



APPLICATION ACCEPTED: September 16, 2015
DATE OF PUBLIC HEARING: January 13, 2016 @ 9:00 a.m.

County of Fairfax, Virginia

January 6, 2016

STAFF REPORT

SPECIAL PERMIT SP 2015-HM-130

HUNTER MILL DISTRICT

APPLICANTS/OWNERS: Brenda Cafiero
Anthony Bladek

LOCATION: 1715 Raleigh Hill Road, Vienna, 22182

SUBDIVISION: Hunter Mill Estates

TAX MAP: 18-4 ((13)) 48

LOT SIZE: 28,757 square feet

ZONING: R-1C

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction to the minimum rear yard requirements based on error in building location to permit an accessory structure (tree house) to remain 0.0 feet from a side lot line and 9.3 feet from a rear lot line, and to permit an accessory structure (second tree house) to remain 7.6 feet from a rear lot line.

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

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

Erin M. Haley

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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

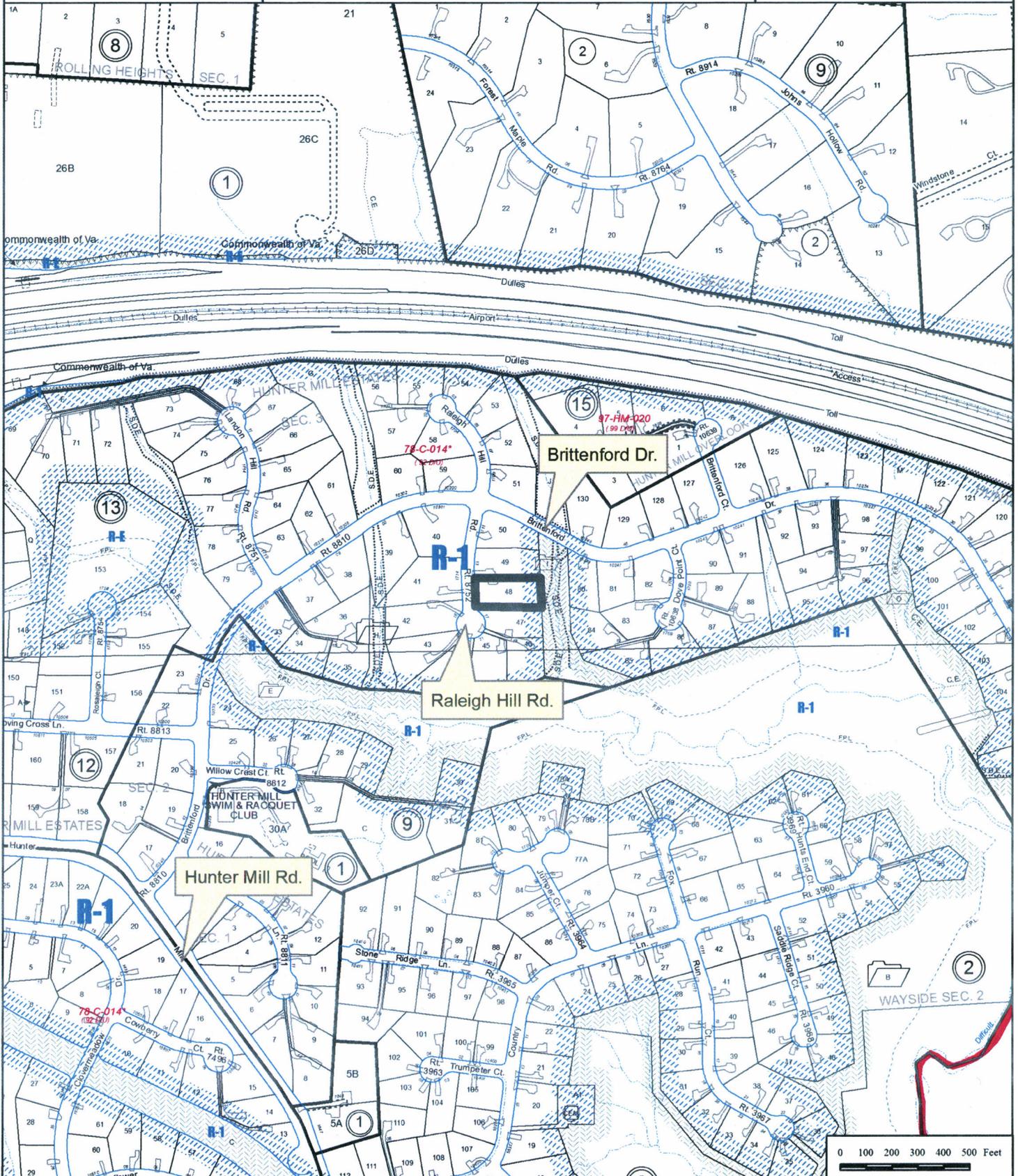


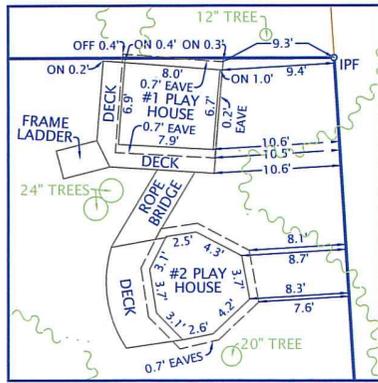
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



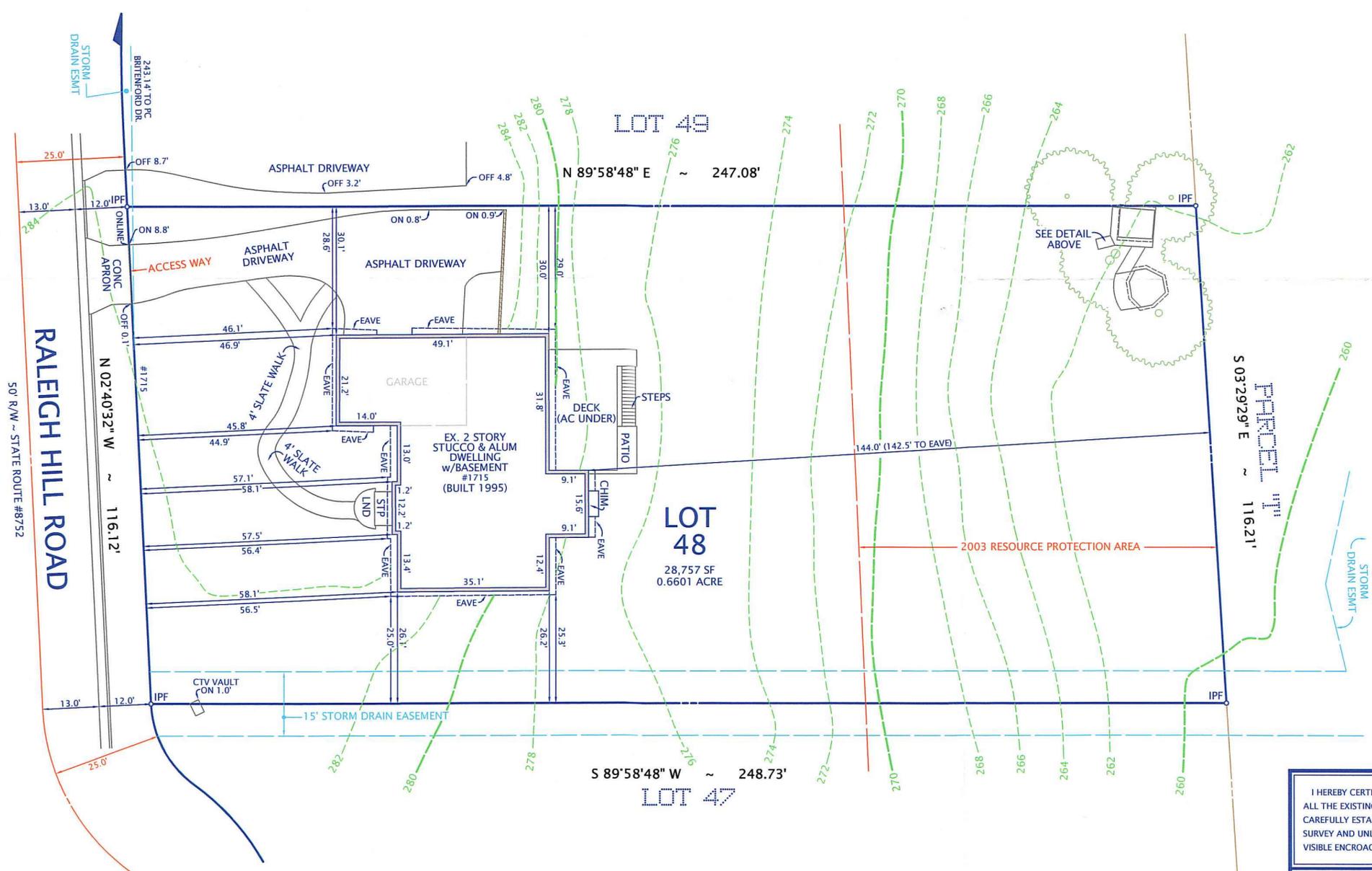
Special Permit SP 2015-HM-130

BRENDA CAFIERO / ANTHONY BLADEK





TREE HOUSE DETAIL
SCALE: 1" = 10'



NOTES

1. TAX MAP: 18-4-13-0048
2. ZONE: R-1C (R-1 w/CLUSTER DEV)
3. LOT AREA: 28,757 SF (0.6602 ACRE)
4. REQUIRED YARDS:

FRONT:	=	30 FEET
SIDE:	=	12 FEET / 40 FEET TOTAL
REAR:	=	25 FEET
5. HEIGHTS:

DWELLING	=	28.2 FEET (MIDLINE)
#1 PLAY HOUSE	=	13.2 FEET (RIDGELINE)
#2 PLAY HOUSE	=	14.7 FEET (RIDGELINE)
DECK	=	10.7 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
11. THERE IS A 2003 RESOURCE PROTECTION AREA ON THIS PROPERTY PER FAIRFAX COUNTY CHESAPEAKE BAY PRESERVATION AREA MAP 18-4.
12. AREAS:

BASEMENT	=	1,918 SF
FIRST FLOOR	=	2,555 SF
SECOND FLOOR	=	1,918 SF
GROSS FLOOR AREA	=	6,391 SF

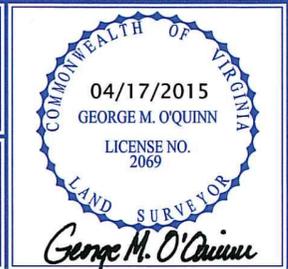
FLOOR AREA RATIO: GFA (6,391) / LOT AREA (28,757) = 0.222
13. UTILITIES ARE UNDERGROUND.

RECEIVED
Department of Planning & Zoning
SEP 14 2015
Zoning Evaluation Division

PLAT
SHOWING THE IMPROVEMENTS ON
LOT 48, SECTION 3
HUNTER MILL ESTATES
(DEED BOOK 9287, PAGE 1275)
FAIRFAX COUNTY, VIRGINIA
HUNTER MILL DISTRICT
SCALE: 1" = 20' APRIL 17, 2015
SEPTEMBER 10, 2015 (REV.)

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

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
A TITLE REPORT WAS NOT FURNISHED.



ORDERED BY:
BRENDA CAFIERO

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

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DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit to allow a modification of the minimum yard requirements based on an error in building location, to permit an accessory structure (a tree house) to remain 0.0 feet from a side lot line and 9.3 feet from a rear lot line, and to permit an accessory structure (a second tree house) to remain 7.6 feet from a rear lot line. A minimum side yard of 12.0 feet with a total of 40.0 feet is required in an R-1 cluster District; therefore a modification of 12.0 feet from a side yard is requested. A minimum rear yard of 25.0 feet is required; therefore modifications of 15.7 feet and 17.4 feet are requested.

A copy of the special permit plat depicting the structures on site titled, "Plat Showing the Improvements on, Lot 48, Section 3, Hunter Mill Estates," prepared by George M. O'Quinn, Land Surveyor, of Dominion Surveyors, Inc., dated April 17, 2015, as revised through September 10, 2015, is included at the front of the staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The 28,757 square foot subject property is developed with a two story, single family detached dwelling with an attached side-loading garage. An asphalt driveway provides access to the property from Raleigh Hill Road. A slate walkway runs from the driveway to the front stoop. An elevated wood deck with stairs and a patio is located at the rear of the house. A portion of a 15.0 foot wide storm drain easement runs along the southern side yard. The eastern half of the rear yard is located within Resource Protection Area (RPA).



Figure 1: House Location
For illustrative purposes only

The property is an interior lot located where Raleigh Hill Road ends in a cul-de-sac. It is located south of the Dulles Toll Road and northwest of Difficult Run Stream Valley Park. The subject property and surrounding properties are zoned R-1 with cluster subdivision provisions. The properties to the north, south, and west are developed with single family detached dwellings. The property to the east is wooded vacant land owned by the Fairfax County Park Authority.

BACKGROUND

According to Fairfax County Tax Records and building permit records, the house and deck were constructed on the property in 1995 and purchased by the applicants in March, 2012.

On October 1, 2014, County staff responded to an anonymous complaint and inspected the property. Staff subsequently discovered that the two detached accessory structures (tree houses) in the northeastern corner of the rear yard were too tall for their location on the property. The Zoning Ordinance allows accessory structures to be located in minimum required yards; however, if the structure exceeds 7.0 feet in height it must be located outside of the minimum required side yards and located no closer than a distance equal to its height from the rear lot line. Both tree houses were found to be taller than 7.0 feet in height and located too close to both the side and rear lot lines. A Notice of Violation (NOV) was issued on October 7, 2014 (Appendix 4). In order to correct the violations noted in the NOV, the applicant was required to address the error in the locations of the tree houses by applying for this special permit. The special permit application was submitted on April 7, 2015.

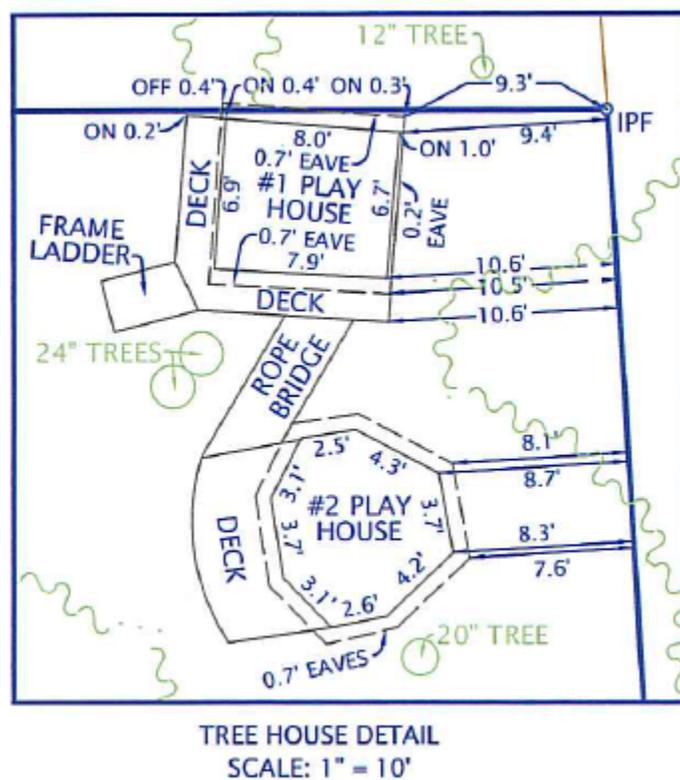


Figure 2: Special Permit Plat detail showing locations of the tree houses

The tree houses consist of two freestanding structures that are connected by a rope bridge. Neither tree house is being supported by the surrounding trees. Each tree house is a small shed-like structure that is elevated on a wooden frame. They are accessible by a ladder connected to “#1 Play House” as designated on the plat. Each

structure has a small deck area, a door, and an interior play space utilized by the applicants' children. The total area of the combined structures is approximately 180 square feet. Each tree house is approximately 55 square feet in size. "#1 Play House" is 13.2 feet in height and "#2 Play House" is 14.7 feet in height. A photo of the tree houses is located below.



Figure 3: Photo of the tree houses

The applicants' statement of justification states that they called the Fairfax County Building Department and were told they did not need a permit if the structure was under 256 square feet in size. Since the structure is approximately 180 square feet in size, they believed they did not need a permit. Staff notes that the plat shows a small portion of the roof of Tree House #1 extends over the property line 0.4 feet into the adjacent property to the north. The applicant has agreed to remove that portion of the tree house roof and a development condition has been included requiring the applicant to rectify the encroachment within 30 days of BZA approval..

The two tree houses are located in the area of the rear yard that is designated as RPA. However, they are deemed exempt from the need for RPA permits or exceptions per Chapter 124-1-7(3) of the Chesapeake Bay Preservation Ordinance (CPBO). This section of the Ordinance states:

*Single-family dwellings separately built and disturbing less than 1 acre and not part of a larger common plan of development or sale, including: additions to existing single-family detached dwellings; **accessory structures to single-family detached dwellings**; and demolitions of single-family detached dwellings or accessory structures all subject to the following:*

- a) *Control measures are not required to address a specific WLA for a pollutant that has been established in a TMDL and assigned to stormwater discharges from construction activities within the watershed; and*
- b) *The proposed construction meets one of the following conditions:*
 - i) *Total imperviousness on the lot will be less than 2,500 square feet or 18% of the lot area, whichever is greater; or*
 - ii) *The total lot area is one-half acre or less and no more than 500 square feet of new impervious area will be added; or*
 - iii) *Water quality controls meeting requirements in effect at the time were provided with the original subdivision construction and are currently in place; or*
 - iv) *The property is served by an existing regional stormwater management facility providing water quality control.*

A memo from the Site Development and Inspections Division is included as Appendix 6.

Records indicate that one other application to allow a reduction in minimum required yards due to an error in building location for an accessory structure (a basketball standard) was heard by the Board of Zoning Appeals (BZA) on a property nearby located at 10240 Brittenford Drive. Information on that application is included in Appendix 5.

ZONING DISTRICT STANDARDS

Bulk Standards (R-1 w/cluster subdivision provisions)		
Standard	Required	Provided
Lot Size	25,000 sf.	28,757 sf.
Lot Width	Interior: No requirement	116.12 feet
Building Height	35 feet max.	28.2 feet

Bulk Standards (R-1 w/cluster subdivision provisions)		
Standard	Required	Provided
Front Yard	30 feet	44.9 feet
Side Yard	12 feet/40 feet total	Northern: 29.0 feet (dwelling) Southern: 25.0 feet
Rear Yard	25 feet	144.0 feet (dwelling)

ZONING ORDINANCE REQUIREMENTS

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

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

CONCLUSION

Staff does not make recommendations on building in error applications. However, if it is the intention of the Board of Zoning Appeals to approve the request for a special permit for error in building location to allow the shed and playset to remain, staff recommends that such approval be made subject to the 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 with Select File Photographs
3. Applicant's Affidavit
4. Notice of Violation
5. Similar Case History
6. Memo, Site Development and Inspections Division
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-HM-130****January 6, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-HM-130 located on property described as Tax Map 18-4 ((13)) 48 to permit a reduction in minimum yard requirements based on error in building location pursuant to Section 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location of the dwelling as shown on the plat site titled, "Plat Showing the Improvements on, Lot 48, Section 3, Hunter Mill Estates," prepared by George M. O'Quinn, Land Surveyor, of Dominion Surveyors, Inc., dated April 17, 2015, as revised through September 10, 2015.
2. Within 30 days of the date of approval, the applicant shall remove all encroaching structures from Lot 49 (Tax Map 18-4 ((13)) 49) including any roof eaves and extensions from the accessory structure (tree house).

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.

1715 Raleigh Hill Rd.
Vienna, VA 22182

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax VA 22035

RECEIVED
Department of Planning & Zoning

JUL 29 2015
Zoning Evaluation Division

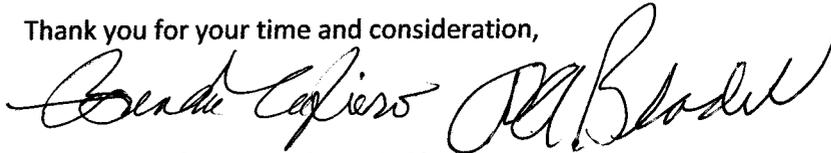
To the esteemed members of the Planning Board,

This letter is in regard to the request for a special permit for our children's playhouse/treehouse built on our property. We believe that the treehouse poses no threat to the neighborhood, and we attest to the following points.

- A. The error (which we will describe as the treehouse) is less than ten percent of the total property lot in question. In comparison, the error makes up less than .15 percent of the total property acreage. The total square foot of the treehouse is 180 sq. ft. which in no way impacts any dwelling, or parking area on our lot.
- B. The noncompliance was done in good faith. Before undertaking the construction of the treehouse, we placed a call to the Building Department, concerning the need for permits, inspections, and such. At that time we were notified that if the structure was under 256 square feet, no permit was needed. It actually wasn't until after the structure was built, and in talking to Mr. Zakkak, that we were aware of a zoning infraction. We have been in discussions, and have actually proceeded to move it away from the infraction.
- C. The modification we seek, is for placement inside the height restriction line. As you can see in the enclosed photos, the treehouse is tucked into a flock of trees, which is the intent to teach our children about nature. We feel that this placement will not take away from the purpose or intent of our property, as it is only being constructed as a playhouse for children.
- D. As you can see in the photos, this structure is hidden by trees, and poses no threat or unsightly obstruction from any/all potentially neighboring properties. Because of HOA requirements, we actually got the signature from all of our neighbors accepting and agreeing to the building of the structure.
- E. This structure was built by certified construction persons using all current IBC codes concerning "residential" structures. Seeing as this was built for the exclusive use of children, all of the utmost care was placed both in construction and safety measures. The structures will be anchored into the ground, and all structures are braced for maximum security.

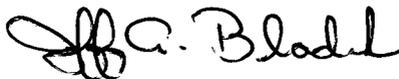
- F. All materials used in the construction are standard wood materials and were purchased in local hardware or home improvement stores. All materials are covered and certified by the FTC as being safe for use by children. All materials are also being kept in natural form, with little or no paint (again certified safe by testing facilities) to keep the "natural look" of the treehouse in the trees.
- G. Seeing as this is a children's treehouse built on a private home, there will be no impact on traffic, and or travel patterns of any major street or highway. As you can see in the photos, no access road is even close to the treehouse.
- H. Compliance with the code as it stands now, will require more machinery to move the treehouse into compliance which would result in more damage to not only our property, but could impede on Fairfax County Park property as well. As you can see in the photos, we tried to create an environment for our children to learn about and be part of nature.
- I. The Density of Floor Area Ratio set forth by Fairfax County will not be impacted at all by this treehouse.

Thank you for your time and consideration,



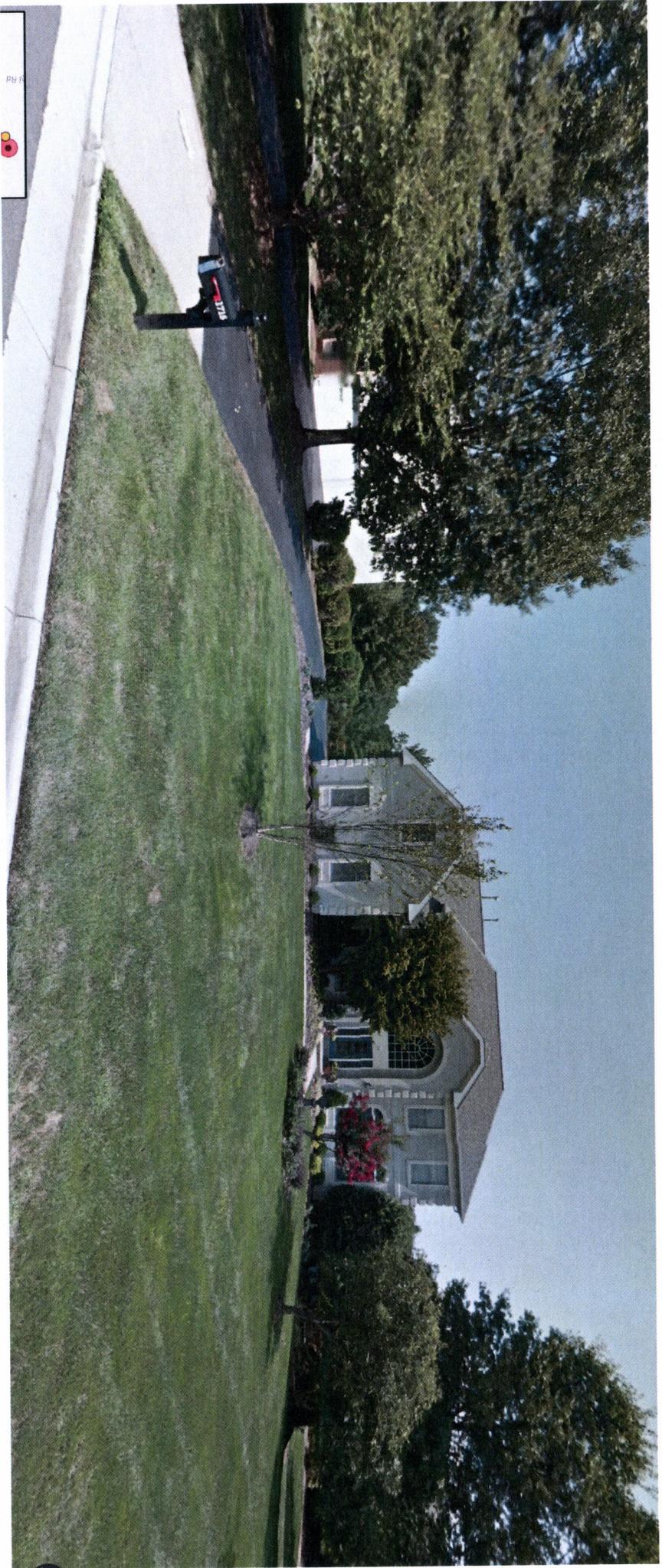
Brenda A. Cafiero / Anthony A. Bladek

Owners



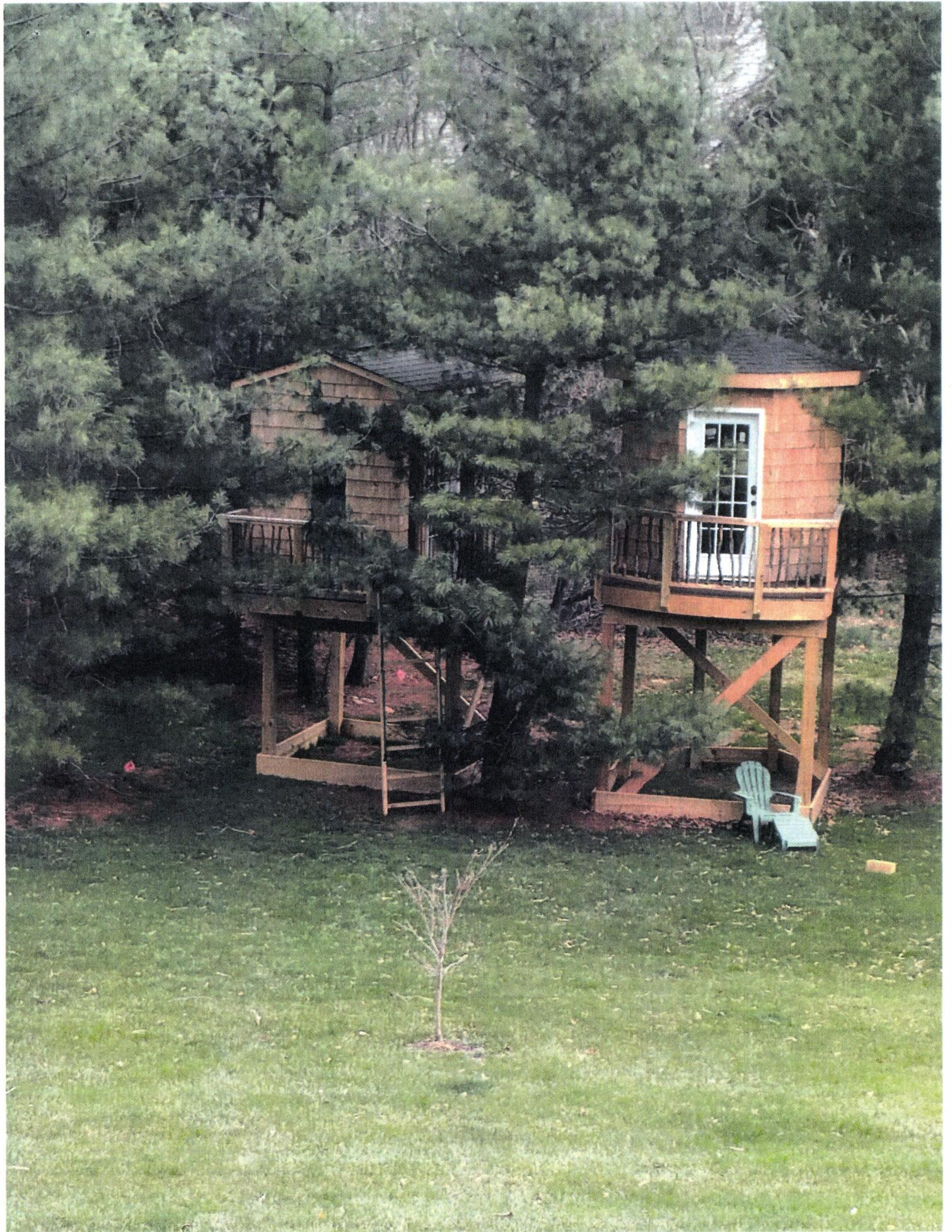
Jeff A. Bladek

Agent

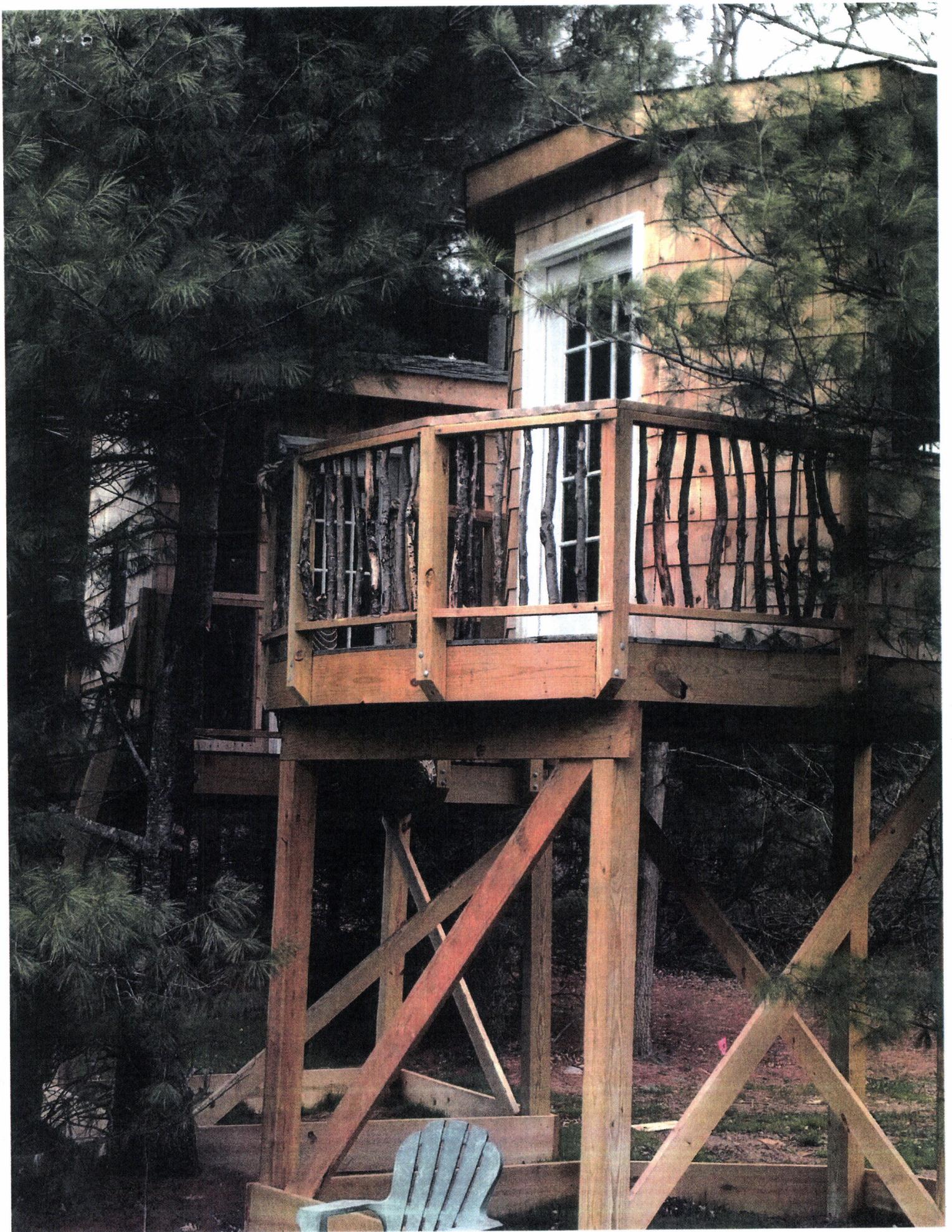


1 Rd



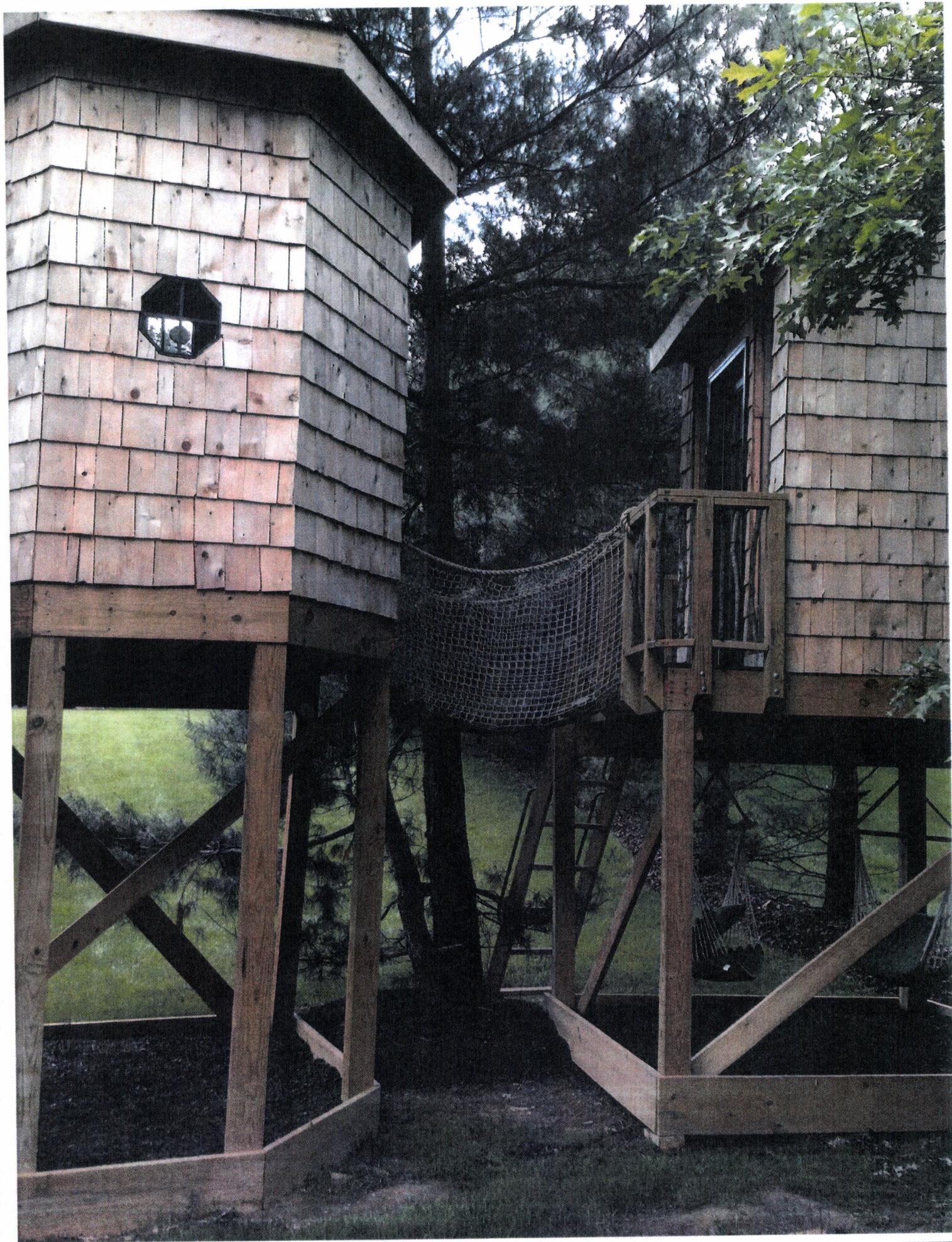


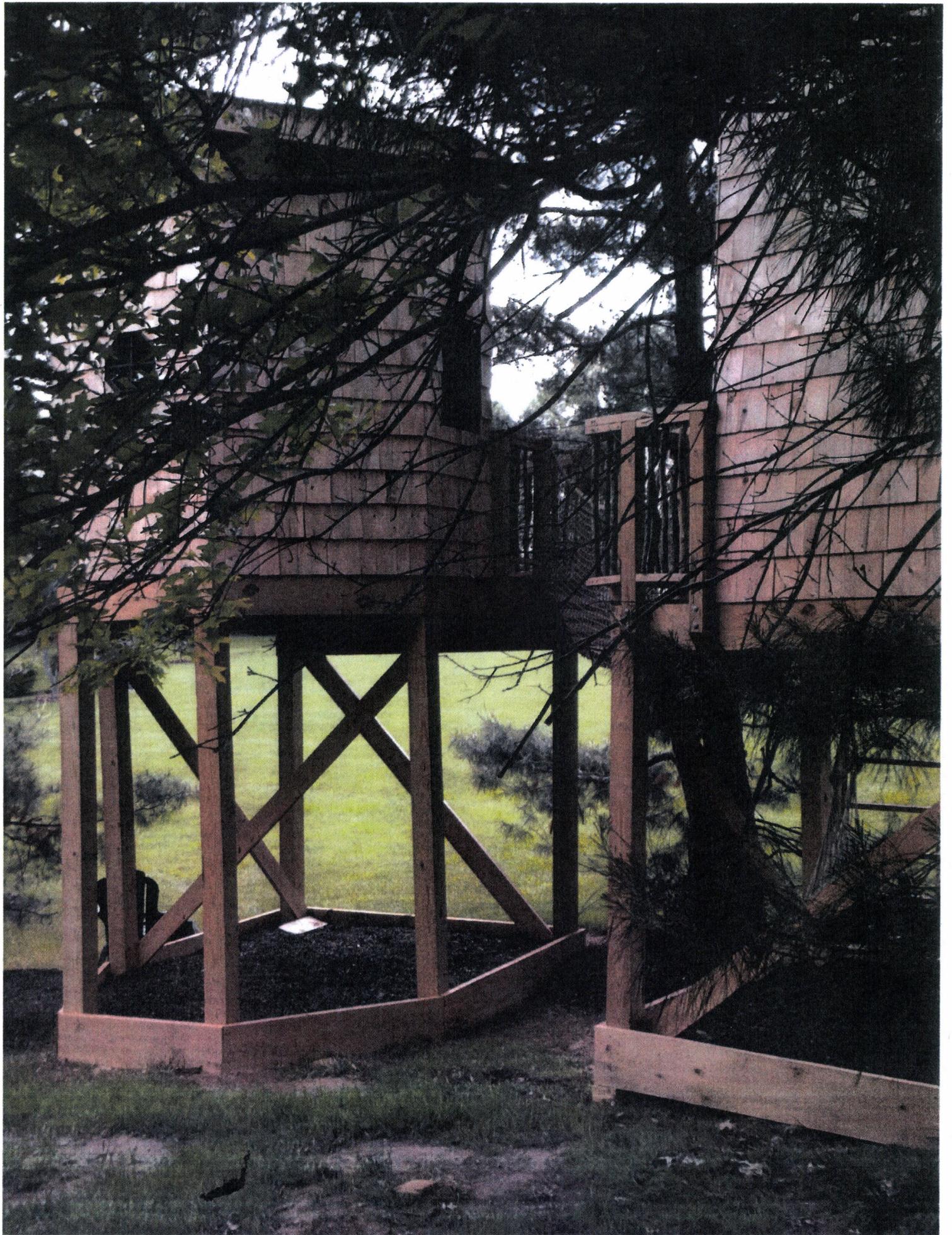










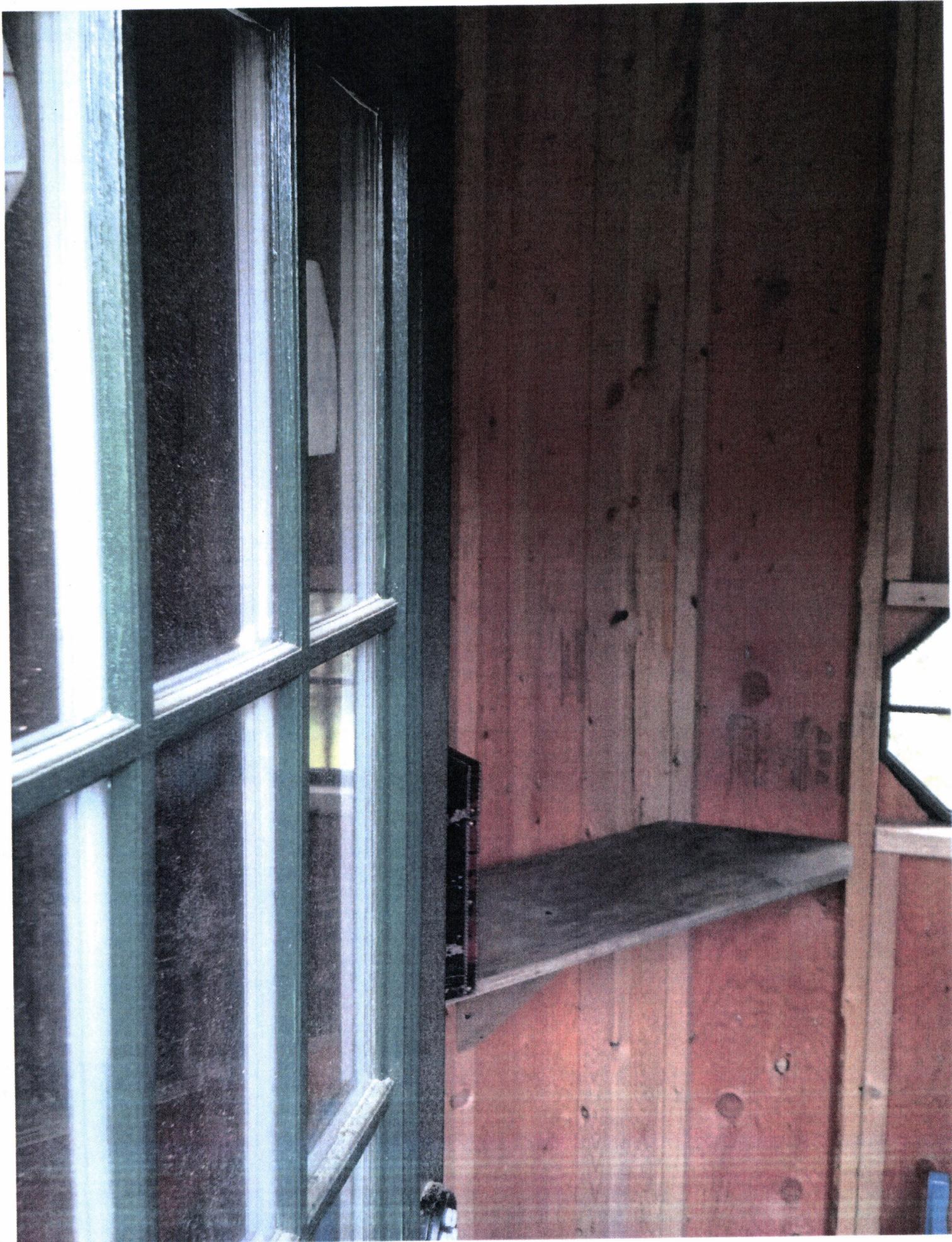






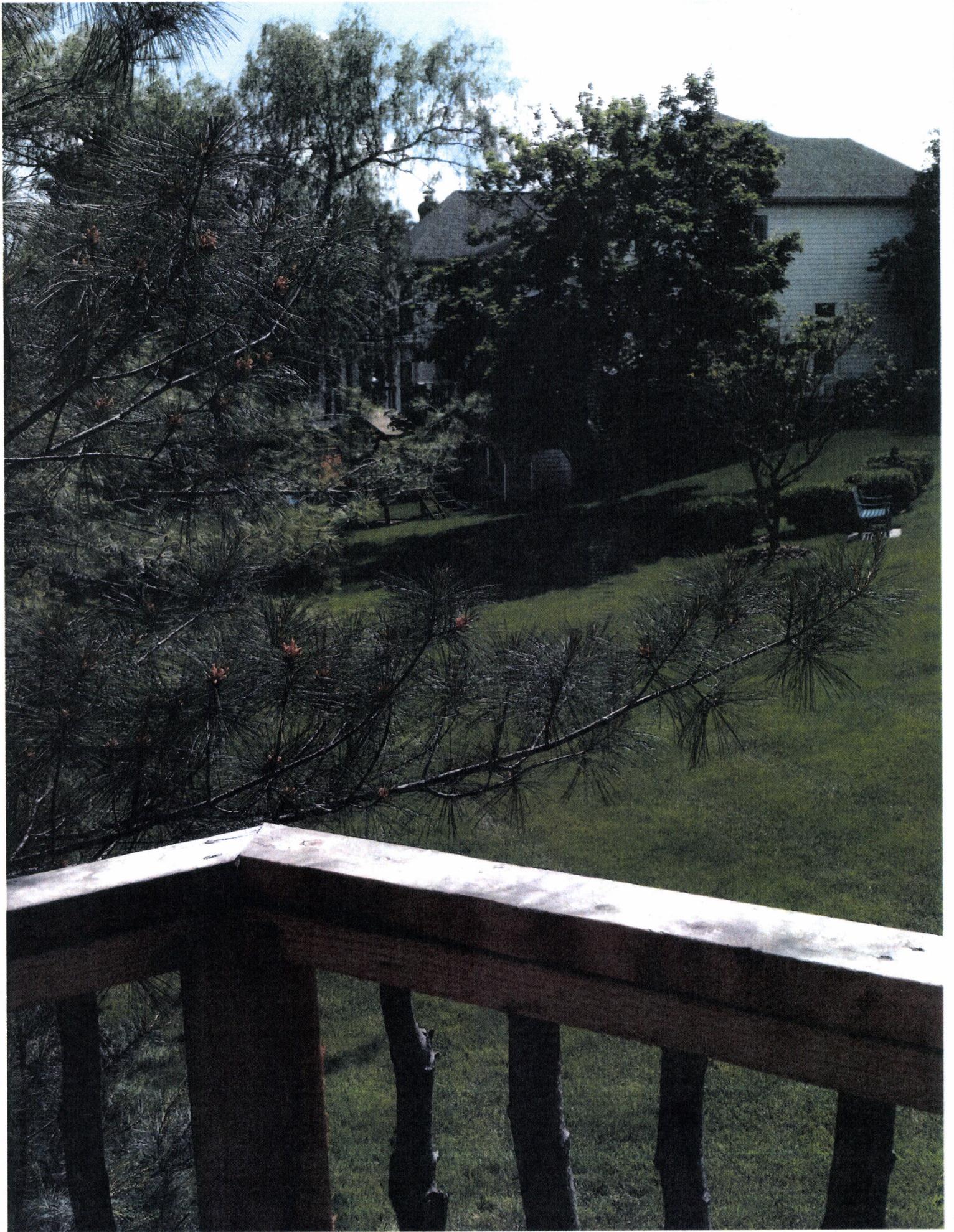












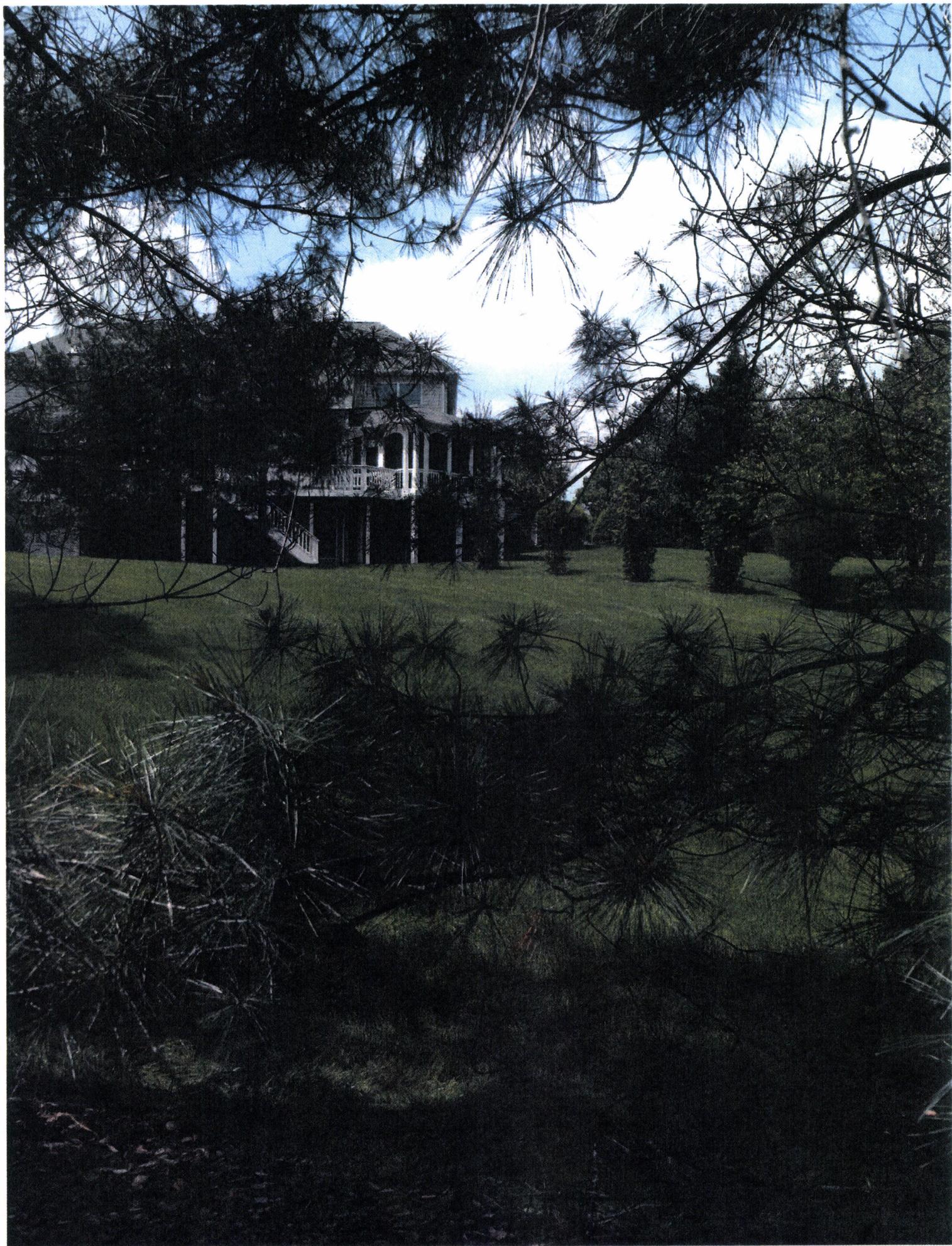




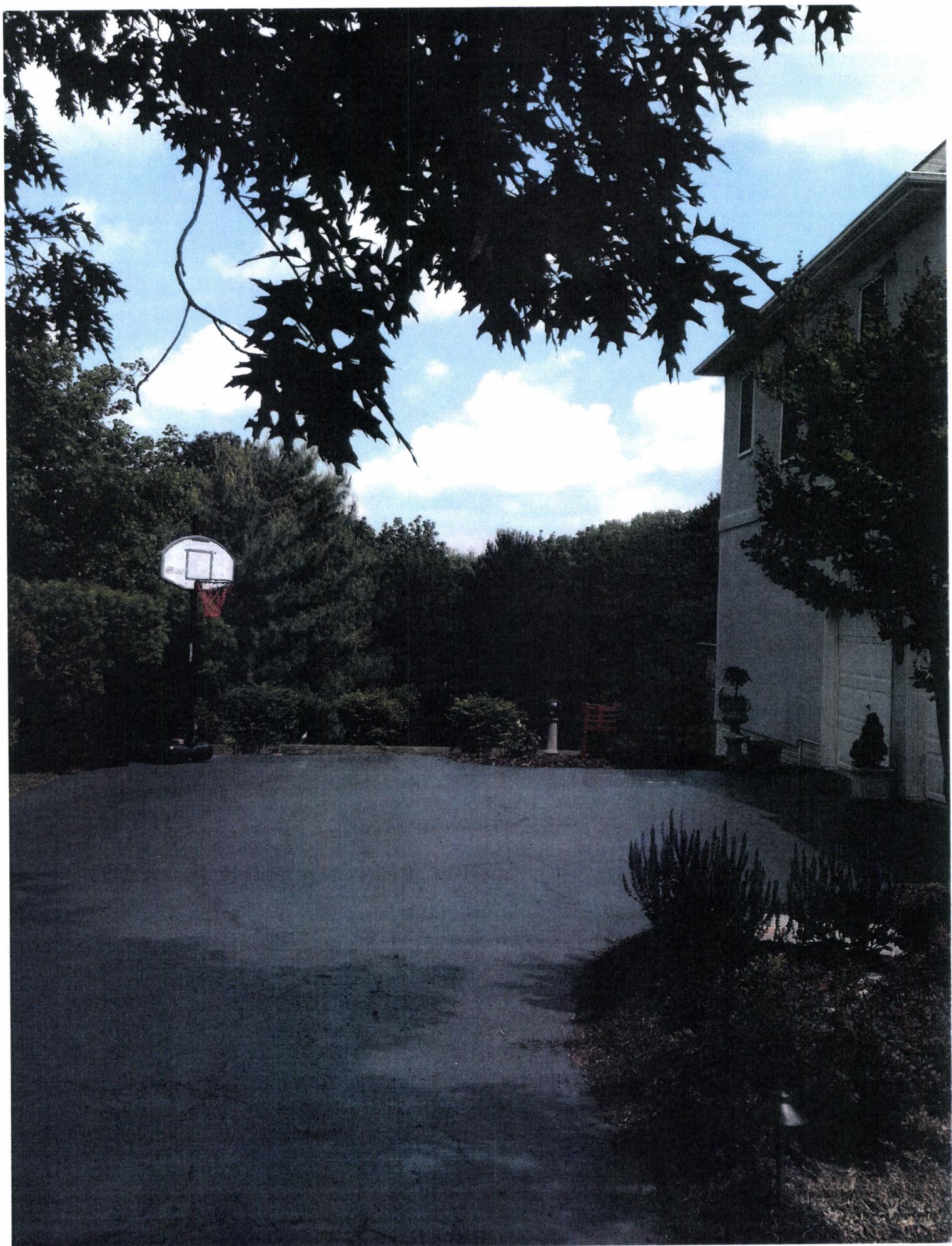














Application No.(s): SP 2015-HM-130
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

129098

I, JEFF A. BLADEK, 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)
BRENDA ANNE CAFIERO	1715 RALEIGH HILL RD. VIENNA VA 22182	TITLE OWNER/APPLICANT
ANTHONY ALAN BLADEK	1715 RALEIGH HILL RD. VIENNA VA 22182	TITLE OWNER/APPLICANT
JEFF ALAN BLADEK	1715 RALEIGH HILL RD. VIENNA VA 22182	AGENT

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

129098

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)

N/A

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)

N/A

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

129098

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

PARTNERSHIP INFORMATION

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

N/A

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

129098

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:

N/A

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.)

N/A

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.

Notary Public
Alexandra Nicole Alexander
Notary Public
Fairfax County, Virginia
Reg. # 338134
My Commission Expires
12/31/2018



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

129088

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] [X] Applicant's Authorized Agent

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

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

My commission expires: July 31, 2018

[Signature]
Notary Public



Jessica Nicole Alexander
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7326134
My Commission Expires
July 31, 2018

[Signature]
FORM SP/V/C-1 Updated (7/1/06)



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: October 7, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Brenda A. Cafiero
Anthony A. Bladek

ADDRESS: 1715 Raleigh Hill Road
Vienna, VA 22182

LOCATION OF VIOLATION: 1715 Raleigh Hill Road
Vienna, VA 22182-1856

TAX MAP REF: 0184 13 0048

ZONING DISTRICT: R-1 (Cluster)

CASE #: 201407075 **SR #:** 110536

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 (12E)	\$ 200.00	\$ 500.00
TOTAL:		\$ 200.00	\$ 500.00

Dear Responsible Party:

An inspection of the above referenced property on October 1, 2014 revealed the following violation(s) of the Fairfax County Zoning Ordinance:

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

An inspection revealed the presence of two detached freestanding accessory structures on the above

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

Brenda A. Cafiero
Anthony A. Bladek
October 7, 2014
SR 110536
Page 2

referenced property. Both structures measured approximately (18) eighteen feet in height and approximately 80 square feet in area. Structure number one is located approximately two (2) feet and approximately three (3) feet respectively from the side and rear lot lines. Structure number two is located approximately one (1) foot from the rear 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. 12E of Sect. 10-104 of the Zoning Ordinance which states:

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

The minimum required side yard distance in the R-1C District is 12 feet, but a total minimum of 40 feet as detailed in Par. 2A of Section 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. 12E of Sect. 10-104 above, it is in violation of Par. 12E of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

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

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 rear and side lot lines in accordance with Par. 12E of Sect. 10-104 of the Zoning Ordinance as outlined above.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to

Brenda A. Cafiero
Anthony A. Bladek
October 7, 2014
SR 110536
Page 3

allow the accessory structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

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

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

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

Brenda A. Cafiero
Anthony A. Bladdek
October 7, 2014
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Page 4

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 _____

PERSONAL SERVICE _____

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

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Not found.

SERVING OFFICER

_____ for _____

DATE _____

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Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER

_____ for _____

DATE _____

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

Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER

_____ for _____

DATE _____

Similar Case History

Group: 2012-HM-081**SP 2012-HM-081**

APPLICANT:	ABOLHASSAN ZARANDAZCHI
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	02/13/2013
ZONING DISTRICT:	R- 1
TAX MAP #S:	0184-13
DESCRIPTION:	TO PERMIT FENCE GREATER THAN 4 FEET HIGH IN FRONT YARD AND REDUCTION IN MINIMUM YARD REQUIREMENT BASED ON ERROR IN BUILDING LOCATION TO PERMIT BASKETBALL STRUCTURE TO REMAIN 10 FEET FROM SIDE LOT LINE.
LOCATION:	10240 BRITTENFORD DRIVE, VIENNA, VA 22182



County of Fairfax, Virginia

MEMORANDUM

DATE: NOV 19 2015

TO: Deborah Pemberton
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Walter Hamilton, III, Engineer III *WJH*
Site Development and Inspections Division
Department of Public Works and Environmental Services

SUBJECT: Application #SP 2015-HM-130, 1715 Raleigh Hill Road, Vienna, Virginia 22182, Special Permit Application accepted August 16, 2015; LDS Project #8129-ZONA-001-1, Tax Map #040-2-06G-0001, Hunter Mill District

We have reviewed the subject application and offer the following stormwater management comments.

The applicant has not provided a Stormwater Information Sheet (LTI 06-06). However there will be a slight increase in impervious area (180 square feet) associated with the tree house construction and as a result, stormwater management is not required.

Chesapeake Bay Preservation Ordinance (CBPO)

There is a Resource Protection Area (RPA) mapped on this site. The proposed development is exempt per Chapter 124-1-7(3).

Floodplain

No floodplain.

Downstream Drainage Complaints

A complaint was filed in 2008 for clogging/blockage related drainage concerns.

Stormwater Detention

Detention is not required.

Site Outfall

While the applicant did not provide an outfall analysis, given the slight increase in runoff generated from the tree house addition, the existing off-site drainage system should accommodate the increase without problems.

Department of Public Works and Environmental Services
Land Development Services
12055 Government Center Parkway, Suite 444
Fairfax, Virginia 22035-5503
Phone: 703-324-1780 • TTY: 711 • FAX: 703-653-6678



Deborah Pemberton
Application #SP 2015-HM-130
Page 2 of 2

Stormwater Planning Comments
Not applicable

Dam Breach
Not applicable

Please contact me at 703-324-1720, if you have any questions or require additional information.

WLH/am

cc: Shahab Baig, Chief, North Branch, SDID, LDS, DPWES
Camylyn Lewis, Stormwater Engineer, SDID, LDS, DPWES
Zoning Application File

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.