



APPLICATION ACCEPTED: December 17, 2010
BOARD OF ZONING APPEALS: March 2, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

February 23, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-PR-073

PROVIDENCE DISTRICT

APPLICANTS/OWNERS: Thomas L. Johnson, Trustee for the Thomas L. Johnson Revocable Trust, dated September 24, 1992, for the benefit of Thomas L. Johnson
Valerie A. Milazzo, Trustee for the Valerie A. Milazzo Revocable Trust, dated September 24, 1992, for the benefit of Valerie A. Milazzo

SUBDIVISION: Oakton Glen

STREET ADDRESS: 2610 Oakton Glen Drive

TAX MAP REFERENCE: 37-4 ((16)) 58A

LOT SIZE: 14,793 square feet

ZONING DISTRICT: R-2 (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-PR-073 for an accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

*O:\dhedr\Special Permits\3-2) SP 2010-PR-073 Johnson & Milazzo (ADU)\SP 2010-PR-073 Johnson & Milazzo 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.**

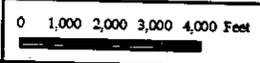
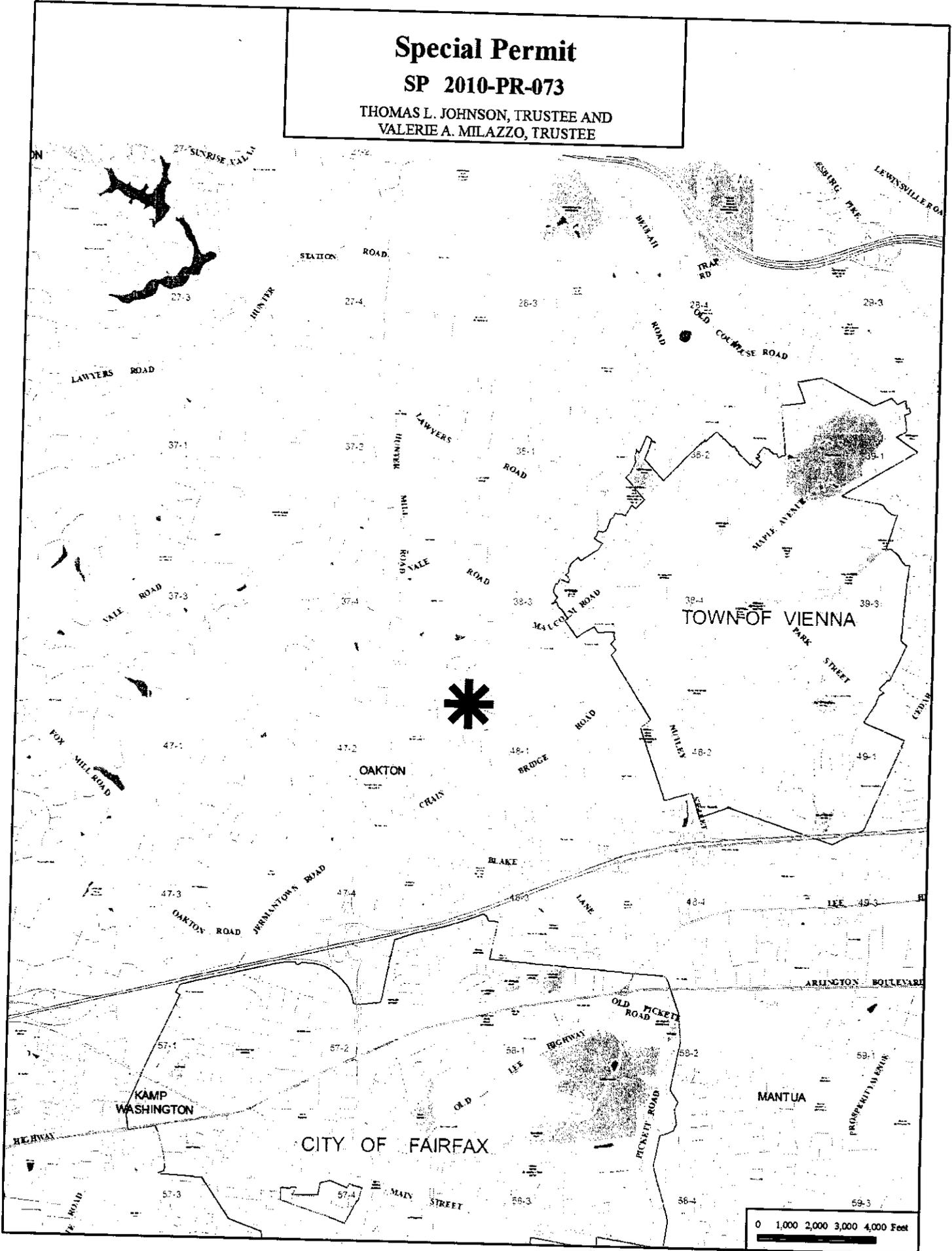


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2010-PR-073

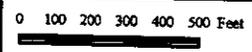
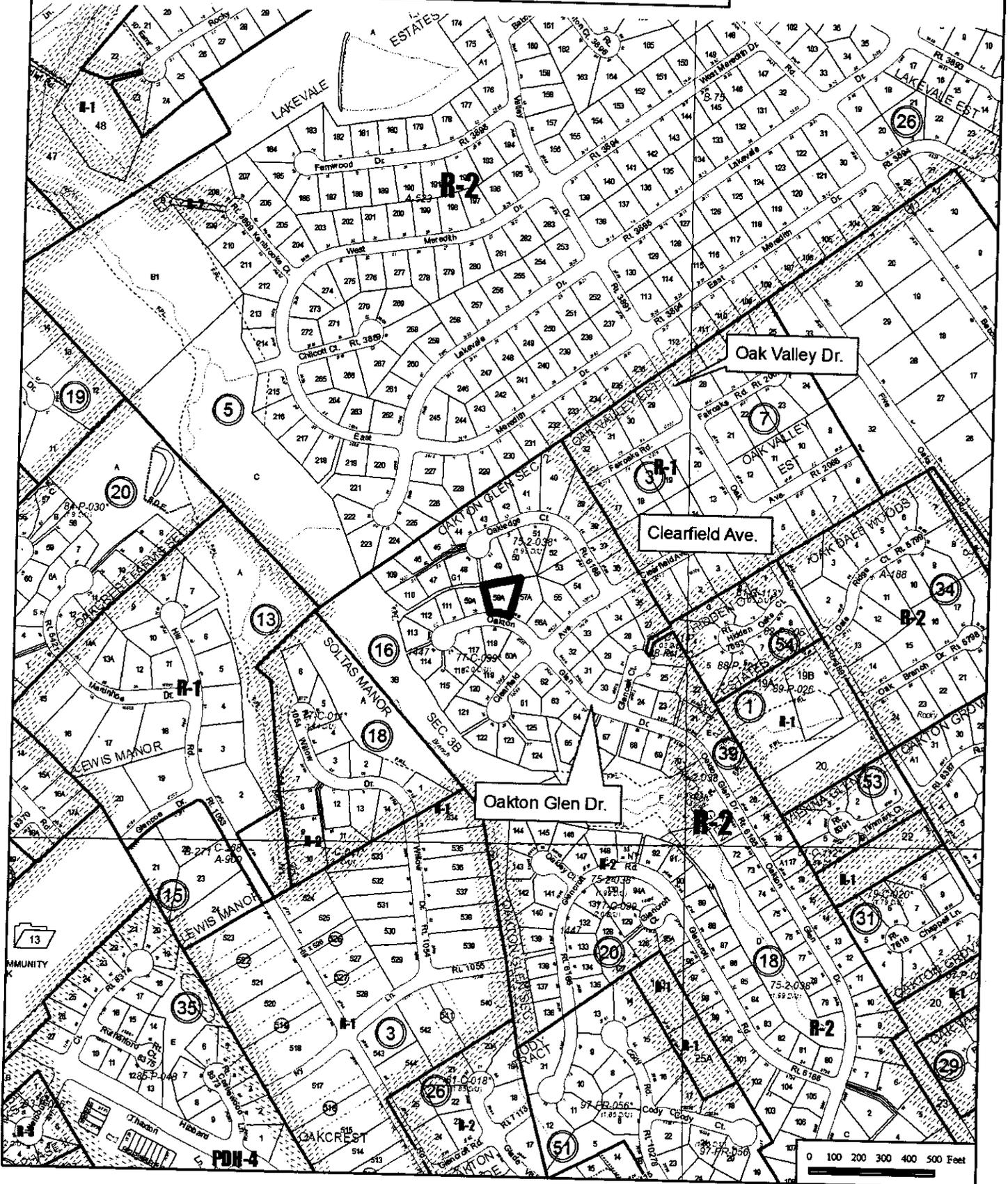
THOMAS L. JOHNSON, TRUSTEE AND
VALERIE A. MILAZZO, TRUSTEE



Special Permit

SP 2010-PR-073

THOMAS L. JOHNSON, TRUSTEE AND
VALERIE A. MILAZZO, TRUSTEE



49

50

OUTLOT G

N 15°03'16" W 113.92'

N 79°38'36" E 157.11'

58

NEW STAIRROOM ADDITION
AT BASEMENT & FIRST FLOOR

NEW PATIO IN BASEMENT 11'x5'

EXISTING DECK

EXISTING BAY WINDOW

EXISTING LATOR PORCH

NEW SECOND
FLOOR ADDITION

S 17°57'43" W 158.14'

57

A=77.47'

R=250.00'

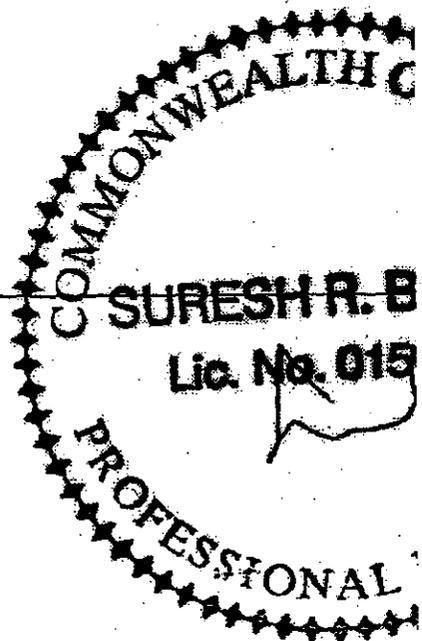
ENTRANCE

EXISTING
PAVED DOW WITH
2 PARKING SPACE

FRONT YARD OPEN S

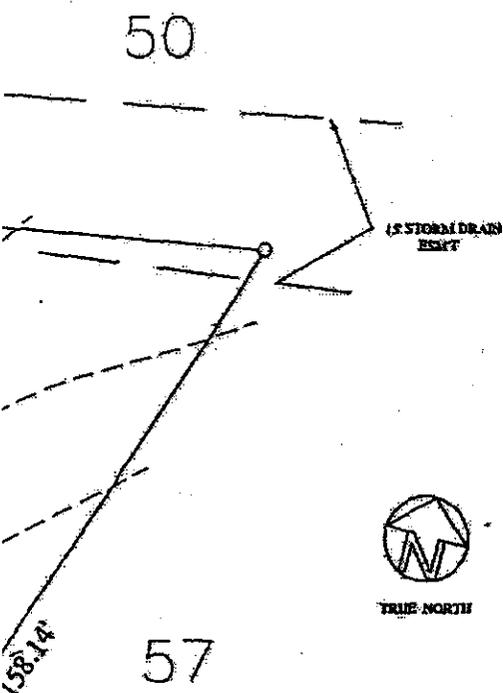
EXISTING FRONT YAR
EXISTING DRIVE WAY
FRONT YARD OPEN SF
EXISTING PARKING SI

OAKTON
GLEN DRIVE
S 8°28' W



NOTES:

1. TAX MAP: 837-4(16)1025-A
2. ZONE: R-3 (CLUSTER)
3. LOT AREA: 14,793 SQUARE FEET 0.34 ACRE
4. REQUIRED YARDS:
 - FRONT: - 25.0 FEET
 - SIDE: - 3 FT./34 FT.
 - AREA: - 25.0 FEET
5. HEIGHTS:
 - DWELLING - 25 FEET
 - PROPOSED ADDITION - 25 FEET
 - DECKS - 7 FEET
 - SIP - AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AREAL.
11. THERE ARE NO FLOORPLANS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREA:
 - EXISTING DWELLING**
 - BASEMENT - 1219 S.F.
 - FIRST FLOOR - 3224 S.F.
 - SECOND FLOOR - 3112 S.F.
 - TOTAL AREA - 8555 S.F.
 - PROPOSED ADDITION**
 - BASEMENT - 268 S.F.
 - FIRST FLOOR - 268 S.F.
 - SECOND FLOOR - 984 S.F.
 - TOTAL ADDITION - 1520 S.F.
 - PROPOSED AREA = 4559 + 1520 = 6079 S.F.
 - PROP. ADDN (1520) / EX. DWELL (8559) = 17.6%
 - EXISTING FLOOR AREA RATIO:**
EX. DWELL (8559) / LOT AREA (14793) = 58.0%
 - PROPOSED FLOOR AREA RATIO:**
PROPOSED AREA (6079) / LOT AREA (14793) = 41.1%
13. EXISTING GRADING AND DRAINAGE SYSTEMS AS IS (NOT MODIFIED) NO CLEARING AND RE-GRADING OF SIDE DONE EXISTING TOPOGRAPHY AS IS. DRAINAGE TO EXISTING STORM DRAIN DOES NOT CHANGE.



FRONT YARD OPEN SPACE CALCULATIONS:

EXISTING FRONT YARD = 3500
 EXISTING DRIVE WAY = 456 SF
 FRONT YARD OPEN SPACE = 13%
 EXISTING PARKING SPACE IN PAVED D/W = 2

PLAT
 SHOWING THE DIMENSIONS ON
 LOT 3C
OAKTON GLEN
 SECTION 3-B
 RECORDED AT DE 21 1983
 CENTREVILLE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE 1" = 164' 2.28"

WEALTH OF VIRGINIA

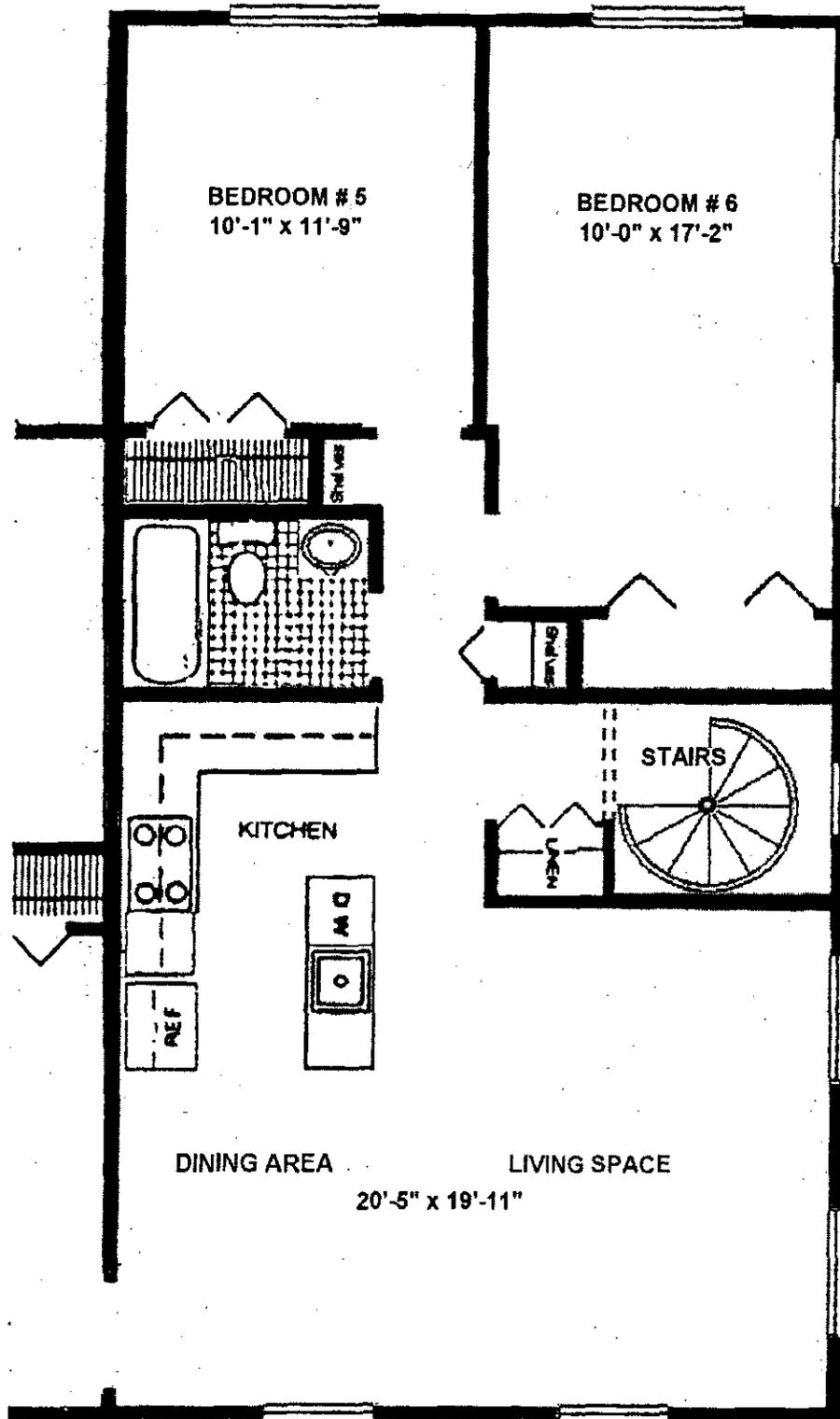
FRESH R. BARAL
 Lic. No. 015039

NEER

I HEREBY CERTIFY THAT THE PROPERTY OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY EXAMINED BY A CERTIFIED SURVEYOR AND UNLESS SHOWN OTHERWISE, VISUAL ENCROACHMENTS AS OF THE DATE.		CASE NO.
THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO OTHER MAPPINGS SET.		Advance Survey Concepts, Inc. Consulting & Architectural Engineers 10057 Lake Street, Suite 101 Fairfax, VA 22030 (703) 825-7142

2610 Oakton Glen Drive, Vienna, VA 22181

ADDITION FLOOR PLAN





View of backyard.



View of backyard.



Street view of front of subject property.



Street view of front of subject property.



Front view of house.



Right front of house and abutting property to the right.



Front of house and abutting property to the left.



View of property across the street from front of house.



Left side yard of property.



Left side property line. View from front of house looking toward backyard.



Left side property line. View from back looking toward front yard.



Rear property line. View from left rear corner of property.



View of backyard and rear property line.



View of backyard.



Rear property line. View from right rear corner of property.



Backyard view of abutting property at rear of house.



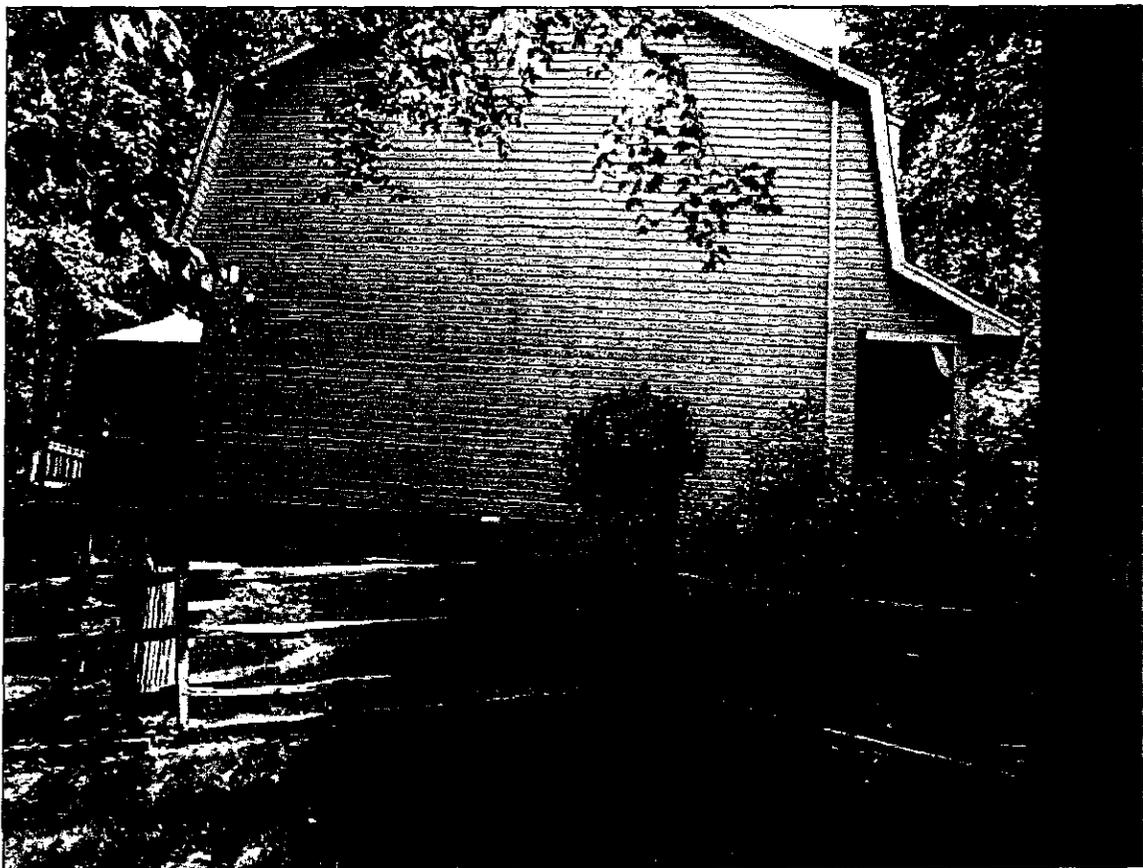
Right side property line and right side yard.



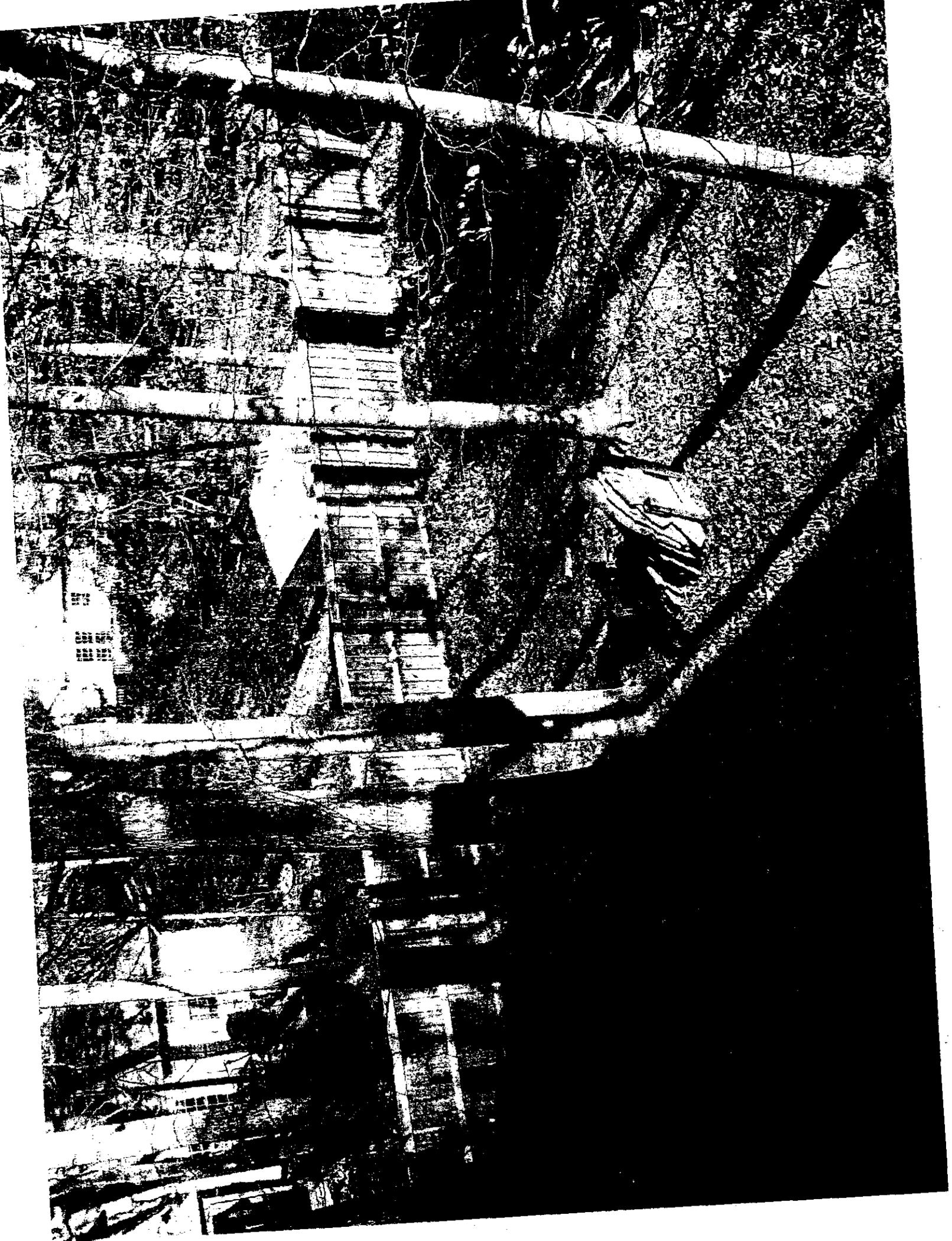
Right side yard looking toward backyard.



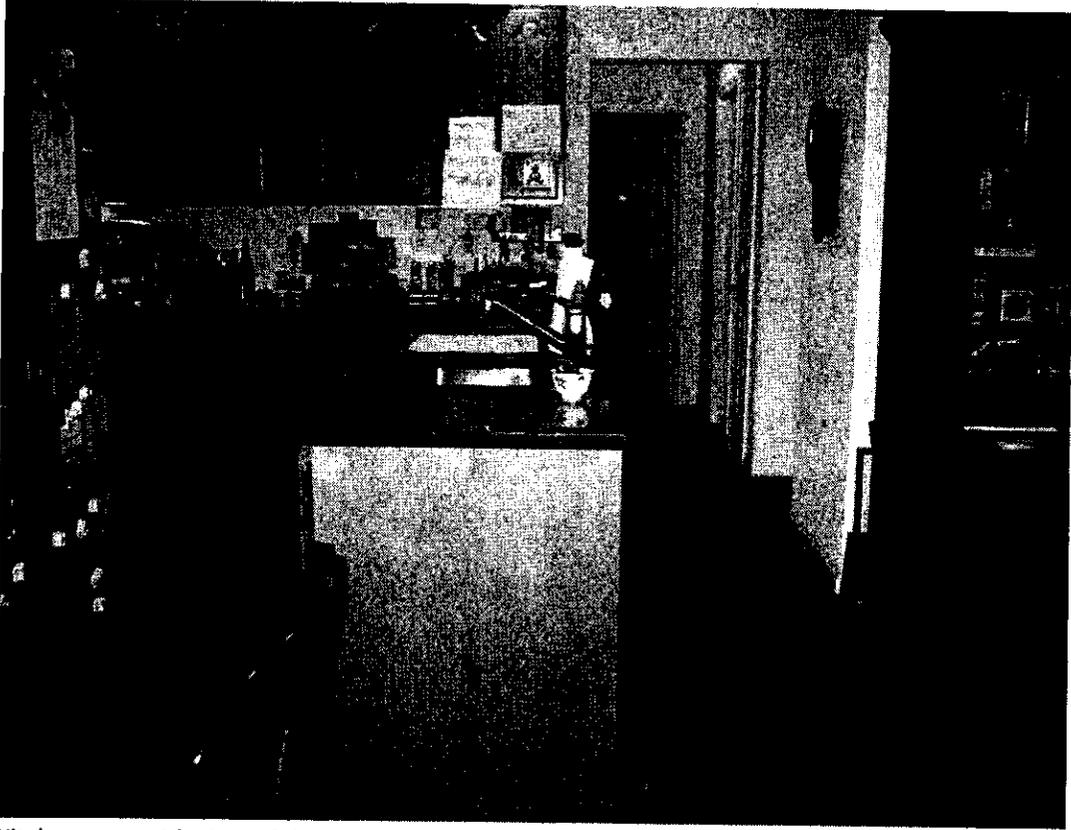
Backyard view of right-side property line.



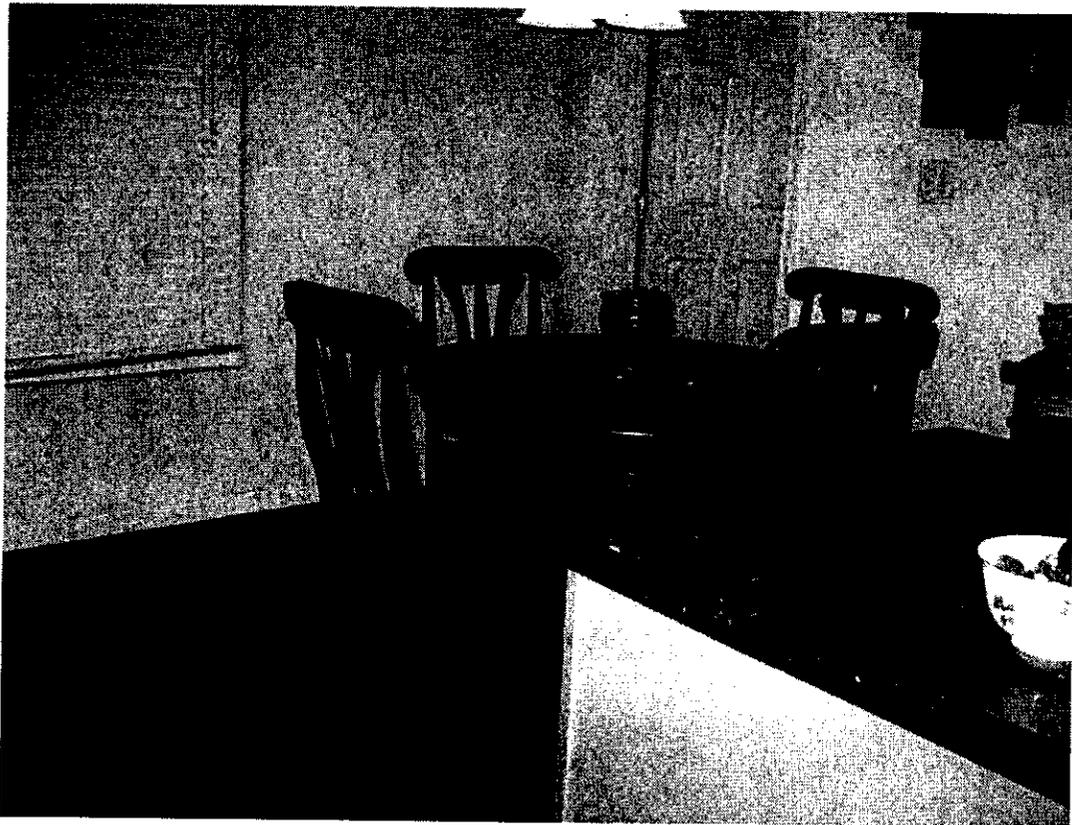
View from back/side yard of abutting property on right side.



2610 Oakton Glen Drive, Vienna, VA 22181



Kitchen area with view of doors to bedroom 5, 6, linen closet and entrance to stairs

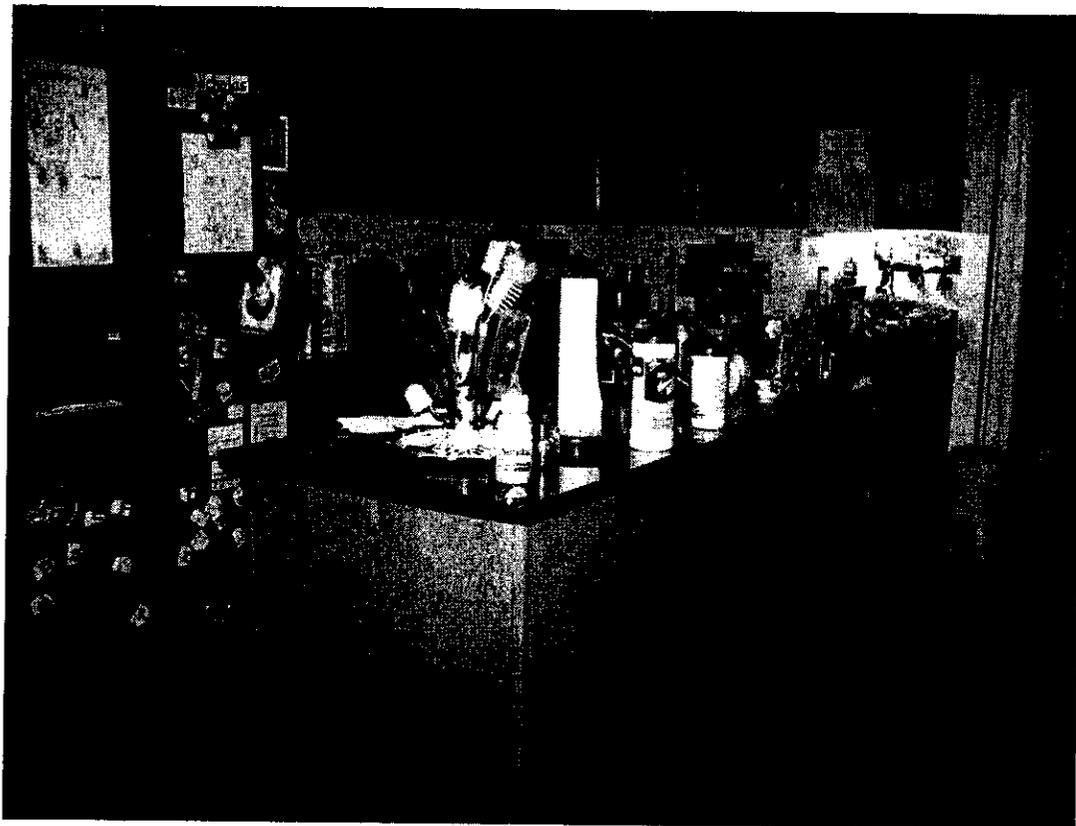


View of doorway to main home from addition

Addition: 2610 Oakton Glen Drive, Vienna, VA



Main Room



Kitchen



Daughter's bedroom



Grandson's bedroom

DESCRIPTION OF THE APPLICATION

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

Size of Principal Dwelling: 6,079 square feet

Size of Accessory Dwelling Unit: 984 square feet (16.1%)

Lot Size: 14,793 square feet

LOCATION AND CHARACTER

Site History and Existing Site Description

The application property is located at 2610 Oakton Glen Drive, which is a cul-de-sac within the Oakton Glen subdivision. The 14,793 square foot site is developed with a single family detached three-story dwelling, built in 1980 with several additions constructed by building permit. An existing paved driveway is accessed from Oakton Glen Drive and terminates at a two-car garage. Although not depicted on the plat, there is an existing storage shed and gazebo located in the rear yard which both meet the requirements of the Zoning Ordinance with regard to their heights and distances from lot lines. An access trail is located along the western side lot line to access homeowners open space. A combination of split-rail and privacy fencing surrounds the property along the side and rear lot lines. The lot contains significant mature trees and shrubs.

Surrounding Area Description

Direction	Use	Zoning
North	Single Family Detached Dwellings	R-2 (Cluster)
South	Single Family Detached Dwellings	R-2 (Cluster)
East	Single Family Detached Dwellings	R-2 (Cluster)
West	Single Family Detached Dwellings	R-2 (Cluster)

BACKGROUND

As noted in the statement of justification included as Appendix 3, the applicants obtained a contractor to construct a second story addition to their home. In December 2006, the applicants' contractor applied for and received building permits to construct an addition above the existing garage with exterior access, as well as to construct a sunroom on the rear of the dwelling. The building permit included a request for a kitchen to be located within the second story space; however, the request was subsequently marked out on the permit. A copy of the building permit is attached as Appendix 4 which shows the notation of the request for the kitchen removed. The applicants' state when they signed the contract for the construction, they did not know, nor did the contractor inform them, that a second kitchen required special permit approval. The applicants indicate they had already paid the contractor in full to start the construction of the second story addition with a kitchen and then to work on their behalf to prepare and submit the additional paperwork required to obtain the special permit. The applicants relied upon their contractor to obtain all applicable permits although the proper permits were not received. The applicants indicate that since the renovation to their home and final payment made to the contractor, the contractor had his license revoked and is no longer in business in the State of Virginia. In May 2007, the applicants submitted a Second Kitchen Affidavit which requested permission to retain the second kitchen. The request was denied. Due to personal health and family issues, the applicants did not at that time pursue the special permit remedy. On August 19, 2010, the applicants received a Corrective Work Order related to plumbing, electrical, building and framing work within the second kitchen. A copy of the Corrective Work Order is attached as Appendix 5. The applicants again submitted a Second Kitchen Affidavit which was again denied by the Zoning Administration Division on October 21, 2010, a copy of which is attached as Appendix 6. The letter also informed the applicants that the issue would be forwarded to the Department of Code Compliance for appropriate action. On October 27, 2010, the applicants received a Notice of Violation (NOV) outlining corrective action required. A copy of the NOV is included within Appendix 5.

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 the Improvements on Lot 58, Oakton Glen, Section 3-B

Prepared By: Advance Structural Concepts, Inc.

Dated: May 27, 2008

Proposed Use

The applicants propose an accessory dwelling unit to be located within a portion of the second floor of their existing single family detached dwelling. Although the applicants reside in the dwelling with their two adult children and two young grandchildren, they state that the purpose of the second story addition is to allow their adult daughter to reside in an independent living area of the home.

The existing three-level dwelling consists of 6,079 square feet, of which 984 square feet, or 16.1%, is utilized as the accessory dwelling unit. As shown on the floor plan, the unit consists of two bedrooms, a living room area with a small dining area included within this space, a full bathroom, and a full kitchen. The Building Code requires that the unit have an exterior access, and a stairwell was constructed to accommodate Code requirements. The applicants state that the entire single family home is utilized by all the members within the family and this separate access into the unit is not normally used. As shown in the photographs, there is a doorway from the living/dining area of the accessory unit that connects to a bedroom located in the main house, which is used by the applicant's grandchild. The accessory unit itself is occupied by the applicants' daughter and another grandchild. The applicants, Thomas Johnson and Valerie Milazzo, reside in the principal dwelling and are both over 55 years of age.

The applicants request approval to continue the use of this space for their entire family and indicate to staff that they do not intend to rent the space to anyone outside of their immediate family members. Based on this information, staff has included a development condition which ensures the space will only be occupied by the members of the immediate family.

The site can accommodate up to six (6) vehicles, four (4) in the driveway and two (2) in the garage. There are no proposed site modifications.

ZONING ORDINANCE PROVISIONS

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-2 Zoning District.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 7)

- 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 7. 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. The applicants have worked diligently with staff to remedy issues and concerns which have been addressed by incorporating additional development conditions. Therefore staff recommends approval of SP 2010-PR-073 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. Building Permit History
5. Corrective Work Order and Notice of Violation
6. Letter dated October 21, 2010 Second Kitchen Request
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2010-PR-073****February 23, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-PR-073 located at Tax Map 37-4 ((1)) 58A 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 applicants only, Thomas L. Johnson, Trustee and Valerie A. Milazzo, Trustee, and is not transferable without further action of this Board, and is for the location indicated on the application, 2910 Oakton Glen Drive, (14,793 square feet), and is not transferable to other land.
3. The occupants of the accessory dwelling unit shall be limited to the applicant's immediate family members.
4. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by Advance Structural Concepts, Inc., dated May 27, 2008, and approved with this application, as qualified by these development conditions.
5. 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.
6. 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.
7. The accessory dwelling unit shall contain a maximum of 984 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.

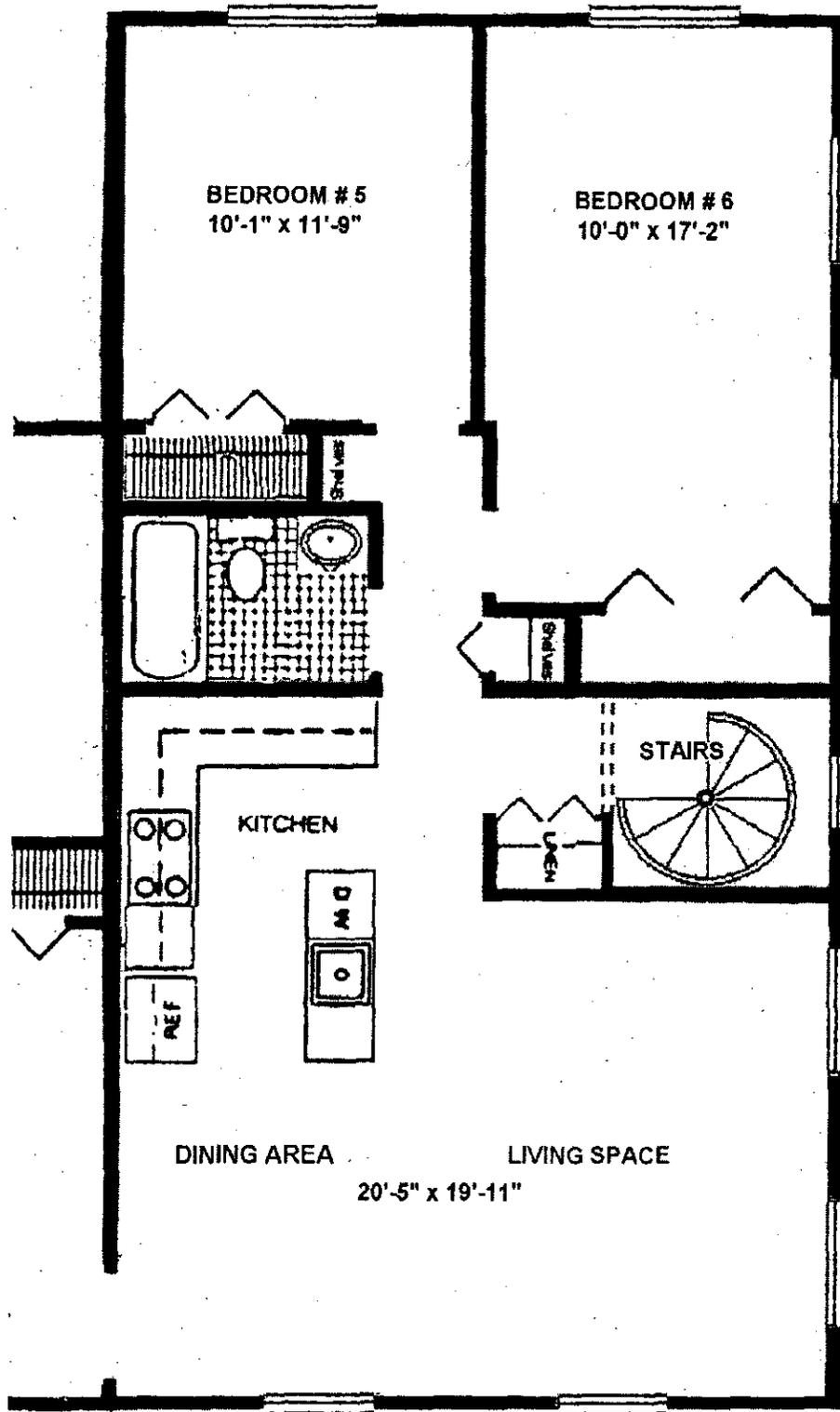
8. All applicable building permits and final inspections shall be obtained for kitchen in the accessory dwelling unit.
9. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
10. 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.
11. If the use of the accessory dwelling unit ceases for the applicant's immediate family members 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.
12. All parking shall be provided on site as shown on the special permit plat.

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

2610 Oakton Glen Drive, Vienna, VA 22181

ADDITION FLOOR PLAN



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 12/1/2010
 (enter date affidavit is notarized)

I, Valerie A. Milazzo, 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 110256a

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)
Thomas L. Johnson Trustee for the Thomas L. Johnson Revocable Trust, dated September 24, 1992, for the benefit of Thomas L. Johnson	2610 Oakton Glen Drive, Vienna, VA 22181	Applicant/Title Owner
Valerie A. Milazzo Trustee for the Valerie A. Milazzo Revocable Trust, dated September 24, 1992, for the benefit of Valerie A. Milazzo	2610 Oakton Glen Drive, Vienna, VA 22181	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: 12/1/2010
(enter date affidavit is notarized)

110256 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)

N/A

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: 12/11/2010
(enter date affidavit is notarized)

110256 a

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

PARTNERSHIP INFORMATION

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

N/A

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

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

(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: 12/1/2010
(enter date affidavit is notarized)

110256a

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: 12/1/2010
(enter date affidavit is notarized)

110256a

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:

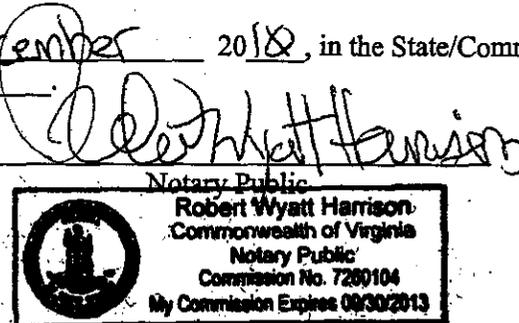
(check one)

Valerie A. Milazzo, TRUSTEE
 Applicant [] Applicant's Authorized Agent

Valerie A. Milazzo, Trustee
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 1 day of December 2010, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 9-30-2013



Hedrick, Debbie

From: Val John <valjohn912@gmail.com>
Sent: Friday, January 28, 2011 3:22 PM
To: Hedrick, Debbie
Subject: Additional Information for Special Permit - 2610 Oakton Glen Drive
Attachments: addition floor plan - 2610 Oakton Glen Dr.pdf; kapoor fax.pdf; 2nd kitchen demolition permit - 2610 Oakton Glen Dr.pdf

Ms. Hedrick,

As requested, I attach the additional information that we spoke about today in your site visit.

I attach the following:

1. Revised floor plan for 2nd floor addition showing more detailed kitchen layout. Let me know if I need to modify anything further.
2. Fax sent to Rakesh Kapoor (DCC) on 10/27/2010 detailing the steps we have taken to comply with county code requirements regarding the second kitchen.
3. Information on the Demolition Permit for the 2nd kitchen that we applied for, including the following:
 - a. Paid Receipt dated 9/7/2010
 - b. Demolition Permit Information from Fairfax County FIDO system
 - c. Demolition Permit Status from Fairfax County FIDO system

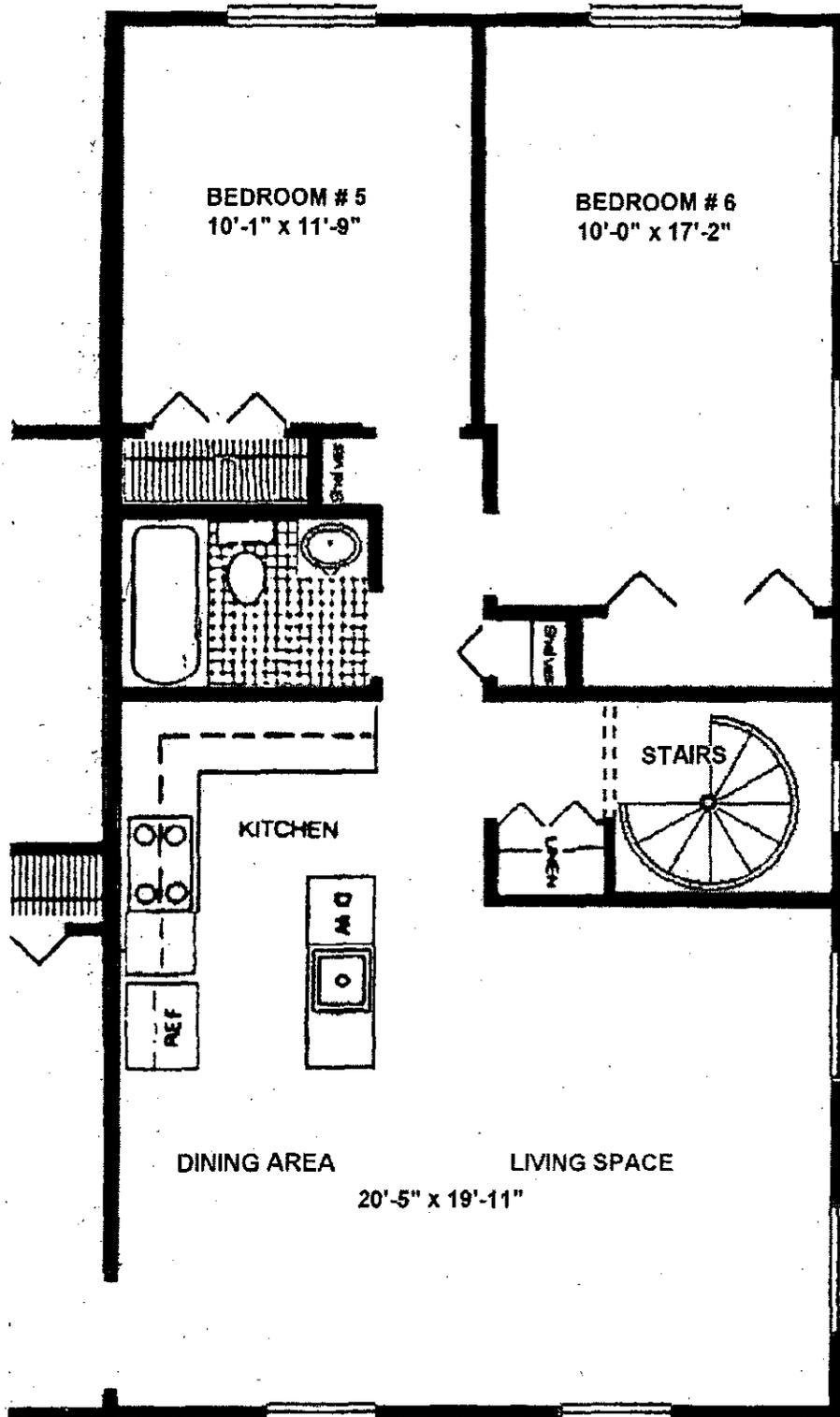
As I mentioned, the demolition permit was not approved. We even asked Gabe (Permits Branch) to double check this to make sure. He did, and called us later that same day (9/7) at our home to reiterate that a demolition permit would not be issued.

With regard to the parking, we are taking immediate steps to dispose of 2 of our vehicles. This will allow us to park all remaining vehicles within our property (garage and driveway) without the need to use any street parking. I will notify you by email once this has been accomplished.

It was good to meet with you today. I appreciate the help you provided on the process going forward. Please let me know if you need anything further.

- Valerie Milazzo

ADDITION FLOOR PLAN



Fax

To: Rakesh Kapoor	From: Valerie Milazzo
Fax:	Pages: 2
Phone: 703-324-9321	Date: 10-27-10
Re: CASE # 201005198 (2610 Oakton Glen Drive, Vienna, VA 22181)	

Mr. Kapoor,

This letter is to document the actions that my husband and I have taken since receiving the Corrective Work Order notification on August 19, 2010 concerning an unpermitted second kitchen in our home.

On September 7, 2010 we applied and paid for a demolition permit. The permit was not issued to us by the county because we were told there was no zoning violation. We were instructed to obtain a building permit instead.

Between September 7 and October 7, we worked on completing the Special Permit Application package for submission so as to obtain the building permit.

On October 8, I went to the county offices to submit a completed special permit application package so that I could obtain a building permit. At that time, I spoke with two different individuals in Zoning Administration (I have name) and was told by both of them that we did not need to obtain a special permit to get a building permit for the second kitchen. I was advised that instead, we should submit a Second Kitchen Affidavit, and was told to speak with Diane Johnson-Quinn and was given her phone number and office address.

On October 8, I met personally with Diane Johnson-Quinn and was given a Second Kitchen Affidavit to complete so that we could obtain a building permit.

On October 12, as she instructed, I submitted a Second Kitchen Affidavit to obtain a building permit and respectfully asked for a reconsideration of the initial request made by our general contractor on our behalf in 2007 on the basis of how our family is in fact using the space.

On October 21, I received a letter from Ms. Johnson-Quinn denying the request, and referring this to DCC for "appropriate action", which I found odd since I was already working to resolve this matter through the appropriate county offices, including hers, precisely to comply with an action already initiated by DCC.

On October 27, I received a Notice of Violation to either demolish the kitchen or obtain a building permit.

Since receiving the Corrective Work Order on August 19, we have been diligently working through the Fairfax County bureaucracy to comply with the corrective work order. In the process, we have talked with several county personnel and have been given guidance that seems to have us only going around in circles. And now it would seem that we have apparently gone full circle.

Please be assured, Mr. Kapoor, that we are not ignoring the county's directive and indeed, as directed, and as documented above, have been working consistently within the system to correct this building violation.

October 27, 2010

page 2

CASE # 201005198 (2610 Oakton Glen Drive, Vienna, VA 22181)

But, I hope you can understand how difficult it has been for us to figure out the process when it seems even county personnel that we have talked with in different parts of the organization, are themselves uncertain on how to proceed. It is one thing to be told by the county to get a building permit in this matter, quite another to accomplish it on your own. The latter is precisely what we have been trying hard to do.

Since we have now apparently gone full circle in this process, this letter is to notify you that we will be submitting a completed Special Permit Application within 5 days so as to obtain the necessary building permit for the second kitchen.

If you need to contact me, I can be reached at 703-938-1218.

Thank you for your understanding.

Respectfully,

Valerie Milazzo

Hedrick, Debbie

From: Val John <valjohn912@gmail.com>
Sent: Monday, January 24, 2011 6:09 PM
To: Hedrick, Debbie
Subject: Additional Pictures for Special Permit - 2610 Oakton Glen Drive, Vienna, VA
Attachments: additional pictures-2610 Oakton Glen Dr.pdf

Ms. Hedrick,

As requested, attached are additional pictures showing the kitchen area in the addition and the doorway going from the addition to the main home.

I took another look at the floor plan I submitted previously, and I do believe I have correctly shown the location of the kitchen space on the floor plan (although I did not draw in the sink island or refrigerator). If you need me to show these, let me know and I will revise the floor plan as best I can.

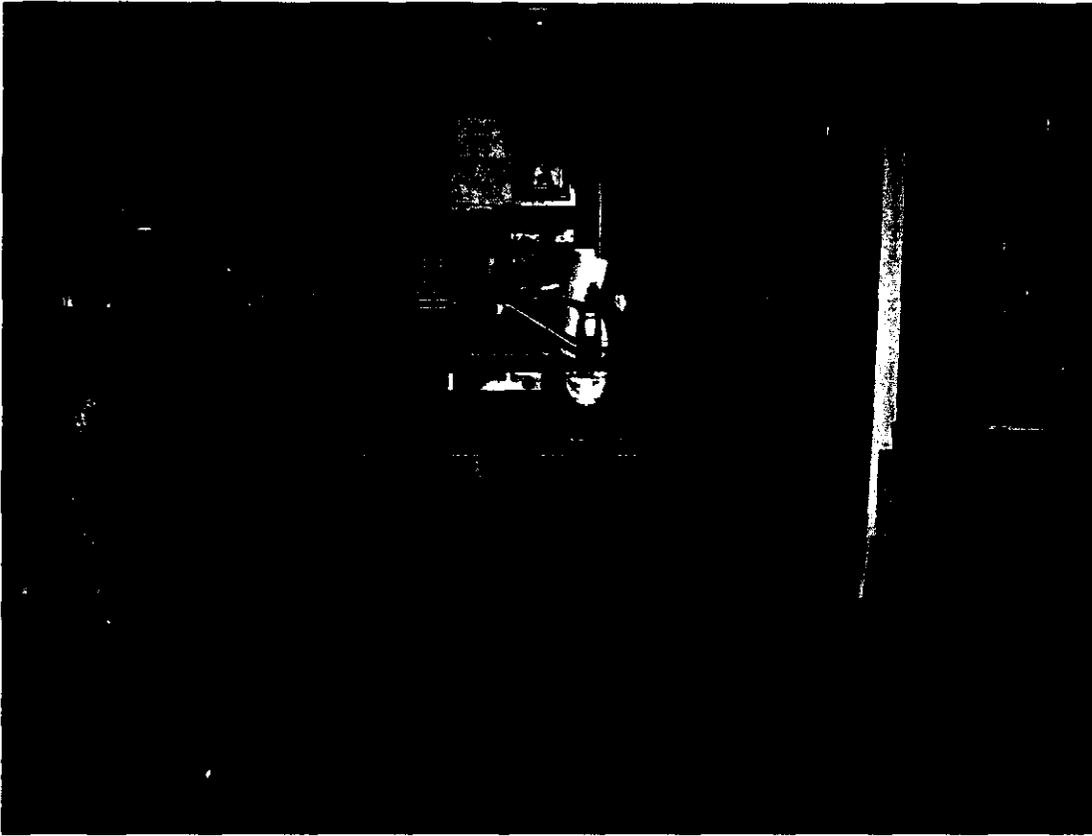
With regard to the cars/parking, my husband and I currently own 7 vehicles. All are registered and titled to either my husband or myself. One vehicle is parked inside the garage, four in the driveway, and two we park on the street directly in front of our house for convenience (one of which has been parked in the same location on the street since it was purchased in 1999).

Within the next few months, we plan to sell/dispose of one of the vehicles (as it has over 100,000 miles) and another which is used by my son will soon be gone once he graduates from college this Spring, hopefully secure a job and be able to move out of our home. Although one side of our garage is presently used for storage, if need be we can arrange to park an additional vehicle in the garage.

Let me know if you need anything else and thanks again for your help. We'll see you on Wednesday!

- Valerie Milazzo
703-838-1218

2610 Oakton Glen Drive, Vienna, VA 22181



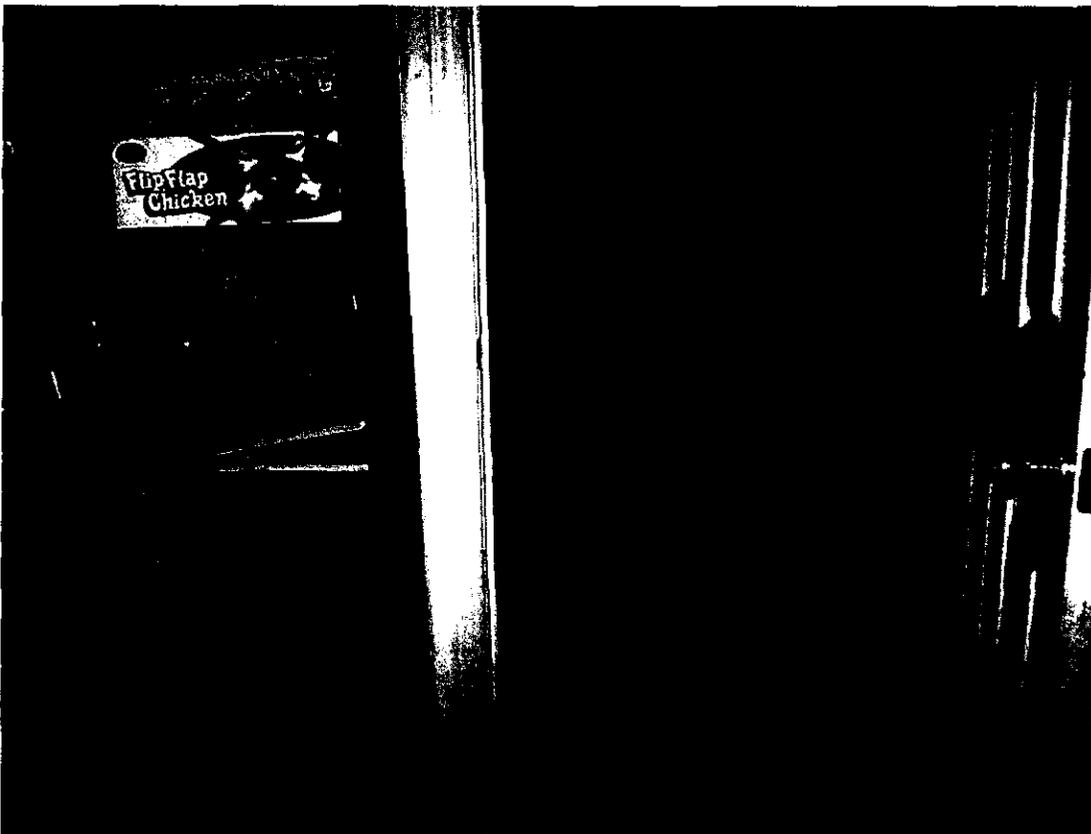
Kitchen area with view of doors to bedroom 5, 6, linen closet and entrance to stairs



View of doorway to main home from addition



View of doorway to main home bedroom from addition



View of addition from main home bedroom

Thomas Johnson and Valerie Milazzo
Property Address: 2610 Oakton Glen Drive, Vienna, VA 22181

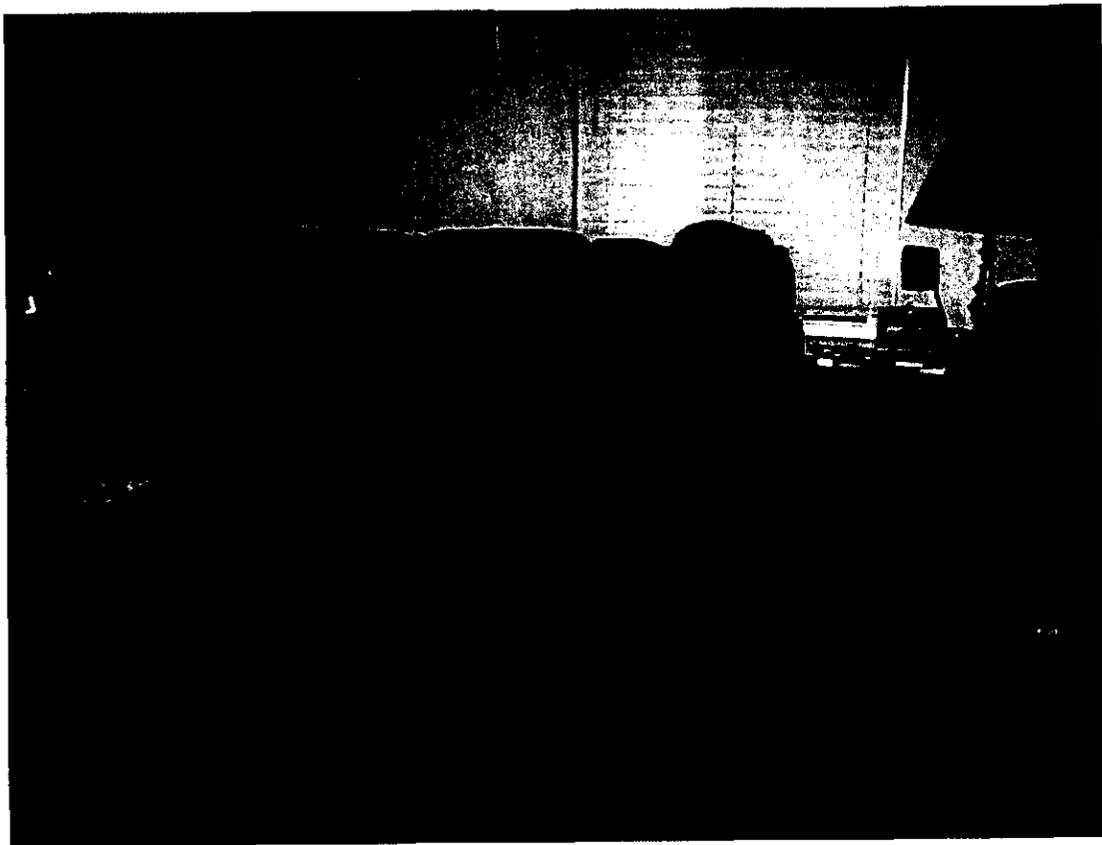
Second Kitchen Special Permit: Additional Information

I am providing additional information with regard to my request for the granting of a special permit for a second kitchen which we have in our home. When my husband and I contracted with a general contractor (CMD Dulles, Inc.) to have an addition to our house built, it included plans for a small second kitchen space. When we signed the contract, we did not know, nor did the general contractor inform us, that a second kitchen may require special permitting. When the second kitchen was not approved by the county as part of the building permit for the addition, being unfamiliar with the permitting process, we paid the general contractor to work on our behalf to prepare and submit the additional paperwork needed to obtain the necessary permit for the kitchen. In the meantime, the general contractor was paid in full for the kitchen (for which he was not about to issue us a refund), the rough-in inspections were completed, and the cabinets and appliances were delivered to our home. The contractor, anxious to wrap up construction and receive final payment, and we equally anxious to put an end to an extremely long and grueling construction process, installed the kitchen. Our contractor assured us that he would continue to work to obtain the building permit and obtain final inspection approval for the kitchen. Unfortunately, before the contractor could complete the permitting process for us, he had his license revoked by the state and went out of business. Unable to contact him, we, and the permit, were ultimately left hanging.

Although the pre-concealment inspections for the kitchen electrical and plumbing were all completed and approved by the county in anticipation of permit approval, we never completed the process of obtaining a formal building permit for the kitchen. While we should not have allowed the contractor to go forward with the second kitchen without the proper permit in hand, my primary concern at the time was for the well-being of my family and putting behind us a very long and stressful construction ordeal which included work stoppages, unpaid subcontractors, and misuse of our money by the contractor. In addition, this all took place during a time of considerable personal stress and uncertainty for our family. Dealing with concerns over my daughter's future, faced with now having to financially support my grandchild, coping with both my husband's and my recent retirements, my husband's recovery from a recent heart attack, and a diagnosis of malignant breast cancer and ensuing treatment during this time, my foremost concern and motivation was to help my family by restoring much needed normalcy to our home as quickly as possible and providing a comfortable and stable home environment for us, my son, daughter and grandchild. Although unfortunately delayed due to extenuating circumstances, I am now personally taking the steps necessary to make this right with the filing of a special permit request.

Valerie Milazzo
January 10, 2011

Addition: 2610 Oakton Glen Drive, Vienna, VA



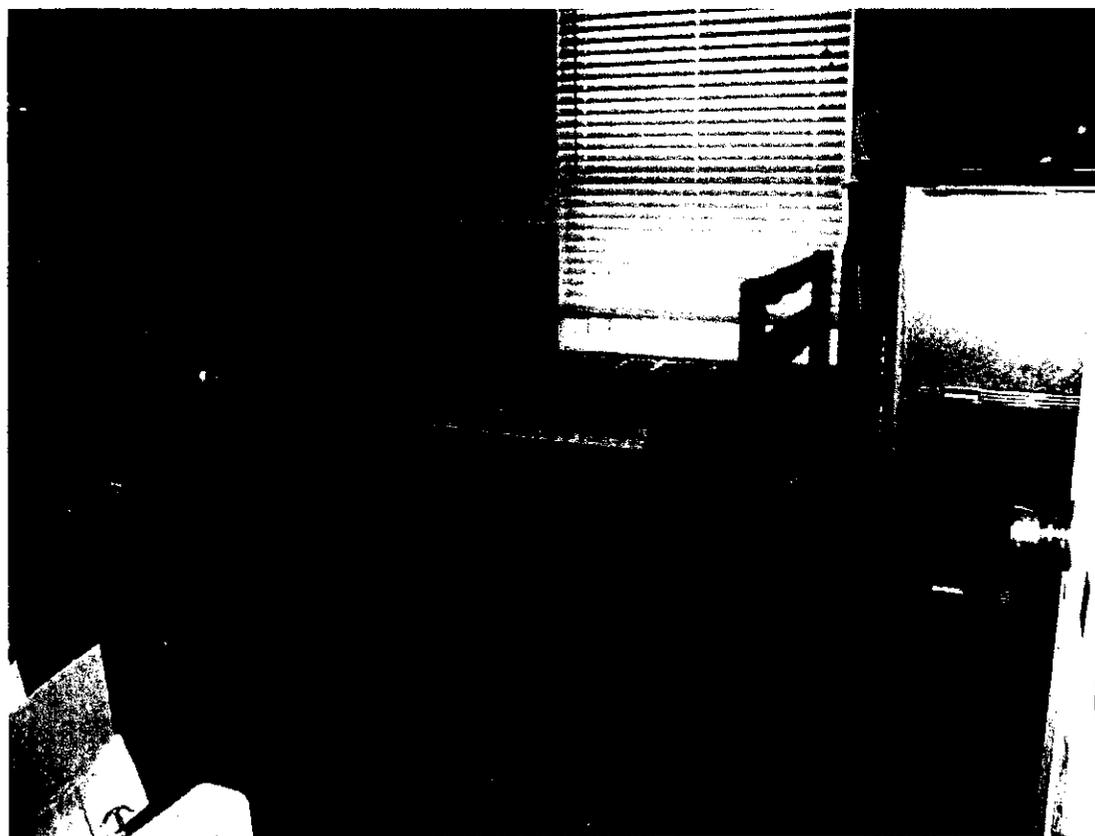
Main Room



Kitchen



Daughter's bedroom



Grandson's bedroom

Thomas L. Johnson and Valerie A. Milazzo
2610 Oakton Glen Drive
Vienna, VA 22181

Special Permit Statement of Justification

page 1 of 2

This is a statement regarding a request for a Special Permit for an accessory dwelling unit for 2610 Oakton Glen Drive, Vienna, VA 22181.

- A. **Type of Operation:** Accessory Dwelling Unit.
- B. **Hours of Operation:** N/A
- C. **Estimated Number of patrons/clients/patients/pupils, etc. :** N/A
- D. **Proposed Number of employees/attendants/teachers, etc.:** N/A
- E. **Estimate of the traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day:** Normal residential use. There is an attached 2-car garage and room for 2 cars on the driveway as well as on-street parking along the curb in the front of the house. Adding a second kitchen (accessory dwelling unit) will not increase the number of cars currently located at the residence.
- F. **Vicinity or general area to be served by the use:** N/A
- G. **Description of building façade and architecture of proposed new building or additions:** N/A
- H. **A listing, if known, of all hazardous or toxic substances...:** N/A
- I. **A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.**

The request meets all of the General Standards of 8-006 and additional standards of Article 8 of the Zoning Ordinance. In accordance with Fairfax County Zoning Ordinance 8-918, "Additional Standards for Accessory Dwelling Units:" (1) the requested accessory dwelling unit is in association with a single family detached dwelling unit, and there is only one proposed dwelling unit for this single family detached dwelling unit; (2) it is located within the structure of the single family detached dwelling unit; (3) it does not exceed 35% of total gross floor area of the principal dwelling unit; (4) it will not contain more than two bedrooms; (5) the principal dwelling unit is owner-occupied by the applicants, both are over 55 years of age; (6) the accessory dwelling unit will be occupied by two persons, and the principal single family dwelling unit will be occupied by one family, who are all members of applicants' household, and related by blood or marriage, and natural children, and/or stepchildren; (7) parking is sufficient to meet the needs of the principal and accessory dwelling units, as described in paragraph E, above; (8) it will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood; and (9) it meets the applicable regulations for building, safety, health, and sanitation.

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

Thomas L. Johnson and Valerie A. Milazzo
2610 Oakton Glen Drive
Vienna, VA 22181

Special Permit Statement of Justification

page 2 of 2

This is to request a Special Permit for a small kitchen area within the existing second floor living space of our home. This space consists of two bedrooms, a bathroom, and family living space. This space functions as an integral part of our home and there is open and unrestricted access between this area and the rest of our house. This space is provided for our daughter but is used as well by ourselves and other members of our family who reside in our home, including our grandchildren, ages 5 and 5 months. I also have a son who lives at home. My son and daughter are both college students and have resided continuously with us in our home since birth. Both our son and daughter are unmarried and are our legal dependents. In addition to financially supporting our son and daughter, we also financially support both of our grandchildren. We are both retired and are helping to raise our grandchildren and assisting in their care while our daughter attends college. If our daughter were not living with us, it would be a substantial hardship for her, as she does not presently have the means to financially support herself, nor is she psychologically or emotionally ready to live independently at this time. As such, over the past few years we have made considerable additional sacrifices to provide for our family and in support of our daughter to make our home a comfortable, stable, and harmonious environment for our children and grandchildren.

Although the space in our home adequately meets the needs of our family, the main kitchen of our home does not. It is unfortunately small and cramped and has very limited cabinet space. Thus a second kitchen, for us, is a much needed convenience that would provide our family with the sorely needed additional space to store both dry and perishable food, particularly child and infant-related food items, as well as for occasional meal preparation. Without a second kitchen area, the use of our limited kitchen facilities would be strained and would be a source of continuing conflict for the family. I would like to avoid our having to either always coordinate the use of the first floor kitchen space for multiple meal preparation or be required to always share the same meals and mealtime schedules together. Having a second kitchen logically located in a more convenient area that our daughter can use to occasionally prepare and serve meals would not only provide some relief for us, but would also give us an additional area where we can enjoy meals together, while giving our son some measure of privacy, as well as help our daughter develop the needed sense of responsibility and confidence as a young parent that she is able to care for her children, including preparing meals, snacks, bottles, etc.

The addition of a modest kitchen area within this second floor space will ensure that this space adequately meets the needs of our family over the next few years. The addition of a small second floor kitchen space will be a considerable convenience to our entire family, alleviate demand for, and reduce stress associated with the use of existing limited kitchen resources, thereby helping to preserve family harmony, and would be an integral part of our family home with the benefits being enjoyed by all members of our family. The granting of a second kitchen will not result in additional persons being brought into the home, as it is intended only for the use of our immediate family who are already living in our home at the present time. In addition, it will not be used at any time in the future for rental income. In view of the above, we respectfully request that the special permit for a second kitchen for our family be granted.



Thomas L. Johnson and Valerie A. Milazzo

Thomas L. Johnson and Valerie A. Milazzo
2610 Oakton Glen Drive
Vienna, VA 22181

Gross Floor Area of Existing Principal Dwelling Unit and Floor Area for Accessory Dwelling Unit

Existing Principal Dwelling Unit

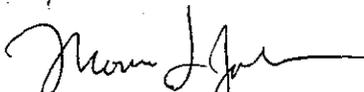
Basement	1,487 SF
1 st Floor	2,496 SF
2 nd Floor	2,096 SF

Total	6.079 SF

Accessory Dwelling Unit

2nd Floor 984 SF
(21.5 x 45.8)

Percentage of Gross Floor Area of Principal Dwelling (984/6079) = 16%


Thomas L. Johnson


Valerie A. Milazzo

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

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT #

70320215

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT

http://www.fairfaxcounty.gov/dpwes/inspection_sched.asp

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION

ADDRESS THOMAS & VALERIE Johnson
 LOT # 112000 OK BUILDING GCEN DR
 FLOOR VIENNA SUITE VA 221H
 SUBDIVISION Unit n 317 Sec 1B
 TENANT'S NAME _____
 EMAIL _____
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT

NAME Thomas & Valerie Johnson
 ADDRESS 2010 OKTON GLEN DR, VIENNA
 CITY VIENNA STATE VA ZIP 22181
 TELEPHONE _____
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER

CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME HUB SERVICES INC
 ADDRESS 10195 MAIN STREET STE E
 CITY FAIRFAX STATE VA ZIP 22031
 TELEPHONE 800 876 3838
 EMAIL _____
 STATE CONTRACTORS LICENSE # 2705096759
 COUNTY BPOL # 500 076151 ✓
 CONTACT ID AL 5082833

APPLICANT

NAME KADINA RICH
 ADDRESS 10195 MAIN STREET STE E
 CITY FAIRFAX STATE VA ZIP 22031
 TELEPHONE 703 568 6066
 EMAIL KADINORICH
 CONTACT ID _____

DESCRIPTION OF WORK

SWIM POOL ADDITION
SECOND FLOOR ADDITION
(2 bedrooms)
SKETCHED LIVING ROOM +
STAIRS PATHROOM

HOUSE TYPE SINGLE FAMILY HOME

ESTIMATED COST OF CONSTRUCTION 65,000
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)

NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be compiled with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent KADINA RICH Date Dec 5, 2006

Printed Name and Title KADINA RICH

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

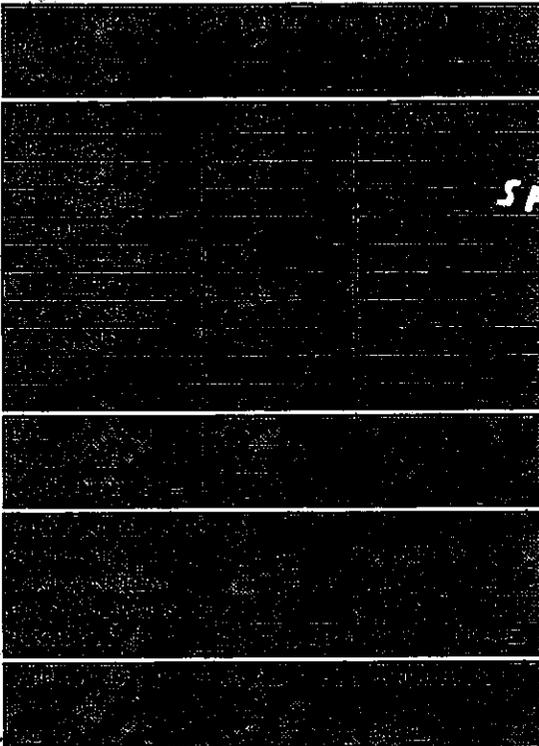
NOTARIZATION (if required)

State (or territory or district) of FAIRFAX - VIRGINIA
 County (or city) of FAIRFAX, to wit: 1
CRISTIANE A. SWEET
 Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.

Given under my hand this 05 day of December, 2006
 My commission expires the 31 day of December, 2009

(Notary Signature)



ZONING REVIEW

USE SFD HISTORICAL DISTRICT _____
 ZONING DISTRICT _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS: FRONT 40/100 L SIDE 40/100 R SIDE 100/123 REAR 32/150
 GARAGE 1 2 3
 OPTIONS: YES NO
 REMARKS Pool 20' x 10' x 6'
Swim room 10' x 10'
46' x 22' 6"

REMARKS Two story pool
Per Plans
18.6' tall

WT 45,000
 EXT 20,000

2610 Oakto

LENNAN'S NAME _____
 EMAIL _____
 CONTACT ID _____
OWNER INFORMATION OWNER TENANT
 NAME Thomas & Valerie Johnson
 ADDRESS 2610 OAKTON GLENDE, VIENNA
 CITY VIENNA STATE VA ZIP 22181
 TELEPHONE _____
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME HMS SERVICES INC
 ADDRESS 10195 MAIN STREET STE E
 CITY FAIRFAX STATE VA ZIP 22031
 TELEPHONE 800 876 3838
 EMAIL _____
 STATE CONTRACTORS LICENSE # 2705096755
 COUNTY BPOL # 076151 ✓
 CONTACT ID AC 5082833

APPLICANT
 NAME KADINA RICH
 ADDRESS 10195 MAIN STREET STE E
 CITY FAIRFAX STATE VA ZIP 22031
 TELEPHONE 703 568 6066
 EMAIL KADINORICH
 CONTACT ID _____

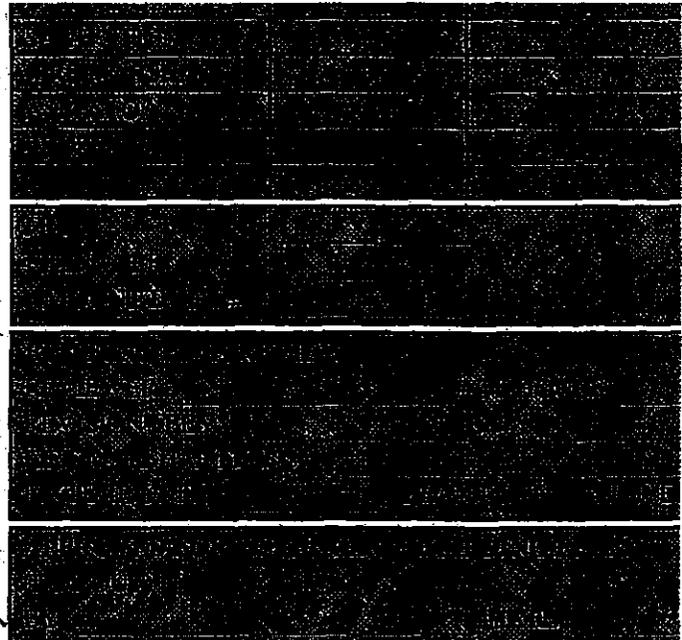
DESCRIPTION OF WORK
SUN ROOM ADDITION
SECOND FLOOR ADDITION
(2 BEDROOM)
REAR DECK + LIVING ROOM +
STAIRS BATHROOM

HOUSE TYPE SINGLE FAMILY HOME
 ESTIMATED COST OF CONSTRUCTION 65,000
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

KADINA RICH Dec 5, 2009
 Signature of Owner or Agent Date
KADINA RICH
 Printed Name and Title
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)



ZONING REVIEW
 USE SFD HISTORICAL DISTRICT R-2
 ZONING DISTRICT _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____

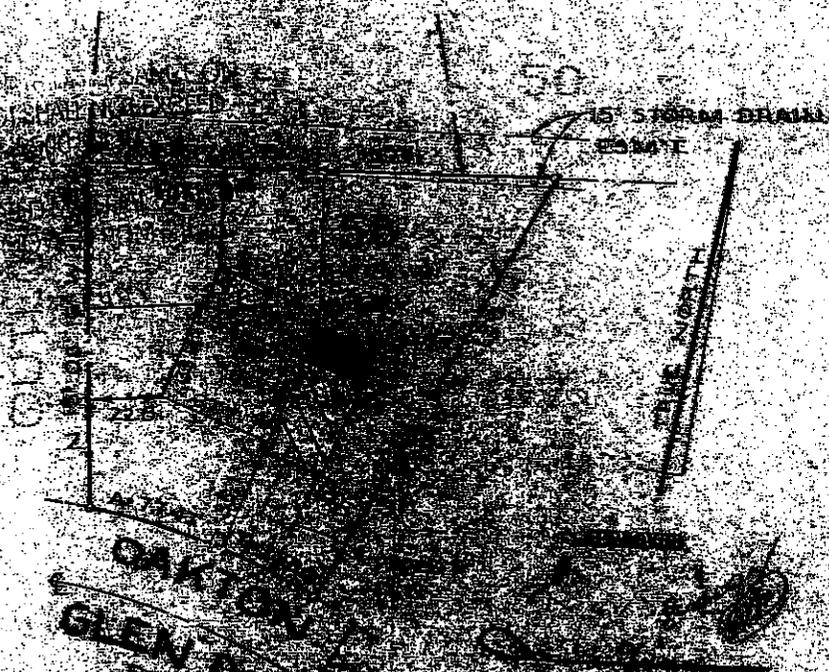
YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT <u>16/16</u>	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT <u>16/16</u>	REMARKS	<u>Basement 20' x</u>		
L SIDE <u>40/16</u>		<u>sun room per</u>		
R SIDE <u>16/22</u>		<u>10' tall</u>		
REAR <u>32/50</u>		<u>469 x 22.6</u>		

 REMARKS Pool strip room
for plants
18.6' tall
plumb w/
INT 45,000
EXT 70,000

NOTARIZATION (if required)
 State (or territory or district) of FAIRFAX - VIRGINIA
 County (or city) of FAIRFAX to wit
CRISTIANE A. SGROTT
 Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this 05 day of December 2009
 My commission expires the 31 day of December 2009
[Signature]
 (Notary Signature)

FOUNDINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

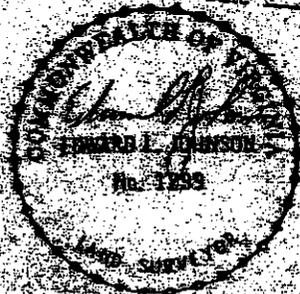


No Second Kitchen or Wet Bar APPROVED

Eileen M. Malone
Zoning Administrator

INSPECTOR SIGNATURE

BY [Signature]
Date 7/7/07



HOUSE LOCATION SURVEY

Lot 22
OAKTON GLEN SECTION 3-B

RESERVED & OR 2007 25 203
CENTREVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA
SEAL 1-00 DATE 1-1-07

COPIED CORRECT
NO TITLE REPORT FURNISHED

DRW&ES
LAND DEVELOPMENT SERVICES
SITE PERMITS & ADDRESSING CENTER
APPROVED FOR

2 Story Access

BY [Signature]

DATE 7/7/07



FAIRFAX COUNTY PLANNING DEPARTMENT, LTD.
307 Westpark Drive, Fairfax, Virginia 22106 (703) 761-5000
Engineering & Planning Division



County of Fairfax, Virginia

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

LEGAL NOTICE CORRECTIVE WORK ORDER: NOTICE OF INSPECTION

DATE OF ISSUANCE: August 19, 2010

COMPLAINT #: 201005198
SERVICE REQUEST #: 64003

LEGAL NOTICE ISSUED TO: Johnson Thomas L
ADDRESS: Milazzo Valerie A
2610 Oakton Glen Dr
Vienna, VA 22181

LICENSE #:

PROPERTY OWNER(S): Johnson Thomas L
LOCATION OF VIOLATION: Milazzo Valerie A
2610 Oakton Glen Dr
Vienna, VA 22181-5342

PERMIT #:

TAX MAP NUMBER: 0374 16 0058A

I inspected the above premises on August 16, 2010, and observed the following:

VIOLATION(S)

CODE SECTION(S)

Plumbing, Electrical and building work in the 2nd story addition was performed without permits to add 2nd kitchen.
Plumbing, Electrical and framing work in the 2nd story addition was concealed without inspections to add 2nd kitchen.

This construction activity requires permits as specified in the 2006 Virginia Uniform Statewide Building Code (VUSBC), effective May 01, 2008, Section 108.1, *When [Permit] applications are required*, which states that written application for permit(s) shall be made to the Building Official and said permit(s) shall be obtained before:

1. A demolition permit shall be obtained prior to the removal of any kitchen equipment, appliances, utilities and kitchen cabinets permanently attached to appliances [V]USBC.

Additionally, this construction project requires inspection(s) pursuant to Section 113.3, *Minimum inspections*, as follows:

1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.
2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code.
3. Inspection of preparatory work prior to the placement of concrete.
4. Inspection of structural members and fasteners prior to concealment.
5. Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, VA 22035-5508
Phone: 703-324-1300 Fax: 703-324-9346
www.fairfaxcounty.gov/code

concealment.

- 6. Inspection of energy conservation material prior to concealment.
- 7. Final inspection

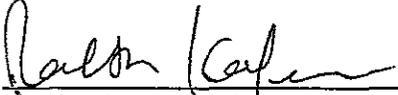
CORRECTIVE WORK ORDER: Pursuant to the VUSBC, Section 115, *Violations*, Section 115.2, *Notice of violation*, you are directed to immediately cease all unpermitted activities and correct these defects within fourteen (14) days of receipt of this Corrective Work Order by:

- Applying for and obtaining the required permit(s) at the Permit Application Center at 12055 Government Center Parkway, Fairfax, VA, Suite 222, phone (703) 222-0801.
- Ensuring all required inspections are conducted and approved before continuing construction.

Failure to follow this order within the specified time may result in a Notice of Violation under the applicable State and County Codes.

RIGHT TO APPEAL THIS NOTICE: As provided by the VUSBC, Section 119.5, *Right of appeal; filing of appeal application*, you have the right to appeal this decision to the Local Board of Building Code Appeals (LBBCA), within thirty (30) calendar days of receipt of this Notice. You may call the Secretary to the BBCA at 703-324-1980 for more information about the appeals process.

LEGAL NOTICE ISSUED BY: Rakesh Kapoor
TITLE: Master Combination Inspector

SIGNATURE: 
NOTICE DELIVERED BY SHERIFF'S OFFICE.

cc: File



County of Fairfax, Virginia

CC COPY

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

NOTICE OF VIOLATION SHERIFF'S LETTER

DATE OF ISSUANCE: October 27, 2010

CASE #: 201005198 **SR#:** 64003

ISSUED TO: Milazzo Valerie A
Johnson Thomas L
ADDRESS: 2610 Oakton Glen Drive
Vienna, VA 22181

LOCATION OF VIOLATION: 2610 Oakton Glen Drive
Vienna, VA 22181
TAX MAP REFERENCE 037-4 ((1))-58A

You were issued a Corrective Work Order on August 19, 2010 (copy enclosed) for violations of the Virginia Uniform Statewide Building Code (USBC) - 2006 Edition, effective May 1, 2008. Staff re-inspected the above cited property on August 16, 2010 and observed that the following violations still exist.

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2006 edition, you are hereby directed to apply for and obtain a Building Permit and required inspections for the construction of a 2nd kitchen at the above cited address.

Explanation: On August 16, 2010 County staff inspected the cited premises and discovered that a 2nd kitchen had been constructed to two story addition without the issuance of a Building Permit and without required inspections.

Corrective Action Required:

1. Apply for and obtain all necessary County Building Permits for the 2nd kitchen within 5 days from the date you receive this Notice, or obtain a County Building Permit to demolish the work.
2. Schedule and pass the required County inspection for the 2nd kitchen within 14 calendar days from the date you are issued the Building Permit for its construction or demolition.
3. Contact me within the time frame established for any re-inspections to assure the violations have been corrected. When calling to schedule a re-inspection, please mention the subject address and the "case number". I can be reached on (703) 324-9321

Department of Public Works and Environmental Services
Land Development Services, County Building Official
12055 Government Center Parkway, Suite 444
Fairfax, VA 22035

Phone: 703-324-1780, 703-324-1980 TTY: 711, Fax: 703-324-1847
www.fairfaxcounty.gov/dpwes/lds

All repairs, alterations, and/or additions must be made in accordance with applicable laws. Any additional violations that may appear as work progresses will require correction.

Information about obtaining any necessary permits required by other Fairfax County agencies may be obtained by calling (703) 222-0801 and requesting the appropriate department.

You have the right to appeal this decision within 30 days to the Fairfax County Board of Building and Fire Prevention Code Appeals. Appeal application forms may be obtained by contacting:

Fairfax County Board of Building and Fire Prevention Code Appeals
Attention: Secretary to the Fairfax County Board of Building and Fire Prevention Code Appeals
Office of Building Code Services
Department of Public Works and Environmental Services
12055 Government Center Parkway
Fairfax, Va. 22035-5504
Telephone: (703) 324-1780

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision. Failure to correct these defects within the time limits specified shall result in enforcement action being taken under the applicable State and County Codes.

Be advised that any Zoning Ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a Building Permit. If removal of unpermitted features (including appliances, cabinets and plumbing fixtures) is required, a separate demolition permit will be required for this work.

NOTICE ISSUED BY:
Rakesh Kapoor

Technical Assistant to the Building Official

Rakesh Kapoor Date 10-26-10
Signature

Notice delivered by: Hand Posting on Property
Certified Mail No. _____
Hand Delivery to Addressee
Sheriff

cc: L. Ray Pylant, Building Official
Debra McMahon, Permit Application Center
Paul Lynch, Director, Residential Inspections Division
Michael Congleton, Property Maintenance Code Official



County of Fairfax, Virginia

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

October 21, 2010

Thomas Johnson
Valerie Milazzo
2610 Oakton Glen Drive
Vienna, VA 22181

Re: Second Kitchen Request (ID #1166)
2610 Oakton Glen Drive, Oakton Glen, Sec. 3B
Tax Map Ref #37-4 ((16)) 58A

Dear Mr. Johnson and Ms. Milazzo:

I have reviewed your request for a second kitchen, as supported by your floor plans and narrative statement, on the second floor of your home at the above-referenced property.

Our records find that you submitted a request in May, 2007 for a second kitchen to be located in a second story addition over an existing garage. Your request was subsequently denied. Due to that decision, the second kitchen was deleted from building permit #70320215 to construct the second story addition over the garage. Nevertheless, we have been advised by County staff that inspections revealed that a second kitchen was installed on the second level of your home without a permit, and that you were instructed to obtain a building permit to clear the violation. This is what prompted your current request to this office for approval of a second kitchen.

After careful review of the information you submitted and of County records, and based on the Zoning Ordinance definition of a dwelling unit (copy enclosed), it is, again, my determination that the second kitchen, in combination with the bathroom, bedrooms, living area, and exterior access constitutes an independent living facility or dwelling unit. Pursuant to Sect. 2-501 of the Zoning Ordinance, there shall be not more than one (1) dwelling unit per lot (copy enclosed.) Therefore, the second kitchen located on the second floor of your home cannot be approved by this office.

However, pursuant to Sect. 8-918 of the Zoning, you may qualify to apply for a special permit for an accessory dwelling unit. Please contact staff in the Zoning Evaluation Division of the Department of Planning and Zoning, at 703-324-1290, for an application package and to schedule a pre-application conference to discuss the procedure and whether you qualify to apply for a special permit for an accessory dwelling.

Department of Planning and Zoning
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508
Phone 703-324-1359 FAX 703-324-2301
www.fairfaxcounty.gov/dpz/



Thomas Johnson
Valerie Milazzo
October 21, 2010
Page 2

Please be advised that we are forwarding this matter to the Department of Code Compliance for appropriate action. I know this is not the response you were hoping for, but I trust the reasons given for my denial of your request adequately explain my decision. If you wish to discuss this matter further, please feel free to contact me at 703-324-1359.

Sincerely,



Diane Johnson-Quinn
Deputy Zoning Administrator for
Zoning Permit Review Branch

Enclosures A/S

cc: Linda Q. Smyth, Supervisor, Providence District
Eileen M. McLane, Zoning Administrator
Karen McClellan, Operations Manager, DCC
Jim Ciampini, Supervisor, DCC



County of Fairfax, Virginia

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

ID# 1166
(Zoning Use)

SECOND KITCHEN AFFIDAVIT

NAME: THOMAS JOHNSON & VALERIE MILAZZO TAX MAP NO: 0374 16 0058A P-2C

ADDRESS: 2610 OAKTON GLEN DRIVE, VIENNA, VA 22181

SUBDIVISION: OAKTON GLEN, Sec 3B DATE: 10/12/10

DEFINITION OF A DWELLING UNIT PER THE FAIRFAX COUNTY ZONING ORDINANCE: One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking, and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

I certify that I am a bona fide resident and/or owner of the residence identified above and that I have read the above definition of Dwelling Unit as set forth in Article 20 of the Fairfax County (County) Zoning Ordinance. I certify that I understand that the creation or maintenance of a second dwelling unit upon this property is a violation of the Fairfax County Zoning Ordinance and that any such creation or maintenance of a second dwelling unit will be subject to the initiation of legal action by the County in order to correct such a violation.

I do, however, wish to develop within this dwelling a second kitchen to be principally used by a member or members of my family who reside on this same property. I certify that the kitchen will not be used in combination with other living space components in such a manner as to constitute the establishment of an independent living facility, and that the kitchen will not be used by persons who are not related to me by blood or marriage other than visitors, short-term house guests, and those providing services during social functions. **For Property Owners Only:** In the event that I offer my property for sale, I certify that the property will not be advertised as containing a separate apartment or dwelling unit. Likewise, I understand that the new owner will be required to receive approval from this office in order to continue the use of a second kitchen in the home.

I understand that a copy of this letter will become a permanent part of the County's records and may be used to demonstrate that the County's approval of my second kitchen was, in no way, an authorization to establish an apartment or second dwelling unit in my residence. I certify that I will make the residence available, upon request, for inspection by County personnel during reasonable hours. Further, I understand that the establishment of a second dwelling unit in my residence will result not only in the revocation of my second kitchen approval but in the complete removal of the second kitchen from my home.

Signature of Resident/Owner: [Signature] Phone Number: 703-938-1218

Based upon the above certifications, and with the understanding that the approval requested will not result in a separate dwelling unit or apartment on the identified property, I hereby authorize zoning approval of the requested second kitchen.

Zoning Administrator: DENIED - [Signature] Date: 10/21/10

Department of Planning and Zoning
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508
Phone 703-324-1359 FAX 703-324-2301
www.fairfaxcounty.gov/dpz/



ID# 1166

Ms. Diane Johnson-Quinn
Deputy Zoning Administrator
Zoning Permit Review Branch
Department of Planning and Zoning
12055 Government Center Parkway
Suite 250
Fairfax, VA 22035

October 12, 2010

Dear Ms. Johnson-Quinn,

Thank you for taking the time to talk with me about the second kitchen request last Thursday. I appreciate your assistance in explaining the application process. Submitted herewith is the Second Kitchen Affidavit and required supporting documents.

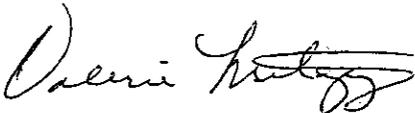
In going through some old paperwork while looking for a floor plan to submit for our house, I came across a letter dated in 2007 that I am embarrassed to admit I had forgotten about. At that time, working through our general contractor, before our additional bedrooms were built, I had submitted a request for approval of a second kitchen. I had forgotten that I had submitted a request that, unfortunately based on the information our contractor provided to the County on our behalf at the time, resulted in the request being denied.

From my recent conversations with several others in zoning administration and a review of the criteria for second kitchen approval contained in the current Second Kitchen Affidavit, this letter is to request a reconsideration of that decision. Based on the information I provide herewith that fully documents how this space has in fact been used by our family over the past few years, and how it is and will continue to be used, my hope is that a reconsideration of the initial decision will result in a different outcome.

I firmly believe that we meet all of the criteria and conditions necessary for approval as set forth in the attached Second Kitchen Affidavit. A second kitchen is requested because it is a needed convenience for the use and benefit of our entire family, not for the purpose of establishing a separate, independent living area within our home. As such, I respectfully request approval of a second kitchen for my family.

If I can answer any questions or provide further information, please do not hesitate to contact me. I can be reached at home at 703-938-1218.

Sincerely,



Valerie Milazzo

Property Address: 2610 Oakton Glen Drive, Vienna, VA 22181

2nd kitchen
DENIED
JFL 10/21/10

Second Kitchen Affidavit

Narrative Statement

This is to request the addition of a small kitchen area within the existing second floor living space of our home. This space consists of two bedrooms, a bathroom, and open living space, the latter of which is used to provide additional space for our daughter and to provide a play area for her two children, our grandchildren, ages 5 and 5 months. Our daughter is unmarried, has never left home, having resided continuously with us in our home from birth. She is a college student attending George Mason University and is our legal dependent. In addition to financially supporting our daughter, we also financially support both of our grandchildren. We are both retired and are helping to raise our grandchildren and assisting in their care while our daughter attends college. The addition of a small kitchen area within this second floor living space is requested to provide a needed convenience for the use and benefit of our entire family. It is not intended to be used to establish an independent living arrangement within our home as all family members regularly spend time in and enjoy the use of this space in the second floor of our home.

This space functions as an integral part of our home. There is free, open, and unrestricted interior access between this area and the rest of our house and there is a daily flow of family members back and forth between this space and other parts of our home. My daughter and grandchildren spend much time in other rooms of our house, and we in turn spend considerable time as a family in this area of our home as well. Although this is additional space we have provided primarily for our daughter and grandchildren to use, it is not intended for the exclusive use of any family members, but serves to provide needed additional living space within our home and to alleviate demand on other rooms of our house. While there is a separate exterior entrance to this part of our home, this was needed because we were told that Fairfax County required a second means of egress in the event of fire, as this area of our home has no direct connection to an interior hallway leading to the outside. Although this entrance is used, it is neither the principal nor only means of entering this space, as often as not family members come and go through the front door or garage of our home.

Although our home is large, the main kitchen of our home is not. It is unfortunately small and cramped and has very limited cabinet space. Thus a second kitchen, for us, is a much needed convenience that would provide our family with the sorely needed additional space to store both dry and perishable food, particularly child and infant-related food items, as well as for meal preparation. Particularly now that our college-age son, who also lives at home enjoys cooking, also desires to use the kitchen more frequently for his needs and for cooking meals for his guests and girlfriend, the competition for the use of limited kitchen facilities between us, our son, daughter, and to accommodate the needs of our grandchildren would be a source of continuing conflict for the family. It would be difficult at best to have to either always coordinate with other family members for the use of the first floor kitchen space for separate meal preparation or to be required to always share the same meals and mealtime schedules together with other family members. Having a second kitchen located in a more convenient area where my daughter can occasionally prepare and serve meals apart from the rest of the family, would not only provide some much needed quiet time for us, Grandma and Grandpa, away from the grandchildren, and vice versa, but would also give us an additional area where we can enjoy meals together with our grandchildren without disturbing our son.

The addition of a modest kitchen area within this second floor space will ensure that this space adequately meets the needs of our entire family over the next few years. The addition of a small second floor kitchen space will be a considerable convenience to our entire family, reduce stress associated with multiple and competing uses of limited kitchen resources thereby helping to preserve family harmony, and would be an integral part of our family home with the use and benefits being enjoyed by all members of the family. Lastly, we wish to emphasize that the granting of a second kitchen will in no way increase the number of people living at our residence since the persons who will be using this space are all members of our immediate family, all of whom already live in our home at the present time. Thus, approval of the kitchen will not result in additional persons being brought into the home, nor will it be used now, or at any time in the future, for rental income. The addition of a second kitchen will not change the character or use of our home, or indeed neighborhood, as it is now and will remain that of a single family household, nor will it be used to establish a separate dwelling unit within our home.

In view of the above, we believe that we comply with all of the conditions and criteria for approval as set forth in the attached Second Kitchen Affidavit. As such, we respectfully request approval of a second kitchen for our family.



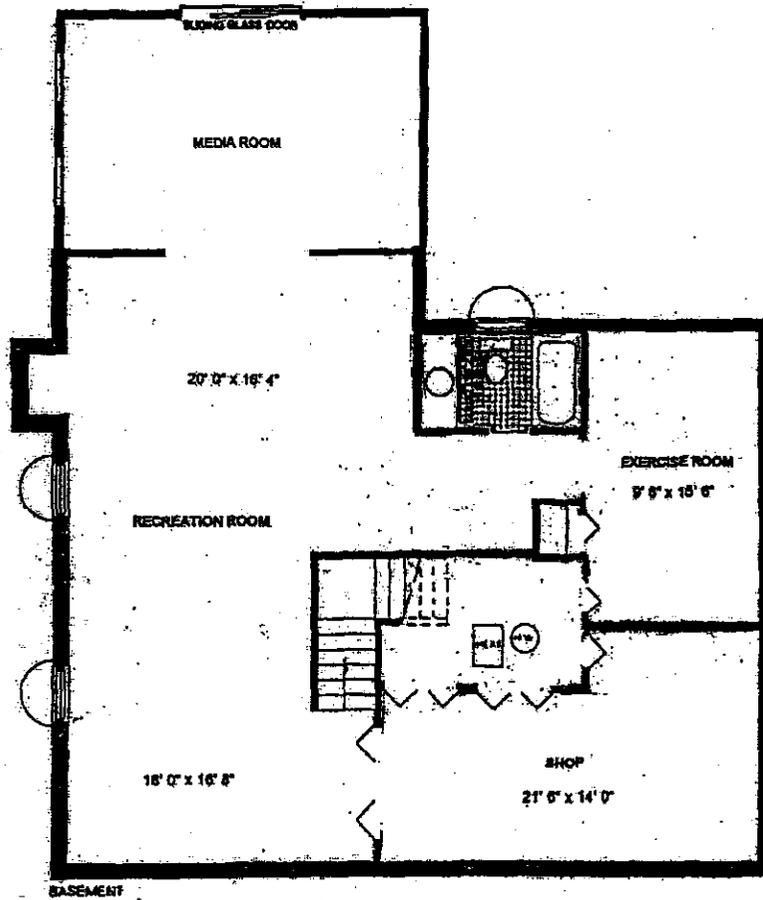
Thomas Johnson



Valerie Milazzo

Property Address: 2610 Oakton Glen Drive, Vienna, VA 22181

2610 Oakton Glen Drive, Vienna, VA 22181



The Leigh

MODEL 400



Centex Homes of Washington, Inc. is a wholly-owned subsidiary of Centex Corporation, a Dallas-based company with shares traded on the New York Stock Exchange.

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.