



APPLICATION ACCEPTED: January 27, 2016
BOARD OF ZONING APPEALS: April 13, 2016 @ 9:00 a.m.

County of Fairfax, Virginia

April 6, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-LE-004

LEE DISTRICT

APPLICANTS/OWNERS: Philip W. Scofield
Eva L. Scofield

SUBDIVISION: Beverly Park

STREET ADDRESS: 7215 Beverly Park Drive, Springfield 22150

TAX MAP REFERENCE: 90-3 ((10)) 30

LOT SIZE: 3,340 square feet

ZONING DISTRICT: R-5

ZONING ORDINANCE PROVISIONS: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction in minimum yard requirements based on an error in building location to permit an accessory storage structure to remain 1.0 feet from a side lot line and 0.5 feet from a rear lot line and to permit an enclosed porch to remain 14.8 feet from a front lot line.

STAFF RECOMMENDATION:

It should be 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.

Sharon Williams

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**

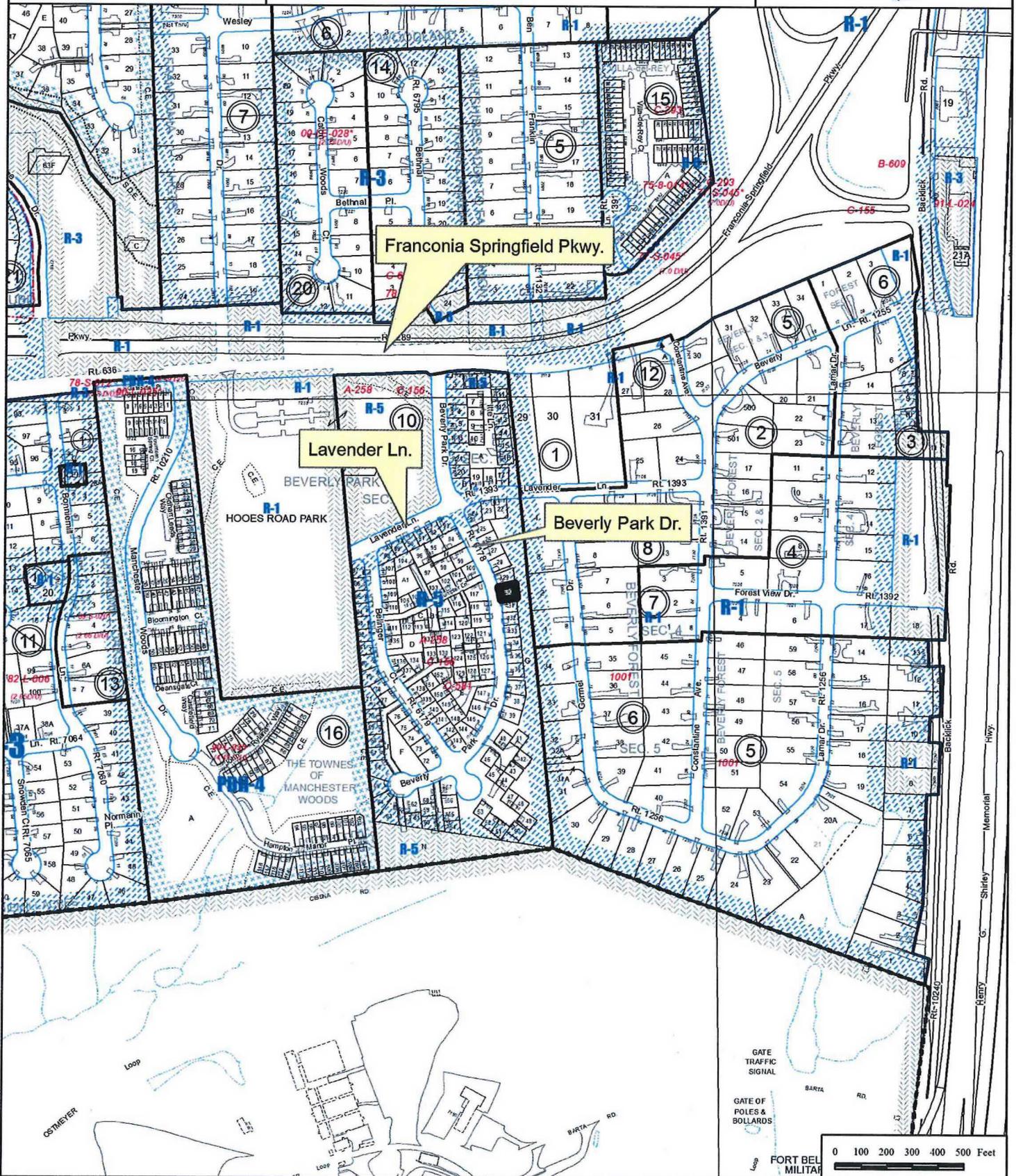


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



Special Permit SP 2016-LE-004

PHILIP W. SCOFIELD & EVA L. SCOFIELD



Franconia Springfield Pkwy.

Lavender Ln.

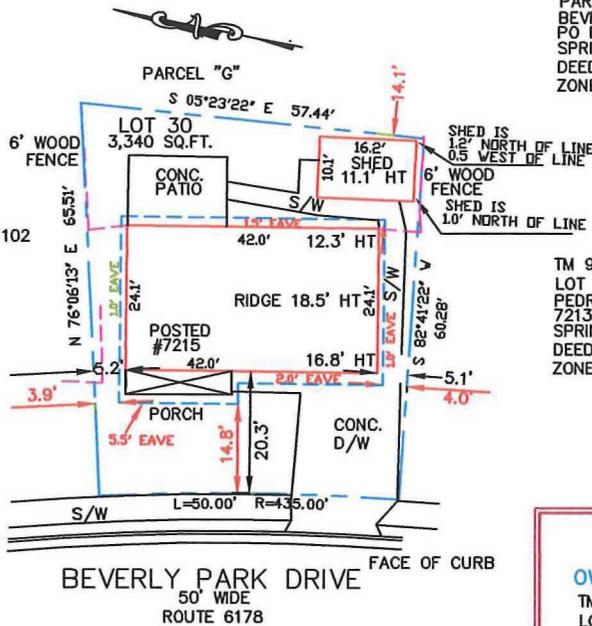
Beverly Park Dr.

0 100 200 300 400 500 Feet

FORT BEL MILITARY

TM 90-3-10-G
 PARCEL "G"
 BEVERLY PARK COMMUNITY CORP.
 PO BOX 245
 SPRINGFIELD, VA 22150
 DEED BOOK 4163 PAGE 539
 ZONE R-5

TM 90-3-10-0029
 LOT 29
 KARIN E. AHMED
 7213 BEVERLY PARK DRIVE
 SPRINGFIELD, VA 22150
 DEED BOOK 20275 PAGE 1102
 ZONE R-5



TM 90-3-10-0029
 LOT 31
 PEDRO & ZOILA PRUDENCIO
 7213 WESLEY ROAD
 SPRINGFIELD, VA 22150
 DEED BOOK 7336 PAGE 1910
 ZONE R-5

OWNERS TAB
 TM 90-3-10-0030
 LOT 30
 EVA L. SCOFIELD
 7215 BEVERLY PARK DRIVE
 SPRINGFIELD, VA 22150
 DEED BOOK 23257 PAGE 649
 ZONE R-5

ZONING TAB
 ZONE R-5
 SETBACKS
 FRONT...20 FEET
 SIDE...8 FEET
 REAR...25 FEET

FLOOD ZONE NOTE

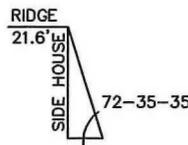
1) THIS PARCEL IS LOCATED IN FLOOD ZONE X AS DEPICTED ON THE FLOOD INSURANCE RATE MAP COMMUNITY # 51059C PANEL # 0290 E AND IS DATED 9-17-2010.

GENERAL NOTES

- 1: THERE ARE NO KNOWN CEMETARIES LOCATED ON THIS PROPERTY.
- 2: THE PROPERTY IS SERVED BY PUBLIC SEWER AND WATER.
- 3: THE PROPERTY IS NOT SERVED BY NATURAL GAS.
- 4: NO EASEMENTS 25' OR GREATER EXIST
- 5: THERE ARE NO EAVES ON SHED
- 6: SURVEY PROVIDED BY JAMES D. THURBER L.S.

NO.	DATE	DESCRIPTION	BY
2	7-22-2015	COUNTY COMMENTS	JDT
1	3-22-2015	COUNTY COMMENTS	JDT

REAR YARD COVERAGE CALCULATION
 TOTAL YARD AREA 1,400 sq.ft.
 COVERAGE AREA 356 sq.ft.
 $356/1400 = 25\%$

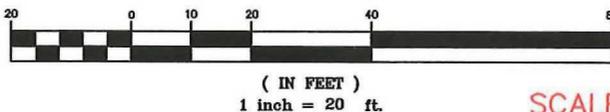


RT SIDE YARD BULK PLANE

GFA CALCULATIONS PRE-DEVELOPMENT

MAIN FLOOR	1,012 SQ.FT.
SECOND FLOOR	1,012 SQ.FT.
TOTAL	2,024 SQ.FT.
LOT AREA	3,340 SQ.FT.
GFA RATIO	0.61

GRAPHIC SCALE

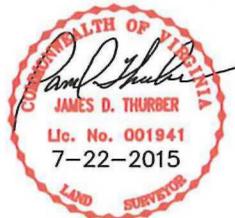


SPECIAL PERMIT PLAT
 LOT 30 SECTION 2
 BEVERLY PARK
 FAIRFAX COUNTY, VIRGINIA
 LEE DISTRICT

SCALE: 1" = 20' DATE: MARCH 22, 2015

JAMES D. THURBER, L.S.
THURBER ENGINEERING & LAND SURVEYING
 10707 WOODLAND DRIVE
 FREDERICKSBURG, VA 22407
 PHONE: 540-207-3348 EMAIL: jim@telstld.com

CERTIFIED CORRECT



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 Department of Planning & Zoning

JAN 19 2016

Zoning Evaluation Division

FILE#: FFX7215A CLIENT: SCOFIELD
 DATE: 3-22-2015 CHECKED BY: JDT
 SCALE: 1" = 20' CREW: JT/CR

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a reduction in minimum yard requirements based on an error in building location to permit a shed to remain 1.0 feet from the side lot line and 0.5 feet from the rear lot line and to permit an enclosed front porch to remain 14.8 feet from a front lot line.

Error Location and Reduction Requested

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
Special Permit	Shed	Side Rear	8.0 feet 25.0 feet	1.0 feet 0.5 feet	7.0 feet 24.5 feet	87.5% 98%
Special Permit	Front Porch	Front	20.0 feet	14.8 feet	5.2 feet	26%

A copy of the special permit plat, titled "Special Permit Plat, Lot 30, Section 2, Beverly Park," prepared by James D. Thruber on March 22, 2015, as revised on July 22, 2015, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 3,340 square foot site is developed with a two-story single-family detached dwelling. A concrete driveway extends from Beverly Park Drive. A concrete walkway extends from the driveway to an open porch which provides access to the entrance of the dwelling. The concrete walkway also extends from the driveway and wraps around the rear of the dwelling where it connects with a 204 square foot concrete patio. A 11.1 foot tall shed is located on the southeastern corner of the rear yard. The rear yard is enclosed by a 6 foot tall wood privacy fence.

The property is located off of the Franconia-Springfield Parkway in the Beverly Park neighborhood. The subject property and surrounding properties are zoned R-5 and are developed with single-family detached dwellings.



Figure 1: Aerial View

BACKGROUND

Fairfax County Tax Records indicate that the dwelling was constructed in 1976 and purchased by the applicant in 2013.

According to the applicant's statement of justification, the applicant's hired a contractor to build the shed on-site. The applicants maintain that they were unaware of Sect. 10-104 (10E) in the Ordinance when the shed was being constructed.

The front porch with lattice, which extends into the front yard 14.8 feet, was enclosed by a previous owner. Although the second story balcony and porch appear to have been built with the house in 1976, the porch that has been enclosed with lattice has only been recorded and taxed since 2007, according to Fairfax County Tax Records.

In response to a complaint, staff from the Department of Code Compliance (DCC) inspected the property on July 30, 2014, and found that an accessory storage structure which measured 11 feet, 2 inches in height and 160 square feet in area was located too close to the side and rear lot lines. A Notice of Violation (NOV) was issued on August 4, 2014 (Appendix 4). As a result, the applicant filed a special permit to attempt to bring the violation into conformance. The application was filed in April of 2015 and accepted in January of 2016.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Springfield Planning District
Planning Sector: Springvale Community Planning Sector (S4)
Plan Map: Residential, 4-5 du/ac

Zoning District Standards

Bulk Standards (R-5)		
Standard	Required	Provided
Lot Size	5,000 sf	3,340 sf ¹
Lot Width	50 feet	50 feet
Building Height	35 feet max.	<35 feet
Front Yard	20 feet	14.8 feet ²
Side Yard	8 feet	5 feet ¹
Rear Yard	25 feet	14.1 feet ¹

¹The subject parcel was created prior to the 1978 Zoning Ordinance; therefore, although the parcel does not meet the Ordinance requirements, it is grandfathered as a legal, buildable lot under the provisions of Sect. 2-405 (Appendix 5)

²As permitted through the approval of this application

Accessory Structures On-Site

Structure	Yard	Minimum Required Yard	Existing Location	Existing Height
Shed	Side Rear	8.0 feet 11.2 feet ¹	1.0 feet 0.5 feet	11.2 feet

¹Sect. 10-104.10 E states that an accessory storage structure which exceeds eight and one half (8.5) feet in height shall not be located closer than a distance equal to its height to the rear lot line.

Zoning Ordinance Requirements (Appendix 6)

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

CONCLUSION / RECOMMENDATION

Staff does not make recommendations on an error in building location. If it is the intent of the Board of Zoning Appeals to approve this application, staff recommends that the BZA condition its approval on the adoption of the development conditions set forth in Appendix 1.

The approval of this 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
5. Applicable Building Permits
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-LE-004****April 6, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-LE-004 located at Tax Map 90-3 ((10)) 30 to permit a reduction in minimum yard requirements based on an error in building location for an accessory storage structure (shed) and a front porch pursuant to Sect. 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 granted only for the accessory storage structure (shed) and front porch indicated on the plat entitled, "Special Permit Plat, Lot 30, Section 2, Beverly Park," prepared by James D. Thruber on March 22, 2015, as revised on July 22, 2015, and approved with this application, as qualified by these development conditions.
2. The applicants shall obtain all applicable building permits for the shed, including electrical, within ninety (90) days of BZA approval and final inspections within six (6) months.

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 STATEMENT OF JUSTIFICATION

A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:

- A. Type of operation(s).**
The shed will be used for bicycles, lawn care and landscaping tools as well as storage for, power tools, household items, etc...
- B. Hours of operation.**
The shed is for personal use only and is only accessible to the owners 24 hours a day 7 days a week.
- C. Estimated number of patrons/clients/patients/pupils/etc.**
No one other than the owners will have access to the shed.
- D. Proposed number of employees/attendants/teachers/etc.**
There will be no employees or other personell associated with the shed.
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.**
There will be no traffic impact from proposed use of the shed.
- F. Vicinity or general area to be served by the use.**
The shed will only be of use to the owners, who reside at the property location (7215 Beverly Park Drive Springfield, VA 22150)
- G. Description of building facade and architecture of proposed new building or additions.**
The shed is a barn style with tan paint closely matching the house on the property.
- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.**
There are no hazardous toxic or petroleum based substances being generated, utilized, stored, treated or disposed of on size.
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.**
Used as a residential shed, no waivers, exceptions or variances for the proposed use are requested.

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APR 21 2015

Zoning Evaluation Division

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

The shed is supposed to be 11.2' from rear lot line and 8' from side lot line but is only 1.2' from rear lot line and 1.0' from side lot line.

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

The store that sold us the shed (Lowe's Hardware in Alexandria) told us that we could build the shed anywhere on the property and even offers a service where they will have someone come out to build it for you. Ultimately we ended up going with another trusted contractor who we had assumed was following the rules. There are several other neighbors with equally sized sheds so we had no idea that there was any rules regarding the shed's height or location.

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

The current shed is not detrimental to the users and enjoyment of the property in the immediate vicinity. The rear lot line backs to a green space where no one lives and no one will ever build. The affected neighbor to the side yard has a similar sized shed that backs to ours.

F. It will not create an unsafe condition with respect to both other property and public streets, and

The shed does not create an unsafe condition to any properties or public streets.

G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.

Forcing compliance will cause undue hardship as it will leave no other space to store tools, lawnmower, snowblower, bicycles and other valuables and storage items for the owners. It will be a financial burden.

- 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.

N/A

- 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.

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Zoning Evaluation Division

4/12/15

View of 7215 Beverly Park Drive from 7201 Sumpter Lane facing South East on Beverly Park Drive.



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4/12/15

View from back yard facing South.



APR 21 2015

Zoning Evaluation Division

4/12/14

View of shed facing South West.



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APR 21 2015
Zoning Evaluation Division

4/12/15

View of 7215 Beverly Park Drive from 7213 Beverly Park Drive facing South on Beverly Park Drive.



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/20/15
(enter date affidavit is notarized) **131585**

I, Philip Scofield - Eva Scofield, 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)
Philip W. Scofield	7215 Beverly Park Dr Springfield VA 22150	Applicant/Title Owner
Eva L. Scofield	7215 Beverly Park Dr Springfield VA 22150	Applicant/Title Owner

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

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



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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/20/15
(enter date affidavit is notarized)

131585

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

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

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/20/15
(enter date affidavit is notarized)

131585

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

PARTNERSHIP INFORMATION

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

N/A

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

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

N/A

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

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

Application No.(s): _____
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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/20/15
(enter date affidavit is notarized)

131585

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

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

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

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

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

None

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/20/15
(enter date affidavit is notarized)

131585

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)

Philip W. Scofield
 Applicant [] Applicant's Authorized Agent

Philip W. Scofield
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20 day of August, 2015, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 01/31/2019



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/20/15
(enter date affidavit is notarized)

131585

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 [] Applicant's Authorized Agent

Eva L. Scofield

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

Subscribed and sworn to before me this 20 day of August 2015, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 01/31/2019





County of Fairfax, Virginia

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

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: August 6, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Eva L. Scofield
Philip W. Scofield

ADDRESS: 7215 Beverly Park Dr.
Springfield, VA 22150

LOCATION OF VIOLATION: 7215 Beverly Park Dr.
Springfield, VA 22150-3158

TAX MAP REF: 0903 10 0030

ZONING DISTRICT: R- 5

CASE #: 201405224 **SR #:** 107798

ISSUING INVESTIGATOR: Peggy Delean, (703)324-1330

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

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

Dear Responsible Party:

An inspection of the above referenced property on July 30, 2014, revealed the following violation of the Fairfax County Zoning Ordinance:

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

The presence of an accessory storage structure (shed) which measured approximately 11'2" feet in

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

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height, is approximately 160 square feet in area and is located approximately 1'7" 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. 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- 5 District is 8 feet as detailed in Par. 2A (1) (b) of Section 3-507 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

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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).

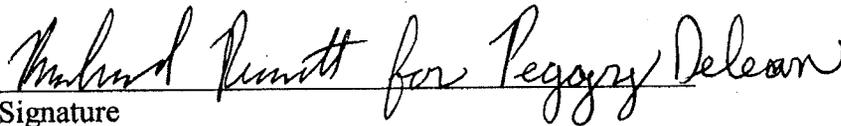
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, 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)324-1330. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:


Signature

Peggy Delean
Code Compliance Investigator
(703)324-1330
Margaret.Delean@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 / 696
SERVING OFFICER

8.6.14 _____
DATE Stacey A. Kincaid, Sheriff
Fairfax County, VA

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for _____

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Not found.

SERVING OFFICER _____
for _____

DATE _____

MAP REFERENCE			
Plot Number	Subd. Des.	Blk. or Sec.	Parcel or lot
403	10		30

COUNTY OF FAIRFAX, VIRGINIA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Application for Building Permit

APPLICATION NO.	
DATE	PERMIT NO.
19	

To: BUILD ALTER OR REPAIR ADD TO DEMOLISH MOVE

JOB LOCATION
 Street 7215 Beverly Park Drive
 Lot No. 30 Block 1 Section 2
 Subdivision Quail Run (Beverly Park)

OWNER
 Corp. Name Bruce C. Rhoads
 Name Frank H. Strickler
 (Reg. Agent)
 Address Route 4, Box 267
 City Stafford, Va. Telephone Number 659-2172

ARCHITECT ENGINEER
 Name W. Lee Phillips
 Address 207 Park Avenue
 City Falls Church, Va. State Reg. No.

CONTRACTOR
 Name Rhoads & Strickler, Inc.
 Address Route 4, Box 267
 City Stafford, Virginia
 County Reg. # State Reg. # 9575

DESCRIPTION
 For: dwelling (bi-level) R & S

No. of Bldgs. one Est. Const. Cost \$ 29,000.
 No. of Units one No. of Stories two
 No. of Kitchens one Penthouse _____
 No. of Baths two Ht. of Bldg. 22 ft. ft.
 No. of Rooms five Bldg. Area 1234 sq. ft.
 (Exclude Kit. & Bath)
 Basement Slab Crawl Soil: Solid
 Fill

Ftg: Concrete Pile Caisson
 Ext. Walls: Wood Metal Brick
 Int. Walls: Plast Drywall Panel
 Roof: Flat Pitch Shed
 Roofing: Built-up Shingle Roll

Heat: Oil Gas Electric
 Equipment: Boiler Furnace Heat Pump. Air Cond.

Sewage: Public Community Septic Tank None
 Water: Public Individual Well None

Remarks: WLB 12/10/75

STOPS ID# M2 6E 046 72077

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

Phone No. 591-3648 Date 10/14/75 Signature of Owner or Auth. Agent William D. Nolan, II

APPLICANT: DO NOT WRITE BELOW THIS LINE

PLAN APPROVAL	Use Group of Building <u>L4</u> Area of Bldg. _____ @ _____ per Sq. Ft. \$ _____
	Type of Construction <u>4B</u> @ _____ \$ _____
	Fire District <u>R</u> @ _____ \$ _____
	Date Checked <u>12/15, 1975</u> By <u>[Signature]</u> TOTAL FEE \$ <u>1800</u>
Approved by Building Inspector <u>[Signature]</u>	

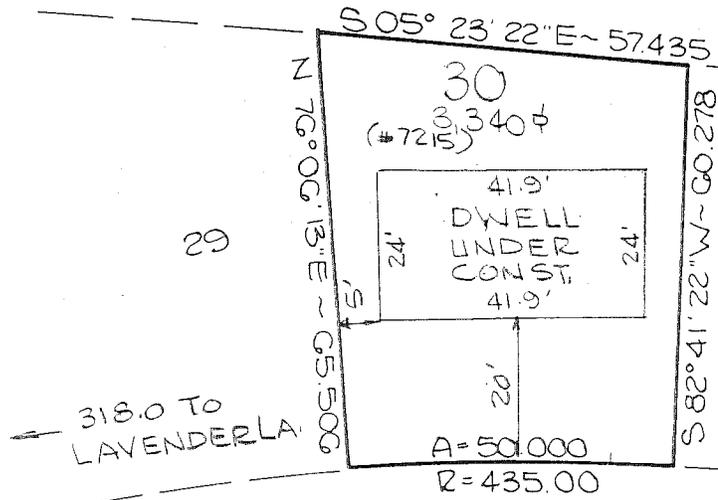
ROUTING	OFFICE	DATE	APPROVED BY	OFFICE	DATE	APPROVED BY
	Land Office	<u>11-13-75</u>	<u>[Signature]</u>	Fire Marshall		
	Zoning Administrator	<u>12/11/75</u>	<u>[Signature]</u>	Design Review	<u>12-10-75</u>	<u>[Signature]</u>
	Public Works	<u>12-12-75</u>	<u>[Signature]</u>	Housing & License		
	Health Dept.			Assessments	<u>12/17/75</u>	<u>[Signature]</u>

I hereby certify to the following statement:
 1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.
 2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.
 Date _____ 19 _____ By _____ Property Owner _____ Authorize Agent _____

Supervisor of Assessments
 Property is listed in name of Bruce Rhoads and Frank Strickler
 Magisterial District Spring Deed Book Reference 4163-524
 Supervisor: Samuel A. Patterson Jr. Mgr

ZONING
 Subdivision Beverly Park Lot No. 30 Block _____ Section 2 Zone R5
 Street Address _____
 Use of Bldg. dwelling Use after Alteration _____ No. Families one
 BZA _____ SITE PLAN attached
 Set Back: Front _____ Rt. Side _____ Left Side _____ Rear _____
 Zoning Administrator _____

PARCEL "G"



FINAL APPROVAL

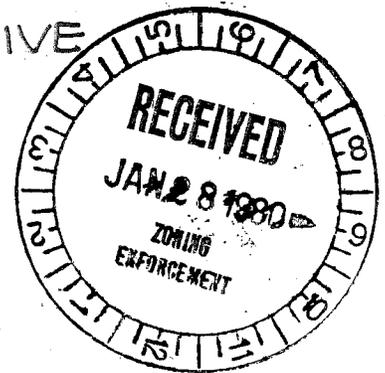
31

JAN 28, 1980

[Signature]
 Zoning Administrator

BEVERLY PARK DRIVE

50' WIDE



PHYSICAL SURVEY

LOT 30 ~ SECTION 2

BEVERLY PARK

SPRINGFIELD DISTRICT

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30'

WALL CHECK: JAN. 30, 1976

WALTER L. PHILLIPS

INCORPORATED

CERTIFIED CIVIL ENGINEERS & LAND SURVEYORS

FALLS CHURCH, VIRGINIA

CERTIFIED CORRECT:

[Signature: Walter L. Phillips]

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

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

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

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

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

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

4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.