



APPLICATION ACCEPTED: June 18, 2010
BOARD OF ZONING APPEALS: September 15, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 8, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-HM-042

HUNTER MILL DISTRICT

APPLICANT: Sandra H. Casmey, Trustee

OWNERS: Sandra H. Casmey, Trustee
for the Sandra H. Casmey Living Trust
Sandra H. Casmey, Beneficiary
Benjamin A. Curlee
Kristen C. Curlee

SUBDIVISION: Wayside

STREET ADDRESS: 1811 Horseback Trail

TAX MAP REFERENCE: 27-2 ((2)) 10

LOT SIZE: 29,312 square feet

ZONING DISTRICT: R-1 (Cluster)

ZONING ORDINANCE PROVISIONS: 8-918

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit within an existing dwelling.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-HM-042 for the accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

O:\dhedri\Special Permits\9-15) SP 2010-HM-042 Casmey\SP 2010-HM-042 Casmey staff report.doc

Deborah Hedrick

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.

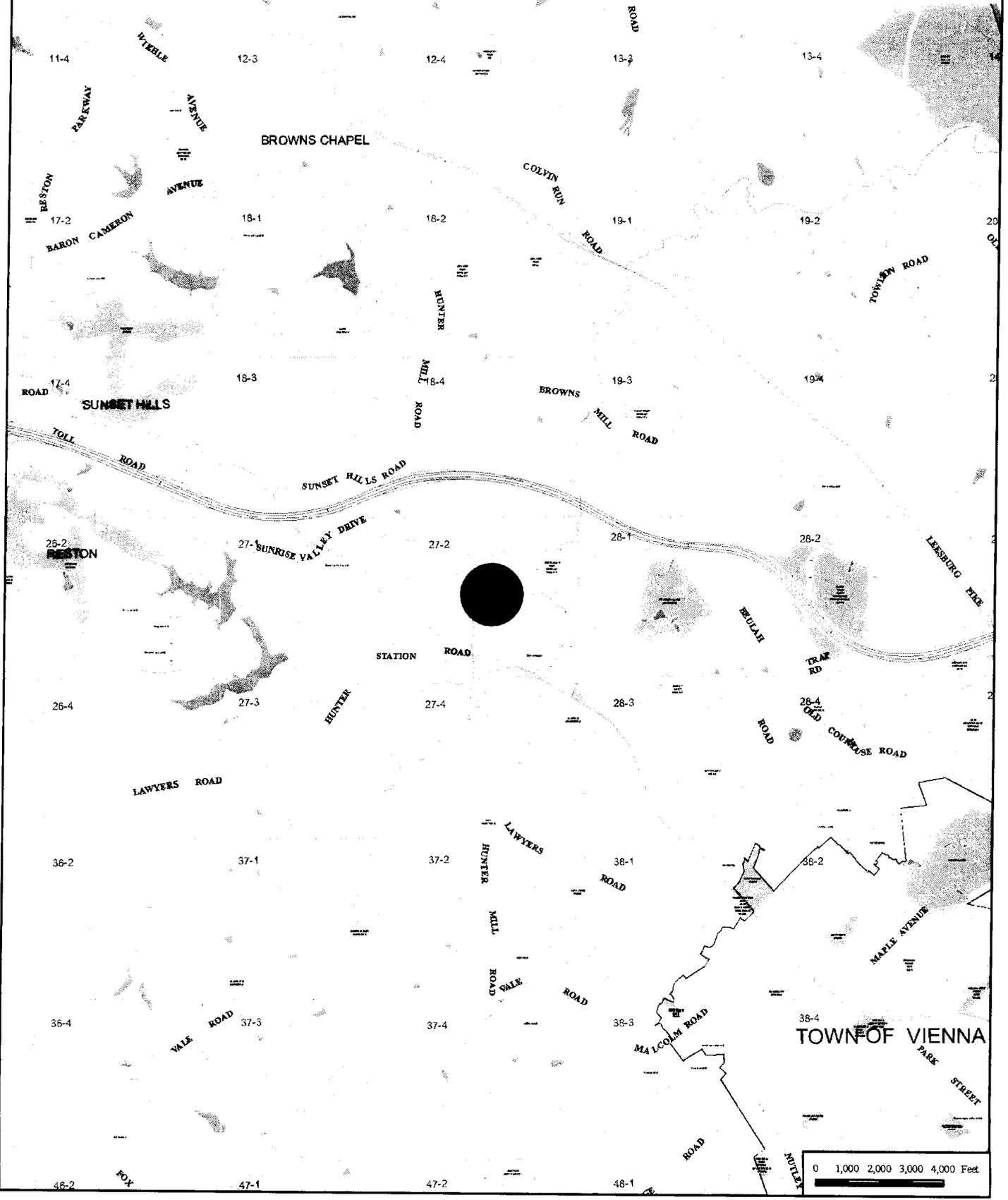
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

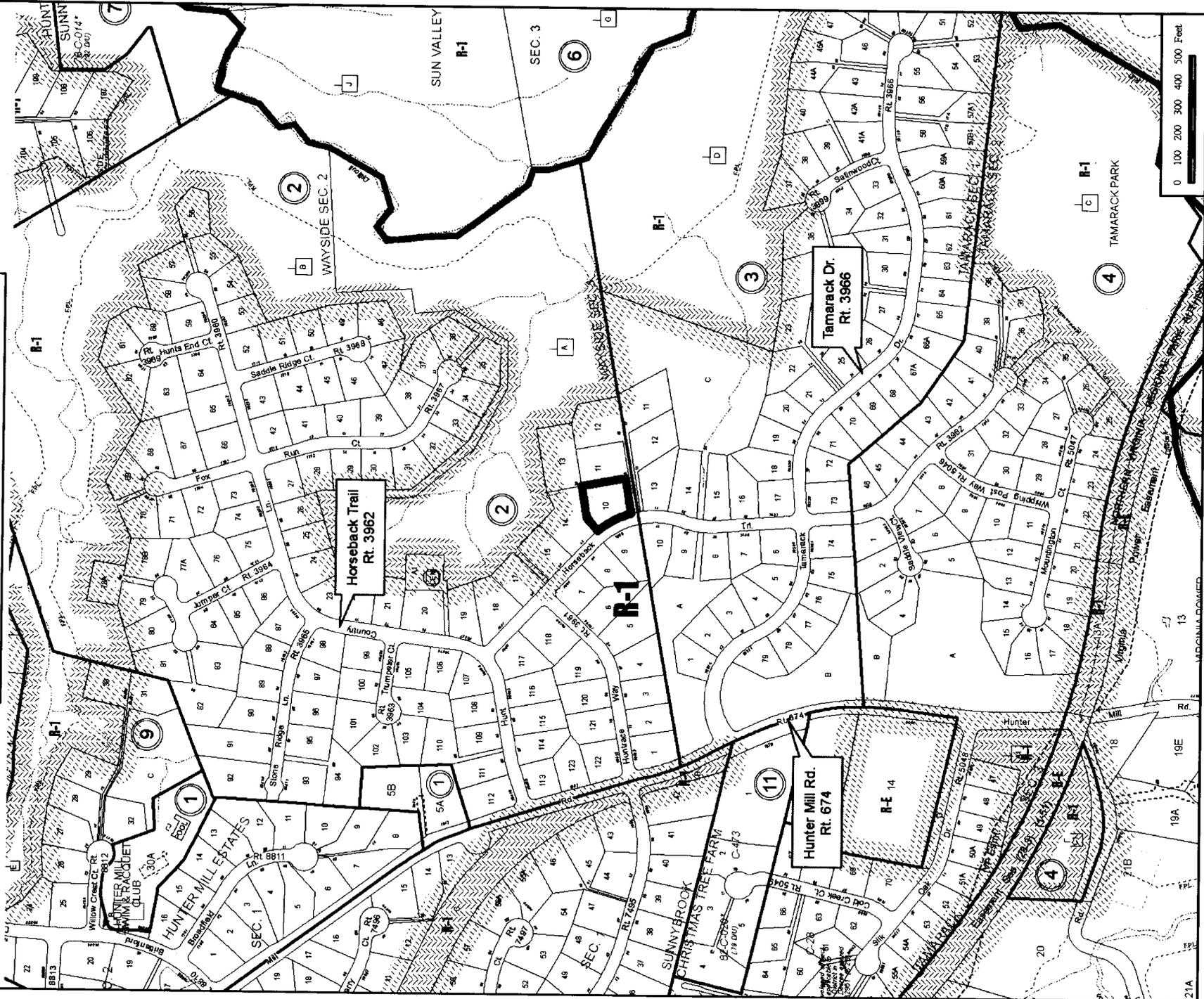


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

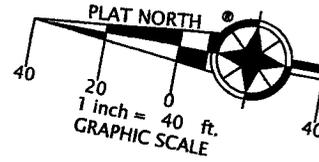
Special Permit
SP 2010-HM-042
SANDRA H. CASMEY



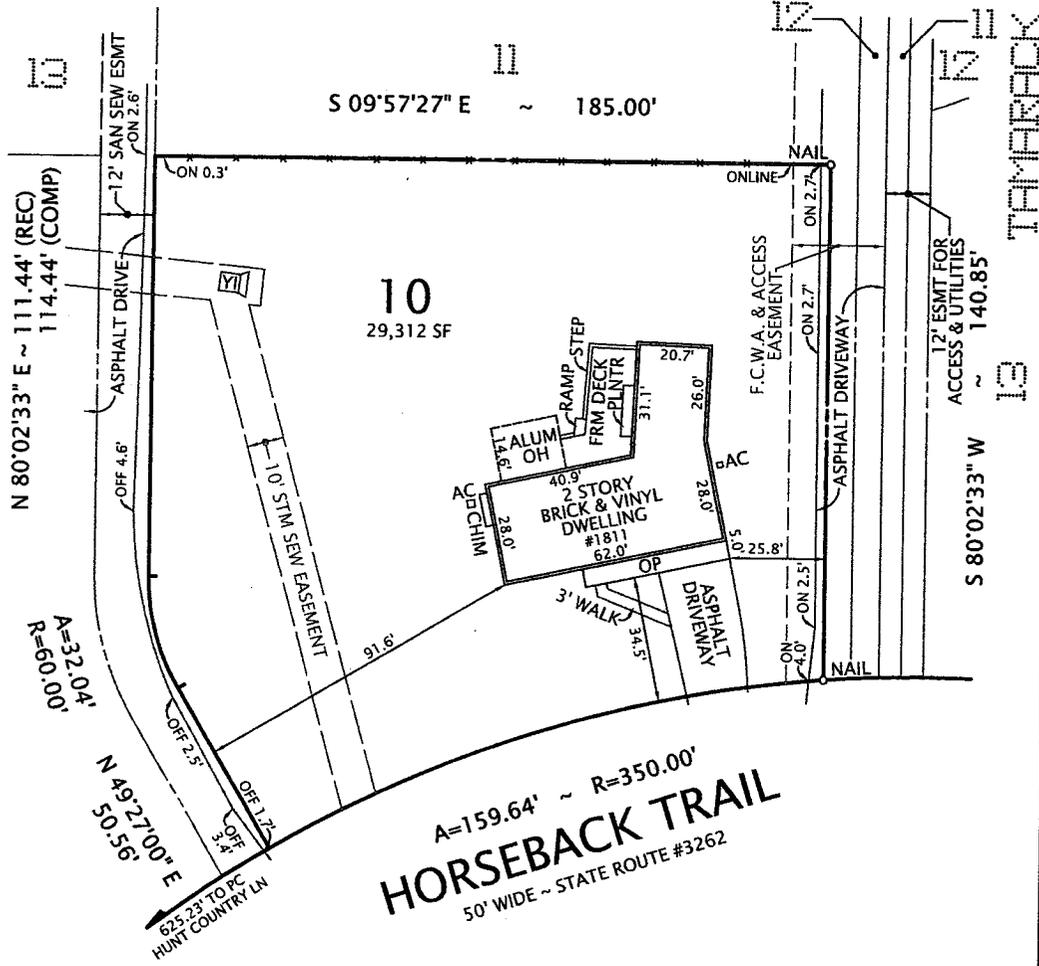
Special Permit
SP 2010-HM-042
SANDRA H. CASMEY



- NOTES: 1. FENCES ARE SPLIT RAIL.
2. UTILITIES ARE UNDERGROUND.



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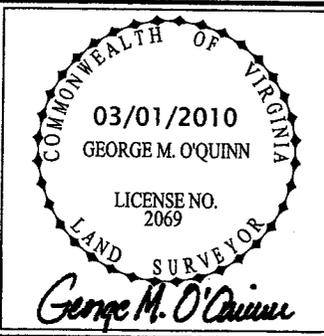


RECEIVED
Department of Planning & Zoning
APR 16 2010
Zoning Evaluation Division

PLAT
SHOWING HOUSE LOCATION ON
LOT 10, SECTION ONE
WAYSIDE
(DEED BOOK 3019, PAGE 1)
FAIRFAX COUNTY, VIRGINIA
HUNTER MILL DISTRICT
SCALE: 1" = 40' MARCH 1, 2010

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET.



Ordered by:
TRI LINE
TECHNOLOGIES
2132 East Ninth Street, Suite 210
Cleveland, Ohio 44115
1-866-772-8813 (Phone)
1-866-772-8815 (Fax)

DOMINION Surveyors Inc.
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

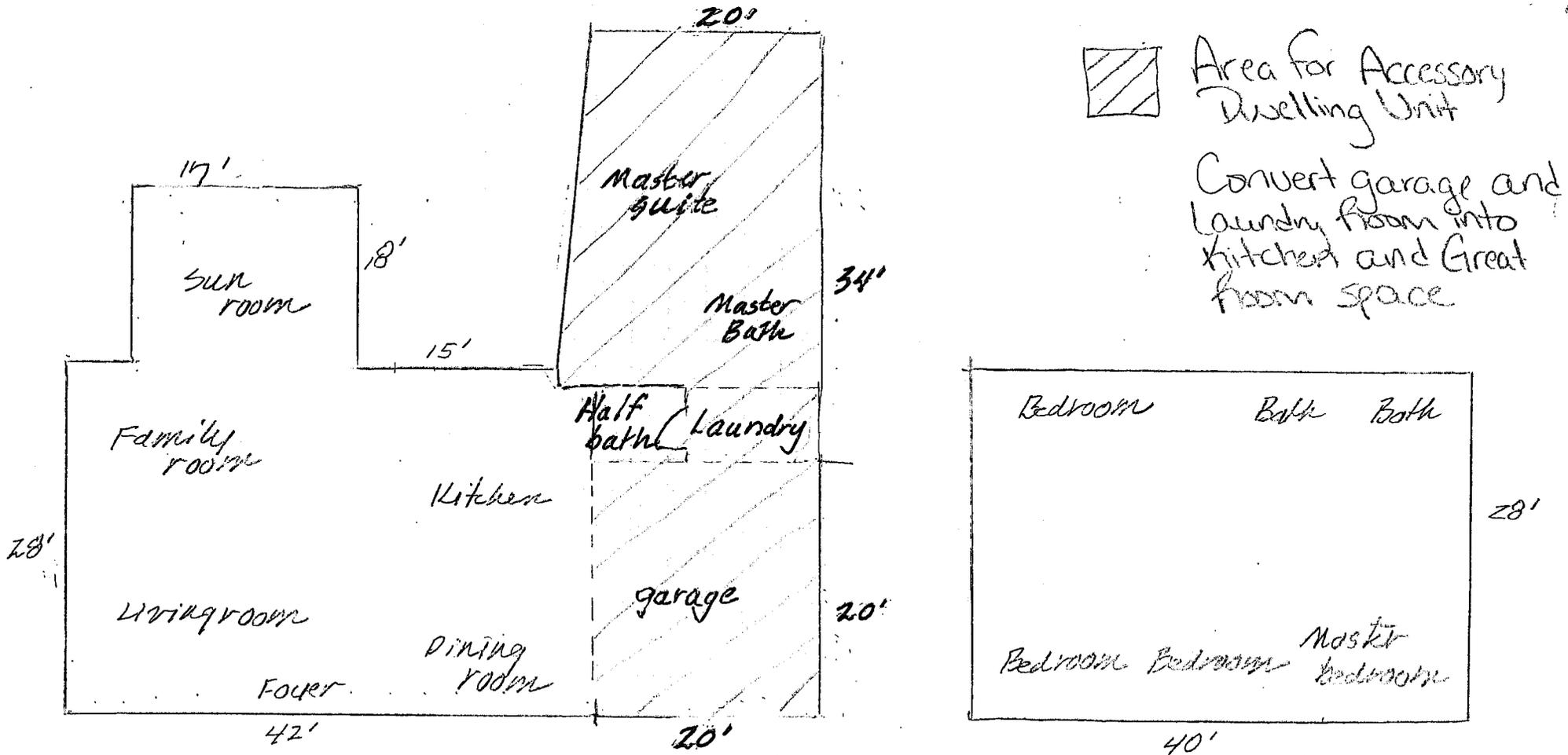
Sandra Casmev
 1811 Horseback Trail
 Vienna VA 22182

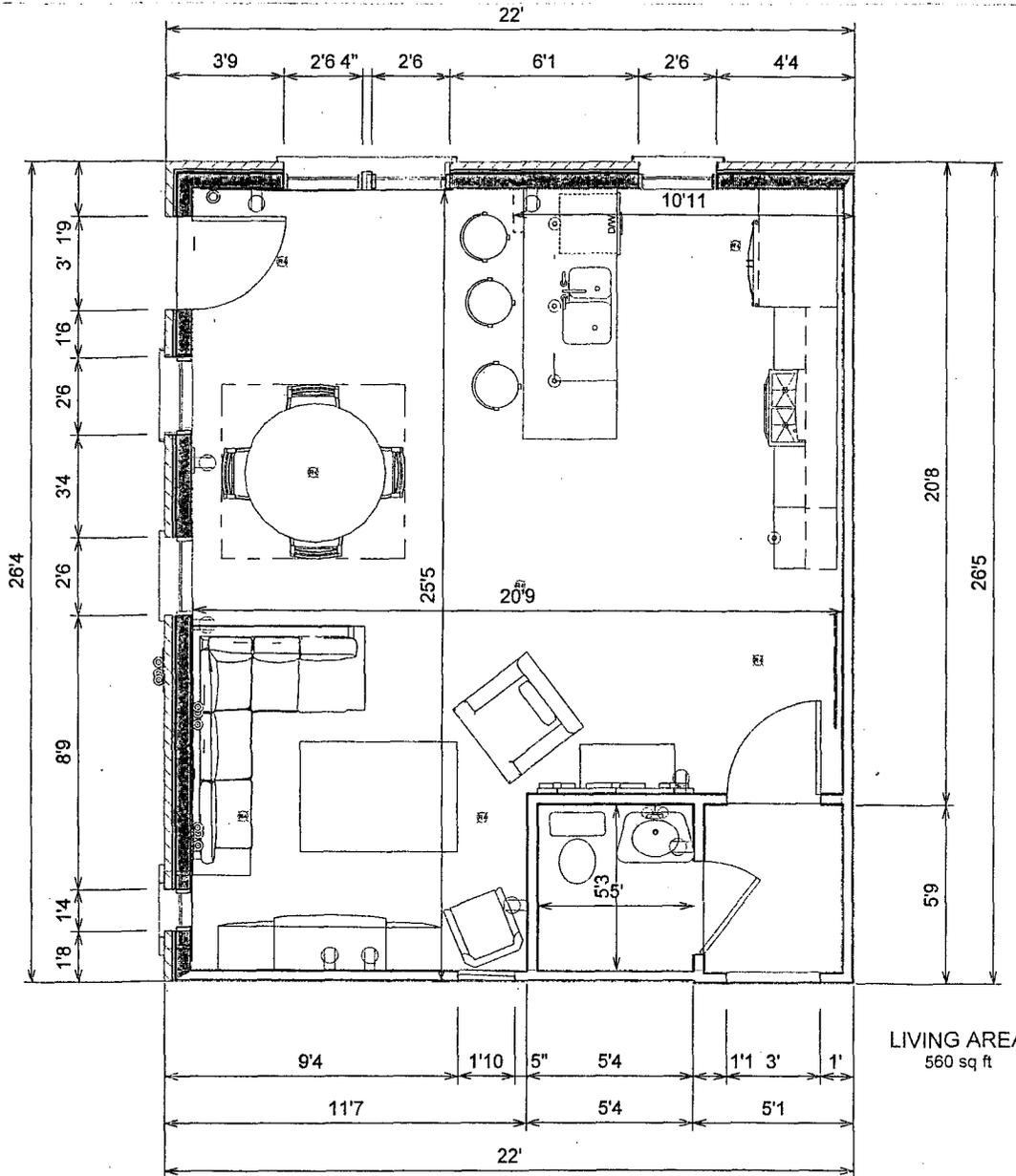
703-255 2542

SP 2010-0067

primary dwelling unit
 accessory dwelling unit

3476 sq. ft.
 1120.5 sq. ft. = 32%





LIVING AREA
560 sq ft

- PLAN NOTES:**
- Convert garage into new living space with great room, kitchen, dining, and media areas.
 - Remove wall at old laundry room.
 - Eliminate door at powder room.
 - Change mechanical closet door to a flush (concealed) door & knob.
 - Enclose garage door area with new framing, new entry door and windows.
 - Remove ceiling and replace with new gypsum ceiling.
 - Frame and sheet rock walls.
 - Provide recessed ceiling lights on a dimmer switch.
 - Provide new electric wall outlets per code.
 - Construct new flooring system with 2x4 framing and 3/4" subflooring
 - Install new wood floor in owners choice of material and color.
 - New thrw wall heater located under front windows.
 - New gas line for stove tap off existing kit line.
 - Remodel powder room per powder room drawings TBD.

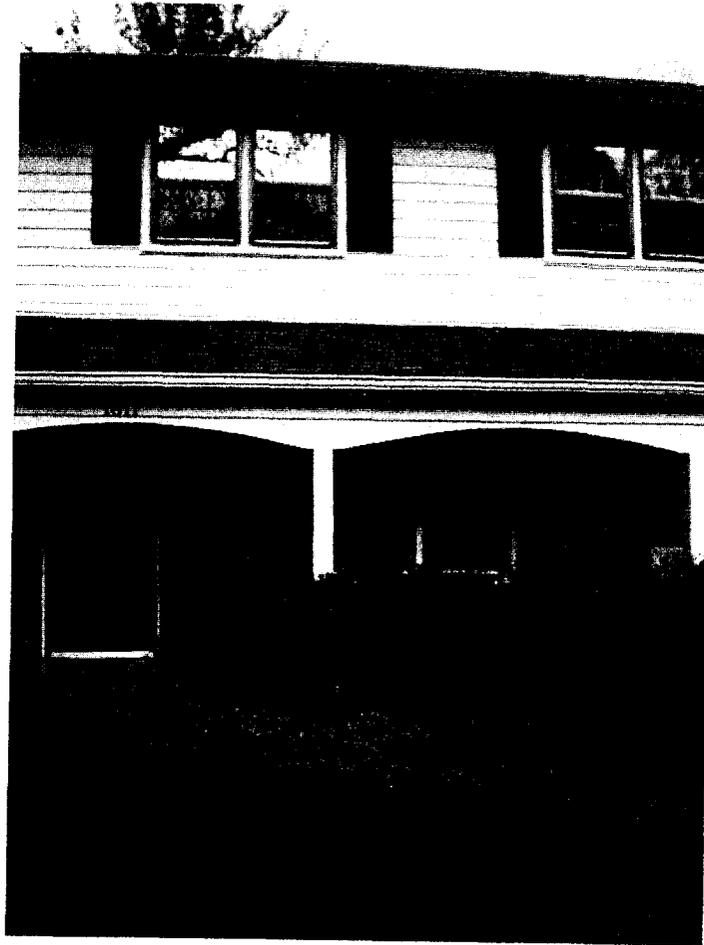
B.Burns Co, LLC
Design / Build Construction
5019 Rodman Road
Bethesda, MD 20816
www.bburnscompany.com
301-320-4134

CASMEY / CURLEE RESIDENCE
1811 Horseback Trail
Viena, VA 22182

Drawing Date:
MAR 15 - 2010
MAR 26 - 2010

A-1 FLOOR PLAN

RECEIVED
Department of Planning & Zoning
APR 16 2010
Zoning Evaluation Division



RECEIVED
Department of Planning & Zoning

APR 16 2010

Zoning Evaluation Division

From front yard of front door



From front door of 1808 Horseback Trail

SUBJECT PROPERTY PHOTO ADDENDUM

Borrower: Kristen Curlee	File No.: horseback-trail2
Property Address: 1811 Horseback Trail	Case No.: Loan# 0060505476
City: Vienna	State: VA
Lender: PHH Mortgage Corporation	Zip: 22182



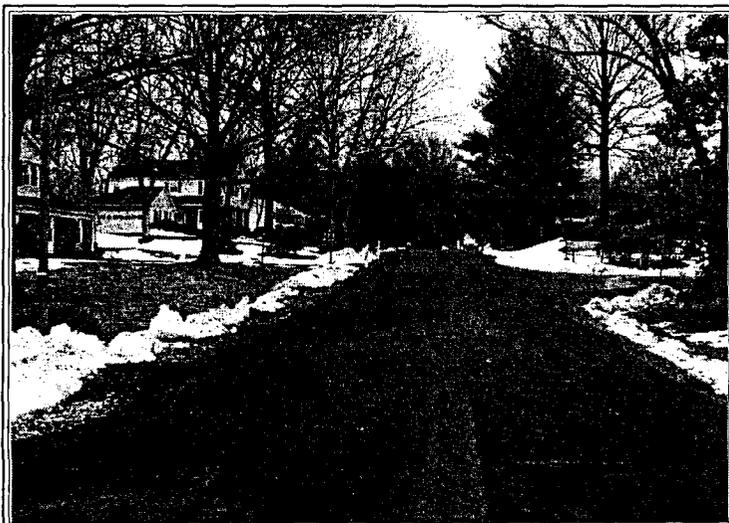
FRONT VIEW OF
SUBJECT PROPERTY

Appraised Date: March 3, 2010
Appraised Value: \$ 740,000

*this first page
is an overview.
Directions per
instructions
follow.*



REAR VIEW OF
SUBJECT PROPERTY



STREET SCENE

RECEIVED
Department of Planning & Zoning

APR 16 2010

Zoning Evaluation Division



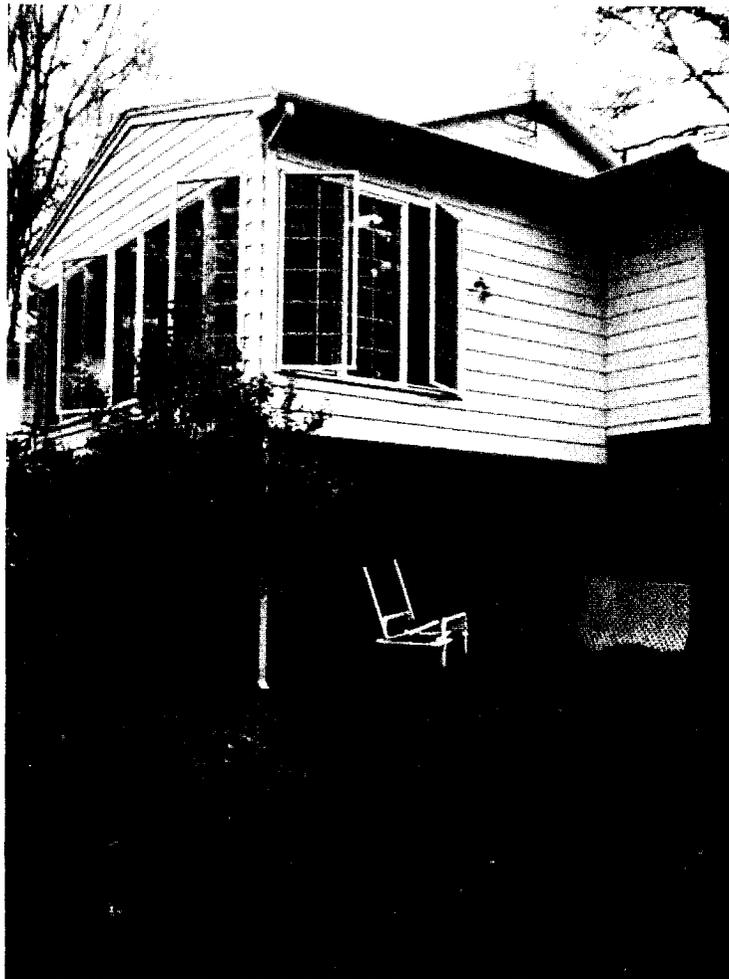
From front yard of left side front room



From left side yard of left side front room and rear sunroom



From left side front room of 1807 Horseback trail



From left rear yard of rear sunroom and basement entrance



From left rear yard of 1807 Horseback trail rear yard



From rear yard of 1809 Horseback Trail



From rear yard of rear main floor bedroom, back deck, and rear sunroom



From back deck of rear yard and 1813 Horseback Trail



From right side yard of rear main floor bedroom



From right side yard of 1817 (L) and 1819 (R) Horseback Trail

1811 Horseback Trail, Vienna, VA 22206

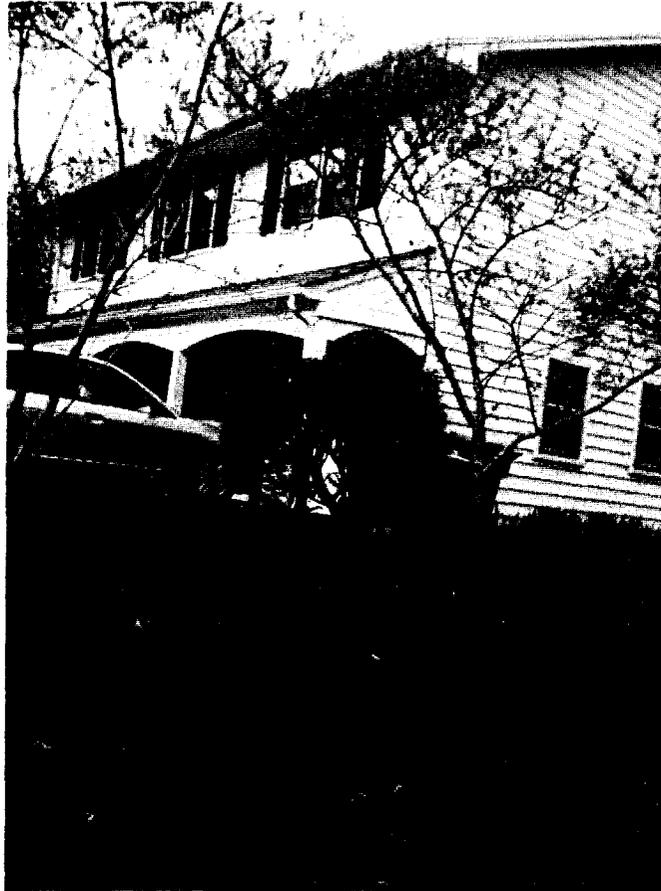
April 7, 2010



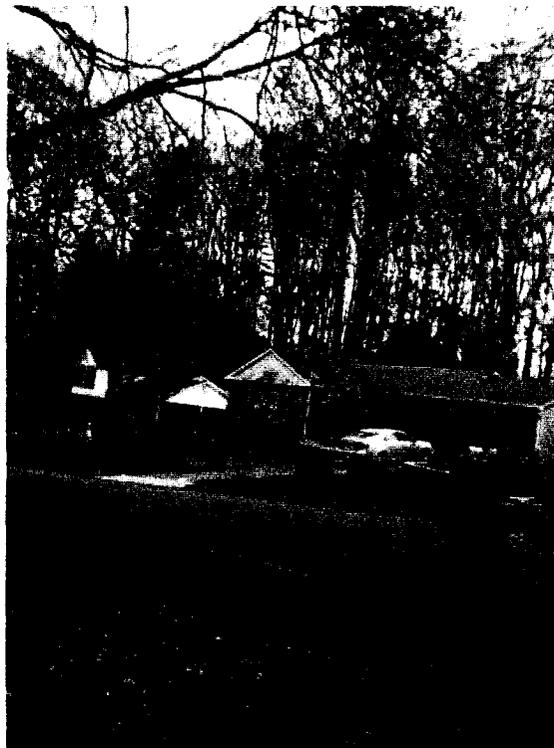
From right side yard of right garage wall



From right garage wall of 1822 Horseback Trail



From right side front yard of garage front door



From garage front door of 1821 Horseback Trail

1811 Horseback Trail, Vienna, VA 22206

April 7, 2010



From front driveway of garage door



From front driveway of 1808 Horseback Trail

1811 Horseback Trail, Vienna, VA 22206

April 7, 2010



From front driveway of garage door

DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling unit within an existing single family detached dwelling.

Size of Principal Dwelling: 3,306 square feet

Size of Accessory Dwelling Unit: 1,120.5 square feet

Lot Size: 29,312 square feet

LOCATION AND CHARACTER

Site History and Existing Site Description

The application property is located at 1811 Horseback Trail in the Wayside subdivision. The 29,312 square foot site is developed with a single family detached dwelling, with cellar, built in 1969 with additions constructed in 1999. The dwelling, which is situated toward the southwestern quadrant of the lot, was constructed prior to adoption of the current Zoning Ordinance and therefore met the requirements at the time of construction. An asphalt driveway is accessed from Horseback Trail and terminates at a double bay two-car garage at the dwelling. Pipestem driveways are located on both sides of the lot, which serve surrounding properties. A 10 foot storm sewer easement is located in the northern side yard. The lot is flat with a well manicured lawn with shrubs and mature vegetation. A four foot high wood fence is located along the side and rear lot lines.

Surrounding Area Description

Direction	Use	Zoning
North	Single Family Detached Dwellings	R-1 (Cluster)
South	Single Family Detached Dwellings	R-1 (Cluster)
East	Single Family Detached Dwellings	R-1 (Cluster)
West	Single Family Detached Dwellings	R-1 (Cluster)

BACKGROUND

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: Plat, Showing House Location on Lot 10, Section One, Wayside

Prepared By: Dominion Surveyors Inc.

Dated: March 1, 2010

Proposed Use

The applicant proposes an accessory dwelling unit to be located on the main living level of the existing single family detached dwelling. The existing two level dwelling, which includes cellar space, consists of 3,306 square feet of above grade living space. The applicant is requesting the accessory unit to occupy only a portion of the existing main level living area, which would consist of 33.8%, or 1,120.5 square feet. The applicant proposes to convert the existing two-car garage into a great room with a full kitchen. A master bedroom, with a full bath, currently exists on the main level of the dwelling and will become part of the accessory dwelling unit. The accessory unit will be occupied by the applicant and her husband, who are both over 55 years of age. The applicants' daughter, son-in-law and grandchild will reside in the principal dwelling.

The applicant further proposes the accessory dwelling unit to be accessible through a new entry door on the east side of the house. Two existing windows will be replaced with a new entry door and a new walkway will lead from the driveway to the new entry. The existing double-bay garage doors will be replaced with windows proposed to match the exterior of the dwelling to maintain a uniform appearance. The driveway, which measures approximately 19 feet in width by 34 feet in length, can accommodate up to four (4) vehicles. The applicant has indicated that they only require three (3) spaces for the household. As noted above, the garage will be converted into livable space.

ZONING ORDINANCE PROVISIONS

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-1 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-HM-042 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-HM-042****September 8, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-HM-042 located at Tax Map 27-2 ((2)) 10 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. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant only, Sandra H. Casmey, Trustee, and is not transferable without further action of this Board, and is for the location indicated on the application, 1181 Horseback Trail (29,312 square feet), and is not transferable to other land.
3. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by Dominion Surveyors Inc., dated March 1, 2010, and approved with this application, as qualified by these development conditions.
4. 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.
5. 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.
6. The accessory dwelling unit shall contain a maximum of 1,120.5 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
7. All applicable building permits and final inspections shall be obtained for construction of the kitchen in the accessory dwelling unit prior to occupancy.

8. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
9. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
10. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
11. Parking shall be provided on site 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.

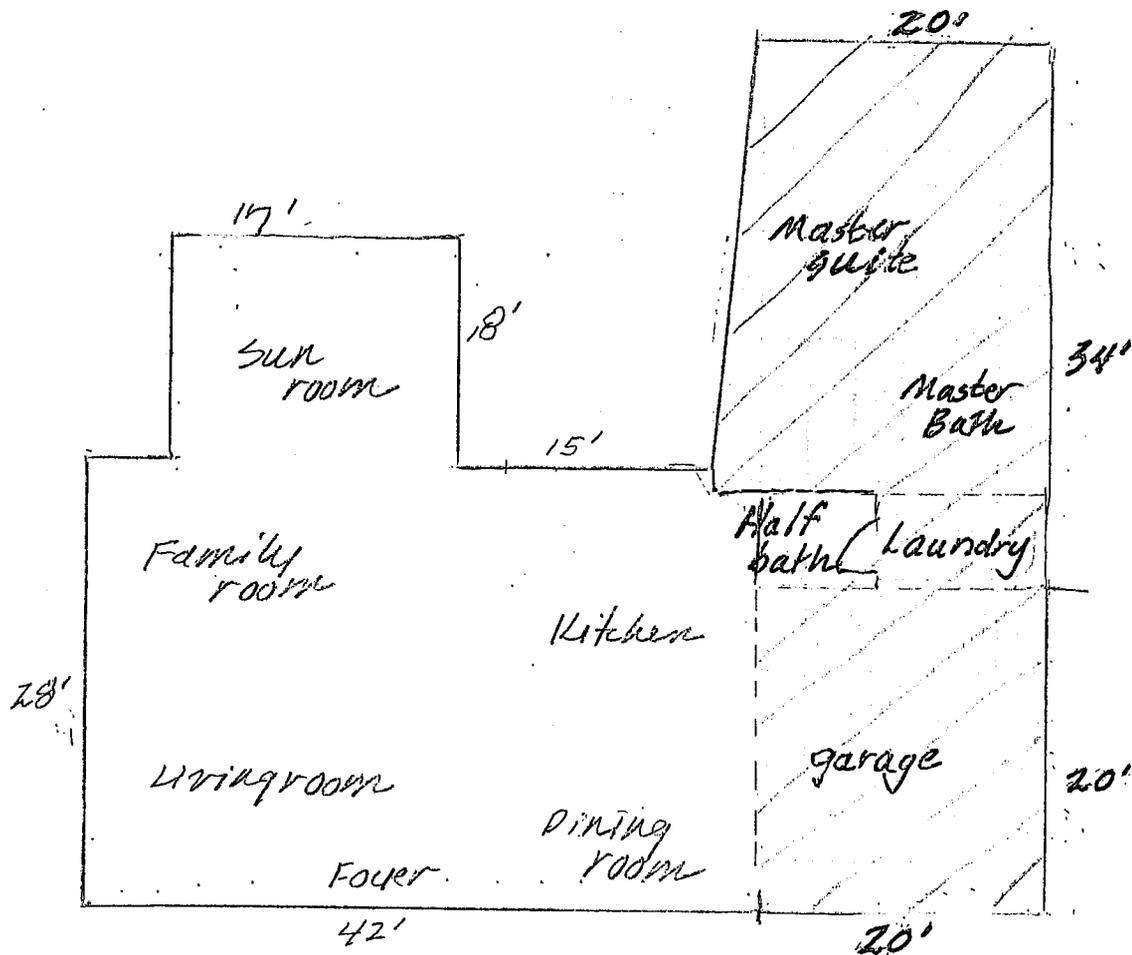
Sandra Casmey
 1811 Horseback Trail
 Vienna VA 22182

703 - 255 2542

SP 2010 - 0067

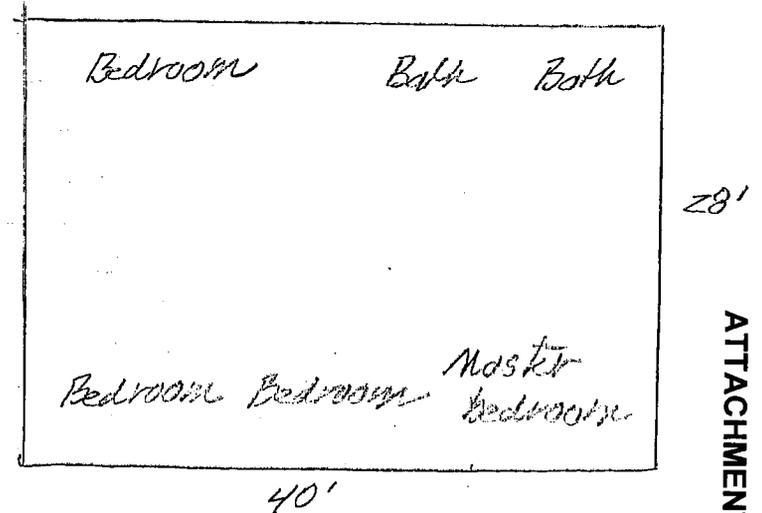
primary dwelling unit
 accessory dwelling unit

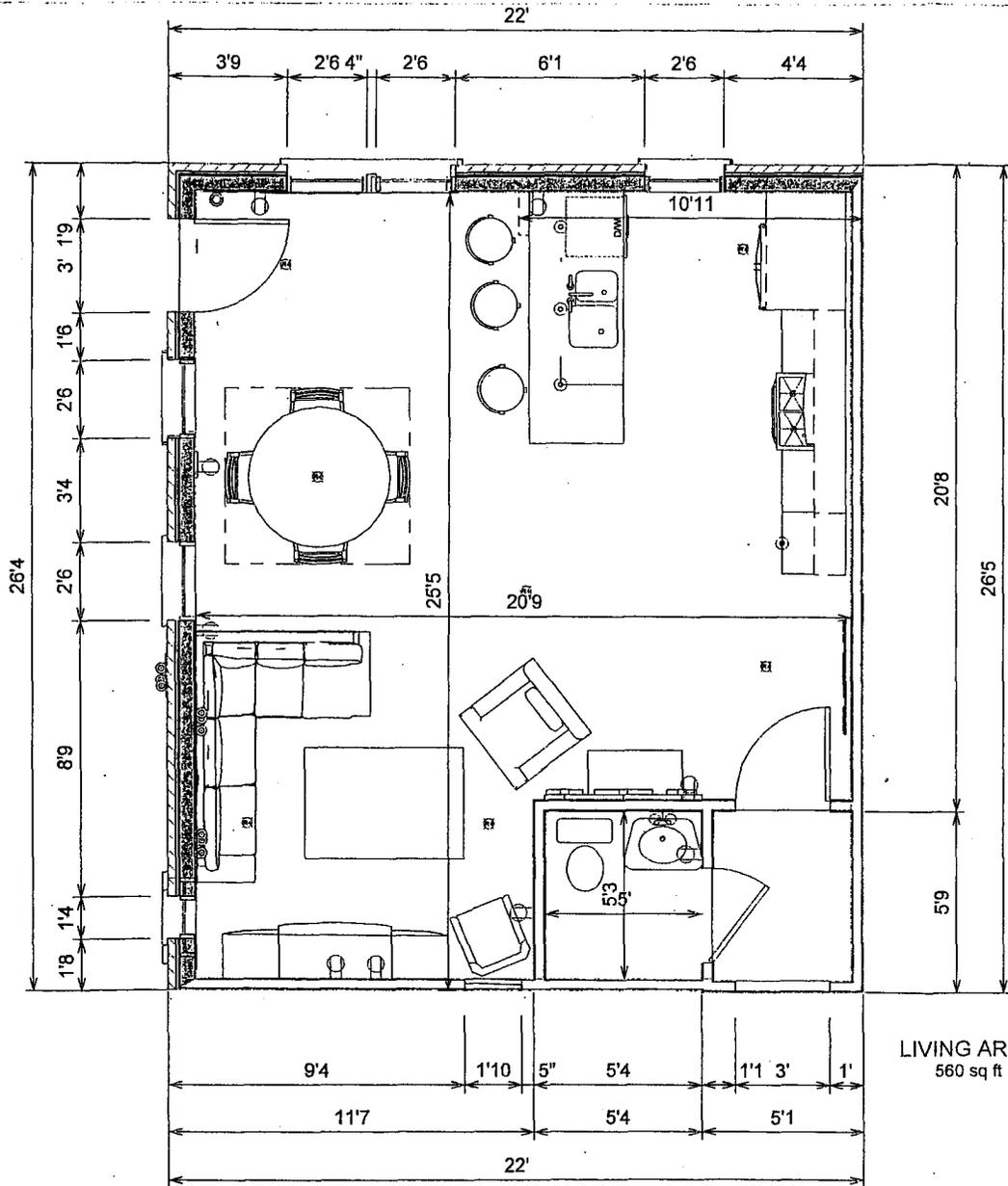
3476 sq. ft.
 1120.5 sq. ft. = 32%



Area for Accessory Dwelling Unit

Convert garage and Laundry room into kitchen and Great room space





LIVING AREA
560 sq ft

- PLAN NOTES:**
- Convert garage into new living space with great room, kitchen, dining, and media areas.
 - Remove wall at old laundry room.
 - Eliminate door at powder room.
 - Change mechanical closet door to a flush (concealed) door & knob.
 - Enclose garage door area with new framing, new entry door and windows.
 - Remove ceiling and replace with new gypsum ceiling.
 - Frame and sheet rock walls.
 - Provide recessed ceiling lights on a dimmer switch.
 - Provide new electric wall outlets per code.
 - Construct new flooring system with 2x4 framing and 3/4" subflooring
 - Install new wood floor in owners choice of material and color.
 - New thrw wall heater located under front windows.
 - New gas line for stove tap off existing kit line.
 - Remodel powder room.per powder room drawings TBD.

B.Burns Co, LLC
Design / Build Construction
5019 Rodman Road
Bethesda, MD 20816
www.bburnscompany.com
301-320-4134

CASMEY / CURLEE RESIDENCE
1811 Horseback Trail
Viena, VA 22182

Drawing Date:
MAR 15 - 2010
MAR 26 - 2010

A-1 FLOOR PLAN

RECEIVED
Department of Planning & Zoning
APR 16 2010
Zoning Evaluation Division

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 6, 2010
 (enter date affidavit is notarized) ✓

I, Sandra H. Casmey, trustee, do hereby state that I am an
 (enter name of applicant or authorized agent)

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

108238

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)
Sandra H. Casmey, trustee for the Sandra H. Casmey Living Trust Sandra Casmey, Beneficiary	1911 Horseback Trail Vienna, VA 22182	Applicant / title owner
Benjamin A. Curlee	same	co-applicant / title owner
Kristen C. Curlee	same	co-applicant / title owner

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 6, 200
(enter date affidavit is notarized)

108238

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 6, 2010
(enter date affidavit is notarized)

108238

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 6, 2010
(enter date affidavit is notarized)

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 6, 2010
(enter date affidavit is notarized)

108238

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

Sandra H. Casmey, Trustee

Sandra H. Casmey, Trustee

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

Subscribed and sworn to before me this 6th day of APRIL 20 10, in the State/Comm. of ARLINGTON, County/City of _____.

Kathy L. Boykin
Notary Public

My commission expires: May 31, 2013



Kathy L. Boykin
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7261360
My Commission Expires
May 31, 2013

Sandra Casmey
1811 Horseback Trail
Vienna, VA 22182

RECEIVED
Department of Planning & Zoning

JUL 23 2010

Zoning Evaluation Division

Deborah Hedrick
County of Fairfax
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

July 18, 2010

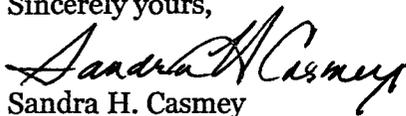
Dear Deborah,

Attached is a floor plan which shows the dimensions of both our primary residence and the proposed accessory dwelling unit. I believe that the total measurements accord with your numbers. When I submitted our first draft, I measured each room from wall to wall and did not account for the thickness of the walls. The result was a number between 800 and 900 square feet. Using the exterior numbers the accessory unit will be 1120.5 sq.ft. It does not exceed thirty-five percent of the total square footage of the house (1157 sq.ft.).

I hope this resolves remaining questions about the floor plan and the relative size of the accessory dwelling unit. If not, please do let me know.

With appreciation for your work on our behalf,

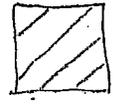
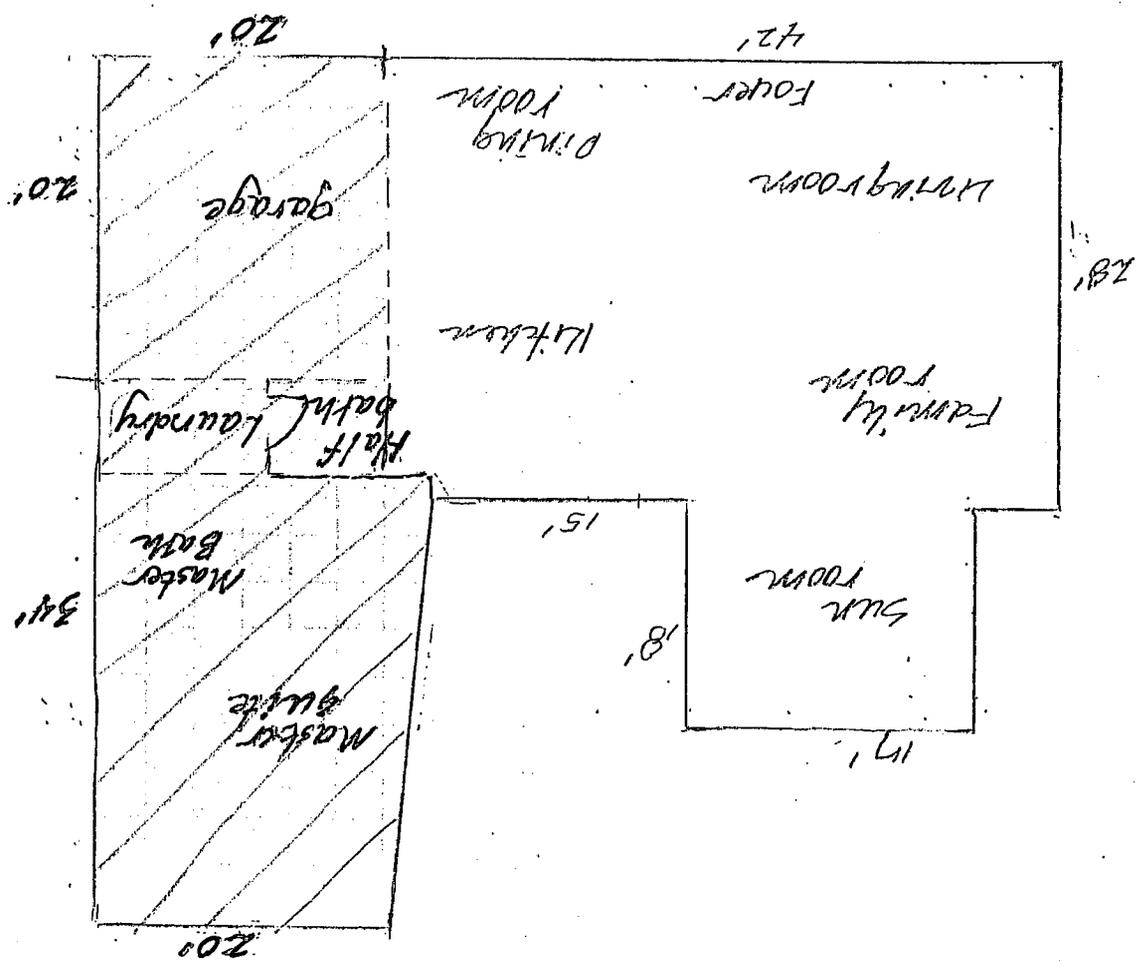
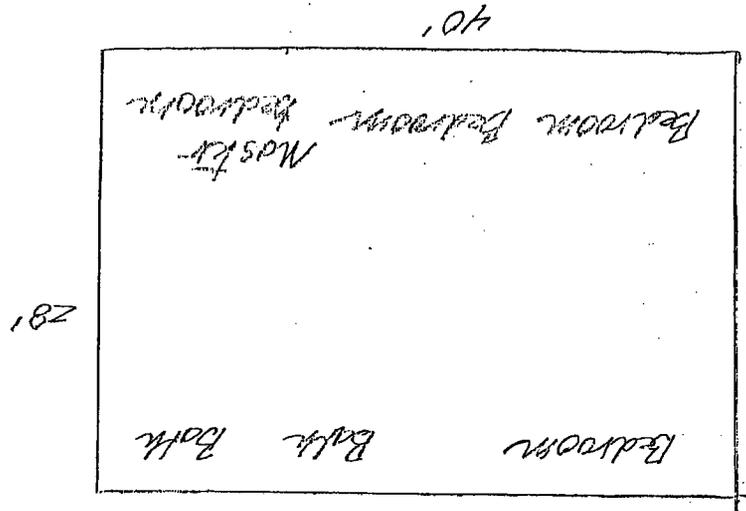
Sincerely yours,


Sandra H. Casmey

Sandra Casmey
 1811 Horseback Trail
 Vienna VA 22182
 703-255-2542
 SP 2010-0067

primary dwelling unit
 accessory dwelling unit
 3470 sq. ft.
 1120.5 sq. ft. = 32%

Area for Accessory Dwelling Unit
 Convert garage and laundry room into kitchen and great room space



5. Special Permit Statement of Justification

Sandra Casmey
Ben and Kristen Curlee
1811 Horseback Trail
Vienna

Homeowners, Sandra Casmey and Ben and Kristen Curlee are seeking a special permit to create an accessory dwelling unit at 1811 Horseback Trail in Vienna to accommodate Sandra and her husband, Howard. This request complies with Fairfax County zoning regulation Article 20, Section 8-918 in that:

- Both Howard and Sandra, parents of Kristen, are over 55; Howard is in ill health.
- Both the primary residence and the accessory dwelling unit will be owner occupied.
- The accessory unit will not exceed 35 percent of the gross floor area of the principal residence. The proposed unit will be 840 sq. ft or 33 per cent of the primary residence which will be 2524 sq. ft.
- A separate entrance is planned for the east side of the house.

The house, a traditional colonial in the Wayside neighborhood, was built in 1969. The original house included a living room, dining room, family room, kitchen, laundry and half bath on the main floor. There are four bedrooms and two baths upstairs and an unfinished basement. A two car garage is attached. In 1998 a master bedroom suite, sunroom and deck were added on the main level. The house has a brick front, vinyl siding, and composite shingles.

Our plan is to subsume the ground level master bedroom, walk in closet and bathroom as well as the original half bath in the accessory unit. The adjacent laundry room and garage will be converted into a great room with space for a kitchen, dining and living areas. Laundry facilities will be relocated to the basement. Matching windows and brick will be used to replace the garage door and maintain the visual integrity of the front of the house. Building materials for the interior include ceramic tile, engineered wood floors, stainless steel appliances and granite counter tops. Landscaping will be added to the front of the unit and the sidewalk will be extended to accommodate the new side entrance. The attached plan indicates the size and placement of the repurposed areas. All construction of the proposed dwelling unit will comply with the ordinances and regulations of the Fairfax County Building code. No hazardous or toxic substances will be used in the project. County water and sewer serve the entire property.

The existing driveway has the capacity to park four cars. Only three are needed by the family. The proposed project will not alter existing set backs.

Granting this special permit will enable the Casmey/Curlee family to create a multi-generational home in which we share care for baby Curlee and Grandpa Casmey. We believe that we meet the pre-requisites required by the guidelines for the special permit and look forward to proceeding with the approval process.

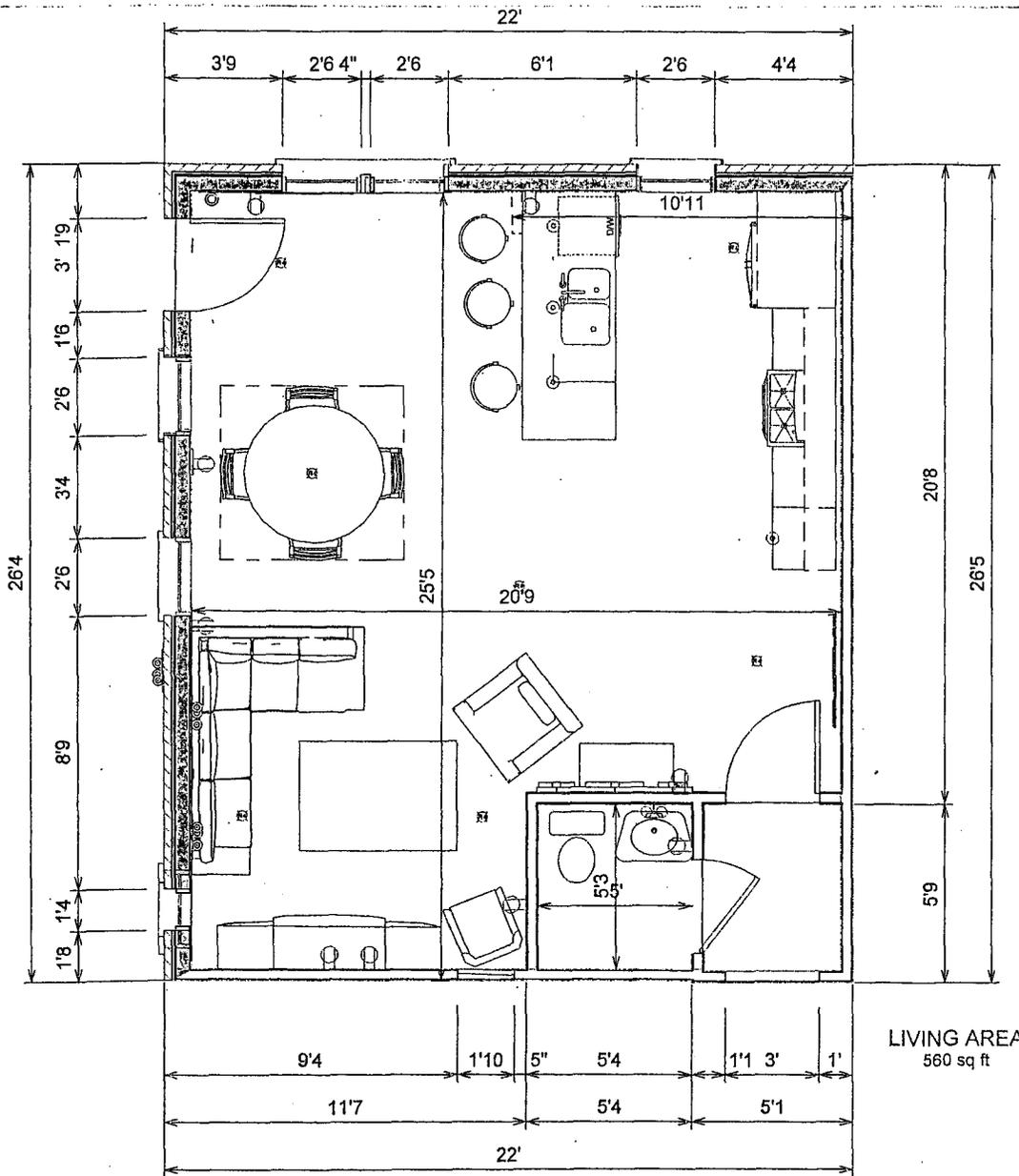
Respectfully submitted,


Sandra H. Casmey

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APR 16 2010

Zoning Evaluation Division



PLAN NOTES:

- Convert garage into new living space with great room, kitchen, dining, and media areas.
- Remove wall at old laundry room.
- Eliminate door at powder room.
- Change mechanical closet door to a flush (concealed) door & knob.
- Enclose garage door area with new framing, new entry door and windows.
- Remove ceiling and replace with new gypsum ceiling.
- Frame and sheet rock walls.
- Provide recessed ceiling lights on a dimmer switch.
- Provide new electric wall outlets per code.
- Construct new flooring system with 2x4 framing and 3/4" subflooring
- Install new wood floor in owners choice of material and color.
- New thrw wall heater located under front windows.
- New gas line for stove tap off existing kit line.
- Remodel powder room per powder room drawings TBD.

B. Burns Co, LLC
 Design / Build Construction
 5019 Rodman Road
 Bethesda, MD 20816
 www.bburnscompany.com
 301-320-4134

CASMEY / CURLEE RESIDENCE
 1811 Horseback Trail
 Vienna, VA 22182

Drawing Date:
 MAR 15 - 2010
 MAR 26 - 2010

LIVING AREA
 560 sq ft

A-1 FLOOR PLAN

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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.