



APPLICATION ACCEPTED: January 30, 2012
BOARD OF ZONING APPEALS: April 18, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 11, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-MV-005

MOUNT VERNON DISTRICT

APPLICANT AND OWNER: Cheryl A. Karcic

SUBDIVISION: Lorton Town Center

STREET ADDRESS: 9032 Harrover Place, Lorton 22079

TAX MAP REFERENCE: 107-2 ((04))(E) 0059

LOT SIZE: 4,200 square feet

ZONING DISTRICT: PDH-5

ZONING ORDINANCE PROVISIONS: 8-918

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

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-MV-005 for an accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

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

O:\vhorner\Special Permits\karcic\Staff Report.doc

Rebecca Horner

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.**

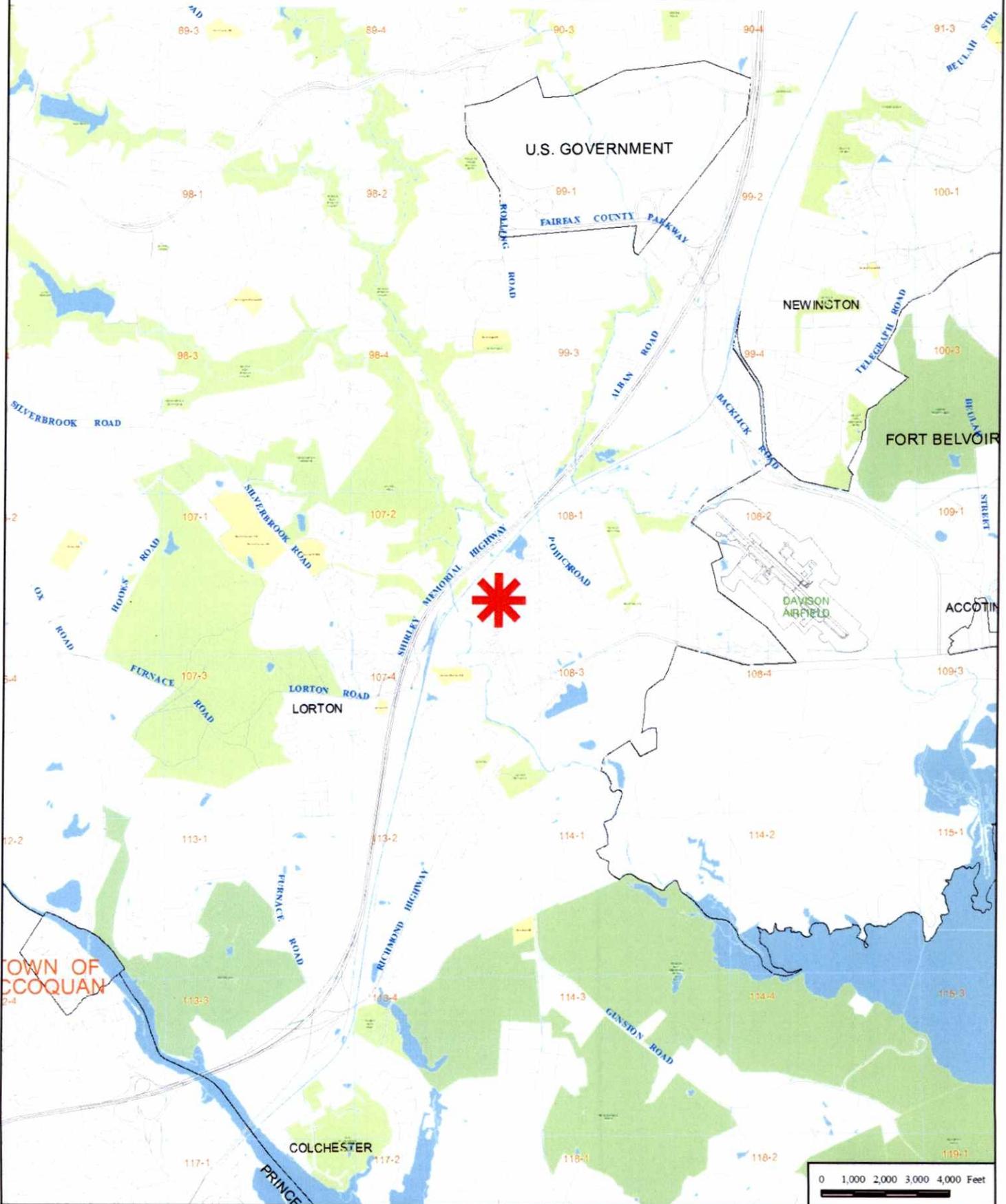


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2012-MV-005

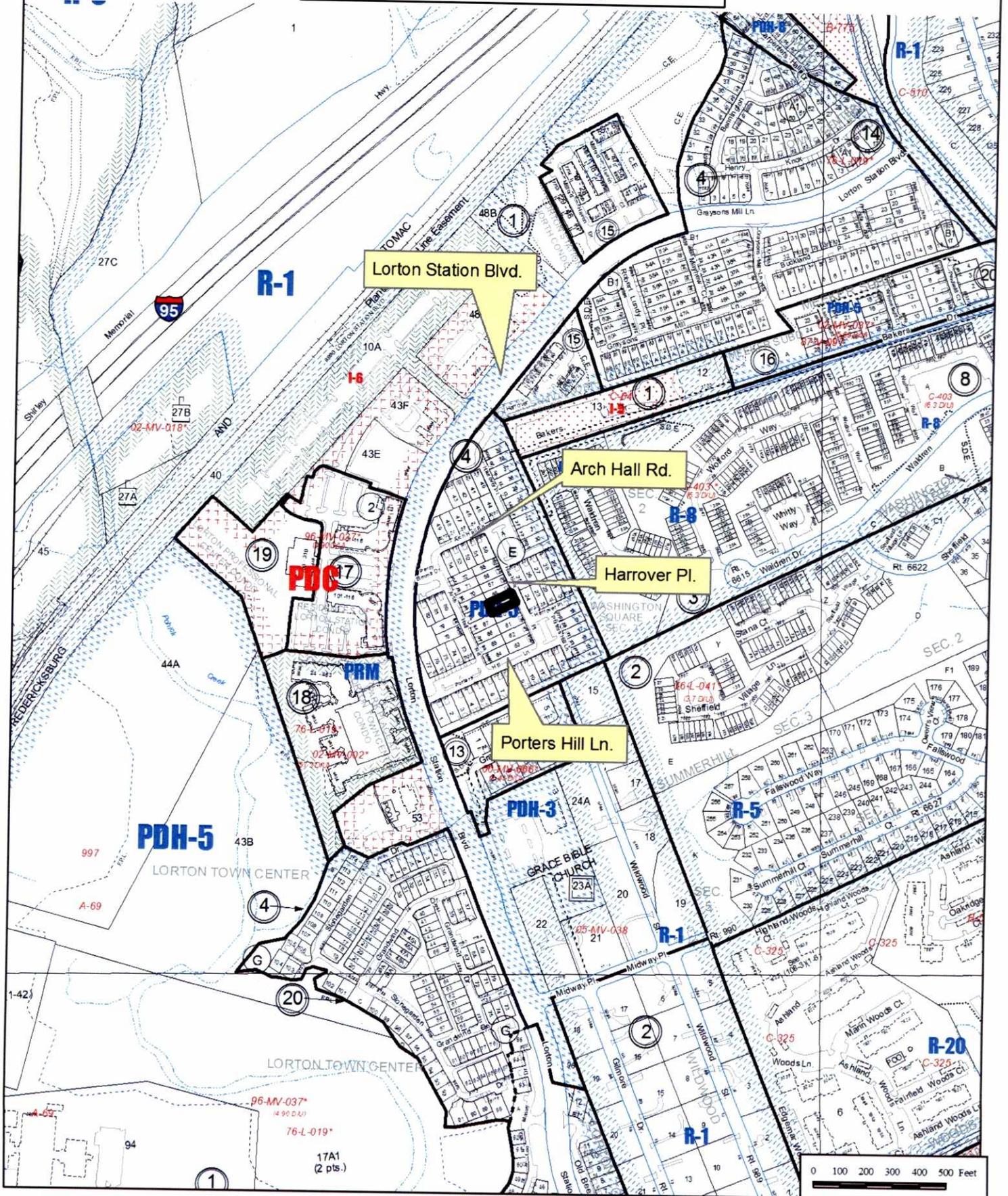
CHERYL A. KARCIC



Special Permit

SP 2012-MV-005

CHERYL A. KARCIC

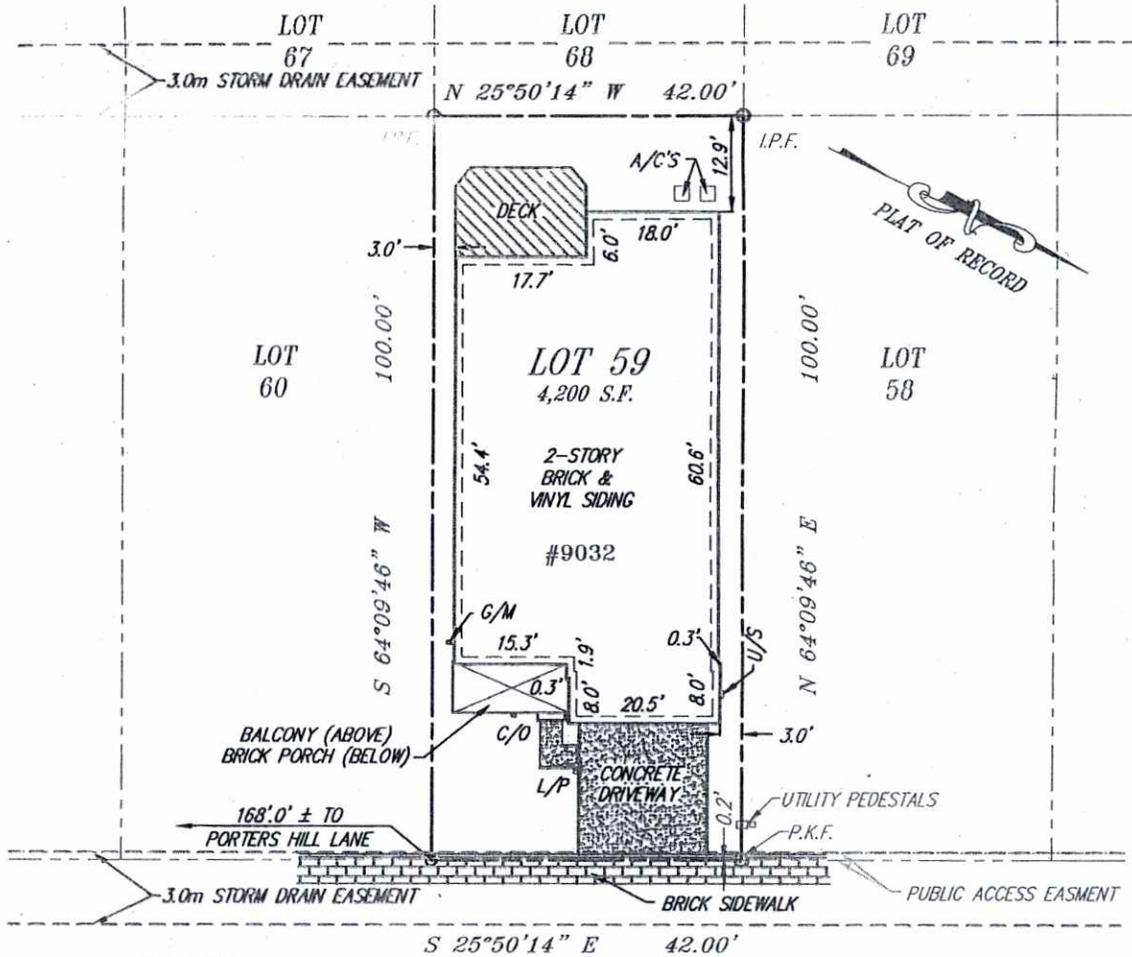


NOTES

Application No. _____

NO TITLE REPORT FURNISHED; SUCH REPORT MAY REFLECT ADDITIONAL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THIS PROPERTY.

THIS SURVEY IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES AND / OR OTHER IMPROVEMENTS.



RECEIVED
Department of Planning & Zoning

OCT 28 2011

Zoning Evaluation Division



HARROVER PLACE

(PRIVATE STREET)

(23.62' INGRESS/EGRESS EASEMENT)

PARCEL "A"

HOUSE LOCATION SURVEY

LOT 59

LANDBAY "E"

LORTON TOWN CENTER

(DB. 11237, PG. 985)

MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA

Paul A. Garcia
LAND SURVEYOR
6131 SHERBORN LANE
SPRINGFIELD, VIRGINIA 22152-1632
PHONE: 703-866-0644 FAX: 703-866-9946

LEGEND
L/P = LIGHT POLE P.K.F. = PK NAIL FOUND
U/S = UTILITY SERVICES A/C = AIR CONDITIONER
W/M = WATER METER I.P.F. = IRON PIPE FOUND
C/O = SANITARY SEWER CLEANOUT G/M = GAS METER

MAXIMUM TITLE
THE LEADING EDGE OF EXCELLENCE

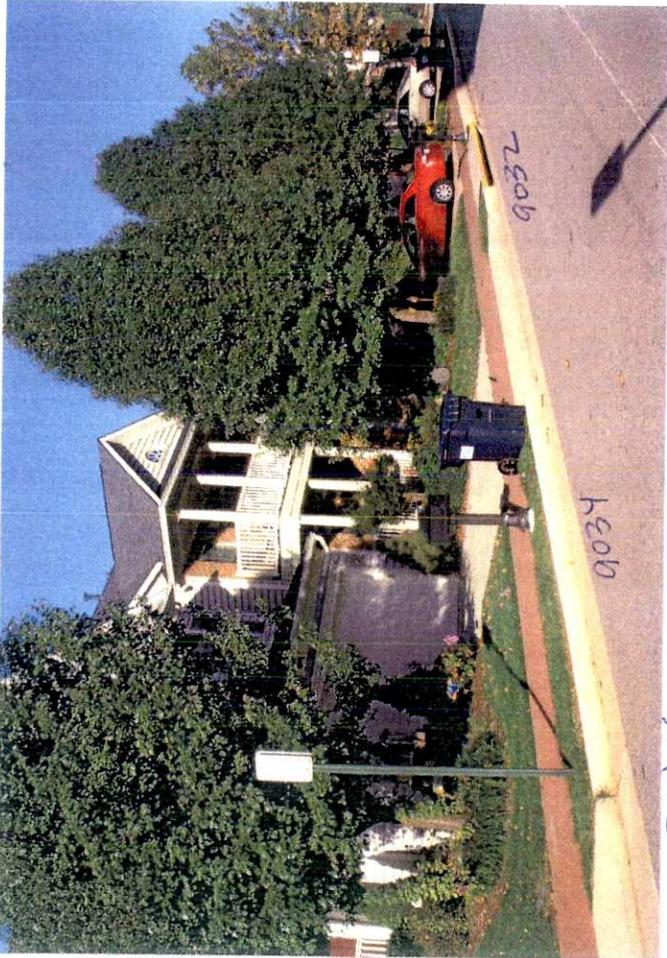


Lorton Branch
9020 Lorton Station Boulevard
Lorton, VA 22079
jotarola@maximumtitle.com
p 571.339.6052 f 703.339.9596

DATE: 04/16/08
SCALE: 1" = 20'
FILE #: 1108069
SELLER(S): LEE
PURCHASER(S): KARCIC



Application

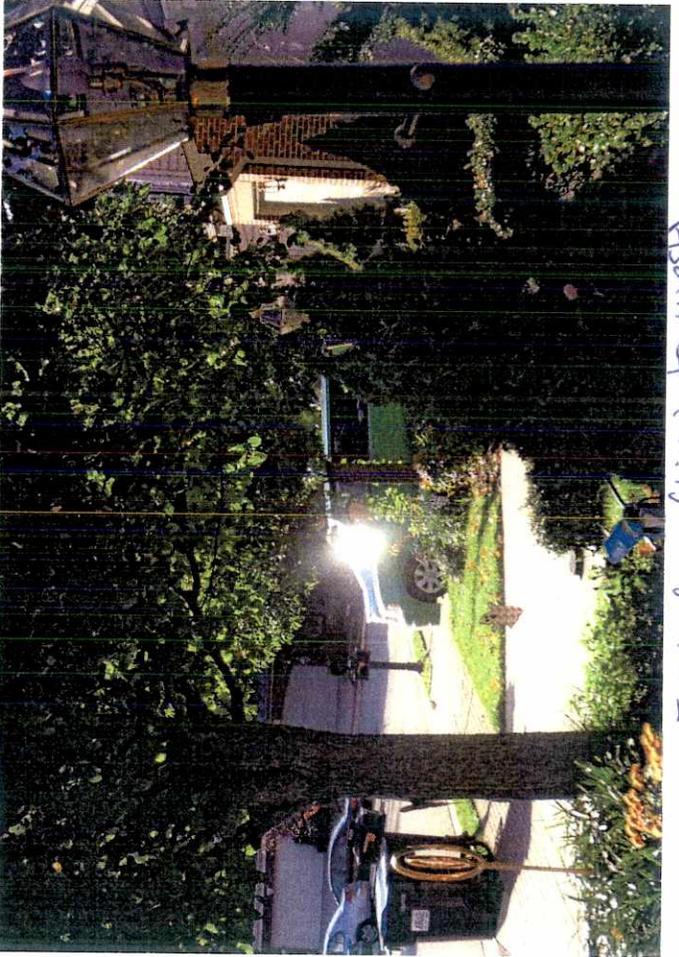


Front of house From Street

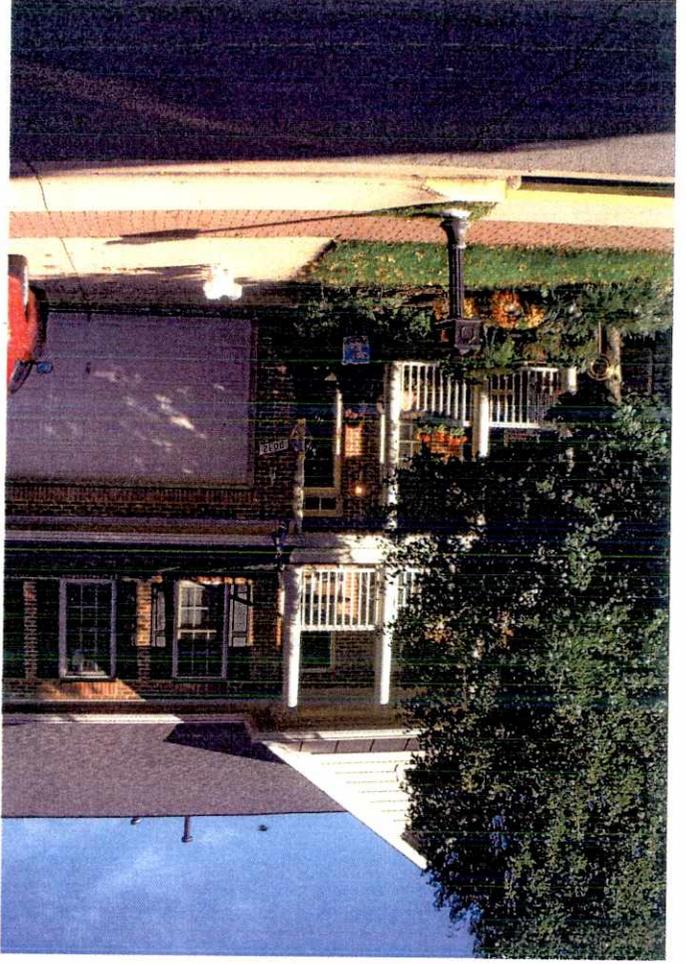
No. _____



(East View) 9032 Harrover (Front of House)



Front of House (View to west)



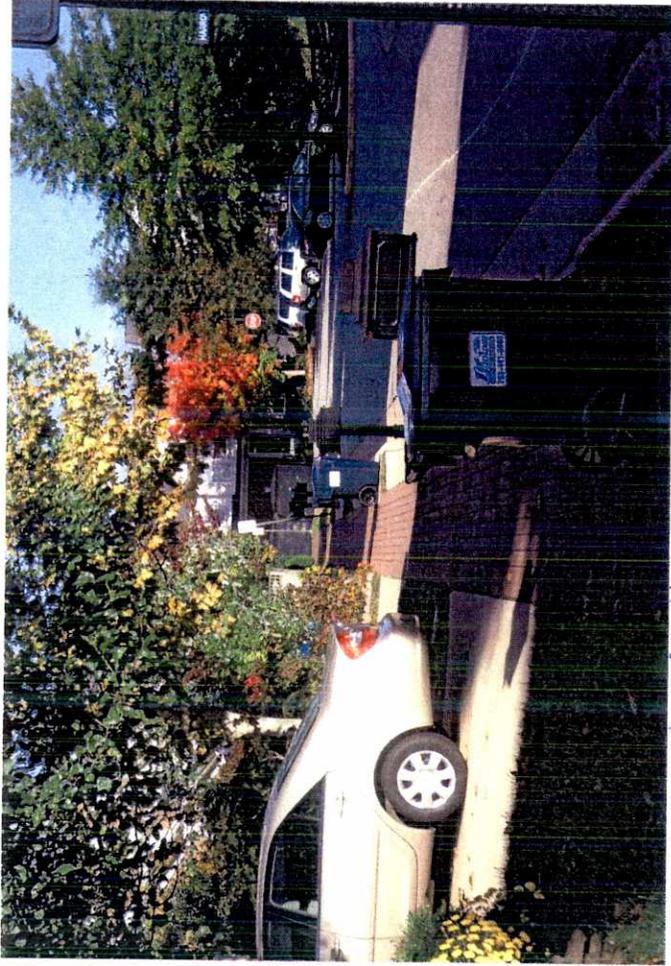
9032 Front of House



Back of House Lots 60 west View



in Between homes
9032 and 9034
(Looking Front to
Back of house)



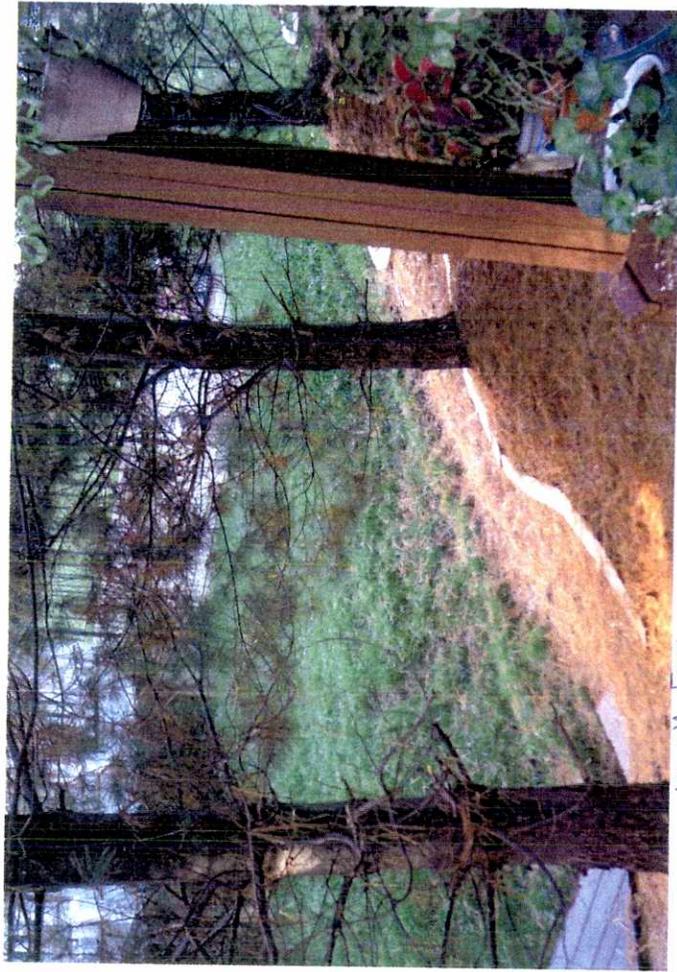
Front of House looking to East



Back of House
Lot 68
200 ft
View



North View
Back of House
Lot 69



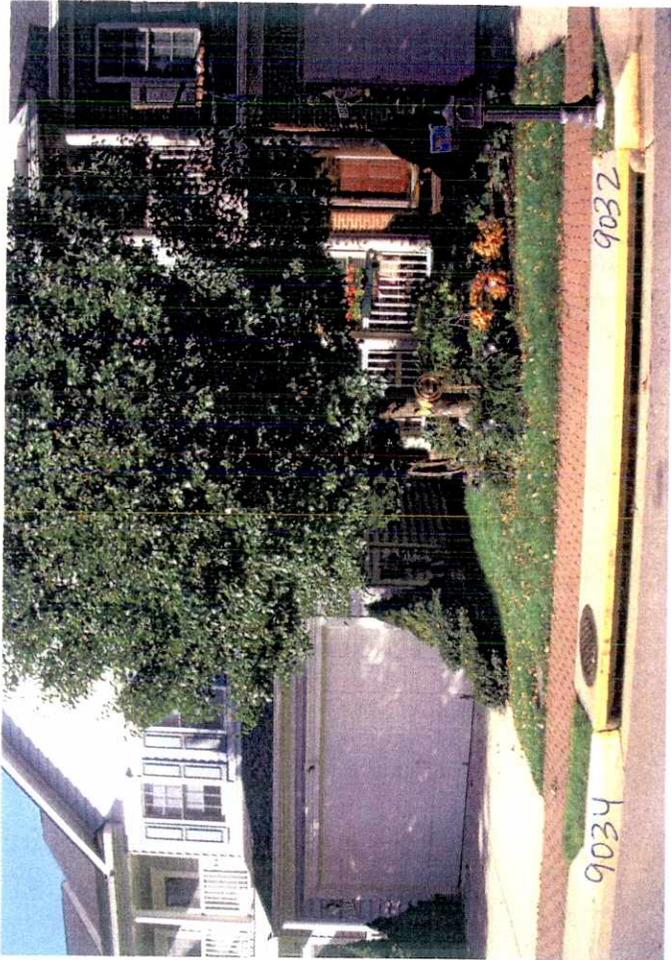
North East
View
Back of House
Lots 69 and 58



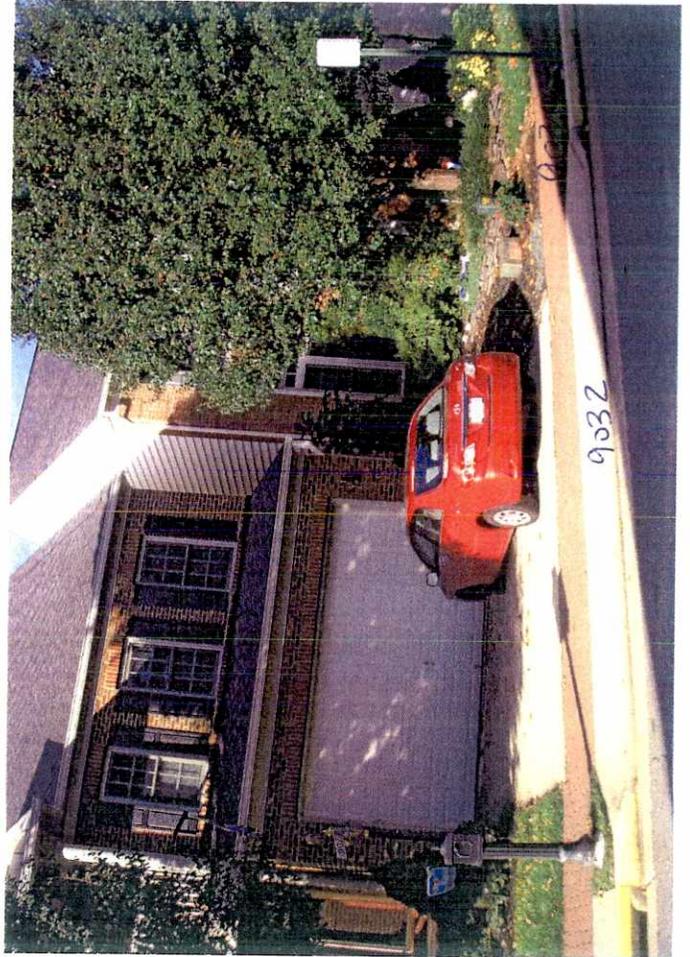
East
View
IN Between homes
9032 and 9030
(Looking Front of
house to back)



Looking at 10+ 68
(Back of House) North View



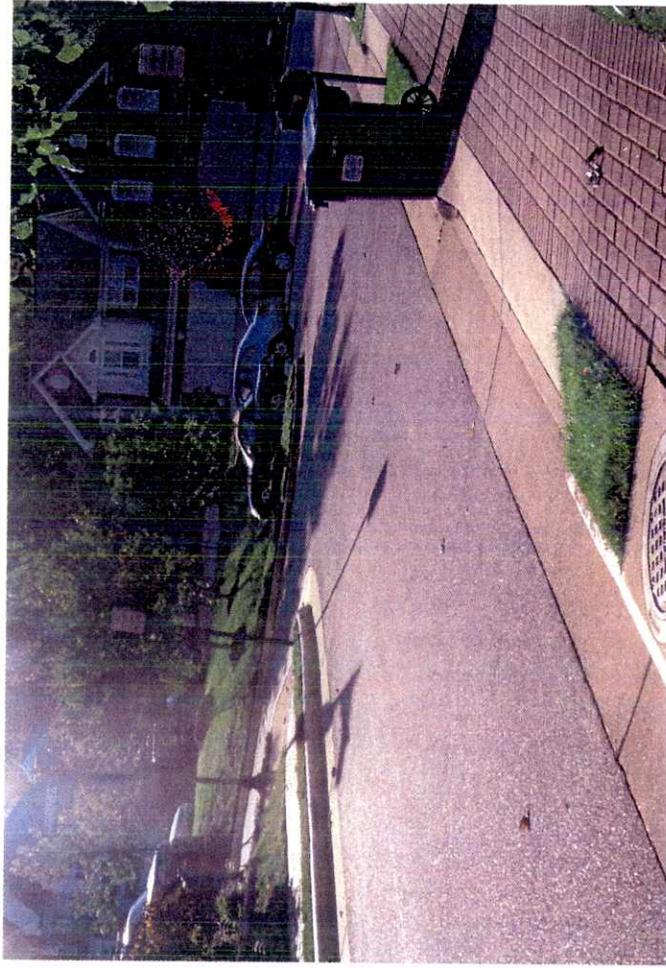
View From Street
9034 and 9032 Harrover Place



View From Street
9032 and 9030 Harrover Place



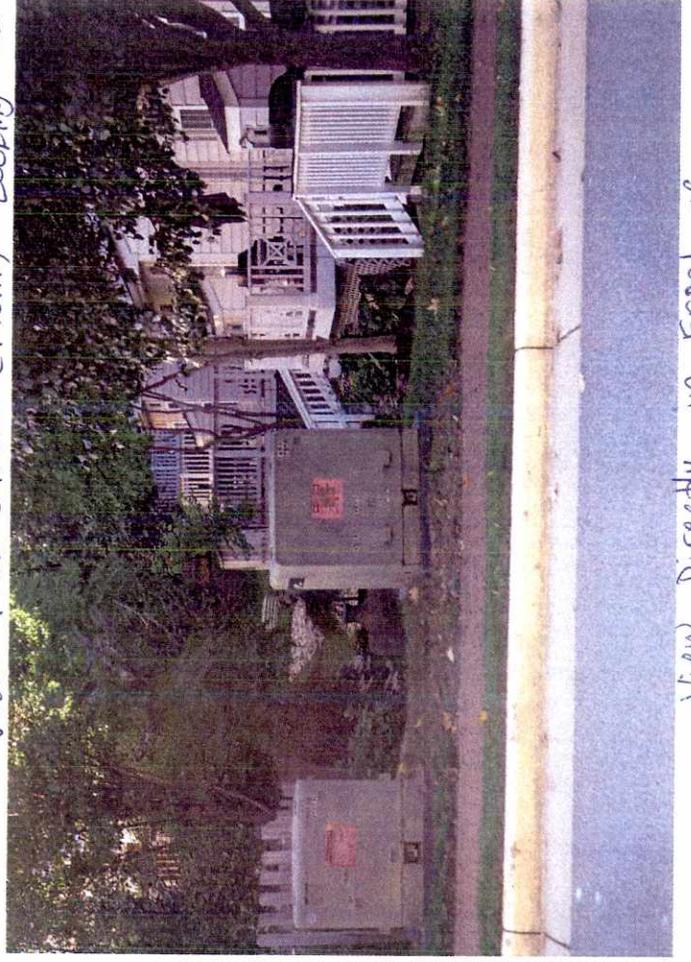
View From Street (Front) Looking East



View From Street (Front) Looking West



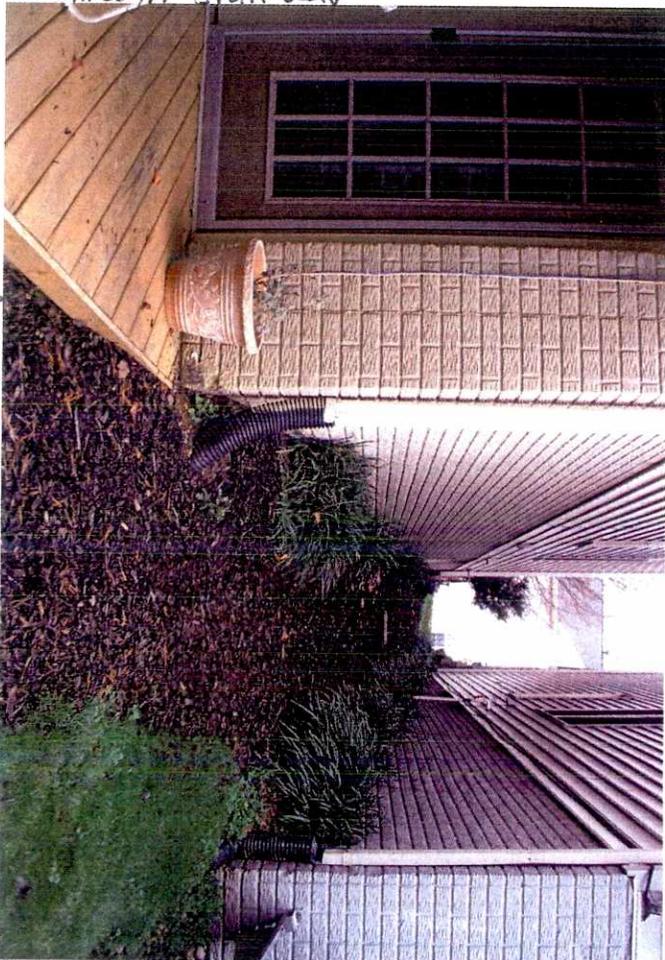
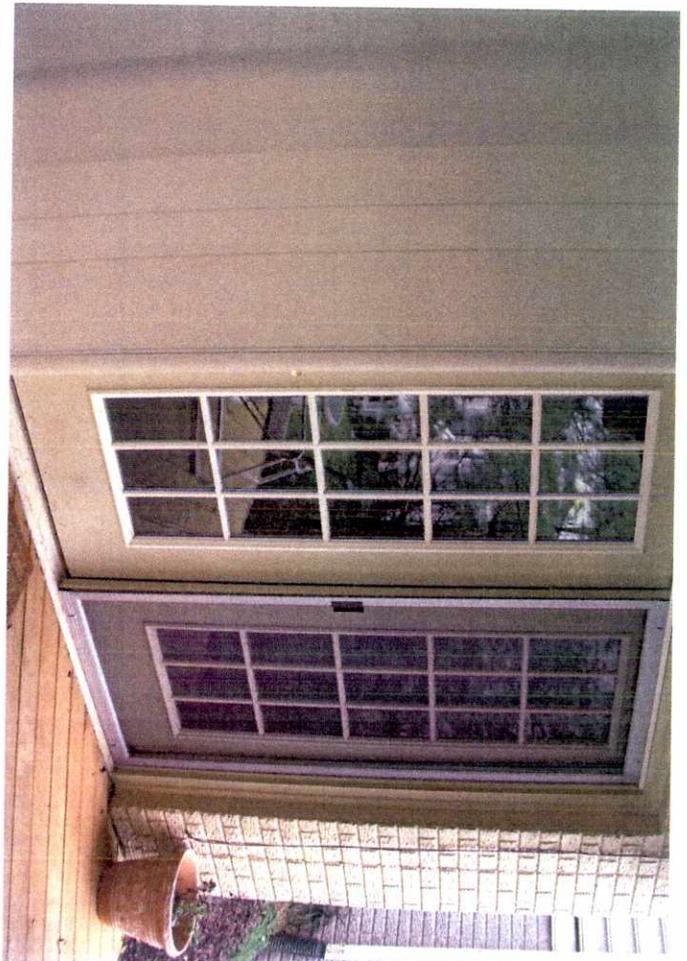
View from Back of 9032



View Directly in Front of House from 9032 Harrover Place



Access through main level of home through stairway



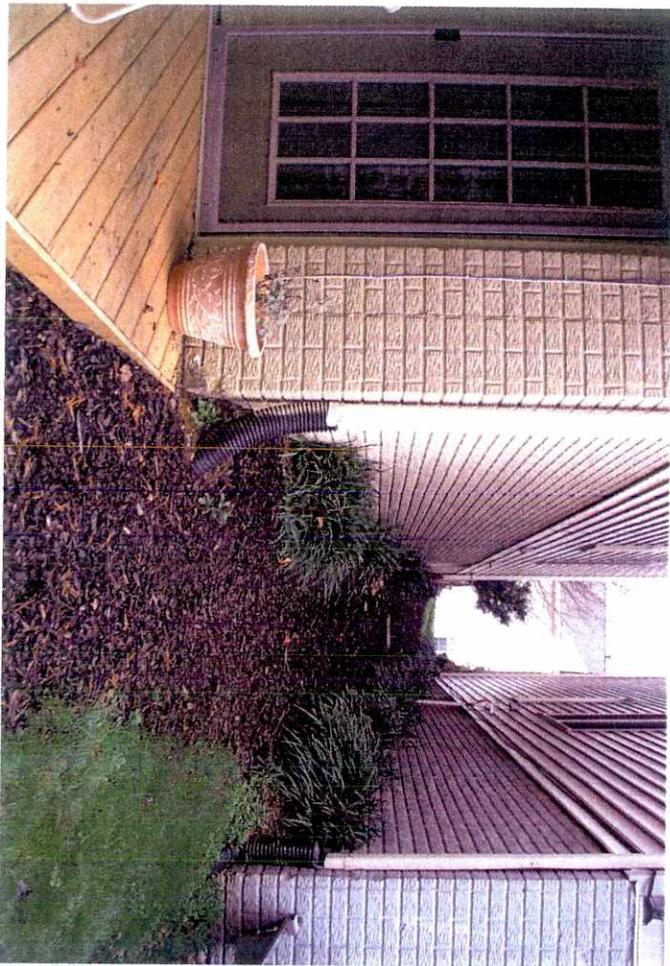
Access through rear entrance of home

RECEIVED
Department of Planning & Zoning
DEC 20 2011
Zoning Evaluation Division

Item No. 202
Access to dwelling unit

SP 2011-0282

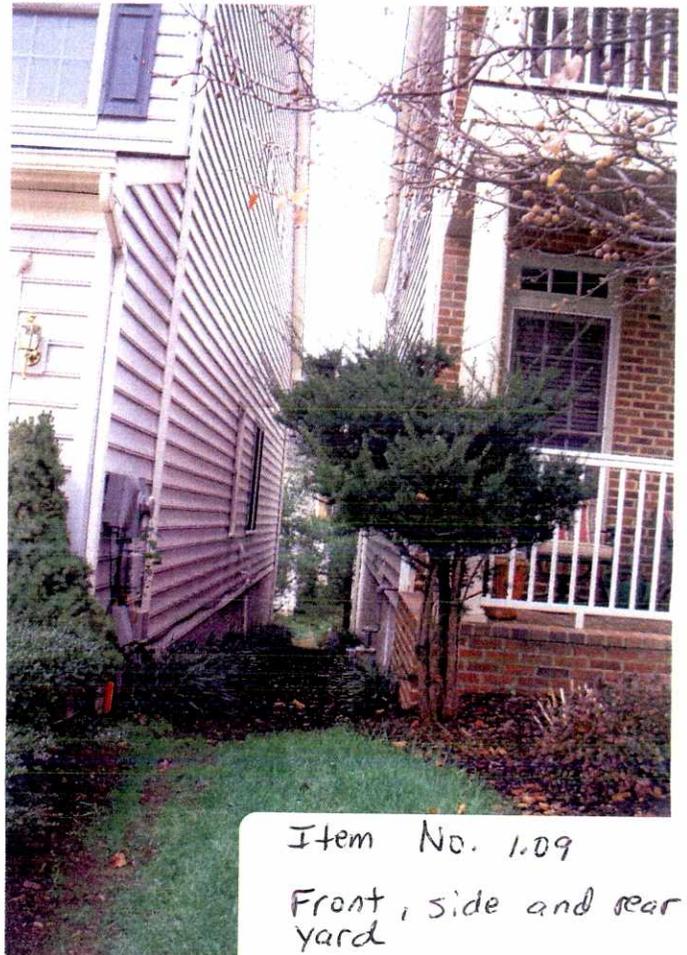
Walkway to right of house
Back entrance



Walkway to left of house



Front of House - walkway on
Side of house right

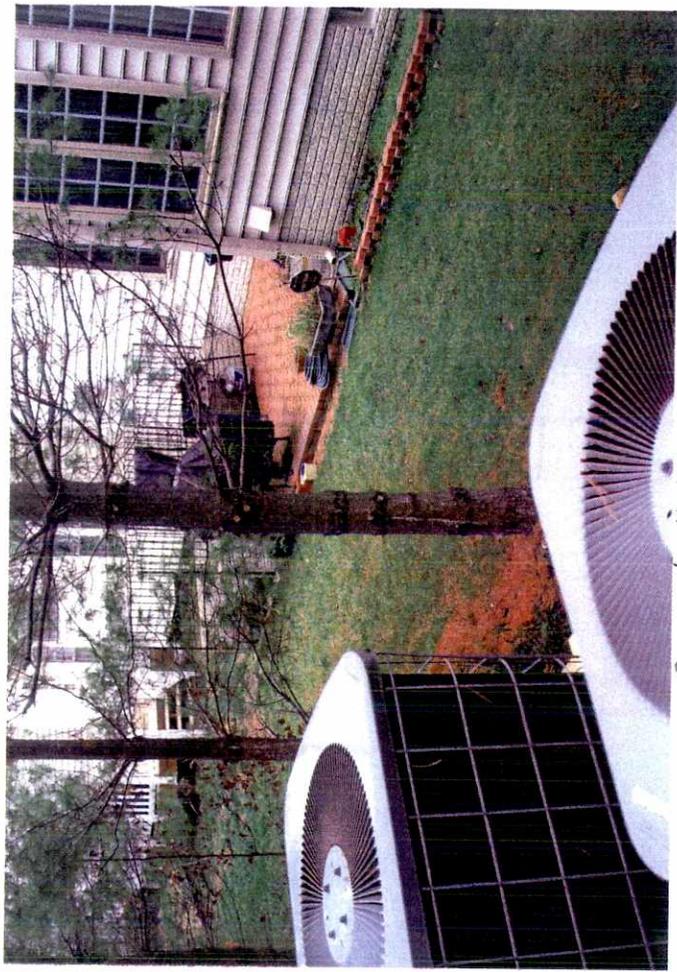


Front of house
walkway on left

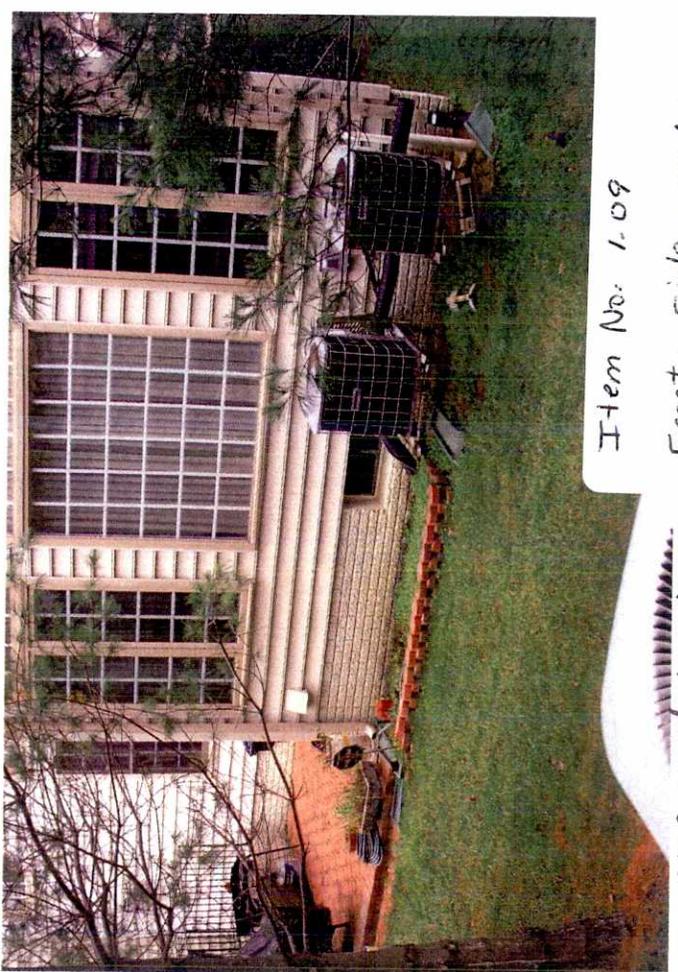
Item No. 1.09

Front, side and rear
yard

SP 2011-0282

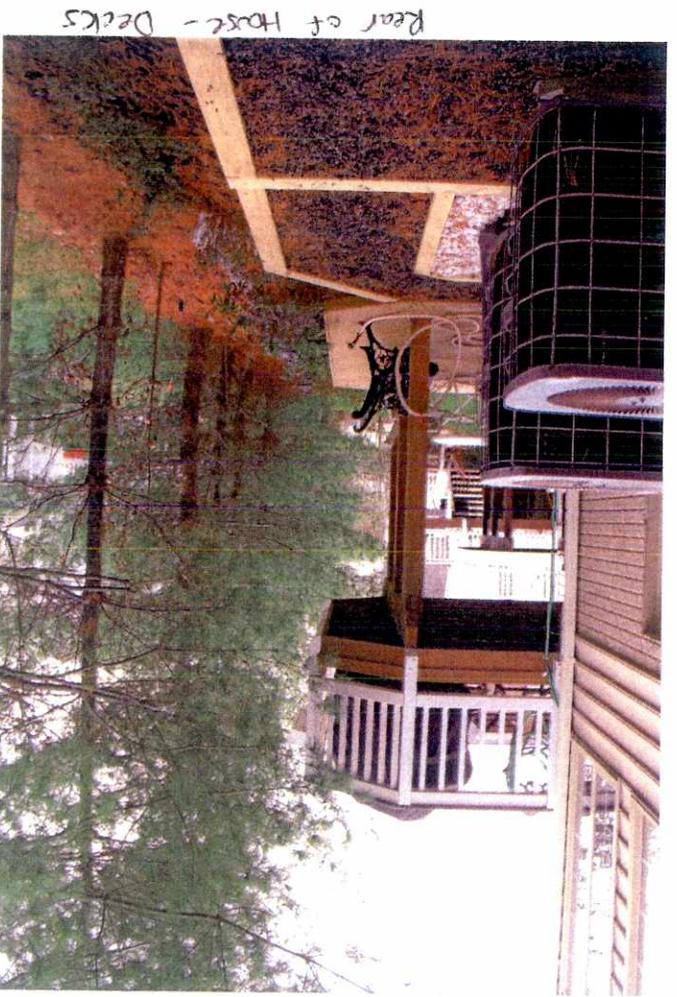


Rear of house

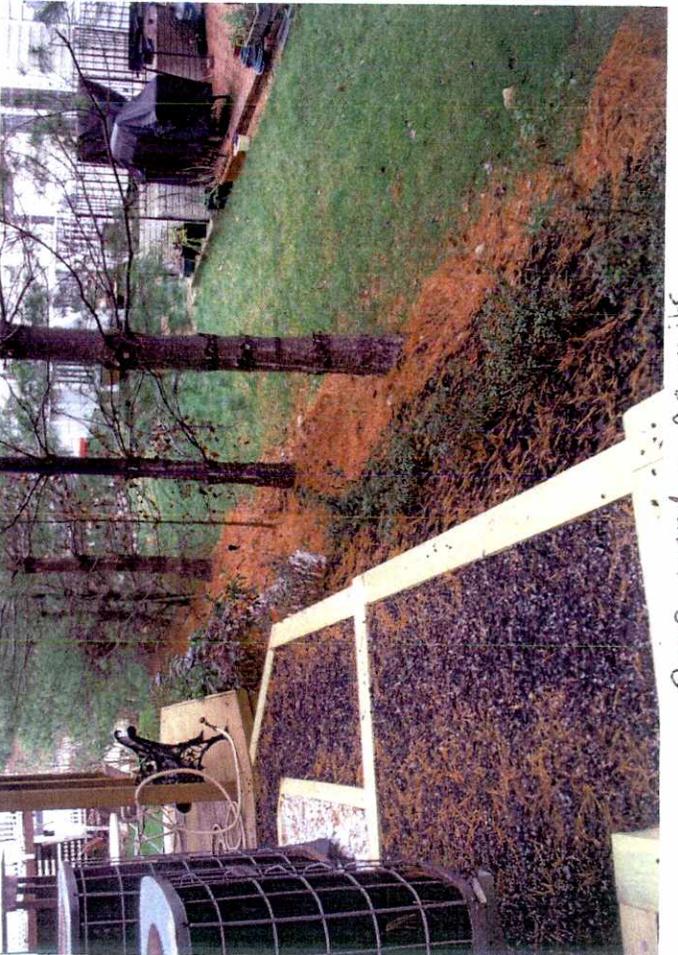


Item No. 1.09

Front, side, and rear yard
SP 2011-0282



Rear of house - Decks



Rear yard - AC units
Rear walk way

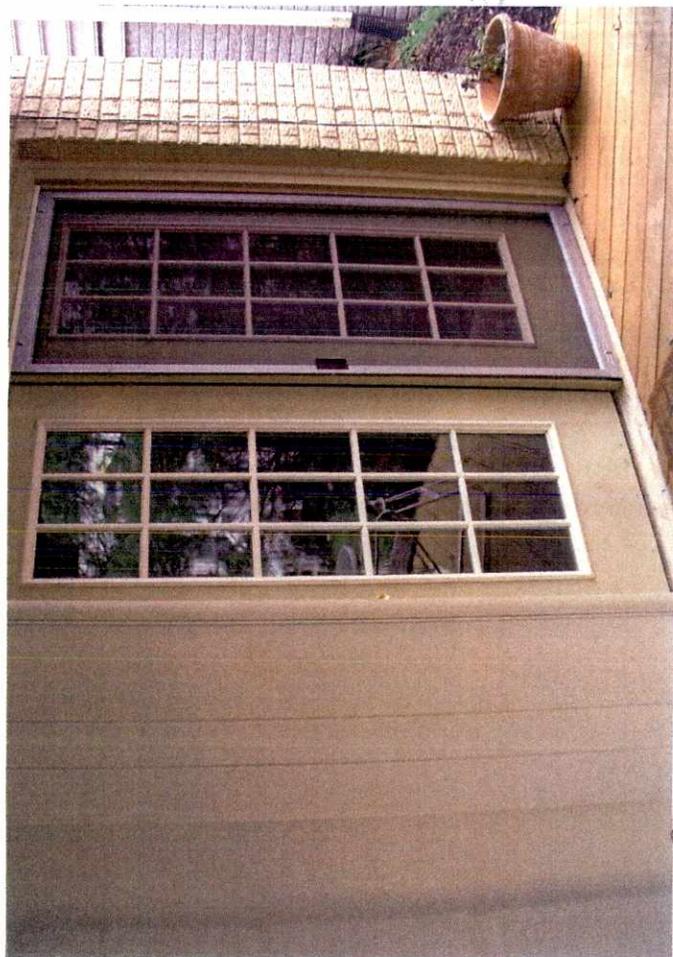
rear yard looking at neighbor in back of house



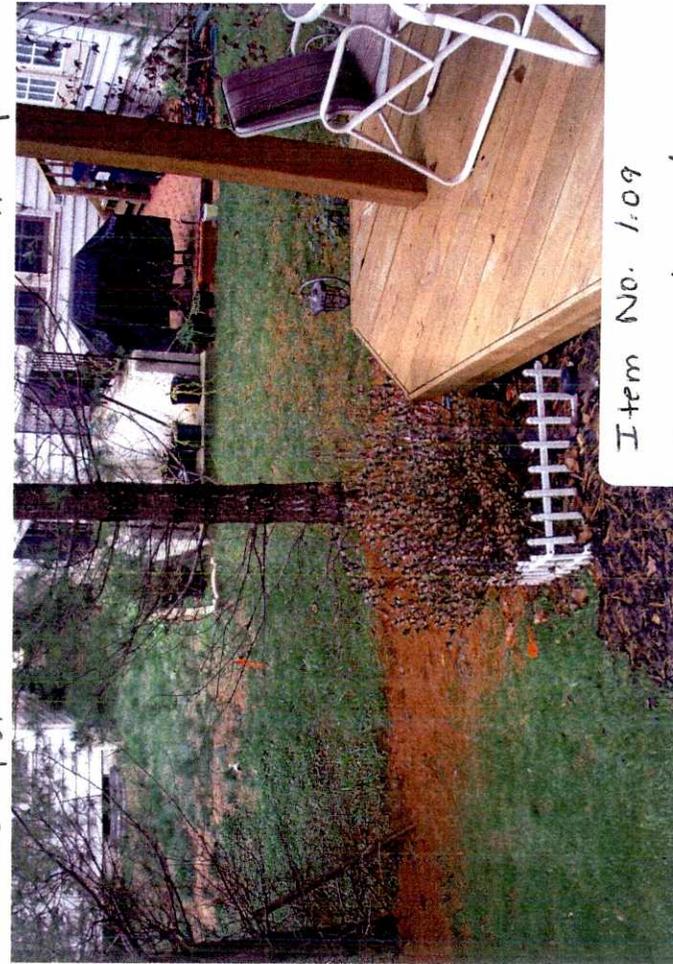
Rear Side of House - Right walkway



Rear Side of House - Left walkway



Rear of House - Entrance to rear dwelling unit



Rear of House
Left view

Item No. 1.09
Front, side, and rear
yard
SP 2011-0282



Item No. 1.35
Utility Pedestals - in between
9032 and 9030 Harrower
SP 2011-0282





DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling unit within an existing single family detached dwelling.

Size of Principal Dwelling: 5,250 square feet

Size of Accessory Dwelling Unit: 1,600 square feet (30.4%)

Lot Size: 4,200 square feet

LOCATION AND CHARACTER OF THE AREA

The application property is located at 9032 Harrover Place is located within the Lorton Town Center. The 4,200 square foot site is developed with a single family detached two-story dwelling, with a walk out basement, built in 2000. An existing hard surfaced driveway is accessed from Harrover Place and terminates along the eastern side of the dwelling at a two car garage. The garage is used for the storage of vehicles. There is a sidewalk extending from the driveway to the front of the dwelling and there is an area along both sides of the dwelling with steps and shredded repurposed tire tread mulch.

The accessory dwelling unit is accessed through the front door of the house and down stairs or through a rear door that enters directly into the living room of the accessory dwelling unit in the basement. An existing patio and deck is located at the rear of the dwelling.

The applicant provided a certification from a registered land surveyor determining the basement is 50% or greater above the adjacent grade and a copy of the determination is included as Appendix 4.

The lot slopes from the front to the back providing for the walk-out basement. There are existing shrubs and trees located along the foundation and in the rear yard.

Surrounding Area Description

Direction	Use	Zoning
North	Single Family Detached Dwellings	PDH-5
South	Single Family Detached Dwellings	PDH-5
East	Single Family Detached Dwellings	PDH-5

Direction	Use	Zoning
West	Single Family Detached Dwellings	PDH-5

BACKGROUND

The area was developed as Lorton Town Center pursuant to RZ 1996-MV-037, which was subject to proffers. The proffers do not preclude uses such as accessory dwelling units. The house was built in 2000. The applicant installed a second kitchen without a permit. Fairfax County received a complaint about a second dwelling and investigated the property on September 28, 2011. A notice of violation was sent on October 14, 2011 and is included as Appendix 5.

There was also found to be an egress violation since Bedroom #1 did not have a properly sized window for emergency egress. The applicant subsequently installed an emergency egress window and that violation has been resolved. Both rooms now have proper emergency egress.

The applicant indicates the requested accessory dwelling unit is for her mother, who is over the age of 55, and another non-family member which may be a caretaker for the mother.

Records indicate there were no other applications for accessory dwelling units filed or approved for properties in the vicinity of the application site heard by the BZA.

ANALYSIS

Special Permit Plat: Attached at front of report

Title of SP Plat: House Location Survey, Lot 59, Landbay "E", Lorton Town Center

Prepared By: Paul A. Garcia, Land Surveyor

Dated: April 16, 2008, as signed and sealed by Paul A. Garcia, Land Surveyor

Proposed Use

The property owner proposes to establish an accessory dwelling unit in the basement of the existing two-story single family detached dwelling. The applicant's mother plans to occupy the basement and live with the applicant. The applicant's mother is over the age of 55, not disabled. An attached floor plan shows how the basement space will be used. The existing two-story dwelling, including the basement, consists of approximately

5,250 square feet, and proposes the accessory dwelling unit to be 1,600 square feet, or 30.4% of the Gross Floor Area (GFA) of the structure. As shown on the floor plan, the unit consists of two bedrooms, a bathroom, a kitchen and living spaces. The owner indicates that her mother will live in one of the bedrooms while a caretaker or other non-relative will live in the other room.

The site can accommodate up to two vehicles within the existing garage and two in the driveway. There are no proposed exterior site modifications with this application.

ZONING ORDINANCE PROVISIONS

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the PDH-5 Zoning District.

OTHER ZONING ORDINANCE REQUIREMENTS

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)

Summary of Zoning Ordinance Provisions

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

CONCLUSIONS AND RECOMMENDATIONS

Staff believes that all applicable standards for the accessory dwelling unit as outlined in Sects. 8-006, 8-903 and 8-918 will be satisfied with adoption of the proposed development conditions. Therefore staff recommends approval of SP 2012-MV-005 subject to the Proposed Development Conditions contained in Appendix 1 of this staff report.

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

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

APPENDICES

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Basement Determination
5. Notice of Violation
6. Applicable Zoning Ordinance Provisions

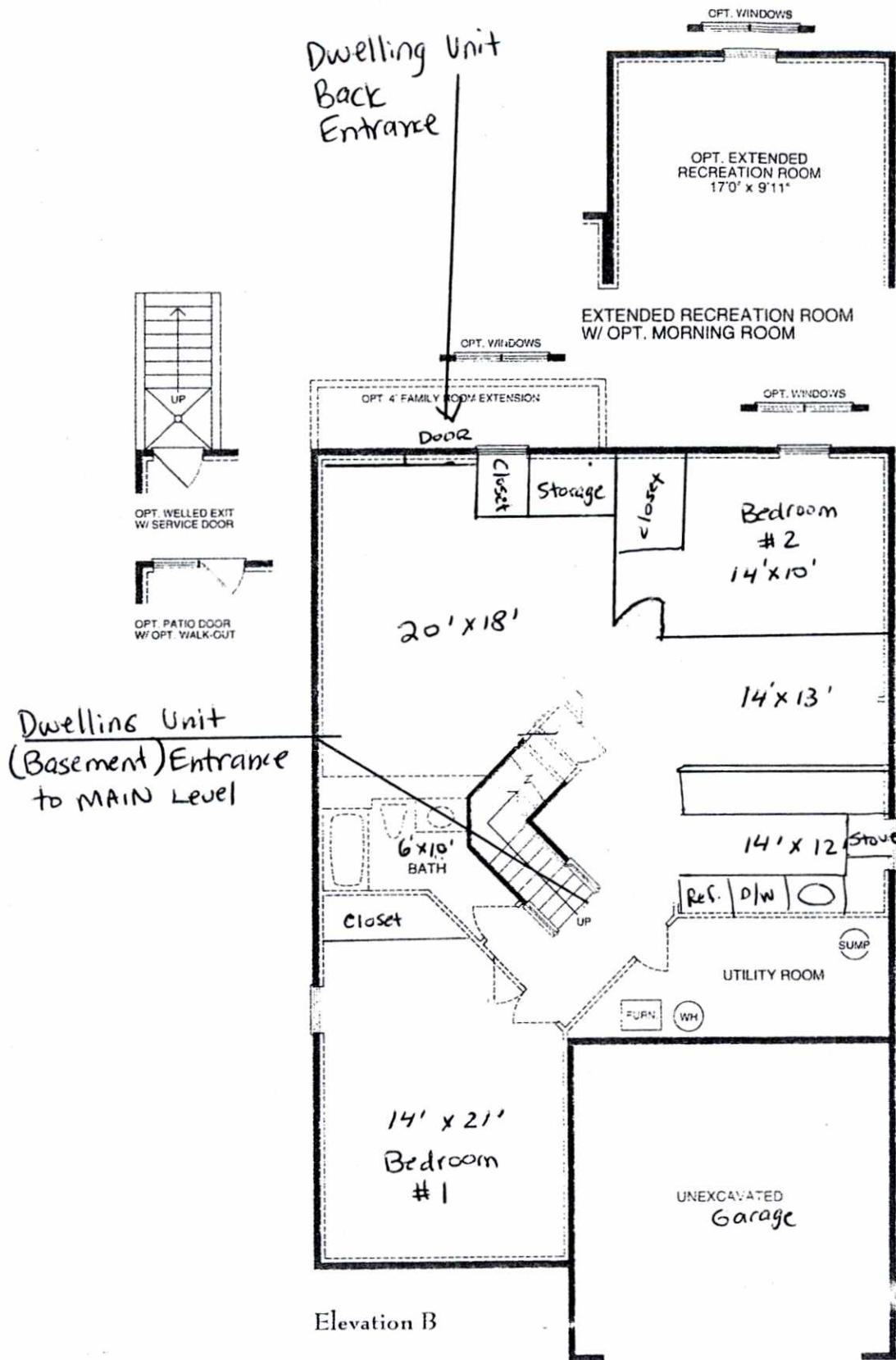
PROPOSED DEVELOPMENT CONDITIONS**April 11, 2012**

If it is the intent of the Board of Zoning Appeals to approve SP 2012-MV-005 located at Tax Map 107-2 ((04))(E) 0059 to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant and title owners only, Cheryl A. Karcic, and is not transferable without further action of this Board, and is for the location indicated on the application, 9032 Harrover Place, (4,200 square feet), and is not transferable to other land.
3. 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.
4. 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.
5. The accessory dwelling unit shall contain a maximum of 1,600 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
6. All applicable trade permits and final inspections shall be obtained for the kitchen components of the accessory dwelling unit within 120 days of approval of this special permit.
7. 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.
8. 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.

9. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory dwelling unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
10. 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.

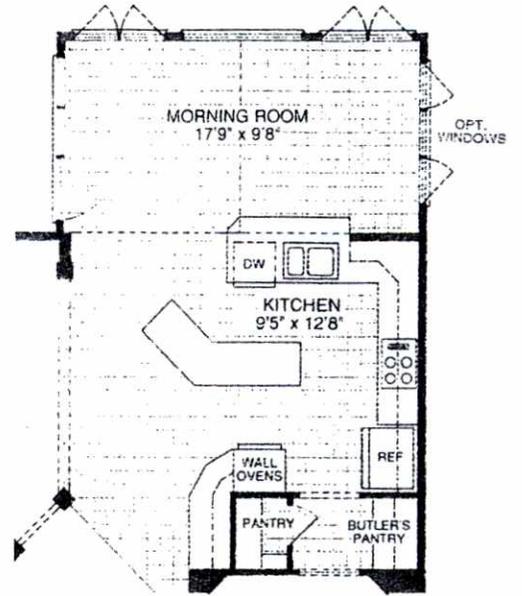


RECEIVED
 Department of Planning & Zoning
 DEC 20 2011
 Zoning Evaluation Division

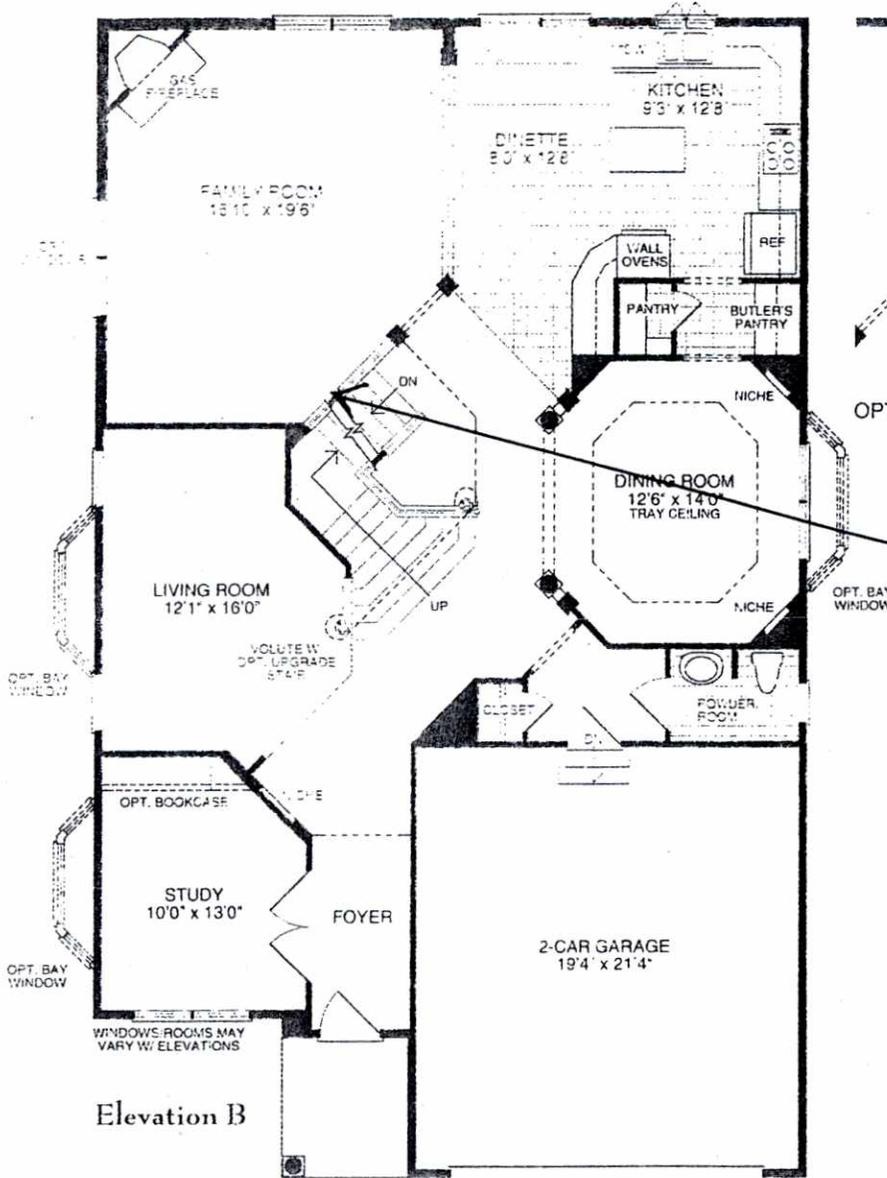
Item No. 5.07
 Accessory Dwelling Unit
 Floor Plan
 SP 2011-0282



OPT. 4' FAMILY ROOM EXTENSION



OPT. MORNING ROOM

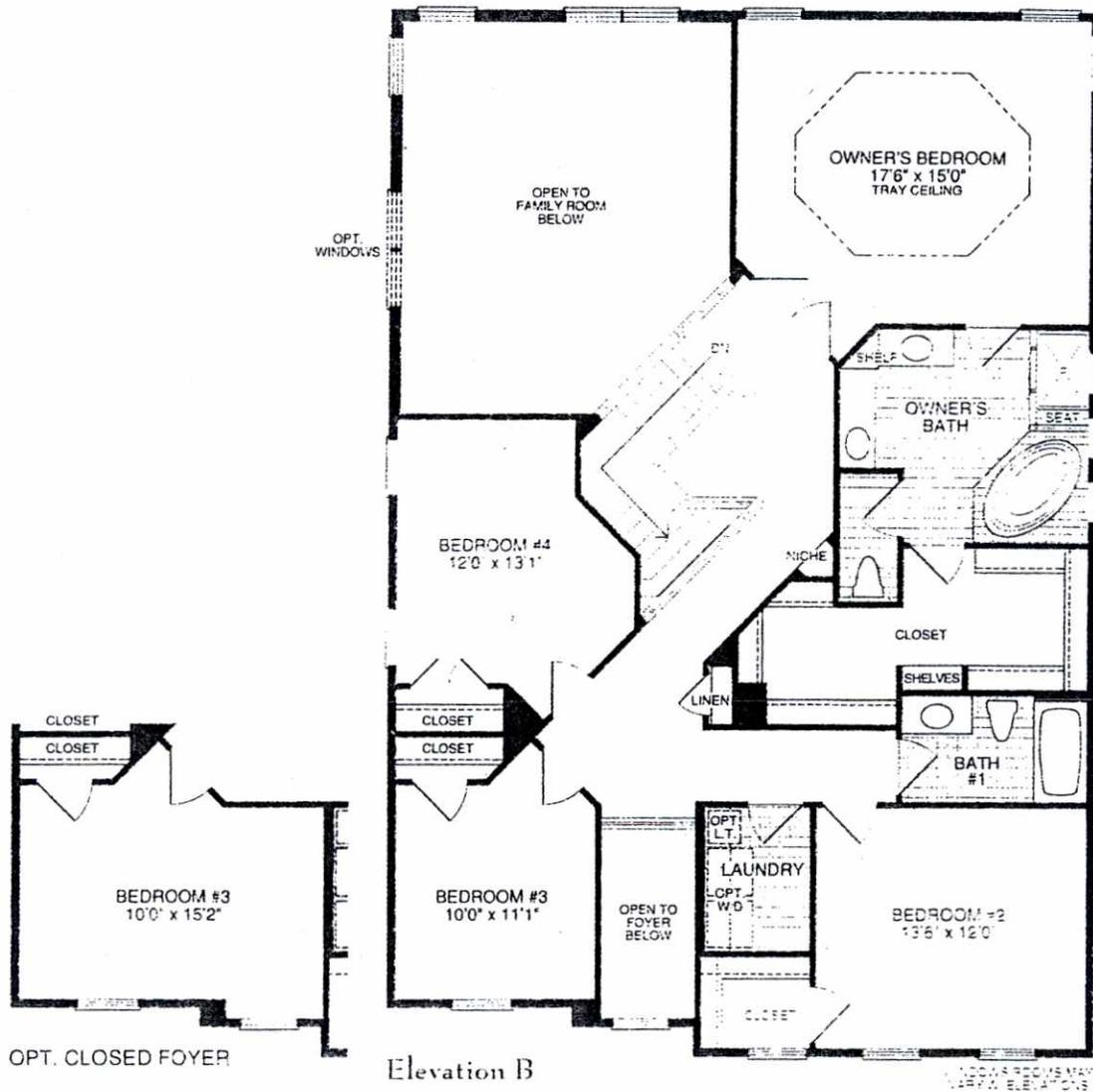


Entrance to Dwelling Unit

Main Level to Basement

Elevation B

Main Level



3rd Floor
Floor Plan

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 27, 2011
 (enter date affidavit is notarized)

I, Cheryl A. Karcic, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant 113899
 applicant's authorized agent listed in Par. 1(a) below

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Cheryl A. Karcic	9032 Harrover Place Lorton, VA 22079	Applicant/Owner

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 27, 2011
(enter date affidavit is notarized)

113899

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

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

NONE

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

NONE

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 27, 2011
(enter date affidavit is notarized)

113899

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**)

NONE

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 27, 2011
(enter date affidavit is notarized)

113899

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 27, 2011
(enter date affidavit is notarized)

113899

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:

Cheryl A. Karcic

(check one)

Applicant

Applicant's Authorized Agent

Cheryl A. Karcic, Applicant/Owner

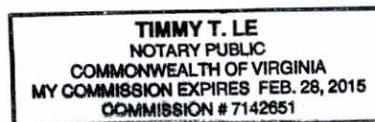
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 27 day of OCTOBER, 2011, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Timmy T. Le

Notary Public

My commission expires: FEB 28th, 2015



Application No. _____

October 25, 2011

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

REF: 9032 Harrover Place, Lorton, Virginia 22079
Tax Map #: 1072 04E 0059
Zoning District: PDH-5
Special Permit – Accessory Dwelling Unit – Section 8-918

Gentlemen:

I am the owner of a single family detached dwelling unit located at 9032 Harrover Place in Lorton, Virginia. I would like to apply for a Permit for an Accessory Dwelling Unit. My home is three levels and the basement level would be designated as the accessory dwelling unit which has two bedrooms and one full bathroom. I live on the middle and upper levels of the home.

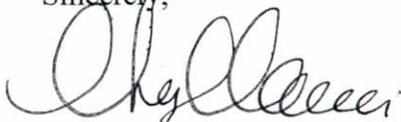
Purpose:

I am 53 year old woman who has a mother, Grace Seemayer Age 82 (see driver's license) living with me. My mother was diagnosed with Breast Cancer (see attached) and will be undergoing surgery for removal of the lump. She will then need to have radiation treatments and oncology appointments as well as perhaps other treatments in the future. My mother does not drive as she was injured in an automobile accident 20 years ago and has a severe limp and is permanently handicapped (see letter from doctor). With my mother going on 83 years of age the need to have a responsible adult in the house is necessary.

I require a permanent caregiver to stay with my mother while I am at work in the lower level of the house. This gives the caregiver her privacy/autonomy as well as gives my mother supervision during the day. I work a full-time job, 5 days a week. I have asked my caregiver to live in my house to help with my mother's daily routine such as meal preparation, clean-up, provide transportation to medical appointments, and companionship. She is compensated for her time. This request/Special Permit is for an accessory dwelling unit which will include a second kitchen in the basement for the caregiver to prepare meals and snacks for my mother.

Thank you for your consideration.

Sincerely,



Cheryl Karcic

RECEIVED
Department of Planning & Zoning

OCT 28 2011

Zoning Evaluation Division

SP 2011-0282 – Checklist Requirements Noted below

Item No. 2.02

See attached photos of property showing entrance to accessory dwelling unit.

1. Shows access through rear of home through basement door.
2. Shows access through main level of home through stairway.

Item No. 5.00

9032 Harrover Place consists of three levels and has a gross floor area is 5,250 square feet. Main level (2nd floor) and Upper level (3rd floor) is 3,650 square feet. Basement level (ground level) gross floor space is approximately 1,600 square feet. Percentage of gross floor space of the accessory dwelling unit: 30% of total gross floor area and contains 2 bedrooms.

Accessory dwelling unit is accessed through two entrances.

1. Can be accessed through rear of home through basement door.
2. Can be accessed through main level of home through stairway.

The accessory dwelling unit will have 2 people occupying the unit. The principal dwelling unit consists of a family of 2 people with children.

Item No. 5.07

See attached Floor Plan of Accessory Dwelling Unit with dimensions of areas.

Dining Room: 14' x 13'

Family Room: 20' x 18'

Kitchen: 14' x 12'

Master Bedroom: 21' x 14'

Second Bedroom: 14' x 10'

Item No. 5.08

Cans of paint are stored on shelves in the garage. 1.5 gallon tank of gas for lawn mower is located in garage. No other hazardous or toxic substances are located in home.

Item No. 5.09

The dwelling unit conforms to the provisions of all ordinances, regulations and standards.

Item No. 7.00

Pending Plat Waiver Request

RECEIVED
Department of Planning & Zoning

DEC 20 2011

Zoning Evaluation Division

SP 2011-0282 – SPP Requirements Noted below

Item No. 1.00

Pending Plat Waiver Request.

25% of basement is above grade.

RECEIVED
Department of Planning & Zoning

DEC 20 2011

Zoning Evaluation Division

Item No. 1.04

Zoning District: PDH (see attached Plat)

Item No. 106

Dwelling is 60'x35' in dimensions located on 9032 Harrover Place.

Lot No. 68.

N 25°50'14" W 42'

S 25°50'14" W 42'

S 64°09'46" E 100'

N 64°09'46" E 100'

Outside of dwelling is approximately 30' in height to roof.

Room heights are 9' from floor to ceiling with the exception of the family room (located on the main level) which has a floor to ceiling height of 20'. Breakfast room (located on main level) has a vaulted ceiling with a maximum height of 12'. Dining Room (located on main level) and Master Bedroom (located on third floor) have tray ceilings and the maximum height is 9'6". Basement Master Bedroom has a ceiling height of 8'

Basement: Master Bedroom ceiling height is 8'

All other rooms in basement are 9' in ceiling height

Main Level: Family Room ceiling height 20' (open 2-level room)

Breakfast Room ceiling height is 12' (vaulted)

Dining Room ceiling height is 9'6" (tray ceiling)

All other rooms are 9' ceiling height.

Third Level: Bedroom ceiling height is 9'6" (tray ceiling)

All other rooms are 9' ceiling height.

Item No. 1.09

See attached photos of front, side and rear yards.

Existing distance from existing home (structure) to lot lines is 12.9' in rear.

Existing distance from existing home (structure) to side of home to lot line is 3' (both sides of home)

There is no outside structure changes.

Item No. 1.15

Property is served by public water and sewer.

Item No 1.35

Gas and Electric Meters attached to side of house

Utility pedestals are located in between homes of 9032 and 9030. Location is in the front yard easement of 9030 Harrover Place.

See Photo of Utility Pedestal and location.

Item No. 1.38

Waiting on Plat Waiver Request.

March 5, 2012

Fairfax County Zoning Evaluation Division
c/o Rebecca Horner, AICP
Senior Staff Coordinator

12055 Government Center Parkway
Suite 801 – Herrity Building
Fairfax, VA 22035

Phone: 703-324-1259
Fax: 703-324-1207

RECEIVED
Department of Planning & Zoning

MAR 07 2012

Zoning Evaluation Division

Reference: Cheryl Karcic Basement/Cellar Determination
9032 Harrover Place, Lorton, VA 22079
Lot 59 Landbay "E", Lorton Town Center

To Whom It May Concern:

I have field Surveyed existing ground/grade elevations around the perimeter (all sides) of the dwelling stated above. Dividing the sum of all of the elevations by the 10 grade points yields an Average Grade Plane Elevation of: 78.5'

The existing Basement Floor Elevation is: 74.67'

The existing Basement Ceiling Height is: 86.29' (7.83' High)

Half of the Clear Height for this dwelling is: 80.48'

For this dwelling, the Average Grade Plane Elevation of: 78.5' is LOWER than Half of the Clear Height of: 80.48' and meets the definition of a BASEMENT as defined in the Fairfax County Zoning Ordinance, Article 20, Ordinance Structure, Interpretations and Definitions, PART 3 20-300.

Sincerely,



Paul A. Garcia,
Land Surveyor





County of Fairfax, Virginia

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: October 14, 2011

SHERIFF'S LETTER

CASE #: 201105296 **SR#:** 76735

SERVE: Cheryl Karcic
9032 Harrover Place
Lorton, VA 22079

LOCATION OF VIOLATION 9032 Harrover Place
Lorton, VA 22079-0000
Tax Map #: 1072 04E 0059
Zoning District: PDH-5

Dear Property Owner:

An inspection of the above referenced property on September 28, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-501 Limitation on the Number of Dwelling Units on a Lot:

The inspection revealed there are two (2) complete and separate dwellings in this single family dwelling unit on the above-referenced property. Part 3 of Article 20 of the Zoning Ordinance defines a dwelling unit as:

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or 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, the presence of more than one dwelling unit on the above-referenced property is in violation of Sect. 2-501 of the Zoning Ordinance which states, in part:

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

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 ovens, microwave, ranges, sinks, cabinets, countertops, refrigerators, and freezers 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
- Applying for and obtaining approval from the Fairfax County Building Official (12055 Government Center Parkway, Second Floor, Permit Application Center) for a valid demolition permit for the removal of all electrical circuits, plumbing fixtures and piping and natural gas piping systems which were installed to establish the second kitchen in the dwelling unit at this property, and obtaining a passing final inspection of such demolition work; 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.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will 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 provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Cheryl Karcic
October 14, 2011
Page 3

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1931 or (703) 324-1300.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Bass". The signature is fluid and cursive, with a large initial "W" and "B".

Wayne Bass
Code Compliance Investigator

Wayne Bass
Code Compliance Investigator

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.