



APPLICATION ACCEPTED: May 15, 2009  
BOARD OF ZONING APPEALS: August 4, 2009  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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July 28, 2009

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2009-SP-037**

### SPRINGFIELD DISTRICT

**APPLICANT:** Richard Lord

**OWNERS:** Richard L. Lord and Nancy Zearfoss Lord

**SUBDIVISION:** Orange Hunt West

**STREET ADDRESS:** 6616 Saddlehorn Court

**TAX MAP REFERENCE:** 88-1 ((11)) 9

**LOT SIZE:** 9,400 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-918

**SPECIAL PERMIT PROPOSAL:** Accessory Dwelling Unit

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2009-SP-037, 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.

*Shelby Johnson*

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Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



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.**

*O:\SMCKN\SP\LORD SP 2009-SP-037\Staff Report Lord.doc*

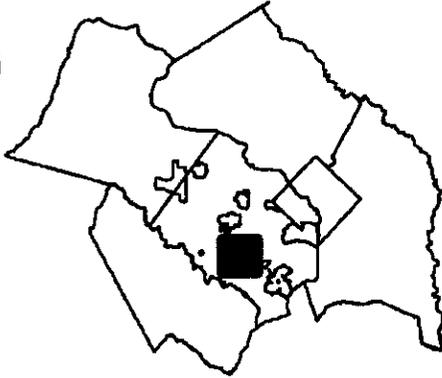


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

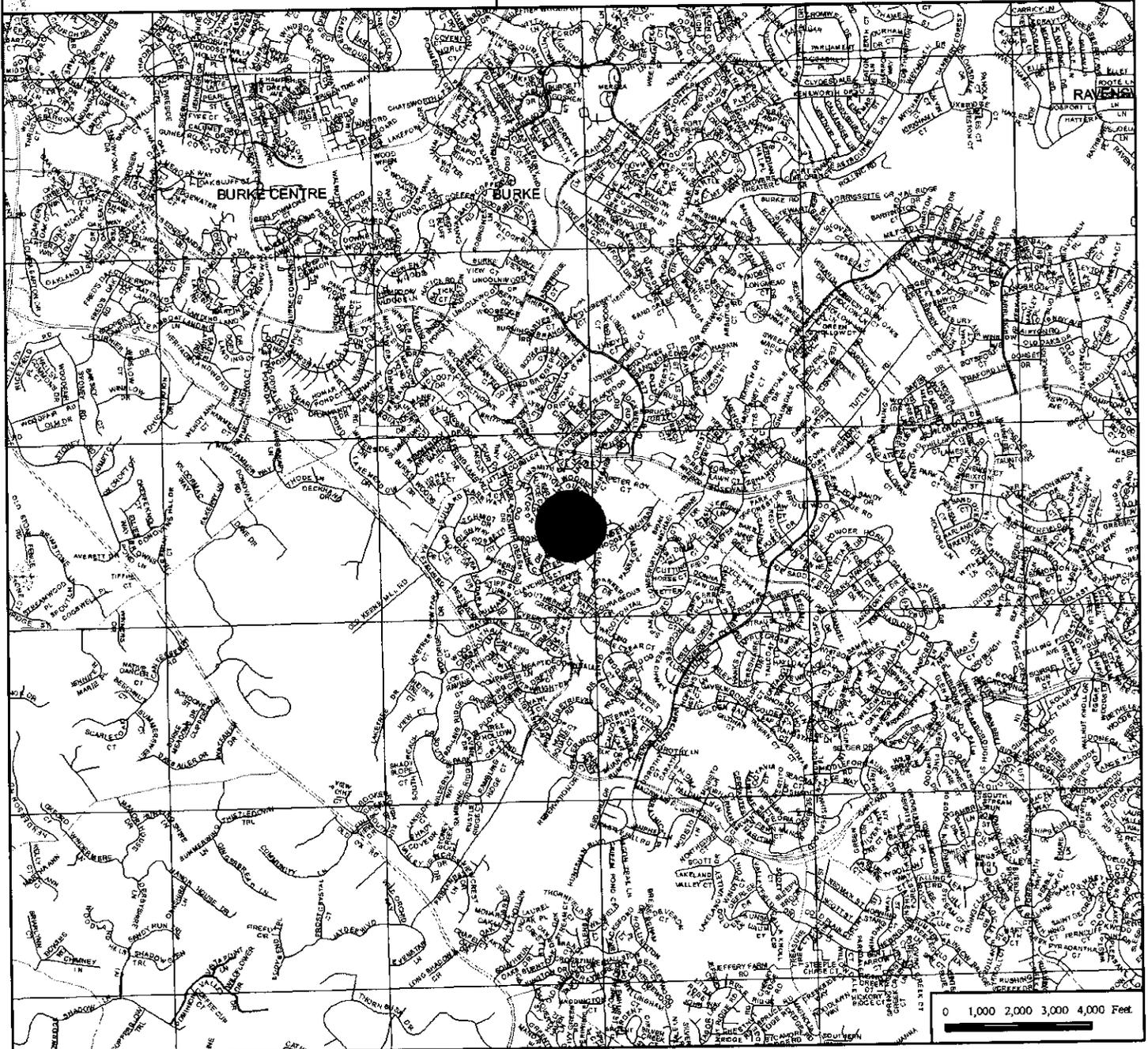
# Special Permit

SP 2009-SP-037

Applicant: RICHARD LORD  
Accepted: 05/15/2009  
Proposed: ACCESSORY DWELLING UNIT  
Area: 9,400 SF OF LAND; DISTRICT - SPRINGFIELD



Zoning Dist Sect: 08-0918  
Art 8 Group and Use: 9-17  
Located: 6616 SADDLEHORN COURT  
Zoning: R-3  
Overlay Dist:  
Map Ref Num: 088-1- /11/ /0009

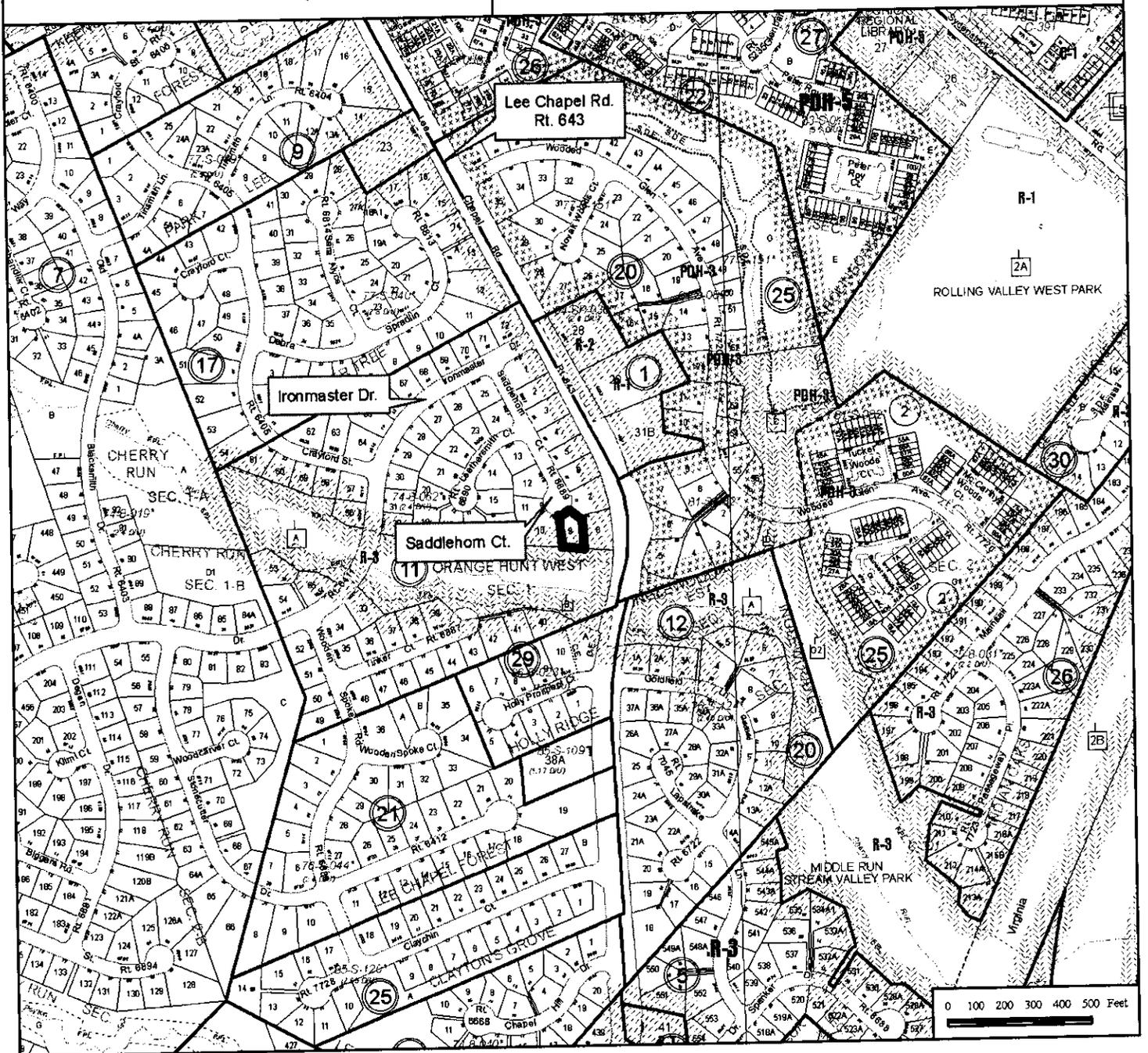


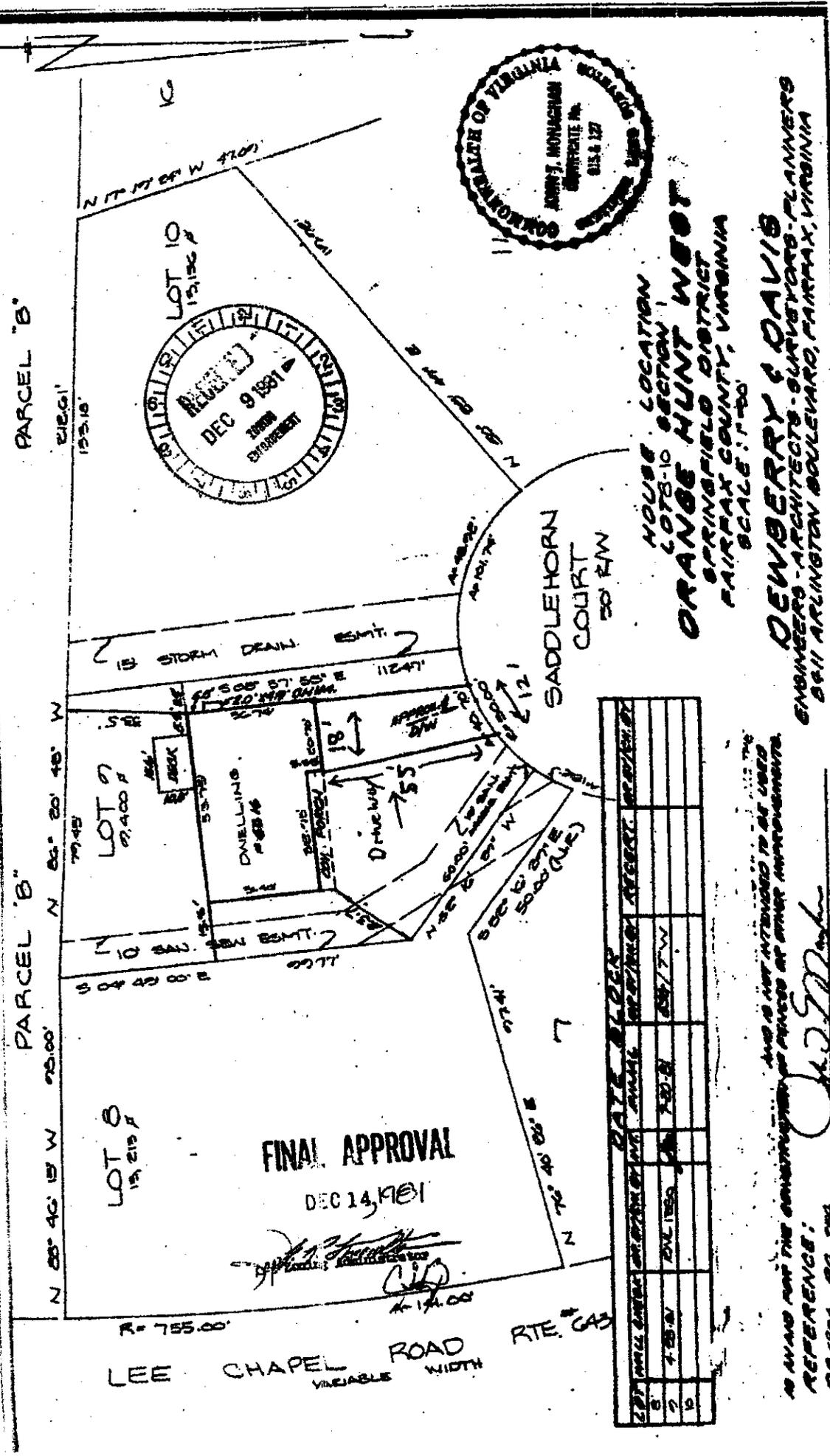
**Special Permit**  
**SP 2009-SP-037**

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Located: 6616 SADDLEHORN COURT  
Zoning: R-3  
Overlay Dist:  
Map Ref Num: 088-1- /11/ /0009





DATE	DESCRIPTION	BY	REVISION

THIS IS NOT INTENDED TO BE USED AS A BASIS FOR THE CONSTRUCTION OF ANY STRUCTURE OR OTHER IMPROVEMENTS.

REFERENCE:  
DB 5823 PG. 003

*[Signature]*

SKETCH ADDENDUM

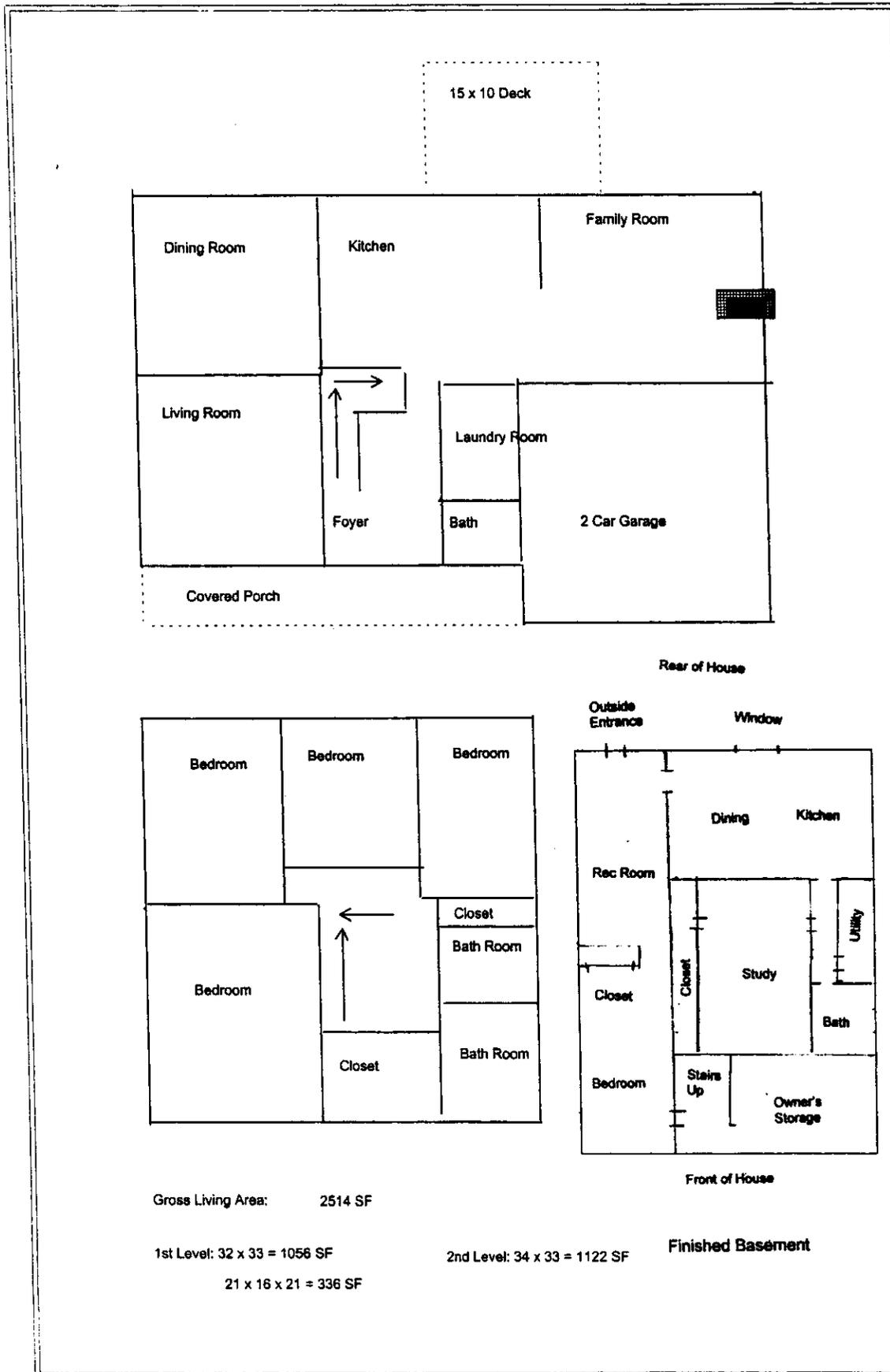
File No. 10268

Borrower LORD, RICHARD

Property Address 6616 SADDLEHORN COURT

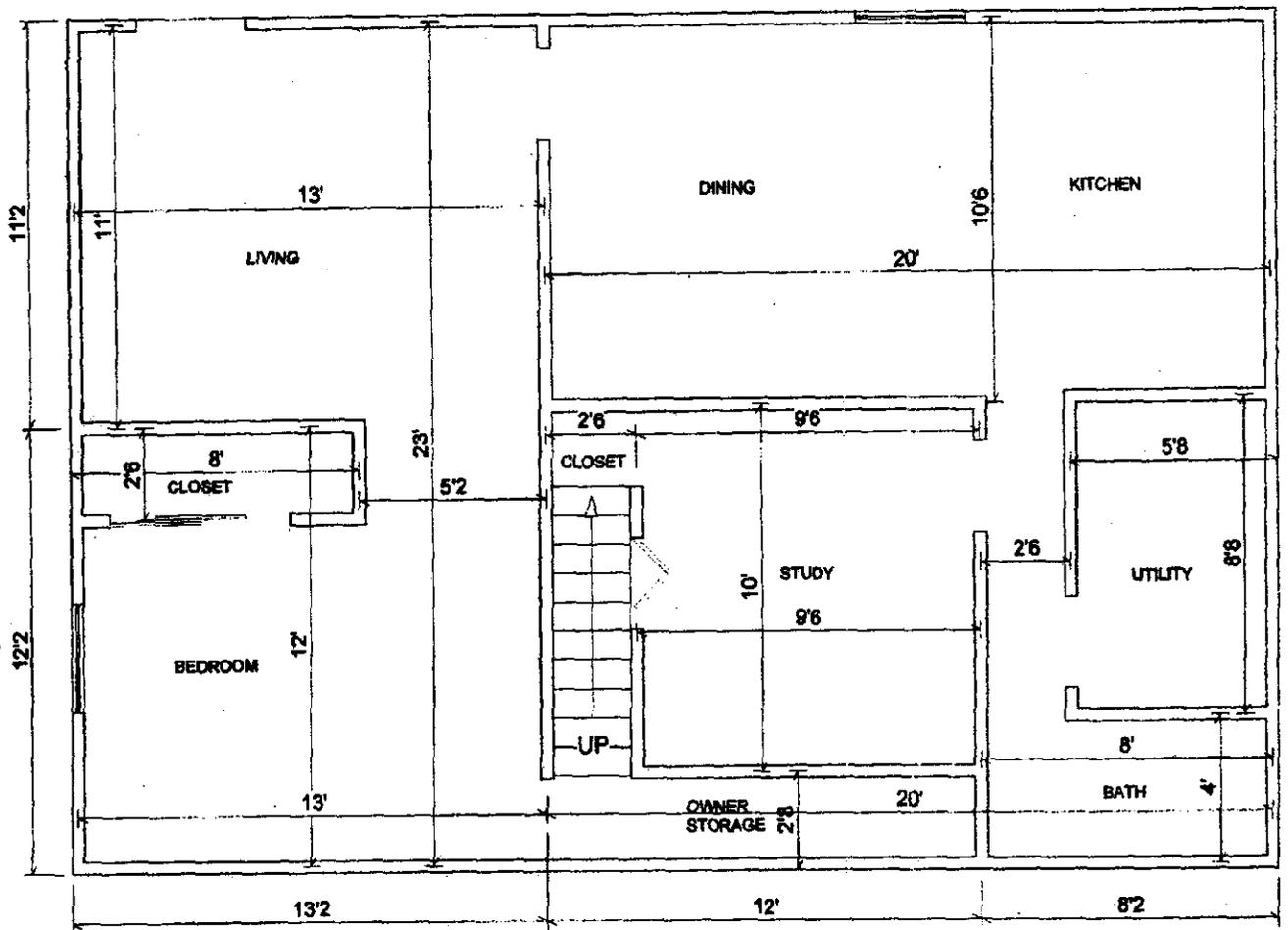
City BURKE County FAIRFAX COUNTY State VA Zip Code 22105-4173

Lender/Client PRIVATE - LORD Address 6616 SADDLEHORN COURT, BURKE, VA 22105-4173



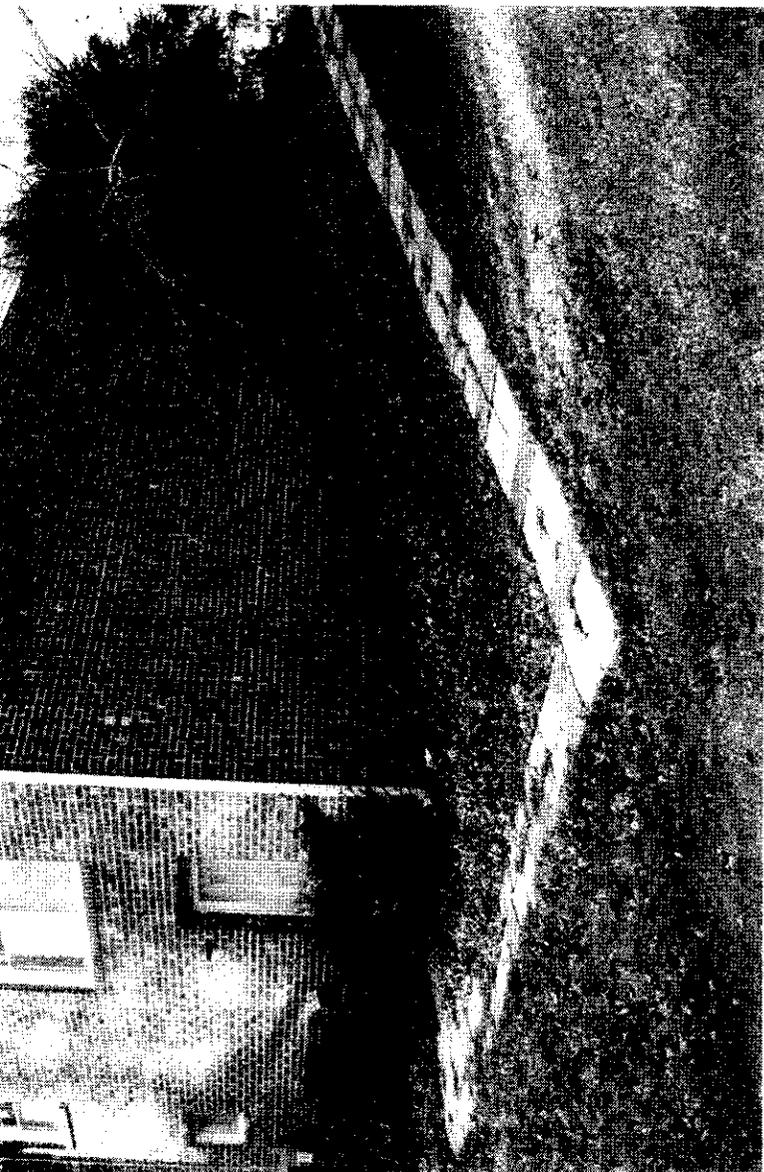
LORD ACCESSORY DWELLING UNIT

ENTRANCE

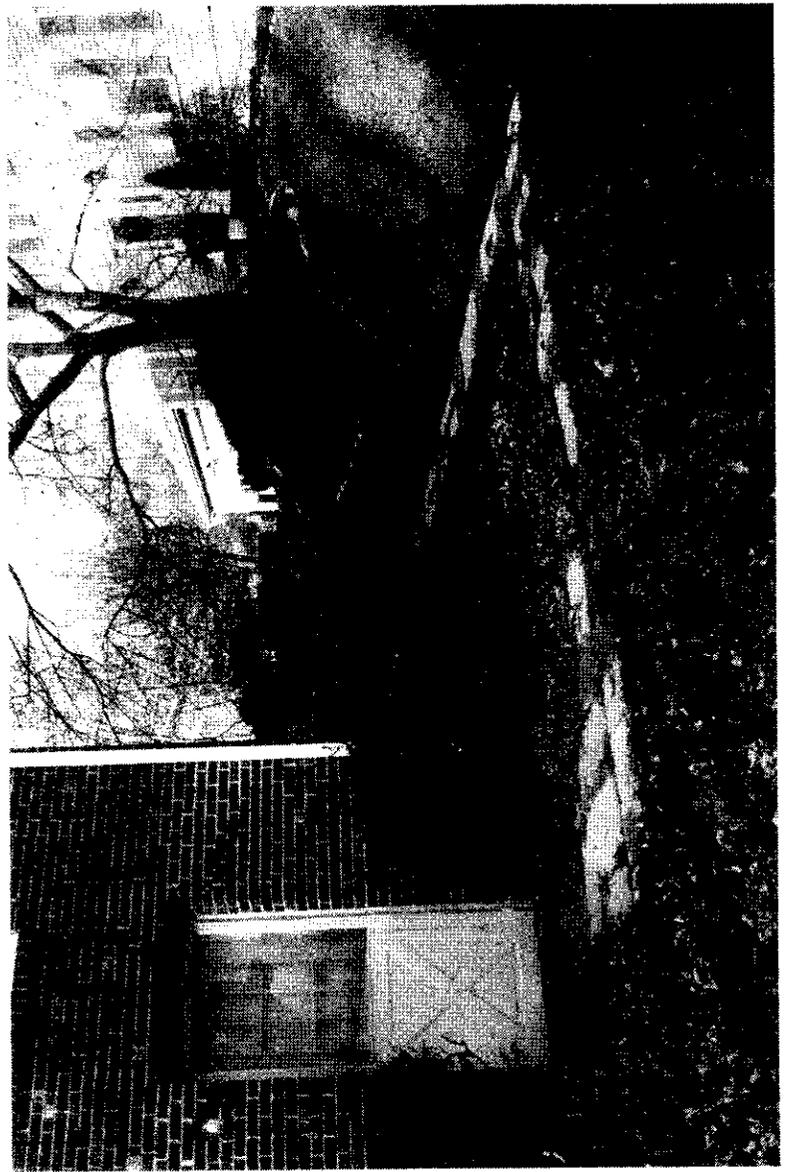


PROPOSED WINDOW

**EAST ELEVATION, HOME REAR,  
OWNER OCCUPANT'S  
SECONDARY EGRESS/EXIT,  
ACCESSORY DWELLING UNIT'S  
PRIMARY EGRESS/EXIT**



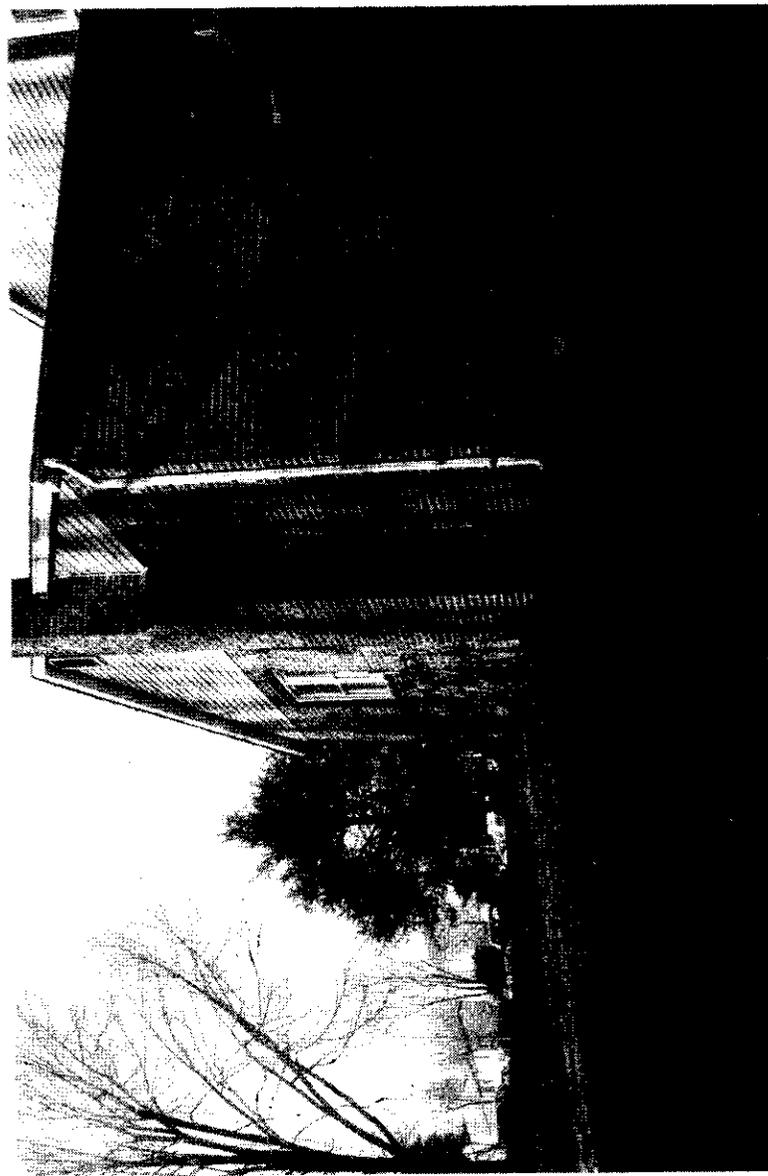
**SOUTH ELEVATION, HOME REAR,  
OWNER OCCUPANT'S  
SECONDARY EGRESS/EXIT,  
ACCESSORY DWELLING UNIT'S  
PRIMARY EGRESS/EXIT**



**SOUTH ELEVATION, HOME REAR,  
OWNER OCCUPANT'S  
SECONDARY EGRESS/EXIT,  
ACCESSORY DWELLING UNIT'S  
PRIMARY EGRESS/EXIT**



**WEST ELEVATION, HOME REAR,  
OWNER OCCUPANT'S  
SECONDARY EGRESS/EXIT,  
ACCESSORY DWELLING UNIT'S  
SECONDARY EGRESS/EXIT**



**NORTH ELEVATION, HOME FRONT,  
OWNER OCCUPANT'S  
PRIMARY EGRESS/EXIT,  
ACCESSORY DWELLING UNIT'S  
SECONDARY EGRESS/EXIT**



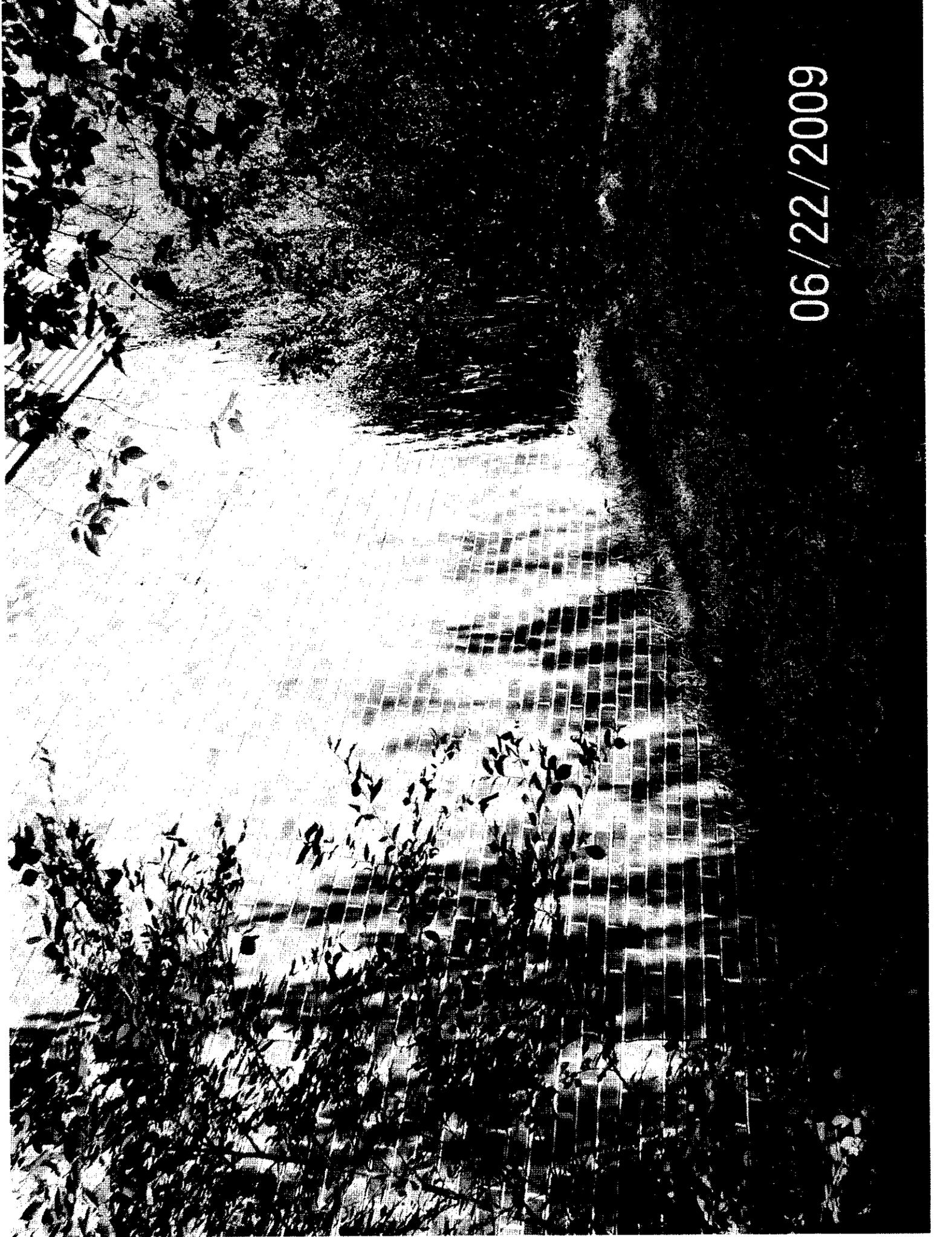
**NORTH ELEVATION, HOME FRONT,  
OWNER OCCUPANT'S  
PRIMARY EGRESS/EXIT,  
ACCESSORY DWELLING UNIT'S  
SECONDARY EGRESS/EXIT,  
AND PRIMARY AUTOMOBILE PARKING  
ADJACENT TO  
SECONDARY STREET PARKING**





06/22/2009

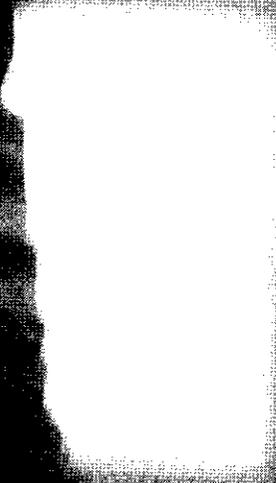
06/22/2009



06/22/2009



06/22/2009



**DESCRIPTION OF THE APPLICATION**

**Special Permit Request:** To permit an accessory dwelling unit to be located in the basement of the principal structure.

**Size of Principal Dwelling:** 3,273 square feet (includes the basement level)

**Size of Accessory Dwelling Unit:** 659 square feet (total area of basement level is 759 s.f.)

**Lot Size:** 9,400 square feet

**LOCATION AND CHARACTER**

**Existing Site Description:** The subject property is located at the end of the cul-de-sac on Saddlehorn Court. The 9,400 square foot lot is developed with a two-story, vinyl and brick, single family detached dwelling, with a finished basement apartment. Vehicular access is provided via a double-wide concrete driveway that is accessed from Saddlehorn Court and terminates at the attached two-car garage. The driveway measures approximately 55 feet x 18 feet, and appears to be able to accommodate up to four (4) vehicles. A wooden deck with steps that lead into the rear yard are located at the rear of the house with a sliding glass door entrance to the primary dwelling; a separate external entrance to the accessory dwelling unit leads into an area depicted on the floor plan as "Rec Room" and is located east of the deck. A brick paver walkway leads from the front of the dwelling and extends along the eastern property line to the accessory dwelling unit entrance. The subject property has a large landscaped lawn and the topography of the site slopes downward from the road to the rear of the property.

**Surrounding Area Description:**

Direction	Use	Zoning	Plan
North	Single Family Dwellings	R-3; PDH-3; R-2; R-1	Residential, 2-3 du/ac
South	Single Family Dwellings	R-2	Residential, 2-3 du/ac
East	Single Family Dwellings	R-2	Residential, 2-3 du/ac
West	Single Family Dwellings	R-2	Residential, 2-3 du/ac

## **BACKGROUND**

### **Site History**

County records indicate that the dwelling was originally constructed in 1981. On June 17, 2008, the property owners were issued a notice of violation for multiple dwelling units on the site, in violation of Sect. 2-501 of the Fairfax County Zoning Ordinance (Appendix 4).

The separate dwelling is located in the basement of the principal dwelling and is equipped with a full kitchen including an electric stove, microwave oven, sink and cabinetry. The owner has stated that the lower level apartment existed at the time the house was purchased in 1985. There are currently no records on file for the approval of or the construction of the second kitchen, or for modifications to the basement level.

Upon inspection of the site, it has been determined that the accessory dwelling unit use will require structural changes that include the construction of a window in the bedroom to provide for adequate emergency ingress and egress, as well as possible electrical upgrades to the kitchen area. Staff has proposed development conditions to address these issues.

## **COMPREHENSIVE PLAN PROVISIONS**

**Plan Area:** Pohick Planning District; Area III  
**Planning Sector:** P6 Middle Run Community Planning Sector  
**Plan Map:** Residential, 2-3 du/ac

## **ANALYSIS**

### **Special Permit Plat (Copy at front of staff report)**

**Title of SP Plat:** House Location Survey, Lot 8-10, Section I  
Orange Hunt West, Springfield District, Fairfax County, Virginia

**Prepared By:** Dewberry & Davis, signed by John T. Monaghan, Certified Land Surveyor, with notes by the applicant

**Dated:** April 21, 1981 (Wall Check)

### **Proposed Use**

The applicant is requesting approval of a special permit for an accessory dwelling unit to include a rec room, one bedroom, dining room, kitchen, a study, and one bathroom located on the basement level of the existing two-story dwelling. The gross floor area of

the principal dwelling, which includes the 759 square-foot basement, is 3,273 square feet, of which 1,145 square feet, or 35%, could be utilized for an accessory dwelling unit. The lower level of the principal dwelling consists of 759 square feet. The accessory dwelling unit consists of approximately 659 square feet, or 20% of the gross floor area of the dwelling. The remaining 100 feet of the basement consists of the owner's storage room and a utility room. The applicant resides in the principal dwelling and meets the criteria of being 55 years of age or older. The accessory dwelling unit appeared vacant at the time of the site visit.

### **Land Use Analysis**

There is no parcel specific text in the Comprehensive Plan for this site, but the Plan does recommend residential uses with a density of 2-3 dwelling units per acre for this area. In staff's opinion, the proposed accessory dwelling use is in harmony with the Comprehensive 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.

### **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)
- 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-037, 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. Notice of Violation
5. Applicable Zoning Ordinance Provisions

## **PROPOSED DEVELOPMENT CONDITIONS**

**SP 2009-SP-037**

**July 28, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-SP-037 located at Tax Map 88-1 ((11)) 9, 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, Richard Lord, and is not transferable without further action of this Board, and is for the location indicated on the application, 6616 Saddlehorn Court (9,400 square feet), and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses indicated on the house location survey plat prepared by Dewberry & Davis, signed by John T. Monaghan, Certified Land Surveyor, with notes by the applicant, dated April 21, 1981 (Wall Check) 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. Prior to occupancy of the accessory dwelling unit, the applicant shall bring the accessory dwelling unit into conformance with the Residential Building Code as required by the Department of Public Works and Environmental Services.
6. Prior to occupancy of the accessory dwelling unit, all applicable permits and final inspections shall be obtained for the kitchen located within the unit.
7. The accessory dwelling unit shall contain a maximum of 659 square feet, including a maximum of one (1) bedroom as shown on Attachment 1.
8. 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.
9. 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.

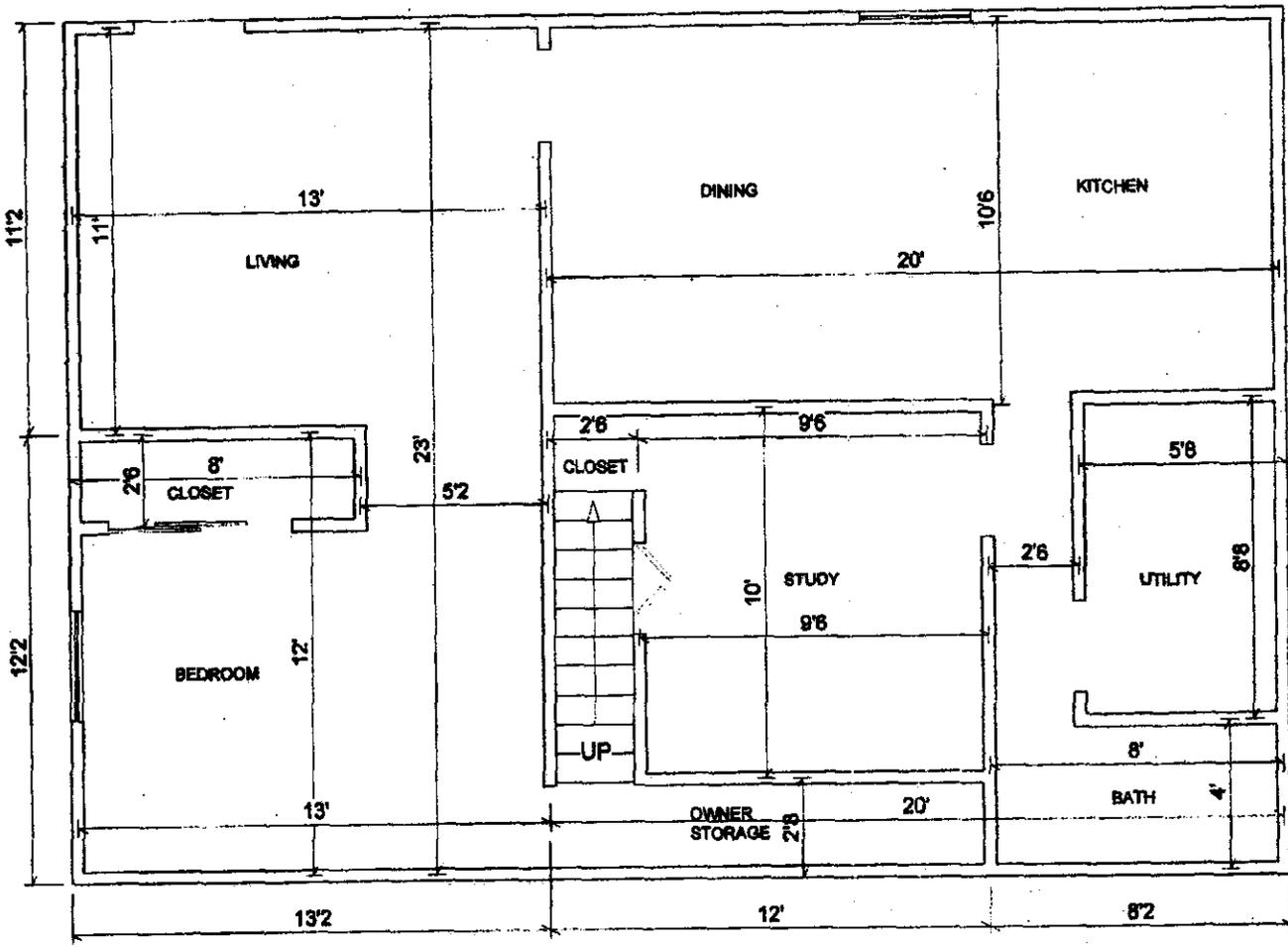
10. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
11. Parking shall be provided on-site.

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 in the condition 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.

LORD ACCESSORY DWELLING UNIT

ENTRANCE



PROPOSED WINDOW

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: February 12, 2009  
 (enter date affidavit is notarized)

I, Richard L. Lord, 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

103299a

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 <b>BOLD</b> above)
Richard L. Lord	6616 Saddlehorn Ct. Burke, Virginia 22015	Applicant/Title Owner
Nancy Zearfoss Lord	6616 Saddlehorn Ct. Burke, Virginia 22015	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: February 12, 2009  
(enter date affidavit is notarized)

103299a

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: February 12, 2009  
(enter date affidavit is notarized)

103899a

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

**PARTNERSHIP INFORMATION**

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

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

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

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: February 12, 2009  
(enter date affidavit is notarized)

103299a

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 12, 2009  
(enter date affidavit is notarized)

103299a

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)

Richard L. Lord

Applicant

Applicant's Authorized Agent

Richard L. Lord

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

Subscribed and sworn to before me this 12th day of February, 2009, in the State/Comm. of Washington, County/City of Columbia, Washington, D.C.

EDNA M. MURPHY  
Notary Public, District of Columbia

Edna M. Murphy  
Notary Public

My commission expires: My Commission Expires October 15, 2009

## Special Permit Statement of Justification

### Overview:

This application is for Fairfax County approval of the subject property finished basement as an auxiliary or dwelling unit separate from the property to include all normal living entitlements to include sleeping quarters and sanitation facilities, etc. However, it will not have an oven or stove at initial occupancy. The finished basement has a separate outside door entrance/exit at the rear of the property as well as a second entrance/exit at the front of the property leading upstairs to the foyer and front door of the main home. The finished basement is well maintained and suitable for one to two occupants. By Fairfax County ordinance, no more than two persons may occupy such a separate dwelling unit. Given the need for low cost affordable housing in Fairfax County, this dwelling unit is suitable for college students at nearby George Mason University, or low income persons such as newly-wed young couples or single mothers with limited incomes such as minimum wage or low to middle income jobs, in need of cost-conscious, clean, and safe housing. Such persons likely would be "at risk" also likely in need of a caring and nurturing home environment.

A floor plan is included in this application package in the attached *Appraisal Report*.

We submit this application at the mention by Mr. Charles P. Fitzhugh less we be in violation of County ordinances for letting out our finished basement either with unapproved living features, or without a Special permit.

The home owners are upright citizens of Fairfax County as the United States with one owner in the employ of US Immigration and Customs Enforcement, Criminal Alien Division, and the other with the US Government Accountability Office.

**A. Type of Operation:**

Auxiliary Dwelling Unit for residential occupancy.

**B. Hours of Operation:**

Continuous

**C. Estimated Number of Patrons/Clients/Patients/Pupils/etc.:**

One to two

**D. Proposed Number of Employees/Attendants/Teachers/etc.:**

Two owner occupants

RECEIVED  
Department of Planning & Zoning

JAN 13 2009

Zoning Evaluation Division

**E. Estimated Traffic Impact:**

**One to two parked motor vehicles**

**F. Vicinity or General Area to be Served by the Use:**

**Fairfax County in the West Springfield voting district and area contiguous to George Mason University**

**G. Description of Building Facade and Architecture of Proposed New Building or Additions:**

**Current finished basement in an existing single family home.**

**H. A Listing of Known Hazardous or Toxic Substances:**

**None**

**I. Statement of Conformity:**

**This independent dwelling unit will abide by all Fairfax County ordinances concerning occupancy in that it will not have more than four unrelated adults, and will abide by all County parking requirements. This permit will need a waiver from any other County ordinances concerning zoning restrictions.**

## **Addendum to Application for a Special Permit for an Accessory Dwelling Unit**

**Reference: Letter from Application Acceptance Section dated February 17, 2009 noting application deficiencies applicant is to correct for application acceptance.**

**Applicants: Richard Lord and Nancy Lord Zearfoss**

**Address: 6616 Saddlehorn Ct., Burke, Virginia 22015**

**Addendum Responses to "Checklist Report" of Submission Requirement Deficiencies:**

**Deficiency 1. Require four copies of application on forms provided by the County where the applicant provided one, and with needed application corrections.**

**Response: Attached are one original and four copies as corrected.**

**Deficiency 2. Need written statement from applicant describing use including response addressing 8-918 Standards. Partial statement previously submitted, and 8-918 responses follow.**

**Responses:**

**Standard 1. This single/sole accessory dwelling unit is associated with a single family unit.**

**Standard 2. This single/sole accessory dwelling unit is located within a single family unit.**

**Standard 3. The gross floor area of the accessory dwelling unit is less than Thirty-five (35) percent of the total gross floor area of the of the freestanding structure and the principal dwelling unit. It is actually less than twenty-five (25) percent. See floor use drawings of the principal and accessory dwelling units previously provided.**

**Standard 4. The accessory dwelling unit does not contain more than two bedrooms and in fact only contains only one bedroom.**

**Standard 5. The occupancy of the principal dwelling is (A) owner occupied and the owners satisfy another stipulation (B) as to age where they both are over fifty-five (55) years of age being age sixty-two (62), and (C) the owner occupants are related by marriage and shall not share occupancy with more than two (2) unrelated persons associated with the accessory dwelling unit. In all, there shall not be more than a group of four (4) persons not necessarily related by blood or marriage.**

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MAR 19 2009

Zoning Evaluation Division

**Standard 6. This accessory dwelling unit will not be occupied by a disabled person.**

**Standard 7. The principal dwelling unit has a two-car garage and driveway suitable for two or more additional motor vehicles. In addition, there is street parking whereby the owner occupants are entitled to one or more street parking spaces. Note: a next-door neighbor with a family of four has a one-car garage with a two-car driveway, and has four cars, two SUV's, one pickup truck, and at times a horse trailer, where five of these eight vehicles are parked on the street.**

**Standard 8. As the accessory dwelling unit is located within the confines of the principal dwelling unit, it does not modify or disrupt the predominant character of the neighborhood either visually or by way of occupancy as there shall be no more than four (4) persons residing in the combined dwelling units, including the owner occupants.**

**Standard 9. The accessory dwelling unit meets all applicable regulations for building, safety, health and sanitation including a separate and private bathroom.**

**Standard 10. The accessory dwelling unit shall abide by all accompanying conditions set forth by the County.**

**Standard 11. The owners shall make provisions to provide access to allow inspections of the property by County personnel during reasonable hours upon prior notice.**

**Standard 12. The accessory dwelling unit shall be established in accordance with all time periods established by the County.**

**Standard 13. The accessory dwelling unit is in accord with any prior approvals.**

**Deficiency 3. Need one 8 ½ x 11 reduction of the special permit plat.**

**Response: Attached**

**Deficiency 4. (1.00) A Special Permit Plat, certified by a professional engineer, land surveyor, or architect licensed by the State of Virginia, including any resubmissions and supporting graphs, shall be filed in twenty two (22) copies, showing the following:**

**Response: Applicant supplied twenty two (22) copies of the required Special Permit Plat. The applicant requests of the County a waiver of Plat requirements to permit use of the existing Plat in lieu of having a Plat revised, and to accept the provided Plat as is contains and meets all the requirements set forth by the County as follows:**

**1.01 In English units scale as stipulated.**

**1.02 Presented on a sheet of less than 24" x 36"**

**1.03 Meets boundaries requirements.**

**1.04 Presented in square feet or acres.**

**1.05 Has scale and North arrow.**

**1.06 Has location and dimensions. There are no ancillary structures on the property such as a shed or fence.**

**1.09 Has yardage. There is the normal home soffit and fascia, but no overhangs.**

**1.12 Shows means of egress. In addition, attached are photographs and orientation description of all means of egress.**

**1.13 Shows parking.**

**1.14 Shows parking spaces provided.**

**1.15 Has and shows public water and sewer.**

**1.38 Has seal and signature of person certifying plat**

**Deficiency 5. Statement setting forth floor area, usage, etc.**

**Responses:**

**A. Floor area: The floor area for the owner occupants is 2,600sf (not including the two care garage), and the floor area for the accessory dwelling unit is 1,000sf for a total of 3,600sf.**

**B. Age requirement of occupants: The age requirements for all occupant(s) of the accessory dwelling unit is that they shall be of legal age for independent living set forth by the State of Virginia and the County. There shall be two adults or one adult and one minor child in the legal care of the adult. Further, the preferred age shall be twenty-one (21) or older except for extraordinary circumstances related to the health, safety, and well being of the occupant(s) and as may be approved by the County.**

**C. Number of Bedrooms: One**

**D. Square footage and percent for dwelling unit @ 2,600sf = 72% and the accessory dwelling unit @ 1,000sf = 28%.**



# County of Fairfax, Virginia

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

June 17, 2008

## NOTICE OF VIOLATION

### CERTIFIED MAIL

Return Receipt Requested

Receipt #7099 3400 0007 0874 0086

Richard L. Lord  
Nancy Zearfoss  
6616 Saddlehorn Court  
Burke, VA 22015

Re: 6616 Saddlehorn Court  
Orange Hunt West, Lot 9, Section 1  
Tax Map Ref: 88-1 ((11)) 0009  
Zoning District: R-3

Dear Property Owners:

A zoning investigation of the above-referenced property revealed the basement has been converted into a separate independent living facility which includes permanent provisions for living, sleeping, eating, cooking, and sanitation. For your information and review, a dwelling unit is defined in Part 3 of Article 20 of the Fairfax County Zoning Ordinance as:

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

Therefore, you are in violation of Sect. 2-501 of the Zoning Ordinance that states, in part:

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

Richard L. Lord  
Nancy Zearfoss  
June 17, 2008  
Page 2

You are, hereby, directed to clear this violation within thirty (30) days receipt of this notice. Compliance can be accomplished by:

- Removing the second kitchen from the dwelling unit. This can be accomplished by removing the stove, all utilities associated with the stove, and range hood if applicable.

A follow-up inspection will be made at the expiration of this period. If you have failed to comply, with this notice, it may result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party, and any other information you may wish to submit and a \$375.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1477 or (703) 324-1300.

Sincerely,



Russell J. Munyan Jr.  
Property Maintenance/Zoning Inspector

RJMjr/seg

**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

### **8-903 Standards For All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

### **8-918 Additional Standards for Accessory Dwelling Units**

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

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:

- A. One of the dwelling units shall be owner occupied.
- B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:

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

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

- C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
    - (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
    - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally,

reasonable access and mobility for physically disabled persons shall include:

A. Uninterrupted access to one (1) entrance; and

B. Accessibility and usability of one (1) toilet room.

7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.
8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.
13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.