



APPLICATION ACCEPTED: April 23, 2010
BOARD OF ZONING APPEALS: July 14, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 7, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-MV-030

MOUNT VERNON DISTRICT

APPLICANT/OWNER: Lauren A. Foley-Preston, Trustee,
Lauren A. Foley Living Trust dated
December 19, 2005

SUBDIVISION: Kings Hill

STREET ADDRESS: 3804 Quisenberry Drive

TAX MAP REFERENCE: 101-4 ((23)) 18

LOT SIZE: 11,967 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 of SP 2010-MV-030 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\7-14) SP 2010-MV-030 Foley\SP 2010-MV-030 Foley staff report.doc Deborah Hedrick

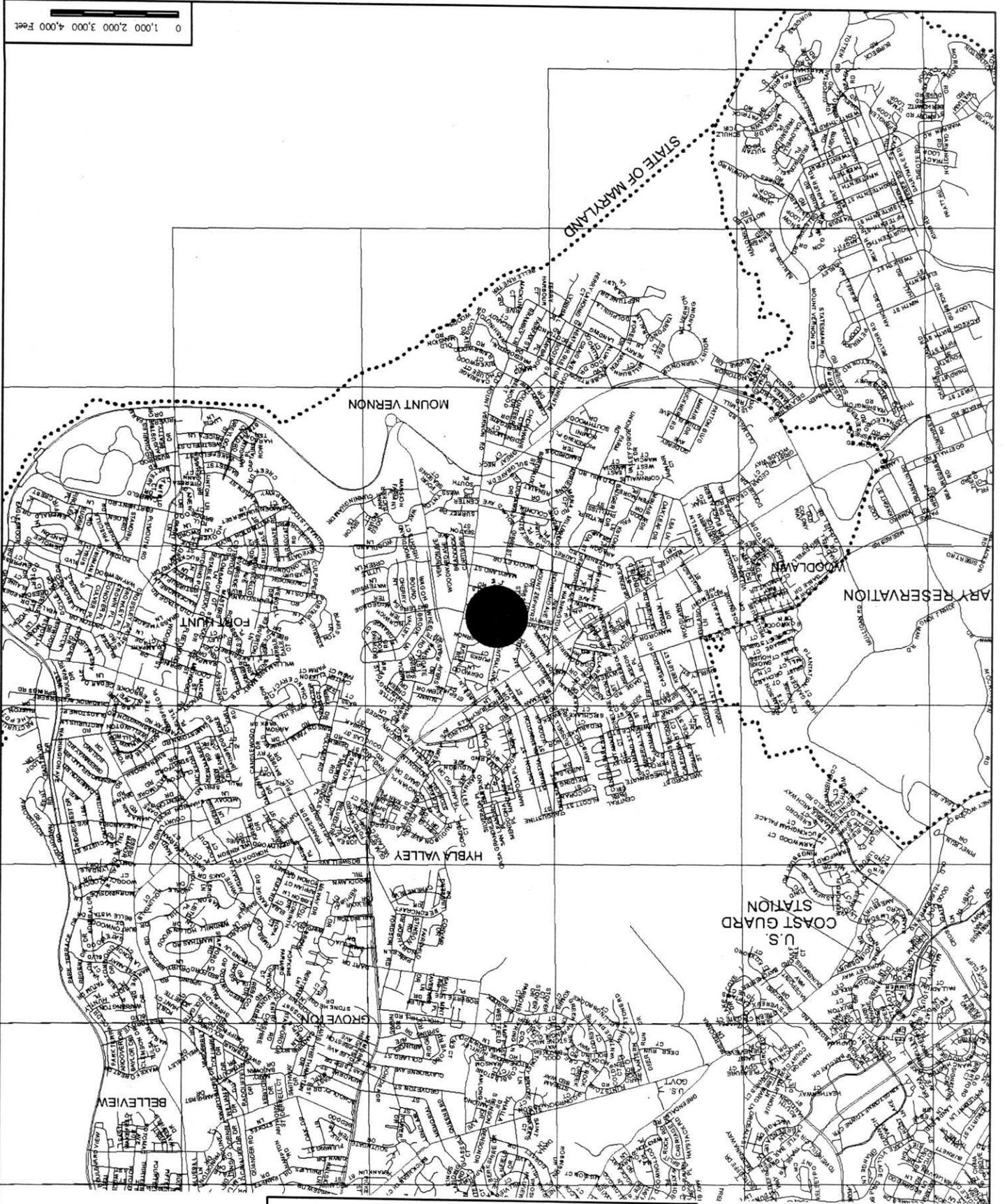
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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).

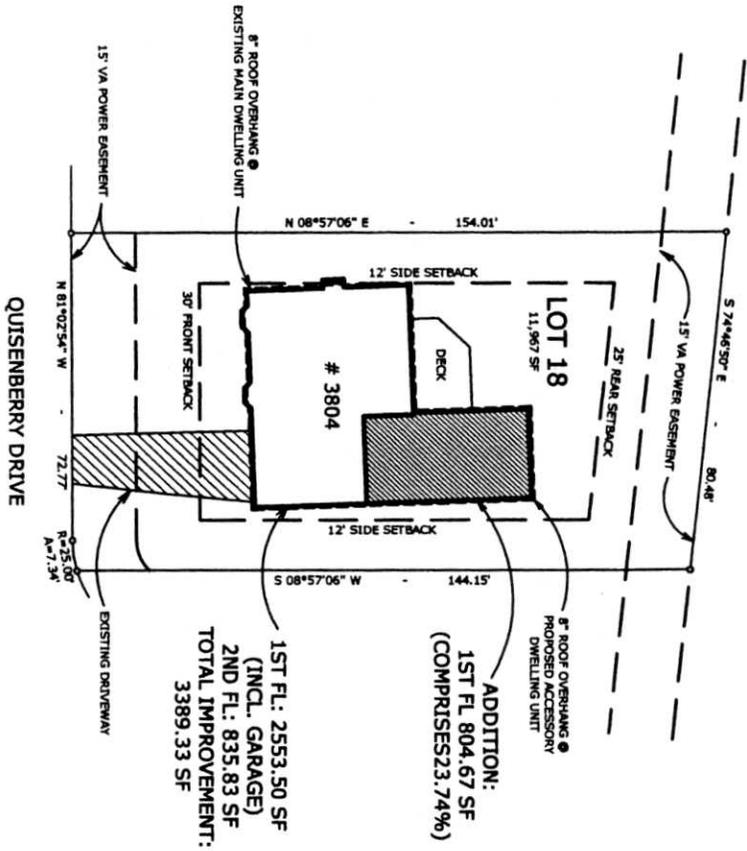
0 1,000 2,000 3,000 4,000 Feet



Special Permit
SP 2010-MV-030
LAUREN A FOLEY-PRESTON, TRUSTEE OF
THE LAUREN A FOLEY LIVING TRUST
DATED 12/19/05

HOUSE LOCATION SURVEY
 REGISTERED ARCHITECT GENERATED - SCALE: 1" = 20'-0"

LOT 18
 KINGS HILL
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA



ADDITION:
 1ST FL 804.67 SF
 (COMPRISES 23.74%)

1ST FL: 2553.50 SF
 (INCL. GARAGE)
 2ND FL: 835.83 SF
 TOTAL IMPROVEMENT:
 3389.33 SF



NOTE:

METES AND BOUNDS ARE BASED ON U.S. CERTIFIED PLAT (COPY ATTACHED HEREWITH)

LOT AREA: 11,967 S.F. (BASED ON PLAT ABOVE)

HEIGHT OF EXISTING MAIN DWELLING UNIT: 23' (FROM MID OF HIGHEST ROOF SLOPES TO AV. OF GRD.)

HEIGHT OF RIDGE OF EXISTING MAIN DWELLING UNIT: 27.5' A.F.G.

HEIGHT OF PROPOSED ACCESSORY DWELLING UNIT: 17' (FROM MID OF HIGHEST ROOF SLOPES TO AV. OF GRD.)

HEIGHT OF RIDGE OF PROPOSED ACCESSORY DWELLING UNIT: 22.5' A.F.G.

ROOF OVERHANGS SEE PLAN @ LEFT

R.L. SEE PLAN @ LEFT - ANGLE BULK PLANE: N/A (VERIFIED W/ FAIRFAX COUNTY ZONING OFFICE ON 03/15/10)

TRANSITIONAL SCREENING YARD: N/A

MEANS OF INGRESS/EGRESS: EXIST. D/W TO QUISENBERY DRIVE

PARKING SPACES: 4

PROPERTY IS SERVED BY PUBLIC WATER AND SEWER

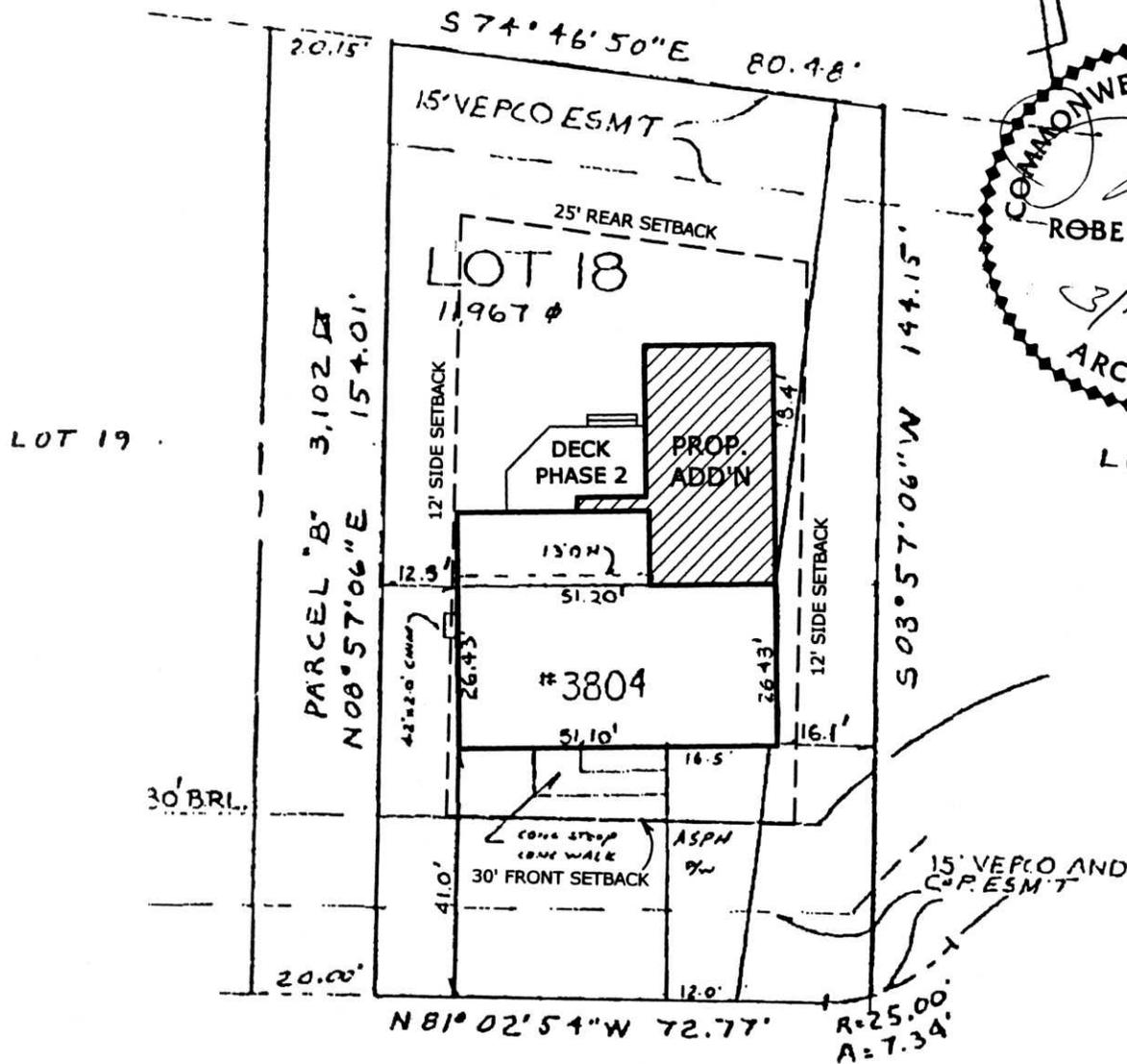
STORM WATER MANAGEMENT FACILITIES: N/A (ROOF SHED WATER HAS BEEN AND WILL BE RELEASED AS SURFACE RUN OFF VIA SPLASH BLOCKS OR OTHERWISE WITH THE ADDITION IT IS OBSERVED THAT THE LAWN IS ADEQUATE FOR SURFACE ABSORPTION - THEREFORE DESIGNER HAS NOT RUN OFF PROBLEMS TO THE REAR OF THE LOT AND THE FRONT OF THE LAWN IS A MAINTAINED HODWAY.)

PLAT - 3804 QUISENBERY DR

IN-LAWS ADDITION TO AN
 EXISTING SINGLE DETACHED
 MT. VERNON DISTRICT - FAIRFAX COUNTY, VA

Dates:	Certification:
Issue: 22 NOV 09	
Revisions: 15 MAR 10	

SASTRO & ASSOCIATES, LLC
 ROBERT SASTRO, NCARB - ARCHITECT (National Council of Architectural Registration Board)
 REG. VA 7045 - robertsastro@yahoo.com
 P.O. BOX 7227, ALEXANDRIA, VA 22307
 W 703.768.5500 - F 703.768.5501

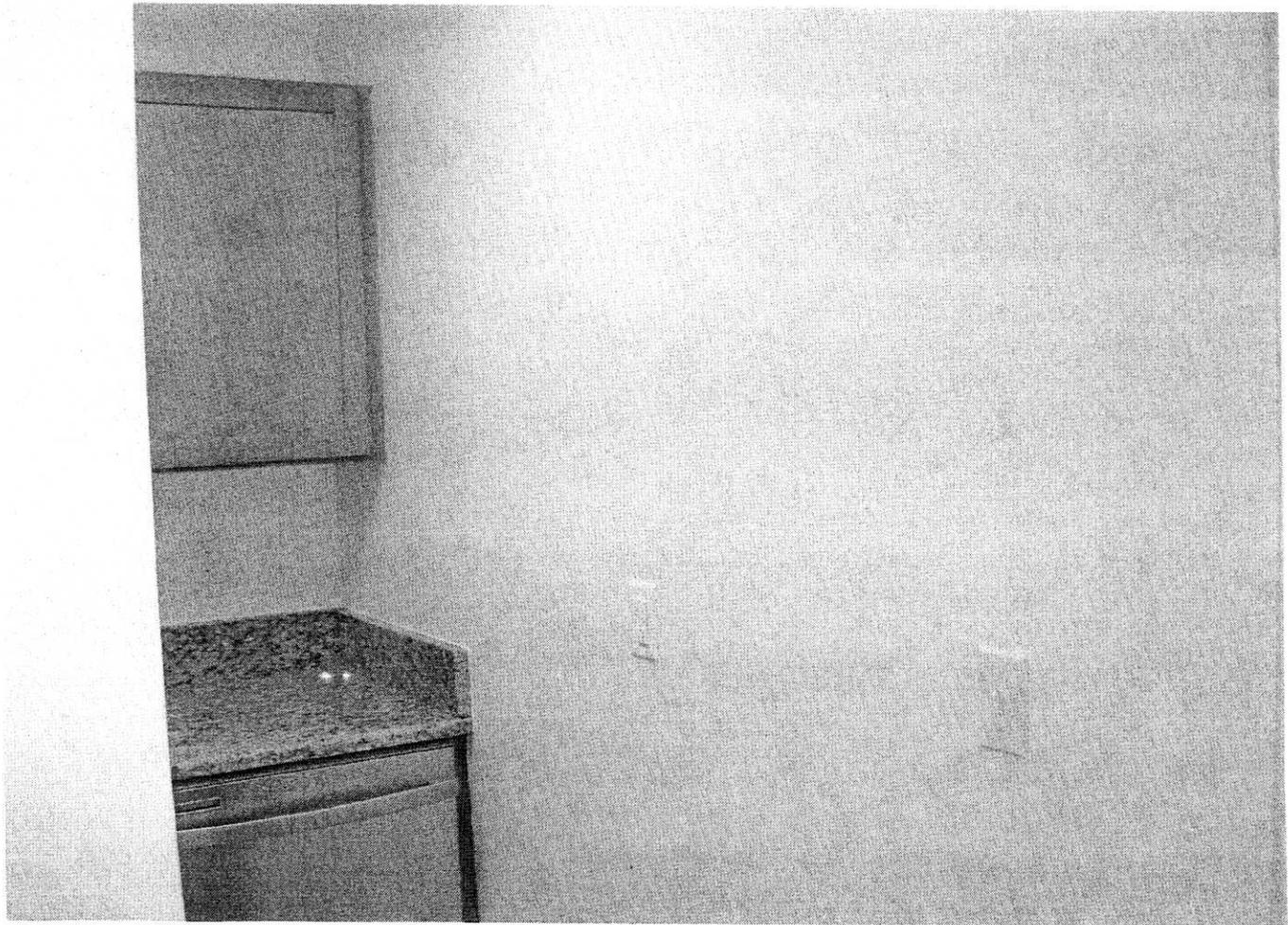
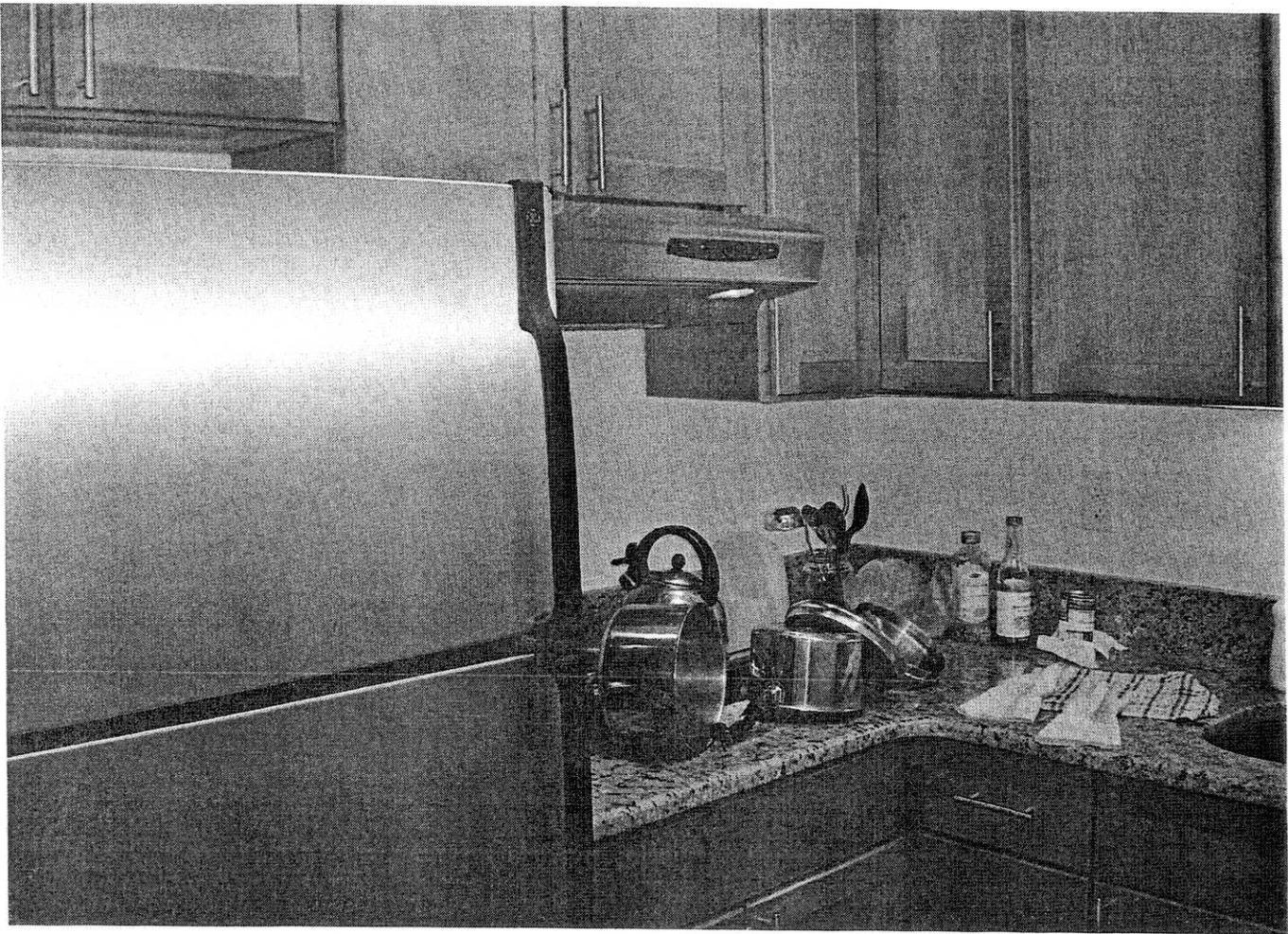


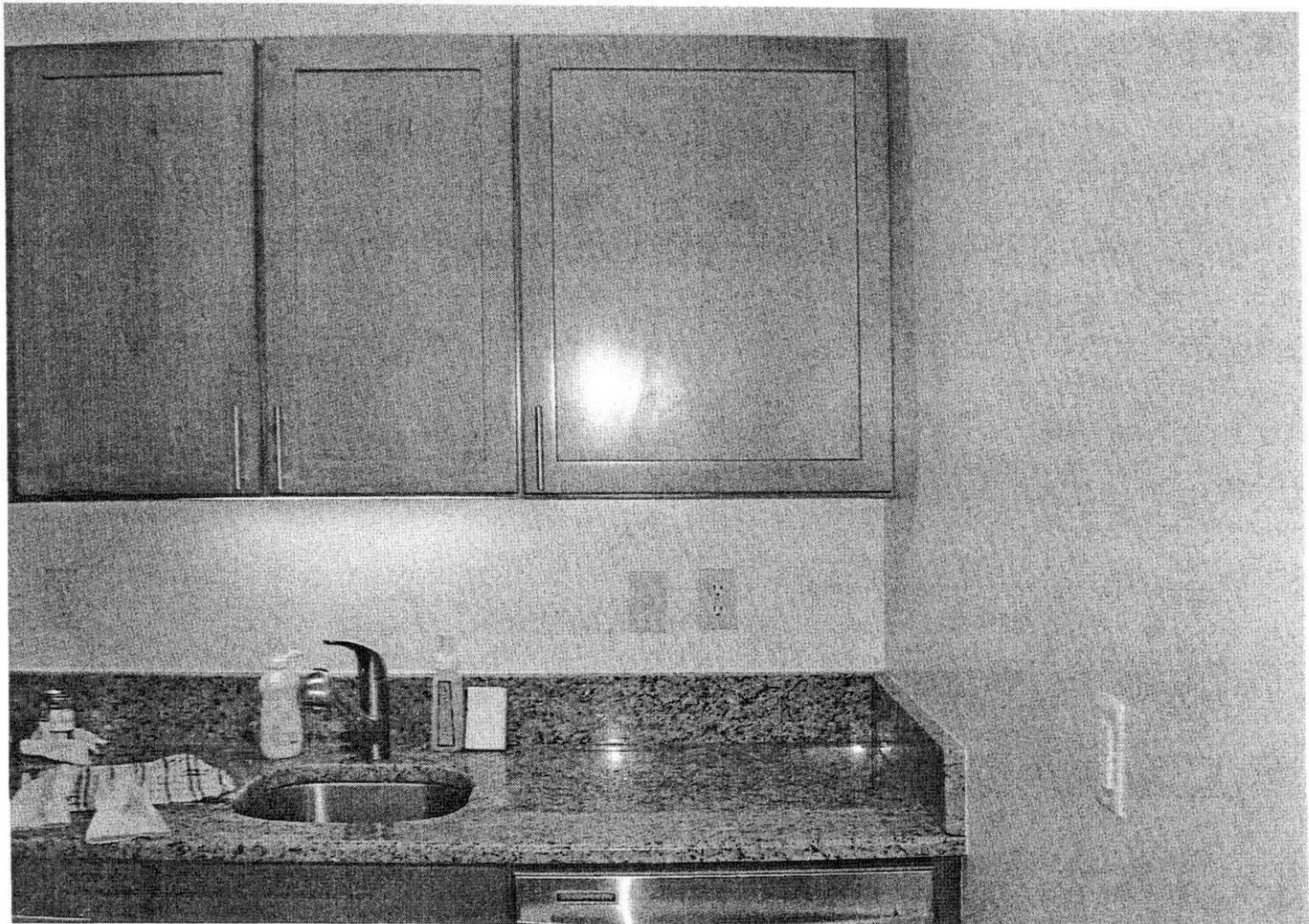
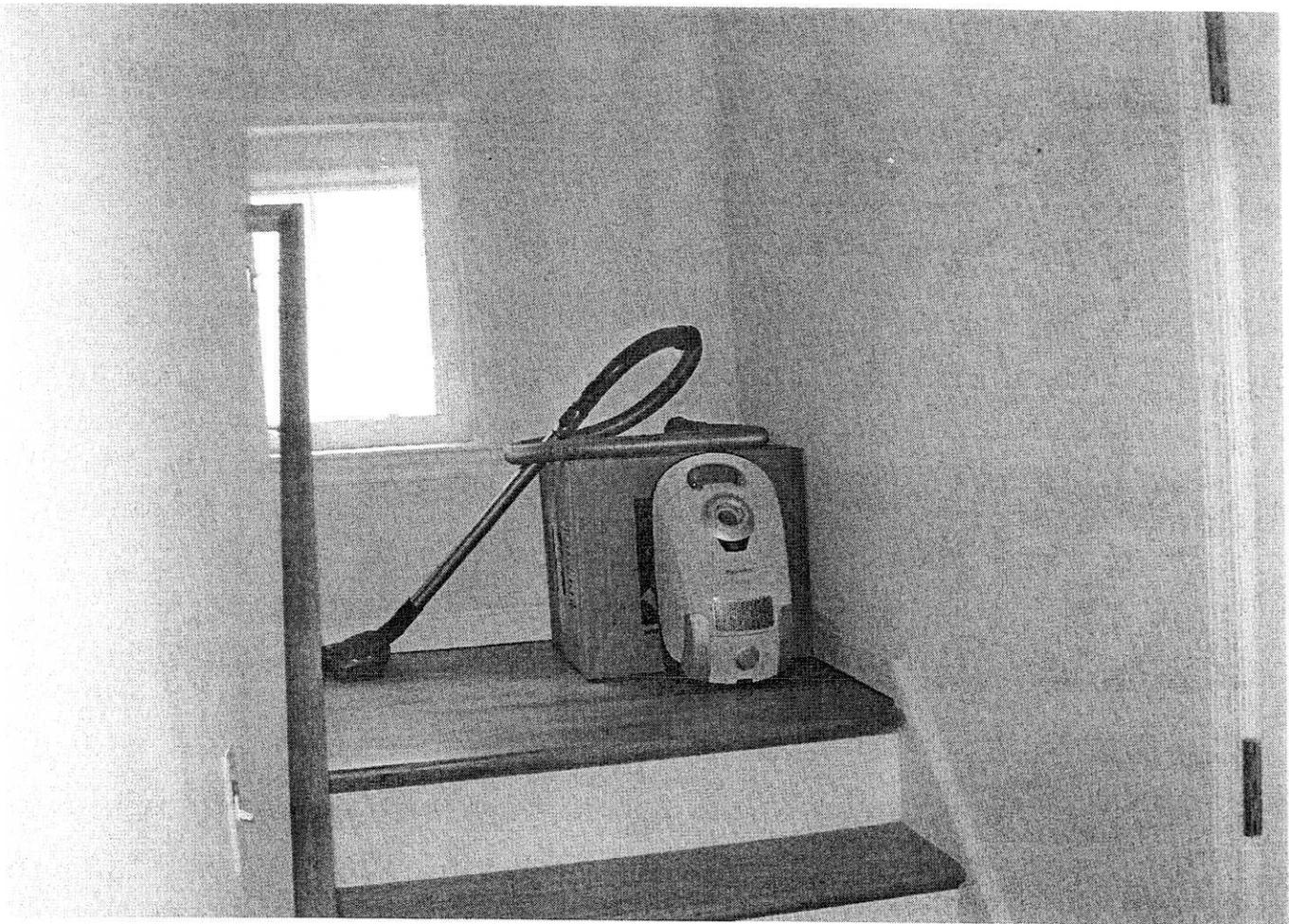
QUISENBERRY DRIVE
50' R/W

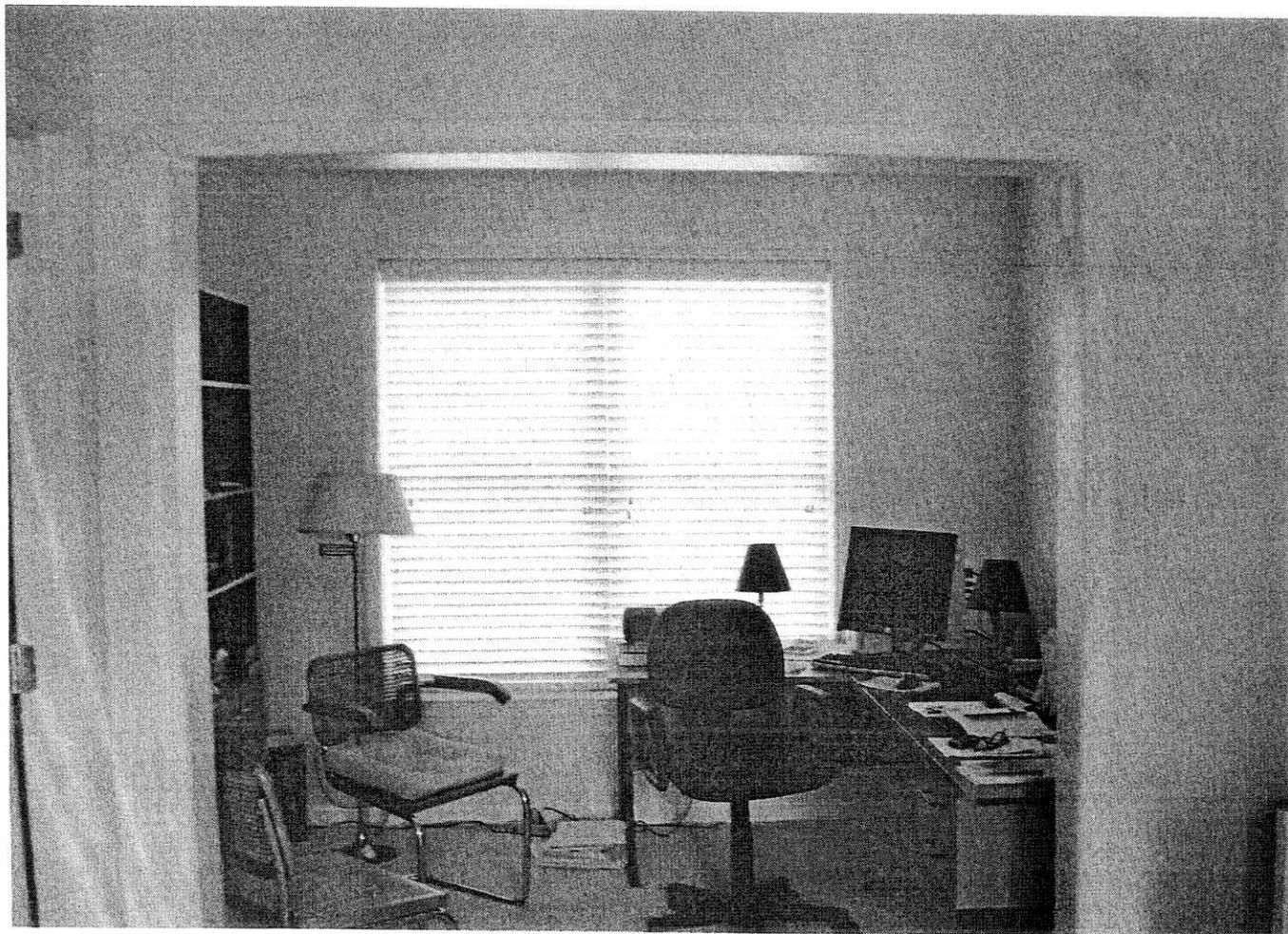
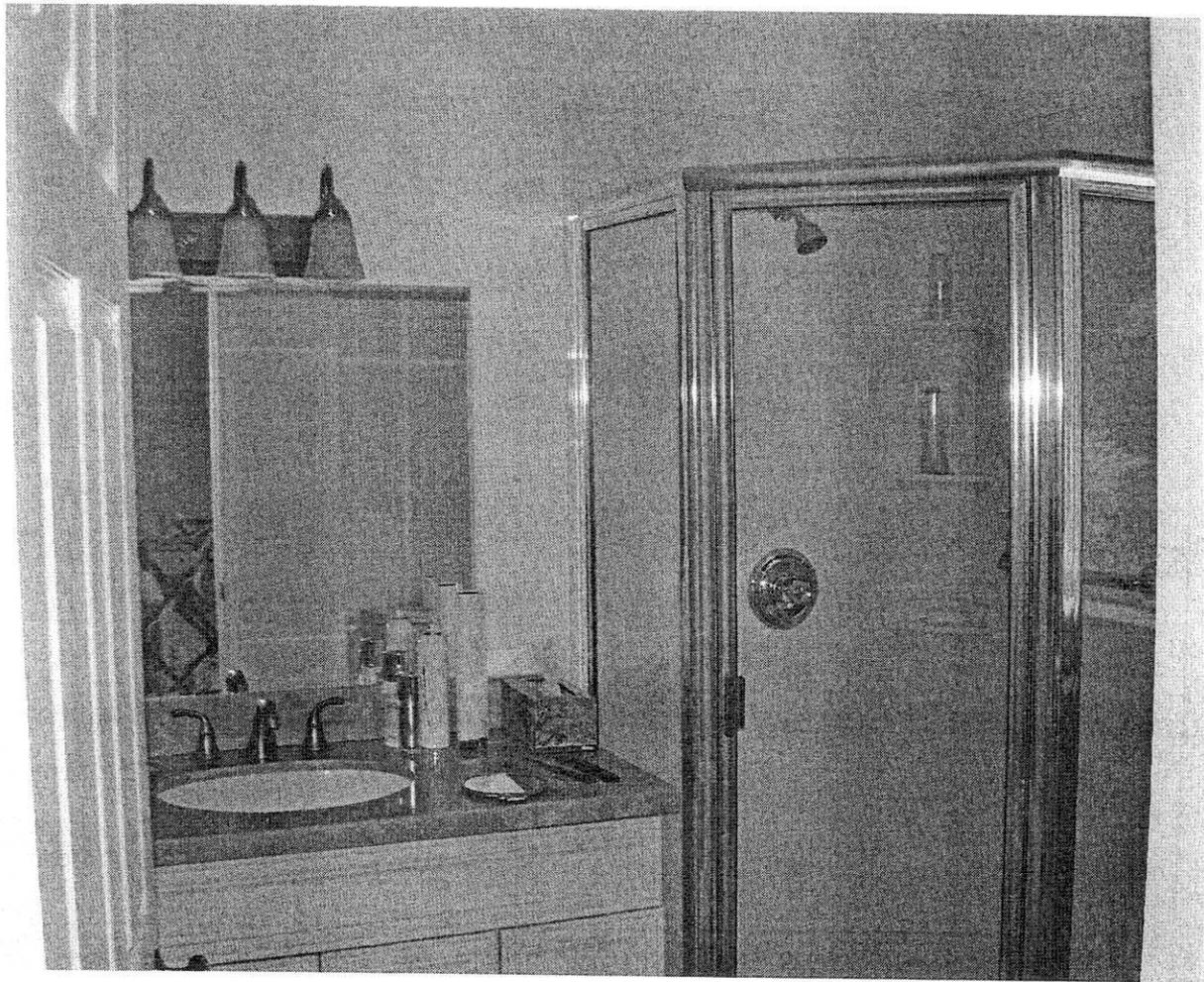
THIS PROPERTY IS IN A ZONE
"C" FLOOD DESIGNATION
AREA AND IS SUBJECT
TO MINIMAL FLOODING

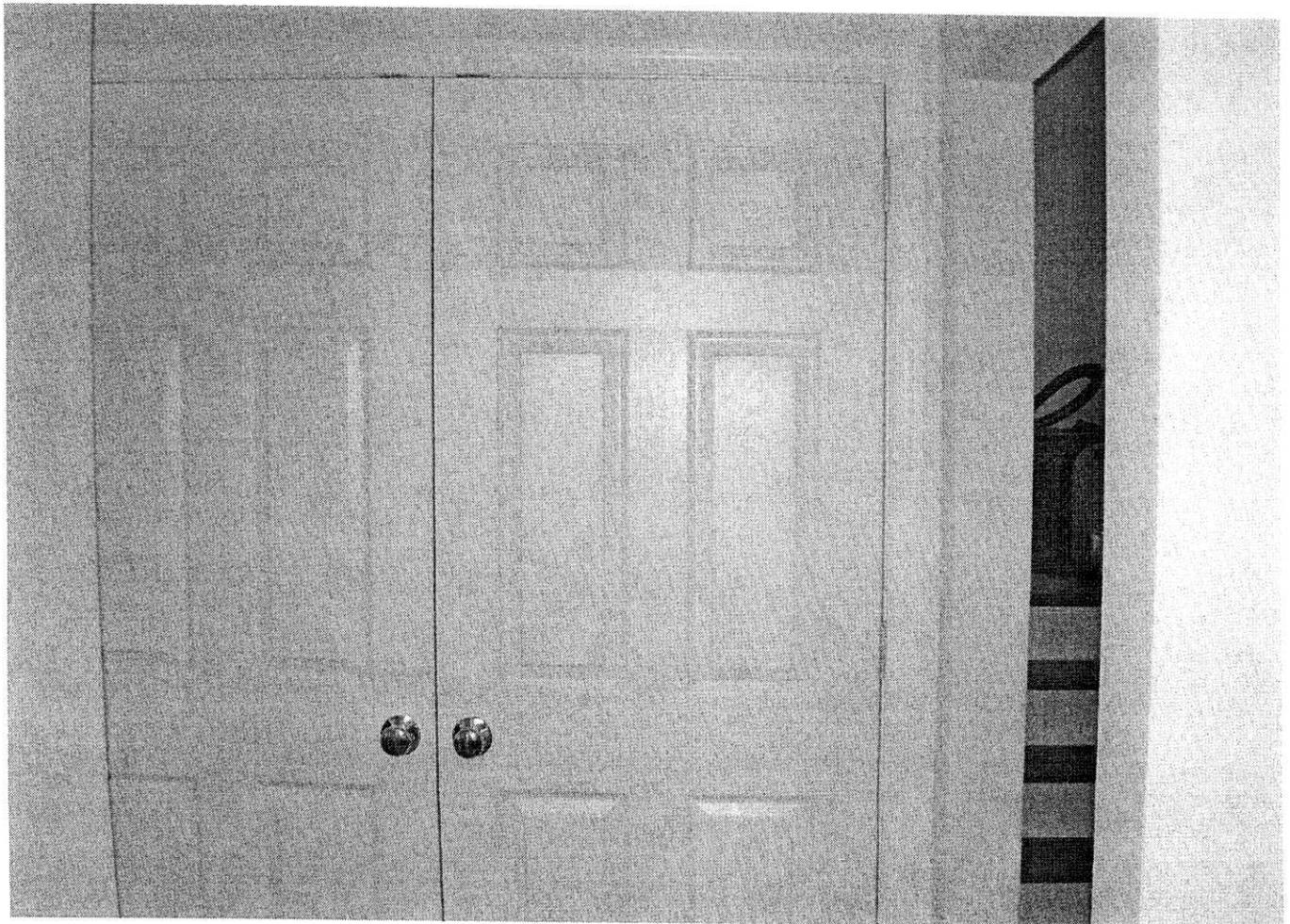
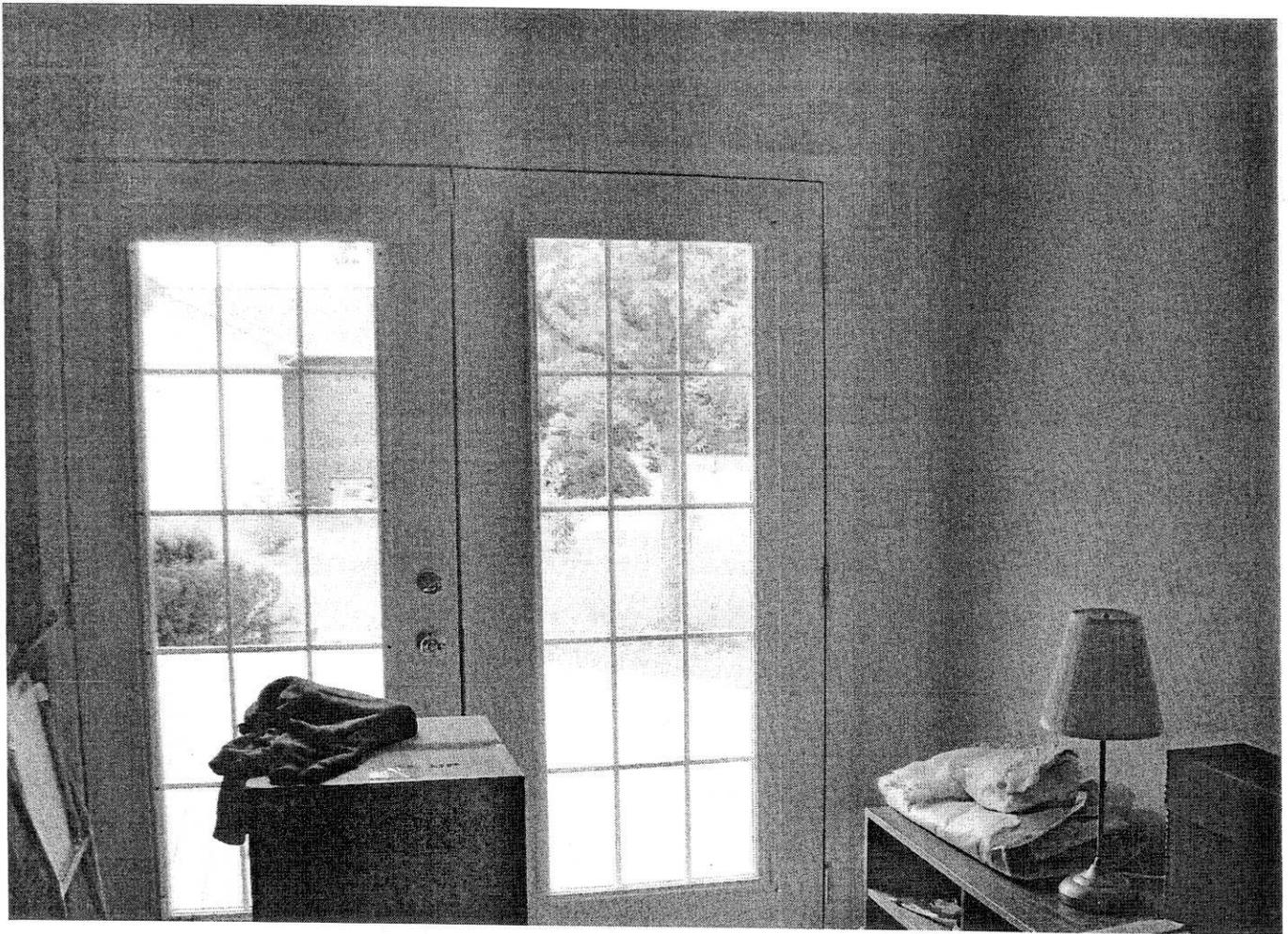
HOUSE LOCATION SURVEY
LOT 18
KINGS HILL
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA



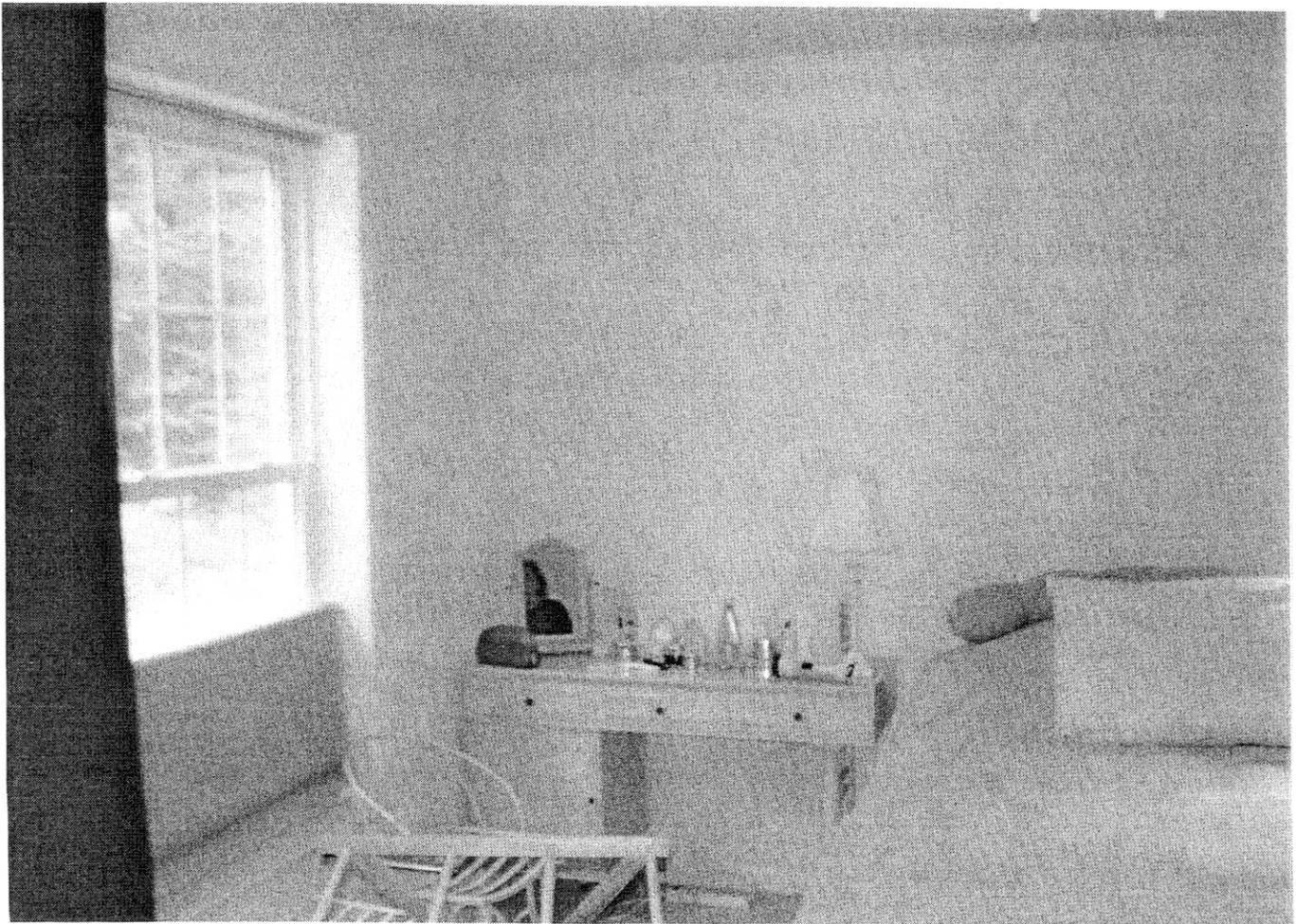
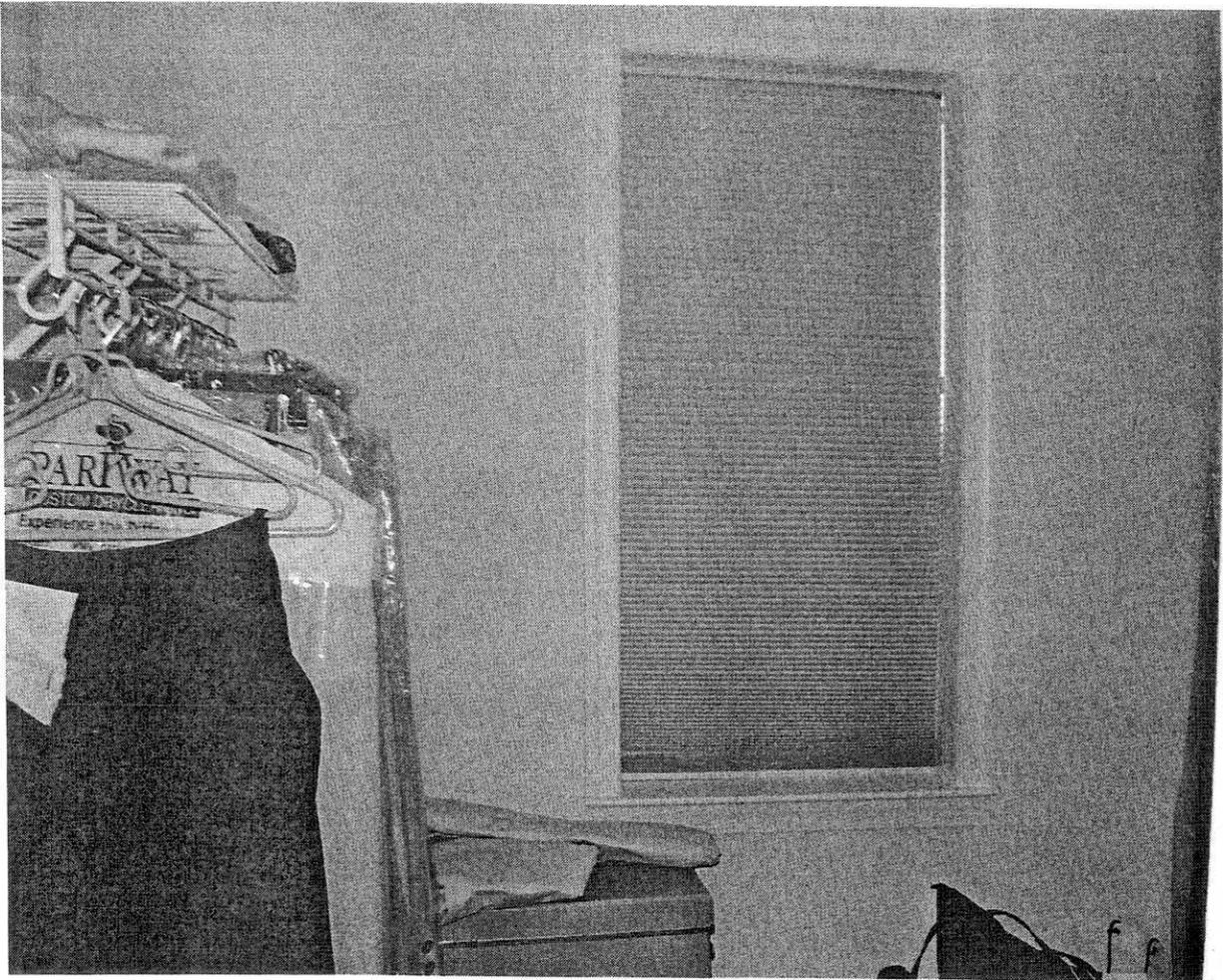




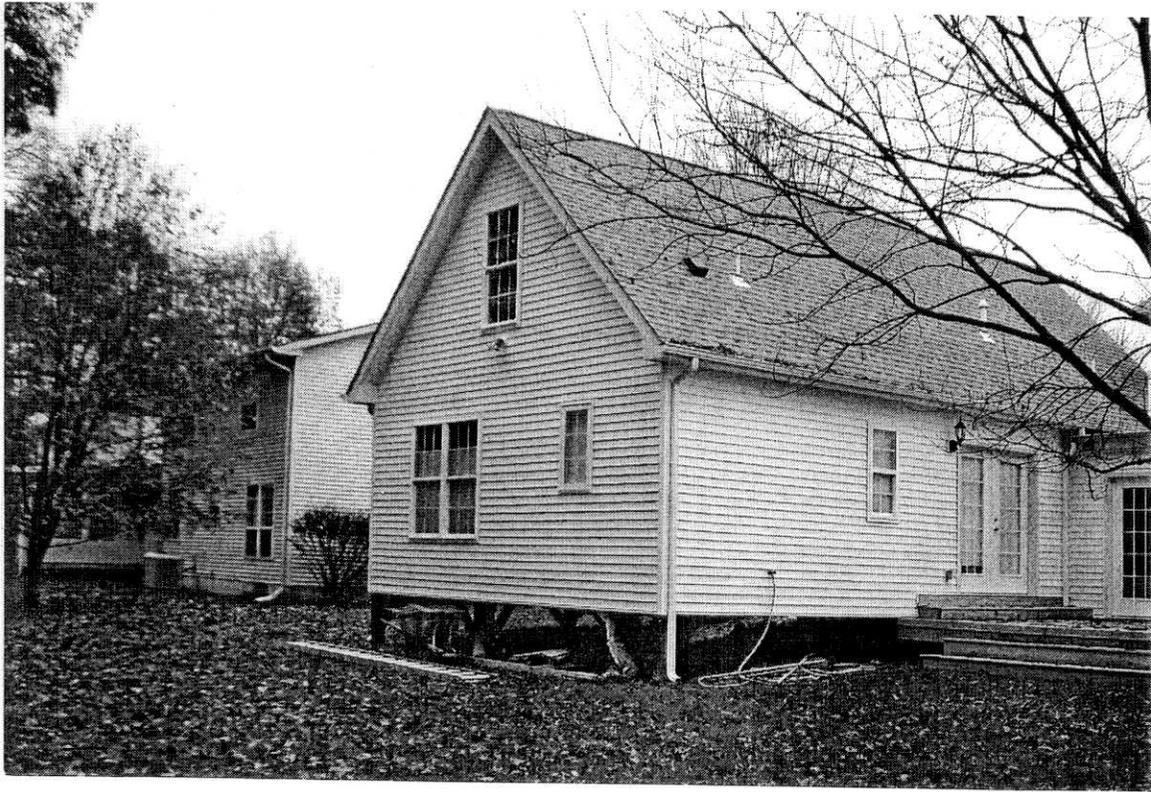


















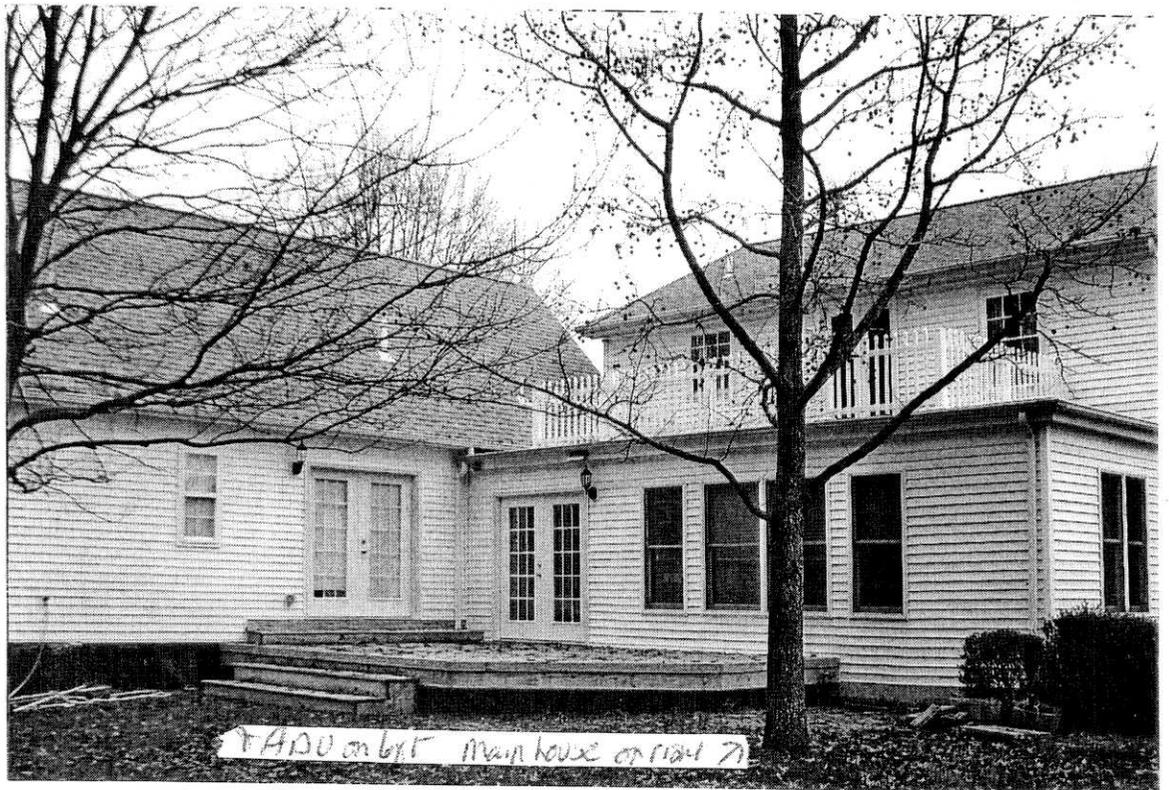
View of Vegetation - to rear of house + ADU



roof of accessory dwelling unit

Street + vegetation

View of rear of house (original house)



DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling unit.

Size of Principal Dwelling: 2,869 square feet

Size of Accessory Dwelling Unit: 804.67 square feet

Lot Size: 11,967 square feet

LOCATION AND CHARACTER

Existing Site Description

The application property is located at 3804 Quisenberry Drive in the Kings Hill subdivision. The 11,967 square foot site is developed with a single family detached dwelling, built in 1985. A building permit was obtained in May 2009 to construct a one story addition, with no kitchen or wet bar. An asphalt driveway is accessed from Quisenberry Drive and terminates at the dwelling. The 2009 addition is accessible through the existing dwelling, as well as a door on the side and a door from an existing wood deck at the rear of the dwelling. The dwelling currently has a two car garage, and a driveway which can accommodate up to two additional vehicles.

Surrounding Area Description

Direction	Use	Zoning
North	George Washington Community Park – Fairfax County Park Authority	R-2
South	Single Family Detached Dwellings	R-3
East	Single Family Detached Dwellings	R-3
West	Single Family Detached Dwellings	R-3

BACKGROUND

Site History

County records indicate that the application dwelling was originally constructed in 1985.

The floor plan provided indicates a recently constructed one-story addition which is proposed to be used as the accessory dwelling unit.

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: House Location Survey, Lot 18, Kings Hill

Prepared By: Sastro & Associates, LLC

Dated: November 22, 2009 as revised through March 15, 2010

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 approximate 805 square foot accessory unit will be located in a one-story newly constructed addition attached to the rear of the existing single family dwelling. The dwelling unit will include one bedroom, a bathroom, a living area, a sitting area and a small kitchenette, comprising 28 percent of the total square footage of the dwelling.

Currently, the applicant resides in the principal dwelling and her mother resides in the addition area. The applicant's family currently has two (2) cars. The site can accommodate up to four (4) vehicles, two (2) in the driveway and two (2) in the garage. There are no proposed site modifications. The owner has stated that the request is to add a full second kitchen to accommodate her mother residing in the dwelling. Most of those components currently exist, without the benefit of a stove. The applicants mother is over 55 years of age.

ZONING ORDINANCE PROVISIONS

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-3 Zoning District.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Group Standards for All Group 9 Uses (Sect. 8-903)
- Additional Standards for Accessory Dwelling Units (Sect. 8-918)

Summary of Zoning Ordinance Provisions

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 4. Subject to development conditions, the special permit must meet these standards.

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 2010-MV-030 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
2. Applicant's Affidavit
3. Applicant's Statement of Justification and Attachments
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2010-MV-030****July 7, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-MV-030 located at Tax Map 101-4 ((23)) 18, to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

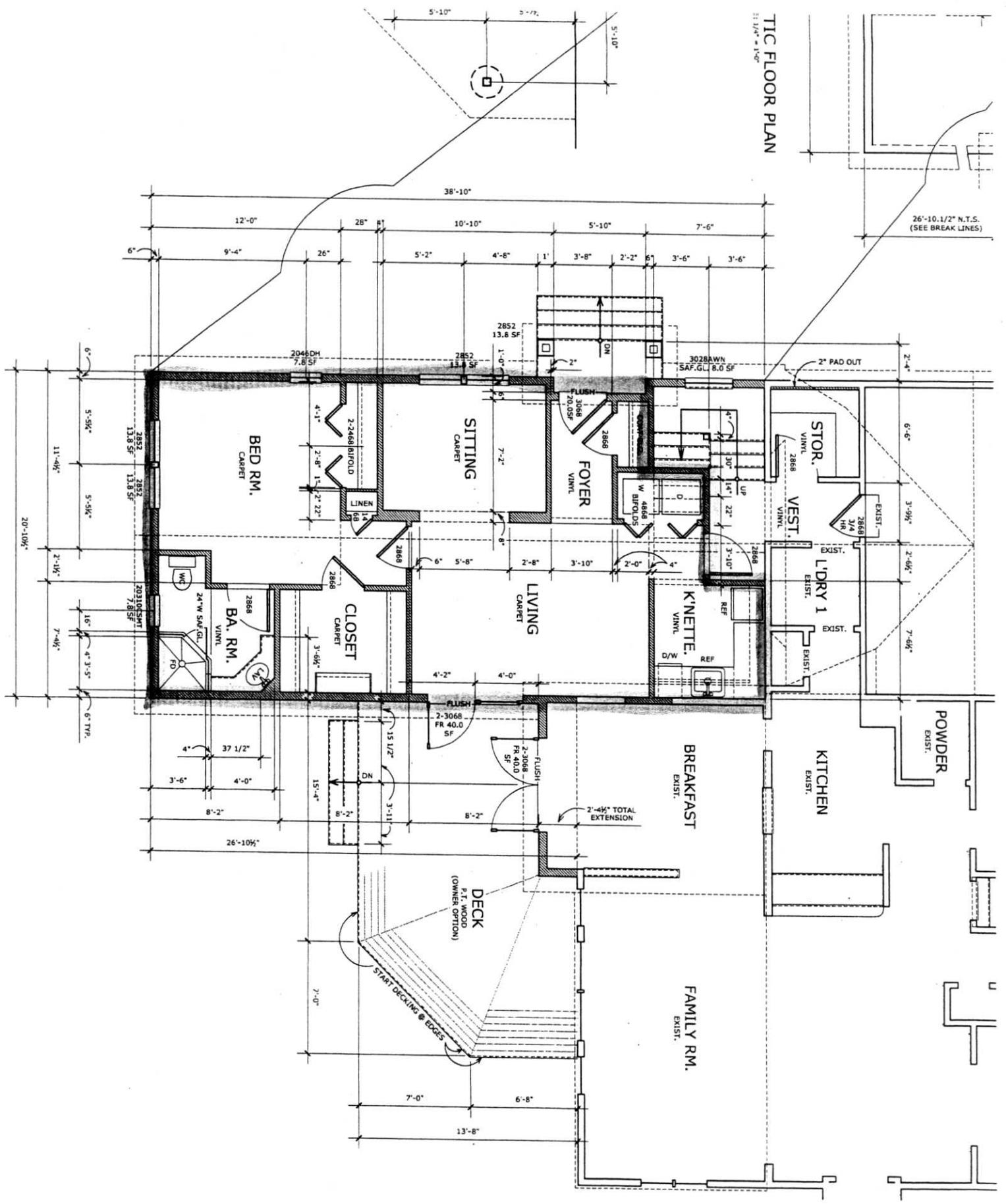
1. This approval is granted to the applicant only, Lauren A. Foley-Preston, Trustee, Lauren A. Foley Living Trust dated December 19, 2005 and is not transferable without further action of this Board, and is for the location indicated on the application, 3804 Quisenberry Drive (11,967 square feet), and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by Sastro & Associates, LLC, dated November 22, 2009, as revised through March 15, 2010, 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 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. The accessory dwelling unit shall contain a maximum of 805 square feet, and the layout shall generally be 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. 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, 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.

TIC FLOOR PLAN
 1/4" = 1'-0"



26'-10 1/2" N.T.S.
 (SEE BREAK LINES)

Application No.(s): SP 2010-MU-030
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3-15-10
(enter date affidavit is notarized)

I, Lauren A. Foley-Preston, Trustee, The Lauren A. Foley Living Trust Dtd 12-19-05 do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant 1068586
 applicant's authorized agent listed in Par. 1(a) below

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

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Lauren A. Foley-Preston, Trustee, Lauren A. Foley Living Trust Dtd 12-19-05	3804 Quisenberry Dr. Alexandria, VA 22309	Trustee, owner = BENEFICIARY

(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 2010-MV-030
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3-15-10
(enter date affidavit is notarized)

1068584

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)

none

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)

none

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

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

Application No.(s): SP 2010-MU-030
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3-15-10
(enter date affidavit is notarized)

1068582

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)

n/a

(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)

none

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

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

Application No.(s): SP 2010 - MV - 030
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3-15-10
(enter date affidavit is notarized)

106858r

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:

none

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): SP 2010. MV-030
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/15/10
(enter date affidavit is notarized)

1068584

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:

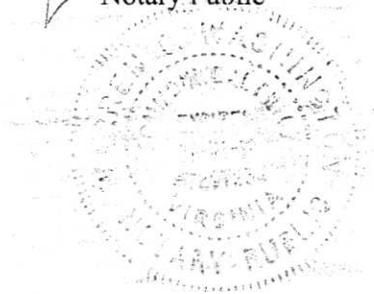
(check one) Applicant *Lauren A. Foley Preston Trustee* Applicant's Authorized Agent

Lauren A. Foley Preston, Trustee Lauren A Foley living trust
(type or print first name, middle initial, last name, and title of signee) 19 DEC 05

Subscribed and sworn to before me this 15TH day of MARCH 2010, in the State/Comm. of VIRGINIA, County/City of ALEXANDRIA.

[Signature]
Notary Public

My commission expires: 10-31-2012



Lauren A. and William A. Preston 3804 Quisenberry Dr., Alexandria, VA 22309

SPECIAL PERMIT REQUEST UNDER SECTION 8-918

Special Permit Statement of Justification for Accessory Dwelling Unit

The homeowners desire to have a separate living space in their home to accommodate Mr. Preston's mother, Mrs. Kari Preston, who is a 78 year old widow, who lives with them. The homeowners continue to live in the existing home, and Mrs. Kari Preston lives in a newly constructed in-law suite attached to the home.

The newly constructed in-law suite was built with appropriate permits. It includes 805 square feet of finished living space, including one bedroom, bathroom, living room area, a study/office area, a separate side entrance from the outside and a wet-bar/kitchenette area. The homeowners seek a special permit to be able to add cooking equipment (a stove or a cook top) to make the kitchenette in the in-law addition a proper kitchen.

The total square footage of both dwellings is 3,389 square feet. The main house is owner occupied and will remain that way. Its size, including garage and deck, is 2,584 square feet.

The in-law suite, which is occupied by Mrs. Kari Preston, has 805 square feet of finished living space, which is 23.75% of the total. The in-law suite is a continuous part of the house, using consistent materials as the existing house including drywall, baseboard, casing, trim, siding and roofing materials. The living spaces have a common driveway, garage, yard and deck, and also share all utility connections (electric, gas, water, sewer, telephone and cable). The construction of the new area was done in compliance with all the provisions, applicable ordinances and regulations of the Fairfax County Building Code, and was inspected by a Fairfax County Building Inspector in November 2009.

The existing dwelling has capacity to park four cars – two in the garage and two in the driveway. The family only has two cars at present. The number of parking spaces is sufficient for the family.

The request of this permit is to have a second kitchen in the residence for the special circumstance of accommodating an elderly resident. The homeowners believe this arrangement will promote the health, safety and well-being of Mrs. Kari Preston, and that the request complies with the guidelines for this special permit. The Homeowner's neighbors have no objections to this arrangement.

Lauren A. Foley Preston

Lauren A. Foley Preston, Trustee

Lauren A. Foley living trust dated 12-19-2005

11/24/2009

Date

RECEIVED
Department of Planning & Zoning

DEC 01 2009

Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning
MAR 18 2010
Zoning Evaluation Division

3804 Quisenberry Dr.
Alexandria, VA 22309
March 16, 2010

Mrs. Virginia Ruffner
Application Acceptance Section, ZED, DPZ
County of Fairfax, Virginia
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035
Re: Special Permit Application SP2009-0288

Dear Ms. Ruffner:

Enclosed is a resubmittal of the application for special permit. This permit is not to request approval of new construction. It is simply to request permission to install a cooktop for the inlaw accessory dwelling unit my husband and I had built for his 79 year old mother. We have been trying to navigate the permit process since November without much success. I would appreciate it if you would review this and call me if something further needs to be provided. It is quite a hardship for this elderly lady to not have an ability to cook food in her own kitchen.

In addressing the checklist report of items deemed deficient in the last submission, we are including the following:

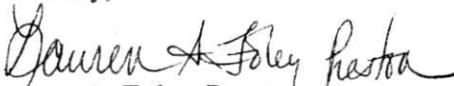
1. Four (4) copies of the application form with a revised description of proposed use (your item 1.0).
2. Labelled photographs, along with a thumb drive electronic file of photographs of the property and an index of the pictures on the electronic file. (Your item 3.0)
3. A revised special permit plat (your item 7.0) along with the meetes and bounds certification plat I received upon purchasing the house.
4. Twenty two copies of the revised special permit plat (your item #1.0 on the second check list).

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5. The total square area of the property according to county records is 11,967 square feet. (Your item 1.04 on the second check list). Please note – the inlaw addition is already constructed and has been inspected by the county. We are not changing the exterior at all. We just want to add a cooking appliance inside.
6. Locations, dimensions and maximum height of all existing structures will be added to the revised plat in your item 1.0 on the second checklist. This address deficiency 1.06 of your second checklist.
7. Deficiency 1.09 of your second checklist will also be included in the revised plat.
8. For deficiency 1.12 on your second checklist, the house has a driveway for getting to and from the public streets. A picture of the driveway and street is enclosed, along with the driveway shown on the revised plat.
9. For deficiency 1.13, and 1.14 there is a two car garage built into the house which is enough parking for our two car family. There are also two parking spaces in the driveway. Pictures of the garage and driveway are included.
10. For deficiency 1.35, all utility easements are marked on the original and revised plats.
11. For deficiency 1.38, the architect will provide a revised seal with correct dates.

I would greatly appreciate your assistance in getting this application through the review and approval process. It means a lot to an elderly lady who suffered the loss of her husband this year and had to move in with us for family support. If you need further information or revisions, will you kindly call me at (571)289-9768 and I can drive to the office to make corrections as needed.

Sincerely,


Lauren A. Foley-Preston

Sp 2009-0288

Application for a Special Permit – Accessory Dwelling Unit
Schedule of Parking

This family has two cars, and requires enough off street parking for two cars. The house has an attached two car garage, and enough space on a paved driveway for two more cars for visitors.

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Department of Planning & Zoning

MAR 18 2010

Zoning Evaluation Division

8-006 General Standards

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

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

8-903 Standards For All Group 9 Uses

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

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

8-918 Additional Standards for Accessory Dwelling Units

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

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.
On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.
3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
 - A. One of the dwelling units shall be owner occupied.
 - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
 - (1) Any person fifty-five (55) years of age or over and/or
 - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security

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

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

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

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