



# County of Fairfax, Virginia

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

April 20, 2012

Roger S. Miller  
2200 Popkins Lane  
Alexandria, VA 22307

Re: Interpretation for SP 2011-MV-041, William Hulver,  
Tax Map 93-2 ((6)) (5) 4: Accessory Dwelling Unit

Dear Mr. Miller:

This is in response to your letter of March 14, 2012, requesting an interpretation of the Special Permit (SP) Plat and development conditions approved by the Board of Zoning Appeals with the above application. As I understand it, the question is whether the proposed building modifications would be in substantial conformance with the SP Plat and development conditions. This determination is based on your letter, an exhibit entitled "Addition to the Hulver & Fleming Residence," dated March 14, 2012, the approved SP Plat, and resolution for SP 2011-MV-041. Copies of your letter and relevant documents are attached.

SP 2011-MV-041 was approved by the Board of Zoning Appeals on August 10, 2011, subject to development conditions, for a reduction of certain yard requirements to allow construction of a two-story addition located 9.0 feet from a side lot line and for an accessory dwelling unit. The exterior of the addition was to be built with wood siding and asphalt shingles. The total square footage approved was 3,938, which included 1,812 square feet for the principal dwelling and 2,126 square feet for the addition. The approved accessory dwelling unit was to be located on the ground floor of the two-story addition and consist of 894 square feet. The approved floor plan showed a bedroom, laundry/mechanical area, living room, kitchen and bathroom.

You now propose to build an addition, including the accessory dwelling unit, which would consist of 2,104.7 square feet. The addition would be located 12.13 feet (with eave) from the side lot line and 25.04 feet (with eave) from the rear lot line at its closest points. In the R-3 District, the minimum side yard setback is 12 feet and the minimum rear yard setback is 25 feet. The proposed addition would be located within the allowable buildable area, and therefore the approved reduction of the side yard requirement is no longer needed. However, due to the proximity of the proposed addition to the side and rear lot lines (within two feet), a setback certification will be required at the time of building permit application. You have indicated that the proposed addition would be two stories high with a single story living area at the rear. The exterior would be finished with Hardie Plank siding and asphalt roof shingles.

**Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service**

**Department of Planning and Zoning**  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



The accessory dwelling unit is still proposed for the ground floor of the addition. However, the arrangement of the bedroom, laundry area, living room, kitchen and bathroom are proposed to change. The accessory dwelling unit would be accessed through a common entry/mudroom, as approved, but the living area would now be located at the rear with slightly enlarged kitchen and bathroom areas. There would also be stairs inside the unit which will access the second floor. The revised accessory dwelling unit floor plan consists of 976.3 square feet in area.

Development Condition #8 states the following:

*The accessory dwelling unit shall contain a maximum of 894 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.*

Though the revised layout is different from the approved floor plan, the main living components will not change. However, the special permit approval limited the maximum floor area of the accessory dwelling unit to 894 square feet. The proposed floor area increase exceeds the maximum by 82.3 square feet.

It is my determination that the proposed modifications to the addition and the revised layout of the accessory dwelling unit are in substantial conformance with the approved SP Plat and development conditions. However, it is my determination that the proposed increase in floor area is not in substantial conformance with the SP Plat and development conditions. In order to allow an increase of square footage for the accessory dwelling unit from 894 square feet to 976.3 square feet in area, the submission of a special permit amendment application and its approval by the Board of Zoning Appeals would be required.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact Brenda Cho at (703) 324-1290.

Sincerely,



Barbara C. Berlin, AICP, Director  
Zoning Evaluation Division

BCB/BJC/O:\bcho00\Interpretations\Fleming\_Hulver SP\draft letter.doc

Attachments: A/S

cc: Board of Zoning Appeals  
Diane Johnson-Quinn, Deputy Zoning Administrator, ZAD, DPZ  
Kenneth Williams, Plan Control, Office of Site Development Services, DPWES  
Kevin Guinaw, Chief, Special Projects/Applications Acceptance Branch, ZED, DPZ  
File: SP 2011-MV-041, SPI 12 03 005, Imaging, Reading File

Request for Interpretation of Approved Zoning Application

Addition to the Hulver / Fleming Residence  
1505 Wake Forest Drive, Alexandria, VA 22307

14 March 2012

To: Barbara C. Berlin, Director of Zoning Evaluation Division  
Department of Planning and zoning

Re: Substantial revision of approved proposed addition to the  
Hulver / Fleming residence

Approved Special  
Permit Application: SP 2011-MV-041

Owner/Applicant: Barbara Fleming  
email: bhoytfleming@gmail.com  
Phone: 703-407-6899

Additional Owners: Michael Fleming, William and Meghan Hulver

Location: 1505 Wake Forest Drive  
Westgrove; 93-2 ((6)) (5) 4; Zone R-3

Ms. Berlin,

Please find attached, for your review, 3 sets of drawings depicting a revised addition to the Hulver / Fleming residence; 7 sheets dated 14 March 2012.

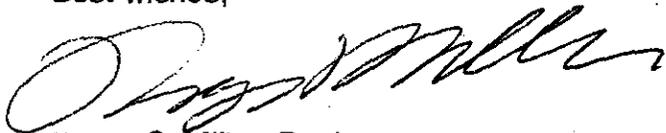
Also attached is one copy of the SP 2011-MV-041 application for comparison.

The proposed two story frame addition is similar to that approved in SP 2011-MV-041 except that no reduction of side yard setback is required. An accessory dwelling within the addition is still proposed. The revised addition is to be somewhat smaller than the addition previously approved. The massing and extent of lot coverage is reduced from the earlier plan.

The materials of the revised proposed addition are to be similar to the previous scheme; a wood frame structure clad in "Hardie Plank" siding and trim; vinyl clad windows; and asphalt roof shingles, etc. We believe that these materials and the size of the addition are in keeping with the existing house and the residential nature of the neighborhood.

We look forward to your comments and questions.

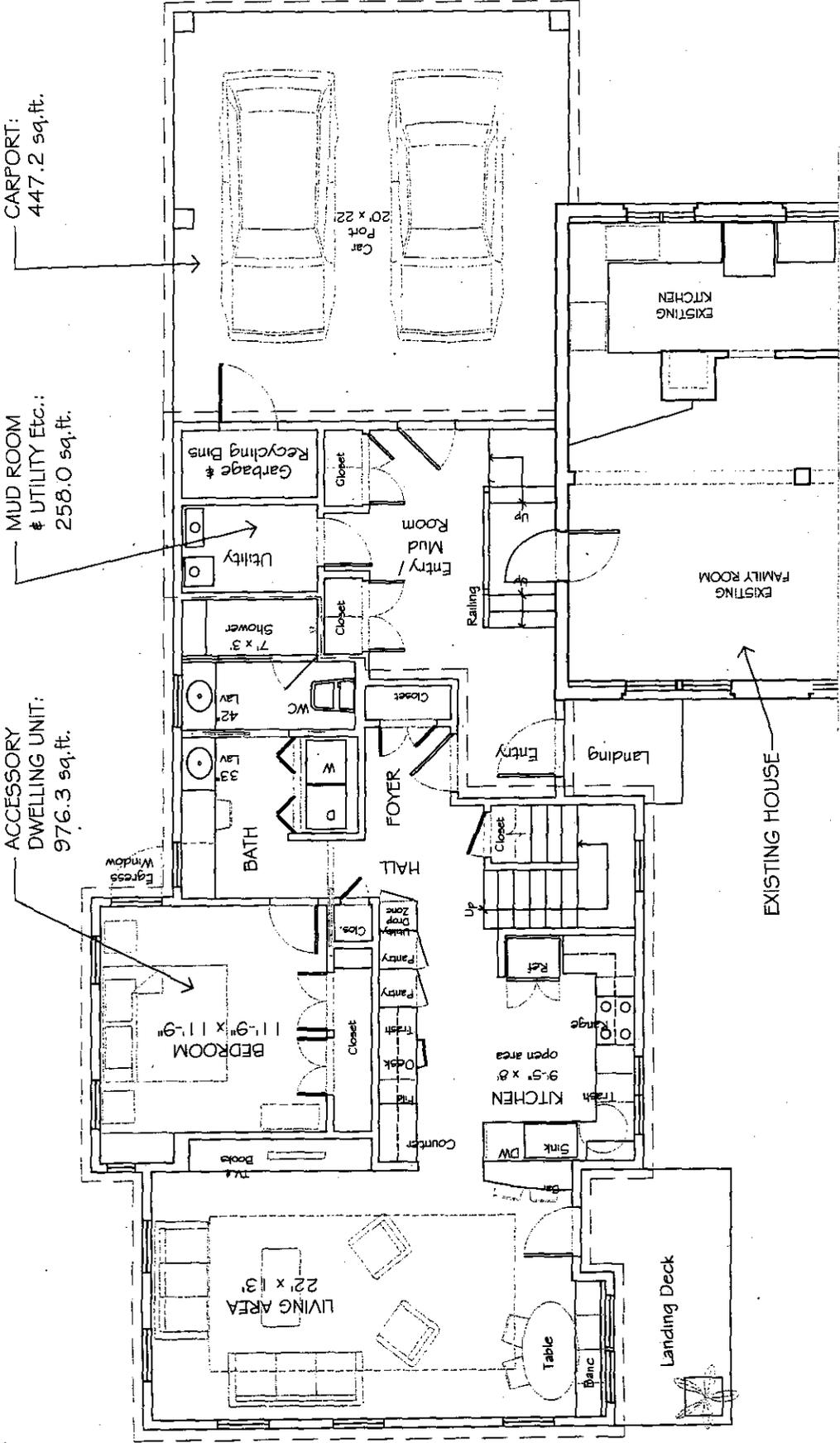
Best wishes,



Roger S. Miller, Designer  
2200 Popkins Lane  
Alexandria, VA 22307  
703.768.2095

RECEIVED  
Department of Planning & Zoning  
MAR 15 2012  
Zoning Evaluation Division





CARPORIT:  
447.2 sq.ft.

MUD ROOM  
& UTILITY Etc.:  
258.0 sq.ft.

ACCESSORY  
DWELLING UNIT:  
976.3 sq.ft.

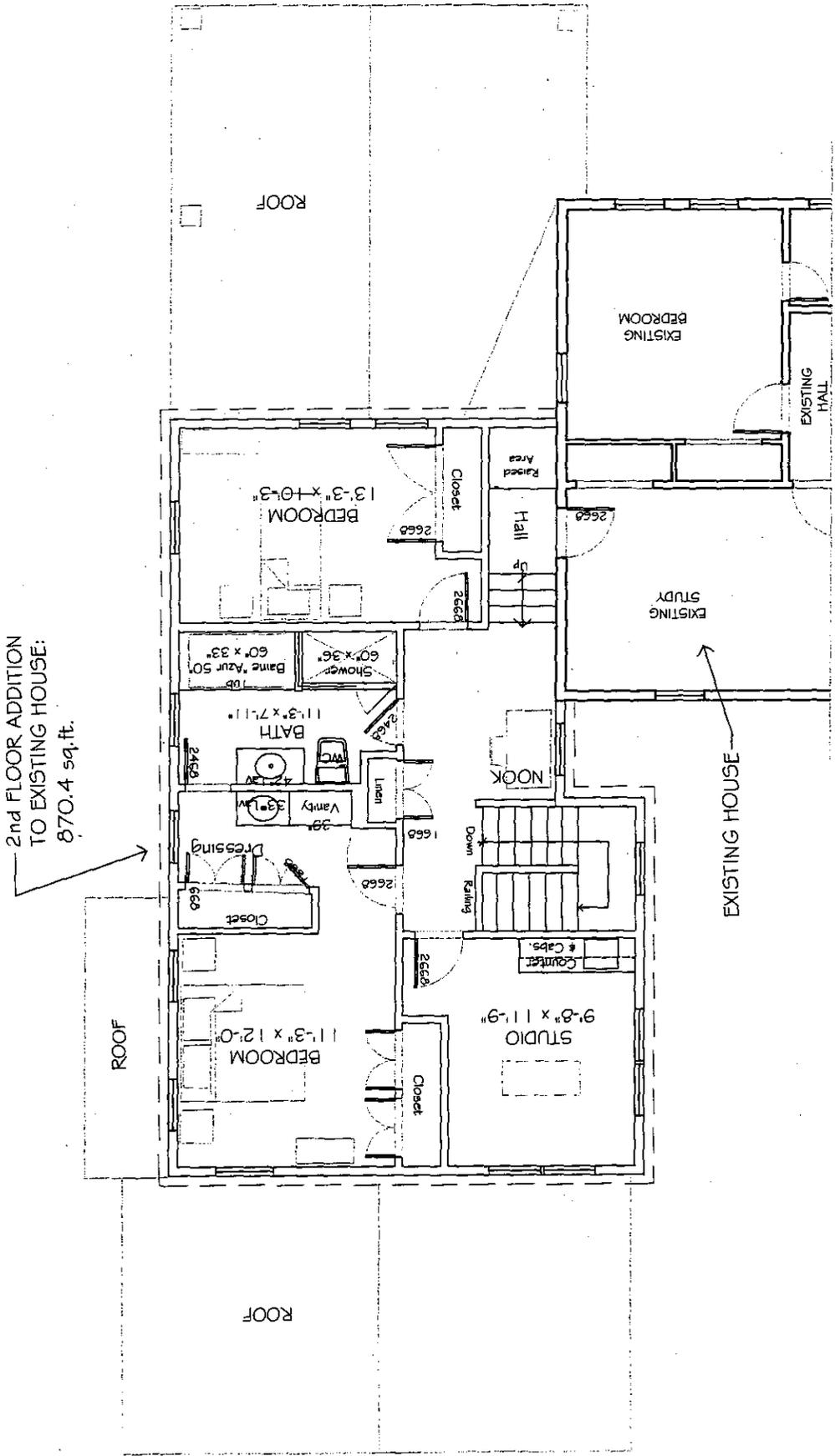
**INTERPRETATION PLAN**

Application No. SP 2011-MV-04 Staff B. Cho  
Control No. SL 12.03.005  
Approved: **YES NO IN PART** (circle one)  
SEE RESPONSE LETTER DATED April 20, 2012  
Page 2 of 7

① Addition 1st Floor Plan  
Scale: 3/16" = 1'-0"



North



**INTERPRETATION PLAN**

Application No. SP 2011 - MV-041 Staff B. Cho

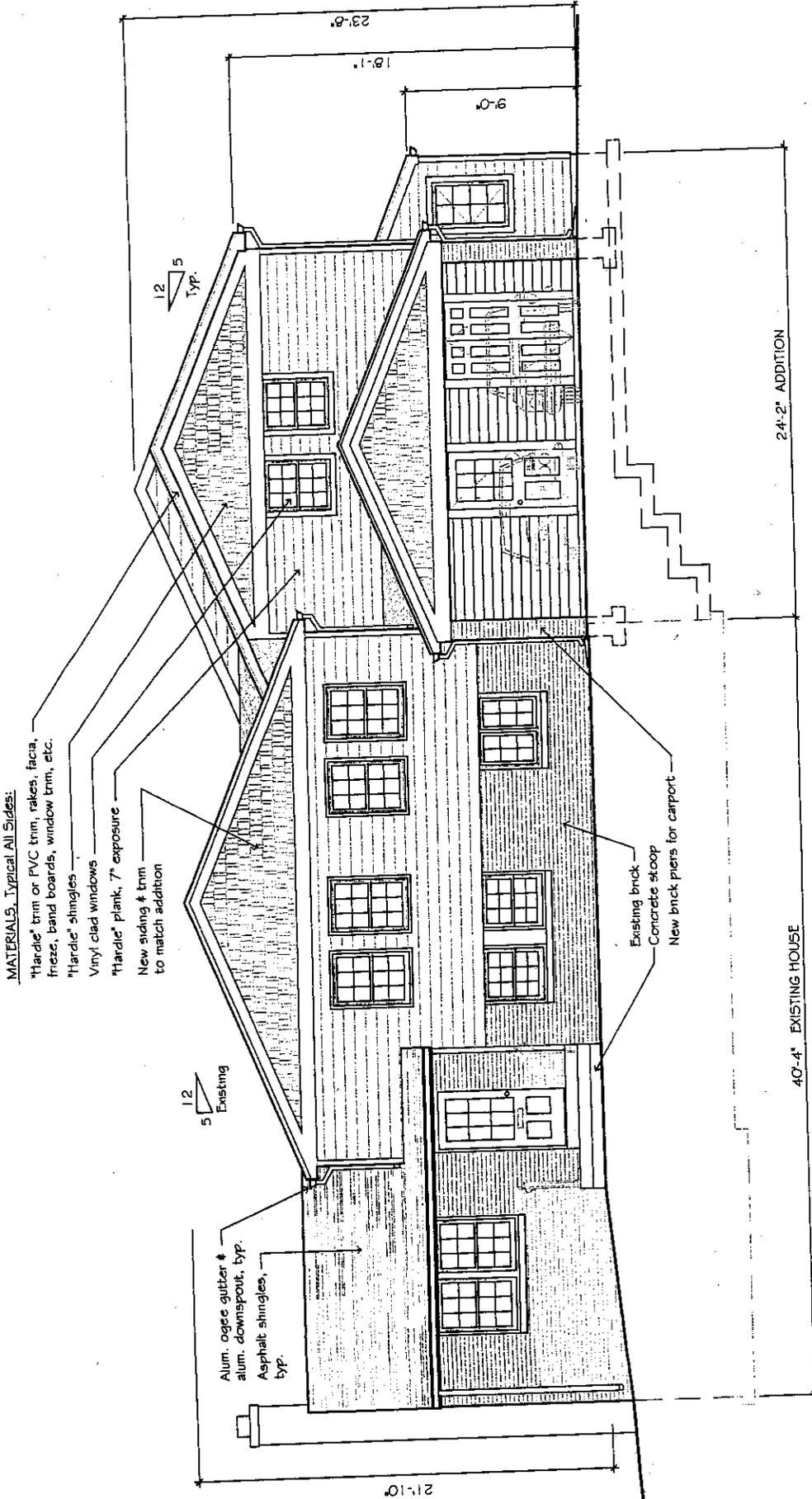
Control No. 5/1 12 03 005

Approved: **YES NO IN PART** (circle one)

SEE RESPONSE LETTER DATED April 20, 2012

Page 3 of 7

① Addition 2nd Floor Plan  
Scale: 3/16" = 1'-0" North



**MATERIALS, Typical All Sides:**  
 "Hardie" trim or PVC trim, rakes, fascia, frieze, band boards, window trim, etc.  
 "Hardie" shingles  
 Vinyl clad windows  
 "Hardie" plank, 7" exposure  
 New siding & trim to match addition

12/5 Existing

12/5 Typ.

Alum. ogee gutter & alum. downspout, typ.  
 Asphalt shingles, typ.

Existing brick  
 Concrete stoop  
 New brick piers for carport

40'-4" EXISTING HOUSE

24'-2" ADDITION

**INTERPRETATION PLAN**

Application No. 2011-MU-041 Staff B. Cho

Control No. 12 03 005

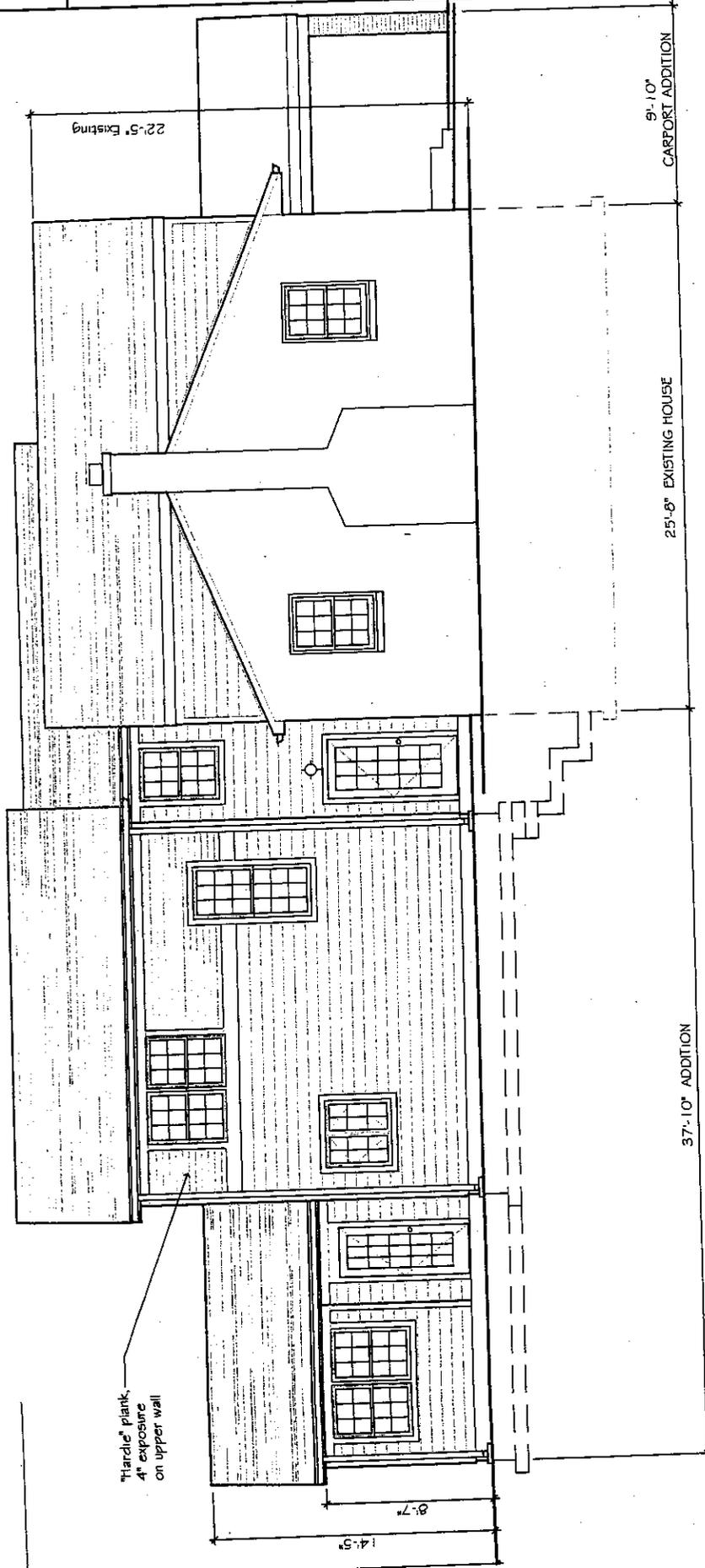
Approved: **YES NO N/PARD** (circle one)

SEE RESPONSE LETTER DATED April 20, 2012

Page 4 of 7

Front - North Elevation

Scale: 3/16" = 1' - 0"



"Hardie" plank,  
4" exposure  
on upper wall

INTERPRETATION PLAN

Application No. SP 2011-MV-074 Staff B. Cho

Control No. SP 12 03 005

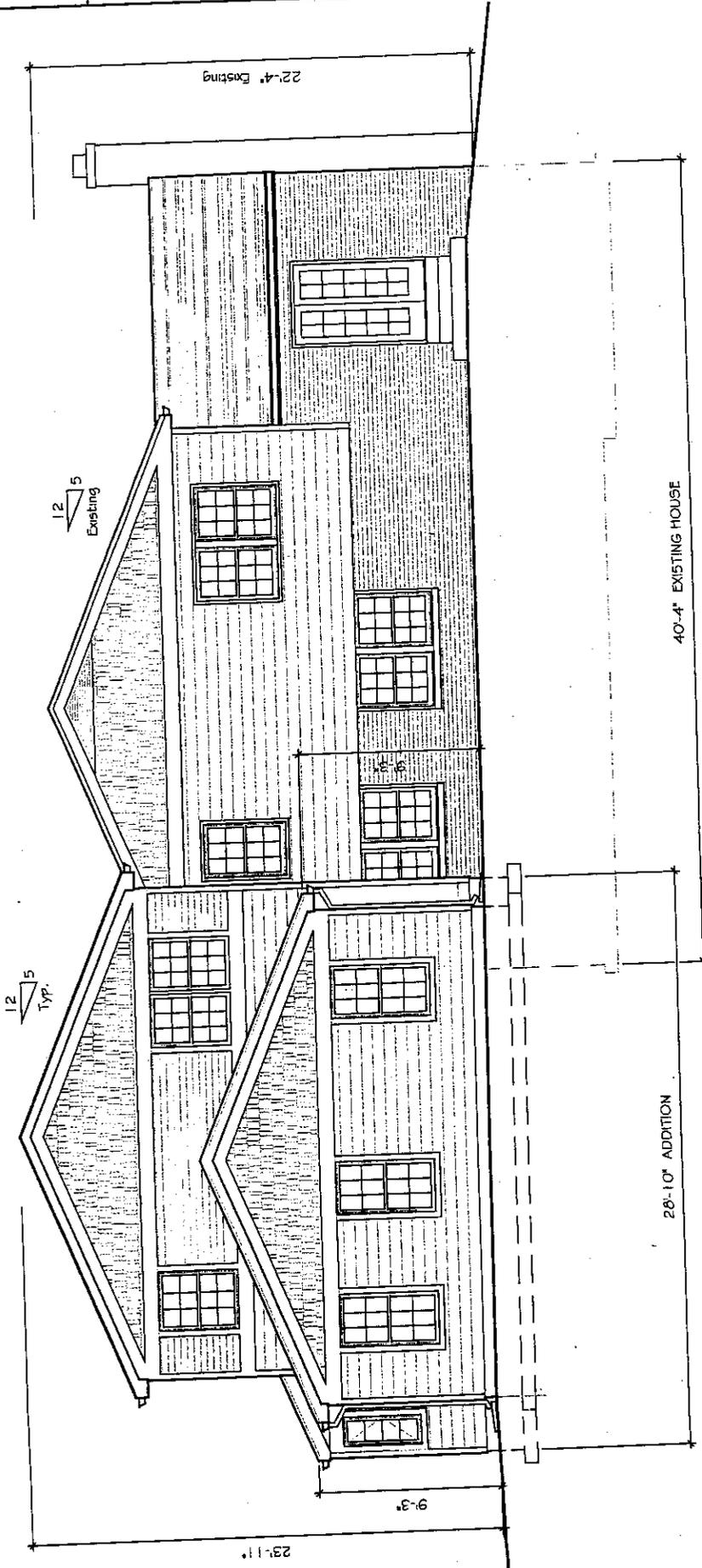
Approved: YES NO **(N PART)** (circle one)

SEE RESPONSE LETTER DATED April 20, 2012

Page 5 of 7

East Elevation  
Scale: 3/16" = 1'-0"

①



INTERPRETATION PLAN

South Elevation

Scale: 3/16" = 1' - 0"

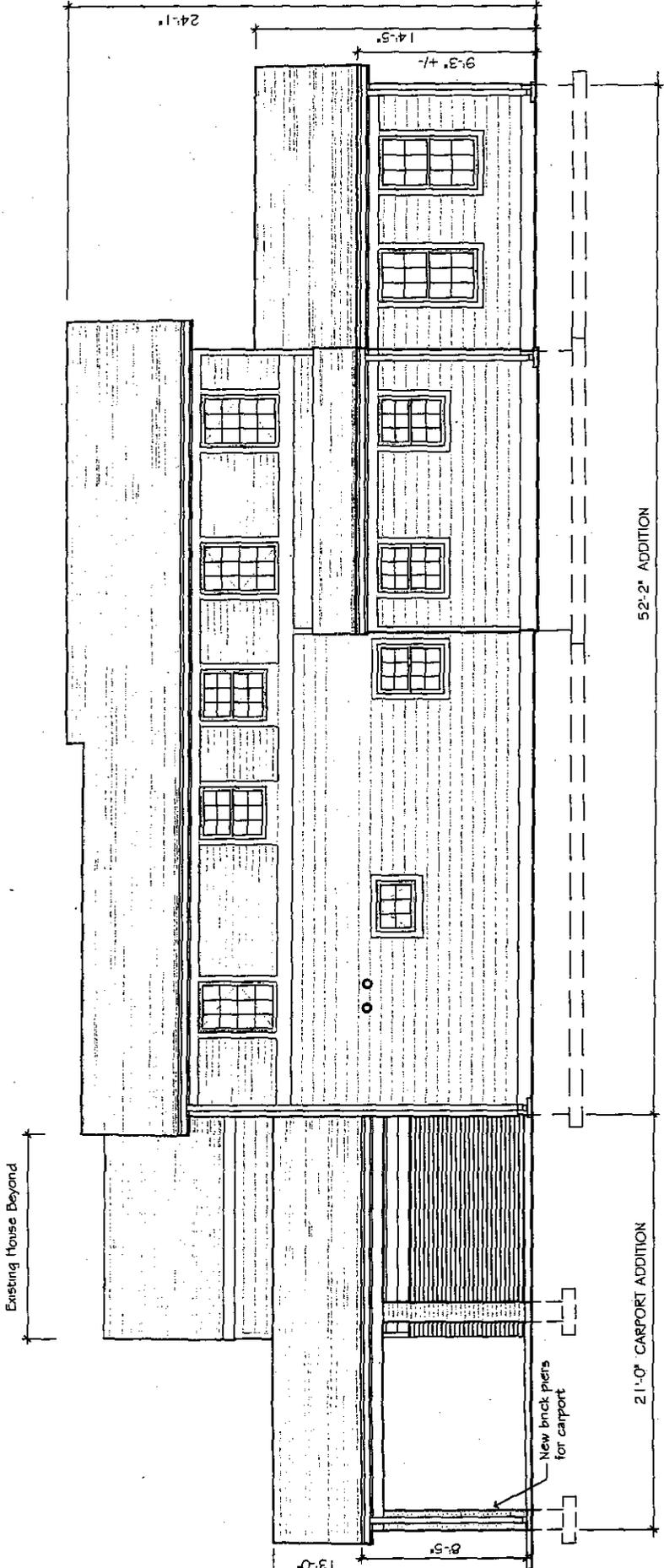
Application No. SF 2011-MV-04/Staff B. Cho (1)

Control No. SF 12 03 005

Approved: YES NO IN PART (circle one)

SEE RESPONSE LETTER DATED April 20, 2012

Page 6 of 7



① West Elevation  
 Scale: 3/16" = 1' - 0"

**INTERPRETATION PLAN**

Application No. SP 2011-MV-041 Staff & Cho

Control No. SP 12 03 005

Approved: YES NO **IN PART** (circle one)

SEE RESPONSE LETTER DATED April 20, 2012

Page 7 of 7

SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED. SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

- NOTES:**
- TAX MAP 093-2-06-05-0004
  - PROPERTY SHOWN HEREON IS ZONED R-3 (RESIDENTIAL 3 OU/AC)
  - MINIMUM YARD REQUIREMENTS IN ZONE R-3  
FRONT: 30'  
SIDE: 12'  
REAR: 25'
  - PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
  - THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0320E EFFECTIVE DATE, SEPTEMBER 17, 2010.
  - THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
  - FLOOR AREA:  
EXISTING GROSS FLOOR AREA HOUSE  
EXISTING GROSS FLOOR AREA SUN ROOM  
EXISTING GROSS FLOOR AREA PARK. STRUCTURE

EXISTING FLOOR AREA  
2,268 SQ. FT.

PROPOSED FLOOR AREA  
3,936 SQ. FT.

PROPOSED FLOOR AREA RATIO: 0.30

**HEIGHT TABLE**

EXISTING HOUSE PEAK HEIGHT: 20.1'

PROPOSED ADDITION PEAK HEIGHT: 21.5'

1,812 SQ. FT.	(TO BE REMOVED)
213 SQ. FT.	(TO BE REMOVED)
243 SQ. FT.	(TO BE REMOVED)
2,268 SQ. FT.	EXISTING FLOOR AREA
1,812 SQ. FT.	EXISTING GROSS FLOOR AREA HOUSE
268 SQ. FT.	PROPOSED GROSS FLOOR AREA W/D ROOM
286 SQ. FT.	PROPOSED GROSS FLOOR AREA PARK. STRUCTURE
678 SQ. FT.	PROPOSED 2ND LEVEL ADDITION
894 SQ. FT.	PROPOSED 1ST LEVEL ACCESSORY DWELLING UNIT
3,936 SQ. FT.	PROPOSED FLOOR AREA

PROPOSED FLOOR AREA RATIO: 0.30

**HEIGHT TABLE**

EXISTING HOUSE PEAK HEIGHT: 20.1'

PROPOSED ADDITION PEAK HEIGHT: 21.5'

CASE NAME: HULVER/FLEMING

NO TITLE REPORT FURNISHED.  
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.  
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.

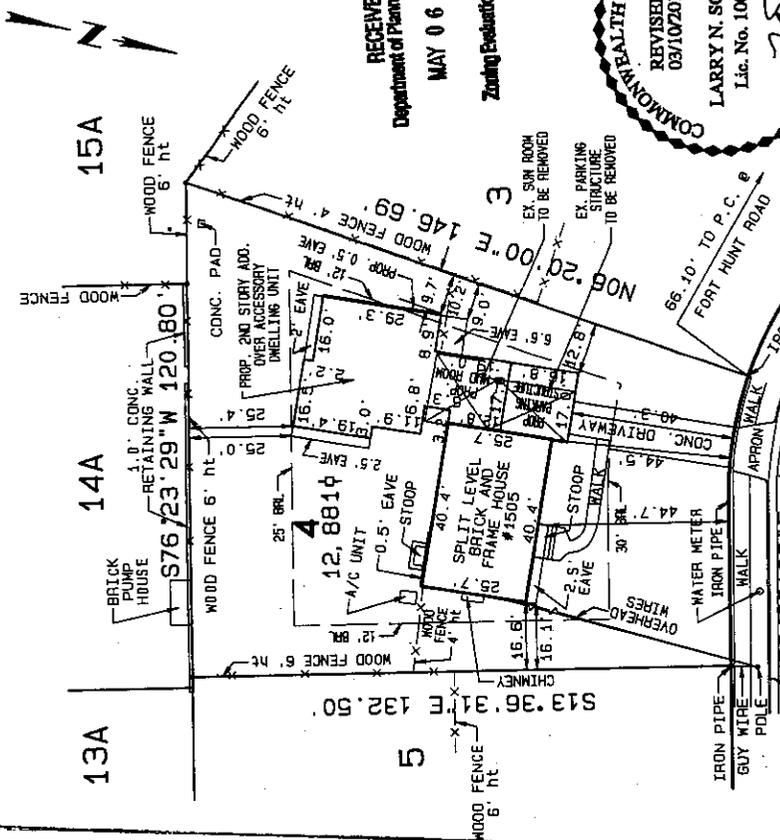
**SCARTZ SURVEYS**

LARRY N. SCARTZ SURVEYOR LOCAL (703) 484-4181  
CERTIFIED LAND SURVEYOR FAX (703) 484-3330  
WOODBRIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM

TAX MAP # 093-2-06-05-D004

JOB# 20100457\_SPP

OSE



RECEIVED  
Department of Planning & Zoning  
MAY 06 2011  
Zoning Evaluation Division

COMMONWEALTH OF VIRGINIA  
REVISED: 03/10/2011  
LARRY N. SCARTZ  
Lic. No. 1000-B  
LAND SURVEYOR

**WAKE FOREST DRIVE**  
ROUTE #1522 - 50' R/W

SPECIAL PERMIT PLAT  
LOT 4; BLOCK 5, FIRST ADDITION TO  
**WESTGROVE**

MOUNT VERNON MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30' DATE: MAY 02, 2011

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

WILLIAM HULVER, SP 2011-MV-041 Appl. under Sect(s). 8-918 and 8-922 of the Zoning Ordinance to permit an accessory dwelling unit and reduction of certain yard requirements to permit construction of addition 9.0 ft. from side lot line. Located at 1505 Wake Forest Dr. on approx. 12,881 sq. ft. of land zoned R-3. Mt. Vernon District. Tax Map 93-2 ((6)) (5) 4. Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on August 10, 2011; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 12,881 square feet.
4. Staff recommends approval for the addition and the accessory dwelling unit, and its rationale is adopted.
5. Comments of Board members were noted with regard to the rationale for the application, but there is no opposition to it.
6. The addition itself has been judiciously planned.

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

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

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

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the addition and kitchen in the accessory dwelling 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, William Hulver and/or Meghan Hulver, Barbara Fleming, Michael Fleming and is not transferable without further action of this Board, and is for the location indicated on the application, 1505 Wake Forest Drive (12,881 square feet), and is not transferable to other land.
3. This special permit is approved for the location and size of the addition (1,572 square feet), as shown on the plat prepared by Scartz Surveys, dated May 2, 2011, as sealed through March 10, 2011, as submitted with this application and is not transferable to other land.

4. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion [2,025 square feet existing + 3,037.5 square feet (150%) = 5,062.5 square feet maximum permitted on lot] regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
5. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
6. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
7. 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.
8. The accessory dwelling unit shall contain a maximum of 894 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
9. All applicable building permits and final inspections shall be obtained for construction of the kitchen in the accessory dwelling unit prior to occupancy.
10. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
11. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
12. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory 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.
13. All parking shall be provided on site as shown on the special permit plat.

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the construction has commenced and been diligently pursued. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Beard seconded the motion, which carried by a vote of 4-2. Mr. Hart and Mr. Hammack voted against the motion. Ms. Gibb was absent from the meeting.

A Copy Teste:

K.A. Knoth  
Kathleen A. Knoth  
Clerk to the Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

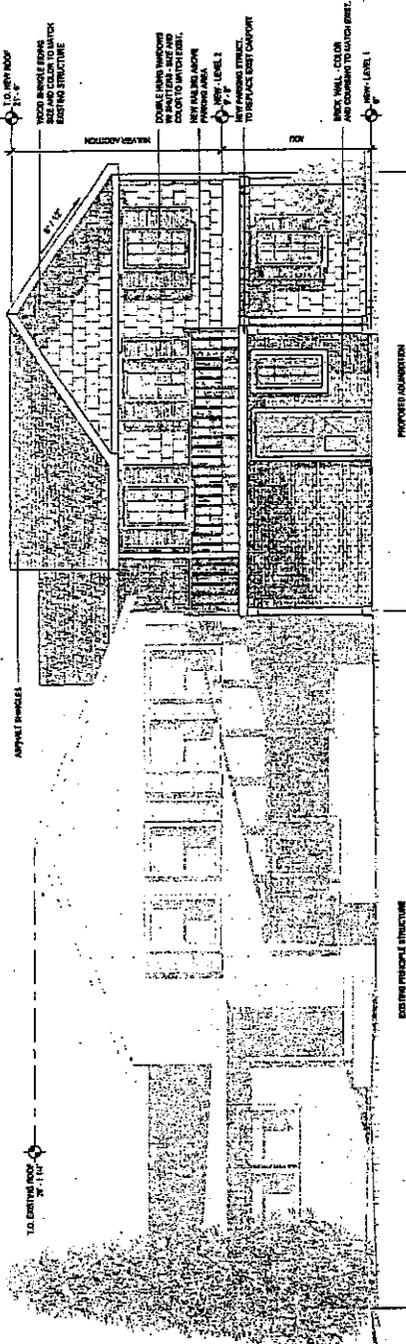
The foregoing instrument was acknowledged before me this 16 day of

August, 2011.

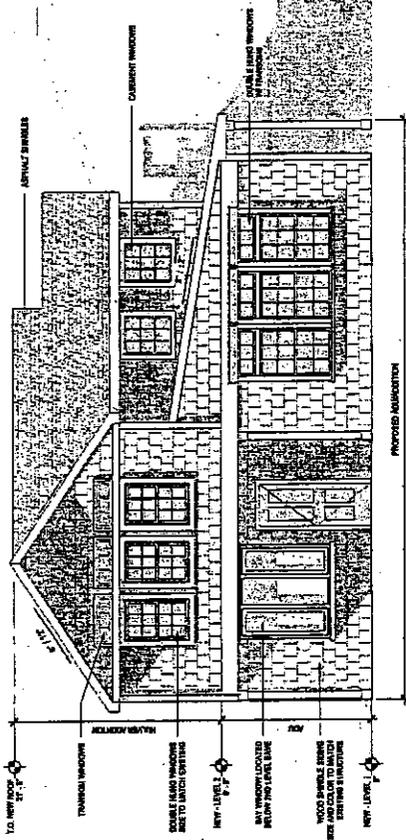
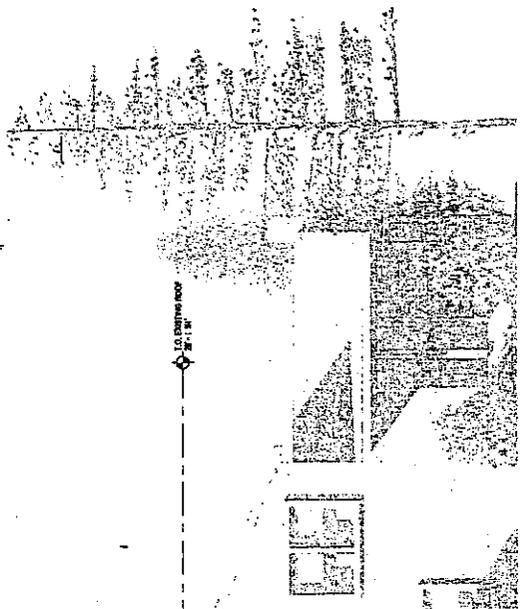
[Signature]  
Notary Public

My commission expires: 07-31-2012

Commonwealth of Virginia  
Homaira Amin - Notary Public  
Commission No. 7196278  
My Commission Expires 07/31/2012

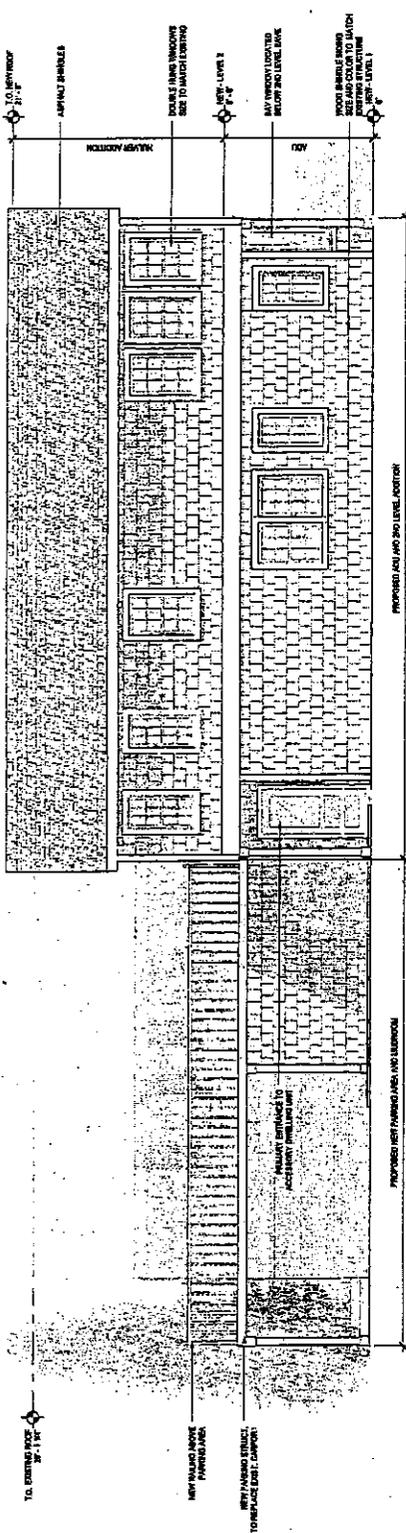


1 NORTH ELEVATION - ADU/ADDITION  
SCALE: 1/8" = 1'-0"

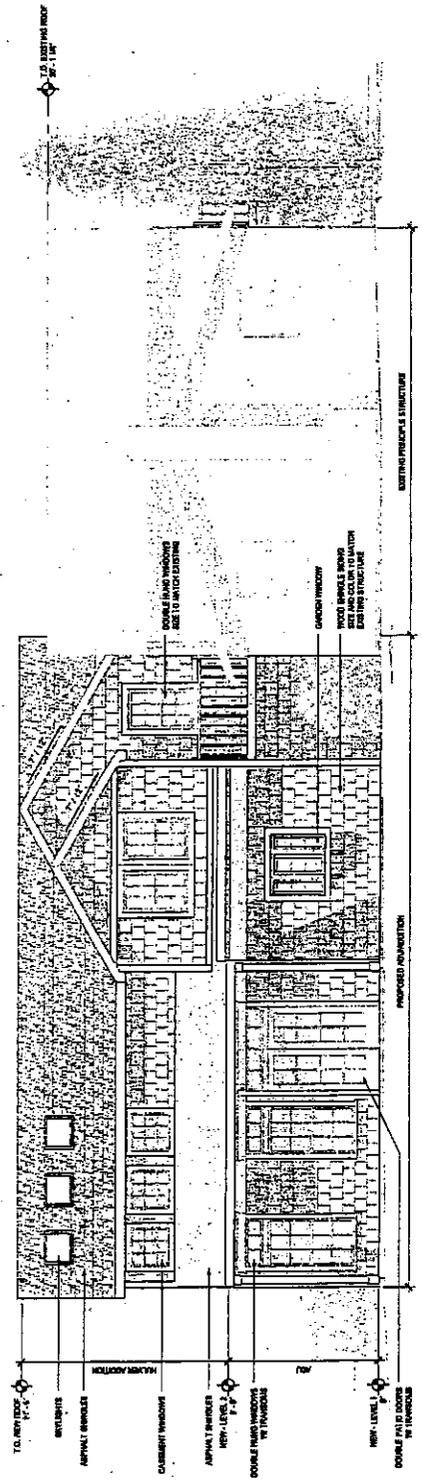


2 SOUTH ELEVATION - ADU/ADDITION  
SCALE: 1/8" = 1'-0"





**1 WEST ELEVATION - ADU/ADDITION**  
SCALE: 1/8" = 1'-0"



**2 EAST ELEVATION - ADU/ADDITION**  
SCALE: 1/8" = 1'-0"

