



**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-SP-046**

### **SPRINGFIELD DISTRICT**

**APPLICANT:** Aatef E. Morkos  
**OWNER:** Susana Morkos  
**SUBDIVISION:** Inglewood Estates  
**STREET ADDRESS:** 9472 Lapstrake Lane, Burke, 22015  
**TAX MAP REFERENCE:** 88-1 ((12)) 27A  
**LOT SIZE:** 10,609 square feet  
**ZONING DISTRICT:** R-3, Cluster  
**ZONING ORDINANCE PROVISIONS:** 8-918  
**SPECIAL PERMIT PROPOSAL:** To permit an accessory dwelling unit within an existing dwelling.

**STAFF RECOMMENDATION:** Staff recommends denial of SP 2012-SP-046 for an accessory dwelling unit.

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.

*O:\vhorner\Special Permits\Morkos\Staff Report.doc*

*Rebecca Homer*

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

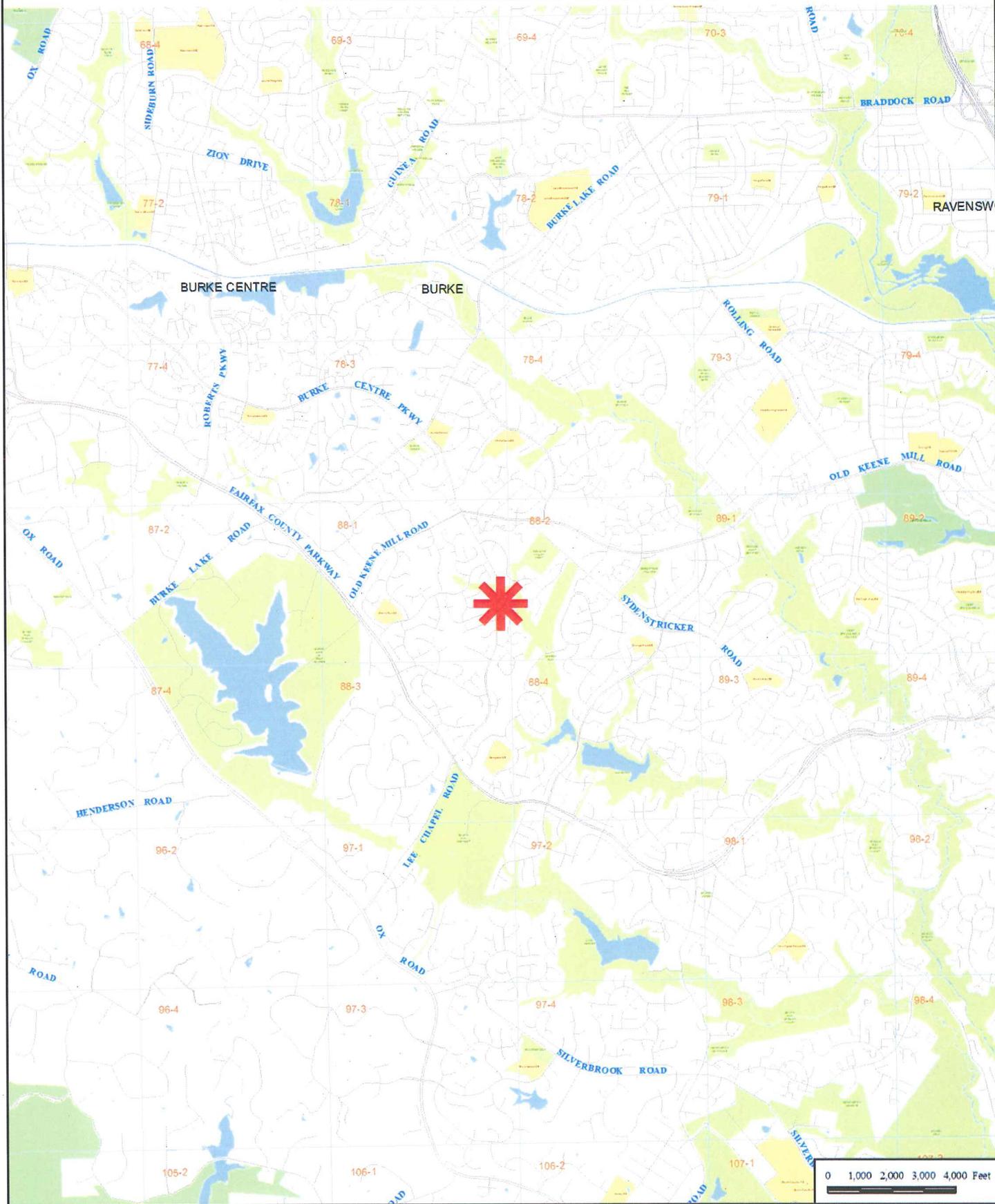


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

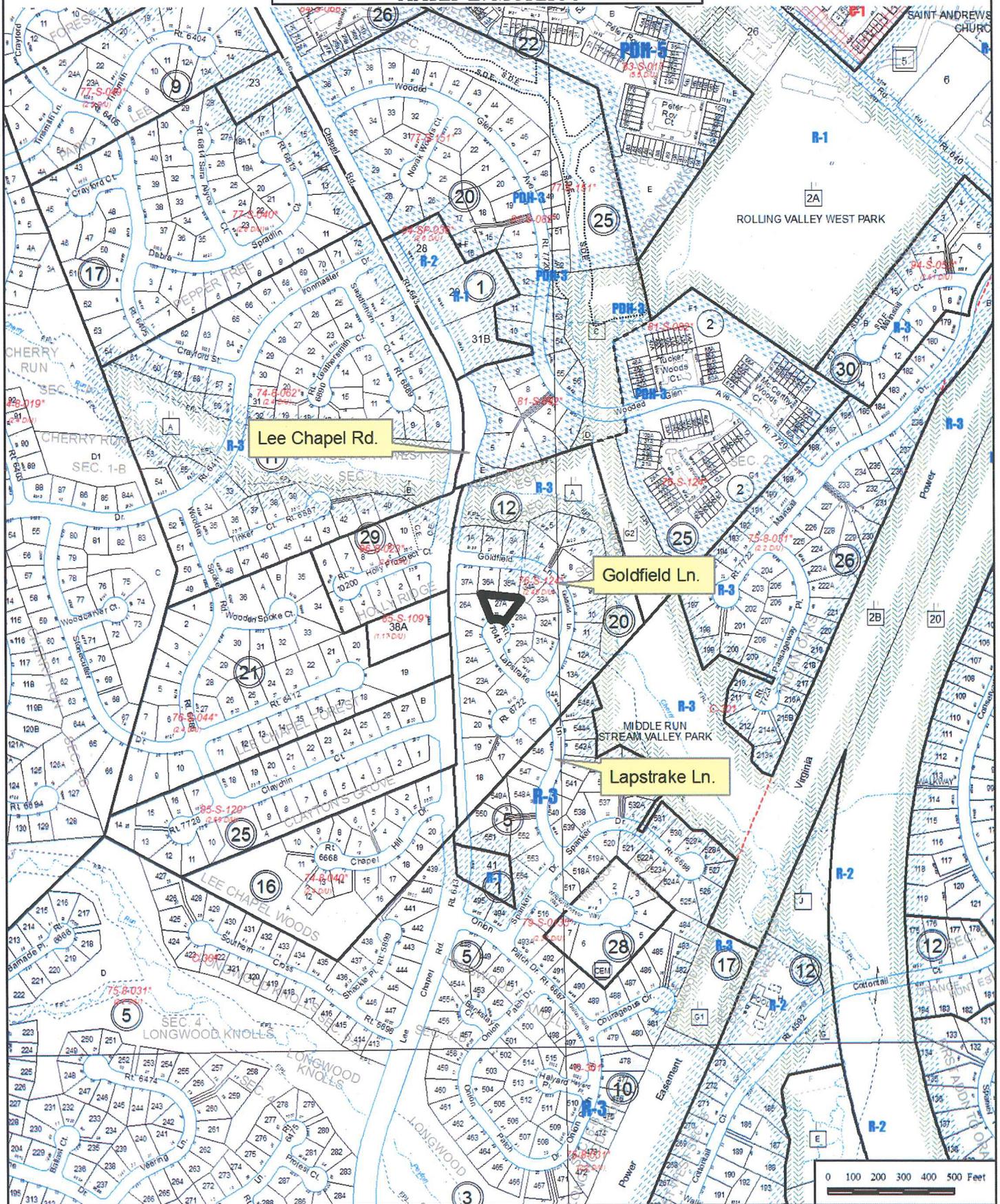
# Special Permit

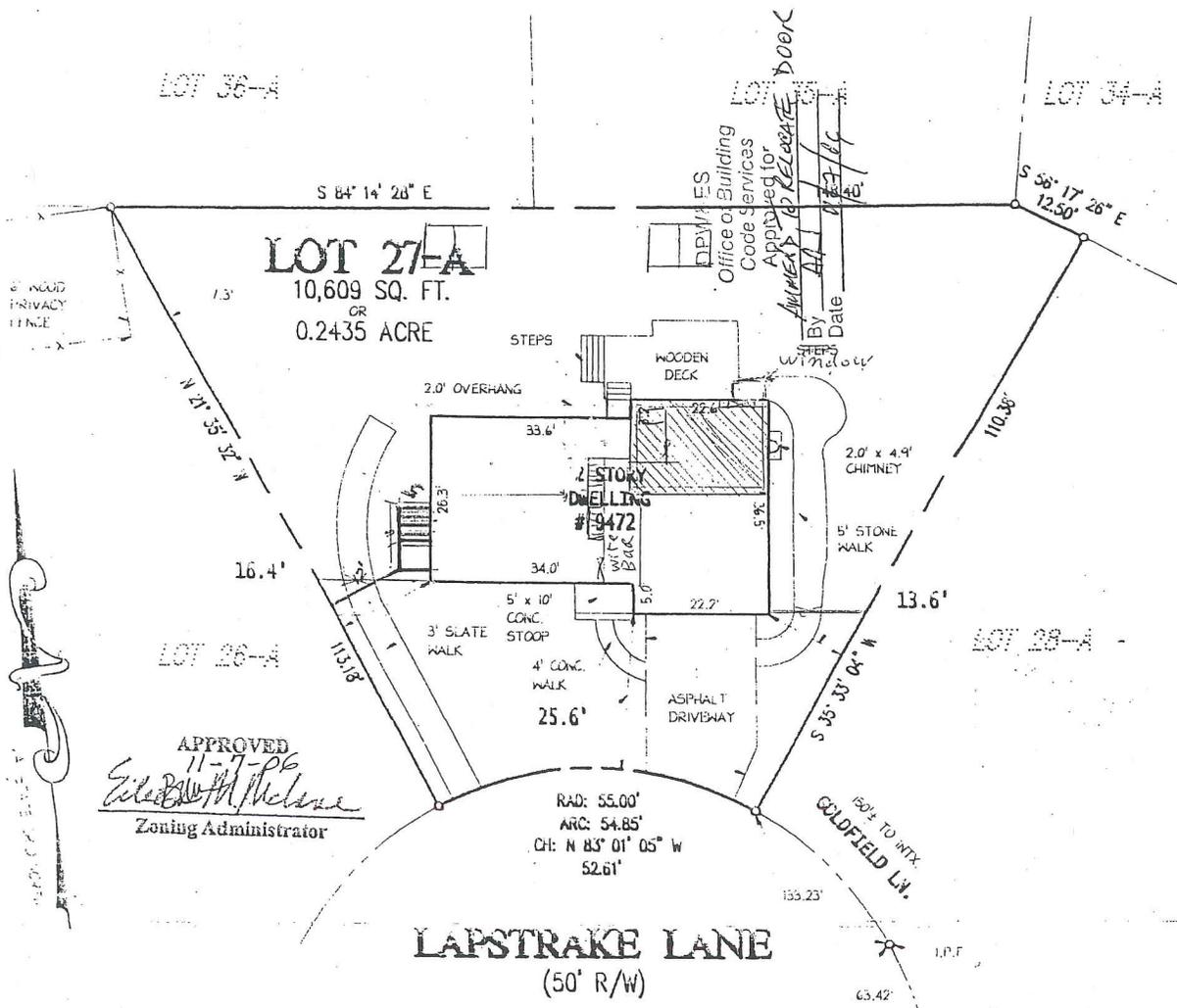
SP 2012-SP-046

AATEF E. MORKOS



**Special Permit**  
**SP 2012-SP-046**  
**AATEF E. MORKOS**





APPROVED  
11-7-06  
*Eileen M. Melone*  
Zoning Administrator

LAPSTRAKE LANE  
(50' R/W)

RECEIVED  
Department of Planning & Zoning  
Zoning Enforcement Division  
OCT 26 2011

- LEGEND:
- I.P.F. DENOTES IRON PIPE FOUND
  - X- DENOTES FENCE LINE
  - T,E&C DENOTES OVERHEAD TELEPHONE, ELECTRIC, AND CABLE LINES
  - B.R.L. DENOTES BUILDING RESTRICTION LINES
  - N/F DENOTES NOW OR FORMERLY



- NOTES:
- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
  - 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON F.E.M.A. MAP# 515525-0075-D EFFECTIVE DATE: MARCH 5, 1990
  - 3) THIS SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES (INCLUDING FENCES).
  - 4) LOCATION OF FENCES (IF SHOWN) ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
  - 5) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 088-1-12-0027A
  - 6) PROPERTY CORNERS NOT SET PER WAIVER REQUEST.
  - 7) EASEMENTS, E.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 5361, PAGE 801 (UNLESS NOTED OTHERWISE).

HOUSE LOCATION SURVEY  
**LOT 27-A**  
SECTION ONE  
**INGLEWOOD ESTATES**  
SPRINGFIELD DISTRICT  
FAIRFAX COUNTY, VIRGINIA

MAP # Y0006001 WORKS/HALL

**B.W. SMITH AND ASSOCIATES, INC.**

PROFESSIONAL LAND SURVEYING  
MANASSAS, VIRGINIA (703) 388-5866 1(800) 662-0996

FIELD CREW: R. GRAY

JOB # 20062577

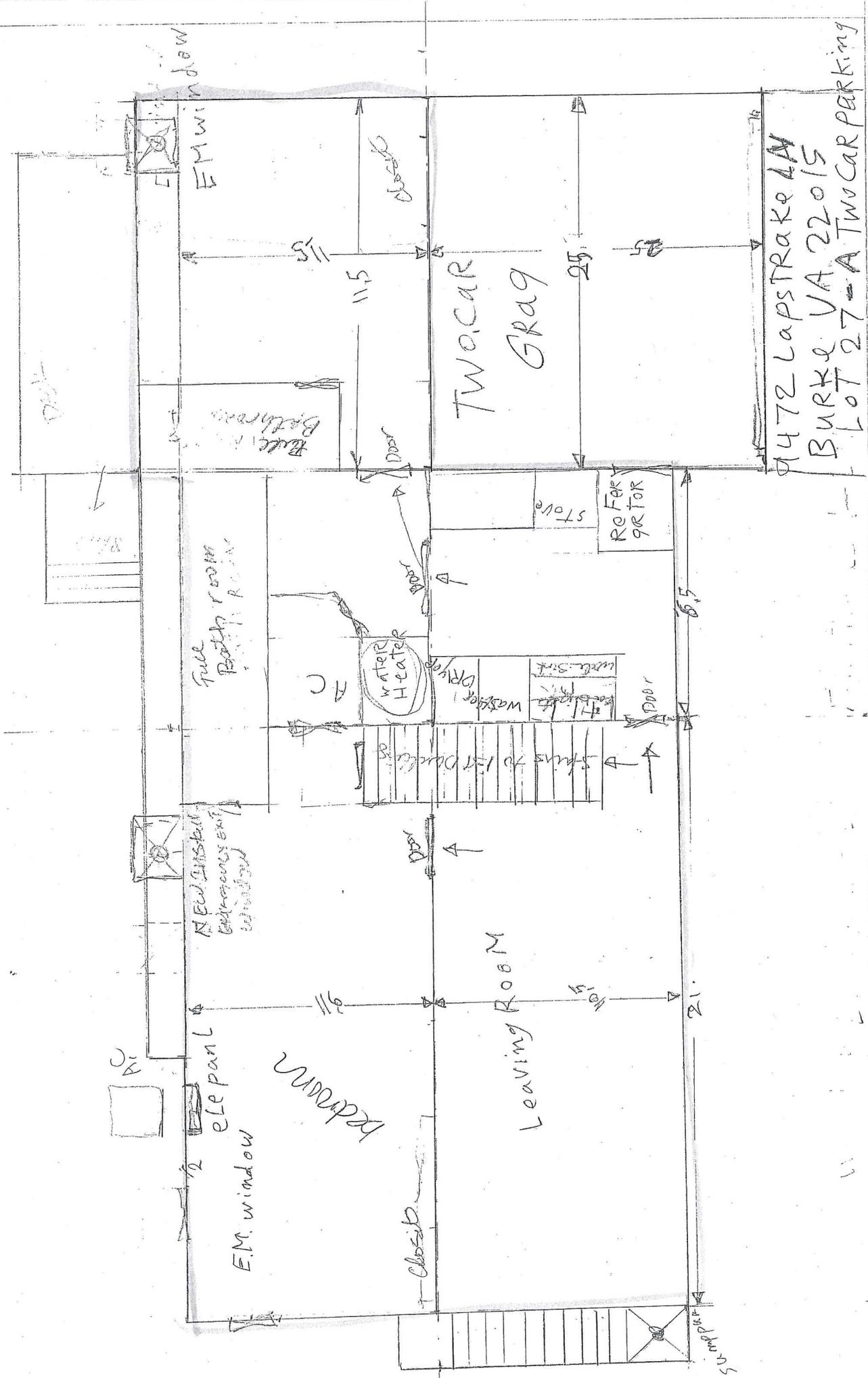
OFF: D.L.B.

CHK: S.S.E.

NO TITLE REPORT FURNISHED

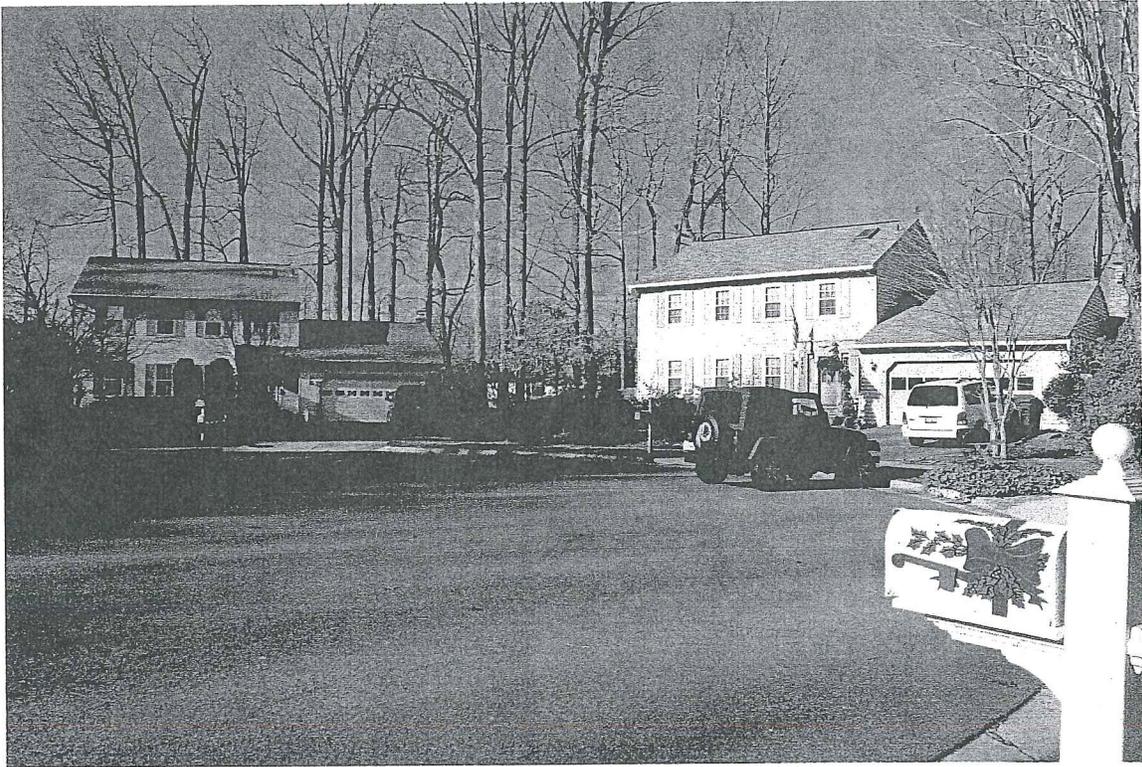
SCALE = 1" = 20'

DATE: 02/03/06



1472 Lapstrake LN  
 BURKE VA 22015  
 LOT 27-A Two Car Parking

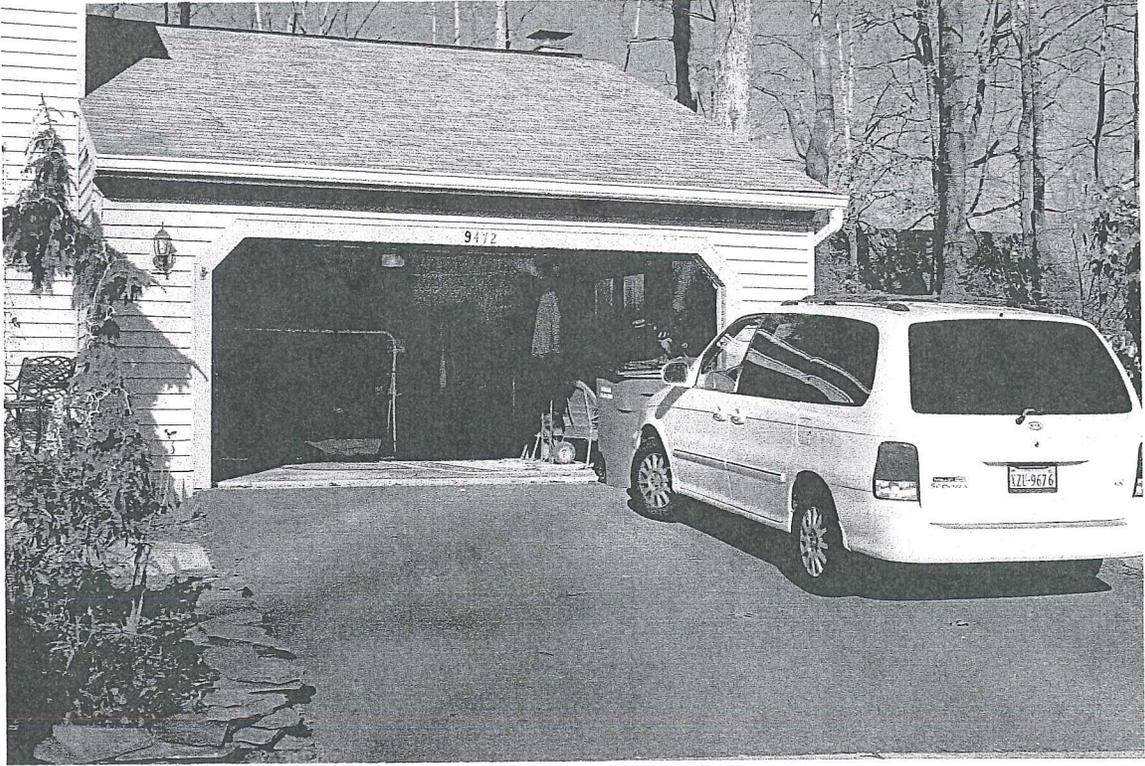
7647



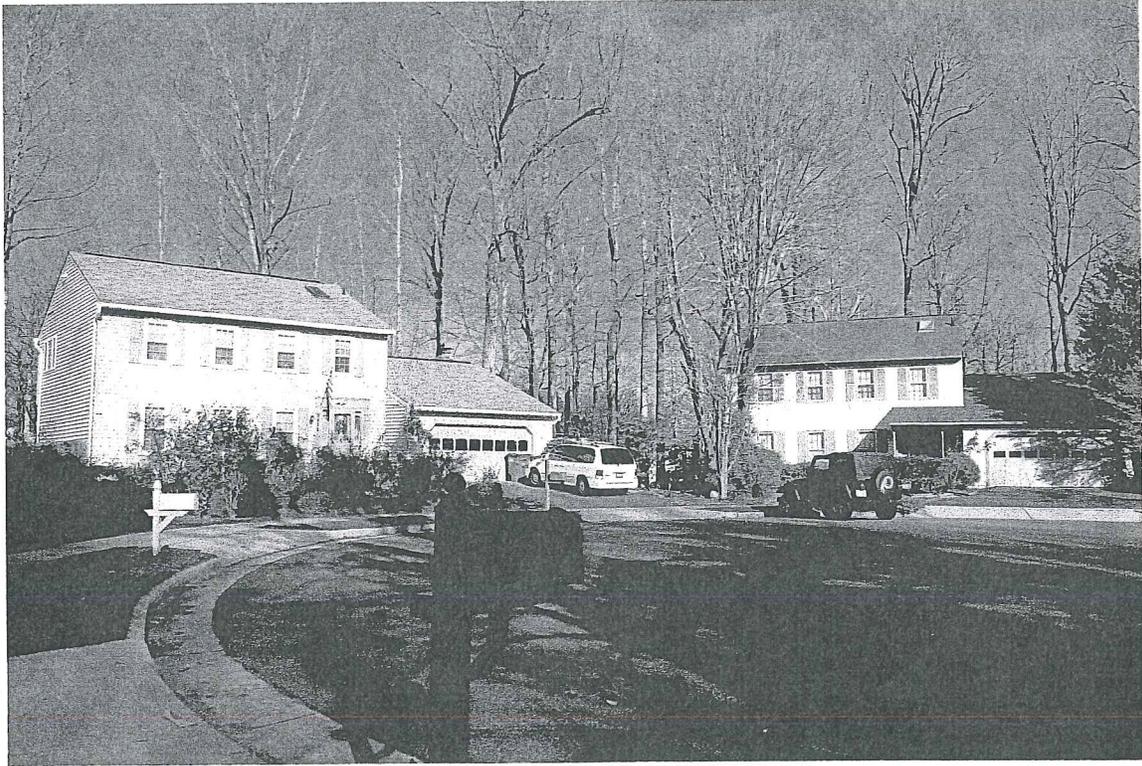
9475

9472

10/10/10  
10/10/10

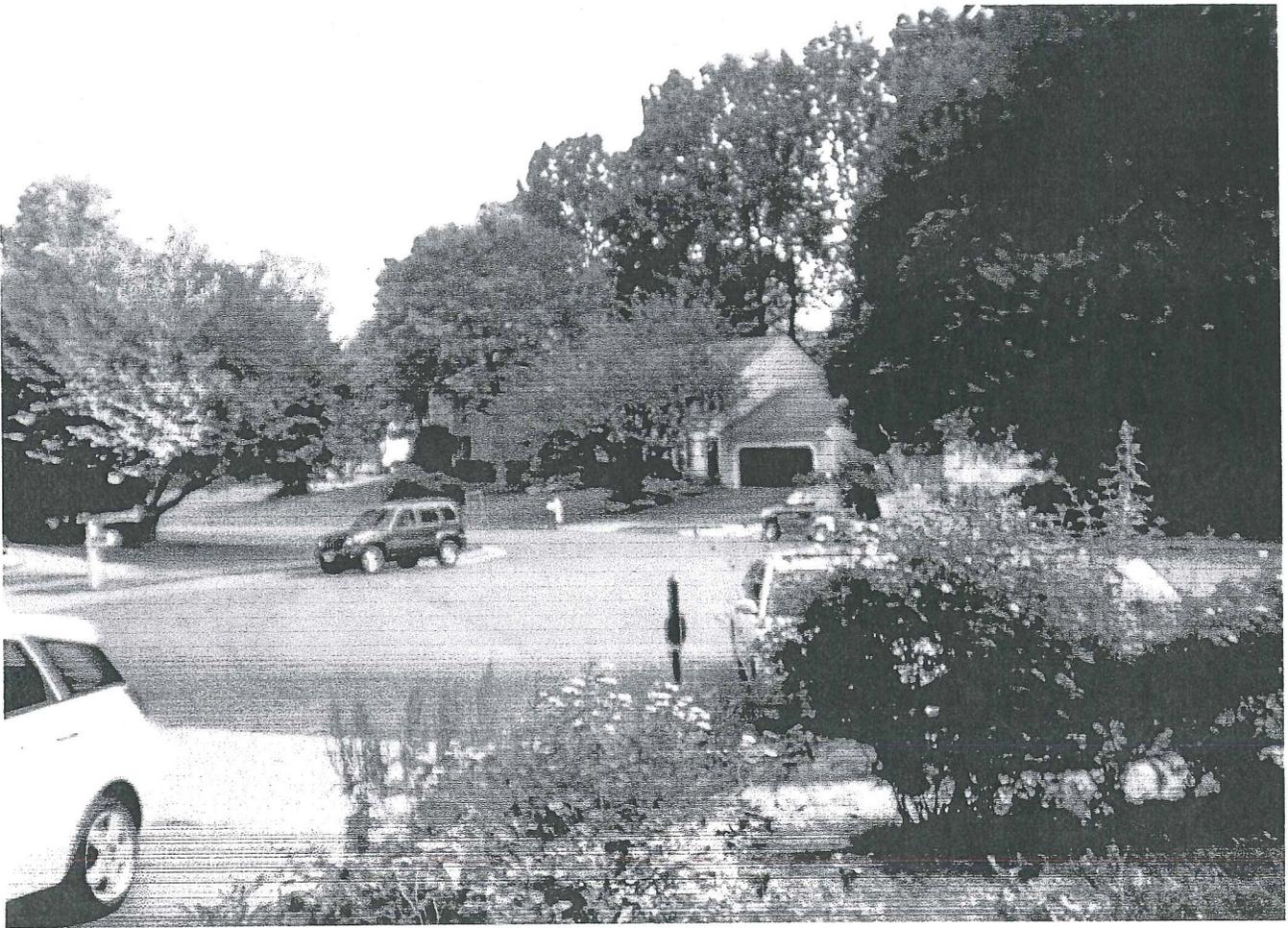


4 parking gRage



9472

9470



From Driveway of 9472

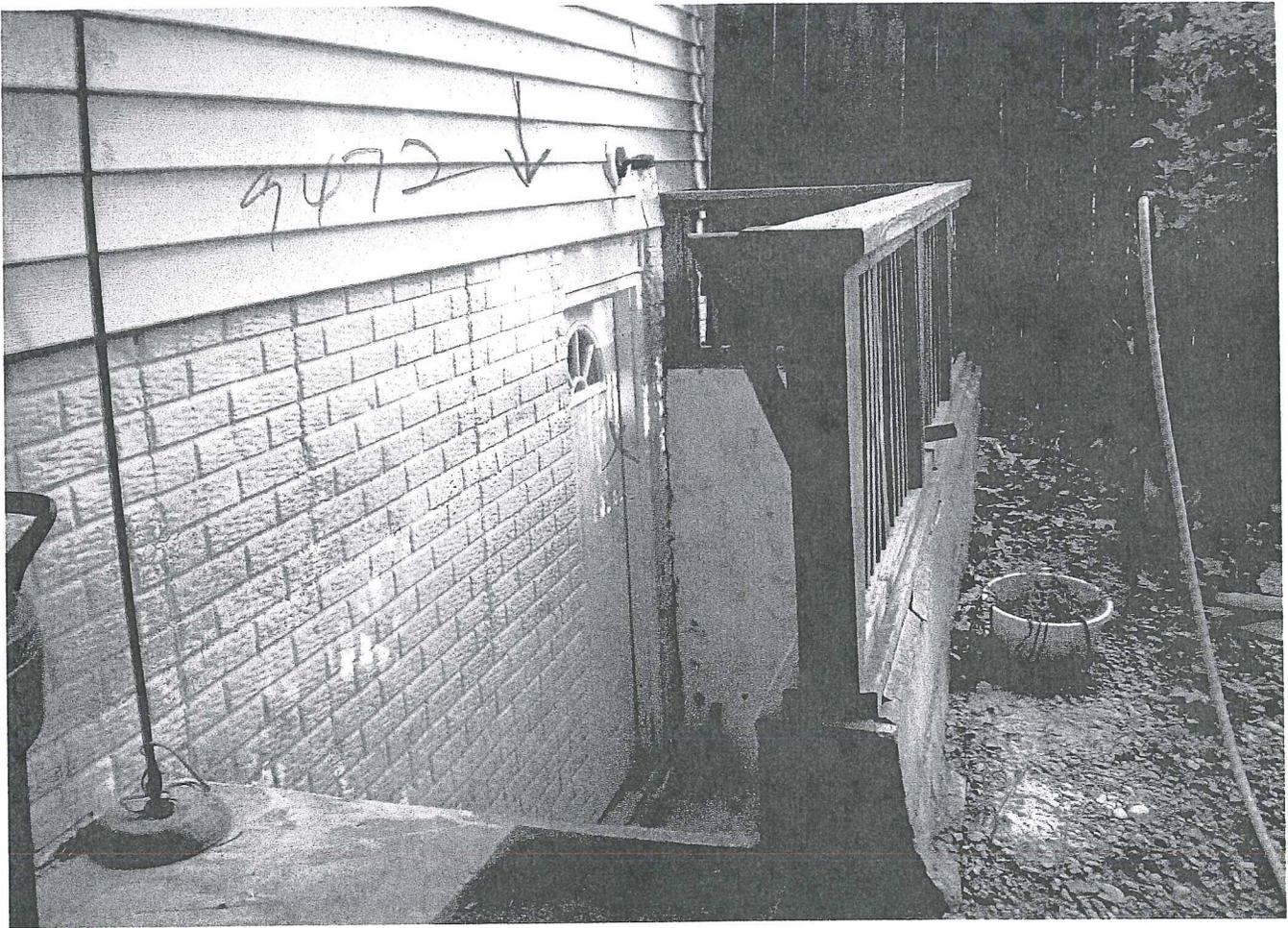
Facing on the street

Shoreline  
A marker  
closed

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Department of Planning & Zoning

JUN 28 2010

Zoning Evaluation Division



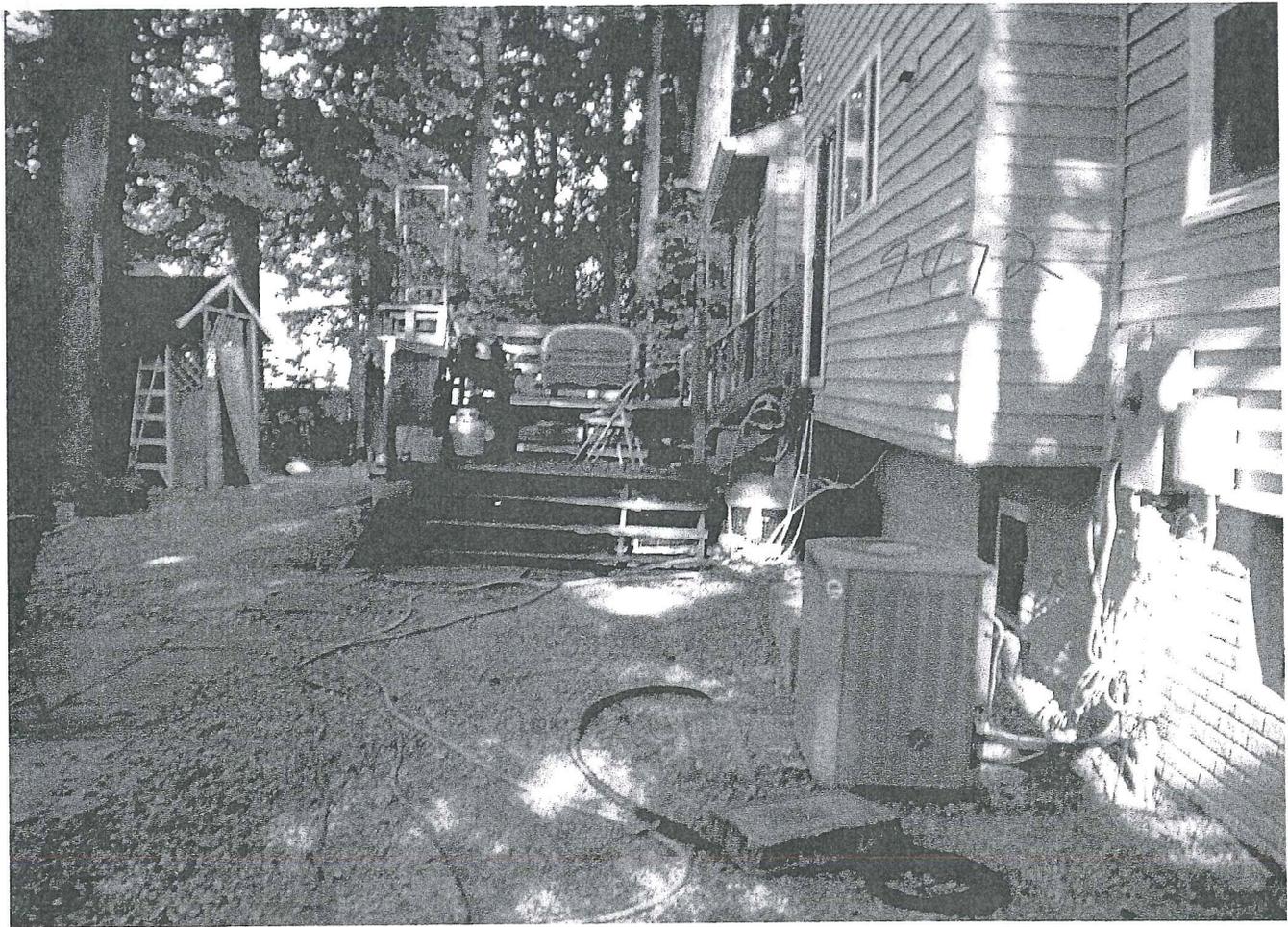
SIDE VIEW DOOR ENTRANCE OR EXIT WALK  
OUT STAIRS FOR 2nd FLOOR  
UNIT

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Department of Planning & Zoning

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Zoning Evaluation Division

6/28/10  
A. Emmeret



This is the back view of the  
House

6/28/10  
A. Encher

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Department of Planning & Zoning

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Zoning Evaluation Division



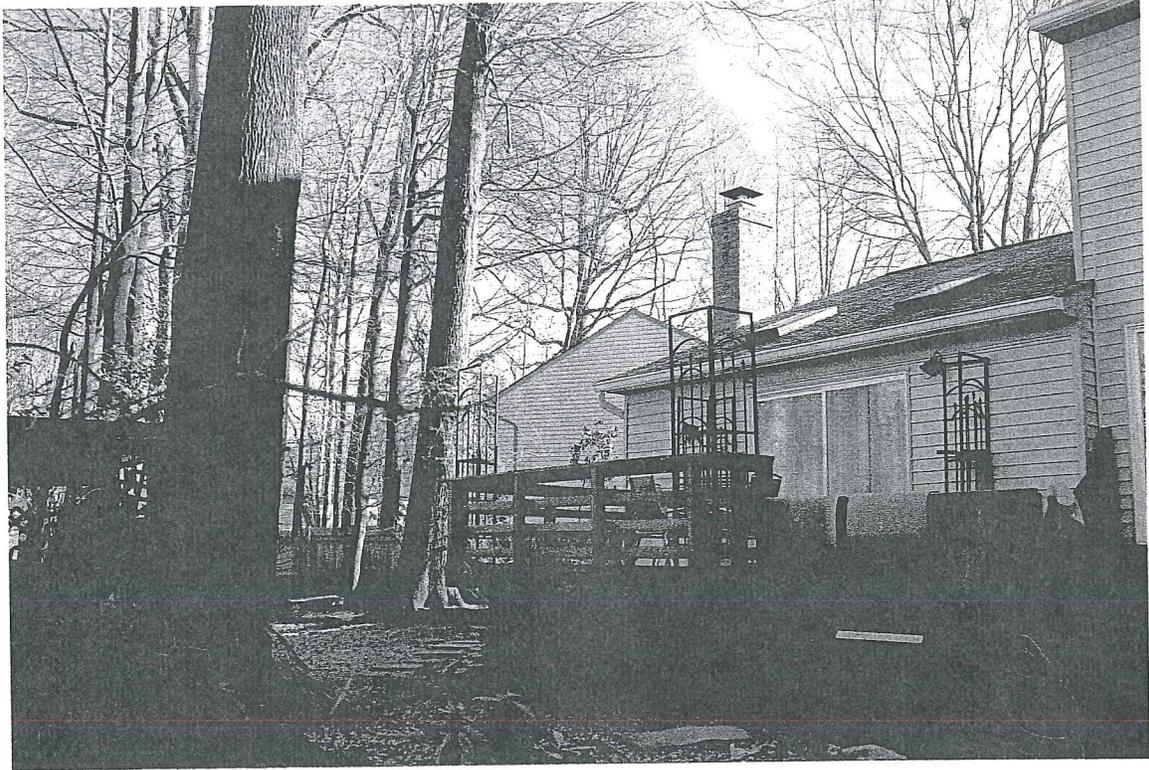
This is the back view of the  
House

6/28/10  
A. Z. Markov  
S. J. ...

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Department of Planning & Zoning

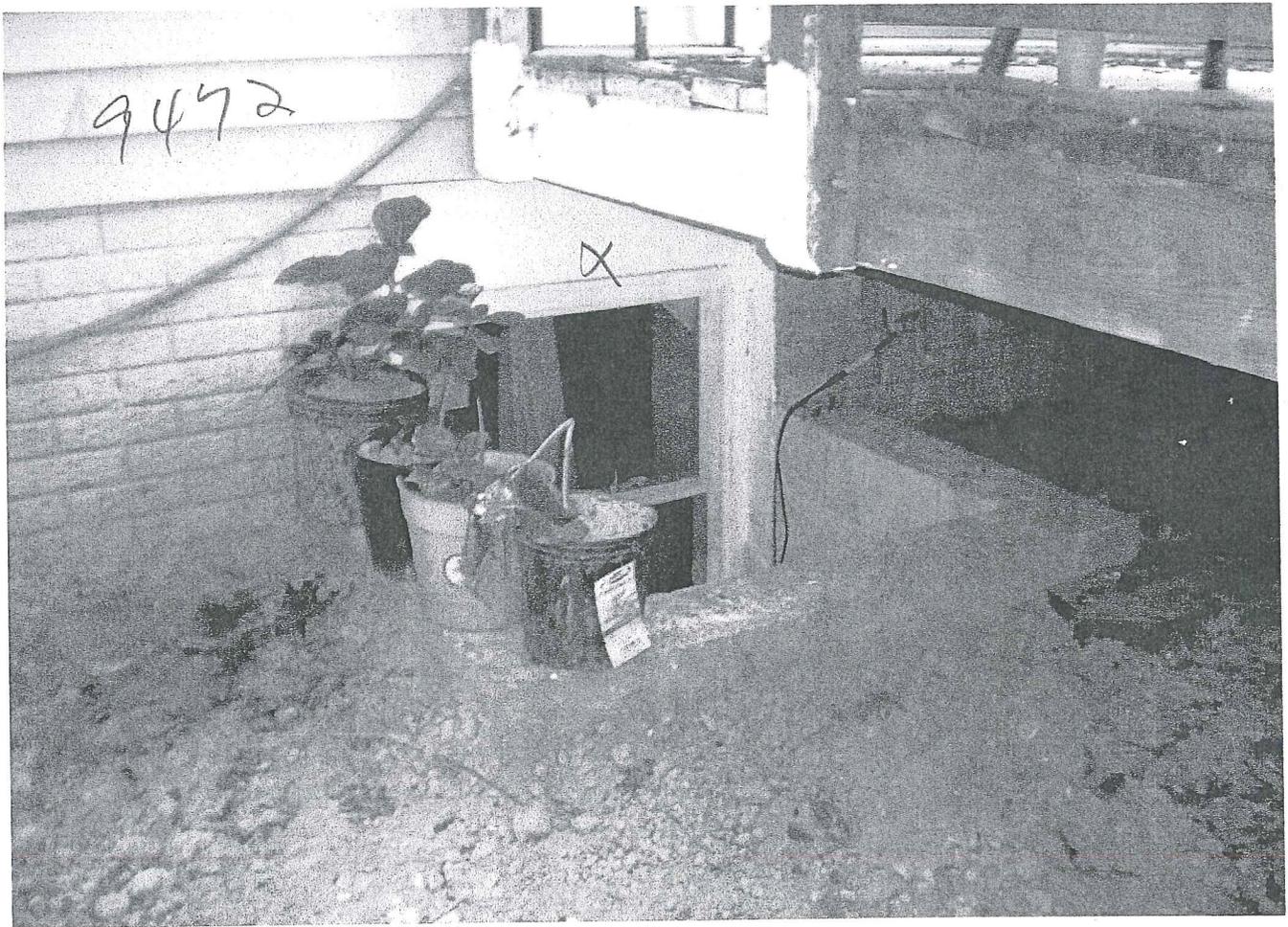
JUN 28 2010

Zoning Evaluation Division



9470

9472

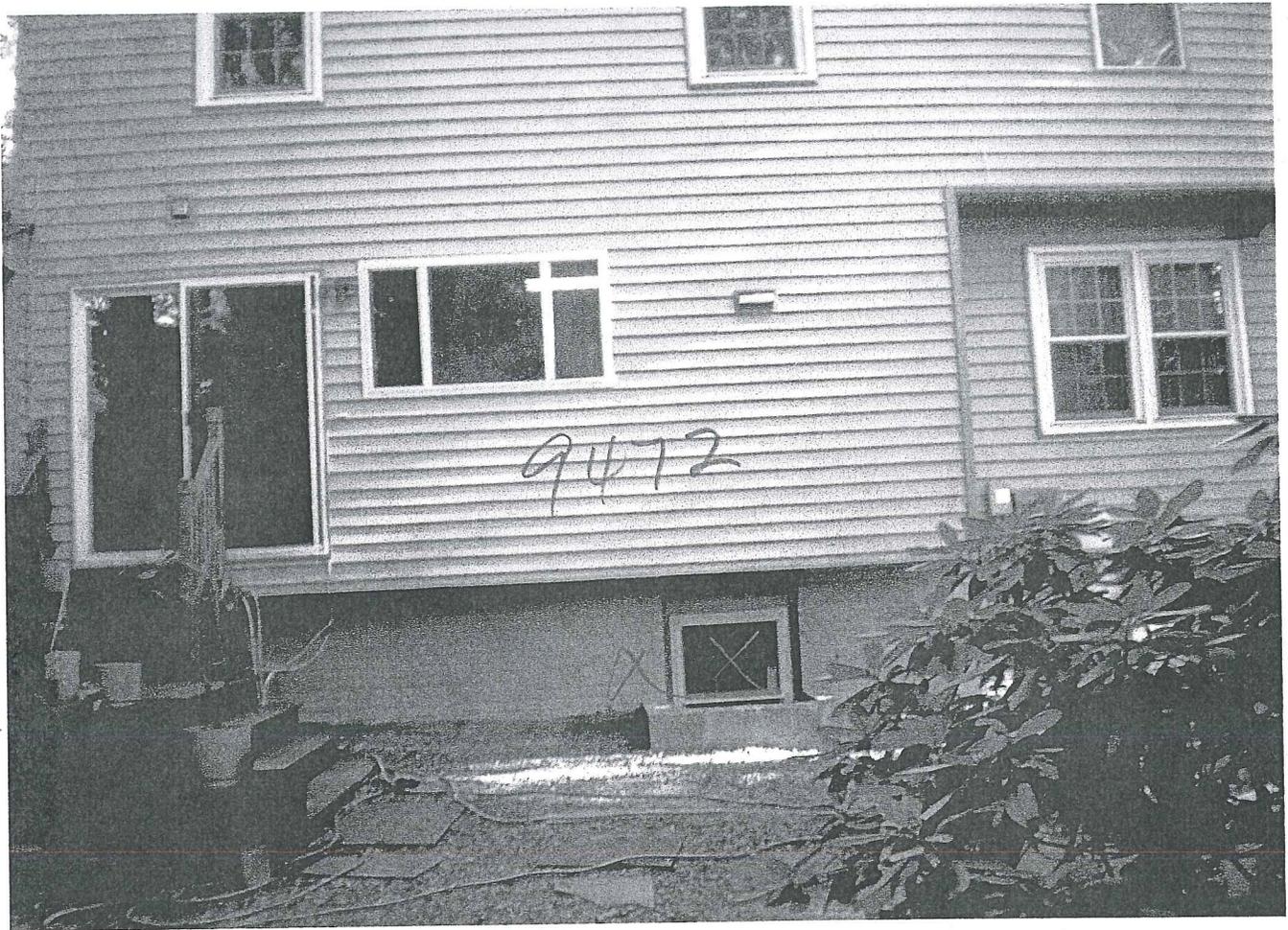


From back view window  
in the 1st bed room under the deck.  
Opening window for Emergency Fire  
EXIT window in 2nd Dwelling unit  
Whaley  
A. Emaker  
D. [unclear]

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Zoning Evaluation Division



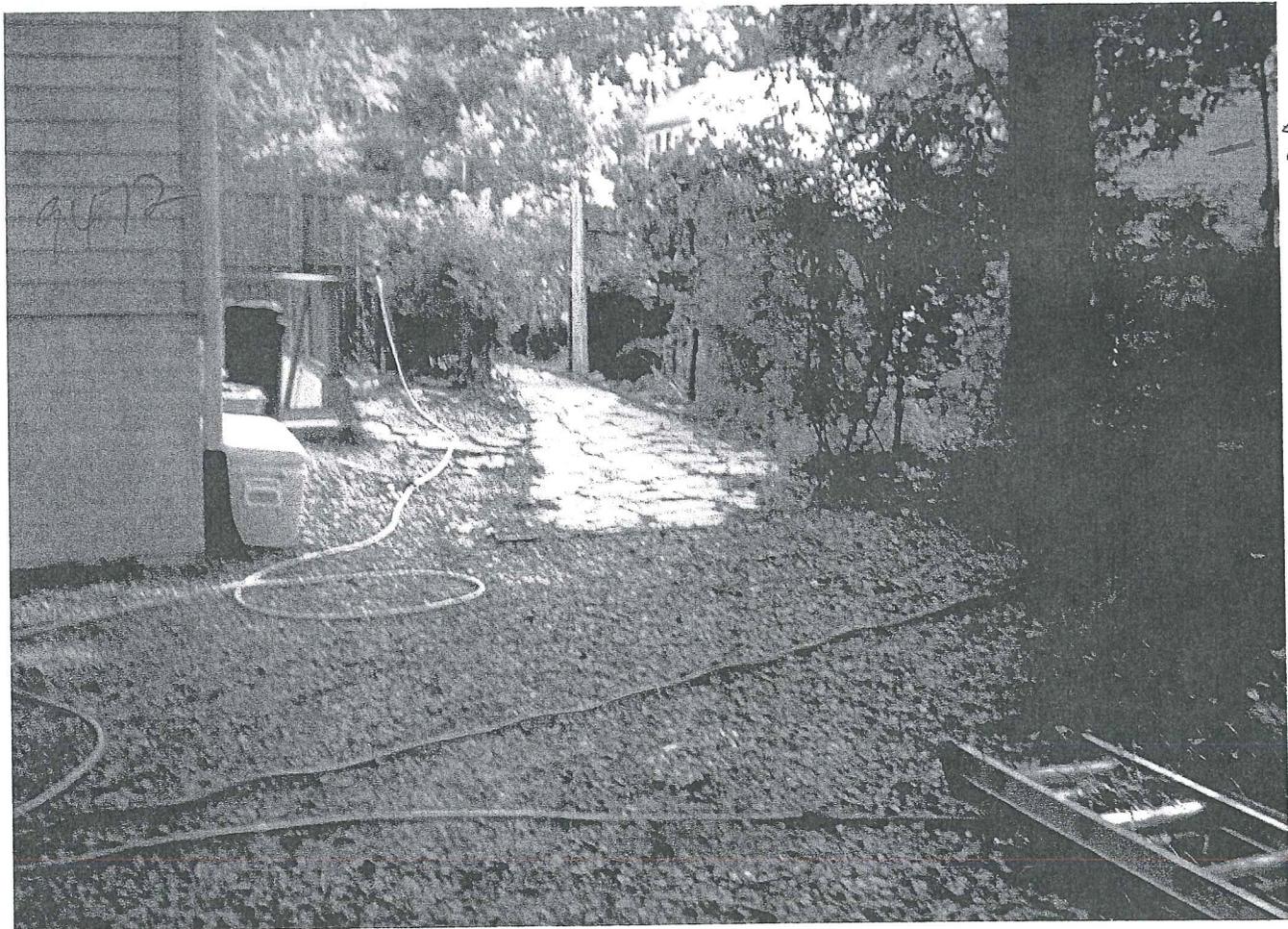
This is the back of the Dorr  
NEW opening window for emergency  
fire exit in 2nd dwelling unit.

6/28/10  
A. Amador  
S. [unclear]

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Department of Planning & Zoning

JUN 28 2010

Zoning Evaluation Division

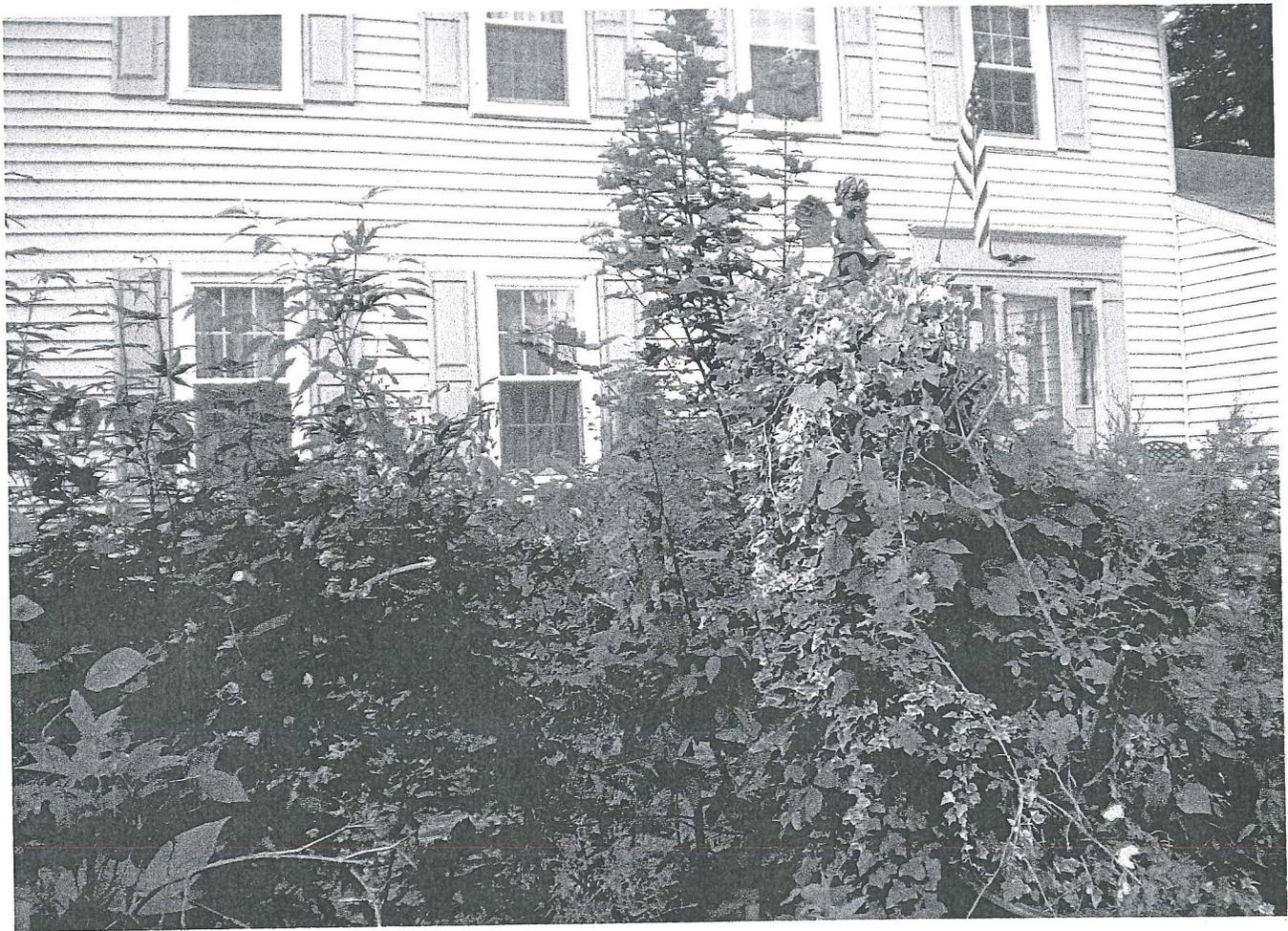


This is the sidewalk view from  
the back of the house  
Between 9472 → 9475

U/28/10

Green

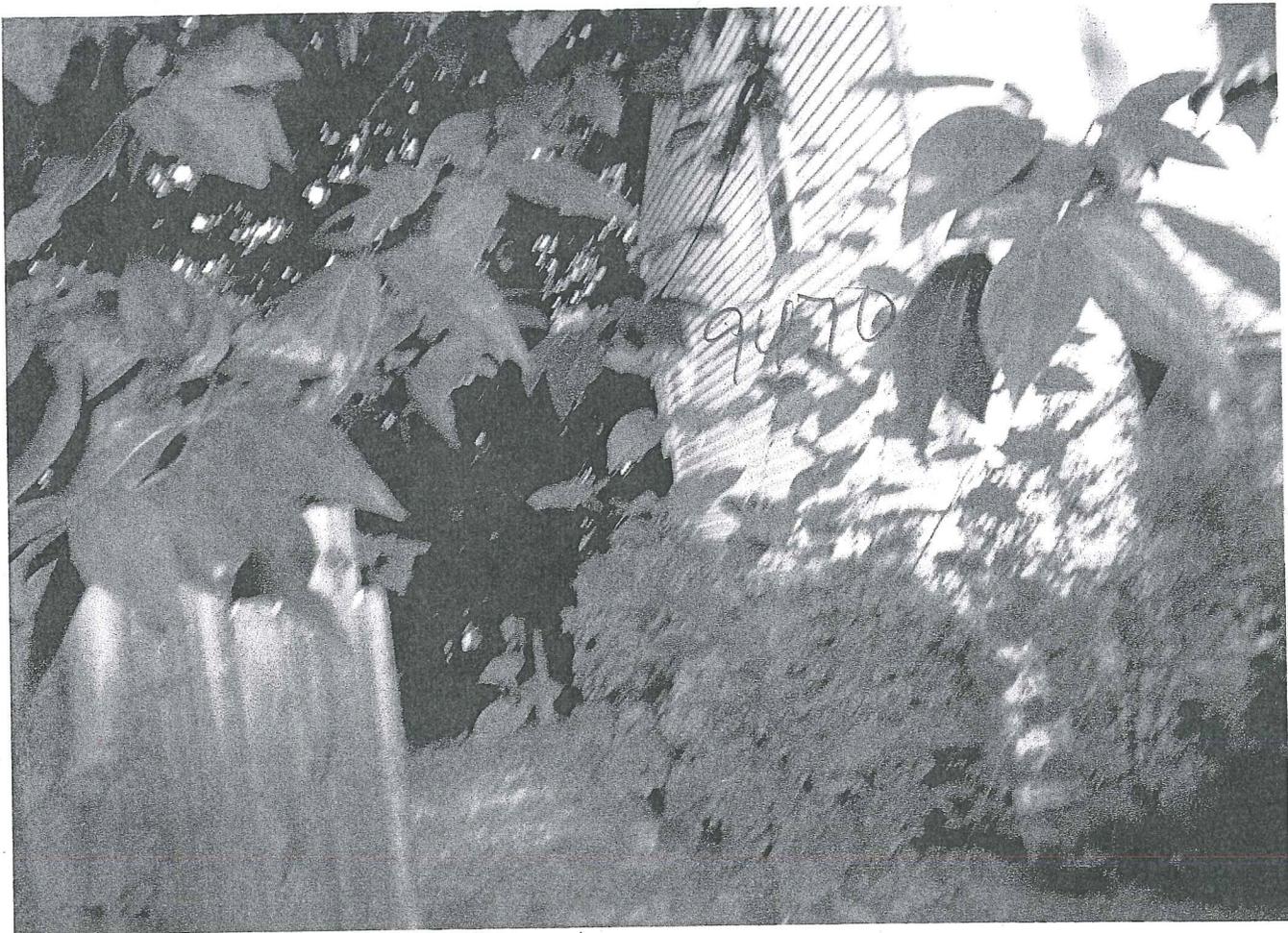
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Department of Planning & Zoning  
JUN 28 2010  
Zoning Evaluation Division



9472 From view garden

Shoreline  
Azmorher  
6/28/10

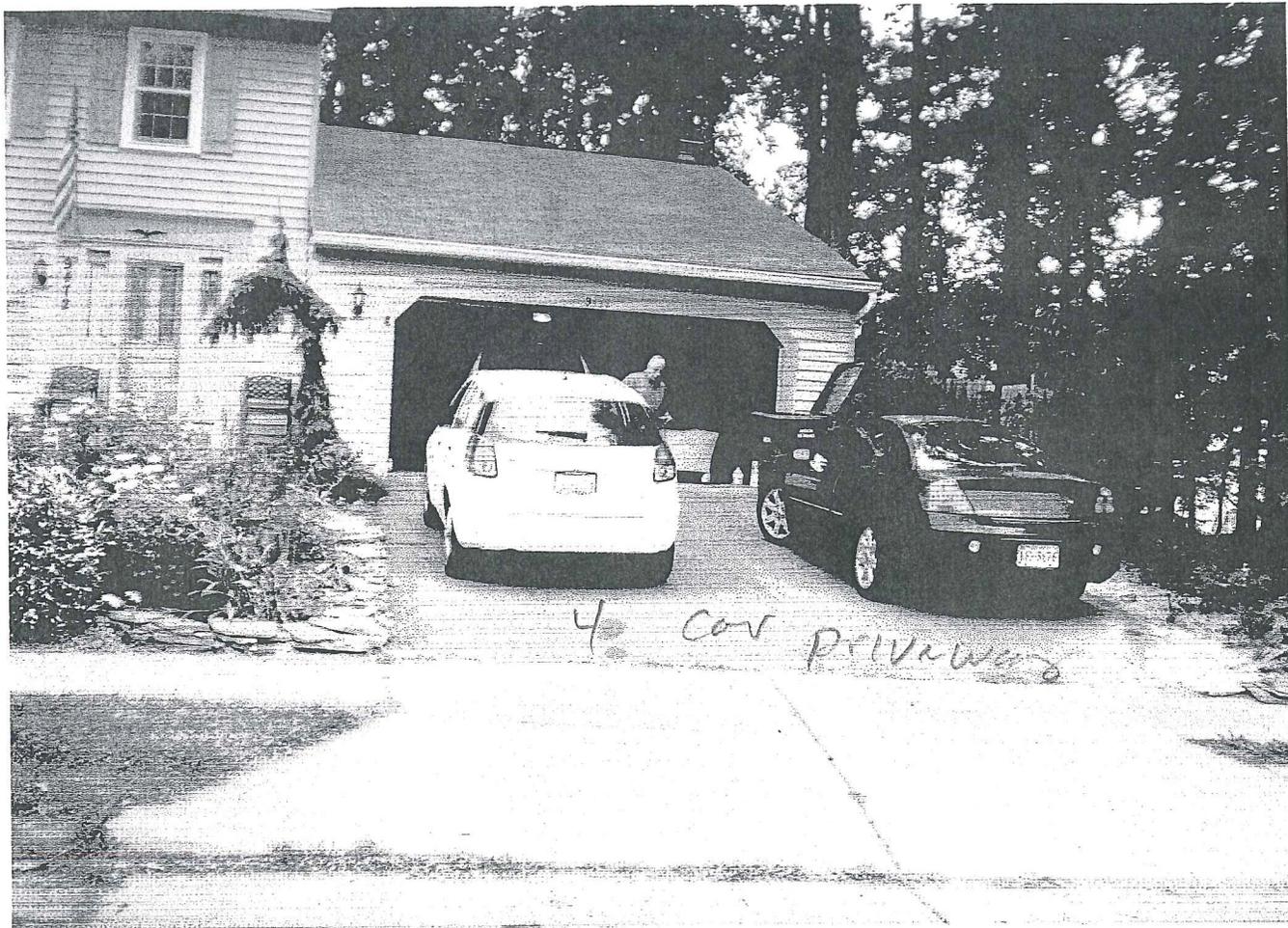
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This is the left side of the  
House between 9472 and 9470

6/28/10  
A. Emaker  
D. Stokes

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Zoning Evaluation Division



4 car driveway

9472 Capstock Lane

Front view of the house

Shirley  
A. Marks  
L. H. H. H.

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Zoning Evaluation Division



9472 Lapstrake Lane

This is the front view of the  
House.

Shores  
A. [unclear]  
6/28/10

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JUN 28 2010

Zoning Evaluation Division



Fire scap window

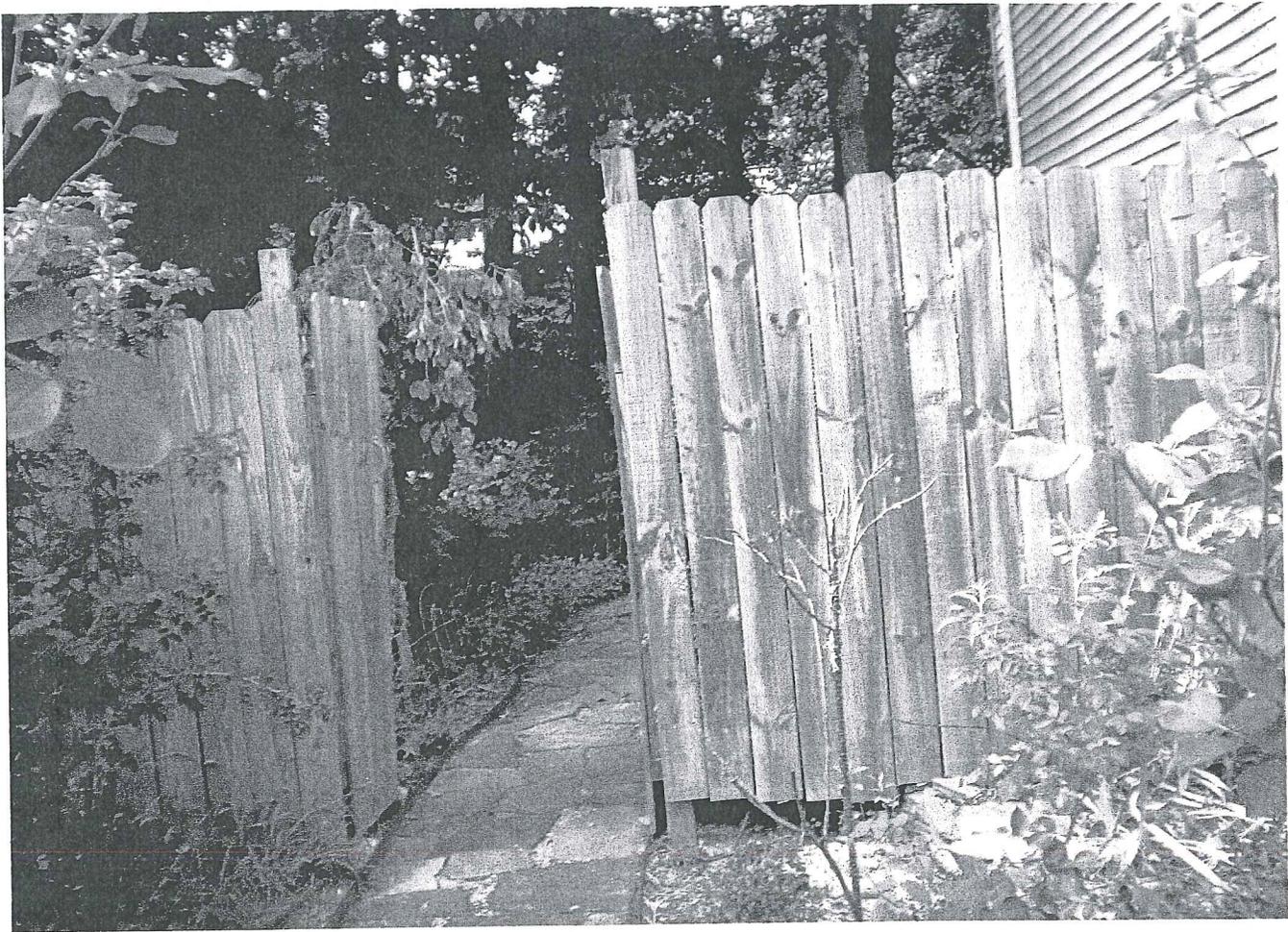
09.13.2011

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Department of Planning & Zoning

SEP 14 2011

Zoning Evaluation Division

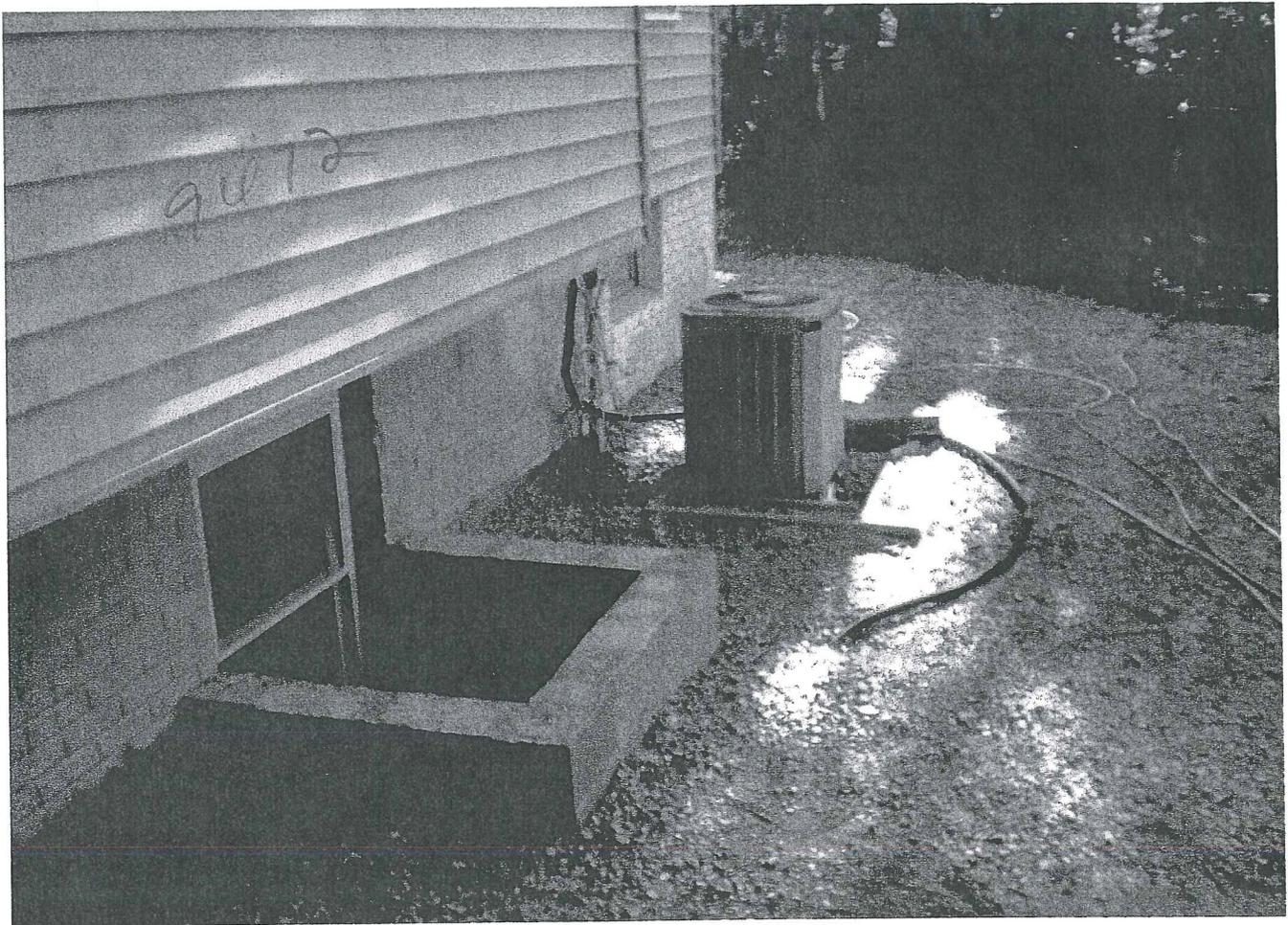




From Front yard Right sidewalk  
Entrance to the backyard of 2nd  
unit Dwelling between 475 ——— 9072

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Department of Planning & Zoning  
JUN 28 2010  
Zoning Evaluation Division

*Quaker*  
*A. Emery*  
*1/28/10*



Back VIEW OF the HOUSE NEW  
Opening - Emergency FIRE EXIT window  
From 2nd Dwelling unit

10/28/10  
A. Amador  
J. [unclear]

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JUN 28 2010  
Zoning Evaluation Division

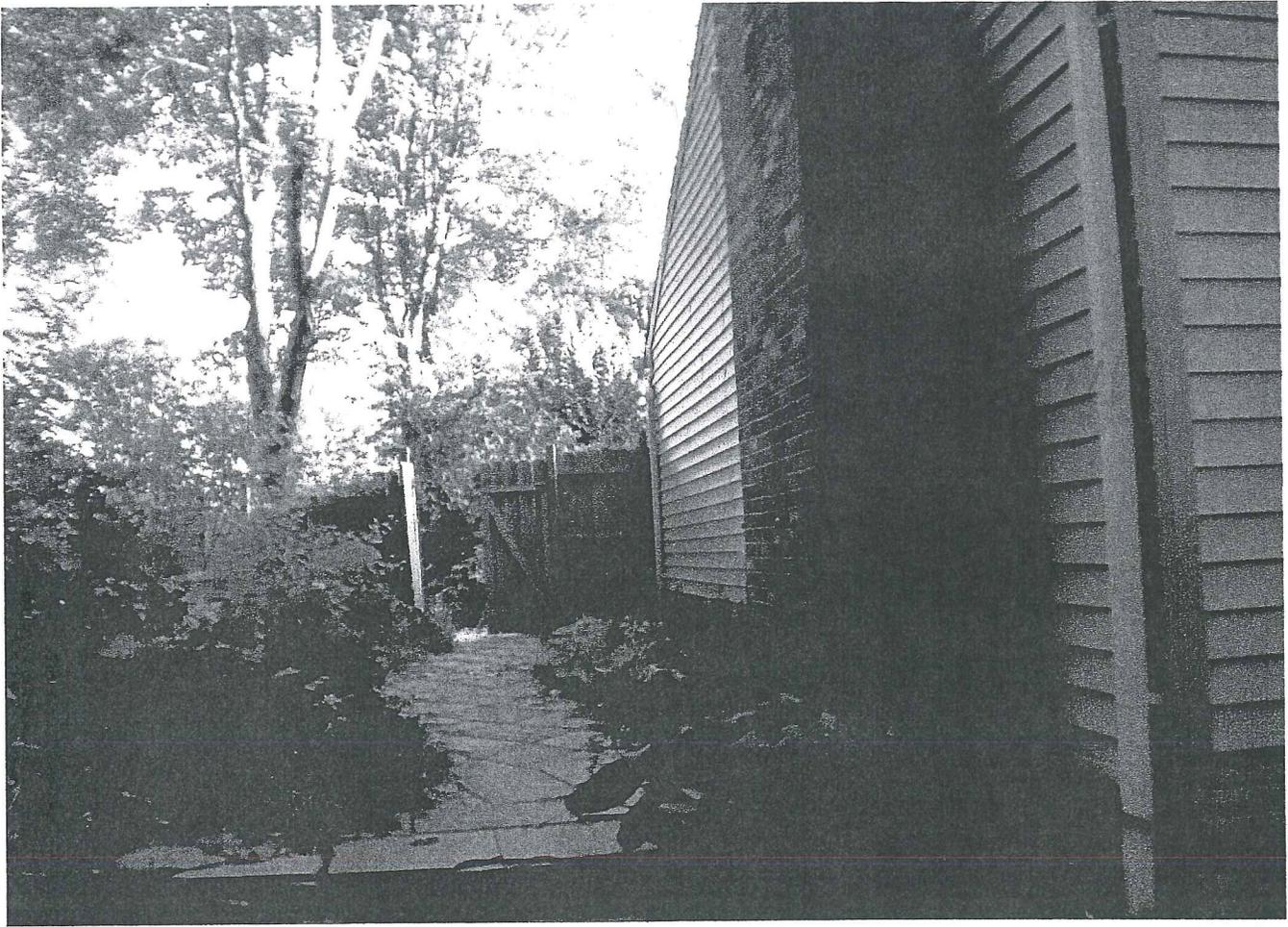
88



This is the front side walk  
to the back side of the  
dwelling unit between 91472  
91472

*[Handwritten signature]*

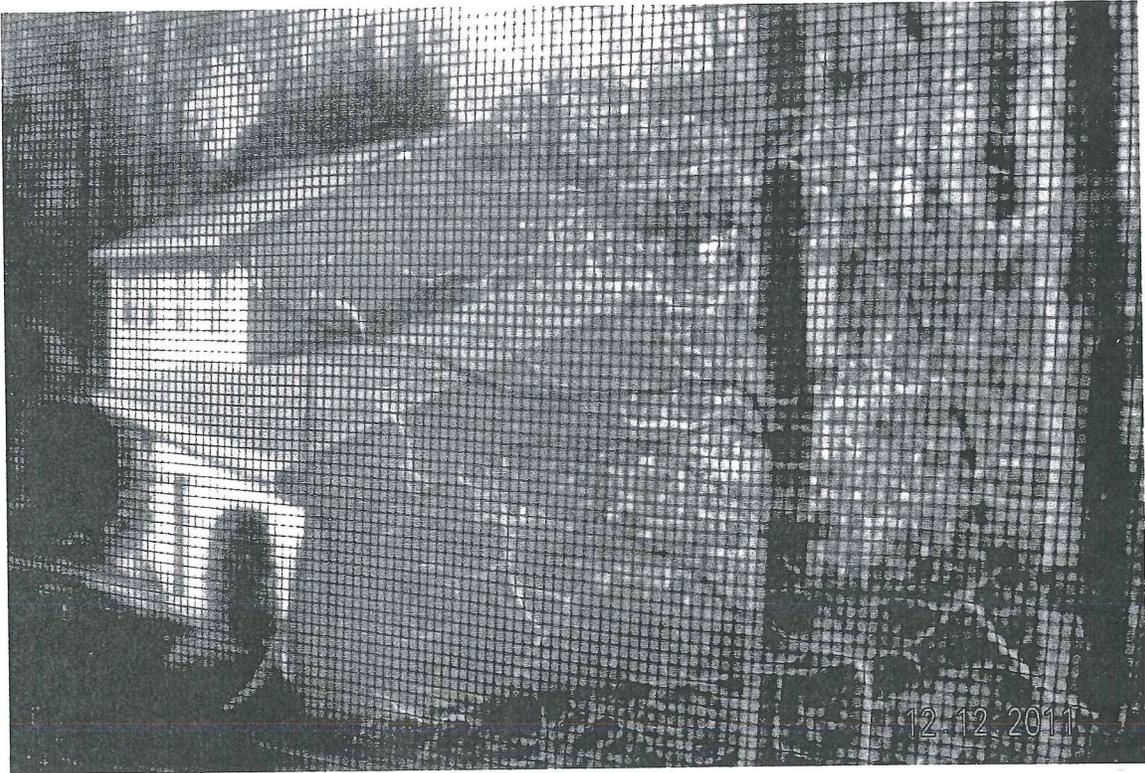
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Zoning Evaluation Division



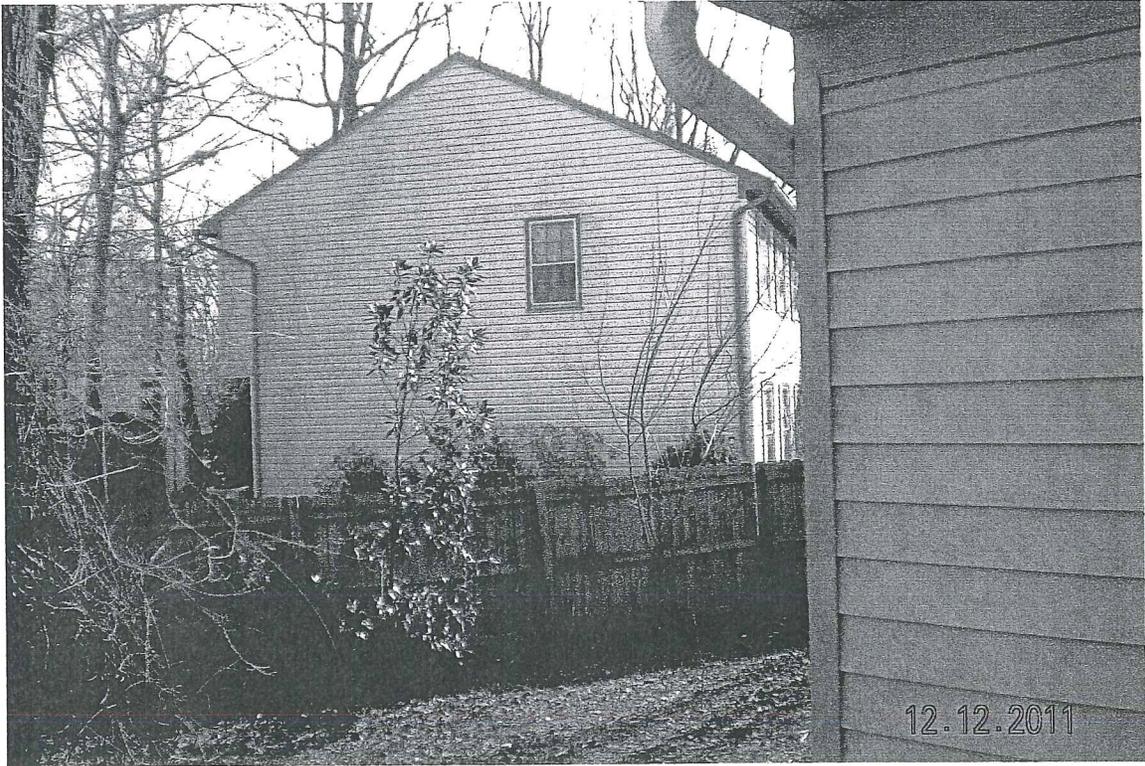
9472 left side walk view  
Entrance of the house

W. D. H. A. M. S. H. A. R. T. H. E. R. S. O. N. S.  
D. J. A. R. T. H. E. R. S. O. N. S.

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JUN 28 2010  
Zoning Evaluation Division



94 75



9475

1

9479

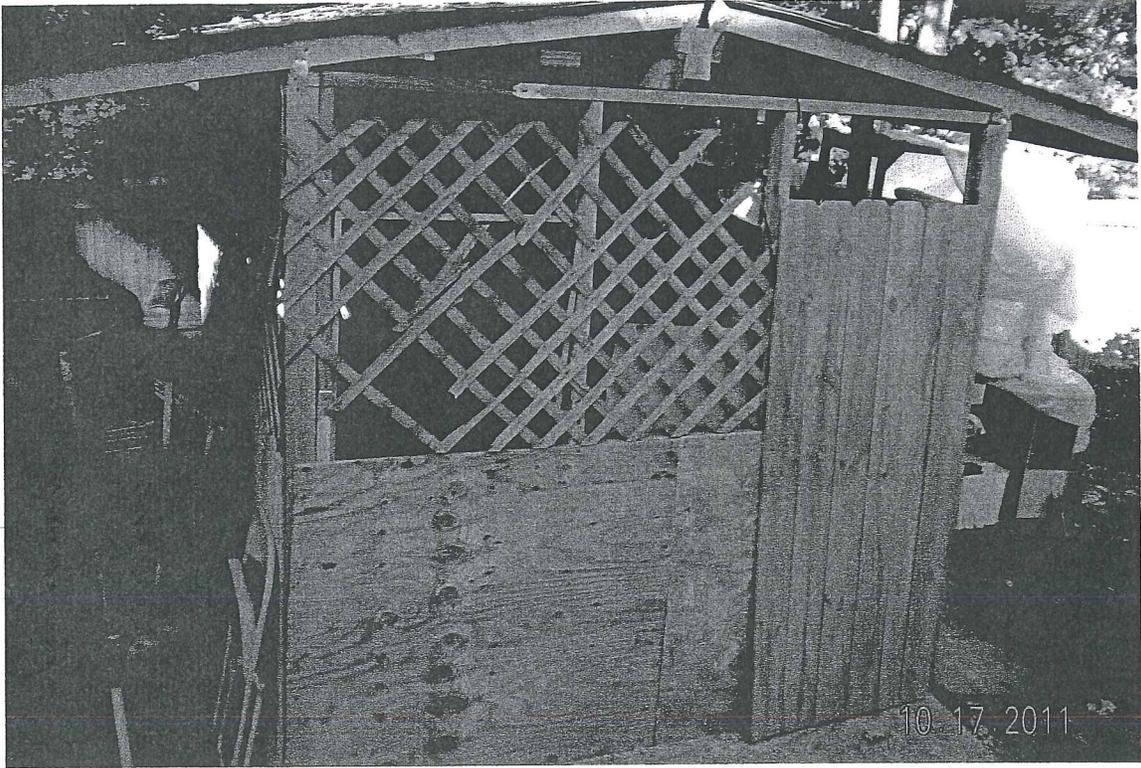


09.13.2011

walk out

10.17.2011

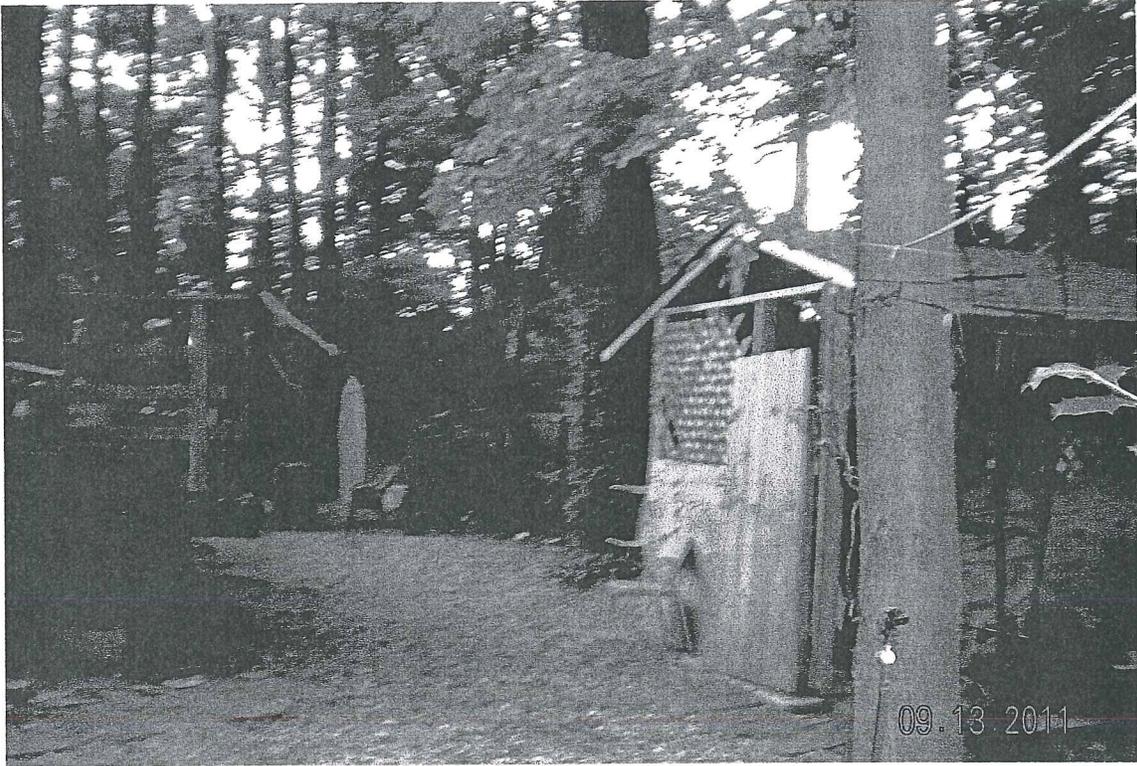




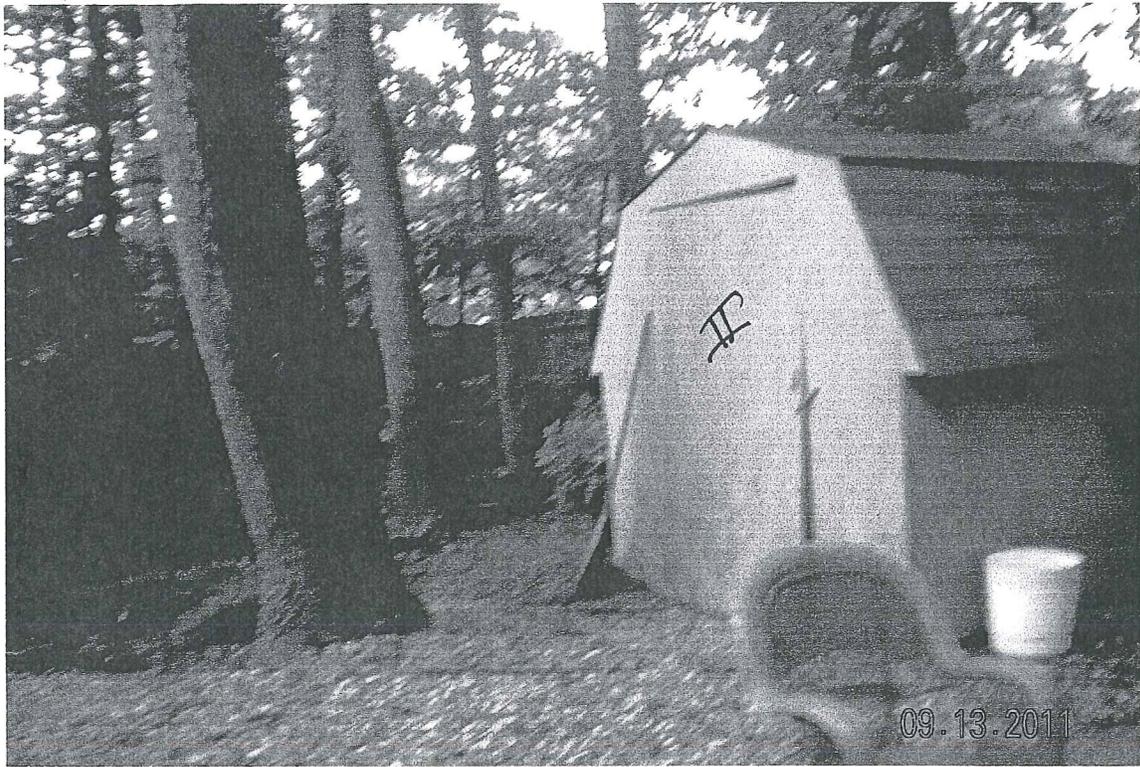
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OCT 21 2011  
Zoning Evaluation Division

10-17-2011

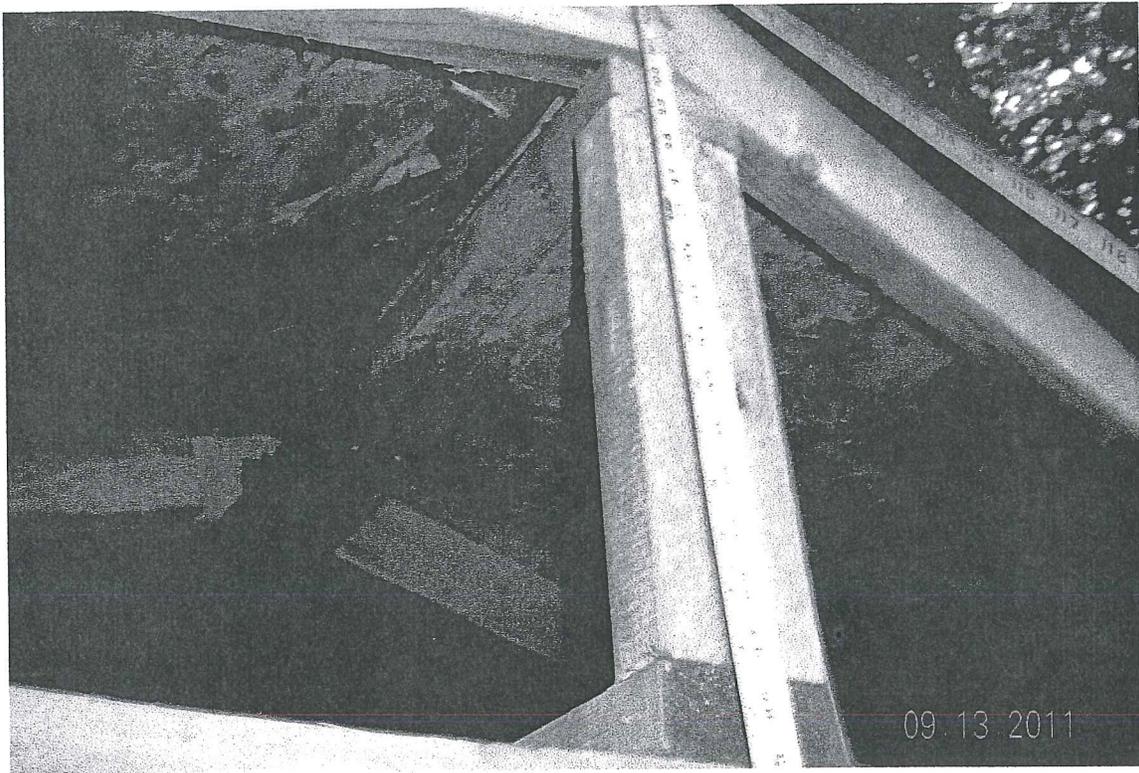




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Department of Planning & Zoning  
SEP 14 2011  
Zoning Evaluation Division



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Zoning Evaluation Division

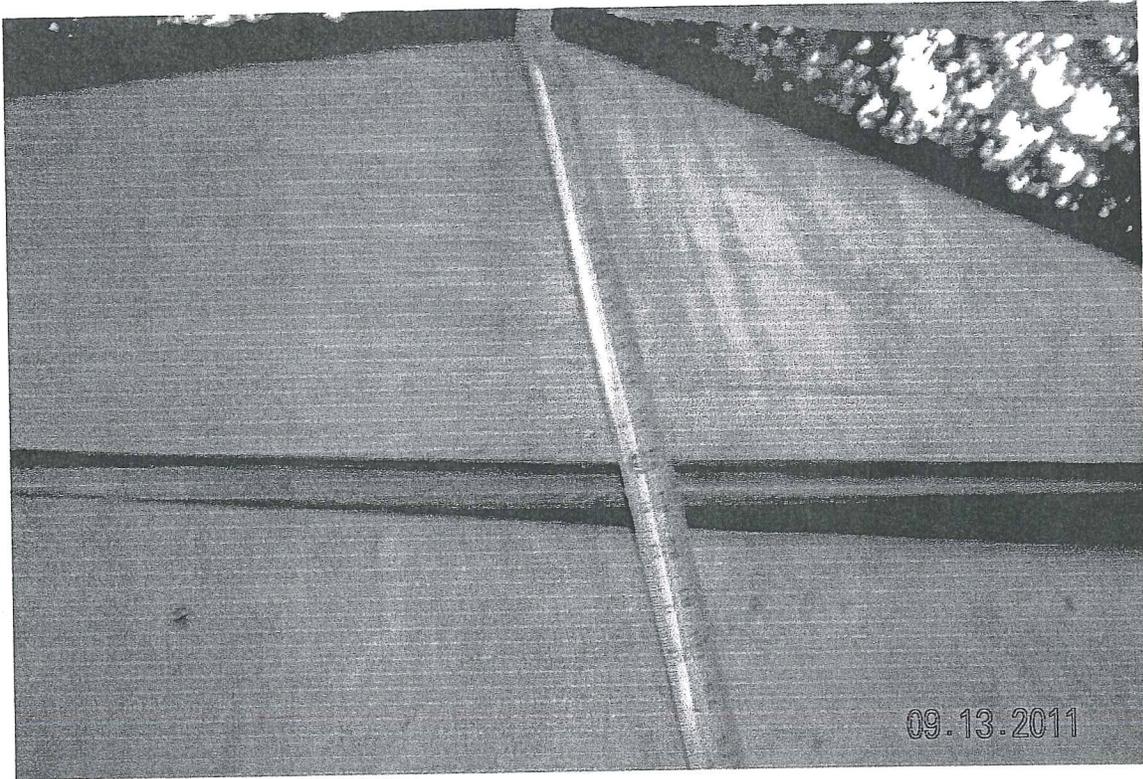


8' 0"

RECEIVED  
Department of Planning & Zoning

SEP 14 2011

Zoning Evaluation Division



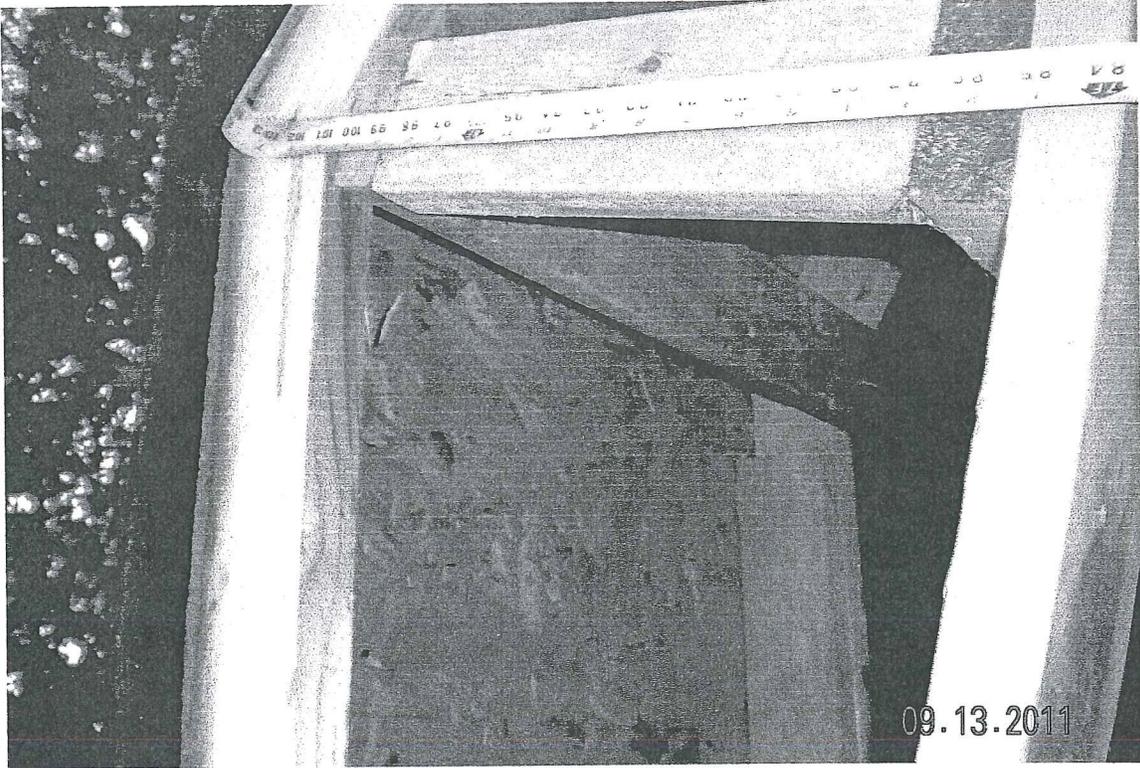
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Department of Planning & Zoning

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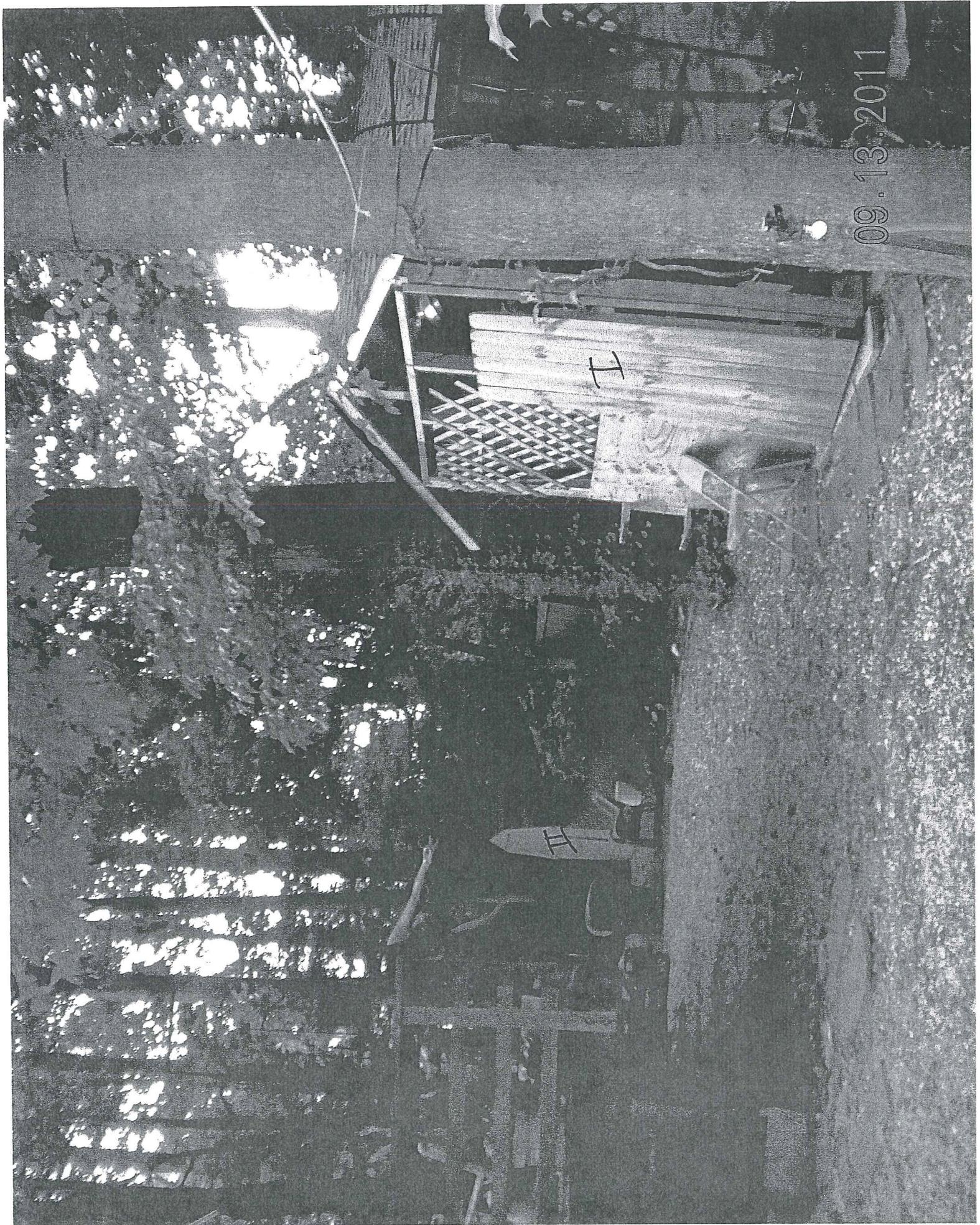
Zoning Evaluation Division

908

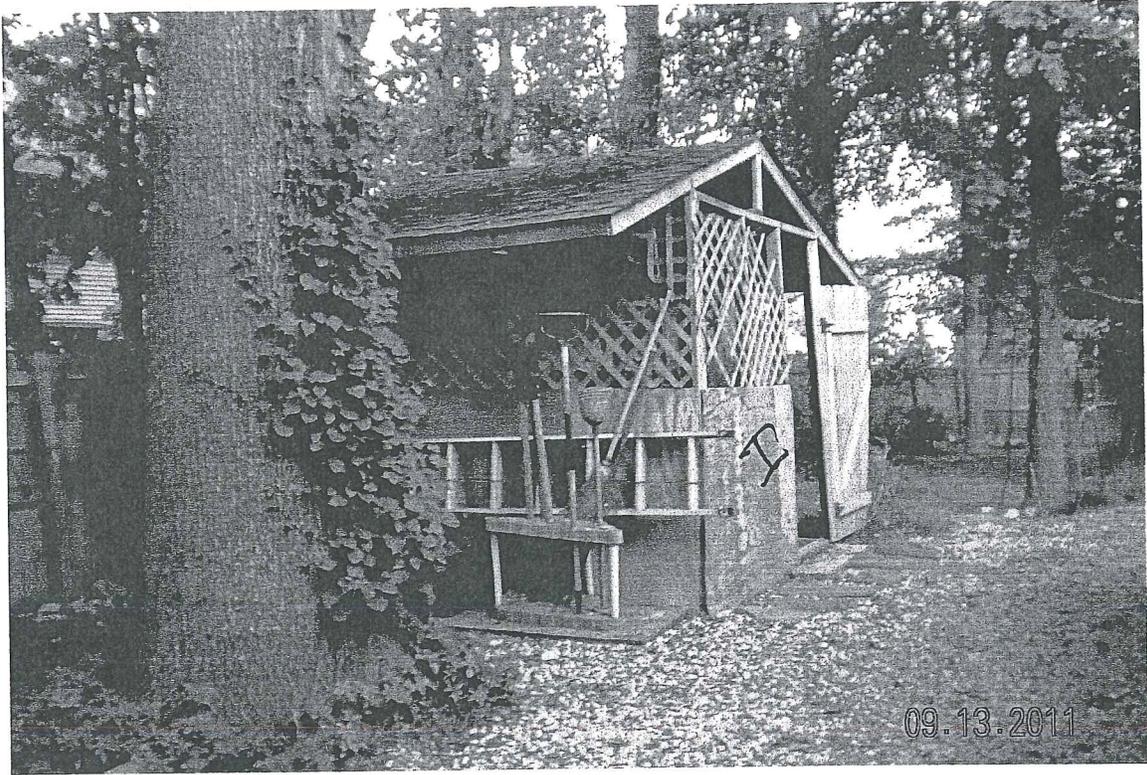


09.13.2011

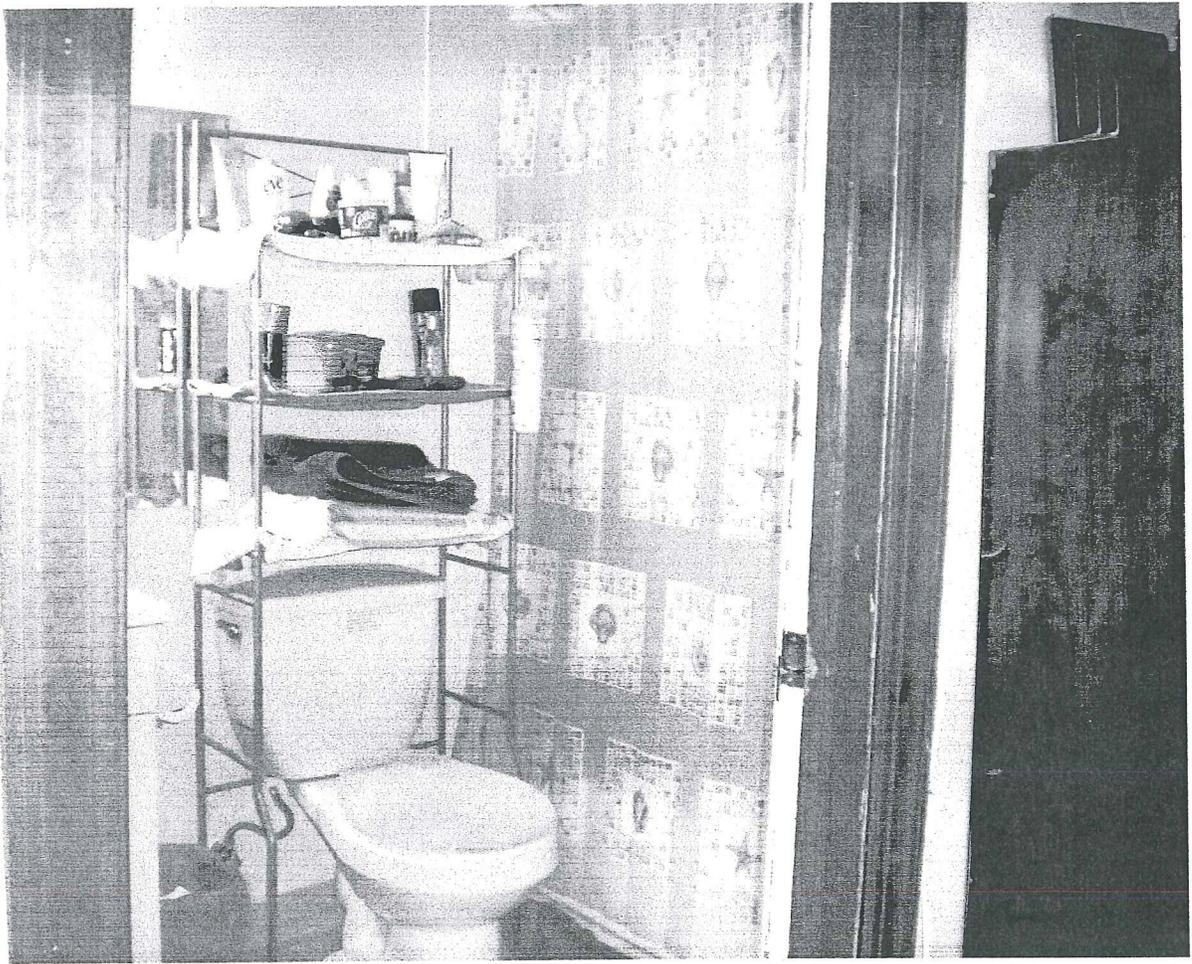
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Zoning Evaluation Division



09.13.2011



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Department of Planning & Zoning  
SEP 14 2011  
Zoning Evaluation Division



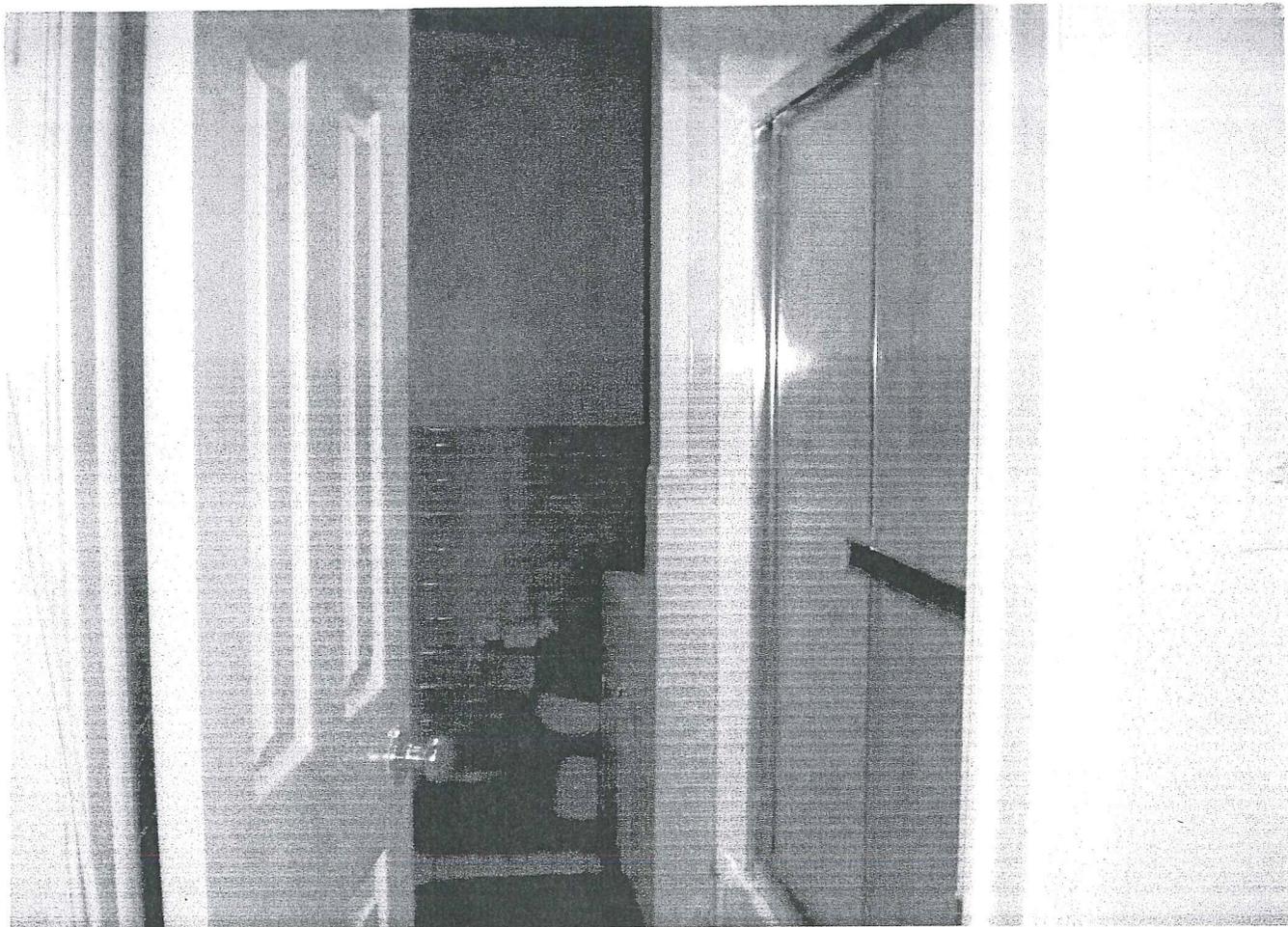
Full bathroom for 2nd Dwelling  
unit take from doorway between  
Between Bedroom & Bedroom

Cherry  
Amaral  
Dale



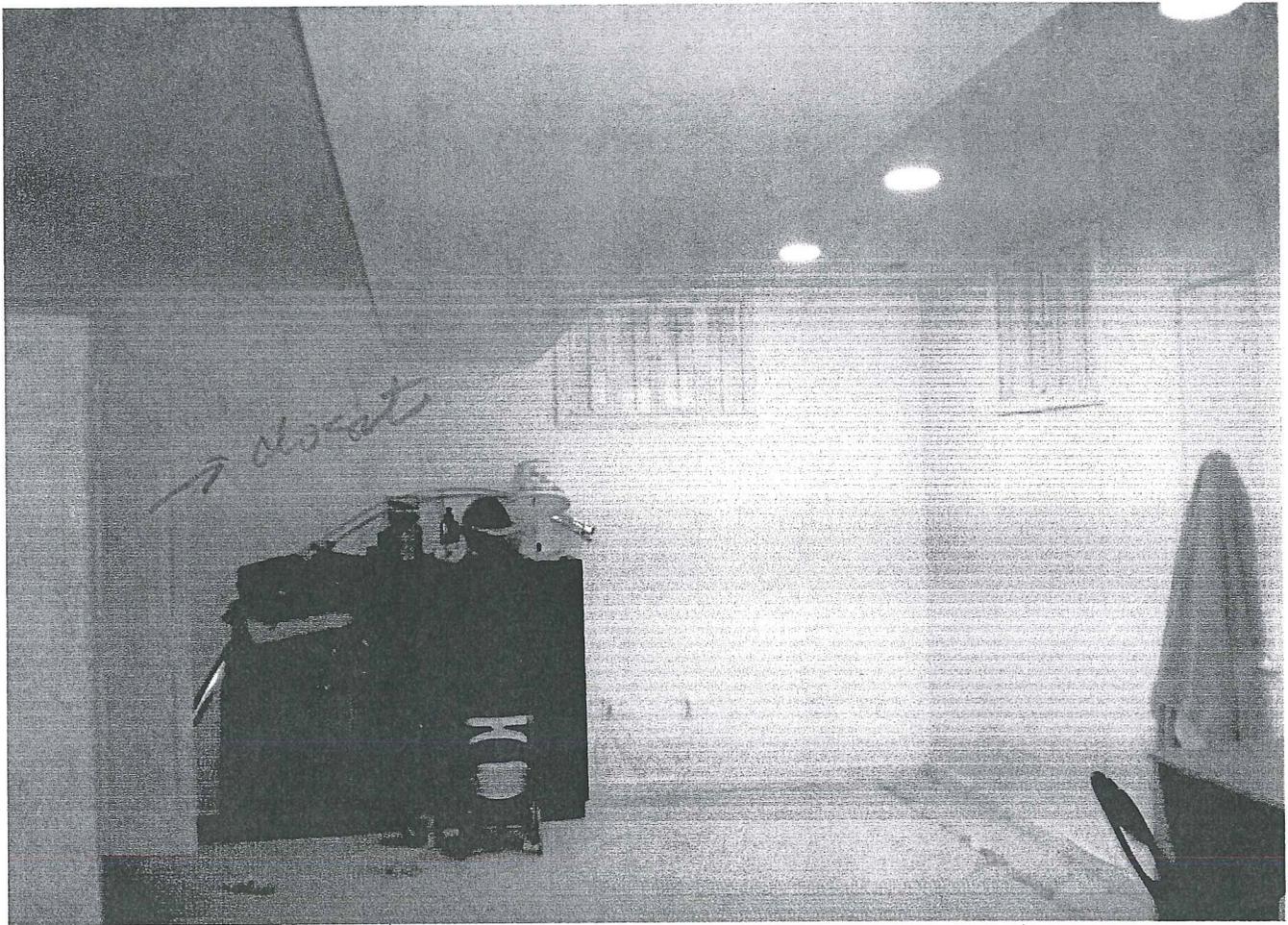
This is the stairs from the  
basement to upstairs

Colradie  
A Emerhart  
D.



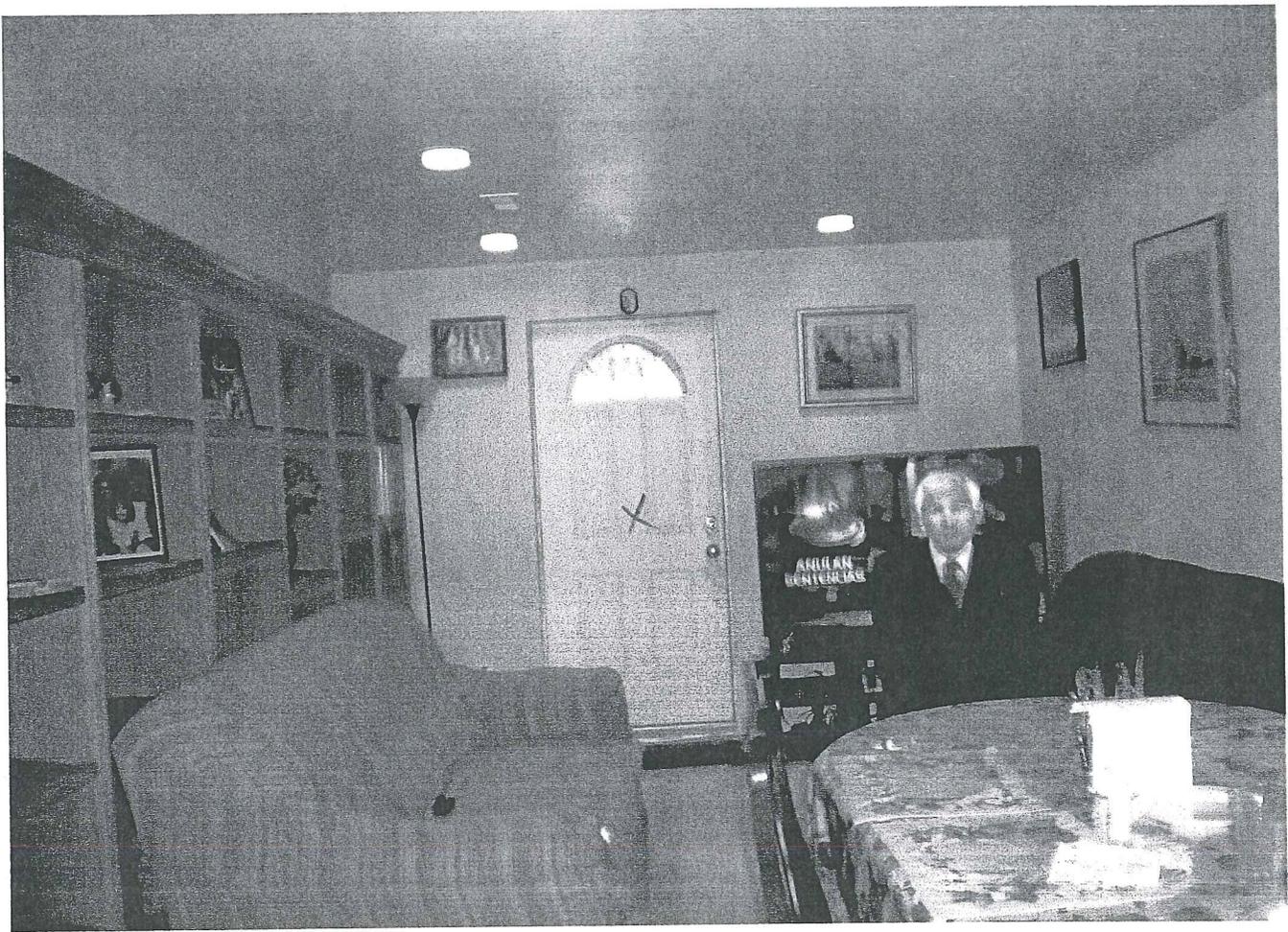
2nd Full Bathroom for 2nd  
Bedroom in the Basement 2nd  
Dwelling Unit

Clxho  
AEmark  
Sole



closet for 2nd Bedroom  
from the Full Bathroom

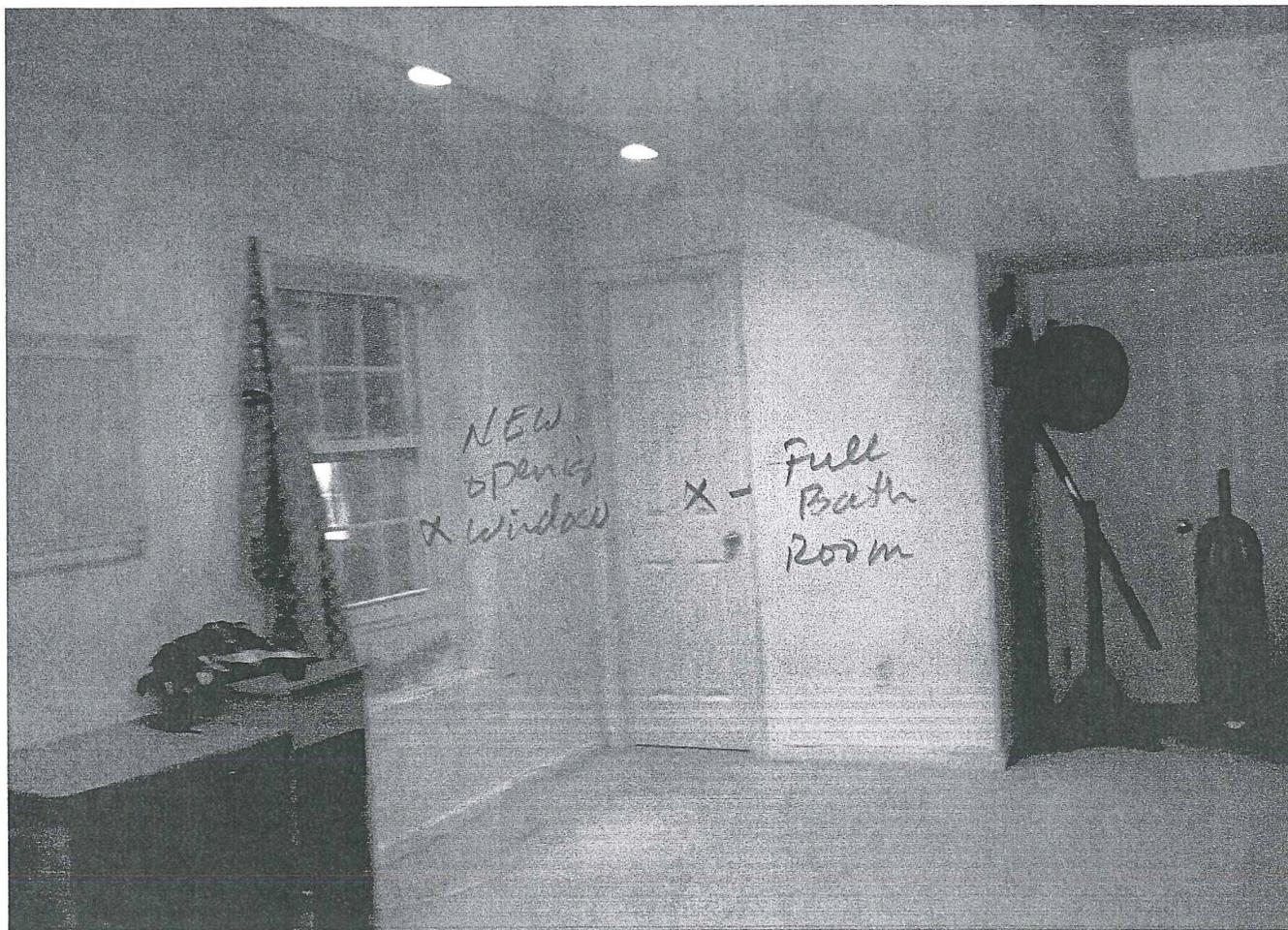
6/28/10  
A. Mark  
D. J.



Living area in the basement  
2nd Dwelling unit to the side  
Entrance Door

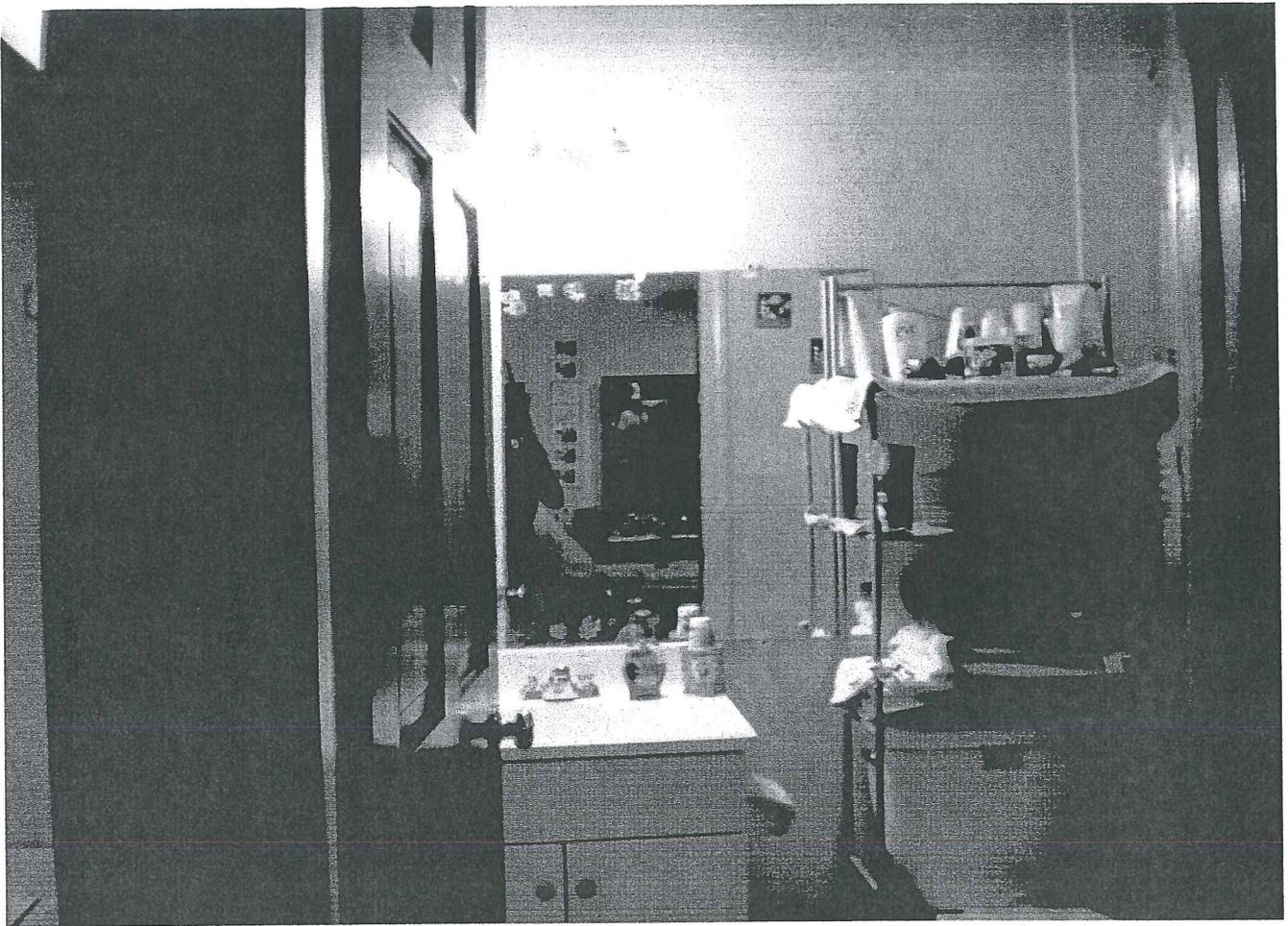
RECEIVED  
Department of Planning & Zoning  
JUN 28 2010  
Zoning Evaluation Division

Accepted  
A. Emorby  
6/28/10



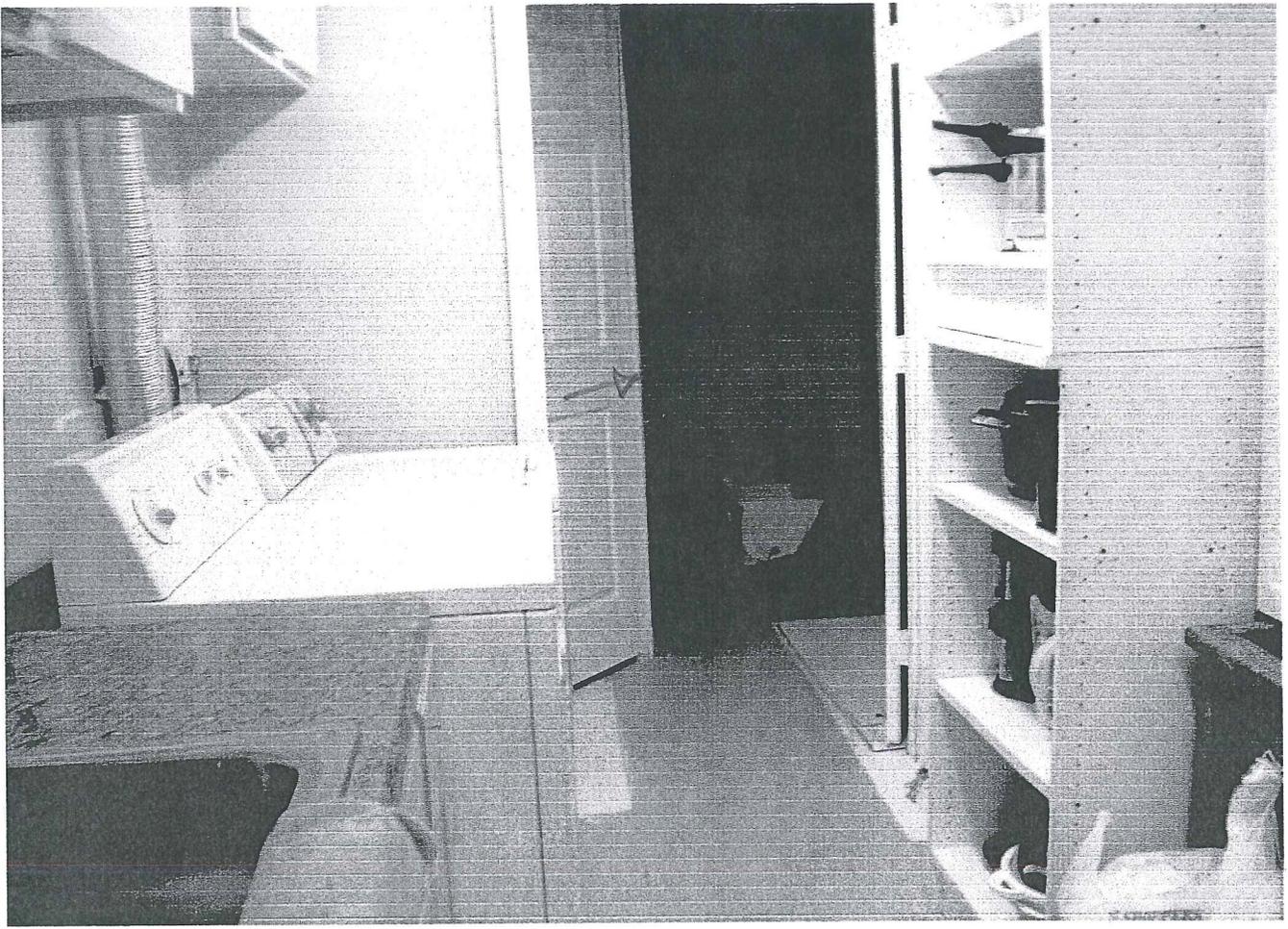
2nd Bedroom in the Basement  
2nd Dwelling

Colored  
A marker  
Sticker



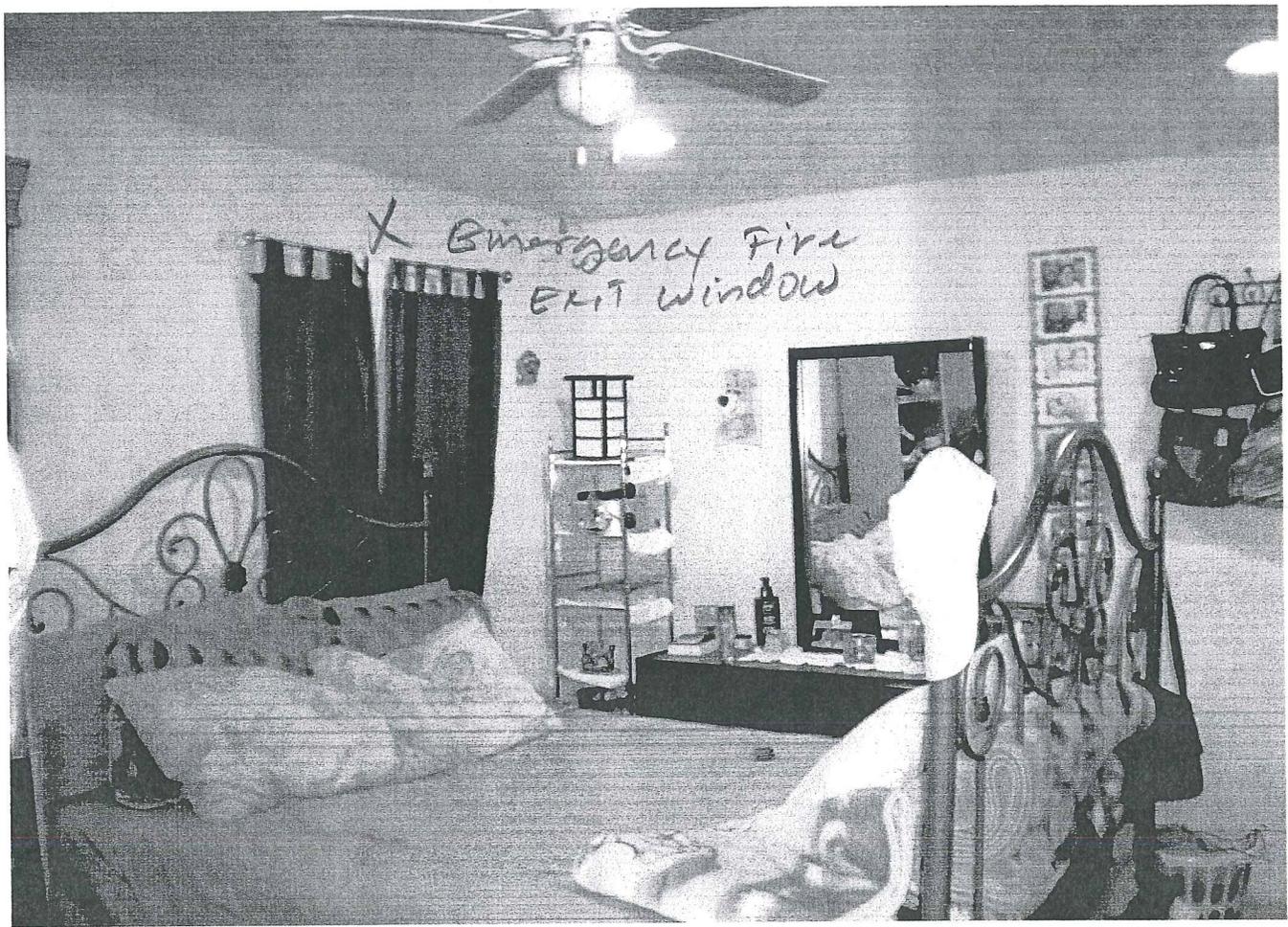
Full Bathroom for 2nd Dwelling  
Unit taken from Doorway between  
Bathroom and bedroom

Ureia  
Amaral  
Junior



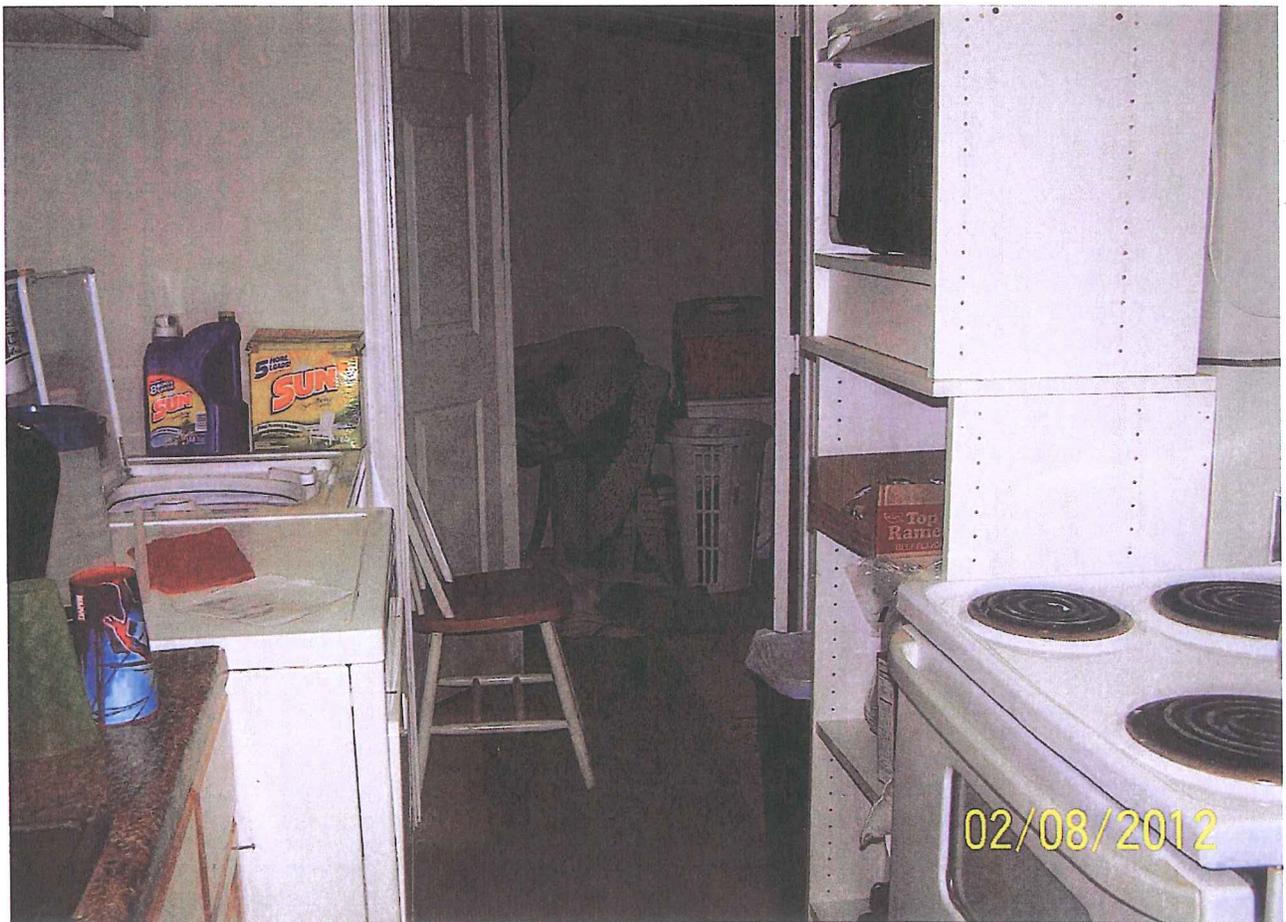
Laundry Room area at back of  
Cabinet. To the 1st bedroom from  
the door between living room and  
Laundry Room

Shirley  
A. Embrus  
(10/20/20)

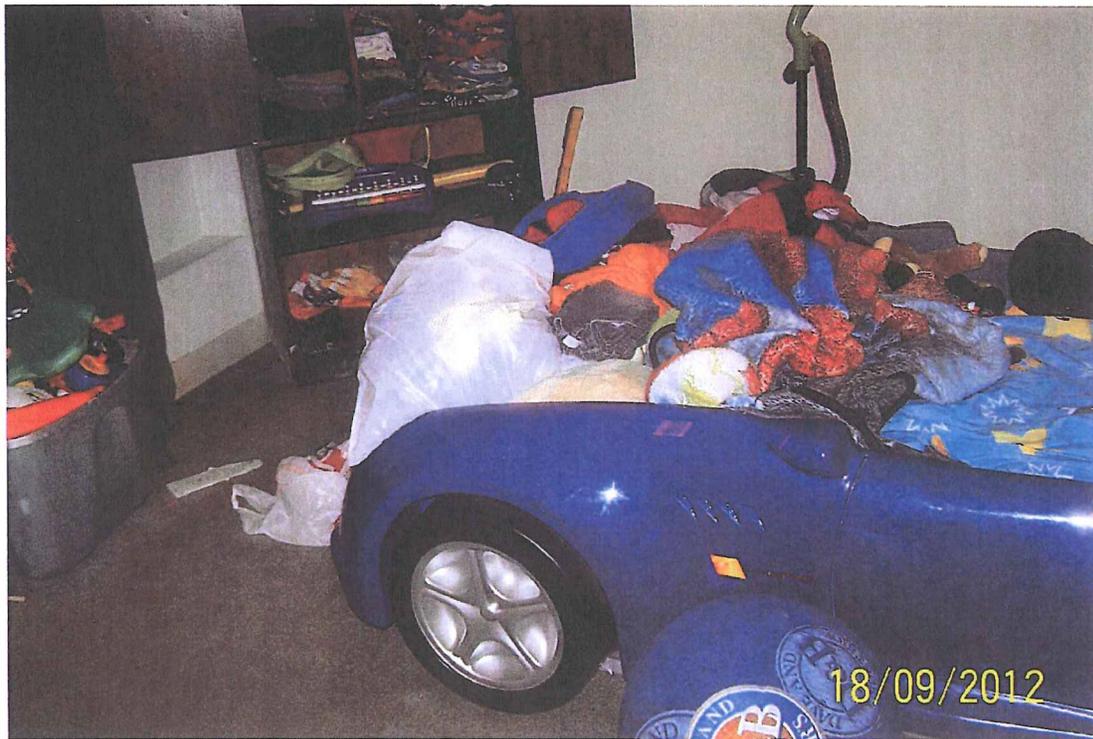


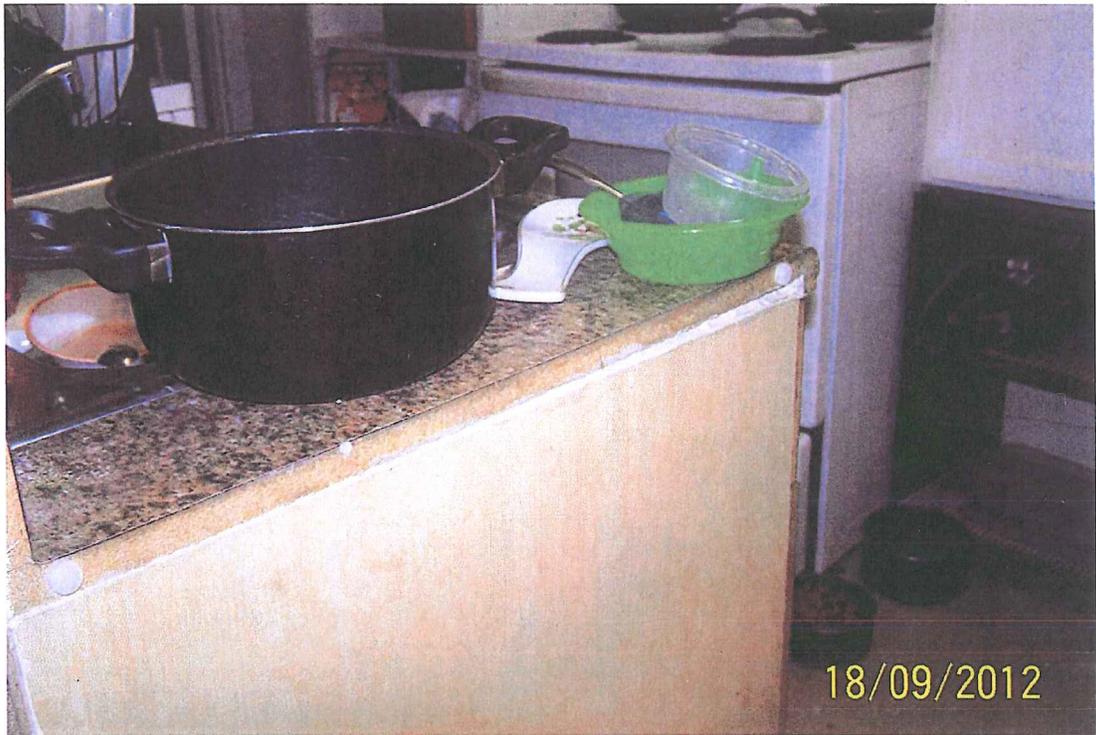
154 bed room in the 2nd  
Dwelling unit

lots to  
A marker  
Jah











## DESCRIPTION OF THE APPLICATION

**Special Permit Request:** To permit an accessory dwelling unit within an existing single family detached dwelling.

**Size of Principal Dwelling:** 2,808 square feet, above grade living\*

**Size of Accessory Dwelling Unit:** 1,144.8 square feet (40.7%)\*\*  
848 square feet (30.1%\*\*\*)

**Lot Size:** 10,609 square feet

\* According to tax records, including the garage.

\*\* According to staff calculations.

\*\*\* According to the applicant's calculations.

## LOCATION AND CHARACTER OF THE AREA

The application property is located in a single family neighborhood within the Inglewood Estates subdivision. The 10,609 square foot site is developed with a single family detached dwelling, with a walk up cellar, built in 1983. An existing hard surfaced driveway is accessed from Lapstrake Lane and terminates at an attached two-car garage. The garage is used for storage and for vehicles. There is space in the driveway for two additional vehicles. There is a sidewalk extending from the driveway to the front of the dwelling.

The accessory dwelling unit is accessed through a separate entrance from the walk-up cellar. The access door enters directly into the main living area of the accessory dwelling unit in the lower level of the dwelling. An existing deck is located at the rear of the dwelling. There are two accessory storage structures in the backyard of the property. The applicant demonstrated that these structures meet the height and setback requirements for accessory storage structures.

The lot is fairly level. There are many existing foundation plantings, shrubs and trees throughout the yard.

**Surrounding Area Description**

<b>Direction</b>	<b>Use</b>	<b>Zoning</b>
<b>North</b>	Single Family Detached Dwellings	R-3
<b>South</b>	Single Family Detached Dwellings	R-3
<b>East</b>	Single Family Detached Dwellings	R-3
<b>West</b>	Single Family Detached Dwellings	R-3

**BACKGROUND**

The area was zoned R-3 and developed under the cluster provisions of the Zoning Ordinance pursuant to RZ 76-S-124, which was subject to proffers. The proffers do not preclude uses such as accessory dwelling units. The house was built in 1983. The applicant indicates they purchased the property with the kitchen in the lower level of the dwelling. Fairfax County received a complaint and investigated the property on May 11, 2010. A notice of violation (NOV) was sent on May 25, 2010 and a copy of the NOV is included as Appendix 4.

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 2009-SP-013 was approved May 12, 2009 for Tax Map 88-1 ((07)) 479A, zoned R-3, at 6538 Koziara Drive to permit an accessory dwelling unit.
- Special Permit SP 2009-SP-037 was denied August 4, 2009 for Tax Map 88-1 ((11)) 9, zoned R-3, at 6616 Saddlehorn Court for an accessory dwelling unit.

**ANALYSIS**

**House Location Survey:** Attached at front of report

**Title of Survey:** House Location Survey, Lot 27-A, Section One, Inglewood Estates

**Prepared By:** B.W. Smith and Associates, Inc.

**Dated:** August 3, 2006 and sealed by Brian W. Smith, Land Surveyor

## **Proposed Use**

The property owner proposes to continue an existing accessory dwelling unit, which is under violation, in the lower level of the existing two-story single family detached dwelling. A floor plan included at the front of the report shows how the space will be used. The existing two-story dwelling consists of approximately 2,808 square feet of above grade living. The proposed accessory dwelling unit is 1,144 square feet, or 40.7% of the Gross Floor Area (GFA) of the structure. As shown on the floor plan, the unit includes a living room, two bedrooms, two bathrooms, and a kitchen. The accessory dwelling unit is to be rented to tenants. The applicant is over the age of 55.

The site can accommodate at least one vehicle 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, Cluster, 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.

### **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:

Standard 1 states that 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. *The application property is a single family dwelling and only one accessory dwelling unit is proposed. Staff believes this*

*standard is met.*

Standard 2 states that 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. *The accessory dwelling unit is located in the single family dwelling. Staff believes this standard is met.*

Standard 3 states that 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. *The applicant provided floor plan drawings with dimensions that show approximately 848 square foot of space in the lower level of the dwelling, however, based on the dimensions on the plat drawing and review during a site visit, staff calculates the lower level comprises approximately 1,144 square feet of space, which is 40.7%. The accessory dwelling unit exceeds 35% of the total gross floor area of the principal dwelling unit. There does not appear to be a way to separate a portion of the accessory dwelling unit from the cellar in order to reduce the area of the accessory dwelling unit. The cellar is designed in such a manner that there would be no way to completely separate spaces between the primary and accessory dwelling unit. Staff does not believe this standard has been met and this standard is not able to be waived. Even with adoption of a development condition requiring a reduction in square footage for the accessory unit, staff does not believe there is a viable way to meet the maximum size permitted without a wholesale remodeling of the lower level of the dwelling.*

Standard 4 states that the accessory dwelling unit shall contain not more than two (2) bedrooms. *The accessory dwelling unit contains two bedrooms. Staff believes this standard has been met.*

Standard 5 states that 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. *The applicant, Aatef Morkos, is over the age of 55. He is married to and lives in the primary dwelling unit with, the owner of the property, Susana Morkos, therefore this standard is met.*

- 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. *The accessory dwelling unit is occupied by three people, including a man, woman and their child. The number of occupants exceeds the permitted number of occupants and this standard is not met.*

Standard 6 states that 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. *The accessory dwelling unit is not occupied by a disabled person. This standard does not apply, however, in the event the BZA approves the accessory dwelling unit, a development conditions will be included to address this standard.*

Standard 7 states that 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. *All parking must be provided on site, according to general standards for special permits. Currently, the tenants are parking in the street, as witnessed by staff during the site visit. This standard is not presently met, however, in the event the BZA approves the accessory dwelling unit, a*

*development conditions will be included to address this standard.*

Standard 8 states that 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. *There is only one other accessory dwelling unit in the vicinity. Staff believes this standard is met.*

Standard 9 states that any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation. *Staff believes that with a development condition this standard is met.*

Standard 10 states that 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. *Staff believes that with a development condition this standard is met.*

Standard 11 states that the owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice. *Staff believes that with a development condition this standard is met.*

Standard 12 states that 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. *Staff believes that with a development condition this standard is met.*

Standard 13 states that 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. *This does not apply to this property.*

## **CONCLUSIONS AND RECOMMENDATIONS**

Staff believes that the applicant does not meet all applicable standards for the accessory dwelling unit as outlined above, specifically Additional Standards 3 and 5C. Standards 7 can only be met with adoption of the development conditions. Therefore staff recommends denial of SP 2012-SP-046 for the reasons outlined in this staff report. Should the BZA choose to approve the request, staff recommends 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
4. Notice of Violation
5. Applicable Zoning Ordinance Provisions

## PROPOSED DEVELOPMENT CONDITIONS

October 17, 2012

If it is the intent of the Board of Zoning Appeals to approve SP 2012-SP-046 located at Tax Map 88-1 ((12)) 27A 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 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 owner only, Aatef E. Morkos, and is not transferable without further action of this Board, and is for the location indicated on the application, 9472 Lapstrake Lane, (10,609 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 two bedrooms for a maximum of two occupants.
6. All applicable trade permits and final inspections shall be obtained for the kitchen components of the accessory dwelling unit.
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.
11. Prior to issuance of the trade permits for the kitchen, the floor plan shall be revised and submitted to staff in the Special Permit/Variance for review and approval which depicts the reduction of the area of the accessory dwelling unit to not more than 982 square feet. Permits and final inspections shall be obtained and work performed to bring the accessory unit into compliance with this floor plan. Areas which are not to be used by the accessory dwelling unit shall be not accessible by, and shall be separate and distinct from, the 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, 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.

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/28/10  
 (enter date affidavit is notarized)

I, AATEF E. MORKOS / SUSANA MORKOS, 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

109076

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
AATEF E. MORKOS	9472 LAPSTRAKE LANE	Applicant
SUSANA MORKOS	BURKE VA 22015	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: 6/28/10  
(enter date affidavit is notarized)

10976

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)

*None*

**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)

*None*

(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: 6/28/10 109076  
(enter date affidavit is notarized)

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**)

*None*

(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: 6/28/10 109076  
(enter date affidavit is notarized)

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: 6/28/10 109076  
(enter date affidavit is notarized)

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:

*A. Morkos*

(check one)  Applicant  Applicant's Authorized Agent

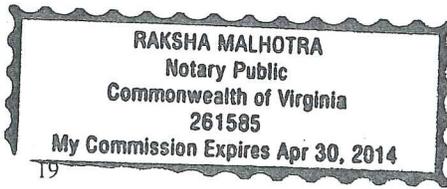
A ATEF ERIAN MORKOS

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

Subscribed and sworn to before me this 28<sup>th</sup> day of JUNE 2010, in the State/Comm. of BUCKE, County/City of Virginia.

*Raksha Malhotra*  
Notary Public

My commission expires: April 30, 2014



**Request For Special permit For Accessory Dwelling Unit**

This is to request special permit for my basement apartment located at 9472 Lapstrake Lane, Burke VA 22015 .

I am 65 years old and have a limited income and a big family. This may be used by my relatives.

Under Fairfax County General regulations Part 5 2-500 QUALIFYING USE< STRUCTRE REGULATIONS 2-501 "limitation on the Occupancy of a Dwelling unit"

A dwelling unit, except an accessory unit may be occupied by " One family, which may consist of one person or (2) or more person related by blood or marriage with any number of natural children, foster children, step children or adopted children with not to exceed 2 roomers or boarders as permitted by Article 10"

My Single family house is less than 2 acres.

The floor area of the accessory dwelling unit do not exceed thirty five percent of the total gross

Floor area of the principle dwelling unit

The accessory unit is two bedrooms

I understand the Board of Zoning Appeal (BZA)

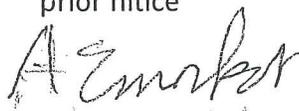
I have two car garage and two parking in front of the Garage

The accessory will not be given to any disabled person, So paragraph 6 of the special permit does not apply

I believe that the proposed accessory dwelling unit will not disrupt the character of the neighborhood.

It meets the applicable regulations of building, safety, health and sanitation.

I will allow the inspection of the property by county personnel during reasonable hours upon prior nitice



Aatef E. Morkos

July 30, 2010

9472 Lapstrake Lane

Burke Virginia 20015

Department of Planning and Zoning

12055 Government Center Parkway

Suite 801

Fairfax Virginia 22035-5509

Ref: Permit Application-SP2010-0122

Subject: Accessory Dwelling Units

Dear, Ms. Marie Langhorne,

We are the owner/occupants of 9472 Lapstrake Lane Burke Virginia 22015. Aatef and Susana Morkos (Home Owner). Purpose: Accessory Dwelling Unit. The Purpose of this application is too occupied for my family. My Husband Aatef Morkos Age 64 and has a poor health having multiple stroke and open heart (5) bypass in the previous year and recently having stroke last year on 08/09 that affected his health and memory and causing him out of the jobs market and stay home with our 4 children. Our house is a single family house and has 4 bedrooms in the upper level and 2 bedrooms in the basement. The total gross floor Area of the basement is 30%. Laundry room and utility room is located in the basement which we install cabinet and sink to wash cloth that needs hand wash care and we put Frigidaire for our convenient while we make laundry and fold linens as well. Our basement has Attached bookcases library to use for studying of my children that's why we put Frigidaire and microwave Added in the laundry room or Little Kitchenette for convenience to used for my children while in the quit study in the basement. Our house has 2 car garage and 2 car parking space in the driveway and we will not disrupt the predominant

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Department of Planning & Zoning  
AUG 02 2010  
Zoning Evaluation Division

character of the neighborhood. We have no objections or concerns regarding the above permit applications.

Please let us know if you have any question or you need additional information that we can clarified. Thank you so much ion advance!

Sincerely,

Aatef E. Morkos

Susana M. Morkos

E-mail: [susanphtech@yahoo.com](mailto:susanphtech@yahoo.com)

Tel: 703-455-1932 (home)

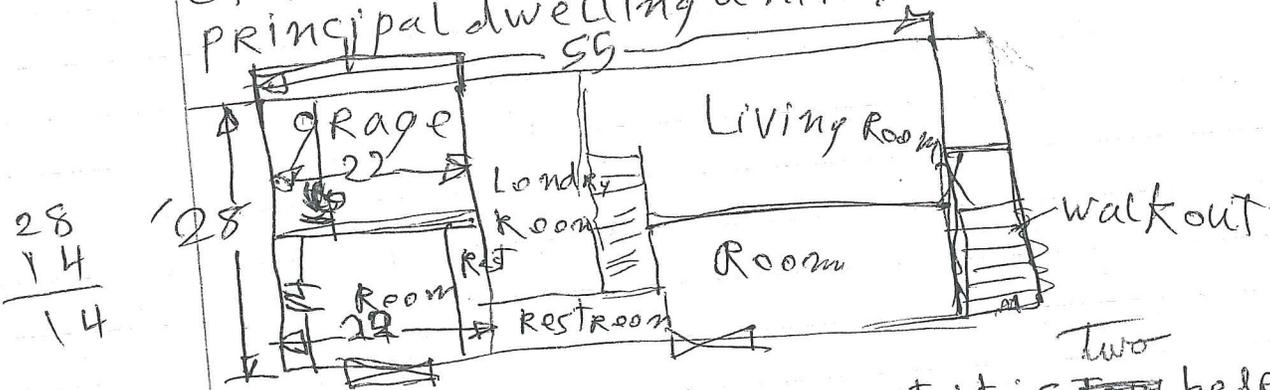
Cell: 703-344-3108 or 703-992-4177

# Special

1 I ~~approach~~ permit For <sup>2</sup> pasmant Appartement  
 I am 65 years old pasmant Appartement  
 For my Rile tave ~~near to me~~ to stay close to me

2 my singl Family House <sup>is</sup> less Than 2 eckes

3 The Floor area of The accessry dwelling unit not exceed Thirty Five 35 percent of The Total, gROSS Floor area of The principal dwelling unit.



4 - The accessry dwelling unit it is ~~two~~ <sup>two</sup> bedroom

(5) I am ATEFE MORKO 65 years of age and member of The Family -

6 I am ~~stand~~

7 ~ ~ ~ BZA  
 ~ ~ ~ BZA

I have two cars garage and ~~two~~ <sup>two</sup> cars parking ~~more~~ in front of the two cars garage

11 to 13 I am ~~stand~~

16  
14  
30

I There is No known hazardous or toxic substances as set fourth in title 40 Code of Federal Reg or Vermont Regulation

II Development conforms to The provision and adopted standard or if any WAIVER

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Department of Planning & Zoning  
DEC 27 2011  
Zoning Evaluation Division

MR & MRS AATEFE MORKOS

To County of, Fair Fax, Virginia  
Planning and Zoning  
Good Day

The special permit application.  
I submitted in section 8-011 of Fairfax  
County. I am AATEFE MORKOS.

I inform you we are family, of.  
AATEFE MORKOS my wife SUSANA M MORK  
and three kids, ANINYOU & ABRAHAM &  
AVERY MORKOS we live in main lev.  
of the house

we have walkaway Basman Two bed  
rent for man and wife.

This house at  
9472 Lapstrake LN BURKE VA 22015

This is for your information

Thank you

Attachments: a/s  
File SP 2010-0122

Truly

AATEFE MORKOS





# County of Fairfax, Virginia

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

May 25, 2010

## NOTICE OF VIOLATION

**CERTIFIED MAIL: 7009 -0960-0001-1120-8213**

**SERVE:** Aatef I. Morkos  
 Susana M. Morkos  
 9472 Lapstrake Lane  
 Burke, Virginia 22015-4214

Case # 201002025 SR# 59749

## **LOCATION OF VIOLATION:**

9472 Lapstrake Lane  
 Burke, Virginia 22015-4214  
 Subdivision: Inglewood Estates, Sec 1, Lot 27A  
 Tax Map #: 88-1 ((12)) 27A

Dear Responsible Party:

An inspection of the above referenced property on May 11, 2010 revealed the following violation of the Fairfax County Zoning Ordinance:

### **§ 2-501 Excessive Dwelling Units:**

The May 11, 2010 inspection revealed that the basement or first floor level of your residence has been converted into a separate independent living facility which includes permanent provisions for living, sleeping, eating, cooking, and sanitation. On the date of inspection, the basement or lower level contained two bedrooms, bathroom, utility room, living room, and a kitchen with a refrigerator, sink, oven and stove, and a microwave.

For your information and review, a dwelling unit is defined in Part 3 of Article 20 of the Fairfax County Zoning Ordinance as:

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, and used or intended for use as a complete, independent living facility which

Department of Planning and Zoning  
 Zoning Administration Division  
 Zoning Enforcement Branch  
 12055 Government Center Parkway, Suite 829  
 Fairfax, Virginia 22035-5508  
 Phone 703-324-1300 FAX 703-324-1343  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



Aatef I. Morkos  
Susana M. Morkos  
May 25, 2010  
Page 2

includes permanent provisions for living, sleeping, eating, cooking, and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

Therefore, you are in violation of Sect. 2-501 of the Zoning Ordinance that 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 achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the dwelling to include: the microwave, sinks, cabinets, countertops, refrigerators, and freezers or combinations thereof; all other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and
- Utilities referenced above for the kitchen to be demolished are to be capped and sealed in the wall cavities; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

A follow-up inspection will be made at the expiration of this period. If you have failed to comply, with this notice, it may result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

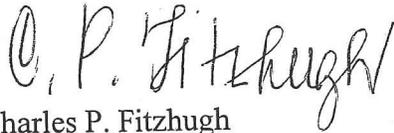
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, 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, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party, and any other information you may wish to submit and a \$2455.00 filing fee.

Aatef I. Morkos  
Susana M. Morkos  
May 25, 2010  
Page 3

Once an appeal application is accepted, it is 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) 324-1300.

Sincerely,



Charles P. Fitzhugh  
Property Maintenance/Senior Zoning Inspector

CPF

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

AATEF I. MORKOS  
 SUSANA M. MORKOS  
 9472 Lapstake Ln.  
 Burke, VA 22015

CF 201002025 59749

2. Article Number

(Transfer from service label)

7009 0960 0001 1120 8213

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

7009 0960 0001 1120 8213



7009 0960 0001 1120 8213  
7009 0960 0001 1120 8213

CF 201002025 59749  
 AATEF/SUSANA MORKOS  
 9472 Lapstake Ln.  
 Burke, VA 22015

**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.