



APPLICATION ACCEPTED: October 8, 2009
BOARD OF ZONING APPEALS: January 6, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

December 30, 2009

**STAFF REPORT
SPECIAL PERMIT APPLICATION NO. SP 2009-MA-097
MASON DISTRICT**

APPLICANT & OWNER: Iftikhar Khan
SUBDIVISION: Aura Heights
STREET ADDRESS: 3321 Wilkins Drive
TAX MAP REFERENCE: 61-1((13))24
LOT SIZE: 13,275 Square Feet
ZONING DISTRICT: R-3
ZONING ORDINANCE PROVISIONS: 8-918
SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit.

STAFF RECOMMENDATION: Staff recommends approval only with adoption of the development conditions as 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:\hedrick\SP 2009-MA-097 Iftikhar Khan

Debbie Hedrick/Susan Langdon

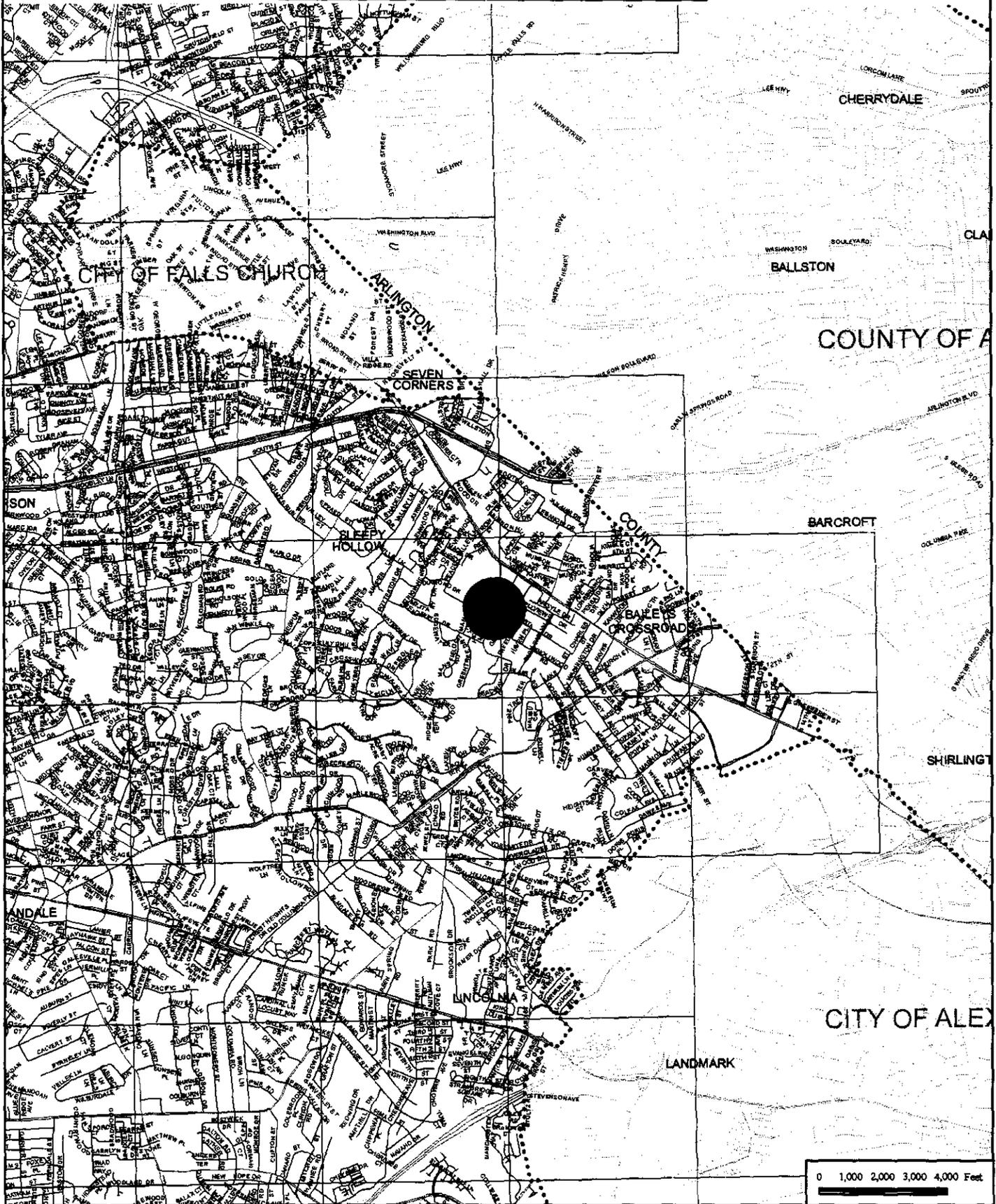
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

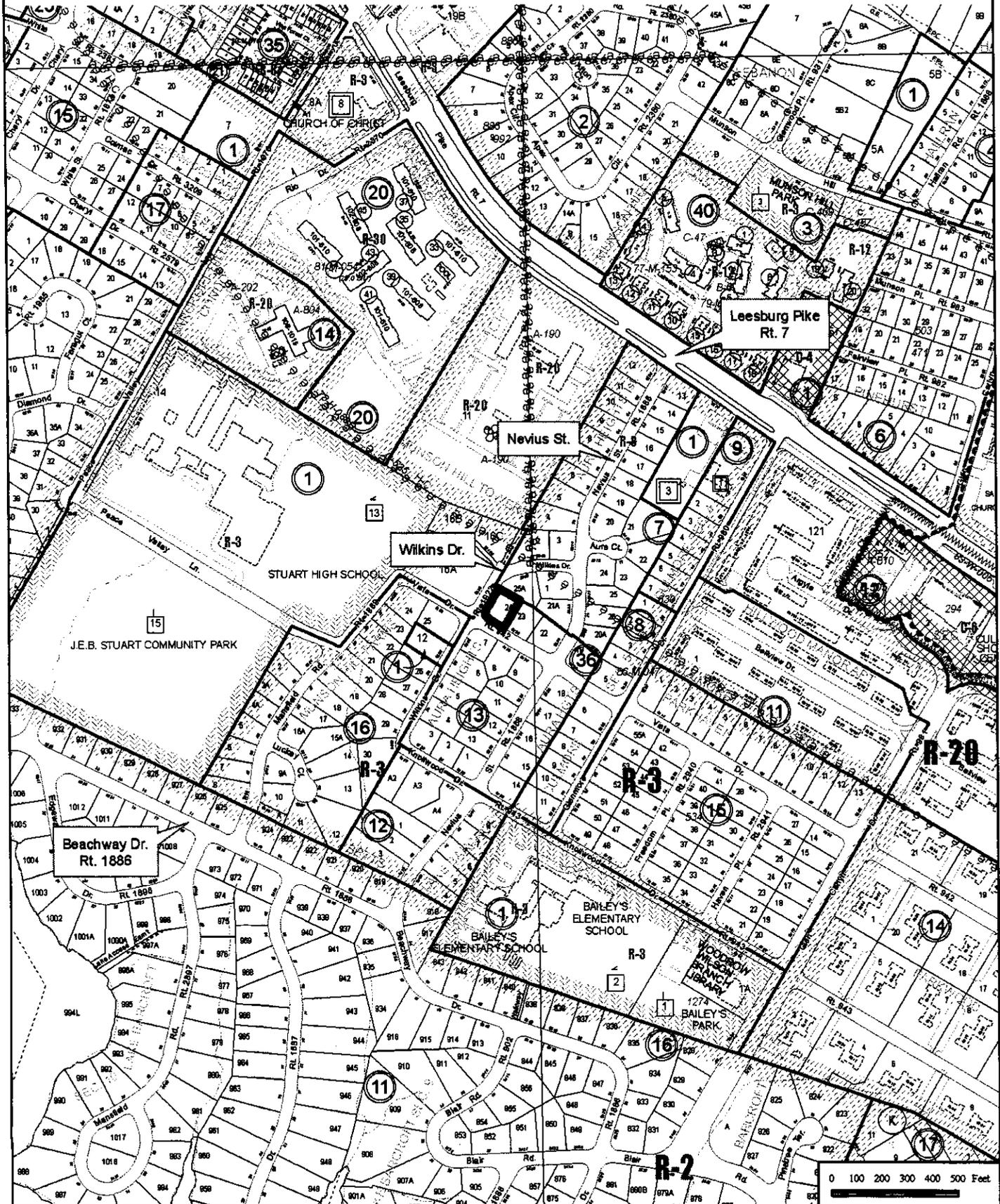


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2009-MA-097
IFTIKHAR KHAN



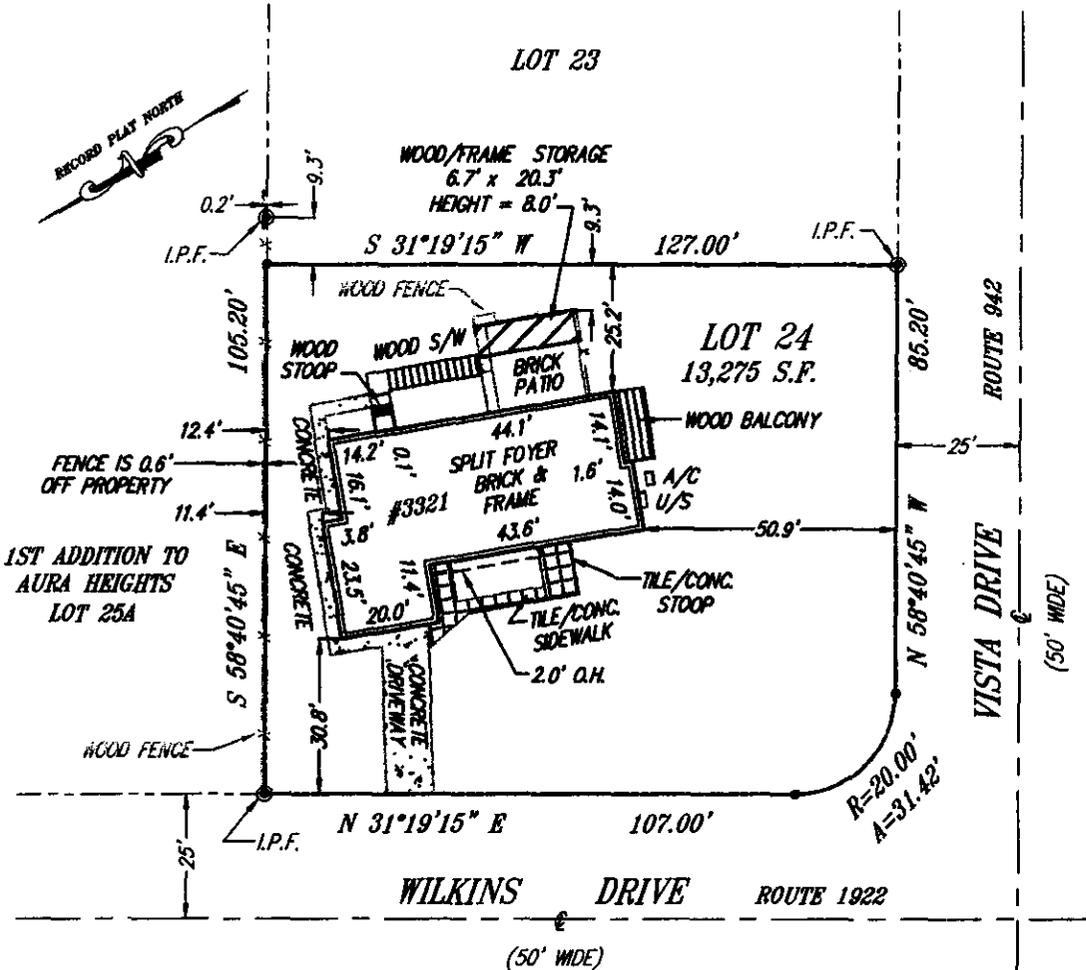
Special Permit
SP 2009-MA-097
IFTIKHAR KHAN



NOTES

NO TITLE REPORT FURNISHED; SUCH REPORT MAY REFLECT ADDITIONAL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THIS PROPERTY.

THIS SURVEY IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES AND / OR OTHER IMPROVEMENTS.



HOUSE LOCATION SURVEY

LOT 24

AURA HEIGHTS

(DB. 1216, PG. 219)

MASON MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

RECEIVED
Department of Planning & Zoning

OCT 05 2009

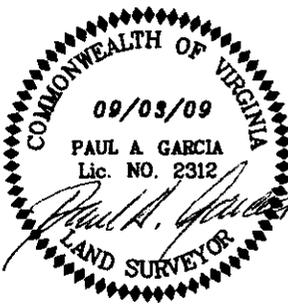
Zoning Evaluation Division

Paul A. Garcia

LAND SURVEYOR

6131 SHERBORN LANE
SPRINGFIELD, VIRGINIA 22152-1632

PHONE: 703-866-0644 FAX: 703-866-9946



DATE: 10/11/03

SCALE: 1" = 30'

OWNER: IFTIKHAR KHAN

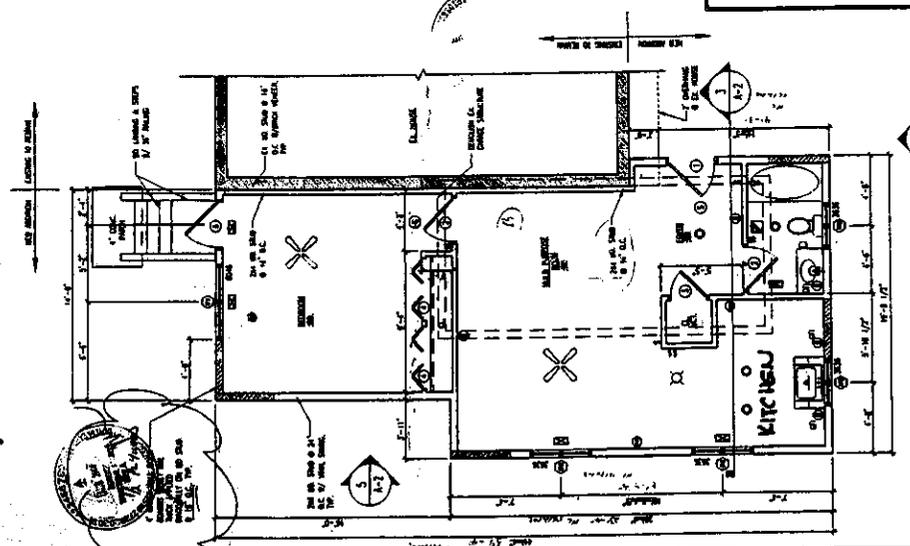
DB. 15294
PG. 0084

LEGEND
L.P.F. = IRON PIPE FOUND
O.H. = OVERHANG
A/C = AIR CONDITIONER
C/S = CONCRETE STOOP
C.O. = SANITARY CLEANOUT
C = CENTERLINE
CONC. = CONCRETE
U/S = UTILITY SERVICES
S/W = SIDEWALK

NOV 9 2009

SPECIAL PERMIT &
VARIANCE BRANCH

PROJECT:
ADDITION TO MR. IFTIKHAR RESIDENCE



SYMBOLS

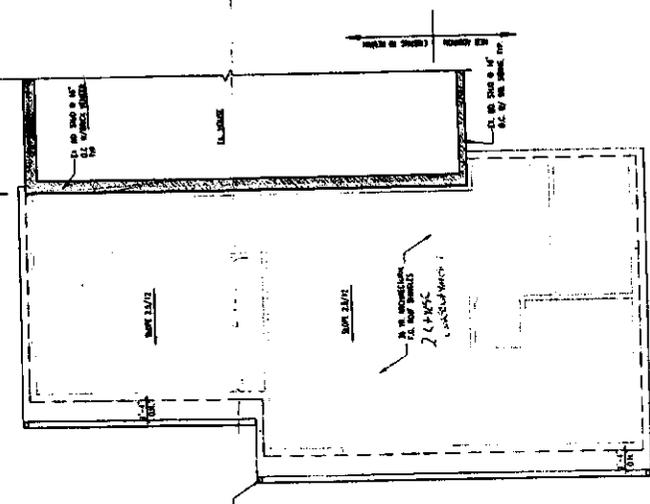
○	EXISTING SHALL TO REMAIN
○	NEW WALL SHALL
○	RECESSED LIGHT
○	POWER OUTLET
○	SWITCH
○	SINGLE DETECTOR
○	WALL MOUNT LIGHTING
○	RECESSED LIGHTING
○	SUPPLY AIR REGISTER
○	RETURN AIR REGISTER

CONSTRUCTION NOTES

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING WALLS, WINDOWS, DOORS, AND FIXTURES PRIOR TO CONSTRUCTION.
2. PROVIDE A MINIMUM OF 1" CLEARANCE FROM ALL EXISTING WALLS AND FIXTURES TO NEW WALLS.
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DEMOLITION NOTES

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING WALLS, WINDOWS, DOORS, AND FIXTURES PRIOR TO CONSTRUCTION.
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COPE ANALYSIS

PROPERTY LOCATION: 3923 WALTON DR., FALLS CHURCH, VA 22041

LEGAL DESCRIPTION: ABRAXAS HEIGHTS, LOT 24

EASEMENT OF WORK: DEMOLISHED EX. GARAGE & 1 STORY WEST SIDE ADDITION TO EX. HOUSE

USE GROUP: R5

APPLICABLE CODES: RC 2006

ADDITION AREA: 700 SF.

DRAWING INDEX

A-1 CONCEPT EX/NEW FLOOR PLAN

A-2 EXISTENTIAL SECTION, SIDE ELEVATION, FINISH

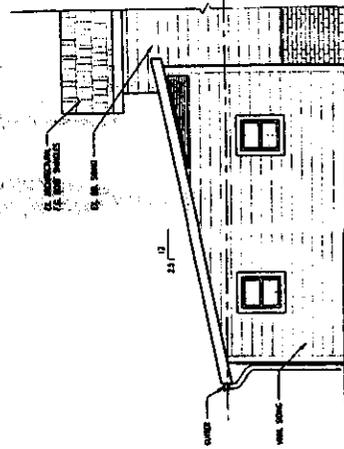
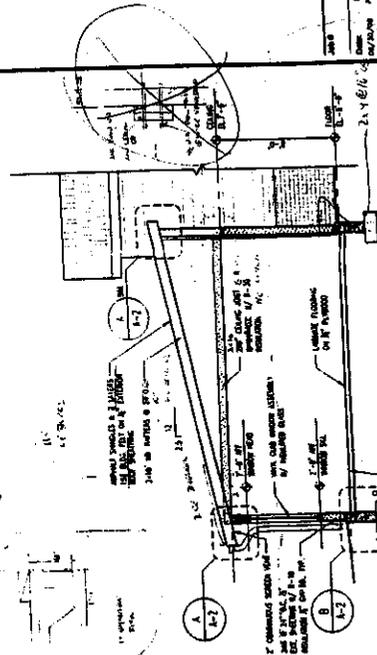
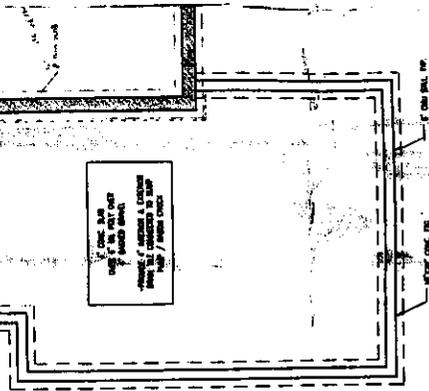
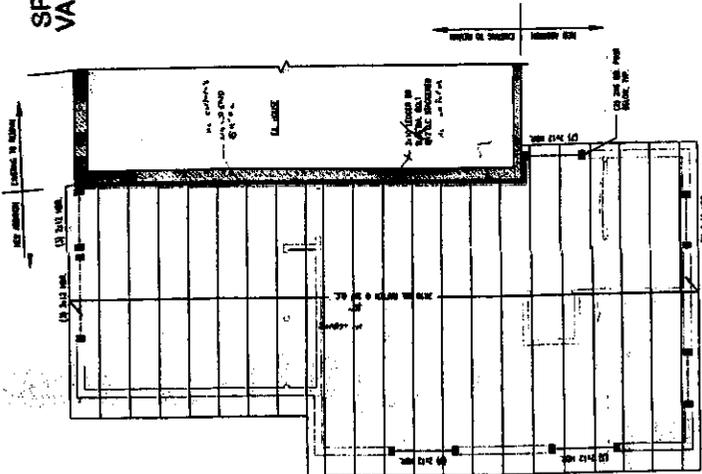
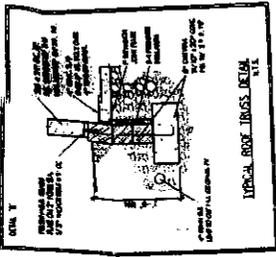
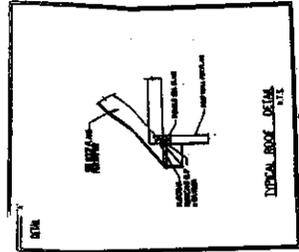
GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE AREA OF WORK TO BE DEMOLISHED OR EXISTING AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK.
2. THE PROJECT CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK.
4. ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL CODES AND REGULATIONS.
5. WORKING CONDITIONS SHALL BE MAINTAINED AT ALL TIMES TO ENSURE THE SAFETY OF ALL PERSONNEL AND THE PROTECTION OF ALL ADJACENT PROPERTIES.
6. ALL SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK.
7. ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL CODES AND REGULATIONS.
8. FOLLOW ALL MANUFACTURER'S INSTRUCTIONS FOR INSTALLATION OF THE FINISH MATERIALS.
9. MAINTAIN CLEAR ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
10. GENERAL CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK.
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15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK.

RECEIVED
DEPARTMENT OF PLANNING
AND ZONING

NOV 9 2009

SPECIAL PERMIT &
VARIANCE BRANCH

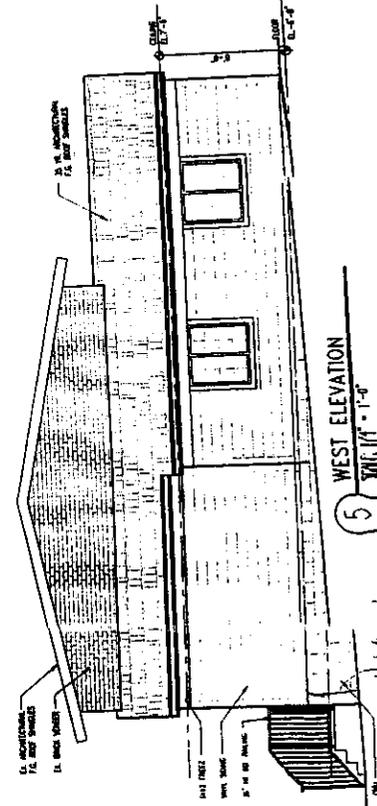


WINDOW SCHEDULE

NO.	COUNT	TYPE	INFORMATION		
			FRAME	GLASS	TYPE
1	1	2'-0" x 4'-0"	W/1/2" INSULATED GLASS	W/1/2" INSULATED GLASS	
2	2	2'-0" x 4'-0"	W/1/2" INSULATED GLASS	W/1/2" INSULATED GLASS	
3	2	2'-0" x 4'-0"	W/1/2" INSULATED GLASS	W/1/2" INSULATED GLASS	

DOOR SCHEDULE

NO.	TYPE	COUNT	TYPE	LABEL	INT.	EXT.	REMARKS
1	3'-0" x 7'-0"	1	W/1/2" INSULATED GLASS				W/1/2" INSULATED GLASS
2	2'-0" x 4'-0"	2	W/1/2" INSULATED GLASS				W/1/2" INSULATED GLASS
3	2'-0" x 4'-0"	2	W/1/2" INSULATED GLASS				W/1/2" INSULATED GLASS
4	2'-0" x 4'-0"	2	W/1/2" INSULATED GLASS				W/1/2" INSULATED GLASS
5	2'-0" x 4'-0"	2	W/1/2" INSULATED GLASS				W/1/2" INSULATED GLASS



A&I Design
Architectural Services
10000 14th Ave SW
Burien, WA 98148
Phone: (206) 835-1111
Fax: (206) 835-1112
www.aandi.com

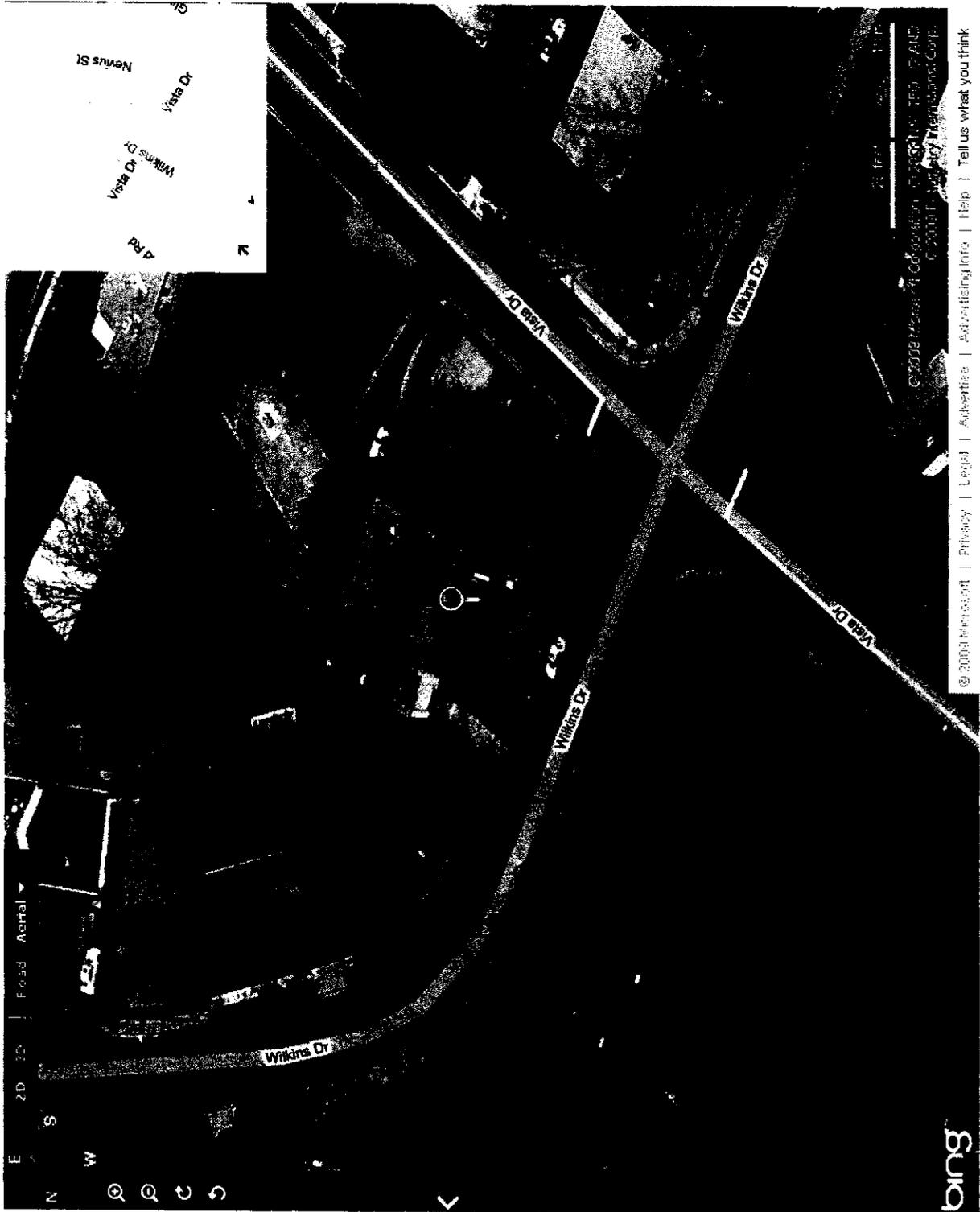
ADDITION TO
MR. IFTIKHAR
RESIDENCE

WEST WALKWAY SIDE
FALLS CHURCH, WA 98148

DATE: 10/20/09
DRAWN: J. SMITH
CHECKED: M. SMITH
SCALE: 1/4" = 1'-0"

ELEVATION & SECTION
STRUCTURAL DWGS.

A-02



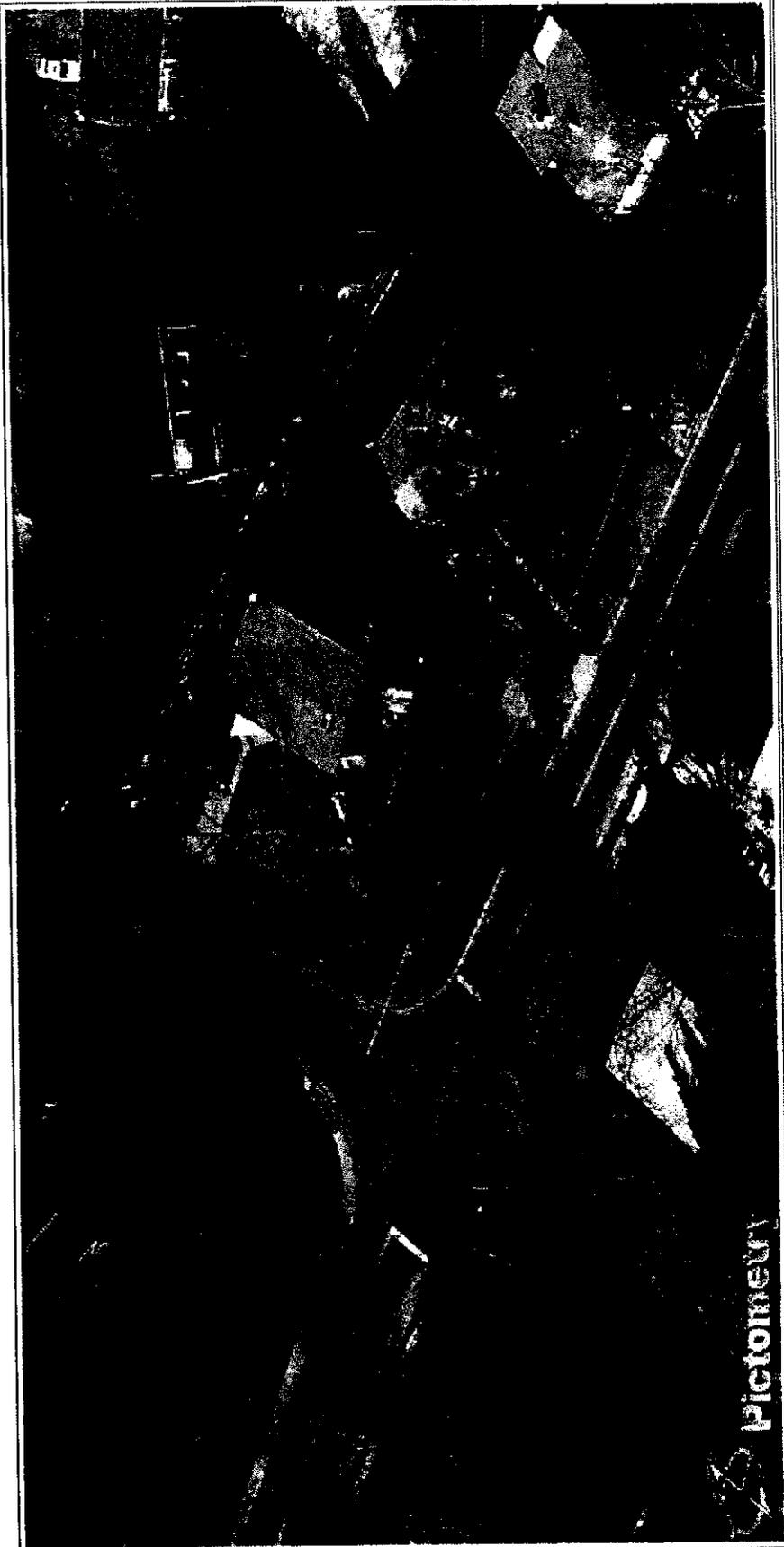
3321 Wilkins Dr.
SP 2009-MA-097
Printed: 1/1/09

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3321 Wilkins



2009

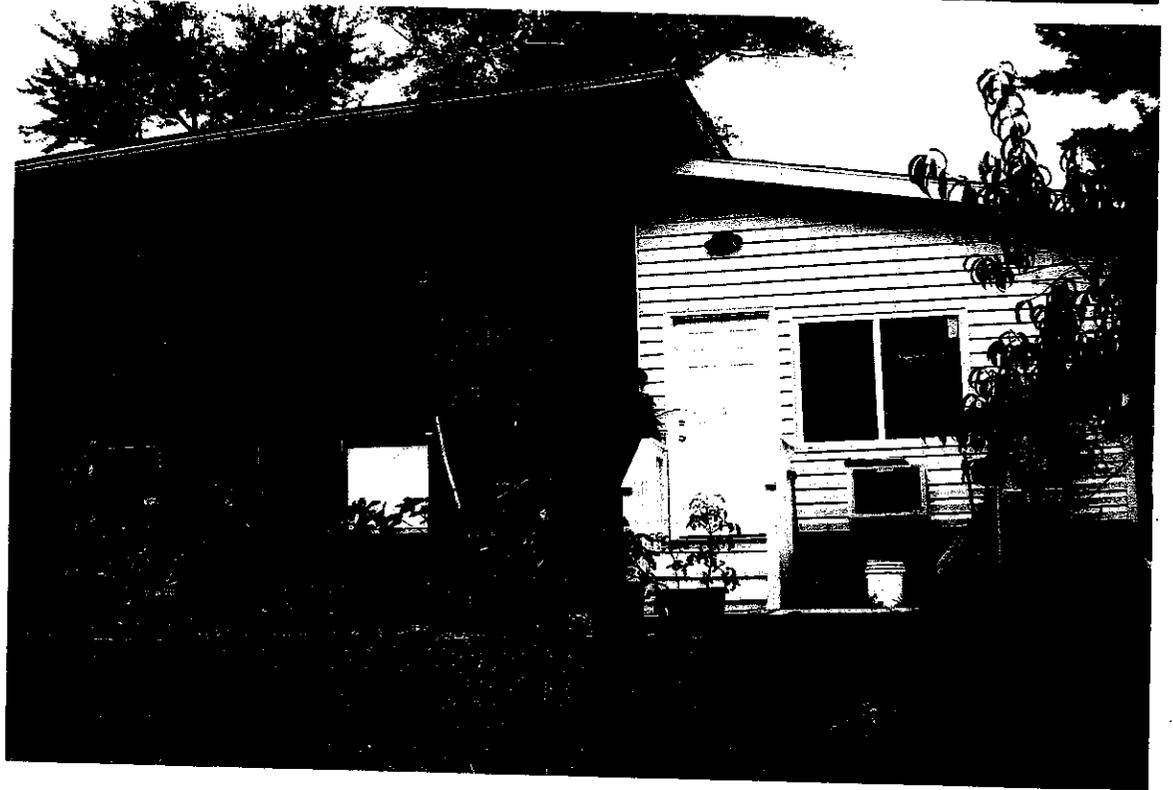


Pictometry

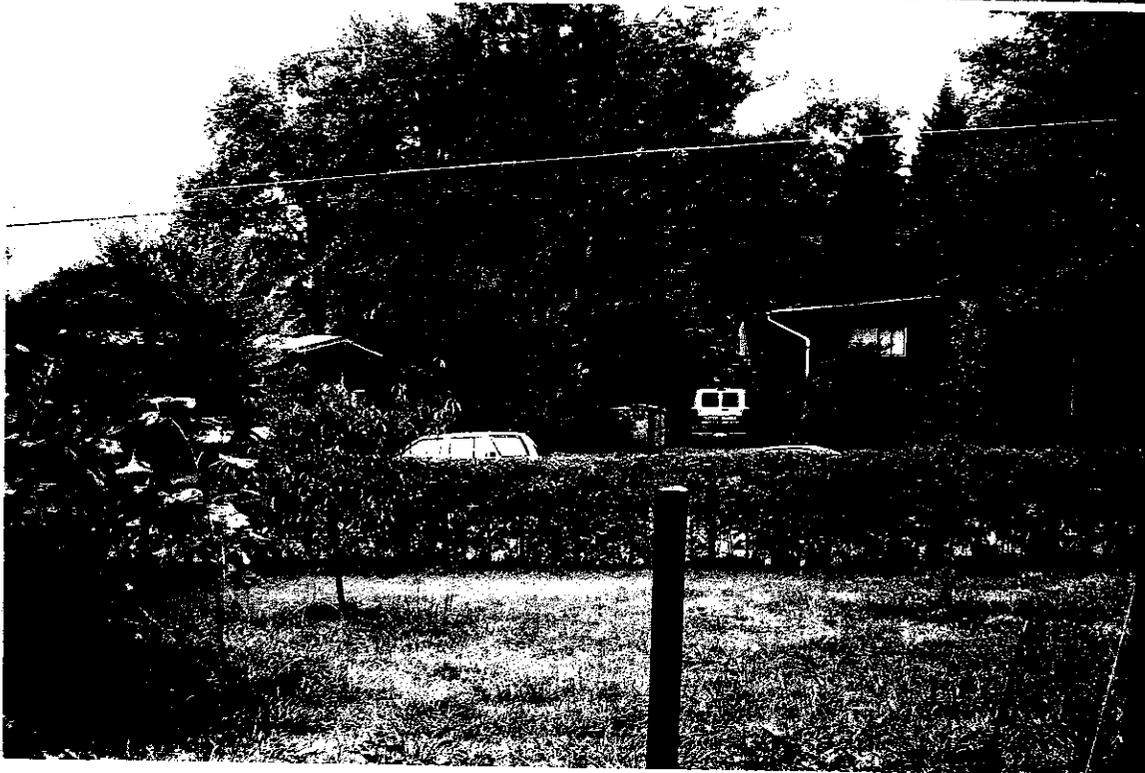
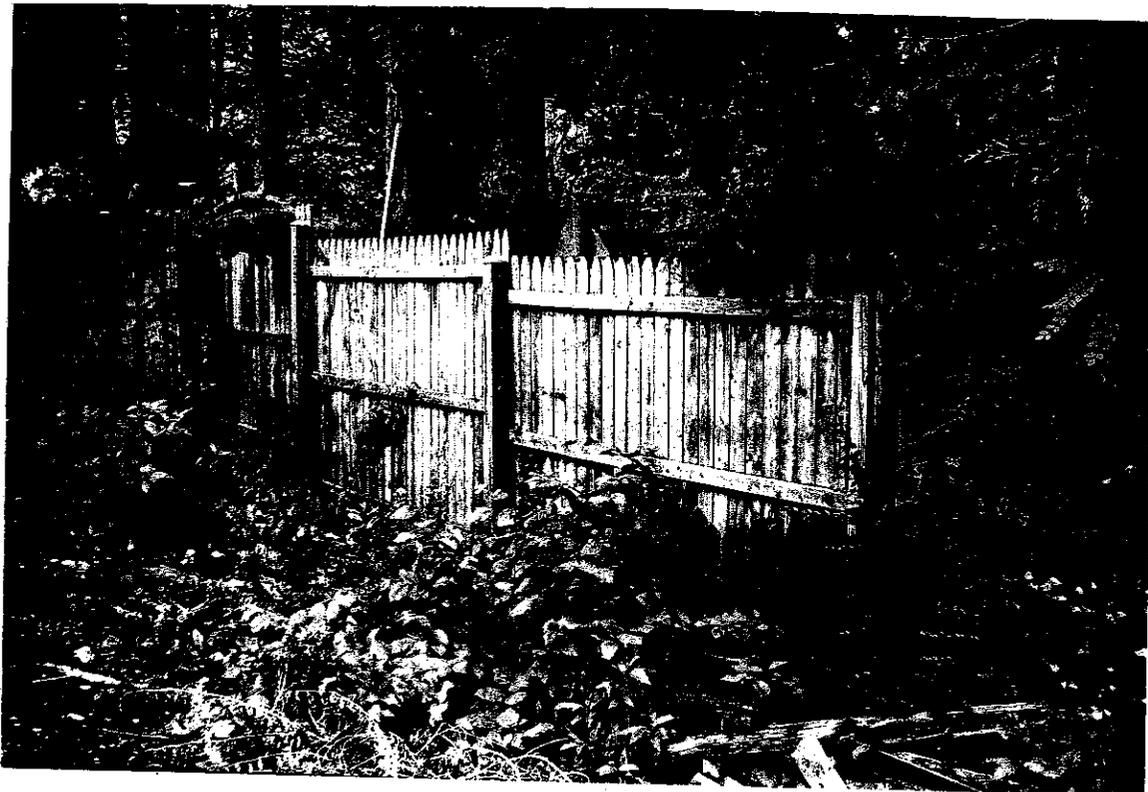












DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for an accessory dwelling unit located within a portion of the existing dwelling.

Size of Principal Dwelling: 2,012 square feet (above ground floor area)

Size of Accessory Dwelling Unit: 695.72 square feet

Lot Size: 13,275 square feet

LOCATION AND CHARACTER

Existing Site Description: The 13,275 square foot corner lot is developed with a two-story, single family detached dwelling which was originally constructed in 1957. Vehicular access is provided via a paved driveway from Wilkins Drive. Parking is provided by the existing driveway as the original garage was converted to the accessory dwelling unit. The lot fronts on both Wilkins Drive and Vista Drive with the front entrance facing Wilkins Drive. The house is sited to the far north on the lot. The lot is flat with evergreen trees along portions of the northern and eastern lot lines. A few deciduous trees are scattered throughout the property. The accessory unit has both front and rear entrances.

Surrounding Area Description:

Direction	Use	Zoning
North	Single Family Detached Dwellings	R-3
South	Single Family Detached Dwellings	R-3
East	Single Family Detached Dwellings	R-3
West	Single Family Detached Dwellings	R-3

BACKGROUND

The site is currently zoned R-3 and is developed with a two-story single family detached dwelling constructed in 1957. Tax assessment records indicate an above grade living area of 2,012 square feet. An existing garage was enclosed into living space. Building permits and final inspections were approved for the enclosure. Subsequently, a kitchen

was constructed within the space. A notice of violation was issued on August 3, 2009, for an accessory dwelling unit. A copy of the notice is included as Appendix 4.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Bailey's Planning District; Area I
Planning Sector: Glenn Forest Community Planning Sector (B2)
Plan Map: Residential Development

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: House Location Survey, Lot 24, Aura Heights

Prepared By: Paul A. Garcia, Land Surveyor, dated October 11, 2003, revised and signed September 3, 2009

Proposed Use

The applicant is requesting approval of a special permit for an accessory dwelling unit within a portion of the first floor of the existing single family dwelling. The accessory dwelling unit is proposed to include one bedroom, one bathroom, a living room area, and a full kitchen, comprising 34.5 percent of the above grade square footage of the dwelling. A copy of the floor plan can be found at the front of this report. The applicant states that his father who is over 55 years of age will reside in the unit. The existing driveway has parking for two vehicles.

ZONING ORDINANCE PROVISIONS

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-3 Zoning District except for the northern side of the dwelling. A minimum yard of 12 feet is required; the yard is 11.4 feet. An administrative variance was granted on November 3, 2009, by the Zoning Administration Division.

Special Permit Requirements

- 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

This special permit is subject to Sects. 8-006, 8-903 and 8-918 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

General Standard 3 under Sect. 8-006 requires in part that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties. Subsequent to the submission of this special permit request, the zoning inspector visited the property and indicated that outdoor storage is taking place on the site. The storage is related to the use of the property, however it exceeds the permitted amount of outdoor storage allowed on a single family residential lot. A development condition has been included requiring that the material be removed and that the property be brought into compliance with the requirements of the Zoning Ordinance.

Additionally, staff believes that to be more compatible with the neighborhood and for the converted garage/accessory unit to better blend with the rest of the house, landscaping should be added to the foundation of the house. A development condition has also been included addressing this issue.

The second standard under Sect. 8-918 of the Zoning Ordinance states in part that any added external entrances for accessory dwelling units shall be located on the side or rear of the structure. The proposed accessory unit has a front entrance added either with the enclosure of the garage or subsequent to it. A development condition has been included that requires the removal of this entrance so that only the entrance at the rear of the unit remains.

CONCLUSIONS AND RECOMMENDATIONS

Staff believes that all applicable standards for the accessory dwelling unit as outlined in Sects. 8-006, 8-903 and 8-918 will be satisfied with adoption of the proposed development conditions. Therefore staff recommends approval of SP 2009-MA-097 subject to the Proposed Development Conditions contained in Appendix 1 of this staff report.

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. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notice of Violation
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2009-MA-097****December 30, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-MA-097 located at Tax Map 61-1 ((13)) 24, 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 for the accessory dwelling unit is granted to the applicant only, Iftikhar Khan, and is not transferable without further action of this Board, and is for the location indicated on the application, 3321 Wilkins Drive (13,275 square feet), and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structures and/or use(s) indicated on the house location survey plat prepared by Paul A. Garcia, Land Surveyor, dated October 11, 2003, signed September 3, 2009, 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 which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
5. All applicable permits and final inspections for the accessory dwelling unit, including the kitchen, shall be approved prior to occupancy of the unit.
6. The accessory dwelling unit shall contain a maximum of 696 square feet with a maximum of one bedroom as depicted on the floor plan included as Attachment 1 to these conditions.
7. Outside access to the accessory dwelling unit shall be provided only through the rear entrance. Within 60 days of approval of this special permit, the existing front entrance shall be removed and the door replaced with materials consistent with the existing unit's exterior.
8. As soon as reasonable based on weather conditions, foundation plantings consisting of evergreen shrubs and evergreen and/or deciduous trees shall be installed along the front foundation of the house, including the accessory unit.
9. Within 60 days of approval of this special permit, the outdoor storage shall be brought into compliance with the Zoning Ordinance as determined by the Zoning

Inspector.

10. 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.
11. 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.
12. 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.
13. Parking shall be provided on site as shown on the special permit plat.

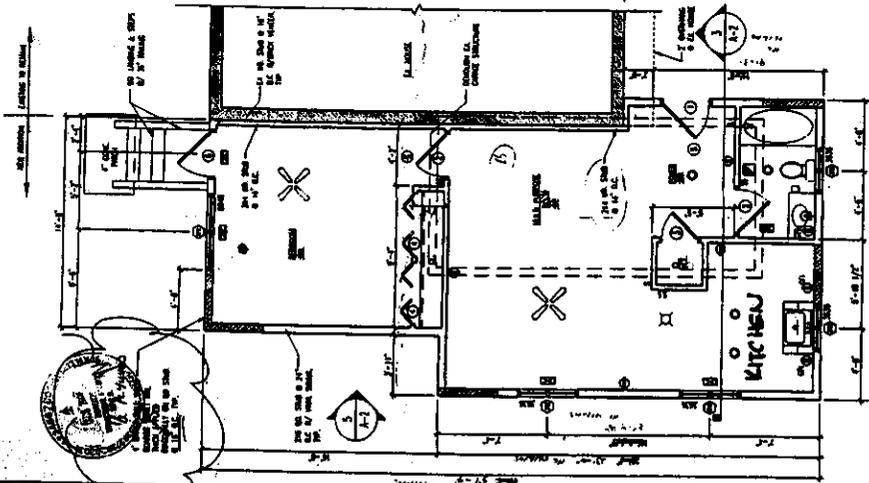
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) 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.

NOV 9 2009

**SPECIAL PERMIT &
VARIANCE BRANCH**

**PROJECT:
ADDITION TO MR. IFTIKHAR RESIDENCE**



1 EX/NEW FLOOR PLAN
SCALE: 1/4" = 1'-0"

SYMBOLS

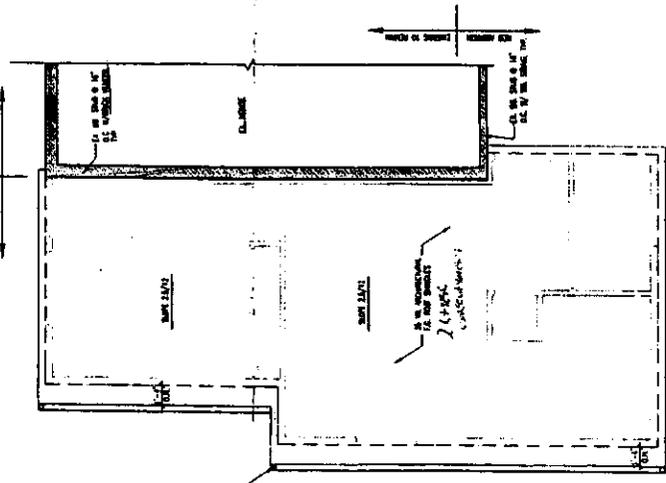
○	EXISTING WALL TO REMAIN
○	NEW WALL
○	RECESSED LIGHT
○	SWITCH
○	POWER OUTLET
○	SMOKE DETECTOR
○	WALL MOUNTED LIGHTING
○	PERSONAL LIGHTING
○	SURVEY AND RECORDS
○	REMOVE AND REBUILD

CONSTRUCTION NOTES

1. COMPLETE FINISHES SHALL BE FURNISHED BY THE CONTRACTOR.
2. FINISHES SHALL BE FURNISHED BY THE CONTRACTOR.
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DEMOLITION NOTES

1. CONTRACTOR SHALL DEMOLISH AND CAP ALL EXISTING UTILITIES AT THE EXISTING GRADE.
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2 ROOF PLAN
SCALE: 1/4" = 1'-0"

COVE ANALYSIS

PROPERTY LOCATION	592 WILSON DR. FALLS CREEK, VA 22084
LEGAL DESCRIPTION	ALMA HEIGHTS LOT 24
EVENT OF WORK	DEMOLISHED EX. GARAGE 8.1.5 STORY WEST SIDE ADDITION 10 EX. HOUSE
USE GROUP	RD
APPLICABLE CODES	RC 2008
ADDITION AREA	700 SF.

DRAWING INDEX

A-1	COVER SHEET, GENERAL NOTES, SITE PLAN
A-2	DEMOLITION, EXISTING, PROPOSED

GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT.
2. THE PROJECT CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT.
3. BEFORE ANY WORK SHALL BE PERFORMED ONLY IN CONFORMANCE WITH THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT.
4. ALL CONSTRUCTION WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT.
6. ALL CONSTRUCTION WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT.
7. ALL CONSTRUCTION WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT.
8. FOLLOW ALL APPLICABLE CODES AND REGULATIONS FOR INSTALLATION OF FIRE-RESISTANT PRODUCTS.
9. ALL CONSTRUCTION WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT.
10. ALL CONSTRUCTION WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE AREA OF WORK TO BE DEMOLISHED FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL FIRE DEPARTMENT.

SP 2009-MA-097

Application No.(s):

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08-17-2009
(enter date affidavit is notarized)

I, IFTIKHAR KHAN, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one)

[X]
[]

applicant
applicant's authorized agent listed in Par. 1(a) below

105710

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.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Row 1: IFTIKHAR. KHAN, 3321 WILKINS DR FALLS CHURCH VA 22041, APPLICANTS/TITLE OWNERS

(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): SP 2009-MA-097
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08-17-2009
(enter date affidavit is notarized)

105710a

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08-17-2009
(enter date affidavit is notarized)

105710w

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.

SP 2009-MA-097

Application No.(s):

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08-17-2009
(enter date affidavit is notarized)

105710a

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.

SP 2009-MA-097

Application No.(s):

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08-17-2009 (enter date affidavit is notarized)

105710a

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)

[X] Applicant

[] Applicant's Authorized Agent

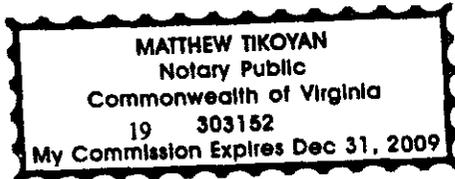
ZFTIKHAR KHAN

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

Subscribed and sworn to before me this 17th day of August 2009, in the State/Comm. of Virginia County/City of Fairfax.

[Signature] Notary Public

My commission expires: 12/31/09



County of Fairfax, Varginia
Department of Plaining and zoning.

Date: 08/16/2009

Dear Sir/Madam,

I am iftikhar Khan, property's owner of 3321 Wilkins Dr falls Church Va 22041. I need special permit for second kitchen in my additional. It is for my father; he is heart patient and also has multiple medical problems. He cannot take steps and he needs his own privacy. My additional is on the ground floor, it is best place for my father. Please give me permission to make second kitchen in my additional. I will be very thankful to you.

Sincerely,



Iftikhar Khan

3321 Wilkins Dr Falls Church Va 22041.
Ph# 202-250-4323

RECEIVED
Department of Planning & Zoning
SEP 14 2009
Zoning Evaluation Division

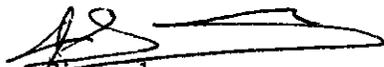
County of Fairfax, Virginia
Department of Planning and zoning

Date: 08/17/2009

Dear Sir/Madam

I am Iftikhar Khan, Property's owner of 3321 Wilkins Dr Falls Church VA 22041; I live in the main dwelling with my children and wife. I need special permit for accessory dwelling unit. It is for my father. He is 74 years old, heart patient, and he also has multiple medical problems. He cannot take steps and he needs his own privacy. I converted my carport into an enclose addition on the ground floor; it is best place for my father. Please give me permission to make me second kitchen in my addition. I will be very thankful to you.

1. Total area of dwelling 2568.34
2. area of accessory is 695.72
3. total 3264.06
4. percentage is 21.32%
5. Accessory unit has only one bedroom
6. my father is 74 years old
7. I have two parking spaces on site and my father dose not drive.
8. This accessory dwelling unit 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 deemed a subdivision of the principal dwelling unit or lot.
9. The accessory dwelling unit shall meet the applicable regulations for building, safety, health, and sanitation



Sincerely,

Iftikhar
3321 Wilkins Dr falls church Va 22041.
Ph# 202-250-4323

RECEIVED
Department of Planning & Zoning

SEP 14 2009

Zoning Evaluation Division

Arlington Medical Clinic

Mushtaq A. Awan, M.D.

4040 NORTH FAIRFAX DR. SUITE 140
ARLINGTON, VA 22203
TEL: (703) 522-8840/8841

February 11, 2009

RE: Abdul G. Khan

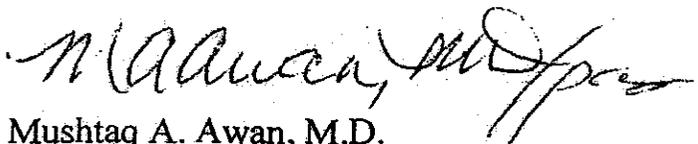
To Whom It May Concern:

Mr. Abdul Khan has been under medical care in this office for many years. He suffers from multiple medical problems and is on multiple medications.

Mr. Khan has recently developed anxiety and depression and cannot sleep well at night. This has adversely affected his hypertension. One of the main reasons of his depression is loneliness and missing company of his youngest son.

It is believed that presence of his youngest son will greatly help his mental and physical well being.

Sincerely,



Mushtaq A. Awan, M.D.

MAA:pas

RECEIVED
Department of Planning & Zoning

AUG 17 2009

Zoning Evaluation Division



County of Fairfax, Virginia

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: August 3, 2009

SHERIFF'S LETTER

CASE #: 200900871 **SR#:** 44344

SERVE: Iftikhar Khan
3321 Wilkins Drive
Falls Church, Virginia 22041

LOCATION OF VIOLATION 3321 Wilkins Drive
Falls Church, Virginia 22041-1719
Aura Heights, Lot 24
Tax Map #: 0611 13 0024
Zoning District: R-3



Dear Property Owner:

An inspection of the above referenced property on July 30, 2009 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-501 Excessive Dwelling Units:

The inspection revealed there are two (2) complete and separate dwellings in this single family dwelling unit on the above-referenced property. Part 3 of Article 20 of the Zoning Ordinance defines a dwelling unit as:

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, 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, the presence of more than one dwelling unit on the above-referenced property is in violation of Sect. 2-501 of the Zoning Ordinance which states, in part:

Department of Planning and Zoning
Zoning Administration Division
Zoning Enforcement Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/



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....

You are hereby directed to clear this violation within fifteen (15) days of the date of this notice. Compliance can be achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the dwelling to include: the ovens, microwave, ranges, sinks, cabinets, countertops, refrigerators, and freezers or combinations thereof; all other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and
- Utilities referenced above for the kitchen to be demolished are to be capped and sealed in the wall cavities; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

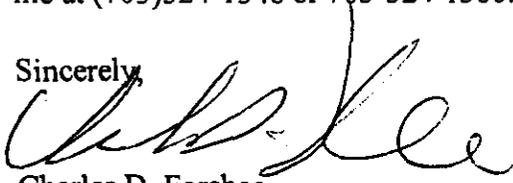
A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

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, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$2455.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Iftikhar Khan
August 3, 2009
Page 3

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1348 or 703-324-1300.

Sincerely,



Charles D. Forshee
Property Maintenance/Zoning Inspector

CDF/

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.

