



APPLICATION ACCEPTED: November 22, 2011  
BOARD OF ZONING APPEALS: February 15, 2012  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

---

February 8, 2012

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-SP-102

### SPRINGFIELD DISTRICT

**APPLICANTS / TITLE OWNERS:** Wais Omari  
Malaly Zafar  
Jawid Omari  
Nabi G. Omari

**SUBDIVISION:** Lincoln Park

**STREET ADDRESS:** 11817 Washington Street, Fairfax, 22030

**TAX MAP REFERENCE:** 67-1 ((4)) 8

**LOT SIZE:** 3.27 acres

**ZONING DISTRICT:** R-C and WS

**ZONING ORDINANCE PROVISIONS:** 8-918

**SPECIAL PERMIT PROPOSAL:** To permit an accessory dwelling unit.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2011-SP-102 for the accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

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

*O:\dhedri\Special Permits\2-15) SP 2011-SP-102 Omari (ADU)\SP 2011-SP-102 ADU staff report.doc Deborah Hedrick*

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

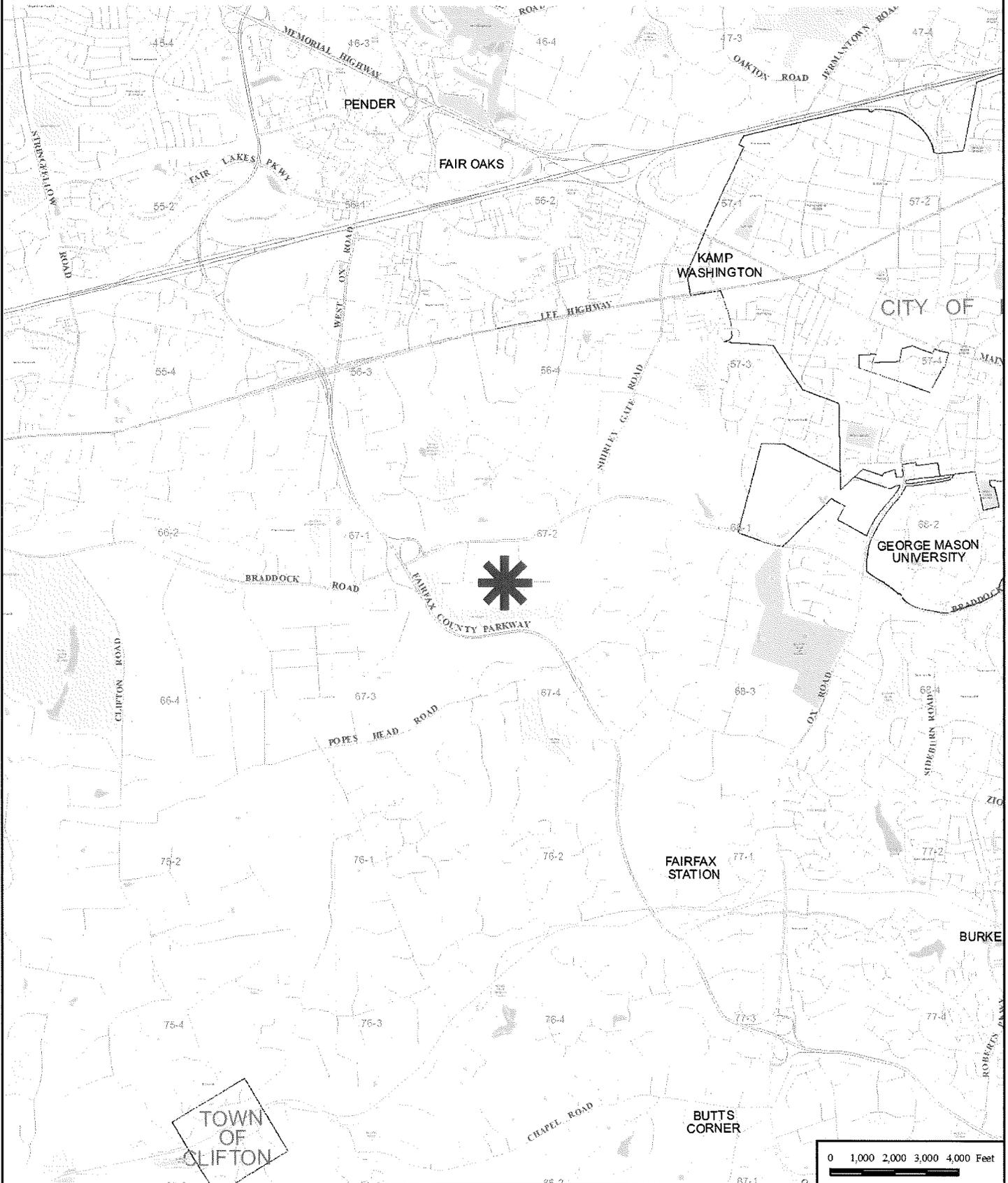


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

## SP 2011-SP-102

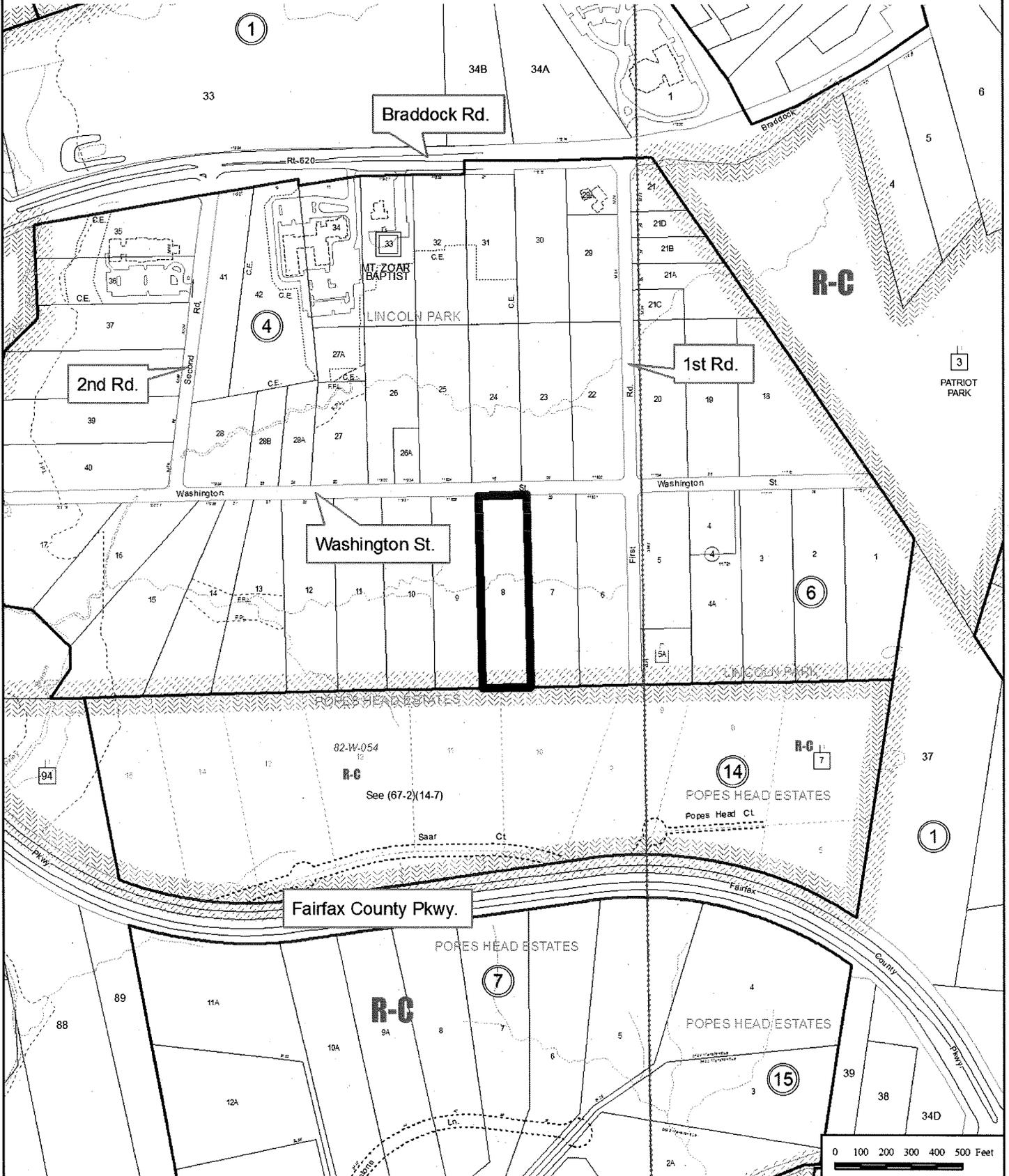
WAIS OMARI MALALY ZAFAR JAWID OMARI  
NABI G OMARI



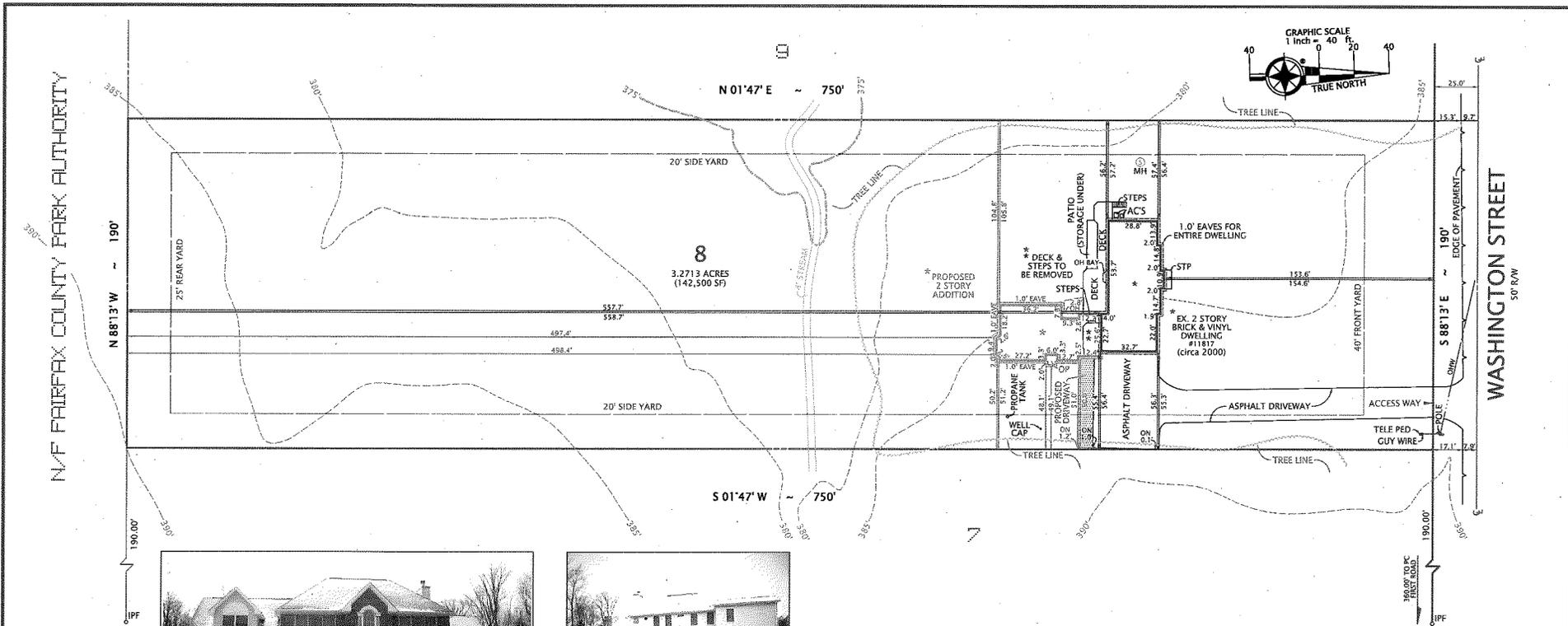
# Special Permit

## SP 2011-SP-102

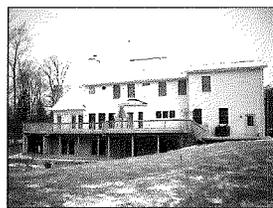
WAIS OMARI, MALALY ZAFAR, JAWID OMARI,  
NABI G OMARI



COPYRIGHT © DOMINION SURVEYORS, INC. THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.



FRONT OF DWELLING



REAR OF DWELLING

**NOTES**

1. TAX MAP: 67-1-04-0008
2. ZONE: RC (RESIDENTIAL CONSERVATION 1 DU/SAC)
3. LOT AREA: 3.2713 ACRES (142,500 SF)
4. REQUIRED YARDS:
 

FRONT:	=	40.0 FEET
SIDE:	=	20.0 FEET
REAR:	=	25.0 FEET
5. HEIGHTS:
 

DWELLING	=	34.3 FEET
PROPOSED ADDITION	=	28.3 FEET
DECK	=	09.7 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS: (FROM THE ARCHITECTS PLAN) (EX. CELLAR NOT INCLUDED)
 

EX. 1ST FLOOR	=	2,388 SF
EX. 2ND FLOOR	=	2,104 SF
EX. GROSS FLOOR AREA	=	4,492 SF

EX. FLOOR AREA RATIO = EX. GFA (4492)/LOT AREA (142500)	=	0.03
PROP. 1ST FLOOR	=	1,747 SF (ACCESSORY DWELLING UNIT)
PROP. 2ND FLOOR	=	1,533 SF
PROP. ADDN.	=	3,280 SF

EX. GFA (4492) + PROP. ADDN. (3280)	=	7,772 TOTAL SQ. FT.
PROP. ADU (1,747) / (7,772) TOTAL SQ. FT.	=	0.224%

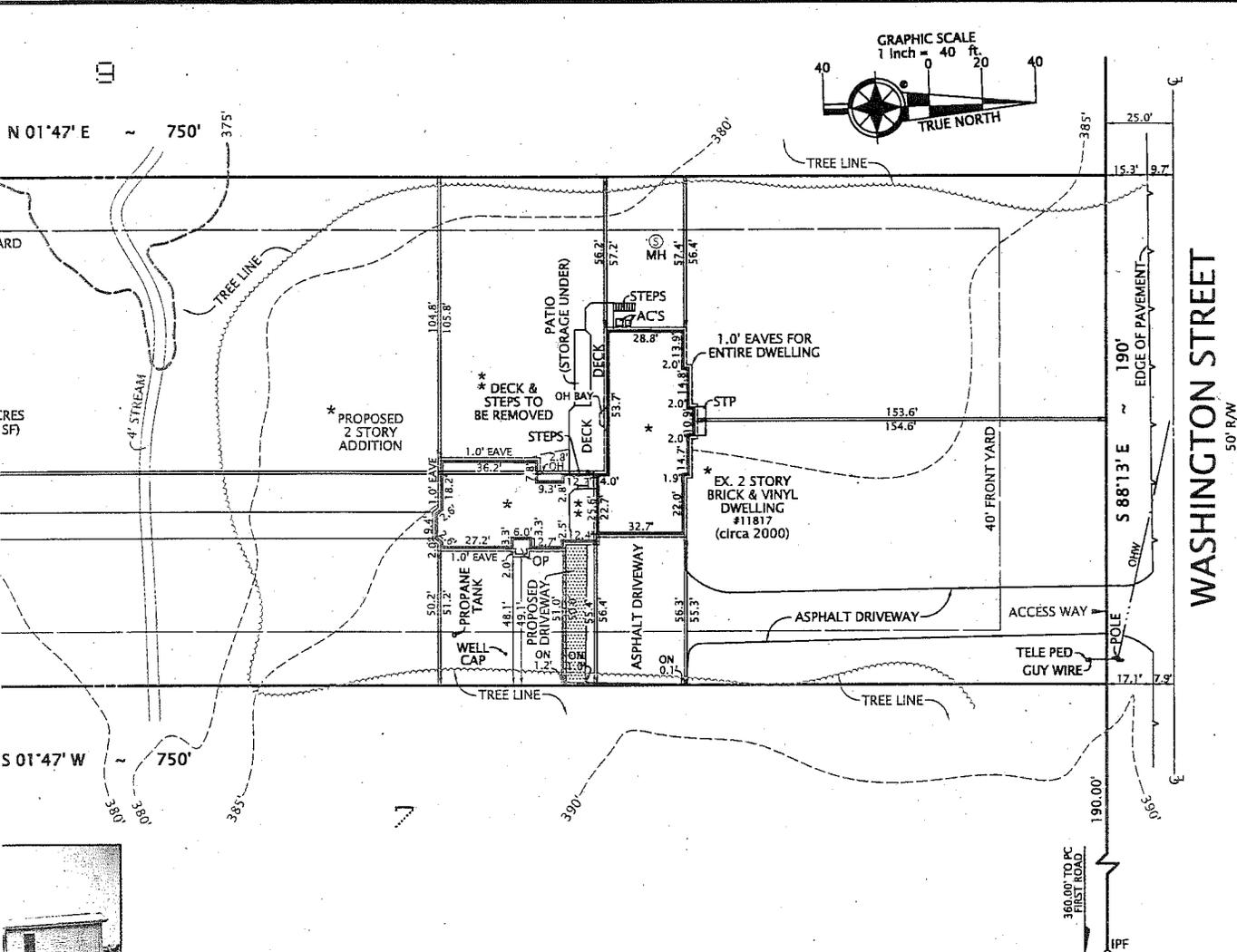
PROP. GROSS FLOOR AREA = EX. GFA (4492) + PROP. ADDN. (3280)	=	7,772 SF.
PROP. FLOOR AREA RATIO = PROP. GFA (7772) / LOT AREA (142500)	=	0.055
PROP. DRIVEWAY EXTENSION	=	465 SF. (8.9' X 52.2')

**PLAT**  
 SHOWING THE IMPROVEMENTS ON  
 LOT 8  
**LINCOLN PARK**  
(DEED BOOK 458, PAGE 384)  
**FAIRFAX COUNTY, VIRGINIA**  
 SPRINGFIELD DISTRICT  
 SCALE: 1" = 40'  
 FEBRUARY 22, 2011  
 OCTOBER 18, 2011 (REVISED)  
 NOVEMBER 15, 2011 (CALC)  
 JANUARY 03, 2012 (CELLAR)

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.

COMMONWEALTH OF VIRGINIA  
 LAND SURVEYOR  
 02/22/2011  
 GEORGE M. O'QUINN  
 LICENSE NO. 2069  
*George M. O'Quinn*

ORDERED BY:  
 OMARI/ZAFAR  
 MARLENE PAUKAR  
  
**DOMINION** Surveyors Inc.<sup>®</sup>  
 8808-H PEAR TREE VILLAGE COURT  
 ALEXANDRIA, VIRGINIA 22309  
 703-619-6555  
 FAX: 703-799-6412



AVAILABLE

N AREAS ON

2500) = 0.03

LING UNIT)

2. FT.

DN. (3280) = 7,772 SF.

EA (142500) = 0.055

PLAT

SHOWING THE IMPROVEMENTS ON

LOT 8

**LINCOLN PARK**

(DEED BOOK 458, PAGE 384)

FAIRFAX COUNTY, VIRGINIA

SPRINGFIELD DISTRICT

SCALE: 1" = 40'

FEBRUARY 22, 2011

OCTOBER 18, 2011 (REVISED)

NOVEMBER 15, 2011 (CALC)

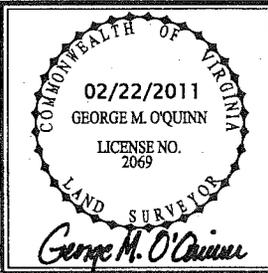
JANUARY 03, 2012 (CELLAR)

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.



ORDERED BY:

OMARI/ZAFAR

MARLENE PAUKAR

**DOMINION** Surveyors Inc.

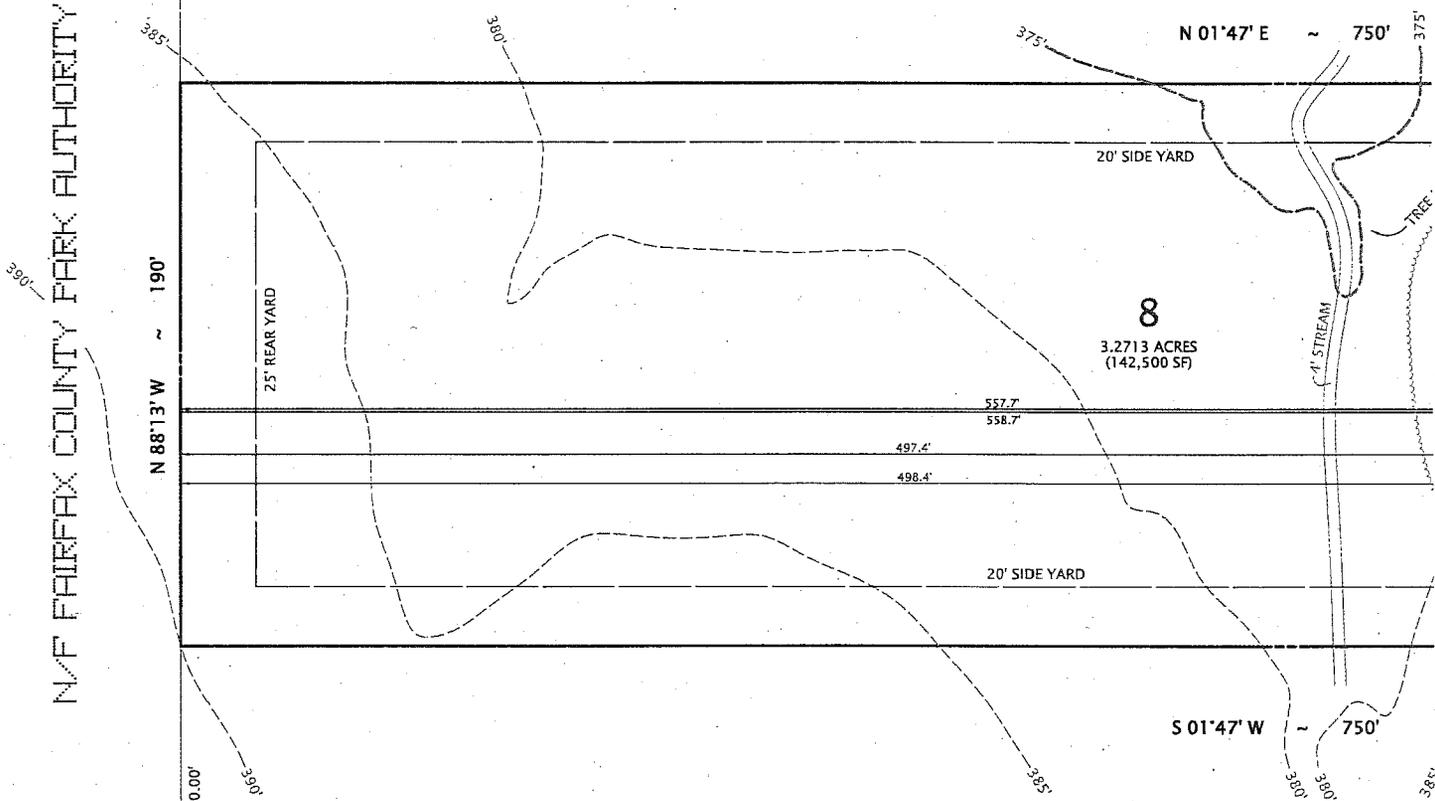
8808-H PEAR TREE VILLAGE COURT

ALEXANDRIA, VIRGINIA 22309

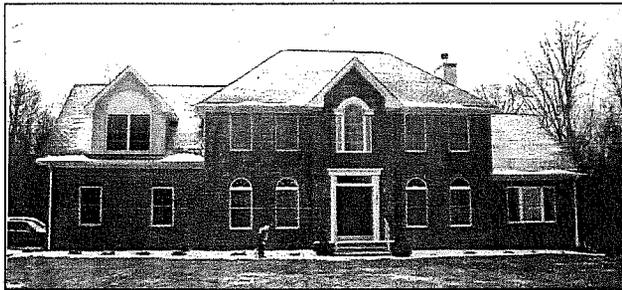
703-619-6555

FAX: 703-799-6412

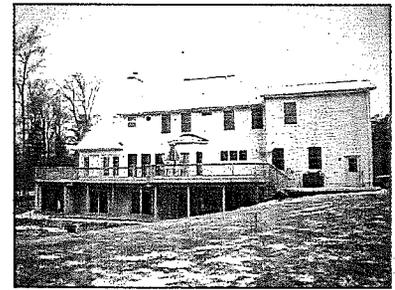
COPYRIGHT BY DOMINION SURVEYORS, INC. THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.



N/F FAIRFAX COUNTY PARK AUTHORITY



FRONT OF DWELLING



REAR OF DWELLING

**NOTES**

1. TAX MAP: 67-1-04-0008
2. ZONE: RC (RESIDENTIAL CONSERVATION 1 DU/5AC)
3. LOT AREA: 3.2713 ACRES (142,500 SF)
4. REQUIRED YARDS:
 

FRONT:	=	40.0 FEET
SIDE:	=	20.0 FEET
REAR:	=	25.0 FEET
5. HEIGHTS:
 

DWELLING	=	34.3 FEET
PROPOSED ADDITION	=	28.3 FEET
DECK	=	09.7 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS: (FROM THE ARCHITECTS PLAN) (EX. CELLAR NOT INCLUDED)
 

EX. FIRST FLOOR	=	2,388 SF
EX. SECOND FLOOR	=	2,104 SF
EX. GROSS FLOOR AREA	=	4,492 SF

EX. FLOOR AREA RATIO = EX. GFA (4492)/LOT AREA (142500) = 0.03

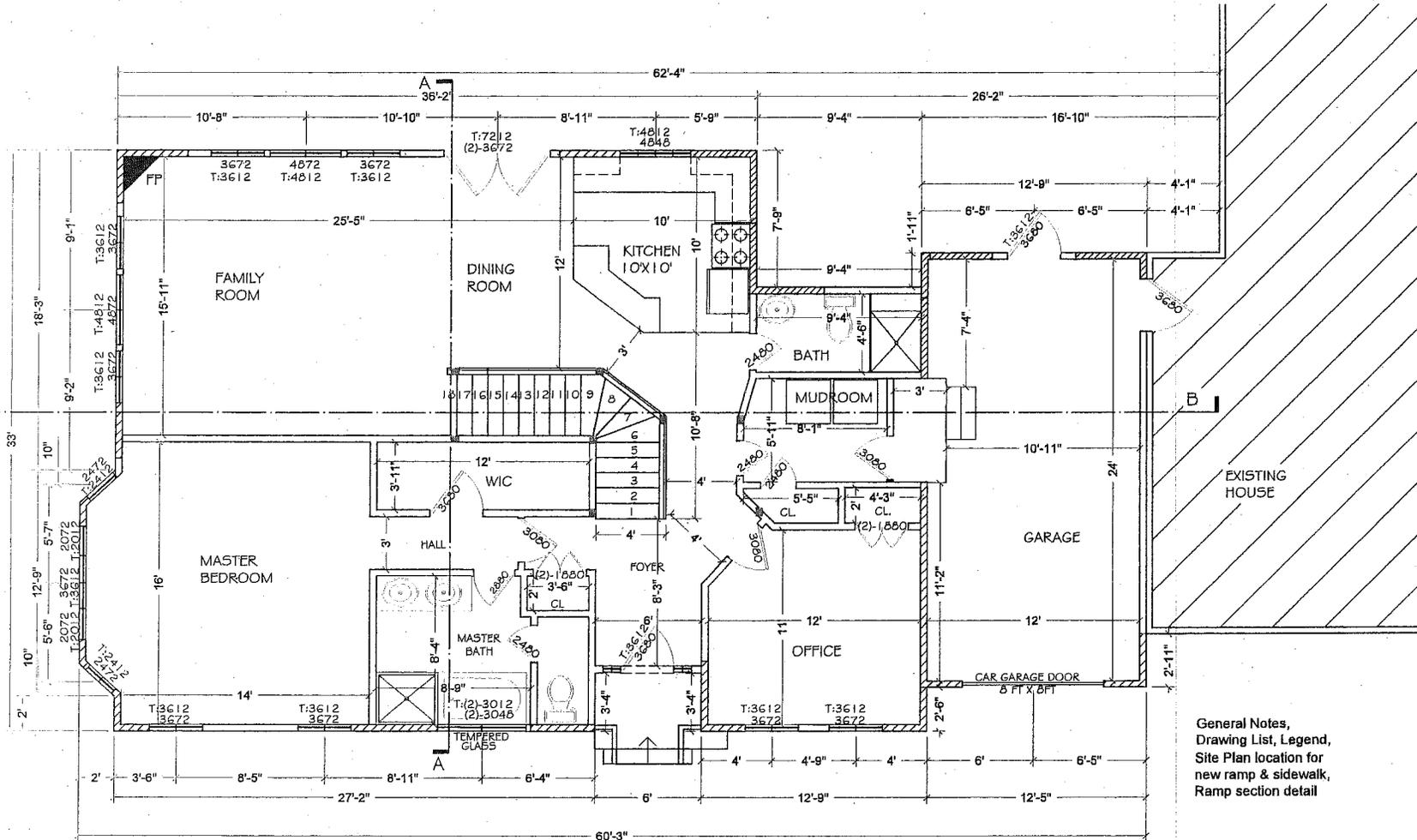
PROP. 1ST FLOOR	=	1,747 SF (ACCESSORY DWELLING UNIT)
PROP. 2ND FLOOR	=	1,533 SF
PROP. ADDN.	=	3,280 SF

EX. GFA (4492) + PROP. ADDN. (3280) = 7,772 TOTAL SQ. FT.  
PROP. ADU (1,747) / (7,772) TOTAL SQ. FT. = 0.224%

PROP. GROSS FLOOR AREA = EX. GFA (4492) + PROP. ADDN. (3280) = 7,772 SF.  
PROP. FLOOR AREA RATIO = PROP. GFA (7772) / LOT AREA (142500) = 0.055  
PROP. DRIVEWAY EXTENSION = 465 SF. (8.9' X 52.2')

**LEGEND**


**WALL BRACING METHOD#3**  
**PER IRC SECTION R602.10.3**  
**7/16" O.S.B CONTINUOUS SHEATHING**



**General Notes,**  
**Drawing List, Legend,**  
**Site Plan location for**  
**new ramp & sidewalk,**  
**Ramp section detail**

**Wais Omari's Addition**  
 11877 Washington Street, Reston, VA 22030  
 Designer: Jeanette A. Paucar  
 7030 E. Hwy. 97  
 Crofton, MD 21114  
 Phone: 410-761-1110

No.	Date	Item
1	MAY 2011	

Drawing Log  
 Drawn \_\_\_\_\_  
 Checked \_\_\_\_\_  
 Approved \_\_\_\_\_

**PROPOSED**  
**1ST FLOOR PLAN**

Scale as Noted

**A.1**

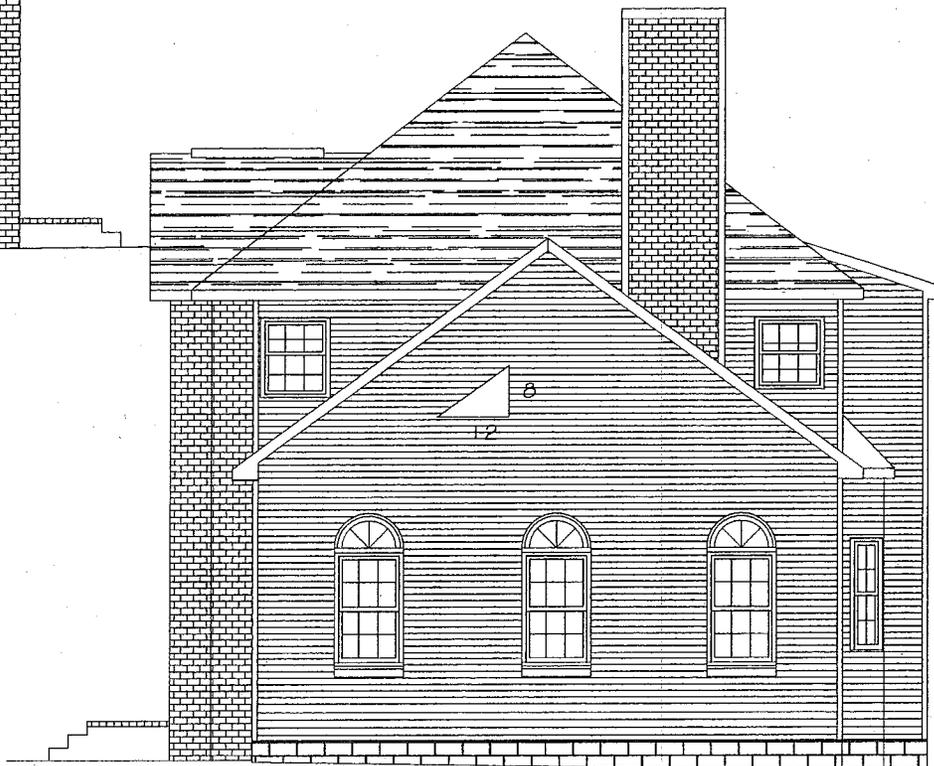
Contract No.	MAY-2011
Issue Date	
Last Revision	MAY-2011

**PROPOSED FIRST FLOOR PLAN**  
 SCALE 1/4" = 1'-0"

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT



EXISTING LEFT ELEVATION  
SCALE 1/4" = 1'-0"



EXISTING RIGHT ELEVATION

**Wais Omari's Addition**  
11817 Washington Street, Reston, VA 22030

Designer:  
Jasminella A. Paucar  
7030 Embassy Way  
Reston, VA 20190  
T: (801) 764-1710

Owner:  
Wais Omari  
11817 Washington Street,  
Reston, VA 22030

No.	Date	Item
▲		MAY 2011
▲		
▲		
▲		
▲		
▲		
▲		

Drawing Log

Drawn \_\_\_\_\_  
 Checked \_\_\_\_\_  
 Approved \_\_\_\_\_

EXISTING ELEVATIONS

Scale as Noted

**A.3**

Contract No.	MAY-2011
Issue Date	
Last Revision	MAY-2011



EXISTING FRONT ELEVATION

SCALE 3/16" = 1'-0"



EXISTING REAR ELEVATION

SCALE 3/16" = 1'-0"

# Wais Omari's Addition

11817 Washington Street, Reston, VA 22030

Designer:  
Jeanette A. Pluzar  
Georgetown, MD 20870  
T (301) 704-1710

Client:  
Wais Omari  
11817 Washington Street  
Reston, VA 22030

▲		MAY 2011
▲		
▲		
▲		
▲		
▲		

No.	Date	Item
Drawing Log		

Drawn \_\_\_\_\_

Checked \_\_\_\_\_

Approved \_\_\_\_\_

### EXISTING ELEVATIONS

Scale as Noted

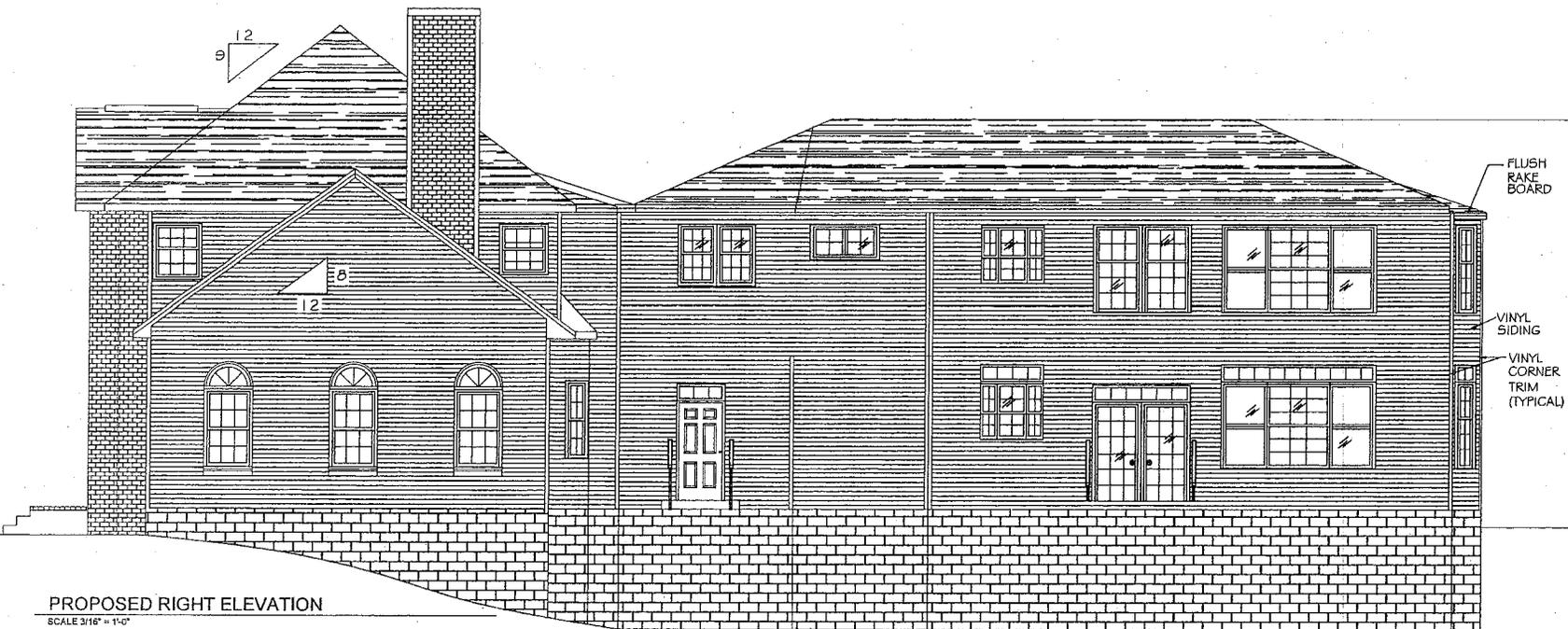
## A.4

Contract No.	MAY-2011
Issue Date	
Last Revision	MAY-2011



PROPOSED LEFT ELEVATION

SCALE 3/16" = 1'-0"



PROPOSED RIGHT ELEVATION

SCALE 3/16" = 1'-0"

**Wais Omari's Addition**  
 11817 Washington Street, Reston, VA 22030

Designer:  
 Jeannette A. Placer  
 Greenbelt, MD 20770  
 T (301) 704-1710

Owner:  
 Wais Omari  
 11817 Washington Street  
 Reston, MD 22030

No.	Date	Item

Drawn  
 Checked  
 Approved

**PROPOSED ELEVATIONS**

Scale as Noted

**A.5**

Contract No. MAY-2011  
 Issue Date  
 Last Revision MAY-2011



PROPOSED FRONT ELEVATION

SCALE 3/16" = 1'-0"



PROPOSED REAR ELEVATION

SCALE 3/16" = 1'-0"

# Wais Omari's Addition

11817 Washington Street, Reston, VA 22030

Designer:  
Jeanette A. Pincus  
11817 Washington Street  
Greenbelt, MD 20770  
T (301) 704-1710

Owner:  
Wais Omari  
11817 Washington Street  
Reston, MD 22030

No.	Date	Item
▲		MAY 2011
▲		
▲		
▲		
▲		

Drawing Log

- Drawn
- Checked
- Approved

PROPOSED ELEVATIONS  
Scale as Noted

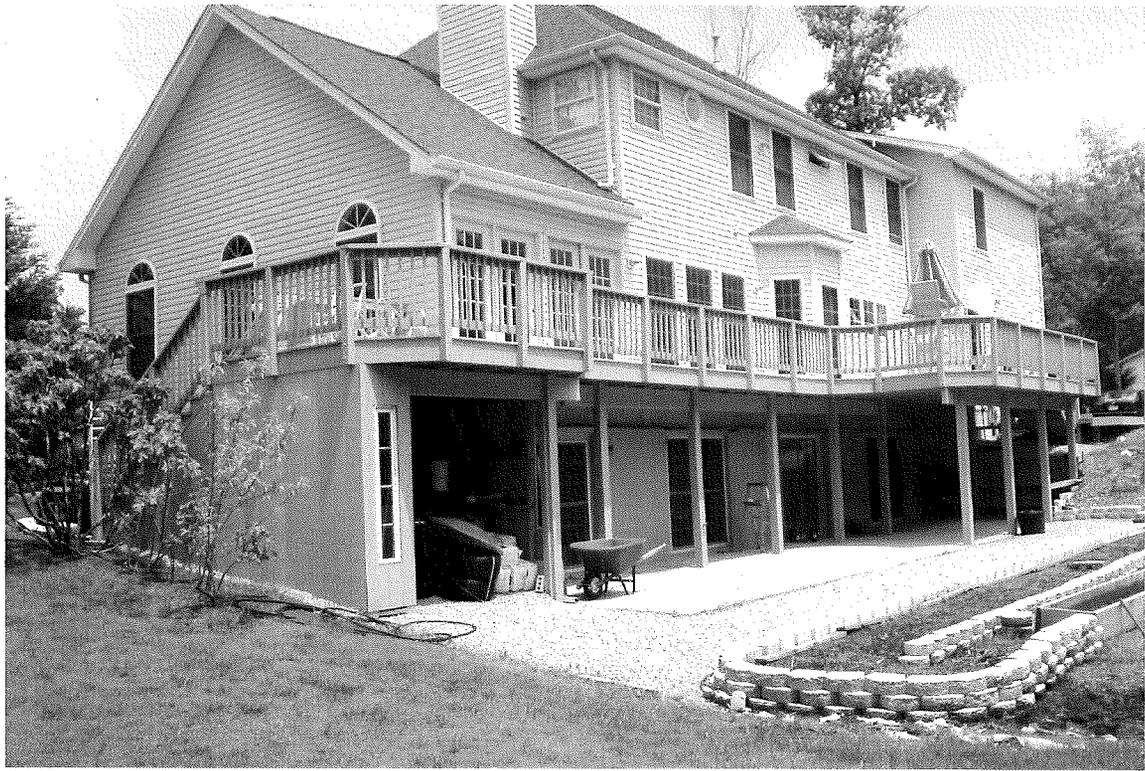
**A.6**  
Contract No. MAY-2011  
Issue Date  
Last Revision MAY-2011

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT





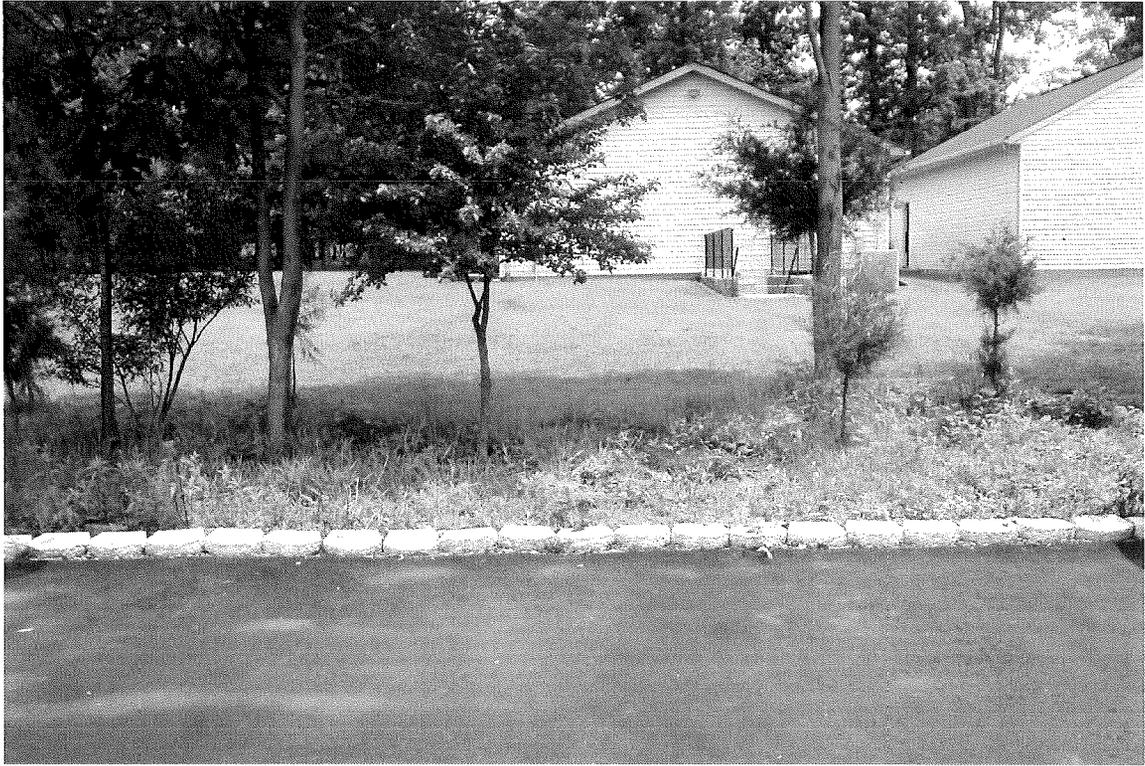




















**DESCRIPTION OF THE APPLICATION**

**Special Permit Request:** To permit an accessory dwelling unit to be located within a proposed two-story addition to the existing single family detached dwelling.

<b>Size of Principal Dwelling:</b>	<u>Existing</u> 4,492 square feet	<u>After by-right construction</u> 7,772 square feet
------------------------------------	--------------------------------------	---

**Size of Accessory Dwelling Unit:** 1,747 square feet (22.4%)

**Lot Size:** 3.27 acres

**LOCATION AND CHARACTER OF THE AREA**

The application property is located on at 11817 Washington Street, Fairfax, in the Lincoln Park subdivision. The 3.27 acre site is developed with a single family detached dwelling, with cellar, built in 2000. A wood deck and concrete patio are located along the rear of the dwelling.

An asphalt driveway is accessed from Washington Street and terminates at the side of the dwelling at a two-car double bay and one-car single bay garage. The large lot is flat and has a well-manicured front lawn and existing mature vegetation which is located within a significant tree line round the western side of the dwelling and in the center of the rear yard. The lots along Washington Street are all large lots and the majority have been developed with large custom homes.

**Surrounding Area Description**

<b>Direction</b>	<b>Use</b>	<b>Zoning</b>
<b>North</b>	Single Family Detached Dwellings	R-C and WS
<b>South</b>	Single Family Detached Dwellings	R-C and WS
<b>East</b>	Single Family Detached Dwellings	R-C and WS
<b>West</b>	Single Family Detached Dwellings	R-C and WS

## BACKGROUND

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

## ANALYSIS

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

**Title of SP Plat:** Plat Showing the Improvements on Lot 8, Lincoln Park

**Prepared By:** Dominion Surveyors Inc.

**Dated:** February 22, 2011, as revised through January 3, 2012

### Proposed Use

The applicants/title owners seek a special permit for an accessory dwelling unit to be located within a proposed by-right two-story addition to the existing single family detached dwelling.

The existing two-level dwelling, with cellar, consists of 4,492 square feet of above grade living area and 1,715 square feet of cellar space. The applicants are proposing to construct a two-story addition to be located to the rear of the existing dwelling which will connect to the existing one-bay garage and extend into the rear yard. The first floor of the proposed addition will accommodate an area designated for the accessory dwelling unit. The proposed accessory dwelling unit will consist of one (1) master bedroom suite, a family room, office area, dining room, full kitchen and a one-bay garage. The unit is proposed to be occupied by two of the title owners who are over 55 years in age.

With adding the square footage of the proposed by-right construction at 3,280 square feet to the existing above grade living area of 4,492 square feet, the total square footage of the house will be 7,772 square feet, of which 1,747 square feet will be dedicated to the proposed accessory dwelling unit. The accessory dwelling unit will comprise 22.4% of the total living space. According to the applicant's statement of justification, and as indicated verbally by the applicants, the second level of the addition will provide additional living space for their expanding family. The addition will be accessible on the first level through the one-car garage addition, and the second level through an open floor plan connecting the existing dwelling to the proposed addition. An internal staircase is also proposed within the addition for access to the second level of the addition and into the existing principal dwelling. The accessory dwelling space will also have an entrance located at the side of the addition.

The applicants propose to widen the existing driveway to accommodate an entrance to the newly proposed one-car garage. The driveway will measure approximately 35 feet in width by 56 feet in length, to accommodate multiple vehicles within the driveway, in addition to four (4) vehicles within the garages.

## **ZONING ORDINANCE PROVISIONS**

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-C 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 4. Subject to development conditions, the special permit must meet these standards.

## **CONCLUSIONS AND RECOMMENDATIONS**

Staff believes that all applicable standards for the accessory dwelling unit as outlined in Sects. 8-006, 8-903 and 8-918 will be satisfied with adoption of the proposed development conditions. Therefore staff recommends approval of SP 2011-SP-102 subject to the Proposed Development Conditions contained in Appendix 1 of this staff report.

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

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals

**APPENDICES**

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

**PROPOSED DEVELOPMENT CONDITIONS****SP 2011-SP-102****February 8, 2012**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-SP-102 located at Tax Map 67-1 ((4)) 8 to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen in the accessory unit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicants only, Wais Omari, Malaly Zafar, Jawid Omari and Nabi G. Omari, and is not transferable without further action of this Board, and is for the location indicated on the application, 11817 Washington Street (3.27 acres), 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 Dominion Surveyors Inc., dated February 22, 2011, as revised through January 3, 2012, 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 1,747 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
7. All applicable building permits and final inspections shall be obtained for construction of the kitchen in the accessory dwelling unit prior to occupancy.

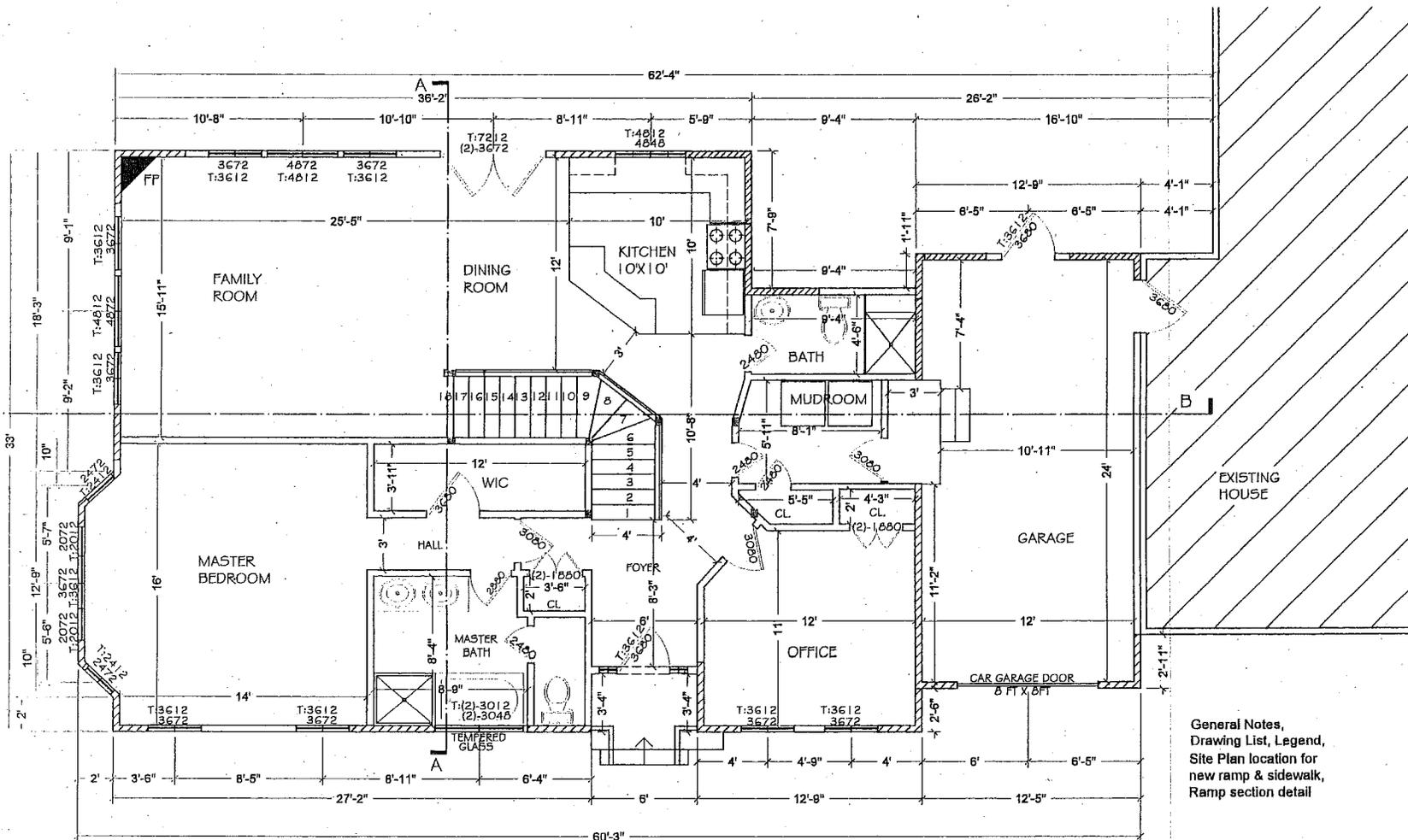
8. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
9. The accessory dwelling unit shall be approved for a period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

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 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.

**LEGEND**


**WALL BRACING METHOD #3**  
**PER IRC SECTION R602.10.3**  
**7/16" O.S.B CONTINUOUS SHEATHING**



**PROPOSED FIRST FLOOR PLAN**

0'-1" = 1/4" @ 1/8" SW

**Wais Omari's Addition**

**11817 Washington Street, Reston, VA 22030**  
 Designer: Jacobella A. Pruner  
 7830 Esher Way  
 Greenland, MD 20770  
 T: (501) 704-1710  
 Director: Wais Omari  
 11817 Washington Street  
 Reston, VA 22030

No.	Date	Item
1	MAY 2011	

Drawing Log  
 Drawn  
 Checked  
 Approved

**PROPOSED**  
**1ST FLOOR PLAN**

Scale as Noted

**A.1**

Contract No. M  
 Issue Date  
 Last Revision M

General Notes,  
 Drawing List, Legend,  
 Site Plan location for  
 new ramp & sidewalk,  
 Ramp section detail

Application No.(s): SP 2011-SP-102  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8-5-2011  
 (enter date affidavit is notarized)

I, Wais Omari, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)  applicant  
 applicant's authorized agent listed in Par. 1(a) below 112463a

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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Wais Omari	11817 Washington St. Fairfax VA 22030	Applicant/Title Owner
Malaly Zafar	11817 Washington St. Fairfax VA 22030	Applicant/Title Owner
Jawid Omari	11817 Washington St. Fairfax VA 22030	Applicant/Title Owner
Nabi G. Omari	11817 Washington St. Fairfax VA 22030	Applicant/Title Owner
Marlene Paucar	7839 Emily's Way Greenbelt MD 20770	Agent.

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

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

Application No.(s): SP 2011-SP-102  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8-5-11  
(enter date affidavit is notarized)

112463a

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-SP-102  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8-5-2011  
(enter date affidavit is notarized)

112463a

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

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

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

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

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

Application No.(s): SP 2011-SP-102  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8-5-2011  
(enter date affidavit is notarized)

112463a

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

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

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

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

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

NONE

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

Application No.(s): SP 2011-SP-102  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8-5-11  
(enter date affidavit is notarized)

112463 a

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) Wais Omar  
 Applicant [ ] Applicant's Authorized Agent

Wais Omar  
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 5th day of August 20 11, in the State/Comm. of Virginia, County/City of Fairfax.

Verlaine Jones  
Notary Public

My commission expires: March 31, 2014



January 3, 2012

Wais Omari  
11817 Washington Street  
Fairfax, VA, 22030

**Section 8 – 918 description standards for accessory dwelling**

1. This request is for one accessory dwelling unit in association with a single family unit.
2. The lot size is 3.1 acres. The accessory dwelling unit is located with in the structure of a single family unit and the entrance is located on the side of the structure.
3. The gross floor of the accessory dwelling unit is 22%. Gross floor are of the accessory freestanding structure and the principle dwelling unit. EX. GFA (4,492) + PROP. ADDN. (3,280) = 7,772 TOTAL SQ. FT. – PROP. ADU (1,747) = 0.224%
4. The accessory dwelling has two bedrooms.
5. The occupants of the accessory dwelling are owners' aged 65 years and 72 years. Overall in good health. No special services needed.
6. This accessory dwelling will be occupied by non disable individuals. Therefore, they do not require special access and entrance.
7. Sufficient parking in available for the accessory dwelling unit.
8. This accessory dwelling does not modify or disrupt the predominant character of the neighborhood. The property is not in a subdivision and there is no home association.
9. This accessory dwelling unit meets the applicable regulations for building safety, health and sanitation.
10. Upon the approval of special permit the clerk to the Board of Zoning Appeals recoded among the land records of Fairfax County BZAS approval, including all accompany 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 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 years from the date of approval; provided, however, that such special permits may be extended for succeeding five year periods in accordance with the provisions of Sect.012 above.
13. Notwithstanding Par. Of Sec. 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 Sec. 012 above.

Thank you,

*January 1, 2012*

*Wais Omari*

*11817 Washington Street*

*Fairfax, Virginia 22030*

*RE: Written statement of justification for accessory dwelling unit.*

*This letter is regarding an accessory dwelling unit for my parents. My parents are in their sixties and seventies. They both need their living space to be safe and user friendly. Currently, they live on the Second floor and going up and down the steps is increasingly becoming difficult and unsafe.*

*This accessory dwelling unit will create a safe environment and user friendly living conditions.*

*Sincerely*

*Wais Omari*

October 20, 2011

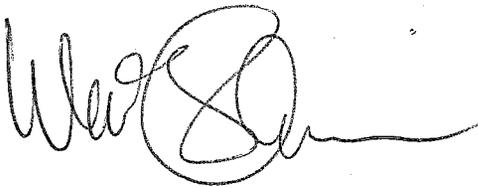
RECEIVED  
Department of Planning & Zoning  
NOV 07 2011  
Zoning Evaluation Division

Wais Omari  
11817 Washington St.  
Fairfax, VA 22030

RE: Hazardous or Toxic substances.

The Proposed accessory dwelling site is free of hazardous and toxic substance. There are no storage tanks or containers. As indicated in the house plat, the propose Accessory dwelling is next to the existing dwelling and the picture shows it has always been typical lawn. In the past 13 years, no Toxic or hazardous material has been detected under or above ground. Regarding the construction material that is plane for the accessory dwelling is the same material That is in the existing dwelling. Such material are roof shingles, siding, windows insulation ect. The construction material meets the slandered code of the commonwealth of Virginia. The overall structured appearance of the proposed dwelling should be uniform with the existing dwelling.

Thank you,



RECEIVED  
Department of Planning & Zoning

OCT 24 2011

Zoning Evaluation Division

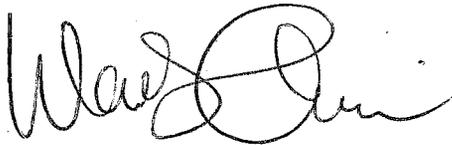
October 20, 2011

Wais Omari  
11817 Washington St.  
Fairfax, VA 22030

RE: Hazardous or Toxic substances.

The Proposed accessory dwelling site is free of hazardous and Toxic substance.  
There are no storage tanks or containers. As indicated in the house plat, the propose  
Accessory dwelling is next to the existing dwelling and the picture shows it has always been typical lawn.  
In the past 13 years, no Toxic or hazardous material has been detected under or above ground.

Thank you,

A handwritten signature in black ink, appearing to read "Wais Omari". The signature is fluid and cursive, with the first name "Wais" and last name "Omari" clearly distinguishable.

October 7, 2011

Wais Omari  
11817 Washington St.  
Fairfax, VA 22030

RE: The use of hazardous material.

All the Building Material that are going to be used in this accessory dwelling are according with the rules and regulations of the Commonwealth of the State of Virginia. This project does not require the use of Any hazardous material.

Thank you,

A handwritten signature in black ink, appearing to read "Wais Omari". The signature is fluid and cursive, with the first name "Wais" written in a larger, more prominent script than the last name "Omari".

RECEIVED  
Department of Planning & Zoning  
OCT 11 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.