



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: May 23, 2013

METHOD OF SERVICE: Office of the Sheriff

LEGAL NOTICE ISSUED TO: Muhammad J. Ali
Muhammad Yasin

ADDRESS: 3314 Glenmore Drive
Falls Church, Virginia 22041-3317

LOCATION OF VIOLATION: 3314 Glenmore Drive
Falls Church, Virginia 22041-3317

TAX MAP REF: 61-2 ((9)) 05

ZONING DISTRICT: R-3

CASE #: 201301791 **SR #:** 92610

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE § 18-903(1):

Zoning Violations	First Offense	Each Subsequent Offense
§ 2-302 (6)	\$ 200.00	\$ 500.00
TOTAL:	\$ 200.00	\$ 500.00

Dear Responsible Party:

This Notice of Violation is to rescind the Notice of Violation dated April 26, 2013 which was issued to Muhammad J. Ali and Muhammad Yasin and re-issue a Notice for the same Violation. The Notice of Violation issued on April 26, 2013 contained an error regarding the monetary amount of the civil penalty. This re-issued Notice of Violation now contains the corrected civil penalty. All other information remains the same.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-324-9346
www.fairfaxcounty.gov/code

Muhammad J. Ali
Muhammad Yasin
May 23, 2013
Page 2

An inspection of the above referenced property on April 10, 2013 revealed the following violations of the Fairfax County Zoning Ordinance:

§ 10-102 (25) Accessory Storage Structure exceeding 200 square feet in Gross Foot Area
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory storage structure which measured approximately two hundred and seventy (270) square feet in area on this property which is zoned R-3. The Fairfax County Zoning Ordinance permits accessory storage structures so long as they conform to Par. 25 of Sect. 10-102 of the Zoning Ordinance is which permits:

Storage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area.

Therefore, as this accessory storage structure exceeds 200 square feet in area in the R-3 District, you are in violation of Par. 25 of Sect. 10-102 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 square footage of this accessory storage structure so it does not exceed 200 square feet in area.

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

The presence of an accessory storage structure which measured approximately thirteen and a half feet (13 ½) in height, is approximately two hundred and seventy (270) square feet in area and is located approximately thirty-nine (39) feet and approximately seven and a half (7 ½) feet respectively from the side and rear lot lines.

Muhammad J. Ali
Muhammad Yasin
May 23, 2013
Page 3

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 rear yard distance in the R- 3 District is twenty-five (25) feet as detailed in Par. 6 of Sect. 2-302 of the Zoning Ordinance.

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

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

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

- Removing the storage structure from the property in its entirety; or
- Reducing the height of the structure to eight and one-half (8 ½) feet or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the rear and side lot lines in accordance with Par. 10E of Sect. 10-104 of the Zoning Ordinance as outlined above.

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

Muhammad J. Ali
Muhammad Yasin
May 23, 2013
Page 4

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:

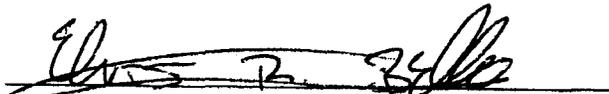
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703) 324-1314

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, schedule a follow up inspection, or need additional information, please do not hesitate to contact me directly at (703) 324-8248. For any other questions, contact our main office at (703) 324-1300.

Sincerely,

Elvis R. Bello
Code Compliance Investigator


Signature