



# County of Fairfax, Virginia

---

**January 27, 2016**

**STAFF REPORT**

**SPECIAL PERMIT SP 2015-MV-145**

**MOUNT VERNON DISTRICT**

**APPLICANT:** Juergen L.W. Pohlmann, Trustee  
Christa Pohlmann, Trustee

**OWNER:** Juergen L.W. Pohlmann, Trustee  
Christa Pohlmann, Trustee

**STREET ADDRESS:** 8407 Camden Street, Alexandria 22308

**SUBDIVISION:** Stratford on the Potomac, Section 3, Block 1, Lot 4

**TAX MAP REFERENCE:** 102-3 ((11)) (1) 4

**LOT SIZE:** 15,087 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit a reduction in minimum yard requirements based on errors in building locations to permit an accessory storage structure to remain 1.2 feet from a side lot line and a deck (patio) to remain 1.7 feet from the other side lot line.

**STAFF RECOMMENDATION:** If the BZA chooses to approve this special permit application, then staff recommends that it do so subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

Heath Eddy, AICP

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

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

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 applicants request special permit approval to permit a reduction in minimum yard requirements based on errors in building locations to permit an accessory storage structure to remain 1.2 feet from a side lot line and a deck (patio) to remain 1.7 feet from the other side lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required</b>	<b>Existing Location</b>	<b>Existing Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	Shed	Side	12.0 feet	1.2 feet	10.8 feet	90%
<b>Special Permit</b>	Patio	Side	5.0 feet*	1.7 feet	3.3 feet	66%

\*Per Section 2-412 of the Zoning Ordinance, decks/patios are permitted to be located within 5 feet of the side lot line.

A copy of the special permit plat, entitled “Plat Showing the Improvements on Lot 4, Block 1, Section 3 Stratford on the Potomac,” prepared by George M. O’Quinn, L.S., of Dominion Surveyors, Inc., dated March 2, 2015 and received March 19, 2015, consisting of one sheet is provided at the front of this staff report. A copy of the applicant’s statement of justification, relevant photographs, and the affidavit are provided in Appendices 1-3, respectively.

**CHARACTER OF THE SITE AND SURROUNDING AREA**

The 15,087 square foot subject property is developed with a 2-story single family detached dwelling. The patio and driveway are red brick with a brick walkway connecting them around the south side of the property. Another concrete walkway extends to the front door of the residence. The subject property is heavily wooded, though most of the trees are smaller ornamental and evergreen varieties. The rear yard is bordered by fencing of variable height, from 3 feet in height along the south side and rear property lines, to 5.6 feet along the north side property line.



**Figure 1: Subject property**, Source: Pictometry 2015.

The subject property is in the Stratford on the Potomac subdivision, which was platted in the 1960s; this particular section was platted in 1964. The properties to the north, west, and south are developed with single family detached dwellings, while the Stratford Landing Elementary School is located east of the subject property. All properties in the area are in the R-3 District.

## **BACKGROUND**

County Records indicate that the existing single family dwelling was permitted for occupancy in 1966, pursuant to Building Permit #P-29199. The only other record in the street file is a building permit issued in 2006 for two new bay windows. The property was purchased by the applicants in 1975.

This is the first special permit or variance request for the subject property. There are no other records available for special permits or variances requested in the immediate area.

## **Case History:**

- September 29, 2014: Department of Code Compliance (DCC) receives complaint regarding an accessory storage structure in violation of the side yard requirement

at the subject property.

- October 7, 2014: DCC Inspector visits the property and the neighboring property, which is the complainant's property, and views the alleged violation and takes some photographs.
- October 15, 2014: DCC Inspector inspects the rear yard of the property with the property owners, reviews the accessory structure location and tells the owners that the structure is in violation of the Zoning Ordinance.
- November 5, 2014: Notice of Violation (NOV) is issued to the property owners with respect to the accessory structure.
- November 2014-January 2015: Property owners attempt to gain compliance by seeking contractor estimates for lowering the height of the accessory storage structure to under 8.5 feet to reach compliance.
- January 2015: After obtaining estimates from several contractors, property owners seek to appeal the NOV to the BZA. However, the appeals time frame had lapsed.
- March 19, 2015: Property owners file for special permit under Section 8-914.



**Figure 2: View of accessory storage structure from neighbor's property.** Source: DCC.

The structure subject to the NOV is an accessory storage structure as defined under the Zoning Ordinance. Pursuant to Par. 10D of Sect. 10-104 of the Zoning Ordinance, an

accessory storage structure is permitted to be located anywhere within the side or rear yards if the structure is less than 8.5 feet in height. If an accessory storage structure is 8.5 feet in height or taller, the minimum side yard of the applicable zoning district (in this case, R-3) applies, and the minimum required rear yard shall be equal to the height of the structure. In this case, the accessory storage structure, or “garden house,” is 10.5 feet in height, and therefore is required to comply with the minimum side yard in the R-3 District of 12 feet. The structure complies with the minimum rear yard requirement.



**Figure 3: Front view of the “garden house”** Source: DCC.

In response to the NOV, the property owners intended to reduce the height of the “garden house” but decided after receiving contractor estimates that to reduce the height or physically move the structure would prove too costly and/or would severely damage the structure. The property owners decided to file for a special permit in March 2015.



**Figure 4 & 5: Location of accessory structure relative to property line. Source: DCC.**





**Figure 6: View of the accessory storage structure from the patio.** Source: Applicant.

Subsequent to the submission of the special permit application, staff review determined that the existing patio was located too close to the other side lot line to comply with the permitted extensions allowed under Section 2-412 of the Zoning Ordinance. The patio, which was in place when the applicants purchased the property in 1975, is located within 1.7 feet of the side lot line. Under Section 2-412, the closest the patio is permitted is to within 5 feet of the side lot line. According to tax records the patio is not vested.

Therefore, the applicants are requesting a reduction of 10.8 feet from the minimum side yard of the R-3 District for the “garden house” accessory storage structure, and a reduction of 3.3 feet from the minimum side yard requirements for decks/patios under Section 2-412.



**Figure 7:** Overhead showing the extent of the patio relative to property lines. Source: Pictometry.



**Figure 8:** Rear yard view of residence and patio. Source: Applicant.

**ANALYSIS**

**Comprehensive Plan Provisions**

Plan Area: IV  
 Planning District: Mount Vernon  
 Planning Sector: Fort Hunt Community Planning Sector (MV6)  
 Plan Map: Residential

The Comprehensive Plan does not provide a specific recommendation for this area, other than recommending that any infill development be of a compatible use, type and intensity in accordance with Land Use Objectives 8 and 14 of the Policy Plan.

**Zoning District Standards**

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	Min. 10,500 sf.	51,093 sf.
Lot Width	Min. 80 feet	135.99 feet
Building Height	Max. 35 feet	14 feet proposed, 14.8 feet proposed
Front Yard	Min. 30 feet	123.8 feet proposed
Side Yard	Min. 12 feet	12.2 feet existing <sup>1</sup>
Rear Yard	Min. 25 feet	167.5 feet

<sup>1</sup>Application is to address side yard requirements for an accessory storage structure and patio.

For accessory storage structures (sheds) taller than 8 feet in height, the minimum side yard is required pursuant to Section 10-104.10 of the Zoning Ordinance. The applicant is requesting a reduction to 1.2 feet for the “garden shed”, the existing location, based on an error. For the patio, Section 2-412.2 of the Zoning Ordinance requires a minimum of 5 feet from the side property line. The applicant is requesting a reduction to 1.7 feet from the side lot line due to an error.

**Zoning Ordinance Requirements**

This special permit application is subject to the following provisions of the Zoning Ordinance and are provided as Appendix 6. Subject to the development conditions, the special permit must meet these standards.

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

**CONCLUSION**

Staff does not make recommendations on an error in building location. If it is the intent of the Board of Zoning Appeals to approve this application, the BZA should condition its approval by requiring conformance with the Proposed Development Conditions contained in Appendix 1.

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

**APPENDICES**

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. Applicable Building Permit Information
5. Notice of Violation dated November 5, 2014
6. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-MV-145****January 27, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MV-145 located at Tax Map 102-3 ((11)) (1) 4 to permit a reduction in minimum yard requirements based on error in building location pursuant to Sects. 8-914 of the Fairfax County Zoning Ordinance, the Board should condition the approval by requiring conformance with the following development conditions.

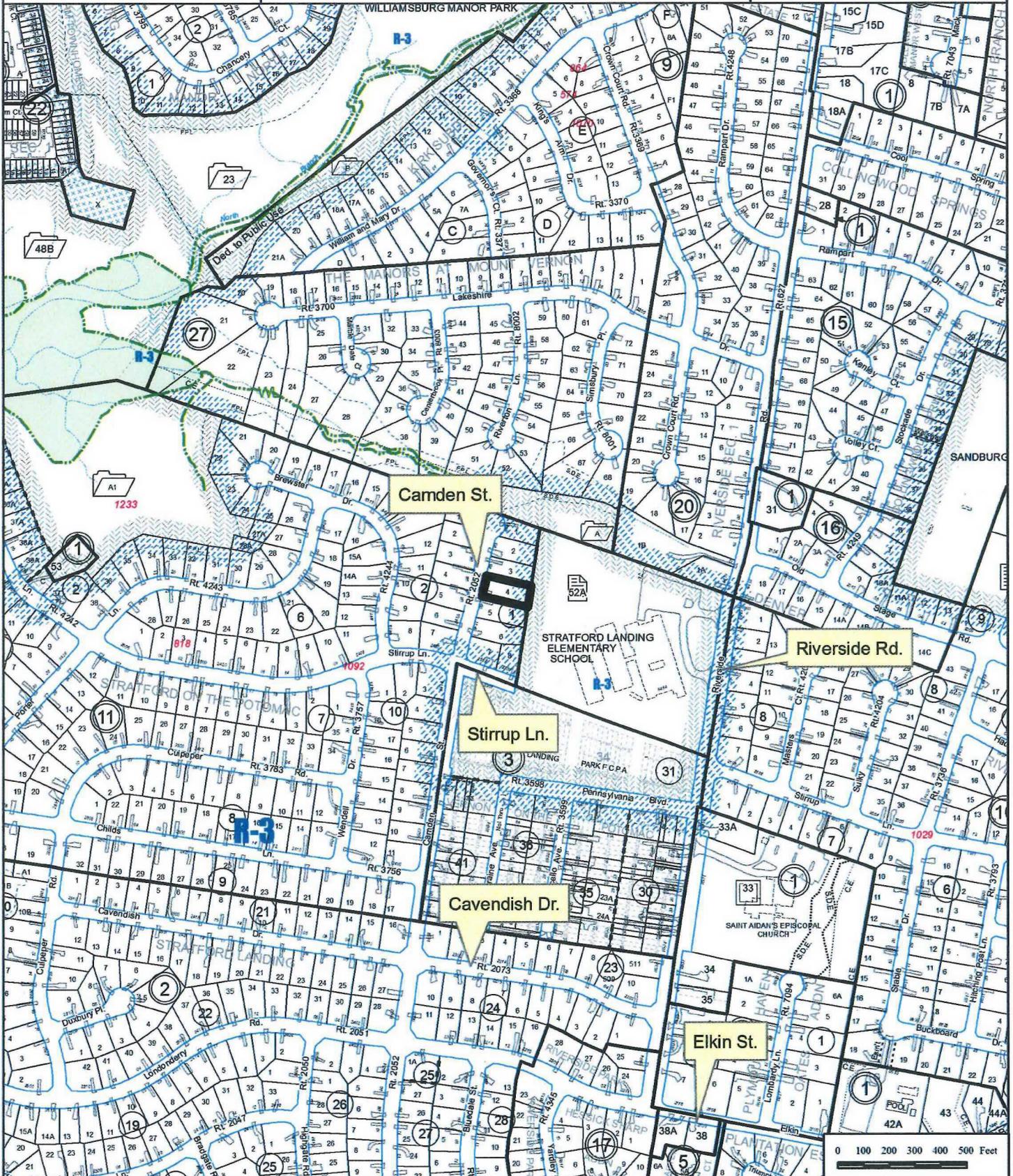
1. This special permit is approved for the location and size of the accessory storage structure and patio as shown on the special permit plat, entitled "Plat Showing the Improvements on Lot 4, Block 1, Section 3 Stratford on the Potomac," prepared by George M. O'Quinn, L.S., of Dominion Surveyors, Inc., dated March 2, 2015 and received March 19, 2015, consisting of one sheet as submitted with this application and is not transferable to other land.
2. The property owner shall install gutters and downspouts on the accessory storage structure to redirect stormwater away from the adjacent property to the north (identified as Tax Map 102-3 ((11)) (1) 3).

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.



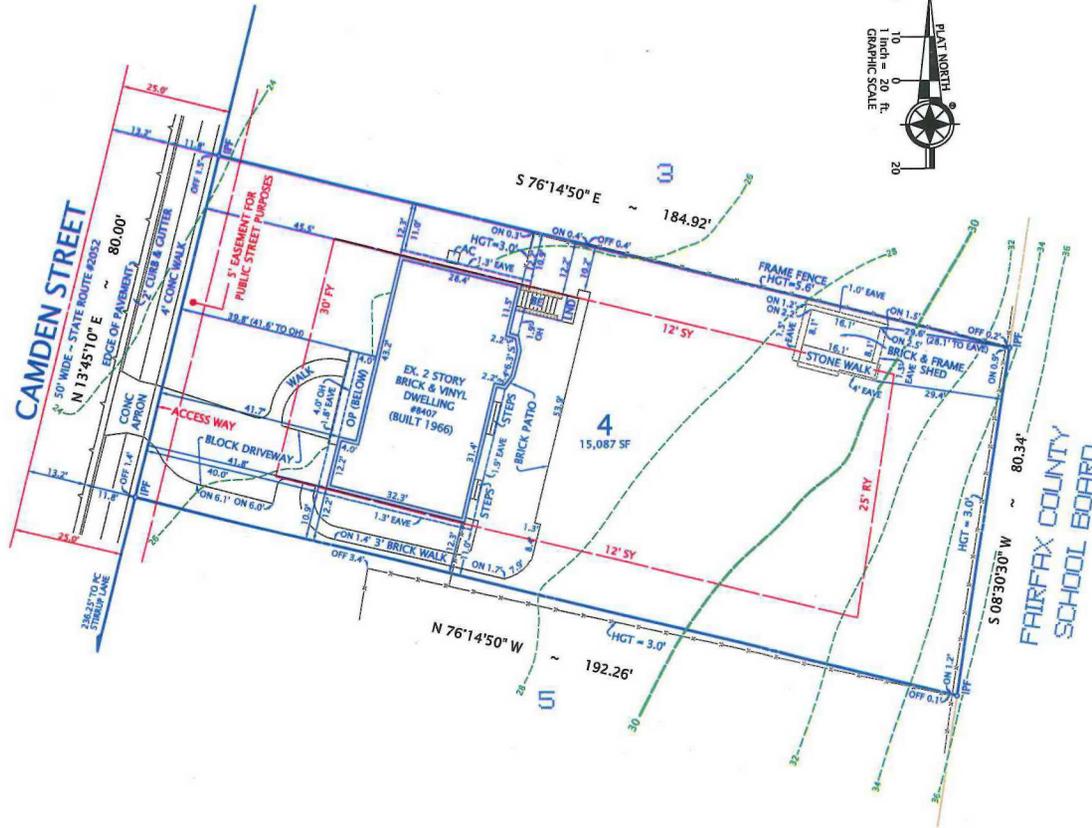
# Special Permit SP 2015-MV-145

JUERGEN L.W. POHLMANN, TR, CHRISTA POHLMANN, TR



MAR 19 2015

Zoning Evaluation Division



**NOT TO SCALE**

NOTES

- TAX MAP: 102-03-11-01-0004
- ZONE: R-3 (RESIDENTIAL 3 DU/AC)
- LOT AREA: 15,087 SF (0.3463 ACRE)
- REQUIRED YARDS:
 

FRONT:	=	30.0 FEET
SIDE:	=	12.0 FEET
REAR:	=	25.0 FEET
- HEIGHTS:
 

EX. DWELLING	=	22.5 FEET
EX. SHED	=	10.5 FEET
FENCES	=	AS NOTED
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
- THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- AREAS:
 

EX. BASEMENT	=	1,227 SF
EX. FIRST FLOOR	=	1,659 SF
EX. SECOND FLOOR	=	1,564 SF
EX. GROSS FLOOR AREA	=	4,450 SF

EX. FLOOR AREA RATIO: EX. GFA (4,450) / LOT AREA (15,087) = 0.295
- UTILITIES ARE UNDERGROUND.
- FENCES ARE SPLIT RAIL & WIRE UNLESS NOTED.

PLAT  
SHOWING THE IMPROVEMENTS ON  
LOT 4, BLOCK 1, SECTION 3  
**STRATFORD ON THE POTOMAC**  
(DEED BOOK 2503, PAGE 326)  
FAIRFAX COUNTY, VIRGINIA  
MOUNT VERNON DISTRICT  
SCALE: 1" = 20' MARCH 02, 2015

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

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

COMMONWEALTH OF VIRGINIA  
03/02/2015  
GEORGE M. O'QUINN  
LICENSE NO. 2069  
LAND SURVEYOR  
*George M. O'Quinn*

ORDERED BY:  
CHRISTA POHLMANN

**DOMINION** Surveyors Inc.  
8808-11 PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
703-619-6535  
FAX: 703-799-6412

**Original Statement of Justification**

Juergen L.W. and Christa Pohlmann  
Pohlmann Family Trust  
8407 Camden Street  
Alexandria, VA 22308

Zoning Administrator  
Zoning Administration Division  
Department of Planning and Zoning  
1055 Government Center Parkway, Suite 807  
Fairfax, VA 22035

Ref Case # 201407027  
SR# 110450

Feb 9, 2015

Dear Sir or Madam,

Enclosed please find original documents pertaining to appeal of the finding referenced above as well as two copies and check #1001 for \$600 dated Feb 4, 2015.

We are very sorry for the delay in this application. We only understood about the option to appeal from a builder whom we contacted for an estimate for service.

We want to let you know of the steps we have taken in order to accomplish the work that is required in to the Notice of Violation:

During the last two months, we have contacted five separate contractors for estimates. Due to the Thanksgiving, Christmas and New Year's holidays, during which we were out of town on two separate occasions, the process of gathering estimates was prolonged.

The following contractors looked at the scope of work to lower the roof line of the Garden House to the required 8' 6" total height. All estimates given to us up to this point have been verbal.

December 2014:

Mr. Wewerka

During the site visit, Mr. Wewerka stated that he hated to do the work as it would ruin the look of the Garden House (see attached photos). No cost estimate was received.

Mr. Jose Garcia

He and a coworker determined on site that they would not be able to do the work.

January 2015:

Mr. Arthur

Mr. Arthur was recommended by a neighbor. Originally he stated that he could do the work. Days later, however, he called to say that his wife had become seriously ill. Thus he would no longer be able

to do the work. No cost estimate was received.

#### Cardinal Builders

Cardinal Builders advised us to seek an appeal. Up to this point we did not fully understand this option. A cost estimate we verbally received stated approximately \$7,000.

#### HCR (Homefix Custom Remodeling)

Cost estimate verbally received for \$5,000.

In December, we contracted with Mr. Wewerka to install a low fence and gate on the side of the house adjacent to the property of the neighbor at 8405 Camden Street who made the original complaint. This L-shaped fence section was placed inside our property line. During the time that the fence was installed, our complaining neighbor verbally abused Mr. Wewerka's employees, although the workers made every effort not to cross onto the neighbor's property. We never received a cost estimate from Mr. Wewerka for the work bringing our Garden House into code compliance.

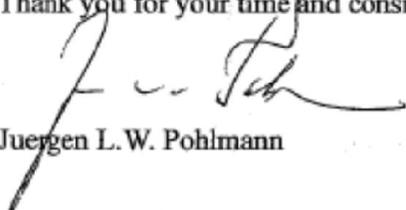
This neighbor subsequently put four separate "No Trespassing" signs onto our side of the fence dividing his property from ours, but he posted no other "No-Trespassing" signs on his rear property fence which faces out onto the school field of Stratford Landing Elementary School. (See attached photos)

The neighbor has stated to us that the code violation and ugliness of our Garden House will diminish his property's value when he puts his house on the sales market this year.

We are seeking to receive an exemption for the height variance on the Garden House due to the following factors.

1. The Garden House was completed in 2011. It stands 3' from the property line; its foot print is 16' by 8'. Our neighbor has lived with this Garden House in its present form since that time.
2. Prior to his complaint to the Department of Planning and Zoning, the neighbor cut all tree and shrub branches that crossed over the fence line. Prior to this pruning action, the view of our Garden House was partially blocked from his house and deck.
3. Lowering the pitch of the roof will not be adequate to prevent snow or ice damage to the roof. Also, altering the roof line of the Garden House will result in an aesthetically displeasing appearance.
4. We do not believe that even after all of this work would be completed our neighbor will be satisfied with the resulting structure.

Thank you for your time and consideration,

  
Juergen L.W. Pohlmann

  
Christa Pohlmann

Below was added on May 12, 2015:

gardsen house.txt

Juergen and Christa Pohlmann

- 3.00 Disc containing views of "Garden House" in its environment
- 5.00 Storage of assorted garden tools, such as:  
spates, fork spate, rakes, poking tool, fertilizer spreader and  
lawn mower with bag
- 5.08 No hazardous waste is stored. However, during the mowing  
season in spring, summer and fall, a 2 gallon gasolin can for  
the lawn mower is stored in the garden house
- 6.00 Applicants are the owners of the property at 8407 Camden  
Street in Alexandria, VA 22308
- 912.00 The ground between the rear of the Main House and the  
property line in the east is sloping up and is covered by  
bushes and fully grown shade trees. However, I was able to create  
a level area for described garden house with the provision of direct  
access to the 16' x 8' permanent structure

Below was added November 5, 2015 by the Applicant's agent:

STATEMENT OF JUSTIFICATION OF  
JUERGEN L. W. POHLMANN TR and CHRISTA POHLMANN, TR

NOV 05 2015  
Zoning Evaluation Division

RE LOCATION OF PATIO (DECK) 1.7 FEET FROM SOUTHERN  
SIDE LOT LINE

B. A modification is requested to permit the brick patio and walkway to remain in their present location and 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.

C. The non-compliance was done in good faith. When the Pohlmann's purchased and originally moved into the property in 1975, the walkway and a patio had been located by the former owner in the present location. Furthermore, the adjacent neighbor to the south had located their fence approximately one to two feet into their property which gave the appearance that the location of the patio and walkway met the set back requirements. In fact, the location of the fence was believed by both the neighbor who erected the fence and the Pohlmanns to be located along the neighbor's property line between the properties. The Pohlmann's had nothing to do with the location of the fence which has continued to be situated in its current location. For all practical appearances, the walkway and patio appear to be located a proper distance from the fence.

The neighbor does not object to the location of the walkway and patio. Both are properly screened by flowerbeds.

The error was not recognized until a survey dated March 2, 2015 was done in conjunction with the shed issue.

D. The grant of a modification or reduction permitting the current location of the patio and walkway, which are ground level, will not impair the purpose of the purpose and intent of the Ordinance. For all appearances the location of the patio and walkway appears to comply with the Ordinance in relation to the fence.

E. Since the location of the patio and walkway is outside of the fence that the neighbors constructed on their property, the location of the patio and walkway is not detrimental to the use and enjoyment of other property in the vicinity.

F. No unsafe condition is created with respect to the adjacent property and public streets. They are located a considerable distance from the public street s evident on the plats previously submitted.

G. To enforce compliance will result in the removal of border gardens and leave a gap between the neighbor's fence and the side lot line which will not be maintained and result in an unreasonable hardship for both the Pohlmanns and the neighbor, let alone the expense and the removal of flowers, shrubs and other landscaping.

H. The reduction or modification does not result in an increase in density or floor area ratio, permitted in the zoning regulations and is consistent with similar uses throughout the area. It clearly does not thwart the intent or purpose of the zoning ordinance.

Respectfully submitted,

Juergen L. W. Pohlmann Tr and  
Christa Pohlmann, Tr, by Wayne F.  
Cyron, Attorney and Agent

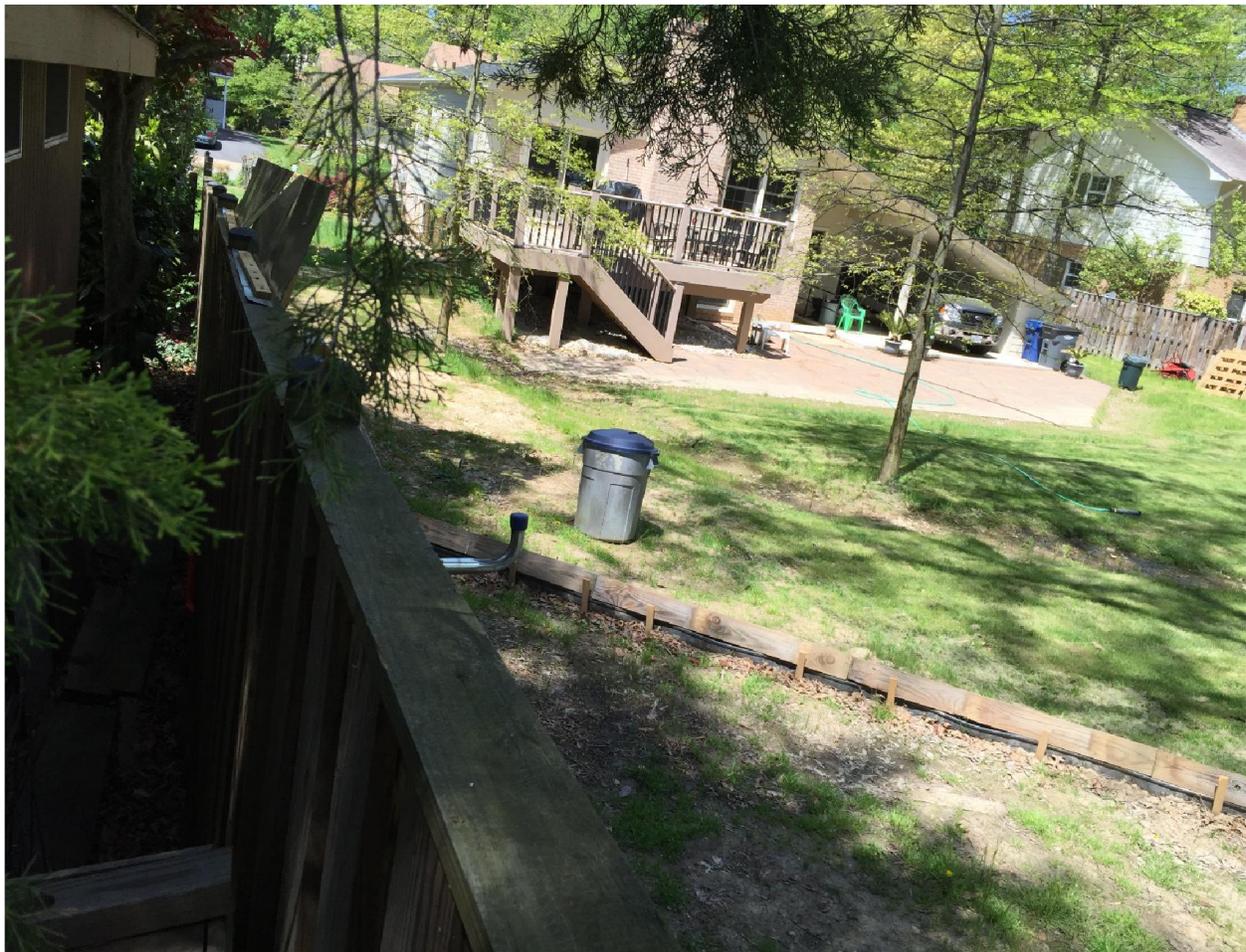


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Wayne F. Cyron, Esq. (VSB No. 12220)  
CYRON & MILLER LLP  
100 N. Pitt Street, Suite 200  
Alexandria, Virginia 22314-3134  
Telephone: 703-299-0600  
Facsimile: 703-299-0603  
Email: [wcyron@cyronmiller.com](mailto:wcyron@cyronmiller.com)  
Attorney and Agent  
November 4, 2015

RECEIVED  
Department of Planning & Zoning  
NOV 05 2015  
Zoning Evaluation Division

**Selected Photographs From Applicant's Submittal**



**View of Adjacent Neighbor's property from the accessory storage structure**



**View of changes made to fence by neighbor.**



**Shared property line of Applicant and original complainant from front.**



# County of Fairfax, Virginia

## MEMORANDUM

Office of the County Attorney  
 Suite 549, 12000 Government Center Parkway  
 Fairfax, Virginia 22035-0064  
 Phone: (703) 324-2421; Fax: (703) 324-2665  
 www.fairfaxcounty.gov

**DATE:** December 29, 2015

**TO:** Heath Eddy, Staff Coordinator  
 Applications Acceptance Section  
 Zoning Evaluation Division  
 Department of Planning and Zoning

**FROM:** Sepideh Aflaki-Khosrowshahi, Paralegal  
 Office of the County Attorney

**SUBJECT:** BZA Affidavit  
 Temporary Application No. SP 2015-0089

**REF.:** 132599

RECEIVED  
 Department of Planning & Zoning

DEC 30 2015  
 Zoning Evaluation Division

Attached is a copy of an application and an original affidavit that has been approved by the Office of the County Attorney for the following case:

Name of Applicant

Affidavit Date of Oath

Juergen L.W. Pohlmann, TR & Christa Pohlmann, TR

12/28/15

Attachment

OWNER CONSENT / AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We, Juergen & Christa Pohlmann, TR, under the Pohlmann Family Trust dated March 2, 2006, the undersigned applicant and/or title owner(s) of the property identified below, do hereby authorize Wayne F. Cyron, to act as agent(s) in the furtherance of an application for a special permit on my/our property located at: 8407 Camden St., Alexandria, VA 22308  
Tax Map No. 1023 1101003.

Thank you in advance for your cooperation.

APPLICANT/TITLE OWNER

Date: 28 December 2015

By: Juergen Pohlmann, TR

COMMONWEALTH/STATE OF: VIRGINIA  
CITY/COUNTY OF: ALEXANDRIA, TO WIT:

The foregoing instrument was acknowledged before me this 28<sup>TH</sup> day of DECEMBER, 2015, by BETSY JOANNE PERRYMAN (Signor)

Betsy Joanne Perryman  
Notary Public (Signature)  
Notary Registration No. 7502552  
My Commission Expires: May 31, 2019



AFFIX NOTARY SEAL/STAMP

ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

Owner Consent / Agent Authorization Statement

Page 2 of 2

CO-TITLE OWNER

Date: 28. 12. 2015

By: Christa Pohlmann  
Christa Pohlmann, TR

COMMONWEALTH/STATE OF: VIRGINIA

CITY/COUNTY OF: ALEXANDRIA, TO WIT:

The foregoing instrument was acknowledged before me this 28<sup>TH</sup> day of DECEMBER, 20 15,  
by BETSY JOANNE PERRYMAN  
(Signor)



AFFIX NOTARY SEAL/STAMP

Betsy Joanne Perryman  
Notary Public (Signature)  
Notary Registration No. 7502552  
My Commission Expires: May 31, 2019

132599

NOTICE OF VIOLATION

RECEIVED  
Department of Planning & Zoning



COUNTY OF FAIRFAX  
Department of Planning and Zoning  
Zoning Evaluation Division

12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035 (703) 324-1290, TTY 711  
[www.fairfaxcounty.gov/dpz/zoning/applications](http://www.fairfaxcounty.gov/dpz/zoning/applications)

APPLICATION No:

NOV 05 2015  
*SP 2015-MV-145*  
Zoning Evaluation Division  
(Staff will assign)

RECEIVED  
Department of Planning & Zoning

MAY 12 2015

Zoning Evaluation Division

APPLICATION FOR A SPECIAL PERMIT

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME	Juergen L.W. Pohlmann TR, Christa Pohlmann TR	
	MAILING ADDRESS	8407 Camden Street Alexandria, VA 22308	
	PHONE HOME ( 703 )	780-4937	WORK ( )
	PHONE MOBILE ( )		
PROPERTY INFORMATION	PROPERTY ADDRESS	8407 Camden Street Alexandria, VA 22308	
	TAX MAP NO.	102-3 ((11)) (1) 0004	SIZE (ACRES/SQ FT) 15,087 sq feet
	ZONING DISTRICT	R-3	MAGISTERIAL DISTRICT Mt Vernon
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:	n/a	
SPECIAL PERMIT REQUEST INFORMATION	ZONING ORDINANCE SECTION	8-914	
	PROPOSED USE	Reduction in minimum yard requirements based on error in building location to permit accessory storage structure to remain 1.2 feet from a side lot line & deck 1.7 ft from other side lot line	
AGENT/CONTACT INFORMATION	NAME	Wayne F. Cyron, Esq.	
	MAILING ADDRESS	CYRON & MILLER LLP, 100 N. Pitt St., Suite 200 Alexandria, VA 22314-3134	
	PHONE HOME ( )		WORK (703 ) 299-0600
	PHONE MOBILE (703 )	282-6100	
MAILING	Send all correspondence to (check one):	<input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact	

The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.

Juergen L.W. Pohlmann TR, Christa Pohlmann TR

TYPE/PRINT NAME OF APPLICANT/AGENT

SIGNATURE OF APPLICANT/AGENT

DO NOT WRITE IN THIS SPACE

Date Application accepted:

*November 5, 2015*

Application Fee Paid: \$

*910.00*  
*SP 2015-0089*

Application No.(s): SP 2015-MV-145  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

132599

DATE: December 28, 2015  
(enter date affidavit is notarized)

I, Wayne F. Cyron, 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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Juergen L. W. Pohlman, Tr for the benefit of The Pohlman Family Trust	8407 Camden Street, Alexandria, VA 22308	Applicant/Title Owner
Christa Pohlmann, Tr for the benefit of The Pohlmann Family Trust	8407 Camden Street, Alexandria, VA 22308	Applicant/Title Owner
The Pohlman Family Trust	8407 Camden Street, Alexandria, VA 22308	Owner
Juergen L.W. Pohlmann, Beneficiary	8407 Camden Street, Alexandria, VA 22308	Trust Beneficiary
Christa Pohlmann, Beneficiary	8407 Camden Street, Alexandria, VA 22308	Trust Beneficiary
Wayne F. Cyron, Esq.	100 N. Pitt St., Suite 200, Alexandria, VA 22314	Attorney/Agent
CYRON & MILLER LLP	100 N. Pitt St., Suite 200, Alexandria, VA 22314	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): SP 2015-MV-145  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 28, 2015  
(enter date affidavit is notarized)

132599

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)  
CYRON & MILLER LLP  
100 N. Pitt St., Suite 200, Alexandria, VA 22314

**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)

Wayne F. Cyron  
  
James G. Smalley

(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): SP 2015-MV-145  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 28, 2015  
(enter date affidavit is notarized)

132599

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): SP 2015-MV-145  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 28, 2015  
(enter date affidavit is notarized)

132599

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SP 2015-MV-145  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 28, 2015  
(enter date affidavit is notarized)

132597

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

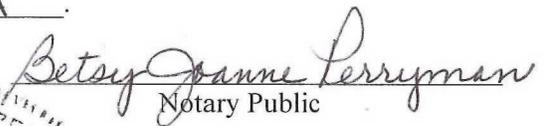
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

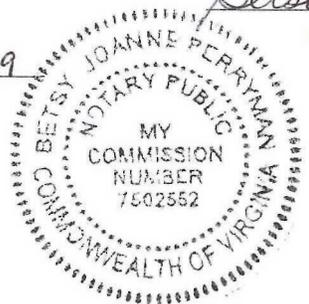
(check one) [ ] Applicant  [x] Applicant's Authorized Agent

Wayne F. Cyron, Esq., Authorized Agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 28<sup>TH</sup> day of DECEMBER 20 15, in the State/Comm. of VIRGINIA, County/City of ALEXANDRIA.

  
Notary Public

My commission expires: MAY 31, 2019



MAP REFERENCE SHEET NO. 102-3 PROPERTY IDENTIFICATION NO. C-0502

FORM ZA

*Seena*  
COUNTY OF FAIRFAX, VIRGINIA  
OFFICE OF THE ZONING ADMINISTRATOR

APPLICATION FOR CERTIFICATE OF OCCUPANCY

FOR USE IN CONNECTION WITH A NEW BUILDING OR FOR CHANGE IN THE  
EXTERIOR OUTLINE OF AN EXISTING BUILDING

(WRITE WITH INK)

DATE 7/9/65

Name of Proposed Occupant or Trade Name

Applicant Keeno Homes, Inc.

Address 5015 Graylock Street, Alex. Va.

Lot number 4 Block 1 Section 3

Subdivision or Stratford on the Potomac

Acreage Description \_\_\_\_\_

To be used as one family dwelling

Last used as \_\_\_\_\_

Non Conforming Use \_\_\_\_\_

Material of Building \_\_\_\_\_

No. of stories high 2

Which floor do you propose to use: \_\_\_\_\_

Owner of Building (or agent) \_\_\_\_\_

Address \_\_\_\_\_

TO BE FILLED IN BY CLERK	
ZONE	<u>res-2</u>
HEIGHT	<u>2</u>
FIRE ZONE	_____
BUILDING PERMIT NO.	<u>P-29199</u>
DATE	<u>7/9/65</u>
INITIALS	<u>DC</u>

8407 Camden Street

This Application Constitutes A Written Request For a Certificate of Occupancy Upon Compliance By the Applicant With Provisions of Section 30-9.4.4 of the Code.

It is understood that the Certificate of Occupancy does not take the place of any license that may be required by law, and also that it does not confer the right to erect or maintain any kind of signs.

Zoning Section
No. _____
Issued <u>7/11/1970</u>
Date _____

*[Handwritten Signature]*

Signature of Proposed Occupant or

Applicant Keeno Homes

Address 9018 Greylock St

Alex Va

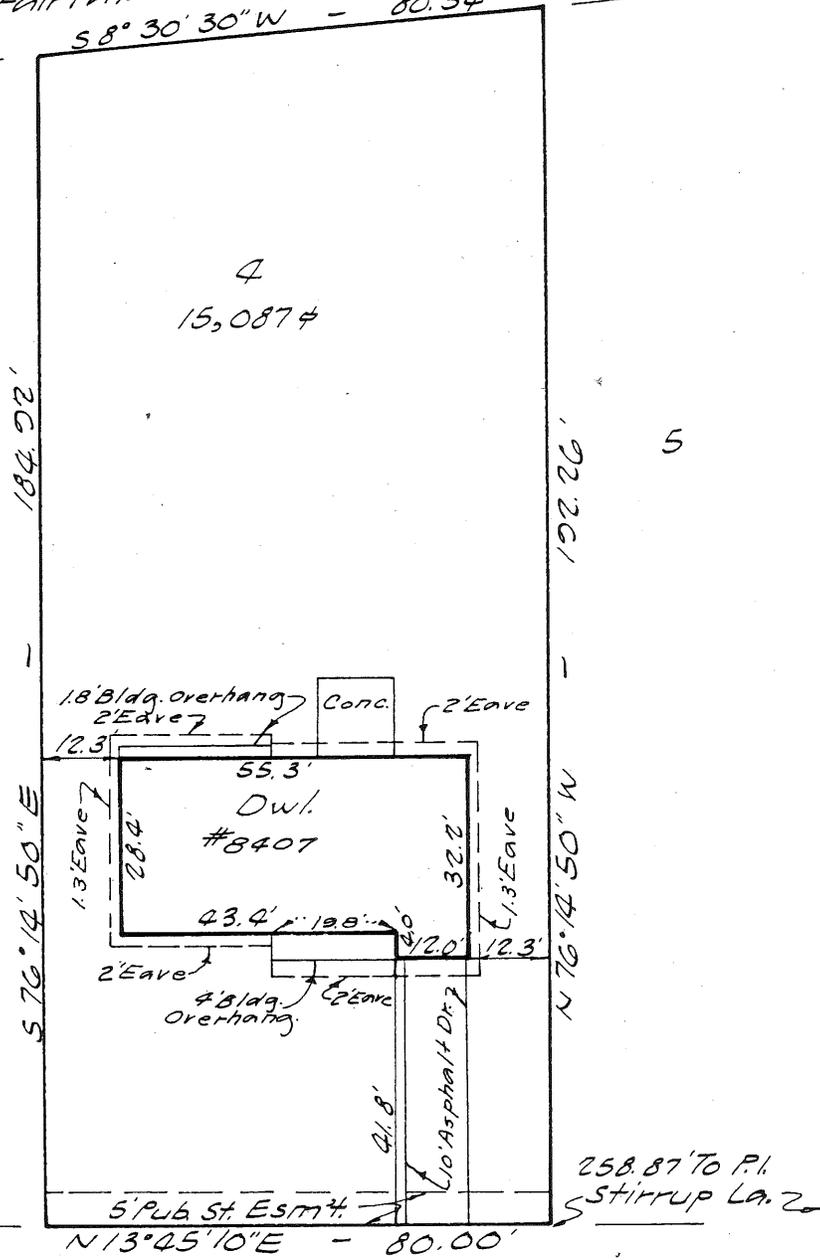
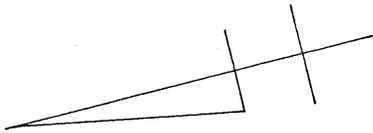
Telephone number 780-1730

152

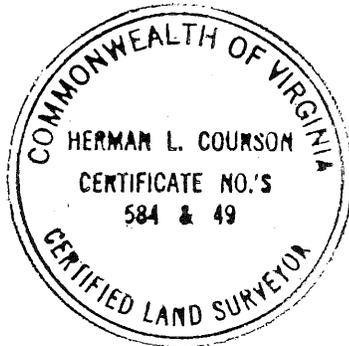
9-15-66

HOUSE LOCATION SURVEY  
 LOT 4, BLOCK 1, SEC. 3  
**STRATFORD ON THE POTOMAC**  
 MOUNT VERNON MAGISTERIAL DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

Fairfax County School Board  
 58° 30' 30" W - 80.34'



**FINAL APPROVAL**  
*J. Woodson*  
 ZONING ADMINISTRATOR  
 DATE **SEP 8 1970**



**CAMDEN ST. (50' wide)**

CERTIFIED CORRECT: <i>Herman L. Courson</i> CERTIFIED LAND SURVEYOR 9 - 2 - 66	SPRINGFIELD SURVEYS SPRINGFIELD, VIRGINIA	SCALE 1" = 30' DRAWN BY: <i>GR</i> JOB NO. <i>VAF 445</i>	DATE 8-30-66 CK'D. BY: <i>Blw</i> FIELD BK. 279
-----------------------------------------------------------------------------------------	----------------------------------------------	-----------------------------------------------------------------	-------------------------------------------------------

# BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
 PERMIT APPLICATION CENTER  
 12055 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-5504

Telephone: 703-222-0801  
 Web site: www.fairfaxcounty.gov/dpwes

PERMIT # 61570271

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
 (PLEASE PRINT OR TYPE)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY  
 PLAN # 14-06-5185  
 TAX MAP # 100221101-0001

**JOB LOCATION**

ADDRESS 9407 Camden St  
 LOT # 4 BUILDING \_\_\_\_\_  
 FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
 SUBDIVISION Stratford on the Potomac  
 TENANT'S NAME See 3, BIK 1

**OWNER INFORMATION**

OWNER  TENANT   
 NAME Pohlmann  
 ADDRESS 8407 Camden St  
 CITY Alexandria STATE Va ZIP 22308  
 TELEPHONE \_\_\_\_\_

**CONTRACTOR INFORMATION**

SAME AS OWNER   
 CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME Old Dominion LLC  
 ADDRESS 6205 Old Keene Mill Rd  
 CITY Springfield STATE Va ZIP 22152  
 TELEPHONE 00 703-866-0777  
 STATE CONTRACTORS LICENSE # 2705106195  
 COUNTY BPOL # 067158

**APPLICANT**

Km Shanklin

**DESCRIPTION OF WORK**

Bump out old window and replace with Bay window

**HOUSE TYPE**

ESTIMATED COST OF CONSTRUCTION 1000.00  
 BLDG AREA (SQ FT OF FOOTPRINT) 2056  
 USE GROUP OF BUILDING \_\_\_\_\_  
 TYPE OF CONSTRUCTION \_\_\_\_\_  
 SEWER SERVICE PUBLIC  SEPTIC  OTHER   
 WATER SERVICE PUBLIC  WELL  OTHER   
 OTHER PLEASE SPECIFY \_\_\_\_\_

**DESIGNATED MECHANICS' LIEN AGENT**

(Residential Construction Only)  
 NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_

NONE DESIGNATED  PHONE \_\_\_\_\_

**CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS**

# KITCHENS _____	EXTER. WALLS _____
# BATHS _____	INTER. WALLS _____
# HALF BATHS _____	ROOF MATERIAL _____
# BEDROOMS _____	FLOOR MATERIAL _____
# OF ROOMS _____	FIN. BASEMENT _____ %
# STORIES _____	HEATING FUEL _____
BUILDING HEIGHT _____	HEATING SYSTEM _____
BUILDING AREA _____	# FIREPLACES _____
BASEMENT _____	

ROUTING	DATE	APPROVED BY
LICENSING	<u>6/5/06</u>	<u>[Signature]</u>
ZONING	<u>6/5/06</u>	<u>[Signature]</u>
SITE PERMITS	<u>6/5/06</u>	<u>[Signature]</u>
HEALTH DEPT.	<u>6/5/06</u>	<u>[Signature]</u>
BUILDING REVIEW		<u>[Signature]</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ \_\_\_\_\_  
 FILING FEE - \$ \_\_\_\_\_  
 AMOUNT DUE = \$ \_\_\_\_\_

**BUILDING PLAN REVIEW**  
 REVIEWER \_\_\_\_\_ # OF HOURS \_\_\_\_\_  
 REVISION FEES \$ \_\_\_\_\_  
 FIRE MARSHAL FEES \$ \_\_\_\_\_  
 FIXTURE UNITS \_\_\_\_\_ PLAN LOC: J  R

**APPROVED FOR ISSUANCE OF BUILDING PERMIT**  
 (LOG OUT)  
 BY \_\_\_\_\_ DATE \_\_\_\_\_

**ZONING REVIEW**  
 USE SFD  
 ZONING DISTRICT R-3 HISTORICAL DISTRICT \_\_\_\_\_  
 ZONING CASE # \_\_\_\_\_

GROSS FLOOR AREA OF TENANT SPACE \_\_\_\_\_  
 YARDS: FRONT \_\_\_\_\_ REAR 25'  
 GARAGE 1  2  3   
 OPTIONS YES  NO   
 REMARKS Buld 2x B bay window addition

**GRADING AND DRAINAGE REVIEW**  
 SOILS # \_\_\_\_\_ A  B  C   
 AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) \_\_\_\_\_  
 IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) \_\_\_\_\_  
 PLAN # \_\_\_\_\_ APPR. DATE \_\_\_\_\_

**STAMPS**  
2500 FF ESMT  
 (See reverse side of application) [Signature]

**REMARKS** \* Plat Attached

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Km Shanklin 6/5/06  
 Signature of Owner or Agent Date

Km Shanklin  
 Printed Name and Title

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

**NOTARIZATION** (if required)  
 State (or territory or district) of \_\_\_\_\_  
 County (or city) of \_\_\_\_\_, to wit: I, \_\_\_\_\_, a \_\_\_\_\_

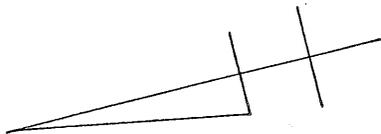
Notary Public in the State and County aforesaid, do certify that \_\_\_\_\_ whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.  
 Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 (Notary Signature)

HOUSE LOCATION SURVEY  
 LOT 4, BLOCK 1, SEC. 3  
**STRATFORD ON THE POTOMAC**  
 MOUNT VERNON MAGISTERIAL DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

APPROVED

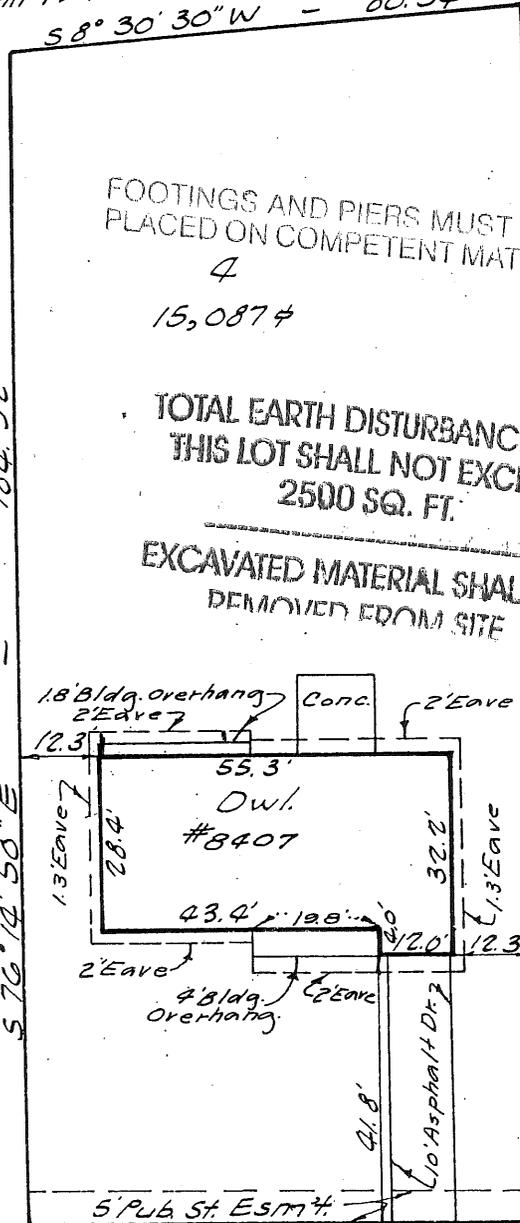
TM 6-7-06  
 William E. Abouge  
 Zoning Administrator

Fairfax County School Board  
 58° 30' 30" W - 80.34'



DEPT. OF  
 Office of Building  
 Code Services  
 Approved for

**FINAL APPROVAL**  
 BY *J. D. Woodson*  
 ZONING ADMINISTRATOR  
 DATE **SEP 8 1970**



**CAMDEN ST. (50' wide)**

CERTIFIED CORRECT: <i>Herman L. Courson</i> CERTIFIED LAND SURVEYOR 9-2-66	SPRINGFIELD SURVEYS SPRINGFIELD, VIRGINIA	SCALE 1"=30'	DATE 8-30-66
		DRAWN BY: <i>SE</i>	CK'D. BY: <i>BLW</i>
		JOB NO. <i>VAF 445</i>	FIELD BK. 279



# County of Fairfax, Virginia

Return Copy

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:** November 05, 2014

**METHOD OF SERVICE:** OFFICE OF THE SHERIFF

**LEGAL NOTICE ISSUED TO:** Jurgen Pohlmann  
Christa Pohlmann  
Pohlmann Family Trust

**ADDRESS:** 8407 Camden Street  
Alexandria, VA 22308

**LOCATION OF VIOLATION:** 8407 Camden Street  
Alexandria, VA 22308-2111

**TAX MAP REF:** 1023 11010004

**ZONING DISTRICT:** R- 3

**CASE #:** 201407027 **SR #:** 110450

**ISSUING INVESTIGATOR:** David Domin, (703)324-1562

### POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§02.302.6	\$ 200.00	\$ 500.00
	§10.104.10D	\$ 200.00	\$ 500.00
	<b>TOTAL:</b>	<b>\$ 400.00</b>	<b>\$ 1000.00</b>

Dear Responsible Party:

An inspection of the above referenced property on October 15, 2014 revealed the following violation(s) of the Fairfax County Zoning Ordinance:

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

Department of Code Compliance  
12055 Government Center Parkway, Suite 1016  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 Fax 703-653-9459 TTY 711  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)

Jurgen Pohlmann  
Christa Pohlmann  
Pohlmann Family trust  
November 05, 2014  
SR 110450  
Page 2

The presence of an accessory storage structure which measured approximately ten feet four inches in height, is approximately one hundred thirty square feet in area and is located approximately two feet three inches from the side lot line.

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

An accessory storage structure which exceeds eight and one half (8 ½) feet in height shall not be located in any part of any minimum required side yard.

The minimum required side yard distance in the R- 3 District is twelve feet as detailed in Par. 10 Section 10-104 of the Zoning Ordinance.

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

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

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

- Removing the storage structure from the property in its entirety; or
- Reducing the height of the structure to eight and one-half (8 ½) feet or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the side lot line in accordance with Par. 10D 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

Jurgen Pohlmann  
Christa Pohlmann  
Pohlmann Family trust  
November 05, 2014  
SR 110450  
Page 3

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

---

Violation: ACCESSORY STRUCTURE OR USE

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

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)324-1562. For any other questions, contact our main office at (703)324-1300.

Jurgen Pohlmann  
Christa Pohlmann  
Pohlmann Family trust  
November 05, 2014  
SR 110450  
Page 4

LEGAL NOTICE ISSUED BY:

A handwritten signature in black ink, appearing to read 'David Domin', is written above a horizontal line.

Signature

David Domin  
Code Compliance Investigator  
(703)324-1562  
David.Domin@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.

J. SILVER / LRL  
SERVING OFFICER

11-5-14 Stacey A. Kincaid, Sheriff  
DATE Fairfax County, VA

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.

J. SILVER / LRL  
SERVING OFFICER

11-5-14 Stacey A. Kincaid, Sheriff  
DATE Fairfax County, VA

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Served on a Secretary of the Commonwealth.

Not found.

\_\_\_\_\_

SERVING OFFICER \_\_\_\_\_  
for \_\_\_\_\_

DATE \_\_\_\_\_

PERSONAL SERVICE \_\_\_\_\_

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\_\_\_\_\_

SERVING OFFICER \_\_\_\_\_  
for \_\_\_\_\_

DATE \_\_\_\_\_

## Zoning Ordinance Provisions

### 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 or a modification to the location regulations of any freestanding accessory structure existing or partially constructed which does not comply with such requirements applicable at the time such building or structure 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 or modification under the provisions of this Section, the BZA shall allow only a reduction or modification 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 or modification for a particular building or structure 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.