



APPLICATION ACCEPTED: July 16, 2015
DATE OF PUBLIC HEARING: November 18, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

November 11, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-LE-109

LEE DISTRICT

APPLICANT/OWNER: Catherine Yen Hoang

LOCATION: 6104 North Kings Hwy., Fairfax, 22303

SUBDIVISION: Jefferson Manor

TAX MAP: 83-3 ((20)) (5) 1A

LOT SIZE: 4,171 square feet

ZONING: R-8

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction in minimum yard requirements based on errors in building locations to permit an accessory structure (gazebo) to remain 5.9 feet from a side lot line and 2.6 feet from a rear lot line, an accessory storage structure to remain 2.4 feet from a side lot line and 3.2 feet from a rear lot line, and a carport to remain 0.6 feet from a side lot line.

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

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

Paul S. Yoon

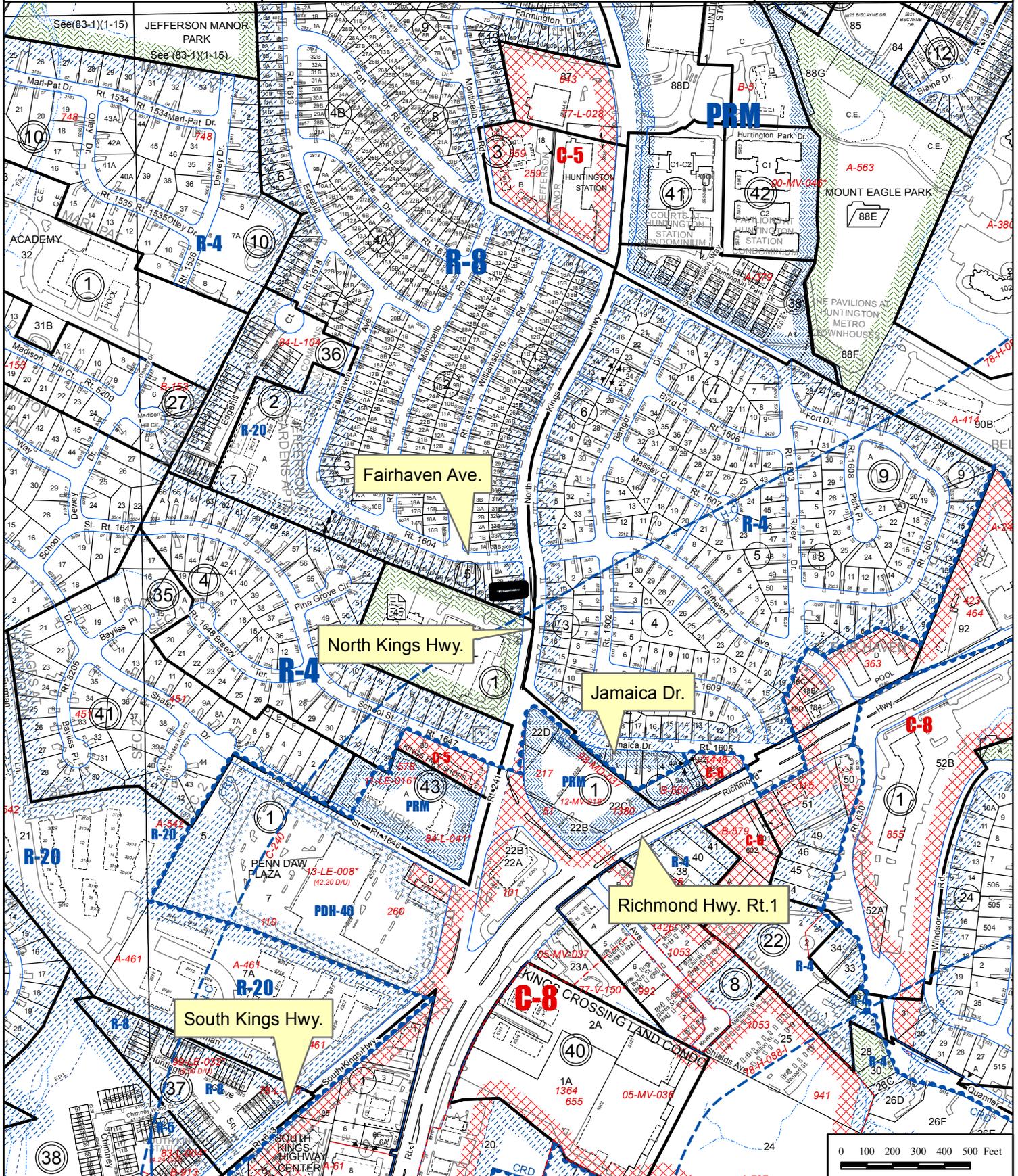
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



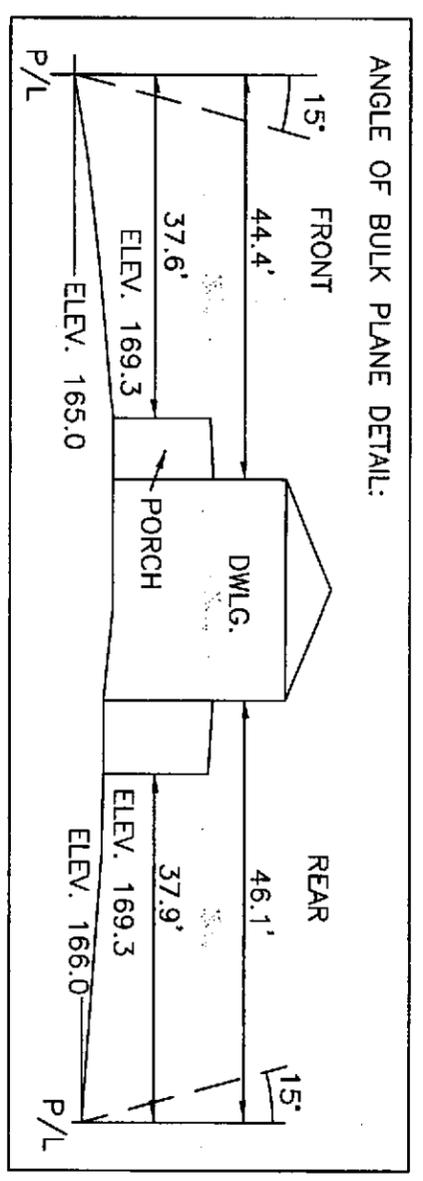
Special Permit SP 2015-LE-109 CATHERINE YEN HOANG



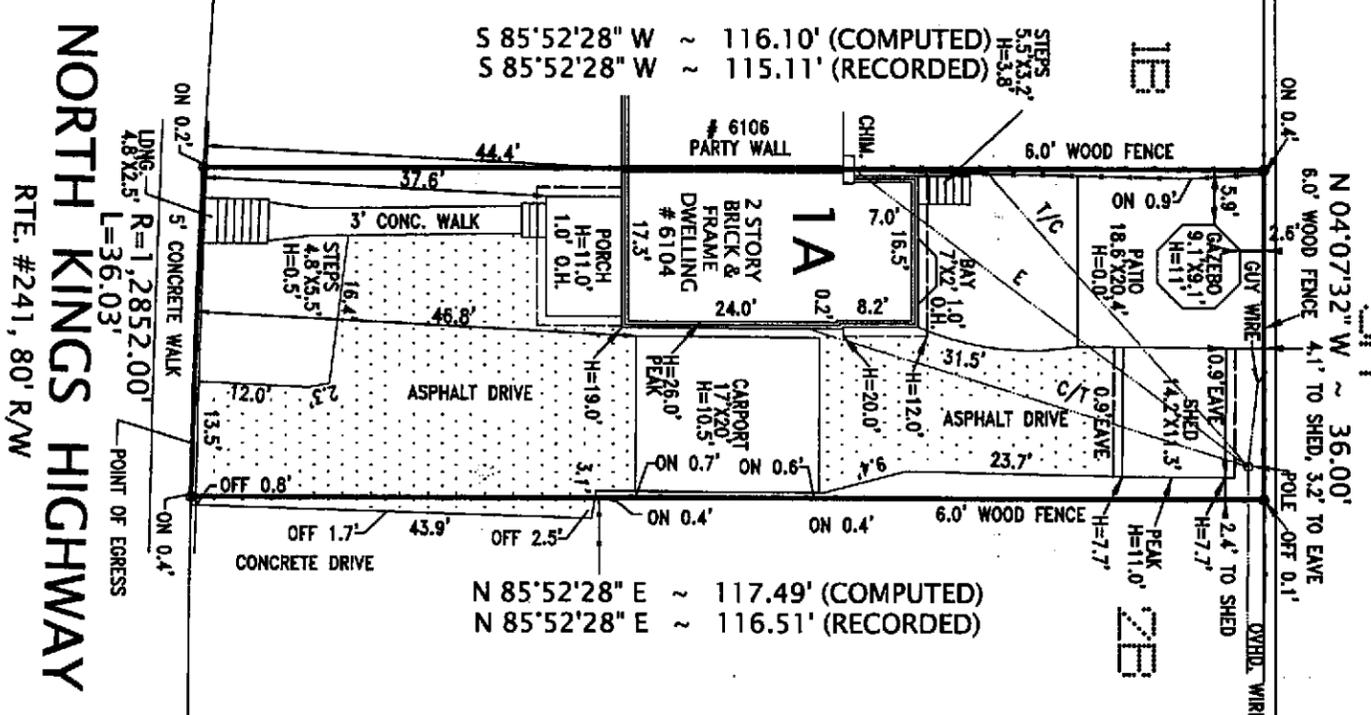
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Zoning Evaluation Division

- NOTES:
1. TM #0833 02050001A.
 2. ZONE: R-8
 3. SETBACKS: FRONT = 15' ABP N.L.T. 5', SIDE = 15' ABP N.L.T. 10', REAR = 10' ABP N.L.T. 20'.
 4. PROPERTY IS SERVED BY PUBLIC WATER AND WATER.
 5. THERE ARE NO KNOWN GRAVES OR STRUCTURES MARKING A PLACE OF BURIAL ON THIS SITE.
 6. THERE ARE NO MAJOR UNDERGROUND UTILITIES OR EASEMENTS FOR SUCH UTILITIES HAVING A WIDTH OF 25 FEET OR GREATER LOCATED ON THIS SITE.
 7. THIS SITE DOES NOT CONTAIN 100-YEAR FLOOD PLAN OR RESOURCE PROTECTION AREA (RPA). SITE IS LOCATED ENTIRELY WITHIN THE RESOURCE MANAGEMENT AREA (RMA).
 8. NO ADDITIONAL LANDSCAPING OR SCREENING IS PROPOSED WITH THIS PLAN.
 9. FENCES ARE CHAIN LINK UNLESS NOTED OTHERWISE.
 10. THERE IS NO LAND DISTURBANCE PROPOSED WITH THIS PLAN.
 11. AREA = 4,208 SF (PER PLAT), 4,171 SF COMPUTED.



SPECIAL PERMIT PLAT
LOT 1A BLOCK 5 SECTION 1
JEFFERSON MANOR
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20'
REV. 07-09-15



NORTH KINGS HIGHWAY
RTE. #241, 80' R/W



BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET.
BOUNDARY SURVEY NOT PERFORMED.
PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED. #S15-1266

REQUESTED BY:
CATHERINE HOANG

ALEXANDRIA SURVEYS, LLC
1229 GARRISONVILLE ROAD SUITE 104 STARFORD, VA 22556
TEL. NO. 703-636-1313 FAX NO. 703-636-4266



SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a reduction in minimum yard requirements based on errors in building locations to permit a gazebo to remain 5.9 feet from a side lot line and 2.6 feet from a rear lot line, a shed to remain 2.4 feet from a side lot line and 3.2 feet from a rear lot line, and a carport to remain 0.6 feet from a side lot line.

Error Locations and Reductions Requested

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
Special Permit	Gazebo	Side	8.0 feet	5.9 feet	2.1 feet	26%
		Rear	25.0 feet	2.6 feet	22.4 feet	89%
Special Permit	Shed (over 8.5 feet)	Side	8.0 feet	2.4 feet	5.6 feet	70%
		Rear	11.0 feet ¹	3.2 feet	21.8 feet	87%
Special Permit	Carport	Side	8.0 feet	0.6 feet	7.4 feet	92%

¹Section 10-104 states accessory storage structure which exceeds 8 ½ feet in height shall not be located closer to a distance equal to its height to the rear lot line.

A copy of the special permit plat titled "Special Permit Plat, Lot 1A Block 5 Section 1, Jefferson Manor, Fairfax County, Virginia," prepared by Michael L. Flynn, L.S, dated July 9, 2015, is included in the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 4,171 square foot lot is developed with a two story single family semi-attached dwelling. An asphalt driveway extends from North Kings Highway along the side of the lot to the shed and rear yard of the property, and a concrete walkway extends from North Kings Highway to the enclosed porch in the front of the home. The rear yard contains an 18.6 feet by 20.4 feet concrete patio adjacent to the shed. The gazebo, measuring 9.1 feet by 9.1 feet and 11.0 feet in height, rests on top of the patio. The rear yard is enclosed by a 6.0 foot high wood fence.

The subject property and adjacent properties to the north, west and east are zoned R-8 and developed with single family attached dwellings. The adjacent properties to the east, across North Kings Highway, are zoned R-4 and developed with single family detached dwellings. Mt. Eagle Elementary School is located to the south of the other half of the semi-attached dwelling.



Figure 1: House location
For illustrative purposes only

BACKGROUND

Fairfax County Tax Records indicate that the dwelling was constructed in 1947 and purchased by the applicant in 2003.

On June 12, 2006, a building permit was issued for the enclosure of the front porch into a study room. On October 11, 2006, another building permit was issued for the enclosure of the back porch, along with the construction of a bay window, and another window. These permits are shown in Appendix 5.

On May 6, 2015, a Notice of Violation (NOV) stemming from a complaint was issued for excess outdoor storage, and the locations of the shed, carport and gazebo. The applicant has since remedied the excess outdoor storage issue. A copy of the NOV is included in Appendix 4. A development condition has been included requiring all applicable permits and final inspections to be completed within six months of a BZA decision.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Mount Vernon Planning District
Planning Sector: Huntington Planning Sector (MV1)
Plan Map: Residential uses, at 8-12 dwelling units/acre (du/ac)

Zoning District Standards

Bulk Standards (R-8)		
Standard	Required	Provided
Lot Size	5,000 sf.	4,171 ¹
Lot Width	50 feet	36.0 feet
Building Height	35 feet max.	26.0 feet
Front Yard	20 feet	37.6 feet
Side Yard	8 feet	0.0 feet (attached duplex), 17.5 feet
Rear Yard	25 feet	37.9 feet

¹ The subject parcel was created prior to the adoption of the 1978 Zoning Ordinance; therefore, although the parcel does not meet the Ordinance requirements, it is grandfathered as a legal, buildable lot under the provisions of Sect. 2-405.1.

Accessory Structures On-Site

Structure	Yard	Minimum Yard Required	Existing Location	Existing Height
Gazebo	Side	8.0 feet	5.9 feet	11.0 feet
	Rear	25.0 feet	2.6 feet	
Shed	Side	8.0 feet	2.4 feet	11.0 feet
	Rear	11.0 feet ¹	3.2 feet	
Carport	Side	8.0 feet	0.6 feet	10.5 feet

¹ Section 10-104 states accessory storage structure which exceeds 8 ½ feet in height shall not be located closer to a distance equal to its height to the rear lot line.

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 6. The special permit must meet these standards.

CONCLUSION

Staff does not make recommendations on an error in building location. If it is the intent of the Board of Zoning Appeals to approve this application, staff recommends that the BZA condition its approval on the adoption of the development 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 Statement of Justification and Select File Photos
3. Applicant's Affidavit
4. Notice of Violation dated May 6, 2015
5. Applicable Building Permits
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-LE-109****November 11, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-LE-109, located at Tax Map 83-3 ((20)) (5) 1A, to permit a reduction in minimum yard requirements based on error in building location 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 of the carport, shed, and gazebo as shown on the plat prepared titled, "Special Permit Plat, Lot 1A Block 5 Section 1, Jefferson Manor, Fairfax County, Virginia," prepared by Michael L. Flynn, L.S, dated July 9, 2015, and approved with 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.

Statement of Justification

- I. Shed is too high.
 - a. Shed was constructed in about 2006.
 - b. After researching and finding that a shed less than 150 sq. ft. didn't require a permit, therefore none was obtained.
 - c. Didn't realize at that time of construction the shed needed to be less than 8.5 feet high.
 - d. The mistake was in earnest; constructed to about the same height as that of my adjacent neighbor.
 - e. The purpose of the shed is for additional storage and a workshop for myself.
 - f. Correcting the shed to the 8.5 feet height would cause much financial hardship.
 - g. I am requesting that I am granted a variance.



Figure 2 [6104 N. Kings Hwy (shed)]



Figure 1a [5914 Williamsburg Ave.]

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Zoning Evaluation Division

- II. The carport was purchased from Leonard in Manassas in about 2012 is too high.
- a. Didn't realize since it could be only 7 feet high
 - b. Other people in my neighborhood had similar carport, therefore, I thought it was allowed.
 - i. 6013 Monticello Rd.
 - ii. 2605 Fairhaven Ave.
 - iii. 5943 Williamsburg Rd.
 - iv. 2729 Fairhaven Ave.
 - c. The purpose of the carport is to protect my vehicles from the weather.
 - d. To correct the shed so that it is only 7 feet tall would make it impractical; therefore the only solution would be a complete removal.
 - e. I sincerely request a variance.



Figure 2b [2605 Fairhaven Ave.]

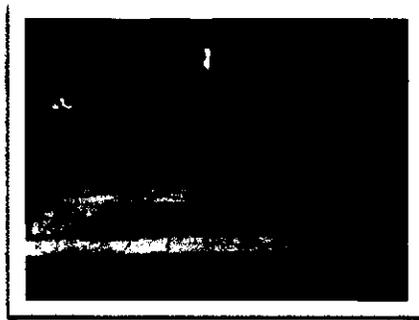


Figure 2a [2729 Fairhaven Ave.]



Figure 3c [6013 Monticello Rd.]



Figure 2 [6104 N Kings Hwy (carport)]

- III. Gazebo is also too high
- a. Purchased the Gazebo from Leonard of Manassas also in about 2012
 - b. Couldn't afford to build a back porch, therefore thought a gazebo would be an acceptable substitute.

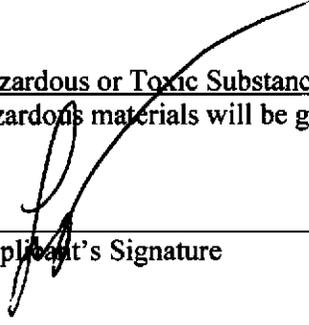


Figure 3 [6104 N Kings Hwy. (gazebo)]

The error does exceed 10% of the measurement involved concerning the shed, carport, and gazebo, and such modification is requested in conjunction with the approval of a special permit for application for a variance on the property. The error was done in good faith with no malice intended. Such reduction or modification will not impair the purpose and intent of this Ordinance. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity. It will not create an unsafe condition with respect to both other property and public streets. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner. 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. There has been no indication from my immediate adjacent neighbors of any problems that they might have had with my carport, shed, or gazebo. I erected the shed and carport, because I had a need for them and thought that it was fine because other neighbors had similar structure also erected. Changing the shed, carport, and gazebo would cause much financial hardship. I sincerely request for a variance.

- 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.

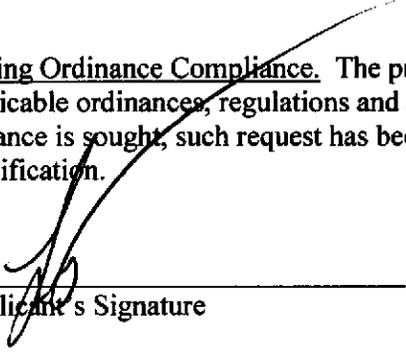


Applicant's Signature

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

Date

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JUL 2 2015
Zoning Evaluation Division





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Department of Planning & Zoning

JUL 27 2015

Zoning Evaluation Division

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 27 July 2015
(enter date affidavit is notarized)

130755

I, Quoc Ai Nguyen, 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)
Catherine Yen Hoang	6104 N. Kings Hwy Alexandria, VA 22303	title owner & applicant
Quoc A. Nguyen	6104 N. Kings Hwy. Alexandria, VA 22303	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): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 27 July 2015
(enter date affidavit is notarized)

130755

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 27 July 2015
(enter date affidavit is notarized)

130755

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 27 July 2015
(enter date affidavit is notarized)

130755

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: 27 July 2015
(enter date affidavit is notarized)

130755

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

[X] Applicant's Authorized Agent

Quoc Ai Nguyen
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 27 day of JULY 2015, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

[Signature]

Notary Public

My commission expires: 04/30/2018



[Signature]

DCC RETURN COPY



County of Fairfax, Virginia

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

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: May 6, 2015

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Yen N. Hoang
ADDRESS: 6104 North Kings Hy
Alexandria, VA 22303

LOCATION OF VIOLATION: 6104 North Kings Hy
Alexandria, VA 22303-2417

TAX MAP REF: 0833 02050001A
ZONING DISTRICT: R- 8

CASE #: 201502097 **SR #:** 115016

ISSUING INVESTIGATOR: Charles D. Forshee, (703)324-1348

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§10.102.24	\$ 200.00	\$ 500.00
	§10.104.10E	\$ 200.00	\$ 500.00
	§10.104.12D	\$ 200.00	\$ 500.00
	§10.104.12E	\$ 200.00	\$ 500.00
	TOTAL:	\$ 800.00	\$ 2000.00

Dear Responsible Party:

An inspection of the above referenced property on May 04, 2015 revealed the following violations of the Fairfax County Zoning Ordinance:

§ 10-102 (24) Outdoor Storage
§ 2-302 (6) Accessory Use must comply with Article 10:

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

Yen N. Hoang
May 6, 2015
SR 115016
Page 2

An inspection has determined that you are allowing storage in the side and rear yards of the address listed above. These items consist of, but are not limited to, the following:

Lumber, fencing, building materials and other miscellaneous junk and debris.

This outdoor storage:

- Exceeds 100 square feet in area, and
- Is not located in the rear half of the lot, and
- Is not screened from view from the first story window of any neighboring dwelling.

This outdoor storage is violation of Par. 24 of Sect. 10-102 of the Fairfax County Zoning Ordinance that states in part:

Storage, outdoor in R districts, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet.

Therefore, you are in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance that states:

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

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

- Removing all outdoor storage from this lot; or
- Relocation of the outdoor storage to the rear half of the lot, and
- Screening it from the view from the first story window of any neighboring dwelling, and
- Limiting it to a total area not exceeding 100 square feet.

Yen N. Hoang
May 6, 2015
SR 115016
Page 3

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

The presence of an accessory storage structure, a shed which measured approximately eleven (11) in height, is approximately one hundred and fifty (150) square feet in area and is located approximately three (3) and approximately two (2) respectively from the side and rear lot lines.

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

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

The minimum required side yard distance in the R- * District is eight (8) feet for the side yard and twenty five (25) for the rear yard as detailed in Par. 2.A.(2),(3) of Sect. 3-807 of the Zoning Ordinance.

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

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

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

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

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively

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

§ 10-104 (12D) Accessory Structure Location in the Side Yard
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory structure, a (carport) which measured approximately ten and one half feet (10.6) in height, is approximately three hundred and twenty (320) square feet in area and is located approximately one (1) and approximately twenty five (25) respectively from the side and rear lot lines.

The Fairfax County Zoning Ordinance permits accessory structures to be located in minimum required yards; however, if the structure exceeds seven (7) feet in height, it must be located on the lot so as to comply with Par. 12D of Sect. 10-104 of the Zoning Ordinance which states:

No accessory structure or use which exceeds seven (7) feet in height shall be located in any minimum required side yard.

The minimum required side yard distance in the R- 8 District is eight (8) as detailed in Par. 2:A.(2) of Sect. 3-807 of the Zoning Ordinance.

Therefore, as this accessory structure, a carport exceeds seven (7) feet in height and is not located in accordance with the provisions of Par. 12D of Sect. 10-104 above, it is in violation of Par. 12D of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

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

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

- Removing the accessory structure (carport) from the property in its entirety; or
- Reducing the height of the structure, (carport) to seven (7') feet in height or less to allow it to remain at its present location; or

- Relocating the structure, a carport to a distance from the side lot lines in accordance with Par. 12D of Sect. 10-104 of the Zoning Ordinance as outlined above.

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

§ 10-104 (12E) Accessory Structure Location
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory structure, a gazebo which measured approximately, a gazebo eleven (11) feet in height, is approximately one hundred (100) square feet in area and is located approximately twelve (12) and approximately four (4) feet respectively from the side and rear lot lines.

The Fairfax County Zoning Ordinance permits accessory structures to be located in minimum required yards; however, if the structure exceeds seven (7) feet in height, it must be located on the lot so as to comply with Par. 12E of Sect. 10-104 of the Zoning Ordinance which states:

No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

The minimum required side yard distance in the R- 8 District is eight (8) as detailed in Par. 2.A.(2) of Sect. 3-807 of the Zoning Ordinance.

Therefore, as this accessory structure, a gazebo exceeds seven (7) feet in height and is not located in accordance with the provisions of Par. 12E of Sect. 10-104 above, it is in violation of Par. 12E of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

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

Yen N. Hoang
May 6, 2015
SR 115016
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You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing the accessory structure, gazebo from the property in its entirety; or
- Reducing the height of the structure, gazebo to seven (7') feet in height or less to allow it to remain at its present location; or
- Relocating the structure, gazebo to a distance from the rear and side lot lines in accordance with Par. 12E of Sect. 10-104 of the Zoning Ordinance as outlined above.

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

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

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

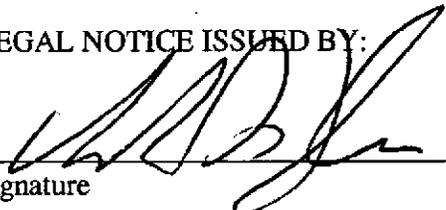
Yen N. Hoang
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Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703)324-1314

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

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-1348. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:



Signature

Charles D. Forshee
Code Compliance Investigator III
(703)324-1348
CharlesDanny.Forshee@fairfaxcounty.gov

PERSONAL SERVICE

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

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

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

Served on a Secretary of the Commonwealth

Not found.

A. Silver
SERVING OFFICER

5.6.15 *Stacey A. Kincaid, Sheriff*
DATE _____

Fairfax County, VA

PERSONAL SERVICE

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

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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 _____

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SERVING OFFICER _____
for _____

DATE _____

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Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER _____
for _____

DATE _____



Land Development Information History: FIDO - ADDITION R – 61710053

Permit Information

Permit Id: 61710053
Type Work: RESIDENTIAL ADDITION
Job Address: 006104 KINGS HY
ALEXANDRIA, VA 22303-2417
Permit Status: Finalized
Work Description: ENCLOSE BACK PORCH W/BAY WINDOW AND
ADD ANOTHER WINDOW AND BACK

Land Development Information History: FIDO - ADDITION R - 61630095

Permit Information

Permit Number: 61630095
Permit Type: RESIDENTIAL ADDITION
Job Address: 006104 KINGS HY
ALEXANDRIA, VA 22303-2417
Permit Status: Finalized
Work Description: ENCLOSE FRONT PORCH INTO STUDY PER CO SPECS

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.