



APPLICATION ACCEPTED: December 12, 2012

BOARD OF ZONING APPEALS: March 6, 2013

TIME: 9:00 a.m.

County of Fairfax, Virginia

February 27, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-SP-085

SPRINGFIELD DISTRICT

APPLICANTS/OWNERS: David H. Bleicken
Marianne H. Bleicken

SUBDIVISION: Hampton Acres

STREET ADDRESS: 10504 Beaver Pond Court, Fairfax Station 22039

TAX MAP REFERENCE: 96-4 ((6)) 11A

LOT SIZE: 5.75 acres

ZONING DISTRICT: R-C, WS

ZONING ORDINANCE PROVISIONS: 8-918

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit within an existing dwelling.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-SP-085 for an accessory dwelling unit, 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.

O:\lgumk2\SP Cases(3-6) SP 2012-SP-085 Bleicken (ADU)

Laura Gumkowski

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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.**



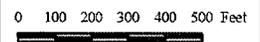
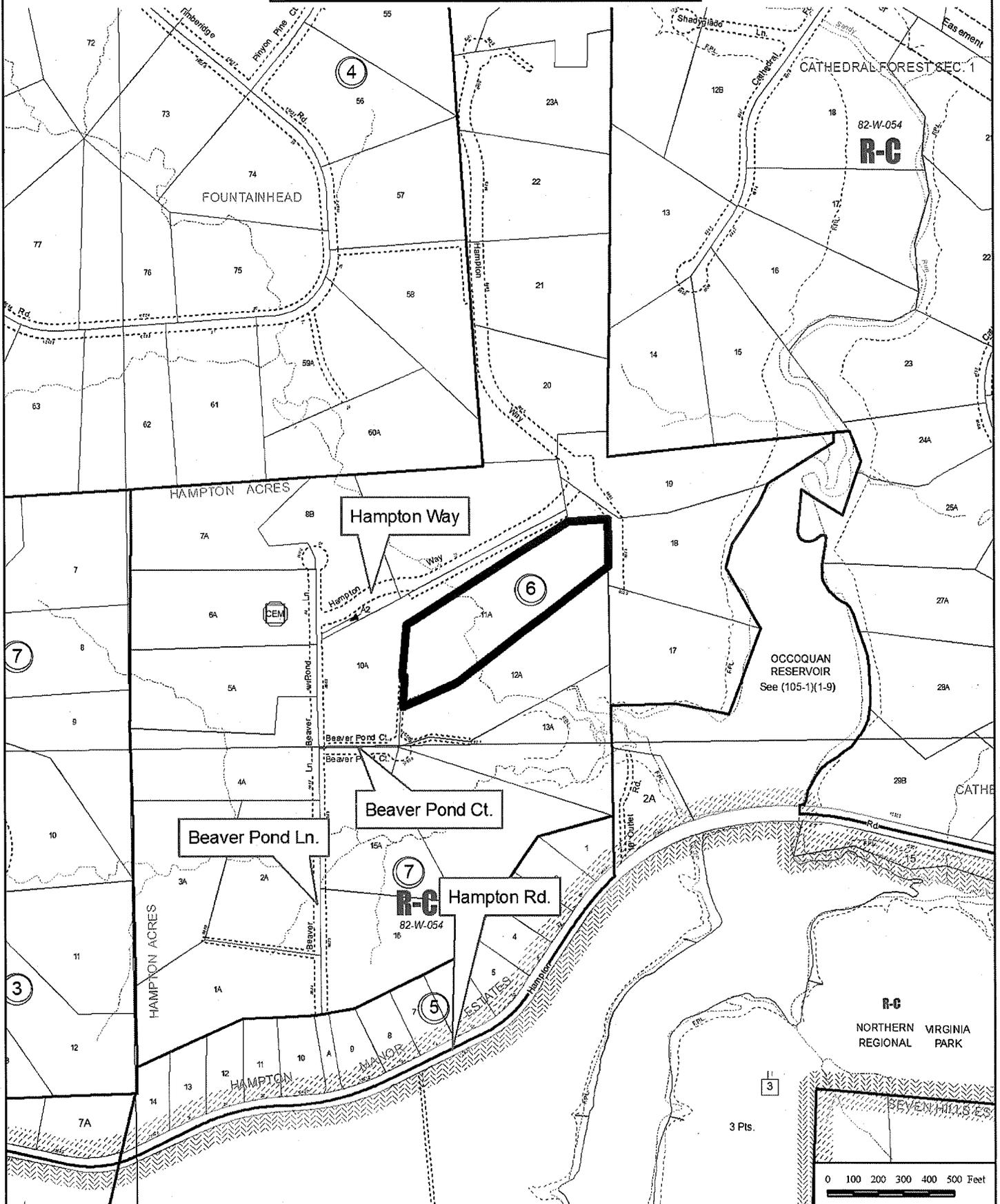
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2012-SP-085
DAVID AND MARIANNE BLEICKEN



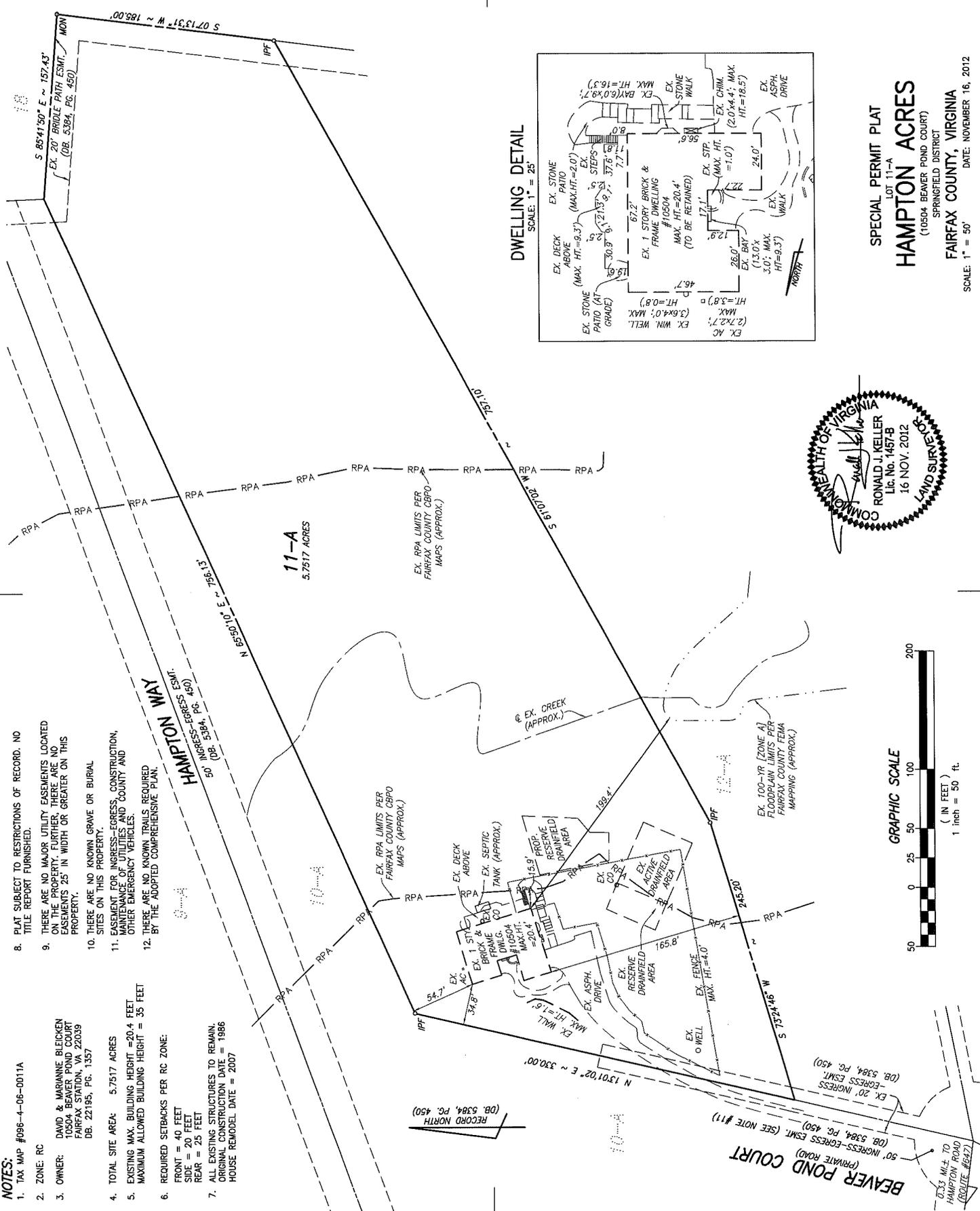
0 1,000 2,000 3,000 4,000 Feet

Special Permit
SP 2012-SP-085
DAVID AND MARIANNE BLEICKEN



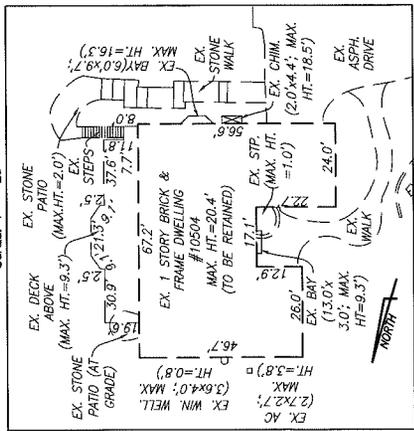
730 S. Washington St. Alexandria, Virginia 22314 (703) 549-6422
 ● ENGINEERING ● LAND SURVEYING ● PLANNING

RFL **IELDS & ASSOCIATES, INC.**

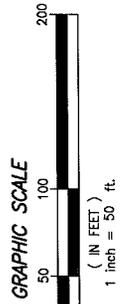


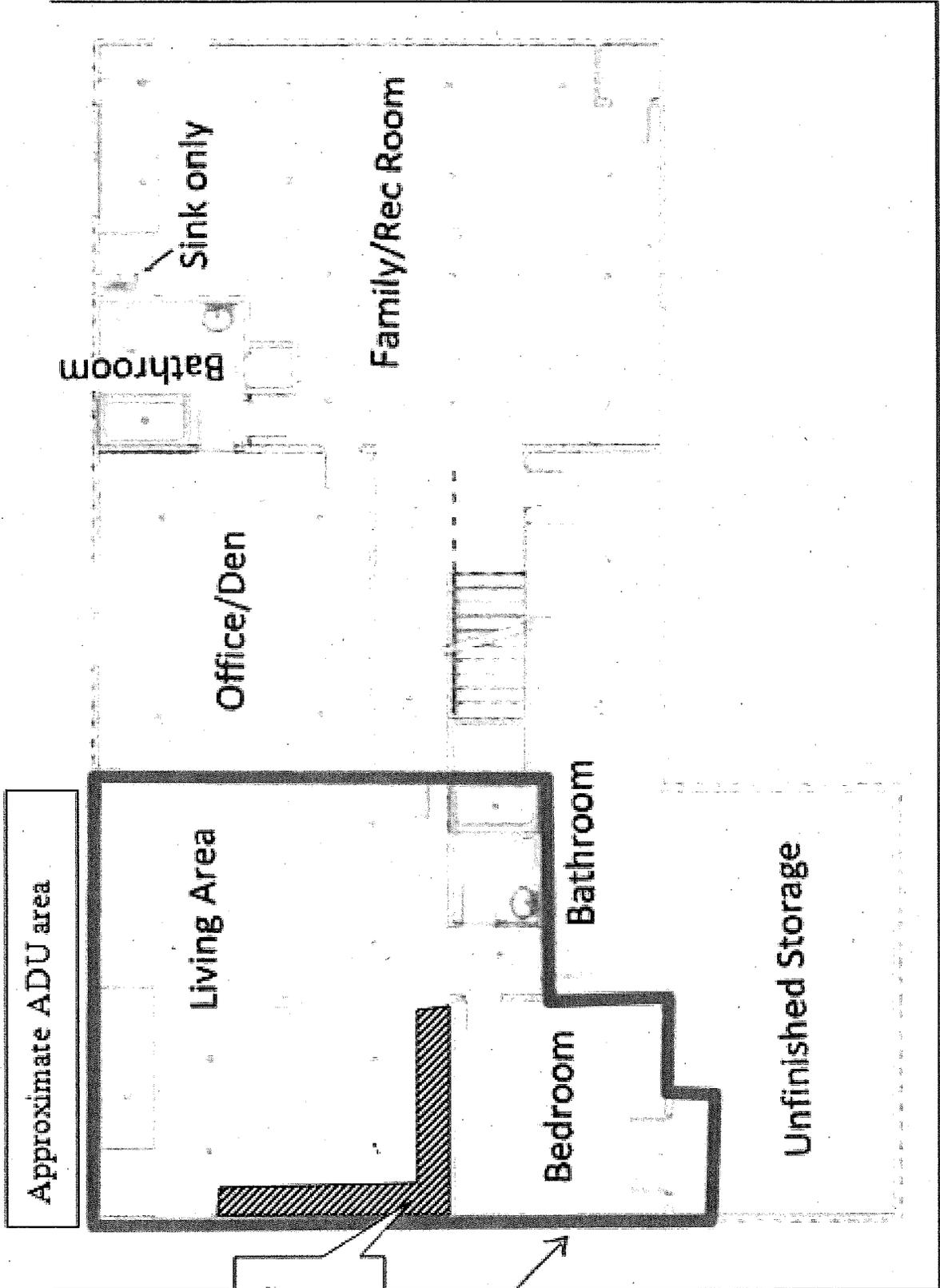
- NOTES:**
1. TAX MAP #098-4-06-0011A
 2. ZONE: RC
 3. OWNER: DAVID & MARIANNE BLEICKEN
10504 BEAVER POND COURT
FAIRFAX STATION, VA 22039
DB. 22195, PG. 1357
 4. TOTAL SITE AREA: 5.7517 ACRES
 5. EXISTING MAX. BUILDING HEIGHT = 20.4 FEET
MAXIMUM ALLOWED BUILDING HEIGHT = 35 FEET
 6. REQUIRED SETBACKS PER RC ZONE:
FRONT = 40 FEET
SIDE = 20 FEET
REAR = 25 FEET
 7. ALL EXISTING STRUCTURES TO REMAIN.
ORIGINAL CONSTRUCTION DATE = 1986
HOUSE REMODEL DATE = 2007
 8. PLAT SUBJECT TO RESTRICTIONS OF RECORD. NO TITLE REPORT FURNISHED.
 9. THERE ARE NO MAJOR UTILITY EASEMENTS LOCATED ON THE PROPERTY. FURTHER, THERE ARE NO EASEMENTS 25' IN WIDTH OR GREATER ON THIS PROPERTY.
 10. THERE ARE NO KNOWN GRAVE OR BURIAL SITES ON THIS PROPERTY.
 11. EASEMENT FOR INGRESS-EGRESS, CONSTRUCTION, MAINTENANCE OF UTILITIES AND COUNTY AND OTHER EMERGENCY VEHICLES.
 12. THERE ARE NO KNOWN TRAILS REQUIRED BY THE ADOPTED COMPREHENSIVE PLAN.

DWELLING DETAIL
SCALE: 1" = 25'



SPECIAL PERMIT PLAT
 LOT 11-A
HAMPTON ACRES
 (10504 BEAVER POND COURT)
 SPRINGFIELD DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 DATE: NOVEMBER 16, 2012
 SCALE: 1" = 50'





Approximate ADU area

Living Area

Bedroom

Bathroom

Approximate Kitchen Location

Office/Den

Bathroom

Sink only

Family/Rec Room

Unfinished Storage

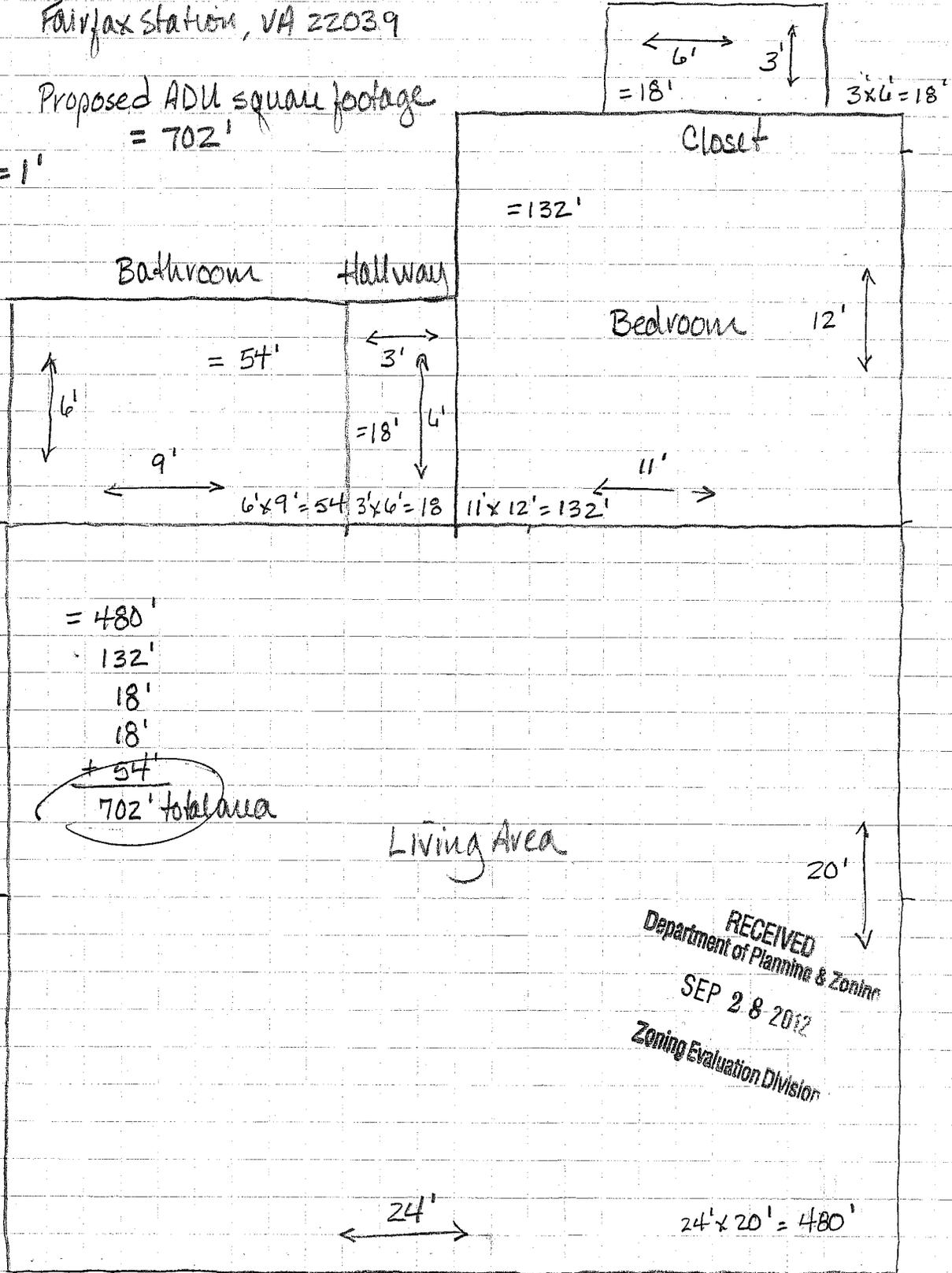
Proposed ADU

Blecker - Basement North side
10504 Beaver Pond Court
Fairfax Station, VA 22039

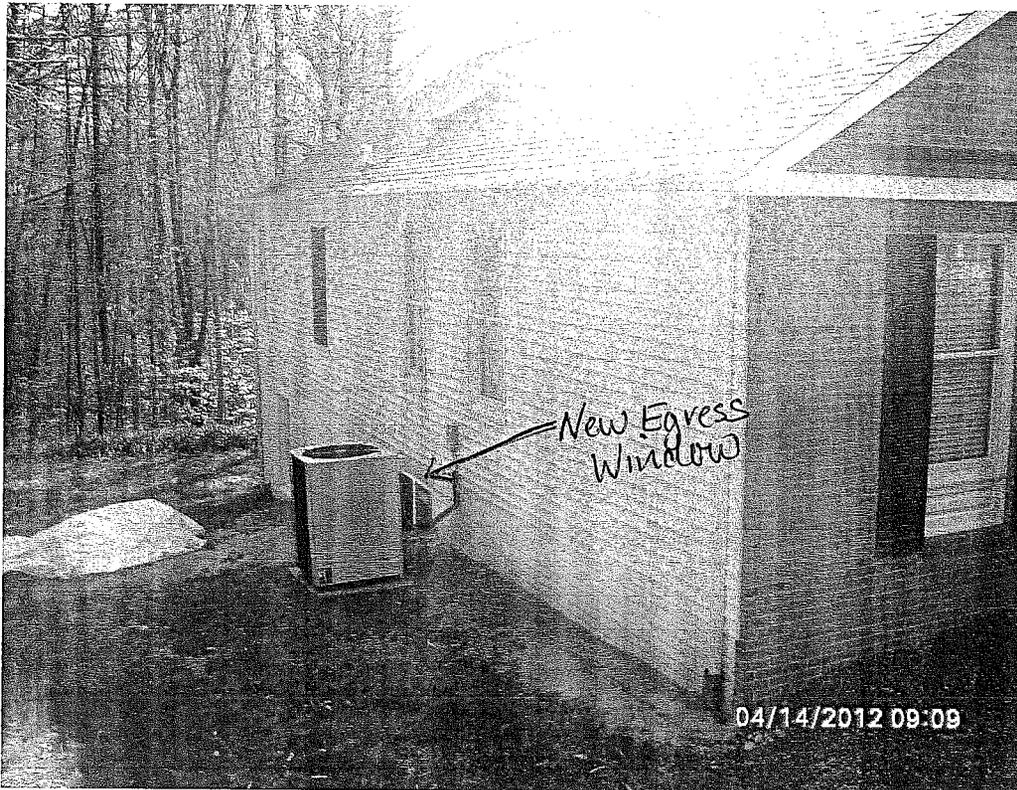


Proposed ADU square footage
= 702'

Key 1 square = 1'



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③ North side of House
Facing NW corner



④ North side of House
New Egress Window



① Front of House
Facing SW corner



② Front of House
Facing West side
Front Door
Entrance



5. East side of House
Facing NE corner
Entrance to proposed ADU



6. South side of House
Facing South side



①. Corner of
Beaver Pond Lane &
Beaver Pond Court
Facing SW corner of
House through trees



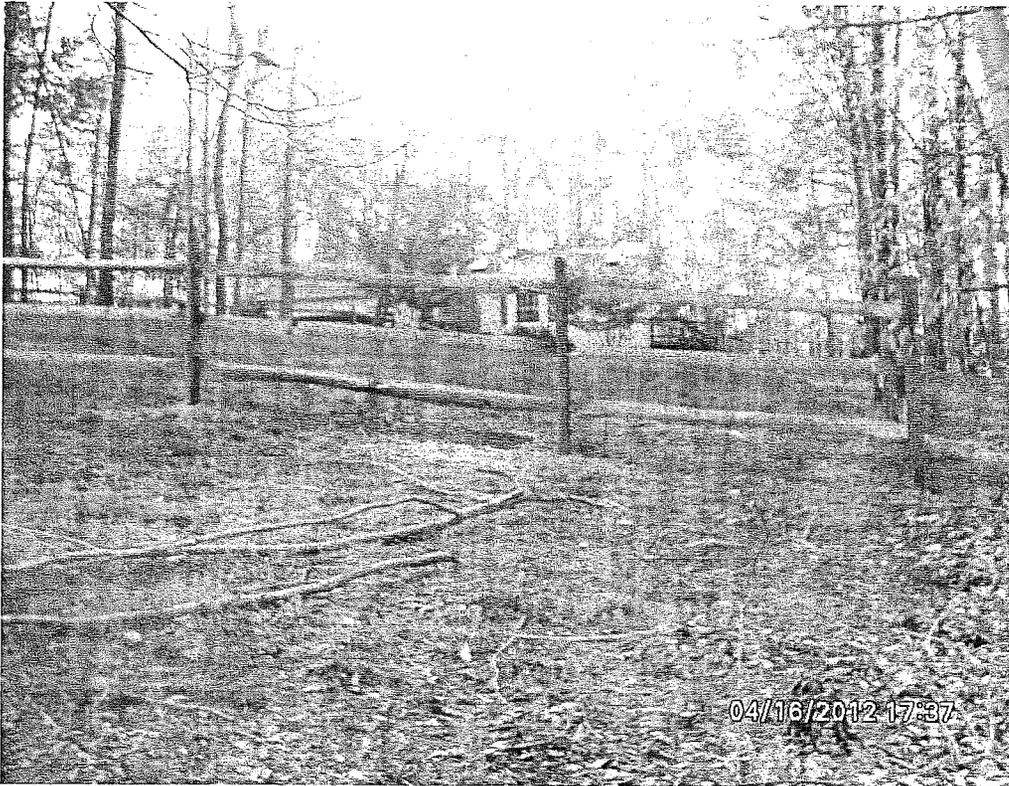
②. Driveway Entrance
from Beaver Pond
Court
Looking toward
house



9. View of House from Lot Line Corner



10. View of House from Lot Line



11. View of House
from Lot Line
Facing South side
of House



12. View of House
from Lot Line



(13) View of House
from Lot Line



(14) View of House
from Lot Line



15. Corner of Hampton Way where it turns North.



16. View of House from Corner where Hampton Way turns North.



17. View of House from Lot Line



18. View of House from Lot Line



19. View of Northside of House from Lot Line



20. View of Westside of House from Lot Line. Frontside of House



RECEIVED
Department of Planning & Zoning
NOV 30 2012
Zoning Enforcement Division

South/Ride Side of House



Adjacent #1 12A lot
please see map at
end of packet



Adjacent #2 104 lot



Adjacent #3 19 lot

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Department of Planning & Zoning
NOV 30 2012
Zoning Evaluation Division

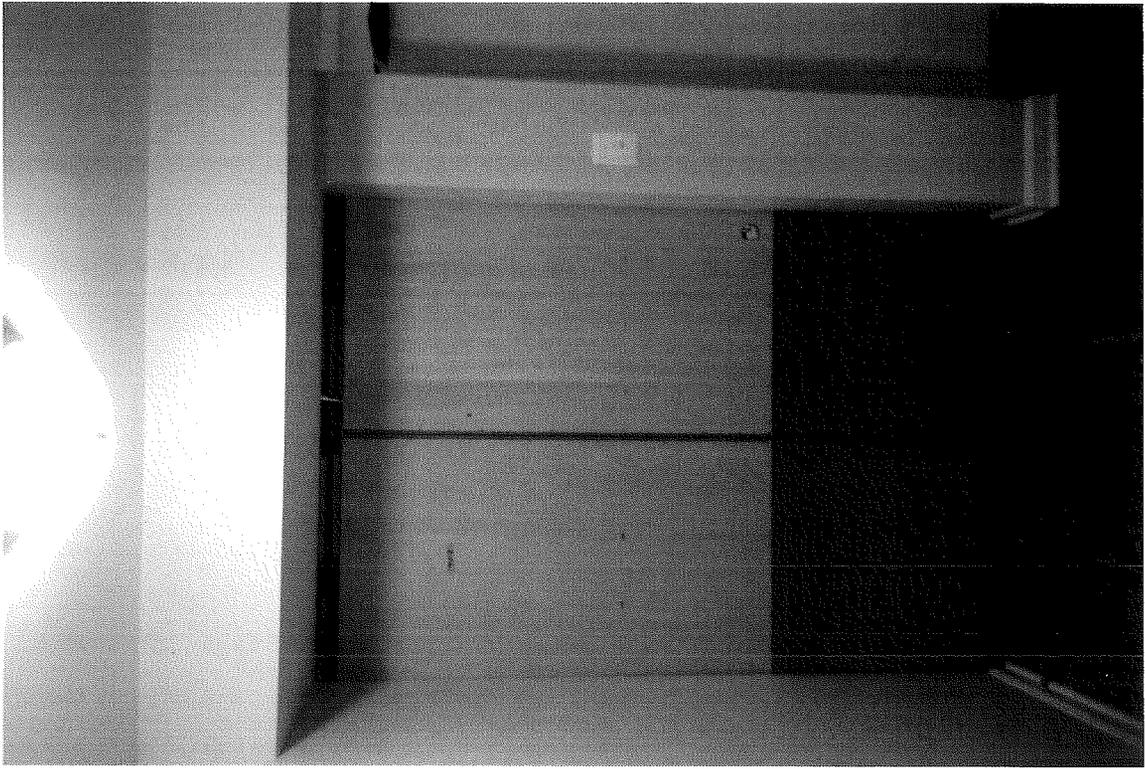


Adjacent #4 18 lot



Adjacent #5 17 lot

RECEIVED
Department of Planning & Zoning
NOV 30 2012
Zoning Evaluation Division



Proposed
ADU
Kitchen
Area



↗
Proposed
ADU Kitchen
Area
↙





Proposed
ADU
Kitchen
Area



Proposed
ADU
Living Room



Proposed
ADU
Bedroom



Proposed
ADU
Egress

DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling unit in the basement of a single family dwelling. A detailed description of the request is included on page three.

Size of Principal Dwelling: 3,162 square feet (county tax records)

Size of Accessory Dwelling Unit: 702 square feet (22.2%)

Lot Size: 5.75 acres

LOCATION AND CHARACTER OF THE AREA**Existing Site Description**

The application property is located at 10504 Beaver Pond Court within the Hampton Acres Subdivision. An existing asphalt driveway provides access to Beaver Pond Court. A stone and brick walkway leads from the driveway to the front door of the house. A stone retaining wall is located west of the dwelling. A concrete stairway is located to the south of the house which follows the topography of the property and leads to a basement door. Another basement access point is located in the northeast corner of the dwelling. A deck exists on the east side of the existing dwelling. A wood slat fence, which appears to be about four feet in height, exists to the south of the single family dwelling and encloses a portion of the yard. A septic field is located to the east of the dwelling and a proposed reserve area and existing drain field are located to the south of the dwelling. A Resource Protection Area (RPA) and a creek are located to the east of the dwelling.

Primary access to the basement, where the proposed accessory dwelling unit is to be located, is provided by a stairway from the main level of the house. The basement has two bedrooms, two bathrooms, two living areas and one sink. Please see the image below for the basement layout.

Surrounding Area Description

| Direction | Use | Zoning |
|-----------|----------------------------------|---------|
| North | Single Family Detached Dwellings | R-C, WS |
| South | Single Family Detached Dwellings | R-C, WS |
| East | Single Family Detached Dwellings | R-C, WS |
| West | Single Family Detached Dwellings | R-C, WS |

BACKGROUND

The construction of the single family dwelling was completed in 1986. The applicants purchased the property in March of 2012, according to Fairfax County Tax Records. No Notice of Violation was issued on this property. The applicants approached the Zoning Administration Division to discuss the installation of the kitchen in the basement and then the applicant applied for the special permit for an accessory dwelling unit to come into compliance.

The applicant applied for a site and soils evaluation through the Fairfax County Health Department and received a response on August 31, 2012 (see Appendix 4). The memo stated that the sites and soils evaluation was satisfactory and that the onsite sewage disposal system appears adequate for five bedroom house.

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

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Plat, Lot 11A, Hampton Acres

Prepared By: R.C.Fields and Associates, Inc.

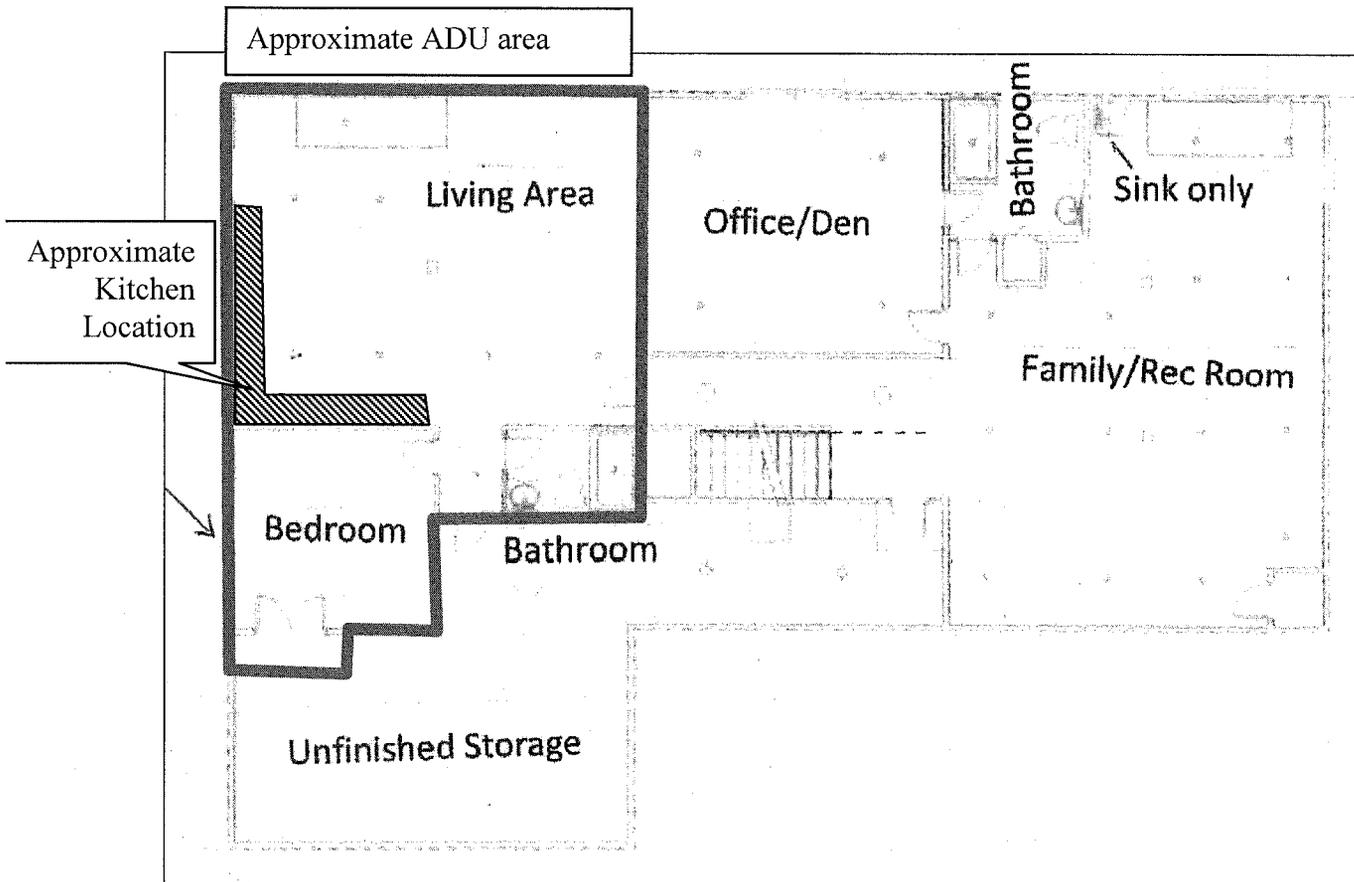
Dated: November 16, 2012

Request:

The accessory dwelling unit is proposed to be located in the basement of the single family dwelling located on this property. The applicants reside in the single family dwelling and the applicants' mothers, both over 55 years of age, live in the basement. One of the mothers is proposed to live in the accessory dwelling unit. The other mother will also live in the basement, but her living area will not contain a kitchen.

The principal dwelling consists of 3,162 square feet and the accessory dwelling unit is 702 square feet, or 22.2% of the gross floor area. The accessory dwelling unit only consists of one bedroom, one bathroom and one living area in the basement. The applicants are proposing to construct a kitchen in the living area of the accessory dwelling unit.

The proposed accessory dwelling unit has two egress points with one in the bedroom and one in the living area. Adequate parking for both the primary residence and the accessory dwelling unit exists in the current driveway. The sink located outside of the accessory dwelling unit in the "Family/Rec Room" is approved by a building permit for a Finished Basement (determined to be a wet bar) dated April 23, 2012 (see Appendix 5).



ZONING ORDINANCE PROVISIONS

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

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 6)

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

Summary of Zoning Ordinance Provisions

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

CONCLUSIONS AND RECOMMENDATIONS

Staff believes that all applicable standards for the accessory dwelling unit as outlined in Sects. 8-006, 8-903 and 8-918 will be satisfied with adoption of the proposed development conditions. The applicants have worked with staff to remedy the few concerns originally raised with them. The applicants removed an existing kitchen area that did not conform to Zoning Ordinance requirements and a development condition has been included limiting the number of kitchens permitted in the dwelling. Therefore staff recommends approval of SP 2012-SP-085 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. Applicants' Affidavit
3. Applicants' Statement of Justification
4. Site and Soils Evaluation dated August 31, 2012
5. Building Permit for Finished Basement on April 23, 2012
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2012-SP-085****February 27, 2013**

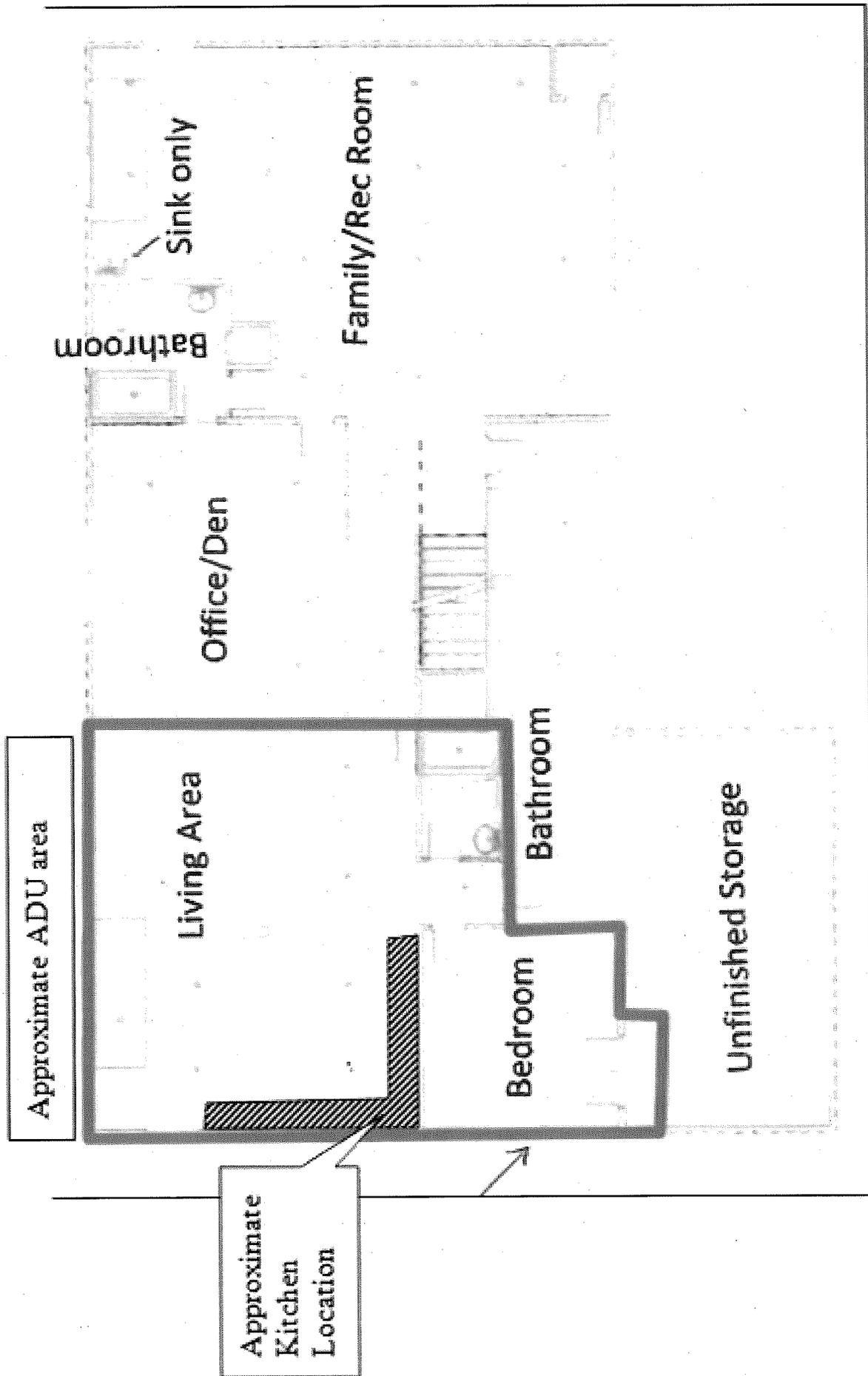
If it is the intent of the Board of Zoning Appeals to approve SP 2012-SP-085 located at Tax Map 96-4 ((6)) 11A to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following 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 applicants only, David Bleicken and/or Marianne Bleicken, and is not transferable without further action of this Board, and is for the location indicated on the application, 10504 Beaver Pond Court (5.75 acres) and is not transferable to other land.
3. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
5. The accessory dwelling unit shall contain a maximum of 702 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
6. All applicable building permits and final inspections shall be obtained for kitchen in the accessory dwelling unit.
7. There shall be a maximum of two kitchens in the dwelling, one in the main dwelling unit and one in the basement accessory dwelling unit, generally as depicted on the floor plan included as Attachment 1.
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 and/or the property is sold or otherwise conveyed, the accessory 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.
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, twelve (12) 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): SP 2012 - SP - 085
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/29/12
 (enter date affidavit is notarized)

I, MARIANNE H. BLEICKEN, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant 118107
 applicant's authorized agent listed in Par. 1(a) below

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) |
|---|--|---|
| DAVID H. BLEICKEN | 10504 BEAVER POND COURT FAIRFAX STATION, VA 22039 | APPLICANT/TITLE OWNER |
| MARIANNE H. BLEICKEN | (SAME) | APPLICANT/TITLE OWNER |
| BASKIN, JACKSON AND DUFFET, P.C. | 301 PARK AVENUE, FALLS CHURCH, VA 22046 | ATTORNEY/AGENT |
| WILLIAM M. BASKIN, JR. | (SAME) | ATTORNEY/AGENT |

(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-SP-085
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/29/12
(enter date affidavit is notarized)

118107

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)

BASKIN, JACKSON AND DUFFET, P.C.
301 PARK AVENUE
FALLS CHURCH, VA 22046

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)

WILLIAM M. BASKIN, JR.
JOHN G. JACKSON
ROBERT J. DUFFETT

(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-SP-085
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/29/12
(enter date affidavit is notarized)

118107

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

PARTNERSHIP INFORMATION

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

N/A

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

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

(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-SP-085
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/29/12
(enter date affidavit is notarized)

118107

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-SP-085
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/29/12
(enter date affidavit is notarized)

11 8107

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

None.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

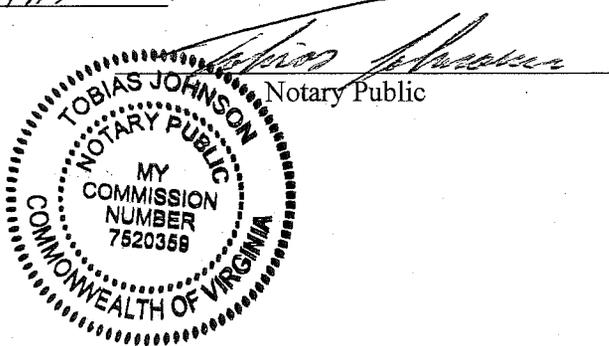
WITNESS the following signature:

(check one) Marianne H. Bleicken
 Applicant [] Applicant's Authorized Agent

MARIANNE H. BLEICKEN
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29th day of November 2012, in the State/Comm. of Virginia, County/City of FAIRFAX.

My commission expires: 4/30/2016



SEP 28 2012

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION

Special Permit Application for Accessory Dwelling Unit
10504 Beaver Pond Court, Fairfax Station, Virginia 22039

I. Introduction

David and Marianne Bleicken, husband and wife (hereafter, "Applicants"), are the owners of a single family dwelling on a 5.75 acre lot located at 10504 Beaver Pond Court, Fairfax Station, Virginia, (hereafter, "Property" or "Subject Property") which is in the Springfield District of Fairfax County. The Applicants are seeking approval of an accessory dwelling unit (hereafter, "ADU") to permit renovation of the existing basement to allow for an additional kitchen for the mother of one of the applicants and closing an archway in the opposite side of the basement. The Applicants reside in the property with their two children and with each of their elderly mothers. This special permit is sought to allow an ADU to be established in conjunction with and clearly subordinate to a single family detached dwelling unit.

II. Requirements of § 8-918 of Fairfax County Zoning Ordinance

The Applicants meet the specific conditions for an accessory dwelling unit provided pursuant to section 8-918 of the Fairfax County Zoning Ordinance as follows:

1. The Subject Property is a single family detached dwelling unit and the Applicants are seeking permission for only one accessory dwelling unit.
2. The proposed ADU is located within the structure of the existing single family dwelling unit. (See Attachment A)
3. The gross floor area of the proposed ADU will not exceed 35% of the total gross floor area of the principal dwelling unit. (See Attachment B)
4. The proposed ADU will contain only one bedroom.
5. Occupancy
 - a. The principal dwelling unit is occupied by the Applicants, who own the subject property.
 - b. The proposed ADU will be occupied by a person over 55 years of age. As of this date, she is 82 years old.
 - c. All occupants of the principle single family dwelling unit and the proposed ADU are related by blood or marriage.
6. The proposed ADU is not intended for occupancy by a disabled person.
7. The Property provides sufficient off street parking to meet all needs of both the principal dwelling and the proposed ADU.

8. The proposed ADU, together with any other accessory dwelling units within the area, will not constitute sufficient change to, or modify or disrupt, the predominate character of the neighborhood. The proposed ADU will not be a subdivision of the principal dwelling unit or lot.
9. The proposed ADU will meet the applicable regulations for building, safety, health and sanitation. (See Attachment C – Letter from Fairfax County Department of Health 08/31/2012.)
10. The Applicants acknowledge the obligation of the Clerk to the Board of Zoning Appeals (hereafter, “BZA”) to properly record a copy of the BZA’s approval in the land records of Fairfax County.
11. Upon approval of the special permit for the proposed ADU, the Applicants will make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. The Applicants acknowledge that the requested special permit for an ADU, if approved, would be approved for a period of time not to exceed 5 years from the date of approval and that the special permit may be extended for succeeding 5 year periods in accordance with the applicable provision of the Fairfax County Zoning Ordinance.
13. The proposed ADU is not an ADU approved prior to July 27, 1987.

III. Additional Justification Statements Required for Special Permit Applications

- a. **Type of Operations.** The special permit is for an ADU.
- b. **Hours of Operation.** The ADU will be used as the home of the family’s maternal grandmother and will be used on a continuous basis for that purpose.
- c. **Estimated number of patrons/clients/patients/pupils/etc.** None.
- d. **Proposed number of employees/attendants/teachers/etc.** None.
- e. **Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.** The proposed use will not be such that pedestrian and vehicular traffic associated with the ADU will be hazardous or conflict with existing and anticipated traffic in the neighborhood. The occupant of the ADU has one car and will make regular trips to the grocery store, church and other locations in the vicinity.
- f. **Vicinity or general area to be served by the use.** The Subject Property is located in the Hampton Acres development off Hampden Road. However, since the application for the ADU is for a family member, there are no plans for the proposed use to serve the general area.
- g. **Description of building façade and architecture of proposed new building or additions.** The proposed new additions include installation of a kitchen in the basement and closing an open archway in the opposite side of the basement.
- h. **A listing, if known, of all hazardous or toxic substances, hazardous waste, and/or petroleum products.** The Subject Property contains no known hazardous or toxic

substances as set forth in Title 40, Code of Federal Regulations, parts 116.4, 302.4, and 355; no hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and or petroleum products as defined by Title 40, Code of Federal Regulations, part 280.

- i. **How the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or any waiver, exception or variance.** The proposed use will be in harmony with the adopted comprehensive plan and with the general purpose and intent of the applicable zoning district regulations. The proposed use will be harmonious with and will not adversely affect the use or development of the neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan.

Accordingly, the general standards for a group 9 special permit, along with the additional standards for an ADU, have been met.



County of Fairfax, Virginia

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

August 31, 2012

Marianne Bleicken
6010 Heathwick Ct
Burke, VA 22015

RE: Soils Evaluation for a Reserve Subsurface Sewage Disposal System at
10504 Beaver Pond Ct, Fairfax Station, VA 22039; Subdivision: Hampton Acres;
Tax Map: 96-4-006-11A

Dear Ms. Bleicken:

Site and soils evaluations on the above referenced lot were satisfactory within the proposed reserve area with a rate of 10 minutes per inch at a depth of 48 inches. The approved area shown on the attached plat is for a 100% reserve of the original onsite sewage disposal system.

The available area appears adequate for a five (5) bedroom alternative onsite sewage disposal system utilizing a system that can provide **treatment level 2 effluent**. The system must have general approval through the *Virginia Department of Health* with a loading rate of 1.8 gallons of sewage effluent per square foot of absorption area per day.

Due to the variations in soil, in some instances it may be necessary to reappraise a particular lot.

If you require further information, please contact our office at (703) 246-22510 between 8:00 a.m. and 4:30 p.m.. Monday through Friday.

Sincerely,

Kevin R. Wastler
Environmental Health Supervisor

krw/ds

Encl : Copy of Plat

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

Fairfax County Health Department
Division of Environmental Health
Technical Review and Information Resources
10777 Main Street, Suite 102, Fairfax, VA 22030
Phone: 703-246-2510 TTY: 711 Fax: 703-278-8157
www.fairfaxcounty.gov/hd



**Building Permit
 Zoning Review**

*This document does not reflect the final
 Building Permit approval.*

Bldg Permit #: **120820158** **FINISHED BASEMENT RESIDENTIAL**

Address: 10504 Beaver Pond Ct Fairfax Station VA 22039-2724

Bldg: N/A Floor: Suite: N/A

Subdiv: Hampton Acres Lt 11A

Sub Census: 922.02 Lot Size: 5.75

Tax Map: 0964 06 0011A

Owner: Bleicken David

Phone Day: Evening:

Contractor:

MY BUILDER INC
 6276 Occoquan Forest Dr
 Manassas, Va 20112-0000
 (703) 929-5376

Type of Work: FINISHED BASEMENT

Description of Work: FINISH BASEMENT WITH WET BAR NO BEDROOM NO SECOND KITCHEN ADD NEW WINDOW WELL/DOOR

Specific Description of Work:

| | | |
|------------------------|-------------------|----------------|
| <u>Existing Egress</u> | <u>New Egress</u> | <u>Areaway</u> |
| N | Y | N |

ZPRB Review:

| | | |
|-------------|--------|---------------|
| <u>Date</u> | | <u>Status</u> |
| 4/23/12 | AM00R4 | Approved |

Zoning Detail Review TAB:

| Zoning Dist. | Use | Wet Bar | 2nd Kitchen | Proffer |
|--------------|-----|---------|-------------|---------|
| R-C | SFD | Y | N | N |

DETAILS COMMENTS:

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.