



County of Fairfax, Virginia

June 30, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-SP-024

SPRINGFIELD DISTRICT

APPLICANT & OWNER: Jolanda N. Janczewski

SUBDIVISION: Burke Lake Cluster

STREET ADDRESS: 10613 Daysailer Drive

TAX MAP REFERENCE: 87-3 ((7)) 4

LOT SIZE: 5.02 Acres

ZONING DISTRICT: R-C & W-S

ZONING ORDINANCE PROVISIONS: 8-914 & 8-918

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit addition to remain 16.8 feet from side lot line and to permit an accessory dwelling unit.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-SP-024 for the accessory dwelling unit, 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.



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 2009-SP-024

Applicant: JOLANDA N. JANCZEWSKI
Accepted: 04/17/2009
Proposed: ACCESSORY DWELLING UNIT AND REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 16.8 FEET FROM SIDE LOT LINE

Area: 5.02 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect: 08-0918 08-0914

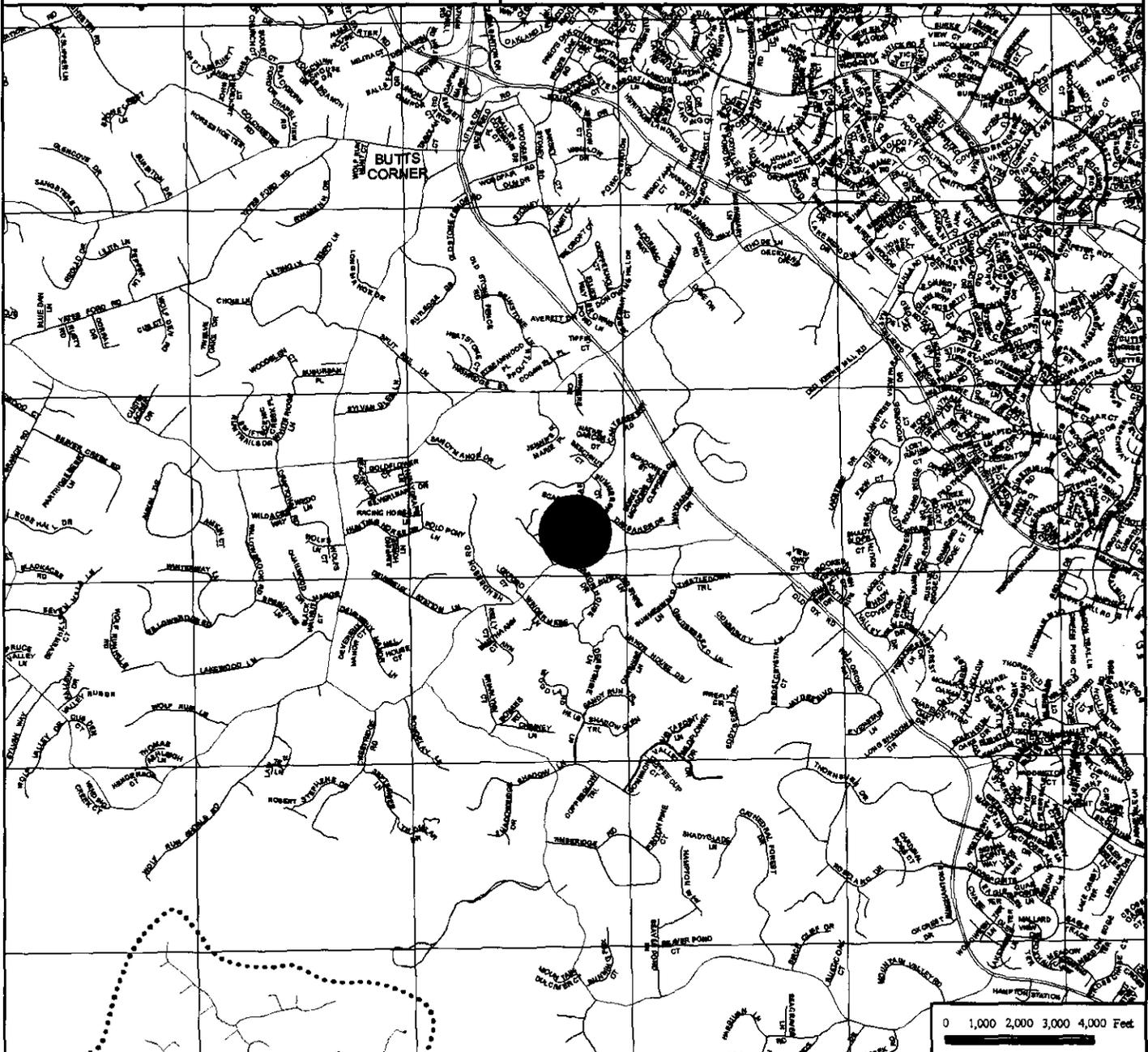
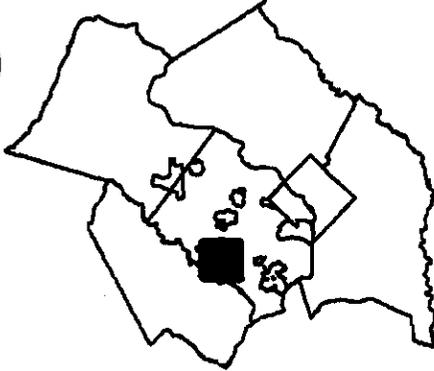
Art 8 Group and Use: 9-17 9-13

Located: 10613 DAYSAILER DRIVE

Zoning: R- C

Overlay Dist: WS

Map Ref Num: 087-3- /07/ /0004



Special Permit
SP 2009-SP-024

Applicant:
Accepted:
Proposed:

JOLANDA N. JANCZEWSKI

04/17/2009

ACCESSORY DWELLING UNIT AND REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 16.8 FEET FROM SIDE LOT LINE



Area:

5.02 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect: 08-091808-0914

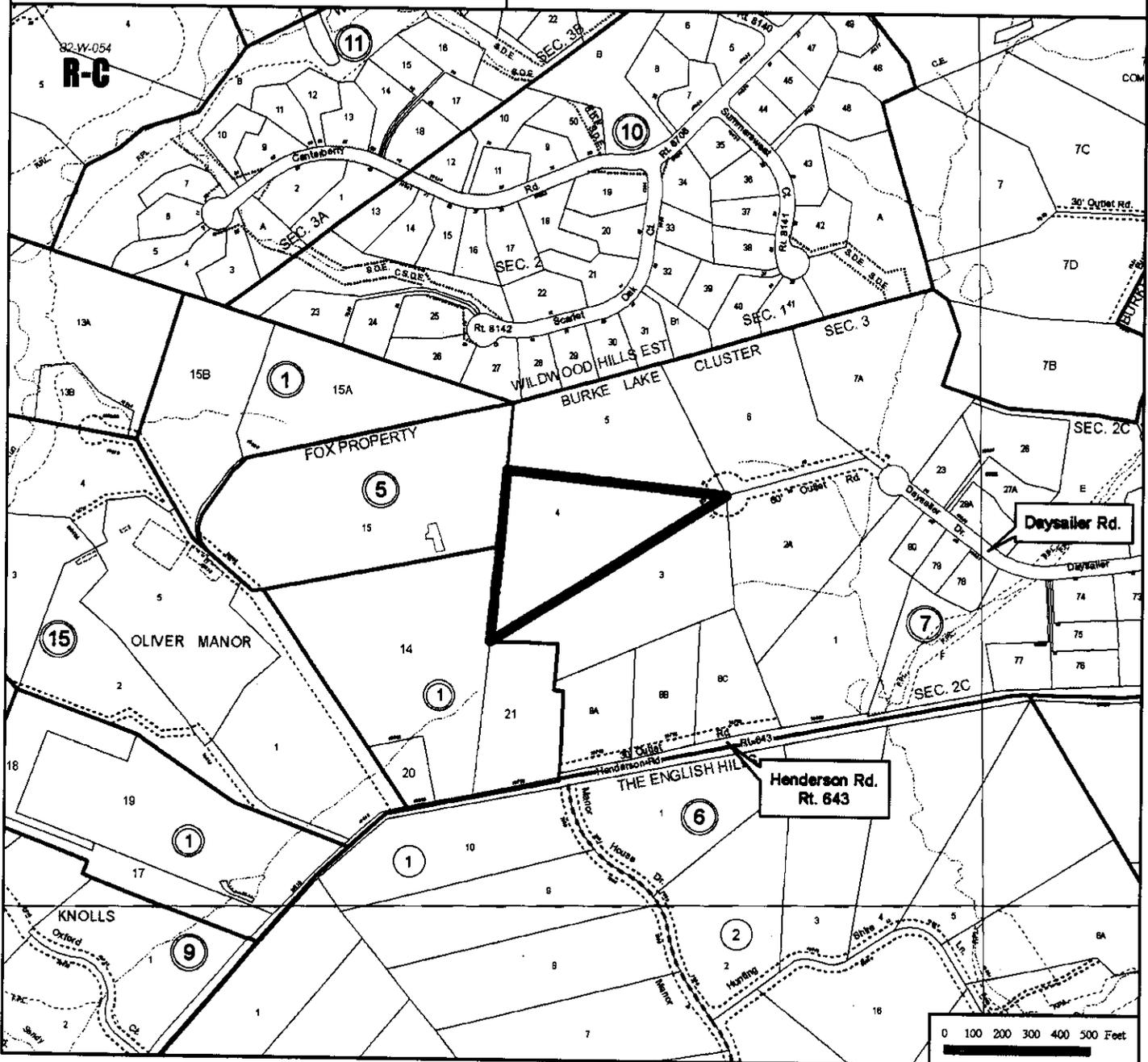
Art 8 Group and Use: 9-17 9-13

Located: 10613 DAYSAILER DRIVE

Zoning: R- C

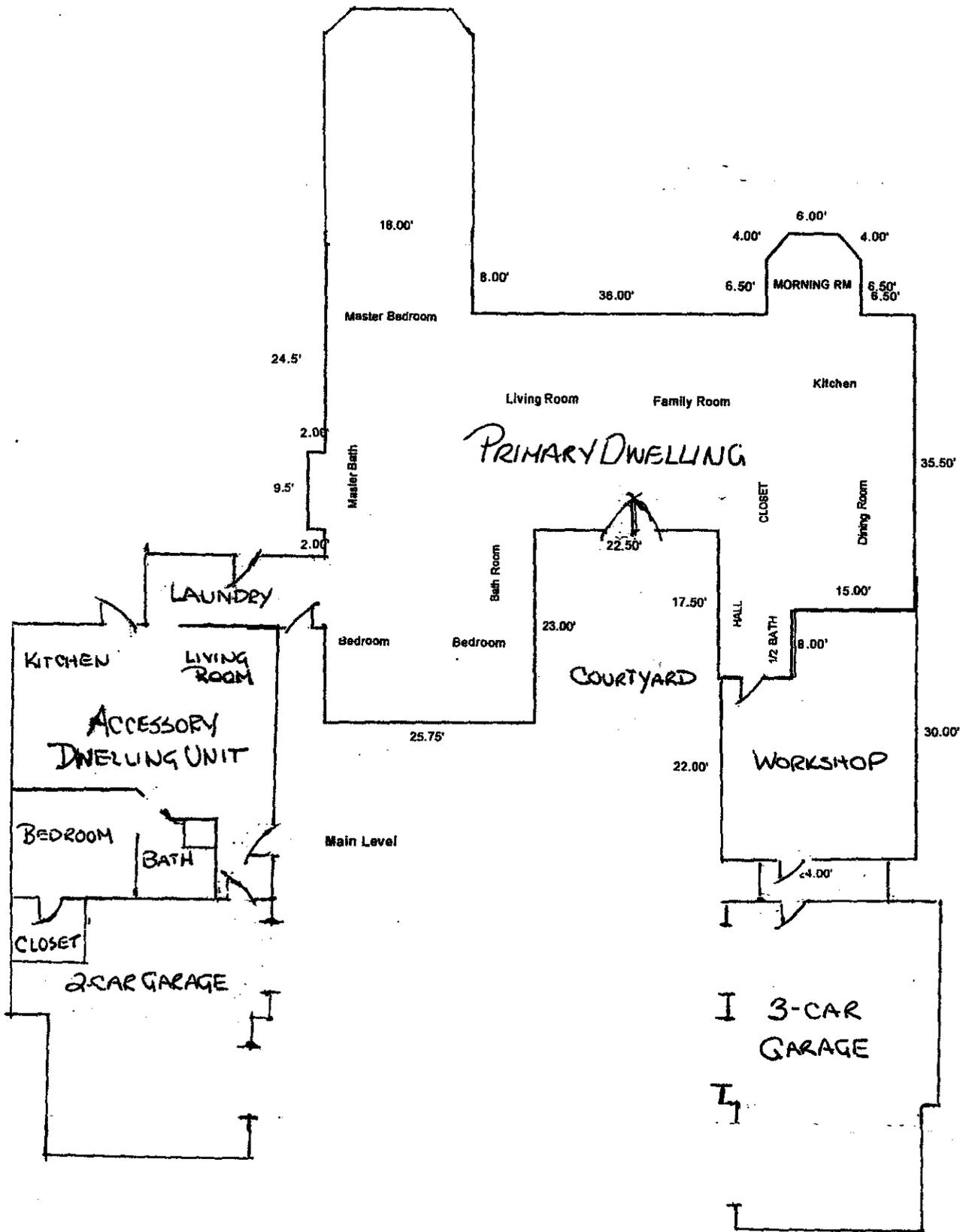
Overlay Dist: WS

Map Ref Num: 087-3- /07/ /0004



APPLICATION NO. _____

10613 DAYSAILER DR. FAIRFAX STATION, VA 22039



FLOOR PLAN OF CURRENT RESIDENCE & PROPOSED ACCESSORY DWELLING UNIT

Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039

County of Fairfax
Zoning Evaluation Division, DPZ
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

RE: Application for a Special Permit for and Accessory Dwelling Unit
Property: 10613 Daysailer Drive, Fairfax Station, VA 22039

Requirement 4: Photographs of the property showing all existing structures, terrain, vegetation, and the proposed location of any new structures.



This photo shows the front view of the house, facing west. The addition which includes the proposed accessory dwelling unit is on the left.

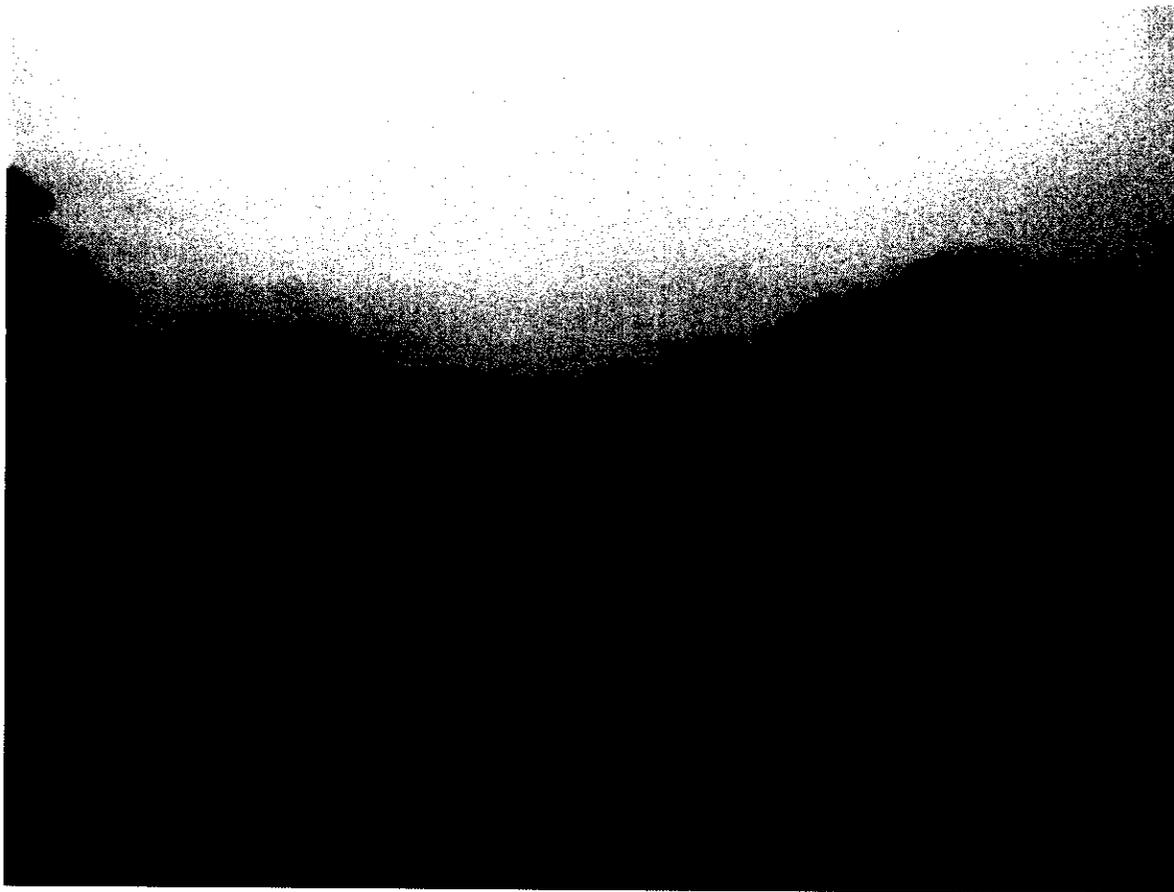
Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039



These photos show the addition which includes a two-car garage and the proposed accessory dwelling unit. The photos show the front entrance door to the unit.



Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039



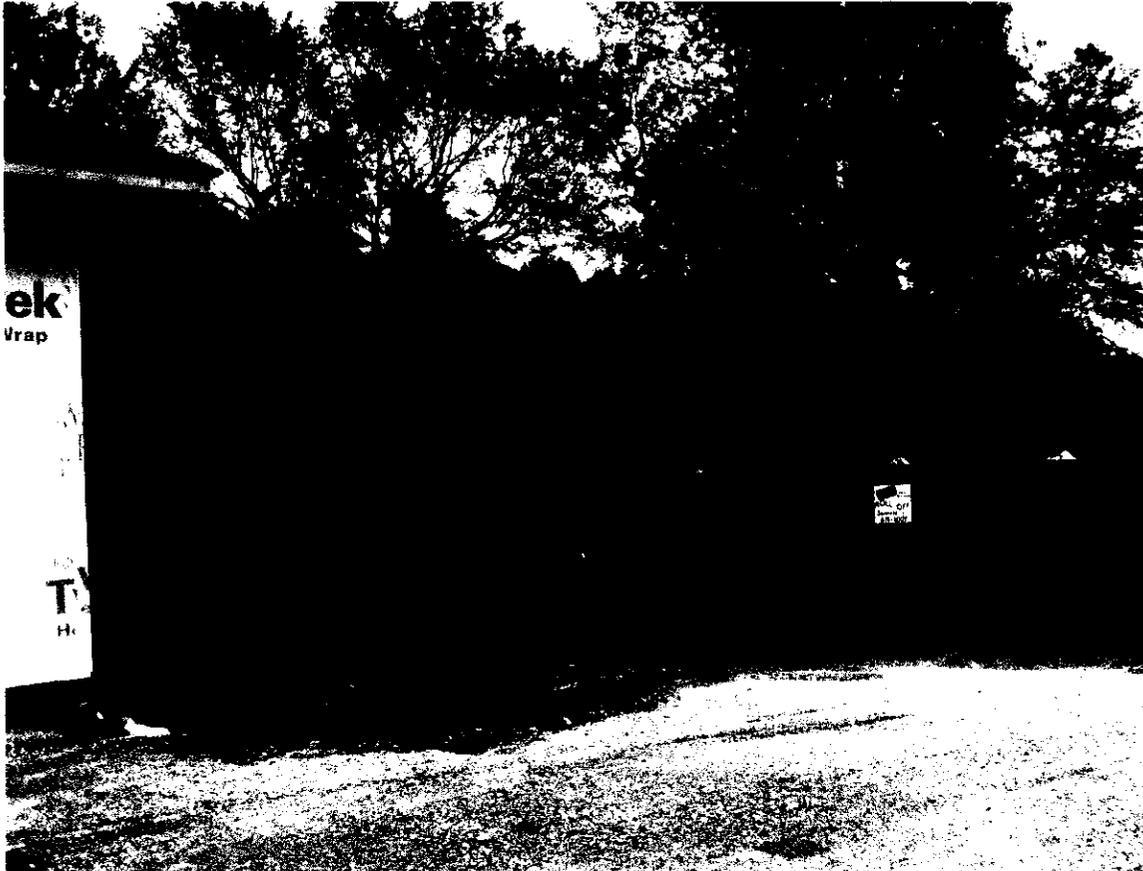
This photo is looking straight away (east) from the front of the property.

Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039



This photo is looking further down the driveway, facing east

Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039



This photo is looking left (northeast), away from the front of the property.

Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039



This photo is looking right (southeast) from the front of the property

Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039



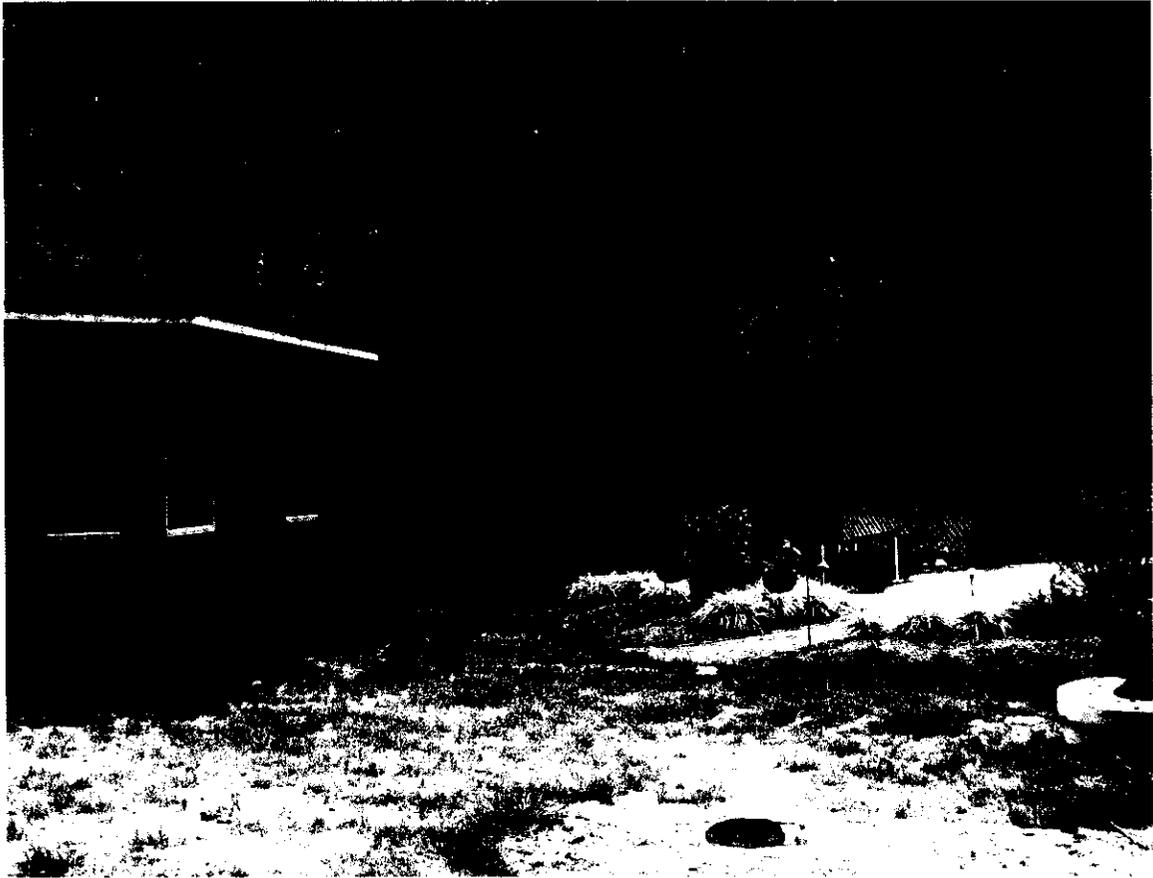
This photo is looking away (west) from the back of the home.

Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039



This photo is looking right (northwest) away from the back of the property

Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039



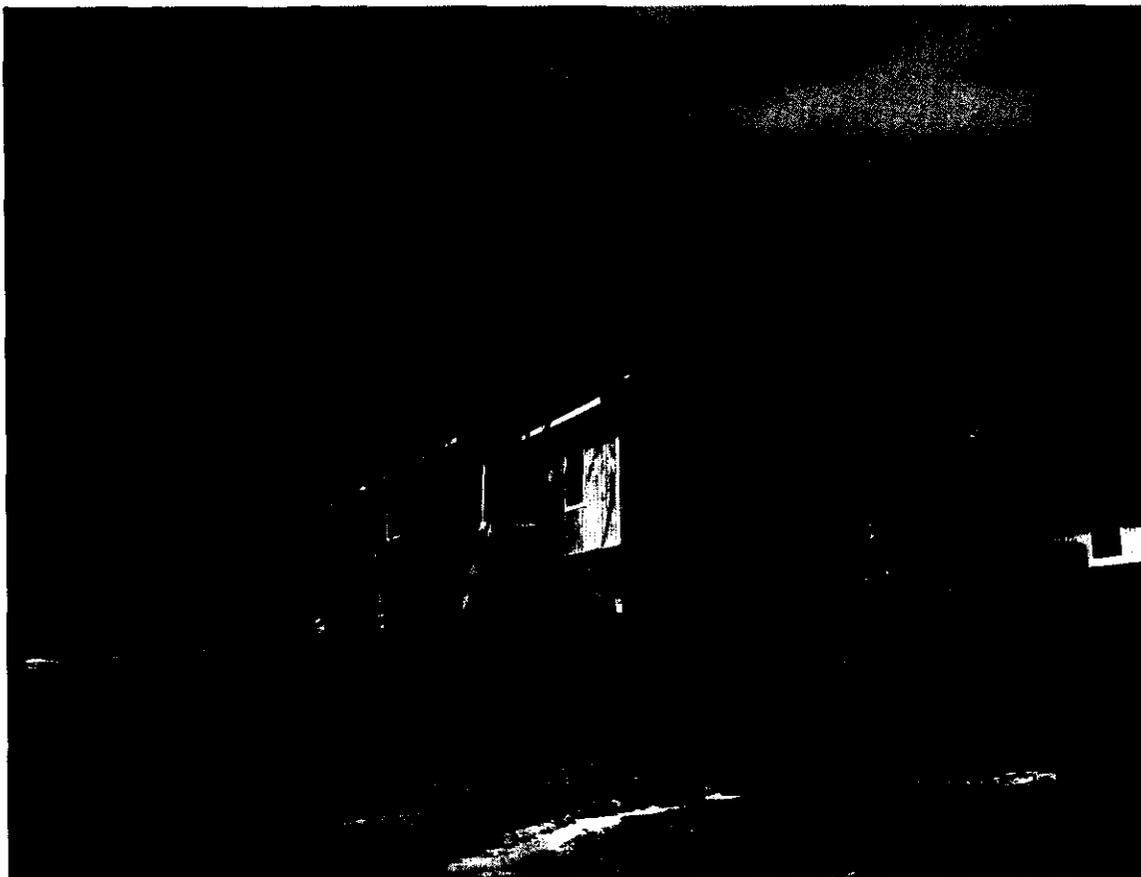
This photo is looking left (southwest) away from the back of the property.

Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039



This photo is looking directly at the back of the home (facing east). The addition containing the proposed accessory dwelling unit is located on the far right.

Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039



This photo is looking at the side of the home from the northeast. It shows the newly constructed addition which contains the proposed accessory dwelling unit.

DESCRIPTION OF THE APPLICATIONS

The applicant is requesting approval of two special permit applications. The first is to permit reduction to minimum yard requirements based on error in building location to permit a garage addition to remain 16.8 feet from the northern side lot line.

	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Side	20 feet	16.8 feet	3.2 feet	16 %

* Minimum yard requirement per Section 3-C07

The second special permit request is to permit an accessory dwelling unit to be located within an addition to the existing dwelling.

Size of Principal Dwelling: 7,371 square feet

Size of Accessory Dwelling Unit: 936 square feet

Lot Size: 5.02 acres

LOCATION AND CHARACTER

Existing Site Description: The 5.02 acre lot is developed with a one-story, single family detached dwelling. Vehicular access is provided via a paved driveway from Daysailer Drive into a paved courtyard area where there is a three car garage for the principle dwelling and a two car garage for the attached accessory dwelling unit. The accessory dwelling unit will be located in the southern portion of the existing dwelling on the first floor.

Surrounding Area Description:

Direction	Use	Zoning
North	Single Family Detached Dwellings	R-C
South	Single Family Detached Dwellings	R-C

Direction	Use	Zoning
East	Single Family Detached Dwellings	R-C
West	Single Family Detached Dwellings	R-C

BACKGROUND

Site History

County records indicate that the dwelling was originally constructed in 1984 with a one story with full basement single family detached dwelling. The applicant obtained building permits for both the garage addition and the addition where the accessory dwelling unit is to be located. Building permit #80100218 for the garage addition, which is now 16.8 feet from the lot line, was originally depicted to be 30 feet from the side lot line. Building permit #72840235 was issued for a one story addition where the accessory dwelling unit is to be located. Originally there were plans for a kitchen as part of this building permit; but given that a special permit approved for an accessory dwelling unit would be required prior to completion of the review process, the kitchen was deleted from the plans. Copies of both these permits and the infill lot grading plan associated with their construction can be found in appendix 4.

The Board of Zoning Appeals (BZA) has heard the following applications in the neighborhood:

- Special Permit SP 00-S-060, granted on January 10, 2001, on Tax Map Number 87-3 ((14)) 10, on 11051 Sandy Manor Drive, zoned R-C, northwest of the subject property to permit an accessory dwelling unit.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Pohick Planning District; Area III
Planning Sector: Dominion Planning Sector (P5)
Plan Map: Residential, 0.1-0.2 du/ac

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Plat, #10613 Daysailer Drive, Lot 4, Section 3, Burke Lake Cluster

Prepared By: H. David Zigler

O:\Scaff2\Case Files\Special Permits\SP 2009-SP-024 JANCZEWSKI\Janczewski_draft.doc

Dated: November 21, 2008, revised through March 11, 2009

Building Permit Required for Garage Addition: Yes

Obtained: Yes

Proposed Use

The applicant is requesting approval of a special permit for an accessory dwelling unit within a portion of the existing dwelling. The accessory dwelling unit includes one bedroom, one bathroom, a living room area and a full kitchen; thus comprising 12.6 percent of the total square feet in the dwelling. The resident of the accessory dwelling unit is 82 years old and the mother of the applicant. The applicant wishes to create a mother-in-law suite for her mother in the existing dwelling by constructing a kitchen.

Land Use Analysis

The Comprehensive Plan recommends low density residential uses with a density of 0.1-0.2 dwelling units per acre. 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 bulk regulations for the R-3 Zoning District, except for the required northern side yard, which is the area of the building in error request.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 5)

- General Special Permit Standards (Sect. 8-006)
- Group Standards for All Group 9 Uses (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)
- 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 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 with Attachment 1
2. Affidavit
3. Statement of Justification
4. Building Permit History
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2009-SP-024****June 30, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-SP-024 located at Tax Map 87-3 ((7)) 4, to permit reduction to minimum yard requirements based on error in building location and an accessory dwelling unit under Sections 8-914 and 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 for the accessory dwelling unit is granted to the applicant only, Jolanda N. Janczewski, and is not transferable without further action of this Board, and is for the location indicated on the application, 10613 Daysailer Drive (5.02 acres), 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 H. David Zigler dated November 21, 2008, revised through March 11, 2009, as qualified by these development conditions.
3. This special permit is approved for the location of an existing addition (garage) as shown on the plat prepared by H. David Zigler dated November 21, 2008, revised through March 11, 2009, submitted with this application and is not transferable to other land.
4. 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.
5. 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.
6. The accessory dwelling unit shall contain a maximum of 936 square feet, including a maximum of one bedroom as shown on Attachment 1.
7. 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.
8. 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.
9. 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.

10. All applicable building permits and final inspections shall be obtained for construction of the kitchen in the accessory dwelling unit.

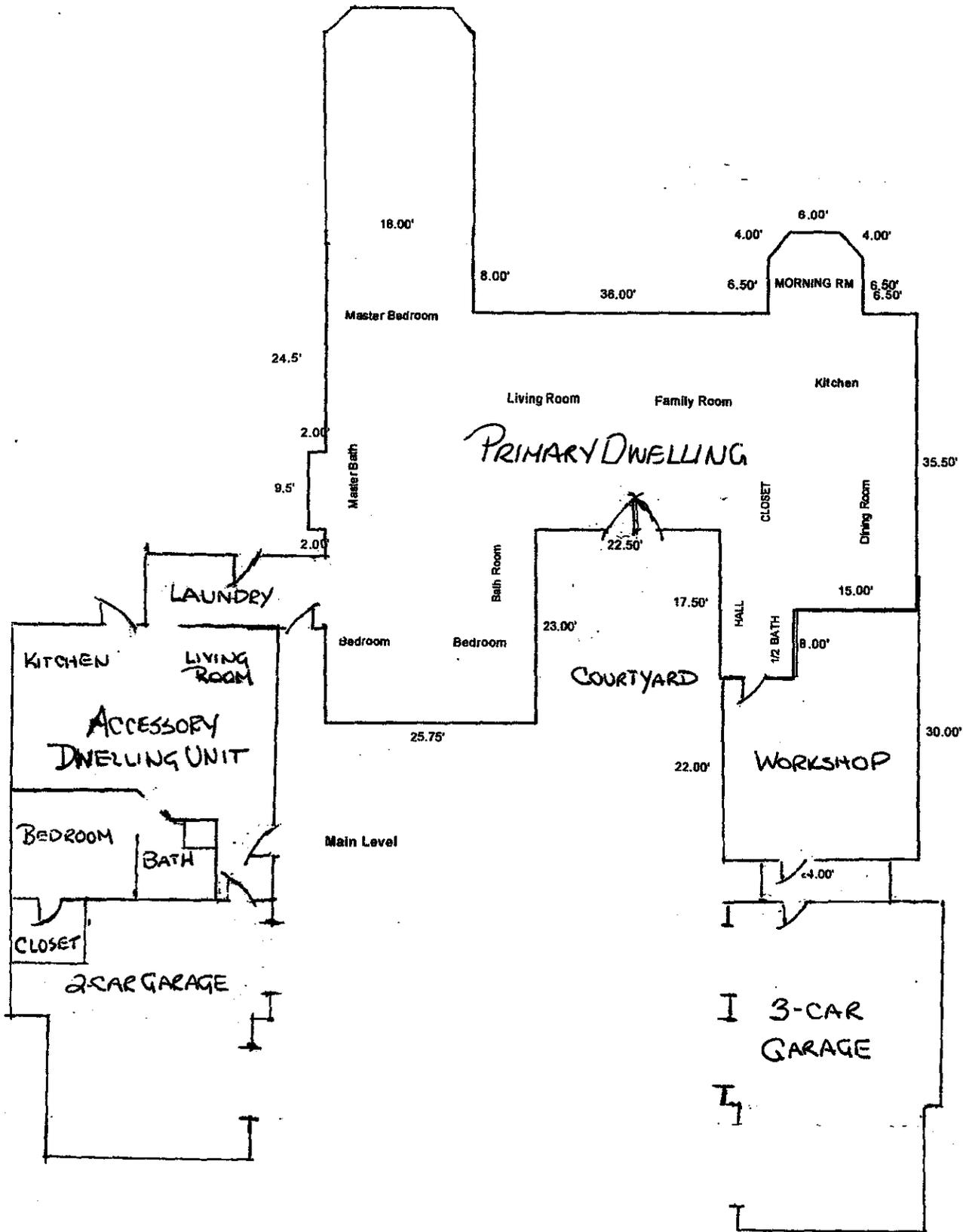
11. Parking shall be provided as shown on the special permit plat.

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 as outlined above. 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. _____

10613 DAYSAILER DR. FAIRFAX STATION, VA 22039



FLOOR PLAN OF CURRENT RESIDENCE & PROPOSED ACCESSORY DWELLING UNIT

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3.3.09
 (enter date affidavit is notarized)

I, Jolanda N. Janczewski, 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 } 03606a

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)
Jolanda N. Janczewski	10613 Daysailer Drive, Fairfax Station, VA 22039	Applicant/Title Owner

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3.3.09
(enter date affidavit is notarized)

103606a

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)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3.3.09
(enter date affidavit is notarized)

103606a

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3.3.09
(enter date affidavit is notarized)

103606a

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: 3.3.09
(enter date affidavit is notarized)

103606a

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

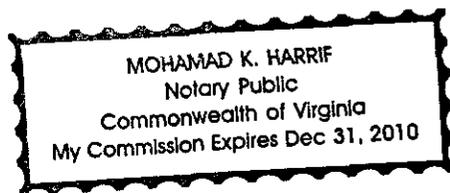
Jolanda N. Janczewski, Applicant/Ttle Owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3rd day of March 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Mohammad K. Harif
Notary Public

My commission expires: Dec 31, 2010

Reg # 7038173



Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039

RECEIVED
Department of Planning & Zoning

FEB 04 2009

Zoning Evaluation Division

County of Fairfax
Zoning Evaluation Division, DPZ
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

RE: Application for a Special Permit for an Accessory Dwelling Unit
Property: 10613 Daysailer Drive, Fairfax Station, VA 22039

Requirement #5: A written statement of justification describing the proposed use and other pertinent data which complies with Section 8-011 contained in the provisions

This is a request for approval of a Special Permit for an Accessory Dwelling Unit on the subject property. The home is a private residence located on 5 acres. The owner has obtained permits for the construction of two recent additions to the home. The first addition (Fairfax County Permit 80100218, April 17, 2008), is a three-car detached garage, located on the right-side of the home. The second addition is located on the left side of the home and contains a two-car garage and additional living space. This living space is intended for the occupancy of the owner's elderly mother. The permit for this addition was granted by Fairfax County (Permit 2840235, July 8, 2008) with the restriction of "no wet bar, no kitchen" until the owner obtains a Special Permit for an Accessory Dwelling Unit.

Based on the Fairfax County Zoning Ordinance Standards, Section 8-918, the following is therefore respectfully submitted:

1. I am the Applicant/Title Owner of the subject property. I am requesting the construction of a single accessory dwelling unit.
2. The unit will be attached to the side of our single family home. An external entrance will be located on the south side of the addition as well as an internal entrance to the primary dwelling (see attached drawing).
3. The gross floor area of the accessory dwelling unit shall be approximately 936 sf. The total square footage of the living space in the home is currently 7,371 sf. The unit is therefore 12.6% of the total gross floor area.
4. The unit will contain one bedroom, living room, small kitchen, and 1.5 baths..
5. The unit will not constitute sufficient change to or disrupt the predominant character for the neighborhood.
6. Occupancy:

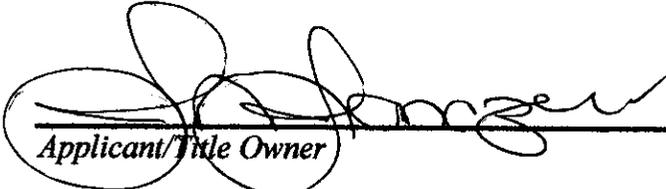
Dr. Jolanda Janczewski (Title Owner) and her family will live in the primary dwelling unit.

Diana Janczewski (Mrs. Janczewski), the mother of Dr. Janczewski (age 82), will live in the accessory dwelling unit.

7. Diana Janczewski is not disabled. She will have uninterrupted access though the primary dwelling as well as her own entrance.
8. The unit is being constructed to provide Diana Janczewski with privacy and a means by which to maintain a somewhat independent lifestyle in her own living space while having the safety and security of her family nearby. The unit is also designed to provide handicap access and sufficient space should Mrs. Janczewski require assisted care in the future.
9. Adequate parking will be provided for Mrs. Janczewski's vehicle within an attached 2-car garage.
10. There is no request to subdivide the property.
11. All construction will adhere to all local building regulations as well as safety, health and sanitation codes.
12. The existing house is concrete foundation and frame with an exterior building façade of T-111 siding and stone. The building façade and architecture of the proposed unit is consistent with the original attached home. The construction is consistent with the home with trussed rooflines that continue from the original structure.
13. Utilities for the proposed unit will require natural gas supply for the furnace, water heater and stove. This gas line has been installed under Fairfax County Permit number 82900273. The sewage disposal system in the proposed unit is connected to the septic system/field of the original home. With the exception of the aforementioned, there are no known hazardous or toxic substances as set forth in Title 40 CFR Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Commonwealth of Virginia, Department of Waste Management Regulations VR 672-10-1-Virginia Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40 CFR Part 280; to be generated, utilized, stored, treated, and/or disposed of on site. There are no known existing or proposed storage tanks or containers.
14. The proposed unit conforms to the provisions of all applicable ordinances, regulations and adopted standards. If any waiver, exception or variance is sought, such shall be specifically noted with the justification for such modification.
15. Direct Ingress and egress is provided to the property from a private cul-de-sac. Access to the private cul-de-sac is provided by a public street, Daysailer Drive.
16. Comments for this sub-section (10) in zoning code appear to be the responsibility of the BZA.
17. Provisions will be made to allow inspections of the property by County personnel during reasonable hours upon prior notice.

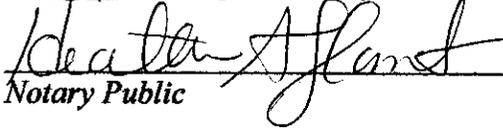
Application No. _____
10613 Daysailer Drive, Fairfax Station, VA 22039

All five of the neighbors located on the cul-de-sac where the subject property is located have submitted letters supporting the issuance of the Special Permit. These letters are attached to this Justification.


Applicant/Title Owner _____ Date 2.3.09

10613 Daysailer Drive
Fairfax Station, VA 22039

Sworn to and subscribed before me, in my presence this 3 day of February 2009. A Virginia Notary Public in and for the State at Large.


Notary Public Reg #: 7103558

My commission expires May 31, 2011

Attachments: Diagram of proposed Accessory Dwelling Unit
Letters of Support (5)

RECEIVED
Department of Planning & Zoning
FEB 04 2009
Zoning Evaluation Division

Zoning Administrator
County of Fairfax
Zoning Evaluation Division, DPZ
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

Dear Zoning Administrator;

This letter is to inform you of my support for the issuance of a Special Use Permit for an accessory dwelling unit at 10613 Daysailer Drive, Fairfax Station, VA. I am the neighbor of Jolanda Janczewski, the owner of the subject property. I am aware that Ms. Janczewski is requesting that a portion of a recently constructed addition be used as a residence for her elderly mother. It is my understanding that this unit will include living space and a kitchen, and will not be used as a rental residence.

In accordance with Fairfax County ordinance, Ms. Janczewski is required to obtain a Special Use Permit for the auxiliary dwelling unit. By my signature below, I am indicating that I support the Zoning Board in issuing the Special Use Permit.

Sincerely,

Emma Lillian Nikl 8/19/08
Signature Date

EMMA LILLIAN NIKL
Name

10609 DAYSAILER DR.
Address

FAIRFAX STAT. VA. 22035

703-425-5904
Phone

RECEIVED
Department of Planning & Zoning
FEB 04 2009
Zoning Evaluation Division

Zoning Administrator
County of Fairfax
Zoning Evaluation Division, DPZ
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

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In accordance with Fairfax County ordinance, Ms. Janczewski is required to obtain a Special Use Permit for the auxiliary dwelling unit. By my signature below, I am indicating that I support the Zoning Board in issuing the Special Use Permit.

Sincerely,

Sharon Hendrickson 8.20.08
Signature Date

SHARON HENDRICKSON
Name

10610 Daysailer Dr
Address

Fairfax Station Va. 22039

703-250-0323
Phone

RECEIVED
Department of Planning & Zoning
FEB 04 2009
Zoning Evaluation Division

Zoning Administrator
County of Fairfax
Zoning Evaluation Division, DPZ
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

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In accordance with Fairfax County ordinance, Ms. Janczewski is required to obtain a Special Use Permit for the auxiliary dwelling unit. By my signature below, I am indicating that I support the Zoning Board in issuing the Special Use Permit.

Sincerely,


Signature Date 8/19/08

Janet & Stuart Cummings
Name

10611 Daysailer Dr
Address

Fairfax Station Va 22039

703-764-1474
Phone

RECEIVED
Department of Planning & Zoning
FEB 04 2009
Zoning Evaluation Division

Zoning Administrator
County of Fairfax
Zoning Evaluation Division, DPZ
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

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In accordance with Fairfax County ordinance, Ms. Janczewski is required to obtain a Special Use Permit for the auxiliary dwelling unit. By my signature below, I am indicating that I support the Zoning Board in issuing the Special Use Permit.

Sincerely,

Gary Keys Virginia Keys 8-18-08
Signature Date

GARY KEYS VIRGINIA KEYS
Name

10612 DAYSAILER DR
Address

FAIRFAX STATION VA 22039

703 249-9480
Phone

RECEIVED
Department of Planning & Zoning
FEB 04 2009
Zoning Evaluation Division

BUILDING PERMIT APPLICATION

AIRFAX COUNTY GOVERNMENT
PERMIT APPLICATION CENTER
2855 Government Center Parkway, 2nd Floor
Airfax, Virginia 22035-5504
Telephone: 703-222-0001
Web site: <http://www.fairfaxcounty.gov/dpw>

PERMIT #

72846735

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/inspect/inspection_sched.asp

R-08-1219
0773-1071/1004

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
(PLEASE PRINT OR TYPE)

JOB LOCATION

ADDRESS 10613 DAY SAILER DR
LOT # 4 BUILDING _____
FLOOR _____ SUITE Sec 3
SUBDIVISION HURKE LAKE CLUSTER
TENANT'S NAME JANCZEWSKI
EMAIL _____
CONTACT ID John 703-380-9916

OWNER INFORMATION

OWNER TENANT
NAME JANCZEWSKI
ADDRESS 10613 DAY SAILER DR
CITY AIRFAX STATION STATE VA ZIP 22034
TELEPHONE 571-237-3776
EMAIL _____
CONTACT ID _____

CONTRACTOR INFORMATION

SAME AS OWNER
CONTRACTORS MUST PROVIDE THE FOLLOWING:
COMPANY NAME _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
TELEPHONE _____
EMAIL _____
STATE CONTRACTORS LICENSE # _____
COUNTY BPOL # _____
CONTACT ID _____

APPLICANT

NAME JOHN MIEZIVA
ADDRESS 1900 WOLF RUN SHUNLS RD
CITY AIRFAX STATION STATE VA ZIP 22034
TELEPHONE 703-380-9916
EMAIL _____
CONTACT ID _____

DESCRIPTION OF WORK

1982
REMOVE ADDITION TO
HOUSE (ONE STORY)
NO WALKER NO 2ND KITCHEN
HOUSE TYPE SFD
ESTIMATED COST OF CONSTRUCTION 16000
USE GROUP OF BUILDING _____
TYPE OF CONSTRUCTION _____
DESIGNATED MECHANICS' LIEN AGENT
(Residential Construction Only)
NAME _____
ADDRESS None
NONE DESIGNATED PHONE _____

ZONING REVIEW

USE SFD-84
ZONING DISTRICT RC HISTORICAL DISTRICT _____
ZONING CASE # _____
GROSS FLOOR AREA OF TENANT SPACE _____

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT <u>35'</u>	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
L SIDE <u>24'</u>	REMARKS	<u>old 1st floor</u>		
R SIDE <u>10'</u>		<u>old 22' + 49' 30' + 14' 20'</u>		
REAR <u>100'</u>		<u>old wood frame per plans</u>		

REMARKS NO WALKER
NO 2ND FLOOR
1st floor replaced with new 1st floor
1st floor special permit
height 15' No Second Kitchen or Wet Bar
Delicate Kitchen
from House
3956-JWT 001-1

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

John Mieziva 11 Oct '07
Signature of Owner or Agent Date
JOHN MIEZIVA AGENT
Printed Name and Title

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)

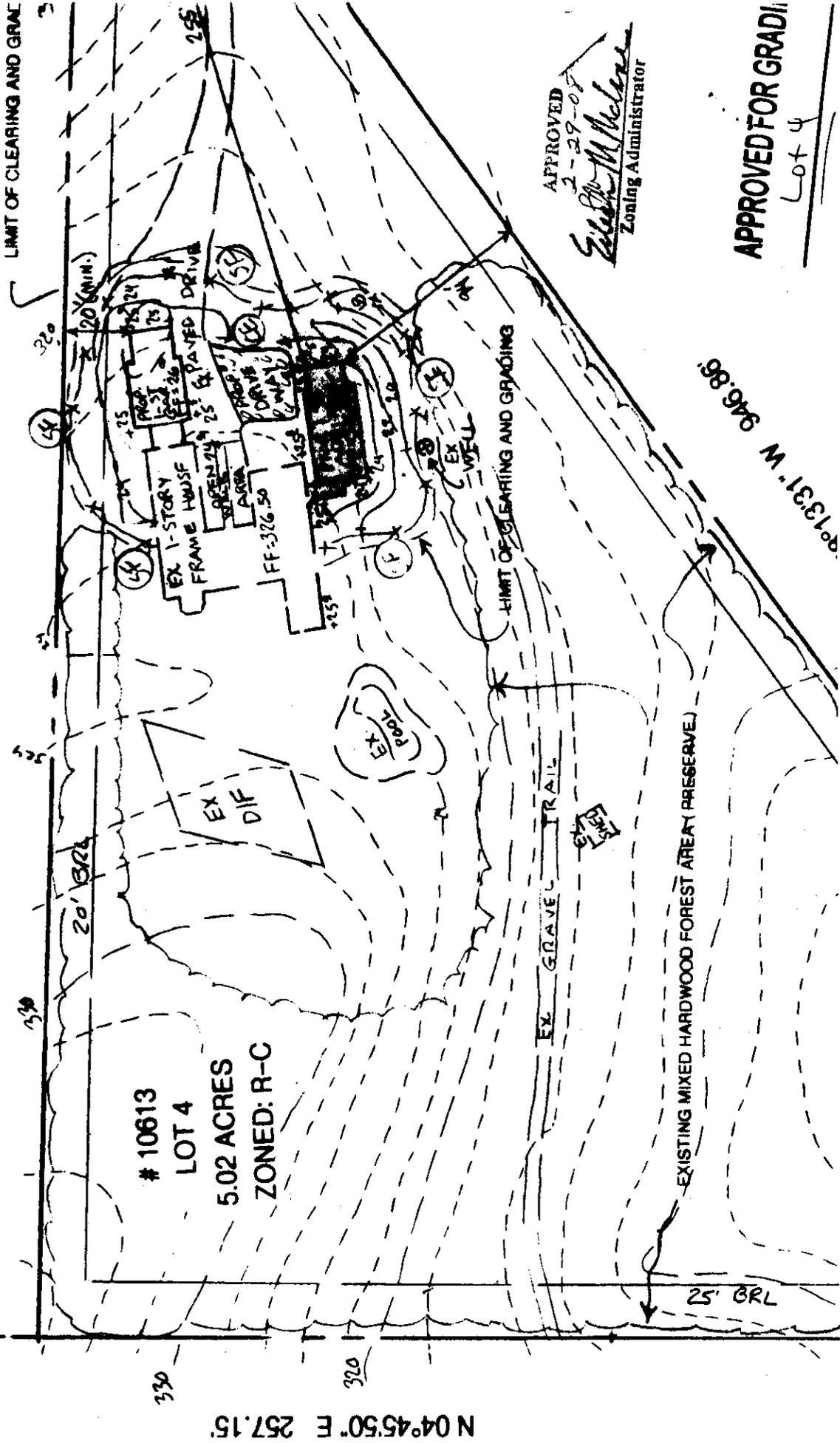
State (or territory or district) of _____
County (or city) of _____ to wit: _____

Notary Public in the State and County aforesaid, do certify that
whom name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
Given under my hand this _____ day of _____, 20____.
My commission expires the _____ day of _____, 20____.
(Notary Signature)

Burki Lane Over

Sec - 3 Lot - 4

S 83°52'04" E 754.37



10613
LOT 4
5.02 ACRES
ZONED: R-C

APPROVED
2-29-07
Sarah M. Nelson
Zoning Administrator

APPROVED FOR GRADING
Lot 4

946.86
946.86
946.86

N 04°45'50" E 257.15

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, and
 - B. 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
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction 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.

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.