



APPLICATION ACCEPTED: November 21, 2013
BOARD OF ZONING APPEALS: February 12, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

February 5, 2014

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-SP-099

SPRINGFIELD DISTRICT

APPLICANTS/OWNERS: Darin Martin
Pamela Martin

STREET ADDRESS: 6413 Melstone Court, Clifton, 20124

SUBDIVISION: Little Rocky Run

TAX MAP REFERENCE: 65-4 ((4)) 22A

LOT SIZE: 10,384 square feet

ZONING DISTRICT: R-3C

ZONING ORDINANCE PROVISIONS: 8-918

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit in an existing single family dwelling.

STAFF RECOMMENDATION: Staff recommends approval of SP 2013-SP-099 with adoption of 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:\ehaley\2-12-14) SP 2013-SP-099 Martin (ADU)\SP 2013-SP-099 Martin SR.doc

Erin M. Haley

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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 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.**

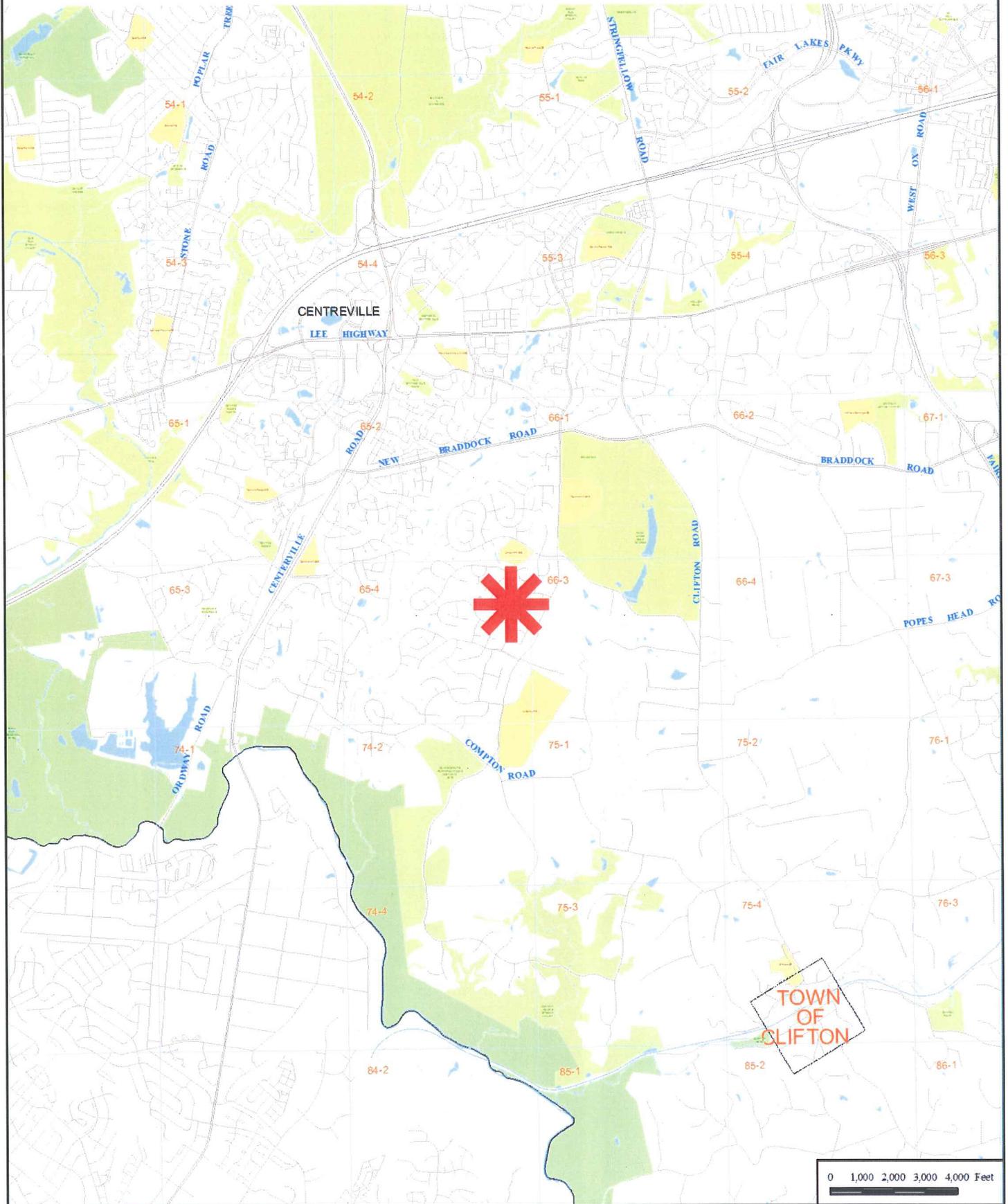


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

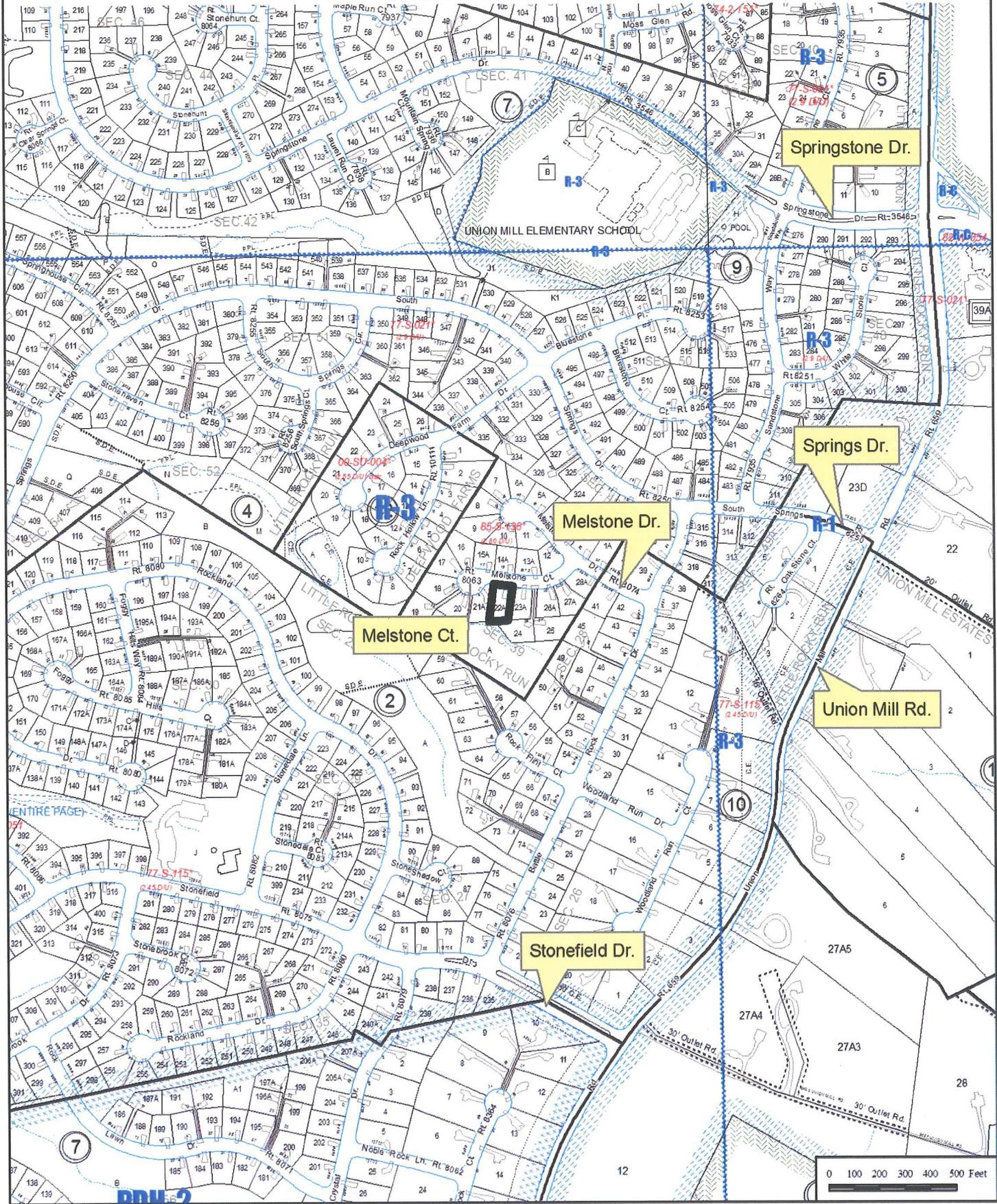
Special Permit

SP 2013-SP-099

DARIN MARTIN



Special Permit
SP 2013-SP-099
DARIN MARTIN



Springstone Dr.

Springs Dr.

Melstone Dr.

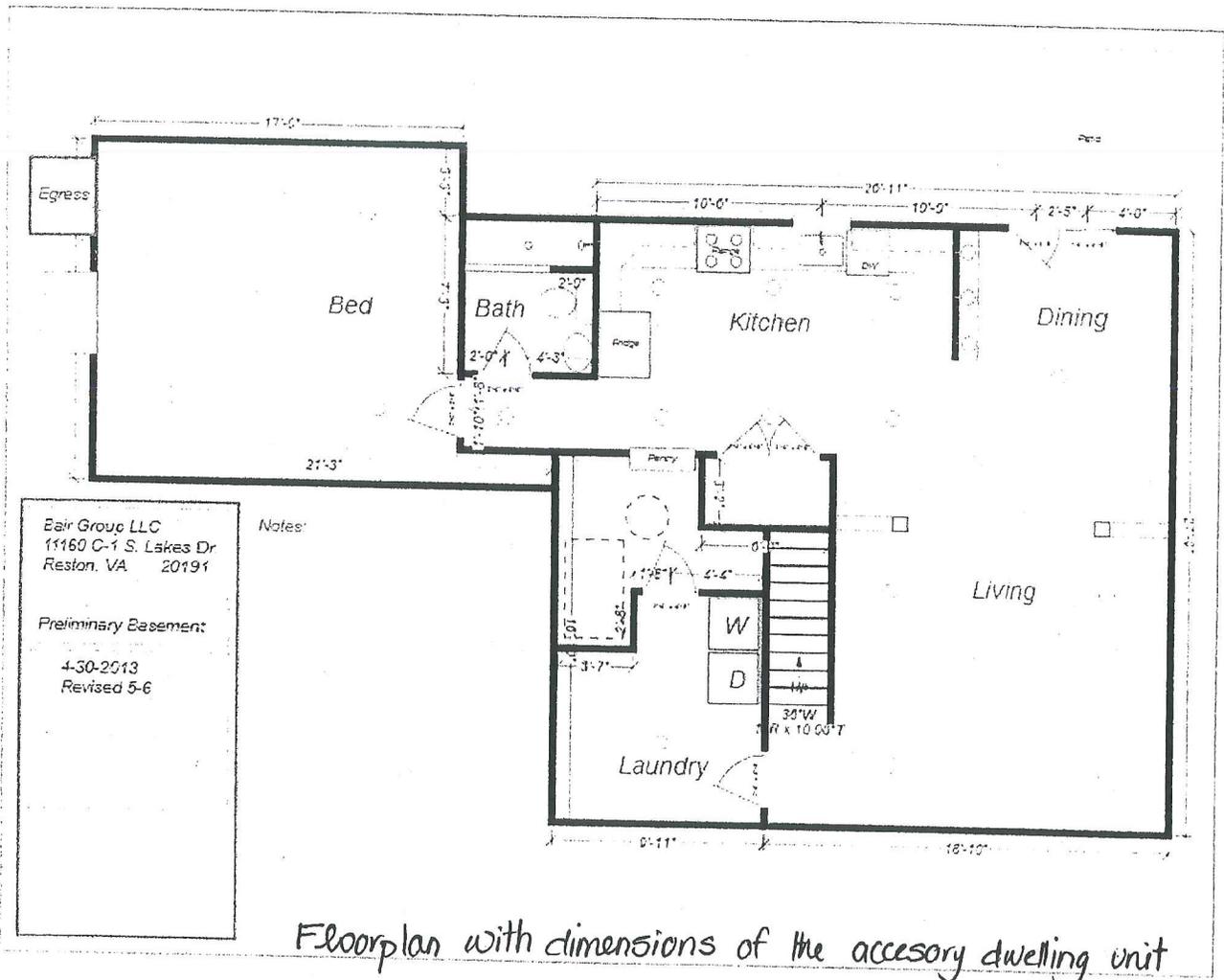
Melstone Ct.

Union Mill Rd.

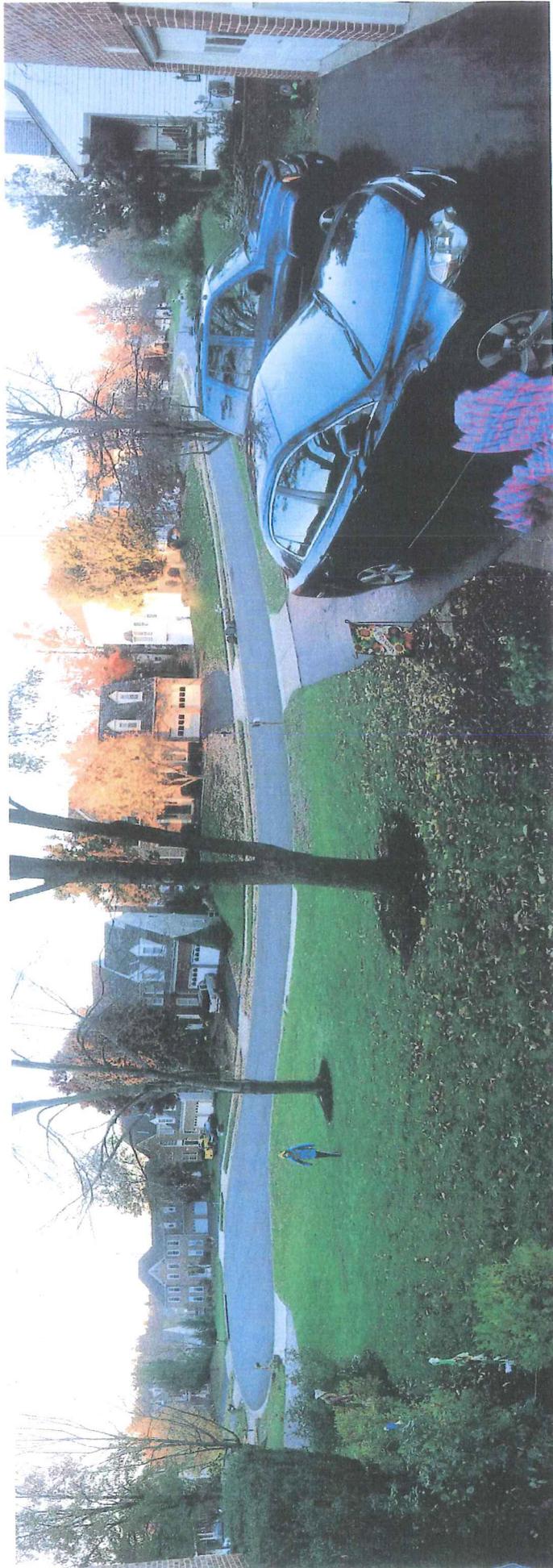
Stonefield Dr.



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Applicant Name: Darin Martin
Agent Name: John Manganello
Application Property Address: 6413 Melstone Court, Clifton, VA 210124
Agent's Phone Number: 703-591-5800



1 - Front of the Application Property facing North to the Neighbors across the street; Date: 11/14/2013

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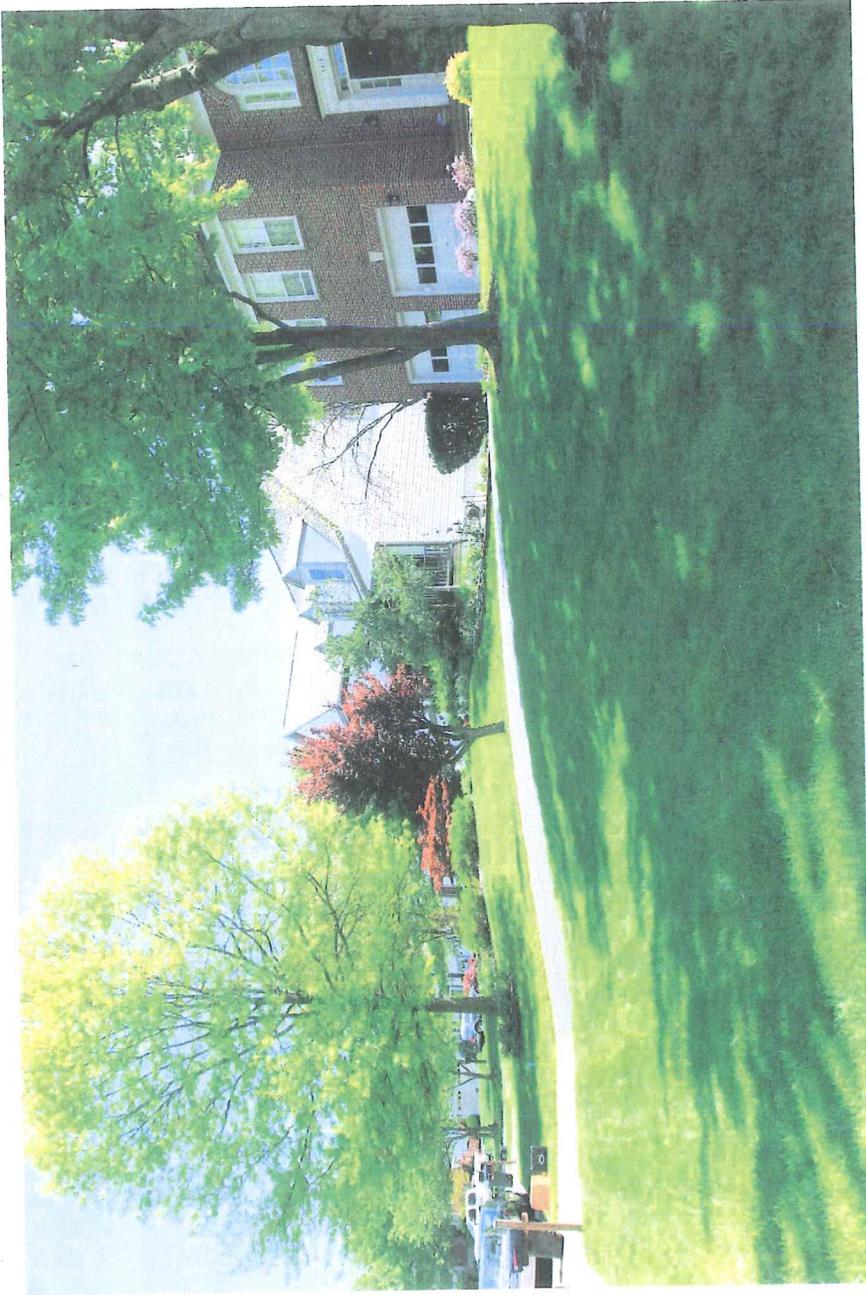


2- Front of the Application Property facing South, showing left and right side neighbors; Date: 11/14/2013

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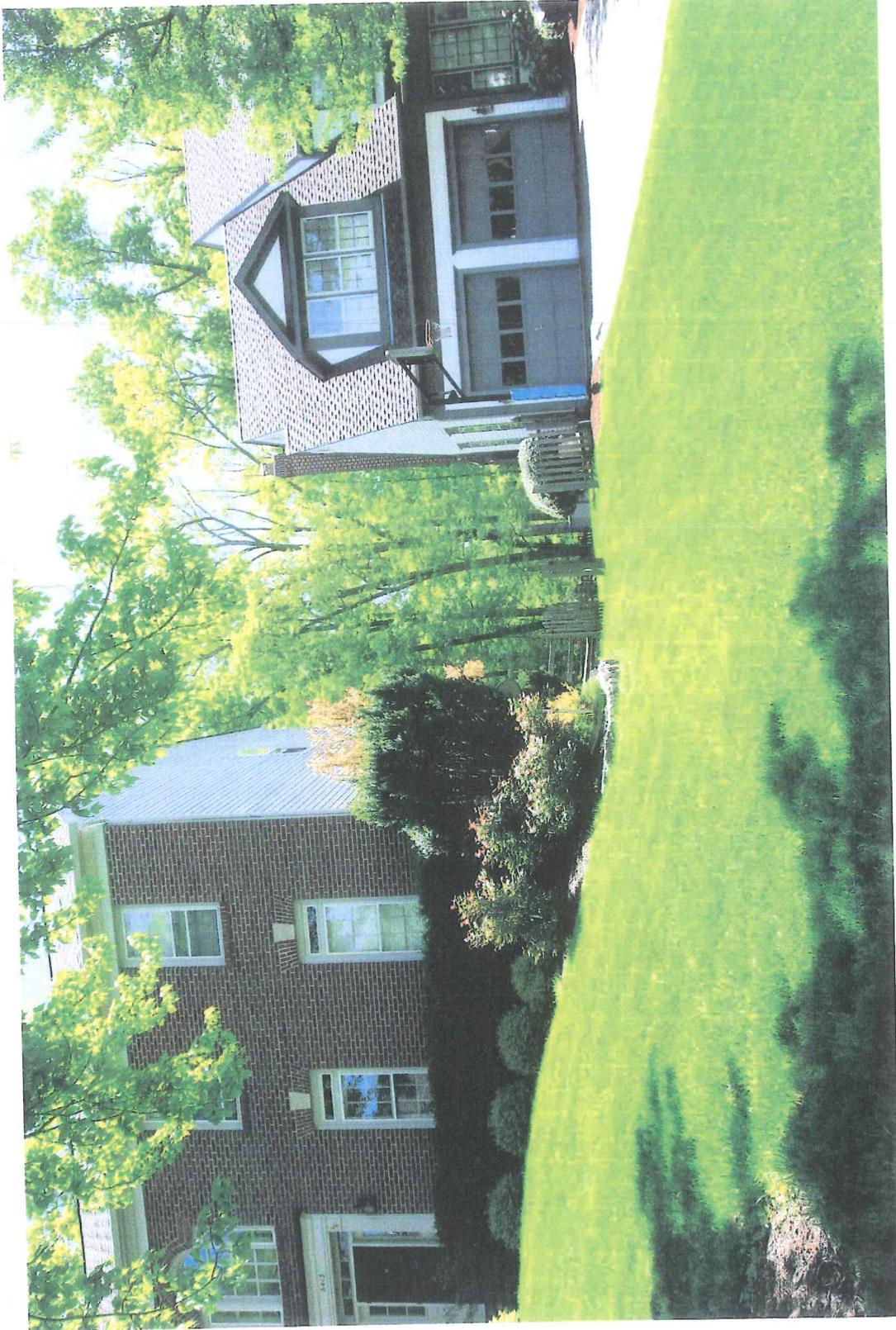


3- North side of the Application Property facing South showing the neighbor on left; 05/27/2013

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4- West side of the Application Property facing South showing neighbor on right; Date: 05/27/2013

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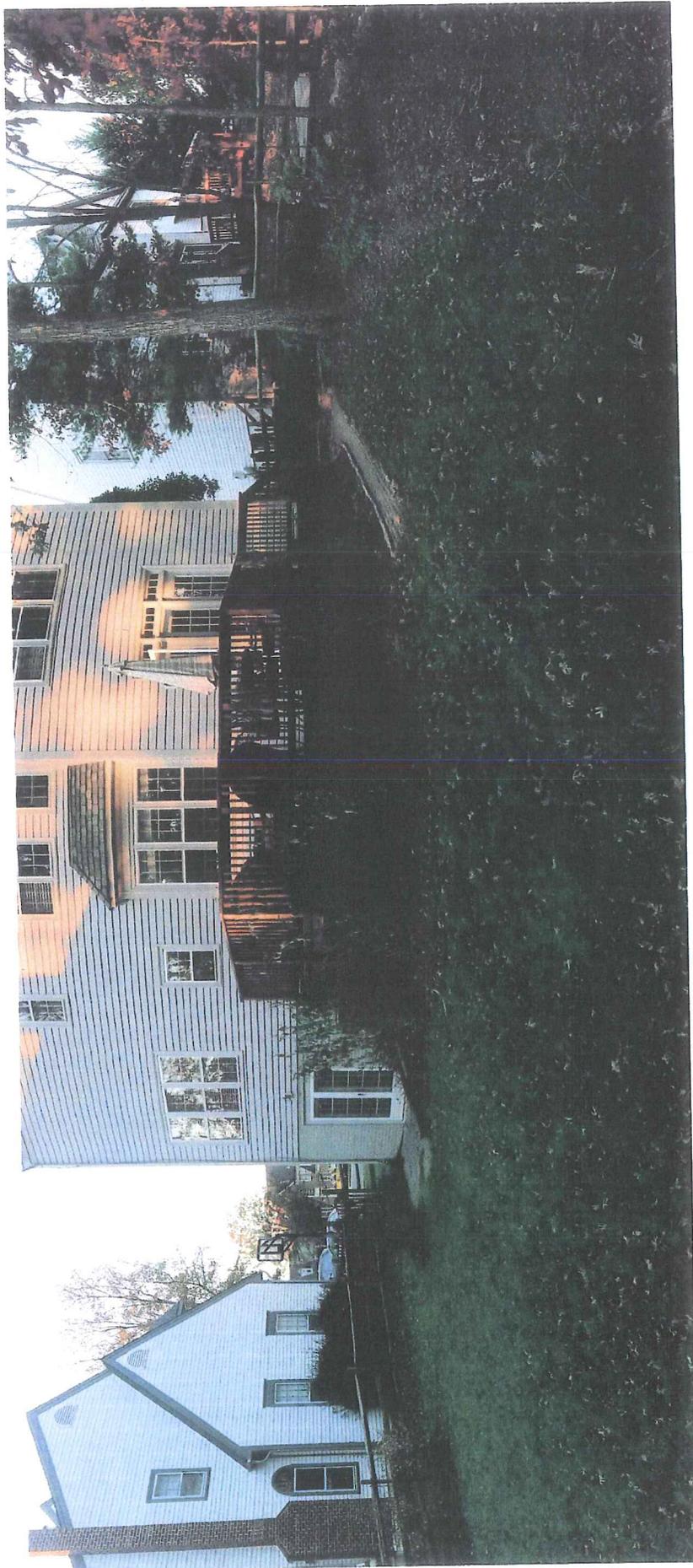


5- Driveway of Application Property facing North to the street; Date: 05/27/2013

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6- Full back of the Application Property facing North; Date: 11/14/2013

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7- East side of the Application Property facing North showing the neighbor on left; Date: 05/27/2013

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8- East side of the Application Property facing North showing the neighbor on left; Date: 05/27/2013

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Zoning Evaluation Permit

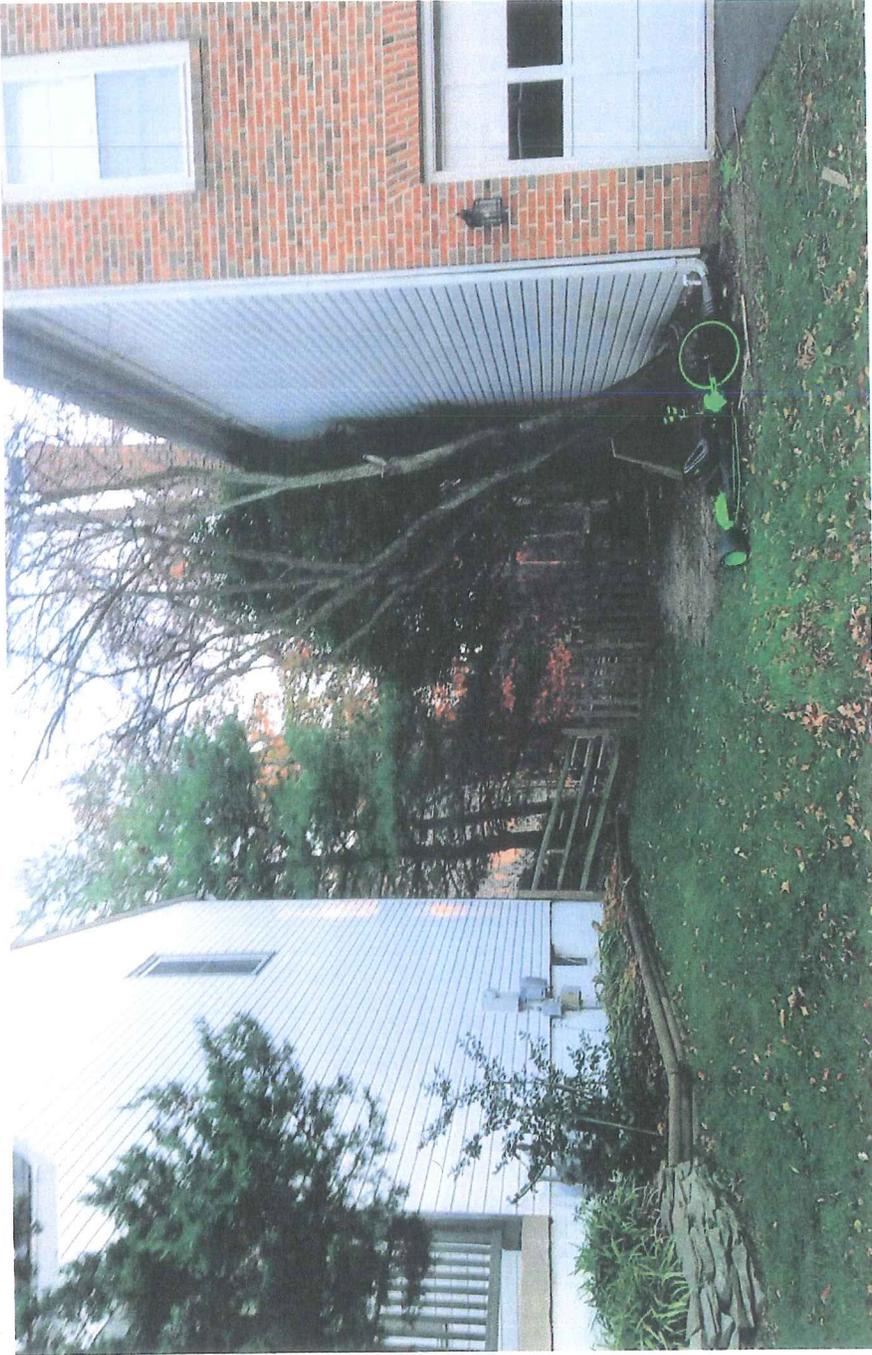


9- East side of the Application Property facing North between the Property and the neighbor; Date: 11/14/2013

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11/19/2013

Zoning, Community, Division



10- East side of the Application Property facing South between the Property and the neighbor; Date: 11/14/2013

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Zoning Administration Division

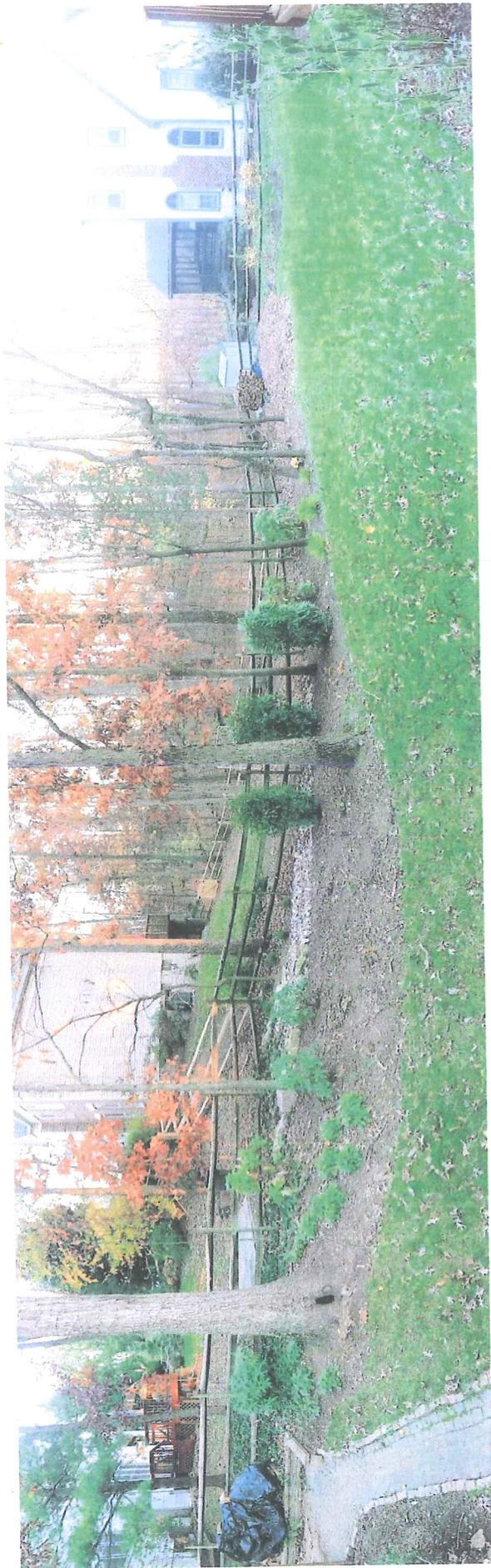


11- View from the East side of the Application Property facing South towards backyard; Date: 05/27/2013

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12- Panoramic view of the back yard of Application Property facing South showing East to West; Date: 11/14/2013

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Zoning Evaluation Unit



13- West side of the Application Property facing North showing neighbor; Date: 05/27/2013

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14- West side of the Application Property facing North showing the entrance for Accessory Dwelling; 05/27/2013

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Zoning Evaluation Division

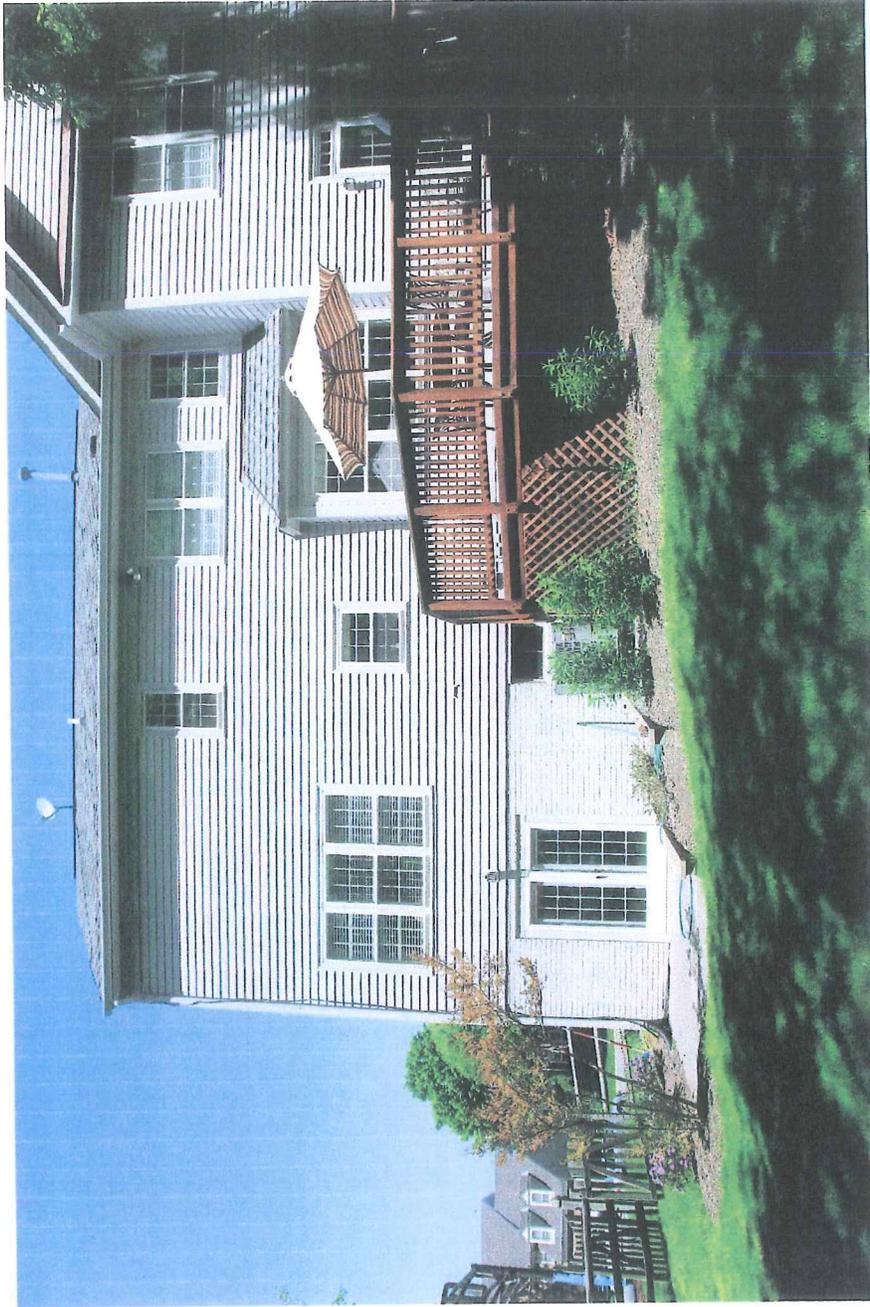


15- West side of the Application Property facing North showing the entrance for Accessory Dwelling; 05/27/2013

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NOV 19 2013

Zoning Evaluation Division



16- West side of the Application Property facing North showing the entrance for Accessory Dwelling; 05/27/2013

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Department of Planning & Zoning

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Zoning Evaluation Director



17- South side of the Application Property facing West towards neighbor; 05/27/2013

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Zoning Evaluation Division



18- South side of the Application Property facing West towards neighbor; 05/27/2013

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Department of Planning & Zoning

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Zoning Evaluation Division

Martin's Residence - 6413 Melstone Ct., Clifton, VA 20124



Melstone Court - View from North



Melstone Court - View from North



Accessory Dwelling Unit Entrance - rear side of the Property



Left side of the Property



Left side of the Property - Basement window & ADU Residents exit



Right side of the Property - 2nd exit for ADU Residents



Right side of the Property - 2nd exit for ADU Residents(further view)



South of the Property - 2nd exit for ADU Residents(further view)

SPECIAL PERMIT REQUEST

The applicant is requesting approval of a special permit to allow an accessory dwelling unit in the basement of the existing single family detached dwelling.

A copy of the special permit plat titled "Special Permit Plat, Lot 22-A, Resubdivision of Lots 1-6, 13-15, 21-23, and 26-28, Section 39, Little Rocky Run," prepared by John C. Manganello, Professional Engineer, of Land Development Consultants, Inc., dated September 16, 2013, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,384 square foot lot contains a two story brick and vinyl-sided single family dwelling. A wood deck is attached to the rear of the dwelling. An asphalt driveway provides access from Melstone Court and terminates at an attached two-car garage. A brick and paver walkway leads from the driveway to a front stoop. The dwelling's walk-out basement has French doors that lead to a paver stone patio at the rear of the dwelling. A paver stone walkway leads from the rear yard around the eastern side of the dwelling through a wooden gate 4.0 feet in height. A split rail fence 4.0 feet in height encloses the rear yard from the gate to the western side of the dwelling. The lot is flat with a grassed lawn and has mature trees in the southeast corner of the property. An area of rip-rap is located in the eastern rear yard area.



The subject property is south of Braddock Road and west of Union Mill Road. As illustrated on the previous page, the subject property and surrounding parcels are zoned R-3 and developed with single family detached dwellings.

BACKGROUND

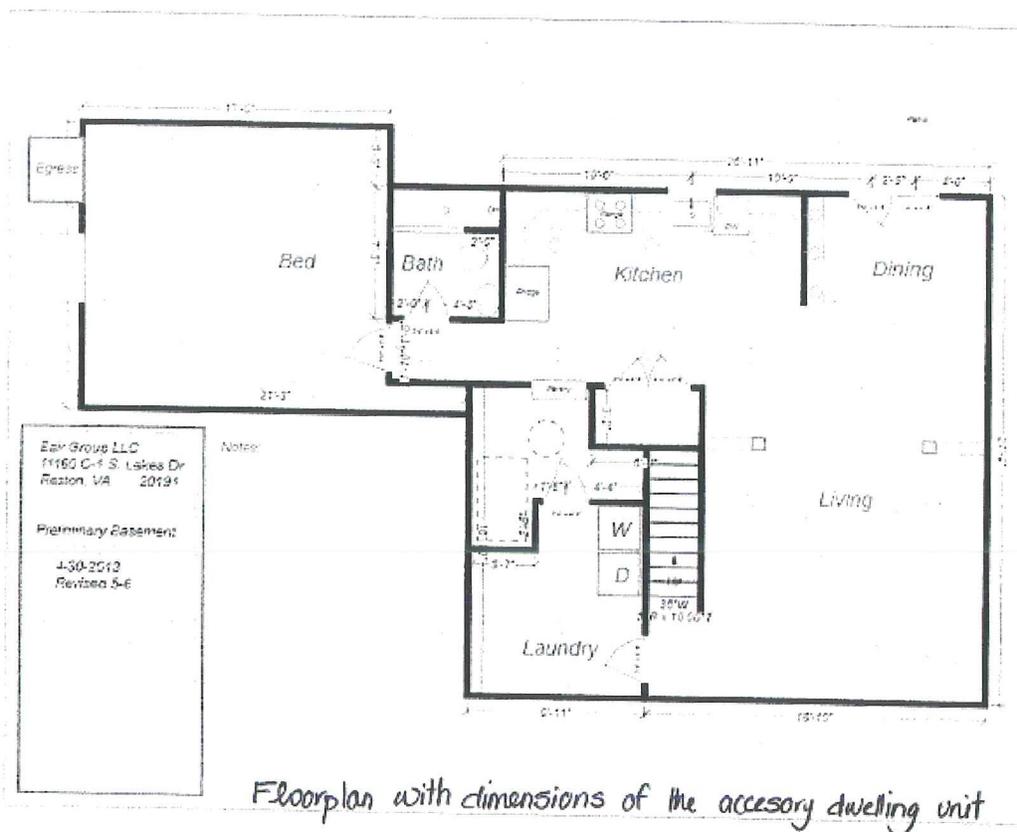
Fairfax County Tax Records indicate that the single family dwelling was constructed in 1989 and remodeled in 2012. The property was purchased by the applicant in March, 2013.

Since the adoption of the Zoning Ordinance, the Board of Zoning Appeals has not heard any similar applications on surrounding properties.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for an accessory dwelling unit within the basement of the existing single family dwelling. The proposed accessory dwelling unit will be 950 square feet in size and accounts for 31.8 % of the total gross floor area of the structure (which is 2,988 square feet). The accessory dwelling unit contains one bedroom, a bathroom, kitchen, and living/dining room.

Upon approval of the special permit, parents of one of the applicants, both over the age of 55, will reside in the accessory dwelling unit. Stairs are located in the area intended for the ADU that can access the main level of the dwelling. There is an existing walk-out exit that leads to the rear yard. In the proposed bedroom the applicants will install an emergency egress window that leads to the eastern side yard. Two parking spaces exist within an existing garage and a minimum of two more cars can park in the asphalt driveway, for a total of four parking spaces. The residents of the ADU have one car. Therefore, adequate parking exists in the current driveway and garage for all of the residents of the dwelling.



ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Bull Run Planning District
Planning Sector: Centreville Community Planning Sector (BR 06)
Plan Map: Residential uses at 3 dwelling units/acre (du/ac)

Zoning Ordinance Requirements

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-3C Zoning District.

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 4. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2013-SP-099 for the accessory dwelling unit with adoption of the Proposed Development Conditions contained in Appendix 1 of the 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 applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2013-SP-099****February 5, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-SP-099 located at Tax Map 65-4 ((4)) 22A 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.

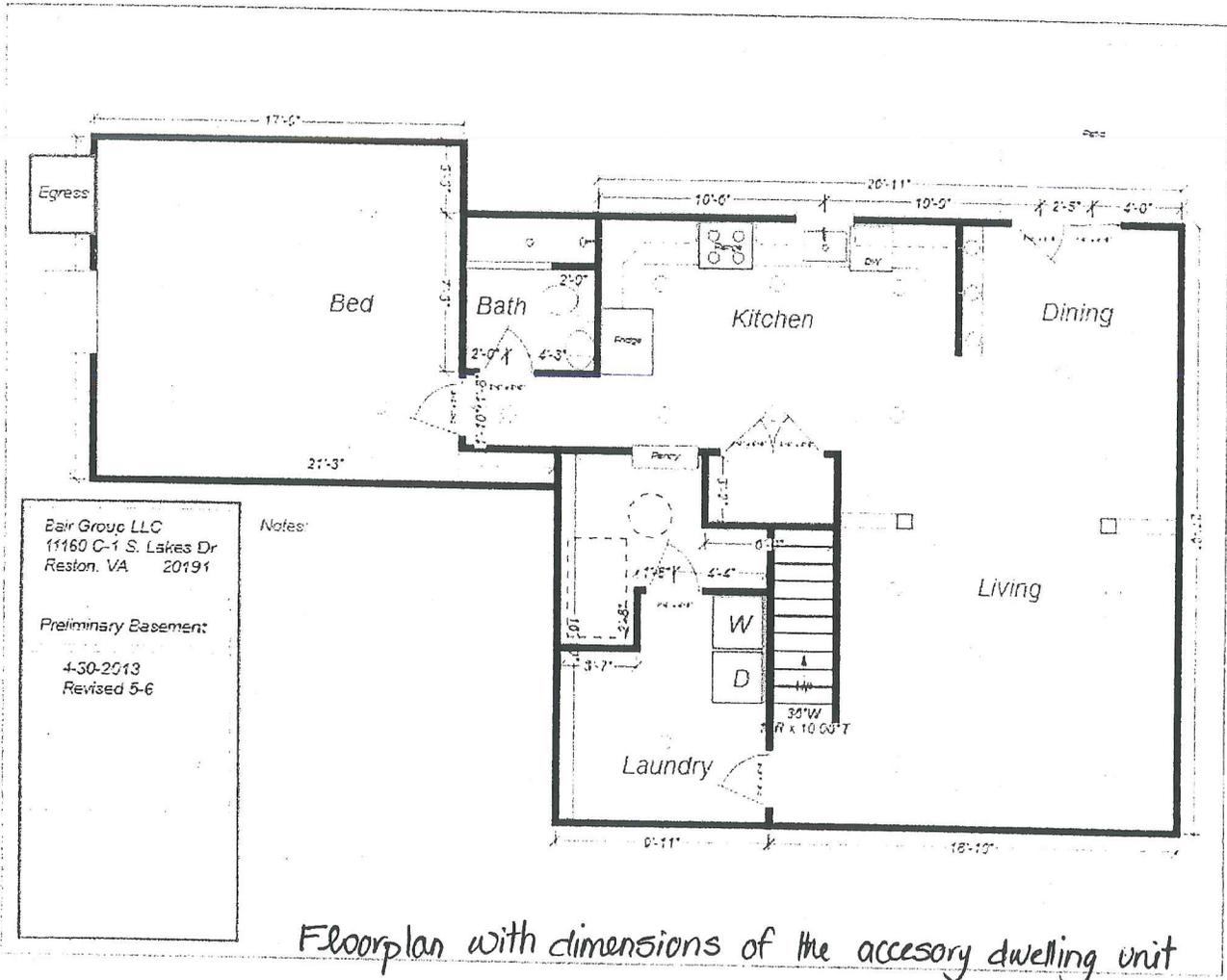
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the accessory dwelling unit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicants only, Darin Martin and/or Pamela Martin, and is not transferable without further action of this Board, and is for the location indicated on the application, 6413 Melstone Court (10,384 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 950 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions. Emergency egress shall also be provided as shown in Attachment 1 and the approved Special Permit Plat, and as approved in accordance with all applicable building and safety regulations.
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 within the garage and driveway 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.

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Bair Group LLC
11160 C-1 S. Lakes Dr
Reston, VA 20191

Preliminary Basement
4-30-2013
Revised 5-6

Notes:

Floorplan with dimensions of the accessory dwelling unit

Application No.(s): SP 2013-SP-099
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 2, 2013
 (enter date affidavit is notarized)

122697

I, John C. Manganello, P.E., 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

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)
Darin T. Martin	6413 Melstone Court Clifton, VA 20124	Applicant/Title Owner of Tax Map #0654 04 0022A
Pamela K. Martin	6413 Melstone Court Clifton, VA 20124	Applicant/Title Owner of Tax Map #0654 04 0022A
Land Development Consultants, Inc. Agent: John C. Manganello	10805 Main Street, Suite 700 Fairfax, Virginia 22030	Engineer/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 2013-SP-099

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 2, 2013
(enter date affidavit is notarized)

122697

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)

Land Development Consultants, Inc.
10805 Main Street, Suite 700
Fairfax, Virginia 22030

DESCRIPTION OF CORPORATION: (check one statement)

- [x] 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)

John C. Manganello

(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 2013-SP-099

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 2, 2013
(enter date affidavit is notarized)

122697

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)

None

(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 2013-SP-099
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 2, 2013
(enter date affidavit is notarized)

122697

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 2013-SP-099
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

122697

DATE: October 2, 2013
(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.

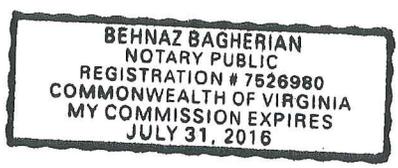
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, 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: *John C. Manganello*
(check one) Applicant Applicant's Authorized Agent
John. C. Manganello, P.E.
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 2 day of October 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Behnaz Bagherian
Notary Public

My commission expires: July 31, 2016





10805 MAIN STREET, SUITE 700
FAIRFAX, VA 22030
p. 703.591.5800
f. 703.273.7951
<http://www.landdevelopment.ws>

September 16, 2013

Barbara C. Berlin, Director
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

RECEIVED
Department of Planning & Zoning

SEP 16 2013

Zoning Evaluation Division

Re: Special Permit Application

**6413 Melstone Court, Clifton, VA; Fairfax County Tax Map Reference:
065-4-04-0022A (the "Subject Property")**

Applicant: Darin Martin

Dear Ms. Berlin;

The following is submitted as a statement of justification for a Special Permit Application requesting an accessory dwelling unit within the Subject Property.

The Subject Property is located at 6413 Melstone Court, Clifton, VA, in the Little Rocky Run LT 22A SEC 39 Subdivision; with the Fairfax County tax assessment numbers as 0654-04-0022A. This property is comprised of 10,384 square feet or 0.238 acres of land. The property is currently zoned as R-3C and located in the Springfield District #2.

The Applicant proposes an accessory dwelling unit (hereafter, "ADU") to be located within the basement of the existing single family detached dwelling (the "Principal Dwelling"), in accordance with the conditions of Section 8-918 of Fairfax County Zoning Ordinance (the "Zoning Ordinance"). The two story Principal Dwelling was constructed in 1989 and remodeled in 2012, and is approximately 2,988 square feet. The Principal Dwelling is owned and occupied by the Applicant. The ADU is a basement apartment, located within the Principal Dwelling unit with an external entrance located to the rear of the ADU. The ADU shall be occupied by the Applicant's parents, who are over fifty five years of age. The interior of the accessory dwelling unit is currently unfinished, however is proposed to be finished to include a living room, bedroom, bathroom, and kitchen. A portion of the basement shall remain unfinished which includes a furnace, hot water tank, and a proposed laundry room for a washer and dryer. The design of the ADU is similar to the Principal Dwelling and in harmony with the surrounding development, as there will be no significant changes to the exterior. The Rocky Run HOA has approved the proposed modifications

The gross floor area of the accessory dwelling is approximately 950 square feet which is 31.8% of the Principal Dwelling's above grade area (2,988 SF), and shall exceed thirty-five (35)

percent of the Principal Dwelling area. Parking is provided in the existing two car garage, as well as off street driveway parking, which will be sufficient to accommodate the Principal Dwelling and ADU residents vehicles.

Except as otherwise noted, the proposed use shall conform to the provisions of all applicable ordinances, regulations and adopted standards.

In accordance with the Zoning Ordinance requirements for a Special Permit Statement of Justification, please accept the following information regarding the special permit amendment application:

A. Type of operation

N/A

B. Hours of operation

N/A

C. Estimated number of patrons/clients/patients/pupils/etc:

N/A

D. Proposed number of employees/attendants/teachers/etc:

N/A

E. Estimate of the 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 ADU residents have one car and will make short regular trips to the areas in the vicinity, and not negatively affect the surrounding neighborhood.

F. Vicinity or general area to be served by the use:

Since the application for the ADU is to be used by 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 buildings or additions:

The existing building shall remain the same, and there will be no significant changes to the exterior. There shall be some additions to the basement to add more rooms and a kitchen to be used as an accessory dwelling unit for in-laws, and the addition of an ingress-egress window in the proposed bedroom.

H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generalized, utilized, stored,

treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

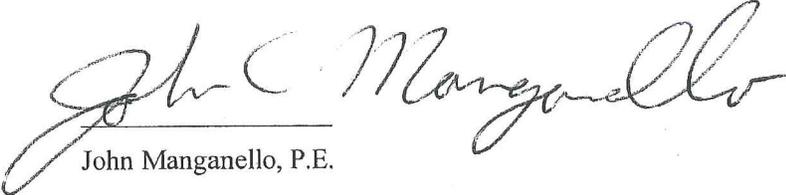
To the best of Applicant's knowledge the Subject Property contains no hazardous or toxic substances.

Accordingly, the general standards for Group 9-Special Permit, along with the additional standards for an ADU, have been met.

Should you have any questions regarding this submission, or require additional information, please do not hesitate to contact me. I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Board of Zoning Appeals (BZA) at your earliest convenience. As always, I appreciate your assistance and cooperation.

Sincerely,

Land Development Consultants, Inc.



John Manganello, P.E.

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.