

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MIRUNA TECUCI, SP 2013-BR-056 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit within an existing dwelling. Located at 5313 Danas Crossing Dr., Fairfax, 22032, on approx. 14,364 sq. ft. of land zoned PDH-3. Braddock District. Tax Map 68-4 ((22)) (2) 12. Ms. Theodore 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 October 23, 2013; and

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

1. The applicant is the owner of the land.
2. The present zoning is PDH-3.
3. The area of the lot is 14,364 square feet.
4. The proposed basement accessory dwelling unit would account for 31 percent of the total gross floor of the home, which is below the 35 percent cap of square footage for such structures.
5. Adequate parking exists in the current driveway for both the current residents and the residents of the accessory dwelling unit.
6. There is access to the backyard with the French doors in the current basement.
7. The parents of the owner, both over the age of 55, will be residing in the accessory dwelling unit.
8. In terms of impacts to neighbors, the Board has not heard concerns or opposition to the proposed accessory dwelling raised by adjacent homeowners or neighbors at the public hearing.
9. The staff report determines the request is in conformance with the applicable Zoning Ordinance provisions with implementation of certain proposed development conditions, and recommends approval of the special permit.
10. The Board supports staff's findings.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in sections 8-903 and 8-918 of the Zoning Ordinance.

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

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the accessory structure. 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, Miruna Tecuci, and is not transferable without further action of this Board, and is for the location indicated on the application, 5313 Danas Crossing Drive (14,364 s.f.) 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 1,835 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
6. 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.
7. All applicable permits and final inspections shall be obtained for the kitchen components in the accessory dwelling unit.
8. The accessory dwelling unit shall be approved for a period of five years from the final approval date of the special permit and may be extended for five 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 structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
10. 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, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Smith seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

Lorraine A. Giovinazzo
Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 5 day of November, 2013.

Robert Wyatt Harrison
Notary Public

My commission expires: 9-30-2017



5313 Danas Crossing Accessory Dwelling Layout and Interior Photos

