



APPLICATION ACCEPTED: June 23, 2009
BOARD OF ZONING APPEALS: September 15, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 8, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-MA-050

MASON DISTRICT

APPLICANT/OWNER: Mary M. LaViolette-Ange
SUBDIVISION: Crestwood Manor
STREET ADDRESS: 4607 Exeter Street
TAX MAP REFERENCE: 71-1 ((17)) (7) 4
LOT SIZE: 8,430 square feet
ZONING DISTRICT: R-4
ZONING ORDINANCE PROVISIONS: 8-918
SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-MA-050, 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:\dhedri\Special Permits\9-15) SP 2009-MA-050 Laviolette-Ange\SP 2009-MA-050 Laviolette-Ange staff report.doc
Deborah Hedrick*

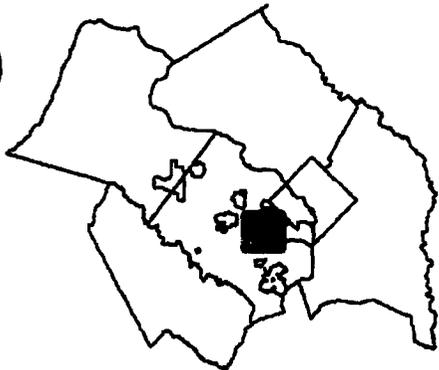
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

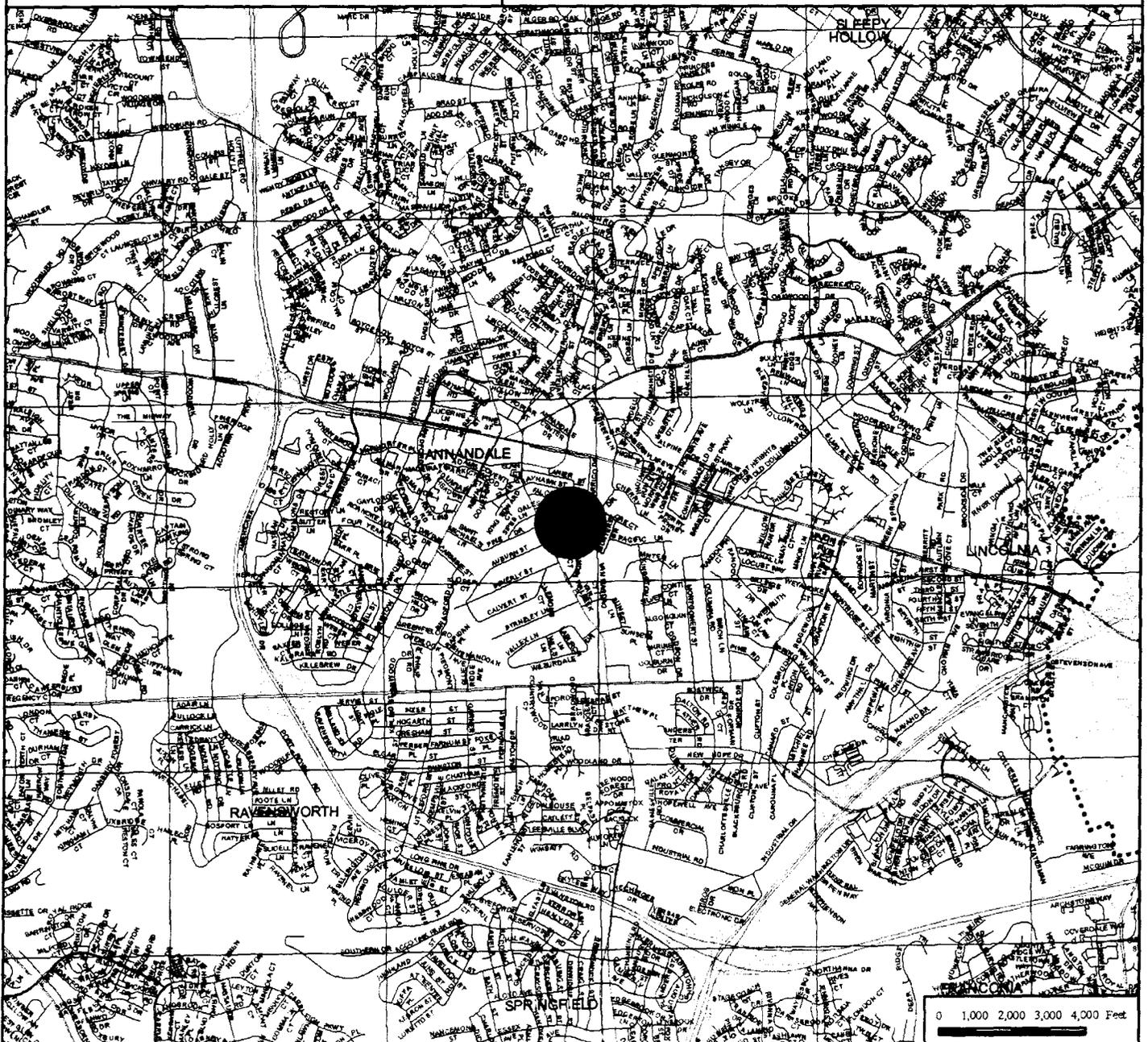


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2009-MA-050



Applicant: MARY LAVIOLETTE-ANGE
Accepted: 06/23/2009
Proposed: ACCESSORY DWELLING UNIT
Area: 8,430 SF OF LAND; DISTRICT - MASON
Zoning Dist Sect: 08-0918
Art 8 Group and Use: 9-17
Located: 4607 EXETER STREET
Zoning: R- 4
Overlay Dist:
Map Ref Num: 071-1- /17/07/0004

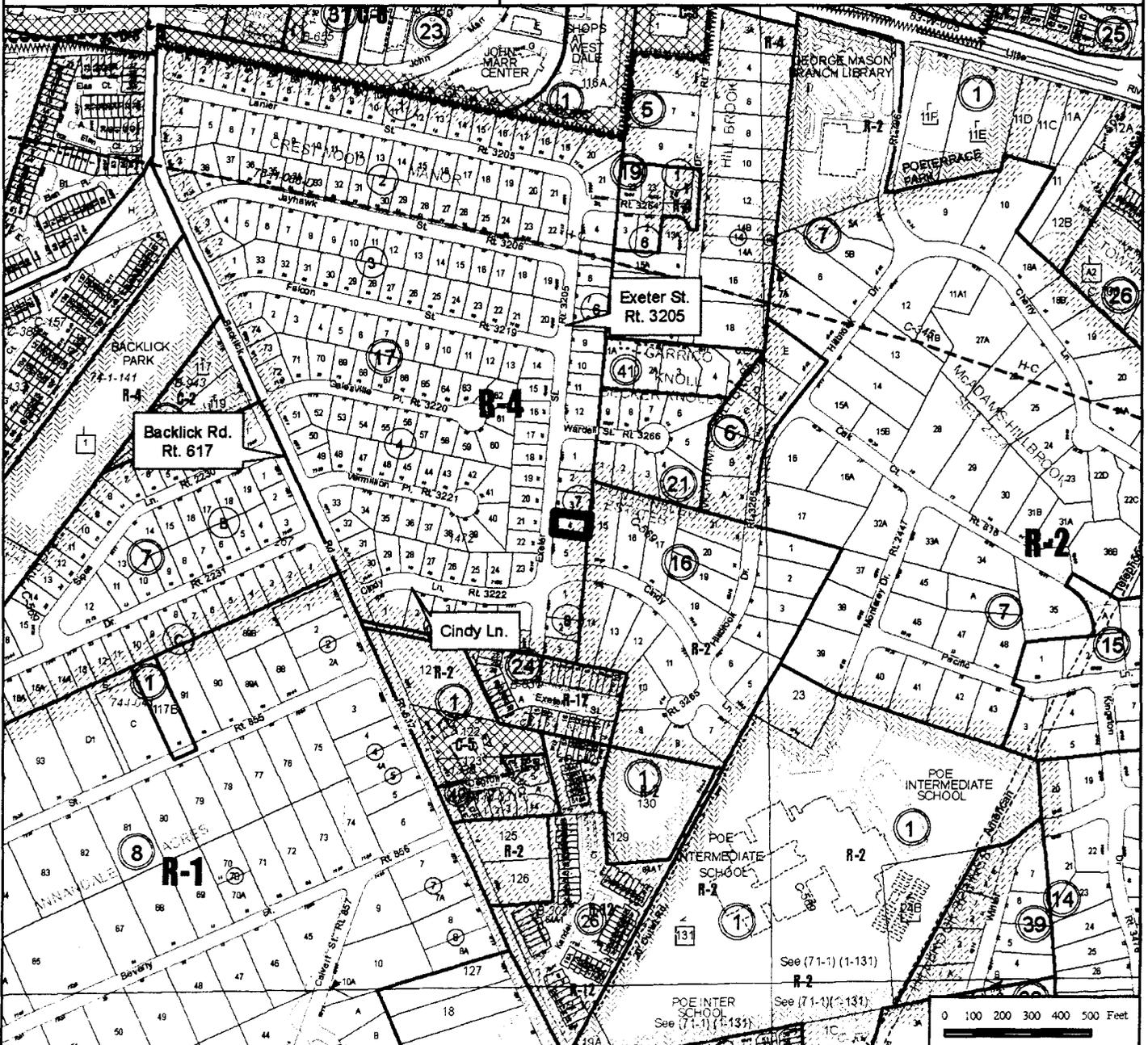


Special Permit

SP 2009-MA-050

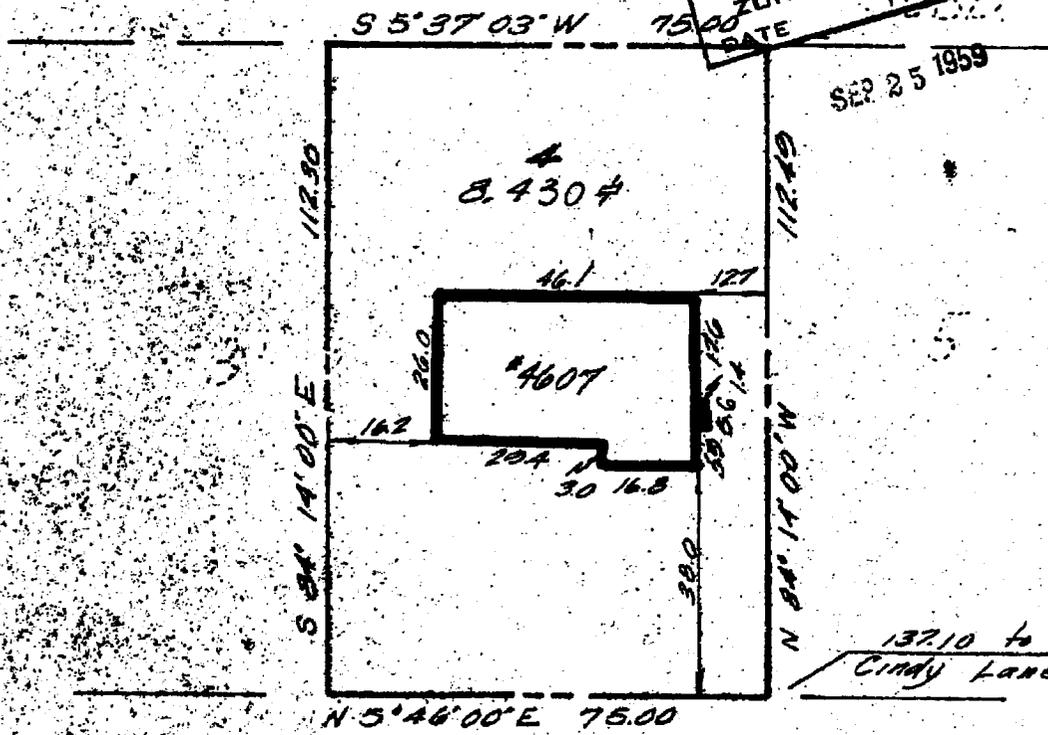


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HOUSE LOCATION SURVEY
LOT 4 BLK 7
CRESTWOOD MANOR
 MASON MAGISTERIAL DISTRICT
 FAIRFAX COUNTY, VA.

FINAL APPROVAL
 ZONING ADMINISTRATOR
 DATE



SEP 25 1959

EXETER STREET
 (50' WIDE)

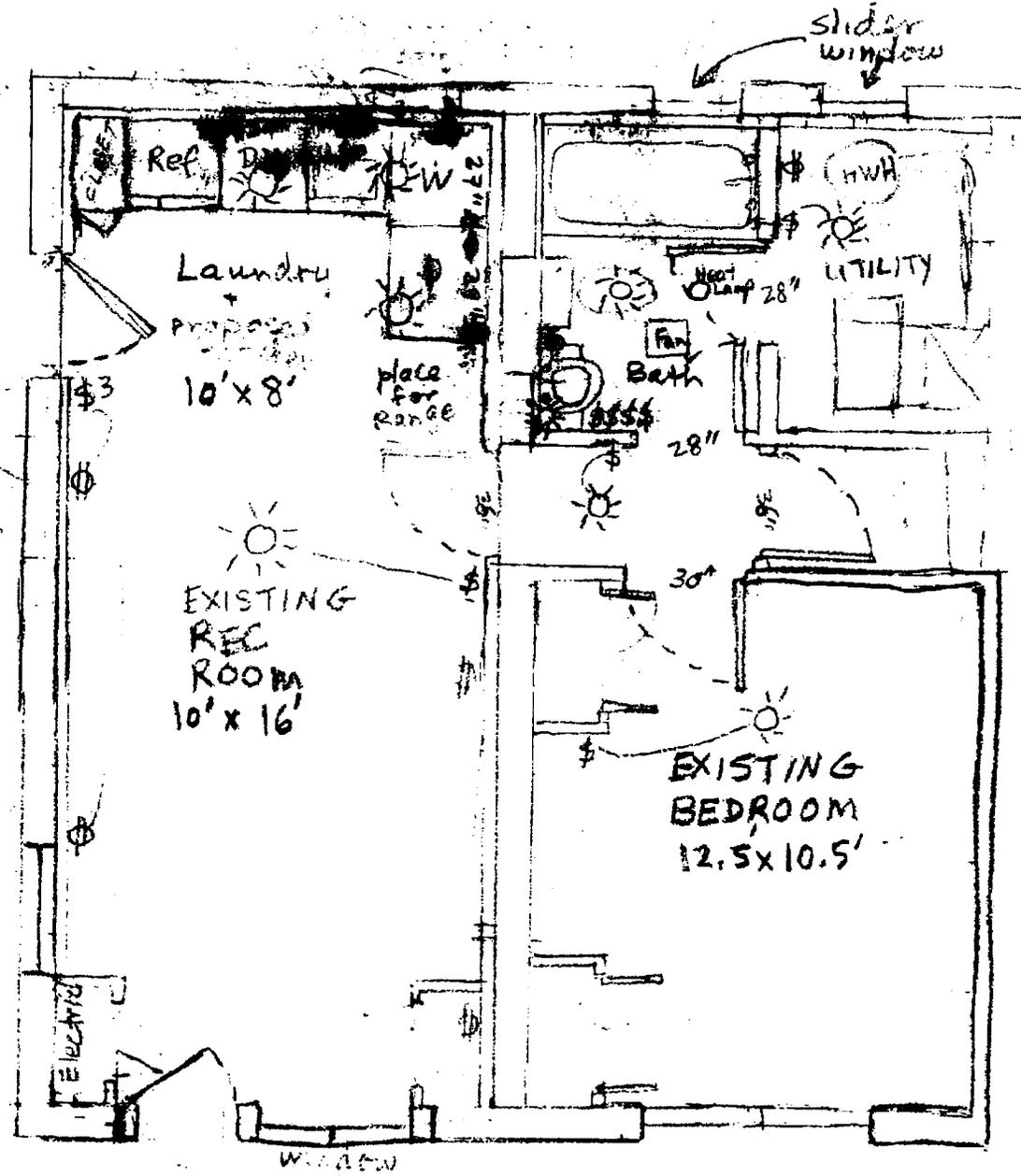
RECEIVED
 Department of Planning & Zoning

MAR 31 2009

Zoning Evaluation Division

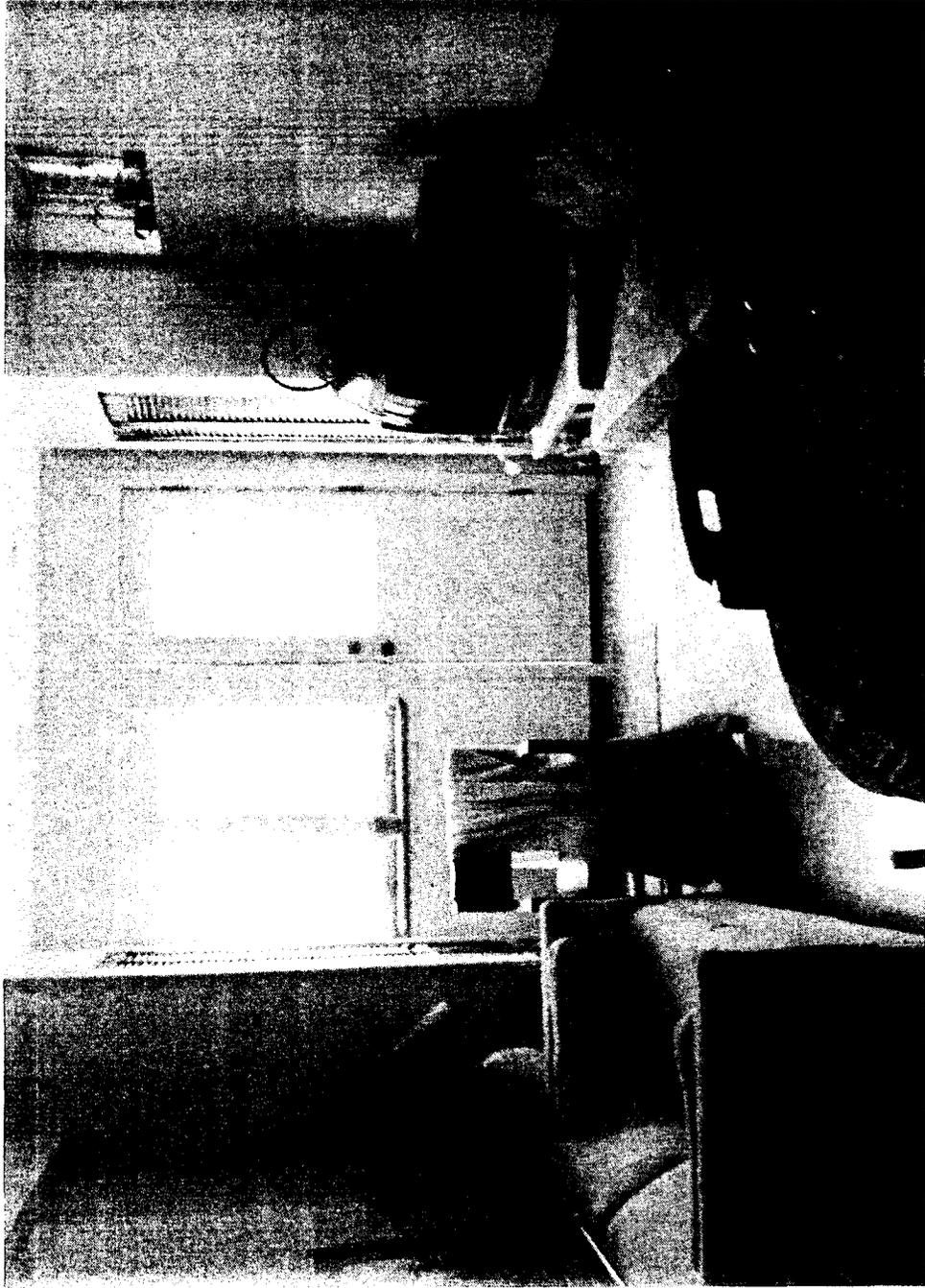
CERTIFIED CORNER <i>Herman J. Carson</i> CERTIFIED LAND SURVEYOR 5/18 1953	SPRINGFIELD SURVEYS SPRINGFIELD, VIRGINIA	SCALE 1"=30'	DATE 8-18-59
		DRAWN BY: NF	CK'D. BY: U
		JOB NO. VAF101	FIELD BK. No. 150 p. 79

20' 10 1/2"
128"











Facing NE looking at SW front corner of our house.

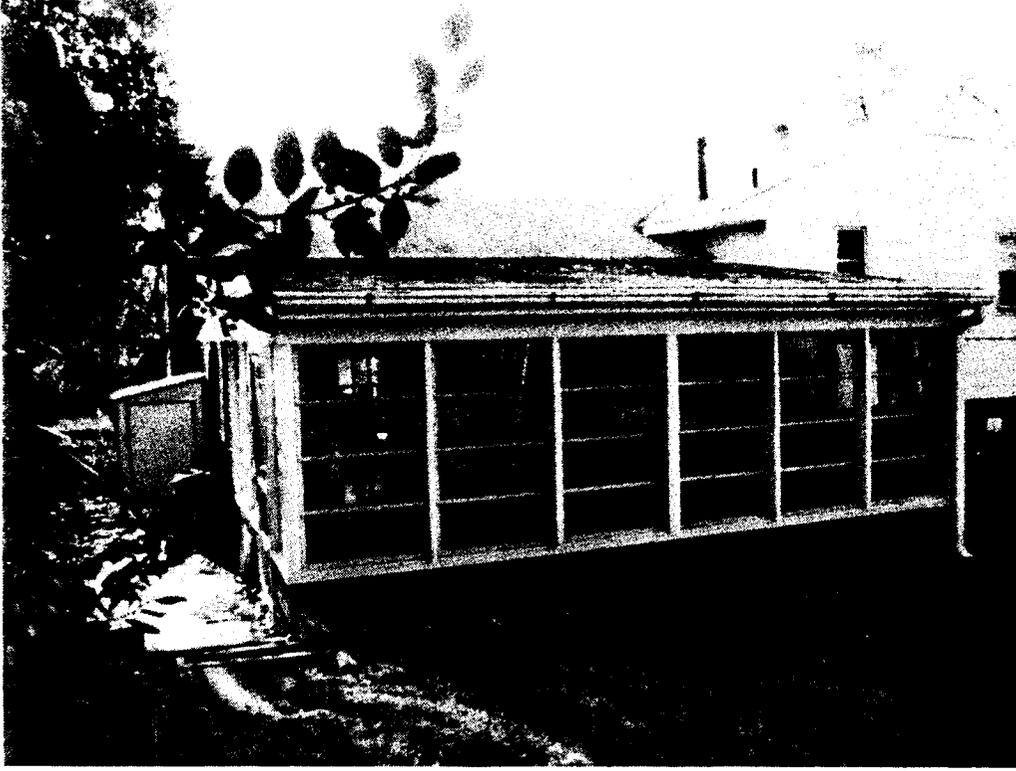


Facing SW looking across at 4616 Exeter Street.

STEVENS
PROPERTY RECORDING & ZONING

MAR 31 2015

COMMERCIAL DIVISION



Facing NW looking at SE rear corner of our house.



Facing SE to 4609 Exeter shed & Cindy Ln house.

RECEIVED
Department of Planning & Zoning

MAR 31 2008

Zoning/Inspection Division



Facing east looking at our front door.



Facing west looking across to 4614 Exeter neighbor

RECEIVED
Department of Planning & Zoning

MAR 31 2009

Zoning Evaluation Division



Facing SW looking at NW front corner of our house.



Facing NW looking diagonally across to 4612 Exeter



Facing West looking at the back of our house.



Facing East to back woods of neighbor on Cindy Ln

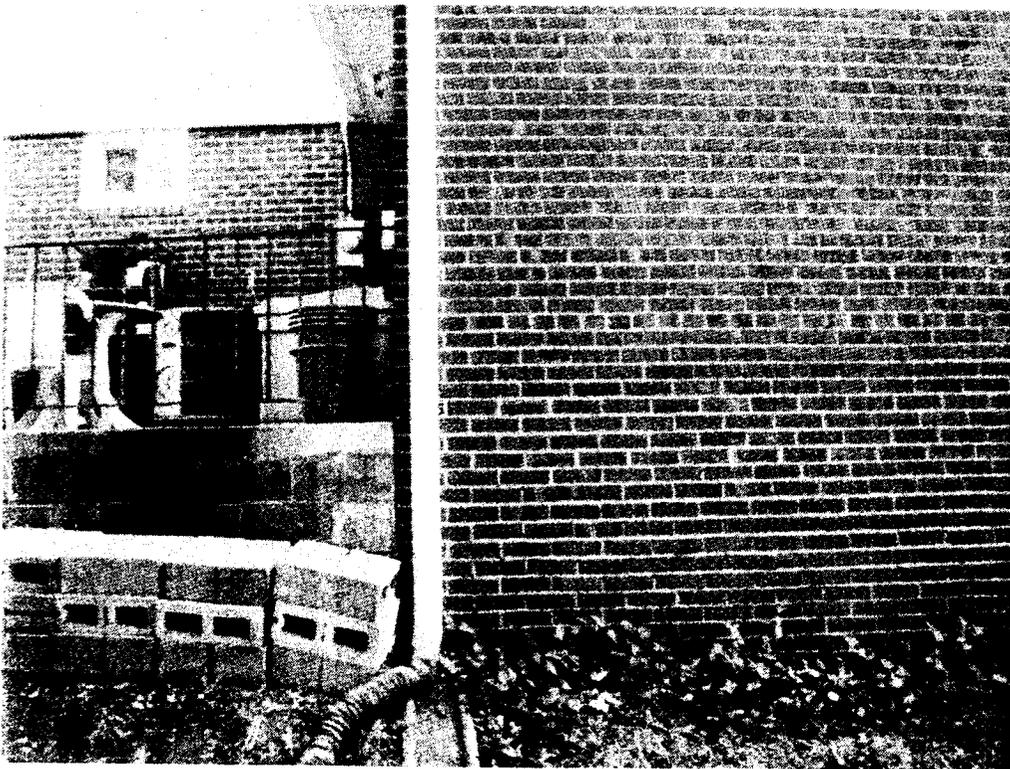
RECEIVED
Department of Planning & Zoning

MAR 31 2009

Zoning Evaluation Division



Facing north looking at the south side of our house.



Facing south looking at side of 4609 Exeter Street.

RECEIVED
Department of Planning & Zoning

MAR 31 2005

Zoning, Evaluative Division



Facing SW looking at NE rear corner of our house.



Facing NE to rear woods of Cindy Lane neighbor.

RECEIVED
Department of Planning & Zoning

MAR 31 2008

Zoning Evaluation Division



Facing south looking at north side of our house.



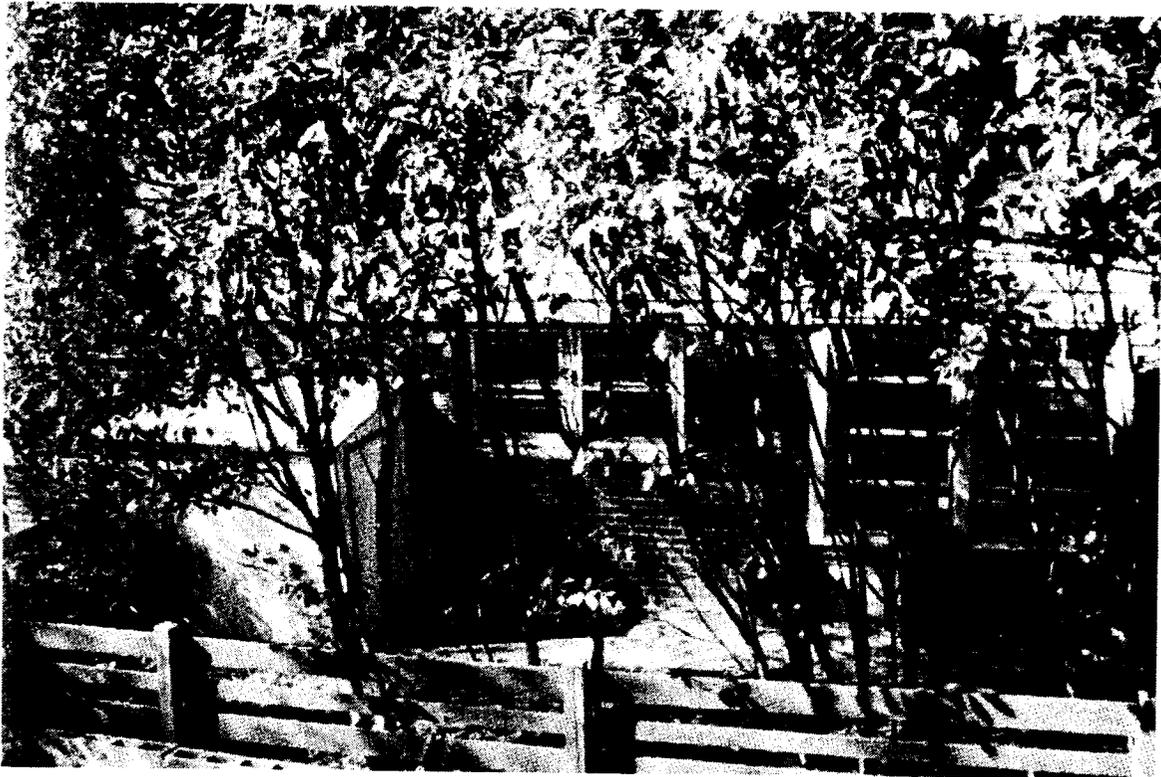
Facing north looking at side of 4605 Exeter neighbor

RECEIVED
Department of Planning & Zoning

MAR 31 2009

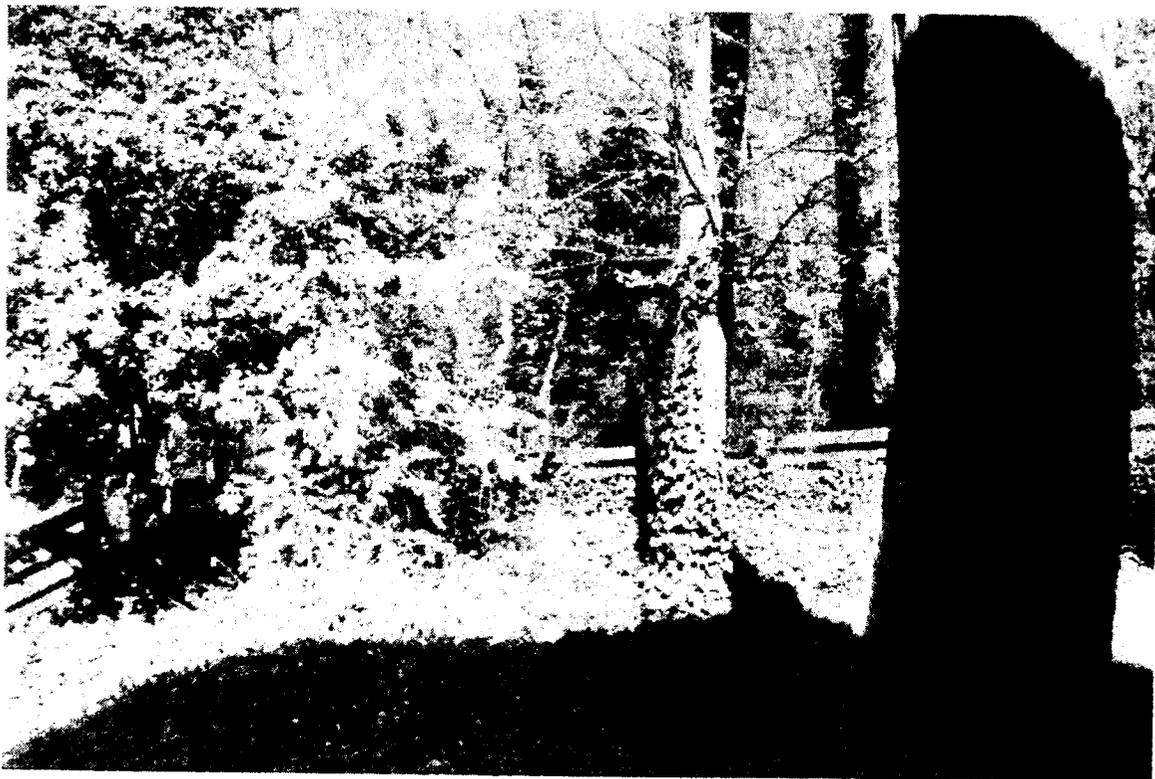
Zoning Evaluation Section

17



From 4609 Exeter neighbor of our south side yard.

18



From NE corner of our house of NE corner of back yard.
18-20 are a sequence from left to right, North to South.

4607 Exeter Street, Annandale, VA 22003 APRIL 23, 2009

(19)



From rear of our house of middle of back yard.

(20)



From rear of our house of SE corner of back yard.

DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling unit.

Size of Principal Dwelling: 1,247 square feet of above grade living space

Size of Accessory Dwelling Unit: 423 square feet

Lot Size: 8,430 square feet

LOCATION AND CHARACTER

Existing Site Description

The application property is located at 4607 Exeter Street in the Crestwood Manor subdivision. The 8,430 square foot site is developed with a brick front, vinyl siding, split level single family detached dwelling. A concrete driveway is accessed from Exeter Street and terminates at the dwelling. The one-car garage was converted into living space, which is the space of the proposed accessory dwelling unit. The site contains a variety of mature shrubs and trees. No new construction is proposed for the dwelling.

Surrounding Area Description

Direction	Use	Zoning
North	Single Family Detached Dwellings	R-4
South	Single Family Detached Dwellings	R-4
East	Single Family Detached Dwellings	R-4
West	Single Family Detached Dwellings	R-2

BACKGROUND

Site History

County records indicate that the application dwelling was originally constructed in 1959. The floor plan provided indicates the one-car garage was converted into living space which now includes a recreation/living room and a full eat-in kitchen area. There is also one bedroom and a full bath.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: House Location Survey, Lot 4, Block 7, Crestwood Manor

Prepared By: Springfield Surveys

Dated: August 18, 1959

Proposed Use

The applicant is requesting approval of a special permit for an accessory dwelling unit. According to the applicant's statement of justification, the 423 square foot accessory unit will be located on the lower level of a split level dwelling and will include one bedroom, a bathroom, a living area and a full eat-in kitchen, comprising 34 percent of the total square footage of the dwelling. Currently, the applicant resides in the principal dwelling and her mother resides in the accessory dwelling. There is only one (1) car parked on site, as her mother does not drive. The driveway accommodates two on-site parking spaces. There are no proposed site modifications. The owner has stated that the request is to add the second kitchen to accommodate her mother residing in the dwelling. The applicant and her mother are both over 55 years of age.

Transportation Analysis (Appendix 4)

Issue:

The proposed application would not create any significant impacts on the surrounding public street system, provided that all parking is provided on-site.

Resolution:

The site is currently able to accommodate two (2) vehicles, parked in tandem, in the driveway. The applicant has indicated that her mother does not drive and therefore there is only one (1) vehicle parked on-site, with the ability to accommodate one (1) additional vehicle.

Fairfax County Department of Transportation (DOT) has determined that as long as the accessory dwelling unit is utilized by the applicant's mother, who does not drive, then no additional parking spaces are required. However, in the event that the applicant decides to rent the unit, staff would require the existing driveway be widened to accommodate up to three (3) cars. The widening required is considered a parallel parking space and would measure 8.5 feet by 16 feet to accommodate an additional vehicle. Staff has discussed this option with the applicant, who agrees to construct a third space, if needed. Staff has included a development condition to address this requirement and believe with adoption of the conditions that this issue has been resolved.

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 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-MA-050, 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. Transportation Analysis
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2009-MA-050****September 8, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-MA-050 located at Tax Map 71-1 ((17)) (7) 4, to permit an accessory dwelling unit under Section 8-918 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Mary LaViolette-Ange, and is not transferable without further action of this Board, and is for the location indicated on the application, 4607 Exeter Street (8,430 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 Springfield Surveys dated August 18, 1959, 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 occupants 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 423 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 prior to occupancy.
7. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
8. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.

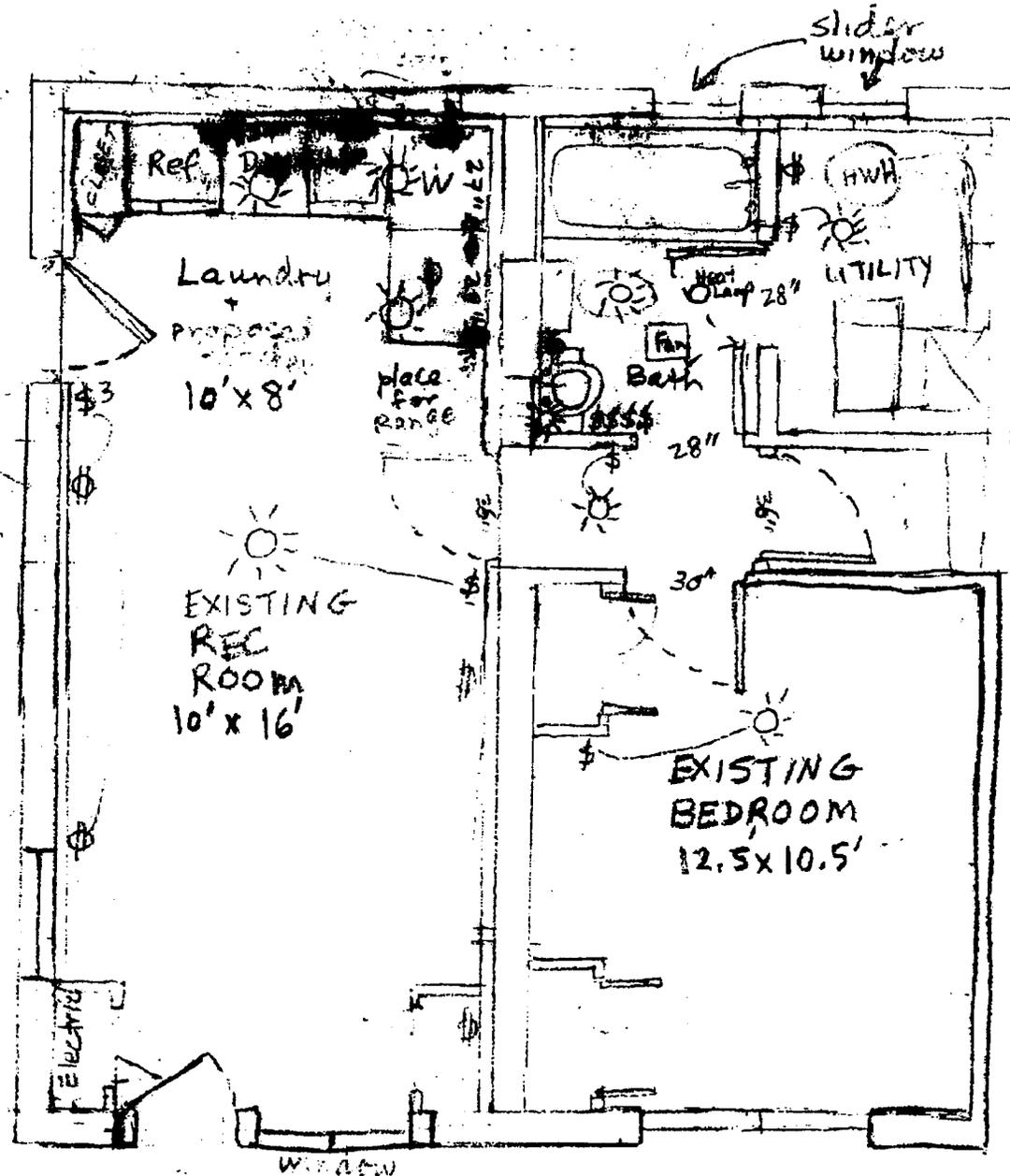
9. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
10. All parking shall be provided on-site. In the event the accessory unit is occupied by anyone other than the applicant's mother, prior to occupancy, an additional parking space shall be provided adjacent to the existing driveway to accommodate one (1) additional vehicle. The parking space shall measure approximately 8.5 feet x 18 feet in size. Access to all spaces shall be from the existing driveway entrance.

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.

108"
20" closet
128"

6' 7 1/2"



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 31, 2009
 (enter date affidavit is notarized)

Mary LaViolette-Ange, 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

104187

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)
Mary M LaViolette-Ange	4607 Exeter Street Annandale, VA 22003	self owner/applicant

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 31, 2009
(enter date affidavit is notarized)

104187

(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.

N/A

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 31, 2009
(enter date affidavit is notarized)

104187

(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.

N/A

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 31, 2009
(enter date affidavit is notarized)

104187

(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: March 31, 2009
(enter date affidavit is notarized)

104187

1. 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:



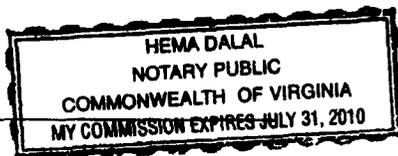
Mary LaViolette-Ange
[X] Applicant [] Applicant's Authorized Agent

Mary M LaViolette-Ange
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 31 day of March, 2009, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: _____



To Whom It May Concern:

I seek permission to create an accessory dwelling unit in my home with a second kitchen. My mother, Irene V. LaViolette, born Oct. 30, 1920 and a recent widow, plans to reside with me in living quarters on the lower level of my split level home. My mother enjoys preparing her own meals but avoids stairs as she has a history of falling and thus needs to have a kitchen on the same level as her bedroom and bathroom. Below I have addressed the relevant points of the Standards for Accessory Dwelling Units:

1. The accessory dwelling unit is the only accessory dwelling unit associated with my single family detached dwelling unit.
2. The accessory dwelling unit will be located within the structure of my single family detached dwelling unit on the lower level of my split level home. The proposed dwelling unit already has external entrances on the front and at the side of the structure.
3. The gross floor area of the accessory dwelling unit is 423 square feet which is 34% of the 1,247 square foot total gross floor area of the principal dwelling.
4. The accessory dwelling unit contains one bedroom.
5. The principal dwelling unit will be occupied by me (the owner) and my husband while the accessory dwelling unit will be occupied by my mother who is over 55 years of age and on occasion by my brother, Paul LaViolette, who is also over 55 years of age.
6. My mother is not disabled.
7. Two cars can easily be parked in our driveway and two or three more cars can be parked on the street in front of our house. We anticipate having a total of 3 cars.

Thank you for your kind consideration of my request.

Sincerely yours,

Mary LaViolette-Ange 4/23/09

Mary LaViolette-Ange

4607 Exeter Street

Annandale, VA 22003

703-354-4592

RECEIVED
Department of Planning & Zoning

APR 28 2009

Zoning Evaluation Division

To Whom It May Concern:

My mother, Irene V. LaViolette, born Oct. 30, 1920 and a recent widow, plans to reside with me in living quarters on the lower level of my split level home. My mother enjoys preparing her own meals but avoids stairs as she has a history of falling and so needs to have a kitchen on the same level as her bedroom and bathroom. I seek permission to have a second kitchen on the lower level of my home at the rear of the rec room combined with the laundry area.

Thank you for your kind consideration of my request.

Sincerely yours,



Mary LaViolette-Ange

4607 Exeter Street

Annandale, VA 22003

703-354-4592

RECEIVED
Department of Planning & Zoning

MAR 31 2009

Zoning Evaluation Division

To Whom It May Concern:

I would like to use my existing plat to fulfill the requirement of the special permit plat for my special permit application for a second kitchen for my mother.

I greatly appreciate your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mary LaViolette-Ange".

Mary LaViolette-Ange

RECEIVED
Department of Planning & Zoning
MAR 31 2009
Zoning Evaluation Division



County of Fairfax, Virginia

MEMORANDUM

DATE: August 3, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

SUBJECT: Transportation Impact

REFERENCE: SP 2009-Marry Laviolette-Ange
Land Identification Map: 71-1 ((17)) (7) 4

RECEIVED
DEPARTMENT OF PLANNING
AND ZONING

AUG 11 2009

SPECIAL PERMIT &
VARIANCE BRANCH

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this department dated March 3, 2009.

The proposed application for an accessory dwelling unit would not create any significant additional impacts on the surrounding public street system, provided all parking is provided on-site. With this provision/condition, this department would not object to the approval of the subject application.

AKR

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.