



SPECIAL PERMIT ACCEPTED: November 22, 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-DR-100

DRANESVILLE DISTRICT

APPLICANT/OWNER: Mary Ann Torregrossa

SUBDIVISION: El Nido Estates

STREET ADDRESS: 6603 Fairlawn Drive, McLean, 22101

TAX MAP REFERENCE: 30-4 ((30)) 75

LOT SIZE: 10,584 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-918

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

STAFF RECOMMENDATION: Staff recommends approval of SP 2013-DR-100 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 applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\vgumk2\SP_VC Cases\2-12) SP 2013-DR-100 Torregrossa\SP 2013-DR-100 Torregrossa Staff Report.doc
Laura Gumkowski

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.

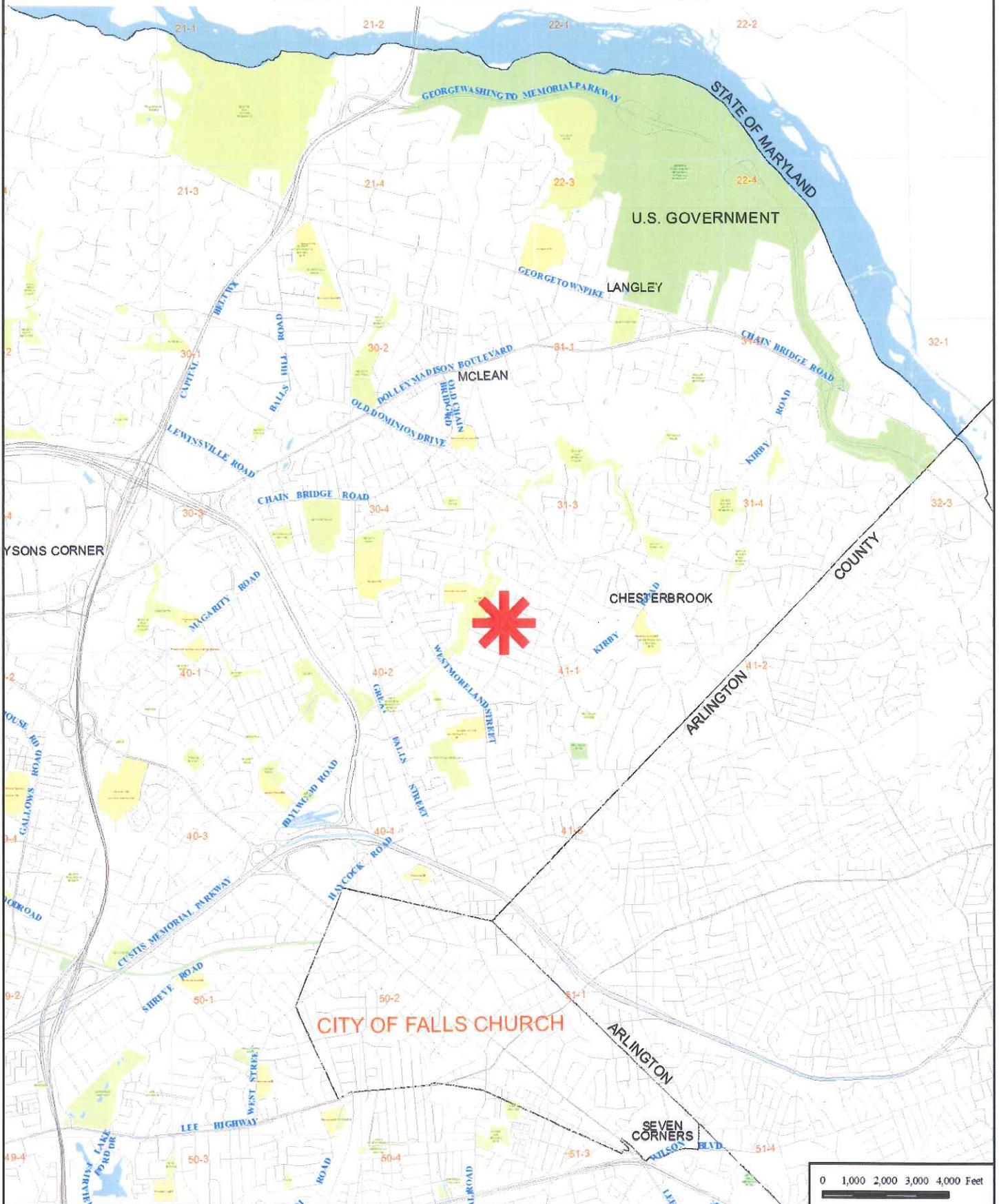
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

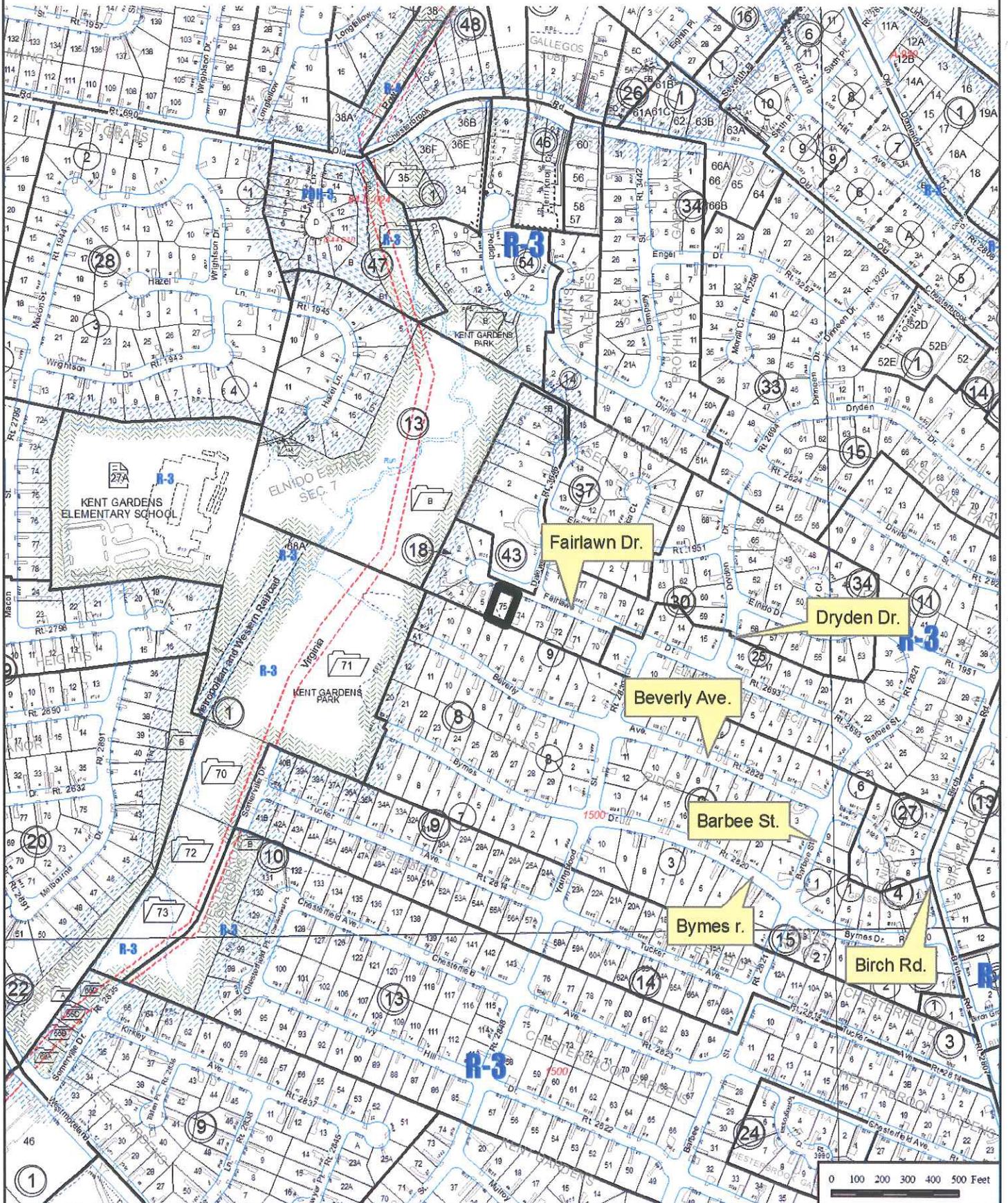


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2013-DR-100
MARY ANN TORREGROSSA



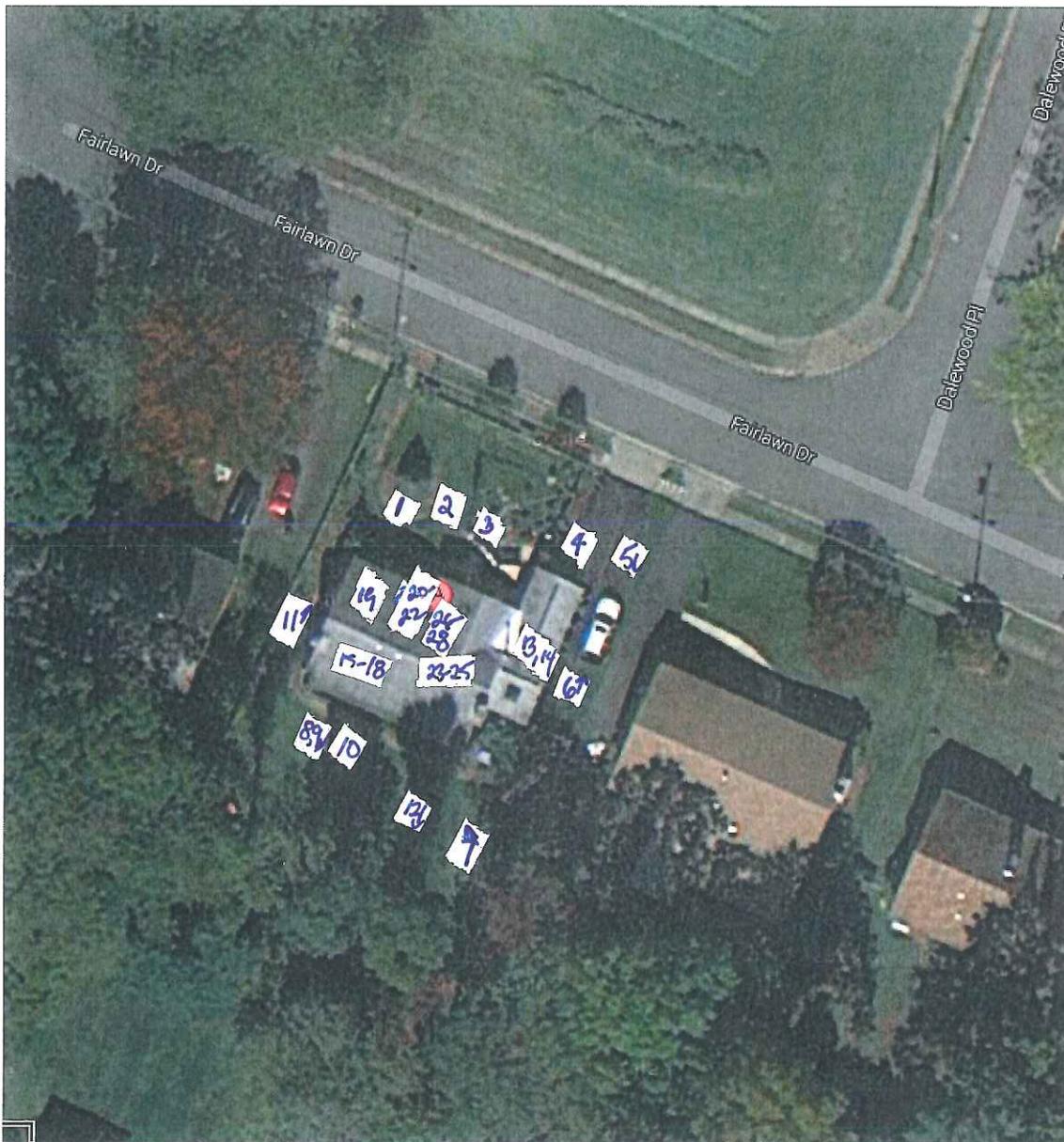
Special Permit
SP 2013-DR-100
MARY ANN TORREGROSSA



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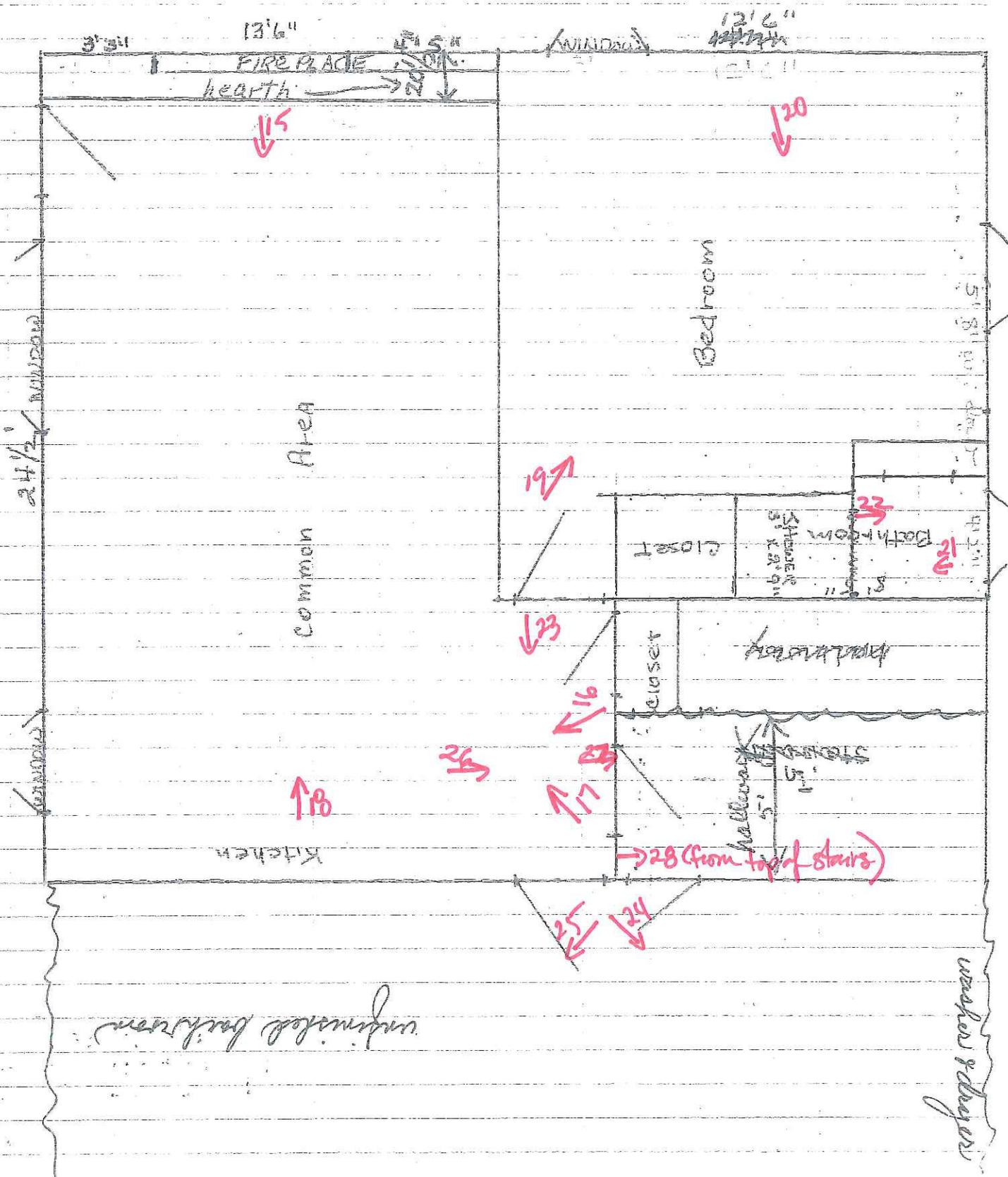
Zoning Evaluation Division

Photograph Key
Mary Ann Torregrossa Home
6603 Fairlawn Drive; McLean, VA



not to scale but close (smiley)

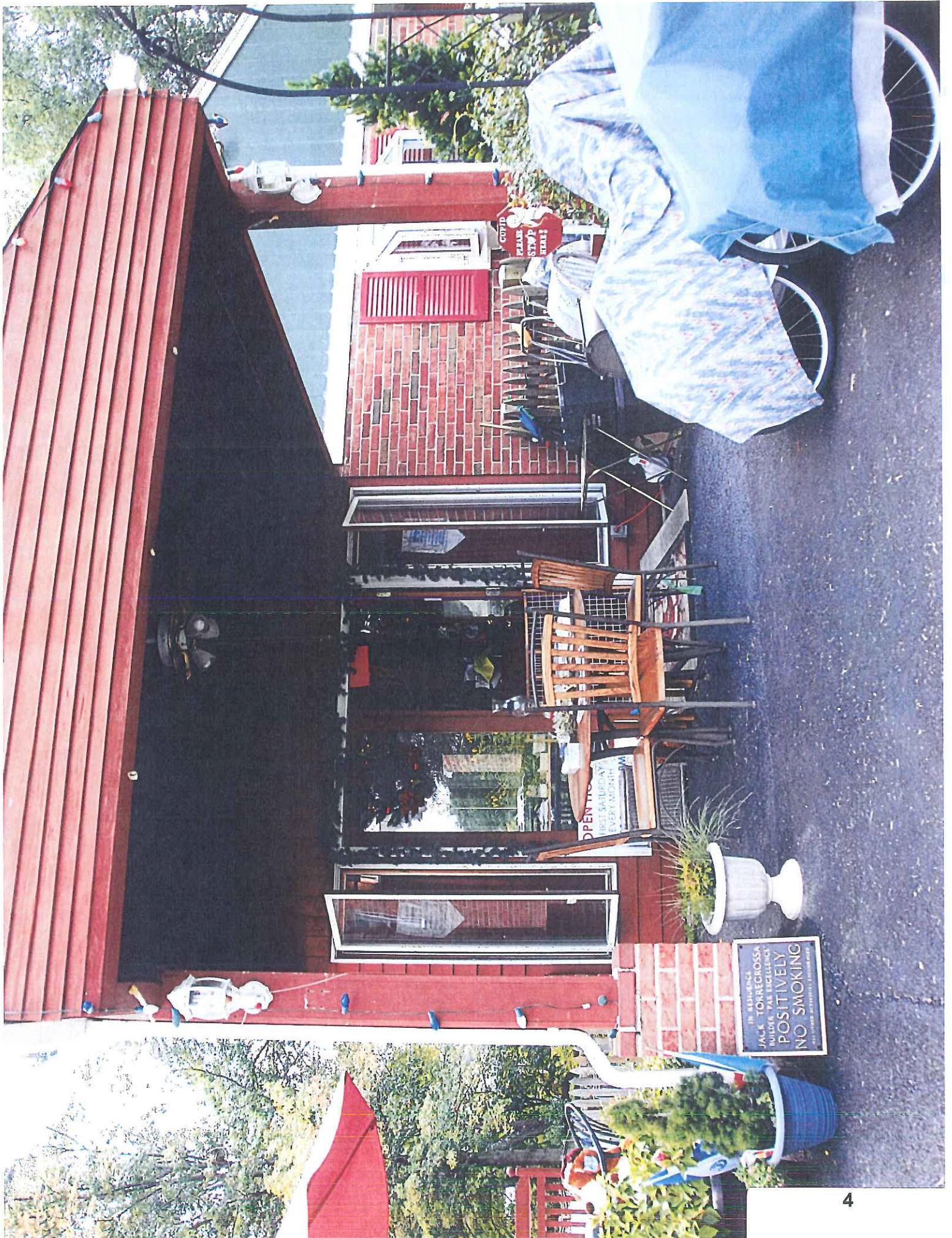
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The Christmas Inn
Like a Bed & Breakfast - a Ministy
McLean, Va
703-356-9283
Cost: Donations only
(or with surty)
We Celebrate Christmas 365 Days A Year

Brevkya, Virginia
703-356-9283





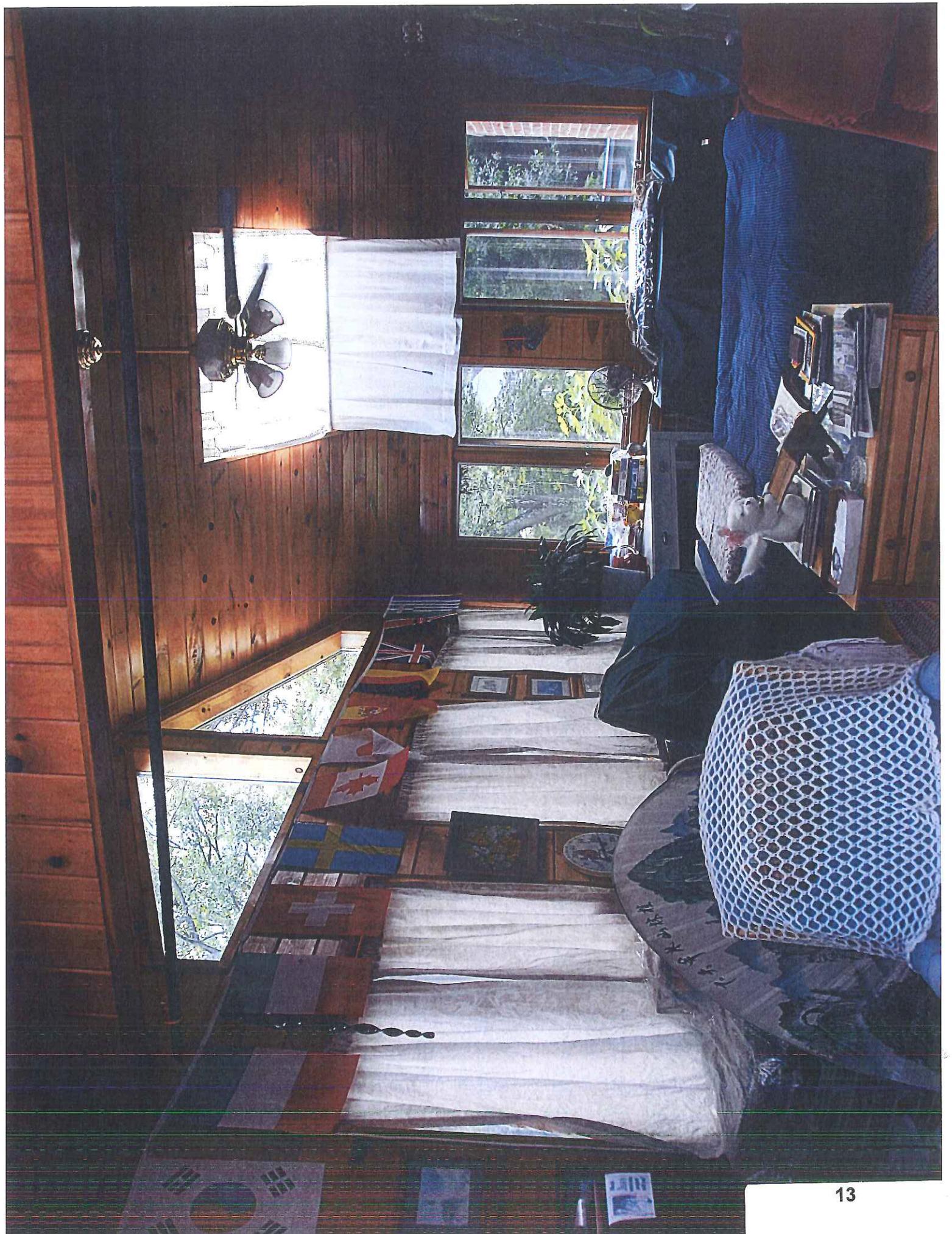






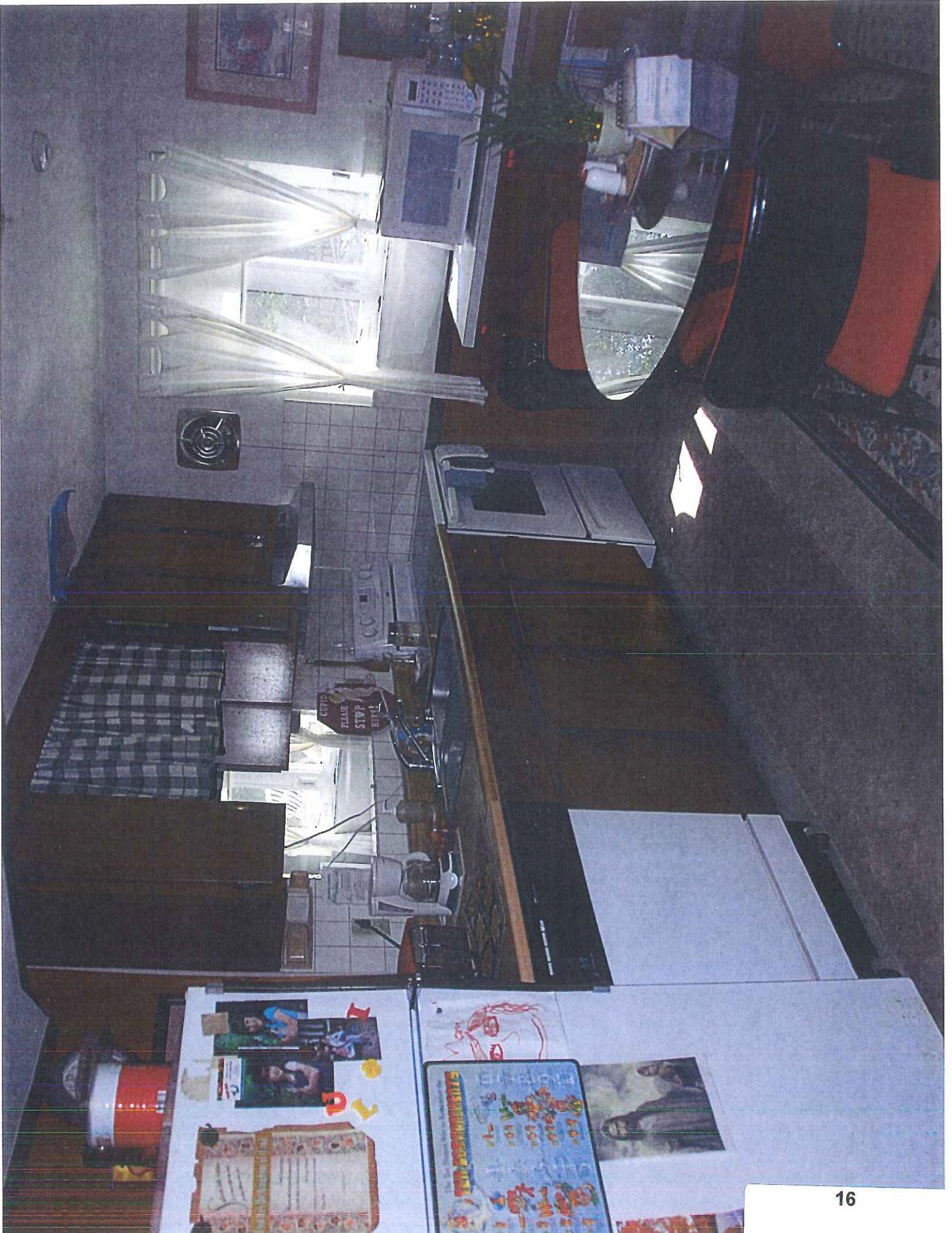








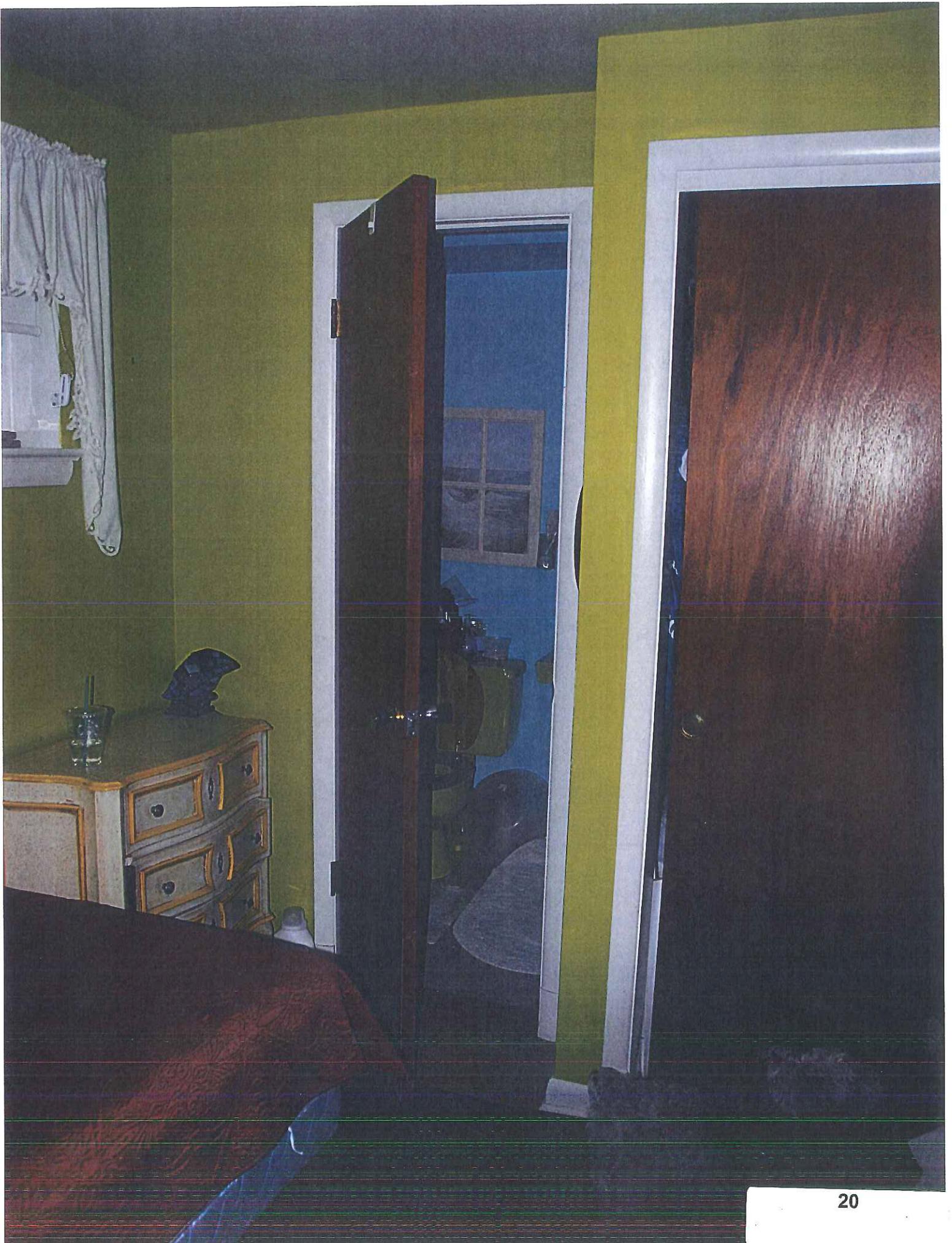






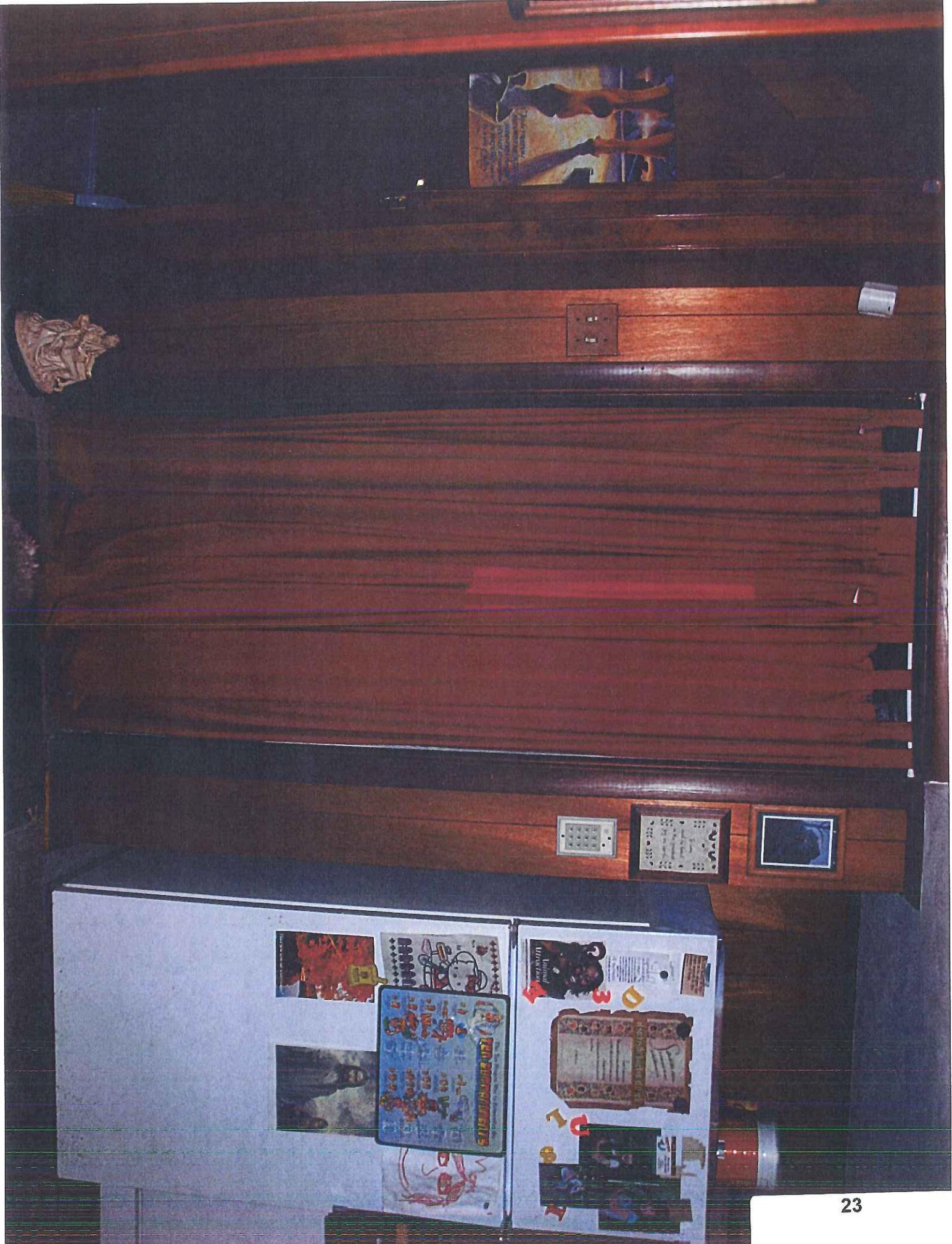






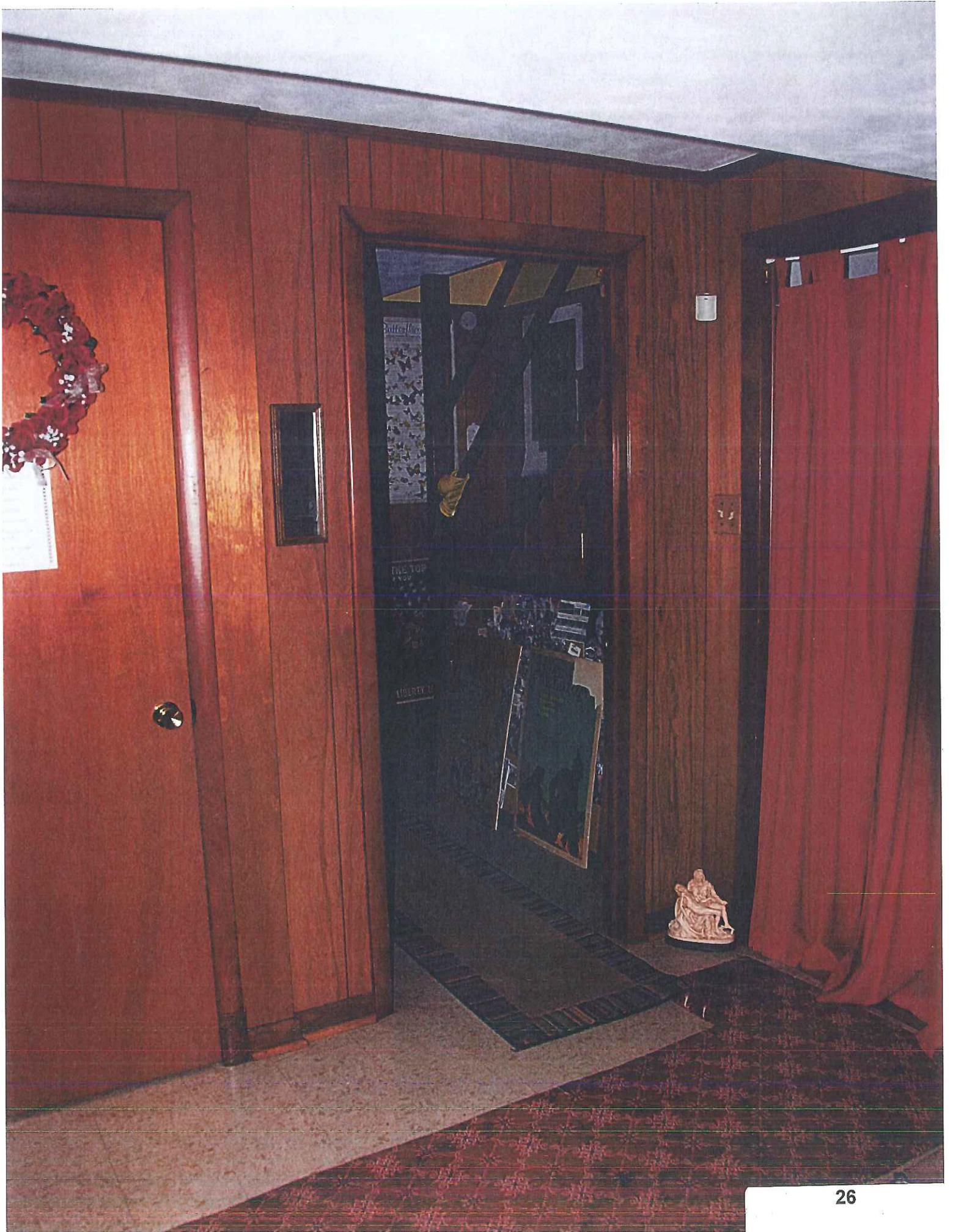




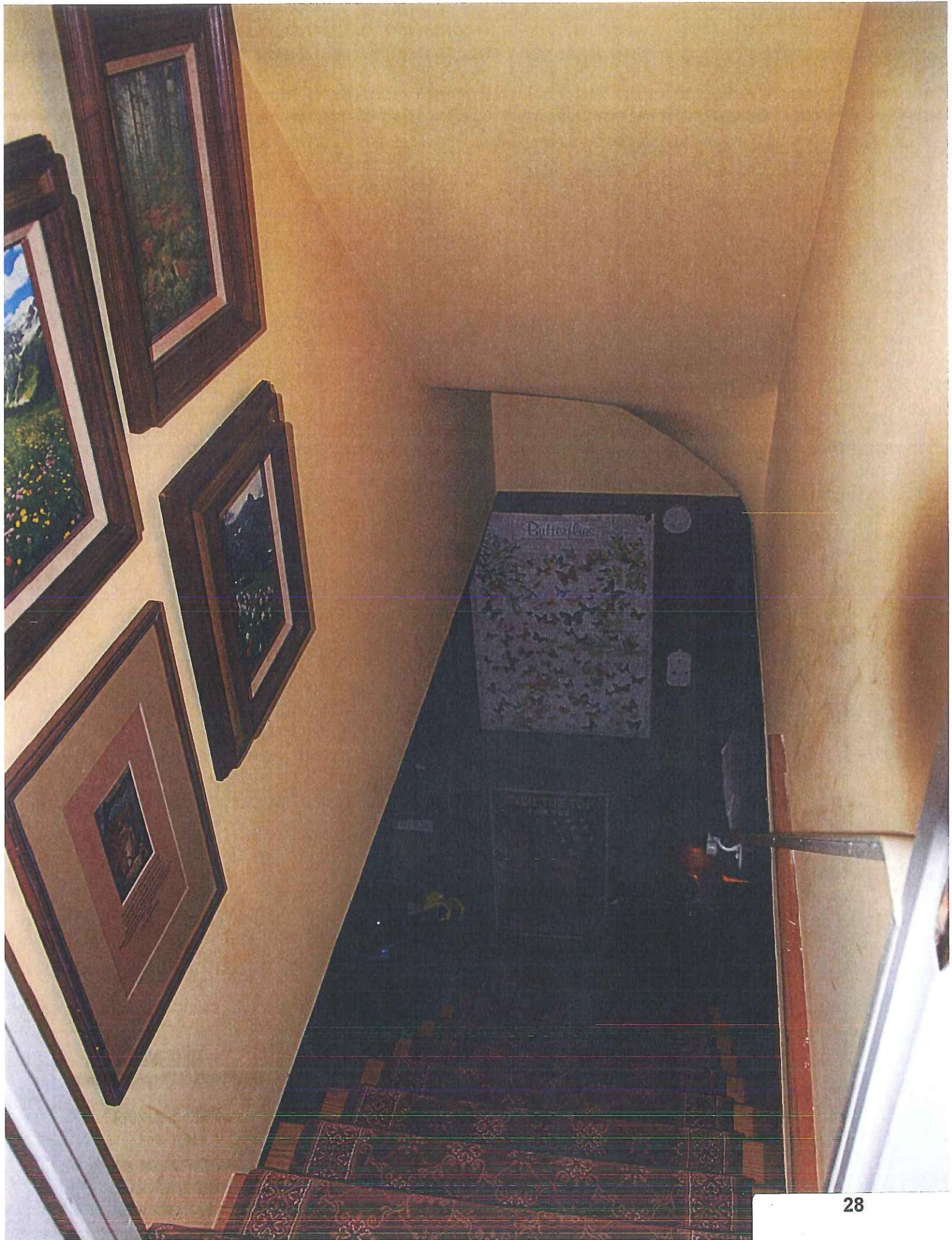




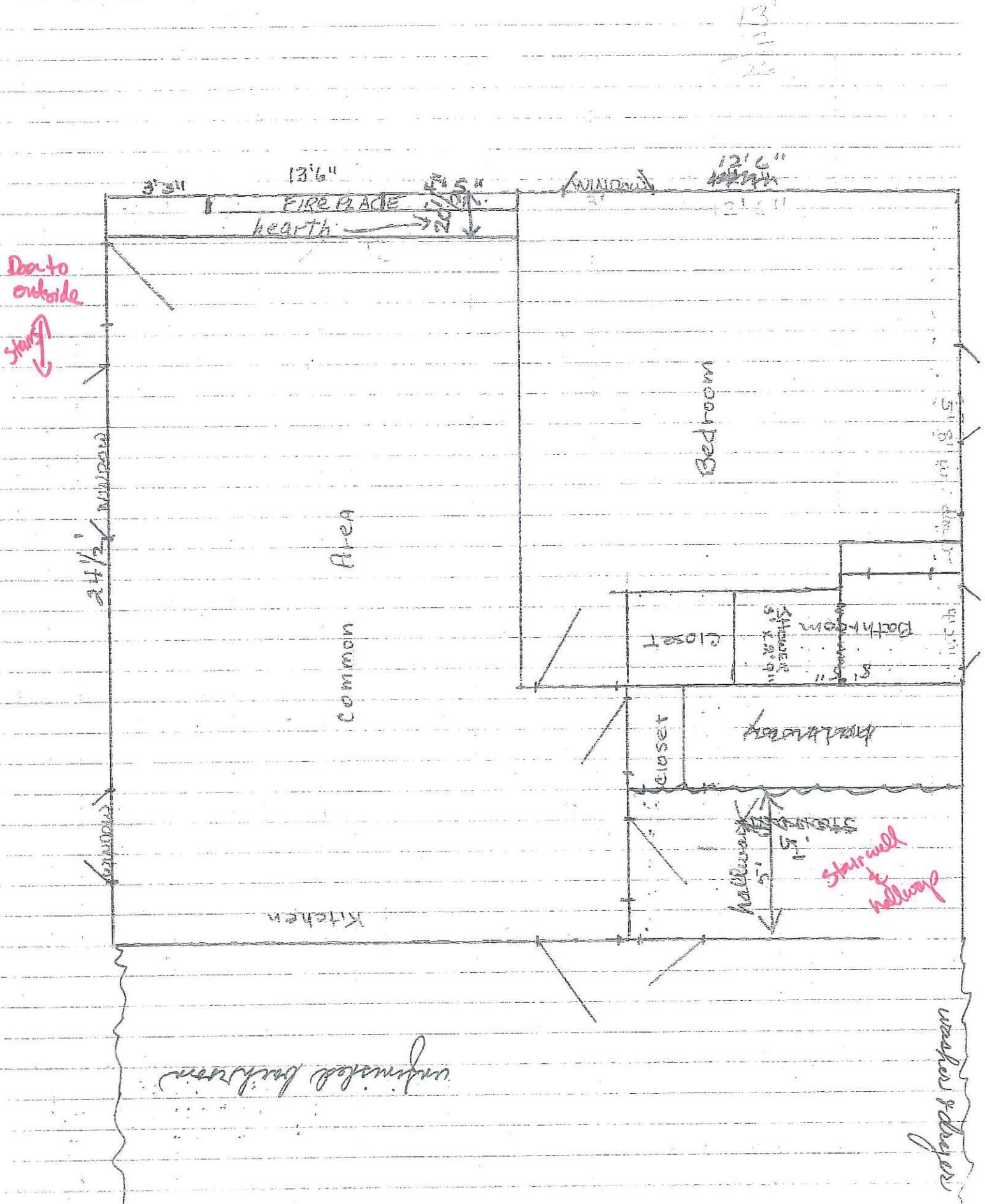








not to scale but close 😊





WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

Inda E. Stagg
Senior Land Use Planner
(703) 528-4700 Ext. 5423
istagg@arl.thelandlawyers.com

RECEIVED
Department of Planning & Zoning
NOV 19 2013
Zoning Evaluation Division

MEMORANDUM

Via Hand Delivery

TO: Virginia Ruffner
CC: Mary Ann Torregrossa
FROM: Inda E. Stagg *IES*
DATE: November 19, 2013
RE: Revised Application Materials for SP 2013-0181
Mary Ann Torregrossa
TM 30-4 ((30)) 75

In a memorandum from you dated November 6, 2013, it was determined that the special permit application submitted on behalf of Mary Ann Torregrossa did not meet the minimum submission requirements and was not accepted for processing. As specified in your memorandum, the identified deficiencies have been corrected. Please find, attached:

- An application form with the zoning ordinance section corrected. Please note that the application form does not ask for the Owner's Address, it asks for the Applicant's mailing address. The Applicant's mailing address is Walsh Colucci's address for any mailings associated with this application; regardless, I have added a note to the application form that specifies that the Applicant's home address is the same as the Property address.
- Photographs have been provided of the surrounding properties, with a key.
- The statement of justification has been modified in order to (1) provide statements regarding hazardous and toxic substances, and (2) state that the proposed development conforms to the provisions of the ordinance.

I trust that these revisions will satisfy the standards for acceptance. Please let me know if there is any other information you require.

PHONE 703 528 4700 ■ FAX 703 525 3197 ■ WWW.THELANDLAWYERS.COM
COURTHOUSE PLAZA ■ 2200 CLARENDON BLVD., THIRTEENTH FLOOR ■ ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 ■ PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

RECEIVED
Department of Planning & Zoning

NOV 19 2013

Zoning Evaluation Division

**Key For Photographs Looking Off-Site
Taken November 18, 2013
Mary Ann Torregrossa Home
6603 Fairlawn Drive; McLean, VA**

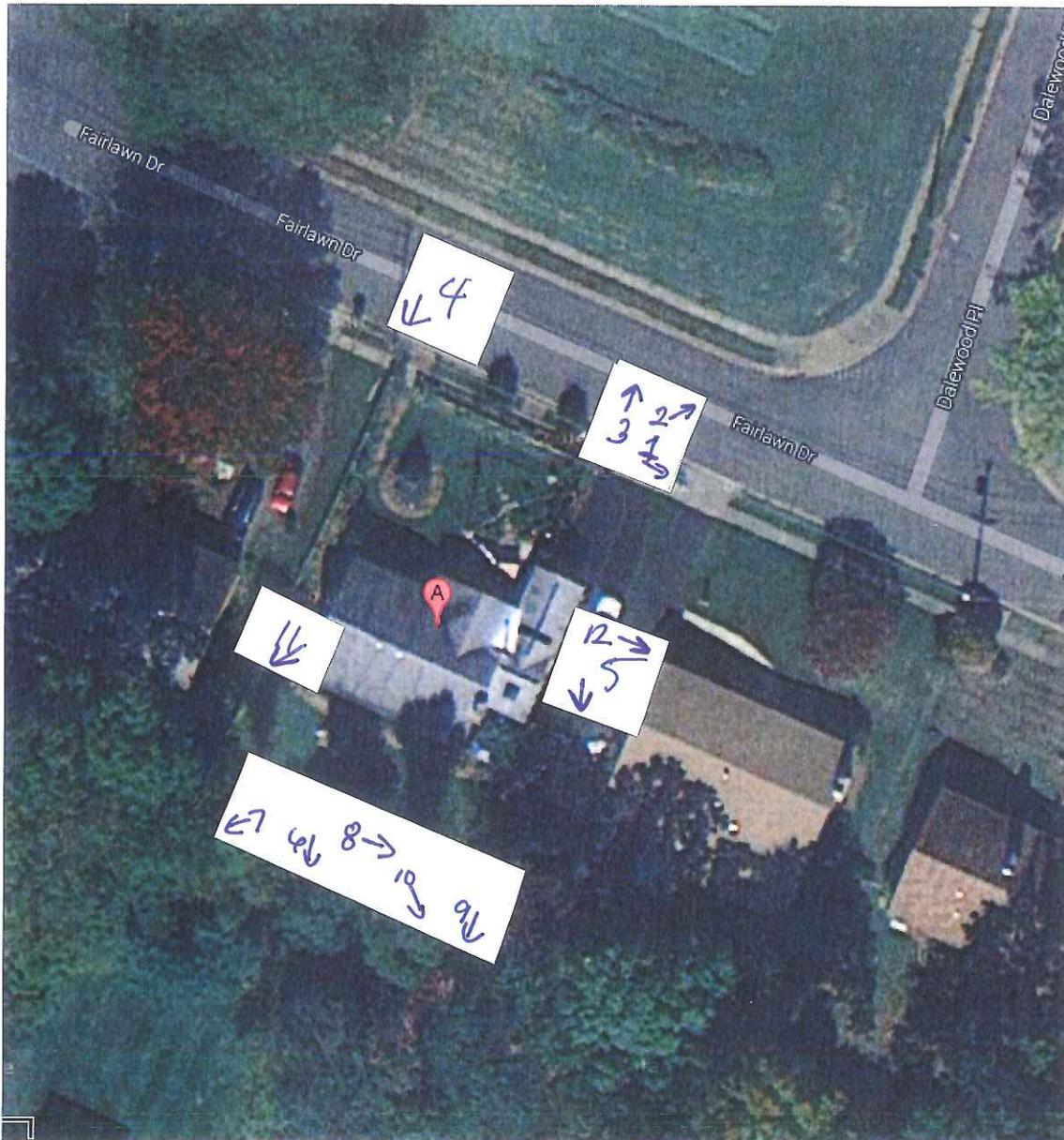




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tabbles



EXHIBIT
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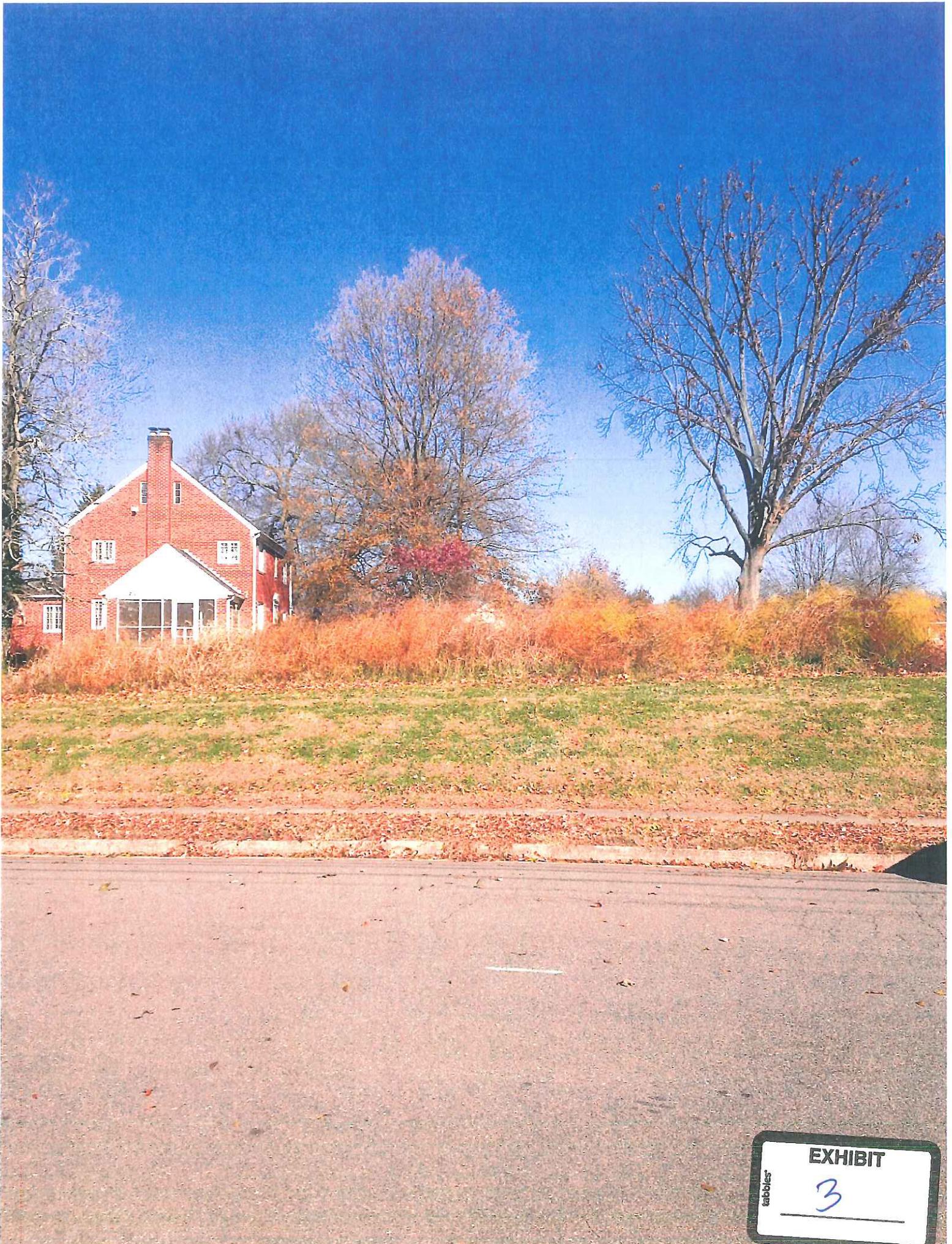


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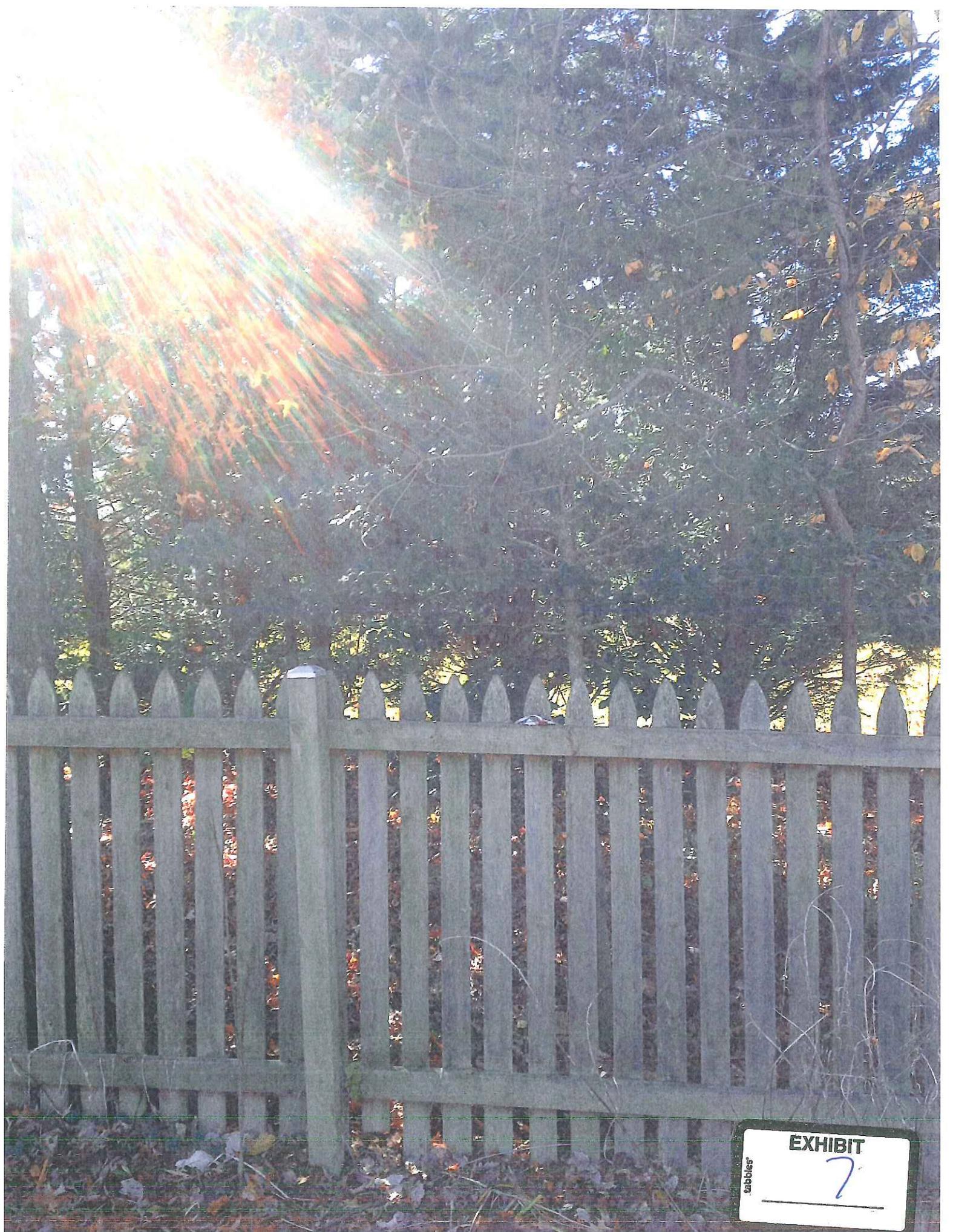
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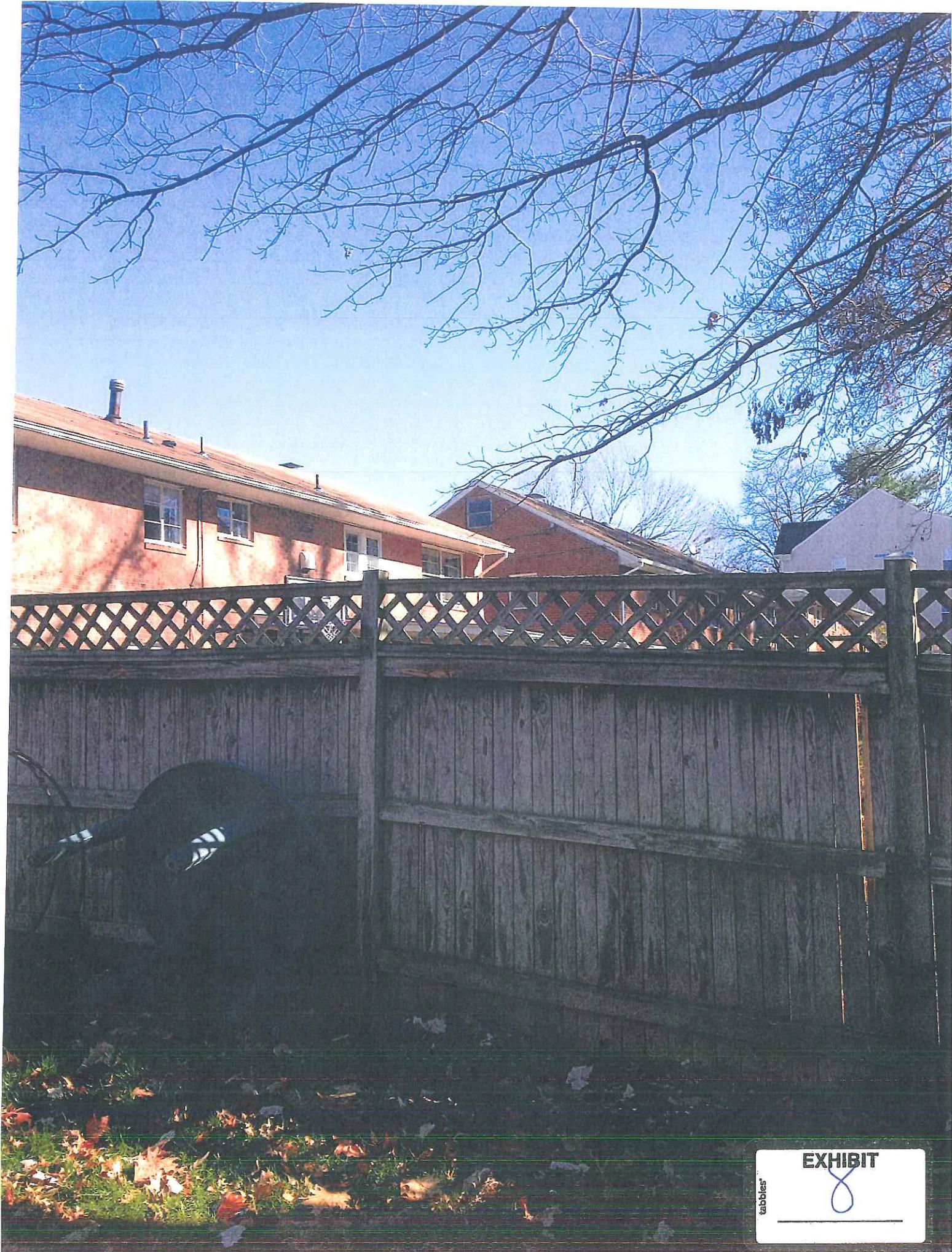
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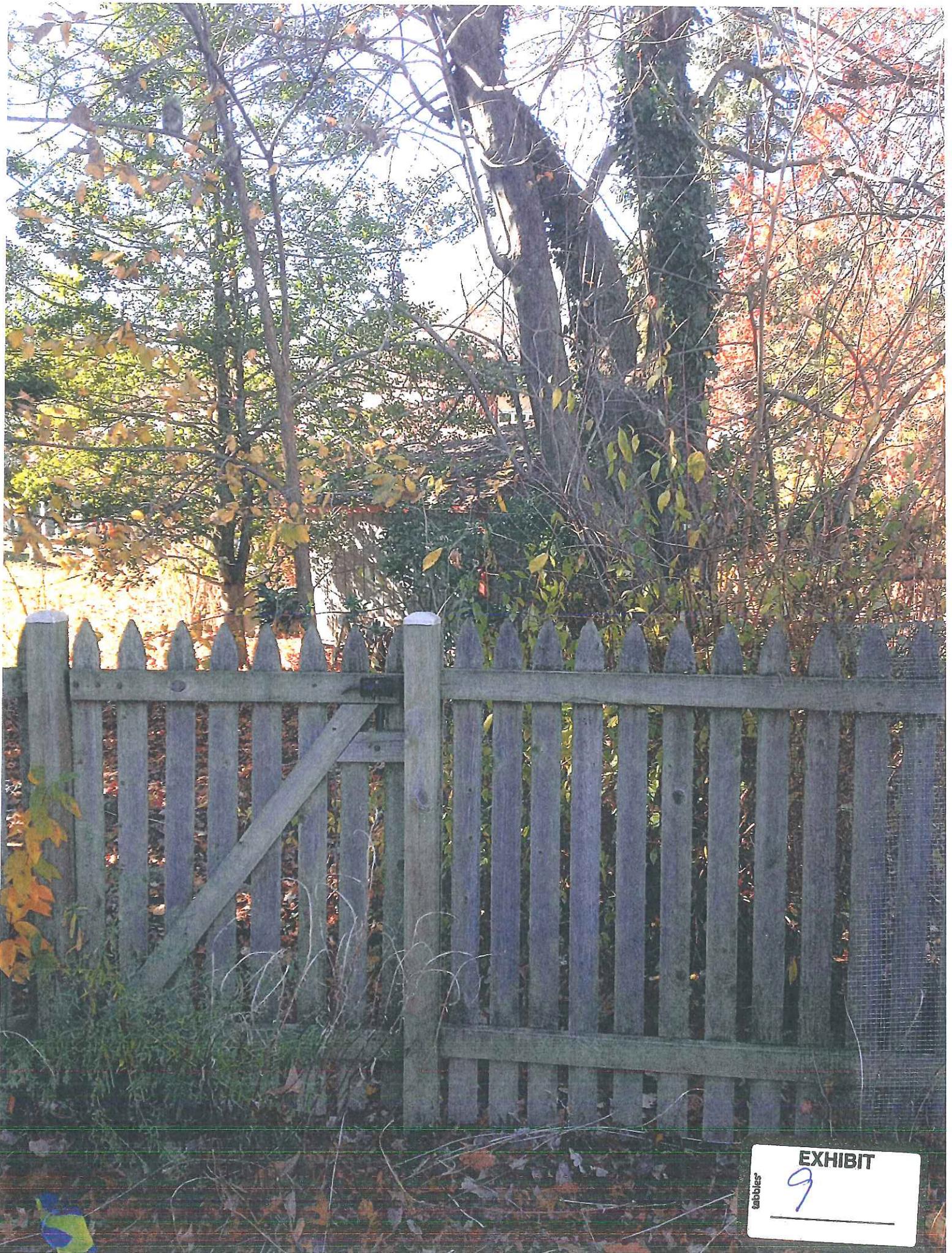
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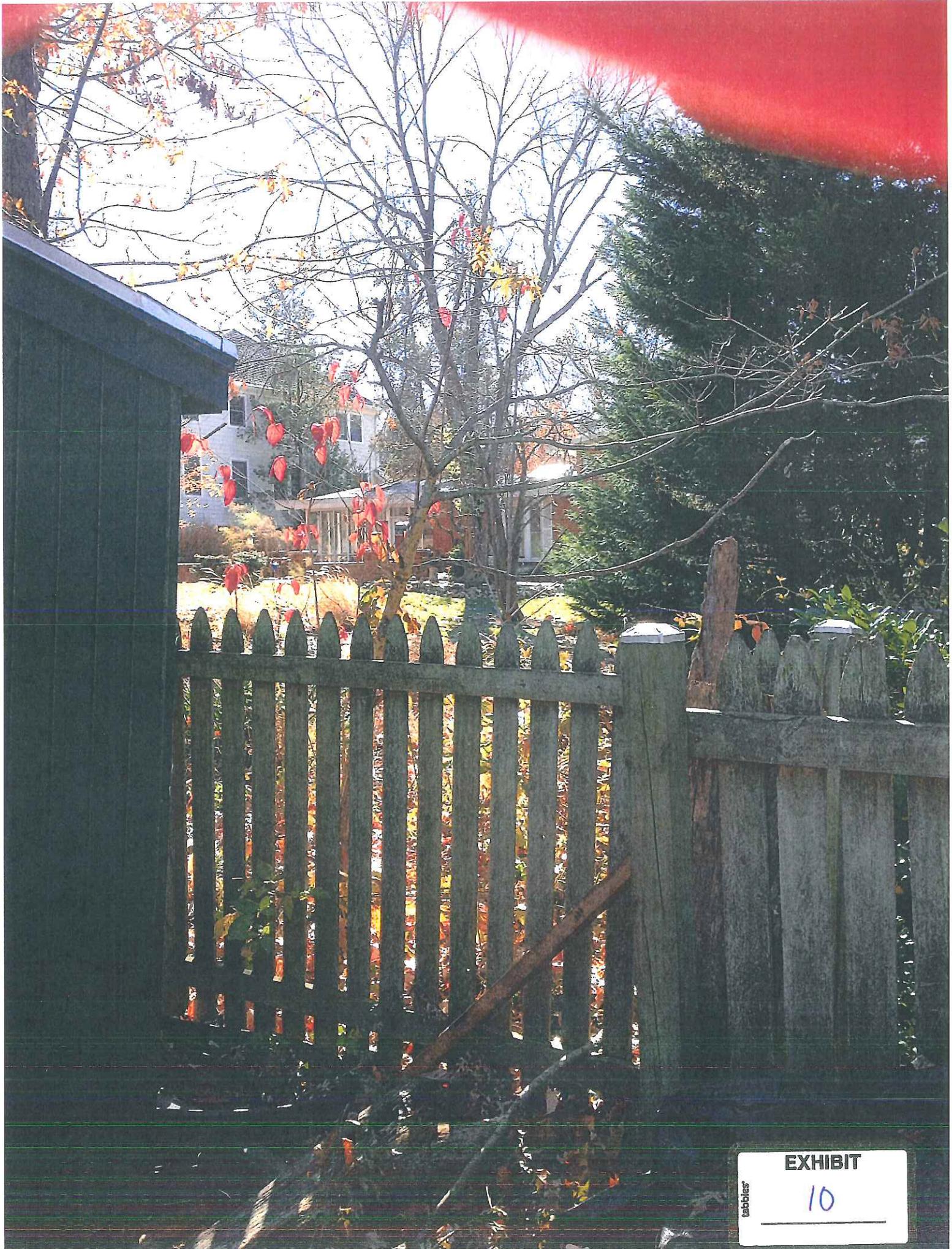


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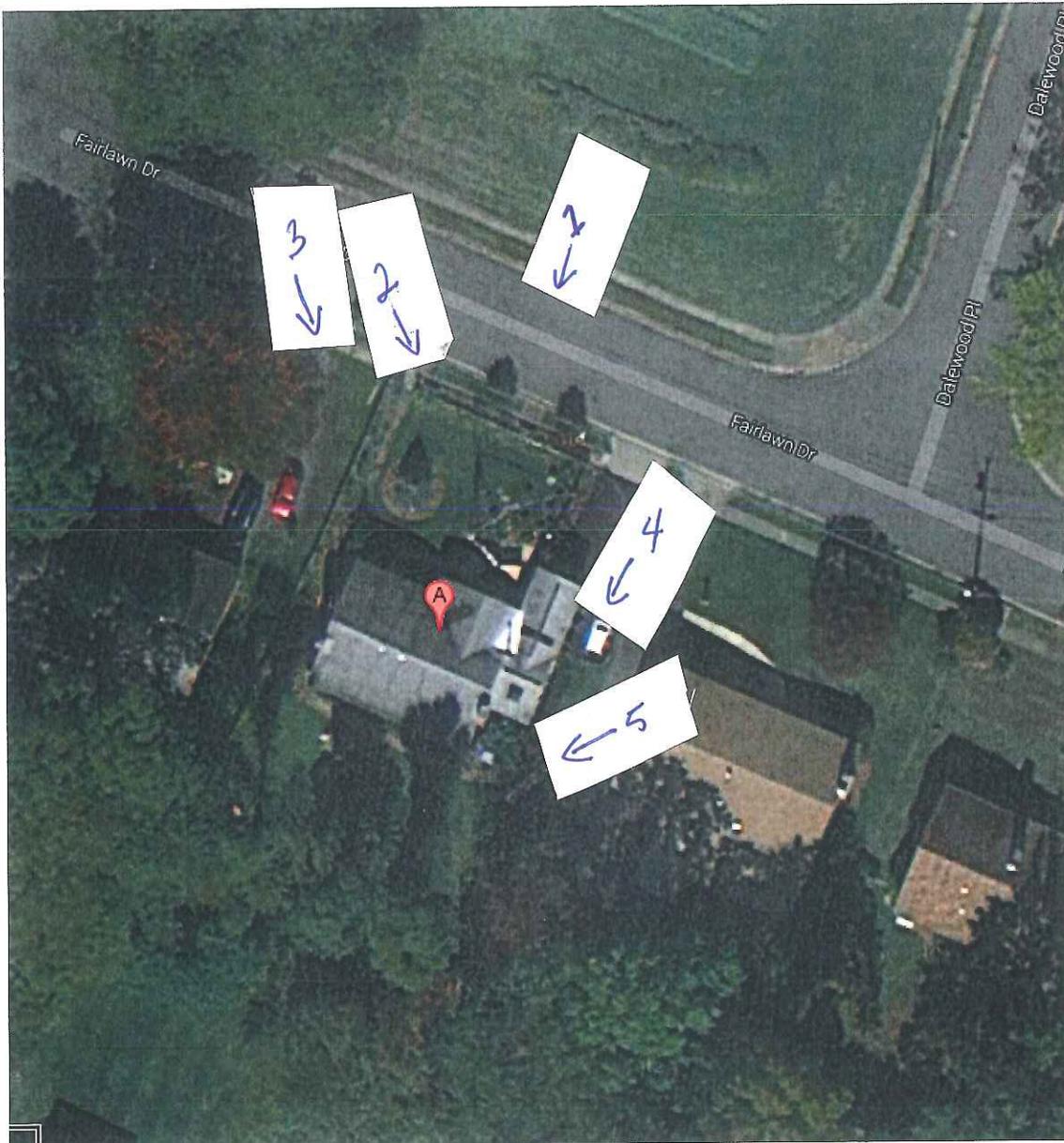


EXHIBIT

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Photograph Key
Mary Ann Torregrossa Home
6603 Fairlawn Drive; McLean, VA



RECEIVED
Department of Planning & Zoning

JUL 15 2013

Zoning Evaluation Division



1



The Christmas Inn

Ten Commandments

1. Thou shalt have no other gods before me.
2. Thou shalt not make unto thee any graven image.
3. Thou shalt not take the name of the LORD thy God in vain.
4. Remember the sabbath day, to keep it holy.
5. Honour thy father and thy mother.
6. Thou shalt not kill.
7. Thou shalt not commit adultery.
8. Thou shalt not steal.
9. Thou shalt not bear false witness against thy neighbour.
10. Thou shalt not covet.

Exodus 20
Jesus said, "If you love me, keep my commandments."

© 1988 The Love

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SPECIAL PERMIT REQUEST

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

A copy of the special permit plat, titled "Plat, Proposed House Location, Lot 75, Sect.6, El Nido Estates," prepared by D.E. Whiting, C.S., dated May 7, 1964, 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 site is developed with a one-story brick single family dwelling with a cellar. An approximately 289 square foot sunroom addition exists to the east of the dwelling. A 130 square foot shed, less than 8.5 feet in height, is located in the southeast corner of the property. An open stoop exists on the north façade. An asphalt driveway, located to the northeast of the dwelling provides vehicular access to Fairlawn Drive. A concrete walkway leads from the driveway to the north façade of the dwelling. A stone paver walkway exists from the open stoop and culminates at the entrance to the accessory dwelling unit in the rear yard. A wood fence encloses the grassed area in the front yard of the property, the western side yard and the rear yard.

A 15 foot wide storm sewer easement exists along the southern property line. Additionally, a flood plain easement is located the southwest corner of this property. There are a number of small landscape bushes on the property with a few mature trees along the southern property line.



As shown on the previous page, the subject property and properties to the east, west and south are zoned R-3 and developed with single family detached dwellings. The property to the north is also zoned R-3 and is a buildable lot.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1963 and purchased by the applicant in 1978.

A building permit was approved on April 18, 1997 for the conversion of the attached carport on the property into a sunroom (Appendix 4). The building permit also approved a deck to the rear of the carport and to fence in the yard. A building permit amendment was filed for the above building permit on April 9, 1998 (Appendix 4). The changes, which were approved, include a change from a flat roof to a cathedral roof, to relocate posts and to delete the deck from the application.

A complaint was filed on this property on February 27, 2013 for a business in residential district. Staff from the Department of Code Compliance investigated the case and issued a Notice of Violation (NOV) on March 13, 2013 (Appendix 5). The NOV cited violations in the limitation on the number of dwelling units on a lot and for inappropriate signage.

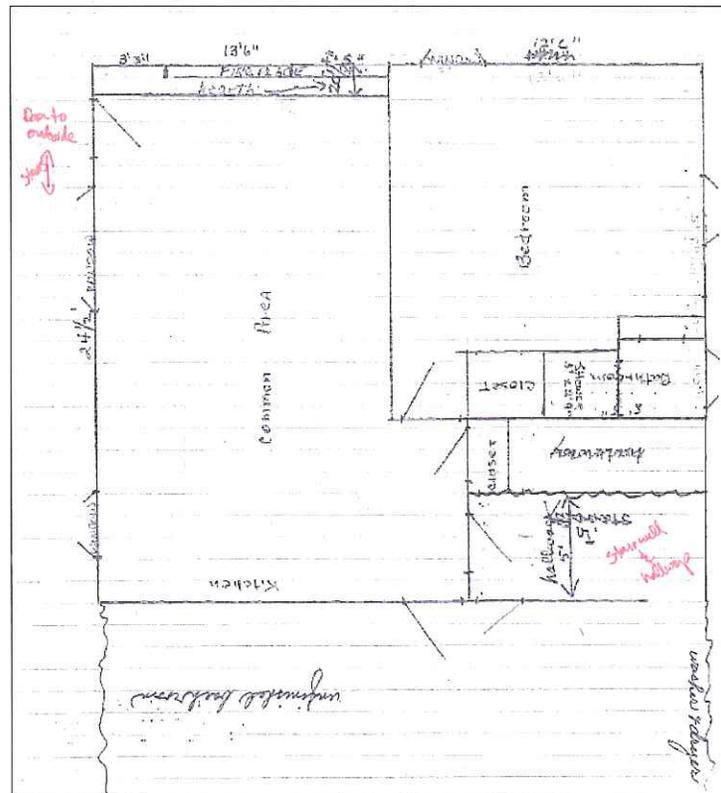
A Vested Rights Determination was filed on October 23, 2013 (Appendix 6). Staff found that the carport (sunroom) addition is vested and allowed to remain, as it was approved with a building permit and has been taxed. The shed, however, is not vested and needs to be addressed in this special permit.

Records indicate that no other applications related to accessory dwelling units have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of an accessory dwelling unit in the basement of the single family dwelling as it currently exists. The applicant, over the age of 55, resides in the single family dwelling and two unrelated renters will live in the proposed accessory dwelling unit.

The principal dwelling consists of 1,631 square feet, including the sunroom addition, but not the cellar. The calculated amount for the accessory dwelling unit is 552 square feet, which is 33.87% of the total size of the single family dwelling. The proposed accessory dwelling unit will have one bedroom, bathroom, kitchen, and living room as depicted on the following page.



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. One egress point is provided from the living room area through a door that exits to the rear yard. However, an adequate egress point does not exist in the bedroom and this issue is addressed in the development conditions.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: II
 Planning Sector: McLean, Kirby Community Planning Sector (ML 03)
 Plan Map: Residential, 2-3 du/ac

Zoning Ordinance Requirements

- 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 7. Subject to development conditions, the special permit must meet these standards.

Issue: Adequate Parking On-site

Resolution:

In relation to parking requirements, the applicant has one car. Two tenants will live in the accessory dwelling unit and an additional tenant will live in the primary dwelling, for a total of four unrelated people.

The current tenants do not have a car; however, in the event that they do obtain a car one space should be provided for each tenant on-site. It appears that adequate parking for both the primary residence and the accessory dwelling unit, with a maximum of four people, exists in the current driveway. The driveway, as is, appears to be able to accommodate a maximum of four vehicles. This issue is addressed in the development conditions contained in Appendix 1.

Issue: Emergency Egress Point in Cellar Bedroom

Resolution:

Staff has worked with the applicant and their agent to discuss the most effective way to provide an emergency egress point in the bedroom that meets building code requirements. This issue has been addressed in the development conditions contained in Appendix 1, by requiring emergency egress in compliance with applicable building code requirements within 90 days of approval of this special permit.

Issue: Shed location in a Flood Plain Easement and Storm Sewer Easement

Resolution:

The shed is not in violation of the Zoning Ordinance for minimum required yard setbacks, as it is less than 8.5 feet in height. However, on the plat submitted with this application, it is located in a storm sewer easement and also a flood plain easement. This issue has been discussed with the agent and the applicant and it will be addressed by moving the shed to a location outside any easements in the rear yard, as contained in the development conditions in Appendix 1.

CONCLUSION

Staff believes that the request for the accessory dwelling unit 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-DR-100 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 Special Permit Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit History
5. Notice of Violation dated March 13, 2013
6. Vested Rights Determination dated October 23, 2013
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2013-DR-100****February 5, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-DR-100 located at Tax Map 30-4 ((30)) 75 to permit an accessory dwelling unit, under Sects. 8-918 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant only, Mary Ann Torregrossa, and is not transferable without further action of this Board, and is for the location indicated on the application, 6603 Fairlawn Drive, 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 titled "Plat, Proposed House Location, Lot 75, Sect.6, El Nido Estates," prepared by D.E. Whiting, C.S., dated May 7, 1964, 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 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.
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.
6. The accessory dwelling unit shall contain a maximum of 552 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 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.
12. The number of unrelated people that live in the house (up to a total of six allowed in the zoning ordinance- four unrelated in the primary dwelling plus two additional in the ADU) shall be limited by the amount of on-site parking. At the current time, approximately four cars can fit into parking on-site, therefore, only four unrelated people shall be able to live in the house.
13. The bedroom in the cellar shall have a proper method of emergency egress within 90 days of approval of this application. The emergency egress must meet 2009 Virginia Residential Building Code requirements.
14. The shed shall be moved to a location that is outside of the storm water easement and the flood plain easement and is in compliance with location provisions in the Zoning Ordinance.
15. There shall be no signage associated with the accessory dwelling unit on the property.

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, 90 days 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 2013-DR-100
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 22, 2014
(enter date affidavit is notarized)

121785a

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)

Walsh, Colucci, Lubeley & Walsh, P.C. (f/k/a Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.)
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

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)

David J. Bomgardner, E. Andrew Burcher, Lynne J. Strobel, Garth M. Wainman,
Thomas J. Colucci, Michael J. Coughlin, Nan E. Walsh, Martin D. Walsh,
Peter M. Dolan, Jr., Jay du Von, William A. *G. Evan Pritchard, Michael J. Kalish
Fogarty, John H. Foote, H. Mark Goetzman,
Bryan H. Guidash, Michael D. Lubeley,
J. Randall Minchew, M. Catharine Puskar,
John E. Rinaldi, Kathleen H. Smith,

(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-DC-100
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

121785a

DATE: January 22, 2014
(enter date affidavit is notarized)

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)
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-DC-100
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 22, 2014
(enter date affidavit is notarized)

1Z1785a

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-DC-100
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 22, 2014
(enter date affidavit is notarized)

121785a

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:

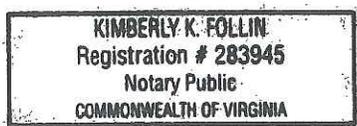
(check one) [] Applicant Inda E. Stagg [x] Applicant's Authorized Agent

Inda E. Stagg, Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22 day of January 2014, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2015



NOV 19 2013

Zoning Evaluation Division



WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

Inda E. Stagg
Senior Land Use Planner
(703) 528-4700 Ext. 5423
istagg@arl.thelandlawyers.com

November 14, 2013

Via Hand Delivery

Barbara C. Berlin
Director, Fairfax County DPZ/ZED
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Special Permit Application for an Accessory Dwelling Unit in an R-3 District
Mary Ann Torregrossa (the "Applicant")
6603 Fairlawn Drive; TM 30-4 ((30))75 (the "Property")

Dear Ms. Berlin:

Please accept this statement as justification for this Group 9 Special Permit application for an Accessory Dwelling Unit on the Applicant's Property. As will be described within this statement, the Applicant is the owner of her single-family detached home, is a single woman over the age of 70 who is on a fixed income, and seeks approval of this Accessory Dwelling Unit in order to supplement her income while ministering to persons in need. As such and as further justified in this statement, we request favorable review of the Application.

Property Information

The Property is located on the south side of Fairlawn Drive in the Elnido Estates subdivision. The Property contains approximately 10,584 square feet of land area and is developed with an approximately 1,293 square foot brick home (above grade) and a 669 square foot basement. In 1963, this home was constructed by the Applicant's father, a professional contractor. According to the Applicant, at some point in the late 1970's her father installed a second kitchen in the home's basement. An originally constructed carport was legally converted into a sunroom in 1997.

The Applicant has occupied this home since approximately 1978 and had no understanding whether or not the second kitchen was installed with permits. After receiving a notice of violation for the second living unit she contacted our firm for help. We researched the street files in the Zoning Permits and Review Branch, FIDO and the Department of Tax Administration's information for the home, and could find no evidence that any building permits were issued for the second kitchen. The Applicant understands that if this Special Permit Application is approved, she will need to obtain permits after-the-fact for the electrical and plumbing associated with this second kitchen.

PHONE 703 528 4700 ■ FAX 703 525 3197 ■ WWW.THELANDLAWYERS.COM
COURTHOUSE PLAZA ■ 2200 CLARENDON BLVD., THIRTEENTH FLOOR ■ ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 ■ PRINCE WILLIAM OFFICE 703 680 4664

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.

The Property is located in the McLean Planning District (Area II), Kirby Community Planning District (M3). There is no specific text regarding the future development of the Property. The Plan Map indicates that the future development of the Property is planned for residential development at 2-3 du/ac.

The Property is zoned R-3 and is developed with a single family detached home. Accessory Dwelling Units are permitted in the R-3 District with approval of a Group 9 Special Permit. If approved, this use will 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.

The R-3 District permits accessory dwelling units as a Group 9 Special Permit. If approved, this use will be in harmony with the general purpose and intent of the R-3 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.

No additions to the home are planned to accommodate the Accessory Dwelling Unit. The use will be inside of the existing home and should not adversely affect the use or development of neighboring properties in accordance with the applicable R-3 District regulations and the adopted comprehensive plan recommendations for the Property.

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.

(4) There should be no negative traffic impacts as a result of this use.

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.

Article 13 does not require landscaping or screening for this use.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

There is no open space requirement in the R-3 District.

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.

Parking shall be provided in accordance with 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.

No signs are proposed for this use.

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.

The Accessory Dwelling Unit, if approved, will comply with the lot size and bulk regulations for the R-3 District, as permitted.

2. All uses shall comply with the performance standards specified for the zoning district in which located.

The Accessory Dwelling Unit use, if approved, will comply with the performance standards for the R-3 District.

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.

The Applicant understands that, if the Accessory Dwelling Unit is approved, electric and plumbing permits must be obtained and inspections will be made to ensure that all work is to Code. In addition, the Applicant understands that there may be additional requirements of the Director, and will provide information and/or alterations as needed.

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.

There is only one accessory dwelling unit proposed within this 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.

The Property is less than two acres in size. The accessory dwelling unit is proposed to be located within the primary home. An external entrance is located at the rear of the primary home.

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.

(3) The accessory dwelling unit will be located within approximately one-half of the basement, which does not exceed thirty-five percent of the total gross floor area of the principle dwelling unit.

4. The accessory dwelling unit shall contain not more than two (2) bedrooms.

The accessory dwelling unit will not contain more than two 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.

The Applicant is the owner of the home and will occupy the main level.

- B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:

- 1) Any person fifty-five (55) years of age or over and/or
- 2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

The Applicant is 72 years of age and will occupy the home.

C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:

- 1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
- 2) A group of not more than four (4) persons not necessarily related by blood or marriage.

The accessory dwelling unit will not be occupied by more than two persons not necessarily related by blood or marriage. The principle single family dwelling unit will not be occupied by more than four 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.

The accessory dwelling unit is not being established for occupancy by a disabled person; however, if a disabled person does occupy the unit in the future, then measures for reasonable access and mobility will be provided and will include uninterrupted access to one entrance and accessibility and usability of one toilet room. There is currently a full bathroom in the basement and an outside entrance to that unit.

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.

The Property has adequate room to park three vehicles that have convenient access to Fairlawn Drive, a public street. The Ordinance requires two parking spaces for each single family detached unit located on a public street. The Applicant exceeds this requirement by one parking space. No tenants will have their own vehicles at the Property.

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.

A search of the County's LDS net did not show any other legal accessory dwelling units within the area. It is understood that any approval for an accessory dwelling unit is not deemed a subdivision of the principle dwelling unit or lot.

9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.

It is understood that the accessory dwelling unit, if approved, must 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.

This requirement is understood.

11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.

This requirement is understood.

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.

This requirement is understood. If the Applicant desires the accessory dwelling unit to remain longer than 5 years past the date of approval, then a request for an extension of a special permit will be filed in writing with the Zoning Administrator a minimum of thirty (30) days before the expiration date of the permit unless a lesser time is approved by the Zoning Administrator for good cause shown. It is also understood that the Special Permit for the accessory dwelling unit will remain valid until the requested extension is acted upon by the Zoning Administrator.

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.

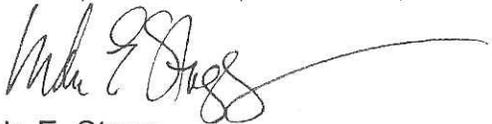
(13) This standard is not applicable, because the approval of the accessory dwelling unit will occur after July 27, 1987.

Finally, to the best of my knowledge, there are no hazardous or toxic substances as defined by the Code of Federal Regulations, the Commonwealth of Virginia's Department of Waste Management Regulations, or Virginia's Hazardous Waste Management Regulations, nor are there any petroleum products on the Property as defined in the Code of Federal Regulations.

As evidenced by the information provided with this application, this proposal meets the provisions of all applicable ordinances, regulations and adopted standards required to be approved for an accessory dwelling unit by the Board of Zoning Appeals. Please do not hesitate to contact me if you or your staff has additional questions or requires further information. As always, we appreciate your attention to these matters.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Inda E. Stagg
Senior Land Use Planner

Enclosures

cc: John Foust; Supervisor, Dranesville District
Mary Ann Torregrossa
Martin D. Walsh

{A0557561.DOCX / 1 Statement of Justification ISTAGG TORREGROSSA}

BUILDING PERMIT APPLICATION

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FAIRFAX COUNTY, VIRGINIA
PERMIT APPLICATION CENTER
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035-5504
(703) 222-0801

PERMIT # 9710830480
FOR INSPECTIONS CALL: (703) 222-0455

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
(PLEASE PRINT OR TYPE)

JOB LOCATION:
ADDRESS 6603 FARLAW DR
LOT # 15 BUILDING _____
FLOOR 6 SUITE _____
SUBDIVISION FAIRFAX EAST S. 6
TENANT'S NAME MARY ANN TORREGROSSA

OWNER INFORMATION: OWNER TENANT
NAME MARY ANN TORREGROSSA
ADDRESS 6603 FARLAW DR
CITY MCLEAN STATE VA ZIP 22101
TELEPHONE 703 352-9283

CONTRACTOR INFORMATION:
CHECK IF SAME AS OWNER KEITH CARPENTER
COMPANY NAME BRIAN THOMAS
ADDRESS SAME ADDRESS
CITY _____ STATE _____ ZIP _____
TELEPHONE _____
LOCAL CONTRACTOR LICENSE # _____
STATE CONTRACTORS LICENSE # _____
COUNTY BUSINESS ACCOUNT # _____
APPLICANT Mary Ann Torregrossa

DESCRIPTION OF WORK
TURN CARPORT INTO SUN ROOM
EXTEND DECK OFF OF CARPORT
FRONT - IN YARD

HOUSE TYPE Rambler
ESTIMATED COST OF CONSTRUCTION 10,500
BLDG AREA (SQ FT OF FOOTPRINT) _____
USE GROUP OF BUILDING R4 RESIDENTIAL
TYPE OF CONSTRUCTION SK
SEWER SERVICE: PUBLIC SEPTIC OTHER
WATER SERVICE: PUBLIC WELL OTHER
OTHER PLEASE SPECIFY _____
DESIGNATED MECHANICS LIEN AGENT:
(Residential Construction Only)
NAME: _____
ADDRESS: _____

NONE DESIGNATED: PHONE: _____

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS:

# KITCHENS	EXTER. WALLS	<input checked="" type="checkbox"/>
# BATHS	INTER. WALLS	<input type="checkbox"/>
# HALF BATHS	ROOF MATERIAL	<input checked="" type="checkbox"/>
# BEDROOMS	FLOOR MATERIAL	<input type="checkbox"/>
# OF ROOMS	FIN. BASEMENT	<input type="checkbox"/>
# STORIES	HEATING FUEL	<input type="checkbox"/>
BUILDING HEIGHT	HEATING SYSTEM	<input checked="" type="checkbox"/>
BUILDING AREA	# FIREPLACES	<input type="checkbox"/>
BASEMENT		<input type="checkbox"/>

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # W97-0147
TAX MAP # D304-30-0075
ROUTING _____ DATE _____ APPROVED BY _____
ZONING R-3
SITE PERMITS 4-18
SANITATION _____
HEALTH DEPT _____
FIRE MARSHAL _____
BUILDING REVIEW 4/18/97
LICENSING _____
ASBESTOS _____
FEE \$ _____
FILING FEE \$ _____
AMOUNT DUE \$ 56.00
BUILDING PLAN REVIEW
REVIEWER _____ # OF HOURS _____
REVISION FEES \$ _____
FIRE MARSHAL FEES \$ _____
FIXTURE UNITS _____ PLAN LOC. J R
APPROVED FOR ISSUANCE OF BUILDING PERMIT
BY _____ DATE 4/18/97

ZONING REVIEW: ZONING CLASS R-3
USE SF
ZONING CASE # _____
GROSS FLOOR AREA OF TENANT SPACE _____
YARDS: _____ GARAGE: 1 2 3
FRONT 12' OPTIONS: YES NO
REAR 25' REMARKS: convert carport to deck
L SIDE 12'
R SIDE 12'
GRADING AND DRAINAGE REVIEW
SOILS: # UNM A B C
HISTORICAL DISTRICT _____
AREA TO BE DISTURBED (TOTAL SQ FT) 577.7
ADD'L IMPERVIOUS AREA (ADDED SQ FT) 0
PROFFERS _____
PLAN # _____ APPR. DATE _____

STAMPS: PEI, SZ, EDR
ALL CONSTRUCTION INVOLVING PROBLEM SOILS MUST BE PERFORMED UNDER THE FULL TIME INSPECTION OF A GEOTECHNICAL ENGINEER. PFM 4-0402
(See reverse side of application)

REMARKS: PEI required if subject inspections are required
Plan attached

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent _____ Date 4/18/97
Printed Name and Title MARY ANN TORREGROSSA

Notary Signature _____ Date _____
(Notarization required if owner not present at time of application)

Copy of envelope & Deck per Carport Detail

DEM FAIRLAWN DRIVE

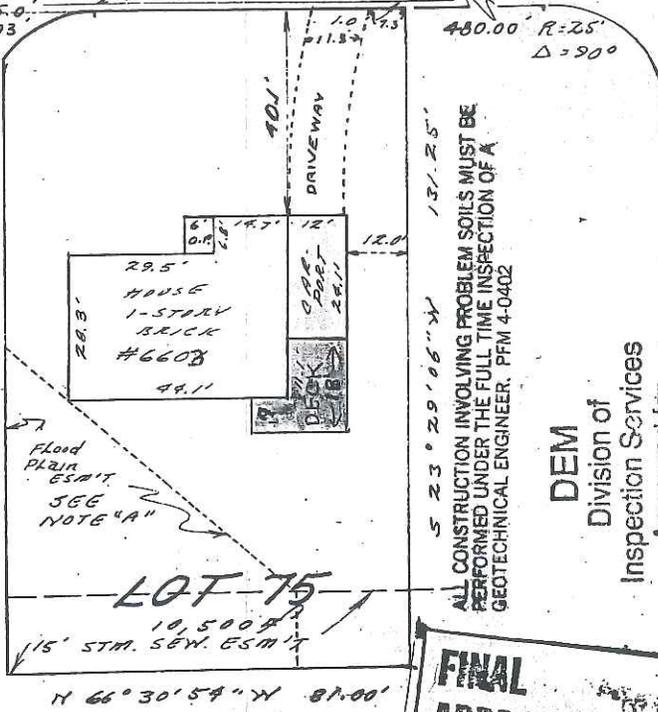
Division of
Inspection Services
Approved for

FOOTINGS AND PIERS MUST BE PLACED
ON COMPETENT MATERIAL

By THE
Date 4-18-97

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED SURVEY AND THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED SURVEY HAVE BEEN CAREFULLY ESTABLISHED BY A TRAVEL-TAKE UNLESS OTHERWISE SHOWN THERE ARE NO IMPROVEMENTS. NOTE "A": NO USE SWALE BE MADE OF NOR SHALL ANY IMPROVEMENTS BE MADE IN THIS EASEMENT WHICH WOULD IN ANY WAY INTERFERE WITH THE NATURAL DRAINAGE.

NOTE "A": NO USE SWALE BE MADE OF NOR SHALL ANY IMPROVEMENTS BE MADE IN THIS EASEMENT WHICH WOULD IN ANY WAY INTERFERE WITH THE NATURAL DRAINAGE.



ALL CONSTRUCTION INVOLVING PROBLEM SOILS MUST BE PERFORMED UNDER THE FULL TIME INSPECTION OF A GEOTECHNICAL ENGINEER, PFM 4-0402

DEM
Division of
Inspection Services

Approved for

By THE
Date 4-18-97

FINAL APPROVAL
ZONING ADMINISTRATOR
DATE: JUN 9 0 1965

PLAT
PROPOSED HOUSE LOCATION
LOT 75, SECT. 6

ELNIDO ESTATES FAIRFAX COUNTY, VIRGINIA

UNDERCUT PLASTIC CLAY AT LEAST 2 FEET BELOW FLOOR SLABS.

SCALE 1" = 30'
MAY 7, 1964
D.E. Whiting, Certified Surveyor
Arlington, Virginia

APPROVED

ENGINEERED FOUNDATION DESIGN REQUIRED

CERTIFIED CORRECT:

[Signature]
4-18-97
Zoning Administrator

[Signature]
D.E. Whiting

LAMBERT & LAMBERT

Expiration of Permit Applications and Permits: A permit application shall expire six months after notification that the application is defective unless the applicant has diligently sought to resolve any problems that are delaying issuance of the permit. A permit application shall also expire if the permit is not procured by the applicant within six months after the permit application is approved. Filing fees for expired permit applications are not refundable. An issued permit is non-transferable and shall become void if the authorized work has not commenced within six months after issuance, or if the work is suspended for a period of six or more months after having commenced. Requests for permit extensions may be made in writing to the Permits Branch of the Department of Environmental Management. Requests must be received prior to the expiration of the permit. Expired permits cannot be extended.

Notification of Utilities: The permit holder is required to notify all utilities before commencing any underground construction and must receive the proper clearances from the utilities as prescribed in the Code of the County of Fairfax. (Miss Utility 1-800-257-7777)

Right of Appeal: Decisions of the Building Official may be appealed to the Fairfax County Building Code Board of Appeals in accordance with the Virginia Uniform Statewide Building Code, the Code of the County of Fairfax and the Board's current procedures.

BUILDING PERMIT AMENDMENT APPLICATION

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 FAIRFAX COUNTY, VIRGINIA
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Phone: (703) 222-0801

(PLEASE PRINT OR TYPE)

JOB LOCATION: PERMIT # _____
 ADDRESS X6603 FAIRLAWN DR
 LOT # 75 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Florida Est. Sec 6

OWNER INFORMATION: OWNER TENANT
 NAME MARY ANN TORREGROSSA
 ADDRESS 1603 FAIRLAWN DR
 CITY MCLEAN STATE VA ZIP 22101
 TELEPHONE 703 356-9283

APPLICANT: Mary Ann Torregrossa

ESTIMATED COST OF CONSTRUCTION \$10,000.00
 (Cost of change, not total construction costs)

- AMENDMENT REQUESTED:**
- CHANGE HOUSE TYPE FROM _____ TO _____
 - RELOCATE HOUSE ON LOT
 - FINISH BASEMENT
 - ADD DECK/PORCH/SUNROOM
 - ADD GARAGE
 - ADD CARPORT
 - DELETE _____
 - CHANGE MECHANICS' LIEN INFORMATION:
 DESIGNATED MECHANICS' LIEN AGENT:
 NAME: _____
 ADDRESS: _____

- NONE DESIGNATED: PHONE: _____
- OTHER: (PLEASE SPECIFY)
changed front road to
Cathedral Road &
relocate porch
delete deck

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application for amendment, that the information is complete and correct, and that the construction and/or use will conform to the building code, the Zoning Ordinance and other applicable laws and regulations which relate to the property.

Mary Ann Torregrossa 4/9/98
 Signature of Owner, or Agent Date

MARY ANN TORREGROSSA
 Printed Name and Title

Electric Heat

AMENDED PERMIT # 97710820482

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # 41-97-01417
 TAX MAP # 304-30-0075

ROUTING	DATE	APPROVED BY:
ZONING	<u>4-24</u>	<u>FR</u>
SITE PERMITS	<u>4-24</u>	<u>FR</u>
SANITATION		
HEALTH DEPT.		
BUILDING REVIEW	<u>4-24</u>	<u>FR</u>

FEE \$ 50.00

APPROVED FOR ISSUANCE OF AMENDMENT
 BY _____ DATE _____

ZONING REVIEW: ZONING CLASS R3

YARDS:

FRONT	<u>11.6</u>
FRONT	
L SIDE	<u>12</u>
R SIDE	<u>11.6</u>
REAR	<u>25+</u>

REMARKS: SP -
Drain Change only

GRADING AND DRAINAGE REVIEW
 Soils: # _____ A B C
 AREA TO BE DISTURBED (Total Sq Ft) _____
 ADD'L IMPERVIOUS AREA (Added sq. ft) _____

STAMPS:
 ALL CONSTRUCTION INVOLVING PROBLEM SOILS MUST BE PERFORMED UNDER THE FULL TIME INSPECTION OF A GEOTECHNICAL ENGINEER. PFM 4-0402.

→ OVER ←
 (SEE REVERSE SIDE OF APPLICATION)

REMARKS: PEI Required if subgrade inspections are required.

 Notary Signature (Notarization required if owner is not present at time of application) Date

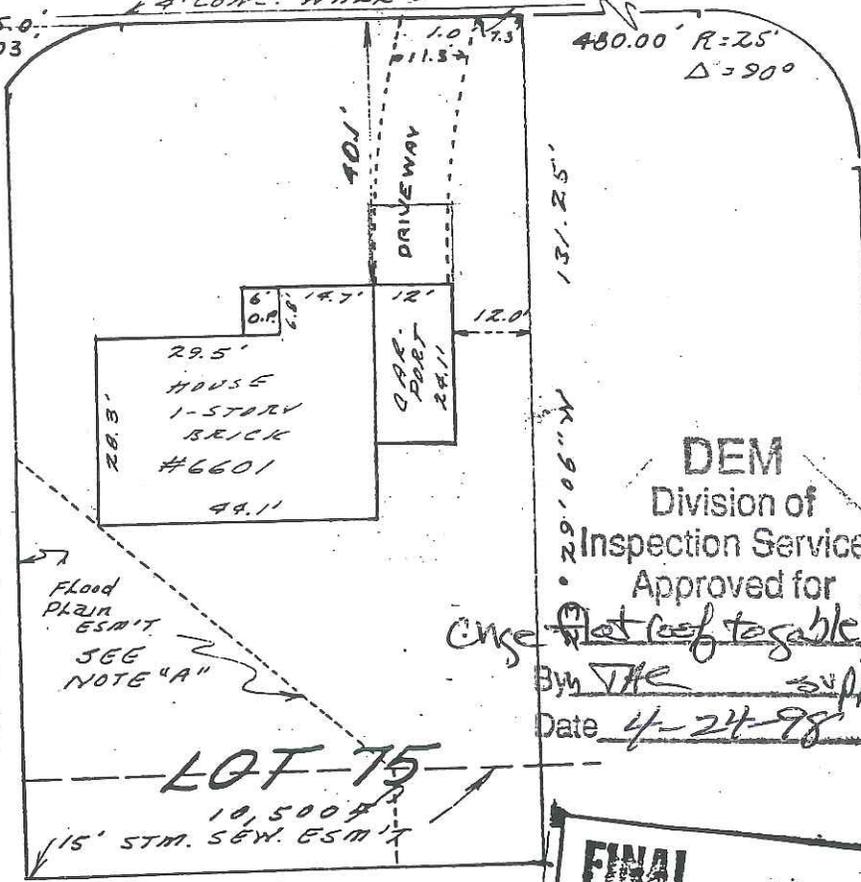
FAIRLAWN DRIVE

S 66°30'59" E 62.37'

4' CONC. WALK

Ord. = 25.0
ARC. = 21.03

480.00' R=25'
Δ=90°



DEM
Division of
Inspection Services
Approved for

By THE supervisor
Date 4-24-98

FINAL APPROVAL
ZONING ADMINISTRATOR
DATE JUN 30 1965

NOTE:

MARINE CLAYS OR OTHER EXPANSIVE CLAYS ON SITE. ALL FOUNDATION FOOTINGS MUST EXTEND TO A MAXIMUM DEPTH OF FOUR (4) FEET BELOW EXISTING GRADE. INSPECTOR MUST EXAMINE BEARING SOILS. CONSTRUCTION WORK SHALL NOT JEOPARDIZE THE STABILITY OF THE EXISTING STRUCTURES.

NOTE "A": NO USE SHALL BE MADE OF NOR SHALL ANY IMPROVEMENTS BE MADE IN THIS EASEMENT WHICH WOULD IN ANY WAY INTERFERE WITH THE NATURAL DRAINAGE.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN CAREFULLY ESTABLISHED BY A TRAVEL-TAKE SURVEY AND THAT UNLESS OTHERWISE SHOWN THERE ARE NO ENCROACHMENTS.

APPROVED

4-24-98
[Signature]

PLAT
PROPOSED HOUSE LOCATION
LOT 75, SECT. 6

ELNIDO ESTATES
FAIRFAX COUNTY, VIRGINIA

Zoning Administrator

SCALE 1" = 30'
MAY 7, 1964
D.E. Whiting, Certified Surveyor
Arlington, Virginia

UNDERCUT PLASTIC CLAYS AT LEAST 2 FEET BELOW FLOOR SLABS.

CERTIFIED CORRECT:

[Signature]

ALL CONSTRUCTION INVOLVING PROBLEM SOILS MUST BE PERFORMED UNDER THE FULL TIME INSPECTION OF A GEOTECHNICAL ENGINEER. PFM 4-0402



County of Fairfax, Virginia

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

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: March 13, 2013

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Mary Ann Torregrossa
ADDRESS: 6603 Fairlawn Drive
McLean, Virginia 22101

LOCATION OF VIOLATION: 6603 Fairlawn Drive
McLean, Virginia 22101-4638

TAX MAP REF: 30-4 ((30)) 75

ZONING DISTRICT: R- 3

CASE #: 201301133 **SR #:** 91786

Dear Responsible Party:

An inspection of the above referenced property on March 12, 2013 revealed the following violation(s) of the Fairfax County Zoning Ordinance:

§ 2-501 Limitation on the Number of Dwelling Units on a Lot:

The inspection revealed there are two (2) complete and separate dwellings in this single family dwelling unit on the above-referenced property. Part 3 of Article 20 of the Zoning Ordinance defines a dwelling unit as:

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-324-9346
www.fairfaxcounty.gov/code

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Therefore, the presence of more than one dwelling unit on the above-referenced property is in violation of Sect. 2-501 of the Zoning Ordinance which states, in part:

There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building....

You are hereby directed to clear this violation within fifteen (15) days of the date of this notice. Compliance can be achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the dwelling to include: the ovens, microwave, ranges, sinks, cabinets, countertops, refrigerators, and freezers or combinations thereof; all other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and
- Applying for and obtaining approval from the Fairfax County Building Official (12055 Government Center Parkway, Second Floor, Permit Application Center) for a valid demolition permit for the removal of all electrical circuits, plumbing fixtures and piping and natural gas piping systems which were installed to establish the second kitchen in the dwelling unit at this property, and obtaining a passing final inspection of such demolition work; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

§ 2-302 (9) Sign Not Permitted

The inspections revealed that you have installed or have allowed the installation of a signs on the above referenced property. These signs advertise the Christmas Inn, a sign is defined in Article 20 of the Fairfax County Zoning Ordinance in part, as:

Any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or similar character which:

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- Is used to announce, direct attention to, identify, advertise or otherwise make anything known; and
- Is visible from the public right -of-way or from adjoining property.

These signs are not permitted in accordance with Article 12 of the Zoning Ordinance. Therefore the display of this sign is a violation of Par. 9 of Sect. 2-302 which requires that:

No sign shall hereafter be erected, built or displayed and no existing sign shall be moved, remodeled, altered or enlarged unless such sign complies, or will thereafter comply, with the provisions of Article 12.

You are hereby directed to clear this violation within 24 hours after receipt of this Notice. Compliance can be accomplished by:

- Removing, on a permanent basis, the unpermitted signs from the property.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Section 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, and the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal, contact:

Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, VA 22035
Office: (703)324-1314

Information and forms can also be obtained at: <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

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If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-9327. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:



Signature

Michael Caudle

Code Compliance Investigator

(703)324-9327



County of Fairfax, Virginia

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

Vested Rights Determination Under §15.2-2307 of the Code of Virginia

Property Tax Map Number:	30-4 ((30)) 75
Property Address:	6603 Fairlawn Drive
Requestor's Name:	Inda E. Stagg
Requestors Address: (if different than above)	2200 Clarendon Boulevard
Requestor's Phone Number:	703-528-4700 Ext. 5423
Current Zoning:	R-3
Magisterial District:	Dranesville
Subdivision Name/Section/Block/Lot No.:	El Nido Estates, Section 6, Lot 75

Written Description of Structures that may be vested under §15.2-2307 of the Code of Virginia

Based on the plat and the photographs submitted with the application request, the structures in question are the following:

- The 120 square foot carport/open porch structure located approximately at 30.1 feet from the front lot line.
- A 9 foot 2 inch shed in the rear yard approximately four feet from the rear lot line.

Background Summary (check all that are applicable):

- No evidence of a Building Permit having been issued for the 120 square foot carport/open porch structure or shed.
- A Non-Residential Use Permit/Residential Use Permit has been issued or, when a Non-RUP/RUP is not required, evidence that the structure(s) has passed final inspection.
- Department of Tax Administration records indicate that the shed has not been taxed for at least 15 years.
- Department of Tax Administration records indicate that the 120 square foot carport/open porch structure has been taxed for at least 15 years.

Staff Determination:

- §15.2-2307 of the Code of Virginia is applicable to the carport/open porch structure on the referenced property. Therefore, it is legal and may remain but may not be replaced or enlarged unless the replacement or expansion complies with all regulations of the district in which located.

- §15.2-2307 is not applicable to the shed in the rear yard because it has not been taxed for more than 15 years and there is no record a building permit was issued and finalized for the shed. Given the shed is located about 4 feet from the rear lot line, it does not meet the rear yard location requirement. In addition, the shed appears to be located in a storm drainage easement, which may require a determination from Department of Public Works (DPWES) to stay at the present location. Pursuant to Par. 10 E of Sect. 10-104 of the Zoning Ordinance, no accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

To meet the Zoning Ordinance requirements, the shed could be moved to comply with the location regulations as stated above. Alternatively, a special permit for a reduction to the minimum yard requirement could be sought from the Board of Zoning Appeals (BZA). All special permits require the submission of an application, plat and fee; notification of adjacent property owners; and a public hearing before the BZA. Information pertaining to the special permit process is available from the Zoning Evaluation Division by calling 703-324-1290.

This determination is based upon the facts presented in your request and the applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change subsequent to the issuance of this determination, the determination may be subject to modification.

Reviewer's Signature: *CHRISTOPHER A. PROSSER* Date: 10/23/13
Zoning Administration Division
Department of Planning and Zoning

cc: Tim Shirocky, Acting Director, Real Estate Division, DTA
Leslie B. Johnson, Zoning Administrator
Michelle M. O'Hare, Deputy Zoning Administrator, Ordinance Administration Branch
Diane Johnson-Quinn, Deputy Zoning Administrator, for Zoning Permit Review Branch
Mary Ann Torregrossa, 6603 Fairlawn Drive, McLean, Virginia 22101

Vested Rights Determination (or "2307") Request
(Pursuant to §15.2-2307 of the Code of Virginia)

Property Address and/or Tax Map #: 6603 Fairlawn Drive; TM 30-4 (30) 75
Requestor's Name: INDIA E STAGG / Walsh Blucci / Agent for Owner
Requestor's Address: 2200 Clarendon Blvd, Suite B00; Arlington VA 22201
Requestor's Phone Number and/or Email: (703) 528-4700 x5423 istagg@arl.thelandlawyers.com
Description of Structure(s) in Question to include the date of construction if known (i.e. carport enclosure in 1974): Shed in Rear Yard. Constructed between 1976-1978 Extension off of Carport. Constructed 1998
Does the structure(s) in question have a building permit?: <input checked="" type="radio"/> YES Carport in 1974 <input checked="" type="radio"/> NO Shed.
If currently applying for a building permit, please provide the building permit number: N/A
Is there a current zoning violation on the property? <input checked="" type="radio"/> YES <input type="radio"/> NO

Second living unit in basement. SP has been filed.

REQUIRED SUBMISSION MATERIALS:

- If building permit application has been submitted, copy of the submitted plat.
- Or, a plat of the property, to scale, which shows the location of all existing structures, distance of structures from all property lines and the height of any detached accessory structures (garages, sheds, etc.).
- Photographs of the interior and exterior of the structure in question.

see attached.

SUBMIT TO:

Department of Planning & Zoning
 Zoning Administration Division
 Attn: Leslie B. Johnson, Zoning Administrator
 12055 Government Center Pkwy, Suite 807
 Fairfax, Virginia 22035

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.