



**SPECIAL PERMIT ACCEPTED:** January 28, 2015  
**BOARD OF ZONING APPEALS:** April 15, 2015 @ 9:00 a.m.

# County of Fairfax, Virginia

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**April 8, 2015**

## **STAFF REPORT**

**SPECIAL PERMIT NO. SP 2015-MV-017**

**MOUNT VERNON DISTRICT**

**APPLICANTS/OWNERS:** Shafiq, Muhammad and Rubina Shafiq

**SUBDIVISION:** Williamsburg Manor North

**STREET ADDRESS:** 8001 Lynnfield Drive, Alexandria, 22306

**TAX MAP REFERENCE:** 102-1 ((33)) 20

**LOT SIZE:** 14,387 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-918

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

### **STAFF RECOMMENDATION:**

Staff recommends approval of SP 2015-MV-017 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 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 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 (5) days after the decision becomes final.

*Laura B. Arseneau*

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.

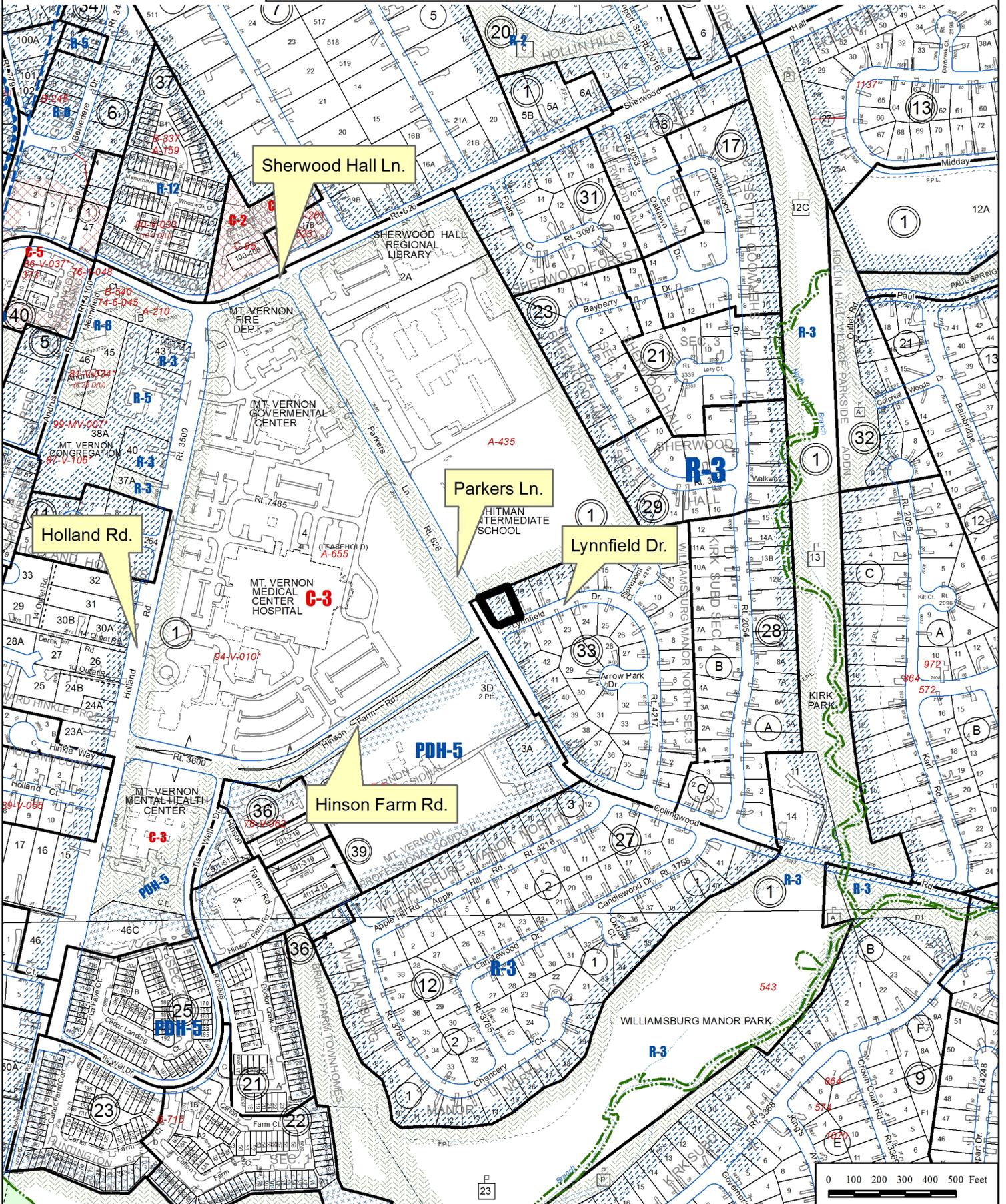
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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 2015-MV-017  
SHAFIQ MUHAMMAD & RUBINA SHAFIQ

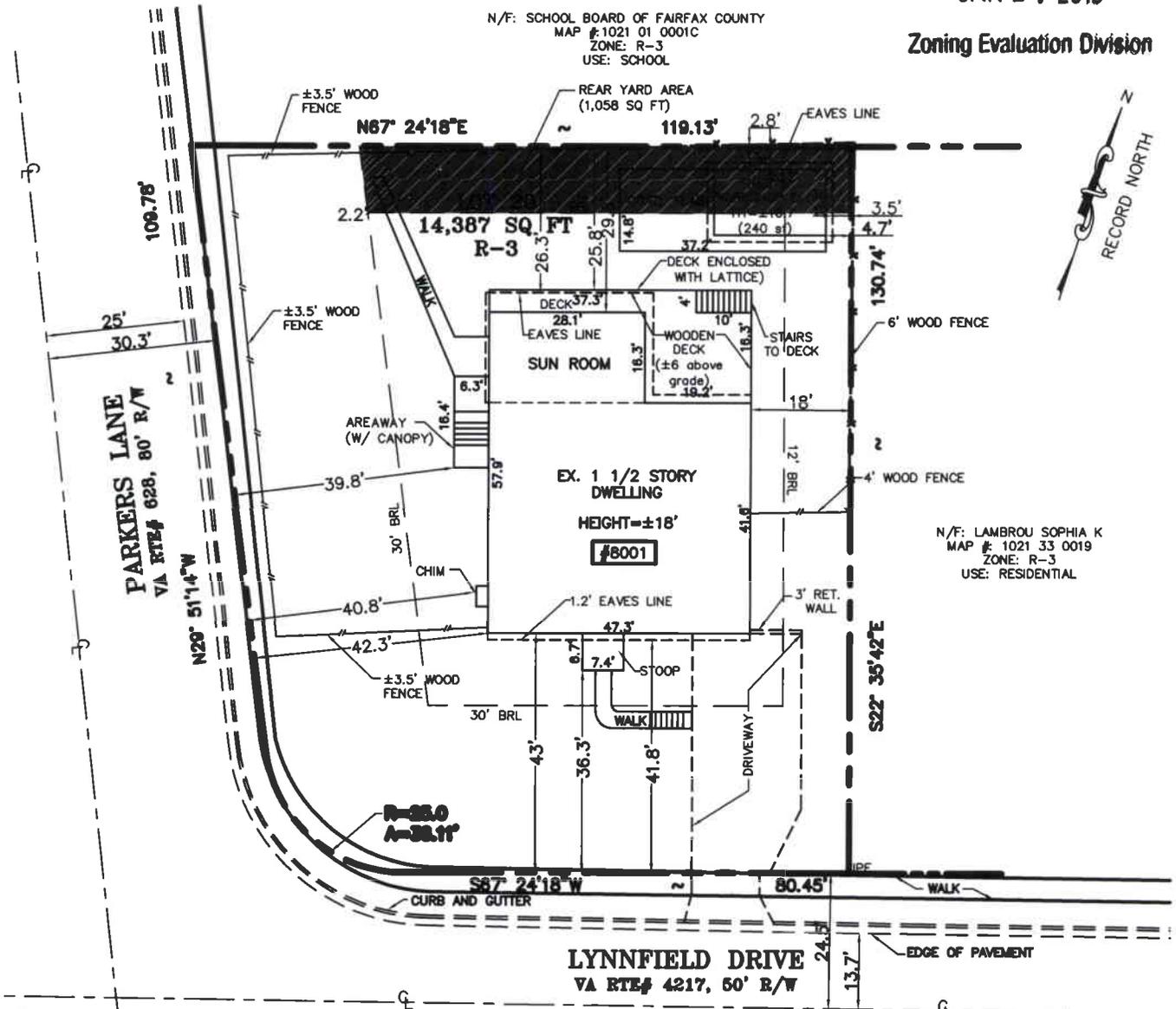


JAN 27 2015

Zoning Evaluation Division

N/F: SCHOOL BOARD OF FAIRFAX COUNTY  
MAP #1021 01 0001C  
ZONE: R-3  
USE: SCHOOL

N/F: LAMBROU SOPHIA K  
MAP # 1021 33 0019  
ZONE: R-3  
USE: RESIDENTIAL



NOTES:

1. TAX MAP#: 102-1-((33))-20
2. OWNER OF RECORDS: SHAFIQ MUHAMMAD, SHAFIQ RUBINA  
DEED BOOK: 13074, PAGE: 1781
3. LOCATION OF FENCES ARE APPROXIMATE.
4. THE DWELLING IS SERVED BY PUBLIC WATER AND SEWER SYSTEM.
5. THERE IS NO FLOOD PLAIN OR RESOURCE PROTECTION AREA ON THE LOT.
6. THERE IS NO GRAVEYARD OR BURIAL SITE ON THE LOT.
7. NO UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE, OR NO OTHER EASEMENTS EXIST ON THE LOT.
8. GROSS FLOOR AREA
  - 8.1. PRINCIPAL BUILDING=1967 (BSMT)+1967 1ST FLOOR+458 SUNROOM=4,392 SQ FT
  - 8.2. SHED & WORKSHOP BLD (ACCESSORY BLD)=241 SQ FT OR 5.5% OF PRINCIPAL STRUCTURE
  - 8.3. ACCESSORY DWELLING, SECTION IN THE BASEMENT=494 SQ FT OR 494/4,392 (EX GFA)x100%=11.2%
9. REAR YARD COVERAGE (NORTH FROM LYNNFIELD DR)  
REAR YARD AREA ON THE NORTH=1,058 SQ FT (ENCLOSED BY 12' SETBACK FROM THE REAR PROPERTY LINE)  
PART OF SHED WITHIN BRL=160 SQ FT  
PART OF CONC PATIO=135 SQ FT  
PART OF WALK=20 SQ FT  
TOTAL COVERAGE=315 SQ FT OR 29.8% OF REAR YARD AREA

IMPERVIOUS AREA COMPUTATIONS:

BUILDING: 1967+458 SUN ROOM=2,425 SQ FT  
 SHED: 241 SQ FT  
 DRIVEWAY: 816 SQ FT  
 WALK: 351 SQ FT  
 CONCRETE PAD FOR SHED: 310 SQ FT  
 SUB-TOTAL= 4143 SQ FT OR 28.8% OF LOT AREA  
 DECK: 502 SQ FT (WOOD DECK NOT INCLUDED IN IMPERVIOUS AREA)  
 LOT AREA= 14,387 SQ FT

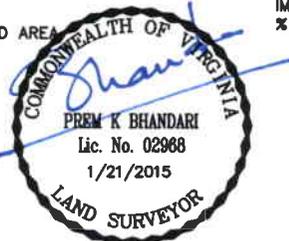
FRONT YARD COVERAGE:

FRONT YARD AREA: 4,338 SQ FT  
 IMPERVIOUS AREA (VEHICLE RELATED AREA): 816 SQ FT  
 % OF FRONT YARD: SUB-TOTAL=816/4,338x100%=18.8%<30%

LEGEND

IPF IRON PIPE FOUND  
 A/C AIR CONDITION  
 CONC. CONCRETE

**SPECIAL PERMIT PLAT**  
**LOT 80, WILLIAMSBURG MANOR NORTH**  
**TAX ID: 108-1-((33))-80**  
**MT. VERNON DISTRICT**  
**8001 LYNNFIELD DRIVE**  
**SCALE: 1"=20'**  
**DATE: JAN 21, 2015**



**AMA ENGINEERS, LLC**  
 3930 Pender Drive, Suite 310  
 Fairfax, Va-22030  
 TEL: 703-655-2151 (cell)  
 703-273-0300 (off)  
 Fax: 703-273-0303

## SPECIAL PERMIT REQUEST

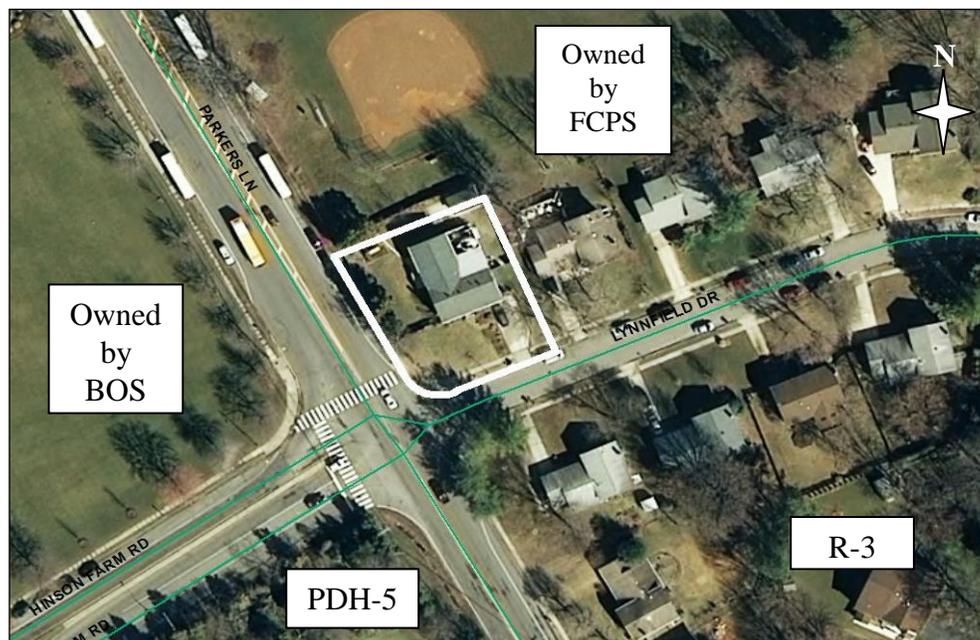
The applicant is seeking a special permit to allow an accessory dwelling unit (ADU) in the basement of an existing single family detached dwelling.

A copy of the special permit plat, titled "Special Permit Plat, Lot 20, Williamsburg Manor North," prepared by Prem K. Bhandari, L.S., of AMA Engineers, LLC., dated January 21, 2015, is included in the front of the staff 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 property contains a single-family dwelling with frontage on Parkers Lane and Lynnfield Drive. A 240 square foot accessory structure (workshop/shed) and 310 square foot concrete slab are located to the northwest of the dwelling. A wood deck and sunroom are attached to the north side of the dwelling. A stoop with stairs and a concrete walkway are located on the western front yard along Parkers Lane. A separate stoop and a walkway are located on the southern façade of the house. A concrete driveway located in the front yard provides access to Lynnfield Drive. A four foot high wood fence exists in the eastern side yard along a portion of the eastern side lot line and along the northern rear lot line. A 3.5 foot high wood fence exists in the front yard along Lynnfield Drive and also in the front yard along Parkers Lane. A six foot high fence is located along the property lines in the northeast corner. A three foot high concrete retaining wall exists around a portion of the driveway in the front yard along Lynnfield Drive.



As shown on the previous page, the existing lots to the east and south are zoned R-3 and developed with single family detached dwellings. The lot to the north is owned by Fairfax County Public Schools (Whitman Middle School) and zoned R-3. The property to the west, zoned C-3, is owned by the Board of Supervisors and is operated as Mount Vernon Medical Center. The property to the southwest is zoned PDH-5 and is used as a farm.

## **BACKGROUND AND HISTORY**

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1968 and purchased by the applicant in 2002.

The following building permits were found in county records (copies are included in Appendix 4):

- A building permit was approved on August 23, 2002, for the conversion of the attached garage on the property to living and storage space.
- A building permit was approved in January 2004 for the construction of a one-story addition and an open deck with stairs to the north of the dwelling.
- A building permit was applied for in April 2004 for interior renovations, including a wetbar.
- Subsequent building permits were approved for the installation of covering over the basement entrance, lattice work below the existing deck and enclosure of a portion of the deck as a porch.

Two complaints were filed against this property for multiple dwellings in 2012.

A Notice of Violation was issued on September 11, 2012 (Appendix 5). Four violations found by the code inspector included: 1) three separate dwelling units, 2) the keeping of chickens, 3) a fence over four feet in a front yard and 4) encroachment of an accessory storage structure into the minimum required yards. During a follow-up site visit in 2013 an inspector confirmed that the site now contains only two dwelling units, there are no chickens on the property, and the fence in the initial violation has been lowered.

An Agreed Final Order related to these violations was signed on April 22, 2013 (Appendix 6).

A Vested Rights Determination was requested by the applicant in May 2013 for the accessory structure and the concrete slab in the rear yard (Appendix 7). The Zoning Administration Division (ZAD) found that a building permit for the shed/workshop passed final inspection; therefore the shed/workshop is vested and can remain, but it

cannot be replaced or enlarged. The concrete slab is not vested, but does meet zoning ordinance regulations.

A previous special permit concurrent with a variance (SP 2013-MV-071 with VC 2013-MV-017) was heard by the Board of Zoning Appeals (BZA) on December 4, 2013. The BZA approved the special permit for an accessory dwelling unit and error in building location for an accessory storage structure, but denied the variance for exceeding over 30% rear yard coverage (Appendix 8).

The applicant was given six months to establish the use (June 4, 2014) and complete all of the requirements in the development conditions as approved by the BZA.

The Department of Planning and Zoning, Zoning Permit Review Branch (ZPRB) found on June 5, 2014, that the conditions of the special permit were not met and the legal use was not established (Appendix 9). The applicant did not complete Condition #1 which required that the special permit be recorded in the land records of Fairfax County. In addition final inspections were not obtained, as required by Condition #7.

After it was determined that the ADU use was not legally established by ZPRB, the applicant met Condition #7 by obtaining a building permit and final inspections for a finished basement including the second kitchen, bathroom, living area and existing bedroom with egress on July 3, 2014 (Appendix 10).

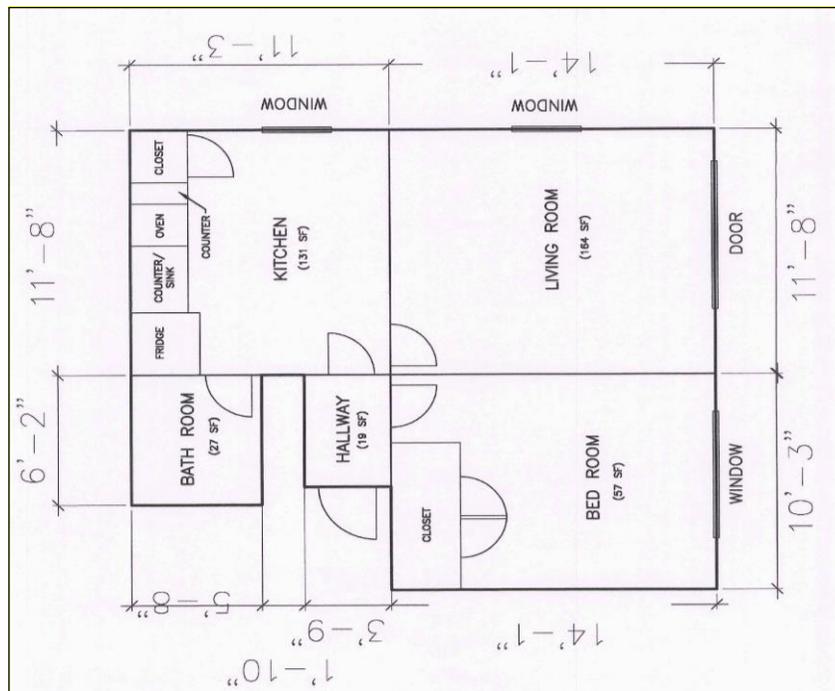
Therefore the only outstanding issue is the recording of the conditions in the county land records as required by Condition #1. Due to the fact that Condition #1 was not met, they applicant then had to reapply for a new ADU application (the current request), which they did on July 7, 2014.

Although it was noted by ZAD that in June 2014 that the rear yard coverage was still in violation, the resubmitted special permit plat demonstrates that the current impervious area in the designated rear yard is 29.8%.

## **DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of an accessory dwelling unit in the basement of the single family dwelling as it currently exists. The applicant resides in the single family dwelling and the applicant's mother, who is over 55 years of age, will live in the proposed accessory dwelling unit.

The principal dwelling consists of 4,392 square feet. The calculated area of the accessory dwelling unit is 494 square feet, which is 11.2 % of the total size of the single family dwelling. The proposed accessory dwelling unit will have one bedroom, a bathroom, kitchen, and a living room.



Primary access to the accessory dwelling unit is provided by a stairway from the main level of the house. The proposed accessory dwelling unit has two egress points. The window in the bedroom has been inspected by county staff and found to meet the Virginia Residential Building regulations for emergency egress. A set of French doors located in the living room provides access to the driveway outside of the dwelling.

**ANALYSIS**

**Comprehensive Plan Provisions**

Plan Area: IV  
 Planning Sector: Fort Hunt Community Planning Sector  
 Plan Map: Residential, 2-3 du/ac

**Zoning Ordinance Requirements (Appendix 11)**

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

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf.	14,387 s.f.

<b>Bulk Standards (R-3)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Width	Interior: 80 feet Corner: 105 feet	109.78 feet
Building Height	35 feet max.	18.0 feet
Front Yard	Min. 30 feet	36.3 feet
Side Yard	Min. 12 feet	18 feet
Rear Yard	Min. 25 feet	25.8 feet and the shed/workshop has a valid building permit

**General Special Permit Standards (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 Zoning Ordinance allows an accessory dwelling unit with special permit approval.
<b>Standard 3</b> <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.
<b>Standard 4</b> <i>Pedestrian/Vehicular Traffic</i>	Staff believes that the proposed use would not significantly impact pedestrian or vehicular traffic.
<b>Standard 5</b> <i>Landscaping/Screening</i>	The existing home is screened from adjacent properties fencing.
<b>Standard 6</b> <i>Open Space</i>	The accessory dwelling unit request does not decrease the open space on the lot.
<b>Standard 7</b> <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.
<b>Standard 8</b> <i>Signs</i>	No signage is proposed.

**Group 9 Standards (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-3 District.
<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 structure is not subject to site plan review.

**Additional Standards for Accessory Dwelling Units (Sect. 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; this standard is met.
<b>Standard 2</b> <i>Structure Shall be Located Within Single Family Dwelling</i>	The proposed ADU would be within the existing home.
<b>Standard 3</b> <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 11.2% of the total GFA. This standard is met.
<b>Standard 4</b> <i>Max. 2 Bedrooms</i>	The application indicates that the ADU includes one bedroom. This standard is met.
<b>Standard 5</b> <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.
<b>Standard 6</b> <i>Reasonable Access for a Disabled Person</i>	The applicant has indicated that the person who accesses the ADU is not disabled. However, the dwelling unit would contain uninterrupted access to one entrance.
<b>Standard 7</b> <i>Sufficient Parking</i>	The property includes ample parking.
<b>Standard 8</b> <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.
<b>Standard 9</b> <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.
<b>Standard 10</b> <i>Recorded</i>	A condition is proposed requiring the approval to be recorded among Fairfax County land records.
<b>Standard 11</b> <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.
<b>Standard 12</b> <i>Approved for 5 Years</i>	A condition is proposed addressing this standard.
<b>Standard 13</b> <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 2015-MV-017 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 Special Permit Development Conditions
2. Applicant's Statement of Justification
3. Applicant's Affidavit
4. Building Permit History
5. Notice of Violation dated September 11, 2012
6. Agreed Final Order dated April 22, 2013
7. Vested Rights Determination dated May 8, 2013
8. Resolutions and Plats SP 2013-MV-071 with VC 2013-MV-017
9. DPZ- Zoning Permit Review Branch dated June 16, 2014
10. Finished Basement Building Permits
11. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-MV-017****April 8, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MV-017 located at Tax Map 102-1 ((33)) 20 to permit an accessory dwelling unit, under Sects. 8-918 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant only, Muhammad Shafiq and/or Rubina Shafiq, and is not transferable without further action of this Board, and is for the location indicated on the application, 8001 Lynnfield Road, and is not transferable to other land.
3. This special permit is granted only for the purposes, structures and/or uses indicated on the plat titled "Special Permit Plat, Lot 20, Williamsburg Manor North," prepared by Prem K. Bhandari, L.S. of AMA Engineers, LLC., dated January 21, 2015, as submitted with this application and is not transferable to other land.
4. A copy of this special permit shall be posted in a conspicuous place in the accessory dwelling unit and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
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 a maximum of 494 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
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. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory 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.
10. All parking shall be provided on site as shown on the special permit plat.

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

## SPECIAL PERMIT REQUEST

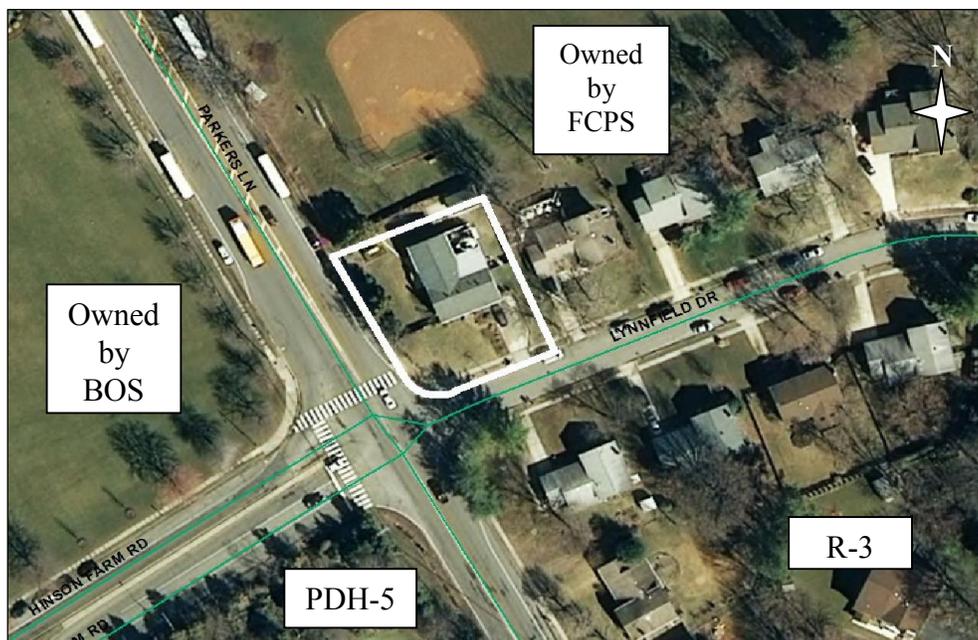
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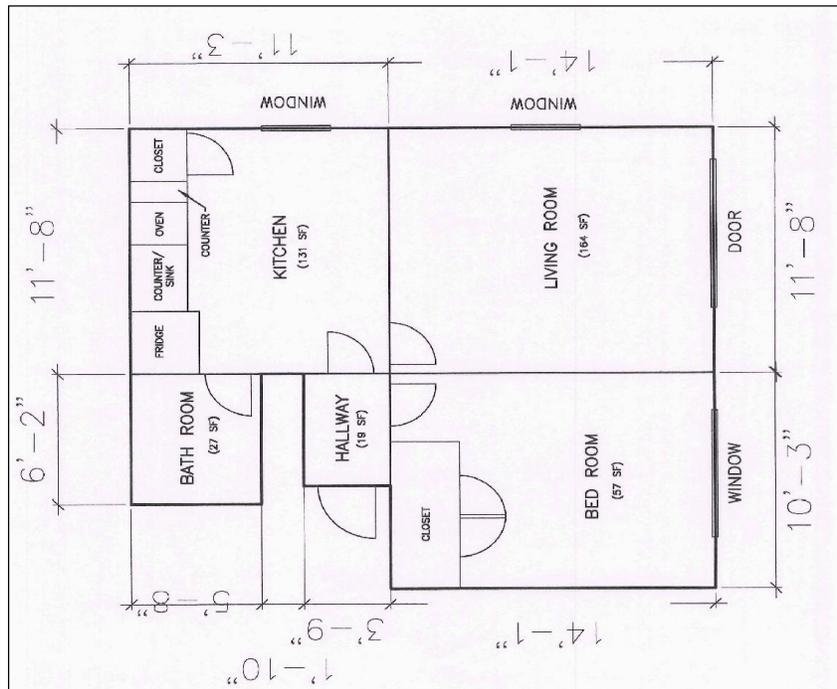
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**ANALYSIS**

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Plan Area: IV  
 Planning Sector: Fort Hunt Community Planning Sector  
 Plan Map: Residential, 2-3 du/ac

**Zoning Ordinance Requirements (Appendix 11)**

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<b>Standard 8</b> <i>Signs</i>	No signage is proposed.

**Group 9 Standards (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-3 District.
<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 structure is not subject to site plan review.

**Additional Standards for Accessory Dwelling Units (Sect. 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; this standard is met.
<b>Standard 2</b> <i>Structure Shall be Located Within Single Family Dwelling</i>	The proposed ADU would be within the existing home.
<b>Standard 3</b> <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 11.2% of the total GFA. This standard is met.
<b>Standard 4</b> <i>Max. 2 Bedrooms</i>	The application indicates that the ADU includes one bedroom. This standard is met.
<b>Standard 5</b> <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.
<b>Standard 6</b> <i>Reasonable Access for a Disabled Person</i>	The applicant has indicated that the person who accesses the ADU is not disabled. However, the dwelling unit would contain uninterrupted access to one entrance.
<b>Standard 7</b> <i>Sufficient Parking</i>	The property includes ample parking.
<b>Standard 8</b> <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.
<b>Standard 9</b> <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.
<b>Standard 10</b> <i>Recorded</i>	A condition is proposed requiring the approval to be recorded among Fairfax County land records.
<b>Standard 11</b> <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.
<b>Standard 12</b> <i>Approved for 5 Years</i>	A condition is proposed addressing this standard.
<b>Standard 13</b> <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 2015-MV-017 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 Special Permit Development Conditions
2. Applicant's Statement of Justification
3. Applicant's Affidavit
4. Building Permit History
5. Notice of Violation dated September 11, 2012
6. Agreed Final Order dated April 22, 2013
7. Vested Rights Determination dated May 8, 2013
8. Resolutions and Plats SP 2013-MV-071 with VC 2013-MV-017
9. DPZ- Zoning Permit Review Branch dated June 16, 2014
10. Finished Basement Building Permits
11. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-MV-017****April 8, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MV-017 located at Tax Map 102-1 ((33)) 20 to permit an accessory dwelling unit, under Sects. 8-918 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant only, Muhammad Shafiq and/or Rubina Shafiq, and is not transferable without further action of this Board, and is for the location indicated on the application, 8001 Lynnfield Road, and is not transferable to other land.
3. This special permit is granted only for the purposes, structures and/or uses indicated on the plat titled "Special Permit Plat, Lot 20, Williamsburg Manor North," prepared by Prem K. Bhandari, L.S. of AMA Engineers, LLC., dated January 21, 2015, as submitted with this application and is not transferable to other land.
4. A copy of this special permit shall be posted in a conspicuous place in the accessory dwelling unit and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
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 a maximum of 494 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
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. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory 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.
10. All parking shall be provided on site as shown on the special permit plat.

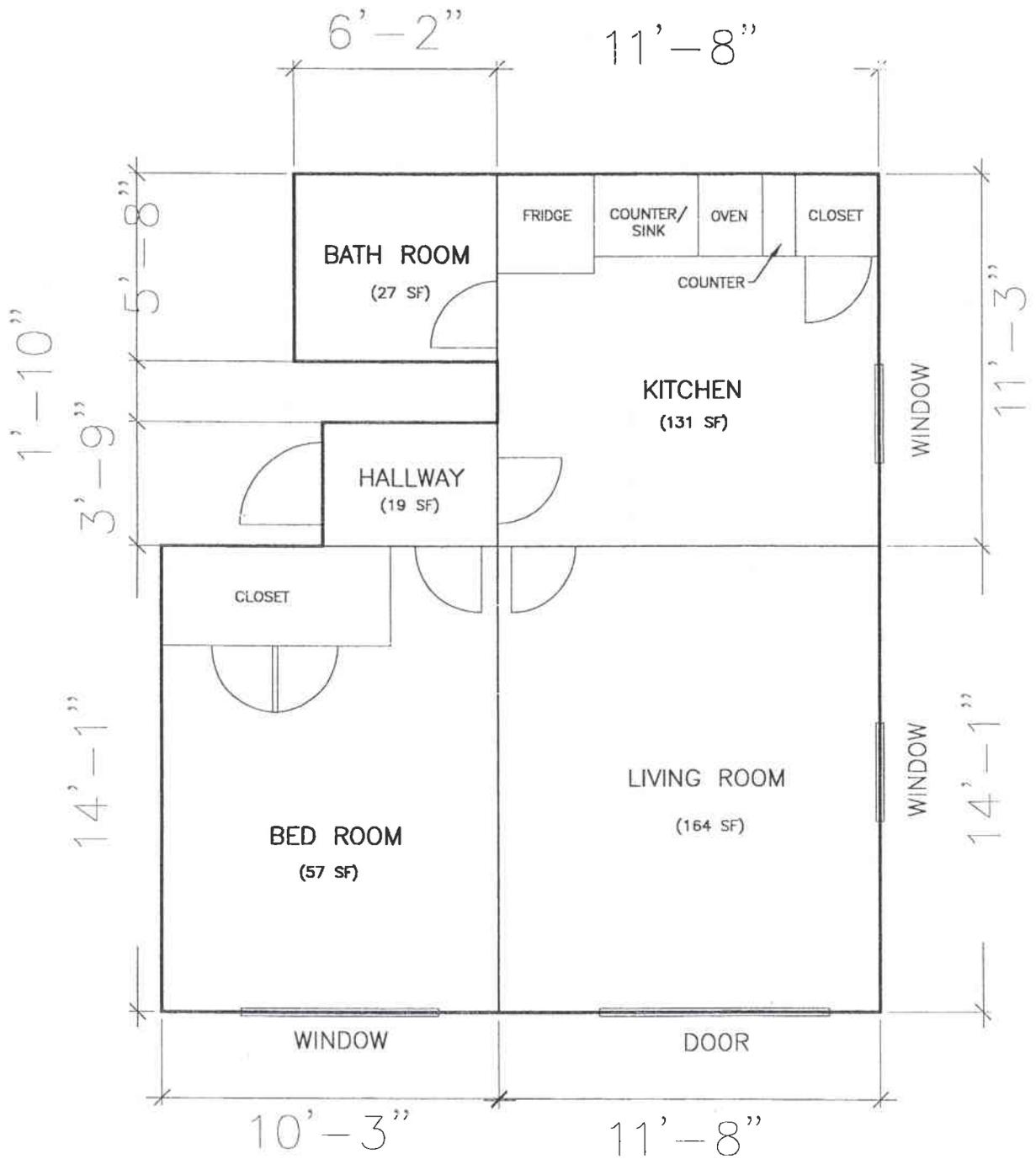
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

RECEIVED  
Department of Planning & Zoning

AUG 28 2014

Zoning Evaluation Division



Principal Dwelling 2,425 sqft.

ADU 398 s.f.  
6% of GFA

**WRITTEN STATEMENT FOR THE PROPOSED USE OF ACCESSORY DWELLING**

This application is for the Fairfax County Approval for Accessory Dwelling (SP2014-0379) at 8001 Lynnfield Drive, Alexandria, Virginia 22306. We, Shafiq Muhammad and Rubina Shafiq are the home owners; bring this application to the Fairfax County Board of Zoning with the following considerations:

**1. The dwelling conforms to Fairfax County Zoning Ordinance 8-918 as follows:**

- 1) This is the only accessory dwelling on the above mentioned property in association with a single family detached dwelling unit in the basement.
- 2) The dwelling is wholly contained within the footprint of the house plat with front entrance (see exterior photo/CD).
- 3) The gross floor area of the accessory dwelling is about 494 square feet, OR  $494/4,392$  (EX GFA)  $\times 100\% = 11.2\%$
- 4) The accessory dwelling unit has one bedroom, bathroom, kitchen, living area and a separate front entrance. In addition house contains four parking spaces in the driveway and ample street parking available in front of the property (see exterior photos/CD)
- 5) Occupancy of the accessory dwelling unit is as follows:
  - A) We, the homeowners occupy the primary dwelling in the house
  - B) My mother who is **elderly aged 75 years old** occupy the accessory dwelling.
  - C) My mother have arthritis problem and cannot walk up stair in the house for her comfort we request the Fairfax County to approve the questioned dwelling (SP2014-0379).

This accessory dwelling will not be occupied by more than two persons and we the home owner will continue to occupy the house.

6) The accessory dwelling is not being established for use by a disabled person. That said, should one of our elderly family members become disabled, we will provide measures for reasonable access and mobility as required for a disabled person.

7) As mentioned, the property includes four parking spaces in the driveway. In addition there is ample street parking available in front of the property.

8) The accessory dwelling has existed in its current state without complaint, indicating that it does not modify or disrupt the predominant character of the neighborhood.

9) The dwelling maintained all building, safety, health and sanitation regulations.

10) (to be completed by the Board of Zoning Appeals)

RECEIVED  
Department of Planning & Zoning

JAN 27 2015

Zoning Evaluation Division

**11) We have welcomed, and will continue to welcome, inspections of the property by County personnel during reasonable hours upon prior notice.**

**With the above mentioned facts, we request that the Fairfax County Board of Zoning Appeals kindly approve our Application for a Special Permit (SP2014-0379) to keep the dwelling in our basement. The presence of the dwelling does not pose any inconvenience or problem to Fairfax County, but instead helps us for the caring of aging mother (75 years old) and allow us the ability to utilize the dwelling by the aging family for their comfort.**

## Statement of Justification

This is to inform you that we are the owner of property No. 8001, Lynnfield Dr, Alexandria, VA 22309.

That we previously applied for Special permit for the Variance of Kitchen which was approved. Unfortunately, we missed the time frame of the Special permit, but the Final Inspection has been done on July 3, 2014 for the Second Kitchen regarding Plumbing/Electrical.

This Kitchen is utilized by my mother who is 73 years old, having arthritis, cannot go on the First floor to use the Kitchen.

We hereby request you to kindly re-issue the special permit for the second kitchen.

Previous special permit # SP2013-MV-076 approved by the Board of Zoning Appeals on December 4, 2013.

That it is respectfully submitted to approve this application.

Sincerely,



SHAFIQ MUHAMMAD

& RUBINA SHAFIQ.

Owner, 8001, Lynnfield Dr  
Alexandria, VA 22306

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Department of Planning & Zoning

JUL 07 2014

Zoning Evaluation Division

STATEMENT HAZARDOUS SUBSTANCE

This is to certify that there is no HAZARDOUS OR  
TOXIC substances according to Regulation Part  
116.4, 302.4 & 355 at this property # 8001 Lynnfield  
Dr. Alexandria, VA 22306



Shafiq Muhammad  
Owner

Dated 8/28/2014

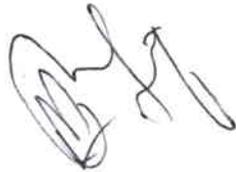
RECEIVED  
Department of Planning & Zoning

AUG 28 2014

Zoning Evaluation Division

STATEMENT

This is to certify that property # 8001 Lynnfield Dr  
Alexandria, VA 22306 is according to the  
Proposed Development by the county of Fairfax.  
It is every thing is according to the  
Ordinance.



Shafiq Muhammad  
owner  
8001 Lynnfield Dr.  
Alexandria, VA 22306

dt- 8/28/2014

RECEIVED  
Department of Planning & Zoning

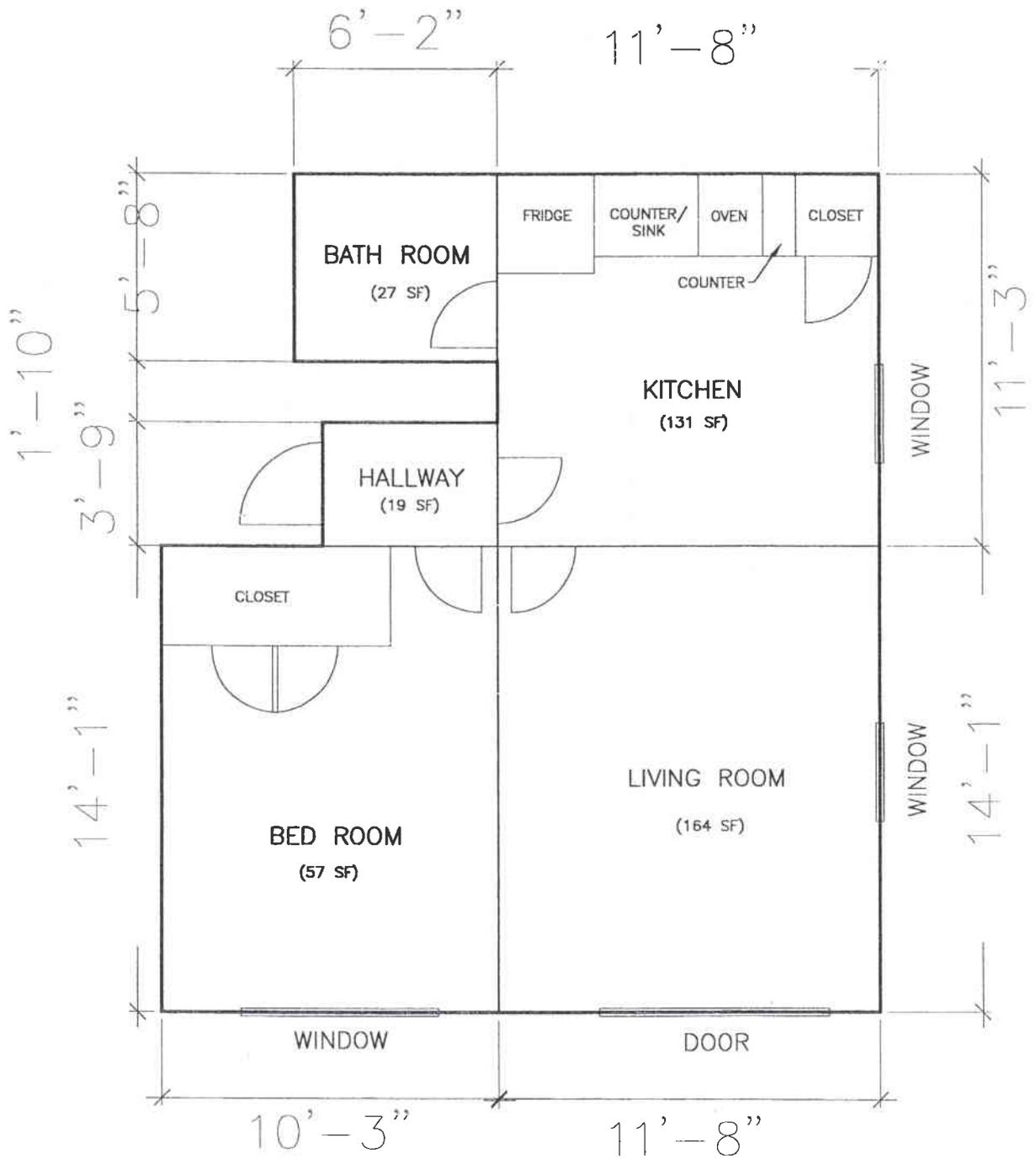
AUG 28 2014

Zoning Evaluation Division

RECEIVED  
Department of Planning & Zoning

AUG 28 2014

Zoning Evaluation Division



Principal Dwelling 2,425 sqft.

ADU 398 s.f.  
6% of GFA



Right of House from Back Side



Front Neighbour



Back of House



Back Neighbour



Right Neighbour



Right of House



Front of House



Left Neighbour



Left of House



Left of House

Application No.(s): SP 2015-MV-017  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/16/2014  
 (enter date affidavit is notarized)

I, SHAFIQ MUHAMMAD, RUBINA SHAFIQ, do hereby state that I am an  
 (enter name of applicant or authorized agent)

126202

(check one)  applicant  
 applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
SHAFIQ MUHAMMAD AND RUBINA SHAFIQ	8001 Lynnfield Dr. Alexandria, VA 22306	Applicants/ Title Owner
	8001, Lynnfield Dr. Alexandria, VA 22306	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): SP 2015-MV-017  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 08/16/2014  
(enter date affidavit is notarized)

126202

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.

Application No.(s): SP 2015-MV-017  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/16/2014  
(enter date affidavit is notarized)

126202

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.

Application No.(s):

SP 2015-MV-017  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/14/2014  
(enter date affidavit is notarized)

126202

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

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

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

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

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

— NONE —

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

Application No.(s):

SP 2015-MV-017

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

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

8/16/2014

(enter date affidavit is notarized)

126202

- 3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

- NONE -

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

- 4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[X] Applicant

[Signature]

[ ] Applicant's Authorized Agent

SHAFIQ MUHAMMAD

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

Subscribed and sworn to before me this 16th day of August, 2014, in the State/Comm. of Virginia, County/City of Fairfax, Alexandria

[Signature]

Notary Public

My commission expires: April 30th 2015

SOPHIA S. SALGUERO
NOTARY PUBLIC 7502318
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 04-30-2015

**BUILDING PERMIT APPLICATION**

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
 PERMIT APPLICATION CENTER

12055 Government Center Parkway, 2nd Floor Telephone: 703-222-0801  
 Fairfax, Virginia 22035-5504 Web site: http://www.co.fairfax.va.us/dpwes

PERMIT # 0223530510

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # K1-02-05333  
 TAX MAP # 102-1-133/0020

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
 (PLEASE PRINT OR TYPE)

**JOB LOCATION**  
 ADDRESS 8001 LYNNFIELD DRIVE  
 LOT # 20 BUILDING \_\_\_\_\_  
 FLOOR SOCAS SUITE \_\_\_\_\_  
 SUBDIVISION WILLIAMS BURG MAJOR  
 TENANT'S NAME \_\_\_\_\_

**OWNER INFORMATION** OWNER  TENANT   
 NAME Mohammad SHAFIQ  
 ADDRESS 8001 LYNNFIELD DRIVE  
 CITY Alexandria STATE VA ZIP 22304  
 TELEPHONE 703-721-0607

**CONTRACTOR INFORMATION** SAME AS OWNER   
 CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_  
 STATE CONTRACTORS LICENSE # \_\_\_\_\_  
 COUNTY BPOL # \_\_\_\_\_

**APPLICANT**  
Mohammad Nawal

**DESCRIPTION OF WORK**  
~~Removal of Garage door to install~~  
Access shed also/Co Detach  
Removing Garage door to install  
Crouch door for storage space.

HOUSE TYPE \_\_\_\_\_  
 ESTIMATED COST OF CONSTRUCTION 650.00  
 BLDG AREA (SQ FT OF FOOTPRINT) \_\_\_\_\_  
 USE GROUP OF BUILDING \_\_\_\_\_  
 TYPE OF CONSTRUCTION \_\_\_\_\_  
 SEWER SERVICE PUBLIC  SEPTIC  OTHER   
 WATER SERVICE PUBLIC  WELL  OTHER   
 OTHER PLEASE SPECIFY \_\_\_\_\_  
**DESIGNATED MECHANICS' LIEN AGENT**  
 (Residential Construction Only)  
 NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 NONE DESIGNATED  PHONE \_\_\_\_\_

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS		
# KITCHENS	EXTER. WALLS	
# BATHS	INTER. WALLS	
# HALF BATHS	ROOF MATERIAL	
# BEDROOMS	FLOOR MATERIAL	
# OF ROOMS	FIN. BASEMENT	%
# STORIES	HEATING FUEL	
BUILDING HEIGHT	HEATING SYSTEM	
BUILDING AREA	# FIREPLACES	
BASEMENT		

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING	<u>8/23/02</u>	<u>JW</u>
SITE PERMITS	<u>8/23/02</u>	<u>CS</u>
HEALTH DEPT		
BUILDING REVIEW	<u>8-23-02</u>	<u>TR</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ 150.00  
 FILING FEE \$ \_\_\_\_\_  
 AMOUNT DUE = \$ \_\_\_\_\_

**BUILDING PLAN REVIEW**  
 REVIEWER \_\_\_\_\_ # OF HOURS \_\_\_\_\_  
 REVISION FEES \$ \_\_\_\_\_  
 FIRE MARSHAL FEES \$ \_\_\_\_\_  
 FIXTURE UNITS \_\_\_\_\_ PLAN LOC: J  R

**APPROVED FOR ISSUANCE OF BUILDING PERMIT**  
 (LOG OUT) \_\_\_\_\_  
 BY CB DATE 8/23/02

ZONING REVIEW ZONING CLASS R-3  
 USE SFD  
 ZONING CASE # \_\_\_\_\_  
 GROSS FLOOR AREA OF TENANT SPACE  
 YARDS: GARAGE 1  2  3   
 FRONT OPTIONS YES  NO   
 FRONT 10' x 10' REMARKS Remove GARAGE  
 L SIDE 10' x 10' Down for STORAGE  
 R SIDE 10' x 10'  
 REAR BLD STORAGE SITED

**GRADING AND DRAINAGE REVIEW** 12x20  
 SOILS # Urm A  B  C   
 HISTORICAL DISTRICT \_\_\_\_\_  
 AREA TO BE DISTURBED (TOTAL SQ FT) 992 sq ft  
 ADD'L IMPERVIOUS AREA (ADDED SQ FT) 240 sq ft  
 PLAN # \_\_\_\_\_ APPR. DATE \_\_\_\_\_

**STAMPS**  
ESMT, FF, 2500, EXMAT  
 (See reverse side of application)

**REMARKS**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent Mohammad Shafiq Date 8/21/02

Printed Name and Title Mohammad Shafiq  
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

**NOTARIZATION** (if required)  
 State (or territory or district) of Virginia  
 County (or city) of Arlington to wit:  
Rosefine Rouse  
 a Notary Public in the State and County aforesaid, do certify that  
MOHAMMAD SHAFIQ  
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.  
 Given under my hand this 22 day of August, 2002  
 My commission expires the 31 day of July, 2005  
Rosefine Rouse  
 (Notary Signature)

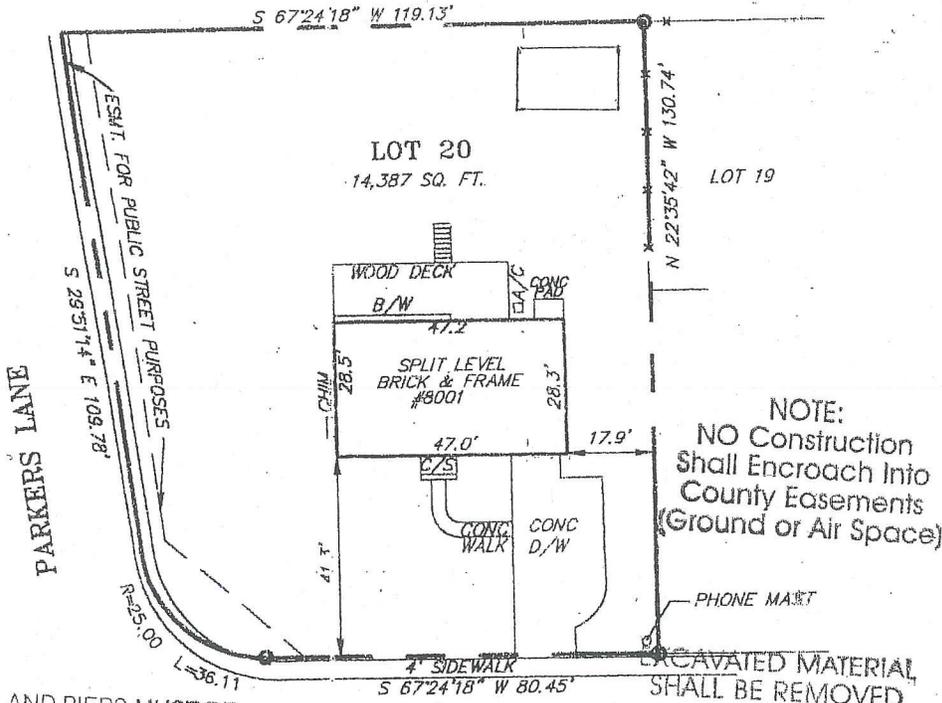


APPROVED

8-23-02  
*[Signature]*

FAIRFAX COUNTY SCHOOL BOARD  
STEPHEN FOSTER SCHOOL

Zoning Administrator



NOTE:  
NO Construction  
Shall Encroach Into  
County Easements  
(Ground or Air Space)

EXCAVATED MATERIAL  
SHALL BE REMOVED  
FROM SITE

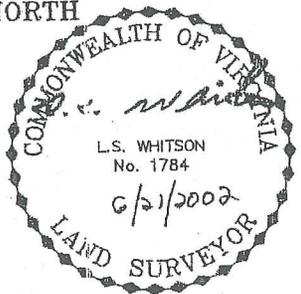
FOOTINGS AND PIERS MUST BE  
PLACED ON COMPETENT MATERIAL.

LYNNFIELD DRIVE  
500 WIDE & E.S.  
Office of Building  
Code Services

Approved for  
*Build Detached*  
By *[Signature]* *Shafiq*  
Date *8/23/02* *Shafiq*  
*& remove garage*  
*door*

TOTAL EARTH DISTURBANCE ON THIS  
LOT SHALL NOT EXCEED 2500 S.F.

HOUSE LOCATION SURVEY  
LOT 20 SECTION THREE  
WILLIAMSBURG MANOR NORTH  
DEED BOOK 3006 PAGE 558  
FAIRFAX COUNTY, VIRGINIA  
DATE: JUNE 21, 2002  
SCALE: 1" = 30'



LEGEND

- A/W = AREA WAY
- CHIM. = CHIMNEY
- B/W = BAY OR BOX WINDOW
- O.H. = OVERHANG
- C/S = CONCRETE STOOP
- = IRON PIPE FOUND
- M/S = METAL STOOP
- W/S = WOOD STOOP
- C/L = CONCRETE LANDING
- C/C/S = COVERED CONCRETE STOOP

NOTES:

THIS IS NOT A BOUNDARY SURVEY. CORNER MONUMENTATION THAT MEETS THE STANDARDS FOR A BOUNDARY SURVEY IS NOT INCLUDED WITH A HOUSE LOCATION SURVEY.

IF CORNER MONUMENTATION IS DESIRED THEN A BOUNDARY SURVEY MUST BE REQUESTED BY THE OWNER FOR AN ADDITIONAL FEE.

LOCATION OF DRIVEWAYS AND FENCES ARE APPROXIMATE. THIS SURVEY DOES NOT DETERMINE THE OWNERSHIP OF FENCES. THIS PLAT IS NOT TO BE USED FOR CONSTRUCTION OF FENCES.

THIS SURVEY WAS ESTABLISHED BY TRANSIT AND TAPE AND UNLESS OTHERWISE SHOWN THERE ARE NO ENCROACHMENTS. NO TITLE REPORT WAS FURNISHED.

SAM WHITSON, L.S./LAND SURVEYING  
11170 LEE HIGHWAY, SUITE C  
FAIRFAX, VIRGINIA 22030  
(703)-352-9515 FAX: (703)-352-9516

OWNER: JOHNNIDES  
BUYER: SHAFIQ  
W.O. #02-3161 CLIENT #QB02U020

# BUILDING PERMIT AMENDMENT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
 PERMIT APPLICATION CENTER  
 12055 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-5504  
 Telephone: 703-222-0801  
 Web site: http://www.co.fairfax.va.us/dpwes

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
 (PLEASE PRINT OR TYPE)

**JOB LOCATION** PERMIT # 04007B0530  
**ADDRESS** 8001 LYNNFIELD DR.  
**LOT #** 20 **BUILDING** \_\_\_\_\_  
**FLOOR** \_\_\_\_\_ **SUITE** \_\_\_\_\_  
**SUBDIVISION** W. Hamsburg Manor North  
**TENANT'S NAME** SEC 3

**OWNER INFORMATION** OWNER  TENANT   
**NAME** MUHAMMAD SHAFIQ  
**ADDRESS** 8001 LYNNFIELD DR.  
**CITY** ALEX **STATE** VA **ZIP** 22306  
**TELEPHONE** 703-625-0872

**APPLICANT** DIANA CUTIERREZ

**ESTIMATED COST OF CONSTRUCTION** \$ 5,000.00  
 (Cost of change, not total construction costs)

**AMENDMENT REQUESTED**

CHANGE HOUSE TYPE  
 FROM \_\_\_\_\_ TO \_\_\_\_\_

RELOCATE HOUSE ON LOT

FINISH BASEMENT

ADD DECK/PORCH/SUNROOM

ADD GARAGE

ADD CARPORT

DELETE \_\_\_\_\_

CHANGE MECHANICS' LIEN INFORMATION

**DESIGNATED MECHANICS' LIEN AGENT:**  
**NAME** ENTIRE RENT. INSTEAD OF  
**ADDRESS** PIECE - CONC. WELL INSTEAD  
OF CMU.

NONE DESIGNATED  PHONE \_\_\_\_\_

OTHER (PLEASE SPECIFY) ADD 2ND FLOOR  
TO ADDITIONS AND TO EXISTING 1ST  
FLOOR. BATH.  
1 BEDROOM  
1 INSULATED CLOSET, BALCONY

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Diana Cutierrez  
 Signature of Owner or Agent  
Apr 1-20-04  
 Date  
Diana Cutierrez  
 Printed Name and Title

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

**AMENDED PERMIT #** 04007B0532

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY  
**PLAN #** R-04-00170  
**TAX MAP #** 102-1-1331/0020

ROUTING	DATE	APPROVED BY
ZONING	4.21.04	[Signature]
SITE PERMITS	4.21.04	[Signature]
SANITATION		
HEALTH DEPT.		
BUILDING REVIEW	4.23-04	[Signature]

**AMOUNT DUE** = \$ 75.00

**APPROVED FOR ISSUANCE OF AMENDMENT**  
 (LOG OUT)  
 BY \_\_\_\_\_ DATE \_\_\_\_\_

**ZONING REVIEW**  
 USE SFD  
 ZONING DISTRICT R-2 HISTORICAL DISTRICT \_\_\_\_\_  
 ZONING CASE # \_\_\_\_\_

**GROSS FLOOR AREA OF TENANT SPACE**

YARDS:	GARAGE	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
FRONT	OPTIONS	YES <input type="checkbox"/> NO <input type="checkbox"/>
FRONT	REMARKS	<u>Interior</u>
L SIDE		<u>NO change in size or</u>
R SIDE		<u>Location - Change wall</u>
REAR		<u>Material in Basement</u>

**GRADING AND DRAINAGE REVIEW**  
**SOILS #** 41 A  B  933  
**AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT)** \_\_\_\_\_  
**IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT)** 1434  
**PLAN #** \_\_\_\_\_ **APPR. DATE** \_\_\_\_\_

**STAMPS**  
EX MAT, 2560  
 (See reverse side of application)

**REMARKS**  
Total p disturbed area  
old was 2560 sq ft  
2/11/04

**NOTARIZATION (if required)**  
 State (or territory or district) of \_\_\_\_\_  
 County (or city) of \_\_\_\_\_, to wit:  
 I, \_\_\_\_\_

a Notary Public in the State and County aforesaid, do certify that  
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.  
 Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Notary Signature)

# BUILDING PERMIT AMENDMENT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
PERMIT APPLICATION CENTER

12055 Government Center Parkway, 2nd Floor  
Fairfax, Virginia 22035-5504

Telephone: 703-222-0801  
Web site: http://www.co.fairfax.va.us/dpwes

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
(PLEASE PRINT OR TYPE)

JOB LOCATION PERMIT # 04007B0530  
ADDRESS 8001 Linnfield Dr - Fairfax  
LOT # 20 BUILDING \_\_\_\_\_  
FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
SUBDIVISION Wilkesburg Manor  
TENANT'S NAME Sec 3 North

OWNER INFORMATION OWNER  TENANT   
NAME Muhammad Shafiq  
ADDRESS 8001 Linnfield Dr  
CITY Alex STATE VA ZIP 22304  
TELEPHONE 703 721-0607

APPLICANT Loeung Salgado / OPEN

ESTIMATED COST OF CONSTRUCTION \$ 15,000  
(Cost of change, not total construction costs)

### AMENDMENT REQUESTED

- CHANGE HOUSE TYPE FROM \_\_\_\_\_ TO \_\_\_\_\_
- RELOCATE HOUSE ON LOT
- FINISH BASEMENT w/wetbar no bedroom no 2nd floor
- ADD DECK/PORCH/SUNROOM
- ADD GARAGE
- ADD CARPORT
- DELETE \_\_\_\_\_
- CHANGE MECHANICS' LIEN INFORMATION
- DESIGNATED MECHANICS' LIEN AGENT:  
NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_
- NONE DESIGNATED  PHONE \_\_\_\_\_
- OTHER (PLEASE SPECIFY) \_\_\_\_\_

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Rubina Shafiq 10/6/04  
Signature of Owner or Agent Date

RUBINA SHAFIQ  
Printed Name and Title

AMENDED PERMIT # 04 007B0533

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY  
PLAN # R-04-00170  
TAX MAP # 102-1-1331 0020

ROUTING	DATE	APPROVED BY
ZONING	<u>10/19/04</u>	<u>[Signature]</u>
SITE PERMITS		<u>[Signature]</u>
SANITATION		
HEALTH DEPT.		
BUILDING REVIEW	<u>10.8.04</u>	<u>[Signature]</u>

AMOUNT DUE = \$ 56

APPROVED FOR ISSUANCE OF AMENDMENT (LOG OUT) permits Auth ACF needed log out  
BY \_\_\_\_\_ DATE 10/19/04

ZONING REVIEW USE SD  
ZONING DISTRICT A3 HISTORICAL DISTRICT \_\_\_\_\_  
ZONING CASE # \_\_\_\_\_

GROSS FLOOR AREA OF TENANT SPACE

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT	REMARKS	<u>Finished to finish basement set out</u>		
L SIDE		<u>1 door - no 2nd floor</u>		
R SIDE				
REAR				

GRADING AND DRAINAGE REVIEW  
SOILS # \_\_\_\_\_ A  B  C   
AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) \_\_\_\_\_  
IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) \_\_\_\_\_  
PLAN # \_\_\_\_\_ ADD \_\_\_\_\_

STAMP: This permit is approved with the understanding that the wet bar will not contain permanent cooking facilities and will not be used in conjunction with a bedroom, bathroom and other living space in a manner that would constitute the establishment of a separate dwelling unit.

REMARK \_\_\_\_\_

NOTARIZATION (if required)  
State (or territory or district) of \_\_\_\_\_  
County (or city) of \_\_\_\_\_, to wit: \_\_\_\_\_  
I, \_\_\_\_\_  
a Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.  
Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Notary Signature)

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

## NOTICE OF VIOLATION

September 11, 2012

### SHERIFF'S LETTER

Mohammad Shafiq  
 Rubina Shafiq  
 8001 Lynnfield Drive  
 Alexandria, Virginia 22306

Re: 8001 Lynnfield Drive  
 Legal Desc: Williamsburg Manor North, Sec. 3, Lt 20  
 Tax Map Ref: 102-1 ((33)) 20  
 Zoning Dist.: R-3  
 Lot Area: 14,387  
 Magisterial District: Mt. Vernon District  
 Case Number: 200903330

Dear Mr. and Mrs. Shafiq:

An investigation of the use of and the condition of the above-referenced property was concluded on August 29, 2012, and revealed that there are numerous violations of the Fairfax County Zoning Ordinance existing at the subject property. The subject property, located at 8001 Lynnfield Drive, was constructed as a single family detached dwelling in 1968 on a lot containing 14,387 square feet in area and is a corner lot, as defined in Part 3 of Article 20 of the Zoning Ordinance as:

A lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed 135 degrees; provided, however, that when one of the intersecting streets is an interstate highway, the resultant lot shall not be deemed a corner lot.

Because the lot is a corner lot, this property has two front yards, one front yard rests between the single family detached dwelling and Lynnfield Drive, and the other front yard rests between the single family detached dwelling and Parkers Lane. The rear property boundary line is the line located opposite the front property boundary line that runs along Lynnfield Drive. The side property boundary line is that line that is located opposite to the front property boundary line the runs along Parkers Lane.

Mohammad Shafiq  
Rubina Shafiq  
September 11, 2012  
Page 2

The investigation has revealed that you have constructed three dwelling units in the principal structure on this property. One dwelling unit occupies the top floor and part of the lower floor of this structure. Two additional dwelling units occupy areas of the lower floor of the principal structure. Each of these dwelling units contains a fully equipped kitchen, bedrooms, living areas and fully equipped bathrooms. The dwelling unit on the top floor is occupied by the property owners and their children. One of the dwelling units located on the lower floor is occupied by Sikender Begawm (mother of the property owner). Another dwelling unit located in the lower level is occupied by Darryl Clark and John William Nestor.

A dwelling unit is defined in part 3 of Article 20 of the Zoning Ordinance as:

DWELLING UNIT: One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility, which includes provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

Therefore you are in violation of Sect. 2-501 of the Zoning Ordinance that states, in part:

There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building.

A single family dwelling unit is the principle use of this property. A review of the records maintained by the Departments of Public Works and Environmental Services (DPWES) and Planning and Zoning (DPZ) has confirmed that no approved building permit applications have been endorsed by the Fairfax County Zoning Administrator to construct three (3) dwelling units located in the principal structure. The Zoning Ordinance, per Sect. 18-601, specifies before construction commences that:

The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit application has been approved by the Zoning Administrator.

The investigation further revealed that you are keeping four chickens on the property that contains an area of 14,387 square feet. The keeping of chickens is allowed on property containing a minimum of two acres as set forth in Par. 3 of Sect. 2-512 of the Zoning Ordinance that states, in part:

The keeping of livestock or domestic fowl shall be allowed as an accessory use on any lot of two (2) acres or more in size.

Therefore, for keeping chickens on the property that contains less than 2 acres, you are in violation of the above-referenced Par. 3 of Sect. 2-512 of the Zoning Ordinance.

The investigation further revealed that you have constructed a fence with a height of 5 feet 9 inches in the front yard of this corner lot. As mentioned earlier in this letter, the property contains two front yards, and the fence that exceeds four feet in height is located in the front yard between the principal structure and Parkers Lane.

Fences are allowed as accessory uses on residentially zoned properties subject to height and location limitations as set forth in Par. 3B of Sect. 10-104 of the Zoning Ordinance as follows:

3. Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.
  - B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:
    - (1) the driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the dwelling faces a street other than the major thoroughfare, and
    - (2) the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.

The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.

In addition, an increase in fence height in the front yard up to six (6) feet may be permitted with the approval of a special permit by the BZA in accordance with Part 9 of Article 8.

Neither Lynnfield Drive nor Parkers Lane are Major Thoroughfares; the maximum height of a fence allowable by-right on the subject property is four feet.

Therefore, you are in violation of Par. 6 of Sect 2-302, that states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Part 1 of Article 10.

The Zoning Ordinance also identifies Bulk Regulations which establish among other things regulations controlling the distance between structures and property lines, minimum yard requirement, open space etc. Bulk Regulations are defined in Part 3 of Article 20 as:

**BULK REGULATIONS:** Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include provisions controlling (a) maximum building height, (b) maximum floor area ratio, (c) minimum yard requirement and (d) minimum angle of bulk plane.

The inspection of this property revealed that you have constructed a freestanding accessory storage structure (shed) that is 11 ½ feet in height on the property and this shed is located approximately 4 feet 11 inches from the side lot line and 4 feet 4 inches from the rear lot line.

You are probably unaware that per **Par. 2A(1)(b) of Sect. 3-307** requires a 12 foot minimum required side yard or setback is specified for structures located in the R-3 District. Additionally, a shed that exceeds 8 ½ feet in height must be positioned on this lot a minimum distance of 12 feet from the side lot line and a distance equal to the height of a structure from the rear lot line.

In addition, the location regulations and other limitations associated with the accessory storage structure (shed) is detailed in **Par. 10F of Sect. 10-104, Par. 2A(1)(b) of Sect. 3-307, Par.1 of Sect. 2-307 and Par. 6 of Sect. 2-302 specify respectively that :**

The following regulations shall apply to the location of freestanding accessory storage structures:

- F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, an accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located:
  - (1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or
  - (2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.

Mohammad Shafiq  
Rubina Shafiq  
September 11, 2012  
Page 5

And

Bulk Regulations  
Minimum yard requirements  
Single family dwellings  
Conventional subdivision lot  
Side yard: 12 feet

And

Except as may be qualified by the provisions of this Ordinance, no structure or part thereof shall hereafter be built or moved on a lot which does not meet all of the minimum bulk regulations presented for the zoning district in which the structure is located, and no structure shall hereafter be used, occupied or arranged for use on a lot which does not meet all of the minimum bulk regulations presented for the zoning district in which such structure is located.

The location of the accessory storage structure (shed) positioned closer than the required 12 feet from the side and rear lot lines does not conform to the aforementioned requirements of **Par. 12F and 10F of Sect. 10-104, Par. 2A(1)(b) of Sect. 3-307, Par.1 of Sect. 2-307 and Par. 6 of Sect. 2-302.**

As the owners of this property, you are in violation of all of the aforementioned Fairfax County Zoning Ordinance provisions.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by the following:

#### Multiple Dwelling Units

- For the violation of the separate complete and independent dwelling units existing in the single family dwelling at this property, compliance may be achieved as follows:
  - Submitting and obtaining approval from the Department of Public Works and Environmental Services (DPWES) of a Demolition (Building) Permit to completely and permanently remove the kitchen located in the detached garage on this property, and
  - Removing, on a permanent basis, the second kitchen in its entirety from the detached garage. This includes the removal of; upper and base cabinets, kitchen sink, all cooking, refrigeration and any other kitchen oriented appliances from the garage kitchen. Also cap or terminate, as deemed

Mohammad Shafiq  
Rubina Shafiq  
September 11, 2012  
Page 6

appropriate and approved by the Building Official, all utilities including; gas, electric, water supply and sewer lines that service the kitchen located in the garage; and

- Relocating all of the components, materials, equipment from the garage kitchen to an off -site lawful disposal/storage site.
- Ceasing, on a permanent basis, in the maintenance of a separate and complete independent dwelling unit in the detached garage on this property.

#### Keeping of Chickens

For the violation pertaining to the keeping of chickens on a lot containing less than two acres, compliance may be achieved as follows:

- Removing the chickens from the property on a permanent basis.

**For the positioning of the accessory storage structure (Shed) that encroaches into the minimum required side yard, compliance can be obtained by:**

- Relocating the accessory structure so that it is positioned no closer than 12 feet to the side lot line and a distance no closer than 12 feet from the rear lot line, or
- Reducing the height of this structure from 12 feet 2 inches to no more than 8 feet 6 inches as measured from the existing finished grade to the highest point of the structure. (Bringing in fill material (dirt), mulch, gravel, etc. to raise the grade or building a retaining wall around the perimeter of the structure to reduce the height of the accessory storage structure is an unacceptable and will not be deemed a valid remedy for this option.)
- Removing this accessory structure from this property, and
- Removing all debris to a lawful disposal site.

As an alternative to relocating and or reducing the height of the accessory structure, and for keeping of chickens on a lot of less than two acres, approval may be granted by the Board of Zoning Appeals (BZA) if you submit and diligently pursue approval by the BZA of a Special Permit for a Group 9 Use Requiring Special Regulation within thirty (30) days from receipt of this Notice. Instructions and an application for a Special Permit may be obtained by contacting the Zoning Evaluation Division 703-324-1290 between the hours of 8:00 a.m. through 4:30 p.m., Monday through Friday. Should you elect to pursue this option, include a copy of this Notice with your application.

You may have the right to appeal this Notice of Violation within **thirty (30) days** of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. These decisions

Mohammad Shafiq  
Rubina Shafiq  
September 11, 2012  
Page 7

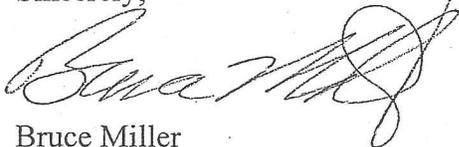
shall be final and unappealable if it is not appealed within such time periods as described above. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party, and any other information you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Failure to respond to and comply with this Notice and or to authorize both interior and exterior inspections to verify compliance will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Contact me directly at 703-324-1391 to schedule a zoning inspection or to discuss these issues. If I am unavailable, you are welcome to leave a message as this phone is equipped with voice mail. Please remember to provide a contact telephone number.

Because of the nature and the complexity of these separate violations, the most effective way to coordinate a meeting or to discuss these issues, if needed, (rather than visiting the County offices) is to contact me using the telephone number listed above and scheduling a meeting. Otherwise, if this office is visited without an appointment, it is likely that I will be in the field conducting other inspections and unable to assist you.

Sincerely,



Bruce Miller  
Zoning /Property Maintenance Inspector

BM/bm

Enclosure:        A/S

PERSONAL SERVICE

Being unable to make personal service a copy was delivered in the following manner:

Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information of it's purport. List name, age of recipient, and relation of recipient to party named above.

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

Served on a Secretary of the Commonwealth.

Not found

*S.S. Consoaker*  
SERVING OFFICER

9-12-12

DATE

Stan G. Barry, Sheriff  
Fairfax County, VA

PERSONAL SERVICE

Being unable to make personal service a copy was delivered in the following manner:

Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information of it's purport. List name, age of recipient, and relation of recipient to party named above.

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

Served on a Secretary of the Commonwealth.

Not found

*S.S. Consoaker*  
SERVING OFFICER

9-12-12

DATE

Stan G. Barry, Sheriff  
Fairfax County, VA



IT FURTHER APPEARING TO THE COURT that the parties hereto agree that the terms of this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the Zoning Administrator and the Defendant with the approval of this Court; and

IT FURTHER APPEARING TO THE COURT that this Agreed Final Order should be entered; now, therefore, it is hereby

ADJUDGED and ORDERED as follows:

1. Maintaining and/or allowing the maintenance on the subject property of more than one Dwelling Unit violates Zoning Ordinance § 2-501; and
2. Maintaining and/or allowing the maintenance on the subject property of a fence that exceeds four feet in height and is located in one of the front yards of the subject property violates Zoning Ordinance §§ 10-104(3)(B) and 2-302(6); and
3. Maintaining and/or allowing the maintenance on the subject property of an accessory storage structure that exceeds 8½ feet in height and is located closer than a distance equal to the minimum required side yard of the adjoining lot to the rear of the subject property violates Zoning Ordinance §§ 10-104(10)(F) and 2-302(6); and
4. Maintaining and/or allowing the maintenance on the subject property of an accessory storage structure that exceeds 8½ feet in height and is located closer to the side street line than a distance equal to the minimum required front yard of the adjoining lot to the rear of the subject property violates Zoning Ordinance §§ 10-104(10)(F) and 2-302(6); and
5. The Defendants shall, within 30 days after the entry of this Agreed Final Order, permanently remove the fence from the front yards of the subject property or permanently reduce the height of the fence to not more than four feet as required by Zoning Ordinance §§ 10-104(3)(B) and 2-302(6); and

6. The Defendants shall, within 21 days after the entry of this Agreed Final Order, submit a full and complete application for a Special Permit from the Fairfax County Board of Zoning Appeals ("BZA") to permit a reduction in the minimum yard requirements and allow the accessory storage structure to remain at its current height in its current location on the subject property and thereafter shall diligently pursue approval of such application; and

7. The Defendants shall, within 21 days after the entry of this Agreed Final Order, submit a full and complete application for a Special Permit from the BZA to permit the Defendants to maintain an accessory Dwelling Unit on the subject property and thereafter shall diligently pursue approval of such application; and

8. The Defendants shall diligently and expeditiously pursue the BZA's approval of the Special Permit applications referenced in paragraphs 6 and 7, above, cooperate in scheduling the earliest possible hearing date on the applications, and satisfy all requests of the BZA and County Staff relative to the Special Permit applications within 14 days, if no other time is specified by the BZA, and the parties agree that the failure to comply with this provision shall be considered a failure to diligently pursue the BZA's approval of such applications; and

9. If the Defendants fail to timely submit complete Special Permit applications, fail to obtain the BZA's approval of the Special Permit applications, or fail to diligently pursue the BZA's approval of such applications, the Defendants shall, within 30 days after the first to occur of these events, do the following: (1) permanently reduce the number of Dwelling Units on the subject property to one by, among other things: (i) obtaining all demolition and/or other permits and inspections required by the County and permanently removing from the single-family dwelling on the subject property to a lawful site, not to include any part of the subject property, all but one kitchen and cooking facility (to include without limitation removal of all appliances

associated with the unlawful kitchen(s) such as ovens, ranges, kitchen sinks, microwaves, toaster ovens, refrigerators, cabinets, countertops, and freezers); (ii) permanently capping and sealing all utilities used to service the aforementioned appliances and/or those used to service all but one Dwelling Unit; (iii) permanently removing all plumbing, electrical, and gas connections and piping that are used to service the unlawful Dwelling Units; and (iv) permanently maintaining the single-family dwelling on the subject property in such a manner that the dwelling is arranged, designed, used, and intended for use as a single-family dwelling by, among other things, permanently removing all interior door locks that prevent the free and unfettered access to all common living areas and/or that may separate different levels of the structure; and (2) permanently remove the accessory storage structure from the subject property to a lawful site, permanently reduce the height of the accessory storage structure on the subject property so that it measures less than 8½ feet in height, or permanently relocate the accessory storage structure to a lawful site on the subject property; and

10. Subject to the times set forth herein for remediation, the Defendants, their agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance on the subject property of more than one Dwelling Unit at any time in the future in violation of Zoning Ordinance § 2-501 without the approval by the BZA of a Special Permit permitting the maintenance of an accessory Dwelling Unit on the subject property; and

11. Subject to the times set forth herein for remediation, maintaining and/or allowing the maintenance on the subject property of more than one Dwelling Unit at any time in the future in violation of Zoning Ordinance § 2-501 is permanently enjoined without the approval by the BZA of a Special Permit permitting the maintenance of an accessory Dwelling Unit on the subject property; and

12. The Defendants, their agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance on the subject property of a fence that exceeds four feet in height and is located in one of the front yards of the subject property at any time in the future in violation of Zoning Ordinance §§ 10-104(3)(B) and 2-302(6); and

13. Maintaining and/or allowing the maintenance on the subject property of a fence that exceeds four feet in height and is located in one of the front yards of the subject property at any time in the future in violation of Zoning Ordinance §§ 10-104(3)(B) and 2-302(6) is permanently enjoined; and

14. Subject to the times set forth herein for remediation, the Defendants, their agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance on the subject property of an accessory storage structure that exceeds 8½ feet in height and is located closer than a distance equal to the minimum required side yard of the adjoining lot to the rear of the subject property at any time in the future in violation of Zoning Ordinance §§ 10-104(10)(F) and 2-302(6) without the approval by the BZA of a Special Permit permitting the accessory storage structure to be located closer than a distance equal to the minimum required side yard of the adjoining lot to the rear of the subject property; and

15. Subject to the times set forth herein for remediation, maintaining and/or allowing the maintenance on the subject property of an accessory storage structure that exceeds 8½ feet in height and is located closer than a distance equal to the minimum required side yard of the adjoining lot to the rear of the subject property at any time in the future in violation of Zoning Ordinance §§ 10-104(10)(F) and 2-302(6) is permanently enjoined without the approval by the BZA of a Special Permit permitting the accessory storage structure to be located closer than a

distance equal to the minimum required side yard of the adjoining lot to the rear of the subject property; and

16. Subject to the times set forth herein for remediation, the Defendants, their agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance on the subject property of an accessory storage structure that exceeds 8½ feet in height and is located closer to the side street line than a distance equal to the minimum required front yard of the adjoining lot to the rear of the subject property at any time in the future in violation of Zoning Ordinance §§ 10-104(10)(F) and 2-302(6) without the approval by the BZA of a Special Permit permitting the accessory storage structure to be located closer to the side street line than a distance equal to the minimum required front yard of the adjoining lot to the rear of the subject property; and

17. Subject to the times set forth herein for remediation, maintaining and/or allowing the maintenance on the subject property of an accessory storage structure that exceeds 8½ feet in height and is located closer to the side street line than a distance equal to the minimum required front yard of the adjoining lot to the rear of the subject property at any time in the future in violation of Zoning Ordinance §§ 10-104(10)(F) and 2-302(6) is permanently enjoined without the approval by the BZA of a Special Permit permitting the accessory storage structure to be located closer to the side street line than a distance equal to the minimum required front yard of the adjoining lot to the rear of the subject property; and

18. If the Defendants fail to timely submit complete Special Permit applications, fail to obtain the BZA's approval of the Special Permit applications, or fail to diligently pursue the BZA's approval of such applications, the Zoning Administrator and/or her agents shall be permitted to enter upon the subject property at reasonable times and upon reasonable notice to

inspect and photograph the subject property until compliance with paragraph 9 of this Agreed Final Order is obtained; thereafter, in the event of a subsequent complaint and a determination by the Zoning Administrator that the Special Permits no longer serve to bring the accessory storage structure into compliance with Zoning Ordinance §§ 10-104(10)(F) and 2-302(6) and/or to bring the accessory Dwelling Unit into compliance with Zoning Ordinance § 2-501, the Zoning Administrator and/or her agents shall be permitted to enter upon the subject property to inspect and investigate that complaint upon reasonable notice of such inspection; and

19. The terms and deadlines set forth in this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the parties with the approval of this Court; and

20. The Clerk of the Fairfax County Circuit Court shall record a copy of this Agreed Final Order among the land records of Fairfax County, Virginia, pursuant to Va. Code Ann. § 17.1-227 (Supp. 2012), to give notice of the prohibitions and restrictions contained herein to any successors-in-interest of the Defendants and shall index this Agreed Final Order as follows:

GRANTORS: Muhammad Shafiq; Rubina Shafiq  
GRANTEES: Leslie B. Johnson; Fairfax County Zoning Administrator

AND THIS CAUSE IS FINAL.

ENTERED this 22 day of April 2013.

  
\_\_\_\_\_  
JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

DAVID P. BOBZIEN  
COUNTY ATTORNEY

By *Laura S. Gori*  
Laura S. Gori (VSB No. 65907)  
Assistant County Attorney  
Laura.Gori@fairfaxcounty.gov  
12000 Government Center Parkway, Suite 549  
Fairfax, Virginia 22035-0064  
(703) 324-2421; (703) 324-2665 (fax)  
Counsel for Plaintiff Leslie B. Johnson,  
Fairfax County Zoning Administrator

SEEN AND AGREED:

*Please see attached*  
Muhammad Shafiq  
8001 Lynnfield Drive  
Alexandria, Virginia 22306  
Defendant *pro se*

SEEN AND AGREED:

*Please see attached*  
Rubina Shafiq  
8001 Lynnfield Drive  
Alexandria, Virginia 22306  
Defendant *pro se*

WE ASK FOR THIS:

DAVID P. BOBZIEN  
COUNTY ATTORNEY

By \_\_\_\_\_

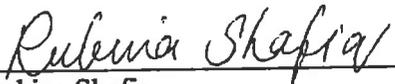
Laura S. Gori (VSB No: 65907)  
Assistant County Attorney  
Laura.Gori@fairfaxcounty.gov  
12000 Government Center Parkway, Suite 549  
Fairfax, Virginia 22035-0064  
(703) 324-2421; (703) 324-2665 (fax)  
Counsel for Plaintiff Leslie B. Johnson,  
Fairfax County Zoning Administrator

SEEN AND AGREED:



\_\_\_\_\_  
Muhammad Shafiq  
8001 Lynnfield Drive  
Alexandria, Virginia 22306  
Defendant *pro se*

SEEN AND AGREED:



\_\_\_\_\_  
Rubina Shafiq  
8001 Lynnfield Drive  
Alexandria, Virginia 22306  
Defendant *pro se*



# County of Fairfax, Virginia

APPENDIX 7

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

## Vested Rights Determination under §15.2-2307 of the Code of Virginia

Property Tax Map Number:	102-1 ((33)) 20
Property Address:	8001 Lynnfield Drive
Requestor's Name:	Shafiq Muhammad
Requestors Address: (if different than above)	
Requestor's Phone Number:	(571) 969-9467
Current Zoning:	R-3
Magisterial District:	Mount Vernon
Subdivision Name/Section/Block/Lot No.:	Williamsburg Manor North, Section 3, Lot 20

### Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia (See Attached Instruction Sheet)

The property is a corner lot zoned R-3 Residential District, Three Dwelling Units/Acre and is developed with a single family detached dwelling, a 12 foot by 20 foot accessory storage structure (shed) and a concrete slab. According to Bruce Miller with the Zoning Inspections Branch, the shed's peak height is 11.5 feet. A corner lot in the R-3 District has two (2) minimum required front yards of 30 feet and minimum required side and rear yards of 12 feet. The plat submitted shows the shed five feet from the side lot line and four feet from the rear lot line. The shed does not meet the location regulations contained in Par. 10 of Sect. 10-104 of the Zoning Ordinance, which require that a freestanding shed exceeding 8.5 feet in height not be located within the 12 foot minimum required side yard and also set back a minimum distance equal to its height from the rear lot line. Also, the shed exceeds the size limitation of Par. 25 of Sect. 10-102, which states that a shed must not exceed 200 square feet of gross floor area. Lastly, the shed, in combination with the concrete slab, covers approximately 32% of the minimum required rear yard, exceeding the 30% minimum required rear yard coverage limitation set forth in Par. 3 of Sect. 10-103. According to our records, Building Permit #02235B0510 was approved, in pertinent part, on August 23, 2002 for a 12 foot by 20 foot shed located approximately five (5) feet from the side and rear lot lines. Building Permit #02235B0510 passed final inspection on September 23, 2002.

### Background Summary (check all that are applicable):

- A Building Permit was issued for the shed and the shed passed final inspection.
- A Building Permit and/or final inspections were not obtained for the shed.
- Department of Tax Administration records indicate that the shed has been taxed for at least 15 years.
- Department of Tax Administration records do not indicate that the shed has been taxed for at least 15 years.

Department of Planning and Zoning  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
Phone 703-324-1314 FAX 703-803-6372  
www.fairfaxcounty.gov/dpz/



## COUNTY OF FAIRFAX, VIRGINIA

## SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SHAFIQ, MUHAMMAD, SP 2013-MV-071 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit accessory dwelling unit. Located at 8001 Lynnfield Dr., Alexandria, 22306, on approx. 14,387 sq. ft. of land zoned R-3. Mt. Vernon District. Tax Map 102-1 ((33)) 20. (Concurrent with VC 2013-MV-017). Mr. Smith 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 December 4, 2013; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 14,387 square feet.
4. This is an application to accommodate the applicant's 74-year-old mother.
5. The mother does not have a car, so it will have a modest size impact as far as the dwelling unit is concerned.
6. It meets the requirements of the Zoning Ordinance for accessory dwelling units.
7. It has been inspected by the County staff.
8. The staff has recommended approval.
9. The Board adopts the staff's rationale in this case.
10. The Board has not heard any concerns from neighbors, as well.

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 the Zoning Ordinance.

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

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.

2. This approval is granted to the applicant only, Muhammad Shafiq and/or Rubina Shafiq, and is not transferable without further action of this Board, and is for the location indicated on the application, 8001 Lynnfield Road (14,387 s.f.) and is not transferable to other land.
3. This special permit is granted only for the purposes, structures and/or uses indicated on the plat titled "Special Permit Plat, Lot 20, Williamsburg Manor North," prepared by Prem K. Bhandari, of AMA Engineers, LLC., dated June 5, 2013 and revised through October 22, 2013, as submitted with this application and is not transferable to other land.
4. A copy of this special permit **SHALL BE POSTED in a conspicuous place in the accessory dwelling unit** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
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 a maximum of 398 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
7. All applicable building permits and final inspections shall be obtained for kitchen components in the accessory dwelling unit.
8. 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.
9. 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.
10. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory 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.
11. All parking shall be provided on site as shown on the special permit plat.

- 12. All portions of the wooden fence currently in the front yard along Parkers Lane shall be reduced to a maximum of four feet in height.

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Hart seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

*Lorraine A. Giovinazzo*  
 Lorraine A. Giovinazzo, Deputy Clerk  
 Board of Zoning Appeals

ACKNOWLEDGEMENT

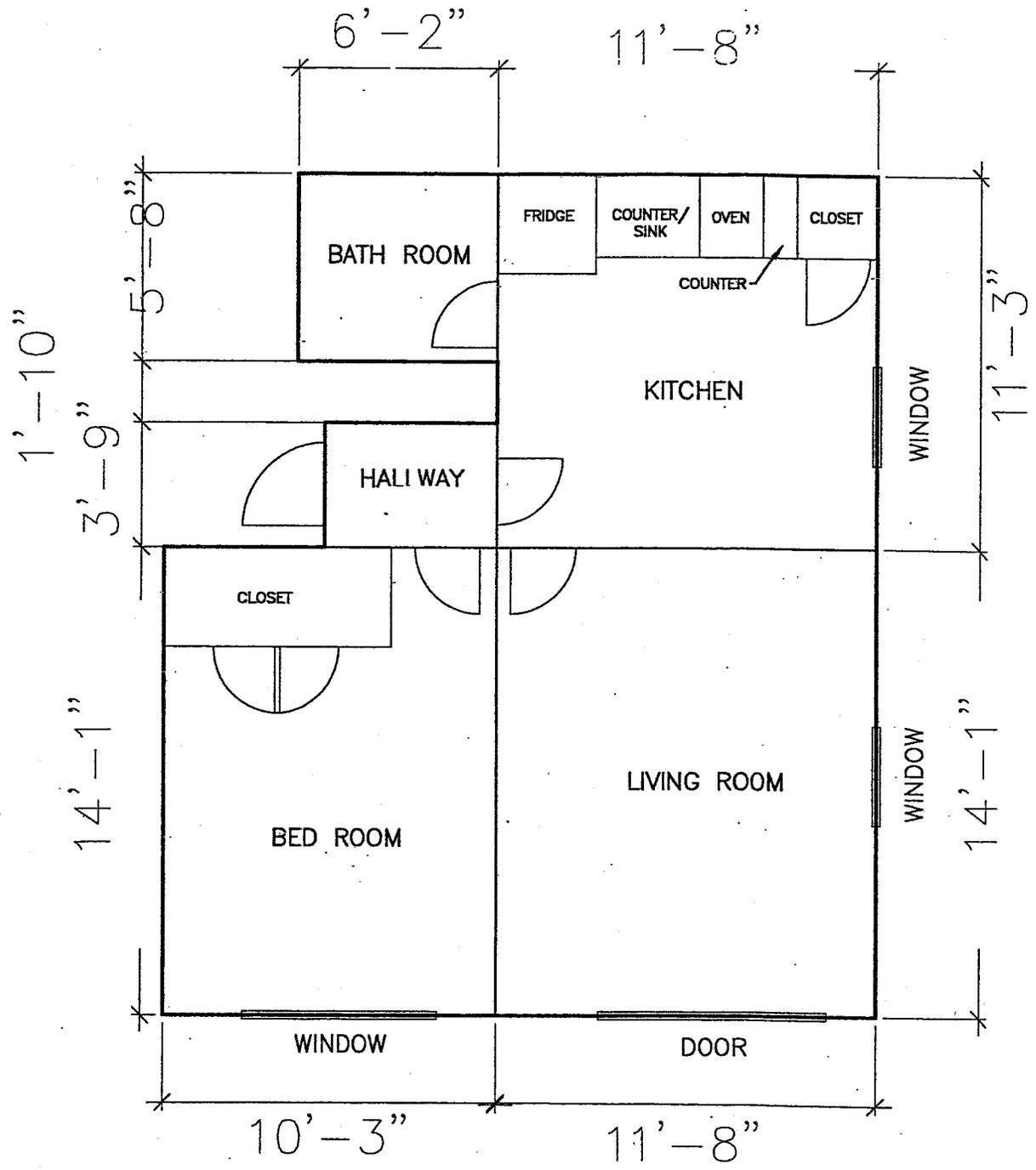
County of Fairfax  
 Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 12 day of  
 December, 2013.

*Robert Wyatt Harrison*  
 Notary Public

My commission expires: 9-30-2017





ABU 398 sf.  
9% of GFA

# APPROVED PLAT

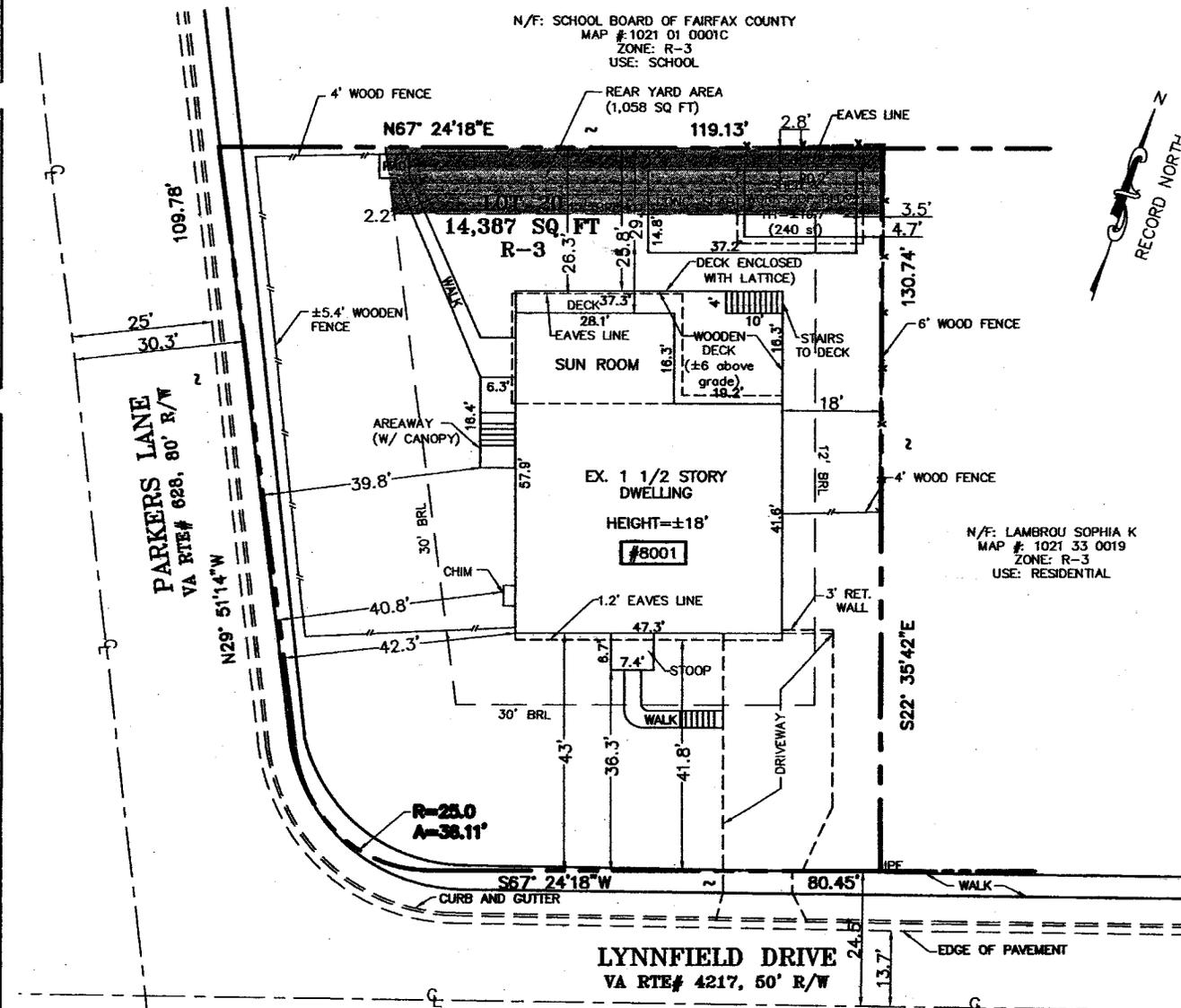
Application No. SP 2013-MV-071

Date of Approval 12/4/2013

Sheet 1 of 1

*Jay*

N/F: SCHOOL BOARD OF FAIRFAX COUNTY  
MAP #1021 01 0001C  
ZONE: R-3  
USE: SCHOOL



**NOTES:**

- TAX MAP# 102-1-((33))-20
- OWNER OF RECORDS: SHAFIQ MUHAMMAD, SHAFIQ RUBINA  
DEED BOOK:16074, PAGE:1761
- LOCATION OF FENCES ARE APPROXIMATE.
- THE DWELLING IS SERVED BY PUBLIC WATER AND SEWER SYSTEM.
- THERE IS NO FLOOD PLAIN OR RESOURCE PROTECTION AREA ON THE LOT.
- THERE IS NO GRAVEYARD OR BURIAL SITE ON THE LOT.
- NO UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE, OR NO OTHER EASEMENTS EXIST ON THE LOT.
- GROSS FLOOR AREA
  - PRINCIPAL BUILDING=1967 (BSMT)+1967 1ST FLOOR+458 SUNROOM=4,392 SQ FT
  - SHED & WORKSHOP BLD (ACCESSORY)=241 SQ FT OR 5.5% OF PRINCIPAL STRUCTURE
- REAR YARD COVERAGE (NORTH FROM LYNNFIELD DR)  
REAR YARD AREA ON THE NORTH=1,058 SQ FT (ENCLOSED BY 12' SETBACK FROM THE REAR PROPERTY LINE)  
PART OF SHED WITHIN BRL=160 SQ FT  
PART OF CONC PATIO=135 SQ FT  
PART OF WALK AND PAD=38 SQ FT  
TOTAL COVERAGE=333 SQ FT OR 31.5% OF REAR YARD AREA

**LEGEND**

IPF IRON PIPE FO  
A/C AIR CONDITION  
CONC. CONCRETE

**IMPERVIOUS AREA COMPUTATIONS:**

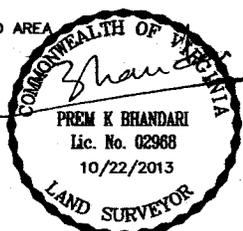
BUILDING: 1967+458 SUN ROOM=2,425 SQ FT  
DECK: 502 SQ FT (WOOD DECK NOT INCLUDED IN IMPERVIOUS AF  
SHED: 241 SQ FT  
DRIVEWAY: 816 SQ FT  
WALK: 369 SQ FT  
CONCRETE PAD FOR SHED: 310 SQ FT  
SUB-TOTAL= 4161 SQ FT OR 28.9% OF LOT AREA  
LOT AREA= 14,387 SQ FT

**FRONT YARD COVERAGE:**

FRONT YARD AREA: 4,336 SQ FT  
IMPERVIOUS AREA (VEHICLE RELATED AREA): 816 SQ FT  
% OF FRONT YARD: SUB-TOTAL=816/4,336X100%=18.8%<30%

**SPECIAL PERMIT PLAT**

**LOT 20, WILLIAMSBURG MANOR NORTH**  
TAX ID:102-1-((33))-20  
MT. VERNON DISTRICT  
**8001 LYNNFIELD DRIVE**  
SCALE: 1"=20'  
DATE: JUNE 5, 2013  
REVISED: October 22, 2013



**RECEIVED**  
Department of Planning & Zoning  
OCT 25 2013  
Zoning Evaluation Division

**AMA ENGINEERS, PC**  
3930 Pender Drive, Suite 310  
Fairfax, Va-22030  
TEL: 703-655-2151 (cell)  
703-273-0300 (off)  
Fax: 703-273-0303

## COUNTY OF FAIRFAX, VIRGINIA

### VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

SHAFIQ, MUHAMMAD, VC 2013-MV-017 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit greater than 30 percent minimum rear yard coverage. Located at 8001 Lynnfield Dr., Alexandria, 22306, on approx. 14,387 sq. ft. of land zoned R-3. Mt. Vernon District. Tax Map 102-1 ((33)) 20. (Concurrent with SP 2013-MV-071). Mr. Smith 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 December 4, 2013; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 14,387 square feet.
4. The Board is moving to deny the variance in this case.
5. Thinking through all the different variance applications that have been before the Board, it is very unfortunate that this is such a small infraction here.
6. The Board hopes that the applicant can find a quote that is less than the quote that he has gotten.
7. It seems like a relatively minor change to modify that walkway and that pad to correct this issue without it impacting the concrete slab or the shed in the workshop building.
8. The Board recently had with a swing set in the backyard that looked a little bit like this corner lot, although in that case it was a through lot because of the configuration.
9. Here there is a corner lot that meets the lot requirements in terms of size and width.
10. The Board is having a hard time finding a justification under the Ordinance to grant a variance in this case.
11. Whether it is truly an unnecessary hardship, the Board is very sympathetic to the situation that the applicant referenced being currently unemployed and that there will be some cost to do this, considering the cases where the Board had or had not granted variances and other circumstances that the Board can think of that were even similar to this where permits had been issued where it would truly have been a significant hardship.
12. The Board is recalling a swimming pool in the past that might be so much similar where a variance had been granted.
13. In this case, the Board does not see that same level of hardship to make the correction.

This application does not meet all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
  - A. Exceptional narrowness at the time of the effective date of the Ordinance;
  - B. Exceptional shallowness at the time of the effective date of the Ordinance;
  - C. Exceptional size at the time of the effective date of the Ordinance;
  - D. Exceptional shape at the time of the effective date of the Ordinance;
  - E. Exceptional topographic conditions;
  - F. An extraordinary situation or condition of the subject property, or
  - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
  - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
  - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

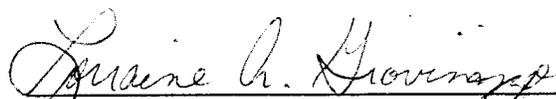
AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has not satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **DENIED**.

Mr. Hart seconded the motion, which carried by a vote of 7-0.

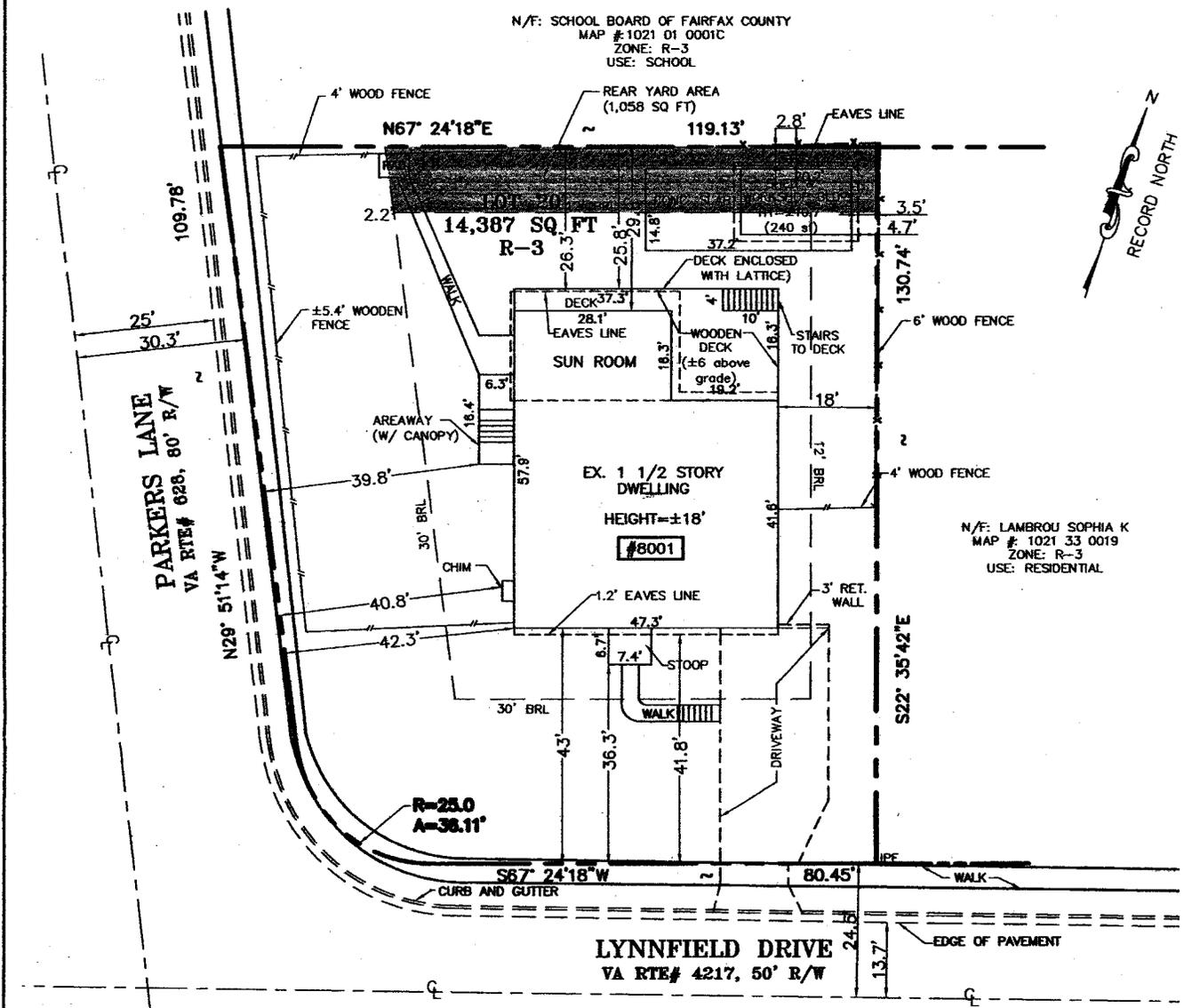
A Copy Teste:

A handwritten signature in cursive script, reading "Lorraine A. Giovinazzo". The signature is written in dark ink and is positioned above a horizontal line.

Lorraine A. Giovinazzo, Deputy Clerk  
Board of Zoning Appeals

Application No. VC 2013-MV-017  
**APPLICATION DENIED**  
 BZA Denial Date 12/4/2013

N/F: SCHOOL BOARD OF FAIRFAX COUNTY  
 MAP #1021 01 0001C  
 ZONE: R-3  
 USE: SCHOOL



N/F: LAMBROU SOPHIA K  
 MAP # 1021 33 0019  
 ZONE: R-3  
 USE: RESIDENTIAL

**NOTES:**

- TAX MAP#: 102-1-((33))-20
- OWNER OF RECORDS: SHAFIQ MUHAMMAD, SHAFIQ RUBINA  
 DEED BOOK:16074, PAGE:1761
- LOCATION OF FENCES ARE APPROXIMATE.
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  - PRINCIPAL BUILDING=1967 (BSMT)+1967 1ST FLOOR+458 SUNROOM=4,392 SQ FT
  - SHED & WORKSHOP BLD (ACCESSORY)=241 SQ FT OR 5.5% OF PRINCIPAL STRUCTURE
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 REAR YARD AREA ON THE NORTH=1,058 SQ FT (ENCLOSED BY 12' SETBACK FROM THE REAR PROPERTY LINE)  
 PART OF SHED WITHIN BRL=160 SQ FT  
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 PART OF WALK AND PAD=38 SQ FT  
 TOTAL COVERAGE=333 SQ FT OR 31.5% OF REAR YARD AREA

**LEGEND**

IPF IRON PIPE FOL  
 A/C AIR CONDITION  
 CONC. CONCRETE

**IMPERVIOUS AREA COMPUTATIONS:**

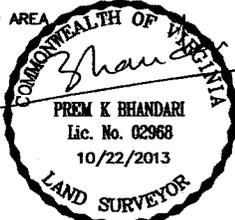
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 DRIVEWAY: 816 SQ FT  
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**FRONT YARD COVERAGE:**

FRONT YARD AREA: 4,336 SQ FT  
 IMPERVIOUS AREA (VEHICLE RELATED AREA):816 SQ FT  
 % OF FRONT YARD: SUB-TOTAL=816/4,336x100%=18.8%<30%

**SPECIAL PERMIT PLAT**

**LOT 20, WILLIAMSBURG MANOR NORTH**  
 TAX ID:102-1-((33))-20  
 MR. VERNON DISTRICT  
**8001 LYNNFIELD DRIVE**  
 SCALE: 1"=20'  
 DATE: JUNE 5, 2013  
 REVISED: October 22, 2013



RECEIVED  
 Department of Planning & Zoning

OCT 25 2013

Zoning Evaluation Division

**AMA ENGINEERS, LLC**  
 3930 Pender Drive, Suite 310  
 Fairfax, Va-22030  
 TEL: 703-655-2151 (cell)  
 703-273-0300 (off)  
 Fax: 703-273-0303



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

June 16, 2014

Muhammad Shafiq  
8001 Lynnfield Drive  
Alexandria, VA 22306

RE: Special Permit SP 2013-MV-071, Variance 2013-MV-017 and CL20130005293  
8001 Lynnfield Drive  
Williamsburg Manor North, Lot 20, Section 3  
Tax Map: 102-1 ((33)) 20  
Zoning District: R-3

Dear Mr. Shafiq:

Special Permit SP 2013-MV-071 was approved by the Board of Zoning Appeals on December 4, 2013, for an accessory dwelling unit, subject to approved development conditions (see attached). These conditions state that approval for the use would expire on June 4, 2014, unless that use was established prior to the expiration date. To establish the use, all of the approved development conditions are required to be met.

A review of the above-referenced special permit finds that as of June 5, 2014, the conditions of the special permit were not recorded in the land records of Fairfax County, as required by Condition #1 and that final inspections were not obtained, as required by Condition #7. Based on these findings, it has been determined that all of the approved development conditions have not been met prior to the expiration date and as such, the special permit has expired. Without valid special permit approval, the existing accessory dwelling unit is in violation of Zoning Ordinance requirements. This matter is therefore being referred to the Zoning Inspections Branch for appropriate enforcement action.

I note that an inspection of your property was conducted on January 30, 2014, by Inspector Cohenour of the Zoning Inspections Branch. Subsequent to this inspection, Inspector Cohenour attempted to follow up with you about the outstanding conditions but received no reply. Inspector Cohenour's email messages are attached.

I further note that because Variance 2013-MV-017, to permit greater than 30% minimum rear yard coverage, was denied, any coverage of the minimum required rear yard that still exceeds 30% would constitute a violation of the Zoning Ordinance. Based on the coverage area shown on the special permit plat (see attached), you would need to reduce the size of the portion of the concrete slab that is in the minimum required rear year yard by 58.4 square feet in order to come into compliance with the 30% minimum rear yard coverage requirement. Please be aware that

**Department of Planning and Zoning**

Zoning Administration Division

Zoning Permit Review Branch

12055 Government Center Parkway, Suite 250

Fairfax, Virginia 22035-5508

Phone 703-324-1359 FAX 703-324-2301

[www.fairfaxcounty.gov/dp](http://www.fairfaxcounty.gov/dp)

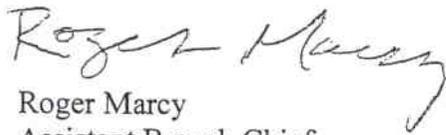


Mr. Shafiq  
June 16, 2014  
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the coverage calculation provided on the afore-mentioned plat is incorrect and should not be relied upon because the total square footage of the minimum required rear yard was calculated incorrectly.

If you have any questions, please feel free to contact me at 703-324-1396.

Sincerely,



Roger Marcy  
Assistant Branch Chief  
Zoning Permit Review Branch

Enclosure A/S

cc: Gerald W. Hyland, Supervisor, Mount Vernon District  
Leslie B. Johnson, Zoning Administrator  
Barbara C. Berlin, Director, Zoning Evaluation Division  
Kevin Guinaw, Chief, Special Project/Applications Management Branch, ZED  
Joe Bakos, Chief, Zoning Inspections Branch  
Laura Gori, Assistant County Attorney, Office of the County Attorney



## Land Development Information History: FIDO - FINISHBSMT - 140060141

### Permit Information

<b>Permit Number:</b>	140060141	<b>Application Date:</b>	
<b>Permit Type:</b>	FINISHED BASEMENT RESIDENTIAL	<b>Tax Map:</b>	102-1 ((33)) 0020
<b>Job Address:</b>	008001 LYNNFIELD DR ALEXANDRIA , VA 22306-3225	<b>Permit Status:</b>	Finalized
<b>Location:</b>		<b>Bldg:</b>	<b>Floor:</b> <b>Suite:</b>
<b>Subdivision:</b>	WILLIAMSBURG MANOR NORTH SEC.3	<b>Permit Fee:</b>	\$90.00
<b>Magisterial District:</b>	MOUNT VERNON		
<b>Subcensus Tract:</b>			
<b>AP (Tenant) Name:</b>			
<b>Work Description:</b>	sfd/finish basement with 2nd kitchen, new bath and living area/no wet bar/existing bedroom with egress//cb		
<b>Type of Work:</b>	FINISHED BASEMENT		
<b>Building Use:</b>	SFD - SINGLE FAMILY DWELLING		
<b>Standard:</b>	IR09 - IRC 2009		
<b>Plan Number:</b>	W-14-1036		
<b>Parent Permit:</b>			
<b>ISIS Permit:</b>			
<b>Type of Const:</b>	VB		
<b>Use Group:</b>	R5		
<b>Comments:</b>			

Link to FIDO record : [140060141](#)

### Owner Information

**Owner:** SHAFIQ MUHAMMAD  
**Address:** 8001 LYNNFIELD DR  
**City:** ALEXANDRIA **State:** VA  
**Zip:** 22306

### Contractor Information

**Name:** OWNER IS CONTRACTOR **BPOL License:**  
**Address:** **State License:**  
**City:** **State:** VA **Zip:** **Trade Reg.:**  
**Trade Name:**

### Applicant Information

**Applicant:**  
**Address:**  
**City:** **State:** **Zip:**

### Other Contact Information

**Contact:**  
**Address:**  
**City:** **State:** **Zip:**

### Inspections

#### Inspection - R FINAL - FINAL INSPECTION - 6319993

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2014-07-03	DONALD CASSEDY	N	Passed	NO	changed lower garage into setting room,small kitchen,and full bath (in lower right side of basement)only.

#### Inspection - R FINAL - FINAL INSPECTION - 6244647

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2014-04-07	DONALD CASSEDY	N	Failed	NO	plumbing and elec. failed

#### Inspection - R FRAMING - FRAMING INSPECTION - 6298590

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2014-03-21	DONALD BOLT	N	Passed	NO	

#### Inspection - R FRAMING - FRAMING INSPECTION - 6244648

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2014-03-13	SUSAN WEYANT	N	Cancelled	NO	per homeowner 703 350 4561

### Reviews

#### Review - BUILDING - (BUILDING REVIEW) - 2292634

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2014-01-06	CHRISTIANNA RABER	Y	Approved

**Review - ZONING - (ZONING REVIEW) - 2292632**

Review Type	Review Date	Reviewer	Started	Status
ZONING	2014-01-06	TONY MOORE	Y	Approved

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

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**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-903 Standards For All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

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

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.
3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
  - A. One of the dwelling units shall be owner occupied.
  - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
    - (1) Any person fifty-five (55) years of age or over and/or
    - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security

Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

- C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
  - (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
  - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
- 6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:
  - A. Uninterrupted access to one (1) entrance; and
  - B. Accessibility and usability of one (1) toilet room.

7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.
8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.
13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.