



APPLICATION ACCEPTED: April 17, 2008
BOARD OF ZONING APPEALS: July 7, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 30, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-SP-026

SPRINGFIELD DISTRICT

APPLICANT: Medhat Youssef

OWNERS: Medhat Youssef
Mohamed M. Youssef

SUBDIVISION: Robertson Farm

STREET ADDRESS: 11815 Robertson Farm Circle

TAX MAP REFERENCE: 56-3 ((15)) 27

LOT SIZE: 6,941 square feet

ZONING DISTRICT: PDH-2 and WS

ZONING ORDINANCE PROVISIONS: 8-918

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-SP-026, 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:\dhedr\Special Permits\7-7) SP 2009-SP-026 Youssef\SP 2009-SP-026 Youssef staff report.doc Deborah Hedrick

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.**



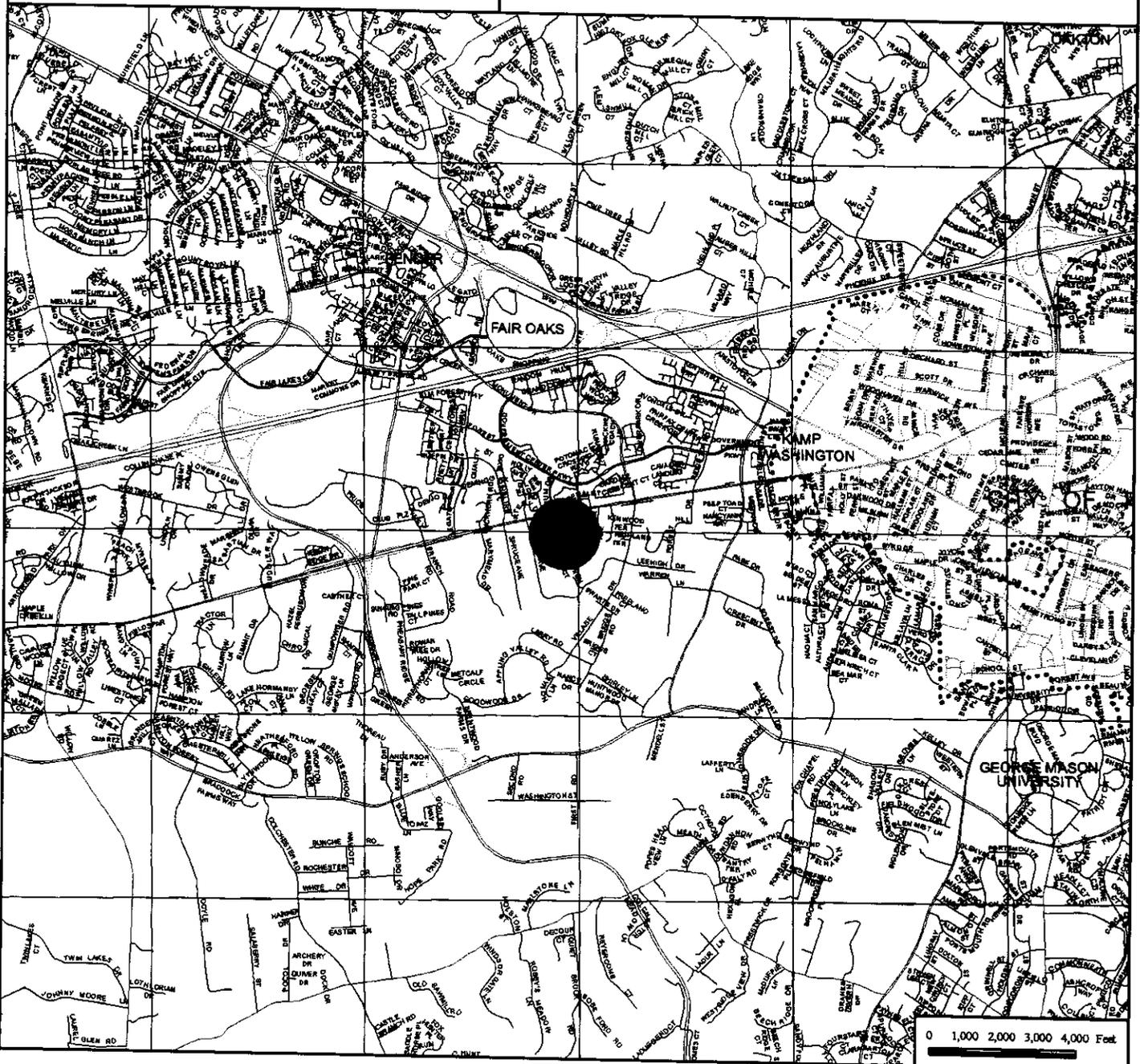
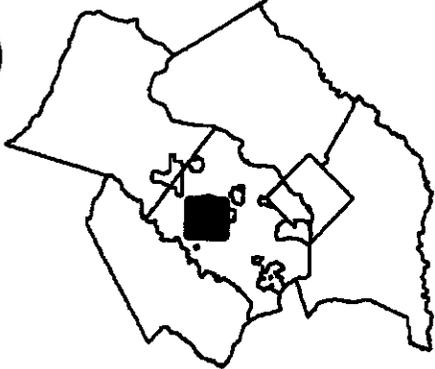
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2009-SP-026

Applicant: MEDHAT YOUSSEF
Accepted: 04/17/2009
Proposed: ACCESSORY DWELLING UNIT
Area: 6,941 SF OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect: 08-0918
Art 8 Group and Use: 9-17
Located: 11815 ROBERTSON FARM CIRCLE
Zoning: PDH- 2
Overlay Dist: WS
Map Ref Num: 056-3- /15/ /0027

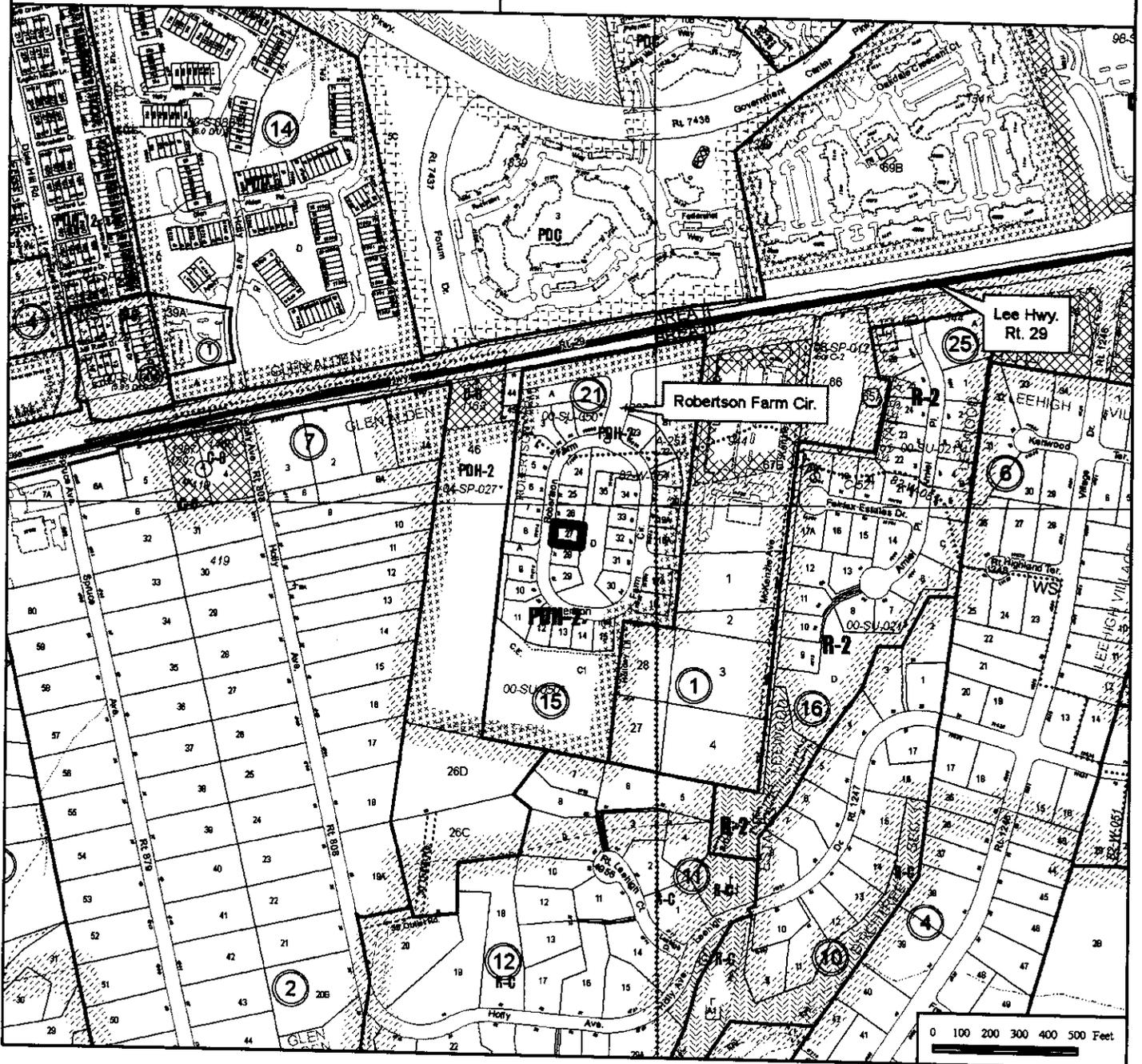


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Art 8 Group and Use: 9-17
Located: 11815 ROBERTSON FARM CIRCLE
Zoning: PDH- 2
Overlay Dist: WS
Map Ref Num: 056-3- /15/ /0027



THE PROPERTY SHOWN HEREON IS NOT IN A 100 YEAR FLOODPLAIN AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP FOR UNINCORPORATED AREAS OF FAIRFAX COUNTY, VIRGINIA, COMMUNITY-PANEL NUMBER 515525 0025 D, MAP REVISED MARCH 5, 1990. IT LIES IN ZONE "X"(AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN).

ALL EASEMENTS SHOWN ARE RECORDED AT DB 13208, PG 560. UNLESS OTHERWISE NOTED.

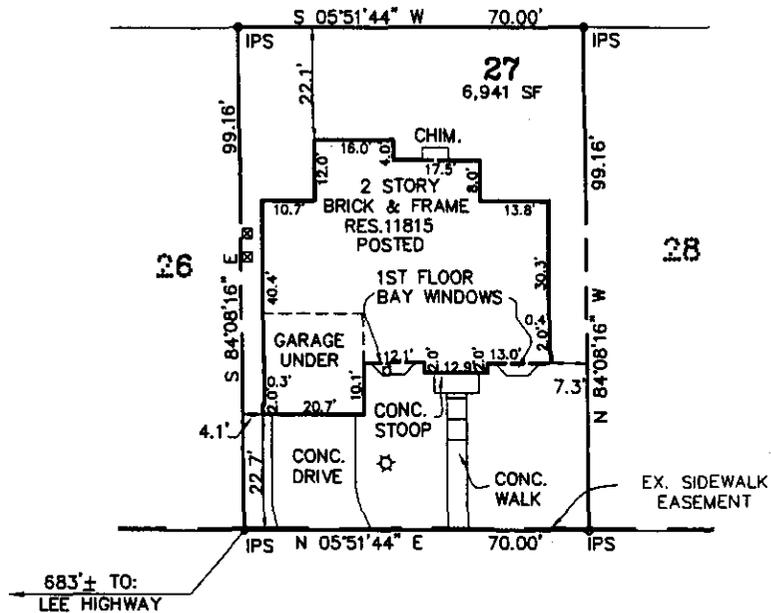
TAX MAP NO.# 056-3-15-0027

NAD 83 NORTH ZONE 

LEGEND

- SANITARY CLEANOUT
- IPS IRON PIPE SET
- ☆ LIGHT POST
- ⊗ A/C UNIT

PARCEL "D"



ROBERTSON FARM CIRCLE
(44' R/W)
D.B. 13208, PG. 560

HOUSE LOCATION SURVEY
LOT 27
ROBERTSON FARM
DEED BOOK 13208, PAGE 560
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

RECEIVED
Department of Planning & Zoning
FEB 13 2009
Zoning Evaluation Division

SCALE: 1" = 30'

P: \1418-01-002\survey\WC\FHLS-LOT-27.dwg

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

THIS SURVEY HAS BEEN PREPARED WITHOUT A CERTIFIED TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

© Bowman Consulting Group, Ltd.

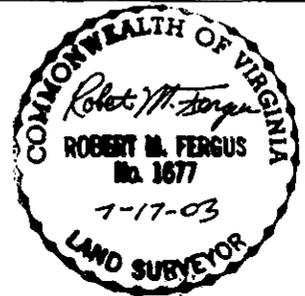
Bowman CONSULTING

Bowman Consulting Group, Ltd. Phone: (703) 464-1000
14020 Thunderbolt Pl, Suite 300 Fax: (703) 481-9720
Chantilly, Virginia 20151 www.bowmanconsulting.com

WALL CHECK
DATE: 4/6/03
DRW: PMC
CHK: HAP

FINAL
DATE: 7/10/03
DRW: PMC
CHK: RF

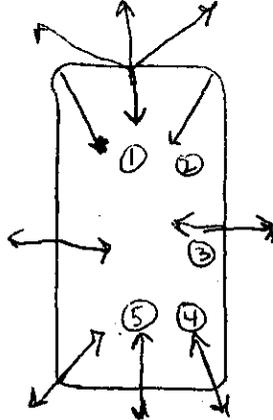
RECERT.
DATE:
DRW:
CHK:



Special Permit

Please provide the following:

Par. 4: Photographs from the subject property line into the property showing the different front, sides and rear yard. Then turn around and take photographs of the abutting properties of their yards. Please clearly date and label the photos.



Sect. 8-922 - Provisions for Reduction of Certain Yard Requirements

Par. 5 Statement of Justification

1. Label the top with Statement of Justification and your name and address
2. Address topics in paragraphs 2 - 9 of the Zoning Ordinance Section and include:
 - a. If you don't have an accessory structure in the front yard state that this does not apply.
 - b. State the year the house was built and the existing setbacks from the front, side(s) and rear yard to the house.
 - c. State the existing square footage of the structure and the proposed square footage.
 - d. State if the square footage will be subordinate to the principal structure and use both numbers and percentage change.
 - e. State how the new structure is compatible with the existing structure.
 - f. State how the new structure is compatible with the surrounding off-site uses.
 - g. Specify how the new structure will not create an adverse impact on the adjacent properties.
 - h. Specify how the new structure is creating the minimum reduction necessary to accommodate the proposed structure.

Par. 12: Provide **architectural depictions** from the views changing. The depictions can be hand drawn by the owner or a professional. Show the before and after of the sides that are affected.

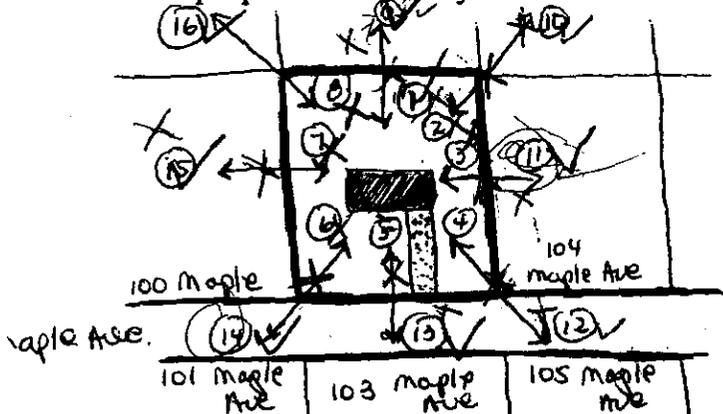
Note P Districts:

- 1) Please give us specific information about your request and we will evaluate the file.
- 2) The first meeting in the office is not a full review of the background of the property. Please be aware further fact finding may reveal additional information.

Special Permit

Please provide the following:

Par. 4: Photographs from the subject property line into the property showing the different front, sides and rear yard. Then turn around and take photographs of the abutting properties of their yards. Please clearly date and label the photos.



	Address	Date
①	photo	
	From rear yard of back yard.	
②		
	From side yard of rear yard.	

	102 Maple Ave	Date
③		
	From front yard across street of 103 Maple Ave.	
④		
	From western front corner across St. of 101 Maple Ave	

Sect. 8-922 - Provisions for Reduction of Certain Yard Requirements

Par. 5 Statement of Justification

1. Label the top with Statement of Justification and your name and address
2. Address topics in paragraphs 1 - 9 of the Zoning Ordinance Section and include:
 - a. Description of what you are applying for with dimensions and materials of the structure.
 - b. If you don't have an accessory structure in the front yard state that this does not apply.
 - c. State the year the house was built and the existing setbacks from the front, side(s) and rear yard to the house.
 - d. State the existing square footage of the structure and the proposed square footage.
 - e. State if the square footage will be subordinate to the principal structure and use both numbers and percentage change.
 - f. State how the new structure is compatible with the existing structure.
 - g. State how the new structure is compatible with the surrounding off-site uses.
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Note P Districts:

- 1) Please give us specific information about your request and we will evaluate the file.
- 2) The first meeting in the office is not a full review of the background of the property. Please be aware further fact finding may reveal additional information.

11815 Robertson Farm Circle

①



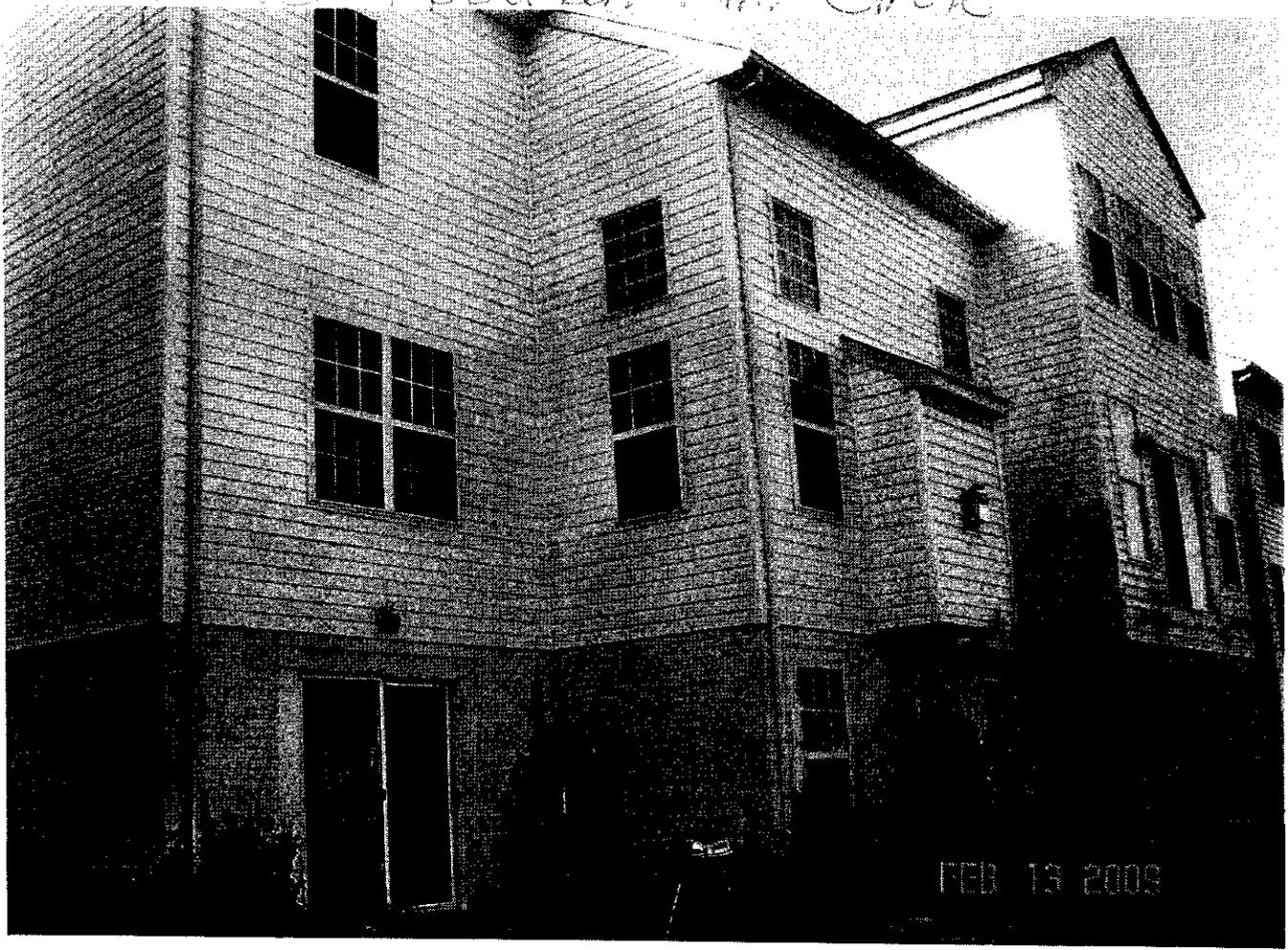
Rear yard of back yard Middle

②



11815 Robertson Farm Circle

(2)



Rear yard of back yard left side



(10)



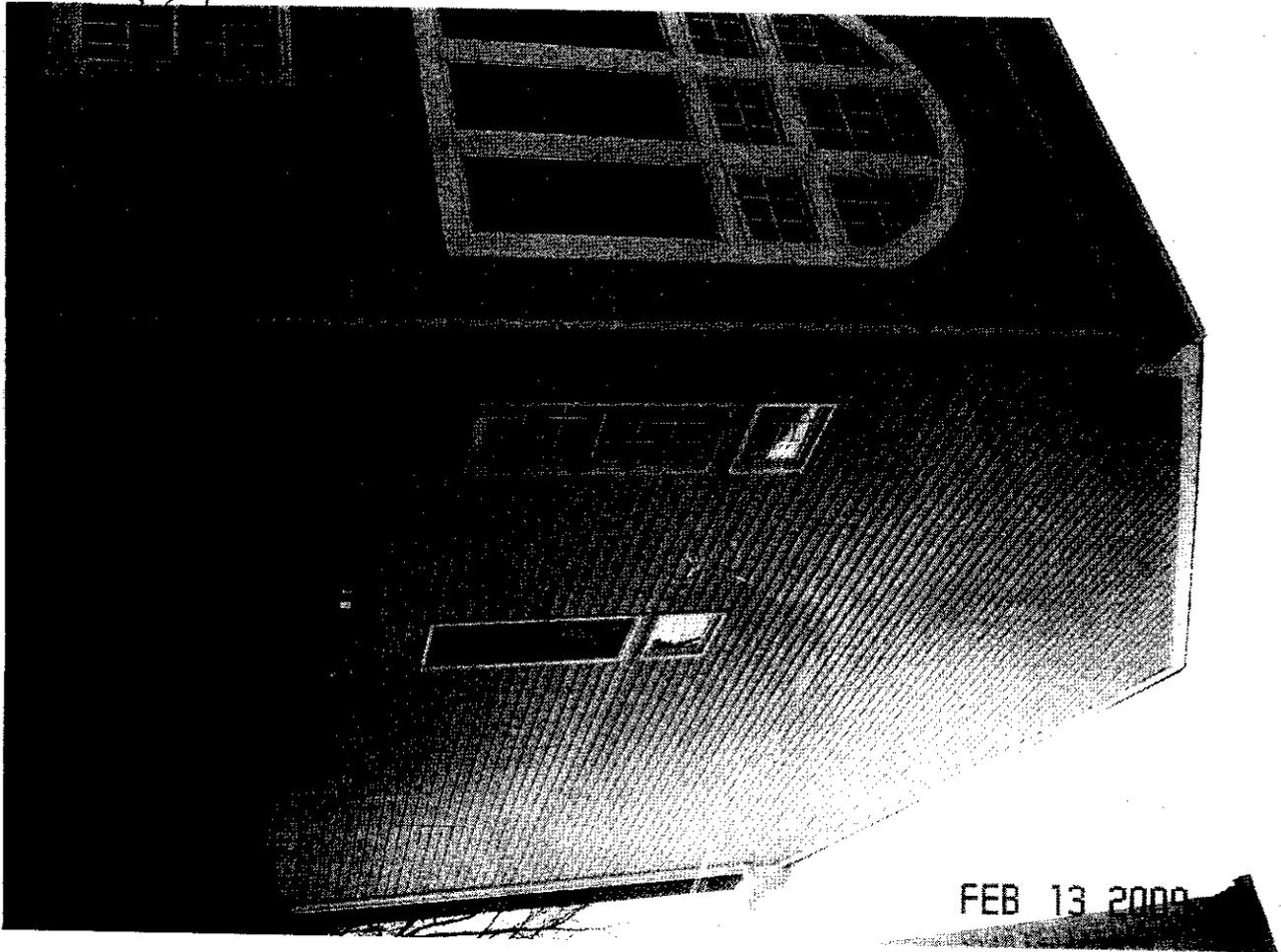
11815 Robertson Farm Circle

3



1

201



11815 Robertson Farm Circle

1



Front Left side View

2



11815 Robertson Farm Circles

5



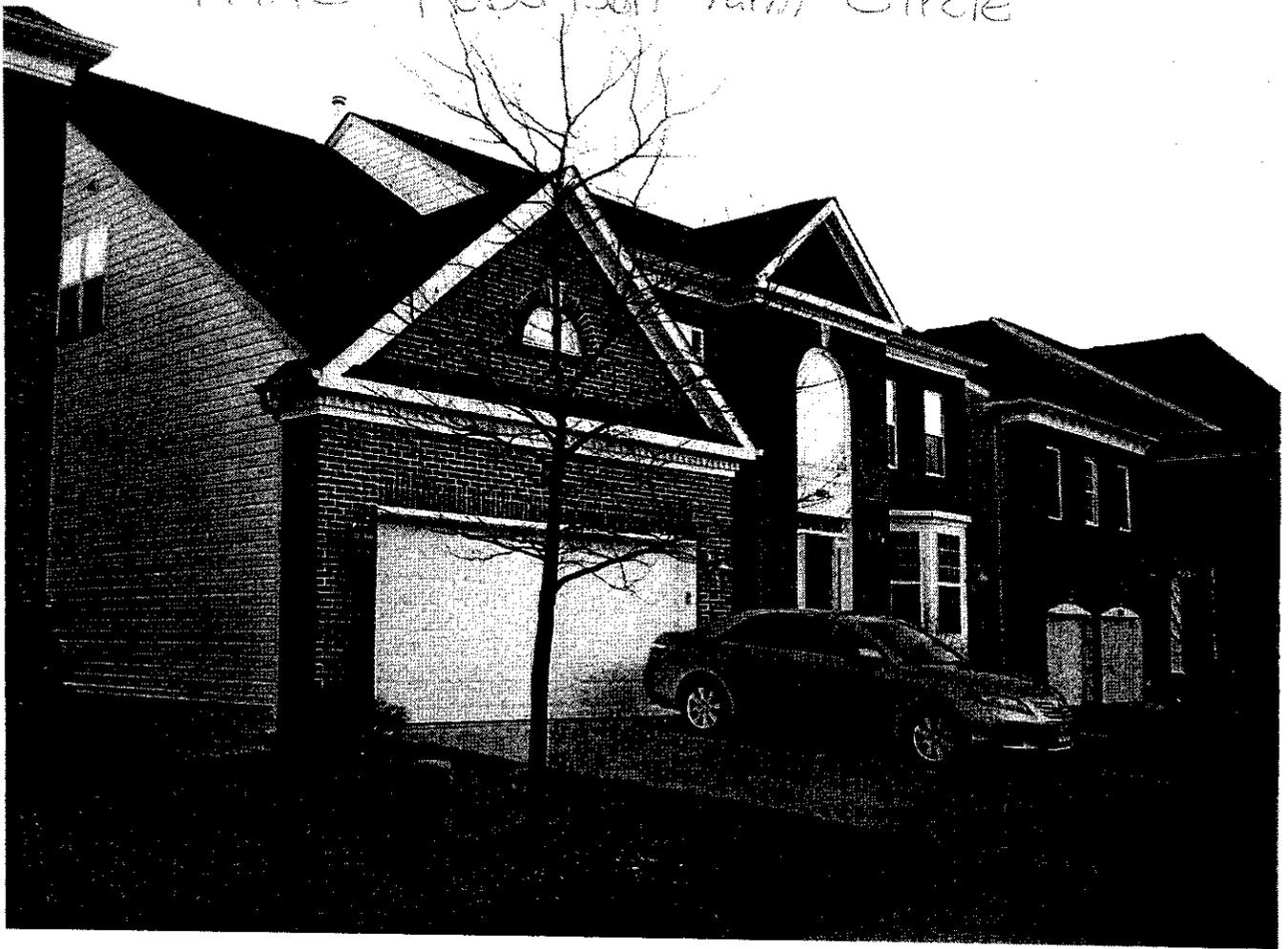
Front Middle View

3



11815 Robertson Farm Circle

6



Front Right Side View

4



11815 Robertson Farm Circle

7



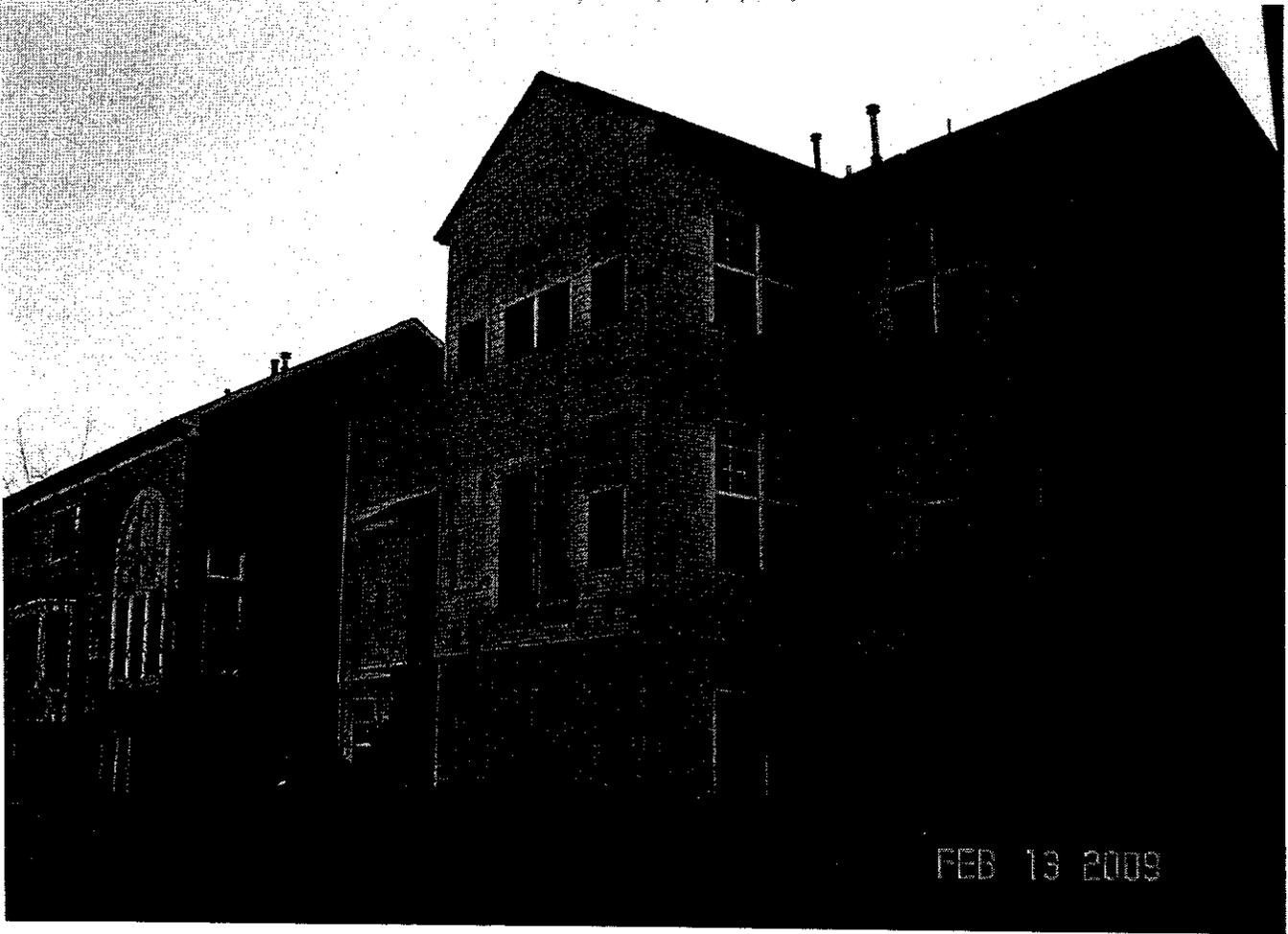
5

Sol



11815 Robertson Farm Circle

8



Row used of back yard

16



DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling unit.

Size of Principal Dwelling: 4,088 square feet of above grade living space plus an additional 970 square feet of basement recreation room space.

Size of Accessory Dwelling Unit: 1,712 square feet

Lot Size: 6,941 square feet

LOCATION AND CHARACTER

Existing Site Description

The application property is located at 11815 Robertson Farm Circle in the Robertson Farm subdivision. The 6,941 square foot site is developed with a brick front, vinyl siding, two-story with basement single family detached dwelling. A concrete driveway is accessed from Robertson Farm Circle and terminates at the two-car garage at the front of the dwelling. A sliding glass door located at the rear of the house provides an exterior entrance to the walkout basement. The site is landscaped with a well manicured lawn and contains a variety of small shrubs and trees.

Surrounding Area Description

Direction	Use	Zoning
North	Single Family Dwellings	PDH-2 and WS
South	Single Family Dwellings	PDH-2 and WS
East	Single Family Dwellings	PDH-2 and WS
West	Single Family Dwellings	PDH-2 and WS

BACKGROUND

Site History

On July 23, 2001, the Board of Supervisors approved RZ 2000-SU-050 to create the Robertson Farm Subdivision, subject to associated proffers dated June 29, 2001. There are no notes, proffers or conditions prohibiting this use. County records indicate that the application dwelling was originally constructed in 2003 with 4 bedrooms and one kitchen. The floor plan provided indicates a finished basement that includes a large living area, one bedroom, an office area, and a full bathroom.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: House Location Survey, Lot 27, Robertson Farm, Springfield District, Fairfax County, Virginia

Prepared By: Bowman Consulting

Dated: July 10, 2003, signed on July 17, 2003

Proposed Use

The applicant is requesting approval of a special permit for an accessory dwelling unit. According to the applicant's statement, the 578 square foot accessory unit will be located in the basement level of the existing two story dwelling and will include one bedroom, a bathroom, a living area and a full kitchen, comprising 11 percent of the total square footage of the dwelling. The driveway and attached two car garage accommodates four on-site parking spaces. The applicant's son will occupy the basement level dwelling. There are no proposed site modifications. The owner has stated that the request would be to add the second kitchen to accommodate his son living in the basement to provide nursing care for the owner, who is 60 years of age.

As noted above, the applicant's statement of justification says he is requesting 578 square feet of the existing basement level of the dwelling to be utilized for the accessory dwelling unit. However, as shown on the basement floor plan, the entire basement is shown as the accessory unit, which is approximately 1,712 square feet in size, or 33.8 percent of the total dwelling.

ZONING ORDINANCE PROVISIONS

The existing single family dwelling 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 2009-SP-026, 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. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2009-SP-026****June 30, 2009**

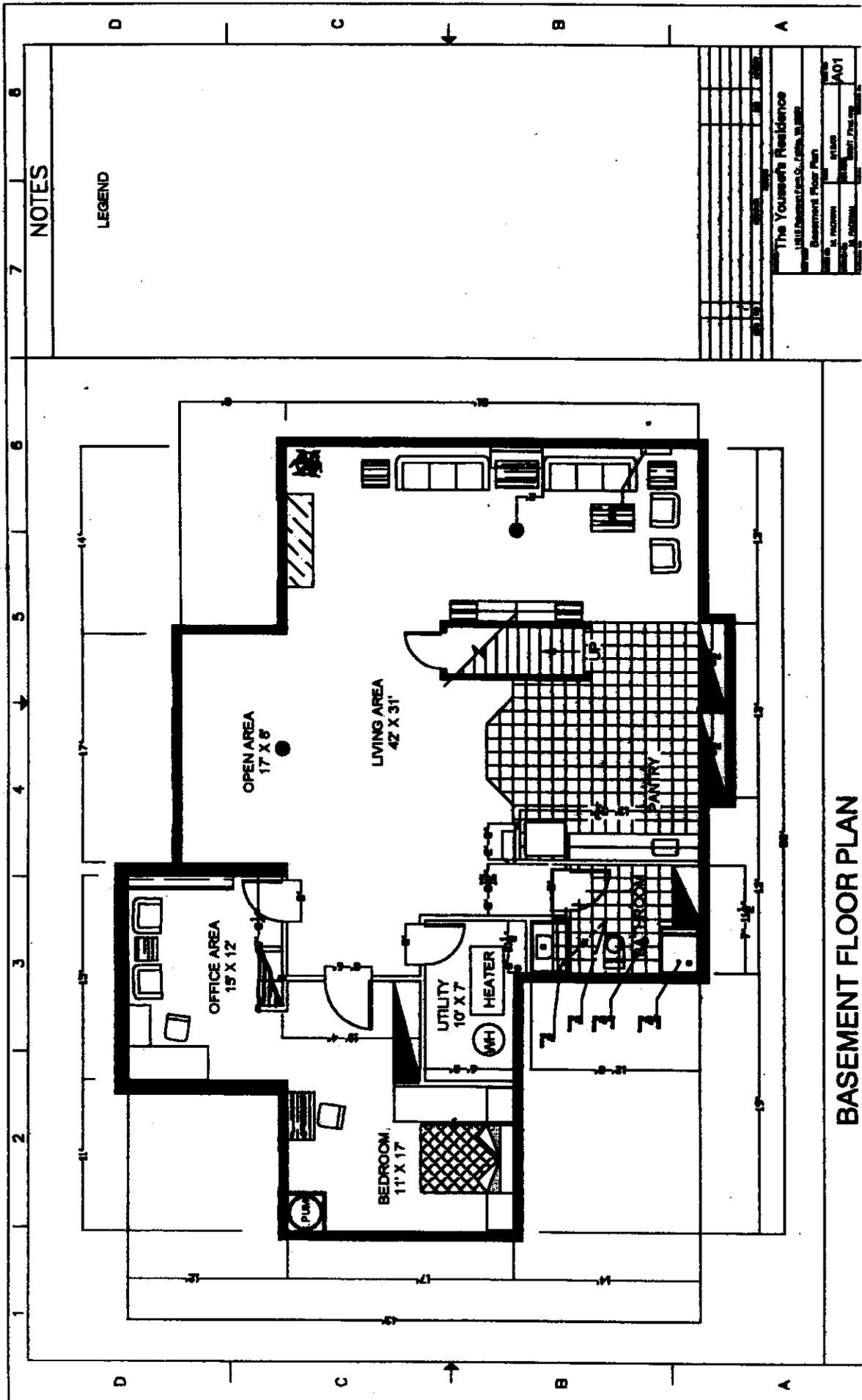
If it is the intent of the Board of Zoning Appeals to approve SP 2009-SP-026 located at Tax Map 56-3 ((15)) 27, to permit an accessory dwelling unit under Section 8-918 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Medhat Youssef, and is not transferable without further action of this Board, and is for the location indicated on the application, 11815 Robertson Farm Circle, (6,941 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 Bowman Consulting, dated July 10, 2003, signed July 17, 2003, 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 1,712 square feet, as depicted on the floor plan included as Attachment 1 to these conditions.
6. All applicable building permits and final inspections shall be obtained for construction of the kitchen in the accessory dwelling unit.
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. 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.



BASEMENT FLOOR PLAN

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 13 2009
 (enter date affidavit is notarized)

Medhat Youssef, 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 103702

and that, to the best of my knowledge and belief, the following is true:

(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)
Medhat M. Youssef ^①	11815 Robertson Farm Circle,	^① Applicant/Title Owner
and Mohamed M. Youssef ^②	Fairfax, VA 22030	^② 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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 13, 2009
(enter date affidavit is notarized)

103702

(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)

N/A

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)

N/A

(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: February 13, 2009 103702
(enter date affidavit is notarized)

(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)

N/A

(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: February 13, 2009
(enter date affidavit is notarized)

103702

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: February 13, 2009
(enter date affidavit is notarized)

103702

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)

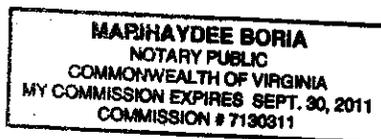
Medhat Youssef / [Signature]
 Applicant Applicant's Authorized Agent

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

Subscribed and sworn to before me this 13 day of February 2009, in the State/Comm. of Virginia, County/City of Prince William

Marihaydee Boria
Notary Public

My commission expires: September 30, 2011



Hedrick, Debbie

From: Medhat Youssef [medhat@amounco.com]
Sent: Monday, June 15, 2009 10:13 AM
To: Hedrick, Debbie
Subject: 11815 Robertson Farm Cir. (Secdond Dweling Unit)

Dear Debbie,

Below are the measurements for the second dwelling unit in the basement consisting of the below:

Kitchen: 13X11 143 SF
Living Area: 8X16 SF
Bathroom: 10X7 SF
Bedroom: 237SF
Total: 575 SF for second dwelling Unit.

Should you have any questions or wish to discuss, please don't hesitate to let me know.

My son's cell phone number is 703-895-3795 for future contact.
Thanks and regards,

6/15/2009

Statement of Justification

I Medhat Youssef would like to get a special permit for the Accessory Dwelling Unit because I'm over the age of sixty years and I cannot move around the house that well and I need someone to look after me and my needs, so my son Mohsen will be living downstairs in the basement. He will act as my nurse and is going to look after me and my needs on the daily basis. He will be helping me with the usual daily things like food, clothing, cleaning, transportation, medications, meetings and so on.

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Department of Planning & Zoning
APR 09 2009
Zoning Evaluation Division

Done #5

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

This is a statement regarding a request for permission for an accessory dwelling unit at 11815 Robertson Farm Circle, Fairfax VA 22030.

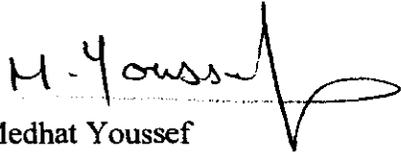
- A. **Type of operation:** Accessory dwelling unit
- B. **Hours of operation:** Not applicable
- C. **Estimated number of patrons/clients/patients/pupils/etc.:** Not applicable. Two occupants for requested accessory dwelling unit, per County limits.
- D. **Proposed number of employees/attendants/teachers/etc.:** Not applicable
- E. **Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day:** Normal residential use. We have a two-car garage, there's room for two cars in the driveway, and about four cars can fit on the curb in front of the house. We don't expect anywhere near that many cars - this is to illustrate the space available only).
- F. **Vicinity or general area to be served by the use:** Not applicable
- G. **Description of building façade and architecture of proposed new building or additions:** Not applicable
- H. **A listing, if known, of all hazardous or toxic substances.....:** None
- I. **A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modifications:**

The request meets all of the General Standards of Section 8-006 (incorporated by reference as if fully set forth herein) and additional standards of Article 8 of the Zoning Ordinance. In accordance with Fairfax County Zoning Ordinance Article 8-918, "Additional Standards for Accessory Dwelling Units:" (1) the requested accessory dwelling unit is in association with a single family detached dwelling unit, and there is only one proposed dwelling unit for this single family detached dwelling unit; (2) it is located within the structure of the single family detached dwelling unit; (3) it does not exceed 35% of total gross floor area of the principal dwelling unit; (4) it will not contain more than two bedrooms; (5) the principal dwelling unit is owner-occupied by me, aged 60; (6) the requested accessory dwelling unit will be occupied by two persons, and the principal single family dwelling unit will be occupied by one family (mine) consisting of one person or two or more persons related by blood or marriage and natural children

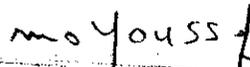
and/or step children; (7) parking is sufficient to meet the needs of the principal and accessory dwelling units, as described above; (8) it will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood; and (9) it meets the applicable regulations for building, safety, health and sanitation.

A special permit is respectfully requested.

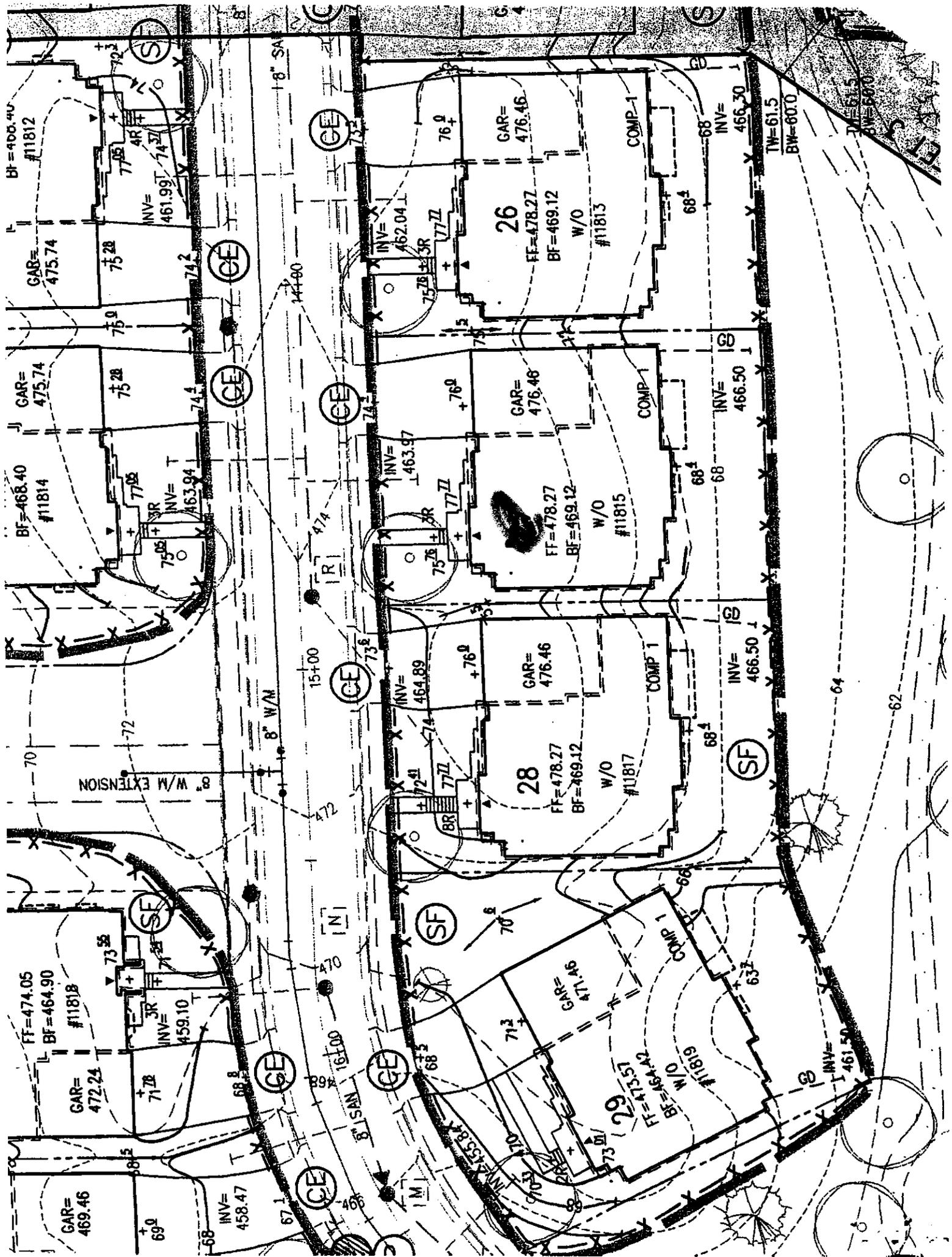
Sincerely,

A handwritten signature in black ink that reads "M. Youssef" with a stylized flourish at the end.

Medhat Youssef
Owner

A handwritten signature in black ink that reads "m. Youssef" with a vertical line through the end.

Mohamed Youssef
Co-Owner (son)



I ~~am~~ Medhat Youseff would like to have my plats waived because it is a interior kitchen.

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Department of Planning & Zoning

FEB 13 2009

Zoning Evaluation Division

Statement of Ownership

I Mehdat Youssef am the owner of the house at 11815 Robertson Farm Circle, Fairfax, V.A., 22033 and I wish to attain a special permit for the accessory dwelling unit in the zoning ordinance section, 8-918.

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Zoning Evaluation Division

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.