



APPLICATION ACCEPTED: March 17, 2016
BOARD OF ZONING APPEALS: May 25, 2016 @ 9:00 a.m.

County of Fairfax, Virginia

May 18, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-LE-023

LEE DISTRICT

APPLICANT/OWNER: Santos Deysi Reyes

SUBDIVISION: Mary E. Clark

STREET ADDRESS: 5928 Dove Drive, Alexandria

TAX MAP REFERENCE: 82-3 ((1)) 12C

LOT SIZE: 13,426 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-914 and 8-918

SPECIAL PERMIT PROPOSAL: To permit a reduction in minimum yard requirements based on an error in building location to allow an addition to remain 9.8 feet from a side lot line and to permit an accessory dwelling unit in the basement of an existing single family dwelling

STAFF RECOMMENDATION:

Staff recommends denial for the accessory dwelling unit component of SP 2016-LE-023. Staff does not make recommendations for errors in building location. If it is the intent of the Board of Zoning Appeals to approve SP 2016-LE-023, staff recommends that such approval be conditioned upon adoption of the proposed development conditions contained in Appendix 1.

Kelly Posusney, AICP

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.

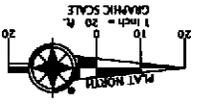
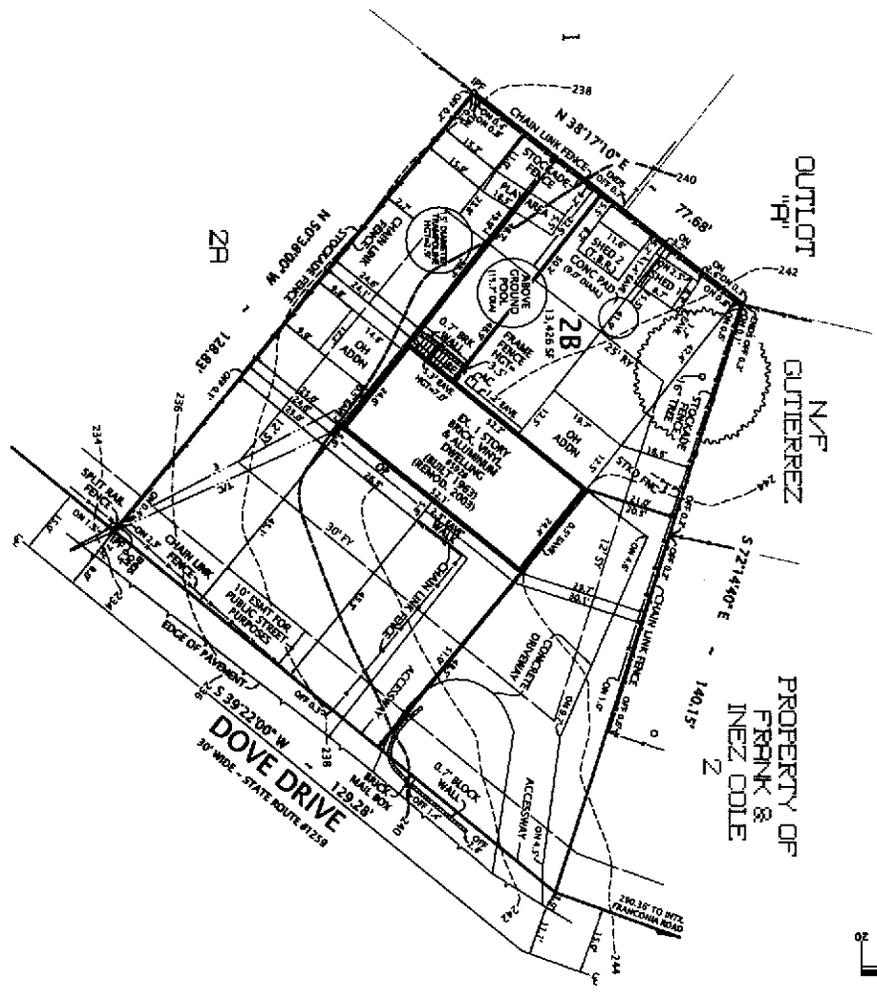
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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).

RECEIVED
 Department of Planning & Zoning
 FEB 25 2016
 Zoning Evaluation Division



NOT TO SCALE

NOTES

1. TAX MAP: 82-3-01-0012C
2. ZONE: R-3 (RESIDENTIAL 3 DU/AC)
3. LOT AREA: 13,426 SF (0.3082 ACRES)
4. REQUIRED YARDS:
 - FRONT: 30 FEET
 - SIDE: 12 FEET
 - REAR: 25 FEET
5. HEIGHTS:
 - EX. DWELLING: 14.5 FEET
 - EX. SHED 1: 08.1 FEET
 - EX. SHED 2 (T.B.R.): 08.6 FEET
 - EX. PLAY AREA: 06.5 FEET
 - EX. STOCKADE FENCES: 06.0 FEET
 - EX. CHAIN LINK FENCES: 03.3 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
10. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. AREAS:
 - EX. BASEMENT: 1,274 SF
 - EX. FIRST FLOOR: 1,201 SF
 - EX. GROSS FLOOR AREA: 2,975 SF
 - EX. FLOOR AREA RATIO: EX. GFA (2,975) / LOT AREA (13,426) = 0.222
12. ACCESSORY DWELLING UNIT:
 - PROP. KITCHEN: 110 SF
 - LIVING ROOM: 196 SF
 - BEDROOM 1: 144 SF
 - BEDROOM 2: 121 SF
 - TOTAL: 571 SF
13. OWNER:
 - SANTOS DEYSI RETES
 - 5928 DOVE DRIVE
 - ALEXANDRIA, VA 22310
 - DR: 18283 PC: 883

PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 28

RESUBDIVISION OF LOT 2
MARY E. CLARK

FAIRFAX COUNTY, VIRGINIA
 LEE DISTRICT
 AUGUST 17, 2015
 JANUARY 08, 2016 (REV.)
 FEBRUARY 22, 2016 (REV.)
 SCALE: 1" = 20'

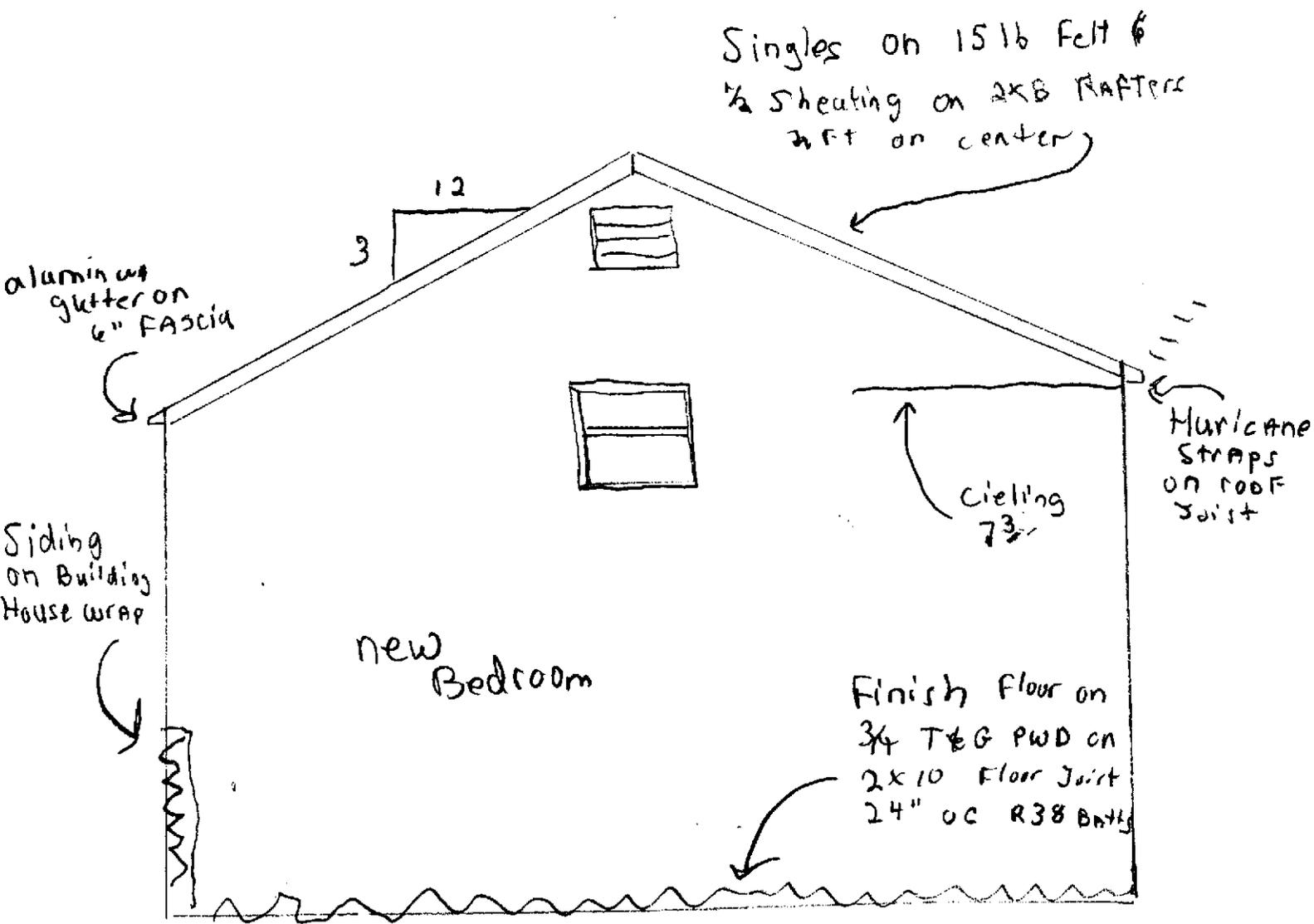
1. REVIEW CERTIFY THAT THE PORTIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CORRECTLY ESTABLISHED BY A CURRENT RECD. SURVEY AND ENCLOSURE IS OF THE DATE.

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



ORDERED BY:
 SANTOS DEYSI RETES
 OWNER/LOCUMANT

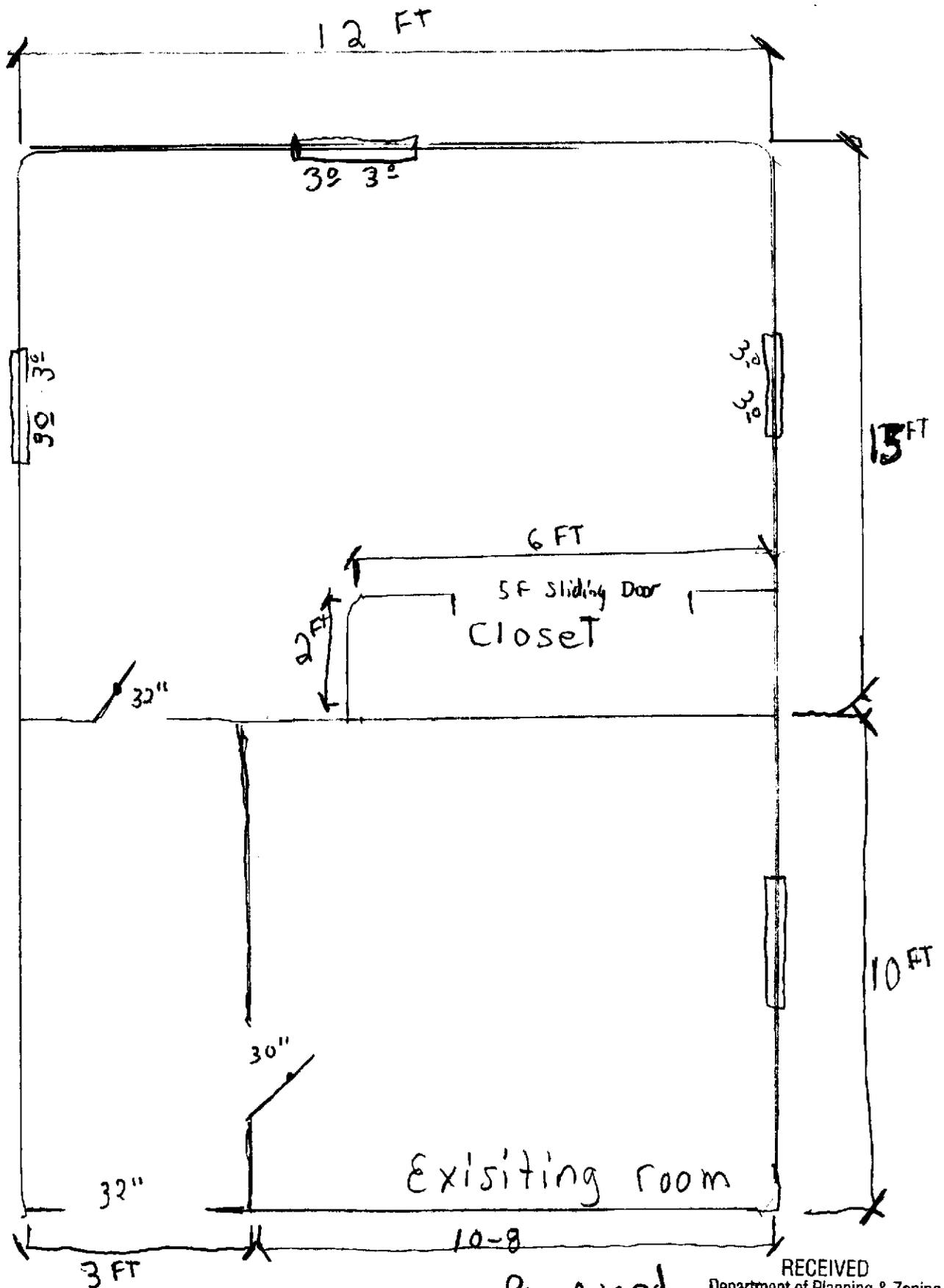
DOMINION SURVEYS
 8808 H. FEAR TREE VILLAGE COURT
 ALEXANDRIA, VIRGINIA 22309
 TEL: 703.755.5112
 FAX: 703.755.5112



purposed Plans

addition for
 Daisy Santos Reyes
 5928 Dove Dr
 Alexandria Va
 22310-1905

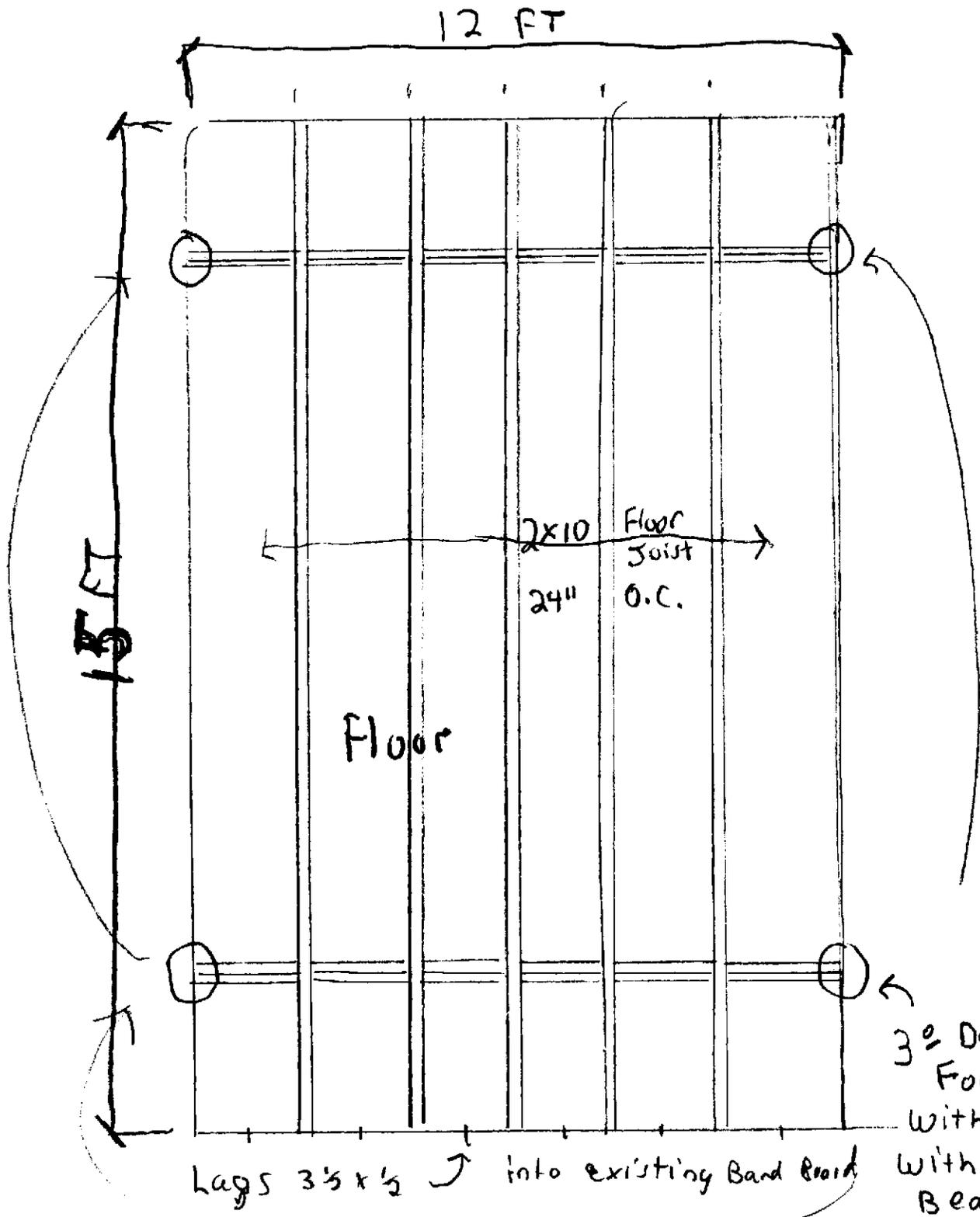
RECEIVED
 Department of Planning & Zoning
 DEC 02 2015
 Zoning Evaluation Division



Addition For Daisy Santa Reyes
 5928 Dove Dr
 Alexandria Virginia 22310-1905

Purposed
 Floor Plan

RECEIVED
 Department of Planning & Zoning
 DEC 02 2015
 Zoning Evaluation Division



addition for Daisy Santos Reyes
5928 Dore Dr Alexandria
Virginia 22310-1905

RECEIVED
Department of Planning & Zoning
DEC 02 2015
Zoning Evaluation Division

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow an accessory dwelling unit (ADU) in the basement of an existing single family detached dwelling. A reduction in minimum yard requirements based on an error in building location to permit an addition to remain 9.8 feet from the side lot line is also requested as part of this special permit application.

Error Location and Reduction Requested

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
Special Permit	Addition	Side	12.0 feet	9.8 feet	2.4 feet	20%

A copy of the special permit plat, entitled “Plat, Showing the Improvements on Lot 2B, Resubdivision of Lot 2, Mary E. Clark,” prepared by Dominion Surveyors, Inc. dated August 17, 2015, as revised on February 22, 2016, is included in the front of the staff report. The proposed development conditions, statement of justification with select file photographs and affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The subject property is found on Dove Drive, located off of Franconia Road, in the Mary E. Clark subdivision. The subject property and surrounding properties are zoned R-3 and are developed with single-family detached dwellings. An aerial view of the property and surrounding development is shown in Figure 1.



Figure 1: Aerial View (Source: Fairfax County Pictometry)

The 13,460 square foot site is developed with a one-story single-family detached dwelling. An above ground pool, play area and two sheds are located in the rear of the property. A horseshoe shaped concrete driveway provides vehicular access to Dove Drive. A mix of stockade and chain link fencing surrounds the property.

BACKGROUND

Fairfax County Tax Records indicate that the dwelling was constructed in 1963 and remodeled in 2003. The applicant purchased the property on March 13, 2006.

In response to a complaint, staff from the Department of Code Compliance (DCC) inspected the property on June 18, 2015 and found violations of the Fairfax County Zoning Ordinance. The inspection resulted in the issuance of a Zoning Notice of Violation (NOV) dated June 26, 2015 (Appendix 4).

Specifically, the inspection revealed that there was an occupied accessory dwelling unit (ADU) in the basement. A new addition to the left side of the single-family home, 9.8 feet from the side lot line was also found to have been constructed without permits. Additionally, the side and rear of the property were being used for outdoor storage in excess of 100 square feet in area.

Concurrent with the zoning inspection, staff from DCC completed an inspection on June 24, 2015 for potential violations to the Virginia Uniform Statewide Building Code. The inspection resulted in the issuance of a Corrective Work Order, dated June 30, 2015 (Appendix 5).

The inspection on June 24, 2015 discovered that the following regulated work had been performed without the issuance of the required permits, inspections and approvals:

1. The carport was converted into habitable living space to include a bathroom.
2. An addition had been constructed on the right rear of the dwelling to include habitable space with a bedroom.
3. A roof structure over the basement areaway to the left rear of the dwelling was constructed.
4. An addition had been constructed on the left side of the dwelling for a habitable bedroom.
5. The basement was renovated to include a second kitchen, a full bath room, two bedrooms, gas furnace and a gas water heater.

The Corrective Work Order directed the owner to apply for and obtain all necessary County permits within 30 calendar days or to obtain a County permit to demolish the work within the same timeframe. On September 3, 2015, staff confirmed that permits had not been obtained and that the violations still remained. A Notice of Violation (NOV) of the Building Code, included as Attachment 6, was issued on September 4, 2015.

DCC has since filed a summons in the General District Court for the unpermitted work. DCC requested a continuance, which was issued until July 20, 2016, to allow time for

the applicant to seek a special permit from the Board of Zoning Appeals.

As of the publication of this report, the applicant has abated the outdoor storage violation and applied for building permits. Shed #2, as shown on the plat, is located in the rear setback. The shed is 8.6 feet in height, which is too tall for an accessory storage structure in the rear yard setback. As such, the applicant has proposed to remove the shed and a development condition is proposed to this effect.

A special permit to bring the error in building location violation and ADU into compliance was filed in December of 2015 and accepted on March 17, 2016. The most recent inspection conducted by DCC staff was performed on May 3, 2016. Inspectors observed that the addition to the left of the home that is subject to this special permit application, was painted on the interior and is occupied and being utilized as a bedroom for the applicant's daughters. The inspector was told during the inspection that nine people are currently residing in the home and that the occupants of the ADU are the applicant's sister, brother-in-law and nephew. The applicant has stated that her parents will be moving from Mexico to live in the ADU and that her sister and brother-in-law would then reside in the second bedroom.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of an accessory dwelling unit (ADU) in the basement of an existing single-family detached dwelling. The proposed ADU is 571 square feet in size and accounts for 19.2 percent of the total gross floor area of the structure (2,975 square feet). The ADU contains two bedrooms, one bathroom, a kitchen and living room as shown in Figure 2.

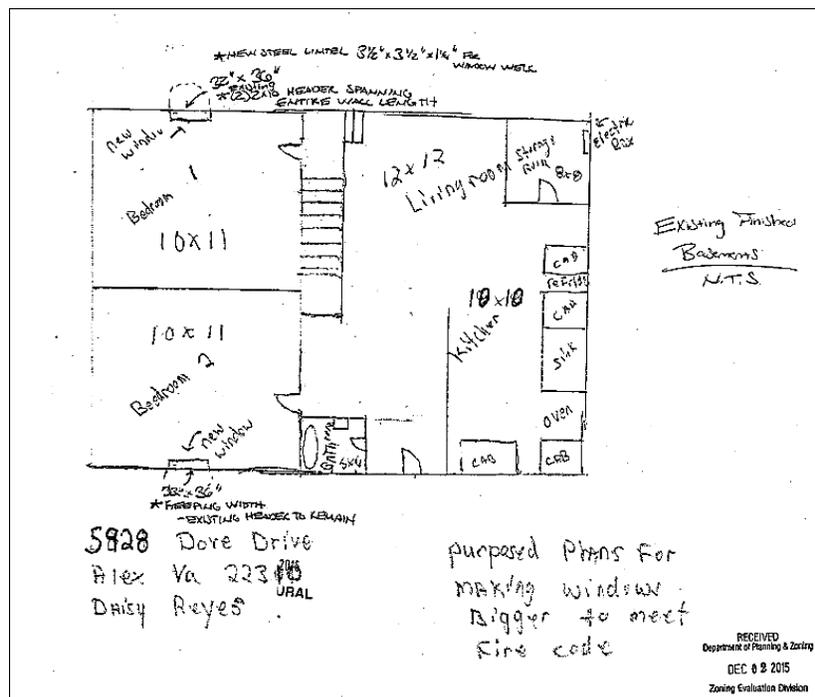


Figure 2: ADU Floor Plan (Source: Building Permit for Window Wells)

According to the applicant's statement of justification, the applicant's parents, who are over the age of 55, are moving to Virginia from Mexico and would reside in the ADU. The applicant will reside in the principal dwelling. As discussed above, the current occupants of the ADU will reside in the second bedroom. Stairs are located in the interior of the primary dwelling, which provides access from the main level to the dwelling of the ADU.

The carport was converted to habitable space. The applicant will have to obtain permits for the carport conversion as detailed in the Corrective Work Order and NOV. Parking for approximately five vehicles can be accommodated on the driveway.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Rose Hill District
Planning Sector: Wilton Woods Planning Sector (RH5)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	11,500 sf	13,426
Lot Width	80 feet	78 feet ¹
Building Height	35 feet max.	14.5 feet
Front Yard	30 feet	45.1 feet
Side Yard	12 feet	9.8 feet ²
Rear Yard	25 feet	48.7 feet (Existing Dwelling) 41.9 feet (Addition to Rear of Dwelling – Under NOV)

¹ The 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.

² As permitted through the approval of this application.

Accessory Structures On-Site

Structure	Yard	Minimum Required Yard	Existing Location	Existing Height
Shed #1	Rear	No Requirement (If less than 8 ½ feet)	2.4 feet	8.1 feet
Shed #2	Rear	8.6 feet ¹	5.2 feet	8.6 feet ¹
Above Ground Pool	Rear	No Requirement (If less than 8 ½ feet)	22.6	Not provided
Play Area	Rear	No Requirement (If less than 8 ½ feet)	9.2 feet	6.5 feet

¹Shed #2 is proposed to be removed.

Zoning Ordinance Requirements (Appendix 7)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 All Group 9 Uses
- Sect. 8-918 Additional Standards for Accessory Dwelling Units
- Sect. 8-914 Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location

Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Section 8-914)

A reduction in minimum yard requirements based on an error in building location to permit an addition to remain 9.8 feet from the side lot line is requested. The addition is located on the left side of the dwelling and is elevated above grade level. The siding and roofing materials match the existing residence. Lattice has been erected on the front elevation to screen the storage space underneath the addition.

The addition was built without permits and is part of the Notice of Violations and Corrective Work Order issued by DCC. This addition is currently occupied and being utilized as a bedroom for the applicant’s daughters.

General Special Permit Standards (Sect. 8-006)

Standards 1 and 2 <i>Comprehensive Plan/ Zoning District</i>	The Comprehensive Plan recommends residential uses, and the property is developed with a residential use. The Zoning Ordinance allows an ADU with special permit approval.
Standard 3 <i>Adjacent Development</i>	The ADU is located in the basement of the existing dwelling. In staff’s opinion, the proposed use as an accessory dwelling unit for the applicant’s parents will not hinder or discourage use or development of neighboring properties.

Standard 4 <i>Pedestrian/Vehicular Traffic</i>	Parking for approximately five vehicles can be accommodated on the driveway. Based on staff's observation in the field and due to the distance between the chain link fence and the edge of pavement along the subject property which varies from 3.9 feet to a maximum of 7 feet, staff believes street parking on Dove Drive would be difficult. Staff remains unclear regarding the number of vehicles that would result from the occupants of both the principal and second dwellings.
Standard 5 <i>Landscaping/Screening</i>	The home is screened from adjacent properties with existing vegetation.
Standard 6 <i>Open Space</i>	There is no prescribed open space requirement in the R-3 District.
Standard 7 <i>Utilities, Drainage, Parking and Loading</i>	Existing facilities appear to be able to adequately serve the ADU. As previously discussed, the driveway would be used for parking and is adequate for approximately five vehicles.
Standard 8 <i>Signs</i>	There are no signs associated with the accessory dwelling unit.

Group 9 Standards (Sect. 8-903)

Standard 1 <i>Lot Size and Bulk Regulations</i>	The property complies with the bulk regulations for the R-3 District, except the lot width and side yard setback, as noted in the chart on Page 4 of this report. The lot width is grandfathered as a legal, buildable lot under the provisions of Sect. 2-405 since the subject parcel was created prior to the adoption of the 1978 Zoning Ordinance. The encroachment into the side yard setback is for the addition to the left side of the dwelling, which is part of this special permit request for a reduction in minimum yard requirements based on an error in building location.
Standard 2 <i>Performance Standards</i>	The use of the application property will be required to continue to comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 <i>Site Plan</i>	The ADU is not subject to site plan review per Section 17-104, Par. 2. However, the applicant is responsible for obtaining Building Permits to assure compliance with all other applicable zoning & building code requirements as specified under the Notice of Violations and Corrective Work Order.

Additional Standards for Accessory Dwelling Units (Sect. 8-918)

Standard 1 <i>Only One ADU per Single Family Detached Dwelling</i>	The applicant is proposing one accessory dwelling unit within a single family detached dwelling.
Standard 2	The accessory dwelling unit is located within the basement of an existing single family detached dwelling and the external

<i>Structure Shall be Located Within Single Family Dwelling</i>	entrance to the accessory dwelling unit is located near the kitchen in the basement.
Standard 3 <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 19.2 percent of the total GFA. This standard is met.
Standard 4 <i>Max. 2 Bedrooms</i>	The application indicates that the ADU includes two bedrooms. This standard is met.
Standard 5 <i>Occupancy Standards</i>	<p>The applicant and her family currently occupy the principal dwelling. The applicant's statement of justification states that her parents, who are over the age of 55, plan to move to Virginia to reside in the ADU. However, it appears these individuals are not currently residing in the United States and the applicant has not provided an estimate of when they will arrive to occupy the proposed unit.</p> <p>As noted previously, the applicant received a Notice of Violation for an occupied accessory dwelling unit (ADU) in the basement. Since being issued these violations in June of 2015, the applicant has continued to allow occupancy of the accessory dwelling unit by individuals who do not meet the age or disability requirements. Based on the applicant's actions to date and the uncertainty over the presence of eligible occupants for the ADU, staff does not recommend approval at this time.</p>
Standard 6 <i>Reasonable Access for a Disabled Person</i>	The accessory dwelling unit would not be occupied by a disabled person.
Standard 7 <i>Sufficient Parking</i>	Parking for approximately five vehicles can be accommodated on the driveway. Based on staff's observation in the field and due to the distance between the chain link fence and the edge of pavement along the subject property which varies from 3.9 feet to a maximum of 7 feet, staff believes street parking on Dove Drive would be difficult. Staff remains unclear regarding the number of vehicles that would result from the occupants of both the principal and second dwellings.
Standard 8 <i>Will Not Modify or Disrupt Character of Neighborhood</i>	<p>If used in a manner that conforms to the Ordinance, Staff does not believe that the approval of the accessory dwelling unit would constitute sufficient change to modify or disrupt the predominant character of the neighborhood, which contains single family detached dwellings.</p> <p>However, the County has received complaints regarding the number of occupants living in the house and the concerns regarding the use of the accessory dwelling unit as a rental property.</p>
Standard 9 <i>Regulations for Safety,</i>	If approved, the accessory dwelling unit will be required to meet the applicable regulations for building, safety, health and

<i>Health, Sanitation</i>	sanitation. Staff has proposed a development condition that will require the applicant to obtain all applicable permits for the ADU and kitchen within 30 days of approval of the special permit and obtain all final inspections within 90 days of approval of the special permit.
Standard 10 <i>Recorded</i>	If the special permit is approved, it will be required to be recorded within the land records of Fairfax County.
Standard 11 <i>Inspection</i>	If approved, staff has proposed a development condition that will require the applicant to allow for the inspection of the property by County personnel during reasonable hours upon prior notice.
Standard 12 <i>Approved for 5 Years</i>	As stated in the proposed development conditions, the accessory dwelling unit would be approved for a period of five years from the final approval date of the special permit and may be extended for five year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
Standard 13 <i>Approval Prior to July 27, 1987</i>	This accessory dwelling unit was not approved prior to July 27, 1987. Therefore, this standard does not apply.

CONCLUSION / RECOMMENDATION

Given the history of the Zoning violation for the ADU and the fact that no eligible occupants have been identified, staff believes that the accessory dwelling unit request is not in conformance with the Comprehensive Plan and applicable Zoning Ordinance provisions. As such, staff recommends denial of the accessory dwelling unit component of SP 2016-LE-023 at this time for the reasons outlined in this staff report.

The applicant is requesting a reduction in minimum yard requirements based on an error in building location to permit an addition to remain 9.8 feet from the side lot line. Staff does not make recommendations on an error in building location.

If it is the intent of the Board of Zoning Appeals to approve SP 2016-LE-023, staff recommends that such approval be conditioned upon adoption of the proposed development conditions contained in Appendix 1.

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.

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 of the Zoning Ordinance, dated June 26, 2015
5. Corrective Work Order, dated June 30, 2015
6. Notice of Violation of the Virginia Uniform Statewide Building Code, dated September 4, 2015
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-LE-023****May 18, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-LE-023 located at Tax Map 82-3 ((1)) 12C to permit an accessory dwelling unit and a reduction in minimum yard requirements based on an error in building location for an addition under Sections 8-918 and 8-914 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location of the addition, as shown on the plat prepared titled, entitled "Plat, Showing the Improvements on Lot 2B, Resubdivision of Lot 2, Mary E. Clark," prepared by Dominion Surveyors, Inc. dated August 17, 2015, as revised on February 22, 2016.
2. These conditions shall be recorded by the applicants among the land records of Fairfax County for this lot prior to the final inspection. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
3. This approval is granted to the applicant only, Santos Deysi Reyes, and is not transferable without further action of this Board, and is for the location indicated on the application, 5928 Dove Drive, and is not transferable to other land.
4. A copy of this special permit shall be made available to all departments of the County of Fairfax upon request.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 571 square feet (19.2% of the total gross floor area), and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
7. Provisions shall be made for the inspection of the property by County Zoning Inspections Branch personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
8. The accessory dwelling unit shall be approved for a period of five years from the final approval date of the special permit and may be extended for five year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of

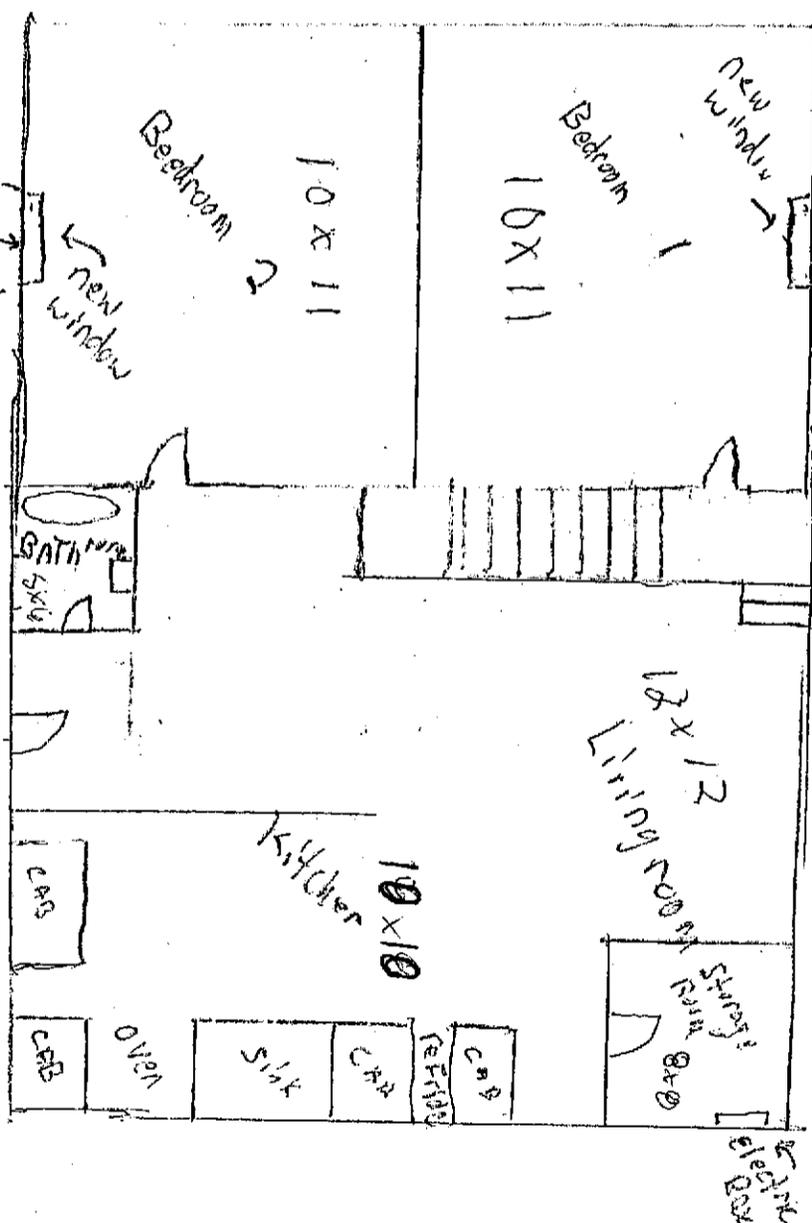
the Zoning Ordinance.

9. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory dwelling unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
10. All parking for the accessory dwelling unit shall be provided on site.
11. The Applicant shall ensure that building permits are obtained for the renovations that were done to convert the basement to an ADU within 30 days of approval of this special permit and inspections finalized within 90 days of approval of this special permit.
12. The Applicant shall ensure that building permits are obtained for the addition within 30 days of approval of this special permit and inspections finalized within 90 days of approval of this special permit.
13. The applicant is responsible for obtaining all necessary County permits to resolve the Notice of Violations and Corrective Work Order in the timeframe that was required by the Fairfax County Department of Code Compliance.

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.

DESIGNER
 Name: DANA Lockhart
 Address: 5928 Dove Dr Alex Va 22310
 Occupation: CARPENTER
 Job Address: S.M.T.

5928 Dove Drive
 Alex Va 22310
 Daisy Reyes
 URAL



*NEW STEEL Lintel 3 1/2" x 3 1/2" x 1/4" For window work
 *2" x 3/4" Header spanning ENTIRE WALL LENGTH
 *2" x 3/4" ENTIRE WALL LENGTH

Existing Finished
 Basements
 A.T.S.

purpose of Plans For
 making windows
 Rigor to meet
 fire code

8-918 Additional Standards for Accessory Dwelling Units

1. Dwelling is on a single family detached dwelling.
2. The external entrance is located in the rear.
3. The gross floor area of the dwelling unit is less than 35 percent.
4. The accessory dwelling unit has only 2 bedrooms.
5. One of the dwelling units is owner occupied; an elderly will occupy the other.
The person that is moving in, is not disabled.
7. The proposed parking is sufficient to meet the board's needs.
8. The dwelling unit will not change character of neighborhood. It is located in the basement.
9. This dwelling meets all safety and health regulations.

RECEIVED
Department of Planning & Zoning

DEC 02 2015

Zoning Evaluation Division

- 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.

Hazardous or Toxic Substances. There are no known hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

Deysi Santos Reyes
Applicant's Signature

10/31/15
Date

- I. A statement that 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.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

Deysi Santos Reyes
Applicant's Signature

11/31/15
Date

RECEIVED
Department of Planning & Zoning

DEC 02 2015

Zoning Evaluation Division

Address for the addition to close to the lot line

- A. The error exceeds more than 10 percent.
- B. We request for an approval of a special permit for the variance of the property that exceeds 10 percent.
- C. We built an addition without a permit, we knew we should have had one but money was tight at the time. We know we did wrong, now we want to correct everything in good faith.
- D. The reduction will not impair the ordinance.
- E. It has no problem or detrimental in the immediate neighborhood and shall not be seen from the front view.
- F. It will not create an unsafe condition with respect to both and other property and public streets.
- G. To force the compliance, with the minimum yard requirements would cause hardship upon the owner.
- H. This should be applicable zoning district regulation.

RECEIVED
Department of Planning & Zoning
DEC 02 2015
Zoning Evaluation Division

01/08/16

The propose used of the addition is for a bedroom for my two girls, and the basement is for my elderly parents who are moving here from Mexico because we have no room for them in the upper level of the house.

DENSI REYES
Densi Reyes

RECEIVED
Department of Planning & Zoning

JAN 08 2016

Zoning Evaluation Division

01/08/16

The error in building location occurred because we did not get a permit. We thought we didn't need one for such a small addition a friend told us. We now know we should have gotten a permit, so now we are trying to correct everything to make it right with the law and the county of Fairfax.

As far as the shed, we would like to add that to the application.

DENSI REYES
Densi Reyes

RECEIVED
Department of Planning & Zoning

JAN 08 2016

Zoning Evaluation Division

Error in Building Location Photographs



Front View from Dove Drive



Rear View of Addition



Front Elevation Prior to Addition



Front Elevation with Addition



Interior

Accessory Dwelling Unit Photos



Living Room



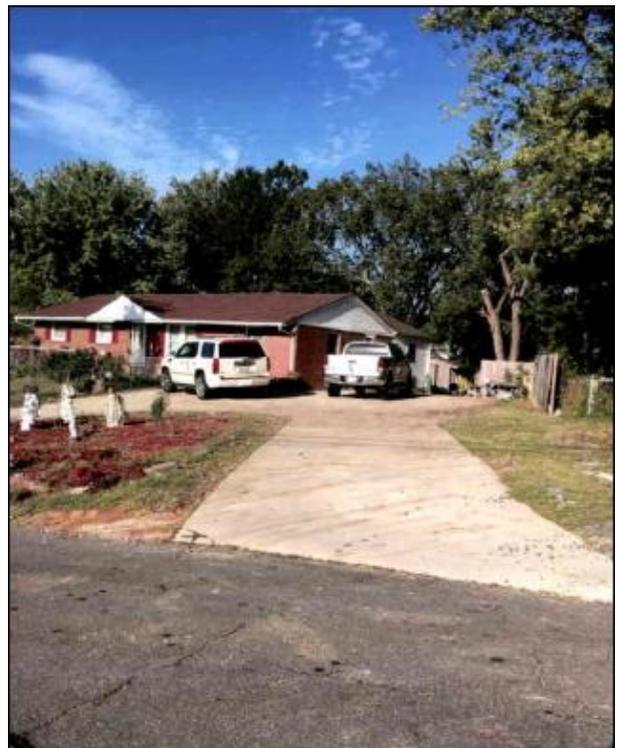
Exterior Door



Kitchen



Dove Drive – Street View



Driveway

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 01/11/16
(enter date affidavit is notarized)

132196

I, SANTOS DENSI REYES, 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)
SANTOS DENSI REYES	5928 DOVE DR ALEXANDRIA VA 22310	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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 01/11/16
(enter date affidavit is notarized)

132194

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 01/11/14
(enter date affidavit is notarized)

132194

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 01/11/16
(enter date affidavit is notarized)

132196

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

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

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

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

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

none

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 01/11/16
(enter date affidavit is notarized)

132196

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)

Santos D. Reyes
 Applicant [] Applicant's Authorized Agent

Santos, D, Reyes, owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 11 day of January 2016, in the State/Comm. of Virginia, County/City of Alexandria.

Jessica Yamilex Martinez
Notary Public

My commission expires: 10/31/2016

JESSICA YAMILEX MARTINEZ
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES OCT. 31, 2016
COMMISSION # 7530520



DCC RETURN COPY

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: June 26, 2015

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Santos Deysi Reyes
ADDRESS: 5928 Dove Dr.
Alexandria, VA 22310

LOCATION OF VIOLATION: 5928 Dove Dr.
Alexandria, VA 22310-1905

TAX MAP REF: 0823 01 0012C
ZONING DISTRICT: R- 3

CASE #: 201503352 **SR #:** 116796

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

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§02.307.1	\$ 200.00	\$ 500.00
	§02.501	\$ 200.00	\$ 500.00
	§10.102.24	\$ 200.00	\$ 500.00
	TOTAL:	\$ 600.00	\$ 1500.00

Dear Responsible Party:

An inspection of the above referenced property on June 18, 2015, revealed the following violations of the Fairfax County Zoning Ordinance:

§ 2-307 (1) Meeting Minimum Bulk Regulations – Addition Added

The inspection revealed an addition (habitable room) has been built on to the left side of the single

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

family detached dwelling. This addition, thereby, becomes part of the principal building or dwelling.

This addition is approximately 10 feet 8" from the side lot line. This property is zoned R-3 District and bulk regulations for this district include minimum yard requirements for a single family attached dwelling, which is delineated in Par. 2(A)1 of Sect. 3-307 of the Zoning Ordinance, which states:

Minimum yard requirements

A. Single family dwellings

(1) Conventional subdivision lot

- (a) Front yard: 30 feet
- (b) Side yard: 12 feet
- (c) Rear yard: 25 feet

Therefore, since the dwelling with the addition does not meet the minimum side yard requirement for the R-3 District, it is in violation of Par. 2(A)1 of Sect. 3-307 and Par. 1 of Sect. 2-307 of the Zoning Ordinance, which states:

Except as may be qualified by provisions of this Ordinance, no structure or part thereof shall hereafter be built or moved on a lot which does not meet all minimum bulk regulations presented for the zoning district in which the structure is located, and no structure shall hereafter be used, occupied or arranged for use on a lot which does not meet all minimum bulk regulations presented for the zoning district in which such structure is located.

You are hereby directed to clear these violations within **thirty (30) days** after the date of this notice. Compliance must be accomplished by:

- Removing the addition from the property entirely; or
- Reducing the size of the addition to meet minimum required side yard requirements and obtaining approval for a Building Permit; or
- Making an application for and ultimately obtaining approval of a Group 9 Special Permit from the Board of Zoning Appeals (BZA) for an error in building location to allow the addition to remain at its present location on the property and obtain approval of a Building Permit for the addition.

§ 2-501 Limitation on the Number of Dwelling Units on a Lot:

The inspection revealed there are two (2) complete and separate dwellings in this single family dwelling unit on the above-referenced property. Part 3 of Article 20 of the Zoning Ordinance defines a

dwelling unit as:

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

Therefore, the presence of more than one dwelling unit on the above-referenced property is in violation of Sect. 2-501 of the Zoning Ordinance which states, in part:

There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building....

You are hereby directed to clear this violation within **thirty (30) days** of the date of this notice. Compliance can be achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the dwelling to include: the ovens, microwave, ranges, sinks, cabinets, countertops, refrigerators, and freezers or combinations thereof; all other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and
- Applying for and obtaining approval from the Fairfax County Building Official (12055 Government Center Parkway, Second Floor, Permit Application Center) for a valid demolition permit for the removal of all electrical circuits, plumbing fixtures and piping and natural gas piping systems which were installed to establish the second kitchen in the dwelling unit at this property, and obtaining a passing final inspection of such demolition work; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

§ 10-102 (24) Outdoor Storage

§ 2-302 (6) Accessory Use must comply with Article 10:

An inspection has determined that you are allowing storage in the side and rear yards of the address listed above. These items consist of, but are not limited to, the following:

Ladders, buckets, tarps, pile of shingles, water cooler, scrap building materials, and other miscellaneous items and debris.

This outdoor storage:

Exceeds 100 square feet in area, and

Is not located in the rear half of the lot, and

Is not screened from view from the first story window of any neighboring dwelling.

This outdoor storage is violation of Par. 24 of Sect. 10-102 of the Fairfax County Zoning Ordinance that states in part:

Storage, outdoor in R districts, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet.

Therefore, you are in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance that 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 Part 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 the following:

- Removing all outdoor storage from this lot; or
 - Relocation of the outdoor storage to the rear half of the lot, and
 - Screening it from the view from the first story window of any neighboring dwelling, and
 - Limiting it to a total area not exceeding 100 square feet.
-

Santos Deysi Reyes
June 26, 2015
SR 116796
Page 5

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).

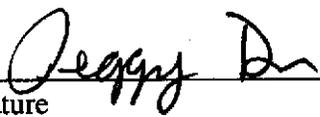
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, 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.

[Signature]
SERVING OFFICER

6/26/15 DATE Stacey A. Kincald, Sheriff
Fairfax County, VA

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

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

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

Served on a Secretary of the Commonwealth.
 Not found.

SERVING OFFICER
for _____

DATE

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

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

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

Served on a Secretary of the Commonwealth.
 Not found.

SERVING OFFICER
for _____

DATE

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

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

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

Served on a Secretary of the Commonwealth.
 Not found.

SERVING OFFICER
for _____

DATE

DCC RETURN COPY



County of Fairfax, Virginia

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

CORRECTIVE WORK ORDER Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: June 30, 2015

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Santos Deysi Reyes

ADDRESS: 5928 Dove Dr.
Alexandria, VA 22310

LOCATION OF VIOLATION: 5928 Dove Dr.
Alexandria, VA 22310-1905

TAX MAP REF: 0823 01 0012C

CASE #: 201503352 **SR#:** 116825

ISSUING INVESTIGATOR: Ricky Antonowics, (703)324-9329

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2012 Edition, effective July 14, 2014, an inspection on June 24, 2015 revealed a violation or violations as listed below at the referenced location. The cited violation(s) must be corrected within 30 calendar days from receipt of this notice unless otherwise indicated.

Explanation: On June 24, 2015, County staff inspected the above referenced premises and discovered several violations to include but not limited to the following; (a) the carport has been converted into habitable living space to include a bedroom; (b) an addition has been constructed on the right rear of this dwelling to include habitable space with a bedroom; (c) a roof structure has been constructed over the basement areaway at the left rear of the dwelling; (d) an addition has been constructed on the left side of the dwelling for a habitable bedroom; (e) the basement has been renovated to include a second kitchen, a full bath room, two bedrooms, gas furnace and a gas water heater. This regulated work was performed without the issuance of the required permit or permits, inspections, and approvals.

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

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2012 edition, you are hereby directed to apply for and obtain the required permit or permits, inspections and approvals for the work described above or demolition of same at the above referenced address.

Corrective Action Required: Apply for and obtain all necessary County permits for the work described above within 30 calendar days from the date you receive this Order, or obtain a County permit to demolish the work described above within the same timeframe.

1. Schedule and pass the required County inspection(s) for the work described above within 30 calendar days from the date you are issued the required permit or permits for construction or demolition.
2. Contact me at (703)324-9329 within the timeframe established to confirm the violation(s) have been abated.
3. Call (703)222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201503352.

Note:

*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035
Telephone: 703-222-0801

*When work described above involves the removal of unpermitted features (including appliances, cabinets, plumbing/gas fixtures) a demolition permit will be required. Be advised that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit.

*If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703)324-1300 who issued the Notice before coming to the Permit Application Center in the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.

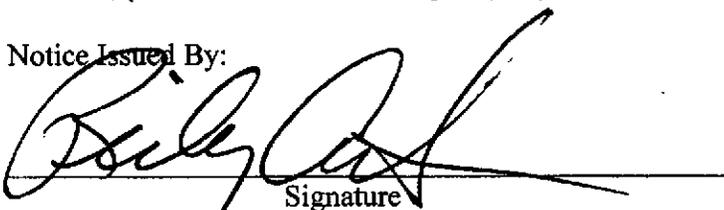
*Additional fees for unpermitted work may apply.

Santos Deysi Reyes
June 30, 2015
SR 116825
Page 3

You are directed to notify Ricky Antonowics by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703)324-9329 within three (3) working days from the date you receive this Order, of your election to accept or reject the terms of this Order. Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703)324-9329 or the main office at (703)324-1300.

Notice Issued By:

A handwritten signature in black ink, appearing to read 'Ricky Antonowics', is written over a horizontal line. The signature is stylized and cursive.

Signature

Ricky Antonowics
(703)324-9329
Rick.Antonowics@fairfaxcounty.gov
Technical Assistant to the Building Official
Department of Code Compliance

CC: Case File
Residential Inspections Branch Chief
Commercial Inspections Engineer V

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.

[Signature]
SERVING OFFICER
6.30.15 *[Signature]* Stacy A. Kincaid, Sheriff
DATE Fairfax County, VA

PERSONAL SERVICE _____
 Being unable to make personal service a copy was delivered in the following manner:
 Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

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

SERVING OFFICER
for _____
DATE

PERSONAL SERVICE _____
 Being unable to make personal service a copy was delivered in the following manner:
 Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

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

SERVING OFFICER
for _____
DATE

PERSONAL SERVICE _____
 Being unable to make personal service a copy was delivered in the following manner:
 Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

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

SERVING OFFICER
for _____
DATE

DCC RETURN COPY



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 Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: September 4, 2015

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Santos Deysi Reyes

ADDRESS: 5928 Dove Dr.
Alexandria, VA 22310

TAX MAP REF: 0823 01 0012C

LOCATION OF VIOLATION: 5928 Dove Dr.
Alexandria, VA 22310

CASE #: 201503352 **SR#:** 116825

ISSUING INVESTIGATOR: Ricky Antonowics, (703) 324-9329

You were issued a Corrective Work Order on June 30, 2015, for violations of the Virginia Uniform Statewide Building Code (USBC) 2012 Edition, effective July 14, 2014. Staff confirmed on September 3, 2015, that the violations itemized below remain.

Explanation: On June 24, 2015, County staff inspected the above referenced premises and discovered several violations to include but not limited to the following; (a) the carport has been converted into habitable living space to include a bedroom; (b) an addition has been constructed on the right rear of this dwelling to include habitable space with a bedroom; (c) a roof structure has been constructed over the basement areaway at the left rear of the dwelling; (d) an addition has been constructed on the left side of the dwelling for a habitable bedroom; (e) the basement has been renovated to include a second kitchen, a full bath room, two bedrooms, gas furnace and a gas water heater. This regulated work was performed without the issuance of the required permit or permits, inspections, and approvals.

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

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2012 Edition, you are hereby directed to apply for and obtain the required permits, inspections, and approvals for the work described above or demolition of same at the above referenced address.

Corrective Action Required:

1. Apply for and obtain all necessary County Permits for the work described above within 30 calendar days from the date you receive this Notice, or obtain a County permit to demolish the work described above within the same timeframe.
2. Schedule and pass the required County inspection(s) for the work described above within 30 calendar days from the date you received this notice.
3. Contact me at (703) 324-9329 within the timeframe established to confirm the violation(s) has/have been abated.
4. Call (703) 222-0455 to schedule all inspections related to this matter. Please reference CASE #: 201500950.

Note:

*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035
Telephone: 703-222-0801

*When work described above involves the removal of unpermitted features (including appliances, cabinets, plumbing/gas fixtures) a demolition permit will be required. Be advised that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit. If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703) 324-1300 who issued the Notice before coming to the Permit Application Center in the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.

*Additional fees for unpermitted work may apply.

Santos Deysi Reyes
September 4, 2015
SR 113575
Page 3

You have the right to appeal this decision within 30 days to the Fairfax County Board of Building and Fire Prevention Code Appeals. Appeal application forms may be obtained by contacting:

Fairfax County Board of Building and Fire Prevention Code Appeals
Attention:
Secretary to the Fairfax County Board of Building and Fire Prevention Code Appeals
Office of Building Code Services
Department of Public Works and Environmental Services
12055 Government Center Parkway, Suite 444
Fairfax, Va. 22035-5504
Telephone: (703) 324-1780

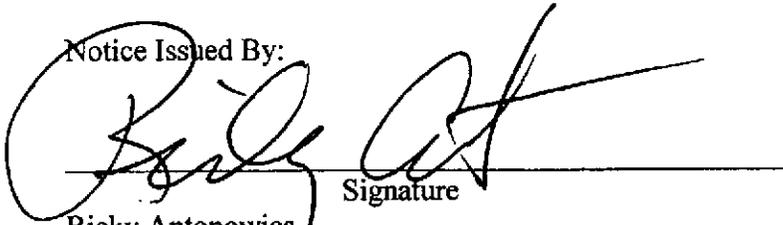
Information and forms can also be obtained at:

http://www.fairfaxcounty.gov/dpwes/publications/codemods_appeals.htm

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision. Failure to correct these defects within the time limits specified shall result in enforcement action being taken under the applicable State and County Codes.

If you have any questions, would like to schedule an appointment to meet with me, or schedule a site visit, please contact me directly at (703) 324-9329 or the main office at (703) 324-1300.

Notice Issued By:



Signature

Ricky Antonowics
(703) 324-9329
Rick.Antonowics@fairfaxcounty.gov
Technical Assistant to the Building Official
Department of Code Compliance

CC: Case File
Residential Inspections Branch Chief
Commercial Inspections Engineer V

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.

9-4-15 *[Signature]*
DATE SERVING OFFICER
Stacey A. Kincaid, Sheriff
Fairfax County, VA

PERSONAL SERVICE _____
 Being unable to make personal service a copy was delivered in the following manner:
 Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

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

SERVING OFFICER
for _____
DATE

PERSONAL SERVICE _____
 Being unable to make personal service a copy was delivered in the following manner:
 Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

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

SERVING OFFICER
for _____
DATE

PERSONAL SERVICE _____
 Being unable to make personal service a copy was delivered in the following manner:
 Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

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

SERVING OFFICER
for _____
DATE

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.
 - 4. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-918 Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

- 1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
- 2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit.

Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
 - A. One of the dwelling units shall be owner occupied.
 - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
 - (1) Any person fifty-five (55) years of age or over and/or
 - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security

Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

- C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
 - (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
 - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
- 6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for

the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:

- A. Uninterrupted access to one (1) entrance; and
 - B. Accessibility and usability of one (1) toilet room.
7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.
 8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
 9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
 10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.

11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.
13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.