



SPECIAL PERMIT ACCEPTED: April 17, 2015
BOARD OF ZONING APPEALS: July 29, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

July 22, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-PR-067

PROVIDENCE DISTRICT

APPLICANTS/OWNERS: Gwendolyn Driggers
Robert Tai

SUBDIVISION: Borlands Hilltop

STREET ADDRESS: 8411 Idylwood Rd., Vienna, 22182

TAX MAP REFERENCE: 39-3 ((1)) 38C

LOT SIZE: 21,901 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-918

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit in proposed detached dwelling.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-PR-067 for an accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

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

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

Casey V. Gresham

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.**

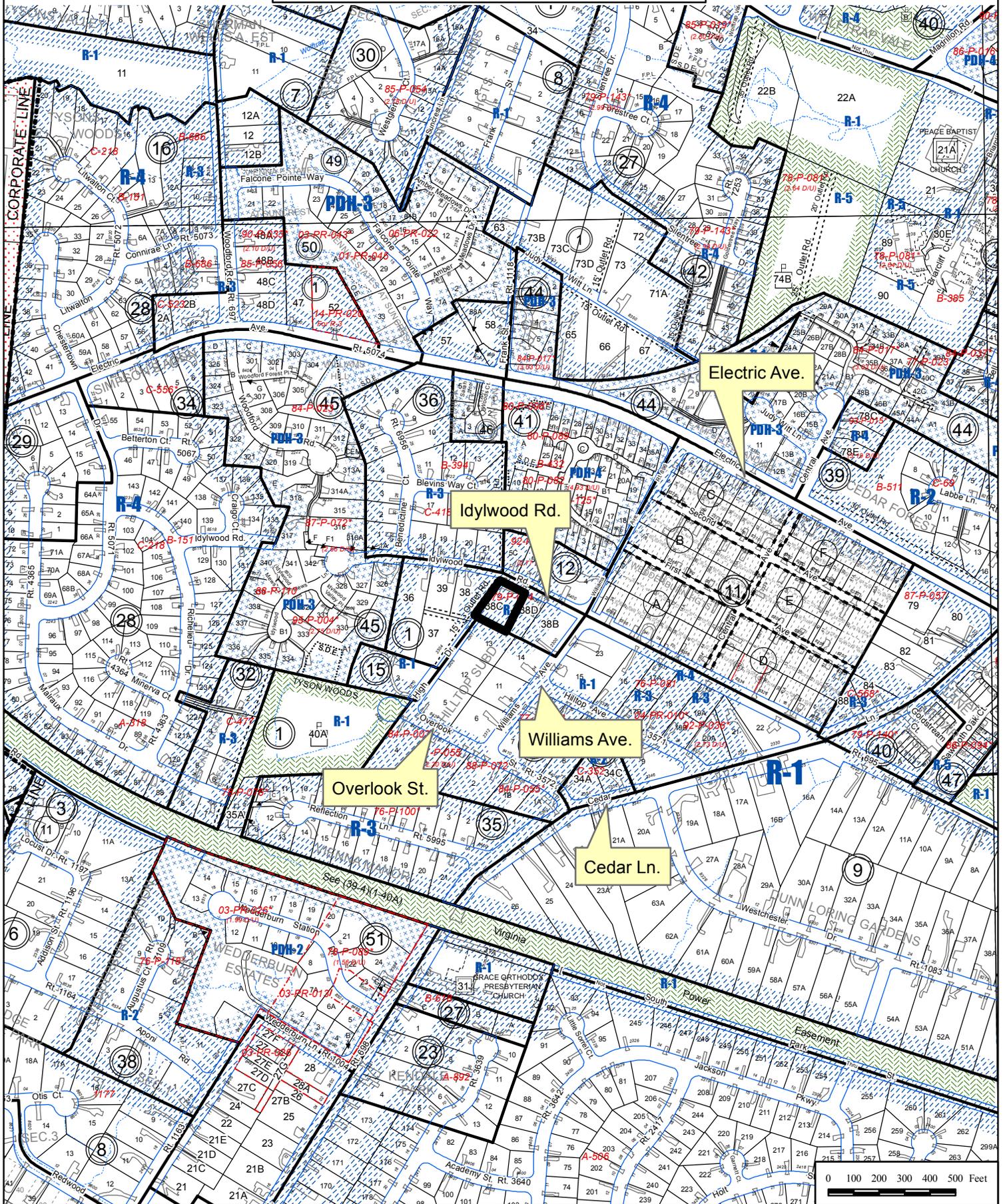


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2015-PR-067

GWENDOLYN DRIGGERS & ROBERT TAI



LOT 13
TAX MAP: 0393-10-0013
TRAN TRUNG H,
VO THUYANH T
2301 HIGH DR
ZONE= R-1

N 62° 43' 00" W ~ 141.84'

LOT 2
A=21,901 SF
ZONE= R-3

LOT 1
TAX MAP: 0393-01-0038D
MCADEN JAMES G,
MCADEN KENDIS R
8409 IDYLWOOD RD
ZONE= R-3

NOTE:
1. THE GRADING/EXCAVATION CONTRACTOR FOR THE SUBJECT SITE IS REQUIRED TO NOTIFY, IN WRITING, THE ASSIGNED SITE INSPECTOR REGARDING ANY EXCESS MATERIAL PROPOSED TO BE HAULED OFFSITE PRIOR TO HAULING. THE NOTIFICATION MUST INDICATE THE QUANTITY OF MATERIAL TO BE MOVED OFFSITE, IDENTIFICATION OF THE RECEIVING SITE WHERE THE EXCESS WILL BE TAKEN, AND ALL INFORMATION NECESSARY TO SHOW THAT SUCH RECEIVING SITE HAS BEEN PROPERLY PERMITTED AND HAS E&S CONTROLS INSTALLED.

CBPO NOTES
THIS PLAN COMPLIES FULLY WITH AMENDMENT CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, EFFECTIVE NOV. 18, 2003 AND AS AMENDED JULY 12, 2005.
FRONT YARD SURFACING LIMIT
FRONT YARD AREA=4,049 SF
COVERED AREA, DRIVEWAY=732 SF (VEHICLE RELATED ONLY)
% OF FRONT YARD=732 SF/4,049 SFx100%=18.07%<30% [OK]

LEGENDS

- EP EDGE OF PAVEMENT
- 286 EX. 2' CONTOUR LINE
- 281.2 EX. SPOT ELEVATION
- FLOW ARROW
- EX. TREE
- EXISTING POWER POLE
- (SF) SILT FENCE, SPEC 3.05
- TP TREE PROTECTION, SPEC 3.38
- (LCG) LIMIT OF CLEARING AND GRADING

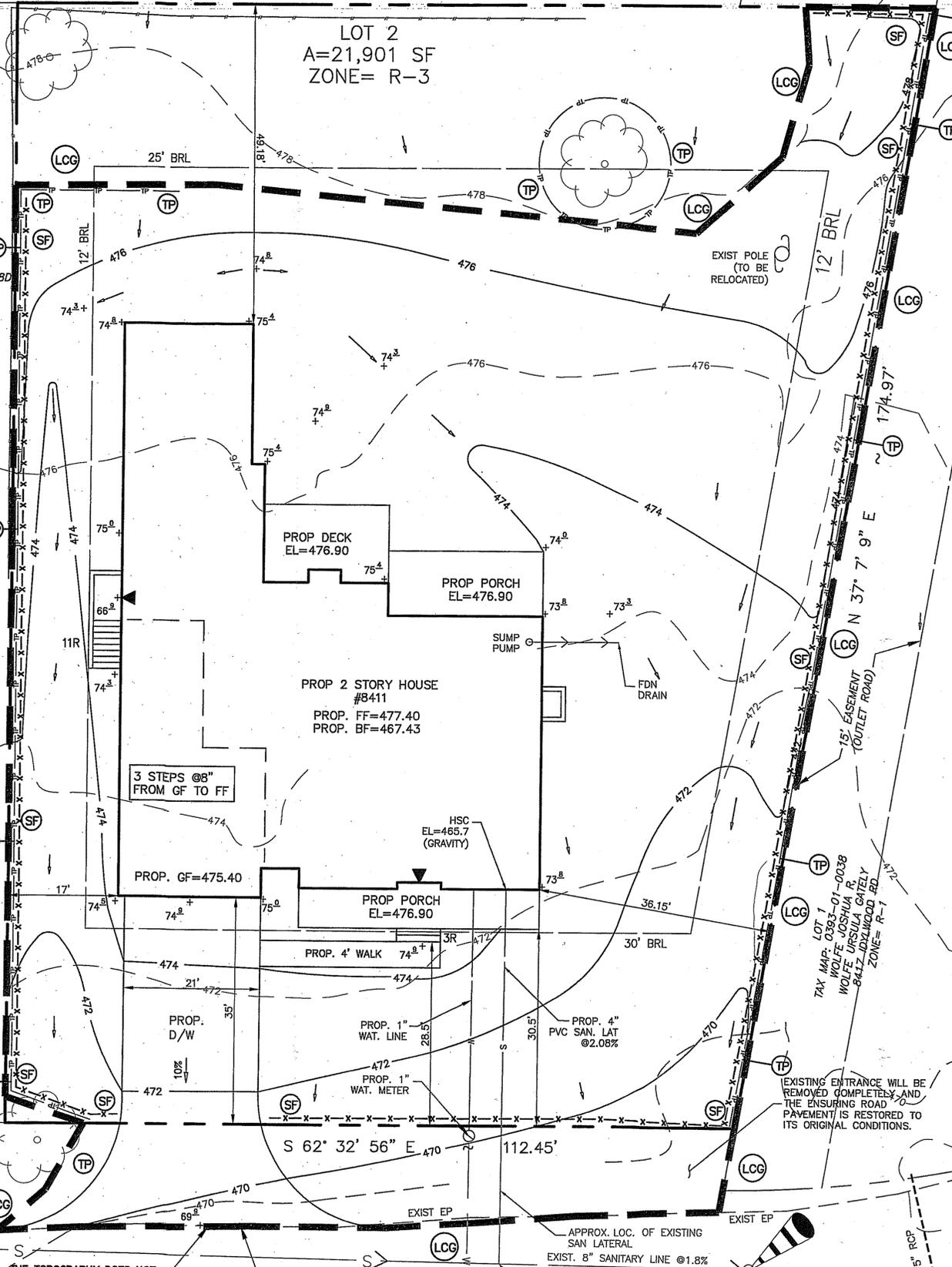
AVERAGE GRADE COMPUTATIONS

POINT	ELEVATION		REMARKS
	EXISTING	PROPOSED	
1	472.7	474.5	
2	473.1	475.0	
3	472.2	474.9	
4	473.8	472.1	
5	474.5	473.8	
6	474.5	475.4	
7	476.1	475.4	
8	476.5	475.4	
9	476.5	474.8	
10	475.4	475.0	
11	474.7	474.3	
TOTAL	5220.00	5220.60	
AVERAGE	474.55	474.60	
AVERAGE GRADE	474.55		
BUILDING HEIGHT=MID ROOF-AVERAGE GRADE	= (503.175-474.55) = 28.62 FT		
BUILDING HEIGHT=28.62 < 35 FT, [OK]			

SITE NOTES:

1. TOPOGRAPHY SHOWN HERE ON, HAS BEEN OBTAINED FROM FIELD SURVEY.
2. UTILITY INFORMATION SHOWN HEREON OBTAINED FROM PUBLIC RECORDS AND ARE APPROXIMATE EXACT LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE FIELD VERIFIED.
3. CONTRACTOR SHALL HAND DIG TEST PIT LOCATIONS AT ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
4. HORIZONTAL & VERTICAL LOCATIONS/INVERTS TAKEN FROM PUBLIC RECORDS.
5. FENCES, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY OWNERSHIP.
6. SEE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS AND LOCATIONS OF DOWNSPOTS.
7. CARE SHOULD BE TAKEN NOT TO DISTURB THE ADJACENT PROPERTIES. OFF-SITE GRADING SHALL REQUIRE A LETTER OF PERMISSION FROM ADJACENT PROPERTY OWNERS.
8. FOUNDATION DRAINS ARE DIRECTED TO DAYLIGHT VIA GRAVITY OR MECHANICAL MEANS.

NOTE
1. THE PROPOSED DWELLING WILL UTILIZE THE EXISTING SANITARY LATERAL AND WATER SERVICE IF DEEMED ADEQUATE BASED ON A FIELD INSPECTION DURING CONSTRUCTION. CONTRACTOR IS INSTRUCTED TO LOCATE THE EXISTING SANITARY LATERAL PRIOR TO BEGINNING CONSTRUCTION. PROPOSED SANITARY LATERAL AND DOMESTIC WATER SERVICE SHOWN WAS ALTERNATIVE TO UTILIZING EXISTING SERVICE. (TO BE INSTALLED BY A LICENSED PLUMBER.)



BUILDING PLAN
SCALE: 1"=10'

FRONT ELEVATION
SCALE: NTS

GRADING PLAN
SCALE: 1"=10'

PEAK=509.21
MID-ROOF=503.18
EAVE=497.14
HT.=28.63'
FIRST FLOOR ELEV=477.40
AVERAGE GRADE=474.55
BASEMENT FLOOR ELEV=467.43

IDYLWOOD RD (RTE# 695)
(WIDTH VARIES)

MT. EVEREST ENGINEERING, LLC
7520 DIPLOMAT DR, SUITE # 201
MANASSAS, VA - 20109
TEL: 703-330-5700
INFO@EVERESTENGINEERINGLLC.COM

GRADING PLAN & BLD HEIGHT COMPUTATIONS
BORLANDS HILLTOP LOT 2
8411 IDYLWOOD RD
MAGISTRAL DISTRICT: PROVIDENCE FAIRFAX COUNTY, VIRGINIA

NO.	DATE	DESCRIPTION	BY



TAX MAP # 039-3-01-0038C
SCALE: AS NOTED
DATE: 02/26/2015
DESIGN BY:
CHECKED BY:
SHEET: 3 OF 8

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

Saylor Architectural Services

9783 Tombreck Ct. Bristow, Virginia 20136

PH: (571) 436-9561 Email: seansaylor@aol.com

Date: April 07, 2015

RECEIVED
Department of Planning & Zoning

APR 10 2015

Zoning Evaluation Division

Residence location; 8411 Idylwood Road Vienna, VA 22182

Fairfax County Department of Planning and Zoning,

It is to state that accessory dwelling unit ratio of the residence above. The accessory dwelling unit is located on Level 1. Below is the summary of each level square footage (SF).

- Level 2; 2,135 SF
- Level 1; 3,035 SF (Including Accessory Dwelling Unit = 1,014 SF)
- Basement Level 3,045 SF
- Total SF of the residence = 8,215

Dwelling Unit Ratio = 12.3%

= Accessory Dwelling Unit SF (1,014 SF) / Total SF of the residence (8,215 SF) x 100(%)

If you have any further questions please feel free to contact me at your convenience

Sincerely,

Sean Saylor
Saylor Architectural Services
(571) 436-9561



SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow an accessory dwelling unit (ADU) on the first floor of a proposed single family detached dwelling.

A copy of the special permit plat, titled "Grading Plan & Bld Height Computations, Borlands Hilltop, Lot 2," prepared by Yubaraj Budhathoki, P.E., dated February 26, 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 21,901 square foot subject property is currently developed with a one story single-family detached dwelling; however, the applicants plan to demolish this home and construct a two-story single-family detached dwelling. A driveway will extend from a three-car garage to Idylwood Road, and a walkway will provide access to the main entrance of the home. A deck and patio will be located in the rear yard. Mature vegetation screens the home from adjacent properties.

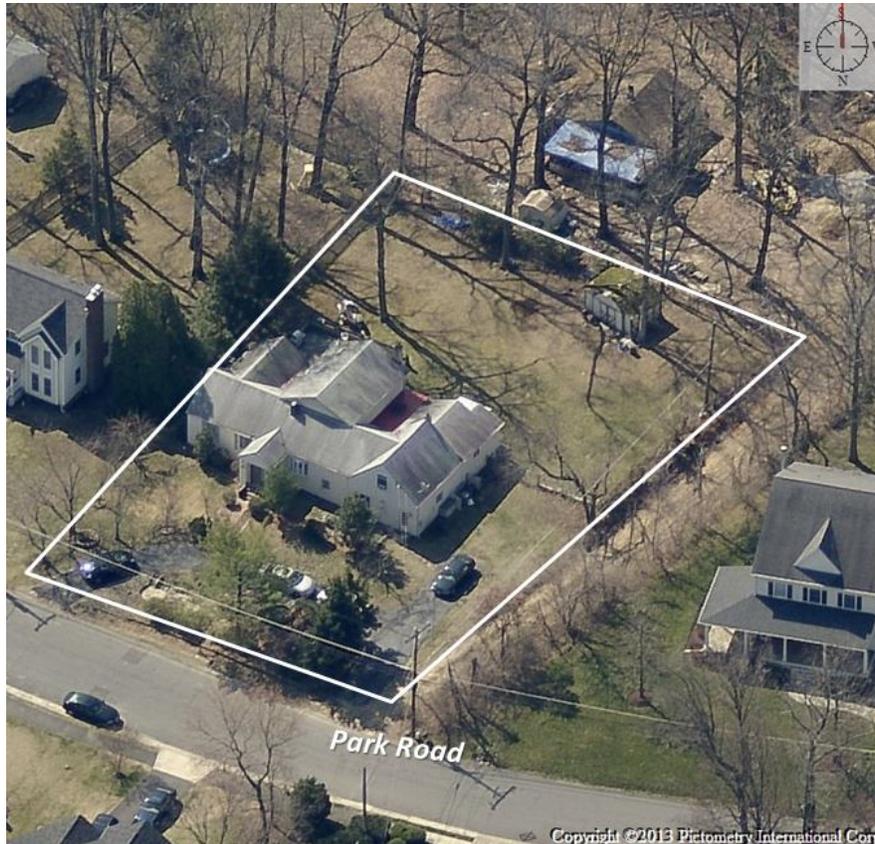


Figure 1: Existing house location

The subject property and the property to the east are zoned R-3 and developed with single family detached dwellings. The property to the north is zoned PDH-4, the property to the west is zoned PDH-3, and the property to the south is zoned R-1; all three properties are developed with single family detached dwellings.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the property was purchased by the applicant in 2013. The existing home on the property was built in 1949.

No similar special permit cases for accessory dwelling units have been seen by the BZA in the surrounding area.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of an accessory dwelling unit (ADU) in the basement of a new single family dwelling. The proposed accessory dwelling unit would be 1,014 square feet in size and account for 12.3% of the total gross floor area of the existing structure (8,215 square feet). The proposed accessory dwelling unit would contain a bedroom, a bathroom, and a living and dining room with a full kitchen. The layout of these rooms is depicted in the attached floor plan (Attachment 1).

The applicants have indicated that their parents would reside in the accessory dwelling unit. The parents are both 75 years old and therefore qualify as elderly under the provisions of the Zoning Ordinance. Ample parking will exist in the proposed driveway and three-car garage for the applicants and any family members.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, Vienna Planning District
Planning Sector: Cedar Community Planning Sector (V2)
Plan Map: Residential, 3-4 du/ac

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf.	21,901 sf.
Lot Width	Interior: 80 feet	112.45 feet

Bulk Standards (R-3)		
Standard	Required	Provided
Building Height	35 feet max.	<35 feet
Front Yard	Min. 30 feet	30.5 feet
Side Yard	Min.12 feet	17 feet
Rear Yard	Min. 25 feet	49.18 feet

Accessory Structures On-Site

Structure	Yard	Minimum Yard Required	Existing Location
Deck	Rear	Permitted extension 12 feet into required rear, but no closer than 5 feet to a rear	>50 feet
Patio	Rear	No closer than 5 feet to a rear lot line	>50 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)

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>	The proposed house will be constructed in a manner similar in nature to the adjacent properties. Staff believes that the internal 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>	Existing vegetation will provide screening of the proposed home. No additional landscaping or screening is required.
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 will be sufficient parking to accommodate the proposed use.

Standard 8 <i>Signs</i>	No signage is proposed.
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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 will be 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 proposed home, and entrances would be located on the side of the addition.
Standard 3 <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 12.3% 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 applicants, who would reside in the principle unit, own the property. Their parents, who will 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 people who will access the ADU are not disabled.
Standard 7 <i>Sufficient Parking</i>	The property will include ample parking in both the driveway and the 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-PR-067 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. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-PR-067****July 22, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-PR-067 located at Tax Map 39-3 ((1)) 38C to permit an accessory dwelling unit, under Sect. 8-918 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

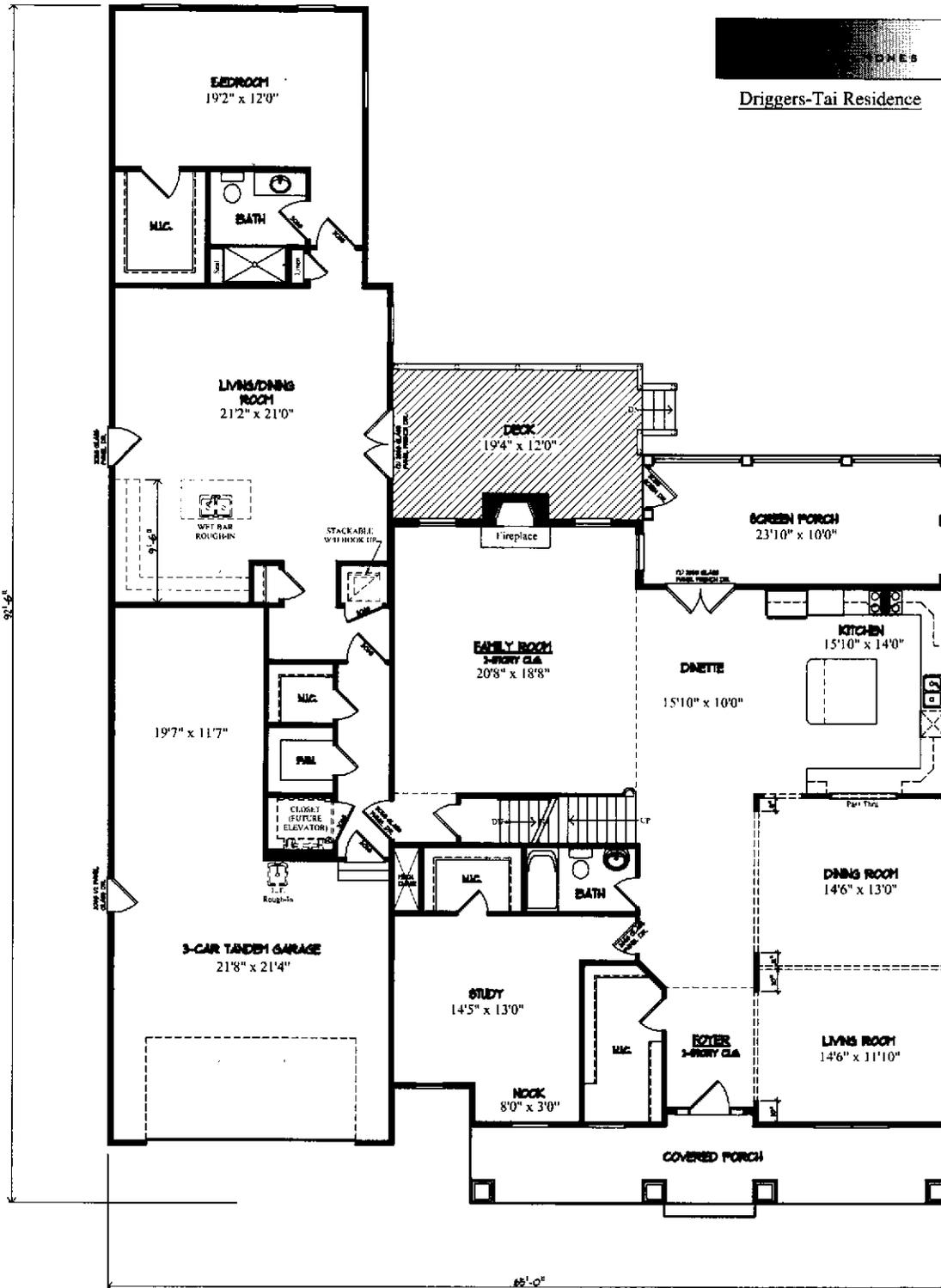
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicants, Robert Tai and Gwendolyn Driggers, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 8411 Idylwood Rd., 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 "Grading Plan & Bld Height Computations, Borlands Hilltop, Lot 2," prepared by Yubaraj Budhathoki, P.E., dated February 26, 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 1,014 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. The applicant shall obtain all applicable trade permits and final inspections.

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty 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.



Driggers-Tai Residence

First Floor Plan

RECEIVED
Department of Planning & Zoning

APR 09 2015

Zoning Evaluation Division

MAR 20 2015

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION

A special permit is requested to establish an accessory dwelling unit within the house to be built at 8411 Idylwood Rd., Vienna VA 22182. The unit is a single family detached dwelling wherein the accessory dwelling unit will be located within the structure of the unit with an additional external entrance located on the side of the structure.

The detached dwelling will be occupied by the owners, Gwendolyn Driggers and Robert Tai, who are married, and their children. The proposed accessory dwelling unit will be occupied by the parents of the owners, King and Wei Tai, who are both 75 years old.

The approximate square footage of the detached dwelling is 5,000 square feet. The square footage of the accessory dwelling unit will be less than 1,000 square feet which is below the maximum 35% total square footage requirement. The accessory dwelling unit will include one bedroom and one bath.

Parking will be within the three-car garage and the two-car driveway which will ensure sufficient parking for all occupants. Additionally, the accessory dwelling unit within the single family detached home is consistent with the character of the neighborhood which is a predominantly residential area. The building façade and architecture are as presented in the attached elevation drawings.

- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

Hazardous or Toxic Substances. There are no known hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.



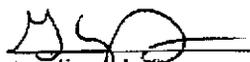
Applicant's Signature

4-15-15

Date

- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.



Applicant's Signature

4-15-15

Date

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3-14-15
(enter date affidavit is notarized)

128938

I, Gwendolyn Driggers, 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)
Gwendolyn Driggers Robert Tai	7416 Nancemond St. Springfield, VA 22150	Applicants/ Title Owners

(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: 3-14-15
(enter date affidavit is notarized)

122938

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

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

CORPORATION INFORMATION

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

n/a

DESCRIPTION OF CORPORATION: (check one statement)

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

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

n/a

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3-14-15
(enter date affidavit is notarized)

128938

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

PARTNERSHIP INFORMATION

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

n/a

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

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

n/a

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3-14-15
(enter date affidavit is notarized)

128938

=====

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: 3-14-15
(enter date affidavit is notarized)

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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 [Signature] [] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 14 day of March, 2015, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 10/31/2018

[Signature]



KEVIN LUKAS ELLIOTT
NOTARY PUBLIC
Commonwealth of Virginia
ID# 7803221
My Commission Expires
October 31, 2018

8-006 General Standards

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

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

8-903 Standards For All Group 9 Uses

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

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

Additional Standards for Accessory Dwelling Units

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

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

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

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

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

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

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

insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.

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