



APPLICATION ACCEPTED: June 27, 2011
BOARD OF ZONING APPEALS: September 14, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 7, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-LE-061

LEE DISTRICT

APPLICANT: Irineo Vargas

OWNERS: Irineo Vargas
Garcia N. Vargas
Clotilde Claros

SUBDIVISION: Springfield

STREET ADDRESS: 7508 Nancemond Street

TAX MAP REFERENCE: 80-3 ((2)) (58) 13

LOT SIZE: 11,549 square feet

ZONING DISTRICT: R-3

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 2011-LE-061 for an 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(9-14) SP 2011-LE-061 Vargas (ADU)\SP 2011-LE-061 Vargas 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.**

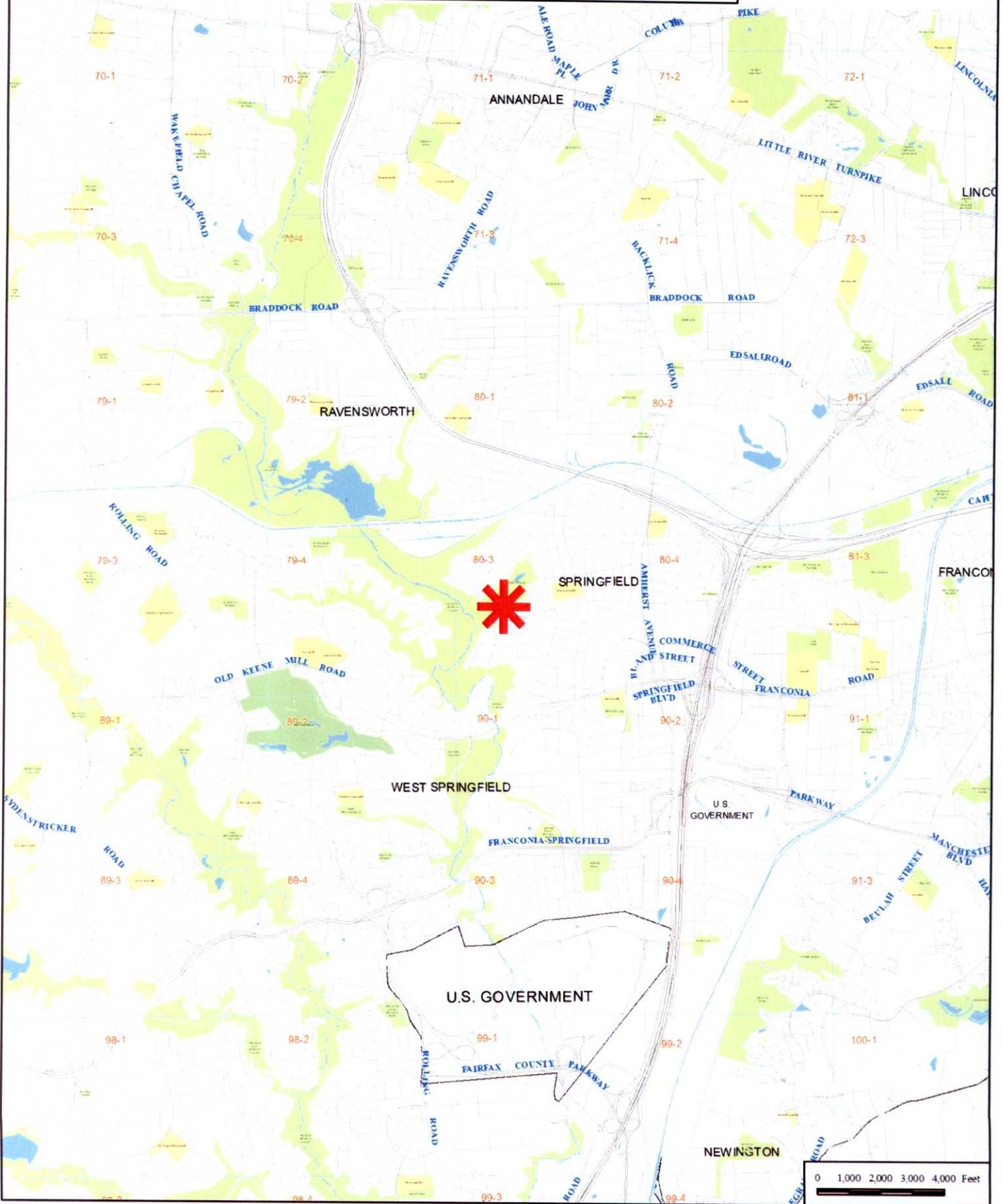


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2011-LE-061

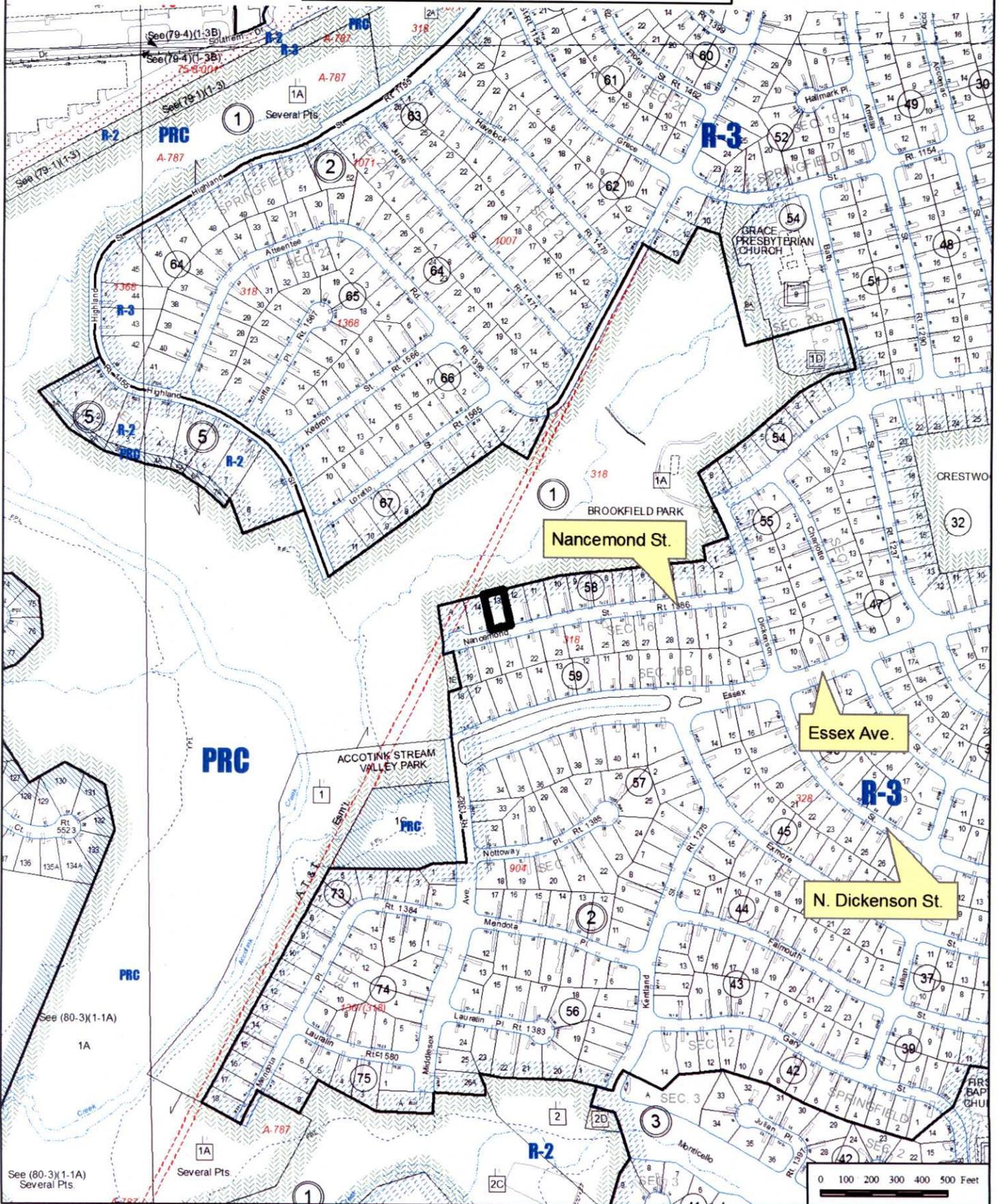
IRINEO VARGAS



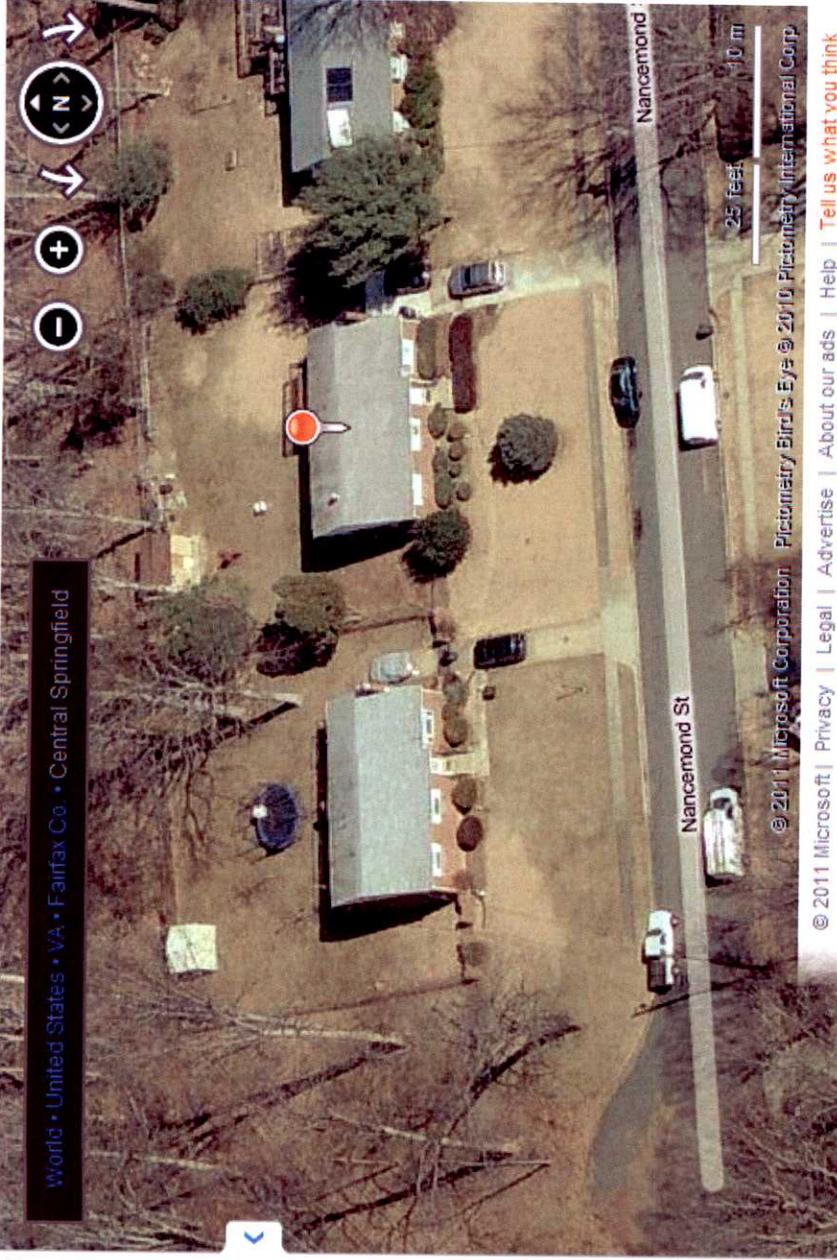
Special Permit

SP 2011-LE-061

IRINEO VARGAS



World • United States • VA • Fairfax Co. • Central Springfield



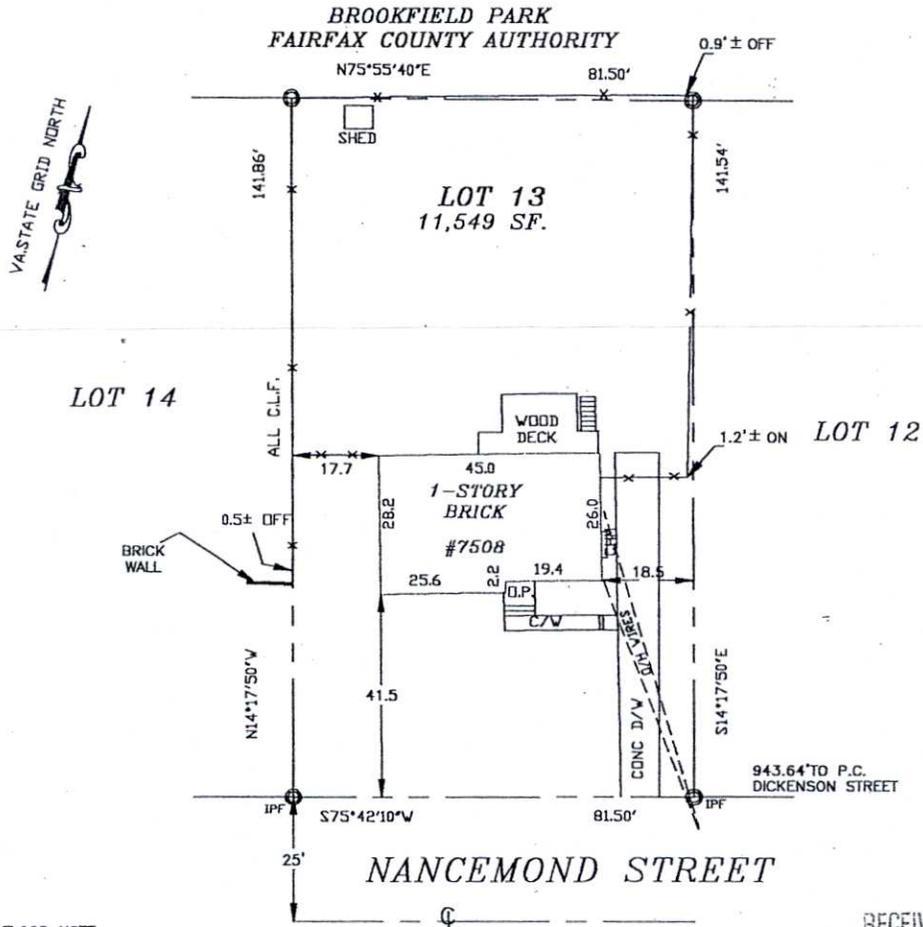
Nancemond St
25 Feet
10 m

© 2011 Microsoft Corporation Pictometry Bird's Eye © 2010 Pictometry International Corp.
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RGS TITLE CASE#N2-119

1. NO TITLE REPORT FURNISHED.
 2. THIS PLAT IS NOT TO BE USED FOR THE CONSTRUCTION OF FENCES.
 3. BOUNDARY INFORMATION OBTAINED FROM AVAILABLE RECORDS.

4. THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF LOT 13 ANY FENCES SHOWN ARE APPROXIMATE
 5. NO CORNER MARKERS SET.
 6. LOT 13 MAY BE SUBJECT TO CERTAIN UTILITY EASEMENTS OF RECORD.



FLOOD NOTE
 THIS LOT CLASSIFIED AS ZONE "X"
 AREA DETERMINED TO BE OUTSIDE
 OF 500 YEAR FLOODING.

RECEIVED
 Department of Planning & Zoning
 JAN 21 2011
 Zoning Evaluation Division



PLAT SHOWING
 HOUSE LOCATION SURVEY
 LOT 13
 SECTION 16 BLOCK 58
 SPRINGFIELD
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

FLOOD ZONE : "X"
 COMMUNITY NO : 5155250100D

PANEL : 100D
 DATE : 3/5/90

DATE : 7/30/02

SCALE : 1"=30'

CASE NAME : GUILLORY/VARGAS&CLAROS

PLAT SUBJECT TO RESTRICTIONS OF RECORD



SUBURBAN DEVELOPMENT ENGINEERING

I, HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS

ENGINEERS, PLANNERS, SURVEYORS, LANDSCAPE ARCHITECTS.

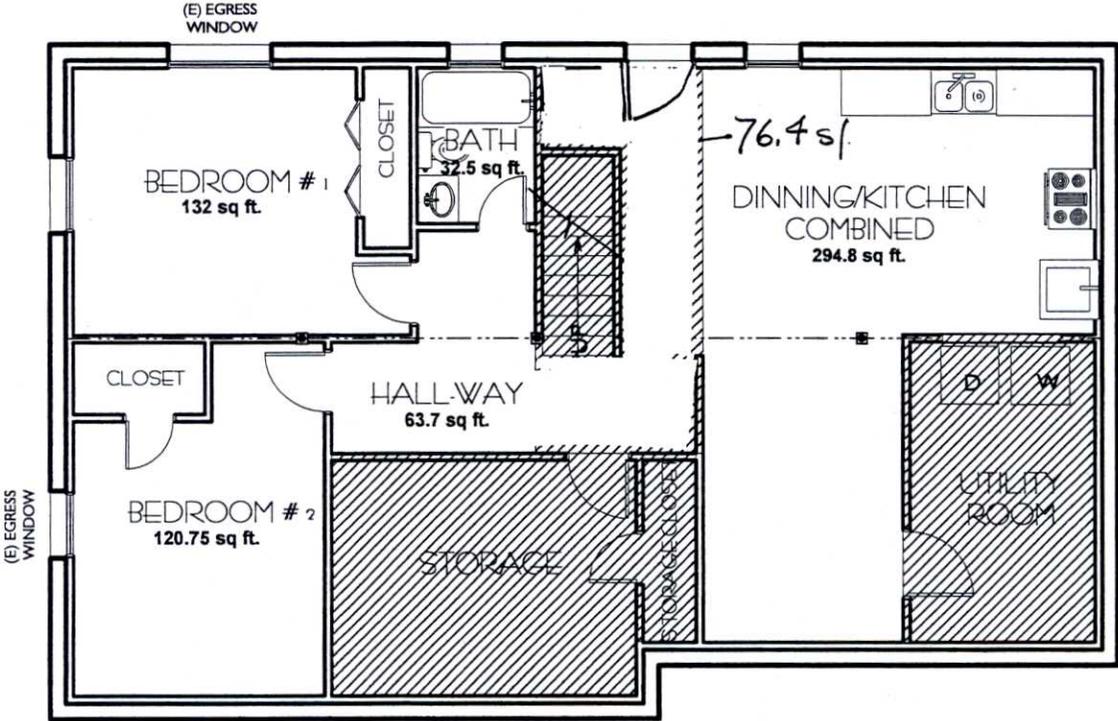
7777 LEESBURG PIKE, SUITE # 405N
 FALLS CHURCH, VIRGINIA 22043 703-556-0800

DRAWN BY : S. RANJBER

CHECKED BY : CHUCK J.

ADDRESS: 7508 NANCEMOND STREET
SPRINGFIELD, VA 22150

FLOOR LAYOUT



Note: Shaded Areas Are Not Part Of
Accessory Dwelling Unit.
Shaded Areas Are Use By The
Entire Household.



**7508 NANCEMOND STREET
SPRINGFIELD, VA 22150**

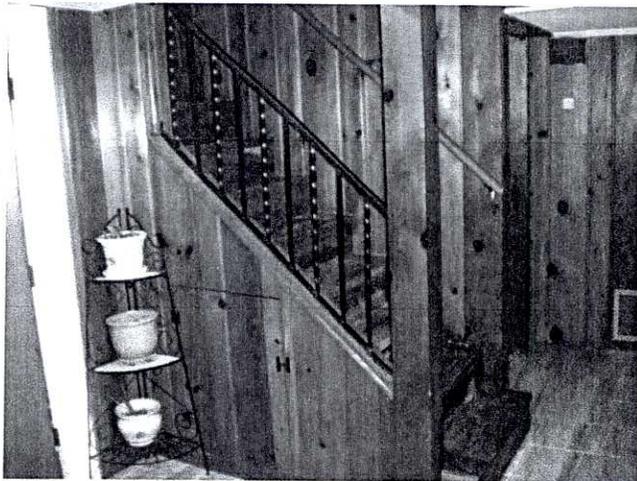
BEDROOM #1

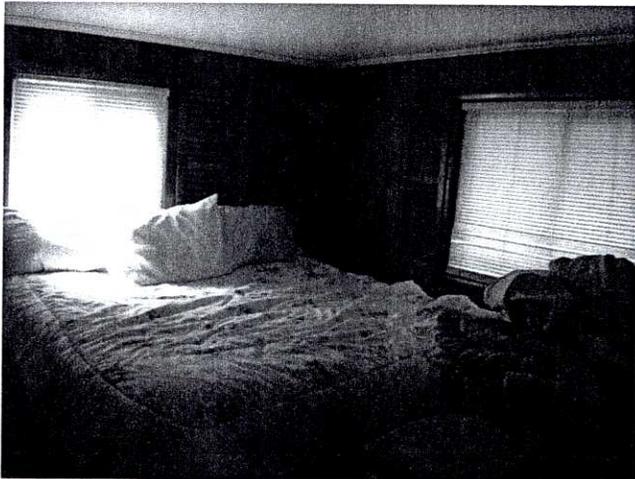
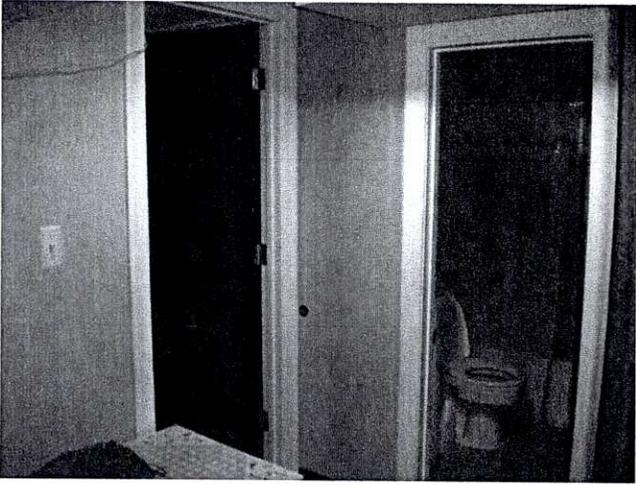
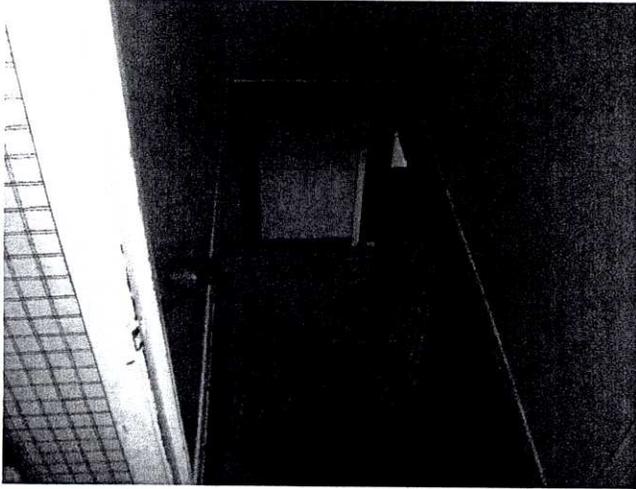


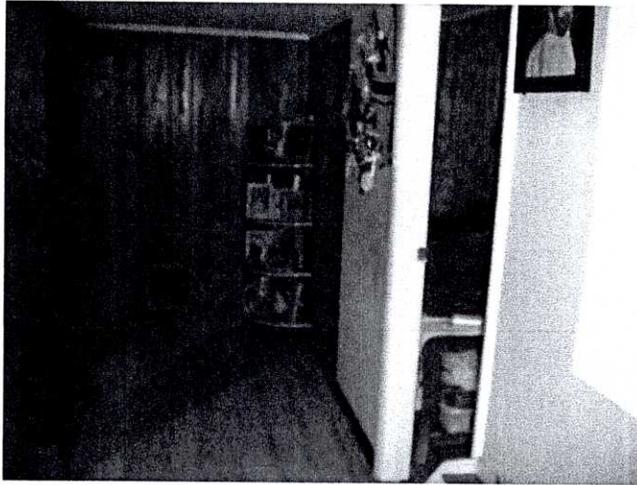
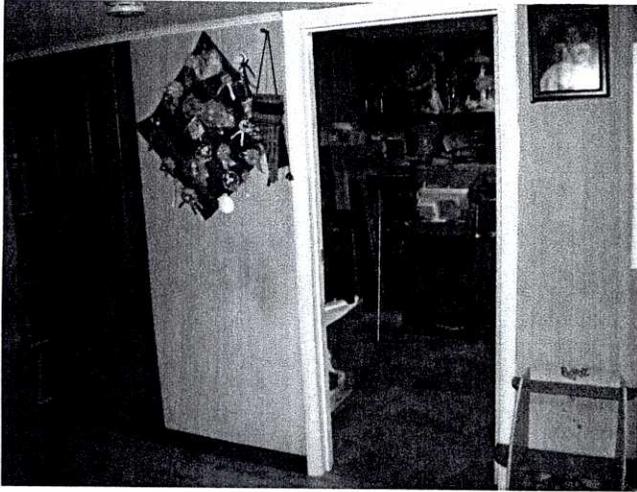
BEDROOM #2



ADDRESS: 7508 NANCEMOND STREET
SPRINGFIELD, VA 22150







ADDRESS: 7508 Nancemond Street
Springfield, VA 22150

DATE: January 20 2011
(Photos taken on January 18 2011)

1) Photo #1



From: rear yard of back yard

2) Photo #2



From: rear back yard

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150

DATE: January 20 2011
(Photos taken on January 18 2011)

3) Photo # 3



From: rear left side corner

4) Photo #4



From: front right corner

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150

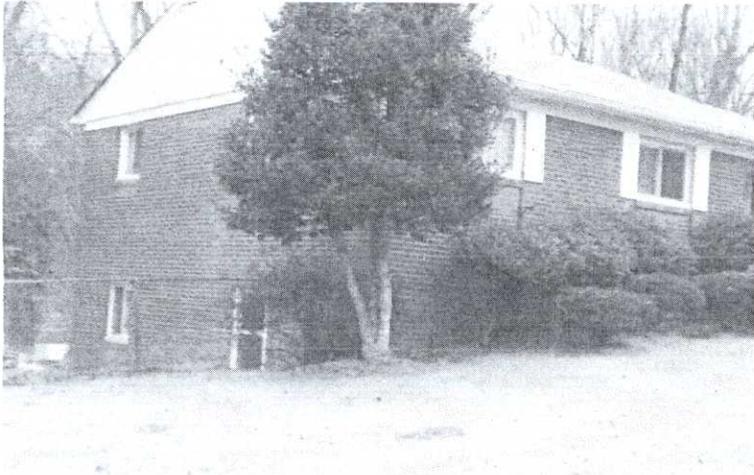
DATE: January 20 2011
(Photos taken on January 18 2011)

5) Photo #5



From: front

6) Photo #6



From: front left corner

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150

DATE: January 20 2011
(Photos taken on January 18 2011)

7) Photo # 7



From: rear right corner

8) Photo #8



From: rear back yard

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150

DATE: January 20 2011
(Photos taken on January 18 2011)

9) Photo #9



From: rear back yard of Brookfield Park.

10) Photo # 10



From: rear left corner back yard of Brookfield Park.

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150

DATE: January 20 2011
(Photos taken on January 18 2011)

11) Photo #11



From: front right side of Nancemond Street.

12) Photo # 12



From: right side corner of Nancemond Street.

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150

DATE: January 20 2011
(Photos taken on January 18 2011)

13) Photo #13



From: front of Nancemond Street.

14) Photo # 14



From: Front right corner of Nancemond Street.

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150

DATE: January 20 2011
(Photos taken on January 18 2011)

15) Photo # 15



From: left side of Nancemond Street.

16) Photo # 16



From: rear right side of Brookfield Park

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150
DATE: May 17, 2011
(Photos taken on May 16, 2011)

#1



Photo from: Right side (100 fts away),
(corner)

Shed appears to
be 7.8 ft in
ht -

#2



Photo from: Right side (100 fts. away),
(corner)

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150
DATE: May 17, 2011
(Photos taken on May 16, 2011)

#3

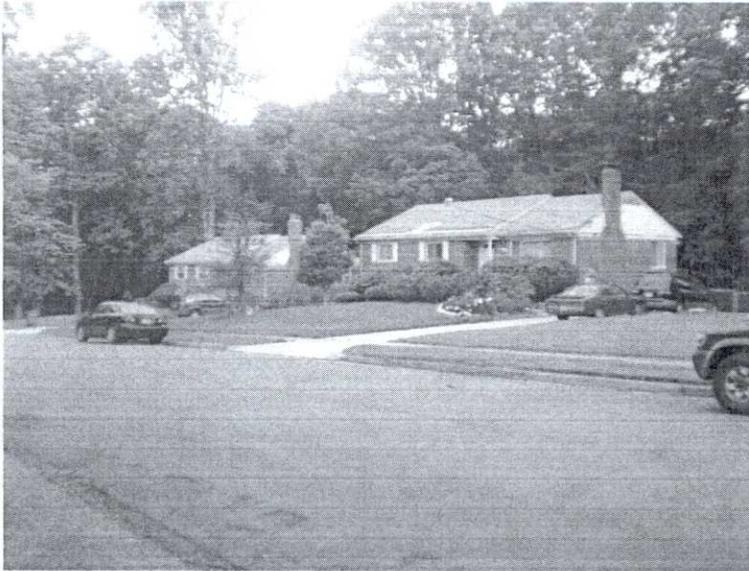


Photo from: right corner (50 fts away)

#4



Photo from: right corner (50 fts away)

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150

DATE: May 17, 2011
(Photos taken on May 16, 2011)

#5

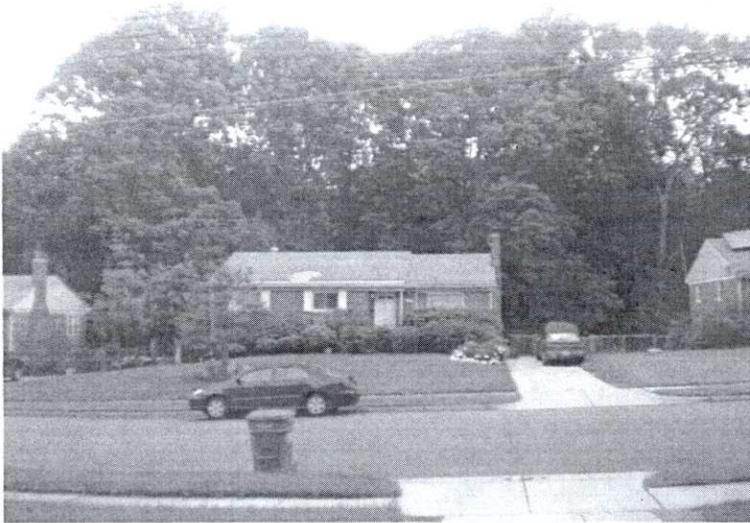


Photo from: front (100 fts. away).

#6



Photo from: left corner (100 fts. away).

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150
DATE: May 17, 2011
(Photos taken on May 16, 2011)

#7



Photo from: left corner (100fts away).

#8



Photo from: left corner (50fts away).

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150
DATE: May 17, 2011
(Photos taken on May 16, 2011)

#9



Photo from: House to the left side to adjoining properties.

#10

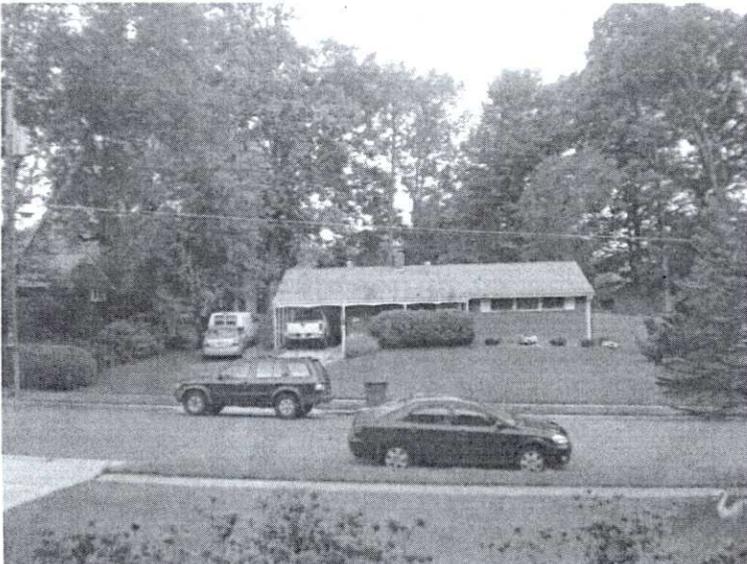


Photo from: House to the front property.

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150
DATE: May 17, 2011
(Photos taken on May 16, 2011)

11



Photo from: House to right adjoining properties.

12



Photo from: House to left adjoining property.

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150

DATE: May 17, 2011
(Photos taken on May 16, 2011)

13



Photo from: House to left rear yard.

14



Photo from: House to rear yard.

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150
DATE: May 17, 2011
(Photos taken on May 16, 2011)

#15

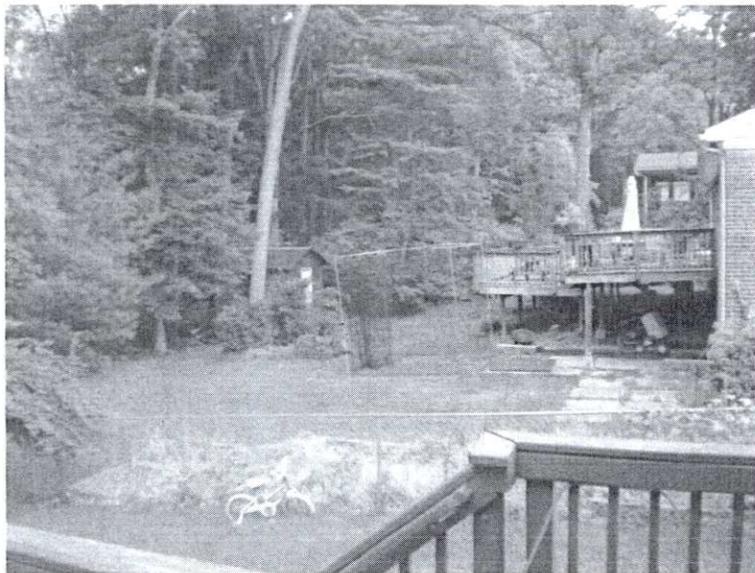


Photo from: House to right rear yard.

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150

DATE: May 17, 2011
(Photos taken on May 16, 2011)

#16

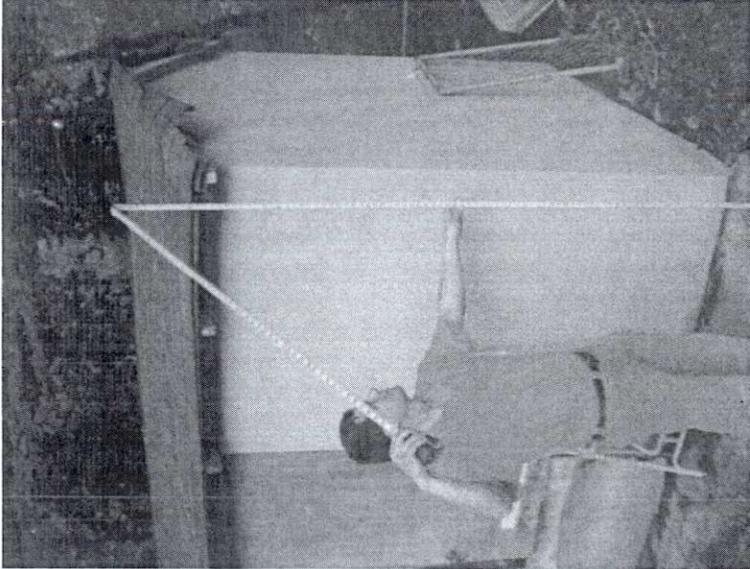


Photo from: shed w/measurement of height.

#17

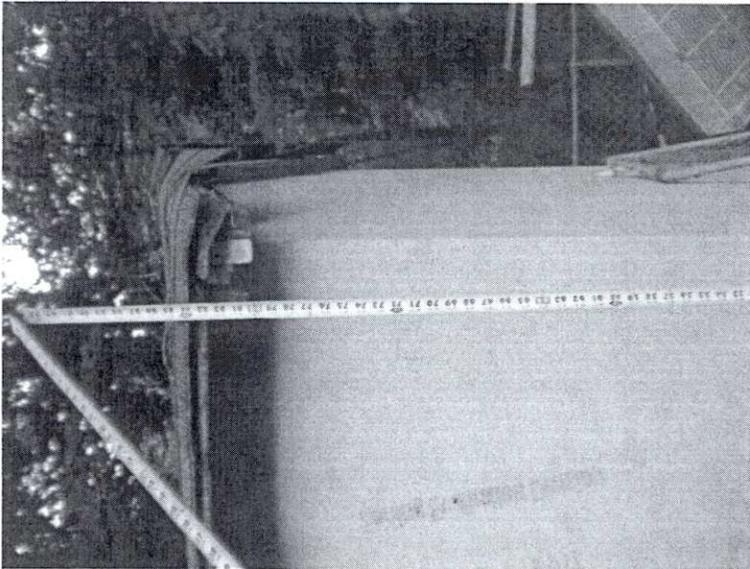


Photo from: shed w/measurement of height.

ADDRESS: 7508 Nancemond Street
Springfield, VA 22150

DATE: May 17, 2011

(Photos taken on May 16, 2011)

#18

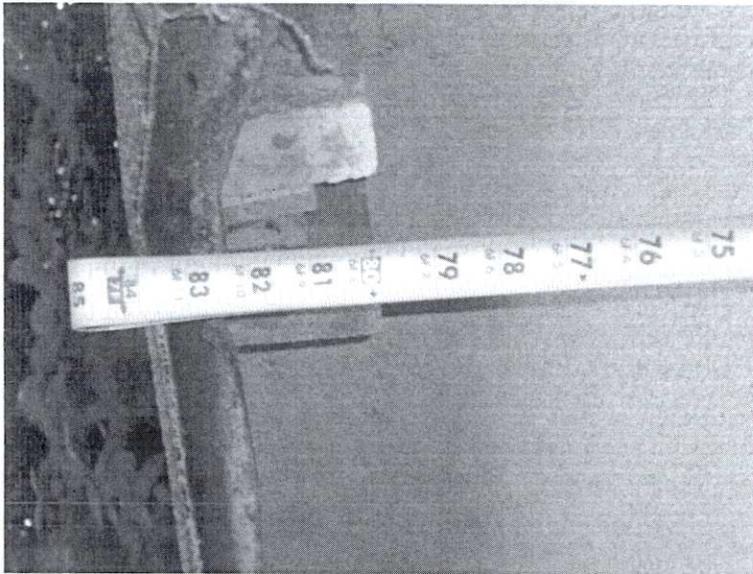


Photo from: Shed w/measurement of height.

#19

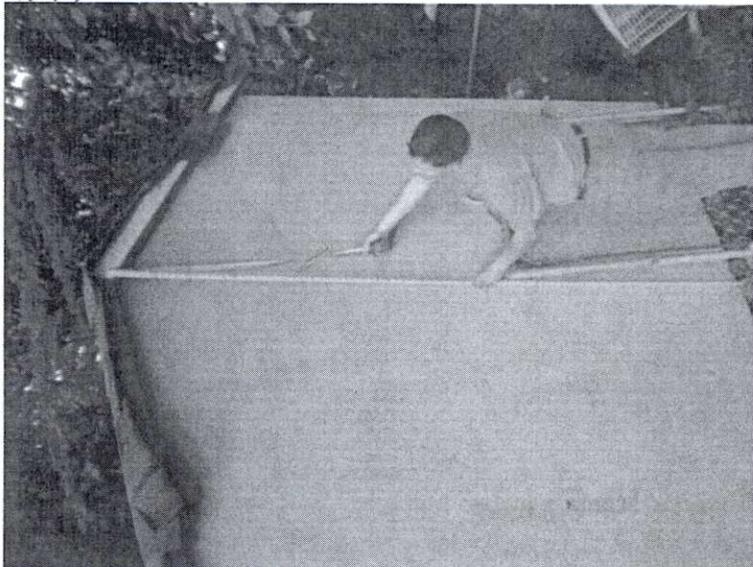


Photo from: shed w/measurement of height.

DESCRIPTION OF THE APPLICATION

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

Size of Principal Dwelling: 2,440 square feet

Size of Accessory Dwelling Unit: 721 square feet (29.5%)

Lot Size: 11,549 square feet

LOCATION AND CHARACTER

Site History and Existing Site Description

The application property is located at 7508 Nancemond Street, which is a cul-de-sac located within the Springfield subdivision. The 11,549 square foot site is developed with a single family detached one-story dwelling, with a walk-out basement, built in 1955. An existing concrete driveway is accessed from Nancemond Street and terminates along the eastern side of the dwelling. The property does not have a garage. There is a concrete walkway at the end of the driveway which leads to a concrete patio located at the rear of the dwelling which accesses the accessory dwelling unit. An existing wood deck with stairs is also located along the rear of the dwelling, which was constructed by building permit in July 2000. There is an existing storage shed located in the rear yard which meets the requirements of the Zoning Ordinance with regard to its height and distance from lot lines. A 4-foot high chain link fence surrounds the side and rear yards of the lot. The lawn consists of a flat grassy yard both in the front and rear of the dwelling. There are some existing shrubs and trees located along the front of the dwelling. The rear property line adjoins the Brookfield Park which is heavily wooded.

Surrounding Area Description

Direction	Use	Zoning
North	Fairfax County Park Authority – Brookfield Park	R-3
South	Single Family Detached Dwellings	R-3
East	Single Family Detached Dwellings	R-3
West	Single Family Detached Dwellings	R-3

BACKGROUND

On December 6, 2010, the applicant and title owners of the property received a Notice of Violation (NOV) related to a November 18, 2010 inspection which revealed two complete and separate dwellings within the single family dwelling. A copy of the NOV is attached as Appendix 4. In addition to the zoning violation, it was also discovered that one of the rooms being used as a bedroom did not have the means for adequate emergency ingress/egress and there was no working smoke alarm, which opened a Fire Code violation on the property as well. The applicant has since obtained applicable permits and installed the proper ingress/egress windows in the rooms being utilized as bedrooms and the Fire Code violation has been resolved. The applicant installed the components of the second kitchen within the basement living area to accommodate the return of their adult daughter in the home, without applicable permits.

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

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Plat Showing House Location Survey, Lot 13, Section 16, Block 58, Springfield

Prepared By: Suburban Development Engineering

Dated: March 5, 1990 as signed and sealed on July 30, 2002 by Charles E. Janson, Land Surveyor

Proposed Use

The applicant, and title owners, propose an accessory dwelling unit to be located within the basement of their existing single family detached dwelling. The existing one-story dwelling with a full walk-out basement consists of approximately 2,440 square feet, of which 721 square feet, or 29.5%, is utilized as the accessory dwelling unit. As shown on the floor plan, the unit consists of two bedrooms, a bathroom, a combination dining area with a full kitchen and a recreation room area. There is also a storage area and a utility/laundry room located within the basement of the home, which is utilized by the entire household. All occupants of the home, both the principal and accessory dwelling units, are occupied by immediate family members, which include a mother, father, their adult son and adult daughter, and their daughters' husband and children. The applicant and his wife, a title owner, are both over the age of 55.

The applicant, and title owners, request approval to continue the use of this space for their immediate family members and have indicated 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 four vehicles within the driveway space and the applicant has indicated that the household maintains four vehicles. There are no proposed site modifications with this application.

ZONING ORDINANCE PROVISIONS

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

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 5)

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

Summary of Zoning Ordinance Provisions

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

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 applicant's agent has worked diligently with staff to remedy issues and concerns which have been addressed by incorporating additional development conditions. Therefore staff recommends approval of SP 2011-LE-061 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. Notice of Violation
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2011-LE-061****September 7, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-LE-061 located at Tax Map 80-3 ((2)) (58) 13 to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant and title owners only, Irineo Vargas, Garciela N. Vargas, and Clotilde Claros, and is not transferable without further action of this Board, and is for the location indicated on the application, 7508 Nancemond Street, (11,549 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 Suburban Development Engineering, dated March 5, 1990, as signed and sealed on July 30, 2002, by Charles E. Janson, Land Surveyor, 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 accessory dwelling unit shall be limited to the applicant's immediate family members.
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 721 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.

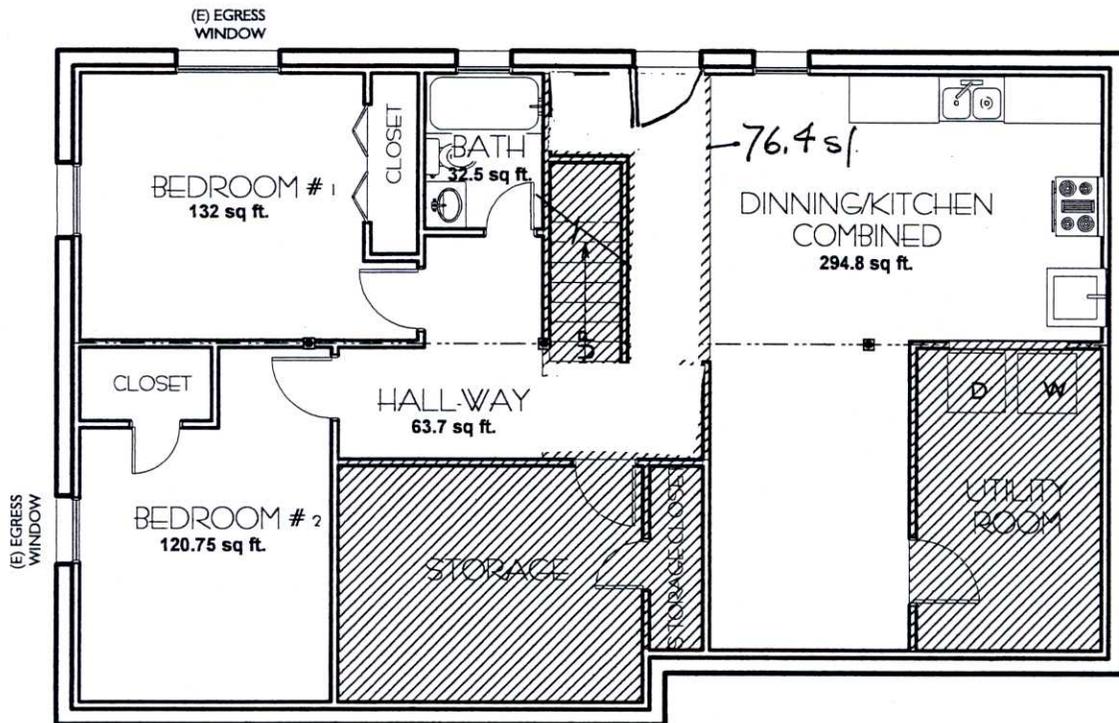
8. All applicable building permits and final inspections shall be obtained for kitchen in the accessory dwelling unit.
9. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable 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.

ADDRESS: 7508 NANCEMOND STREET
SPRINGFIELD, VA 22150

FLOOR LAYOUT



Note: Shaded Areas Are Not Part Of
Accessory Dwelling Unit.
Shaded Areas Are Use By The
Entire Household.

Application No.(s): SP 2011-LE-061
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08-15-2011
 (enter date affidavit is notarized)

I, Dunia Pardo, 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

1109036

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)
Irineo Vargas	7508 Nancemond Street Springfield, VA 22150	Applicant/Title Owner
Graciela N. Vargas	7508 Nancemond Street Springfield, VA 22150	Title Owner
Clotilde Claros	7508 Nancemond Street Springfield, VA 22150	Title Owner
Dunia Pardo	4336 Thomas Brigade Ln. Fairfax, VA 22033	Applicant's Agent

(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 2011-LE-061
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08-15-2011 //
(enter date affidavit is notarized)

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

Application No.(s): SP 2011-LE-061
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08-15-2011
(enter date affidavit is notarized)

1109036

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 2011-LE-061
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08-15-2011
(enter date affidavit is notarized)

1109036

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.)

D.P. 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 2011-LE-061
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 08-15-2011
(enter date affidavit is notarized)

1109036

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
D.P.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[] Applicant

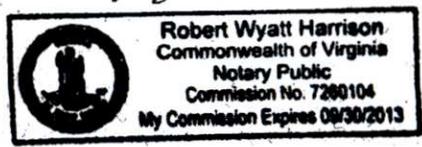
[X] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 15 day of August, 2011, in the State/Comm. of Virginia, County/City of Fairfax

Robert Wyatt Harrison
Notary Public

My commission expires: 9-30-2013



AUG 15 2011

STATEMENT JUSTIFICATION

Description of property

Zoning Evaluation Division

Irineo Vargas, Clotilde Claros, Graciela Vargas, Owners of: **7508 Nancemond Street, Springfield, VA 22150**. Seek a special permit to allow the use of a portion of their basement as an accessory dwelling unit. **7508 Nancemond Street** is a single family home located in an R-3 zoning district. The entire dwelling gross floor area of the house contains 1,220 Square feet per floor, for a total square footage of 2,440 square feet. The accessory dwelling unit will be composed of a two bedrooms, one bathroom, hall way and a combined living-dinning and full kitchen area. The square footage of the accessory dwelling unit is 720.15 sq ft. square feet, which is a 26.3 % of the total square footage of the above living space. The square footage of the accessory dwelling unit is calculated as follows:

Room	Dimensions	Area
Bedroom 1	11'x12'	132
Bedroom 2	11'6"x10'6"	120.75
Bathroom	5'x6'6"	32.5
Combined Kitchen/dinning	16'x11'8"-6"x12"	294.8
Hall Way	8'8"x4'8"/5'x4'7"	62.7 140.1
Total		643.75 720.15

The storage room, stairwell, laundry room, mechanical room and access to that, and access to outside from the basement are use by the entire household. There are no other laundry facilities available to the rest of the household. The house contains no other accessory dwelling unit.

OCCUPANCY

The house is occupied by Mr. Irineo Vargas, Mrs. Clotilde Claros, their son Waldo Vargas, their daughter Graciela Vargas, her husband and their three children. Mr. Irineo Vargas is 76 years of age and Mrs. Clotilde Claros is 74 years of age.

If the special permit application is approved, the accessory dwelling will be occupied by: Mr. Irineo Vargas and his wife Clotilde Claros. Graciela Vargas, her brother, and her husband and their children will occupied the principal dwelling unit.

PARKING

The Vargas/Claros family will park four vehicles at the house. The property contains a driveway which easily accommodates six vehicles, and they have plenty of space without disturbing their neighbors, or occupied more than 30% of the front yard.

ACCESSIBILITY

The proposed dwelling unit has rear entrance door from the basement to the patio, *which* gives Mr. And Mrs. Vargas an independent access to the dwelling unit.

REGULATIONS FOR BUILDING, SAFETY, HEALTH AND SANITATION

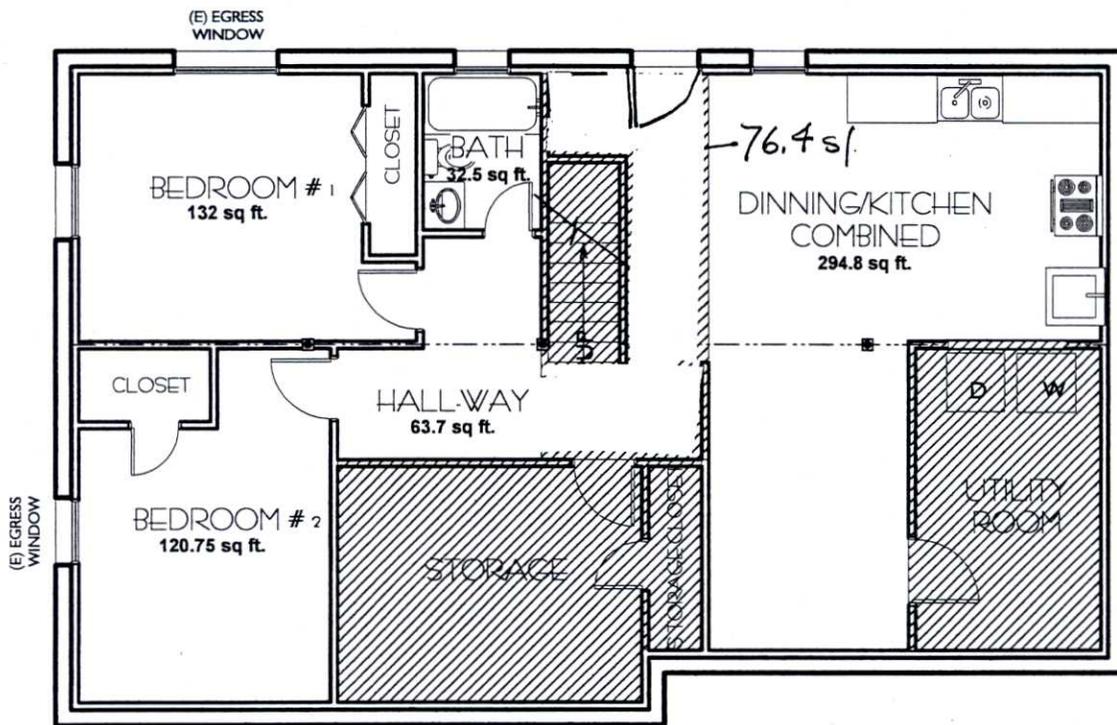
The Vargas/ Claros family has visited by Zoning Inspector, Pursuant to the inspections, the Vargas /Claros family has corrected the zoning violations noted, with the exception of removing the accessory dwelling unit. The Vargas/Claros Family is filing this permit application to bring the property into full compliance with all regulations for building, safety, health and sanitation, by obtaining a special permit for the accessory dwelling unit.

REQUIEREMENTS OF ORDINANCE 8-011

- A-B** The accessory dwelling unit will be a twenty-four hour operation, occupied by all mentioned above as their primary residence.
- C-D** There will be no patrons/clients/patients/pupils etc. and there will be no employees/attendants/teachers etc.
- E** The Vargas/Claros family will park four cars at the residence.
- F** The accessory dwelling unit will serve the needs of the Vargas/Claros family.

ADDRESS: 7508 NANCEMOND STREET
SPRINGFIELD, VA 22150

FLOOR LAYOUT



Note: Shaded Areas Are Not Part Of
Accessory Dwelling Unit.
Shaded Areas Are Use By The
Entire Household.



County of Fairfax, Virginia

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: December 6, 2010

SHERIFF'S LETTER

CASE #: 201004569 SR#: 62954

SERVE: Irineo Vargas
Graciela N. Vargas
Clotilde Claros
7508 Nancemond Street
Springfield, VA 22150

LOCATION OF VIOLATION 7508 Nancemond Street
Springfield, VA 22150-3817
Tax Map Ref: 80-3 ((2)) (58) 13
Zoning District: R-3

Dear Property Owners:

An inspection of the above referenced property on November 18, 2010 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-501 Excessive Dwelling Units:

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

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

Irineo Vargas
Graciela N. Vargas
Clotilde Claros
December 6, 2010
Page 2

Therefore, the presence of more than one dwelling unit on the above-referenced property is in violation of Sect. 2-501 of the Zoning Ordinance which states, in part:

There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building....

You are hereby directed to clear this violation within thirty (30) days of the date of this notice. Compliance can be achieved as follows:

- Applying for and obtaining approval from the Fairfax County Building Official, (12055 Government Center Parkway, Second Floor, Permit Application Center) of a valid demolition permit for the removal of all electrical circuits, plumbing fixtures and piping and natural gas piping systems which were installed to establish the second kitchen in the dwelling unit at this property, and obtaining a passing final inspection of such demolition work; and
- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the dwelling to include: the ovens, microwave, ranges, sinks, cabinets, countertops, refrigerators, and freezers or combinations thereof; all other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

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

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sect. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee.

Irineo Vargas
Graciela N. Vargas
Clotilde Claros
December 6, 2010
Page 3

Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1931 or (703) 324-1300.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Bass". The signature is fluid and cursive, with a large, stylized initial "W" and "B".

Wayne Bass
Property Maintenance/Zoning Enforcement Inspector

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.