



FAIRFAX COUNTY

APPLICATION ACCEPTED: July 10, 2007
BOARD OF ZONING APPEALS: December 4, 2007
DEFERRED DECISION FROM OCTOBER 30, 2007
TIME: 9:00 a.m.

V I R G I N I A

November 27, 2007

STAFF REPORT ADDENDUM

SPECIAL PERMIT APPLICATION SP 2006-SP-072

CAROLYN DAY HECOX

SPRINGFIELD DISTRICT

BACKGROUND

On October 2, 2007, the Board of Zoning Appeals deferred decision to October 30, 2007, and then again to December 4, 2007, for SP 2006-SP-072 to allow the applicant sufficient time to address BZA and staff concerns regarding the location, condition, and permits relating to the septic field on site, and the inspection of any potential violations regarding the primary dwelling on site.

The applicant had requested approval of a special permit for an accessory dwelling unit. The 1,084 square foot accessory unit is proposed to be located in the second story of the detached garage with one bedroom, a kitchen, a family room, and a handicapped accessible bathroom, thus comprising approximately 29.8 percent of the total square footage of the main dwelling. This proposal was depicted on a special permit plat dated through September 6, 2007. The land, developed with one single-family dwelling, is zoned R-1.

Outlined below is a discussion of BZA and staff concerns.

DISCUSSION

At the October 2, 2007 hearing, the Board of Zoning Appeals raised questions concerning the location, condition, and permits relating to the septic field on site. The applicant's original plat dated through September 6, 2007, did not indicate the existence or location of a septic field. The applicant has now submitted a revised plat which depicts the size and location of the septic field on site. The 2,100 square foot field is situated between the primary dwelling and the garage. A copy of the revised plat dated through October 22, 2007 is included as Attachment 2.

The BZA inquired about the capacity on the septic field in terms of the number of bedrooms it could serve. Specifically, the BZA wanted to know if the septic field could

serve the primary dwelling and the accessory dwelling unit proposed to be located in the second story of the garage. Also, the BZA wanted to know if there were any permits on file regarding the installation of plumbing connections from the living space in the garage to the septic field. Staff could find no evidence on file of approved permits regarding the installation of plumbing connections from the living space in the garage to the field. However, a Health Department permit relating to the construction of the garage, issued in 1999, indicates the field serves 4 bedrooms. This letter is included in Attachment 3. Staff contacted Marty Shannon from the Health Department to determine what course of action should be taken at this point to determine if the connection has been made correctly to the septic field or if additional work is needed. Mr. Shannon informed staff that a field inspection would be needed to determine the condition and functionality of the existing field and its plumbing connections. Mr. Shannon represented that after the inspection, the Health Department would have information necessary to make a determination as to whether the applicant will need to expand the current field to meet the new demands, or whether a new field will be required in light of the accessory dwelling use. The septic field inspection is scheduled subsequent to the printing of this addendum. Therefore, staff has provided a development condition which attempts to address this concern. It is expected that the Health Department will be forthcoming in providing additional information before the public hearing which may be incorporated into the development conditions at that time. Further, Marty Shannon from the Health Department will attend the BZA hearing on December 4, to field any questions.

At the October 2, 2007 hearing, the BZA also questioned potential violations in the primary dwelling. The applicant had indicated to staff that she was considering dividing the main level from the lower level for the purpose of creating two separate living spaces within the primary dwelling, with no connection between the two areas. Zoning Enforcement staff indicated to her that a physical obstruction would not be permitted. For your information, the Zoning Ordinance, as set forth in Article 2-512, limits a residential household to:

“One (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage with any number of natural children, foster children, step children or adopted children and with not to exceed two (2) roomers or boarders as permitted by Article 10, or;

Two (2) single parents or guardians with not more than a total of six (6) of their dependent children, including natural children, foster children, step children or adopted children, functioning as a single housekeeping unit, or;

A group of not more than four (4) persons not necessarily related by blood or marriage functioning as a single housekeeping unit. . . .”

Subsequent to the BZA hearing on October 2, 2007, an inspection on the property was conducted by a representative from Zoning Enforcement to ensure that no potential violations were, or would be created including the applicant's initial intention of blocking the stairway between the lower level and main level of the primary dwelling for the purpose of renting out both spaces. The inspection revealed that the appliance hook-

ups in the lower level of the primary dwelling had been removed, and that the stairway between the upper and lower levels was not blocked. Further, the applicant represents that she does not intend to rent out each level of the primary dwelling separately.

ATTACHMENTS

1. Revised Proposed Development Conditions
2. Revised SP Plat
3. Health Department permit

REVISED PROPOSED DEVELOPMENT CONDITIONS**November 27, 2007**

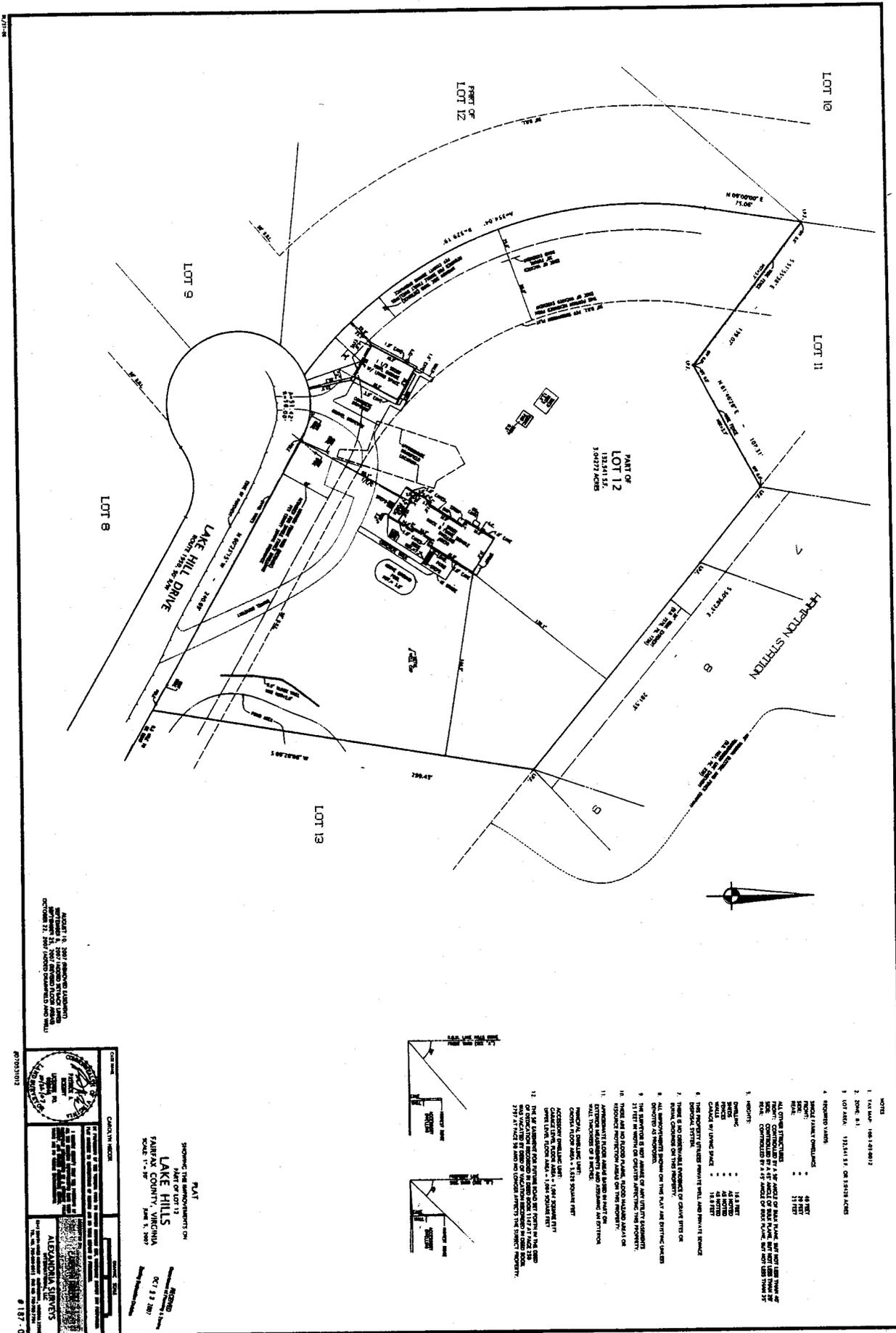
If it is the intent of the Board of Zoning Appeals to approve SP 2007-SP-072, located at Tax Map 106-1 ((03)) 12, to permit an accessory dwelling unit under Section 8-918 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Strikethroughs and bolded text represent changes from previously proposed conditions.

1. This approval is granted to the applicant only, Carolyn Day Hecox, and is not transferable without further action of this Board, and is for the location indicated on the application, 8830 Lake Hill Drive (3.04 ac.), and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Patrick A. Eckert, dated June 5, 2007 as revised through ~~September 6, 2007~~ **October 22, 2007** and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The occupant(s) of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance.
5. ~~Notwithstanding what is shown on the plat,~~ The accessory dwelling unit shall not exceed 1,084 square feet, including a maximum of one bedroom **and two people**.
6. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
7. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
8. If the use of the accessory dwelling unit ceases and/or the property is sold, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
9. Within ~~90~~ **120** days of approval of this special permit, an Administrative Reduction shall be obtained from the Department of Planning and Zoning for the detached garage to remain 36.2 feet with eave 33.2 feet from the front lot line. If this approval as is not granted, the detached garage shall be brought into conformance with Zoning Ordinance requirements.

10. All additional permits and required inspections, including Health Department permits, relating to the conversion of the garage into living space shall be obtained prior to occupation of the accessory dwelling unit. Proof of approvals shall be submitted to the Zoning Evaluation Division for inclusion in the special permit file.

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

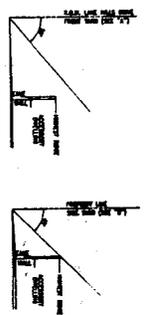
Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, twenty-four (24) months after the date of approval unless the use has been established. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional 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.



ASPECT 11, 2007 CONSENTED TO BE RECORDED IN THE PUBLIC RECORDS OF THE CLERK OF COURTS OF THE STATE OF VIRGINIA ON OCTOBER 22, 2007. THIS PLAN IS NOT TO BE CONSIDERED VALID UNLESS IT IS RECORDED IN THE PUBLIC RECORDS OF THE CLERK OF COURTS OF THE STATE OF VIRGINIA.



- NOTES
1. 1/4 ACRES - 104,340 SQ. FT.
 2. ZONE: R-1
 3. LOT AREA: 112,541 SQ. FT. OR 2.5789 ACRES
 4. PROPERTY TAXES: 48 NET
 5. HEIGHTS: 48 NET
 6. SETBACKS: 10 FT. FRONT, 10 FT. SIDE, 10 FT. REAR
 7. DRIVEWAY: 10 FT. WIDE
 8. DRIVEWAY: 10 FT. WIDE
 9. DRIVEWAY: 10 FT. WIDE
 10. DRIVEWAY: 10 FT. WIDE
 11. DRIVEWAY: 10 FT. WIDE
 12. DRIVEWAY: 10 FT. WIDE
- ALL OTHER STRUCTURES SHALL BE CONFINED TO THE AREA SHOWN ON THIS PLAN. THE AREA SHOWN ON THIS PLAN IS NOT TO BE CONSIDERED VALID UNLESS IT IS RECORDED IN THE PUBLIC RECORDS OF THE CLERK OF COURTS OF THE STATE OF VIRGINIA.



PLAT
 SHOWING THE IMPROVEMENTS ON
 PART OF LOT 11
LAKE HILLS
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 40'

RECORDED
 OCT 22 2007
 FAIRFAX COUNTY, VIRGINIA
 CLERK OF COURTS

9187-07

FAIRFAX COUNTY HEALTH DEPARTMENT

Attachment 3

PERMIT APPLICATION

MARK ALL APPLICABLE BOXES:

- NEW CONSTRUCTION
- SEWAGE DISPOSAL SYSTEM PERMIT
- INDIVIDUAL WELL WATER SUPPLY PERMIT
- ADDITION/REMODELING
- WELL ABANDONMENT
- SEWAGE DISPOSAL SYSTEM EXPANSION

TO BE COMPLETED BY THE APPLICANT PLEASE PRINT CLEARLY

OWNER Duane L. Hecox and Carolyn Day Hecox ADDRESS 8830 Lake Hills Dr PHONE (703) 690-1324
Lorton, VA ZIP 22079

AGENT W/A ADDRESS _____ PHONE _____
 _____ ZIP _____

SUBDIVISION Lake Hills SECTION _____ BLOCK _____ LOT 12

PROPERTY ADDRESS 8830 Lake Hills Dr TAX MAP 106-1-03 0012
Lorton, VA 22079

- RESIDENTIAL
 Sewage: Septic Tank Public Other _____ Basement - Plumbing in Basement Yes No
 Number of Potential Bedrooms 4
- Water: Well Public Other _____
- COMMERCIAL
 Sewage: Septic Tank Public Other _____ Estimated Number of Patrons _____ Number of Employees _____
 Estimated Daily Water Usage _____ Gallons
- Water: Well Public Non-Community Other _____

DESCRIBE ADDITION/REMODELING: FOOTER 3 CONCRETE SLAB, AND DETACHED 3 CAR GARAGE PER COUNTY DETAIL

I GIVE PERMISSION TO THE HEALTH DEPARTMENT TO ENTER ONTO THE PROPERTY DESCRIBED FOR THE PURPOSE OF PROCESSING THIS APPLICATION. I UNDERSTAND A SUBSTANTIAL PHYSICAL CHANGE TO THE PROPERTY MAY VOID APPROVAL OF THE LOT FOR AN ONSITE SEWAGE DISPOSAL SYSTEM.

SIGNATURE Duane L. Hecox PRINT NAME DUANE L. Hecox
 DATE 9/13/99 OWNER AGENT

For Department Use Only HD:ID:NO: _____

Date Lot Approved: _____ Type System _____ Design for _____ Bedrooms or _____ Gallons per Day

Perc Rate _____ Depth _____ Septic Tank Gallons _____ Absorption Field _____ (Lin. Ft.) Reserve Area _____ (Lin. Ft.)

Building Permit Number 99214 B1550 Receipt Number #E9900866 \$ do. 10/27/99

Remarks DETACHED GARAGE LOCATION AS NOTED ABOVE & SHOWN ON ATTACHED PLAT - OK, SEE K. ASPLIN'S NOTE OF 9-17-99.

REVIEWED BY J.C. Price, R.E.H.S. TITLE R.E.H.S. III DATE 10-25-99
*\$40 fee dup