



County of Fairfax, Virginia

February 25, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-DR-254

DRANESVILLE DISTRICT

APPLICANT/OWNER: Gerlinde S. Kleman, Trustee

STREET ADDRESS: 1328 McCay Ln., McLean 22101

SUBDIVISION: Mary Arden Batch Property, Lt. A

TAX MAP REFERENCE: 31-2 ((1)) 64A

LOT SIZE: 25,487 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISIONS: 8-918

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-DR-254 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.

Casey V. Gresham

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.

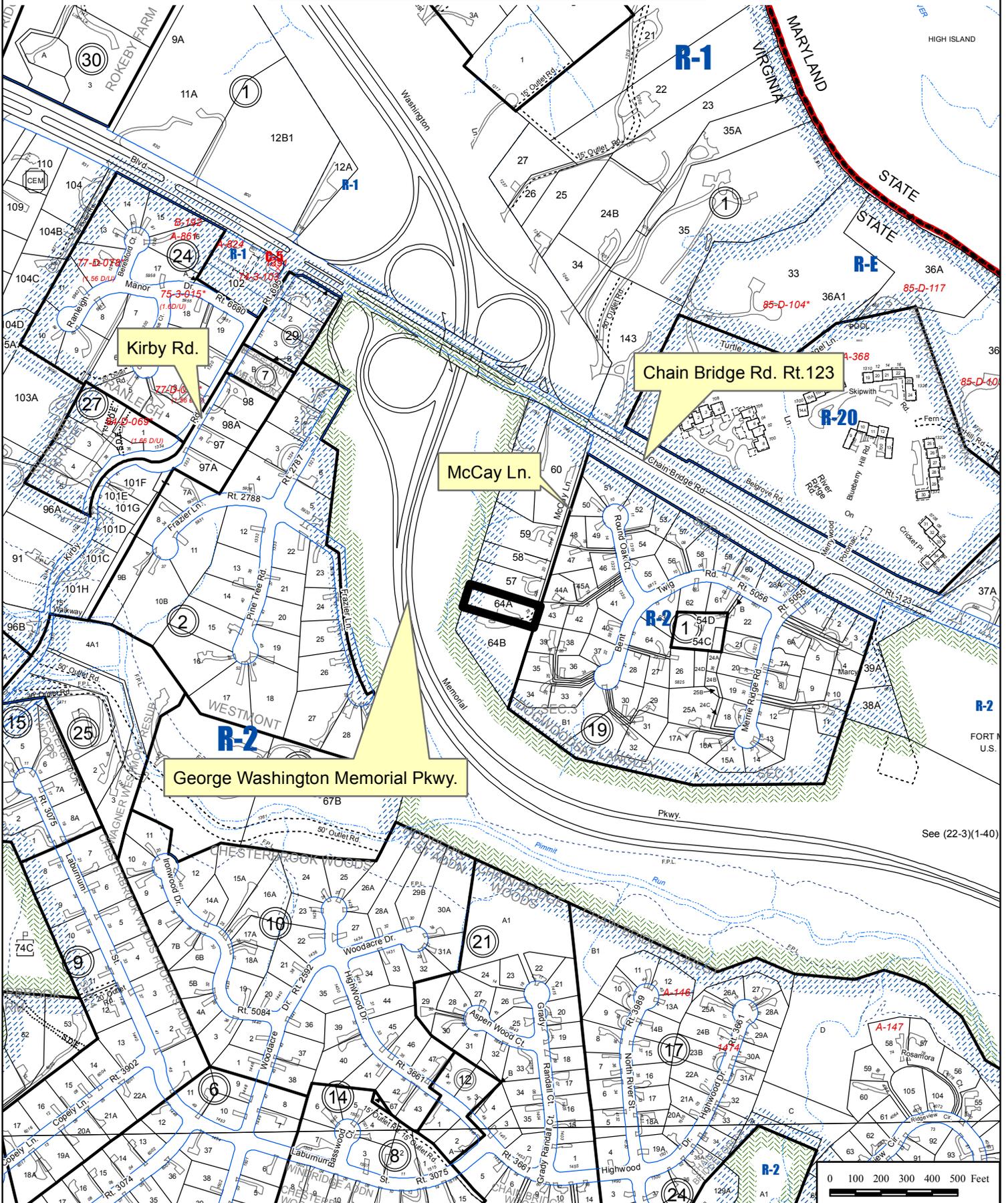
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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-DR-254
GERLINDE S. KLEMAN, TRUSTEE

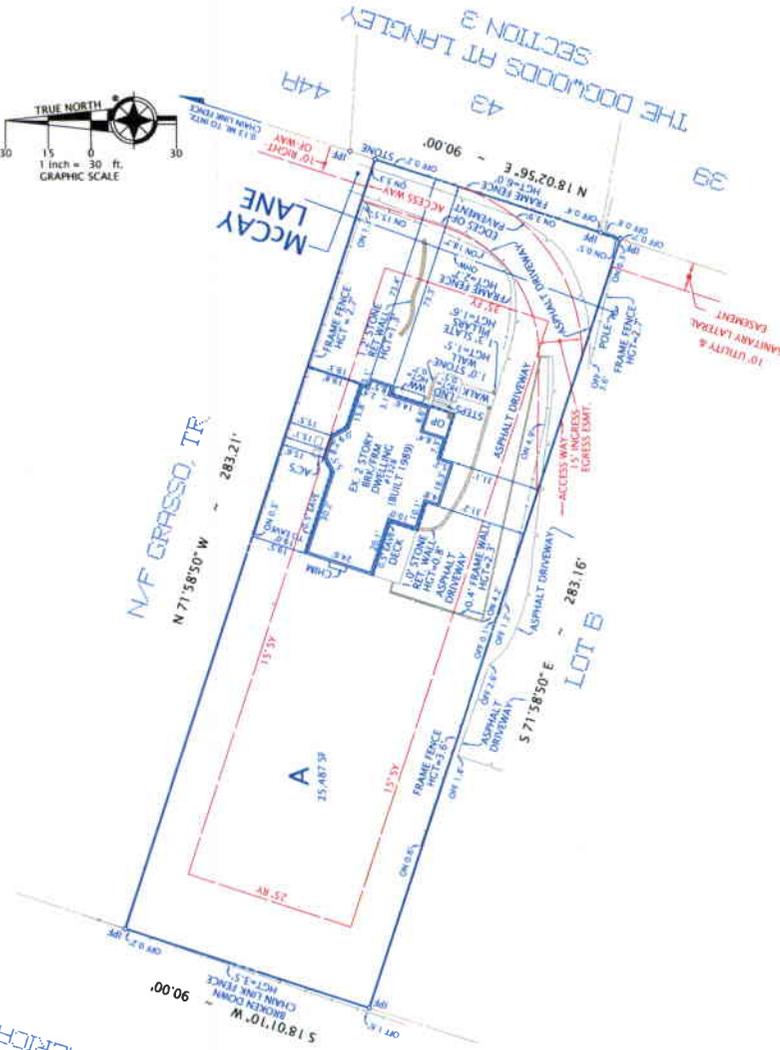
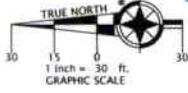


See (22-3)(1-40)

0 100 200 300 400 500 Feet

GEORGE WASHINGTON
MEMORIAL HIGHWAY
VARIABLE WIDTH
APPROXIMATE LOCATION OF
UNPAVED REGIONAL TRAIL

N/F UNITED STATES OF AMERICA



NOTES

- TAX MAP: 31-2-01-0064A
- ZONE: R-2 (RESIDENTIAL 2 DU/AC)
- LOT AREA: 25,487 SF. (0.5851 ACRE)
- REQUIRED YARDS:
 - FRONT: = 35.0 FEET
 - SIDE: = 15.0 FEET
 - REAR: = 25.0 FEET
- HEIGHTS:
 - EX. DWELLING = 30.6 FEET (MIDLINE OF ROOF)
 - EX. WALLS = AS NOTED
 - EX. FENCES = AS NOTED
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- AREAS:
 - EX. BASEMENT = 1,533 SF
 - EX. FIRST FLOOR = 2,021 SF
 - EX. SECOND FLOOR = 2,012 SF
 - EX. THIRD FLOOR = 1,006 SF
 - EX. GROSS FLOOR AREA = 6,572 SF
- ACCESSORY DWELLING UNIT = 504 SF.
(504 SF / 6,572 SF = 0.08)

PLAT
SHOWING THE IMPROVEMENTS ON
LOT A
OF THE PROPERTY BELONGING TO
MARY ARDEN BATCH
(DEED BOOK 3894, PAGE 0339)
FAIRFAX COUNTY, VIRGINIA
DRANESVILLE DISTRICT
NOVEMBER 18, 2014
SCALE: 1" = 30'



I HEREBY CERTIFY THAT THE PORTIONS OF ALL PLATS AND MAPS PREPARED BY ME 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.

ORDERED BY:
LINDA WINTON

DOMINION Surveyors, Inc.
8808 HILTON HALL VILLAGE COURT
ALEXANDRIA, VA 22304
PHONE: 703-619-5555
FAX: 703-795-6412

SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit for an accessory dwelling unit (ADU) in an existing single family detached home.

A copy of the special permit plat, titled "Plat Showing the Improvements on Lot A of the Property Belonging to Mary Arden Batch," prepared by George M. O'Quinn, L.S., dated November 18, 2014, is included at the front of this report.

The proposed conditions, the applicant's statement of justification and file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The 25,487 square foot lot is developed with a 2½ story single-family detached dwelling. An asphalt driveway extends to McCay Lane, and a walkway leads from the driveway to the front entrance of the dwelling. The driveway accesses a garage, and a deck is located over this garage entrance. A wood frame fence approximately 2.7 feet in height is located along the northern property line and encloses a portion of the front yard, and a frame fence 3.6 foot wood frame fence is located along the southwestern property line. A chain link fence approximately 3.5 feet in height is located along the western property line.

A 15 foot ingress-egress easement in the form of a shared driveway is present in the front yard, which allows vehicular access to the adjacent neighbor's property. A portion of the 3.6 foot frame fence is located within this easement.

The subject property and surrounding properties are zoned R-2 and developed with single family detached dwellings.



Figure 1: House Location

BACKGROUND

Fairfax County Tax Records indicate that the dwelling was constructed in 1989 and purchased by the applicant in 2003.

Records indicate that no other special permit or variance applications relating to an accessory dwelling unit have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE PROPOSED USE

The applicant is requesting approval of a special permit for an accessory dwelling unit in a single family detached home. The proposed accessory dwelling unit would be 504 square feet in size and account for 8% of the total gross floor area of the existing structure (6,572 square feet). The proposed accessory dwelling unit would contain a recreation or bedroom, storage area, a kitchen, and a bathroom. The layout of these rooms is depicted in the attached floor plan (Attachment 1).

The applicant and her husband request the ADU in case ground floor living is necessitated due to declining health; or, the unit will be used for a potential housekeeper. Both of the owners are over the age of 55 and qualify for an ADU under the Zoning Ordinance Provisions.

Ample parking exists in the driveway for the applicant and the applicant’s family members.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, McLean Planning District
Planning Sector: Kirby Community Planning Sector (M3)
Plan Map: Residential, 2-3 du/ac

Zoning Ordinance Requirements (Appendix 4)

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

General Special Permit Standards (Sect. 8-006)

Standards 1 and 2 <i>Comprehensive Plan/ Zoning District</i>	The Comprehensive Plan recommends residential uses, and the property is developed with a residential use. The Zoning Ordinance allows an accessory dwelling unit with special permit approval. In staff’s opinion, the proposed use is in
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	harmony with the Comprehensive Plan and the general purpose and intent of the R-2 District.
Standard 3 <i>Adjacent Development</i>	No new construction is proposed, and there would be no exterior evidence of an ADU. Staff believes that this ADU would be harmonious with the surrounding area and would not hinder the use or development of neighboring properties.
Standard 4 <i>Pedestrian/Vehicular Traffic</i>	Staff believes that the proposed use would not significantly impact pedestrian or vehicular traffic.
Standard 5 <i>Landscaping/Screening</i>	The existing home is screened from adjacent properties by dense evergreen vegetation.
Standard 6 <i>Open Space</i>	The accessory dwelling unit request does not decrease the open space on the lot.
Standard 7 <i>Utilities, Drainage, Parking and Loading</i>	Existing facilities appear to be able to adequately serve the accessory dwelling unit. In addition, staff believes there is sufficient parking to accommodate the proposed use.
Standard 8 <i>Signs</i>	No signage is proposed.

Group 9 Standards (Sect. 8-903)

Standard 1 <i>Lot Size and Bulk Regulations</i>	The property complies with the lot size and bulk regulations for the R-2 District.
Standard 2 <i>Performance Standards</i>	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 <i>Site Plan</i>	The structure is not subject to site plan review.

Additional Standards for Accessory Dwelling Units (Sect. 8-918)

Standard 1 <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; this standard is met.
Standard 2 <i>Structure Shall be Located Within Single Family Dwelling</i>	The proposed ADU would be within the existing home, and entrances would be located on the rear of the addition.
Standard 3 <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 8% of the total GFA. This standard is met.
Standard 4 <i>Max. 2 Bedrooms</i>	The application indicates that the ADU includes on recreation area / bedroom. This standard is met.
Standard 5 <i>Occupancy Standards</i>	The applicant, who would reside in the principle dwelling or in the ADU, owns the property and meets the qualifications of "elderly" as defined by the Zoning Ordinance.

Standard 6 <i>Reasonable Access for a Disabled Person</i>	The applicant has indicated that she will occupy the ADU, and that she is not disabled. However, the dwelling unit would contain uninterrupted access to one entrance.
Standard 7 <i>Sufficient Parking</i>	The property includes ample parking.
Standard 8 <i>Will Not Modify or Disrupt Character of Neighborhood</i>	Staff believes that the use of the ADU, as proposed, would not constitute sufficient change to modify or disrupt the predominant character of the neighborhood.
Standard 9 <i>Regulations for Safety, Health, Sanitation</i>	This standard requires any ADU to meet applicable regulations for building, safety, health, and sanitation. A development condition is proposed to this effect.
Standard 10 <i>Recorded</i>	A condition is proposed requiring the approval to be recorded among Fairfax County land records.
Standard 11 <i>Inspection</i>	A condition is proposed requiring the owner to allow inspections of the property by County personnel during reasonable hours upon prior notice.
Standard 12 <i>Approved for 5 Years</i>	A condition is proposed addressing this standard.
Standard 13 <i>Approval Prior to July 27, 1987</i>	This standard is not applicable.

CONCLUSION / RECOMMENDATION

With the implementation of the proposed development conditions, staff believes that the request is in conformance with the Comprehensive Plan and the applicable Zoning Ordinance provisions.

Staff recommends approval of SP 2014-DR-254 for an accessory dwelling unit subject to 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.

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 Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. Applicable Zoning Ordinance Provision

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-DR-254****February 25, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-254 located at Tax Map 31-2 ((1)) 64A to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

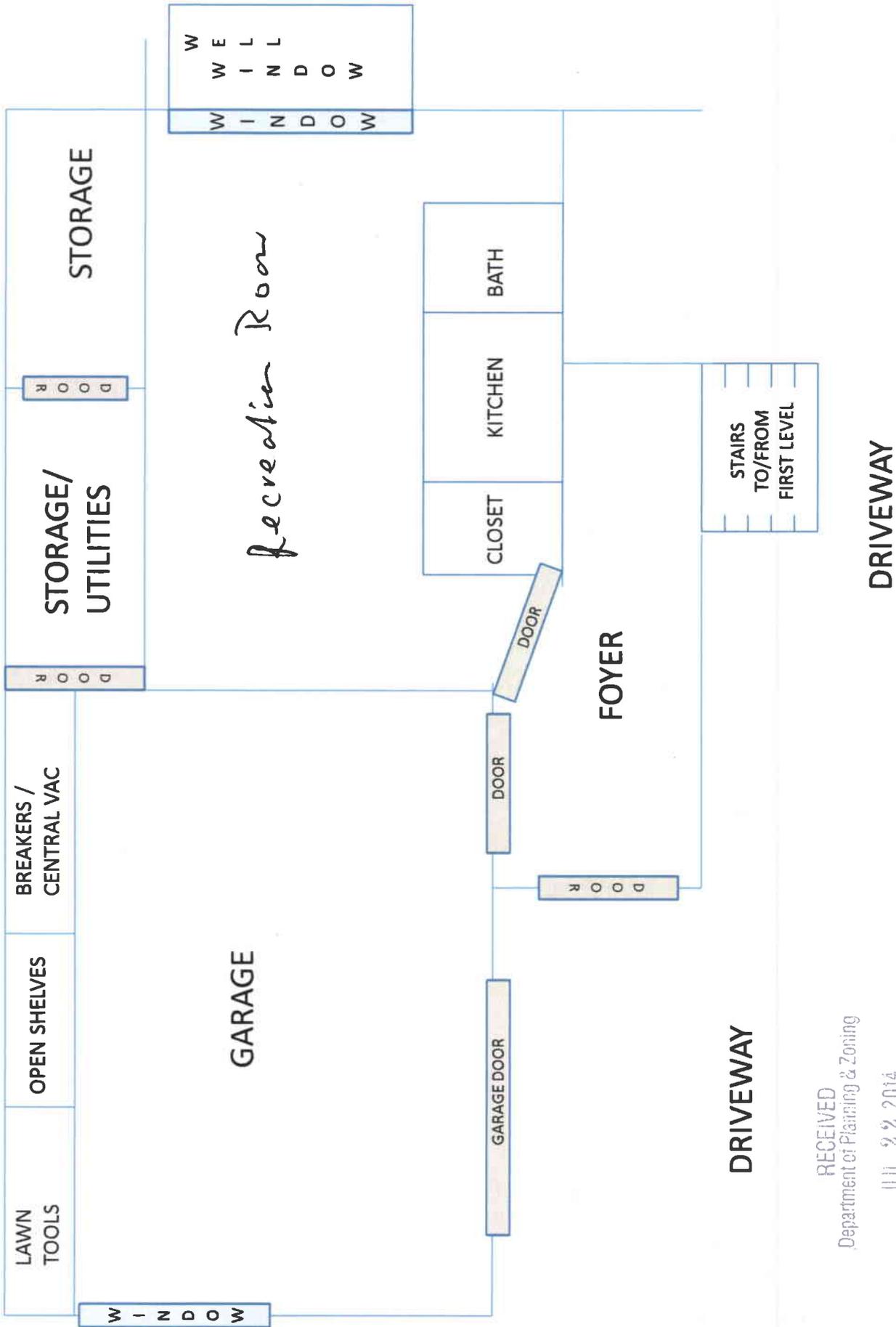
1. This special permit is approved for the location of the accessory dwelling unit, as shown on the special permit plat, titled "Plat Showing the Improvements on Lot A of the Property Belonging to Mary Arden Batch," prepared by George M. O'Quinn, L.S., dated November 18, 2014.
2. This approval is granted to the applicant only, Gerlinde Kleman, Trustee, and is not transferable without further action of this Board, and is for the location indicated on the application, 1328 McCay Lane, and is not transferable to other land.
3. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to final inspection. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
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 504 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
6. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
7. The accessory dwelling unit shall be approved for a period of five years from the final approval date of the special permit and may be extended for five year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.

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

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

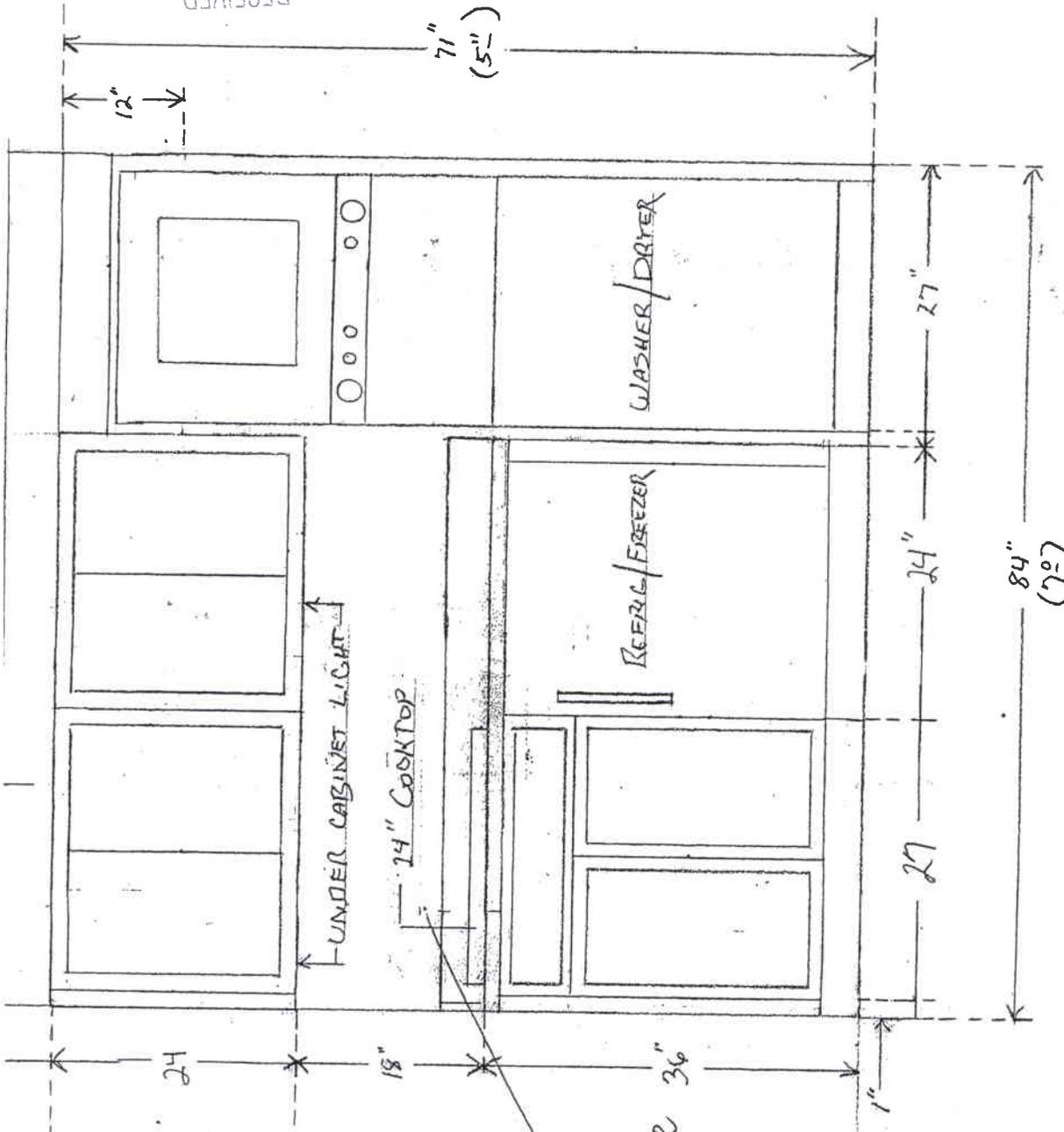
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written 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.

Lower Level



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JUL 22 2014
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proposed
kitchen
approved
All approved
except cooktop
14"
OR
OR small stove 36"

SCALE 3/4" = 1'0"

DEC 03 2014

SPECIAL PERMITS

Zoning Evaluation Division

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:

Correct

✓ 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.

The percentage is 8% @ 504 sq. ft.

✓ 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.

Comply

✓ 4. The accessory dwelling unit shall contain not more than two (2) bedrooms.

Owner occupied

✓ 5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:

owner occupied

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:

owner is over 55 years of age

(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.

FAIRFAX COUNTY ZONING ORDINANCE

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.

No additional parking required 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.

Does not change character of neighborhood 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.

meet regulation of public health & safety 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.

CHECKLIST REPORT

<u>Status</u>	<u>Item</u>	<u>Submission Requirement</u>	<u>Comment</u>
SUBMISSION REQUIREMENT			
COMPLETE	5.04	PROPOSED NUMBER EMPLOYEES/ATTENDANTS/TEACHERS ETC.	
COMPLETE	5.05	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.	
COMPLETE	5.06	VICINITY OR GENERAL AREA TO BE SERVED BY THE USE	
COMPLETE	5.07	DESCRIPTION OF BUILDING FACADE AND ARCHITECTURE OF PROPOSED NEW BUILDING OR ADDITIONS.	
DEFICIENT	5.08	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 COMMONWEALTH OF VIRGINIA/ DEPARTMENT OF WASTE MANAGEMENT REGULATIONS VR 672-10-1-VIRGINIA 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.	PROVIDE THIS STATEMENT
<i>There are no hazardous materials present</i>			
	<i>llh 12/3</i>		
DEFICIENT	5.09	A STATEMENT THAT THE PROPOSED DEVELOPMENT CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS OR, IF ANY WAIVER, EXCEPTION OR VARIANCE IS SOUGHT BY THE APPLICANT, SUCH SHALL BE SPECIFICALLY NOTED WITH THE JUSTIFICATION FOR SUCH MODIFICATION.	PROVIDE THIS STATEMENT
<i>Application meets all applicable ordinances</i>			
	<i>llh 12/3</i>		
COMPLETE	6.00	A STATEMENT WHICH CONFIRMS THE OWNERSHIP OF THE SUBJECT PROPERTY, AND THE NATURE OF THE APPLICANT'S INTENT IN SAME. IF THE APPLICANT IS NOT THE OWNER OF THE PROPERTY INVOLVED IN THE APPLICATION, EVIDENCE MUST BE SUBMITTED SHOWING THAT THE APPLICANT WILL HAVE THE RIGHT TO USE THE PROPERTY AS PROPOSED.	

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Department of Planning & Zoning

DEC 03 2014

Zoning Evaluation Division

November 17, 2014

Deborah Lesko Pemberton
Senior Applications Acceptance Planner
County of Fairfax, Virginia
Department of Planning and Zoning
12055 Government Center Parkway, Suit1 801
Fairfax, Virginia 22035-5509

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Department of Planning & Zoning

DEC 03 2014

Zoning Evaluation Division

RE: Special Permit Application – Gerlinde S. Kleman
1328 McCay Lane, McLean, Va. 22101

Special Permits 8-918

The following indicates my compliance with 8-918. Additional Standards for Accessory Dwelling Units.
My responses are numbered in accordance with those in 8-918.

1. Correct
2. Comply **504**
- 3. Approx. 480 sq. 10ft. – approx. 10.7 percent of total gross floor area of principal residence
4. Comply
5. A. Owner occupied
B.
(1) Yes, owner and husband are both over 55 years of age
(2) N/A
C. Accessory dwelling unit will be occupied by no more than 2 people
6. N/A
7. Will meet all of the requirements – no additional parking is required
8. The accessory dwelling unit is entirely within the primary residence. It is not visible from the outside and does not change the character of the neighborhood.
9. Will meet all of the requirements.
10. Agreed
11. Agreed
12. Aging in Place
13. N/A

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). **ADU**
- B. Hours of operation. **N/A**
- C. Estimated number of patrons/clients/patients/pupils/etc. **N/A**
- D. Proposed number of employees/attendants/teachers/etc. **N/A**
- 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**
- F. Vicinity or general area to be served by the use. **N/A**
- G. Description of building facade and architecture of proposed new building or additions. **Bride residence**
ADU is part of residence
- 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. **N/A**
- 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.

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Husband is 79 going on 80 year old.
Wife is 73, going on 74 year old.

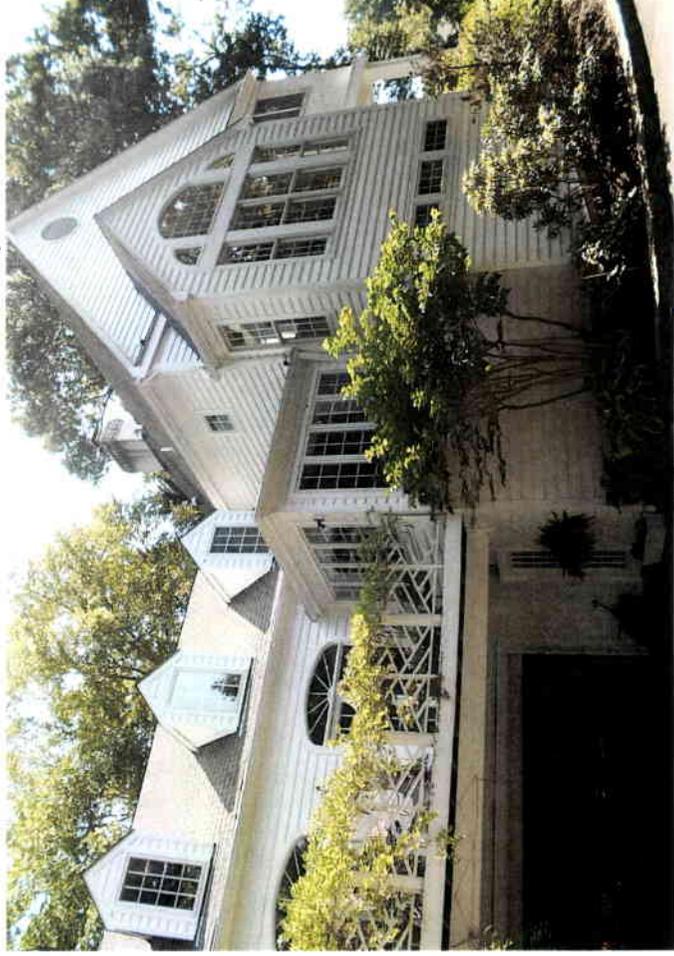
The proposed ADU would be used solely for personal use in case of ground floor living necessitated due to declining health by owner's (both over 55) or potential housekeeper.

The proposed ADU conforms entirely with all applicable regulations. It does in no way change the exterior of the home.

1328 MCCAY LANE
AND
ADJOINING HOMES
AT 1326 AND 1330



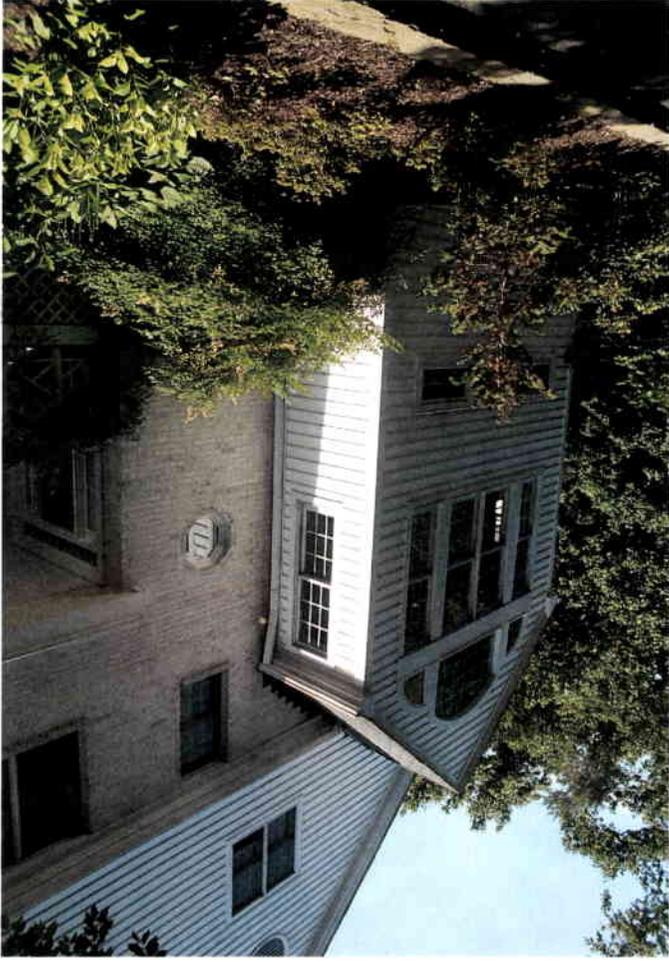
FRONT OF 1330 McCay Lane



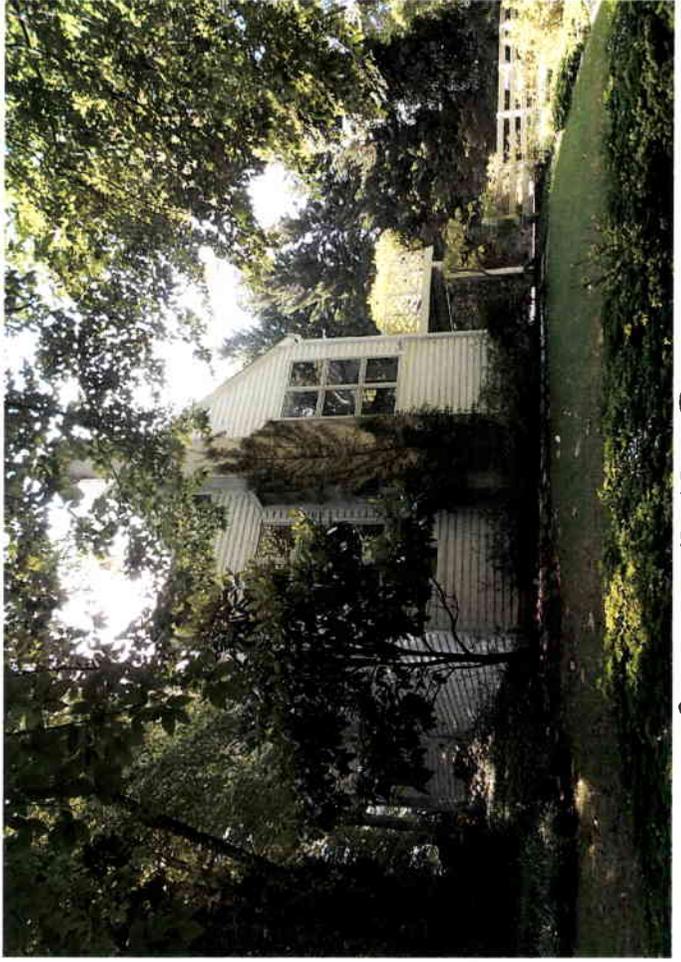
SOUTH SIDE OF 1328 McCay Lane



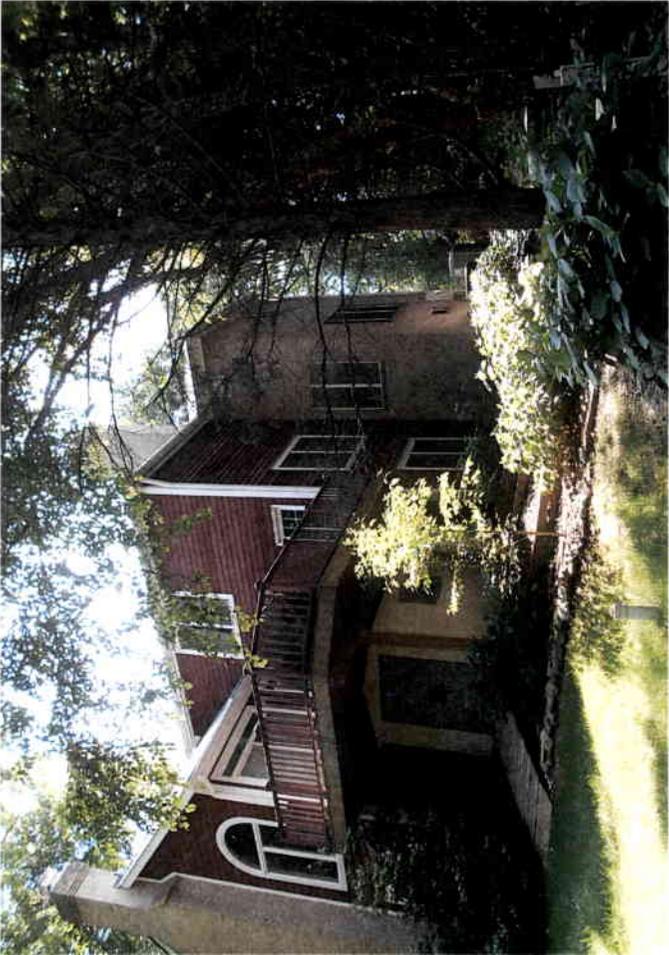
FRONT OF 1326 McCay Lane



SOUTH SIDE OF 1328



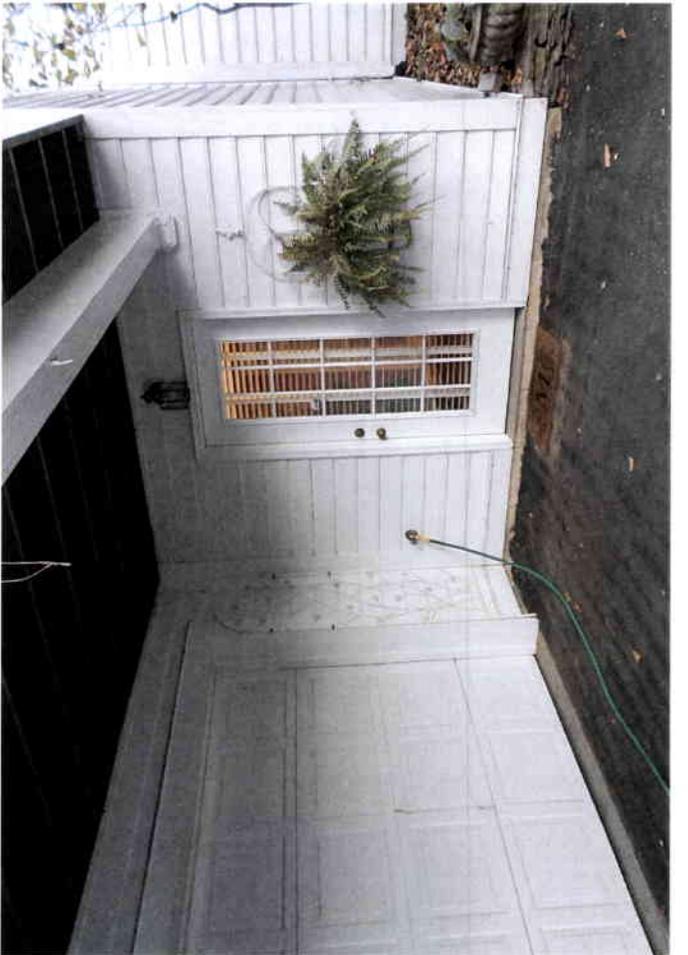
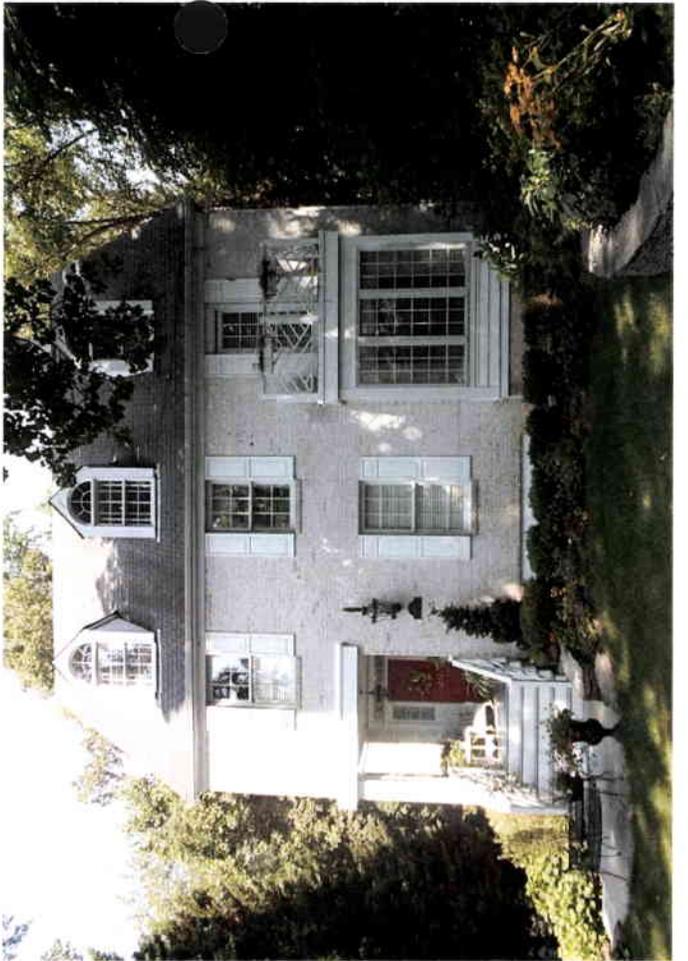
REAR OF 1328

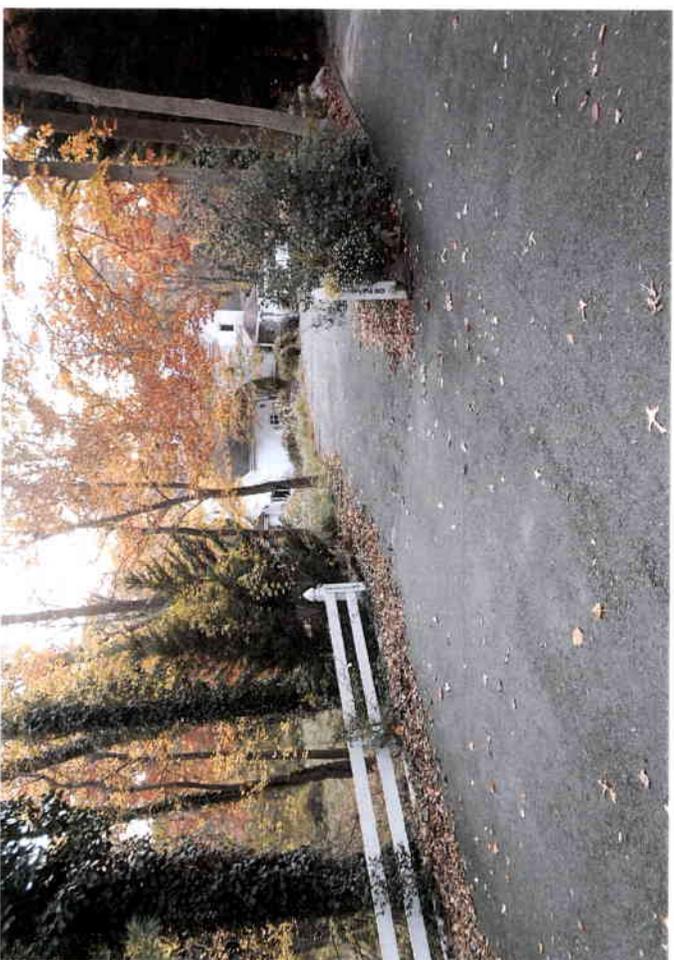
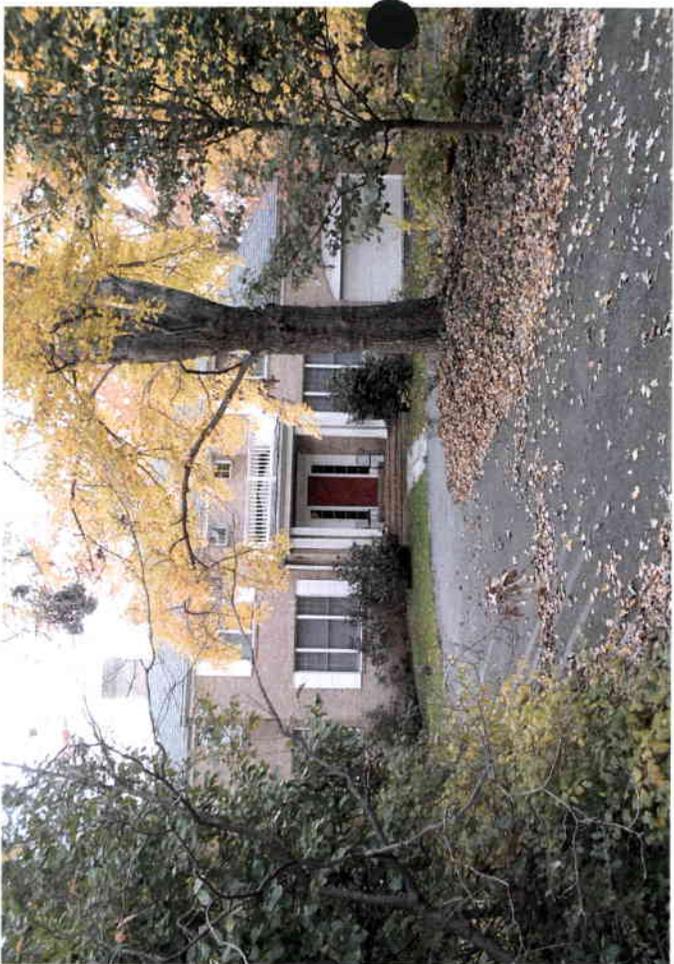


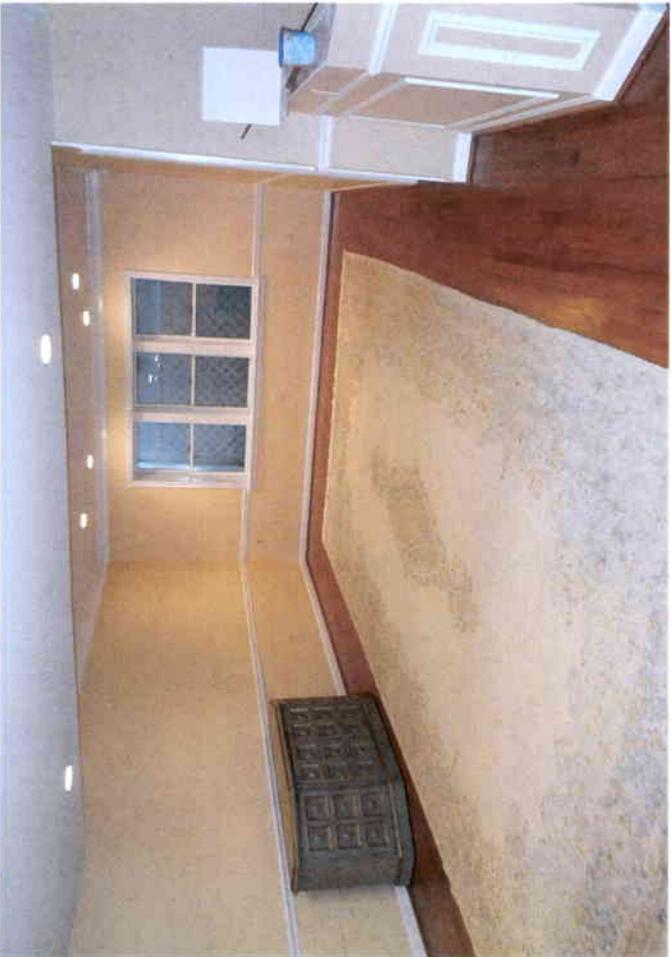
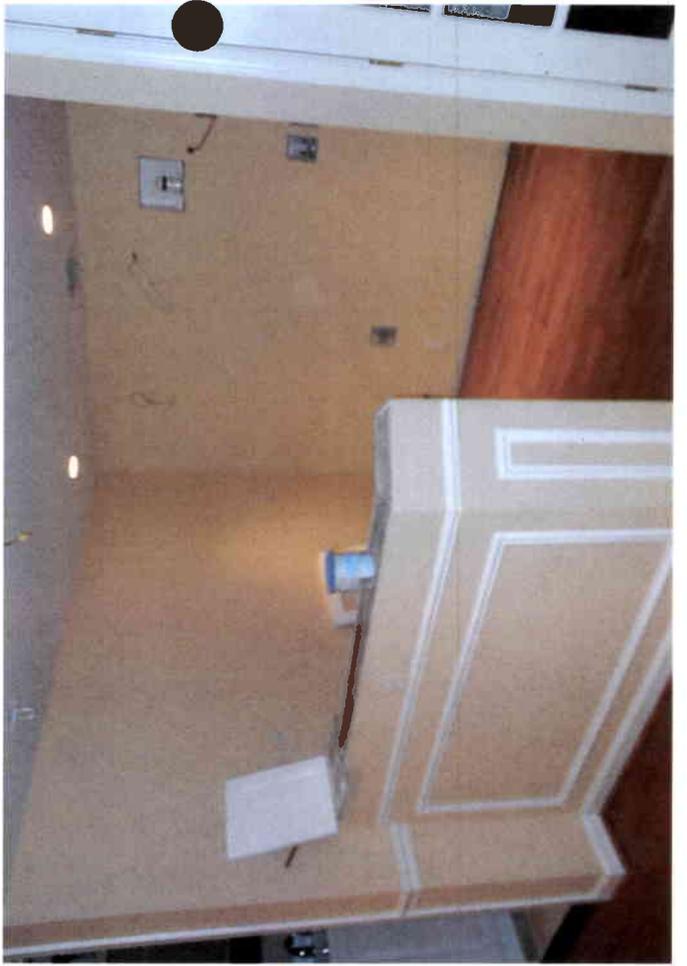
REAR OF 1326

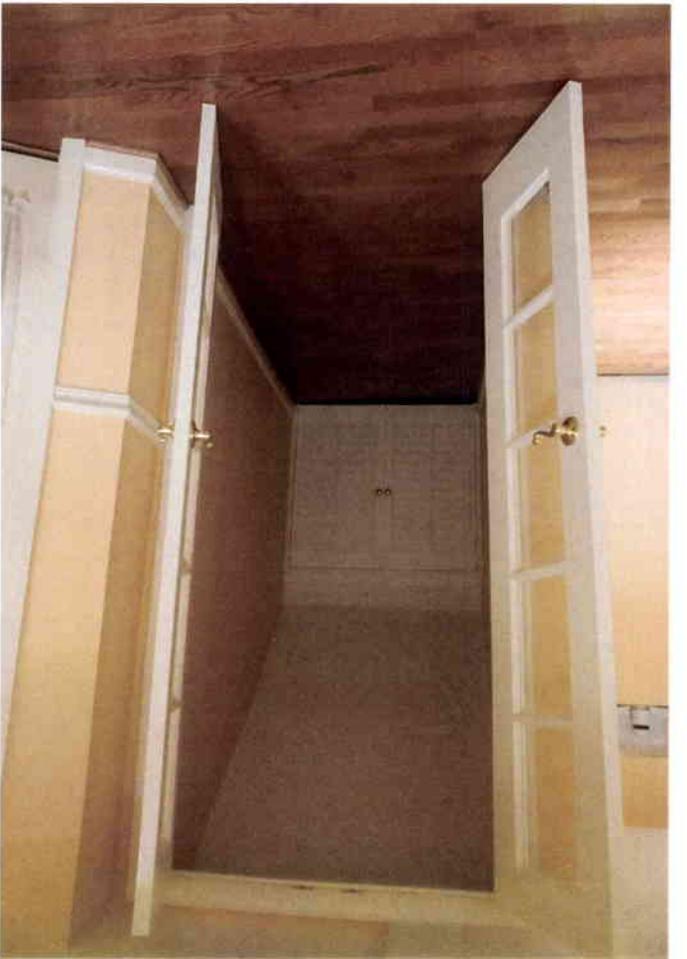


NORTH SIDE OF 1328









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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 7, 2014
(enter date affidavit is notarized)

126453

I, Gerlinde S. Klemm, 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)
---	--	---

<u>Gerlinde S. Klemm</u>	<u>1328 McCay Lane McLean, Va. 22101</u>	<u>Applicant/owner</u>
--------------------------	--	------------------------

(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): _____
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Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

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

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

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

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

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

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

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

None

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 7, 2014
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126453

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)

Julinde S. Klemm 11/7/2014
 Applicant [] Applicant's Authorized Agent

Gerlinde S. Klemm 11/7/2014
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 7th day of November 2014, in the State/Comm. of Virginia, County/City of Fairfax.

Brittany Dawn DiCesare
Notary Public

My commission expires: 7/31/2017

Brittany Dawn DiCesare
NOTARY PUBLIC
REG. #7542887
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JULY 31, 2017

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.

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.