



APPLICATION ACCEPTED: September 26, 2011  
DATE OF PUBLIC HEARING: December 7, 2011  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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November 30, 2011

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-SP-088

### SPRINGFIELD DISTRICT

**APPLICANT:** Joshua M. Elliott, II

**OWNERS:** Joshua M. Elliott, II  
Kimberly A. Elliott

**LOCATION:** 8210 Blairton Road, Springfield, 22152

**SUBDIVISION:** Keene Mill Manor

**TAX MAP:** 79-4 ((2)) 192

**LOT SIZE:** 11,813 square feet

**ZONING:** R-3

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit reduction of minimum yard requirements based on error in building location to permit addition to remain 7.4 feet from a side 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.

O:\dhedri\Special Permits\12-7) SP 2011-SP-088 Elliott (error)\SP 2011-SP-088 Elliott staff report.docx

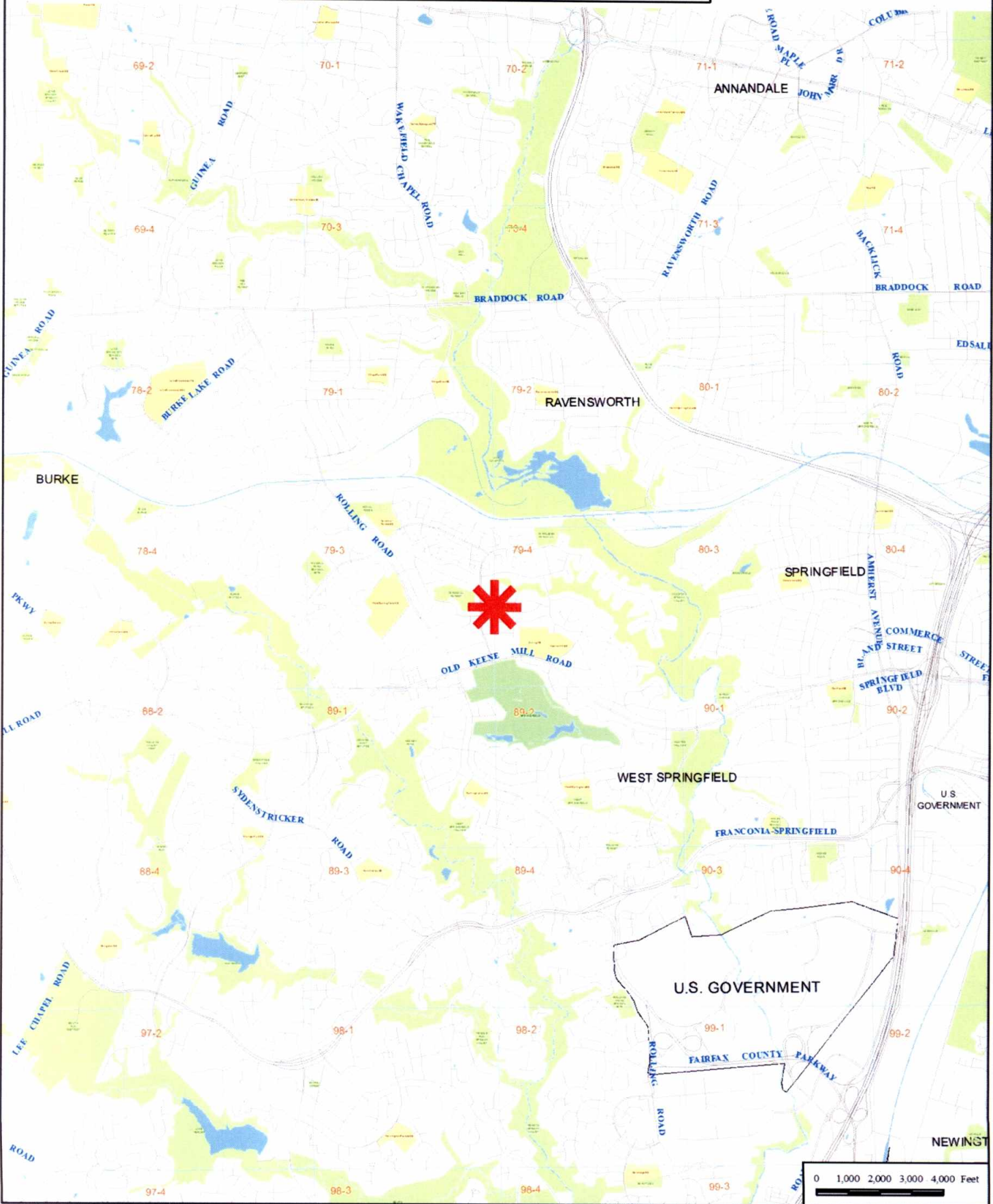
Deborah Hedrick

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 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

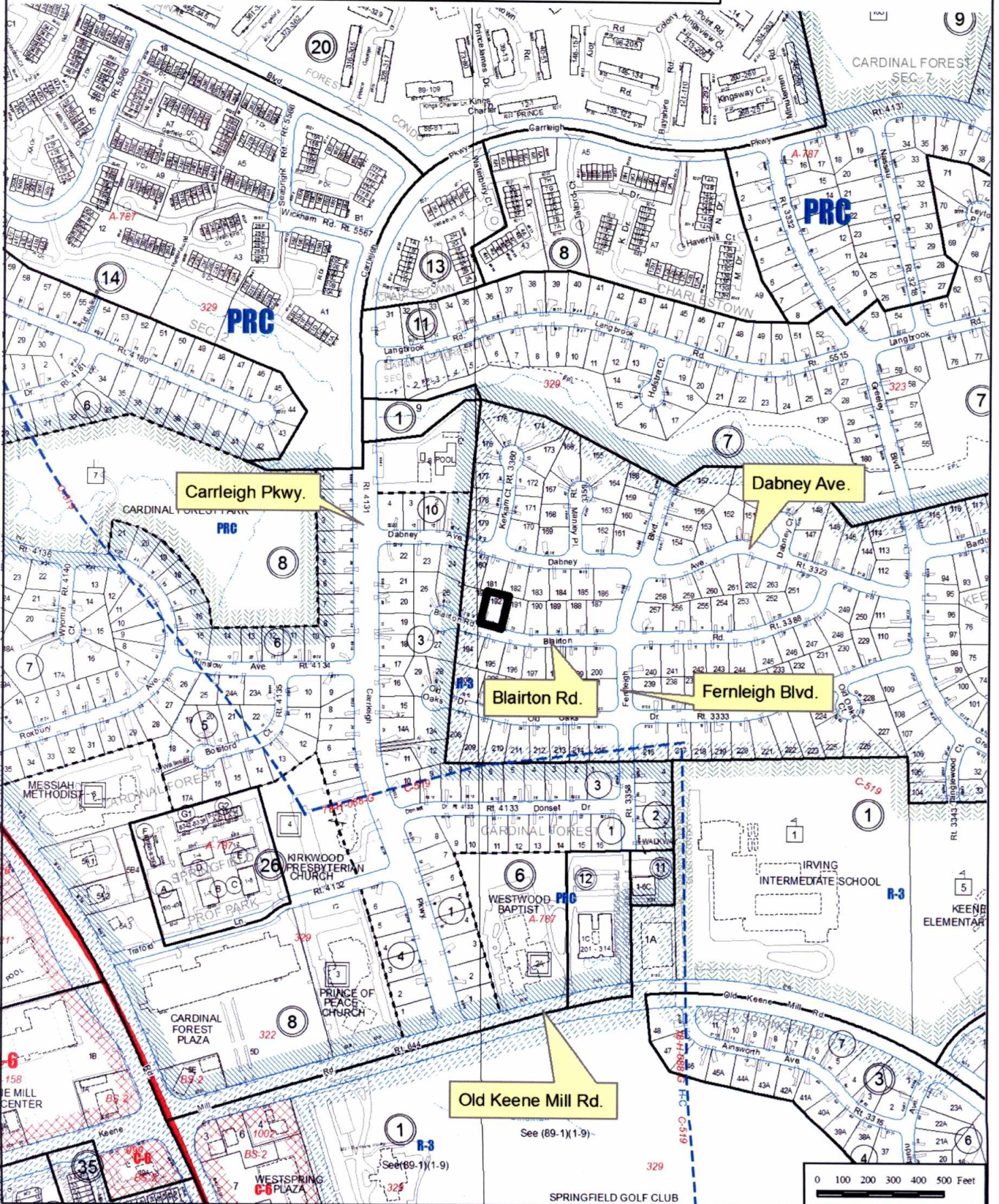
**Special Permit**  
**SP 2011-SP-088**  
**JOSHUA ELLIOTT**



# Special Permit

SP 2011-SP-088

JOSHUA ELLIOTT



Carleigh Pkwy.

Dabney Ave.

Blairton Rd.

Fernleigh Blvd.

Old Keene Mill Rd.

See (89-1)(1-9)

See(89-1)(1-9)



SPRINGFIELD GOLF CLUB

THE PROPERTY SHOWN HEREON IS  
 LOCATED ON TAX MAP 79-4 ((2)) 0192  
 AND IS ZONED R-3.

SHED HEIGHT = 8.0'  
 BUILDING HEIGHT = 21.0'

INGRESS AND EGRESS IS FROM A  
 DRIVEWAY FROM BLAIRTON ROAD

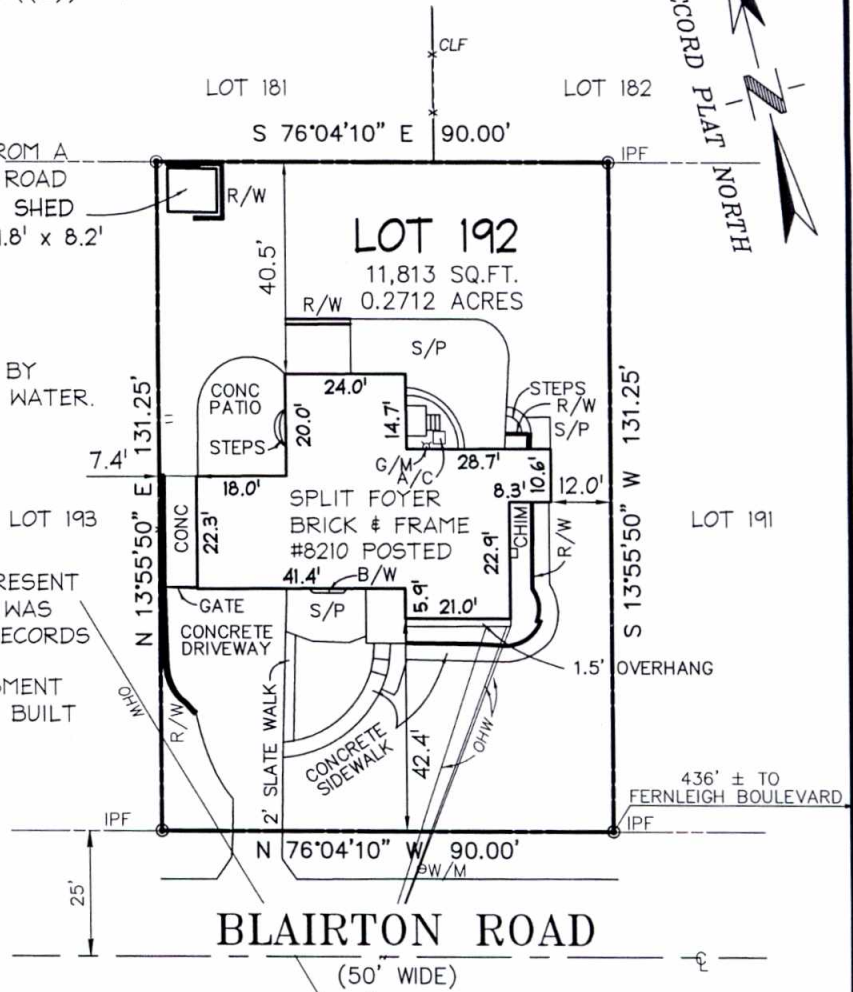
SETBACKS:  
 FRONT - 30'  
 SIDE - 12'  
 REAR - 25'

THE PROPERTY IS SERVED BY  
 PUBLIC SEWER AND PUBLIC WATER.

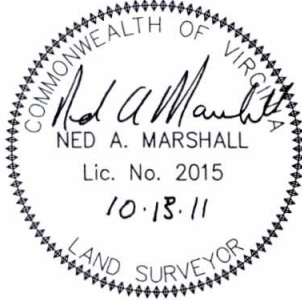
THERE ARE NO EASEMENT  
 GREATER THAN 25' OR  
 MAJOR UNDERGROUND  
 UTILITY EASEMENTS.

THIS PLAT DOES NOT REPRESENT  
 A BOUNDARY SURVEY BUT WAS  
 DRAWN FROM AVAILABLE RECORDS

BASED ON COUNTY ASSESSMENT  
 RECORDS, THE HOUSE WAS BUILT  
 IN 1962



S/P=SLATE PATIO  
 R/W=RETAINING WALL  
 IPF=IRON PIPE FOUND  
 OWH=OVERHEAD WIRES  
 W/M=WATER METER  
 CLF=CHAIN LINK FENCE  
 CHIM=CHIMNEY  
 B/W=BAY WINDOW



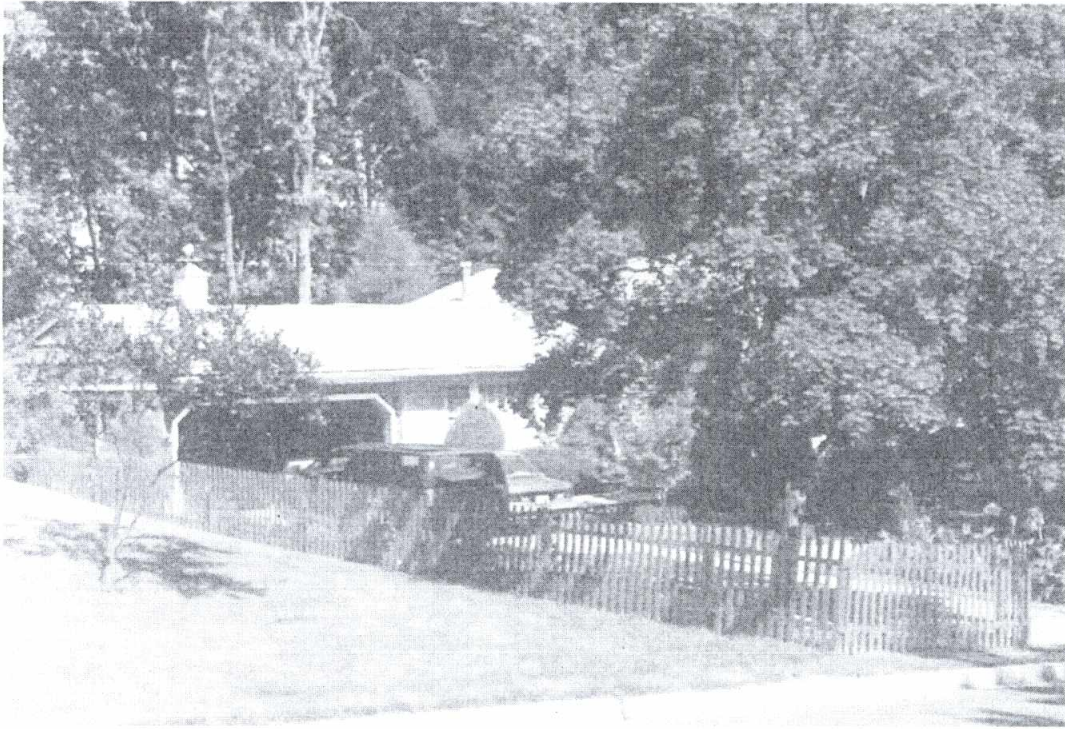
SPECIAL PERMIT PLAT  
 LOT 192  
 SECTION FOUR  
**KEENE MILL MANOR**  
 DEED BOOK 2055 PAGE 201  
 SPRINGFIELD DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

OWNER - ELLIOTT

DRAFTED BY: NAM

**The Engineering Groupe Inc.**

Engineers | Surveyors | Planners  
 13580 Groupe Drive, Suite 200, Woodbridge, Virginia 22192  
 Phone (703) 670-0985 Fax (703) 670-7769



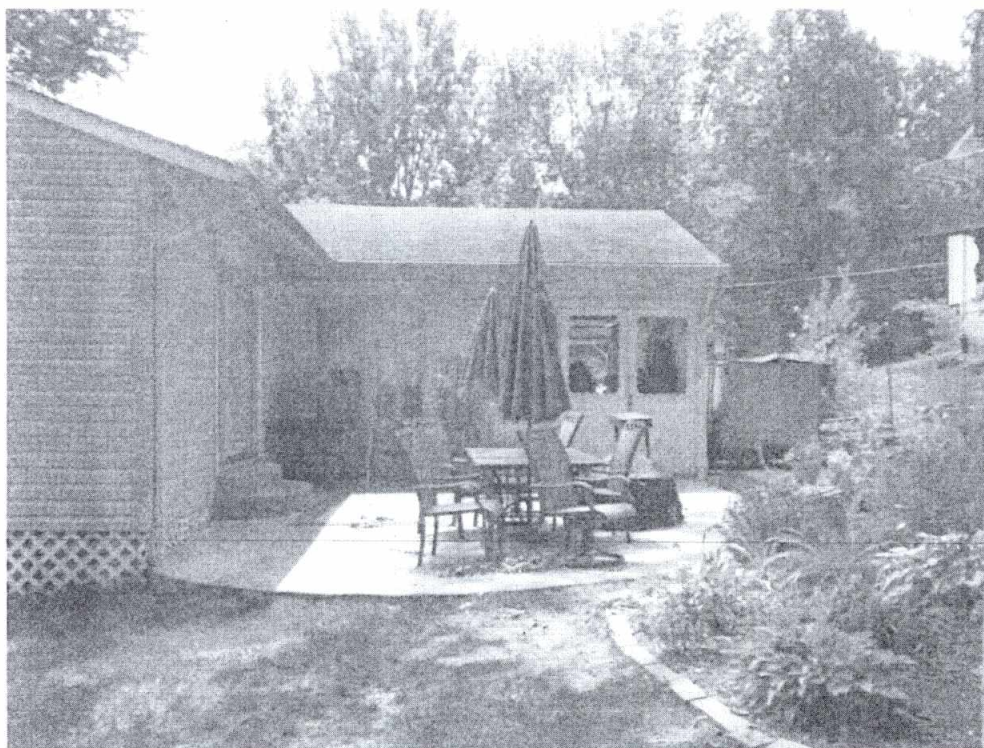
**Picture 1: Left, front view of the garage taken in 1991 by previous owner. Picture given to current owner by previous owner's daughter.**



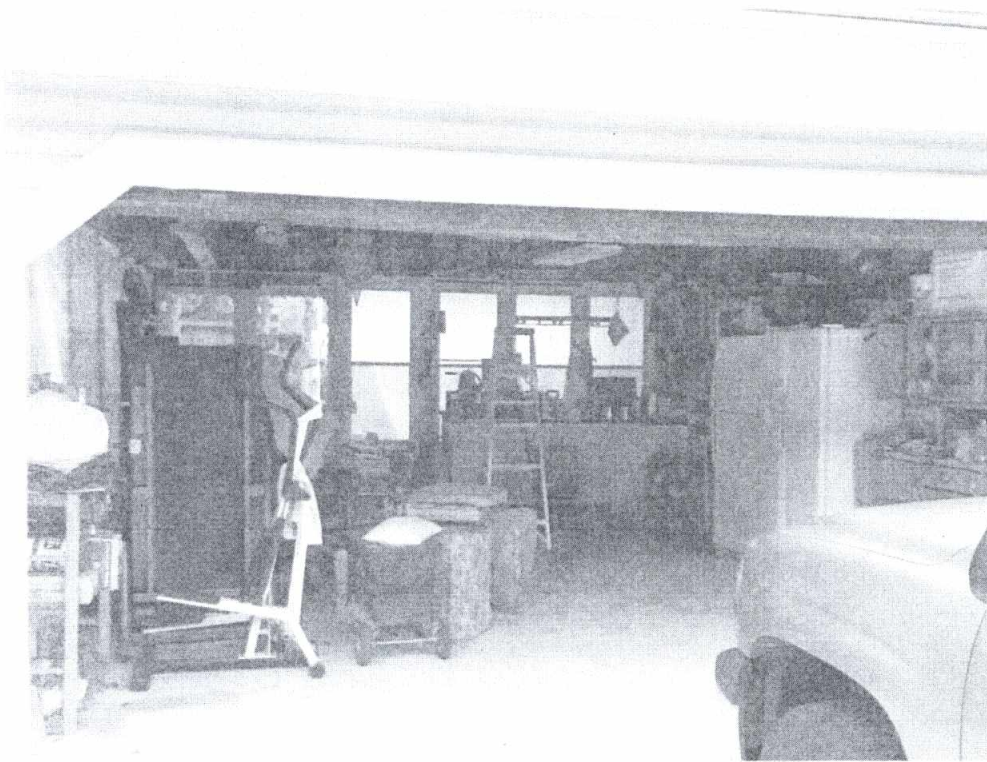
**Picture 2: Left, front view of the garage taken July 2011**



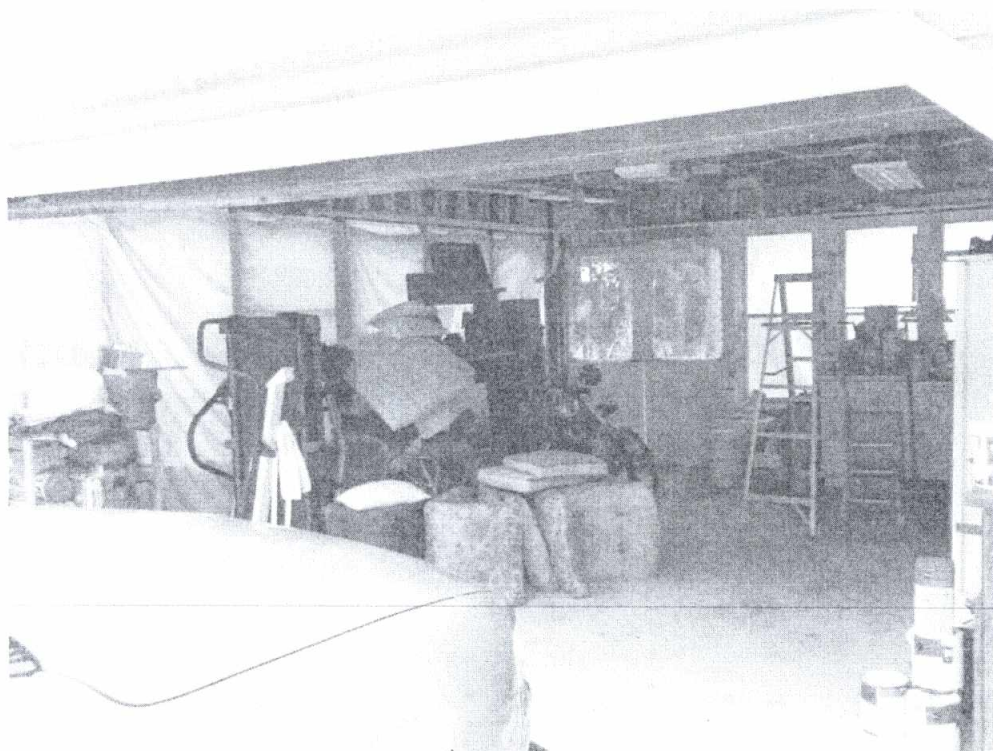
**Picture 3: Left, rear view of the garage from the up slope neighbor's yard, July 2011**



**Picture 4: Rear view of the garage from back neighbor's yard, July 2011**

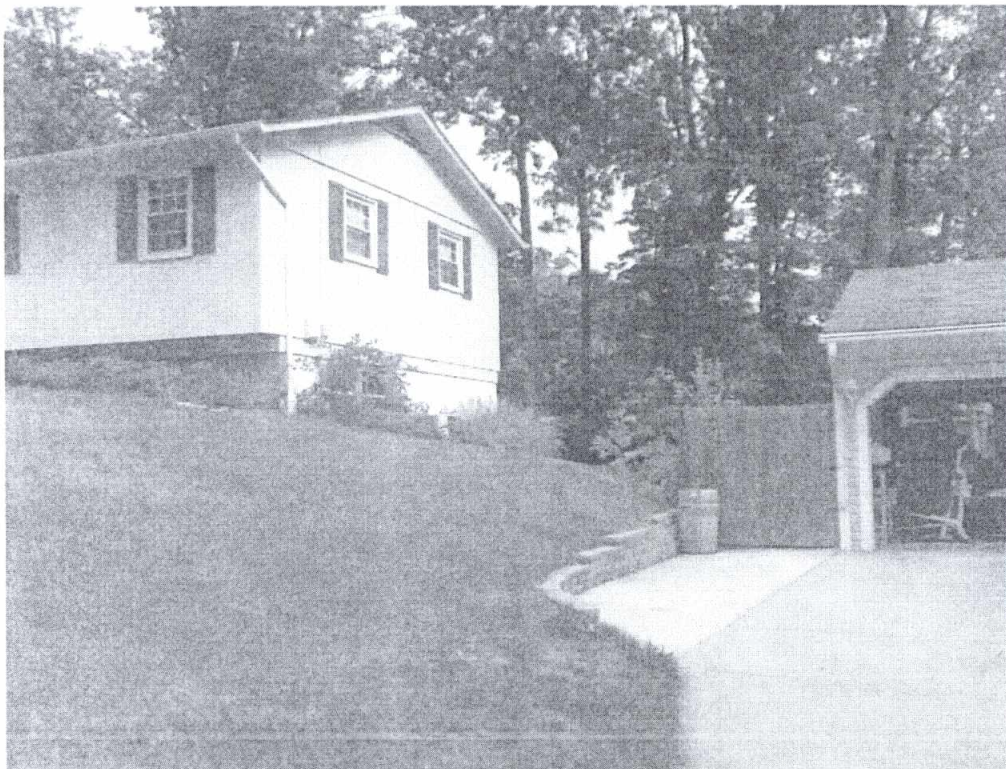


**Picture 5: Inside of garage looking towards the original house wall, behind refrigerators** *July 11*

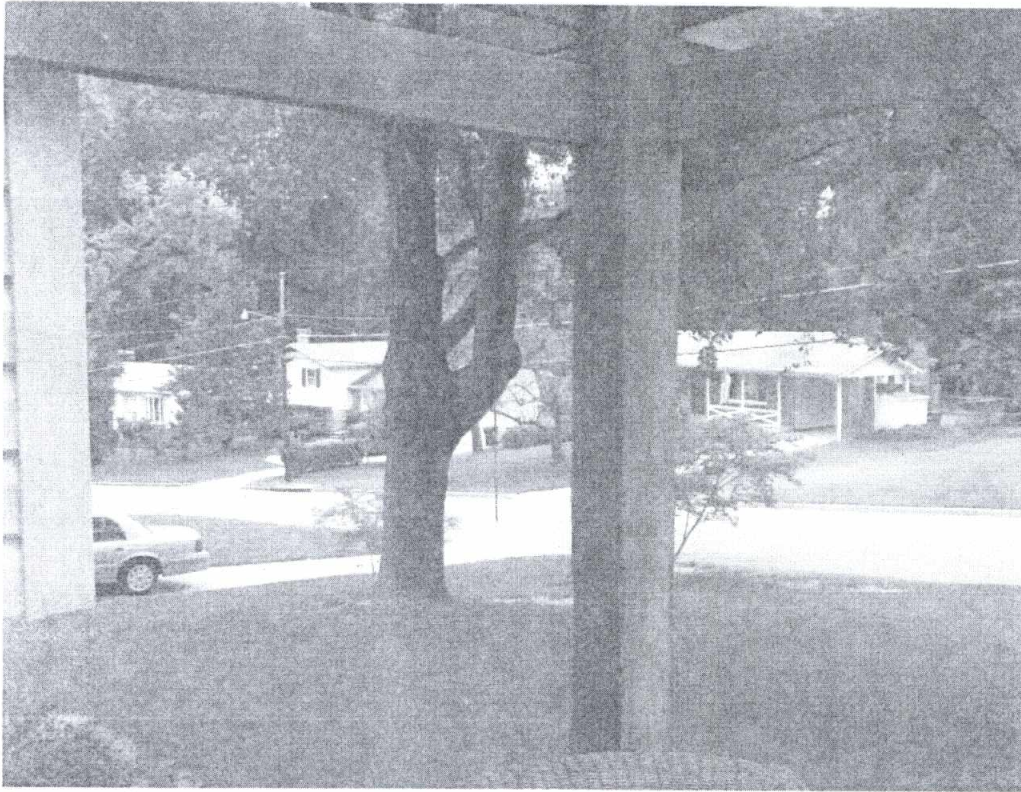


**Picture 6: Inside of garage looking towards the outside of the house.** *July 11*





Picture 7: Sight alignment from uphill neighbor's house July 11

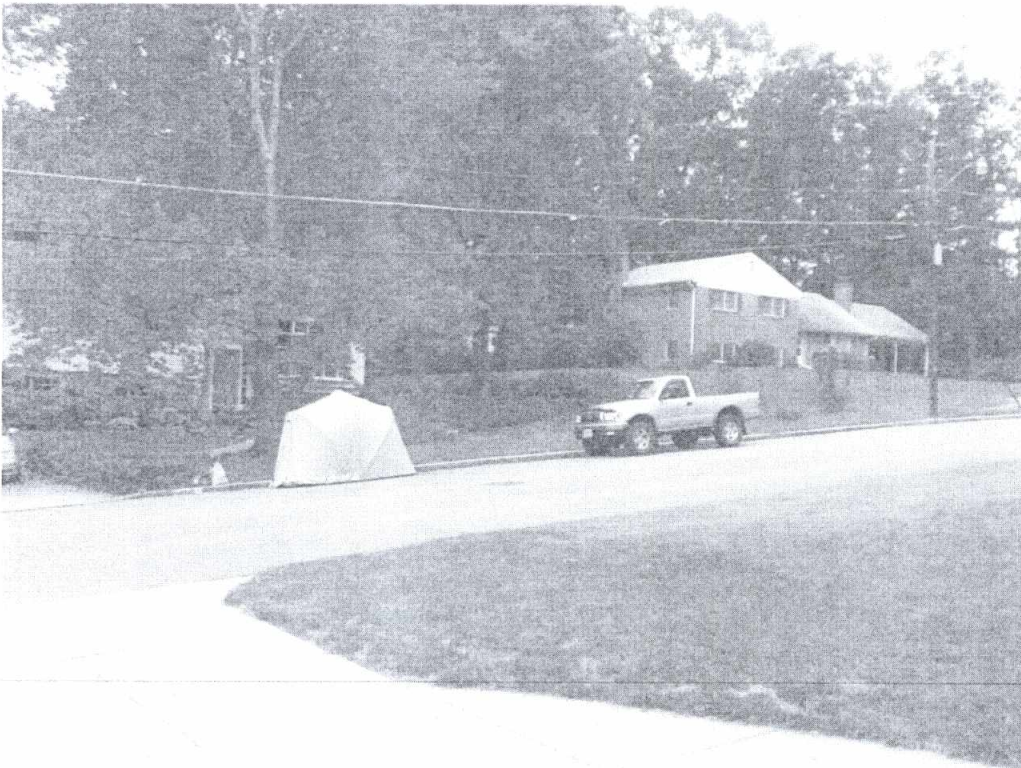


RECEIVED  
Department of Planning & Zoning

SEP 16 2011

Zoning Evaluation Division

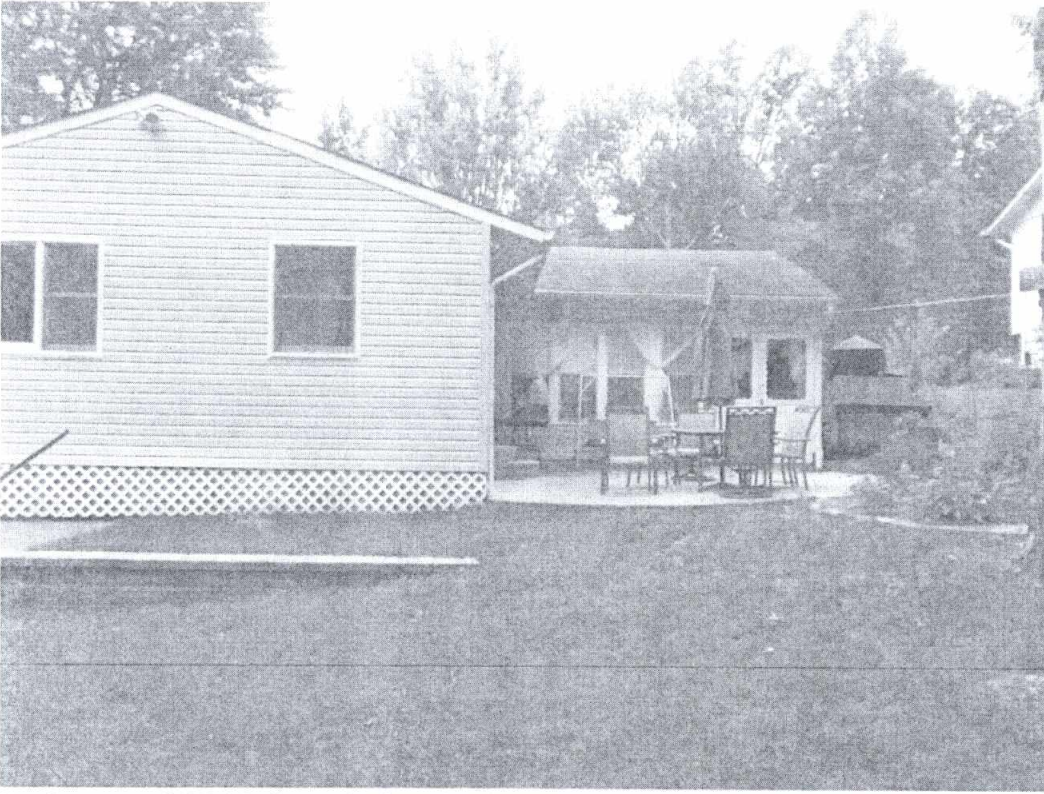
Across the street downhill neighbors from 8210



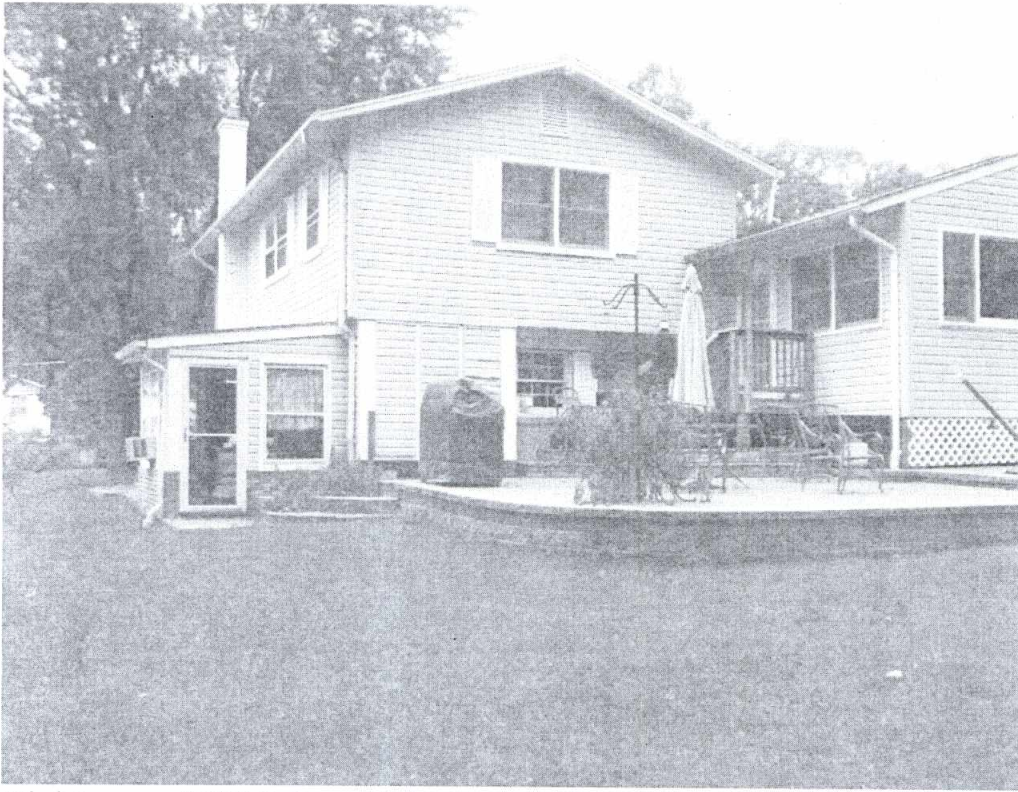
Across the street uphill neighbors from 8210



Left neighbor's house from left rear of 8210



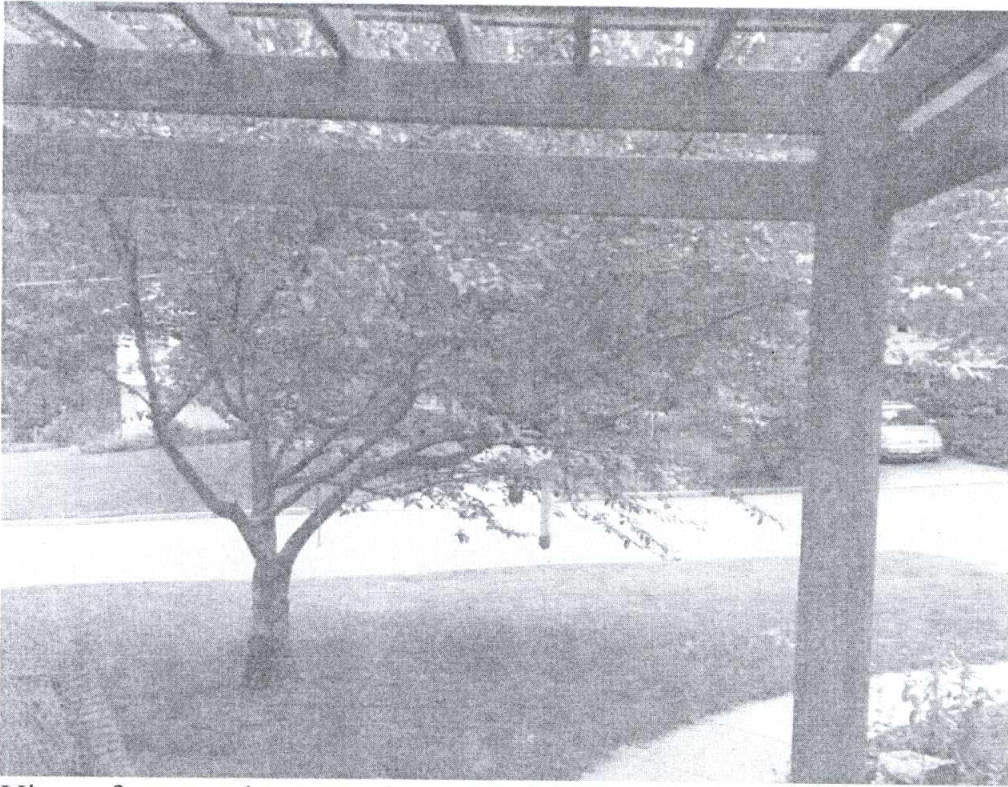
Left rear of 8210 from left neighbor's yard



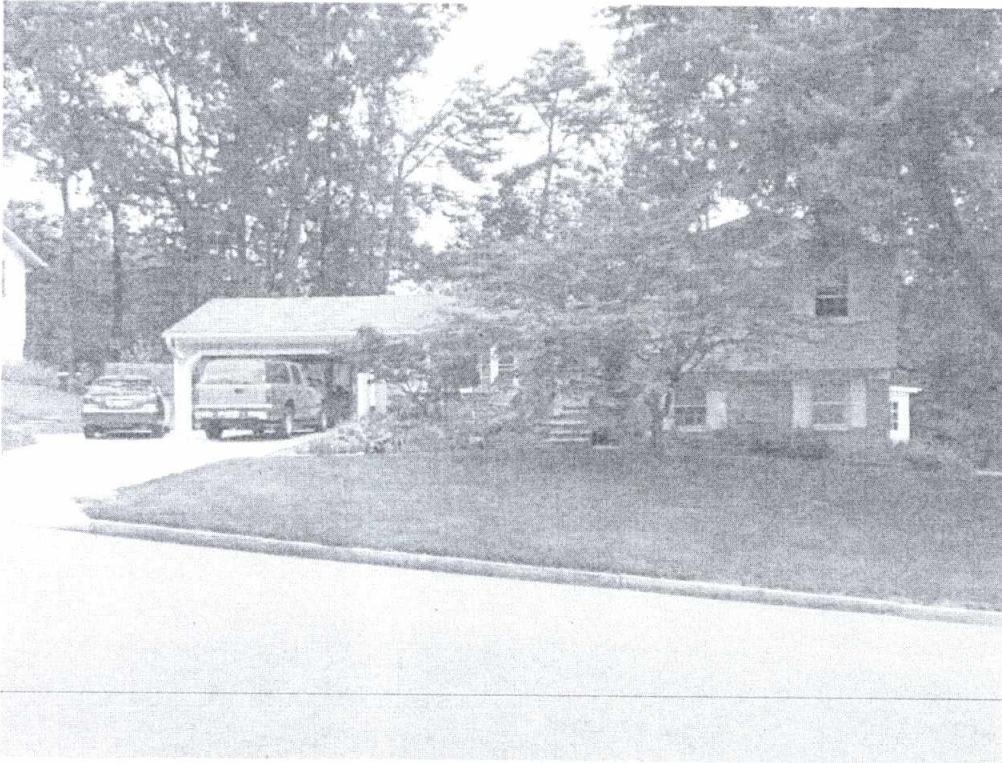
Right rear of 8210 from right rear neighbor's yard



Right downhill neighbors right side of house



View of across the street from front door



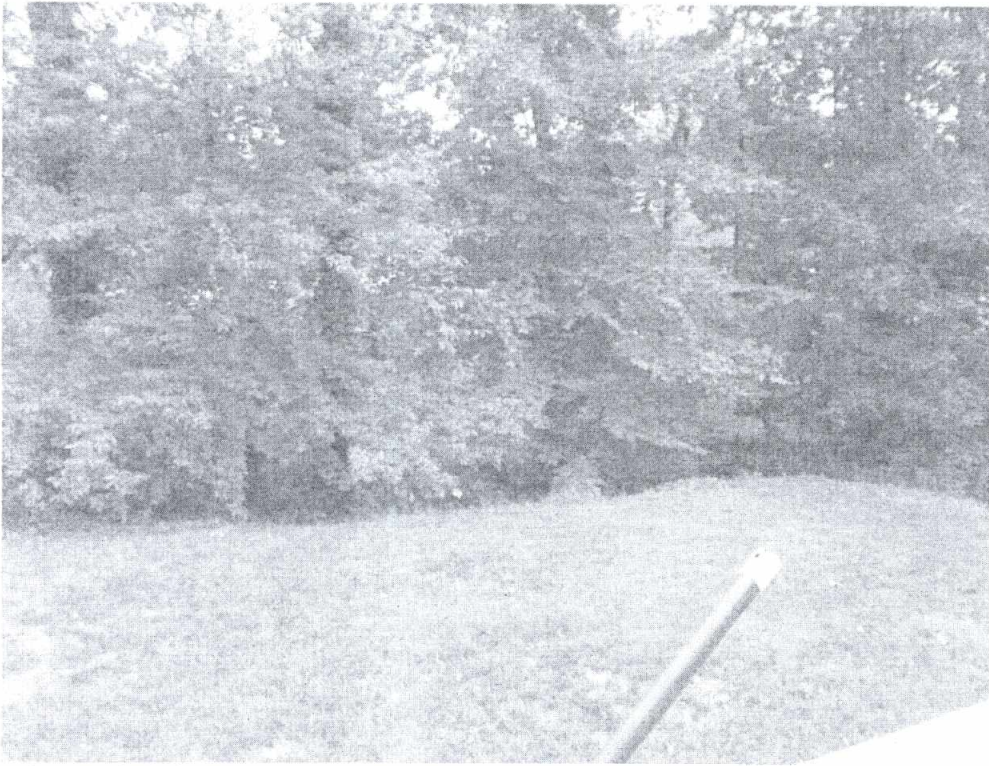
View of house from across the street



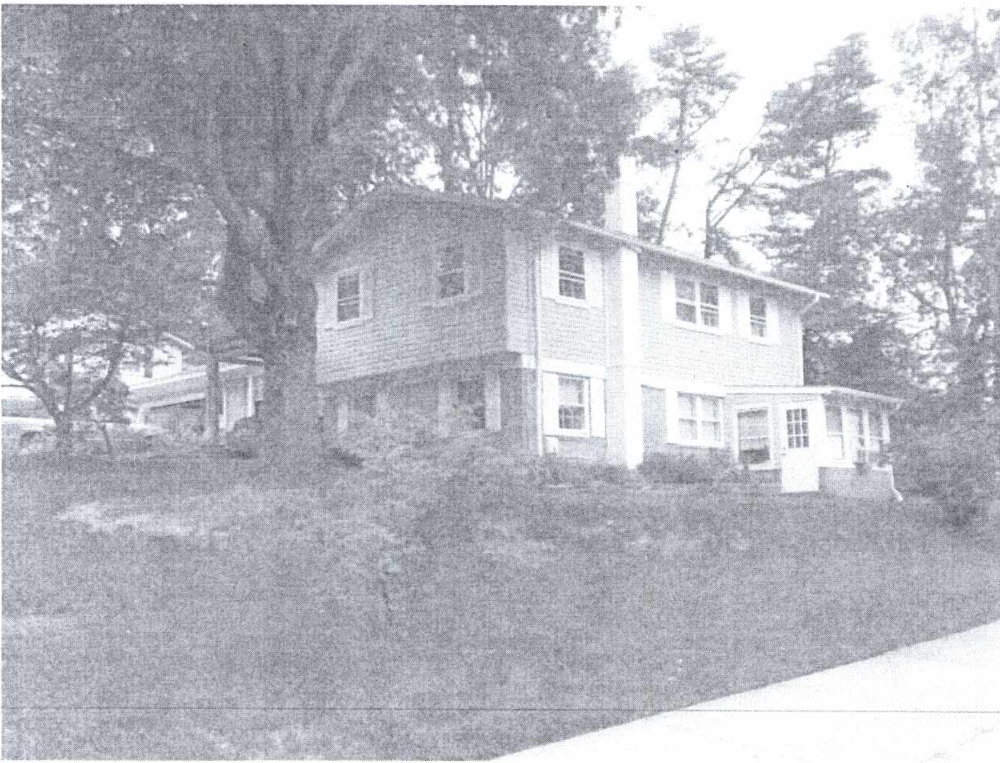
View of left rear neighbor's house from 8210



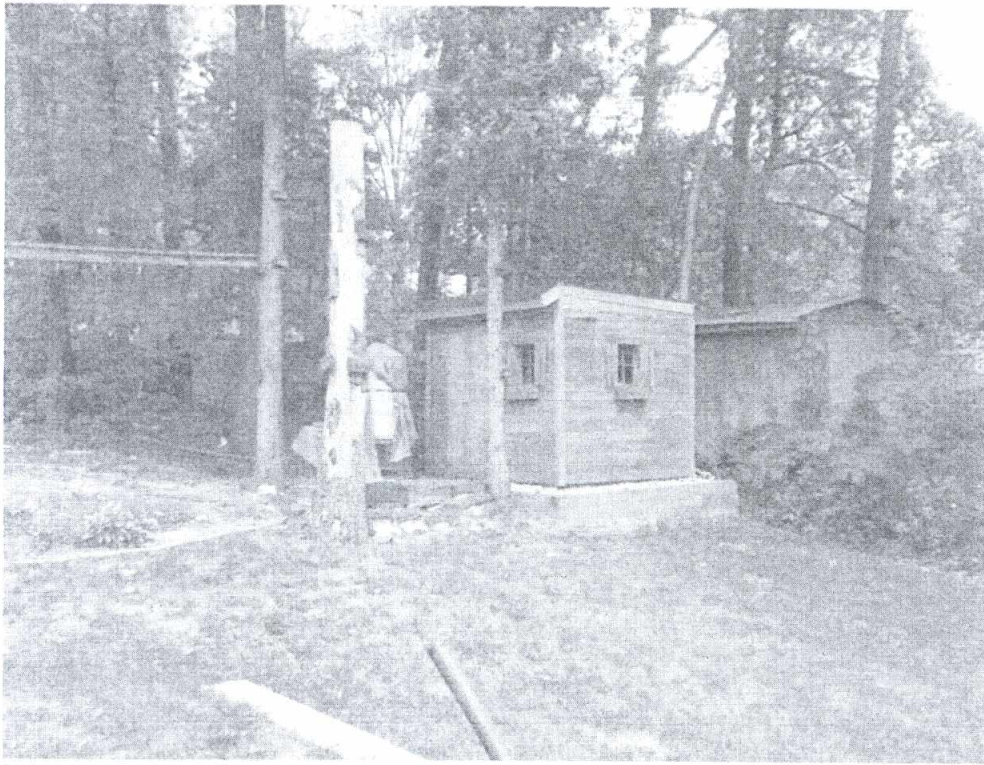
View of neighbor's house from right side of 8210



View of right rear neighbor's house from back of 8210



View of right side of house from neighbor's front yard



View of shed from back of 8210



**DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit to permit reduction of minimum yard requirements based on error in building location to permit a garage addition to remain 7.4 feet from the western side lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Min. Yard Req.*</b>	<b>Structure Location</b>	<b>Amount of Error</b>	<b>Percent of Error</b>
<b>Special Permit</b>	<b>Addition</b>	Side	12.0 feet	7.4 feet	4.6 feet	38%

\*Minimum Yard Requirement per Section 3-307

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3	Single Family Detached Dwellings
<b>South</b>	R-3	Single Family Detached Dwellings
<b>East</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-3	Single Family Detached Dwellings

**Existing Site Description**

The 11,813 square foot lot is developed with a split-foyer, brick and frame, single family detached dwelling constructed in 1962. The site is accessed via a concrete driveway which terminates at an existing garage. An 8.0 foot high shed is located in the northwestern corner of the rear yard. There is some existing mature vegetation located throughout the property consisting of a variety of trees and shrubs, and a manicured lawn.

**BACKGROUND**

On August 10, 2011, the applicant was issued a Zoning Ordinance Notice of Violation (NOV) upon inspections of the property on February 22, 2010, April 16, 2010 and June 13, 2011, which revealed 1) an accessory storage structure in the rear yard, which at the time of the initial inspection measured approximately 11 feet in height, and 2) a

carport enclosure into garage space which was constructed too close to the western side lot line. A copy of the NOV is included as Appendix 4. Since the issuance of the NOV, the applicant has reduced the height of the accessory storage structure to 8.0 feet, which now meets the Zoning Ordinance requirements; therefore, that portion of the NOV has been cleared. Building permits were obtained in 1984 to permit the construction of an open carport and in 1999 for the construction of a one-story addition to the rear of the dwelling. Building permit history is included as Appendix 5.

On September 11, 2011, the applicant was issued a Virginia Uniform Statement Building Code Corrective Work Order (CWO) based on a September 6, 2011, inspection of the property, in addition to the above noted Zoning violation, due to the enclosure of the carport into garage space without the issuance of the required permits, inspections and approvals. A subsequent NOV was issued for the same action. Copies of the CWO and NOV are included as Appendix 6. According to the applicant's statement of justification, relatives of the previous homeowner indicate that the carport was enclosed in approximately 1989. The applicant purchased the property in 2003. In reviewing the Tax Assessment records, the structure has only been taxed since 2000 and therefore does not meet the requirements for vested rights.

The applicant has applied for the applicable building permits since the issuance of the violations; however, is unable to obtain all applicable permits pending the outcome of this special permit request.

A copy of the submitted special permit plat titled "Special Permit Plat, Lot 192, Section Four, Keene Mill Manor" prepared by The Engineering Group, Inc., dated July 14, 2011, as sealed on October 13, 2011, is included at the front of the staff report.

Following the adoption of the current Ordinance, the BZA has heard the following special permit and variance requests in the immediate vicinity of the application parcel:

- Variance 83-S-029 was approved on May 10, 1983 for Tax Map 79-4 ((2)) 185, at 8203 Dabney Avenue, to allow construction of garage addition to dwelling to 9.0 feet from side lot line.
- Variance 93-S-056 was approved on August 5, 1993 for Tax Map 79-4 ((2)) 204, at 8206 Old Oaks Drive, to permit construction of addition 6 feet from side lot line.

## **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 Sects. 8-006, 8-903 and 8-914 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 7. 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 Affidavit
3. Applicant's Statement of Justification
4. Zoning Notice of Violation dated August 10, 2011
5. Building Permit History
6. Corrective Work Order dated September 11, 2011 and Building Code Notice of Violation dated November 9, 2011
7. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2011-SP-088**

**November 30, 2011**

1. This special permit is approved only for the location of an enclosed garage as shown on the plat prepared by The Engineering Groupe, Inc., dated July 14, 2011 as sealed on October 13, 2011, submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the garage addition within 180 days of approval of this special permit.

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

Application No.(s): SP 2011-SP-088  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 17 Oct 11  
(enter date affidavit is notarized)

I, Joshua M. Elliott and Kimberly A. Elliott, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)       applicant      113330  
                          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)
Joshua M. Elliott, II	8210 Blairton Road, Springfield, VA 22152	<b>Applicant/Title Owner</b>
Kimberly A. Elliott	8210 Blairton Road, Springfield, VA 22152	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): SP 2011-SP-088  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 17 Oct 11  
(enter date affidavit is notarized)

113330

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

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

**CORPORATION INFORMATION**

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

Application No.(s): SP 2011-SP-088  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 17 Oct 11  
(enter date affidavit is notarized)

113380

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

**PARTNERSHIP INFORMATION**

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

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

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

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

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

Application No.(s):

SP 2011-SP-088

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 17 Dec 11  
(enter date affidavit is notarized)

113330

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

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

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

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

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

None

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



Application No.(s): SP 2011-SP-088  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 17 Oct 11 11 3330  
(enter date affidavit is notarized)

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) Joshua M. Elliott  
 Applicant [ ] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 17<sup>th</sup> day of October 20 11, in the State/Comm. of Virginia, County/City of Fairfax.

Tonia L Geiger  
Notary Public

My commission expires: 9/30/13



## Special Permit Statement of Justification

Joshua Elliott  
8210 Blairton Road  
Springfield, VA 22152

RECEIVED  
Department of Planning & Zoning  
SEP 16 2011  
Zoning Evaluation Division

## General description of the structure:

The garage structure was originally designed and constructed around 1986 as a carport. According to the relatives of the deceased owners, the carport was enclosed as a garage in the late 1980's, somewhere around 1988 or 1989. In 2003, I bought the house from the owner who built the garage.

I am requesting a permit to keep the existing garage structure at 8210 Blairton Road, Springfield, VA 22152 for the following reasons;

- a. The error of the garage does not exceed ten percent of the area of the house.
- b. The non-compliance with the garage was through no fault of the current property owner faith. I bought the house in 2003 from the owner who built the garage. I bought the house in good faith, believing all structures to be properly and legally zoned. The home inspection and zoning plat did not show irregularities. The tax report showed taxes paid on the garage.
  1. The garage has existed since the late 1980's. Under current county requirements, structures that are older than 15 years are grandfathered from obtaining a zoning permit. Picture 1, shows the garage as it existed in 1991, 4 years beyond the 15 year requirement.
  2. The 15 year tax record should be imputed back to at least 1991. The tax department did not assess the garage until 2000. As evident by the 1991 photo, the garage did exist prior to the 2000 tax report.
- c. The reduction of the minimum yard requirement will not impair the purpose and intent of the minimum yard requirement nor will it be a detriment to the neighbor. The garage has not impeded the uphill (left side of the house) neighbor's access to his yard nor as a visual obstruction from his windows since the garage is on a down slope from the neighbor's house.
- d. The garage will not be detrimental to the use and enjoyment of the other properties in the immediate vicinity. I understand the purpose of the zone rule is to prevent crowding. However, the portion of the garage in the twelve foot easement is downhill from the neighboring house. It sits below their windows and is not in the sight line from inside the house, and therefore should not cause a feeling of crowding or encroachment. See picture 7.
- e. Approving a reduction to the minimum yard requirement will not create an unsafe condition with respect to other properties or public streets. The garage has been in place for over 20 years and has no negative effect on the neighbors.
- f. To force compliance with the minimum yard requirement would cause unreasonable hardship upon the current owner. Currently, the house is one of the most valuable houses in the surrounding area because of the garage. Dismantling the garage would devalue the house by at least \$30, 000, and negatively affect the value of surrounding properties. Additionally, future improvements to the house will not be cost effective.
- g. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Based on the reasons above, I request the special permit for the garage structure. As seen in pictures 2 through 6, the garage is an integral part of the house. Since it is down slope of the neighbor's house, it poses no sight blockage or perceived encroachment.

There are no known hazardous or toxic substances as set forth in Title 40, code of federal regulation parts 116.4, 302.4, and 355.



Joshua Elliott

RECEIVED  
Department of Planning & Zoning

SEP 16 2011

Zoning Evaluation Division

Special Permit Statement of Justification

Joshua Elliott  
8210 Blairton Road  
Springfield, VA 22152

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1. The garage has existed since the late 1980's. Under current county requirements, structures that are older than 15 years are grandfathered from obtaining a zoning permit. Picture 1, shows the garage as it existed in 1991, 4 years beyond the 15 year requirement.
2. The 15 year tax record should be imputed back to at least 1991. The tax department did not assess the garage until 2000. As evident by the 1991 photo, the garage did exist prior to the 2000 tax report.
3. I bought the house in 2003 from the owner who built the garage. I bought the house in good faith, believing all structures to be properly and legally zoned. The home inspection and zoning plat did not show irregularities. The tax report showed taxes paid on the garage.
4. Currently, the house is one of the most valuable houses in the surrounding area because of the garage. Dismantling the garage would devalue the house and negatively affect the value of surrounding properties. Future improvements will not be cost effective.
5. I understand the purpose of the zone rule is to prevent crowding. However, the portion of the garage in the twelve foot easement is downhill from the neighboring house. It sits below their windows and is not in the sight line from inside the house, and therefore should not cause a feeling of crowding or encroachment. See picture 7.

Based on the reasons above, I request the special permit for the garage structure. As seen in pictures 2 through 6, the garage is an integral part of the house. Since it is down slope of the neighbor's house, it poses no sight blockage or perceived encroachment. I understand that granting of a special permit does not negate ensuring that the structure meets building codes. Upon acceptance of the structure, it will be inspected for code compliance.

  
Joshua Elliott

RECEIVED  
Department of Planning & Zoning

AUG 26 2011

Zoning Evaluation Division

## Special Permit Statement of Justification

Joshua Elliott  
8210 Blairton Road  
Springfield, VA 22152

### General description of the structure:

The garage structure was originally designed and constructed around 1986 as a carport. According to the relatives of the deceased owners, the carport was enclosed as a garage in the late 1980's, somewhere around 1988 or 1989. In 2003, I bought the house from the owner who built the garage.

I am requesting a permit to keep the existing garage structure at 8210 Blairton Road, Springfield, VA 22152 for the following reasons;

- a. The error exceeds ten percent of the measurement involved.
- b. The non-compliance with the garage was through no fault of the current property owner faith. I bought the house in 2003 from the owner who built the garage. I bought the house in good faith, believing all structures to be properly and legally zoned. The home inspection and zoning plat did not show irregularities. The tax report showed taxes paid on the garage.
  1. The garage has existed since the late 1980's. Under current county requirements, structures that are older than 15 years are grandfathered from obtaining a zoning permit. Picture 1, shows the garage as it existed in 1991, 4 years beyond the 15 year requirement.
  2. The 15 year tax record should be imputed back to at least 1991. The tax department did not assess the garage until 2000. As evident by the 1991 photo, the garage did exist prior to the 2000 tax report.
- c. The reduction of the minimum yard requirement will not impair the purpose and intent of the minimum yard requirement nor will it be a detriment to the neighbor. The garage has not impeded the uphill (left side of the house) neighbor's access to his yard nor as a visual obstruction from his windows since the garage is on a down slope from the neighbor's house.
- d. The garage will not be detrimental to the use and enjoyment of the other properties in the immediate vicinity. I understand the purpose of the zone rule is to prevent crowding. However, the portion of the garage in the twelve foot easement is downhill from the neighboring house. It sits below their windows and is not in the sight line from inside the house, and therefore should not cause a feeling of crowding or encroachment. See picture 7.
- e. Approving a reduction to the minimum yard requirement will not create an unsafe condition with respect to other properties or public streets. The garage has been in place for over 20 years and has no negative effect on the neighbors.
- f. To force compliance with the minimum yard requirement would cause unreasonable hardship upon the current owner. Currently, the house is one of the most valuable houses in the surrounding area because of the garage. Dismantling the garage would devalue the house by at least \$30,000, and negatively affect the value of surrounding properties. Additionally, future improvements to the house will not be cost effective.
- g. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Based on the reasons above, I request the special permit for the garage structure. As seen in pictures 2 through 6, the garage is an integral part of the house. Since it is down slope of the neighbor's house, it poses no sight blockage or perceived encroachment.



# 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

**DATE OF ISSUANCE:** August 10, 2011

### SHERIFF'S LETTER

**CASE #:** 201000518 **SR#:** 57746

**SERVE:** Joshua M. Elliot  
Kimberley A. Elliot  
8210 Blairton Rd  
Springfield, VA 22152-1805

**LOCATION OF VIOLATION** 8210 Blairton Rd  
Springfield, VA 22152-1805  
Tax Map #: 79-4 ((2)) 192  
Zoning District: R-3

RECEIVED  
Department of Planning & Administration  
AUG 26 2011  
Zoning Evaluation Division

Dear Property Owners:

An inspection of the above referenced property on February 22, 2010, April 16, 2010, and again on June 13, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

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

The presence of an accessory storage structure which measured approximately eleven feet (11') in height, is approximately 150 square feet in area and is located approximately three feet (3') and approximately five feet (5') respectively from the side and rear lot lines.

The Fairfax County Zoning Ordinance permits accessory storage structures to be located in minimum required yards; however, if the structure exceeds eight and one-half (8½) feet in height, it must be located on the lot so as to comply with Par. 10E of Sect. 10-104 of the Zoning Ordinance which states:

An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance

equal to the minimum required side yard to the side lot line.

The minimum required side yard distance in the R-3 District is ten feet (10') as detailed in Par. 3-307 (2) B (2) 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 (10' from the side property line and a distance comparable to its overall height from the rear property line) in accordance with Par. 10E of Sect. 10-104 of the Zoning Ordinance as outlined above.

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

---

**§ 10-104 (1) Accessory Building Attached to the Principal Building**  
**§ 2-307 (1) Meeting Minimum Bulk Regulations**

An investigation of the above referenced property has revealed an accessory structure (enclosed carport/garage) with the following dimensions: approximately 18' feet in width and approximately 22' feet in length, has been connected to the west side of the single family detached dwelling. This addition, thereby, becomes part of the principal building or dwelling as set forth in Par. 1 of Sect. 10-104 of the Fairfax County Zoning Ordinance, which states:

If an accessory-type building is attached to a principal building by

any wall or roof construction, it shall be deemed to be a part of the principal building and shall comply in all respects with requirements of this Ordinance applicable to a principal building(s), except as qualified in Sect. 2-412.

This addition is approximately 11' feet 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
- Returning the structure to its approved use as a carport and complying with Par. 1E of Sect. 2-412 of the Zoning Ordinance, copy enclosed; 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



Joshua M. Elliot  
Kimberley Elliot  
August 10, 2011  
Page 4

location to allow the addition to remain at its present location on the property and obtain approval of a Building Permit for the garage addition.

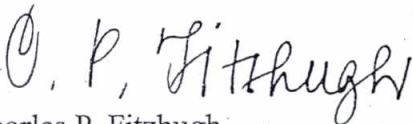
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A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

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 and 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.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1395.

Sincerely,



Charles P. Fitzhugh  
Code Compliance Investigator II

CPF

**BUILDING PERMIT APPLICATION**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
 FAIRFAX COUNTY, VIRGINIA  
 PERMIT APPLICATION CENTER  
 12055 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-5504  
 (703) 222-0801

PERMIT # 99026B0670  
 FOR INSPECTIONS CALL: (703) 222-0455

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
 (PLEASE PRINT OR TYPE)

**JOB LOCATION:**  
 ADDRESS 8210 BLAIRTON RD  
 LOT # 192 BUILDING \_\_\_\_\_  
 FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
 SUBDIVISION Kennedy Pt. 11 Pkway Sec. 4  
 TENANT'S NAME TED BURZENSKI

**OWNER INFORMATION:** OWNER  TENANT   
 NAME TED BURZENSKI  
 ADDRESS 8210 BLAIRTON RD  
 CITY SPRINGFIELD STATE VA ZIP 22152  
 TELEPHONE 754-2671

**CONTRACTOR INFORMATION:**  
 CHECK IF SAME AS OWNER   
 COMPANY NAME HARBINGED CON. CO.  
 ADDRESS 16096 SIMON KENTON RD  
 CITY HANNAH MARKET STATE VA ZIP 20169  
 TELEPHONE 703-754-2671  
 LOCAL CONTRACTOR LICENSE # 4123  
 STATE CONTRACTORS LICENSE # B014756  
 COUNTY BUSINESS ACCOUNT # 15-8286  
 APPLICANT D.K. DEGEN

**DESCRIPTION OF WORK**  
GROUND LEVEL ADDITION TO REAR OF EXISTING HOUSE.

HOUSE TYPE SFD  
 ESTIMATED COST OF CONSTRUCTION 70K  
 BLDG AREA (SQ FT OF FOOTPRINT) \_\_\_\_\_  
 USE GROUP OF BUILDING R4  
 TYPE OF CONSTRUCTION SR

SEWER SERVICE: PUBLIC  SEPTIC  OTHER   
 WATER SERVICE: PUBLIC  WELL  OTHER

OTHER PLEASE SPECIFY \_\_\_\_\_  
 DESIGNATED MECHANICS' LIEN AGENT:  
 (Residential Construction Only)  
 NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

NONE DESIGNATED:  PHONE: \_\_\_\_\_

**CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS:**

# KITCHENS _____	EXTER. WALLS _____
# BATHS _____	INTER. WALLS _____
# HALF BATHS _____	ROOF MATERIAL _____
# BEDROOMS _____	FLOOR MATERIAL _____
# OF ROOMS _____	FIN. BASEMENT _____ %
# STORIES _____	HEATING FUEL _____
BUILDING HEIGHT <u>14</u>	HEATING SYSTEM _____
BUILDING AREA _____	# FIREPLACES _____
BASEMENT _____	

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # W-99-00793  
 TAX MAP # 0794-07-0190

ROUTING	DATE	APPROVED BY:
① ZONING	<u>1/26/99</u>	<u>[Signature]</u>
② SITE PERMITS	<u>1/26/99</u>	<u>[Signature]</u>
SANITATION		
HEALTH DEPT.		
FIRE MARSHAL		
③ BUILDING REVIEW	<u>1/26/99</u>	<u>[Signature]</u>
LICENSING	<u>1/26/99</u>	<u>[Signature]</u>
ASBESTOS		

FEE \$ \_\_\_\_\_  
 FILING FEE \$ \_\_\_\_\_  
 AMOUNT DUE \$ 56-

**BUILDING PLAN REVIEW**  
 REVIEWER \_\_\_\_\_ # OF HOURS \_\_\_\_\_  
 REVISION FEES \$ \_\_\_\_\_  
 FIRE MARSHAL FEES \$ \_\_\_\_\_  
 FIXTURE UNITS \_\_\_\_\_ PLAN LOC. J  R

APPROVED FOR ISSUANCE OF BUILDING PERMIT  
 BY [Signature] DATE 1/26/99

ZONING REVIEW: ZONING CLASS R-3  
 USE SFD-62  
 ZONING CASE # \_\_\_\_\_  
 GROSS FLOOR AREA OF TENANT SPACE \_\_\_\_\_

YARDS: \_\_\_\_\_ GARAGE: 1  2  3   
 FRONT \_\_\_\_\_ OPTIONS: YES  NO   
 FRONT nc REMARKS:  
 L SIDE L Box on 2nd story  
 R SIDE L ADD 24x20 mud room  
 REAR 42 Box on 2nd K-tile

**GRADING AND DRAINAGE REVIEW**  
 SOILS: # SS A  B  C   
 HISTORICAL DISTRICT \_\_\_\_\_  
 AREA TO BE DISTURBED (TOTAL SQ FT) 1,360  
 ADD'L IMPERVIOUS AREA (ADDED SQ FT) 1150  
 PROFFERS \_\_\_\_\_  
 PLAN # \_\_\_\_\_ APPR. DATE \_\_\_\_\_

STAMPS:  
FP  
 (See reverse side of application)

REMARKS:  
[Signature]

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

[Signature] 1-26-99  
 Signature of Owner or Agent Date

Notary Signature \_\_\_\_\_ Date \_\_\_\_\_  
 (Notarization required if owner not present at time of application)

SOLE PROP.  
 Printed Name and Title

MAP REF

FORM ZA

FOR USE

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NAME OF

PREMISES

LOT NUMB

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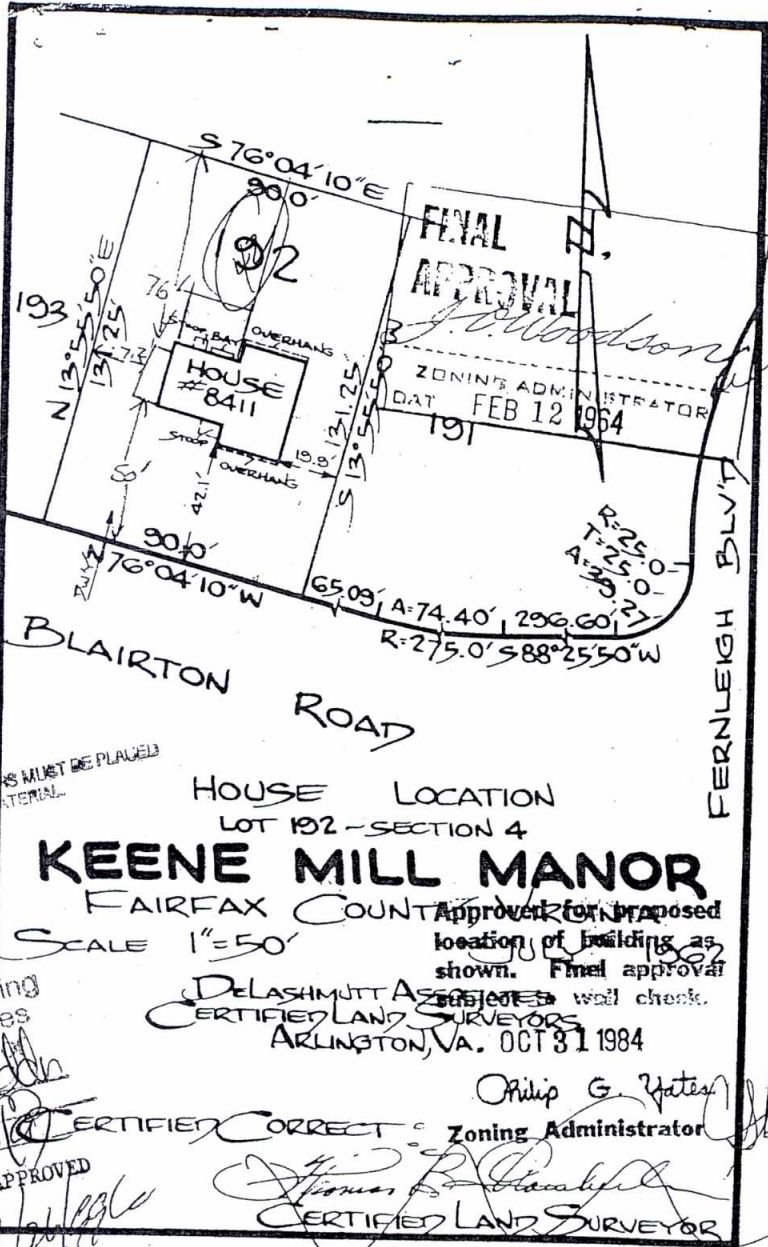
NOTINGS AND PIPES MUST BE PLACED  
ON SURFACE MATERIAL

No. of S

WHICH FL  
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DOWNES  
Office of Building  
Code Services  
Approved  
Address

By  
Date  
THIS APP  
OCCUPANC



**FINAL APPROVAL**  
*J. Woodson*  
ZONING ADMINISTRATOR  
DATE FEB 12 1964

HOUSE LOCATION  
LOT 192 - SECTION 4  
**KEENE MILL MANOR**  
FAIRFAX COUNTY

SCALE 1"=50'

Approval for proposed location of building as shown. Final approval subject to wall check.  
DELAHUNTT ASSOCIATES  
CERTIFIED LAND SURVEYORS  
ARLINGTON, VA. OCT 31 1984

*Philip G. Yates*  
Zoning Administrator

*Thomas P. ...*  
CERTIFIED LAND SURVEYOR

IT IS UNDERSTOOD THAT THE CERTIFICATE OF OCCUPANCY DOES NOT CONFER THE RIGHT TO ERECT OR MAINTAIN ANY KIND OF SIGNS.  
APPROVED  
Zoning Administrator

ZONING SECTION	DESIGN REVIEW	SIGNATURE OF PROPOSED OCCUPANT
No. <u>D-10619</u>	By <u>[Signature]</u>	L. G. MELTZER ASSOC., INC.
ISSUED <u>[Signature]</u>	Date <u>1-23-84</u>	1012 14th ST. N.W., WASH. 5, D.C.
	TELEPHONE NUMBER	NATIONAL 5-4868

**BUILDING  
 PERMIT APPLICATION**

APPLICATION NO

19  
 Date

**JOB LOCATION**

Street 8210 BELMONT RD. SPFLD VA  
 Building \_\_\_\_\_ Floor \_\_\_\_\_ Suite \_\_\_\_\_  
 Subdivision \_\_\_\_\_  
 Tenants Name \_\_\_\_\_

DO NOT WRITE IN THIS SPACE

Permit No. 54305 00570  
 Map Reference 72-4-02-193  
 Building Permit No. \_\_\_\_\_ Control No. \_\_\_\_\_  
 Std. \_\_\_\_\_ Mag. \_\_\_\_\_ Plan \_\_\_\_\_ Census \_\_\_\_\_

OWNER

Name TED BURZENSKI  
 Address (Mailing) 8210 BELMONT RD.  
 City SPRINGFIELD State VA Zip 22152  
 Telephone 451-0971

CONTRACTOR

Company Name HORN CONSTRUCTION  
 Master RIC HORN  
 Address P.O. BOX 2244  
 City SPRINGFIELD State VA Zip 22152  
 Telephone 451-7450 License No. \_\_\_\_\_  
 State Contractors License No. 024226  
 County Business Account No. 5957

For DESCRIPTION ROUTING

Description	Date	Approved By
Health Review		
Site Review	<u>1/31/84</u>	<u>[Signature]</u>
Zoning Review	<u>1/31/84</u>	<u>[Signature]</u>
Sanitation Review		
Building Review	<u>1/31/84</u>	<u>[Signature]</u>
Fire Review		

Model/Use \_\_\_\_\_  
 Sewage: Public  Community  Septic Tank  None   
 WATER: Public  Individual Well  None   
 N-New  D-Demolish  
 R-Alter or Repair  M-Move  
 A-Add To  O-Other

REMARKS:  
**BUILDING DESCRIPTION**  
 # Units \_\_\_\_\_  
 # Stories \_\_\_\_\_  
 # Rooms \_\_\_\_\_  
 # Bedrooms \_\_\_\_\_  
 # To be Added \_\_\_\_\_  
 # Baths \_\_\_\_\_  
 # Half Baths \_\_\_\_\_  
 # Kitchens \_\_\_\_\_  
 # Fireplaces \_\_\_\_\_  
 Basement \_\_\_\_\_  
 % Basements to Finish \_\_\_\_\_

Use Group of Building \_\_\_\_\_  
 Type of Construction \_\_\_\_\_  
 Building Area \_\_\_\_\_  
 Estimated Const. Cost 5000.00

**ZONING REVIEW**  
 Zoning Proffers Building \_\_\_\_\_  
 Zoning Class \_\_\_\_\_  
 Zoning Case # \_\_\_\_\_

**BUILDING CHARACTERISTICS**  
 Building Height \_\_\_\_\_  
 Exterior Walls \_\_\_\_\_  
 Interior Walls \_\_\_\_\_  
 Roofing Material \_\_\_\_\_  
 Flooring Material \_\_\_\_\_  
 Heating Fuel \_\_\_\_\_  
 Heating System \_\_\_\_\_

**GRADING AND DRAINAGE REVIEW**  
 Soils \_\_\_\_\_  
 Historical \_\_\_\_\_  
 Plan # \_\_\_\_\_  
 Retaining Wall \_\_\_\_\_

BUILDING DIMENSIONS			
No. Stories	Width	Depth	Sq. Ft.
	X	=	
	X	=	
	X	=	
	X	=	

YARDS Front Left Side Right Side Rear  
45.5 106.0 171 25.3

REMARKS CARPOR - 18'X32' - OPEN THREE SEAS  
NO ELECTRICAL OR PLUMBING  
TURNED IN 1/31/84  
BY [Signature]

FOR COUNTY USE ONLY:

Date 0-31-84 By [Signature]  
 Approved for Issuance of Building Permit \_\_\_\_\_  
 Fee \_\_\_\_\_  
 Filing Fee \_\_\_\_\_  
 Amount Due \_\_\_\_\_

The request for and use of personal information on this form is subject to the provisions of the Privacy Protection Act of 1976 and the Freedom of Information Act.  
 I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that if a permit is issued the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations including private building restrictions, if any, which relate to the property. He/She and the company or organization named and represented herein is duly registered or exempt from registration in accord with the provisions of Chapter 7 of the Code of Virginia.

MAP REF

FORM ZA

FOR USE

(WRITE W

NAME OF

PREMISES

LOT NUMB

SUBDIVIS  
ACREA

TO BE US

LAST USE

NON CONF

MATERIAL

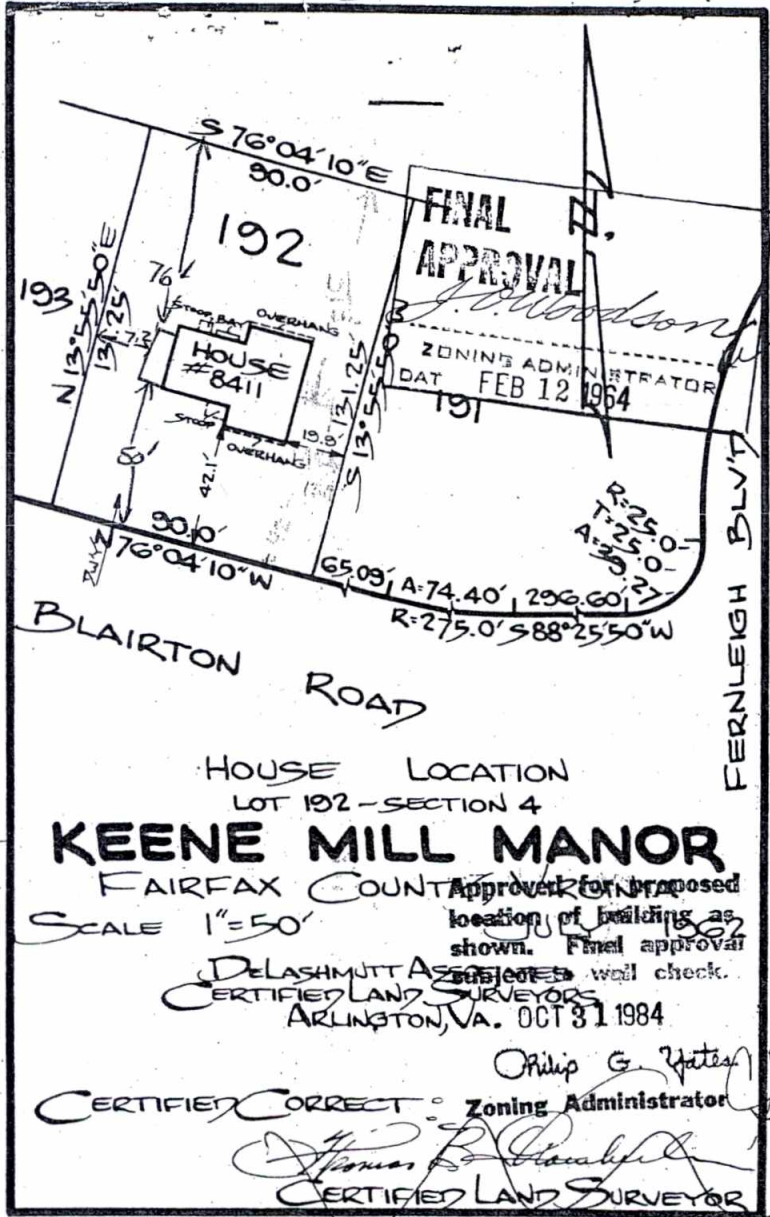
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WHICH FL  
USE?

OWNER OF

ADDRESS

THIS APP  
OCCUPANC



IT IS UNDERSTOOD THAT THE CERTIFICATE OF OCCUPANCY DOES NOT TAKE THE PLACE OF ANY LICENSE THAT MAY BE REQUIRED BY LAW, AND ALSO THAT IT DOES NOT CONFER THE RIGHT TO ERECT OR MAINTAIN ANY KIND OF SIGNS.

ZONING SECTION No. D-10619 By [Signature] ADDRESS 1012 14th ST. N.W., WASH. 5, D.C.

ISSUED [Signature] Date 1/23/84 NATIONAL 5-4000 TELEPHONE NUMBER [Number]

A-9  
9  
60  
TE OF SECTION



# 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:** September 11, 2011

**METHOD OF SERVICE:** OFFICE OF THE SHERIFF

**LEGAL NOTICE ISSUED TO:** Elliott Joshua M li

**ADDRESS:** 8210 Blairton Road  
Springfield, VA 22152

**LOCATION OF VIOLATION:** 8210 Blairton Road  
Springfield, VA 22152-1805

**TAX MAP REF:** 79-4 ((2)) 0192

**CASE #:** 201000518    **SR#:** 66308

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011, an inspection on September 06, 2011 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 September 06, 2011, County staff inspected the above referenced premises and discovered that a attached carport has been converted to garage without the issuance of the required permit or permits, inspections, and approvals.

**Order:** Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2009 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.

---

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](http://www.fairfaxcounty.gov/code)

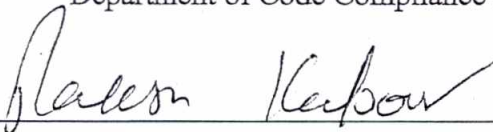
2. Contact me at (703) 324-9321 within the timeframe established to confirm the violation(s) have been abated.
3. Call (703) 222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201000518.

You are directed to notify Rakesh Kapoor by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703) 324-9321 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.

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 Building Permit. If removal of unpermitted features (including appliances, cabinets and plumbing fixtures) is required, a separate demolition permit will be required for this work. **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 Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.**

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) 324-9321 or the main office at (703) 324-1300.

Notice Issued By: Rakesh Kapoor  
Department of Code Compliance Investigator III

Signature: 

CC: Case File  
Michelle Brickner, Building Official  
Debra McMahan, Chief, Permit Application Center  
Paul Lynch, Deputy Building Official

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:** November 09, 2011

**METHOD OF SERVICE:** OFFICE OF THE SHERIFF

**LEGAL NOTICE ISSUED TO:** Elliott Joshua M Ii  
**ADDRESS:** 8210 Blairton Road  
 Springfield, VA 22152

**TAX MAP REF:** 79-4 ((2)) 0192

**LOCATION OF VIOLATION:** 8210 Blairton Road  
 Springfield, VA 22152-1805

**CASE #:** 201000518 **SR#:** 66308

You were issued a Corrective Work Order on September 11, 2011 (copy enclosed) for violations of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011. Staff confirmed on November 9, 2011 that the violations itemized below remain.

**Explanation:** On November 09, 2011 County staff inspected the above referenced premises and discovered that a carport has been converted to garage without the issuance of a Building Permit, inspections, and approvals.

**Order:** Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2009 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 45 calendar days from the date you received this notice.
3. Contact me at (703)324-9321 within the timeframe established to confirm the violation(s) has/have been abated.

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**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](http://www.fairfaxcounty.gov/code)



4. Call (703) 222-0455 to schedule all inspections related to this matter. Please reference CASE #: 201000518.

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

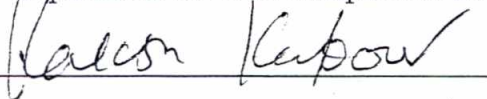
Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision. Failure to correct these defects within the time limits specified shall result in enforcement action being taken under the applicable State and County Codes.

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 Building Permit. If removal of unpermitted features (including appliances, cabinets and plumbing fixtures) is required, a separate demolition permit will be required for this work. **If you have received a Zoning Notice of Violation, contact the Zoning inspector at (703) 324-1300 who issued the Notice before coming to the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.**

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) 324-9321 or the main office at (703) 324-1300.

Notice Issued By: Rakesh Kapoor  
Department Of Code Compliance Investigator III

Signature: \_\_\_\_\_



CC: Case File  
Michelle Brickner, Building Official  
Debra McMahon, Chief, Permit Application Center

## **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, and
  - B. 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
  - C. Such reduction will not impair the purpose and intent of this Ordinance, and
  - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
  - E. It will not create an unsafe condition with respect to both other property and public streets, and
  - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
  - G. The reduction 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.