



SPECIAL PERMIT ACCEPTED: February 19, 2015
BOARD OF ZONING APPEALS: May 20, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

May 13, 2015

STAFF REPORT

SPECIAL PERMIT NO. SP 2015-DR-028

DRANESVILLE DISTRICT

APPLICANT: Zhong Qi

OWNERS: Zhong Qi
Ping Yun

SUBDIVISION: Southampton, Section 3

STREET ADDRESS: 7101 Idylwood Road, Falls Church, 22043

TAX MAP REFERENCE: 40-1 ((23)) 2

LOT SIZE: 11,731 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-DR-028 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.

Laura B. Arseneau

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.

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.**

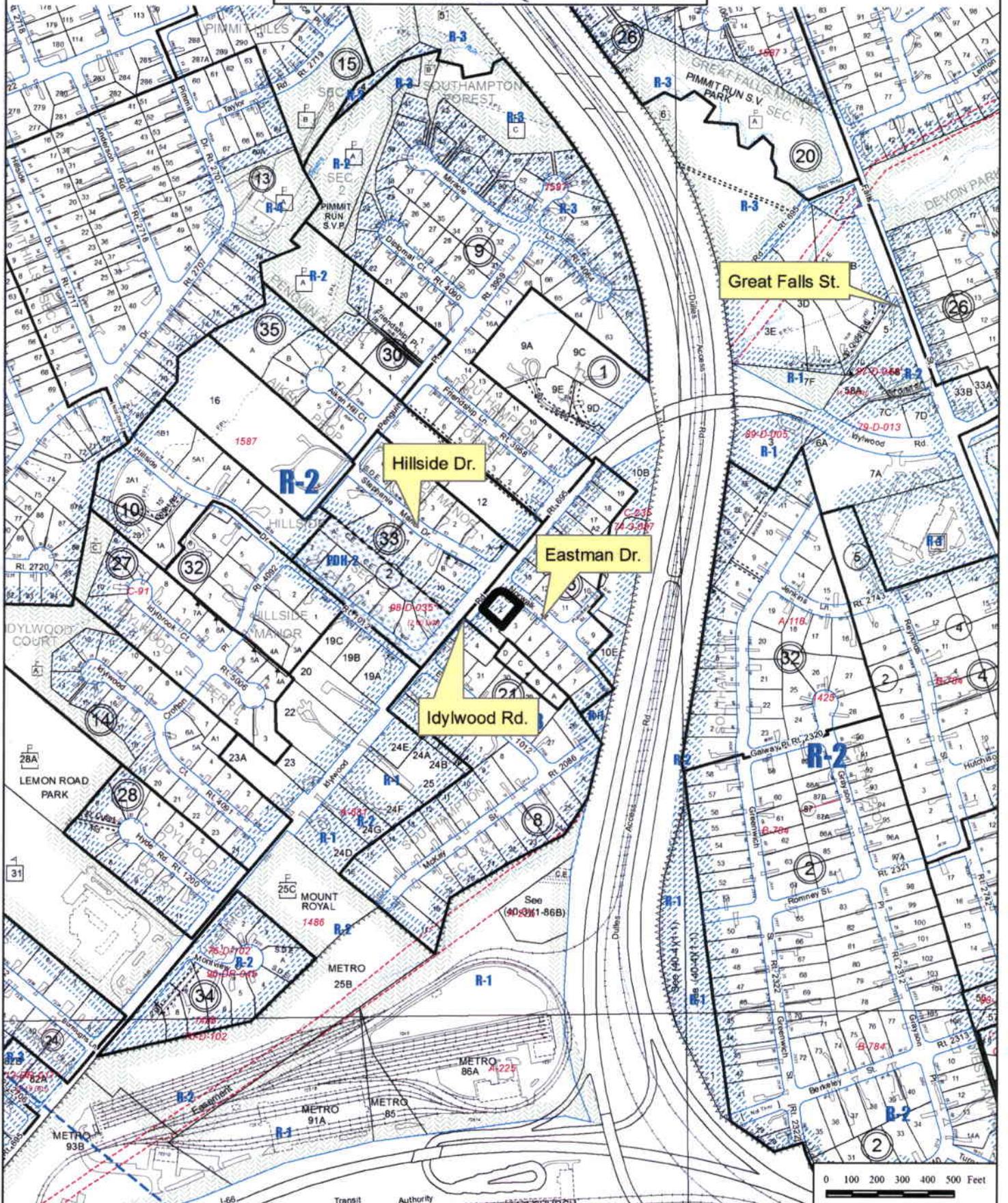


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2015-DR-028

ZHONG QI



NOTES:

1. THE PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
2. THE SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES (INCLUDING FENCES).
3. THE LOCATION OF FENCES ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
4. THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX MAP # 40-1-((23))-02.
5. NO KNOWN GRAVE SITE OR BURIAL SITE EXIST ON THE LOT.
6. THE PROPERTY IS SERVED BY PUBLIC WATER AND SANITARY SEWER SYSTEM.
7. THERE ARE NO KNOWN UTILITY EASEMENTS HAVING A WIDTH OF 25 FEET OR MORE ON SITE.
8. THERE ARE NO KNOWN MAJOR UTILITY EASEMENTS ON SITE.
9. NO KNOWN TOXIC OR HAZARDOUS SUBSTANCES EXIST ON SITE.
10. THE PROPOSED DEVELOPMENT CONFORMS TO PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS.
11. NO FLOOD PLAIN, RESOURCE PROTECTION OR MANAGEMENT AREAS EXIST ON SITE.
12. NO NEW CONSTRUCTION OR SITE WORK IS PROPOSED ON SITE.

LEGENDS	
—	BRL
-x-x-	EX. CHAIN LINK FENCE
-□-	EX. METAL FENCE
---	PROPERTY LINE
IPF	IRON PIPE FOUND
W/M	WATER METER
E/M	ELECTRIC METER

PROPERTY OWNER:

ZHONG QI
 7101 IDYLWOOD ROAD
 FALLS CHURCH, VA 22043
 PHONE: 703-400-2430

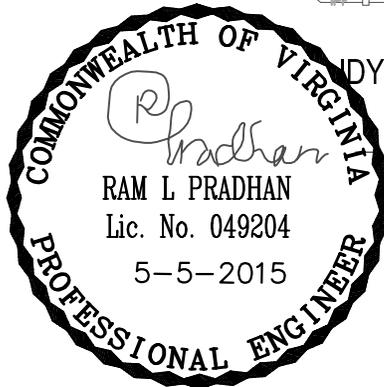
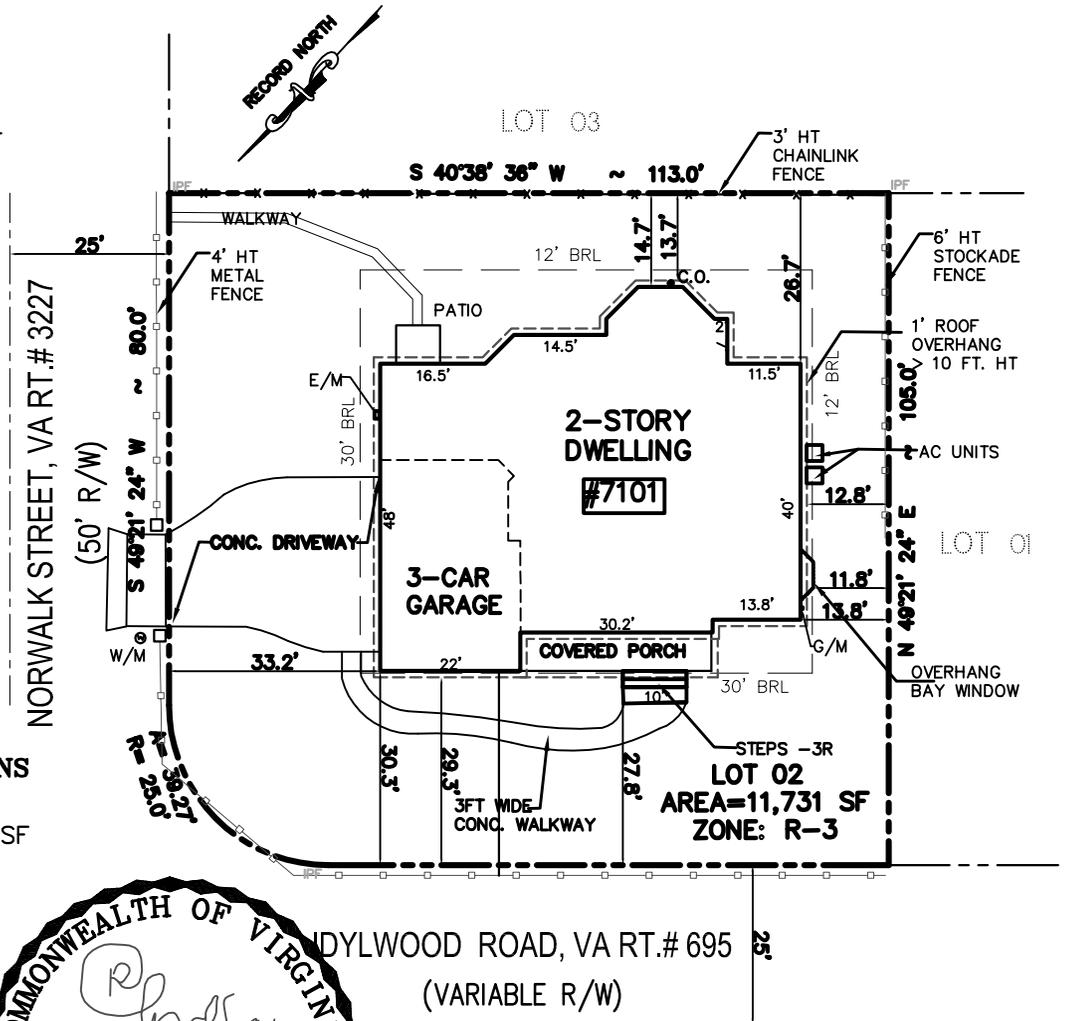
ACCESSORY DWELLING UNIT

THE ACCESSORY DWELLING UNIT WILL BE PROVIDED AT BASEMENT LEVEL OF MAIN DWELLING WITH 1 BEDROOM AND 1 KITCHEN. THE GROSS FLOOR AREA ALLOCATED FOR THE ACCESSORY UNIT WILL BE:

KITCHEN = 316 SF
 BED ROOM = 242 SF
OPEN AREA = 600 SF
 TOTAL = 1,158 SF
 EX.GROSS FLOOR AREA= 5,990 SF
 %ACCESSORY UNIT= 1,158 /5,990
 = 19.33% < 35.0% (ALLOWED)
 BEDROOM = 1 < 2 (ALLOWED)
 ABOVE GRADE LIVING SPACE
 = 5,172 SF
 GARAGE = 638 SF
PORCH= 180 SF
 TOTAL = 5,990 SF

IMPERVIOUS AREA CALCULATIONS

HOUSE = 3,145 SF
 PORCH/WALKWAY/STEPS = 527 SF
DRIVEWAY = 781 SF
 TOTAL = 4,453 SF
 % IMP. AREA= 37.96%
 ACCESSORY UNIT
 TO BE OCCUPIED BY PARENTS
 MORE THAN 55 YEARS OLD.



ZONING TABLE (R-3)

DESCRIPTIONS	EXISTING	PROPOSED
IMPERVIOUS AREA	37.96%	37.96%
GROSS FLOOR AREA	5,990 SF	5,990 SF
BUILDING HEIGHT	< 32.52'	< 35.0'

SETBACK TABLE (ZONE R-3, CORNER LOT)

	REQUIRED	PROVIDED	
		OUTER WALL	ROOF EAVE
FRONT	30' (MIN.)	30.3'	29.3'(MIN)
FRONT	30' (MIN.)	33.2'	32.3'
SIDE	12' (MIN)	14.7' (REAR)	13.7'
SIDE	12' (MIN)	13.8' (RIGHT)	12.8'

SPECIAL PERMIT PLAT

SOUTHAMPTON SUBDIVISION, LOT 02
7101 IDYLWOOD ROAD, FALLS CHURCH
FAIRFAX COUNTY, VIRGINIA 22043

SCALE: 1"=30', DATE: MAY 05, 2015

PREPARED BY

Inova Engineering Consultants, Inc

25209 LARKS TERRACE
SOUTH RIDING, VIRGINIA-20152

PHONE: (703) 655-3951

E-mail: inovaengineers @ yahoo.com

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, Southampton Subdivision, Lot 02, 7101 Idylwood Road, Falls Church," prepared by Inova Engineering Consultants Inc., dated May 5, 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 detached dwelling. The property is a corner lot with two front yards; one along Idylwood Road and one abutting Norwalk Street. A covered porch with steps and a walkway are in the front yard along Idylwood Road. A concrete patio and walkway leads to the basement and is located in the rear yard. Vehicular access is provided by a concrete driveway off of Norwalk Street and to the left side of the dwelling. A 3 foot high chain link fence is located along the side property line to the rear of the house. A 6 foot high wood fence is located in the rear yard. A 4 foot high metal fence is located along the property lines of both front yards.

The subject property and the properties to the east, west and south are zoned R-3 and developed with single family detached dwellings. The lot to the north, across Idylwood Road, is zoned R-2 and developed with a single family detached dwelling. The property is located south of the intersection of Idylwood Road and Norwalk Street.



Figure 1- Aerial View of Property

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in and purchased by the applicant in 2012.

On June 6, 2013, a building permit was issued for a finished basement with wet bar and

bedroom and no second kitchen (Appendix 4). On December 13, 2013, the basement received and passed a final inspection.

On June 23, 2014, a Notice of violation was issued for a violation in the number of dwelling units on a lot (Appendix 5).

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of an accessory dwelling unit (ADU) in the basement of the single family dwelling as it currently exists. The applicant resides in the single family dwelling and the parents of the applicant, who are over 55 years of age, will live in the proposed ADU..

The principal dwelling consists of 5,172 square feet (above grade living space). The calculated area of the ADU is 1,158 square feet, which is 22.4% of the total size of the single family dwelling. The proposed accessory dwelling unit will have one bedroom, a living area and a kitchen.

Primary access to the ADU is provided by an interior stairway from the main level of the house. The proposed accessory dwelling unit has two egress points. The window in the bedroom meets the Virginia Residential Building Code regulations for emergency egress. A set of French doors located near the kitchen provides access to the rear yard of the dwelling.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: I, McLean
 Planning Sector: Pimmit Community Planning Sector (M2)
 Plan Map: Residential, 2-3 du/ac

Zoning Ordinance Requirements (Appendix 6)

- *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.	11,731 sf.
Lot Width	Corner: 105 feet	113.0 feet

Bulk Standards (R-3)		
Standard	Required	Provided
Building Height	35 feet max.	Not provided
Front Yard (Idylwood Rd)	Min. 30 feet	27.8 feet ¹
Front Yard (Norwalk St)	Min. 30 feet	33.2 feet
Side Yard	Min. 12 feet	13.7 feet
Rear Yard	Min. 25 feet ²	11.5 feet ³

1. Uncovered steps can extend five feet into any minimum required yard (Sect. 2-412)
2. Since this property is a corner lot it the rear yard can take 12 foot side yard setbacks
3. Bay window can extend five feet into the minimum required yards (Sect. 2-412)

General Special Permit Standards (Sect. 8-006)

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

Group 9 Standards (Sect. 8-903)

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

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

Standard 1 <i>Only One ADU per Single Family Detached Dwelling</i>	The application requests approval of one ADU on a property occupied by a single family detached dwelling; this standard is met.
Standard 2 <i>Structure Shall be Located Within Single Family Dwelling</i>	The proposed ADU would be within the existing home.
Standard 3 <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 22.4% of the total GFA. This standard is met.
Standard 4 <i>Max. 2 Bedrooms</i>	The application indicates that the ADU includes one bedroom. This standard is met.
Standard 5 <i>Occupancy Standards</i>	The applicant, who would reside in the principle dwelling or in the ADU, owns the property and their proposed occupants of the ADU meet the qualifications of "elderly" as defined by the Zoning Ordinance.
Standard 6 <i>Reasonable Access for a Disabled Person</i>	The applicant has indicated that the person who accesses the ADU is not disabled. However, the dwelling unit would contain uninterrupted access to one entrance.
Standard 7 <i>Sufficient Parking</i>	The property includes ample parking and the persons living in the ADU will not have a car or drive.
Standard 8 <i>Will Not Modify or Disrupt Character of Neighborhood</i>	Staff believes that the use of the ADU, as proposed, would not constitute sufficient change to modify or disrupt the predominant character of the neighborhood.
Standard 9 <i>Regulations for Safety, Health, Sanitation</i>	This standard requires any ADU to meet applicable regulations for building, safety, health, and sanitation. A development condition is proposed to this effect.
Standard 10 <i>Recorded</i>	A condition is proposed requiring the approval to be recorded among Fairfax County land records.
Standard 11 <i>Inspection</i>	A condition is proposed requiring the owner to allow inspections of the property by County personnel during reasonable hours upon prior notice.
Standard 12 <i>Approved for 5 Years</i>	A condition is proposed addressing this standard.
Standard 13 <i>Approval Prior to July 27, 1987</i>	This standard is not applicable.

CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2015-DR-028 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 June 23, 2014
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-DR-028****May 13, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-DR-028 located at Tax Map 40-1 ((23)) 2 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, Zhong Qi, and is not transferable without further action of this Board, and is for the location indicated on the application, 7101 Idylwood 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, Southampton Subdivision, Lot 02, 7101 Idylwood Road, Falls Church," prepared by Inova Engineering Consultants Inc., dated May 5, 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 1,158 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.

February 04, 2015

Deborah Lesko Pemberton
Senior Applications Acceptance Planner
Special Projects/ Applications Management Branch
Department Planning and Zoning
Zoning Evaluation Department
12055 Government Center Parkway
Fairfax, Virginia 22035

Re: Special Permit Application – Zhong Qi
Applicant: Zhong Qi

County case Number: SP 2014-0406

Dear Ms. Deborah:

Please accept the following as statement of justification for special permit on property identified among Fairfax county tax map records as 40-1-((23))-02 (the "subject property").

The property is located at Falls church, Virginia 22043. The property is under zoning district R-3 and contains 11,731 SF. The site is developed with 2-story single family dwelling. The existing dwelling was built in 2012. The ex. house has above grade living space 5,172 sf, 3 car garage 638 sf and front covered porch 180 sf. The total gross floor area is 5,990 sf. Out of the available floor space, I would like to convert part of basement space with a kitchen and 1 bedroom with total of 558 sf of space as accessory unit for my in laws . They are more than 55 years old.

In accordance with requirements for an accessory unit under section 8-918 of the zoning ordinance, please accept the following information regarding the proposed special permit application for use of part of basement space as accessory unit.

- The ex. dwelling is owned by applicant.
- The existing dwelling is single family house and built in accordance with county standards, PFM and zoning ordinance in 2012.
- The dwelling is facilitated with 3 car garage and driveway from Norwalk Street.
- The accessory unit for person more than 55 years old.
- The number of bed room will be one (1) and kitchen one(1) in the unit.

- The total percentage of accessory unit in terms of the gross floor area 9.32 %.
- This dwelling unit meets all minimum required yards, building height.
- The maximum number of people living in this dwelling will be six (6) with use of accessory unit and residential use only.

I would like to request you for granting special use permit for approval of use of part of basement space as accessory unit under section 8-918 of zoning ordinance. Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call at 703-400-2430. As always, I appreciate your cooperation and assistance.

Sincerely,



Qi Zhong
7101 Idylwood Road
Falls Church, Va 22043

RECEIVED
Department of Planning & Zoning

FEB 09 2013

Zoning Evaluation Division

7101 Idylwood Rd

— front view



7101 Idylwood Rd

side garage



7101 Idylwood Rd
back door



7101 Idylwood Rd

back-yard



7101 Edgewood Rd

— Basement View



7101 Edylwood Rd

— Basement View



7101 Idylwood Rd
- Kitchen



7101 Idylwood Rd, Map#: 0401 23 0002



RECEIVED
Department of Planning & Zoning
JUL 31 2014
Zoning Evaluation Division

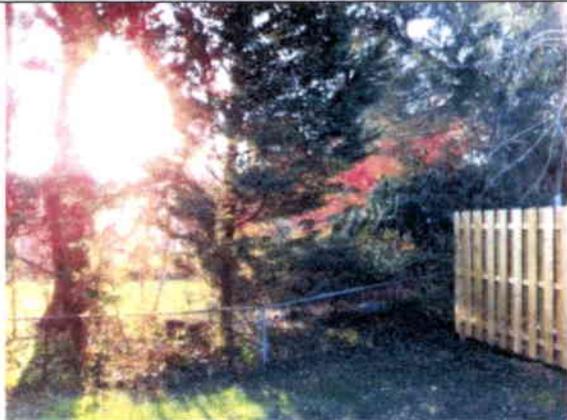
7101 Idywood Rd – Pictures Surrounding



Back Left



Back Middle



Back Right



Front Left



Front Middle



Front Right

RECEIVED
Department of Planning & Zoning
FEB 09 2015
Zoning Evaluation Division

Application No.(s): SP 2015-DR-028
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/9/2015
 (enter date affidavit is notarized)

126823

I, ZHONG QI, do hereby state that I am an
 (enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
ZHONG QI	7101 Idylwood Rd Falls Church, VA 22043	Applicant/Title Owner
PING YUN	7101 Idylwood Rd Falls Church, VA 22043	Co-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).

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/9/2015
(enter date affidavit is notarized)

126823

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-DK-028

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

126823

DATE: 2/9/2015
(enter date affidavit is notarized)

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.

SP 2015-DRL-028

Application No.(s)

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/9/2015
(enter date affidavit is notarized)

(26823)

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-DK-028
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/9/2015
(enter date affidavit is notarized)

126823

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

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

None

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

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

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

WITNESS the following signature:

(check one) Applicant Applicant's Authorized Agent
ZHONG QI
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 9th day of February, 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Rachael A. Locke
Notary Public

My commission expires: 6/30/15





Land Development Information History: FIDO - FINISHBSMT - 131570186

Permit Information

Permit Number:	131570186	Application Date:	
Permit Type:	FINISHED BASEMENT RESIDENTIAL	Tax Map:	040-1 ((23)) 0002
Job Address:	007101 IDYLWOOD RD FALLS CHURCH , VA 22043- 1525	Permit Status:	Finalized
		Bldg:	Floor: Suite:
		Permit Fee:	\$90.00

Location:

Subdivision: SOUTHAMPTON

Magisterial District: DRANESVILLE

Subcensus Tract:

AP (Tenant) Name:

Work Description: finished basement with wet bar and bedroom/no second kitchen/existing egress

Type of Work: FINISHED BASEMENT

Building Use: SFD - SINGLE FAMILY DWELLING

Standard: IR09 - IRC 2009

Plan Number: W-13-3715

Parent Permit:

ISIS Permit:

Type of Const: VB

Use Group: R5

Comments:

Link to FIDO record : [131570186](#)

Owner Information

Owner: Withheld by Request
Address: 7101 IDYLWOOD RD
City: FALLS CHURCH **State:** VA
Zip: 22043

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 - 6047033

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2013-12-13	BRYANT WILKERSON	N	Passed	NO	

Inspection - R FRAMING - FRAMING INSPECTION - 6047034

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2013-07-01	BRYANT WILKERSON	N	Passed	NO	

Reviews

Review - BUILDING - (BUILDING REVIEW) - 2231628

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2013-06-06	CHRISTIANNA RABER	Y	Approved

Review - ZONING - (ZONING REVIEW) - 2231627

Review Type	Review Date	Reviewer	Started	Status
ZONING	2013-06-06	TONY MOORE	Y	Approved



County of Fairfax, Virginia

COPY

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

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: June 23, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Zhong Qi
Ping Yun

ADDRESS: 7101 Idylwood Road
Falls Church, Virginia 22043

LOCATION OF VIOLATION: 7101 Idylwood Road
Falls Church, Virginia 22043-1525

TAX MAP REF: 0401 23 0002

ZONING DISTRICT: R- 3

CASE #: 201404170 **SR #:** 106213

ISSUING INVESTIGATOR: Michael Caudle, (703)324-9327

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§02.501	\$ 200.00	\$ 500.00
	TOTAL:	\$ 200.00	\$ 500.00

Dear Responsible Party:

An inspection of the above referenced property on June 19, 2014 revealed the following violation(s) of the Fairfax County Zoning Ordinance:

§ 2-501 Limitation on the Number of Dwelling Units on a Lot:

The inspection revealed there are two (2) complete and separate dwellings in this single family dwelling unit on the above-referenced property. Part 3 of Article 20 of the Zoning Ordinance defines a

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-324-9346
www.fairfaxcounty.gov/code

Zhong Qi
Ping Yun
June 23, 2014
SR 106213
Page 2

dwelling unit as:

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, the presence of more than one dwelling unit on the above-referenced property is in violation of Sect. 2-501 of the Zoning Ordinance which 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....

You are hereby directed to clear this violation within fifteen (15) days of the date of this notice. Compliance can be achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the dwelling to include: the ovens, microwave, ranges, sinks, cabinets, countertops, refrigerators, and freezers or combinations thereof; all other appliances and accoutrements used or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and
- Applying for and obtaining approval from the Fairfax County Building Official (12055 Government Center Parkway, Second Floor, Permit Application Center) for a valid demolition permit for the removal of all electrical circuits, plumbing fixtures and piping and natural gas piping systems which were installed to establish the second kitchen in the dwelling unit at this property, and obtaining a passing final inspection of such demolition work; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

Zhong Qi
Ping Yun
June 23, 2014
SR 106213
Page 3

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903(1).

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. 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, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703)324-1314

Information and forms can also be obtained at <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-9327. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:

Signature



Michael Caudle
Code Compliance Investigator
(703)324-9327
Mike.Caudle@fairfaxcounty.gov

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.