



County of Fairfax, Virginia

March 2, 2016

DRAFT STAFF REPORT

SPECIAL PERMIT SP 2015-SP-154

SPRINGFIELD DISTRICT

APPLICANT/OWNER: Ossman R. Cossio
Shirley G. Cossio

STREET ADDRESS: 7216 Willow Oak Place, Springfield 22153

SUBDIVISION: Bramblewood, Section 2, Lot 51

TAX MAP REFERENCE: 89-3 ((8)) 51

LOT SIZE: 8,800 square feet

ZONING DISTRICT: R-3, cluster provisions

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 hot tub enclosure to remain 2.7 feet from a rear lot line and a covered outdoor grill to remain 2.4 feet from a 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.**

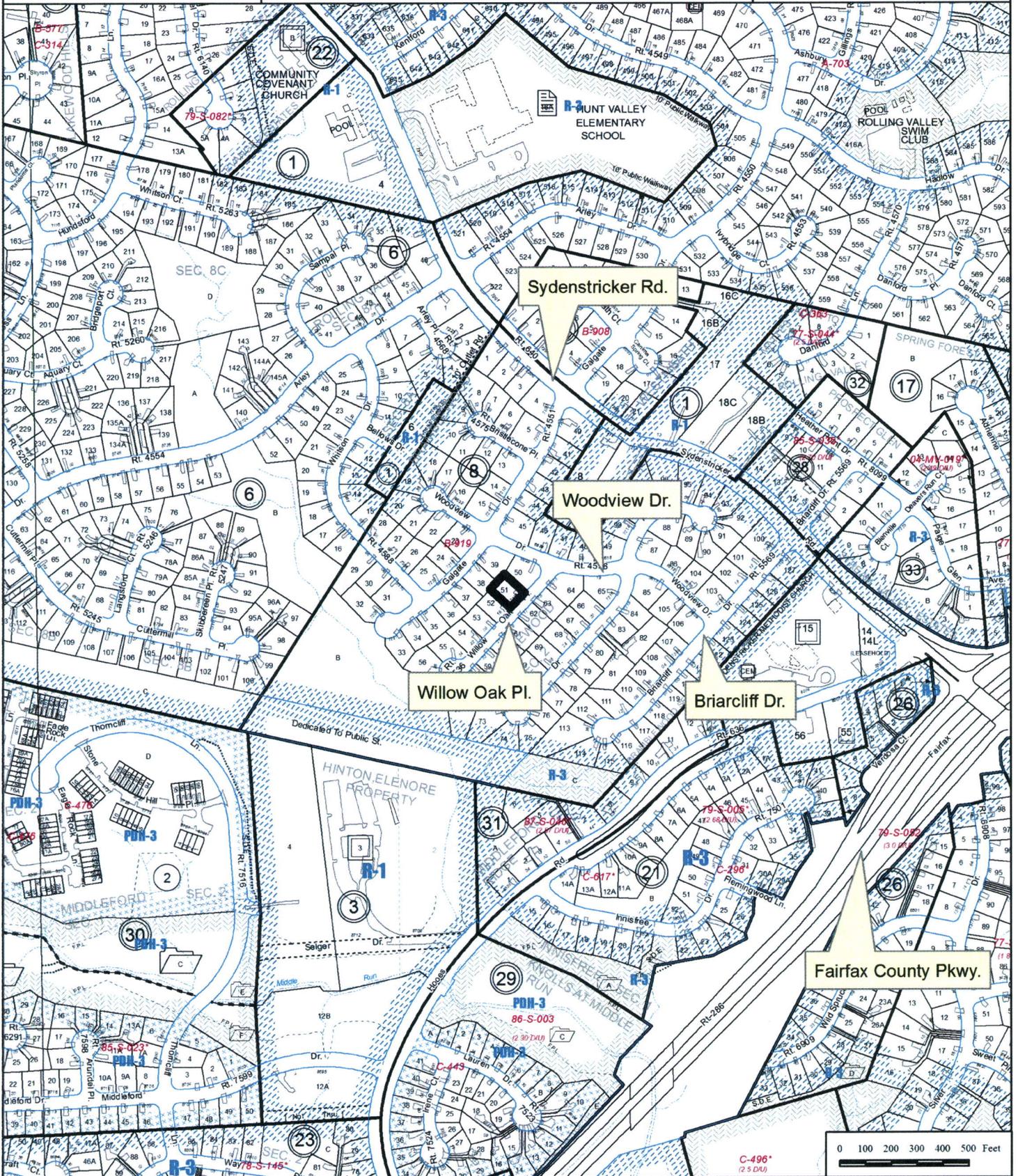


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



Special Permit SP 2015-SP-154

OSSMAN R. COSSIO & SHIRLEY G. COSSIO



NOTES:

1. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY ON JULY 6, 2015
2. NO TITLE REPORT WAS FURNISHED
3. NO 25' WIDE OR GREATER EASEMENTS FOUND, NO EASEMENTS WERE FOUND OTHER THAN SHOWN, NON RECORDED EASEMENTS MAY EXIST
4. THIS PROPERTY IS LOCATED IN FEMA FLOOD HAZARD ZONE "X" AS PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 51059C0290E; DATED SEPTEMBER 17, 2010
5. CURRENT INST., DB 7865 PG 656
6. HOUSE BUILT IN APPROXIMATELY 1972
7. MINIMUM YARD REQUIREMENTS: FRONT 20', SIDE 8' MINIMUM AND A TOTAL MINIMUM OF 20', REAR 25'
8. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER
9. WATER METER NOT FOUND
10. IPF DENOTES IRON PIPE FOUND

N/F
 PETER M. AND MARY E. VOGT
 MAP#0893 08 0038
 DB 10481 PG 882
 BRAMBLEWOOD
 SEC. 1, LOT 38

N/F
 DENISE JOHNSTON
 MAP#0893 08 0039
 DB 24095 PG 1181
 BRAMBLEWOOD
 SEC. 1, LOT 39

N/F
 RALPH A. BASILIO
 MAP#0893 08 0052
 DB 20190 PG 278
 BRAMBLEWOOD
 SEC. 2, LOT 52

N/F
 JOHN A. AND OVALINE B.
 TYBURSKI
 MAP#0893 08 0050
 DB 6401 PG 1495
 BRAMBLEWOOD
 SEC. 2, LOT 50

25' REAR YARD = 2000.00 SQ. FT.
 HOT TUB BLDG. AND BASE AREA = 140.38 SQ. FT.
 WOOD SHED AREA = 32.64 SQ. FT.
 SHED, WALK AND POOL AREA = 325.07 SQ. FT.
 TOTAL = 498.09 SQ. FT.
 498.09/2000.00 = 25% REAR YARD COVERAGE

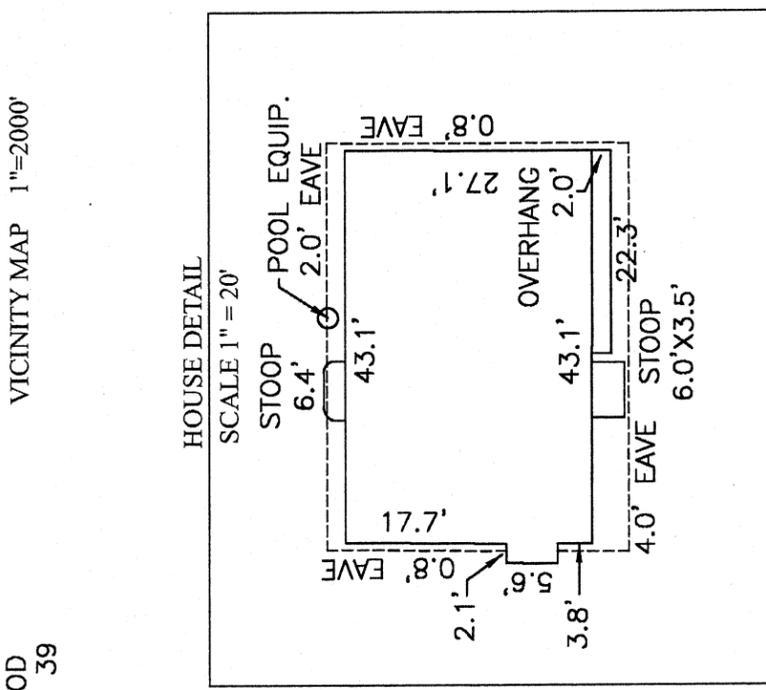
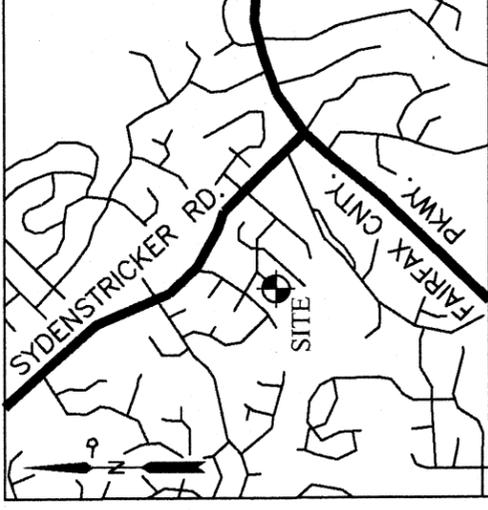
MERESTONE GEOMATICS, LLC
 LAND SURVEYING
 9404 SECCA DR., FREDERICKSBURG, VA 22407
 540-877-8722
 WWW.MERESTONEGEOMATICS.COM

DATE: 08/18/2015
 SURVEY: ANH
 DRAWN: ANH
 CHECKED: NMH

DATE: 08/18/2015
 SPECIAL PERMIT PLAT
 JN: 2015-1227
 SCALE: 1" = 30'

REVISIONS:
 COUNTY COMMENTS 08/18/2015

DATE: 08/18/2015



BRAMBLEWOOD
 SECTION 2, LOT 51
 MAP# 0893 08 0051
 ZONED R-3C
 SPRINGFIELD DISTRICT
 FAIRFAX COUNTY, VIRGINIA

OWNER INFO:
 N/F
 OSSMAN R. COSSIO
 MAP#0893 08 0051
 DB 7865 PG 656
 BRAMBLEWOOD
 SEC. 2, LOT 51
 8800.0000 Sq. Feet
 0.2020 Acres

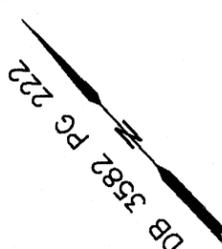
WILLOW OAK PLACE
 50' RIGHT OF WAY



RECEIVED
 Department of Planning & Zoning
 DEC 01 2015
 Zoning Evaluation Division

NOTE: BEARINGS BASED ON PLAT OF RECORD FOR BRAMBLEWOOD, SECTION 2, RECORDED AT DB 3582 PG 222, FAIRFAX COUNTY, VIRGINIA

MID ROOF HEIGHT ABOVE MEAN TERRAIN = 15.1'



SPECIAL PERMIT REQUEST

The applicants request special permit approval to permit a reduction in minimum yard requirements based on errors in building location to permit an accessory hot tub enclosure to remain 2.7 feet from a rear lot line and a covered outdoor grill to remain 2.4 feet from a side lot line.

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
Special Permit	Hot Tub enclosure	Rear	9.8 feet ¹	2.7 feet	7.1 feet	72.4%
Special Permit	Covered grill	Side	8.0 feet ²	2.4 feet	5.6 feet	70%

¹ Per Section 10-103 of the Zoning Ordinance, an accessory structure of 7 feet in height or taller must be located a distance equal to the height of the structure from the rear lot line.

² Per Section 10-103 of the Zoning Ordinance, an accessory structure of 7 feet in height or taller must comply with the minimum side yard requirement of the zoning district, which in this case is the R-3 District using the cluster provisions.

A copy of the special permit plat prepared by Andrew N. Hornbeck, L.S., of Merestone Geomatics, LLC, dated August 18, 2015 and received December 1, 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 8,800 square foot subject property is developed with a split level single family detached dwelling. The property also has an in-ground swimming pool, an 80 square foot storage shed, a smaller structure in the northern corner of the lot, a 3-car driveway, walkways between the pool, the driveway, and shed, and the two structures in question. The rear yard of the property is bounded by a 6-foot white PVC fence.



Figure 1: Subject property, Source: Pictometry 2015.

The subject property is in the Bramblewood subdivision, which was platted in the early 1970s. The properties bordering the subject property are all developed with single family detached dwellings. All properties in the area are subject to the cluster provisions in the R-3 District, with the open space located at the end of Willow Oak Place and other adjacent cul-de-sac streets within this development.

BACKGROUND AND HISTORY

County Records indicate that the existing single family dwelling was constructed in 1972. Records also indicate that the in-ground swimming pool was permitted and inspected in 1984, with additional electrical equipment installed and inspected in 1986.

The current property owners purchased the property in July 1991, and then applied for and received permits for interior drainage tile installation and basement waterproofing as well as a sump pump later that year, all of which was inspected and approved. The only other building permit record on file is for the replacement of the gas range in 2014.

Tax records indicate that the current assessment is based on the existing residence, the swimming pool, and the storage shed. Neither of the two structures in question is included in the current tax assessment.

This is the first special permit or variance request for the subject property. County records

indicate there was one special permit/variance application in the area, which was Variance Application VC 92-S-011, approved by the BZA on April 14, 1992, which permitted a 6-foot high fence to remain in the front yard of the property at 7213 Willow Oak Place.

Case History:

- May 1, 2015: Department of Code Compliance (DCC) receives complaint regarding accessory structures in violation of the minimum yard requirements at the subject property. The complainant stated that the structures were too close to the property line.
- June 3, 2015: DCC inspector visits the property and informs the owners that they have two violations, one involving the hot tub enclosure, the other involving the covered outdoor grill.
- June 8, 2015: Notice of Violation (NOV) is issued to the property owners with respect to the accessory structures.
- July 24, 2015: Property owners file a special permit application under Section 8-914 for both structures.
- December 9, 2015: Special Permit application is accepted and assigned for public hearing by the BZA.

The structures subject to the NOV are accessory structures as defined under the Zoning Ordinance. Pursuant to Section 10-104.12 of the Zoning Ordinance, an accessory structure is permitted to be located anywhere within the side or rear yards if the structure is less than 7 feet in height. If an accessory structure is 7 feet in height or taller, then the structure must comply with the minimum side yard of the applicable zoning district, and the minimum rear yard shall be equal to the height of the structure.



Figure 2: On the left, the hot tub enclosure; on the right, the covered grill. Source: Applicant.

The applicable zoning district is the R-3 District, and the Bramblewood subdivision was developed using the cluster provisions, which require a minimum side yard of 8 feet from the lot line. In the case of the covered outdoor grill (referenced as a gazebo in the NOV), the minimum required yard is 8 feet from the side lot line and 11.1 feet from the rear lot line. In the case of the hot tub enclosure (identified as an accessory storage structure for a Jacuzzi in the NOV), the minimum required yard is 8 feet from the side lot line and 9.8 feet from the rear lot line. The covered outdoor grill does not comply with the minimum side yard requirement, while the hot tub enclosure does not comply with the minimum rear yard requirement.

Therefore, the applicants are requesting a reduction of 5.6 feet from the minimum side yard for the covered outdoor grill, and a reduction of 7.1 feet from the minimum rear yard requirement for accessory structures under Section 10-104.12.

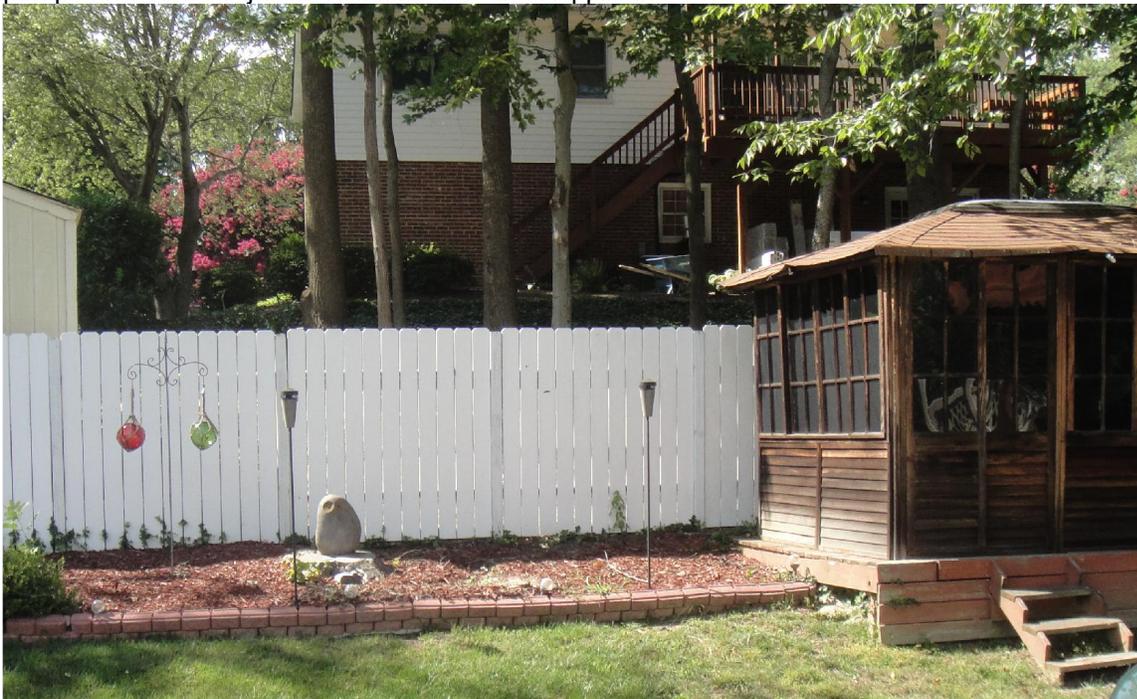


Figures 3A and 3B: The covered grill, showing the distance to the side property line, and a perspective of the structure relative to the adjacent residence. Source: Applicant.





Figures 4A and 4B: The hot tub enclosure, showing the distance to the rear property line, and the perspective of the adjacent residence. Source: Applicant.



The applicants state in their Statement of Justification (Appendix 2) that the covered grill was placed on the property 10 years ago, and that the hot tub structure has been in place for 22 years. The applicant states that both the hot tub and the covered grill structure

(lights) are powered by electricity extended from the residence. County records do not indicate that electrical permits were issued for either service extensions.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: III

Planning District: Pohick

Planning Sector: Middle Run Community Planning Sector (P6)

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 with cluster provisions)		
Standard	Required	Provided
Lot Size	Min. 8,500 sf.	8,800 sf.
Lot Width	No requirement	80 feet
Building Height	Max. 35 feet	15.1 feet (residence) 9.8 feet (hot tub enclosure) 11.1 feet (covered outdoor grill)
Front Yard	Min. 20 feet	29.6 feet
Side Yard	8 feet minimum/ 20 feet combined	16.6 feet minimum/33.8 feet combined (residence) ¹
Rear Yard	Min. 25 feet	47.4 feet (residence) ¹

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

For accessory structures taller than 7 feet in height, the minimum side yard is required, and the minimum rear yard required is equal to the height of the structure, pursuant to Section 10-104.12 of the Zoning Ordinance. The applicant is requesting a reduction to 2.4 feet from the side lot line for the covered outdoor grill based on an error. For the hot tub enclosure, the applicant is requesting a reduction to 2.7 feet from the rear 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. Notice of Violation dated June 8, 2015
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-SP-154****March 2, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-SP-154 located at Tax Map 89-3 ((8)) 51 to permit a reduction in minimum yard requirements based on errors in building location pursuant to Sects. 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 and size of the hot tub enclosure and covered outdoor kitchen as shown on the special permit plat prepared by Andrew N. Hornbeck, L.S., of Merestone Geomatics, LLC, dated August 18, 2015 and received December 1, 2015, consisting of one sheet as submitted with this application and is not transferable to other land.
2. The property owner shall secure an electrical service permit and pass final inspection on electrical service to the hot tub and outdoor grill within 90 days of the approval of this special permit.

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.

Statement of Justification

Ossman Cossio

11/24/2016

7216 Willow Oaks Place

Springfield Va. 22153

To whom it may concern,

I have received a violation notice for two structures at my home at 7216 Willow Oaks Place Springfield Va. 20153. The first structure is a covered BBQ cooking station next to the in ground pool behind my home. The structure was built 10 years ago by a contractor and is visibly appealing so it adds value to my home and does not detract from any of the neighboring properties. The violation notice was warranted by the structures height not appearance.

The second structure is a Jacuzzi enclosure that was also installed to add value to my home. Additionally, it was added for privacy while my family uses the jacuzzi. The violation notice for this enclosure is for height as well as it being a little close to my property line. It is a prefabricated structure that was ordered and delivered to my home by the jacuzzi company. The structure has been sitting on my property for 22 years but has been well maintained to ensure it is aesthetically pleasing for my guests and neighbors.

I am requesting a waiver for the above mentioned violations because of the following reasons.

1. I believe the work may have been completed prior to any of these county codes being initiated.
2. Modifying these structure will cause significant financial burden because the grill and jacuzzi have both been integrated into the structure.
3. If the county codes were in affect at the time of installation, the contractors installing these structures didn't inform or advise me that the designs would not meet county code.

I usually make every effort to ensure I meet the county codes but to resolve these issues at this point will take significant time, effort and finances. I appreciate your time and help with getting this waiver completed so my property meets the necessary county waivers and codes.

Sincerely,

Ossman Cossio

Selected File Photographs (Submitted by Applicant)



Photo 1. Rear yard facing north, both accessory structures and relative position in view.



Photo 2. Rear yard facing toward western corner of lot, showing pool and accessory storage structure. Opposite corner of Photo 1.

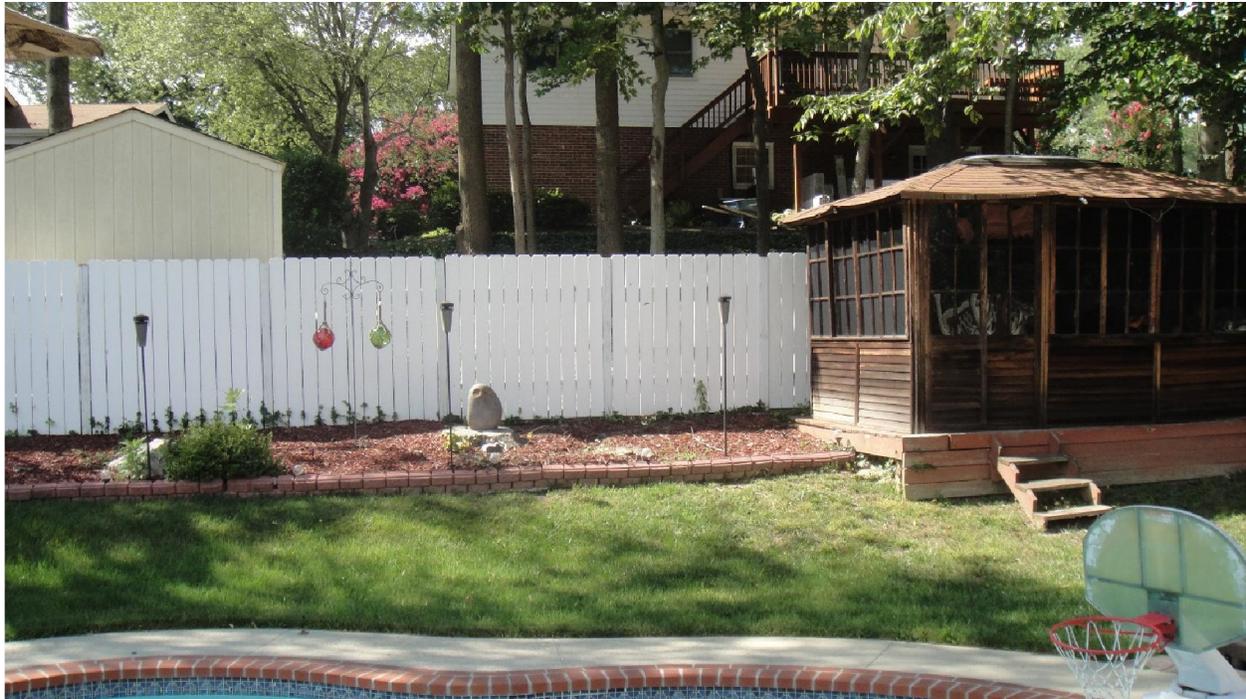


Photo 3. View straight back to rear lot line from residence, showing relative location of hot tub enclosure with adjacent property.



Photo 4. Closer in view of patio, covered grill and hot tub enclosure.



Photo 5. View of covered grill showing relative position of adjacent residence. This is the east side lot line area.

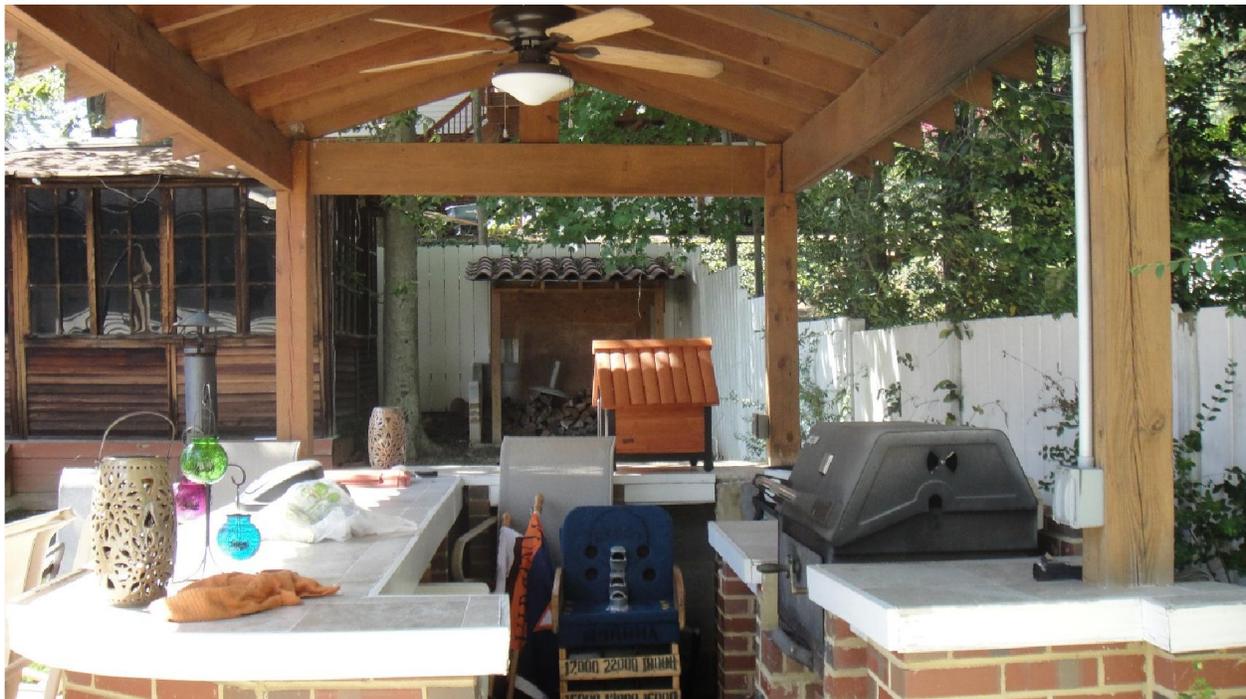


Photo 6. Close in view of covered grill showing overhead fan and light, grill, electric outlet and relative position versus applicant's fence.



Photo 7. View of hot tub enclosure from patio.



Photo 8. Another view of hot tub enclosure and covered grill from accessory storage structure.



Photo 9. Alternate angle of covered grill showing relative distance to fence line.



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 16, 2015

TO: Deborah Pemberton, Planner III
 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 2015-0230

REF.: 131001

RECEIVED
 Department of Planning & Zoning
 DEC 17 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

Ossman Cossio & Shirely G. Cossio

11/30/2015

Attachment

OWNER CONSENT/AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We, the undersigned applicant and/or title owner(s) of the property identified below, do hereby authorize Shirley Cossio, to act as agent(s) in the furtherance of an application for a special permit on property located at: 7216 Willow Oak Pl
Springfield, VA 22153.

Thank you in advance for your cooperation.

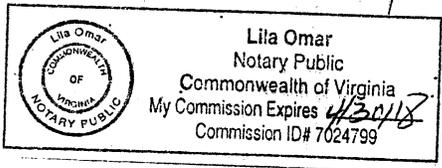
APPLICANT/TITLE OWNER

Date: 11-30-15

By: [Signature]
[Name] Shirley Cossio

COMMONWEALTH/STATE OF: Virginia
CITY/COUNTY OF: Fairfax, TO WIT:

The foregoing instrument was acknowledged before me this 30th day of November, 2015, in the County of Fairfax, VA.
[State]



[Signature]
Notary Public (Signature)
Notary Registration No. 7024799
My Commission Expires: 4/30/2018

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.

NOTICE OF VIOLATION



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

APPLICATION No: SP 2015-SP-154
 (Staff will assign)

RECEIVED
 Department of Planning & Zoning

DEC 01 2015

APPLICATION FOR A SPECIAL PERMIT Zoning Evaluation Division
 (PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME	Osman R. Cossio & Shirley G. Cossio	
	MAILING ADDRESS	7216 Willow Oak Pl. Springfield VA 22153	
	PHONE HOME	(703) 569-7424	WORK (703) 776-2526
	PHONE MOBILE	(703) 906-3409	
PROPERTY INFORMATION	PROPERTY ADDRESS	7216 Willow Oak Pl. Springfield VA 22153	
	TAX MAP NO.	0893 08 0051	SIZE (ACRES/SQ FT) 8 800
	ZONING DISTRICT	R-3 (Cluster)	MAGISTERIAL DISTRICT Springfield
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:		
SPECIAL PERMIT REQUEST INFORMATION	ZONING ORDINANCE SECTION	8-914	
	PROPOSED USE	REDUCTION IN MINIMUM YARD REQUIREMENTS BASED ON ERRORS IN BUILDING LOCATIONS TO PERMIT ONE ACCESSORY STRUCTURE TO REMAIN 2.7 FT FROM A REAR LOT LINE AND ANOTHER ACCESSORY STRUCTURE TO REMAIN 2.4 FT FROM A SIDE LOT LINE	
AGENT/CONTACT INFORMATION	NAME		
	MAILING ADDRESS		
	PHONE NUMBER	HOME	WORK
	PHONE NUMBER	MOBILE	
MAILING	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant -or- <input 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.			
Osman R. Cossio / Shirley G. Cossio		 SIGNATURE OF APPLICANT/AGENT	
TYPE/PRINT NAME OF APPLICANT/AGENT			

DO NOT WRITE IN THIS SPACE

Deborah Steuber

SP 2015-0230

Date Application accepted: December 9, 2015 Application Fee Paid: \$ 910.00

Application No.(s): SP 2015-SP-154
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-30-2015
(enter date affidavit is notarized)

131051

I, Ossman Cassio & Shirley Cassio, 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)
Ossman Cassio	7216 Willow Oak Pl. Springfield VA 22153	Applicant/Title owner
Shirley Cassio a/k/a	7216 Willow Oak Pl. Springfield VA 22153	Applicant/Title owner
Shirley G. Valencia		

(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-SP-154
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-30-2015
(enter date affidavit is notarized)

131001

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

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

Application No.(s):

SP 2015-SP-154

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-30-2015
(enter date affidavit is notarized)

151001

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-SP-154

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-30-2015
(enter date affidavit is notarized)

181001

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-SA-154
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-30-2015
(enter date affidavit is notarized)

131001

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:

Ossman Cassio Shirley Cassio



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

Ossman Cassio - Shirley Cassio
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30th day of November, 2015, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 4/30/2018

[Handwritten initials]



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

RECEIVED
Department of Planning & Zoning

JUL 27 2015

Zoning Evaluation Division

DATE OF ISSUANCE: June 18, 2015

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Ossman R. Cossio
Shirley G. Valencia

ADDRESS: 7216 Willow Oak Pl.
Springfield, VA 22153

LOCATION OF VIOLATION: 7216 Willow Oak Pl.
Springfield, VA 22153-1543

TAX MAP REF: 0893 08 0051

ZONING DISTRICT: R- 3

CASE #: 201502404 **SR #:** 115435

ISSUING INVESTIGATOR: Charles P. Fitzhugh, (703)324-1395

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§10.104.10E	\$ 200.00	\$ 500.00
	§10.104.12D	\$ 200.00	\$ 500.00
	TOTAL:	\$ 400.00	\$ 1000.00

Dear Responsible Party:

An inspection of the above referenced property on June 3, 2015 revealed the following violations of the Fairfax County Zoning Ordinance:

§ 10-104 (10E) 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

Cossio Ossman R
June 18, 2015
SR 115435
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The presence of an accessory storage structure which housed a jacuzzi; which measured approximately ten feet (10') in height, is approximately 200 square feet in area and is located approximately three feet (3') and approximately ten feet (10') respectively from the side and rear lot lines.

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. 10E 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 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-3 District is twelve feet (12') as detailed in Par. 2A (1) (b) of Section 3-307 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. 10E of Sect. 10-104 above, it is in violation of Par. 10E 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 rear and side lot lines in accordance with Par. 10E of Sect. 10-104 of the Zoning Ordinance as outlined above.

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

§ 10-104 (12D) Accessory Structure Location in the Side Yard
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory structure in the form of a gazebo which measured approximately twelve feet (12') in height, is approximately 200 square feet in area and is located approximately three feet (3') from the side lot line.

The Fairfax County Zoning Ordinance permits accessory structures to be located in minimum required yards; however, if the structure exceeds seven (7) feet in height, it must be located on the lot so as to comply with Par. 12D of Sect. 10-104 of the Zoning Ordinance which states:

No accessory structure or use which exceeds seven (7) feet in height shall be located in any minimum required side yard.

The minimum required side yard distance in the R-3 District is twelve feet (12') as detailed in Par. 2A (1) (b) of Sect. 3-307 of the Zoning Ordinance.

Therefore, as this accessory structure exceeds seven (7) feet in height and is not located in accordance with the provisions of Par. 12D of Sect. 10-104 above, it is in violation of Par. 12D of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

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

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

- Removing the accessory structure from the property in its entirety; or
- Reducing the height of the structure to seven (7') feet in height or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the side lot lines in accordance with Par. 12D of Sect. 10-104 of the Zoning Ordinance as outlined above.

Cossio Ossman R
June 18, 2015
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As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

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).

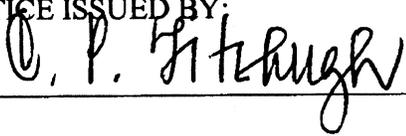
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, 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)324-1395. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:



Signature

Charles P. Fitzhugh
Code Compliance Investigator II
Charles.Fitzhugh@fairfaxcounty.gov

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.