Town of Clifton, Virginia
P.O. Box 309
Clifton, VA 20124

NOTICE OF VIOLATION

DATE OF ISSUANCE: July 12, 2021
CASE #: 20210712-01

SHERIFF SERVE:	**COPY SENT BY CERTIFIED U.S. MAIL:**
Infill by Design, LLC David Guglielmi, Registered Agent 10918 Woodfair Road Fairfax Station, VA 22039	Darlene Robetky & Glen Goossen, Owners 7184 Clifton Road Clifton, VA 20124

LOCATION OF VIOLATIONS: 7184 Clifton Road, Clifton, VA 20124
Tax Map #: 0754-02-0106
Town Zoning District: Residential, Historic Overlay

Dear Mr. Guglielmi:

Two inspections of the above referenced property were conducted on June 15, 2021 and on June 17, 2021. The inspections revealed multiple violations of the Code of the Town of Clifton, which are enumerated below.

Violations #1 and #2 Retaining Walls

Chapter 11, Chesapeake Bay Preservation Ordinance, §11-15(d)3 requires additional mitigation where potential impacts have not been adequately addressed.

Zoning Ordinance Chapter 9, §9-25(a) prohibits a use in violation of the detailed plan submitted by the builder and approved by the Town.

The retaining walls are not built in accordance with the structural plan and exceed the plan's maximum wall design height of 2'-10 1/2". Specifically, and as noted in the Town Engineer's letter dated June 25, 2021:

a. Many of the posts supporting the retaining wall are separating from the retaining boards on all the walls.
b. There are several areas that the height of the wall exceeds the maximum height of 2'-10-1/2" as shown on retaining wall detail sheet prepared by Master Engineer & Designers Plans titled "Timber Retaining Walls". The height of the retaining wall varies from 3' to 3.5' in height and may be higher once the accumulated sediment is removed from the bottom of the wall next to the silt fence.
c. There are numerous instances where the support post exceeds the maximum spacing between post as shown on the retaining wall detail sheet prepared by Master Engineer & Designers Plan titled "Timber Retaining Walls". Per the Master Engineer & Designers Plan the post spacing is dependent on the wall height. The post spacing design for a wall height of one (1) foot and below is a maximum of five (5) feet apart, the design post spacing for a wall height of one (1) to two (2) feet in height is a maximum of three (3) feet, and the design post spacing for a wall height of two (2) feet to 2'-10-1/2" is a maximum of two (2) feet.
d. Two of the retaining wall boards along the front retaining wall appear to be bowing.
e. The upper rear retaining wall boards appear to be bowing.
f. Accumulated sediment needs to be removed in between the wall and the silt fence, so the sediment does not impact the tree save vegetation area and end up in the storm sewer system and ultimately in Popes Head Creek.

Violations #3 and #4 Pedestrian Guardrail:

Zoning Ordinance Chapter 9, §9-25(a) prohibits a use in violation of detailed plan submitted by the builder and approved by the Town. Zoning Ordinance Chapter 9, §9-23(g) prohibits a structure architecturally incompatible with the historic aspects of the Historic Overlay District:

The pedestrian guardrail on top of the front retaining wall is visibly failing; is not built in conformance with the design sheet as submitted, and is constructed from material that is unapproved by the Town of Clifton's Architectural Review Board "ARB"). Specifically, and as noted in the Town Engineer's letter dated June 25, 2021:

a. Guard Posts are separating from the top rail.
b. Numerous pickets were spaced greater than 4" center to center design requirement per the Master Engineer & Designers Plan.
c. There is no visual evidence of a concrete foundation for the guard post as required per the Master Engineer & Designers Plan.

Violations #5 and #6 Site Grading:

Chapter 11 stormwater management concepts must be adequate. Zoning Ordinance Chapter 9, §9-25 lack of conformance with the previously submitted Plan of Development:

The grading of the site was not performed in accordance with the Fairfax County approved revised grading plan, specifically and as noted in the Town Engineer's letter dated June 25, 2021:

a. A swale draining to the northwest behind retaining wall 1 is missing per the Fairfax County approved grading plan.
b. A swale draining to the northeast behind rear retaining wall 1 is missing per the Fairfax County approved grading plan.
c. A swale draining to the northwest behind rear retaining wall 2 is missing per the Fairfax County approved grading plan.
d. A swale draining to the northeast behind rear retaining wall 2 is missing per the Fairfax County approved grading plan.

Violation #7 front door sidelights:

Zoning Ordinance Chapter 9, §9-23 Certificate of Appropriateness governs the material and fenestration of the building

The ARB approved only clear or frosted glass for the sidelights, and Mr. Guglielmi agreed to the requirements. However, the unapproved sidelights have not been replaced as agreed.

You are hereby directed to submit a plan of remediation to the Town of Clifton indicating precisely how you propose to correct each of the aforesaid violations on the property within thirty (30) days of the date of receipt of this Notice. Compliance can be accomplished by addressing the following required actions in the plan of remediation:

1). A new structural retaining wall design reflecting the constructed wall heights must be prepared and submitted for review and approval.
2). The existing retaining walls will need to be removed and built-in accordance with the new approved structural design.
3). The front and rear retaining walls need to be evaluated, brought into compliance with the "Virginia Residential Construction Code" (2015 International Residential Code)" and ANSI/AWC NDS-2012 "National Design Specification for Wood Construction" standards, and certified by an independent structural engineer licensed in the state of Virginia.
4). The pedestrian guard in the front yard needs to be replaced in conformance with what the ARB approved on June 24, 2021 and must be certified by an independent structural engineer licensed in the state of Virginia.
5). The missing swales must be implemented pursuant to the Fairfax County approved grading plan to reduce runoff over-topping the rear retaining walls and to reduce erosion and sediment from the property and minimize/prevent runoff from flooding the house.
6). Submit a plan of correction to remove the accumulated sediment in between the retaining wall and the silt fence, so the sediment does not impact the tree save vegetation area and infiltrate the storm sewer system and ultimately in Popes Head Creek.
7). Replace the existing front door sidelights with the approved clear or frosted glass only.

The plan of remediation must be submitted by email to clerk@cliftonva.gov in the stated time period. Failure to comply with this Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions. In addition, Town Zoning Ordinance §9-25 imposes a penalty of $1,000 per day for each violation after the thirty (30) day time-period for violation abatement has elapsed, namely:

> a. Any person, whether owner, lessee, principal, agent, employee, or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or uses any building or uses any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of up to One Thousand Dollars ($1,000.00). Each day that a violation continues shall be deemed a separate offense.

You have the right to appeal this Notice of Violation within thirty (30) days of the date of this letter in accordance with §15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within the thirty (30) day period to the Town of Clifton Board of Zoning Appeals ("BZA").

Should you choose to appeal, the appeal application must be filed with the Zoning Administrator and the BZA in accordance with §9-27 of Article 6 of the Town of Clifton Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of the decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and the required filing fee of $100. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

The appeal application form and additional information may be obtained by visiting the Town of Clifton's official website: http://cliftonva.gov/committees/zoningappeals/.

If you have any questions, you may contact me at clerk@cliftonva.gov or 202-415-0377.

This Notice is issued by:

Amanda Christman
Zoning Administrator, Town of Clifton