



# County of Fairfax, Virginia

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November 25, 2015

## STAFF REPORT

**SPECIAL PERMIT APPLICATION SP 2015-BR-120**

**BRADDOCK DISTRICT**

**APPLICANT/OWNER:** Toan Ly

**STREET ADDRESS:** 9632 Boyett Court, Fairfax, 22032

**SUBDIVISION:** Twinbrook, Section 6

**TAX MAP REFERENCE:** 69-3 ((9)) 29

**LOT SIZE:** 9,477 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit a reduction in certain yard requirements to permit an attached garage 6.4 feet from the side lot line.

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-BR-120, subject to the approval 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 of Zoning Appeals, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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Mary Ann Tsai, AICP

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 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.

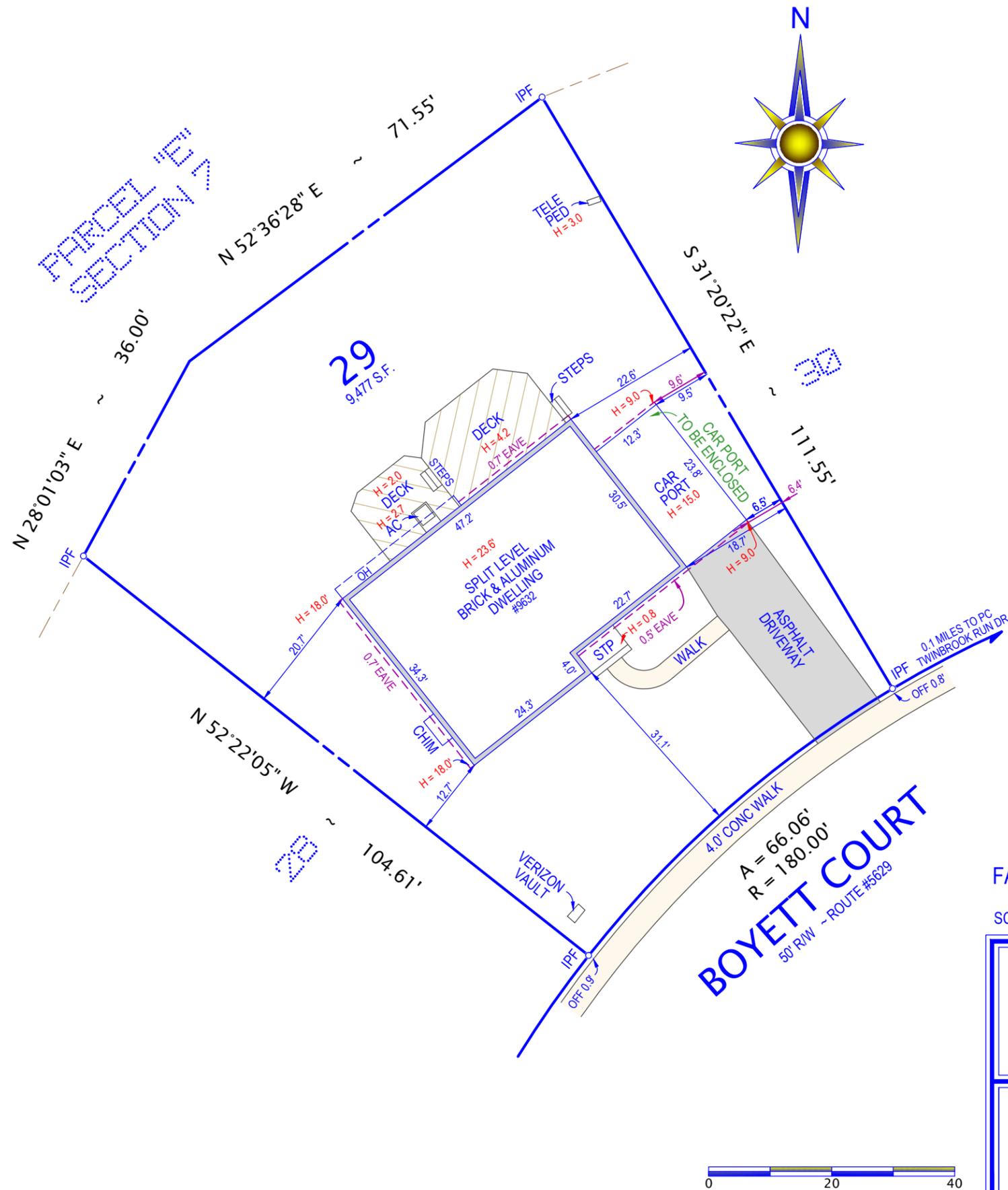
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



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**NOTES:**

1. TAX MAP: 0693 09 0029
2. R-3
3. LOT AREA: 9,477 SF
4. REQUIRED YARDS:
 

FRONT:	=	30.0 FEET
SIDE:	=	12 FEET
REAR:	=	25.0 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
 

EX. BASEMENT	=	841 SF
EX. FIRST FLOOR	=	1,534 SF
GROSS FLOOR AREA	=	2,375 SF

EX. FLOOR AREA RATIO: EX. GFA (2,375)/LOT AREA (9,477) = 0.25

PROPOSED ENCLOSED CARPORT = 293 SF / EX GFA (2,375) = 0.12

PROP GROSS FLOOR AREA : EX GFA (2,375) + GAR (293) = 2,668 SF

PROP FLOOR AREA RATIO: PROP. GFA (2,668) / LOT AREA (9,477) = 0.28
13. UTILITIES ARE UNDERGROUND.

**SPECIAL PERMIT PLAT**  
 SHOWING IMPROVEMENTS ON  
 LOT 29, SECTION 6  
**TWINBROOK**  
(DEED BOOK 4709, PAGE 163)  
**FAIRFAX COUNTY, VIRGINIA**  
 BRADDOCK DISTRICT  
 SCALE: 1" = 20'      AUGUST 6, 2015

I HEREBY CERTIFY THAT THE LOCATIONS OF ALL EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. NORTH IS RECORD NORTH.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.



ORDERED BY:

TOAN LY

**NoVA SURVEYS**

6655 ROCKLEIGH WAY  
 ALEXANDRIA, VA 22315  
 703-688-4038  
 FAX: 703-649-6038

## SPECIAL PERMIT REQUEST

The applicant requests special permit approval to permit a reduction in certain yard requirements to permit construction of an attached garage 6.4 feet from the side lot line. The applicant is proposing to enclose an existing attached carport as a 293-square foot, one-car attached garage within the existing footprint of the carport. Figure 1 depicts the subject property.



Figure 1: Subject property, Source: Fairfax County Aerial Photography, 2015

A copy of the special permit plat entitled "Special Permit Plat Showing Improvements on Lot 29, Section 6, Twinbrook," was prepared by Thomas G. Lutke of NoVA Surveys dated August 6, 2015 and is provided in the front of this staff report.

The proposed development conditions, the applicant's statement of justification and select photographs, and the applicant's affidavit are provided as Appendices 1-3, respectively.

## CHARACATER OF THE SITE AND SURROUNDING AREA

The 9,477-square foot lot contains a split-level brick and aluminum single family detached dwelling with an attached carport located on the eastern side of the dwelling. An open stoop is located at the front of the dwelling and at the rear is a deck. The asphalt driveway provides access to Boyett Court.

The subject property is located northeast of the Kings Park West subdivision, southwest of Braddock Road, and west of Twinbrook Road. The surrounding uses are residential and developed with single family detached dwellings zoned R-3.

**BACKGROUND**

Fairfax County Tax Records indicate that the single family detached dwelling was constructed in 1978 and purchased by the applicant in 2014.

On October 14, 1977, a building permit was approved for a single family dwelling with an attached carport in the R-12.5 District, which later became the R-3 District with the adoption of the 1978 Zoning Ordinance.

On November 28, 1977, a residential use permit was issued for the dwelling.

On January 16, 1979, a house location survey was approved and depicts a single family detached dwelling with a carport. Copies of the approvals are provided in Appendix 4.

**DESCRIPTION OF THE REQUEST**

The applicant requests special permit approval to allow a reduction in certain yard requirements to permit construction of an attached, one-car garage 6.4 feet from the side lot line. The one-car attached garage will be constructed within the existing carport footprint, as shown in Figure 2.

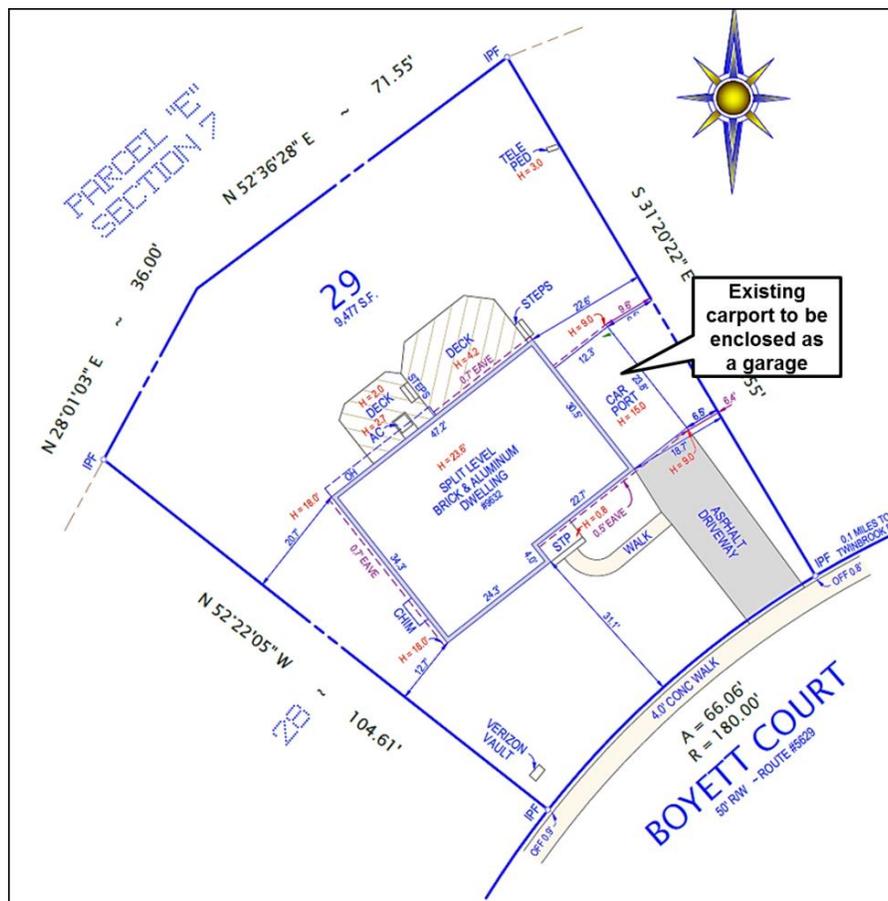


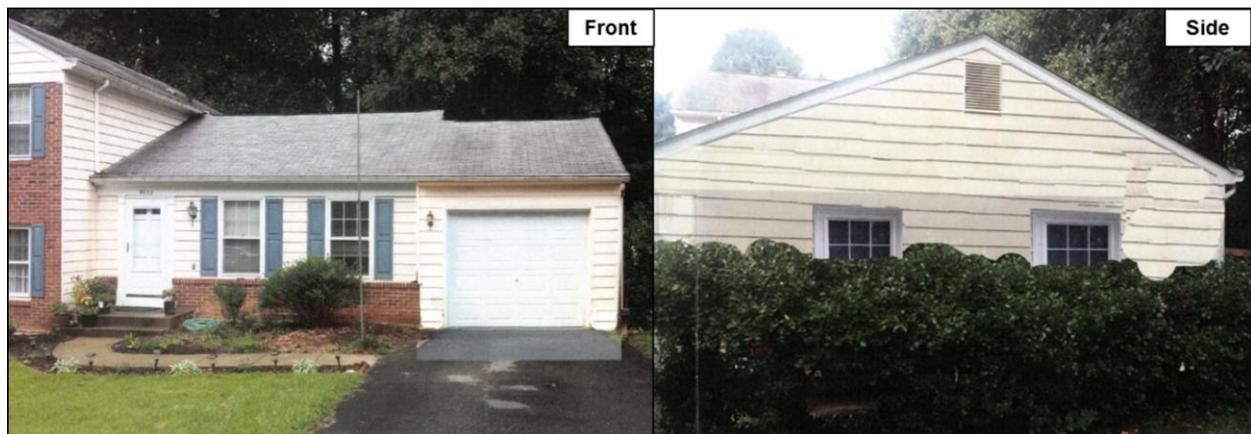
Figure 2: Special permit plat showing proposed garage location

In accordance with Par. 1E of Sect. 2-412 of the Zoning Ordinance, a carport may extend five feet into any minimum required side yard, but not closer than five feet to any lot line. The existing carport extends 5.6 feet into the minimum required side yard and is not closer than five feet to the side lot line, which complies with the Zoning Ordinance. However, by enclosing the carport as an attached garage, the garage is deemed an addition to the dwelling and the structure needs to meet the minimum required yards for the principal structure, which is 12 feet. Since the attached garage is proposed within the existing footprint of the carport, it will encroach 5.6 feet into the minimum required side yard and will be 6.4 feet from the side lot line. The minimum side yard requirement for the R-3 District and the proposed reduction is provided in Table 1.

Structure	Yard	Minimum Yard Requirement	Location of Reduction	Proposed Reduction	Percent Reduction
Garage Addition	Side	12 feet	6.4 feet from the side lot line	5.6	46.6%

**Table 1:** Minimum yard requirements for the R-3 District

The garage will be 15 feet in height with vinyl siding, a garage door, two windows on the side, and a door at the rear of the garage, as shown in the renderings provided by the applicant in Figures 2A and 2B.



**Figure 2A:** Renderings of the front and side of the proposed garage, Source: Applicant



**Figure 2B:** Rendering of the rear of the proposed garage, Source: Applicant

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** III  
**Planning District:** Pohick  
**Planning Sector:** P2-Main Branch Community Planning Sector

**ZONING ORDINANCE REQUIRMENTS** (Appendix 5)

The subject property is zoned R-3; however, at the time of development in 1977, the property was zoned R-12.5. Despite the notation on the Zoning map, the Zoning Administration Division researched the zoning history of the subject property and indicated that with the adoption of the 1978 Zoning Ordinance, the zoning district for the subject property became R-3 from the R-12.5 District. The R-3 District has the same lot size and bulk regulations as the R-12.5 District, as shown in Table 2.

<b>Lot Size and Bulk Regulations</b>			
<b>Standard</b>	<b>R-12.5</b>	<b>R-3</b>	<b>Subject Property (R-3)</b>
Lot Size	10,500 feet	10,500 feet	10,901 feet
Lot Width	80 feet	80 feet	80 feet
Building Height	35 feet	35 feet maximum	23.6 feet
Front Yard	40 feet	30 feet	31.1 feet
Side Yard	12 feet	12 feet	12 feet
Rear Yard	25 feet	25 feet	25 feet

**Table 2:** Lot Size and Bulk Regulations for the R-3 District

This special permit application is subject to the following provisions of the Zoning Ordinance and provided as Appendix 5. Subject to the development conditions, the special permit must meet these standards.

- General Standards (Sect. 8-006)
- Standards for all Group 9 Uses (Sect. 8-903)
- Provisions for Reduction of Certain Yard Requirements (Sect. 8-922)

The following is staff’s analysis of the proposal based on the special permit standards and provisions.

**General Standards (Sect. 8-006)**

<p><b>Standards 1 &amp; 2</b>                  Comprehensive Plan &amp;                  Zoning Ordinance</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The purpose and intent of the R-3 District is to provide single family detached dwellings and other selected uses that are compatible with the low density residential character of the district. The subject property is developed with a single family detached dwelling and a reduction in minimum required yards is permitted in the R-3 District with special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-3 District.</p>
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<b>Standard 3</b> Adjacent Development	The proposal to permit a reduction of certain yard requirements is not anticipated to hinder or to discourage development of adjacent or nearby land. Adjacent property has been developed with single family detached dwellings and two properties, Lots 22 and 24, on the subject street also received special permit approval to permit the enclosure of an existing carport as an attached garage. Other dwellings in the neighborhood are developed with attached garages that did not require special permit approval.
<b>Standard 4</b> Pedestrian/Vehicular Traffic	No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 5</b> Landscaping/Screening	No additional landscaping is proposed.
<b>Standard 6</b> Open Space	The open space requirement previously was addressed with the development of the property. No additional open space is proposed.
<b>Standard 7</b> Utilities, Drainage, Parking, and Loading	This application is not anticipated to impact existing utilities, drainage, and parking at the subject property. No loading space is located at the property. Parking is provided in accordance with the provisions of Article 11.
<b>Standard 8</b> Signs	No signs are proposed with the use.

**Standards for all Group 9 Uses (Sect. 8-903)**

<b>Standard 1</b> Lot Size & Bulk Regulations	The lot size and bulk regulations for the R-3 District are provided in Table 2. The applicant requests special permit approval to permit a reduction in the minimum required side yard requirement to construct an attached garage 6.4 feet from the side lot line, where 12 feet is normally required.
<b>Standard 2</b> Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> Site Plan	The construction of the proposed garage will not disturb more than 2,500 square feet; therefore the application is not subject to the provisions of Article 17, Site Plans.

**Provisions for Reduction of Certain Yard Requirements (8-922)**

<b>Provision 1</b> Yard Requirements Subject to Special Permit	Only the following yard requirements shall be subject to special permit approval for a reduction of certain yard requirements: <i>A. Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet.</i> The proposed attached garage will be located 6.4 feet from a side lot line. The required side yard in the R-3 District is 12 feet, resulting in a reduction of 5.6 feet or a 46.6 percent reduction. <i>B. Pipestem lots –</i> The subject property is not a pipe stem lot. <i>C. Accessory structure locations –</i> No accessory structures are proposed. <i>D. Extensions into minimum required yards allowed by Sect. 2-412 –</i> Not applicable.
<b>Provision 2</b> Detached Accessory Structure	A detached accessory structure is not proposed in the front yard.
<b>Provision 3</b> Principal Structure and Use	The single family detached dwelling is the principal structure and use on the subject property and complied with the minimum yard requirements in effect when the building permit was issued in 1977, as shown in Table 2 and on the building permit in Appendix 4.
<b>Provision 4</b> Gross Floor Area	The resulting gross floor area of the attached garage to the principal structure (the dwelling) does not exceed 150 percent of the total gross floor area of the dwelling. The proposed garage is 293 square feet. The existing gross floor area of the principal structure is 2,375 square feet; therefore, the garage will be 12.3% of the gross floor area.

<b>Provision 5</b> Accessory Structure Subordinate in Purpose, Scale, Use and Intent	No accessory structures are proposed. The proposed attached garage is deemed to be an addition to the dwelling.
<b>Provision 6</b> In Character with On-Site Development	The proposed attached garage will be constructed on the northeast side of the existing dwelling. The garage is proposed within the existing footprint of the carport. The applicant's drawings indicate that the materials, size and scale of the garage are intended to be compatible with the existing dwelling, as shown in Appendix 2.
<b>Provision 7</b> Harmonious with Off-Site Development	The proposed garage is harmonious with the surrounding off-site uses and structures. Two properties, Lots 22 and 24, on the subject street received special permit approval for a similar reduction of the minimum yard requirements to enclose a carport as a garage. The proposed garage is not anticipated to affect neighboring properties in terms of location, height, and bulk. Removal of existing vegetation and trees is not proposed.
<b>Provision 8</b> Adversely Impact on Adjacent Properties	The proposed garage is not anticipated to adversely impact the use and/or enjoyment of adjacent property with regard to noise, light, air, safety, erosion, and stormwater runoff. The garage will minimize vehicular noise and light and will provide increased safety to personal property.
<b>Provision 9</b> Minimum Reduction Necessary	The applicant is proposing to enclose the existing carport as an attached garage and is not proposing to expand the existing carport footprint. As such, the enclosure represents the minimum reduction necessary.
<b>Provision 10</b> BZA May Impose Conditions	Staff proposed development conditions are provided in Appendix 1.
<b>Provision 11</b> Submission Requirements	With the acceptance of the application, the applicant has met the submission requirements for the special permit application.
<b>Provision 12</b> Architectural Elevations	Proposed elevations are included as part of the statement of justification in Appendix 2.

## CONCLUSION

Staff finds the proposal in conformance with the Comprehensive Plan and 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 2015-BR-120 to permit a reduction in certain yard requirements to permit an attached garage 6.4 feet from the side lot line, subject to the 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 of Zoning Appeals, in adopting any conditions, relieve the applicants/owners 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. Statement of Justification and Photographs
3. Affidavit
4. Permit Approvals
5. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-BR-120****November 25, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-BR-120 located at Tax Map 69-3 ((9)) 29 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board of Zoning Appeals condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the garage addition (293 square feet and 15 feet in height), as shown on the special permit plat entitled "Special Permit Plat Showing Improvements on Lot 29, Section 6, Twinbrook," prepared by Thomas G. Lutke of NoVA Surveys, dated August 6, 2015, and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,375 square feet existing + 2,731 square feet (150%) = 5,106 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The garage shall be generally consistent with the architecture, building materials, and color of the existing dwelling, as depicted in Attachment 1.

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, 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.



*proposed  
rendering  
of  
completed construction*

RECEIVED  
Department of Planning & Zoning  
AUG 11 2015  
Zoning Evaluation Division

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:

- A. Type of operation(s). *Storage, including vehicle*
- B. Hours of operation. *All*
- C. Estimated number of patrons/clients/patients/pupils/etc. *N/A*
- D. Proposed number of employees/attendants/teachers/etc. *N/A*
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day. *None*
- F. Vicinity or general area to be served by the use. *N/A*
- G. Description of building facade and architecture of proposed new building or additions. *Using Fairfax typical carport enclosure details, Vinyl siding, Aluminum garage door.*
- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers. *Maybe 3 gallons of gasoline*
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification. *Using Fairfax typical carport enclosure details,*

*Gross floor area of a addition is 12%, less than the 150% limit.*

*Enclosed carport will have matching vinyl siding as to the existing home. It will exist only on carport location.*

*vinyl matches home and community. No changes to vegetation.*

*Roof is already existing over carport, so enclosure will cause no changes. No significant change in noise, light, air, safety, erosion, and runoff.*

*Enclosure is built on existing slab.*

*Toan Ly*

*[Signature]*

*7/22/2015*

*JL  
7/23/2015*

# Architectural Depiction

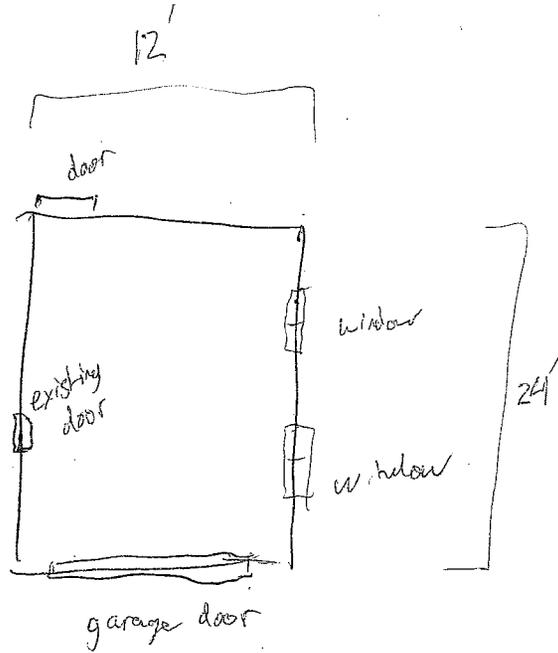
12'x24' 2x4 walls

1/2" ply

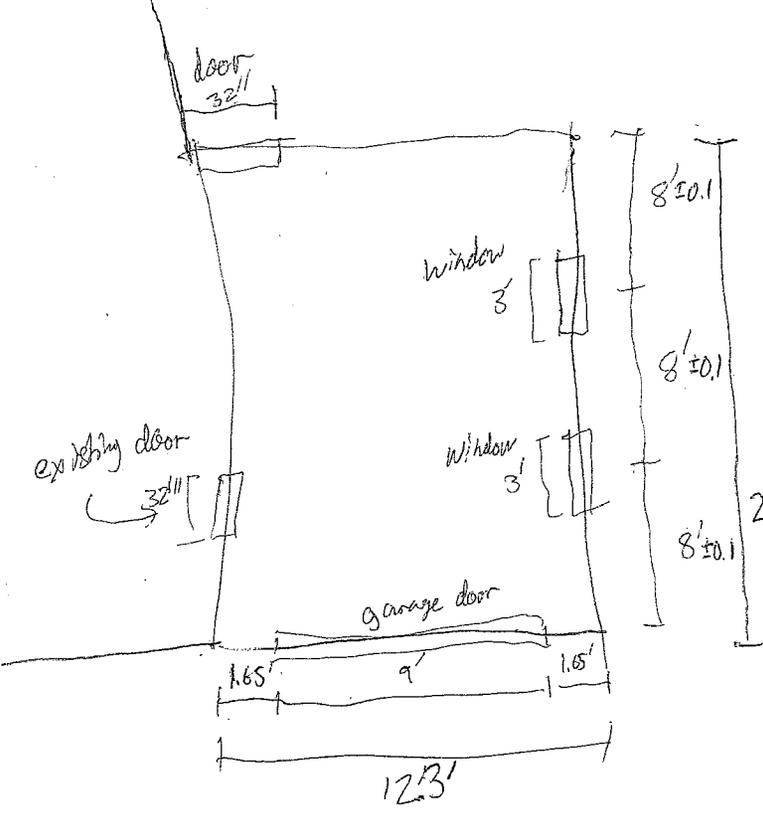
9' x 7ft garage door

2 windows, 36" x 36", 44" sill

32' x 8' door

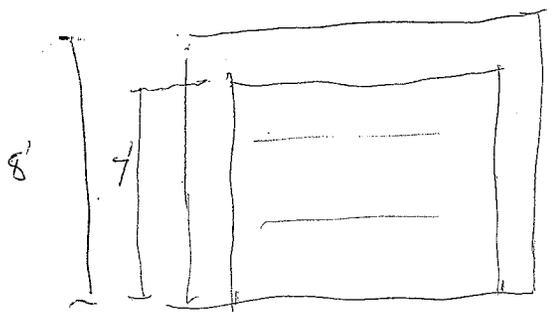


see photos for siding look proposed for structure.

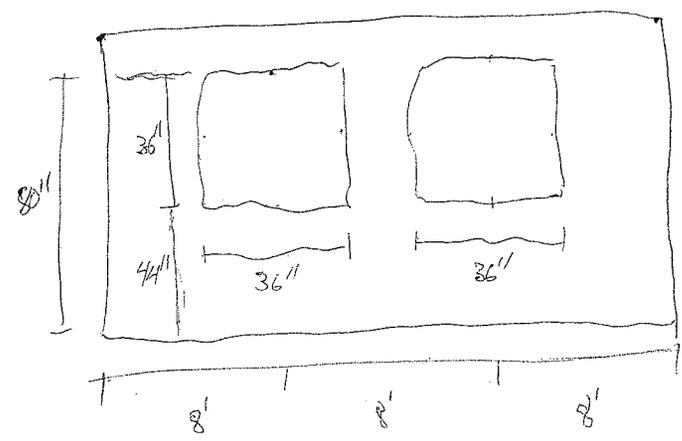


Front, Back, Side wall furnished with 2x4  
 and 1/2" ply wood, vinyl siding  
 9'x7' aluminum garage door

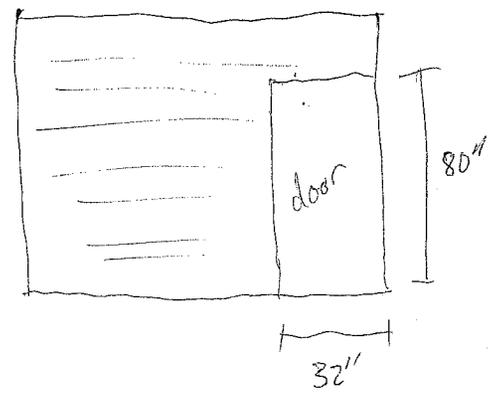
front



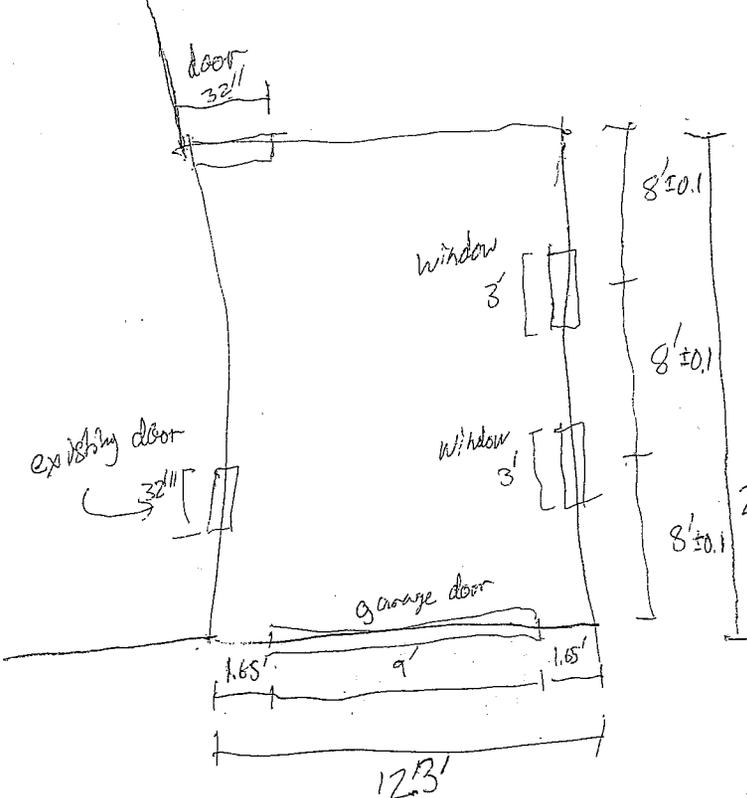
side



back

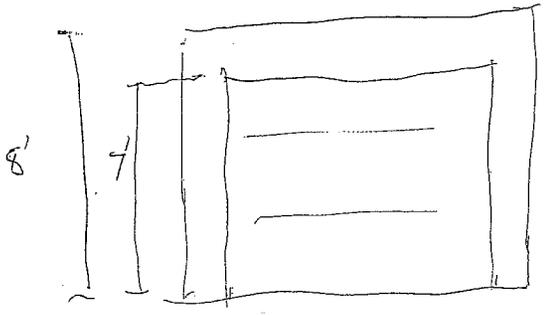


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 Department of Planning & Zoning  
 AUG 11 2015  
 Zoning Evaluation Division

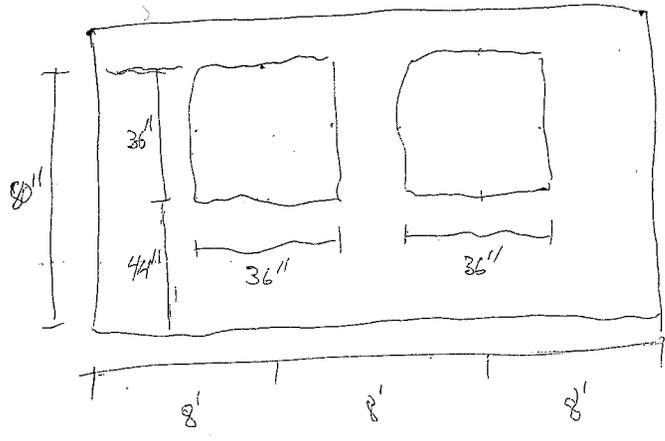


Front, Back, side wall furnished with 2x4  
 and 1/2" ply wood, vinyl siding  
 9'±0.1 aluminum garage door

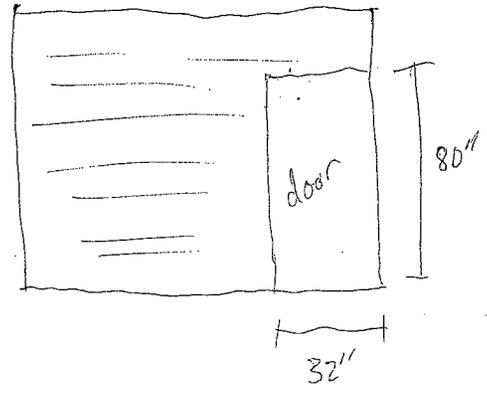
front



side



back



RECEIVED  
 Department of Planning & Zoning  
 AUG 11 2015  
 Zoning Evaluation Division



proposed  
rendering  
of  
completed construction



RECEIVED  
Department of Planning & Zoning  
AUG 11 2015  
Zoning Evaluation Division

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/4/2015  
(enter date affidavit is notarized)

130999

I, Toan Ly, 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

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:

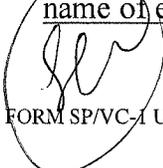
(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for 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)
Toan L Ly	9632 Boyett Ct, Fairfax, VA, 22032	applicant / 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): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/11/2015  
(enter date affidavit is notarized)

130999

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/11/2015  
(enter date affidavit is notarized)

130999

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/11/2015  
(enter date affidavit is notarized)

130999

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.

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/11/2015  
(enter date affidavit is notarized)

130999

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.**

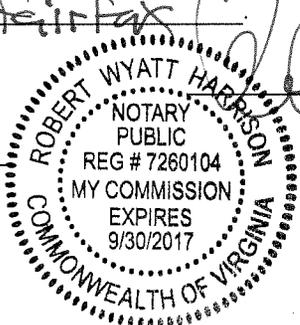
**WITNESS the following signature:**

(check one)  *Joan Ly* Applicant [ ] Applicant's Authorized Agent

Joan Ly  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 11 day of August 2015, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires: 9-30-2017



*Robert Wyatt Harrison*  
Notary Public

*g*

COUNTY OF FAIRFAX, VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
Application for Building Permit

APPLICATION NO. _____	
DATE _____ 19__	PERMIT NO. _____

MAP REFERENCE*			
Plot Number	Subd. Des.	Blk. or Sec.	Parcel or lot
192	9	29	

To: BUILD  ALTER OR REPAIR  ADD TO  DEMOLISH  MOVE

JOB LOCATION	Street <u>9632 Boyett Court</u>
	Lot No. <u>29</u> Block _____ Section <u>6</u>
	Subdivision <u>Trinbrook #</u>
OWNER	Corp. Name <u>Trinbrook Limited Partnership</u>
	Name _____ (Reg. Agent)
	Address <u>544 D. Ballston Rd.</u>
	City <u>Springfield 22150</u> Telephone Number <u>455-1280</u>
ARCHITECT ENGINEER	Name <u>Owner</u>
	Address _____
	City _____ State Reg. No. _____
CONTRACTOR	Name <u>Owner</u>
	Address _____
	City _____
	County Reg. # _____ State Reg. # _____

**DESCRIPTION**

For: 2 Split Level TYPE I  
Single Carport

No. of Bldgs. \_\_\_\_\_ Est. Const. Cost \$ \_\_\_\_\_  
 No. of Units \_\_\_\_\_ No. of Stories \_\_\_\_\_  
 No. of Kitchens \_\_\_\_\_ Penthouse \_\_\_\_\_  
 No. of Baths \_\_\_\_\_ Ht. of Bldg. \_\_\_\_\_ ft.  
 No. of Rooms \_\_\_\_\_ Bldg. Area \_\_\_\_\_ sq. ft.  
 (Exclude Kit. & Bath)  
 Basement  Slab  Crawl  Soil: Solid  Fill

Ftg: Concrete  Pile  Caisson   
 Ext. Walls: Wood  Metal  Brick   
 Int. Walls: Plast  Drywall  Panel   
 Roof: Flat  Pitch  Shed   
 Roofing: Built-up  Shingle  Roll

Heat: Oil  Gas  Electric   
 Equipment: Boiler  Furnace  Heat Pump.  Air Cond.

Sewage: Public  Community  Septic Tank  None   
 Water: Public  Individual Well  None

Remarks: \_\_\_\_\_

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

Phone No. 455-1280 Date 9/29/77 Signature of Owner or Auth. Agent \_\_\_\_\_

APPLICANT: DO NOT WRITE BELOW THIS LINE

PLAN APPROVAL	Use Group of Building _____ Area of Bldg. _____ @ _____ per Sq. Ft. \$ _____
	Type of Construction _____ @ _____ \$ _____
	Fire District _____ @ _____ \$ _____
	Date Checked <u>9/24</u> , 19 <u>77</u> By <u>GRK</u> TOTAL FEE \$ <u>19.00</u> Approved by Building Inspector _____

ROUTING	OFFICE	DATE	APPROVED BY	OFFICE	DATE	APPROVED BY
	Land Office	<u>9/29/77</u>	<u>[Signature]</u>	Fire Marshall		
	Zoning Administrator	<u>9/29/77</u>	<u>[Signature]</u>	Design Review		
	Public Works	<u>10/5/77</u>	<u>[Signature]</u>	Housing & License		
	Health Dept.			Assessments	<u>10/4/77</u>	<u>[Signature]</u>

I hereby certify to the following statement:  
 1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.  
 2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.

Date \_\_\_\_\_ 19\_\_ By \_\_\_\_\_  
 Property Owner Authorized Agent

Supervisor of Assessments Shirley W. Soyette (4015-2143)  
 Property is listed in name of \_\_\_\_\_  
 Magisterial District \_\_\_\_\_ Deed Book Reference 4-219  
 Supervisor: \_\_\_\_\_

Subdivision \_\_\_\_\_ Lot No. \_\_\_\_\_ Block \_\_\_\_\_ Section 6 Zone R-100  
 Street Address \_\_\_\_\_  
 Use of Bldg. \_\_\_\_\_ Use after Alteration \_\_\_\_\_ No. Families \_\_\_\_\_  
 BZA \_\_\_\_\_ SITE PLAN \_\_\_\_\_  
 Set Back: Front \_\_\_\_\_ Rt. Side \_\_\_\_\_ Left Side \_\_\_\_\_ Rear \_\_\_\_\_  
 Zoning Administrator

COUNTY OF FAIRFAX, VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
DIVISION OF DESIGN REVIEW  
RESIDENTIAL USE PERMIT

D-800-79  
CSP 2/3/79

Number 50175 J.F.

# 9632 Street Boylett Court  
Lot # 29 Subdivision Twinbrook Estates  
Map reference 69-3

Inspected by	date
Electrical <u>L. WATERS</u>	<u>11-27-78</u>
Plumbing <u>PAGE</u>	<u>11-21-78</u>
Mechanical <u>Foster</u>	<u>11-27-78</u>
Building <u>Buschow</u>	<u>11-27-78</u>
Fire Marshall _____	<u>OK</u>
Public Utilities <u>J.T. Fontana</u>	<u>11-28-78</u>
Approved <u>J.T. Fontana</u>	<u>11-28-78</u>

Remarks:

All streets driveways and/or parking lots providing access between this dwelling and a state maintained highway are paved except for: N/A which has a gravel surface, in accordance with Section 30-9.7.9 of the Fairfax County Code.

Other remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ATTENTION**  
NO TREES OR SHRUBS MAY BE PLANTED IN THE DEDICATED RIGHT-OF-WAY WITHOUT FIRST OBTAINING A PERMIT FROM FAIRFAX COUNTY. FOR FURTHER INFORMATION CALL 691-3431

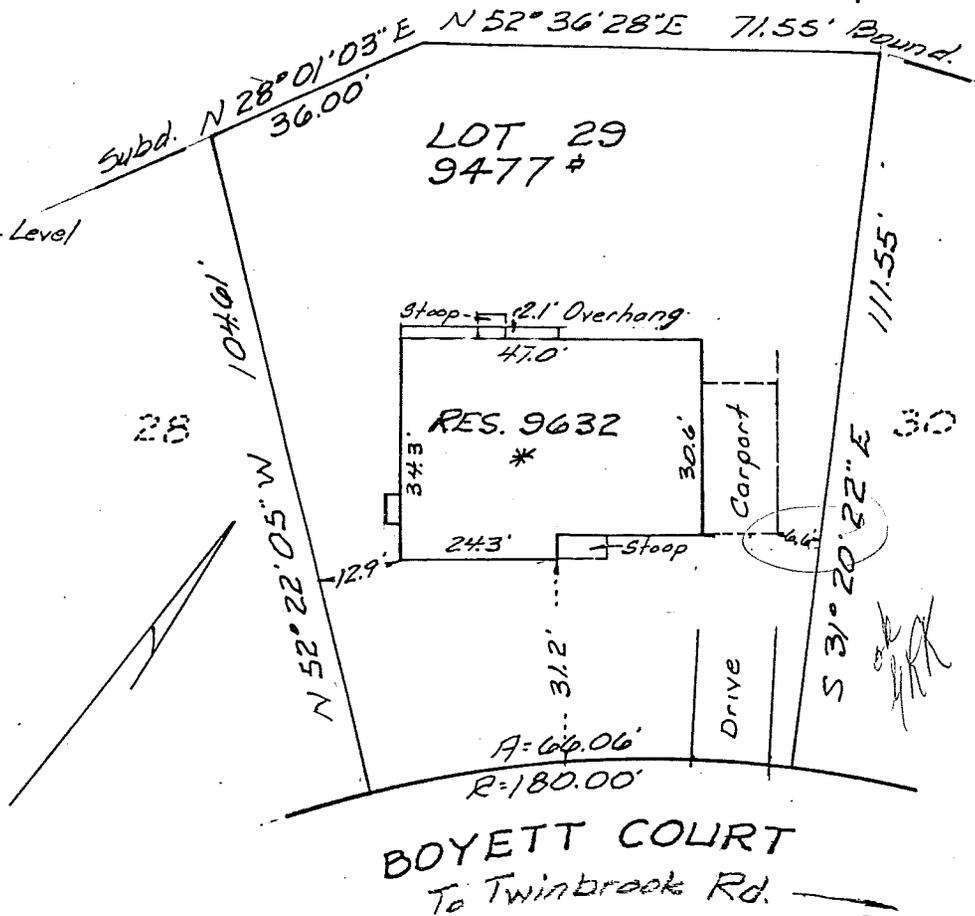
WHITE - HOMEOWNER  
GREEN - BUILDER  
CANARY - ASSESSMENTS  
PINK - ZONING  
GOLDENROD - UDIS  
EMPU - 16

\* Brick & Alum. Siding Split-Level

**FINAL APPROVAL**

JAN 16 1979

*[Signature]*  
Zoning Administrator



I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.

HOUSE LOCATION  
LOT 29  
SECTION 6

**TWINBROOK**

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30'

OCT. 10, 1978

COOK & MILLER

SURVEYING - ENGINEERING

CERTIFIED CORRECT:

FAIRFAX COUNTY  
RECEIVED  
JAN 5 1979  
DIVISION OF  
ZONING ENFORCEMENT

COMMONWEALTH OF VIRGINIA  
CURTIS D. MILLER  
CERT. NO.  
1057  
*[Signature]*  
CERTIFIED LAND SURVEYOR

F.F. 372.6

### 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.