

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ALAN DIAMOND, SP 2010-SP-064 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit within the existing dwelling. Located at 7006 Vancouver Rd. on approx. 11,054 sq. ft. of land zoned R-2 (Cluster). Springfield District. Tax Map 89-2 ((7)) 168. (Admin. moved from 1/26/11) Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 16, 2011; and

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

1. The applicant is the owner of the land.
2. The Board has a favorable staff recommendation.
3. The Board adopts the rationale in the staff report.
4. The circumstances under which the kitchen was put in was troubling, kind of under the radar.
5. The applicant has explained that he was unaware that a permit was required for the kitchen.
6. The applicant had a contractor install it.
7. There does not seem to be any opposition to it.
8. From the photographs, there is not going to be a significant negative impact on anybody.
9. The development conditions make clear what the apartment can be used for.
10. The Board agrees with staff's conclusion.

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

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

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

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen.

2. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
3. This approval for the accessory dwelling unit is granted to the applicant only, Alan Diamond and/or Trang N. Diamond, and is not transferable without further action of this Board, and is for the location indicated on the application, 7006 Vancouver Road (11,054 square feet), and is not transferable to other land.
4. This special permit is granted only for the purposes, structures and/or uses indicated on the house location survey plat, prepared by Gary L. Smith, Certified Land Surveyor, dated August 9, 2010, and approved with this application, as qualified by these development conditions.
5. 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.
6. The occupant(s) 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. Until the applicant/owner reaches age 55, the accessory dwelling unit shall only be occupied by a person 55 years of age or older.
7. All applicable permits and final inspections for the kitchen located within the accessory dwelling unit shall be obtained within 90 days of this special permit approval.
8. If required, all applicable permits and final inspections for any other structures such as the wood decks shall be obtained within 180 days of this special permit approval.
9. The accessory dwelling unit shall contain a maximum of 805 square feet, including a maximum of one bedroom, one bathroom and one kitchen, as shown in the floor plan included as Attachment 1 to these conditions.
10. 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.
11. 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.

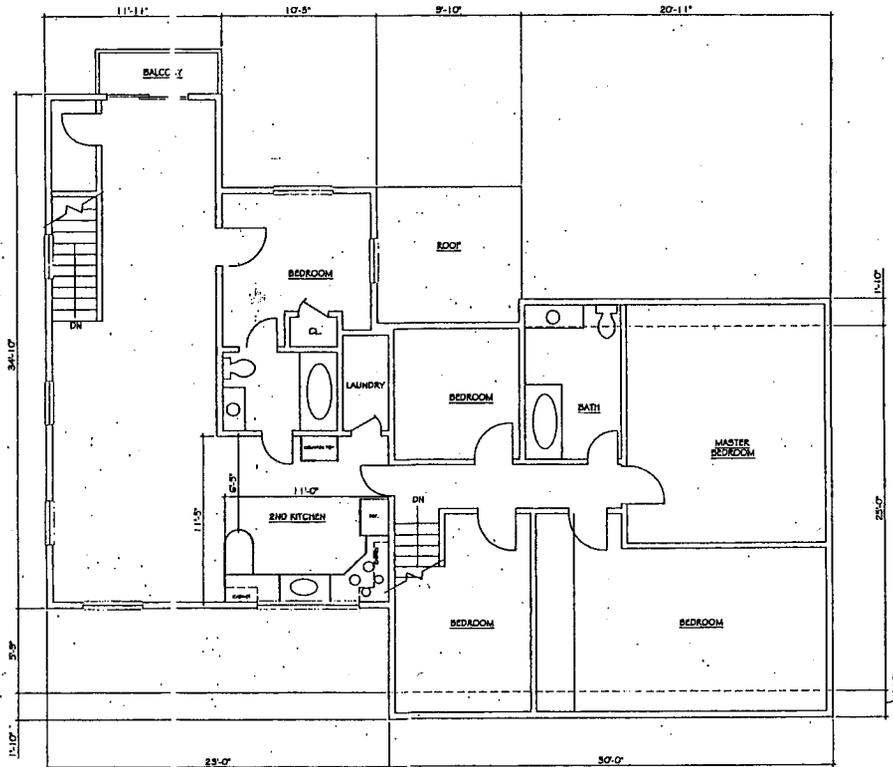
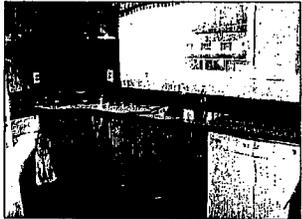
12. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
13. Parking shall be provided as shown on the special permit plat.
14. All outdoor lighting on the property shall be in conformance with Section 14-900 of the Zoning Ordinance. Motion activated light fixtures are exempt (Section 14-905) provided that such lighting fixtures emit initial lighting levels of 6000 lumens or less, are extinguished within five (5) minutes upon cessation of motion and are aimed such that the lamp or light bulb portion of the lighting fixture is not visible at five (5) feet above the property boundary.

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.

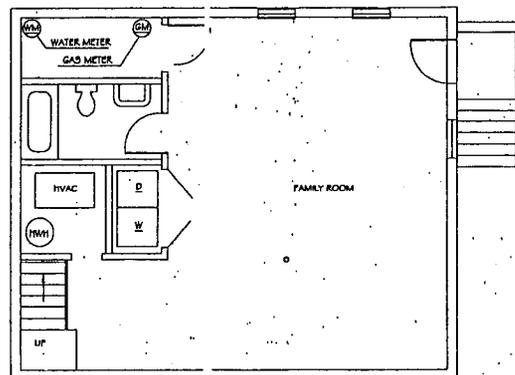
Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 180 days after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Hammack was absent from the meeting.

2ND KITCHEN PICTURES



SECOND FLOOR PLAN LAYOUT
SCALE 1/4" = 1'-0"
HEIGHT=8'



BASMENT PLAN LAYOUT

GTZ CONSULTANTS
3358 BROKEN KNIFE CT.
ANNANDALE, VA
PHONE (703) 825-0822
FAX (703) 860-4632
email: gtzconsultants@GMAIL.COM



PROJECT 4076
FLOOR PLANS & EXISTING LAYOUT
AT
7600 VANCOUVER ST.
SPRINGFIELD, VA
FAIRFAX CO., VA

SHEET TITLE
SECOND FLOOR
LAYOUT

REVISIONS

CAD FILE DIAWNO
ISSUE DATE
AUG/2010

2 of 4

REVISION
0

ATTACHMENT 1