



County of Fairfax, Virginia

October 15, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-PR-120

PROVIDENCE DISTRICT

APPLICANTS/OWNERS: Nitin S. Pandit
Majusha N. Pandit

STREET ADDRESS: 10005 Leamoore Ln, Vienna, 22181

SUBDIVISION: Edgemoore

TAX MAP REFERENCE: 48-1 ((35)) 26

LOT SIZE: 4,869

ZONING DISTRICT: PDH-4

ZONING ORDINANCE PROVISION: 8-918

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

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-PR-120 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.

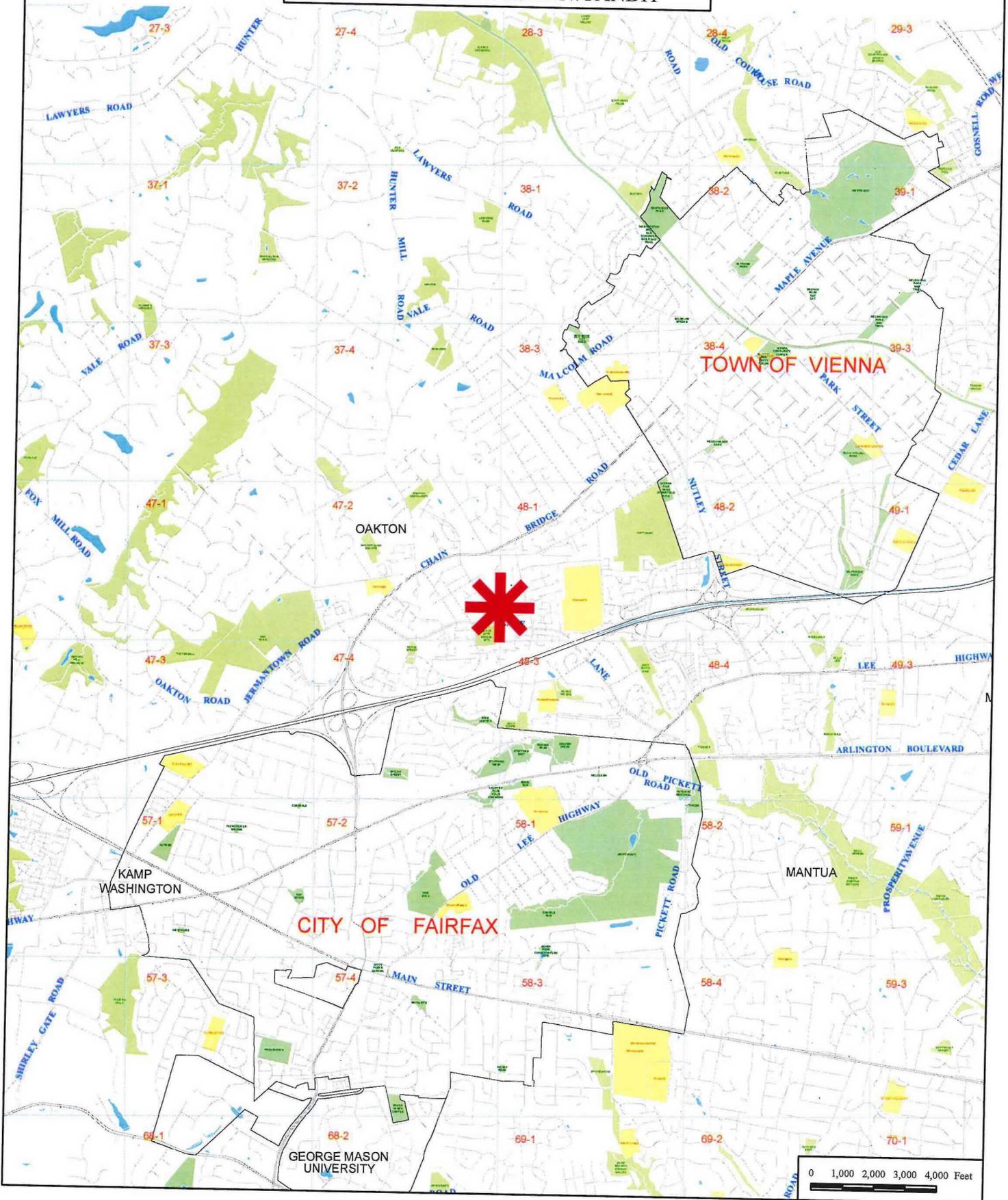
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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-PR-120
NITIN S. & MANJUSHAN. PANDIT



0 1,000 2,000 3,000 4,000 Feet

Special Permit
SP 2014-PR-120
NITIN S. & MANJUSHA N. PANDIT

Chain Bridge Rd.

Courthouse Rd.

Leamore Ln.

Edgelea Rd.

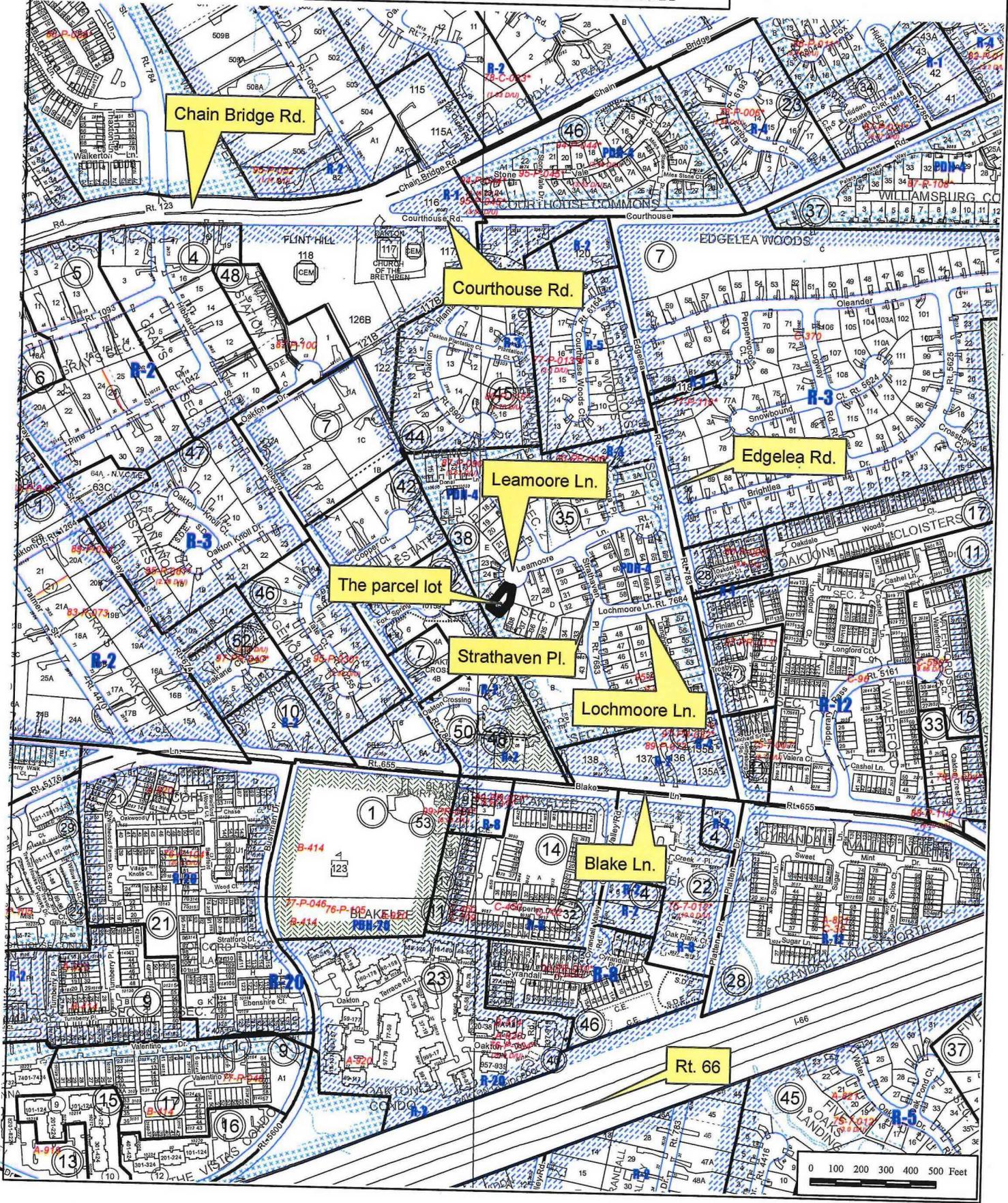
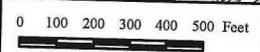
The parcel lot

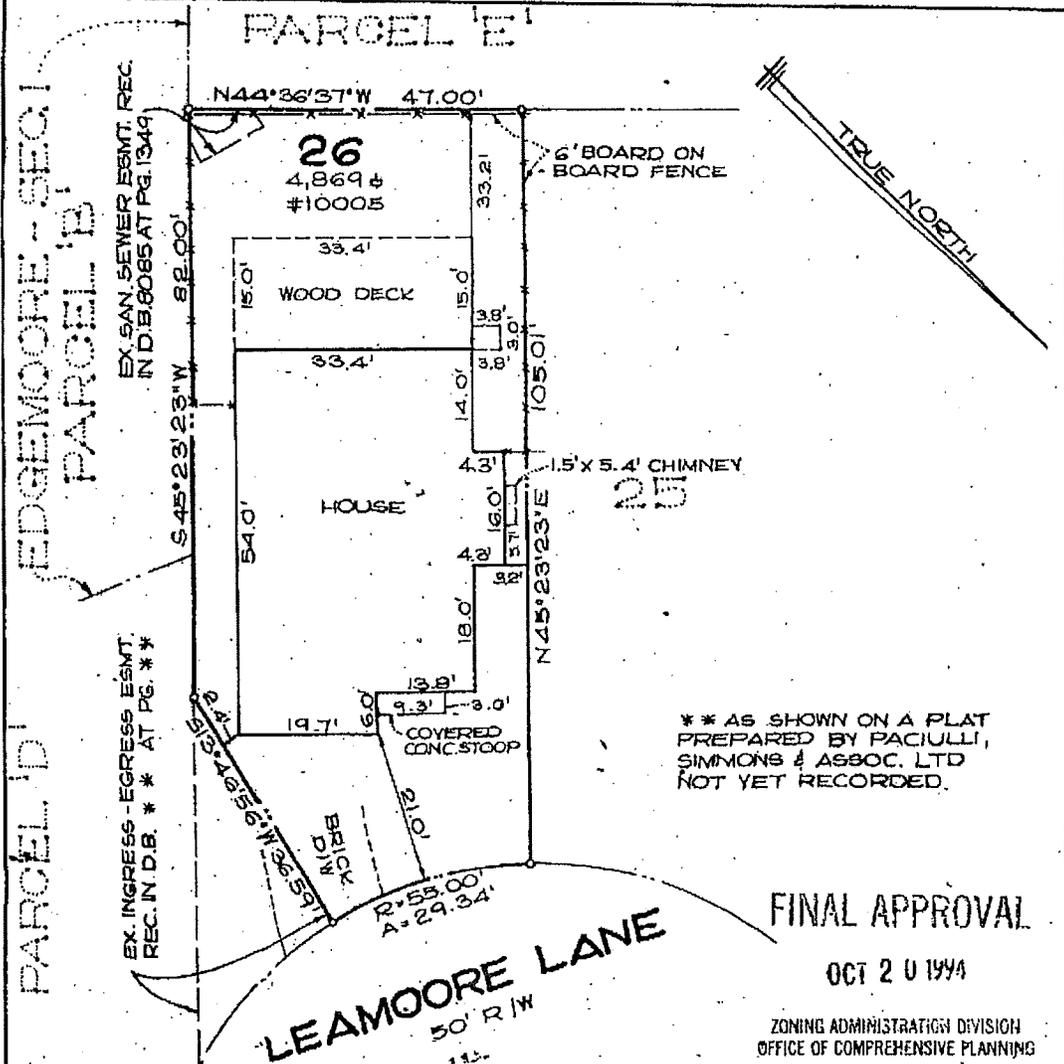
Strathaven Pl.

Lochmoore Ln.

Blake Ln.

Rt. 66





** AS SHOWN ON A PLAT PREPARED BY PACIULLI, SIMMONS & ASSOC. LTD NOT YET RECORDED.

FINAL APPROVAL

OCT 20 1994

ZONING ADMINISTRATION DIVISION
OFFICE OF COMPREHENSIVE PLANNING

Home (sq.ft)	Total accessed area	Percent
Primary Home	4329	100
Special Permit	910	21

I HEREBY CERTIFY THAT THIS PROPERTY IS CLASSIFIED AS ZONE X, AN AREA DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN IN ACCORDANCE WITH FLOOD INSURANCE RATE MAP PANEL 100 DATED MARCH 5, 1990.

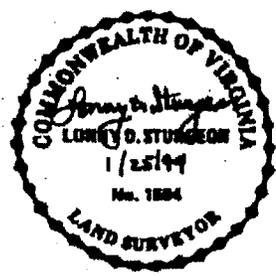
HOUSE LOCATION
LOT 26

EDGE MOORE SECTION 2

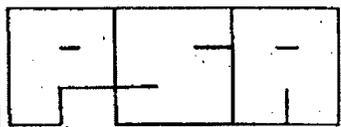
RECORDED IN D.B. 8755 AT PG. 1819
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20'
DATE: 1-19-94
FINAL: 7-19-94

RECEIVED
Department of Planning & Zoning

MAY 20 2014
Zoning Evaluation Division

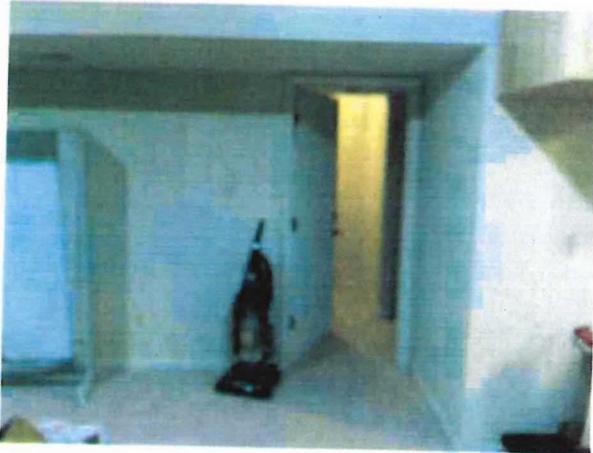


CERTIFIED CORRECT
NO TITLE REPORT FURNISHED

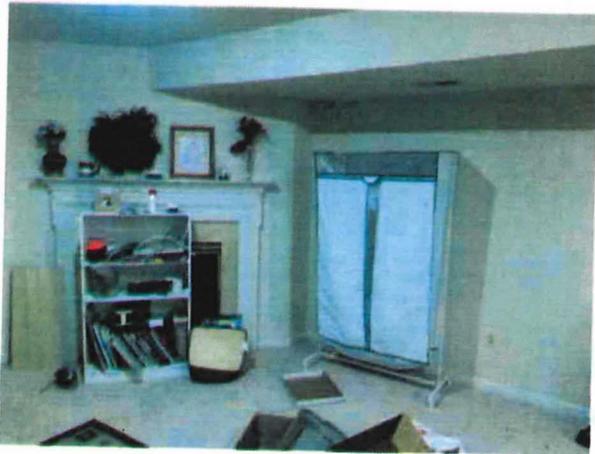


PACIULLI, SIMMONS & ASSOCIATES, LTD.
1821 Michael Faraday Drive, #200, Reston, Virginia, 22091
Telephone (703) 742-7870
Engineers, Planners, Surveyors, Landscape Architects

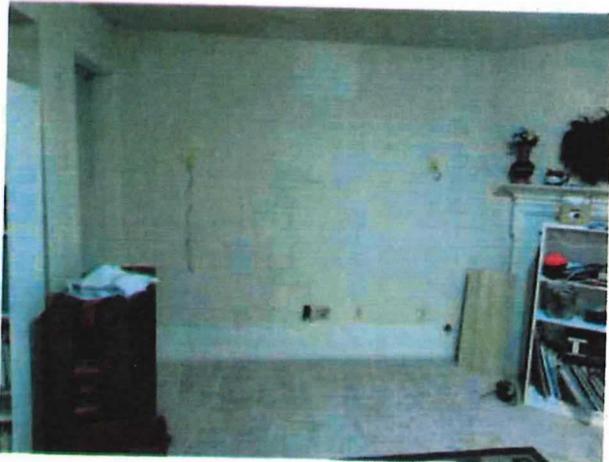
audit 10005 CAMMOORE LN



(A)



(B)



(C)

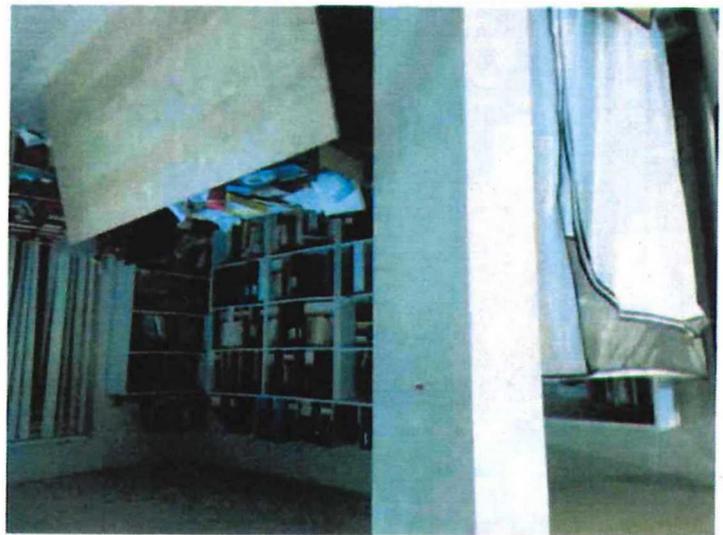
RECEIVED
Department of Planning & Zoning

JUN 17 2014

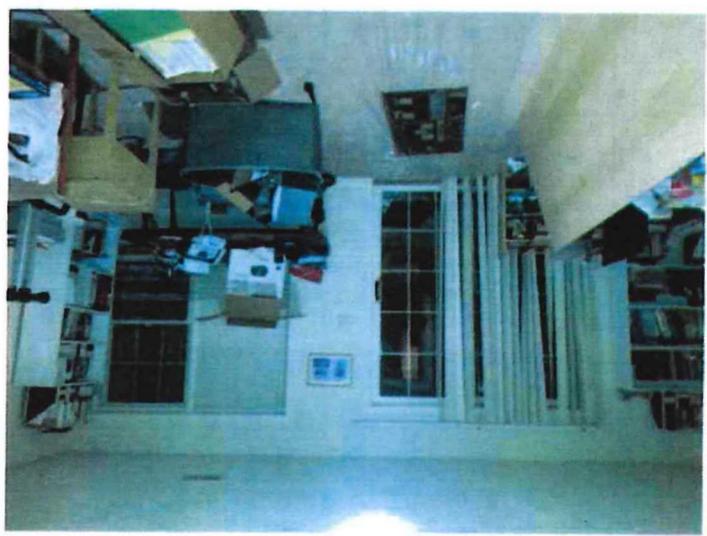
Zoning Evaluation Division

Zoning Evaluation Division
JUN 17 2014
Department of Planning & Zoning
RECEIVED

(F)



(E)



(D)

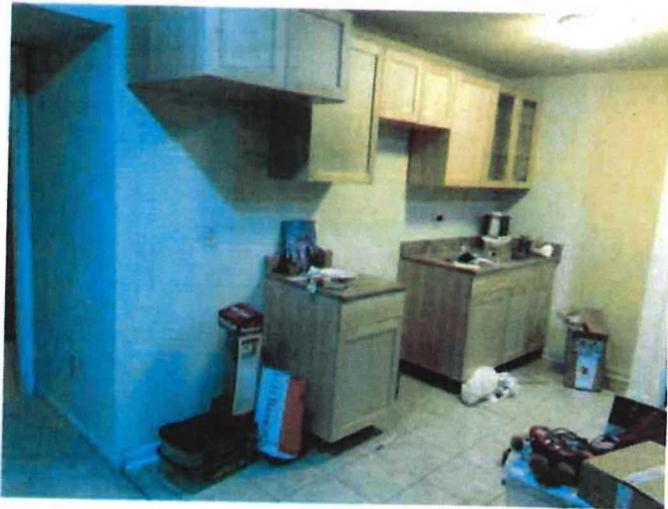


10005 CEAMORE LN
Rundit

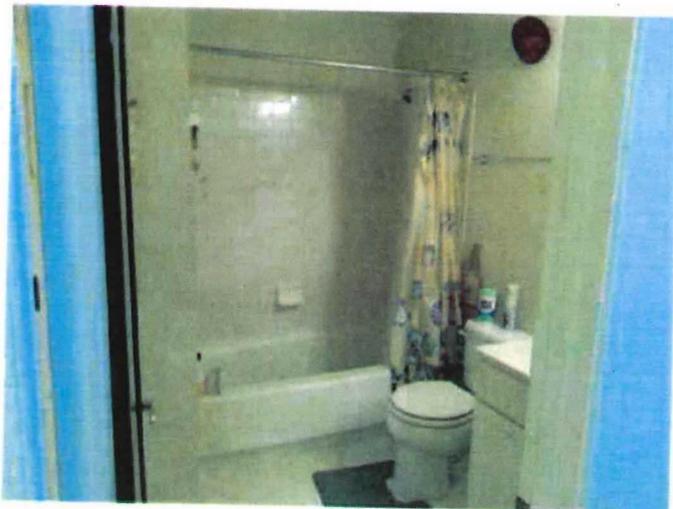
Paudit 10005 LEAMORS LN



(G)



(H)



(I)

RECEIVED
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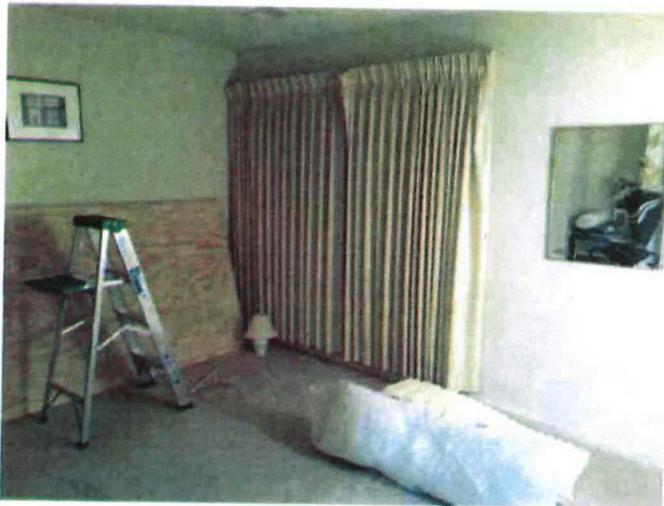
JUN 17 2014

Zoning Evaluation Division

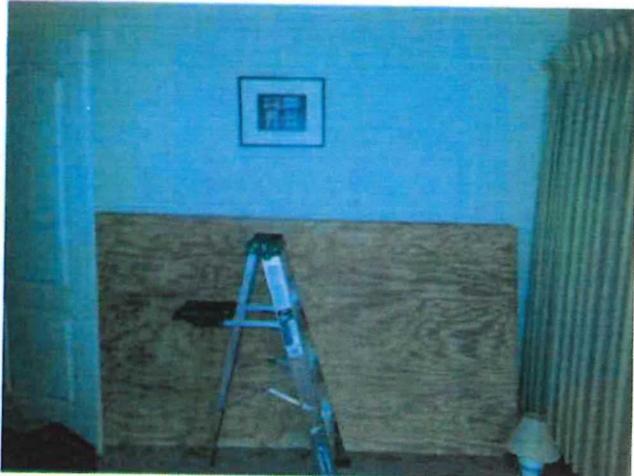
Rundit 10005 CEAMORE LN



(M)



(J)



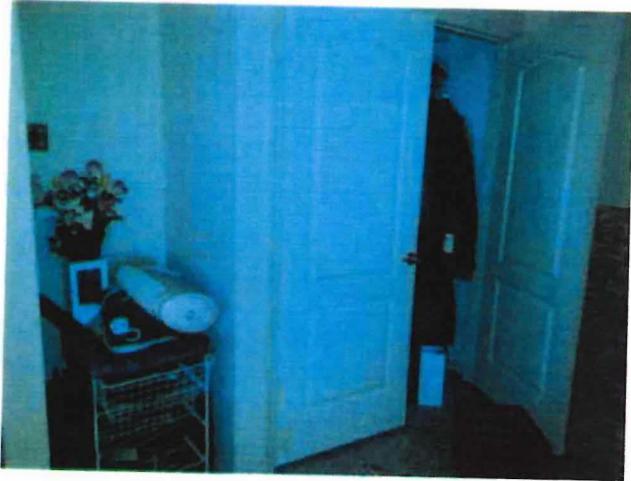
(K)

RECEIVED
Department of Planning & Zoning

JUN 17 2014

Zoning Evaluation Division

Pandit 10005 BEAMMOORE LN.



(N)



(L)

Looking In – 10005 Leamoore Lane, Vienna, VA 22181



RECEIVED
Department of Planning & Zoning

MAR 20 2014

Zoning Evaluation Division

① FRONT LEFT VIEW
FROM LEAMOOKE LN.



② FRONT CENTER VIEW
FROM LEAMOOKE LN.



③ FRONT RIGHT VIEW
FROM LEAMOOKE LN.

Looking In - 10005 Leamoore Lane, Vienna, VA 22181

RECEIVED
Department of Planning & Zoning

MAR 20 2014

Zoning Evaluation Division



④ RIGHT SIDE VIEW CORNER



⑤

RIGHT SIDE CHIMNEY VIEW
FRONT



⑥

Looking In - 10005 Leamoore Lane, Vienna, VA 22181

RECEIVED
Department of Planning & Zoning

MAR 20 2014

Zoning Evaluation Division



⑦ RIGHT SIDE CHIMNEY BACK VIEW



⑧ RIGHT SIDE FENCE VIEW FROM FRONT



⑨ RIGHT SIDE VIEW FROM BACK

Looking In - 10005 Leamoore Lane, Vienna, VA 22181

RECEIVED
Department of Planning & Zoning

MAR 20 2014

Zoning Evaluation Division



⑩ RIGHT SIDE VIEW FROM BACK
SHOWING DECK STAIRS



⑪ RIGHT SIDE VIEW OF BACK HOUSE
WITH DECK FROM GROUND LEVEL
SHOWING BASEMENT SLIDING
DOOR



⑫ BACK VIEW SHOWING DECK &
BASEMENT

Looking In - 10005 Leamoore Lane, Vienna, VA 22181



⑬ BACK VIEW OF BASEMENT
SLIDING DOOR & WINDOW



⑭ BACK VIEW FROM LEFT OF
BASEMENT



⑮ LEFT BACK VIEW FROM CORNER
SHOWING SIDE.

RECEIVED
Department of Planning & Zoning

MAR 20 2014

Zoning Evaluation Division

Looking In - 10005 Leamoore Lane, Vienna, VA 22181

RECEIVED
Department of Planning & Zoning

MAR 20 2014

Zoning Evaluation Division



(16) LEFT SIDE VIEW FROM
NEAR BACK/FENCE



(17) LEFT SIDE FROM FRONT
LEFT CORNER

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, Lot 26, Edgemoore Section 2," prepared by Lonny D. Sturgeon, L.S., dated January 25, 1994, as revised through May 8, 2014 by Richard L. Stanford, P.E., 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 4,869 square foot lot contains a two story stucco single family dwelling, which is accessed via a brick driveway from Leamoore Lane. A walkway leads from the driveway to a covered concrete stoop, which is used to access the dwelling. A brick pathway also leads from the driveway to the rear of the dwelling, accessing the ground level entrance to the basement of the home. A raised deck and patio area exist in the rear of the dwelling. The property is surrounded by a 6 foot tall board on board wooden fence, and has a manicured lawn and mature shrubs and trees in the front and rear yards.

The subject property and surrounding properties are zoned PDH-4 and developed with single family detached dwellings.

	Zoning	Use
North	PDH-4	Single Family Detached Dwelling
East	PDH-4	Single Family Detached Dwelling
South	PDH-4	Single Family Detached Dwelling
West	PDH-4	Single Family Detached Dwelling



Figure 1. Lot location

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1994 and purchased by the applicants in 1998. A building permit was issued on December 13, 1993 for the construction of the single family detached dwelling, and a copy of this permit is included as Appendix 4.

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 an existing single family dwelling. The proposed accessory dwelling unit would be 910 square feet in size and accounts for 21.0% of the total gross floor area of the structure (4329 square feet). An emergency egress exit exists directly accessing the sleeping area of the accessory dwelling unit. The proposed unit would contain one bedroom, one bathroom, a living room, and a kitchen as depicted in the following floor plan.

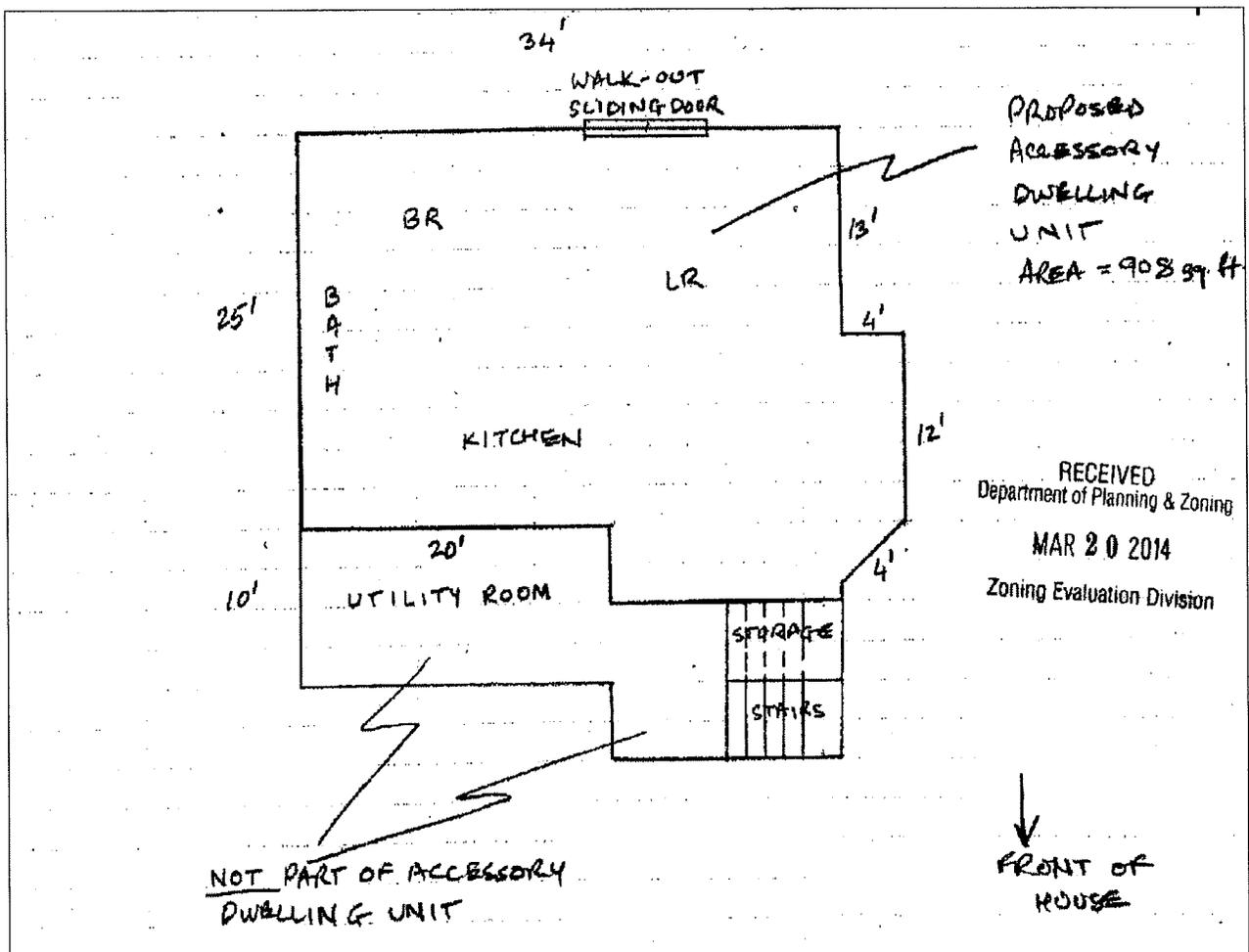


Figure 2. ADU Floor Plan

The applicant has indicated that a renter couple would reside in the accessory dwelling unit. The applicant, Nitin Pandit, qualifies for the Accessory Dwelling Unit under 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). Stairs are located in the ADU that access the main level of the dwelling, and a door also provides ground-level access from the walkout basement to the rear of the dwelling. This would be used as the main entrance and exit point of the ADU. A pathway exists connecting the accessory dwelling unit entrance to the driveway.

Two parking spaces are available within the existing garage, and two parking spaces exist in the applicants' driveway. The applicants have stated that they will ensure all parking of vehicles used by the residents would occur in the garage and driveway of the property. A development condition has been included to address this, and staff believes adequate parking exists for the residents and the proposed renters.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, Fairfax Planning District
Planning Sector: Mosby Woods Community Planning Sector (F3)
Plan Map: Residential uses at 3-4 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 PDH-4 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 5. Subject to development conditions, the special permit must meet these standards.

8-918 Standards	Provision met?	
	YES	NO
Only permitted in association with a single family detached dwelling unit, and no more than one accessory dwelling unit per single family detached dwelling.	X	
Located within the structure of a single family detached dwelling unit; any entrances shall be located on the side or rear.	X	
The gross floor area shall not exceed 35% of the total gross floor area of the principal unit.	X	
Shall not contain more than two bedrooms.	X	
Must meet the following: 1. One dwelling unit shall be owner occupied 2. One dwelling unit must be occupied by a person qualifying as elderly or disabled 3. The accessory dwelling unit may be occupied by no more than 2 people; the principal dwelling unit may be occupied by one family or a group of not more than 4 persons not necessarily related by blood or marriage	X	
Accessory dwelling units intended for a disabled person must provide reasonable access and mobility.	N/A	
Must provide sufficient parking, as determined by the BZA.	X	
Will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood.	X	
Must meet applicable regulations for building, safety, health, and sanitation.	X	
Shall be recorded among Fairfax County land records upon approval.	Upon approval	
The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.	X	

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-PR-120 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 13, 1993
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-PR-120****October 15, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-PR-120 located at Tax Map 48-1 ((35)) 26 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.

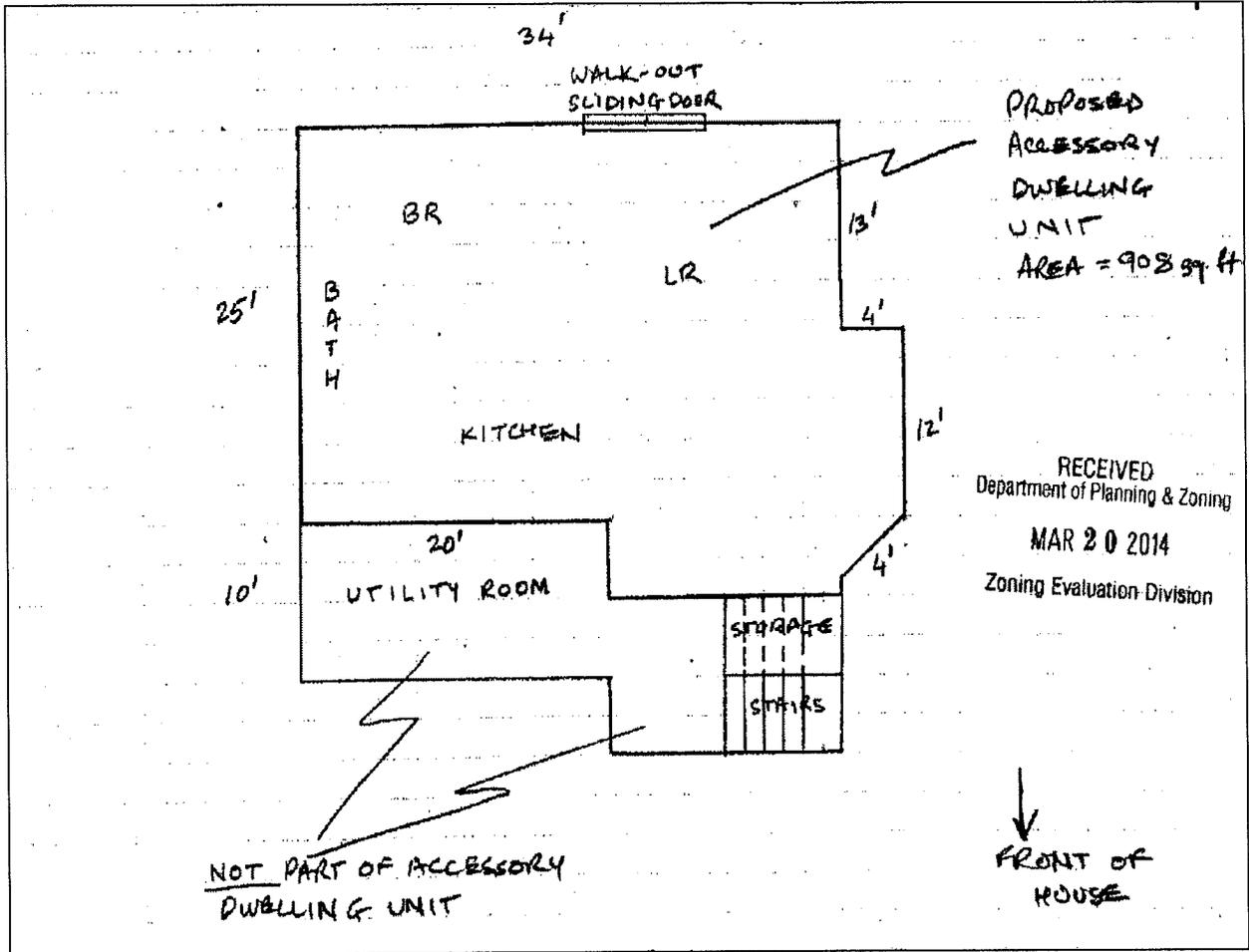
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the final inspection. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicants only, Nitin S. Pandit and Manjusha N. Pandit, and is not transferable without further action of this Board, and is for the location indicated on the application, 10005 Leamoore Lane, 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 910 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.

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.



Accessory Dwelling Unit Floor Plan

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124853

DATE: 8 March 2014
 (enter date affidavit is notarized)

I, NITIN S. & MANJUSHA N. PANDIT, 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)
MANJUSHA N. PANDIT	10005 LEAMOODRE LN; VIENNA VA 22181	OWNER APPLICANT
NITIN S. PANDIT	10005 LEAMOODRE LN; VIENNA VA 22181	OWNER APPLICANT

(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: 8 March 2014
(enter date affidavit is notarized)

124853

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)

NA

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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8 March 2014
(enter date affidavit is notarized)

124853

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)

NA

(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)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8 March 2014
(enter date affidavit is notarized)

124853

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8 March 2014
(enter date affidavit is notarized)

124853

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 signatures:

(check one) Applicant Applicant's Authorized Agent

MANJUSHA N. & NITIN S. PANDIT
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 8th day of March, 20 14, in the State/Comm. of VIRGINIA, County/City of Fairfax.

Jesse Andrew Brown
Notary Public

My commission expires: 30 June 2017

 JESSE ANDREW BROWN
NOTARY PUBLIC 7577521
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JUNE 30, 2017

Nitin S. & Manjusha N. Pandit

RECEIVED
Department of Planning & Zoning

JUN 17 2014

Zoning Evaluation Division

15 June, 2014

COUNTY OF FAIRFAX

Department of Planning and Zoning; Zoning Evaluation Division

12055 Government Center Parkway, Suite 801

Fairfax, VA 22035

Addendum Ref : SP-2014-0156

Application for Special Permit for Accessory Dwelling Unit: Statement of Justification

Dear Sir/Madam,

This is with reference to our application for a special permit for an accessory dwelling unit at our residence at the address below, by conversion of our existing finished basement.

Please note statements to address deficiencies as noted below:

1. Item 3.00- Photographs of the outside of the dwelling units were provided earlier conforming to the instructions. Per the request in the checklist report, photographs (numbered on a plat) are being submitted herewith for the inside of the proposed dwelling unit.
2. Item 5.08- There are ~~no~~ hazardous or toxic substances as set forth in title 40 code of Federal regulations part 116.4, 3024.4, and 355. We will comply with regulation that all hazardous waste as set forth in commonwealth of Virginia/Department of Waste Management regulations VR672-10-1Virginia hazardous waste management regulations; and/or petroleum products as defined in the title 40. Code of federal regulations part 280; to generated, utilized, stored, treated and /or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.
3. Item 5.09- Our proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exceptions or variances is sought by the applicant, such shall be specifically noted with the justification for such modification.
4. Item 6.00- We, Nitin Pandit and Manjusha Pandit, are the owners of home at 10005 Leamoore Lane, Vienna, VA 22181. Our property is a single family detached unit, and the proposed accessory dwelling unit in the existing walkout basement shall be the only additional accessory dwelling unit in our house. The proposed accessory dwelling unit will be a conversion of the existing finished basement, which has an existing walk-out entrance at the rear of the structure.

Thank you,



Manjusha N. Pandit



NITIN PANDIT

May 19, 2014

COUNTY OF FAIRFAX
Department of Planning and Zoning; Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Ref: Application for Special Permit for Accessory Dwelling Unit: Statement of Justification

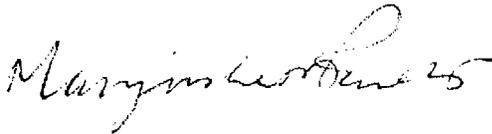
Dear Ms. Kline,

This is with reference to our application for a special permit for an accessory dwelling unit at our residence at the address below, by conversion of our existing finished basement. Per our conversation I have asked licensed engineer Mr. R. Standford to access and document total living area and basement area in interest. He has stamped on the plat as original copy. Copies are not as clear since it's a embossed stamp. I am submitting 23 copies as requested.

Please let me know if there are any other questions or clarification needed to proceed with our permit request. I can be reached at 703-424-1811

Thanks for your time.

Sincerely

A handwritten signature in cursive script, appearing to read "Manjusha Pandit".

Manjusha Pandit

RECEIVED
Department of Planning & Zoning
MAY 20 2014
Zoning Evaluation Division

Nitin S. & Manjusha N. Pandit

6 March, 2014

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Department of Planning & Zoning

MAR 20 2014

Zoning Evaluation Division

COUNTY OF FAIRFAX

Department of Planning and Zoning; Zoning Evaluation Division

12055 Government Center Parkway, Suite 801

Fairfax, VA 22035

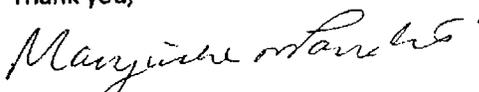
Ref: Application for Special Permit for Accessory Dwelling Unit: Statement of Justification

Dear Sir/Madam,

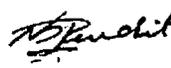
This is with reference to our application for a special permit for an accessory dwelling unit at our residence at the address below, by conversion of our existing finished basement. The thirteen additional standards in the Fairfax County Zoning Ordinance are addressed below.

1. Our property is a single family detached unit, and the proposed accessory dwelling unit shall be the only accessory dwelling unit in our house.
2. The proposed accessory dwelling unit is within the existing structure of our single family detached dwelling unit. The proposed accessory dwelling unit will be a conversion of the existing finished basement, which has an existing walk-out entrance at the rear of the structure.
3. The attached floor plan shows the area of the accessory dwelling unit in the basement area to be 910 sq. ft. out of a total assessed area of the house to be 4329 sq. ft... or twenty one (21) percent of the total gross floor area.
4. The accessory dwelling unit contains only one (1) bedroom.
5. The principal dwelling unit is occupied by the undersigned owners, and their natural children from time to time. One of the owners, Dr. Nitin Pandit, is 56 years of age (DOB: 10 May, 1957). The accessory dwelling unit will be occupied by no more than 2 persons.
6. NA
7. The dwelling unit is on a cul-de-sac with a 2 car parking garage, driveway, and unrestricted public parking on the cul-de-sac.
8. No external change is planned to the dwelling unit, against the covenants or rules of the homeowners' association.
9. The accessory dwelling unit is in an existing finished basement, and is designed to meet all applicable regulations.
10. We acknowledge recording of the approved BZA permit.
11. We agree to make provisions to allow County personnel to inspect the property with prior notice.
12. We acknowledge the 5 years validity period.
13. We acknowledge clause 13 of the zoning ordinance, as noted.

Thank you,



Manjusha N. Pandit



NITIN S. PANDIT

Nitin S. & Manjusha N. Pandit

6 March, 2014

COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning

MAR 20 2014
Zoning Evaluation Division

Ref: Application for Special Permit for Accessory Dwelling Unit

Dear Sir/Madam,

This is with reference to our application for a special permit for an accessory dwelling unit at our residence at the address below, by conversion of our existing finished basement. As we do not plan to make any changes to the external structure or landscape, we hereby request a waiver of the special permit plat submission requirements.

Thank you,

Best,



Manjusha N. Pandit



NITIN S. PANDIT



Land Development Information History: ISIS - Building Permit - 93347B0510

Permit Information

Permit Id:	93347B0510	Application Date:	1993-12-13 Time: 12:27:14
Job Address:	010005 LEAMOORE LA	Tax Map:	048-1 ((35)) 0026
Subdivision:	EDGEMOORE, SEC. 002	Permit Status:	Initial/Approved (IA)
Trade Name:	NA	Subobj:	181 R/C: R
Applicant Name:	WANDA HUGGINS	Bldg:	NA Floor: NA Suite: NA
Work Description:	BUILD NEW SFD TYPE BERESFORD W/GARAGE		
Type Work:	Build New Structure (N01)		
Building Use:	Single-Family, Detached Or Semi-Detached (010)		
Standard:	0289		
Plan Number:	7584-SD-02 Use Group: R4 Bldg Permit: NA		
Permit Hold Date:	By: QNO: R-92-10120 POF:		
Hold Release Date:	By: Proffer: B Pre-Const Meeting: N Date:		
Comments:	PLANS ON FILE/PROBLEM SOILS		

Permit Status Summary

Permit Status:	Initial/Approved (IA)	Real Estate:	1993-12-13 RSLT: APP BY:
Applied Date:	1993-12-13		GPB
Issued Date:	1993-12-14	Business	1993-12-13 RSLT: APP BY:
Paid Date:	1993-12-14	Licensing:	AP
Expiry Date:	1994-06-14	Licensing:	1993-12-13 RSLT: APP BY:
Inspection Date:	1994-07-21		AP
		Building Plan	1993-12-14 RSLT: APP BY:
		Review:	CP
		Zoning:	1993-12-14 RSLT: APP BY:
			BRS
		Grading /	1993-12-14 RSLT: APP BY:
		Drainage:	THC
		Public Works:	1993-12-14 RSLT: APP BY:
			MJL
		Final Inspection:	1994-07-21 RSLT: A BY:
			TPS

Owner Information

Leasee:		Corp:	
Owner:	EDGEMORE LIMITED	Job Magisterial	Providence
	PARNTSHP	Dist:	
Address:	09479 SILVER KING CT	Planning Dist:	Fairfax
City:	FAIRFAX State: VA Zip:	Subcensus	615.01
	22031	Tract:	
Phone:			

Contractor Information

Name:	EDGEMOORE HOMES	Master:	
Address:	09479 SILVER KING CT	BPOL Licnese:	232961
City:	FAIRFAX State: VA Zip:	State License:	15802
	22031	Trade Reg.:	0
Phone:			

Building Permit

Building Plan Review

Estimated Cost: 80000 Sewer Water Code: 1
 Use Group: (01) R4 Code: M2
 Type Const: (01) Combustible/Unprotected (5B) Sewer Shed: M2
 Model Group: BERESFORD
 Plan Received: 1993-12-13 Review Time: 00:00:00
 Review Started: 1993-12-13 Results: APP
 Review Completed: 1993-12-14 Engineer: CP
 Comments:

Totals Fee Area

Type of Construction	Fee	Fee Rate
Combustible/Unprotected (5B)	6280	0.054

Total	6280
Filing Fee	169.56
Total Fee	339.12
Amount paid	339.12

Real Estate Review

Building Units: 1 Basement: BF
 Kitchens: 1001 Ext Walls: AL
 Baths: 1002 Int Walls: DW
 Half Baths: 1001 Roofing: AS
 Bedrooms: 1004 Flooring: CP
 Rooms: 1010 Base Fin: OT
 Stories: 02 Fuel/Heat: EE
 Building Height: 25 Fuel System: HP
 Building Area: 2540 Fireplace: 1

Owner of Record: EDGEMORE LIMITED PARNTSHP

Review Data
 Date To: 1993-12-13
 Date From: 1993-12-13
 Results: APP
 Reviewer: GPB
 Comments:

Business Licensing Review

Review Data
 Date To: 1993-12-13
 Date From: 1993-12-13
 Results: APP
 Reviewer: AP
 Comments:

Zoning Review

Review Data
 Date To: 1993-12-14
 Date From: 1993-12-14

Results: APP
 Reviewer: BRS
 Comments:

Grading / Drainage Review

Review Data

Date To: 1993-12-14
 Date From: 1993-12-14
 Results: APP
 Reviewer: THC
 Comments: SEE PG 1

Public Works Review

Review Data

Date To: 1993-12-14
 Date From: 1993-12-14
 Results: APP
 Reviewer: MJL
 Comments:

Licensing Review

Review Data

Date To: 1993-12-13
 Date From: 1993-12-13
 Results: APP
 Reviewer: AP
 Comments:

Inspections

Inspection - FTGH - 999998

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovrdr:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FTGH		1993-12-14	XXX	C	A	N		N		0007598	00:00:00	00:00:00	00:00:00	1

Inspection - WAL - 999997

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovrdr:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
WAL		1993-12-20	XXX	C	A	N		N		0007598	00:00:00	00:00:00	00:00:00	1

Inspection - WPF - 999995

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovr: 4
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
WPF		1994-02-03	XXX	C	A	N		N		0007598	00:00:00	00:00:00	00:00:00	1

Inspection - SLBG - 999996

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovr: 4
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
SLBG		1994-02-08	XXX	C	A	N		N		0007598	00:00:00	00:00:00	00:00:00	1

Inspection - SLBB - 999994

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovr: 4
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
SLBB		1994-04-05	XXX	C	A	N		N		0007598	00:00:00	00:00:00	00:00:00	1

Inspection - FRM - 999993

Req Taken: 1994-04-19 Phone:
 Time: 13:16:23 Floor: NA
 Sched For: 1994-04-20 Suite/Area: NA
 Assigned To: A44 Comments:
 Branch: 4 Req Taken By: MM
 Requested By: ALVIN Ovr: 4
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		1994-04-20	XDR		C	N					00:00:00	00:00:00	00:00:00	1

Inspection - FRM - 999992

Req Taken: 1994-04-21 Phone:
 Time: 12:58:46 Floor: NA
 Sched For: 1994-04-22 Suite/Area: NA
 Assigned To: A44 Comments:
 Branch: 4 Req Taken By: MM
 Requested By: ALVIN Ovrd:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		1994-04-22	XDR		C	N					00:00:00	00:00:00	00:00:00	1

Inspection - FRM - 999991

Req Taken: 1994-04-22 Phone:
 Time: 12:17:25 Floor: NA
 Sched For: 1994-04-25 Suite/Area: NA
 Assigned To: A44 Comments:
 Branch: 4 Req Taken By: MK
 Requested By: ALVEN Ovrd:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FRM		1994-04-25	XDR	C	A	N					00:00:00	00:00:00	00:00:00	1

Inspection - SLBS - 999990

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: 4 Req Taken By:
 Requested By: ALVIN Ovrd:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
SLBS		1994-04-26	XXX	C	A	N		N		0007598	00:00:00	00:00:00	00:00:00	1

Inspection - FTGD - 999989

Req Taken: 1994-06-17 Phone:
 Time: 10:18:00 Floor: NA
 Sched For: 1994-06-20 Suite/Area: NA
 Assigned To: A44 Comments:
 Branch: 4 Req Taken By: UK
 Requested By: DEBBIE Ovrd:
 Rpt Br: 4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FTGD		1994-06-20	XDR	C	A	N					00:00:00	00:00:00	00:00:00	1

Inspection - FTGD - 999988

Req Taken:	1994-06-21	Phone:	
Time:	10:17:23	Floor:	NA
Sched For:	1994-06-22	Suite/Area:	NA
Assigned To:	A44	Comments:	
Branch:	4	Req Taken By:	UK
Requested By:	DEBBIE	Ovrd:	
		Rpt Br:	4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FTGD		1994-06-22	XDR	C	A	N					00:00:00	00:00:00	00:00:00	1

Inspection - FINB - 999987

Req Taken:	1994-07-19	Phone:	
Time:	15:17:46	Floor:	NA
Sched For:	1994-07-20	Suite/Area:	NA
Assigned To:	A44	Comments:	
Branch:	4	Req Taken By:	MM
Requested By:	DAVE	Ovrd:	
		Rpt Br:	4

Insp Type	Mech Ind	Insp Date	Insp Init	P/C	Result	Re-Fee	Elev Type	Crit Stru	Stru Type	Cert Eng	Visit Arrive	Visit Depart	Insp Time	Units
FINB		1994-07-21	TPS	C	A	N					00:00:00	00:00:00	00:00:00	1

Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
Phone: [County Main Number - 703-FAIRFAX \(703-324-7329\)](#), TTY 711 | [County Phone Listing](#)

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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.