

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

DAVID GUGLIELMI, SP 2011-SP-107 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit. Located at 6300 Little Ox Rd., Fairfax Station, 22039, on approx. 2.25 ac. of land zoned R-1. Springfield District. Tax Map 77-3 ((10)) C2. (Admin. moved from 2/29/12 for notices) (Deferred from 3/28/12 at appl. req.) Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on June 6, 2012; and

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

1. The applicant is the owner of the land.
2. The earlier observations of the Board members were on point.
3. What was constructed as a shed is removed from the principal dwelling unit and not clearly subordinate to that dwelling unit.
4. It appears to be more associated with the adjacent dwelling unit on the adjacent property.
5. The fact that it has a separate entrance, a separate driveway, and is 167 feet away from the principal dwelling unit, the fact that there is no connection or walk between this unit, the applicant says his mother-in-law would drive from this dwelling into his unit, all establish that it is not subordinate or intended to be subordinate within the meaning of the Ordinance.
6. The unit is attractive and seems to comply with the standards for building a shed, albeit that the applicant admits the construction of a kitchen and other improvements to the property were done without permits, as the applicant says, mistakenly, although he is a builder.
7. Staff has it right that the unit as it stands does not meet General Standard 8-006, that it will be harmonious and will not adversely affect the use or development of existing properties, specifically the next-door neighbor's property.
8. The Board is sympathetic to Dr. Rice's comments, but these are large lots, and this particular unit was built without permits.
9. The applicant has the option to simply remove the kitchen and restore the unit as a shed if that is what he wants to do.
10. With respect to use as an accessory dwelling unit, Option 3 is the only option the Board could live with.
11. If the application came in as a new application before the shed was ever built, it is questionable whether the Board could have supported an accessory dwelling unit in this particular location, so far removed from the principal dwelling unit.

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

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

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

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant only, David Guglielmi, and is not transferable without further action of this Board, and is for the location indicated on the application, 6300 Little Ox Road (2.25 acres), and is not transferable to other land.
3. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by GeoEnv Engineers dated November, 2011, as revised and sealed through April 12, 2012, and approved with this application, as qualified by these development conditions. The only option approved shall be that of Option 3 as shown on the plat.
4. 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.
5. The existing onsite sewage disposal system shall be upgraded as per the requirements in the e-mail from the Health Department, dated January 11, 2012, included as Attachment 1 to these conditions. These improvements shall be installed by a licensed contractor.
6. No one shall occupy the accessory dwelling unit until it has been relocated in accordance with Option 3, all of the Fairfax County Health Department requirements have been satisfied and building permits and final inspections have been approved.
7. 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 which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.

8. Prior to the occupancy of the Option 3 accessory dwelling unit, the applicant shall permanently close the driveway entrance associated with Option 1 to the accessory dwelling unit and scarify and replant the area with native vegetation to the satisfaction of the Urban Forest Management Division, Department of Public Works and Environmental Services (DPWES).
9. There shall only be one bedroom and a maximum of two people within the accessory dwelling unit.
10. The accessory dwelling unit shall contain a maximum of 780 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 2 to these conditions.
11. 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.
12. 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.
13. 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.
14. Parking shall be provided on site as shown on the special permit plat.
15. The applicant shall obtain all applicable building permits, including electrical, for the detached accessory structure, depicted as "shed" on the special permit plat (which is used to hold mechanical equipment to heat the principal dwelling) which consists of approximately 250 square feet in size.
16. The applicant shall not be permitted to modify the existing architectural plans of the principal dwelling to satisfy the requirements of the septic field.

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, twenty-four (24) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant

additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Smith seconded the motion, which carried by a vote of 4-0. Mr. Hart recused himself from the hearing. Ms. Gibb and Mr. Byers were absent from the meeting.

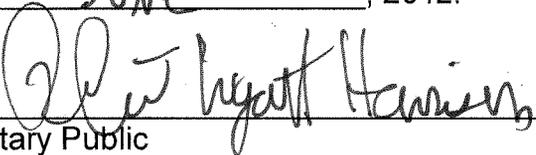
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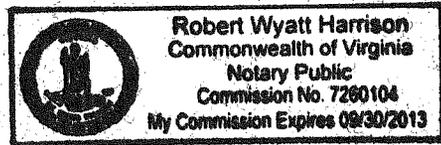
  
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John W. Cooper, Deputy Clerk  
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 12 day of  
June, 2012.

  
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Notary Public



My commission expires: 9-30-2013

**Hedrick, Debbie**

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**From:** Jones, Craig O.  
**Sent:** Wednesday, January 11, 2012 11:36 AM  
**To:** Hedrick, Debbie  
**Cc:** 'dguglielmi@yahoo.com'; Jones, Lynn  
**Subject:** RE: Questions

I offer the following information related to the subject property and the existing structures at 6300 Little Ox Road, Fairfax Station, VA 22039:

1. The initial dwelling (4 bedrooms) was approved for occupancy by the Health Department on May 10, 2006.
2. The existing 1 bedroom ADU was originally submitted as a "SHED with no plumbing" and approved under building permit #80360145 on 2/6/2008.
3. No permits were obtained from the Health Department for installation of a sewage grinder pump system to serve that accessory structure nor can one be issued.
4. I disagree with Mr. Guglielmi's statement that "The existing lateral water line has been in place since 2005. It exists as a private water line from the main house (served by a private well) to the proposed ADU and does not connect to any public utility. As such, no permit is needed as it only travels on the property. Indeed, the existing storm drainage easement exists as an affirmative easement on my property". The individual well water supply was not approved until 5/17/2006 and the structure (shed with no plumbing) served by the water line was not built until 2008.
5. In order for the ADU to be able to be approved the following is necessary:
  - a. Determine if the existing sewage disposal system serving the 4 bedroom dwelling can be increased in size to serve 5 bedrooms with 2 kitchens and 2 laundry. The reserve would also require upsizing.
  - b. If there is sufficient area to increase the drainfield, the appropriate application and fees for expansion must be made to the Health Department and a permit issued by the Health Department for installation of a septic tank and pump chamber for the ADU.
  - c. Such discharge line from the ADU pump chamber would be directed to the existing pump chamber serving the existing dwelling which may have to be replaced to allow for flow equalization due to increased sewage flow for a 4 bedroom dwelling with 2 kitchens and two laundry.
  - d. House plans will be required for both the existing dwelling and the ADU.
  - e. Should there NOT be sufficient area for an increase in the number of bedrooms to 5 with 2 kitchens and 2 laundry, it MAY be possible to eliminate one bedroom from the existing dwelling to replace the one bedroom proposed in the ADU and increase the existing drainfield just to serve the extra kitchen and laundry. Should a laundry not be required in the ADU, the increase in size would be only for the extra kitchen. See a. - c. above

Until such time the necessary permits have been issued to properly discharge sewage in an approved manner to an approved sewage disposal system, the ADU should not be occupied.

Craig O Jones, RS  
Environmental Health Specialist II  
703 246-8468

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**From:** Hedrick, Debbie  
**Sent:** Wednesday, January 11, 2012 10:19 AM  
**To:** Jones, Craig O.

LAYOUT OF PROPOSED ADU

