



SPECIAL PERMIT ACCEPTED: March 3, 2015
BOARD OF ZONING APPEALS: June 10, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

June 3, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-MA-040

MASON DISTRICT

APPLICANTS/OWNERS: Kim D. Nguyen
Vu Tue Nguyen

SUBDIVISION: Pinecrest

STREET ADDRESS: 4425 Park Rd., Alexandria, 22312

TAX MAP REFERENCE: 72-1 ((6)) 73

LOT SIZE: 22,078 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISIONS: 8-914, 8-918

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit in an existing dwelling, and to permit reduction in minimum yard requirements based on error in building location to permit an accessory storage structure 4.2 ft. from a rear lot line and 3.4 ft. from a side lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-MA-040 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.

Casey V. Gresham

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

A copy of the BZA's Resolution setting forth this decision will be mailed within five (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.

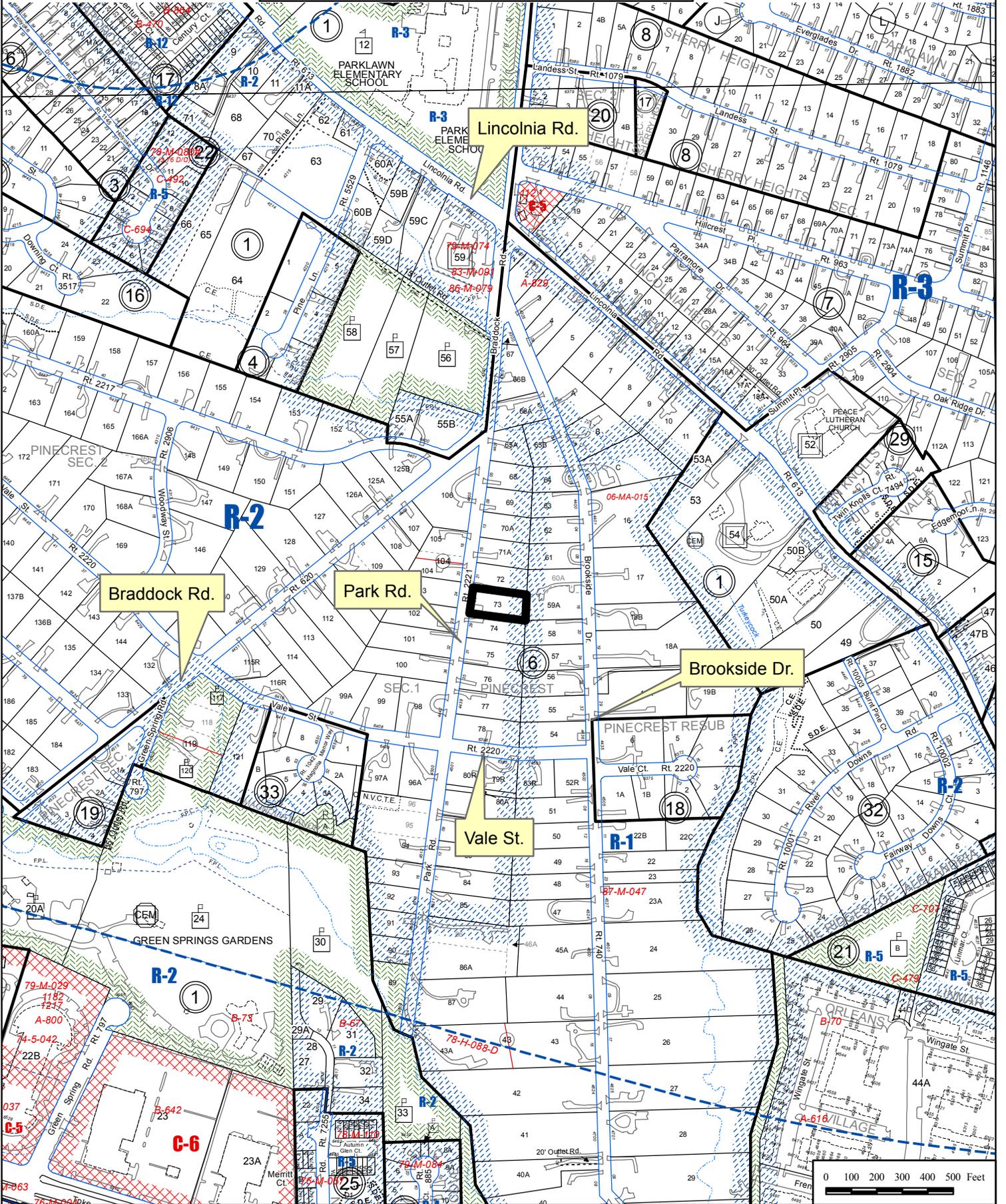
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



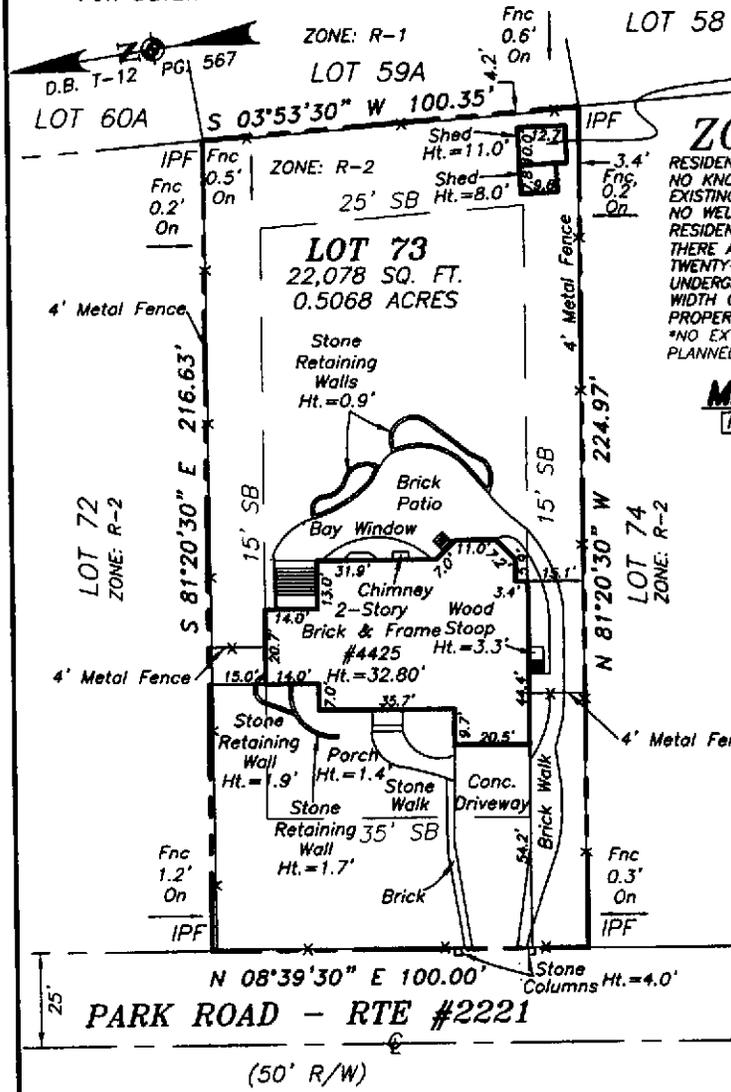
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2015-MA-040
KIM D. AND VU TUE NGUYEN



THIS SPECIAL PERMIT PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES OR ANY OTHER IMPROVEMENTS. FENCES SHOWN HEREON ARE APPROXIMATE AND ARE NOT TO BE USED FOR DETERMINATION OF PROPERTY LINES.



ZONING NOTES:

RESIDENTIAL USE - NO PARKING SPACES
 NO KNOWN GRAVES ON THE PROPERTY
 EXISTING DWELLING CONSTRUCTED IN 2007.
 NO WELL OR SEPTIC FIELD ON SITE.
 RESIDENTIAL USE - NO FAR
 THERE ARE NO UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE, AND NO MAJOR UNDERGROUND UTILITY EASEMENTS REGARDLESS OF WIDTH ON SITE.
 PROPERTY NOT IN ANY OVERLAY DISTRICT.
 *NO EXTERIOR CONSTRUCTION OR DISTURBANCE IS PLANNED WITH THIS APPLICATION.

MAIN BLDG. COVERAGE

PRE & POST	
HOUSE=	2,768 SQ. FT.
ENTRY PORCH=	35 SQ. FT.
CHIMNEY=	9 SQ. FT.
REAR AREAWAY=	147 SQ. FT.
TOTAL=	2,959 SQ. FT.
2,959/22,078=13.40%	

LOT COVERAGE

PRE & POST	
HOUSE=	2,768 SQ. FT.
ENTRY PORCH=	35 SQ. FT.
CHIMNEY=	9 SQ. FT.
REAR AREAWAY=	147 SQ. FT.
PATIO=	1,008 SQ. FT.
DRIVEWAY=	987 SQ. FT.
TOTAL=	4,954 SQ. FT.
4,954/22,078=22.44%	

IMPERVIOUS AREA CALCULATION

PRE & POST	
HOUSE=	2,768 SQ. FT.
ENTRY PORCH=	35 SQ. FT.
CHIMNEY=	9 SQ. FT.
REAR AREAWAY=	147 SQ. FT.
PATIO=	1,008 SQ. FT.
DRIVEWAY=	987 SQ. FT.
WALKWAYS=	1,611 SQ. FT.
SHEDS=	203 SQ. FT.
TOTAL=	6,768 SQ. FT.
6,768/22,078=30.66%	

CALCULATIONS BY OTHERS:
 EX. HOUSE AREA= 7,011 SQ. FT.
 ACCESSORY DWELLING UNIT= 1,215 SQ. FT.
 1,215/7,011=17.33%

NOTES:

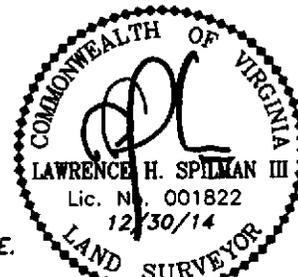
- CURRENT OWNER: KIM NGUYEN, D.B. 15952 PG. 506.
- THIS PROPERTY IS CLASSIFIED AS ZONE X, AN AREA OF MINIMAL FLOOD HAZARD IN ACCORDANCE WITH FLOOD HAZARD BOUNDARY MAP NO. 51059C 0285E.
- BEARINGS BASED ON THE RECORD PLAT OF PINECREST, D.B. T-12 PG. 567.
- IPF: DENOTES IRON PIPE FOUND.
- THIS SURVEY IS A GRAPHIC DEPICTION OF THE LOCATION OF IMPROVEMENTS ONLY.
- ANY HAND DRAWN FEATURES OR OTHER MODIFICATIONS SHOWN ON THIS PLAT WERE NOT AUTHORIZED BY THE LAND SURVEYOR WHOSE SIGNATURE AND SEAL APPEAR ON ITS FACE.

SPECIAL PERMIT PLAT

LOT 73
PINECREST

DEED BOOK T-12, PAGE 567
 MASON DISTRICT
 FAIRFAX COUNTY, VIRGINIA

I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY ELECTRONIC EQUIPMENT AND/OR TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.



SCALE: 1"=40'

DATE: 11/10/14
 REV: 12/30/14

DRAWN:
 DJS

CHECKED:
 FKP

LAND SURVEYING & CIVIL ENGINEERING
 2890 EMMA LEE STREET SUITE 200
 FALLS CHURCH, VIRGINIA 22042
 703 • 241 • 5515 • FAX • 703 • 241 • 5516

Zoning Evaluation Division

MAR 02 2015

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 Department of Planning & Zoning

SPECIAL PERMIT REQUEST

The applicants are seeking a special permit to allow an accessory dwelling unit (ADU) in the basement of an existing single family detached dwelling and to permit an error in building location for an existing storage structure.

A copy of the special permit plat, titled "Special Permit Plat, Lot 73, Pinecrest," prepared by Lawrence H. Spilman, III, L.S., dated November 10, 2014, as revised through December 30, 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 22,078 square foot subject property is developed with a two-story single-family detached dwelling. A concrete driveway extends to Park Road, and a stone walkway leads from the driveway to the main entrance of the home. The driveway accesses a two-car garage. A brick patio and stone retaining walls are located in the rear yard, along with two sheds. The rear yard is enclosed by a four foot high metal fence.

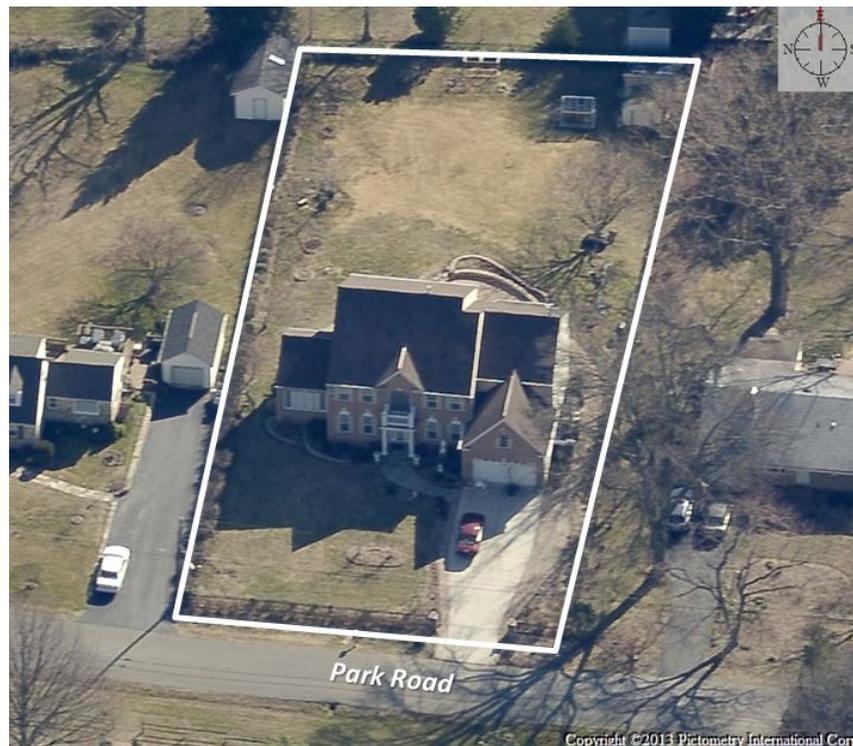


Figure 1: House Location

The subject property and the properties to the north, south, and west are zoned R-2 and developed as single-family detached dwellings. The property to the east is zoned

R-1 and developed as a single-family detached dwelling.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the property was purchased by the applicant in 2004, and the single family dwelling was constructed in 2007.

On September 15, 2011, a building permit was issued for a finished basement with wetbar and existing egress, but no second kitchen was included.

On June 6, 2013, a building permit was issued for a finished basement with a wet bar and bedroom, but no second kitchen. The basement received and passed a final inspection, and a copy of the finalized permit information is included in Appendix 4. However, since the installation of the full kitchen, no new permits or inspections have been completed. A development condition has been included requiring all applicable permits and final inspections to be completed within six months of BZA decision.

On May 16, 2014, a Notice of Violation (NOV) was issued for the existence of two complete and separate dwellings in a single family dwelling. A copy of this NOV is included in Appendix 5.

DESCRIPTION OF THE APPLICATION

The applicants are requesting approval of an accessory dwelling unit (ADU) in the basement of the single family dwelling. The proposed accessory dwelling unit would be 1,215 square feet in size and account for 17.33% of the total gross floor area of the existing structure (7,011 square feet). The proposed accessory dwelling unit would contain a foyer, a dining area, a kitchen, two bedrooms, and a master bath. The layout of these rooms is depicted in the attached floor plan (Attachment 1). The basement has a walk-out entrance and exit.

The applicants are requesting the ADU to accommodate their parents, who are both over the age of 55 and therefore, meet the Zoning Ordinance provisions. Ample parking exists in the driveway for the applicants and the applicants' family members.

The applicants are also requesting approval of an error in building location for an accessory storage structure (shed) located 4.2 feet from a rear lot line and 3.4 feet from a side lot line. The applicant's shed, measuring 11.0 feet in height, is utilized for storage purposes. According to the applicants' statement of justification, the sheds were present at the time the property was purchased, and there have been no changes to the exterior of the sheds. The applicants were not aware that the location of one of the sheds was in violation of the Zoning Ordinance requirements.

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
Error in Building Location	Shed #1	Rear; Side	11.0 feet; 15.0 feet	4.2 feet; 3.4 feet	6.8 feet; 11.6 feet	61.8%; 77.33%

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Lincolnia Planning District
Planning Sector: Pinecrest Community Planning Sector (L1)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (R-2)		
Standard	Required	Provided
Lot Size	15,000 sf.	22,078 sf.
Lot Width	Interior: 100 feet	100.00 feet
Building Height	35 feet max.	32.8 feet
Front Yard	Min. 35 feet	54.2 feet
Side Yard	Min. 15 feet	15.0 feet
Rear Yard	Min. 25 feet	~115 feet

Accessory Structures On-Site

Structure	Yard	Minimum Yard Required	Existing Location
Shed #2	Side	No requirement (less than 8.5 feet in height)	6.0 feet
Patio	Side	No closer than 5 feet to any lot line	15.1 feet

Zoning Ordinance Requirements (Appendix 6)

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

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 and an Error in Building Location 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-2 District.
Standard 2 <i>Performance Standards</i>	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 <i>Site Plan</i>	The structure is not subject to site plan review.

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

Standard 1 <i>Only One ADU per Single Family Detached Dwelling</i>	The application requests approval of one ADU on a property occupied by a single family detached dwelling; this standard is met.
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Standard 2 <i>Structure Shall be Located Within Single Family Dwelling</i>	The proposed ADU would be within the existing home, and entrances would be located on the rear of the addition.
Standard 3 <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 17.33% of the total GFA. This standard is met.
Standard 4 <i>Max. 2 Bedrooms</i>	The application indicates that the ADU includes two bedrooms. This standard is met.
Standard 5 <i>Occupancy Standards</i>	The applicants, who would reside in the principle unit, own the property; their parents, who would reside in 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 persons who access the ADU are not disabled. However, the dwelling unit would contain uninterrupted access to one entrance.
Standard 7 <i>Sufficient Parking</i>	The property includes ample parking in both the driveway and the two-car garage.
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 the 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-MA-040 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 and Select Photographs
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-MA-040****June 3, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MA-040 located at Tax Map 72-1 ((6)) 73 to permit an accessory dwelling unit and a reduction in minimum yard requirements based on error in building location, under Sects. 8-914 and 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 applicants, Kim D. Nguyen and Vu Tue Nguyen, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 4425 Park Rd., and is not transferable to other land.
3. This special permit is granted only for the purposes, structures (shed), and/or uses indicated on the plat titled "Special Permit Plat, Lot 73, Pinecrest," prepared by Lawrence H. Spilman, III, L.S., dated November 10, 2014, as revised through December 30, 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 1,215 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

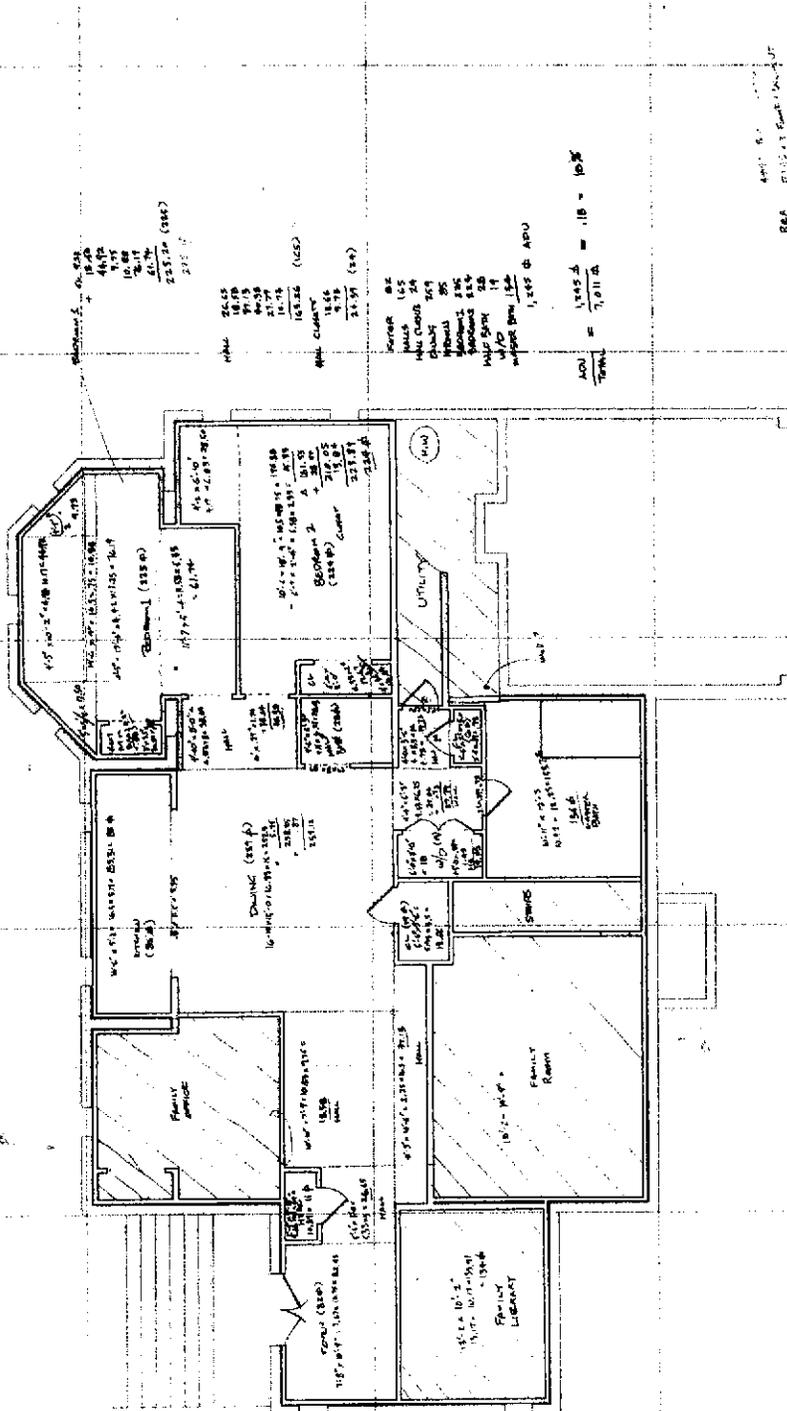
from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.

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.
11. All applicable trade permits and final inspections shall be obtained within six (6) months of BZA approval.

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.

NGUYEN



18'0" x 12'0" (216 sq ft)
 10'0" x 10'0" (100 sq ft)
 10'0" x 10'0" (100 sq ft)
 12'0" x 12'0" (144 sq ft)
 12'0" x 10'0" (120 sq ft)

18'0" x 12'0" (216 sq ft)
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 10'0" x 10'0" (100 sq ft)
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 10'0" x 10'0" (100 sq ft)
 10'0" x 10'0" (100 sq ft)
 12'0" x 12'0" (144 sq ft)
 12'0" x 10'0" (120 sq ft)

$$\frac{1800 \text{ sq ft}}{7.011 \text{ sq ft}} = 118 = 10 \times 12$$

4000 sq ft
 1000 sq ft
 1000 sq ft
 1000 sq ft
 1000 sq ft

1000 sq ft
 1000 sq ft
 1000 sq ft
 1000 sq ft

STATEMENT OF JUSTIFICATION

Kim D. and Vu Tue Nguyen

September 26, 2014

The applicants propose locating an Accessory Dwelling Unit (ADU) in their dwelling located at 4425 Park Road, Annandale, VA.

This application meets both, all of the **General Standards for a Special Permit Use** and all of the **Additional Standards for Accessory Dwelling Units** under **Section 8-918** of the Fairfax County Zoning Ordinance. The application **complies with all applicable regulations** pertinent to both the property and the proposed accessory dwelling unit.

1. The requested Accessory Dwelling Unit (ADU) is in a single family detached dwelling unit and there will be no more than one (1) accessory dwelling unit on or within this property. See pictures of the property.
2. The access to the ADU will be at ground level at the rear of the house.
3. The gross floor area (GFA) of the ADU does not exceed 35 percent of the total Gross Floor Area (GFA) of the principal dwelling unit. The total gross floor area of the principal dwelling unit on the first and second floor is approximately 4,674 square feet per the records in Real Estate Assessment's database. There is a finished basement which is approximately 2,337 square feet for a total of 7011 square feet in the entire home. The accessory dwelling unit will be approximately 18 percent, 1,215 square feet and will encompass about one-half of the basement level of the home. A portion of the basement will continue to be used by the family as noted on the attached floor plan. That area will consist of a family room, a library, and a home office. See attached pictures.
4. The accessory dwelling unit will contain only two (2) bedrooms.
5. The occupancy of the ADU and the principal dwelling unit will be as follows:
 - A. The main dwelling unit is occupied by the applicants.
 - B. It is anticipated that one of the applicant's parents over the 55 years of age will occupy the ADU. The plan is for Dr. Nguyen's Mother and Father to live in the ADU.
 - B (1) See above.
 - B (2) There is no disabled person currently living in the dwelling and the proposed occupants are not currently disabled. Should an occupant become disabled in the future, the owner agrees to meet the condition for reasonable access and mobility as needed.
 - C. The ADU will be occupied by two persons.
 - C (1) N/A
 - C (2) N/A

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Department of Planning & Zoning

OCT 01 2014

Zoning Evaluation Division

6. N/A

7. Automobile parking for the principal residence and the ADU is adequate. There are two (2) parking spaces within an existing attached garage and space for at least two additional cars in the driveway. However, the parents do not currently drive, but should they drive there is plenty of space for two additional vehicles in the driveway.

8. The property is well landscaped and there is a 4 foot wrought iron fence between the subject property and the contiguous properties on both sides, front, and to the rear. The rear yard is deep. There is good separation between the homes.

This use will not disrupt the predominant character of the neighborhood nor will it be deemed a subdivision of the property. To the best of the owner's knowledge, there are no other ADUs within the area.

9. The ADU will meet the applicable regulations for building, safety, health, and sanitation. No physical changes are proposed. The basement is currently structurally finished.

10. The owner agrees to the recordation of the Special Permit approval resolution in the land records of Fairfax County.

11. The owner agrees to make provisions for inspections of the property by County personnel during reasonable hours with prior notice as required by the Zoning Ordinance.

12. The owner understands this Special Permit is approved for a period of five (5) years and may be extended for succeeding five (5) year periods in accordance with Section 8-012 of the Zoning Ordinance which requires approval of the Zoning Administrator. If the Zoning Ordinance is subsequently amended to allow a greater timeframe for approval, the owner/applicant requests the ADU be approved for the maximum of either the amended provisions pertaining to ADUs or this five (5) year period with extensions, whichever is greater.

13. N/A

Section 8-011 of the Zoning Ordinance also requires a statement describing the proposed use. Nos. 6.A, B, C, have been described above. Item D is not applicable.

Item E. There could be an additional one or two trips per day when the parents move in full time and should they obtain a vehicle to drive. Currently, the parents are only visiting for short periods. **Item G:** The existing building is shown in the photographs submitted with this application. No outside modifications or changes are proposed. **Item**

H. There are no hazardous or toxic substances generated, utilized, stored, treated, or disposed of on site. **Item I.** The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.

A copy of the Real Estate record of this property is attached which confirms ownership of the property by the applicants. A notarized Consent Statement authorizing Jane

Kelsey & Associates, Inc. to represent the applicants' and title owners' interest in this application is included in the Special Permit package is attached.

Item 8 is not applicable. **Item 9.** The application fee of \$435.00 has already been submitted.

General Standards for All Special Permit Uses

Standard 1 and 2: The proposed use at the specified location is in harmony with the adopted comprehensive plan and the general purpose and intent of the applicable zoning district regulations. At the time of subdivision of the lots within this subdivision, the minimum lot size was met.

Standard 3. The proposed use 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 will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. The houses in this subdivision are well spaced with plenty of vegetation. The topography of the subject lot is relatively flat. The property to the rear is far removed with ample vegetation and mature wooded growth.

Standard 4. The proposed pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. Although, the occupants may at some time in the future have a vehicle, it can be accommodated in the driveway to avoid parking in the street.

Standard 5. It is understood that the BZA can require landscaping and screening if it is deemed necessary to shield any use from adjacent properties or the street. However, the subject house is set back a considerable distance from the street and from all other properties, we do not believe additional screening is needed. There is a pathway from the rear deck to the front of the house.

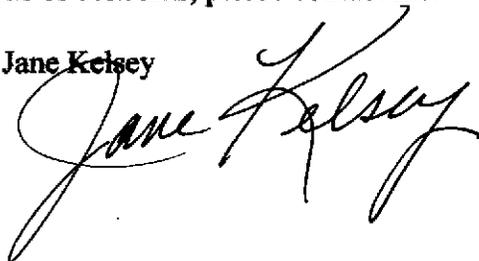
Standard 6: Not applicable.

Standard 7: The required utilities, drainage, parking, loading and other necessary facilities to serve the proposed use were provided at the time the subdivision and the house was constructed. More than the required number of parking spaces has been provided.

Standard 8: There are no Signs associated with this use.

If you have any questions or concerns, please contact me.

Statement Prepared by Jane Kelsey

A handwritten signature in black ink that reads "Jane Kelsey". The signature is written in a cursive, flowing style with a large initial "J" and "K".

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Department of Planning & Zoning

OCT 01 2014
Zoning Evaluation Division

Jane Kelsey & Associates, Inc.

Land Use Consultants
4041 Autumn Court
Fairfax, VA 22030-5168
703-385-4687 (Phone)
703-385-8760 (FAX)
jckelse@aol.com

President
Jane Kelsey

Vice-President
Donald E. Lucas

September 26, 2014

Ms. Deborah Pemberton
Senior Applications Acceptance Planner
Special Projects/Applications Management Branch, ZED, DPZ
12055 Government Center Parkway, Suit 801
Fairfax, VA 22035-5509

RE: SP 2014-0323, Kim D. and Vu Tue Nguyen, 4425 Park Road, Alexandria, VA 22312

Dear Ms. Pemberton:

The following is provided to address the deficiencies listed in your letter dated July 2, 2014.

- Item 1.0 This property is located in the R-2 zoning district. The application has been noted.
- Item 3.00 Interior pictures of the areas used for the accessory dwelling unit (ADU) are attached.
- Item 5.00 A written Statement of Justification and Facts is attached for both the Specific Additional Standards for Accessory Dwelling Units, and General Standards For Special Permit Uses. In addition the type use, hours of Operation (24/7), number of persons living in the unit, employccs (nonc), traffic impact - none, vicinity to be served (not applicable, yet it is market deficient, statement of conformity with all ordinances is in Statement (it is in conformity to the best of my knowledge).
- through The only modification that was requested was to permit the house location plat to be used. As I understand, this was verbally approved with the provision that a surveyor or engineer certify that there are no other structures or changes on the property except those shown on the plat and if there are, those should be shown and have dimensions and setbacks shown, as well as a note concerning the height of the fence shown in the pictures the applicant submitted.

original jck
Item 6.00 A notarized Consent Statement is attached to give my firm the authority to represent the applicants' interests in this application. In addition, I have revised the Affidavit in accordance with the County Attorney's requirements.

Item 7.00 8 ½ x 11 reduction of the SP plat. Attached and 2 cc large jck
I have provided the square footage of the existing house taken from the real estate records. We have prepared a floor plan for the ADU and computed the square feet within the ADU. Attached.

I appreciate your phone call to clarify what is needed on the floor plan. I hope the plan we provided is satisfactory. Please advise if there are any problems and we will try to address as quickly as possible.

Sincerely,


Jane Kelsey

Attachments: Pictures of the Interior (exterior has already been submitted)
Floor Plan for the ADU
Computation of Square footage
Consent Statement
Revised Affidavit

cc: Susan Epstein, Dept of Code Compliance
Joan McGuire, Dept of Code Compliance

MAR 02 2015

Zoning Evaluation Division

**Justification for Special Permit for Error in Building Location for
Kim D. and Vu Tue Nguyen**

This application meets all of the standards set for in Sect. 8-914 of the Zoning Ordinance for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

Under Paragraph 2.

A. The error exceeds 10 percent of the measurement involved.

B. N/A

C. The noncompliance was done in good faith since the shed(s) were on the property at the time the applicant's purchased the property. The two sheds have been merged into one shed with the interior wall removed between them. There were no changes to the exterior of the sheds. It is not known who constructed the sheds. The attached plat prepared by Mr. Lawrence Spilman III shows these sheds located on the property in 2007. The applicants were not aware that they were in violation of the Zoning Ordinance.

D. The reduction will not impair the purpose and intent of the Zoning Ordinance. As noted in the photographs submitted, there are other sheds on other lots contiguous to the subject property.

E. The shed(s) will not be detrimental to the use and enjoyment of other property in the immediate vicinity. Since the sheds have been there many years, the property values have not gone down because of them.

F. It will not create an unsafe condition with respect to other properties or public streets.

G. To force compliance with the minimum yard requirements or location regulations would cause hardship. Currently, the applicant has filled the sheds with various yard and garden maintenance items. There had been a small greenhouse type structure in the approximate middle of the yard; but this was removed and the contents relocated to the shed(s). When the applicant's mother moves into the Accessory Dwelling Unit, there will be no room for these garden and yard items and they are not conducive to inside storage.

H. The reduction will not result in an increase in density or floor area ratio from that permitted by the zoning district regulations.



RECEIVED
Department of Planning & Zoning

DEC 17 2014
Zoning Evaluation Division

Jane Kelsey & Associates, Inc.

Land Use Consultants
4041 Autumn Court
Fairfax, VA 22030-5168
703-385-4687 (Phone)
703-385-8760 (FAX)
jkelsey@aol.com

**President
Jane Kelsey**

**Vice-President
Donald E. Lucas**

December 16, 2014

Ms. Debbie Pemberton
Senior Applications Acceptance Planner
Special Projects/Applications Management Branch, ZED, DPZ
12055 Govt Center Pkwy., Suite 801
Fairfax, VA 22035

RE: Special Permit Application - Nguyen, SP 2014-0323
Your deficiency list dated October 2, 2014

Dear Ms. Pemberton:

I apologize for the delay. Dr. and Mr. Nguyen had to hire an engineer to prepare the SP plat to include the items you referenced in your list

Deficiency Item No. 1: I made the change on the application I thought that the property is in the R-2 zoning district and inserted my contact info on the application form; however, I have retyped the application form and four copies and the original are attached.

Deficiency Item No. 3: Additional pictures are attached: kitchen components of the Accessory Dwelling Unit (ADU); sheds and shed areas.

Deficiency Item No. 7: . Twenty-three (23) copies of revised SP plat and reduction are attached. Prepared by Land Surveying & Civil Engineering and signed by Lawrence H. Spilman III.

A revised Affidavit adding Susan Langdon to my company staff.

The surveyor noted the sheds will either be removed or included in the application. I have included the request in the application.

Thanks


Jane Kelsey

Attachments: A/S

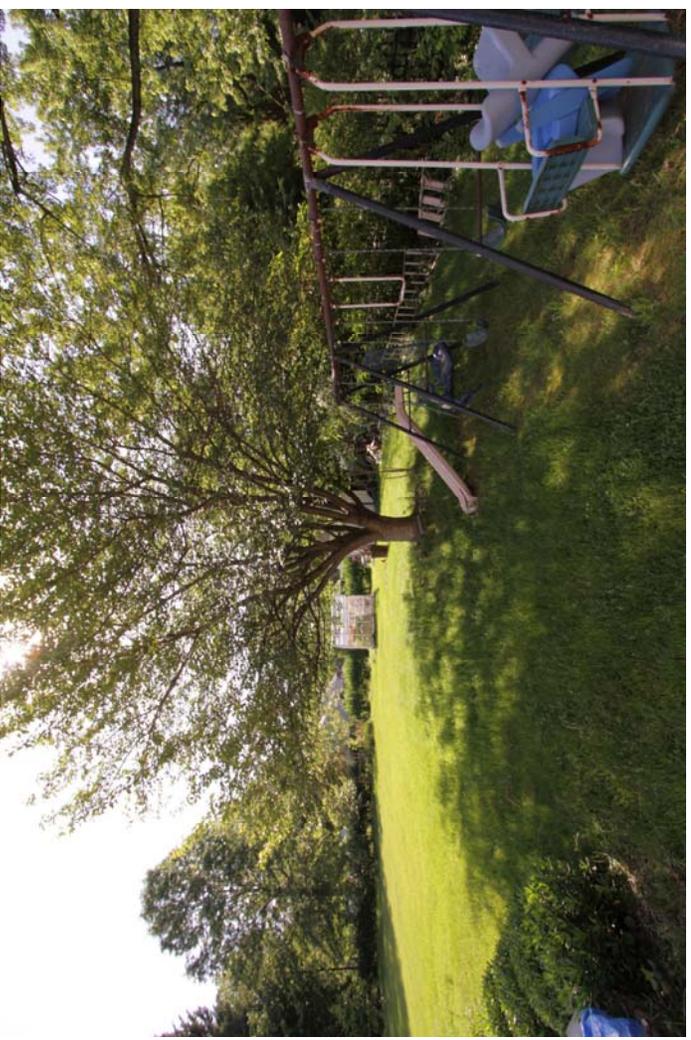
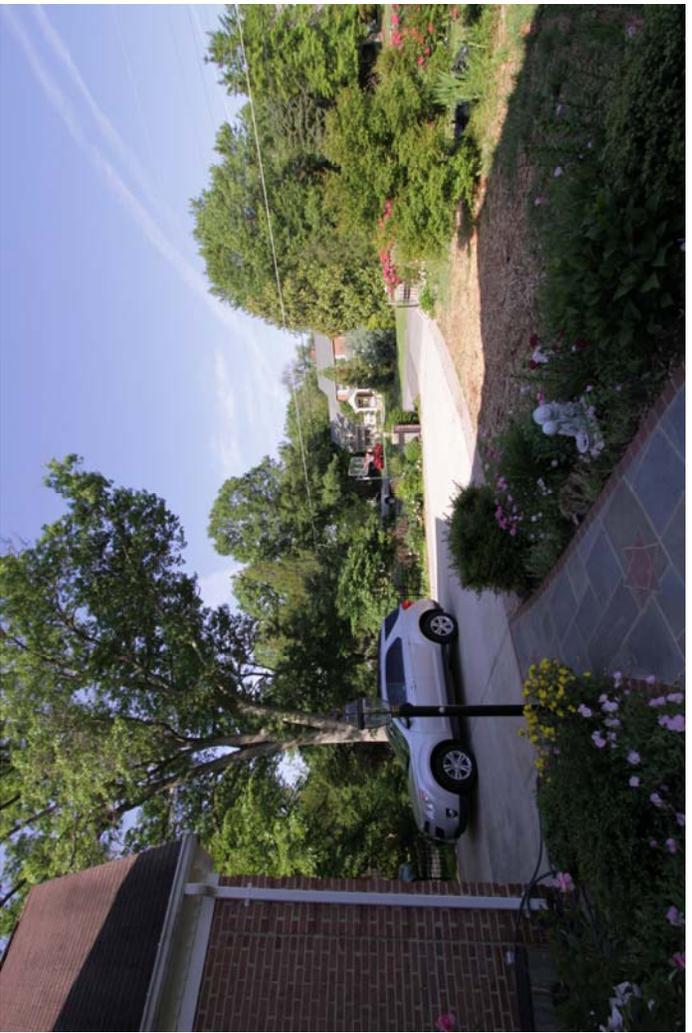
cc: Ms. McGuire Code Compliance

**STATEMENT OF JUSTIFICATION
Kim D. and Vu Tue Nguyen
Error in Building Location
Special Permit**

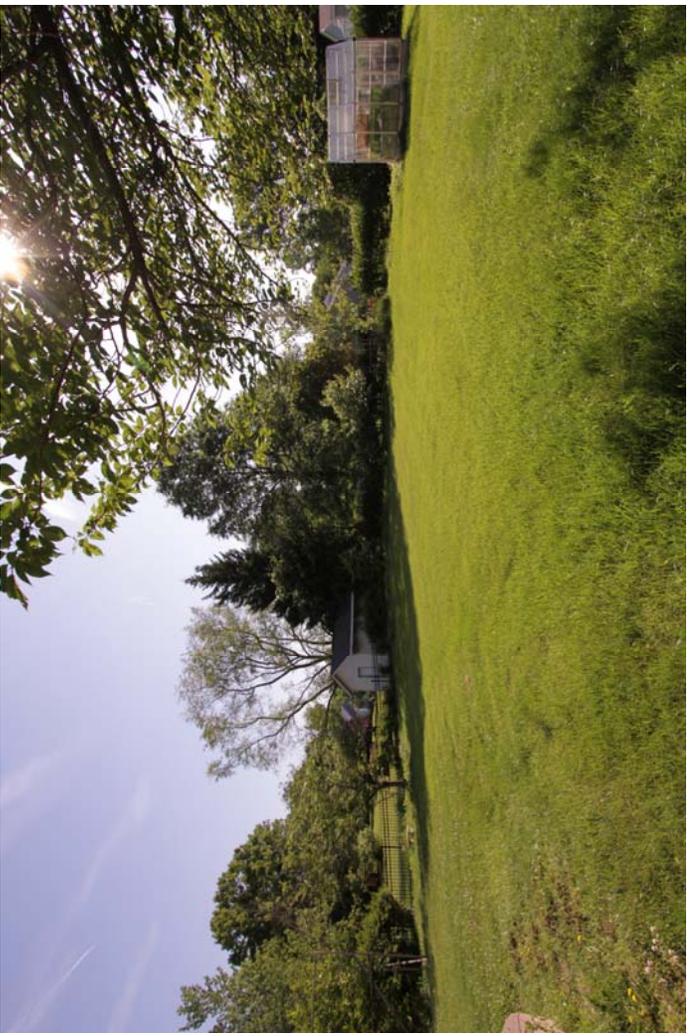
RECEIVED
Department of Planning & Zoning
DEC 17 2014
Zoning Evaluation Division

The justification for allowing the sheds to remain as they are currently located too close to the side and rear lot lines is that those sheds were in place when we purchased the property. It is not known who constructed the sheds. The attached plat prepared by Mr. Lawrence H. Spilman III shows these sheds located on the property in 2007. They did not know the sheds had been constructed in violation of the zoning ordinance, therefore, they left the sheds in place. Now the sheds are completely full. The combined square footage of the sheds is 203 square feet according to the surveyor's plat.

Attachment: Copy of plat from 2007.











Left
side

connecting - Right side ↓





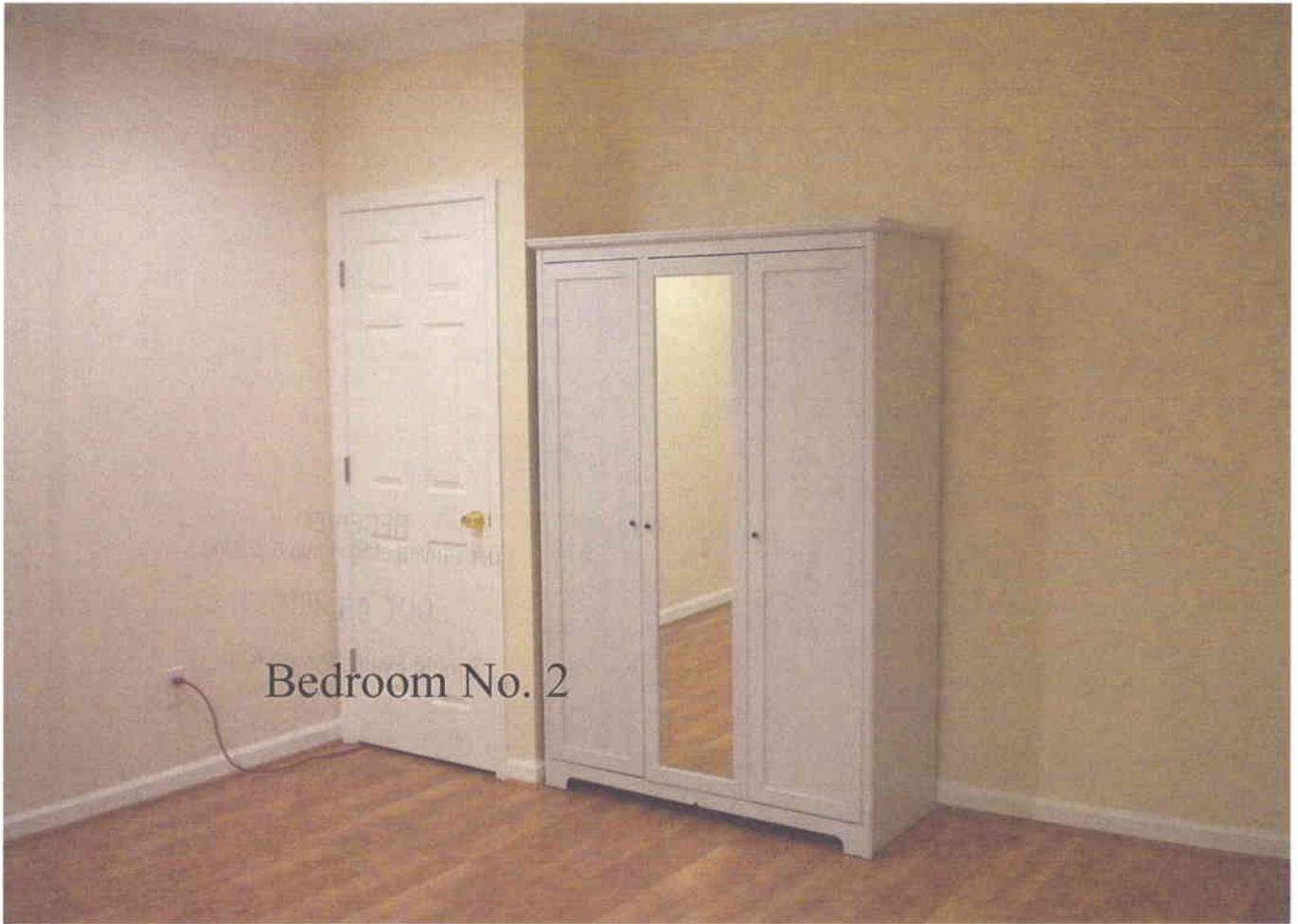
Shed
ON
Contiguous
Property



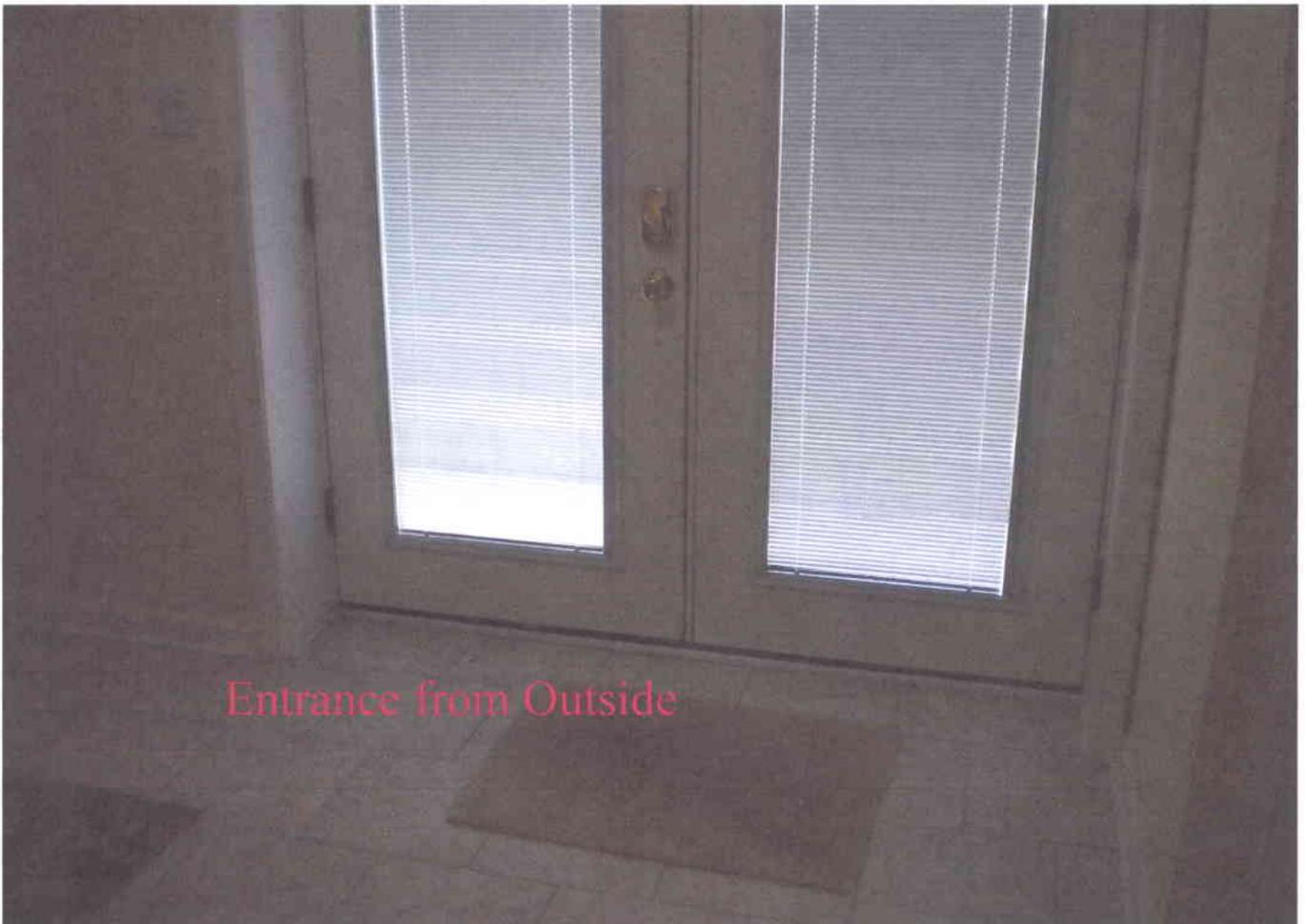
Subject
Sheds



Subject
sheds
+ on
Contiguous
Properties



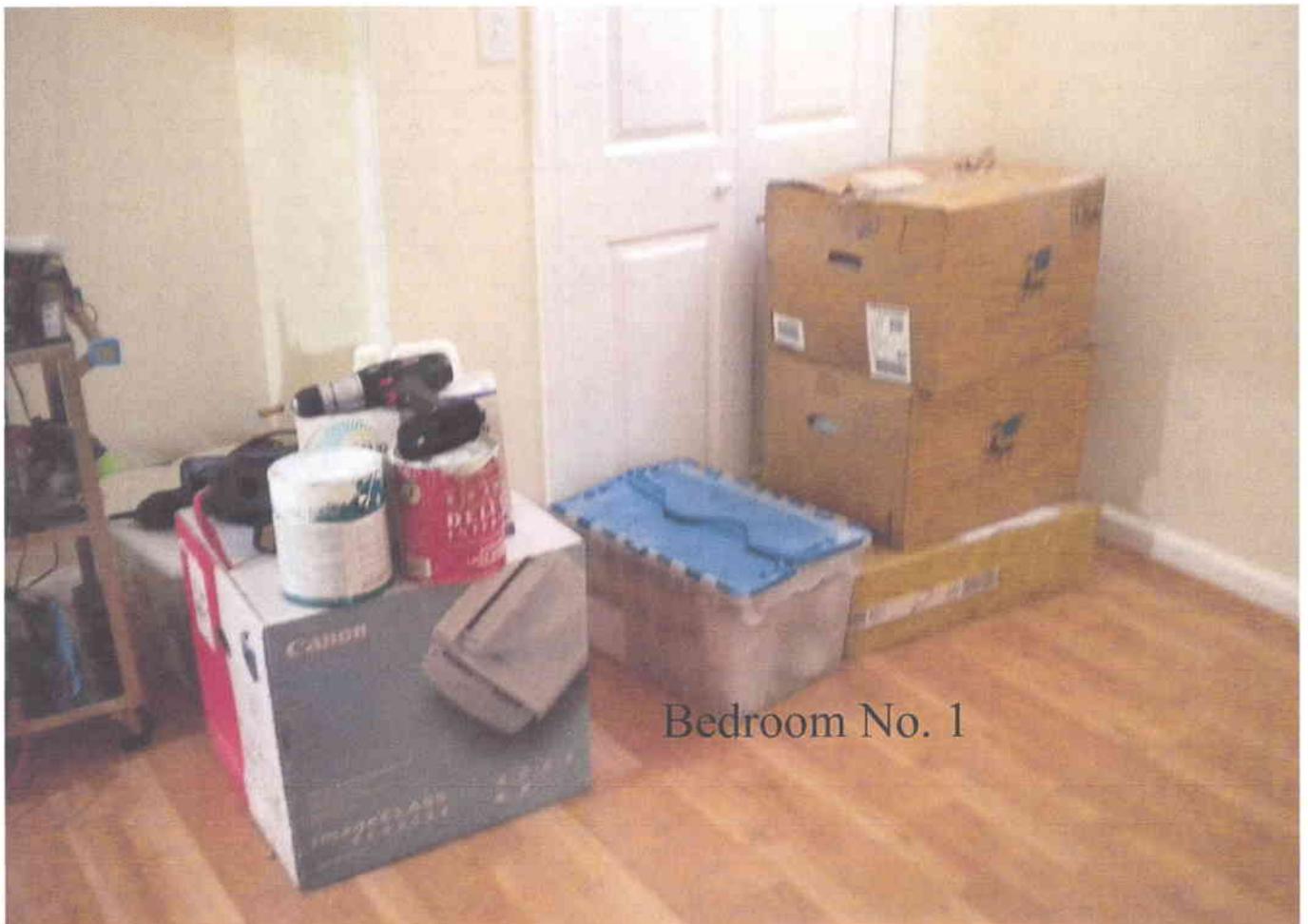
Bedroom No. 2



Entrance from Outside



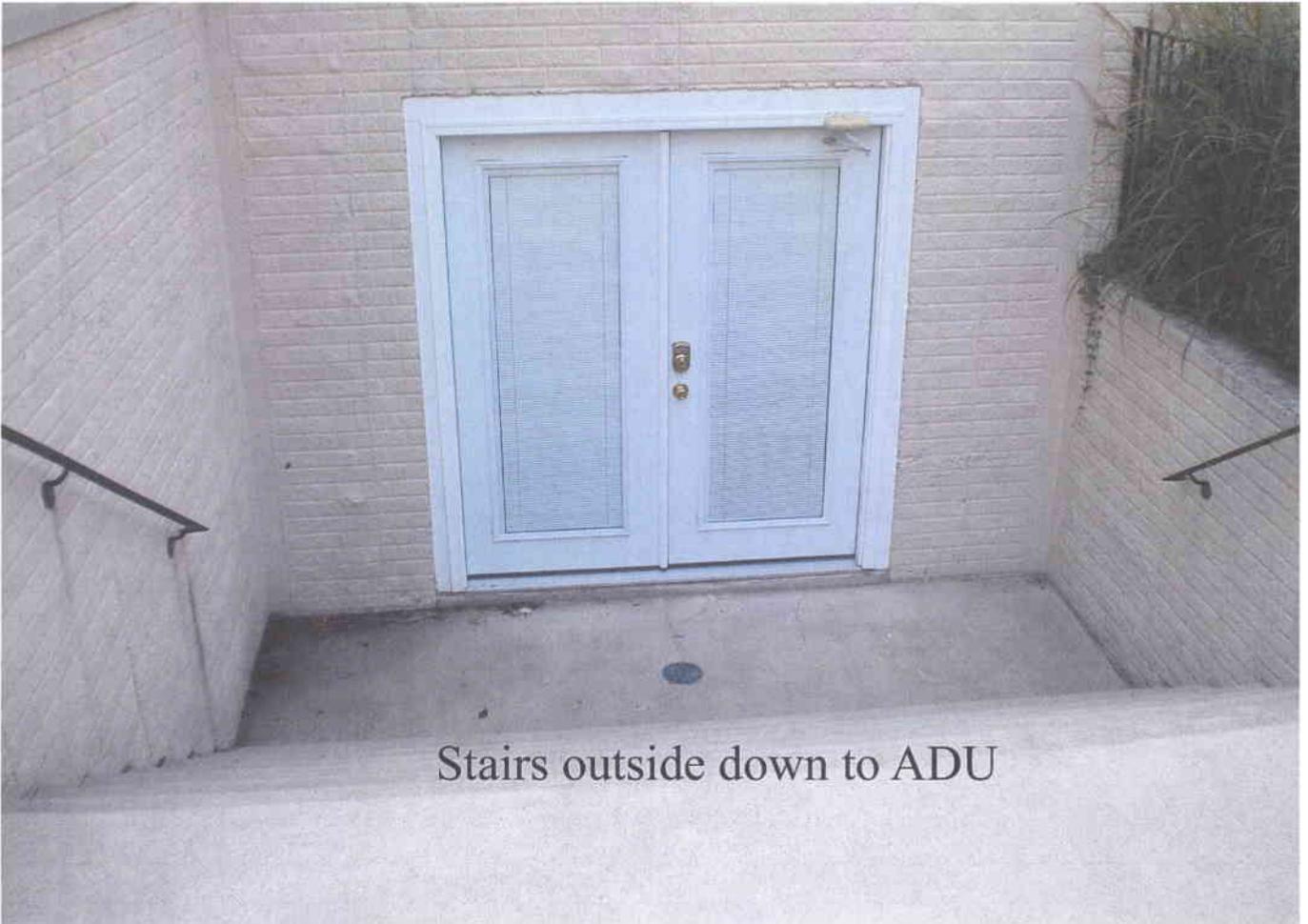
Bathroom



Bedroom No. 1



Hallway
To
Bathroom
Directly
Ahead



Stairs outside down to ADU

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: December 17, 2014
 (enter date affidavit is notarized)

I, Jane Kelsey, Jane Kelsey & Associates, Inc., do hereby state that I am an
 (enter name of applicant or authorized agent)

125684

(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)
Kim D. Nguyen	4425 Park Road Alexandria, VA 22312	Applicant/Co-Title Owner
Vu Tue Nguyen	4425 Park Road Alexandria, VA 22312	Applicant/Co-Title Owner
Jane Kelsey & Associates, Inc. Jane Kelsey Donald E. Lucas Bruce E. Kelsey Susan C. Langdon	4041 Autumn Court Fairfax, VA 22030 " " "	Agent for Applicants&Co-Title Owner Agent for Applicants&Co-Title Owner Agent for Applicants&Co-Title Owner Agent for Applicants&Co-Title Owner Agent for Applicants&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).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: December 17, 2014
(enter date affidavit is notarized)

125684

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)
Jane Kelsey & Associates, Inc.
4041 Autumn Court
Fairfax, VA 22030

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)

Jane Kelsey

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: December 17, 2014
(enter date affidavit is notarized)

125684

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

PARTNERSHIP INFORMATION

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

N/A

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: December 17, 2014
(enter date affidavit is notarized)

125684

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

- In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:
- Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.
2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

NONE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: December 17, 2014
(enter date affidavit is notarized)

125684

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)

Jane Kelsey
[] Applicant [x] Applicant's Authorized Agent

Jane Kelsey, President, Jane Kelsey & Associates, Inc.
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17th day of December 2014, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 4-30-16

Amy L. Bain
Notary Public





Land Development Information History: FIDO - FINISHBSMT - 112580182

Permit Information

Permit Number: 112580182
Permit Type: FINISHED BASEMENT RESIDENTIAL
Job Address: 004425 PARK RD
ALEXANDRIA , VA 22312-1430
Permit Status: Finalized
Work Description: FINISH BASEMENT WITH WETBAR, NO BEDROOM, WITH EXISTING EGRESS



County of Fairfax, Virginia

Return 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: May 16, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Kim D. Nguyen
Vu Tue Nguyen

ADDRESS: 4425 Park Road
Alexandria, Virginia 22312

LOCATION OF VIOLATION: 4425 Park Road
Alexandria, Virginia 22312

TAX MAP REF: 72-1 ((6)) 73

ZONING DISTRICT: R- 2

CASE #: 201402888 **SR #:** 104415

ISSUING INVESTIGATOR: John Rumley, (703)324-1388

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§2-501	\$ 200.00	\$ 500.00
	TOTAL:	\$ 200.00	\$ 500.00

Dear Responsible Party:

An inspection of the above referenced property on May 8, 2014 revealed the following violation 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

Kim D. Nguyen
Vu Tue Nguyen
May 16, 2014
SR 104415
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 thirty (30) 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.

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

Kim D. Nguyen
Vu Tue Nguyen
May 16, 2014
SR 104415
Page 3

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:

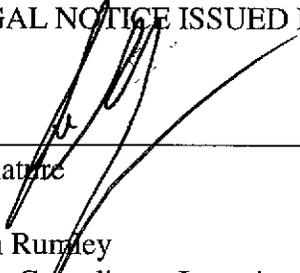
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703)324-1314

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)324-1388. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:

Signature


John Rumley
Code Compliance Investigator
(703)324-1388
John.Rumley@fairfaxcounty.gov

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 its 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.

J. Silver / 682
SERVING OFFICER
5-16-14 for Stacey A. Kincaid, Sheriff
DATE 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 its purport. List name, age of recipient, and relation of recipient to party named above.

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J. Silver / 682
SERVING OFFICER
5-16-14 for Stacey A. Kincaid, Sheriff
DATE Fairfax County, VA

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 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.

SERVING OFFICER
for _____
DATE _____

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 its 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.

SERVING OFFICER
for _____
DATE _____

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.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.