

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JIL AND ABHIJIT DUTTA, SP 2013-DR-032 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit within an existing dwelling and to permit an accessory storage structure in the minimum required front yard. **(THE BZA DID NOT APPROVE THE STORAGE STRUCTURE.)** Located at 11318 Beach Mill Rd., Great Falls, 22066, on approx. 2.0 ac. of land zoned R-E. Dranesville District. Tax Map 2-4 ((2)) A (Concurrent with VC 2013-DR-004). Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 17, 2013; and

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

1. The applicants are the owners of the land.
2. The granting of this special permit will partially not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
3. The granting of this special permit will not create a partial unsafe condition with respect to both other properties and public streets, and to force compliance with setback requirements, at least on the part of the shed, would not cause unreasonable hardship upon the owner.
4. The Board concurs with Staff in its rationale from the standpoint of the accessory dwelling unit.
5. The criteria are met with that from the standpoint of the 83-year-old father being there.
6. The Board does not recommend that the shed be kept where it is because it does immediately adjoin an easement.
7. Typically, from the Board's perspective when they look at sheds and mistake in building location, they look at lot size.
8. With lots that are 7,000 square feet to 10,000 square feet, it is very difficult to place a shed on that.
9. In this particular case, it is two acres. It looks like there are alternative places where the shed could, in fact, come into compliance relatively easily.
10. This is not built on a solid foundation, but essentially was on cement posts or cinder blocks, so it would not cause unreasonable harm to have the shed moved to come into compliance with the Zoning Ordinance.

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

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

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

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicants only, Jil Dutta and/or Abhijit Dutta, and is not transferable without further action of this Board, and is for the location indicated on the application, 11318 Beach Mill Road (2.0 acres), and is not transferable to other land.
3. This special permit is granted only for the purposes, structures and/or uses indicated on the plat prepared by Alexandria Surveys, titled "Special Permit Plat on the Property of Outlot A, Beach Mill Hill," dated April 16, 2013 as submitted with this application and is not transferable to other land.
4. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The 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. The occupants of the accessory dwelling unit shall be limited to family members, and no additional vehicles shall be allowed.
6. The accessory dwelling unit shall contain a maximum of 832 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
7. All applicable building permits and final inspections shall be obtained for kitchen components in the accessory dwelling unit.
8. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.

- 9. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Sect. 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.

Mr. Hart seconded the motion, which carried by a vote of 5-0. Mr. Hammack and Mr. Smith were absent from the meeting.

A Copy Teste:

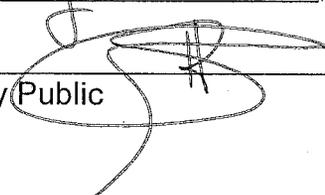


 John W. Cooper, Deputy Clerk
 Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 30 day of July, 2013.



 Notary Public

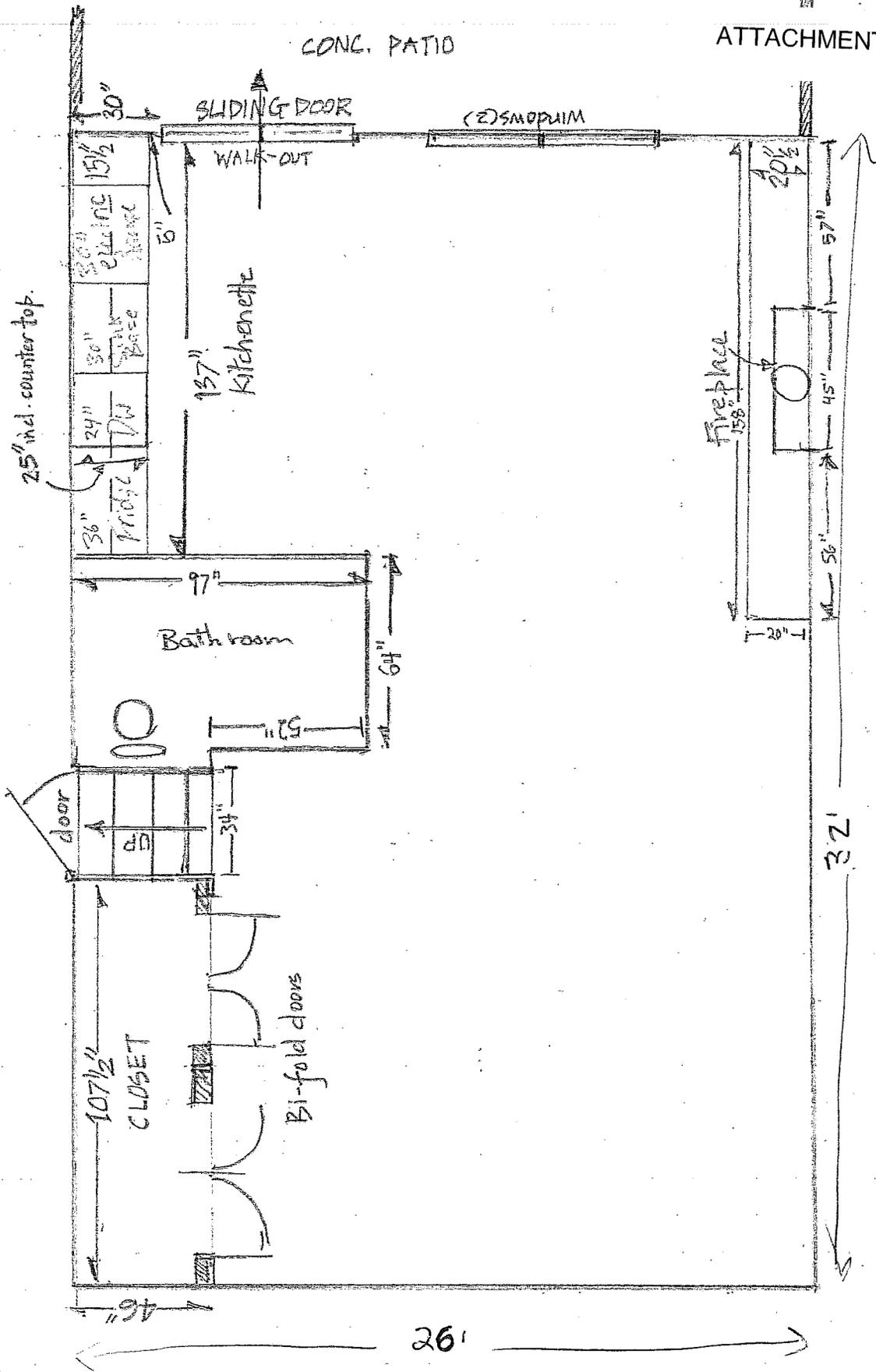
7-31-2016

 My commission expires

Embossed Hereon Is My
 Commonwealth Of Virginia Notary Public Seal
 My Commission Expires July 31, 2016
 HOMAIRA AMIN

Reg. # 7196278

CONC. PATIO



NEXT LEVEL

BASEMENT LAYOUT

139' = 14'

26'