



**APPLICATION ACCEPTED:** October 22, 2014  
**BOARD OF ZONING APPEALS:** February 4, 2015  
**TIME:** 9:00 AM

# County of Fairfax, Virginia

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**January 27, 2015**

## **STAFF REPORT**

**APPLICATION SPA 00-D-065**

**DRANESVILLE DISTRICT**

**APPLICANTS/OWNERS:** Helene and John Felch

**STREET ADDRESS:** 11260 Inglish Mill Drive | Great Falls, VA 22066

**TAX MAP REFERENCE:** 12-4 ((4)) 48

**SITE ACREAGE:** 1.41 acres

**ZONING DISTRICT:** R-1: Residential, One Dwelling Unit/Acre

**ZONING ORDINANCE PROVISION:** 8-914 and 8-918

**PROPOSAL:** To permit a change in permittee for a previously approved accessory dwelling unit and to permit a reduction in the minimum rear yard setback requirement based on an error in building location to permit a 9.9-foot tall accessory storage structure to remain 7.7 feet from the rear lot line

### **STAFF RECOMMENDATIONS:**

Staff recommends approval of SPA 00-D-065 for the change in permittee, subject to the proposed conditions listed in Appendix 1.

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

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**Nick Rogers, AICP**

**Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service**

**Department of Planning and Zoning**  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz](http://www.fairfaxcounty.gov/dpz)



It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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

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.

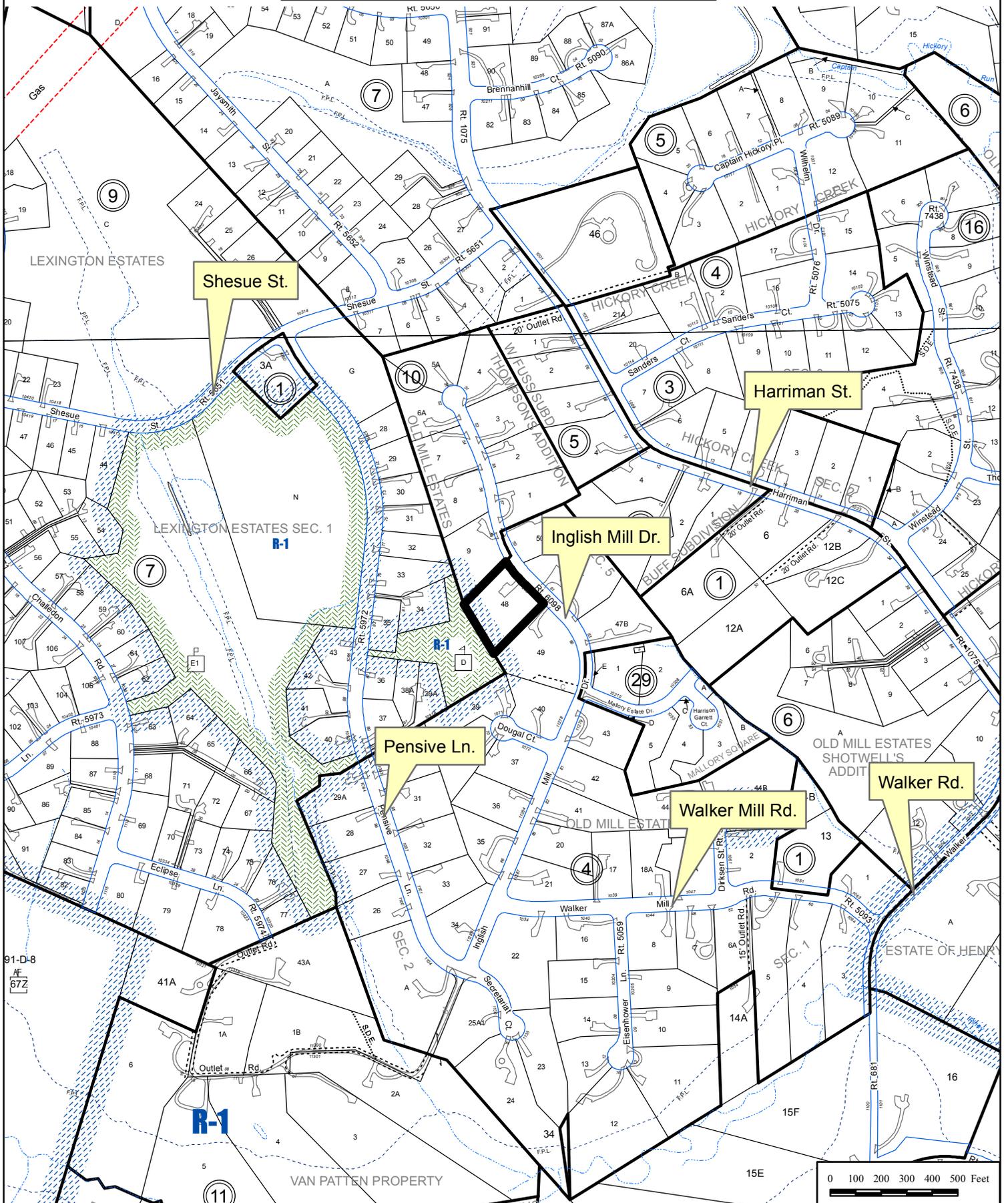
**Board of Zoning Appeals meetings are held in the Board Auditorium of the Government Center (12000 Government Center Parkway, Fairfax, VA 22035)**



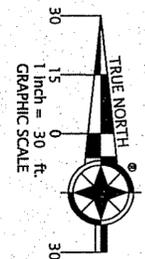
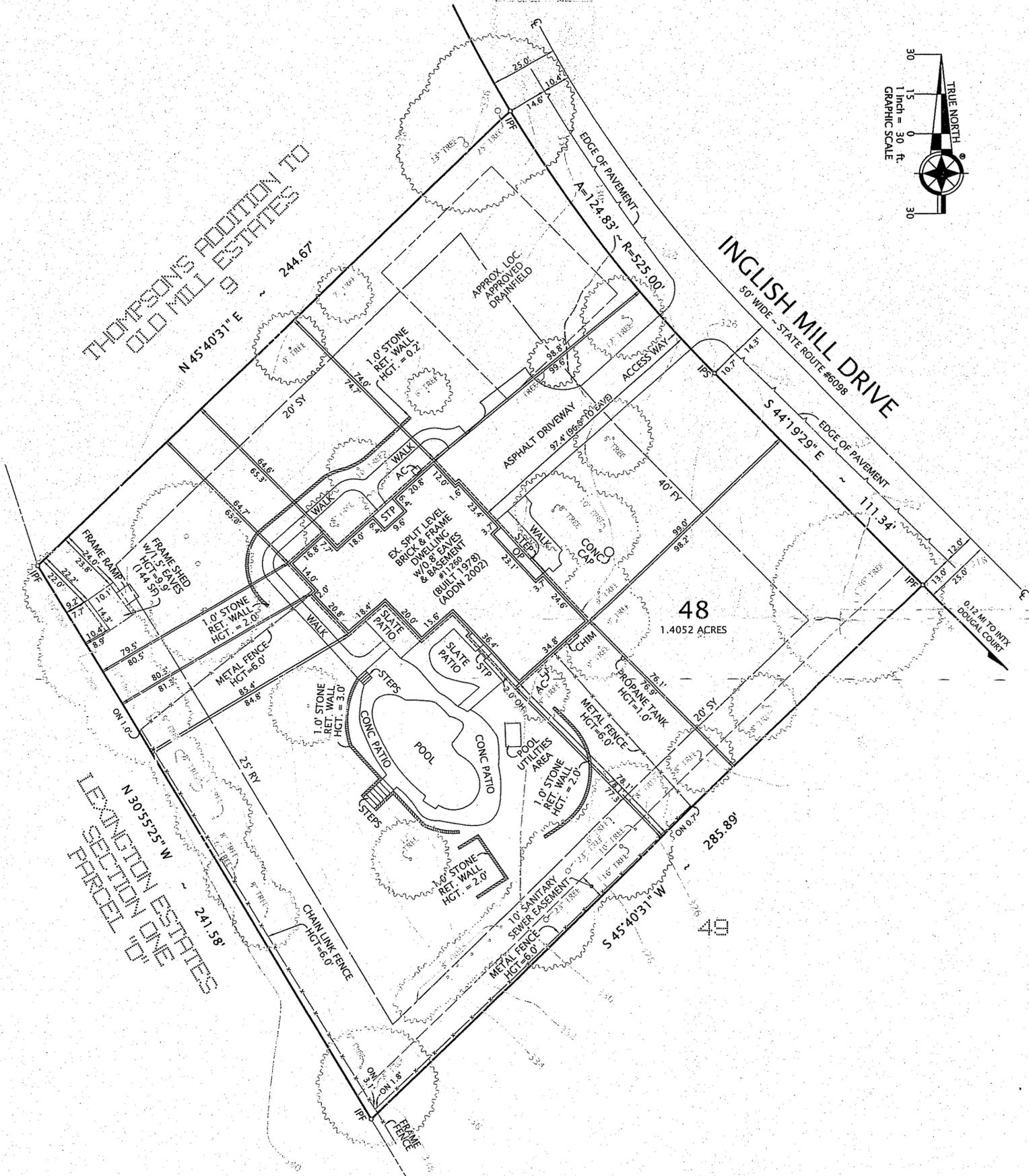
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit Amendment

SPA 00-D-065  
HELENE AND JOHN FELCH



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**NOTES**

1. TAX MAP: 12-4-04-0048
2. ZONE: R-1 (RESIDENTIAL 1 DU/AC)
3. LOT AREA: 1.4052 ACRES (61,211 SF)
4. REQUIRED YARDS:
 

FRONT:	=	40 FEET
SIDE:	=	20 FEET
REAR:	=	25 FEET
5. HEIGHTS:
 

DWELLING	=	23.3 FEET
SHED	=	09.9 FEET
1.0' STONE RET. WALLS	=	AS NOTED
FENCES	=	AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
 

BASEMENT	=	623 SF
FIRST FLOOR	=	3,481 SF
SECOND FLOOR	=	2,485 SF
GROSS FLOOR AREA	=	6,589 SF

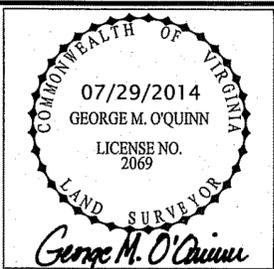
FLOOR AREA RATIO: GFA (6,589) / LOT AREA (61,211) = 0.11

**PLAT**  
 SHOWING THE IMPROVEMENTS ON  
 LOT 48, SECTION FIVE  
**OLD MILL ESTATES**  
(DEED BOOK 4917, PAGE 244)  
 FAIRFAX COUNTY, VIRGINIA  
 DRANESVILLE DISTRICT  
 SCALE: 1" = 30'      JULY 29, 2014

RECEIVED  
 Department of Planning & Zoning  
**AUG 26 2014**  
 Zoning Evaluation Division

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.  
 A TITLE REPORT WAS NOT FURNISHED.  
 NO CORNER MARKERS SET.



CASE NAME:  
 JOHN E. FELCH, III  
 HELENE I. FELCH

**DOMINION** Surveyors Inc.  
 8808-H PEAR TREE VILLAGE COURT  
 ALEXANDRIA, VIRGINIA 22309  
 703-619-6555  
 FAX: 703-799-6412

## SPECIAL PERMIT REQUEST

The applicants, Helene and John Felch, have requested the approval of an amendment to a previously approved Special Permit at 11260 English Mill Drive for an accessory dwelling unit (ADU). The ADU is located within the existing structure, and would be the residence for one person older than 55 years of age who is related by blood to the owner of the principal dwelling unit. The principal dwelling would be occupied by the owners, who are also the applicants for this Special Permit.

No changes to the site design and no structural changes are proposed. Although there are no changes proposed, the previously approved development conditions for the ADU are specific to the initial applicant who was the previous homeowner. The current applicants must obtain permission from the Board of Zoning Appeals to change the previous approval's permittee in order to continue the use of the ADU.

The applicants have also requested a reduction of the rear yard setback requirement based on an error in building location to permit the existing shed to remain 7.7 feet from the rear lot line. This reduction would be needed for the shed to remain in its current location due to the shed's height of 9.9 feet. Paragraph 10 of Sect. 10-104 requires freestanding accessory storage structures which exceed 8.5 feet in height to be located no closer than a distance equal to their height from the rear lot line. The applicant's request would modify this setback requirement. Table 1 further outlines the shed's location and how it deviates from the requirements in the Zoning Ordinance.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Required Yard</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage Reduction Requested</b>
<b>Error</b>	Garage	Rear	9.9 feet	7.7 feet	2.2 feet	22.2%

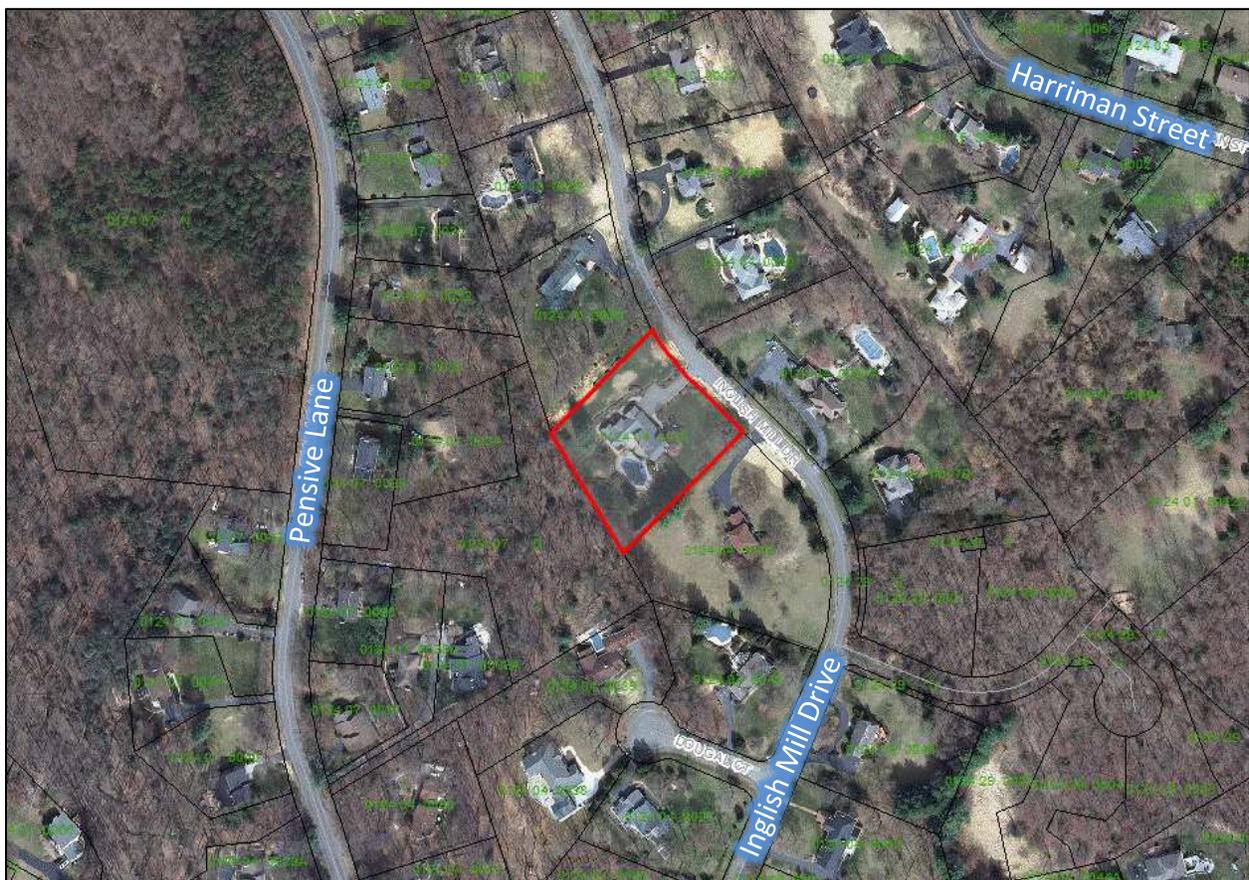
A reduced copy of the Special Permit Plat (SP Plat) is included in the front of the staff report. Copies of the draft development conditions, the statement of justification with site photographs, and the affidavit are included in Appendices 1, 2, and 3, respectively.

## LOCATION AND CHARACTER

The 1.41-acre subject property is on the western side of English Mill Drive approximately  $\frac{2}{3}$  of a mile east of Springvale Road and  $\frac{3}{4}$  of a mile north of Leesburg Pike. According to the SP Plat, the subject property contains a 6,589 square foot dwelling including its basement. The dwelling has a main entrance along the front façade with a driveway leading from the street to a two-car garage. The dwelling has a separate entrance along

the side façade that leads to the ADU. The ADU has a gross floor area of 1,687 square feet, and contains two bedrooms, a living room, a kitchen with vestibule, and a one-car garage. When compared to the full structure, the ADU occupies 25.6% of the gross floor area.

The surrounding properties and those in the nearby vicinity are zoned R-1 and predominately developed as single family detached dwellings. The parcel to the immediate west, Tax Map 12-4 ((7)) D, is owned by the Board of Supervisors and contains no structures.



**Figure 1: Aerial photograph of subject property and its surroundings. (Source: Fairfax County DPZ GIS and 2013 aerial photography)**

## **BACKGROUND AND HISTORY**

According to the Department of Tax Administration, the dwelling was originally constructed in 1978.

The Board of Zoning Appeals approved Special Permit SP 00-D-065 on January 23, 2001 to construct and establish an Accessory Dwelling Unit at the above address. The ADU was constructed shortly thereafter in 2002. A copy of the Board's resolution adopting the Special Permit, and a reduced copy of the SP Plat, are attached in Appendix 4.

The SP Plat for SP 00-D-065 identified the location of a rear yard shed measuring 8 feet in height located 12.8 feet from the rear yard lot line. There are no County records demonstrating a review and approval of a shed in the rear yard.

## ANALYSIS

### Comprehensive Plan Provisions

**Plan Area:** III  
**Planning District:** Upper Potomac  
**Planning Sector:** Hickory Community Planning Sector  
**Plan Map:** Residential; 0.5 – 1 du/ac

In Land Use Recommendation #2 on page 155 of the 2013 Edition, amended through December 2, 2014, the Plan provides:

*The area bounded by Leesburg Pike, Georgetown Pike, Walker Road and Piney Run is planned for residential use at .5-1 dwelling unit per acre, as shown on the Plan map, to reflect existing and committed development. New development should be generally consistent with existing zoning and should provide for ample landscaping, buffering and substantial building setbacks to ensure that the present relatively low density character of the area will be preserved when viewed from the collector and arterial roadways serving the sector.*

### Zoning Ordinance Requirements

This special permit is subject to sections of the Zoning Ordinance as referenced below. A copy of the full text for each section is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

- Sect. 8-006: General Special Permit Standards
- Sect. 8-903: Group 9 Standards
- Sect. 8-914: Provisions for Approval of Reduction to the Minimum yard Requirements Based on Error in Building Location
- Sect. 8-918: Additional Standards for Accessory Dwelling Units

Subject to development conditions, the Special Permit must meet these standards. The following tables provide an overview of these standards:

### General Standards for Special Permit Uses (Sect. 8-006)

<b>Standards 1 and 2</b> <i>Comprehensive Plan/ Zoning District</i>	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-1 District allows an Accessory Dwelling Unit with a special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-1 District.
<b>Standard 3</b> <i>Adjacent Development</i>	In staff's opinion, the continued use of the ADU would not hinder or discourage the use or development of neighboring properties or their values.
<b>Standard 4</b> <i>Pedestrian/Vehicular Traffic</i>	English Mill Drive is without a sidewalk and is not conducive to pedestrian access. The proposed ADU will not significantly impact vehicular traffic.
<b>Standard 5</b> <i>Landscaping/Screening</i>	No additional landscaping or screening is required for the existing structure. The existing structure is approximately 200 feet from the adjacent property's primary structure.
<b>Standard 6</b> <i>Open Space</i>	There is no open space requirement for the R-1 District.
<b>Standard 7</b> <i>Utilities, Drainage, Parking, and Loading</i>	There are no changes to the utilities, drainage, parking or loading of the site. These facilities are already in place to serve the accessory dwelling unit.
<b>Standard 8</b> <i>Signs</i>	No signs are existing or proposed. All signage is required to be in conformance with Article 12 of the Zoning Ordinance.

### Standards for all Group 9 Uses (Sect. 8-903)

<b>Standard 1</b> <i>Lot Size and Bulk Regulations</i>	The property complies with the lot, size, and bulk regulations for the R-1 District, with the exception of the setback for the rear yard shed.
<b>Standard 2</b> <i>Performance Standards</i>	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> <i>Site Plan</i>	The continuance of the ADU use would not be subject to site plan review.

**Additional Standards for Accessory Dwelling Units (8-918)**

<b>Standard 1</b> <i>Only One ADU Per Single Family Detached Dwelling</i>	The application requests approval of one ADU on a property occupied by a single family detached dwelling.
<b>Standard 2</b> <i>May Be Located In Freestanding Structure On Lots 2 Acres Or Larger</i>	The property consists of 1.41 acres, which limits the ADU to be located within an existing dwelling. The ADU complies with this standard.
<b>Standard 3</b> <i>Gross Floor Area Shall Not Exceed 35%</i>	The gross floor area of the ADU does not exceed 35% of the total gross floor area of the principal unit and accessory structure. The entire garage and ADU structure represents approximately 25.6% of the total GFA.
<b>Standard 4</b> <i>Maximum of Two Bedrooms</i>	The ADU includes two bedrooms
<b>Standard 5</b> <i>Occupancy Standards</i>	The application satisfies the occupancy standards in that the owner resides in the principal dwelling and the ADU occupant meets the age criteria specified in the Zoning Ordinance.
<b>Standard 6</b> <i>Reasonable Access for a Disabled Person</i>	The ADU has entrances from the one-car garage and from its northern façade entrance that are flush to the outside grade without any steps. However, the applicant has not specified that the ADU would be occupied by or intended for occupancy for a disabled person. As such, no additional accessibility measures were specified by the applicant in the statement of justification (Appendix 2).
<b>Standard 7</b> <i>Sufficient Parking</i>	The property includes a driveway of approximately 100 feet along with a two-car garage and a one-car garage, providing sufficient parking.
<b>Standard 8</b> <i>Will Not Modify or Disrupt Character of Neighborhood</i>	Staff believes that the continued use of the ADU will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood.
<b>Standard 9</b> <i>Regulations for Safety, Health and Sanitation</i>	This standard requires any ADU to meet applicable regulations for building, safety, health, and sanitation. The ADU was constructed per an approved building permit that received a finalized inspection from the Department of Public Works and Environmental Services.
<b>Standard 10</b> <i>Recorded</i>	A condition is proposed for the approval to be recorded among Fairfax County land records.

<b>Standard 11</b> <i>Inspection</i>	Staff has carried forward the previously approved condition language regarding inspections by Fairfax County staff during reasonable hours upon prior notice.
<b>Standard 12</b> <i>Approved for 5 Years</i>	Staff has carried forward the previously approved condition language referencing the Zoning Ordinance mandated term limit for an ADU.
<b>Standard 13</b> <i>Approval Prior to July 27, 1987</i>	This standard is not applicable as the ADU was not approved prior to July 27, 1987.

## CONCLUSIONS AND RECOMMENDATIONS

The applicant's request would conform to the applicable provisions in the Zoning Ordinance which regulate ADUs. The applicant's statement of justification and submission materials do not deviate from what the Board of Zoning Appeals previously approved in 2001.

Staff recommends approval of SPA 00-D-065 for the change in permittee for an accessory dwelling unit, subject to the proposed conditions listed in Appendix 1.

Staff makes no recommendation on the error in building location.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

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

## APPENDICES

1. Draft Development Conditions
2. Applicant's Statement of Justification and File Photos
3. Affidavit
4. SP 00-D-065 Resolution and SP Plat
5. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SPA 00-D-065****January 27, 2015**

If it is the intent of the Board of Zoning Appeals to approve SPA 00-D-065 located at Tax Map 12-4 ((4)) 48 to permit the existing accessory storage structure to remain in place as an error in building location pursuant to 8-914 and to continue the previously approved 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; conditions carried forward from the previous approval are marked with an asterisk (\*) and may include revised language:

1. The approval for the accessory dwelling unit is granted to the applicants only, Helene and John Felch, and is not transferable without further action of the Board, and is for the location indicated on the application, 11260 English Mill Drive, Great Falls, 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 within 90 days of the Board of Zoning Appeals' approval of the Special Permit Amendment 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. The Special Permit Amendment is approved for the accessory structure and accessory dwelling unit as shown on the Special Permit Plat, entitled "Plat Showing the Improvements on Lot 48, Section Five | Old Mill Estates" prepared by Dominion Surveyors, Inc., dated July 29, 2014.
4. A copy of this Special Permit Amendment shall be posted in a conspicuous place within the accessory dwelling unit and be made available to all departments of the County of Fairfax. \*
5. 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. \*
6. The accessory dwelling unit shall contain no more than 2 bedrooms. \*

7. There shall be three garage parking spaces provided on site as shown on the Special Permit Plat. All parking shall be provided on site. \*
8. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice.
9. The accessory dwelling unit shall be approved for a period of five years from the final approval date of the Special Permit Amendment 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. \*
10. Should the property sell, the only use for the accessory dwelling is that of an accessory dwelling unit in accordance with Sect. 8-918 of the Fairfax County Zoning Ordinance, or the range shall be removed and the structure incorporated as part of the main dwelling unit. \*
11. 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.

This approval, contingent upon 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, 5 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 commence construction 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.

January 25, 2014

Attn: Fairfax County Zoning

Subject: Special Permit Application for Accessory Dwelling Unit (Ordinance 8-918)

Property: 11260 English Mill Drive Great Falls, VA 22066

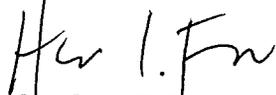
To Whom It May Concern:

This application seeks a special permit for the property, which had been previously approved. No construction or modifications to the property are being requested in this application. Below is written justification describing proposed use which complies with Zoning Ordinance 8-918:

1. There is one accessory dwelling unit attached to a single family detached dwelling unit.
2. The property is less than 2 acres large, therefore the accessory dwelling unit is located within the structure of the single family detached dwelling unit. The external entrance for the accessory dwelling unit is located on the Northwest side of the structure.
3. The gross floor area of the accessory dwelling unit (1,687 SF) is 32.8% of the total gross floor area of the principal dwelling unit (5,133 SF).
4. The accessory dwelling unit contains a total of two (2) bedrooms.
5. A. The principal dwelling unit is occupied by the owner/applicants of this permit.  
B. The accessory dwelling unit will be occupied by one (1) person older than 55 years of age.  
C. The accessory dwelling unit will be occupied by one (1) person related by blood to the owner of the principal dwelling unit. The principal dwelling unit will be occupied by one (1) family.
6. Does not apply.
7. The accessory dwelling unit has an existing one (1) car attached garage, the principal dwelling unit has an existing two (2) car garage.
8. through 13. Not Applicable

Additionally, included with this statement is a copy of the deed for the property, which confirms our ownership of the property. We appreciate your ongoing assistance with this application.

Respectfully,



John and Helene Felch  
11260 English Mill Drive Ph# 703-759-0340

RECEIVED  
Department of Planning & Zoning

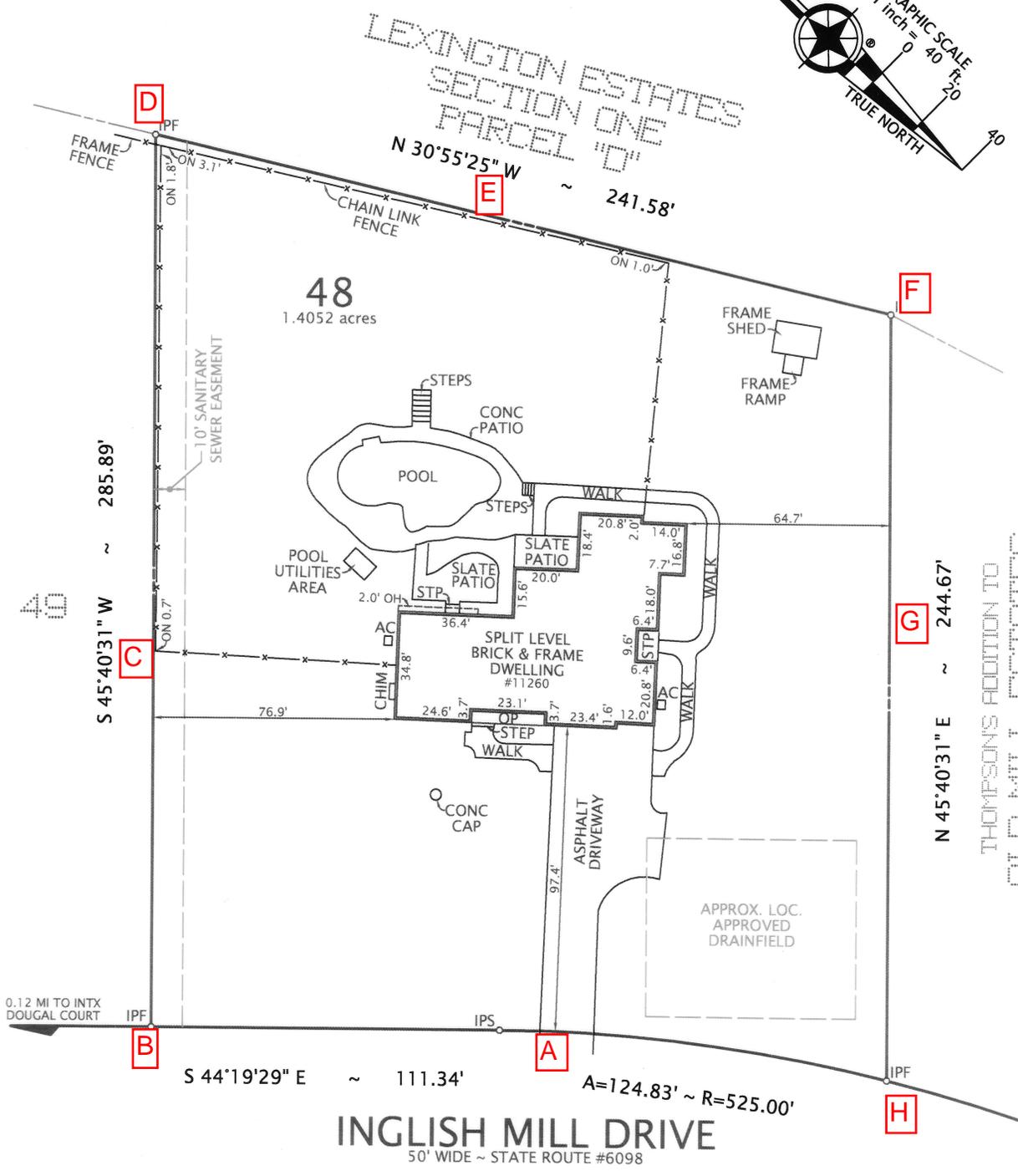
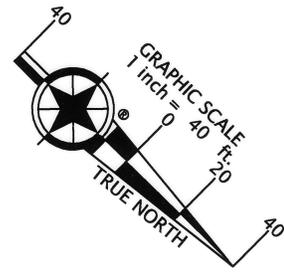
FEB 03 2014

Zoning Evaluation Division



- NOTES: 1. FENCES ARE METAL UNLESS NOTED.  
 2. UTILITIES ARE UNDERGROUND.  
 3. IPF DENOTES IRON PIPE FOUND.  
 4. IPS DENOTES IRON PIPE SET.

**PHOTOGRAPH LOCATIONS**  
 - 8 pictures provided from  
 each location



CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.

PLAT  
 SHOWING HOUSE LOCATION ON  
 LOT 48, SECTION FIVE  
**OLD MILL ESTATES**  
 (DEED BOOK 4917, PAGE 244)  
 FAIRFAX COUNTY, VIRGINIA  
 DRANESVILLE DISTRICT

**NOT TO SCALE**

THOMPSON'S ADDITION TO  
 OLD MILL ESTATES

Photos taken 01/01/2014

A1 Southwest



A2 West



11260 English Mill Drive Great Falls, VA 22066

Photos taken 01/01/2014

F5 Northeast



F6 East



11260 English Mill Drive Great Falls, VA 22066

Photos taken 01/01/2014

G7 Southeast



G8 South



11260 English Mill Drive Great Falls, VA 22066

Photos taken 01/01/2014

H7 Southeast



H8 South



11260 English Mill Drive Great Falls, VA 22066

Application No.(s): SPA 00-D-065  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

124304

DATE: 1/31/14  
(enter date affidavit is notarized)

I, Helene I. Felch, 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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
John E. Felch III	11260 English Mill Drive, Great Falls, VA 22066	Applicant/Title Owner
Helene I. Felch	11260 English Mill Drive, Great Falls, VA 22066	Applicant/Title Owner

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SPA 00-D-065  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 1/31/14  
(enter date affidavit is notarized)

124304

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
n/a

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)  
n/a

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

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

Application No.(s): SPA 00-D-065  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 1/31/14  
(enter date affidavit is notarized)

124304

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

**PARTNERSHIP INFORMATION**

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

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

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

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

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

Application No.(s): SPA 00-D-065  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 1/31/14  
(enter date affidavit is notarized)

124304

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): SPA 00-D-065  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 1/31/14  
(enter date affidavit is notarized)

124304

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)

Applicant

Applicant's Authorized Agent

Helene I. Felch

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

Subscribed and sworn to before me this 31<sup>st</sup> day of January 2014, in the State/Comm. of Virginia, County/City of Alexandria.

Meredith W. Morrison

Notary Public

My commission expires: 6/30/2016



Page \_\_\_\_\_, January 23, 2001, (Tape 1) Scheduled case of:

9:00 A.M. EDWARD J. & JEANNE L. MELLA, SP 00-D-065 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit accessory dwelling unit. Located at 11260 English Mill Dr. on approx. 1.40 ac. of land zoned R-1. Dranesville District. Tax Map 12-4 ((4)) 48.

Chairman DiGiulian called the applicant to the podium and asked if the affidavit before the Board of Zoning Appeals (BZA) was complete and accurate. Edward James Mella, 11260 English Mill Drive, Great Falls, Virginia, replied that it was.

Jennifer Josiah, Staff Coordinator, presented the variance request as contained in the staff report. The applicants requested a special permit to construct a one-story attached accessory dwelling unit to be located north and west of the existing dwelling. Staff recommended approval of the application.

Mr. Mella presented the special permit request as outlined in the statement of justification submitted with the application. He stated that the dwelling was to be an in-law suite for his parents.

Ms. Gibb asked if the applicant was in agreement with the development conditions. Mr. Mella stated that he was.

There were no speakers and Chairman DiGiulian closed the public hearing.

Ms. Gibb moved to approve SP 00-D-065 for the reasons stated in the Resolution.

//

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

EDWARD J. & JEANNE L. MELLA, SP 00-D-065 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit accessory dwelling unit. Located at 11260 English Mill Dr. on approx. 1.40 ac. of land zoned R-1. Dranesville District. Tax Map 12-4 ((4)) 48. Ms. Gibb moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on January 23, 2001; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. The applicants' presentation and staff's recommendation for approval indicated that they met all of the requirements for an accessory dwelling unit.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 8-918 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application, 11260 English Mill Drive (1.40 acres), and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by CAD-CON Consulting, Incorporated, dated October 17, 2000, revised through October 18, 2000, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use 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 occupant(s) of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance.
5. The accessory dwelling unit shall contain no more than 2 bedrooms.
6. There shall be three (3) garage parking spaces provided on the site as shown on the special permit plat.
7. 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.
8. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
9. Should the property sell, the only use for the accessory dwelling is that of an accessory dwelling unit in accordance with Sect. 8-918 of the Fairfax County Zoning Ordinance, or the range shall be removed and the structure incorporated as part of the main dwelling unit.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

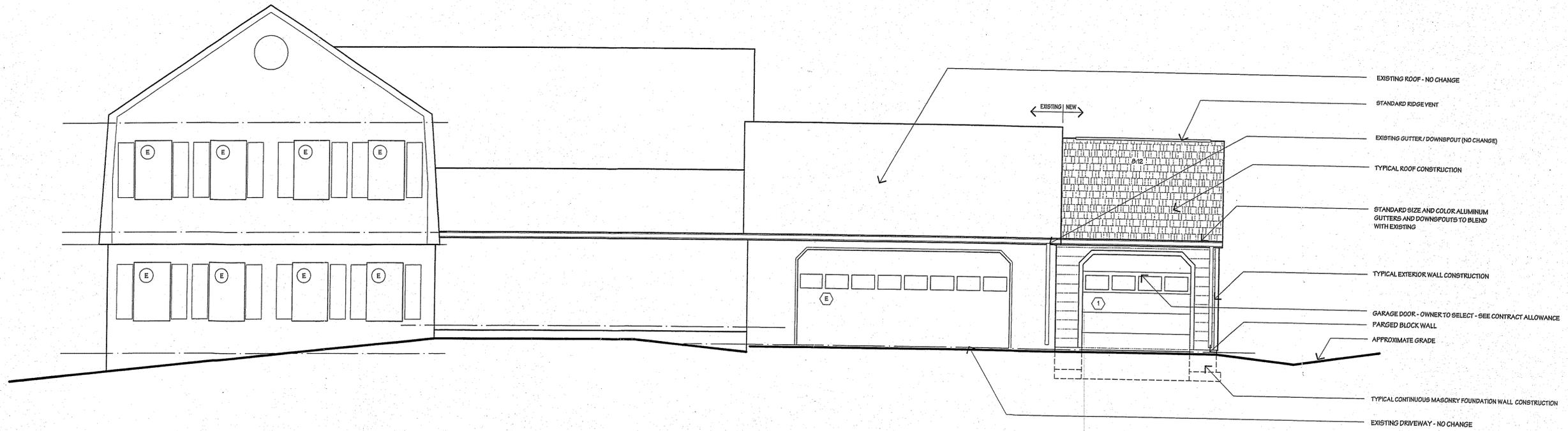
Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval\* unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use or to commence construction 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.

Mr. Kelley seconded the motion which carried by a vote of 5-0. Mr. Hammack and Mr. Ribble were not present for the vote.

\*This decision was officially filed in the office of the Board of Zoning Appeals and became final on January 31, 2001. This date shall be deemed to be the final approval date of this special permit.

//

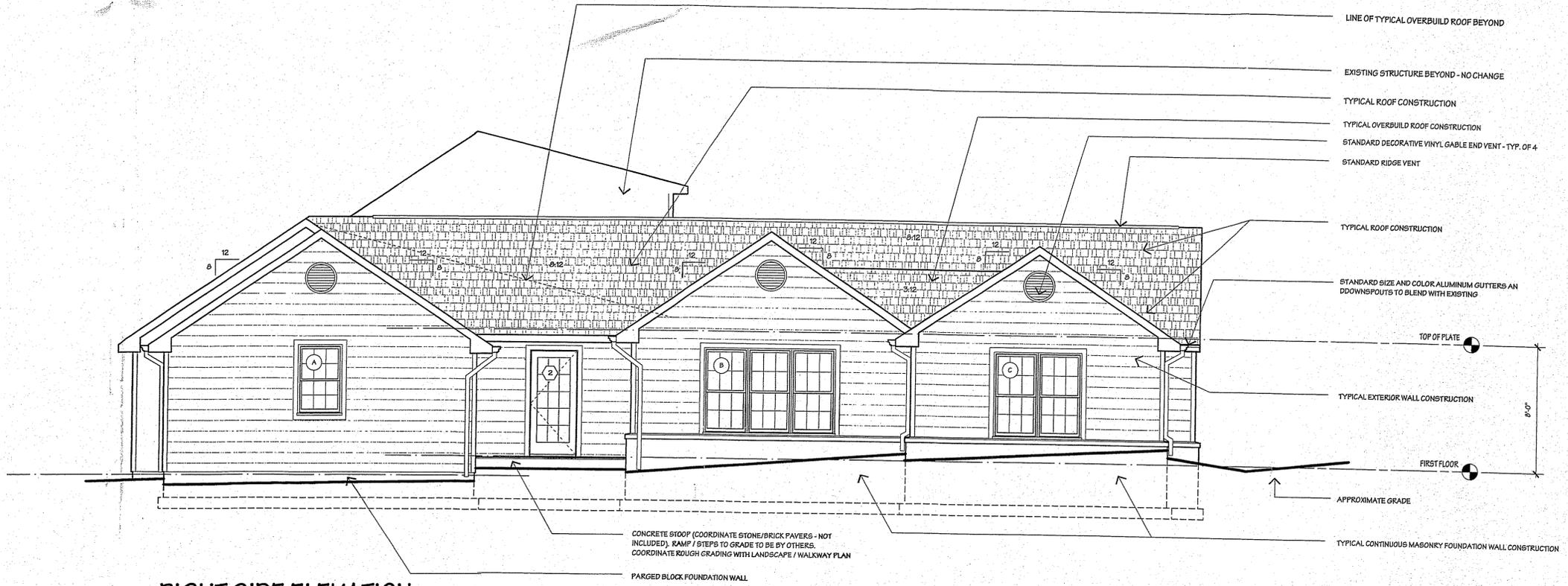




**FRONT ELEVATION**

1/4" = 1'-0"

- EXISTING ROOF - NO CHANGE
- STANDARD RIDGE VENT
- EXISTING GUTTER/DOWNSPOUT (NO CHANGE)
- TYPICAL ROOF CONSTRUCTION
- STANDARD SIZE AND COLOR ALUMINUM GUTTERS AND DOWNSPOUTS TO BLEND WITH EXISTING
- TYPICAL EXTERIOR WALL CONSTRUCTION
- GARAGE DOOR - OWNER TO SELECT - SEE CONTRACT ALLOWANCE
- PARGED BLOCK WALL
- APPROXIMATE GRADE
- TYPICAL CONTINUOUS MASONRY FOUNDATION WALL CONSTRUCTION
- EXISTING DRIVEWAY - NO CHANGE



**RIGHT SIDE ELEVATION**

1/4" = 1'-0"

- LINE OF TYPICAL OVERBUILD ROOF BEYOND
- EXISTING STRUCTURE BEYOND - NO CHANGE
- TYPICAL ROOF CONSTRUCTION
- TYPICAL OVERBUILD ROOF CONSTRUCTION
- STANDARD DECORATIVE VINYL GABLE END VENT - TYP. OF 4
- STANDARD RIDGE VENT
- TYPICAL ROOF CONSTRUCTION
- STANDARD SIZE AND COLOR ALUMINUM GUTTERS AND DOWNSPOUTS TO BLEND WITH EXISTING
- TOP OF PLATE
- TYPICAL EXTERIOR WALL CONSTRUCTION
- FIRST FLOOR
- APPROXIMATE GRADE
- TYPICAL CONTINUOUS MASONRY FOUNDATION WALL CONSTRUCTION

CONCRETE SLOOP (COORDINATE STONE/BRICK PAVERS - NOT INCLUDED). RAMP / STEPS TO GRADE TO BE BY OTHERS. COORDINATE ROUGH GRADING WITH LANDSCAPE / WALKWAY PLAN

PARGED BLOCK FOUNDATION WALL

Drawn By: JF	Date: 9/1/00
Designed By: JB	Revisions: CONTRACT
Scale: 1/4" = 1'-0"	Date: 7/28/00
Sheet: 3	Of: 5

Project: **MELLA RESIDENCE**  
**11260 INGLISH MILL DRIVE**  
**GREAT FALLS, VA 22066**

PO #  
 ADC MAP:

THESE PLANS HAVE BEEN PREPARED BY CASE DESIGN/REMODELING, INC. SOLELY FOR ITS USE AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTIES

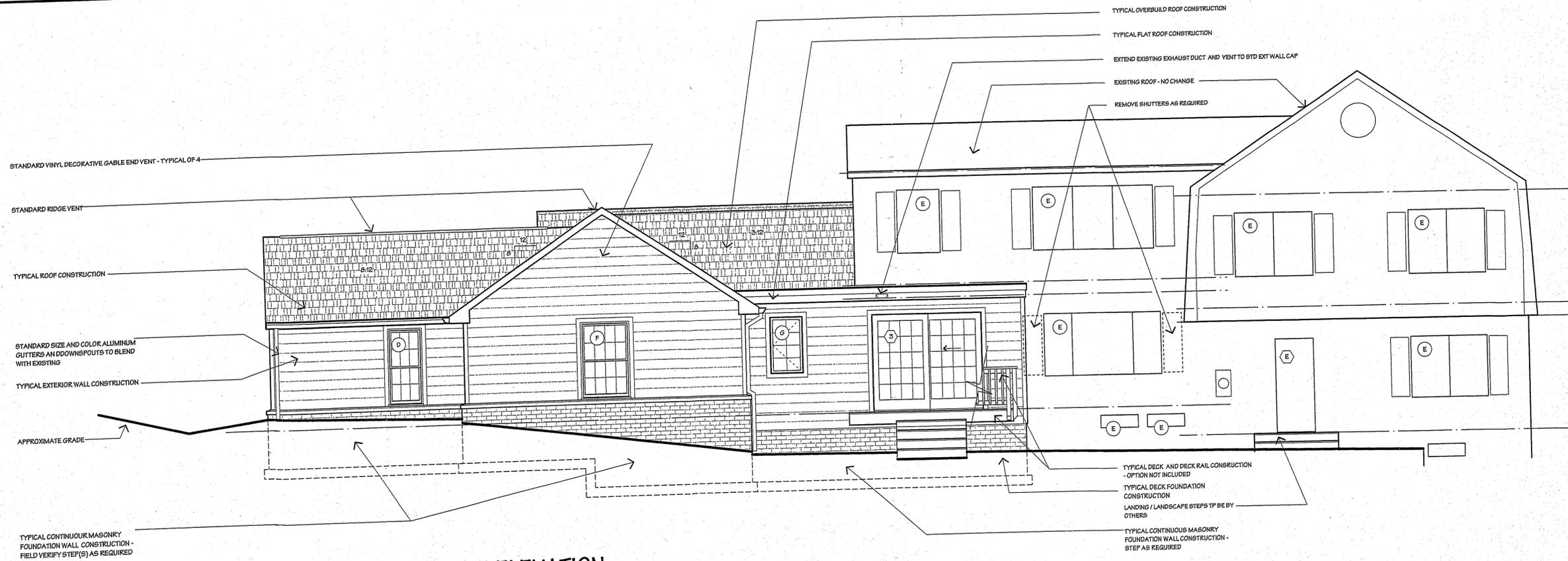
4701 Sangamore Road  
 North Plaza, Suite 40  
 Bethesda, MD 20816  
 301.229.4600  
 (f) 301.229.3185

701 Park Avenue  
 Falls Church, VA 22046  
 703.241.2980  
 (f) 703.534.0207

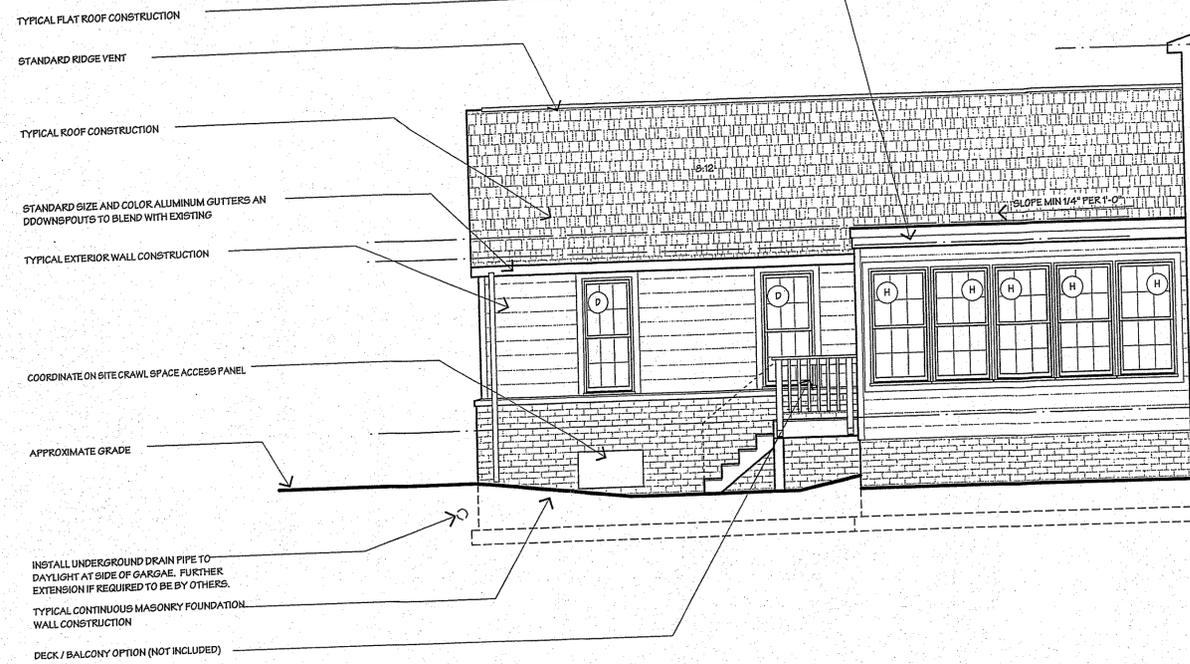
14301-C Sullyfield Circle  
 Chantilly, VA 20151  
 703.803.2273  
 (f) 703.803.9025



**Case**  
 Design/Remodeling Inc.  
 www.CaseDesign.com



REAR ELEVATION  
1/4" = 1'-0"



LEFT SIDE ELEVATION  
1/4" = 1'-0"

Drawn By: JB	Date: 9/1/00	Revisions: CONTRACT
Designed By: JB	Date: 7/26/01	Scale: 1/4" = 1'-0"
Sheet: 4	Of: 4	

Project: **MELLA RESIDENCE**  
 11260 INGLISH MILL DRIVE  
 GREAT FALLS, VA 22066  
 PO #  
 ADC MAP.

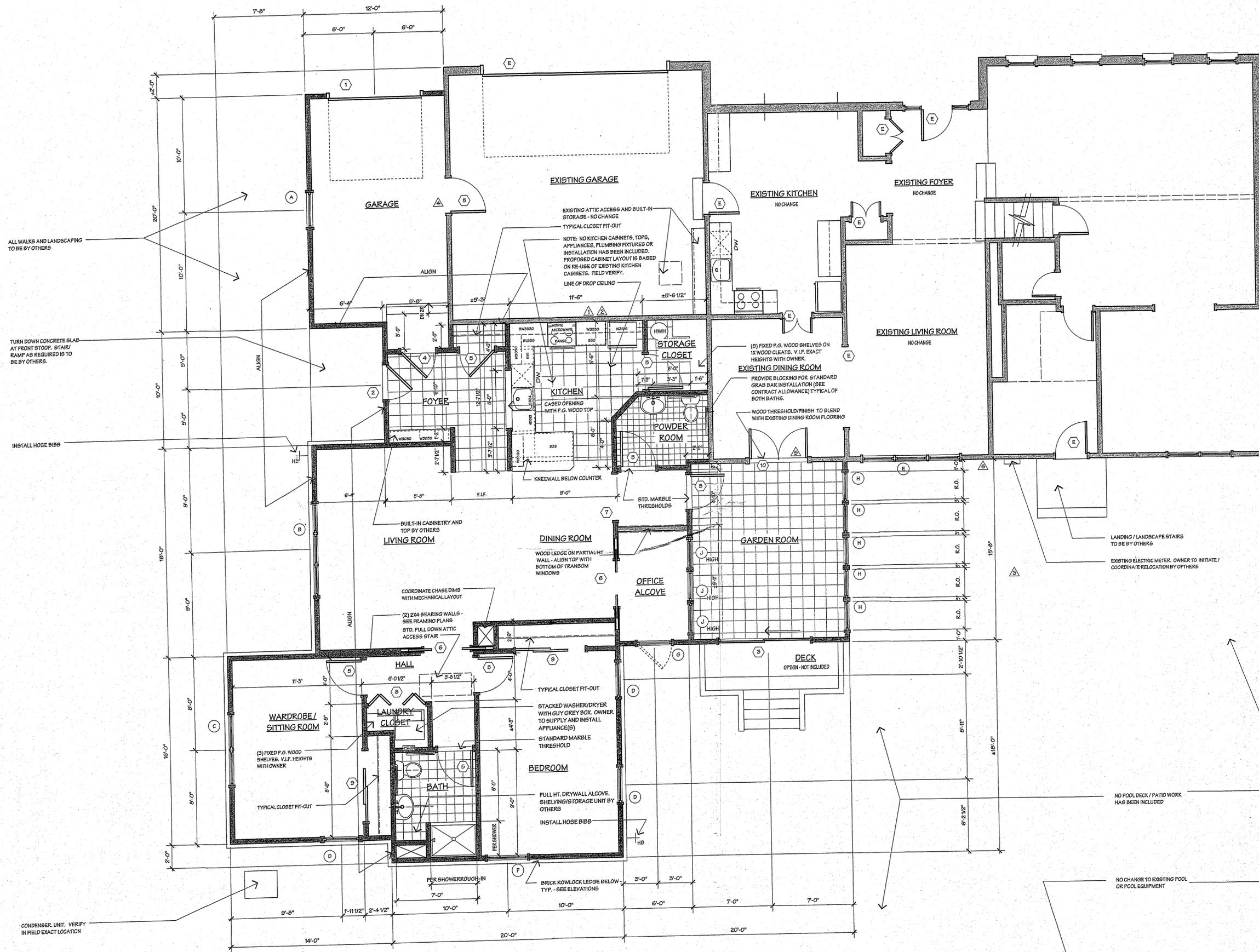
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 703.803.2273  
 (f) 703.803.9025





1  
A2  
1/4" = 1'-0"  
**First Floor Plan**

Revisions	Date	Drawn By: jf	Designed By: jf
CONTRACT	9/1/00		
SPECIAL USE PERMIT	10/10/00		
		Scale: 1/4" = 1'-0"	Date: 7/28/01
		Sheet: OF	2

Project: **MELLA RESIDENCE**  
**11260 INGLISH MILL DRIVE**  
**GREAT FALLS, VA 22066**  
 PO # ADC MAP.

THESE PLANS HAVE BEEN PREPARED BY CASE DESIGN/REMODELING, INC. SOLELY FOR ITS USE AND SHOULD NOT BE REPRODUCED BY ANY OTHER PARTIES

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**Case**  
 Design/Remodeling Inc.  
 www.CaseDesign.com

## **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.

### **8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location**

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building or a modification to the location regulations of any freestanding accessory structure existing or partially constructed which does not comply with such requirements applicable at the time such building or structure was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
  - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of well and/or septic field.
  - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.

- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

- 2. The BZA determines that:
  - A. The error exceeds ten (10) percent of the measurement involved, or
  - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
  - C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
  - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
  - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
  - F. It will not create an unsafe condition with respect to both other property and public streets, and
  - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.

- H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
- 3. In granting such a reduction or modification under the provisions of this Section, the BZA shall allow only a reduction or modification necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
- 4. Upon the granting of a reduction or modification for a particular building or structure in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
- 5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

### **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.