



**APPLICATION ACCEPTED:** August 11, 2016  
**DATE OF PUBLIC HEARING:** November 2, 2016 @ 9:00 a.m.

# County of Fairfax, Virginia

---

**October 26, 2016**

## **STAFF REPORT**

**SPECIAL PERMIT SP 2016-BR-080**

### **BRADDOCK DISTRICT**

**APPLICANT/OWNER:** Paul T. Wright

**LOCATION:** 7710 Jervis Street, Springfield, 22151

**SUBDIVISION:** North Springfield

**TAX MAP:** 70-4 ((4)) (59) 6

**LOT SIZE:** 14,720 square feet

**ZONING:** R-3

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit a reduction to the minimum rear yard requirements based on errors in building location to permit an addition to remain 10.6 feet from a side lot line and to permit an accessory storage structure to remain 9.0 feet from the rear lot line.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

*Erin M. Haley*

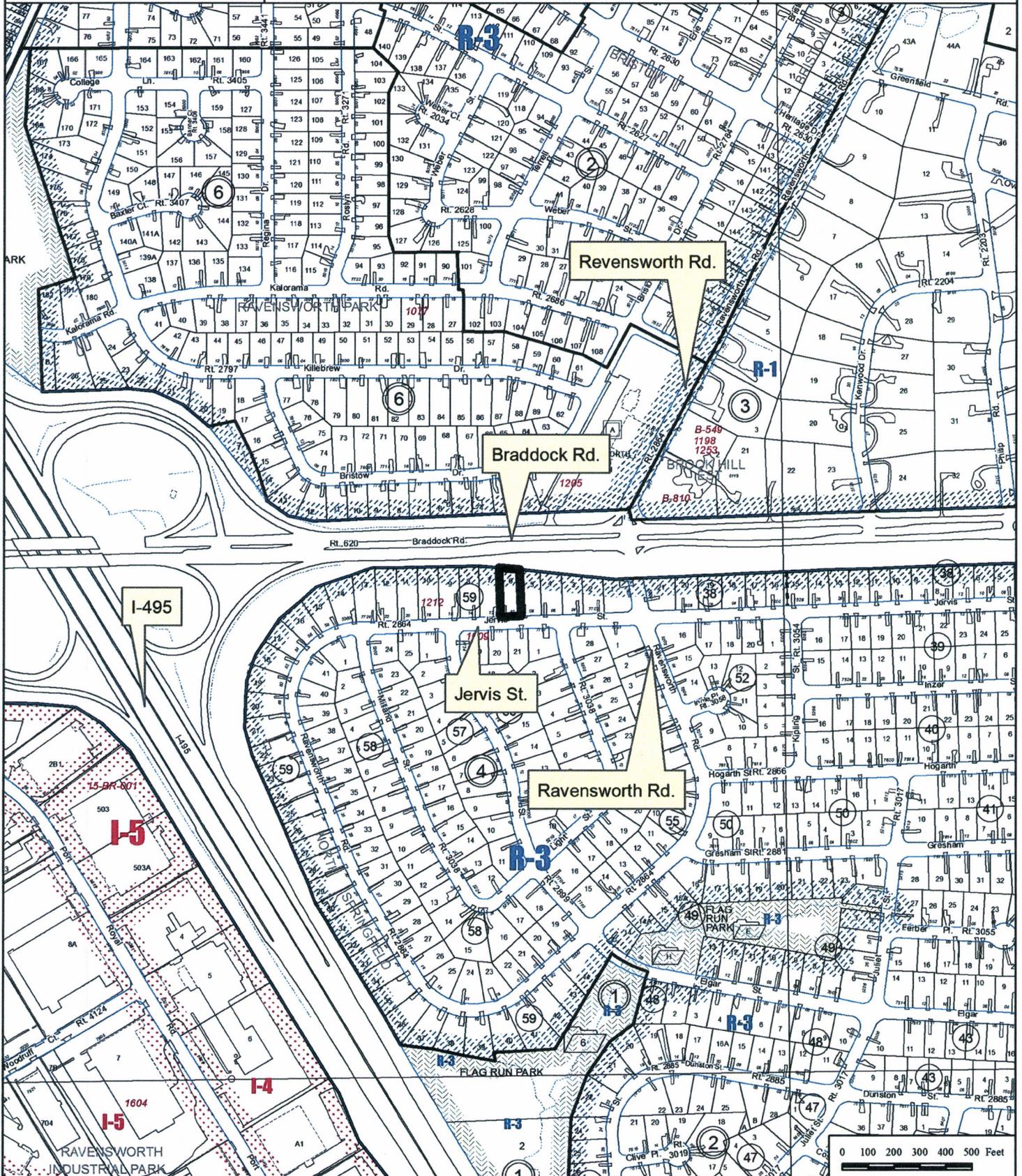
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



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



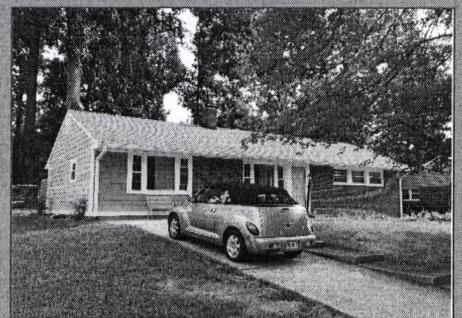
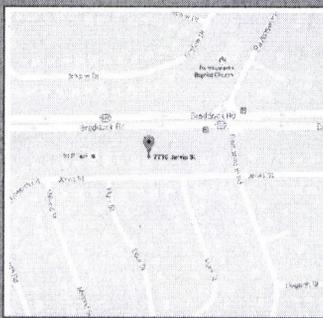
# Special Permit SP 2016-BR-080 PAUL T. WRIGHT



# EXACTA

## VIRGINIA SURVEYORS

LB # 0407005699  
 www.exactaVA.com - P 703.258.0630 - F 703.258.0361  
 5494 RODRIGUEZ LANE, HAYMARKET, VA 20169



PROPERTY ADDRESS: 7710 JERVIS STREET SPRINGFIELD, VIRGINIA 22151

SURVEY NUMBER: VA1604.3489-01

FIELD WORK DATE: 8/5/2016

REVISION HISTORY: (REV.1 8/8/2016) (REV.1 7/15/2016)

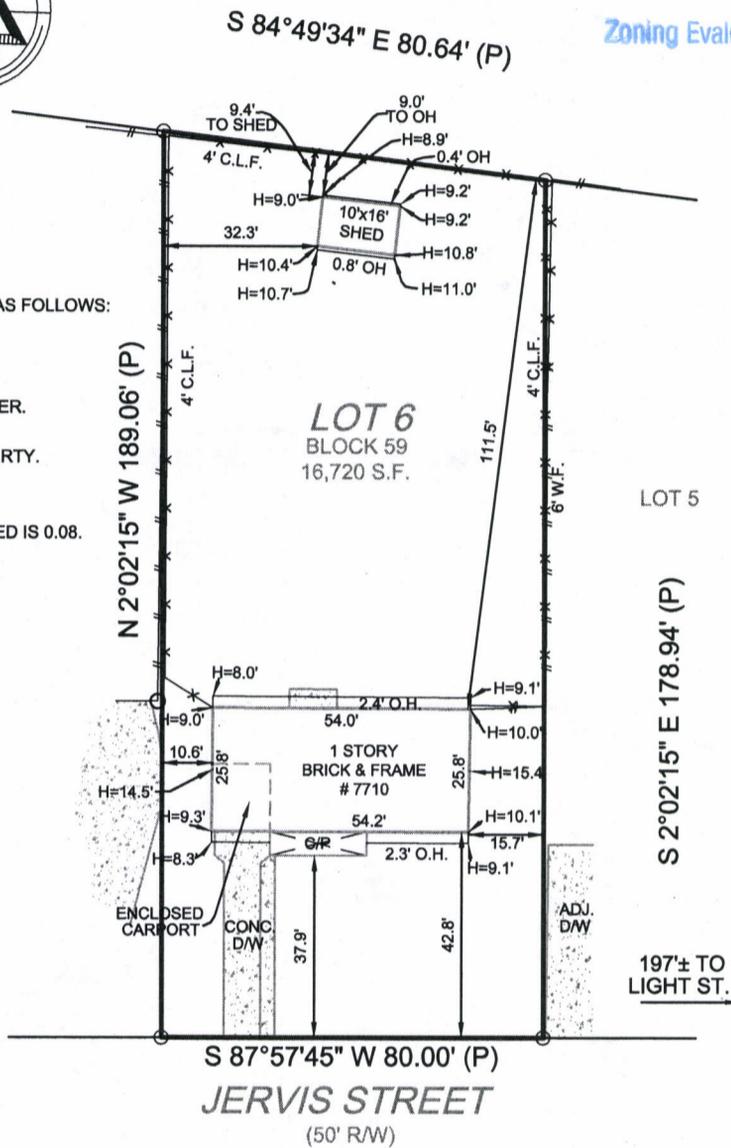
RECEIVED  
 Department of Planning & Zoning  
 AUG 10 2016  
 Zoning Evaluation Division

VA1604.3489  
 SPECIAL PERMIT DRAWING  
 LOT 6, BLOCK 59  
 SECTION 17-A, NORTH SPRINGFIELD  
 FAIRFAX COUNTY, VIRGINIA  
 07-15-2016 SCALE 1"=40'  
 08-8-2016 ADDED SHED OH AND TIES



**NOTES:**

1. THE PROPERTY IS ZONED R-3 AND THE SETBACKS ARE AS FOLLOWS:  
 FRONT: 30 FEET  
 SIDE: 12 FEET  
 REAR: 25 FEET
2. THE PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
3. THERE ARE NO EASEMENTS OVER 25'.
4. THERE IS NO FLOOD FEMA FLOOD PLAIN ON THE PROPERTY.
5. THE EXISTING GROSS FLOOR AREA IS 1,220 SQ. FT.,  
 THE PROPOSED IS 1,393 SQ. FT.
6. THE EXISTING FLOOR AREA RATIO IS 0.07, THE PROPOSED IS 0.08.
7. THE MAXIMUM PERMITTED BUILDING HEIGHT IS 35 FEET.



GRAPHIC SCALE (In Feet)  
 1 inch = 40' ft.

POINTS OF INTEREST:  
 NONE VISIBLE

**MARINELA ARRESI**  
 c: 703.389.0038  
 o: 703.224.6000  
 MARI.ARRESI@GMAIL.COM

CLIENT NUMBER: \_\_\_\_\_ DATE: 7/15/2016

BUYER: PAUL TRACY WRIGHT

SELLER: JOSE M. SUGAR AND MARY M. SUGAR

CERTIFIED TO: PAUL TRACY WRIGHT; DIAMOND TITLE INSURANCE CORP

ORDERED BY:  
**Diamond Title Ins. Corp.**  
 "A Diamond Settlement is Your Best Friend!"  
 Robert P. Goldman, Esq.  
 rgoldman@diamondtitlecorp.com  
 www.diamondtitlecorp.com  
 301-670-3445 or 703-893-5421  
 FAX: 301-670-3447 or EFAX: 202-351-0560

THE MAP OF SURVEY OF THE HEREON DESCRIBED PROPERTY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER THE SUPERVISION AND DIRECTION OF A VIRGINIA LICENSED SURVEYOR AND SAID SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS SET FORTH BY THE VIRGINIA BOARD OF PROFESSIONAL LAND SURVEYORS.

THIS IS A TWO PAGE DOCUMENT. THE ADVICE FOUND ON THE AFFIXED PAGE (PAGE 2 OF 2) IS AN INTEGRAL PART OF THE PLAT.

## DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit to allow a modification of the minimum yard requirements based on errors in building location, to permit an addition to remain 10.6 feet from a side lot line and to permit an accessory storage structure (shed) to remain 9.0 feet from the rear lot line. A minimum side yard of 12.0 feet is required in an R-3 District; therefore a modification of 1.4 feet from a side yard is requested. Sect. 10-104, Par. 10, requires that accessory storage structures greater than 8.5 feet in height be located no closer than a distance equal to its height to the rear lot line. The shed is 11.0 feet in height; therefore, a reduction of 2.0 feet is requested.

A copy of the special permit plat depicting the structures on site titled, "Special Permit Drawing, Lot 6, Section 17-A, North Springfield," prepared by John Kroboth, L.S., of Exacta Virginia Surveys, dated July 15, 2016, as revised through August 8, 2016, is included at the front of the staff report.

A copy of the proposed development conditions, statement of justification with select file photographs and the affidavit are in Appendices 1-3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA



The 14,720 square foot subject property is developed with a one-story, single family detached dwelling. A concrete driveway provides access to the property from Jervis Street. A shed 11.0 feet in height and 160 square feet in size is located 9.0 feet from the rear lot line.

The property is located near the corner of Jervis Street and Light Street and is just east of the Capital Beltway and adjacent to Braddock Road to the north. The subject property and surrounding properties are zoned R-3 and developed with single family detached dwellings.

## **BACKGROUND**

According to Fairfax County Tax Records and building permit records, the house was constructed on the property in 1959. The applicant became the purchaser of the property on July 26, 2016. The General Warranty Deed is included as Appendix 4. Between May 2016 and July 2016, the property was owned by Seit & Co. Realty, LLC and the applicant worked on renovating the property. The applicant's statement of justification states that the property was in disrepair to such an extent that it would not pass an inspection until July.

In response to a complaint about a shed being built without a proper permit, County staff inspected the property on May 31, 2016. Staff discovered that construction of a shed, enclosure of a carport with kitchen, and installation of a laundry room had been done without issuance of the required permits, inspections, and approvals. A Corrective Work Order was issued on June 1, 2016 (Appendix 5).

The existing house was built in 1959, which predates the current Zoning Ordinance. The house and carport were originally constructed 10.4 feet from the western side lot line (Appendix 6), which is deemed to be grandfathered as it complied with the Ordinance in effect at the time of construction. The 1954 Zoning Ordinance required a minimum side yard of 10.0 feet. In May 2016, the applicant enclosed the carport. The new construction is required to meet the minimum required side yard for the R-3 district, which is 12.0 feet.

The applicant's statement of justification states that he constructed the addition over the footprint of the carport, which was in disrepair, and that he believed the location was in compliance as it was not bringing the structure closer to the lot line. The applicant also states that he constructed the shed in a location that he believed to be in conformance with the Zoning Ordinance. He states that he thought the distance from the shed to the lot line should be equal to the height of the wall, which is 9.0 feet; however, the height of accessory storage structures is measured from the ground to the highest point, which is 11.0 feet for the applicant's shed.

## **ZONING ORDINANCE REQUIREMENTS**

- General Special Permit Standards (Sect. 8-006)

- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 8. Subject to development conditions, the special permit must meet these standards.

## **CONCLUSION**

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

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

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Statement of Justification with Select File Photographs
3. Applicant's Affidavit
4. General Warranty Deed
5. Corrective Work Order
6. 1959 Approved Plat
7. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2016-BR-080****October 26, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-BR-080 located on property described as Tax Map 70-4 ((4)) (59) 6 to permit a reduction in minimum yard requirements based on error in building location to permit an addition to remain 10.6 feet from a side lot line and to permit an accessory storage structure to remain 9.0 feet from the rear lot line pursuant to Section 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location of the dwelling and accessory storage structure as shown on the plat titled, "Special Permit Drawing, Lot 6, Section 17-A, North Springfield," prepared by John Krobath, L.S., of Exacta Virginia Surveys, dated July 15, 2016, as revised through August 8, 2016.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Statement for  
 Paul T Wright  
 7710 Jervie St  
 Springfield, VA 22151  
 SP 2016-0165

2. The BZA determines that:

- A. The error exceeds ten (10) percent of the measurement involved, or  
***The requirement is for 12 distance and the existing structure is 10.6 feet, exceeding 10%.***
- 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

***This is the only use of the property no other permits are applied.***

- 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  
***The reduction does not impair the intent of the ordinance, the building line did not move, just the use of the area. Before I purchased the home, I say the problem and call zoning to discuss expansion options. There was a misunderstand of "Grandfathered" structures and uses on both sides. A honest mistake was made.***
- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and  
***The enclosure has been done in the architecture style of the neighborhood, which good quality materials and workmanship.***
- F. It will not create an unsafe condition with respect to both other property and public streets, and  
***The old structure has not been properly maintained, in fact the whole side of the roof deck and gable ends had to be repaired. I have made the structure sound with the enclosure.***
- G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.  
***I am a retired army with 100 service connected disabled veteran, who served in Iraq and Afghanistan. I need more space in order to make the space less congested. I needed a place to live that would fit the budget that I had, waiting or disapproval of this permit. (I was assured that the special permit application was a formal and it would be approved when I called before I made an offer on the home)***
- 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.  
***No, the density stay the same as the floor area was converted from carport to living space.***

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 Department of Planning & Zoning

JUL 29 2016

Zoning Evaluation Division

Statement for  
Paul T Wright  
7710 Jervis St  
Springfield, VA 22151  
SP 2016-0165  
(Shed)

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Department of Planning & Zoning

AUG 11 2016

Zoning Evaluation Division

I interpreted the shed rules incorrectly. "A **shed** that is 8 ½ feet or less in total height may be located anywhere in a side or rear yard. Any shed that exceeds 8 ½ feet in height shall meet the minimum required side yard setbacks, and shall be located no closer than a distance equal to its height to the rear lot line."

2. The BZA determines that:

A. The error exceeds ten (10) percent of the measurement involved, or

**The error does not exceed 10%**

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

**N/A**

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

**I interpreted the regulation as the wall height's distance to the lot line. The rear wall height is 9' and that corner is 9' to the overhang, meeting the zoning requirements. The front wall is 11' in height and the distance is 19' to the lot line. I thought this met the intent on the zoning. I did not interpret that is meant the tallest part of the structure**

D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and

**The intent of the ordinance I believe, is not to impair the view of adjacent home owners**

E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and

**The error is location on the back lot line which abuts the sound wall of Braddock Road, see picture**

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

**No unsafe conditions have occurred due to this error**

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

**The shed would have to be torn down and I do not have other storage available**

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.

**The lot density is below the requirements**

Note the rear lot line, which is in question abuts the street easement of Braddock road which has a 20' or so sound wall, it does not affect any neighbors home the closest the shed is 32.3 feet from the lot line.



Statement for  
Paul T Wright  
7710 Jervis St  
Springfield, VA 22151  
SP 2016-0165  
(Shed)

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Department of Planning & Zoning

AUG 10 2016

Zoning Evaluation Division

I interpreted the shed rules incorrectly by mistake. What I read:

- A **shed** that is 8 ½ feet or less in total height may be located anywhere in a side or rear yard. Any shed that exceeds 8 ½ feet in height shall meet the minimum required side yard setbacks, and shall be located no closer than a distance equal to its height to the rear lot line.

I interpreted the regulation as the wall height's distance to the lot line. The rear wall height is 9' and that corner is 9' to the overhang, meeting the zoning requirements. The front wall is 11' in height and the distance is 19' to the lot line. I thought this met the intent on the zoning. I did not interpret that is meant the tallest part of the structure

Note the rear lot line, which is in question abuts the street easement of Braddock road which has a 20' or so sound wall, it does not affect any neighbors home the closest the shed is 32.3 feet from the lot line.



- 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.

Paul T. Wry It  
Applicant's Signature

7/29/16  
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.

Paul T. Wry It  
Applicant's Signature

7/29/16  
Date

RECEIVED  
Department of Planning & Zoning

AUG 01 2016

Zoning Evaluation Division











Application No.(s): SP 2016-BR-080  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 15, 2016  
 (enter date affidavit is notarized)

136 267

I, Paul T Wright, 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 <b>BOLD</b> above)
Paul T Wright	7710 Jervis St, NOrth Springfield, VA 22151	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: June 15, 2016  
(enter date affidavit is notarized)

136267

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)  
None

**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)  
N/A

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 15, 2016  
(enter date affidavit is notarized)

136267

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)  
NA

(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**)  
NA

(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)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 15, 2016  
(enter date affidavit is notarized)

1320267

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:  
NA

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.)  
NA

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 15, 2016  
(enter date affidavit is notarized)

136267

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:

Paul T. Wright

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

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

Subscribed and sworn to before me this 15<sup>th</sup> day of June 2016, in the State/Comm. of Virginia, County/City of Fairfax.

Kyle C. Baugher  
Notary Public

My commission expires: 10/31/17

 Kyle C. Baugher  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7542249  
My Commission Expires  
October 31, 2017

CERTIFIED TRUE COPY

Return to:  
Diamond Title Insurance Corp.  
15215 Shady Grove Road  
Suite 208  
Rockville, MD 20850

Grantee's Address:  
7710 Jervis Street  
Springfield, VA 22151  
Tax ID # 0704 0459 0006

Consideration: ~~\$357,000.00~~  
Assessment: ~~\$336,026.00~~  
Title Insurer: Fidelity National Title  
Prepared by or under the supervision of  
The Law Offices of Robert Goldman, Esq.  
DTC File # 2016-25162

## GENERAL WARRANTY DEED

**THIS DEED** is made effective this 25<sup>th</sup> day of July, 2016 by and between **SEIT & CO. REALTY LLC, a Virginia limited liability company, as sole owner** ("Grantor"), and

**PAUL T. WRIGHT, married, as sole owner** ("Grantee").

### WITNESSETH:

THAT for and in consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell and convey with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE unto Grantee, in fee simple, all that certain parcel of land situate in Fairfax County, Virginia, together with all improvements thereon, and more particularly described as follows, to-wit:

Lot 6, Block 59, Section 17-A, of the certain subdivision known and designated as North Springfield, as the same is duly dedicated, platted and recorded in Deed Book 1714 at page 354, among the land records of Fairfax County, Virginia.

AND BEING the same property conveyed unto Jose Marcos Sugar and Mary M. Sugar, Trustees of The Jose Marcos Sugar Revocable Trust dated August 14, 1998, by virtue of a Deed dated August 14, 1998 and recorded August 25, 1998 in Deed Book 10537, at Page 0608 among the land records of Fairfax County, Virginia.

THE GRANTORS hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant generally the property hereby conveyed; and that they will execute such further assurances of said land as may be requisite.

RECEIVED  
Department of Planning & Zoning

JUL 29 2016

Zoning Evaluation Division

[Signature continued on page 2]



# 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 1, 2016

**METHOD OF SERVICE:** CERTIFIED MAIL # 7015 0640 0000 4766 9485

**LEGAL NOTICE ISSUED TO:** Seit & Co. Realty LLC  
c/o: Marinella Arresi

**ADDRESS:** 304 S. Jackson Street  
Arlington, VA 22204-0000

**LOCATION OF VIOLATION:** 7710 Jervis Street  
Springfield, VA 22151-2504

**TAX MAP REF:** 0704 04590006

**CASE #:** 201603146 **SR#:** 127577

**ISSUING INVESTIGATOR:** John Enos, (703) 324-9325

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2012 Edition, effective July 14, 2014 an inspection on May 31, 2016 revealed a violation or violations as listed below at the referenced residential location. The cited violation(s) must be corrected within 30 calendar days from receipt of this notice unless otherwise indicated.

**Explanation:** On May 31, 2016, County staff inspected the above referenced premises and discovered that construction of a shed, enclosure of a carport with kitchen, installation of a laundry room, and numerous other electrical items have been performed without the issuance of the required permit(s), inspections, and approvals. The construction alterations and installations are, but not limited to, the following:

- Enclosure of a carport with kitchen on the left elevation of the residence.
- Installation of a laundry room located at the rear of the newly enclosed carport.
- Numerous new installations of electrical outlets and fixtures throughout the residence.
- Construction of a shed over 8.5' in height and within the required setbacks located in the back yard of the property.

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

The permits that may be required, but not limited to, are the following:

- Building
- Electrical
- Mechanical
- Plumbing
- Demolition

**Order:** Pursuant to the USBC, *Section(s) 108.1 When applications are required, Section 113.3 Minimum Inspections, Section 113.8 Final Inspection, and Section 116.1 Certificates of Occupancy*, you are hereby directed to apply for and obtain the required permit(s), 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 the 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.
2. Schedule and pass the required County inspection(s) for the work described above within 5 calendar days from the date you are issued the required permit or permits for construction or demolition.
3. Contact me at (703) 324-9325 within the timeframe established to confirm the violation(s) have been abated.
4. Call (703) 222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201603146.
5. Make this notice available for the Inspector performing the inspections throughout the inspections process.

**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

Seit & Co. Realty LLC  
c/o: Marinella Arresi  
June 1, 2016  
SR 127577  
Page 3

\*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 investigator 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.

You are directed to notify John Enos by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703) 324-9325 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) 324-9325 or the main office at (703) 324-1300.

Notice Issued By:

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Signature

John Enos  
(703) 324-9325  
John.Enos@fairfaxcounty.gov  
Technical Assistant to the Building Official  
Department of Code Compliance

CC: Case File  
Guy Tomberlin, Residential Inspections Branch Chief

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

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for \_\_\_\_\_  
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 Not found.

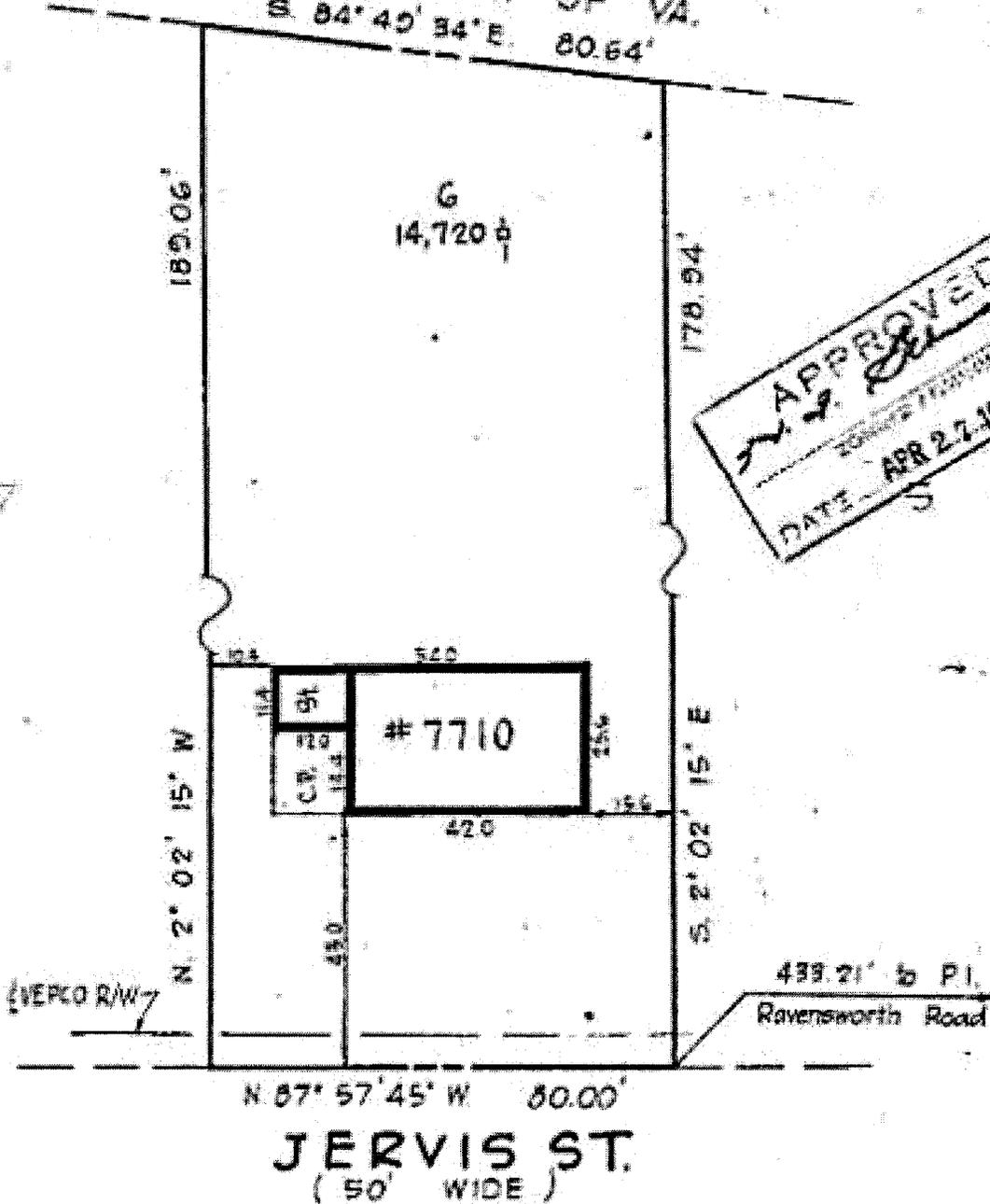
\_\_\_\_\_  
SERVING OFFICER  
for \_\_\_\_\_  
DATE

JUN 17 2016

Zoning Evaluation Division

**HOUSE LOCATION SURVEY**  
 LOT 6 BLK 59 SEC. 17-A  
**NORTH SPRINGFIELD**  
 FALLS CHURCH MAGISTERIAL DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

COMMONWEALTH OF VA.  
 S. 84° 40' 34" E. 80.64'



**APPROVED**  
 ZONING ADMINISTRATOR  
 DATE - APR 27 1959

N. 87° 57' 45" W. 80.00'  
**JERVIS ST.**  
 (50' WIDE)

CERTIFIED CORRECT: <i>Harmon L. Carson</i> CERTIFIED LAND SURVEYOR	SPRINGFIELD SURVEYS SPRINGFIELD, VIRGINIA	SCALE: 1" = 30'	DATE: 5-18-59
		DRAWN BY: C.J.F.	CK'D. BY: U
		JOB NO. VAF 700	FIELD BK. NO. 149

© 2016 1/1/18

### **8-006 General Standards**

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

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

### **8-903 Standards for All Group 9 Uses**

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

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

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

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

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

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

2. The BZA determines that:

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

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