



APPLICATION ACCEPTED: April 16, 2014
BOARD OF ZONING APPEALS: July 9, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 2, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-HM-042

HUNTER MILL DISTRICT

APPLICANT/OWNER: Kathleen Ausnehmer
STREET ADDRESS: 1648 Besley Road, Vienna 22182
SUBDIVISION: Spring Lake, Section 2
TAX MAP REFERENCE: 28-4 ((8)) 19
LOT SIZE: 40,630 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-HM-042 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.

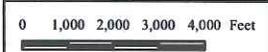
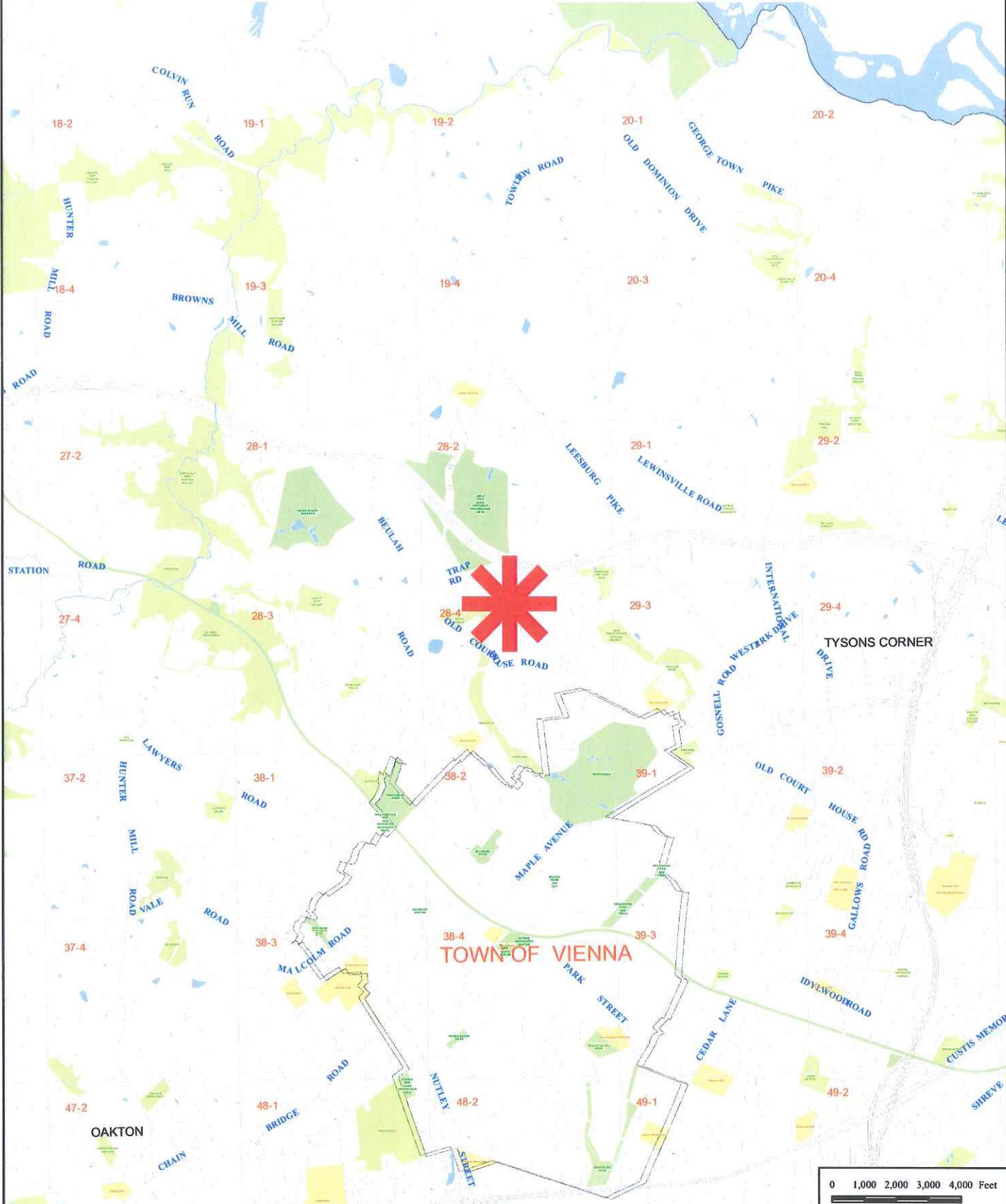
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**



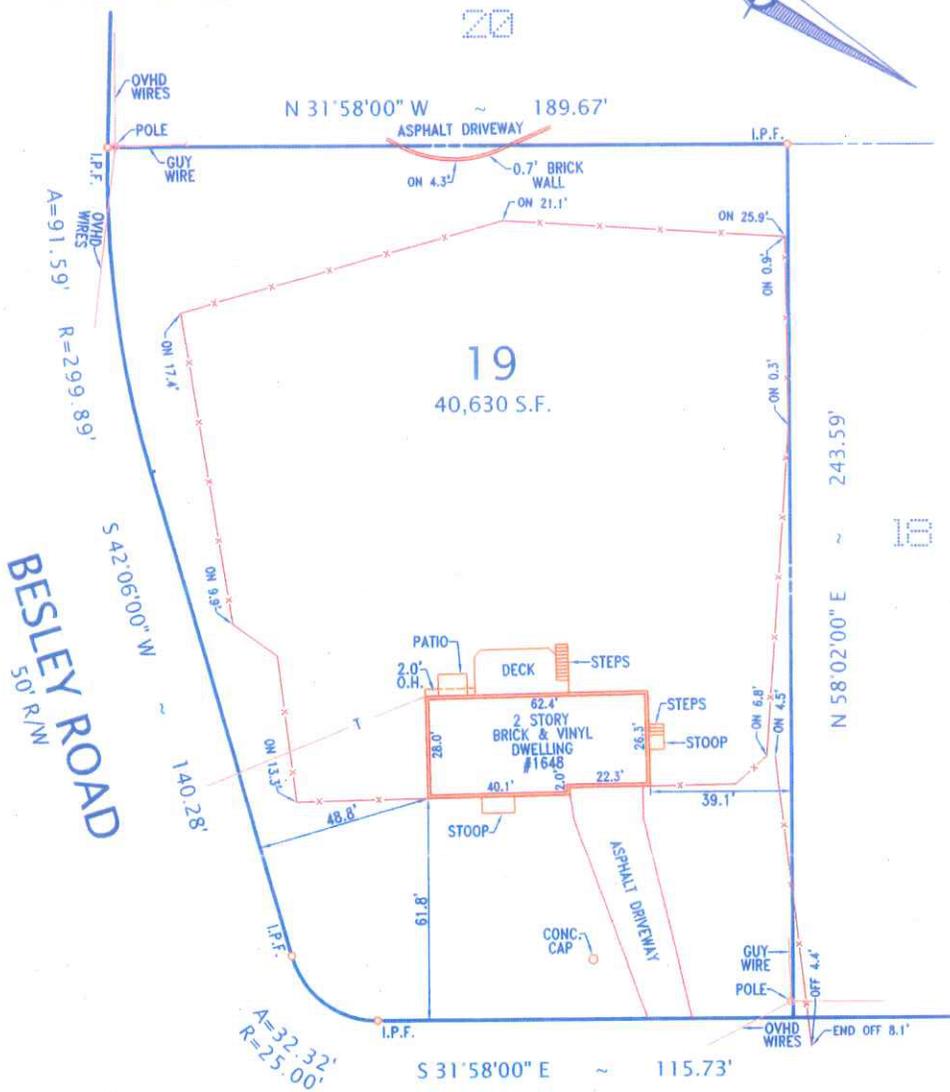
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2014-HM-042
KATHLEEN AUSNEHMER



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- NOTES : 1. FENCES ARE FRAME & WIRE.
- 2. ELECTRIC IS UNDERGROUND.

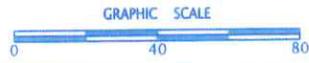


BESLEY ROAD
50' R/W

BOIS AVENUE
50' R/W

PLAT
SHOWING HOUSE LOCATION ON
LOT 19, SECTION 2
SPRING LAKE SUBDIVISION
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 40' MAY 4, 2005



RECEIVED
Department of Planning & Zoning
OCT 16 2013
Zoning Evaluation Division



CASE NAME: MILLER - AUSNEHMER

PLAT SUBJECT TO RESTRICTIONS OF RECORD.
TITLE REPORT NOT FURNISHED.

REQUESTED BY:
LIGHTHOUSE TITLE

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

Bryant L. Robinson
BRYANT L. ROBINSON, L.S.

ALEXANDRIA SURVEYS
INTERNATIONAL, LLC
6343 SOUTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22306
TEL. NO. 703-660-6615 FAX NO. 703-768-7764



① Front of house from driveway

10/15/13

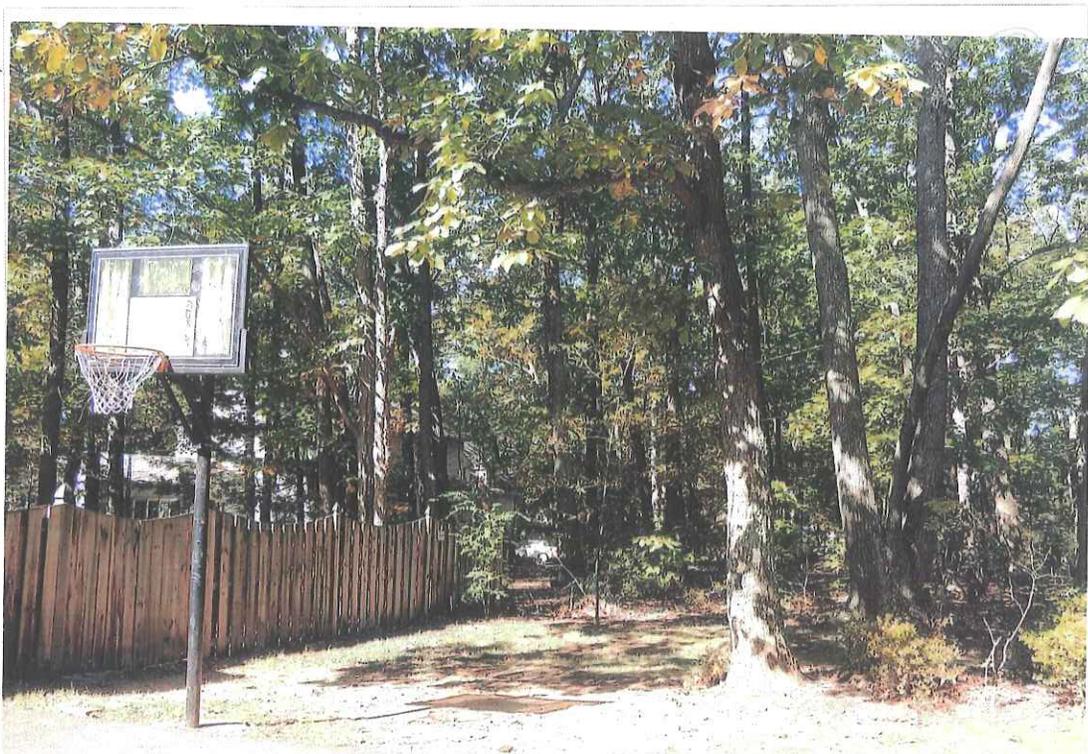
② Front yard from front porch

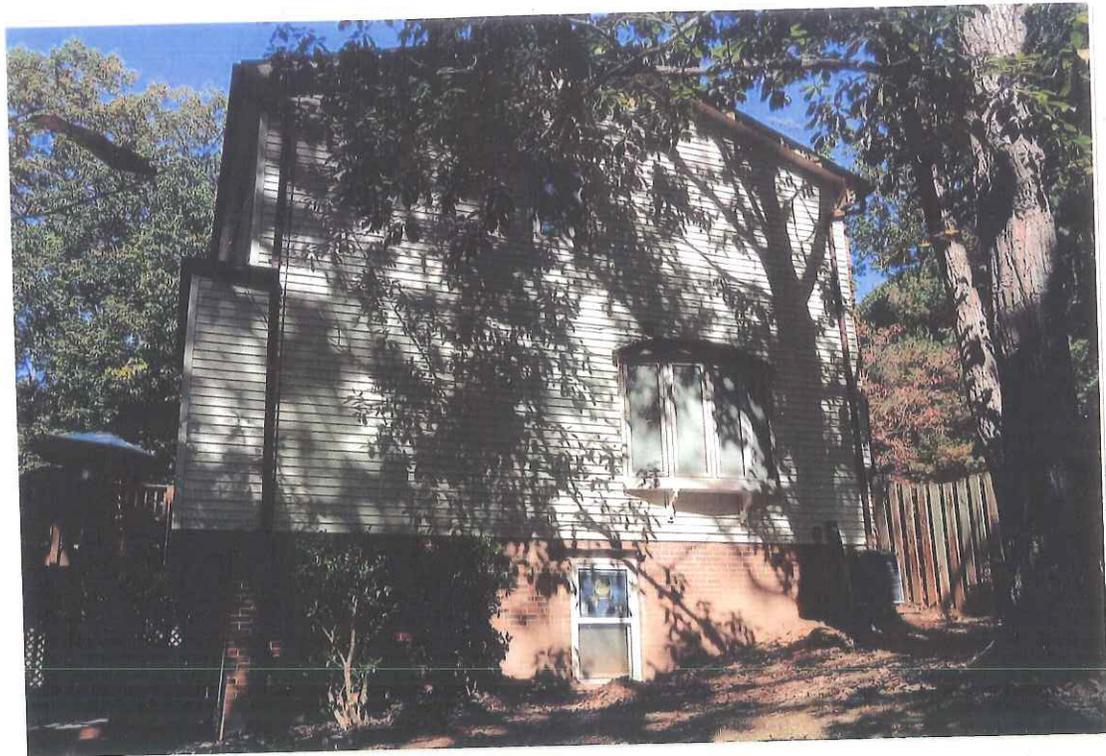




10/15/13

- 3) View to the left of front property
- 4) View to the right of front property





- ⑤ Side view - Besley Road side
- ⑥ side view - Bois Avenue side

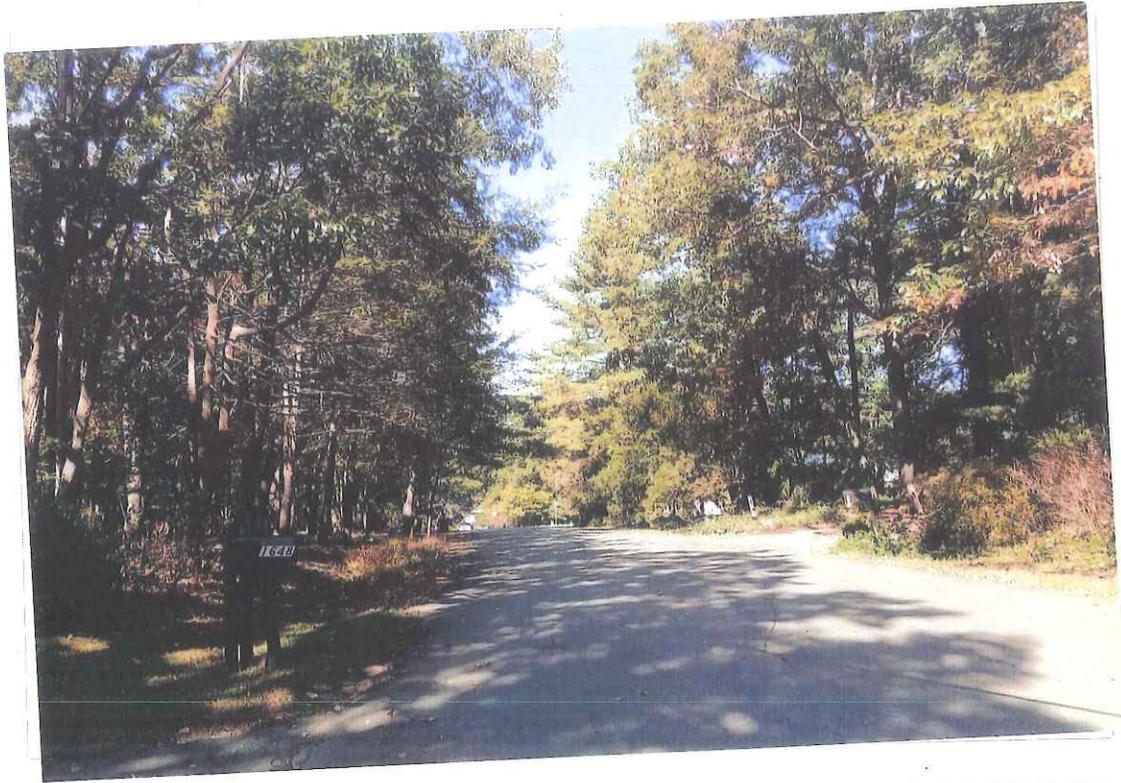
10/15/13





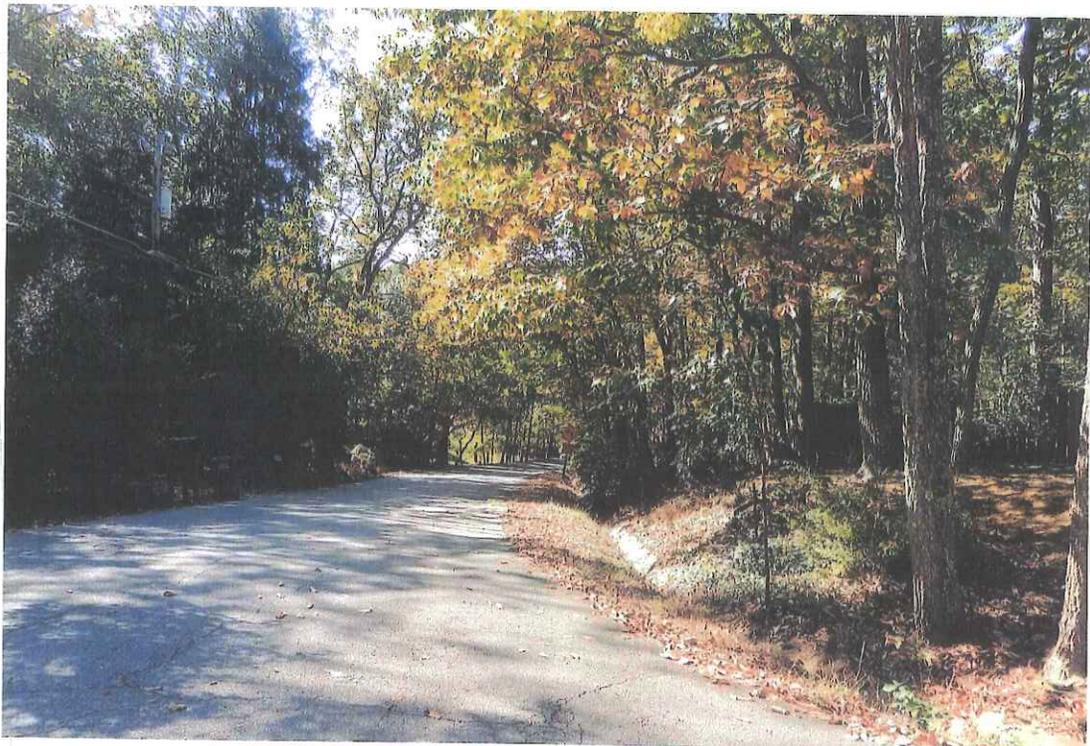
- ⑦ Street view to the right - Bois Avenue ^{10/15/13}
- ⑧ Street view from driveway - Bois Avenue





10/15/13

- ⑨ Street view to the left - Bois Avenue
- ⑩ street view from corner - Besley Road





10/15/13

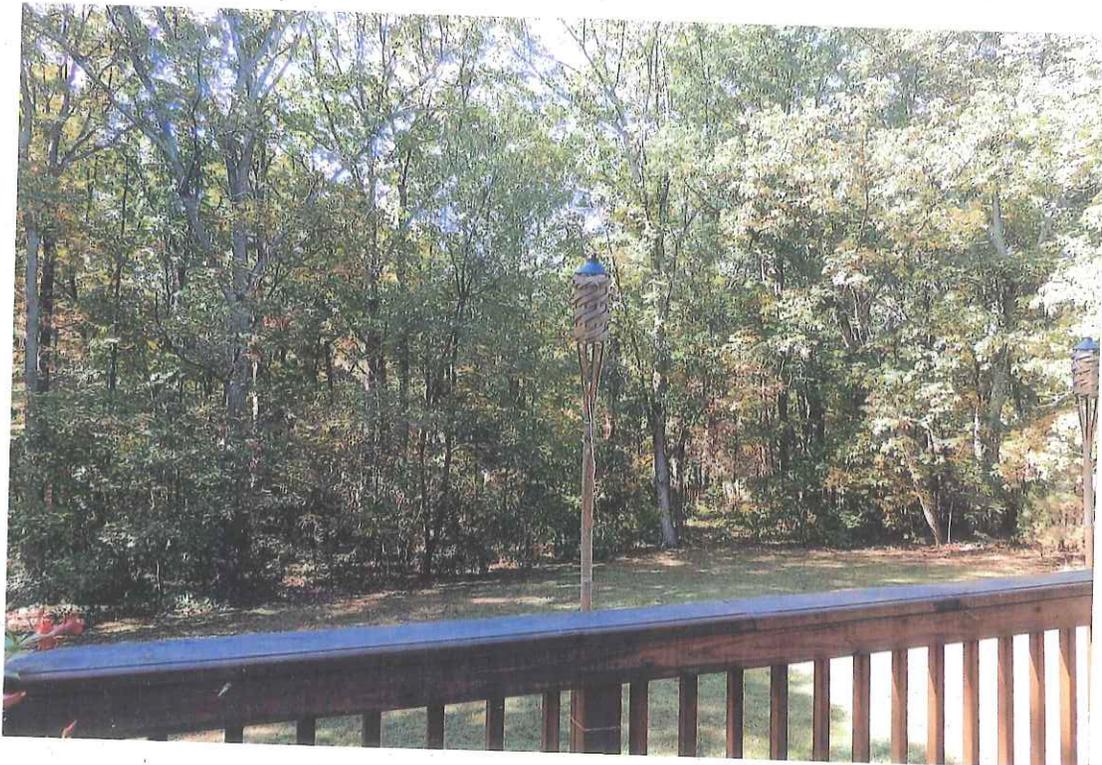
- ① Rear view of house
- ② Backyard view to the left from deck





10/15/13

- ⑬ Rear view of house - separate entrance to basement
- ⑭ Backyard view straight back from deck





5) Backyard view to the right from deck ^{10/15/13}



SPECIAL PERMIT REQUEST

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

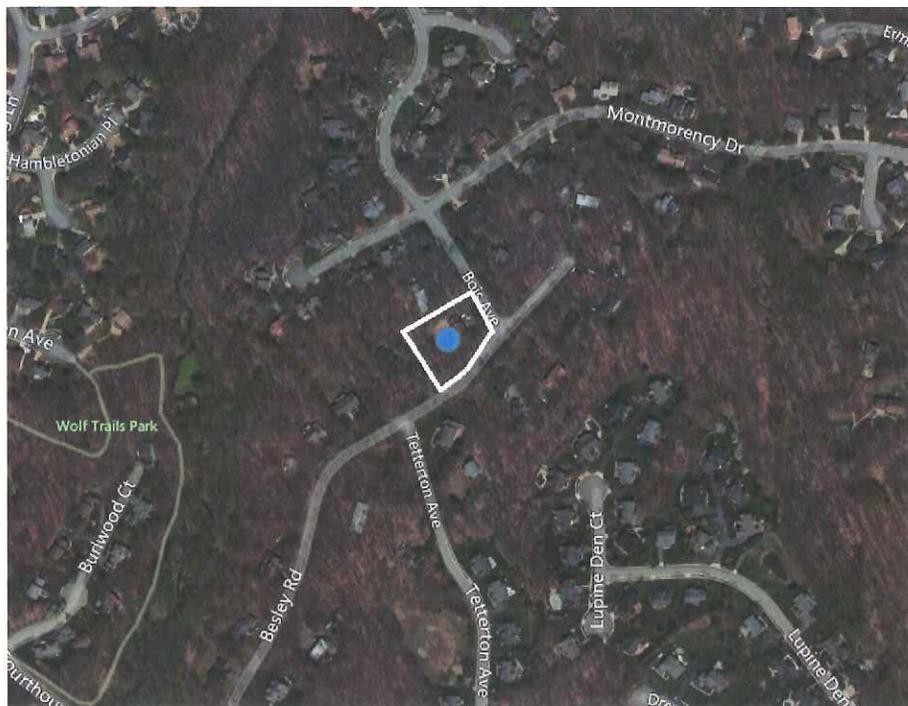
A copy of the special permit plat titled "Plat Showing House Location on Lot 19, Section two, Spring Lake Subdivision," prepared by Bryant L. Robinson, L.S, of Alexandria Surveys International, LLC, dated May 4, 2005, is included in the front of the staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The 40,630 square foot lot contains a two story, brick and vinyl single family dwelling with a finished basement. Site features include a six foot high fence that runs along the rear and side yards, stoops for entrances into the front of the dwelling and the garage, and a 574 square foot deck attached to the rear of the dwelling. Access to the lot is provided by an asphalt driveway off of Bois Avenue.

The subject property is a corner lot at the intersection of Besley Road and Bois Avenue. As illustrated below, the subject property and immediately surrounding parcels are zoned R-1 and developed with single family detached dwellings. Properties to the southwest are zoned PDH-2 and to northwest and northeast are zoned R-2, all developed with single family detached dwellings.



BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1977 and purchased by the applicant in 2013. On July 29, 2013, a complaint was filed with the Department of Code Compliance (DCC) for unpermitted interior renovations on the subject property. The DCC inspected the property on July 29, 2013 revealed that a complete renovation of the basement was underway, without proper permits. A corrective work order was issued on August 6, 2013, directing the applicant to secure the necessary permits, included in Appendix 5. Permits for interior alterations, plumbing, gas, and electrical systems were secured by October 15, 2013, to the satisfaction of DCC. The applicant submitted a second kitchen letter on August 1, 2013, which was denied by the Zoning Administration Division (ZAD). The ZAD response letter is included in Appendix 6. The applicant was advised to apply for a special permit for an ADU to bring the renovations and inclusion of a second kitchen into compliance.

The special permit application for an accessory dwelling unit was received by the Department of Planning and Zoning on October 16, 2013.

DESCRIPTION OF THE APPLICATION

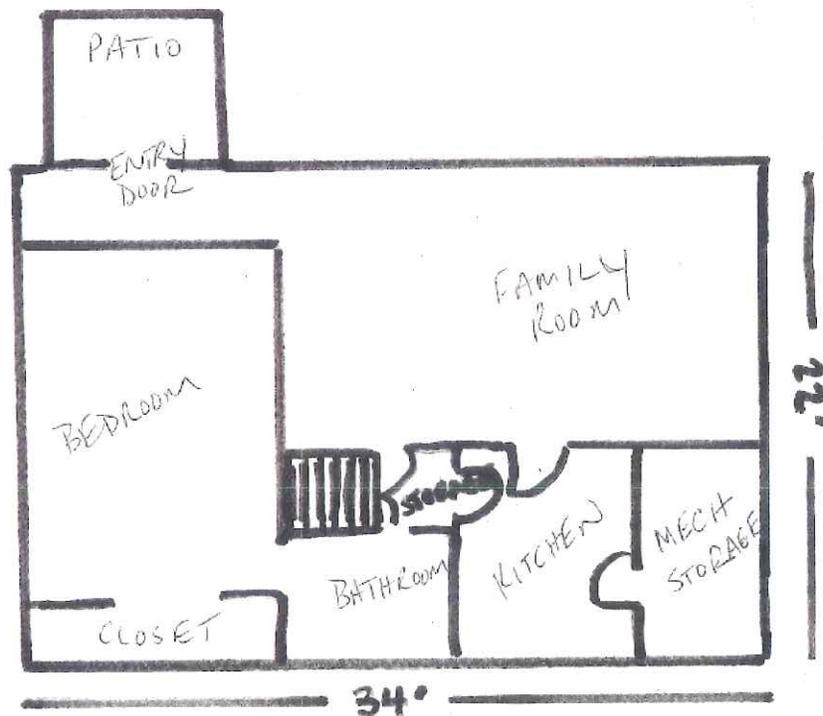
The applicant is requesting approval of a special permit for an ADU within the basement of the existing single family dwelling. The proposed ADU is 748 square feet in size, which is 24.9% of the total gross floor area of the structure (3008 square feet). The proposed ADU contains one bedroom, one bathroom, a family room, a kitchen, and a mechanical storage room. The bedroom has a window sufficient for safe emergency egress. The floor plan for the ADU is viewable on the following page.

Both parents of the applicant, over the age of 55, would reside in the ADU. Stairs are located in the main dwelling that go down to an interior access to the ADU. Entry and exit for the unit opens to a small patio in the rear yard at ground level. Approximately six cars can park in the asphalt driveway. 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, Vienna Planning District
Planning Sector: Spring Lake Community Planning Sector (V3)
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 6. 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-HM-042 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. DCC Corrective Work Order
5. ZAD Second Kitchen Request Response
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-HM-042****July 2, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-HM-042 located at Tax Map 28-4 ((8)) 19 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, Kathleen Ausnehmer, and is not transferable without further action of this Board, and is for the location indicated on the application, 1648 Besley Road, 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 748 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.
10. All applicable permits and inspections shall be obtained prior to establishment of the use, to be demonstrated to the satisfaction of the Zoning Administration Division, including any electrical or plumbing inspections as may be required.

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.

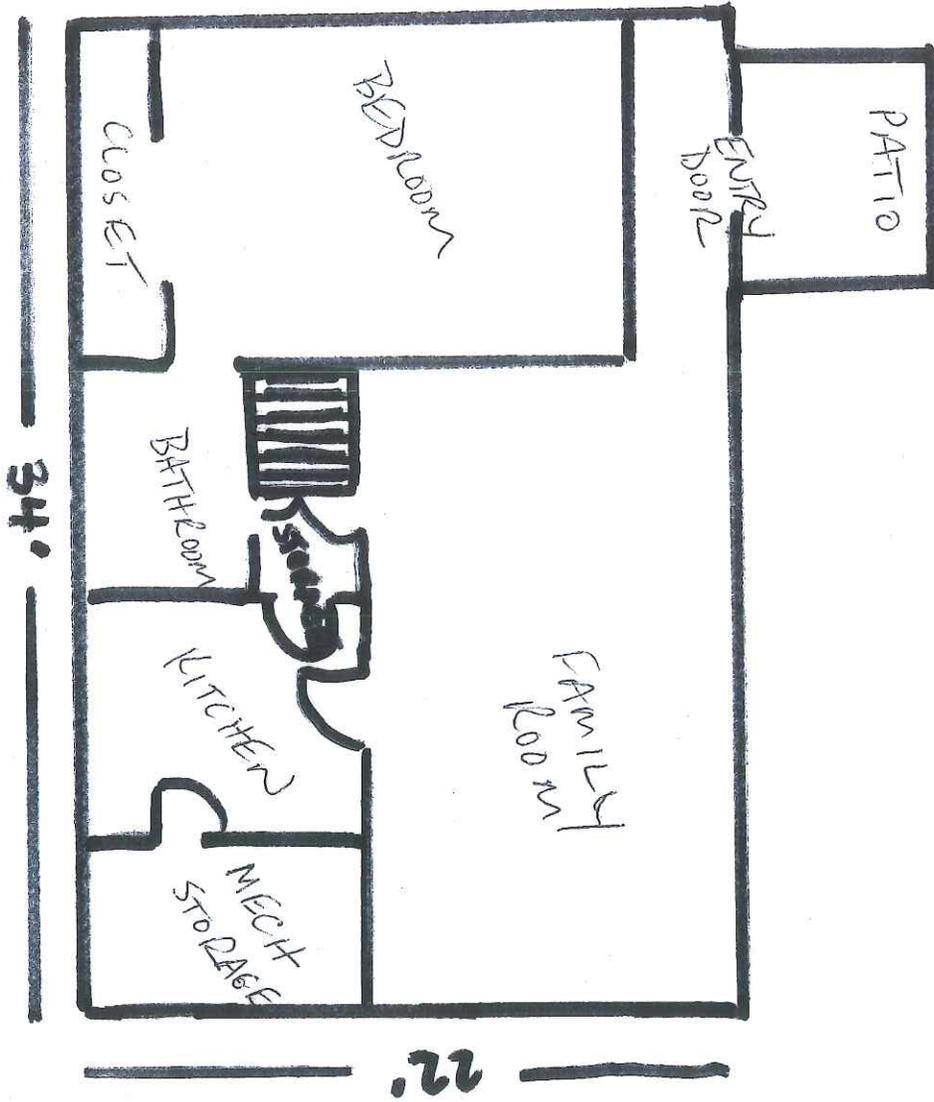
Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request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

APPENDIX 1
ATTACHMENT 1

RECEIVED
Department of Planning & Zoning

APR 07 2014

Zoning Evaluation Division



748 sq ft

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 9, 2013
(enter date affidavit is notarized)

122996

I, Kathleen Ausnehmer, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Kathleen Ausnehmer	1648 Besley Road Vienna, VA 22182	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): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 9, 2013
(enter date affidavit is notarized)

122996

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)

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)

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 9, 2013
(enter date affidavit is notarized)

122996

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)

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 9, 2013
(enter date affidavit is notarized)

122996

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 9, 2013
(enter date affidavit is notarized)

122996

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)

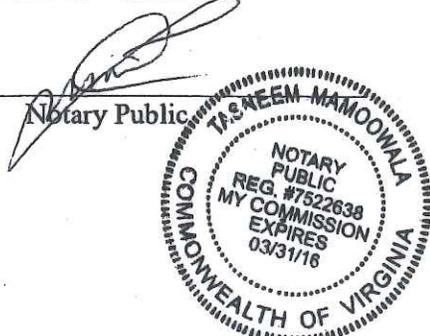
[Signature]
 Applicant

Applicant's Authorized Agent

Kathleen J. Ausnehmer
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 9th day of October 2013, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires: MARCH 31st 2016



APPENDIX 3

Zoning Evaluation Division

JAN 24 2014

RECEIVED
Department of Planning & Zoning

January 24, 2014

STATEMENT OF PROPOSED USE FOR AN ACCESSORY DWELLING UNIT

Zoning Evaluation Division
Fairfax County
Department of Planning and Zoning
Attention: Board of Zoning Appeals
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

Dear Board of Zoning Appeals,

This letter serves as my statement of proposed use in support of my application for an accessory dwelling unit. Statements below address all 8-918 additional standards, items 1-13.

1. The accessory dwelling unit will be located in my single family detached dwelling unit. This will be the only accessory dwelling unit on the property.
2. The accessory dwelling unit will be located within the structure of my single family detached dwelling unit more specifically it will be located in my basement. The external entrance for the unit is located at the rear of the house.
3. The square footage of the accessory dwelling unit is 748 square feet. As such, the accessory dwelling unit represents 33% of the 2,259 total gross floor area of the principal dwelling unit.
4. The accessory dwelling unit shall contain one bedroom.
5.
 - A. The principal dwelling unit shall be owner occupied.
 - B. (1)The accessory dwelling unit shall be occupied by my parents who are 72 and 74 years old.
 - C. The accessory dwelling unit will be occupied by 2 persons related by blood to me. The principal single family dwelling unit will be occupied by me and my 3 children.
6. This accessory dwelling unit is not being established for occupancy by a disabled person.
7. The existing parking is sufficient to meet the needs of the principal and accessory dwelling units. There is a 2 car garage and long driveway on the property as well as on street parking in front of the property.
8. The proposed accessory dwelling unit will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. Its existence will not alter the

exterior appearance of the principal dwelling, additional parking is not needed and there will not be an increase in traffic throughout the neighborhood as a result. I am not asking for approval to have the accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot. As a side, to my knowledge there is at least one other accessory dwelling unit located in the neighborhood. The property address is 1700 Besley Road, Vienna VA 22182.

9. All proper permits and procedures have been followed assuring the county that all applicable regulations for building, safety, health and sanitation will be met.
10. I understand that 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.
11. I, as owner, will make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. I understand that special permits for accessory dwelling units shall be approved for a period not to exceed five years from the date of approval; provided, however, that such special permits may be extended for succeeding five year periods in accordance with the provisions of Sect. 012 above.
13. As this application is dated post July 27, 1987, this standard does not apply to this application.

Thank you in advance for your consideration in granting a Special Permit for an Accessory Dwelling Unit.

Sincerely,



Kathleen Ausnehmer
1648 Besley Road
Vienna, VA 22182
(703) 340-6539
kaadventure@yahoo.com



County of Fairfax, Virginia

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

CORRECTIVE WORK ORDER Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: August 6, 2013

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Kathleen J. Ausnehmer

ADDRESS: 1648 Besley Road
Vienna, Virginia 22182-2003

LOCATION OF VIOLATION: 1648 Besley Road
Vienna, Virginia 22182-2003

TAX MAP REF: 28-4 ((8)) 19

CASE #: 201305382 **SR#:** 97329

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011, an inspection on July 31, 2013 revealed a violation or violations as listed below at the referenced location. The cited violation(s) must be corrected within ten (10) calendar days from receipt of this notice unless otherwise indicated.

Explanation: On July 31, 2013, County staff inspected the above referenced premises and discovered the renovation of the entire basement which included: 1) Electrical wiring, fusing, branch circuits, receptacle and lighting outlets; 2) Mechanical exhaust system, hood venting, hot water heater and cooking appliances; 3) Plumbing water supply lines, drainage and venting system; 4) Wood framing, fireblocking, emergency escape and rescue openings for basement bedroom and smoke detectors. All the work aforementioned was performed without the issuance of the required permit or permits, inspections, and approvals.

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2009 edition, you are hereby directed to apply for and obtain the required permit or permits, inspections and approvals for the work described above or demolition of same at the above referenced address.

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

Kathleen J. Ausnehmer
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Corrective Action Required: Apply for and obtain all necessary County permits for the work described above within ten (10) calendar days from the date you receive this Order, or obtain a County permit to demolish the work described above within the same timeframe.

1. Schedule and pass the required County inspections for the work described above within ten (10) calendar days from the date you are issued the required permit or permits for construction or demolition.
2. Contact me at (703) 324-9326 within the timeframe established to confirm the violations have been abated.
3. Call (703) 222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201305382.

Note:

*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035
Telephone: 703-222-0801

*When work described above involves the removal of unpermitted features (including appliances, cabinets, plumbing/gas fixtures) a demolition permit will be required. Be advised that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit. If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703) 324-1300 who issued the Notice before coming to the Permit Application Center in the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.

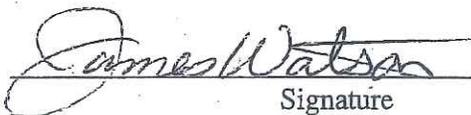
*Additional fees for unpermitted work may apply.

You are directed to notify James Watson by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703) 324-9326 within three (3) working days from the date you receive this Order, of your election to accept or reject the terms of this Order. Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.

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If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703) 324-9326 or the main office at (703) 324-1300.

Notice Issued By:

A handwritten signature in cursive script that reads "James Watson". The signature is written in black ink and is positioned above a horizontal line.

Signature

James Watson
(703)324-9326
Technical Assistant to the Building Official
Department of Code Compliance

CC: Case File
Chuck O'Donnell, Residential Inspections Branch Chief



County of Fairfax, Virginia

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

August 14, 2013

Kathleen Ausnehmer
1648 Besley Road
Vienna,, VA 22182

Re: Second Kitchen Request (ID #1355)
1648 Besley Road, Spring Lake, Sec. 2
Tax Map Ref: 028-4 ((8)) 19

Dear Ms. Ausnehmer:

I have reviewed your request for a second kitchen in the basement of your home at the above-referenced property. Your narrative statement indicates that the features planned for this second kitchen will include a sink, a range, a microwave, a dishwasher, a refrigerator and cabinets and countertops and will be used by both your immediate family and visiting parents. As part of our review we solicited the comments of James Watson, Code Compliance Investigator III, Department of Code Compliance (DCC). As you are aware, Mr. Watson inspected your home in July, 2013 in response to a complaint filed with DCC. Mr. Watson has confirmed the layout of the proposed finished basement but added that the bathroom will include a shower, a washer and dryer will be installed in the basement, and there is a door with a dead bolt located at the top of the stairs leading from the basement to the first floor. In addition, Mr. Watson noted that the building and trade work associated with the finished basement, which is currently ongoing, is being performed without the required permits. Consequently, you were issued a Corrective Work Order on August 6, 2013.

Therefore, after consideration of the information provided and collected, and based on the Zoning Ordinance definition of a dwelling unit (copy enclosed), it has been determined that the proposed second kitchen in combination with a full bathroom, a bedroom, a laundry room, and an exterior access constitutes a separate, independent living facility or dwelling unit. Pursuant to Sect. 2-501 of the Zoning Ordinance, there shall be not more than one (1) dwelling unit per lot (copy enclosed.) Therefore, this second kitchen request, as submitted, cannot be approved by this office. That said, we will approve a request wherein you eliminate the washer and dryer, limit the features of the second kitchen to a small sink, a refrigerator, a microwave, and reduce the cabinet and countertop space to one-half the size shown on your basement floor plan. Further, the dead bolt on the door, noted above, must be removed.

However, pursuant to Sect. 8-918 of the Zoning Ordinance, you *may* qualify to apply for a special permit for an accessory dwelling unit. Please contact staff in the Zoning Evaluation Division of the Department of Planning and Zoning, at 703-324-1290 for an application package and to

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schedule a pre-application conference to discuss the procedure and whether you qualify to apply for a special permit for an accessory dwelling.

I know this is not the response you were hoping for but I trust the reasons given for my denial of your request adequately explain my decision. If you wish to discuss this matter further, please feel free to contact me at 703-324-1359.

Sincerely,



Diane Johnson-Quinn
Deputy Zoning Administrator for
Zoning Permit Review Branch

Enclosures A/S

cc: Catherine Hudgins, Supervisor, Hunter Mill District
Leslie B. Johnson, Zoning Administrator
Karen McClellan, Operations Manager, DCC
James Watson, Code Compliance Investigator III, DCC

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.