



APPLICATION ACCEPTED: May 1, 2015
DATE OF PUBLIC HEARING: October 28, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

October 21, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-LE-074

LEE DISTRICT

APPLICANTS/OWNERS: Jose O. Reyes
Mirna E. Reyes

LOCATION: 6007 Hibbling Ave., Springfield, 22150

SUBDIVISION: Monticello Forest

TAX MAP: 80-3 ((3)) (11) 26

LOT SIZE: 10,484 square feet

ZONING: R-4

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction to the minimum rear yard requirements based on error in building location to permit an addition to remain 8.9 feet from a side lot line.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

Erin M. Haley

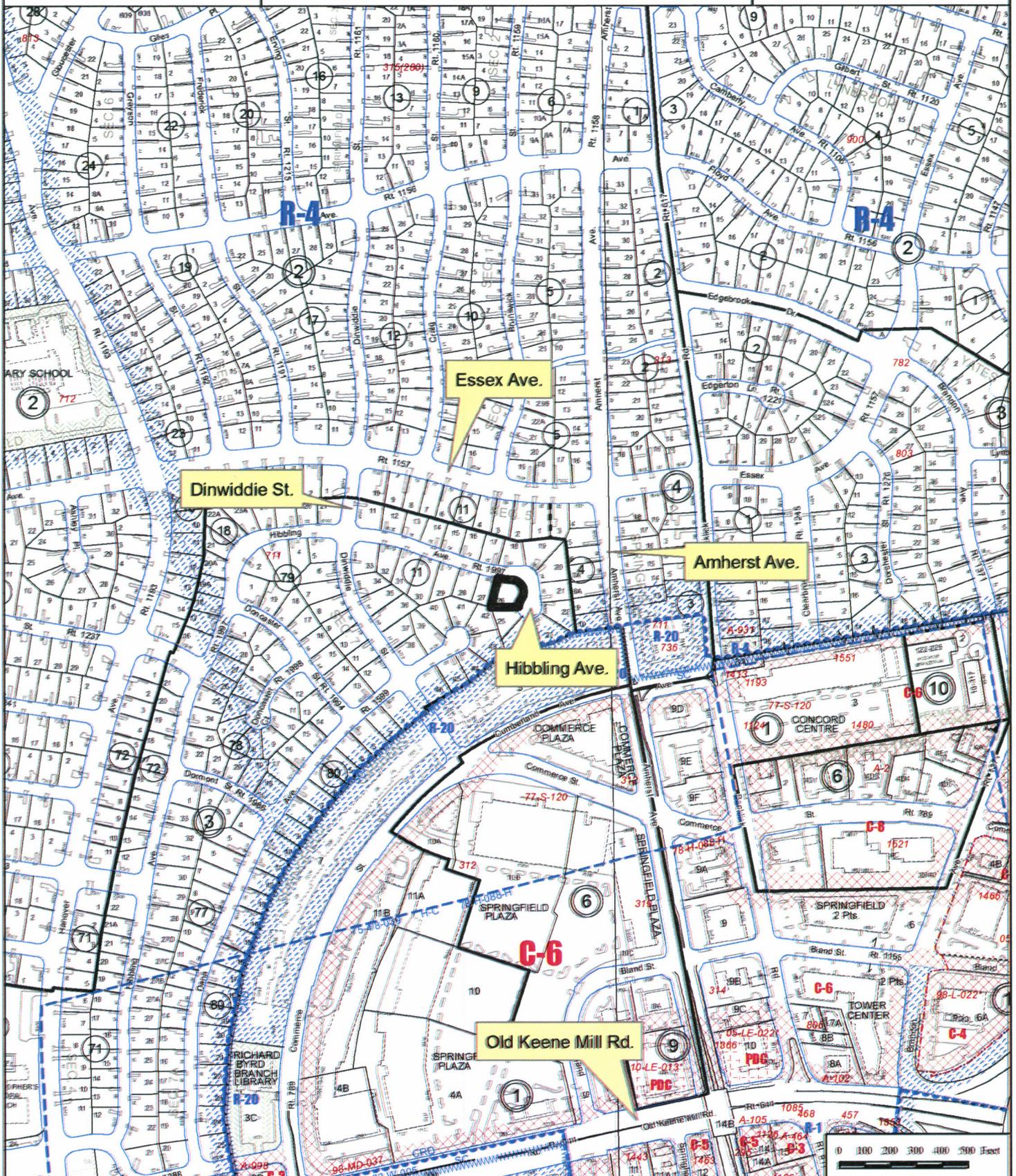
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



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



Special Permit SP 2015-LE-074 JOSE O. & MIRNA E. REYES



DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit to allow a modification of the minimum yard requirements based on an error in building location, to permit an addition (enclosed carport approximately 203.3 square feet in size and 14.4 feet in height) to remain 8.9 feet from a side lot line. A minimum side yard of 10.0 feet is required in an R-4 District; therefore a modification of 1.1 feet from a side yard is requested.

A copy of the special permit plat depicting the structures on site titled, "Special Permit Plat, Lot 26, Block 11, Section 7, Monticello Forest," prepared by Michael L. Flynn, Land Surveyor, of Merestone Land Surveying, PLLC, dated April 6, 2015, is included at the front of the staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,484 square foot subject property is developed with a split level, single family detached dwelling. A brick driveway provides access to the property from Hibbling Avenue. A carport was formerly located on the western side of the house, but has since been enclosed and turned into living space. A brick walkway runs from the driveway to the front stoop. A concrete walkway provides access to another entrance on the eastern façade of the house. A patio is located at the rear of the house. A chain link fence 3.5 feet in height extends from the rear of the house to the rear property line and then to the western side lot line where it attaches to a wood fence 6.0 feet in height that finishes enclosing the rear yard and attaches to the western side of the house.



The property is a corner lot where Hibbling Avenue turns south into a cul-de-sac. It is located north of Springfield Plaza and west of Amherst Avenue. The subject property and surrounding properties are zoned R-4 and developed with single family detached dwellings.

BACKGROUND

According to Fairfax County Tax Records and building permit records, the house was constructed on the property in 1959 and purchased by the applicants in 2004.

On July 1, 2014, County staff responded to an anonymous complaint and inspected the property. Staff subsequently discovered several building code violations including the following; the carport had been converted to a habitable bedroom with a full bathroom; the living room had been partitioned off to create a bedroom; the existing basement recreation room was partitioned off to create a bedroom; a half bathroom had been reconfigured to add a shower; and the gas water heater and gas furnace had been replaced without the issuance of required permits, inspections, or approvals. A Corrective Work Order was issued to the applicant on July 3, 2014 requiring them to bring all of the violations into conformance with the Virginia Uniform Statewide Building Code (USBC) 2009 Edition within 30 days (Appendix 4).

On August 13, 2014, a building permit was issued for enclosing the carport on the western façade of the house and adding a bathroom as well as other permits to address the noted violations. Relevant building permit information is included in Appendix 5. During the inspections process, it was discovered that the area of the enclosed carport addition did not meet required setbacks and the process was halted.

On October 23, 2014, County staff confirmed that all of the violations remained and a Notice of Violation for the building code violations was issued on October 27, 2014 (Appendix 6). In order to finish correcting these violations, the applicant was required to address the error in the location of the enclosed carport by applying for this special permit. The special permit application was submitted on January 27, 2015.

The applicant's statement of justification states that in 2008, they enclosed the existing carport. They had checked the County website and discovered that such a project did not require a Grading Plan and concluded that meant that no building permits were required. Several other houses in the neighborhood have enclosed their carports.

Records indicate that other applications to allow reductions in minimum required yards due to errors in building location for additions have been heard by the Board of Zoning Appeals (BZA) in the surrounding area (Appendix 7).

ZONING DISTRICT STANDARDS

Bulk Standards (R-4)		
Standard	Required	Provided
Lot Size	8,400 sf.	10,484 sf.
Lot Width	Corner: 90 feet	103 feet
Building Height	35 feet	20.2 feet

Bulk Standards (R-4)		
Standard	Required	Provided
Front Yard	30 feet	35.0 feet
Side Yard	10 feet	8.9 feet (to enclosed carport)
Rear Yard	25 feet	32.4 feet

ZONING ORDINANCE REQUIREMENTS

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

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

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification with Select File Photographs
3. Applicant's Affidavit
4. Corrective Work Order
5. Relevant Building Permit History
6. Notice of Violation
7. Similar Case History
8. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-LE-074****October 21, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-LE-074 located on property described as Tax Map 80-3 ((3)) (11) 26 to permit a reduction in minimum yard requirements based on error in building location pursuant to Section 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location of the dwelling as shown on the plat titled, "Special Permit Plat, Lot 26, Block 11, Section 7, Monticello Forest," prepared by Michael L. Flynn, Land Surveyor, of Merestone Land Surveying, PLLC, dated April 6, 2015.

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.

JAN 26 2015

Zoning Evaluation Division

Statement of Justification

Special Permit

6007 Hibbling Avenue, Alexandria Va. 22150

The following is a statement of justification for the Special Permit on the project stated above. The Special Permit is being requested to allow an existing enclosed carport to remain 8.9 feet from the side lot line. Below is the justification keyed to list provided within the Special Permit Application Package (page 15):

- A. Type of Operation: Existing Residential Dwelling with enclosed carport.
- B. Hours of Operation: N/A, non-commercial use, private residence only.
- C. Estimated number of patrons / clients/ patients/ pupils etc.: N/A (only those associated with a single family residential use)
- D. Proposed number of employees / attendants / teachers etc.: N/A
- E. Estimate of traffic impact of the proposed use: There is no proposed change or increase in use or any estimated impact on traffic.
- F. Vicinity or general area to be served by the use: The enclosed carport is on the west side of the existing dwelling.
- G. Description of building façade and architecture of proposed buildings or additions: N/A (no new construction)
- H. A listing, if known of all hazardous or toxic substances: N/A (no hazardous substances are currently used or proposed to be used on this site. Only those substances which are normally associated with a residential use, such as standard cleaning products, shall be used on-site and those are not considered hazardous. No commercial venture is existing or proposed on this site.)
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances: The proposed use is to allow an existing use to remain as is. We purchased the house in November of 2004, in good faith. At the time we purchased it there was an existing carport that was not enclosed. Since we had an existing structure with a roof and foundation we were unaware that a permit was required to enclose it back in 2008. We had checked the County websites and asked some neighbors if a permit was required. The website let us know a Grading Plan was not required and we mistook this information as not requiring any plans. We also noticed several neighbors had enclosed their carports with garages or rooms and had assumed that as long as we didn't expand our footprint we were still within the required setbacks. The enclosed carport has been in it's present condition since 2008 and we have had no problems with neighbors concerning the enclosure. Recently we were informed by the County to either get a permit to demolish the enclosed carport or obtain approvals for it to remain. We are attempting with this letter to get a Special Permit to allow the enclosed porch to continue its current encroachment into the side yard. The existing enclosed carport is 8.9 feet from the side lot line where a 10 foot setback is required. The enclosed carport does not encroach within the allowable front or rear yards. Other than the encroachment mentioned above there are no other portions of the site that are non-conforming. An error in building location in accordance with ZO 8-914 is being requested in conjunction with this Special Permit. See information below stating how the site meets the requirements of the error in building location.

Since the condition is of our own making, but not done with malice, it is our request that the existing non-conformity be allowed via the Special Permit process. The enclosed carport is consistent with

surrounding properties and properties in the immediate vicinity which have rambler type dwellings with small enclosed additions on the side of the dwelling (such as garages and rooms which appear to be enclosed similar to ours), therefore, I do not feel allowing this would be out of character of the neighborhood. It is our wish that we be allowed to keep and maintain the existing enclosed carport.

This statement further asserts that per the Zoning Ordinance Section for "Error in Building Location" (ZO 8-914 (2)) the site meets the following criteria. Compliance is shown in parenthesis below each item:

- A. The error exceeds ten (10) percent of the measurement involved, or
(The required side yard is 1 feet and the current side yard is 8.9 feet. Therefore the encroachment of 1.1 feet is greater than 10%)
- 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
(A Special Permit is being requested along with the Error in Building Location which exceeds 10%)
- 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
(The Error in Building Location was done in good faith. Whereas we assumed that if we stayed within the footprint of the existing roofed structure that we would not be encroaching into the required setback. We also assumed that a carport had the same setback requirement as an enclosed portion of the house. We had checked to see if we needed a Grading Plan and when we found out that was not needed we wrongly assumed no other plans or approvals were needed.)
- D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
(The granting of this modification would not impair the ordinance as it would allow us only to keep an encroachment that was not caused by us and it would only apply to the existing dwelling not new construction after this date.)
- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
(This enclosed carport has been an existing condition for a while and we have not had any issues which inhibit the enjoyment and use of our neighbors. The encroachment is entirely on our property and does not encroach on others)
- F. It will not create an unsafe condition with respect to both other property and public streets, and
(The encroachment into the side yard is entirely on our property and does not create any unsafe conditions to the public street or neighbors. The structure is sound and setback 8.9 feet from the side line. The structure does not affect the movement or site lines on the neighbors or within the public street.)

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

(We feel that enforcement of compliance would require us to remove a portion of our home that is in noncompliance through no malice or forethought on our own. This would not only come as a great expense to us but also reduce the livable space within our home. Since this encroachment does not affect our neighbors we feel that removal of the encroachment would be an undue hardship.)

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 modification to allow this encroachment would have no effect on the site density, as no new lots are being created. The current zoning (R-4) does not have a maximum floor area ratio for single-family dwellings.)

Sincerely,

Jose Reyes

A handwritten signature in blue ink, appearing to read "Jose Reyes", with a stylized flourish at the end.















REAR YARD









HOUSE



HOUSE TO SOUTH
w/ SIMILAR



EAST



ROSS HIBBLING AVE
ENCLOSURE

Application No.(s): SP 2015-LE-074
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1-26-15
(enter date affidavit is notarized)

I, JOSE O. REYES, 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)
JOSE O. REYES MIRNA E. REYES	6007 HIBBLING AVE. SPRINGFIELD VA. 22150	APPLICANT / OWNERS
MERESTONE LAND SURVEYING PLLC (MICHAEL L. FLYNN) (ROGER K. BOHR)	1229 GARRISONVILLE RD # 105 STAFFORD VA. 22556	AGENT / SURVEYOR

(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: 1-26-15
(enter date affidavit is notarized)

130278

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)

MERESTONE LAND SURVEYING PLLC
1229 GARRISONVILLE RD. #105
STAFFORD VA. 22556

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)

MICHAEL L. FLYNN

(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: 1-26-15
(enter date affidavit is notarized)

130276

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**)

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1-26-15
(enter date affidavit is notarized)

130276

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

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

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

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

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

NONE

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

Application No.(s): _____

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1-26-15
(enter date affidavit is notarized)

130276

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)



Applicant [] Applicant's Authorized Agent

Jose, O. Reyes
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 26th day of January, 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Fatemeh Alavi
Notary Public

My commission expires: 12/31/2017







County of Fairfax, Virginia



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

CORRECTIVE WORK ORDER Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: July 3, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Jose O. Reyes
Mirna E. Reyes

ADDRESS: 6007 Hibbling Ave.
Springfield, VA 22150

LOCATION OF VIOLATION: 6007 Hibbling Ave.
Springfield, VA 22150

TAX MAP REF: 0803 03110026

CASE #: 201404644 **SR#:** 106866

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011, an inspection on July 01, 2014 revealed a violation or violations as listed below at the referenced location. The cited violation(s) must be corrected within 30 calendar days from receipt of this notice unless otherwise indicated.

Explanation: On July 01, 2014, County staff inspected the above referenced premises and discovered several violations to include but not limited to the following; (a) the existing garage has been converted into a habitable bedroom with a full bathroom; (b) the living room has been partitioned off to create a bedroom; (c) the existing basement recreation room was partitioned off to create a bedroom; (d) the existing half bathroom has been reconfigured to add a shower and change the separation wall to the furnace room and entry to both; (e) The gas water heater and gas furnace have been replaced. This regulated work was performed 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.

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

Jose O. Reyes
Mirna E. Reyes
July 3, 2014
SR 106866
Page 2

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

1. Schedule and pass the required County inspection(s) for the work described above within 30 calendar days from the date you are issued the required permit or permits for construction or demolition.
2. Contact me at (703)324-9329 within the timeframe established to confirm the violation(s) have been abated.
3. Call (703)222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201404644.

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 Ricky Antonowics by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703)324-9329 within three (3) working days from the date you receive this Order, of your election to accept or reject the terms of this Order. Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.

Jose O. Reyes
Mirna E. Reyes
July 3, 2014
SR 106866
Page 3

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

Notice Issued By:



Signature

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

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

**Building Permit
 Zoning Review**

*This document does not reflect the final APPENDIX 5
 Building Permit approval.*

8/13/14 12:16:33PM

Bldg Permit #: **142030272** **MULTIPLE WORK PERMIT**

Address: 6007 HIBBLING AV
 SPRINGFIELD VA 22150-3326

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

Tax Map: 0803 03110026

Subdiv: **MONTICELLO FOREST LT 26 BLK 11 SEC 7**

0,484.00

Owner: REYES JOSE O
 6007 HIBBLING AV SPRINGFIELD VA 22150

Phone Day: (571)276-8987 x **Evening:**

Contractor:
 OWNER IS CONTRACTOR
 (999) 999-9999

Type of Work: MULTI WORK

Description of Work: enclose carport with bathroom, install shower in basement bathroom and demolish unpermitted walls on first floor and basement

ZPRB Review:

Date	Status
08/13/2014	ALANGH Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Exceeds 30%	Height	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback	Parking Requirement
R-4	N	N	10.00	N	N	N		Y	Y

Zoning Use

SFD

Yard/Setbacks:

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear
addition	36.00	0.00	0.00	0.00	12.00	50.00

USE GRP	CNST TYPE	BLDGAREA
R5	VB	270.00

DETAILS COMMENTS:

convert existing carport into living space. Adding bathroom only. Ok to approved per DCC R. Perrott

Subdivision: MONTICELLO FOREST LT 26 BLK 11 SEC 7

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

*Perrott
Reck*

RECEIVED
AUG 04 2014
BY: *Ken*
Date: 8/1/14

To: Karen McClellan
Operations Manager

From: Tammy Miller- ZPRB

Job Address: 6007 Hibbling Avenue

Permit #: 142030272

Department of Code Compliance Comments/Review:

8-5-14 OK RCP

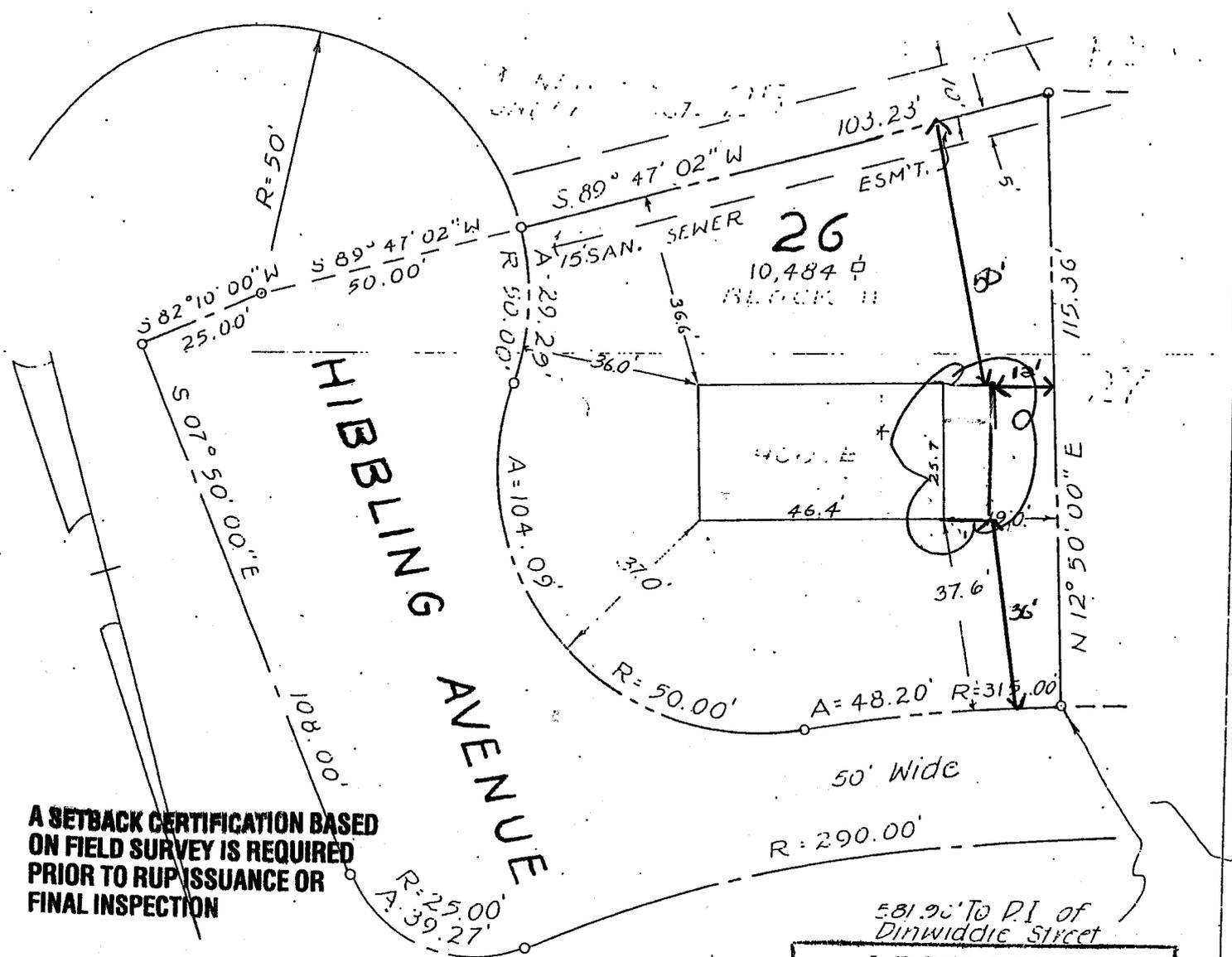
- Rachael Perrott

DCC Supervisor approval to review the permit application: RCP (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: *Rachael Perrott*

DCC Inspectors Phone #: *703-324-9331*

Date of approval/rejection:



A SETBACK CERTIFICATION BASED ON FIELD SURVEY IS REQUIRED PRIOR TO RUP ISSUANCE OR FINAL INSPECTION

581.90' To P.I. of Dinwiddie Street

APPROVED
J. Johnson
 ZONING ADMINISTRATOR
 DATE: MAR 26 1959

HOUSE LOCATION SURVEY
 LOT 26 BLOCK II
 SECTION SEVEN

MONTICELLO FOREST

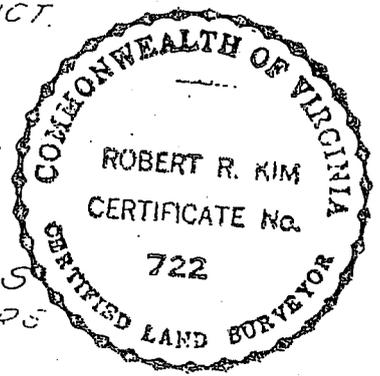
APPROVED MASON MAGISTERIAL DISTRICT
 FAIRFAX COUNTY VIRGINIA

4/11/59
J. Johnson
 Zoning Administrator
 Addition

Scale: 1/30

DEC 16, 1958

CARROLL - KIM AND ASSOCIATES
 PROFESSIONAL ENGINEERS & LAND SURVEYORS
 SPRINGFIELD, VIRGINIA



CERTIFIED: *Robert R. Kim*

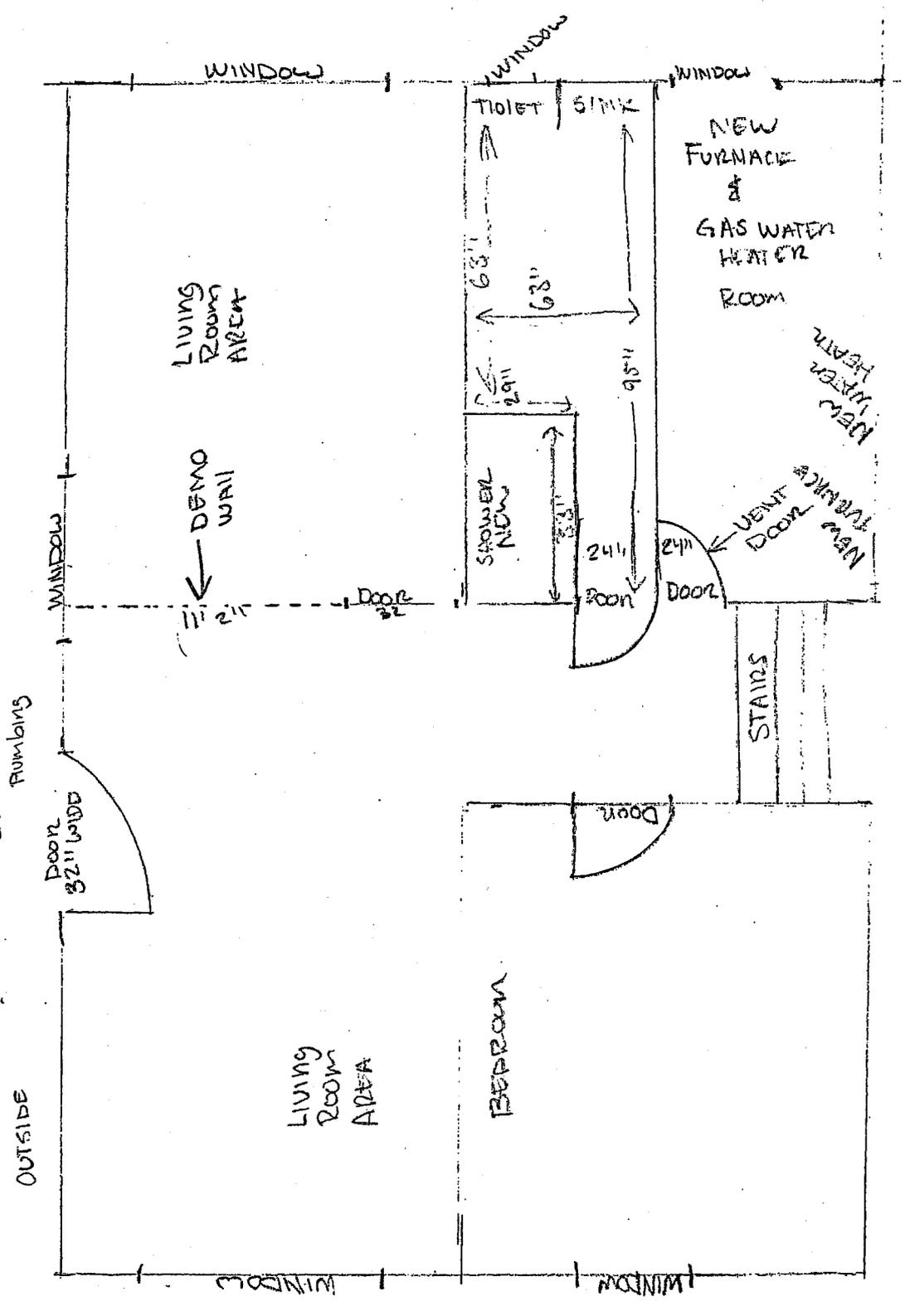
6007 Hidding Ave
 Springfield VA 22150

BASEMENT

DEMO PERMIT 10:
 1) REMOVE WALL BETWEEN
 Living Room To Convert
 Back to Living Room
 AREA

2) BUILD NEW SHOWER IN EXISTING 1/2 BATHROOM
 Plumbing

3) HOT WATER HEATER &
 GAS FURNACE
 4) SEPARATION ENTRY TO
 BATHROOM & FURNACE ROOM





County of Fairfax, Virginia

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

/ Return Copy

Return Copy
APPENDIX 6

NOTICE OF VIOLATION Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: October 27, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Jose O. Reyes
Mirna E. Reyes

ADDRESS: 6007 Hibbling Av
Springfield, VA 22150

TAX MAP REF: 0803 03110026

LOCATION OF VIOLATION: 6007 Hibbling Av
Springfield, VA 22150-3326

CASE #: 201404644 **SR#:** 106866

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

You were issued a Corrective Work Order on July 3, 2014, for violations of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011. Staff confirmed on October 23, 2014, that the violations itemized below remain.

Explanation: On July 01, 2014 County staff inspected the above referenced premises and discovered that a several violations to include but not limited to the following; (a) the existing garage has been converted into a habitable bedroom with a full bathroom; (b) the living room has been partitioned off to create a bedroom; (c) the existing basement recreation room was partitioned off to create a bedroom; (d) the existing half bathroom has been reconfigured to add a shower and change the separation wall to the furnace room and entry to both; (e) The gas water heater and gas furnace have been replaced without the issuance of a the required permits, inspections, and approvals.

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

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

Jose O. Reyes
Mirna E. Reyes
October 27, 2014
SR 106866
Page 2

Corrective Action Required:

1. Apply for and obtain all necessary County Permits for the work described above within 30 calendar days from the date you receive this Notice, or obtain a County permit to demolish the work described above within the same timeframe.
2. Schedule and pass the required County inspection(s) for the work described above within 30 calendar days from the date you received this notice.
3. Contact me at (703) 324-9329 within the timeframe established to confirm the violation(s) has/have been abated.
4. Call (703) 222-0455 to schedule all inspections related to this matter. Please reference CASE #: 201404644.

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

Jose O. Reyes
Mirna E. Reyes
October 27, 2014
SR 106866
Page 3

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

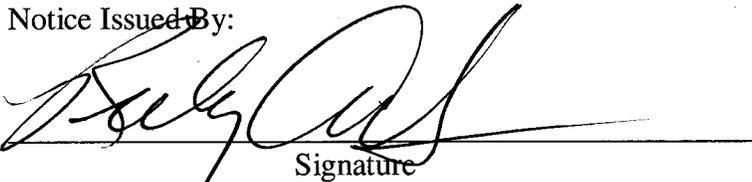
Information and forms can also be obtained at:

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

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

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

Notice Issued By:



Signature

Ricky Antonowics
(703) 324-9329
Rick.Antonowics@fairfaxcounty.gov
Technical Assistant to the Building Official
Department of Code Compliance

CC: Case File
Residential Inspections Branch Chief

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.

J. SILVER / 696

SERVING OFFICER

10-27-14 Stacey A. Kincaid, Sheriff
DATE Fairfax County, VA

PERSONAL SERVICE

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

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
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Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER

for _____

DATE

PERSONAL SERVICE

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

Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER

for _____

DATE

Similar Case History

Group: 00-L-029

SP 00-L-029

APPLICANT: ALEJOS, MARTA_
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 09/20/2000
ZONING DISTRICT: R- 3
DESCRIPTION: REDUCTION IN MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 9.7 FT. FROM SIDE LOT LINE
LOCATION: 7506 MENDOTA PL.
TAX MAP #S:
 0803 02560009

Group: 00-L-047

SP 00-L-047

APPLICANT: GUEVERA, RAIMUNDO AND MENDIETA, SANTA L.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 10/17/2000
ZONING DISTRICT: R- 3
DESCRIPTION: REDUCTION IN MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 5.7 FT. FROM SIDE LOT LINE
LOCATION: 6305 DANA AVENUE, SPRINGFIELD, VA. 22150
TAX MAP #S:
 0803 03800017

Group: 01-L-014

SP 01-L-014

APPLICANT: RIGOBERTO POSADA
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 06/19/2001
ZONING DISTRICT: R- 3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 2.7 FT. FROM SIDE LOT LINE
LOCATION: 7417 GARY STREET
TAX MAP #S:
 0803 02430010

Group: 95-L-053**SP 95-L-053**

APPLICANT: ELEANOR W WILLIAMS
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 10/10/1995
ZONING DISTRICT: R- 4
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 4.0 FT. FROM SIDE LOT LINE
LOCATION: 6006 FREDERICK STREET
TAX MAP #S:
 0803 02190004

Group: 97-L-032**SP 97-L-032**

APPLICANT: SALVADOR R PEREZ
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 12/24/1997
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 10.5 FT. FROM SIDE LOT LINE ***** THE BOARD WAIVED THE 12-MONTH WAITING PERIOD FOR FILING FOR VARIANCE ***
LOCATION: 7304 CHARLOTTE STREET
TAX MAP #S:
 0803 02350017

Group: 2002-LE-029**SP 2002-LE-029**

APPLICANT: JOSE A MENDEZ
STATUS: DISMISSED
STATUS/DECISION DTE: 08/29/2005
ZONING DISTRICT: R- 4
DESCRIPTION: REDUCTION TO THE MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STRUCTURE TO REMAIN 2.0 FEET FROM SIDE LOT LINE AND 2.3 FEET FROM REAR LOT LINE
LOCATION: 5914 ERVING STREET
TAX MAP #S:
 0803 02200008

Group: 2002-LE-048**SP 2002-LE-048**

APPLICANT: ISAIAS MEJIA
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 11/13/2002
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 9.5 FEET FROM SIDE LOT LINE
LOCATION: 7209 MONTICELLO BOULEVARD
TAX MAP #S:
 0803 03720009

Group: 2003-LE-001**SP 2003-LE-001**

APPLICANT: ROBERT E. L. DAVIS & ANA MARIA DAVIS
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 04/02/2003
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO THE MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STRUCTURE TO REMAIN 2.9 FEET AND EAVE 2.3 FEET FROM SIDE LOT LINE AND FENCE GREATER THAN 4.0 FEET TO REMAIN IN FRONT YARD
LOCATION: 6400 JULIAN STREET
TAX MAP #S:
 0803 03410001

Group: 2003-LE-043**SP 2003-LE-043**[STAFF REPORT](#)

APPLICANT: THUYET V. HO
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 03/31/2004
ZONING DISTRICT: R-4
 R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DWELLING TO REMAIN 7.1 FEET FROM SIDE LOT LINE AND SHED TO REMAIN 5.0 FEET AND 4.0 FEET FROM SIDE LOT LINES AND 3.0 FEET FROM REAR LOTLINE
LOCATION: 7202 DORMONT STREET
TAX MAP #S:
 0803 03780019

Group: 2004-LE-011**SP 2004-LE-011**[STAFF REPORT](#)

APPLICANT: RENE F. RAMIREZ AND ANNA HERNANDEZ
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 06/09/2004
ZONING DISTRICT: R-3
DESCRIPTION: MODIFICATION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 4.2 FEET FROM THE REAR LOT LINE AND 4.4 FEET WITH EAVE 3.4 FEET FROM THE SIDE LOT LINE
LOCATION: 6219 HANOVER AVENUE
TAX MAP #:
 0803 02720010

Group: 2005-LE-016**SP 2005-LE-016**[STAFF REPORT](#)

APPLICANT: SUE BENHUSSEIN
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 06/29/2005
ZONING DISTRICT: R-4
DESCRIPTION: TO PERMIT REDUCTION IN THE MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 0.4 FEET FROM SIDE LOT LINE.
LOCATION: 6007 DINWIDDIE STREET
TAX MAP #:
 0803 02120022

Group: 2005-LE-033**SP 2005-LE-033**

APPLICANT: ISRAEL, SILVIA LARIOS AND ANTONIO LARIOS
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 11/15/2005
ZONING DISTRICT: R-3
DESCRIPTION: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERRORS IN BUILDING LOCATIONS TO PERMIT DWELLING TO REMAIN 10.2 FEET, ROOFED DECK (OPEN PORCH) 0.4 FEET WITH EAVE 0.0 FEET, CARPORT 1.0 FEET WITH EAVE 0.3 FEET AND ROOFED (COVERED) DECK 0.0 FEET FROM SIDE LOT LINE, DECK (CONCRETE AND STONE PATIO) 0.4 FEET FROM SIDE AND 2.2 FEET FROM REAR LOT LINES AND ACCESSORY STORAGE STRUCTURE 2.2 FEET WITH EAVE 1.9 FEET FROM REAR AND 8.2 FEET FROM SIDE LOT LINES
LOCATION: 7320 BATH STREET
TAX MAP #:
 0803 02340020

Group: 2007-LE-031**SP 2007-LE-031**

APPLICANT: ISRAEL LARIOS, SILVIA LARIOS, & ANTONIO LARIOS
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 06/12/2007
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION IN THE MINIMUM YARD REQUIREMENTS BASED ON ERRORS IN BUILDING LOCATIONS TO PERMIT DWELLING TO REMAIN 10.2 FEET, ADDITION 9.2 FEET AND DECK 0.4 FEET FROM THE SIDE LOT LINE
LOCATION: 7320 BATH STREET
TAX MAP #5:
 0803 02340020

Group: 2009-LE-038**SP 2009-LE-038**

APPLICANT: ISRAEL LOPEZ
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 07/28/2009
ZONING DISTRICT: R-4
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 5.5 FEET FROM SIDE LOT LINE
LOCATION: 6205 DONCASTER COURT
TAX MAP #5:
 0803 03780010

Group: 2010-LE-022**SP 2010-LE-022**

APPLICANT: RAFAEL GONZALEZ
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 07/14/2010
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 3.3 FEET FROM SIDE LOT LINE
LOCATION: 5908 ATTEENTEE ROAD
TAX MAP #5:
 0803 02630013

Group: 2011-LE-012**SP 2011-LE-012**

APPLICANT: ERIC BONETTI
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 05/11/2011
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION OF THE MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DWELLING TO REMAIN 9.6 FEET FROM SIDE LOT LINE
LOCATION: 7314 BATH STREET
TAX MAP #5:
 0803 02340023

Group: 2011-LE-098**SP 2011-LE-098**

APPLICANT: SOUNIN PHONEMANY
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 01/25/2012
ZONING DISTRICT: R-4
DESCRIPTION: REDUCTION IN THE MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ROOFED DECK TO REMAIN 21.0 FEET FROM THE FRONT LOT LINE AND ACCESSORY STORAGE STRUCTURE TO REMAIN 1.1 FEET FROM THE REAR LOT LINE AND 0.6 FEET FROM THE SIDE LOT LINE
LOCATION: 6007 CRAIG STREET
TAX MAP #S:
 0803 02100027

Group: 2013-LE-021**SP 2013-LE-021**

APPLICANT: JOHN M YOUNG
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 05/15/2013
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION IN MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STRUCTURE TO REMAIN 0.5 FEET FROM SIDE LOT LINE
LOCATION: 7503 MENDOTA PLACE, SPRINGFIELD, VA 22150
TAX MAP #S:
 0803 02570012

Group: 2014-LE-215**SP 2014-LE-215**

APPLICANT: THANH P. DUONG, DIEM-NHIEN T. PHAM
STATUS: BZA DECISION
STATUS/DECISION DTE: 02/11/2015
ZONING DISTRICT: R-3
DESCRIPTION: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 10.7 FT FROM SIDE LOT LINE
LOCATION: 7311 EXMORE STREET, SPRINGFIELD, VA 22150
TAX MAP #S:
 0803 02360007

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.