

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MARY ANN TORREGROSSA, SP-2013-DR-100 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit. Located at 6603 Fairlawn Dr., McLean, 22101, on approx. 10,584 sq. ft. of land zoned R-3. Dranesville District. Tax Map 30-4 ((30)) 75. (Continued from 2/12/14.) Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 5, 2014; and

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

1. The applicant is the owner of the land.
2. This application is made under the Sect. 8-918 of the Zoning Ordinance to permit an accessory dwelling unit in the existing dwelling.
3. It comes before the Board, in part, because of issues involving non-compliance with the Code.
4. The applicant seeks approval to come into compliance.
5. The Board has a favorable staff recommendation for the accessory dwelling unit.
6. Listening to the arguments, pro and con, the Board thinks that staff has better arguments for Development Condition 13 from the staff report, and it will be left the way it is. The Board will also leave Number 12 the same.
7. With respect to the issue of advertising, staff said that the applicant would have to comply with all of the Fairfax County code requirements on advertising, and the Board would rather see less development conditions than more. Since it is a legal requirement anyhow, the Board is not going to deal with the issue of advertising in the development conditions.
8. The Board will leave in Number 15 from the staff report about there being no signage associated with the accessory dwelling unit on the property.

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

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

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

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the 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 maximum number of residents in the dwelling is limited to four, including the applicant. A maximum of two residents may live in the accessory dwelling unit.

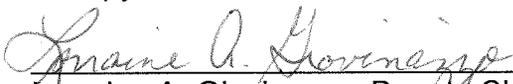
- 13. The bedroom in the cellar shall have a proper method of emergency egress installed. Until this emergency egress is added to the bedroom, the door to the bedroom shall be removed. The emergency egress must meet 2009 Virginia Residential Building Code requirements.
- 14. The location of the accessory storage structure, the shed, is subject to the terms and conditions of the sanitary sewer easement specifications and floodplain easement specifications. The shed shall either be demolished or moved to a location that is outside of the storm water easement and the flood plain easement and is in compliance with the location provisions of 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, 180 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.

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

A Copy Teste:


 Lorraine A. Giovinazzo, Deputy Clerk
 Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 10 day of March, 2014.


 Notary Public

My commission expires: 9-30-2017



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