



SPECIAL PERMIT ACCEPTED: June 17, 2015
BOARD OF ZONING APPEALS: October 21, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

October 14, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-LE-097

LEE DISTRICT

APPLICANTS/OWNERS: Heraj Mehrabian
Helen Sefiani

SUBDIVISION: Lawrence Park

STREET ADDRESS: 4410 Penwood Dr., Alexandria, 22310

TAX MAP REFERENCE: 82-3 ((8)) 02, 03 (Pt.)

LOT SIZE: 10,563 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-918

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

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-LE-097 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.

Paul S. Yoon

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.

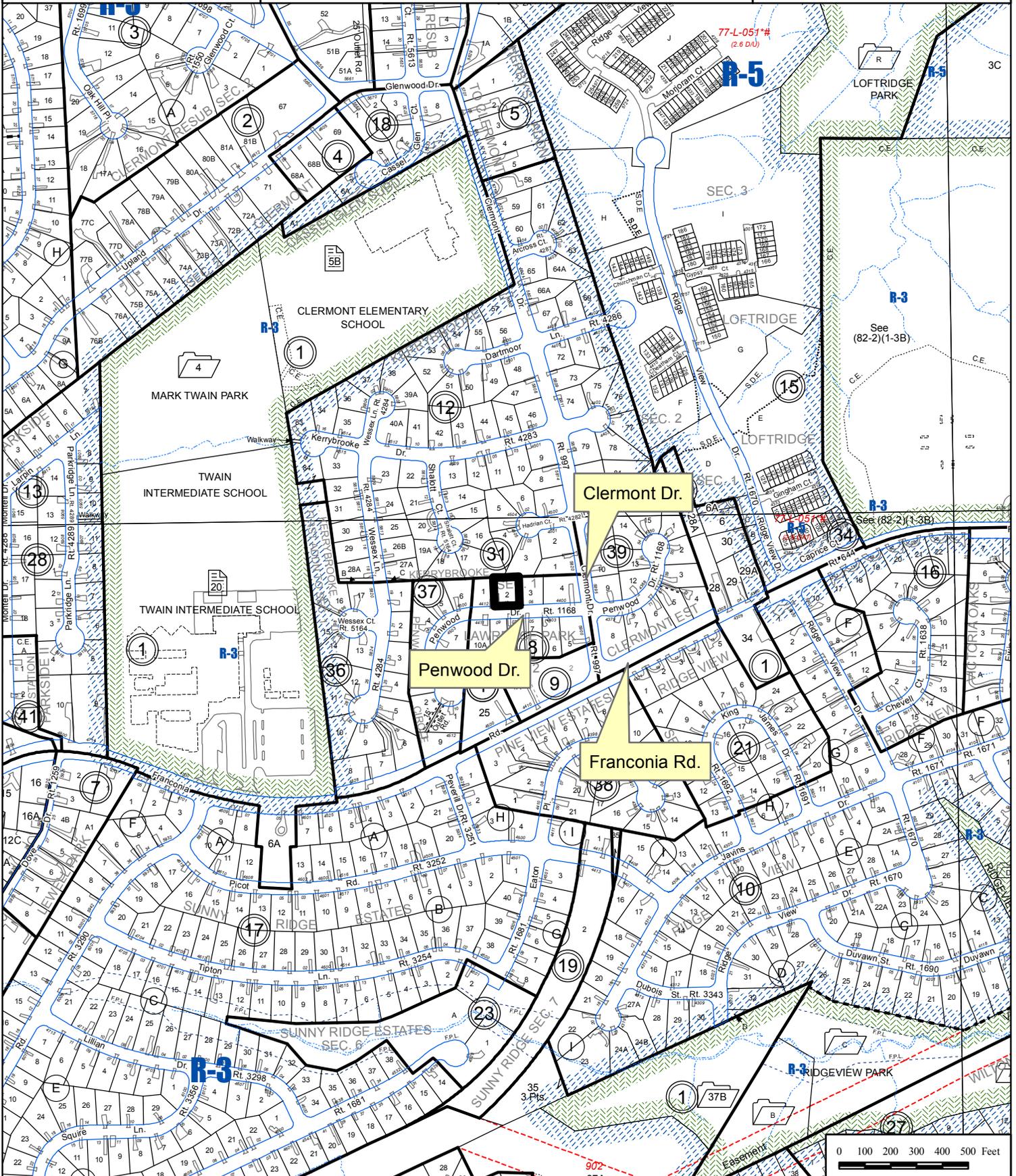
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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-LE-097 HERAJ MEHRABIAN



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.

A copy of the special permit plat, titled "Special Permit Plat, Lot 2 & Part of Lot 3, Lawrence Park, Lee District, Fairfax County, Virginia," prepared by Michael L. Flynn, L.S., dated June 2, 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 10,563 square foot subject property is developed with a two-story single-family detached dwelling. An asphalt driveway and concrete walkway from the main entrance of the dwelling both extend to Penwood Drive. A deck is located in the side yard adjacent to the driveway, and two concrete patios, connected by a concrete walkway, are located in the rear yard. A 4.5 foot tall metal fence encloses the rear yard along both side yards.



Figure 1: House Location

The subject property and surrounding properties are zoned R-3 and developed as single-family detached dwellings.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the property was purchased by the applicant in 2003, and the single family dwelling was constructed in 1953.

On November 25, 2014, a Notice of Violation (NOV) was issued for the existence of two complete and separate dwellings in a single family dwelling, as well as an accessory structure in the side yard. The accessory structure has since been removed. A copy of this NOV is included in Appendix 5.

On May 13, 2015, a Notice of Violation (NOV) was issued for building work performed without issuance of required permits, inspections, and approvals. An inspection by County staff revealed (a) the gas water heater had been replaced in the basement; (b) the electrical wiring for the dryer receptacle had been relocated to the utility room; and (c) there had been a second kitchen installed in the basement living area. A copy of this NOV is included in Appendix 5.

A development condition has been included requiring all applicable permits and final inspections to be completed within six months of BZA decision.

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 758 square feet in size and account for 34.3% of the total gross floor area of the existing structure (2,210 square feet). The proposed accessory dwelling unit would contain a kitchen, two bedrooms, a living room, and a bathroom. The layout of these rooms is depicted in the attached floor plan (Attachment 1). The basement has a walk-out entrance and exit at the rear of the home.

The applicant, who is over the age of 55, is requesting the ADU to accommodate his son. Ample parking exists in the driveway for the applicant and the applicants' family members.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Rose Hill Planning District
Planning Sector: Bush Hill Planning Sector (RH2)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf.	10,563 sf.
Lot Width	Interior: 80 feet	94.00 feet
Building Height	35 feet max.	17.0 feet
Front Yard	Min. 30 feet	39.7 feet
Side Yard	Min. 12 feet	19.3 feet
Rear Yard	Min. 25 feet	42.3 feet

Accessory Structures On-Site

Structure	Yard	Minimum Yard Required	Existing Location
Deck	Side	No closer than minimum required side yard (12 feet)	19.3 feet
Patio	Rear	No closer than 5 feet to any lot line	36.3 feet
Patio	Rear	No closer than 5 feet to any lot line	34.4 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>	No new construction is proposed, and there would be no exterior evidence of an ADU. Staff believes that this ADU would be harmonious with the surrounding area and would not hinder the use or development of neighboring properties.
Standard 4 <i>Pedestrian/Vehicular Traffic</i>	Staff believes that the proposed use would not significantly impact pedestrian or vehicular traffic.

Standard 5 <i>Landscaping/Screening</i>	The existing home is screened from adjacent properties with landscaping and fencing.
Standard 6 <i>Open Space</i>	The ADU request does not decrease the open space on the lot.
Standard 7 <i>Utilities, Drainage, Parking and Loading</i>	Existing facilities appear to be able to adequately serve the ADU. In addition, staff believes there is sufficient parking to accommodate the proposed use.
Standard 8 <i>Signs</i>	No signage is proposed.

Group 9 Standards (Sect. 8-903)

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

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

Standard 1 <i>Only One ADU per Single Family Detached Dwelling</i>	The application requests approval of one ADU on a property occupied by a single family detached dwelling; this standard is met.
Standard 2 <i>Structure Shall be Located Within Single Family Dwelling</i>	The proposed ADU would be within the existing home, and entrances would be located on the rear of the existing basement.
Standard 3 <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 34.3% 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 applicant, who currently resides in the principal unit, owns the property and meets the qualifications of “elderly” as defined by the Zoning Ordinance; his son would reside in the ADU.
Standard 6 <i>Reasonable Access for a Disabled Person</i>	The applicant has indicated that the persons who access the ADU are not disabled.
Standard 7 <i>Sufficient Parking</i>	The property includes ample parking in the driveway.
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-LE-097 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. Notice of Violation dated November 25, 2014
5. Notice of Violation dated May 13, 2015
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-LE-097****October 14, 2015**

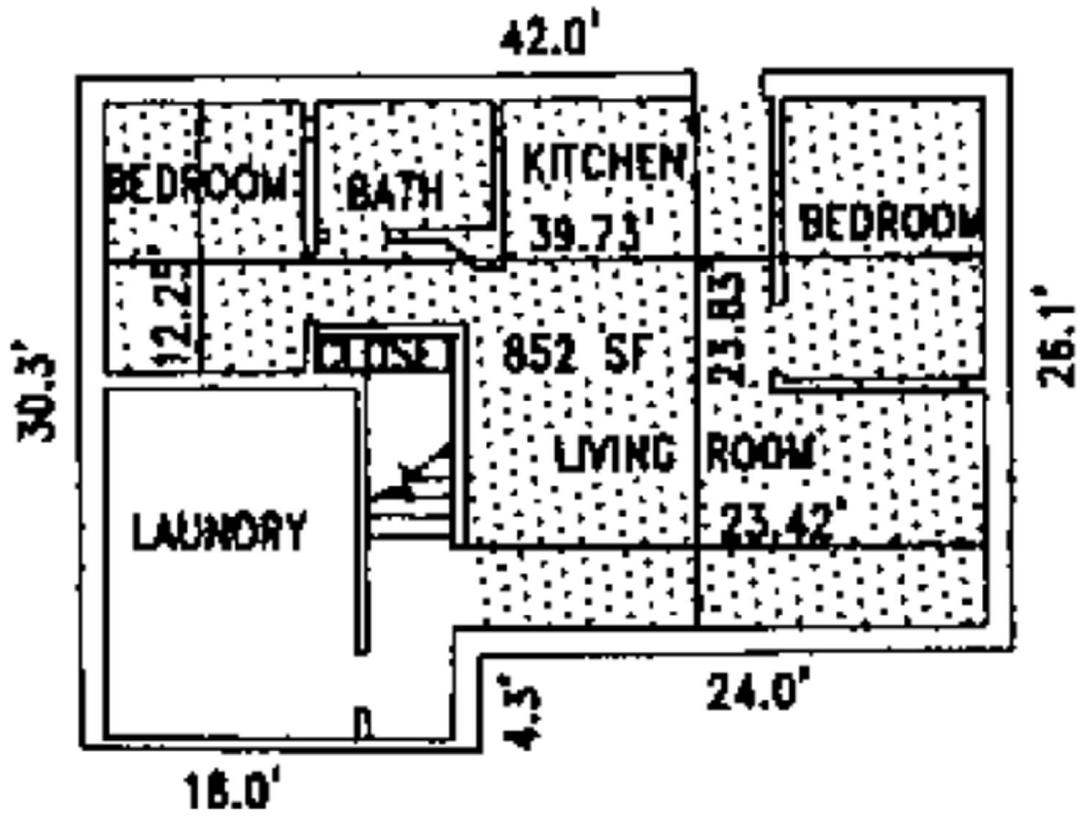
If it is the intent of the Board of Zoning Appeals to approve SP 2015-LE-097 located at Tax Map 82-3 ((8)) 02, 03 (Pt.) to permit an accessory dwelling unit under Sect. 8-918 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the 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 applicant, Heraj Mehrabian, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 4410 Penwood Dr., and is not transferable to other land.
3. 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.
4. The accessory dwelling unit shall contain a maximum of 758 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
5. 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.
6. 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.
7. 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.
8. All parking shall be provided on site as shown on the special permit plat.

9. All applicable trade permits and final inspections for the work associated with the ADU 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.



6/7/2015

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Zoning Evaluation Division
Fairfax County
Department of Planning and Zoning
12055 Government Center Parkway,
Suite 801
Fairfax, VA 22035

To Whom It May Concern,

This letter details my justification for the special permit to have two dwelling units in my property. Currently, I am 64 years old and have been residing in this property since 2003. Below are my justification addressing each specific question in Sections 8-011 and 8-918 (next page):

Section 8-011	Response
A. Type of operation(s).	<ul style="list-style-type: none"> • This dwelling will initially be used as residential rental property for maximum of two tenants with one car parking space in the driveway • Upon graduating college next year, my younger son is planning on living in the dwelling property • My deceased wife's mother will be staying in the dwelling unit during her annual visits
B. Hours of operation.	N/A since unit will be used as a residential unit
C. Estimated number of patrons/clients/patients/pupils/etc.	Maximum of two tenants/occupants with one car parking space in the driveway
D. Proposed number of employees/attendants/teachers/etc.	N/A
E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.	No traffic impact. When used by a tenant, only one additional car will be added to the driveway for a maximum of three cars in the driveway total.
F. Vicinity or general area to be served by the use.	None
G. Description of building facade and architecture of proposed new building or additions.	There will be no façade changes to the property. The only addition to the basement (dwelling unit) is a kitchen including a gas stove, cabinets, countertops and a refrigerator.
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.	No hazardous or toxic substances will be used, generated, utilized, stored, treated or disposed in this unit.

Heraj Mehrabian



<p>I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.</p>	<p>The only applicable regulations incorporate obtaining permits for electrical and plumbing changes/additions in the unit which are ongoing at the time of this writing.</p>
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Section 8-918	Response
<p>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.</p>	<p>Our unit is in compliance with this requirement. We only have one accessory dwelling unit.</p>
<p>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.</p>	<p>We are in compliance with this requirements. Our lot is smaller than two acres and the dwelling unit is located within the structure of the single family detached dwelling unit.</p>
<p>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.</p>	<p>We are in compliance with this requirement. The grow area of the accessory dwelling unit is 34 percent of the total gross floor area of the principal dwelling unit.</p>
<p>4. The accessory dwelling unit shall contain not more than two (2) bedrooms.</p>	<p>The dwelling unit has 2 bedrooms</p>
<p>5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:</p>	
<p>A. One of the dwelling units shall be owner occupied.</p>	<p>I (Heraj Mehrabian), the owner of the property, reside in one of the dwelling units</p>
<p>B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:</p>	<p>I (Heraj Mehrabian) am 64 years old, born on 10/03/1950 and currently reside in the principle dwelling unit</p>
<p>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:</p>	<p>The principle dwelling unit is occupied by myself (Heraj Mehrabian) and my family (son and wife). The accessory dwelling unit will be occupied by only one person.</p>



<p>(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.</p>	
<p>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.</p>	<p>The accessory dwelling unit is not established for occupancy by a disabled person, however; it does have uninterrupted access to at least one entrance as well as accessibility and usability of one toilet room.</p>
<p>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.</p>	<p>The unit currently has a driveway that can fit 4 compact cars.</p>
<p>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.</p>	<p>The accessory dwelling unit has always been part of the property and will not disrupt the predominant character of the neighborhood.</p>
<p>9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.</p>	<p>The accessory dwelling unit meets the known and relevant applicable regulations for building, safety, health and sanitation.</p>
<p>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.</p>	
<p>11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.</p>	
<p>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</p>	

Heraj Mehrabian

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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.	

Sincerely yours,

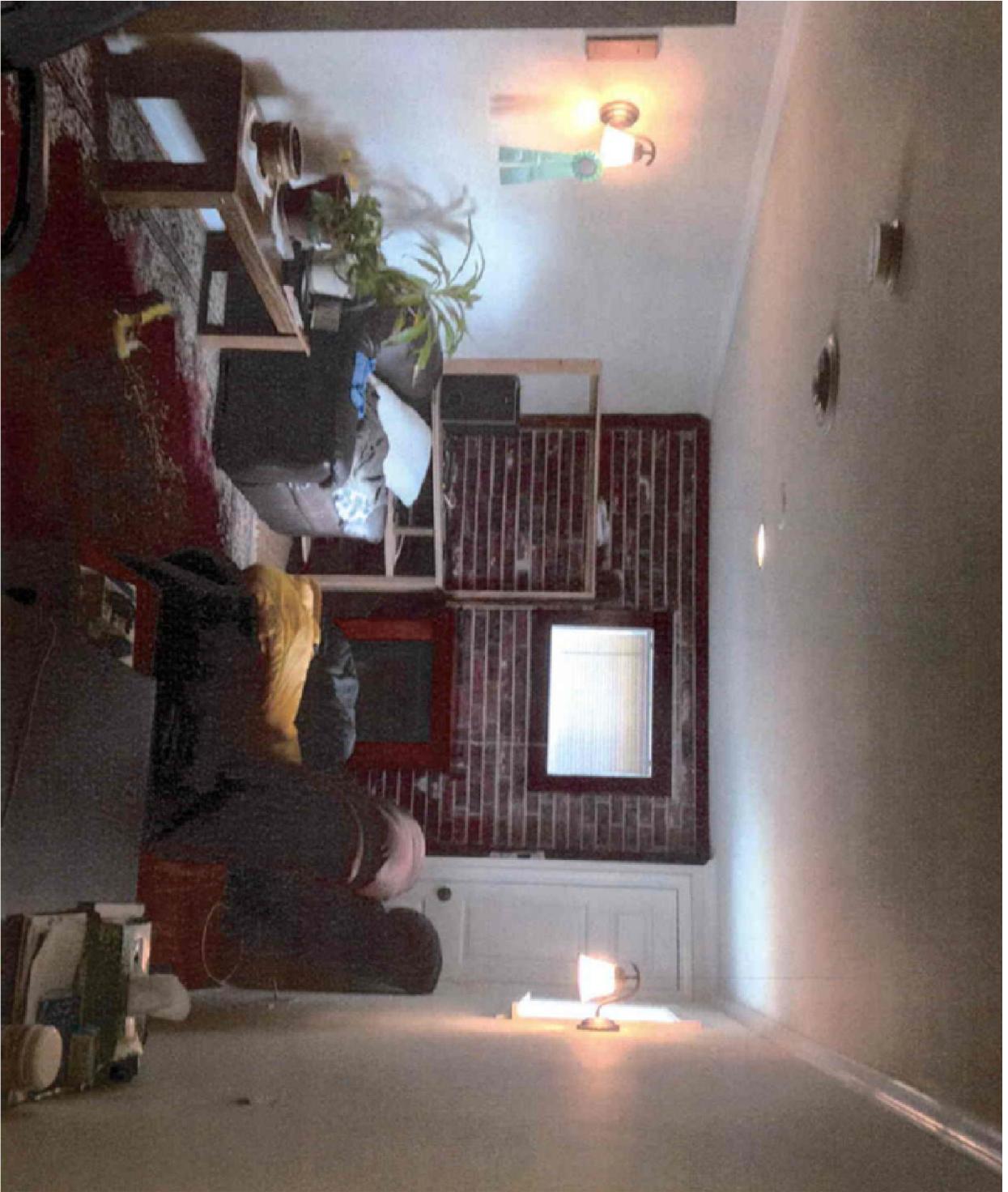
Heraj Mehrabian

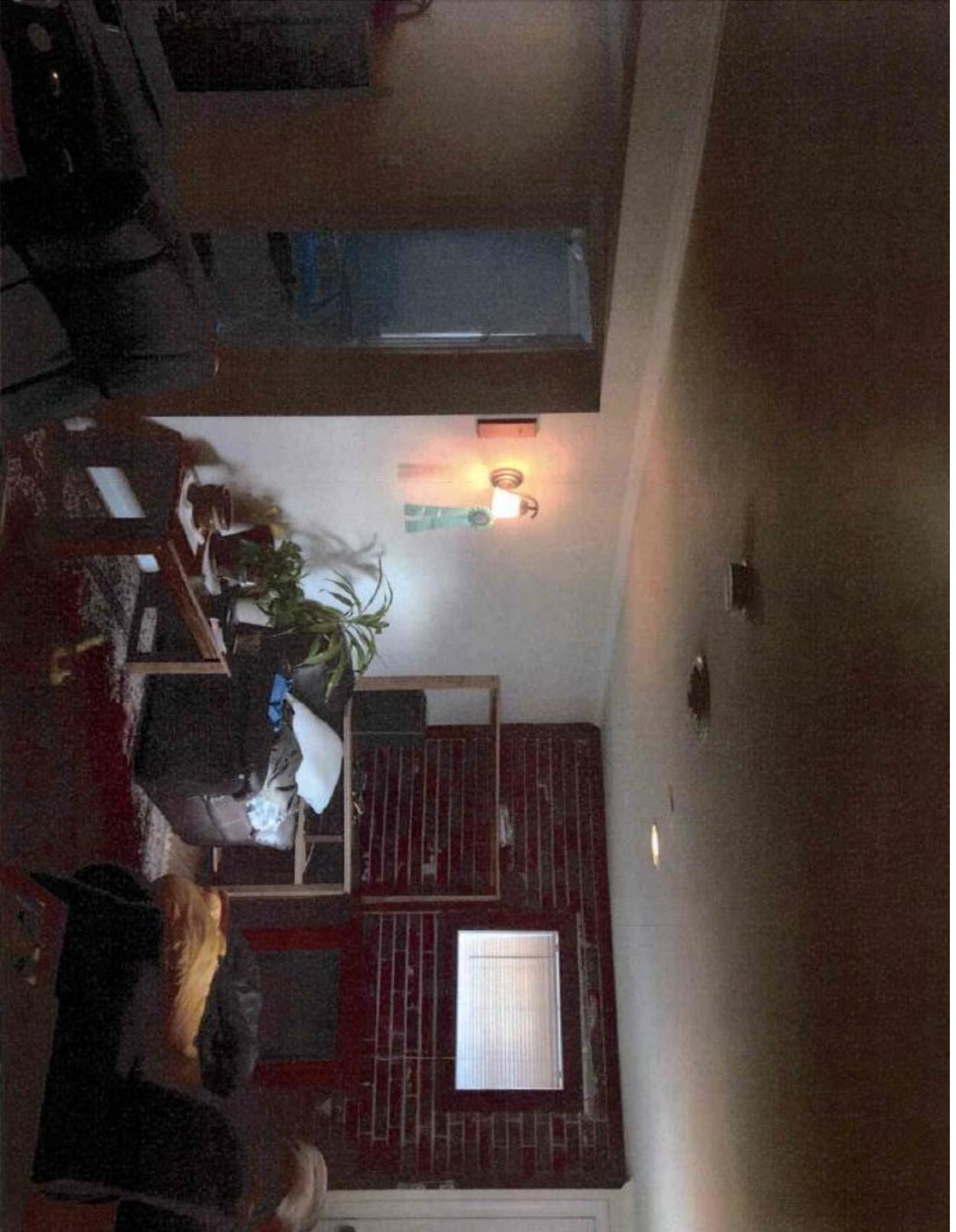






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Department of Planning & Administration
DEC 16 2014
Zoning Evaluation Division

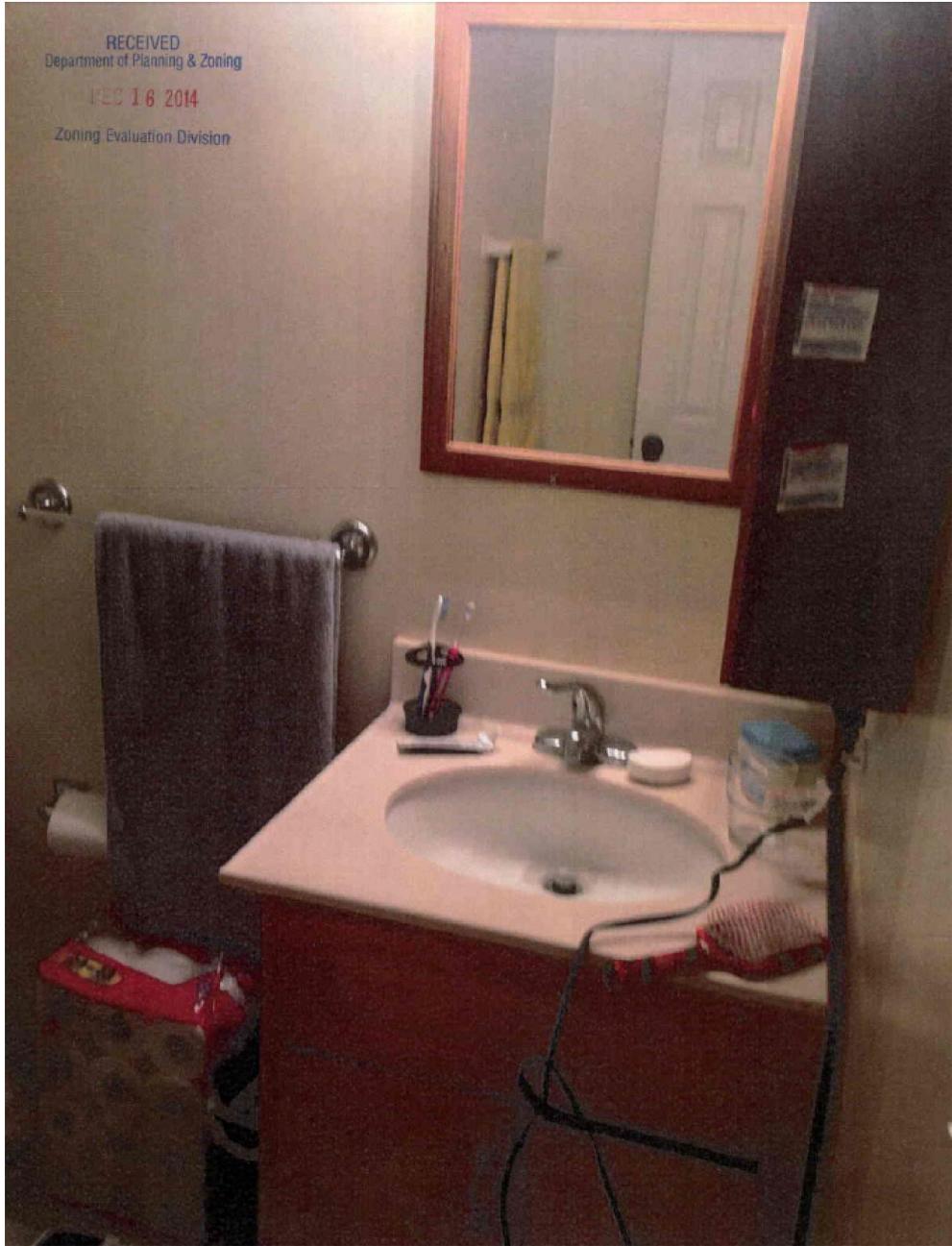




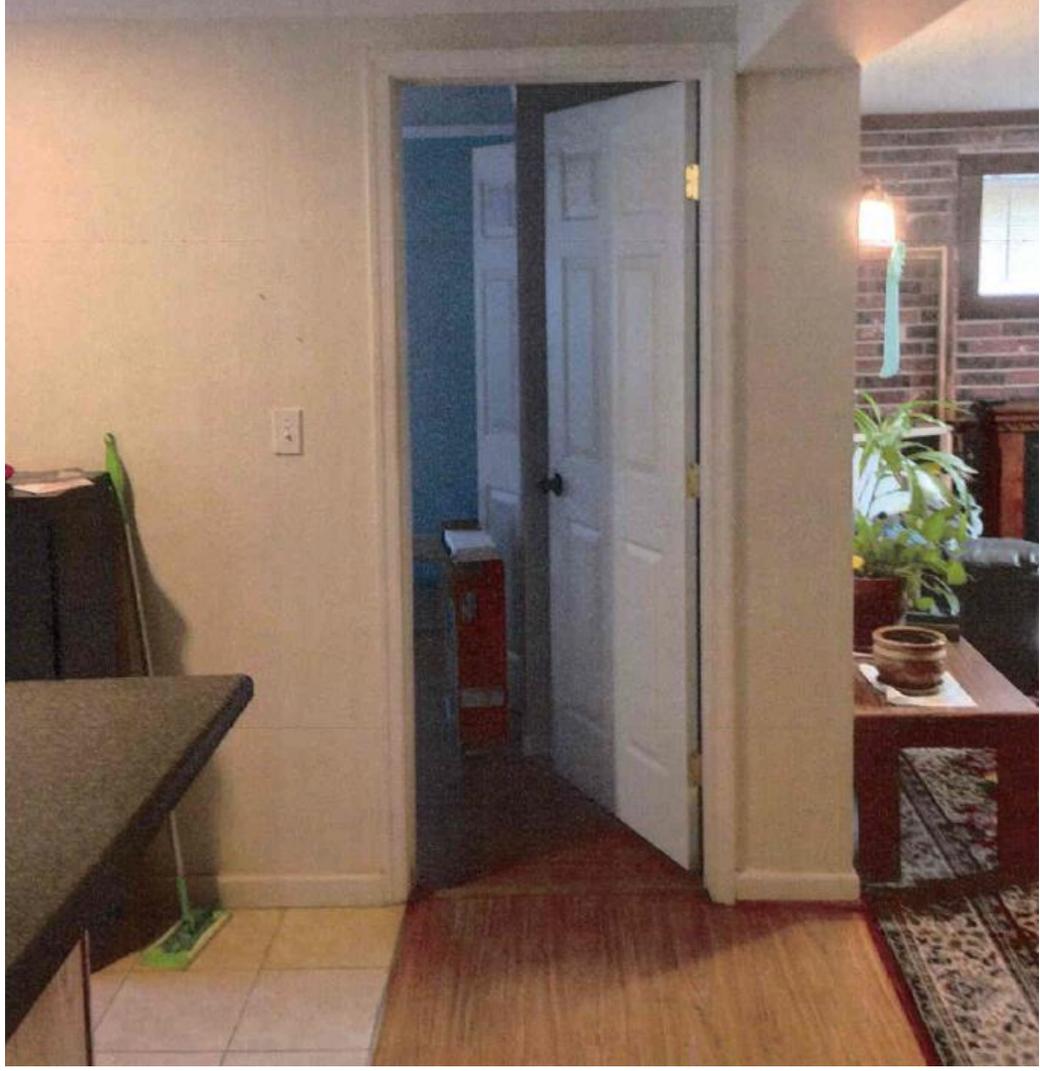
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Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/18/15
 (enter date affidavit is notarized)

127925

I, Heraj Mehrabian, 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)
Heraj Mehrabian	4410 Penwood Drive Alexandria, VA 22310	Owner/Applicant
Helen Sefiani (Co-title / Owner) - Deceased		Co-owner (Deceased)
Arman Mehrabian(Son/Agent)		Agent

(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: 9/18/15
(enter date affidavit is notarized)

127925

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/18/15
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127925

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/18/15
(enter date affidavit is notarized)

127925

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: 09/18/2015
(enter date affidavit is notarized)

127925

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

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

None

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

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

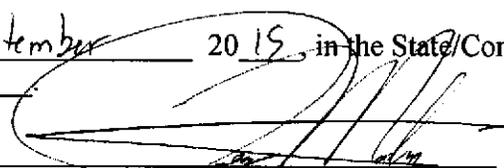
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter,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

WITNESS the following signature:

(check one) Applicant Applicant's Authorized Agent

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

Subscribed and sworn to before me this 18th day of September 2015, in the State/Comm. of State of Virginia, County/City of Alexandria.


Notary Public

My commission expires: 10/31/2016



JESSICA YAMILEX MARTINEZ
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES OCT. 31, 2016
COMMISSION # 7530520

COMMONWEALTH OF VIRGINIA - CERTIFICATE OF DEATH
DEPARTMENT OF HEALTH - DIVISION OF VITAL RECORDS - RICHMOND

COPY A

FOR DIVISION OF VITAL RECORDS

REGISTRATION AREA NUMBER 129		CERTIFICATE NUMBER 2169		STATE FILE NUMBER	
1. FULL NAME OF DECEDENT (first) (middle) (last) Helen Sefiani			2. SEX male <input type="checkbox"/> female <input checked="" type="checkbox"/>		
3. DATE OF DEATH (mo.) (day) (year) July 06, 2005		4. AGE 49 years		5. DATE OF BIRTH (mo.) (day) (year) Jan. 20, 1956	
7. NAME OF HOSPITAL OR INSTITUTION OF DEATH (if none, so state) Inova Mt. Vernon Hospital			8. COUNTY OF DEATH (if independent city, leave blank) Fairfax		6. WAS DECEDENT EVER IN U.S. ARMED FORCES? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
9. CITY OR TOWN OF DEATH Alexandria			10. STREET ADDRESS OR RT. NO. OF PLACE OF DEATH 2501 Parker's Lane		
11. STATE (OR FOREIGN COUNTRY) OF DECEDENT'S RESIDENCE Virginia			12. COUNTY OF DECEDENT'S RESIDENCE (if independent city, leave blank) Fairfax		
13. CITY OR TOWN OF RESIDENCE Alexandria			14. STREET ADDRESS OR RT. NO. OF RESIDENCE 4410 Penwood Dr.		ZIP CODE 22310
15. NAME OF DECEDENT'S FATHER Azad Sefiani			16. MAIDEN NAME OF DECEDENT'S MOTHER Eskui Fakhurian		
17. RACE OF DECEDENT White		18. OF HISPANIC ORIGIN? If yes, specify Cuban, Mexican, Puerto Rican, etc. <input checked="" type="checkbox"/> no <input type="checkbox"/> yes		19. EDUCATION (Specify only highest grade completed) Elementary/Secondary (9-12) _____ College (1-4 or 5+) 4	
20. CITIZEN OF WHAT COUNTRY Armenia		21. BIRTHPLACE (state or country) Iran		23. IF MARRIED OR WIDOWED, NAME OF SPOUSE (if divorced leave blank) Heraj Mehrabian	
24. SOCIAL SECURITY NUMBER 230-81-3215		25. USUAL OR LAST OCCUPATION Lead Care Giver		26. KIND OF BUSINESS OR INDUSTRY Sunrise Assisted Living	
27. INFORMANT - OR SOURCE OF INFORMATION - RELATIONSHIP Sevan Mehrabian - Son			28a. AUTOPSY? AUTHORIZED BY: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		
28. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. Breast Cancer					INTERVAL BETWEEN ONSET AND DEATH
IMMEDIATE CAUSE (Final disease or condition resulting in death) → (A) DUE TO (OR AS A CONSEQUENCE OF):					
Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST (B) DUE TO (OR AS A CONSEQUENCE OF):					
(C)					
PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.					
28b. IF FEMALE, WAS THERE A PREGNANCY IN PAST 3 MONTHS? yes <input type="checkbox"/> no <input type="checkbox"/> unknown <input type="checkbox"/>		28c. IF EXTERNAL CAUSE, IT WAS PRIMARY <input type="checkbox"/> or CONTRIBUTING <input type="checkbox"/> TO CAUSE OF DEATH		28d. DESCRIBE HOW INJURY RELATING TO DEATH OCCURRED	
28e. TIME OF INJURY (mo.) (day) (year) A.M. _____ P.M. _____		28f. INJURY OCCURRED while at work <input type="checkbox"/> not while at work <input type="checkbox"/>		28g. PLACE OF INJURY (home, farm, factory, street, office bldg., etc.)	
28h. (city or town)		28i. (county)		28j. (state)	
28. To the best of my knowledge, death occurred at 6:25 A.M. (a.m.) (p.m.) on the date and place and from the cause(s) stated.					
ACTUAL SIGNATURE 			DATE SIGNED: 7/12/05		
NAME OF ATTENDING PHYSICIAN (Type or Print) George Siler			ADDRESS OF ATTENDING PHYSICIAN 5101 Francis Rd Alex VA		
29. BURIAL REMOVAL CREMATION <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			30. PLACE OF BURIAL, REMOVAL, ETC. Mount Comfort Cemetery Alexandria, Virginia		
31. (Signature of funeral director or person legally filing this certificate) 			NAME OF FUNERAL HOME AND ADDRESS: Demaine Funeral Home 520 S. Washington St. Alex.VA 22314		
32. (Signature of registrar) 			DATE RECORD FILED: 7/12/05		

MARGIN RESERVED FOR BINDING
 IMPORTANT: Use black ribbon in lipsticking or print legibly with ballpoint pen having black unfinishing ink. This is a permanent record and subject to reproduction by microfilm and other photographic process.

This is to certify that this is a true and correct reproduction of the original record filed with the FAIRFAX COUNTY HEALTH DEPARTMENT, FAIRFAX VIRGINIA.

JULY 12, 2005
 DATE ISSUED

DEPUTY REGISTRAR

(SEAL)

VOID IF ALTERED OR DOES NOT BEAR IMPRESSED SEAL

VS 2 7/04



County of Fairfax, Virginia

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

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: November 25, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Heraj Mehrabian
Helen Sefiani

ADDRESS: 4410 Penwood Drive
Alexandria, Virginia 22310

LOCATION OF VIOLATION: 4410 Penwood Drive
Alexandria, Virginia 22310-1425

TAX MAP REF: 0823 08 0002

ZONING DISTRICT: R- 3

CASE #: 201407044 **SR #:** 110432

ISSUING INVESTIGATOR: John Comiskey, (703)324-1993

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§02.501	\$ 200.00	\$ 500.00
	§10.104.12D	\$ 200.00	\$ 500.00
	TOTAL:	\$ 400.00	\$ 1000.00

Dear Responsible Party:

An inspection of the above referenced property on November 14, 2014 revealed the following violation(s) of the Fairfax County Zoning Ordinance:

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

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-653-9459 TTY 711
www.fairfaxcounty.gov/code

Heraj Mehrabian
Helen Sefiani
November 25, 2014
SR #: 110432
Page 2

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 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.

Heraj Mehrabian
Helen Sefiani
November 25, 2014
SR #: 110432
Page 3

§ 10-104 (12D) Accessory Structure Location in the Side Yard
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory structure which measured approximately 12 feet in height, is approximately 280 square feet in area and is located approximately 4 feet 6 inches and approximately 34 feet respectively from the side and rear lot lines.

The Fairfax County Zoning Ordinance permits accessory structures to be located in minimum required yards; however, if the structure exceeds seven (7) feet in height, it must be located on the lot so as to comply with Par. 12D of Sect. 10-104 of the Zoning Ordinance which states:

No accessory structure or use which exceeds seven (7) feet in height shall be located in any minimum required side yard.

The minimum required side yard distance in the R- 3 District is 12 feet as detailed in Par. 2 of Sect. 3-307 of the Zoning Ordinance.

Therefore, as this accessory structure exceeds seven (7) feet in height and is not located in accordance with the provisions of Par. 12D of Sect. 10-104 above, it is in violation of Par. 12D of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

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

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

- Removing the accessory structure from the property in its entirety; or
- Reducing the height of the structure to seven (7') feet in height or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the side lot lines in accordance with Par. 12D of Sect. 10-104 of the Zoning Ordinance as outlined above.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to

Heraj Mehrabian
Helen Sefiani
November 25, 2014
SR #: 110432
Page 4

allow the accessory structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

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

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

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

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

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-1993. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:

Signature

John Comiskey
Code Compliance Investigator
(703)324-1993
John.Comiskey@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.

SERVING OFFICER
_____ for _____

DATE _____

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SERVING OFFICER
_____ for _____

DATE _____

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_____ for _____

DATE _____

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Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER
_____ for _____

DATE _____



County of Fairfax, Virginia

DCC RETURN COPY

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

NOTICE OF VIOLATION Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: May 13, 2015

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Heraj Mehrabian
Helen Sefiani

ADDRESS: 4410 Penwood Dr.
Alexandria, VA 22310

TAX MAP REF: 0823 08 0002

LOCATION OF VIOLATION: 4410 Penwood Dr.
Alexandria, VA 22310-1425

CASE #: 201407044 **SR#:** 111927

ISSUING INVESTIGATOR: Ricky Antonowics, (703)324-9329

You were issued a Corrective Work Order on January 22, 2015 for violations of the Virginia Uniform Statewide Building Code (USBC) 2012 Edition, effective July 14, 2014. Staff confirmed on May 12, 2015 that the violations itemized below remain.

Explanation: On January 12, 2015, County staff inspected the above referenced premises and discovered several violations to include but not limited to the following; (a) the gas water heater has been replaced in the basement; (b) the electrical wiring for the dryer receptacle has been relocated to the utility room; (c) there has been a kitchen installed in the basement living area to include a gas cook top, a sink, electrical wiring for receptacles, switches, lighting and a range hood. This regulated work was performed without the issuance of the required permit or permits, inspections, and approvals.

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2012 Edition, you are hereby directed to apply for and obtain the required permits, inspections, and approvals for the work described above or demolition of same at the above referenced address.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-653-9459 TTY 711
www.fairfaxcounty.gov/code

Heraj Mehrabian
Helen Sefiani
May 13, 2015
SR 111927
Page 2

Corrective Action Required:

1. Apply for and obtain all necessary County Permits for the work described above within 30 calendar days from the date you receive this Notice, or obtain a County permit to demolish the work described above within the same timeframe.
2. Schedule and pass the required County inspection(s) for the work described above within 30 calendar days from the date you received this notice.
3. Contact me at (703)324-9329 within the timeframe established to confirm the violation(s) has/have been abated.
4. Call (703)222-0455 to schedule all inspections related to this matter. Please reference CASE #: 201407044.

Note:

***When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.**

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035
Telephone: 703-222-0801

***When work described above involves the removal of unpermitted features (including appliances, cabinets, plumbing/gas fixtures) a demolition permit will be required. Be advised that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit. If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703)324-1300 who issued the Notice before coming to the Permit Application Center in the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.**

***Additional fees for unpermitted work may apply.**

You have the right to appeal this decision within 30 days to the Fairfax County Board of Building and Fire Prevention Code Appeals. Appeal application forms may be obtained by contacting:

Heraj Mehrabian
Helen Sefiani
May 13, 2015
SR 111927
Page 3

Fairfax County Board of Building and Fire Prevention Code Appeals
Attention:
Secretary to the Fairfax County Board of Building and Fire Prevention Code Appeals
Office of Building Code Services
Department of Public Works and Environmental Services
12055 Government Center Parkway, Suite 444
Fairfax, Va. 22035-5504
Telephone: (703)324-1780

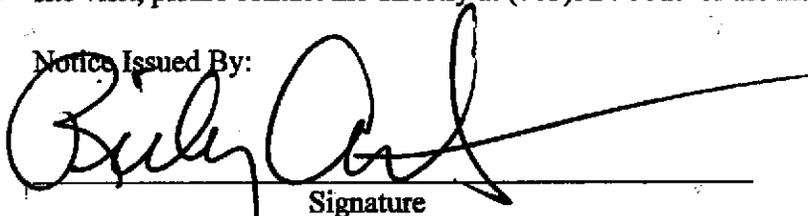
Information and forms can also be obtained at:

http://www.fairfaxcounty.gov/dpwes/publications/codemods_appeals.htm

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision. Failure to correct these defects within the time limits specified shall result in enforcement action being taken under the applicable State and County Codes.

If you have any questions, would like to schedule an appointment to meet with me, or schedule a site visit, please contact me directly at (703)324-9329 or the main office at (703)324-1300.

Notice Issued By:



Signature

Ricky Antonowicz
(703)324-9329
Rick.Antonowicz@fairfaxcounty.gov
Technical Assistant to the Building Official
Department of Code Compliance

CC: Case File
Residential Inspections Branch Chief
Commercial Inspections Engineer V

Heraj Mehrabian
Helen Sefiani
May 13, 2015
SR 111927
Page 4

PERSONAL SERVICE

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

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- 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 / 696
SERVING OFFICER

5-13-15 DATE for Stacey A. Kincaid, Sheriff
Fairfax County, VA

PERSONAL SERVICE

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J. Silver / 696
SERVING OFFICER

5-13-15 DATE for Stacey A. Kincaid, Sheriff
Fairfax County, VA

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SERVING OFFICER
for _____

DATE

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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.

8-918 Additional Standards for Accessory Dwelling Units

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

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.
On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.
3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
 - A. One of the dwelling units shall be owner occupied.
 - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
 - (1) Any person fifty-five (55) years of age or over and/or
 - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security

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

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

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

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