



APPLICATION ACCEPTED: December 29, 2011
BOARD OF ZONING APPEALS: March 28, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 21, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-SP-112

SPRINGFIELD DISTRICT

OWNER/APPLICANT: Andre de Megret
SUBDIVISION: West Springfield Village
STREET ADDRESS: 6800 Dante Court
TAX MAP REFERENCE: 89-1 ((7)) 58
LOT SIZE: 16,111 square feet
ZONING DISTRICT: R-2 Cluster
ZONING ORDINANCE PROVISIONS: 8-918 and 8-923
SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit within an existing dwelling and a fence greater than 4.0 feet in height to remain in a front yard

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-SP-112, subject to the proposed development conditions contained in Appendix 1.

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

O:\bcho00\SP\Mar 28 - SP 2011-SP-112 (deMegret)\staff_report.doc

Brenda J Cho

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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



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.

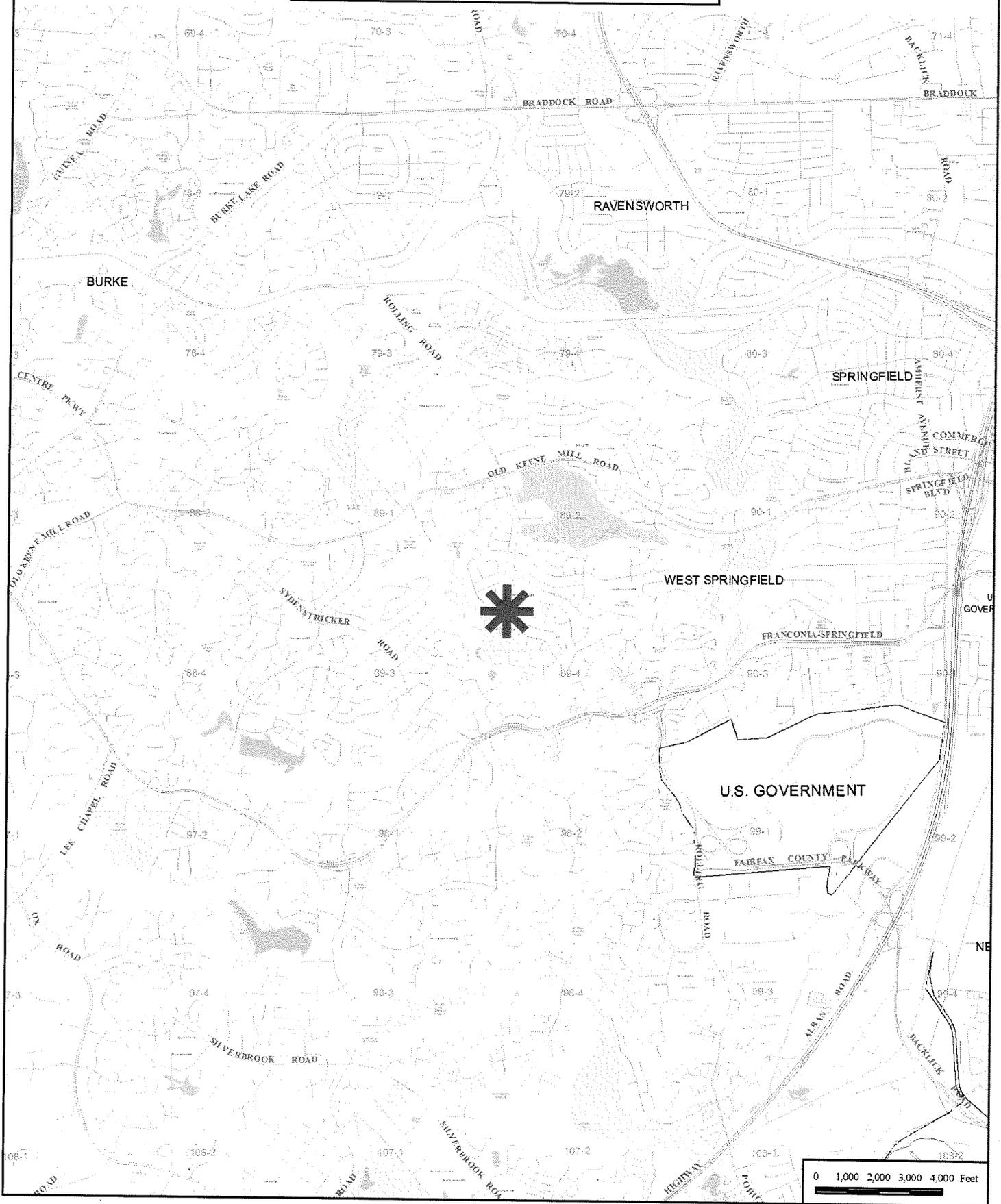
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



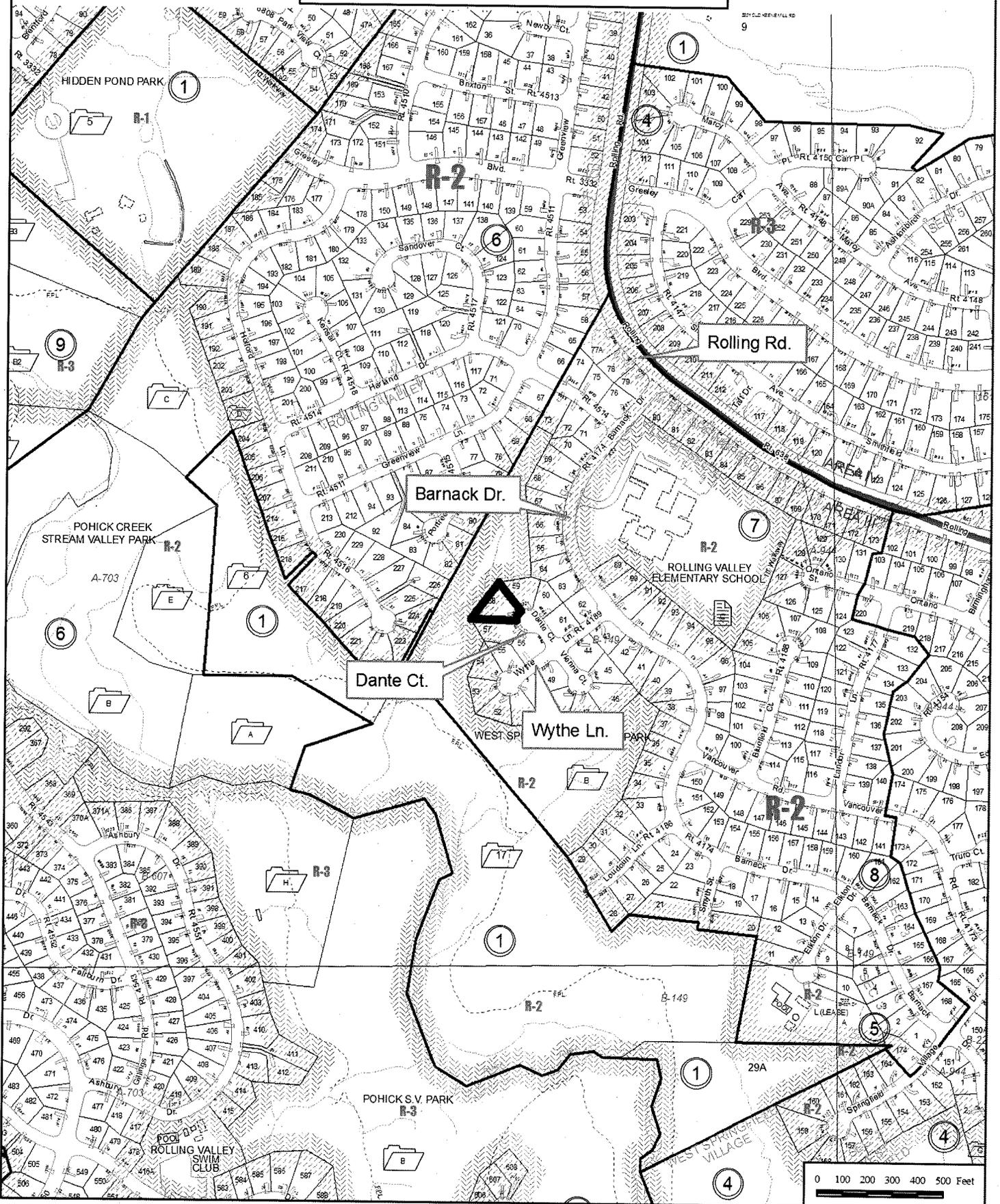
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

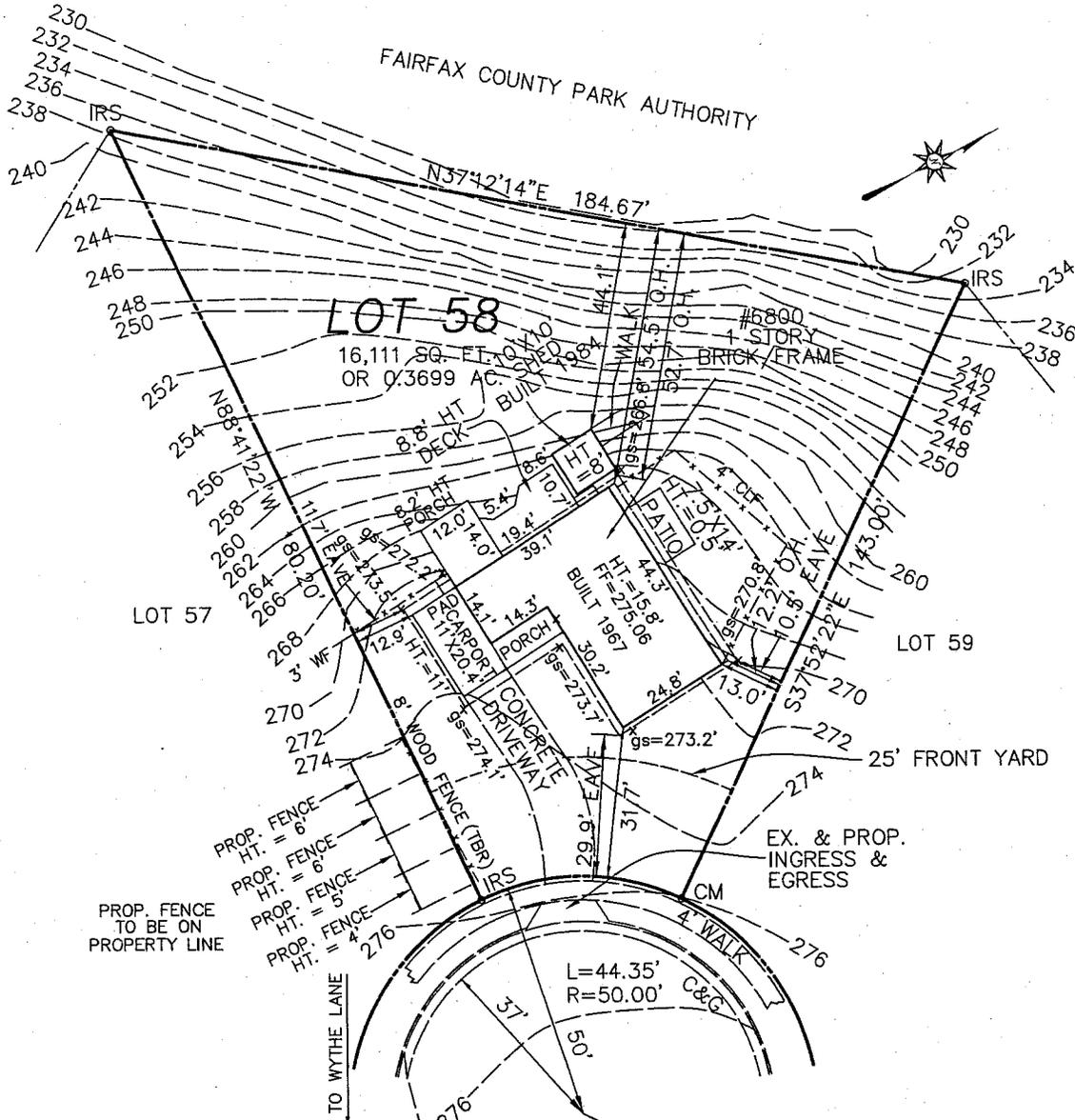
SP 2011-SP-112
ANDRE DE MEGRET



Special Permit
SP 2011-SP-112
ANDRE DE MEGRET



- NOTES:
1. ZONE = R-2C
 2. REQUIRED YARDS; FRONT = 25', SIDE = 8' MIN. (TOTAL OF 24'). REAR = 25'
 3. PROPERTY SERVED BY PUBLIC WATER AND SEWER. NO WELLS OR SEPTIC FIELDS ON-SITE.
 4. ON-SITE PARKING (2 SPACES) PROVIDED IN EXISTING DRIVEWAY AND CAR PORT.
 5. THIS PROJECT DOES NOT PROPOSE ANY LAND DISTURBANCE OR INCREASE IN IMPERVIOUS AREAS, THEREFORE NO STORM WATER MANAGEMENT FACILITIES OR EROSION SEDIMENT CONTROLS AREA PROPOSED.
 6. THERE ARE NO KNOWN GRAVES, OBJECTS OR STRUCTURES MARKING A PLACE OF BURIAL ON THIS SITE.
 7. THERE ARE NO RPA'S OR 100-YEAR FLOOD PLAINS ON THIS SITE.
 8. TOPOGRAPHIC INFORMATION TAKEN FROM A FIELD SURVEY AND FAIRFAX COUNTY TOPO MAPS.



SPECIAL PERMIT PLAT

LOT 58 SECTION 3

WEST SPRINGFIELD

D.B. 16249 PG. 975

FAIRFAX COUNTY, VIRGINIA

SCALE 1"=30'

DATE 03-30-10

REV. 08/11/11

REV. 05/25/11

REV. 05/02/11

DANTE COURT

(50' R/W RTE. #4190)



- 1.) NO TITLE REPORT FURNISHED.
- 2.) THIS SURVEY IS NOT TO BE USED AS A PLAT TO ESTABLISH PROPERTY LINES OR TO CONSTRUCT ANY PERMANENT STRUCTURES ON THE PROPERTY.
- 3.) FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE AND DO NOT CERTIFY AS TO OWNERSHIP.

MERESTONE LAND SURVEYING PLLC

LAND SURVEYING & G.P.S. SERVICES

MERESTONE LAND SURVEYING PLLC

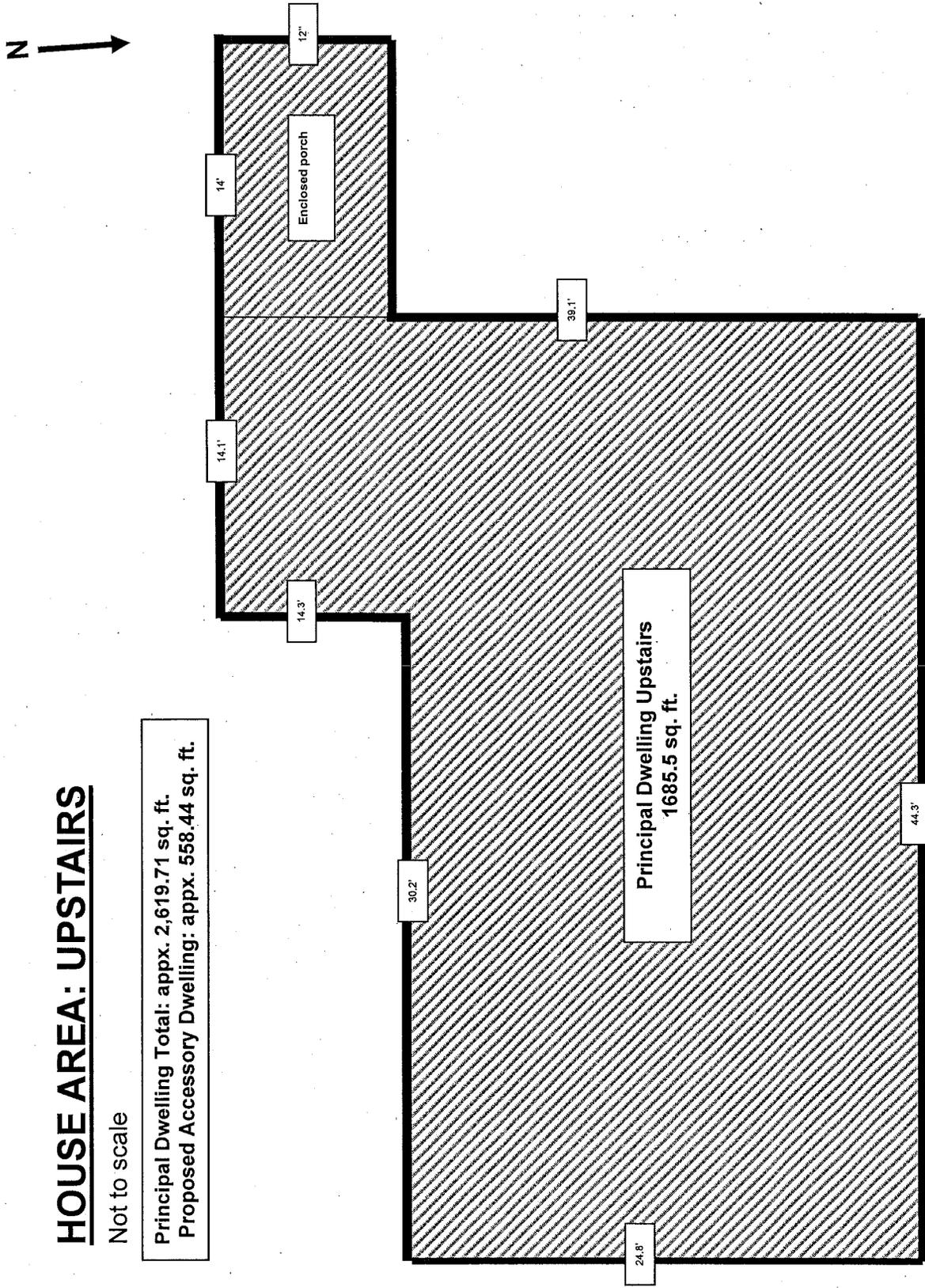
196 SEQUESTER DRIVE STAFFORD, VA 22556

(540)752-9197 FAX (540)752-9198

HOUSE AREA: UPSTAIRS

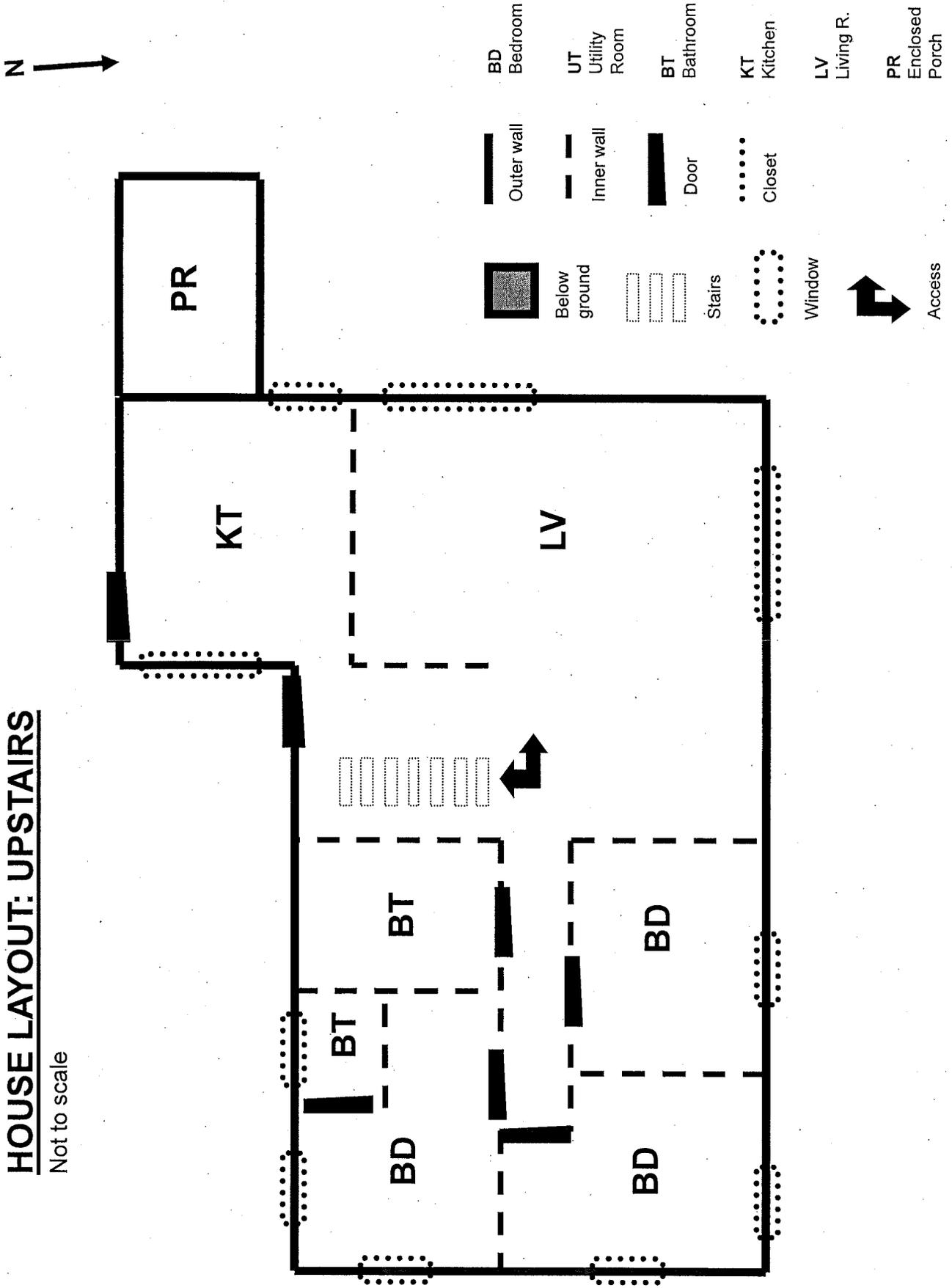
Not to scale

Principal Dwelling Total: appx. 2,619.71 sq. ft.
Proposed Accessory Dwelling: appx. 558.44 sq. ft.



HOUSE LAYOUT: UPSTAIRS

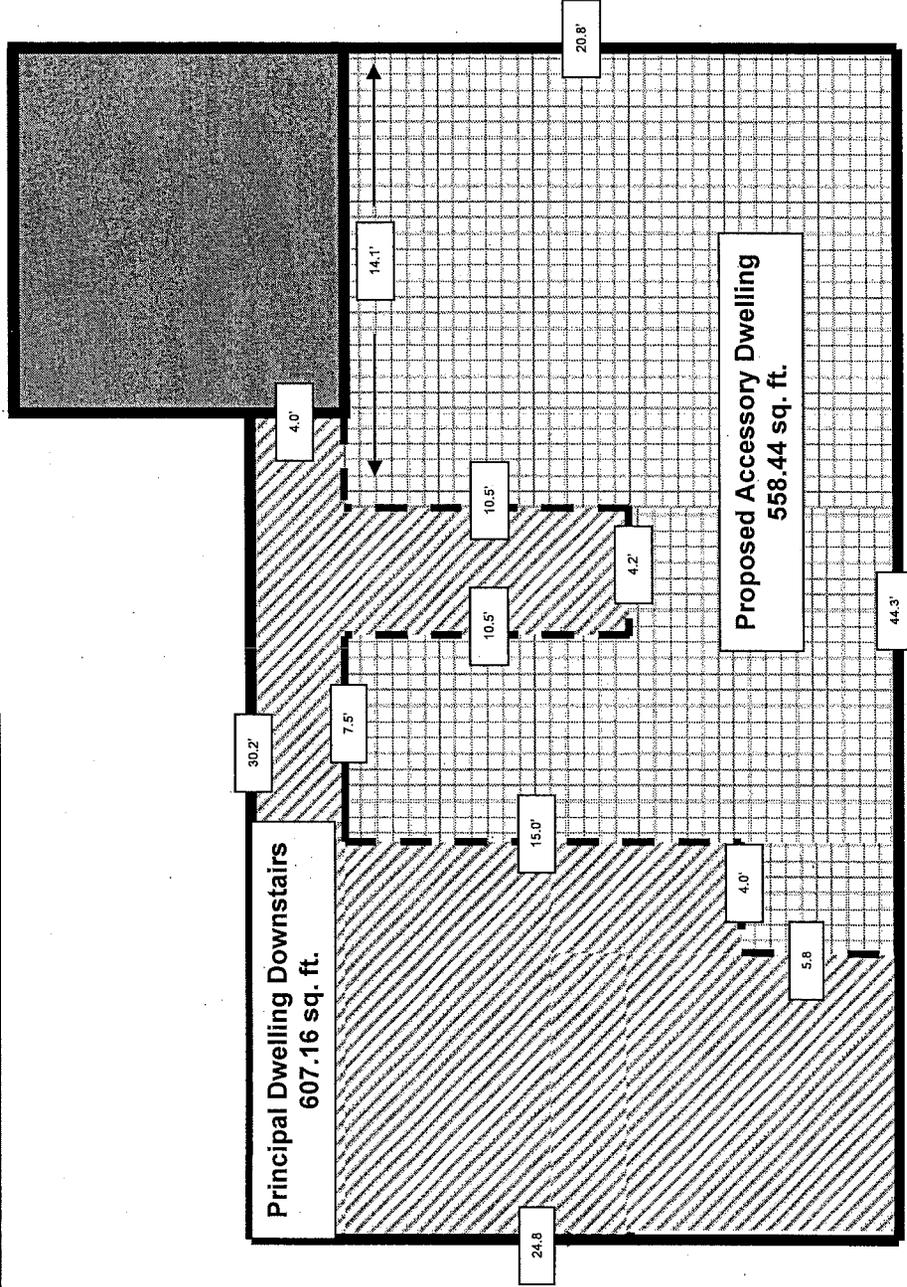
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HOUSE AREA: DOWNSTAIRS

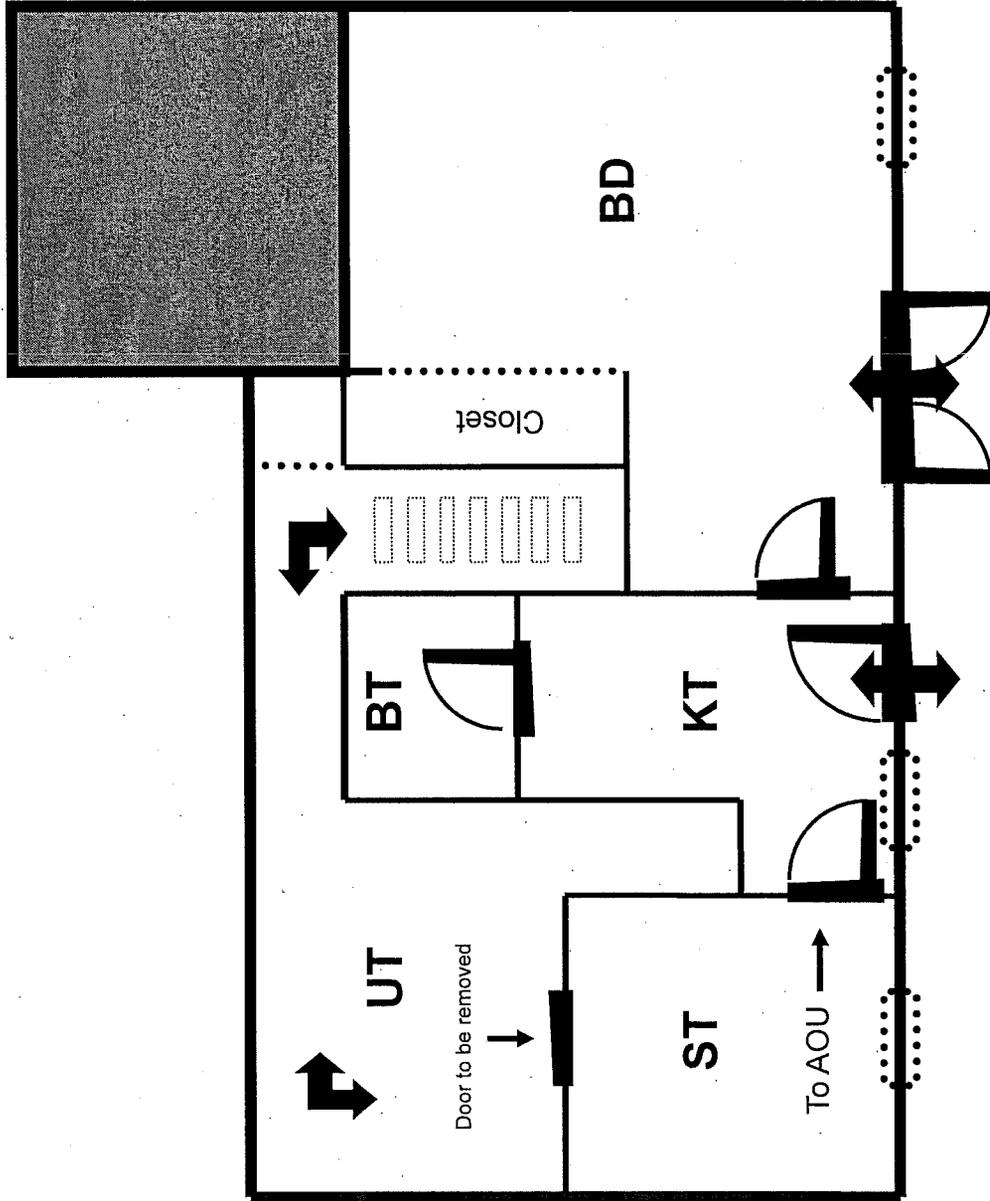
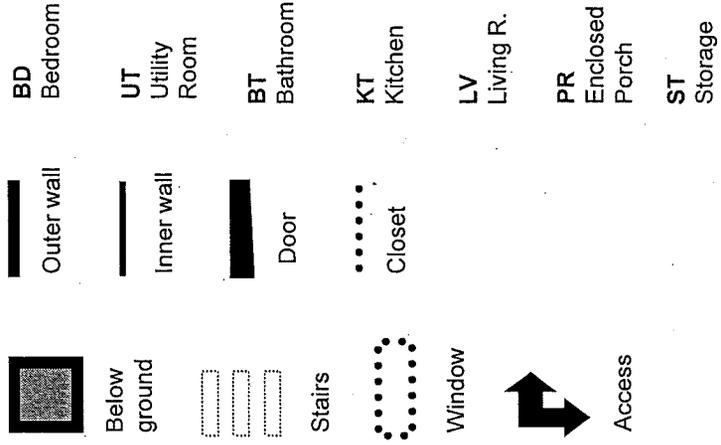
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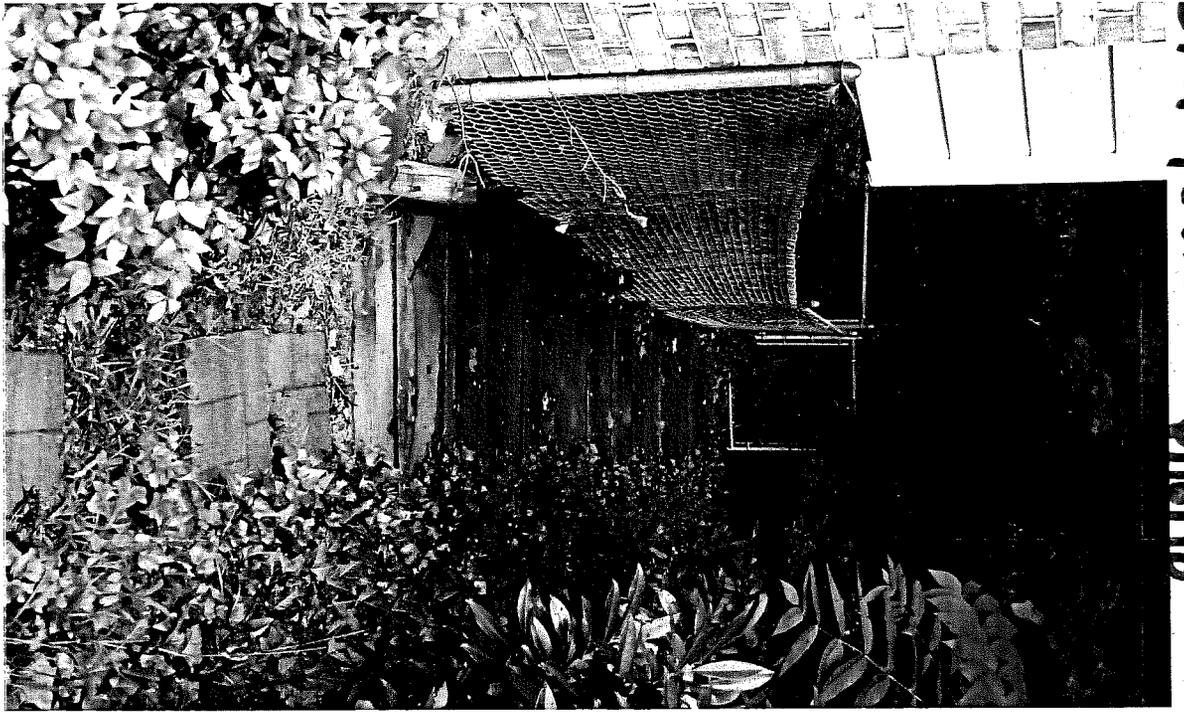
Principal Dwelling Total: appx. 2,619.71 sq. ft.
Proposed Accessory Dwelling: appx. 558.44 sq. ft.



HOUSE LAYOUT: DOWNSTAIRS

Not to scale





STEPS / BACK AREA BEHIND HOUSE



WOODED AREA BEHIND HOUSE



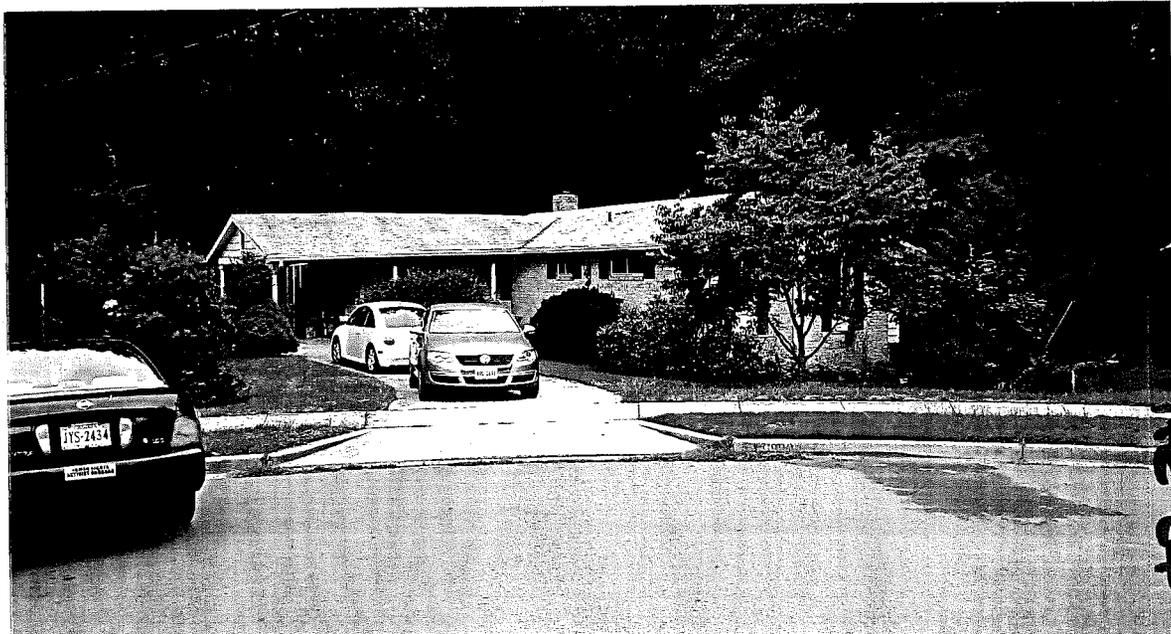
FRONT OF HOUSE



POOR WORK DONE ON SIDE OF



BACK ISHED WORK DONE ON 8/16/18



DRIVE WAY (PARKING) 8/16/18

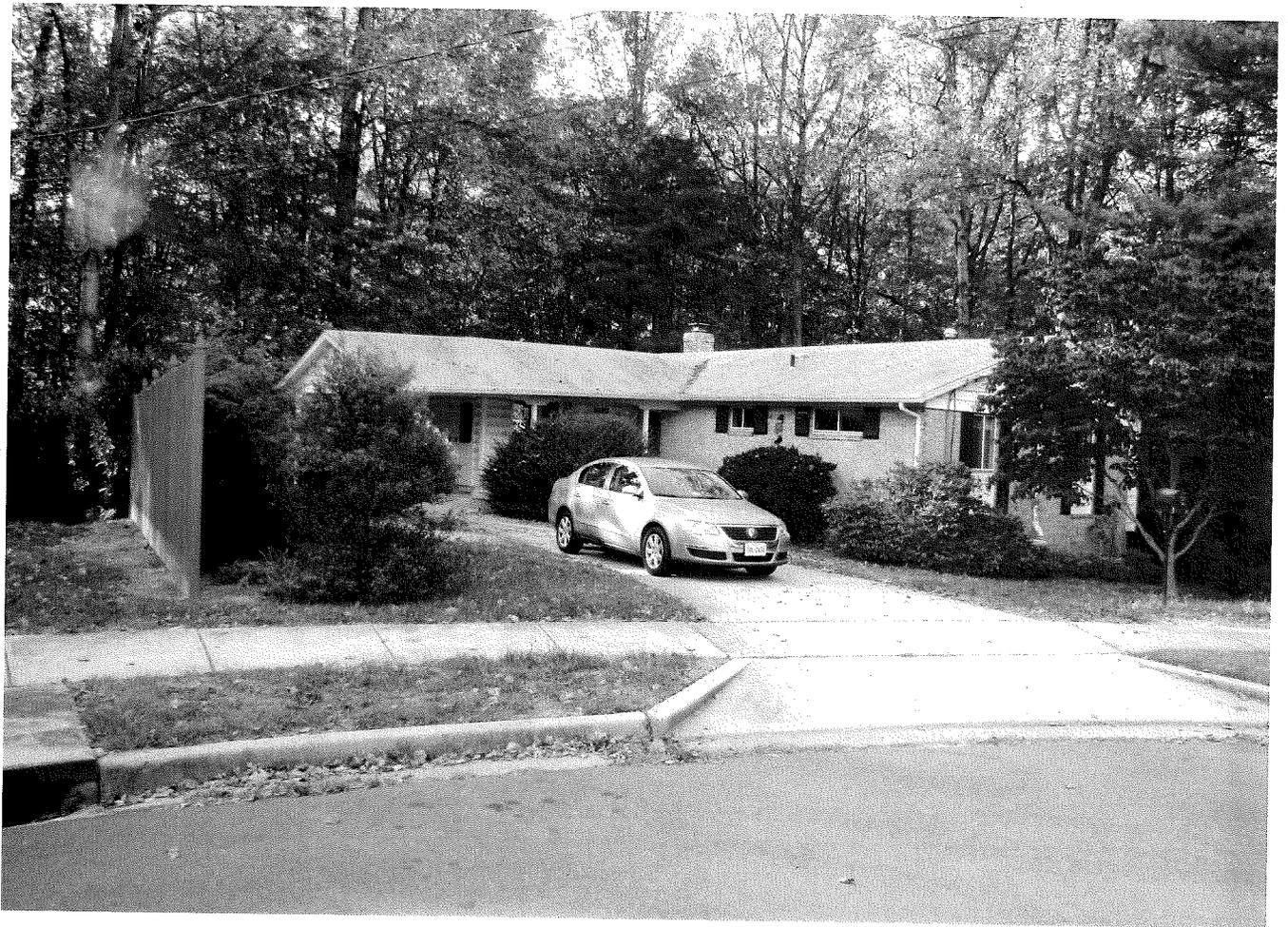
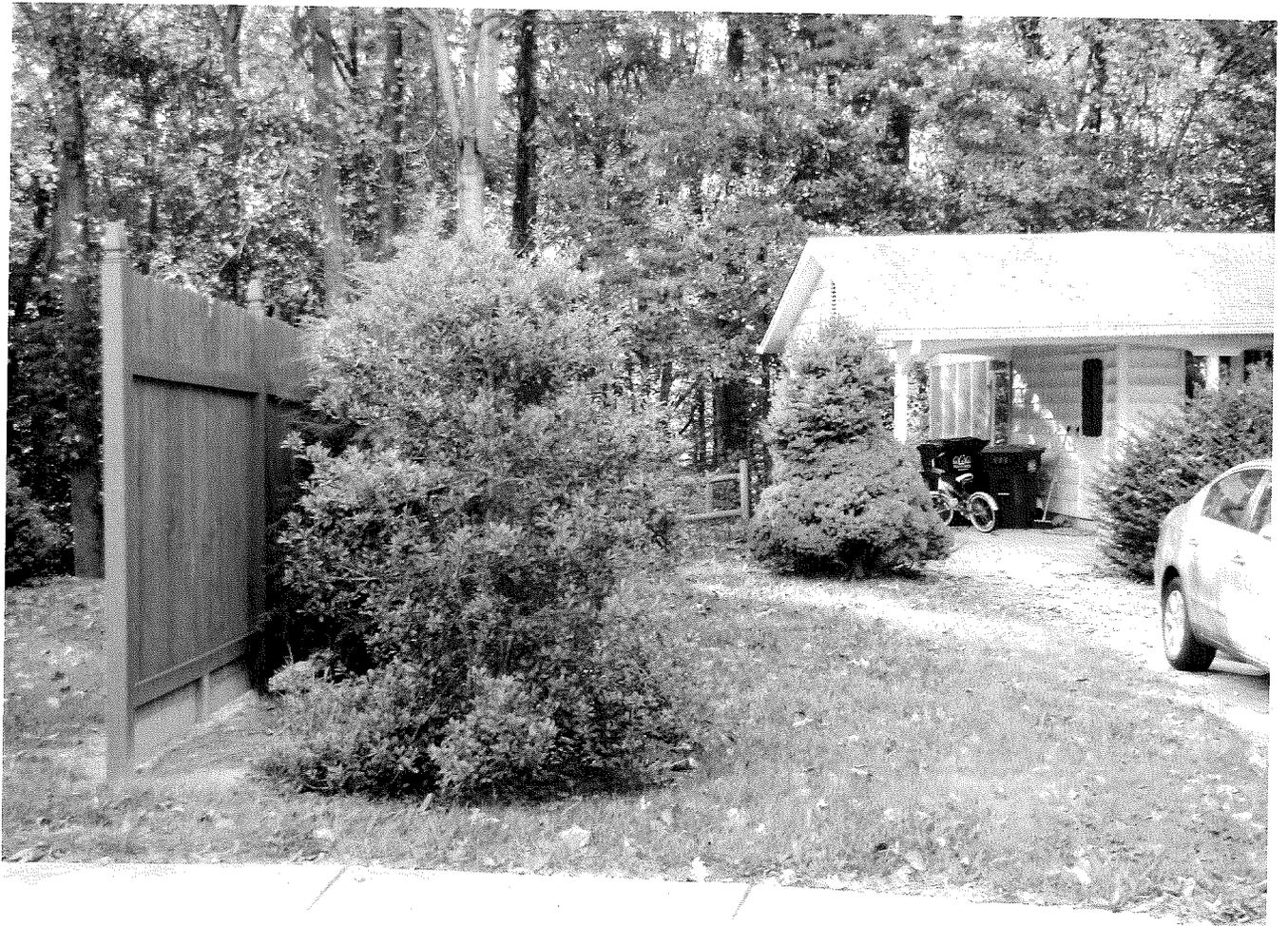






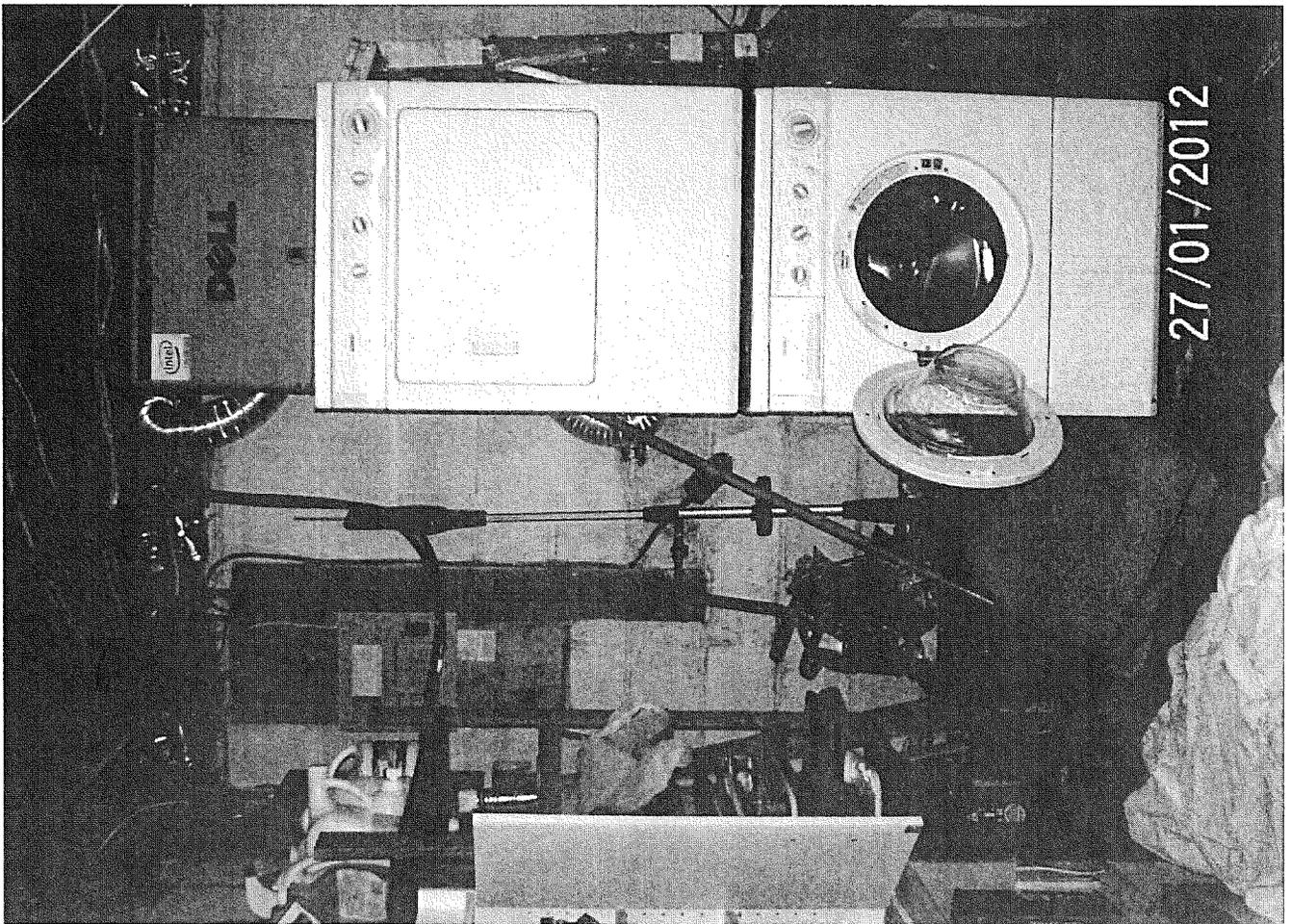


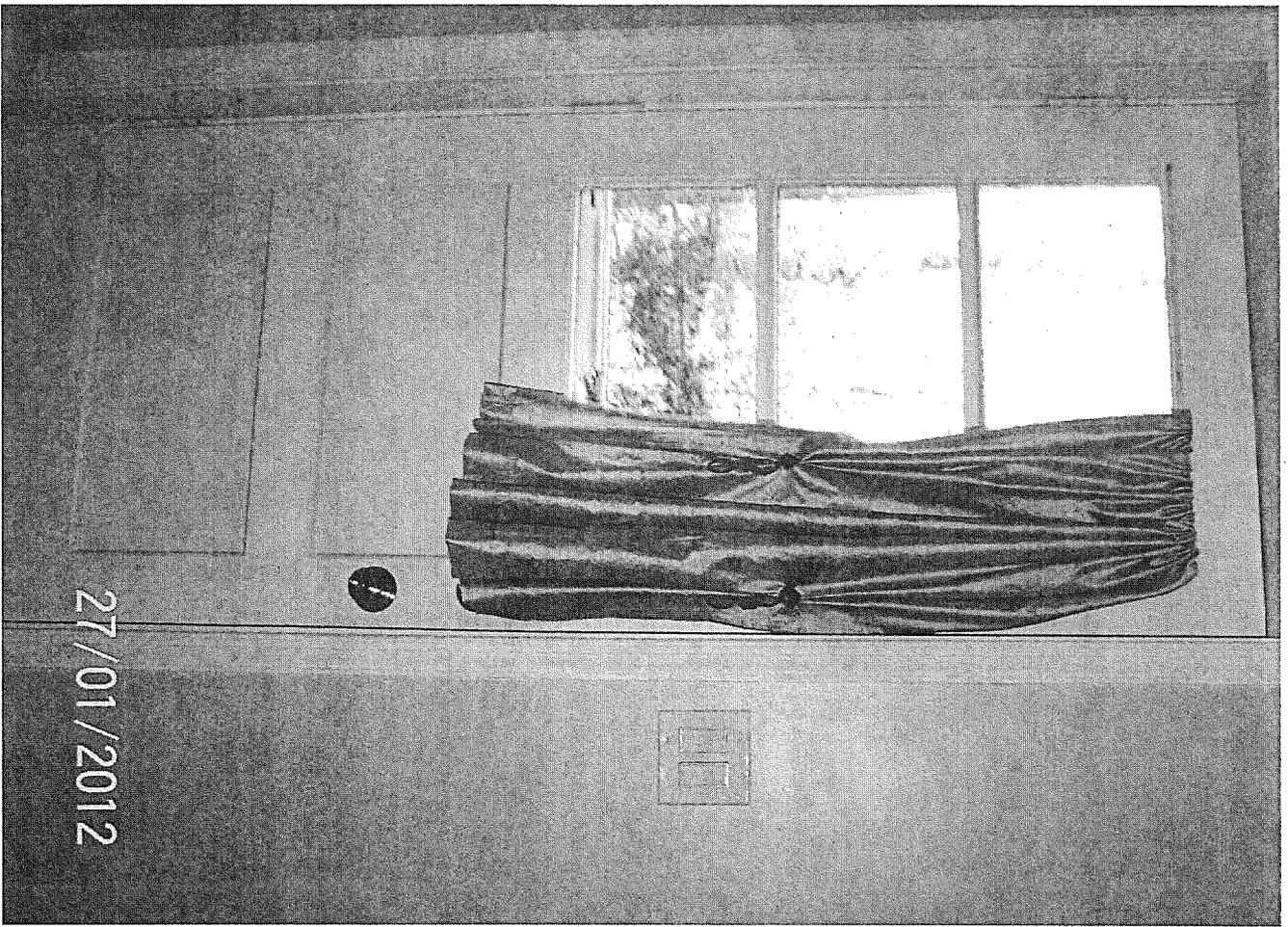












27/01/2012



27/01/2012



DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling unit in the cellar of an existing dwelling and fence greater than 4.0 feet in the front yard

Size of Principal Dwelling: 1,685.5 square feet*

Size of Accessory Dwelling Unit: 558.44 square feet or 33%

Lot Size: 16,111 square feet

*The square footage of the principal dwelling is for above ground gross floor area since cellar space cannot be counted towards gross floor area.

LOCATION AND CHARACTER OF AREA

Existing Site Description

The application site measures 16,111 square feet in area and is zoned R-2 Cluster. The site is developed with a single story brick and frame single-family detached house and carport. There is a concrete driveway at the front of the house. The gradient of the site slopes down approximately 30 feet towards the rear of the site, which abuts Fairfax County Park Authority property. There is an enclosed porch and open deck at the rear of the house, as well as an eight foot high shed. There is a patio at the northeast side of the house. Alongside the western property line, there is an eight foot high wood fence. The site is landscaped with grass, trees and other plantings.

Surrounding Area Description

Direction	Use	Zoning
North	West Springfield Village Park (Fairfax County Park Authority)	R-2
South	Single Family Detached Dwelling	R-2 Cluster
East	Single Family Detached Dwelling	R-2 Cluster
West	West Springfield Village Park (Fairfax County Park Authority)	R-2

BACKGROUND

A notice of violation (NOV) was issued on June 17, 2010 for excessive dwelling units. A copy of the NOV is included as Appendix 4. Electrical and plumbing permits were issued in 2006 for the basement, as well as a permit for a finished basement with a wet bar and no second kitchen or bedroom. A copy of the approved permit is included as Appendix 5. The contractor built the full kitchen at the applicant's request. According to County records, a permit was not issued for the eight foot high fence, which was built in 2010.

Following adoption of the current Ordinance, the BZA heard the following special permit application in the vicinity of the application parcel:

- Special Permit SP 2011-SP-062 was approved on October 26, 2011 for Tax Map 89-1 ((7)) 60, zoned R-2C at 6803 Dante Court, to permit an accessory dwelling unit.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Plat, Lot 58, Section 3, West Springfield

Prepared By: Merestone Land Surveying PLLC

Dated: March 30, 2010, revised through August 11, 2011

Proposed Use:

The applicant requests a special permit to allow an accessory dwelling unit in the cellar of the existing dwelling and to allow a fence greater than 4.0 feet to remain in the front yard. The principal dwelling has a total of 1,685.5 square feet of above ground gross floor area (GFA). 558.44 square feet of the cellar will be utilized for the accessory dwelling unit, which is approximately 33% of the principal dwelling's GFA. The accessory dwelling unit will have a living/sleeping area, full bathroom, and kitchen. The accessory dwelling unit can be accessed through a shared utility/laundry room and storage area and through two separate outdoor entrances through the kitchen and living area. There is a carport and driveway at the front the house, which can accommodate two to three cars. The applicant, who is under 55 years old, proposes to limit the use of the unit to a tenant over 55 years old.

The existing wood fence, which is eight feet high, will be reduced in height to stagger from seven feet to four feet towards the front lot line. The applicant requests a portion of the fence to be up to six feet in the front yard.

ZONING ORDINANCE PROVISIONS

Special Permit Requirements (See Appendix 6)

- * General Special Permit Standards (Sect. 8-006)
- * Group Standards for All Group 9 Uses (Sect. 8-903)
- * Additional Standards for Accessory Dwelling Units (Sect. 8-918)
- * Provisions for Increase in Fence and/or Wall Height in Any Front Yard (Sect. 8-923)

Summary of Zoning Ordinance Provisions

This special permit is subject to Sects. 8-006, 8-903, 8-918 and 9-923 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 as outlined in Sects. 8-006, 8-903, 8-918 and 8-923 will be satisfied with adoption of the proposed development conditions. Therefore staff recommends approval of SP 2011-SP-112 subject to the Proposed Development Conditions contained in Appendix 1 of this staff report.

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

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

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Notice of Violation dated June 17, 2010
5. Approved Permit for Finished Basement
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2011-SP-112****March 21, 2012**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-SP-112 located at Tax Map 89-1 ((7)) 58 to permit an accessory dwelling unit and a fence greater than 4.0 feet in height to remain in a front yard under Sections 8-918 and 8-923 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen in the accessory unit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant only, Andre de Megret, and is not transferable without further action of this Board, and is for the location indicated on the application, 6800 Dante Court (16,111 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 Merestone Land Surveying PLLC, dated March 30, 2010, revised through August 11, 2011, 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 558.44 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. The fence shall be modified in height as shown on the special permit plat within three months of approval of this special permit. The fence shall not exceed six (6) feet in height in the front yard.
12. All parking shall be provided on site as shown on the special permit plat.

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

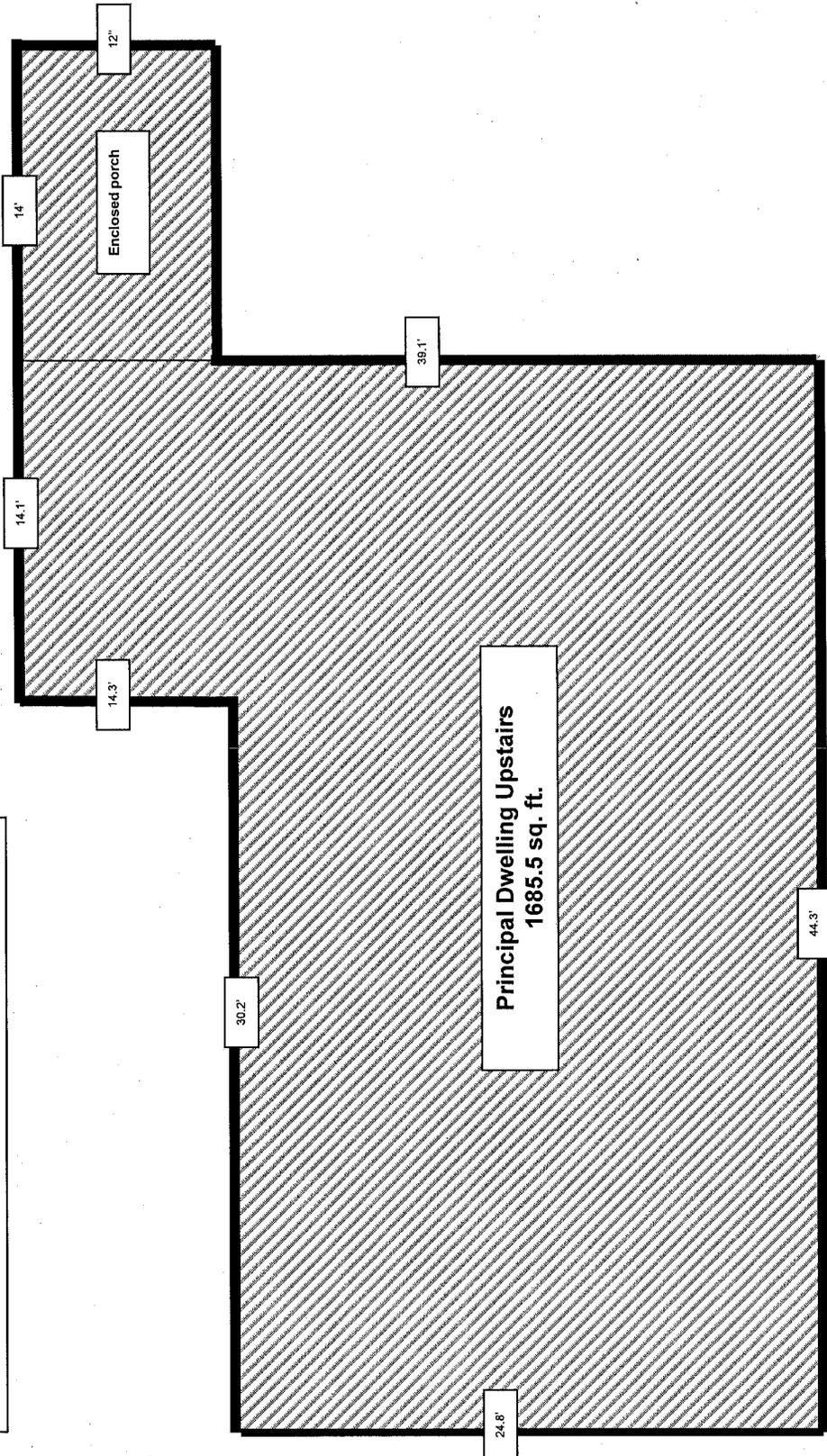
Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



HOUSE AREA: UPSTAIRS

Not to scale

Principal Dwelling Total: appx. 2,619.71 sq. ft.
Proposed Accessory Dwelling: appx. 558.44 sq. ft.

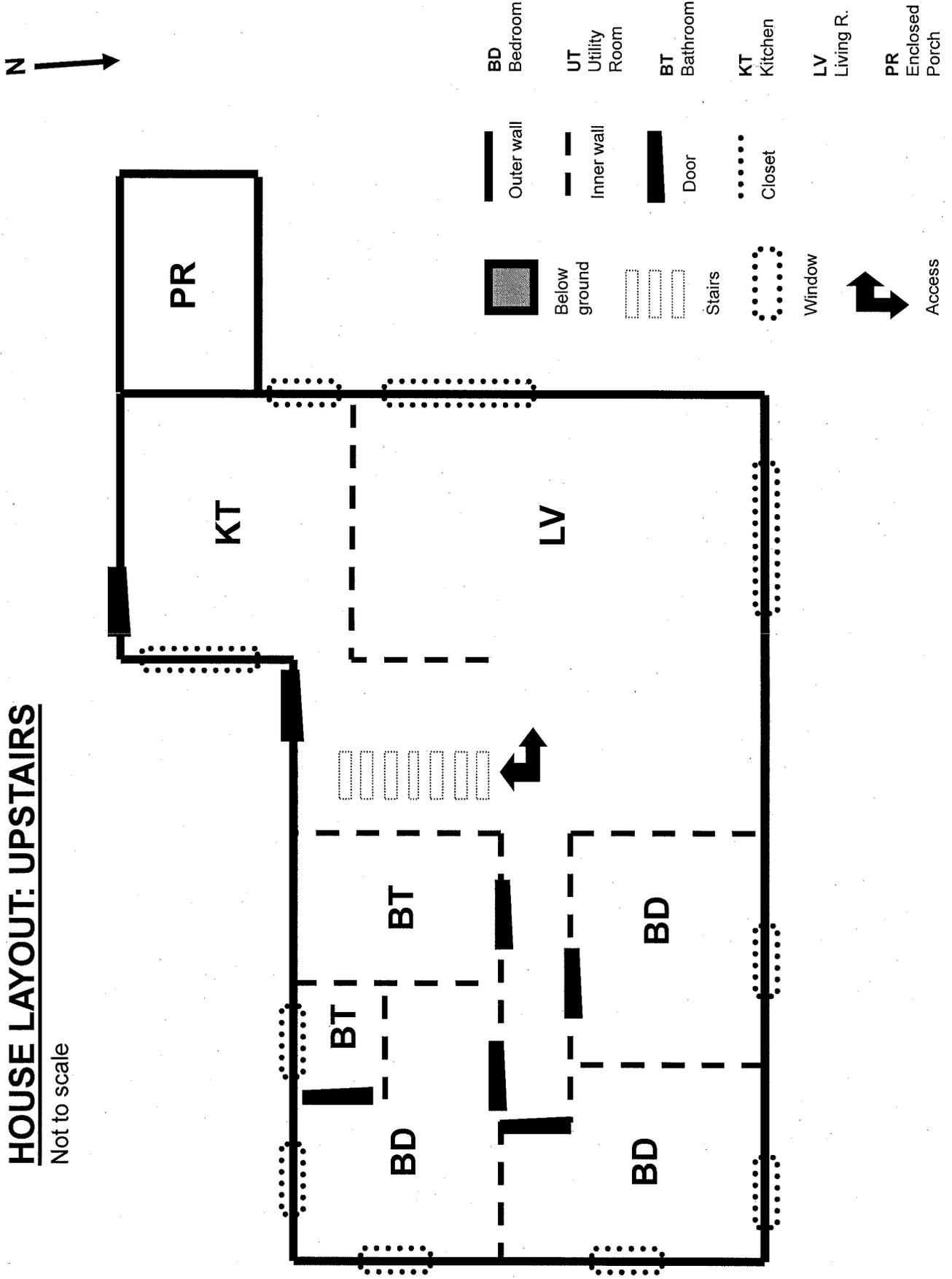


Principal Dwelling Upstairs
1685.5 sq. ft.

Enclosed porch

HOUSE LAYOUT: UPSTAIRS

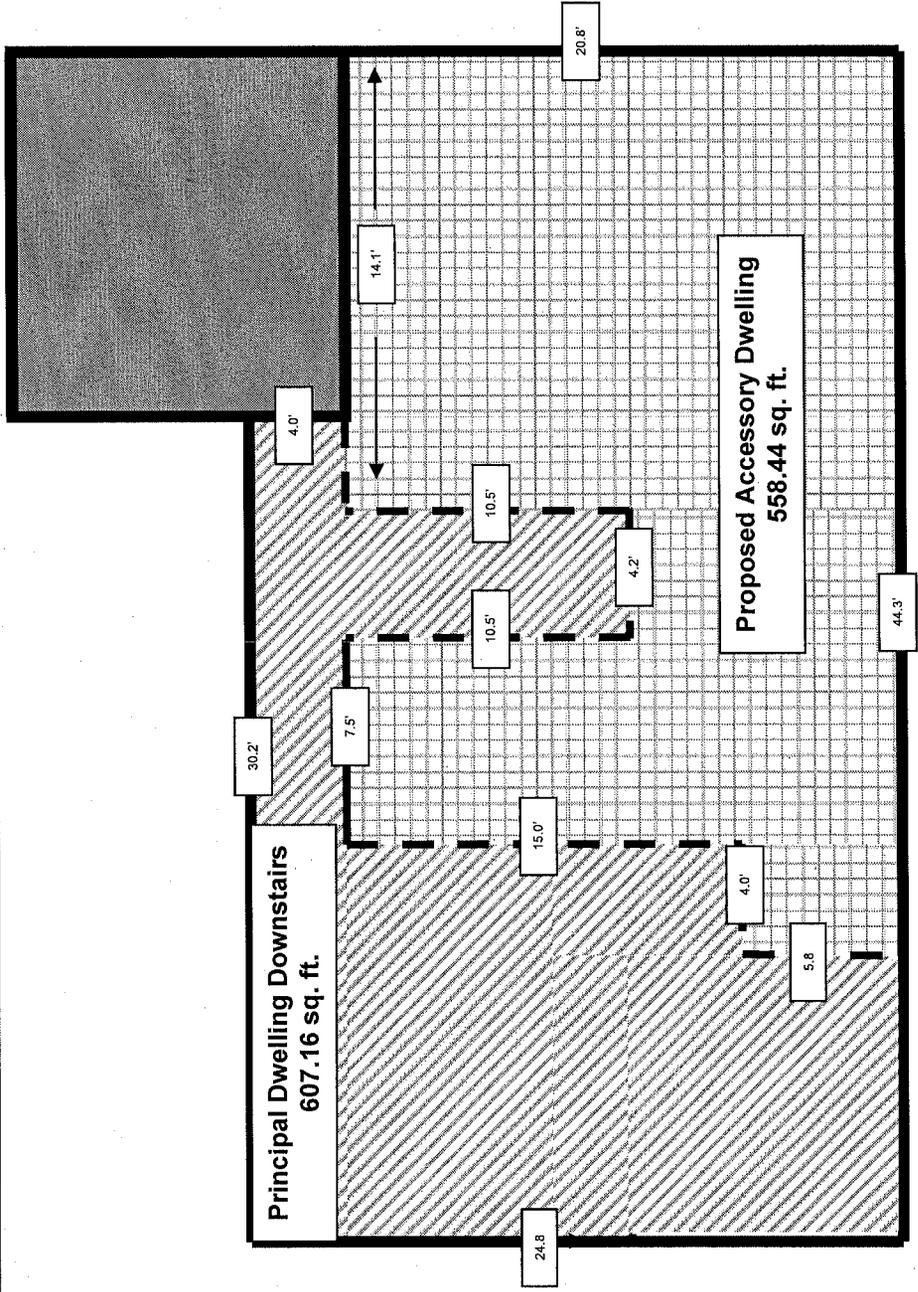
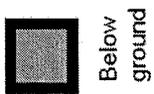
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HOUSE AREA: DOWNSTAIRS

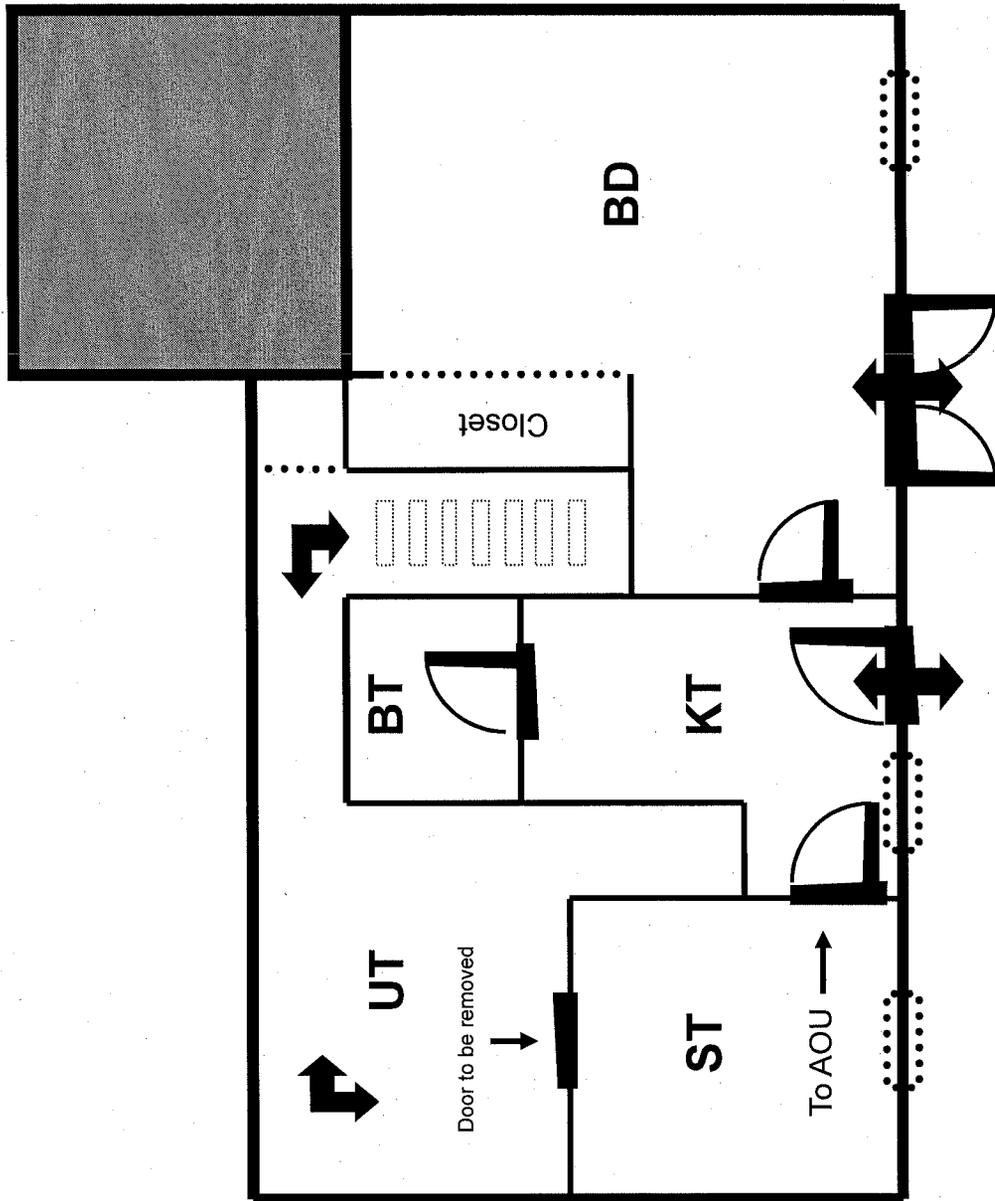
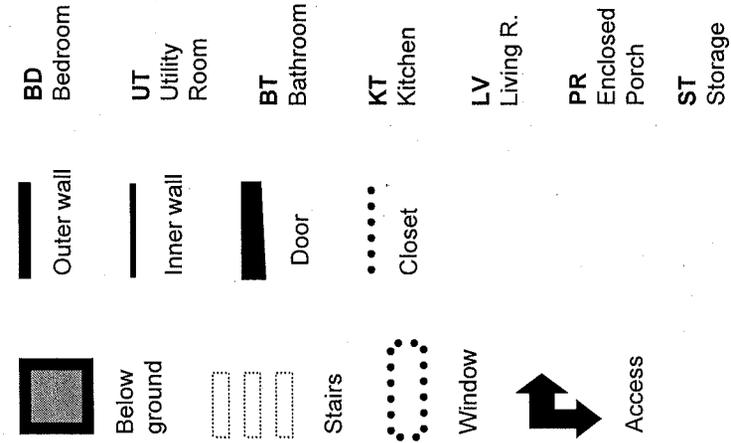
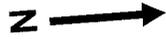
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Proposed Accessory Dwelling: appx. 558.44 sq. ft.



HOUSE LAYOUT: DOWNSTAIRS

Not to scale



Application No.(s): SP 2011-SP-112
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/18/10
(enter date affidavit is notarized)

I, Andre E. de Megret, 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 109541

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)
---	--	---

Yasmin L. Murray ANDRE DE MEGRET	5993 Kingsford Rd., Apt. H, Springfield, VA 22152 6800 DANTE COURT SPRINGFIELD, VA 22152	Title owner TITLE OWNER <i>Ad</i>
--	--	---

(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-112
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/18/10
(enter date affidavit is notarized)

109541

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)

N/A

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)

N/A

(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-112
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/18/10
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109541

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)

N/A

(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**)

N/A

(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-112
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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/18/11
(enter date affidavit is notarized)

109541

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-112
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/18/10
(enter date affidavit is notarized)

109541

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:

Andre Demegret

(check one)

Applicant

Applicant's Authorized Agent

ANDRE E. DEMEGRET, III

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18th day of June, 2011, in the State/Comm. of District of Columbia County/City of _____

Alvin S. Price
Notary Public

My commission expires: 11-30-2010

Andre de Megret
6800 Dante Court
Springfield, VA 22152
703.342.7682

March 08, 2012

County of Fairfax
Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

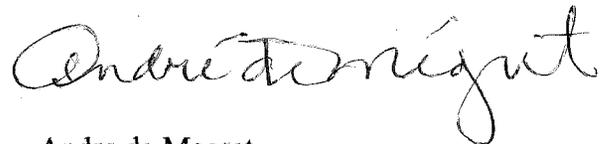
Dear Sir or Madam:

This letter is submitted as an addendum to the justification letter in support of a special permit application for an accessory dwelling unit, SP 2010-0166. This addendum reflects a change in the occupancy plan first proposed.

Ms. Currie's use of the proposed accessory dwelling will now be intermittent, ranging from a few days to as long as several weeks, depending on the length of her stays in the area, which are, in turn, dependent on her visits to care for her grandchildren.

The dwelling will remain for Ms. Currie's sole and exclusive use.

Very respectfully,

A handwritten signature in cursive script that reads "Andre de Megret". The signature is written in black ink and is positioned above the printed name.

Andre de Megret.

Andre de Megret
6800 Dante Court
Springfield, VA 22152
703.342.7682

RECEIVED
Department of Planning & Zoning
MAY 10 2011
Zoning Evaluation Division

May 3, 2011

County of Fairfax
Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

Dear Sir or Madam:

This letter is submitted as an addendum to the justification letter and response to your letter of deficiencies received by me on March 25, 2011 relating to an application for special permit for an accessory dwelling unit in my home, received by you on August 17, 2010, and assigned file number SP 2010-0166, later modified to incorporate an additional request for approval of an increase in fence height on the same property.

Please note that two SPP checklist reports were provided me in your letter of March 25th. I was not able to identify any specific labeling to which I could refer, so I reference them here by the number of pages contained in each.

Please find my responses to the deficiencies noted, by submission requirement, beginning with the deficiency checklist report of pages 1-3:

Item 1.00: "APPLICATION FORM SUBMITTED IS FOR SPECIAL EXCEPTION, NEED TO SUBMIT SPECIAL PERMIT FORM. BALANCE DUE = \$465.

Response: Special permit application form provided. Balance of application fee in the amount of \$465 provided.

Item 5.00: REVISE STATEMENTS FOR CONSISTENCY WITH PLAT. PROVIDE STATEMENTS ADDRESSING 8-923 STANDARDS 1 THROUGH 6.

With reference to 8-923, Provisions for Increase in Fence and/or Wall Height in Any Front Yard:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.

Response: A Special Permit application is provided to request increase in height.

2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.

Response: The property is located at the rear of a cul-de-sac, such that there is no impediment to safety of transit due to the height of the fence.

3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.

Response: The purpose of the fence is to enhance privacy. However, I submit that the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise have been considered. Please refer to the plat provided.

4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.

Response: There are no historic designations in question. The fence is constructed of wood, and is painted in a subtle clay tone that blends well with the surrounding structures and natural environment. In addition, the fence runs parallel to a length of trees that obscure the fence, which further contributes to the fence's harmonious blending into the surrounding environment. Finally, the modifications to the fence proposed as part of this request include an attractive stepped cut that will leave the front section of the fence closest to the street at 4', making it unobtrusive to view from the pedestrian's point of view. A drawing is provided to clarify this proposal, and the proposed final design is reflected in the accompanying plat.

5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.

Response: As stated above, the fence is constructed of wood, and is painted in a subtle clay tone that blends well with the surrounding structures and natural environment. The color was chosen in consultation with my neighbor, demonstrating adherence to community aesthetic values. In addition, the fence runs parallel to a length of trees that obscure it, which further contributes to its harmonious blending into the surrounding environment. Finally, the modifications to the fence proposed as part of this request include a stepped cut that will leave the front section of the fence closest to the street at 4', making it unobtrusive to view from the pedestrian's point of view. A drawing is provided to clarify this proposal, and the final design is reflected in the accompanying plat.

6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.

Response: I am willing to submit to any such conditions. In fact, I believe my plans for the fence, as stated in my responses to 4 and 5 above, proactively address such considerations.

Item 5.08: A LISTING, IF KNOWN OF ALL HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PARTS 116.4, 302.4, AND 355, etc.

Response: No hazardous or toxic substances shall be generated, utilized, stored, treated, and/or disposed of on this site, and there are not now nor will there be any storage tanks or containers kept at the site.

Item 7.00: Provide reduction of updated plat.

Response: Please find one 8 ½ x 11" reduction of the updated special permit plat attached.

Please find below my responses to the deficiencies noted in the checklist report, by submission requirement, beginning with the deficiency checklist report of pages 1-4:

Item 1.06: LOCATION, DIMENSIONS, AND MAXIMUM HEIGHT IN FEET, INCLUDING PENTHOUSES, OF ALL EXISTING AND PROPOSED STRUCTURES.

Response: Please see updated plat.

Item 1.08: CONSTRUCTION DATE(S) OF ALL EXISTING STRUCTURES, INCLUDING SIGNS, AND AN INDICATION WHETHER THEY WILL BE RETAINED OR DEMOLISHED.

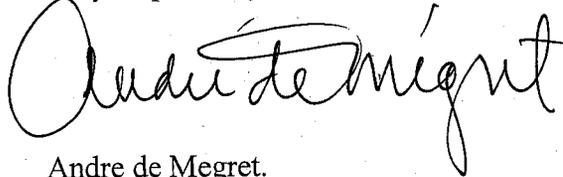
Response: Please see updated plat. No existing structures shall be demolished.

Item 1.38: SEAL AND SIGNATURE OF PROFESSIONAL PERSON CERTIFYING THE PLAT.

Response: Please see updated plat.

Thank you for your consideration.

Very respectfully,

A handwritten signature in black ink that reads "Andre de Megret". The signature is written in a cursive, flowing style with a large initial 'A'.

Andre de Megret.

Andre de Megret
6800 Dante Court
Springfield, VA 22152
703.342.7682

March 14, 2011

RECEIVED
Department of Planning & Zoning

MAR 16 2011

Zoning Evaluation Division

County of Fairfax
Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

Dear Sir or Madam:

This letter is submitted as an addendum to the justification letter in support of a special permit for an accessory dwelling unit in my home, received by you on August 17, 2010, and assigned file number SP 2010-0166. This addendum modifies my initial request to incorporate an additional request for approval of an increase in fence height on the same property. Finally, this letter addresses the deficiencies noted in your letter of October 4, 2010, and The reason for the delay in this follow-up submission was to order and accomplish an additional survey, and to develop and assemble the other required documents for this package.

The reason for request for the accessory dwelling remains the same: to allow for a close family friend to remain with us in the home in her own private space.

The reason for the request of a special permit for the completion of the fence adjacent to the neighboring property is that the fence is 7' feet in height, above that allowable by code. The reason for this is my misunderstanding and misinformation as to the allowable specifications, specifically, the definitions of "side yard" and "front yard". In my lay understanding, "side yard" consisted of the line parallel to the side of the principal dwelling, perpendicular to the street the dwelling faces, assuming that street is straight and parallel to the front of the principal dwelling—in other words, the line between my property and that of my neighbor. Similarly, I understood "front yard" to represent that part of the yard of the dwelling parallel to the street the dwelling faces, again, assuming that street is straight and parallel to the face of the structure.

In preparation for construction of the fence, I consulted various County resources, to include its webpages, and placed at least one call to request assistance in clarifying the requirements. My starting point was a search of the department of planning and zoning: Zoning Requirements - Frequently Asked Questions section heading "Are there any regulations regarding the location and height of fences and walls?" and the response, which I quote as follows:

The county's Zoning Ordinance regulates the location of fences and walls on a lot based on the height of the fence or wall. On most residential lots, the Zoning Ordinance only allows a fence or wall of 4 feet or less in the front yard. Remember that on corner lots, the two yards which lie between the principle building and the intersecting streets are both deemed to be front yards. ***In a side or rear yard, a fence or wall of not more than 7 feet is generally allowed.*** There are some limited exceptions to these rules for particular types of lots that abut or are in close proximity to major thoroughfares. For specific information regarding your property and designation of the yards on your lot, please contact the Zoning Permit Review Branch of the Department of Planning and Zoning at 703-222-1082, TTY 711. In many instances, a Building Permit is not required for a fence. For information regarding Building Permit requirements, please contact the Permit Application Center of the Department of Public Works and Environmental Services at 703-222-0801, TTY 711.

I further consulted the Zoning Ordinance, Article 10, Accessory Uses, Accessory Service Uses and Home Occupations Location Regulations, section 104, (<http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art10.pdf>), which reads similarly. I do not dispute the contents of the ordinance, but submit as justification for building the fence out of code my misunderstanding of the aforesaid guidance, which does not define "side yard" and "front yard" quantitatively. Again, however, I do not dispute the contents, and will take whatever steps necessary to modify the fence to bring the structure within code. However, I do propose the following solution, for which I am requesting an exception by special permit:

I propose the fence be cut down gradually from the rear of the property to the front of the property, such that a 7' foot in height portion remains where allowable by code, to be followed by cuts of 1' in height in each of 2' in length sections. The property is located at the rear of a cul-de-sac, such that there is no impediment to safety of transit due to the height of the fence at higher than 4' in height. The only consideration is esthetic, which I believe the gradual cut will resolve. In addition, the fence runs parallel to a length of small trees that obscure artificial nature of the fence. A drawing is provided to clarify this proposal.

To address the other deficiencies of your letter of 4 October, I submit the following, per item noted as deficient:

1.0

4 copies of the application, last name standardized to show space in last name, as in all other application items.

3.0

Photographs showing property and abutting properties, with existing structures, per instructions. A disk containing the photos is provided.

5.09

The accessory dwelling consists of two bedrooms. Access between the dwellings is through a door to the accessory dwelling unit and the shared utility room. Access is depicted on the layout graphic provided. In addition, at approximately 667.64 sq. ft., the proposed accessory dwelling is approximately 26% of the total area of the principal dwelling, which is 2,510.51 sq. ft..

7.00

One 8 ½ x 11 reduction of the special permit plat is provided.

930.06 – 930.20

An updated plat is provided.

With reference to deficiencies 930.06 – 930.20, should the updated plat not suffice to address all deficiencies noted, I respectfully request, per your comment to Item 1.00 of the Checklist Report, a waiver, with the justification that the accessory dwelling has in no way resulted in any changes to the exterior of the edifice, nor will it. In addition, I request consideration of the hardship the cost of additional surveyor services will cause, as the two plats I have ordered, the first for my initial application, the second to address deficiencies, have been extremely costly to me.

Thank you for your consideration.

Very respectfully,

Andre de Megret.

Andre de Megret
6800 Dante Court
Springfield, VA, 22152

June 17, 2010

County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division

Dear Sir or Madam:

Please accept this letter as justification for my request for a special permit for an accessory dwelling unit for a close family friend.

I settled in Springfield to raise two daughters in June, 2004. Since then I've planted no fewer than six trees in my yard. Long after my girls go from grade school to high school, those trees will be keeping the neighborhood green. In short, I've planted deep roots in this community and am committed to preserving its quality of life.

Like many of my neighbors, I've faced tough times in recent years, to include the hardship of divorce. To stay by my children, and avoid foreclosure, I moved into my basement for over a year. Since their mother left, I've had a single income to pay a very expensive mortgage for a devalued house. I've since found help thanks to my housemate, Anita Currier, a dear family friend and beloved baby-sitter. My girls are always up and down the stairs to visit with Anita or play with her visiting grandchildren. Anita picks them up when I'm running late, often comes for dinner, is a part of every family occasion, and hosts my mother when she's over. But Anita also needs her privacy and comfort, and the freedom of having her own kitchen. In a few years, I'd also like to be able to bring my aging mother to live with us downstairs, where she would be able to continue to enjoy the dignity of independence. Most of my neighbors are very fond of Anita, and are understanding of my situation.

I believe I meet the conditions for consideration of this request as set forth in part 8-918 of the County Zoning Ordinance: "Additional Standards for Accessory Dwelling Units".

1. The proposed accessory unit is in association with a single family detached dwelling.
2. It is located within the structure and at the rear of the principal unit.
3. Floor area does not exceed 35 percent of the floor area of the principal unit.
4. I does not contain more than two bedrooms.
5. Occupancy requirements are met as follows:
 - A. The principal dwelling unit is owner occupied.
 - B. The occupant of the proposed accessory dwelling unit is over 55 years of age.
 - C. The occupant lives alone.
6. The occupant is not disabled. No special accommodation is required.

RECEIVED
Department of Planning & Zoning

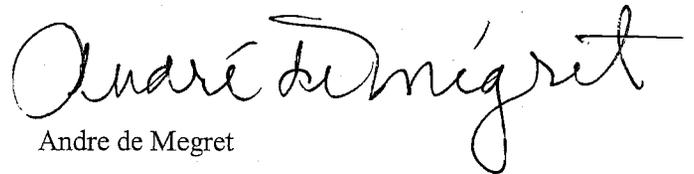
AUG 17 2010

Zoning Evaluation Division

7. Parking is sufficient to meet the needs of the principal and accessory units.
8. There will be no modification of the character of the neighborhood.
9. The proposed accessory dwelling meets building, safety, health and sanitation regulations.
10. I shall make every provision for inspections of the property by County personnel.

Please consider this petition so that Anita can remain in my home in privacy and comfort, and my mother can move in with us at a later time if she chooses to do so. In no way do I seek to profit from the proposed secondary dwelling. If you grant this special request, it would keep this wonderful person in my family's life for a few more years, allow me to get through these tough times, and contribute to the stability of the neighborhood. I ask for your help and support.

Thank you for your consideration. I look forward to answering in person any questions you might have.


Andre de Megret



County of Fairfax, Virginia

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

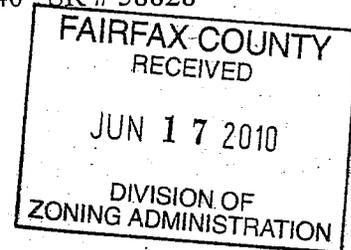
June 17, 2010

NOTICE OF VIOLATION

SHERIFF'S LETTER

SERVE: Andre E. DeMégret
Yasmin Murray
6800 Dante Court
Springfield, VA 22152-3328

Case # 201001340 SR # 58828



LOCATION OF VIOLATION:

Address: 6800 Dante Court
Subdivision: West Springfield Village, Sec. 3, Lot 58
Tax Map Ref: 89-1 ((7)) 58
Zoning District: R-2

Dear Property Owner:

An inspection of the above referenced property on April 21, 2010 and also on May 13, 2010 revealed the following violation of the Fairfax County Zoning Ordinance:

§ 2-501 Excessive Dwelling Units:

The inspections revealed that the basement of your residence has been converted into a separate independent living facility which includes permanent provisions for living, sleeping, eating, cooking, and sanitation. On the date of inspection, the basement contained one apartment unit, with two bedrooms, bathroom, living room area, and a full kitchen with a refrigerator, sink, kitchen cabinets, microwave, oven and stove. The basement apartment unit appeared to be separated from the upper level residence by a locked door. The basement apartment had a rear access door.

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

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

Andre E. DeMegret
Yasmin Murray
June 17, 2010
Page 2.

intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking, and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

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

There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building.

You are hereby directed to clear this violation within thirty (30) days of the date of this notice. Compliance can be achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the dwelling to include: the microwave, oven, stove, sink, cabinets, countertops, refrigerator, and freezer or combinations thereof; all other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and
- Utilities referenced above for the kitchen to be demolished are to be capped and sealed in the wall cavities; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

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

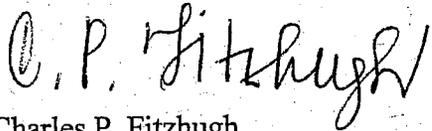
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those

Andre E. DeMegret
Yasmin Murray
June 17, 2010
Page 3

provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party, and any other information you may wish to submit and a \$2455.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1300 or (703)-324-1395.

Sincerely,



Charles P. Fitzhugh
Property Maintenance/Senior Zoning Inspector

CPF

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT # 62150309
 FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION
 ADDRESS 6800 Dante Court, Springfield, VA 22152
 LOT # _____ BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION West Springfield Village
 TENANT'S NAME _____
 EMAIL _____
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME Andre De Maquet
 ADDRESS 6800 Dante Court
 CITY Springfield STATE VA ZIP 22152
 TELEPHONE (703) 503-8626
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME Remodel America
 ADDRESS 6301 Heritage Landings Ct
 CITY Burke STATE VA ZIP 22015
 TELEPHONE (703) 503-8026
 EMAIL _____
 STATE CONTRACTORS LICENSE # 2708-080057A
 COUNTY BPOL # 22-9372
 CONTACT ID 311742

APPLICANT
 NAME Josue Rivas
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 EMAIL _____
 CONTACT ID AC3081608

DESCRIPTION OF WORK
Finish basement per plan
detail w/ wet bar
WET BAR

HOUSE TYPE _____
 ESTIMATED COST OF CONSTRUCTION 2,000
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____

NONE DESIGNATED PHONE _____

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY

PLAN # _____
 TAX MAP # _____

ROUTING	DATE	APPROVED BY
ENCENSING	8/2/06	[Signature]
ZONING	8/2/06	[Signature]
SITE PERMITS		
HEALTH DEPT		
GRADING REVIEW	8/1/06	[Signature]
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FILE _____
 PILING FEE _____
 AMOUNT DUE = 1,250.00

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES _____
 FIRE MARSHAL FEES _____
 FUTURE UNITS _____ PLAN NO. J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OUT)
 BY [Signature] DATE 8/2/06

ZONING REVIEW
 USE SFD R-2
 ZONING DISTRICT _____ HISTORICAL DISTRICT _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT	REMARKS	<u>2nd bts</u>		
L SIDE		<u>to Fin Basement</u>		
R SIDE		<u>with wet bar no</u>		
REAR		<u>2nd bit no bedroom</u>		

REMARKS Per plan

This permit is approved with the understanding that the wet bar will not contain permanent cooking facilities and will not be used in conjunction with a bedroom, bathroom and other living space in a manner that would constitute the establishment of a separate dwelling unit.

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

[Signature] 8/3/06
 Signature of Owner or Agent Date
Josue Rivas
 Printed Name and Title
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit: I, _____
 Notary Public in the State and County aforesaid, do certify that _____
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____.
 My commission expires the _____ day of _____, 20____.

 (Notary Signature)

ZONING ORDINANCE PROVISIONS

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for all Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.

2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-918 Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.

4. The accessory dwelling unit shall contain not more than two (2) bedrooms.

5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:

- A. One of the dwelling units shall be owner occupied.

- B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:

- (1) Any person fifty-five (55) years of age or over and/or

- (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration

signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:

(1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.

(2) A group of not more than four (4) persons not necessarily related by blood or marriage.

6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:

A. Uninterrupted access to one (1) entrance; and

B. Accessibility and usability of one (1) toilet room.

7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.

8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.

9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.

10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.

11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.

12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.

13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.

8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.

2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.

3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.

4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.

5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.

6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.

7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land

surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

- A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
- B. Total area of the property and of each zoning district in square feet or acres.
- C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
- F. Means of ingress and egress to the property from a public street(s).
- G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
- H. If applicable, the location of a well and/or septic field.
- I. If applicable, existing gross floor area and floor area ratio.
- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. The location, type and height of any existing and proposed landscaping and screening.
- L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
- M. Seal and signature of professional person certifying the plat.

8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.