



County of Fairfax, Virginia

October 29, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-HM-154

HUNTER MILL DISTRICT

APPLICANT: David and Pauline Bean

OWNERS: David George Bean
Pauline Lesley Bean

STREET ADDRESS: 13513 Maverick Lane, Herndon, 20171

SUBDIVISION: Mustang Crossing

TAX MAP REFERENCE: 24-2 ((7)) 22

LOT SIZE: 25,447 square feet

ZONING DISTRICT: R-1 Cluster

ZONING ORDINANCE PROVISION: 8-918

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-HM-154 for the accessory dwelling unit with adoption of the proposed development conditions contained in Appendix 1.

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

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

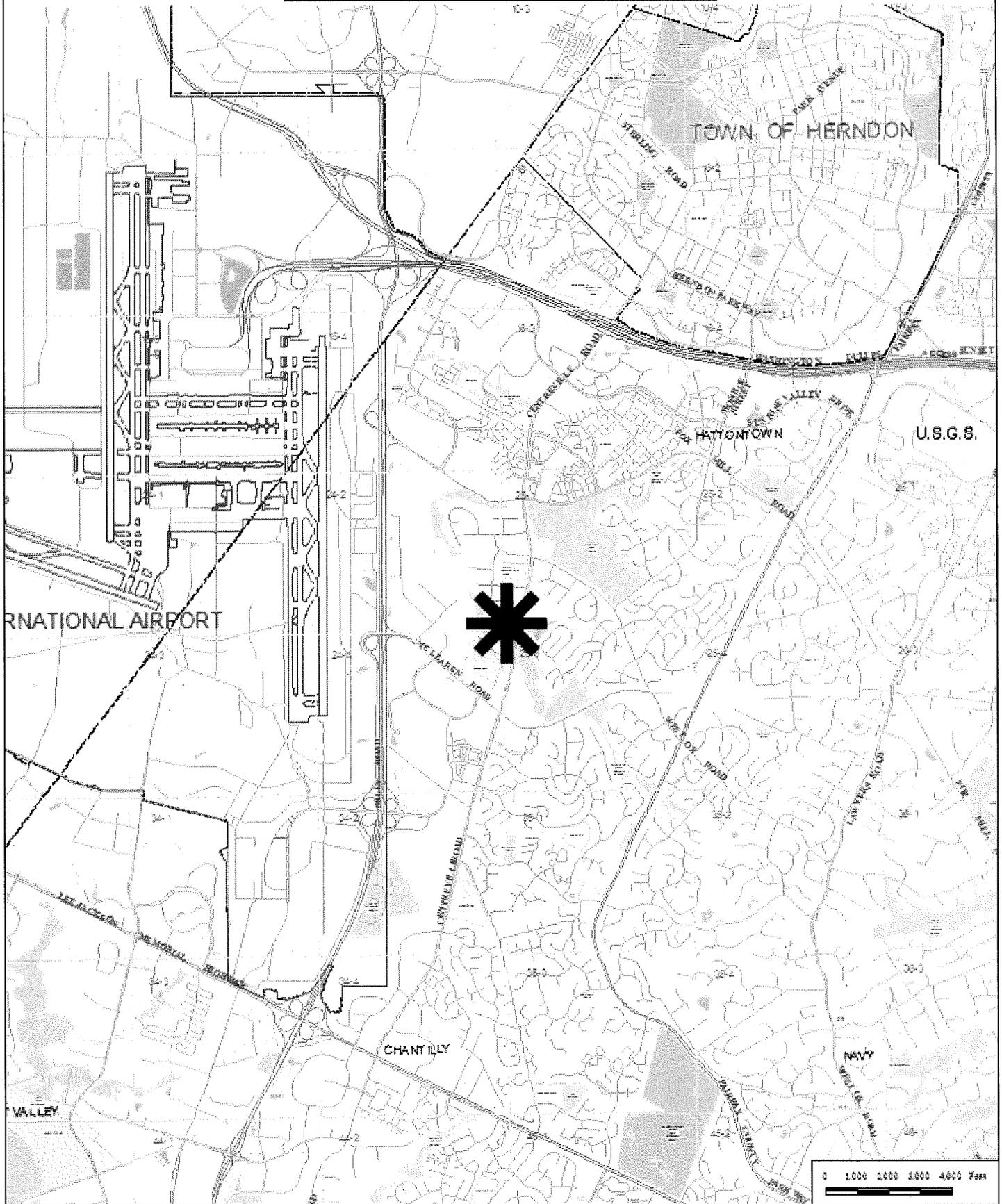
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



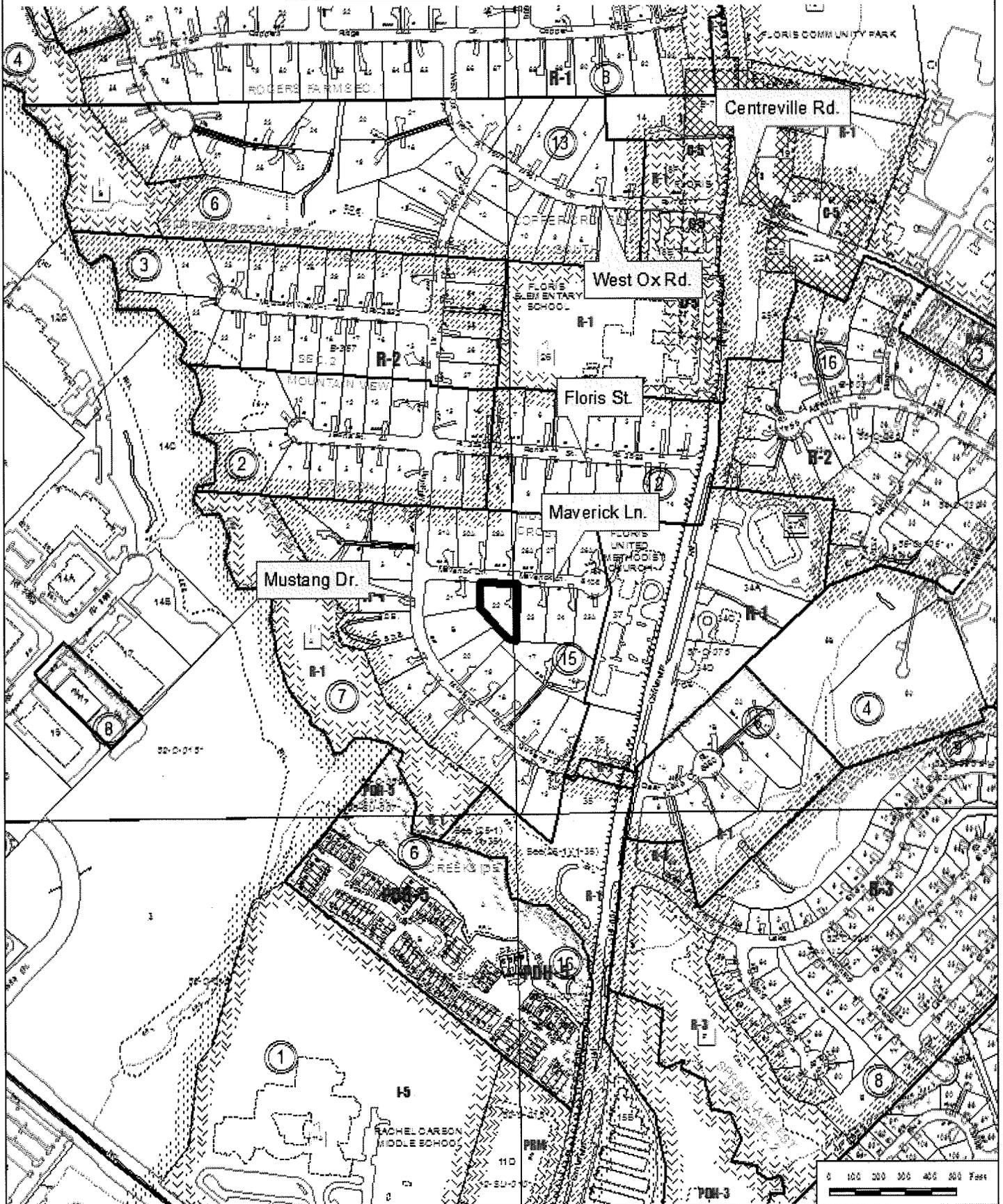
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2014-HM-154
DAVID AND PAULINE BEAN

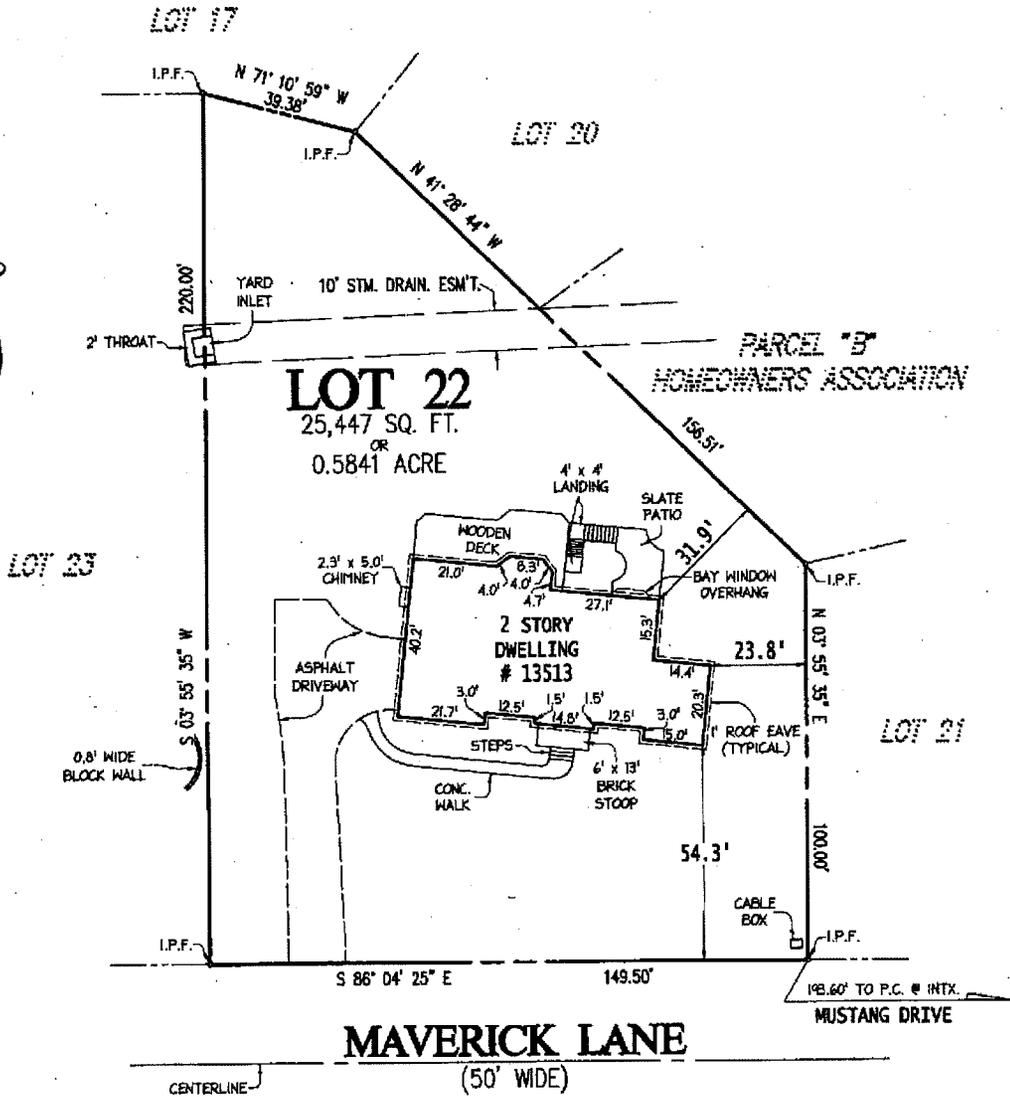


Special Permit

SP 2014-HM-154
DAVID AND PAULINE BEAN

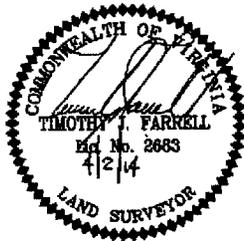


VA. STATE GRID NORTH



LEGEND:

I.P.F. DENOTES IRON PIPE FOUND
-X- DENOTES FENCE LINE



NOTES:

- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.E.M.A. MAP# 51059C0120E EFFECTIVE DATE: SEPTEMBER 17, 2010
- 3) THIS SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES.
- 4) LOCATION OF FENCES (IF ANY) ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
- 5) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 024-2-07-0022

EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 7234, PAGE 390 (UNLESS NOTED OTHERWISE).

RECEIVED
Department of Planning & Zoning
JUN 13 2014
Zoning Evaluation Division

HOUSE LOCATION SURVEY
LOT 22
MUSTANG CROSSING
HUNTER MILL DISTRICT
FAIRFAX COUNTY, VIRGINIA

B.W. SMITH AND ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYING
MANASSAS, VIRGINIA (703) 368-5866 www.bwsmithassoc.com

FIELD CREW: J. SEEGER

JOB# 20140512

DATE: 4/2/14

DFT: B.G.T.

CHK: M.K.S.

NO TITLE REPORT FURNISHED

SCALE= 1" = 30'





Centreville Rd

Floris St

Centreville Rd

Centreville Rd

Floris St

Floris St

Floris St

Maverick Ln

Maverick Ln

Austang Dr

Mustang Dr

Mustang Dr

#7

#2

#1

#3

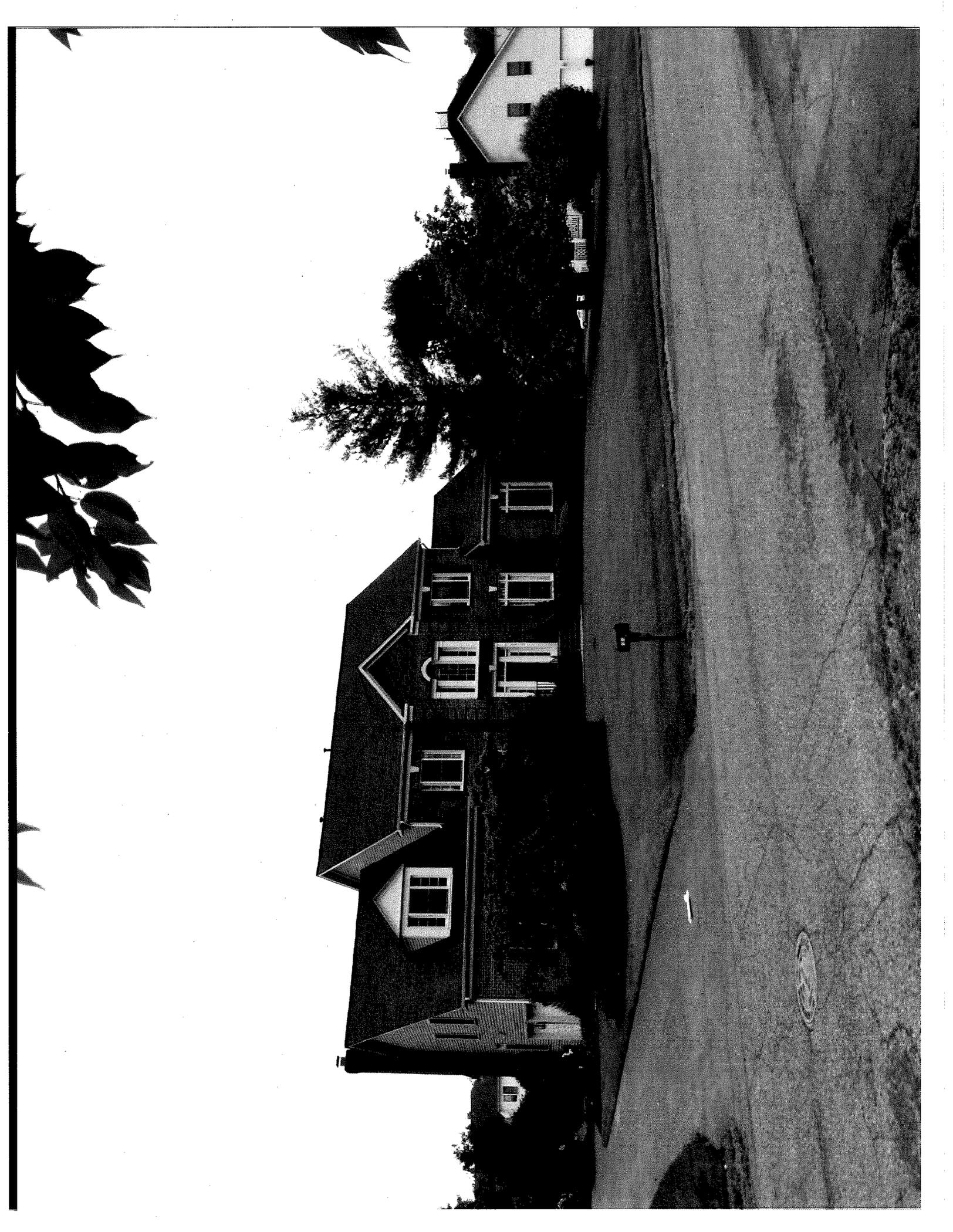
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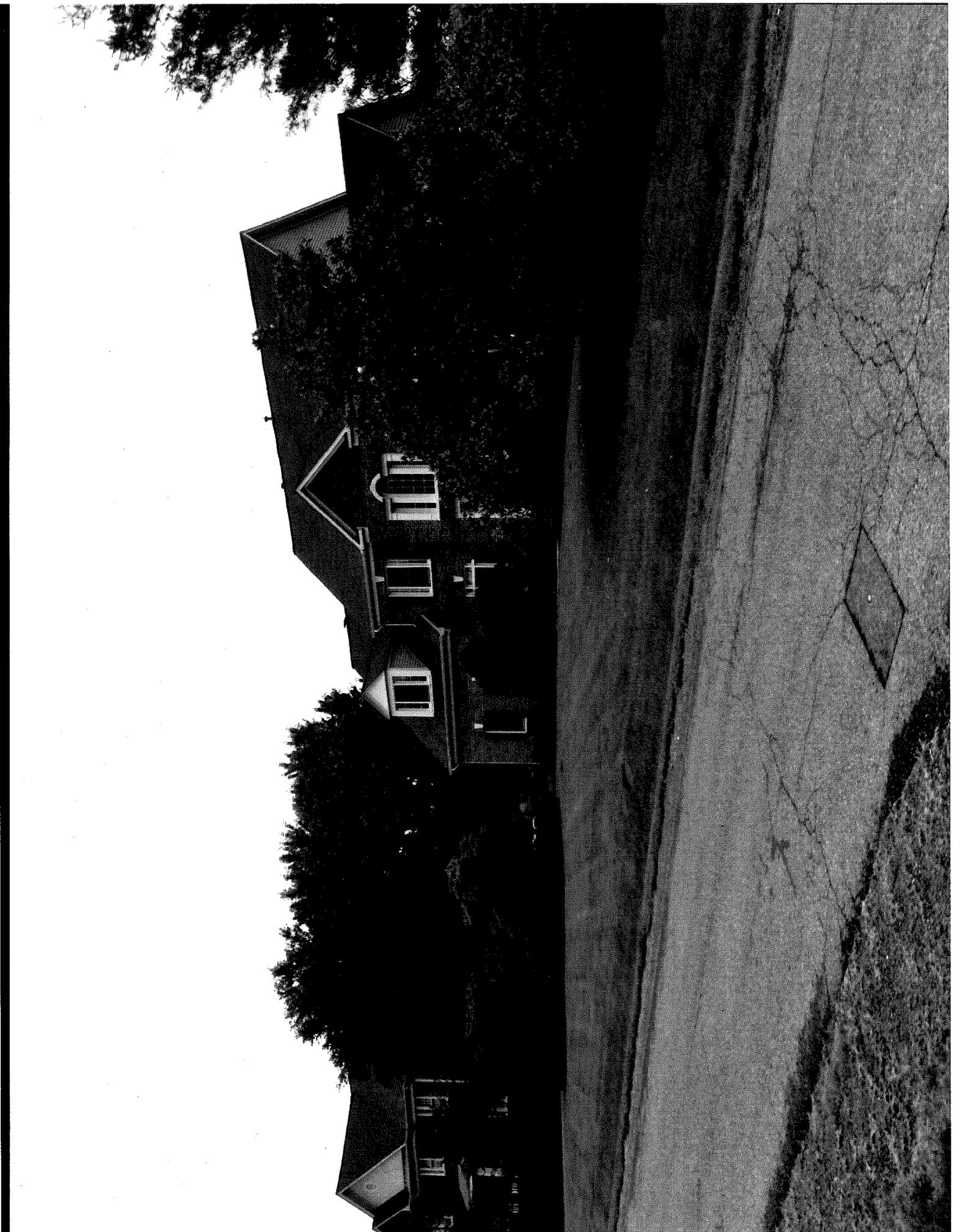
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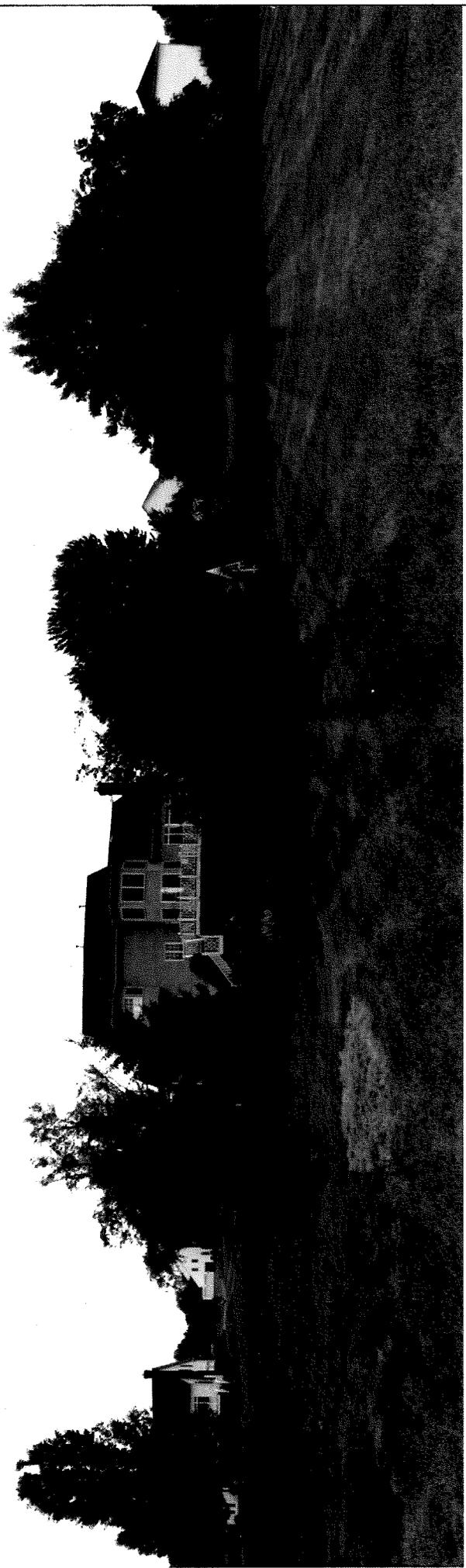
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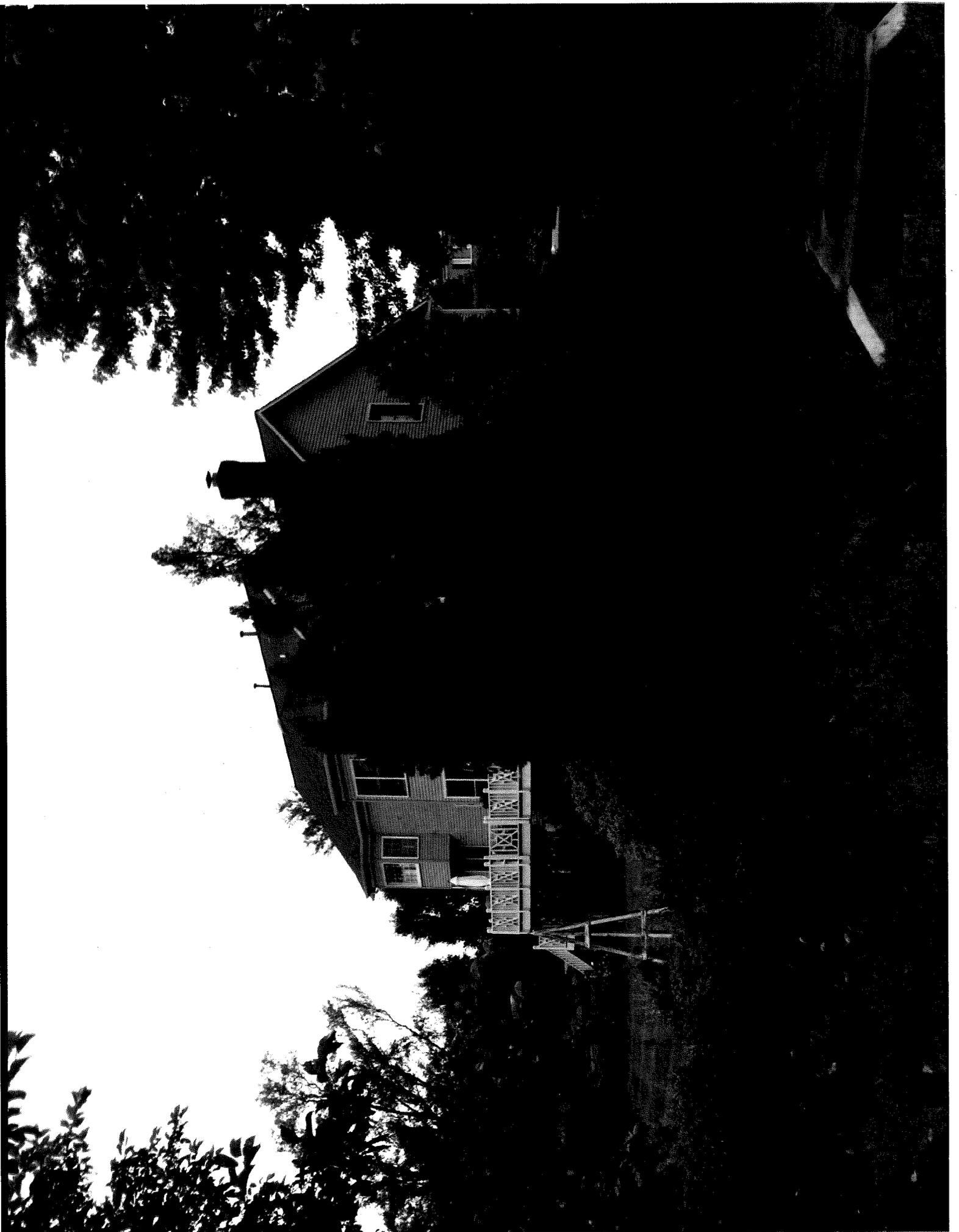












bedroom/living area





Looking towards bedroom

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow an accessory dwelling unit.

A copy of the special permit plat titled, "House Location Survey, Lot 22, Mustang Crossing," prepared by Timothy J. Farrell, L.S., of B. W. Smith and Associates, Inc., dated April 2, 2014, 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 25,447 square foot lot contains a two story single family dwelling with a basement. A concrete walkway and brick stoop are located to the north of the dwelling. A wooden deck and slate patio are located to the south of the dwelling. An asphalt driveway exists to the east of the dwelling and provides vehicular access to Maverick Lane. A ten foot wide storm drain easement is located to the south of the dwelling. The property has a grass lawn and has mature trees to the west and to the south of the dwelling.

Adjacent zoning and land uses are as follows:

	Zoning	Use
North	R-1 Cluster	Single Family Detached Dwelling
East	R-1 Cluster	Single Family Detached Dwelling
South	R-1 Cluster	Single Family Detached Dwelling
West	R-1 Cluster	Single Family Detached Dwelling

The subject property is south of West Ox Road and west of Centreville Road.

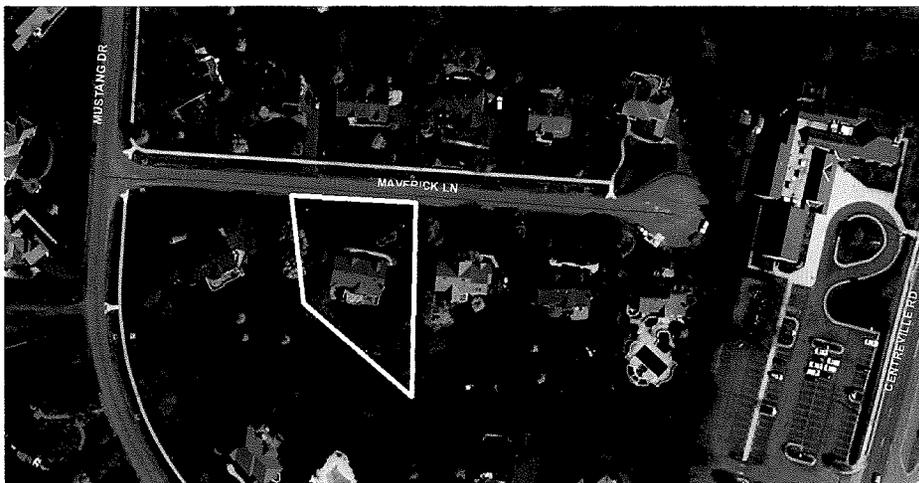


Figure 1. Lot location

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was originally constructed in 1994. The property was purchased by the applicant in May 2014.

A building permit was approved on November 3, 1994, for the construction of a deck to the south of the dwelling (Appendix 4).

Records indicate that no other applications related to accessory dwelling units 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 (ADU) within the basement of the existing single family dwelling. The proposed ADU would be 685 square feet in size and accounts for 11.4% of the total gross floor area of the structure (6,000 square feet). The ADU would contain one bedroom, one bathroom, a recreation room, and a kitchen as depicted on the following page.

One parent of the applicant, over the age of 55, would reside in the ADU. Stairs are located in the interior of the primary dwelling which provides access from the main level of the dwelling and a door provides access to the rear yard of the dwelling.

A two car garage and an asphalt driveway provide adequate parking for the two adults living in the primary dwelling and the parent of the applicant which will reside in the ADU. The parent in the accessory dwelling unit will not have a car and the applicant will park their personal cars in the garage or driveway.

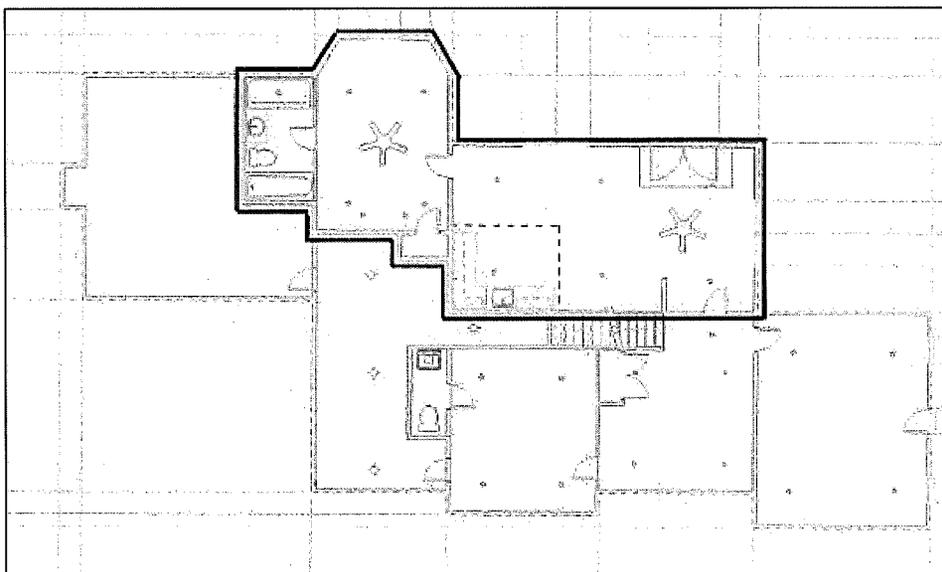


Figure 2. Interior Floor Plan of ADU

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: Dulles Suburban Center, Land Unit C
Plan Map: Residential, 1-2 dwelling units/acre (du/ac)

Zoning Ordinance Requirements

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-3 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.

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 the accessory dwelling unit is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2014-HM-154 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 History
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-HM-154

October 29, 2014

If it is the intent of the Board of Zoning Appeals to approve SP 2014-HM-154 located at Tax Map 24-2 ((7)) 22 to permit an accessory dwelling unit, under Sect(s). 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, David and Pauline Bean, and is not transferable without further action of this Board, and is for the location indicated on the application, 13513 Maverick 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 685 square feet (11.4% of the total gross floor area), and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
6. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
7. The accessory dwelling unit shall be approved for a period of five years from the final approval date of the special permit and may be extended for five year periods with prior approval of the Zoning Administrator in accordance with

Section 8-012 of the Zoning Ordinance.

8. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
9. All parking shall be provided on site.

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.

Application No.(s): SP 2014-HM-154
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 06/13/2014
 (enter date affidavit is notarized)

125880

I, David George Bean, 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)
David George Bean	13513 Maverick Lane, Herndon VA 20171	Applicant/Title Owner
Pauline Lesley Bean	13513 Maverick Lane, Herndon VA 20171	Title Owner

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SI 2014-HM-154
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 06/13/2014
(enter date affidavit is notarized)

125880

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-HM-154

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

06/23/2014

(enter date affidavit is notarized)

125880

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)

(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: 06/23/2014
(enter date affidavit is notarized)

125880

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

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

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

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

None

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

Application No(s):

SP 2014-HM-154

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 06/13/2014 (enter date affidavit is notarized)

125880

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)

[X] Applicant

[] Applicant's Authorized Agent

David George Bean

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 13th day of June 2014, in the State of Virginia, County/City of Fairfax.

[Signature] Notary Public



My commission expires: 12-31-17

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:

- A. Type of operation(s). Accessory Dwelling Unit
- B. Hours of operation. 24 hours/day
- C. Estimated number of patrons/clients/patients/pupils/etc. 1 (one) 97 year-old mother
- D. Proposed number of employees/attendants/teachers/etc. None
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day. None, she does not drive; no extra visitors expected
- F. Vicinity or general area to be served by the use. None
- G. Description of building facade and architecture of proposed new building or additions. None is proposed
- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers. None
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

To the best of my knowledge, the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.

Background

We have recently purchased this property as our primary residence. It currently has an unfinished basement. My 97-year old mother-in-law, who lives on her own in the UK, has decided that she would like to spend her last years with us in the States (my wife is her only child). We are therefore finishing the basement in a way that enables her to live with us, but continue to have her own space and privacy as she is accustomed to in her current house.

We are therefore requesting the Special Permit to allow us to create an Accessory Dwelling Unit for her.

FAIRFAX COUNTY ZONING ORDINANCE

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:

The requested unit will be the only accessory dwelling unit within the home. 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.

N/A

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.

Total gross floor area is approx 6,000 sq ft. 3. Accessory Dwelling Unit is approx 685 sq ft and therefore 11.4% of the whole.

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.

The unit contains one bedroom.

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:

My wife and I live in the principal dwelling unit.

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:

My mother-in-law who will live in the new unit is 97 years

(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.

SPECIAL PERMITS

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.

Only one person will live in the accessory dwelling unit.

My wife and I are the only occupants of the principal dwelling unit.

N/A

My mother-in-law does not drive; there will be no extra cars.

All construction within the basement will be permitted through the usual County processes.

- 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.

FAIRFAX COUNTY ZONING ORDINANCE

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.

8-019

Noise Barriers

The BZA may approve an increase in height and/or modification to the corresponding location regulations as set forth in Sect. 10-104 for a noise barrier which reduces adverse impacts of highway noise on properties located adjacent to major thoroughfares, or which reduces adverse noise impacts of commercial and industrial uses on adjacent properties, in accordance with the following:

1. A noise impact study shall be submitted with the application. The study shall demonstrate the need for such a barrier and the level of mitigation to be achieved, and shall include the height of the barrier, the proposed location of the barrier on the property, the acoustical design and structural features of the barrier, the type of building materials to be used in construction of the barrier and the proposed measures to mitigate any visual impacts of the barrier on adjacent property, to include the location and design of the barrier, use of berming and landscaping.
2. The BZA shall determine that the proposed height and location of the noise barrier are necessary in order to achieve mitigation of the noise and that the noise barrier will not adversely impact the use or development of surrounding properties.
3. Before establishment, the noise barrier shall be subject to the provisions of Article 17, Site Plans or other appropriate submission as determined by the Director.

8-920

Additional Standards for Containment Structures Associated with Outdoor Recreation/Sports Facility Playing Fields/Courts and Golf Courses

The BZA may approve, in conjunction with the approval of a special permit for an outdoor sports facility or as a separate special permit use associated with a sports facility that is permitted by right, an increase in height and/or modification to the corresponding location regulations as set forth in Sect. 10-104 for containment structures associated with outdoor recreation/sports facility playing fields/courts or golf courses when such structure is designed to preclude the flight of any ball or other sports equipment onto adjacent property or right-of-way, but only in accordance with the following:

1. Detailed information relating to the anticipated trajectory of balls or other sports equipment and the need for a containment structure to keep such equipment on the



Land Development Information History: ISIS - Building Permit - 94307B1120

Permit Information

Permit Id: 94307B1120 Application Date: 1994-11-03 Time: 10:51:09
 Job Address: 013513 MAVERICK LA Tax Map: 024-2 ((07)) 0022
 Subdivision: MUSTANG CROSSING Permit Status: Initial/Approved (IA)
 Trade Name: NA Subobj: 181 R/C: R
 Applicant Name: STEVE MUSTIN Bldg: NA Floor: NA Suite: NA

Work Description: SFD/BUILD DECK NO HOT TUB/PER CO DEATIL//MGC
 Type Work: Deck Only-Residential (A33)
 Building Use: Single-Family, Detached Or Semi-Detached (010)
 Standard: 0292

Plan Number: Use Group: R4 Bldg Permit: NA
 Permit Hold Date: By: QNO: N-94-19637 POF:
 Hold Release Date: By: Proffer: Pre-Const Meeting: Date:

Comments:

Permit Status Summary

Permit Status:	Initial/Approved (IA)	Real Estate:	1994-11-03 RSLT: APP BY: MGC
Applied Date:	1994-11-03	Business Licensing:	1994-11-03 RSLT: APP BY: DKM
Issued Date:	1994-11-03	Zoning:	1994-11-03 RSLT: APP BY: KY
Paid Date:	1994-11-03	Grading / Drainage:	1994-11-03 RSLT: APP BY: BLM
Inspection Date:	1994-12-09	Licensing:	1994-11-03 RSLT: APP BY: DKM
Expiry Date:	1995-05-03	Final Inspection:	1994-12-09 RSLT: A BY: CEC

Owner Information

Leasee: Corp:

Owner: STANLEY MARTIN CROSSING Job Magisterial Dist: Centreville
 Address: 08000 TOWERS CRESCENT DR Planning Dist: Upper Potomac
 City: VIENNA State: VA Zip: 22182 Subcensus Tract: 825.01

Contractor Information

Name: SUN TASTIC DECKS INC
 Address: 14812 HICKORY POST CT
 City: CENTREVILLE State: VA Zip: 22020
 Phone:

Phone:

Master:

BPOL Licnese: 11254
 State License: 30943
 Trade Reg.: 0

Building Permit

Building Plan Review

Estimated Cost: 5350 Sewer Water Code: 1
 Use Group: (01) R4 Sewer Shed: A1
 Type Const: (01) Combustible/Unprotected (5B)

Model Group:

Plan Received: Review Time:
 Review Started: Results: NRQ
 Review Completed: Engineer: MGC

Comments:

Totals Fee Area

Type of Construction	Fee	Fee Rate
Combustible/Unprotected (5B)	600	0.054

Total	600
Filing Fee	56.00
Total Fee	56.00
Amount paid	56.00

Real Estate Review

Building
Units:

Kitchens

Baths:

Half Bath

Bedroom

Rooms:

Stories:

Building

Building

Basement:

Ext Walls:

Int Walls:

Roofing:

Flooring:

Base Fin:

Fuel/Heat:

Fuel System:

Fireplace: 0

Owner of Record: STANLEY MARTIN CROSSING

Review Data

Date To: 1994-11-03

Date From: 1994-11-03

Results: APP

Reviewer: MGC

Comments:

Business Licensing Review

Review Data

Date To: 1994-11-03

Date From: 1994-11-03

Results: APP

Reviewer: DKM

Comments:

Zoning Review

Review Data

Date To: 1994-11-03

Date From: 1994-11-03

Results: APP

Reviewer: KY

Comments:

Grading / Drainage Review

Review Data

Date To: 1994-11-03

Date From: 1994-11-03

Results: APP

Reviewer: BLM

Comments:

Licensing Review

Review Data

Date To: 1994-11-03

Date From: 1994-11-03

Results: APP

Reviewer: DKM

Comments:

Inspections

Inspection - FRM - 999997

Req Taken: 1994-11-15

Phone:

Time: 12:03:28

Floor: NA

Sched For: 1994-11-16

Suite/Area: NA

Assigned To: A32

Comments:

Branch: 4

Req Taken By: MB

Requested By: CHARLENE

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		1994-11-17	CEC	C	A	N					00:00:00	00:00:00	00:00:00	1

Inspection - FTGD - 999998

Req Taken: 1994-11-15 Phone:
 Time: 12:03:28 Floor: NA
 Sched For: 1994-11-16 Suite/Area: NA
 Assigned To: A32 Comments:
 Branch: 4 Req Taken By: MB
 Requested By: CHARLENE 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		1994-11-17	CEC	C	A	N					00:00:00	00:00:00	00:00:00	1

Inspection - FINB - 999996

Req Taken: 1994-12-08 Phone:
 Time: 12:48:00 Floor: NA
 Sched For: 1994-12-09 Suite/Area: NA
 Assigned To: A32 Comments:
 Branch: 4 Req Taken By: MB
 Requested By: CHARLENE 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		1994-12-09	CEC	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.