

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MARY LAVIOLETTE-ANGE, SP 2009-MA-050 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit. Located at 4607 Exeter St. on approx. 8,430 sq. ft. of land zoned R-4. Mason District. Tax Map 71-1 ((17)) (7) 4. Mr. Smith moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 15, 2009; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-4.
3. The area of the lot is 8,430 square-feet.
4. There is a limited scope, 423 square-foot recommendation from staff for approval.
5. The rationale of the staff in the staff report is adopted.
6. There are a limited number of occupants, a husband and wife, and in the accessory portion of the property will be an 89 year-old mother who will reside on the property.
7. Regarding the several letters of concern in the file from neighbors, their concerns are not justified under the specific facts in this case.
8. It will certainly remain a quiet family-friendly neighborhood.
9. It will not have any impact on traffic, as it was indicated the mother will not be driving, and there is a development condition to protect against that even if circumstances should change.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect. 8-918 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

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.

Ms. Gibb seconded the motion, which carried by a vote of 7-0.