



APPLICATION ACCEPTED: December 17, 2008
BOARD OF ZONING APPEALS: March 10, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 3, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2008-SU-110

SULLY DISTRICT

APPLICANT: Mary Saleeb
OWNERS: Mary Guirguis Saleeb and Atef Isaac Saleeb
SUBDIVISION: Chantilly Green
STREET ADDRESS: 3780 Vernacchia Drive
TAX MAP REFERENCE: 34-4 ((21)) (2) 57
LOT SIZE: 7,007 square feet
ZONING DISTRICT: PDH-3 and WS
ZONING ORDINANCE PROVISIONS: 8-918
SPECIAL PERMIT PROPOSAL: Accessory Dwelling Unit

STAFF RECOMMENDATION: Staff recommends approval of SP 2008-SU-110, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the 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. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

O:\SMCKNASP\Saleeb - SP 2008-SU-110\STAFF REPORT.doc

Shelby Johnson

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

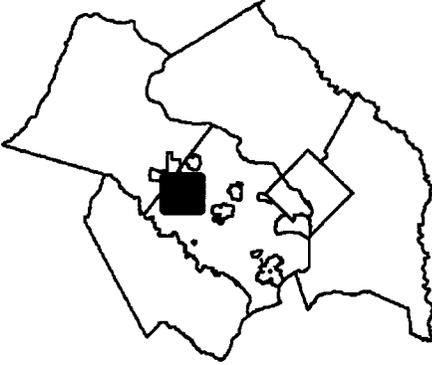
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



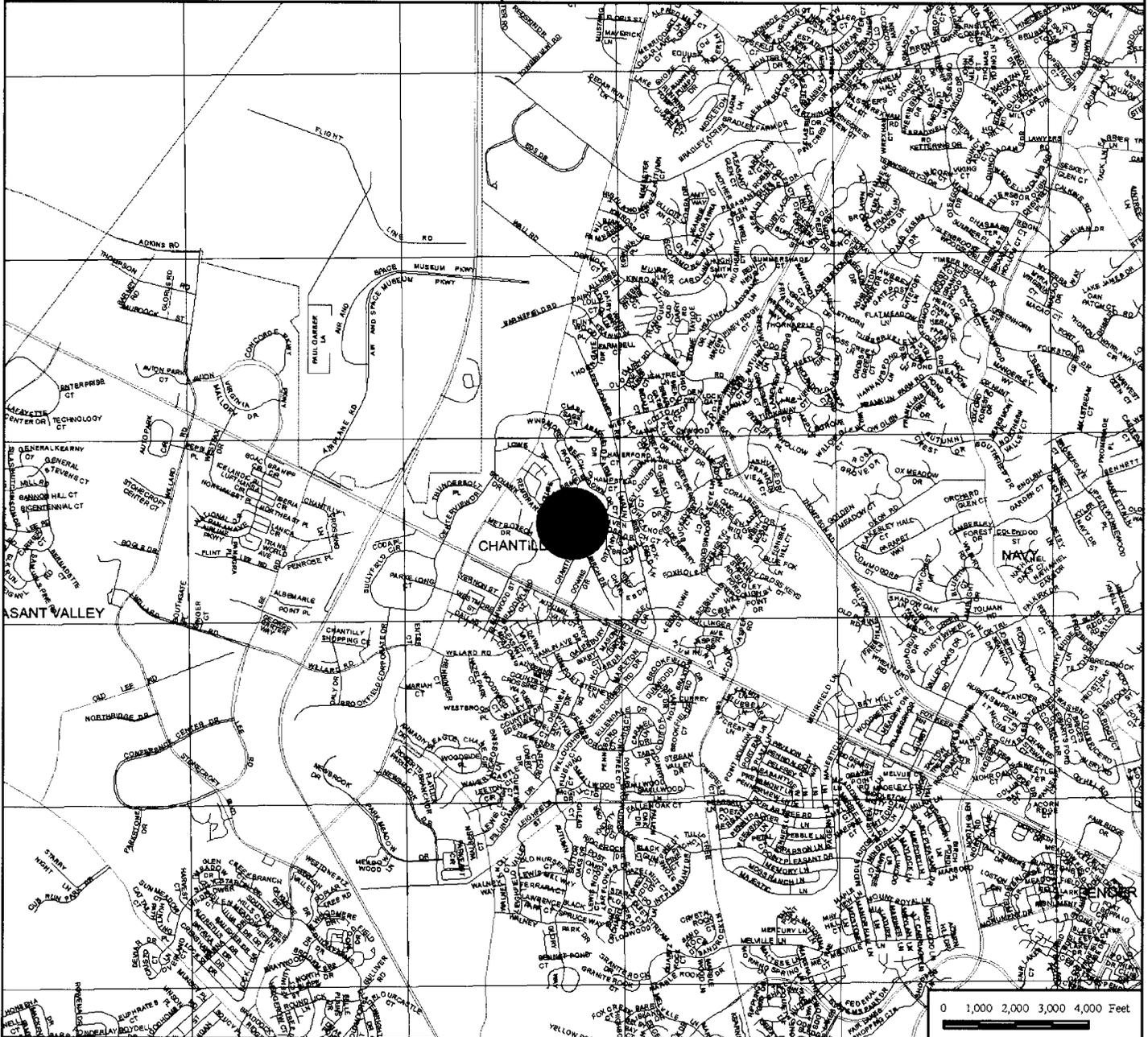
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2008-SU-110



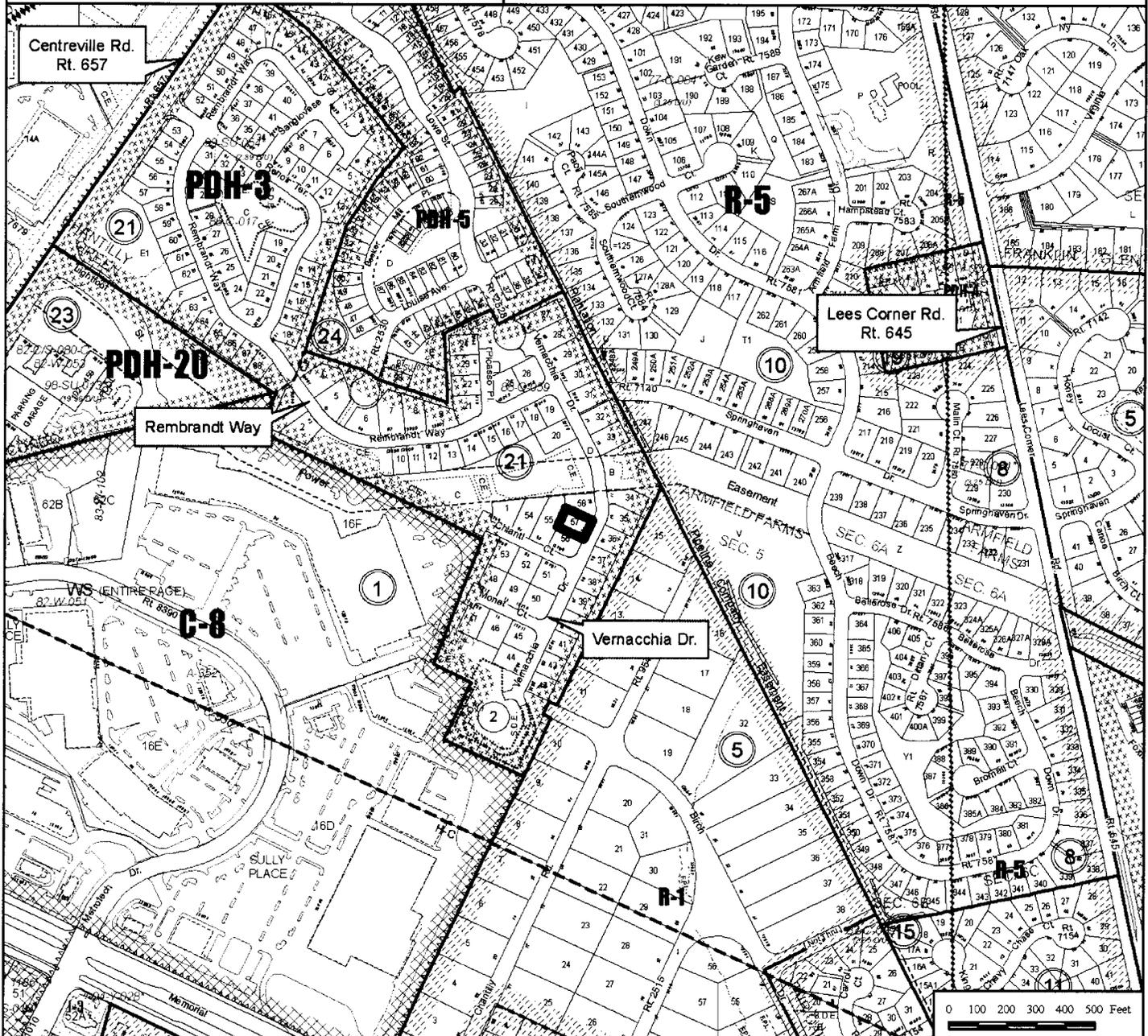
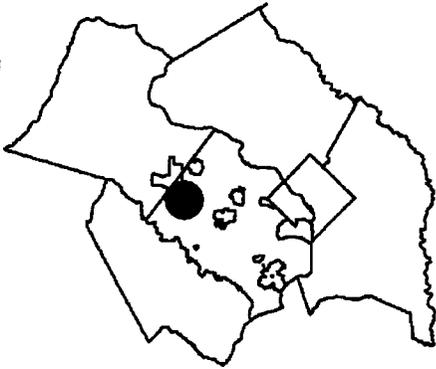
Applicant: MARY SALEEB
Accepted: 12/17/2008
Proposed: ACCESSORY DWELLING UNIT
Area: 7,007 SF OF LAND; DISTRICT - SULLY
Zoning Dist Sect: 08-0918
Art 8 Group and Use: 9-17
Located: 3780 VERNACCHIA DRIVE
Zoning: PDH- 3
Overlay Dist: WS
Map Ref Num: 034-4 /21/02/0057



Special Permit

SP 2008-SU-110

Applicant: MARY SALEEB
Accepted: 12/17/2008
Proposed: ACCESSORY DWELLING UNIT
Area: 7,007 SF OF LAND; DISTRICT - SULLY
Zoning Dist Sect: 08-0918
Art 8 Group and Use: 9-17
Located: 3780 VERNACCHIA DRIVE
Zoning: PDH-3
Overlay Dist: WS
Map Ref Num: 034-4 /21/02/0057

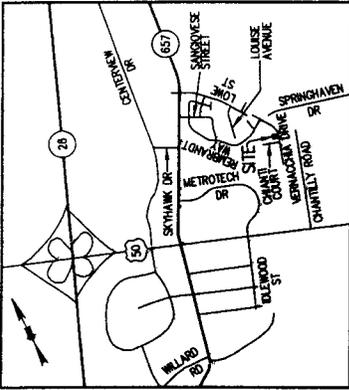




SPECIAL PERMIT PLAT
LOT 57
SECTION TWO
CHANTILLY GREEN
SULLY DISTRICT, FAIRFAX COUNTY, VIRGINIA

PROJECT: 00-21-07
SCALE: 1" = 20'
DATE: 9/17/08
REV: 12/04/08
DRAWN: P.F.
CHECKED: MB
SHEET No. 1 OF 1

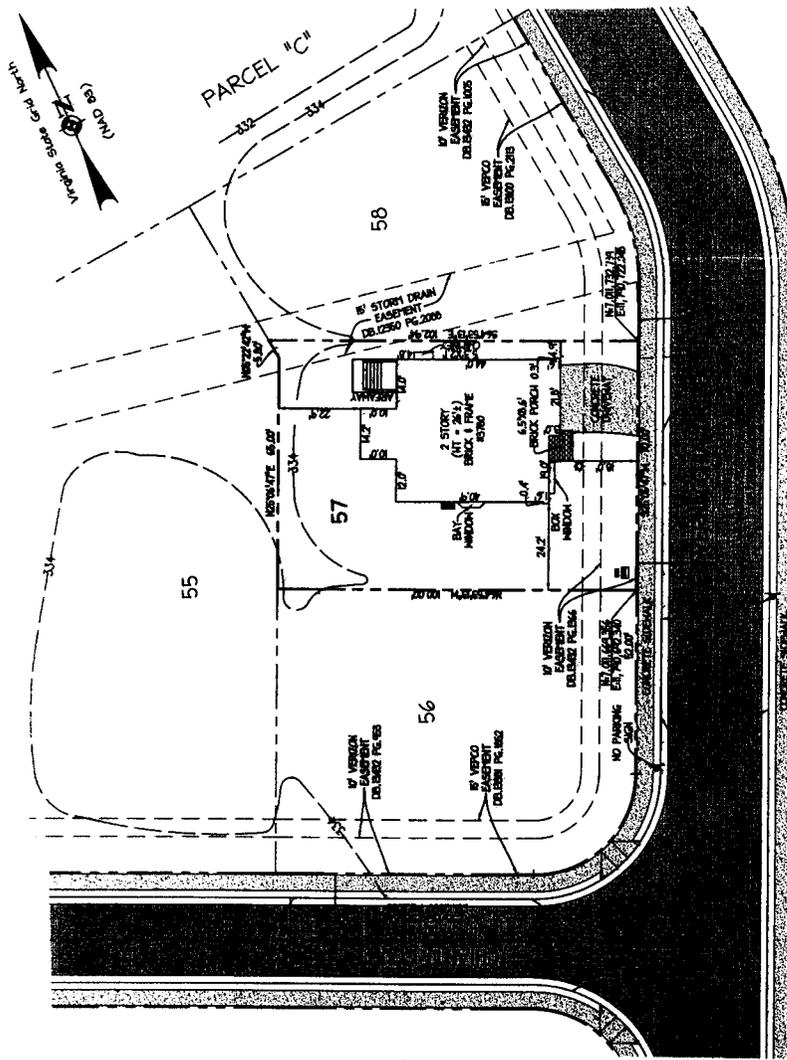
B-300Z



VICINITY MAP
SCALE: 1" = 2000'

NOTES

- THE PROPERTY SHOWN HEREON IS DESIGNATED AS FAIRFAX COUNTY TAX ASSESSMENT MAP NO. 09-4-3-00-0057 AND IS ZONED R-P-3.
- CURRENT OWNER: ATEF & MARY SALES DEED BOOK 1989 PAGE 587
- TOTAL LOT AREA = 1,097 SQUARE FEET.
- THE HOUSE SHOWN WAS BUILT IN 2002.
- THE IMPROVEMENTS SHOWN HEREON ARE EXISTING AND ARE BASED UPON A FIELD SURVEY PERFORMED BY THIS FIRM.
- NORTH MERIDIAN BEARINGS AND COORDINATES (U.S. SURVEY) FOR THE CORNERS OF THE DEED AND PLAT OF SAID HOUSE AS RECORDED IN DEED BOOK 1989 PAGE 587 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
- CONTOURS SHOWN ARE FROM FIELD RUN TOPOGRAPHY BASED ON USED 1998 SEA LEVEL DATUM.
- THIS SITE HAS FOUR POTENTIAL PARKING SPACES, TWO INSIDE THE GARAGE AND TWO IN THE EXISTING DRIVEWAY.
- THIS PROPERTY IS SERVED BY PUBLIC SEWER AND WATER.
- THERE ARE NO KNOWN BURIAL SITES ON THIS PROPERTY.
- THE PROPERTY SHOWN HEREON IS LOCATED ON FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR FAIRFAX COUNTY, VIRGINIA, COMMUNITY PANEL NUMBER 55500005 D, DATED MARCH 5, 1993, IN ZONE X, AN AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN.
- NO TITLE REPORT FURNISHED. ALL EASEMENTS PERTAINING TO THE SUBJECT PROPERTY ARE SHOWN TO THE BEST OF THE SURVEYOR'S KNOWLEDGE.
- THE PURPOSE OF THIS SPECIAL PERMIT PLAT IS TO OBTAIN APPROVAL FOR AN ACCESSORY DWELLING UNIT, WHICH IS CONTAINED COMPLETELY WITHIN THE INTERIOR WALLS OF THE EXISTING HOUSE AND ACCOUNTS FOR APPROXIMATELY FOURTEEN PERCENT OF THE TOTAL LIVING SPACE.
- THERE WILL BE NO GRADING OR CLEARING OR ANY OTHER CHANGES TO THE AREAS OUTSIDE OF THE HOUSE AND/OR THROUGHOUT THE NEIGHBORHOOD. THE EXISTING HOUSE HAS 10,000 SQUARE FEET OF FLOOR AREA AND IS SET IN AN AS WELL AS ALL PRECEDED CONDITIONS ASSOCIATED WITH SAID ACCESSORY DWELLING UNIT WILL NOT EXCEED OR EXCEED THE PREDOMINANT CHARACTER OF THE NEIGHBORHOOD AND DOES MEET ALL OF THE OTHER REQUIREMENTS OF ARTICLE 6-4B (PERMITS FOR ACCESSORY DWELLING UNITS) OF THE FAIRFAX COUNTY ZONING ORDINANCE.



LEGEND

- ELECTRIC TRANSPORTER
- CABLE TV VAULT
- CURB & GUTTER
- CONTOURS
- AC UNIT
- CONCRETE
- ASPHALT
- LAMP POST
- SKIN

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

SURVEYOR'S CERTIFICATE

I, SURVEYOR, HAVE BEEN DULY SWORN AND HAVE PERSONALLY PLATTED THE PROPERTY AND IMPROVEMENTS SHOWN HEREON AND THAT THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

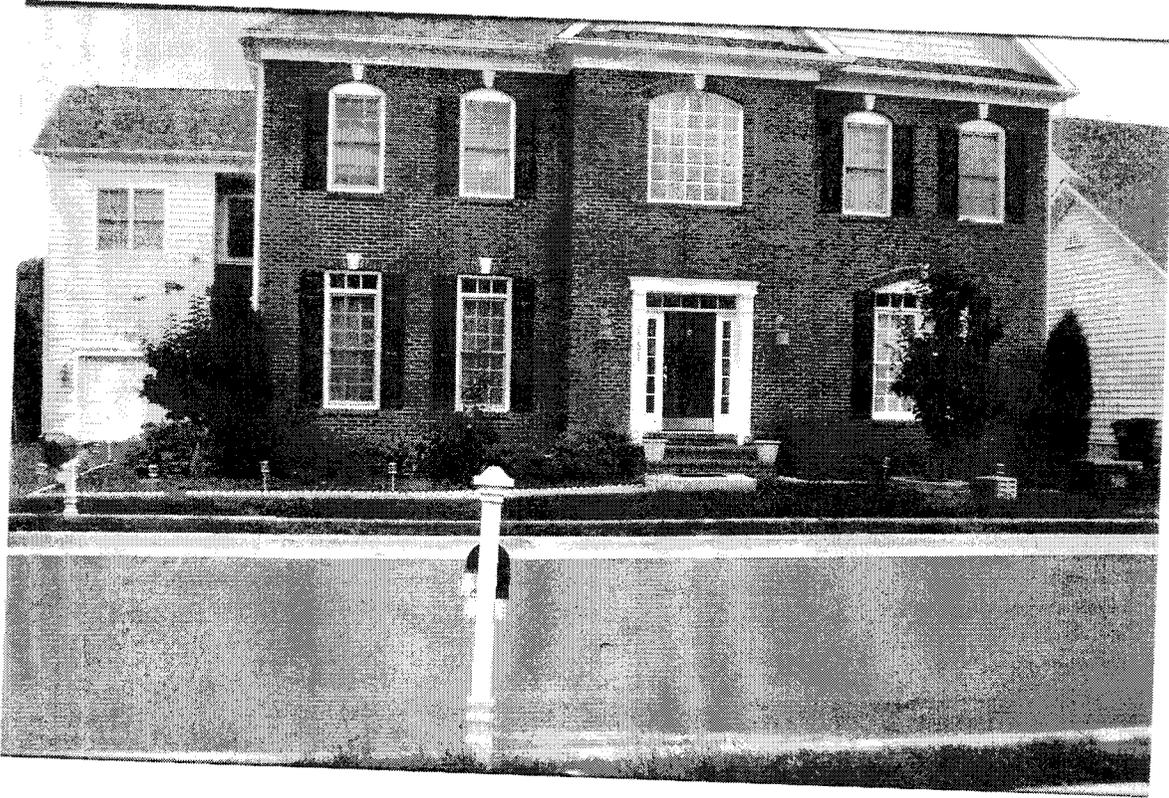
GIVEN UNDER MY HAND THIS
17th DAY OF DECEMBER, 2008



RECEIVED
Department of Planning & Zoning

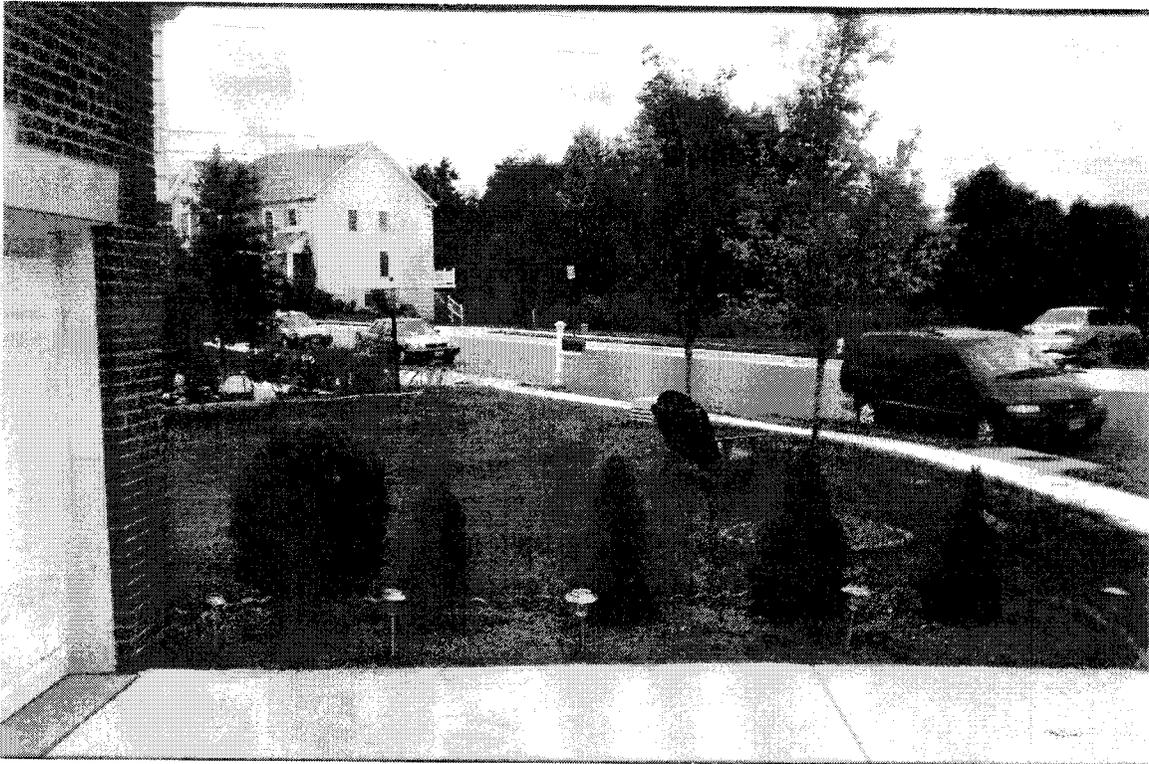
DEC 08 2008

Zoning Evaluation Division

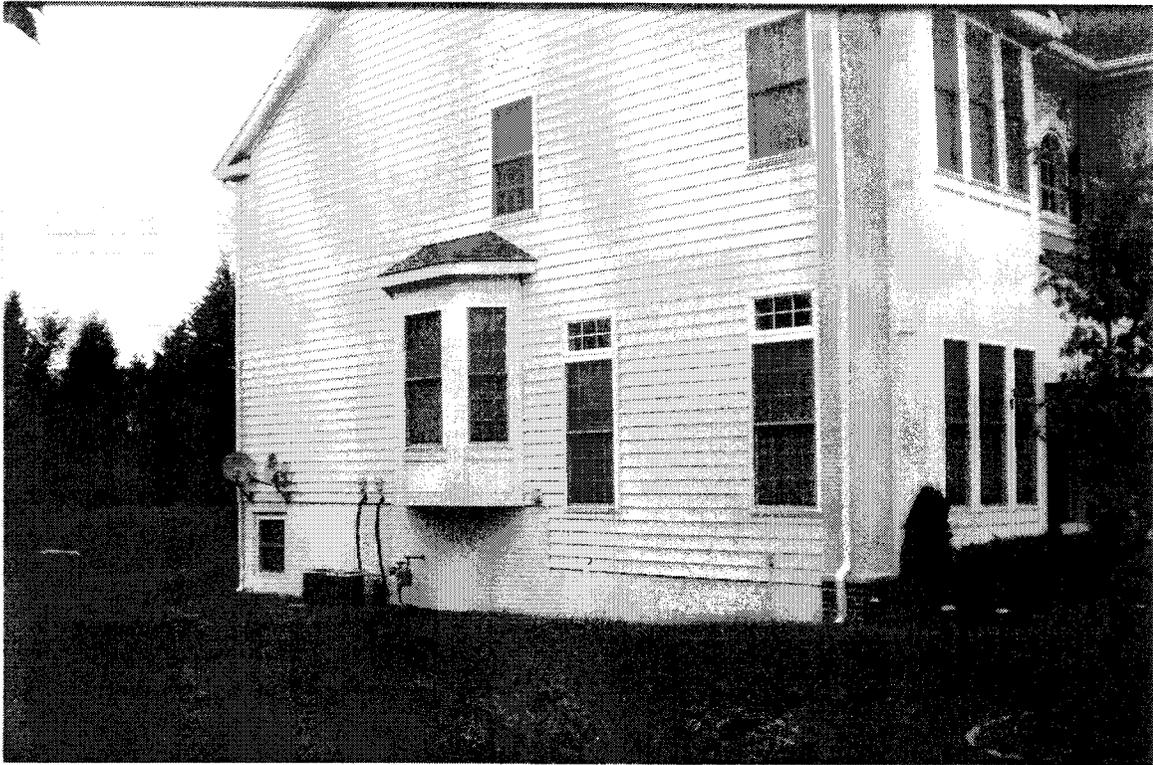




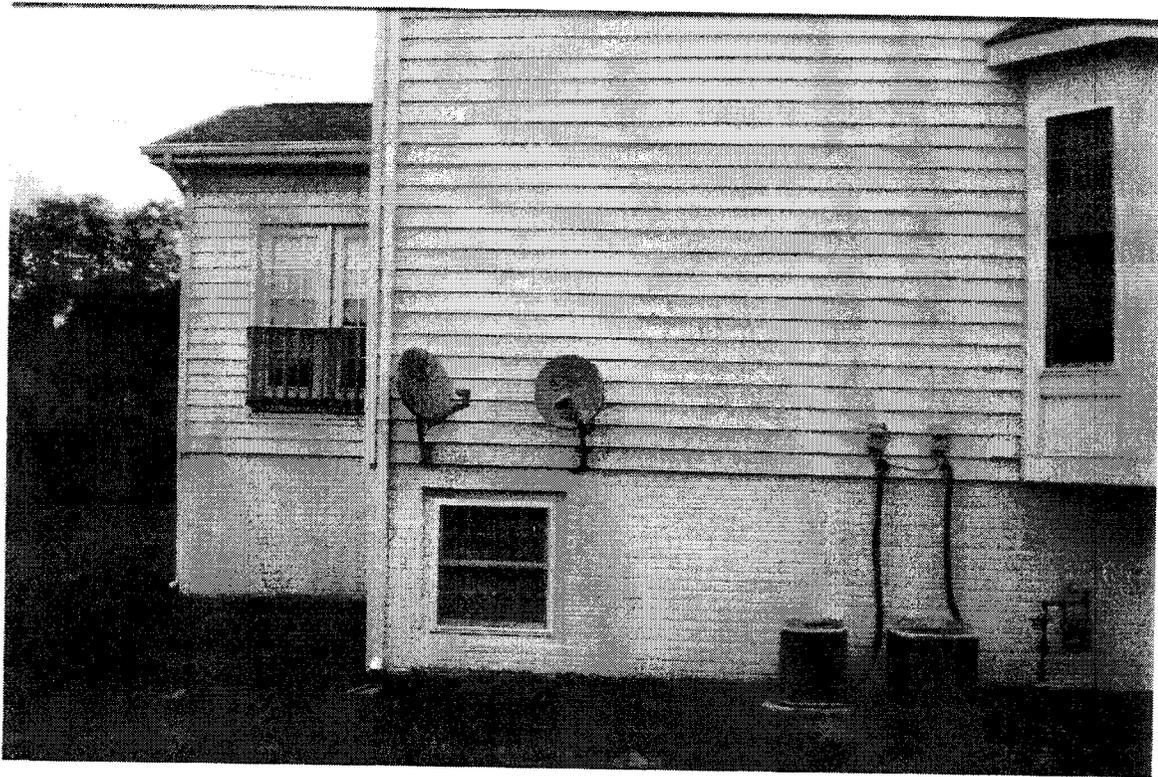
3



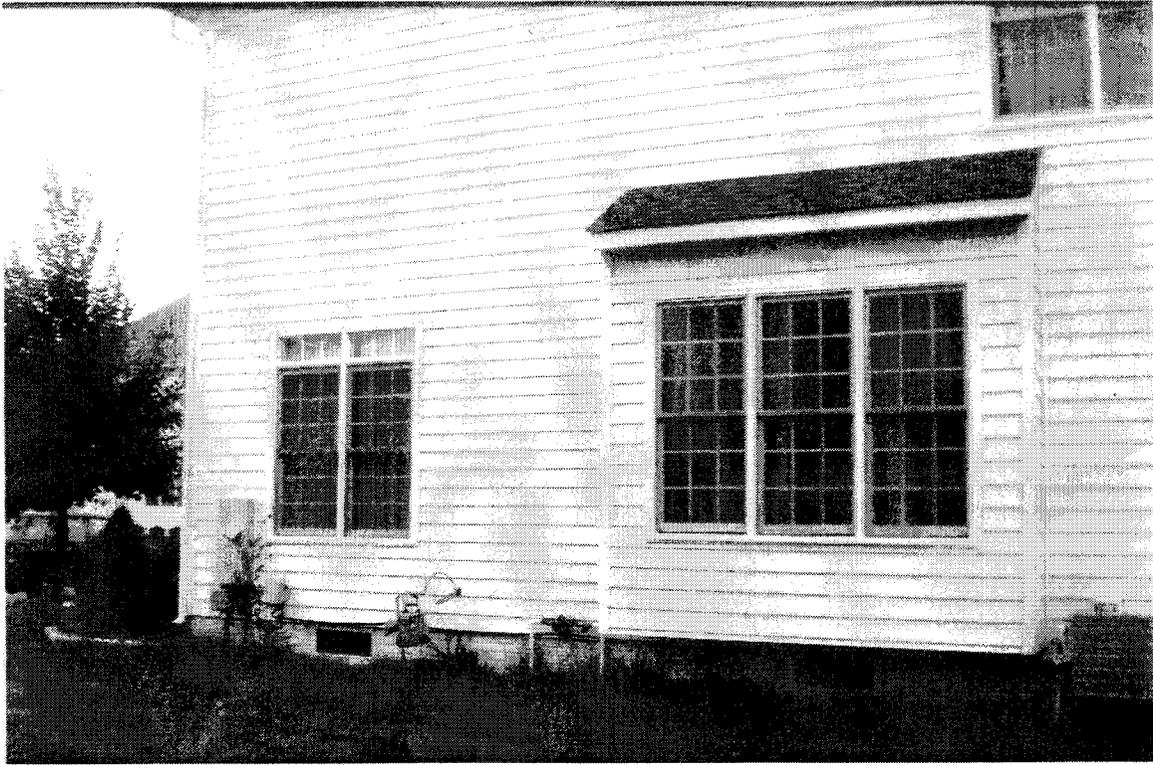
4



5



6



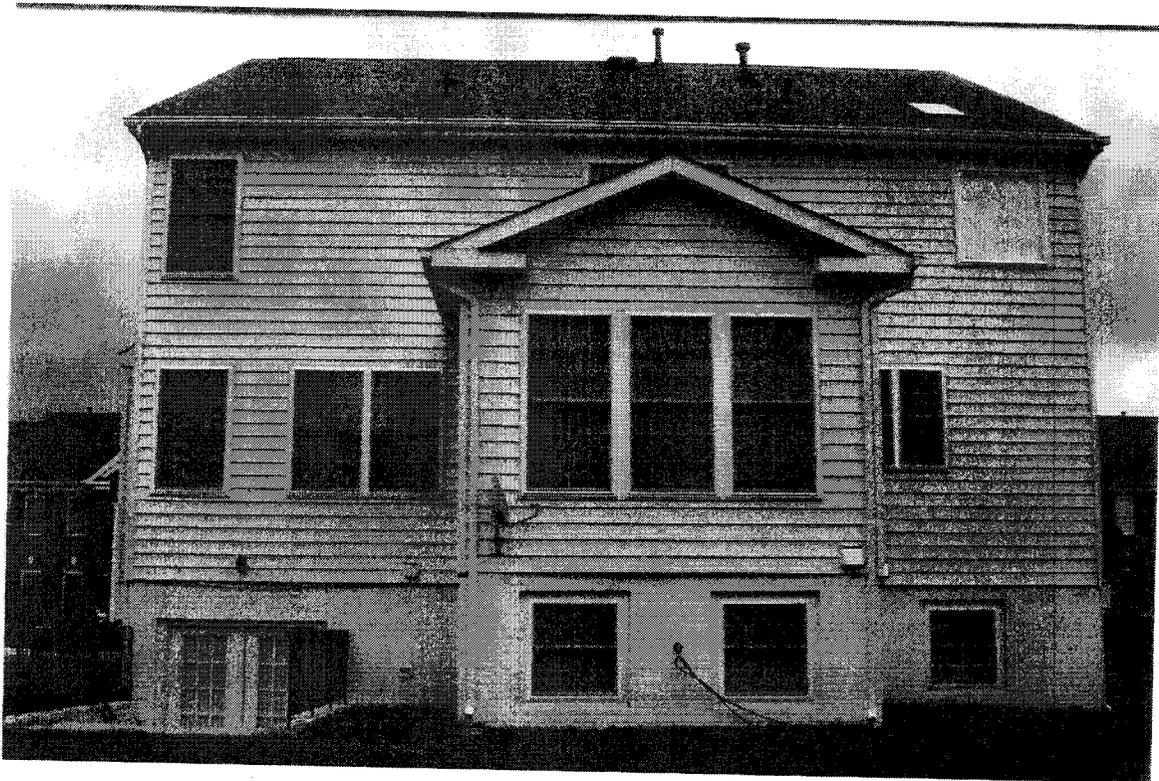
7



8



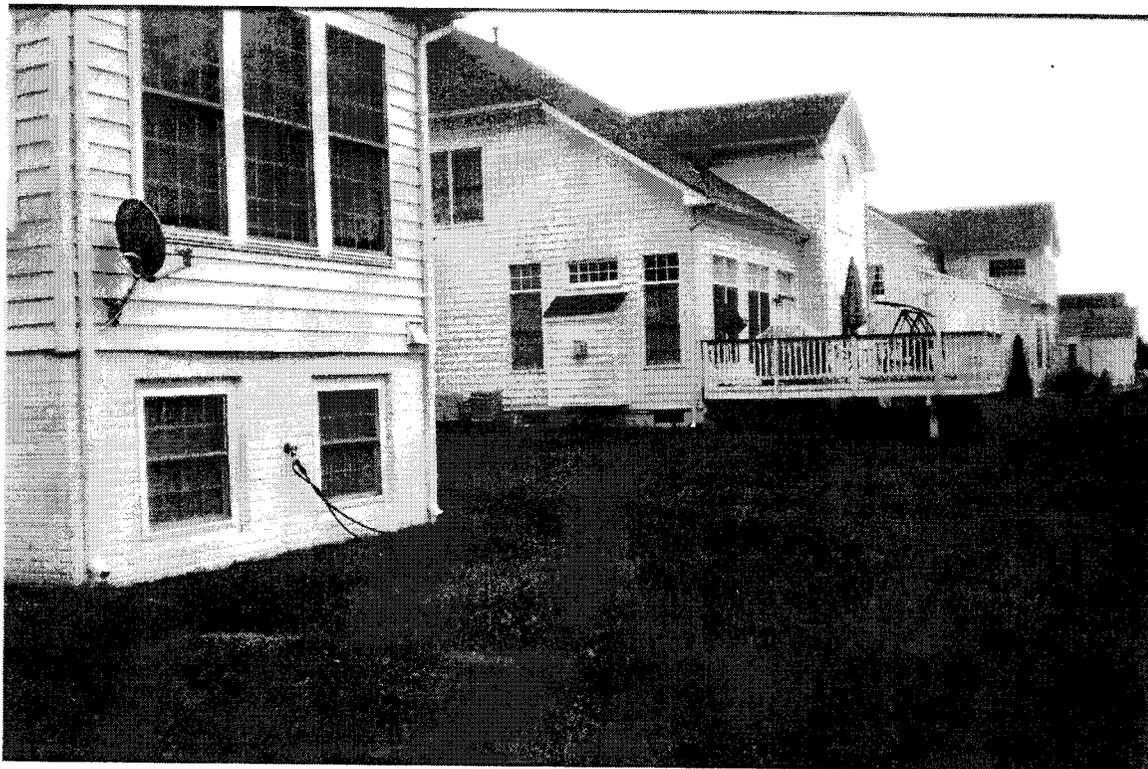
9



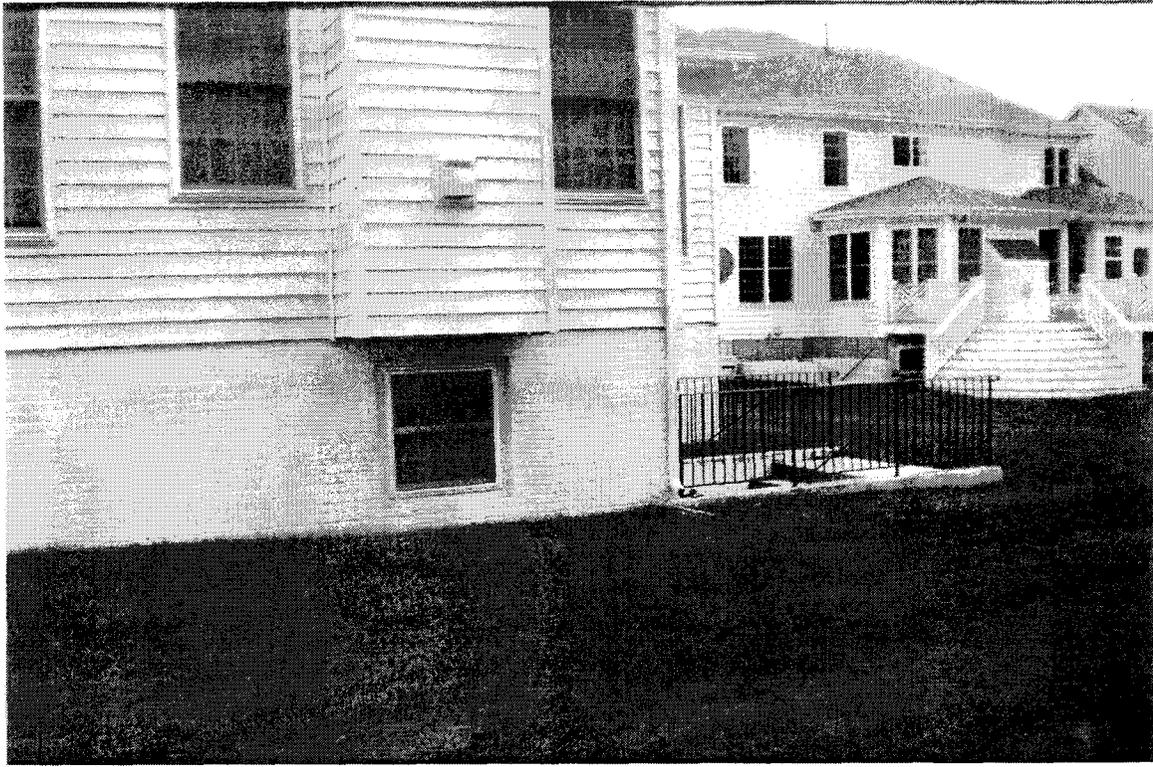
10



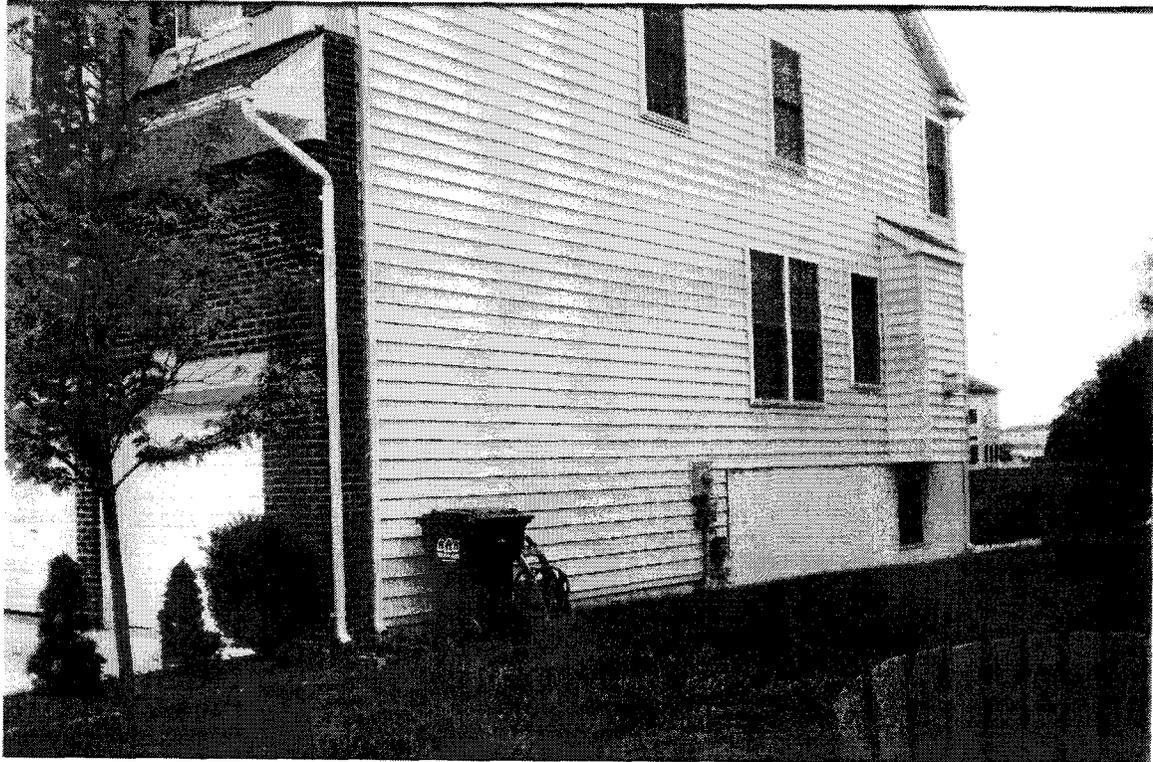
11



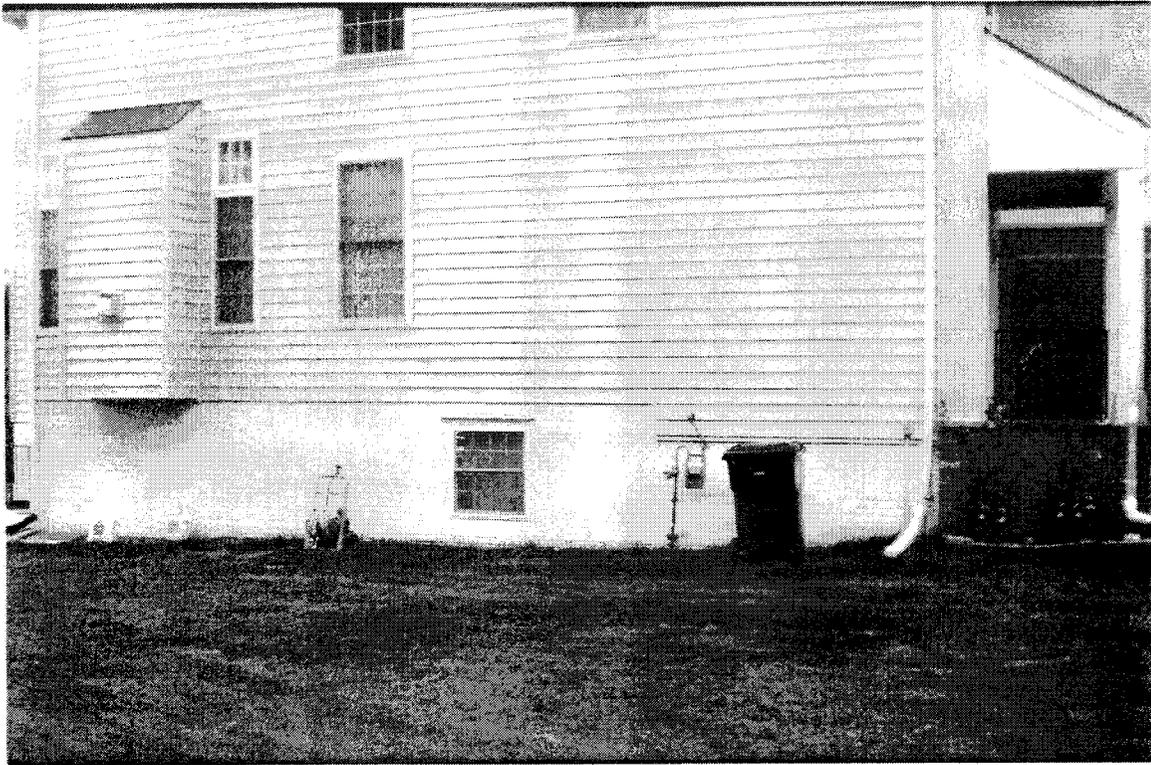
12



13



14



15



16

DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling unit.

Size of Principal Dwelling: 4,028 square feet

Size of Accessory Dwelling Unit: 1,045 square feet

Lot Size: 7,007 square feet

LOCATION AND CHARACTER

Existing Site Description: The application property is located at 3780 Vernacchia Drive in the Chantilly Green Subdivision. The 7,007 square-foot site is developed with a brick front, two-story, single family detached dwelling. A concrete driveway is accessed from Vernacchia Drive and terminates at the two-car garage at the front of the dwelling. A set of French doors located at the rear of the house provide an exterior entrance to the walkout basement. The site is landscaped with well manicured lawns and contains a variety of small and medium shrubs and trees.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single Family Dwellings	PDH-3; PDH-5	Residential, 2-3 du/ac
South	Single Family Dwellings	PDH-3; R-1	Residential, 2-3 du/ac
East	Single Family Dwellings	R-5	Residential, 2-3 du/ac
West	Sully Place Shopping Center	C-8	Residential, 2-3 du/ac

BACKGROUND

Site History

On April 24, 2000, the Board of Supervisors approved RZ 1999-SU-054 to create the Chantilly Green Subdivision, subject to associated proffers dated March 31, 2000. There are no notes, proffers or conditions prohibiting this use. County records indicate

that the application dwelling was originally constructed in 2002 with 5 bedrooms and one kitchen. The applicant indicates that the house was purchased with a finished basement that included a large storage area, two bedrooms, a full bathroom and a rough-in for a wet bar. On August 23, 2008, a Zoning Enforcement Inspector conducted a site inspection which revealed that a full kitchen with an electric stove and built-in microwave above the stove had also been installed on the basement level. The owner has stated that the second kitchen was installed in 2004 to accommodate his wife's parents who are both over 55 years of age. There are no records to show that appropriate permits were obtained for the installation of a second kitchen. On August 27, 2008, the property owners were issued a notice of violation for multiple dwelling units on the site, in violation of Sect. 2-501 of the Fairfax County Zoning Ordinance (Appendix 4).

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Upper Potomac Planning District; Area III
Planning Sector: UP-8 Lee-Jackson Community Planning Sector
Plan Map: Residential, 3-4 du/ac

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Plat, Lot 57, Chantilly Green, Sully District, Fairfax County, Virginia

Prepared By: Christopher Consultants

Dated: September 17, 2008, as revised through December 4, 2008, signed December 5, 2008

Proposed Use

The applicant is requesting approval of a special permit for an accessory dwelling unit. The 1,044.6 square-foot accessory unit is to be located on the basement level of the existing two-story dwelling and is to include two bedrooms, a bathroom and a full kitchen, comprising 26 percent of the total square feet in the dwelling. The driveway and attached two-car garage accommodates four on-site parking spaces. The applicant's parents will occupy the basement level dwelling. There are no proposed site modifications.

Land Use Analysis

The Comprehensive Plan recommends residential uses at a density of 3-4 dwelling units per acre. As an option, residential use at 4-5 dwelling units per acre may be considered. In staff's opinion, the proposed accessory dwelling is in harmony with the

Comprehensive Plan recommendations for this site, and there are no design or compatibility issues posed by the development plan.

ZONING ORDINANCE PROVISIONS

The existing single family dwelling with accessory dwelling unit on site currently meets all proffered conditions and bulk regulations.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Group Standards for All Group 9 Uses (Sect. 8-903)
- Additional Standards for Accessory Dwelling Units (Sect. 8-918)

Summary of Zoning Ordinance Provisions

All applicable standards for the accessory dwelling unit have been satisfied with the proposed development conditions.

CONCLUSIONS

Staff concludes that the subject application for an accessory dwelling unit is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report.

RECOMMENDATIONS

Staff recommends approval of SP 2008-SU-110, subject to the Proposed Development Conditions in Appendix 1.

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

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.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Notice of Violation
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

March 3, 2009

If it is the intent of the Board of Zoning Appeals to approve SP 2008-SU-110 located at Tax Map 34-4 ((21)) (2) 57, 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.

1. This approval is granted to the applicant only, Mary Saleeb, and is not transferable without further action of this Board, and is for the location indicated on the application, 3780 Vernacchia Drive (7,007 square feet), 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 house location survey plat prepared by Christopher Consultants, dated September 17, 2008, as revised through December 4, 2008, signed December 5, 2008, 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. The accessory dwelling unit shall contain a maximum of 1,045 square feet, including a maximum of two bedrooms.
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 or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
9. Parking shall be provided as shown on the special permit plat.

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, thirty (30) 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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/9/08
 (enter date affidavit is notarized)

I, Sara Saleeb, 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

10/8/14a

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)
Mary Guirguis Saleeb	3780 Vernacchia Dr., Chantilly, VA 20151	Title Owner
Atef Isaac Saleeb	(Same as above)	Title Owner
Sara Atef Saleeb	(Same as above)	Agent for Title Owners/ Applicant

(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: 10/9/08
(enter date affidavit is notarized)

101814a

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: 10/9/08
(enter date affidavit is notarized)

10/8/4 a

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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/9/08
(enter date affidavit is notarized)

10/8/4 a

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

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

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

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

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

NONE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/9/08
(enter date affidavit is notarized)

101814a

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

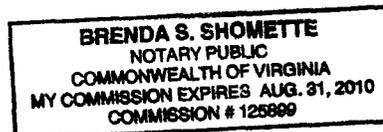
Sara Saleeb

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

Subscribed and sworn to before me this 9th day of October, 2008, in the State/Comm. of Virginia, County/City of Fairfax.

Brenda S. Shomette
Notary Public

My commission expires Aug 31 2010



APPENDIX 3

September 22, 2008

Dear Sir or Madam,

On August 27th, 2008 a dated notice was written and sent to us due to a violation of Section 2-501 for an excessive dwelling unit in the basement of our property which is located at:

3780 Vernacchia Drive,
Chantilly, VA 20151.

The property is owned by me, Mary Saleeb, and my husband, Atef Saleeb, who have been living in the house since it was built in 2002.

An inspector came to my house in August due to a complaint of having too many people living in the house and that was due to visitors we had coming from Egypt at the time who were staying with us for 7 weeks. The officer inspected the house to make sure all rooms meet the requirements and found out everything is up to the standards but he wrote us a violation for having a stove in the kitchen and therefore we have to remove it by first getting a demolishing permit to remove everything with the cabinets and then get a building permit to just build a wet bar.

We have purchased the house in 2002 from the builder with a finished basement which includes a large storage area, a full bathroom, 2 bedrooms, and a rough-in for a wet bar in order to put it in when needed. To our knowledge we were not aware of the fact that we need a permit to build a wet bar since a rough-in was already prepared for it. We were thinking the house paperwork included such modifications because it includes a finished basement with the rough-in for a sink and wet bar and we told the officer we had no idea when he checked the basement. He then checked the county permits issued for our house and did not find anything for a wet bar building permit and therefore sent us a violation notice to demolish it. But I am writing this letter to ask for a special permit request to keep the dwelling unit as it is because of housing conditions for my parents who currently live with me. We were unaware of all the requirements for Fairfax County and we are at fault but this will cause us great financial hardship to demolish everything that is considered describing a kitchen and will cause health hazards for my parents to not find a place to live.

In 2004, the housing market went up high and my parents (who used to live with my sister) were not able to afford to buy the house they were living in in Herndon when the owner decided to sell it and they were not able to afford living in a rental apartment or a condominium for high prices and health reasons. My father has had a 3 Coronary Arteries Heart Bypass surgery years ago and was required to change 3 Arteries completely because of his heart condition so his health does not support him to be moving a lot especially using stairs to go up or down. He is also using large Oxygen bottles to breathe and needs it with him all the time, so living in a house of 2 levels is not for his benefit since he can not carry the large bottles up the stairs. Therefore, I decided to build the wet

RECEIVED
Department of Planning & Zoning
SEP 23 2008
Zoning Evaluation Division

bar at the time and put a stove on it to give my mother and father accommodations and privileges to feel as if they are in their own house but still be under my supervision for emergency situations with my father. Both of my parents are Egyptians and they don't speak English and therefore I can't leave them live alone in case anything happens to my father. They are both over 55 years of age and need to be taken care of and they move between my house and my sister's house to be taken care of.

Our Egyptian traditions are to keep the children in the house until they are married to move out of the house. So with three children who are above the age of 18 living with me and having their guests come over to the house, I preferred creating an independent environment for my parents to feel that they are at their own home living downstairs in the basement but still with me and my family of 5 living upstairs in the upper 2 levels. The basement has a rear entrance for my brothers and sisters to come visit the parents whenever it is convenient for them without coming through the main entrance of the house.

According to the Fairfax Zoning Ordinance, an accessory dwelling unit can not exceed 35% of the total gross area and shall not contain more than 2 bedrooms and our living space in the basement supports that requirement. We also only have our main kitchen on the main level and that is what we use mainly because all of my family lives on the top two floors of the house. But the basement includes the wet bar with a stove, sink, and a fridge and therefore is considered another kitchen in the house which makes it a separate dwelling unit. The basement is only for the use of my parents and not for any other purposes such as rentals though. They both do not drive and therefore do not need to hold any parking spaces outside of the house. Also for the past 4 years I've had my parents here, I never had any issues with neighbors till I had my visitors from overseas which showed the house is being occupied by many people.

Everything that is required for the special permit is attached and I ask that you consider the situation closely because it is hard for me to leave my parents live on their own without supervision and also hard for me to demolish the kitchen since I already spent a lot of money to prepare a living space for my family which they can't afford anywhere else.

Thank you for your time.



Mary Saleeb

Owner



Atef Saleeb

Owner



Sara Saleeb

Daughter / Preparer

RECEIVED
Department of Planning & Zoning
DEC 08 2008
Zoning Evaluation Division

Special Permit Application Section 5 Cont'd:

For the property located at 3780 Vernacchia Drive, Chantilly VA 20151, the following submission is required.

This statement is in continuance of the written statement provided to describe the proposed use of the accessory dwelling unit to specify section 5.00 of the Special Permit Application to provide the amount of total square footage of the existing dwelling (including the accessory dwelling) which is 4,028.00 square feet and the amount of square footage of the accessory dwelling unit alone which is 1,044.6 square feet and that is considered 25.9% which is less than 35% of the total square footage of the whole house.

In accordance with Section 5.07, the house is described to have a 2 story brick and frame front and it has Vinyl Siding on both sides and the back of the house. It has a brick front around the garage doors only with a brick porch in front of the entrance door. The Basement walls that are showing in the back of the house and a bit in the sides of the house which are rising above the ground are built out of concrete. The accessory dwelling unit is the basement of the house which is included in the description and it is not a separate building that will be built next to the original building.

The house complies with Section 5.08 in that it does not contain any hazardous or toxic substances as set forth in title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355. It does not contain any hazardous waste as set forth in the Commonwealth of Virginia / Department of Waste Management Regulations VR672-10-1-Virginia 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. There storage tanks or containers that include any hazardous or toxic contents stored on or in the property either.

A statement to describe Section 5.09 is provided below:

The proposed development located on 3780 Vernacchia Drive, Chantilly, VA 20151 conforms to the provisions of all applicable ordinances, regulations, and adopted standards. There is no waiver, exception, or variance that is sought by the applicant for any modification.

If any further information is needed, please contact Sara Saleen at 571-218-5378.

Thank you,



Sara Saleeb

Revised on 12/08/2008



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

DATE OF ISSUANCE: August 27, 2008

CERTIFIED MAIL #: 7008 0150 0000 9382 1068

CASE #: 35329

SERVE: Atef Saleeb
Mary Saleeb
3780 Vernacchia Drive
Chantilly, VA 20151

LOCATION OF VIOLATION 3780 Vernacchia Drive
Chantilly, VA 20151
Tax Map #: 0344 21020057
Zoning District: PDH-3

Dear Property Owners:

An inspection of the above referenced property, on August 23, 2008, revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-501 Excessive Dwelling Units:

The inspection revealed there are two complete and separate dwellings in this single family dwelling unit on the above-referenced property. Part 3 of Article 20 of the Zoning Ordinance defines a dwelling unit as:

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

Therefore, the presence of more than one dwelling unit on the above-referenced property is in violation of Par. 1 of Sect. 2-501 of the Zoning Ordinance which states, in part:

Department of Planning and Zoning
Zoning Administration Division
Zoning Enforcement Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/



There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building.

You are hereby directed to clear this violation within thirty (30) days of the date of this notice. Compliance can be achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the dwelling to include: the ovens, microwave, ranges, sinks, cabinets, countertops, refrigerators, and freezers or combinations thereof; all other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and
- Utilities referenced above for the kitchen to be demolished are to be capped and sealed in the wall cavities; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

§ 18-601 Building Permit

§ 18-603 Compliance with Other Codes:

A review of Fairfax County Land Development records indicates that a Building Permit was never obtained for the construction/modification of the family room and kitchen on the lower floor of the residence as required by Sect. 18-601 of the Zoning Ordinance; and therefore is in violation of Sect. 18-601 of the Zoning Ordinance which specifies:

The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit Application has been approved by the Zoning Administrator.

In addition, you are advised a Building Permit cannot be issued for the family room until the property is in compliance with Par. 1 of Sect. 18-603 of the Zoning Ordinance which states:

Atef Salee
Mary Saleeb
August 27, 2008
Page 3

No Building Permit shall be issued for the erection of any building or structure on a lot or addition or modification to a building or structure that is in violation of any of the provisions of Chapter 101, Chapter 116 or Chapter 118 of The Code, this Ordinance, all other applicable laws and ordinances, any proffered conditions, or any development conditions of any approved rezoning, special permit, special exception or variance. Appeals of decisions made pursuant to Chapter 118 of The Code which are appealable shall be processed in accordance with Article 8 of Chapter 118.

You are hereby directed to clear these violations within thirty (30) days after the date of this notice. Compliance must be accomplished by:

- Removing the lower floor kitchen from the property; and
- Applying for and obtaining the Zoning Administrator's approval of a Building Permit for the construction/modification of the family room on the lower floor of the residence.

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.

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 and any other information that you may wish to submit and a \$375.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1478 or (703) 324-1300.

Sincerely,

Wayne Bass
Property Maintenance/ Zoning Enforcement Inspector

WB/seg

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.

8-918 Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.
On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.
3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.

5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
 - A. One of the dwelling units shall be owner occupied.
 - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
 - (1) Any person fifty-five (55) years of age or over and/or
 - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.
 - C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
 - (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.

- (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:
 - A. Uninterrupted access to one (1) entrance; and
 - B. Accessibility and usability of one (1) toilet room.
7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.
8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding

five (5) year periods in accordance with the provisions of Sect. 012 above.

13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.