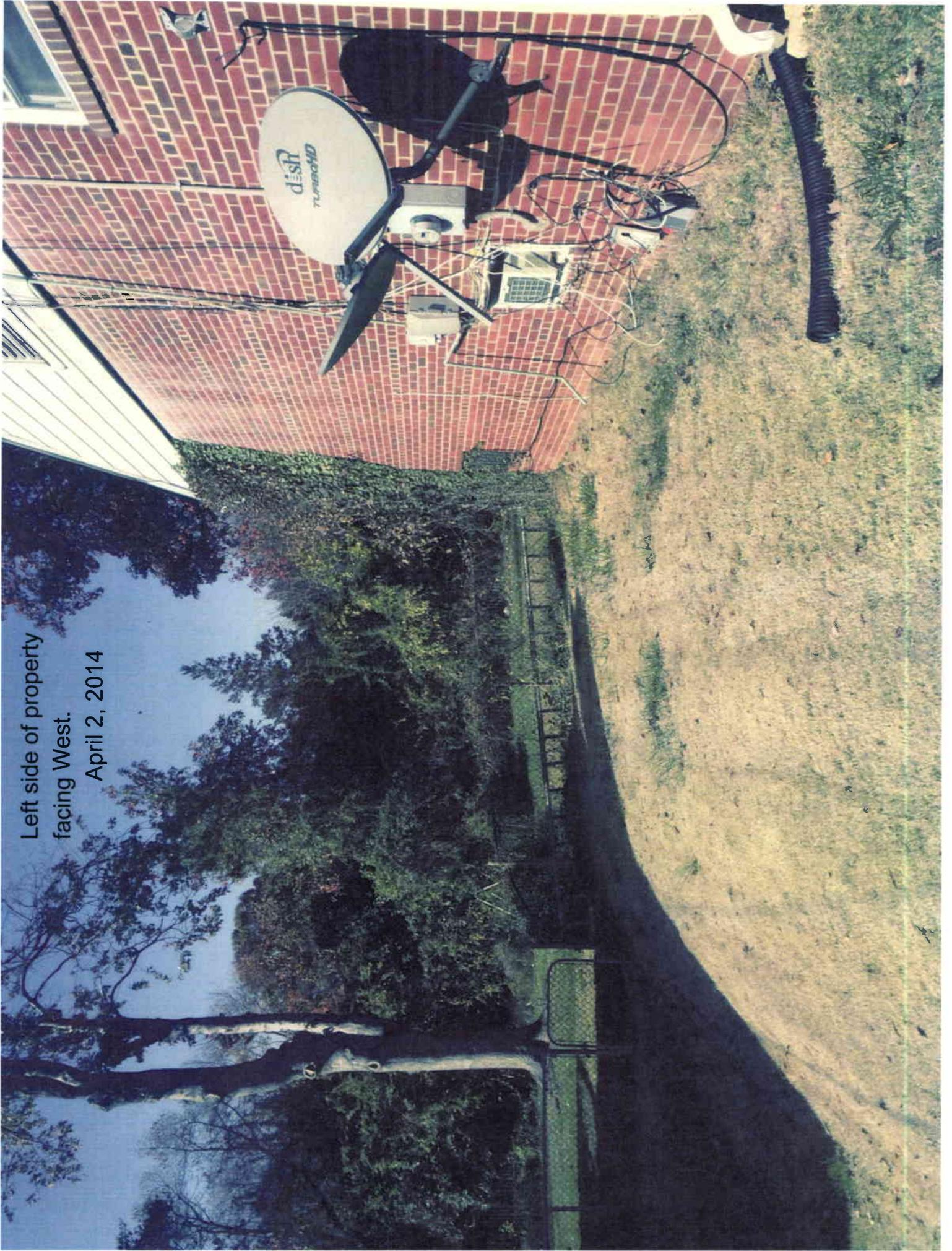


Rear facing North  
to side property  
April 2, 2014



Rear facing North  
to side property  
April 2, 2014

Left side of property  
facing West.  
April 2, 2014



Left side of property  
facing West.  
April 2, 2014





Rear facing west side line  
April 2, 2014



Rear facing west side line  
April 2, 2014



Rear left side facing west  
April 2, 2014



Rear left side facing west  
April 2, 2014



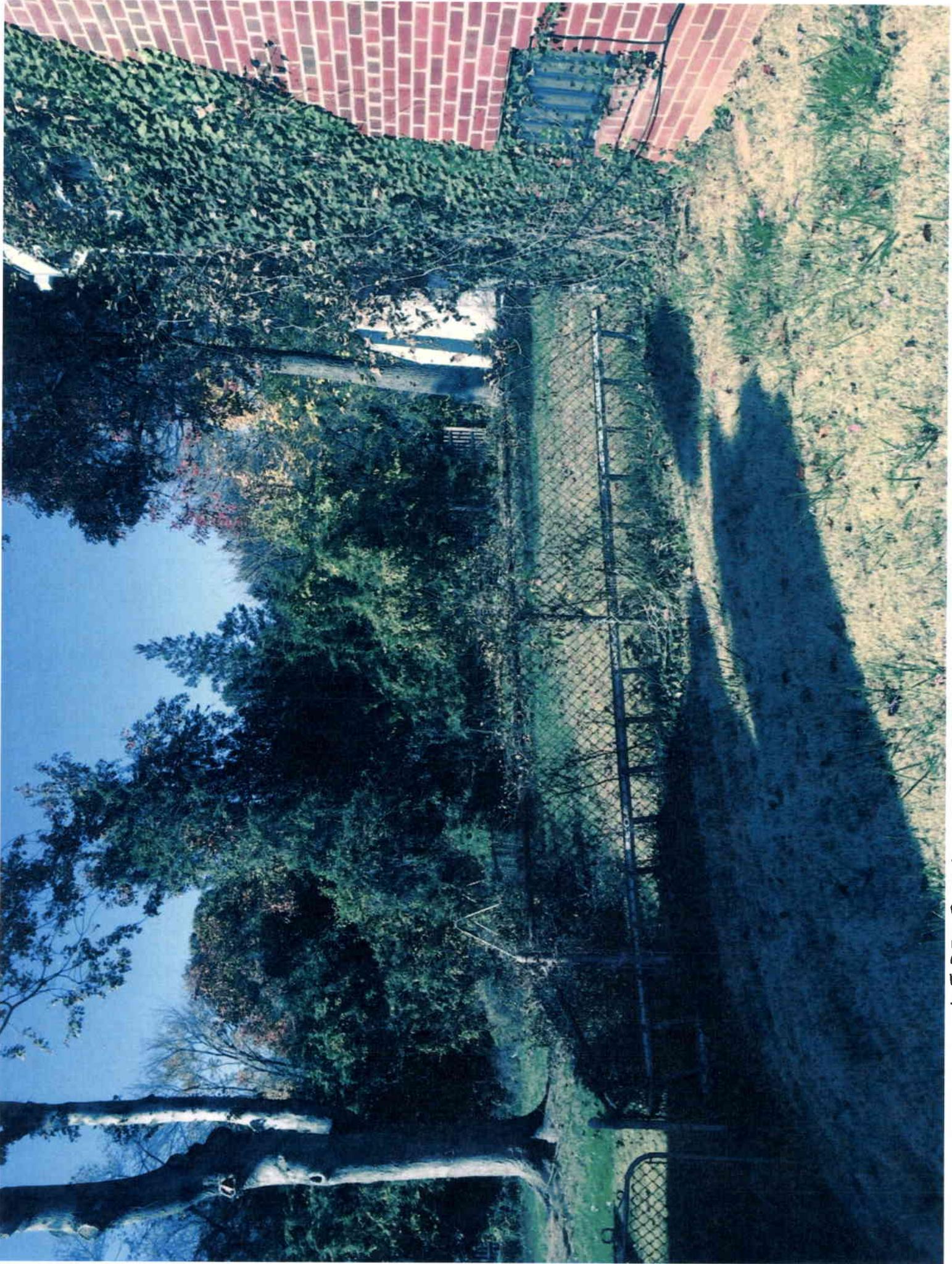
Right side lot line facing South  
April 2, 2014



Right side lot line facing South  
April 2, 2014



LEFT SIDE OF HOUSE FROM YARD AREA



LEFT SIDE OF HOUSE



LEFT SIDE BACK YARD AREA



LEFT SIDE BACK YARD AREA



VIEW FROM RIGHT SIDE OF HOUSE INTO BACKYARD



RIGHT BACK YARD AREA



VIEW of Adjacent Property RIGHT Side of House











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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: \_\_\_\_\_  
 (enter date affidavit is notarized)

122452

I, Muhammad Yasin, 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<br>(enter first name, middle initial, and last name) | ADDRESS<br>(enter number, street, city, state, and zip code) | RELATIONSHIP(S)<br>(enter applicable relationships listed in <b>BOLD</b> above) |
|---|--|---|
| Muhammad Ali S.   | 3314 Glenmore Dr.<br>Falls Church VA 22041                   | <b>Applicant/Title Owner</b>  |
| Muhammad Yasin  | 3314 Glenmore Dr.<br>Falls Church VA 22041                   | <b>Applicant/Title Owner</b>  |

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

122452

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)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

122452

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: \_\_\_\_\_  
(enter date affidavit is notarized)

122452

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: \_\_\_\_\_  
(enter date affidavit is notarized)

122452

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

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

None

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

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

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

WITNESS the following signature:

(check one) [x] Applicant [ ] Applicant's Authorized Agent

Muhammad Yasin Applicant / title Owner  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22<sup>nd</sup> day of October 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Michael N. Patterson  
Notary Public

My commission expires: 4-30-2014

Application No.(s): VC 2014-MA-014  
(county-assigned application number(s), to be entered by County Staff)

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11-28-14  
(enter date affidavit is notarized)

I, MUHAMMAD YASIN, 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

126741

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

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

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

| NAME<br>(enter first name, middle initial, and last name) | ADDRESS<br>(enter number, street, city, state, and zip code) | RELATIONSHIP(S)<br>(enter applicable relationships listed in <b>BOLD</b> above) |
|---|--|---|
| MUHAMMAD J ALI  | 3314 GLENMORE DR. FALLS CHURCH VA 22041                      | APPLICANTS/TITLE OWNERS   |
| MUHAMMAD YASIN  | 3314 GLENMORE DR. FALLS CHURCH VA 22041                      | APPLICANTS/TITLE OWNERS   |

(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): VC 2014-MA-014  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11-28-14  
(enter date affidavit is notarized)

126741

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

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

**CORPORATION INFORMATION**

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

N/A

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

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

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

N/A

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

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

Application No.(s): VC 2014-MA-014  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11-28-14  
(enter date affidavit is notarized)

126741

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

**PARTNERSHIP INFORMATION**

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

N/A

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

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

NONE

(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): VC 2014-MA-014  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11-28-14  
(enter date affidavit is notarized)

126741

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): VC 2014-MA-014  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11-28-14  
(enter date affidavit is notarized)

126741

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

MUHAMMAD YASIN

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

Subscribed and sworn to before me this 28 day of November 2014, in the State/Comm. of Virginia, County/City of Fairfax.

  
Notary Public

My commission expires: 01/31/2018

**SU HTET**  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JAN. 31, 2018  
COMMISSION # 7580029



# County of Fairfax, Virginia

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

## NOTICE OF VIOLATION Fairfax County Zoning Ordinance

**DATE OF ISSUANCE:** May 23, 2013

**METHOD OF SERVICE:** Office of the Sheriff

**LEGAL NOTICE ISSUED TO:** Muhammad J. Ali  
Muhammad Yasin

**ADDRESS:** 3314 Glenmore Drive  
Falls Church, Virginia 22041-3317

**LOCATION OF VIOLATION:** 3314 Glenmore Drive  
Falls Church, Virginia 22041-3317

**TAX MAP REF:** 61-2 ((9)) 05

**ZONING DISTRICT:** R- 3

**CASE #:** 201301791      **SR #:** 92610

### POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE § 18-903(1):

| Zoning Violations | First Offense    | Each Subsequent Offense |
|-------------------|------------------|-------------------------|
| § 2-302 (6)       | \$ 200.00        | \$ 500.00               |
| <b>TOTAL:</b>     | <b>\$ 200.00</b> | <b>\$ 500.00</b>        |

Dear Responsible Party:

This Notice of Violation is to rescind the Notice of Violation dated April 26, 2013 which was issued to Muhammad J. Ali and Muhammad Yasin and re-issue a Notice for the same Violation. The Notice of Violation issued on April 26, 2013 contained an error regarding the monetary amount of the civil penalty. This re-issued Notice of Violation now contains the corrected civil penalty. All other information remains the same.

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

Muhammad J. Ali  
Muhammad Yasin  
May 23, 2013  
Page 2

An inspection of the above referenced property on April 10, 2013 revealed the following violations of the Fairfax County Zoning Ordinance:

**§ 10-102 (25) Accessory Storage Structure exceeding 200 square feet in Gross Foot Area**  
**§ 2-302 (6) Accessory Use must comply with Article 10:**

The presence of an accessory storage structure which measured approximately two hundred and seventy (270) square feet in area on this property which is zoned R-3. The Fairfax County Zoning Ordinance permits accessory storage structures so long as they conform to Par. 25 of Sect. 10-102 of the Zoning Ordinance is which permits:

Storage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area.

Therefore, as this accessory storage structure exceeds 200 square feet in area in the R-3 District, you are in violation of Par. 25 of Sect. 10-102 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

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

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

- Removing the storage structure from the property in its entirety; or
- Reducing the square footage of this accessory storage structure so it does not exceed 200 square feet in area.

---

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

The presence of an accessory storage structure which measured approximately thirteen and a half feet (13 ½) in height, is approximately two hundred and seventy (270) square feet in area and is located approximately thirty-nine (39) feet and approximately seven and a half (7 ½) feet respectively from the side and rear lot lines.

Muhammad J. Ali  
Muhammad Yasin  
May 23, 2013  
Page 3

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

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

The minimum required rear yard distance in the R- 3 District is twenty-five (25) feet as detailed in Par. 6 of Sect. 2-302 of the Zoning Ordinance.

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

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

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

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

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

---

Muhammad J. Ali  
Muhammad Yasin  
May 23, 2013  
Page 4

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

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

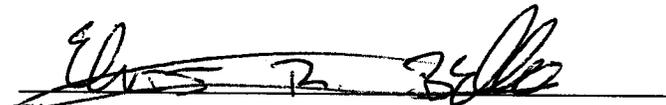
Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035  
Office: (703) 324-1314

Information and forms can also be obtained at <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

If you have questions, would like to schedule an appointment to meet with an investigator, schedule a follow up inspection, or need additional information, please do not hesitate to contact me directly at (703) 324-8248. For any other questions, contact our main office at (703) 324-1300.

Sincerely,

Elvis R. Bello  
Code Compliance Investigator

  
Signature

# Similar Case History

---

## Group: 95-M-038

### SP 95-M-038

**APPLICANT:** KATOUNAS, PANAGIOTIS A.  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 08/01/1995  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DECK TO REMAIN 5.5 FT. FROM SIDE LOT LINE AND ACCESSORY STRUCTURE TO REMAIN 0.0FT. FROM REAR LOT LINE \*APPROVED DECK ONLY 8-1-95\*  
**LOCATION:** 6115 VISTA DRIVE  
**TAX MAP #s:**  
 0612 15 0055A

## Group: 98-M-029

### SP 98-M-029

**APPLICANT:** LE, BAVAN  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 11/11/1998  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 3.9 FT. FROM SIDE LOT LINE AND ACCESSORY STRUCTURE TO REMAIN 0.5 FT. FROM SIDE LOT LINE AND 2.5 FT FROM REAR LOT LINE  
**LOCATION:** 6100 KNOLLWOOD DRIVE  
**TAX MAP #s:**  
 0612 15 0020

## **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, and
  - B. 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
  - C. Such reduction will not impair the purpose and intent of this Ordinance, and
  - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
  - E. It will not create an unsafe condition with respect to both other property and public streets, and
  - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
  - G. The reduction 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.

**18-404 Required Standards for Variances**

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
  - A. Exceptional narrowness at the time of the effective date of the Ordinance;
  - B. Exceptional shallowness at the time of the effective date of the Ordinance;
  - C. Exceptional size at the time of the effective date of the Ordinance;
  - D. Exceptional shape at the time of the effective date of the Ordinance;
  - E. Exceptional topographic conditions;
  - F. An extraordinary situation or condition of the subject property; or
  - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
  - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or
  - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

**18-405 Conditions**

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.