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Honey, I Tore the House Down

Va. Man Begins Work Without Permits, Leaving Family Homeless

By Leef Smith

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It wasn't long before the tiny house on Woodford Road became too cramped for the growing family of Kris and Sandra Motz. Rather than buy something bigger, they chose to rebuild on the forested, stream-lined property near Vienna that they'd come to cherish.

They hired an engineer. They applied for approvals from Fairfax County. They rented a bulldozer. And in one weekend last October that Kris Motz still describes as "the best of my life," the 29-year-old power-tool enthusiast single-handedly reduced their one-bedroom, picket-fenced bungalow to a pile of splinters.

And that's when the family became homeless.

The Motzes knew that the 1930s home they bought five years ago and the 1.8 acres it once sat on were in a flood plain. But so was their neighbors' house, and they were able to rebuild in 1997 with the county's blessing. So Kris Motz followed his engineer's advice and did the necessary flood plain study, which the county approved. What he didn't do was wait for a nod from the Department of Public Works and Environmental Services telling him that his project complied with the county's zoning ordinances for flood plains.

In fact, the county decided it didn't. Zoning officials turned Motz down two weeks after his wild demolition weekend.

"We were thinking 'My God! What are we going to do?' " he said of the fateful day when the county's letter arrived. "There's no reason I should have torn down that house. . . . Basically, I counted my chickens before they were hatched."

Now he's trying to hatch them, even as his family has moved from one temporary roost to another.

In February, the Board of Zoning Appeals nixed the couple's request a second time, again saying they needed a "special exception" from the Board of Supervisors before they could proceed with their plan to put a modular four-bedroom home on their property.

Getting such an exception requires an appearance before the Planning Commission and two public hearings before the supervisors can vote. Last Monday, Supervisor Gerald E. Connolly (D-Providence) asked the board to expedite the couple's case, which could save two months' time and get it on the August calendar.

But that's just one hurdle.

"I think there's going to be some difficulty" in making their case, Connolly said. "Some of my colleagues, including the chairman, have expressed skepticism about the case. How do you demolish your primary residence in the naive hope that you can easily replace it without having first done all your homework?"

Motz said he relied largely on the knowledge that his neighbor had rebuilt, on the approved flood plain study, and on the advice of his

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engineer that things were going smoothly. "But [he] did say the process wasn't finished yet," Motz conceded. "He said, 'You have the risk something obscure could happen.' Indeed it did."

Motz, a commercial property manager, said he did the demolition himself to save money. He and his wife say that seeking a special exception could set them back as much as \$25,000 in fees. That's on top of the \$12,000 for the engineer and, oh yes, their house that went poof.

Fairfax County tax records assessed the structure at \$75,975 as of Jan. 1, 2001 -- and \$0 as of Jan. 1 this year.

The Motzes say they have no choice now but to go ahead and seek the special exception. That's because they are currently the owners of a \$120,000 piece of largely vacant, virtually unbuildable land, with a kid-friendly treehouse and a babbling stream on it.

In essence, a great place to picnic.

"I've been beating myself up a lot over this," said Kris Motz. "I could have sold the old house and gotten us into another one, and I could have walked away with some money. But I was told, and I fully believed, that the zoning administration would be completely out of line if they made the decision they did."

Motz's neighbor, the one who provided inspiration by successfully rebuilding in 1997, did not get an easy pass from Fairfax planners either. Dan McGuire said he spent almost a year haggling over county regulations and permits before getting the green light. So he warned Kris Motz to hold off before renting the heavy equipment.

"I said, 'You might want to wait until you have the permit in hand,' " McGuire said. "But he said he had promises from the county that everything was going to be fine. I said, 'Still, you might want to wait.' That's pretty tough, what happened."

One of the purposes of flood plain regulation is to reduce damage to buildings if rising water were to reach the 100-year flood level.

Officials with the Department of Public Works and Environmental Services said the Motz and McGuire properties are not twins. McGuire was able to make topographical improvements to his land that did not require a special exception.

Kris Motz had hoped to have his wife and their son, Chase, now 2, living in their new modular home by last Christmas. Instead, they found themselves bunking with his parents. When their daughter, Riley, was born in March, they were living in an apartment in McLean. This month, with considerable help from their parents, Motz said, the couple was able to buy another home in Vienna to move into while they wait to hear from the county.

"I thought we were ready" to tear down the house, said Sandra Motz, 29, bouncing Riley on her hip in the field that was once their yard. "It's really unfortunate what's happened."

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