

**Town of Clifton, Virginia**  
**BOARD OF ZONING APPEALS**  
**PUBLIC HEARING DATE:** August 9, 2019  
**Time:** 7:30 PM  
**Location:** 7135 Main Street, Clifton, VA  
20124

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**July 26, 2019**

**STAFF REPORT**

**APPEAL APPLICATION 20190412-01**

**SPRINGFIELD TOWN OF CLIFTON DISTRICT**

<b>APPELLANT:</b>	Karen Harrington
<b>LOCATION:</b>	7151 Main Street Clifton, Virginia 20124
<b>TAX MAP ID:</b>	0754-02-0060
<b>ZONING DISTRICT:</b>	Residential, Historic Overlay
<b>SITE AREA:</b>	8,384 square feet
<b>NATURE OF APPEAL:</b>	Appeal of a Notice of Violation that a detached shed, which was erected without an approved Use Permit, is located within the property set-back limits, in violation of Zoning Ordinance provisions.

For information, contact the Zoning Administrator's Office of the Town of Clifton, P.O. Box 309, Clifton, Virginia 20124, [CliftonClerkVA@gmail.com](mailto:CliftonClerkVA@gmail.com).

## APPEAL APPLICATION

20190412-01

**Karen Harrington, 20190412-01**

Application under Sec. 9-27(a) of the Zoning Ordinance Appeal of a determination that a detached shed, which was erected without an approved Use Permit, is located within the property set-back limits, in violation of Zoning Ordinance provisions. Located at 7151 Main St., Clifton, VA 20124 on 8,384 square feet of land zoned Residential, Historic Overlay. Springfield Town of Clifton District Tax Map 0754-02-0060.



## DESCRIPTION OF APPEAL

<b>Appellant:</b>	Karen Harrington
<b>Property Description:</b>	The subject property is located on the east side of Main Street, directly adjacent to its intersection with Chapel Road. The property is located within the Residential Historic Overlay district, and is developed with a detached, two-story single-family dwelling, a previously-existing detached shed in the corner of the property and a newly-erected 10'x10' shed between the side of the dwelling and Main Street, which is the subject of the appeal application.
<b>Appellant's Position:</b>	The appellant's application and basis for appeal are set forth in Attachment 1.

## ZONING ORDINANCE PROVISIONS

The provisions of the Zoning Ordinance that are germane to this appeal are listed below. The complete text of these provisions is enclosed as Attachment 2.

- Sec. 9-10, Residential and Non-Residential Use Permits
- Sec. 9-19, Residential District, (b)1, Building Set-Back Requirements

## BACKGROUND

- At the Planning Commission's January 2019 meeting, the Planning Commission reviewed an application by Royce Jarrendt on behalf of Karen Harrington for the expansion of her existing shed in the corner of her property. The Commission advised Mr. Jarrendt that the Planning Commission could not recommend approval of the application because the existing shed is nonconforming as to setbacks. Mr. Jarrendt, acting as Dr. Harrington's agent, withdrew the application at that time. (See Attachment 3).
- On February 8, 2019, the Zoning Administrator received a report that Dr. Harrington had erected a new shed on her property, along with photographs of the structure. (See Attachments 4 and 5). At that time, the Zoning Administrator was directed to send a letter to Dr. Harrington informing her of the requirement that she submit a Use Permit application for the newly installed shed. The letter was sent via U.S. certified mail and by email on February 18, 2019. (See Attachment 6).

- On March 10, 2019, the Town received a Use Permit application from Dr. Harrington for the new shed that she had already erected on her property. (See Attachment 7). This application was reviewed by the Planning Commission at its March meeting, at which time it was noted that, despite the applicant’s failure to submit a plat showing all lot line setbacks with respect to the proposed shed, it could be determined that, relative to the side setback of the house, and given the applicant’s own admission that it was “about two feet away from the property line,” the shed was placed less than ten feet from the side property line. The Planning Commission advised Dr. Harrington that her application could not be recommended for approval due to the setback requirements not being met and submitted a report to the Town Council requesting that the Zoning Administrator be directed to send a Notice of Violation to Dr. Harrington. (See Attachments 3 and 8).
- On April 12, 2019, Dr. Harrington received the Notice of Violation by Sheriff’s service. The Notice of Violation outlined the Zoning Ordinance violations and advised the appellant to remove the structure from the property. (See Attachment 9).

The appellant filed the appeal on May 24, 2019; it was accepted by the Board of Zoning Appeals and scheduled for public hearing on July 24, 2019. (See Attachment 10). However, the appellant indicated to the BZA Chair that she will not be available on such date, and it is anticipated that the public hearing will be continued to August 9, 2019, which is a date that is amenable to all parties. (See Attachment 11).

## **SUMMARY OF APPELLANT’S POSITION**

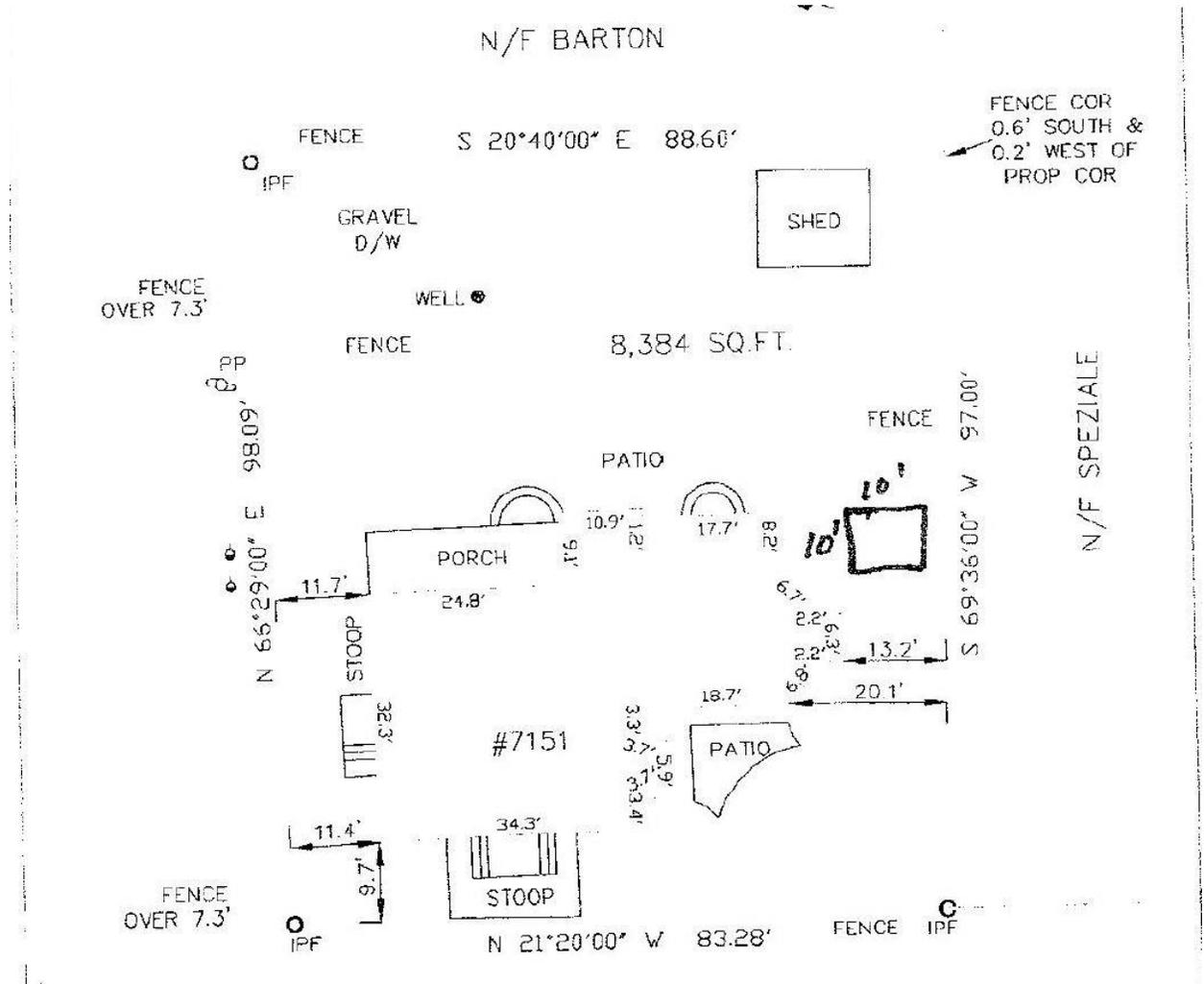
The appellant, Karen Harrington, has provided the following arguments in her appeal statement. First, she contends that she has limited options as to where her shed could be located on her property, and its current location is the only one that is “unobtrusive” and does not affect the value of her property.

The appellant further contends that she needs the shed in order to store her holiday decorations, and that it would be a detriment to the community if she were unable to display her decorations because of a lack of storage during the rest of the year.

## **ZONING ADMINISTRATOR’S POSITION**

At the end of January 2019, the appellant was advised by the Planning Commission, through her designated agent, Royce Jarrendt, that the Planning Commission could not recommend approval of her application to double the size of her existing shed, which was already a non-conforming structure as to side and rear setbacks. The Town Zoning Ordinance does not allow alterations to a non-conforming structure that expand or enlarge the non-conformity (Zoning Ordinance Section 9-16(b)(2)). At that time she was advised to seek a waiver from the Board of Zoning Appeals, which she did not do. Within a matter of days after the meeting, Dr. Harrington proceeded to add the second shed, without applying for a Use Permit first, as required by the Zoning Ordinance.

The new shed is also a non-conforming structure because it does not meet the side setback requirement for the property. Appellant's house is 13.2 feet from the Speziale's property line., Given that the shed is 10' wide and located between the house and the property line, and appellant's own admission that it's about 2 feet from the property line, the shed does not comply with the setback requirement.

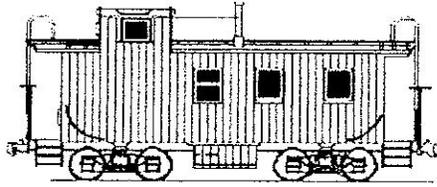


## **CONCLUSION**

Structures are not permitted within the setback limits, as set forth in the Town of Clifton's Zoning Ordinance. The appellant was made aware of the Town's setback requirements in January 2019. Nevertheless, she erected a structure just two feet away from her property line. She was notified in April that this violation could be remedied by removing the structure from the property. However, the appellant has taken no actions to resolve the violation at this time. Staff therefore recommends that the BZA affirm the determination of the Zoning Administrator as set forth in the Notice of Violation dated April 12, 2019.

## **ATTACHMENTS:**

1. Appellant's Application and Basis for Appeal
2. Applicable Zoning Ordinance Provisions
3. Use Permit for an enlargement of a non-conforming structure dated January 15, 2019
4. Email regarding a new shed recently seen at 7151 Main Street
5. Photographs of shed as viewed from public sidewalks
6. Letter from Zoning Administrator dated February 8, 2019
7. Use Permit application for the newly installed shed dated March 2019
8. Planning Commission report dated March 26, 2019
9. Notice of Zoning Violation dated April 12, 2019
10. Notice of Public Hearing
11. Emailed correspondence re: continuing the BZA public hearing to a mutually-agreeable date (anticipated to be August 9, 2019).



TOWN OF CLIFTON BOARD OF ZONING APPEALS

P.O. Box 309
Clifton, Virginia 20124

email: \_\_\_\_\_

Check only one:
[ ] APPLICATION FOR A ZONING VARIANCE, or
[X] APPEAL OF ZONING DETERMINATION

Submittal of this form with original signatures is required. PLEASE PRINT.

Variance:

Describe the variance requested and its justification, based on the standards specified in Section 15.2-2309 of the Virginia Code: \_\_\_\_\_

Appeal of Zoning Determination:

Attach a copy of the determination or order appealed from, and the basis of the appeal:

There is no place in my yard that would both comply with the zoning standard and not effect the value of my property adversely.

Address of the Subject Property:

7151 Main Street

Tax Map ID #:

75-4-02-0060

Zoning Classification of the Subject Property:

residential

Have any site alterations or any alterations to buildings on the site been completed or commenced in connection with this use?

[X] No [ ] Yes

If Yes, please describe:

Name and role of principal contact for this application (property owner or agent authorized in writing to act on behalf of property owner): Dr. Karen A. Harrington

Mailing address: PO Box 169

Email: Karen.Harrington Office Phone: 703-842-3822 Mobile Phone: 703-969-4104

c raytheon.com

## **REQUIREMENTS FOR ALL APPLICATIONS:**

Each application must:

- be completed with all required information.
- be signed and dated by the legal owner of the Subject Property.
- include the following:
  - Written evidence of the identity of legal owner of Subject Property (copy of deed, printout of data from Fairfax County real estate assessment website).
  - A written statement from the legal owner of the Subject Property identifying and authorizing an agent to act on their behalf (if applicable).
  - A Site Plan or Plat of the property, drawn to scale and signed by a certified engineer or land-surveyor, showing all existing buildings including accessory buildings and any proposed structure or alteration.
  - Any other drawings, pictures, plans and information that might assist the Board in making its decision.
- be accompanied by an application fee of \$100 payable by check to Town of Clifton Board of Zoning Appeals.

## **REQUIREMENTS FOR ZONING VARIANCE APPLICATIONS:**

In addition, each application for a variance must include the following documents:

- A letter signed by the owner or owner's agent applying for the variance and describing in detail the justification thereof, demonstrating that:
  - The strict application of the terms of the Zoning Ordinance would unreasonably restrict the utilization of the Subject Property or that the granting of a variance would alleviate a hardship due to a physical condition relating to the Subject Property that existed as of (on or prior to) the effective date of the Zoning Ordinance;
  - The hardship was not created by the applicant;
  - The granting of a variance will not be of substantial detriment to adjacent property or properties in proximity to the Subject Property;
  - The condition or situation of the Subject Property is not of so general or recurring a nature as to make reasonably practicable the formulation of an amendment to the Zoning Ordinance;
  - The application would not result in a use not otherwise permitted on the Subject Property or a change in its zoning classification, from those permitted in Chapter 9 of the Zoning Ordinance; and
  - The variance would not be contrary to the purpose of the Zoning Ordinance.
- A dimensional drawing showing the features desired if the variance request relates to height, setbacks or other architectural provisions.

## **REQUIREMENTS FOR ZONING DETERMINATION APPEALS:**

In addition, each appeal must include the following documents:

- A copy of the Zoning Determination from which appeal is being taken, certified by the Clerk of the Clifton Town Council.
- A letter signed by the owner or owner's agent appealing the Zoning Determination and specifying the grounds of such appeal.
- A copy of any Use Permits and/or Certificates of Appropriateness issued for the structure cited in the notice of zoning determination.

## **PROCESS FOR SUBMISSION OF APPLICATIONS:**

- Deliver one original and four copies of the completed executed application and the check for the application fee to the Secretary of the Board at the mailing address on the application.
- Email one copy of the completed executed application to the Secretary of the Board at the email address on the application.
- Deliver one copy of the completed executed application to the Clerk of the Town of Clifton at P.O. Box 309, Clifton, Va. 20124.

## **SCHEDULING HEARING:**

The BZA will schedule a public hearing as rapidly as practicable after receiving a duly submitted, completed and executed application and the application fee. Virginia law requires that a notice of hearing be published once a week for two successive weeks in some newspaper published or having general circulation in the Clifton area; specifying the time and place of hearing at which persons affected may appear and present their views. The hearing is required to be held not less than five days nor more than 21 days after the second advertisement appears in such newspaper. In addition, notices of hearing are required to be mailed by first class mail to the owners or the occupants of abutting property and property immediately across the street or road from the property which is the subject of a hearing.

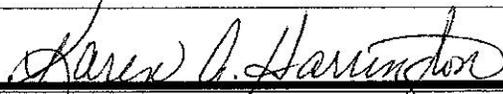
The Secretary of the Board will notify the applicant of the date, time and place of the hearing.

The undersigned hereby (check one):

applies for a Variance from the requirements of the Town of Clifton Zoning Code  
 appeals a Zoning Determination or Order from the Town of Clifton.

I hereby affirm and certify that:

- The information provided on this form is true and correct to the best of my knowledge.
- The requirements associated with this application have been read and are understood.
- The use and occupancy of buildings and/or the use of land noted above is in conformance with all provisions of the Town of Clifton, Virginia Zoning Ordinance to the best of my knowledge.
- The applicant must attend the public hearing scheduled for this application with the Board of Zoning Appeals and the application may be postponed or denied if the applicant does not appear on the assigned date.
- Incomplete applications will **NOT** be processed.

	<i>17 May 19</i>
Signature of Applicant (Name(s) Specified on Deed as Property Owner, or Authorized Agent)	Date

Print Name:  
*Dr. Karen A. Harrington*

**For Office Use Only:**

Application Received by:	Date:	Case No.:
Zoning District:		
	Method/Check No.:	Fee Paid:



## Appeal of Zoning Determination

7151 Main Street

I installed a 10' X 10' shed at my residence with the misunderstanding that for shed 100 sq ft or less, no permitting or other considerations were required. The shed is an absolute necessity, if I am going to continue to put up festive decorations, especially for Halloween and Christmas, that are enjoyed by the entire town and guests. I get tremendous positive feedback. My house does not have a basement, nor an attic that can house all of these decorations.

The position of the shed cannot be changed without negatively affecting the property value of my home. With my back patio and all of the large, old trees in my yard, there are only two places that would meet the standoff requirements, one would be in the middle of my backyard and the other would be right next to the front of my house where there is now a small patio. I have very little open space in my yard, so limited options for my shed. Where it stands now is unobtrusive and makes sense. It is not easily seen from either Main or Chapel Streets, which is good for a shed. I am not willing to give up my small back yard, so it would literally have to go in the front of my house, which would be ugly from the street. Taking away the backyard or the front patio would surely reduce the value of my property.

It is my hope that the joy and delight that comes to the community from my holiday decorations would give extra consideration for this request. I can't move the shed. If I have to sell it, I will have no place else to put these things and I believe it would be a great disappointment to the community not to have the festive house on the corner any more. It is a ton of work to put all of my things out there for everyone to enjoy, and I do get many thank yous, so it makes me happy. How will I explain it if I am forced to stop? Is that in the best interest of the town? Do your families not enjoy the decorations?

Please approve this appeal of the previous zoning determination.

Sincerely,



Dr. Karen A. Harrington

**ARTICLE 2 GENERAL REGULATIONS****Sec. 9-8. TERRITORIAL APPLICATION OF REGULATIONS**

The provisions of this Ordinance shall apply to all land and all structures in the incorporated territory of the Town of Clifton, Virginia.

**Sec. 9-9. GENERAL EFFECT**

No structure shall hereafter be erected and no existing structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used or arranged to be used for any purpose other than that which is included among the uses listed in the following Articles, as permitted in the zoning district in which the structure or land is located, nor shall any land or structure be used in any manner contrary to any other requirements specified in this Ordinance. A structure shall be defined as that which is built or constructed and affixed to the ground, including but not limited to: buildings, including garages; sheds; greenhouses; swimming pools; fences; and the like. A building shall be defined as any structure used or intended for supporting or sheltering any use or occupancy.

**Sec. 9-10. RESIDENTIAL AND NON-RESIDENTIAL USE PERMITS****a. Permit Required for Occupancy or Use.**

No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Section. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

**b. When Required.**

A Residential or Non-Residential Use Permit, whichever is applicable, shall be obtained before any person shall:

1. Occupy or use, or permit or cause to be occupied or used, any building or structure hereafter erected;
2. Change the use, or permit or cause a change in the use, of any existing building;
3. Occupy or use any vacant land;
4. Make any change in the use of a non-conforming use;
5. Enlarge any use; or
6. Continue any use after a change in the ownership or proprietorship of such use, except a single family dwelling or agricultural use (a change in ownership shall include any transfer of more than 50% of the stock of the applicant or the sale or lease of more than 50% of the assets of the corporation).

**c. Application for a Permit.**

Written application for a Residential or Non-Residential Use Permit shall be made to the Town of Clifton in accordance with the administrative procedures and forms promulgated by the Planning Commission and available from the Town Clerk and the Town of Clifton website. The Residential or Non-Residential Use Permit Application shall be accompanied by, if applicable, a Fairfax County Building Permit Application (and any fees therefor) and a fee of:

- 1) \$250.00, for adding to existing buildings, or new residential construction other than new homes, where the addition or new construction costs over \$25,000.00;
- 2) \$500.00, for new home or commercial construction;

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- 3) \$250.00 plus all costs for advertising for new special use permits in the Commercial District under Sec.9-21(a)(5) and new Bed & Breakfast use permits in the Residential District under Sec. 9-18(c)(K);
- 4) \$75.00 plus all costs for advertising for any amendment to a special use permit in the Commercial District under Sec.9-21(a)(5) or amendment to a Bed & Breakfast use permit in the Residential District under Sec.9-18(c)(1)(K); or
- 5) \$75.00, for all other construction, and any other use permit. Such fees shall be payable to the Town of Clifton and delivered to the Town Clerk together with the required written application, as required by the administrative procedures promulgated by the Planning Commission and available from the Town Clerk and the Town of Clifton website.

#### **d. Standards for Issuance of a Permit.**

1. The following minimum requirements must be met prior to preliminary issuance of a Residential or Non-Residential Use Permit:
  - A. Compliance with the zoning district regulations;
  - B. Provision of adequate parking;
  - C. Issuance of an ARB Certificate of Appropriateness (or a waiver from the Chairman of the ARB);
  - D. For any use that will result in a land disturbing activity that will exceed an area of 2,500 square feet, submission of a plan of development as described in the Town's Chesapeake Bay Preservation Ordinance; and
  - E. Compliance with such other provisions as may be deemed reasonable and necessary by the Town Council to fulfill the purpose and intent of the Zoning Ordinance of the Town of Clifton and the Historic Overlay District.
2. The following minimum requirements must be met prior to final issuance of a Residential or Non-Residential Use Permit:
  - A. Completion of the work or change, covered by the preliminary issuance of the Residential or Non-Residential Use Permit, in compliance with the minimum requirements set forth in paragraph 1. of this subsection and such other requirements as may be set forth in the Residential or Non-Residential Use Permit; and
  - B. If applicable, issuance of and compliance with (as evidenced by passage of all final inspections) a Fairfax County Building Permit.

#### **e. Procedure for Consideration of Application for a Permit.**

1. Within a reasonable time after receipt by the Town Clerk of the materials required to be submitted under subsection C. of this section, the Planning Commission shall review the Residential or Non-Residential Use Permit Application and shall recommend to the Town Council the approval or denial of the preliminary issuance of a Residential or Non-Residential Use Permit thereon.
2. Within a reasonable time after the Planning Commission making its recommendation for the approval or denial of the preliminary issuance of a Residential or Non-Residential Use Permit, the Town Council shall approve or deny the preliminary issuance of the Residential or Non-Residential Use Permit
3. Within a reasonable time after receipt by the Town Clerk of written notice of the completion of the work or change, covered by the preliminary issuance of the Residential or Non-Residential Use Permit, and, if applicable, compliance

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with (as evidenced by passage of all final inspections) a Fairfax County Building Permit, the Planning Commission shall recommend to the Town Council the approval of the final issuance of the Residential or Non-Residential Use Permit, unless it should appear to the Planning Commission that the occupancy or use is not in compliance with the standards set out in subsection D. of this section.

4. Within a reasonable time after the Planning Commission making its recommendation for the approval or denial of the final issuance of a Residential or Non-Residential Use Permit, the Town Council shall approve or deny the final issuance of the Residential or Non-Residential Use Permit.
5. Neither the Planning Commission nor the Town Council is required to take any action provided for under this subsection until the applicant complies with the provisions of subsection f. of this section.

#### **f. Notice of Hearings and Attendance at Hearings.**

The applicant shall post a notice (on forms provided by the Town Clerk) of the Residential or Non-Residential Use Permit Application in the Post Office and on the property concerned at least one week before the Planning Commission and Town Council meetings at which preliminary and final approval of the Residential or Non-Residential Use Permit is sought. The applicant or his agent must be present at all hearings on the Application before the Planning Commission and the Town Council and must provide proof of the notice required herein.

- g. Permit Not To Validate Any Violation. No Residential or Non-Residential Use Permit shall be deemed to validate any violation of any provision of this or any other law or ordinance.
- h. Revocation of Permit. The Town Council may revoke an approved Residential or Non-Residential Use Permit when it is determined that such approval was based on a false statement or misrepresentation of fact by the applicant.
- i. Expiration of Permit. All Residential or Non-Residential Use Permits and ARB Certificates of Appropriateness shall expire at the end of two years from the date of issuance if construction has not been fully completed by such time. All Residential or Non-Residential Use Permits applied for by a person or persons subject to a business license will expire three (3) months after written notification, by the Town Council, to the person or persons subject to the business license, of non-payment of the BPOL tax, penalties, and/or interest due and payable to the Town.
- j. Extension of Permit. The Town Council may renew any Residential or Non-Residential Use Permit that has not expired and the ARB may renew any Certificate of Appropriateness that has not expired.

#### **Sec. 9-10.1. BUILDING PERMITS**

The erection of all buildings and all structures, additions, deletions, and modifications thereto, shall be subject to the provisions of Chapter 61 of the Code of Fairfax County, Virginia. However, no building or structure, or addition, deletion, and modification thereto shall be erected until a Fairfax County Building Permit Application has been approved by Fairfax County, Virginia.

#### **Sec. 9-11.ZONING MAP**

The boundary lines of the zoning districts established herein shall be shown on a map of the Town, a copy of which shall be kept in the office of the Clerk to the Town Council and shall be available for public use and inspection.

#### **Sec. 9-12.ZONING DISTRICT BOUNDARIES**

The boundary line of the districts shall be as established and shown on the Zoning Map. The district boundary lines shall be, unless otherwise shown on the Zoning Map or herein described, either the center lines of streets or roads or railroads, or lines parallel or perpendicular thereto, as noted on the Zoning Map. The Zoning Map and all notations, dimensions, and designations shown thereon

**ARTICLE 3 ZONING DISTRICTS**

**Sec. 9-18.ZONING DISTRICTS ESTABLISHED**

- a. The Zoning Districts in the Town of Clifton shall be as follows:
  - 1. Residential District
  - 2. Agricultural District
  - 3. Commercial District
  - 4. Industrial District
  - 5. Community Open Space and Recreation (COSR) District
  - 6. Low Impact Commercial District
  
- b. The zoning overlay districts in the Town of Clifton shall be as follows:
  - 1. Historic Overlay District
  - 2. Floodplain Overlay District

**Sec. 9-19. RESIDENTIAL DISTRICT**

- a. In a Residential District no building shall be erected, enlarged, or used, and no land shall be used, except for one or more of the following purposes:
  - 1. Single family dwelling.
  - 2. Churches, parsonages, community buildings and parks.
  - 3. Home Businesses.
  - 4. Private garages and accessory buildings.
  - 5. Boarding or maintaining of horses on a lot of no less than two (2) acres.
  
- b. Buildings and structures in Residential Districts shall be regulated as follows:
  - 1. Minimum lot size: Five acres.
  - 2. Maximum height of building: Thirty-five (35) feet.
  - 3. Building set-back requirements:

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Front: Forty-five (45) feet from centerline of abutting street.

Side: Ten (10) feet from adjoining property lines on either side of a building.

Rear: Twenty-five (25) feet from adjoining property line in the rear of the lot, except corner lots which set-back shall be the same as the side-yard requirement. In no case shall any building or structure be erected, constructed, or enlarged within ten (10) feet of any adjoining property line. The setback line shall be measured from the closest part of the structure to the property line, including porches, etc., but excluding any roof overhangs and any uncovered stairway or steps, provided that such stairway or steps do not extend more than four (4) feet beyond any wall of the structure.

Exception: any building or addition may be set back from a street the same distance as the set-back line observed by that one, of the two existing buildings on the immediate adjoining lots on either side, which is nearer to the street centerline. A building or addition may be permitted to set back from the street less than the required set-back to conform to the set-back established by adjacent existing buildings located on that side of the street within the same block. An addition may be permitted to set back from the street less than the required set-back to conform to the existing building set-back, but no closer to the street than the existing building.

4. The minimum lot width shall be one hundred (100) feet measured at the front setback line, which width shall continue back to the midpoint of the lot depth.
5. The minimum frontage of a lot shall be sixty (60) feet.
6. Retaining walls exceeding two (2) feet in height may not be erected without a Use Permit issued by the Town Council.
7. Fences may not be erected without the approval of the ARB. Fences six (6) feet or less in height may be erected in any location regardless of the set-back requirement. Fences greater than six (6) feet in height may not be erected in the set-back yard area. Fences may not be erected that exceed eight (8) feet in height or that obstruct safe passage of vehicular traffic or that obstruct necessary sight distances. Fences 6 feet or less in height do not need to be reviewed by Planning Commission..
8. Garages, tool sheds, and other similar detached accessory structures may be erected on any property, provided that such detached accessory structures, except garages, not exceed one hundred (10) square feet in floor area and provided that such structure shall conform to the set-back requirements as specified for a Residential District. However, accessory buildings as described above, may be located up to ten (10) feet from the railroad right-of-way and up to ten (10) feet from the rear property line.
9. Apartments, including duplexes, townhouses, and other multi-family or attached dwellings, shall be allowed only by special use permit issued by the Town Council and subject to appropriate and reasonable restriction in order to preserve the historic nature of the Town consistent with the intent and purpose of the Zoning Ordinance and the Historic Overlay District.
10. Minimum lot size shall calculated on the gross area of the lot, except when thirty (30) percent or more of the total area of the lot is comprised of any or all of the following features:
  - A. Floodplains and adjacent slopes in excess (15) percent grade.
  - B. Quarries.
  - C. Marine clays.

Attachment 3

PLANNING COMMISSION APPLICATION

CLIFTON PLANNING COMMISSION  
TOWN OF CLIFTON, VIRGINIA  
APPLICATION FOR USE PERMIT

Revised by Planning Commission 08/06

The undersigned hereby applies for a Use Permit pursuant to Article 2, Section 9-10 of the Zoning Ordinance of the *Code of Town of Clifton, Virginia*. The undersigned has enclosed herewith a check made payable to the "Town of Clifton" for the required application review fee.

Date Submitted to Town Clerk: January 15, 2019

Date Submitted to Chairman of Planning Commission: January 15, 2019

1. Type: ~ Construction ~ Residential ~ Non-Residential ~ Home Business

2. Name of Applicant: Royce Jarrendt  
\_\_\_\_\_

3. Owner of Property: Karen Harrington  
\_\_\_\_\_

4. Name of Business/Organization: N/A  
\_\_\_\_\_

5. Owner of Business/Organization: N/A  
\_\_\_\_\_

6. Address of Premises: 7151 Main Street  
\_\_\_\_\_

7. Tax Map Number: 75-4-02-0060  
\_\_\_\_\_

8. Attach Copy of Plat for Property: ~ Plat Attached

9. Attach Floor Plan (All Non-Residential and Home Business): ~ Floor Plan Attached

10. Zoning District of Premises:

~ Residential ~ Commercial ~ Agricultural ~ Industrial

11. Describe Purpose of Application:

Addition to an existing storage structure  
\_\_\_\_\_  
\_\_\_\_\_

12. If Commercial, Home Business, Agricultural or Industrial:

· Describe Operation:

· Number of Employees:

· Days and Hours of Operation:

· Number of Client Visits per Day:

· Square Footage of Premises:

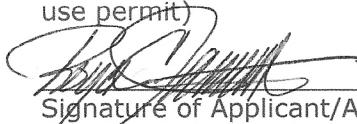
· Number of Off-Street Parking Spaces Available:

· Number of Off-Street Parking Spaces Required:

· For Home Business Only, Gross Square Footage of Dwelling:

13. Application Fee Enclosed: \$150.00

(\$250 for new home or commercial construction; \$150 for adding to existing buildings, or new residential construction other than new homes, where the addition or new construction costs over \$25,000; \$25 for all other construction, and any other use permit)

  
Signature of Applicant/Agent

Signature of Landlord/Lessor

1.15.19

Date

Date

12639 Chapel Rd

Mailing Address

Mailing Address

Clifton, VA 20124

City/Town, State, Zip Code

City/Town, State, Zip Code

703 932-5762

Phone Number / Fax Number

Phone Number / Fax Number

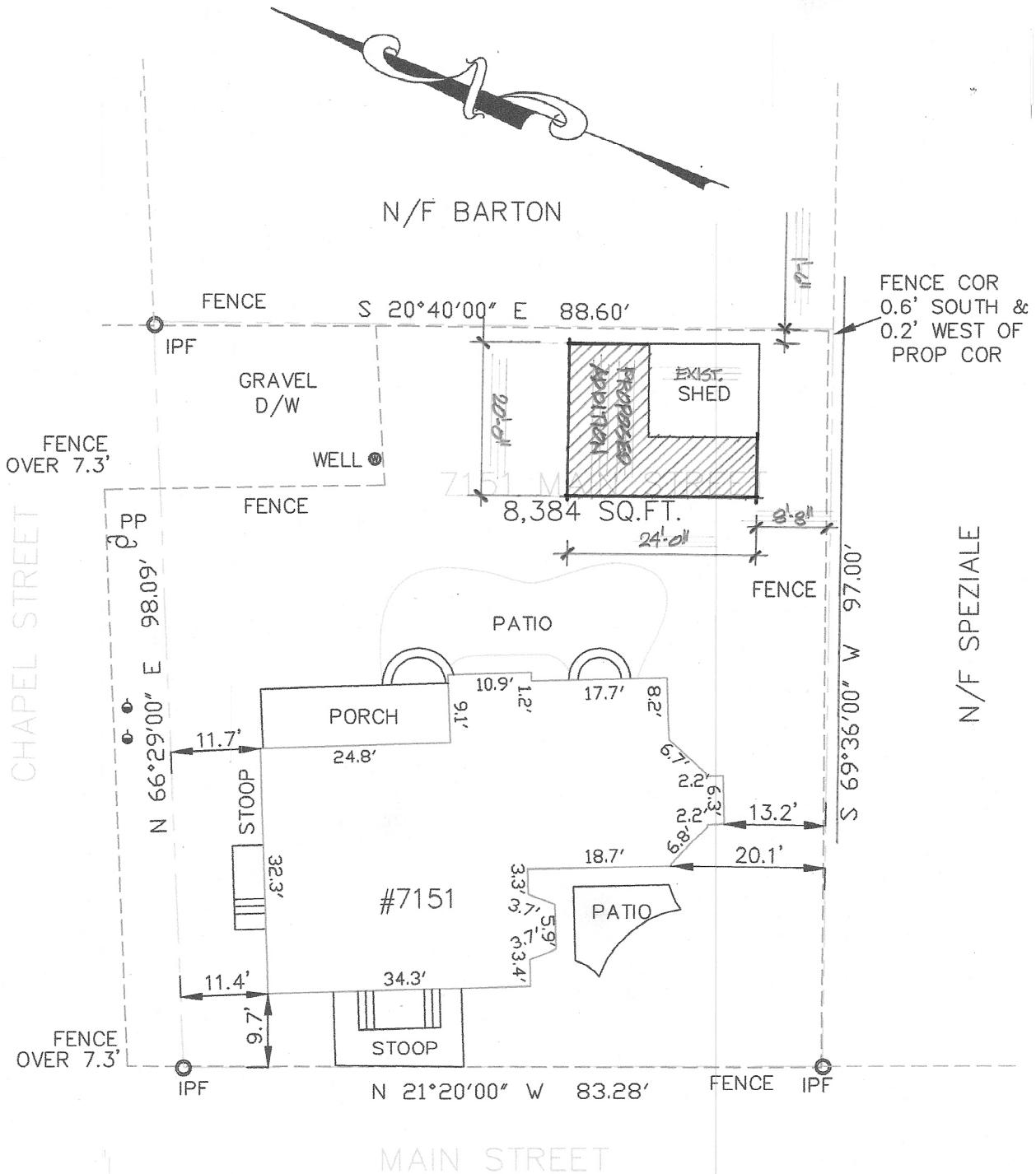
Royce.Jarr@yahoo.com

E-Mail Address

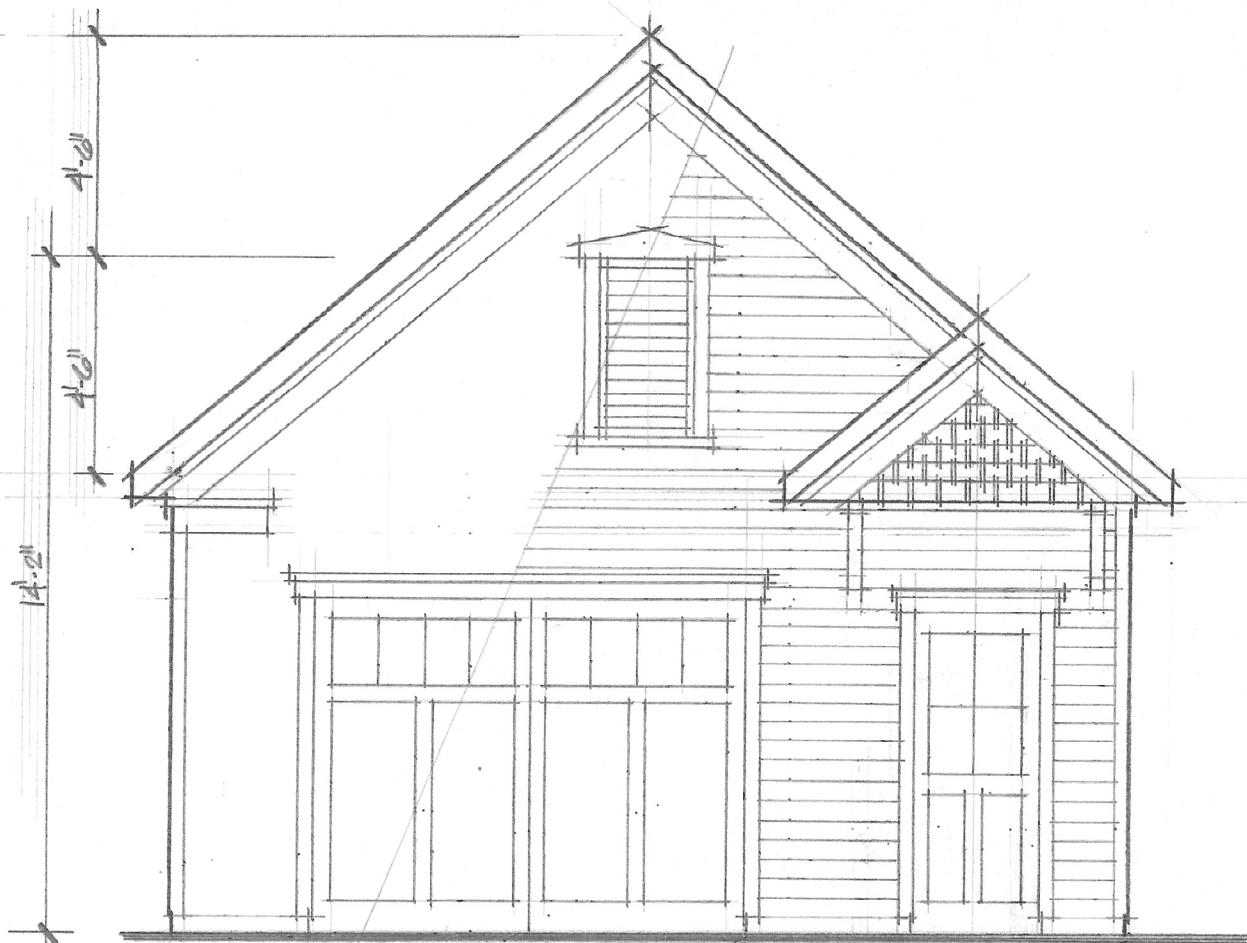
E-Mail Address

NOTES:

1) NO TITLE REPORT FURNISHED THEREFORE ALL ENCUMBRANCES MAY NOT BE SHOWN.



HOUSE LOCATION SURVEY  
7151 MAIN STREET  
TAX MAP 75-4-02-0060  
TOWN OF CLIFTON, VIRGINIA  
FAIRFAX COUNTY, VIRGINIA



FRONT ELEVATION

1/4" = 10'



SIDE ELEVATION

1/4" = 10'



Attachment 4

Amanda Christman &lt;cliftonclerkva@gmail.com&gt;

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**FW: Harrington shed expansion**

5 messages

**Kathy Kalinowski** <khk@baberkal.com>

Fri, Feb 8, 2019 at 2:33 PM

To: William Hollaway &lt;whollaway77@gmail.com&gt;, "Hollaway Ph.D., William R." &lt;WHollaway@gibsondunn.com&gt;

Cc: Amanda Christman &lt;cliftonclerkva@gmail.com&gt;

Dear Bill,

This past Tuesday, Royce Jarrendt on behalf of Ms. Harrington of 7151 Main Street, met with the Planning Commission to discuss an application by Ms. Harrington to expand her existing shed near the driveway and since that is a non conforming structure due to being located within the rear and side setbacks, to discuss what needed to be done to obtain a variance. At the meeting Royce determined requested us to hold up consideration of the application until he time to discuss with Ms. Harrington the best approach to requesting a variance. When I left the meeting with Michelle Stein, it was brought to our attention that a new shed had appeared on Ms. Harrington's property. When I went to look at the shed on Thursday and took the above photos, it seemed that this is indeed a new shed, it is within the side setback, and no use permit was requested for the shed. Therefore, I sent Royce the below email with the photos.

In addition, it has been brought to my attention as well that the folks at 12800 Chapel Street seem to also have constructed a new shed without a use permit. I don't have a photo yet but when I do I will forward it. This shed appears to be constructed of some plastic material, and while it may be a temporary storage facility, there has been no application for such, or adherence to the statute.

I would also note that there seems to be some confusion about structures less than 100 square feet, namely that they can be constructed and located anywhere. We discussed that issue before the Council when the Chestnut Street zoning violation came up at a meeting and noted the Code is clear on the subject. Section 9-19 b 8 states that accessory structures, other than a garage, that does not exceed 100 square feet shall conform to the residential setbacks, except that with respect to the rear setback in can be 10 feet instead of 25 feet. In any event, the Code requires a use permit for all structures. However, Section 9-23 c does not require a Certificate of Appropriateness for structures that do not exceed 100 square feet.

Amanda mentioned that the Town has appointed her the Zoning Administrator. Given our plethora of non approved structures in Town, how do you suggest we proceed? At a minimum, I would suggest that the Zoning Administrator send each of the above a letter, noting the existence of the structure, the lack of any use permit on file and requesting the property owner to apply for the necessary use permit within the next 30 days

Look forward to hearing from you.

Kathy

-----Original Message-----

From: Kathy Kalinowski &lt;khk@baberkal.com&gt;

Sent: Friday, February 08, 2019 2:07 PM

To: 'Royce Jarrendt' &lt;royce.jarr@yahoo.com&gt;

Subject: Harrington shed expansion

Royce,

I wanted to let you know, assuming you do not, that it appears there is a new shed on the Harrington property. This was pointed out to me after our meeting on Tuesday and when I drove by on Thursday and took these photos, one from Main Street and one from Chapel Road, it looked like a brand new shed which is also not in compliance with the setbacks and for which no use permit was obtained. I am forwarding this on to the Town Council for action, but I would think until the matter of the "new shed" is resolved, it might be premature to be discussing with the Planning Commission a variance for expanded the old shed.

Sincerely,  
Kathy

---

#### 4 attachments



**IMG\_4199.JPG**  
150K



**IMG\_4198.JPG**  
113K

 **Untitled attachment 01669.txt**  
1K

 **Untitled attachment 01672.txt**  
1K

---

**Hollaway Ph.D., William R.** <WHollaway@gibsondunn.com>

Fri, Feb 8, 2019 at 2:41 PM

To: Kathy Kalinowski <khk@baberkal.com>

Cc: William Hollaway <whollaway77@gmail.com>, Amanda Christman <cliftonclerkva@gmail.com>

Kathy,

I agree with your proposal to have the Town Clerk/Zoning Administrator send a letter to each of these owners informing them of their failure to obtain a Use Permit, which is a violation of the Zoning Ordinance.

Bill

**William R. Hollaway**

On Feb 8, 2019, at 2:33 PM, Kathy Kalinowski <khk@baberkal.com> wrote:

[External Email]

[Quoted text hidden]

<IMG\_4199.JPG>

<Untitled attachment 01669.txt>

<IMG\_4198.JPG>

<Untitled attachment 01672.txt>

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This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

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**Amanda Christman** <cliftonclerkva@gmail.com>

Fri, Feb 8, 2019 at 2:44 PM

To: "Hollaway Ph.D., William R." <WHollaway@gibsondunn.com>

Cc: Kathy Kalinowski <khk@baberkal.com>, William Hollaway <whollaway77@gmail.com>

I will draft letters and send to Kathy for review, prior to mailing. In fact, I believe I have a similar letter written by Kathy herself, which I can use as a template.

Sincerely,  
Amanda Christman  
Town Clerk, Clifton, VA

[Quoted text hidden]

---

**Amanda Christman** <cliftonclerkva@gmail.com>

Tue, Feb 19, 2019 at 11:59 AM

To: "Hollaway Ph.D., William R." <WHollaway@gibsondunn.com>

Cc: Kathy Kalinowski <khk@baberkal.com>, William Hollaway <whollaway77@gmail.com>

Dear Mayor Bill,

The attached notices have been emailed and will be mailed today to the property owners with the new, unpermitted structures as identified by Kathy. I am pleased to report that both owners have indicated their willingness to go through the application process to obtain the necessary permits required by the Town's zoning ordinance.

Sincerely,  
Amanda Christman  
Town Clerk, Clifton, VA

[Quoted text hidden]

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## 2 attachments



**12800 Chapel St Notice 2-2019 YOUNG.pdf**

1075K



**7151 Main St Harrington NOTICE 2-18-2019.pdf**

1530K

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**Hollaway Ph.D., William R.** <WHollaway@gibsondunn.com>

Tue, Feb 19, 2019 at 12:29 PM

To: Amanda Christman <cliftonclerkva@gmail.com>

Cc: Kathy Kalinowski <khk@baberkal.com>, William Hollaway <whollaway77@gmail.com>

Amanda,

Thank you. That is good news. Keep us posted.

Best regards,

Bill

**William R. Hollaway**

**From:** Amanda Christman <[cliftonclerkva@gmail.com](mailto:cliftonclerkva@gmail.com)>

**Sent:** Tuesday, February 19, 2019 11:59 AM

**To:** Hollaway Ph.D., William R. <[WHollaway@gibsondunn.com](mailto:WHollaway@gibsondunn.com)>

**Cc:** Kathy Kalinowski <[khk@baberkal.com](mailto:khk@baberkal.com)>; William Hollaway <[whollaway77@gmail.com](mailto:whollaway77@gmail.com)>

**Subject:** Re: Harrington shed expansion

[External Email]

[Quoted text hidden]



Attachment 5





Attachment 6

Amanda Christman &lt;cliftonclerkva@gmail.com&gt;

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**Notice to Property Owner at 7151 Main St: Unpermitted Structure**

8 messages

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**Amanda Christman** <cliftonclerkva@gmail.com>

Mon, Feb 18, 2019 at 4:01 PM

To: karen.a.harrington@raytheon.com

Cc: khk@baberkal.com

Dear Ms. Harrington:

Please note that the letter attached hereto will be sent via certified mail tomorrow morning. I look forward to working with you to ensure your property is in compliance with the Town of Clifton's zoning ordinance.

If you have any questions, please do not hesitate to contact me or Kathy Kalinowski, Chair of the Planning Commission, who is copied on this email.

Sincerely,  
Amanda Christman  
Town Clerk, Clifton, VA

---

 **7151 Main St Harrington NOTICE 2-18-2019.pdf**  
1530K

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**KAREN HARRINGTON** <Karen.A.Harrington@raytheon.com>

Mon, Feb 18, 2019 at 4:13 PM

To: Amanda Christman &lt;cliftonclerkva@gmail.com&gt;

The shed is 10' X 10' so does not require a permit in Fairfax.

Dr. Karen A. Harrington

Technology Director  
Advanced Concepts and Technologies  
Space and Airborne Systems  
Raytheon Company  
+1 703-842-3822 (office)  
+1 703-969-4104 (cell)  
[karen.a.harrington@raytheon.com](mailto:karen.a.harrington@raytheon.com)  
1100 Wilson Blvd

Suite 1800

Arlington, VA 22209-3801 USA  
[www.raytheon.com](http://www.raytheon.com)

[Quoted text hidden]

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**KAREN HARRINGTON** <Karen.A.Harrington@raytheon.com>

Mon, Feb 18, 2019 at 4:13 PM

To: Amanda Christman &lt;cliftonclerkva@gmail.com&gt;

Cc: "khk@baberkal.com" &lt;khk@baberkal.com&gt;

Oops, this time with everyone copied. The shed is 10' X 10', so does not require a permit in Fairfax.

Dr. Karen A. Harrington

Technology Director  
Advanced Concepts and Technologies  
Space and Airborne Systems  
Raytheon Company  
+1 703-842-3822 (office)  
+1 703-969-4104 (cell)  
[karen.a.harrington@raytheon.com](mailto:karen.a.harrington@raytheon.com)  
1100 Wilson Blvd

Suite 1800

Arlington, VA 22209-3801 USA  
[www.raytheon.com](http://www.raytheon.com)

**From:** Amanda Christman <[cliftonclerkva@gmail.com](mailto:cliftonclerkva@gmail.com)>  
**Sent:** Monday, February 18, 2019 4:01 PM  
**To:** KAREN HARRINGTON <[Karen.A.Harrington@raytheon.com](mailto:Karen.A.Harrington@raytheon.com)>  
**Cc:** [khk@baberkal.com](mailto:khk@baberkal.com)  
**Subject:** [External] Notice to Property Owner at 7151 Main St: Unpermitted Structure

Dear Ms. Harrington:

[Quoted text hidden]

---

**Amanda Christman** <[cliftonclerkva@gmail.com](mailto:cliftonclerkva@gmail.com)>  
To: KAREN HARRINGTON <[Karen.A.Harrington@raytheon.com](mailto:Karen.A.Harrington@raytheon.com)>  
Cc: "[khk@baberkal.com](mailto:khk@baberkal.com)" <[khk@baberkal.com](mailto:khk@baberkal.com)>

Mon, Feb 18, 2019 at 4:20 PM

Dear Ms. Harrington,

Thank you for your response. Zoning in the Town of Clifton is governed by the Town, not by Fairfax, and you may refer to the specific sections cited in the letter on the Town's website.

If you have additional questions, please let me know - I'm happy to help.

[Quoted text hidden]

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**KAREN HARRINGTON** <[Karen.A.Harrington@raytheon.com](mailto:Karen.A.Harrington@raytheon.com)>  
To: Amanda Christman <[cliftonclerkva@gmail.com](mailto:cliftonclerkva@gmail.com)>

Mon, Feb 18, 2019 at 5:54 PM

Thank you. I will be happy to fill out the form, but I can't make it on the 26<sup>th</sup> as I will be in Boston for work. My brother lives on Chapel Street, can I see if he is available to represent my interests or we can postpone until I am in town? I travel about 50% of the time with my job. Both he and Wayne said that if I stuck to a 10 X 10 foot shed, I could put it wherever I needed to on my property. I didn't know about the use permit, but I will get it to you ASAP.

Thanks,

karen

[Quoted text hidden]

---

**Amanda Christman** <cliftonclerkva@gmail.com>  
To: KAREN HARRINGTON <Karen.A.Harrington@raytheon.com>

Mon, Feb 18, 2019 at 6:59 PM

Dear Dr. Harrington,

Your brother (or anyone else of your choosing) can act as an agent on your behalf. If he can come on the March date, please ask him to email me so that I can confirm his attendance with the Planning Commission.

I think there is confusion for some folks about the 10' x 10' size of structures. If it's that size or less, then it doesn't need to be approved by the ARB. However, all structures, even mobile, temporary ones need a use permit from the Planning Commission.

I'm happy to answer any other questions you may have. Thank you for being so responsive.

[Quoted text hidden]

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**KAREN HARRINGTON** <Karen.A.Harrington@raytheon.com>  
To: Amanda Christman <cliftonclerkva@gmail.com>

Thu, Feb 28, 2019 at 1:17 PM

Hi Amanda,

I filled out the form, got a copy of the plat and added the shed and now where do I need to send it? What is the application fee?

Many thanks,

karen

Dr. Karen A. Harrington

Technology Director  
Advanced Concepts and Technologies  
Space and Airborne Systems  
Raytheon Company  
+1 703-842-3822 (office)  
+1 202-503-5453 (cell)  
[karen.harrington@raytheon.com](mailto:karen.harrington@raytheon.com)  
1100 Wilson Blvd

[Quoted text hidden]

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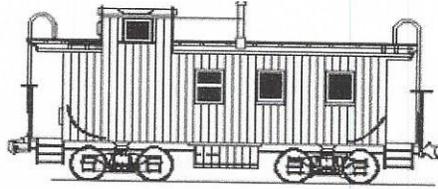
**Amanda Christman** <cliftonclerkva@gmail.com>  
To: KAREN HARRINGTON <Karen.A.Harrington@raytheon.com>

Thu, Feb 28, 2019 at 2:02 PM

Hello,

Here are the instructions for copies, mailing addresses and fees: [http://cliftonva.gov/towncouncil/applications/index\\_13\\_2664295139.pdf](http://cliftonva.gov/towncouncil/applications/index_13_2664295139.pdf)

[Quoted text hidden]



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

February 18, 2019

BY CERTIFIED MAIL

Karen Harrington  
7151 Main Street  
Clifton, VA 20124

Re: 7151 Main Street

Dear Ms. Harrington:

It has been brought to the Town's attention that there is a new shed (photo attached hereto) that has been erected on your property, which appears to be within the side setback (less than ten feet from the side property line), and may be within the rear setback, also ten feet from the property line, contrary to the requirements of the Town of Clifton Code § 9-19b.3. A valid Use Permit is required prior to construction of any shed or accessory building. According to the Town's records, there is no Use Permit on file for this structure, nor is there an application pending. However, if you have either of these documents, kindly send a copy to me so that I can update the records.

If you do not yet possess a Use Permit for this accessory structure, then you are required to promptly apply for one by visiting the Town's official website at <http://cliftonva.gov/towncouncil/applications/>. If the structure exceeds one hundred square feet, then a Certificate of Appropriateness ("COA") will also need to be obtained, as well. Filing instructions for a COA can be found here: <http://cliftonva.gov/committees/arbboard/>.

The Planning Commission would be pleased to review your Use Permit application at their March meeting, which is scheduled for Tuesday, March 26<sup>th</sup> at 7:30 PM located at the Acacia Lodge, 7135 Main Street. Please contact me at [CliftonClerkVA@gmail.com](mailto:CliftonClerkVA@gmail.com) to confirm that you can submit your application on or before March 15<sup>th</sup>, and that you are able to attend the meeting.

If a Certificate of Appropriateness is needed, (i.e. is 100 sq. ft. or more), then the Architectural Review Board would be available to review your application at their March meeting, which is scheduled for Thursday, March 28<sup>th</sup> at 7:30 PM at 12639 Chapel Road. The application deadline is March 15<sup>th</sup>.

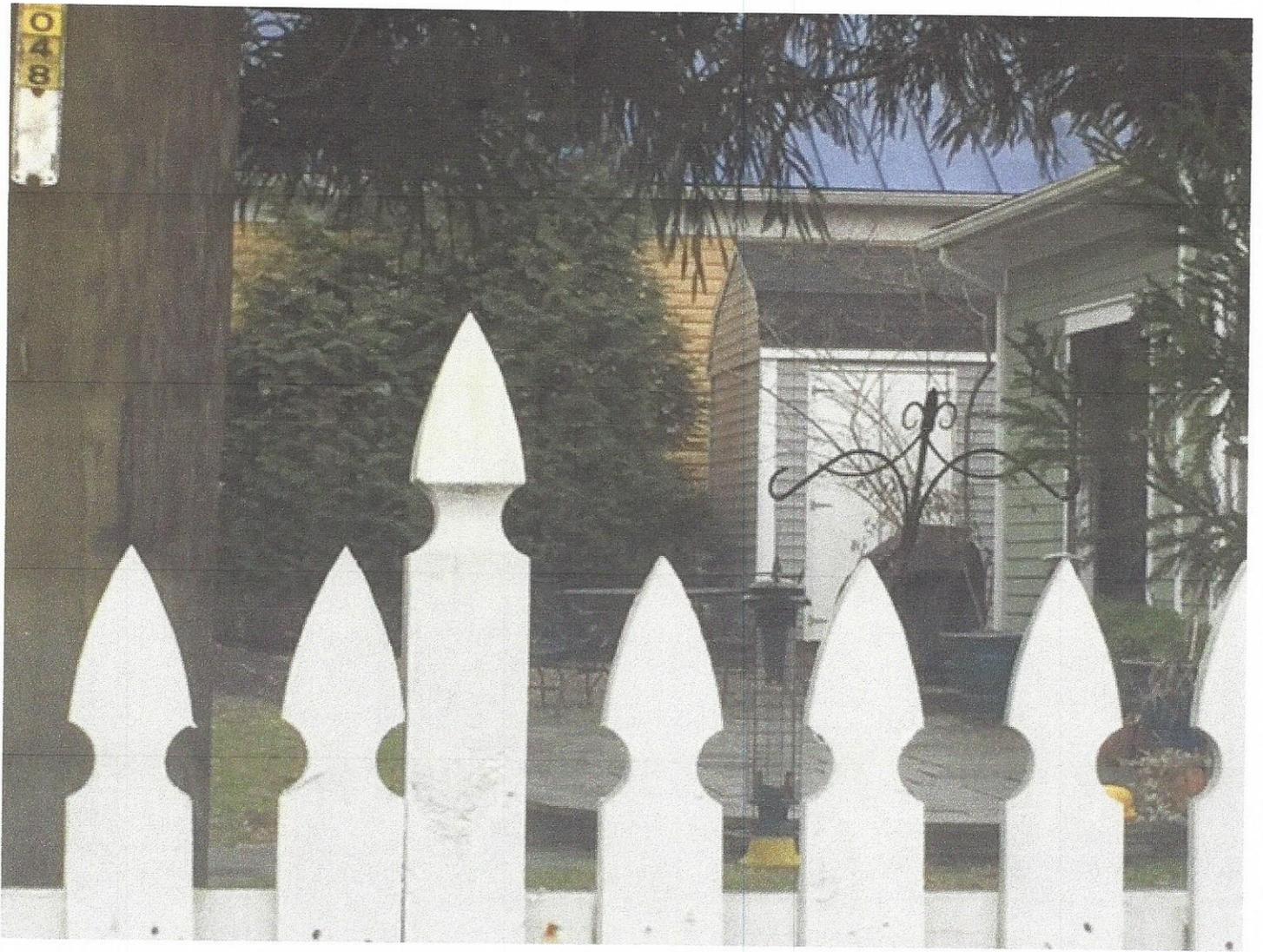
Please note that failure to obtain a Use Permit for construction of a structure may be a violation of the Town Code and may result in enforcement proceedings and/or penalties in accordance with Sections 9-24 and 9-25 of the Town Code.

I look forward to promptly hearing from you with respect to this matter.

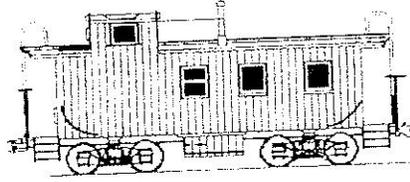
Sincerely,



Amanda Christman  
Zoning Administrator  
Town of Clifton, Virginia







TOWN OF CLIFTON, VIRGINIA

Use Permit Application

Property Address: <i>7151 Main St</i>		Date: [Month / Year] <i>March 2019</i>		
1. Type of Permit:	<input type="checkbox"/> Construction	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Home Business (Code 9-19.c1)
	<input type="checkbox"/> Preliminary Site Plans Attached	<input type="checkbox"/> Office	<input type="checkbox"/> Retail	
	<input type="checkbox"/> Special Use	<input type="checkbox"/> Subdivision (Code Chapter 10)	<input type="checkbox"/> Boundary Line Adjustment/Lot Consolidation (Code 10-57 to Code 10-59)	<input type="checkbox"/> Public Use
	<input type="checkbox"/> Restaurant			
	<input type="checkbox"/> Bed & Breakfast			
	<input type="checkbox"/> Multi-Family			
2. Name of Applicant: <i>P.O. Box 169 DR. KAREN A. HARRINGTON</i>				
Mailing Address: <i>Clifton, VA 20124-0169</i>				
Phone: <i>703-495-9697</i>				
Email Address: <i>Karen.Harrington@Raytheon.com</i>				
3. Name of Property Owner (if different): <i>N/A</i>				
Mailing Address:				
4. Name of Business / Organization: <i>N/A</i>				
5. Owner of Business / Organization: <i>N/A</i>				
6. Tax Map Number: <i>75-4-02-0060</i>				
7. Attach a plat or plan drawn to scale showing the proposed construction, certified by an engineer, surveyor, architect, authorized to practice as such by VA, together with a surveyed plat of the property indicating all building and structure setbacks and height.			<input checked="" type="checkbox"/> Plat Attached	

8. Attach Floor Plan to Scale (non-residential & home business):		<input type="checkbox"/> Floor Plan Attached		
9. Zoning District of Premises:	<input checked="" type="checkbox"/> Residential (Code 9-19)	<input type="checkbox"/> Commercial (Code 9-21)	<input type="checkbox"/> Agricultural (Code 9-20)	<input type="checkbox"/> Industrial (Code 9-22)
	<input type="checkbox"/> Church, Park, Community Building			
	<input type="checkbox"/> Community Open Space & Recreation (COSR) (Code 9-23A)		<input type="checkbox"/> Low Impact Commercial (Code 9-23B)	
10. Describe Purpose of Application: <i>addition of a 10' x 10' storage shed</i>				
10. If Commercial, Home Business, Agricultural or Industrial: <i>VIA</i>				
11. Describe Operation:				
11.a. If Non-Residential - Office Use: _____ SF or Retail/Restaurant Use: _____ SF				
11.b. Days & Hours of Operation (include special events):				
11.c. Number of Employees on Site at any One Time: _____				
11.d. Number of Seats (Restaurant/Church): Total: _____. If applicable, provide number of seats located inside: _____ and; Outside: _____				
11.e. Gross Floor Area (GFA) of Building or /Premises: _____ SF (Code 9-13) Net Gross Floor Area if more than one use in building: _____ SF If applicable, GFA devoted to carry-out service within restaurant: _____ SF				
11.f. Number of Off-street Parking Spaces Required: _____ (Code 9-13)				
11.g. Number of Off-street Parking Spaces Provided* (attach parking plan to scale with dimensions identifying existing and proposed parking spaces): _____				
11.h. Gross Floor Area of Dwelling (Home Business Only): _____ SF				
12. Application Fee Enclosed: (Fee schedule in Filing Instructions) \$ _____				

\*PLEASE INCLUDE A PARKING TABULATION FORM FOR BUILDINGS THAT HAVE MORE THAN ONE USER IN THE BUILDING.

Is the applicant or owner a member of a homeowners association (HOA)?  Yes  No If yes, please obtain the approval of the HOA prior to submission of the application.

HOA REPRESENTATIVE (NAME/SIGNATURE) \_\_\_\_\_ DATE OF HOA APPROVAL: \_\_\_\_\_

The undersigned hereby applies for a Use Permit pursuant to Article 2, Section 9-10 of the Zoning Ordinance of the Code of Town of Clifton, Virginia.

APPLICANT'S SIGNATURE: [Signature]

DATE: 9 March 19

PROPERTY OWNER SIGNATURE: [Signature]

DATE: 9 March 19

**FOR TOWN USE ONLY**

RECEIPT DATE: \_\_\_\_\_

DATE APPLICATION ACCEPTED: \_\_\_\_\_

APPLICATION FEE PAID: \$ \_\_\_\_\_

APPROVED  DISAPPROVED

PLANNING COMMISSION: \_\_\_\_\_  
SIGNATURE

PRINT

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED  DISAPPROVED

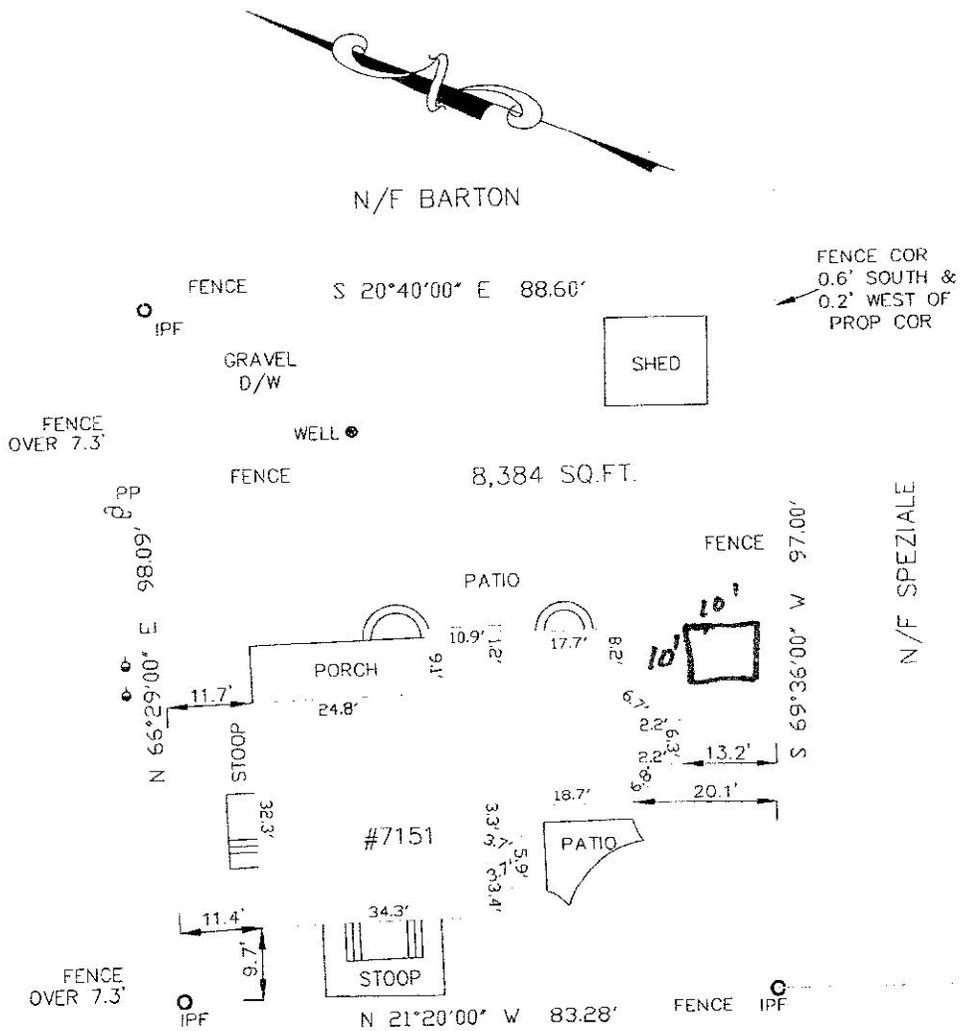
TOWN COUNCIL: \_\_\_\_\_  
SIGNATURE

PRINT

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTES:

1) NO TITLE REPORT FURNISHED THEREFORE ALL ENCUMBRANCES MAY NOT BE SHOWN.



7151 MAIN STREET

<p>FILE#: 1" = 20' CLIENT: HARRINGTON</p>	
<p>DATE: 9-12-2017 CHECKED BY: JDT</p>	
<p>SCALE: 1" = 20' CREW: JT/CR</p>	

CERTIFIED CORRECT

*Paul Shuler*

9-12-2017

Attachment 8

**PLANNING COMMISSION REPORT for March 26, 2019**

**Present: Kathy Kalinowski, Susan Yantis, Terry Winkowski, Michelle Stein,  
Melissa Milne; Absent: Patrick Pline and Mac Arnold**

1. The Planning Commission reviewed the residential use permit application by Nichol Young and Mike Mullen at their residence located at 12800 Chapel Street, to construct a 4 stall barn for personal use on their property. The Town Engineer also reviewed the application since the initial barn placement was within a designated flood area and because this property also has land that the Town Plan designates as a Resource Protection Area. ARB approval of the barn has also been obtained by the applicant.

The Planning Commission recommends that a Preliminary Use Permit be authorized for the construction of the barn with the following conditions and requirements:

- The barn must be constructed as indicated on the plat and positioned with respect to the setbacks as indicated on the plat.
- The barn shall be no larger than 28 feet by 30 feet, but can be smaller.
- The barn must be constructed in accordance with the ARB requirements and approvals.
- A building permit must be obtained for construction from Fairfax County, as well as any other County required permits and copies of all such permits shall be supplied to the Town Clerk within thirty (30) days of receipt.
- The height of the barn shall not exceed twenty two (22) feet.
- The total land disturbance shall not exceed 2400 square feet in the construction of the barn, which means no additional grading of an access road or other grading or land disturbance around the barn except for the immediate construction of the barn.
- The barn shall be constructed completely off the flood plain area as indicated on the attached plat.
- There shall be no more than 4 horses on the property at any one time; and this preliminary use permit does not authorize any business use of the property, including, but not limited to, riding lessons, boarding of horses for other owners. Such activities will require an additional use permit.
- An effective and reasonable manure and fly management program shall be implemented in order to minimize odor and insects resulting from the horses.
- Electrical to the barn will be run from the shed.
- There shall be no outdoor spotlighting of the barn and any lights installed on the barn shall be pointed down, shall be arranged so as not to cause glare on abutting or facing properties, and shall be minimal and only provide lighting for the structure.
- The applicant shall return to the Planning Commission and apply for a Final Use Permit when construction is completed, but not more than two

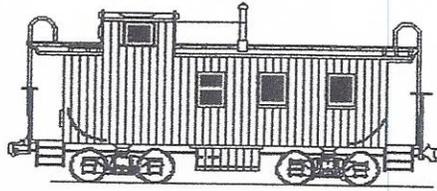
Pg 12 of 17  
MC

years after the date of the issuance of the Preliminary Use Permit and demonstrate that construction was completed in compliance with the ARB approvals, in accordance with the Preliminary Use Permit and all approvals and permits granted in accordance with Town Code Section 9-10(d)(2).

2. The Planning Commission reviewed the application submitted by Karen Harrington for a 10 foot by 10 foot shed located on 7151 Main Street. The application was received after notification by the Town Zoning Administrator by letter and email dated February 18, 2019 that the new shed built on Ms. Harrington's property requires a use permit for its construction and location, and that the Town did not have a use permit on record as being issued for that particular shed. Ms. Harrington with her application, provided a plat which did not provide any setback information for the shed location, despite being requested to do so by email dated March 11, 2019 by the Town Clerk. A review of the plat indicates that the side of the applicant's house is 13.2 feet from the Speziale's property line which would mean that the shed that was constructed by Ms. Harrington is within the 10 foot side setback for a corner residential lot as set forth in Code Section 9-19 (b)(3). Ms. Harrington indicated at the meeting that she thought it was about 2 feet from the side lot line and that she constructed the shed to house her decorations.

At the Planning Commission's January 2019 meeting, The Planning commission reviewed an application by Royce Jarrendt on behalf of Ms. Harrington for the expansion of her existing shed on her property, doubling its size. Since the existing shed is nonconforming as to both side and rear lot line setbacks, the Planning Commission explained to Mr. Jarrendt, who was appearing as Ms. Harrington's agent, that neither the Planning Commission or the Town Council has the authority to issue zoning waivers, and that the proper procedure would be go through the application process and if approval were denied, to apply for a waiver to the BZA. Mr. Jarrendt withdrew the application pending discussions with Ms. Harrington.

With respect to the new shed constructed by Ms. Harrington without a use permit and without conformance to required setbacks, the Planning Commission recommends that the Town Council direct the Zoning Administrator to send Ms. Harrington a Notice of Violation.



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

**NOTICE OF VIOLATION**

**DATE OF ISSUANCE:** April 12, 2019  
**CASE #:** 20190412-01

**SHERIFF SERVE:**

Karen Harrington, Owner/Occupant  
7151 Main Street  
Clifton, VA 20124

ACES

RECEIVED  
2019 APR 12 AM 11:48  
OFFICE OF THE SHERIFF  
FAIRFAX COUNTY, VA

R  
2019  
OFFICE OF THE SHERIFF  
FAIRFAX COUNTY, VA

NOTICE OF VIOLATION: 7151 Main Street, Clifton, VA 20124

- URGENT
- FOR REVIEW
- PLEASE COMMENT
- PLEASE REPLY
- PLEASE RECYCLE

NOTES/COMMENTS:

Dear Sheriff:

On behalf of the Town Council of the Town of Clifton, a chartered Town within Fairfax County and the state of Virginia:

Please serve the attached Notice of Violation to Karen Harrington, who resides at 7151 Main Street, Clifton, Virginia, 20124, as soon as possible. If you have any questions, please contact me at 202-415-0377, or at CliftonClerkVA@gmail.com.

Please mail the proof of service to the Office of the Clerk at P.O. Box 309, Clifton, Virginia, 20124.

Thank you for your assistance.

Sincerely,

  
Amanda Christman, Zoning Administrator, Town of Clifton

RECEIVED  
APR 12 AM 11:48  
OFFICE OF THE SHERIFF  
FAIRFAX COUNTY, VA

RECEIVED

The section cited above requires that an amendment to the Use Permit for the erection of a structure prior to the erection of a structure which it applies.

RECEIVED

APR 15 11 11 AM '19

FAIRFAX COUNTY, VA  
OFFICE OF THE PERMIT

Harrington, Karen

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 of his 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

..... K. Carik 4/18/19 .....

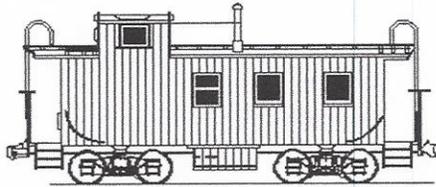
SERVING OFFICER

Stacey A. Richard, Sheriff  
Fairfax VA

4/19/2019

DATE 12:45pm

for



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

## NOTICE OF VIOLATION

**DATE OF ISSUANCE:** April 12, 2019

**CASE #:** 20190412-01

**SHERIFF SERVE:**

Karen Harrington, Owner/Occupant  
7151 Main Street  
Clifton, VA 20124

**LOCATION OF VIOLATION:** 7151 Main Street, Clifton, VA 20124

**Tax Map#:** 0754-02-0060

**Town Zoning District:** Residential, Historic Overlay

Dear Property Owner/Occupant:

Two inspections of the above referenced property were conducted on February 7, 2019 and on April 8, 2019. The inspections revealed that a shed has been erected near the fence line and property line alongside the abutting property located next door to you.

The erection of the shed is a violation of the following Town Zoning Ordinances:

**1. § 9-10. RESIDENTIAL AND NON-RESIDENTIAL USE PERMITS**

No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Section. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to

which it applies.

The section cited above requires that an application for a Use Permit be submitted and approved prior to the erection of a structure. A review of Town records has revealed that no application for a Use Permit for the shed has been recommended for approval by the Town of Clifton Planning Commission, and no Use Permit for the shed has been approved or issued by the Town of Clifton Town Council.

**The property is in violation of Sec. 9-10 of the Town of Clifton Zoning Ordinance for the failure to apply for and receive a Use Permit.**

2. The Town of Clifton's Zoning Ordinance **Sec. 9-19. RESIDENTIAL DISTRICT** regulates the setback requirements for all structures and buildings located within the Town's boundaries. At the Planning Commission meeting held on March 26, 2019 the Town's Planning Commission informed you that the shed cannot be approved in its current location, because it is within the side setback limits. It is currently unknown if the structure meets the rear setback requirements.

Zoning Ordinance **Sec. 9-19. RESIDENTIAL DISTRICT** states that:

b. 1 Building Set-back Requirements:

Buildings and structures in Residential Districts shall be regulated as follows: Front: Forty-five (45) feet from centerline of abutting street. Side: Ten (10) feet from adjoining property lines on either side of a building. Rear: Twenty-five (25) feet from adjoining property line in the rear of the lot, except corner lots which set-back shall be the same as the side-yard requirement. In no case shall any building or structure be erected, constructed, or enlarged within ten (10) feet of any adjoining property line. The setback line shall be measured from the closest part of the structure to the property line, including porches, etc., but excluding any roof overhangs and any uncovered stairway or steps, provided that such stairway or steps do not extend more than four (4) feet beyond any wall of the structure.

**The shed does not meet the residential setback requirements and the property is in violation of Sec. 9-19 of the Town of Clifton's Zoning Ordinance.**

You are hereby directed to correct the violations on the property within thirty (30) days of the date of this Notice. Compliance can be accomplished by dismantling and removing the shed from the above-referenced property.

A follow-up inspection will be made at the expiration of the thirty (30) day time period set forth in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal

2 |

Harrington, Owner/Occupant

April 12, 2019

action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions. In addition, Town Zoning Ordinance Sec. 9-25 imposes a penalty of \$1,000 per day for each day after the thirty (30) day time period for violation abatement has elapsed:

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 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 application must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Sec. 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 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/>.

Should you have any questions or need additional information, please do not hesitate to contact me at [CliftonClerkVA@gmail.com](mailto:CliftonClerkVA@gmail.com).

Sincerely,



Amanda Christman,  
Zoning Administrator, Town of Clifton

## Attachment 10

### PUBLIC HEARING CONCERNING APPEAL OF NOTICE OF VIOLATION RELATING TO 7151 MAIN STREET, CLIFTON, VIRGINIA

Notice hereby is given that the Town of Clifton Board of Zoning Appeals will hold a public hearing on the application of the legal owner of 7151 Main Street to contest the Notice of Violation, dated April 12, 2019, of the Zoning Administrator of the Town of Clifton concerning (i) failure to obtain a use permit for construction of a structure on the property prior to the erection of such structure and (ii) construction of a structure on the property that does not comply with the setback requirements of the Town of Clifton zoning ordinance. The hearing will be held at 7:30 p.m. at 7135 Main Street, Clifton, Va (the first floor of the Acacia Masonic Lodge) on July 24, 2019. Persons affected may appear and present their views at the hearing, and members of the public are welcome to attend.



Attachment 11

Amanda Christman &lt;cliftonclerkva@gmail.com&gt;

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**July 24 hearing**

3 messages

**Brant Baber** <bb@baberkal.com>

Mon, Jul 15, 2019 at 5:51 PM

To: KAREN HARRINGTON &lt;Karen.A.Harrington@raytheon.com&gt;

Dear Dr. Harrington:

Thank you for your response concerning the July 24 hearing date of the BZA and your request for a date more convenient to your schedule. Since the BZA only acts at a public meeting, it determined at its public meeting on May 20 to hold a hearing on your application, which was postmarked July 18 and received that morning. The hearing was scheduled for July 24, and the required notices have been published and mailed, so by law that hearing must be held on July 24. The Virginia Code does not provide a procedure for a postponement, except in cases in which "weather or other conditions are such that it is hazardous for members to attend the meeting." However, it is possible that, at its July 24 hearing, the Board could decide that your hearing can be cancelled and rescheduled and renoticed to be held at a future date. However, since the Virginia Code imposes on the BZA the obligation to hold a hearing on your appeal not later than 90 days after the appeal was "filed" with the BZA, and your appeal application was received on May 20, a hearing must be held not later than August 11, 2019.

A new hearing date would require publication of new legal notices and mailing new letters to adjoining/adjacent land owners so that a new hearing could occur by August 11, 2019. In order to do so, the Virginia Code requires that new legal notices be published once a week for two successive weeks, with the second publication not less than five days before the new hearing. We published the July 24 hearing notice in the Fairfax Connection, since it is the least expensive qualifying publication in the area, which publishes legal notices only on Thursdays with a submission cutoff on the preceding Wednesday at noon. That advertisement cost approximately \$500. Given the statutory requirements and publication schedules, it is not possible to republish in the Fairfax Connection so that a hearing can be held on or before August 11. It would be possible to publish in the Washington Post, which costs approximately double that of the Connection, since the Post publishes legal notices several days a week, for a hearing by August 11. It is the policy of the BZA that, in addition to the application fee, all third party costs must be paid by the applicant not later than the hearing date.

None of this can be considered unless you or someone designated in writing to represent you is present at the July 24 hearing to make that request on your behalf, offer specific dates and times on which you would be available during the period August 6-11 (assuming publication in the Washington Post), and agrees on your behalf to pay the cost of re-advertising the hearing. If no one shows up at the July 24 hearing on your behalf, the hearing on your appeal will be held, at which we will only be able to consider the information presented by you in your appeal application, the data supplied by the Town of Clifton zoning administrator and information supplied by other interested persons who may care to testify. A vote of the BZA on your application (either appeal or to establish a later hearing date) will be taken at the conclusion of the July 24 hearing.

I wish we could be more flexible, but the Virginia Code imposes stringent timing limitations on the BZA. We look forward to your or your representative's presentation on July 24, 2019 at 7:30pm.

Brant Baber

Chair

**Brant Baber** <bb@baberkal.com>  
To: KAREN HARRINGTON <Karen.A.Harrington@raytheon.com>  
Cc: Amanda Christman <cliftonclerkva@gmail.com>

Mon, Jul 22, 2019 at 2:00 PM

Dear Ms. Harrington:

I haven't heard from your attorney yet today. I now do not have my cell phone with me so cannot receive phone calls at it until tomorrow.

I still cannot give you assurance that the hearing will be able to be postponed. Therefore, I recommend that your attorney attend on your behalf on July 24.

Our counsel informs us that it is legally possible to open the hearing on July 24 and then continue it to a definite future date, time and place, and that the continued date does not need to be readvertised or within the original 90 day hearing deadline. In anticipation of our considering a continuance, and to assure that the BZA will be able to obtain a quorum of its members for that purpose, please confirm to me your availability on each of the following dates at 7:30pm:

August 7,8,9,10,11,30

Sept. 3,4,5,9,10,11,12,23,25,26

Brant Baber

Chair

Town of Clifton Board of Zoning Appeals

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**From:** bb [mailto:bb@baberkal.com]  
**Sent:** Monday, July 22, 2019 9:51 AM  
**To:** KAREN HARRINGTON <Karen.A.Harrington@raytheon.com>  
**Subject:** Re: July 24 hearing

Dear Ms. Harrington:

I am available today to speak with your attorney. Please ask him/her to call my number below.

Brant Baber

703-402-5200

On Jul 16, 2019, at 12:24, KAREN HARRINGTON <Karen.A.Harrington@raytheon.com> wrote:

He will not be able to do that. He will only be able to ask for a continuance. My attorney gets back in the office on Monday. He is currently out of the country. I will have him contact you.

**From:** bb <bb@baberkal.com>  
**Sent:** Tuesday, July 16, 2019 12:07 PM  
**To:** KAREN HARRINGTON <Karen.A.Harrington@raytheon.com>  
**Subject:** [External] Re: July 24 hearing

Dear Ms. Harrington:

Please note that the BZA has not agreed to postpone your hearing but only to consider your request at its upcoming meeting. The BZA must have at least 3 of its members in attendance to constitute a lawful meeting, and it is possible that fewer than 3 would be available during the period August 6-11.

If it appears that a quorum will not be available during that period, or if the BZA votes to not postpone the hearing on July 24, the hearing will be held that evening. Therefore, your representative should be prepared to present your case in July 24.

Brant Baber

Chair

Town of Clifton BZA

On Jul 15, 2019, at 19:35, KAREN HARRINGTON <Karen.A.Harrington@raytheon.com> wrote:

I will have someone at the hearing on my behalf to continue the hearing. I have meetings with the president and VP of my business on the 24<sup>th</sup> in Cambridge, so I cannot miss it. August 7<sup>th</sup> or 8<sup>th</sup> I will be in town, if you want to use that for planning and notification purposes. Thank you very much for your help in this.

Dr. Karen A. Harrington

Technology Director  
Advanced Concepts and Technologies  
Space and Airborne Systems  
+1 703-842-3822 (office)  
+1 703-969-4104 (cell)

**Raytheon**

[Quoted text hidden]

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**KAREN HARRINGTON** <Karen.A.Harrington@raytheon.com>  
To: Brant Baber <bb@baberkal.com>  
Cc: Amanda Christman <cliftonclerkva@gmail.com>

Tue, Jul 23, 2019 at 8:46 AM

I am available Aug 8, 9, 10

Sept. 4, 5, 9, 10, 23, 26.

The other dates I will be on travel for work.

7/26/2019

Gmail - July 24 hearing

[Quoted text hidden]