



# County of Fairfax, Virginia

November 23, 2011

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MV-082

### MOUNT VERNON DISTRICT

**APPLICANT/OWNER:** Daniel I. Ojeifoh  
**STREET ADDRESS:** 2708 Beacon Hill Road, Alexandria, 22306  
**TAX MAP REFERENCE:** 93-1 ((1)) 79  
**LOT SIZE:** 21,028 square feet  
**ZONING DISTRICT:** R-4 and HC  
**ZONING ORDINANCE PROVISION:** 8-907  
**SPECIAL PERMIT PROPOSAL:** To permit a home professional office.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2011-MV-082 with adoption of Proposed Development Conditions contained as 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 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. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

*O:\dhedri\Special Permits\11-30) SP 2011-MV-082 Ojeifoh (home prof)\SP 2011-MV-082 Ojeifoh staff report.doc  
Deborah Hedrick*

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.**



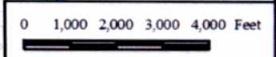
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2011-MV-082

DANIEL I. OJEIFOH

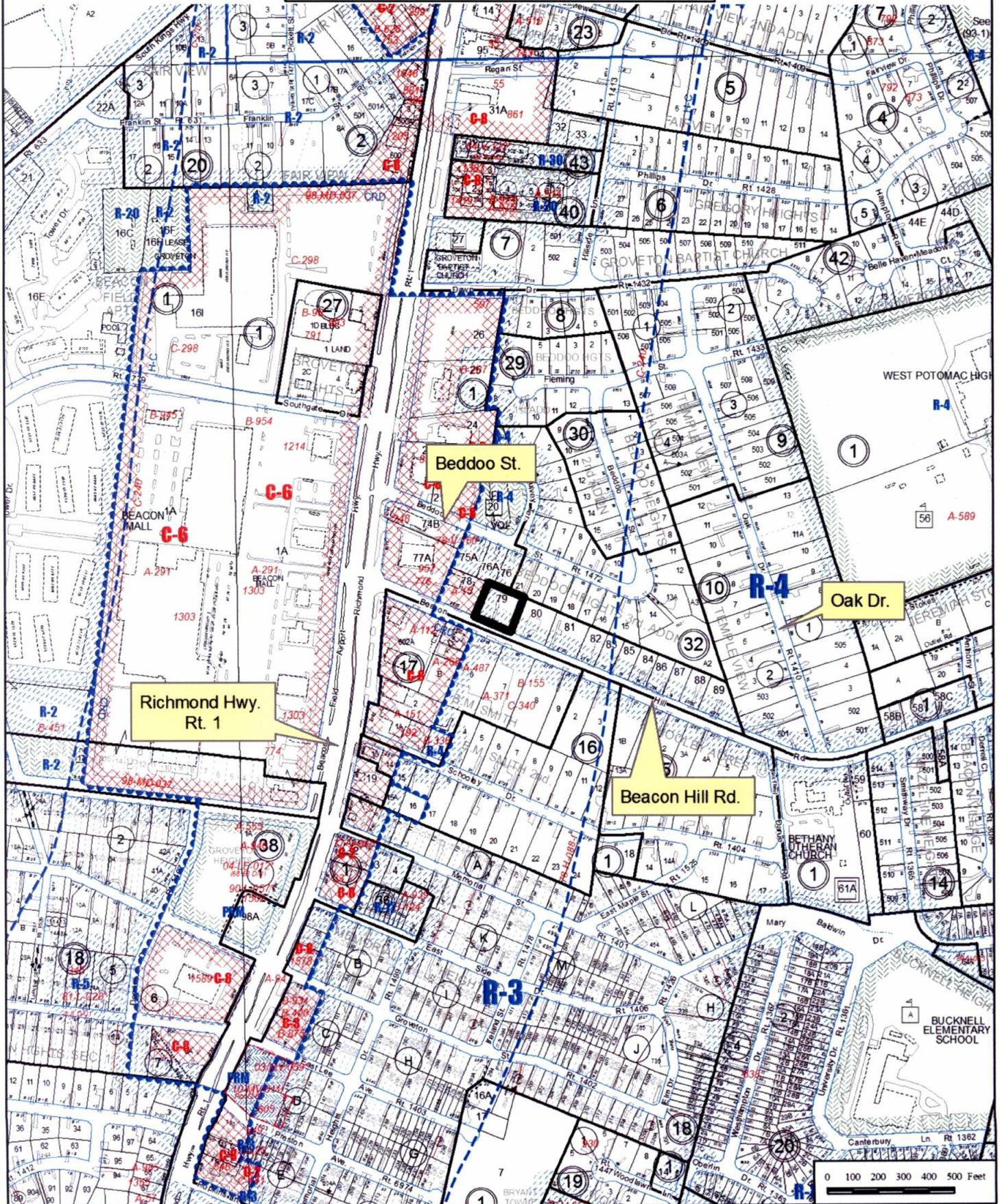
## CITY OF ALEXANDRIA



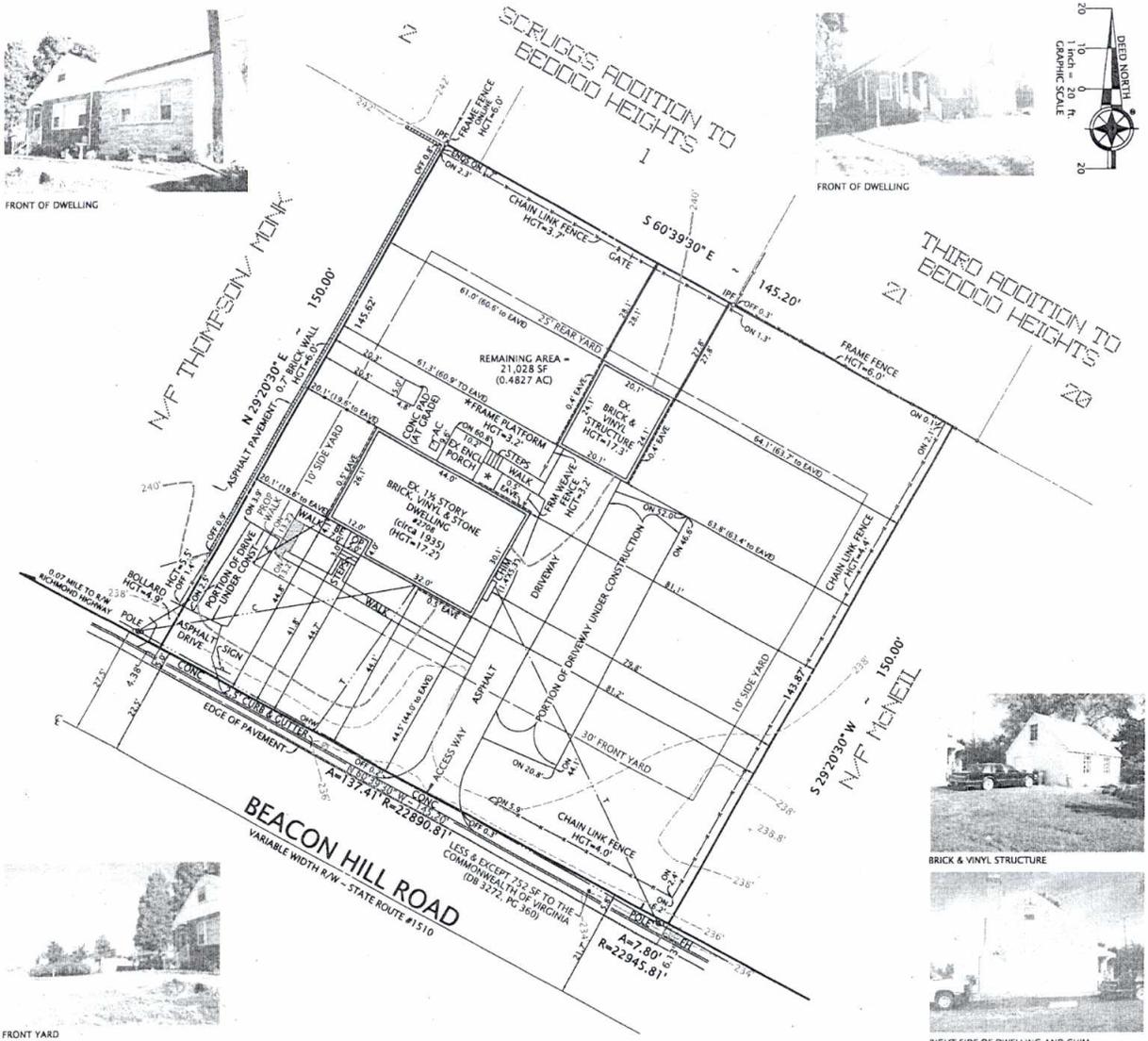
# Special Permit

SP 2011-MV-082

DANIEL I. OJEIFOH



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FRONT OF DWELLING



FRONT OF DWELLING



FRONT YARD



ENCLOSED PORCH



BRICK & VINYL STRUCTURE



BRICK WALL AND CHAIN LINK FENCE



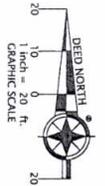
REAR OF DWELLING



BRICK & VINYL STRUCTURE



RIGHT SIDE OF DWELLING AND CHIM



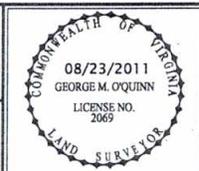
- NOTES:
- TAX MAP: 93-1-01-0079
  - ZONE: R-4 (RESIDENTIAL 4 DU/AC)
  - LOT AREA: 21,028 SF (COMP) (0.4827 AC)
  - REQUIRED YARDS:
    - FRONT: = 30 FEET
    - SIDE: = 10 FEET
    - REAR: = 25 FEET
  - HEIGHTS:
    - EX. DWELLING = 17.2 FEET
    - EX. STRUCTURE = 17.3 FEET (RIDGE LINE OF ROOF)
    - EX. ENCL. PORCH = 12.8 FEET (MID LINE OF ROOF)
    - WALLS = 11.0 FEET
    - FENCES = AS NOTED
  - THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
  - THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
  - ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
  - THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
  - TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
  - THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
  - AREAS:
 

EX. BASEMENT (DWELLING)	=	850 SF
EX. 1ST FLOOR (DWELLING)	=	1,373 SF
EX. 2ND FLOOR (DWELLING)	=	638 SF
EX. 1ST FLOOR (STRUCTURE)	=	484 SF
EX. 2ND FLOOR (STRUCTURE)	=	242 SF
EX. GROSS FLOOR AREA	=	3,587 SF
  - FLOOR AREA RATIO: EX GFA (3587) / LOT AREA (21028) = 0.17
  - FRONT YARD AREA = 4,356 SF.  
FRONT YARD IMPERVIOUS COVER = 858 SF.  
FRONT YARD IMPERVIOUS COVER PERCENTAGE = 0.1970

PLAT  
 SHOWING THE IMPROVEMENTS ON  
 THE PROPERTY LOCATED AT  
**#2708 BEACON HILL ROAD**  
 (DEED BOOK 21453, PAGE 2152)  
 FAIRFAX COUNTY, VIRGINIA  
 MOUNT VERNON DISTRICT  
 SCALE: 1" = 20'  
 AUGUST 23, 2011  
 NOVEMBER 07, 2011 (DRIVE, NOTE #13)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.  
 A TITLE REPORT WAS NOT FURNISHED.  
 NO CORNER MARKERS SET.



CASE NAME:  
 DANIEL I. OJEIHO

**DOMINION** Surveyors Inc.  
 8808-H PEAR TREE VILLAGE COURT  
 ALEXANDRIA, VIRGINIA 22309  
 703-619-6555  
 FAX: 703-799-6412

20  
10  
0  
1 inch = 20 ft.  
GRAPHIC SCALE  
20



FRONT OF DWELLING



FRONT OF DWELLING

THIRD ADDITION 1  
BEDDOD HEIGHTS

SCRUGGS ADDITION TO  
BEDDOD HEIGHTS

N F THOMPSON MONK

S 29°20'30" W  
N F McNEIL

BEACON HILL ROAD  
VARIABLE WIDTH R/W - STATE ROUTE #1510

LESS & EXCEPT 753 SF TO THE  
COMMONWEALTH OF VIRGINIA  
(DB 3272, PG. 360)



BRICK & VINYL STRUCTURE



RIGHT SIDE OF DWELLING AND CHIM



FRONT YARD



FRAME FENCE AND REAR YARD



ENCLOSED PORCH



BRICK & VINYL STRUCTURE

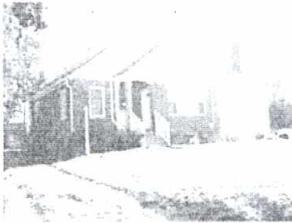


BRICK WALL AND CHAIN LINK FENCE

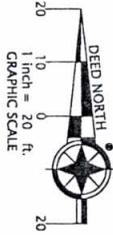
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FRONT OF DWELLING



NOTES:

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- LOT AREA: 21,028 SF (COMP) (0.4827 AC)
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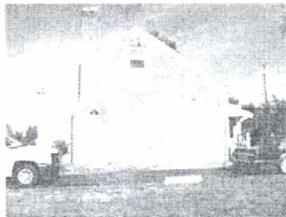
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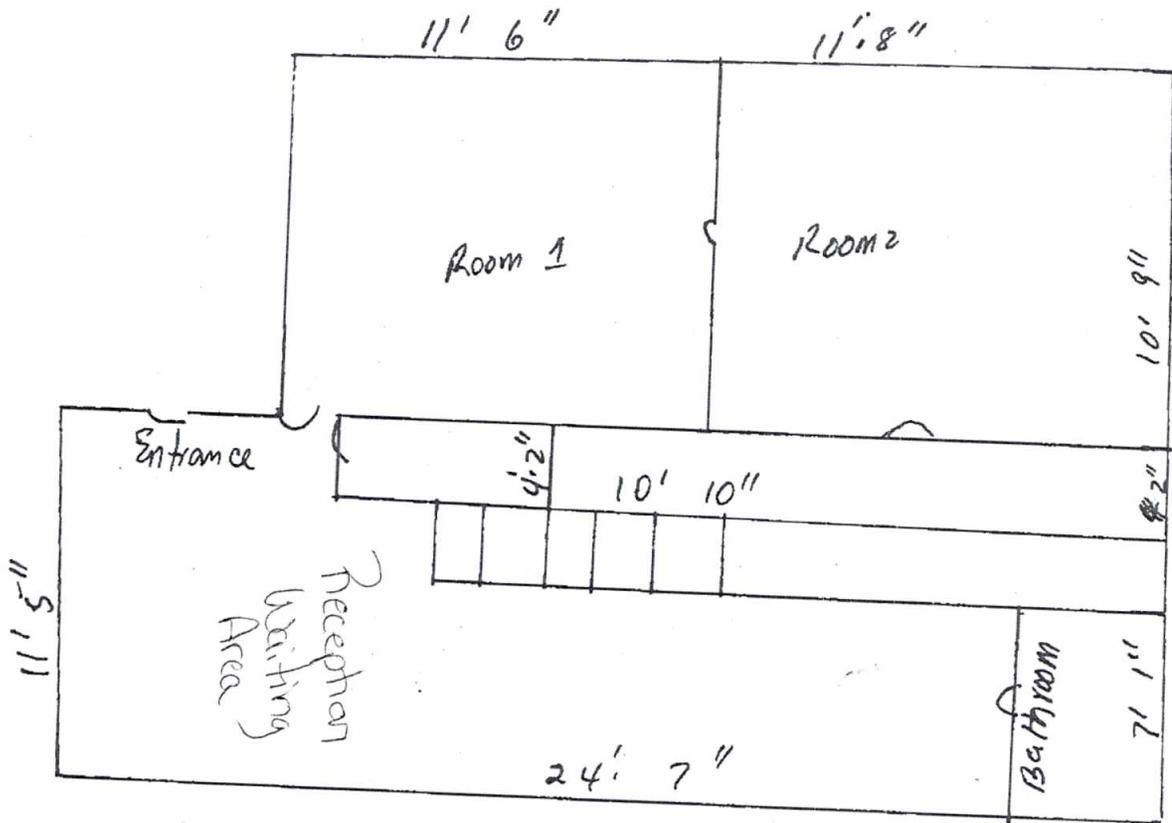


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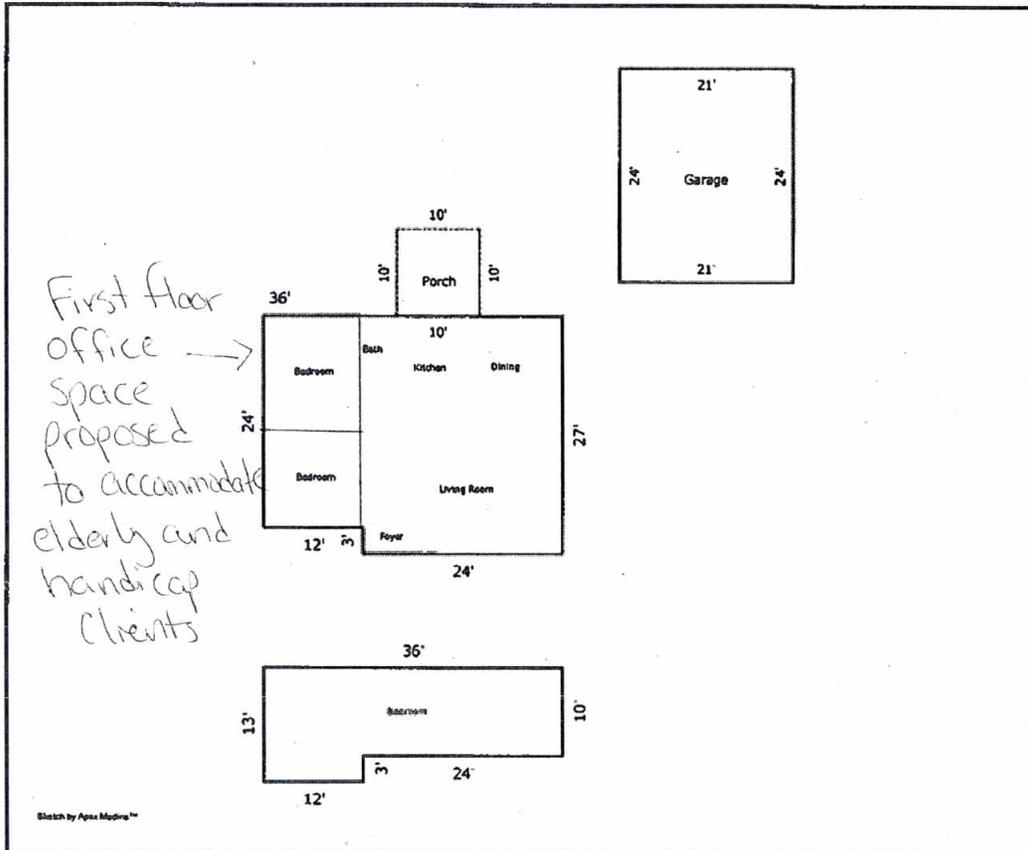


Home Professional Office  
 Space located within  
 Basement/cellar space

Total space excluding bathroom & utility rooms  
 is approximately 586.94 sq ft -

### Building Sketch

Borrower/Client	Daniel I Ojetoh		
Property Address	2708 Beacon Hill Rd		
City	Alexandria	County	Fairfax
State	VA	Zip Code	22306-1612
Lender	American Bank/Appraiser/LOI		



Comments:

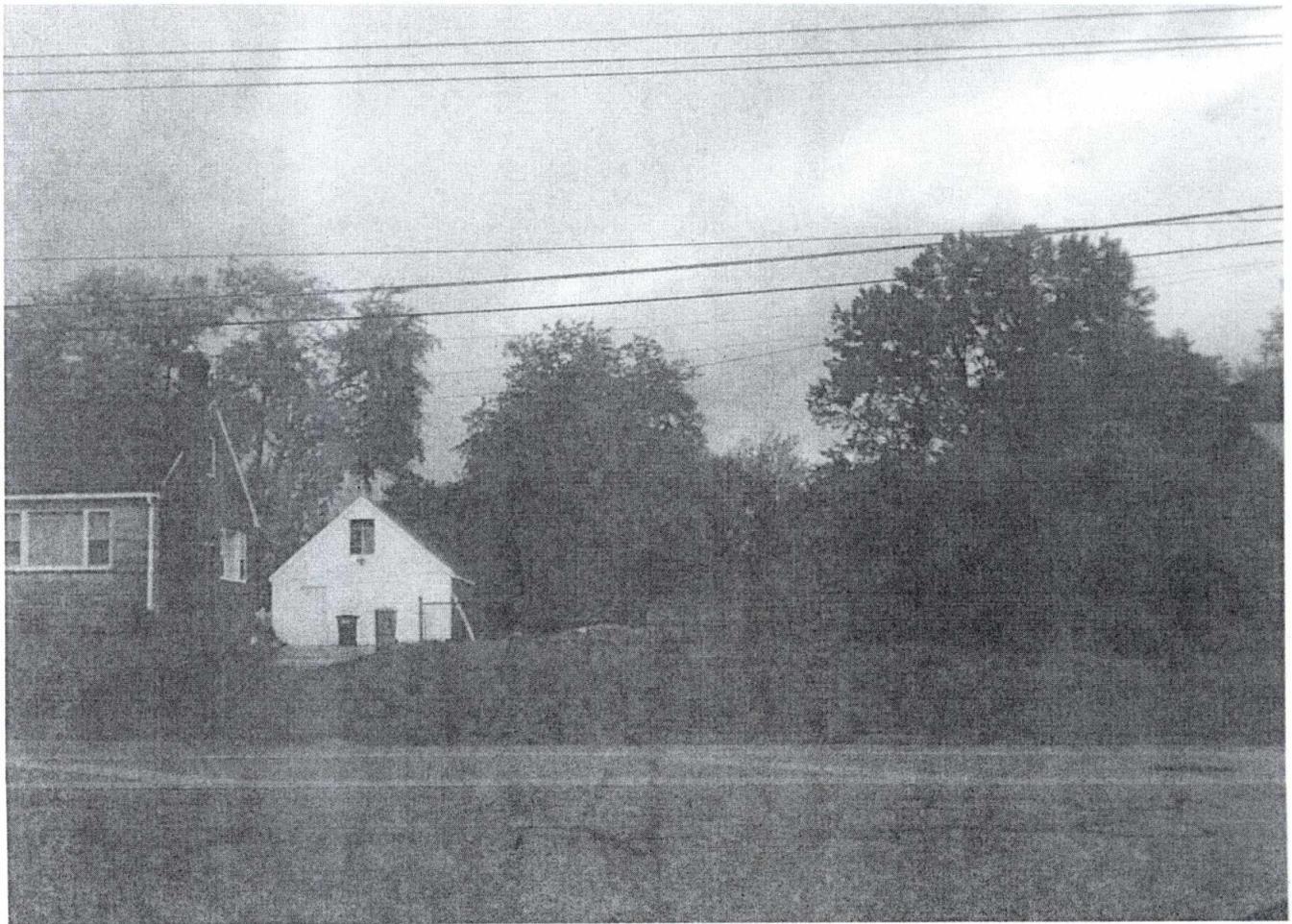
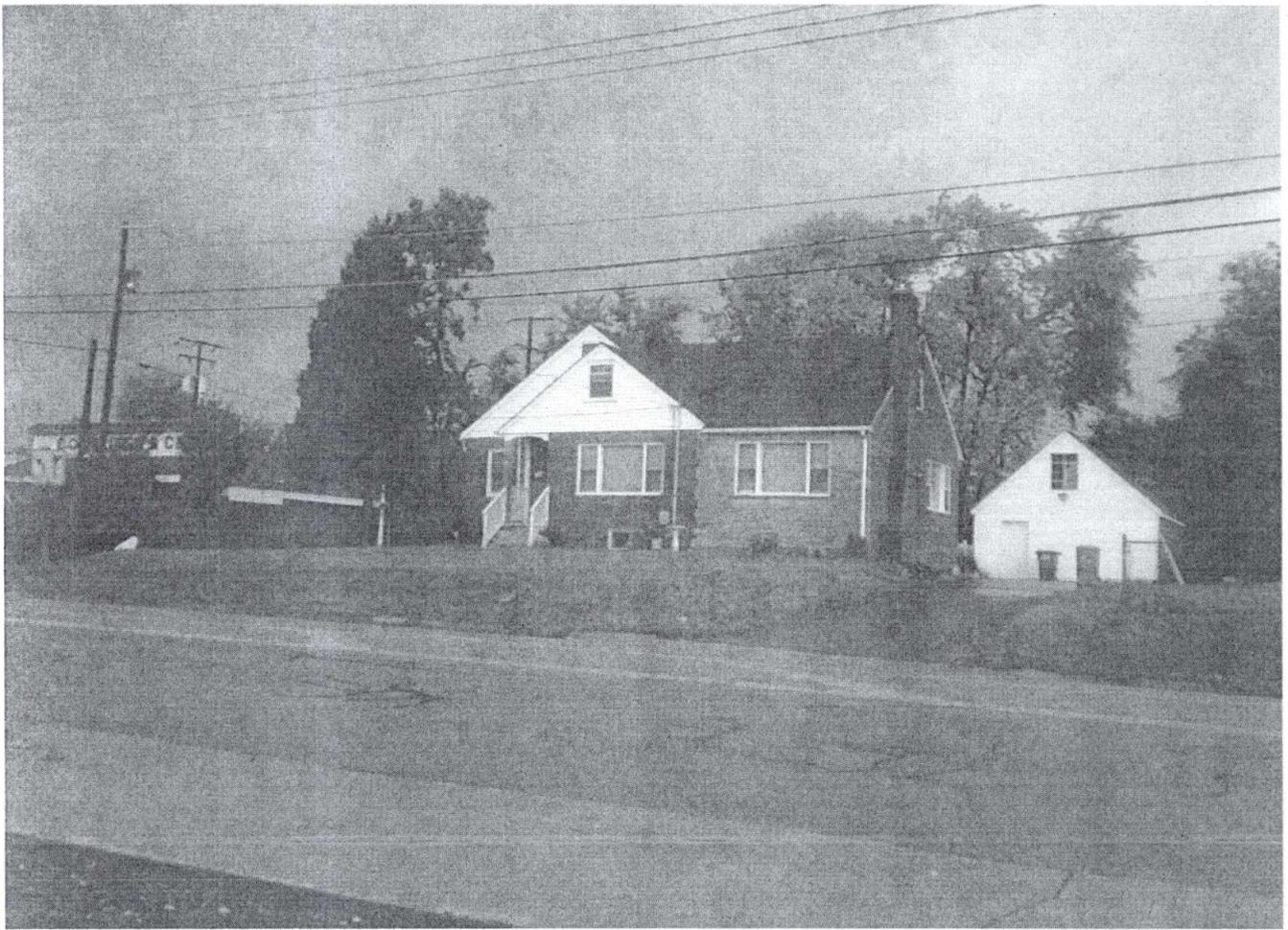
AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	936.0	936.0
GLA2	Second Floor	396.0	396.0
GAR	Garage	504.0	504.0
P/P	Porch	100.0	100.0

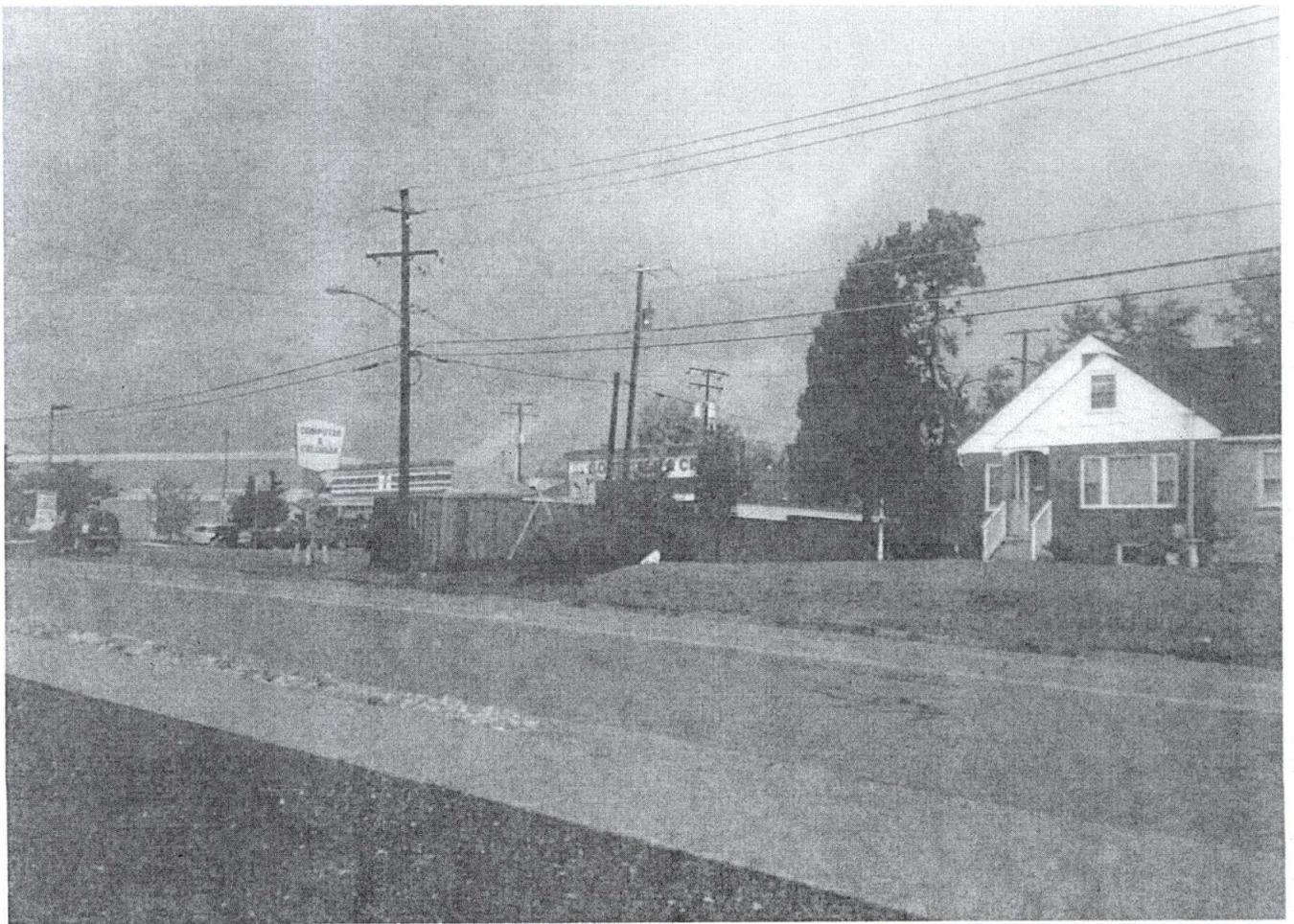
LIVING AREA BREAKDOWN		
	Breakdown	Subtotals
First Floor		
	24.0 x 36.0	864.0
	3.0 x 24.0	72.0
Second Floor		
	10.0 x 36.0	360.0
	3.0 x 12.0	36.0

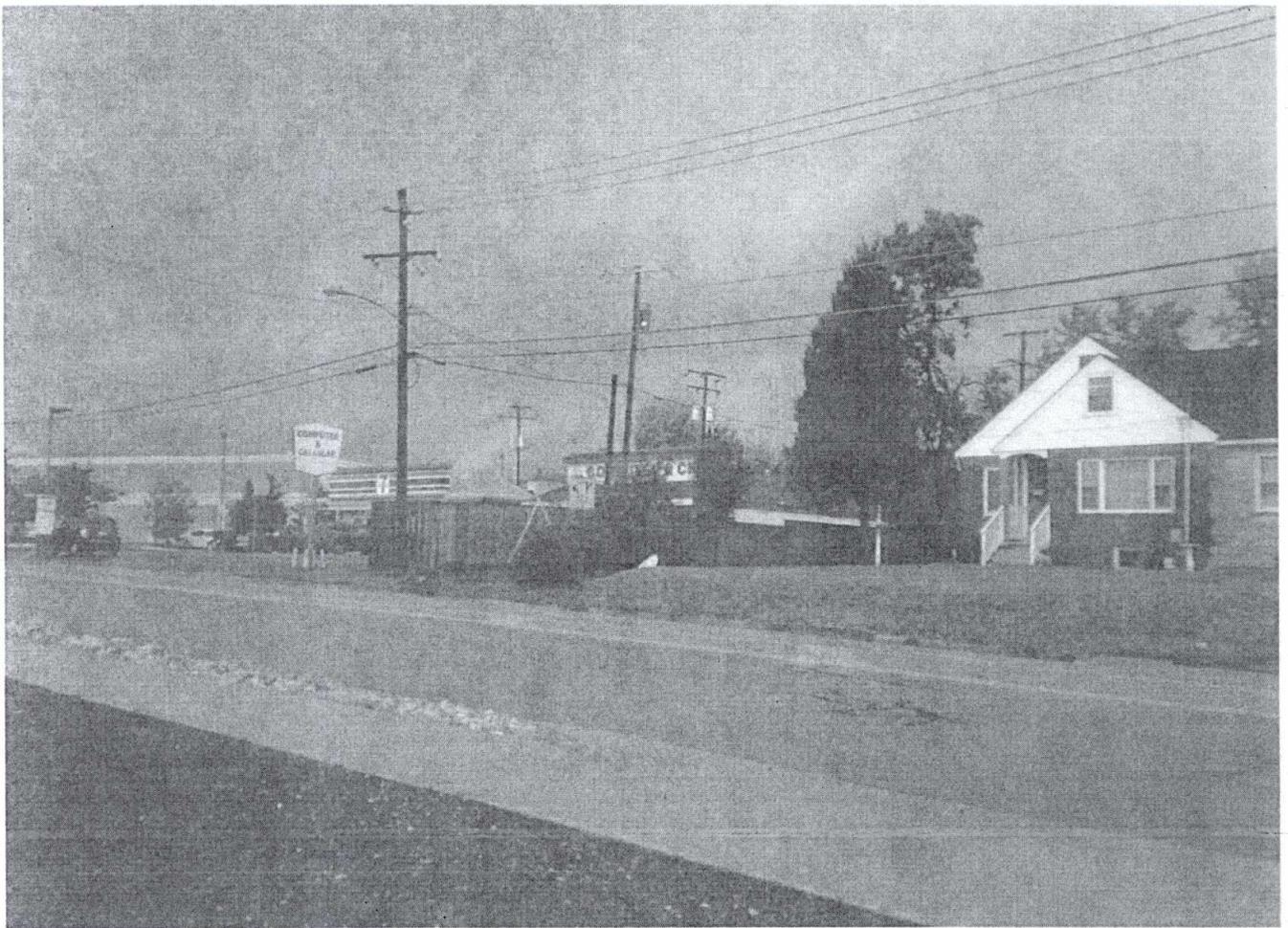
Net LIVABLE Area (rounded) 1332      4 Items (rounded) 1332













Doubtful if accurate



0...



Rear



ALDEN STREET (MICHIGAN)



J. Flannery photo 2.8.80













**DESCRIPTION OF THE APPLICATION**

**Special Permit Request:** To permit a home professional office for tax preparation services with the primary hours of operation from January 15<sup>th</sup> through May 1<sup>st</sup>, and occasionally during the remainder of the year for consultations and tax extension filings.

**Parking:** The newly widened driveway which measures approximately 32 feet in width x 90 feet in length and will accommodate the minimum required 8 spaces for the proposed use and the residential dwelling

**Building Size:** *As depicted on the Certified Plat – 2,861 square feet (which includes all three levels of the home)*

*Residential Use: Approximately 2,011 square feet first floor and second floor of the dwelling*

*Proposed Home Professional Office: 850 square feet space located within the basement/cellar + 120 square feet – a 10 x 12 room on the first floor*

**Office Hours:** Monday through Saturday  
10:00 a.m. – 9:00 p.m. – January 15<sup>th</sup> through May 1<sup>st</sup>  
10:00 am. – 5:00 p.m. – the remaining months of the year

**Employees:** 4 employees which includes the applicant

**EXISTING SITE DESCRIPTION**

The 21,028 square foot site is currently developed with a one and one-half story, brick, vinyl and stone, single-family detached dwelling, with a fully finished walk-up basement/cellar space, measuring 2,861 square feet in area. A 144 square-foot screened porch is attached to the rear of the dwelling. A 726 square-foot brick and vinyl detached accessory structure, which was previously utilized as a garage, is located to the rear of the dwelling and at the end of the asphalt driveway. County records indicate that the dwelling was constructed in 1935. The applicant purchased the property in 2010 and is currently renovating the property.

Access to the lot is provided via an asphalt driveway which extends from a curb cut on Beacon Hill Road approximately 90 feet to the detached accessory structure. The driveway measures approximately 12 feet in width at the curb entrance and has been widened to approximately 32 feet in width once you enter onto the site. The driveway was widened by the applicant after the submission of this application to accommodate up to eight vehicles on the site at any one time and to provide ease of access into and out of the site. The driveway parking area constitutes approximately 20 percent front

yard coverage; the Zoning Ordinance restricts front yard coverage in the R-4 District to no more than 30%. The lot slopes upward from front (south) to back (north). Beyond the driveway the eastern portion of the lot is flat and grassy. A combination of chain link fencing and wood fencing surround the application property. A 6-foot tall brick wall is located adjacent to the western property line on abutting commercial property. The property is surrounded by commercial uses to the south, east and west and residential dwellings along the northern property boundary.

**CHARACTER OF SURROUNDING AREA**

DIRECTION	USE	ZONING
North	Single family detached dwellings	R-4 and HC
South	Commercial Uses (plant nursery)	C-8 and HC
East	Child Care Center (by special permit)	R-4 and HC
West	Commercial Uses (7-Eleven store)	C-8 and HC

**BACKGROUND**

On March 9, 2011, the Department of Code Compliance (DCC) performed a site visit on the subject property and discovered that a business in a residential district was operated out of the home. The owner had obtained a Home Occupation Permit to operate his business out of his home; however, there was signage advertising his business, "Dano Rapid Concepts". The applicant indicated to DCC staff that clients were coming to his home to drop off and pick up their prepared tax returns. Clients in the home are not permitted under a Home Occupation permit. DCC staff advised the applicant to remove the signage and not to have clients in the home. The site was monitored for some time prior to closing the case. An official Notice of Violation was not issued on this property since the applicant complied with the requirements of the Zoning Ordinance. The applicant filed this special permit application on June 29, 2011, to request a Home Professional Office within his single-family detached dwelling in order to have clients mainly during the tax preparation season of January 15<sup>th</sup> through May 1<sup>st</sup>.

During a site visit conducted by staff on November 3, 2011, the applicant indicated that prior to purchasing the subject property, he had rented commercial space for his part time tax preparation business; however, when that option was no longer feasible, he removed his business from the retail space and moved all components of the business into this residential property.

**COMPREHENSIVE PLAN PROVISIONS**

**Plan Area:** Area IV

**Planning Sector:** Mount Vernon Planning District, MV3 – Belle Haven Community Planning Section

**Plan Map:** Residential use at 4 dwelling units per acre (4 du/ac)

**ANALYSIS****Special Permit Plat** (Copy of plat at front of staff report)

**Title of SP Plat:** Plat Showing the Improvements on the Property Located at #2708 Beacon Hill Road, Fairfax County, Virginia

**Prepared By:** Dominion Surveyors Inc.

**Dated:** August 23, 2011 as revised through November 7, 2011

**Proposed Use**

The applicant is requesting approval of a special permit for a Home Professional Office to offer tax preparation services during a tax preparation season of January 15<sup>th</sup> through May 1<sup>st</sup> and occasionally the remainder of the year for consultations and tax extension filings. The 21,028 square foot site is developed with a one and one-half story, with a walk-up basement, brick, vinyl and stone, 2,861 square-foot single-family detached dwelling. Currently the applicant is in the process of renovating the dwelling and a detached garage. The majority of the home professional office is proposed to be located within the basement/cellar space on the lower level of the home to be accessed via a covered basement entrance on the west side of the dwelling. The applicant proposes to modify the walkway from the driveway, along the front of the dwelling, and into the side entrance of the proposed space, by installing a paver walkway to accommodate clients. The office is proposed to include a reception/waiting room and two office spaces to accommodate up to four employees, one of which is the applicant. The employees are two additional tax preparers and a receptionist.

The applicant has indicated that the home professional office will consist of the entire basement space which, according to the special permit plat, is approximately 850 square feet in size, or 29 percent of the total square footage of the dwelling. In addition to the basement office space, the applicant has requested the ability to utilize one small room on the main level of the dwelling in an effort to accommodate elderly and/or disabled clients who require his services. Therefore, in addition to the 850 square foot basement, the applicant is requesting use of a room which measures approximately 10 x 12, or 120 square feet in size, or 34 percent for the total of both areas, as shown on the Attachment 1 to the proposed development conditions. A utility area for the home is

also located within the cellar space of the dwelling and therefore the applicant's estimated square footage is reflected to be less than what is shown on the plat. A full bathroom is also located within the basement space.

With the proposed changes shown on the SP plat, it appears the site can accommodate up to eight vehicles within the driveway space provided. The applicant proposes a total of four employees, including himself, and no more than twenty clients/families during the hours of operation from 10:00 a.m. to 9:00 p.m. Monday through Saturday. The number of clients proposed is the maximum during the heaviest tax preparation period of January 15<sup>th</sup> through February 15<sup>th</sup>. The applicant indicates that outside of the heaviest time period, the usual number of clients/families would be not more than ten on site during the hours of operation from 10:00 a.m. to 9:00 p.m. The use of the office space is mostly for the tax preparers and the receptionist to take tax documents in during the business day. The applicant has indicated to staff that most of his clients utilize public transportation from the immediate area of Beacon Hill and Richmond Highway, and a majority would only require the ability to drop off their tax documents and pick them up once they are prepared; therefore, given the widening of the existing driveway, staff believes that parking for the residential use and the home professional office should not be an issue with this application as the driveway space appears to accommodate several vehicles on the site at any one time. Given the possibility of clients having to come to the proposed home professional office outside of the normal tax preparation period, the applicant is requesting the ability to also have hours during the remainder of the year to accommodate consultations and/or tax extension filings.

The applicant also proposes a small easel style sign to be placed on this property which will be removed outside of the tax preparation season. Article 12 of the Zoning Ordinance permits any other use located in structures that have the exterior appearance of a single family detached dwelling to have one sign, either building mounted or freestanding. It further states that such sign shall not exceed six square feet in area and if freestanding, not to exceed a height of four feet or be located closer than 10 feet to any lot line. Therefore, staff has included a development condition to address this request.

## **ZONING ORDINANCE REQUIREMENTS**

### **Special Permit Requirements (Appendix 4)**

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Additional Standards for Home Professional Offices (Sect. 8-907)

## **CONCLUSIONS**

Staff believes that given the location of the single-family dwelling, surrounded by commercial uses, the home professional office use will not impact the character of the area. The use as proposed will access a separate entrance of the dwelling to enter the 850 square foot home professional office and only one small room located on the first floor of the home will be used in the event the applicant must accommodate ease of access to the site by elderly or handicap clients. Staff believes the use is in harmony with the Comprehensive Plan and in conformance with the applicable regulations of the Zoning Ordinance, with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATIONS**

Staff recommends approval of SP 2011-MV-082 only with the adoption of 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 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.

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.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2011-MV-082****November 23, 2011**

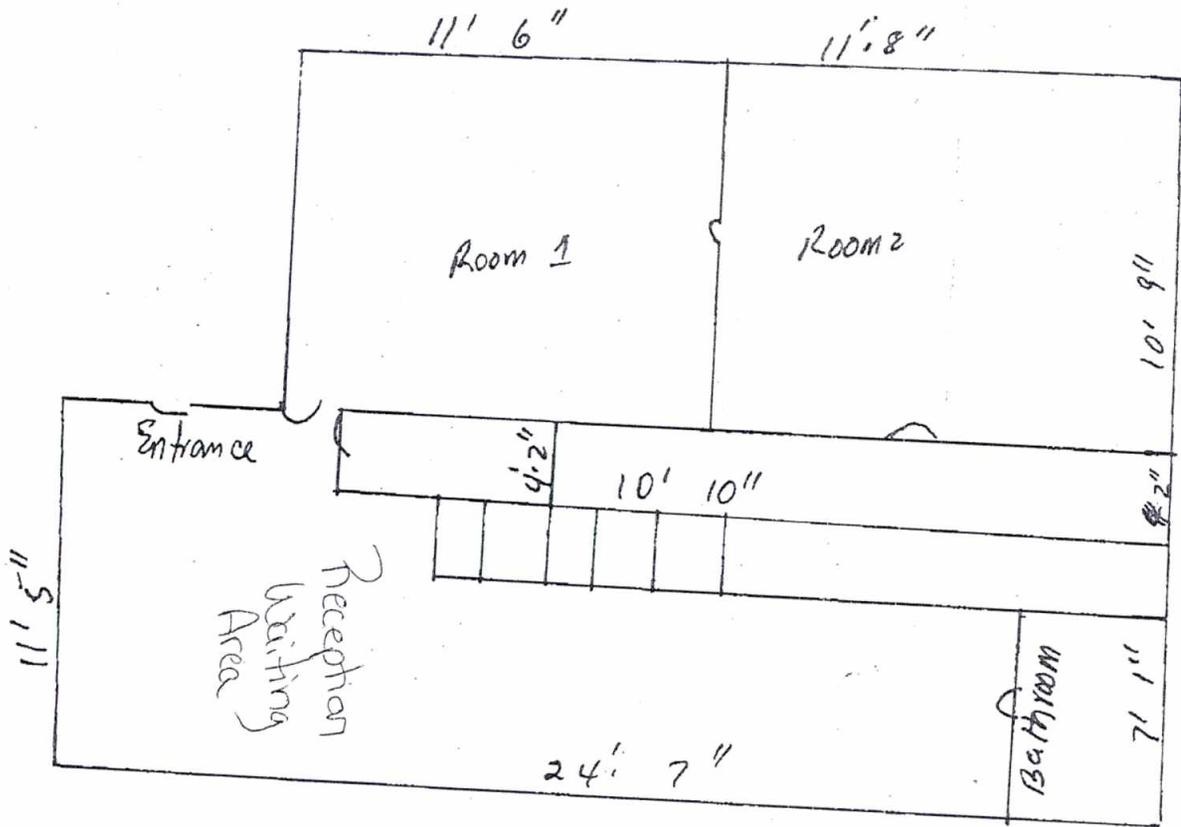
If it is the intent of the Board of Zoning Appeals to approve SP 2011-MV-082 located at Tax Map 93-1 ((1)) 79 to permit a home professional office pursuant to Sect. 8-907 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Daniel I. Ojeifoh, and is not transferable without further action of this Board, and is for the location indicated on the application, 2708 Beacon Hill Road, and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses, as indicated on the special permit plat prepared by Dominion Surveyors Inc., dated August 23, 2011 as revised through November 7, 2011, approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The dwelling that contains the home professional office shall be the primary residence of the applicant.
6. The maximum number of employees shall be limited to four on-site at any one time, including the applicant.
7. The maximum hours of operation of the home professional office shall be limited to 10:00 a.m. to 9:00 p.m., Monday through Saturday, from January 15<sup>th</sup> through May 1<sup>st</sup> and 10:00 a.m. to 5:00 p.m. during the remainder of the year.

8. There shall be a maximum of 20 clients/families on site per day and appointments shall be scheduled so that there is a maximum of 20 clients/families visiting the site during the hours of operation during the main tax season of January 15<sup>th</sup> through May 1<sup>st</sup>. Appointments shall be scheduled so that parking shall be available at all times for expected clients. During the remaining year, there shall be no more than 5 clients/families per day for the occasional consultation and/or tax extension filing.
9. All parking shall be on-site within the asphalt driveway depicted on the special permit plat.
10. The area utilized for the home professional office shall not exceed the basement/cellar space of the single-family dwelling, approximately 850 square feet in size, and one room, approximately 10 x 12 feet in size, located on the first floor of the dwelling. The layout shall be in conformance with the floor plans included as Attachment 1 to these conditions.
11. A staggered row of evergreen trees, a minimum of 6 feet in height at time of planting, spaced 10 to 12 feet on center, shall be planted along the perimeter of the rear property line to screen the use from the adjoining residential neighborhood.
12. Evergreen shrubs shall be planted along the perimeter of the asphalt driveway to soften the appearance of the driveway and help shield headlights.
13. Prior to any clients coming to the site, the applicant shall call the Zoning Inspections Branch of the Department of Planning and Zoning to verify that Conditions 10, 11 and 12 as outlined above have been implemented.
14. A single easel style yard sign associated with the home professional office, size and location as permitted under Article 12 of the Zoning Ordinance, shall be permitted on site during the tax preparation season of January 15<sup>th</sup> through May 1<sup>st</sup> only. The sign shall not exceed six square feet in area and a height of four feet, and shall not be located closer than 10 feet to any lot line.

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. The applicant shall be responsible for establishing the use as outlined above, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

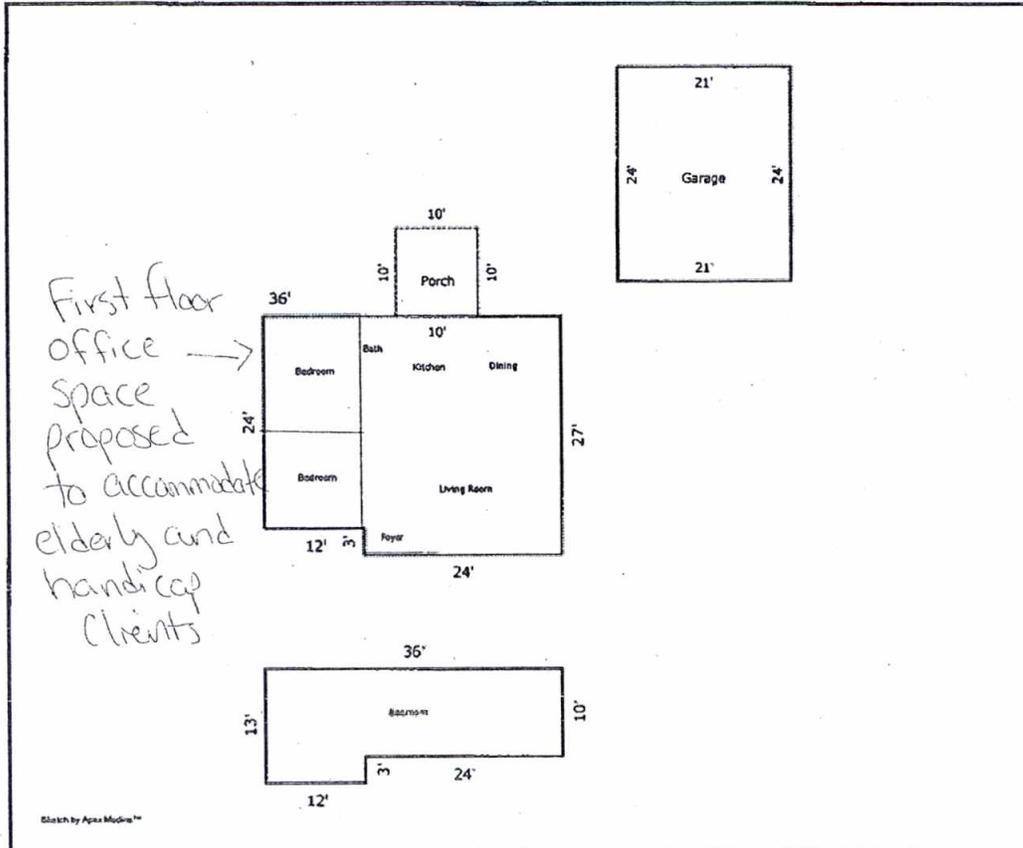


Home Professional Office  
 Space located within  
 Basement/cellar space

Total space excluding bathroom & utility rooms  
 is approximately 586.94 sq ft -

### Building Sketch

Borrower/Client	Daniel I Ojeroh			
Property Address	2708 Beacon Hill Rd			
City	Alexandria	County	Fairfax	State VA Zip Code 22306-1612
Lender	American Bank/Appraiser/Loft			



Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	936.0	936.0
GLA2	Second Floor	396.0	396.0
GAR	Garage	504.0	504.0
P/P	Porch	100.0	100.0

LIVING AREA BREAKDOWN		
	Breakdown	Subtotals
First Floor		
	24.0 x 36.0	864.0
	3.0 x 24.0	72.0
Second Floor		
	10.0 x 36.0	360.0
	3.0 x 12.0	36.0

Net LIVABLE Area (rounded) 1332      4 Items (rounded) 1332



Application No.(s):

SP 2011-MV-082

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

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06/14/2011

112599

(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-MV-082  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06/14/2011  
(enter date affidavit is notarized)

112599

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-MV-082  
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Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06/14/2011  
(enter date affidavit is notarized)

112599

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-MV-082  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 06/14/2011  
(enter date affidavit is notarized)

112599

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

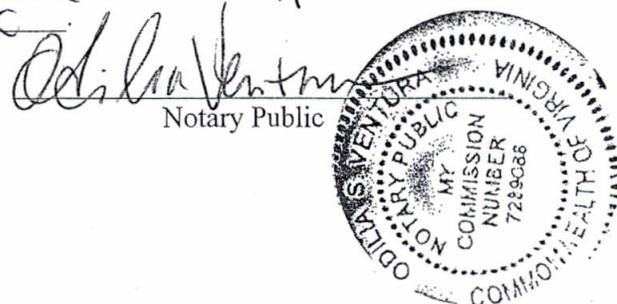
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(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: [Signature]  
(check one)  Applicant  Applicant's Authorized Agent  
Daniel I. Ojeifoh  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 14 day of June, 2011, in the State/Comm. of Fairfax VA, County/City of Fairfax.



My commission expires: August 31, 2013  
My Commission Expires August 31, 2013

## Answers to specific question posed!

- Specific numbers of clients on site at any one time: *The specific number is 10.*
  - Specific areas within the home to be utilized for the use: *The basement with area of about 800 sq ft plus 1 small room on the first floor to serve the elderly and handicap.*
  - Specific square footage to be utilized for the use: approximately 800 sq ft.
- A floor plan detailing which of these areas will be utilized for the use: *A floor plan is attached.*
- Specific hours of operation for the use: *10.00 am thru 9.00pm Monday thru Saturday.*
  - Specific parking (2 for the residents + 1 for each employee + 1 or 2 for clients if you plan to have them overlap): *Only 2 employees have cars and I have 2 driveways which the employees will use.*
  - Specific numbers of employees (Zoning Ordinance only permits 4 - which includes you)  
*The total number is four including me.*

*I would like to display a seasonal sign on an easel on the property if the County permits me to do that.*

RECEIVED  
DEPARTMENT OF PLANNING  
AND ZONING

NOV 10 2011

SPECIAL PERMIT &  
VARIANCE BRANCH

## SPECIAL PERMIT STATEMENT OF JUSTIFICATION

A. The use of this office is limited to a seasonal use for tax preparation. Tax season usually runs from January through May 1<sup>st</sup> for the residents of the Commonwealth of Virginia. The estimated time that this professional home office will be active is approximately 90 days.

B. The business will be open from 10:00 am until 9:00 PM during tax season (Monday thru Saturday). Tax season starts in January and it is usually over by May 1<sup>st</sup> every year.

C. I have an estimated number of clients to number about 300. My busiest period is between January 15<sup>th</sup> and February 15<sup>th</sup>. After February 15<sup>th</sup>, there is usually a precipitous decline and this goes on until May 1<sup>st</sup> of every year.

D. My estimated number of seasonal employees to number 4.

E. The property is located along public transportation routes; as a result I do not believe that traffic in this area will be adversely impacted by the operation of this home professional office. Besides being located next to 7 Eleven Stores and Rite Aid pharmacy and Walgreen pharmacy, my property is almost ½ acre and there is ample parking in the yard, however the clients that I serve generally depend for the most part on public transportation . I do not foresee the traffic pattern in this neighborhood being adversely impacted

F. The property is located close to Richmond Highway, so I would essentially conclude that most of the clients we serve are located close to route one and the areas around zip code 22306, 22309 and 22307.

G. No improvements will be made to the existing structure. In addition, this property is a detached single family home and there are no plans for any structural improvements.

H. I live here and know of no known hazards that will impact the area.

I. The proposed use conforms to the provisions of all applicable ordinances and regulations especially the zoning ordinance 8-907. I read these standards and I fully understand the provisions as they apply to a home professional office.

RECEIVED  
Department of Planning & Zoning  
JUN 29 2011  
Zoning Enforcement Branch

# FAIRFAX COUNTY ZONING ORDINANCE

## 8-907 Additional Standards for Home Professional Offices

1. The premises shall have the exterior appearance of a single family detached dwelling.
2. The structure shall be the domicile of the principal practitioner and his family.
3. Additional professionals and assistants may be involved in the operation, provided that the total number of persons, whether paid or voluntary, involved in the operation shall not exceed four (4); except that on a lot of two (2) or more acres, the total number of persons shall not exceed six (6).
4. In consideration of an application for a permit, the BZA shall review all non-residential uses within the area, and shall determine that such use, together with all other non-residential uses, does not constitute sufficient non-residential activity as might modify or disrupt the predominantly residential character of the area.
5. Notwithstanding the provisions of Sect. 014 above, home professional offices approved prior to January 24, 1977 may be renewed for one five (5) year period under the ordinances in effect at the time the permit was originally granted, provided that the principal used is the same as the one who originally received the special permit. Thereafter, any renewal shall be subject to the provisions of this Ordinance.

Daniel Ojeifoh: 2798 Beacon Hill Road, Alexandria, VA 22306

This clarification is in support of my home professional Special Permit application. My property sits on almost ½ acre. See attached plat. There is an existing asphalt driveway that can hold 4 cars. To the right of the driveway there is a ¼ acre that can be used for additional clients parking if needed. I do not see a parking an issue for several reasons. I have a big enough parking space to support clients parking if needed. A greater proportion of the clients that I serve depend on public transportation making parking a non-issue. To further clarify the traffic situation in the area, the location of this property precludes street parking. Under any condition there is just no way any one can park on the street in this location.

e-mail: dojeifoh@msn.com

RECEIVED  
Department of Planning & Zoning  
JUL 05 2011  
Zoning Evaluation Division

### 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.

**8-907 Additional Standards for Home Professional Offices**

1. The premises shall have the exterior appearance of a single family detached dwelling.
2. The structure shall be the domicile of the principal practitioner and his family.
3. Additional professionals and assistants may be involved in the operation, provided that the total number of persons, whether paid or voluntary, involved in the operation shall not exceed four (4); except that on a lot of two (2) or more acres, the total number of persons shall not exceed six (6).
4. In consideration of an application for a permit, the BZA shall review all non-residential uses within the area, and shall determine that such use, together with all other non-residential uses, does not constitute sufficient non-residential activity as might modify or disrupt the predominantly residential character of the area.
5. Notwithstanding the provisions of Sect. 014 above, home professional offices approved prior to January 24, 1977 may be renewed for one five (5) year period under the ordinances in effect at the time the permit was originally granted, provided that the principal user is the same as the one who originally received the special permit. Thereafter, any renewal shall be subject to the provisions of this Ordinance.