



**SPECIAL PERMIT ACCEPTED:** March 19, 2015  
**BOARD OF ZONING APPEALS:** July 8, 2015 @ 9:00 a.m.

# County of Fairfax, Virginia

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**July 1, 2015**

## **STAFF REPORT**

### **SPECIAL PERMIT SP 2015-DR-055**

#### **DRANESVILLE DISTRICT**

**APPLICANTS:** Rosalva M. Sotero  
Reginald O. Emordi

**OWNER:** Rosalva M. Sotero

**SUBDIVISION:** Southampton

**STREET ADDRESS:** 7103 Idylwood Rd., Falls Church, 22043

**TAX MAP REFERENCE:** 40-1 ((23)) 1

**LOT SIZE:** 10,691 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-914, 8-918

**SPECIAL PERMIT PROPOSAL:** To permit an accessory dwelling unit in an existing dwelling, and to permit reduction in minimum yard requirements based on error in building location to permit decks to remain 0.5 feet and 8.0 feet from a side lot line.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of SP 2015-DR-055 for an accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

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

*Erin M. Haley*

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**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/)



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 (5) 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.**

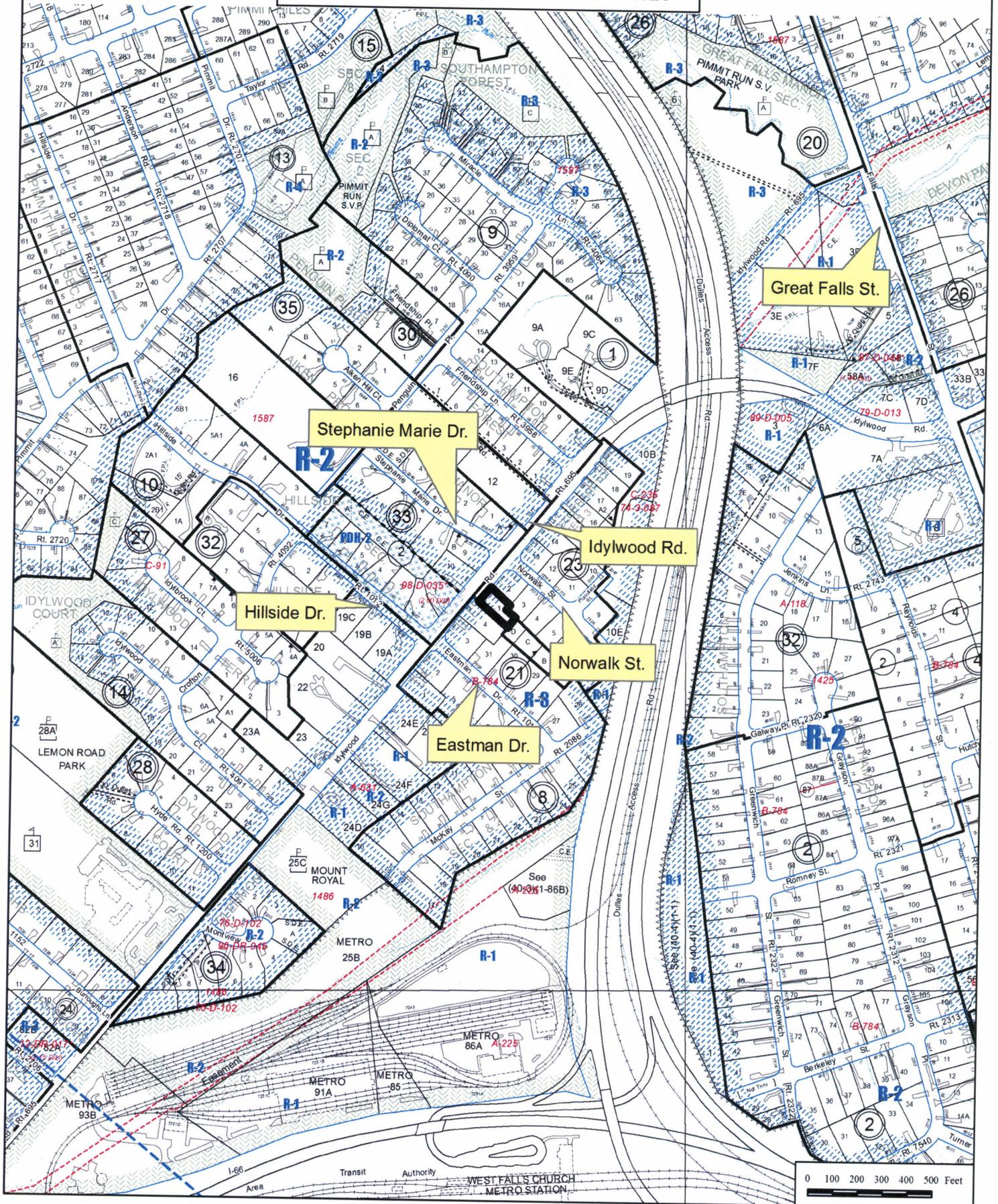


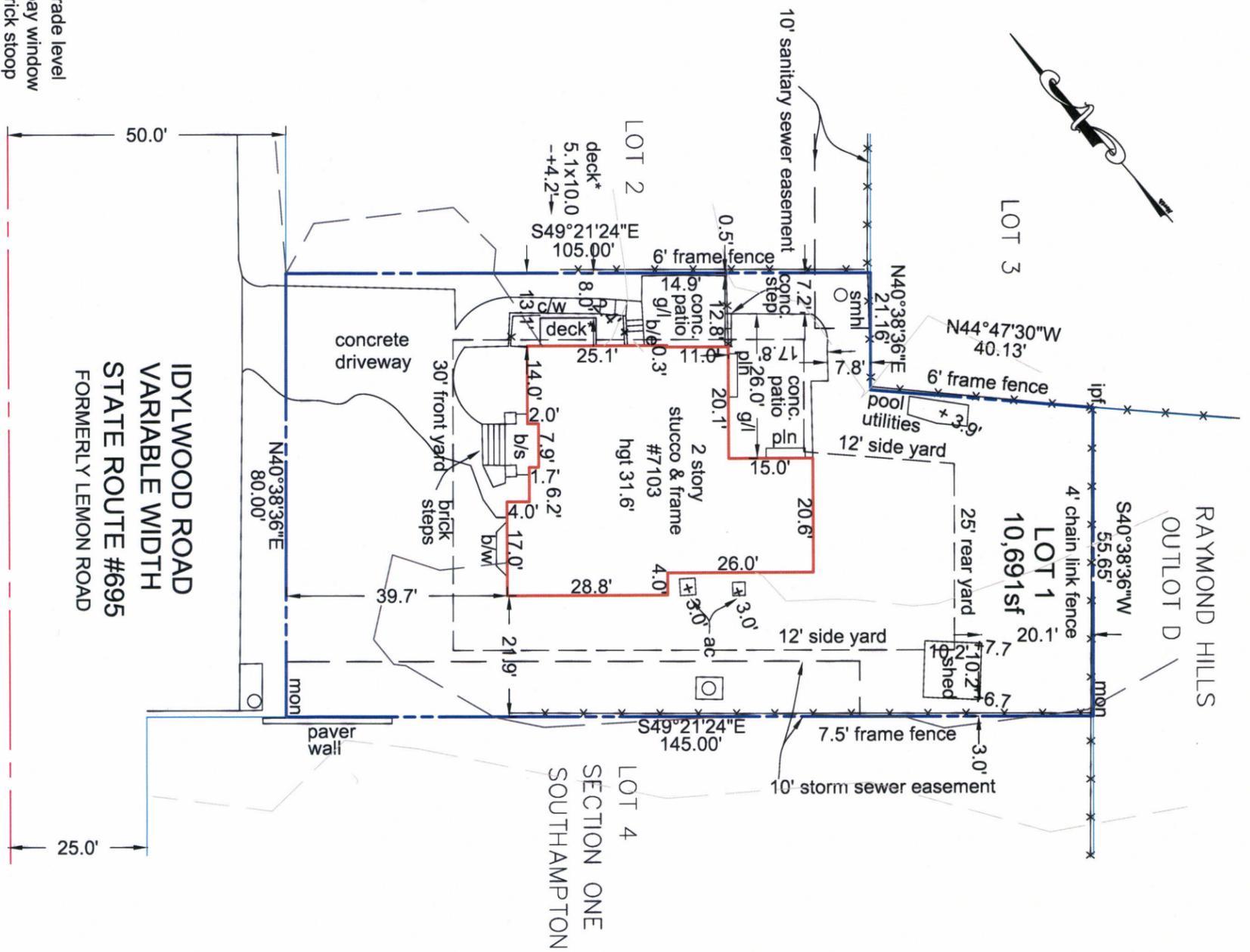
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

## SP 2015-DR-055

ROSALVA M. SOTERO AND REGINALD O. EMORDI

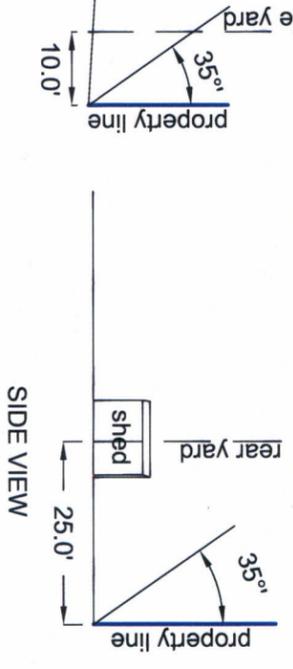
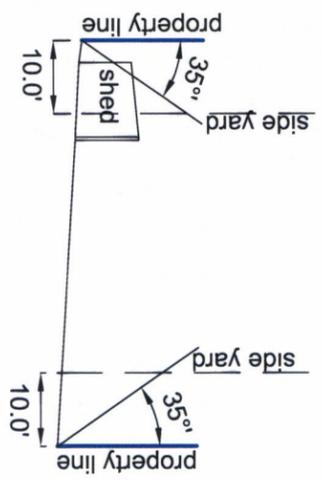
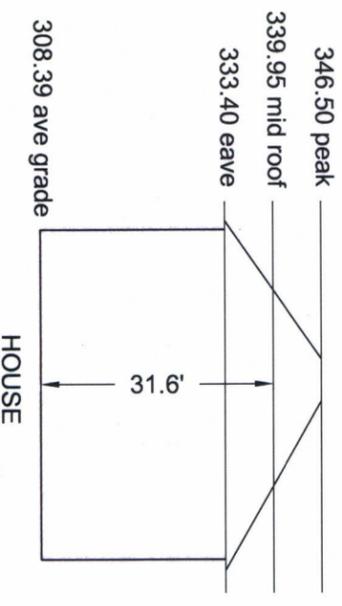




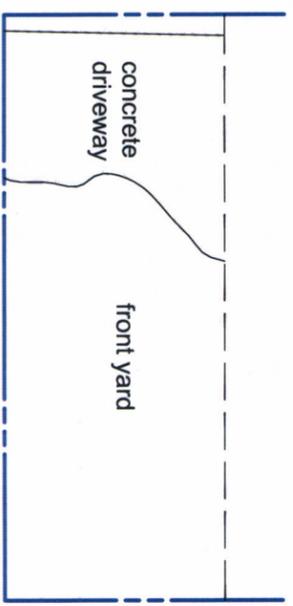
- g/l grade level
- b/w bay window
- b/s brick stoop
- conc. concrete
- mon monument
- ipf iron pipe found
- c/w concrete walk
- ac air conditioner
- pln planter
- b/e basement entrance
- smth sanitary man hole

numbers with "+" indicate height above grade

1. The property shown here on is located on Fairfax County tax map no. 0401 21 0001 and is zoned R-3.
2. This property is serviced by public water and sewer.
3. There is a major trail proposed on the comprehensive plan for Idylwood Road in this area.
4. There is no 25' or larger easement on this property, or major underground easements.
5. There is no flood plain nor resource protection area on this lot.
6. There are no burial sites apparent on the property.
7. Proposed use is residential.
8. SWM plans will be submitted at such time as a grading plan is required.
9. Topography field shot. Elevations assumed.
10. Existing dwelling gross floor area 5802 sf  
Bedroom 213.2 sf; Play area 240 sf, including 21 sf Kitchenette; Bathroom 32.5 sf  
Total 485.7 sf comprising 8.4% of the gross floor area.



OTHER STRUCTURE BULK PLANE



concrete area=680 sf  
total front yard=2400 sf  
coverage=28%

**OWNERS:**  
Rosalva Sotera  
7103 Idylwood Road  
Falls Church, Virginia  
deed book 21323; page 1492

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Department of Planning & Zoning  
MAR 19 2015  
Zoning Evaluation Division

SPECIAL PERMIT PLAT

SOUTHAMPTON

REV MARCH 09, 2015 LOT 1, SECTION 3  
REV NOVEMBER 25, 2014  
OCTOBER 3, 2014

DRANESVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA

**APEX SURVEYS LLP**

7720 VICEROY STREET 703 866-1236  
SPRINGFIELD, VIRGINIA 22151

JOB #: 14-0165  
SCALE: 1"=25'



## SPECIAL PERMIT REQUEST

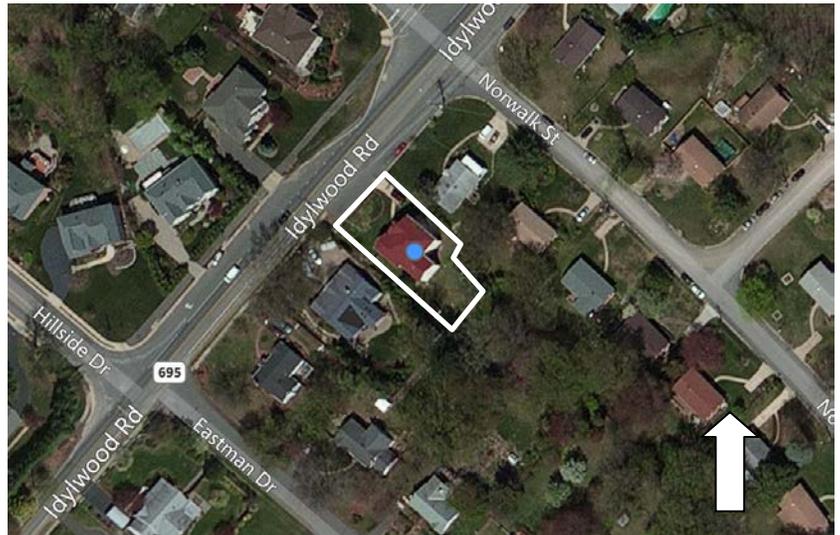
The applicants are seeking a special permit to allow an accessory dwelling unit (ADU) in the basement of an existing single family detached dwelling and to permit an error in building location to permit decks to remain 0.5 feet and 8.0 feet from a side lot line.

A copy of the special permit plat, titled "Special Permit Plat, Lot 1, Section 3, Southampton," prepared by Guy H. Briggs, L.S., dated November 25, 2014, is included in the front of the staff report.

The proposed conditions, the applicant's statement of justification and file photographs, and the affidavit are contained in Appendices 1 through 3, respectively. A more detailed description of the proposal is provided on page two.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,691 square foot subject property is developed with a two-story single-family detached dwelling. A concrete driveway provides access from Idylwood Road, and a walkway leads from the driveway to the main entrance of the home. An elevated wood deck and concrete patio are located on the northeast side of the house. A concrete patio is also located at the rear of the property. A shed with a maximum height of 7.7 feet is located in the southwestern portion of the rear yard. The rear yard is enclosed by a frame fence that varies in height from 6.0 feet to 7.5 feet. The applicant states that the portion of fence 7.5 in height is owned by the adjacent neighbor to the south. A small portion of a 10 foot sanitary sewer easement is located in the eastern corner of the rear yard where a manhole is located.



**Figure 1: House Location**  
For illustrative purposes only

The subject property and properties to the north, south, and east are zoned R-3. The property to the west is zoned R-2. Properties to the north, west and south are developed with single-family detached dwellings. The property to the east is privately owned vacant land.

## BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in

1960 and remodeled in 2007. The property was purchased by the applicant in 2005.

On March 31, 2006, a building permit was issued for an indoor swimming pool and passed final inspection on June 25, 2014.

On January 5, 2006, a building permit was issued for a two-story addition and basement. No request to install a second kitchen in the basement was included. The basement received and passed a final inspection on September 14, 2007. However, since the installation of the full kitchen, no new permits or inspections have been completed. A development condition has been included requiring all applicable permits and final inspections to be completed within six months of BZA decision.

All relevant building permit information is included in Appendix 4.

On June 12, 2014, a complaint investigation was opened for the existence of multiple dwellings in a single family dwelling. A Notice of Violation was issued on June 23, 2014 and is included as Appendix 5. The investigation has been stayed pending the result of the public hearing.

## **DESCRIPTION OF THE APPLICATION**

The applicants are requesting approval of an accessory dwelling unit (ADU) in the walk-out basement of the single family dwelling. The proposed accessory dwelling unit would be 485.7 square feet in size and account for 8.4% of the total gross floor area of the existing structure (5,802 square feet). The proposed accessory dwelling unit would contain a bedroom, play area, kitchenette, and bathroom as depicted in the attached floor plan (Attachment 1).

The applicants are requesting the ADU to accommodate long-term visits from a parent and regular use by one of the applicants. Both of the potential users of the ADU are over the age of 55 and therefore meet the relevant Zoning Ordinance provisions. Ample parking exists in the driveway for the applicants and the applicants' family members.

The applicants are also requesting approval of two errors in building location. The first is for a deck (concrete patio) to remain 0.5 feet from the northeast side lot line. The second request is for an elevated wood deck to remain 8.0 feet from the northeastern side lot line. The applicants were not aware that the locations of the decks were in violation of the Zoning Ordinance requirements. The elevated wood deck was in existence at the time they purchased the property. The applicants state that this deck was inspected during the construction process for their two-story addition. The applicants installed the concrete patio themselves to provide convenient access to their swimming pool.

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
<b>Error in Building Location</b>	Deck #1 (concrete patio)	Side	12.0 feet	0.5 feet	11.5 feet	95.8%
<b>Error in Building Location</b>	Deck #2 (elevated wood deck)	Side	12.0 feet	8.0 feet	4.0 feet	33.3%

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area II, McLean Planning District  
**Planning Sector:** Pimmit Community Planning Sector (M2)  
**Plan Map:** Residential, 2-3 du/ac

**Zoning District Standards**

<b>Bulk Standards (R-3)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	10,500 sf.	10,691 sf.
Lot Width	Interior: 80 feet	80 feet
Building Height	35 feet	31.6 feet
Front Yard	30 feet	39.7 feet
Side Yard	12 feet	Northeastern: 0.5 ft. to patio, 12.8 ft. to house Southwestern: 21.9 feet
Rear Yard	25 feet	37.0 feet

**Zoning Ordinance Requirements (Appendix 7)**

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Additional Standards for Accessory Dwelling Units (Sect. 8-918)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

**General Special Permit Standards (Sect. 8-006)**

<b>Standards 1 and 2</b> <i>Comprehensive Plan/ Zoning District</i>	The Comprehensive Plan recommends residential uses, and the property is developed with a residential use. The Zoning Ordinance allows an ADU with special permit approval.
<b>Standard 3</b> <i>Adjacent Development</i>	No new construction is proposed, and there would be no exterior evidence of an ADU. Staff believes that this ADU would be harmonious with the surrounding area and would not hinder the use or development of neighboring properties.
<b>Standard 4</b> <i>Pedestrian/Vehicular Traffic</i>	Staff believes that the proposed use would not significantly impact pedestrian or vehicular traffic.
<b>Standard 5</b> <i>Landscaping/Screening</i>	There is no open space requirement in the R-3 District. However, the existing home is screened from adjacent properties with landscaping and fencing.
<b>Standard 6</b> <i>Open Space</i>	The ADU request does not decrease the open space on the lot.
<b>Standard 7</b> <i>Utilities, Drainage, Parking and Loading</i>	Existing facilities appear to be adequate to serve the ADU. In addition, staff believes there is sufficient parking to accommodate the proposed use.
<b>Standard 8</b> <i>Signs</i>	No signage is proposed.

**Group 9 Standards (Sect. 8-903)**

<b>Standard 1</b> <i>Lot Size and Bulk Regulations</i>	The property complies with the lot size and bulk regulations for the R-3 District with the exception of the structures included in the special permit request for error in building location discussed above.
<b>Standard 2</b> <i>Performance Standards</i>	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> <i>Site Plan</i>	The structure is not subject to site plan review.

**Additional Standards for Accessory Dwelling Units (Sect. 8-918)**

<b>Standard 1</b> <i>Only One ADU per Single Family Detached Dwelling</i>	The application requests approval of one ADU on a property occupied by a single family detached dwelling; this standard is met.
<b>Standard 2</b> <i>Structure Shall be Located Within Single Family Dwelling</i>	The proposed ADU would be within the existing home, and entrances would be located on the rear of the addition.
<b>Standard 3</b> <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 8.4% of the total GFA. This standard is met.

<b>Standard 4</b> <i>Max. 2 Bedrooms</i>	The application indicates that the ADU includes one bedroom. This standard is met.
<b>Standard 5</b> <i>Occupancy Standards</i>	The applicants, who would reside in the principle unit, own the property; one of the applicants and one of their parents, who would be frequent residents in the ADU, both meet the qualifications of “elderly” as defined by the Zoning Ordinance.
<b>Standard 6</b> <i>Reasonable Access for a Disabled Person</i>	The applicant has indicated that the persons who access the ADU are not disabled. However, the dwelling unit would contain uninterrupted access to one entrance.
<b>Standard 7</b> <i>Sufficient Parking</i>	The property includes ample parking in the driveway.
<b>Standard 8</b> <i>Will Not Modify or Disrupt Character of Neighborhood</i>	Staff believes that the use of the ADU, as proposed, would not constitute sufficient change to modify or disrupt the predominant character of the neighborhood.
<b>Standard 9</b> <i>Regulations for Safety, Health, Sanitation</i>	This standard requires any ADU to meet applicable regulations for building, safety, health, and sanitation. A development condition is proposed to this effect.
<b>Standard 10</b> <i>Recorded</i>	A condition is proposed requiring the approval to be recorded among the Fairfax County land records.
<b>Standard 11</b> <i>Inspection</i>	A condition is proposed requiring the owner to allow inspections of the property by County personnel during reasonable hours upon prior notice.
<b>Standard 12</b> <i>Approved for 5 Years</i>	A condition is proposed addressing this standard.
<b>Standard 13</b> <i>Approval Prior to July 27, 1987</i>	This standard is not applicable.

## CONCLUSION / RECOMMENDATION

With the implementation of the proposed development conditions, staff believes that the request is in conformance with the Comprehensive Plan and the applicable Zoning Ordinance provisions.

Staff recommends approval of SP 2015-DR-055 for an accessory dwelling unit subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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 Special Permit Development Conditions
2. Applicant's Statement of Justification and Select Photographs
3. Applicant's Affidavit
4. Building Permit History
5. Notice of Violation, dated June 23, 2014
6. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-DR-055****July 1, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-DR-055 located at Tax Map 40-1 ((23)) 1 to permit an accessory dwelling unit and a reduction in minimum yard requirements based on error in building location, under Sects. 8-914 and 8-918 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicants, Rosalva M. Sotero and Reginald O. Emordi, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 7103 Idylwood Rd., and is not transferable to other land.
3. This special permit is granted only for the purposes, structures (shed), and/or uses indicated on the plat titled "Special Permit Plat, Lot 1, Section 3, Southampton," prepared by Guy H. Briggs, L.S., dated November 25, 2014, as submitted with this application and is not transferable to other land.
4. A copy of this special permit shall be posted in a conspicuous place in the accessory dwelling unit and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 485.7 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
7. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
8. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five

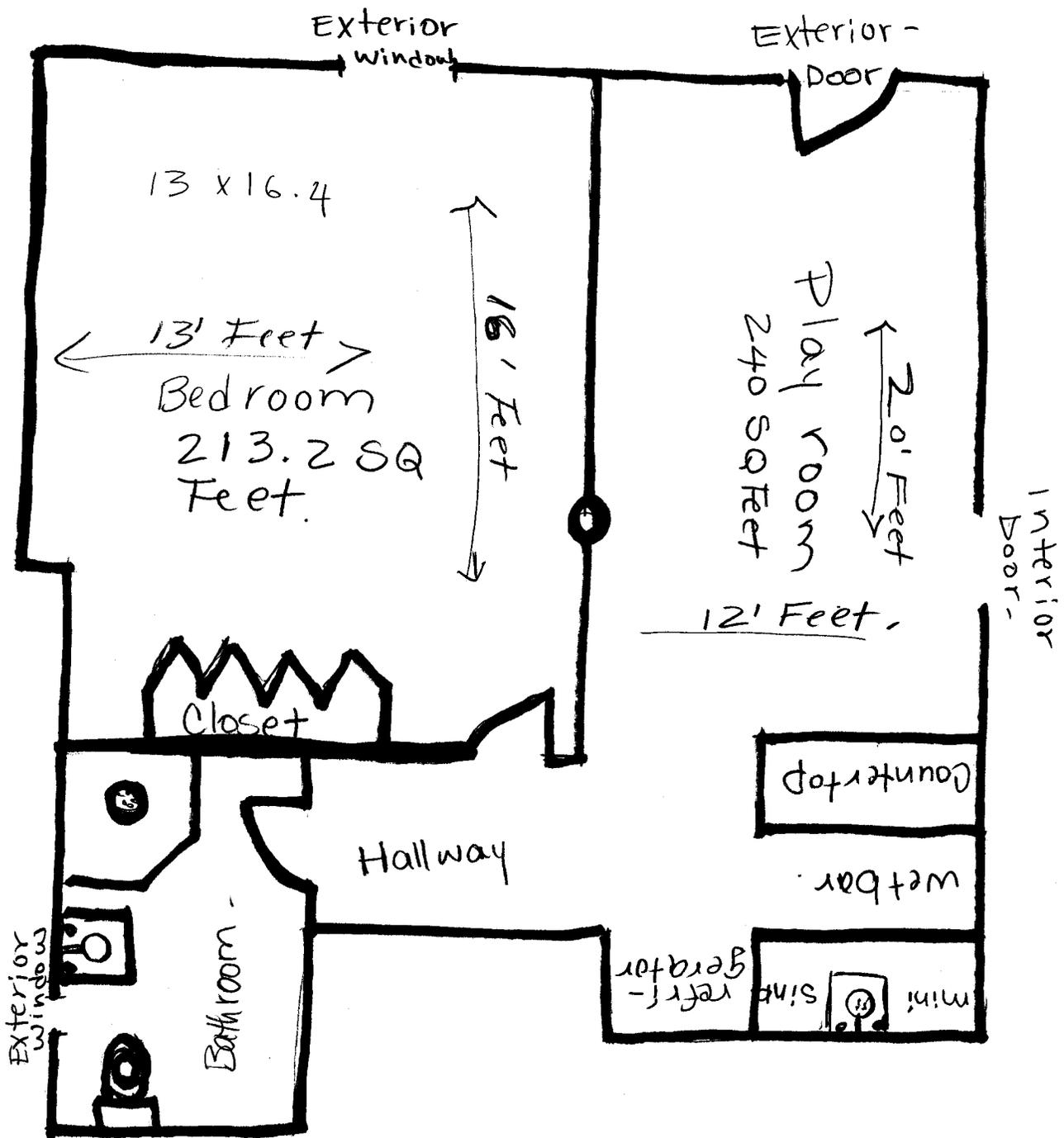
(5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.

9. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
10. All parking shall be provided on site.
11. All applicable trade permits and final inspections for the finished basement shall be obtained within six (6) months of BZA approval.

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

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

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FEB 24 2015

Zoning Evaluation Division

APPENDIX 2

**Special Permit Statement Of Justification  
And Error in Building Location**

**A. Type of operation:** Accessory dwelling unit, located in my basement, in a single family home with access to it directly on the left side of my home via an entry door. Entry door leads directly in to the play/recreation room. Next, kitchenette bedroom and bathroom. to the left and beyond there is exercise room followed by the indoor swimming pool .

**B. Hours of operation:** N/A

**C. Number of people living at this property:** Four adults and 3 children in the whole house, two of the total residents will be living in the accessory dwelling unit.

**D. Number of employees:** N/A

**E. Traffic impact:** None to minimum. There is parking capacity for four cars in driveway, accessory dwelling unit can use two spots.

**F. Vicinity or general area to be served by the use:** The vicinity or general area is located within the basement of a single family home, with existing gross floor area of 4,200 sq ft. Accessory dwelling unit will take gross floor area of 516 SQ. FT. (closed to 15%) total gross floor area.

**G. Description of building facade and architecture of proposed new building or additions.** 3 story dry-vit (stucco) and siding. Roof, asphalt shingles. Is a single family home.

**H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental 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.**  
No known hazardous or toxic materials.

**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 ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.**

The propose use conforms to the zoning ordinance and will not impact the community. It will be use mostly for my 60 year old husband that is getting older and older. With all the conveniences such as bedroom, bathroom, kitchenette plus exercise equipment, play/recreation room and swimming pool all in the same level where he spends most of his time.

And in good faith and truth i have to add that my elderly 72 year old mother also stays with me for prolonged periods of time, any were between 3 to 6 months at a time. The proposed accessory dwelling unit is both convenient and private for her as well, having an indoor heated swimming pools is why she stays here where she can use the pool for non impact exercise. As it is not easy for her to travel to often.

**Note regarding fence.** The portion of fence with measurements of 7'5" , it does not belong to this property, it belongs to my neighbor.

### Statement of Justification Error In Building

2.c The noncompliance was done in good fait. I don't have an explanation other than I did not know what the requirements were. We did that our selves, there is no permits, contracts with any one.

What happen was that a tree that was there a bad tornado and made it fall down back in June 29, 2011, and it was always muddy there. That is why I decided to pour concrete so it would not be so dirty all the time, it is also convenient for my husband, who uses that side of the house to enter the accessory dwelling unit and swimming pool area in the basement.

In regards to the deck/porch if it was done with permit or not i am unaware, it was part of the old existing house before the additions. After the 2 story addition with porch was done, that deck was also inspected by the Fairfax County Inspector, which by the way he reject it the first time he inspect it. Because it was so old the it did not met safety requirements. We had to do modifications to it as per his request to bring it up to code.

Those modifications were: The parallel bars were to far apart and that a small child could fall trough. He indicated to bring them closer together. And that is all that was done to that deck. After that he re-inspected and approve it as been safe and ok. After that we got occupancy. He never mention that the deck was to close to the property line. If this is also considered Error In Building, in addition to the concrete patio, i am very sorry but this is the whole truth, it was all done in good faith and that is how this Error In Building occur.

D. This modifications will not impair the purpose and intent of this Ordinance.

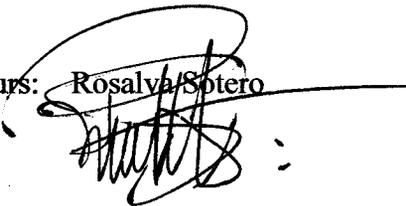
E. It will not be detrimental or obstacle to the use and enjoyment of other property in the immediate vicinity.

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

G. To force compliance with the minimum yard requirements or location regulations would cause me great deal of hardship, such as unreasonable amounts of money in materials and workmanship and more County permits. Not to mention how inconvenient it would be for all of us to enjoy it.

H. The reduction/Modification of the error in building will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Very truly yours: Rosalva Sotero



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Zoning Evaluation Division

7-7-14

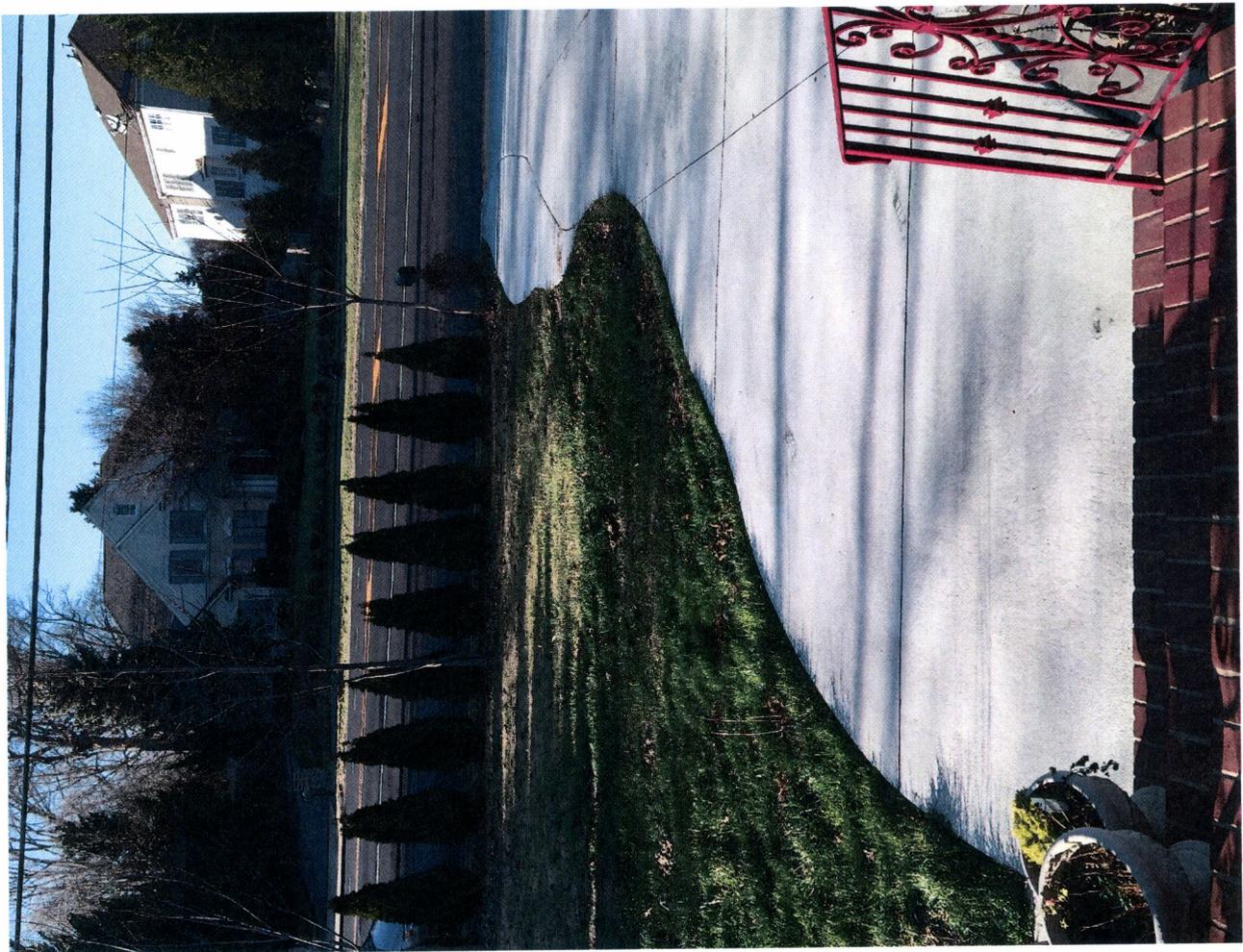
# Special Permit statement of Justification

- A. Type of operation: Accessory Dwelling unit located in my basement in a single family home, with access in to it directly on the left side via an entry door. Entry door leads directly in to the play/recreation room.
- B. Hours of operation. N/A
- C. Estimated numbers of people living at this property 4 adults and 3 children. In the whole house and 2 of the total people will be in the accessory dwelling unit.
- D. No of employees: None
- E. Traffic Impact: None to minimum. we have 4 car capacity. Accessory unit will use 2 spots.
- F. In basement 15% of total gross floor Plan. Parking/Driveway
- G. Description of building: Single family home.
- H. No hazardous materials.
- I. The purpose use conforms to the zoning ordinance and will not impact community.
- 1 \* It will be use mostly for my 59 old husband and the use of all family out of town. Friends/family from
- 2 \* accessit for old husband who is getting older and older, and is more comfortable for him.
- Rosalva M. Sotero

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JUL 07 2014

Zoning Evaluation Division





















Application No.(s): SP 2015-DR-055  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8-27-2014  
(enter date affidavit is notarized)

I, Rosalva M. Sotero, 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

126211

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 <b>BOLD</b> above)
Rosalva M. Sotero	7103 Idylwood rd Falls Church Va. 22093	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)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8-27-2014  
(enter date affidavit is notarized)

126211

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: 8-27-2014  
(enter date affidavit is notarized)

12624

---

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: 8-27-2014  
(enter date affidavit is notarized)

126211

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: 8-27-2014  
(enter date affidavit is notarized)

126211

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 supplemental 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.

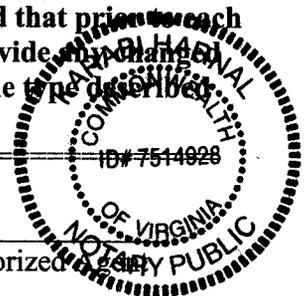
WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized \_\_\_\_\_

Rosalva M. Sotero  
(type or print first name, middle initial, last name, and title of signee)



Subscribed and sworn to before me this 27<sup>th</sup> day of AUGUST 2014, in the State/Comm. of VA, County/City of FAIRFAX.

[Signature]  
Notary Public

My commission expires: June 30, 2016

# BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
 PERMIT APPLICATION CENTER

12055 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-5504

Telephone: 703-222-0801  
 Web site: www.fairfaxcounty.gov/dpwes

PERMIT # 60900031

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY

PLAN # \_\_\_\_\_  
 TAX MAP # 040-1-23-100

ROUTING	DATE	APPROVED BY
LICENSING	3-31-06	[Signature]
ZONING	3-31-06	[Signature]
SITE PERMITS	3-31-06	[Signature]
HEALTH DEPT.		
BUILDING REVIEW	3/31/06	GBT
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ \_\_\_\_\_  
 FILING FEE - \$ \_\_\_\_\_  
 AMOUNT DUE = \$ 100.00

**BUILDING PLAN REVIEW**  
 REVIEWER \_\_\_\_\_ # OF HOURS \_\_\_\_\_  
 REVISION FEES \$ \_\_\_\_\_  
 FIRE MARSHAL FEES \$ \_\_\_\_\_  
 FIXTURE UNITS \_\_\_\_\_ PLAN LOC: J  R

**APPROVED FOR ISSUANCE OF BUILDING PERMIT (LOG OUT)**  
 BY [Signature] DATE 3-31-06

**ZONING REVIEW**  
 USE SFD  
 ZONING DISTRICT R-3 HISTORICAL DISTRICT \_\_\_\_\_  
 ZONING CASE # \_\_\_\_\_

**GROSS FLOOR AREA OF TENANT SPACE**  
 YARDS: GARAGE 1  2  3   
 FRONT OPTIONS YES  NO   
 FRONT REMARKS \_\_\_\_\_  
 L SIDE 22 Build ingrand  
 R SIDE 31 Pool only - This  
 REAR 501 permit does not include the

**GRADING AND DRAINAGE REVIEW** addition  
 SOILS # 8 A  B  C   
 AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) 1813  
 IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) \_\_\_\_\_  
 PLAN # \_\_\_\_\_ APPR. DATE \_\_\_\_\_

**STAMPS**  
 (See reverse side of application)

REMARKS # Pat Attached

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

**JOB LOCATION** 22043  
 ADDRESS 7103-Idylwood-Rd. Falls Church VA  
 LOT # 1-SEC. 3 BUILDING \_\_\_\_\_  
 FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
 SUBDIVISION SOUTHAMPTON, SEC 3  
 TENANT'S NAME \_\_\_\_\_

**OWNER INFORMATION** OWNER  TENANT   
 NAME AUGUSTIN - SOTERO  
 ADDRESS 7103-Idylwood-Rd.  
 CITY FALLS Church STATE VA ZIP 22043  
 TELEPHONE 703-361-2361

**CONTRACTOR INFORMATION** SAME AS OWNER   
 CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME PALM-Pools CORP.  
 ADDRESS 5019-DAVIS-FORD-Rd.  
 CITY Woodbridge STATE VA ZIP 22192  
 TELEPHONE 703-670-5200  
 STATE CONTRACTORS LICENSE # 2705-082444A  
 COUNTY BPOL # 0642852-18-1924

**APPLICANT** PALM-Pool Corp/By W. Bedard

**DESCRIPTION OF WORK**  
INSTALL IN GROUND - 11' x 18' x 5' SWIMMING POOL INSIDE OF DWELLING.  
# 35,557.00

HOUSE TYPE \_\_\_\_\_  
 ESTIMATED COST OF CONSTRUCTION 35,557.00  
 BLDG AREA (SQ FT OF FOOTPRINT) \_\_\_\_\_  
 USE GROUP OF BUILDING \_\_\_\_\_  
 TYPE OF CONSTRUCTION \_\_\_\_\_  
 SEWER SERVICE PUBLIC  SEPTIC  OTHER   
 WATER SERVICE PUBLIC  WELL  OTHER   
 OTHER PLEASE SPECIFY \_\_\_\_\_

**DESIGNATED MECHANICS' LIEN AGENT** (Residential Construction Only)  
 NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 NONE DESIGNATED  PHONE \_\_\_\_\_

**CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS**

# KITCHENS	EXTER. WALLS	_____
# BATHS	INTER. WALLS	_____
# HALF BATHS	ROOF MATERIAL	_____
# BEDROOMS	FLOOR MATERIAL	_____
# OF ROOMS	FIN. BASEMENT	_____ %
# STORIES	HEATING FUEL	_____
BUILDING HEIGHT	HEATING SYSTEM	_____
BUILDING AREA	# FIREPLACES	_____
BASEMENT		_____

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

Palm Pools Corp / Wm Bedard 3-31-06  
 Signature of Owner or Agent Date

PALM POOL CORP / Wm Bedard - Const. Coord.  
 Printed Name and Title

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

**NOTARIZATION** (if required)  
 State (or territory or district) of \_\_\_\_\_  
 County (or city) of \_\_\_\_\_, to wit: I, \_\_\_\_\_, a \_\_\_\_\_, a Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.  
 Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 (Notary Signature)

# BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
 PERMIT APPLICATION CENTER  
 12055 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-5504 Telephone: 703-222-0801  
 Web site: www.fairfaxcounty.gov/dpwes

PERMIT # 05353 B1190

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY  
 PLAN # R-05-02009  
 TAX MAP # 040-1-23-0001

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING	<u>12/19/05</u>	<u>[Signature]</u>
SITE PERMITS	<u>1/7/06</u>	<u>[Signature]</u>
HEALTH DEPT.		
BUILDING REVIEW	<u>1-5-06</u>	<u>[Signature]</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ 331.00  
 FILING FEE \$ 0.00  
 AMOUNT DUE = \$ 331.00

BUILDING PLAN REVIEW  
 REVIEWER \_\_\_\_\_ # OF HOURS \_\_\_\_\_  
 REVISION FEES \$ \_\_\_\_\_  
 FIRE MARSHAL FEES \$ \_\_\_\_\_  
 FIXTURE UNITS \_\_\_\_\_ PLAN LOC: J  R

APPROVED FOR ISSUANCE OF BUILDING PERMIT  
 (LOG OUT)  
 BY [Signature] DATE 1-5-06

ZONING REVIEW  
 USE SFD  
 ZONING DISTRICT R-3 HISTORICAL DISTRICT \_\_\_\_\_  
 ZONING CASE # \_\_\_\_\_

GROSS FLOOR AREA OF TENANT SPACE  
 YARDS: FRONT 36' GARAGE 1  2  3   
 L SIDE 13 OPTIONS YES  NO   
 R SIDE 25 REMARKS Build 3 story addition  
 REAR 49 includes basement, 2nd  
floor addition, covered front  
porch, front 2 story addition

GRADING AND DRAINAGE REVIEW w/ Bay  
 SOILS # 8910 A  B  C   
 AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) 2800  
 IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) 1000  
 PLAN # \_\_\_\_\_ APPR. DATE \_\_\_\_\_

STAMPS  
[Stamp], 2800, DPWP  
 (See reverse side of application)

REMARKS \* flat Attached

NOTARIZATION (if required)  
 State (or territory or district) of \_\_\_\_\_  
 County (or city) of \_\_\_\_\_, to wit: I, \_\_\_\_\_, a \_\_\_\_\_,  
 Notary Public in the State and County aforesaid, do certify that \_\_\_\_\_  
 whose name is signed to this application, appeared before me in the State and County aforesaid  
 and executed this affidavit.  
 Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. My  
 commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 (Notary Signature)

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

JOB LOCATION  
 ADDRESS 7103 TOLLWOOD Rd  
 LOT # 1 BUILDING \_\_\_\_\_  
 FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
 SUBDIVISION Southampton, Sec 3  
 TENANT'S NAME \_\_\_\_\_

OWNER INFORMATION OWNER  TENANT   
 NAME AGUSTIN SOTERO  
 ADDRESS 7103 TOLLWOOD Rd  
 CITY Falls Church STATE Va ZIP 22033  
 TELEPHONE 703 582 5868

CONTRACTOR INFORMATION SAME AS OWNER   
 CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_  
 STATE CONTRACTORS LICENSE # \_\_\_\_\_  
 COUNTY BPOL # \_\_\_\_\_

APPLICANT MIRELA ROMERO

DESCRIPTION OF WORK  
two story addition w/ basement  
second story addition, front  
porch and bay window

HOUSE TYPE \_\_\_\_\_  
 ESTIMATED COST OF CONSTRUCTION 100,000.00  
 BLDG AREA (SQ FT OF FOOTPRINT) 3,200.00  
 USE GROUP OF BUILDING \_\_\_\_\_  
 TYPE OF CONSTRUCTION \_\_\_\_\_  
 SEWER SERVICE PUBLIC  SEPTIC  OTHER   
 WATER SERVICE PUBLIC  WELL  OTHER   
 OTHER PLEASE SPECIFY \_\_\_\_\_

DESIGNATED MECHANICS' LIEN AGENT  
 (Residential Construction Only)  
 NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 NONE DESIGNATED  PHONE \_\_\_\_\_

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS  
 # KITCHENS \_\_\_\_\_ EXTER. WALLS \_\_\_\_\_  
 # BATHS \_\_\_\_\_ INTER. WALLS \_\_\_\_\_  
 # HALF BATHS \_\_\_\_\_ ROOF MATERIAL \_\_\_\_\_  
 # BEDROOMS \_\_\_\_\_ FLOOR MATERIAL \_\_\_\_\_  
 # OF ROOMS \_\_\_\_\_ FIN. BASEMENT \_\_\_\_\_ %  
 # STORIES \_\_\_\_\_ HEATING FUEL \_\_\_\_\_  
 BUILDING HEIGHT AW 33 HEATING SYSTEM \_\_\_\_\_  
 BUILDING AREA \_\_\_\_\_ # FIREPLACES \_\_\_\_\_  
 BASEMENT \_\_\_\_\_

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

[Signature] 12-19-05  
 Signature of Owner or Agent Date

[Signature]  
 Printed Name and Title  
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

PROPERTY REPORT  
 LOT 1 SECTION 3  
**SOUTHAMPTON**

FAIRFAX COUNTY, VIRGINIA  
 SELLER: CAREY PURCHASER: SOTERO

JOB NUMBER: 05-3223

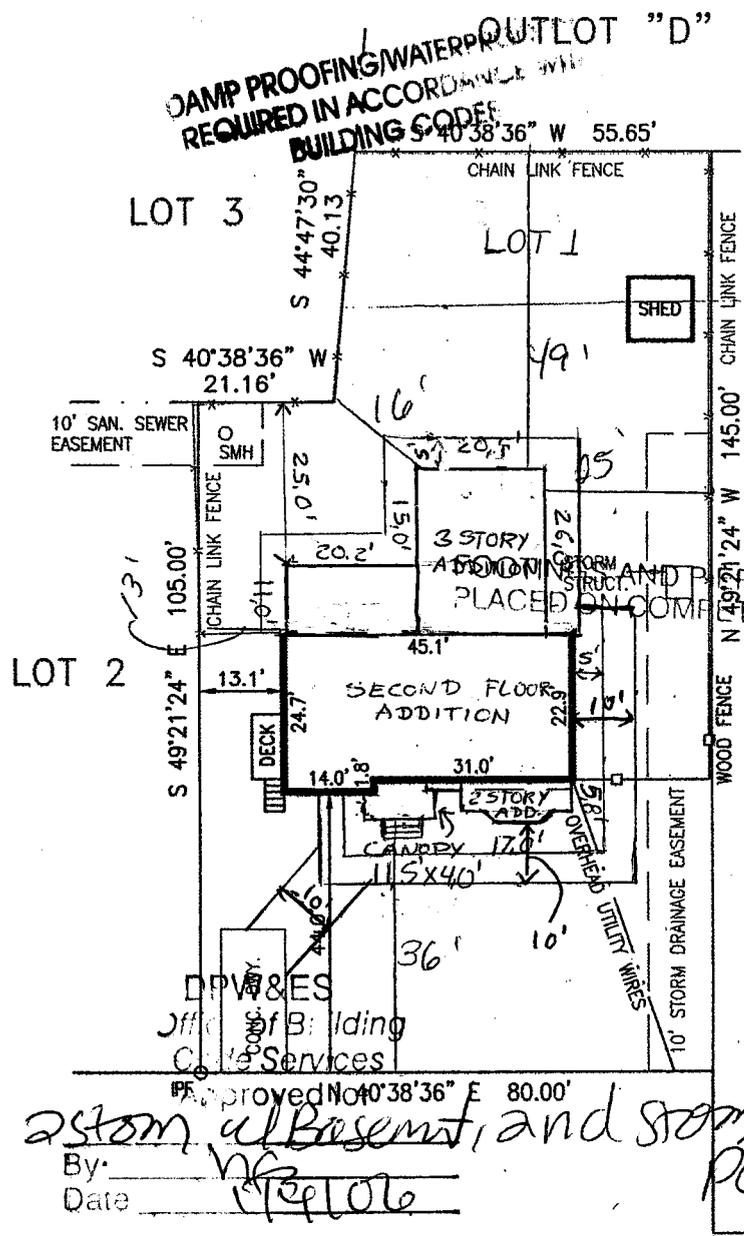
SCALE: 1"=30'  
 CASE NO.: 53957MY

THE SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA.

**TOTAL EARTH DISTURBANCE ON THIS LOT SHALL NOT EXCEED 2500 SQ. FT.**  
**EXCAVATED MATERIAL SHALL BE REMOVED FROM SITE**

**NOTE**  
 NO Construction Shall Encroach Into County Easements (Ground or Air Space)

**NSS**  
 National Settlement Services  
 5000-B Backlick Road  
 Arlington, VA 22208  
 Tel: 703-654-9677  
 Fax: 703-654-9389  
 www.nsssettlement.com



"I hereby certify that the limits of clearing and grading delineated on this house location plat prepared by J.P.H. & S. dated 11.03.03 for the property located at 11.03.03 J.P.H. & S. accurately reflects the scope of this project and that the proposed work can be performed within the limits of clearing and grading as shown. I further certify that the total disturbed land area that will be associated with the construction of the proposed 2nd floor property corners. The fence locations shown on this plat are approximate and are not certified as to relation to the property boundaries or ownership. The settlement agent has requested this survey pursuant to the term of a contract of sale or in conjunction with a re-financing of the subject property at the owner's, prospective purchaser's, and/or lender's direction. The settlement agent has requested that only that information required for title insurance purposes be shown and does not certify to the accuracy of any of the information shown hereon. No title report has been furnished. This plat is subject to restrictions and easements of record. Boundary and other site information has been provided by others. o IPF indicates monuments used for location purposes. If no monuments were found the existing improvements were located from the occupation of existing features. Any reproduction of this document that does not bear an original signature is an unauthorized copy and may violate U.S. copyright laws. Unauthorized copies may not be in conformance with current survey requirements under Virginia State law and shall not be used for insurance and/or mortgage underwriting.

**SOUTHAMPTON SECTION 1**  
 COMMONWEALTH OF VIRGINIA  
 NADER R. ELHAJJ  
 No. 030472  
 PROFESSIONAL ENGINEER  
 12-15-05

By: Nader Elhajj  
 Date: 12/10/05

LEMMON ROAD (PLAT)  
 IDYLWOOD ROAD (POSTED)  
 (VARIABLE WIDTH)

**APPROVED**  
 TM 12-19-05  
 William E. [Signature]  
 Zoning Administrator

GRAPHICS BY: **CRS** L.L.C.

Surveyor:  
**CERTIFIED REAL ESTATE SERVICES, L.L.C.**  
 1831 WIEHLE AVENUE SUITE 105  
 RESTON, VA. 20190  
 PHONE: 703.742.9105  
 FAX: 703.742.9104  
 Email: orders@cressurveys.com

COMMONWEALTH OF VIRGINIA  
 NOV. 14, 2005  
 JOHN F. VEATCH  
 01986  
 LAND SURVEYOR



**GC COPY**

# County of Fairfax, Virginia

APPENDIX 5

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:** June 23, 2014

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

**LEGAL NOTICE ISSUED TO:** Rosalva Sotero  
**ADDRESS:** 7103 Idylwood Road  
Falls Church, Virginia 22043

**LOCATION OF VIOLATION:** 7103 Idylwood Road  
Falls Church, Virginia 22043-1525

**TAX MAP REF:** 0401 23 0001

**ZONING DISTRICT:** R- 3

**CASE #:** 201404250 **SR #:** 106300

**ISSUING INVESTIGATOR:** Michael Caudle, (703)324-9327

### POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

<b>§ 18-903(1):</b>	<b>Zoning Violation</b>	<b>First Offense</b>	<b>Each Subsequent Offense</b>
	\$02.501	\$ 200.00	\$ 500.00
	<b>TOTAL:</b>	<b>\$ 200.00</b>	<b>\$ 500.00</b>

Dear Responsible Party:

An inspection of the above referenced property on June 19, 2014 revealed the following violation(s) of the Fairfax County Zoning Ordinance:

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

The inspection revealed there are two (2) complete and separate dwellings in this single family dwelling unit on the above-referenced property. Part 3 of Article 20 of the Zoning Ordinance defines a dwelling unit as:

**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)

Rosalva Sotero  
June 23, 2014  
SR 106300  
Page 2

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

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

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

You are hereby directed to clear this violation within fifteen (15) days of the date of this notice. Compliance can be achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the dwelling to include: the ovens, microwave, ranges, sinks, cabinets, countertops, refrigerators, and freezers or combinations thereof; all other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and
- Applying for and obtaining approval from the Fairfax County Building Official (12055 Government Center Parkway, Second Floor, Permit Application Center) for a valid demolition permit for the removal of all electrical circuits, plumbing fixtures and piping and natural gas piping systems which were installed to establish the second kitchen in the dwelling unit at this property, and obtaining a passing final inspection of such demolition work; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

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

Rosalva Sotero  
June 23, 2014  
SR 106300  
Page 3

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, or schedule a follow up inspection, please contact me directly at (703)324-9327. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:

  
\_\_\_\_\_  
Signature

Michael Caudle  
Code Compliance Investigator  
(703)324-9327  
Mike.Caudle@fairfaxcounty.gov

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.

10/23/14 E. MURPHY 10547  
DATE                      SERVING OFFICER  
Stacey A. Kincaid, Sheriff  
Fairfax County, VA

PERSONAL SERVICE \_\_\_\_\_

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

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

\_\_\_\_\_

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).

Served on a Secretary of the Commonwealth.

Not found.

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

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\_\_\_\_\_ for \_\_\_\_\_  
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Not found.

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

**8-006 General Standards**

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

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

**8-903 Standards For All Group 9 Uses**

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

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

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

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

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

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

2. The BZA determines that:
  - A. The error exceeds ten (10) percent of the measurement involved, 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.

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

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

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.  
On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.
3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
  - A. One of the dwelling units shall be owner occupied.
  - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
    - (1) Any person fifty-five (55) years of age or over and/or
    - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security

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

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

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

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