



APPLICATION ACCEPTED: September 28, 2015
BOARD OF ZONING APPEALS: January 13, 2016 @ 9:00 a.m.

County of Fairfax, Virginia

January 6, 2016

STAFF REPORT

SPECIAL PERMIT APPLICATION SP 2015-DR-132

DRANESVILLE DISTRICT

APPLICANTS/OWNERS: Kenneth Todorov
Lynn Todorov

SUBDIVISION: Walkers Hill

STREET ADDRESS: 1946 Macarthur Drive, McLean, 22101

TAX MAP REFERENCE: 41-1 ((30)) 01

LOT SIZE: 15,000 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISIONS: 8-923

SPECIAL PERMIT PROPOSAL: To permit fence greater than 4.0 ft. in height to remain in the front yard of a corner lot.

STAFF RECOMMENDATION: Staff recommends approval of SP 2015-DR-132, subject to the approval 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.

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

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.

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 REQUEST

The applicant is seeking a special permit to allow a fence greater than 4.0 feet in height to remain in a front yard.

A copy of the special permit plat titled, "Walkers Hill, Lot 1, Map # 0411 30 0001, Zoned R-2 (Residential 2 DU/AC), Dranesville District, Fairfax County, Virginia," as prepared by Andrew N. Hornbeck, L.S., on July 31, 2015, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a two-story single family detached dwelling with a basement. The property is a corner lot with two front yards; one along MacArthur Drive, and another along Kirby Road. An asphalt driveway accesses a 2-car garage from MacArthur Drive, and a brick walkway connects the driveway to a stoop and the front entry of the dwelling. A brick patio exists in the eastern side yard. A wooden fence 6.0 feet in height encloses a portion of the property along part of its northern front yard facing Kirby Road, eastern side yard, and a portion of the southern side yard. A private sanitary sewer easement for the adjacent Lot 3A lies across the northeastern corner of the property. Although the fence is in the easement, it is permitted per deed as shown in Appendix 4.

The subject property and surrounding properties to the east, south and west are zoned R-2 and developed with single family detached dwellings, as depicted below. Properties across Kirby Road to the north of the subject property are zoned R-3 and developed with single family detached dwellings.



Figure 1. Aerial Image of Subject Property (2015)

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 2001, and purchased by the applicant in 2013.

On July 29, 2014, a Notice of Violation from the Department of Code Compliance was issued for a fence greater than 4.0 feet in height in a front yard (Appendix 5).

DESCRIPTION OF THE PROPOSED USE

The applicant is seeking a special permit to allow a fence greater than 4.0 feet in height to remain in the front yard of a corner lot. The 6.0 foot high wooden fence would enclose a portion of the front yard of the property, and it would be located along the front yard adjacent to Kirby Road. Since Kirby Road is considered a minor arterial, it is classified as a major thoroughfare according to Sect. 20-300 of the Zoning Ordinance. Per Sect. 10-104.3(B), fences up to 8.0 feet in height are permitted on residential corner lots that abut a major thoroughfare, provided that (1) the driveway entrance and principal entrance of the dwelling are located on a street other than the major thoroughfare and (2) the lot is not adjacent to a lot which has its only driveway entrance from the major thoroughfare. If it were not for the fact that the subject property does not meet the second requirement of Sect. 10-104.3(B), the existing fence in question would be permitted. According to the applicants, this fence was already in place when they purchased the home.

	Structure	Yards	Height Permitted By right	Maximum Height Requested	Modification Requested
Special Permit	Fence	Front	4.0 feet	6.0 feet	2.0 feet

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, McLean Planning District
Planning Sector: Kirby Planning Sector (M3)
Plan Map: Residential, 1-2 du/ac

Zoning Ordinance Requirements

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Provisions for Increase in Fence and/or Wall Height in Any Front Yard (Sect. 8-923)

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included as Appendix 6. Subject to development conditions, this special permit must meet these standards.

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

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-2 District permits a fence over 4.0 feet in height in a front yard with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed.
Standard 4 Pedestrian/Vehicular Traffic	No additional traffic is anticipated with the proposed use in the application.
Standard 5 Landscaping/Screening	Landscaping and screening are not applicable to this requested fence use.
Standard 6 Open Space	There is no prescribed open space requirement in the R-2 District for individual lots.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities, drainage or parking serving the property or use.
Standard 8 Signs	No signage is proposed with the application.

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

Standard 1 Lot Size and Bulk Regulations	The property conforms to the lot size and bulk regulations of the R-2 District. No exterior modifications are proposed with this application.
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	Fences in a front yard are not subject to the provisions of Article 17, Site Plans.

Provisions for Increase in Fence in Any Front Yard (8-923)

Standard 1 Fence Shall Not Exceed 6 feet in Height	The tallest point of the fence does not exceed 6.0 feet in height.
Standard 2 Meet Sight Distance Requirements	The 6.0 foot high fence is not located in any areas that may affect sight distance.

<p>Standard 3 Proposed Fence Height is Warranted</p>	<p>In staff's opinion, the proposed fence height is warranted, as Kirby Road is a high traffic thoroughfare. The fence is also set back far enough from the edge of the pavement that its height is not obtrusive.</p>
<p>Standard 4 Fence is in Character with On-site and Off-site Uses</p>	<p>Although adjacent properties do not have similar fences exceeding 4.0 feet in height, there are some adjacent properties (especially Lots 5A and 36) with landscaping coupled with lower decorative walls or fencing that provide a similar sense of character with the subject property. The fence in question exists in conjunction with well-placed landscaping, similar to neighboring properties.</p>
<p>Standard 5 Fence Will Not Adversely Impact Other Properties</p>	 <p>Staff believes the fence does not adversely impact the physical character of adjacent properties. The fence is located far enough away from the edge of the pavement of Kirby Road. As shown in the above photograph, adjacent corner lot properties have a similar combination of fencing and landscaping.</p>
<p>Standard 6 BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p>Standard 7 Meet Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>
<p>Standard 8 Architectural Depictions Provided</p>	<p>Pictures of the existing fence have been included in Appendix 2.</p>

CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2015-DR-132 for a fence greater than 4.0 feet in a front yard with adoption of the proposed development conditions contained 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 Photographs
3. Applicant's Affidavit
4. Deed for Private Sewer Easement
5. Notice of Violation dated July 29, 2014
6. Applicable Zoning Ordinance Provision

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-DR-132****January, 6 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-DR-132 located at Tax Map 41-1 ((30)) 01 to permit a fence greater than 4.0 feet in height in a front yard of a corner lot, under Sect(s). 8-923 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location of a wooden fence six feet in height, as shown on the plat in the front yard along Kirby Road, titled "Walkers Hill, Lot 1, Map # 0411 30 0001, Zoned R-2 (Residential 2 DU/AC), Dranesville District, Fairfax County, Virginia," as prepared by Andrew N. Hornbeck, L.S., on July 31, 2015, as submitted with this application. It is not transferrable to other land.

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

APR 29 2015

Zoning Evaluation Division

Statement of Justification

1. The existing fence does not exceed six (6) feet.
2. The fence meets the sight distance requirements contained in Sect. 2-505.
3. The existing fence height increase is warranted based upon such factors as the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, and concerns related to safety of children and drivers and/or noise.
4. The existing fence is in character with the existing on-site development and is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The existing fence does not adversely impact the use and/or enjoyment of other properties in the immediate vicinity. See attached statement from next-door neighbors regarding preference for fence and lack of safety impact regarding visibility at corner due to setback from street/driveway.

SP 2015-0140

**Todorov residence
1946 MacArthur Drive
McLean, VA 22101**

**6' wood fence in good condition at
front left of house. Looking
Northeast**

RECEIVED
Department of Planning & Zoning

SEP 25 2015

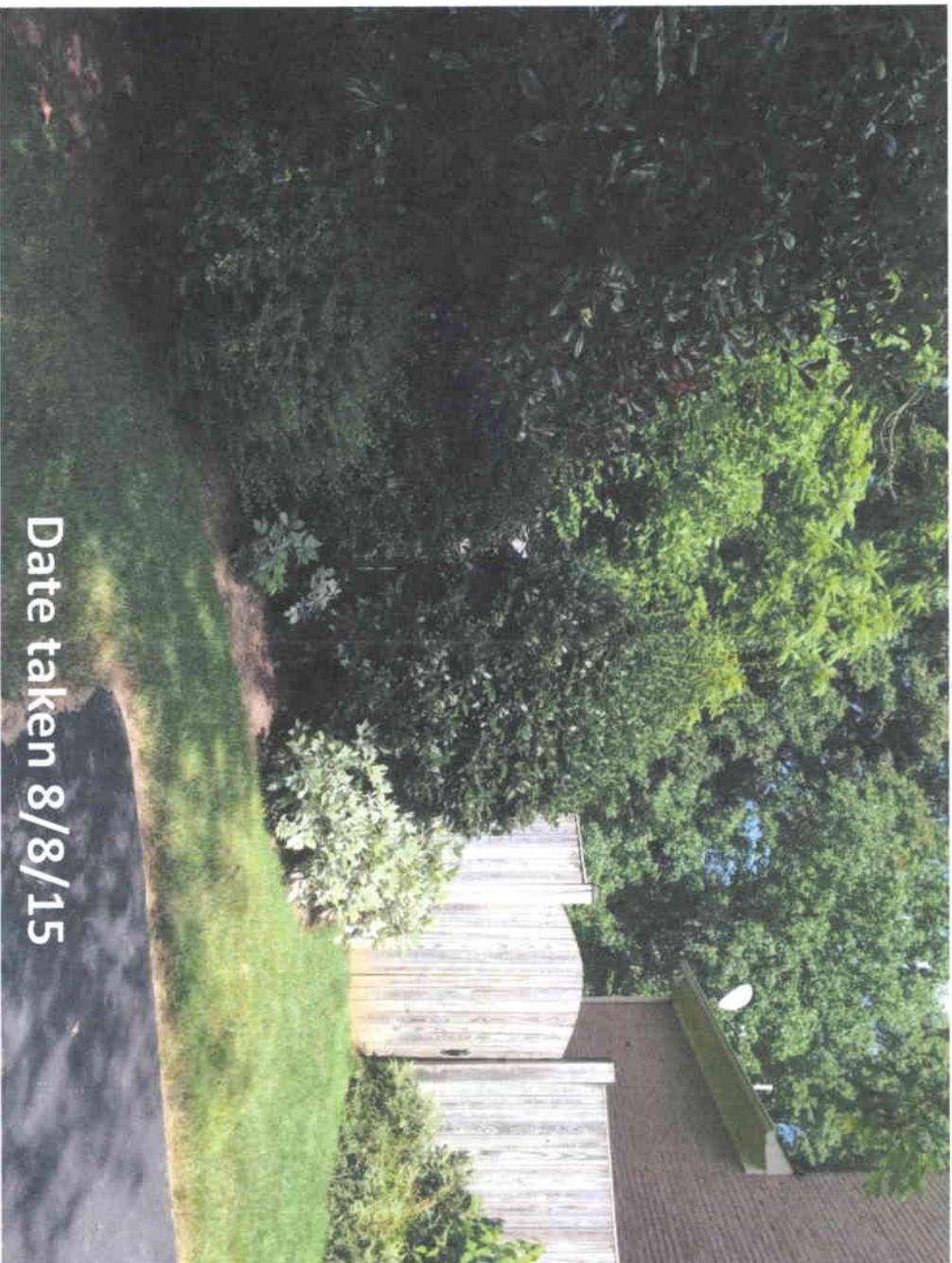
Zoning Evaluation Division



SP 2015-0140

**Todorov residence
1946 MacArthur Drive
McLean, VA 22101**

**6' wood fence in good condition at
front left of house. Looking East**



RECEIVED
Department of Planning & Zoning

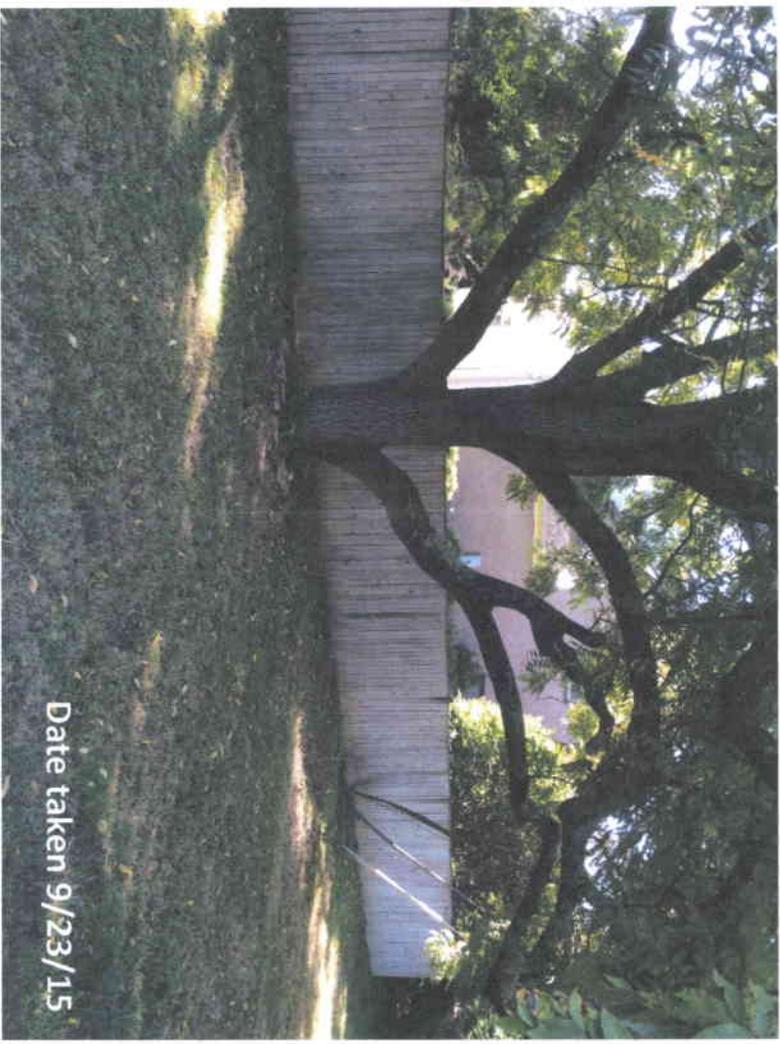
SEP 25 2015

Zoning Evaluation Division

SP 2015-0140

**Todorov residence
1946 MacArthur Drive
McLean, VA 22101**

**6' wood fence at side of house
along Kirby Road looking SSW**



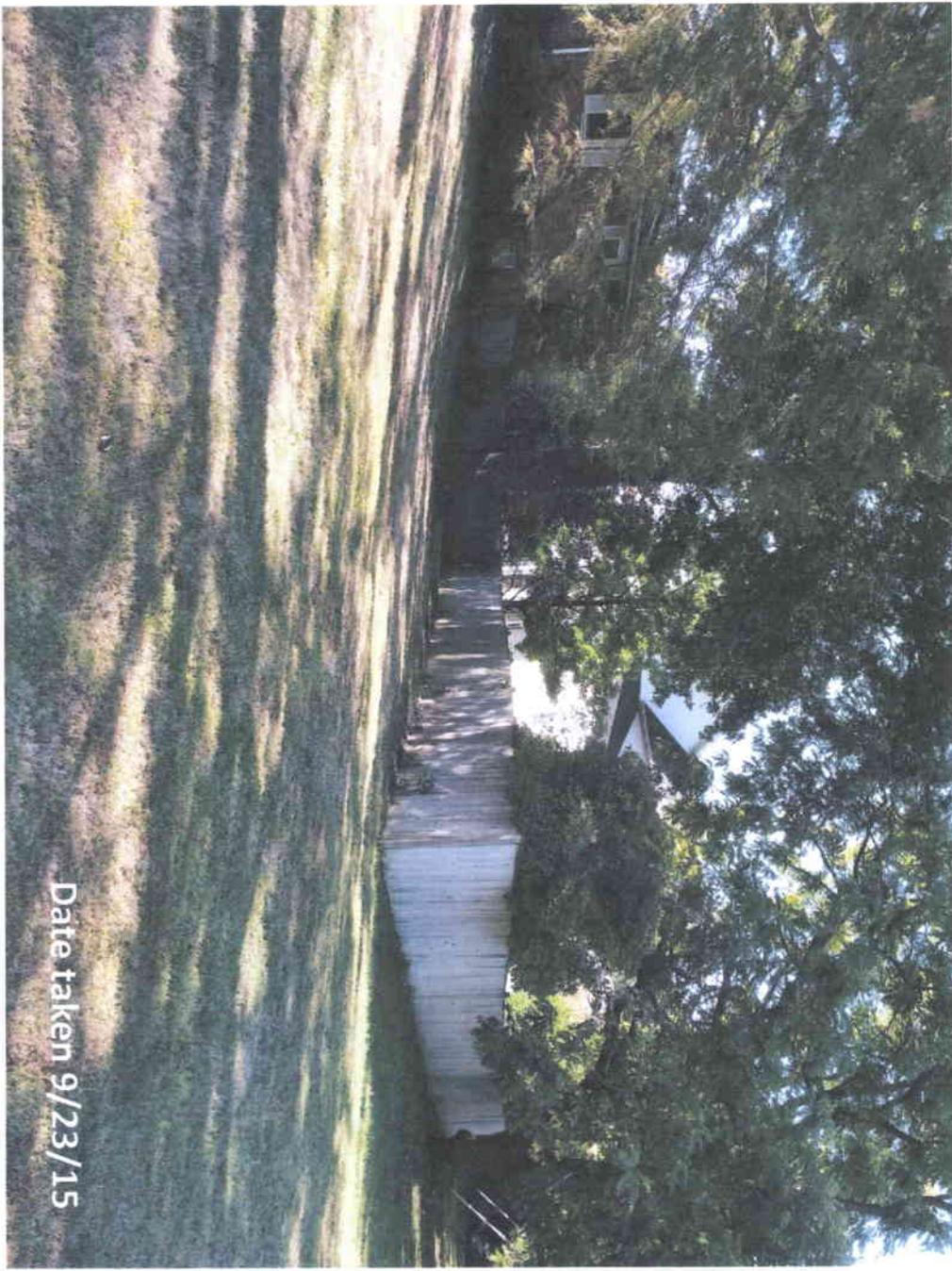
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Department of Planning & Zoning

SEP 25 2015

Zoning Evaluation Division

SP 2015-0140

View from next door neighbor's yard looking southwest. Owners are Russ and Jess Hill who support presence of fence.



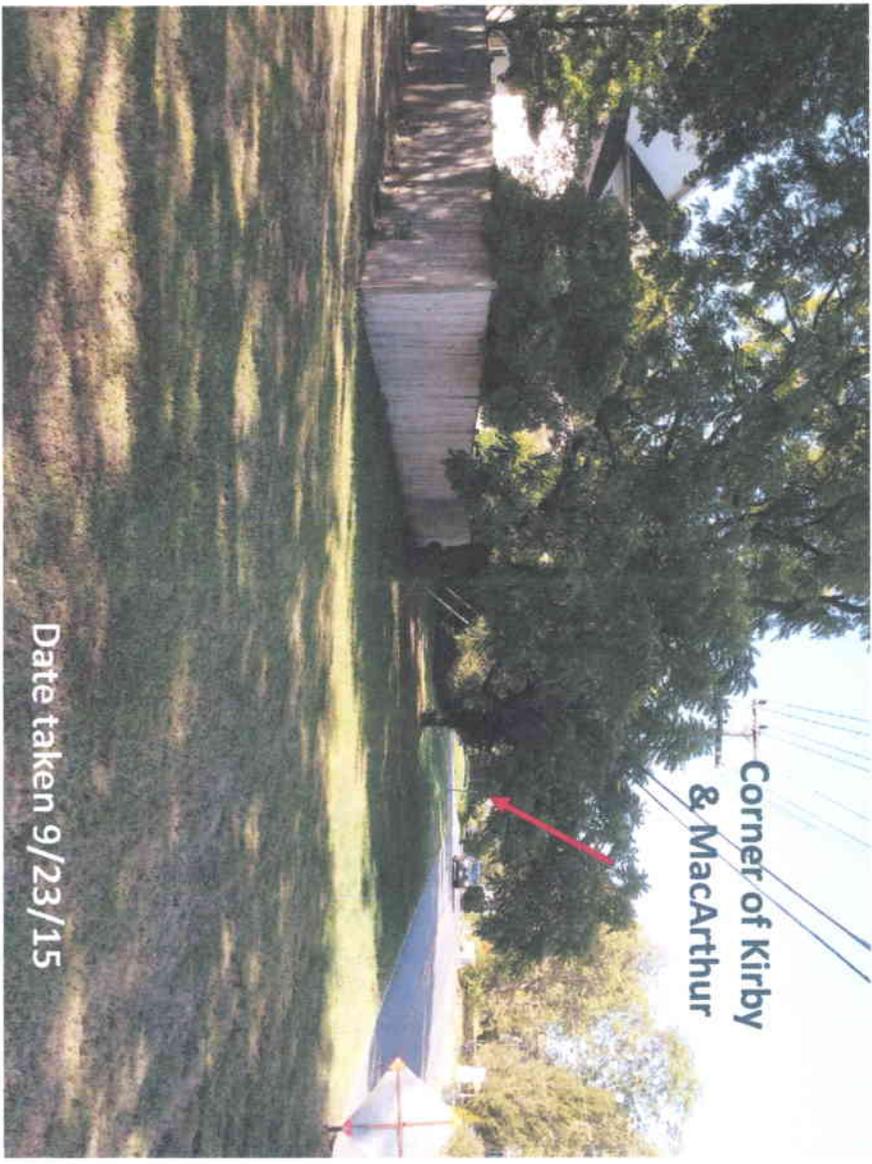
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Zoning Evaluation Division

SP 2015-0140

View from next door neighbor's yard looking west. Owners are Russ and Jess Hill who support presence of fence.



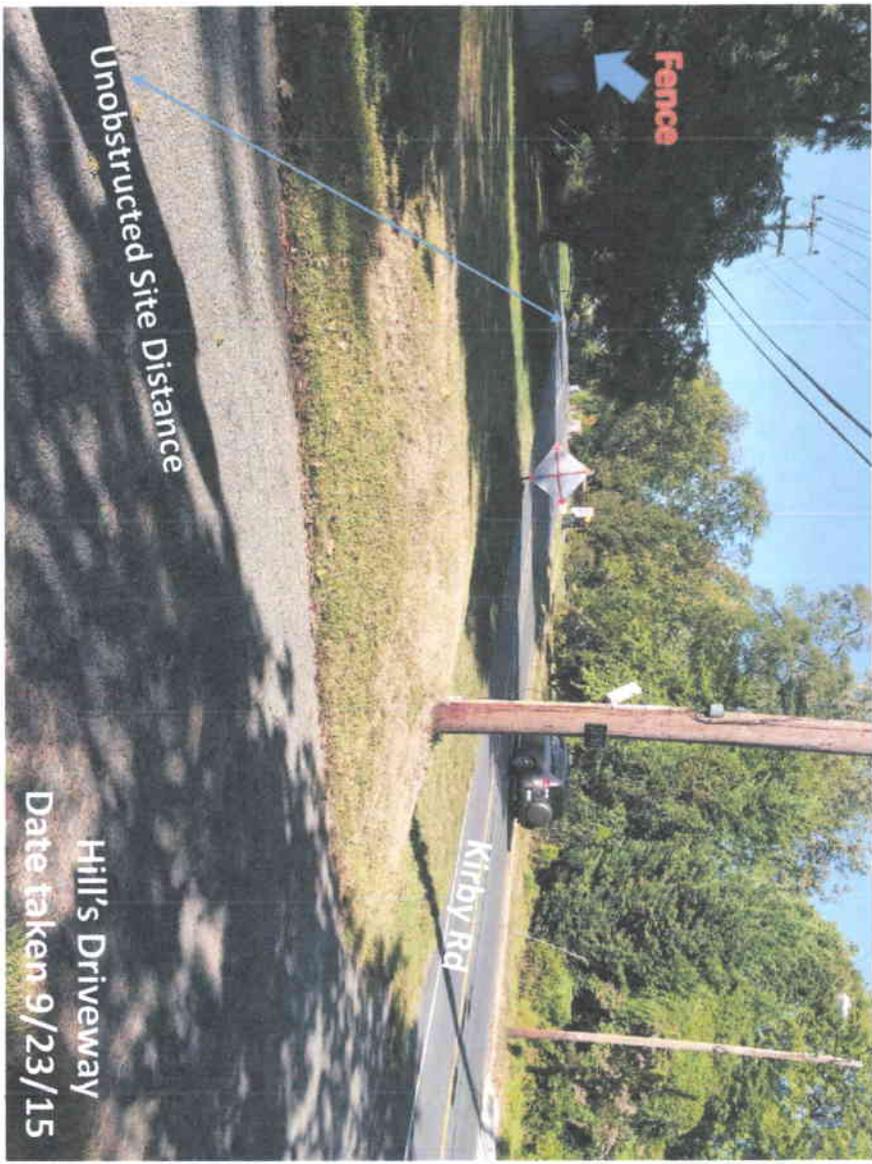
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SP 2015-0140

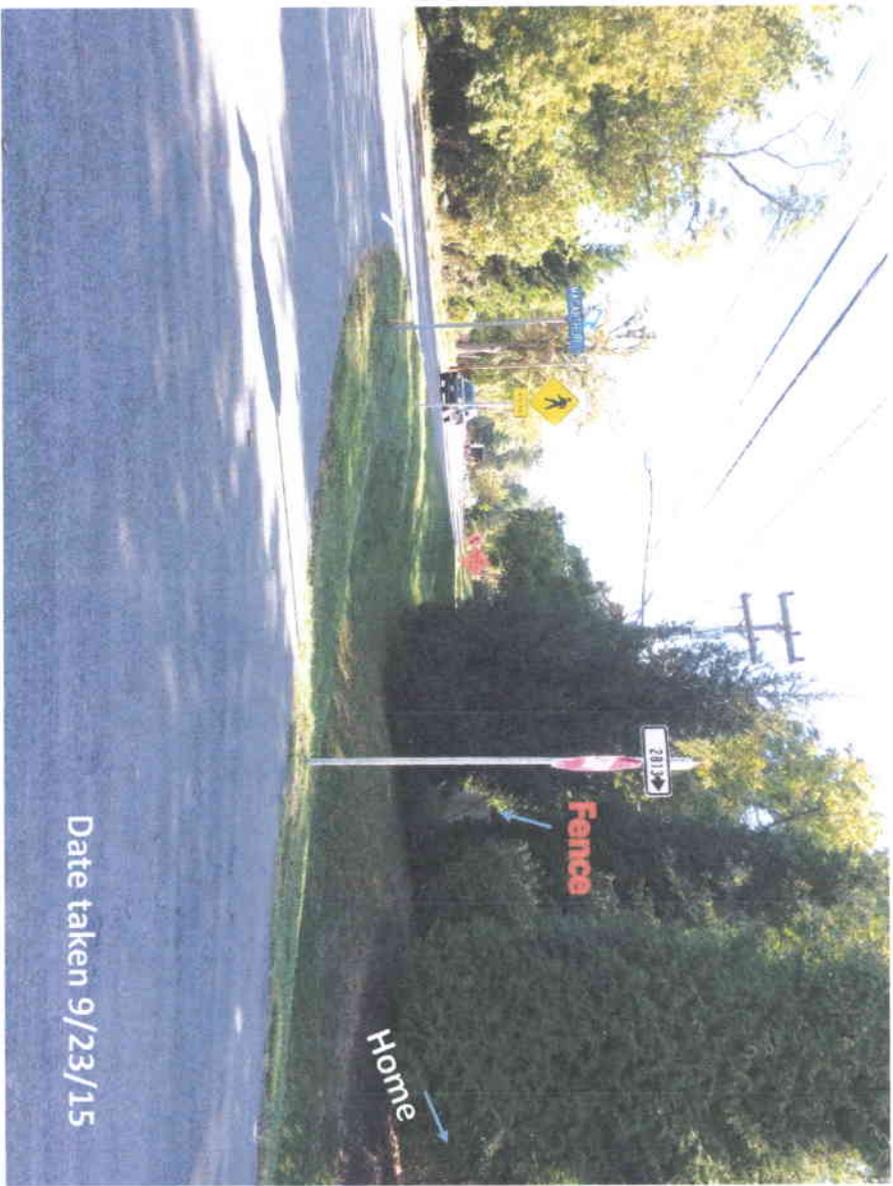
View from next door neighbor's driveway looking west along Kirby Road. Note unobstructed view for turning onto Kirby Road.



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Zoning Evaluation Division

SP 2015-0140

View from corner of Kirby and
MacArthur looking NE.



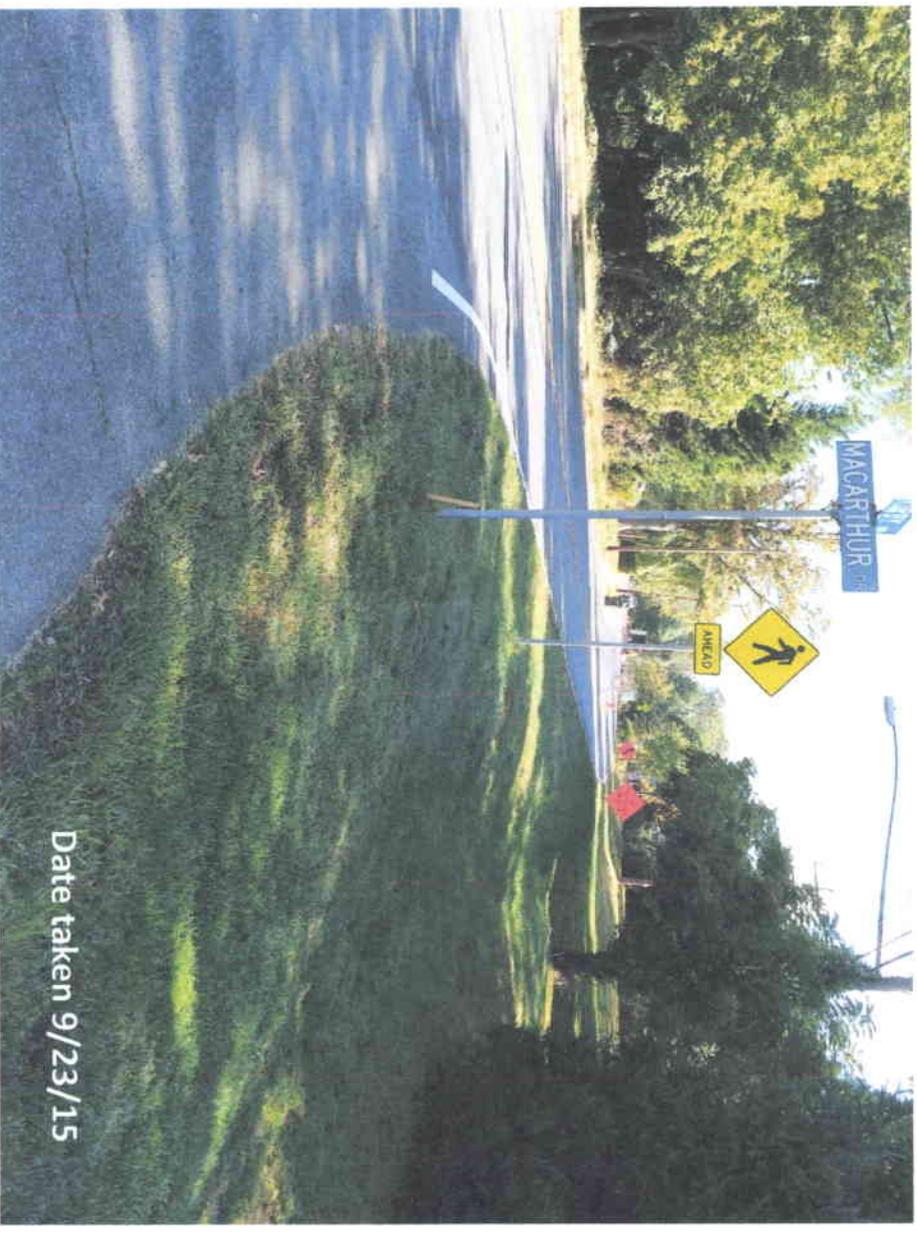
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SEP 25 2015

Zoning Evaluation Division

SP 2015-0140

View from corner of Kirby and MacArthur looking NE. Note unobstructed view for turning onto Kirby Road.



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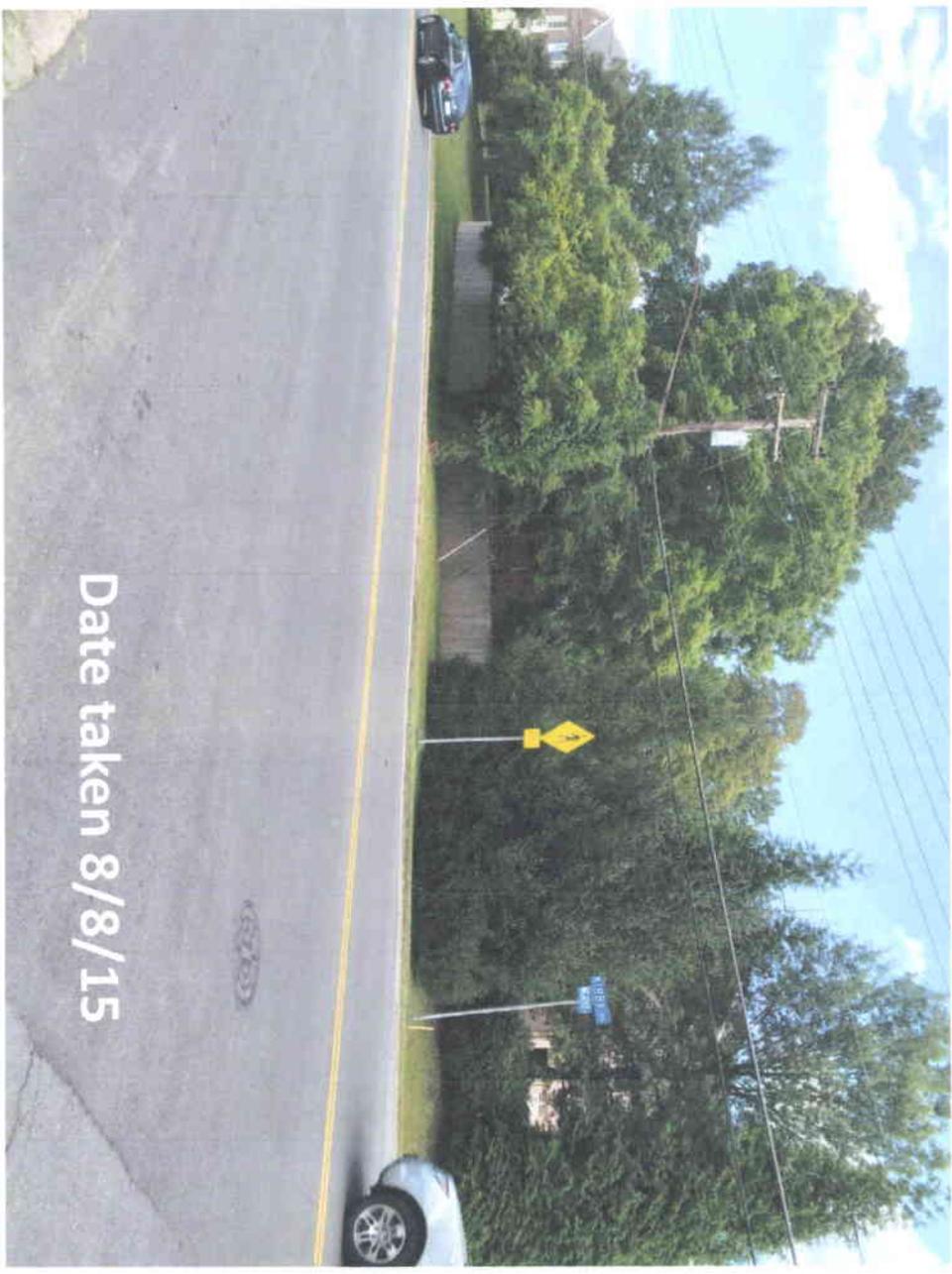
SEP 25 2015

Zoning Evaluation Division

SP 2015-0140

**Todorov residence
1946 MacArthur Drive
Mclean, VA 22101**

**6' wood fence. Looking East from
across Kirby Road**



RECEIVED
Department of Planning & Zoning

SEP 25 2015

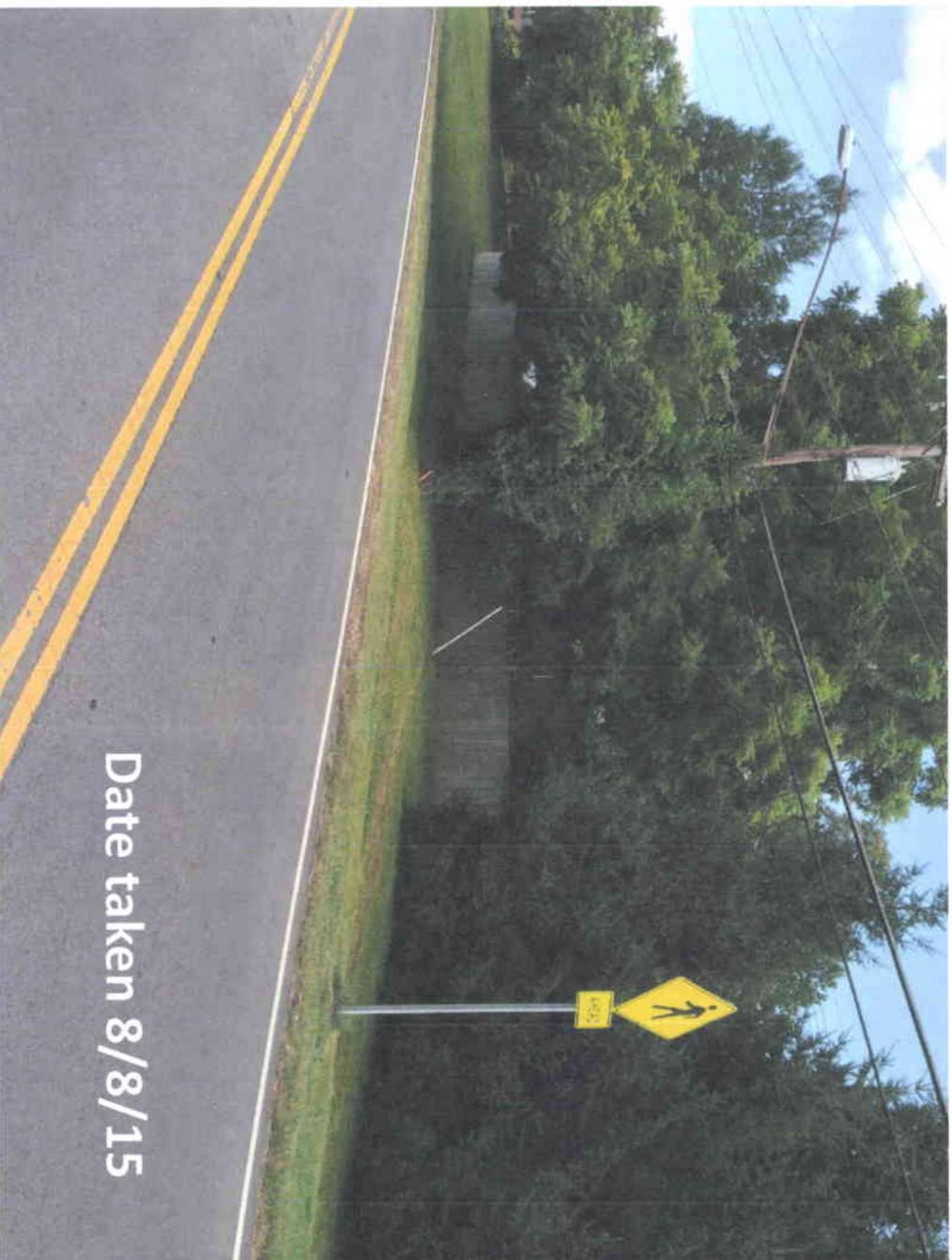
Zoning Evaluation Division

SP 2015-0140

Todorov residence
1946 MacArthur Drive
McLean, VA 22101

6' wood fence. Looking East

RECEIVED
Department of Planning & Zoning
SEP 25 2015
Zoning Evaluation Division



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 29, 2015
(enter date affidavit is notarized)

131862

I, Kenneth E. Todorov and Lynn S. Todorov, 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)
Kenneth E. Todorov and Lynn S. Todorov	1946 MacArthur Dr., McLean, VA 22101	Applicants/Title Owners

(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: October 29, 2015
(enter date affidavit is notarized)

131862

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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 29, 2015
(enter date affidavit is notarized)

13802

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: October 29, 2015
(enter date affidavit is notarized)

131842

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 29, 2015
(enter date affidavit is notarized)

131862

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)

[Signature] [Signature]

Applicant

Applicant's Authorized Agent

Kenneth E. Todorov and Lynn S. Todorov

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

Subscribed and sworn to before me this 29 day of October 2015 in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 2/29/16

[Signature]
Notary Public
PHARMAYNE ROLO
REG # 7513251
COMMISSION EXPIRES 2/29/2016
COMMONWEALTH OF VIRGINIA



249876

99 DEC 29 AM 9:24

DEED OF SUBDIVISION, EASEMENT, AND DEDICATION

THIS DEED OF SUBDIVISION, EASEMENT, AND DEDICATION (the "Deed") is made this 22 day of DECEMBER, 1999, by and among (i) HARRY R. HILL, TRUSTEE of the Avis W. Hill Trust ("Hill"), Grantor; (ii) DONALD L. UNGER, SOLE ACTING TRUSTEE (the "Trustee"), Grantor; and (iii) the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a body corporate and politic (the "County"), Grantee.

RECITALS

R-1. Hill is trustee of the Avis Hill Trust, the owner of approximately 2.9794 acres of land, having acquired the property (the "Property") from the Estate of Avis W. Hill, by deed recorded in Deed Book 11077 at Page 688 among the land records of Fairfax County, Virginia (the "Land Records").

R-2. The Property is subject to a Deed of Trust dated October 4, 1996, recorded among the Land Records in Deed Book 9826 at Page 1315 from Harry R. Hill, Executor of the Estate of Avis W. Hill to the Trustee and Joseph F. Silek, Jr., Trustee, either of whom may act, securing The Marathon Bank ("Marathon") as the beneficiary in the indebtedness more particularly described therein, as modified by that Modification Agreement dated October 4, 1997, recorded in Deed Book 10168 at Page 1044 among the Land Records.

R-3. Hill and the Trustee desire to divide the Property into five (5) lots as well as create private ingress/egress easements and a private sanitary sewer easement, all as more

DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES														
OFFICE OF SITE DEVELOPMENT SERVICES														
9	4	3	1	-	R	19	-	0	1	-	m	-	0	1
DOCUMENT CONTROL NUMBER														

THIS DEED PREPARED BY:

EDMUND L. WALTON, JR.
WALTON & ADAMS, P.C.
P. O. DRAWER "EE"
McLEAN, VA 22101

particularly shown on the plat prepared by Bengtson, DeBell & Elkin, Ltd., entitled "PLAT SHOWING WALKER'S HILL SUBDIVISION" dated April 10, 1997 (the "Plat"), attached hereto and incorporated herein as Exhibit A.

R-4. Hill and the Trustees desire to dedicate to the County a portion of the Property for public street purposes as more particularly shown on the Plat.

WITNESSETH:

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, Hill does hereby subdivide the Property into five lots with the following acreage: "LOT 1" containing Fifteen Thousand (15,000) square feet; "LOT 2" containing Fifteen Thousand (15,000) square feet; "LOT 3" containing Fifty-Two Thousand One Hundred Eighty-Six (52,186) square feet; "LOT 4" containing Fifteen Thousand Nine Hundred Fifty-Two (15,952) square fee; and "LOT 5" containing Fifteen Thousand Two Hundred Twenty-One (15,221) square feet. Hill does hereby declare that the platting and subdivision of the land described on the attached Plat is made with owner's free consent in accordance with the desires of the undersigned, Hill, and the Trustee and in accordance with the statutes of Virginia governing the platting of land.

THIS DEED FURTHER WITNESSETH,

That in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, Hill does hereby create and establish the following easements: (i) a private ingress/egress easement over and across a portion of Lots 1 and 2 for the benefit of the owner of Lot 3, such easement being shown on the Plat as "ACCESS ESM'T.," eighteen (18) feet in width total, Nine (9) feet along the northern boundary of Lot 2 and Nine (9) feet along the southern boundary of Lot 1 provided that the

paved surface thereof shall be restricted to twelve (12) feet in width centered within the easement ("Access Easement #1"); (ii) a temporary private ingress/egress easement over and across a portion of Lot 4 for the benefit of Lot 3, such easement being shown on the Plat as "ACCESS ESM'T," fifteen (15) feet in width along the western boundary of Lot 4 ("Access Easement #2") provided that such easement shall be ipso facto vacated upon the further development of Lot 3; and (iii) a private sanitary sewer easement over and across a portion of Lot 1 for the benefit of Lot 3, such easement being shown on the Plat as "SAN. SEW. ESM'T". The maintenance of these easements and any roads or other improvements constructed within the easements shall not be the responsibility of the County of Fairfax or the Commonwealth of Virginia but shall be the responsibility of the Owner of Lot 3. As a condition of the private ingress/egress easements granted herein, the Owner of Lot 3 will use only Access Easement #2 and will not use or improve Access Easement #1 until such time as Lot 3 is further subdivided and Access Easement #2 is vacated as aforesaid.

THIS DEED FURTHER WITNESSETH

That for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, Hill does hereby grant and convey to the County Board of Supervisors of Fairfax County easements over the areas designated "ACCESS ESM'T (see Note 5)" and "ACCESS ESM'T" on the Plat for the purpose of ingress and egress by County emergency, maintenance and police vehicles over and across the property of Hill subject to the following terms and conditions:

A. All streets, service drives, trails, sidewalks, and driveways and all appurtenant facilities installed in the easements shall be and remain the property of Hill, his successors and assigns, who shall properly maintain the Property and said facilities.

B. The County and its agents shall have full and free use of the easement for the purposes named and shall have all rights and privileges reasonably necessary to the exercise of the easement and not the obligation to perform if Hill, his successors and assigns fail to do so, such repairs and maintenance as the County may deem necessary. The cost of such repairs and maintenance shall be reimbursed to the County by Hill, his successors and assigns upon demand.

C. The foregoing agreement and covenants are not covenants personal to Hill, his successors or assigns but are covenants running with the land which are and shall be binding upon Hill, his heirs, personal representatives, successors and assigns.

All private easements shall be for the purpose stated and for no other purpose.

THIS DEED FURTHER WITNESSETH,

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, Hill does hereby convey in fee simple and dedicate to the Board of Supervisors of Fairfax County, Virginia, its successors and assigns, that portion of the Property shown on the Plat as "16,451 S.F. HEREBY DEDICATED FOR PUBLIC STREET PURPOSES." This dedication is made in accordance with the statutes made and provided therefor. The Trustee hereby joins with Hill in this conveyance and dedication and releases the lien of the Deed of Trust as it applies to the property so conveyed and dedicated. This conveyance and dedication is with the free consent and desire of Hill and the Trustee, as reflected by their signatures to this instrument.

THIS DEED FURTHER WITNESSETH,

That for and in consideration of the premises and the sum of One and No/100 Dollars (\$1.00), cash in hand paid, receipt and sufficiency of which is hereby acknowledged, the

Trustees, as authorized to act by the Beneficiary, as shown by their execution herein, do hereby release and discharge from the lien of the Deeds of Trust those portions of the Property dedicated for public street purposes, and do hereby consent to and subordinate the lien of the Deeds of Trust to the easements granted herein as shown on the Plat.

TO HAVE AND TO HOLD that portion of the Property dedicated for public street purposes unto the Owner, its successors and assigns, fully released and discharged from the liens and operations of the Deeds of Trust.

It is expressly understood that the release of the portion of the property described above from the liens of the deeds of Trust and the subordination of the liens of the Deeds of Trust to easements granted herein as more particularly bounded and described on the Plat shall not affect in any way the liens of the deeds of Trust upon the other land conveyed thereby and not released hereby or subject to said easements, and the Deeds of Trust shall remain in full force and effect as to the land conveyed thereby and not released hereby, subject to said subordination.

Witness the following signatures and seals:

HARRY R. HILL, TRUSTEE
OF THE AVIS W. HILL TRUST

By: *Harry R. Hill*
HARRY R. HILL, Trustee

COMMONWEALTH OF VIRGINIA :
COUNTY OF FAIRFAX : to-wit:

The foregoing instrument was acknowledged before me by the Harry R. Hill, as Trustee, of the Avis Hill Trust, this 22 day of December, 1999.

Ima Anderson
Notary Public

My commission expires: 2/28/03

SOLE ACTING TRUSTEE FOR MARATHON

By: Donald L. Unger
Name: Donald L. Unger
Title: Trustee

COMMONWEALTH OF VIRGINIA :
COUNTY of Warren : to-wit:

The foregoing instrument was acknowledged before me this 22 day of December, 1999, by Donald L. Unger.

Ina Anderson
Notary Public

My commission expires: 2/28/03

Accepted on behalf of the Board of Supervisors of Fairfax County by the authority granted by said Board.

APPROVED AS TO LEGAL FORM:

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

By: Albert W. Cady
Name: _____
Title: _____

By: [Signature]
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA :
COUNTY OF FAIRFAX : to-wit:

The foregoing instrument was acknowledged before me this 28th day of December, 1999, by Michelle Buckner for the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA.

Michelle M. Buckner
Notary Public

My commission expires: 02/30/00

EXHIBIT A

PLAT SHOWING SUBDIVISION OF THE AVIS W. HILL TRUST PROPERTY

with plat attached

DEC 29 99

RECORDED FAIRFAX CO VA

TESTE:

John J. Frey
CLERK

6. # DENOTES STREET ADDRESS

W.E. Stancik 10-7-99

STANCIK DATE 818

99 Co. ATTY COMMENTS *See*

9	ADDED ADDRESSES	<i>See</i>
9	REVISED ACCESS ESMT	<i>See</i>
9	UPDATE TITLE	<i>See</i>
99	UPDATE OWNER/ ACC. ESMT	<i>See</i>
98	VIRGINIA STATE GRID	<i>See</i>
97	LOT 5 ACCESS ESMT.	<i>See</i>
	DESCRIPTION	BY

REVISIONS

THIS APPROVAL IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER

FINAL PLAT

RECOMMENDED FOR APPROVAL
FAIRFAX COUNTY
SITE REVIEW BRANCH CHIEF
DATE *12/17/99* BY *[Signature]*

APPROVED

FOR
BOARD OF SUPERVISORS
FAIRFAX COUNTY, VIRGINIA
DATE *12/23/99* BY *[Signature]*
Director Environmental Management

APPROVAL VOID IF PLAT IS NOT OFFERED FOR RECORD ON OR BEFORE

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Division of Design Review
Fairfax, Virginia

All street locations and/or easements conform to the requirements of this office and the necessary agreements or bonds have been received.

By *[Signature]* Date *12-17-99*

APPROVED

COUNTY OF FAIRFAX
DIVISION OF DESIGN REVIEW
SANITARY SEWER SECTION
By *[Signature]*
Date *12-17-99*

APPROVED

COUNTY OF FAIRFAX
DIVISION OF INSPECTION SERVICES
PERMIT BRANCH
SITE PERMIT SECTION
STREET ADDRESS DIVISION
By *[Signature]*
Date *11/11/99*



Scale 1" = 30'

OWNERS' DEDICATION

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN HEREON AND DESCRIBED IN THE SURVEYORS CERTIFICATE, HEREBY ADOPT THIS PLAN OF SUBDIVISION, DEDICATE THE SAME TO PUBLIC USE, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, RESERVE THE RIGHT-OF-WAY AS INDICATED FOR CONSTRUCTION, MAINTENANCE AND REPAIR OF STREETS AND SANITARY SEWERS, AND AGREE THAT IRON PIPES SHALL BE PLACED AT ALL LOT CORNERS AS INDICATED, ALL IN ACCORDANCE WITH THE REQUIREMENTS OF THE FAIRFAX COUNTY SUBDIVISION ORDINANCE UNDER THE SUPERVISION OF AN ENGINEER OR SURVEYOR. I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES.

Harry R. Hill
HARRY R. HILL, TRUSTEE

10-18-99
DATE

NC

SURVEYORS' CERTIFICATE

JUSAN E. STANCIK, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY STATE THAT I HAVE CAREFULLY REVIEWED THE SURVEY OF THE PROPERTY DELINEATED BY THIS PLAT AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THAT IT IS A SUBDIVISION OF THE LAND ACQUIRED BY HARRY R. HILL, TRUSTEE RECORDED IN DEED BOOK 11077, PAGE 688 AMONG THE RECORDS OF FAIRFAX COUNTY, VIRGINIA.

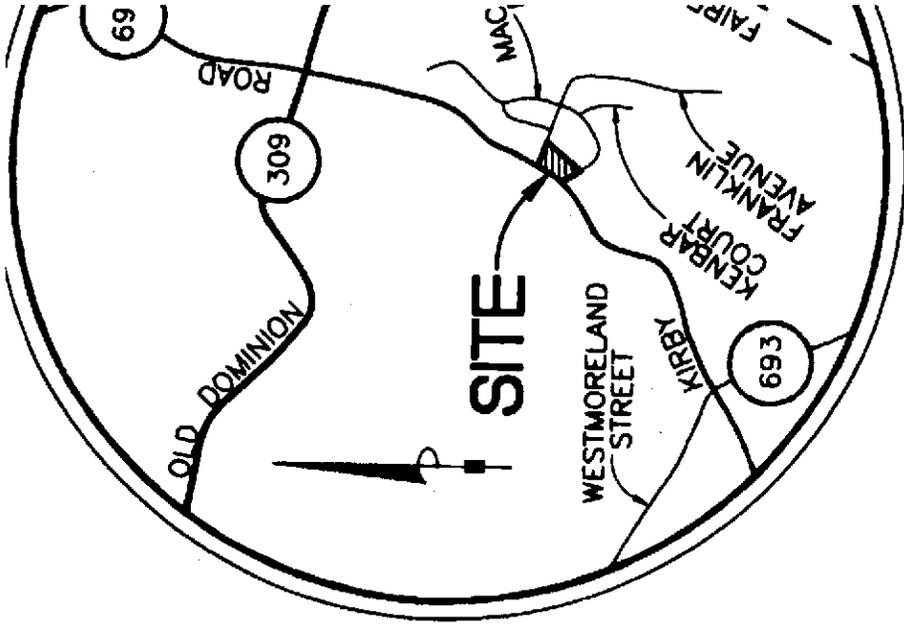
I FURTHER STATE THAT THE LAND EMBRACED IN THIS SUBDIVISION LIES ENTIRELY WITHIN THE BOUNDS OF THE ORIGINAL TRACT, THAT THIS PLAT REPRESENTS AN ACCURATE SURVEY OF THE SAME, AND THAT ALL COURSES ARE REFERENCED TO THE VIRGINIA STATE GRID NORTH NAD 27, ALL IN ACCORDANCE WITH THE REQUIREMENTS OF THE FAIRFAX COUNTY SUBDIVISION ORDINANCE.

1. THE PROPERTIES DELINEATED ON THIS PLAT ARE SHOWN ON THE COUNTY ASSESSMENT MAP
2. OWNER: HARRY R. HILL DEED BOOK 110
3. NO GEOTECHNICAL, SUBSURFACE OR ENVIRONMENTAL RECORDS HAVE BEEN MADE FOR THE PURPOSE OF IDENTIFYING ANY HAZARDOUS MATERIALS OR CONTAMINATION. DEBELL & ELKIN, LTD.'S
4. ALL PREVIOUSLY RECORDED EASEMENTS, INTERESTS OF THE COUNTY OR OTHERWISE SPECIFICALLY REFERENCED ON THIS PLAT ARE HEREBY SPECIFICALLY ACCEPTED.
5. ACCESS EASEMENT FOR BEING RECORDED AS LOT 3 IS REDEVELOPMENT
6. # DENOTES STREET ADDRESS

NOTES

1. THE PROPERTIES DELINEATED ON THIS PLAT ARE LOCATED ON FAIRFAX COUNTY ASSESSMENT MAP 41-1-((1)) PARCEL 32 AND IS ZONED R-2.
2. OWNER: HARRY R. HILL, TRUSTEE
DEED BOOK 11077, PAGE 688
3. NO GEOTECHNICAL, SUBSURFACE, FIELD REVIEWS, RESEARCH, AGENCY OR GOVERNMENTAL RECORD REVIEWS OR OTHER INVESTIGATIONS HAVE BEEN MADE FOR THE PURPOSE OF LOCATING OR DETERMINING THE EXISTENCE OF ANY HAZARDOUS MATERIALS ON SITE IN THE PERFORMANCE OF BENGTSON, DEBELL & ELKIN, LTD'S SERVICES FOR THE PROJECT AS SHOWN HEREON.
4. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS OR OTHER INTERESTS OF THE COUNTY REMAIN IN FULL FORCE AND AFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN ON THIS PLAT.
5. ACCESS EASEMENT FOR BENEFIT OF LOT 3 TO BE VACATED AT SUCH TIME AS LOT 3 IS REDEVELOPED.
6. # DENOTES STREET ADDRESS NUMBER.

RED



VICINITY MAP
SCALE: 1" = 2,000'

TIME AS LOT 3 IS REDEVELOPED.

6. # DENOTES STREET ADDRESS NUMBER.

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Division of Design Review
Fairfax, Virginia

All street locations and/or easements conform to the requirements of this office and the necessary agreements or bonds have been received.

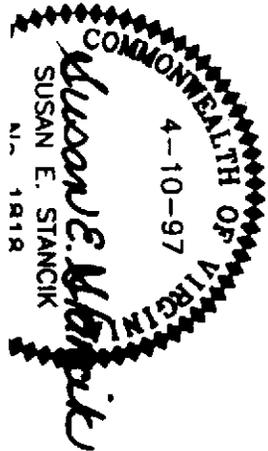
By *[Signature]* Date 12-17-99 *FR 12-23-99*

APPROVED
COUNTY OF FAIRFAX
DIVISION OF DESIGN REVIEW
SANITARY SEWER SECTION
By *[Signature]*
Date 12-17-99

APPROVED
COUNTY OF FAIRFAX
DIVISION OF INSPECTION SERVICES
PERMIT BRANCH
SITE PERMIT SECTION
STREET ADDRESS FUNCTION
By *[Signature]*
Date 11/11/99

AREA TABULATK

LOTS (5)	113,359 SQ. FT.
STREET DEDICATION	16,451 SQ. FT. (
TOTAL	129,810 SQ. FT.
DENSITY	1.67 LOTS PER AC



PLAT SHOWING
WALKER'S HILL SUB

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' DATE: APRIL

BENGTSON, DeBELL & ELK
ENGINEERS, SURVEYORS, PLANNERS & LAND:

APPROVED
FOR
SUPERVISORS
COUNTY VIRGINIA

DIRECTOR
OFFICE OF SITE DEVELOPMENT SERVICES

IF PLAT IS NOT
FOR RECORD

APPROVED
OFFICE OF FAIRFAX
COUNTY SERVICES
SANITARY SEWER SECTION
ADDRESS FUNCTION

KIRBY AVENUE
(VARIABLE WIDTH)
E 395.21'

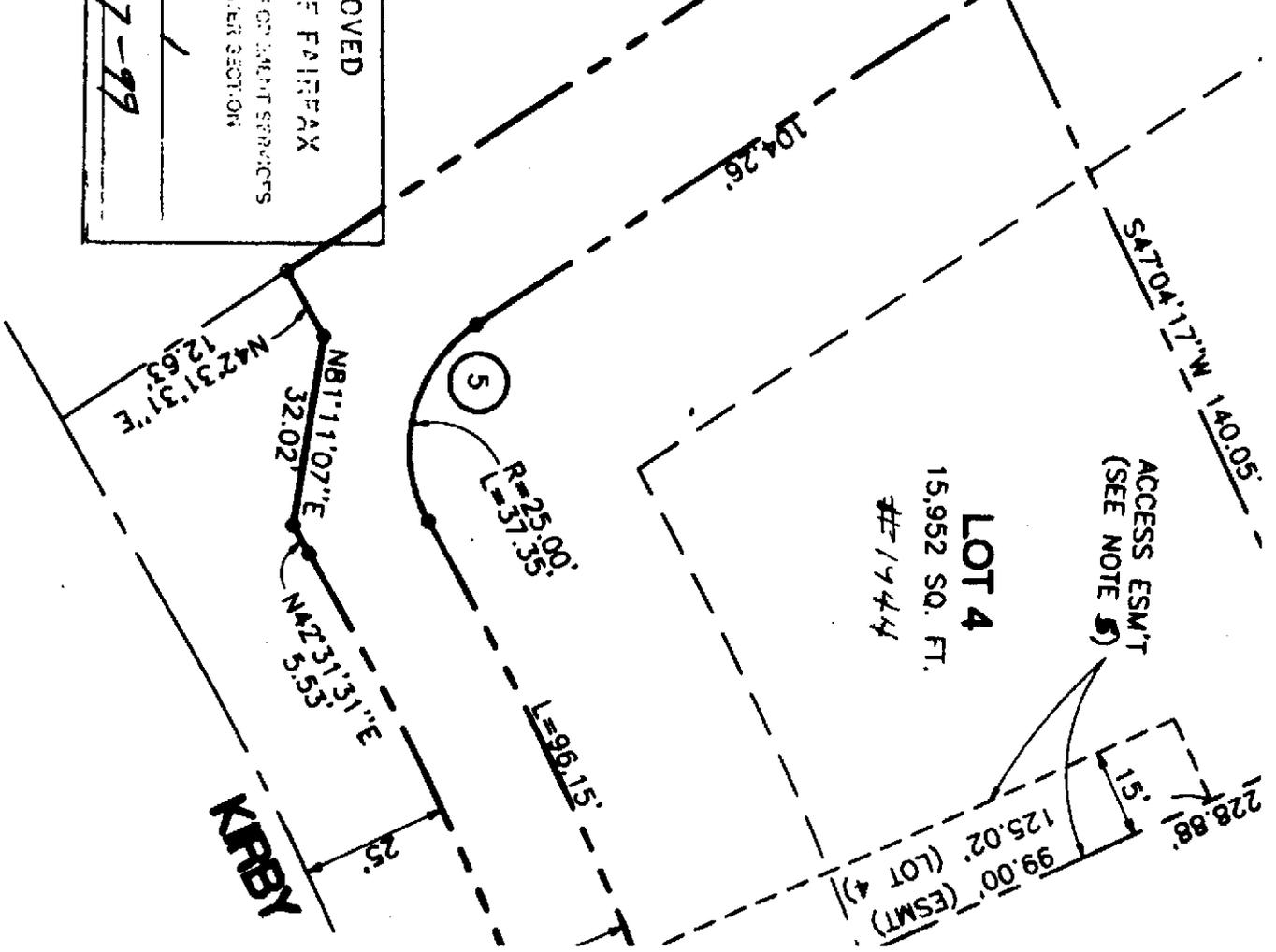
STREET DEDICATED
FOR PUBLIC PURPOSES

DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL SERVICES
OFFICE OF SITE DEVELOPMENT SERVICES
FAIRFAX, VIRGINIA

All street locations and/or assessments conform to the requirements of this office and the necessary agreements or bonds have been received.

By *[Signature]* 12-17-99
12-23-99

APPROVED
COUNTY OF FAIRFAX
OFFICE OF SITE DEVELOPMENT SERVICES
SANITARY SEWER SECTION
BY *[Signature]*
DATE 12-17-99



9 Co. ATTY. COMMENTS

2	ADD ED ADDRESSES	Yes
9	REVISED ACCESS ESMT	Yes
9	UPDATE TITLE	Yes
9	UPDATE OWNER/ ACC. ESMT	Yes
3	VIRGINIA STATE GRID	Yes
7	LOT 5 ACCESS ESMT.	Yes
	DESCRIPTION	BY

REVISIONS



N 457123.03
E 2381240.65

LOT 8

LOT 7

S72°59'26"W 563.85'

383.55'

1.30'

TOTAL
129,810 SQ. FT. (

150.05'

S46°03'16"W 156.91'

103.86'

LOT 5
15,221 SQ. FT.
1946

N41°57'41"W 228.88'

S47°04'17"W 140.05'

ACCESS ESM'T
(SEE NOTE 5)

35' BRL
S51°24'53"E 102.18'
16,451 S.F. HEREBY DEDICATED
FOR PUBLIC STREET PURPOSES
S51°24'53"E 395.21'

FRANKLIN
(VARIABLE)

PLAT	APPROVED
FOR APPROVAL	OR
COUNTY	SUPERVISORS
BRANCH CHIEF	JNTY, VIRGINIA
AGENT	

300, 000, 000

3	25.00'	85°57'35"	37.51'	23.30'	34.09'	N25°41'44"E
4	617.96'	25°41'00"	277.01'	140.87'	274.69'	N55°50'02"E
5	25.00'	85°35'36"	37.35'	23.15'	33.97'	N85°47'19"E

LOT 7

LOT 1

N 456958.09
E 2380701.46

S72°59'26"W 563.85'

150.00'

S17°17'04"E 100.00'

TOTAL AREA
129,810 SQ. FT. OR 2.9800 AC.

LOT 2
15,000 SQ. FT.
1802

35' BRL

103.86'

30.92'

N72°59'26"E 150.00'

119.08'

LOT 3
52,186 SQ. FT.
1857

S21°09'18"E 80.58'

N41°57'41"W 228.88'

W 140.05'

ACCESS ESM'T
(SEE NOTE 5)

LOT 1
15,000 SQ. FT.
1806

23.08'

FT.

140.05'

ACCESS ESM'T
(SEE NOTE 5)

LOT 4
15,952 SQ. FT.
#1944

128.88'
15'
125.02' (LOT 4)
99.00' (ESMT)

81°11'07"E
32.02'
N42°31'31"E
25'
KIRBY ROAD
ROUTE 685
(VARIABLE WIDTH)

5
R=37.35'
L=96.15'

2
R=597.96'
L=277.01'

R=617.96'
L=67.32'

4
L=113.54'

18,451 S.F. HEREBY DEDICATED FOR PUBLIC STREET PURPOSES

S14°00'50"W 68.85'

23.08'
SAN. SEW. ESM'T
(PRIVATE)

3
R=25.00'
L=37.51'
N68°40'33"E
14.38'
N68°40'33"E
12.97'

#1806

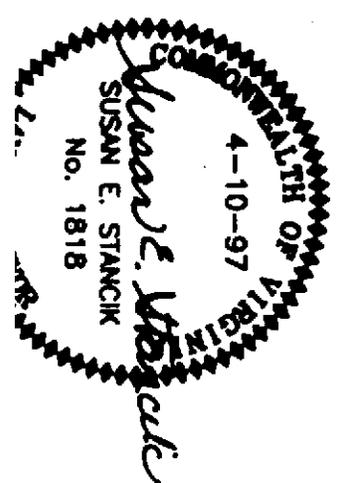
THIS APPROVAL IS NOT A
GUARANTEE TO PROVIDE
PUBLIC SANITARY SEWER.

PLAT SHOWING

WALKER'S HILL SUBDIVISION

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' DATE: APRIL 10, 1991

BENGTSON, DOBELL & ELKIN, I
ENGINEERS, SURVEYORS, PLANNERS & LANDSCAPE ARCHITECTS
5900 CENTREVILLE ROAD, CENTREVILLE, VA 20121 (703) 441-1111





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 29, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Kenneth Edward Todorov
ADDRESS: Lynn Solliday Todorov
1946 MacArthur Drive
McLean, VA 22101

LOCATION OF VIOLATION: 1946 MacArthur Drive
McLean, VA 22101

TAX MAP REF: 0411 30 0001

ZONING DISTRICT: R- 2

CASE #: 201405259 **SR #:** 107832

ISSUING INVESTIGATOR: Wayne Bass: (703) 324-1931

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§10.104.3B	\$200.00	\$500.00
	TOTAL:	\$200.00	\$500.00

Dear Responsible Party:

An inspection of the above referenced property on July 23, 2014 revealed the following violation of the Fairfax County Zoning Ordinance:

§ 10-104 (3B) Accessory Fence Exceeding 4' in the Front Yard
§ 2-302 (6) Accessory Use must comply with Article 10:

An inspection has determined the presence of a six (6) foot tall accessory fence in the front yard of this

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

Kenneth Edward Todorov
Lyn Solliday Todorov
July 29, 2014
SR 107832
Page 2

property, which is less than two (2) acres in area. The Fairfax County Zoning Ordinance permits accessory fences in the front yard so long as they are in conformance with Par. 3B of Sect. 10-104 of the Zoning Ordinance, which states:

Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

A. In any yard on any lot containing not less than two (2) acres located in the R-A through R-1 Districts, a fence or wall not exceeding seven (7) feet in height is permitted.

B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:

(1) the driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the dwelling faces a street other than the major thoroughfare, and

(2) the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.

The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.

In addition, an increase in fence height in the front yard up to six (6) feet may be permitted with the approval of a special permit by the BZA in accordance with Part 9 of Article 8.

Therefore, as this accessory fence exceeds four (4) feet in height in the front yard contrary to the provisions of Par. 3B of Sect. 10-104 of the Zoning Ordinance, you are in violation of Par. 3B 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

Kenneth Edward Todorov
Lynn Solliday Todorov
July 29, 2014
SR 107832
Page 3

Article 10.

You are hereby directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance can be accomplished by:

- Removing the fence from the property in its entirety; or
- Reducing the height of the fence to four feet (4') in the front yard.

As an alternative, you may apply to the Fairfax County Board of Zoning Appeals (BZA) and seek approval of a Special Permit to allow the accessory fence to remain at a height of up to six (6) feet 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:

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/>.

Kenneth Edward Todorov
Lynn Solliday Todorov
July 29, 2014
SR 107832
Page 4

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) 324-1931. For any other questions, contact our main office at (703) 324-1300.

LEGAL NOTICE ISSUED BY:

Signature

A handwritten signature in black ink, appearing to read "Wayne Bass", is written over a horizontal line.

Wayne Bass
Code Compliance Investigator
(703) 324-1931
wayne.bass@fairfaxcounty.gov

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.

8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) 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. 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. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
 - E. All required minimum yards to include front, side and rear, 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 a well and/or septic field.
 - I. If applicable, existing gross floor area and floor area ratio.
 - 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. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.