



APPLICATION ACCEPTED: August 8, 2014  
BOARD OF ZONING APPEALS: November 5, 2014  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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October 29, 2014

## STAFF REPORT

APPLICATION SP 2014-SU-172

### SULLY DISTRICT

**APPLICANT:** Ramy Guirguis, Christiane Shousha  
**OWNERS:** Ramy Guirguis, Christiane Shousha  
**LOCATION:** 13503 Portage Place, Centreville 20120  
**SUBDIVISION:** Hawthorne Forest  
**PARCEL:** 55-1 ((11)) 82  
**LOT SIZE:** 14,000 square feet  
**ZONING:** R-2 (Cluster), WS  
**ZONING ORDINANCE PROVISION:** 8-918  
**PROPOSAL:** To permit an accessory dwelling unit

**STAFF RECOMMENDATIONS:** Staff recommends approval of SP 2014-SU-172 for an accessory dwelling unit, subject to the proposed conditions set forth in Appendix 1.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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.

It should be noted that the content of this report reflects the analysis and recommendation 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.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290. **Board of Zoning Appeals meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035.**

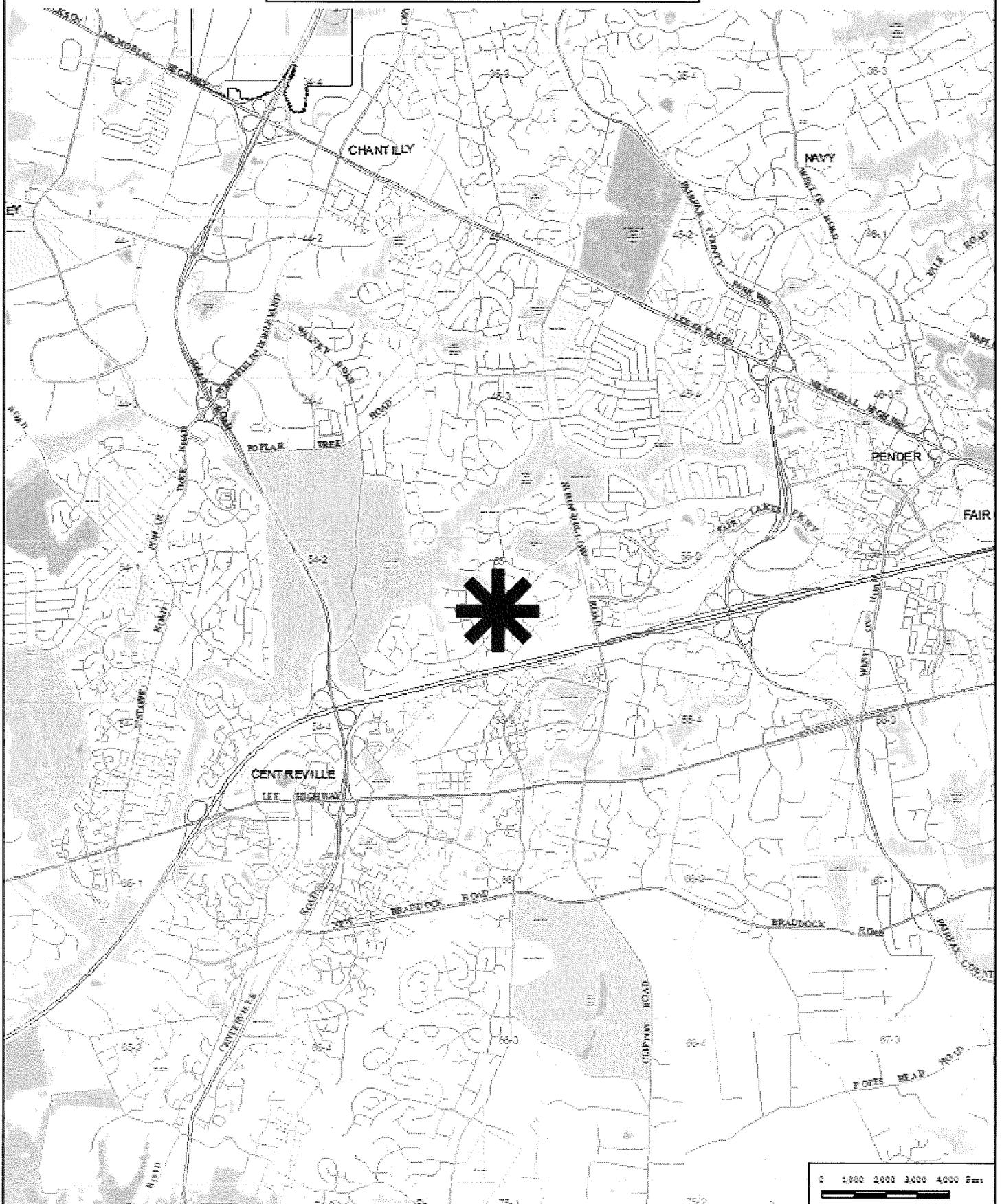


**Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).**

# Special Permit

SP 2014-SU-172

RAMY GUIRGUIS



# Special Permit

SP 2014-SU-172

RAMY GUIRGUIS

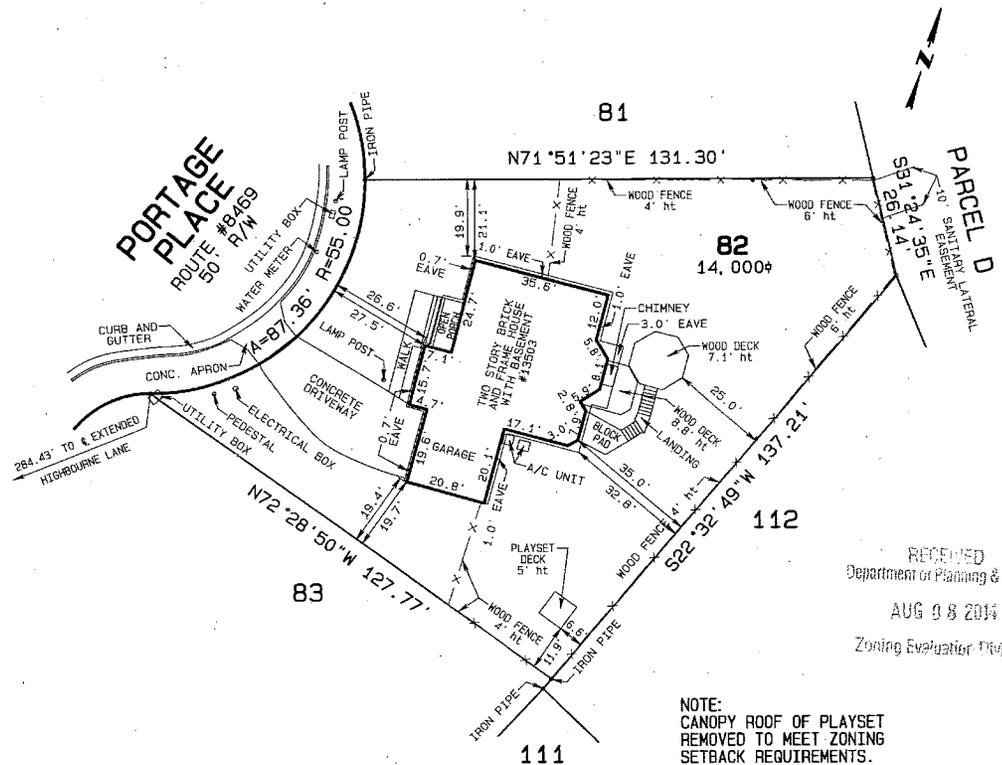


COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.  
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

NOTES:

- TAX MAP #055-1-11-0082
- PROPERTY SHOWN HEREON IS ZONED:  
R-2C (R-2 W/CLUSTER DEV)
- MINIMUM YARD REQUIREMENTS IN ZONE R-2C  
FRONT: 25'  
SIDE: 8', BUT A TOTAL MINIMUM OF 24'  
REAR: 25'
- PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
- THERE ARE NO VISIBLE GRAVE SITES OR CEMETERY FOUND WITHIN THE BOUNDARY OF THE SUBJECT PROPERTY.
- FLOOR AREA:  

EXISTING GROSS FLOOR AREA HOUSE	3,238 SQ. FT.
PROP. GROSS FLOOR AREA BSMT. LIVING SPACE	1,000 SQ. FT.
PROP. GROSS FLOOR AREA ACC. DWELL. UNIT	675 SQ. FT.
EXISTING GROSS FLOOR AREA OPEN PORCH	60 SQ. FT.
EXISTING GROSS FLOOR AREA GARAGE	400 SQ. FT.
<b>PROPOSED FLOOR AREA</b>	<b>5,373 SQ. FT.</b>
<b>PROPOSED FLOOR AREA RATIO:</b>	<b>0.38</b>
- THE PROPOSED ACCESSORY DWELLING UNIT WILL TAKE UP 15.9% OF THE PRINCIPAL DWELLING UNIT. (675 SQ. FT./4,238 SQ. FT.=15.93%)



RECEIVED  
Department of Planning & Zoning  
AUG 08 2014  
Zoning Evaluation Division

NOTE:  
CANOPY ROOF OF PLAYSET  
REMOVED TO MEET ZONING  
SETBACK REQUIREMENTS.

HEIGHT TABLE

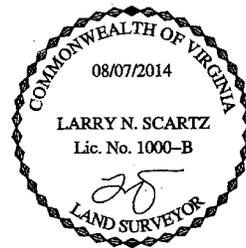
HEIGHT OF HOUSE: 30.6'

CASE NAME: GUIRGUIS

NO TITLE REPORT FURNISHED.  
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.  
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY  
AND DO NOT CERTIFY AS TO OWNERSHIP.

SCARTZ SURVEYS

LARRY N. SCARTZ LOCAL (703) 494-4181  
CERTIFIED LAND SURVEYOR FAX (703) 494-3330  
WOODBRIIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM



SPECIAL PERMIT PLAT

LOT 82

**HAWTHORNE FOREST**

SULLY MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30'

DATE: AUGUST 1, 2014

TAX MAP# 055-1-11-0082

JOB# 20140878

DSE

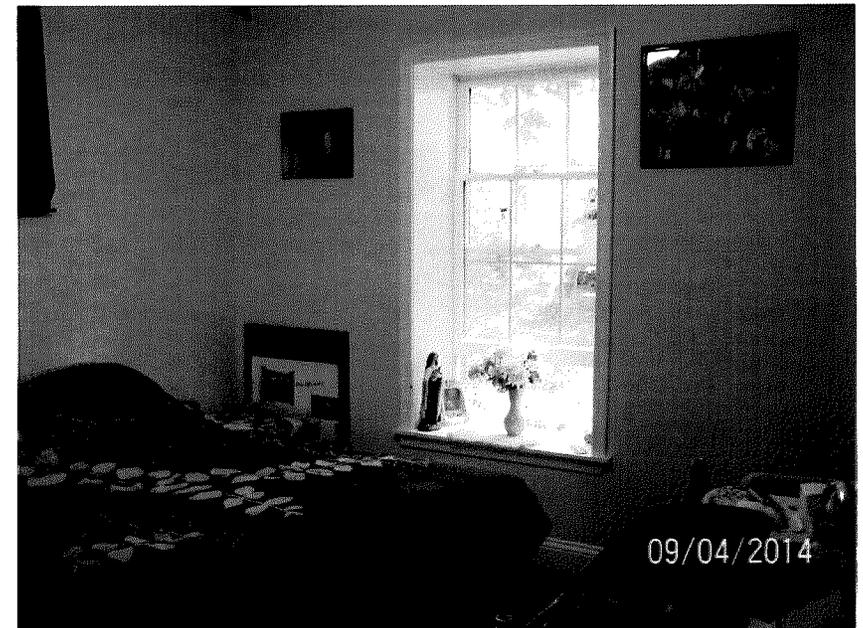




Photos of front and rear of dwelling provided by the applicant



Photos of accessory dwelling unit by DPZ staff



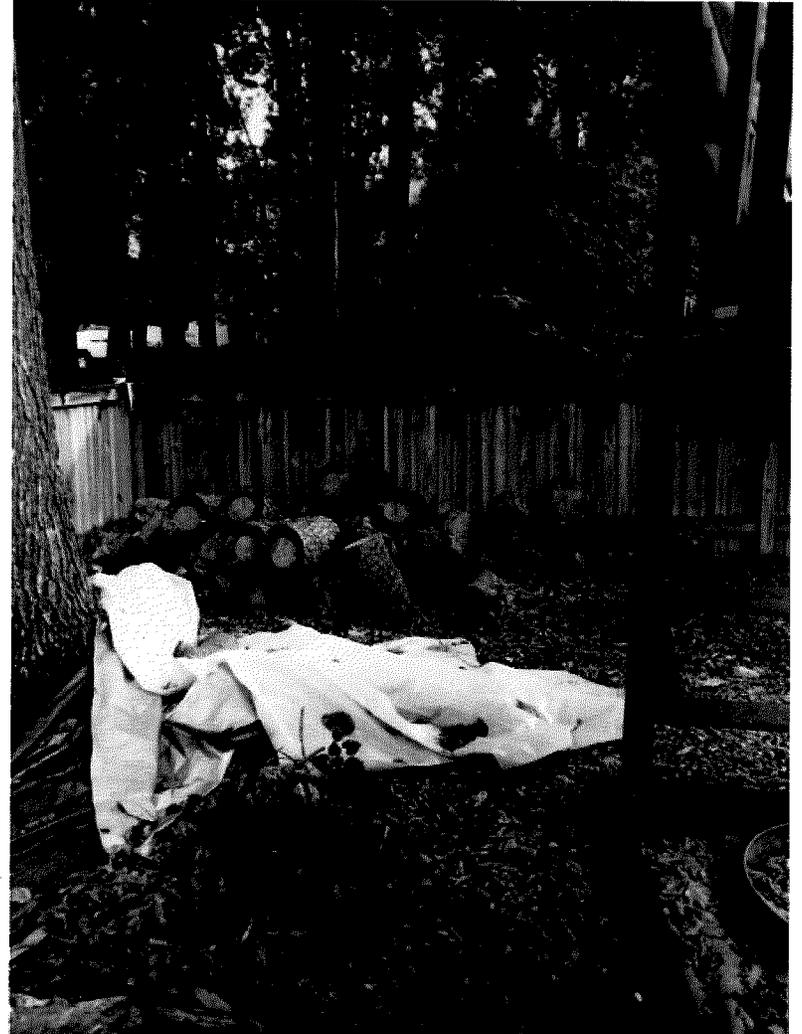
Photos of accessory dwelling unit by DPZ staff



Photos of play set by DPZ staff



Photo provided by applicant of play set after removal of ladder



## SPECIAL PERMIT REQUESTS

The applicants request approval of a Special Permit for an accessory dwelling unit (ADU) in the basement of their existing single family detached dwelling. A more detailed description of the proposal is provided below under Description of the Application.

A reduced copy of the Special Permit Plat, titled "Special Permit Plat Lot 82 Hawthorne Forest" prepared by Scartz Surveys, dated August 1, 2014, and photographs are included at the front of this report.

## LOCATION AND CHARACTER

The 14,000-square foot subject property is located on Portage Place in the Hawthorne Forest subdivision. The property and surrounding area are zoned to the R-2 (Cluster) and PDH-2 districts.



Figure 1: Subject Property, Source: Fairfax County GIS, 2013 Imagery

The subject property is located on a cul-de-sac and is surrounded by single family detached dwellings and open space owned by the Hawthorne Forest HOA. The property

is developed with a two-story, brick dwelling with a two-car garage. According to the Department of Tax Administration and the Special Permit Plat, the dwelling contains approximately 3,238 square feet, not including the basement. The property also contains a concrete driveway and a fenced rear yard with a deck and a play set.

**BACKGROUND**

Hawthorne Forest was approved for residential development on July 11, 1988 (RZ 87-S-073). The proffers and plans do not address accessory dwelling units. The house was built in 1994 and the applicants purchased the property in 2004. No complaints have been filed with the Department of Code Compliance. Only one other accessory dwelling unit has been requested in the vicinity, and that application was approved on September 19, 2012 (Appendix 4).

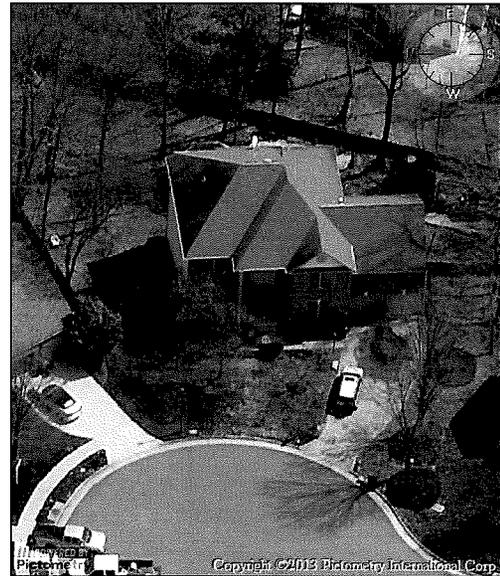
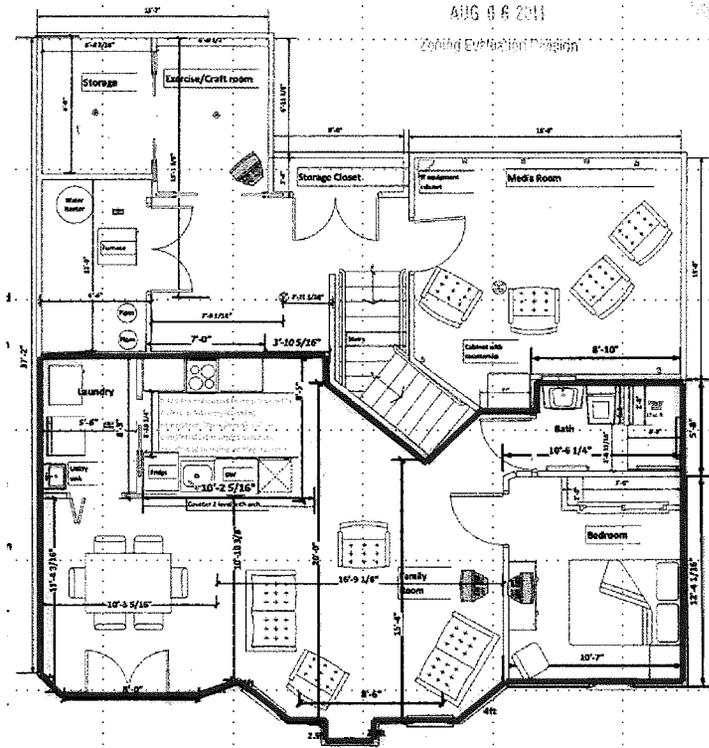


Figure 2: Subject Property, Source: Fairfax County GIS

**DESCRIPTION OF THE APPLICATION**

The proposed accessory dwelling unit will be occupied by the husband’s elderly mother. The mother presently resides in the space that is proposed for the ADU. The ADU will include one bedroom, one bathroom, a living/dining room, laundry and kitchen in the walk-



out basement. The occupant has difficulty climbing stairs and the ADU will allow her to reside on one level. The ADU comprises a portion of the basement and will contain approximately 675 square feet. The ADU can be accessed by either the stairs from the main level or by the door to the basement from the rear yard. The bedroom has a window with safe egress in the event of an emergency. If this Special Permit is approved, the kitchen shown on the floor plan will be completed subject to permits and inspections.

The play set shown on the plat has a maximum height of

Figure 3: Floor plan provided by applicant

approximately 7.5 feet. The applicant removed a ladder to increase the distance from the structure to the property line to over ten feet. Therefore, the play set is in conformance with Sect. 10-104 (12) of the Zoning Ordinance.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

Plan Area: Area III, Bull Run Planning District,  
Centreville Area and Suburban Center, Land Unit A-2  
Plan Map: Residential, 1-2 du/ac  
Text: No specific text

### **Zoning Ordinance Requirements**

The application must meet the standards of the following sections of the Zoning Ordinance, which are included in Appendix 5:

- Sect. 8-006, General Special Permit Standards
- Sect. 8-903, Group 9 Standards
- Sect. 8-918, Additional Standards for Accessory Dwelling Units

Subject to development conditions, the Special Permit must meet these standards.

#### **Sect. 8-006, General Special Permit Standards**

The General Standards require the proposed use to be in harmony with the comprehensive plan and the general purpose and intent of the zoning district, not adversely affect the use or development of neighboring properties, not create hazardous pedestrian or vehicular traffic, be served by adequate facilities, and comply with Zoning Ordinance standards for landscaping, open space, parking and signage. In staff's opinion, the proposed ADU satisfies these standards.

#### **Sect. 8-903, Group 9 Standards**

The Standards for all Group 9 Uses address lot size and bulk regulations, performance standards and site plan requirements. The subject property meets the applicable performance standards, and lot size and bulk regulations. The proposed ADU is not subject to site plan review.

**Sect. 8-918, Additional Standards for Accessory Dwelling Units**

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.	X	
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 for an accessory dwelling unit is in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed development conditions in Appendix 1.

## **RECOMMENDATION**

Staff recommends approval of SP 2014-SU-172 for an accessory dwelling unit, subject to the proposed conditions set forth in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. 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 this application.

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.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Similar Case History
5. Applicable Zoning Ordinance Provisions



## Proposed Development Conditions

### SP 2014-SU-172

October 29, 2014

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SU-172 located at 13503 Portage Place, Tax Map 55-1 ((11)) 82, to an accessory dwelling unit pursuant to Section 8-918 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This approval is granted to the applicants only, Ramy Guirguis and Christiane Shousha, and is not transferable without further action of the Board, and is for the location indicated on the application, 13503 Portage Place, Centreville, and is not transferable to other land.
2. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the accessory dwelling unit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
3. A copy of this Special Permit **shall be posted in a conspicuous place on the property of the use** and be 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. 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 regulations for building, safety, health and sanitation.
6. All applicable permits and final inspections shall be obtained for the kitchen components in the accessory dwelling unit.
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 Sect. 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 dwelling unit shall be converted to a use permitted by the Zoning Ordinance, or if the property is sold or conveyed, a Special Permit Amendment may be submitted to permit the continued use of an accessory dwelling unit.
9. All parking shall be provided on site.
10. Notwithstanding the dimensions shown on the plat, the existing play set shall not be located closer to the rear lot line than a distance equal to its height, nor to the side lot line than eight feet, in conformance with Sect. 10-104 (12) of the Zoning Ordinance.

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 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.

Application No.(s): SP-2014-SU-172  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 09-06-2014  
(enter date affidavit is notarized)

I, Ramy Guirguis & Christiane Shousha, do hereby state that <sup>we are</sup> ~~I am~~ an  
(enter name of applicant or authorized agent)

126952

(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 <b>BOLD</b> above)
Ramy Guirguis	13503 Portage Place, Centreville, VA 20120	Co-Applicant/Co-Owner
Christiane Shousha	13503 Portage Place Centreville, VA 20120	Co-Applicant/Co-Owner /Spouse of first 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): SP-2014-SU-172  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 09-06-2014  
(enter date affidavit is notarized)

126952

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)

None

**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)

None

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP 2014-SU-172  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 09-06-2014  
(enter date affidavit is notarized)

126952

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

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

None

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

None

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP-2014-SU-172

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

09-06-2014

(enter date affidavit is notarized)

126952

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:

[X] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SP-2014-SU-172  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 09-06-2014 126952  
(enter date affidavit is notarized)

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)

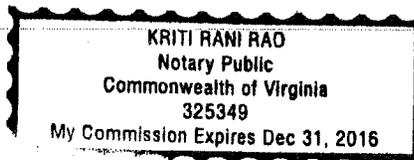
Ramy A. S. Chris Shousha  
 Applicant  Applicant's Authorized Agent

Ramy Guirguis (Co-owned) Christiane Shousha (Co-owned)  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 6<sup>th</sup> day of SEPTEMBER 2014, in the State/Comm. of VIRGINIA  
FAIRFAX, County/City of FAIRFAX.

KRITI RAO, Rao #325349  
Notary Public

My commission expires: 12/31/2016





March 27, 2014

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

RECEIVED  
 Department of Planning & Zoning  
 MAR 28 2014  
 Zoning Evaluation Division

**REF:** 13503 Portage Place, Centreville, VA 20120  
 Tax Map #: 0551 11 0082  
 Zoning District: R-2C  
 Special Permit — Accessory Dwelling Unit — Section 8-918

Dear Sir/Madam:

I, the undersigned Ramy Guirguis, am the co-owner of a single family detached dwelling unit located at 13503 Portage Place, Centreville, Virginia. I co-own the home with my wife, who is also a signer on this document. I would like to apply for a Permit for an Accessory Dwelling Unit.

My home is three levels (incl. the basement). The basement level would be designated as the accessory dwelling unit which will have one bedroom, one full bathroom, a living/dining space, laundry, and kitchen. I live, with my wife and daughter, on the middle and upper levels of the home.

*Purpose:*

I am now responsible to take care of my mother, Julia Asaad Guirguis Tadros, 81 years old. Since last September 2013, she has moved to live with me. She is 81 years old (see VA DMV ID), and because of her age and a lot of medical issues she needs to live with us. She is undergoing medical treatment and needs to be driven to appointments. The stairs are very painful for her to go down, and back up, and she has been mostly confined to the second floor for the last six months. So she needs to have all her independent living space on one floor; her bedroom, bath and kitchen. She will also have uninterrupted access to an entrance that will give her access to outside of the home, without having to take any stairs.

I work a full-time job, 5 days a week in DC, and my wife works part-time. Given my mother's age, occasionally my mother may require for a responsible adult/caregiver/friend to spend the day with her. Though we hope for the best, but it is expected that with age progression, this need to become more critical. This person will help stay/take care of my mother in the lower-level of the house, which gives her autonomy, gives my mother care and supervision, and gives my family privacy while being able to take care of her for the long-term.

This request/Special Permit is for an accessory dwelling unit, which will include a second kitchen in the basement, for my mother to be able to fix simple things for herself and for her caregiver to prepare meals and snacks for my mother.

Thank you for your time and consideration.

Respectfully,



Ramy Guirguis (Applicant)



Christiane Shousha (Spouse)

SP 2014-0207

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

June 2, 2014

To whom it may concern,

Thank you for reviewing our application for acceptance. This statement is to address the deficiencies in order for the application to be accepted. Please do not hesitate to let us know if you require any further information.

**Re Item 1.00: Corrections on application** : I have added "R-2 (CLUSTER) AND WS" to Zoning District on the application form, and changed the Proposed Use to read "ACCESSORY DWELLING UNIT" per your checklist report. Attached to this letter are 4 copies of the updated application, reflecting those changes, for your review.

**Re Item 5.00: Statement addressing Square Footage Percentage**: I'm requesting the proposed approval of a special permit for an accessory dwelling unit to include a bedroom, bathroom, kitchen, laundry, and living space located on the basement level of the existing 2-story dwelling plus basement to accommodate my elderly mother who is over 80 years old. The floor area of the above grade living area of the principal dwelling (per the Fairfax County Real Estate assessment records) is 3,238 square feet and does not include the square footage of the unfinished basement. Once finished, the living space in the basement will add approximately 1000 square feet to the principal dwelling living space. Hence, the living space floor area of the principal dwelling, including that of the basement, will be approximately 4,238 square-feet.

The proposed accessory dwelling unit will consist of approximately **675 square feet or 16%** of the total living space floor area of the principal dwelling (4,238 sf). The proposed accessory dwelling unit for my elderly mother will contain one bedroom, one bathroom, living space, kitchen, and laundry room. The remaining space of the basement will not be part of the accessory dwelling unit and will include storage, utility room, a gym room, a media room, and hallway.

In summary, I reside with my family in the main dwelling and need to take care of my elderly mother, who meets the criteria of being 55 years of age and older. The proposed accessory dwelling unit space will be less than 35% of the principal dwelling. The accessory dwelling unit is to enable my elderly mother, who due to age needs to have all her needs on one floor and to be close to her family.

**Re Item 5.08: Statement on hazardous and toxic substances**: No hazardous or toxic substances or storage tanks are in existence and are not proposed by this special permit application.

**Re Item 5.09: Statement of conformity**: All standards for the accessory dwelling unit are in accordance with the requirements set forth in the **Fairfax County Zoning Ordinance 8-918**. Specifically, there is only one (1) accessory dwelling unit proposed to be associated with the primary residence and is located within the structure of the primary unit. The gross floor area of the proposed accessory dwelling unit is 675 square feet, which is approximately **16%** of the total gross floor area of the principal unit 4,238 square feet. The proposed accessory dwelling unit will consist of a single bedroom, one bathroom, living space, one kitchen and laundry. It will be occupied by one elderly parent, over the age of 55 years, as defined in 8-918.

*Respectfully,*

Ramy Guirguis

## Similar Case History

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Run date: 10/7/2014 9:08:09AM

Report Description: Search for zoning cases using a specified grid, quad, and double-circle range of tax map numbers. This report is the same as the Tax Map Double Circle Range Search, Short Form except that the tax map numbers are in the main report. This report does not include comprehensive tax map history.

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Tax Map Range: 0542 ((06)) - ((06))

Case Types: SP

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<b>Group: 2012-SU-032</b>
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**SP 2012-SU-032**

LOCATOR MAP

**APPLICANT:** ARTHUR J. MAURER  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 09/19/2012  
**ZONING DISTRICT:** R- 2  
**DESCRIPTION:** ACCESSORY DWELLING UNIT  
**LOCATION:** 13517 HEATHROW LANE, CENTREVILLE, VA 20120  
**TAX MAP #S:**  
0542 06 0099



## ZONING ORDINANCE PROVISIONS

### 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.
  - 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.
- 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.
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.