



County of Fairfax, Virginia

November 25, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-SU-107

SULLY DISTRICT

APPLICANT: Seung Che Kuen
OWNER: Esther Jeehae Kuen
SUBDIVISION: Centreville Farms
STREET ADDRESS: 5624 Pickwick Road, Centreville, 20120
TAX MAP REFERENCE: 54-4 ((2)) 123
LOT SIZE: 21,904 square feet
ZONING DISTRICT: R-1
ZONING ORDINANCE PROVISIONS: 8-907, 3-103
SPECIAL PERMIT PROPOSAL: To permit a home professional office.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-SU-107 for the home professional office with adoption of the proposed development conditions contained in Appendix 1.

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

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

Paul S. Yoon

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

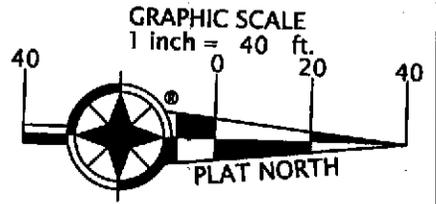
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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**

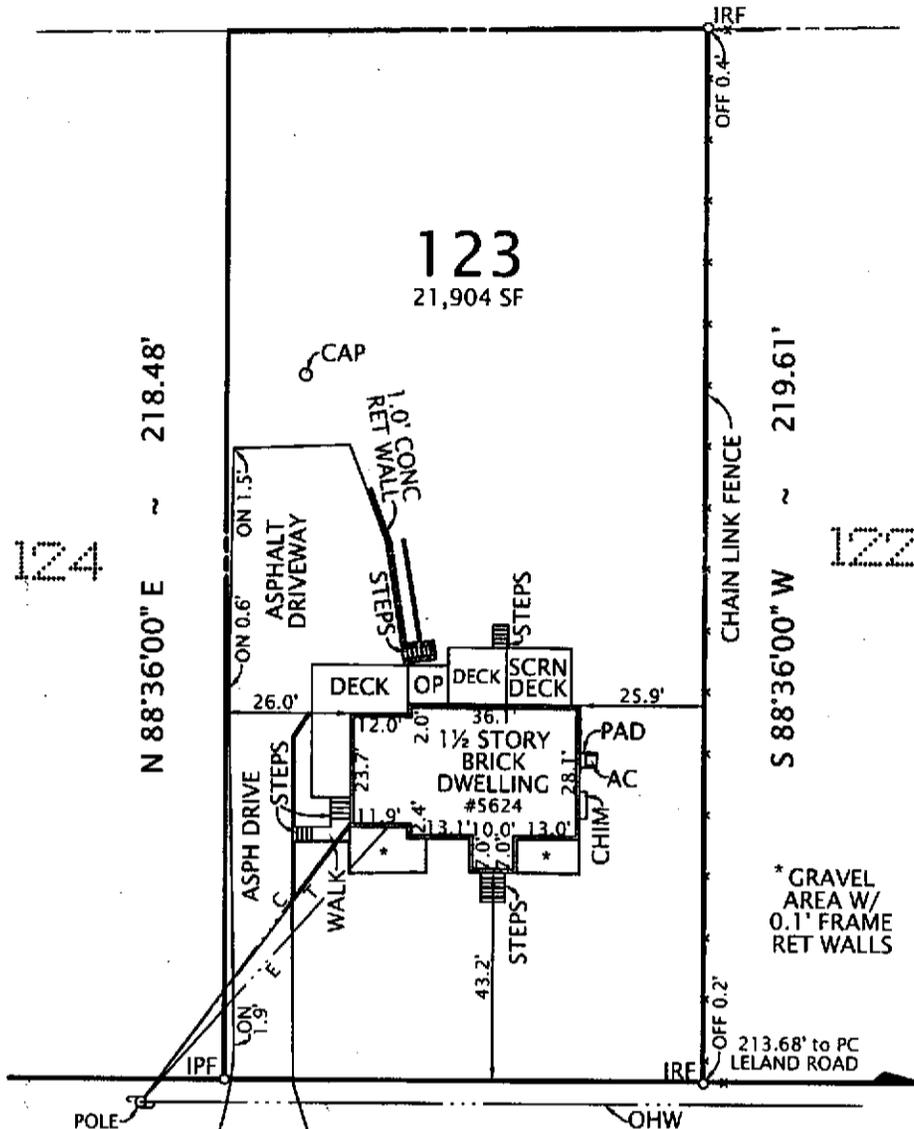


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

NOTES: 1. RETAINING WALLS ARE 0.5' FRAME UNLESS NOTED.



OUTLOT "A-1"
S 02°03'00" E ~ 100.00'



N 01°24'00" W ~ 100.00'

PICKWICK ROAD

50' WIDE ~ STATE ROTUE #1021

PLAT
SHOWING HOUSE LOCATION ON
LOT 123
CENTREVILLE FARMS

(DEED BOOK 509, PAGE 179)

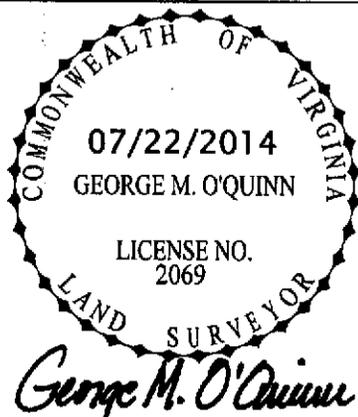
FAIRFAX COUNTY, VIRGINIA
SULLY DISTRICT

SCALE: 1" = 40' JULY 22, 2014

RECEIVED
Department of Planning & Zoning
MAY 29 2015
Zoning Evaluation Division

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE.

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET.



Ordered by:
CARDINAL TITLE
GROUP LLC
14526 Lee Road, Suite 200
Chantilly, Virginia 20151
Phone: 703-896-5005
Fax: 703-896-5003

DOMINION Surveyors Inc.®
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

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SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home professional office for professional acupuncture treatment. A copy of the special permit plat, titled, "Plat Showing House Location on Lot 123, Centreville Farms, (Deed Book 509, Page 179), Fairfax County, Virginia, Sully District," by George M. O'Quinn, L.S., dated July 22, 2014, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 21,904 square foot lot contains a one-and-a-half story single-family detached dwelling, which is accessed by an asphalt driveway from Pickwick Road. A concrete walkway extends from the driveway to the front entrance. An elevated combination screened and open-air wooden deck is located at the rear and left side of the house with steps leading from the open-air deck to the yards below.

The subject property and surrounding properties are zoned R-1. Properties to the south, east, and west are developed as single family detached dwellings. The property to the west is vacant land.



Figure 1: House Location

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1948 and purchased by the current owner in 2014.

On May 7, 2015, a Notice of Violation (NOV) was issued for a business in a residential district. A copy of this NOV is included in Appendix 5.

Records indicate that no other special permit applications relating to a home professional office have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE PROPOSED USE

The applicant requests approval of a special permit for a home professional office to provide professional acupuncture services to a maximum of five clients daily from Monday through Saturday, by appointment only. Hours of operation will be from 10:00 a.m. to 6:00 p.m. The applicant states that there will never be more than two clients on site at any one time. The applicant will be the primary operator of the home professional office, with his wife assisting on occasion. The applicant is licensed by the Virginia Board of Medicine (Appendix 4).

The proposed office will comprise the living room of the first floor of the home with access provided through the front of the house. All parking will occur in the driveway, which has room for five parking spaces. No physical changes or modifications are proposed to the exterior of the structure.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Bull Run Planning District
Planning Sector: Centreville Planning Sector (BR6)
Plan Map: Residential, 1-2 du/ac

Zoning Inspections Report

The Zoning Inspections Branch report is included in Appendix 6. During the site visit, the inspector noted concerns with items stored in the stairwell, electrical hazards, clearance space in front of the service panel and mechanical equipment, and outdoor storage in the rear of the house. The applicant has resolved all noted violations, and photographs are included in Appendix 7.

Zoning District Standards

Bulk Standards (R-1)		
Standard	Required	Provided
Lot Size	36,000 s.f.	21,904 s.f.*
Lot Width	150 ft.	100.00 ft.
Building Height	35 ft.	Not provided
Front Yard	40 ft.	43.2 ft.
Side Yard	20 ft.	26.0 ft. (southern side yard) 25.9 ft. (northern side yard)
Rear Yard	25 ft.	43.8 ft.

*The subject parcel was created and developed prior to the adoption of the current Zoning Ordinance; therefore it is considered a legal, buildable lot under Sect. 2-405.1 of the Zoning Ordinance.

Accessory Structures On-Site

Structure	Yard	Minimum Yard Required	Existing Location	Existing Height
Deck	Southern Side Yard	15 feet*	19.0 feet	Less than 4.0 feet

*Section 2-412.2.A states any open deck with no part of its floor higher than four (4) feet above finished ground level may extend up to 5 feet into the side minimum required yard, but not closer than 5 feet to a front lot line.

Zoning Ordinance Requirements (Appendix 8)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-907 Additional Standards for Home Professional Offices

General Standards for Special Permit Uses (Sect. 8-006)

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends a residential use and the property is developed in accordance with the plan recommendation. The R-1 zoning district permits a home professional office use as an accessory use with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed and no non-resident employees are proposed. The number of clients per day would be limited to five and the use would be limited to operate Mondays through Saturdays, 10:00 a.m. to 6:00 p.m., with no more than two clients at any one time. In staff's opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value.
Standard 4 Pedestrian/Vehicular Traffic	No more than two clients will be on site at any one time, with a maximum of five clients per day. The subject application property is located in close proximity to an intense commercial district to the south. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	There are no proposed changes to the current landscaping or screening. There is existing mature vegetation in the side and rear yards. Therefore, staff believes this standard is met.
Standard 6 Open Space	There is no prescribed open space required in the R-1 District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property. The applicant proposes the driveway would be used for parking for the home professional office, and the driveway includes room for five parking spaces. A development condition has been proposed to address this issue. Therefore, staff believes that this standard is met.
Standard 8 Signs	No signage is proposed for the subject application property.

Standards for all Group 3 Uses (Sect. 8-303)

Standard 1 Lot Size and Bulk Regulations	The subject parcel was created and developed prior to the adoption of the current Zoning Ordinance; therefore it is considered a legal, buildable lot under Sect. 2-405.1 of the Zoning Ordinance. No new construction or exterior modifications are proposed.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	Home professional offices are not subject to the provisions of Article 17, Site Plans.

Additional Standards for Home Professional Offices (Sect. 8-907)

<p>Standard 1 Exterior Appearance of Single Family Dwelling</p>	<p>The subject property is developed with a single family dwelling in the character of the surrounding neighborhood. No exterior changes are proposed. Therefore, this standard has been met.</p>
<p>Standard 2 Principal Practitioner is a Resident</p>	<p>The principal practitioner resides in the application property.</p>
<p>Standard 3 Total Number of Persons Involved in the Operation Shall Not Exceed Four</p>	<p>The applicant will be the primary operator of the home professional office, with his wife assisting on occasion. There will be no other employees or assistants.</p>
<p>Standard 4 Non-Residential Uses in Area Do Not Disrupt Residential Character</p>	<p>Since the adoption of the Zoning Ordinance, the BZA has not heard any other applications for home professional offices in the area. All properties in the immediate area are either open space or developed with single family dwellings. There is adequate parking on site to accommodate clients who will visit the site. In staff's opinion, the proposed home professional office use would not disrupt the residential character of the area.</p>

CONCLUSION/ RECOMMENDATION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions.

Staff recommends approval of SP 2015-SU-107 for the home professional office with adoption of the proposed development conditions contained in Appendix 1.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. Copy of Virginia Department of Health Professions License
5. Notice of Violation dated May 7, 2015
6. Zoning Inspections Branch Comments
7. Select Photographs of Addressed Zoning Inspections Branch Comments
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-SU-107****November 25, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-SU-107 located at Tax Map 54-4 ((2)) 123 to permit a home professional office pursuant to Section 8-907 and 3-103 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Seung Che Kuen, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 5624 Pickwick Road, and is not transferable to other land.
2. This special permit is granted only for the home professional office use indicated on the plat titled, "Plat Showing House Location on Lot 123, Centreville Farms, (Deed Book 509, Page 179), Fairfax County, Virginia, Sully District," by George M. O'Quinn, L.S., dated July 22, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during hours of operation of the permitted use.
4. The hours of operation of the home professional office shall be limited to 10:00 a.m. to 6:00 p.m., Monday through Saturday.
5. The dwelling that contains the home professional office shall be the primary residence of the applicant.
6. Appointments shall be scheduled so that there shall be a minimum of fifteen (15) minutes between the end of one appointment and the commencement of the next. The maximum number of patients shall be limited to five (5) daily.
7. The applicant shall be the primary operator of the home professional office.
8. Any signage for the home professional office shall be in accordance with Article 12.
9. All parking associated with the home professional office shall occur in the driveway located on the subject property.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

MAY 29 2015

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION**A. Type of Operation**

The part of the house will be used for an office for Kr. Kuen's acupuncture service. Mr. Kuen is a Virginia Licensed Acupuncturist and his business is lawfully registered with the County of Fairfax and the Commonwealth of Virginia. The Office consists of a desk, a chair, and two beds for patients. Patients are only accepted by appointments. The service will include examining the patients, the acupuncture service, and other follow up meetings as necessary.

B. Hours of Operation

The hours of Operation will be from 10am to 6pm, Monday thru Saturday.

C. Estimated number of Patients

Based on previous operations in the prior location and in this house, the number of patients for a day is typically anywhere from 2 to 5. Mr. Kuen has not been receiving many patients especially for his personal health concern. He also has not been advertising for the business and the number of patients will not increase the future.

D. Proposed number of Employees or attendants

Mr. Kuen only receive 2-5 patients a day and he does not have and does not need any more employees than himself. He receives some helps from his wife and he does not plan to hire any employees.

E. Estimate of traffic impact

The traffic impact will be very minimal. The limited number of patients will less likely impact the current traffic.

F. Vicinity or general area to be served

All of the patients are located in Northern Virginia, mostly in the Fairfax County.

G. Description of building façade and architecture of proposed new buildings

The photographs of building is submitted separately. He does not plan or propose to build or alter any buildings.

H. Hazardous or toxic substance

None.









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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 18, 2015
 (enter date affidavit is notarized) 129947

I, Hyuk Kwon, 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)
Seung Che Kuen	5624 Pickwick Road Centreville, VA 20120	Applicant
Chung In Herb Center, Inc.	5624 Pickwick Road Centreville, VA 20120	Co-applicant
Esther Jeehae Kuen	5624 Pickwick Road Centreville, VA 20120	Title Owner
Hyuk Kwon aka Hyuk (Danny) Kwon	5445 Middlebourne Lane Centreville, VA 20120	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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 18, 2015
(enter date affidavit is notarized)

129947

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)

Chung In Herb Center, Inc.
5624 Pickett Road.
Caterville, IA 20120

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)

Seung Che Kuen
Myung Suk Kuen

(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: November 18, 2015
(enter date affidavit is notarized) 129947

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)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 18, 2015
(enter date affidavit is notarized)

129947

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: November 18, 2015
(enter date affidavit is notarized)

127747

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:

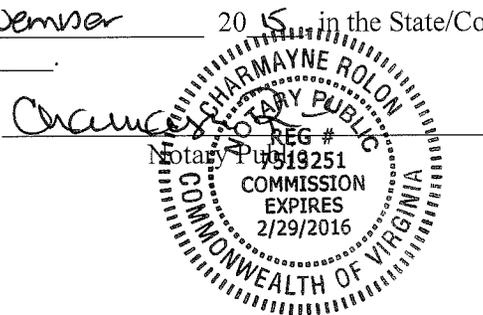
(check one)

Applicant [Signature] Applicant's Authorized Agent

Hyuk Ewon
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18th day of November 20 15, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 2/29/16



Virginia.gov

Agencies | Governor



Virginia Department of
Health Professions

License Information

License Number	0121000406
Occupation	Licensed Acupuncturist
Name	Seung C Kuen
Address of Record	Alexandria, VA 22312
Initial License Date	10/25/2005
Expire Date	06/30/2017
License Status	Current Active
Additional Public Information*	No



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 07, 2015

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Esther Jeehae Kuen
ADDRESS: 5624 Pickwick Road
Centreville, Virginia 20120

LOCATION OF VIOLATION: 5624 Pickwick Road
Centreville Farms Lot 123
Centreville, Virginia 20120-2057

TAX MAP REF: 54-4 ((2)) 0123
ZONING DISTRICT: R- 1

CASE #: 201501774 **SR #:** 114546

ISSUING INVESTIGATOR: Lincoln Bise, (703) 324-1324

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§02.302.5BRD	\$ 200.00	\$ 500.00
	TOTAL:	\$ 200.00	\$ 500.00

Dear Responsible Party:

An inspection of the above referenced property on April 28, 2015 revealed the following violation of the Fairfax County Zoning Ordinance:

§ 2-302 (5) Business in Residential District:

You are allowing a home professional office by the name of Best Acupuncture and Herb to operate from the first floor of the above listed residence. This business is an office, which is defined in Article

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

Esther Jeehae Kuen
May 07, 2015
SR 114546
Page 2

20 of the Fairfax County Zoning Ordinance in part as:

HOME PROFESSIONAL OFFICE: The offices, studios or occupational rooms which are located within the single family detached residence of a duly licensed or certified physician practicing human medicine, chiropractor, osteopath, physical therapist or massage therapist, duly licensed practitioner of behavioral sciences, attorney, civil or professional engineer, accountant, architect, real estate appraiser or broker, insurance agent, or similar professional person.

An office is not a permitted use in the R-1 District. Therefore, you are in violation Par. 5 of the Sect. 2-302 of the Zoning Ordinance that states:

No use shall be allowed in any district which is not permitted by regulations for the district.

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

- Removal of all related supplies, materials, and equipment associated with this business from the residence.
- Obtain a home occupation permit for the business/ home office.

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:

Esther Jeehae Kuen
May 07, 2015
SR 114546
Page 3

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)324-1324. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:



Signature

Lincoln Bise
Code Compliance Investigator
(703)324-1324
Lincoln.Bise@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.
SUNG CHI KUEN
(FATHER)

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. RIVER LCAU
SERVING OFFICER

5-7-15
DATE

Stacey A. Kincaid, Sheriff
Fairfax County, VA

PERSONAL SERVICE

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SERVING OFFICER
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SERVING OFFICER
for _____

DATE



County of Fairfax, Virginia

MEMORANDUM

Date: September 3, 2015

To: Paul Yoon, Staff Coordinator
Zoning Evaluation Division

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

Subject: Home Professional Office – Acupuncture Services
Special Permit Application # SP 2015-SU-107

Applicant: Seung Che Kuen
5624 Pickwick Road, Centreville, Virginia 20120
Legal Description: Centreville Farms, Lot 123
Tax Map Ref: 54-4 ((2)) 123
Zoning District: R-1
Overlay Districts: HD, H-C, WS
Lot Size: 21,904 square feet
ZIB# 2015-0405

On August 20, 2015, an inspection was conducted by Zoning/Property Maintenance Inspector Bruce Miller of the property located at 5624 Pickwick Road, Centreville, Virginia 20120. The Inspector was accompanied by Staff Coordinator Paul Yoon and the applicant.

*KEY: A "✓" mark in a box indicates that the item was deficient.
An unmarked box indicates that no violation was found.*

- 1. Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code.
- 2. An operable smoke alarm shall be provided outside (or inside) of each sleeping area, with at least one such device on each floor.
- 3. All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

Comment: Items stored on stairs must be removed and the stairwells must provide for unfettered egress.

- 4. All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice; and should not require a key or special knowledge to open.

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-4300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/



5. Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.

Comment: The service panel has an opening that requires the installation of blanks to cover the busbar.

Comment: Junction boxes containing electrical wiring must have covers of the appropriate size.

Comment: the daisy chaining of extension cords with multiple appliances connected is an electrical hazard (see #6 below). In addition, the applicant must insure that the receptacle that serves these multiple appliances is not overloaded or the applicant can reduce the load by removing some of the appliances and using the receptacle as designed and intended.

6. Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.

Comment: The use of extension cords as permanent wiring is prohibited.

7. A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

Comment: Clear storage from in front of the service panel as described above.

8. Other Building Code issues:

Comment: A clear space in front of the service area of the mechanical equipment must be maintained. Storage must be removed or relocated a minimum of 36 inches from the working area of the equipment.

Comment: The liquefied propane gas line attached to the rear deck must be removed or a permit and all required construction safety inspections must be obtained.

9. Structures comply with the Zoning Ordinance.

Comment: Outdoor storage must be reduced to an area not to exceed 100 square feet and screened from the view from the first story window of a neighboring property. The storage is















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.

8-907 Additional Standards for Home Professional Offices

1. The premises shall have the exterior appearance of a single family detached dwelling.
2. The structure shall be the domicile of the principal practitioner and his family.
3. Additional professionals and assistants may be involved in the operation, provided that the total number of persons, whether paid or voluntary, involved in the operation shall not exceed four (4); except that on a lot of two (2) or more acres, the total number of persons shall not exceed six (6).
4. In consideration of an application for a permit, the BZA shall review all non-residential uses within the area, and shall determine that such use, together with all other non-residential uses, does not constitute sufficient non-residential activity as might modify or disrupt the predominantly residential character of the area.
5. Notwithstanding the provisions of Sect. 014 above, home professional offices approved prior to January 24, 1977 may be renewed for one five (5) year period under the ordinances in effect at the time the permit was originally granted, provided that the principal user is the same as the one who originally received the special permit. Thereafter, any renewal shall be subject to the provisions of this Ordinance.