



APPLICATION ACCEPTED: June 27, 2011  
BOARD OF ZONING APPEALS: October 26, 2011  
MOVED AT APPLICANT'S REQUEST  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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October 19, 2011

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-SP-062

### SPRINGFIELD DISTRICT

**OWNER/APPLICANT:** Thomas Bassam  
**SUBDIVISION:** West Springfield Village  
**STREET ADDRESS:** 6803 Dante Court  
**TAX MAP REFERENCE:** 89-1 ((7)) 60  
**LOT SIZE:** 10,660 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 2011-SP-062 for the accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\bcho00\SP\Oct 26 - SP 2011-SP-062 (Bassam)\staff\_report.doc

Brenda J Cho

Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



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.

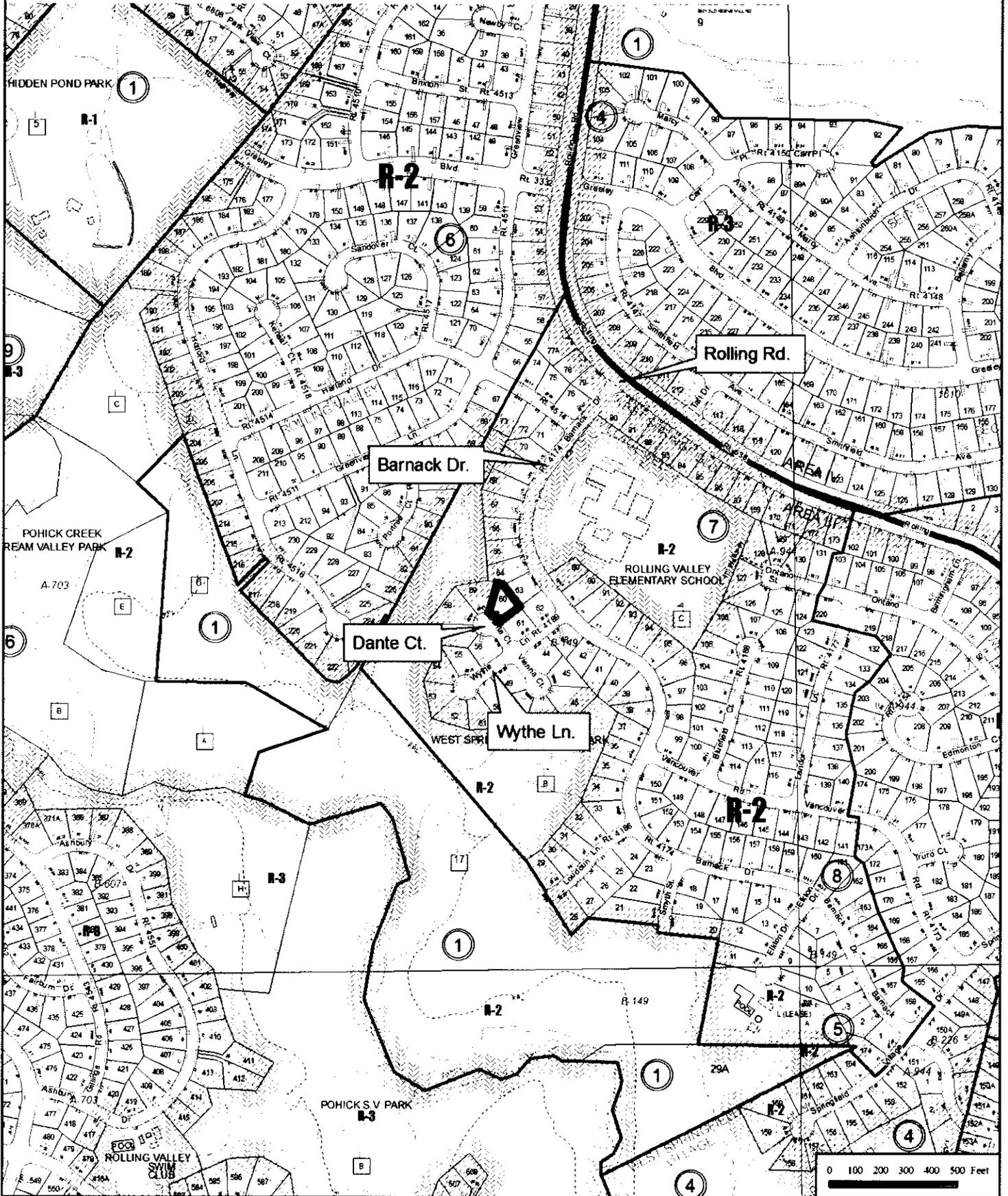
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

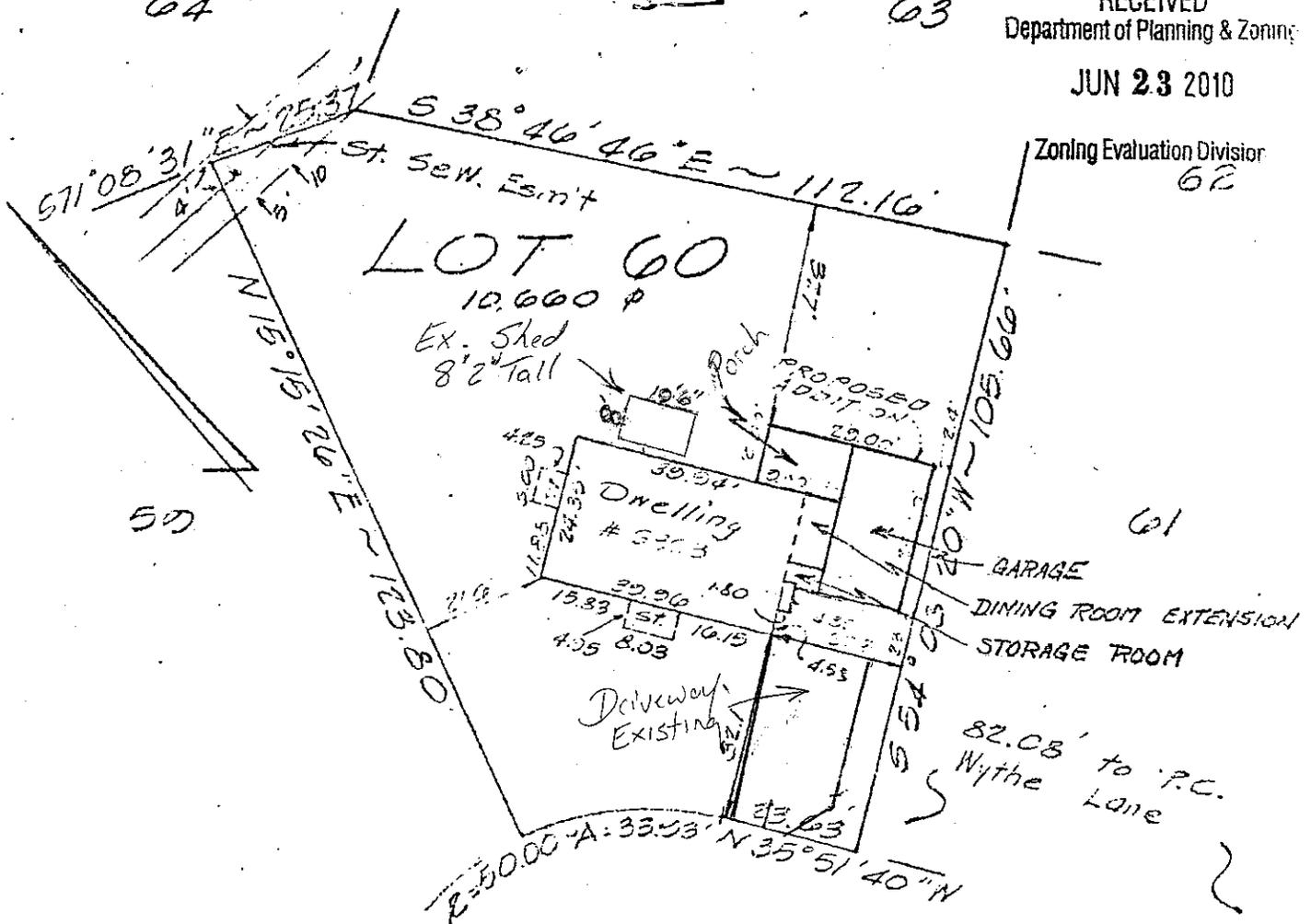


**Special Permit**  
**SP 2011-SP-062**  
**THOMAS BASSAM**



JUN 23 2010

Zoning Evaluation Division  
62



# DANTE COURT

50 R/W

HOUSE LOCATION

LOT 60 SECTION 3

## WEST SPRINGFIELD VILLAGE

SPRINGFIELD DISTRICT

FAIRFAX COUNTY, VIRGINIA

Mail CE: 3-24-07

SCALE: 1" = 30' DATE: Final 9-9-07

**DEWBERRY - NEALON - DAVIS**

ENGINEERS - PLANNERS - SURVEYORS

8411 ARLINGTON BLVD. - FAIRFAX, VIRGINIA

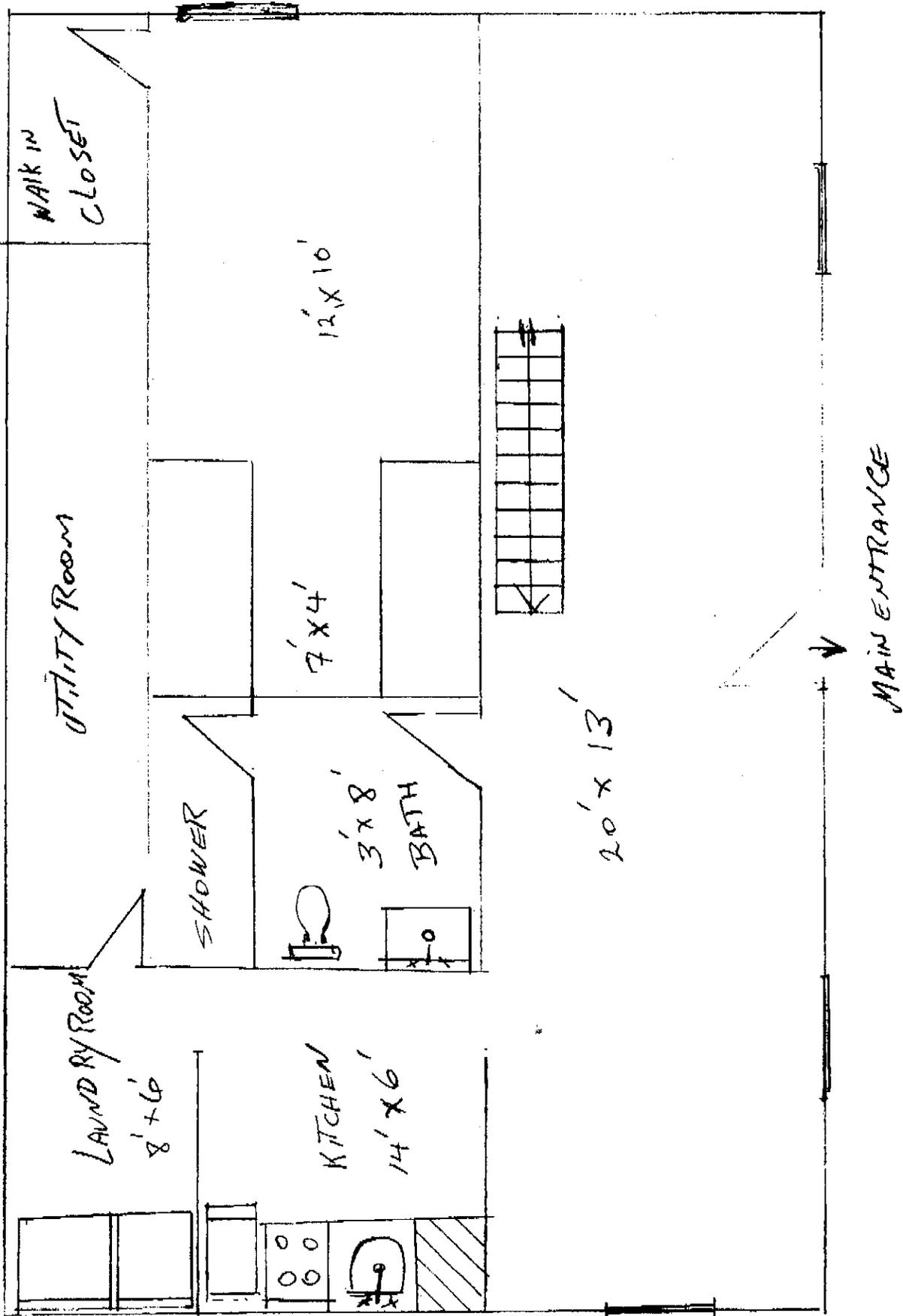
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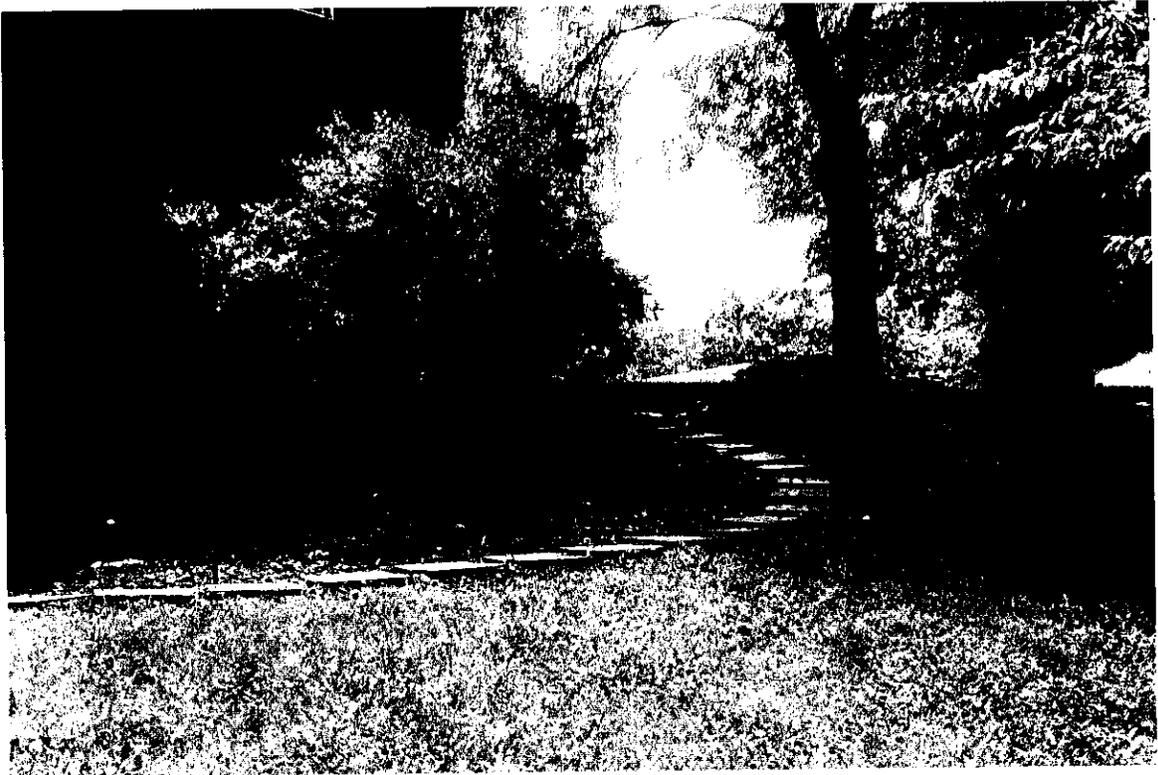
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DC-7EE PG 5

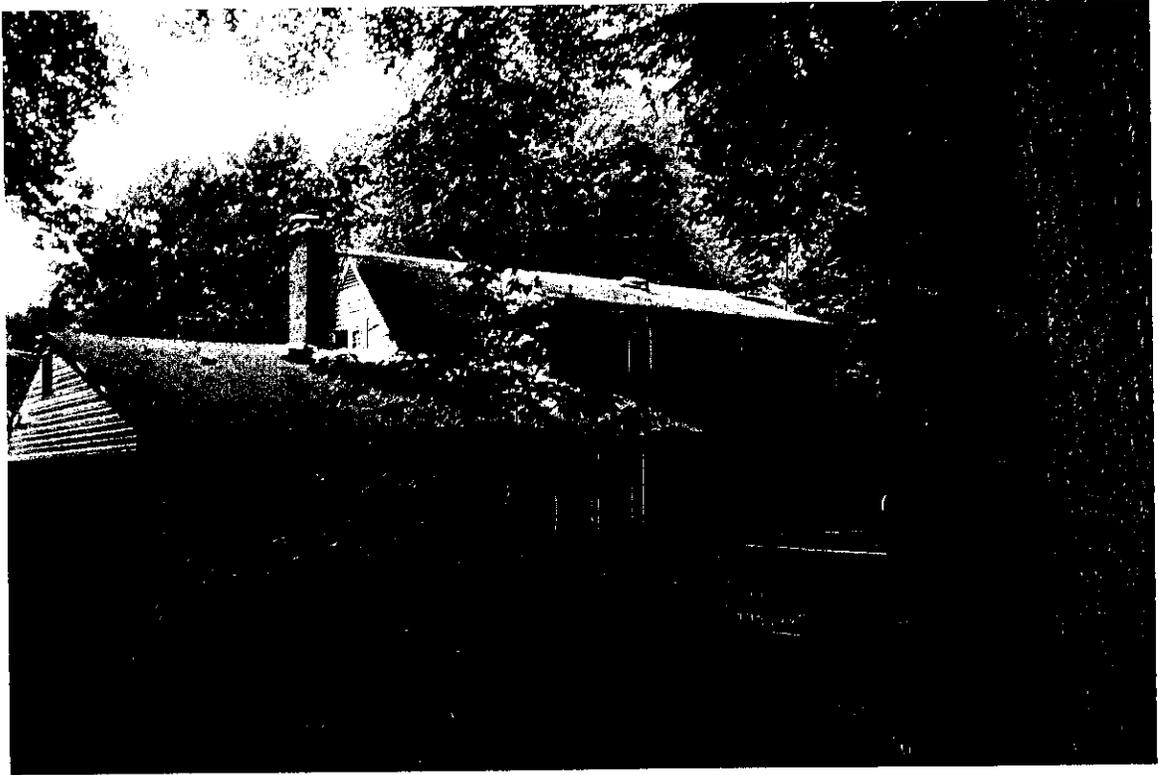
Drawn by: SH

Checked by: JH

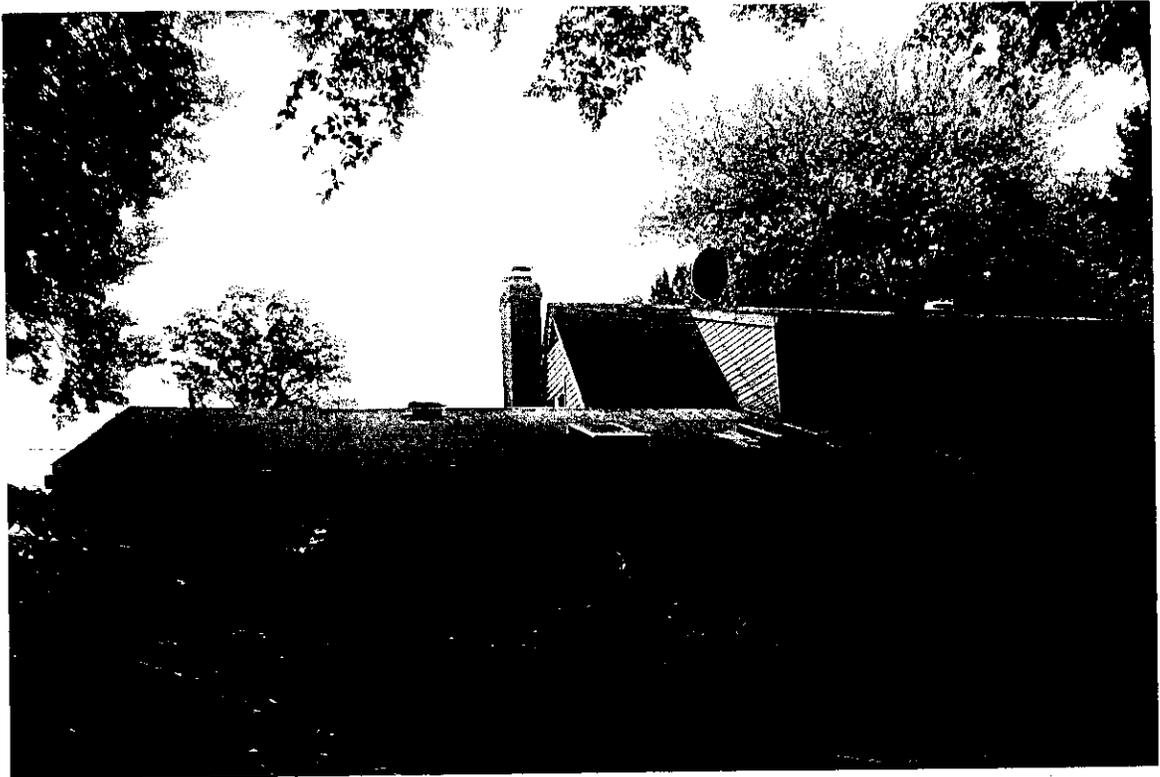






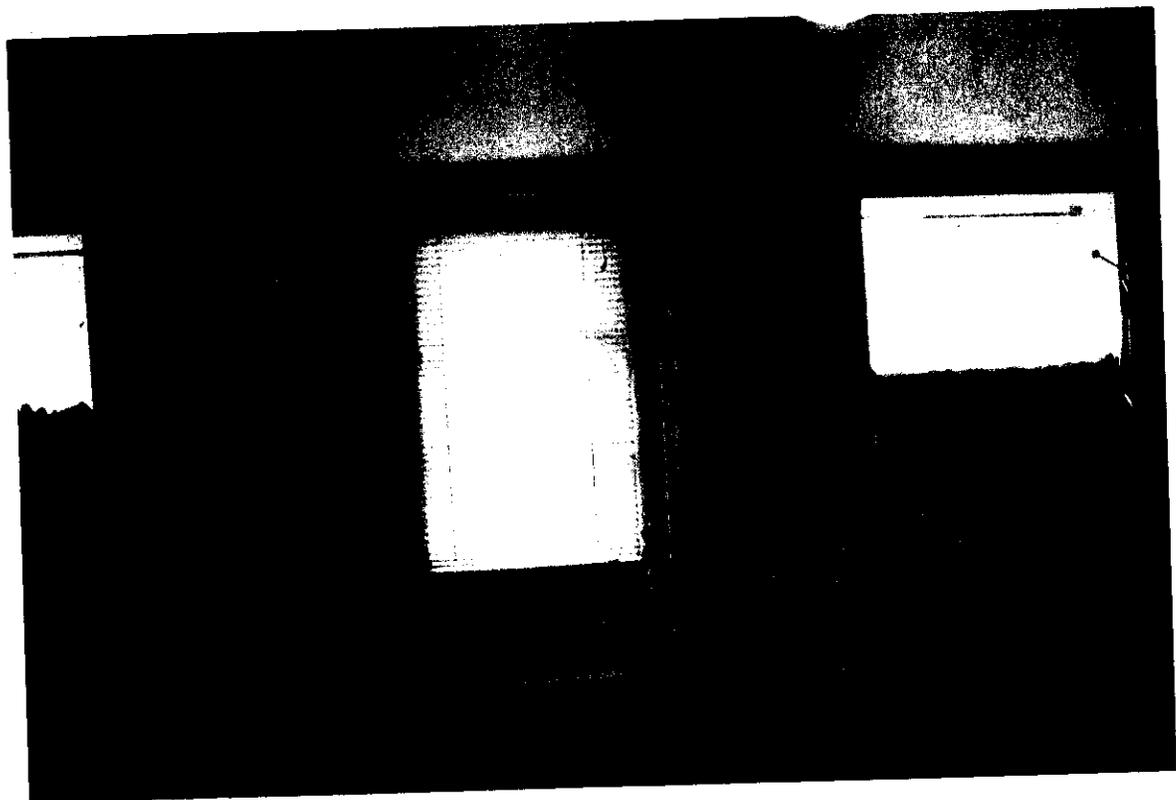
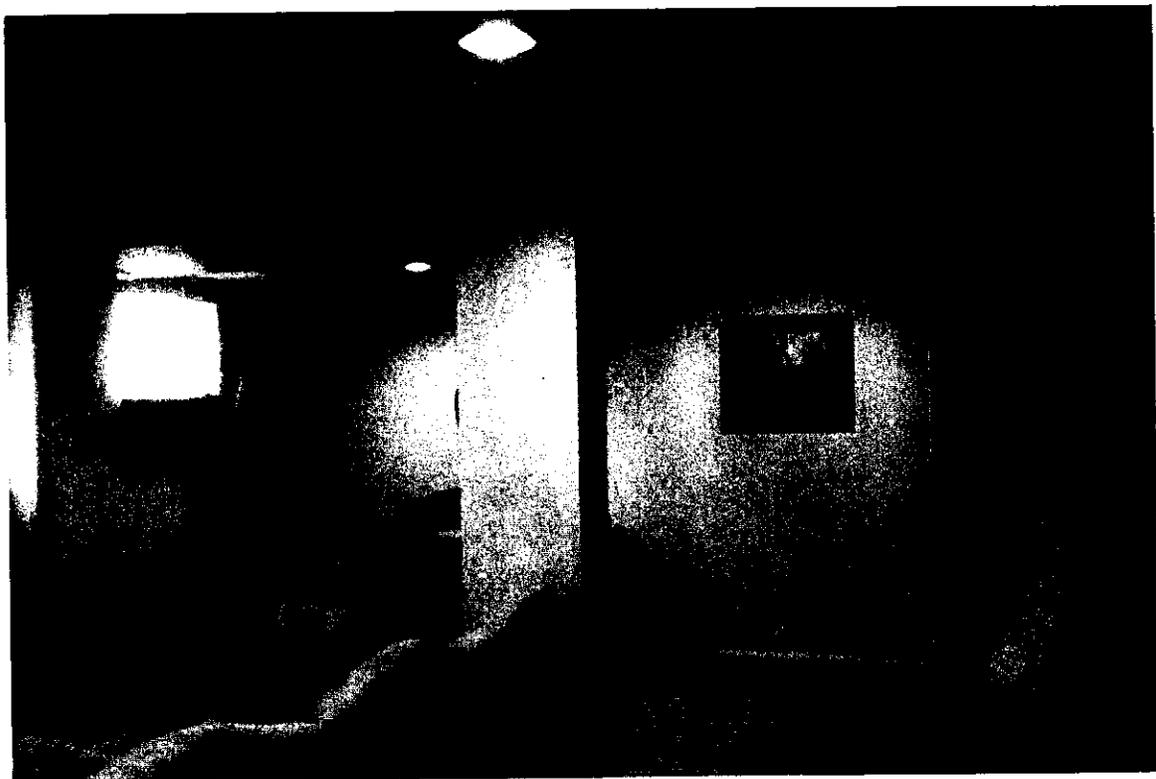


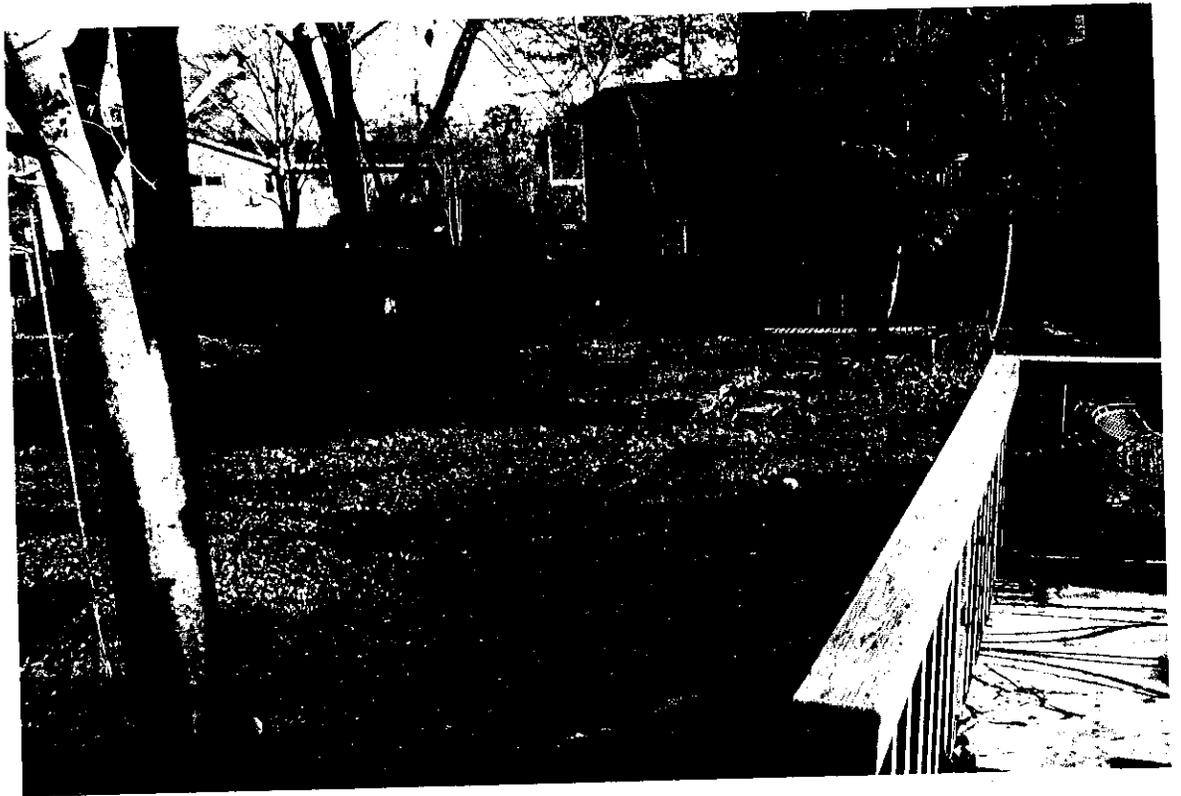


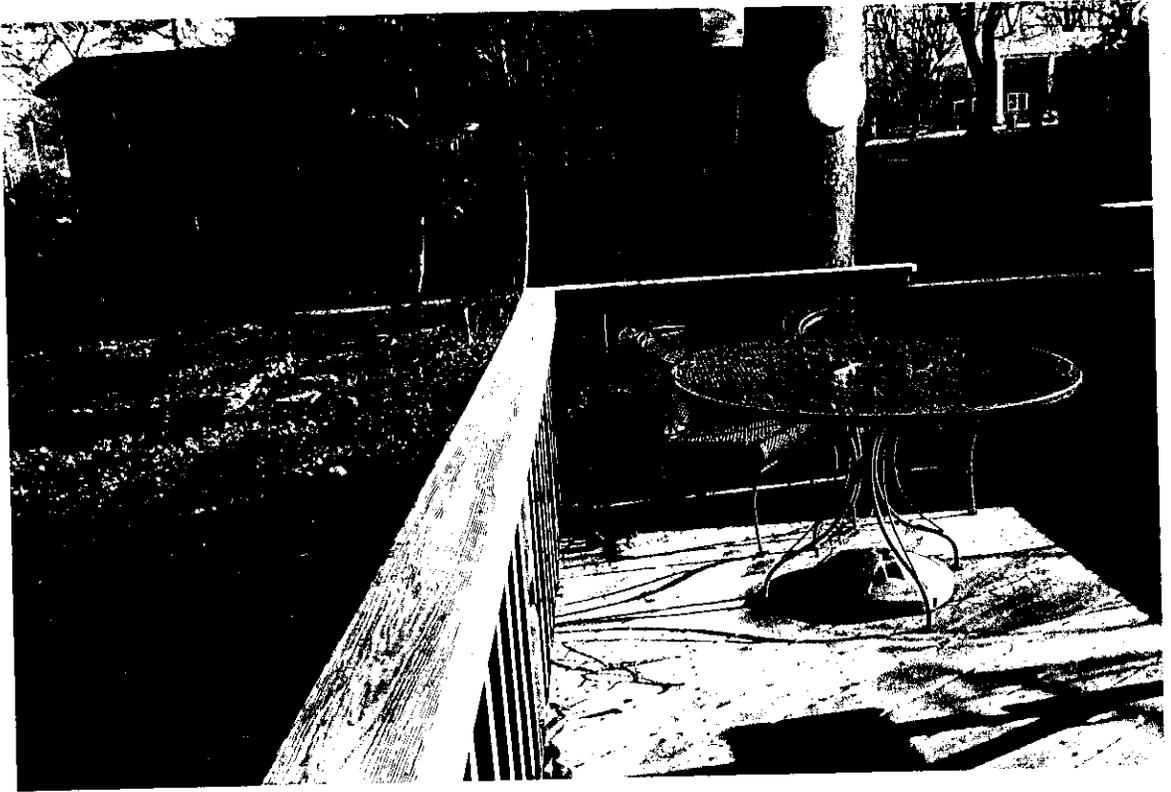














LAUNDRY ROOM

PUSH TO START

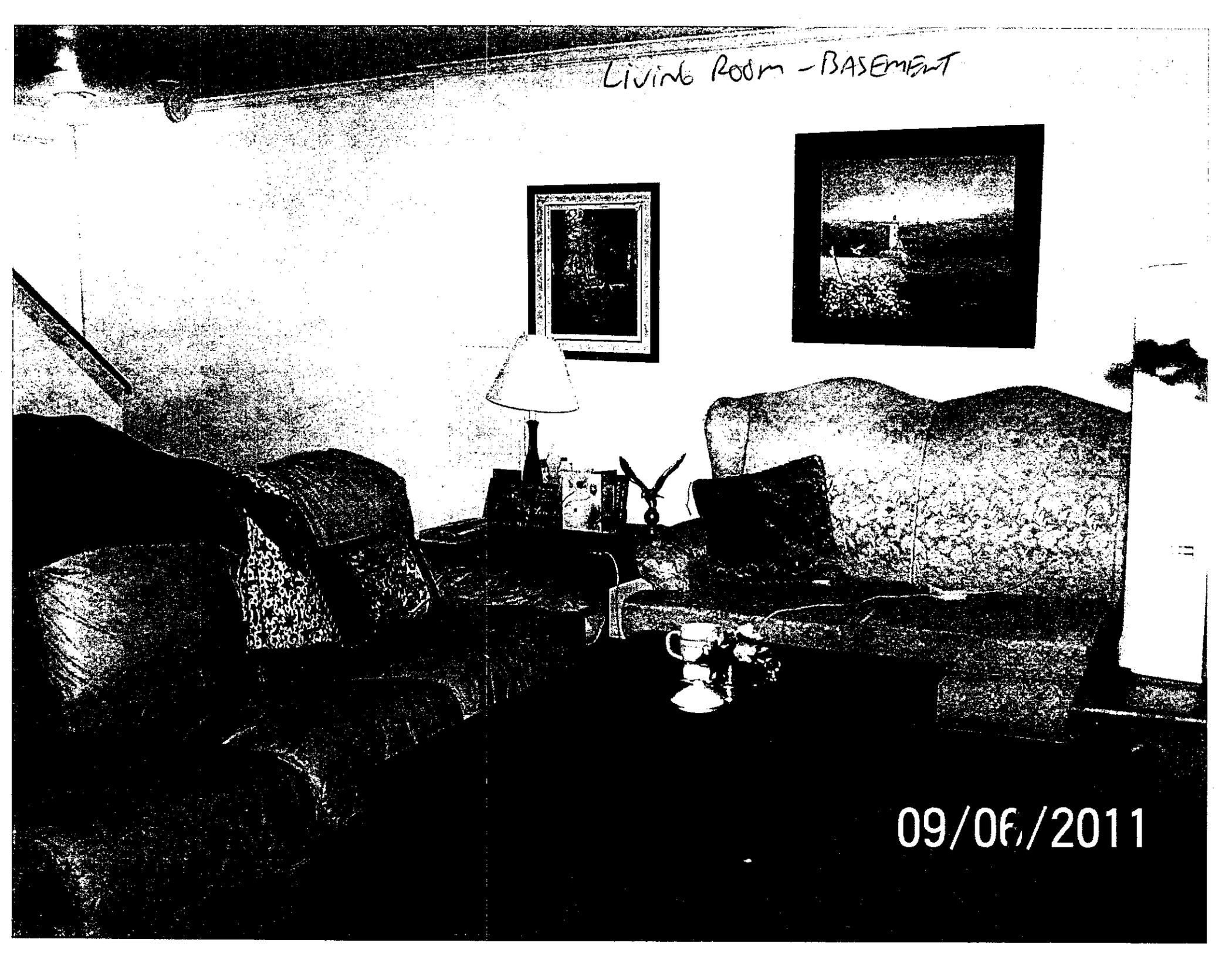
05/2011



09/06/2011

09/06/07

Living Room - BASEMENT



09/06/2011

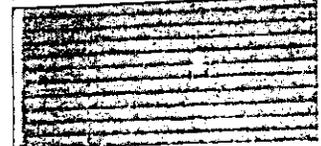
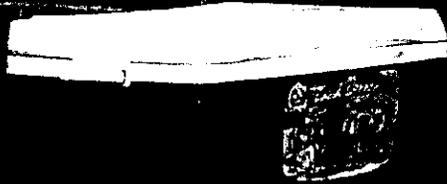
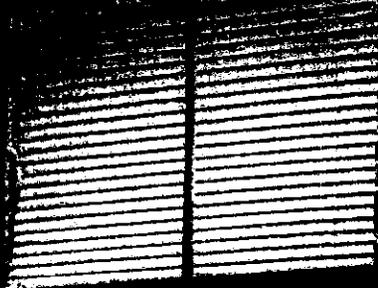


09/06/2011

BASMENT BY THE  
BP 1-01-740060 - WINDOW - 1-82



09/06/2011



BASEMENT  
DOOR.  
OUTSIDE

09/06/2011



**DESCRIPTION OF THE APPLICATION**

**Special Permit Request:** To permit an accessory dwelling unit in the basement of an existing dwelling.

**Size of Principal Dwelling:** 2,488 square feet\*

**Size of Accessory Dwelling Unit:** 700 square feet

**Lot Size:** 10,660 square feet

\*The square footage of the principal dwelling is for above ground gross floor area.

**LOCATION AND CHARACTER**

**Existing Site Description**

The application site measures 10,660 square feet in area and is zoned R-2 Cluster. The 10,660 square foot site is developed with a one and a half (1 ½) story brick and frame single-family detached house and an attached garage. There is a concrete driveway in the front which terminates at the garage, and the driveway connects to the front door via a short concrete walkway. A brick pathway wraps from the front of the house to the basement door, which is located at the right (northeast) side of the house. There is a concrete sidewalk along the front of the house. A wood deck and storage shed are located at the rear of the house. The site is landscaped with grass, trees and other plantings.

**Surrounding Area Description**

<b>Direction</b>	<b>Use</b>	<b>Zoning</b>
<b>North</b>	Single Family Detached Dwelling	R-2 Cluster
<b>South</b>	Single Family Detached Dwelling	R-2 Cluster
<b>East</b>	Single Family Detached Dwelling	R-2 Cluster
<b>West</b>	Single Family Detached Dwelling	R-2 Cluster

## BACKGROUND

On June 21, 1972, the BZA approved V-66-72 on the application property to permit a garage addition to be constructed on the site within 2.3 feet of the side lot line. A copy of the resolution and application plat is included as Appendix 4. The addition included a garage, dining room extension and porch.

Records indicate there have been no applications for accessory dwelling units in the vicinity of the application site.

Following a complaint and inspection, a Notice of Violation (NOV) was issued to the applicant on June 14, 2010 for excessive dwelling units. The inspection noted that the basement contained an apartment unit with a bedroom, bathroom, living room area and a kitchen. The applicant filed this special permit application shortly after receiving the NOV. Electric and plumbing/gas permits for the basement were originally issued to the previous owner in January 1996, but were not finalized. The current owner recently completed final inspection of the permitted uses. A copy of the NOV is included in Appendix 5.

## ANALYSIS

### Special Permit Plat (Copy at front of staff report)

**Title of SP Plat:** House Location, Lot 60, Section 3, West Springfield Village

**Prepared By:** Dewberry, Nealon, Davis

**Dated:** March 24, 1967, revised September 9, 1967

### Proposed Use:

The applicant, who is over 55 years of age, requests a special permit to allow an accessory dwelling unit in the basement of the existing dwelling. The principal dwelling has a total of 2,488 square feet of above ground gross floor area (GFA). 700 square feet of the basement will be utilized for the accessory dwelling unit, which is less than 35% of the principal dwelling's GFA. The accessory dwelling unit will have one (1) bedroom, full bathroom, kitchen, and living area, and a portion of the basement near the kitchen is used for storage and utility uses for the entire house, including the laundry. A separate outdoor entrance to the proposed accessory dwelling unit already exists. An ingress/egress window is located in the bedroom, and there are smaller windows located in the living area. The applicant uses the one car garage for his vehicle, and there is sufficient room in the driveway for at least three (3) or four (4) parked cars without blocking the sidewalk. The applicant proposes to rent the unit.

## **ZONING ORDINANCE PROVISIONS**

### **Special Permit Requirements (See Appendix 6)**

- \* 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 6. Subject to development conditions, the special permit must meet these standards.

## **CONCLUSIONS AND RECOMMENDATIONS**

Staff believes that all applicable standards for the accessory dwelling unit as outlined in Sects. 8-006, 8-903 and 8-918 will be satisfied with adoption of the proposed development conditions. Therefore staff recommends approval of SP 2011-SP-062 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. Affidavit
3. Statement of Justification
4. Resolution and Plat approved in conjunction with V-66-72
5. Notice of Violation dated June 14, 2010
6. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2011-SP-062****October 19, 2011**

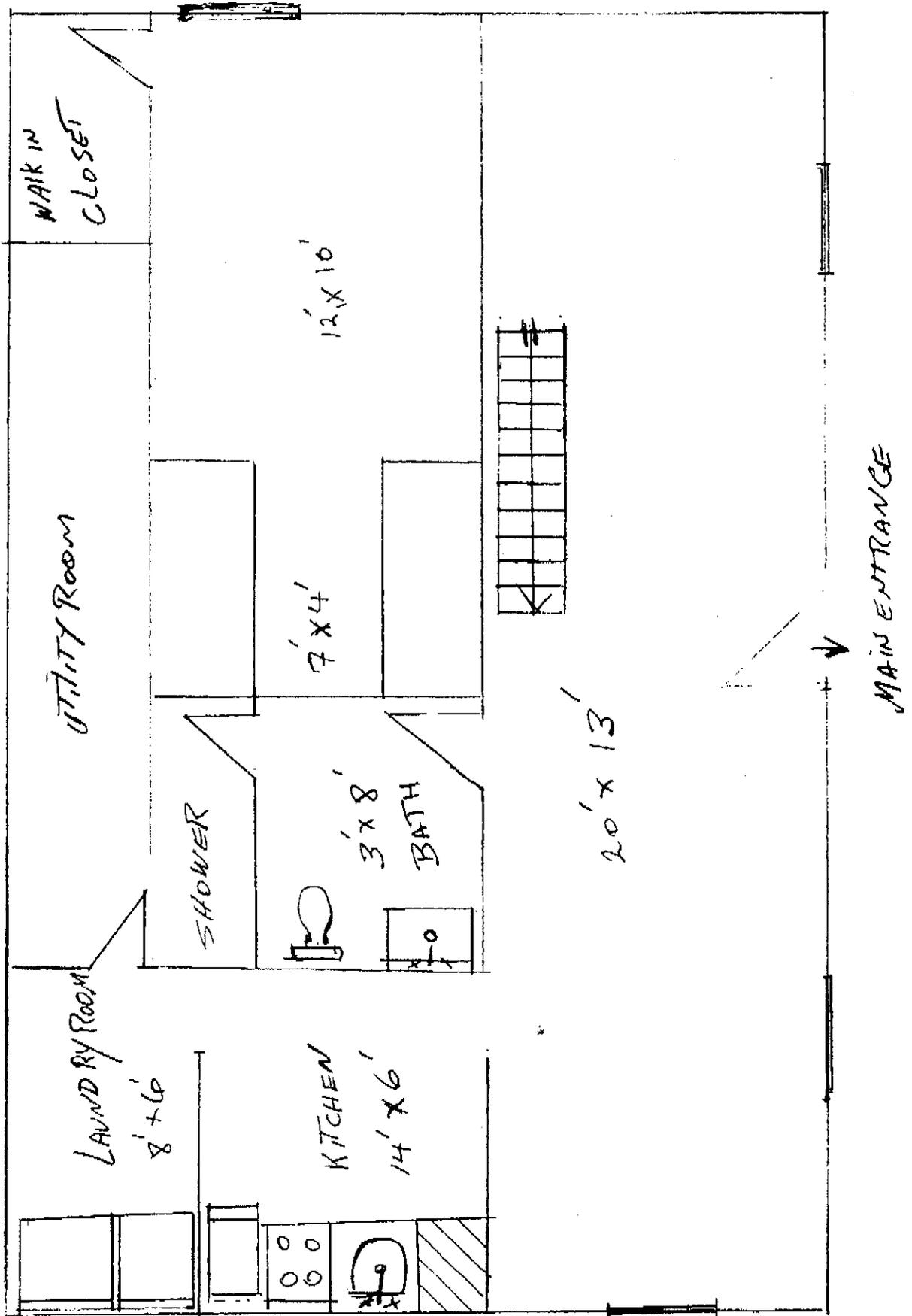
If it is the intent of the Board of Zoning Appeals to approve SP 2011-SP-062 located at Tax Map 89-1 ((7)) 60 to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen in the accessory unit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant only, Thomas Bassam, and is not transferable without further action of this Board, and is for the location indicated on the application, 6803 Dante Court (10,660 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 Dewberry, Nealon, Davis, March 24, 1967, revised September 9, 1967, and approved with this application, as qualified by these development conditions.
4. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 700 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
7. All applicable building permits and final inspections shall be obtained for construction of the kitchen in the accessory dwelling unit prior to occupancy.

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



Application No.(s): SP 2011 - SP - 062  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: September 29, 2011  
 (enter date affidavit is notarized)

I, THOMAS BASSAM, 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 10904/a

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 <b>BOLD</b> above)
THOMAS BASSAM	6803 DANTE CT. SPRINGFIELD, VA 22152	<b>OWNER</b>

Schuyler P. Ahrens D/B/A Ez Cad Designs	4871 Berecia Lane Dumfries VA, 22025	<b>Applicants Agent</b>
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(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-SP-062  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: September 29, 2011  
(enter date affidavit is notarized)

109041a

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)

*Schuyler P. Ahrens D/B/A Ez Cad Designs (Sole Proprietor)  
4871 Benecia Lane, Dumfries VA, 22025*

**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-SP-062

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

September 29, 2011

(enter date affidavit is notarized)

109041a

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-SP-062

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

September 29, 2011  
(enter date affidavit is notarized)

10904/a

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SP 2011-SP-062  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: September 29, 2011  
(enter date affidavit is notarized)

109041a

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)  Applicant [ ] Applicant's Authorized Agent

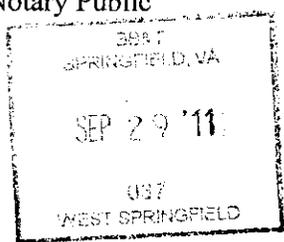
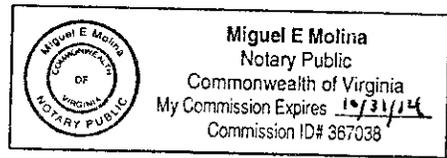
*Thomas Bassam*

THOMAS M. BASSAM  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29<sup>th</sup> day of September 2011, in the State/Comm. of VA, County/City of Fairfax.

*Miguel E. Molina*  
Notary Public

My commission expires: 10/31/14



County Of Fairfax

Date: 02August 2011

Zoning Evaluation Division

Department of Planning and Zoning

This letter of justification was originally written on 22 June 2010 and it was modified on 02 August 2011 due to the change of my circumstances.

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This is a letter of justification for approval of a special permit for Accessory Dwelling Unit on property located at 6803 Dante Court, Springfield VA 22152.

There are five bedrooms in this property in addition to a full finished basement. The basement which consists of a bedroom, a bathroom, a kitchenette, and a living area is separated from the house with an access from outside.

I am requesting for this special permit mainly because I am 65 years old with a fixed retirement income from the Federal Government. Financially, I need an extra income in order to be able to keep my residence for me and my 7 year old child. (For the records, I am a single parent and I have the full custody of my son.). Additionally, because of my age, I needed to have a family living in my basement for a minimal amount of rent in exchange for their assistance in maintaining the property and providing care for my minor child when needed.

**In March 2010, I found such a couple who are living in my basement.**

**In terms of the county standards 8-918, we meet the following requirements:**

**Item 1: The dwelling unit will be in a single family detached house and it is only one accessory dwelling unit.**

**Item 2: The dwelling unit is located within the structure of a single family detached dwelling unit.**

**Item 3: The gross floor area of the accessory dwelling unit is less than 35 percent of the total gross floor area of the principal dwelling unit. (Total gross floor area of**

the principal dwelling unit excluding the basement is 2488 SF. And the gross floor area of the accessory dwelling unit is about 700 SF.)

Item 4: The accessory dwelling unit contains one bedroom.

Item 5A: I am the owner and I will be occupying one of the dwellings.

Item 5 B. I am over 55 years of age.

The accessory dwelling will be occupied by maximum two people.

Item 6: The accessory dwelling unit will not be occupied by a disabled person.

Item 7: In addition to the garage, there is a long driveway in the front of the property and adequate parking space on the street.

Item 8: The accessory dwelling unit will not change or disrupt the predominant character of the County Of Fairfax

Zoning Evaluation Division

Department of Planning and Zoning

Item 9: The accessory dwelling unit meets the applicable regulations for building safety, health, and sanitation.

Item 10: N/A

Item 11: As the owner, I will allow inspections of the property by county personnel.

Item 12: No objection.

Name Thomas M. Bassam

Signature  8/2/11

June 21, 1972

EDWARD & LOUISE NELSON, app. under Sec. 30-6.6 of Ord. to allow garage to be constructed within 2.3' of side property line, 6803 Dante Court, West Springfield Village, Sec. 3, 89-1((7))60, Springfield District (R-17), V-66-72 (Deferred from May 17, 1972 for viewing)

Mr. Smith stated that he believed that the Board had gone out and viewed this property.

In application Number V-66-72, application by Edward & Louise Nelson under Section 30-6.6 of the Zoning Ordinance, to permit garage to be constructed within 2.3' of side property line, on property located at 6803 Dante Court, West Springfield Village, also known as tax map 89-1((7))60, County of Fairfax, Virginia, Mr. Long 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 in accordance with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public by advertisement in a local newspaper, posting of the property, letters to contiguous and nearby property owners, and a public hearing by the Board of Zoning Appeals held on the 21st day of June, 1972; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is R-17 and R-12.5.
3. That the area of the lot is 10,660 square feet.
4. That compliance with all county codes is required.
5. That the request is for a minimum variance.

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

1. That the applicant has satisfied the Board that the following physical conditions exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved:

- (a) exceptionally irregular shape of the lot,
- (b) exceptionally narrow lot,
- (c) exceptional topographic problems of the land, and
- (d) unusual location of existing building on the lot.

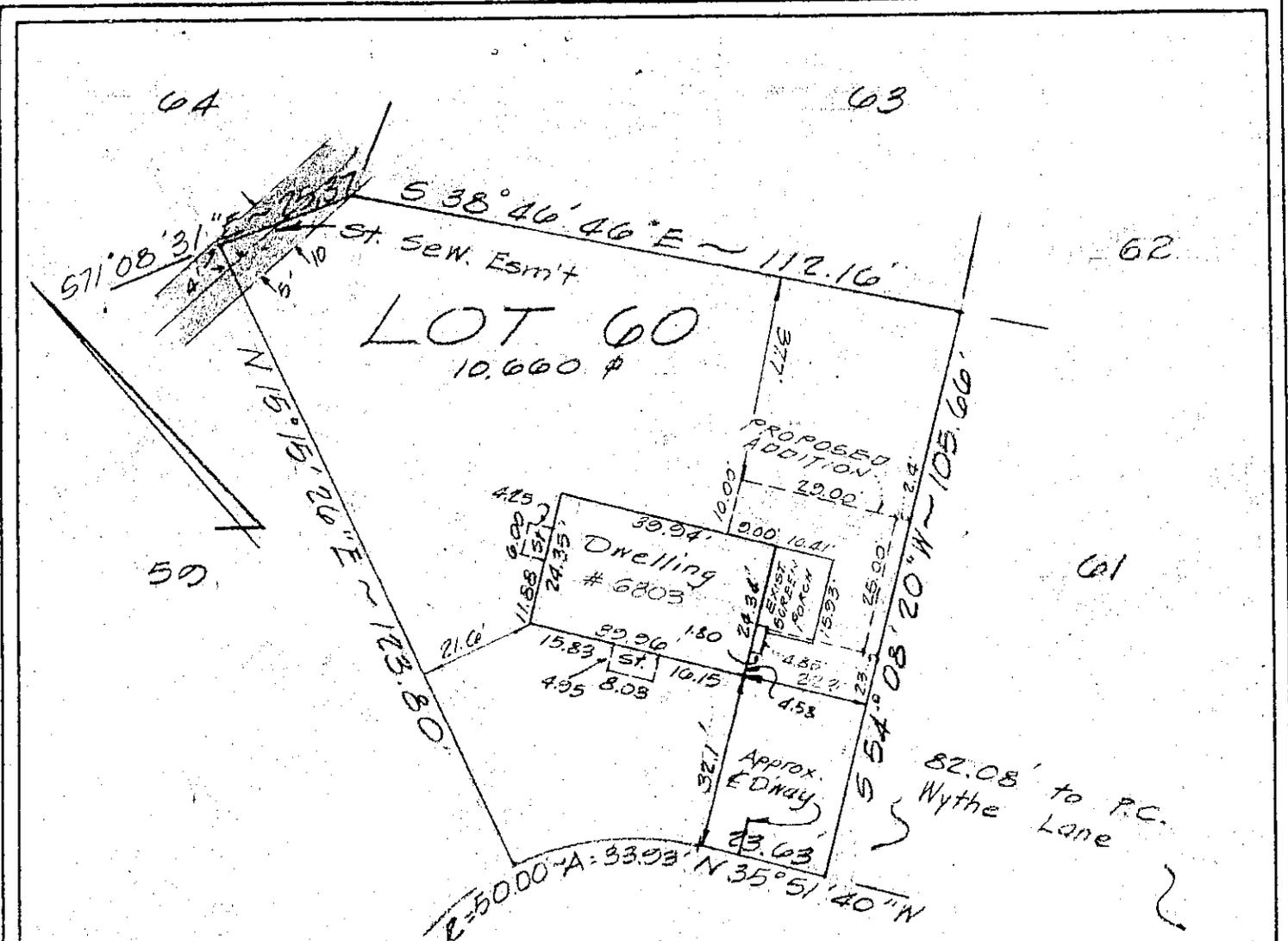
NOW, THEREFORE, BE IT RESOLVED, that the subject application be and the same is hereby granted with the following limitations:

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.

FURTHERMORE, the applicant should be aware that granting of this action by this Board does not constitute exemption from the various requirements of this county. The applicant SHALL BE HIMSELF RESPONSIBLE FOR FULFILLING HIS OBLIGATION TO OBTAIN BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND THE LIKE THROUGH THE ESTABLISHED PROCEDURES.

Mr. Barnes seconded the motion. The motion passed unanimously.

//



DANTE COURT  
50' R/W

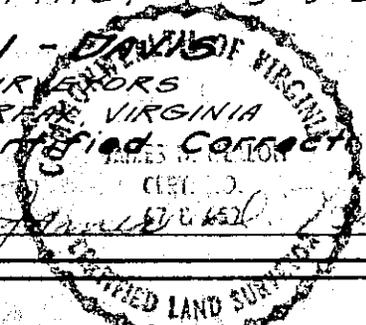
HOUSE LOCATION  
LOT 60 SECTION 3

**WEST SPRINGFIELD VILLAGE**

SPRINGFIELD DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30' DATE: Final 9-9-67  
Wall CK: 3-24-67

**DEWBERRY - NEALON - DAVIS**  
ENGINEERS - PLANNERS - SURVEYORS  
8411 ARLINGTON BLVD. - FAIRFAX, VIRGINIA  
Certified Correct



Reference: DB2722 PG 80  
Drawn by: SH  
Checked by: JW



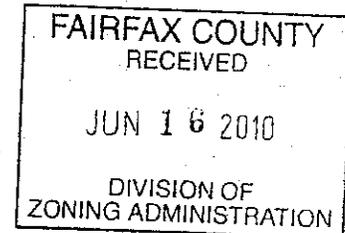
# County of Fairfax, Virginia

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

June 14, 2010

## NOTICE OF VIOLATION

**CERTIFIED MAIL: 7009 0960 0001 1120 8589**



**SERVE:** Thomas M. Bassam  
Zahra Shahparvari  
6803 Dante Court  
Springfield, VA 22152-3328

Case # 201001337 SR # 58825

### **LOCATION OF VIOLATION:**

Address: 6803 Dante Court  
Subdivision: West Springfield Village, Sec. 3, Lot 60  
Tax Map Ref: 89-1 ((7)) 60  
Zoning District: R-2

Dear Property Owner:

An inspection of the above referenced property on June 3, 2010 revealed the following violation of the Fairfax County Zoning Ordinance:

### **§ 2-501 Excessive Dwelling Units:**

The June 3, 2010 inspection revealed that the basement or first floor level of your residence has been converted into a separate independent living facility which includes permanent provisions for living, sleeping, eating, cooking, and sanitation. On the date of inspection, the basement or lower level contained one apartment unit, with a bedroom, bathroom, living room area, and a kitchen with a refrigerator, sink, kitchen cabinets, microwave, and stove. The apartment unit appeared to be separated from the upper level residence by a locked door. The basement apartment had a rear access door, a living room area, dining room area, one bedroom, one full bathroom, and a utility room and kitchen with a sink, cabinets, microwave, toaster, coffee pot, and refrigerator.

For your information and review, a dwelling unit is defined in Part 3 of Article 20 of the Fairfax County Zoning Ordinance as:

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, and used or

Department of Planning and Zoning  
Zoning Administration Division  
Zoning Enforcement Branch  
12055 Government Center Parkway, Suite 829  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 FAX 703-324-1343  
www.fairfaxcounty.gov/dpz/



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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.

Therefore, you are in violation of Sect. 2-501 of the Zoning Ordinance that 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:

- 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 microwave, ovens, 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
- Utilities referenced above for the kitchen to be demolished are to be capped and sealed in the wall cavities; 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.

Please contact the Fairfax County Department of Public Works and Environmental Services (DPWES) about obtaining a demolition permit for this work. DPWES Permits Application Center can be reached by calling (703)-222-0801. A follow-up inspection to determine compliance with this notice will be made at the expiration of the 30-day period. If you have failed to comply, with this notice, it may result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

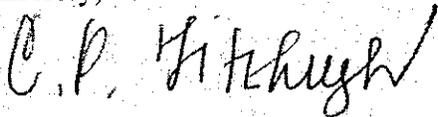
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, 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

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Zahra Shahparvari  
June 14, 2010  
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provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party, and any other information you may wish to submit and a \$2455.00 filing fee. Once an appeal application is accepted, it is 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) 324-1300 or (703)-324-1395.

Sincerely,



Charles P. Fitzhugh  
Property Maintenance/Senior Zoning Inspector

CPF

## ZONING ORDINANCE PROVISIONS

### 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.