



APPLICATION ACCEPTED: May 17, 2012
BOARD OF ZONING APPEALS: July 18, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 11, 2012

STAFF REPORT

SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 2006-PR-009

PROVIDENCE DISTRICT

APPLICANTS AND OWNERS: Cheryl J. Soderstrom
Sharon R. Soderstrom

SUBDIVISION: Chestnut Hill

STREET ADDRESS: 2310 Chestnut Hill Avenue, Falls Church, 22043

TAX MAP REFERENCE: 39-4 ((60)) 4

LOT SIZE: 24,051 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-918

SPECIAL PERMIT PROPOSAL: To amend SP 2006-PR-009 previously approved for accessory dwelling unit to permit change in permittee.

STAFF RECOMMENDATION: Staff recommends approval of SPA 2006-PR-009 for a change in permittee, subject to the proposed development conditions contained in Appendix 1.

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

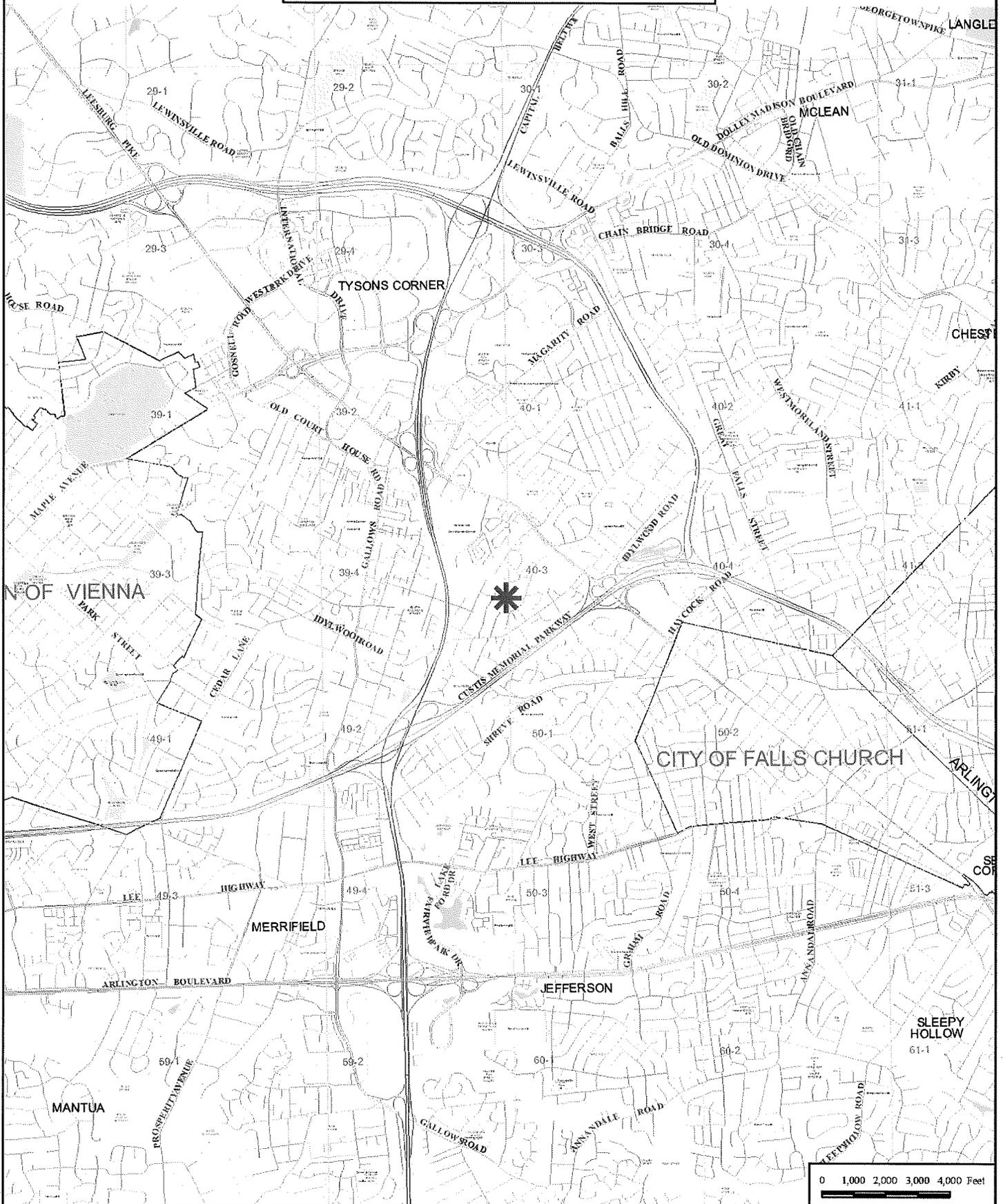
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Rebecca Homer

Special Permit Amendment

SPA 2006-PR-009

CHERYL AND SHARON SODERSTROM



Special Permit Amendment

SPA 2006-PR-009
CHERYL AND SHARON SODERSTROM

GEORGE C. MARSHALL
HIGH SCHOOL

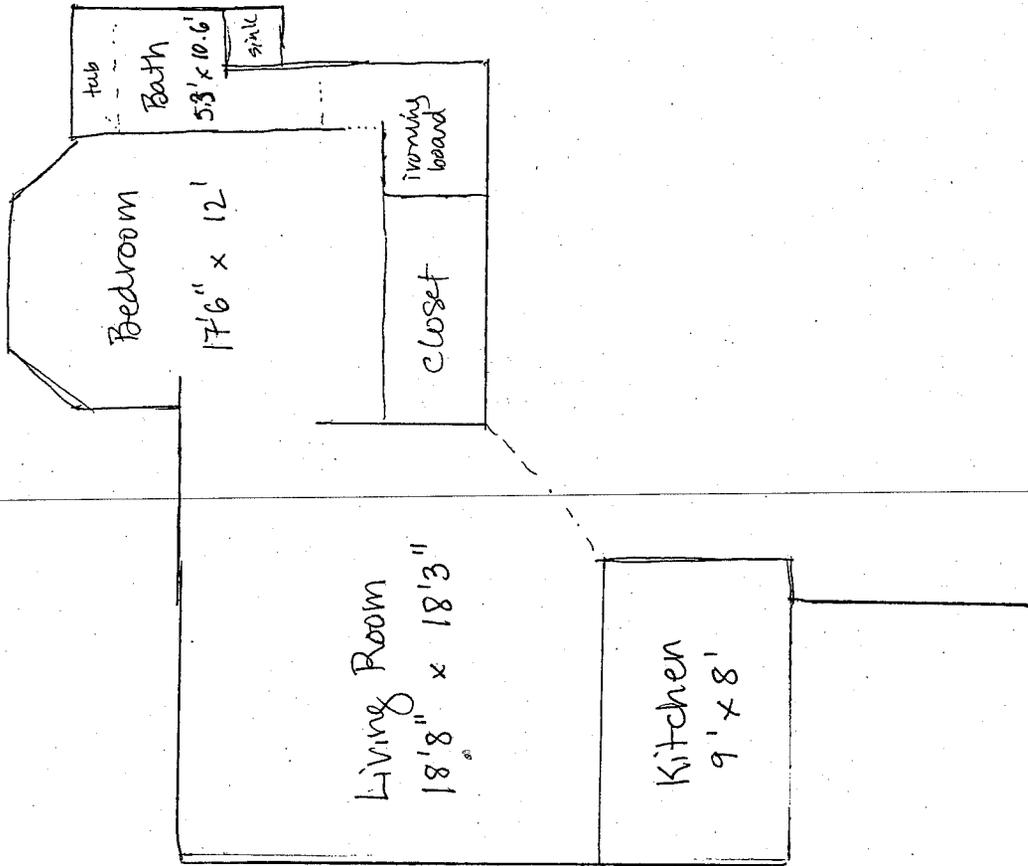


RECEIVED
Department of Planning & Zoning
FEB 02 2012
Zoning Enforcement Division

Cheryl Soderstrom
2310 Chestnut Hill Ave
Falls Church, VA 22043

"Accessory Dwelling Unit"
for parents

703.992.6335





#1

2310 Chestnut Hill Avenue, Falls Church, VA 22043 Cheryl Soderstrom 703 992 6335



#2

Front Right Side Neighbor (Right Side When Facing 2310 Chestnut Hill Avenue)

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Department of Planning & Zoning
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Zoning Evaluation Division



#3

2310 Chestnut Hill Avenue, Falls Church, VA -- Front Right View from Street



#4

2310 Chestnut Hill Avenue, Falls Church, VA -- Right Side View to Back Hill

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Department of Planning & Zoning
FEB 02 2012
Zoning Evaluation Division



#5

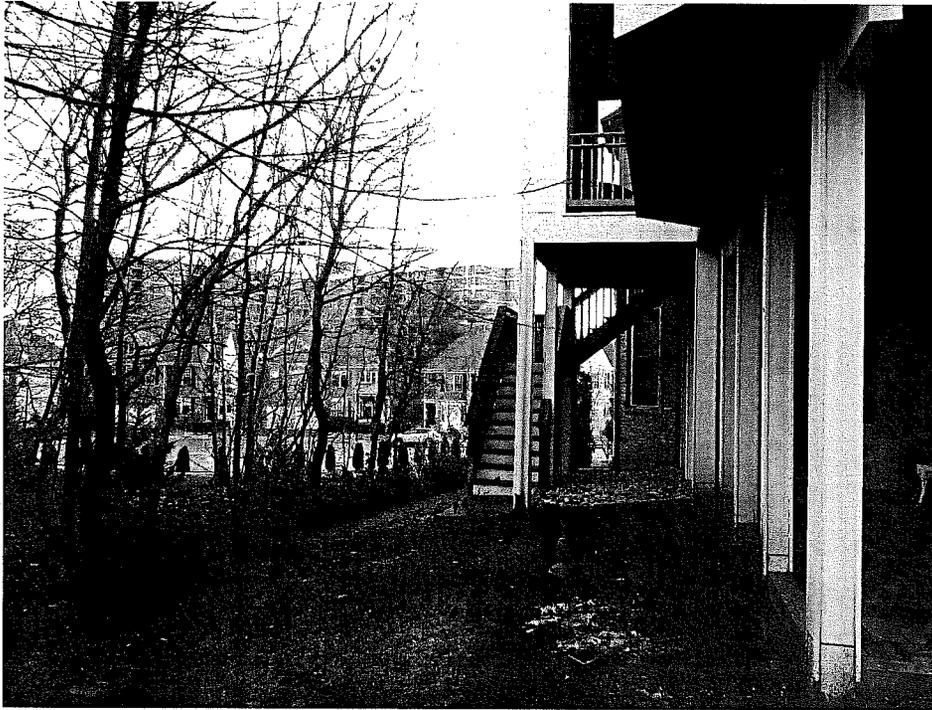
2310 Chestnut Hill Avenue, Falls Church -- Left Side Neighbor from Street



#6

2310 Chestnut Hill Avenue, Falls Church -- Left Side Neighbor from Back

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Zoning Evaluation Division



#7

2310 Chestnut Hill Avenue, Falls Church -- Rear Elevation



#8

2310 Chestnut Hill Avenue, Falls Church -- Rear Entrance

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FEB 02 2012
Zoning Evaluation Division

Special Permit Application SPA 2012-0022: Cheryl & Sharon Soderstrom
Additional Photographs -- Please reference already submitted photographs on file as well



Photo #9

2310 Chestnut Hill Avenue, Falls Church -- Facing Home, Cul-de-Sac Both Sides Next Door Neighbors



Photo #10

2310 Chestnut Hill Avenue, Falls Church -- Facing Home, Right Side Cul-de-Sac Neighbor



Photo # 11

2310 Chestnut Hill Avenue, Falls Church – Facing Home, Right Side Neighbor



Photo # 12

2310 Chestnut Hill Avenue, Falls Church – Facing Home, Left Side Cul-de-Sac Neighbor



Photo # 13

2310 Chestnut Hill Avenue, Falls Church – Back Yard from Left Side Neighbor's Yard (Their Fence Lower Left)

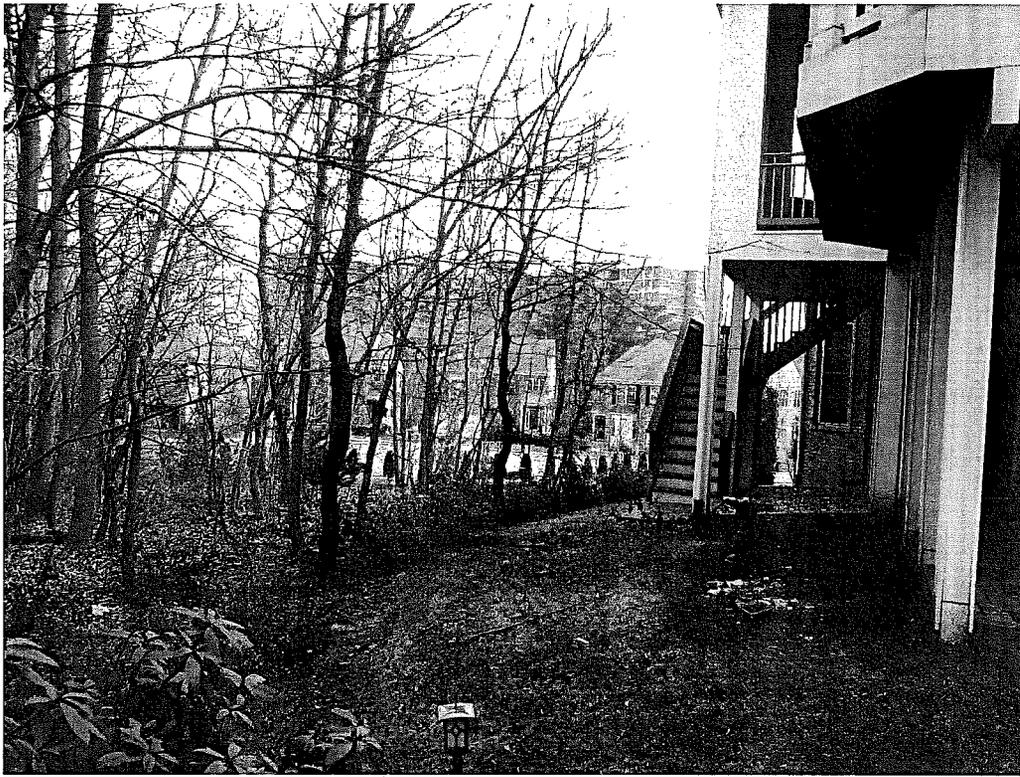


Photo # 14

2310 Chestnut Hill Avenue, Falls Church – Back Yard Facing Right Side Hill to Lower Neighborhood Behind Chestnut Hill
(Streets do not intersect, no shared traffic flow)



Photo #15

2310 Chestnut Hill Avenue, Falls Church – Back Yard Facing Right Side Hill to Lower Neighborhood Behind Chestnut Hill



Photo #16

2310 Chestnut Hill Avenue, Falls Church – Back Yard Facing Left Side Cul-de-Sac Neighbor's Back Yard



Photo # 17

2310 Chestnut Hill Avenue, Falls Church – Back Yard Facing Left Side, Beginning Descent of Right Side Hill to Lower Neighborhood



Photo # 18

2310 Chestnut Hill Avenue, Falls Church – Back Yard Facing Right Side, Beginning Descent of Right Side Hill

DESCRIPTION OF THE APPLICATION

Special Permit Request: To to amend SP 2006-PR-009 previously approved for accessory dwelling unit to permit change in permittee from Lee and Deborah Steinmeyer to Cheryl and Sharon Soderstrom.

Size of Principal Dwelling: 4,321 square feet*

Size of Accessory Dwelling Unit: 902 square feet (20.8%)

Lot Size: 24,051 square feet

*According to tax records as "above grade living"

LOCATION AND CHARACTER OF THE AREA

The subject property is located in a cul-de-sac on Chestnut Hill Avenue, which is located north of Idylwood Drive and east of I-495 in the Providence District. It consists of 24,051 square feet, and the site is developed with a single family detached dwelling, located on the center of the lot, 30 feet from Chestnut Hill Avenue. A driveway of approximately 72 feet in length runs from Chestnut Hill Lane to a two-car garage alongside the east side of the dwelling, and a one-car garage along the west side of the dwelling. The subject property is landscaped and contains several mature trees.

Surrounding Area Description

Direction	Use	Zoning
North	Single Family Detached Dwellings	PDH-4
South	Single Family Detached Dwellings	R-3
East	Single Family Detached Dwellings	PDH-4
West	Single Family Detached Dwellings	R-3

BACKGROUND

The area was zoned R-3 and developed with single family detached dwellings. The dwelling was built in 2005.

On April 18, 2006, the BZA approved a special permit SP 2006-PR-009 to allow an accessory dwelling unit within the basement of the subject parcel. The approval was conditioned to the applicants only, Lee and Deborah Steinmeyer and was not transferrable without further action by the Board. The approval was also conditioned on one bedroom and a maximum of 902 square feet. Staff supported the original special permit and no one testified in opposition to the request at the public hearing. The special permit was approved by a unanimous vote of the BZA members present. A copy of the resolution and approved plat is included in Appendix 4.

On January 26, 2012, Fairfax County Department of Code Compliance performed an inspection of the property and found that the property had been conveyed and the accessory dwelling unit was being used by someone other than the original permittee. The notice of violation is attached in Appendix 5.

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

- Special Permit SP 2002-PR-033 was approved November 6, 2002 for Tax Map 39-4 ((24)) (02) 10, zoned R-5, at 2207 Arden Street to permit an accessory dwelling unit.

ANALYSIS

Special Permit Plat: Attached at front of report

Title of SP Plat: Special Permit Plat, Chestnut Hill, Lot 4

Prepared By: CPJ Associates, Charles P. Johnson & Associates, Inc.

Dated: December 2005, as signed and sealed by Paul B. Johnson, Professional Engineer.

Proposed Use

The property owner proposes to continue a previously approved accessory dwelling unit in the basement of the existing two-story single family detached dwelling. A floor plan included at the front of the report shows how the basement space will be used. The existing two-story dwelling, including the basement, consists of approximately 4,321 square feet, and proposes the accessory dwelling unit to be 902 square feet, or 29.5% of the Gross Floor Area (GFA) of the structure. As shown on the floor plan, the unit consists of one bedroom, a bathroom, a kitchen and living spaces. The applicant indicates the accessory dwelling unit is for the owners' elderly parents, Karl and Jean Soderstrom, who are both over the age of 55.

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

ZONING ORDINANCE PROVISIONS

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-3, Zoning District.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 6)

- General Special Permit Standards (Sect. 8-006)
- Group Standards for All Group 9 Uses (Sect. 8-903)
- Additional Standards for Accessory Dwelling Units (Sect. 8-918)

Summary of Zoning Ordinance Provisions

This special permit is subject to Sects. 8-006, 8-903 and 8-918 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

CONCLUSIONS AND RECOMMENDATIONS

Staff believes that all applicable standards for the accessory dwelling unit as outlined in Sects. 8-006, 8-903 and 8-918 will be satisfied with adoption of the proposed development conditions. Therefore staff recommends approval of SPA 2006-PR-009 subject to the Proposed Development Conditions contained in Appendix 1 of this staff report.

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

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

APPENDICES

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Resolution for SP 2006-PR-009
5. Notice of Violation
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**July 11, 2012**

If it is the intent of the Board of Zoning Appeals to approve SPA 2006-PR-009 located at Tax Map 39-4 ((60)) 4 to amend SP 2006-PR-009 previously approved for an accessory dwelling unit to permit a change in permittee under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from previous special permits are marked with an asterisk. Minor edits have been made to these conditions to conform to current terminology. These edits have been underlined.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant and title owners only, Cheryl and Sharon Soderstrom, and is not transferable without further action of this Board, and is for the location indicated on the application, 2310 Chestnut Avenue, (24,051 square feet), and is not transferable to other land. *
3. A copy of this special permit **SHALL BE POSTED in a conspicuous place in the accessory dwelling unit** 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 902 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions. *
6. The accessory dwelling unit shall contain a maximum of one bedroom for a maximum of two occupants.
7. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation. *

8. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance. *
9. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory dwelling unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit. *
10. All parking shall be provided on site as shown on the special permit plat.

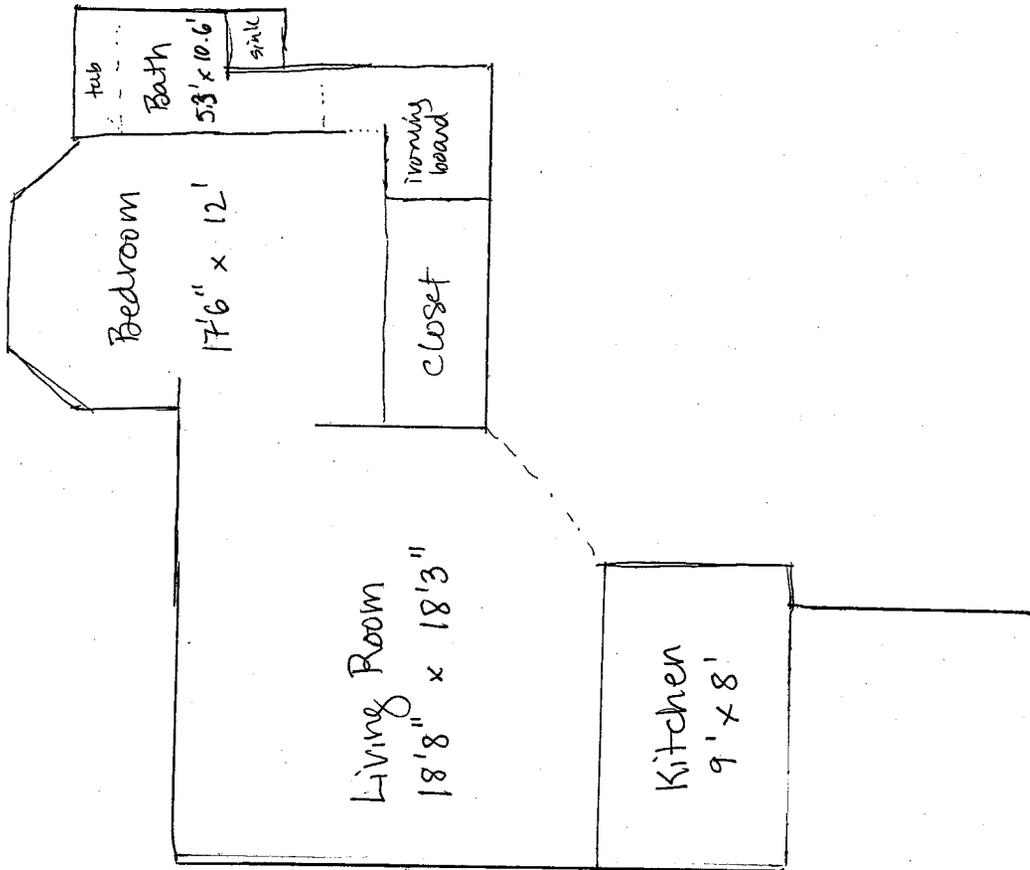
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

RECEIVED
Department of Planning & Zoning
FEB 02 2012
Zoning Evaluation Division

Cheryl Soderstrom
2310 Chestnut Hill Ave
Falls Church, VA 22043

"Accessory Dwelling Unit"
for parents

703.992.6335



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 31, 2012
 (enter date affidavit is notarized)

I, Cheryl J. Soderstrom, 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 114942

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Cheryl J. Soderstrom	2310 Chestnut Hill Avenue Falls Church, VA 22043	Applicant/Title Owner
Sharon R. Soderstrom	2310 Chestnut Hill Avenue Falls Church, VA 22043	Co-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): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 31, 2012
(enter date affidavit is notarized)

114942

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

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

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 31, 2012
(enter date affidavit is notarized)

114942

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

PARTNERSHIP INFORMATION

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

N/A

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

N/A

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 31, 2012
(enter date affidavit is notarized)

114942

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 31, 2012
(enter date affidavit is notarized)

114942

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:

(check one) Cheryl J. Soderstrom
 Applicant [] Applicant's Authorized Agent

Cheryl J. Soderstrom
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 31 day of JANUARY, 2012, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

[Signature]
Notary Public

My commission expires: 03.31.2014

FARIA MALEQUE
NOTARY PUBLIC
REGISTRATION # 7051270
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
MARCH 31, 2014

Special Permit Application SPA 2012-0022, Amendment Letter
 Cheryl and Sharon Soderstrom
 2310 Chestnut Hill Avenue, Falls Church, VA

RECEIVED
 DEPARTMENT OF PLANNING
 AND ZONING
 FEB 29 2012
 SPECIAL PERMIT &
 VARIANCE BRANCH

Fairfax County Zoning Evaluation Division
 Department of Planning and Zoning
 Board of Zoning Appeals

February 20, 2012

Dear Board Members,

As part of our Special Permit application, dated January 31, 2012, we are responding to the letter received from Virginia Ruffner of February 8, 2012, indicating that we needed to submit an amendment to our Special Permit Application (SPA 2012-0022). A visit was made on Tuesday, February 16th, 2012, to Mr. Mike Channcey in regard to the deficiencies listed. We hope this additional letter addresses your concerns.

Regarding the Plat: As requested in our original letter, we are requesting that the Board waive the need for a new Special Permit Plat, as the previously approved Plat by Charles P. Johnson and Associates already exists in County files. The Plat was submitted with our home's previous owners' Special Permit application (SP-2006-PR-009), under the name of Lee and Deborah Steinmeyer. Mr. Channcey confirmed that a copy of the Plat is included in the materials regarding our application at Fairfax County offices.

Item 2.00 and 2.02: The original map submitted was deemed sufficient by Mr. Channcey; the boundaries of the property were outlined in red during the visit of February 12th and are now part of our application.

Item 3.00: Additional photographs have been taken of the house and surrounding property. Photo 9 shows the house from the street, including both next-door neighbors; photos 10 and 11 show the right side neighbor; photo 12 shows the left side neighbor; photo 13 shows our back yard from the left-side neighbor's back yard; photos 14 and 15 show our back yard again facing right, depicting the hill that descends to a different neighborhood behind Chestnut Hill Avenue (with no shared intersections or traffic flow); photo 16 shows our back yard facing the left side neighbor's back yard; photo 17 shows our back yard facing the left side from part way down the hill mentioned above; photo 18 shows our back yard facing the right side, also from the beginning of the incline mentioned above.

Item 5.00: The proposed use requested is to provide a place such that our parents, both over the age 55 and retired, might be able to come live with us in our home. Regarding Standard 8-918, we attest to the following, in compliance with the Additional Standards for Accessory Dwelling Units:

1. Our home is a single family detached unit, and we are requesting only one accessory dwelling unit.
2. The accessory dwelling unit is located within the structure of our single family detached unit.
3. The gross area of the accessory dwelling unit does not exceed 35% of the total gross floor area.
4. The accessory dwelling unit does not contain more than two bedrooms; there is one bedroom.
5. The occupancy of the accessory dwelling unit and the principle dwelling unit are in accordance with the following:
 - A. One of the dwelling units will be owner occupied;
 - B. One of the dwelling units will be occupied by persons who qualify as elderly;
 - B1) Karl and Jean Soderstrom are both over 55 years of age;
 - B2) N/A;
 - C. The accessory dwelling unit will be occupied by two persons who are related by blood;
 - C1) Our father and mother are the family to occupy the accessory dwelling;
 - C2) N/A
6. The accessory dwelling unit is not being requested for a disabled person; however, reasonable access and mobility are available in the unit.
 - 6A) Uninterrupted access is available;
 - 6B) One toilet room is available that is accessible and usable.
7. Off street parking is available, including the use of an already existing third garage.
8. There are no changes to the original principal dwelling structure requested.
9. The accessory dwelling unit meets applicable standards for building, safety, health and sanitation.
10. We understand that upon approval of the special permit, the Clerk to the Board of Zoning Appeals shall cause to be record among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. This resolution will contain a description of the subject property, and will be indexed in the name of the property owners, Cheryl Soderstrom and Sharon Soderstrom.
11. As owners, we will allow inspection of the property by County personnel during reasonable hours upon prior notice.
12. As owners, we understand that special permits for accessory dwelling units shall be approved for a period not to exceed five years from the date of approval; provided, however, that such special permits may be extended for succeeding five year periods.
13. This provision does not apply.

Item 5.08: There are no known hazardous or toxic substances to be generated, stored, treated and/or disposed of on site. There are no existing or proposed storage tanks or containers.

Item 5.09: The proposed request conforms to the provisions of all applicable ordinances, regulations and adopted standards.

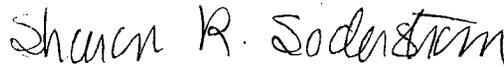
Item 6.00: I herein affirm that Cheryl and Sharon Soderstrom own the property at 2310 Chestnut Hill Avenue, Falls Church, Virginia 22043. I affirm as owners, our intent is the same as in the application, to offer a place to live for our parents, Karl and Jean Soderstrom, retired and over 55 years of age.

I trust the statements above fully respond to your letter of deficiencies of February 8, 2012, and our understanding from the meeting with Mr. Channcey of February 16, 2012.

Thank you.



Cheryl J. Soderstrom



Sharon R. Soderstrom

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

LEE AND DEBORAH STEINMEYER, SP 2006-PR-009 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit. Located at 2310 Chestnut Hill Ave. on approx. 24,051 sq. ft. of land zoned R-3. Providence District. Tax Map 39-4 ((60)) 4. Mr. Beard 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 April 18, 2006, 2005; and

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

1. The applicants are the owners of the land.

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 Sect(s). 8-918 of the Zoning Ordinance.

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

1. This approval is granted to the applicants only, Lee and Deborah Steinmeyer, and is not transferable without further action of this Board, and is for the location indicated on the application, 2310 Chestnut Hill Avenue (24,051 sq ft.), and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Paul B. Johnson, dated January 6, 2005 and approved with this application, as qualified by these development conditions.
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 occupant(s) of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance.
5. The accessory dwelling unit shall contain a maximum of 902 square feet, including a maximum of one bedroom.

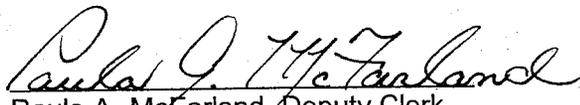
6. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
7. The accessory dwelling unit shall be approved for a period 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.
8. If the use of the accessory dwelling unit ceases and/or the property is sold, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.

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, thirty (30) months after the date of approval unless the use has been established. 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. Hart seconded the motion, which carried by a vote of 5-0. Mr. Byers and Ms. Gibb were absent from the meeting.

A Copy Teste:


Paula A. McFarland, Deputy Clerk
Board of Zoning Appeals



County of Fairfax, Virginia

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: February 2, 2012

SHERIFF'S LETTER

CASE #: 201200285 **SR#:** 79498

SERVE: Sharon Soderstrom
Cheryl Soderstrom
2310 Chestnut Hill Avenue
Falls Church, VA 22043

LOCATION OF VIOLATION 2310 Chestnut Hill Avenue
Falls Church, VA 22043-0000
Tax Map #: 0394 60 0004
Zoning District: R-3

Dear Property Owner(s):

An inspection of the above referenced property on January 26, 2012, revealed the following violations of the Fairfax County Zoning Ordinance.

§ 8-004 (2) Status of Special Permit Uses:

This is in response to a recent complaint regarding failure to comply with the conditions of Special Permit SP 2006-PR-009, which was approved by the Board of Zoning Appeals (BZA) on April 18, 2006, to permit the establishment of an accessory dwelling unit subject to conditions to Lee and Deborah Steinmeyer. Research of our records indicates Sharon Soderstrom and Cheryl Soderstrom purchased the property located at 2310 Chestnut Hill Avenue on March 30, 2010.

Based on a zoning inspection on January 26, 2012, it has been determined that this use is not in compliance with the conditions associated with SP 2006-PR-009. The following conditions have not been met:

Condition #1 states:

The approval of the special permit for an accessory dwelling unit in a residence was granted to the applicants only, Lee and Deborah Steinmeyer, and is not transferable without further action of the BZA.

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

Condition #8 states:

If the property is sold, a special permit amendment may be submitted to permit the continued use of the accessory dwelling unit by the new owner.

The inspection, which was conducted, revealed two complete and separate dwellings in this single family dwelling unit on the above-referenced property without an approved special permit for an accessory dwelling unit.

Therefore, this letter is to inform you that failure to be in conformance with approved SP 2006-PR-009 and the conditions imposed by the BZA constitutes a violation of Par. 2 of Sect 8-004 of the Zoning Ordinance, which states in part:

Once established, the use shall be conducted in substantial conformance with the permit, any conditions or restrictions imposed by the BZA, and all other requirements of this Ordinance. Except as may be permitted under Paragraphs 3 and 4 below, no use shall be enlarged, expanded, increased in intensity or relocated and no condition of the special permit shall be modified unless an application is made and approved for an amendment to the special permit in accordance with Sect. 014 below or a new special permit is approved.

In addition, 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:

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 accomplished by the following procedures:

- 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

Sharon Soderstrom
Cheryl Soderstrom
February 2, 2012
Page 3

other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and

- Applying for and obtaining approval from the Fairfax County Building Official (12055 Government Center Parkway, Second Floor, Permit Application Center) for a valid demolition permit for the removal of all electrical circuits, plumbing fixtures and piping and natural gas piping systems which were installed to establish the second kitchen in the dwelling unit at this property, and obtaining a passing final inspection of such demolition work; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit; or
- Applying for a Special Permit Amendment to amend existing Special Permit SP 2006-PR-009 for an accessory dwelling unit to reflect new ownership.

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 which can result in court ordered sanctions.

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.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-5031 or (703) 324-1300.

Sincerely,



Gabriel Zakkak
Code Compliance Investigator

8-006 General Standards

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

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

8-903 Standards For All Group 9 Uses

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

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

8-918 Additional Standards for Accessory Dwelling Units

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

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.
On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.
3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
 - A. One of the dwelling units shall be owner occupied.
 - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
 - (1) Any person fifty-five (55) years of age or over and/or
 - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad

Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

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

- C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
 - (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
 - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
- 6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:
 - A. Uninterrupted access to one (1) entrance; and
 - B. Accessibility and usability of one (1) toilet room.
- 7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is

insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.

8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.
13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.