



APPLICATION ACCEPTED: March 14, 2014
BOARD OF ZONING APPEALS: June 11, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 4, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-DR-021

DRANESVILLE DISTRICT

APPLICANT: Tipmuny C. Powers

OWNERS: Tipmuny C. Powers
Wendy D. Powers

STREET ADDRESS: 1295 Scotts Run Road, McLean, 22102

SUBDIVISION: Preserve at Scotts Run

TAX MAP REFERENCE: 30-1 ((33)) 12

LOT SIZE: 38,514 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISION: 8-918

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-DR-021 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.

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.

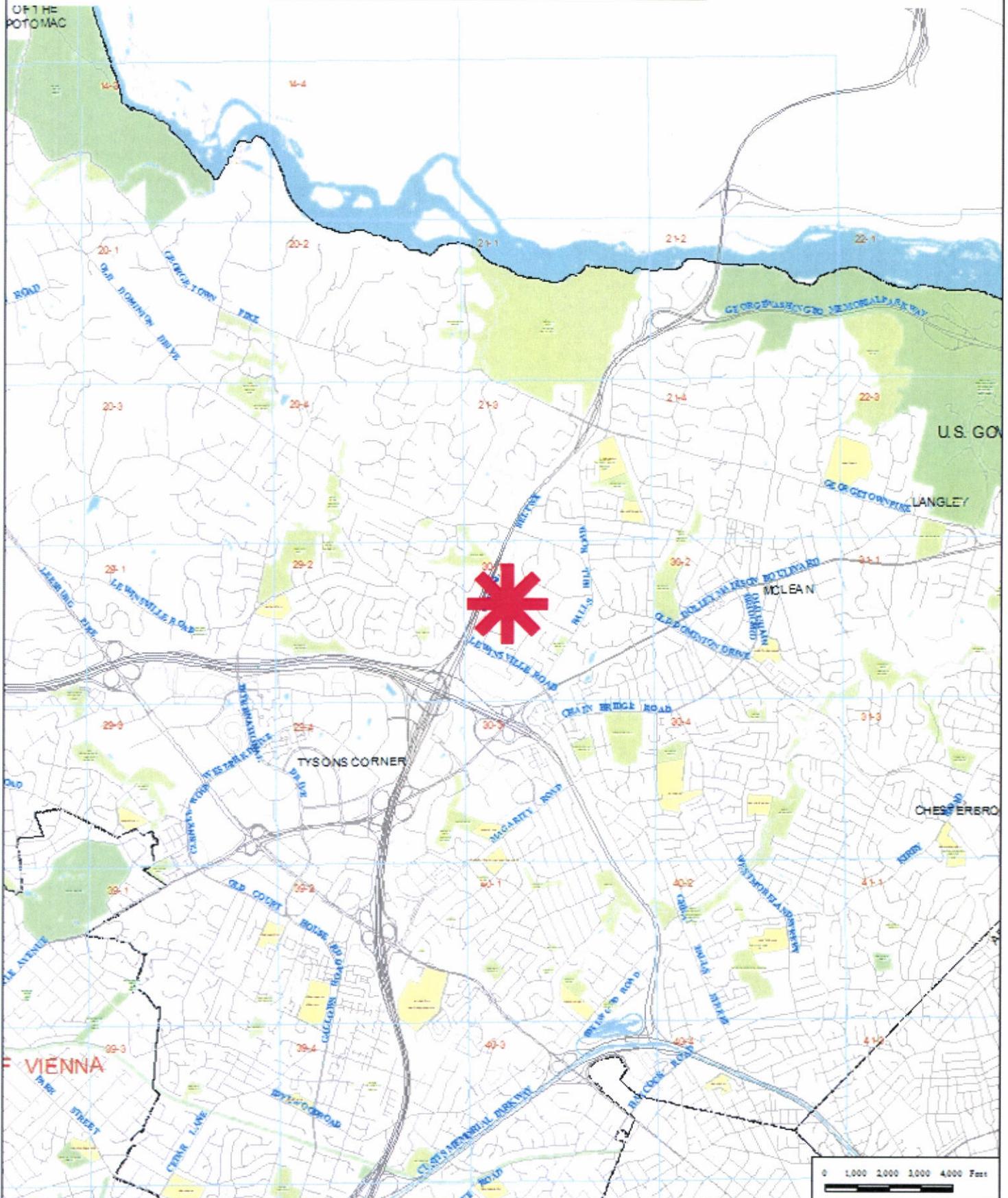
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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).

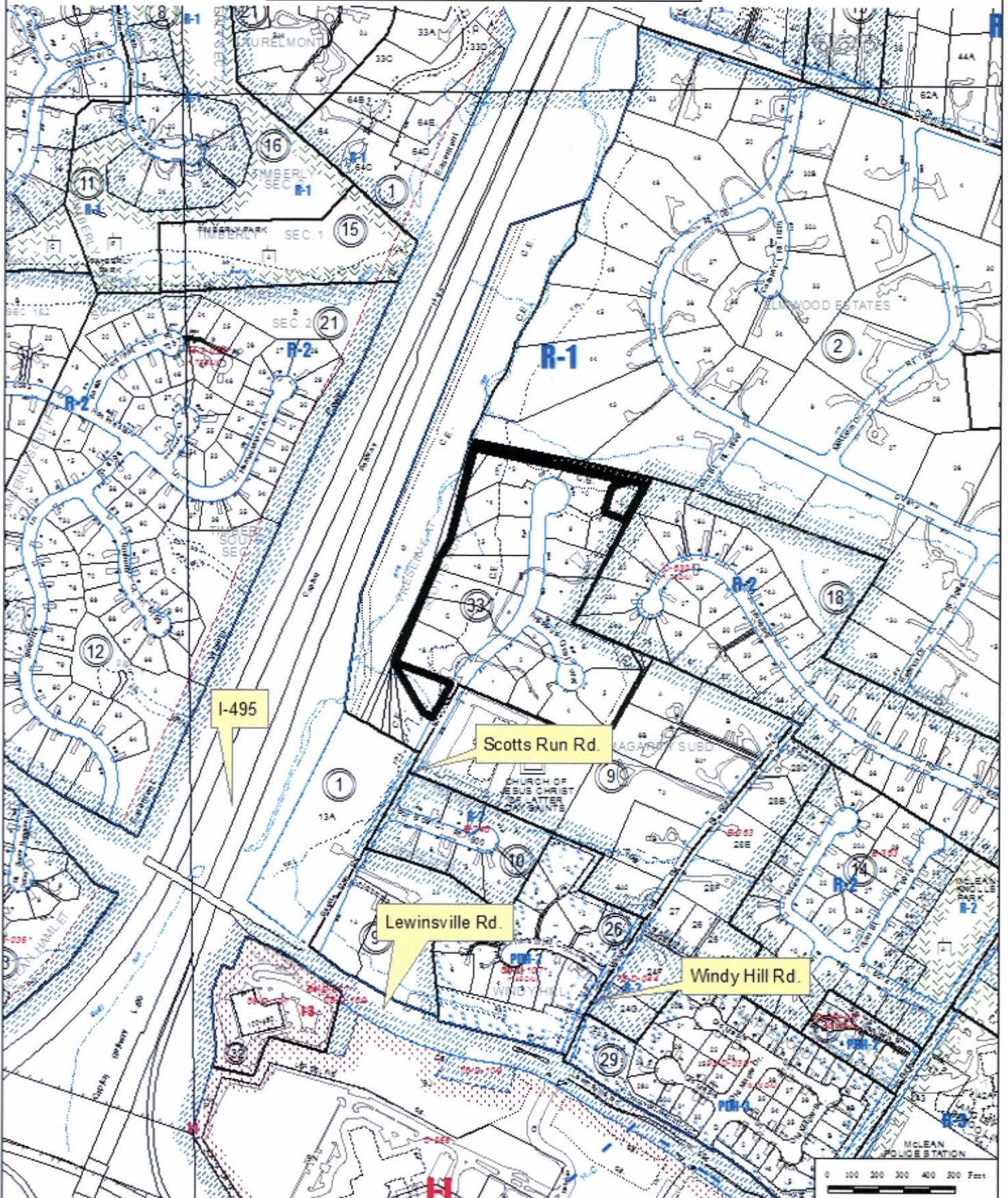
Special Permit

SP 2014-DR-021
TIPMUNY C. POWERS



Special Permit

SP 2014-DR-021
TIPMUNY C. POWERS

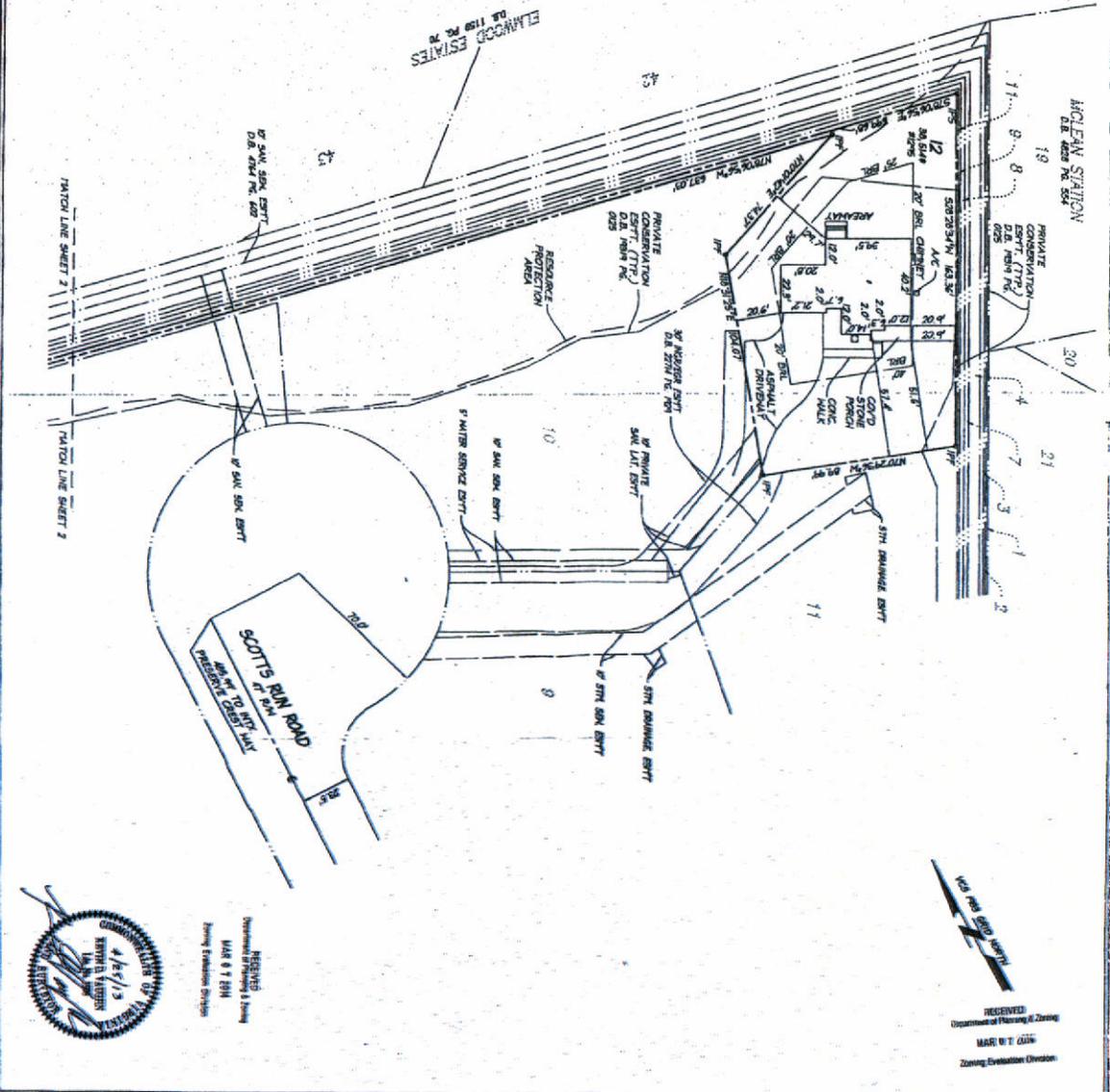


- NOTES**
1. NO TITLE REPORT FURNISHED.
 2. THE PROPORTIONS SHOWN DO NOT USE THE FULL RANGE OF GRAPHIC SYMBOLS.
 3. THE EXISTING UTILITIES AND PROPERTY LINES SHOWN ARE BASED ON RECORDS ATTACHED TO BE USED IN ESTABLISHING PROPERTY LINES AND LOCATIONS. PROVISIONS FOR CONSTRUCTION OF EXISTOR ARE NOT SHOWN.
 4. ALL EXISTING SHOW HEREON ARE RECORDED AT THE PUBLIC RECORDS OFFICE OF FAIRFAX COUNTY, VIRGINIA.
 5. FINAL - 04-14-2003
 6. HALLMARK: 04-14-2003
 7. REAR PROPERTY CORNER MAJAYED BY CLIENT.

- LEGEND**
- RS IRON PIPE SET
 - RP IRON PIPE FOUND
 - AC AIR CONDITIONER
 - D DRAINAGE

* DENOTES 2 STORY
STONE FRONTED MASSITY

PAPP 2003/08/20-7-0 Preserve of Scotts Run SURVEYAL STALS-2.dwg



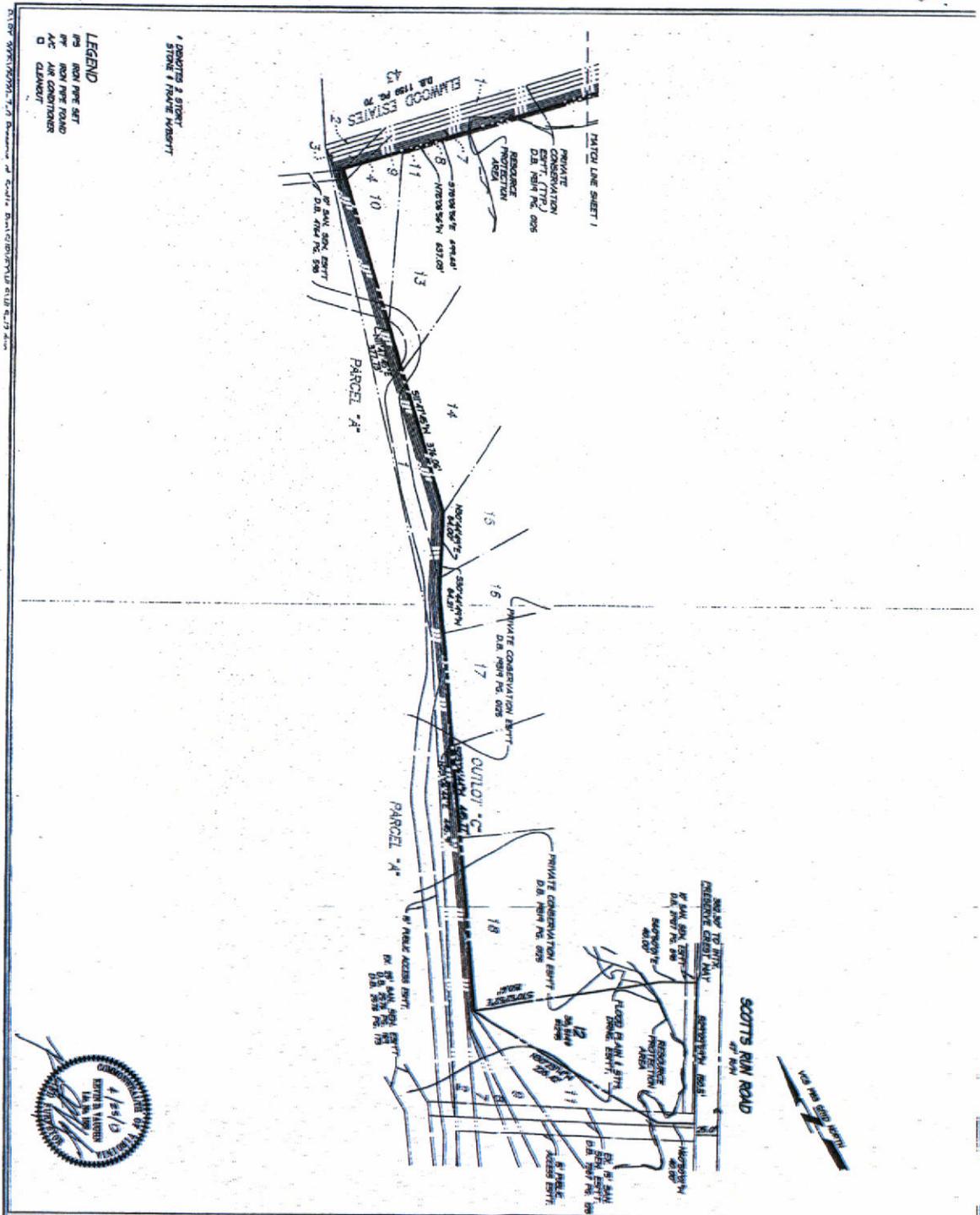
RESERVED
 Department of Planning & Zoning
 MARK W. T. COOK
 Zoning Evaluation Division

DATE	APRIL 2003
DRAWN BY	CHK
CHECKED BY	CHK
FILE NUMBER	05000-7-0-099

SCALES
 1" = 30'

HOUSE LOCATION SURVEY
LOT 12
THE PRESERVE AT SCOTT'S RUN
 DEED BOOK 2167 PAGE 010
 ORANESVILLE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

LDC
 LAND DEVELOPMENT CONSULTANTS
 4800 TERRY PARK AVENUE, SUITE 201
 WOODBRIDGE, VIRGINIA 22192
 PHONE 703-666-4888 FAX 703-666-4170



LEGEND

- PS IRON PIPE SET
- PP IRON PIPE FOUND
- AC AIR CONDITIONER
- D DRAINOUT

1 POINTS & STRIKES
STRIKES & POINTS



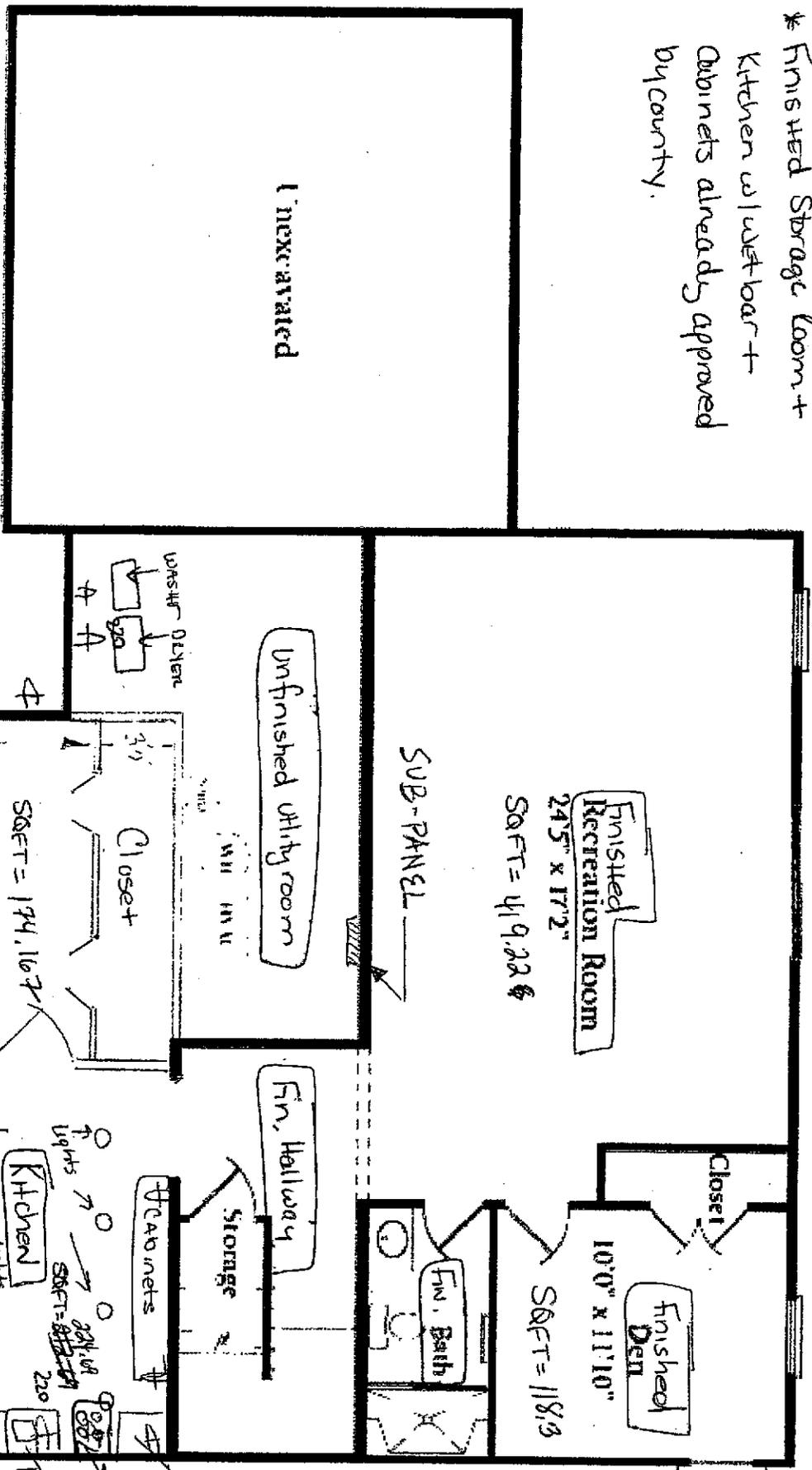
SCALE	1" = 60'
SHEET	2 OF 2
DATE	APRIL 2013
DRAWN	CBV
CHECK	CBV
FILE NUMBER	09200-1-0-09

HOUSE LOCATION SURVEY
LOT 12
THE PRESERVE AT SCOTT'S RUN
 DEED BOOK 2407 PAGE 040
 DRANESVILLE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

5.07 Diagram

ELECTRICAL W/ BASEMENT LEVEL

* Home came finished by builder w/ finished rec room, den (bpe), + full bath
 * Finished Storage Room + Kitchen w/ wet bar + Cabinets already approved by county.



Total Finished ScaFT of entire bsmt for mother suite = ~~1,357~~ **1,357** plus fm. full bath

Reverse Lower Level Floor plan

Handwritten notes at the bottom of the plan:
 - Cabinet
 - Electric
 - STREET W/ STREET ADDRESS
 - sink
 - 12'4"
 - cabinets



Front of Home - # 2487

7/24/2013



Right side Front Yard

#2488

7/24/2013



Right side of home - side view facing front - #2494

7/24/2013



Back of home w/some side-facing Back - #2495

7/24/2013



Back yard facing left side of home - #2496

7/24/2013



Backyard facing away from home -
Conservation Area

#2497

7/24/2013



Back of home - facing front - Left side - #2498

7/24/2013



Back of Home - Walkout - facing Walkout - # 2499

7/24/2013



Back of home - middle of house

- #2500

7/24/2013



Back of home - facing right side - #2501
back
of home

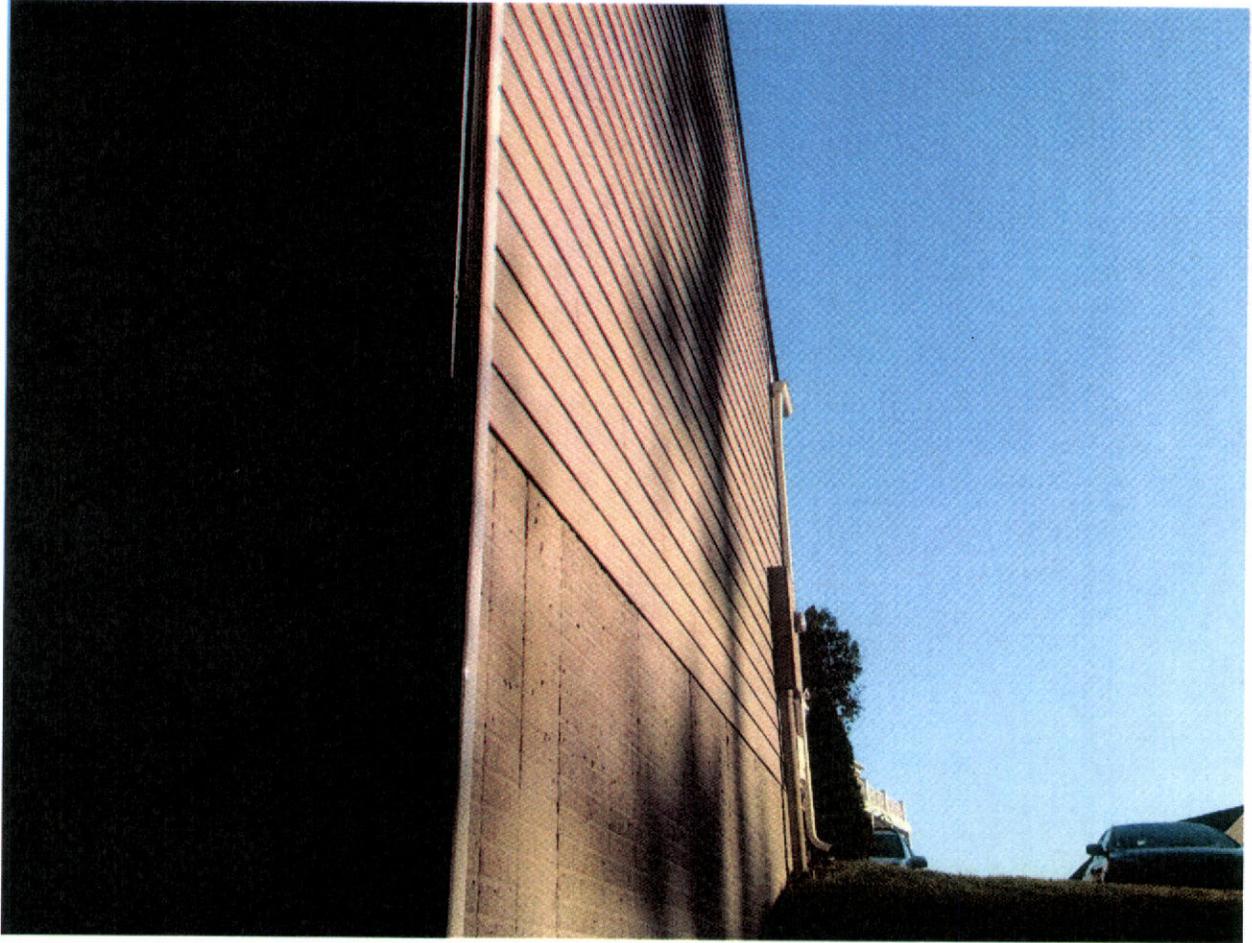
7/24/2013



Back of home on left side - facing away #2502
from back of home

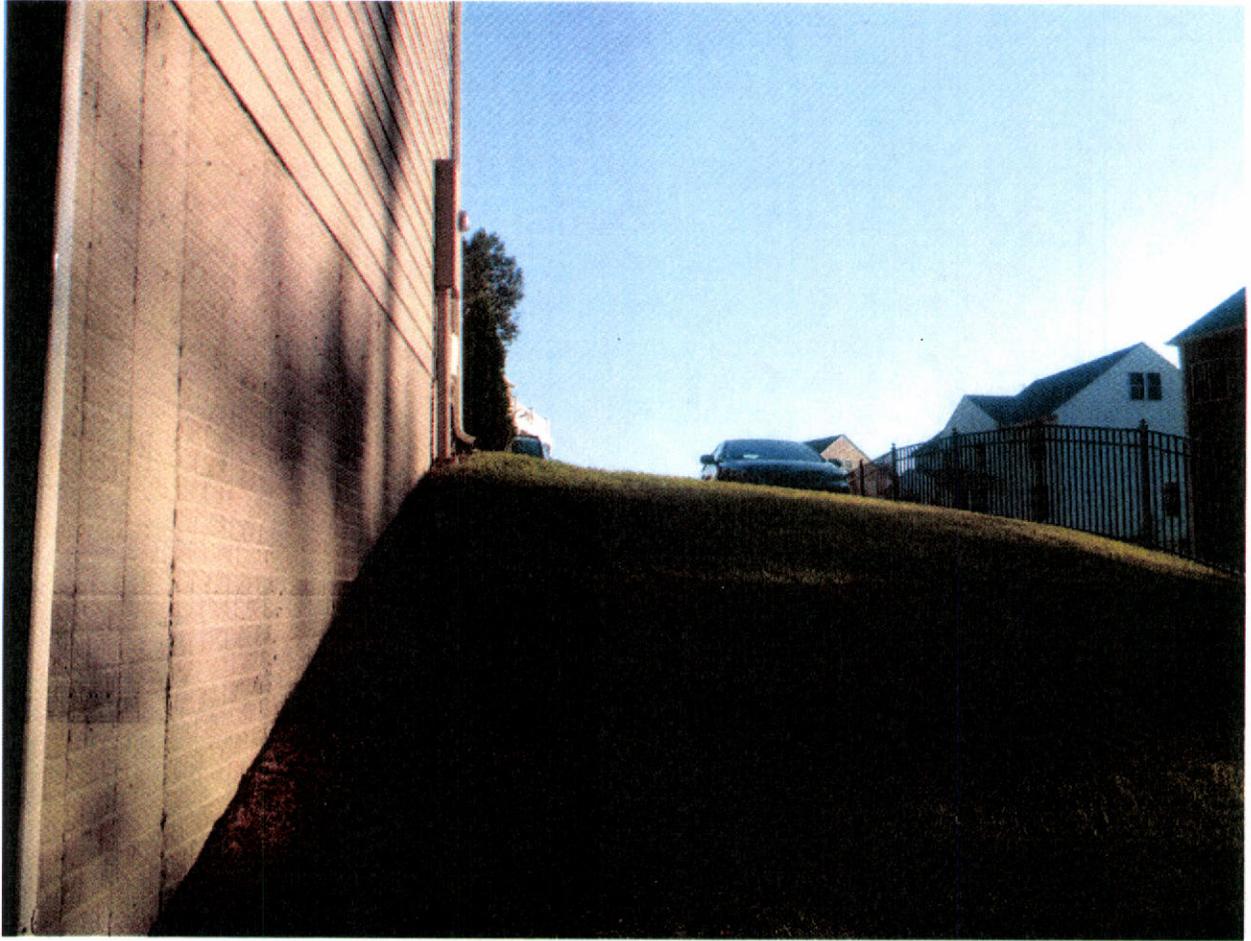
7/24/2013





Side of home - left - looking up side - #2504

7/24/2013



Left side view of home - lower foundation - # 2503

7/24/2013



Front of Home - Side of Porch + Sidewalk - #2485

7/24/2013



Front Yard Facing Driveway - # 2486

7/24/2013



Front Yard Facing Away from Home - Photo #2484
7/24/2013



Right side facing back - front/side yard

2490

7/24/2013



Side w/ part of Front Porch Facing Back-Right Side- #2491

7/24/2013



Right Side of Home Facing Back — #2492

7/24/2013



Right Side looking away from home - Side Yard - # 2493

7/24/2013



Front Driveway Facing Left Side Front

#2489

7/24/2013



Left front of Home-Garage View - facing front - #2508

7/24/2013



Rear Yard - 2nd View - Conservation Area - # 2507

7/24/2013



Left side - looking down - towards back - 2506

7/24/2013



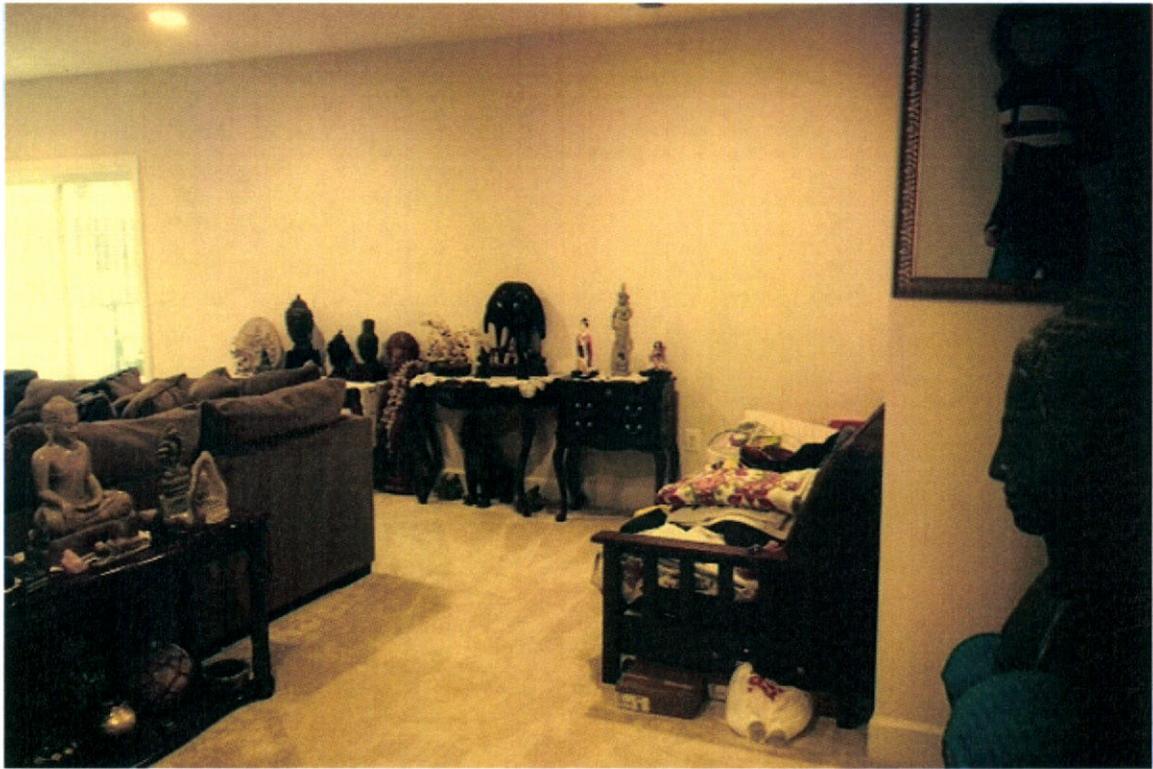
left side looking away from side - #2505

7/24/2013

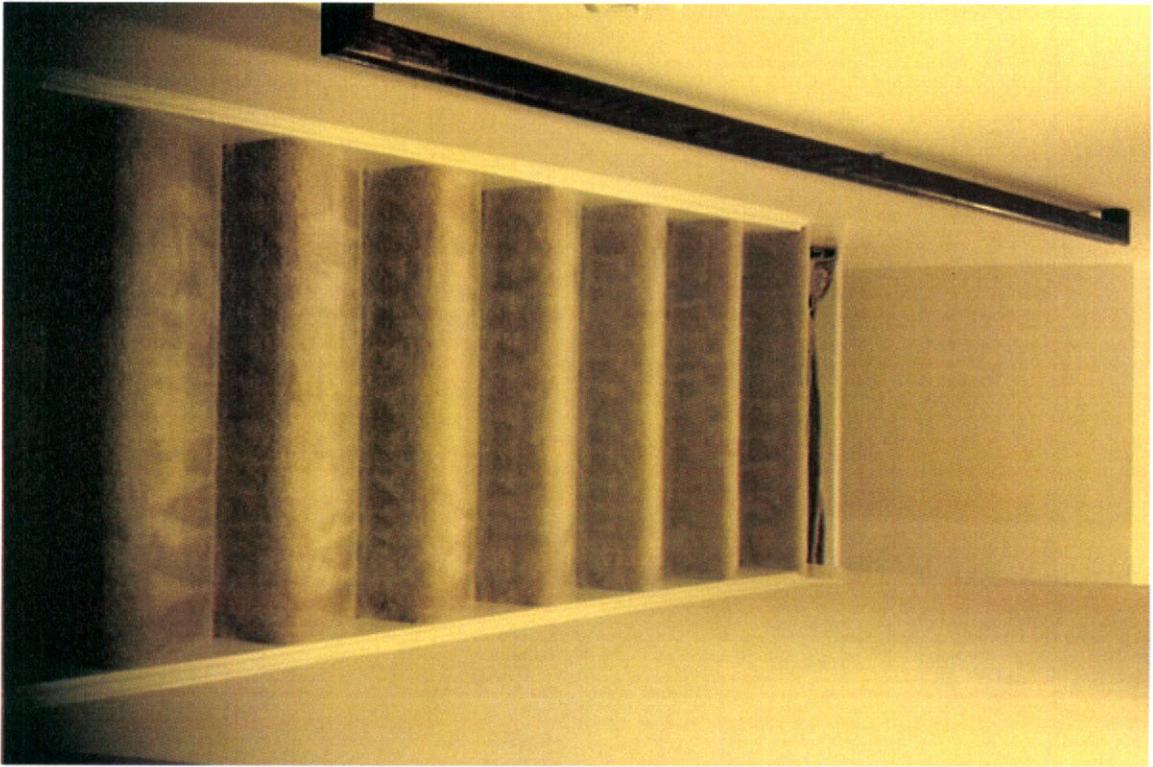














SPECIAL PERMIT REQUEST

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 "House Location Survey, Lot 12, The Preserve at Scotts Run," prepared by Kevin D. Vaughn, L.S, of LDC, dated April 25, 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 38,514 square foot lot contains a two story single family dwelling. The property has a covered porch attached to the south of the dwelling and a stone walkway that leads to the driveway. The property is located on a pipe stem driveway that accesses Scotts Run Road. A basement walkout with stairs is attached to the north of the property. The lot is flat with a grassed lawn and has mature trees in the northeast corner of the property.

The second portion of this property is located behind other single family dwellings further south on Scotts Run Road, just south of lot 18. This portion of the property also has a Resource Protection Area and a flood plain and storm drainage easement.



The subject property is east of the I-495 and north of Lewinsville Road. As illustrated above, the subject property and surrounding parcels to the north, west and south are

zoned R-1 and developed with single family detached dwellings. The properties to the east are zoned R-2 and developed with single family detached dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed and purchased by the applicant in 2013. A building permit was approved on December 17, 2012 for the construction of a new single family dwelling, with a finished basement, front porch and a two car garage. The building permit also maintained that no wet bar or second kitchen was approved (Appendix 4).

A setback certification was approved by the Zoning Administration Division on April 30, 2013. The 20.9 right foot side yard and the 20.6 foot left side yard were approved. (Appendix 5)

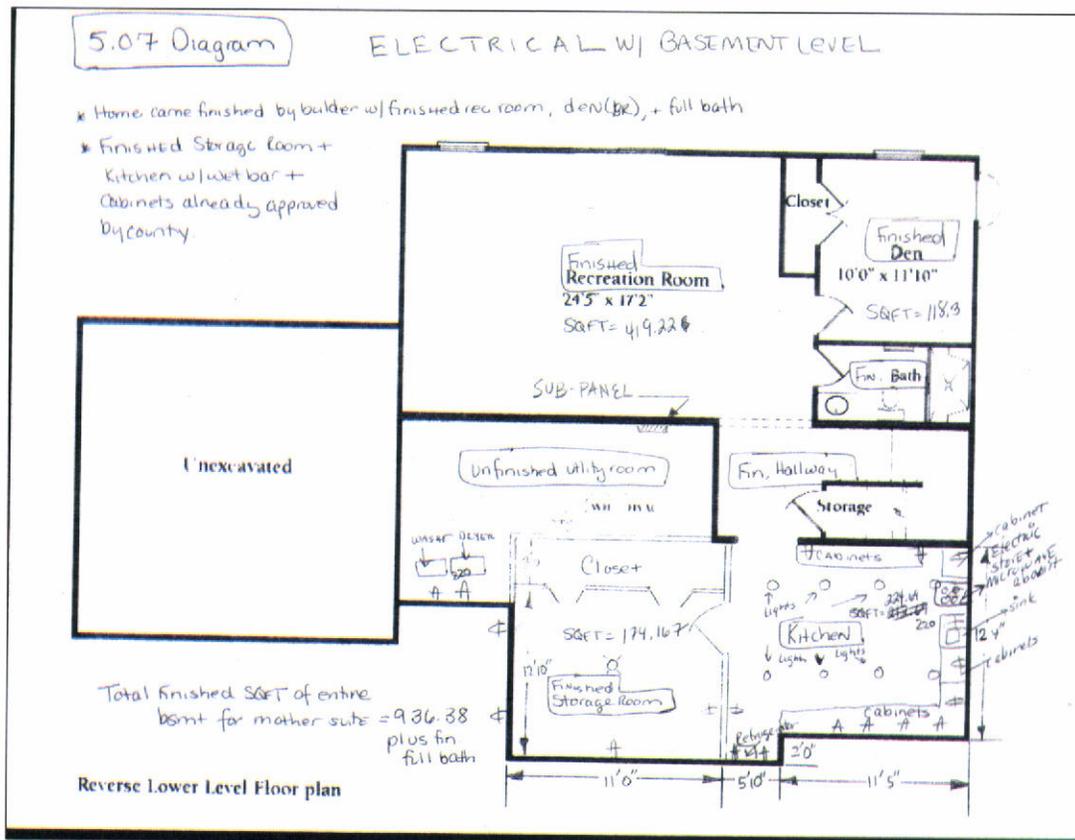
Building permits for a finished basement with a wetbar, and related plumbing, gas and electric permits were approved on July 26, 2013 (Appendix 6). The elements in the kitchen including the sink and the stove have been properly installed with approved building permits. However, the stove has not yet been turned on. The applicant is waiting to turn on the stove upon the determination of this special permit case.

The special permit application for an accessory dwelling unit was received by the Department of Planning and Zoning on July 30, 2013.

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

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 would be 1,357 square feet in size and accounts for 27.4% of the total gross floor area of the structure (4,945 square feet). The accessory dwelling unit would contain one bedroom, one bathroom, a recreation room, a kitchen, a storage room and a utility room as depicted on the following page.



The parent of the applicant, over the age of 55, would reside in the accessory dwelling unit (ADU). Stairs are located in the ADU that access the main level of the dwelling and also a door provides access to the rear yard. Two parking spaces are available within an existing garage and approximately four cars can park in the asphalt driveway, for a total of six parking spaces. The applicant and his wife each have a car and the applicant's parent has one car, for a total of three cars. Therefore, adequate parking exists in the current driveway for both the residents of the home and the proposed resident of the accessory dwelling unit.

ANALYSIS

Comprehensive Plan Provisions

- Plan Area:** Area II, McLean Planning District
- Planning Sector:** Balls Hill Community Planning Sector (M 04)
- Plan Map:** Residential uses at 1-2 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-1 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 7. 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 2014-DR-021 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. Building Permit for Single Family Dwelling dated December 17, 2012
5. Setback Certification dated April 13, 2013
6. Building Permits for Finished Basement dated July 26, 2013
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-DR-021****June 4, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-021 located at Tax Map 30-1 ((33)) 12 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 final inspection. 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, Tipmuny C. Powers, and is not transferable without further action of this Board, and is for the location indicated on the application, 1295 Scotts Run Drive, and is not transferable to other land.
3. A copy of this special permit **SHALL BE POSTED in a conspicuous place in the accessory dwelling unit** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
5. The accessory dwelling unit shall contain a maximum of 1,357 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
6. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
7. 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.

8. 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.
9. All parking shall be provided on site as shown on the special permit plat.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

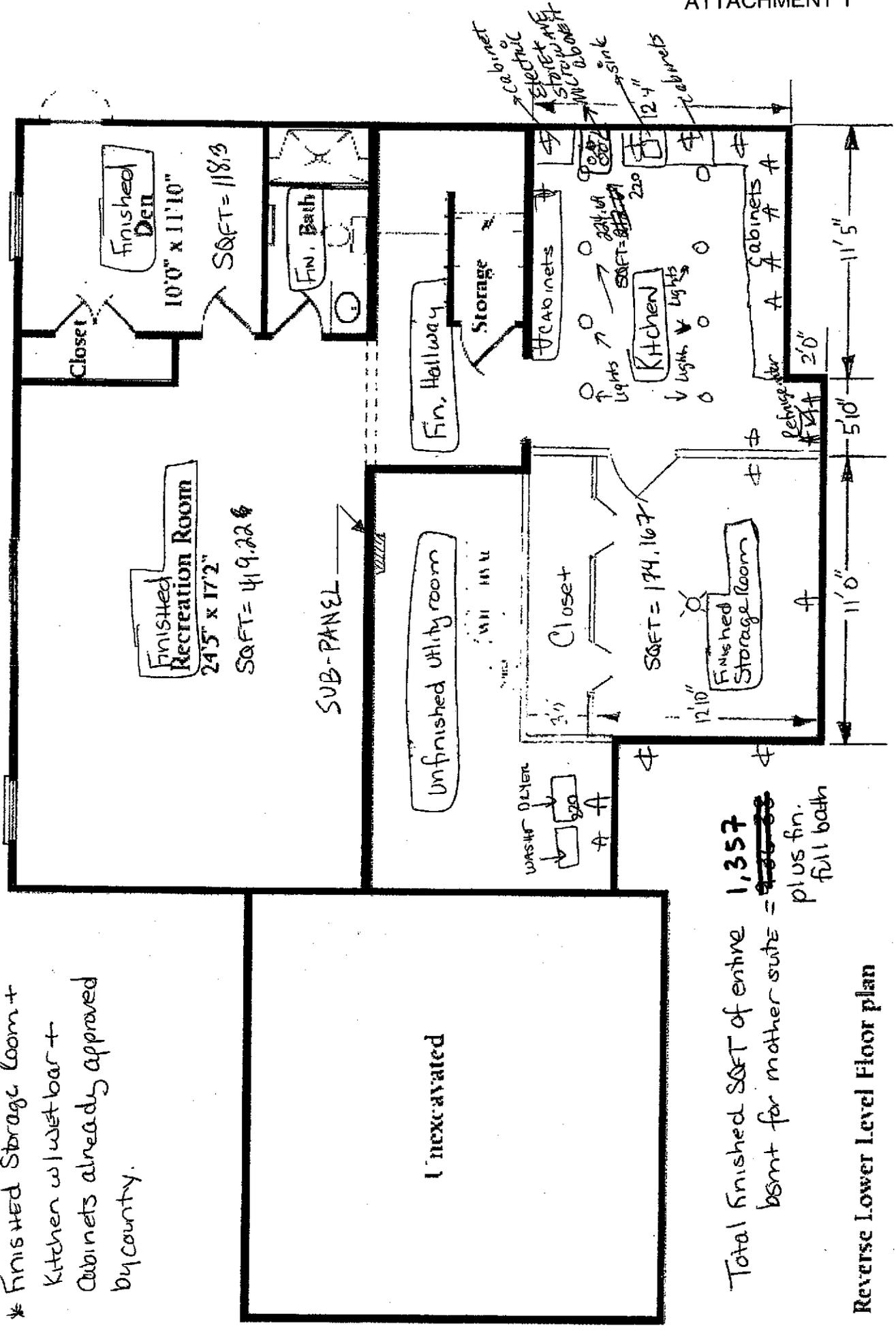
Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request 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.

5.07 Diagram

ELECTRICAL W/ BASEMENT LEVEL

* Home came finished by builder w/ finished rec room, den (br), + full bath

* Finished Storage room +
Kitchen w/ wet bar +
Cabinets already approved
by county.



Total finished SOFT of entire
bsmt for mother suite = ~~1,357~~
plus fin.
full bath

Reverse Lower Level Floor plan

Application No.(s): SP 20M-DR-021
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/24/2013
 (enter date affidavit is notarized)

I, Tipmny C. Powers, 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 12/9/16

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)
Tipmny C. Powers	1295 Scotts Run Rd, McLean, VA 22102	Applicant / Title Owner
Wendy D. Powers	1295 Scotts Run Rd, McLean, VA 22102	Applicant / Title Owner

(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 2014-DR-021
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/24/2013
(enter date affidavit is notarized)

121916

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)

N/A

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)

N/A

(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 2014-DR-021

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

7/24/2013

(enter date affidavit is notarized)

121916

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)

N/A

(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)

N/A

(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 2014-DR-021

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/24/2013
(enter date affidavit is notarized)

121916

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:

None

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 2014-DR-021
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/24/2013
(enter date affidavit is notarized)

121916

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: [Signature]

(check one) Applicant [] Applicant's Authorized Agent

Tipmany C. Powers
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 24th day of July, 2013, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires: 10/22/2016

[Signature]
Notary Public



JUL 30 2013

Special Permit for Accessory Dwelling Unit
1295 Scotts Run Road, McLean, VA 22102

Zoning Evaluation Division

1. Property is currently a single family detached dwelling with a fully finished basement. The application is for one accessory dwelling unit for this property. The proposed accessory unit is currently the fully finished basement of the building.
2. The proposed accessory dwelling unit shall be located within the structure of the single family detached dwelling unit; the proposed accessory unit is the fully finished basement of the building. No additional external entrances shall be added; however, a rear entrance to the structure and proposed accessory dwelling unit already exists (i.e., basement egress in rear of structure).
3. The total gross floor area of the principal dwelling unit is 4945 Square Feet. The gross floor area of the proposed accessory dwelling unit shall be 1357 square foot, representing 27.4% of the total gross floor area of the principal dwelling unit.
4. The proposed accessory dwelling unit shall contain 1 bedroom.
5. The occupancy of the proposed accessory dwelling unit and the principal dwelling unit are as follows:
 - a. The principal dwelling unit is currently, and shall continue to be, owner occupied.
 - b. The occupancy of the proposed accessory dwelling unit shall be occupied by an elderly person of the age 72 (born 2/11/1941).
 - c. The proposed accessory dwelling unit shall be occupied by one person. The person occupying the proposed accessory dwelling unit is related by blood, as she is the natural mother of the applicant. The principal single family dwelling unit is currently, and shall continue to be, occupied by 6 persons (i.e., a husband, a wife, and 4 natural children), all related by blood and/or marriage.
6. The proposed accessory dwelling unit is not intended for the use of a disabled person, therefore no special provisions are being made to accommodate a disabled person.
7. There is currently adequate parking to accommodate the person who will be occupying the proposed accessory dwelling unit.
8. The proposed accessory dwelling unit will not alter the predominant character of the neighborhood, because the change is inside the structure; no additional structure shall be added to the building. The proposed location of the proposed accessory dwelling is the finished basement of the existing building. No visible difference will be seen to the exterior of the residence and no additional work inside the house will be necessary, as the basement is currently fully finished. The person who will be living in the proposed accessory dwelling unit (i.e., the elderly mother of applicant) is currently already living with the family in the property.
9. The proposed accessory dwelling unit is believed to be compliant with all applicable regulations for building, safety, health, and sanitation. The building is a new building built in 2013.
10. The special permit for the accessory dwelling unit is being requested for five (5) years, with possible requests for further extension periods of five (5) years, if needed.

7/24/2013

To the Rezoning Board:

Reason for Requesting the Special Permit for an Accessory Dwelling Unit in the Basement at
1295 Scotts Run Road, McLean, VA 22102

Currently, we live in the home – there is Wendy and Tip Powers – parents of four children. We have been married and living on our own for over 20 years. We now have four children to care for and, more recently, after Tips' father's death in January 2013, we need to take care of his mother who is 72 years old. She cannot live alone after living with her husband for nearly 50 years. She wants to be with family so she feels safe and someone is there if she needs something. However, currently we have to share a kitchen which has not been easy since we have two women trying to cook in the family at the same time and she also cannot easily to go up and down stairs with her knees when she wants to eat or prepare something. With a separation of living quarters and a placement of a kitchen at the same level as her bedroom, she has a better quality of life and so does our family with some privacy. Many families are squeezed trying to take care of children and their parents. In this case, we just want to have a normal life and we want her to be able to function without an issue of climbing stairs every day and having to be inconvenienced with 4 kids running around her at her age. We are also concerned in the future she may not be able to go up and down stairs at all on her own and this special permit will enable her to be able to live easily without climbing stairs.

Sincerely,



Tipmuny C. Powers

RECEIVED
Department of Planning & Zoning

JUL 30 2013

Zoning Evaluation Division

Fairfax County Government
 12055 Government Center Parkway
 Fairfax, VA 22035

**Building Permit
 Zoning Review**

*This document does not reflect the final
 Building Permit approval.*

12/17/12 9:11:17AM

Bldg Permit #: **123070200** **NEW SINGLE FAMILY DWELLING**

Address: 1295 Scotts Run Rd Mclean VA 22102-0000
 Bldg: N/A Floor: Suite: N/A
Subdiv: Preserve At Scotts Run Lot 12 **Sub Census:** 706.01 **Lot Size:** 38,514.00
Tax Map: 0301 33 0012
Owner: Neighborhoods Vi Llc
Phone Day: (703) - x **Evening:**

Contractor:
 STANLEY MARTIN COMPANIES LLC
 11111 Sunset Hills Rd
 Suite #200
 Reston, Va 20190-0000
 (703) 964-5000

Type of Work: ANSI STD SINGLE FAMILY DWELL
Description of Work: BUILD NEW SFD 536 ON ELEVATION G WITH FINISH BASEMENT

ZPRB Review:

Date	Status
12/17/12	RGOOD3 Approved

Zoning Detail Review TAB

Zoning	Cluster	Dist.	Subdiv	Use	Height	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-1	N	SFD			32.00	N	N	N		Y

Ward/Setbacks:

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear
New SFD	0.00	0.00	51.60	20.80	21.10	50.30

DETAILS COMMENTS:

New SFD, 536, Elevation G, with finished basement, front porch, two car garage, bonus room, and areaway. No wet bar or second kitchen. Per approved plan, 1563-SD-002-00012-1, on file.

Building Height is 32.07'

Setback Certification is required prior to issuance of RUP. Minimum required side yard in the R-1 District is 20'.

Lot is to be treated most similar to a pipestem lot per DJQ. See Aerial Imagery schematic in file.



County of Fairfax, Virginia

MEMORANDUM

DATE: April 30, 2013

TO: Distribution

FROM: Roger Marcy, Assistant to the Zoning Administrator *RM*

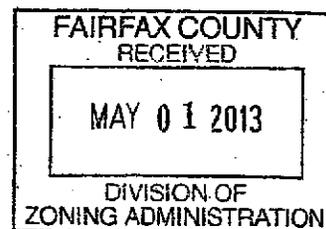
SUBJECT: Setback Certification: Application Permit No.: 123070200

RE: 1295 Scotts Run Road
The Preserve at Scotts Run, Lot 12
Tax Map: 30-1 ((33)) 12
Zoning District: R-1

Attached for your records is an approved Setback Certification for the referenced property. The yard in question is the 20.9 foot right side yard and the 20.6 foot left side yard for the new house.

Distribution:

Justin Frye, 11111 Sunset Hills Road, Suite 200, Reston, VA 20190
Mavis E. Stanfield, Deputy Zoning Administrator for Appeals
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch
Charles O'Donnell, Residential Inspections Division, DPWES
Bijan Sistani, Acting Director of Site Development and Inspections Division, DPWES



Department of Planning and Zoning
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1314 FAX 703-803-6372
www.fairfaxcounty.gov/dpz




Land Development Information History: FIDO - FINISHBSMT - 131690078
Permit Information

Permit Number:	131690078	Application Date:	
Permit Type:	FINISHED BASEMENT RESIDENTIAL	Tax Map:	030-1 ((33)) 0012
Job Address:	001295 SCOTTS RUN RD MCLEAN , VA 22102-0000	Permit Status:	Finalized
		Bldg:	Floor: Suite:
		Permit Fee:	\$90.00

Location:

Subdivision: PRESERVE AT SCOTTS RUN,
THE

Magisterial District: DRANESVILLE

Subcensus Tract:

AP (Tenant) Name:

Work Description: finish remaining portion of basement with wetbar, no 2nd kitchen, existing egress. Bedroom is already finished and existing with an egress.

Type of Work: FINISHED BASEMENT

Building Use: SFD - SINGLE FAMILY DWELLING

Standard: IR09 - IRC 2009

Plan Number: W-13-3951

Parent Permit:

ISIS Permit:

Type of Const: VB

Use Group: R5

Comments:

Link to FIDO record : [131690078](#)

Owner Information

Owner: POWERS TIPMUNY C

Address: 1295 SCOTTS RUN RD Contractor Information
 City: MCLEAN State: VA Zip: 22102 Name: OWNER IS CONTRACTOR
 Address:
 City: State: VA Zip:
 Trade Name:

BPOL License:

State License:

Trade Reg.:

Applicant Information

Applicant:

Address:

City: State: Zip:

Other Contact Information

Contact:

Address:

City: State: Zip:

Inspections

Inspection - R FINAL - FINAL INSPECTION - 6058377

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2013-07-26	GARY KENDRICK	N	Passed	NO	

Inspection - R FRAMING - FRAMING INSPECTION - 6058378

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2013-06-26	WAYNE WINDSOR	N	Cancelled	NO	must request trade permits along with framing for combo inspection

Inspection - R FRAMING - FRAMING INSPECTION - 6066017

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2013-06-26	WEB	N	Cancelled	NO	

Inspection - R FRAMING - FRAMING INSPECTION - 6066082

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2013-06-27	GARY KENDRICK	N	Passed	NO	

Reviews

Review - BUILDING - (BUILDING REVIEW) - 2235135

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2013-06-18	NORM CARLSON	Y	Approved

Review - ZONING - (ZONING REVIEW) - 2235134

Review Type	Review Date	Reviewer	Started	Status
ZONING	2013-06-18	MARIE LANGHORNE	Y	Approved

Contact Fairfax County: [Phone](#), [Email](#) or [Twitter](#) | **Main Address:** [12000 Government Center Parkway, Fairfax, VA 22035](#)
Technical Questions: [Web Administrator](#)

[ADA Accessibility](#) | [Website Accessibility](#)
[Awards](#) | [FOIA](#) | [Mobile](#) | [Using this Site](#) | [Web Disclaimer & Privacy Policy](#) | [Get Adobe Reader](#)
Official site of the County of Fairfax, Virginia, © Copyright 2013

22102

Contractor Information

Name: OWNER IS CONTRACTOR
 Address:
 City: State: VA Zip:
 Trade Name:

BPOL License:
 State License:
 Trade Reg.:

Applicant Information

Applicant:
 Address:
 City: State: Zip:

Other Contact Information

Contact:
 Address:
 City: State: Zip:

Inspections

Inspection - R FINAL - FINAL INSPECTION - 6058383

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2013-07-26	GARY KENDRICK	N	Passed	NO	

Inspection - R PLUMBING - RES PLUMBING CONCEALMENT INSPECTION - 6058384

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R PLUMBING	2013-06-27	GARY KENDRICK	N	Passed	NO	

Reviews

There were no reviews.

Contact Fairfax County: [Phone](#), [Email](#) or [Twitter](#) | **Main Address:** [12000 Government Center Parkway, Fairfax, VA 22035](#)
Technical Questions: [Web Administrator](#)

[ADA Accessibility/Website Accessibility](#)
[Awards](#)|[FOIA](#)|[Mobile](#)|[Using this Site](#)|[Web Disclaimer & Privacy Policy](#)|[Get Adobe Reader](#)
 Official site of the County of Fairfax, Virginia, © Copyright 2013

City: MCLEAN State: VA Zip: 22102 Contractor Information

Name: OWNER IS CONTRACTOR

Address:

City: State: VA Zip:

Trade Name:

BPOL License:

State License:

Trade Reg.:

Applicant Information

Applicant:

Address:

City: State: Zip:

Other Contact Information

Contact:

Address:

City: State: Zip:

Inspections

Inspection - R FINAL - FINAL INSPECTION - 6058379

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2013-07-26	GARY KENDRICK	N	Passed	NO	

Inspection - R ELECTRIC - RES ELECTRICAL CONCEALMENT INSPECTION - 6058380

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R ELECTRIC	2013-06-27	GARY KENDRICK	N	Passed	NO	

Reviews

There were no reviews.

Contact Fairfax County: [Phone](#), [Email](#) or [Twitter](#) | Main Address: [12000 Government Center Parkway, Fairfax, VA 22035](#)
 Technical Questions: [Web Administrator](#)

[ADA Accessibility](#)|[Website Accessibility](#)

[Awards](#)|[FOIA](#)|[Mobile](#)|[Using this Site](#)|[Web Disclaimer & Privacy Policy](#)|[Get Adobe Reader](#)

Official site of the County of Fairfax, Virginia, © Copyright 2013

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.