



APPLICATION ACCEPTED: November 9, 2011
BOARD OF ZONING APPEALS: January 25, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 18, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MV-097

MOUNT VERNON DISTRICT

APPLICANT: Russell L. Brown

OWNERS: Russell L. Brown
Cynthia A. Brown

SUBDIVISION: Kings Hill

STREET ADDRESS: 3801 Quisenberry Drive

TAX MAP REFERENCE: 101-4 ((23)) 0015, 101-4 ((01)) 0055

LOT SIZE: 20,869 square feet

ZONING DISTRICT: R-2, R-3

ZONING ORDINANCE PROVISIONS: 8-918

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit within an existing dwelling.

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-MV-097 for an accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

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

O:\rhomera\Special Permits\rusty brown ADU\Brown Staff Report.doc

Rebecca Homer

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.**

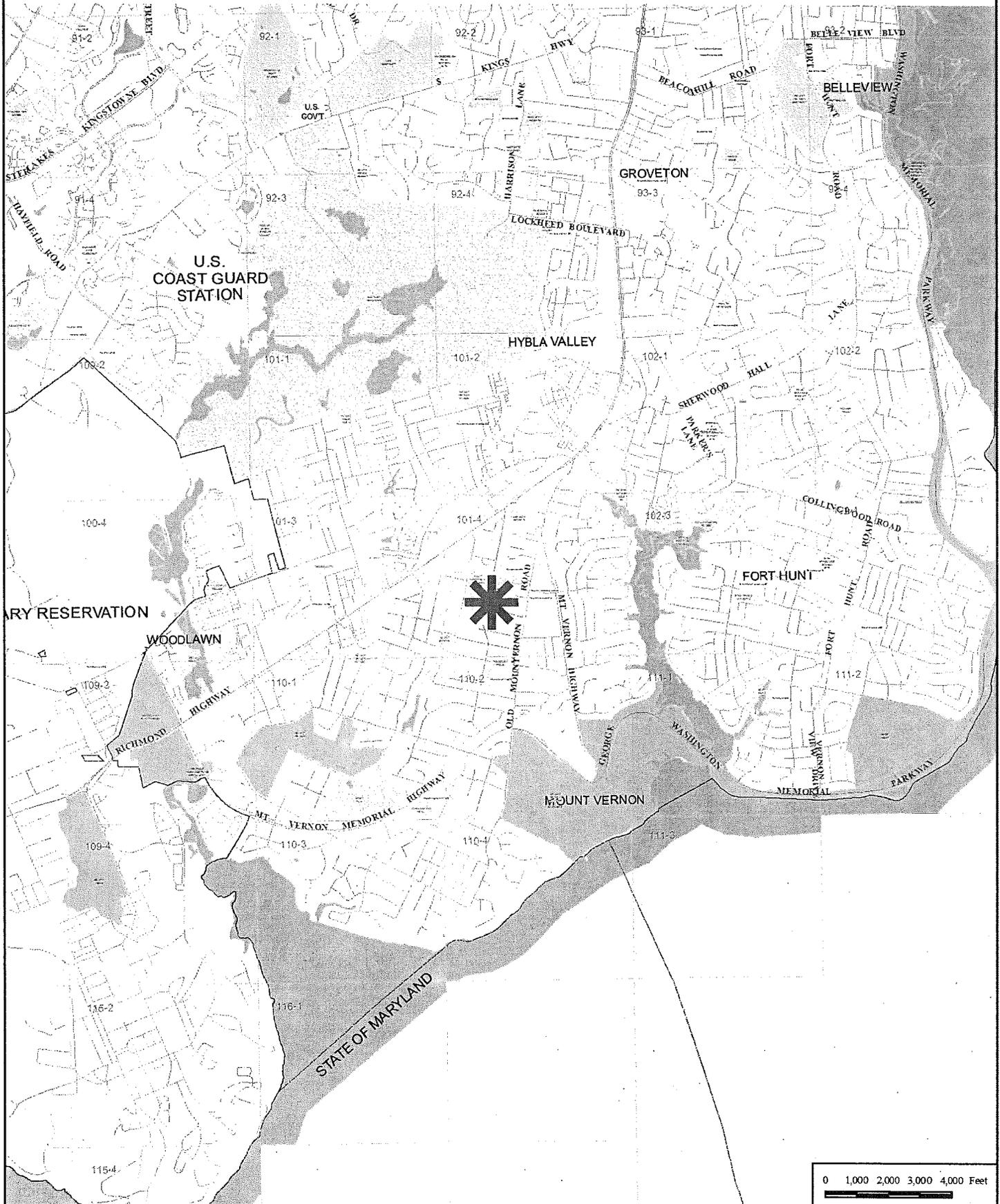


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2011-MV-097

RUSSELL L BROWN



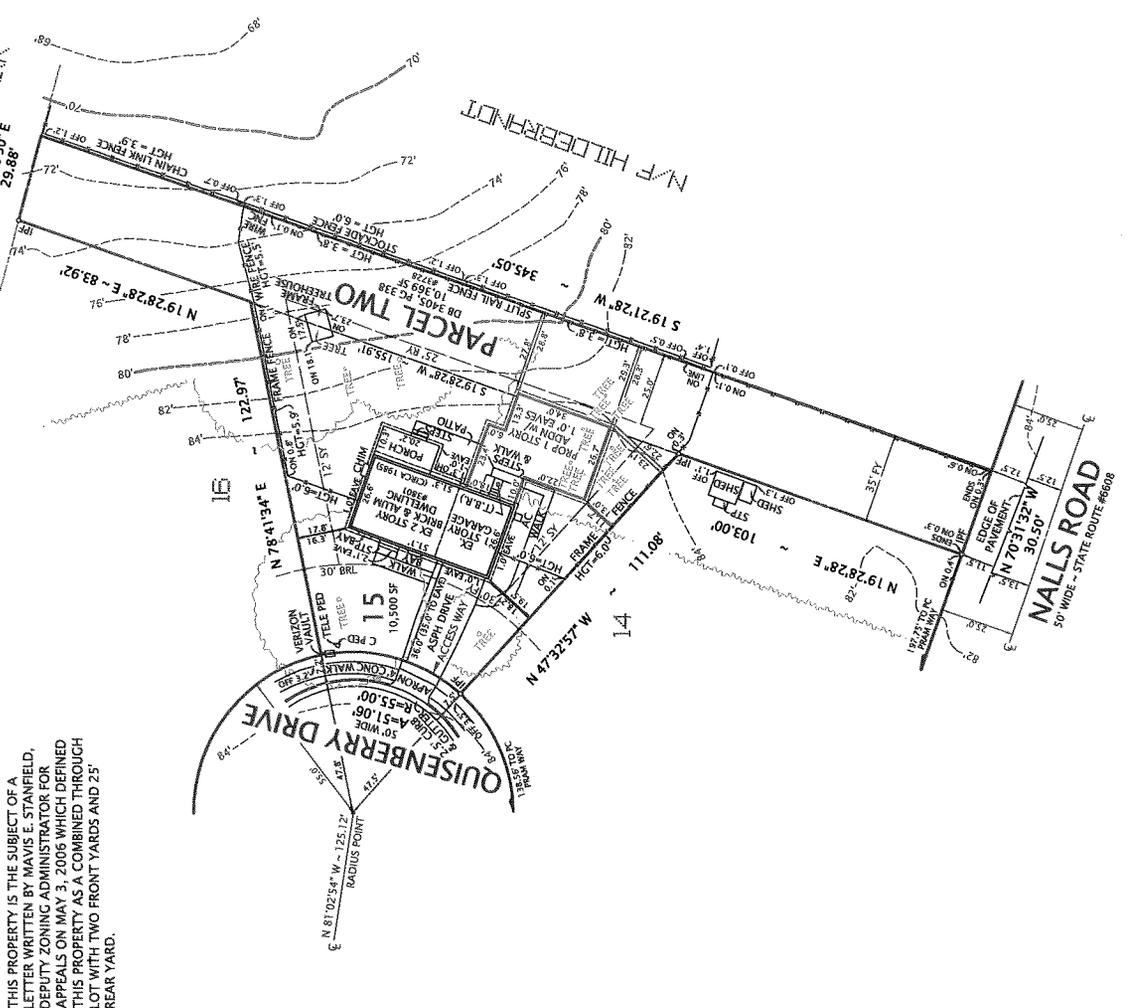
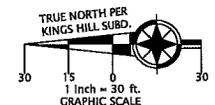
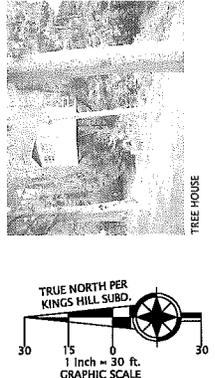
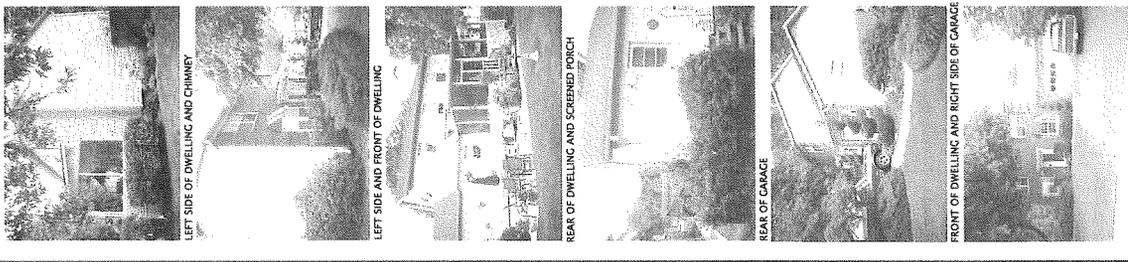
Special Permit
SP 2011-MV-097
RUSSELL L BROWN



#3728 NALLS ROAD
 TAX MAP: 101-4-01-0085
 ZONE: R-2 (RESIDENTIAL 2 DU/AC)
 LOT AREA: 10,369 SF (0.2380 ACRE)
 REQUIRED YARDS:
 FRONT: = 35.0 FEET
 SIDE: = 15.0 FEET
 REAR: = 25.0 FEET

THIS PROPERTY IS THE SUBJECT OF A LETTER WRITTEN BY MAVIS E. STANFIELD, DEPUTY ZONING ADMINISTRATOR FOR APPEALS ON MAY 3, 2006 WHICH DEFINED THIS PROPERTY AS A COMBINED THROUGH LOT WITH TWO FRONT YARDS AND 25' REAR YARD.

KINGS HILL, LOT 15
 TAX MAP: 101-4-23-0015
 ZONE: R-3 (RESIDENTIAL 3 DU/AC)
 LOT AREA: 10,500 SF (0.2410 ACRE)
 REQUIRED YARDS:
 FRONT: = 30.0 FEET
 SIDE: = 12.0 FEET
 REAR: = 25.0 FEET



- NOTES:
- TOTAL LOT AREA: 20,869 SF (0.4791 ACRE)
 - HEIGHTS:
 - EX. DWELLING = 23.4 FEET (MID LINE OF ROOF)
 - EX. TREEHOUSE = 18.0 FEET (TOTAL)
 - PROP. ADDN. = 17.1 FEET (TO EX. GARAGE RIDGELINE)
 - EX. OPEN PORCH = 10.8 FEET (TO EX. GARAGE EAVE)
 - EX. OPEN PORCH = 14.0 FEET (TOTAL)
 - 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 PLAN ARE EXISTING UNLESS DENOTED AS PROPOSED.
 - THE PROPOSED ADDITION WILL REQUIRE THE REMOVAL OF THE REAR STEPS, WALK, PART OF PATIO, AND TREES. (AS NECESSARY)
 - 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 = 833 SF
 - EX. FIRST FLOOR = 1,562 SF
 - EX. SECOND FLOOR = 833 SF
 - EX. CROSS FLOOR AREA = 3,728 SF
 - EX. FLOOR AREA RATIO: 0.15
 - PROP. 1 STORY ADDITION: 968 SF
 - PROP. 1 STORY ADDITION / EX. GFA = 0.2999
 - PROP. GROSS FLOOR AREA = 4,196 SF
 - PROP. FLOOR AREA RATIO = 0.20

SHOWING HOUSE LOCATION ON
 PLAT
 LOT 15
KINGS HILL
 (GRID BOOK 5819, PAGE 719)
 AND
 THE PROPERTY LOCATED AT
#3728 NALLS ROAD
 (PARCEL TWO)
 (GRID BOOK 3405, PAGE 338)
 FAIRFAX COUNTY, VIRGINIA
 MOUNT VERNON DISTRICT
 SEPTEMBER 28, 2011
 SCALE: 1" = 30'
 NOVEMBER 02, 2011 (AREAS)

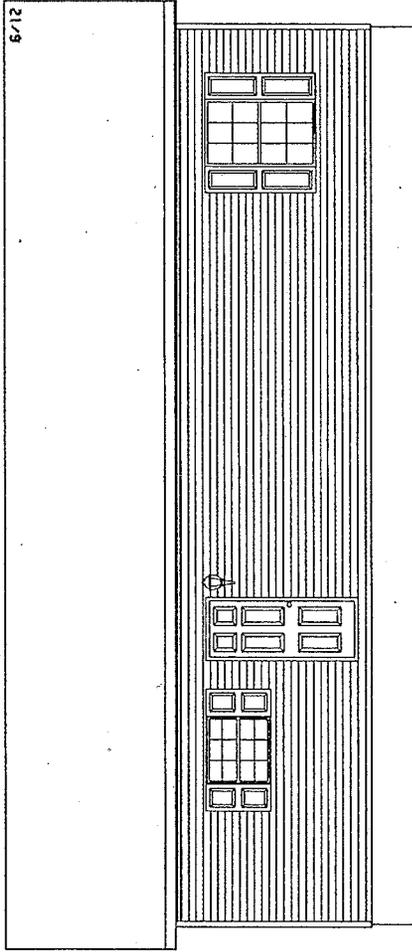
FAIRFAX COUNTY
 PARK AUTHORITY
 GEORGE WASHINGTON
 COMMUNITY PARK

COMMONWEALTH OF VIRGINIA
 09/28/2011
 LICENSE NO. 2009
 George M. O'Quinn

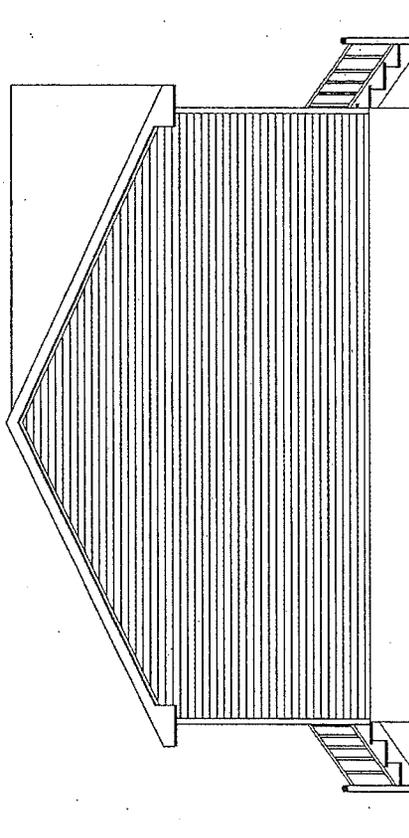
DOMINION Surveyors Inc.
 8808-H PEAR TREE VILLAGE COURT
 ALEXANDRIA, VIRGINIA 22309
 TEL: 703.965.215
 FAX: 703.965.212

I HEREBY CERTIFY THAT THE PORTIONS 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 PLAN IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.



BACK ELEVATION



LEFT SIDE ELEVATION

APPROVED BY
NFA INC.
 07/20/2011
 Approval of this document does not authorize or
 constitute an endorsement of the product or
 requirements of applicable State Laws.

BRAND	SCHULT	SERIES	MD28	REVISIONS	BY	DATE	GENERAL NOTES	DRAWING TITLE	MODEL NAME	SD. FT.
								EXTERIOR ELEVATION BACK & LEFT SIDE	958	986
CMH MANUFACTURING, INC.									DESCRIPTION	MODEL NO.
									28X40 2BR-2BR	SN245021JN799
									ISSUED BY	DATE PRINTED
									DRG	07/14/2011
									ISSUED BY	SHEET NO.
									DRG	20-2

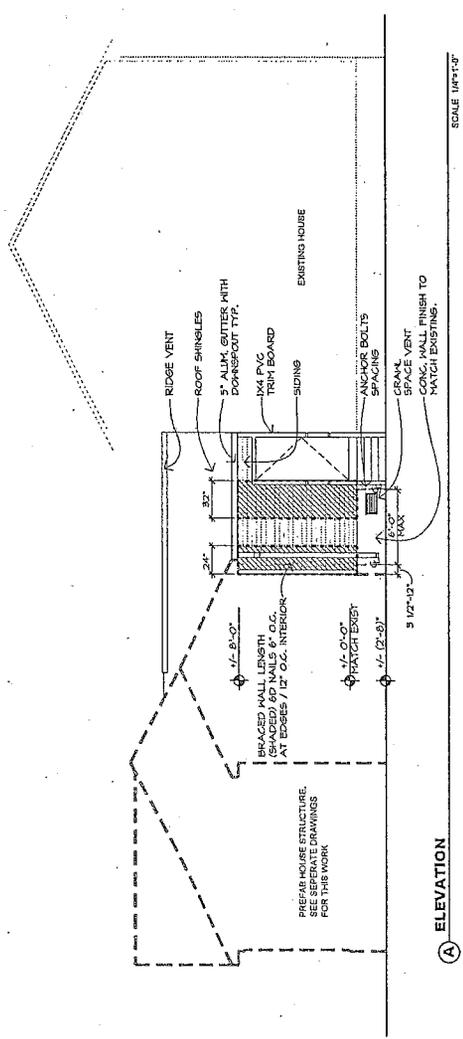


ARCHITECTS GROUP PRACTICE
 415 NORTH ALFRED STREET - ALZEMERIA - VIRGINIA - 22181
 CONTACTING

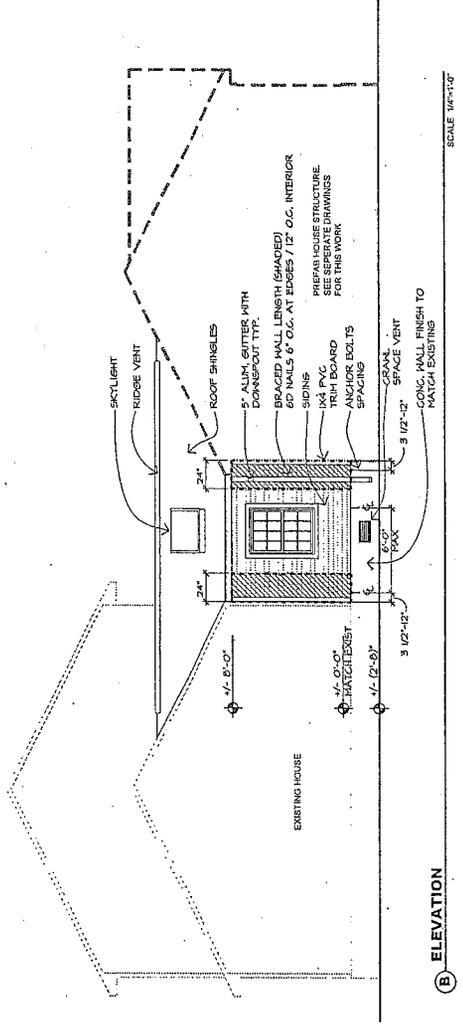
PROJECT TITLE
 ELEVATIONS

PROJECT
 BROWN'S RESIDENCE
 SHEET NO. 08.21.11

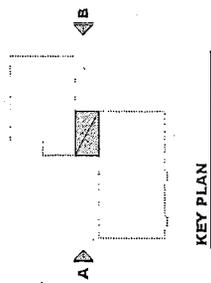
SHEET NUMBER
A3



A ELEVATION
 SCALE 1/4"=1'-0"



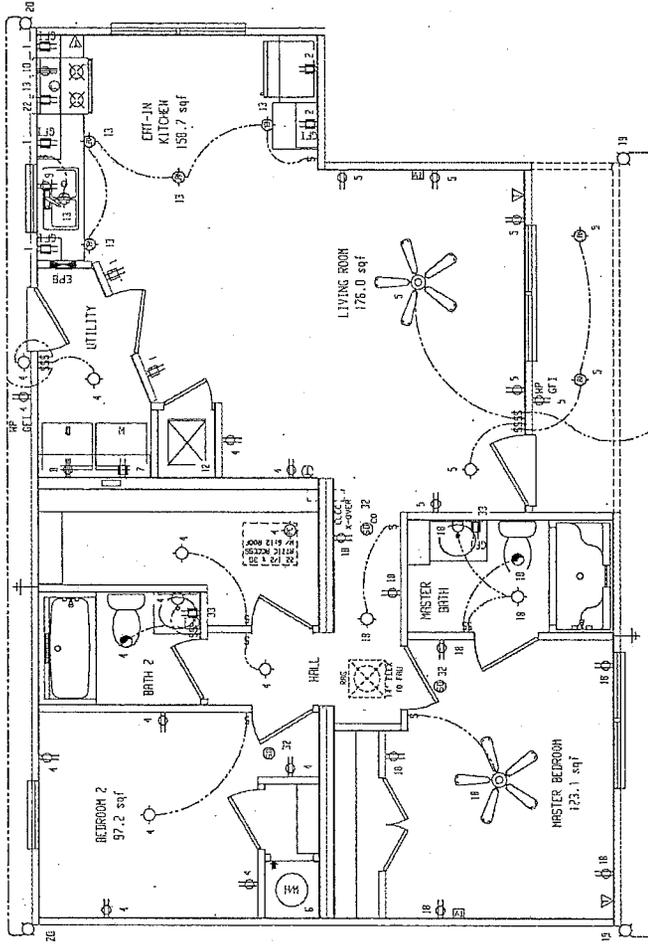
B ELEVATION
 SCALE 1/4"=1'-0"



KEY PLAN

APPROVED BY
NIA INC.
 07/20/2011

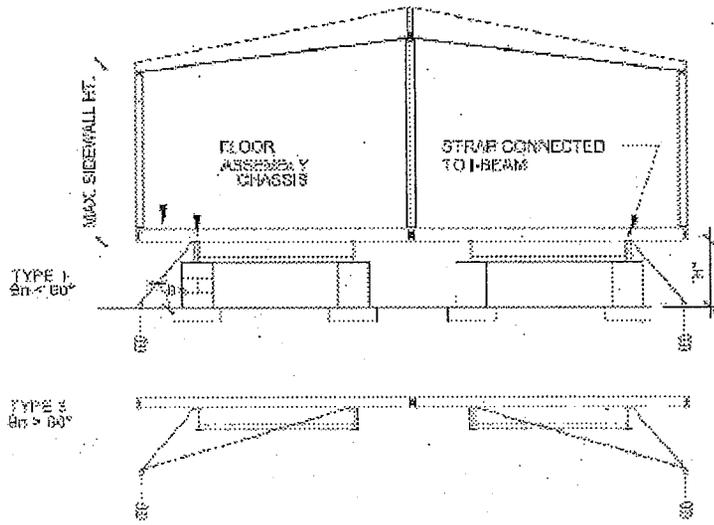
Approval of this document does not authorize or approve any deviation or deviations from the requirements of applicable State Laws.



ALL FAMILY, DINING, LIVING, PARLOR, LIBRARIES, DENS, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS OR SIMILAR ROOMS OR SPACES SHALL BE PROTECTED BY A LISTED ARC-FAULT CIRCUIT INTERRUPTER.

ELECTRICAL SCHEDULE									
NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION
1	PORTABLE APPLIANCES	20	120 V	12	120 V	13	120 V	14	120 V
2	PORTABLE APPLIANCES	20	120 V	13	120 V	14	120 V	15	120 V
3	PORTABLE APPLIANCES	20	120 V	14	120 V	15	120 V	16	120 V
4	120V LIGHTING	15	120 V	16	120 V	17	120 V	18	120 V
5	120V LIGHTING	15	120 V	17	120 V	18	120 V	19	120 V
6	120V LIGHTING	15	120 V	18	120 V	19	120 V	20	120 V
7	120V LIGHTING	15	120 V	19	120 V	20	120 V	21	120 V
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9	120V LIGHTING	15	120 V	21	120 V	22	120 V	23	120 V
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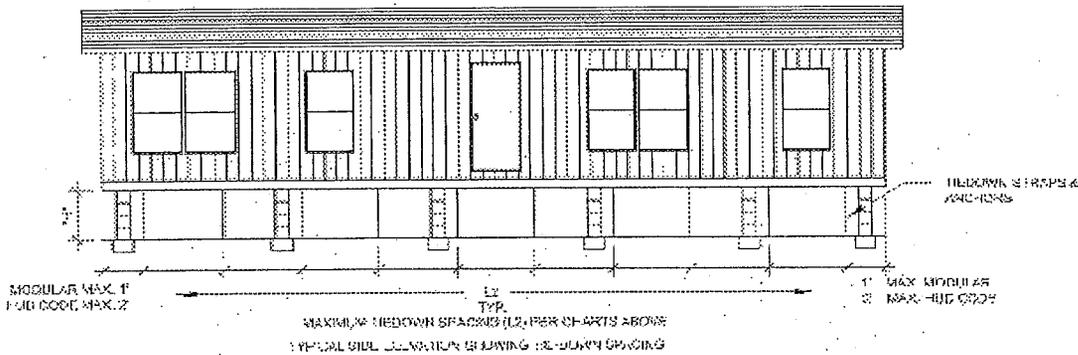
2-SECTION MODULAR



APPROVED BY
NIA INC.
 07/20/2011
Approval of this document does not authorize or approve any deviation or deviations from the requirements of applicable State Laws.

HEIGHT "H"	(2) BOX 160" UNIT WIDTHS	
	CONFIG. TYPE	MAX. SPACING (L2)
20 in	1	16 ft
30 in	1	16 ft
40 in	1	16 ft
50 in	3	11.98*
60 in	3	11.98*

* Additional strap must be attached to far beam frame tiedown installed since near beam strap angle



Model: 245021
 Customer: Brown
 Halifax county
 Virginia

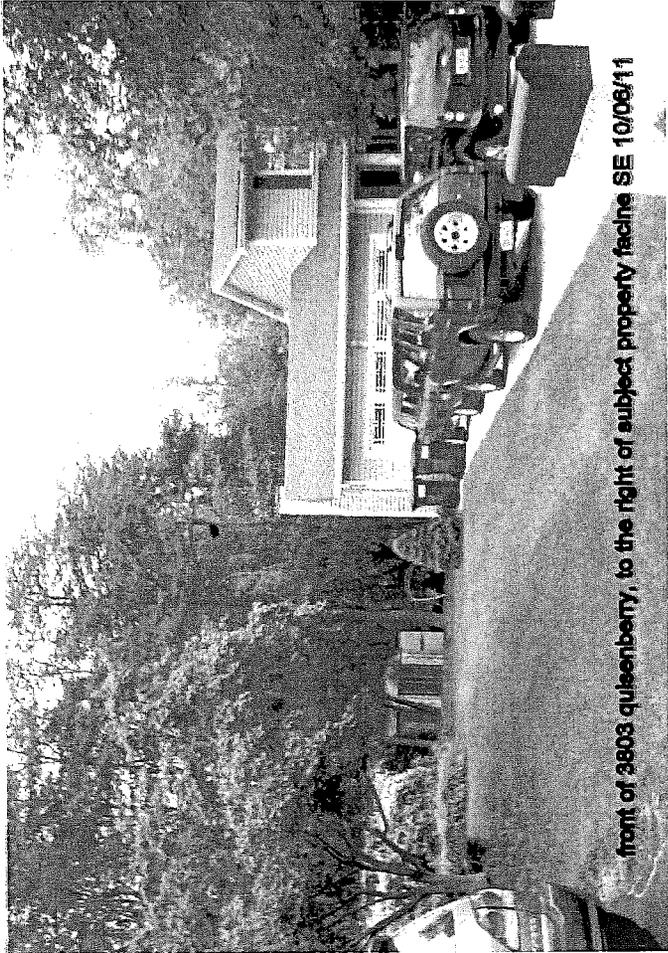
- NOTES:
- 1 MAXIMUM SIDEWALL HEIGHT OF 105.25 inches. & MAXIMUM OVERHANG OF 12".
 - 2 MAXIMUM ANCHOR INSET OF 6".
 - 3 DESIGNED TO THE IRC (2009)
 - 4 MAXIMUM WIND SPEED OF 90 MPH.
 - 5 ANCHOR EQUIPMENT & STRAPS SHALL HAVE A LISTED DESIGN CAPACITY OF: ANCHORS=3150LBS. STRAPS=3150 LBS. & VERTICAL SIDEWALL ATTACHMENTS=1062 LBS.
 - 6 CHASSIS BEAM SPACE =98.5".
 - 7 RESERVED
 - 8 ANCHORING EQUIPMENT SHALL BE INSTALLED PER MFG. INSTRUCTIONS AND SHALL BE CERTIFIED FOR SITE CONDITIONS INCLUDING SOIL TYPE FOR DESIGN CAPACITY OF 3150 LBS. WITH PULL APPLIED AT A 30 DEGREE MINIMUM ANGLE FROM HORIZONTAL.
 - 9 SEE SETUP MANUAL FOR ALL OTHER SETUP REQUIREMENTS INCLUDING SHEARWALL TIEDOWN REQUIREMENTS.
 - 10 SPACING (L2) MAY NOT BE LESS THEN TWICE THE EMBEDMENT DEPTH OF THE ANCHOR.

Clayton Homes
 a Clayton Company

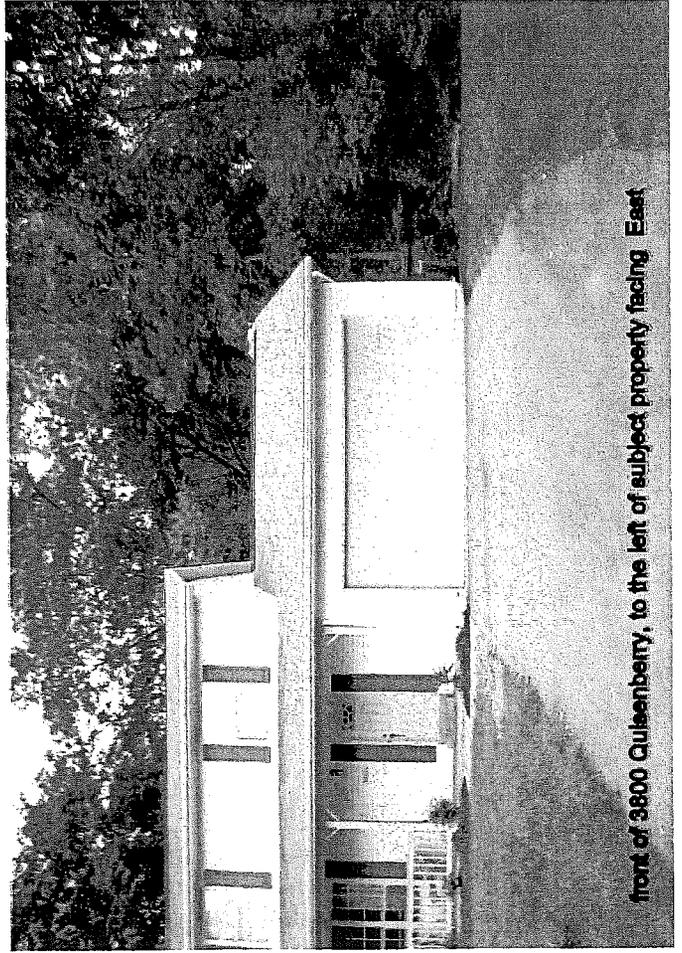
TRANSVERSE TIEDOWN ANCHORAGE REQUIREMENTS

DATE 8/28/08	958N-8.R.F.C.16.3.210(4)
PAGE #:	Page 15 OF 16

SP 2011-0249



front of 3803 quisenberry, to the right of subject property facade SE 10/08/11

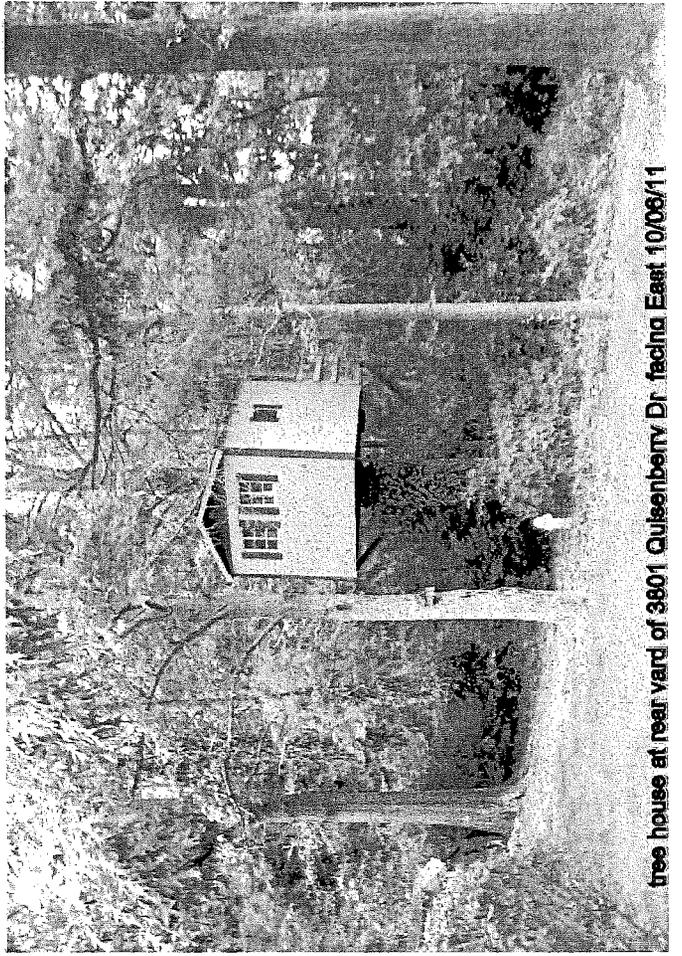


front of 3800 Quisenberry, to the left of subject property facing East

Pg 3 of 8



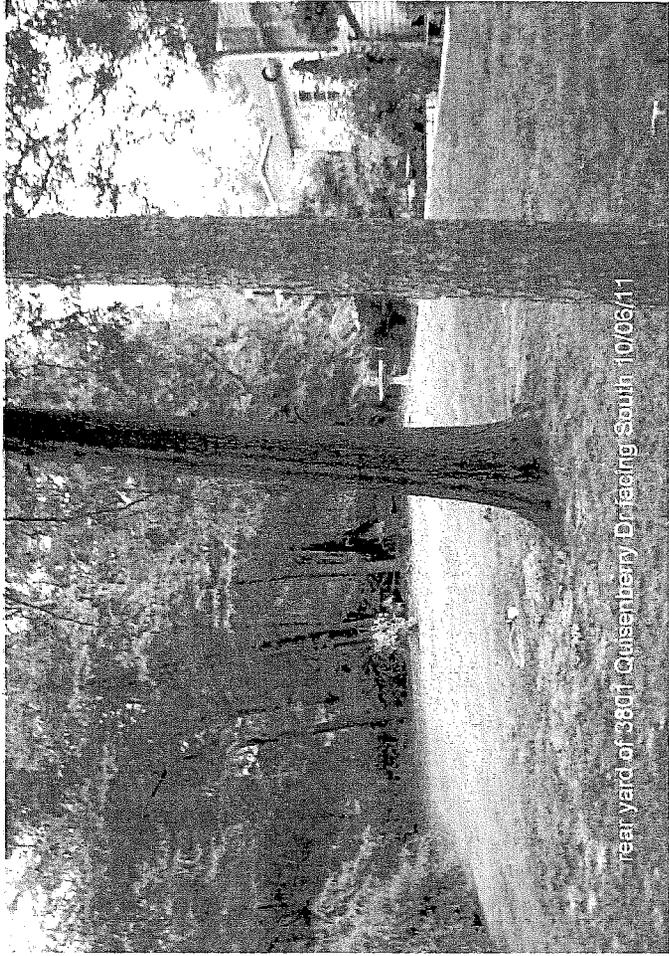
3800 quisenberry (taken from subject property driveway facing North 10/06/11)



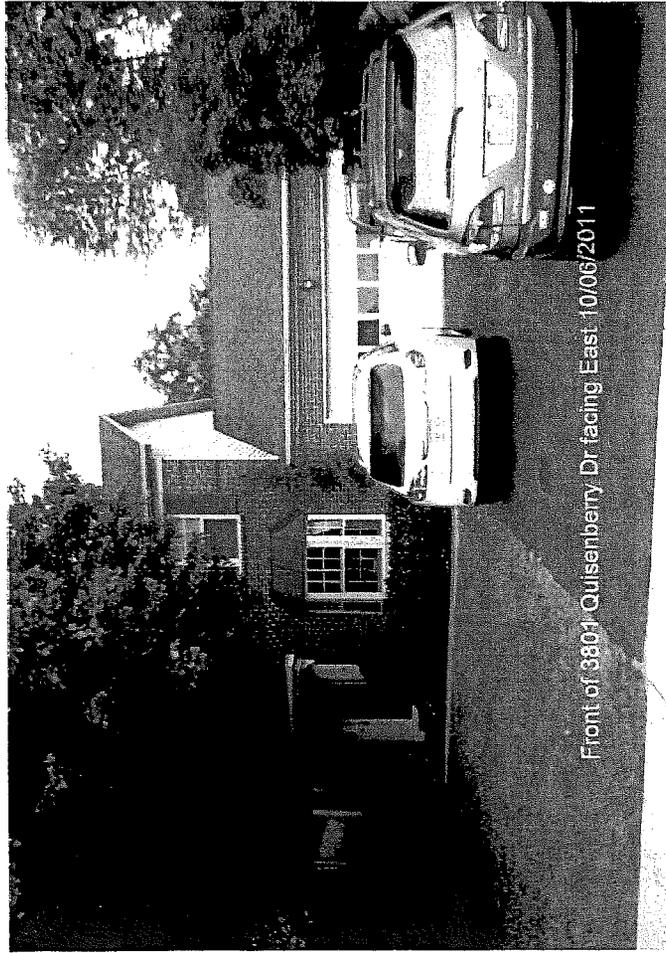
tree house at rear yard of 3801 Quisenberry Dr. facing East 10/08/11



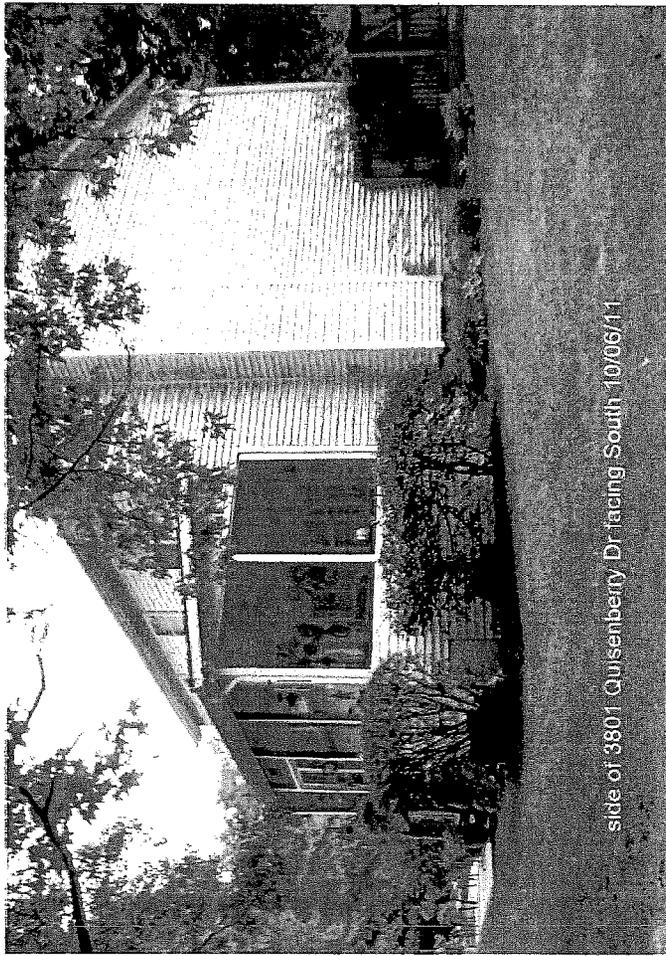
rear of 3801 Quisenberry Dr facing West 10/06/2011



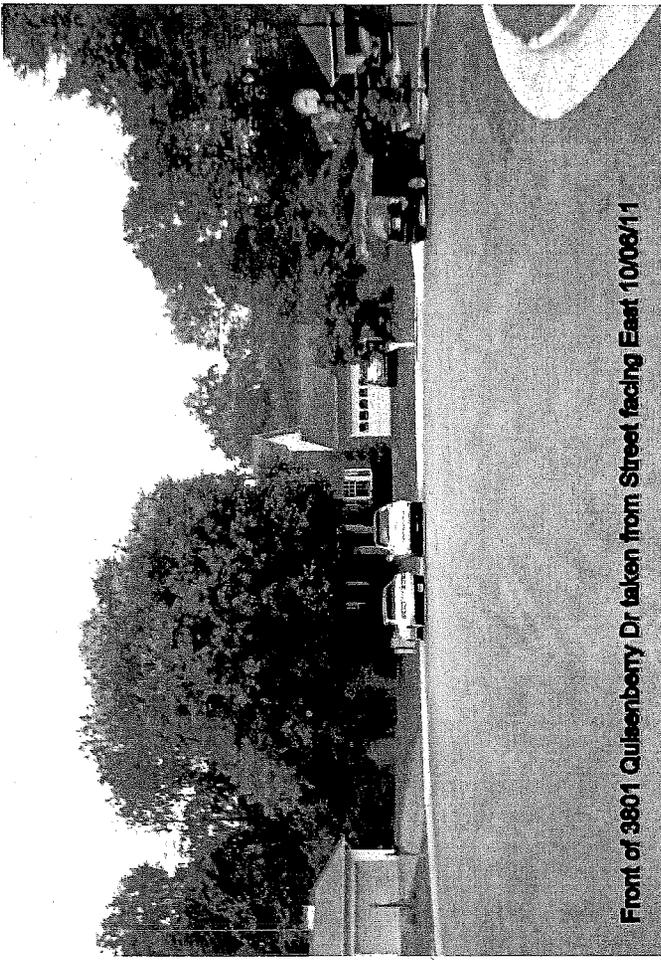
rear yard of 3801 Quisenberry Dr facing South 10/06/11



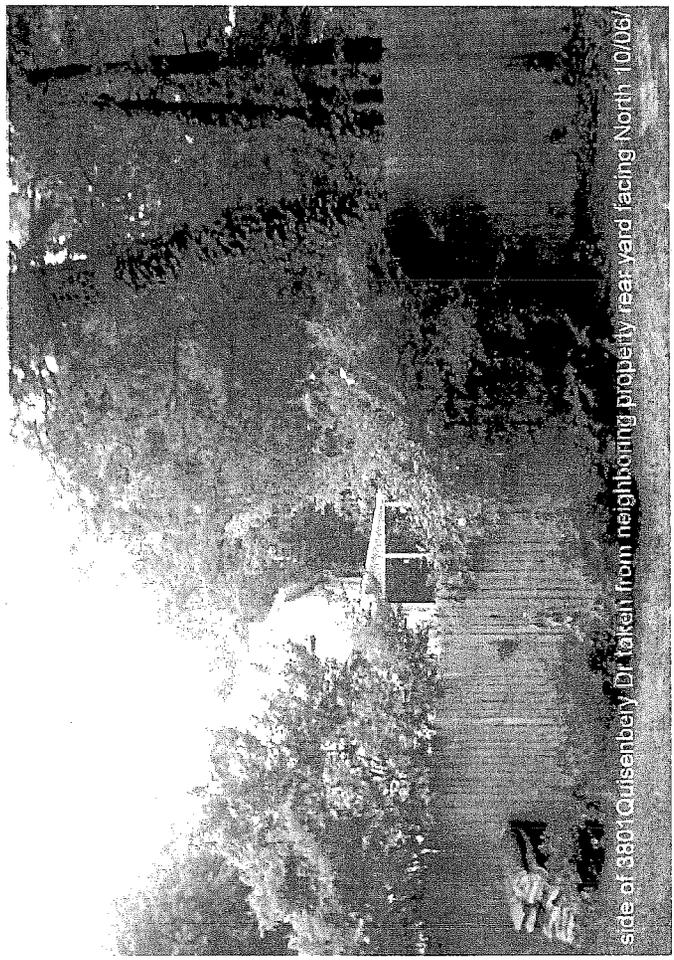
Front of 3801 Quisenberry Dr facing East 10/06/2011



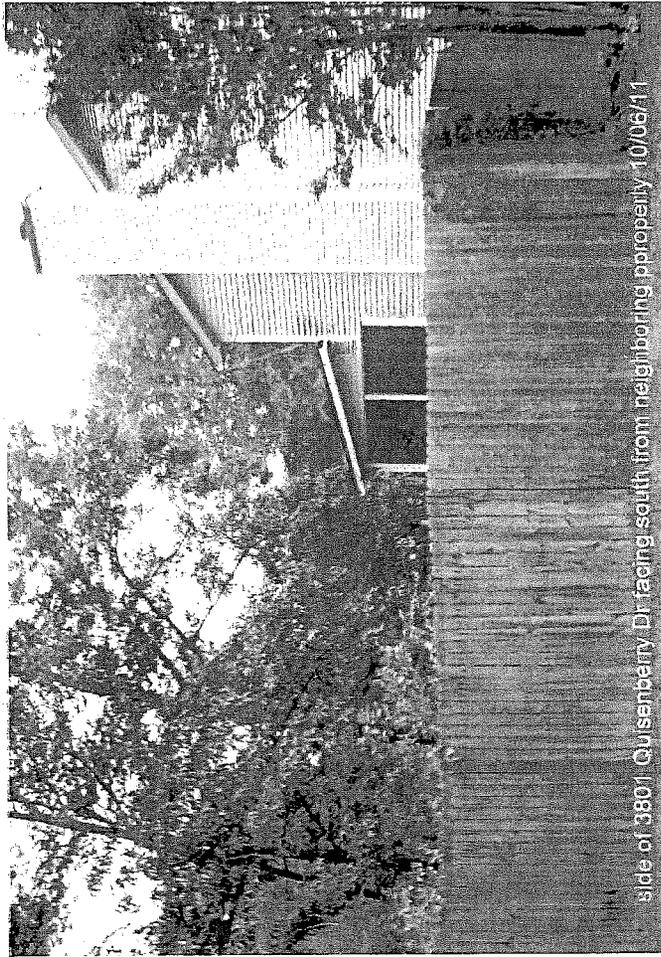
side of 3801 Quisenberry Dr facing South 10/06/11



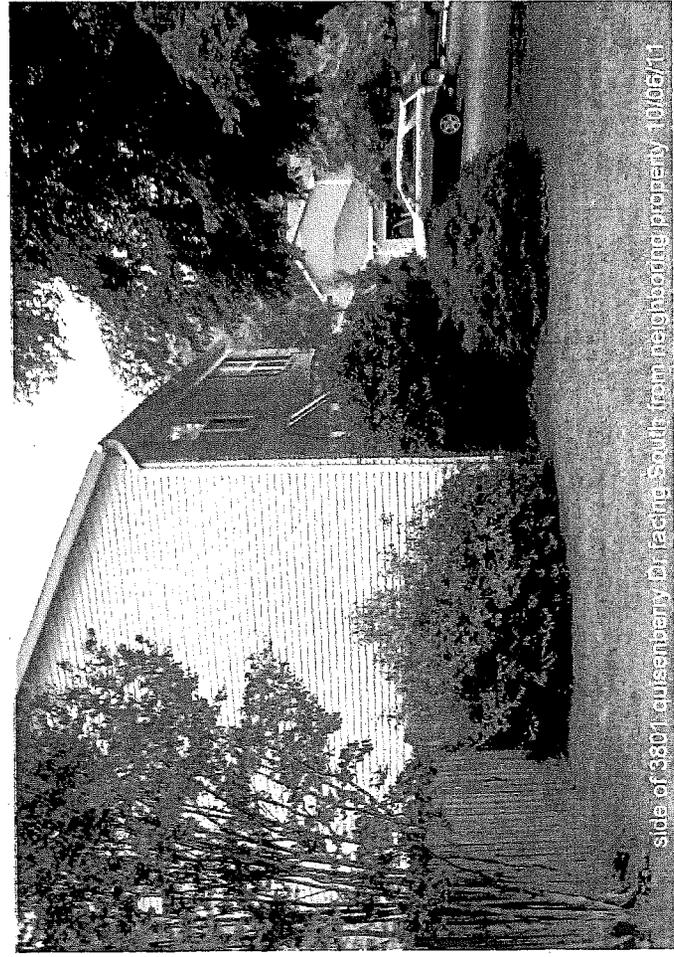
Front of 3801 Quisenberry Dr taken from Street facing East 10/06/11



side of 3801 Quisenberry Dr taken from neighboring property rear yard facing North 10/06/11

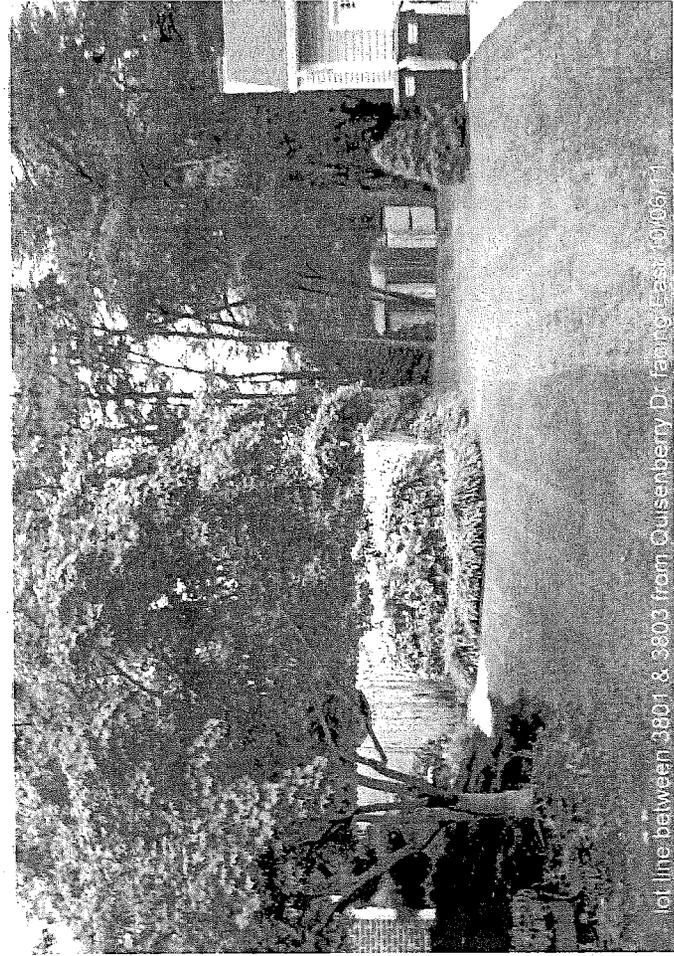


side of 3801 Quisenberry Dr facing south from neighboring property 10/06/11



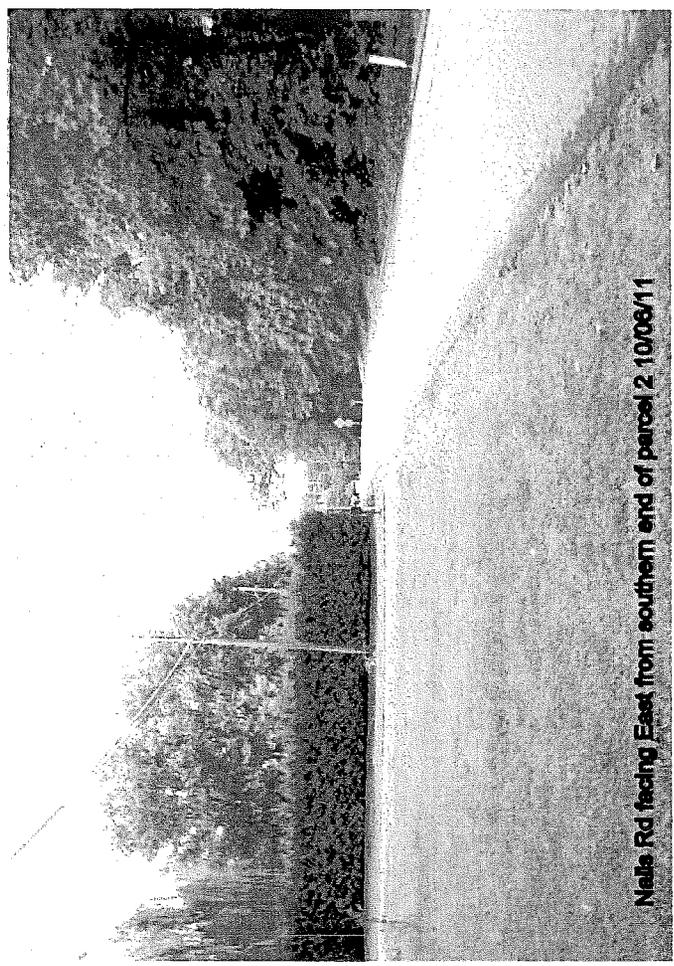
side of 3801 Quisenberry Dr facing South from neighboring property 10/06/11

SP 2011-0449

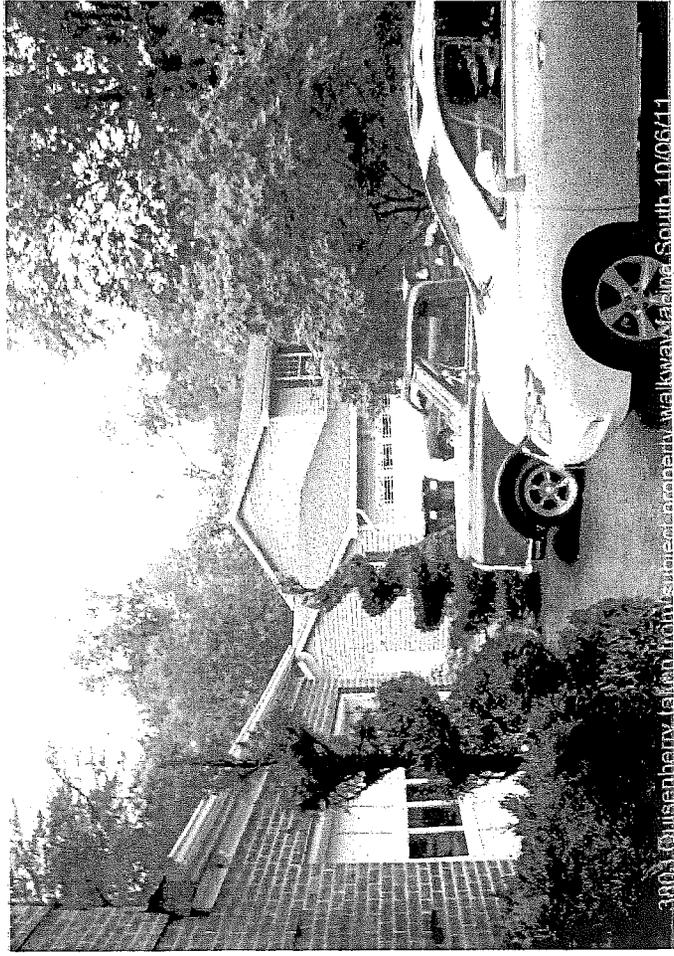


lot line between 3801 & 3803 from Oulsenberry Dr facing East 10/06/11

P34 of 8



Nails Rd facing East from southern end of parcel 2 10/06/11

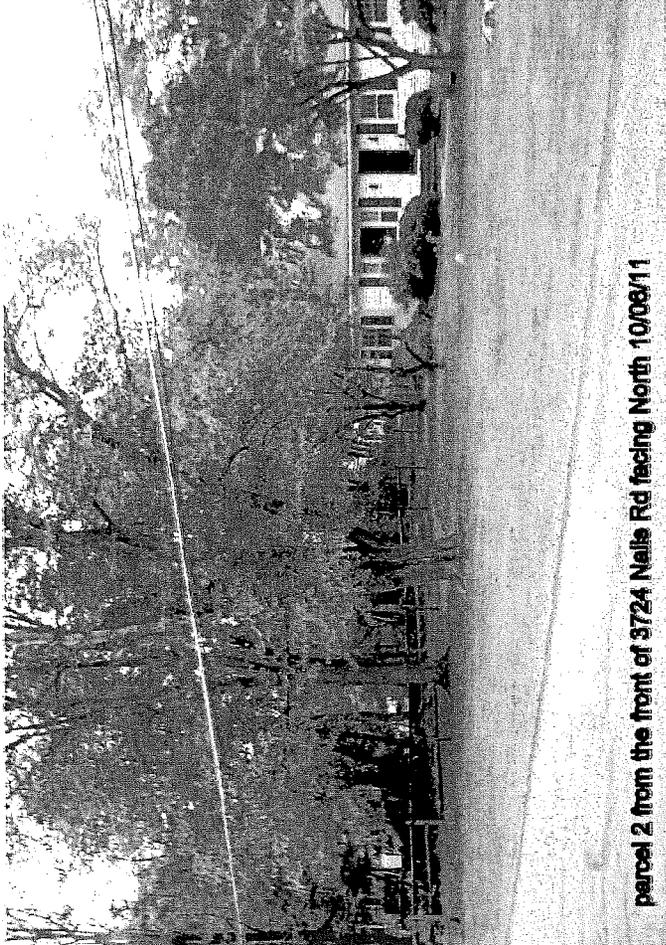


3801 Oulsenberry taken from intersection between Walkway and Nails Rd facing South 10/06/11



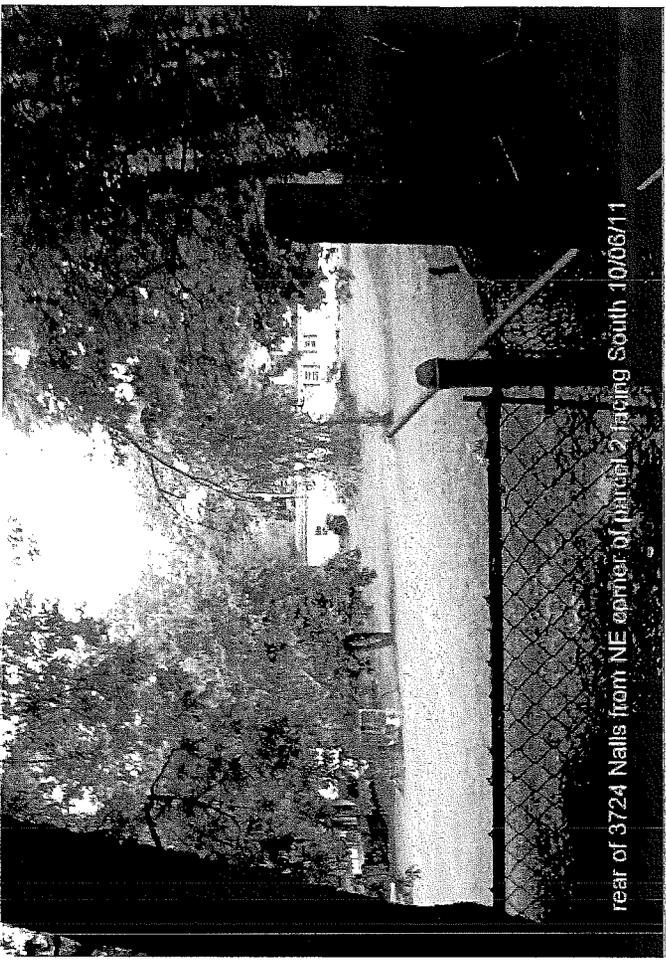
Driveway between 3801 & 3803 Oulsenberry Dr facing East 10/06/11

SP 2011-0249

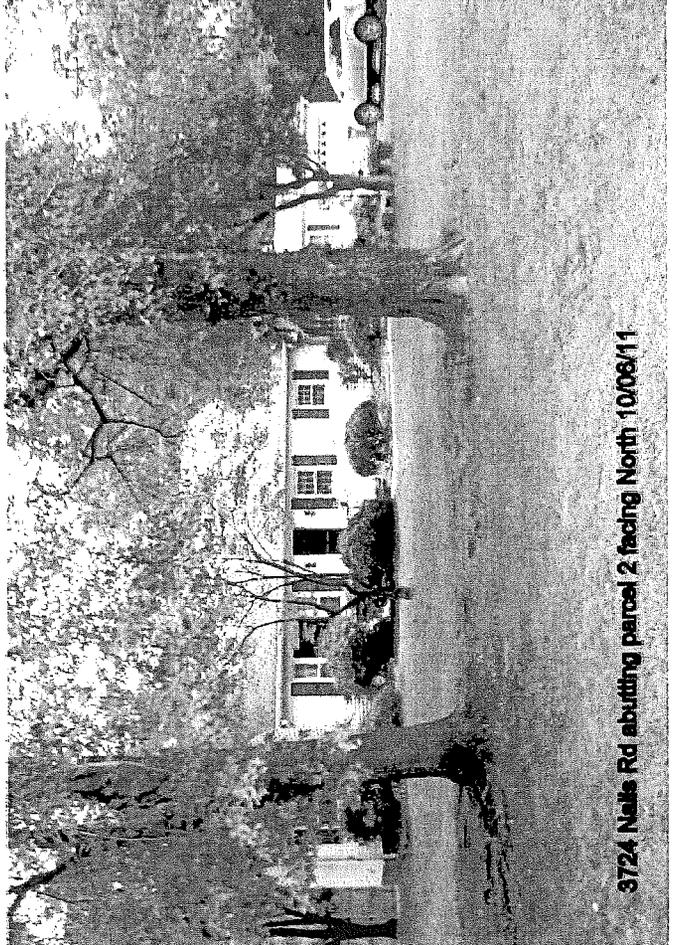


parcel 2 from the front of 3724 Nails Rd facing North 10/06/11

8 p 54 8



rear of 3724 Nails from NE corner of parcel 2 facing South 10/06/11



3724 Nails Rd abutting parcel 2 facing North 10/06/11



lot line of parcel 2 from parcel 1 facing North 10/06/11

SP 2011-0749

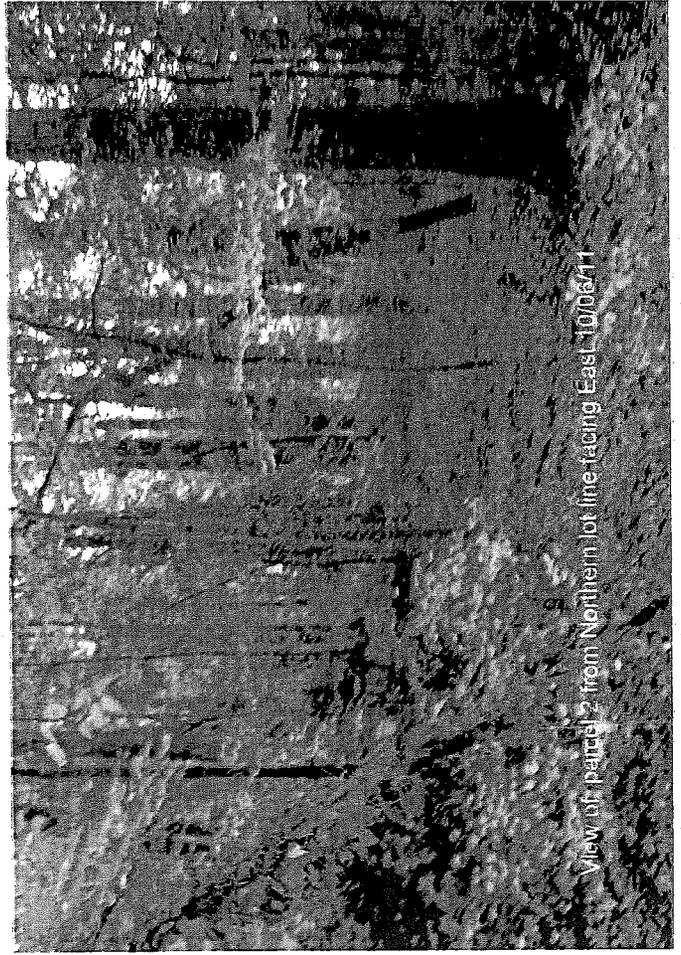
Pg 6 of 8



Parcel 2 lot line from NW corner facing South 10/06/11



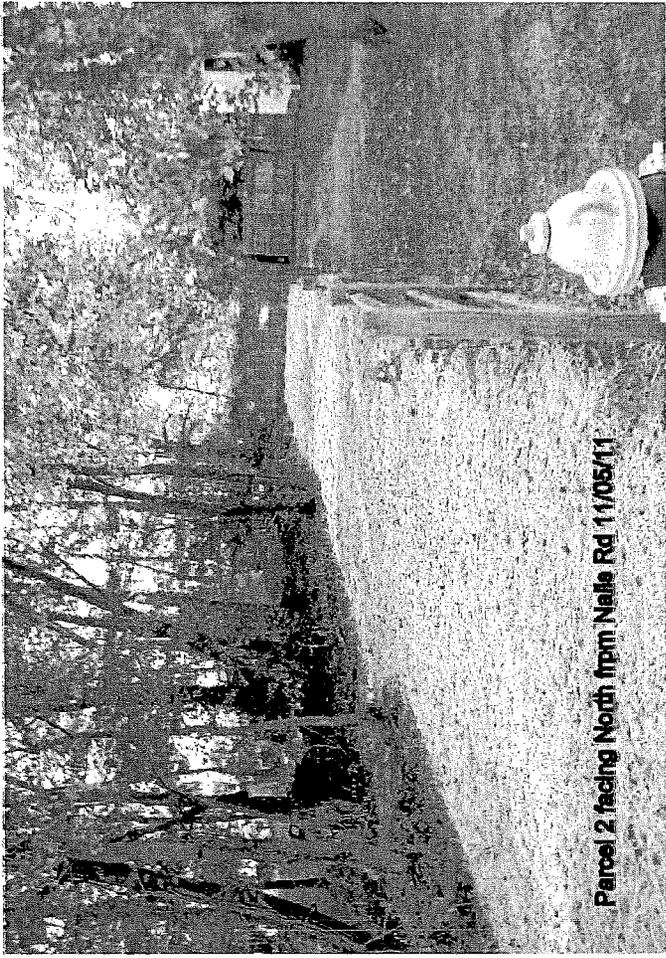
3601 Quisenberry Dr lot line from NW corner facing West 10/06/11



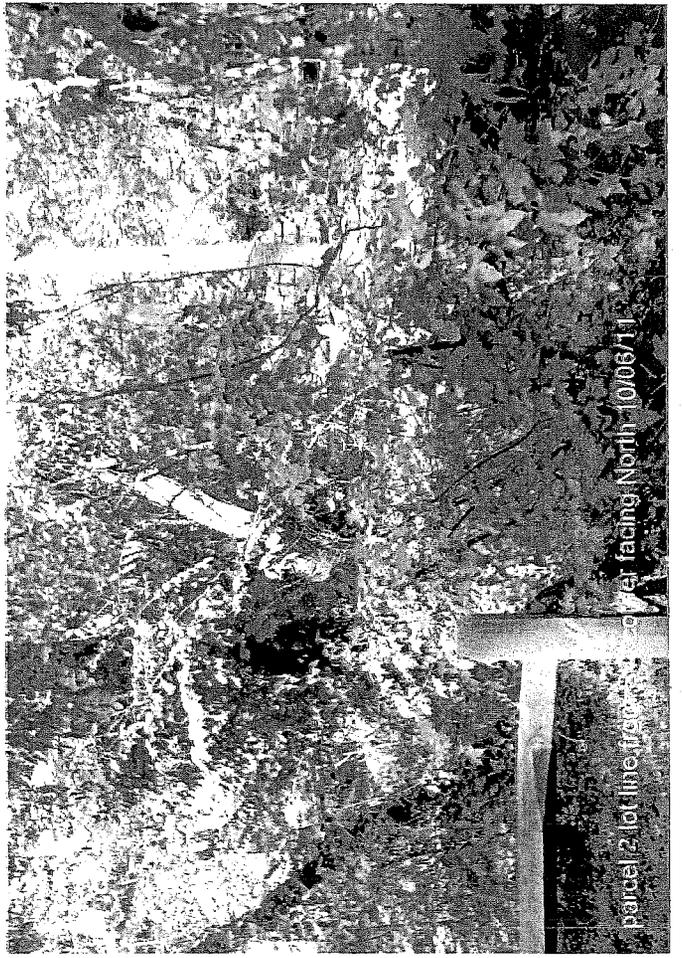
View of parcel 2 from Northern lot line facing East 10/06/11



NE corner of 3601 Quisenberry Dr facing north view of parcel 2 10/06/11



Parcel 2 facing North from Nalle Rd 11/05/11



parcel 2 lot line facing North 10/06/11



3801 Quisenberry lot line from SW corner facing West 10/06/11

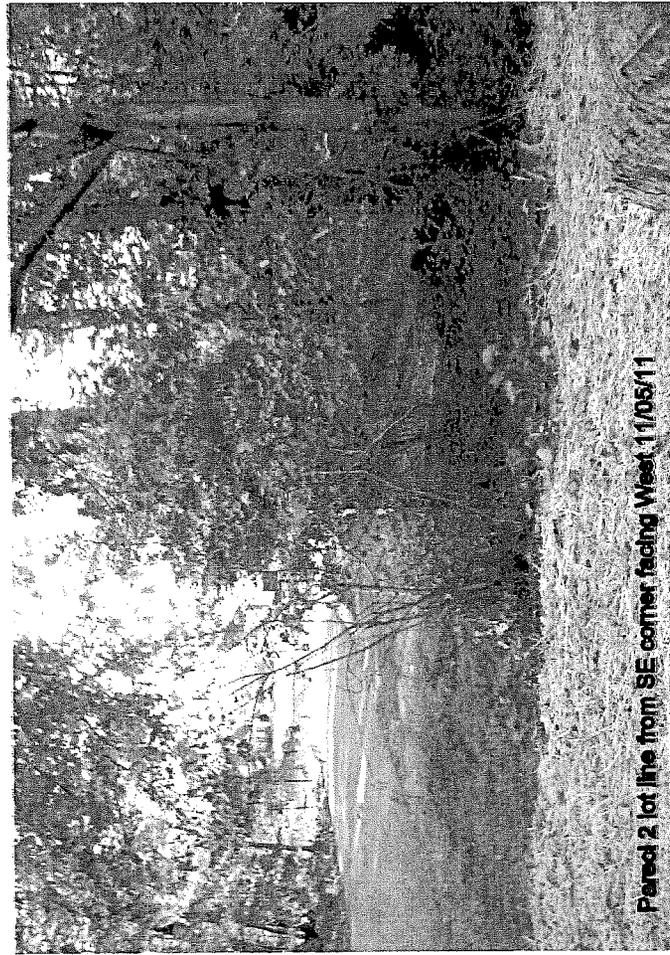


3801 Quisenberry lot line from SW corner facing West 10/06/11

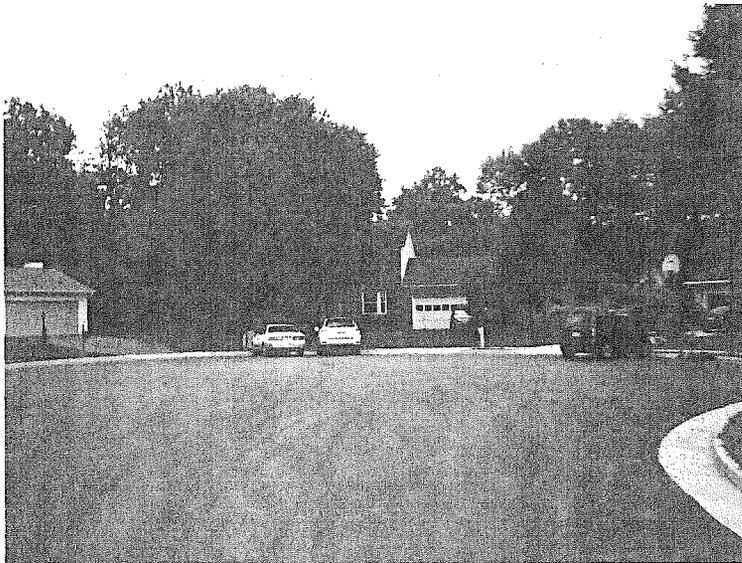
SP 2011-0249 P9848



Parcel from SW corner facing North 1/05/11

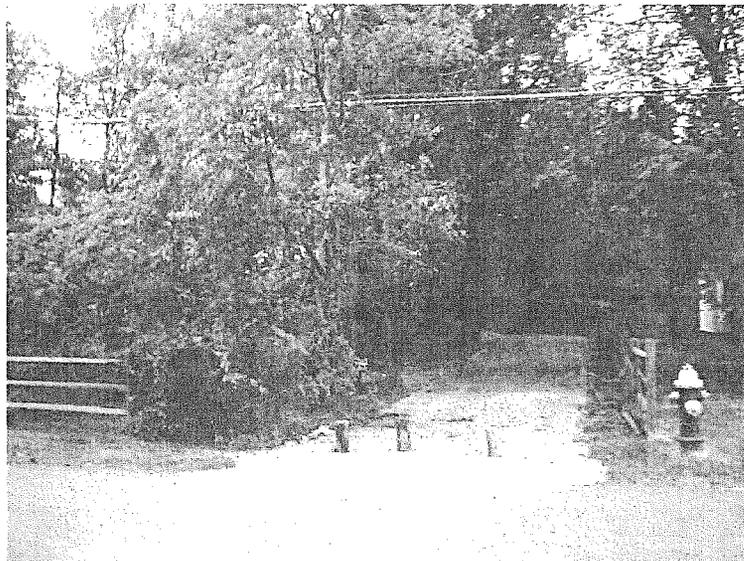
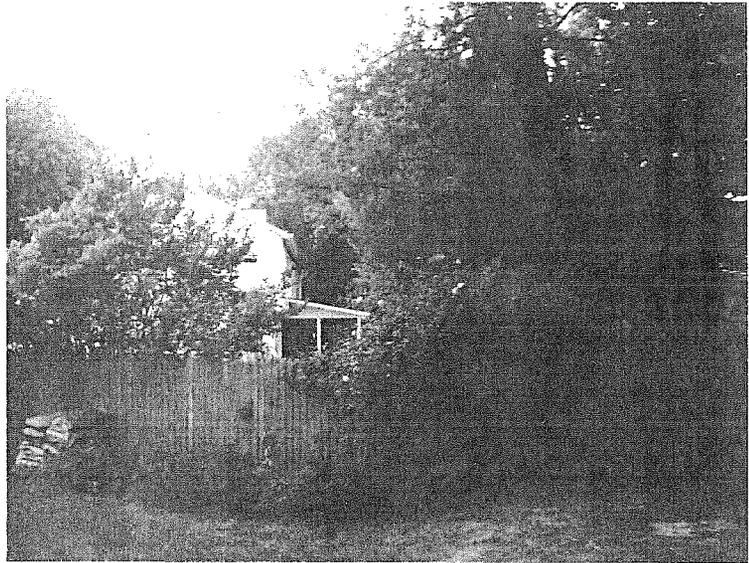


Parcel 2 lot line from SE corner facing West 1/05/11



August 21, 2011. 3801
Quisenberry Dr. Facing East

3801 Quisenberry Dr Facing
North from neighboring property

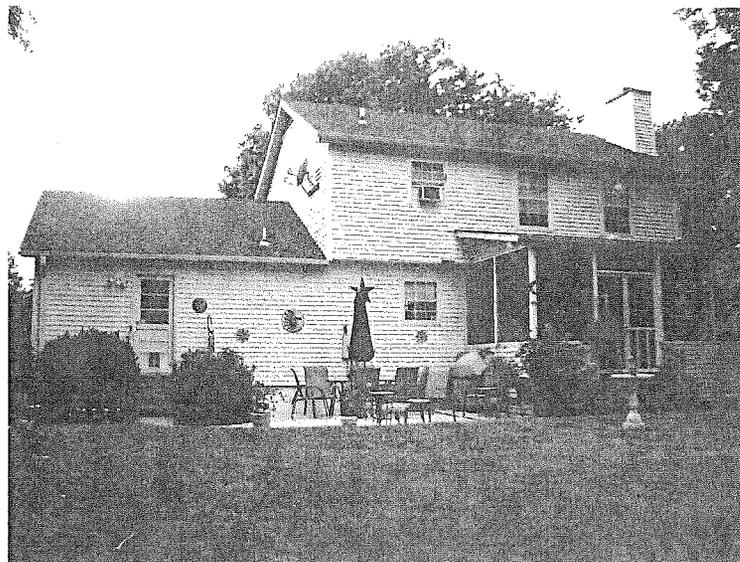
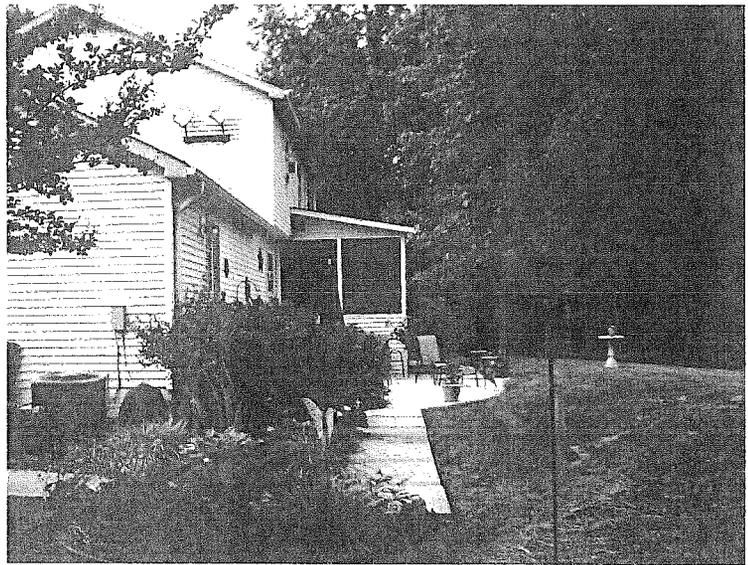


3728 Nalls Rd. Facing North
towards side of 3801 Quisenberry
Dr.

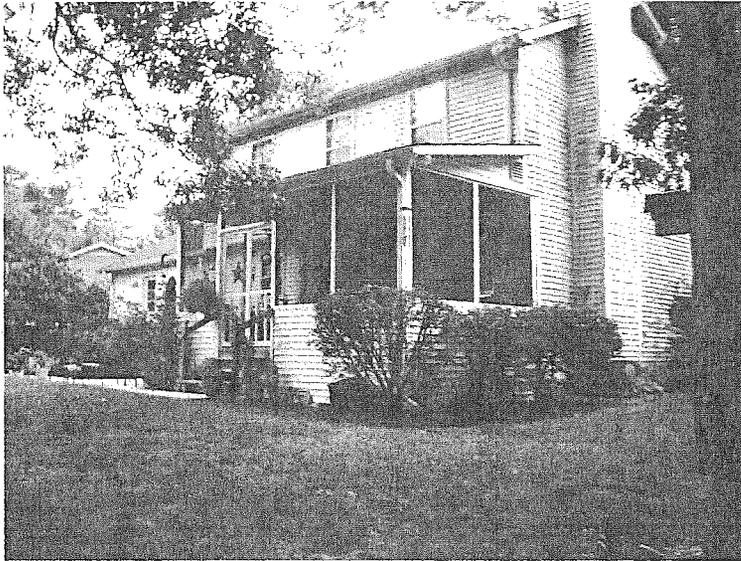


3728 Nalls Rd Facing North
towards side yard of 3801
Quisenberry Dr

August 21, 2011. Rear of 3801
Quisenberry Dr facing North

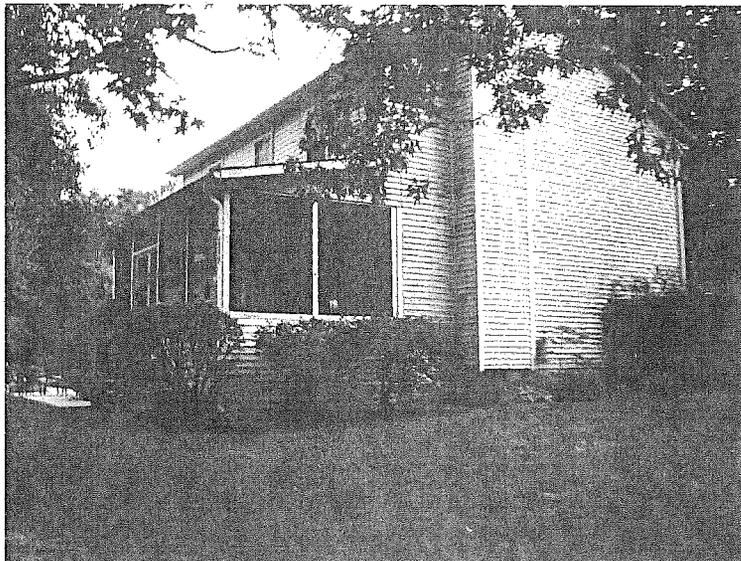


Rear of 3801 Quisenberry Dr
facing west

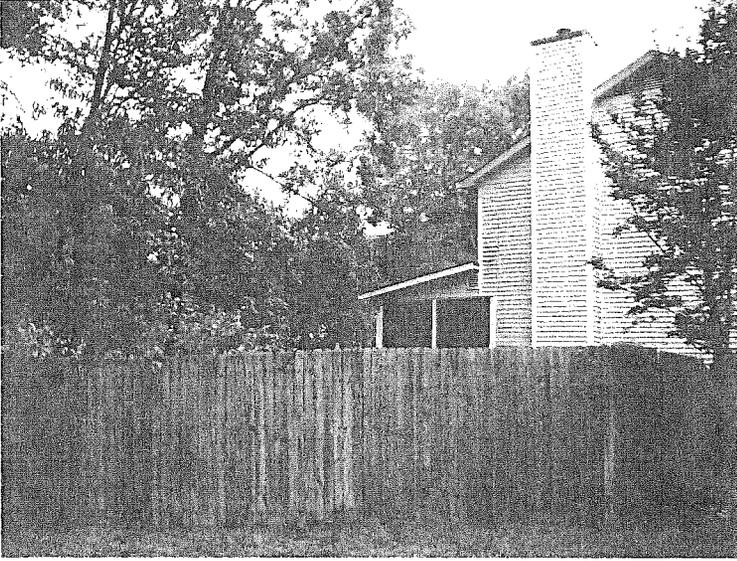


Aug 21, 2011 Rear of 3801
Quisenberry Dr facing south/west

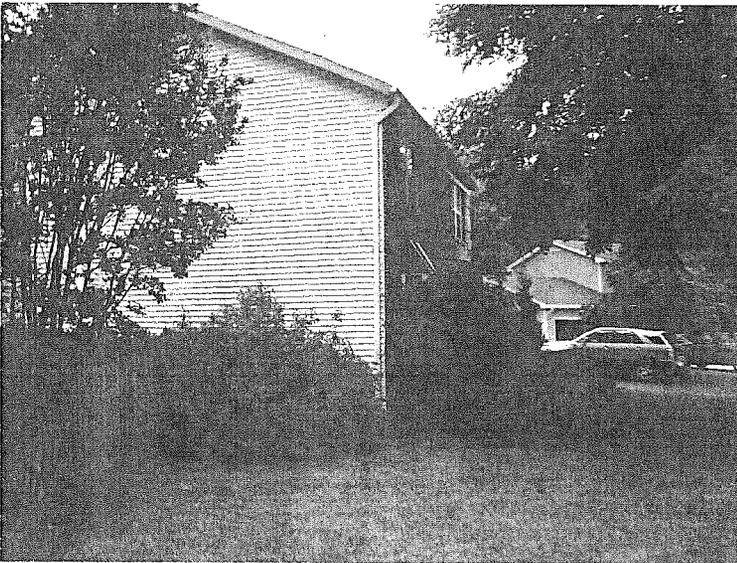
Rear yard of 3801 Quisenberry
Dr Facing South towards Nalls
Rd



Side yard of 3801 Quisenberry Dr
facing South/West



Side of 3801 Quisenberry Dr facing South from neighboring property



Side of 3801 Quisenberry Dr facing South

DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling unit within a proposed addition to a single family detached dwelling.

Size of Principal Dwelling: 3,363 square feet*

Size of Accessory Dwelling Unit: 968 square feet (28.7%)

Lot Size: 20,869 square feet

*Including the proposed addition, but excluding the area below the first level.

LOCATION AND CHARACTER

Site History and Existing Site Description

The application property is located at 3801 Quisenberry Drive, which is a cul-de-sac located within the Kings Hill subdivision. The 20,869 square foot site is developed with a single family detached two-story dwelling, built in 1985. The applicant purchased a strip of land, Lot 55, adjoining the property after the dwelling was constructed which increased the overall size of the lot. An existing hard surfaced driveway is accessed from Quisenberry Drive and terminates along the western side of the dwelling at a two car garage.

There is an existing sidewalk adjacent to the street. Pedestrians may access to the front of the dwelling via a concrete sidewalk which extends to the front door of the dwelling.

An existing tree house is located in the backyard of the property. The tree house is located outside of the required side yard setback and setback from the rear property line at a distance greater than its height and is therefore compliant with the Zoning Ordinance for accessory structures.

There are many existing shrubs and trees located throughout the property.

There are two existing adjacent dwellings; one to the east/southeast and one to the south/southwest. The property to the southwest is screened by existing trees. The property to the southeast is presently screened by existing trees.

Surrounding Area Description

Direction	Use	Zoning
North	Single Family Detached Dwelling and George Washington Park	R-2
South	Single Family Detached Dwellings	R-2
East	Single Family Detached Dwellings	R-2
West	Single Family Detached Dwellings	R-3

BACKGROUND

The Kings Hill subdivision, is zoned R-3 and developed with single family residential homes. The applicant purchased the property in 1990. In 1996, the applicant purchased a linear strip of land directly behind and abutting his lot at which time the two lots became one parcel.

The request is not the result of a violation.

Records indicate the following applications for accessory dwelling units have been approved for properties in the vicinity of the application site by the BZA:

Special Permit, SP 2007-MV-045 was approved on July 31, 2007 for tax map 101-4 ((17)) 126, zoned R-3, to permit an accessory dwelling unit at 8338 Bound Brook Lane.

Special Permit, SP 2010-MV-030 was approved on July 14, 2010 for tax map 101-4 ((23)) 18, zoned R-3, to permit an accessory dwelling unit at 3804 Quisenberry Drive.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Plat Showing House Location on Lot 15, Kings Hill and the Property Located at 3728 Nalls Road

Prepared By: Dominion Surveyors Inc..

Dated: September 28, 2011, revised through November 2, 2011, as signed and sealed by George M. O'Quinn, Land Surveyor

Proposed Use

The property owner proposes to establish a new accessory dwelling unit in a new addition to the existing two-story single family detached dwelling. The applicant's mother-in-law has relocated and currently lives with the applicant in the primary dwelling. The applicant's mother-in-law is over the age of 55, and is not disabled. An attached floor plan shows how the space will be used. The new living space includes two bedrooms in order to account for necessary storage space for the occupant. The applicant indicated that in the long term he would like to eventually occupy the dwelling unit and allow his children to occupy the main dwelling.

The accessory dwelling unit is accessed either through the front door of the house or from a walk that will extend from the driveway to the dwelling.

The site can accommodate up to two vehicles within the existing garage and at least four in the driveway.

There are existing trees that provide screening on site; however the trees providing screening to the southeastern property will be removed with the new construction. Approximately three trees will be removed during construction, therefore staff recommends the applicant plant replacement trees east of the proposed addition equal to the number of trees being removed to provide screening to the southeastern property.

ZONING ORDINANCE PROVISIONS

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

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 4)

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

Summary of Zoning Ordinance Provisions

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

CONCLUSIONS AND RECOMMENDATIONS

Staff believes that all applicable standards for the accessory dwelling unit as outlined in Sects. 8-006, 8-903 and 8-918 will be satisfied with adoption of the proposed development conditions. Therefore staff recommends approval of SP 2011-MV-097 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 with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**January 18, 2012**

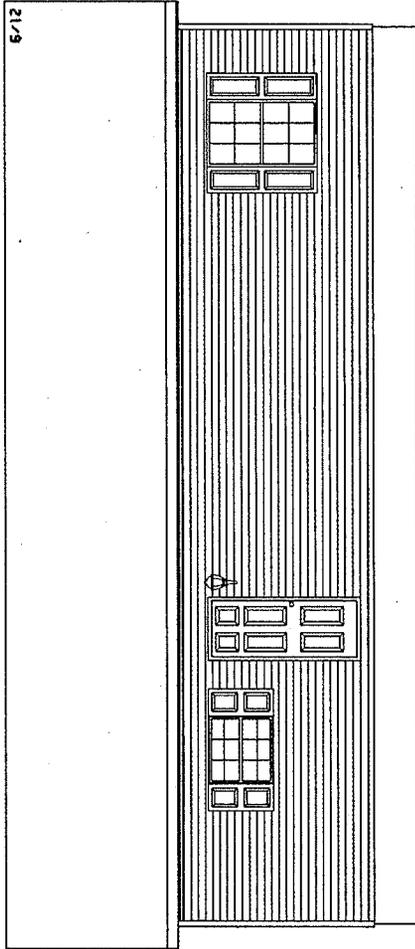
If it is the intent of the Board of Zoning Appeals to approve SP 2011-MV-097 located at Tax Map 101-4 ((23)) 0015 and 101-4 ((01)) 0055 to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant and title owners only, Russell L. Brown and/or Cynthia A. Brown, and is not transferable without further action of this Board, and is for the location indicated on the application, 3801 Quisenberry Drive, (20,869 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 Dominion Surveyors, Inc., dated September 28, 2011, revised through November 2, 2011, as signed and sealed by George M. O'Quinn, Land Surveyor, and approved with this application, as qualified by these development conditions.
4. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The occupants of the 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 968 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.

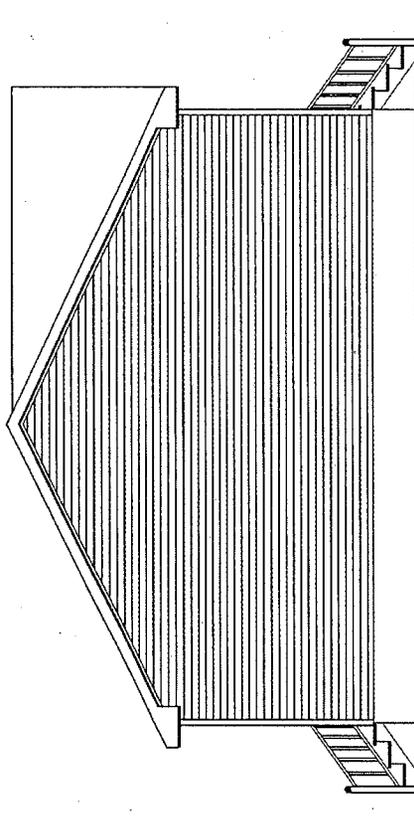
7. All applicable building permits and final inspections shall be obtained for the construction, including kitchen, in the accessory dwelling unit.
8. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit 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 dwelling unit 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.
12. The existing two car garage on the property may not be converted to anything other than parking spaces and must be kept clear of debris at all time in order to accommodate off street parking demands for the subject parcel.
13. The new addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions
14. Three new trees (a mixture of evergreen and deciduous), at a minimum size of 2" caliper at planting, shall be planted east of the proposed addition in order to provide screening of the adjacent dwelling prior to occupancy of the accessory dwelling unit.

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, 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.



BACK ELEVATION



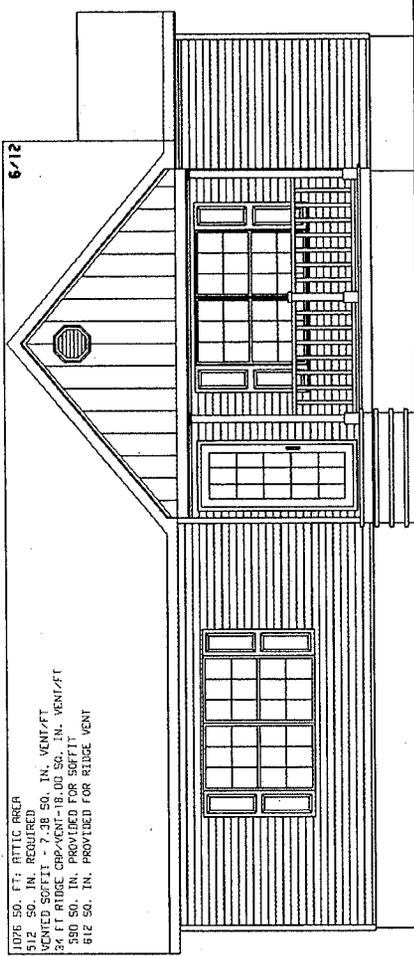
LEFT SIDE ELEVATION

APPROVED BY
NFA INC.
 07/20/2011
 Approval of this document does not authorize or approve any deviation or deviations from the requirements of applicable State Laws.

BRAND	SCHULT	SERIES	M128	REVISIONS		BY	DATE	GENERAL NOTES	DRAWING TITLE	MODEL NAME	SQ. FT.	SHEET NO.
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										DESCRIPTION	MODEL NO.	
										28X40 2BR-2BR	SN24502JM795	
										DATE PERM.	DATE PERM.	
										07/11/2011	07/14/2011	
										DATE PERM.	DATE PERM.	
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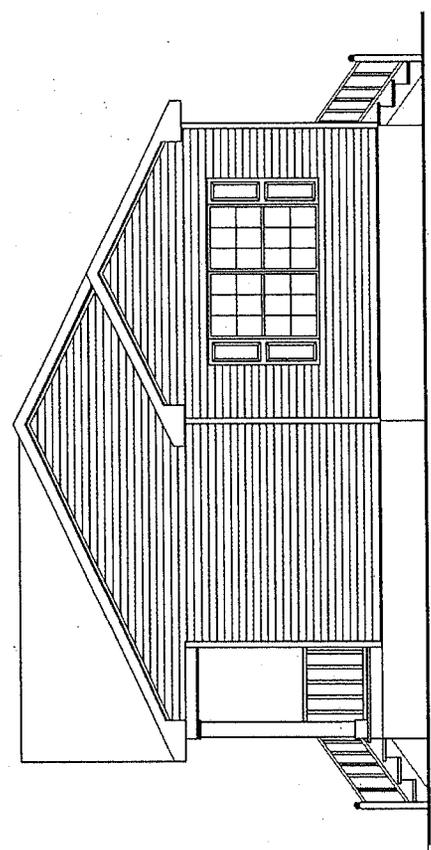
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 512 SQ. IN. REQUIRED
 512 SQ. IN. VENT/FT
 512 SQ. IN. VENT/FT
 512 SQ. IN. VENT/FT
 512 SQ. IN. VENT/FT
 512 SQ. IN. PROVIDED FOR RIDGE VENT
 512 SQ. IN. PROVIDED FOR RIDGE VENT



FRONT ELEVATION

APPROVED BY
NIA INC.
 07/20/2011
 Approval of this document does not authorize or approve any deviation or deviations from the requirements of applicable State Laws.

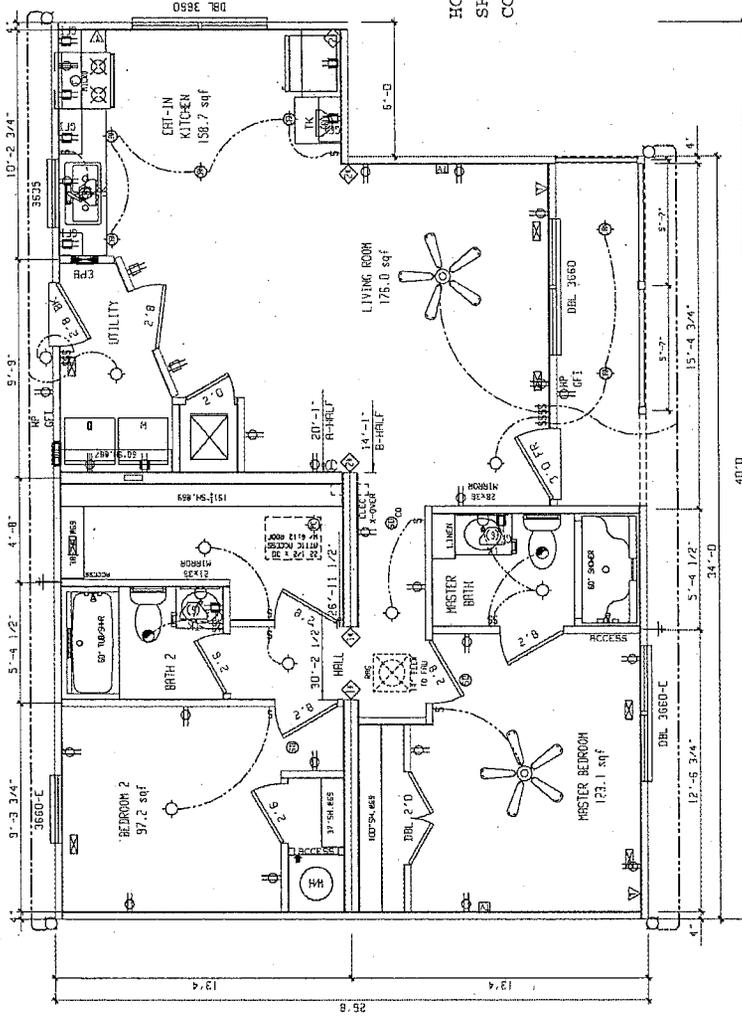


RIGHT SIDE ELEVATION

BRAND SCHULT SERIES MD28 CMH MANUFACTURING, INC.		REVISIONS BY DATE		GENERAL NOTES		DRAWING TITLE EXTERIOR ELEVATION FRONT & RIGHT SIDE		MODEL NAME 958	DESCRIPTION 28X40 2BR-2BR	MODEL NO. SN245021JM799	SQ. FT. 986
								DRAWN BY DMC	DATE PRINTED 07/14/2011	SHEET NO. 20-1	

HOME IS BUILT TO 90 MPH
 SHEAR IS OUT OF THE NEW APPROVED
 CONSTRUCTION MANUAL.

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MODEL NAME	986
MODEL NO.	SN245021J14799
PLAN NO.	20X40 2BR-2BR
DATE PRINTED	07/11/2011
DATE	07/11/2011
DESIGNER	DRC
DRAWN BY	DRC
SHEET NO.	1-1
SHEET TOTAL	1-1

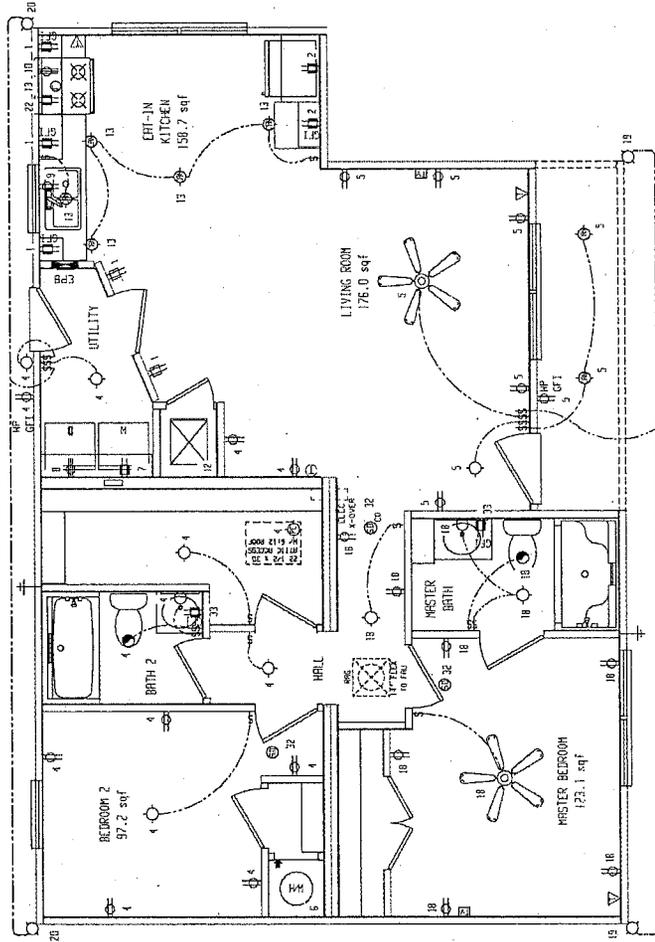
REVISIONS	BY	DATE	GENERAL NOTES
			CEILING HEIGHT = 96.00
			FLOOR FINISH SPECIFIC = 16
			TOTAL WINDOW SMT - ENTER TOUR CALCULATED

DESIGNER	BY	DATE	DRIVING TITLE
SCHULT			MASTER PLAN

MODEL NAME	986
MODEL NO.	SN245021J14799
PLAN NO.	20X40 2BR-2BR
DATE PRINTED	07/11/2011
DATE	07/11/2011
DESIGNER	DRC
DRAWN BY	DRC
SHEET NO.	1-1
SHEET TOTAL	1-1

APPROVED BY
NIA INC.
 07/20/2011

Approval of this document does not constitute or imply endorsement or approval of the requirements of applicable State Laws.



ALL FAMILY, DINING, LIVING, PARLOR, LIBRARIES, DENS, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS OR SIMILAR ROOMS OR SPACES SHALL BE PROTECTED BY A LISTED ARC-FAULT CIRCUIT INTERRUPTER.

REVISIONS		BY		DATE		DESCRIPTION	
NO.	DATE	BY	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION
1	07/20/2011	CMH		GENERAL NOTES	1	07/20/2011	GENERAL NOTES
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ELECTRICAL PLAN

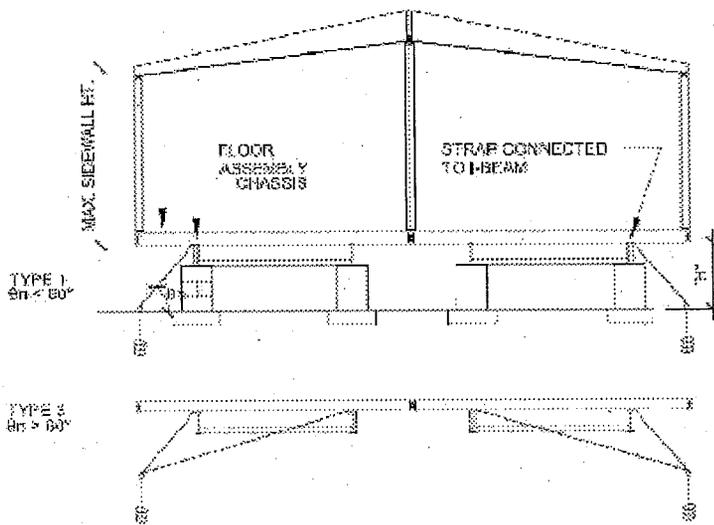
BRAND: SCHULT
 MODEL NO: M128
 DATE PRINTED: 07/11/2011
 SHEET NO: 11-1

PROJECT: 28X40 2BR-2BR
 MODEL NO: SN245021JN789

DATE PRINTED: 07/11/2011
 SHEET NO: 11-1

DATE PRINTED: 07/11/2011
 SHEET NO: 11-1

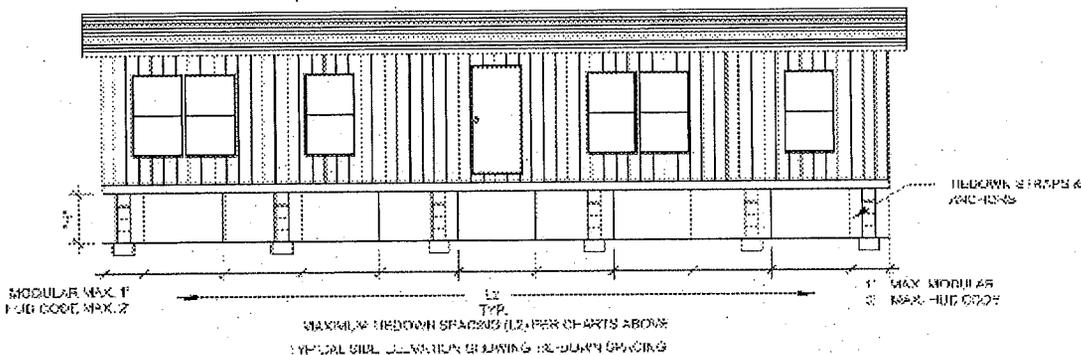
2-SECTION MODULAR



APPROVED BY
NIA INC. 07/20/2011
 Approval of this document does not authorize or approve any deviation or deviations from the requirements of applicable State Laws.

HEIGHT T "H"	(2) BOX 160" UNIT WIDTHS	
	CONFIG. TYPE	MAX. SPACING (L2)
20 in	1	16 ft
30 in	1	16 ft
40 in	1	16 ft
50 in	3	11.98*
60 in	3	11.98*

* Additional strap must be attached to far beam frame tiedown installed since near beam strap angle



Model: 245021
 Customer: Brown
 Fairfax county
 Virginia

NOTES:

- 1 MAXIMUM SIDEWALL HEIGHT OF 105.25 inches. & MAXIMUM OVERHANG OF 12".
- 2 MAXIMUM ANCHOR INSET OF 6".
- 3 DESIGNED TO THE IRC (2009)
- 4 MAXIMUM WIND SPEED OF 90 MPH.
- 5 ANCHOR EQUIPMENT & STRAPS SHALL HAVE A LISTED DESIGN CAPACITY OF : ANCHORS=3150LBS. STRAPS=3150 LBS. & VERTICAL SIDEWALL ATTACHMENTS=1062 LBS.
- 6 CHASSIS BEAM SPACE =99.5".
- 7 RESERVED
- 8 ANCHORING EQUIPMENT SHALL BE INSTALLED PER MFG. INSTRUCTIONS AND SHALL BE CERTIFIED FOR SITE CONDITIONS INCLUDING SOIL TYPE FOR DESIGN CAPACITY OF 3150 LBS. WITH PULL APPLIED AT A 30 DEGREE MINIMUM ANGLE FROM HORIZONTAL.
- 9 SEE SETUP MANUAL FOR ALL OTHER SETUP REQUIREMENTS INCLUDING SHEARWALL TIEDOWN REQUIREMENTS.
- 10 SPACING (L2) MAY NOT BE LESS THEN TWICE THE EMBEDMENT DEPTH OF THE ANCHOR.

Clayton Homes
 a Clayton Company

TRANSVERSE TIEDOWN ANCHORAGE REQUIREMENTS

DATE 8/28/08

958N-8.R.F.C.16.3.210(4)

PAGE #:

Page 15 OF 16

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Aug 24, 2011
 (enter date affidavit is notarized)

I, RUSSELL L. BROWN / Cynthia A. Brown, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant 113331
 applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Russell L. Brown	3801 Quisenberry Dr Alexandria VA 22309	Applicant/Title Holder
Cynthia A. Brown	3801 Quisenberry Dr Alexandria VA 22309	Applicant/Title Holder
		Tax Map # 1014-23-0015 1014-01-0055

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Aug 24, 2011
(enter date affidavit is notarized)

113331

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)

NONE

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)

NONE

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Aug 24, 2011
(enter date affidavit is notarized)

113331

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)

NONE

(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**)

NONE

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Aug 24, 2011
(enter date affidavit is notarized)

113331

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

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

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

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

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

NONE

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Aug 24, 2011
(enter date affidavit is notarized)

11 3331

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
Russell L. Brown Applicant/Owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 24 day of August 2011, in the State/Comm. of Virginia, County/City of Fairfax.

Patricia Ann Carter
Notary Public

My commission expires: March 31, 2014



Patricia Ann Carter
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #180148
My Commission Expires
March 31, 2014

SP 2011-0249

Russell L. and Cynthia A. Brown 3801 Quisenberry Drive, Alexandria, Virginia 22309

SPECIAL PERMIT REQUEST UNDER SECTION 8-918

Special Permit Statement of Justification for Accessory dwelling Unit.

The homeowners desire to have a separate living space to accommodate Mrs. Cynthia Brown's mother. Mrs. Teresa Galiffa, is a 74 year old widow, who currently lives with them.

The proposed in-law suite will be built with appropriate permits. To include 968 square feet of finished living space. Including one bedroom, 2 bathrooms, office/den, living/dining area, connected to the current residence by a 200 square foot connecting room. The connecting room will contain a powder room and laundry room to service the main home. The homeowners seek a special permit to be able to add kitchen equipment to the in-law suite.

The homeowners own two parcels of land which will be combined by the building permit. The combined lot will be 20869 square feet.

The total gross floor area of both dwellings is 4196 square feet. The main house is owner occupied and will remain that way. Its gross floor area including garage and screened in back porch is 3028 square feet.

The in-law suite will be occupied by Mrs. Teresa Galiffa, it will be 968 square feet of finished living space which is 0.39 of the total gross floor area. The in-law suite will be a continuous part of the house using consistent materials as the existing house including drywall, baseboard, casing, trim, siding and roofing materials. The living spaces will have a shared driveway and an additional existing driveway and parking space on the Nalls Rd. property. The in-law suite will also share yard, deck, and all utility connections (electric, gas, water, sewer, telephone and cable). The construction of the new area will be done in compliance with all provisions, applicable ordinances and regulations of Fairfax County Building Code.

The existing dwelling has capacity to park 6 cars – two in the garage and four in the driveway. The family currently owns 5 cars. With the in-law addition, we will gain another parking space. There is sufficient parking for the family.

The request of this permit is to have a second kitchen in the residence for the special circumstances of accommodating an elderly resident. The homeowners believe this arrangement will promote the well-being, safety, and health of Mrs. Teresa Galiffa. This request complies with the guidelines for this special permit


Russell L Brown 10-16-11
Date


Cynthia A Brown 10/16/11
Date

RECEIVED
Department of Planning & Zoning
OCT 17 2011
Zoning Evaluation Division

SP2011-0249

Russell L. and Cynthia A. Brown 3801 Quisenberry Drive, Alexandria, Virginia 22309

SPECIAL PERMIT REQUEST UNDER SECTION 8-918

Special Permit Statement of Justification for Accessory dwelling Unit.

- 1, One accessory dwelling unit will be associated with the single family detached dwelling located at 3801 Quisenberry Dr. Alexandria Va. 22309.
- 2, The accessory dwelling unit will be within the structure of the single family detached dwelling unit. The primary entrance to the accessory unit will be from within the single family dwelling and the additional entrance will be at the rear of the structure.
- 3, The gross floor area of the accessory dwelling will be 29% of the total GFA of the principle dwelling unit. The principle unit will be 3228 GFA. Accessory unit will be 968sf. Existing principle 3028. construction adds 200sf to principle for 3228 and 968sf of accessory dwelling.
- 4, The accessory dwelling unit will contain two bedrooms.
- 5, A&C, The principle dwelling will be owner occupied by Mr. and Mrs. Brown and one of their natural children. B&C, The accessory dwelling will be occupied solely by Mrs. Galiffa, Mrs. Brown's 74 year old mother.
- 6, The accessory unit is not established for occupancy of a disabled person.
- 7, The existing driveway and garage of the primary dwelling allow parking for six vehicles off the street, which is sufficient for the families needs.
- 8, The accessory dwelling will be in the architectural style and constructed of materials consistent with the existing dwelling and discretely placed at the rear of the primary residence. It should have no negative impact on the character of the neighborhood.
- 9, The accessory dwelling will meet all regulations for building, safety, health and sanitation.
- 10, Homeowner/applicant will provide any required information or documentation.
- 11, The owner will allow inspections by County personnel during reasonable hours upon prior notice.
- 12, Owners are aware of and will comply with Sect 012 regarding approval of Special permits for accessory dwelling units.
- 13, The accessory dwelling unit has not yet been constructed.

The home owners desire to have a separate living space to accommodate Mrs. Cynthia Brown's mother.

RECEIVED
Department of Planning & Zoning

NOV 08 2011

Zoning Evaluation Division

SP2011-0249

Mrs. Teresa Galiffa, is a 74 year old widow, who currently lives with them in the primary residence.

The proposed in-law suite will be built with appropriate permits. To include 968 square feet of finished living space. Including two bedrooms, 2 bathrooms, living/dining area, connected to the current residence by a 200 square foot connecting room. The connecting room will contain a powder room and laundry room to service the main home. The homeowners seek a special permit to be able to add kitchen equipment to the in-law suite.

The homeowners own two parcels of land which will be combined by the building permit. The combined lot will be 20869 square feet.

The in-law suite will be occupied by Mrs. Teresa Galiffa. The in-law suite will be a continuous part of the house using consistent materials as the existing house including drywall, baseboard, casing, trim, siding and roofing materials. The living spaces will have a shared driveway. The in-law suite will also share yard, deck, and all utility connections (electric, gas, water, sewer, telephone and cable). The construction of the new area will be done in compliance with all provisions, applicable ordinances and regulations of Fairfax County Building Code.

The existing dwelling has capacity to park 6 cars – two in the garage and four in the driveway. The family currently owns 5 cars. There is sufficient parking for the family.

The request of this permit is to add an accessory dwelling with a kitchen to accommodate an elderly family member. The homeowners believe this arrangement will promote the well-being, safety, and health of Mrs. Teresa Galiffa. This request complies with the guidelines for this special permit


Russell L Brown

NOV 7, 2011

Date


Cynthia A Brown

NOV 7, 2011

Date

RECEIVED
Department of Planning & Zoning
NOV 08 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.

8-918 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.