

Updated & Revised Notice of Zoning Violation

March 25, 2019

James Hathaway
Soleyah Groves
124 Melody Lane, SW
Vienna, VA 22180

Dear Property Owners:

After more than a year of discussions with staff and Town Attorney multiple zoning violations as related to unpermitted work, lot coverage and setbacks still exists on your property. This letter will serve as your final notice to bring this property back into compliance with the Town Code. This letter will also provide you with a sequence of actions that will need to be achieved in order to bring your property back into compliance with the Town Code in order to avoid further legal action from the Town of Vienna.

Currently, there are four outstanding zoning violations on your property.

1. A rear addition was built without an approved Building Permit that violates Town Code Section §18-218 and §18-229.
2. The newly built structure exceeds the allowable Lot Coverage which is a violation of Town Code Section §18-33.F which references section §18-15.F.
3. The newly built structure falls outside the Building Restriction Line (BRL) violating the Towns' minimum setback requirements listed in Town Code Section §18-33.D which references section §18-15.E.
4. The driveway was modified without a required Town of Vienna Driveway Permit which violates Sections §18-134, §18-144, §18-145 and §18-229.

On February 22, 2019 you submitted a Building Permit that could not be approved because it exceeds the allowable lot coverage of twenty-five (25) percent. Subsequently you were advised via email on March 11, 2019 to obtain a driveway permit indicating the necessary lot coverage reduction to meet the required twenty-five (25) percent. We have not yet received your revised Building Permit or Driveway Permit to date. Once the Driveway Permit is approved the Building Permit for the addition can be reconsidered.

Summary: action steps for compliance

1. Obtain an approved Driveway Permit that shows the revisions that bring the property in to compliance with the lot coverage and setbacks.
2. Apply for a Building Permit for the unpermitted addition after step 1 is completed with updated plat.
3. Modify structures on property that satisfy both TOV & Fairfax County Building Code requirements.
4. Upon project completion provide final Building Permit Inspection from Fairfax County FIDO online database for approved inspections. Submit a Final House Location Plat that demonstrates that all zoning requirements have been met.

Failure to act on these violations within fourteen (14) days will result in the Town taking legal action to bring this property back into compliance with the Town Code.

Your sincere and timely efforts in correcting this situation are expected and appreciated.

Sincerely,

Francis Simeck, CZA
Zoning Administrator

CC: Steven D. Briglia, Town Attorney
Cindy Petkac, Director of Planning & Zoning

Worksheet/notes not sent to violator

Reference Frank Simeck & Jim Hathaway emails of 3-11-19 & 3-8-19 respectively

Reference Building Permit Application rejected 2-22-19

Civil Penalties Section 18-281.1 (see 18-281.1 c, e & f)

Criminal Violations are all those NOT listed in Section-281.1

Four Violations & Penalties

Building w/o permit	CIVIL	Section18-218,18-229
Exceeding lot coverage	Criminal	Section 18-33.F, ref 18-15.F
Building outside BRL	Criminal	Section18-33.3D, ref Section18-15E
Modifying driveway w/o permit	CIVIL	Section 18-134, 18-144, 18-145 &18-229