APPLICATION ACCEPTED: August 6, 2012
BOARD OF ZONING APPEALS: October 24, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 17, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-BR-047

BRADDOCK DISTRICT

APPLICANT:	Roberta S. Renzi
OWNERS:	Roberta S. Renzi Richard G. Renzi
STREET ADDRESS:	9700 Burke View Court, Burke, 22015
TAX MAP REFERENCE:	78-1 ((2)) 1
LOT SIZE:	5.23 acres
ZONING DISTRICT:	R-1
ZONING ORDINANCE PROVISIONS:	8-918
SPECIAL PERMIT PROPOSAL:	To permit an accessory dwelling unit within an existing detached accessory structure.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-BR-047 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.

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.

O:\dhedri\Special Permits\(10-24) SP 2012-BR-047 Renzi (ADU)\SP 2012-BR-047 Renzi staff report.doc *Deborah Hedrick*

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.

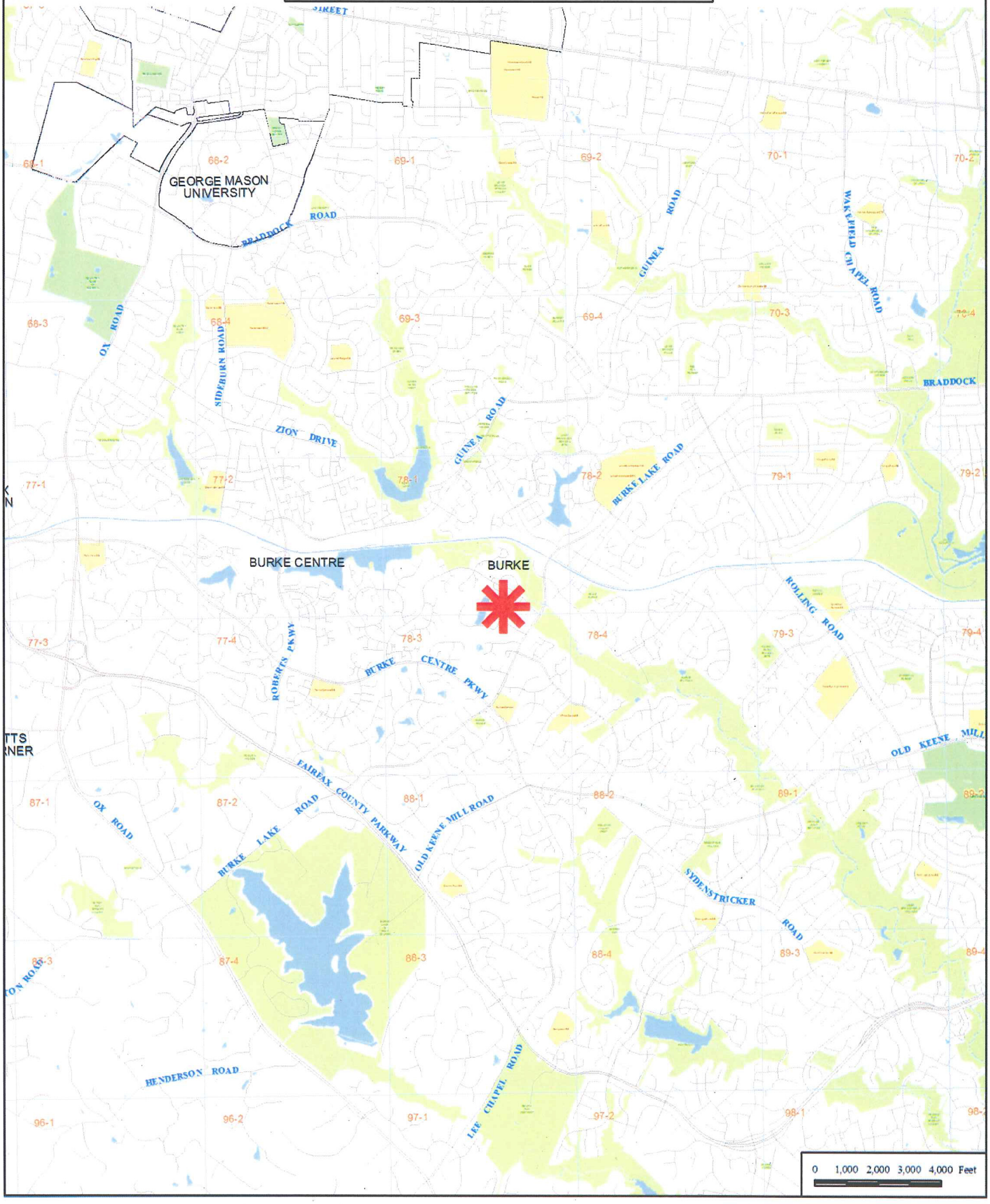
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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).

Special Permit

SP 2012-BR-047

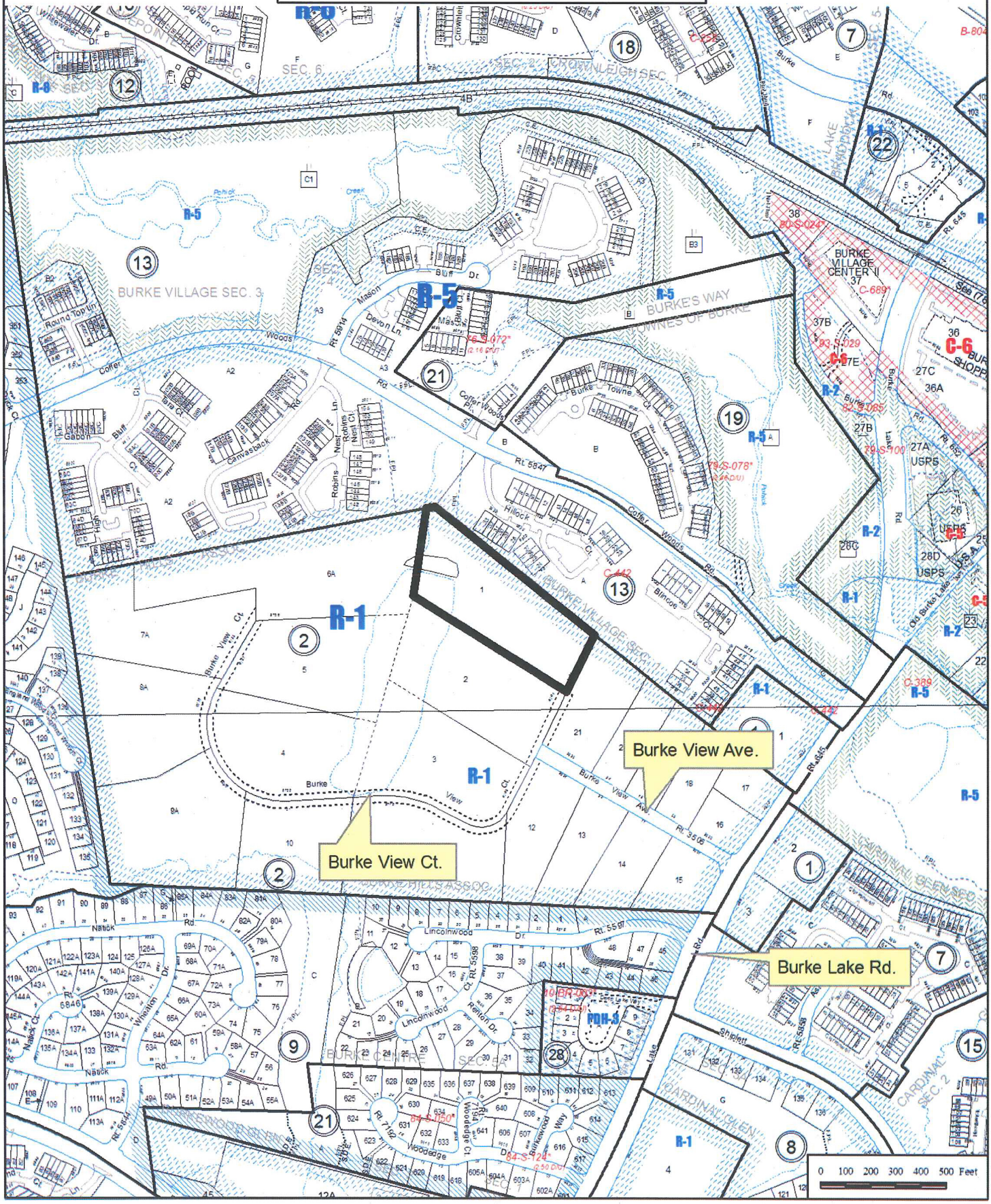
ROBERTA RENZI



Special Permit

SP 2012-BR-047

ROBERTA RENZI



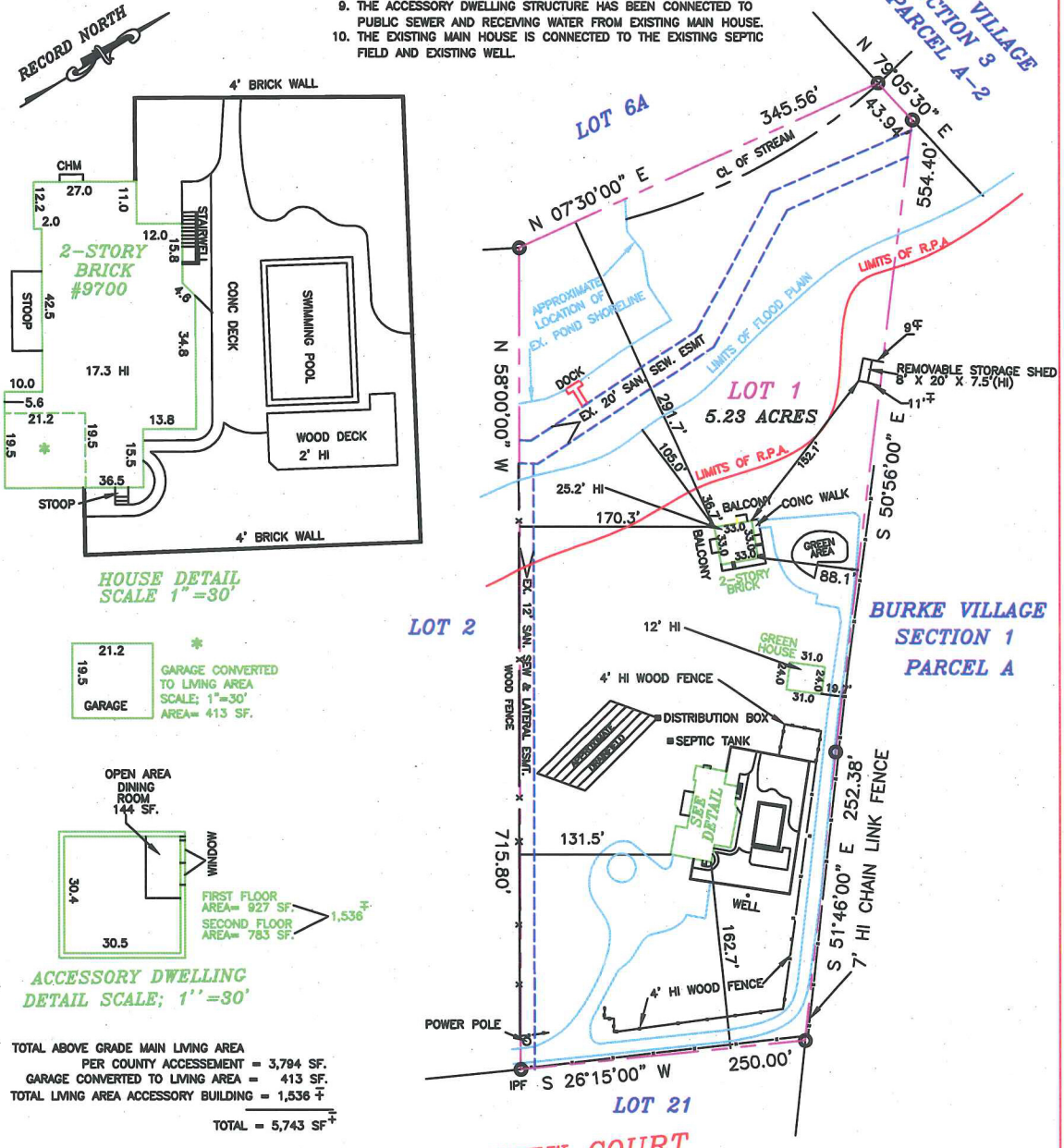
Min Setback Requirement

FRONT: 40
SIDE: 20
REAR: 25
TOTAL SITE AREA = 5.23 ACRES

OWNER : ROBERTA S AND RICHARD G RENZI
DB 7813 PG 1934

NOTES:

1. THE PROPERTY SHOWN HEREON IS LOCATED ON FAIRFAX COUNTY TAX MAP NO. 78-1-02-1
2. NO TITLE REPORT FURNISHED.
3. RIGHT-OF-WAY OR OTHER RESTRICTIONS OF RECORD MAY NOT BE SHOWN.
4. ZONED: R-1
5. BOUNDARY SURVEY FROM AVAILABLE RECORDS.
6. THIS AREA CLLASSIFIED AS ZONE "X" AREA DETERMINED TO BE OUTSIDE 500 YEAR FLOODING.
7. TOPO SURVEY BY SDE, INC.
8. THERE IS NO GRAVE OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL ON THIS SITE
9. THE ACCESSORY DWELLING STRUCTURE HAS BEEN CONNECTED TO PUBLIC SEWER AND RECEIVING WATER FROM EXISTING MAIN HOUSE.
10. THE EXISTING MAIN HOUSE IS CONNECTED TO THE EXISTING SEPTIC FIELD AND EXISTING WELL.



TOTAL ABOVE GRADE MAIN LIVING AREA
PER COUNTY ACCESSEMENT = 3,794 SF.
GARAGE CONVERTED TO LIVING AREA = 413 SF.
TOTAL LIVING AREA ACCESSORY BUILDING = 1,536 ±
TOTAL = 5,743 SF±

BURKE VIEW COURT
(PRIVATE STREET)

FLOOD NOTE

THIS LOT CLASSIFIED AS ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

PLAT SHOWING
HOUSE LOCATION SURVEY
LOT 1
DIVISION OF THE PROPERTY OF
BURKE HILL ASSOCIATION
BRADDOCK DISTRICT
FAIRFAX COUNTY, VIRGINIA

COMMONWEALTH OF VIRGINIA
BARRY L. WISSINGER
Lic No. 001295
LAND SURVEYOR

FLOOD ZONE : "X"
COMMUNITY NO : 51059C0270E
PANEL: 270E
DATE: 9/17/10

DATE : 9/11/12 SCALE: 1"=100' CASE NAME: RENZI

PLAT SUBJECT TO RESTRICTIONS OF RECORD

I, HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS

SDE SUBURBAN DEVELOPMENT ENGINEERING
ENGINEERS • PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS •
7777 LEESBURG PIKE, SUITE # 305N
FALLS CHURCH, VIRGINIA 22043 703-556-0800

DRAWN BY: S. OUDOM CHECKED BY: BARRY L.

F#30918

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DWG

Feb 06 2012

Feb 06 2012

Feb 06 2012

Feb 06 2012

Feb 06 2012

Feb 06 2012

Feb 06 2012

SUBJECT PHOTOGRAPH ADDENDUM

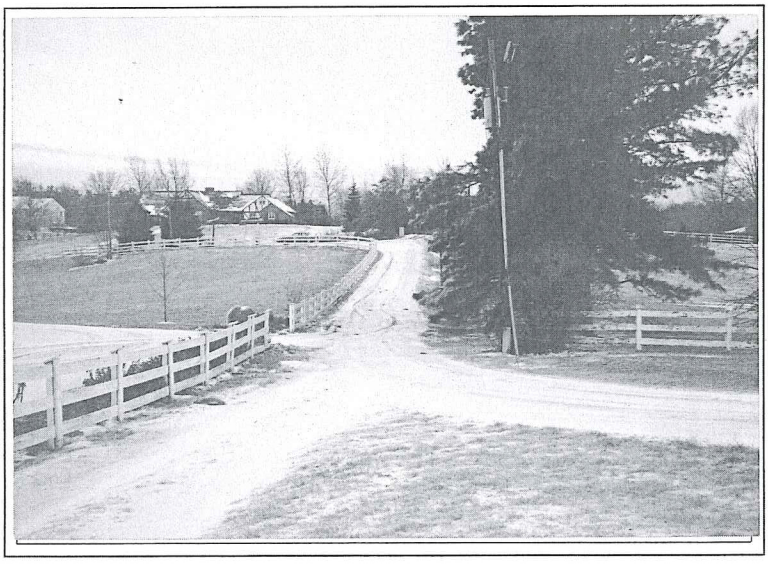
File No. 940107.BRK

Borrower/Client	RICHARD G RENZI				
Property Address	9700 BURKE VIEW COURT				
City	BURKE	County FAIRFAX	State VA	Zip 22015	
Lender	HALLMARK BANK & TRUST COMPANY				

main house

FRONT OF
SUBJECT PROPERTY

REAR OF
SUBJECT PROPERTY



STREET SCENE

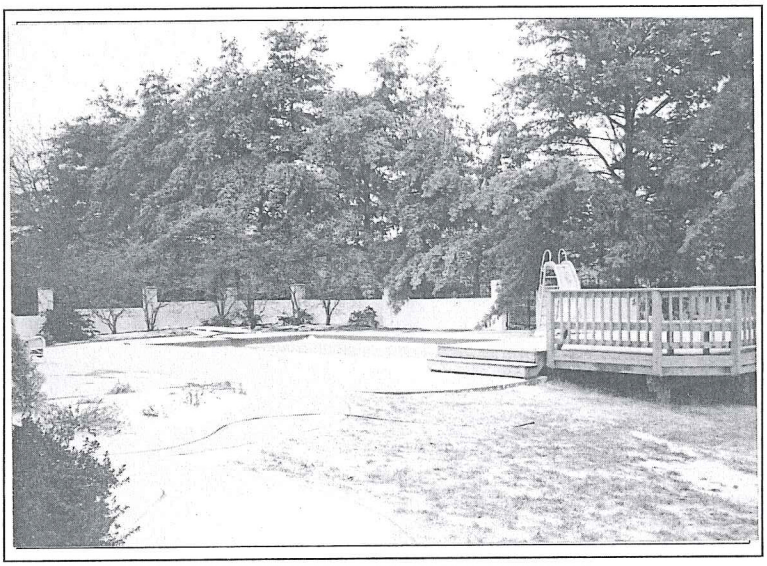
long drive
to property
very PRIVATE

☐ ADDITIONAL PHOTOGRAPHS ON REVERSE SIDE

ADDITONAL PHOTOGRAPH ADDENDUM

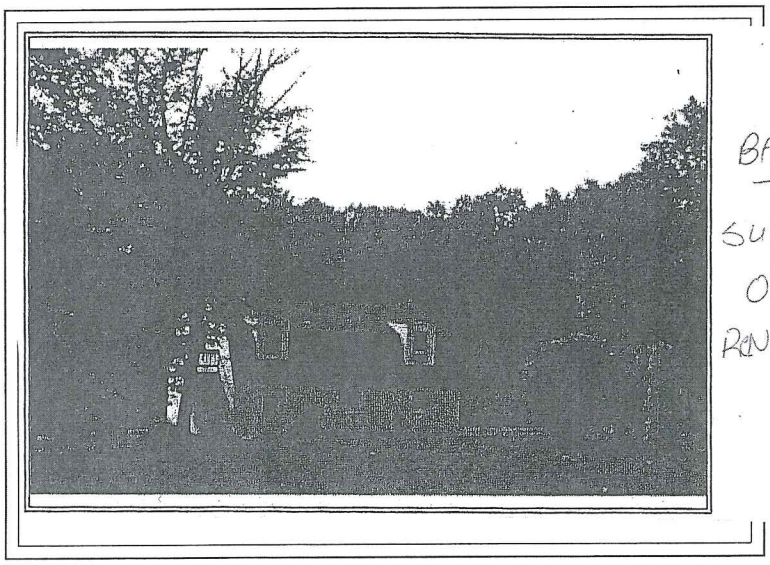
File No. 940107.BRK

Borrower/Client	RICHARD G RENZI				
Property Address	9700 BURKE VIEW COURT				
City	BURKE	County	FAIRFAX	State	VA	Zip	22015
Lender	HALLMARK BANK & TRUST COMPANY				



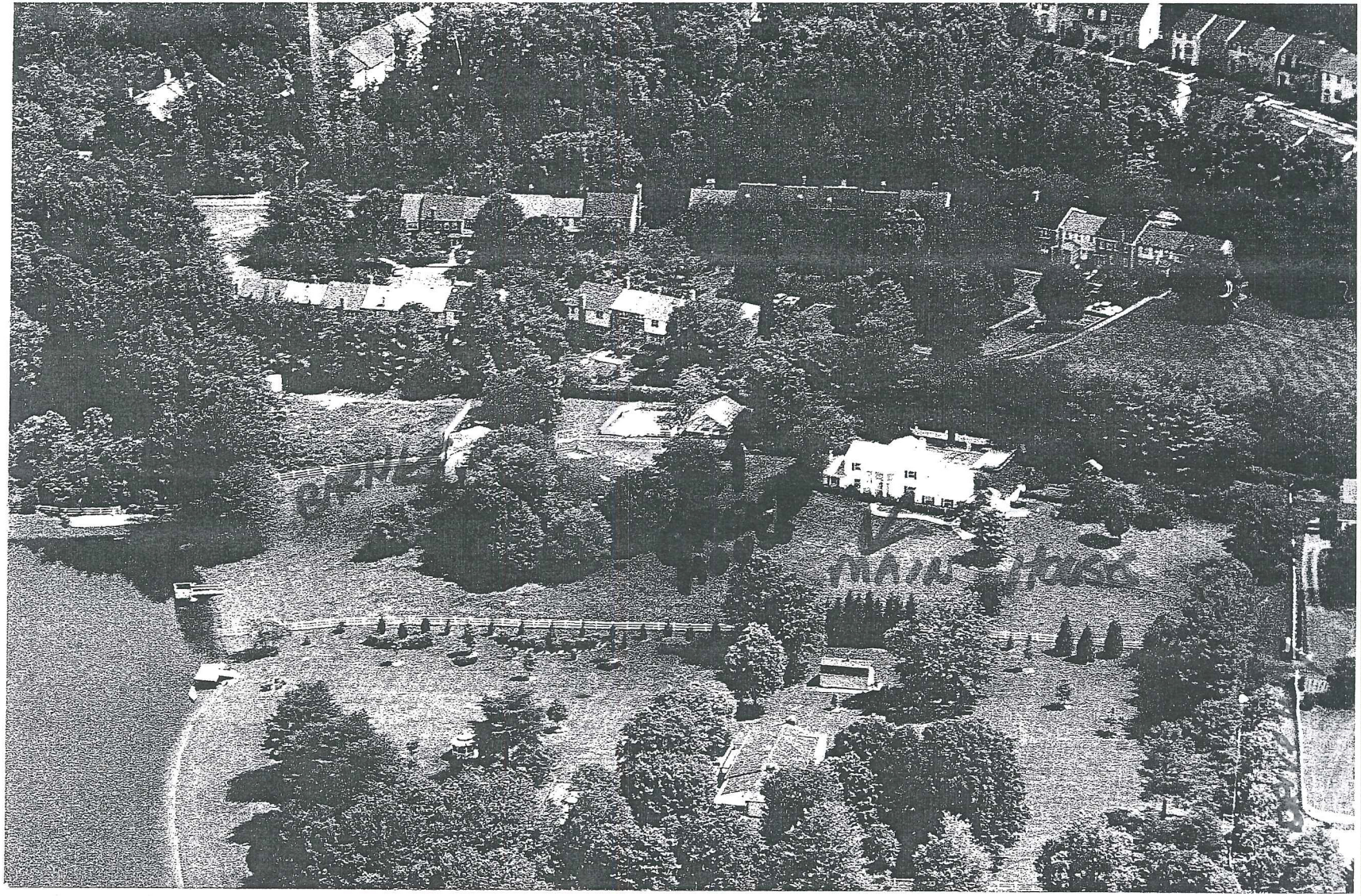
POOL
DECK
PATIO

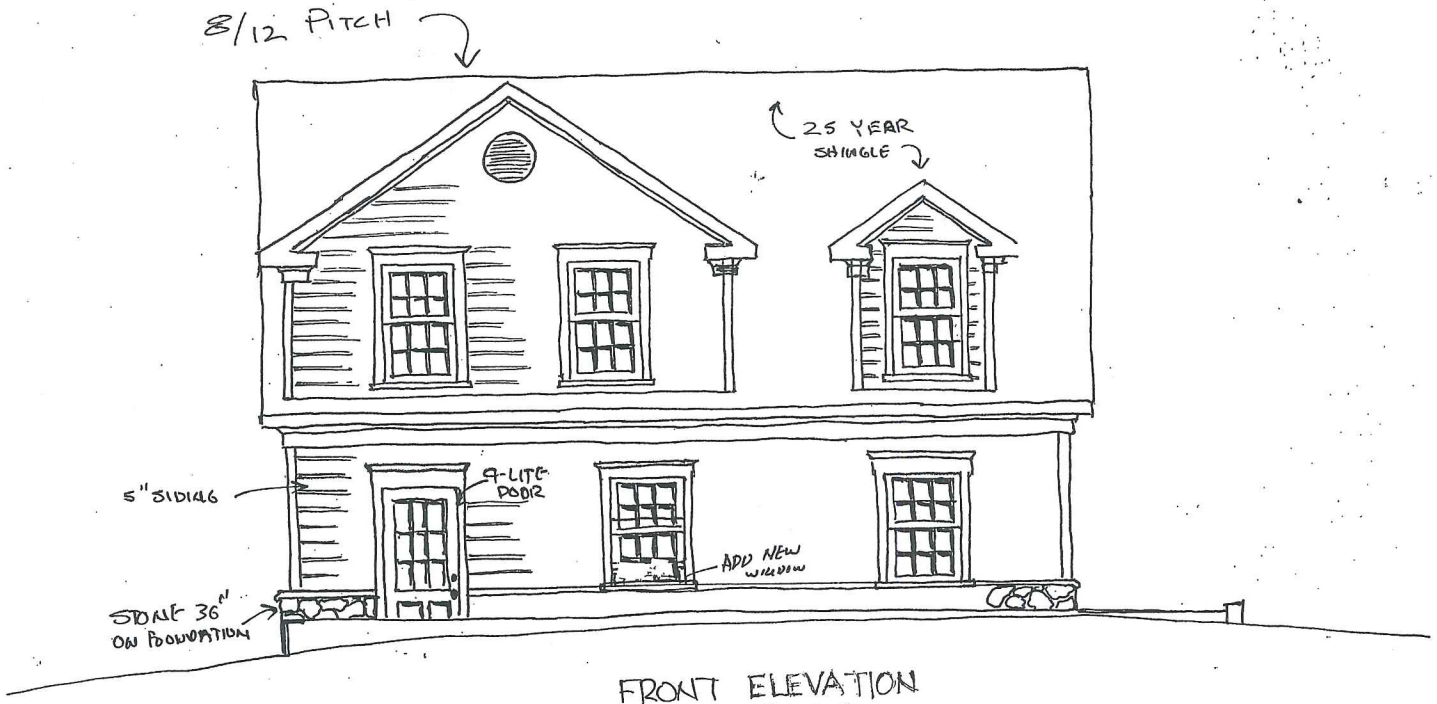
LAKE



BARN
subject
of
RENOVATION

☐ ADDITIONAL PHOTOGRAPHS ON REVERSE SIDE

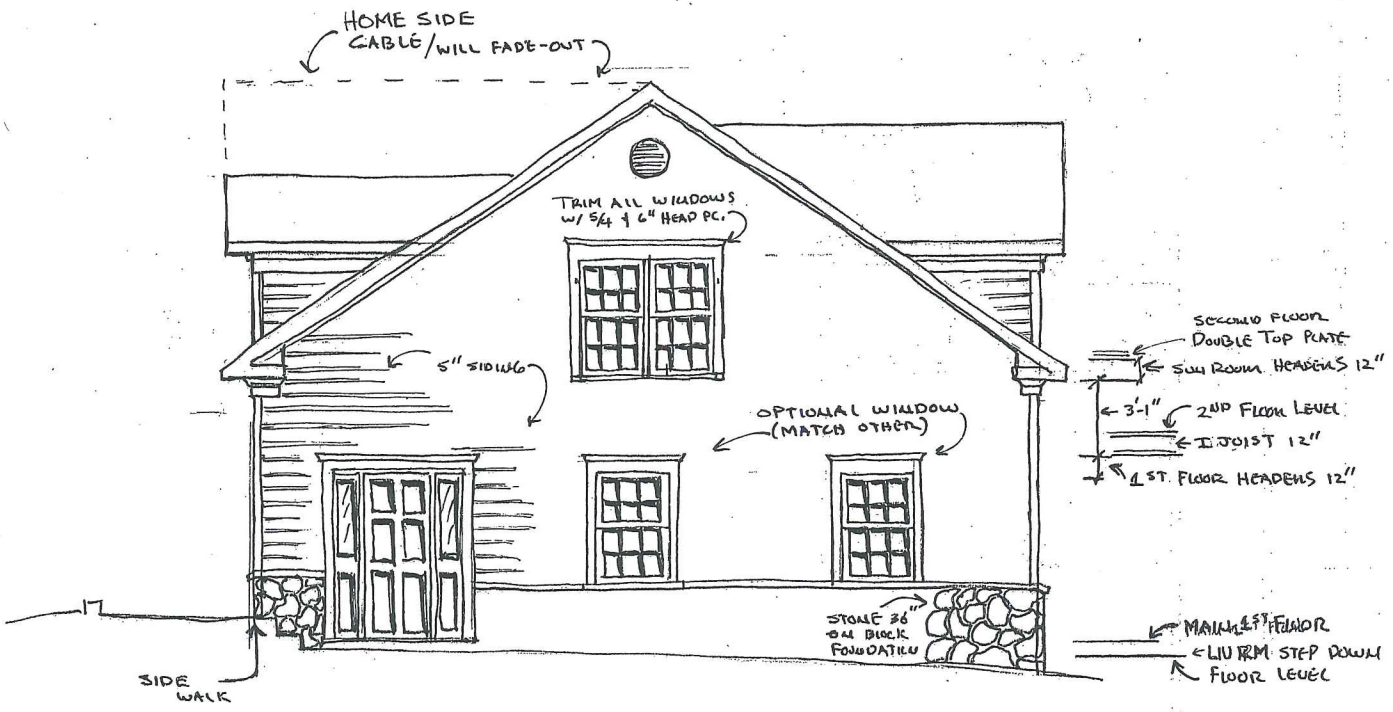

CRANE
MAIN HOUSE



FRONT ELEVATION
SCALE 1/4" = 1'-0"

ACCESSORY DWELLING

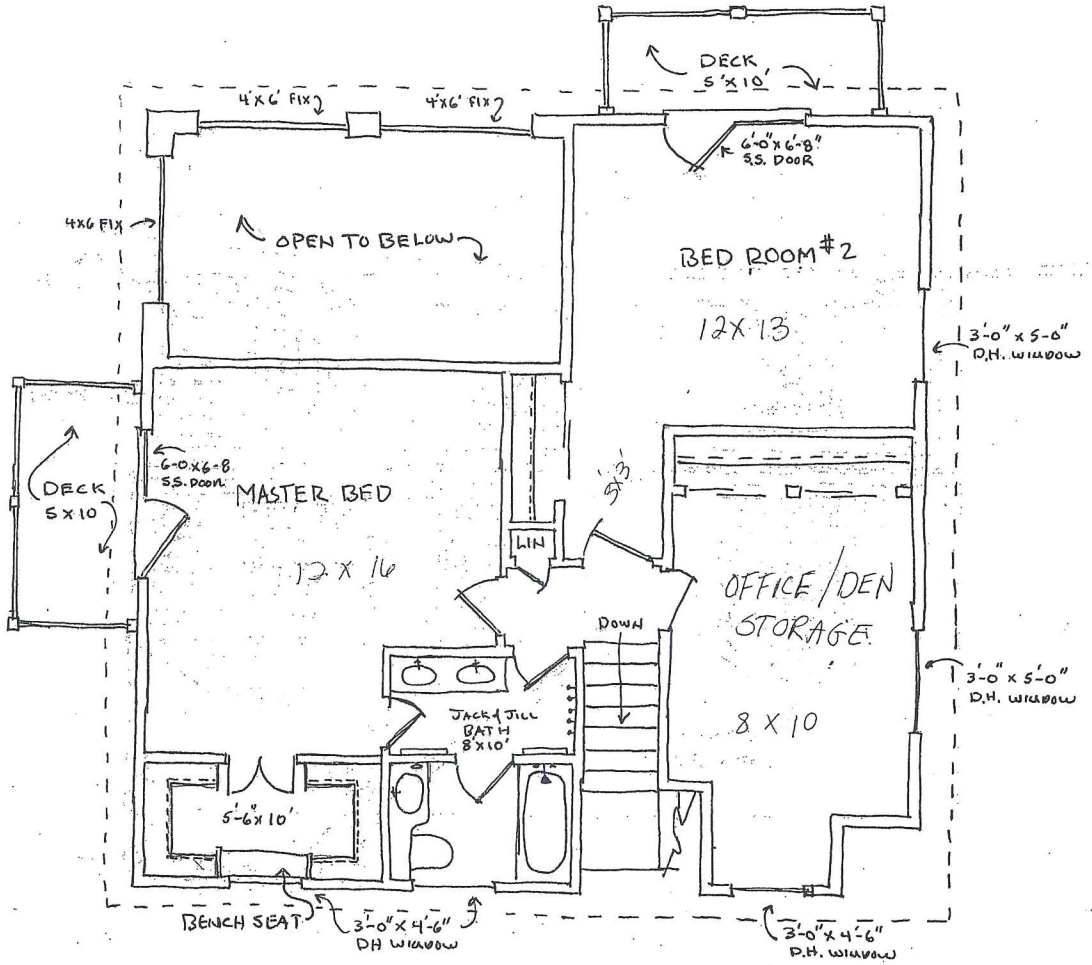
RECEIVED
Department of Planning & Zoning
AUG 0 2 2012
Zoning Evaluation Division



DRIVE SIDE
ELEVATION SCALE 1/4" = 1'-0"

ACCESSORY DWELLING PLAN

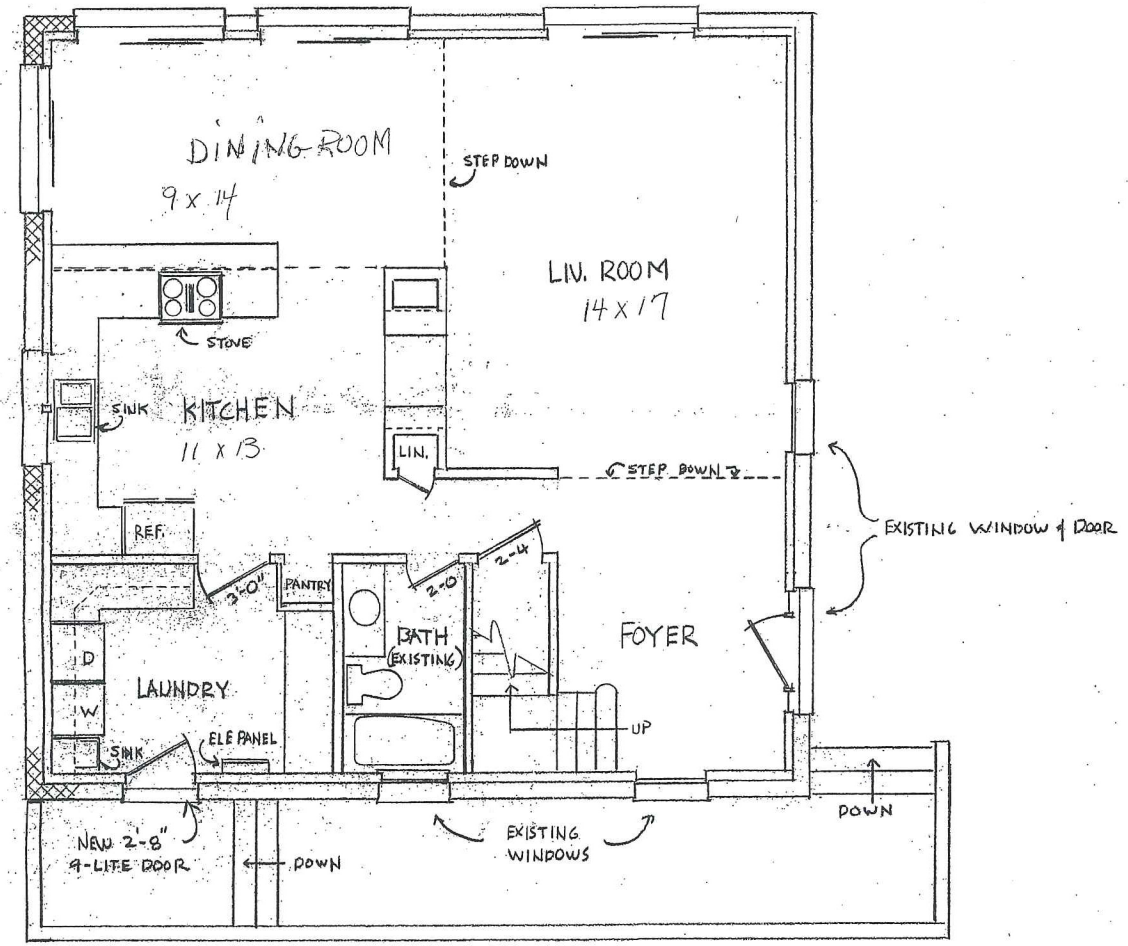
ACCESSORY DWELLING PLAN



SECOND FLOOR PLAN

SCALE 1/4" = 1'-0"

ACCESSORY DWELLING PLAN



FIRST FLOOR PLAN

SCALE 1/4" = 1'-0"

Date	
Scale	1/4" = 1'-0"
Drawn	
Job	
Sheet	

DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling within an existing two story detached accessory structure.

Size of Principal Dwelling: 5,743 square feet

Size of Accessory Dwelling Unit: 1,536 square feet or 26.7%

Lot Size: 5.23 acres

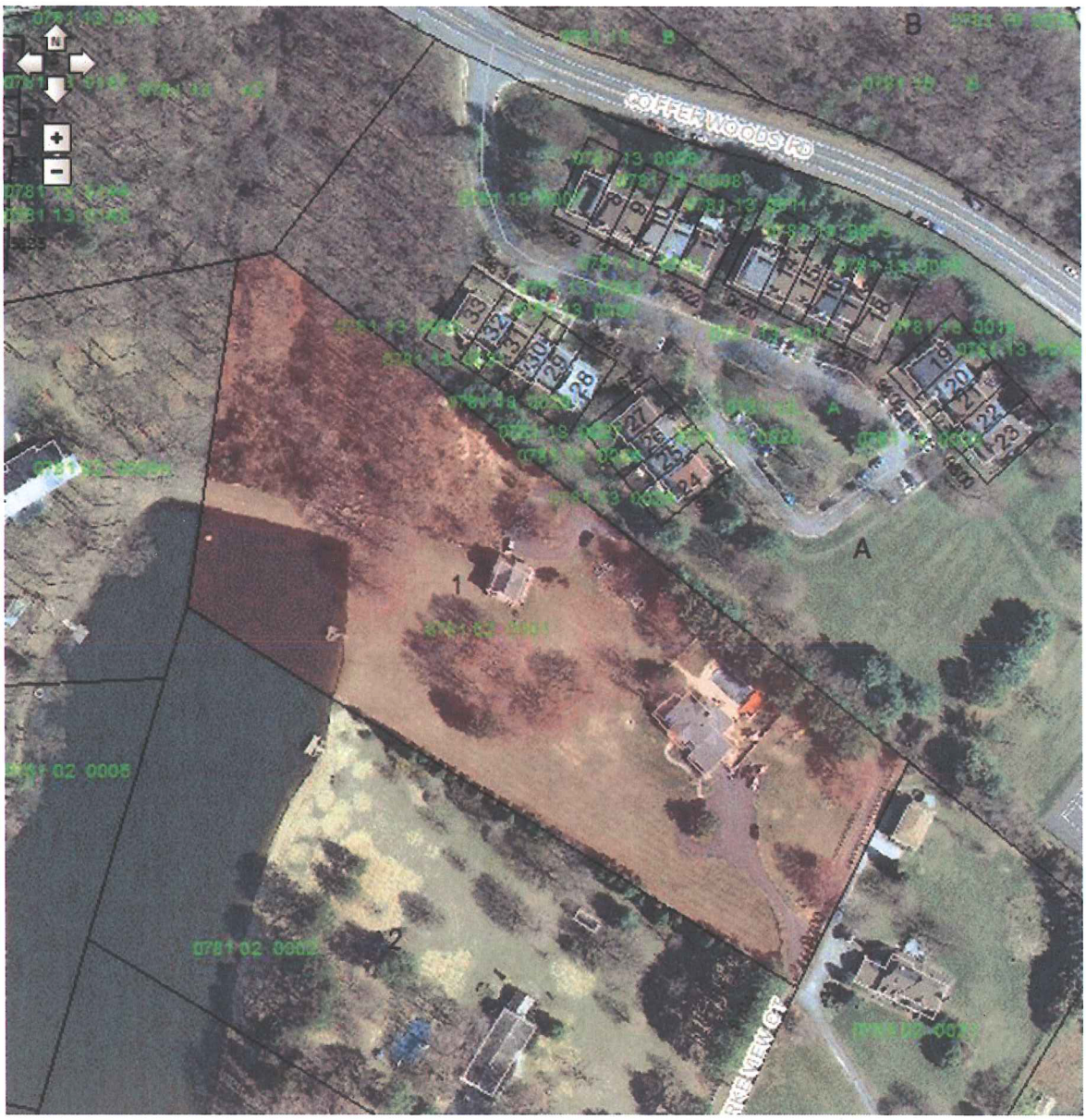
LOCATION AND CHARACTER OF THE AREA

Existing Site Description

The 5.23 acre site, located at 9700 Burke View Court (a private street), is developed with a brick, single-family detached two-story dwelling, constructed in 1969. Also in 1969, the original owners constructed a 1½ story detached barn, which has subsequently been converted into the proposed accessory dwelling unit. A pool and associated concrete decking, constructed with building permit approval in 1971, are located to the rear of the dwelling. A detached 770 square foot greenhouse is located along the northern side lot line, which was also constructed with building permit approval is deemed to be vested and allowed to remain in its current location, 19.7 feet from the side lot line. An existing paved driveway enters into the site from Burke View Court and follows along the front and northern side lot lines. The driveway divides and terminates with parking areas both in front of the principal dwelling and at the accessory dwelling unit (converted barn). A lake adjoins the property and is accessible via a private dock located in the western quadrant of the lot. The rear portion of the property is encumbered by a Resource Protection Area (RPA), floodplain and the lake. There is significant mature vegetation throughout the remainder of the lot. The Burke Village townhomes are located to the north along the shared northern side lot line.

Surrounding Area Description

Direction	Use	Zoning
North	Burke Village Homeowners Association open space	R-5 (Cluster)
South	Single Family Detached Dwelling	R-1
East	Single Family Detached Dwelling	R-1
West	Single Family Detached Dwelling	R-1



BACKGROUND

On November 9, 2011, the applicants were issued a Notice of Violation (NOV) for having two complete and separate dwellings on the lot. On December 12, 2011, a Corrective Work Order (CWO) was issued and on April 17, 2012, a NOV was issued both under the Virginia Uniform Statewide Building Code which noted that the structure had been converted from a barn into living space with bedrooms, a second kitchen and bathrooms, without the issuance of a building permit, inspections and final approval. Copies of the notices are included as Appendix 4.

According to the applicant, the property was purchased in 1991 with all of the structures as they exist on the lot today. The applicant indicated to staff that the barn had already been converted into living space prior to the purchase of the property and included hard wood flooring on the main level with a full bathroom and office space on the upper level. The upper level of the structure then suffered damage from a fire due to an unattended candle. At that time the applicant replaced the upper level of the structure, made dormer windows and added balconies to the upper level rooms to view the lake. During this renovation the applicant also installed the components of a kitchen on the first floor. The applicant indicated that the foundation of the structure did not change during these renovations. All of these renovations, interior and exterior, were performed without the benefit applicable building and trade permits.

Records indicate there have been no other applications for accessory dwelling units in the vicinity of the application site heard by the BZA.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Plat Showing House Location Survey, Lot 1, Division of the Property of Burke Hill Association

Prepared By: SDE Suburban Development Engineering

Dated: September 17, 2010 as revised through September 11, 2012

Proposed Use

The applicant proposes an accessory dwelling unit to be located within a detached structure located approximately 150 west of the principal dwelling. A separate accessory dwelling unit is permitted on a lot greater than two acres in size. The applicant and her husband, who is over the age of 55, and their children, reside in the single-family dwelling. Two of the applicant's adult sons currently reside within the detached accessory dwelling unit. The applicant has indicated to staff that the structure has always been used for the benefit of her immediate family members. If this special permit application is approved, the applicant intends to move her elderly mother into the structure, at which point only one of her sons and her mother will reside within the accessory dwelling unit.

The unit contains two bedrooms, an area used as an office/den and a full bathroom on the upper level, and a living room, dining room, laundry room, bathroom and full kitchen are located on the main level of the structure. The unit comprises 26.7% of the combined principal and accessory dwelling units. There is ample parking on-site to accommodate all members of the principal and accessory dwelling unit.

The applicant requests approval to continue the use of this space for her immediate family members and has indicated to staff that she does not intend to rent the space to anyone outside of immediate family members.

Although the principal dwelling is served by private well and septic, the accessory dwelling unit has been connected to public sewer, while continuing to receive its water from the private well.

ZONING ORDINANCE PROVISIONS

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-1 Zoning District.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 5)

- 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 5. 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 SP 2012-BR-047 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
2. Applicant's Affidavit
3. Applicant's Statement of Justification and Attachments
4. Notices of Violation and Corrective Work Order
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2012-BR-047

October 17, 2012

If it is the intent of the Board of Zoning Appeals to approve SP 2012-BR-047 located at Tax Map 78-1 ((2)) 1 to permit an accessory dwelling unit 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.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of building and/or trade permits 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, Roberta S. Renzi and/or Richard G. Renzi, and is not transferable without further action of this Board, and is for the location indicated on the application, 9700 Burke View Court (5.23 acres) 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 be in the detached accessory structure and shall contain a maximum of 1,536 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 two (2) bedrooms for a maximum of two (2) people.

7. All applicable building and trade permits and final inspections shall be obtained for the accessory dwelling unit.

8. 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.

9. 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.

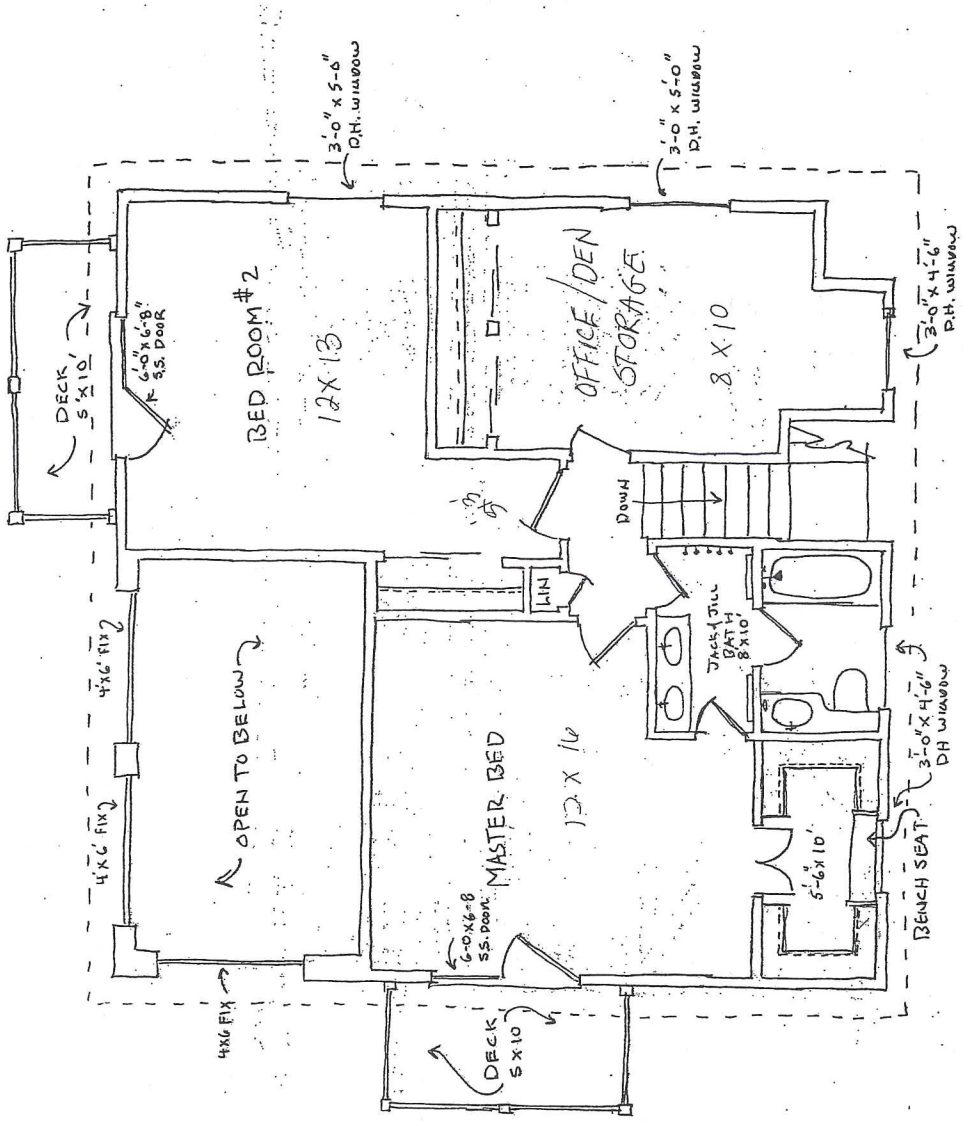
10. If the use of the accessory dwelling unit ceases for the applicant's immediate family members and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.

11. 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.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

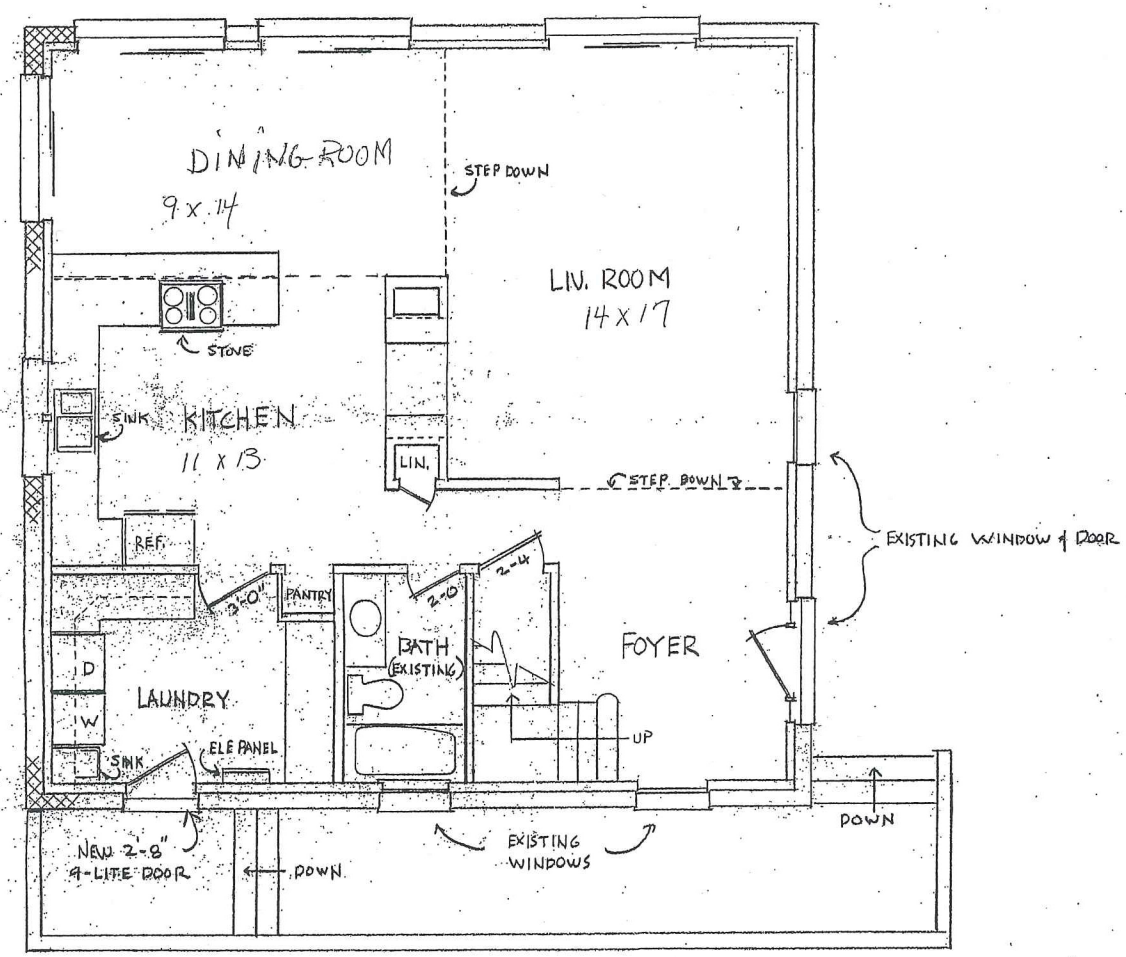
ACCESSORY DWELLING PLAN



SECOND FLOOR PLAN

SCALE 1/4"= 1'-0"

ACCESSORY DWELLING PLAN



FIRST FLOOR PLAN

SCALE 1/4" = 1'-0"

Date 5-5-06

Scale 1/4" = 1'-0"

Drawn

Job

Sheet

Application No.(s): SP 2012-BR-047
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/17/12
(enter date affidavit is notarized)

I, Roberta S. Renzi, 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

11428

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)
RR initial Roberta S Renzi	9700 Burke View Ct Burke Va. 22015	Title owner Applicant
RR initial Richard G. Renzi	9700 Burke View Ct Burke Va. 22015	husband co/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-047

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/17/12

(enter date affidavit is notarized)

1/4278

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)

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-04

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/17/12

(enter date affidavit is notarized)

114278

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)

(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-BR-047

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/17/12

(enter date affidavit is notarized)

114278

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-047

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/17/13

(enter date affidavit is notarized)

114278

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:

Roberta S Renzi

(check one) [✓] Applicant [ ] Applicant's Authorized Agent

Roberta S. Renzi

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17th day of January 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Irene Regina Rajini Alexander

Notary Public

My commission expires: 31st August, 2014

Irene Regina Rajini Alexander
Notary Public
Commonwealth of Virginia
My Commission Expires 31st Aug 2014
Commission ID# 271176

FORM SP/VC-1 Updated (7/1/06)

RECEIVED
Department of Planning & Zoning

AUG 02 2012

Zoning Evaluation Division

Roberta Renzi

March 8, 2012

Statement addressing the Standards for Accessory dwelling located at

9700 Burke View Ct

Burke, VA 22015

1) The accessory dwelling unit is associated with a single family detached dwelling unit on 5.23 acres

2) The accessory dwelling unit is located within 30 yards of the single family home. The detached structure has 2 entrances front and side

3) The gross floor area of the accessory dwelling unit is 31 percent of the principle dwelling unit

4) The accessory dwelling unit contains two bedrooms and one den/office

5) The occupancy of the dwelling unit and the principle dwelling unit are in accordance with:

a) One of the dwelling units is owner occupied

b) One of the dwelling units is occupied by an elderly or disabled person

c) The principle dwelling unit is occupied by a family consisting of a married couple and their natural children

6) The accessory dwelling unit has 2 bedrooms and an uninterrupted access to 1 private entrance(s)

7) Off-Street is parking provided by a large asphalt parking area

8) The application of special permit for accessory dwelling unit will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. Neighbors to the east and west have accessory dwellings.

9) The accessory dwelling unit will meet applicable regulations for building, safety, health and sanitation

10) Applicant understands that approval of the special permit shall be recorded among the land records of Fairfax County

11) Applicant understands that provisions shall be made to allow inspections of the property by County personnel during reasonable hours upon prior notice

12) Applicant understands that the special permit for the accessory dwelling unit shall be limited to period not to exceed five years from date of approval, however, may be extended for succeeding five year periods in accordance with the provisions of article 8, sections 012 of the zoning ordinance

Richard & Roberta Renzi
9700 Burke View Ct
Burke, VA 22015

Submisson Requirement For Accessory Dwelling:

Regarding item # 5.09

We will conform to any regulations and ordnances

Name: Roberta S Renzi Date 7/31/12
Roberta S. Renzi

Regarding item #
There is no toxic waste and no threat of toxic waste on propery or regarding accessory dwelling.

A STATEMENT was EMAILED BY THE HEALTH DEPARTMENT.

(THE ACCESSORY DWELLING IS HOOK up to public sewar)

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

Ruffner, Virginia

From: Thompson, Martin
Sent: Tuesday, May 08, 2012 1:24 PM
To: Ruffner, Virginia
Cc: Wastler, Kevin
Subject: Special Permit Application - Roberta Renzi

Virginia,

The Health Department has reviewed the Special Permit Application for 9700 Burke View Ct. (TM# 78-1-002-1) and have determined that the existing onsite sewage disposal system is not adequate to handle the additional waste load from the finished accessory structure. However, the owner has verified that the accessory structure has access to the public sewer system. An Application for Sewer Service has been submitted to the Department of Public Works & Environmental Service and the $7,750 availability fee has been paid.

If the accessory structure is permitted and connected to the public sewer system, the Health Department will consider the facilities to the accessory structure as safe, adequate and proper.

Please contact me if you have any questions.

Martin A. Thompson
Environmental Health Supervisor
Division of Environmental Health
Fairfax County Health Department
703-246-8459

RECEIVED
Department of Planning & Zoning
MAR 09 2012
Zoning Evaluation Division

Roberta Renzi

March 8, 2012

Statement addressing the Standards for Accessory dwelling located at

9700 Burke View Ct

Burke, VA 22015

1) The accessory dwelling unit is associated with a single family detached dwelling unit on 5.23 acres

2) The accessory dwelling unit is located within 30 yards of the single family home. The detached structure has 2 entrances front and side

3) The gross floor area of the accessory dwelling unit is less than 1/3 % of the principle dwelling unit

4) The accessory dwelling unit contains two bedrooms and one den/office

5) The occupancy of the dwelling unit and the principle dwelling unit are in accordance with:

a) One of the dwelling units is owner occupied

b) One of the dwelling units is occupied by an elderly or disabled person

c) The principle dwelling unit is occupied by a family consisting of a married couple and their natural children

6) The accessory dwelling unit has 2 bedrooms and an uninterrupted access to 1 private entrance(s)

7) Off-Street is parking provided by a large asphalt parking area

8) The application of special permit for accessory dwelling unit will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. Neighbors to the east and west have accessory dwellings.

9) The accessory dwelling unit will meet applicable regulations for building, safety, health and sanitation

10) Applicant understands that approval of the special permit shall be recorded among the land records of Fairfax County

11) Applicant understands that provisions shall be made to allow inspections of the property by County personnel during reasonable hours upon prior notice

12) Applicant understands that the special permit for the accessory dwelling unit shall be limited to period not to exceed five years from date of approval, however, may be extended for succeeding five year periods in accordance with the provisions of article 8, sections 012 of the zoning ordinance

County of Fairfax
Department of Planning and Zoning

Reason for application accessory dwelling

1. I am the mother of 12 children. Our house is very full and we have no room to spare. My father passed away one year ago and my 84 year old mother is not functioning well on her own. I would like to add this accessory dwelling to our 5.23 acre home so that we can care and look after my mother. My 21 year old son works with the elderly at Burke Health Care Center and would be there to look after her. We are only asking for two bedroom and a den/office. This additional space is greatly needed in a family our size.

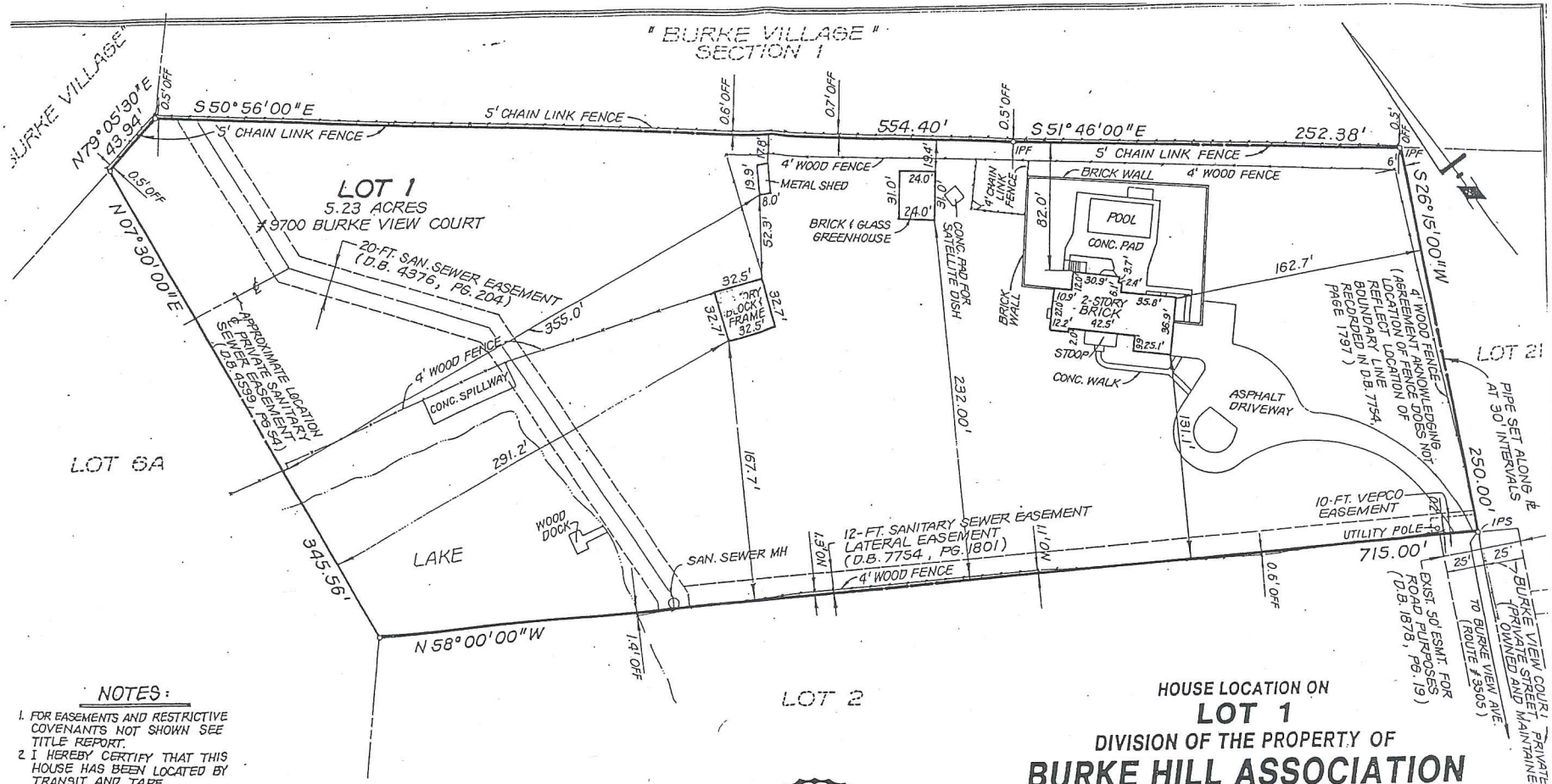
Reason for transforming the barn:

2. The structure already exists it was built with electricity, water, sewer and plumbing. We are not constructing a building, that does not already exist. We are only modifying in order to help our family. This modification would not affect the neighborhood in any way ,as it is not visible from the street. We are only using the existing structure and not adding square footage. This dwelling is only to be used by my family and to look after an elderly parent. Financially it is the most economical and affordable way for us to add extra room.

Thank you for your consideration,

Roberta S. Renzi

RECEIVED
Department of Planning & Zoning
DEC 02 2011
Zoning Evaluation Division



NOTES:

1. FOR EASEMENTS AND RESTRICTIVE COVENANTS NOT SHOWN SEE TITLE REPORT.
2. I HEREBY CERTIFY THAT THIS HOUSE HAS BEEN LOCATED BY TRANSIT AND TAPE.
3. THE PROPERTY DELINEATED HEREON IS LOCATED ON FAIRFAX COUNTY ASSESSMENT MAP No. 78-1
4. THE OWNER / LEGAL AGENT HAS REQUESTED THAT NO PROPERTY CORNERS BE SET WITH THIS HOUSE LOCATION
5. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE "X" AS INDICATED ON THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FLOOD HAZARD BOUNDARY MAP FOR FAIRFAX COUNTY, VIRGINIA COMMUNITY No. 515525
6. RESTRICTIONS AFFECTING LOTS 1-11, INCLUSIVE, BURKE HILLS, AS RECORDED IN DEED BOOK 1878, PAGE 19
7. IPF = IRON PIPE FOUND
   IPS = IRON PIPE SET

RECEIVED
Department of Planning & Zoning
DEC 02 2011
Zoning Evaluation Division

COMMONWEALTH OF VIRGINIA
WILLIAM L. MATTHEWS
No. 768
LAND SURVEYOR

William L. Matthews

HOUSE LOCATION ON
LOT 1
DIVISION OF THE PROPERTY OF
BURKE HILL ASSOCIATION
(DEED BOOK 1878, PAGE 251)
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

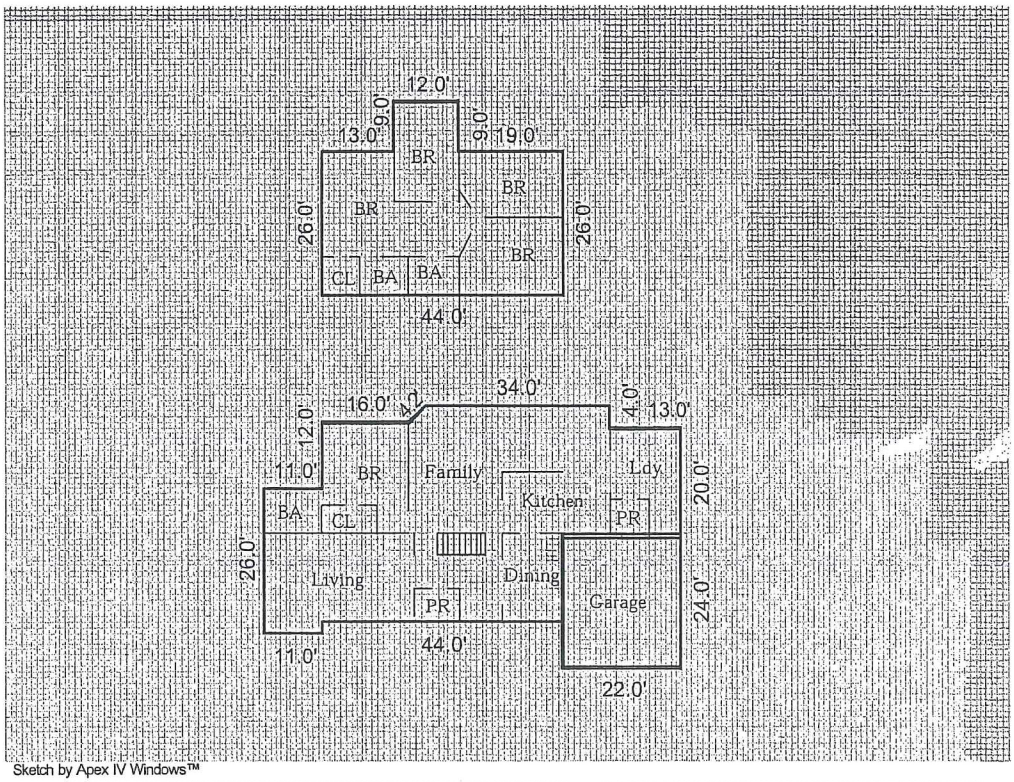
SCALE 1" = 60'

APRIL 26, 1991

MATTHEWS, WHEATLEY and ALLISON
CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING
3867 PICKETT ROAD FAIRFAX

FLOORPLAN

Borrower: Renzi, Richard/Roberta		File No.: 1100774016
Property Address: 9700 Burke View Ct		Case No.: 11GDI01407
City: Burke	State: VA	Zip: 22015
Lender: Downey Savings & Loan Associate		



Sketch by Apex IV Windows™

AREA CALCULATIONS SUMMARY

Code	Description	Size	Totals
GLA1	First Floor	2425.50	2425.50
GLA2	Second Floor	1252.00	1252.00
GAR	Garage	528.00	528.00
TOTAL LIVABLE	(rounded)		3678

LIVING AREA BREAKDOWN

Breakdown			Subtotals
First Floor			
	11.0 x	26.0	286.00
	20.0 x	50.0	1000.00
	15.0 x	28.0	420.00
	1.0 x	37.0	37.00
0.5 x	3.0 x	3.0	4.50
	3.0 x	34.0	102.00
	16.0 x	36.0	576.00
Second Floor			
	9.0 x	12.0	108.00
	26.0 x	44.0	1144.00
9 Areas Total (rounded)			3678

RECEIVED
Department of Planning & Zoning
DEC 02 2011
Zoning Evaluation Division

Return Copy

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
Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: April 17, 2012

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Renzi Richard G
Renzi Roberta S

ADDRESS: 9700 Burke View Court
Burke, VA 22015

TAX MAP REF: 78-1 ((2)) 0001

LOCATION OF VIOLATION: 9700 Burke View Court
Burke, VA 22015-3008

CASE #: 201106389 **SR#:** 77258

You were issued a Corrective Work Order on December 12, 2011 (copy enclosed) for violations of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011. Staff confirmed on April 17, 2012 that the violations itemized below remain.

Explanation: On April 17, 2012 County staff inspected the above referenced premises and discovered that an existing barn rear of the single family dwelling has been converted to living space with bedrooms, 2nd kitchen and bathroom without the issuance of a Building Permit, inspections, and approvals.

Order: Pursuant to ***Section 108.1 When applications are required,*** and ***Section 113.3 Minimum Inspections,*** of the USBC, 2009 edition, you are hereby directed to apply for and obtain the required permits, inspections, and approvals for the work described above or demolition of same at the above referenced address.

Corrective Action Required:

1. Apply for and obtain all necessary County Permits for the work described above within 30 calendar days from the date you receive this Notice, or obtain a County permit to demolish the work described above within the same timeframe.

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

2. Schedule and pass the required County inspection(s) for the work described above within 45 calendar days from the date you received this notice.
3. Contact me at (703)324-9321 within the timeframe established to confirm the violation(s) has/have been abated.
4. Call (703)222-0455 to schedule all inspections related to this matter. Please reference CASE #: 201106389.

Note:

*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035
Telephone: 703-222-0801

*When work described above involves the removal of unpermitted features (including appliances, cabinets, plumbing/gas fixtures) a demolition permit will be required. Be advised that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit. If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703)324-1300 who issued the Notice before coming to the Permit Application Center in the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.

You have the right to appeal this decision within 30 days to the Fairfax County Board of Building and Fire Prevention Code Appeals. Appeal application forms may be obtained by contacting:

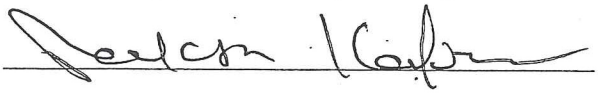
Fairfax County Board of Building and Fire Prevention Code Appeals
Attention:
Secretary to the Fairfax County Board of Building and Fire Prevention Code Appeals
Office of Building Code Services
Department of Public Works and Environmental Services
12055 Government Center Parkway, Suite 444
Fairfax, Va. 22035-5504
Telephone: (703)324-1780

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision. Failure to correct these defects within the time limits

specified shall result in enforcement action being taken under the applicable State and County Codes.

If you have any questions, would like to schedule an appointment to meet with me, or schedule a site visit, please contact me directly at (703)324-9321 or the main office at (703)324-1300.

Notice Issued By: Rakesh Kapoor
Technical Assistant to the Building Official
Department of Code Compliance

Signature: 

CC: Case File
Chuck O'Donnell, Residential Inspections Branch Chief

County of Fairfax, Virginia

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

CORRECTIVE WORK ORDER
Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: December 12, 2011

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Renzi Richard G
Renzi Roberta S

ADDRESS: 9700 Burke View Court
Burke, VA 22015

LOCATION OF VIOLATION: 9700 Burke View Court
Burke, VA 22015-3008

TAX MAP REF: 78-1 ((2)) 0001

CASE #: 201106389 **SR#:** 77258

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011, an inspection on November 01, 2011 revealed a violation or violations as listed below at the referenced location. The cited violation(s) must be corrected within 45 calendar days from receipt of this notice unless otherwise indicated.

Explanation: On November 01, 2011, County staff inspected the above referenced premises and discovered that existing barn rear of the single family dwelling has been converted to living space with bedrooms, 2nd kitchen and bathroom without the issuance of the required permit or permits, inspections, and approvals.

Order: Pursuant to ***Section 108.1 When applications are required,*** and ***Section 113.3 Minimum Inspections,*** of the USBC, 2009 edition, you are hereby directed to apply for and obtain the required permit or permits, inspections and approvals for the work described above or demolition of same at the above referenced address.

Corrective Action Required: Apply for and obtain all necessary County permits for the work described above within 45 calendar days from the date you receive this Order, or obtain a County permit to demolish the work described above within the same timeframe.

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

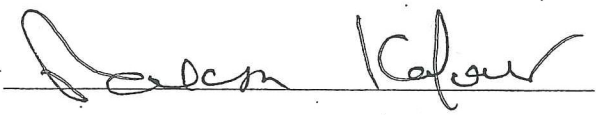
1. Schedule and pass the required County inspection(s) for the work described above within 60 calendar days from the date you are issued the required permit or permits for construction or demolition.
2. Contact me at (703) 324-9321 within the timeframe established to confirm the violation(s) have been abated.
3. Call (703) 222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201106389.

You are directed to notify Rakesh Kapoor by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703) 324-9321 within three (3) working days from the date you receive this Order, of your election to accept or reject the terms of this Order. Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.

Be advised that any Zoning Ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a Building Permit. If removal of unpermitted features (including appliances, cabinets and plumbing fixtures) is required, a separate demolition permit will be required for this work. **If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703)324-1300 who issued the Notice before coming to the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.**

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703)324-9321 or the main office at (703)324-1300.

Notice Issued By: Rakesh Kapoor
Department of Code Compliance Investigator III

Signature: 

CC: Case File
Michelle Brickner, Building Official
Debra McMahon, Chief, Permit Application Center
Audrey Clark, Deputy Building Official

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: November 9, 2011

SHERIFF'S LETTER

CASE #: 201106389 **SR#:** 76196

SERVE: Richard G. Renzi
Roberta S. Renzi
9700 Burke View Ct.
Burke, VA 22015

LOCATION OF VIOLATION 9700 Burke View Ct.
Burke, VA 22015-3008
Tax Map Ref. #: 78-1 ((2)) 1
Zoning District: R-1

Dear Property Owners:

An inspection of the above referenced property on November 1, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-501 Limitation on the Number of Dwelling Units on a Lot:

The inspection revealed there are two complete and separate dwellings 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:

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

> 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:

- Applying for and obtaining approval from the Fairfax County Board of Zoning Appeals for a Group 9 Special Permit to allow an accessory dwelling unit on the subject property; and/or
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit on the property, and restoring the structure to its previous use as a barn such that the property contains no more than one (1) dwelling unit.

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.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1395 or (703)324-1300.

Sincerely,

C. P. Fitzhugh

Charles P. Fitzhugh
Code Compliance Investigator II

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.