



APPLICATION ACCEPTED: June 19, 2015
DATE OF PUBLIC HEARING: October 21, 2015 @ 9:00am

County of Fairfax, Virginia

October 14, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-SP-100

SPRINGFIELD DISTRICT

APPLICANT/OWNERS: Donald G. Gibson and Tina E. Gibson

LOCATION: 12215 Henderson Road, Clifton, 20124

SUBDIVISION: Stonehedge, Section 1

TAX MAP: 95-1 ((6)) 5

LOT SIZE: 5.01 acres

ZONING: R-C, WS

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction in minimum yard requirements based on an error in building location to permit an accessory structure (garage) to remain 5.8 feet from a side lot line.

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

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

Laura Arseneau

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.

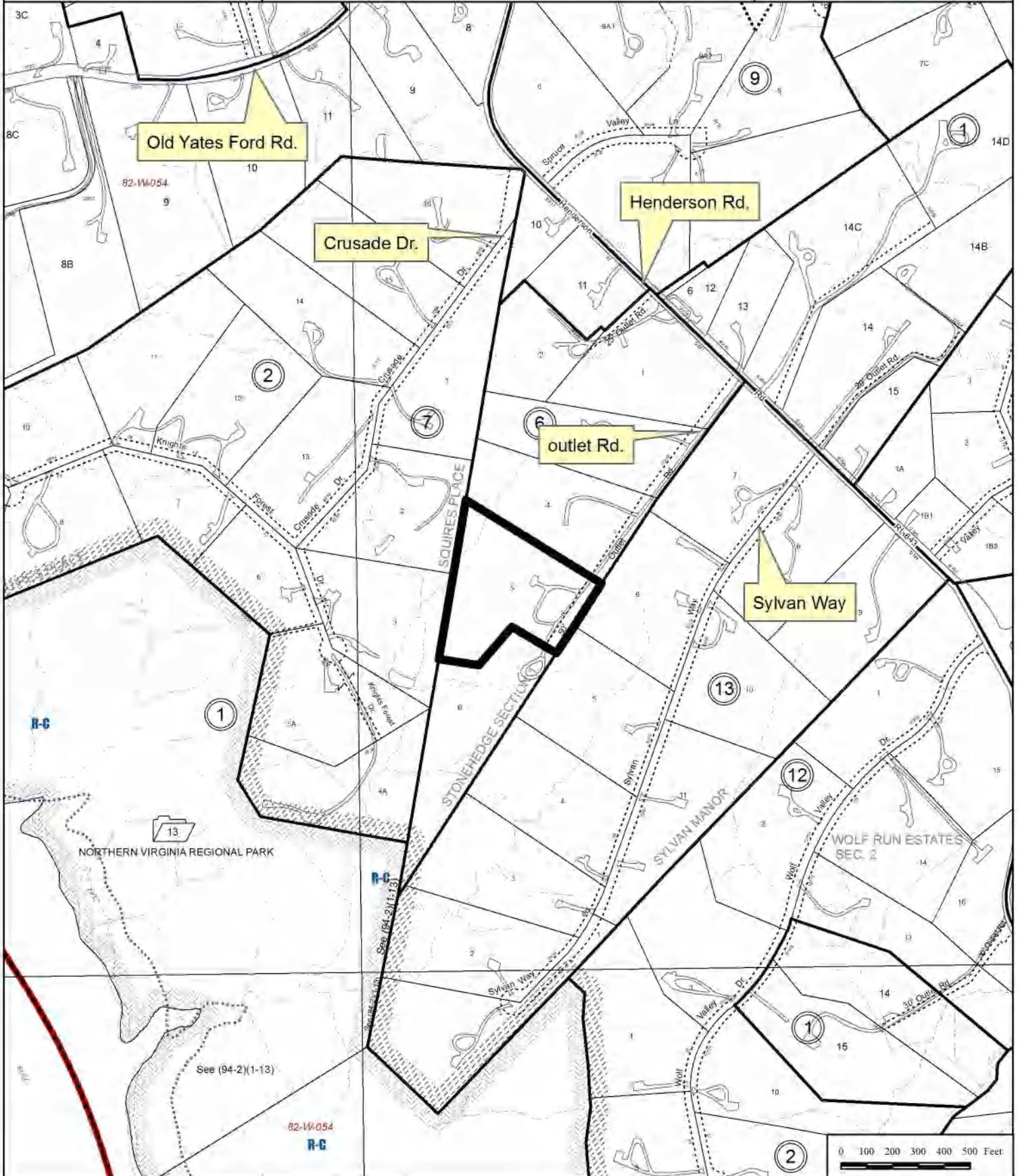
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



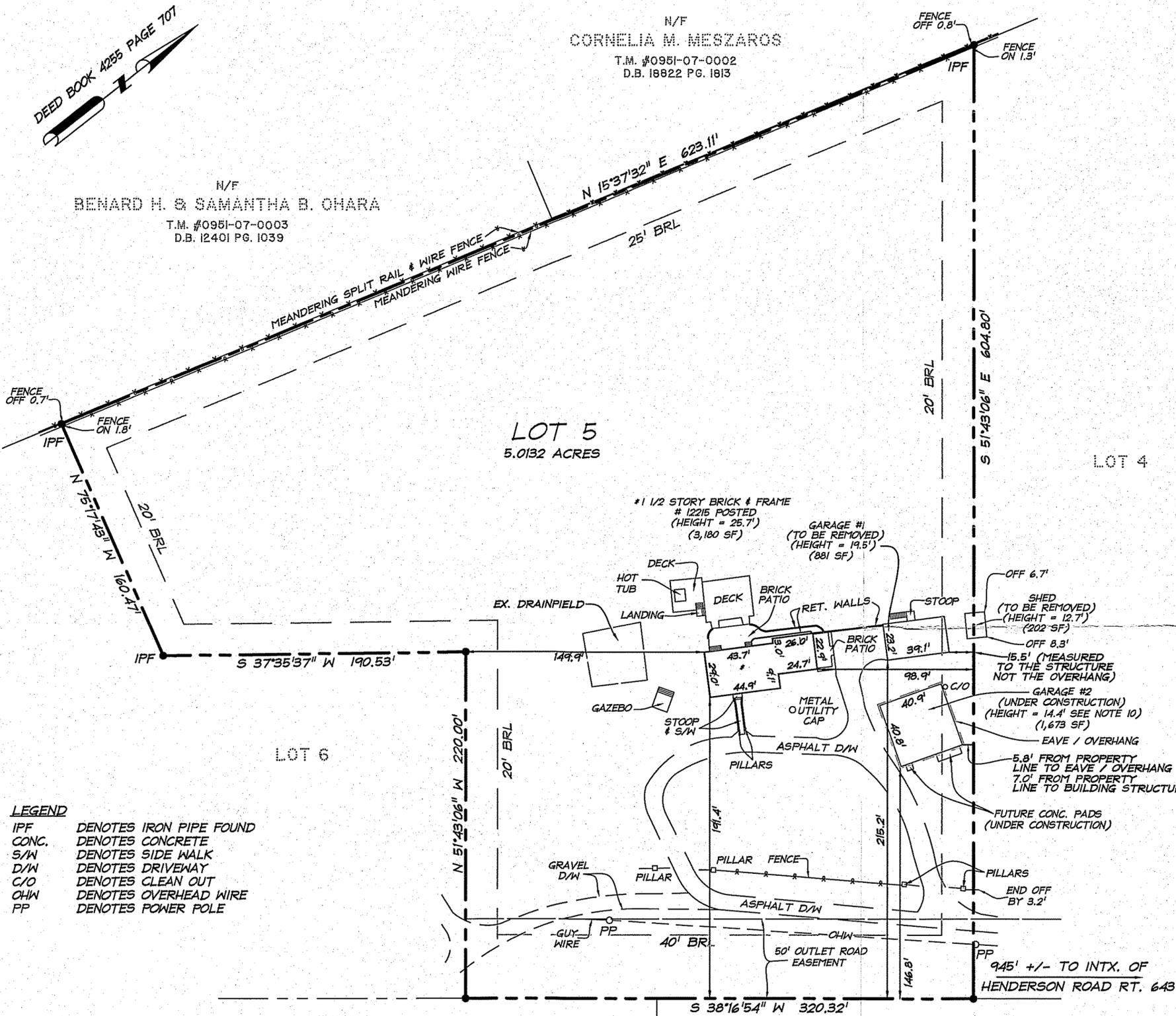
Special Permit SP 2015-SP-100 DONALD G. GIBSON / TINA E. GIBSON



DEED BOOK 4255 PAGE 707

N/F
 CORNELIA M. MESZAROS
 T.M. #0951-07-0002
 D.B. 18822 PG. 1813

N/F
 BENARD H. & SAMANTHA B. OHARA
 T.M. #0951-07-0003
 D.B. 12401 PG. 1039



NOTES:

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE THIS SURVEY MAY NOT SHOW ALL ENCUMBRANCES ON THE PROPERTY. HOWEVER, TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO UNDERGROUND UTILITIES OR UTILITY EASEMENTS HAVING A WIDTH OF 25 FEET OR MORE IN THE AREA OF THE PROPOSED BUILDING.
2. THIS PROPERTY IS LOCATED ON THE FAIRFAX COUNTY TAX MAPS, AS PARCEL ID NO. 0951-06-0005 AND IS ZONED RC.
3. THE CURRENT OR FORMER OWNER OF THE PROPERTY IS DONALD G. AND TINA E. GIBSON, IN DEED BOOK 13413 PAGE 824, AS RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
4. THE CURRENT ADDRESS FOR THIS PROPERTY IS 12215 HENDERSON ROAD, CLIFTON VIRGINIA 20124.
5. THE LAND SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS INDICATED ON FEMA MAP # 51059C0355E DATED SEPTEMBER 17, 2010.
6. THE PROPERTY SHOWN HEREON IS SERVICED BY WELL AND DRAIN FIELD.
7. MINIMUM YARD REQUIREMENTS IN R-C ZONING:
 FRONT YARD: 40 FEET
 SIDE YARD: 20 FEET
 REAR YARD: 25 FEET
8. THERE ARE NO KNOWN BURIAL SITES ON THIS PROPERTY.
9. THE HEIGHT OF GARAGE #2 WHEN COMPLETED WILL BE 23.9 FEET. HEIGHT OF BUILDINGS ARE MEASURED FROM THE LOWEST GRADE ADJACENT TO THE STRUCTURE, TO THE HIGHEST POINT OF THE STRUCTURE.
10. THE CONSTRUCTION DATE OF THE HOUSE WAS 1977. THE CONSTRUCTION DATE OF THE SHED AND GARAGE #1 WAS JULY, 1990.

LEGEND

- IPF DENOTES IRON PIPE FOUND
- CONC. DENOTES CONCRETE
- S/W DENOTES SIDE WALK
- D/W DENOTES DRIVEWAY
- C/O DENOTES CLEAN OUT
- OH/W DENOTES OVERHEAD WIRE
- PP DENOTES POWER POLE

N/F
 THOMAS C. & CAROLYN J. SMIRCICH
 T.M. #0951-13-0005
 D.B. 6929 PG. 1224

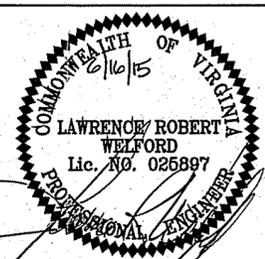
N/F
 GARY L. & TERRY C. FRENCH
 T.M. #0951-13-0006
 D.B. 9778 PG. 558

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 Zoning Evaluation Division



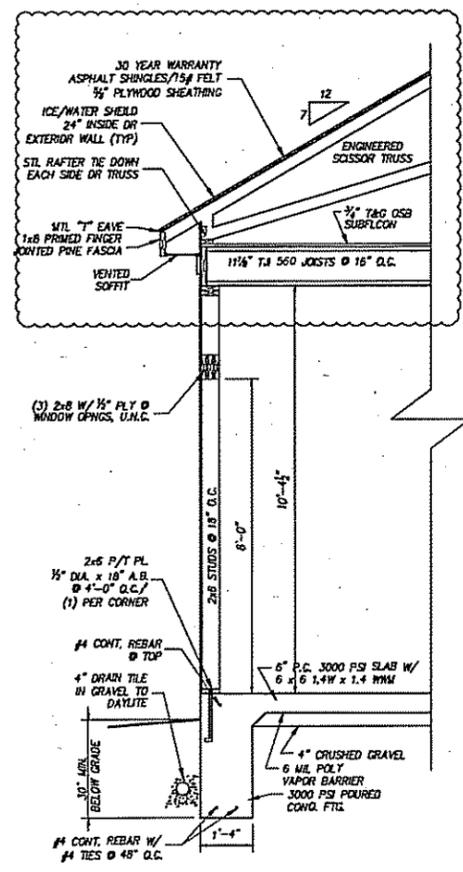
4545 Empire Court
 Fredericksburg, VA 22400
 Phone: 540-890-9330
 Fax: 540-098-9324

REVISION	DATE
COUNTY COMMENTS	5/27/15
CLIENT COMMENTS	2/16/15
COUNTY COMMENTS	12/11/14
COUNTY COMMENTS	7/10/14



SPECIAL PERMIT PLAT
 LOT 5
 SECTION 1
 STONEHEDGE
 DEED BOOK 4255 PAGE 707
 SPRINGFIELD MAGISTERIAL DISTRICT
 FAIRFAX COUNTY, VIRGINIA

DATE: 5/15/2014
 SCALE: 1"=50'
 12215 Henderson Road
 Variance Plat.dwg
 JOB NO. 1861-1
 SHEET 1 OF 1

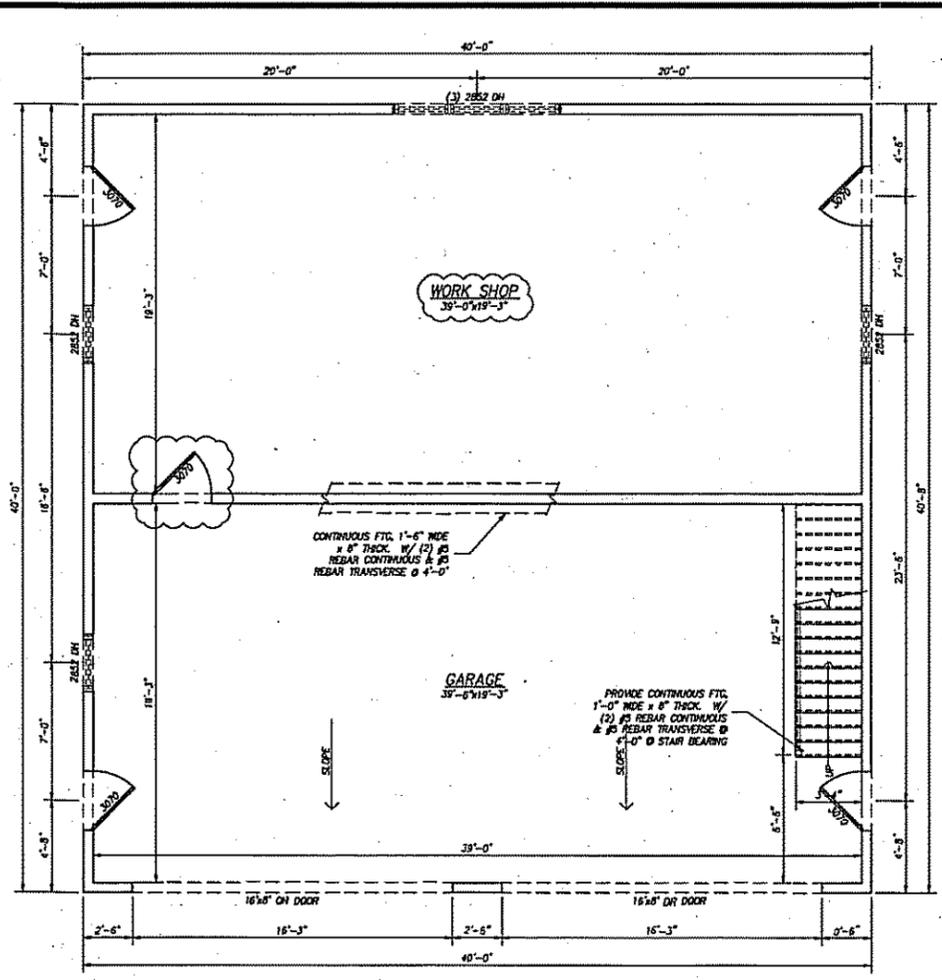


1 WALL SECTION
A1
SCALE 1/2"=1'-0"

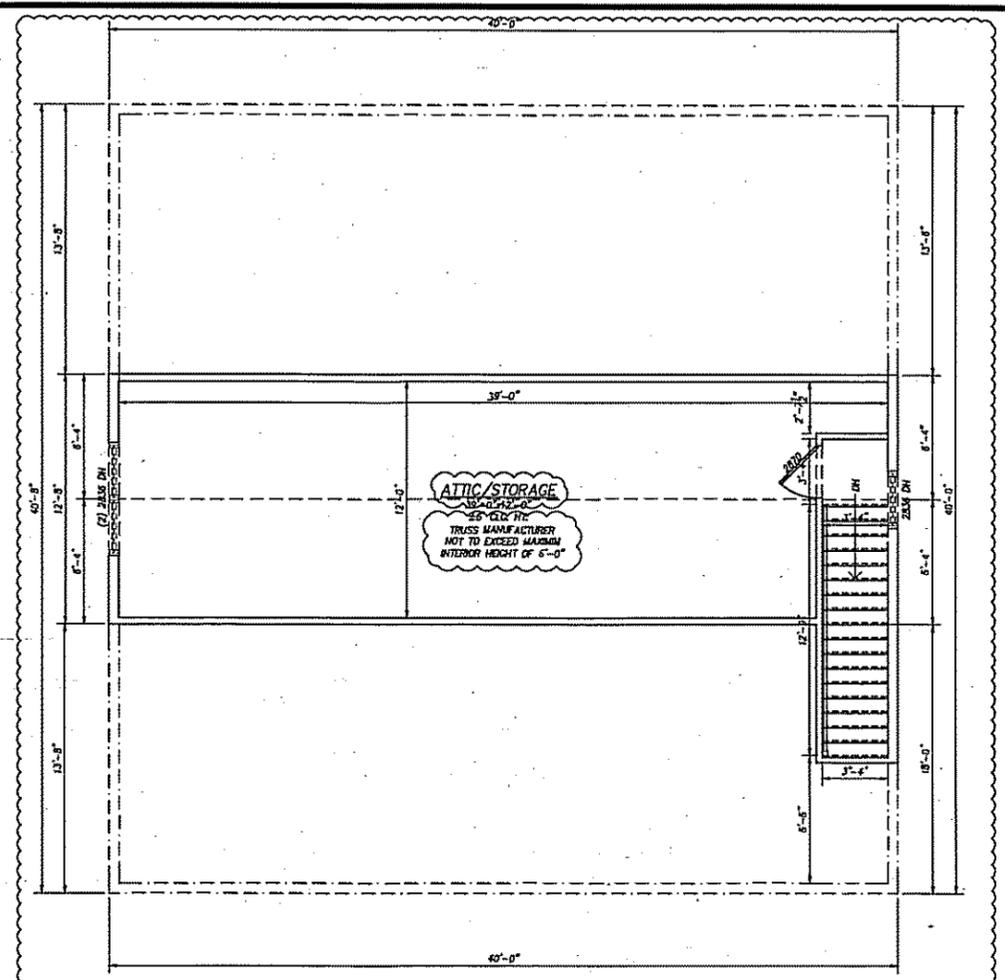
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Department of Planning & Zoning

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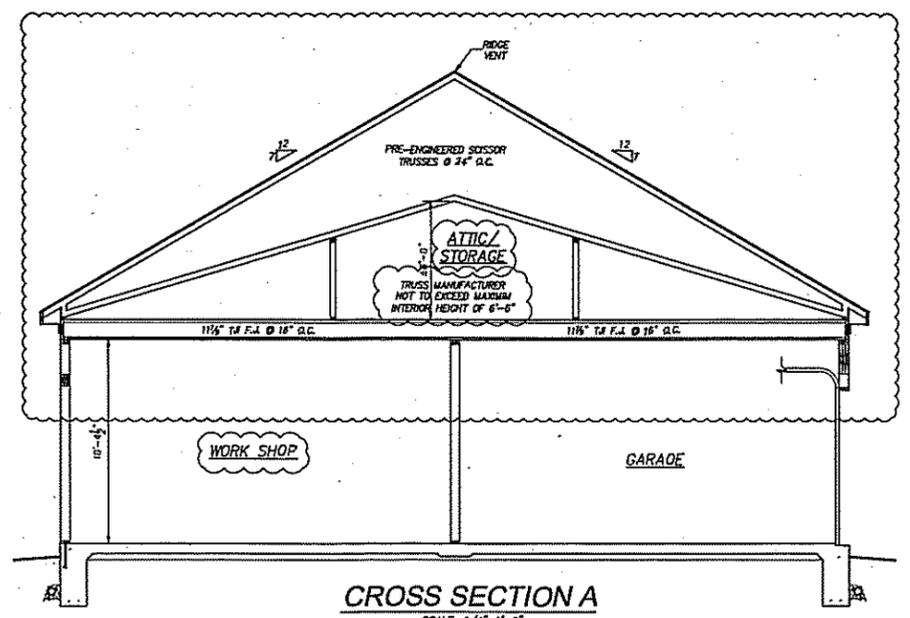
Zoning Evaluation Division



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



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



CROSS SECTION A
SCALE 1/4"=1'-0"

REVISIONS	
DATE	REMARKS
11/10/14	revised roof & attic
12/4/14	height dimension
12/4/14	room ht. note
3/16/15	per county comments

ISSUED
10-17-13

GIBSON GARAGE
 VIRGINIA
 FLOOR PLANS, WALL SECTION
 CROSS SECTIONS
 CLIFTON

DATE 10-17-13	SHEET NO. A1
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SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a reduction in minimum yard requirements based on an error in building location to permit an accessory structure, a two car garage with storage above, to remain 5.8 feet from a side lot line. The 1,673 square foot garage is proposed to be 14.4 feet in height when completed.

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
Special Permit	Accessory Structure (Garage)	Side	20.0 feet	5.8 feet	14.2 feet	71%

A copy of the special permit plat titled “Special Permit Plat, Lot 5, Section 1, Stonehedge,” prepared by Lawrence Robert Welford, P.E., dated May 15, 2014, as revised through June 16, 2015, is included in the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 5.01 acre property is developed with a one and one-half story single family detached dwelling. It is accessed via a asphalt circular driveway from an outlot road off of Henderson Road. A gazebo and septic drainfield are located in the side yard (south). A deck with a hot tub and brick patio are located in the rear yard. A separate brick patio, detached



Figure 1- Aerial Photo of Subject Property

garage and shed are located in the other side yard. In addition, the partially constructed detached two car garage is located in the northern side yard.

The subject property and surrounding properties are zoned R-C and are developed with single family detached dwellings. The subject property is located in a Watershed

Protection Overlay District and is south of the intersection of Henderson Road and Old Yates Ford Road.

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1978 and purchased by the applicant and her husband in 2002.

- November 20, 2013- A complaint was filed for an unpermitted addition (Appendix 4). On November 22, 2013- A Corrective Work Order was issued by DCC for the construction of a detached garage being built without the issuance of the required permits, inspections and approvals (Appendix 5). On February 5, 2014 a Notice of Violation was issued by DCC for the failure to obtain building permits for the construction of the garage within the time period mandated by the Corrective Work Order (Appendix 6).
- December 5, 2013- A building permit application was processed for the construction of a three-car detached garage (Appendix 7). The building permit was not issued or finalized.

There are no building permits for the deck, existing garage (labeled garage #1 on the special permit plat) or the shed located on the property. A proposed development condition requires the applicants to obtain building permits for these structures within 180 days of approval of this application.

According to the applicants' statement of justification (Appendix 2), the applicants started construction on the detached garage in 2013 and were unaware of the location of their property line and of the setbacks required for the R-C District. The existing garage (#1 on the special permit plat) and the shed were built by a previous homeowner and are to be removed.

Staff notes that this application was initially accepted as a variance in April 2014. At that time, staff recommended that the application be filed as a special permit for an error in building location instead of a variance, given the strict standards necessary to support the granting of a variance. The application was eligible for a special permit as the foundation and walls of the building were already constructed and the applicant informed staff they did not know where the property line was.

Staff received confirmation from the Zoning Administration Division in July 2014 that the existing garage and the shed could not be deemed vested. Therefore the applicant changed their justification and plat to show that these two structures would be removed.

In March 2015, the applicant submitted revised materials for the special permit application and requested withdrawal of the variance application. The special permit was accepted on June 19, 2015.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Pohick Planning District
Planning Sector: Dominion Community Planning Sector (P5)
Plan Map: Residential, 0.1-0.2 dwelling units/acre

Bulk Standards (R-C)		
Standard	Required	Provided
Lot Size	5.0 acres	5.01 acres
Lot Width	200 feet	320.32 feet
Building Height	35 feet max.	25.7 feet
Front Yard	Min. 40 feet	191.4 feet
Side Yard	Min. 20 feet	149.9 feet, 98.9 feet
Rear Yard	Min. 25 feet	> 25 feet

Accessory Structure Setback Standards				
Structure	Yard	Minimum Yard Required	Existing Location	Building Permit Status
Gazebo	Side	20 feet	> 20 feet	n/a
Deck	Rear	25 feet	> 25 feet	None
Garage #1	Side	20 feet	15.5 feet	Structure to be removed
Shed	Side	20 feet	0.0 feet	Structure to be removed
Garage #2	Side	20 feet	5.8 feet¹	Structure to be obtained

1. Modification for minimum side yard is being requested with this application

Zoning Ordinance Requirements

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 7. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

Staff does not make recommendations on an error in building location. However, if it is the intent of the Board of Zoning Appeals to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Complaint History
5. Corrective Work Order
6. Notice of Violation
7. Building Permit History
8. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-SP-100****October 14, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-SP-100, located at Tax Map 95-1 ((6)) 5, to permit reduction in a minimum yard requirement based on an error in building location for a detached accessory structure (two car garage under construction) pursuant to Sect. 8-914 of the Fairfax County Zoning Ordinance, the BZA should condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location and size of the accessory structure (detached garage) on the plat titled, "Special Permit Plat, Lot 5, Section 1, Stonehedge," prepared by Lawrence Robert Welford, P.E., dated May 15, 2014 as revised through June 16, 2015, as submitted with this application.
2. All applicable permits and final inspections shall be obtained for the detached accessory structure (two car garage under construction), deck, and gazebo within 180 days of the approval of this application.

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

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

MAR 18 2015

Zoning Evaluation Division

NARRATIVE STATEMENT OF JUSTIFICATION12215 HENDERSON ROAD
DONALD G. AND TINA E. GIBSON

March 13, 2015

Pursuant to Section 8-901(13) of the Fairfax County Zoning Ordinance, dated August 14, 1978, as amended (the "Ordinance"), Mr. and Mrs. Gibson hereby request approval of a special permit to allow completion of a partially constructed garage that was begun in error.

Background

Mr. and Mrs. Gibson purchased the property at 12215 Henderson Road (the "Property") on October 2, 2002. At the time of the purchase, the Property contained an existing 3,180 square foot house, an existing 879 square foot detached garage (the "Existing Garage"), and an existing 112 square foot shed (the "Existing Shed"), which were all constructed by prior owners. The Property contains over 5 acres of heavily wooded land. A majority of the Property and adjacent properties are developed with low density single-family detached homes with significant dense tree cover.

In August 2013, the Gibsons began construction on a new detached garage. The garage was designed to provide additional parking and storage for the Gibsons and their 4 daughters. In November, 2013, the County inspected the Gibson's property and determined that the under construction garage did not have the required County permits. In response, the Gibsons filed for a building permit on December 5, 2013. When processing that building permit, the Gibsons found that the partially constructed garage was located within the required side yard setback. During subsequent discussions with Fairfax County staff it was determined that the Existing Shed, built by a prior owner, was actually partially located on the adjacent property. Additionally, the Existing Garage, also built by a previous owner, was located within the required side yard setback. The location of these existing buildings, which were already built when the Gibsons purchased their property, led to the confusion regarding where the side property line was located. After learning that the existing structures were in violation, the Gibsons hired a surveyor to stake the property lines. During their initial trip, the surveyor could not find corner monuments for the property. After a subsequent trip, they were finally able to find the monuments, one of which was buried. The difficulty the surveyor had in determining the property line is indicative of the confusion that the Gibsons and their neighbor had in determining the same.

As part of this special permit application, the Gibsons propose to complete construction on the partially constructed garage in its current location. Additionally, they will remove the Existing Shed and Existing Garage, which are located within the side yard setback.

Compliance with General Special Permit Standards

The partially constructed garage is in compliance with the general special permits standards in Zoning Ordinance Section 8-006.

- 1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.***

The Comprehensive Plan recommendation for the Property is residential use at .1-.2 dwelling units per acre (i.e. 1 dwelling unit per 5-10 acres). The Property is developed with 1 single-family house on a 5.0132 acre lot.

- 2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.***

Among other things, the purpose of the R-C zoning district is for development of low density residential uses. The Property is in compliance with that purpose and is developed with a low density residential use.

- 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.***

The partially constructed garage will not adversely affect the use or development of neighboring properties. The Property and adjoining properties are all heavily wooded and well separated from each other with a low density development pattern. The proposed garage is in scale with the existing building and will replace an existing garage that was constructed by a prior owner too close side property line. The garage will not discourage or hinder development of the adjacent property or impair the value of adjacent properties. This is evidenced by the enclosed letter of support from the owner of the adjacent property to the East, which is the only impacted property.

- 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.***

The garage will replace an existing garage and will not create any new pedestrian or vehicular traffic.

- 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.***

The Property is developed with a single-family detached house and is surrounded by other single-family detached houses. Article 13 does not require any transitional screening or barriers between single-family detached houses. Additionally, the wooded nature of the Property and the surrounding properties adequately screen the garage from adjacent uses.

6. *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

The R-C district does not require a specific amount of open space for conventionally developed properties. However, a significant portion of the property consists of wooded open space and the garage is located in an area that is already cleared.

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.*

The Property has adequate utility, drainage, parking, loading and other necessary facilities to serve the garage.

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.*

No signs are proposed or anticipated as part of the Special Permit.

Compliance with Standards for Error in Building Location

The partially constructed garage complies with the list of required BZA determinations in Zoning Ordinance Section 8-914.

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

Construction of the garage was begun 7 feet from the side property line. The minimum side yard setback in the R-C district is 20 feet. The error in building location exceeds ten (10) percent of the measurement involved.

- 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*

The error meets the requirement in determination A above.

- 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**

As mentioned above, the noncompliance with the side yard setback was done in good faith. The Gibsons were not aware when they began construction that a building permit was required for a detached garage. The failure to obtain a permit was a case of simply not knowing or understating the County's requirements. Additionally, the location of the new garage within the required side yard setback was also done in good faith. When the Gibsons bought their home, the Existing Shed and Existing Garage were already constructed within the required side yard setback, and in the case of the shed partially on an adjacent property. The location of these existing buildings led to the confusion regarding where the side property line was located and a belief by the Gibsons that the new garage was properly located. Determining the side property line's location is difficult on site and even took an experienced surveyor several attempts. When the Gibsons began construction they had no idea the new garage was as close to the side property line as it turned out to be.

The Gibsons are single-family property owners with no experience in the construction or development business. They, in good faith, thought they had the right to construct the garage in the proposed location. Unfortunately, that was not the case. However, since being made aware of the error, they have diligently worked in good faith to correct the problem.

- D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and**

The reduction will not impair the purpose and intent of the Zoning Ordinance.

- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and**

The garage will not be detrimental to the use and enjoyment of other property in the immediate vicinity. The most impacted property is located to the east, where the error in building location occurred. The adjacent property owner to the east has submitted the enclosed letter of support.

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

The error in building location does not create an unsafe condition with respect to other property or public streets.

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

Forcing compliance with the minimum yard requirements would cause an unreasonable hardship upon the owner. Construction of the garage was well under construction by the time the Gibsons were alerted to the error in building location. Requiring demolition of the partially constructed garage will cause a significant financial hardship on the Gibsons. Additionally, forcing compliance with the minimum yard requirements will result in the Gibsons retaining an existing garage that was constructed by a prior owner within the required minimum side yard setback.

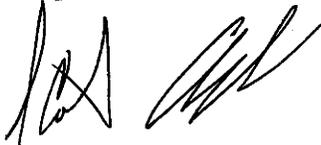
H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

The reduction will not result in an increase in density from that permitted in the R-C district. The R-C district has a maximum density of 1 dwelling unit per 5 acres. The garage will not result in an increase in density on the Property, which will remain at 1 dwelling unit per 5.0132 acres.

Conclusion

For the above reasons, we respectfully request approval of a special permit to reduce the side yard requirement based on an error in building location.

Respectfully Submitted,



Scott E. Adams

- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

Hazardous or Toxic Substances. There are no known hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.


Applicant's Signature

5/25/2015
Date

- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.


Applicant's Signature

5/25/2015
Date



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Department of Planning & Zoning

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Department of Planning & Zoning

MAR 18 2015

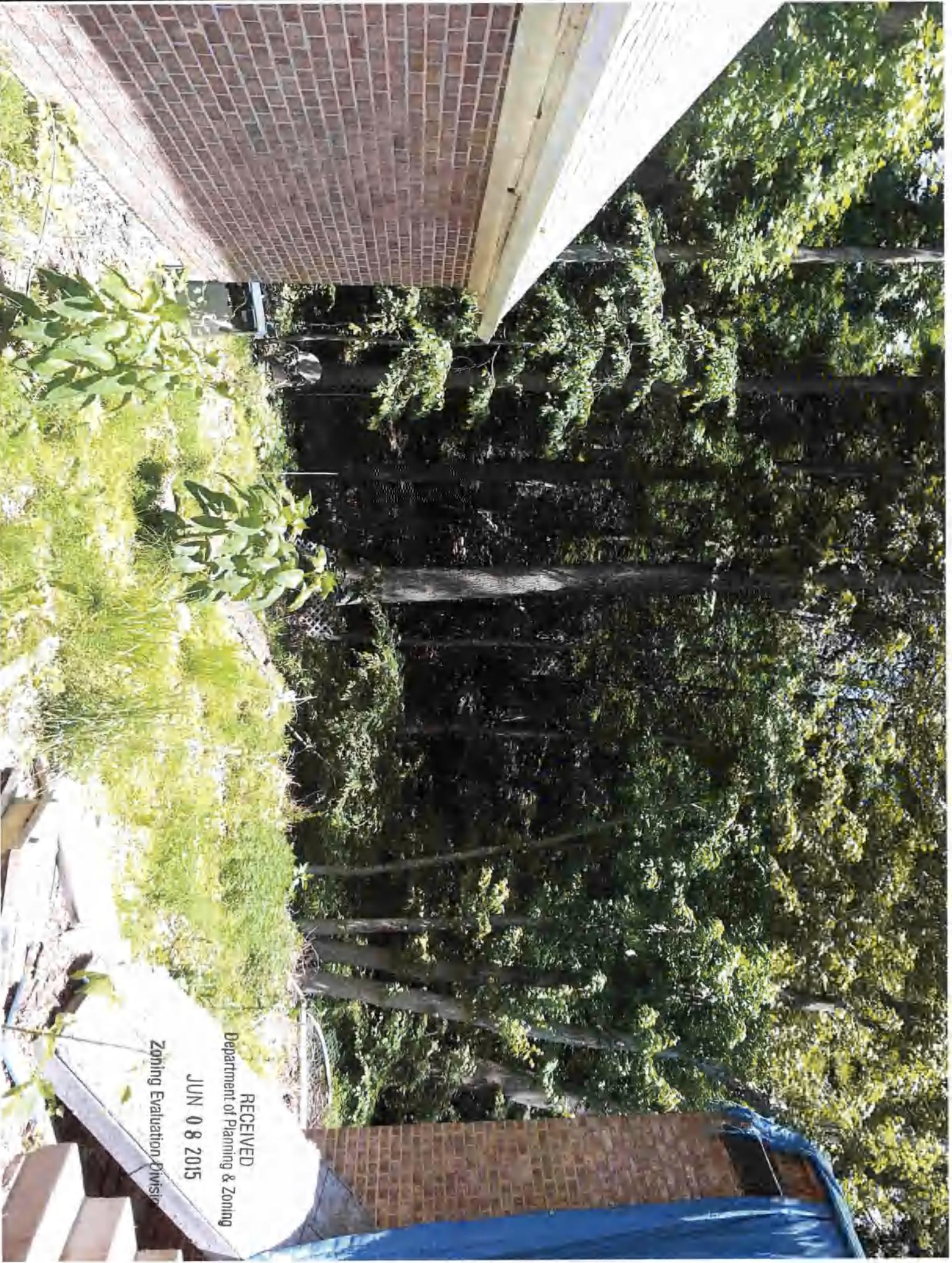
Zoning Evaluation Division



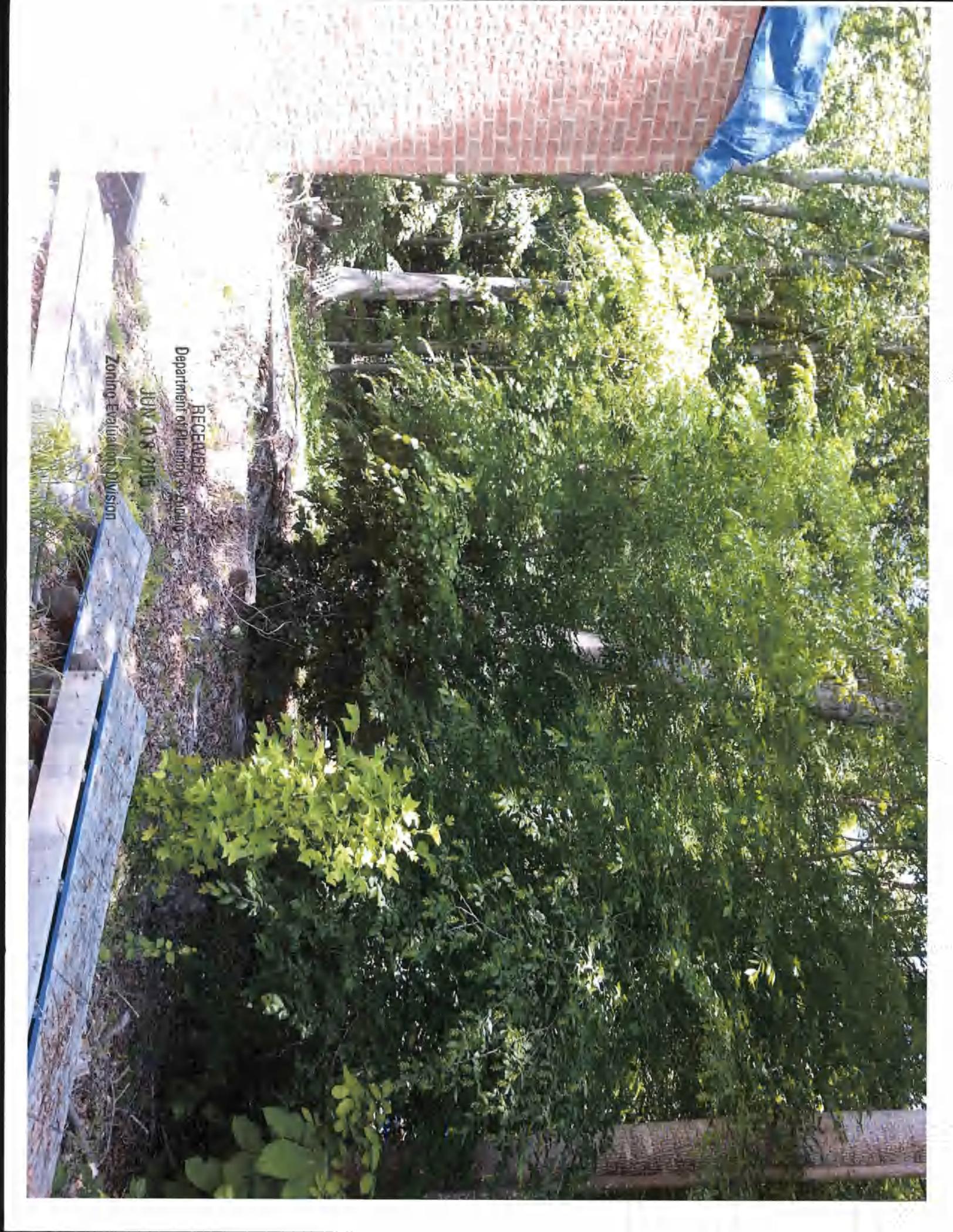
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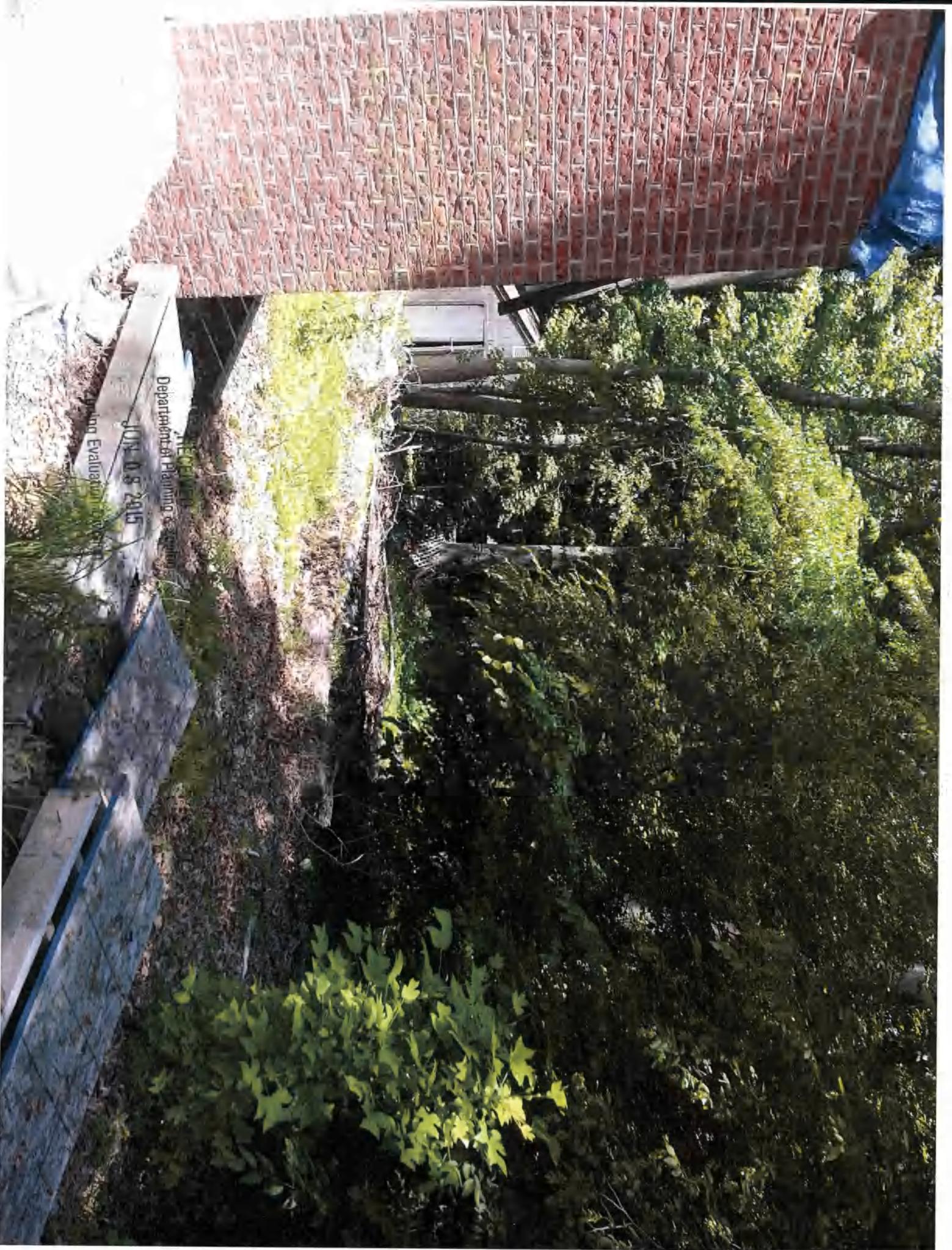
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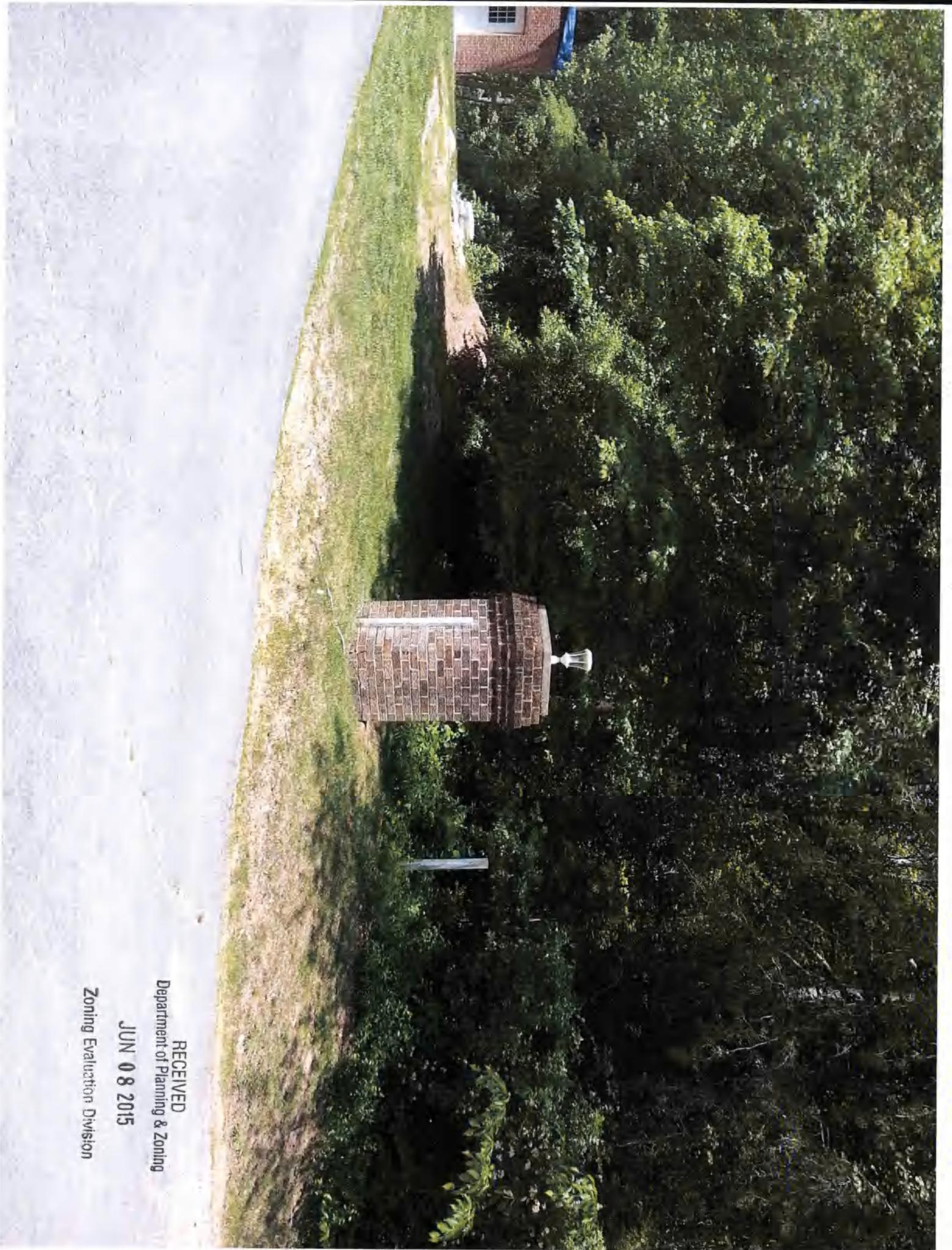
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Zoning Evaluation Division



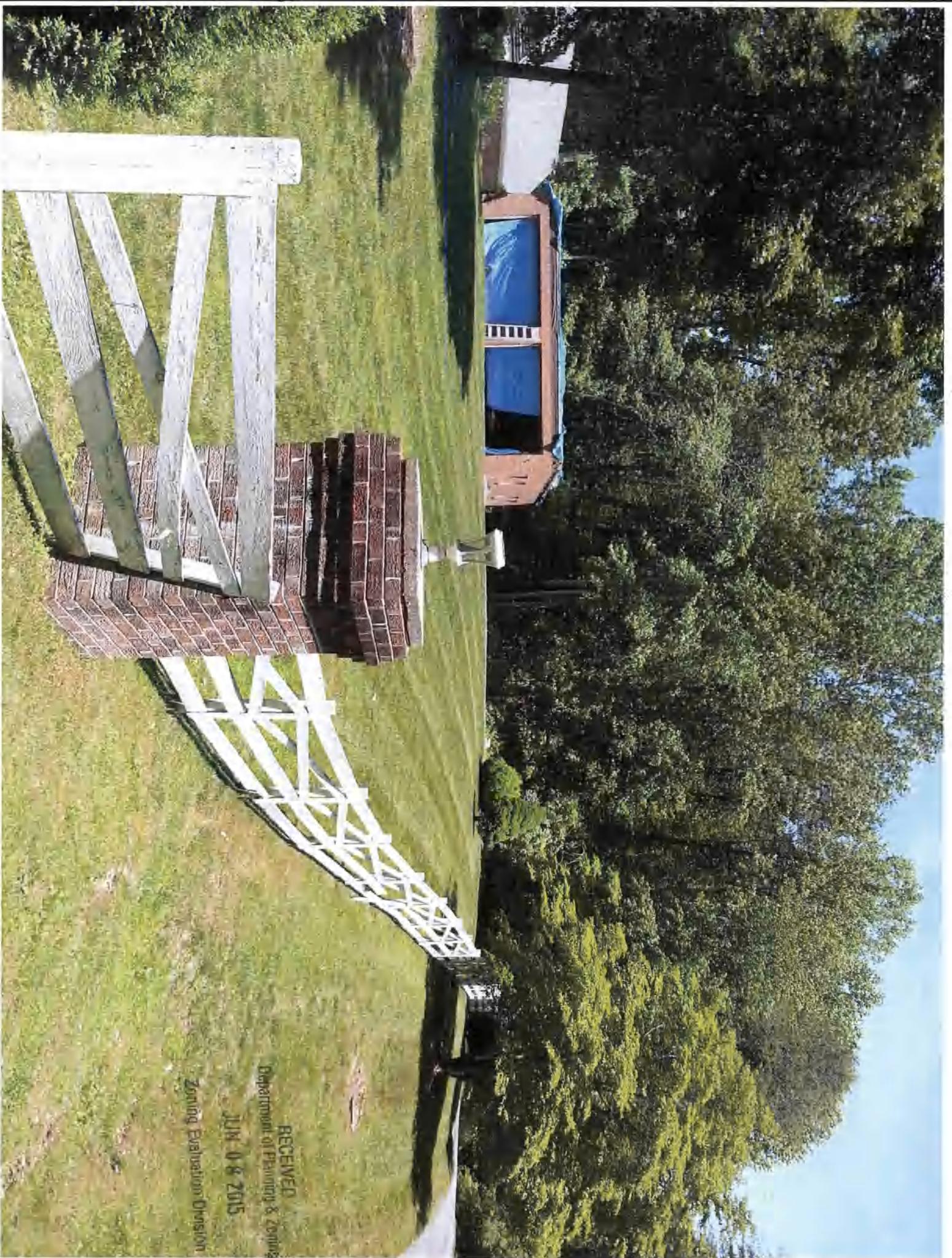
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JUN 08 2015
Zoning Evaluation Division



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Department of Planning & Zoning
JUN 08 2015
Planning Evaluation Report



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Department of Planning & Zoning
JUN 08 2015
Zoning Evaluation Division



RECEIVED
Department of Planning & Zoning
JUN 08 2015
Zoning Evaluation Division

Application No.(s): SP 2015-SP-100
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: MAR 16 2015
 (enter date affidavit is notarized) 130239

I, Scott E. Adams, 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)
Donald G. Gibson Tina E. Gibson	12215 Henderson Road Clifton, VA 20124	Applicant/Title Owners of Tax Map 95-1 ((6)) 5
McGuireWoods LLP Agents: Scott E. Adams David R. Gill Jonathan P. Rak Gregory A. Riegler Kenneth W. Wire Sheri L. Akin Lori R. Greenlief	1750 Tysons Boulevard, Suite 1800 Tysons Corner, VA 22102	Attorney/Agent for Applicant Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent

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

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

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

Application No.(s): SP 2015-SP-100
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: MAR 16 2015
(enter date affidavit is notarized) 130239

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

Application No.(s): SP 2015-SP-100
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: MAR 16 2015
(enter date affidavit is notarized)

130239

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)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

(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**)

Equity Partners of McGuireWoods LLP

- | | | |
|-------------------------|-----------------------|------------------------|
| Adams, John D. | Boland, J. W. | Chapman, Jeffrey J. |
| Anderson, Arthur E., II | Brenner, Irving M. | Clark, Jeffrey C. |
| Anderson, Mark E. | Brooks, Edwin E. | Cockrell, Geoffrey C. |
| Andre-Dumont, Hubert | Brose, R. C. | Collins, Darren W. |
| Bagley, Terrence M. | Burk, Eric L. | Covington, Peter J. |
| Barger, Brian D. | Busch, Stephen D. | Cramer, Robert W. |
| Becker, Scott L. | Cabaniss, Thomas E. | Cromwell, Richard J. |
| Belcher, Dennis I. | Cacheris, Kimberly Q. | Culbertson, Craig R. |
| Bell, Craig D. | Cairns, Scott S. | Cullen, Richard (nmi) |
| Bilik, R. E. | Capwell, Jeffrey R. | Daglio, Michael R. |
| Blank, Jonathan T. | Cason, Alan C. | De Ridder, Patrick A. |
| Boardman, J. K. | Chaffin, Rebecca S. | Dickerman, Dorothea W. |

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

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

Application No.(s): SP 2015-SP-100
(county-assigned application number(s), to be entered by County Staff)

Special Permit/Variance Attachment to Par. 1(c)

DATE: MAR 16 2015
(enter date affidavit is notarized)

130239

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

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

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

- | | | |
|-------------------------|---------------------------|----------------------------|
| DiMattia, Michael J. | Grieb, John T. | Konia, Charles A. |
| Dooley, Kathleen H. | Harmon, Jonathan P. | Kratz, Timothy H. |
| Downing, Scott P. | Harmon, T. C. | Kromkowski, Mark A. |
| Edwards, Elizabeth F. | Hartsell, David L. | Krueger, Kurt J. |
| Ensing, Donald A. | Hatcher, J. K. | Kutrow, Bradley R. |
| Evans, Jason D. | Hayden, Patrick L. | La Fratta, Mark J. |
| Ey, Douglas W., Jr. | Hayes, Dion W. | Lamb, Douglas E. |
| Farrell, Thomas M. | Hedrick, James T., Jr. | Lapp, David R. |
| Feller, Howard (nmi) | Hilton, Robert C. | Lias-Booker, Ava E. |
| Finger, Jon W. | Horne, Patrick T. | Link, Vishwa B. |
| Finkelson, David E. | Hornyak, David J. | Little, Nancy R. |
| Foley, Douglas M. | Hosmer, Patricia F. | Long, William M. |
| Fox, Charles D., IV | Hutson, Benne C. | Lukitsch, Bethany G. |
| Franklin, Ronald G. | Isaf, Fred T. | Mandel, Michael D. |
| Fratkin, Bryan A. | Jackson, J. B. | Manning, Amy B. |
| Freedlander, Mark E. | Jewett, Bryce D., III | Marianes, William B. |
| Freeman, Jeremy D. | Jordan, Hilary P. | Marshall, Gary S. |
| Fuhr, Joy C. | Justus, J. B. | Marshall, Harrison L., Jr. |
| Gambill, Michael A. | Kahn, Brian A. | Marsico, Leonard J. |
| Glassman, Margaret M. | Kanazawa, Sidney K. | Martin, Cecil E., III |
| Glickson, Scott L. | Kane, Matthew C. | Martin, George K. |
| Gold, Stephen (nmi) | Kang, Franklin D. | Martinez, Peter W. |
| Goldstein, Philip (nmi) | Kannensohn, Kimberly J. | Mason, Richard J. |
| Grant, Richard S. | Katsantonis, Joanne (nmi) | Mathews, Eugene E., III |
| Greenberg, Richard T. | Keeler, Steven J. | Mayberry, William C. |
| Greene, Christopher K. | Kilpatrick, Gregory R. | McDonald, John G. |
| Greenspan, David L. | King, Donald E. | McFarland, Robert W. |
| Gresham, A. B. | Kobayashi, Naho (nmi) | McGinnis, Kevin A. |

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

SP 2015-SP-100

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

Page 2 of 2

Special Permit/Variance Attachment to Par. 1(c)

DATE: MAR 16 2015
(enter date affidavit is notarized)

130239

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

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

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

- | | | |
|----------------------------|----------------------------|-------------------------|
| McIntyre, Charles W. | Rak, Jonathan P. | Stallings, Thomas J. |
| McKinnon, Michele A. | Reid, Joseph K., III | Steen, Bruce M. |
| McLean, David P. | Richardson, David L. | Stein, Marta A. |
| McLean, J. D. | Riegle, Gregory A. | Stone, Jacquelyn E. |
| McNab, S. K. | Riley, James B., Jr. | Swan, David I. |
| McRill, Emery B. | Riopelle, Brian C. | Symons, Noel H. |
| Michalik, Christopher M. | Roberts, Manley W. | Tackley, Michael O. |
| Milianti, Peter A. | Robinson, Stephen W. | Tarry, Samuel L., Jr. |
| Miller, Amy E. | Roeschenthaler, Michael J. | Taylor, R. T. |
| Moldovan, Victor L. | Rogers, Marvin L. | Thanner, Christopher J. |
| Muckenfuss, Robert A. | Rohman, Thomas P. | Thornhill, James A. |
| Mullins, P. T. | Ronn, David L. | Van Horn, James E. |
| Murphy, Sean F. | Rosen, Gregg M. | Vance, Robin C. |
| Nahal, Hardeep S. | Russo, Angelo M. | Vaughn, Scott P. |
| Natarajan, Rajsekhar (nmi) | Rust, Dana L. | Vick, Howard C., Jr. |
| Neale, James F. | Satterwhite, Rodney A. | Viola, Richard W. |
| Nesbit, Christopher S. | Scheurer, Philip C. | Wade, H. L., Jr. |
| Newhouse, Philip J. | Schewel, Michael J. | Walker, John T., IV |
| O'Grady, John B. | Schmidt, Gordon W. | Walker, Thomas R. |
| Oakey, David N. | Sellers, Jane W. | Walker, W. K., Jr. |
| Older, Stephen E. | Sethi, Akash D. | Walsh, Amber M. |
| Oostdyk, Scott C. | Shelley, Patrick M. | Westwood, Scott E. |
| Padgett, John D. | Simmons, L. D., II | Whelpley, David B., Jr. |
| Parker, Brian K. | Simmons, Robert W. | White, H. R., III |
| Perzek, Philip J. | Slaughter, D. F. | White, Walter H., Jr. |
| Phillips, Michael R. | Slone, Daniel K. | Wilburn, John D. |
| Pryor, Robert H. | Spahn, Thomas E. | Williams, Steven R. |
| Pumphrey, Brian E. | Spitz, Joel H. | Woodward, Michael B. |
| Pusateri, David P. | Spivey, Angela M. | Wren, Elizabeth G. |

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

Application No.(s):

SP 2015-SP-100

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: MAR 16 2015
(enter date affidavit is notarized)

130239

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

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

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

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

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

NONE

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

Application No.(s): SP 2015 - SP-100
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: MAR 16 2015 120239
(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.)

NONE

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

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

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

WITNESS the following signature:

[Signature]
[] Applicant [x] Applicant's Authorized Agent

Scott E. Adams, Esquire
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 16th day of March 2015, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 5/31/2016



This 25th day of May, 2015

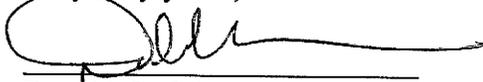
Ms. Barbara C. Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

RE: Consent for Special Permit Application for Property Referenced As Tax Map Number 95-1-((06))-0005

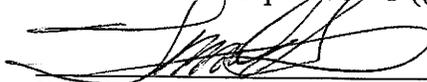
Dear Ms. Berlin:

The undersigned, as owner of the above-referenced property and the applicant for a special permit, hereby authorizes McGuireWoods LLP to act as my agent in this special permit application.

Very truly yours,



Donald G. Gibson
Owner of Tax Map No. 95-1-((06))-5



Tina E. Gibson
Owner of Tax Map No. 95-1-((06))-5

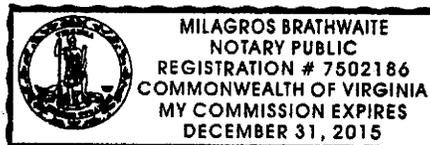
STATE OF Virginia
COUNTY OF Fairfax, to wit

I, the undersigned Notary Public in and for the jurisdiction aforesaid, do hereby certify that Donald G. Gibson, whose name is signed to the foregoing instrument, personally appeared before me in my jurisdiction aforesaid and acknowledged the same.

GIVEN under my hand and seal this 25 day of May, 2015.

Notary Public Milagros Brathwaite

My Commission Expires: 12/31/2015
Registration Number: 7502186



This 25th day of May, 2015

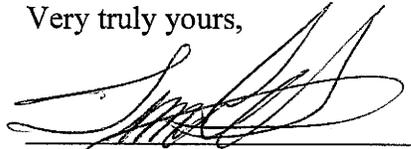
Ms. Barbara C. Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

**RE: Cousent for Special Permit Applicatiou for Property Refereued As Tax Map
Number 95-1-((06))-0005**

Dear Ms. Berlin:

The undersigned, as owner of the above-referenced property and the applicant for a special permit, hereby authorizes McGuireWoods LLP to act as my agent in this special permit application.

Very truly yours,



Tina E. Gibson

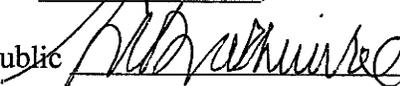
Owner of Tax Map No. 95-1-((06))-5

STATE OF VIRGINIA
COUNTY OF FAIRFAX, to wit

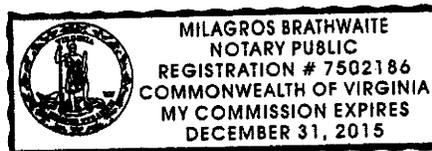
I, the undersigned Notary Public in and for the jurisdiction aforesaid, do hereby certify that Tina E. Gibson, whose name is signed to the foregoing instrument, personally appeared before me in my jurisdiction aforesaid and acknowledged the same.

GIVEN under my hand and seal this 25 day of MAY, 2015.

Notary Public



My Commission Expires: 12/31/2015
Registration Number: 7502186





Land Development Information History: FIDO - DCC - Complaint 100678

Complaint Details

Complaint #	100678
Street Address	012215 HENDERSON RD
Magisterial District	Springfield
Complaint Description	Unpermitted Addition
Agency	DCC
Status	Under Investigation
Opened Date	2013-11-20
Closed Date	
Disposition	
Inspector Assigned	Rakesh Kapoor
Notice of Violation and/or Corrective Work Order	Yes
Litigation	No

Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
Phone: County Main Number - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

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County of Fairfax, Virginia

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

Return Copy
 [unclear] Copy

CORRECTIVE WORK ORDER Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: November 22, 2013

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Gibson Donald G
 Gibson Tina E

ADDRESS: 12215 Henderson Road
 Fairfax, VA 22038

LOCATION OF VIOLATION: 12215 Henderson Road
 Clifton, VA 20124-2213

TAX MAP REF: 0951 06 0005

CASE #: 201307983 **SR#:** 100678

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011, an inspection on November 21, 2013 revealed a violation or violations as listed below at the referenced location. The cited violation(s) must be corrected within 20 calendar days from receipt of this notice unless otherwise indicated.

Explanation: On November 21, 2013, County staff inspected the above referenced premises and discovered that a detach garage being built without the issuance of the required permit or permits, inspections, and approvals.

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

Corrective Action Required: Apply for and obtain all necessary County permits for the work described above within 20 calendar days from the date you receive this Order, or obtain a County permit to demolish the work described above within the same timeframe.

1. Schedule and pass the required County inspection(s) for the work described above within 30 calendar days from the date you are issued the required permit or permits for construction or demolition.

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/codc

Gibson Donald G, Gibson Tina E

November 21, 2013

SR 100678

Page 2

2. Contact me at (703)324-9321 within the timeframe established to confirm the violation(s) have been abated.
3. Call (703)222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201307983.

Note:

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

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

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

*Additional fees for unpermitted work may apply.

You are directed to notify Rakesh Kapoor by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703)324-9321 within three (3) working days from the date you receive this Order, of your election to accept or reject the terms of this Order. Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703)324-9321 or the main office at (703)324-1300.

Notice Issued By:



Signature

Gibson Donald G, Gibson Tina E
November 21, 2013
SR 100678
Page 3

Rakesh Kapoor
(703)324-9321
Department of Code Compliance Investigator III

CC: Case File
Chuck O'Donnell, Residential Inspections Branch Chief



County of Fairfax, Virginia

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

NOTICE OF VIOLATION Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: February 05, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Gibson Donald G
Gibson Tina E

ADDRESS: 12215 Henderson Road
Clifton, VA 20124-2213

TAX MAP REF: 0951 06 0005

LOCATION OF VIOLATION: 12215 Henderson Road
Clifton, VA 20124-2213

CASE #: 201307983 **SR#:** 100678

You were issued a Corrective Work Order on November 22, 2013 for violations of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011. Staff confirmed on January 5, 2014 that the violations itemized below remain.

Explanation: On February 05, 2014 County staff inspected the above referenced premises and discovered that a detach garage being built without the issuance of a Building Permit, inspections, and approvals.

Order: Pursuant to *Section 108.1 When applications are required*, *Section 113.3 Minimum Inspections*, *Section 113.8 Final Inspection*, and *Section 116.1 Certificates of Occupancy*, of the USBC, 2009 edition, you are hereby directed to apply for and obtain the required permits, inspections, and approvals for the work described above or demolition of same at the above referenced address.

Corrective Action Required:

1. Apply for and obtain all necessary County Permits for the work described above within 20 calendar days from the date you receive this Notice, or obtain a County permit to demolish the work described above within the same timeframe.
2. Schedule and pass the required County inspection(s) for the work described above within 30 calendar days from the date you received this notice.

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

Gibson Donald G, Gibson Tina E

February 05, 2014

SR 100678

Page 2

3. Contact me at (703)324-9321 within the timeframe established to confirm the violation(s) has/have been abated.
4. Call (703)222-0455 to schedule all inspections related to this matter. Please reference CASE #: 201307983.

Note:

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

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

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

*Additional fees for unpermitted work may apply.

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

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

Information and forms can also be obtained at:

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

Gibson Donald G, Gibson Tina E

February 05, 2014

SR 100678

Page 3

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

If you have any questions, would like to schedule an appointment to meet with me, or schedule a site visit, please contact me directly at (703)324-9321 or the main office at (703)324-1300.

Notice Issued By:



Signature

Rakesh Kapoor

(703)324-9321

Department of Code Compliance Investigator III

CC: Case File

Chuck O'Donnell, Residential Inspections Branch Chief



Land Development Information History: FIDO - DETACHED R - 133390132

Permit Information

Permit Number:	133390132	Application Date:	
Permit Type:	DETACHED STRUCTURE RESIDENTIAL	Tax Map:	095-1 ((06)) 0005
Job Address:	012215 HENDERSON RD CLIFTON , VA 20124-2213	Permit Status:	Application Processed
Location:		Bldg:	Floor: Suite:
Subdivision:	STONEHEDGE SECTION 1	Permit Fee:	\$4.91
Magisterial District:	SPRINGFIELD		
Subcensus Tract:			
AP (Tenant) Name:	N.A.		
Work Description:	BUILD THREE CAR DETACHED GARAGE		
Type of Work:	GARAGE		
Building Use:	SFD - SINGLE FAMILY DWELLING		
Standard:	IR09 - IRC 2009		
Plan Number:	W-13-6572		
Parent Permit:			
ISIS Permit:			
Type of Const:	VB		
Use Group:	R5		
Comments:			

Link to FIDO record : [133390132](#)

Owner Information

Owner: GIBSON DONALD G

Contractor Information**Address:****City:** FAIRFAX **State:** VA **Zip:** 22038**Name:** OWNER IS CONTRACTOR**Address:****City:** **State:** VA **Zip:****Trade Name:****BPOL License:****State License:****Trade Reg.:****Applicant Information****Applicant:****Address:****City:** **State:** **Zip:****Other Contact Information****Contact:****Address:****City:** **State:** **Zip:****Inspections**

There were no inspections.

Reviews**Review - BUILDING - (BUILDING REVIEW) - 2285968**

Review Type	Review Date	Reviewer	Started	Status
BUILDING			N	Incomplete

Review - HEALTH - (HEALTH REVIEW) - 2285965

Review Type	Review Date	Reviewer	Started	Status
HEALTH			N	Incomplete

Review - SITEPERMIT - (SITE PERMITS REVIEW) - 2285966

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT			N	Incomplete

Review - ZONING - (ZONING REVIEW) - 2285967

Review Type	Review Date	Reviewer	Started	Status
ZONING			N	Incomplete

Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
Phone:County Main Number - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

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8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

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

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

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

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

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

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