



County of Fairfax, Virginia

October 26, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-SP-073

SPRINGFIELD DISTRICT

APPLICANT/OWNER: John Daugherty

SUBDIVISION: Greenbriar

STREET ADDRESS: 13224 Poet Court, Fairfax, 22033

TAX MAP REFERENCE: 45-3 ((2)) (12) 20

LOT SIZE: 11,180 square feet

ZONING DISTRICT: R-3C, WS

ZONING ORDINANCE PROVISIONS: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction in minimum yard requirements based on an error in building location to allow an accessory storage structure to remain 3.0 feet from a side lot line and 9.5 feet from a rear lot line.

STAFF RECOMMENDATION:

It should be 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.

Sharon Williams

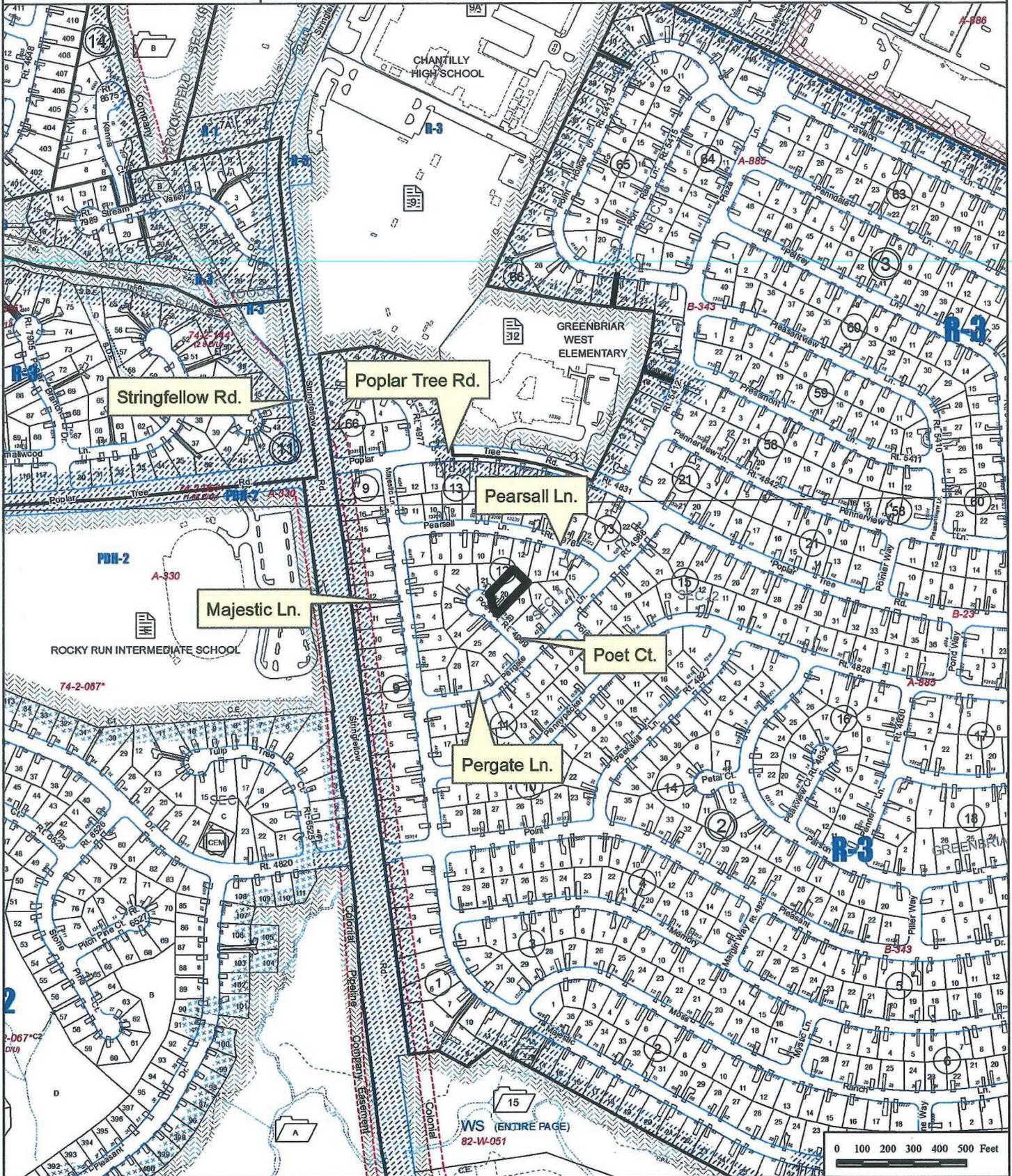
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



Special Permit SP 2016-SP-073 JOHN DAUGHERTY



Notes:

1. **Owner:**
Heidemarie E. and John A. Daugherty
13224 Poet Court
Fairfax, Virginia 22033
Deed Book 10859, Page 1049
2. The property shown hereon is located on Fairfax County Tax Map No. 045-3-02-12-0020 and is zoned R-3C (Residential 3 DU/AC with cluster development).
3. This property is serviced by public water and public sewer.
4. Utilities are underground.
5. The improvements shown hereon are existing unless noted as proposed.
6. There are no trails proposed on the Comprehensive Plan in this area.
7. There are no easements 25' or larger or major underground easements affecting this property.
8. There is no Flood Plain or Resource Protection Area on this site.
9. There is no evidence of any burial sites on this property.
10. SWM plans will be submitted at such time as a grading plan is required.
11. Topography was field shot. Elevations are assumed.
12. Title report not furnished.
13. All eaves are 0.4' unless noted.
14. Lot Area=11,180 sf.

Required Yard Lines:

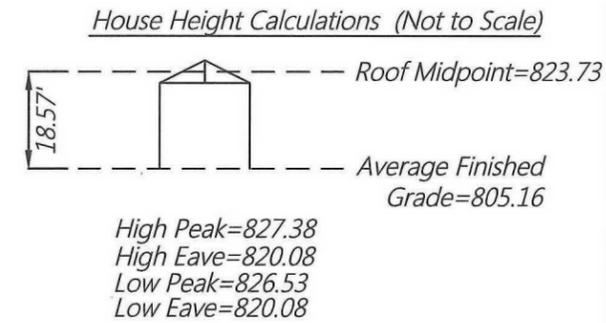
Front: 20 Feet
Side: 8 Feet, but a total of 20 Feet
Rear: 25 feet

Floor Area Ratio:

First Floor: =1,260 sf
Second Floor =1,280 sf
Gross Floor Area (GFA) =2,540 sf

Floor Area Ratio

2,540 sf (GFA) / 11,180 SF (Lot Area) =0.23



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JUN 20 2016
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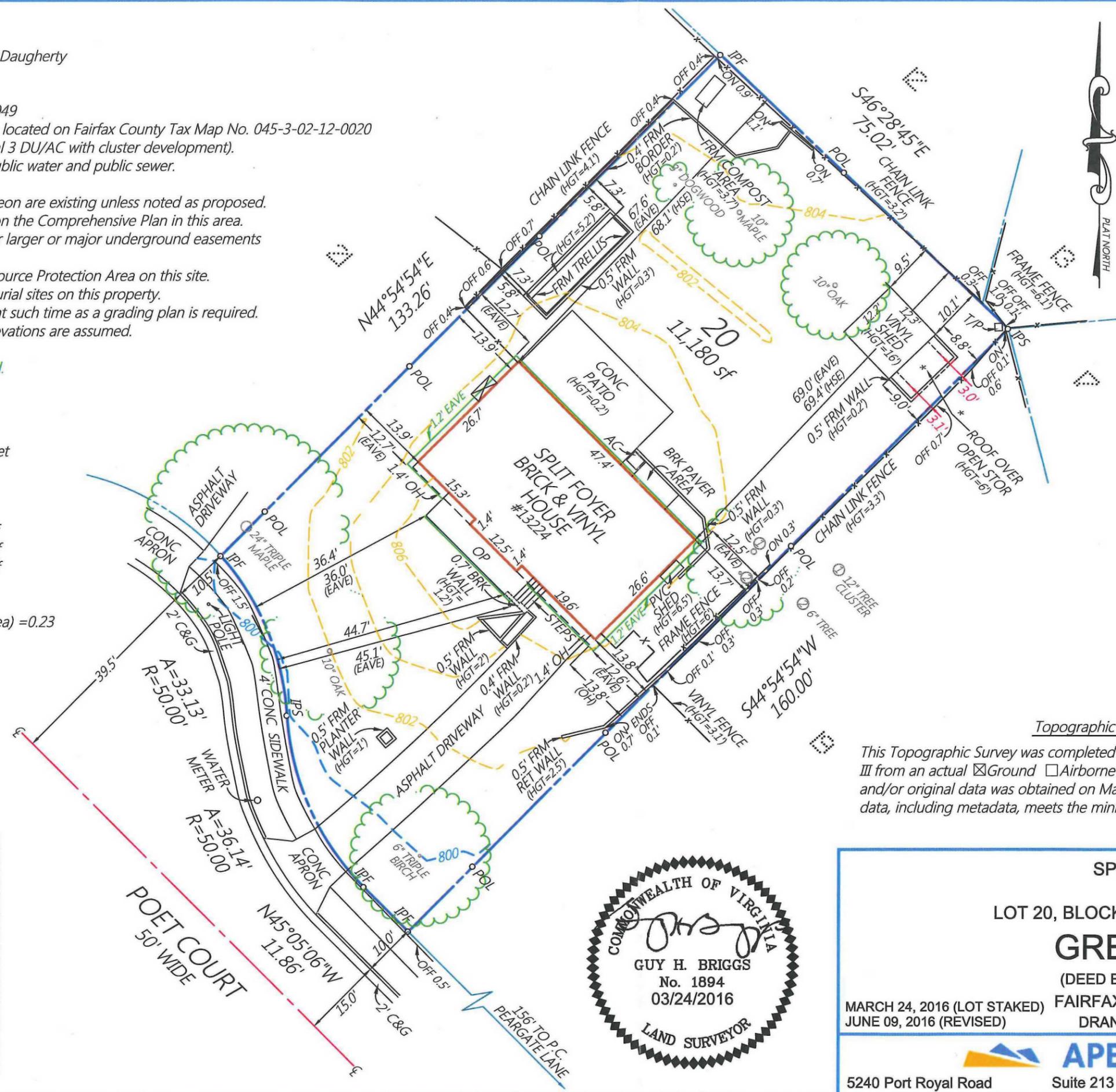
This plat is subject to restrictions and easements of record. The locations of all the existing improvements have been established by a transit and tape or EDM survey and unless otherwise noted there are no encroachments. This plat does not purport to show underground utilities. This plat is not to be used for construction of fences.

Topographic Survey Certification:

This Topographic Survey was completed under the direct and responsible charge of Guy H. Briggs, III from an actual Ground Airborne survey made under my supervision; that the imagery and/or original data was obtained on March 24, 2016; and that this plat, map, or digital geospatial data, including metadata, meets the minimum accuracy standards unless otherwise noted.

KEY

A/C	AIR CONDITIONER
BRK	BRICK
C&G	CURB AND GUTTER
CHIM	CHIMNEY
CL	CENTERLINE
CONC	CONCRETE
FRM	FRAME
IPF	IRON PIPE FOUND
IPS	IRON PIPE SET
OH	OVERHANG
OP	OPEN PORCH
POL	POINT ON LINE
STOR	STORAGE
T/P	TELEPHONE PEDESTAL



SPECIAL PERMIT
ON
LOT 20, BLOCK 12, SECTION FOURTEEN
GREENBRIAR
(DEED BOOK 3288, PAGE 400)
FAIRFAX COUNTY, VIRGINIA
DRANESVILLE DISTRICT

MARCH 24, 2016 (LOT STAKED)
JUNE 09, 2016 (REVISED)

SCALE: 1"= 20'
JOB #: 16-0077

APEX SURVEYS, LLP
5240 Port Royal Road Suite 213 Springfield, Virginia 22151 703-866-1236

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a reduction in minimum yard requirements based on an error in building location to allow an accessory storage structure (shed) to remain 3.0 feet from a side lot line and 9.5 feet from a rear lot line.

Error Location and Reduction Requested

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
Special Permit	Shed	Side	8.0 feet	3.0 feet	5.0 feet	62.5%
		Rear	16.0 feet	9.5 feet	6.5 feet	40.6%

A copy of the special permit plat, titled "Special Permit on Lot 20, Block 12, Section Fourteen," prepared by Guy H. Briggs on March 24, 2016, as revised on June 9, 2016, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 11,180 square foot site is developed with a split-level single-family detached dwelling. An asphalt driveway extends to Poet Court. A landscaped brick walkway connects to an open porch with stairs which provides access to the entrance of the dwelling. A PVC shed is located in the eastern side yard on the right side of the dwelling. A 0.5 foot tall brick wall wraps around the northeastern corner of the dwelling, connecting to an at-grade concrete patio along the northwestern corner of the dwelling. A 5.2 foot tall trellis is adjacent to the concrete patio along the western side lot line. A 16.0 foot tall vinyl shed with an attached lean-to roof covering a firewood pile is located in the northeastern corner of the lot (the subject of this application). It should be noted that the lean-to part of the shed is considered part of the shed in regards to the setbacks; however, that portion is not included in the floor area of the shed. A chainlink fence varying in size from 3.1 feet to 4.1 feet encloses the rear yard.

The property is located to the south of Poplar Tree Road and Greenbriar West Elementary and east of Stringfellow Road. The subject property and surrounding properties are located in the Water Supply Protection Overlay District and are zoned R-3 and developed with single-family detached dwellings with cluster provisions.



Figure 1: Current Aerial View

BACKGROUND

Fairfax County Tax Records indicate that the dwelling was constructed in 1970 and purchased by the applicant in 1999.

According to the applicant's statement of justification, the applicant built the shed in 2010 after researching the County website to determine if he needed to obtain a building permit. The applicant found that he would not need a permit because his shed would be 144 square feet. The applicant maintains that he was unaware of Sect. 10-104 (10E) in the Ordinance when the shed was constructed.

In response to a complaint, staff from the Department of Code Compliance (DCC) inspected the property on February 10, 2016, and found that an accessory storage structure which measured over 15 feet in height and 144 square feet was located too close to the side and rear lot lines. A Notice of Violation (NOV) was issued on February 12, 2016 (Appendix 4). As a result, the applicant filed a special permit to attempt to bring the violation into conformance. The application was filed in April of 2016 and accepted in July of 2016.



Figure 2: Front view of the shed

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Bull Run Planning District
Planning Sector: Stringfellow Community Planning Sector (BR4)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (R-3C)		
Standard	Required	Provided
Lot Size	8,500	11,180 sf
Lot Width	No requirement	N/A
Building Height	35 feet max.	18.5 feet
Front Yard	20 feet	36.0 feet
Side Yard	8 feet (total min. of 20 feet)	13.7 (total min. of 27.6feet)
Rear Yard	25 feet	68.1 feet

Zoning Ordinance Requirements (Appendix 5)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 All Group 9 Uses
- Sect. 8-914 Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location

CONCLUSION / RECOMMENDATION

Staff does not make recommendations on an error in building location. If it is the intent of the Board of Zoning Appeals to approve this application, staff recommends that the BZA condition its approval on the adoption of the development conditions set forth in Appendix 1.

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 Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. Notice of Violation
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-SP-073****October 26, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-SP-073 located at Tax Map 45-3 ((2)) (12) 20 to permit a reduction in minimum yard requirements based on an error in building location for an accessory storage structure (shed) pursuant to Sect. 8-914 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 granted only for the shed as indicated on the plat entitled, "Special Permit on Lot 20, Block 12, Section Fourteen," prepared by Guy H. Briggs on March 24, 2016, as revised on June 9, 2016, and approved with this application, as qualified by these development conditions.

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 take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

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Building in Error Statement of Justification

- A. The error exceeds ten (10) measurement involved,

The error exceeds 10 percent of the measurement involved due to the height of the shed. The shed size of 144 square feet does not impact the measurement. However with a shed of that size the roof line needed to meet or exceed the county requirements of snow and wind load. As a result of that a barn style roof was built to better control the snow rain and wind.

I found that the maximum size of a shed was 150 square feet and built mine at 144 or 12 X 12. The county web site required the building of shed to have a foundation so concrete footings were poured and a wood base established. This then raises the floor above ground level. The county website also mentioned the need for sheds to be built with wind and snow load requirements. With 12' X 12' walls the normal style roof would not be adequate so I built a barn style roof mirroring many of the small store bought sheds in my neighborhood. With this in mind it raised the total roof line to 14 feet and a small cupola bringing the total roof line at 16 feet. The building was completed with siding that matched that of my home so that it would blend into the neighborhood.

The error in building close to the property line was mine. Had I known about the height and property line distance at the time, I would have built the shed at the appropriate distance. The building was built following the guidelines that were located on the county website at the time of construction. Attached with my application for building in error are copies of the down loaded pages at the time of the construction. At that time the county website had no mention of off set or set back from the property line or maximum height requiring greater offset. I was aware that there is usually an eight foot setback for utilities, in good faith I built my shed with that in mind, eight feet from the property lines.

- B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance of the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurements involved, and

The footprint of the shed does not exceed the 10 percent yard space requirement and is below the 150 square feet.

- C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a building permit, if such was required, and

A building permit was not required for a shed under 150 square feet. As such I found that the maximum size of a shed was 150 square feet requiring a permit and built mine at 144 square feet or 12 X 12. As the property owner and individual who constructed the shed I built at the best location in my yard for topography, drainage, sight lines and access. I could not find on the counties website at the time of construction any constrains on the height or distance from the property line. I mirrored the fence line to

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the property line. I took utilities into account and left an 8 foot off set from the established fence line for construction.

The shed was built following the guidelines of the county building code website which required footings. The county web site required the building of shed to have a foundation so concrete footings were poured and a wood base floor established. This then raises the floor above ground level. The county website also mentioned for the sheds to be built with wind and snow load requirements. With 12' X 12' X 8' walls the normal style roof would not be adequate so I built a barn style roof mirroring many of the small store bought sheds in my neighborhood. This also provided extra storage which was the specific need of the shed. With this in mind it raised the total roof line to 14 feet with a five foot cupola for natural light and hot air venting creating a total height of 16 feet. The building was completed with siding that matched that of my home so that it would blend into the neighborhood.

The shed was built in the spring of 2010 at the end of that summer following construction an individual who identified himself as being with the office of zoning, driving a county vehicle came to my house on a complaint. He advised me that there was a neighbor who called and said that the shed had been built without a permit. The two of us walked around the shed and discussed the size and location of the shed. He agreed that it was a 12 X 12 shed and met the county requirement of not needing a permit and within code. The shed has not moved from that date and I did not keep a business card or recall the individual's name. When advised of the current complaint I asked about the former complaint and was told that there was no record of the prior.

- D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and

Changes to the structure are possible but it would be cost prohibitive. The structure has been in place for six years and matches the style and structures in the area. Please also refer to the specifics in answer G.

- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and

The topography of the area places the shed in a small valley between the neighbors and is partially hidden by a variety of trees. The adjacent homeowners have also placed their sheds in the same corner of the lots backing them up close to one another. The look of the shed matches the surrounding houses and can be lost in the background if one does not look closely. The design was to be eye pleasing.

- F. It will not create an unsafe condition with respect to both other property and public streets, and

The structure is well away from the public streets and was built with all of the county building requirements met. The yards adjacent as well as my own are all fenced and access to the shed is only through a gate.

- G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.

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The cost to resize, relocate, demolish and rebuild would be much greater than the original building cost for a shed of under 150 square feet. Moving the shed would require cutting it off of the footings, moving about 6 feet towards the center of the yard and pouring/attaching to new footings. Changing the height would require removing the roof, decreasing the overall wall height and building a new roof to comply with the height standards.

- H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulation.

The floor area is below county requirements for requiring a permit and do not impact the overall yard usage space.

Thank you for your consideration of my application of building in error.

John Daugherty

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APR 27 2016

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Garages & Sheds

[you are here: homepage](#) > [construction and land use](#) > [home improvement projects](#) > [garages & sheds](#)

Land Development Services Department of Public Works and Environmental Services

Hours of Operation:
Monday - Thursday: 8:00-4:00
Friday: 9:15-4:00

Location: [Herrity Building](#)
12055 Government Center Parkway
Fairfax, Virginia 22035
Telephone: **703-222-0801**
TTY: **703-324-1877**



This publication provides guidelines for constructing residential garages, tool sheds, storage sheds, and playhouses in accordance with the *2000 Virginia Uniform Statewide Building Code*. The requirements herein are the most common and are not representative of all conditions you may encounter when constructing a garage or shed.

in this publication:
[PERMITS REQUIRED](#)
[BEFORE OBTAINING A PERMIT](#)
[OBTAINING A PERMIT](#)
[AFTER OBTAINING A PERMIT](#)
[INSPECTION TIMING CHECKLIST](#)

PERMITS REQUIRED

You must obtain permits for the construction of a residential garage and sheds. Listed below are the types of permits required, depending on the complexity of the project. Except as noted below, apply for your permits at the **Permit Application Center** located at the Herrity Building, 2nd floor, telephone: **703-222-0801**, TTY **703-324-1877**.

- **Building permit** for architectural and structural elements of all garages and only those sheds and playhouses greater than 150 sf in area..
- **Electrical permit** for all electrical installations in all garages, sheds and playhouses regardless of size.
- **Virginia Department of Transportation (VDOT) permit** (and bond) when a grading plan is required and your property is located on a state road. Apply at the VDOT Permit Office 14628 Avion Parkway, Suite 120, Chantilly, telephone: **703-383-2888**, TTY **711**.

HELPFUL HINT: You may obtain permits in your own name; however, if a contractor is to perform the work, it is strongly recommended that the contractor secure the permit and be listed as the responsible party. In this way, the County will be in a better position to assist you in gaining compliance with codes if the work is defective. A contractor must be properly licensed in order to obtain a permit.

BEFORE OBTAINING A PERMIT

COVENANTS AND DEED RESTRICTIONS

Covenants and Deed Restrictions are regulations set forth by many homeowners or civic associations. While not enforced by Fairfax County, some regulations may restrict construction. For more information, contact your association or the Circuit Court Land Records Division on the 3rd floor of the Jennings Building (Judicial Center), 4110 Chain Bridge Road, Fairfax, telephone: **703-691-7320, TTY 711**.

BUILDING CODE

The Code of Virginia requires that your new garage or shed comply with the *2000 Virginia Uniform Statewide Building Code* (USBC) which incorporates the 2000 International Residential Code (IRC) for residential construction. You may purchase an IRC at the Publications Center located in Suite 156 of the Government Center, 12000 Government Center Parkway, Fairfax, telephone: **703-324-2974, TTY 711**, or online. The IRC is also available in the reference section of the Fairfax County regional libraries.

MINIMUM CODE REQUIREMENTS

The items listed below are not inclusive of all the code requirements for garage and shed construction in the IRC.

- All sheds and playhouses are required to be detached from the house. Sheds attached to the house are considered additions. See Additions publication for more information.
- All sheds and playhouses must be secured to the ground in order to prevent overturning due to wind loading.
- Attached garages must be separated from living areas with a minimum of $\frac{1}{2}$ " drywall applied to the garage side. Garages beneath living areas must have $\frac{5}{8}$ ", type X drywall applied to the garage ceiling.
- Doors between an attached garage and adjacent living areas must be a $1\frac{3}{8}$ " solid wood core door, a $1\frac{3}{8}$ " honeycomb core steel door or a 20-minute fire-rated door.
- Garage floors must be a $3\frac{1}{2}$ " minimum thick concrete slab with a compressive strength of 3,500 PSI and shall be sloped towards the garage door. The site shall be prepared with 4" of gravel. A vapor barrier (with joints lapped 6" minimum) between the concrete and gravel must be provided for attached garages only.
- All attached garages and all detached garages with electricity must have at least one GFCI, 125-volt, single-phase, 15- or 20-ampere outlet. All additional outlets must meet the same requirements except for inaccessible outlets such as those serving garage door openers.
- At least one wall switch controlled light must be installed in all attached garages and all detached garages with electricity.

- Fuel-fired appliances and equipment, such as hot-water heaters and furnaces, must be elevated such that the ignition source is a minimum of 18" above the garage floor.
- Fuel-fired appliances and equipment must also be protected from vehicle impact or shall be elevated a minimum of 6'-0" above the garage floor.
- Wall panels at the outside corners of all garages and sheds shall be 48" in width and shall have no window or door openings. Panels shall be sheathed with $\frac{5}{16}$ " minimum plywood or OSB or other approved materials as listed in Section R602.10 of the IRC. Panel widths less than 48" or with openings within 48" of the corner shall be designed by a licensed design professional or be equipped with approved methods and products to withstand applied wind load.

MINIMUM SUBMISSION REQUIREMENTS

All submissions for a garage or shed must include the following:

- Two sets of building plans or manufacturer's plans for pre-fabricated structures (see below for requirements).
- Two copies of the house location plat or grading plan.

BUILDING PLANS

Building Plans must meet the requirements or show the items listed below.

- Minimum scale of $\frac{1}{4}$ " = 1'-0"; all dimensions must be shown.
- Minimum sheet size: $8\frac{1}{2}$ " x 11", no pencil.
- Code year used for the design (see above).
- Name, address, and occupation of the building designer.
- If plans are prepared by a Virginia registered design professional, at least one set of plans must bear the original seal, signature, and date. This set will be retained by the County.
- List of material specifications including, but not limited to, grade and species of lumber, concrete strength, and steel strength.
- List of design load criteria: live load, dead load, snow load, wind load and bearing capacity (for Fairfax County: ground snow load = 25 PSF and wind speed = 90 mph).
- Foundation plan.
- Footing details (minimum footing depth is 24"). Please note: footings are not required for detached garages or sheds that are under 400 sf.
- Structural framing plans of the floor and roof accurately detailing all members, sizes, span lengths, and spacing.

HELPFUL HINT: Truss shop drawings for pre-engineered floor or roof trusses may be submitted directly to Building Plan Review after the building permit has been issued, but prior to any truss erection. Attach the Truss Plan Cover Sheet to a minimum of two sets of shop drawings; at least one set must have an original seal and signature of the truss designer. Approval can be obtained while you wait.

- Structural details of connections.
- Evaluation report from an approved testing laboratory and load calculations for all adjustable columns.
- Typical wall section with sheathing thickness and type (special products or devices require an evaluation report from an approved testing laboratory).
- Elevations (front, sides, and rear) indicating window and door dimensions.

- Any pre-engineered or pre-constructed shed purchased from a home center store, lumber company, or similar, requires detailed drawings and a complete plan review.

HOUSE LOCATION PLATS

If you do not have a copy of your house location plat, review your loan closing documents or contact your mortgage lending institution to obtain one. You may also contact the Zoning Permit Review Branch on the 2nd floor of the Herrity Building, telephone **703-222-1082, TTY 711**; please note: plats are not available for all properties. If you are unable to locate a copy of your plat through these sources, you will be required to hire a certified land surveyor or civil engineer to have one prepared.

House location plats must meet the following requirements:

- No reduced, enlarged, or faxed copies.
- The area of the garage or shed drawn to scale.
- Note the actual square footage or overall dimensions of the garage or shed.

GRADING PLAN

A grading plan (a three-dimensional drawing showing existing and proposed topography for the garage or shed site), Conservation Agreement and deposit, and a Pro-Rata Share Agreement are required if the garage or shed:

- disturbs more than 2500 square feet,
- blocks existing drainage patterns, or
- requires more than 18 inches of cut or fill.

The conservation deposit will be returned to you after construction is completed and the County site inspectors have approved the site, provided the County has not expended funds to correct violations. For more detailed information, a handout entitled "Grading Plans" is available, or contact the Site Permits Branch, on the 2nd floor of the Herrity Building, telephone: **703-324-1510, TTY 711**.

SOILS

Garages or sheds constructed in an unmapped or problem soil require special requirements; see below. For more information, contact the Site Permits Branch on the 2nd floor of the Herrity Building, telephone: **703-324-1510, TTY 711**.

- Unmapped soils occur where the soils have not been previously identified on soil maps. If your property falls within one of these unmapped areas, you must hire a soil scientist to identify the soil or you must design the foundation for a worst case soil situation. A brochure, entitled Residential Construction in Unmapped Soils Areas, is available for more assistance.
- Problem soils are soil types which may have a high water table, expansive clays, or other behavioral problems. If your property contains a problem soil, you may need to hire a registered design professional to design the foundation system.

OBTAINING A PERMIT

PERMIT PROCESS

Bring the construction documents described herein to the Permit Application Center

on the 2nd floor of the Herrity Building where your permit process will begin. Here you will complete a building permit application. Permit technicians will direct you to the appropriate agencies necessary for permit approval. The applicable departments for a garage or shed are:

- Zoning ensures setback requirements, as set forth by the County Zoning Ordinance, are maintained. The Zoning Permit Review Branch is located at the Herrity Building, 2nd floor, telephone: **703-222-1082, TTY 711**. PLEASE NOTE: a building permit is not required for sheds less than 150 sf; however, setback requirements still apply.
- Site Permits will review the plat for site-related issues, soils, and conformance to the Chesapeake Bay Preservation Ordinance. Site Permits is located at the Herrity Building, 2nd floor, telephone: **703 324-1510, TTY 711**.
- Health Department, located at 10777 Main Street, Fairfax, telephone: **703-246-2444, TTY 711**, will review for clearances to existing septic systems and/or wells if they exist on the property.
- Building Plan Review, located on the 2nd floor of the Herrity Building, telephone: **703-222-0114, TTY 711**, will review for compliance to the applicable building codes.

The building permit is issued when all required approvals have been obtained and applicable fees have been paid. Once your permits are issued, you must post a copy on the job site until the project has received final approval.

WALK-THRU PROGRAM

The Residential Walk-Thru Program allows the permit holder of one story garages and sheds of less than 1000 sf to walk their submission package to each approving agency with the permit usually being issued on the same day. Garages and sheds more than one story are not eligible for this program.

ELECTRICAL PERMIT PROCESS

Electrical permits are issued after the building permit is approved, but may be processed at the same time. In most cases they do not require a plan submission; code compliance will be determined at the time of the inspection.

FEES

For information on the related fees for a residential garage or shed contact the following:

- Permit Application Center for building, electrical, and plumbing permits at **703-222-0801, TTY 703-324-1877** or view the entire permit fee schedule (PDF).
- Plan and Document Control for site related permit and fees at **703-324-1730, TTY 711**.
- Health Department for fees related to septic systems and wells at **703-246-2444, TTY 711**.
- VDOT at **703-383-2888, TTY 711**.

AFTER OBTAINING A PERMIT

REQUIREMENTS FOR PUBLIC UTILITIES

You must call Miss Utility, a free service, at **1-800-552-7001, TTY 711** before excavating to ensure that the construction does not interfere with underground utility lines. If you fail to contact Miss Utility and damage occurs, you will be liable

for all costs of repair.

INSPECTION REQUIREMENTS

- A copy of the approved permit, plat or grading plan and building plans must be on the job site and must be available to the inspector during each inspection.
- You may choose to use a pre-approved licensed professional to perform the foundation inspections. Contact the Residential Inspections Division, at **703-631-5101, TTY 711**, prior to activation of the building permit. Please note: this is a requirement for garages and sheds built on problem soils.
- All close-in inspections and final inspections for building and electrical are required to be conducted simultaneously; the inspector may hold the requests until all trades are ready to be inspected.
- Please review the attached Inspection Timing Checklist below to determine the time and number of inspections required.

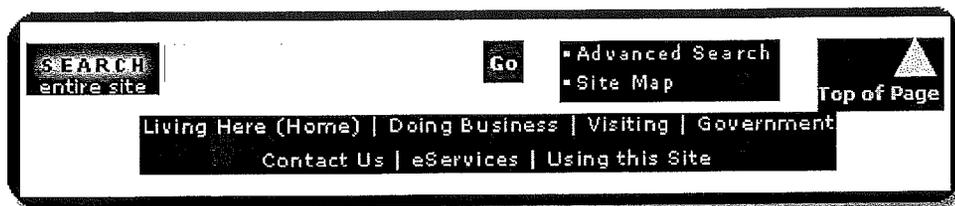
INSPECTION TIMING CHECKLIST	
INSPECTION TYPE	REQUIREMENTS PRIOR TO INSPECTION
	Notes: 1. Approval must be obtained prior to proceeding with the next applicable element. 2. All inspections are conducted by residential inspectors.
Footing	<ul style="list-style-type: none"> • The footing trench/formwork must be prepared for placement of concrete. • The bottom of the footing must bear on solid ground. • If problem soil, inspection must be made by geotechnical engineer.
Slab	<ul style="list-style-type: none"> • The area must be prepare for concrete; reinforcing steel must be in place. • The gravel and vapor barrier must be in place.
Close-in	<ul style="list-style-type: none"> • All electrical wiring must be installed and electrical boxes set.
Framing	<ul style="list-style-type: none"> • Concrete or masonry walls and slabs must be inspected and approved. • Sill plates must be installed and secured to the foundation walls. • Structure must be weather tight. • Wall and roof sheathing must be installed. • Windows and doors must be installed. • Electrical close-in inspections must be approved or completed at the same time as the framing inspection.
Final	<ul style="list-style-type: none"> • Electrical wiring must be complete. • Appliances, fixtures, outlets, panels, switches, etc. must be installed. • A panel box index must be complete.
	<ul style="list-style-type: none"> • The structure must be ready for use and occupancy.

SCHEDULING AN INSPECTION

It is the responsibility of the permit holder or the permit holder's representative to notify the County when the stages of construction are reached that require an inspection. Ladders, scaffolds, and testing equipment required to complete an inspection must be provided. Inspection requests may be made using one of the three methods listed below; please have your permit number available when scheduling an inspection. Requests made prior to 11:59 p.m. on automated systems will be scheduled for the next workday.

- Inspection Request Center: **703-222-0455, TTY 711**, 8:00-4:30, Monday-Thursday, and 9:15-4:30 on Fridays.
- *Automated Inspection Request System (AIRS)*: **703-222-2474, TTY 711**, 24 hours a day, seven days a week.
- *Building Code Services Online*, 24 hours a day, seven days a week.

Fairfax County is committed to a policy of nondiscrimination in all county programs, services and activities and will provide this document in alternative formats and in different languages upon request. Please call 703-324-5033, TTY 1-800-552-7917 or write DPWES, Room 659, the Herrity Building, 12055 Government Center Parkway, Fairfax, VA 22035-5506. Please allow at least seven working days for preparation of material.



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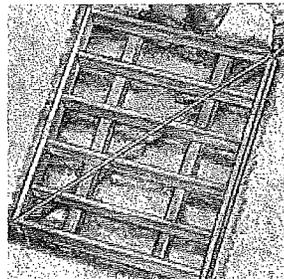
Directions: Lean-to Tool Bin

[Index](#)>[Furnishings](#)>[Outdoor Wood Furnishings](#)>[Lean-to Tool Bin](#)>

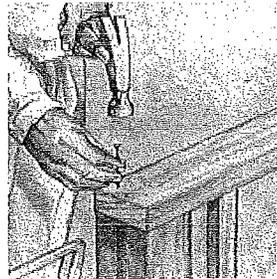
BUILDING THE LEAN-TO TOOL BIN

Step A: Build the Foundation & Floor Frame

1. Excavate the building site and add a 4" layer of compactible gravel. Tamp the gravel thoroughly, making sure it is flat and level.
2. Cut two 4 x 4 treated timber skids at 70 3/4". Arrange and level the skids on the gravel bed, following the FLOOR FRAMING PLAN.
3. Cut two 2 x 6 rim joists at 70 3/4", and cut six joists at 44 3/8". Mark the joist layout onto the rim joists, following the plan. Assemble the frame with 16d galv. common nails—be sure to check each joist for crowning and to install it with the crowned edge up.
4. Set the floor frame on top of the skids and measure the diagonals to make sure it's square. Toenail the joists to the skids with 16d galv. common nails and install metal clip angles where the two outer joists meet the skids, using 1 1/2" joist hanger nails and 16d galv. common nails.
5. Cut the plywood floor sheathing to 47 3/8" x 70 3/4" and install it with 8d galv. box nails driven every 6" along the edges and every 12" in the field.



Check the squareness of the floor frame by measuring diagonally between the outsides of the corners.



Install the front and rear top plates so they span the width of building, covering the side-wall end studs.

Step B: Frame the Walls

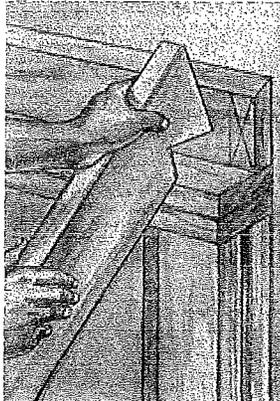
Note: In this step, you'll install all of the squarecut studs and plates and the header. In step D you'll install the angle-cut studs and top plates for the side walls.

1. Snap chalk lines on the floor for the wall plates.
2. Cut the 2 x 4 bottom plates: two at 47 3/8" for the side walls and two at 63 3/4" for the front and back walls. Cut three 2 x 4 top plates at 70 3/4".
3. Cut six studs at 89" for the rear wall, four at 89" and four at 69" for the side walls, and four at 63 1/2" for the jack studs in the front wall.

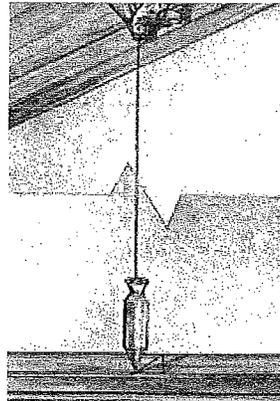
4. Build the header at 63 3/4", using two 2 × 6s and 1/2" plywood.
5. Mark the stud layouts onto the plates following the FLOOR PLAN.
6. Nail the four end studs of each side wall to the bottom plate. Raise the side walls and fasten the bottom plates to the floor. Assemble, raise, and fasten the rear and front walls, leaving the top plates off at this time. Also leave off the second stud in from the left side of the rear wall (toenail that stud in place after nailing the corners together). Nail together the corner studs of the adjacent walls, making sure the studs are plumb.
7. Install the rear top plates, one at a time—the plates should span between the outsides of the side-wall studs. Install the single top plate on the front wall, making sure the door opening is square.

Step C: Frame the Roof

1. Cut six 2 × 6 rafters, following the RAFTER TEMPLATE.
2. Cut the 2 × 6 ledger at 70 3/4" and rip it down to 4 5/16" in overall width, cutting a 26 1/2° bevel along the top edge. Mark the rafter layout onto the front face of the ledger and the top plate of the front wall, following the ROOF FRAMING PLAN.
3. Position the ledger on the rear wall, so its outside face is flush with the outside of the wall and its ends are flush with the outsides of the side walls. Toenail the ledger to the wall plates with 10d nails.
4. Install the rafters, toenailing to the wall plates and endnailing to the ledger with 16d nails.



Toenail the ledger to the rear wall plates, then install the rafters. Endnail through the ledger and into the rafters.



Transfer the layout by holding a plumb bob on the stud markings and marking where the string hits the plate.

Step D: Complete the Side Wall Framing

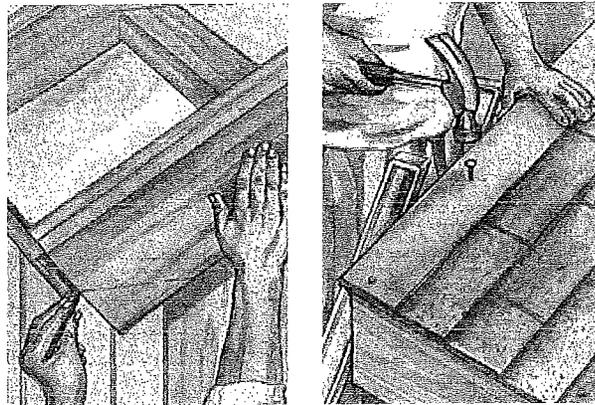
1. Cut a 2 × 4 top plate to fit between the front and rear wall plates, at each side of the bin, angle-cutting the ends at 26 1/2°. Position the plates against the undersides of the rafters so their edges are flush with the outside rafter faces. Fasten the plates to the rafters with 16d nails.
2. Use a plumb bob to transfer the stud layout marks from the bottom plates to the top plates.
3. Cut the remaining four studs to fit between the plates, angling the top ends at 26 1/2°. Toenail the studs to the plates with 8d nails.

Step E: Install the Siding & Fascia

1. Install the plywood siding on the side and rear walls, using 8d galv. finish nails. Hold the bottom edges 1/2" below the floor frame, and cut the top edges flush with the tops of the rafters. Stop the siding flush with the outside face of the front wall framing, and overlap the siding at the rear corners.

2. Cut and install the 1 x 4 fascia along the front rafter ends and the 1 x 8 fascia along the rear ends, holding the boards 1/2" above the top edges of the rafters to account for the thickness of the roof sheathing. You can join the corner of the fascia with mitered or butted joints (for butt joints, consider from which sides of the building the butt ends of the boards will be visible). Fasten the fascia to the framing with 8d galv. finish nails.

3. Custom-cut the side 1 x 8 fascia boards. Angle the bottom ends so they are parallel to the horizontal cut of the rafters and so they taper to 3/2" at the end—to meet the 1 x 4 fascia at the front. Mark and cut the rear ends to meet the rear 1 x 8 fascia.



Mark the side fascia so it tapers with a horizontal line that meets the bottom edge of the 1 x 4 front fascia.

Install shingle courses up to the rear edge, then finish the edge with cut shingles or a solid starter strip.

Step F: Install the Sheathing & Roofing

1. Install the 1/2" plywood sheathing perpendicular to the rafters. Rip the first piece to width at about 41" and install it at the lower roof edge, then rip the upper piece to fit, and install it. Fasten the sheathing with 8d box nails driven every 6" along the edges and every 12" in the field of the sheets.

2. Attach metal drip edge along the front edge of the roof, then apply 15# building paper over the sheathing. Add drip edge along the side and rear edges, on top of the paper.

3. Install the asphalt shingles, starting at the front edge of the roof. Finish the roof along the top edge with custom-cut shingles, or install a continuous roofing strip (starter strip). Cover all exposed nail heads with roofing cement.

Step G: Build & Install the Doors

1. Cut out the bottom plate from the door opening.

2. From 3/4 x 3 1/2" (actual dimension) cedar, cut the head jamb of the door frame at 57" and the side jambs at 63 7/8". Set the head jamb over the side jamb ends and fasten the pieces with 2 1/2" deck screws.

3. Cut the 1 x 2 stops and install them 3/4" from the outside edges of the frame (see the DOOR JAMB DETAIL).

4. Install the frame in the rough opening, using shims and 10d galv.

casing nails. Make sure the frame is square and plumb and the front edges of the frame are flush with the outside of the wall framing.

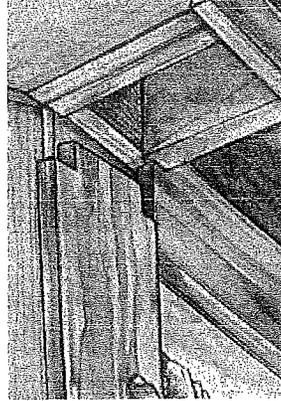
5. For each door, cut six pieces of 1 x 6 tongue-and-siding at 63 3/4". Fit the boards together with their ends flush, then mark the two end boards for trimming so that the total width is 27 5/8". Trim the end boards.

6. Cut the 1 x 6 Z-brace boards following the DOOR ELEVATIONS, (keep the braces 1" away from the side edges). Lay the door on a flat surface and attach the brace boards using construction adhesive and 1 1/4" wood screws.

7. Install the hinges and hang the door.



Fasten the horizontal Z-brace boards, then lay the angled board over them and mark it for cutting.



Rip the vertical door trim boards to width, then notch them to fit around the rafters.

Step H: Add the Trim

1. Staple fiberglass bug screen to the front wall plate and the roof sheathing, to block each rafter bay (see the OVERHANG DETAIL).a

2. Cut and install the 1 x 8 trim above the door (see the OVERHANG DETAIL), overlapping the side door jambs about 1/4" on each side. Notch the top edge of the board to fit around the rafters. Fasten the trim with 8d galv. finish nails.

3. Rip two 1 x 10 vertical door trim boards to width so they will cover the 1 x 4 corner trim and about 1/2" of the doorjamb, as shown in the DOOR JAMB DETAIL. Cut them to length so they reach from the bottom edge of the siding to the top edge of the 1 x 8 above the door. Notch the top ends to fit around the rafters, and install the trim.

4. Cut and install a horizontal 1 x 8 bottom door trim board between the vertical boards, with its top edge flush with the floor. Install the 1 x 4 corner trim, overlapping the pieces at the rear corners.

Next Steps and Related Projects:

► **Directions: Lean-to Tool Bin**



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/28/16
 (enter date affidavit is notarized)

134732

I, John Daugherty, 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 BOLD above)
John Daugherty	13224 Post Court Fairfax Va 22033	OWNER / APPLICANT
Heidi Daugherty	13224 Post Court	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): _____
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DATE: 4/28/16
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134732

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)

NONE

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): _____
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DATE: 4/28/16
(enter date affidavit is notarized)

134732

I(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**)

NONE

(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)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/28/16
(enter date affidavit is notarized)

134732

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:

NONE

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/28/16
(enter date affidavit is notarized)

134732

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

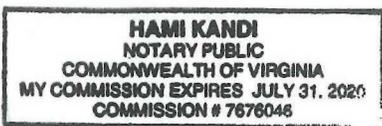
John A Dougherty Owner

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

Subscribed and sworn to before me this 29 day of April 2017, in the State/Comm. of Virginia, County/City of Fairfax.


Notary Public

My commission expires: 7/31/2020





County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: February 12, 2016

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Heidemarie E. Daugherty
John A. Daugherty

ADDRESS: 13224 Poet Court
Fairfax, Virginia 22033

LOCATION OF VIOLATION: 13224 Poet Court
Fairfax, Virginia 22033-3437

TAX MAP REF: 0453 02120020

ZONING DISTRICT: R- 3C

CASE #: 201600574 **SR #:** 124358

ISSUING INVESTIGATOR: Ronald Gibson, (703) 324-8247

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§10.104.10E	\$ 200.00	\$ 500.00
	§10.104.12D	\$ 200.00	\$ 500.00
	TOTAL:	\$ 400.00	\$ 1000.00

Dear Responsible Party:

An inspection of the above referenced property on February 10, 2016, revealed the following violation(s) of the Fairfax County Zoning Ordinance:

§ 10-104 (10E) Accessory Storage Structure Location
§ 2-302 (6) Accessory Use must comply with Article 10:

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-653-9459 TTY 711
www.fairfaxcounty.gov/code

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The presence of an accessory storage structure which measured approximately 15 feet in height, is approximately 144 square feet in area and is located approximately 9 feet, 10 inches from the rear lot line and 9 feet, 8 inches from the side lot line.

The Fairfax County Zoning Ordinance permits accessory storage structures to be located in minimum required yards; however, if the structure exceeds eight and one-half (8½) feet in height, it must be located on the lot so as to comply with Par. 10E of Sect. 10-104 of the Zoning Ordinance which states:

An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

The minimum required side yard distance in the R-3C District is 8 feet, but a total of 20 feet as detailed in Par. 2A of Sect. 3-307 of the Zoning Ordinance.

Therefore, as this accessory storage structure exceeds eight and one-half (8 ½) feet in height and is not located in accordance with the provisions of Par. 10E of Sect. 10-104 above, it is in violation of Par. 10E of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; or
- Reducing the height of the structure to eight and one-half (8 ½) feet or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the rear lot line in accordance with Par. 10E of Sect. 10-104 of the Zoning Ordinance as outlined above.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory storage structure to remain at its present height and at its present location. For

Heidemarie E. Daugherty
John A. Daugherty
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information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

§ 10-104 (12D) Accessory Structure Location in the Side Yard
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory structure which measured approximately 9 feet, 7 inches in height, is approximately 24 square feet in area and is located approximately 3.5 feet from the side lot line.

The Fairfax County Zoning Ordinance permits accessory structures to be located in minimum required yards; however, if the structure exceeds seven (7) feet in height, it must be located on the lot so as to comply with Par. 12D of Sect. 10-104 of the Zoning Ordinance which states:

No accessory structure or use which exceeds seven (7) feet in height shall be located in any minimum required side yard.

The minimum required side yard distance in the R- 3C District is 8 feet, but a total of 20 feet as detailed in Par. 2A of Sect. 3-307 of the Zoning Ordinance.

Therefore, as this accessory structure exceeds seven (7) feet in height and is not located in accordance with the provisions of Par. 12D of Sect. 10-104 above, it is in violation of Par. 12D of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing the accessory structure from the property in its entirety; or
- Reducing the height of the structure to seven (7') feet in height or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the side lot lines in accordance with Par. 12D of Sect. 10-104 of the Zoning Ordinance as outlined above.

Heidemarie E. Daugherty
John A. Daugherty
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As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903(1).

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

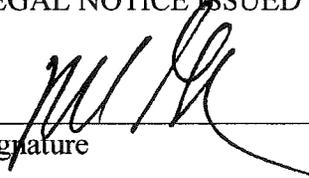
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703)324-1314

Information and forms can also be obtained at <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-8247.

Heidemarie E. Daugherty
John A. Daugherty
February 12, 2016
SR 124358
Page 5

LEGAL NOTICE ISSUED BY:



Signature

Ronald Gibson
Code Compliance Investigator
(703)324-8247
Ronald.Gibson@fairfaxcounty.gov

PERSONAL SERVICE _____

Being unable to make personal service a copy was delivered in the following manner:

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).

Served on a Secretary of the Commonwealth.

Not found.

J. Hernandez 773
SERVING OFFICER
for Stacey A. Kincaid, Sheriff
Fairfax County, VA

2/12/16
DATE

PERSONAL SERVICE _____

Being unable to make personal service a copy was delivered in the following manner:

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SERVING OFFICER
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Not found.

SERVING OFFICER
for _____

DATE

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.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) 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 and 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. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing 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 well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - 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. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, or
 - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
 - C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
 - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.

4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.