



APPLICATION ACCEPTED: September 10, 2015
DATE OF PUBLIC HEARING: December 9, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

December 2, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-DR-128

DRANESVILLE DISTRICT

APPLICANT/OWNER: Austin W. Verity IV
Michele Verity

LOCATION: 1098 Mill Field Ct., Great Falls, 22066

SUBDIVISION: Colvin Mill Run

TAX MAP: 19-1 ((13)) 38

LOT SIZE: 36,003 square feet

ZONING: R-1, HD

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction in minimum yard requirements based on an error in building location to permit a deck (patio) to remain 9.2 feet from a side lot line, and an accessory structure (outdoor fireplace) to remain 9.8 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

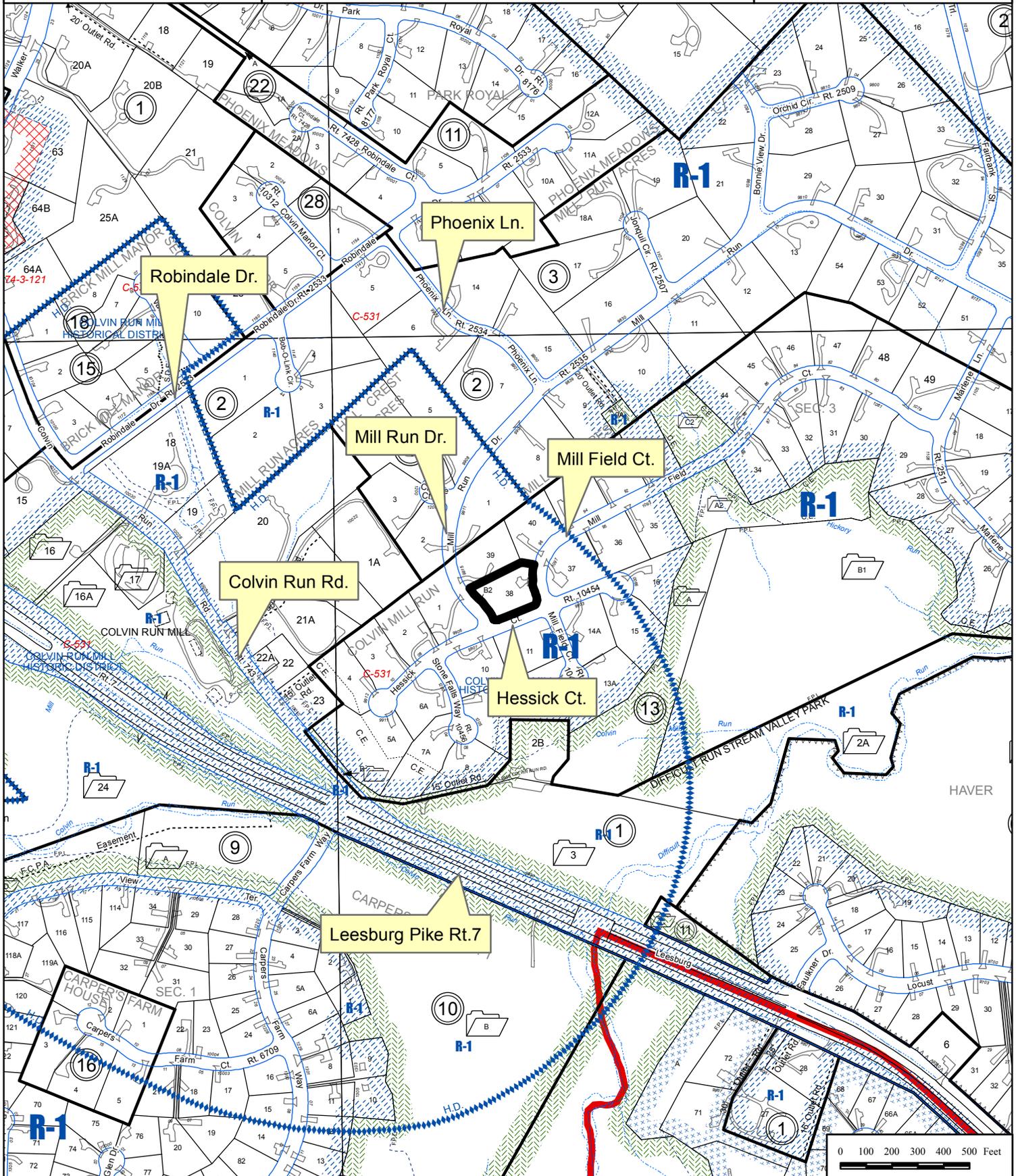
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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-DR-128 AUSTIN AND MICHELE VERITY

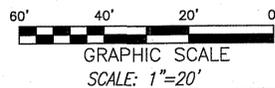
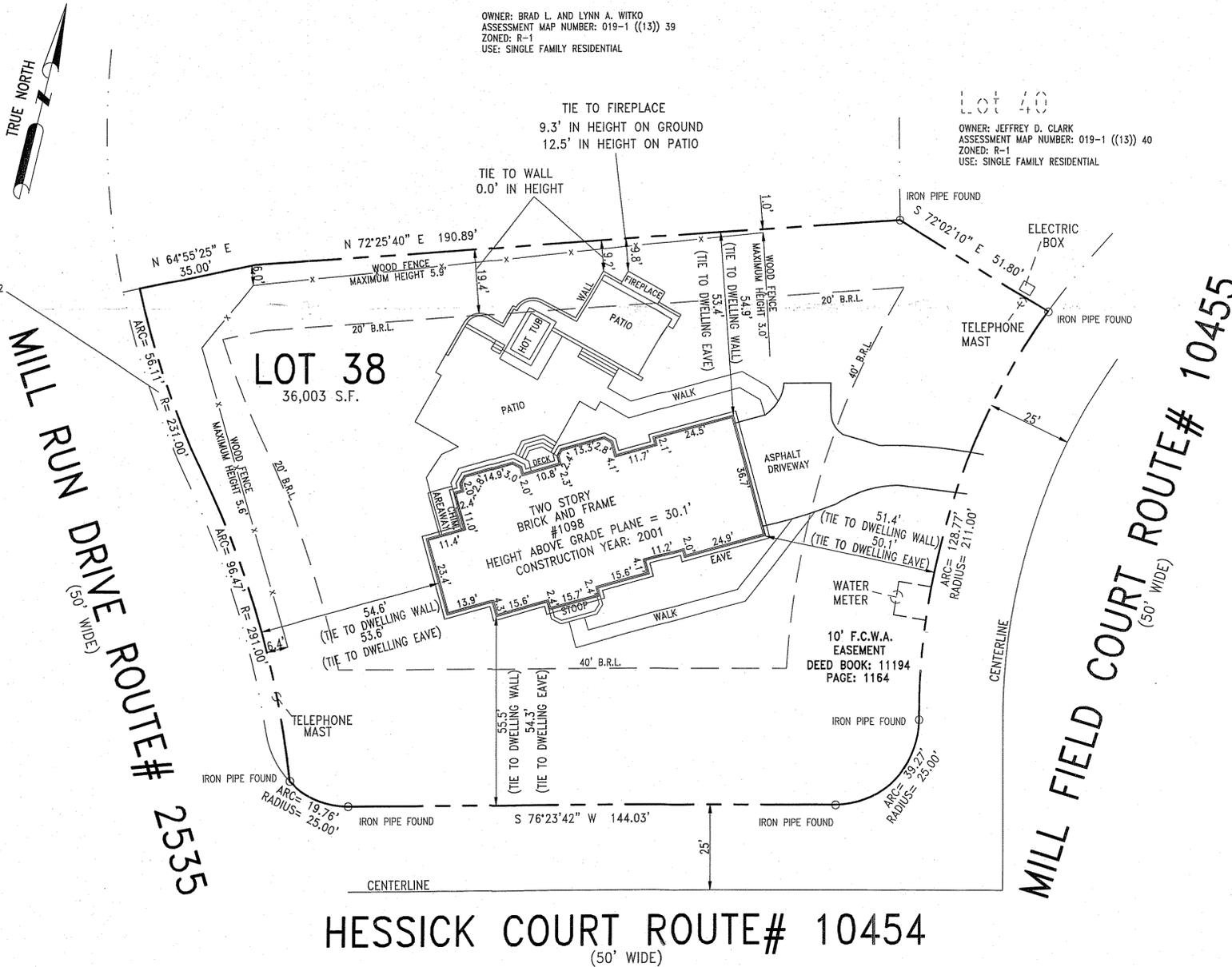


NOTE: ALL IMPROVEMENTS, STRUCTURES AND DWELLING SHOWN ARE AN EXISTING CONDITION.

OWNER: BRAD L. AND LYNN A. WITKO
 ASSESSMENT MAP NUMBER: 019-1 ((13)) 39
 ZONED: R-1
 USE: SINGLE FAMILY RESIDENTIAL

Lot 40
 OWNER: JEFFREY D. CLARK
 ASSESSMENT MAP NUMBER: 019-1 ((13)) 40
 ZONED: R-1
 USE: SINGLE FAMILY RESIDENTIAL

OUTLOT "B"
 OWNER: VAN METRE HOLDING LP
 ASSESSMENT MAP NUMBER: 019-1 ((13)) B2
 ZONED: R-1
 USE: VACANT / NON-BUILDABLE



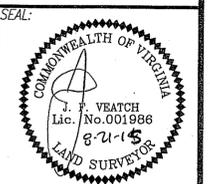
GENERAL NOTES

- 1 THE PROPERTY DELINEATED HEREON IS LOCATED ON FAIRFAX COUNTY TAX MAP 019-1 ((13)) PARCEL 38 AND IS ZONED R-1.
- 2 APPLICANT/OWNER: AUSTIN W. VERITY IV
 1098 MILL FIELD COURT
 GREAT FALLS, VIRGINIA 22066
 TEL. (703) 629-6755
- 3 PROPERTY AREA: 36,003 SQUARE FEET OR 0.82652 ACRES.
- 4 AREA WITHIN R-1 ZONING DISTRICT: 36,003 SQUARE FEET OR 0.82652 ACRES.
- 5 THIS SITE IS SERVICED BY PUBLIC WATER AND PUBLIC SANITARY SEWER.
- 6 THERE IS NO VISIBLE EVIDENCE OF CEMETERY, GRAVEYARD, GRAVES OR BURIAL GROUNDS ON THE SITE.
- 7 BASED ON THE CHESAPEAKE BAY PRESERVATION ORDINANCE AMENDED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS OCTOBER 20, 2006 THIS ENTIRE SITE IS LOCATED WITHIN THE RESOURCE MANAGEMENT AREA (RMA).
- 8 BASED ON INFORMATION OF RECORD THIS SITE IS LOCATED OUTSIDE ANY FEDERAL, STATE OR COUNTY FLOODPLAIN.
- 9 BASED ON INFORMATION OF RECORD THIS SITE IS LOCATED OUTSIDE OF THE FAIRFAX COUNTY ENVIRONMENTAL QUALITY CORRIDOR (EQC).
- 10 R1 ZONING BULK REGULATIONS:
 FRONT YARD: 40'
 SIDE YARD: 20'
 REAR YARD: 25'
 MAXIMUM BUILDING HEIGHT: 35' SINGLE FAMILY DWELLINGS
- 11 BASED ON A TITLE REPORT PREPARED BY STEWART TITLE GUARANTY COMPANY, DATED: AUGUST 1, 2011 FILE NUMBER: 14388. THERE ARE NO EASEMENTS GREATER THAN 25 FEET WIDTH OR "MAJOR UTILITY EASEMENTS" ON THE PROPERTY UNLESS OTHERWISE SHOWN HEREON.

CRRES

CRRES, LTD.
 CERTIFIED REAL ESTATE
 SERVICES, LTD.
 1887 WHEATLAND AVENUE
 SUITE 106
 RESTON VA 20190
 PHONE: (703) 742-9105
 FAX: (703) 742-9104

SPECIAL PERMIT PLAN
 LOT 38
 SECTION THREE
 COLVIN MILL RUN
 DRANESVILLE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



PLAN STATUS		
DATE	DESCRIPTION	
JAY DESIGN	JAY DRAWN	JAY CHKD BY
SCALE: AS-SHOWN		
JOB No.: 15-0902		
DATE: JULY 2015		
FILE No.:		
SHEET: 1 of 1		

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a reduction in minimum yard requirements based on an error in building location to permit a patio to remain 9.2 feet from a side lot line and an outdoor fireplace to remain 9.8 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	Patio	Side	15.0 feet*	9.2 feet	5.8 feet	39%
Special Permit	Fireplace (over 7.0 feet tall)	Side	20.0 feet	9.8 feet	10.2 feet	51%

*Section 2-412.2.A states that any open deck, including a patio, which does not exceed 4.0 feet in height shall not encroach more than 5.0 feet into a side minimum required yard.

A copy of the special permit plat titled "Special Permit Plat, Lot 38, Section Three, Colvin Mill Run, Dranesville District, Fairfax County, Virginia," prepared by J. F. Veatch, L.S, dated August 21, 2015, is included in the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 36,003 square foot corner lot is developed with a two story single family detached dwelling. An asphalt driveway extends from Mill Field Court to a three-car garage, and a brick paver walkway extends from the driveway to the stoop and main entrance in the front of the home. The northern side yard contains a small deck and an expansive multi-tiered-stone patio attached to the rear of the home. The patio contains a covered island grill structure and hot tub. An outdoor fireplace ranging from 9.3 to 12.5 feet in height is attached to the rear of the patio. The side yards are enclosed by a wood fence ranging from 3.0 to 5.9 feet in height.

The subject property and adjacent properties to the north, east and south are zoned R-1 and developed with single family detached dwellings. The adjacent strip of property to the west along Mill Run Drive is a vacant, non-buildable outlot zoned R-1.



Figure 1: House location
For illustrative purposes only

BACKGROUND

Fairfax County Tax Records indicate that the dwelling was constructed in 2001 and purchased by the applicant in 2007.

On August 7, 2012, a building permit was issued for the installation of an outdoor kitchen and spa without any decking or patio. This permit is shown in Appendix 4.

On July 9, 2014, a zoning Notice of Violation (NOV) stemming from a complaint was issued for the outdoor fireplace located in the minimum required side yard. A copy of this NOV is shown in Appendix 5.

On September 15, 2014, a building code Notice of Violation (NOV) was issued for the construction of the outdoor fireplace without issuance of required permits, inspections, and approvals. A development condition has been included requiring all applicable permits and final inspections to be completed within six months of a BZA decision. A copy of this NOV is shown in Appendix 6.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: Hickory Planning Sector (UP3)
Plan Map: Residential uses, at .2-.5 dwelling units/acre (du/ac)

Zoning District Standards

Bulk Standards (R-1)		
Standard	Required	Provided
Lot Size	36,000 sf.	36,003 sf.
Lot Width	150 feet	192.0 feet
Building Height	35 feet max.	30.1 feet
Front Yard	40 feet	54.3 feet
Western Side Yard	20 feet	53.6 feet
Northern Side Yard	20 feet	53.4 feet

Accessory Structures On-Site

Structure	Yard	Minimum Yard Required	Existing Location	Existing Height
Patio	Side	15.0 feet*	9.2 feet	Less than 4.0 feet
Fireplace	Side	20.0 feet	9.8 feet	12.5 feet

*Section 2-412.2.A states that any open deck, including a patio, which does not exceed 4.0 feet in height shall not encroach more than 5.0 feet into a side minimum required yard.

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. Applicable Building Permits
5. Notice of Violation dated July 9, 2014
6. Notice of Violation dated September 15, 2014
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-DR-128****December 2, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-DR-128, located at Tax Map 19-1 ((13)) 38, 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 deck (patio) and fireplace as shown on the plat prepared titled, "Special Permit Plat, Lot 38, Section Three, Colvin Mill Run, Dranesville District, Fairfax County, Virginia," prepared by J.F. Veatch, L.S, dated August 21, 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.

September 5, 2015

Department of Planning and Zoning
 Attention: board of Zoning Appeals
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035

RECEIVED
 Department of Planning & Zoning
 SEP 09 2015
 Zoning Evaluation Division

RE: SP 2014-0476

Dear Board of Zoning Appeals:

Per letter dated August 14, 2015, requesting statements for Deficient information. My response is as follows:

Item 5.00 – Requiring a written statement from the applicant describing the proposed use, giving all pertinent data. The use of the fireplace and patio area was planned for use to enjoy and utilize our backyard. We worked very hard our entire lives to save for our dream home and create a backyard to raise our children and gather with family and friends. The finished project has enabled us to do so and has since then become a social setting in our neighborhood to connect and increase socialization among our neighbors.

The below comments are in regard to the fireplace and patio and address the specific standards of 8-914 that applies to these items noted below, which is a requirement of the Zoning Ordinance.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, - *Our understanding is that this is what the issue is*
 - 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 – *Our hopes are that no modifications to the finished construction will be required and that we will be granted the special permit.*
 - 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 – *We were not aware we were in any way noncompliant and are saddened by the entire process and costs we have been through with the landscape architect and contractor. When the contractor finally admitted to going out of business during our project, we ourselves submitted a request to have our yard reviewed by a county inspector to feel comfortable to proceed.*
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and – *Our hopes are that no modifications will be required and we can be granted approval for the Special Permits required. Any modifications will be costly and can affect actual function of the space.*
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and – *No detriment at all. We have provided photos of all angles of our home for the county to also see. Evergreen plantings conceal the patio and fireplace from neighbors.*
 - F. It will not create an unsafe condition with respect to both other property and public streets, and – *All is safe.*

- G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner. *Absolutely and without a doubt any modifications to our current yard would be a hardship. We are still affected by the original contractor going out of business and the loss of monies we have incurred.*
- 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. *Our hope is that no modifications will be required, therefore no increase will occur.*

Item 911.00 – Additional 5 copies to make required 10 copies of plat. Also included is a 8.5 x 11 reduction copy of the plat.

Item 912.00 - We were advised incorrectly by a licensed contractor who ultimately went out of business while working on our project. We submitted a request for a residential routine inspection to the county to have an inspector visit site before proceeding with other trades to complete the project. Inspector Rick Lake came to site to inspect and did not see reason to not proceed. We proceeded and after the project was complete found to have not met some requirements in error.

We hope we have provided all the required information and look forward to hearing back.

Thank you,
Michele & Austin Verity

RECEIVED
Department of Planning & Zoning
SEP 09 2015
Zoning Evaluation Division









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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12.15.14
(enter date affidavit is notarized)

I, Michele Verity / Austin Verity, do hereby state that I am an
(enter name of applicant or authorized agent)

127482

(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)
Michele A. Verity	1098 Mill Field Ct. Great Falls, VA 22064	Applicant / Title Owner
Austin W. Verity IV	1098 Mill Field Ct. Great Falls, VA 22064	Co Title Owner

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12.15.14
(enter date affidavit is notarized)

127482

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: 12.15.14
(enter date affidavit is notarized)

127482

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: 12-15-11
(enter date affidavit is notarized)

127482

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: 12.15.14
(enter date affidavit is notarized)

127482

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 [Signature]

Michele Verity Austin Verity
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15 day of December, 2014, in the State/Comm. of Washington DC, County/City of District of Columbia

[Signature]
MAKEBA COYOCA
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires June 14, 2015
Notary Public

My commission expires: _____



**Building Permit
 Zoning Review**

Bldg Permit #: **122150178** MISCELLANEOUS BUILDING WK RES

Address: 1098 Mill Field Ct Great Falls VA 22066-0000
 Bldg: N/A Floor: Suite: N/A

Subdiv: Colvin Mill Run Lt 38 Sec 3 **Sub Census:** 803.01 **Lot Size:** 36,003.00
Tax Map: 0191 13 0038
Owner: Verity Austin W Iv
Phone Day: (703) - x **Evening:**

Contractor:
 SALF CONTRACTING LLC
 1213 Hollyoak Rd
 Odenton, Md 21113-0000
 (443) 758-3480

Type of Work: MISCELLANEOUS
Description of Work: sfd/install outdoor kitchen to include spa

ZPRB Review:

Date	Status
8/7/12	ALANGH Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-1	N	SFD	N	N	N	N	N

Yard/Setbacks:			Dimensions:						
Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type
outdoor	0.00	69.70	0.00	31.00	0.00	0.00	outdoor 13.6x15.9	3.60	OTHER
spa	0.00	0.00	0.00	17.10	0.00	0.00	spa 10x7.7	3.00	OTHER

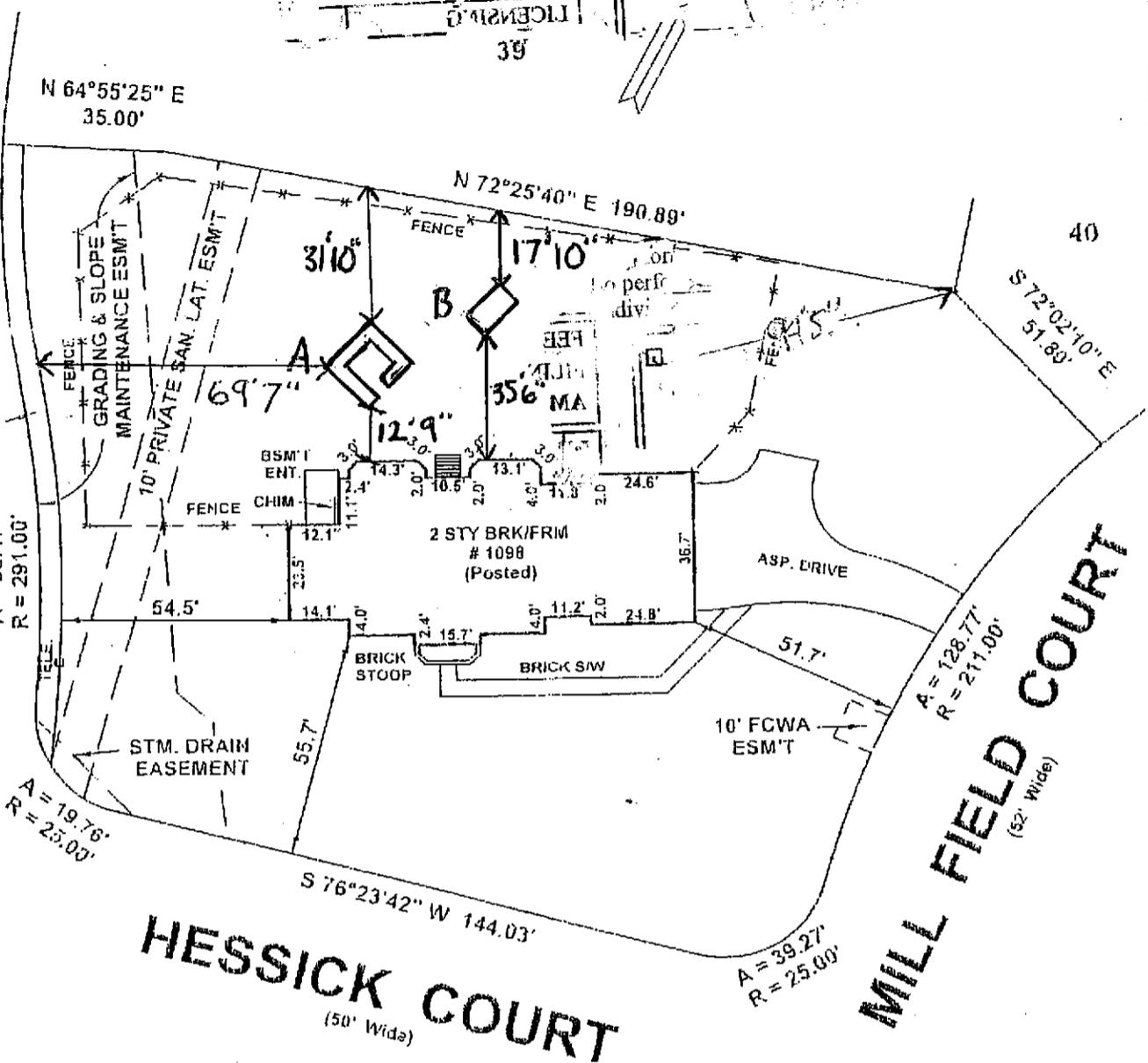
Proffers: N

DETAILS COMMENTS:
 build outdoor kitchen and detached spa no decking per plan

A-KITCHEN (105 sq.ft.)
 B-SPA (77 sq.ft.)

NOTE:
 NO CORNER MARKERS SET
 PER WAIVER FROM CLIENT.

MILL RUN DRIVE



HESSICK COURT
 (50' Wide)

MILL FIELD COURT
 (52' Wide)

APPROVED
 June 8, 2004
Eileen M. Malone
 Zoning Administrator
 Outdoor Kitchen / Spa

NOTE:
 FENCES, IF SHOWN, ARE APPROX. ONLY
 AND DO NOT CERTIFY AS TO OWNERSHIP

NOTE:
 THIS IS NOT A BOUNDARY SURVEY
 AND IS NOT TO BE USED FOR
 CONSTRUCTION PURPOSES.

THE DWELLING SHOWN
 HEREON IS NOT LOCATED IN
 A SPECIAL FLOOD HAZARD AREA
 UNLESS OTHERWISE NOTED.

HOUSE LOCATION

LOT 38 SECTION 3
COLVIN MILL RUN
 FAIRFAX COUNTY, VIRGINIA

HIGHLANDER SURVEYING SERVICES P.C.
 CURTIS L. McALLISTER, L. S.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING
 IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAVE
 BEEN ESTABLISHED BY A TRANSIT TAPE SURVEY AND THAT UNLESS
 OTHERWISE SHOWN THERE ARE NO VISIBLE ENCROACHMENTS.

SCALE: 1" = 40'

DRAWN WED / cadd

DATE: June 29, 2004

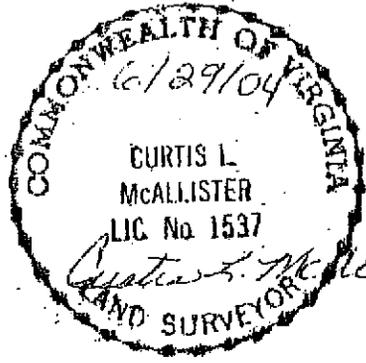
CHECK CLM

NO TITLE REPORT FURNISHED

PHONE # 703-273-1619

D.B. 11194 PAGE 1164

MORAN / GIBARATZ





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: July 9, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Austin W. Verity IV
Michelle A. Verity

ADDRESS: 1098 Mill Field Court
Great Falls, VA 22066

LOCATION OF VIOLATION: 1098 Mill Field Court
Great Falls, VA 22066-0000

TAX MAP REF: 0191 13 0038

CASE #: 201404212 **SR #:** 106288

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

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§10-104 (12D)	\$ 200.00	\$ 500.00
	TOTAL:	\$ 400.00	\$ 1000.00

Dear Responsible Party:

An inspection of the above referenced property on July 03, 2014 revealed the following violation(s) of the Fairfax County Zoning Ordinance:

§ 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 which measured approximately sixteen (16) feet in height is

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

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approximately seventy-five (75) square feet in area and is located approximately ten (10) feet from the side lot line.

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-1 District is twenty (20) feet as detailed in Par. 2A of Sect. 3-107 of the Zoning Ordinance.

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

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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:

Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703)324-1314
Information and forms can also be obtained at <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-5031. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:

Signature

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

PERSONAL SERVICE _____

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

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

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

Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER
for _____

DATE _____

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County of Fairfax, Virginia

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

NOTICE OF VIOLATION Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: September 15, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Austin W. Verity IV
Michelle A. Verity

ADDRESS: 1098 Mill Field Court
Great Falls, VA 22066

TAX MAP REF: 0191 13 0038

LOCATION OF VIOLATION: 1098 Mill Field Court
Great Falls, VA 22066-0000

CASE #: 201404212 **SR#:** 107093

You were issued a Corrective Work Order on July 9, 2014 for violations of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011. Staff confirmed on September 15, 2014 that the violations itemized below remain.

Explanation: On September 15, 2014 County staff inspected the above referenced premises and discovered that an outdoor fireplace approximately 13 feet in height has been constructed without the issuance of a Building Permit, 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.

Corrective Action Required:

1. Apply for and obtain all necessary County Permits for the work described above within 60 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 60 calendar days from the date you received this notice.
3. Contact me at (703)324-5031 within the timeframe established to confirm the violation(s) has/have been abated.

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

4. Call (703)222-0455 to schedule all inspections related to this matter. Please reference CASE #: 201404212.

Note:

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

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

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

*Additional fees for unpermitted work may apply.

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

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

Information and forms can also be obtained at:

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

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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)324-5031 or the main office at (703)324-1300.

Notice Issued By:

Signature

Gabriel Zakkak
(703)324-5031
Gabriel.Zakkak@fairfaxcounty.gov
Technical Assistant to the Building Official
Department of Code Compliance

CC: Case File
Residential Inspections Branch Chief

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.

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8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

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

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

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

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

2. The BZA determines that:

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

5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.