



SPECIAL PERMIT ACCEPTED: February 18, 2015
BOARD OF ZONING APPEALS: October 7, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

September 30, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-HM-025

HUNTER MILL DISTRICT

APPLICANT/OWNER: Russell M. Jaffe

SUBDIVISION: Brashears Farm

STREET ADDRESS: 10430 Hunter View Road, Vienna, 22181

TAX MAP REFERENCE: 27-4 ((1)) 1A

LOT SIZE: 2.0 acres

ZONING DISTRICT: R-E

ZONING ORDINANCE PROVISIONS: 8-918, 8-914

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit in detached accessory structure and to permit a reduction in minimum yard requirements based on error in building location to permit an accessory storage structure to remain 6.3 feet from a side lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-HM-025 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.

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.

Erin M. Haley

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.

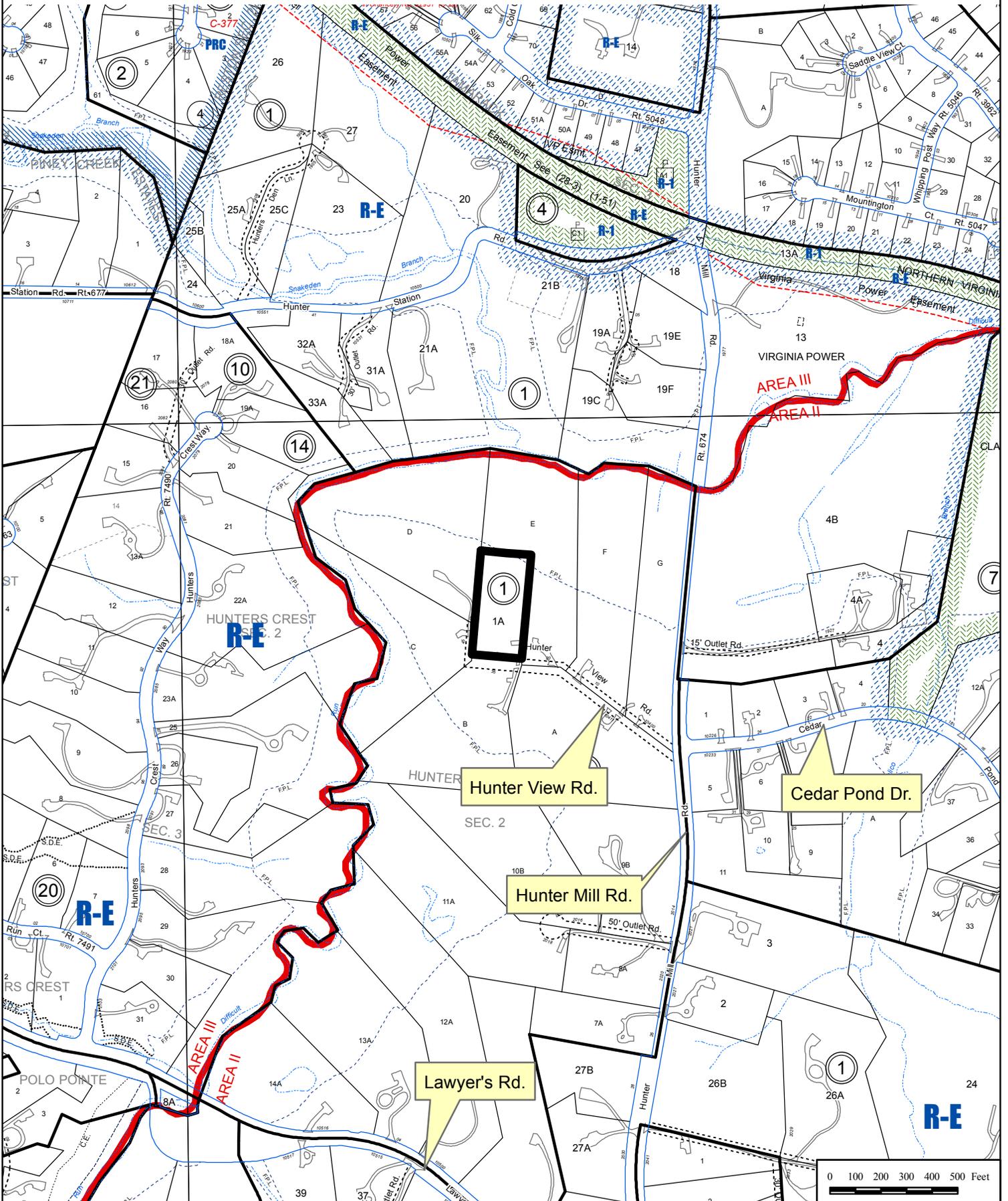
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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-HM-025
RUSSELL JAFFE



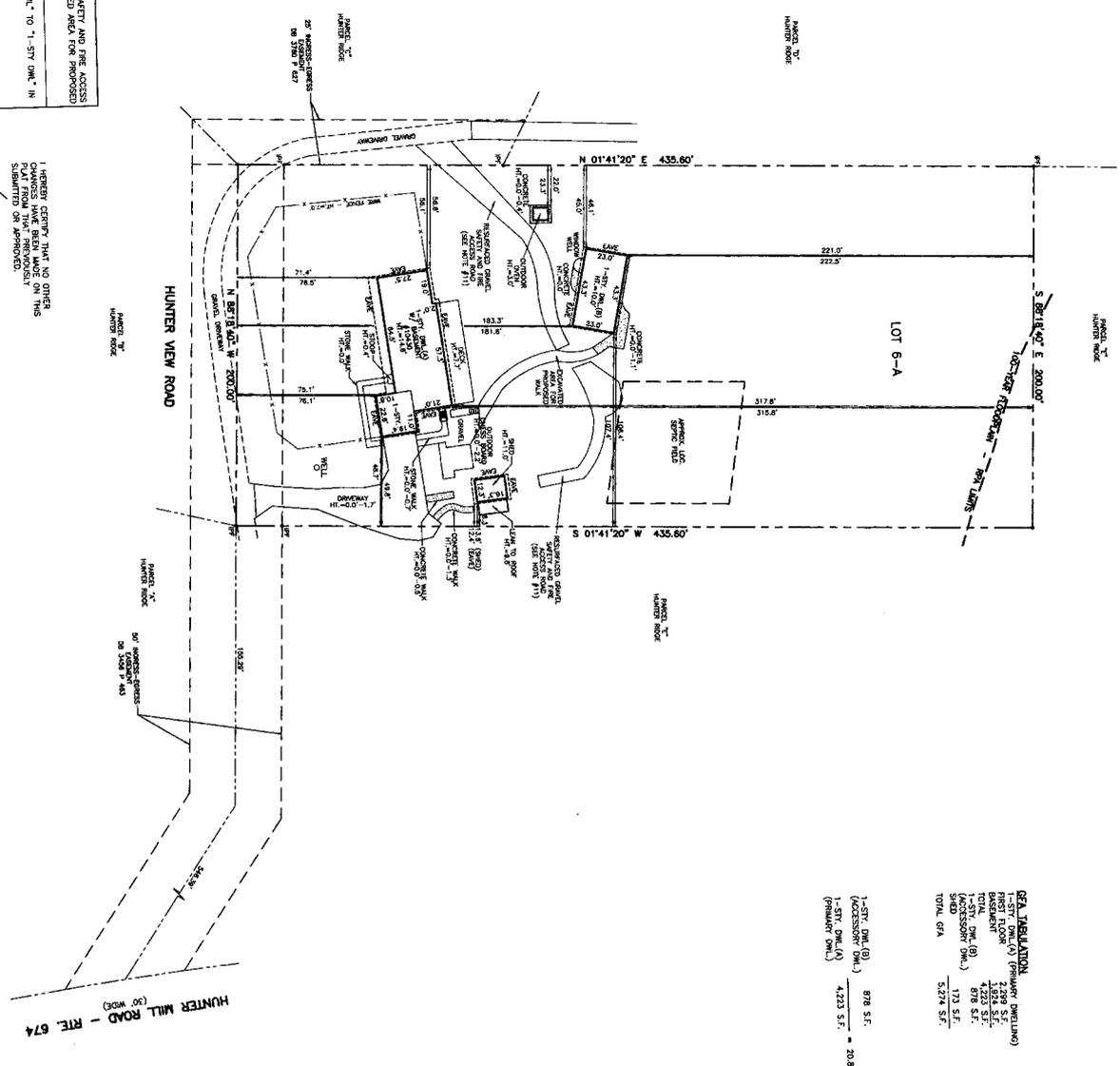


NO.	DESCRIPTION
1	ADD UNRESERVED SAFETY AND FIRE ACCESS ROAD AND EXCAVATED AREA FOR PROPOSED WALK.
2	CHANGE 7'-5 1/2" DIM. TO 1'-5 1/2" DIM. IN OPEN TUBULATION.

HENDERSON CERTIFIES THAT NO OTHER PLANS OR RECORDS AFFECTING THIS SUBMITTED OR APPROVED.

HENDERSON

REGISTERED PROFESSIONAL ENGINEER



GENERAL INFORMATION

1-ST. DIM. (A) (PRIMARY TREATMENT) 2,299 S.F.

1-ST. DIM. (B) 1,212 S.F.

TOTAL DIM. (A) 878 S.F.

TOTAL DIM. (B) 112 S.F.

TOTAL DIM. (A+B) 5,278 S.F.

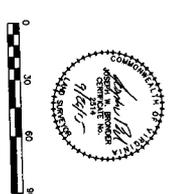
1-ST. DIM. (B) 878 S.F.

(ACCESSORY DIM.) 4,223 S.F. = 20.9%

1-ST. DIM. (A) 1,212 S.F.

(PRIMARY DIM.)

- NOTES**
1. ZONED - RE 20000 K. 87,120 S.F.
 2. LOT AREA = 2,299 S.F.
 3. MINIMUM WAD REQUIREMENTS
 4. FRONT WAD = 20'
 5. REAR WAD = 25'
 6. SEPTIC FIELD LOCATION TAKEN FROM AVAILABLE RECORDS.
 7. NO DWELL. OR GARAGE TAKEN FROM AVAILABLE RECORDS.
 8. FLOORPLAN SHOWN HEREON TAKEN FROM FAIRFAX COUNTY RECORDS.
 9. SEPTIC FIELD LOCATION TAKEN FROM FAIRFAX COUNTY RECORDS.
 10. ALL NEIGHBORING SAFETY AND FIRE ACCESS ROAD WAS BUILT PRIOR TO 1970 FOR THE PROPERTY OWNER.



REV. 1-20-15

SPICEL, PERMIT PLAN

RESUBMIT FOR LOTS 6 & 7

BRASHHEARS FARM

FAVORABLE REVIEW JANUARY 5, 2015

DONALD W. HENDERSON, P.E.

1000-D WASHINGTON ROAD

LEESVILLE, VA 22081

703-538-7449

SPECIAL PERMIT REQUEST

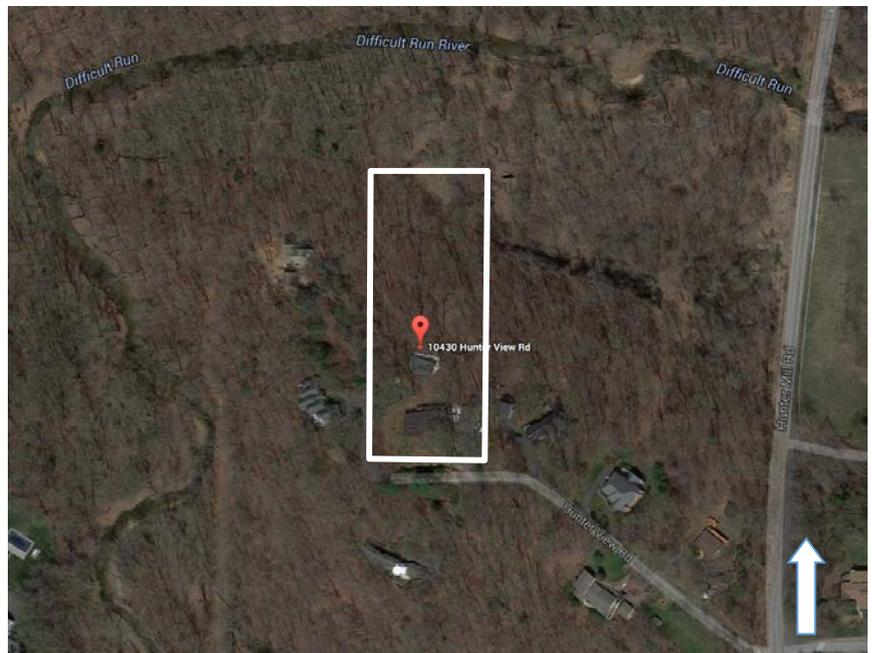
The applicant is seeking a special permit to allow an accessory dwelling unit (ADU) in a detached accessory structure in the rear yard and to permit a reduction in minimum yard requirements based on error in building location to permit an accessory storage structure (a shed with a lean-to) to remain 6.3 feet from a side lot line.

A copy of the special permit plat titled, "Special Permit Plat, Lot 6-A, Resubdivision of Lots 6 & 7, Brashears Farm," prepared by Joseph W. Bronder, L.S., dated January 30, 2015, 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 two acre subject property is developed with a one story single family detached dwelling with a full basement. A gravel driveway extends from the private, gravel Hunter View Road to the east side of the dwelling. A walkway extends from the driveway to the front stoop. An elevated deck 7.7 feet in height is located at the rear of the house. A shed with an enclosed lean to area is located in the eastern side yard. An outdoor chess board is located between the shed and the house. An outdoor oven is located in the rear yard. A stable located in the rear yard has been converted to a dwelling unit. A septic field is located to the northeast of the converted stable. A portion of 100-year flood plan and Resource Protection Area (RPA) associated with Difficult Run runs across the northeastern corner of the rear property line. A wire fence 7.0 feet in height encloses a portion of front yard.



The property is located north of Lawyer's Road and west of Hunter Mill Road. The subject property and the surrounding properties are zoned R-E and developed with single family detached dwellings on large wooded lots.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1949 and purchased by the applicant in 1980.

- Prior to June, 2011, the applicant converted the existing detached stable into habitable space without permits. On June 28, 2011, the unpermitted conversion was referred to the Department of Code Compliance (DCC) (Appendix 4).
- On August 9, 2011, a building permit was issued for the conversion of a stable into a studio and exercise room with a wetbar. A restriction was included that the converted stable was not to be used as an accessory dwelling unit. The converted studio received an approved final inspection on August 30, 2012 (Appendix 4). The applicant has stated that cooking implements were installed after final inspection to convert the wetbar into a kitchen. A proposed development condition is included that ensures the applicant will obtain a final inspection for the kitchen area prior to establishment of the use.
- A complaint was submitted to DCC and on August 7, 2014, an inspection was conducted of the subject property by Staff that revealed that there are two separate dwelling units on the property. The second dwelling unit was the converted studio that included the added kitchen. A Notice of Violation was issued to the applicant on August 12, 2014 requiring that the second dwelling unit be brought into conformance with the Zoning Ordinance. A separate Notice of Violation was issued for an Inoperable Vehicle (Appendix 5). No appeals of these Notices of Violation were ever filed by the applicant.
- On September 23, 2014, an inspection was conducted by Staff that revealed that the violations still existed. A Complaint for Declaratory Judgment and Injunctive Relief was filed with the Circuit Court of Fairfax County on October 29, 2014 (Appendix 6).
- The applicant submitted this special permit application on November 14, 2014.
- An Agreed Final Order was entered and signed by a Judge on February 6, 2015 (Appendix 7). This agreement requires the applicant to refrain from parking inoperable vehicles on the property and orders the applicant to either obtain a special permit for the maintenance of a second dwelling unit on the subject property or to remove it.

The inoperable vehicle has been removed and therefore brought into conformance.

During the application review process, the accessory storage structure (shed) was discovered to be located too close to the eastern side lot line. On March 20, 2015, Staff conducted a site inspection and found evidence of a possible third dwelling unit in the basement of the principle dwelling. On March 25, 2015, the matter was referred back

to DCC (Appendix 8). Upon a further site inspection by the DCC, the possible third dwelling unit was determined not to exist and the outstanding violation remains for the existing second dwelling unit.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval to permit an accessory dwelling unit (ADU) in an existing detached accessory structure in the rear yard. The proposed accessory dwelling unit 878 square feet in size, 10.0 feet in height, and account for 20.8 percent of the total gross floor area of the existing structure (4,223 square feet). The proposed accessory dwelling unit would contain one bedroom, a bathroom, a sitting area and a kitchen (labeled “wetbar” on the included floorplan). The layout of these rooms is depicted in the attached floor plan (Attachment 1).

The applicant, who is over the age of 55 and living in the primary dwelling unit is requesting the ADU to accommodate a care giver or other domestic staff. Ample parking exists in the driveway for the applicant and the proposed ADU tenant.

The applicant has also recently installed a second gravel driveway from the accessory dwelling unit to the western side property line. Staff believes that the sole access to Hunter View Road should be from the existing main driveway. A development condition has been proposed to limit access to the property from the main driveway and to require that the entrance point for the second driveway be removed, the gravel driveway removed, and the area scarified and replanted with grass or other ornamental vegetation.

Staff has included a proposed development condition limiting this initial special permit approval to a period of two years. While Accessory Dwelling Units (ADUs) may be approved for a maximum period of five years at a time, the applicant has a history of complaint investigations with Fairfax County and staff believes that the initial shorter term of approval will give the applicant an opportunity to demonstrate compliance with the approved Development Conditions associated with maintaining an ADU as well as general compliance with the restrictions of the Zoning Ordinance.

The applicant is also requesting a reduction of certain yard requirements based on an error in building location to permit the accessory storage structure (shed with a covered lean to) to remain 6.3 feet from the eastern side lot line. The applicant states that he hired carpenters to construct the shed and lean-to to store equipment and that any errors done during construction were innocent mistakes.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, Vienna Planning District
Planning Sector: Piney Branch Community Planning Sector (V4)
Plan Map: Residential, .2-.5 du/ac

Zoning District Standards

Bulk Standards (R-E)		
Standard	Required	Provided
Lot Size	No requirement	2.0 acres
Lot Width	Interior: 200 feet	200.0 feet
Building Height	35 feet	14.6 feet
Front Yard	50 feet	71.4 feet
Side Yard	20 feet	Eastern: 48.7 feet Western: 22.0 feet
Rear Yard	25 feet	221.0 feet

Zoning Ordinance Requirements (Appendix 9)

- 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)

Standards 1 and 2 <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.
Standard 3 <i>Adjacent Development</i>	No new construction is proposed. The accessory structure that houses the proposed ADU is outside of the required yard setbacks and is allowed as a detached accessory structure on a lot of 2 acres or greater. Staff believes that this ADU, as conditioned, would be harmonious with the surrounding area and would not hinder the use or development of neighboring properties.
Standard 4 <i>Pedestrian/Vehicular Traffic</i>	Staff believes that the proposed use would not significantly impact pedestrian or vehicular traffic.
Standard 5 <i>Landscaping/Screening</i>	The existing detached accessory structure is screened from adjacent properties with deciduous trees. Staff from the Urban Forestry Management Division reviewed this application and determined that the use will have no impact on existing trees or landscape plantings and no additional landscape planting is required.

Standard 6 <i>Open Space</i>	There is no prescribed open space requirement in the R-E District.
Standard 7 <i>Utilities, Drainage, Parking and Loading</i>	Existing facilities appear to adequately serve the ADU. In addition, staff believes there is sufficient parking to accommodate the proposed use.
Standard 8 <i>Signs</i>	No signage is proposed.

Group 9 Standards (Sect. 8-903)

Standard 1 <i>Lot Size and Bulk Regulations</i>	The property complies with the lot size and bulk regulations for the R-E District.
Standard 2 <i>Performance Standards</i>	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 <i>Site Plan</i>	The structure is not subject to site plan review, as there is no new construction.

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

Standard 1 <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.
Standard 2 <i>Structure Shall be Located Within Single Family Dwelling Unless Lot is 2.0 Acres or Larger</i>	The proposed ADU will be in a detached accessory structure that was formerly a stable. Since the property is 2 acres the ADU is permitted in a detached accessory structure.
Standard 3 <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 20.8% of the total GFA. This standard is met.
Standard 4 <i>Max. 2 Bedrooms</i>	The application indicates that the ADU includes one bedroom. This standard is met.
Standard 5 <i>Occupancy Standards</i>	The applicant, who would reside in the principle dwelling unit, owns the property and meets the qualifications of "elderly" as defined by the Zoning Ordinance. The applicant intends the ADU to be used by a care giver or other domestic staff.
Standard 6 <i>Reasonable Access for a Disabled Person</i>	The applicant has indicated that the person who accesses the ADU is not disabled. However, the dwelling unit would contain uninterrupted access to one entrance.
Standard 7 <i>Sufficient Parking</i>	The property includes ample parking in the driveway.

<p>Standard 8 <i>Will Not Modify or Disrupt Character of Neighborhood</i></p>	<p>The detached accessory structure that will house the ADU has existed in its current location since at least 1997 (as shown by county aerial photography). It was previously a stable that records indicate was converted to a studio in 2011. The ADU building meets all yard setback requirements. Therefore, staff believes that the use of the ADU, as proposed, would not constitute sufficient change to modify or disrupt the existing character of the neighborhood.</p>
<p>Standard 9 <i>Regulations for Safety, Health, Sanitation</i></p>	<p>This standard requires any ADU to meet applicable regulations for building, safety, health, and sanitation. A development condition is proposed to this effect.</p>
<p>Standard 10 <i>Recorded</i></p>	<p>A condition is proposed requiring the approval to be recorded among the Fairfax County land records.</p>
<p>Standard 11 <i>Inspection</i></p>	<p>A condition is proposed requiring the owner to allow inspections of the property by County personnel during reasonable hours upon prior notice.</p>
<p>Standard 12 <i>Approved for a maximum of 5 Years</i></p>	<p>Staff believes that this special permit should be approved for a maximum of two years at this time. The applicant has a history of complaint investigations with Fairfax County and staff believes that the initial shorter term of approval will give the applicant an opportunity to demonstrate compliance with the approved Development Conditions associated with maintaining an Accessory Dwelling Unit as well as general compliance with the restrictions of the Zoning Ordinance.</p>
<p>Standard 13 <i>Approval Prior to July 27, 1987</i></p>	<p>This standard is not applicable.</p>

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-059 for an accessory dwelling unit subject to the proposed development conditions contained in Appendix 1.

While staff does not make recommendations on errors in building location, if it is the intent of the BZA to approve the special permit application for an error in building location for the shed, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report.

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

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

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

APPENDICES

1. Proposed Special Permit Development Conditions
2. Applicant's Statement of Justification and Select Photographs
3. Applicant's Affidavit
4. Building Permit History
5. Notices of Violation dated August 12, 2014
6. Complaint for Declaratory Judgment and Injunctive Relief
7. Agreed Final Order
8. Memo from Zoning Inspections Branch dated March 25, 2015
9. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-HM-025****September 30, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-HM-025 located at Tax Map 27-4 ((1)) 1A to permit an accessory dwelling unit in a detached accessory structure 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 applicant, Russell M. Jaffe, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 10430 Hunter View Road, and is not transferable to other land.
3. This special permit is granted only for the purposes (ADU), structures, and/or uses indicated on the plat titled, "Special Permit Plat, Lot 6-A, Resubdivision of Lots 6 & 7, Brashears Farm," prepared by Joseph W. Bronder, L.S., dated January 30, 2015, 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 878 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 two (2) years from the final approval date of the special permit and may be extended for a maximum of 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 as shown on the special permit plat.
11. The sole access point to the subject property, including both the principle structure and the ADU, shall be through the existing eastern driveway access from Hunter View Road. No other access points shall be permitted. Accordingly, prior to establishment of the use, the western driveway access to Hunter View Road shall be removed, the applicant shall remove all gravel from the area, and the area shall be scarified and replanted with grass and/or ornamental vegetation.
12. Prior to establishment of the use, the applicant shall obtain all applicable trade permits and final inspections related to the construction of the ADU kitchen.

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, thirty 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.

11-14-14

APPENDIX 2

As sole owner of the property at
10430 Hunter View Rd I hereby
apply for a permit to allow use
of the studio on the property as a
guest/employee building.

1. SINGLE FAMILY RESIDENCE WITH DETACHED CARE GIVER/
EMPLOYEE ACCESSORY DWELLING UNIT
2. LOT IS 2 ACRES +
3. AM OVER 55 years as owner dwelling on property
and owner occupied
4. S.F. of primary residence is 3000 SF and detached
building is ~~1000~~ SF 989 SF
5. Accessory dwelling is fully in compliance with all
county requirements including occupancy by no more
than two people.
6. No known toxic or hazardous substance on the property &
conforms to all county regulations.

RECEIVED
Department of Planning & Zoning

NOV 14 2014

Zoning Evaluation Division

Russell Jeff
Owner/Applicant

Creed, Daniel S.

From: Russell Jaffe <rmjaffe1@icloud.com>
Sent: Wednesday, February 04, 2015 11:00 AM
To: Creed, Daniel S.
Subject: permit on 10430 Hunter View Rd, 22181... completion of application

Greetings Mr Creed

please confirm if the statement below is satisfactory and if there is anything else that is needed or if you are able to confirm that the permit application is complete.

would like to have it complete no later than COB tomorrow so that the default judgement Fairfax county has scheduled to enter on the 6th, pending issuance of the permit in question

best

russ jaffe

In regard to 8-914 and in regard to completion of the permit application on file...

The lean to adjacent to the shed near the edge of the middle of the property appears to be 6.3' rather than 10' away from my neighbor's lot line.

This mistake was made innocently by the carpenters employed by me as home owner and resident to protect a few pieces of equipment from excess weather

My neighbor has not objection. There is no encumbrance on either my or his property because of this.

Forcing removal of this lean too and relocation a few feet away would cause an unreasonable hardship in this circumstance.

The request does not increase the density nor the floor area of the property.

DR. RUSS JAFFE, MD, Ph.D.

Founder / Chief Executive Officer
Fellow, Health Studies Collegium

PERQUE INTEGRATIVE HEALTH. www.PERQUE.com
ELISA ACT BIOTECHNOLOGIES. www.ELISAACCT.com
RMJ HOLDINGS.
www.DrRussellJaffe.com

1-800-825-7372 x5101, +1-703-788-5101
info@PERQUE.com

Special Assistant: Mischelle Hall
Clinical Assistant: Jayashree Mann

44021 Guilford Drive, Ste. 150, Ashburn, VA 20147

Follow us on Twitter - twitter.com/PERQUE_PII

STUDIO

FRONT VIEW

(FROM DOWN HILL)



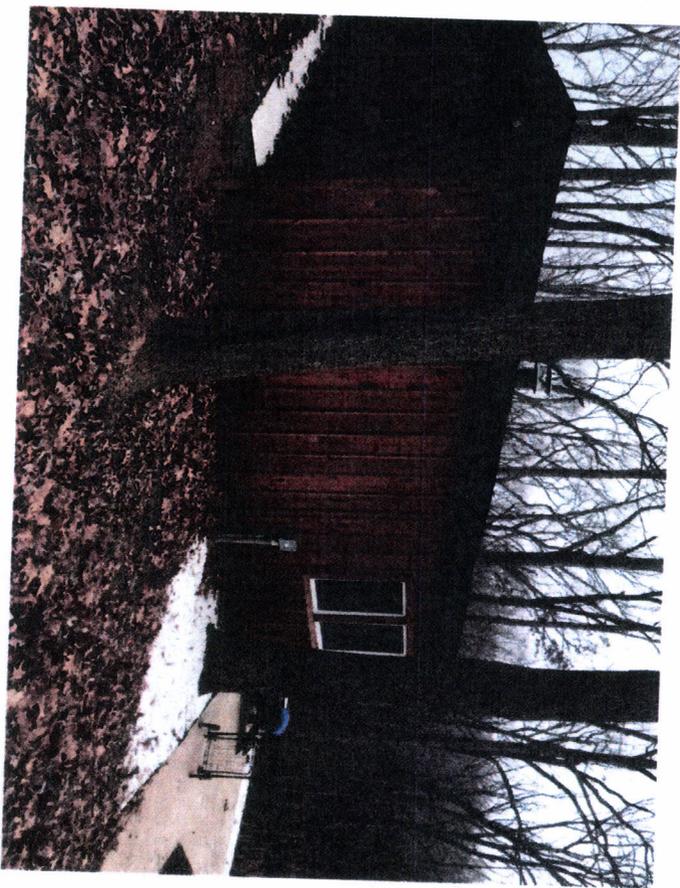
STUDIO
BACK SIDE



STUDIO
REAR



STUDIO
SIDE VIEW

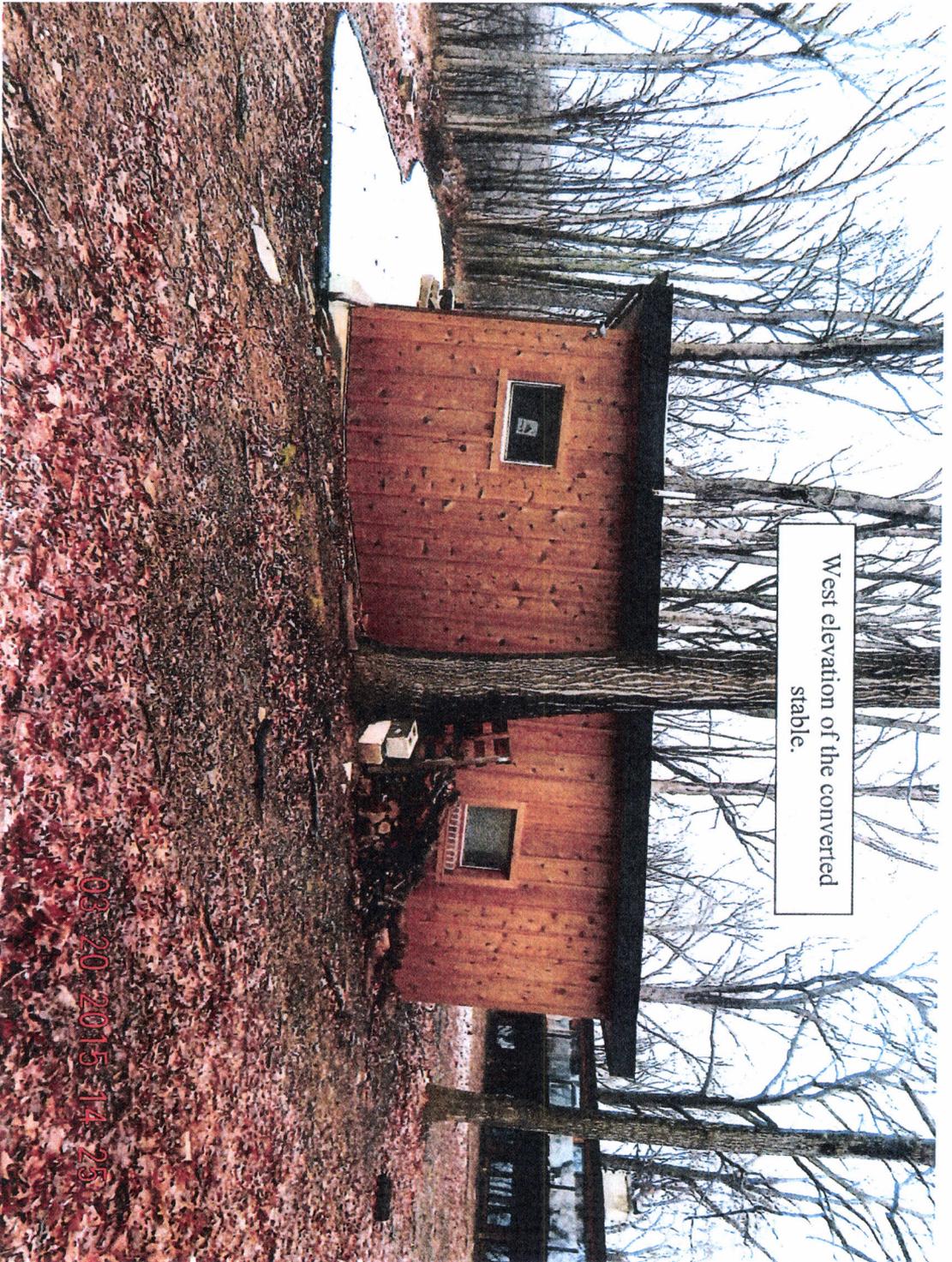




North elevation of the converted stable.

03.20.2015 14.25

Date (Time):	March 20, 2015 (2:09 p.m.)
Address:	10430 Hunter View Drive Vienna, Virginia 22181
Tax Map Ref:	27-4 ((1)) 1A
Zoning District:	RE
Photographer:	<i>Bruce Miller</i>
	Bruce Miller, Property Maintenance/Zoning Enforcement Inspector



West elevation of the converted stable.

Date (Time):	March 20, 2015 (2:09 p.m.)		
Address:	10430 Hunter View Drive Vienna, Virginia 22181		
Tax Map Ref:	27-4 ((1)) 1A		
Zoning District:	RE		
Photographer:	<i>Bruce Miller</i>		
	Bruce Miller, Property Maintenance/Zoning Enforcement Inspector		



South elevation of the converted stable.

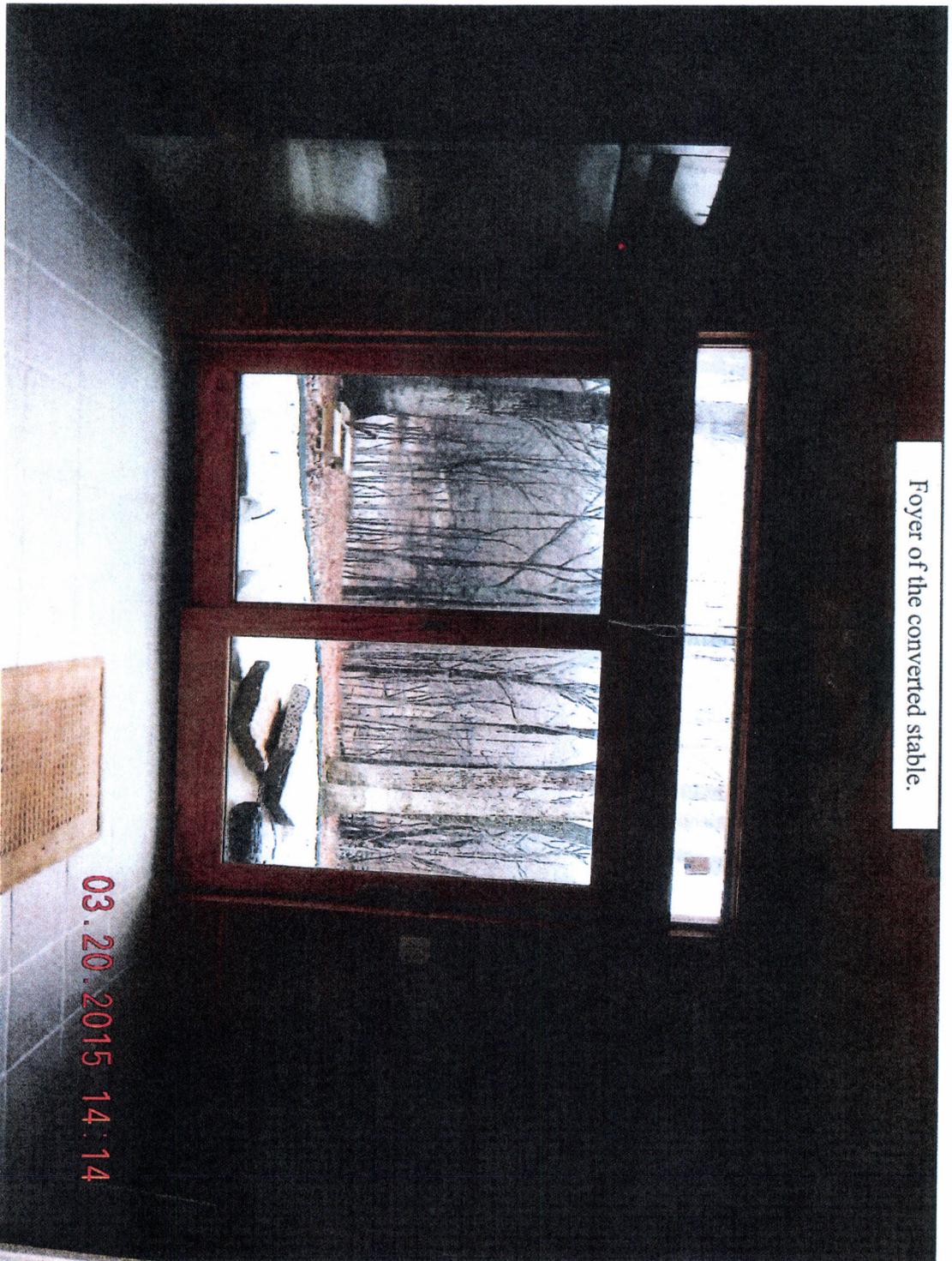
Date (Time):	March 20, 2015 (2:09 p.m.)		
Address:	10430 Hunter View Drive Vienna, Virginia 22181		
Tax Map Ref:	27-4 ((1)) 1A		
Zoning District:	RE		
Photographer:	<i>Bruce Miller</i>		
	Bruce Miller, Property Maintenance/Zoning Enforcement Inspector		



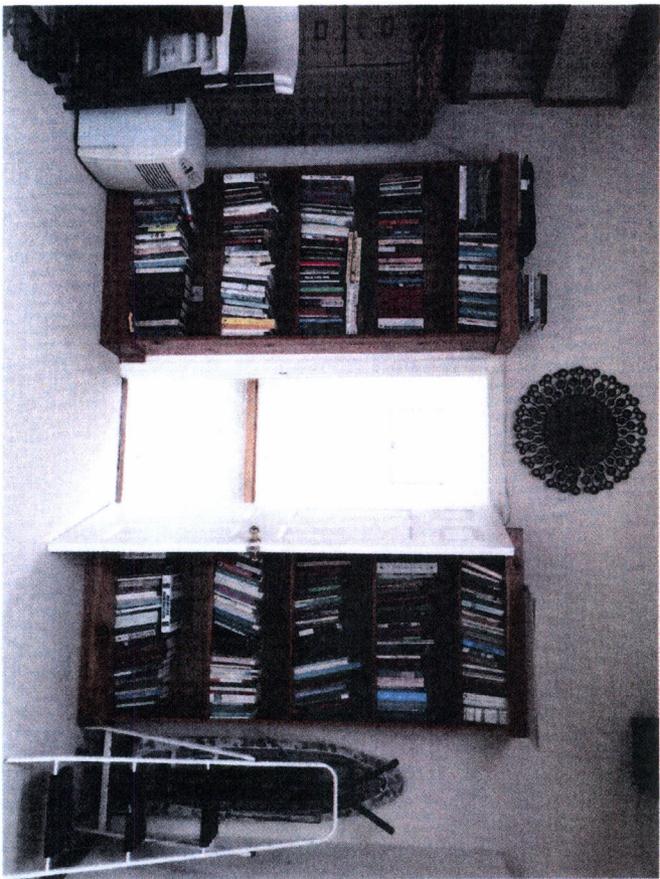
East elevation of the converted stable.

Date (Time):	March 20, 2015 (2:09 p.m.)		
Address:	10430 Hunter View Drive Vienna, Virginia 22181		
Tax Map Ref:	27-4 ((1)) 1A		
Zoning District:	RE		
Photographer:	<i>Bruce Miller</i>		
	Bruce Miller, Property Maintenance/Zoning Enforcement Inspector		

Foyer of the converted stable.

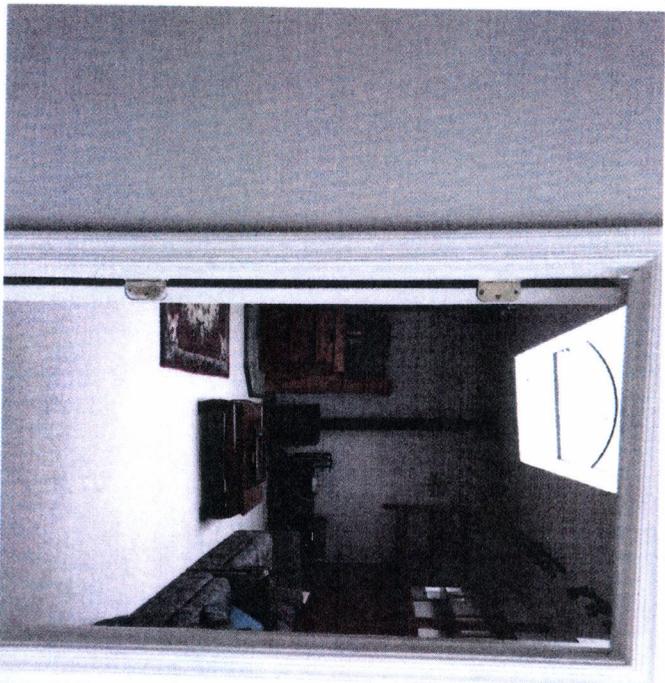


Date (Time):	March 20, 2015 (2:09 p.m.)		
Address:	10430 Hunter View Drive Vienna, Virginia 22181		
Tax Map Ref:	27-4 ((1)) 1A		
Zoning District:	RE		
Photographer:	<i>Bruce Miller</i>		
	Bruce Miller, Property Maintenance/Zoning Enforcement Inspector		



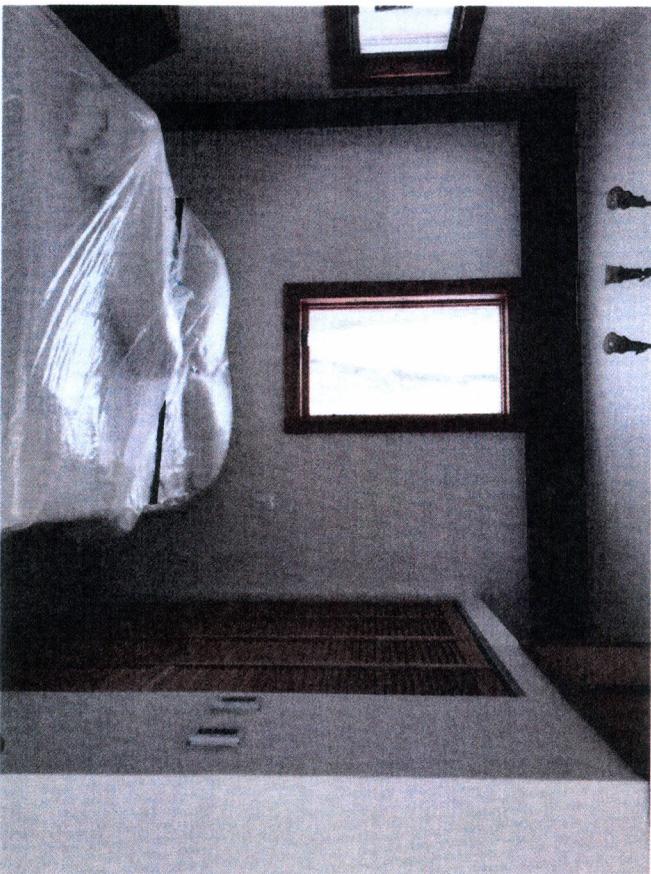
STUDIO - MAIN ROOM to BEDROOM

RECEIVED
Department of Planning & Zoning
FEB 02 2015
Zoning Evaluation Division



STUDIO BEDROOM → MAIN ROOM

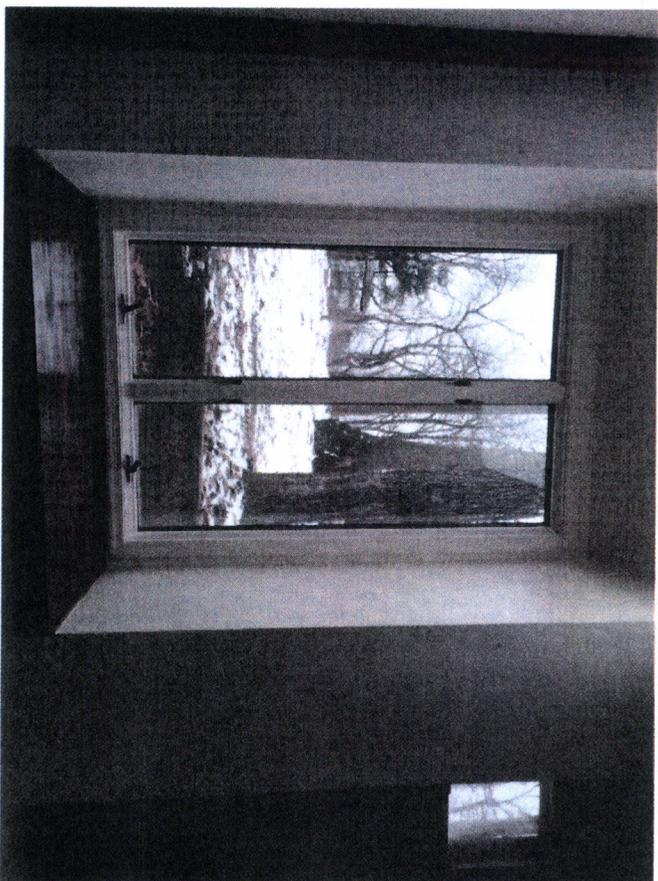
RECEIVED
Department of Planning & Zoning
FEB 02 2015
Zoning Evaluation Division



STUDIO BEDROOM

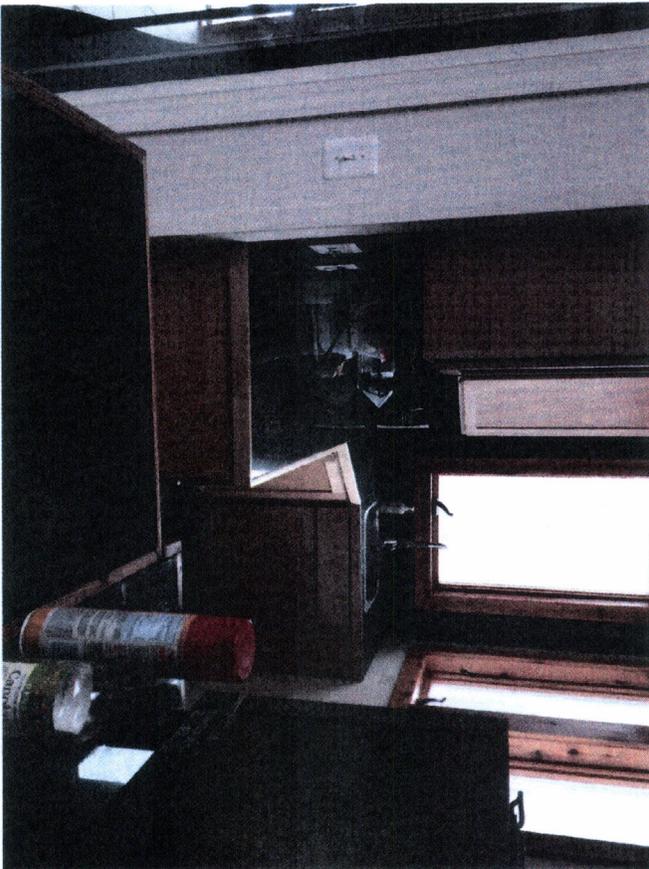


RECEIVED
Department of Planning & Zoning
FEB 02 2015
Zoning Evaluation Division

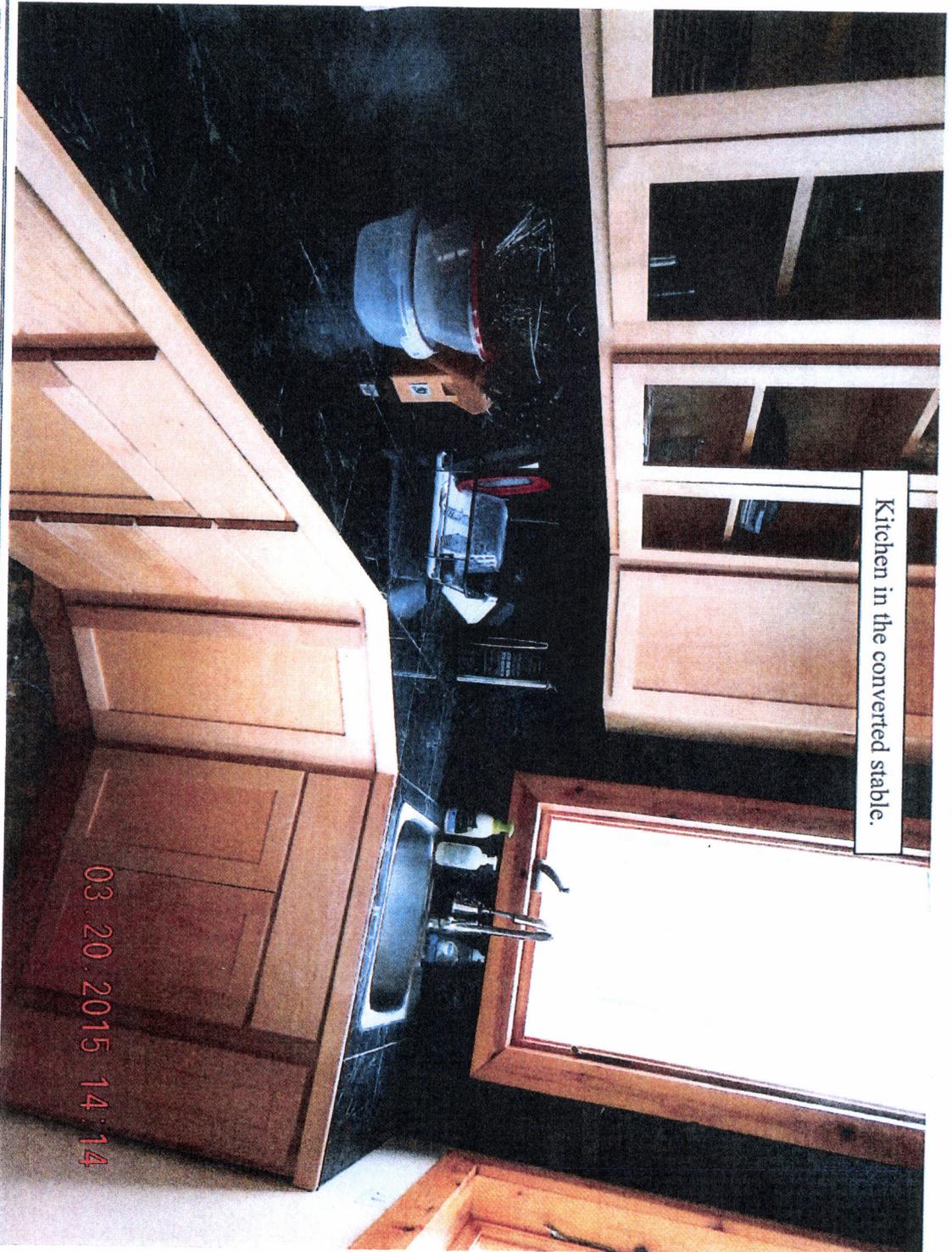


STUDIO — BEDROOM

RECEIVED
Department of Planning & Zoning
FEB 02 2015
Zoning Evaluation Division



STUDIO - PREP AREA

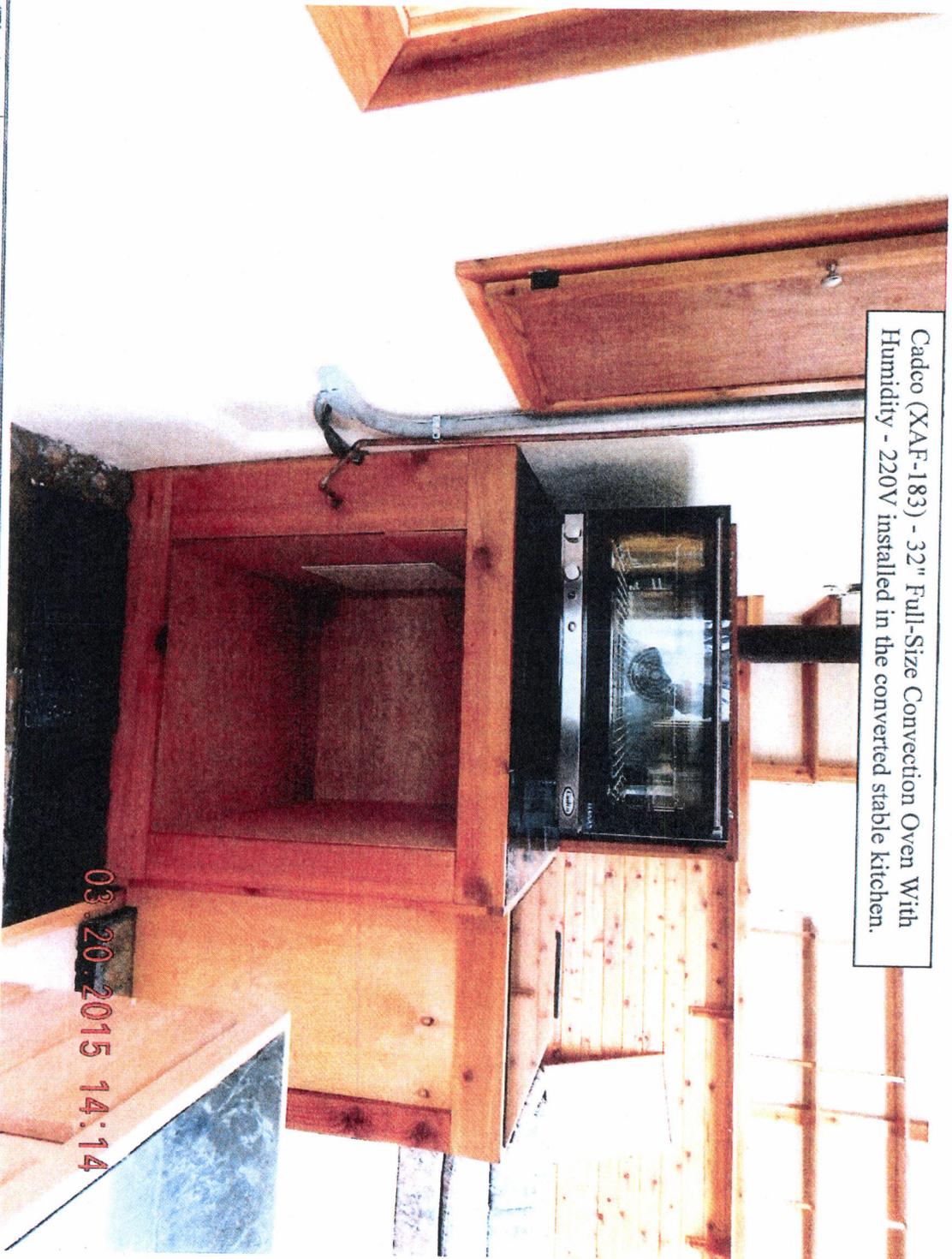


Kitchen in the converted stable.

03 20 2015 14:14

Date (Time):	March 20, 2015 (2:09 p.m.)		
Address:	10430 Hunter View Drive Vienna, Virginia 22181		
Tax Map Ref:	27-4 ((1)) 1A		
Zoning District:	RE		
Photographer:	<i>Bruce Miller</i>		
	Bruce Miller, Property Maintenance/Zoning Enforcement Inspector		

Cadco (XAF-183) - 32" Full-Size Convection Oven With Humidity - 220V installed in the converted stable kitchen.



Date (Time): March 20, 2015 (2:09 p.m.)

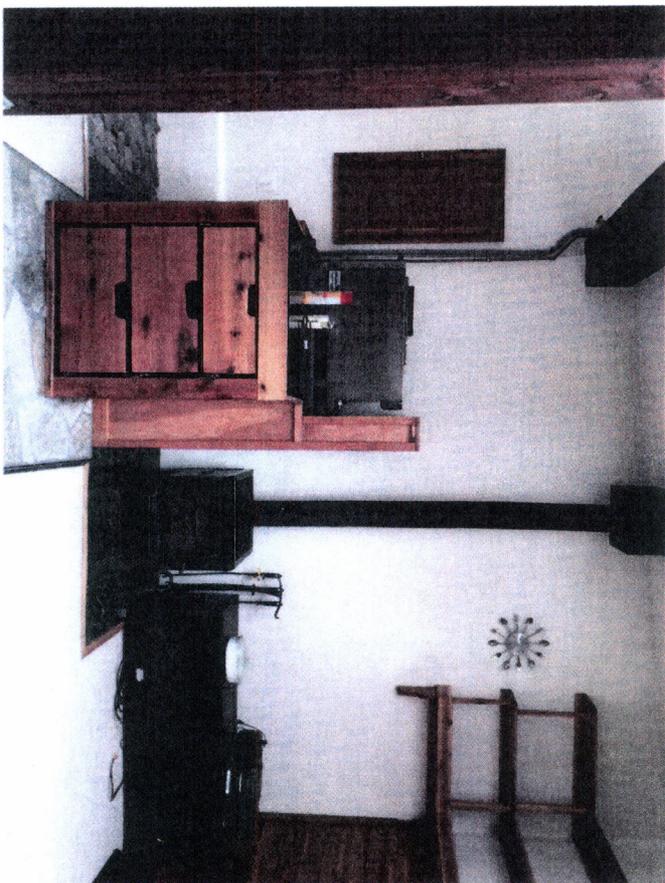
Address: 10430 Hunter View Drive
Vienna, Virginia 22181

Tax Map Ref: 27-4 ((1)) 1A

Zoning District: RE

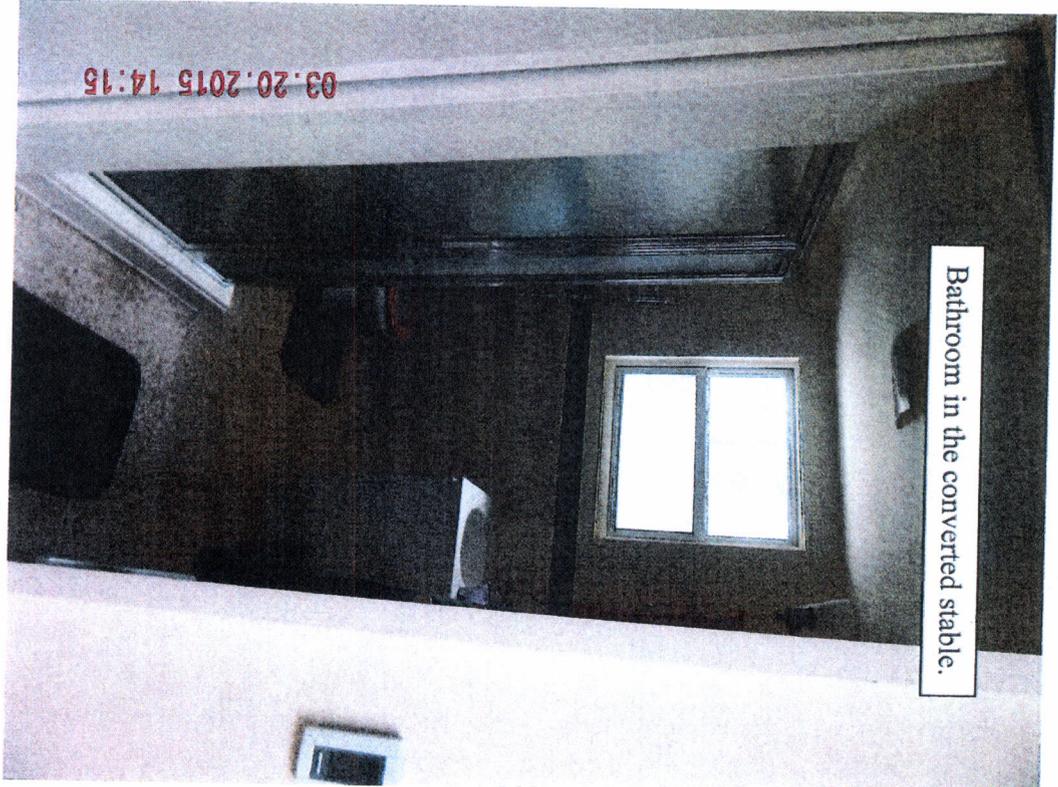
Photographer: *Bruce Miller*
Bruce Miller, Property Maintenance/Zoning Enforcement Inspector

RECEIVED
Department of Planning & Zoning
FEB 02 2015
Zoning Evaluation Division



STUDIO MAIN ROOM

Bathroom in the converted stable.



Date (Time):	March 20, 2015 (2:09 p.m.)
Address:	10430 Hunter View Drive Vienna, Virginia 22181
Tax Map Ref:	27-4 ((1)) 1A
Zoning District:	RE

Photographer:
Bruce Miller
Bruce Miller, Property Maintenance/Zoning Enforcement Inspector

MAIN BUILDING
FRONT GARDEN VIEW



MAIN BUILDING
WEST VIEW



MAIN BUILDING
REAR VIEW



MAIN BUILDING-
VIEW FROM DRIVEWAY



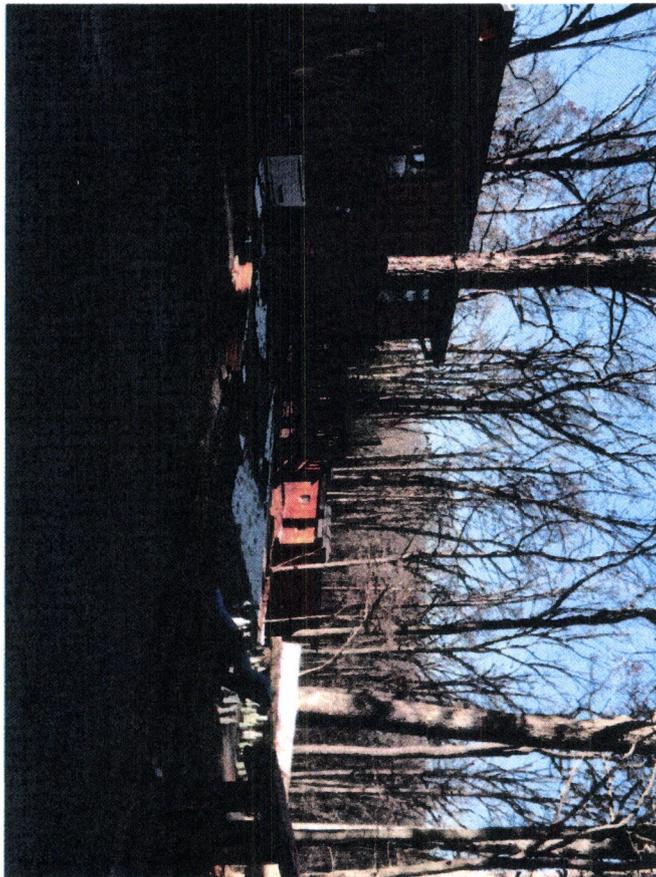
RECEIVED
Department of Planning & Zoning
DEC 17 2014
Zoning Evaluation Division



RECEIVED
Department of Planning & Zoning

DEC 17 2014

Zoning Evaluation Division





North elevation of the principal structure.

Date (Time): March 20, 2015 (2:09 p.m.)

Address: 10430 Hunter View Drive
Vienna, Virginia 22181

Tax Map Ref: 27-4 ((1)) 1A

Zoning District: RE

Photographer: *Bruce Miller*
Bruce Miller, Property Maintenance/Zoning Enforcement Inspector



East elevation of the principal structure.

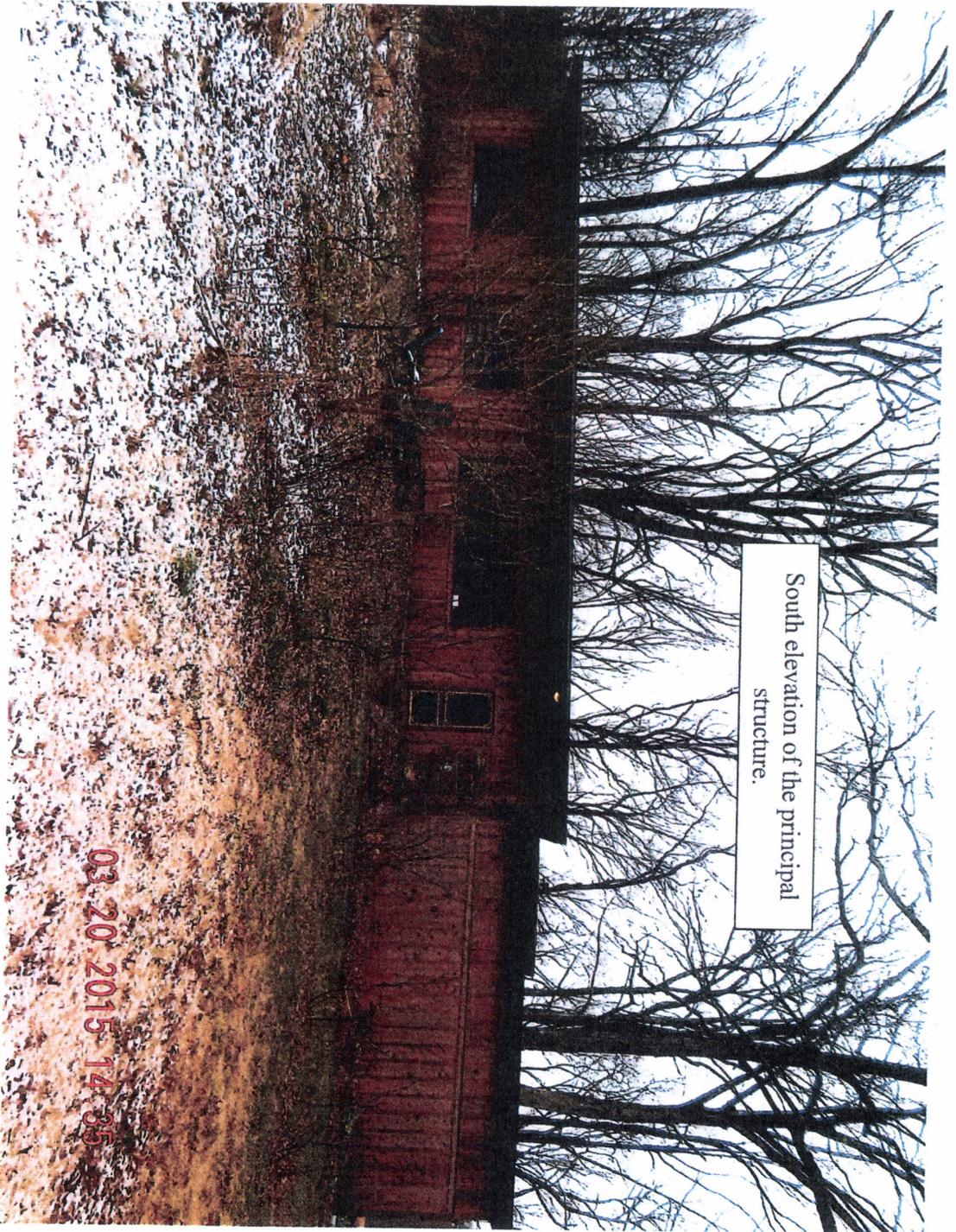
Date (Time): March 20, 2015 (2:09 p.m.)

Address: 10430 Hunter View Drive
Vienna, Virginia 22181

Tax Map Ref: 27-4 ((1)) 1A

Zoning District: RE

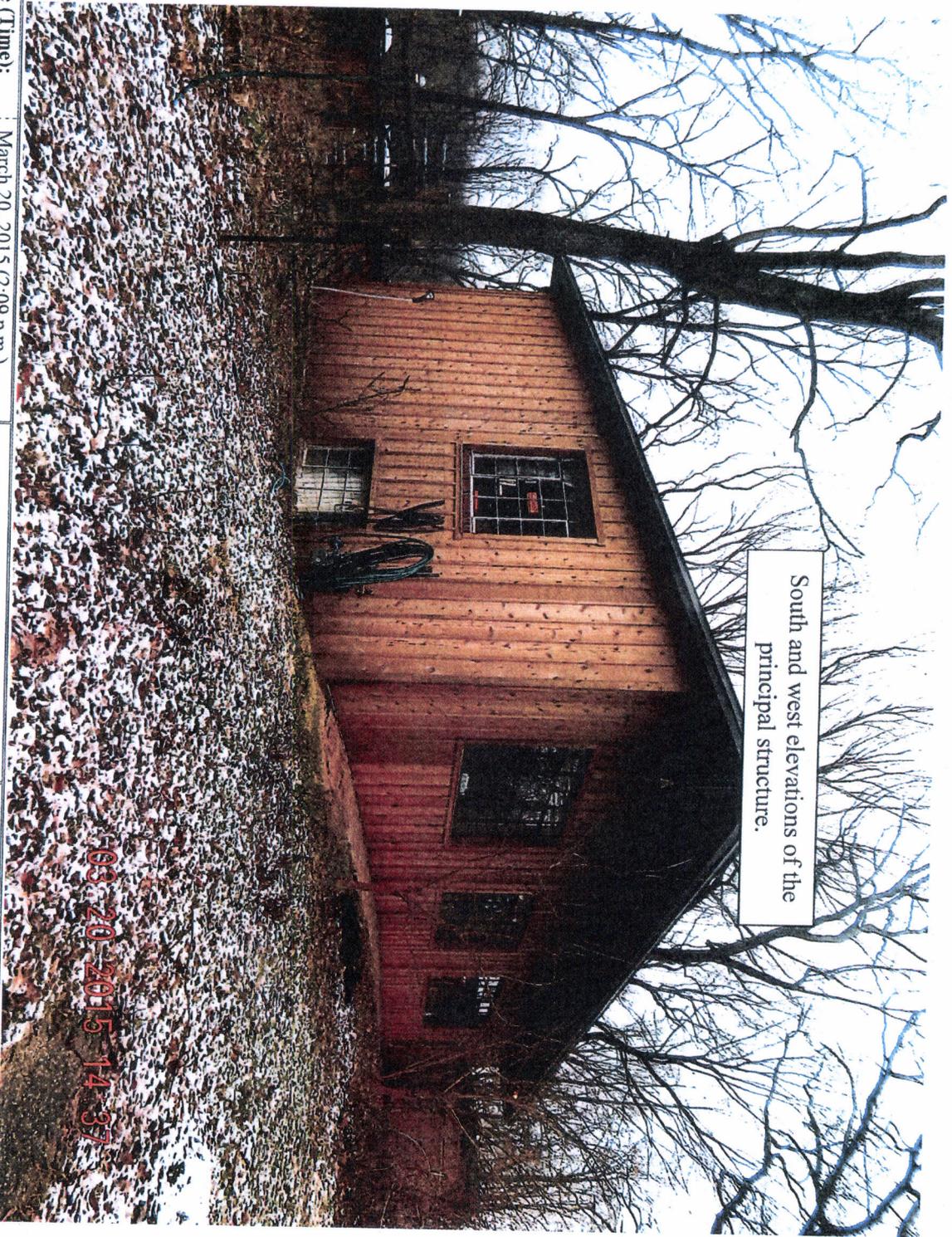
Photographer: *Bruce Miller*
Bruce Miller, Property Maintenance/Zoning Enforcement Inspector



South elevation of the principal structure.

03 20 2015 14 35

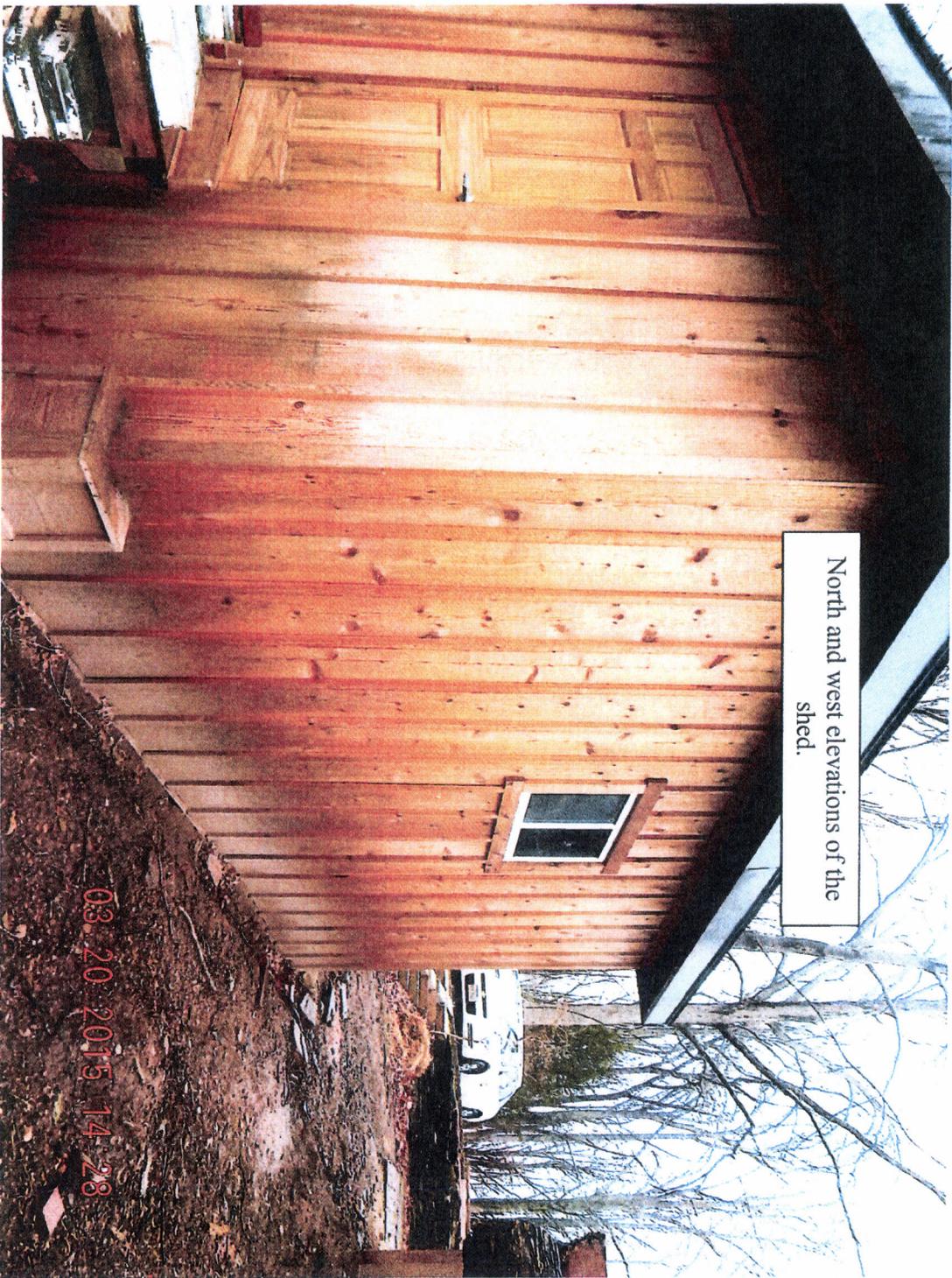
Date (Time):	March 20, 2015 (2:09 p.m.)	
Address:	10430 Hunter View Drive Vienna, Virginia 22181	
Tax Map Ref:	27-4 ((1)) 1A	
Zoning District:	RE	
Photographer:	<i>Bruce Miller</i>	
	Bruce Miller, Property Maintenance/Zoning Enforcement Inspector	



South and west elevations of the principal structure.

Date (Time):	March 20, 2015 (2:09 p.m.)
Address:	10430 Hunter View Drive Vienna, Virginia 22181
Tax Map Ref:	27-4 ((1)) 1A
Zoning District:	RE

Photographer:
Bruce Miller
Bruce Miller, Property Maintenance/Zoning Enforcement Inspector



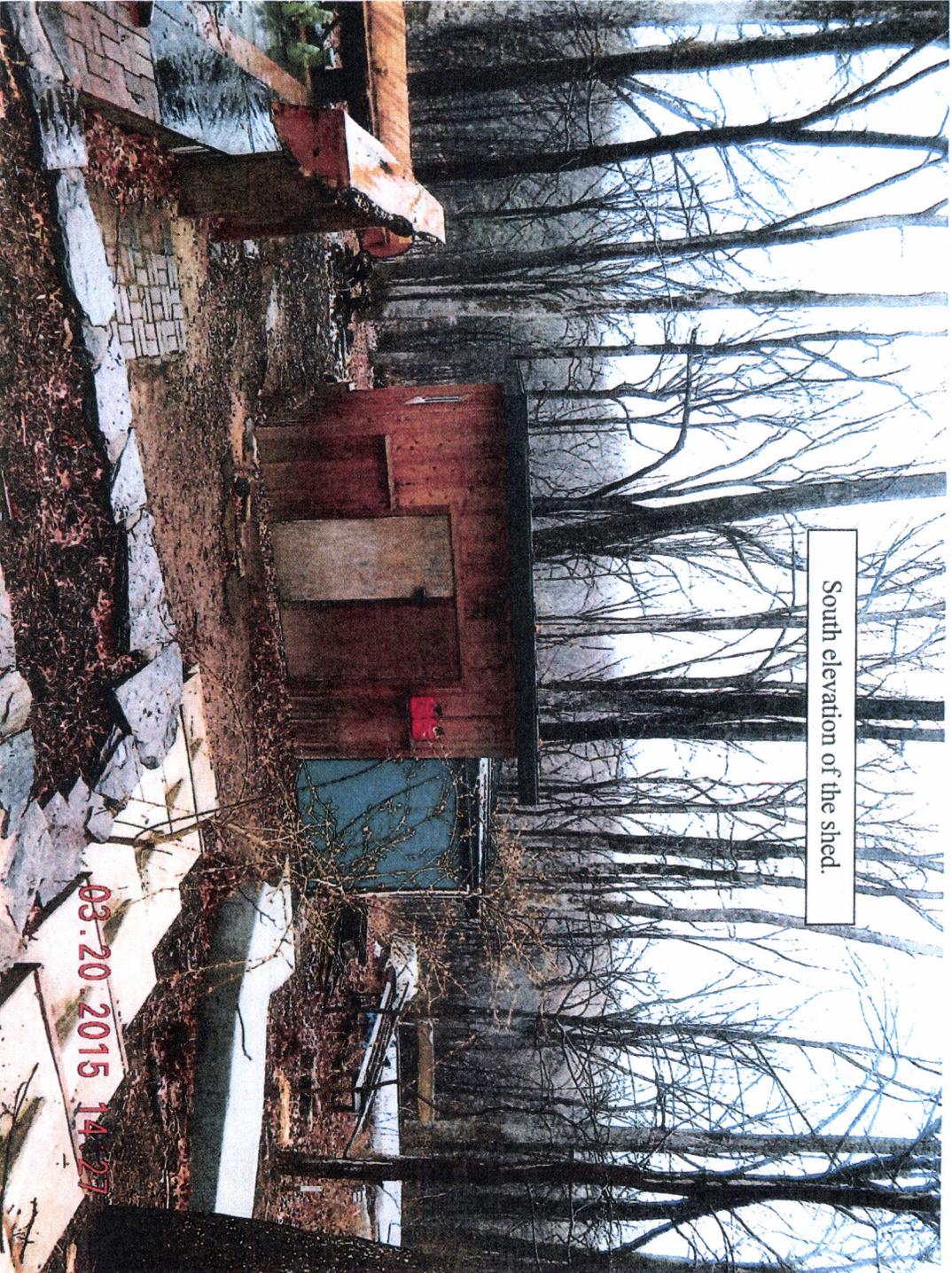
North and west elevations of the shed.

Date (Time):	March 20, 2015 (2:09 p.m.)		
Address:	10430 Hunter View Drive Vienna, Virginia 22181		
Tax Map Ref:	27-4 ((1)) 1A		
Zoning District:	RE		
		Photographer:	Bruce Miller
		Bruce Miller, Property Maintenance/Zoning Enforcement Inspector	



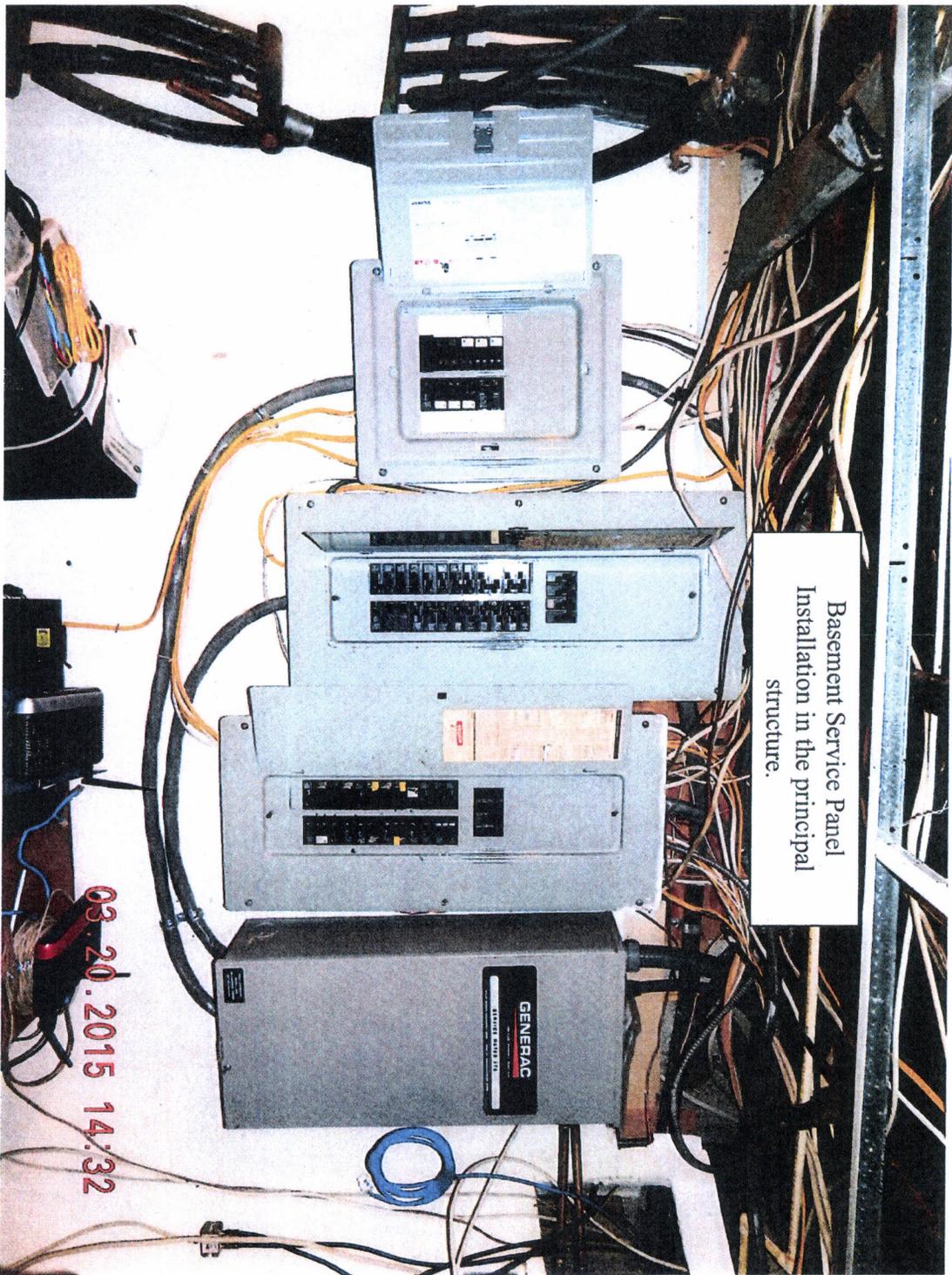
North elevation of the shed

Date (Time):	March 20, 2015 (2:09 p.m.)	
Address:	10430 Hunter View Drive Vienna, Virginia 22181	
Tax Map Ref:	27-4 ((1)) 1A	
Zoning District:	RE	
Photographer:	<i>Bruce Miller</i>	
	Bruce Miller, Property Maintenance/Zoning Enforcement Inspector	



South elevation of the shed.

Date (Time):	March 20, 2015 (2:09 p.m.)		
Address:	10430 Hunter View Drive Vienna, Virginia 22181		
Tax Map Ref:	27-4 ((1)) 1A		
Zoning District:	RE		
Photographer:	<i>Bruce Miller</i>		
	Bruce Miller, Property Maintenance/Zoning Enforcement Inspector		



Basement Service Panel
Installation in the principal
structure.

03.20.2015 14:32

Date (Time):	March 20, 2015 (2:09 p.m.)	
Address:	10430 Hunter View Drive Vienna, Virginia 22181	
Tax Map Ref:	27-4 ((1)) 1A	
Zoning District:	RE	
Photographer:	<i>Bruce Miller</i>	
	Bruce Miller, Property Maintenance/Zoning Enforcement Inspector	

**AN AFFIDAVIT FOR THIS CASE
HAS NOT BEEN APPROVED BY THE
OFFICE OF THE COUNTY ATTORNEY
AT THE TIME OF PUBLISHING**

****Please note that the only remaining
edit to be made is to page 5, question 3.**

**All other information has been
reviewed and the approved affidavit
should be sent out sometime**

Wednesday 9/30.**

Application No.(s): SP 2015 - HM-025
(county-assigned application number(s), to be entered by County Staff)

Sent to
Jo Ellen
9/25

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 25, 2015
(enter date affidavit is notarized)

I, Russell M. JAFFE, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Russell M. JAFFE	10430 Hunter View Rd Vienna VA 22181	APPLICANT/ 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: September 25, 2015
(enter date affidavit is notarized)

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

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

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 25, 2015
(enter date affidavit is notarized)

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

PARTNERSHIP INFORMATION

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

N/A

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: September 29, 2015
(enter date affidavit is notarized)

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 25 September 2015
(enter date affidavit is notarized)

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.)

(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)

Russell M Jaffe
[X] Applicant [] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 25th day of September 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Rachael A Locke
Notary Public

My commission expires: 6/30/2019



Subdivision: Acreage Lot #: 1A

**Referral to Department of Code Compliance
Herrity Building, 10th Floor
703-324-1300**

Handwritten notes:
Review
10/28/11
Tammy

To: Karen McClellan
Operations Manager

6/28/11

From: Tammy - ZPRB

Job Address: 10430 Hunter View Road

*Review + Comment
return to me.
Mike A.*

Permit #: 111790037

Department of Code Compliance Comments/Review:

JEFF PERKA. SUBMITS THAT ENTIRE STRUCTURE MUST BE SUBJECT TO THE BUILDING CODE INSPECTION PROCESS - IF, IF EVER GRANTS, IS GRANTED ZONING APPROVAL. ALL ELECTRICAL ITEMS MUST BE INSPECTED, BACK TO POINT OF SOURCE OF POWER. ALL WATER SUPPLY, TENS MUST BE INSPECTED BACK TO POINT OF SOURCE OF SUPPLY. ALL DRAIN, WASTE AND VENT MUST BE INSPECTED TO YOUR APPROVED POINT OF SEWAGE DISPOSAL. WE HAVE NO KNOWN RECORDS EVEN ACKNOWLEDGING A ASSESSMENT STRUCTURE.

The accessory structure is the "~~shed~~ stable" which has been converted to habitable space without permits. This is required for compliance. Becca (RC) Approval suggested.

BUILDING PERMIT APPLICATION

Permit Application Center
 12055 Government Center Parkway
 Suite 200
 Fairfax, Virginia 22035-5504
 703-222-0801 TTY 711
 www.fairfaxcounty.gov/buildingpermits



Permit # 111790037
 Plan # W-11-3779
 Tax Map # 0274 01 0001A

JOB LOCATION

STREET ADDRESS 10430 Hunter View Road
 LOT # 6A BUILDING _____ FLOOR _____ SUITE _____
 SUBDIVISION Brashears Farm
 TENANT'S NAME _____

OWNER INFORMATION

OWNER TENANT

NAME Russell Jaffe
 ADDRESS 10430 Hunter View Road
 CITY Vienna STATE Va ZIP 22181
 PHONE 703-851-1800 E-MAIL _____

CONTRACTOR INFORMATION

SAME AS OWNER

COMPANY NAME C A Builders LLC CONTACT ID 329530 335350
 ADDRESS P. O. Box 150536
 CITY Alexandria STATE Va ZIP 22315
 PHONE 703-868-1339 E-MAIL cabuildersllc@verizon.net
 STATE CONTRACTOR'S LICENSE # 2705108 212A COUNTY BPOL # 07-0150

APPLICANT

NAME CLAUDE A. WHEELER II CONTACT ID 329530
 ADDRESS P.O. BOX 150536
 CITY ALEX STATE VA ZIP 22315
 PHONE 703-868-1339 E-MAIL CABUILDERSLLC@VERIZON.NET

DESIGNATED MECHANICS' LIEN AGENT (Residential Construction Only)

NONE DESIGNATED

NAME _____ PHONE _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____

DESCRIPTION OF WORK

CONVERT STABLE TO STUDIO /
ADDRESS COUNTY VIOLATIONS
DOB

- This permit is approved with the understanding _____
- that the wet bar will not contain permanent _____
- cooking facilities and will not be used in _____
- conjunction with a bedroom, bathroom and other _____
- living space in a manner that would constitute _____
- the establishment of a separate dwelling unit. _____

ESTIMATED COST OF CONSTRUCTION \$ 20,000

COUNTY USE ONLY

ROUTING	DATE	APPROVED BY
LICENSING	<u>6/28/11</u>	<u>[Signature]</u>
ZONING	<u>8/9/11</u>	<u>JM</u>
SITE		

APPLICANT AGREEMENT

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] 6-27-11
 Signature of Owner, Master, or Agent Date

CLAUDE A. WHEELER II, CONTRACTOR
 Name and Title (please print)

An Affidavit of Permit Authorization (located on reverse side of application) must be completed by the property owner if the permit is to be issued in the owner's name and another party is submitting the application on behalf of the owner. Please read the note to property owners on this application prior to signing the affidavit.

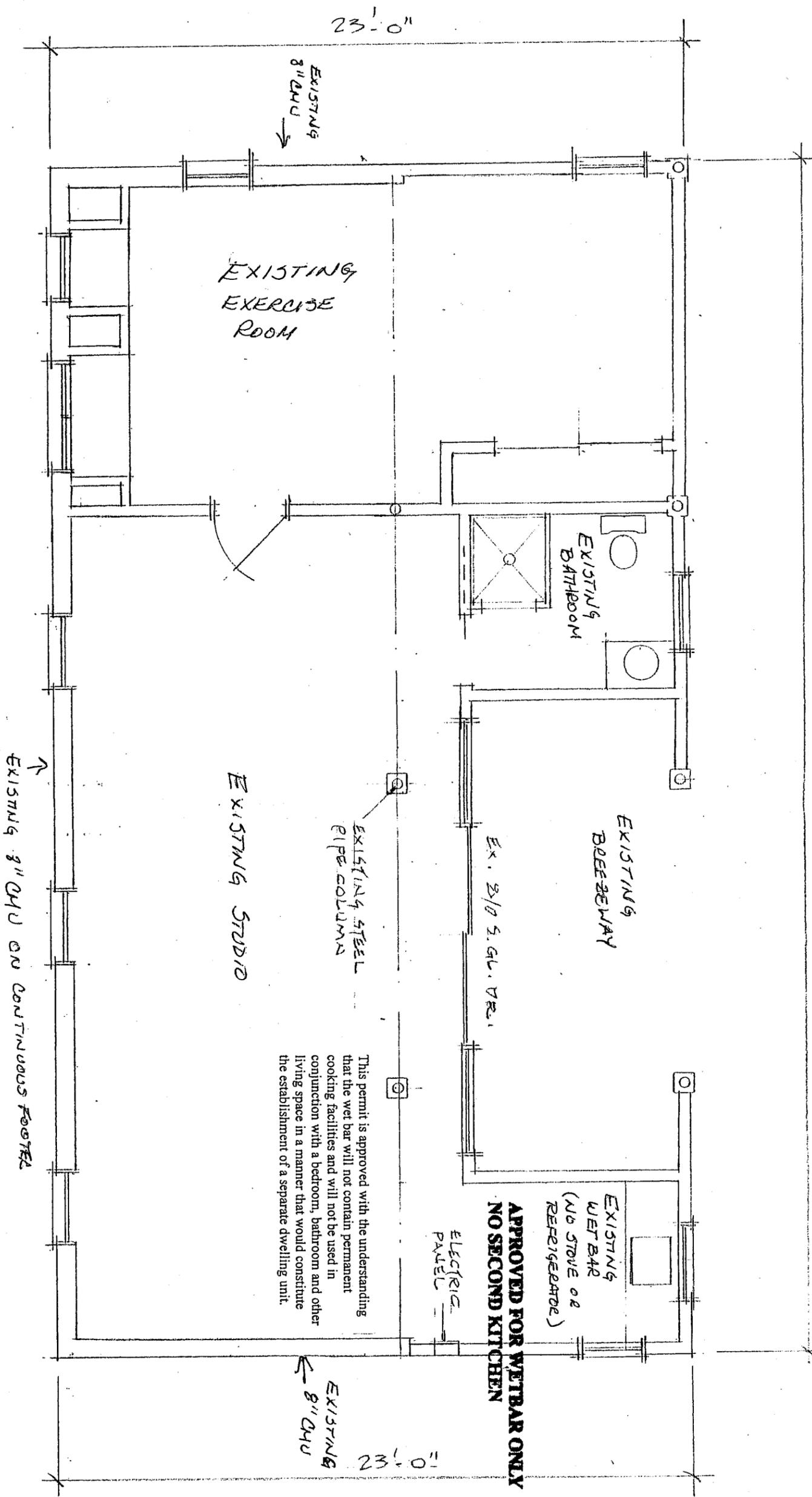
ROUTING	DATE	APPROVED BY
HEALTH		
SANITATION		
BUILDING		

APPROVED FOR ISSUANCE BY _____

DATE _____

FEE \$ 380.00 ^{190.00 F.F.} Full fee

43'-0"



This permit is approved with the understanding that the wet bar will not contain permanent cooking facilities and will not be used in conjunction with a bedroom, bathroom and other living space in a manner that would constitute the establishment of a separate dwelling unit.

FLOOR PLAN SCALE 1/4" = 1'-0"

1. SCOPE OF WORK: REMOVE THE EXISTING DRYWALL FROM EXTERIOR WALLS AND INSTALL NEW 1/2" DRYWALL.
2. CHECK THE EXISTING BATT INSULATION MINIMUM R-19.
3. UP-GRADE PLUMBING & ELECTRICAL TO CODE.

BUILDING UP-GRADE FOR

RUSSEL JAFFE

DATE: 6/22/11 10430 HUNTER VIEW RD VIENNA, VA.



Report Date 07/27/2011 03:23 PM

Submitted By

Page 1

Act # 2032139 A/P #111790037 Act Type ZONING (ZONING REVIEW) # 2

Property Information

Address 10430 HUNTER VIEW RD
 VIENNA VA 22181-2818

Location

Application Information

Type MISC R MISCELLANEOUS BUILDING WK REP. Priority IR06 Type of Work MISC Dept of Commerce SFD
 Square Footage 0.00 Declared Valuation 20000.00 A/P Name
 Desc of Work convert stable into studio

Initial Review

Issued Date/Time 06/28/2011 13:54 Issued By System Generated
 Scheduled Date/Time Scheduled By Waived
 Department ZONING Assigned To

Review Results

Reviewed By TMILLE Failed Suspense Date
 Start Date/Time 07/27/2011 15:09 Completed Date/Time 07/27/2011 15:09 Actual Time 0.00

Comments

No Comments

Problems

Violation ZOTHER Description OTHER
 Recorded Date 06/28/2011 00:00 Recorded By TMILLE Recorded Version
 Resolved Date Resolved By Resolved Version
 Status Status Date
 Comments Open DCC case; sent to DCC for review

Violation Text - None -
 Violation ZOTHER Description OTHER
 Recorded Date 07/27/2011 00:00 Recorded By TMILLE Recorded Version
 Resolved Date Resolved By Resolved Version
 Status Status Date
 Comments Need a house location plat, to scale. Need a letter from the owner describing the use, including if someone will be residing in the structure. Please resubmit your permit application, architectural plans, along with the house location plat and letter to Tammy Miller, ZPRB.
 Violation Text - None -



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: December 12, 2013

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Russell M. Jaffe
ADDRESS: 10430 Hunter View Road
Vienna, Virginia 22181

LOCATION OF VIOLATION: 10430 Hunter View Road
Vienna, Virginia 22181

TAX MAP REF: 27-4 ((1)) 1A

ZONING DISTRICT: R- E

CASE #: 201308009 **SR #:** 100706

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§02-501	\$ 200.00	\$ 500.00
	TOTAL:	\$ 200.00	\$ 500.00

Dear Responsible Party:

An inspection of the above referenced property on December 9, 2013 revealed the following violation 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

**Building Permit
 Zoning Review**

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

Bldg Permit #: **121250220**

RESIDENTIAL ADDITION

Address: 10430 Hunter View Rd Vienna VA 22181-2818
 Bldg: N/A Floor: Suite: N/A

Subdiv: Brashears Farm Lt 6A **Sub Census:** 602.03 **Lot Size:** 2.00

Tax Map: 0274 01 0001A

Owner: Jaffe Russell M

Phone Day: (703)851-1800 x **Evening:**

Contractor:
 OWNER IS CONTRACTOR
 (999) 999-9999

Type of Work: ADDITIONAL STORIES
Description of Work: Build one story bump out addition with deck, no stairs, no hot tub

Specific Description of Work:

1 Story Ground	1 Story Crawl	1 Story Bsmt Below	2 Story Ground	2 Story Crawl	2 Story Bsmt below	2nd Story Addn Over Exist Structure
Y	N	N	N	N	N	N

ZPRB Review:

Date	Status
5/16/12	RGOOD3 Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-E	N	SFD	N	N	N	N	N

Structure	Yard/Setbacks:			Dimensions:			Structure Type		
	Front (A)	Front (B)	Front (C)	Left	Right	Rear		Structure Dimension	Height
addn/deck	0.00	0.00	0.00	0.00	0.00	314.00	addition 6.33 x 10.75	17.00	
							deck 8x4	6.00	OPEN

DETAILS COMMENTS:

Subdivision: Brashears Farm Lot #: 6A

Referral to Department of Code Compliance
Herrity Building, 10th Floor
703-324-1300

RECEIVED
MAY 11 2012
KRM

*Adams
Callie Smith
Watson*

To: **Karen McClellan**
Operations Manager

BY: _____
Date: 5-10-12

From: **Tammy - ZPRB**

Job Address: 10430 Hunter View Road

Permit #: 121250220

Case # 201100658

Department of Code Compliance Comments/Review:

ok to issue.

DCC Supervisor approval to review the permit application: MA (please initial)
(This is to clarify that DCC staff are not conducting a ZPRB or PAC review of the permit, only checking to determine that the issuance of the permit either clears the violation or at does not compound the violation.)

DCC Area Supervisor's Name: MIKE ADAMS 324-1414

DCC Inspectors Phone #: JIM WATSON 324-9326

Date of approval/rejection: 5/14/12

Received back from DCC 5/14/12

Bldg Permit #:

122900308

INTERIOR ALT. RESIDENTIAL

Address: 10430 Hunter View Rd Vienna VA 22181-2818

Bldg: N/A Floor: Suite: N/A

Subdiv: Brashears Farm Lt 6A

Sub Census: 602.03 **Lot Size:** 2.00

Tax Map: 0274 01 0001A

Owner: Jaffe Russell M

Phone Day: (703)851-1800 x

Evening:

Contractor:

OWNER IS CONTRACTOR
(999) 999-9999

Type of Work: INTERIOR WORK

Description of Work: interior alterations to convert garage into living space

ZPRB Review:

Date

Status

10/16/12

KSHREI

Approved

Zoning Detail Review TAB:

Zoning Dist.	Use	Wet Bar	2nd Kitchen	Proffer
R-E	SFD	N	N	N

DETAILS COMMENTS:

interior alterations to convert garage into living space. Applicant states that NO exterior work is being done except new french doors, room is open, no walls, appliances, etc.....

**Building Permit
 Zoning Review**

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

8/9/11 12:15:34PM

Bldg Permit #:

111790037

MISCELLANEOUS BUILDING WK RES

Address: 10430 Hunter View Rd Vienna VA 22181-2818

Bldg: N/A Floor: Suite: N/A

Subdiv: Brashears Farm Lt 6A

Sub Census: 602.03 **Lot Size:** 2.00

Tax Map: 0274 01 0001A

Owner: Jaffe Russell M

Phone Day: (703)851-1800 x

Evening:

Contractor:

C A BUILDERS LLC
 6318-2 May Blvd
 Alexandria, Va 22310-0000
 (703) 868-1339

Type of Work: MISCELLANEOUS

Description of Work: convert stable into studio

ZPRB Review:

Date		Status
08/09/11 12:08	TMILLE	Approved
Problem Recorded:	07/27/11	Problem Resolved: 08/09/11
Need a house location plat, to scale. Need a letter from the owner describing the use, including if someone will be residing in the structure. Please resubmit your permit application, architectural plans, along with the house location plat and letter to Tammy Miller, ZPRB.		
07/27/11 15:09	TMILLE	Failed
Problem Recorded:	07/27/11	Problem Resolved:
Need a house location plat, to scale. Need a letter from the owner describing the use, including if someone will be residing in the structure. Please resubmit your permit application, architectural plans, along with the house location plat and letter to Tammy Miller, ZPRB.		
06/28/11 13:54	TMILLE	Failed
Problem Recorded:	06/28/11	Problem Resolved:
Open DCC case; sent to DCC for review		

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-E	N	SFD	Y	N	N		N

DETAILS COMMENTS:

convert existing stable into a studio and exercise room with a with a wet bar, NO 2nd kitchen. Not to be used as an accessory dwelling unit.

ok per Susan Epstein for Mike Adams, with the Dept. of Code Compliance

Miller, Tammy

From: ByrnesSam@aol.com
Sent: Friday, July 29, 2011 7:27 AM
To: Miller, Tammy
Subject: Fwd: Outbuilding at 10430 Hunter View Rd

Hi Tammy - hope all is going well and you surviving this heat!!! Sonny asked to me to forward Jaffe's email to you regarding the building we are trying to get the permit on - we hope to have the house location plat by Monday - they went out and did the survey on Tuesday!!!

Take care and stay cool - have a great weekend!!!

Thanks,
Candy

From: cabuildersllc@verizon.net
To: ByrnesSam@aol.com
Sent: 7/28/2011 1:04:05 P.M. Eastern Daylight Time
Subj: Fwd: Outbuilding at 10430 Hunter View Rd

Jul 28, 2011 12:08:32 PM, RJaffe@rmjholdings.com wrote:
Greetings Ms Miller

This is to confirm that the additional building at 10430 Hunter View Rd is an entertainment and work space.

There are no sleeping quarters nor is it to be used in any way as a residence.

Thank you for the opportunity to clarify the use of our property.

I have asked Mr Wheeler to confirm this communication directly with you.

Regards

Russell Jaffe, owner



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

RECEIVED
Department of Planning & Zoning

NOV 14 2014

Zoning Evaluation Division

DATE OF ISSUANCE: August 12, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Russell M. Jaffe
ADDRESS: 10430 Hunter View Road
Vienna, VA 22181

LOCATION OF VIOLATION: 10430 Hunter View Road
Vienna, VA 22181-2818

TAX MAP REF: 0274 01 0001A
ZONING DISTRICT: R-E

CASE #: 201405584 **SR #:** 108334

ISSUING INVESTIGATOR: Gabriel Zakkak, (703)324-5031

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§10-102 (13)	\$ 200.00	\$ 500.00
	TOTAL:	\$ 200.00	\$ 500.00

Dear Responsible Party:

An inspection of the above referenced property on August 7, 2014 revealed the following violation(s) of the Fairfax County Zoning Ordinance:

§ 10-102 (13) Inoperable Vehicle(s)
§ 2-302 (6) Accessory Use must comply with Article 10:

The inspection has determined that you are storing an inoperable vehicle (White Subaru Wagon) at this residentially zoned property. Par. 3 of Sect. 110-2-1 of the Fairfax County Code defines an inoperative

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-653-9459 TTY 711
www.fairfaxcounty.gov/code

EXHIBIT G-2

vehicle as:

- (3) Any motor vehicle, trailer, or semi trailer as herein defined:
- (A) Which is not in operating condition; or
 - (B) Which does not display valid license plates; or
 - (C) Which does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than sixty (60) days.

The Fairfax County Zoning Ordinance permits the keeping of an inoperative vehicle on this property so long as the keeping of the vehicle is in conformance with Par. 13 of Sect. 10-102 of the Zoning Ordinance which permits:

Inoperative motor vehicles, as defined in Chapter 110 of The Code, provided such vehicles are kept within a fully enclosed building or structure or are kept completely screened or shielded from view in accordance with Chapter 110 of The Code.

The inoperative vehicle being kept on this property is in violation of Par. 13 of Sect. 10-102 of the Zoning Ordinance as outlined above and, therefore, is in violation of 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 all inoperative vehicles from this property; or
- Keeping all inoperative vehicles within a fully enclosed building or structure or are kept completely screened or shielded from view in accordance with Par. 13 of Sect. 10-102 of the Zoning Ordinance.

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

Jaffe Russell M
August 12, 2014
SR 108334
Page 3

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).

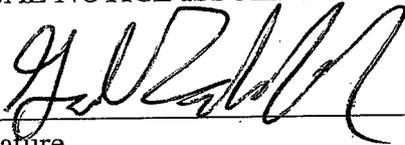
You may have the right to appeal this Notice of Zoning Violation within ten (10) days of the date of this letter in accordance with Sec. 15.2-2311 and Sec. 15.2-2286 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such ten (10) days. Should you choose 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)324-5031. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:



Signature

Gabriel Zakkak
Code Compliance Investigator
(703)324-5031
Gabriel.Zakkak@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.

8/12/14 E. MURRAY 10547
SERVING OFFICER
Stacey A. Kincaid, Sheriff
Fairfax County, VA

DATE _____

PERSONAL SERVICE

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

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

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

Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER
for _____

DATE _____

PERSONAL SERVICE

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

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

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

Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER
for _____

DATE _____

PERSONAL SERVICE

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

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

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 _____

ADMINISTRATION, AMENDMENTS, VIOLATIONS AND PENALTIES

PART 3 18-300 APPEALS

18-301 Initiation

Any person aggrieved or any officer, department, board, commission or authority of the County affected by any decision of the Zoning Administrator or by any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance may appeal such decision to the BZA, except an appeal which relates to a proffered condition shall be taken to the Board as provided for in Par. 10 of Sect. 204 above.

18-302 Authorization

The Zoning Administrator shall administer and interpret the Zoning Ordinance. The BZA shall hear and decide all cases of appeal by persons as set forth in Sect. 301 above. The BZA shall also hear and decide applications for interpretation of any district boundary if uncertainty remains after application by the Zoning Administrator of the rules specified in Sect. 2-204.

18-303 Time Limit on Filing

1. Except as set forth below, all appeals shall be filed within thirty (30) days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator and the BZA.
2. Appeals for notices of violation involving the following violations shall be filed within ten (10) days from the date of the notice with the Zoning Administrator and the BZA:
 - A. Occupancy of a dwelling unit in violation of Sect. 2-502.
 - B. Parking of inoperative motor vehicles, as defined in Chapter 110 of The Code, in violation of Par. 13 of Sect. 10-102.
 - C. Parking a commercial vehicle in an R district in violation of Par. 16 of Sect. 10-102.
 - D. Parking of vehicles on an unsurfaced area in the front yard of a single family detached dwelling in the R-1, R-2, R-3 or R-4 Districts in violation of Par. 8 of Sect. 11-102.
 - E. Erection of prohibited signs on private property in violation of Paragraphs 1, 4, 5, 6, 7, 11, 12, 13 or 14 of Sect. 12-104.
 - F. Erection, alteration, refacing or relocation of a sign on private property in violation of Sect. 12-301.
 - G. Other short-term, recurring violations similar to those listed in Paragraphs 2A through 2F above.

FAIRFAX COUNTY ZONING ORDINANCE

3. A notice of appeal filed pursuant to Paragraphs 1 and 2 above shall specify the grounds for such appeal, and shall be filed in accordance with the provisions of Sect. 304 below.

18-304 Submission Requirements

Every application to appeal shall contain all of the following information:

1. Four (4) copies of an application on forms provided by the County, completed and signed by the appellant. Such application shall not require the execution of an affidavit.
2. Four (4) copies of a statement signed by the appellant setting forth the following information:
 - A. The order, requirement, decision or determination which is the subject of the appeal.
 - B. The date upon which the decision was made.
 - C. The appellant's grounds for the appeal and the reasons therefor. If the appellant is a County officer, department, board or bureau, the statement shall specify how the appellant is affected; otherwise, the statement shall specify how the appellant is an aggrieved person.
3. Such other supportive data as the appellant may desire in the record, including plats, plans, drawings, charts or related material.
4. An application fee as provided for in Sect. 106 above.

18-305 Processing

1. Upon receipt of an appeal, the Zoning Administrator shall immediately transmit a copy to the BZA.
2. Prior to the public hearing, the Zoning Administrator shall forward to the BZA copies of the application for appeal and all of the papers constituting the records upon which the decision being appealed was based.
3. The BZA shall process all applications for appeal in accordance with the provisions of Part 2 of Article 19.

18-306 Decision on Appeals

1. The BZA may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination appealed from.
2. The concurring vote of four (4) members of the BZA shall be required to reverse any order, requirement, decision or determination of the Zoning Administrator or any other administrative officer under this Ordinance.



County of Fairfax, Virginia

Return Copy

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: August 12, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Russell M. Jaffe
ADDRESS: 10430 Hunter View Road
Vienna, VA 22181

LOCATION OF VIOLATION: 10430 Hunter View Road
Vienna, VA 22181-2818

TAX MAP REF: 0274 01 0001A
ZONING DISTRICT: R-E

CASE #: 201405584 **SR #:** 108334

ISSUING INVESTIGATOR: Gabriel Zakkak, (703)324-5031

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§ 2-501	\$ 200.00	\$ 500.00
	TOTAL:	\$ 400.00	\$ 1000.00

Dear Responsible Party:

An inspection of the above referenced property on August 7, 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 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 703-653-9459 TTY 711
www.fairfaxcounty.gov/code

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

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

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

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

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, 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 cited herein for the first

Russell M. Jaffe
August 12, 2014
SR 108334
Page 3

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).

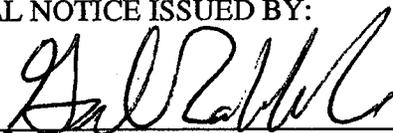
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, 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)324-5031. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:



Signature

Gabriel Zakkak
Code Compliance Investigator
(703)324-5031
Gabriel.Zakkak@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.

8/12/14 E. MURRAY / 10547
SERVING OFFICER
Stacey A. Kincaid, Sheriff
Fairfax County, VA

DATE _____

PERSONAL SERVICE

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

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

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

Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER
for _____

DATE _____

PERSONAL SERVICE

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

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

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

Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER
for _____

DATE _____

PERSONAL SERVICE

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

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

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 _____

administer and enforce the Fairfax County Zoning Ordinance ("Zoning Ordinance"), which includes the authority to issue written orders to correct any condition found to be in violation of the Zoning Ordinance and bring legal action for injunctive relief to ensure compliance with the Zoning Ordinance.

3. Defendant Russell M. Jaffe ("the Defendant") is the record owner of a parcel of real property located at 10430 Hunter View Road, Vienna, Virginia 22181 (Tax Map No. 27-4((1)) parcel 1A) ("subject property"), by virtue of a Deed ("Deed") that was recorded among the Fairfax County land records on November 17, 1980, in Deed Book 5497 at Page 1146. A true and accurate copy of the Deed is attached hereto and incorporated herein by reference as Exhibit A.

4. The subject property contains approximately two acres and is zoned to the R-E District (Residential-Estate District, One Dwelling Unit/Two Acres). A true and accurate copy of Tax Map No. 27-4 showing the location and zoning of the subject property is attached hereto and incorporated herein by reference as Exhibit B.

5. Zoning Ordinance § 20-300 defines a "Dwelling Unit" as follows:

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 permanent provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502 [of the Zoning Ordinance].

A true and accurate copy of the definition of "Dwelling Unit" as set forth in Zoning Ordinance § 20-300 is attached hereto and incorporated herein by reference as Exhibit C.

6. Zoning Ordinance § 2-501 provides, in relevant part, that "[t]here 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." A true and accurate copy of Zoning Ordinance § 2-501 is attached hereto and incorporated herein by reference as Exhibit D.

7. Zoning Ordinance § 2-302(6) provides, in relevant part, that "[n]o accessory structure or use . . . shall . . . be built [or] established . . . unless such accessory structure or use complies with the provisions of Part 1 of Article 10 [of the Zoning Ordinance]." A true and accurate copy of Zoning Ordinance § 2-302(6) is attached hereto and incorporated herein by reference as part of Exhibit E.

8. Zoning Ordinance § 10-102(13) provides that the following may be maintained as an accessory use on residentially-zoned property: "[i]noperative motor vehicles, as defined in Chapter 110 of The [Fairfax County] Code, provided such vehicles are kept within a fully enclosed building or structure or are kept completely screened or shielded from view in accordance with Chapter 110 of The [Fairfax County] Code." A true and accurate copy of Zoning Ordinance § 10-102 in its entirety is attached hereto and incorporated herein by reference as Exhibit F.

9. By Sheriff's Letters dated August 12, 2014, Code Compliance Investigator Gabriel Zakkak issued Notices of Violation to the Defendant for allowing a second dwelling unit on the subject property in violation of Zoning Ordinance § 2-501 and parking an inoperative vehicle (a white Subaru wagon) on the subject property in violation of Zoning Ordinance §§ 2-302(6) and 10-102(13). The Defendant was directed to clear the violations from the subject property within 30 days after receiving the Notices of Violation. True and accurate copies of the Notices of Violation are attached hereto and incorporated herein by reference as Exhibit G-1 and G-2.

10. The Notices of Violation were served upon the Defendant on August 12, 2014. Copies of the stamps of the deputy sheriff establishing that the Notices of Violation were posted on August 12, 2014, are attached to the Notices of Violation, which are attached hereto as Exhibit G-1 and G-2.

11. Va. Code Ann. § 15.2-2311 (Supp. 2012) and Zoning Ordinance §§ 18-301 and -303 provide, among other things, that any person aggrieved by any decision of the Zoning Administrator or by any order, requirement, decision, or determination of any other administrative officer made in the administration and enforcement of the Zoning Ordinance may appeal such decision, order, requirement, or determination to the Board of Zoning Appeals (“BZA”) within 30 days of the decision, order, requirement, or determination. A true and accurate copy of Zoning Ordinance §§ 18-301 and -303 is attached hereto and incorporated herein by reference as Exhibit H.

12. The Defendant never appealed to the BZA the decisions, orders, requirements, and/or determinations contained in the Notices of Violation. The time for filing such appeals has expired.

13. The violations set forth in the Notices of Violation have not been cleared from the subject property.

14. The Court has jurisdiction to award a declaratory judgment in this case pursuant to Va. Code Ann. § 8.01-184 (2007), and it also has jurisdiction to award injunctive relief in this case pursuant to Va. Code Ann. §§ 8.01-620 (2007), 15.2-2286(A)(4), and 15.2-2208.

WHEREFORE, the Zoning Administrator, by counsel, respectfully requests that this Honorable Court award her the following relief:

A. Declare that the second dwelling unit on the subject property violates Zoning Ordinance § 2-501; and

B. Declare that parking inoperative motor vehicles on the subject property that are not kept within a fully enclosed building and/or not kept completely screened or shielded from view violates Zoning Ordinance §§ 2-302(6) and 10-102(13); and

C. Enter a mandatory injunction requiring the Defendant, within 30 days after the entry of a final order in favor of the Zoning Administrator in this case, to permanently reduce the number of dwelling units on the subject property to one by removing the second dwelling unit and all related utilities, furnishings, and appliances from the subject property to a lawful site; and

D. Enter a mandatory injunction requiring the Defendant, within 30 days after the entry of a final order in favor of the Zoning Administrator in this case, to permanently remove from the subject property to a lawful site all inoperative motor vehicles that are not kept within a fully enclosed building and/or that are not kept completely screened or shielded from view; and

E. Enter a prohibitory injunction permanently enjoining the Defendant, his, tenants, agents, employees, and/or any successors-in-interest from establishing or permitting the establishment of more than one dwelling unit on the subject property in violation of Zoning Ordinance § 2-501; and

F. Enter a prohibitory injunction permanently enjoining the Defendant, his tenants, agents, employees, and/or any successors-in-interest from using the subject property and/or allowing the subject property to be used for parking inoperative motor vehicles in violation of Zoning Ordinance §§ 2-302(6) and 10-102(13); and

G. Order that the Zoning Administrator and/or her agents shall be permitted to enter the dwelling on the subject property at reasonable times to inspect the interior of the dwelling and the rest of the subject property for the purpose of monitoring compliance with the orders entered by the Court in favor of the Zoning Administrator in this case; and

H. Order the Clerk of the Fairfax County Circuit Court to record a copy of the final order entered in favor of the Zoning Administrator in this case among the land records of Fairfax County, Virginia, to give notice of the prohibitions and restrictions contained therein to any successors-in-interest of the Defendant and index said final order as follows:

GRANTOR: Russell M. Jaffe

GRANTEES: Leslie B. Johnson; Fairfax County Zoning Administrator

I. Grant the Zoning Administrator such other relief as this Court may deem appropriate.

Respectfully submitted,

LESLIE B. JOHNSON, FAIRFAX COUNTY
ZONING ADMINISTRATOR

By F. Douglas Cobby
Counsel

DAVID P. BOBZIEN
COUNTY ATTORNEY

By 

F. Hayden Coddig (VSB No. 39785)

Assistant County Attorney

12000 Government Center Parkway, Suite 549

Fairfax, Virginia 22035-0064

(703) 324-2421 / (703) 324-2665 (fax)

Counsel for Plaintiff Leslie B. Johnson, Fairfax County Zoning Administrator

THIS DEED

made and entered into this 14th day of November, 1980, by and between JOHN S. GREGORY and EVELYN E. GREGORY, his wife, parties of the first part; and RUSSELL M. JAFFE, party of the second part.

WITNESSETH:

that for and in consideration of the sum of \$5.00, cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the parties of the first part do hereby grant, bargain, sell, and convey, with GENERAL WARRANTY OF TITLE, unto the party of the second part, all of that certain tract or parcel of land located in Fairfax County, Virginia, with all rights, ways, easements, improvements and appurtenances thereunto belonging, and more particularly described as follows:

Lot Six-A (6-A) of a Resubdivision of Lots 6 and 7, of the Brashears Farms, as the same appears on a plat attached to a Deed of Resubdivision recorded in Deed Book 3456, at Page 463; the original plat of Brashears Farms being attached to a Deed from Edward S. Brashears and Helen L. Brashears, his wife, to James V. Kincheloe dated July 12, 1924 and recorded August 24, 1924 among the land records of Fairfax County, Virginia, in Deed Book J-9, at Page 13.

TOGETHER WITH and subject to a perpetual 50-foot ingress and egress easement to and from Hunter Mill Road over Lots 6-A, 7, and 8, as shown on said Resubdivision plat, to be used in common by Norton A. Foxman, Trustee, his successors and assigns and the owners of Lots 6-A as supplemented by the terms of agreement dated July 1, 1971.

AND BEING the same parcel of land as that acquired by the parties of the first part by deed from James A. Gannon, Jr., and Karen April Gannon, his wife, dated April 4, 1977, which is recorded among the land records of Fairfax County, Virginia, in Deed Book 4588, at Page 529.

REFERENCE is hereby made to the said Deed for a further and more particular description of the land hereby conveyed.

This conveyance is made subject to any rights-of-way, easements, or restrictive covenants of record.

*Mr. Russell Jaffe
10430 Hunters View Road
Vienna, Virginia 22180*

*027-01-000/A
01-05-00
Dogs may
be taken*

Return to:
WALTER L. STEPHENS, JR.
ATTORNEY AT LAW
P.O. Box 340
FAIRFAX, VIRGINIA
22030

Tax Paid
Sec 58-54 233.25
Sec 58-65.1 77.75
Sec 58-54.1 86.00
Consideration 155.500-

BK5497 1147

This property is conveyed subject to a deed of trust lien on said parcel of land which was made by the parties of the first part on April 4, 1977, in the original principal amount of \$72,000.00, and recorded in Deed Book No. 4588, at Page 350. The party of the second part hereby agrees to assume the obligations and duties set forth in said deed of trust as part of the consideration of this conveyance. The parties of the first part warrant that the unpaid principal balance as of November 14, 1980, is \$69,874.97.

The parties of the first part covenant that they have the right to convey the said land; that the party of the second part shall have quiet possession of the same, free from all encumbrances; and that they, the parties of the first part, will execute such further assurances as may be deemed requisite.

WITNESS the following signatures and seals:

John S. Gregory (SEAL)
John S. Gregory

Evelyn E. Gregory (SEAL)
Evelyn E. Gregory

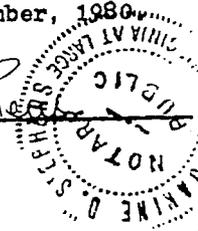
Russell M. Jaffe (SEAL)
Russell M. Jaffe

STATE OF VIRGINIA,
CITY OF FAIRFAX, to-wit:

I, JANINE D. STEPHENS, a Notary Public in and for the State of Virginia at Large, whose Commission expires on the 20th day of May, 1984, do hereby certify that JOHN S. GREGORY and EVELYM E. GREGORY, his wife, whose names are signed to the foregoing Deed dated November 14, 1980, personally appeared before me in said City on this day and acknowledged the same.

GIVEN under my hand this 14th day of November, 1980.

Janine D. Stephens
Notary Public



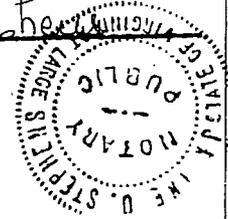
BK5497 1148

STATE OF VIRGINIA,
CITY OF FAIRFAX, to-wit:

I, JANINE D. STEPHENS, a Notary Public in and for the State of Virginia at Large, whose Commission expires on the 20th day of May, 1984, do hereby certify that RUSSELL M. JAFFE, whose name is signed to the foregoing Deed dated November 14, 1980, personally appeared before me in said City on this day and acknowledged the same.

GIVEN under my hand this 14th day of November, 1980.

Janine D. Stephens
Notary Public



RECORDED W/CERTIFICATE ANNEXED

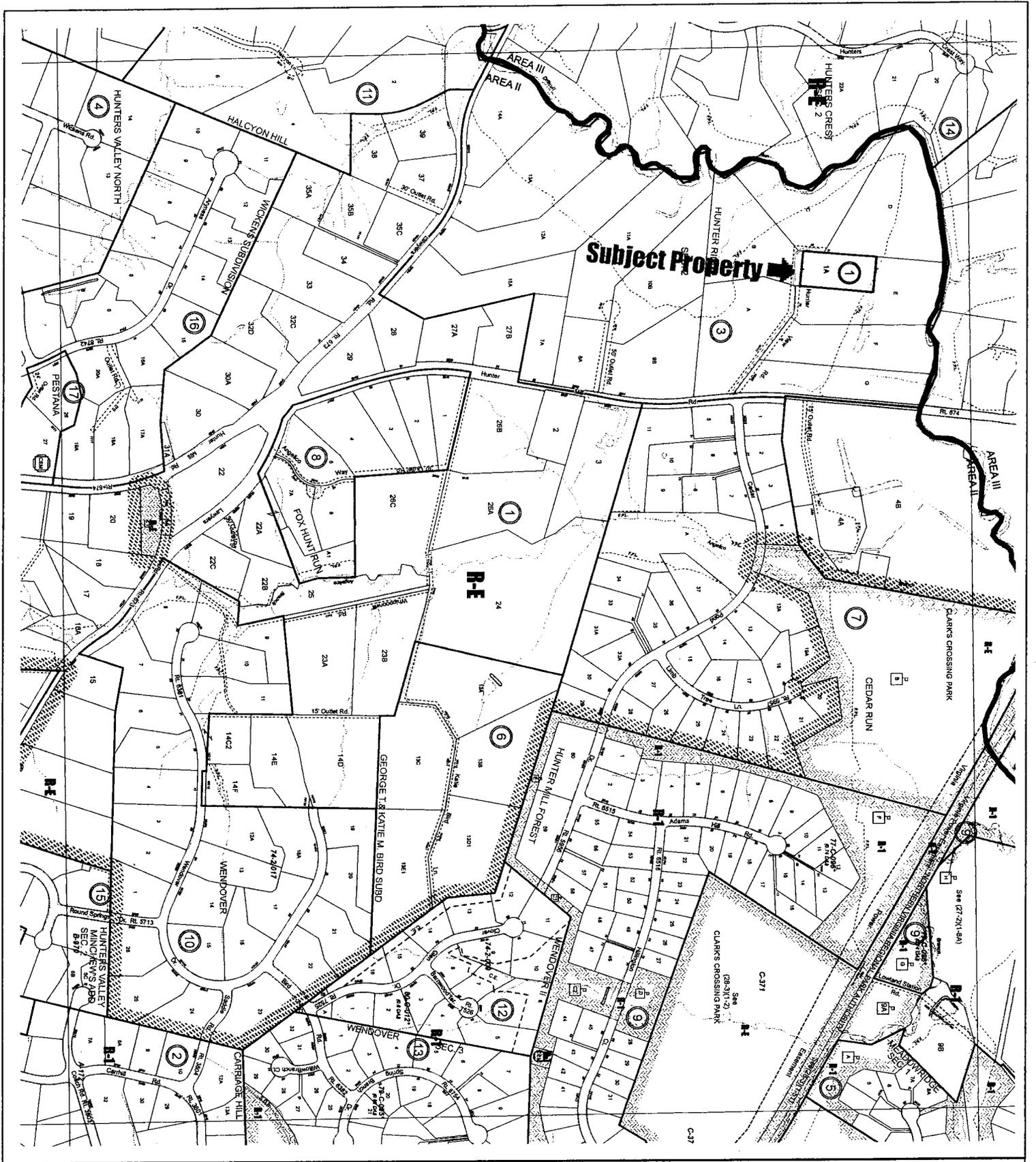
1980 NOV 17 PH 1:37

FAIRFAX COUNTY, VA.

TESTE: *Anna F. Hooper*
CLERK

Page 3

WALTER L. STEPHENS, JR.
ATTORNEY-AT-LAW
FAIRFAX, VIRGINIA



Subject Property →

GENERAL NOTES

1. The Zoning Ordinance is located in the Code of Ordinances, Chapter 174, Sections 174.01 through 174.10.

2. The Zoning Ordinance is subject to change without notice.

3. The Zoning Ordinance is subject to amendment by the Board of Zoning Adjustments.

4. The Zoning Ordinance is subject to appeal by the Board of Zoning Adjustments.

5. The Zoning Ordinance is subject to enforcement by the Board of Zoning Adjustments.

6. The Zoning Ordinance is subject to interpretation by the Board of Zoning Adjustments.

7. The Zoning Ordinance is subject to enforcement by the Board of Zoning Adjustments.

8. The Zoning Ordinance is subject to interpretation by the Board of Zoning Adjustments.

9. The Zoning Ordinance is subject to enforcement by the Board of Zoning Adjustments.

10. The Zoning Ordinance is subject to interpretation by the Board of Zoning Adjustments.

ADMINISTRATIVE INDEX

27-1	27-2	28-1
27-3	28-3	
37-1	37-2	38-1

SHEET INDEX

PROPERTY MAP ZONING 27-4

Revised to: 01-01-2014

Prepared by: [Name]

DATE OF PREPARATION: [Date]

DATE OF REVISION: [Date]

DATE OF APPROVAL: [Date]

DATE OF EXPIRATION: [Date]

DATE OF CANCELLATION: [Date]

DATE OF AMENDMENT: [Date]

DATE OF DELETION: [Date]

DATE OF REPEAL: [Date]

DATE OF REVOCATION: [Date]

DATE OF SUSPENSION: [Date]

DATE OF TERMINATION: [Date]

DATE OF EXPIRATION: [Date]

DATE OF CANCELLATION: [Date]

DATE OF REPEAL: [Date]

DATE OF REVOCATION: [Date]

DATE OF SUSPENSION: [Date]

DATE OF TERMINATION: [Date]

ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS

7. Descriptive materials accompanying the object which explain or depict its use;
8. National and local advertising concerning its use;
9. The manner in which the object is displayed for sale;
10. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
11. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
12. The existence and scope of legitimate uses for the object in the community;
13. Expert testimony concerning its use.

DRUG PARAPHERNALIA ESTABLISHMENT: Any retail sales establishment wherein drug paraphernalia is displayed, sold, offered for sale or given away.

DUSTLESS SURFACE: A surface adequately covered in accordance with good practice with a minimum of either two (2) applications of bituminous surface treatment, concrete, bituminous concrete or equivalent paving material approved by the Director.

DWELLING: A building or portion thereof, but not a **MOBILE HOME**, designed or used for residential occupancy. The term 'dwelling' shall not be construed to mean a motel, rooming house, hospital, or other accommodation used for more or less transient occupancy.

DWELLING UNIT: 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.

DWELLING UNIT, ACCESSORY: A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. Accessory dwelling units may be permitted by the provisions of Part 9 of Article 8.

DWELLING UNIT, LOW INCOME: Any dwelling unit occupied by a person or persons subsidized directly or indirectly by the Federal, State or County government under any program to assist the construction or occupancy of housing for families of low income, namely those families who meet the eligibility standards for public housing established as of November 17, 1971, by the Fairfax County Redevelopment and Housing Authority under the Federal Low-Rent Public Housing Program authorized by the United States Housing Act of 1937, as amended to said date; or any dwelling unit occupied by a person or persons eligible for but not receiving such a government subsidy, and paying the same rentals or mortgage payments as he or they would pay under such a subsidy program.

DWELLING, MANUFACTURED HOME: A structure subject to federal regulation, which is transportable in one or more sections; is 8 body feet or more in width and 40 body feet or more

FAIRFAX COUNTY ZONING ORDINANCE

PART 5 2-500 QUALIFYING USE, STRUCTURE REGULATIONS

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

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. This provision shall not be deemed, however, to preclude multiple family dwelling units as permitted by the provisions of this Ordinance; an accessory use or accessory service use as may be permitted by the provisions of Article 10; an accessory dwelling unit as may be approved by the BZA in accordance with the provisions of Part 9 of Article 8; single family attached dwellings in a rental development; or a condominium development as provided for in Sect. 518 below; or antennas and/or related unmanned equipment structures for a mobile and land based telecommunications facility mounted on a utility distribution pole, utility transmission pole or light/camera standard in accordance with the provisions of Sect. 514 below.

In addition, in all districts, the Board or BZA, in conjunction with the approval of a special exception or special permit use, may allow dwelling units for a proprietor, owner and/or employee and his/her family whose business or employment is directly related to the special exception or special permit use. Such dwelling units may either be located within the same structure as the special exception or special permit use or in separate detached structures on the same lot. If located in separate detached structures, such dwelling units shall meet the applicable bulk regulations for a principal structure set forth in the specific district in which located, and any locational requirements set forth as additional standards for a special exception or special permit use shall not be applicable to detached structures occupied by dwelling units.

2-502 Limitation on the Occupancy of a Dwelling Unit

A dwelling unit, except an accessory dwelling unit which shall be subject to the provisions of Part 9 of Article 8, may be occupied by not more than one (1) of the following:

1. One (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage with any number of natural children, foster children, step children or adopted children and with not to exceed two (2) roomers or boarders as permitted by Article 10.
2. Two (2) single parents or guardians with not more than a total of six (6) of their dependent children, including natural children, foster children, step children or adopted children, functioning as a single housekeeping unit.
3. A group of not more than four (4) persons not necessarily related by blood or marriage functioning as a single housekeeping unit.
4. A group residential facility.
5. Any group housekeeping unit which may consist of not more than ten (10) persons as may be approved by the BZA in accordance with the provisions of Part 3 of Article 8.
6. One (1) person or two (2) persons one of whom shall be elderly and/or disabled as defined in Sect. 8-918, and one (1) or both of whom own the dwelling unit, plus one (1) family, which may consist of one (1) person or two (2) or more persons related by blood

GENERAL REGULATIONS

PART 3 2-300 INTERPRETATION OF DISTRICT REGULATIONS

The Sections that follow present a brief statement of interpretation of the district regulations set forth in Articles 3-7.

2-301 Statements of Purpose and Intent

The purpose and intent statement presented for each zoning district sets forth the underlying and primary purpose and intent of a given district; although it is not to be concluded that a district is created solely for the fulfillment of a singular stated purpose.

2-302 Permitted Uses

1. It is the intent of this Ordinance to permit any use, not otherwise prohibited by law, to locate in a specified zoning district(s), either as a permitted use, a special permit use or a special exception use. In the event there is not a particular use listed in the Ordinance that corresponds with the use in question, then it shall be interpreted that the use in the Ordinance having the most similar characteristics as the use in question shall govern. Where uncertainties continue to exist, the question shall be directed to the Zoning Administrator in conformance with the provisions of Sect. 18-103.
2. Notwithstanding that a given use might be construed to qualify as a use permitted in a district, if such use has characteristics more similar to a particular use listed or defined elsewhere in the Ordinance, then it shall be interpreted that the latter listing or definition shall govern. Where uncertainties continue to exist, the question shall be directed to the Zoning Administrator in conformance with the provisions of Sect. 18-103.
3. The term 'permitted uses' represents only those uses which are permitted by right in a given district and does not apply to uses otherwise allowed by special permit or special exception.
4. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used or occupied, except for a use that is permitted in the zoning district in which the structure or land is located.
5. No use shall be allowed in any district which is not permitted by the regulations for the district.
6. 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 Part 1 of Article 10.
7. No accessory service use, as defined in Article 20, shall hereafter be established, altered or enlarged unless such accessory service use complies with the provisions of Part 2 of Article 10.
8. No home occupation shall hereafter be established, altered or enlarged unless such home occupation complies with the provisions of Part 3 of Article 10.

FAIRFAX COUNTY ZONING ORDINANCE

9. No sign shall hereafter be erected, built or displayed and no existing sign shall be moved, remodeled, altered or enlarged unless such sign complies, or will thereafter comply, with the provisions of Article 12.
10. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used or occupied unless the minimum off-street parking and loading spaces required by Article 11 are provided. The off-street parking and loading regulations for any expansion or enlargement of a structure or use already established on the effective date of this Ordinance shall be in accordance with the provisions of Article 11.

2-303

Special Permit Uses

1. No use of a structure or land that is designated as a special permit use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special permit use in such district, unless a special permit has been approved by the BZA and the use has been established in accordance with the provisions of Article 8.
2. No use existing prior to the effective date of this Ordinance which is allowed within a particular zoning district only by special permit by the provisions of this Ordinance, shall be replaced or enlarged except in accordance with the provisions of Sect. 15-101.
3. No special permit shall be required for a use that is listed as a permitted use in a district, notwithstanding that such use may also be included in a use group available by special permit. Provided, however, that if there is an existing and currently valid special permit for a use located on a lot which is zoned to more than one zoning district and there is an amendment to this Ordinance after the approval of the special permit which allows the use as a permitted use in one of the zoning districts in which the use is located while the requirement for a special permit continues in the other zoning district(s) in which the use is located, the special permit shall remain in full force and effect for the entire property, unless the BZA approves an amendment application to remove the land area from the special permit approval.

2-304

Special Exception Uses

1. No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been approved by the Board and the use has been established in accordance with the provisions of Article 9.
2. No use existing prior to the effective date of this Ordinance which is allowed within a particular zoning district only by special exception by the provisions of this Ordinance, shall be replaced or enlarged except in accordance with the provisions of Sect. 15-101.
3. No special exception shall be required for a use that is listed as a permitted use in a district, notwithstanding that such use may also be included in a use category available by special exception. Provided, however, that if there is an existing and currently valid special exception for a use located on a lot which is zoned to more than one zoning district

ARTICLE 10

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

PART 1 10-100 ACCESSORY USES AND STRUCTURES

10-101 Authorization

Accessory uses and structures are permitted in any zoning district, unless qualified below, but only in connection with, incidental to, and on the same lot with a principal use or structure which is permitted within such district.

10-102 Permitted Accessory Uses

Accessory uses and structures shall include, but are not limited to, the following uses and structures; provided that such use or structure shall be in accordance with the definition of Accessory Use contained in Article 20.

1. Amusement machines, but only accessory to eating establishments, motels, hotels, bowling alleys, skating facilities, and establishments for billiards, ping pong, indoor archery, and other indoor games of skill, and retail sales establishments with greater than 5000 square feet of floor area open to the general public.
2. Antenna structures.
3. Barns and any other structures that are customarily incidental to an agricultural use, but only in the R-A through R-1 Districts on a tract of land not less than five (5) acres; provided, however, a stable or other structure for livestock or domestic fowl may be permitted on a lot of less than five (5) acres where such livestock or domestic fowl are kept in accordance with the provisions of Sect. 2-512 or Sect. 8-917. In no instance shall such structures be used for retail sales except as may be permitted for a plant nursery by the provisions of Part 5 of Article 9.
4. Carports.
5. Child's playhouse, not to exceed 100 square feet in gross floor area, and child's play equipment.
6. Doghouses, runs, pens, rabbit hutches, cages, and other similar structures for the housing of commonly accepted pets, but not including kennels as defined in Article 20.
7. Fallout shelters.
8. Garages, private.
9. Garage and yard sales, in R districts, shall be permitted not more than twice in any one calendar year and shall be limited to items not specifically purchased for resale.
10. Gardening and composting.

FAIRFAX COUNTY ZONING ORDINANCE

11. Guest house or rooms for guests in an accessory structure, but only in the R-A through R-E Districts, and provided such house is without kitchen facilities and is used for the occasional housing of guests of the occupants of the principal structure, and not as rental units or for permanent occupancy as housekeeping units.
12. Home child care facilities.
13. Inoperative motor vehicles, as defined in Chapter 110 of The Code, provided such vehicles are kept within a fully enclosed building or structure or are kept completely screened or shielded from view in accordance with Chapter 110 of The Code.
14. Motor vehicle fuel storage tanks in the C and I districts and in R districts when accessory to a use other than a dwelling.
15. Parking and loading spaces, off-street, as regulated by Article 11.
16. Parking of one (1) commercial vehicle per dwelling unit in an R district subject to the following limitations:
 - A. No solid waste collection vehicle, tractor and/or trailer of a tractor-trailer truck, dump truck, construction equipment, cement-mixer truck, wrecker with a gross weight of 12,000 pounds or more, or similar such vehicles or equipment shall be parked in any R district.
 - B. Any commercial vehicle parked in an R district shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.
17. Porches, gazebos, belvederes and similar structures.
18. Quarters of a caretaker, watchman or tenant farmer, and his family, but only in the R-A through R-E Districts on a parcel of twenty (20) acres or more.
19. Recreation, storage and service structures in a mobile home park.
20. Residence for a proprietor or storekeeper and his/her family located in the same building as his/her place of occupation and a residence for an employee and his/her family located within the same building as a funeral home or chapel.
21. Servants quarters, but only in the R-A through R-4 Districts on a lot of two (2) acres or more. Servants quarters located in a structure detached from the principal dwelling shall comply with the applicable zoning district bulk regulations for single family dwellings.
22. Signs, as permitted by Article 12.
23. Statues, arbors, trellises, clotheslines, barbeque stoves, flagpoles, fences, walls and hedges, gates and gateposts, and basketball standards to include rim, net and backboard.

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

24. Storage, outdoor, in R districts, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet. In C or I districts, where permitted by zoning district regulations and Sect. 2-504, outdoor storage, junk, scrap and refuse piles shall be limited to that area designated on an approved site plan, except that 250 square feet of accessory outdoor storage and display in accordance with Sect. 17-104 may be permitted without site plan approval.
25. 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.
26. Swimming pool and bathhouse, private.
27. Temporary family health care structures shall be permitted on lots zoned for and developed with single family detached dwellings, subject to the approval of the Zoning Administrator by issuance of a permit and compliance with the following provisions:
 - A. Occupancy of a temporary family health care structure shall be limited to one (1) mentally or physically impaired person, who is a Virginia resident and requires assistance with two (2) or more daily living activities as defined in Sect. 63.2-2200 of the *Code of Virginia*, or, in the case of a married couple, two (2) occupants, one (1) of whom is mentally or physically impaired and the other requires assistance with one (1) or more daily living activities.
 - B. The property on which the temporary family health care structure will be located shall be owned or occupied by an adult caregiver who provides care for a mentally or physically impaired person and the property shall be used as the caregiver's primary residence. The adult caregiver shall be related by blood, marriage, or adoption to or the legally appointed guardian of the physically or mentally impaired person(s) occupying the temporary family health care structure.
 - C. Only one (1) temporary family health care structure shall be permitted on a lot.
 - D. Temporary family health care structures shall be limited to a maximum of 300 square feet of gross floor area and shall meet the minimum yard requirements for single family detached dwellings of the zoning district in which located. When located in a P district, the temporary family health care structure shall be subject to any proffered yards and/or yards depicted on an approved development plan. If there are no proffered yards or yards depicted on an approved development plan in a P district, the temporary family health care structure shall be deemed an alteration to a single family dwelling unit and subject to Par. 6 of 16-403.
 - E. Temporary family health care structures shall not be installed on a permanent foundation.
 - F. Temporary family health care structures shall be subject to the Industrialized Building Safety Law and the Virginia Uniform Statewide Building Code.

FAIRFAX COUNTY ZONING ORDINANCE

- G. Temporary family health care structures may be required to connect to any water, sewer, and electric utilities that are serving the principal residence on the property, and shall comply with all applicable Health Department requirements.
- H. No signs promoting or advertising the structure shall be permitted on the structure or on the lot.
- I. The following shall be submitted to the Zoning Administrator with any application for a temporary family health care structure:
- (1) The name and contact information of the proposed caregiver, and the relationship of the caregiver to the physically or mentally impaired proposed occupant.
 - (2) Address of the property.
 - (3) Written certification of physical or mental impairment of the proposed occupant, including verification that the person requires assistance with two or more activities of daily living as defined in Sect. 63.2-2200 of the *Code of Virginia*, by a physician licensed in the Commonwealth of Virginia.
 - (4) Written certification by a physician licensed in the Commonwealth of Virginia that the spouse of the mentally or physically impaired person also requires assistance with one or more activities of daily living as defined in Sect. 63.2-2200 of the *Code of Virginia*.
 - (5) Three copies of a plat drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), which may be prepared by the applicant, and shall contain the following information:
 - (a) The dimensions of the lot, the boundary lines thereof, and the area of land contained therein;
 - (b) The dimensions, height and distance to all lot lines of any existing structure on the lot and of the proposed temporary family health care structure; and
 - (c) The signature and certification number, if applicable, of the person preparing the plat.
 - (6) A filing fee of \$100 made payable to the County of Fairfax.
- J. The caregiver shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
- K. Evidence of compliance with these provisions shall be provided to the Zoning Administrator on an annual basis.

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

- L. Temporary family health care structures shall be removed from the property within sixty (60) days from the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for by the caregiver.
 - M. A permit for a temporary health care structure may be revoked by the Zoning Administrator due to failure of the applicant to comply with any of the above provisions.
28. Temporary portable storage containers shall be allowed in any yard on lots containing a dwelling, subject to all of the following:
- A. On lots developed with single family detached dwellings:
 - (1) Temporary portable storage containers shall be permitted on a lot containing 36,000 square feet or less for a period not to exceed 30 consecutive days within a 6 month period. On lots that are greater than 36,000 square feet, temporary portable storage containers shall be permitted for a period not to exceed 60 consecutive days within a 6 month period. However, in cases where a dwelling unit has been damaged by casualty, a temporary portable storage container may be allowed for longer time periods than indicated above in accordance with Part 8 of Article 8.
 - (2) Temporary portable storage containers shall not exceed a cumulative gross floor area of 130 square feet.
 - B. On lots developed with single family attached or multiple family dwellings:
 - (1) Temporary portable storage containers shall be permitted for a period not to exceed seven (7) consecutive days within a six (6) month period, however, in cases where a dwelling has been damaged by casualty, a longer period may be permitted in accordance with Part 8 of Article 8.
 - (2) Temporary portable storage containers shall not exceed a cumulative gross floor area of 130 square feet for each dwelling unit.
 - C. Temporary portable storage containers shall not exceed eight and one-half (8½) feet in height.
 - D. Temporary portable storage containers shall not be located in any required open space, landscaped area, on any street, sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to the sight distance provisions of Sect. 2-505.
 - E. Signage on temporary portable storage containers shall be in accordance with Par. 2S of Sect. 12-103.

FAIRFAX COUNTY ZONING ORDINANCE

29. Tennis, basketball or volleyball court, and other similar private outdoor recreation uses.
30. Wayside stands, but subject to the following limitations:
 - A. Shall be permitted only in the R-A through R-4 Districts, on a lot containing at least two (2) acres.
 - B. Structures shall not exceed 400 square feet in gross floor area.
 - C. Shall be permitted only during crop-growing season, and such structures shall be removed except during such season.
 - D. Shall be for the expressed purpose of sale of agricultural products grown on the same property, or the sale of products of approved home occupations conducted on the same property. For the purpose of this Ordinance, plants which are balled, burlapped and bedded shall not be considered as growing on the same property.
 - E. Shall not be subject to the location requirements set forth in Sect. 104 below, but shall be located a minimum distance of twenty-five (25) feet from any lot line.
 - F. Shall be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the adjacent street.
 - G. Notwithstanding the provisions of Article 12, a wayside stand may have one (1) building-mounted sign, mounted flush against the stand, which does not exceed ten (10) square feet in area.
31. The keeping of animals in accordance with the provisions of Sect. 2-512.
32. Child care centers for occasional care, only when located within the main structure of a regional or super-regional shopping center, and subject to the applicable provisions of Chapter 30 of The Code and Title 63.2, Chapter 17 of the Code of Virginia.

10-103

Use Limitations

1. No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
2. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which located.
3. All uses and structures accessory to single family detached dwellings, to include those extensions permitted by Sect. 2-412, shall cover no more than thirty (30) percent of the area of the minimum required rear yard.
4. All accessory uses and structures shall comply with the maximum height regulations applicable in the zoning district in which they are located, except as may be qualified by Sect. 2-506. For the purposes of determining height, unless otherwise specified in Sect.



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: August 12, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Russell M. Jaffe
ADDRESS: 10430 Hunter View Road
Vienna, VA 22181

LOCATION OF VIOLATION: 10430 Hunter View Road
Vienna, VA 22181-2818

TAX MAP REF: 0274 01 0001A
ZONING DISTRICT: R-E

CASE #: 201405584 **SR #:** 108334

ISSUING INVESTIGATOR: Gabriel Zakkak, (703)324-5031

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§ 2-501	\$ 200.00	\$ 500.00
	TOTAL:	\$ 400.00	\$ 1000.00

Dear Responsible Party:

An inspection of the above referenced property on August 7, 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 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 703-653-9459 TTY 711
www.fairfaxcounty.gov/code

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

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

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

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

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, 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 cited herein for the first

Russell M. Jaffe
August 12, 2014
SR 108334
Page 3

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).

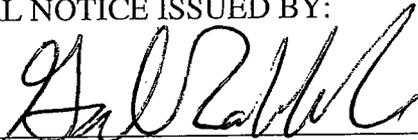
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, 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)324-5031. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:



Signature

Gabriel Zakkak
Code Compliance Investigator
(703)324-5031
Gabriel.Zakkak@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.
E. MURPHY / 05/17
SERVING OFFICER
Stacey A. Kincaid, Sheriff
Fairfax County, VA
DATE

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

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

SERVING OFFICER
for _____
DATE

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

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

SERVING OFFICER
for _____
DATE

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

 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



Return Copy

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: August 12, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Russell M. Jaffe
ADDRESS: 10430 Hunter View Road
Vienna, VA 22181

LOCATION OF VIOLATION: 10430 Hunter View Road
Vienna, VA 22181-2818

TAX MAP REF: 0274 01 0001A
ZONING DISTRICT: R-E

CASE #: 201405584 **SR #:** 108334

ISSUING INVESTIGATOR: Gabriel Zakkak, (703)324-5031

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§10-102 (13)	\$ 200.00	\$ 500.00
	TOTAL:	\$ 200.00	\$ 500.00

Dear Responsible Party:

An inspection of the above referenced property on August 7, 2014 revealed the following violation(s) of the Fairfax County Zoning Ordinance:

§ 10-102 (13) Inoperable Vehicle(s)
§ 2-302 (6) Accessory Use must comply with Article 10:

The inspection has determined that you are storing an inoperable vehicle (White Subaru Wagon) at this residentially zoned property. Par. 3 of Sect. 110-2-1 of the Fairfax County Code defines an inoperative

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-653-9459 TTY 711
www.fairfaxcounty.gov/code

EXHIBIT G-2

vehicle as:

- (3) Any motor vehicle, trailer, or semi trailer as herein defined:
- (A) Which is not in operating condition; or
 - (B) Which does not display valid license plates; or
 - (C) Which does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than sixty (60) days.

The Fairfax County Zoning Ordinance permits the keeping of an inoperative vehicle on this property so long as the keeping of the vehicle is in conformance with Par. 13 of Sect. 10-102 of the Zoning Ordinance which permits:

Inoperative motor vehicles, as defined in Chapter 110 of The Code, provided such vehicles are kept within a fully enclosed building or structure or are kept completely screened or shielded from view in accordance with Chapter 110 of The Code.

The inoperative vehicle being kept on this property is in violation of Par. 13 of Sect. 10-102 of the Zoning Ordinance as outlined above and, therefore, is in violation of 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 all inoperative vehicles from this property; or
- Keeping all inoperative vehicles within a fully enclosed building or structure or are kept completely screened or shielded from view in accordance with Par. 13 of Sect. 10-102 of the Zoning Ordinance.

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

Jaffe Russell M
August 12, 2014
SR 108334
Page 3

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 ten (10) days of the date of this letter in accordance with Sec. 15.2-2311 and Sec. 15.2-2286 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such ten (10) 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)324-5031. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:



Signature

Gabriel Zakkak
Code Compliance Investigator
(703)324-5031
Gabriel.Zakkak@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.
E. MURRAY 10547
SERVING OFFICER
Stacey A. Kincaid, Sheriff
Fairfax County, VA
8/12/14
DATE

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

 Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).
 Served on a Secretary of the Commonwealth.
 Not found.
SERVING OFFICER
for _____
DATE

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

 Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).
 Served on a Secretary of the Commonwealth.
 Not found.
SERVING OFFICER
for _____
DATE

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

 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

ADMINISTRATION, AMENDMENTS, VIOLATIONS AND PENALTIES

PART 3 18-300 APPEALS

18-301 Initiation

Any person aggrieved or any officer, department, board, commission or authority of the County affected by any decision of the Zoning Administrator or by any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance may appeal such decision to the BZA, except an appeal which relates to a proffered condition shall be taken to the Board as provided for in Par. 10 of Sect. 204 above.

18-302 Authorization

The Zoning Administrator shall administer and interpret the Zoning Ordinance. The BZA shall hear and decide all cases of appeal by persons as set forth in Sect. 301 above. The BZA shall also hear and decide applications for interpretation of any district boundary if uncertainty remains after application by the Zoning Administrator of the rules specified in Sect. 2-204.

18-303 Time Limit on Filing

1. Except as set forth below, all appeals shall be filed within thirty (30) days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator and the BZA.
2. Appeals for notices of violation involving the following violations shall be filed within ten (10) days from the date of the notice with the Zoning Administrator and the BZA:
 - A. Occupancy of a dwelling unit in violation of Sect. 2-502.
 - B. Parking of inoperative motor vehicles, as defined in Chapter 110 of The Code, in violation of Par. 13 of Sect. 10-102.
 - C. Parking a commercial vehicle in an R district in violation of Par. 16 of Sect. 10-102.
 - D. Parking of vehicles on an unsurfaced area in the front yard of a single family detached dwelling in the R-1, R-2, R-3 or R-4 Districts in violation of Par. 8 of Sect. 11-102.
 - E. Erection of prohibited signs on private property in violation of Paragraphs 1, 4, 5, 6, 7, 11, 12, 13 or 14 of Sect. 12-104.
 - F. Erection, alteration, refacing or relocation of a sign on private property in violation of Sect. 12-301.
 - G. Other short-term, recurring violations similar to those listed in Paragraphs 2A through 2F above.

FAIRFAX COUNTY ZONING ORDINANCE

3. A notice of appeal filed pursuant to Paragraphs 1 and 2 above shall specify the grounds for such appeal, and shall be filed in accordance with the provisions of Sect. 304 below.

18-304 Submission Requirements

Every application to appeal shall contain all of the following information:

1. Four (4) copies of an application on forms provided by the County, completed and signed by the appellant. Such application shall not require the execution of an affidavit.
2. Four (4) copies of a statement signed by the appellant setting forth the following information:
 - A. The order, requirement, decision or determination which is the subject of the appeal.
 - B. The date upon which the decision was made.
 - C. The appellant's grounds for the appeal and the reasons therefor. If the appellant is a County officer, department, board or bureau, the statement shall specify how the appellant is affected; otherwise, the statement shall specify how the appellant is an aggrieved person.
3. Such other supportive data as the appellant may desire in the record, including plats, plans, drawings, charts or related material.
4. An application fee as provided for in Sect. 106 above.

18-305 Processing

1. Upon receipt of an appeal, the Zoning Administrator shall immediately transmit a copy to the BZA.
2. Prior to the public hearing, the Zoning Administrator shall forward to the BZA copies of the application for appeal and all of the papers constituting the records upon which the decision being appealed was based.
3. The BZA shall process all applications for appeal in accordance with the provisions of Part 2 of Article 19.

18-306 Decision on Appeals

1. The BZA may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination appealed from.
2. The concurring vote of four (4) members of the BZA shall be required to reverse any order, requirement, decision or determination of the Zoning Administrator or any other administrative officer under this Ordinance.



VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

LESLIE B. JOHNSON, FAIRFAX COUNTY
ZONING ADMINISTRATOR,

Plaintiff,

v.

RUSSELL M. JAFFE,

Defendant.

:
:
:
:
:
: CASE NO.: CL-2014-0014124
:
:
:
:

AGREED FINAL ORDER

THIS CAUSE came before the Court at the request of Plaintiff Leslie B. Johnson, Fairfax County Zoning Administrator (“Zoning Administrator”), and Defendant Russell M. Jaffe (“Defendant”) for the entry of this Agreed Final Order; and

IT APPEARING TO THE COURT that the property owned by the Defendant that is the subject of this lawsuit is located at 10430 Hunter View Road, Vienna, Virginia 22181 (Tax Map No. 27-4((1)) parcel 1A) (“subject property”), and is zoned to the R-E District (Residential-Estate District, One Dwelling Unit/Two Acres); and

IT FURTHER APPEARING TO THE COURT that the Defendant is maintaining more than one dwelling unit on the subject property in violation of Zoning Ordinance § 2-501 and parking an inoperative vehicle on the subject property in violation of Zoning Ordinance §§ 2-302(6) and 10-102(13); and

IT FURTHER APPEARING TO THE COURT that a special permit must be obtained from the Board of Zoning Appeals in order for a second dwelling unit to be allowed on the subject property; and

CC # 2/6/15

IT FURTHER APPEARING TO THE COURT that the Zoning Administrator and the Defendant have agreed to settle this case under the terms and conditions set forth below as evidenced by the endorsements hereon of counsel for the Zoning Administrator and the Defendant; and

IT FURTHER APPEARING TO THE COURT that the parties hereto agree that the terms of this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the Zoning Administrator and the Defendant with the approval of this Court; and

IT FURTHER APPEARING TO THE COURT that this Agreed Final Order should be entered; now, therefore, it is hereby

ADJUDGED and ORDERED as follows:

1. Maintaining and/or allowing the maintenance of a second dwelling unit on the subject property without obtaining a special permit for such use violates Zoning Ordinance § 2-501; and
2. The Defendant's parking of an inoperable motor vehicle on the subject property violates Zoning Ordinance §§ 2-302(6) and 10-102(13); and
3. The Defendant may obtain final approval of the required special permit to allow the second dwelling unit to remain on the subject property from the BZA within 180 days after the date that this Agreed Final Order is entered. The Defendant shall remove the second dwelling unit from the subject property within 30 days if no special permit is sought, if action to obtain special permit approval is ceased, or if the BZA disapproves the special permit application; and

4. Unless the Zoning Administrator objects, nothing herein shall preclude the BZA from deciding a special permit application after the above timeframes have expired.

5. The Defendant shall, within 15 days after the entry of this Agreed Final Order, permanently remove all inoperable vehicles from the subject property to a lawful site; and

6. The Defendant, his tenants, agents, employees, and/or any successors-in-interest are permanently enjoined from maintaining and/or allowing the maintenance of a second dwelling unit on the subject property without the required special permit approved by the BZA for such use in violation of Zoning Ordinance § 2-501; and

7. Maintaining and/or allowing the maintenance of a second dwelling unit on the subject property without the required special permit approved by the BZA for such use in violation of Zoning Ordinance § 2-501 is permanently enjoined; and

8. The Defendant, his tenants, agents, employees, and/or any successors-in-interest are permanently enjoined from parking inoperable motor vehicles on the subject property in violation of Zoning Ordinance §§ 2-302(6) and 10-102(13); and

9. Parking inoperable motor vehicles on the subject property in violation of Zoning Ordinance §§ 2-302(6) and 10-102(13) is permanently enjoined; and

10. The Zoning Administrator and/or their agents shall be permitted to enter upon the subject property at reasonable times to inspect the subject property for the purpose of monitoring compliance with the terms of this Agreed Final Order; and

11. The terms set forth in this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the parties with the approval of this Court; and

12. The Clerk of the Fairfax County Circuit Court shall record a copy of this Agreed Final Order among the land records of Fairfax County, Virginia, pursuant to Va. Code Ann. § 17.1-227 (Supp. 2014) to give notice of the prohibitions and restrictions contained herein to any successors-in-interest to the Defendant and shall index this Agreed Final Order as follows:

GRANTOR: Russell M. Jaffe

GRANTEES: Leslie B. Johnson; Fairfax County Zoning Administrator

AND THIS ORDER IS FINAL.

ENTERED this 6 day of February 2015.



JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

DAVID P. BOBZIEN
COUNTY ATTORNEY

By F. Hayden Codding

F. Hayden Codding (VSB No. 39785)

Assistant County Attorney

12000 Government Center Parkway, Suite 549

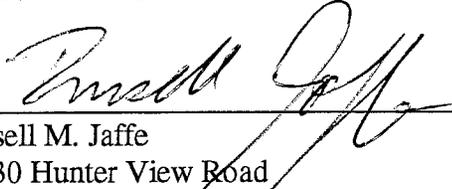
Fairfax, Virginia 22035-0064

Telephone: (703) 324-2421

Facsimile: (703) 324-2665

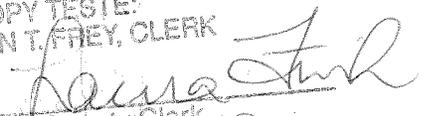
Counsel for Plaintiff Leslie B. Johnson, Fairfax County Zoning Administrator

SEEN AND AGREED:



Russell M. Jaffe
10430 Hunter View Road
Vienna, Virginia 22181
Defendant *pro se*

A COPY TESTE:
JOHN T. FREY, CLERK

BY: 
Deputy Clerk

Date: 2/6/15
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia



County of Fairfax, Virginia

MEMORANDUM

Date: March 25, 2015

To: Erin Haley, Staff Coordinator
Zoning Evaluation Division

From: Bruce Miller, Zoning/Property Maintenance Inspector
Zoning Inspection Branch *BM*

Subject: SP 2015-HM-025
10430 Hunter View Road, Vienna, Virginia 22181
Legal Description: BRASHEARS FARM, LT 6A
Tax Map Ref: 27-4 ((1)) 1A
Zoning District: RE
Lot Size: 2 acres
ZIB# 2015-0123

Re: Russell M. Jaffe, Applicant

On March 20, 2015, I conducted an inspection at the property located at 10430 Hunter View Drive, Vienna, Virginia. During this inspection, Dr. Jaffe, the owner – applicant accompanied me as we walked through the structures on-site. This property is developed with an existing one (1) story ranch styled single family dwelling (SFD), an accessory structure (formerly a stable) and an accessory storage structure. All three structures are illustrated on the plat of the property.

At the time of the inspection in the SFD, Dr. Jaffe admitted, in response to a question regarding the occupancy of the principal structure, that he lived on the first floor and that Daniel Owusu (a tenant) resided in the basement level of the same building.

While the basement space in this SFD was not fully inspected, the cooking facilities in the basement space were observed from a doorway supporting the owner's claim that the basement was occupied as a separate dwelling unit as defined in Part 3 of Article 12 the Fairfax County Zoning Ordinance.

In addition to the primary dwelling described above, the accessory structure was also inspected. This separate structure contained all of the separate elements of a dwelling unit as defined by the Ordinance. It was also learned that this accessory structure was also recently occupied but now was vacant.

Based on this inspection, and as admitted by the owner, a total of 3 separate dwelling units exist on this property including: two (2) separate units located in the SFD and one (1) unit in the accessory structure.

Department of Planning and Zoning

Zoning Administration Division

Zoning Inspections Branch

12055 Government Center Parkway, Suite 829

Fairfax, Virginia 22035-5508

Phone 703-324-4300 FAX 703-324-1343

www.fairfaxcounty.gov/dpz/



DEPARTMENT OF
**PLANNING
& ZONING**

SP 2015-HM-025

10430 Hunter View Road, Vienna, Virginia 22181

March 25, 2015

Page 2

The remaining accessory storage structure detailed on the plat was also inspected. It was confirmed that as of the date of this inspection, this structure was only used for storage. Attached are photographs of these structures taken during this inspection.

Because there is an existing Agreed Final Order and an open DCC Complaint pertaining to this property and applicant, and the discovery of a third dwelling unit in the accessory structure on this property, this matter has been referred back to the Department of Code Compliance, Investigator Gabriel Zakkak for any warranted action.

Cc: Gabriel Zakkak, Investigator
Department of Code Compliance

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.

8-918 Additional Standards for Accessory Dwelling Units

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

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

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

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

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

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

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

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

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

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

K. Seal and signature of professional person certifying the plat.

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

2. The BZA determines that:

- A. The error exceeds ten (10) percent of the measurement involved, or
 - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
 - C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
 - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.

4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.