



APPLICATION ACCEPTED: September 13, 2010  
BOARD OF ZONING APPEALS: December 1, 2010  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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November 24, 2010

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-DR-052

### DRANESVILLE DISTRICT

**APPLICANTS/OWNERS:** John J. Loria  
Patricia R. Loria

**SUBDIVISION:** Sturbridge

**STREET ADDRESS:** 1025 Delf Drive

**TAX MAP REFERENCE:** 21-3 ((15)) 11

**LOT SIZE:** 20,576 square feet

**ZONING DISTRICT:** R-1

**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-DR-052 for the accessory dwelling unit, 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.

*O:\dhedr\Special Permits\12-1) SP 2010-DR-052 Loria (ADU)\SP 2010-DR-052 Loria staff report.doc  
Deborah Hedrick*

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.

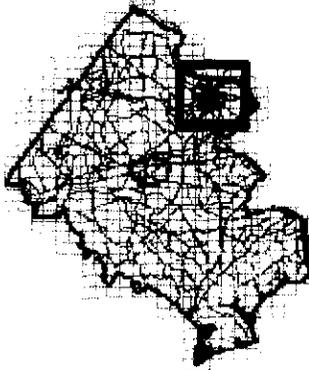
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



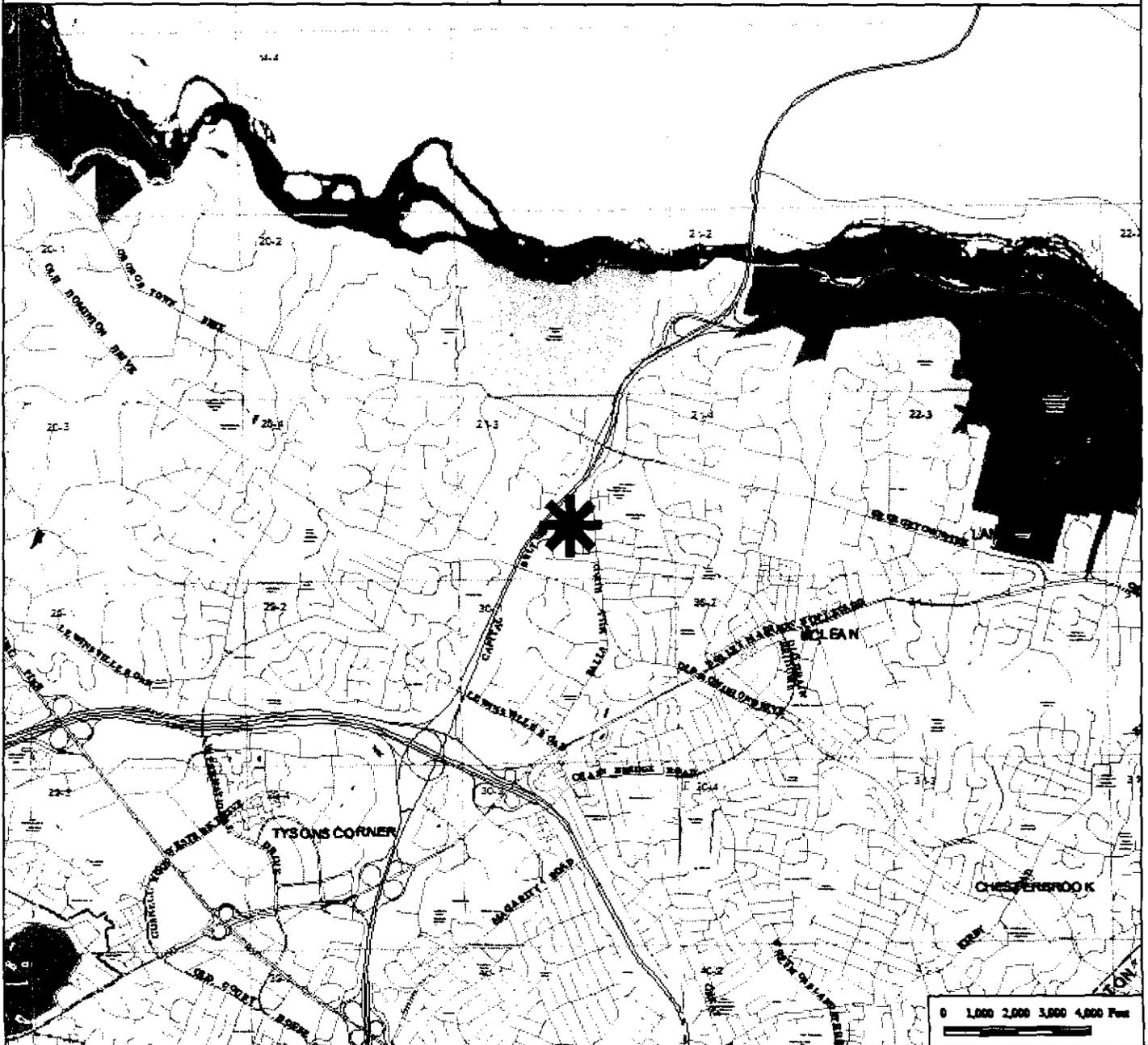
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2010-DR-052**

**Applicant:** JOHN I. LORIA AND PATRICIA R. LORIA  
**Accepted:** 09/13/2010  
**Proposed:** ACCESSORY DWELLING UNIT  
**Area:** 20,576 SF OF LAND, DISTRICT - DRANESVILLE

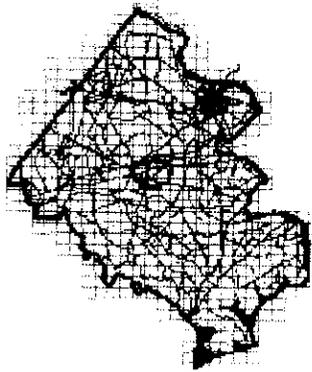


**Zoning Dist Sect:** 08-0918  
**Art 8 Group and Use:** 9-17  
**Located:** 1025 DELF DRIVE  
**Zoning:** R-1  
**Overlay Dist:**  
**Map Ref Num:** 021-3-/15/ /0011

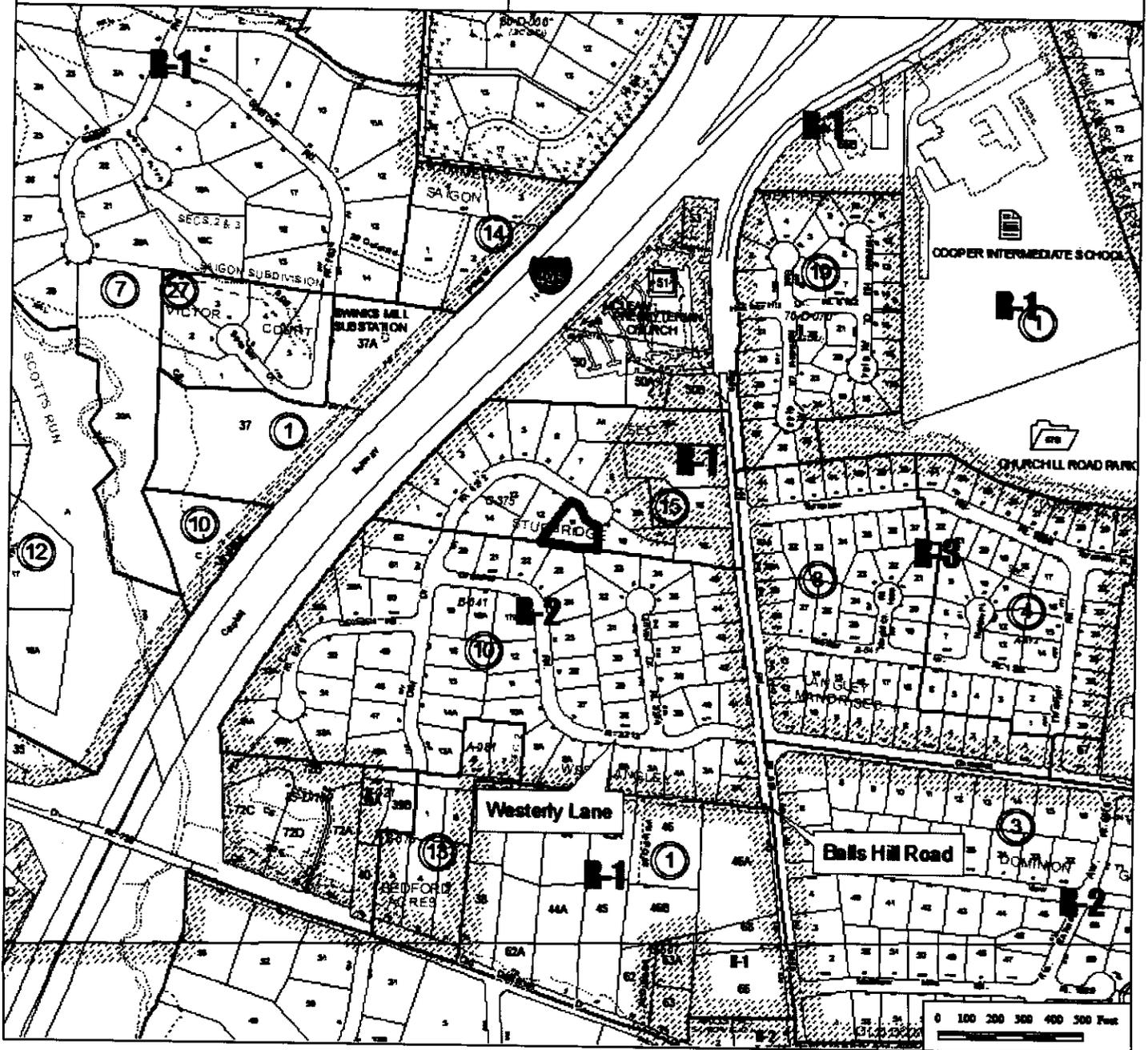


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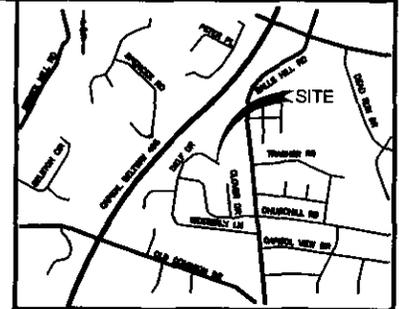


TRAVERSE TABLE:

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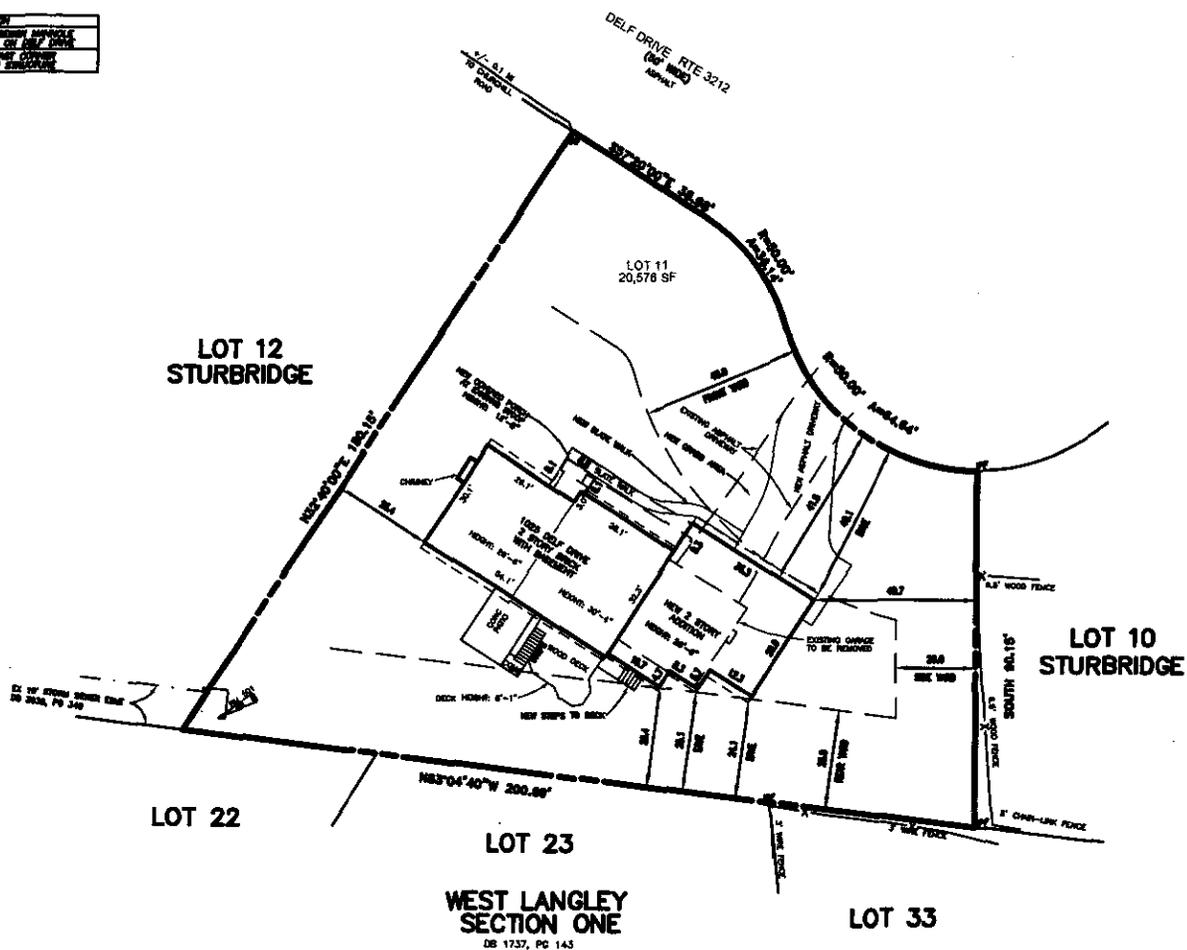
BM	ELEVATION	DESCRIPTION
BM1	313.30	1" DIA. CH. PIN ON FACE OF BRICK WALL
BM2	306.10	1" DIA. CH. PIN ON FACE OF BRICK WALL
BM3	306.10	1" DIA. CH. PIN ON FACE OF BRICK WALL



VICINITY MAP  
NOT TO SCALE

NOTES:

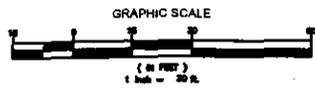
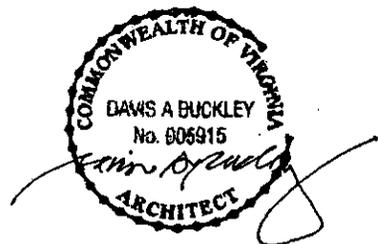
1. HORIZONTAL DATUM: NAD 83
2. VERTICAL DATUM: NAVD 83
3. THE PROPERTY DESCRIBED HEREIN IS LOCATED ON RECORD MAP 21-3 (110) PARCEL 11 AND IS ZONED R-1.
4. PROPERTY LINES SHOWN HEREIN ARE A COMPARISON OF AVAILABLE DEED AND PLAT RECORDS AND DO NOT REPRESENT A RECONCILED SURVEY. NO TITLE REPORT HAS BEEN PREPARED. THE SURVEY HAS NOT BEEN ALL COMPARATIVE, RESTRICTIONS, EASEMENTS OR DISPOSITIONS OF RECORD WHICH MAY EXIST IN THE CHAIN OF TITLE.
5. THIS RECONCILING SURVEY WAS PREPARED FOR DATA ONLY. ARCHITECTS AND PLANNERS.
6. THE PROPERTY IS OWNED BY PUBLIC WATER AND SEWER.
7. THERE ARE NO UTILITY EASEMENTS 25' OR WIDER.

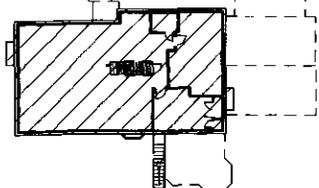


TOPOGRAPHIC SURVEY  
**LOT 11  
 STURBRIDGE**  
 DEED BOOK 2638, PAGE 348  
 GUMMERSVILLE DISTRICT  
 FAYETTE COUNTY, VIRGINIA  
 SCALE: 1"=30' DATE: MAY 20, 2010

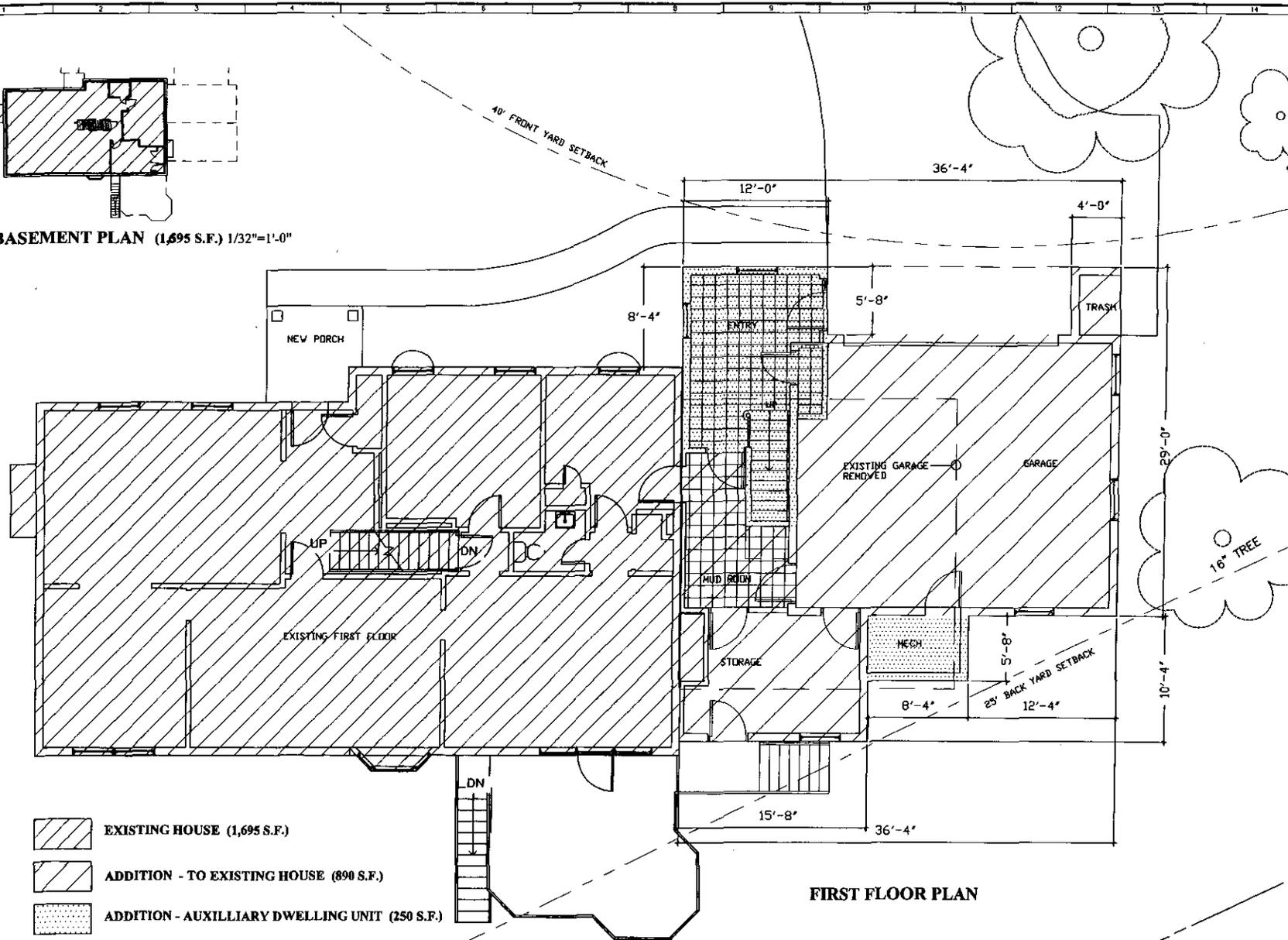
SURVEY BY  
**A. MORTON THOMAS & ASSOCIATES, INC.**  
 CONSULTING ENGINEERS  
 12780 YARBROOK PARKWAY, ROCKVILLE, MD 20852  
 PH: 301-581-2840 FAX: 301-581-0814  
 JOB: 110-174-001

PLAT BY  
**DAVIS BUCKLEY**  
 A PROFESSIONAL CORPORATION  
**ARCHITECTS AND PLANNERS**  
 1012 N BRIDLE WAY SUITE 600 WASHINGTON, D.C. 20004  
 (202) 222-1204 FAX (202) 222-1212





**BASEMENT PLAN (1,695 S.F.) 1/32"=1'-0"**



-  EXISTING HOUSE (1,695 S.F.)
-  ADDITION - TO EXISTING HOUSE (890 S.F.)
-  ADDITION - AUXILLIARY DWELLING UNIT (250 S.F.)

**FIRST FLOOR PLAN**



**ADDITION  
TO  
1025 DELF DRIVE  
McLEAN, VA 22101**

SPECIAL PERMIT	10-12-10
REVISION	DATE

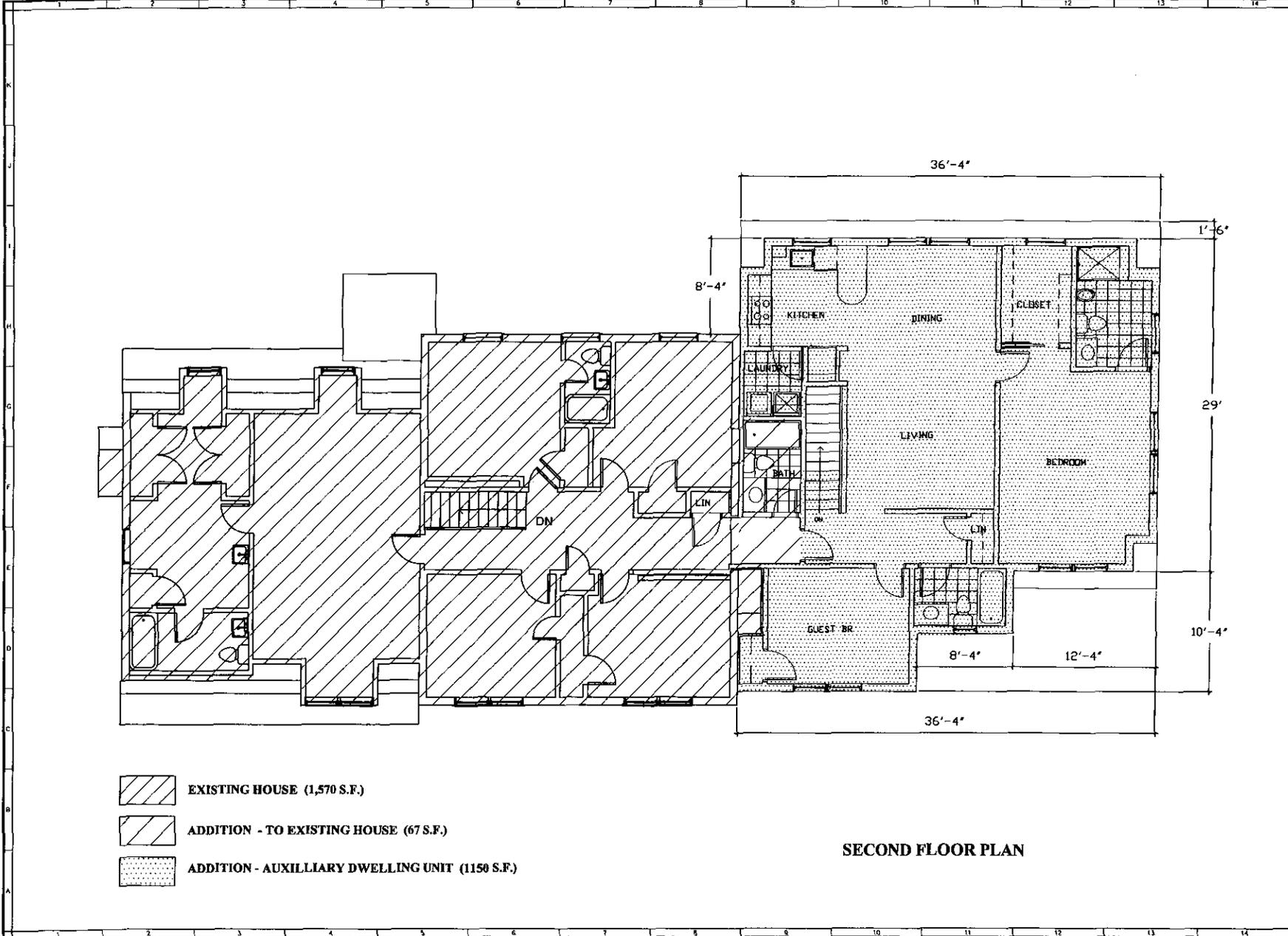
ARCHITECT OF RECORD  
**DAVIS BUCKLEY**  
A PROFESSIONAL CORPORATION  
ARCHITECTS AND PLANNERS  
1417 N. STREET, N.W. SUITE 400 WASHINGTON, D.C. 20004  
(202) 222-1224 FAX (202) 222-1232

DRAWING TITLE  
**FIRST FLOOR**

FILE NAME	SET	SPECIAL PERMIT
SCALE	DATE	7/21/10
1/8" = 1'-0"		
SEAL		

DRAWING NUMBER

**A-1**



**ADDITION  
TO  
1025 DELF DRIVE  
McLEAN, VA 22101**

SPECIAL PERMIT	10-12-10
# REVISION	DATE

ARCHITECT OF RECORD  
**DAVIS BUCKLEY**  
A PROFESSIONAL CORPORATION  
ARCHITECTS AND PLANNERS  
1413 K STREET, N.W. SUITE 600 WASHINGTON, DC 20004  
(202) 224-1234 FAX (202) 222-1212

DRAWING TITLE  
**SECOND FLOOR PLAN**

FILE NAME	SET	SPECIAL PERMIT
SCALE	DATE	
1/8"=1'-0"	7/21/10	
SEAL		

DRAWING NUMBER  
**A-2**

**SECOND FLOOR PLAN**



**ADDITION**  
TO  
1025 DELF DRIVE  
McLEAN, VA 22101

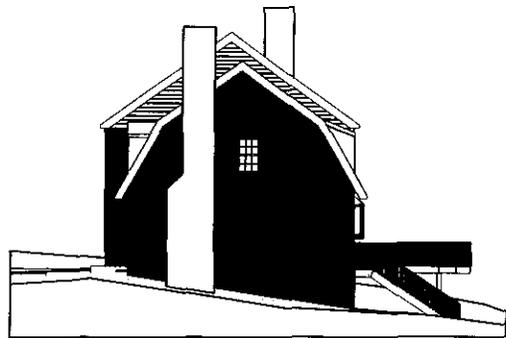
#	REVISION	DATE
ARCHITECT OF RECORD		
<b>DAVIS BUCKLEY</b>		
A PROFESSIONAL CORPORATION		
ARCHITECTS AND PLANNERS		
1812A STREET, N.W. SUITE 400 WASHINGTON, D.C. 20004		
(202) 832-1224 FAX (202) 225-1212		
DRAWING TITLE		
ELEVATIONS		
FILE NAME	SET	SPECIAL PERMIT
SCALE	DATE	7/21/10
1/8" = 1'-0"		
SEAL		
DRAWING NUMBER		
<b>A-3</b>		



EXISTING SOUTH ELEVATION



EXISTING NORTH ELEVATION



EXISTING EAST ELEVATION



EXISTING WEST ELEVATION



ADDITION  
TO  
1025 DELF DRIVE  
McLEAN, VA 22101

#	REVISION	DATE

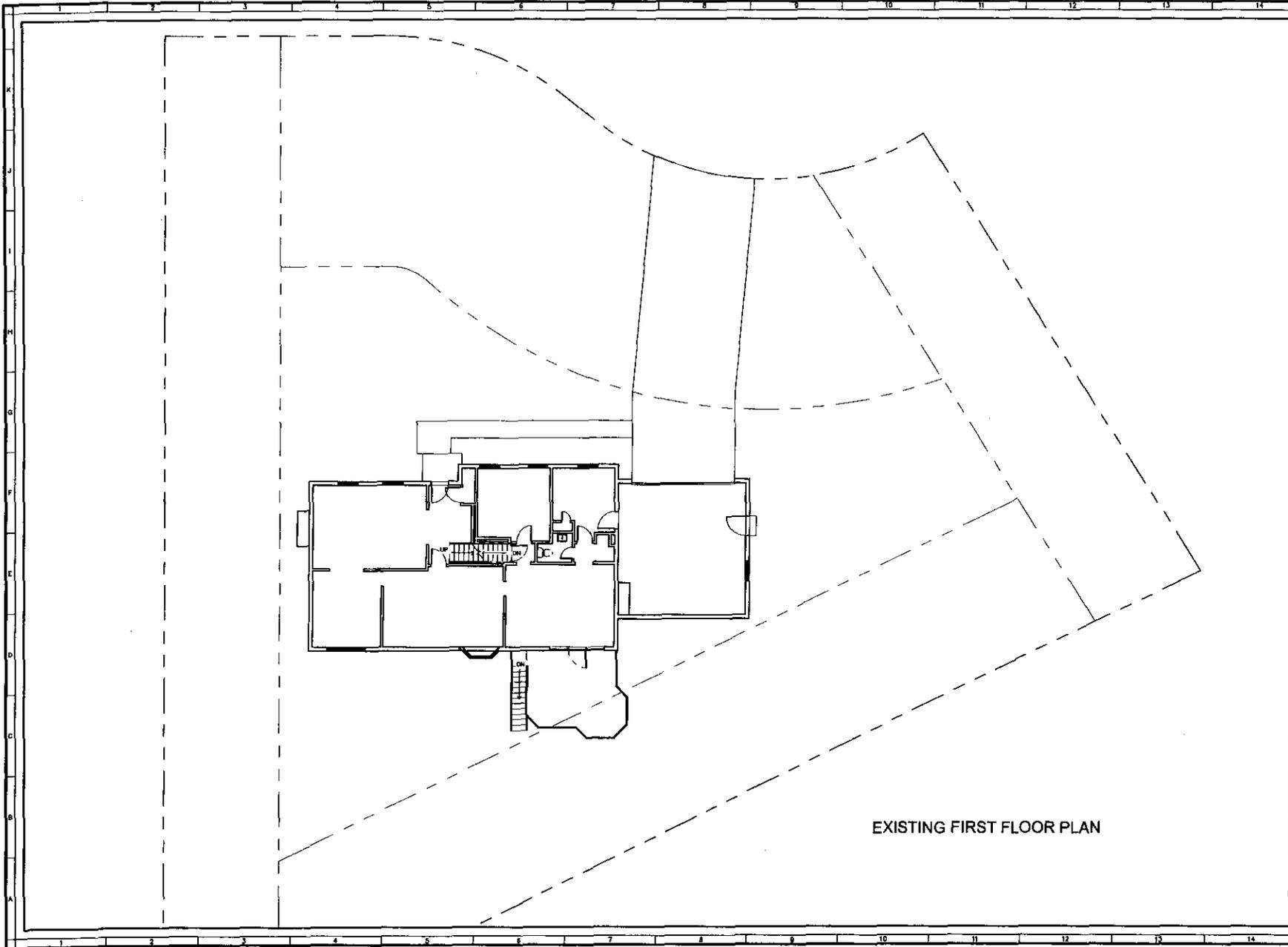
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**DAVIS BUCKLEY**  
A PROFESSIONAL CORPORATION  
ARCHITECTS AND PLANNERS  
1413 KATRINA, N.W. SUITE 900 WASHINGTON, DC 20004  
(800) 231-1234 FAX (202) 227-1212

DRAWING TITLE  
**EXISTING ELEVATIONS**

FILE NAME	SET	SPECIAL PERMIT
SCALE	DATE	10-12-10

SEAL

DRAWING NUMBER  
**A-4**



EXISTING FIRST FLOOR PLAN



ADDITION  
TO  
1025 DELF DRIVE  
McLEAN, VA 22101

#	REVISION	DATE

ARCHITECT OF RECORD  
**DAVIS BUCKLEY**  
A PROFESSIONAL CORPORATION  
ARCHITECTS AND PLANNERS  
1412 K STREET, N.W. SUITE 400 WASHINGTON, D.C. 20004  
(202) 462-1200 FAX (202) 462-1212

DRAWING TITLE  
**EXISTING SITE & FIRST FLOOR PLAN**

FILE NAME	SET	SPECIAL PERMIT
SCALE	DATE	10-12-10

SEAL

DRAWING NUMBER  
**A-5**



ADDITION  
TO  
1025 DELF DRIVE  
McLEAN, VA 22101

#	REVISION	DATE

ARCHITECT OF RECORD  
**DAVIS BUCKLEY**  
A PROFESSIONAL CORPORATION  
ARCHITECTS AND PLANNERS  
1412 K STREET, N.W. SUITE 900 WASHINGTON, D.C. 20004  
(202) 224-2214 FAX (202) 224-2212

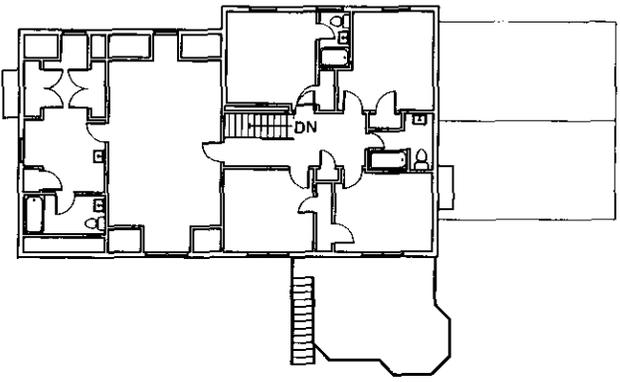
DRAWING TITLE  
**EXISTING PLANS**

FILE NAME	SET	SPECIAL PERMIT
SCALE	DATE	
	10-12-10	

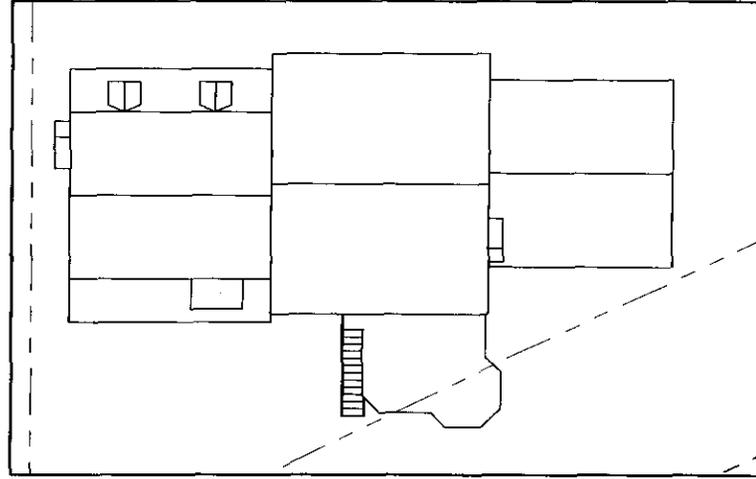
SEAL

DRAWING NUMBER

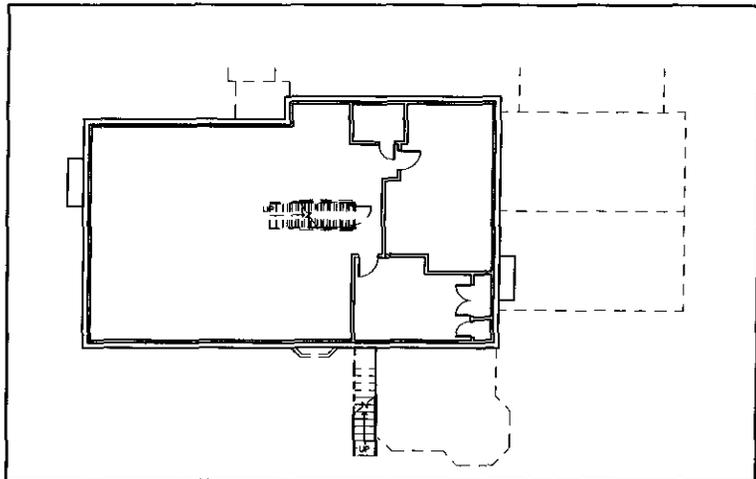
**A-6**



EXISTING SECOND FLOOR PLAN



EXISTING ROOF PLAN



EXISTING BASEMENT FLOOR PLAN

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Picture by Bing's Eye © 2010 P



SP 2010-DR-052  
TM 21-3 ((15)) R  
LORIA

APPLICATION FOR A SPECIAL PERMIT

For An Accessory Dwelling Unit at 1025 Delf Drive McLean, VA 22101-2009

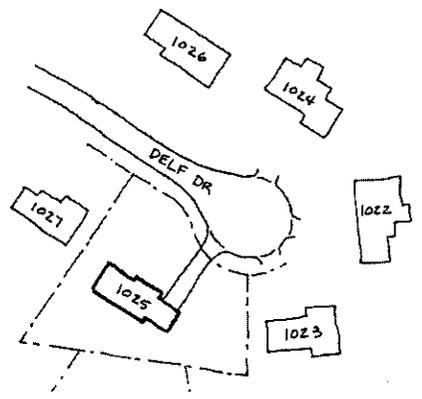
RECEIVED  
Department of Planning & Zoning  
JUL 26 2010  
Zoning Evaluation Division

PHOTOGRAPHS

A. PHOTOS OF 1025 DELF DRIVE



1. Front (North Side) 7/1/2010



2. East Side 2/10/2010



3. Back (South)

2/10/2010



4. West Side

2/10/2010

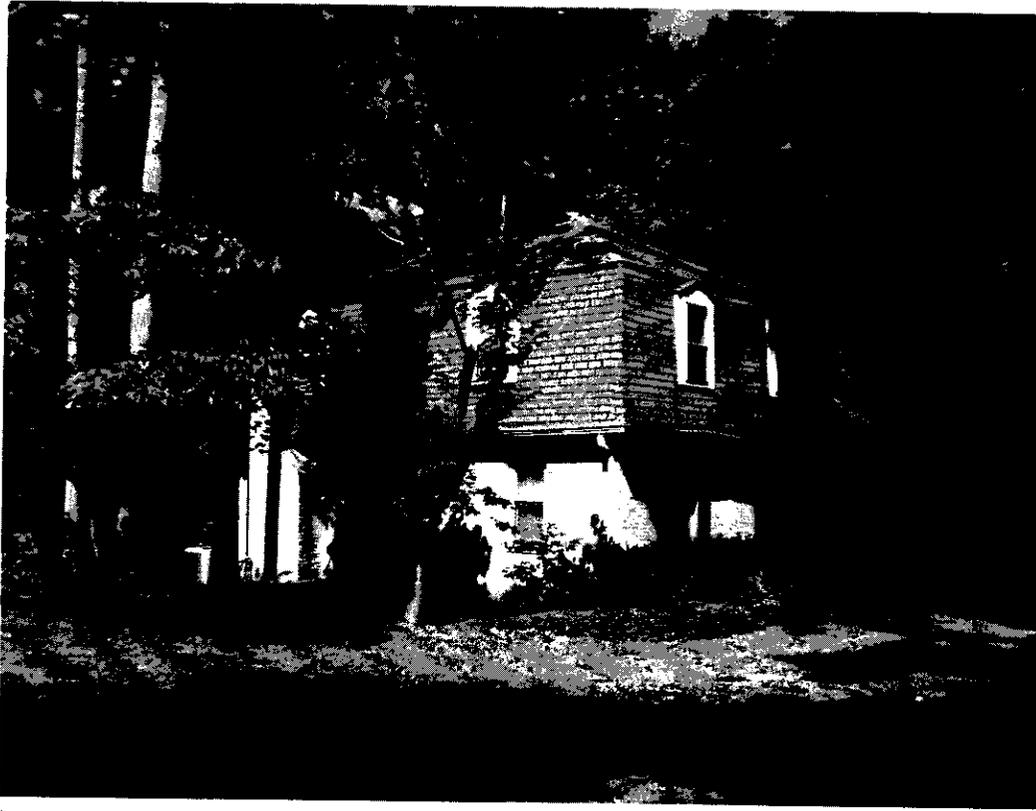
RECEIVED  
Department of Planning & Zoning

JUL 26 2010

Zoning Evaluation Division

RECEIVED  
Department of Planning & Zoning  
JUL 26 2010  
Zoning Evaluation Division

**B. PHOTOS OF ADJACENT PROPERTIES**



**5. 1027 Delf Drive (west side of property) 7/1/10**



**6. 1023 Delf Drive (east side of property) 7/1/10**



7. Back (south east corner of property) 7/1/10



8. Back (south west corner of property)

RECEIVED  
Department of Planning & Zoning

JUL 26 2010

Zoning Evaluation Division

C. PHOTOS OF PROPERTIES ACROSS CUL-DE-SAC COUNTER CLOCKWISE FROM 1025 DELF DRIVE



9. 1023 Delf Drive

7/1/10



10. 1022 Delf Drive

7/1/10

RECEIVED  
Department of Planning & Zoning  
JUL 28 2010  
Zoning Evaluation Division



11. 1024 Delf Drive

7/1/10



12. 1026 Delf Drive

7/1/10

RECEIVED  
Department of Planning & Zoning  
JUL 26 2010  
Zoning Evaluation Division

**DESCRIPTION OF THE APPLICATION**

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

<b>Size of Principal Dwelling:</b>	<u>Existing</u> 3,300 square feet	<u>After by-right construction</u> 4,882 square feet
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**Size of Accessory Dwelling Unit:** 1,350 square feet

**Lot Size:** 20,576 square feet

**LOCATION AND CHARACTER**

**Site History and Existing Site Description**

The application property is located on a cul-de-sac at 1025 Delf Drive in the Sturbridge subdivision. The 20,576 square foot site is developed with a single family detached dwelling, with cellar, built in 1975. A wood deck and concrete patio are located along the rear of the dwelling. Per Section 2-412 of the Zoning Ordinance, a deck with any part of its floor higher than four feet above finished grade is permitted to extend into the rear yard 12 feet, but not closer than 5 feet to any rear lot line. Therefore, the existing deck and new steps proposed to the deck are permitted as shown.

An asphalt driveway is accessed from Delf Drive and terminates at a two-car garage at the dwelling. The lot, which slopes downward from the front to the rear, is surrounded by existing mature trees and shrubs.

**Surrounding Area Description**

Direction	Use	Zoning
North	Single Family Detached Dwellings	R-1
South	Single Family Detached Dwellings	R-2
East	Single Family Detached Dwellings	R-1
West	Single Family Detached Dwellings	R-1

**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:** Topographic Survey, Lot 11, Sturbridge

**Prepared By:** Davis Buckley, A Professional Corporation, Architects and Planners

**Dated:** May 20, 2010

### **Proposed Use**

The applicants seek a special permit to permit an accessory dwelling unit to be located within a proposed by-right second story addition to an existing single family detached dwelling.

The existing two-level dwelling, with cellar, consists of 3,300 square feet of above grade living area, according to Fairfax County Tax Assessment records. The applicants are proposing to demolish the existing two-car garage, and construct a new two-car garage with a second story above, which will accommodate an area designated for the accessory dwelling unit. The proposed accessory dwelling unit will consist of one (1) master bedroom, a guest bedroom, an additional bathroom, a living area, a dining area and a full kitchen. The unit is proposed to be occupied by Mrs. Loria's mother, who is 77 years of age.

With adding the square footage of the proposed by-right construction at 1,582 square feet to the existing above grade living area of 3,300 square feet, the total square footage of the house will be 4,882, of which 1,350 square feet will be dedicated to the proposed accessory dwelling unit. The accessory dwelling unit will comprise 27.65% of the total living space. As shown on the architectural renderings located at the front of the staff report, in addition to the two-story, two-car garage addition, other new features which will be added to the dwelling include a new entryway, mud room, storage room and mechanical room, all located on the first floor of the dwelling. The accessory dwelling unit space will be accessible through the principal dwelling as well as through the new entryway.

The applicants further propose to reconfigure the existing driveway which will measure approximately 27 feet in width by 43 feet in length, to accommodate up to four (4) vehicles within the driveway, in addition to two (2) vehicles within the garage. The applicant's household currently has three (3) vehicles, and one (1) additional vehicle will

be added to the household when the accessory dwelling unit is occupied. An area of the driveway will be expanded to a small portion of the side of the proposed garage to provide storage of trash cans. As shown on the special permit plat, the applicant proposes to remove and replant the area of the driveway no longer required after construction of the new driveway.

## **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-DR-052 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-DR-052****November 24, 2010**

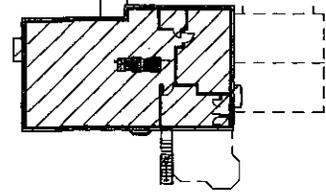
If it is the intent of the Board of Zoning Appeals to approve SP 2010-DR-052 located at Tax Map 21-3 ((15)) 11 to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following 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 in the accessory unit. 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 applicants only, John J. and Patricia R. Loria, and is not transferable without further action of this Board, and is for the location indicated on the application, 1025 Delf Drive (20,576 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 Davis Buckley, A Professional Corporation, Architects and Planners, dated May 20, 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 1,350 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.

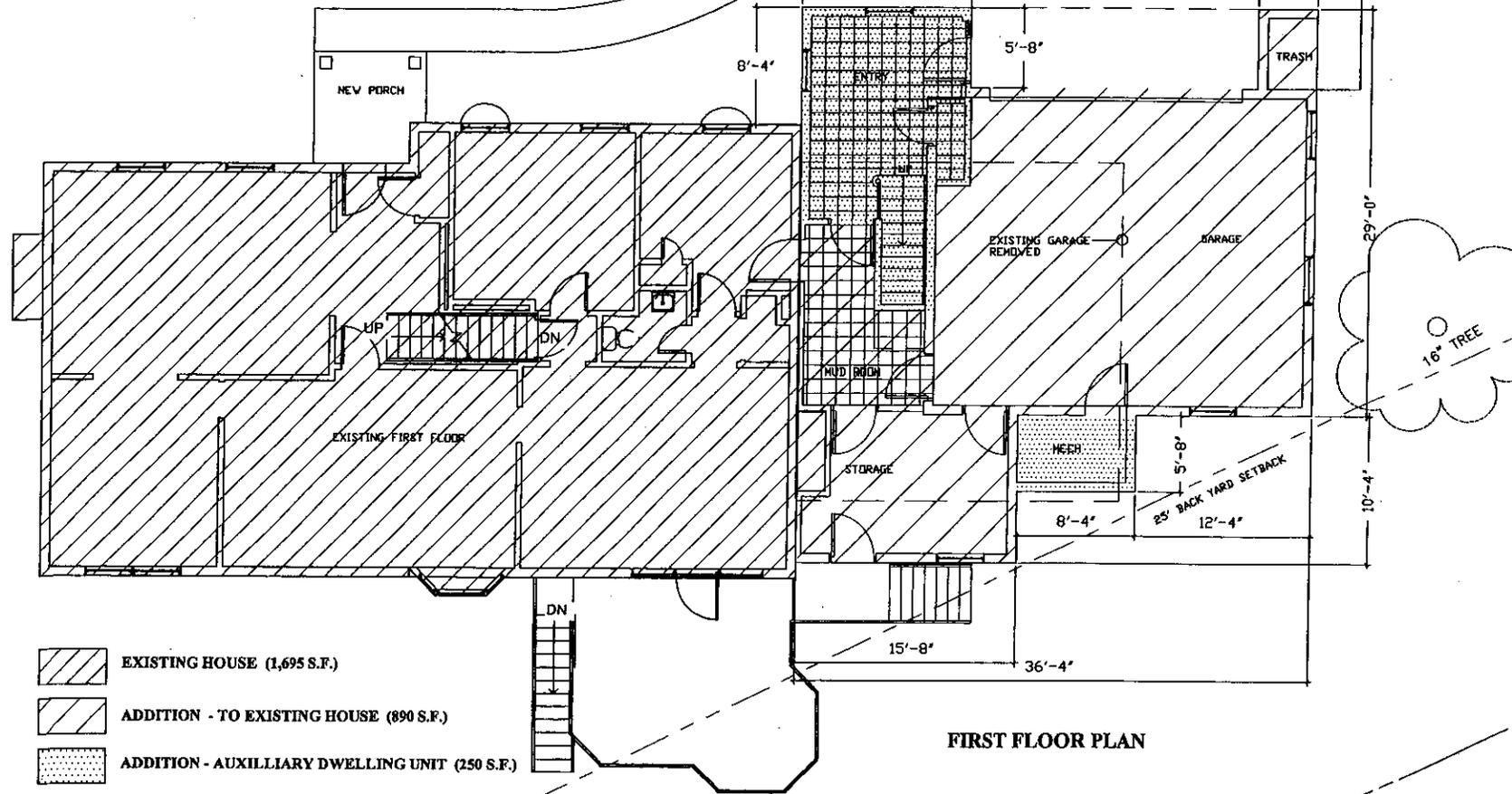
8. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
9. The accessory dwelling unit shall be approved for a period 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.



**BASEMENT PLAN (1,695 S.F.) 1/32"=1'-0"**



-  EXISTING HOUSE (1,695 S.F.)
-  ADDITION - TO EXISTING HOUSE (890 S.F.)
-  ADDITION - AUXILLIARY DWELLING UNIT (250 S.F.)

**FIRST FLOOR PLAN**



**ADDITION  
TO  
1025 DELF DRIVE  
MCLEAN, VA 22101**

#	REVISION	DATE
	SPECIAL PERMIT	10-12-10

ARCHITECT OF RECORD  
**DAVIS BUCKLEY**  
 A PROFESSIONAL CORPORATION  
 ARCHITECTS AND PLANNERS  
 1100 B STREET, N.W. SUITE 600 WASHINGTON, D.C. 20004  
 (202) 337-1324 FAX (202) 337-1312

DRAWING TITLE  
**FIRST FLOOR**

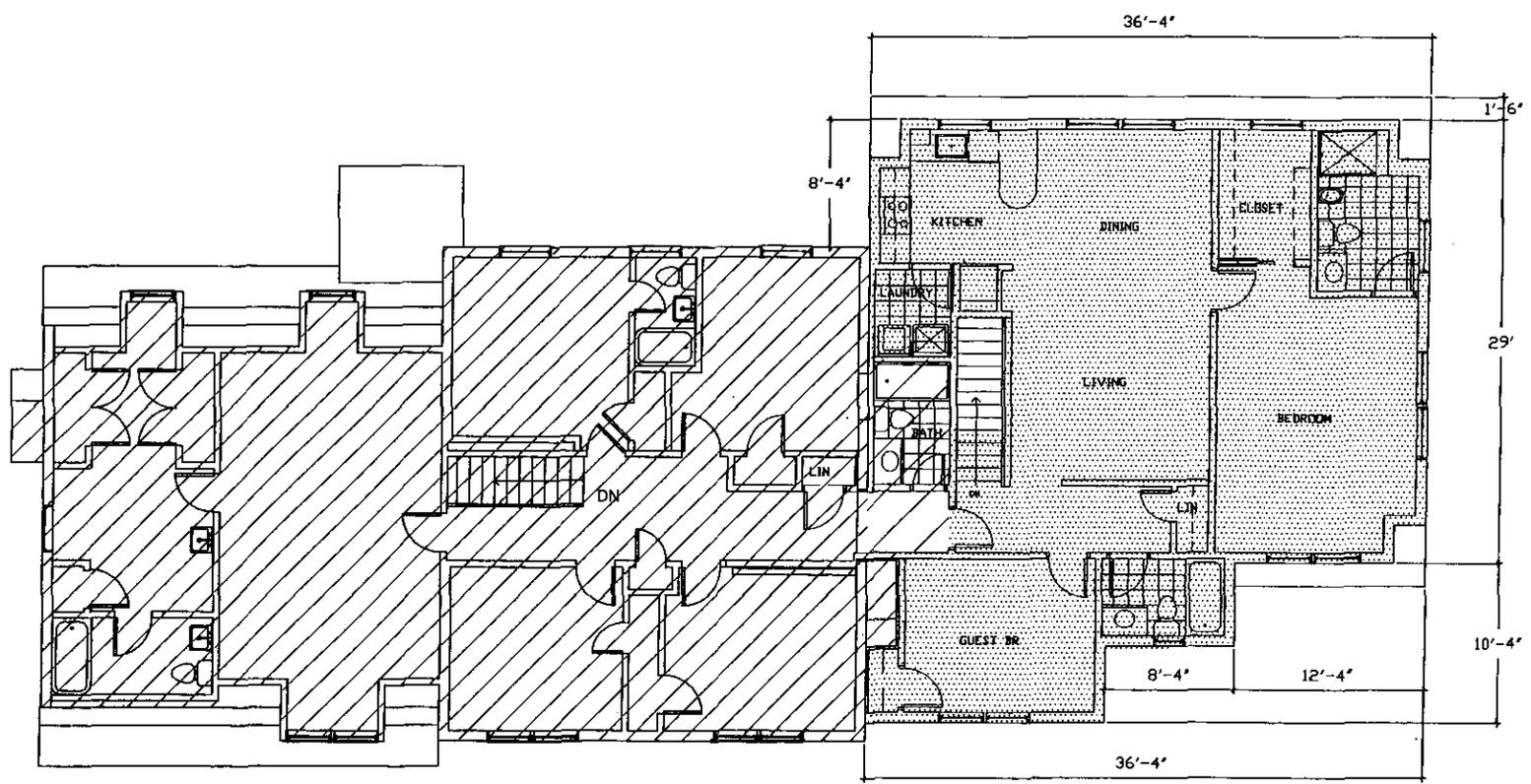
FILE NAME	SET	SPECIAL
3/18" = 1'-0"	DATE	7/21

DRAWING NUMBER  
**A-1**

**ATTACHMENT 1**



**ADDITION  
TO  
1025 DELF DRIVE  
McLEAN, VA 22101**



-  EXISTING HOUSE (1,570 S.F.)
-  ADDITION - TO EXISTING HOUSE (67 S.F.)
-  ADDITION - AUXILLIARY DWELLING UNIT (1150 S.F.)

**SECOND FLOOR PLAN**

SPECIAL PERMIT		10-12-10
#	REVISION	DATE
ARCHITECT OF RECORD		
<b>DAVIS BUCKLEY</b>		
A PROFESSIONAL CORPORATION		
ARCHITECTS AND PLANNERS		
1401 E STREET, 2ND. FLOOR, McLEANS, VA 22101-1101		
PH: 703-221-1234 FAX: 703-221-1234		
DRAWING TITLE		
<b>SECOND FLOOR PLAN</b>		
FILE NAME	SET	SPECIAL PERMIT
SCALE	DATE	
1/8" = 1'-0"	7/21/10	
SEAL		
DRAWING NUMBER		
<b>A-2</b>		

Application No.(s): SP 2010-DR-052  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: August 18, 2010  
 (enter date affidavit is notarized)

I, Thomas J. Striegel, 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      104305a

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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
John J. Loria and Patricia R. Loria	1025 Delf Drive, McLean VA, 22101	<b>APPLICANTS / TITLE OWNERS</b>
Thomas J. Striegel, AIA	1612 K Street, NW, #900, Washington, DC 20006	<b>AGENT / ARCHITECT</b>
Davis Buckley, A Professional Corporation, Architects and Planning Consultants	1612 K Street, NW, #900, Washington, DC 20006	<b>AGENT / ARCHITECT</b>

(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-DR-052  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: August 18, 2010  
(enter date affidavit is notarized)

109 305 a

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)  
Davis Buckley, A Professional Corporation, Architects and Planning Consultants  
1612 K Street, NW, #900, Washington, DC 20006

**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)  
Davis A. Buckley

(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-DR-052  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: August 18, 2010  
(enter date affidavit is notarized)

109 305a

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):

SP 2010-DR-052

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: August 18, 2010

(enter date affidavit is notarized)

109305a

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.

Application No.(s): SP 2010 -DR-052  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: August 18, 2010  
(enter date affidavit is notarized)

109305a

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)

Thomas J. Striegel  
 Applicant  Applicant's Authorized Agent

Thomas J. Striegel, AIA  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18<sup>th</sup> day of August 2010, in the State/Comm. of Washington DC, County/City of Washington.

Flaement K.  
Notary Public

My commission expires: Apr 30, 2013



## DAVIS BUCKLEY A PROFESSIONAL CORPORATION

ARCHITECTS AND PLANNING CONSULTANTS, SIXTEEN TWELVE K STREET, NORTHWEST, SUITE 900, WASHINGTON, D.C., 20006 (202) 223-1234 FAX (202) 223-1212

October 14, 2010

County of Fairfax  
Department of Planning and Zoning  
Zoning Evaluation Division  
10255 Government Center Parkway, Suite 801  
Fairfax, VA 22035

Re: Special Permit for Accessory Dwelling Unit at 1025 Delf Drive, McLean, VA 22101  
Statement of Justification

To Whom It May Concern,

The applicants, John and Patricia Loria, are requesting a Special Permit to construct an accessory dwelling unit attached to their single family residence at 1025 Delf Drive, McLean, VA 22101. The unit will be used as an in-law suite by Mrs. Loria's mother, Maria Rosario Restrepo, who is a widow, 77 years of age.

During the heavy snows of this past winter, Mrs. Restrepo concluded that she was no longer comfortable living alone in her McLean townhome. Mrs. Restrepo and her family agreed that it would be in her best interest for her long term care and well being to live with Patricia, Patricia's husband John, and their children at the Loria's residence. This approach offers the opportunity for Mrs. Restrepo to live with family, and the Loria's residence is also close to her church and the shops and services she has grown accustomed to using during her more than 43 years as a resident of McLean.

The Lorias have six children, between the ages of 7 and 23, residing with them on a full time basis. Additionally, during school breaks and summer vacations, two to four of their children who are college age and older, reside with them as well. Given the noise that that this large, active family generates within the house, and their need for all of the house's existing space, it was concluded that an accessory dwelling unit was the best solution. This unit would provide access to and from the main residence, ample privacy and the ability for Mrs. Restrepo to rest when needed without restricting the activities in the main residence.

Working with Davis Buckley Architects and Planners, the Lorias have developed a design for the proposed accessory dwelling unit addition which minimizes disruption to their existing residence and property. The existing house is two stories, plus a basement with an attached two car garage, all totaling 5,498 gross square feet (g.s.f.).

The plans for the addition call for removing the garage, and building a new two car garage 13-4" to the east, with a new stair hall inserted between the new garage and the existing house. The stair leads up to the accessory dwelling unit which will be built over the garage. The stair will be structured to receive the installation of a stair glide lift, should it be needed in the future. This configuration provides access from the main residence on both the ground floor and second floor levels. This is considered to be an important feature for Mrs. Restrepo's long term care.

The addition increases the footprint of the house by only 715 g.s.f., leaving the 20,576 s.f. property with over 85% open space. The addition results in an increase of 1,582 s.f. to the residence's total above grade living area, of which 1,350 g.s.f. is for the accessory dwelling unit. The other added 232 g.s.f. consists of additions to the primary residence, including a new mud room, a storage room and a relocated bathroom that needs to be moved to make the connection to the accessory dwelling unit on the second floor. The above grade living area of the accessory dwelling unit is equal to 27.65% of the total above grade livable area of the entire residence and consists of a bedroom, a guest room, two baths, a living / dining area, a kitchen and a laundry area.

The addition is sited to comply with the 25' rear yard and 40' front yard setbacks, and is 40' from the east side property line where the setback requirement is 20'. As sited, the addition is expected to require the removal of only one tree from the heavily wooded side yard in order to maintain proper stormwater drainage.

Architecturally, the addition has been designed to visually minimize its size by emphasizing the taller, existing center brick mass of the house. The addition creates a bookend to the shorter west portion of the residence by matching the form of its gambrel roof in height and slope. The materials on the addition will match the brick, siding and shingles of the existing residence.

The garage doors have been recessed in the first floor of the addition to pull them back from the street and to provide a side yard facing, covered entry to the accessory dwelling unit, which will not be visible from the front of the house. This entry was positioned as noted to avoid the steeply sloping grade on the side and back of the house. Additionally, this location also provides the option of adding a ramp at this location in the future, if needed. Also, as part of the construction of the addition, a covered entry porch will be added to the house's current, understated main entrance, to emphasize its location.

As noted, the design replaces the existing two car garage with another two car garage, and the driveway, which has been shifted to the east, has been widened near the garage to accommodate an additional vehicle. The garage and 42' long driveway, are more than adequate to accommodate parking needs.

On July 13, 2010 the Lorias invited all their adjacent and across the street neighbors to a presentation of the design at their house by the architect. The neighbors who attended the presentation enthusiastically supported the project and the design. Other neighbors who could not attend indicated that they would have no objections to the addition or its proposed used. All responses from the neighbors were supportive of the project, and several applauded the Loria's efforts to create such a warm home for Patricia's mother, as part of their home.

In consideration of the above, the Lorias respectfully request the approval of their Special Permit application for their planned addition as an accessory dwelling unit.

Sincerely,



Thomas J. Striegel, AIA, LEED AP  
Vice President  
Agent for John and Patricia Loria



## Hedrick, Debbie

---

**From:** Jack Loria [jackloria@msn.com]  
**Sent:** Sunday, October 17, 2010 2:08 AM  
**To:** 'Thomas Striegel'; Hedrick, Debbie  
**Subject:** RE: Parking - 1025 Delf Drive Special Permit  
**Importance:** High

Debbie,

Here are a couple of additional details in case helpful. We put two cars in the garage and the other two would be parked in the driveway (not the street).

All the best, Jack Loria, MBA

email: [jackloria@msn.com](mailto:jackloria@msn.com)

---

**From:** Thomas Striegel [mailto:tstriegel@davisbuckley.com]  
**Sent:** Friday, October 15, 2010 4:34 PM  
**To:** Hedrick, Debbie  
**Cc:** Jack Loria  
**Subject:** Parking - 1025 Delf Drive Special Permit

Debbie,

Regarding the existing cars and parking accommodations, I spoke with the Lorias and they indicated that they have three cars that park at the house on a regular basis and the Mrs. Restrepo, who will live in the accessory dwelling unit, would add a 4<sup>th</sup>. Please let me know if you require any additional information.

Thanks,  
Tom

THOMAS J. STRIEGEL, AIA, LEED AP | Vice President | DAVIS BUCKLEY ARCHITECTS AND PLANNERS  
1612 K Street, NW | Suite 900 | Washington, DC 20006 | t (202)223-1234 x17 | f (202)223-1212  
*Established 1979 ~ Celebrating 30 Years of Design Excellence*

DAVIS BUCKLEY A PROFESSIONAL CORPORATION

ARCHITECTS AND PLANNING CONSULTANTS, SIXTEEN TWELVE K STREET, NORTHWEST, SUITE 900, WASHINGTON, D.C., 20006 (202) 223-1234 FAX (202) 223-1212

September 2, 2010

County of Fairfax, Virginia  
Office of the County Attorney  
Attn: Bette R. Crane  
12000 Government Center Parkway, Suite 549  
Fairfax, Virginia 22035-0064

RECEIVED  
Department of Planning & Zoning  
SEP 03 2010  
Zoning Evaluation Division

Re: SP 2010-0147, John and Patricia Loria

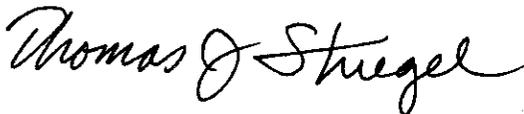
Dear Ms. Ruffner,

In response to your letter of August 24, 2010, regarding the above noted Special Permit Application, we have revised the Special Permit Plat to address all items noted as "Deficient" on the Checklist Report. We've also included one highlighted copy to indicate where the requested information has been located.

Please find enclosed 23 copies of the revised Special Permit Plat (8-1/2" x 11") drawn at 1" =30' scale and one 8-1/2" x 11" reduction of the reduced the Plat.

Please let me know if you require any additional information.

Sincerely,



Thomas J. Striegel, AIA, LEED AP BD+C  
Vice President

**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.