

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

IRINEO VARGAS, SP 2011-LE-061 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit within an existing dwelling. Located at 7508 Nancemond St., 22150-3817 on approx. 11,549 sq. ft. of land zoned R-3. Lee District. Tax Map 80-3 ((2)) (58) 13. Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 14, 2011; and

WHEREAS, the Board has made the following findings of fact:

1. The owner of the property is the applicant.
2. The present zoning is R-3.
3. The area of the lot is 11,549 square feet.
4. The staff has made a favorable recommendation.
5. The Board reviewed the letter dated September 13, 2011, from the Beecrofts, and also noted the testimony of the President of the Springfield Civic Association.
6. Every case stands on its own merits; there is no precedent setting.
7. If the circumstances were different and the people were not in Code Compliance, then that would be dealt with on a case-by-case basis.
8. The applicant's agent has worked diligently with the staff to remedy the issues and concerns which were addressed by incorporating the additional development conditions.
9. The applicant has corrected those items that were noted with regard to the Notice of Violation, including the Fire Code.
10. Under Development Condition 5, the occupants of the accessory dwelling unit are limited to the applicant's immediate family members. This should give some relief to those who are concerned about the issue of a boarding house.
11. Rather than to have appliances and items that have not been inspected, the Board typically likes to have applicable building permits and final inspections on properties just from a safety standpoint, which is one of the development conditions with regard to this application.
12. This accessory dwelling unit is only approved for a period of five years.
13. If there is any change from the standpoint of immediate family or any of the development conditions, then, in fact, it could render this inviolate and would be addressed again.
14. There was testimony, both from the applicant's agent and also from County staff, that the parking is going to be provided on-site in accordance with the special permit plat. The Board encouraged adherence to that development condition, and all development conditions, to ensure that this moves forward smoothly.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

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 the 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.

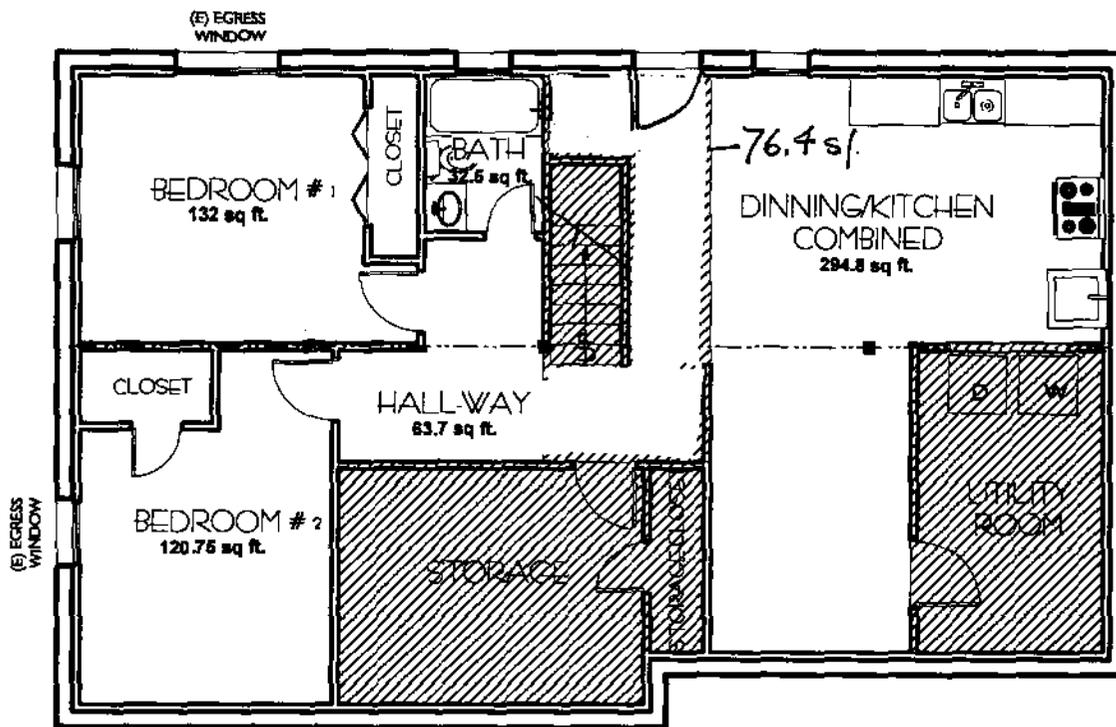
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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.

Mr. Hammack seconded the motion, which carried by a vote of 7-0.

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.