



# County of Fairfax, Virginia

May 11, 2011

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-SP-015

### SPRINGFIELD DISTRICT

**APPLICANT:** Michael Byrne

**OWNERS:** Michael L. Byrne  
Anna T. Byrne

**STREET ADDRESS:** 12408 Ramrod Court

**SUBDIVISION:** Cannon Ridge

**TAX MAP REFERENCE:** 55-4 ((4)) 17

**LOT SIZE:** 1.02 acres (44,540 square feet)

**ZONING DISTRICT:** R-1 and WS

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an accessory structure (detached garage) 10.6 feet from a side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2011-SP-015 for an accessory structure (detached garage) with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

*O:\dhedri\Special Permits\5-18) SP 2011-SP-015 Byrne (50)\SP 2011-SP-015 Byrne staff report.doc*

*Deborah Hedrick*

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

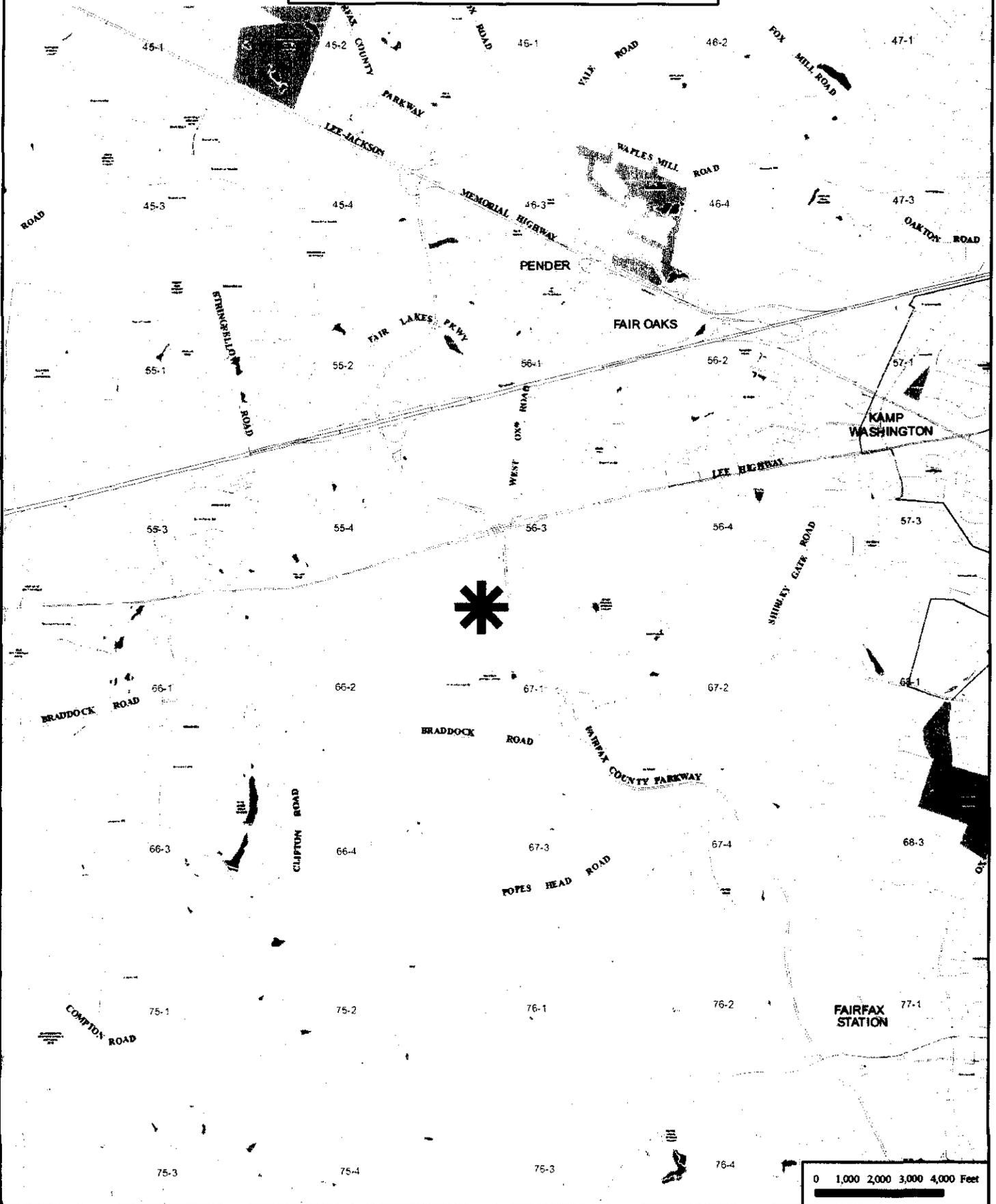
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

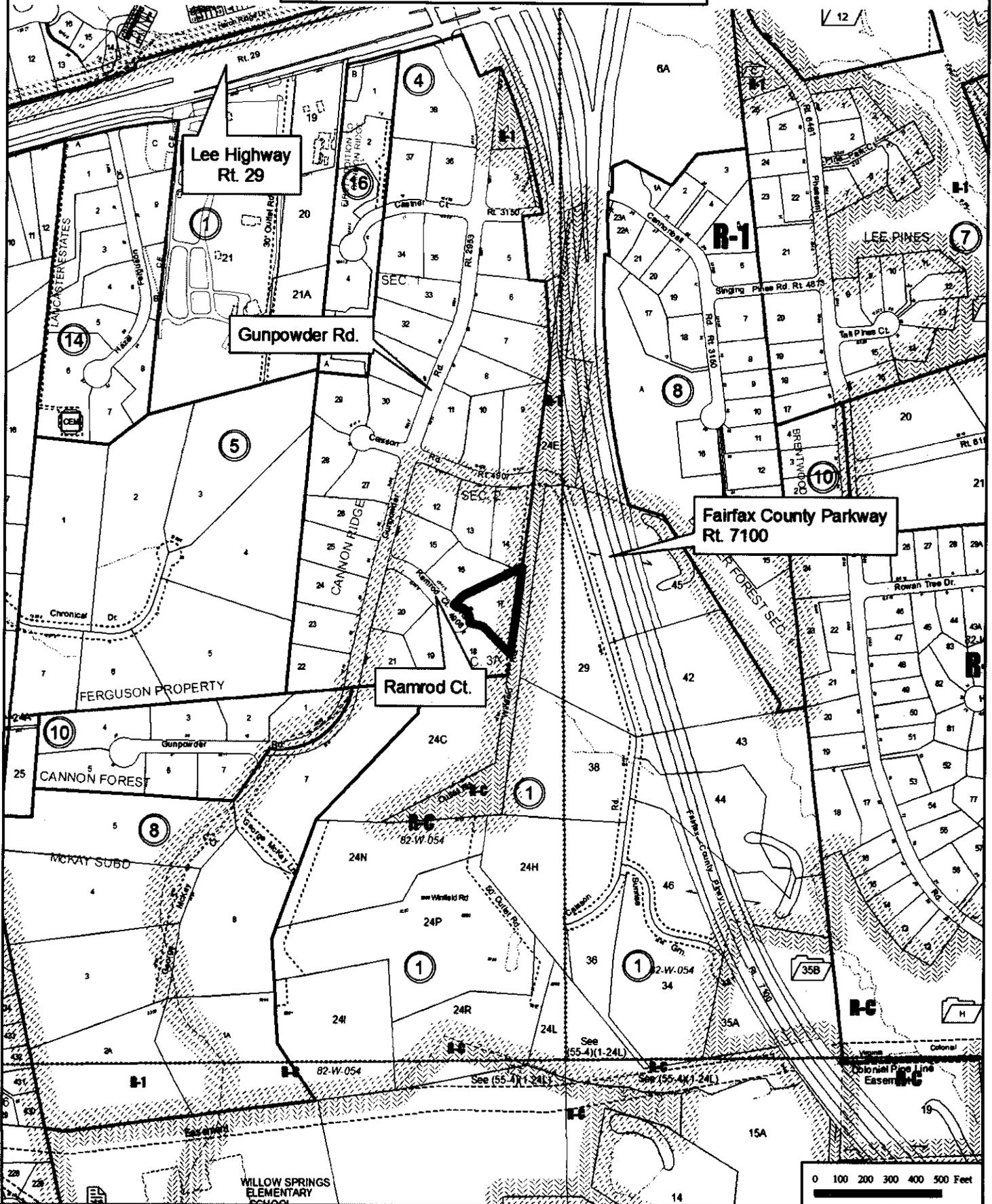
SP 2011-SP-015  
MICHAEL BYRNE



# Special Permit

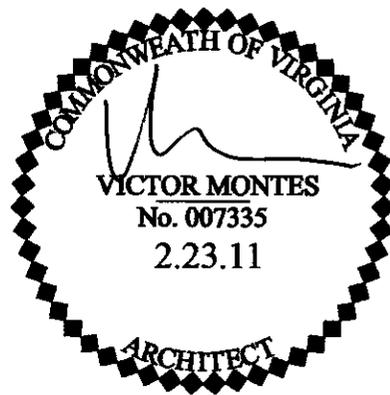
SP 2011-SP-015

MICHAEL BYRNE



CANNON RIDGE  
SECTION TWO

LOT 14



PROPOSED GARAGE  
PROPOSED HEIGHT 14'

10.6'  
AT EVE

EXISTING GARAGE  
TO BE REMOVED  
PER HOMEOWNER

APROXIMATE  
SEPTIC FIELD  
LOCATION

LOT 16

LOT 17

44540 SQ. FT.

LOT 18

N 46°04'54" E  
50.00'

IPF

N 65°11'50" E  
267.95'

ASPH. D/W

20' B.R.L.

32.5'

28.7'

13' HIGH +/-

#12408

44.1'

CONC. STOOP

20' B.R.L.

40' B.R.L.

WELL

71.5'

PHONE MAST

55.3'

39.2' +/-

29.0'

IPF

7' HIGH +/-

CHAIN LINK FENCE

163.32'

N 43°09'14" W

IPF

75°45'00" W

50.00'

IPF

92.82 R=50.00

R=25.00

IPF

21.03'

IPF

0.1 MI +/- TO INTX.  
GUNPOWDER ROAD

THE TOTAL EXISTING SQUARE FOOTAGE IS  
3,298 SF AND THE PROPOSED IS 3,858 SF.  
FAR = .08

- 1 THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THE PROPERTY.
- 2 THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- 3 THIS PROPERTY IS SERVED BY PUBLIC SEWER AND WATER
- 4 THERE ARE NO UTILITY EASEMENTS OF 25' OR GREATER AFFECTING THIS PROPERTY.
- 5 ALL IMPROVEMENTS U. O. N. ARE EXISTING.
- 6 MEATS AND BOUNDS DATA OBTAINED FROM A PLAT DATED OCTOBER 15, 2009 BY STEVEN L. MOORE LAND SURVEYING, INC.

NORTH  
SCALE : 1" = 50'  
FEBRUARY 9, 2010

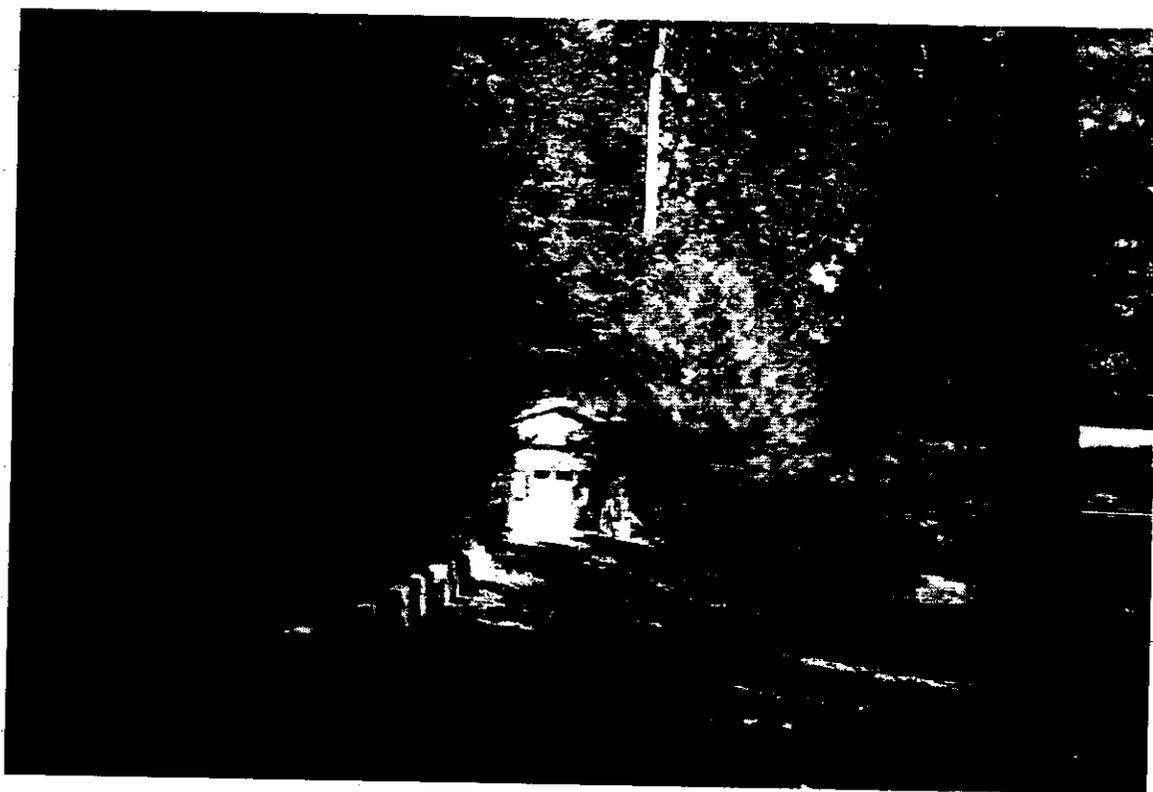


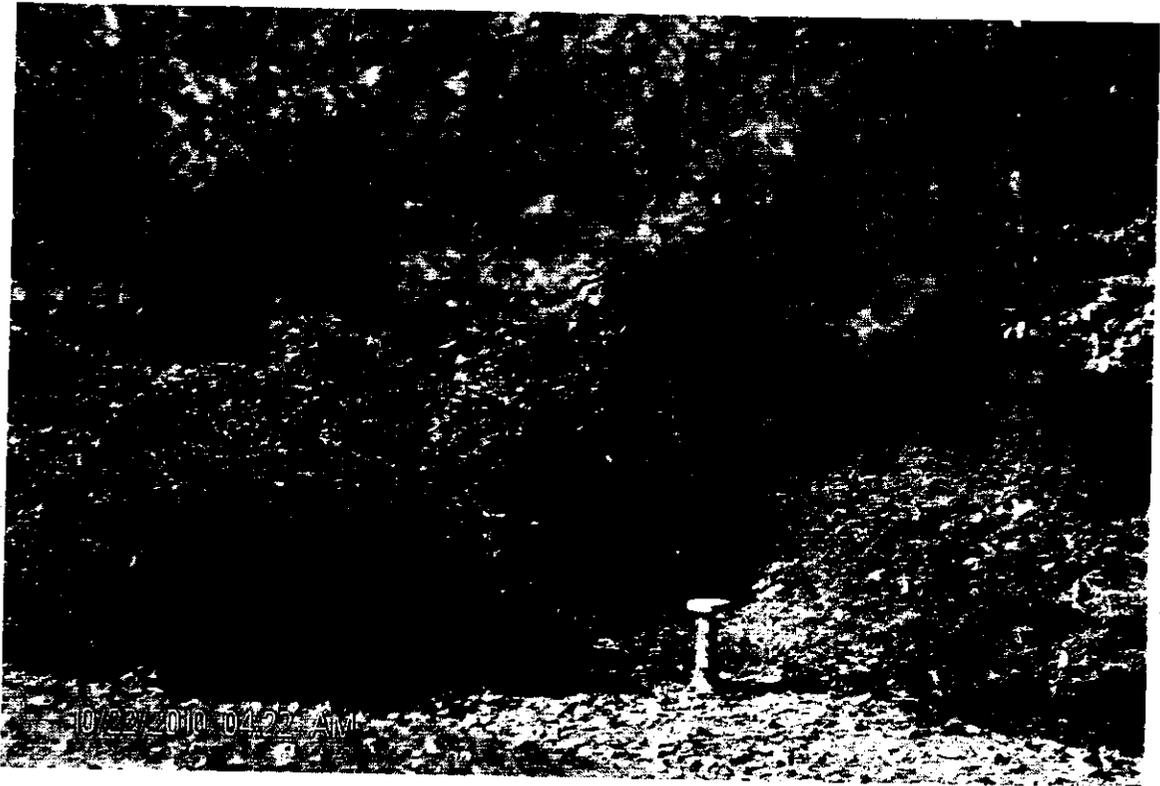
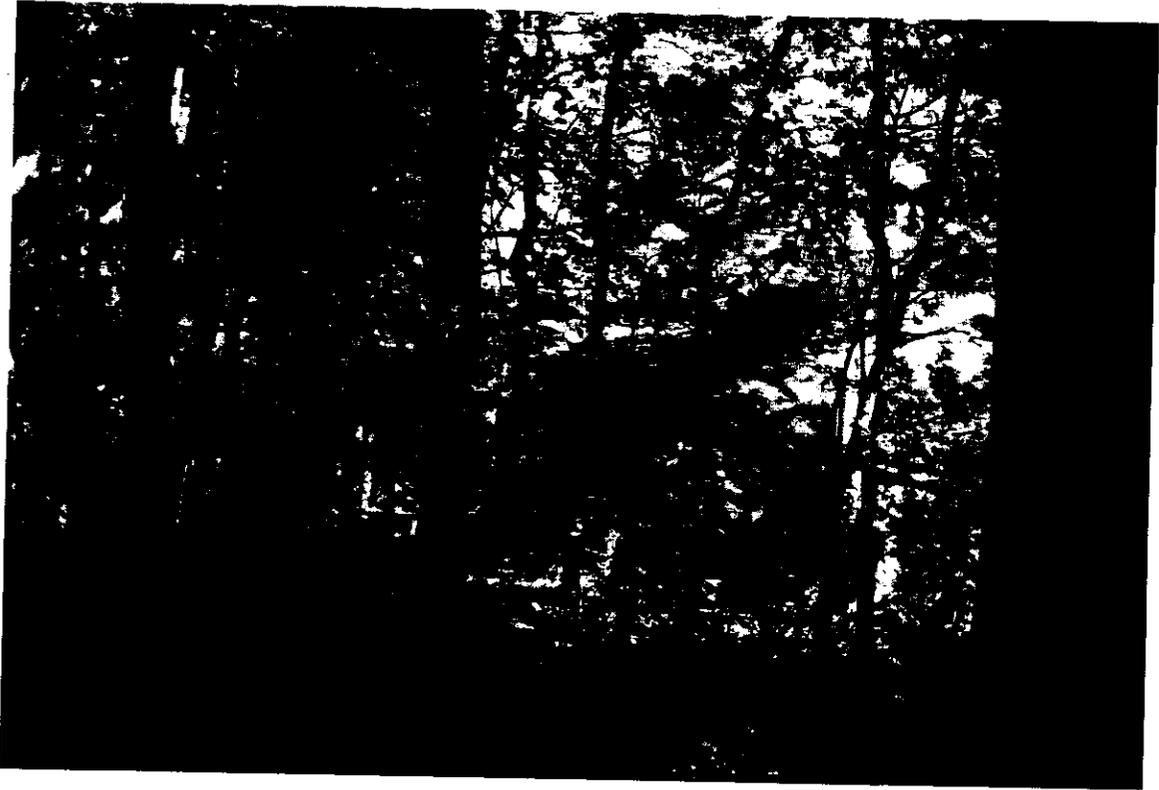
TAX MAP 55-4-((04))-0017  
LOT 17-SECTION 3A CANNON RIDGE  
SPRINGFIELD DISTRICT ZONING R-1  
FAIRFAX COUNTY, VIRGINIA  
PROPERTY OF MICHAEL BYRNE

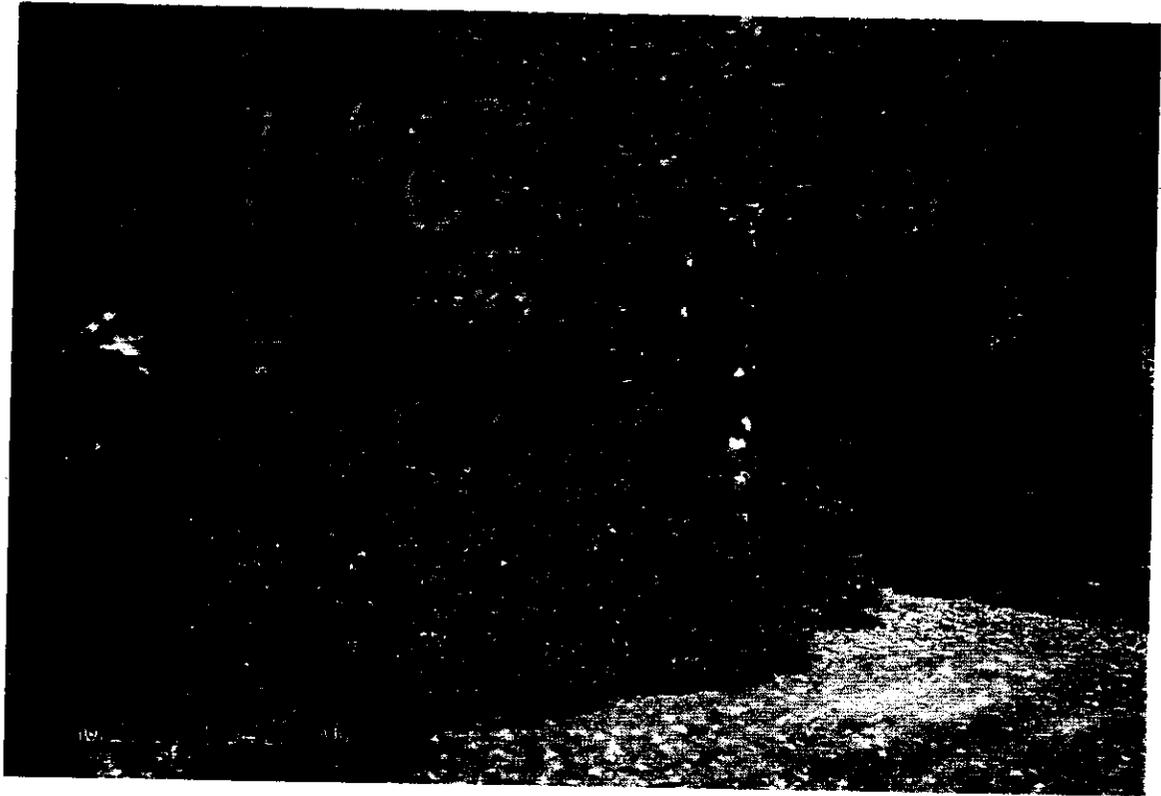
SPECIAL PERMIT SP 2010-0255  
VM ARCHITECTURE, P.L.L.C.

8002 ILIFF DR. DUNN LORING, VIRGINIA 22027 PHONE 703 868 7677



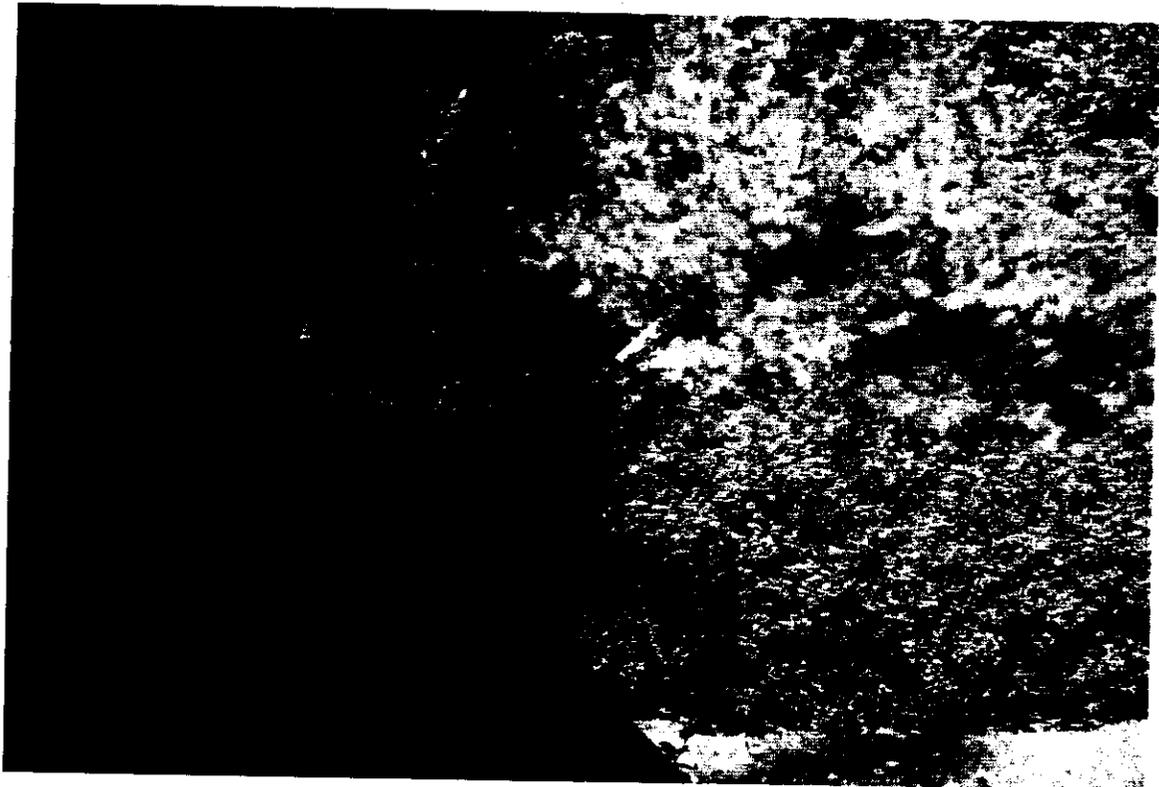




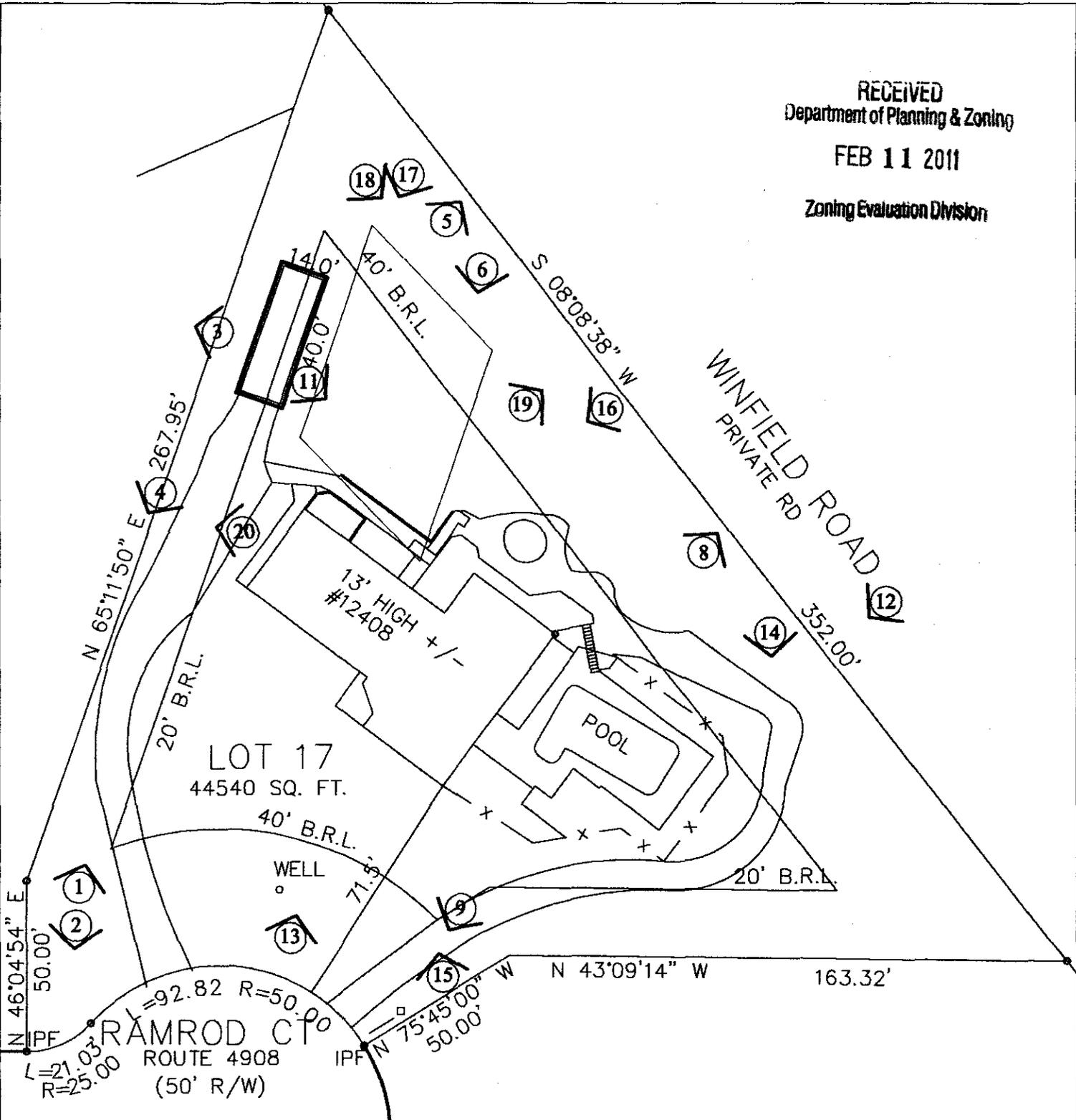




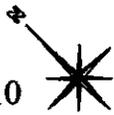




RECEIVED  
 Department of Planning & Zoning  
 FEB 11 2011  
 Zoning Evaluation Division



NORTH  
 SCALE : 1" = 40'  
 FEBRUARY 9, 2010



# PHOTOGRAPH KEY PLAN

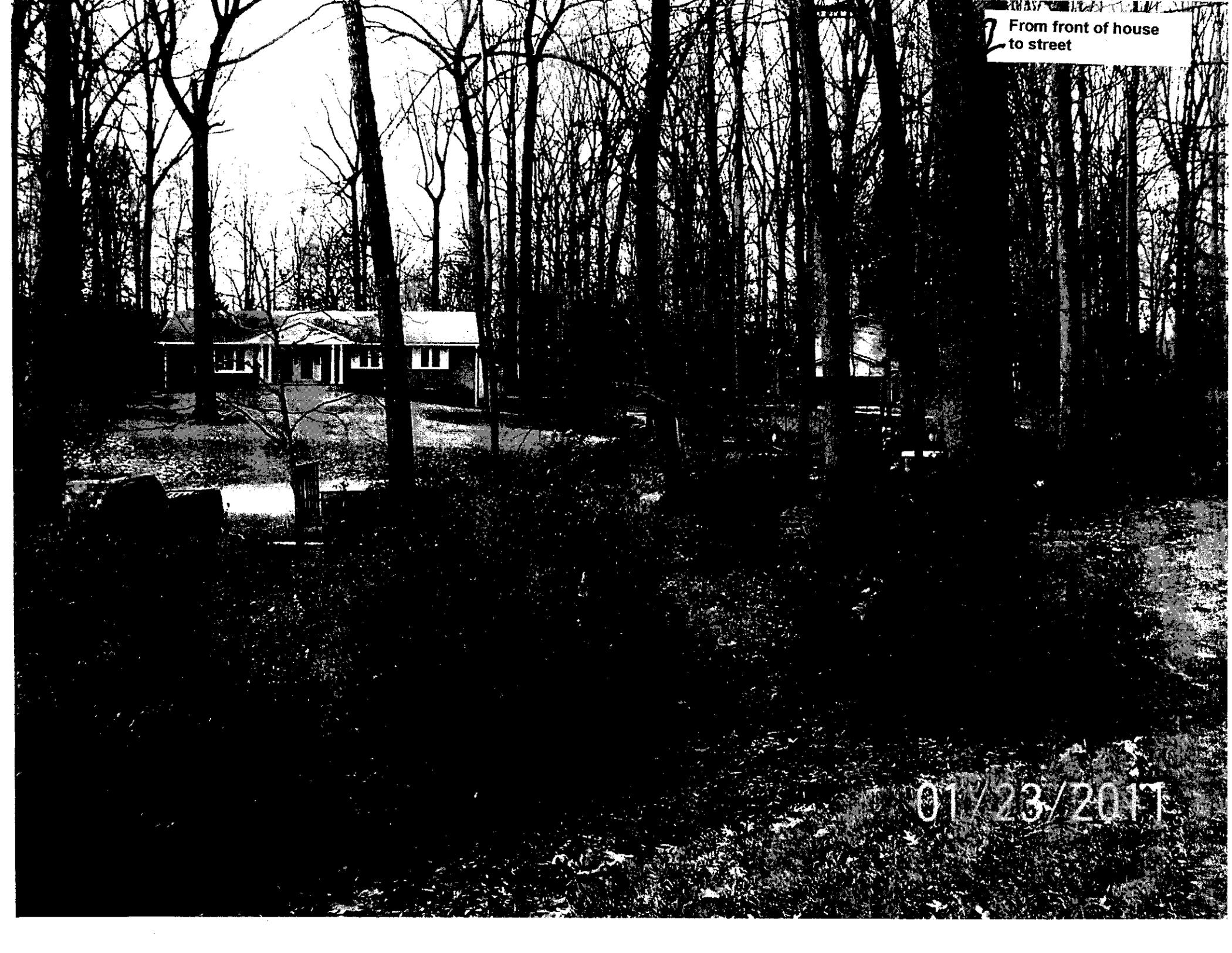
**VM ARCHITECTURE, P.L.L.C.**  
 8002 ILIFF DR. DUNN LORING, VIRGINIA 22027 PHONE 703 868 7677

1 From front yard to house  
and small garage

01/23/2011

From front of house  
to street

01/23/2011



From small garage  
to side yard

New Building

01/23/2011

4 From front of house  
to street

01/23/2011

From property line to neighbor

01/23/2011

6 From side of garage  
to house



01/23/2011

8 From property to back  
lane

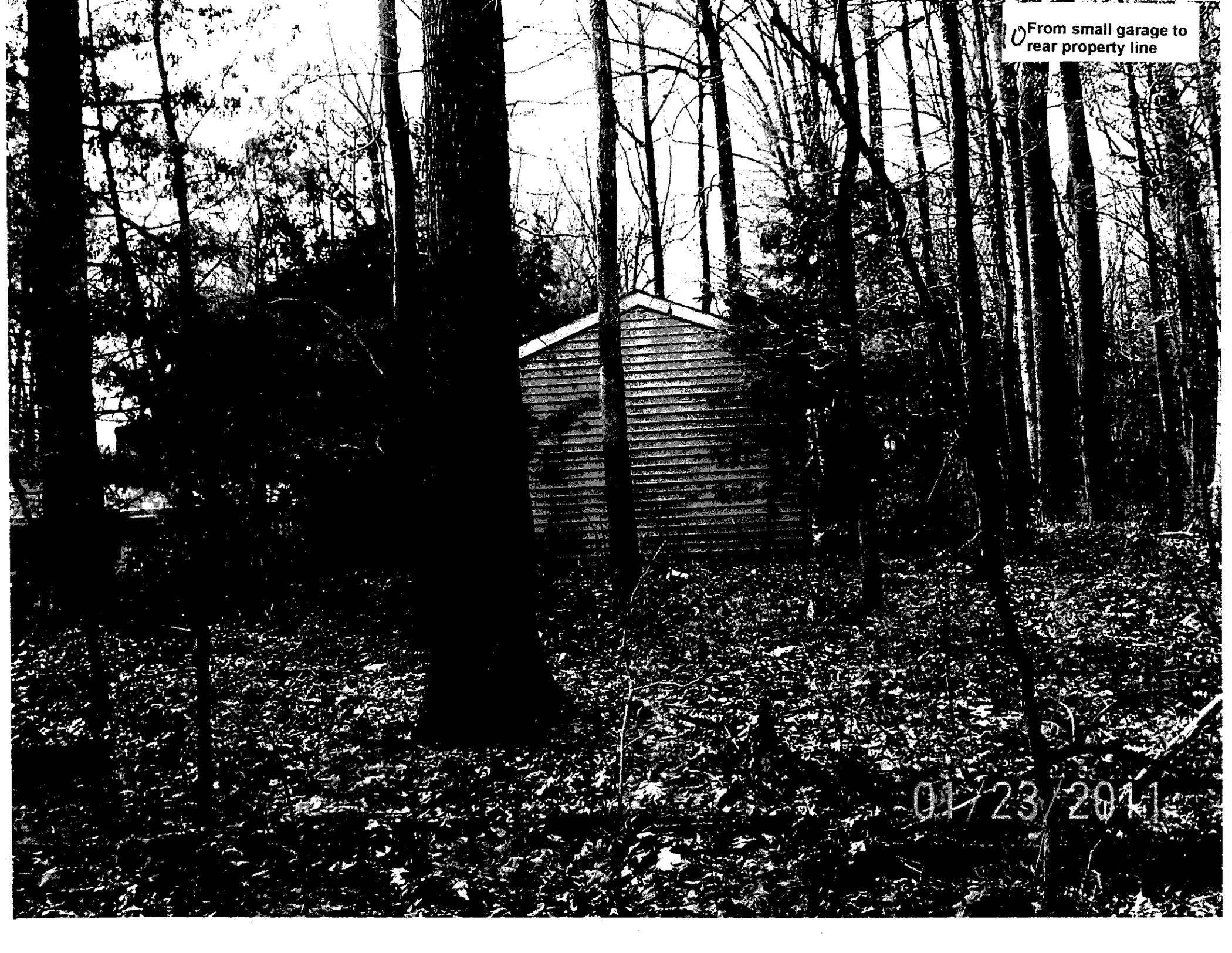
01/23/2011

9 From side of house  
to front court

01/23/2011

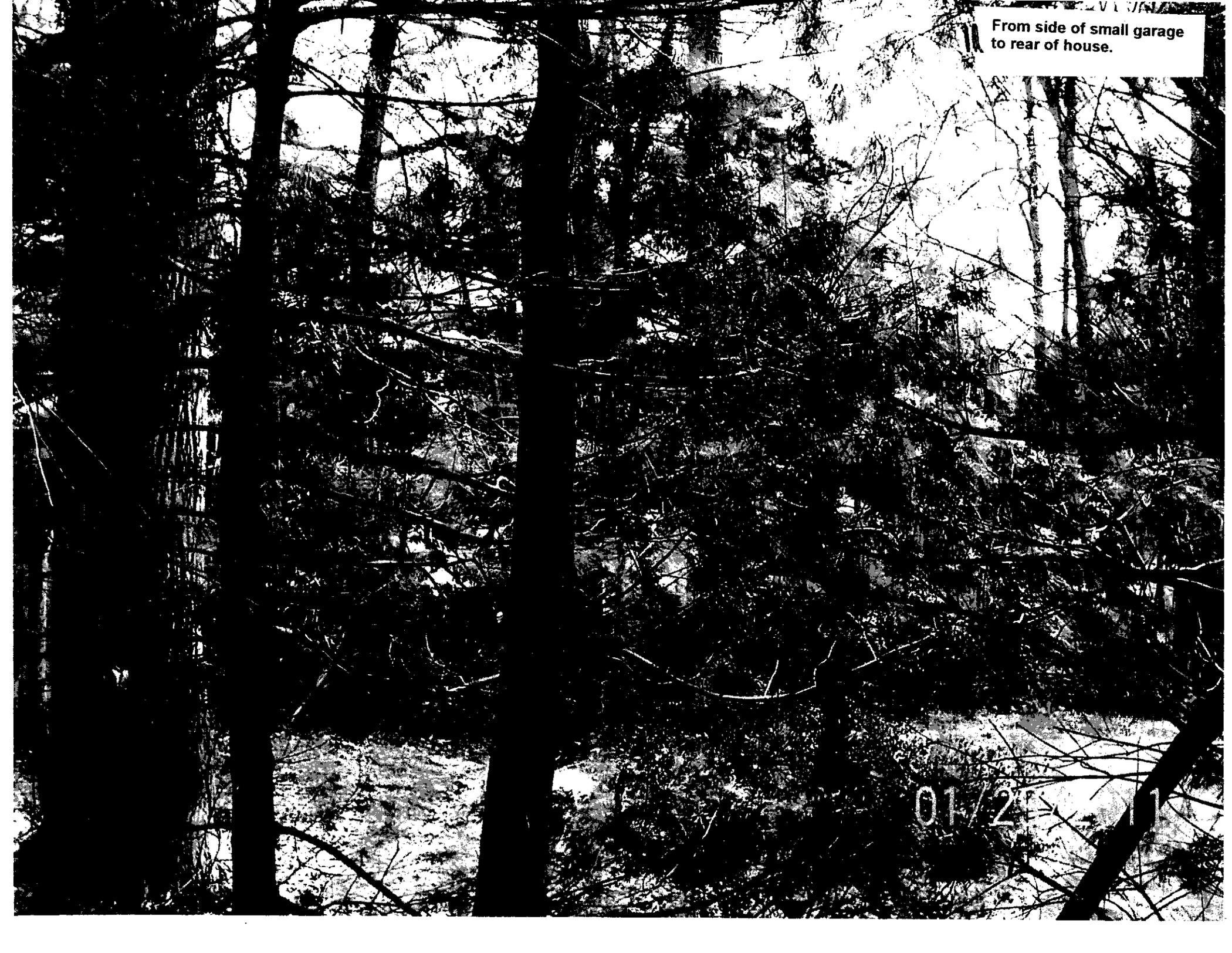
From small garage to  
rear property line

01/23/2011

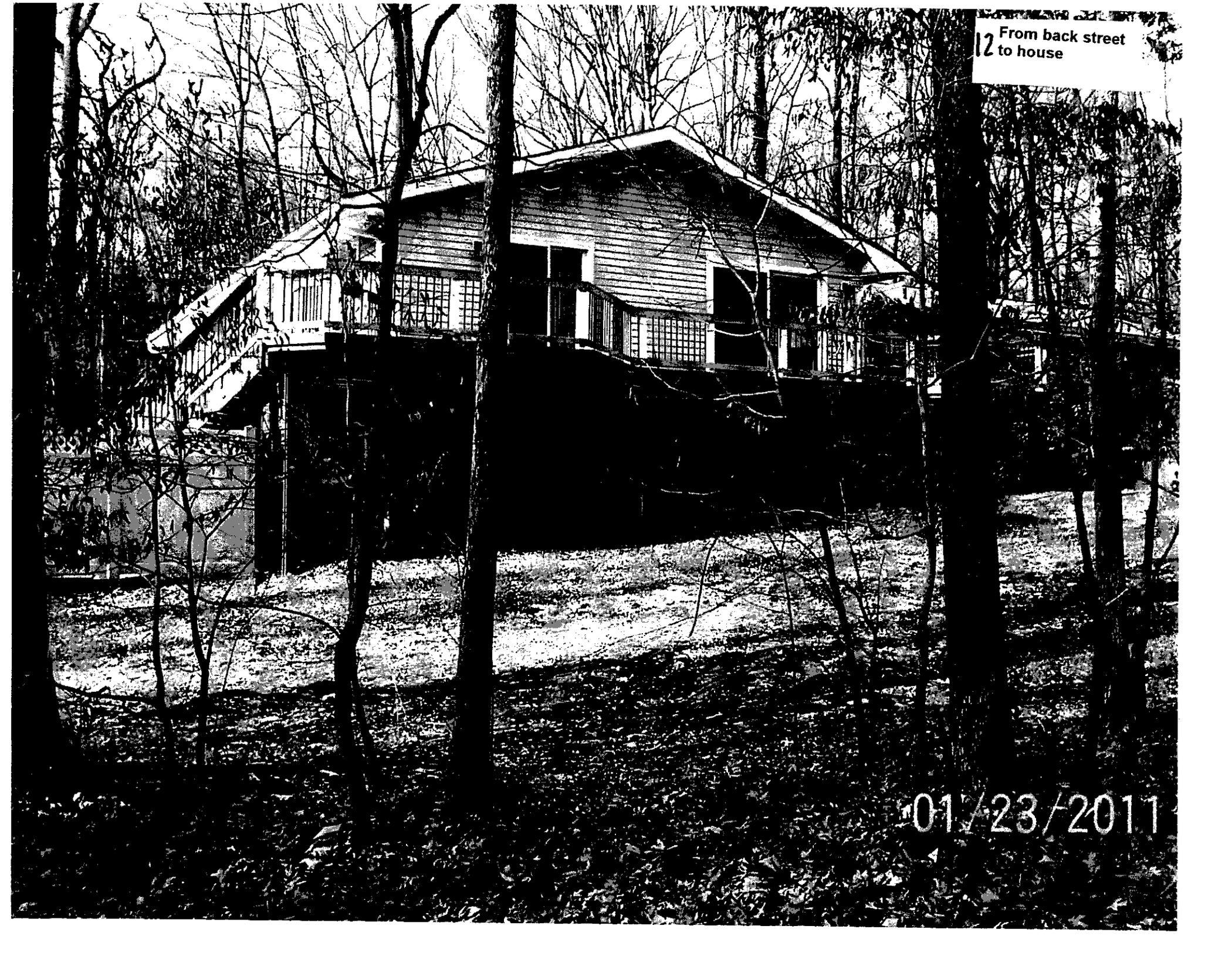


From side of small garage  
to rear of house.

01-28-11



12 From back street  
to house



01/23/2011

13 From front of street  
to house.

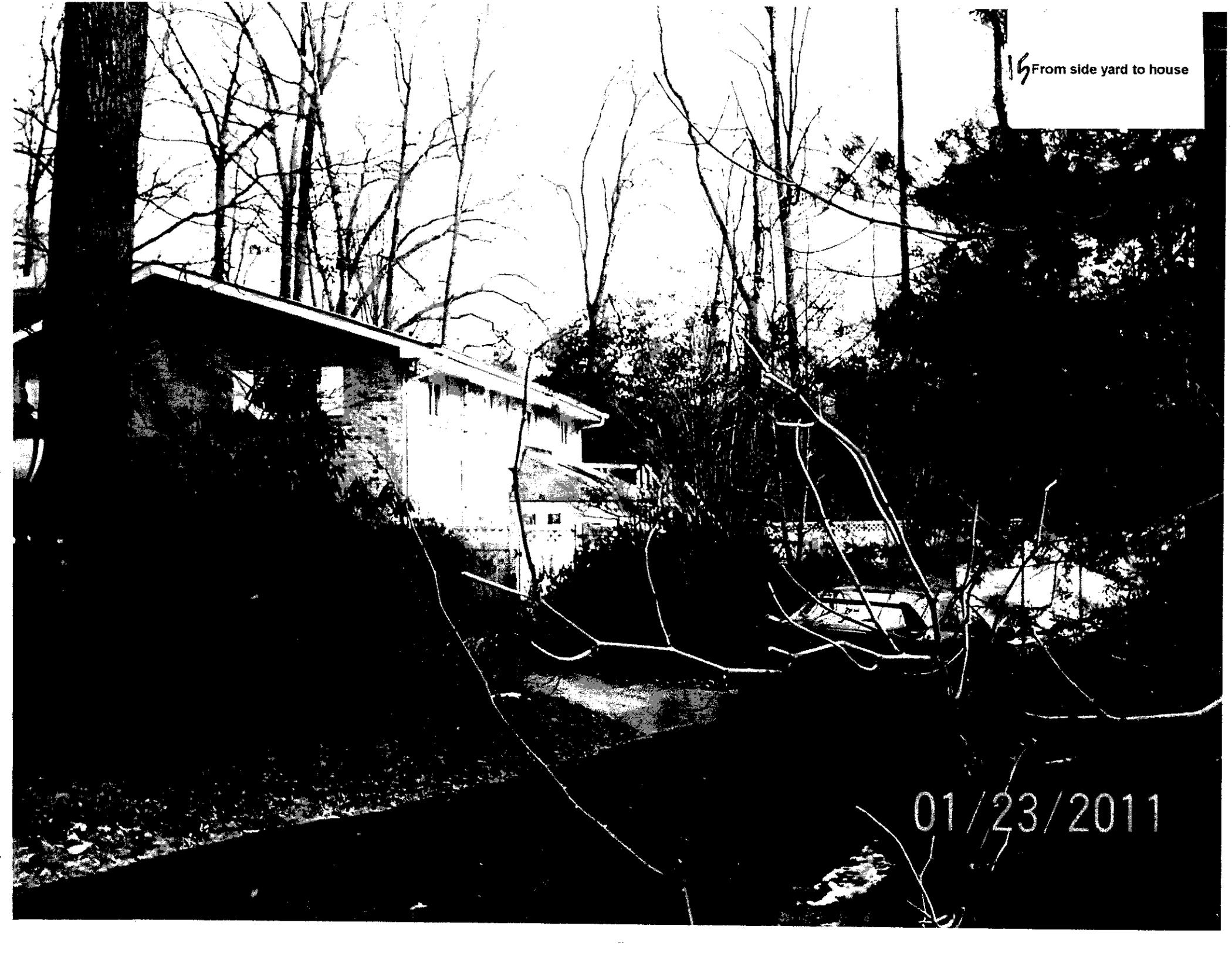
01/23/2011

4 From garage to  
side property

01/23/2011

16 From side yard to house

01/23/2011





01/23/2011

17 From back yard to house

01/23/2011

18 From back yard to small garage

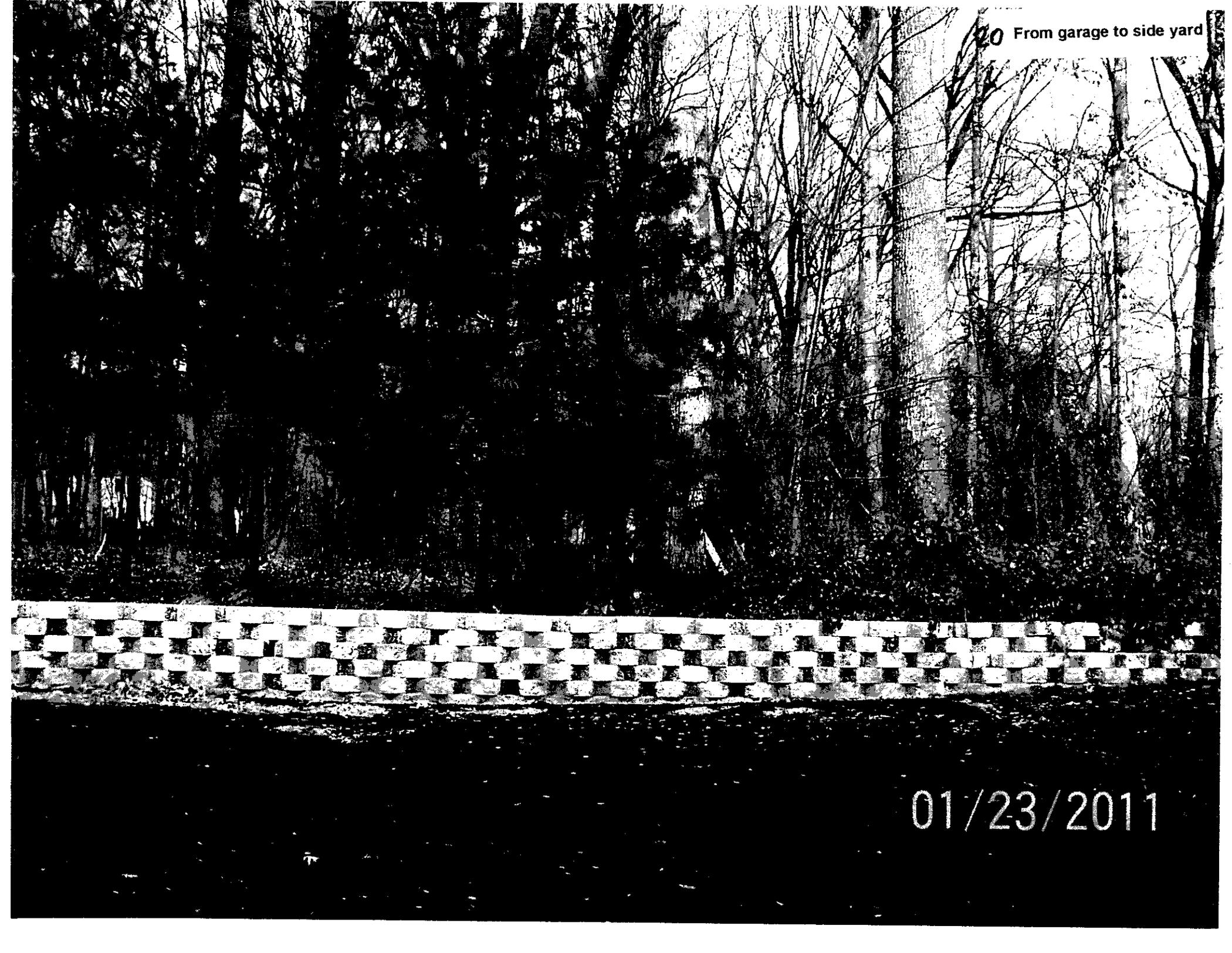
01.23.2011

From small garage  
to back property line

01/23/2011



20 From garage to side yard



01/23/2011

**DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit to permit reduction of certain yard requirements to permit construction of an accessory structure, detached garage, to be located 10.6 feet to its eave from the northern side lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	<b>Accessory Structure</b>	Side	20.0 feet	10.6 feet	9.4 feet	47%

\* Minimum yard requirement per Section 10-104

**EXISTING SITE DESCRIPTION**

The site is currently zoned R-1 and developed with a split-level brick and stone single-family detached dwelling, built in 1974. The lot is 1.02 acres in size and is surrounded by large lots which also contain single-family detached dwellings along all lot lines. The property is accessed via an asphalt driveway from Ramrod Court which extends along the northern side lot line and terminates at an existing attached two-car garage (right side of driveway) and a detached garage/storage structure (left side of driveway). A gravel walkway extends from Ramrod Court to an existing wood deck and concrete patio located in the rear yard. There is also a swimming pool with an associated 6-foot high wood fence which surrounds the concrete decking and swimming pool. The lot is heavily wooded with a combination of existing mature deciduous trees and shrubs.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-1 and WS	Single Family Detached Dwelling
<b>East</b>	R-C and WS	Single Family Detached Dwelling
<b>South</b>	R-1 and WS	Single Family Detached Dwelling
<b>West</b>	R-1 and WS	Single Family Detached Dwelling

## BACKGROUND

A determination was made by the Zoning Administration Division that this property was not considered a through lot. The lot is treated as if Winfield Road, which is a private road, was a pipestem lot, therefore requiring a 25 foot setback from Winfield Road.

Records indicate there were no other similar applications for accessory structures for properties in the vicinity of the application site heard by the BZA.

## ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Tax Map 55-4 ((4)) 17, Lot 17, Section 3A, Cannon Ridge
- **Prepared by:** VM Architecture, P.L.L.C., dated February 9, 2010 as sealed on February 23, 2011

### Proposal:

The applicant proposes to construct an oversized one-car detached garage, measuring 14 feet in width x 40 feet in length x 14 feet in height, consisting of approximately 560 square feet of area, to be located at its closest point 10.6 feet from the northern side lot line. The one-story garage is proposed to accommodate the applicant's oversized truck and to store tools and is therefore larger than the typical size of a one-car garage. The proposed garage will replace an existing 204 square foot garage/storage structure in the same approximate location.

## ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

### Sect. 8-006 General Special Permit Standards

Staff believes that the application for the detached garage meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3.

*General Standard 3* requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *The large lot is heavily wooded and the proposed structure will replace an existing nonconforming structure which has limited exposure to the immediate neighbors. As shown in the photographs located at the front of the staff report, photos 3, 5, 17 and 18 clearly show that nothing can be seen from the side yard where the garage is proposed to be constructed. Staff believes by observation of the neighborhood through submitted photographs that the construction of the detached garage will not adversely affect the use or development of neighboring properties. Therefore, staff believes this standard has been met.*

### **Sect. 8-922 Provisions for Reduction of Certain Yard Requirements**

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 4 relates to additional square footage, which does not apply to this application. Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 5, 6, 7, 8, and 9.

*Standard 5* states that the resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site. *The proposed detached garage will be 560 square feet in area and 14.0 feet in height. The existing dwelling is 3,094 square feet in area and approximately 13.0 feet in height; therefore staff believes that the accessory structure is clearly subordinate and the application meets this provision.*

*Standard 6* states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The proposed detached garage will be located at the end of the existing asphalt driveway and will replace an existing 204 square foot garage/storage structure. The applicant proposes that the accessory structure will be architecturally compatible with the existing dwelling on the lot. The detached garage will provide the applicant the ability to accommodate an existing full size truck along with storage of tools. Staff believes the proposed detached garage is in character with existing on-site development and this standard has been met.*

*Standard 7* states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. *Observation of the neighborhood through the submitted photographs shows that the subject property and surrounding properties are large lots and heavily wooded and well screened. The proposed garage will replace an existing nonconforming structure in the same approximate location. Staff believes that there will be no harm to significant trees on the subject property or neighboring properties; therefore, this standard has been met.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. The Department of Public Works and Environmental Services (DPWES) has confirmed that there are no Resource Protection Areas (RPA) or floodplains located on the property and no downstream drainage complaints have been found. Although the proposed garage addition alone may not require significant land disturbance, the amount of total land disturbance associated with the construction may require Water Quality Control measures if the total impervious area exceeds 18% of total land disturbance. The applicant has been made aware of this requirement. Staff believes that the application meets this provision of the Ordinance.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The proposed location of the detached garage is the most logical location given that there is an asphalt driveway which terminates at an existing garage/storage structure, which is proposed to be demolished to accommodate the larger detached garage. The irregularly shaped lot contains significant mature vegetation and the placement of the dwelling on the lot further restricts any alternate locations for such a structure. In addition to the existing swimming pool and associated decking, the rear yard also contains a large septic field which further restricts possible locations for the proposed structure on the lot. Other issues of floodplains and/or Resource Protection Areas are not applicable to this site. Therefore, staff believes this standard has been met.*

## **CONCLUSION**

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATION**

Staff recommends approval of SP 2011-SP-015 for an accessory structure (detached garage) with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2011-SP-015****May 11, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-SP-015 located at Tax Map 55-4 ((4)) 17 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

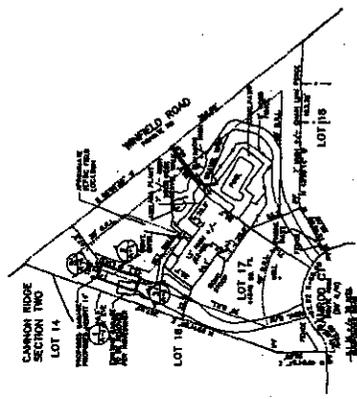
1. This special permit is approved for the location and size of an accessory structure (detached garage) as shown on the plat prepared by VM Architecture, P.L.L.C., dated February 9, 2010, as sealed on February 23, 2011, submitted with this application and is not transferable to other land.
2. The accessory structure shall be generally consistent with the architectural renderings and materials included in Attachment 1 to these conditions.
3. A building permit for the accessory structure (garage) shall be obtained prior to construction and approval of final inspections shall be obtained.

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

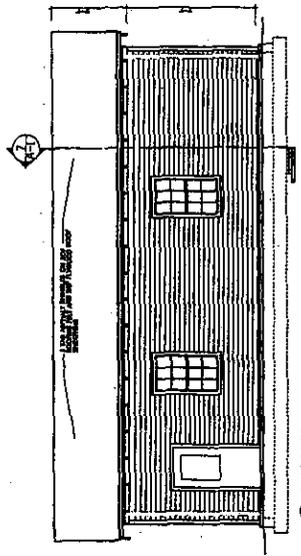
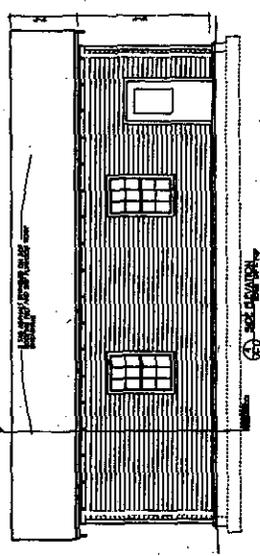
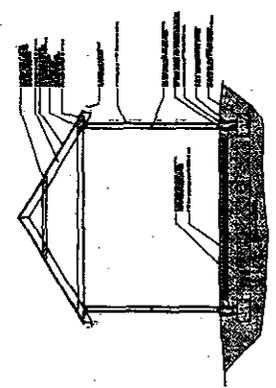
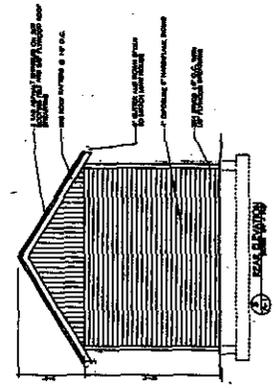
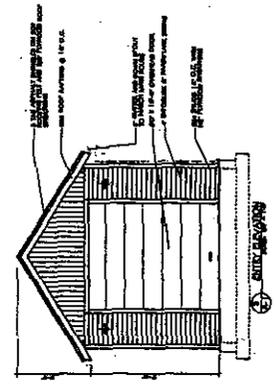
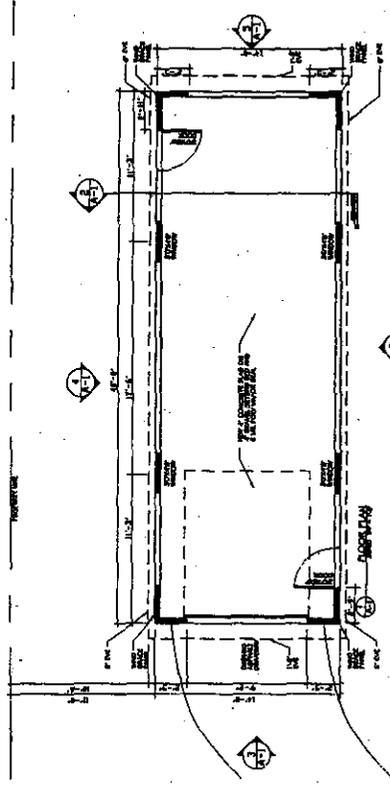
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

SITE & FLOOR PLANS & ELEVATIONS

V M ARCHITECTURE, P. L. T. C. 8002 LEEF DR. DUNN LORING, VIRGINIA 22027 703 868 7677 V M ARCHITECTURE.COM FAIRFAX 12408 RAMROD MIKE BYRNE VIRGINIA



Notes regarding site plan and zoning regulations.



Application No.(s): SP 2011-SP-015  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12-9-10  
 (enter date affidavit is notarized)

I, Michael L BYRNE, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)  applicant  
 applicant's authorized agent listed in Par. 1(a) below 110377a

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
MICHAEL L BYRNE	12408 Rameod Ct Fairfax VA 22030	Title owner / Applicant
ANNA T. BYRNE	12408 Rameod Ct Fairfax VA 22030	TITLE owner

(check if applicable)  There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

SP 2011-SP-015

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

12-9-10

110377a

(enter date affidavit is notarized)

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

Application No.(s):

SP 2011-SP-015

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

110377a

(enter date affidavit is notarized)

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s): SP 2011-SP-015  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 1A-9-10  
(enter date affidavit is notarized)

110377a

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

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

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

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

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

*None*

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

Application No.(s): SP 2011-SP-015  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 12-9-10  
(enter date affidavit is notarized)

110377a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

*None*

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

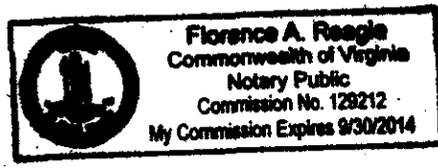
(check one)  Applicant  Applicant's Authorized Agent

Michael L Byrne  
MICHAEL L BYRNE  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 10 day of December 2010, in the State/Comm. of Fairfax, County/City of Virginia, State Virginia

[Signature]  
Notary Public

My commission expires: 9/30/14



**STATEMENT OF JUSTIFICATION – 2-23-11****SP 2010-0255**

Applicant: Michael Byrne

Project: 12408 RAMROD CT, FAIRFAX, VA

February 23, 2011

TAX MAP NUMBER 55-((4)) -04-0017

RECEIVED  
 Department of Planning & Zoning  
 FEB 24 2011  
 Zoning Evaluation Division

**Land Use Proposal:****General**

The subject property is a 1 acre parcel that is surrounded on three sides by properties also zoned in the R-1 District. This proposal is for the rebuilding of a new garage with in the minimum side yard to replace non conforming existing shed which sits upon the side yard.

**Gross Floor Area of project**

Existing Gross Floor Area of principal residence (2,311sf) is 3,094 including the attached garage (783 sf).

The existing Detached Garage is 204 SF and is to be razed (demolished) and a new 560 sf Detached Garage is proposed.

The resulting Gross Floor Area is to be increased by 16 percent. The total existing square footage is 3,298 and the proposed is 3,858 sf.

The purpose of the new detached garage is proposed to be subordinate in scale, purpose and use to the principal structure.

**Character and Harmony of Proposed Structure**

The proposed structure will be in character with the existing structures on the site and harmonious with its setting.

**Adverse Impact**

The proposed structure will replace an existing nonconforming storage structure which has a limited exposure to the immediate neighbors.

**Proposed Reduction of yard**

The proposed reduction of yard is predicated by the location of the new structure between an existing azalea grove pine trees the side property line, existing septic field and the topography of the setting.

**Proposed Structure**

The proposed structure is designed to replace the existing structure. The structure is intended to be unobtrusive nestled within evergreen foliage and provide an out of weather storage of the owners work vehicle. The structure will be painted in a muted earthtone color. The overall architecture is intended to be utilitarian and austere with minimal decoration. The garage will be 14 feet wide 40 feet long and 14 feet high at the peak with the eaves at 10' above ground. The eaves will overhang 6 inches on the sides and 16 inches on the ends.

**SFHA Flood Zone**

This property is not within a designated flood zone, the Fairfax County flood zone map indicates a flood area well beyond the limits of impact to this site.

**Transportation System Analysis and Plan:**

There are no transportation issues.

**Environmental Impact Analysis:**

No significant issues.

**Historic Sites and Landmarks Analysis:**

The surrounding area's historic nature is not significant. No historical or cultural resource is apparent from a visual inspection of the property. The Applicant requests a waiver of any archeological studies for this parcel as part of this rezoning.

**Water and Sanitary Sewer Analysis and Plan:**

The applicant proposes no new connections to public water service and sewer. Public water and sewer is available to the site.

**Public Facilities Analysis and Plan:**

This application proposes replacement of existing shed.

**General Landscape and Open Space Plan:**

All efforts will be made to save all trees adjacent to the property line that are healthy and to preserve as many trees not impacted by new construction of the new shed.

**Development Phasing Plan:**

Not applicable. This project is too small to be developed in phases.

**Architectural Plan:**

The specific architectural design for the replacement building is attached as sheet A-2 attached .

2-24-11

DATE

Michael Byrne  
Michael Byrne  
Applicant

Dept. of Planning and Zoning  
Special Use Permits for Zoning  
12055 Govt. Ctr. Pkwy  
Fairfax, VA 22035

To whom it may concern:

I would like to build a new garage on my property. My existing garage does not fit my truck into it. I would like one that will fit my truck and some tools. I would like the new garage to look like my house.

I can be reached by phone during business hours at 1-301-370-8434.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Byrne". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael L. Byrne  
12408 Ramrod Ct.  
Fairfax, VA 22030-6518

RECEIVED  
Department of Planning & Zoning  
FEB 11 2011  
Zoning Evaluation Division

### **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

### **8-922 Provisions for Reduction of Certain Yard Requirements**

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.