



APPLICATION ACCEPTED: May 4, 2012  
DATE OF PUBLIC HEARING: July 18, 2012  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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July 11, 2012

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-BR-025

### BRADDOCK DISTRICT

**APPLICANT/OWNER:** Glenda Sue Stump

**LOCATION:** 7321 Jervis Street, Springfield, 22151

**SUBDIVISION:** North Springfield

**TAX MAP:** 71-3 ((4)) (36) 15

**LOT SIZE:** 10,762 square feet

**ZONING:** R-3

**ZONING ORDINANCE PROVISION:** 8-914 and 8-918

**SPECIAL PERMIT PROPOSAL:** To permit a reduction to minimum yard requirements based on error in building location to permit an accessory storage structure (shed) to remain 2.5 feet from the rear lot line and 4.4 feet from the side lot line and to permit an accessory dwelling unit within the existing dwelling.

**STAFF RECOMMENDATION:** Staff recommends approval-in-part of SP 2012-BR-025 for the accessory dwelling unit with adoption of 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 applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\bcho00\SP\Jul 18 - SP 2012-BR-025 (Stump)\staff\_report.doc

B. Cho

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/](http://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.**

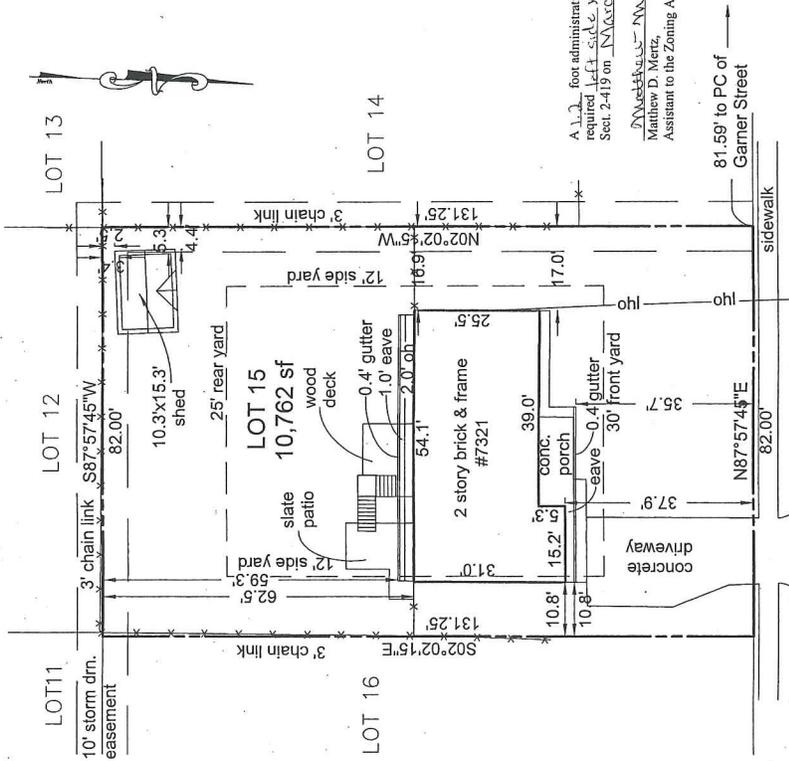


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

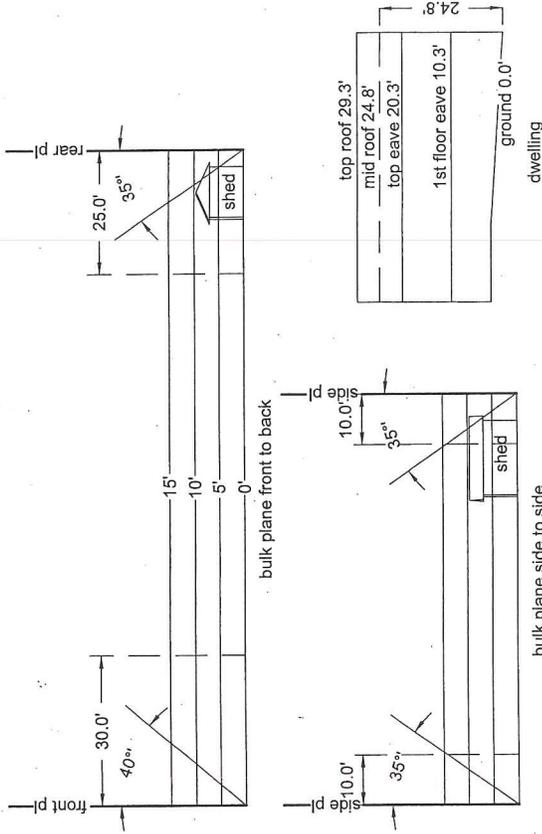




1. The property shown here on is located on Fairfax County tax map no. 71-3 04 36 15 and is zoned R3.
2. This property is serviced by public sewer, gas and water.
3. The gross floor area is 3,019 sf. Floor/area ratio of 0.28.
4. There are no easement 25' or larger in width on this property, or major underground easements.
5. There is no flood plain or resource protection area in the vicinity of this site.
6. There are no burial sites apparent on the property.
7. Proposed use is residential.
8. Building height is 24.8'. Shed height is 9.6'.



A 1.2 foot administrative reduction in the minimum required lot size yard has been GRANTED per Sect. 2-419 on 11/13/11 by:  
 Matthew D. Merz,  
 Assistant to the Zoning Administrator



SPECIAL PERMIT PLAT

JOB #: 11-0037

RECEIVED  
 Department of Planning & Zoning  
 MAY 26 2011  
 Zoning Examination Division

LOT 15, BLOCK 15, SECTION 10  
 NORTH SPRINGFIELD  
 BRADDOCK DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=25'

MAY 18, 2011  
 7720 VICEROY STREET  
 SPRINGFIELD, VIRGINIA 22151

**APEX SURVEYS**

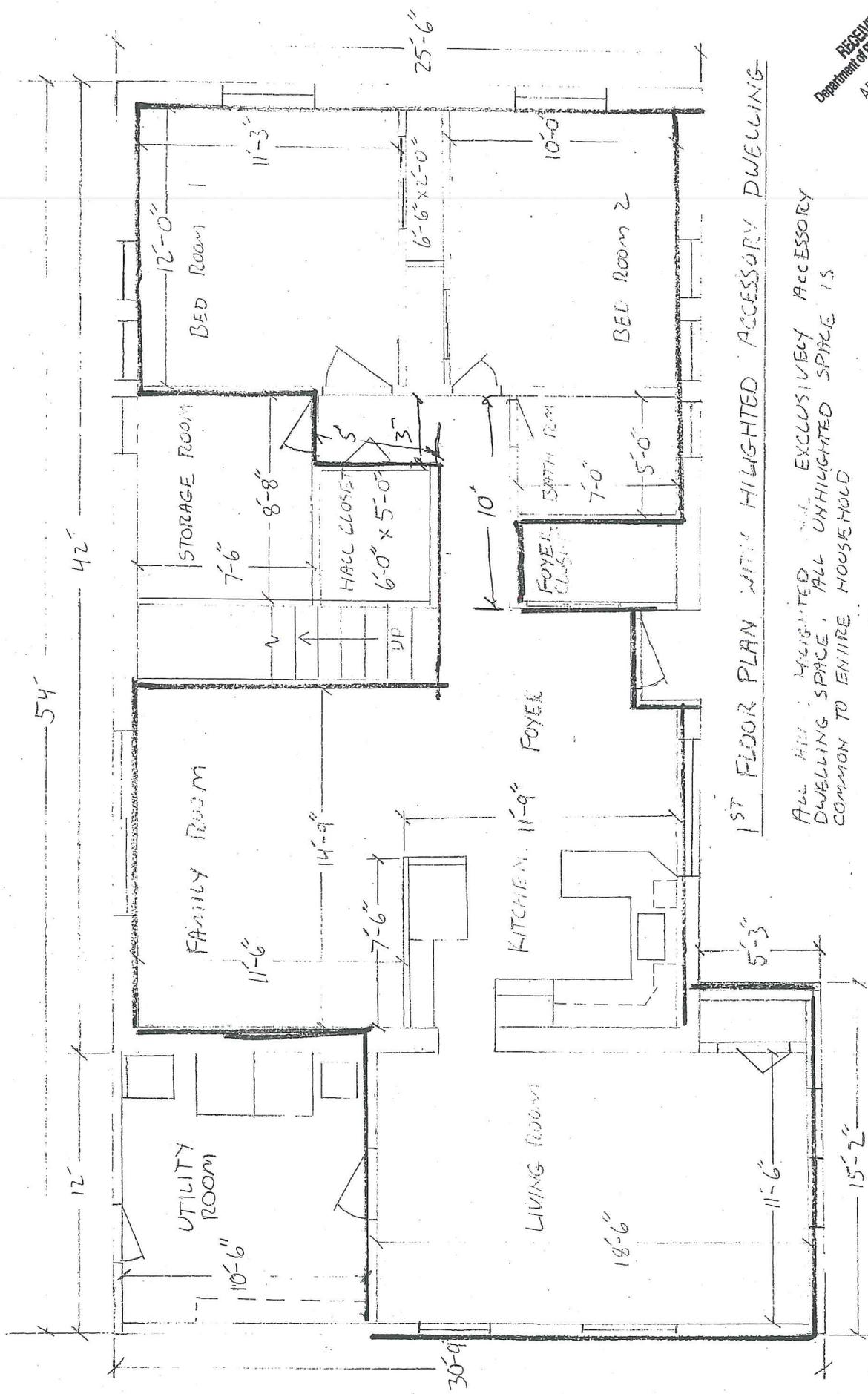


OWNERS:  
 Kenneth W. Stump and Glenda Sue Stump  
 7321 Jervis Street  
 Springfield, Virginia 22151  
 db 3051, pg 61

JERVIS STREET  
 50' WIDE

STAMP RESIDENCE  
 7321 TERVIS ST SPRINGFIELD VA  
 EXISTING 1ST FL  
 PLAN SCALE 1/4" = 1'-0"  
 PREPARED BY PAUL WILHOYT

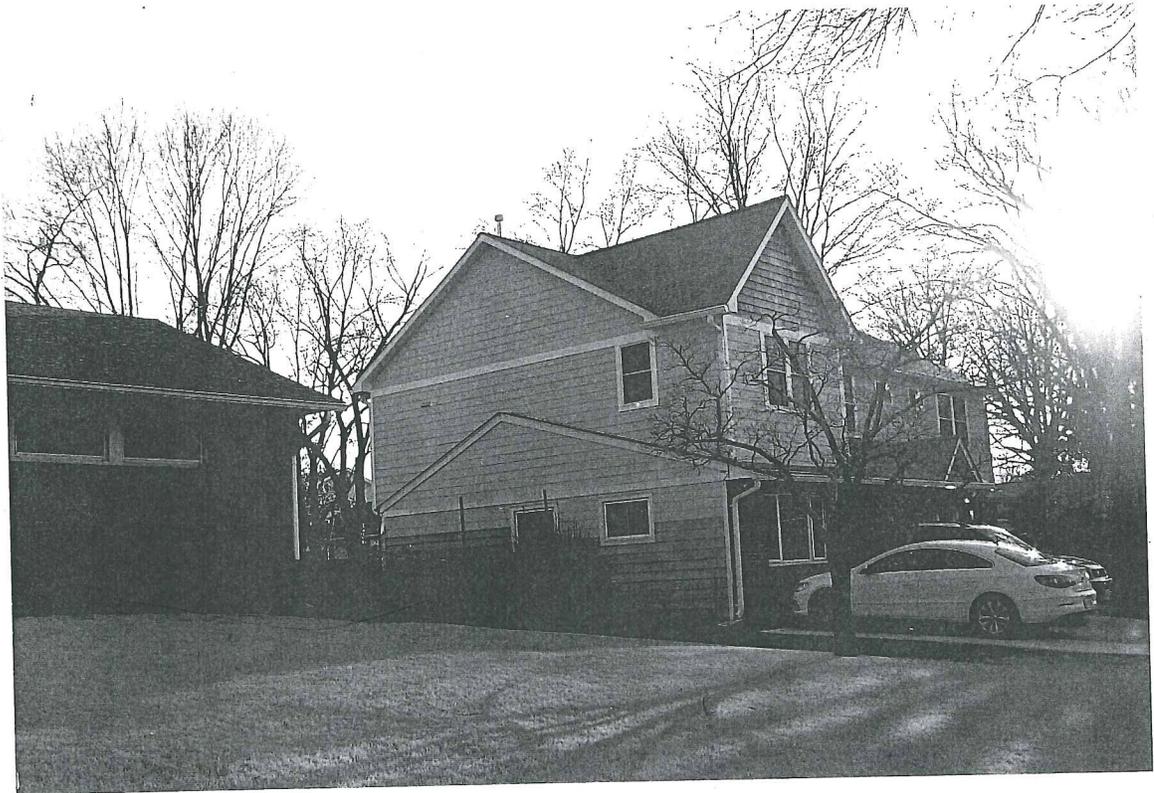
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 Department of Planning & Zoning  
 APR 29 2012  
 Zoning Evaluation Division

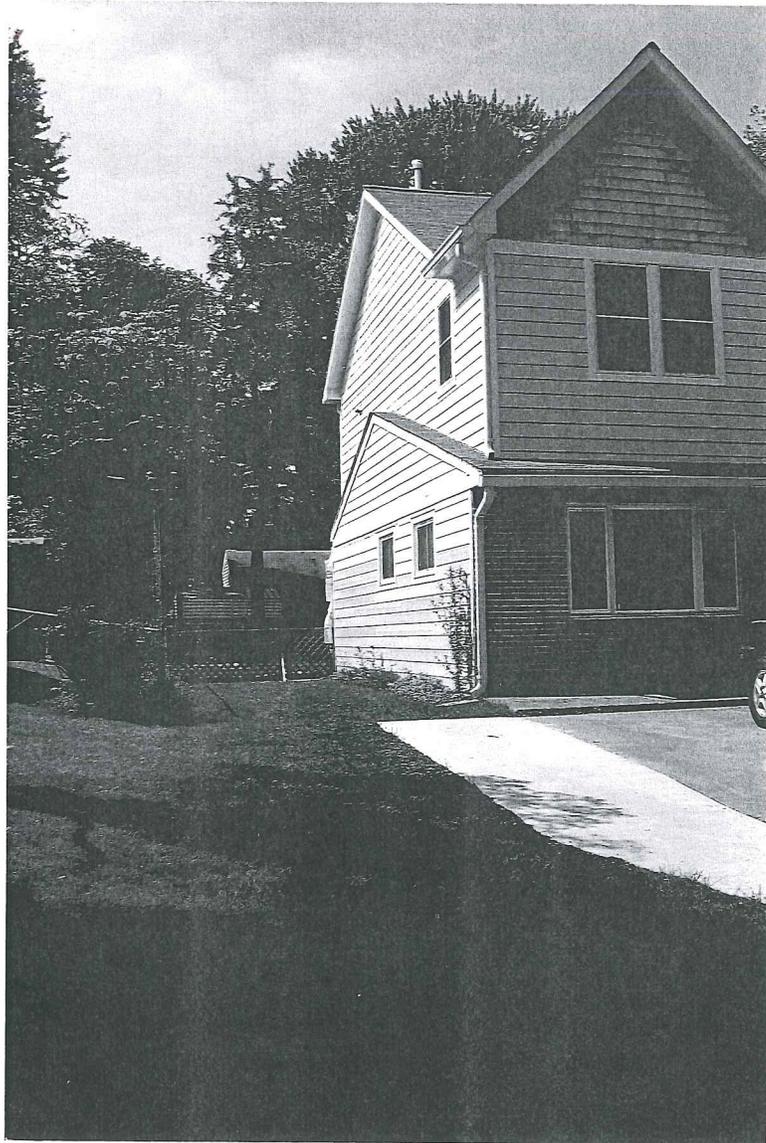


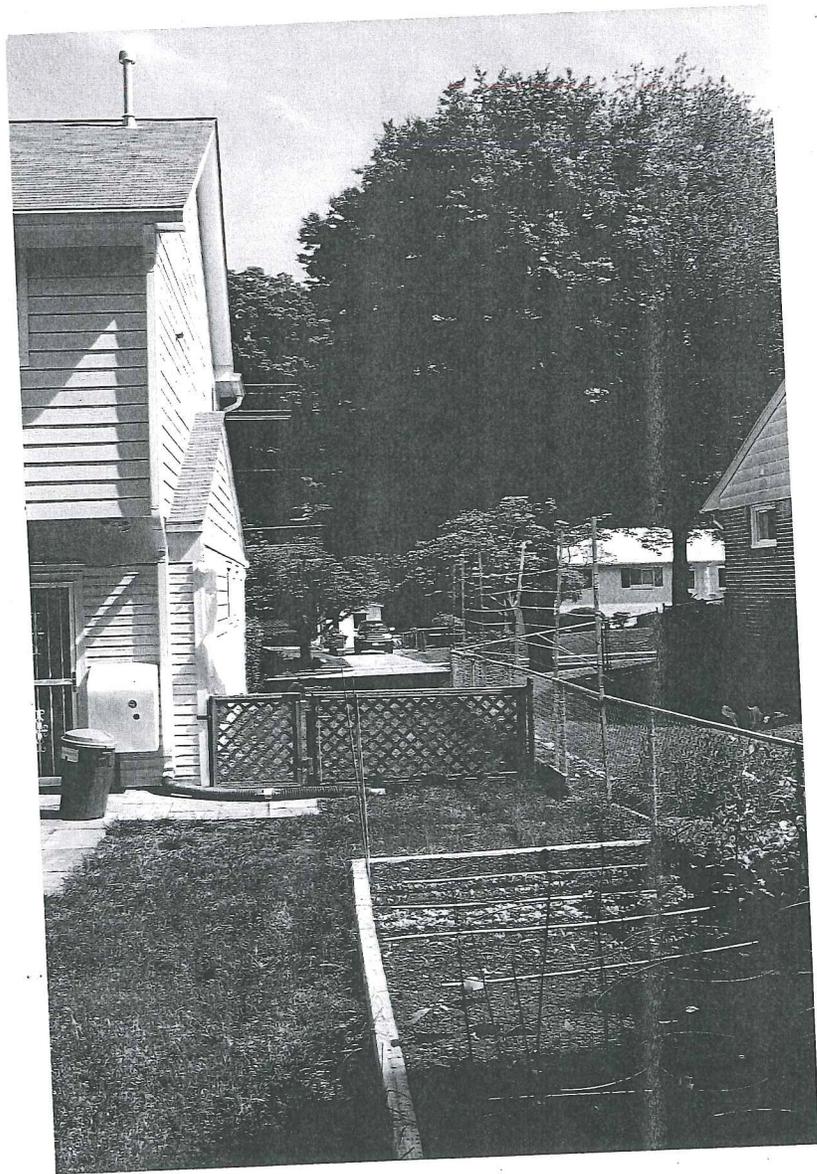
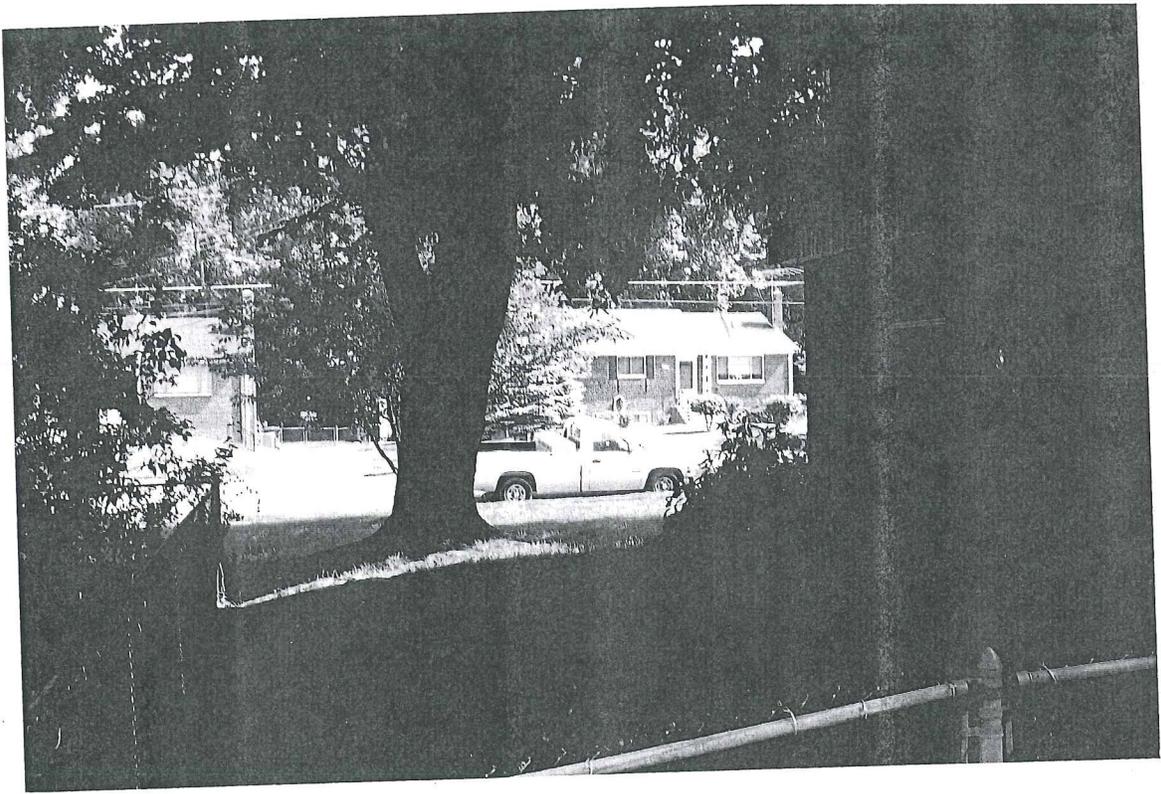
1ST FLOOR PLAN WITH HIGHLIGHTED ACCESSORY DWELLING

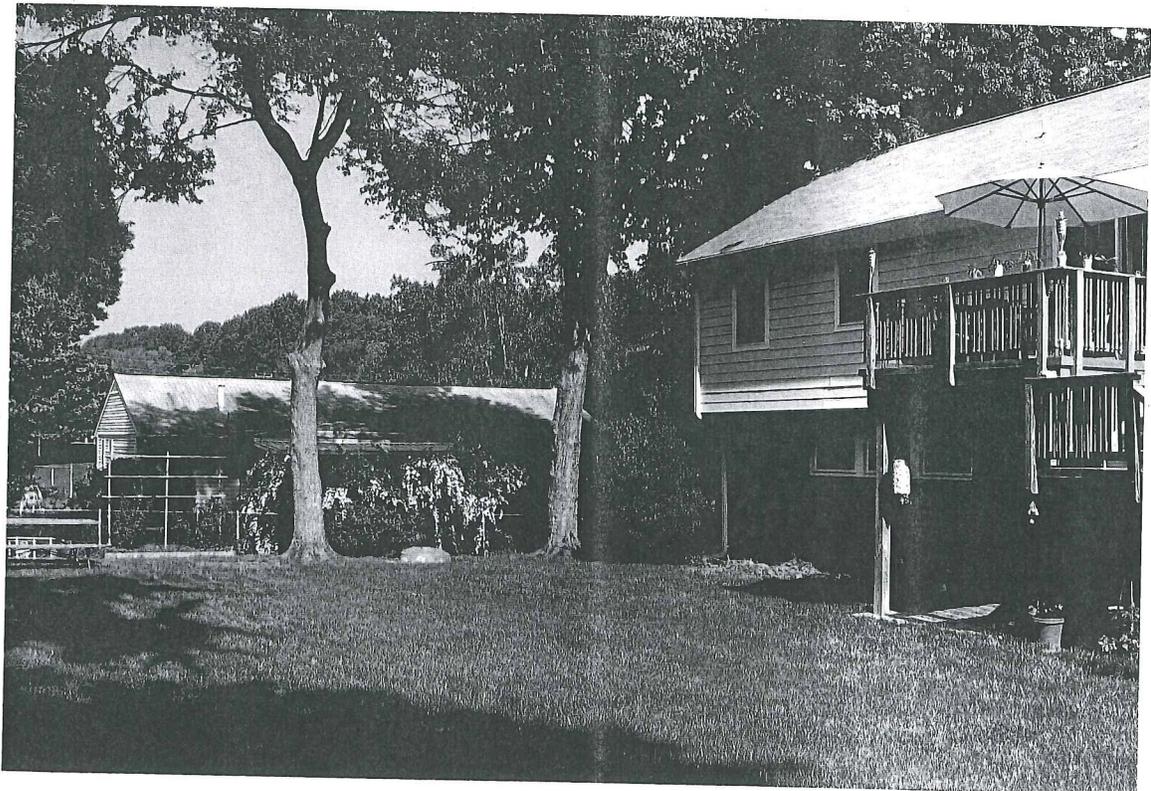
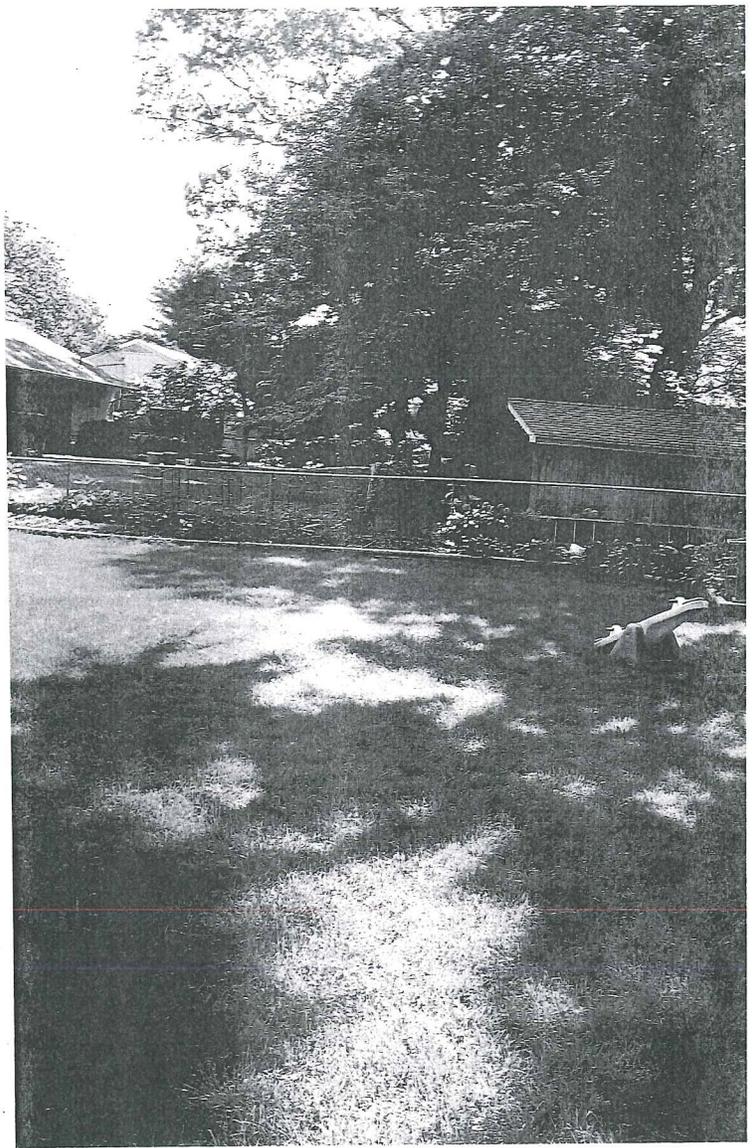
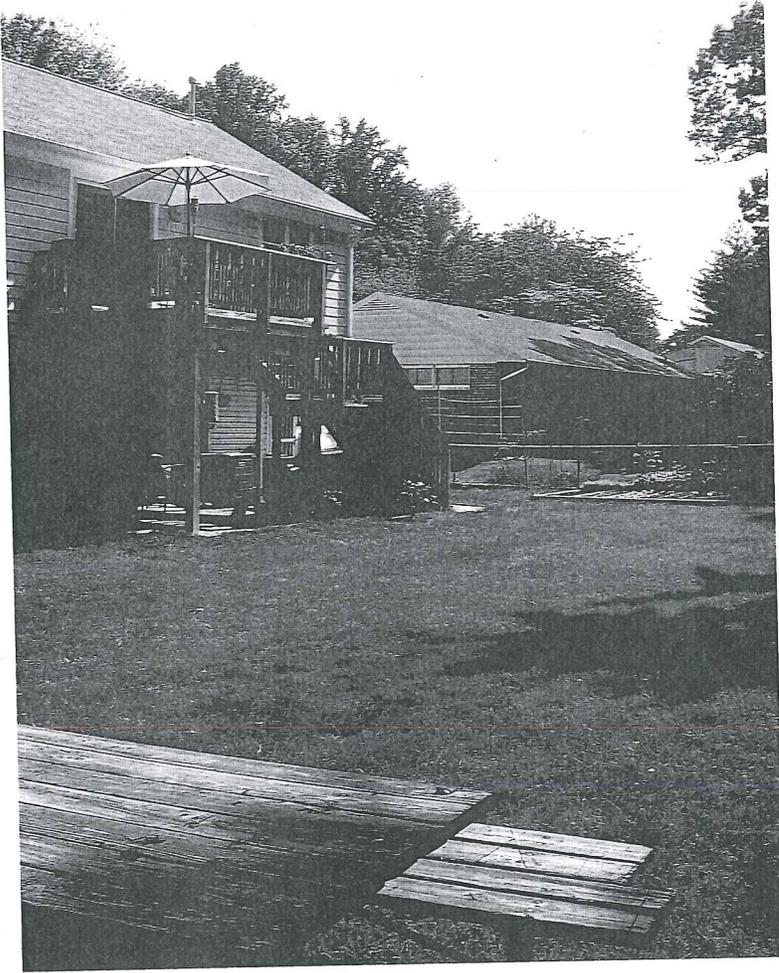
ALL HIGHLIGHTED ARE EXCLUSIVELY ACCESSORY DWELLING SPACE, ALL UNHIGHLIGHTED SPACE IS COMMON TO ENTIRE HOUSEHOLD

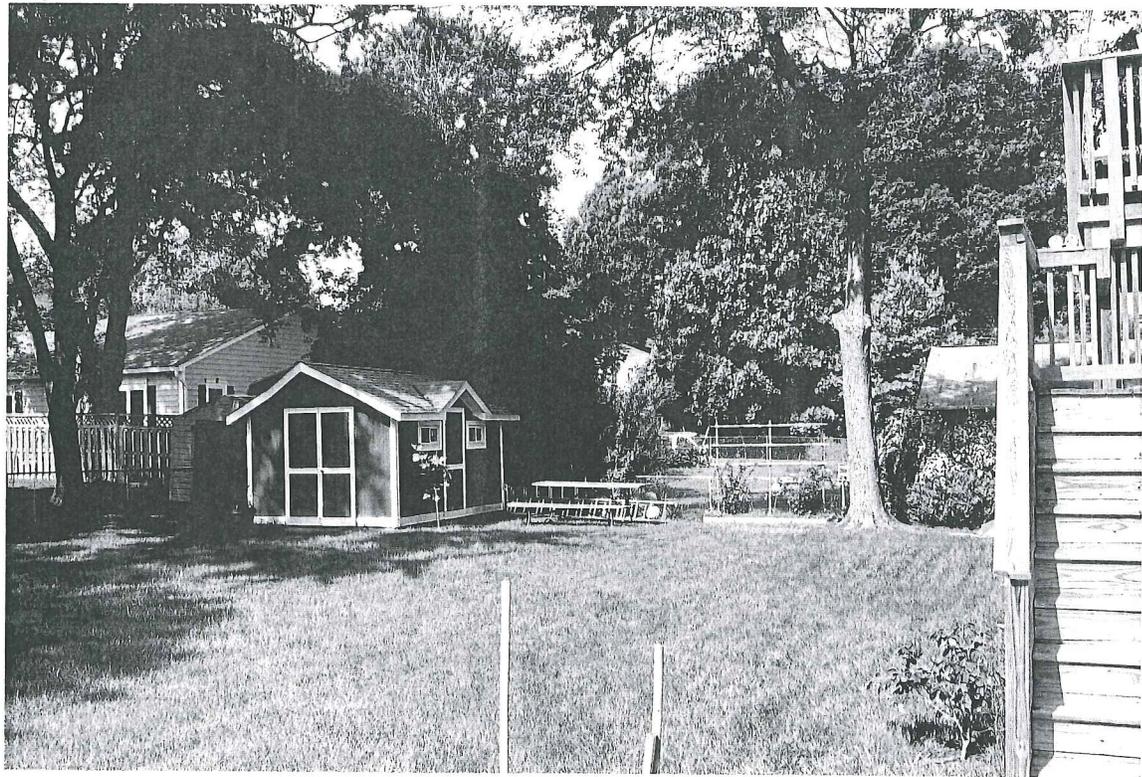
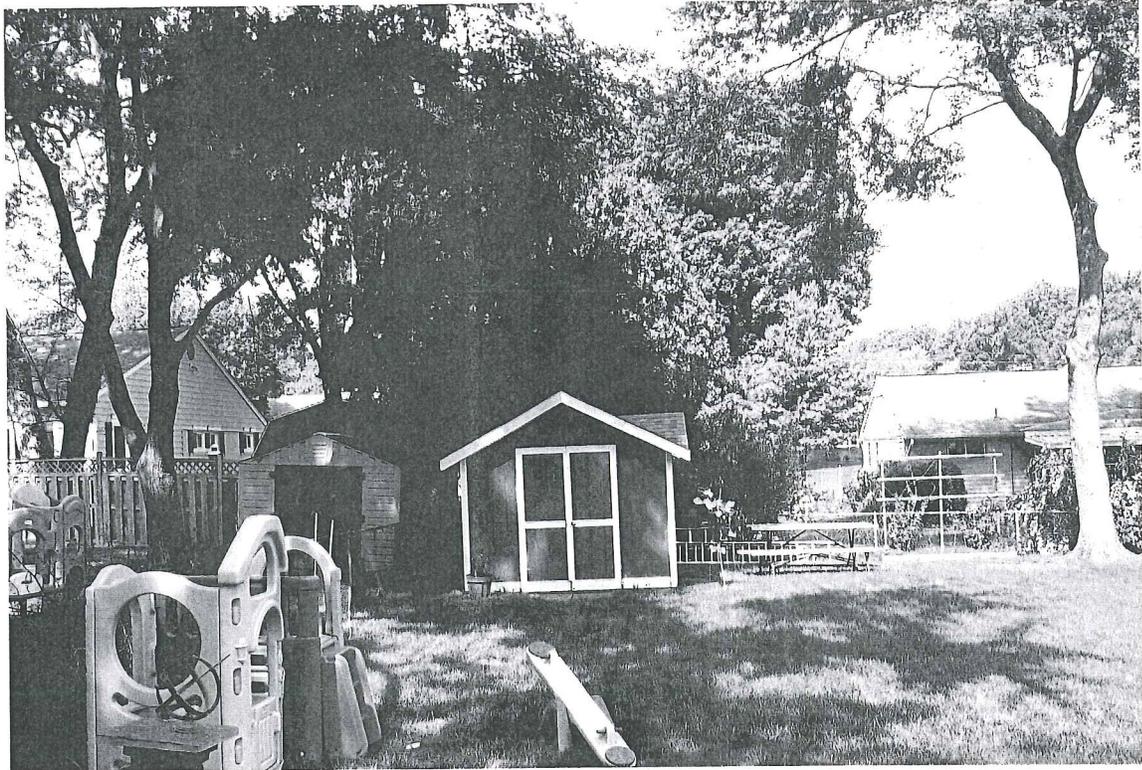
TOTAL SQFT 1ST AND 2ND FL = 2957 SQFT  
 ACCESSORY DWELLING SQ FT = 900 SQ FT (30%)











ACCESSORY DWELLING UNIT



Family Room



KITCHEN

ACCESSORY DWELLING UNIT



FRONT ENTRANCE



DINING AREA NEAR ENTRANCE

ACCESSORY DWELLING UNIT



KITCHEN / LIVING ROOM



STAIRS TO ADDITION



KITCHEN UPSTAIRS



**DESCRIPTION OF THE APPLICATION**

The applicant requests approval of two special permit requests. The first request is for a shed, which measures 9.6 feet in height, to remain 2.5 feet from the rear lot line and 4.4 feet from the side lot line. The second request is for an accessory dwelling unit to be located on the ground floor of the two-story principal dwelling. The accessory dwelling unit will measure approximately 900 square feet or 30% of the principal dwelling’s gross floor area.

	Structure	Yard	Min. Yard Req.	Structure Location	Amount of Error	Percent of Error
Special Permit	Accessory Storage Structure (Shed)	Side	12.0 feet	4.4 feet	7.6 feet	63%
Special Permit	Accessory Storage Structure (Shed)	Rear	9.6 feet	2.5 feet	7.1 feet	74%

**EXISTING SITE DESCRIPTION**

The 10,762 square foot lot is developed with a two story, single family detached dwelling, which was originally built in 1955. The second story addition was completed in 2009. The brick and frame dwelling measures 3,019 square feet in area and 24.8 feet in height. There is a concrete driveway and sidewalk at the front of the house, and a walkway connects the driveway to the front entrance. At the rear of the house, there is a wood deck with stairs to the ground level. A chain link fence measuring 3 feet in height surrounds the rear yard, which is landscaped with grass. A 9.6 foot high shed is in the southeast corner of the site.

**CHARACTER OF THE AREA**

	Zoning	Use
North	R-3	Single Family Detached Dwelling
South	R-3	Single Family Detached Dwelling
East	R-3	Single Family Detached Dwelling

West	R-3	Single Family Detached Dwelling
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## BACKGROUND

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

- Special Permit SP 2000-B-027 was approved on July 25, 2000 for Tax Map 71-3 ((4)) (40) 3, zoned R-3 at 7502 Hogarth Street to permit a reduction to minimum yard requirements based on an error in building location for an addition to remain 10.4 feet from the side lot line.
- Special Permit SP 95-B-019 was approved on June 28, 1995 for Tax Map 71-3 ((4)) (40) 12, zoned R-3 at 7600 Hogarth Street to permit a reduction to minimum yard requirements based on an error in building location for an addition to remain 10.5 feet from the side lot line.
- Special Permit SP 93-B-026 was approved on August 5, 1993 for Tax Map 71-3 ((4)) (28) 10, zoned R-3 at 7416 Elgar Street to permit a reduction to minimum yard requirements based on an error in building location for a dwelling to remain 10.5 feet from the side lot line.

## SPECIAL PERMIT PLAT (Copy at the front of the report)

- **Title of SP Plat:** Special Permit Plat, Lot 15, Block 15, Section 10, North Springfield
- **Prepared By:** Apex Surveys
- **Dated:** Dated May 18, 2011

## Background and Proposal:

The applicant requests approval to permit a shed to remain 2.5 feet from the rear lot line and 4.4 feet from the side lot line. The applicant notes that the shed, which measures approximately 150 square feet in area and 9.6 feet in height, was built approximately 20 years ago. A building permit was not issued for the shed. There are no complaints on file regarding the shed. However, the Stormwater Management Division of the Department of Public Works and Environmental Services shared comments with staff regarding the shed's (partial) location within a storm drain easement along the rear property line. DWPES regards a shed as a permanent private structure, and since the shed is built on footings, it cannot be moved easily out of the easement, which would be recommended by DWPES. Therefore, DPWES cannot support the shed's current location.

On December 3, 2010, a Notice of Violation (NOV) was issued to the applicant for excessive dwelling units. A copy is attached as Appendix 4. The applicant proposes an accessory dwelling unit with a kitchen, bathroom, family room, living room and two bedrooms on the ground floor of the single family detached dwelling, which is built on slab. A utility room, storage room and closets on the ground floor are shared between the occupants of the house. The accessory dwelling unit kitchen is modified from the original kitchen of the dwelling, and another kitchen was constructed in the second story addition in 2010. Applicable trade permits for the second story kitchen were not obtained. A copy of the permit for the second story addition is attached as Appendix 5. The accessory dwelling unit will be accessed through the main front door and also through an entrance at the rear of the house. The accessory dwelling unit measures approximately 900 square feet or 30%, which is less than 35% of the principal dwelling's square footage at 3,019 square feet. The occupant of the accessory dwelling unit, who is owner of the house, will be a family member over the age of 55 years old.

An administrative reduction for 1.2 feet was granted on March 9, 2012 for the (left) western side yard to permit the dwelling to remain 10.8 feet from the side lot line. A copy of the reduction letter is attached as Appendix 6.

## **ZONING ORDINANCE REQUIREMENTS**

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 7:

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)
- Additional Standards for Accessory Dwelling Units (Sect. 8-918)

This special permit is subject to Sects. 8-006, 8-903, 8-914 and 8-918 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 7. Subject to development conditions, this special permit must meet these standards.

## **CONCLUSION**

Staff recommends approval-in-part of SP 2012-BR-025 for an accessory dwelling unit with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. Because the Department of Public Works and Environmental Services does not support the shed within the storm drain easement, staff recommends that the location of the shed be denied.

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.

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.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notice of Violation dated December 3, 2010
5. Permit #61860135 issued September 21, 2006
6. Administrative Reduction for Left Side Yard dated March 9, 2012
7. Zoning Ordinance Provisions

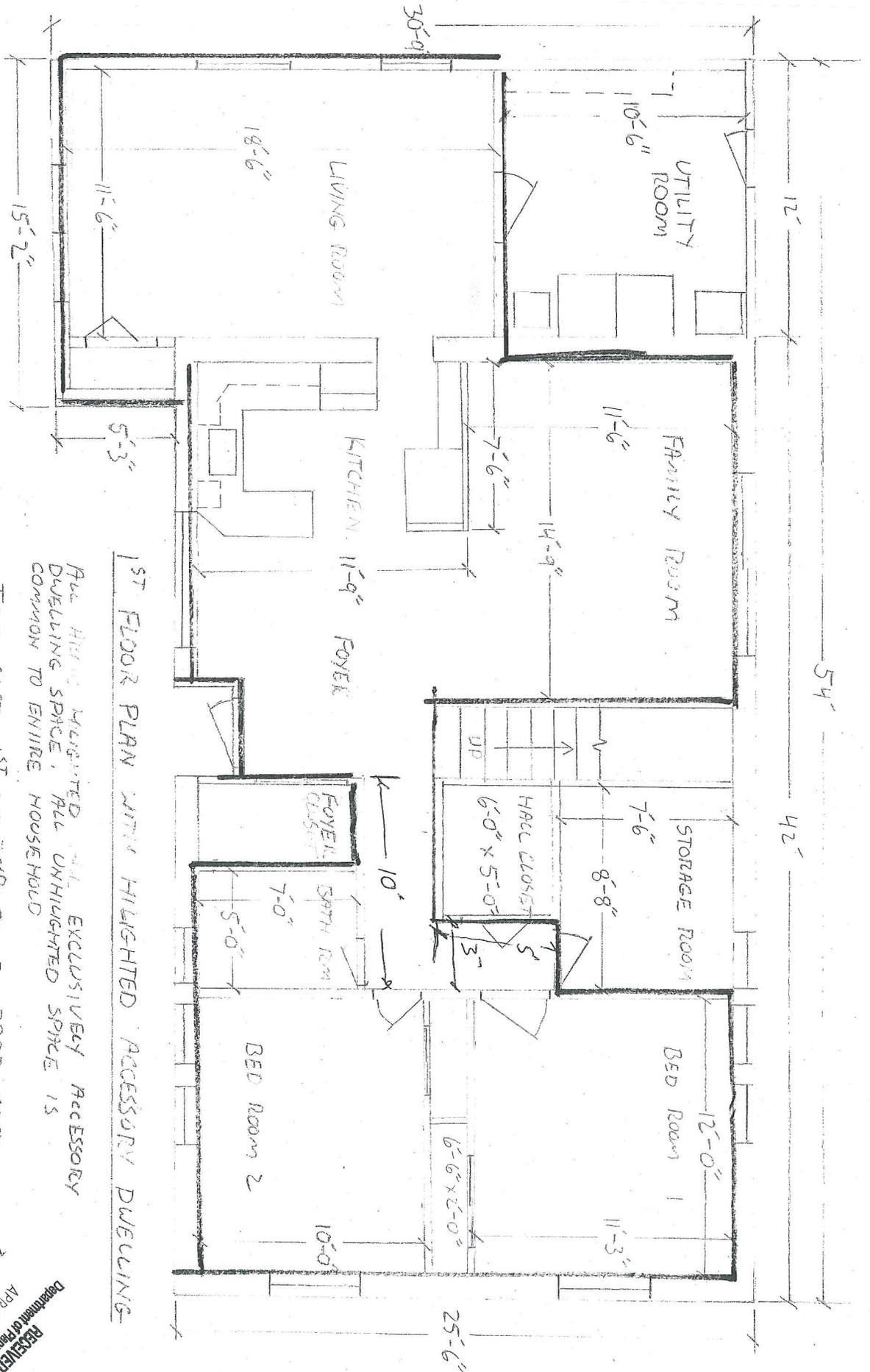
**PROPOSED DEVELOPMENT CONDITIONS****SP 2012-BR-025****July 11, 2012**

If it is the intent of the Board of Zoning Appeals to approve SP 2012-BR-025 located at Tax Map 71-3 ((4)) (36) 15 to permit an accessory dwelling unit pursuant to Section 8-914 and 8-918 of 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 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, Glenda Sue Stump, and is not transferable without further action of this Board, and is for the location indicated on the application, 7321 Jervis Street (10,762 square feet), as shown on the plat prepared by Apex Surveys, dated May 18, 2011, 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 900 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 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 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.
10. 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.



1<sup>ST</sup> FLOOR PLAN WITH HIGHLIGHTED ACCESSORY DWELLING

ALL AREAS HIGHLIGHTED ARE EXCLUSIVELY ACCESSORY DWELLING SPACE. ALL UNHIGHLIGHTED SPACE IS COMMON TO ENTIRE HOUSEHOLD

TOTAL SQ FT 1<sup>ST</sup> AND 2<sup>ND</sup> FL = 2957 SQ FT  
 ACCESSORY DWELLING SQ FT = 900 SQ FT (30%)

RECEIVED  
 Department of Planning & Zoning  
 APR 28 2012  
 Zoning Evaluation Division

STUMP RESIDENCE  
 7321 JERVIS ST SPRING-FIELD, VA

EXISTING 1<sup>ST</sup> FL  
 PLAN SCALE 1/4" = 1'-0"

PREPARED BY  
 PAUL WALHOUT

Application No.(s): SP 2012-ER-025  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5-25-2011  
 (enter date affidavit is notarized)

I, PAUL JOSEPH WALHOOT, 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

111445a

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 <b>BOLD</b> above)
PAUL J. WALHOOT	7321 JERVIS ST SPRINGFIELD VA 22151	AGENT
GLENDIA S. STUMP	7321 JERVIS ST SPRINGFIELD VA 22151	APPLICANT/TITLE 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): SP 2012-BR-005  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5-25-2011  
(enter date affidavit is notarized)

111445a

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.)

N/A

**CORPORATION INFORMATION**

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

**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)

(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 2012-BR-025  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5-25-2011  
(enter date affidavit is notarized)

111445

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

N/A

**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**)

(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 2012-8R-025  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5-25-2011  
(enter date affidavit is notarized)

111445a

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 2012 - BR - 025  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5-25-2011  
(enter date affidavit is notarized)

111445

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: [Signature]  
(check one) [ ] Applicant  Applicant's Authorized Agent  
PAUL J. WALMOUT / AGENT  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 25 day of May, 2011, in the State/Comm. of Virginia, County/City of Arlington.

[Signature]  
Notary Public

My commission expires: May 31, 2012

CHRISTOPHER PUN  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES MAY 31, 2012  
COMMISSION # 7182013

Mrs. Glenda Stump  
 c/o Paul and Kimberly Walhout  
 7321 Jervis Street  
 Springfield, VA 22151  
 703-256-1756

RECEIVED  
 Department of Planning & Zoning

MAR 15 2012

March 11, 2012

Zoning Evaluation Division

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

**Re: Special Permits Application - Glenda Sue Stump**

Dear Madam/Sir:

This is in support of a special permit application for a second kitchen (8-918) and a garden shed (8-914) located on my property at the address above.

**Revised Statement Describing the Proposed Use to Address 8-918 Standards**

My name is Glenda Stump. I am 71-years old widow. After my husband, Kenneth Stump, passed away in August of 2005, I asked my daughter and son-in-law to move their family into my home so that I would not have to live alone. My daughter and her husband have two teenage children. To make space for our larger family we added a second story onto my existing home. My son-in-law obtained all the necessary permits to build the addition.

Given the small size of my old kitchen, we quickly realized that we needed a larger kitchen and that the most available space was located on the second floor. The second kitchen is a temporary solution which is necessary to address the needs of our larger family. However, the second kitchen is not intended to remain in the home beyond the time that we live here and can be easily removed when we sell the house.

Our second kitchen complies with the standards prescribed in the 8-918 ordinance for the following reasons:

- There is no detached dwelling unit. The second kitchen is located inside the existing second floor, the addition of which has already been approved by the Fairfax Zoning Administrator
- The floor area of the second kitchen does not exceed 35% of the total gross floor area of my home.
- There are no new bedrooms.
- Since I am the owner of the house, the area where I live is owner-occupied.
- I am 71 years old.
- The only other people living in the house besides myself are my daughter, her husband and my two grandchildren.
- We are not changing any of the exterior of the house or adding to the house size.
- Our second kitchen will not in any way change, modify or disrupt the predominant character of the neighborhood.
- County personnel is welcome to inspect my property during reasonable hours upon prior notice.

If the Department rejects my application for the permit, such denial will result in significant and undue hardship, as keeping the larger upstairs kitchen would require me to use the stairs several times a day, something I find difficult to do due to my age and limited mobility. Alternately, keeping the smaller original kitchen would cause an undue hardship on other members of the family because it is too small to accommodate our current needs.

An approval of my application, on the contrary, will cause no detriment to adjacent properties and will not in any way alter the character of our neighborhood.

#### **Revised Statement with Regard to 8-914 Standards**

Also, while going through the process of applying for our special use permit for the kitchen it was determined that my shed, which was built 20 years ago, was built too close to the rear and side property lines. I am asking for approval of a reduction in the minimum yard requirements based on an error in building location, per ordinance 8-914.

Before the shed was built, my husband took his plans to the county for a permit and he was told at that time that no permit was required. Therefore, my husband in good faith built the shed where he thought it should go and never knew that it was in the wrong location. The location of the shed on my property further complies with standards prescribed in 8-914 because:

- It is not detrimental to the use and enjoyment of other property in the immediate vicinity.
- It does not create any unsafe condition with respect to both other property and public streets.
- The reduction will not result in an increase in density or floor area ration from that permitted by the applicable zoning district regulations.

Furthermore, if I am required to move my shed, it will cause an undue hardship on me and my yard would become unusable. It should be noted that the shed is currently located in a corner where my three neighbors on the connecting properties have also built their sheds.

#### **No Hazardous Materials Statement**

The second kitchen and the garden shed do not contain any hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355. No hazardous waste is on site as set forth in Commonwealth of Virginia / Department of Waste Management Regulations VR 672-10-1 Virginia Hazardous Waste Management Regulations; and/or no Petroleum products as defined in Title 40, Code of Federal Regulations Part 280; and nothing hazardous will be generated, utilized, stored, treated, and /or disposed of on site.

If you have any questions regarding this statement, please contact my son-in-law, Paul Walhout, at 703-508-8437. Thank you for your consideration.

Sincerely,

Glenda S. Stump

Glenda S. Stump  
7321 Jervis St.  
Springfield, VA 22151

To Whom It May Concern:

I am writing this letter to request a special waiver regarding an existing shed in my backyard because it was built at a height that is taller than what is currently allowed under Fairfax County code. The height of my shed became an issue while I was applying for a special use permit to build a second kitchen in my home. The zoning board asked for more information about my lot and the shed came into question at that time.

The shed was built nearly twenty years ago while my husband, Kenneth, was still living. My husband did not obtain a permit before it was built because years before he had been to the county to obtain a permit for another shed and the clerks literally laughed at him and explained that he did not need a permit to build a shed in his backyard. If the code changed between the previous time and the day that my husband had the current shed built, he was not aware of the change.

The shed in question is approximately one foot taller at the peak than current code allows. It is a very nice custom shed that looks like a tiny barn. It is screened by trees from my neighbor's yards. Also, my neighbors in the three connecting yards have their sheds in the same corner and so each of our sheds shields us from the others.

It is my understanding that you may consider my request if I meet the requirements under Article 8, section 8-914 of the county code. As I have already explained, my husband was not aware that building the shed at the current height would put us in non-compliance. The shed has not been detrimental to the use or enjoyment of other property and, in fact, my neighbors have often commented on what a nice looking shed it is. The shed is sturdy and well maintained and has never presented an unsafe condition to my family or my neighbors. Further, to tear it down would be a financial hardship for me because I could not afford to have it rebuilt and I have no basement in my home or other area to store the items that are currently contained in it.

If you have any questions regarding my request, please contact my son-in-law, Paul Walhout, who I have appointed as an agent on my behalf. He may be reached by mail at this same address, or on his cell phone at 703-508-8437.

Thank you for your consideration.

Sincerely,

*Glenda S. Stump*

RECEIVED  
Department of Planning & Zoning  
MAY 26 2011  
Zoning Evaluation Division



# County of Fairfax, Virginia

Return Copy

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

## NOTICE OF VIOLATION

**DATE OF ISSUANCE:** December 3, 2010

### SHERIFF'S LETTER

**CASE #:** 201005422 **SR#:** 64218

**SERVE:** Kenneth Woodrow Stump  
Glenda Sue Stump  
7321 Jervis Street  
Springfield, VA 22151

**LOCATION OF VIOLATION** 7321 Jervis Street  
Springfield, VA 22151-3009  
Tax Map #: 71-3 ((4)) (36) 15  
Zoning District: R-3

Dear Property Owners:

An inspection of the above referenced property on November 10, 2010 revealed the following violations of the Fairfax County Zoning Ordinance.

### § 2-501 Excessive Dwelling Units:

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:

Kenneth Woodrow Stump  
Glenda Sue Stump  
December 3, 2010  
Page 2

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
- 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.
- Or, applying for and ultimately obtaining a Special Permit, as granted by the Board of Zoning Appeals.

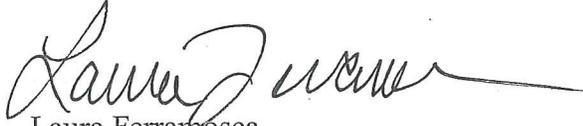
A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

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.

Kenneth Woodrow Stump  
Glenda Sue Stump  
December 3, 2010  
Page 3

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1388 or 703-324-1300.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Ferramosca", with a long horizontal flourish extending to the right.

Laura Ferramosca  
Property Maintenance/Zoning Enforcement Inspector

LEF/

**BUILDING PERMIT APPLICATION**

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
 PERMIT APPLICATION CENTER  
 12055 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-5504 Telephone: 703-222-0801  
 Web site: www.fairfaxcounty.gov/dpwes

PERMIT # 61860135

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES COUNTY USE ONLY  
 PLAN # 5-06-185  
 TAX MAP # 0113-0436-0015

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING		
SITE PERMITS		
HEALTH DEPT		
BUILDING REVIEW		
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE	\$
FILING FEE	\$ <u>87.12</u>
AMOUNT DUE	\$ <u>87.12</u>

BUILDING PLAN REVIEW	
REVIEWER	<u>MJC</u> # OF HOURS
REVISION FEES \$	
FIRE MARSHAL FEES \$	
FIXTURE UNITS	PLAN LOG J <input type="checkbox"/> R <input type="checkbox"/>

APPROVED FOR ISSUANCE OF BUILDING PERMIT (LOG OUT)	
BY	DATE
<u>[Signature]</u>	<u>7/21/06</u>

ZONING REVIEW	USE <u>SFD</u>
ZONING DISTRICT	<u>R-3</u> 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 <u>39</u>	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT	REMARKS:	<u>Build 2nd floor</u>		
L SIDE <u>12</u>		<u>add. on, Build 1st fl</u>		
R SIDE <u>17</u>		<u>Deck w/ stairs</u>		
REAR <u>52</u>				

GRADING AND DRAINAGE REVIEW	
SOILS #	A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/>
AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT)	
IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT)	

PLAN #	APPR. DATE
<u>5-06-185</u>	<u>7/21/06</u>
STAMPS	
<u>Adding a 2nd floor to left fl. is recessed on both sides by 1 ft</u>	
(See reverse side of application)	

REMARKS As per Attached  
(2) adding a 9' 0" x 15' 2"  
add. on on front  
(6) 15' x 8' deck w/ stairs  
open - attached to right side

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

**JOB LOCATION**  
 ADDRESS 7321 JERVIS ST SPRINGFIELD  
 LOT # 15 BUILDING  
 FLOOR \_\_\_\_\_ SUITE R1K 36  
 SUBDIVISION NORTH SPRINGFIELD SEC 10  
 TENANT'S NAME GLENDIA STUMP

**OWNER INFORMATION** OWNER  TENANT   
 NAME GLENDIA STUMP  
 ADDRESS 7312 JERVIS ST  
 CITY SPRINGFIELD STATE VA ZIP 22154  
 TELEPHONE 703 256 1756

**CONTRACTOR INFORMATION** SAME AS OWNER   
 CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_  
 STATE CONTRACTORS LICENSE # \_\_\_\_\_  
 COUNTY BPOL # \_\_\_\_\_

**APPLICANT**  
GLENDIA STUMP PAUL WALMOUT

**DESCRIPTION OF WORK**  
2ND FLOOR ADDITION  
Deck

HOUSE TYPE RAMBLER  
 ESTIMATED COST OF CONSTRUCTION 65,000  
 BLDG. AREA (SQ FT OF FOOTPRINT) 1452  
 USE GROUP OF BUILDING R5  
 TYPE OF CONSTRUCTION VB  
 SEWER SERVICE PUBLIC  SEPTIC  OTHER   
 WATER SERVICE PUBLIC  WELL  OTHER   
 OTHER PLEASE SPECIFY \_\_\_\_\_

**DESIGNATED MECHANICS' LIEN AGENT**  
 (Residential Construction Only)  
 NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 NONE DESIGNATED  PHONE \_\_\_\_\_

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS			
# KITCHENS	<u>1 1/2</u>	EXTER. WALLS	_____
# BATHS	<u>3</u>	INTER. WALLS	_____
# HALF BATHS	<u>0</u>	ROOF MATERIAL	_____
# BEDROOMS	<u>5</u>	FLOOR MATERIAL	_____
# OF ROOMS	<u>15</u>	FIN. BASEMENT	<u>0 %</u>
# STORIES	<u>2</u>	HEATING FUEL	<u>GAS</u>
BUILDING HEIGHT	<u>26'-2"</u>	HEATING SYSTEM	_____
BUILDING AREA	<u>1452</u>	# FIREPLACES	<u>0</u>
BASEMENT	_____		

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.

Paul Walmout 7-5-06  
 Signature of Owner or Agent Date  
PAUL WALMOUT  
 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 Virginia  
 County (or city) of Fairfax to wit: I,  
Darlene J. Fitch a  
 Notary Public in the State and County aforesaid, do certify that  
Paul Walmout  
 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 5th day of July, 20 06. My  
 commission expires the 31st day of March, 20 09.  
Darlene J. Fitch  
 (Notary Signature)

APPROVED

TOTAL EARTH DISTURBANCE ON THIS LOT SHALL NOT EXCEED 2500 SQ. FT.

7-27-92

*James W. Quinn*  
Zoning Administrator

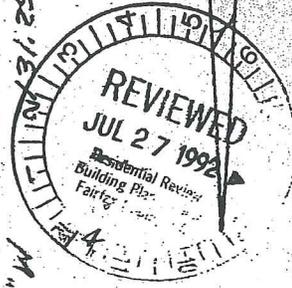
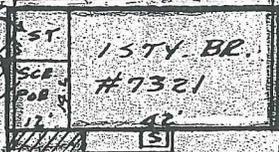
EXCAVATED MATERIAL SHALL BE REMOVED FROM SITE  
N 87° 57' 45" W 82.00'

APPROVED

*Eileen M. McLeve* 7/13/06  
Zoning Administrator

131.25'  
52.02' 51.20' 25'

LOT 15  
10,763 sq ft



APPROVED  
ADD  
DIVISION OF INSPECTION SERVICES

BY: *ccc*  
Date: 7/27/92

106.59' TO P.I. OF GARNER ST.  
M 51° 20' 27" N

N 87° 57' 45" E 82.00'  
T JERVIS ST.

PLAT  
SHOWING HOUSE LOCATION ON LOT 15, BLK 36, SEC. 10,  
NORTH SPRINGFIELD  
FAIRFAX CO., VIRGINIA

SCALE 1" = 30'

JUNE 20, 1968

TOTAL EARTH DISTURBANCE ON THIS LOT SHALL NOT EXCEED 2500 SQ. FT.

CARRINGTON S. COBBS  
CERTIFIED LAND SURVEYOR  
FAIRFAX, VA

EXCAVATED MATERIAL SHALL BE REMOVED FROM SITE

CERTIFIED CORRECT:

*Carrington S. Cobbs*

FOOTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

By: *HS*  
Date: 7/13/06

FOOTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

DPW&ES  
Office of Building Code Services  
Approved for

No Second Kitchen or Wet Bar

DPW&ES  
Office of Building Code Services  
Approved for

Amend to Add 2nd story  
By: *HS*  
Date: 8-23-06

APPROVED

*Eileen M. McLeve*  
Zoning Administrator



# County of Fairfax, Virginia

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

March 9, 2012

Glenda Stump  
7321 Jervis Street  
Springfield, VA 22151-3009

RE: Administrative Reduction for Left Side Yard  
7321 Jervis Street  
North Springfield, Lot 15, Section 10, Block 36  
Tax Map: 71-3 ((4)) (36) 15  
Zoning District: R-3

Dear Ms. Stump:

This is in response to your request for an administrative reduction for the left side of your single family dwelling at the above referenced property address. It appears that you have applied for a Special Permit for an accessory dwelling unit and a reduction in minimum required yards based on an error in building location to allow an existing shed to remain. As part of the application process, the Zoning Evaluation Division has instructed you to apply for an administrative reduction for your existing dwelling.

The property is zoned R-3, which requires a minimum side yard of 12 feet. The plat that you submitted along with your request shows the single family dwelling to be 10.8 feet from the left side lot line. As such, the addition does not comply with the minimum required side yard. However, pursuant to Sect. 2-419 of the Zoning Ordinance, the Zoning Administrator has the authority to reduce the minimum required yard for any building wherein the error does not exceed 10 percent of the measurement involved, was the result of an error in the location of the building subsequent to the issuance of a Building Permit and/or the noncompliance was done in good faith or through no fault of the property owner. I note that the error in building location does not exceed 10 percent of the measurement involved and likely occurred subsequent to the issuance of Building Permit #9220B0480 to enclose a screen porch for a family room addition. This permit passed final inspection on January 28, 1993. From looking at department files, it appears that there may have been an error in the review of this building permit which contributed to the error in building location. For these reasons, a 1.2 foot administrative reduction of the minimum required left side yard is granted for the existing dwelling. A copy of the plat submitted with the administrative reduction approval is attached.

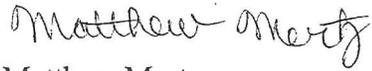
If you have any additional questions, please feel free to contact me at (703) 324-1314.

Department of Planning and Zoning  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
Phone 703-324-1314 FAX 703-803-6372  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



Glenda Stump  
March 9, 2012  
Page 2

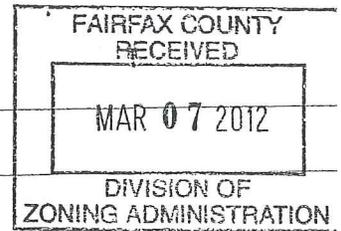
Sincerely,



Matthew Mertz  
Assistant to the Zoning Administrator

Enclosures

cc: Michelle O'Hare, Deputy Zoning Administrator for Ordinance Administration Branch  
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch  
✓ Michael Chauncey, Special Projects and Applications Management Branch



To WHOM IT MAY CONCERN,

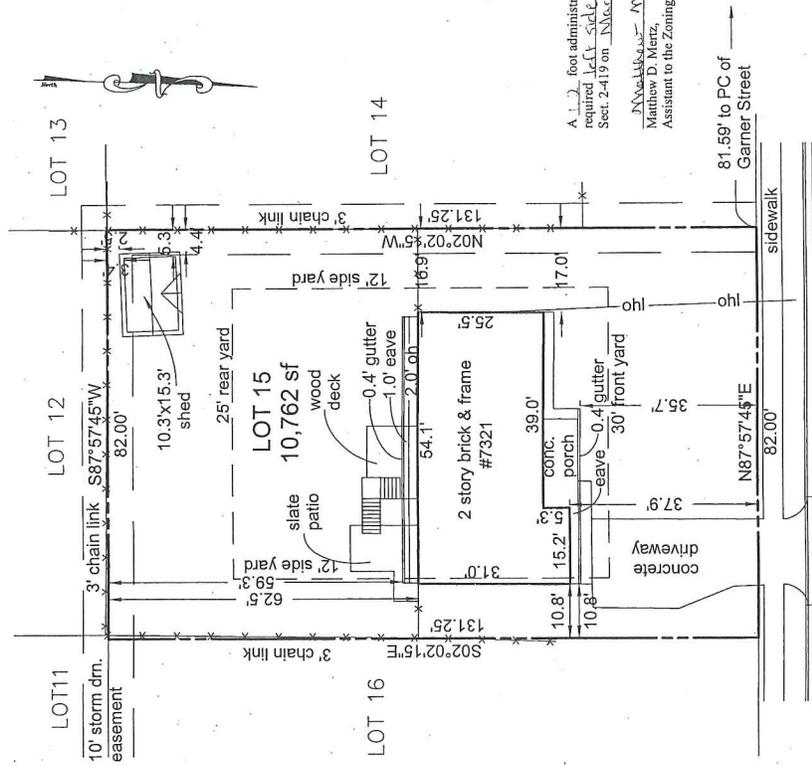
WHILE FILING FOR A SPECIAL 2012-0322  
PERMIT APPLICATION WE DISCOVERED  
THE EXISTING HOUSE SITS AT  
10'-8" FROM PROPERTY LINES.  
12'-0" IS THE CORRECT DISTANCE.  
I WOULD LIKE TO OBTAIN  
ADMINISTRATIVE REDUCTION FOR  
ERROR IN BUILDING LOCATION OF 10%  
FOR DWELLING 10.8 FEET FROM  
SIDE LOT LINE.

GURUDA STUMP  
7321 JERVIS ST  
SPRINGFIELD VA 22151 (703) 256-1756

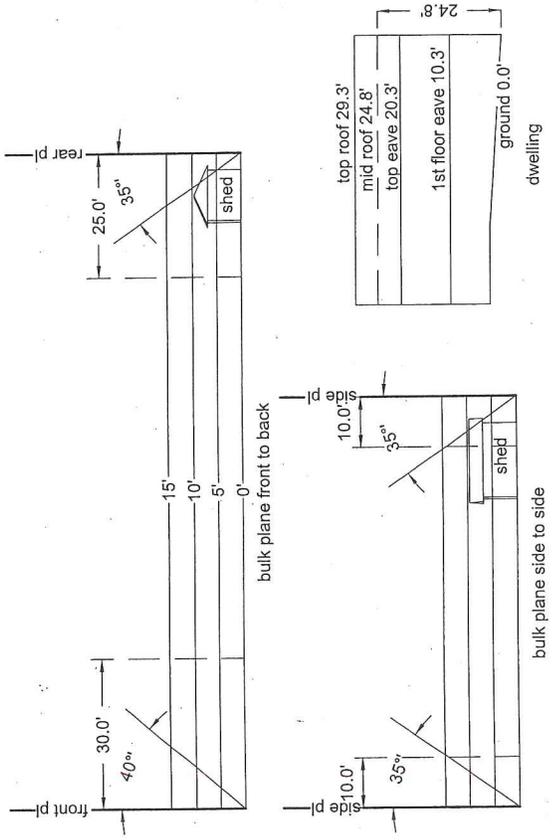
CONTACT PAUL WALMOUT  
(703) 508 8437

Pls cc: ZED => application # SP 2011-0077

- The property shown here on is located on Fairfax County tax map no. 71-3 04 36.15 and is zoned R3.
- This property is serviced by public sewer, gas and water.
- The gross floor area is 3,019 sf. Floor /area ratio of 0.28.
- There are no easement 25' or larger in width on this property, or major underground easements.
- There is no flood plain or resource protection area in the vicinity of this site.
- There are no burial sites apparent on the property.
- Proposed use is residential.
- Building height is 24.8'. Shed height is 9.6'.



A 1.2 foot administrative reduction in the minimum required side yard has been GRANTED per Sect. 2-419 on March 1, 2011 by Matthew D. Mertz, Assistant to the Zoning Administrator



SPECIAL PERMIT PLAT

JOB #: 11-0037

RECEIVED  
Department of Planning & Zoning  
MAY 26 2011  
Zoning Evaluation Division  
SCALE: 1"=25'

LOT 15, BLOCK 15, SECTION 10  
**NORTH SPRINGFIELD**  
BRADDOCK DISTRICT  
FAIRFAX COUNTY, VIRGINIA



**APEX SURVEYS**  
7720 VICEROY STREET  
SPRINGFIELD, VIRGINIA 22151

OWNERS:  
Kenneth W. Stump and Glenda Sue Stump  
7321 Jervis Street  
Springfield, Virginia 22151  
db 3051, pg 61

## 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.

### **8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location**

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) 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 and 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. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
  - E. All required minimum yards to include front, side and rear, and 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 well and/or septic field.
  - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
  - 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. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
  - A. The error exceeds ten (10) percent of the measurement involved, and
  - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
  - C. Such reduction will not impair the purpose and intent of this Ordinance, and
  - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
  - E. It will not create an unsafe condition with respect to both other property and public streets, and
  - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
  - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

### **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.