

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ROBERT J. CUNNINGHAM, JR./LINDA J. CUNNINGHAM, SP 2011-SP-095 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit. Located at 11407 Lilting Ln., Fairfax Station, 22039, on approx. 5.0 ac. of land zoned R-C and WS. Springfield District. Tax Map 86-2 ((3)) 29. (Deferred from 1/25/12) Mr. Hammack 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 March 28, 2012; and

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

1. The applicants are the owners of the property.
2. Staff recommends approval of this permit subject to development conditions.
3. The applicant has presented testimony indicating compliance with the conditions.

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

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

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

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicants only, Robert J. Cunningham and/or Linda J. Cunningham, and is not transferable without further action of this Board, and is for the location indicated on the application, 11407 Lilting Lane (5.0 acres) 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 applicant shall upgrade the existing onsite sewage disposal system as per the

requirements in a letter from the Division of Environmental Health, Fairfax County Health Department, dated February 7, 2012, and included as Attachment 1 to these conditions. These requirements shall be installed by a licensed contractor and within three months of the approval of the Special Permit.

5. No one shall occupy the Accessory Dwelling Unit until the Division of Environmental Health of the Fairfax County Health Department requirements pertaining to the onsite sewage disposal system have been satisfied. In the alternative, the kitchen sink shall be closed off and inspected by the appropriate Fairfax County personnel, until such time as the Fairfax County Health Department requirements have been satisfied.
6. The occupants of the accessory dwelling unit shall be limited to the applicants' immediate family members.
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 1,176 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 2 to these conditions. The unit shall only occupy the first floor of the structure.
9. All applicable building permits and final inspections shall be obtained for the kitchen in the accessory dwelling unit.
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 Sect. 8-012 of the Zoning Ordinance.
12. If the use of the accessory dwelling unit ceases for the applicants' immediate family members 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.

14. The playset shall meet the locational guidelines outlined in Sect. 10-104.12 of the Zoning Ordinance and shall be located outside of the Resource Protection Area.

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.

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

A Copy Teste:

K.A. Knoth

Kathleen A. Knoth
Clerk to the Board of Zoning Appeals

ACKNOWLEDGEMENT

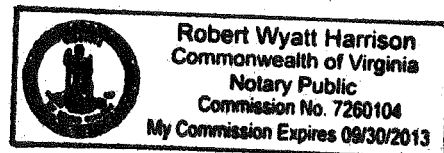
County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 4th day of April, 2012.

Robert Wyatt Harrison

Notary Public

My commission expires: 9-30-2013





County of Fairfax, Virginia

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

February 7, 2012

Rob Cunningham
11407 Lilting Lane
Fairfax Station, VA 22039

RE: Request to Approve the Use of a Second Kitchen at 11407 Lilting Lane, Fairfax Station, VA 22039; TM: 86-2-003-29; Singing Woods Subdivision

Dear Mr. Cunningham:

I have reviewed your request to approve the use of a second kitchen located in the living area of the detached garage. The basis of your request is to have the Health Department approve the kitchen use without any additional upgrades to the existing onsite sewage disposal system.

Health Department policy regarding adding additional waste sources such as a second kitchen requires the onsite sewage system be upgraded to accommodate the additional waste. The required upgrade is based on the potential use of the system.

Your request to use the second kitchen in the detached garage cannot be approved until the following requirements are completed:

1. The existing drainfield must be expanded by installing two additional lines at a length of 57 feet and at a depth of 46 inches.
2. No additional soil evaluations will be required to upgrade the system.
3. A reserve area equal to 50% of the original system is available on the lot. This area will be shown on the "Expansion Permit". The reserve area must be protected at all times.
4. An application must be completed (see attachment) and an "Expansion Permit" fee of \$350.00 paid to the Fairfax County Health Department.
5. Prior to issuing a permit to upgrade the onsite sewage disposal system the existing drainfield must be inspected by the Health Department. The system must be functioning satisfactorily.

To schedule an inspection of the existing system please call the Onsite Sewage and Water Section at 703-246-2201.

Fairfax County Health Department
10777 Main Street, Suite 203, Fairfax, VA 22030
Phone: 703-246-2411 TTY: 703-591-6435
Fax: 703-273-0825
www.fairfaxcounty.gov/hd



If you have any additional questions regarding this matter please contact Kevin R. Wastler,
Environmental Health Supervisor at 703-246-8472.

Sincerely,



Thomas E. Crow, R.S., Director
Division of Environmental Health

Attachment

cc: Laura Gumkowski
Department of Planning and Zoning
Kevin R. Wastler
Division of Environmental Health



**FAIRFAX COUNTY HEALTH DEPARTMENT
BUILDING PERMIT APPLICATION**

CHECK ALL APPLICABLE:

- NEW CONSTRUCTION SEWAGE DISPOSAL SYSTEM PERMIT INDIVIDUAL WELL WATER SUPPLY PERMIT
 ADDITION/REMODELING WELL ABANDONEMENT SEWAGE SYSTEM EXPANSION DEMO PERMIT
 BETTERMENT LOAN ELIGIBILITY (\$50.00 FEE)

TO BE COMPLETED BY THE APPLICANT. (PLEASE PRINT CLEARLY)

OWNER _____ PHONE _____ EMAIL _____

ADDRESS _____ CITY _____ ZIP _____

AGENT _____ PHONE _____ EMAIL _____

ADDRESS _____ CITY _____ ZIP _____

PROPERTY ADDRESS _____ TAX MAP _____

SUBDIVISION _____ SECTION _____ BLOCK _____ LOT _____

PERMIT TO BE MAILED TO: OWNER AGENT

RESIDENTIAL

Sewage: Septic Tank Public Other _____ Basement - Plumbing in Basement Yes No

Proposed Septic usage \geq 1000 GPD Yes No

Number of Potential Bedrooms _____ Number of Kitchens _____ Number of Laundry Rooms _____

Water: Well Public Other _____ No. of Geothermal Wells: _____

Will foundation be chemically treated for termites Yes No

COMMERCIAL

Sewage: Septic Tank Public Other _____ Estimated Number of Patrons _____ using sanitary facilities;

Number of Employees _____ using sanitary facilities; Total Estimated Daily Water Usage _____ Gallons

Water: Well Public Non-Community Other _____

Will foundation be chemically treated for termites Yes No

DESCRIBE CONSTRUCTION: _____

I GIVE PERMISSION TO THE HEALTH DEPARTMENT TO ENTER ONTO THE PROPERTY DESCRIBED FOR THE PURPOSE OF PROCESSING THIS APPLICATION. I UNDERSTAND A SUBSTANTIAL PHYSICAL CHANGE TO THE PROPERTY MAY VOID APPROVAL OF THE LOT FOR AN ONSITE SEWAGE DISPOSAL SYSTEM.

SIGNATURE _____ PRINT NAME _____

DATE _____ OWNER AGENT

For Department Use Only

H WELL: _____ H SEPTIC: _____

Date Lot Approved: _____ Type System _____ Design for _____ Bedrooms or _____ Gallons per Day

Perc Rate _____ Depth _____ Septic Tank Gallons _____ Absorption Field _____ (Lin. Ft.) Reserve Area _____ (Lin. Ft.)

Building Permit No. _____ Receipt Number _____

Remarks _____

REVIEWED BY _____ TITLE _____ DATE _____

**THE FOLLOWING INFORMATION IS REQUIRED
FOR A COMPLETE SUBMISSION PACKAGE:**

Grading Only Plans:

- 9 copies of the site/grading plan
- Special "Grading Only" Notice on each copy

First Submission of Site/Grading Plans for Building Permit

- 9 copies of site/grading plan
- 2 copies of pump plans or hydraulic designs (if required for design)
- 1 copy of architectural plan (floor plan)
- Fairfax County Building Permit Application

Revisions to Site/Grading Plans

- 9 copies of site/grading plan
- 2 copies of pump plans or hydraulic designs (if changes to design are made)

**Building Additions and Pool Reviews (with less than 2500 ft²
site disturbance)**

- Fairfax County Building Permit Application
- 2 copies of site plan (1:50 scale minimum)
- 1 copy of architectural plans

**Building Additions and Pool Reviews (with 2500 ft² or greater
site disturbance)**

- Fairfax County Building Permit Application
- 9 copies of site/grading plans
- 1 copy of architectural plans

NOTE: If the plans are rejected the Engineer listed on the plans will be contacted with an explanation for the rejection, regardless of whom submitted the plans

The information required for the complete submission package has been provided to the Health Department for review.

(Signature of owner or agent)

(Date)

