



**SPECIAL PERMIT ACCEPTED:** July 7, 2015  
**BOARD OF ZONING APPEALS:** October 28, 2015 @ 9:00 a.m.

# County of Fairfax, Virginia

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**October 21, 2015**

## **STAFF REPORT**

### **SPECIAL PERMIT SP 2015-HM-105**

#### **HUNTER MILL DISTRICT**

**APPLICANTS/OWNERS:** William A. Eaton  
Malisa A. Eaton

**SUBDIVISION:** Town and Country Gardens

**STREET ADDRESS:** 2411 Riviera Drive, Vienna, 22181

**TAX MAP REFERENCE:** 38-3 ((20)) 51

**LOT SIZE:** 23,164 square feet

**ZONING DISTRICT:** R-2

**ZONING ORDINANCE PROVISIONS:** 8-918

**SPECIAL PERMIT PROPOSAL:** To permit an accessory dwelling unit within an addition to an existing dwelling.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of SP 2015-HM-105 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.

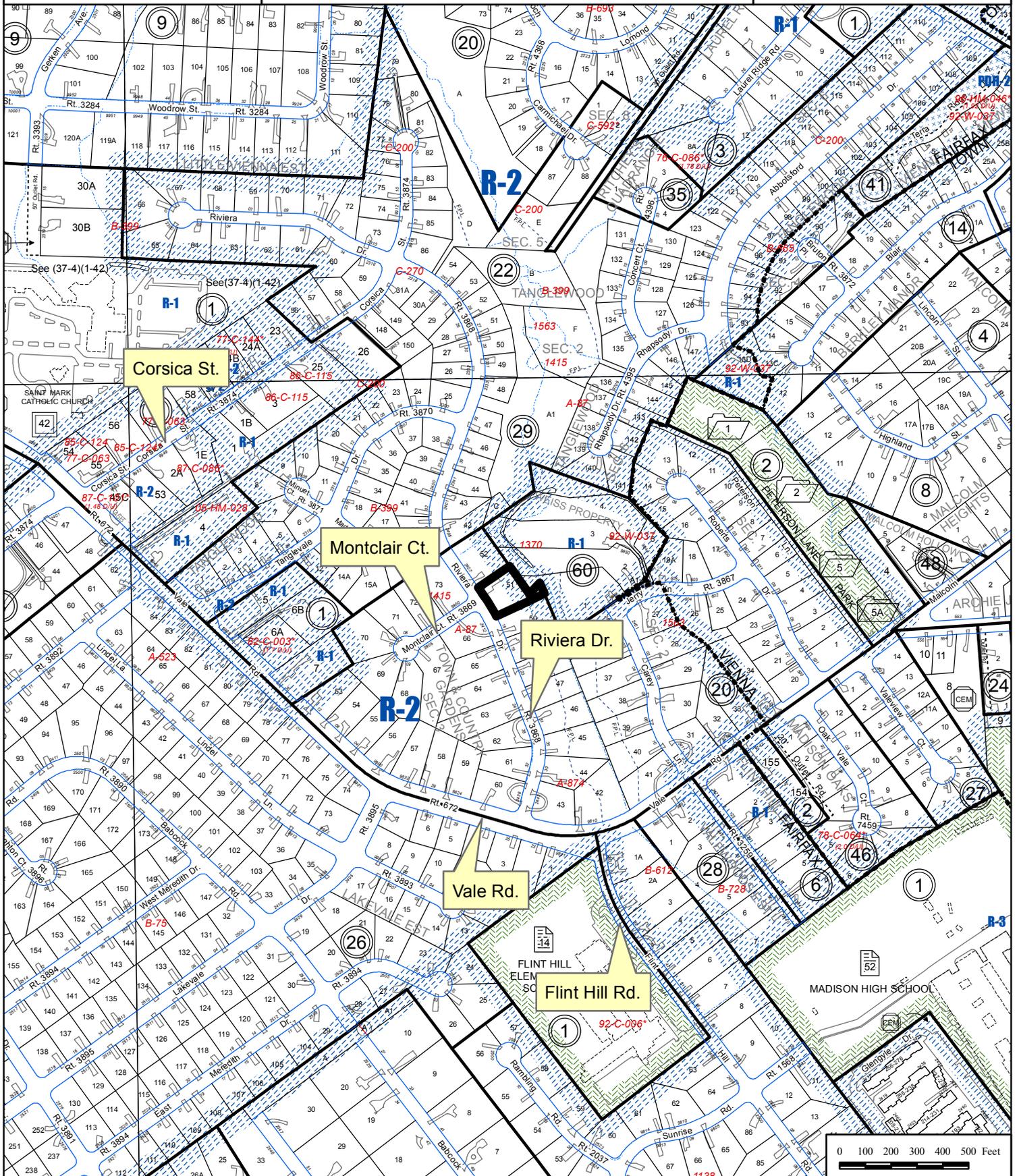
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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-HM-105 WILLIAM A. & MALISA A. EATON





## SPECIAL PERMIT REQUEST

The applicants are seeking a special permit to allow an accessory dwelling unit (ADU) within an addition to a single family detached dwelling.

A copy of the special permit plat, titled "House Location Survey and Setback Certification, Lot 51 Section 3, Town & Country Gardens, Fairfax County, Virginia," prepared by John F. Yeatch, L.S., dated August 11, 2014, 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 23,164 square foot subject property is developed with a one-story single-family detached dwelling. A concrete driveway extends from Riviera Drive to a two-car garage, and a porch connects from the driveway to the front entrance of the main dwelling. A deck is located in the rear yard.



Figure 1: House Location

The subject property and surrounding properties to the north, west and south are zoned R-2 and developed as single-family detached dwellings. Adjacent properties to the east are zoned R-1 and developed with single-family detached dwellings.

## **BACKGROUND AND HISTORY**

Fairfax County Tax Records indicate that the property was constructed in 1966 and purchased by the applicant in 2001.

On July 28, 2015, a building permit was issued for a single story addition with finished basement below with a bedroom and wetbar, but no second kitchen. A copy of this issued permit 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 the BZA decision.

## **DESCRIPTION OF THE APPLICATION**

The applicants are requesting approval of an accessory dwelling unit (ADU) in an addition to the single family dwelling. The proposed accessory dwelling unit would be 1,056 square feet in size and account for 19.6% of the total gross floor area of the existing structure (5,398 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 (Appendix 4). The ADU has a separate entrance from the principal unit. It is located on the front façade, but faces 90 degrees away from the street. The applicants originally submitted a design with the separate entrance directly facing the street, but they have since re-oriented the door to face away from the street. (A development condition has been included requiring the applicant to provide adequate screening and buffering via landscaping (Appendix 1).)

The applicants are requesting the ADU to accommodate their elderly mother. Ample parking exists in the driveway for the applicants and the applicants' family members.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area II, Vienna Planning District  
**Planning Sector:** Piney Branch Planning Sector (V4)  
**Plan Map:** Residential, 2-3 du/ac

**Zoning District Standards**

<b>Bulk Standards (R-2)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	15,000 sf.	23,164 sf.
Lot Width	Interior: 100 feet	159.00 feet
Building Height	35 feet max.	Figure not provided
Front Yard	Min. 35 feet	51.1 feet
Side Yard	Min. 15 feet	15.7 feet and 21.5 feet
Rear Yard	Min. 25 feet	38.0 feet

**Accessory Structures On-Site**

<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required</b>	<b>Existing Location</b>
Deck	Rear	No closer than minimum required rear yard (25 feet)	40.0 feet
Shed	Rear	Anywhere in rear or side yard as long height does not exceed 8.5 feet	5.0 feet (less than 8.5 feet in height)

**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)**

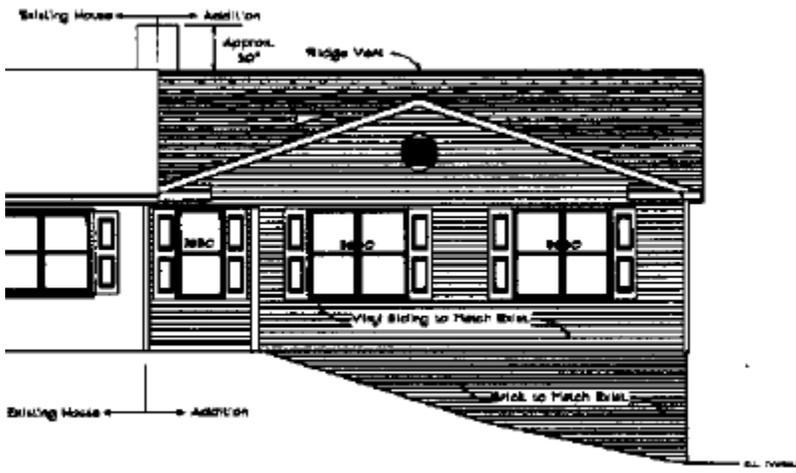
<b>Standards 1 and 2</b> <i>Comprehensive Plan/ Zoning District</i>	The Comprehensive Plan recommends residential uses, and the property is developed with a residential use. The Zoning Ordinance allows an ADU with special permit approval.
<b>Standard 3</b> <i>Adjacent Development</i>	Staff believes that this ADU would be harmonious with the surrounding area and would not hinder the use or development of neighboring properties.

<p><b>Standard 4</b> <i>Pedestrian/Vehicular Traffic</i></p>	<p>Staff believes that the proposed use would not significantly impact pedestrian or vehicular traffic.</p>
<p><b>Standard 5</b> <i>Landscaping/Screening</i></p>	<p>The existing home is screened from adjacent properties with landscaping and fencing.</p>
<p><b>Standard 6</b> <i>Open Space</i></p>	<p>The ADU request does not decrease the open space on the lot.</p>
<p><b>Standard 7</b> <i>Utilities, Drainage, Parking and Loading</i></p>	<p>Existing facilities appear to be able to adequately serve the ADU. In addition, staff believes there is sufficient parking to accommodate the proposed use.</p>
<p><b>Standard 8</b> <i>Signs</i></p>	<p>No signage is proposed.</p>

**Group 9 Standards (Sect. 8-903)**

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

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

<p><b>Standard 1</b> <i>Only One ADU per Single Family Detached Dwelling</i></p>	<p>The application requests approval of one ADU on a property occupied by a single family detached dwelling; this standard is met.</p>
<p><b>Standard 2</b> <i>Structure Shall be Located Within Single Family Dwelling</i></p>	<p>The proposed ADU would have a separate entrance on the front façade, facing 90 degrees away from the street. The slope of the property is such that staff believes a side entrance would be difficult to construct. Shown below is the front elevation of the proposed ADU and slope of the property:</p>  <p>The drawing shows a cross-section of a house with a gabled roof. A smaller addition is shown on the right side, also with a gabled roof. Labels indicate 'Existing House' on the left, 'Addition' on the right, and 'Ridge Vents' on the roof. A note says 'Approx. 30°' near the roofline. Below the house, there are labels for 'View Facing to Front Entry' and 'Slope to Match Exist.' with arrows pointing to the ground level. The ground level is shown sloping downwards from left to right.</p>

<b>Standard 3</b> <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 19.6% of the total GFA. This standard is met.
<b>Standard 4</b> <i>Max. 2 Bedrooms</i>	The application indicates that the ADU includes two bedrooms. This standard is met.
<b>Standard 5</b> <i>Occupancy Standards</i>	The applicants, who currently reside in the principal unit, own the property. The applicants' mother, who would reside in the ADU, meets the qualifications of "elderly" as defined by the Zoning Ordinance.
<b>Standard 6</b> <i>Reasonable Access for a Disabled Person</i>	The applicant has indicated that the persons who access the ADU are not disabled.
<b>Standard 7</b> <i>Sufficient Parking</i>	The property includes ample parking in the driveway.
<b>Standard 8</b> <i>Will Not Modify or Disrupt Character of Neighborhood</i>	Staff believes that the use of the ADU, as proposed, along with adequate screening of the separate ADU entrance, would not constitute sufficient change to modify or disrupt the predominant character of the neighborhood.
<b>Standard 9</b> <i>Regulations for Safety, Health, Sanitation</i>	This standard requires any ADU to meet applicable regulations for building, safety, health, and sanitation. A development condition is proposed to this effect.
<b>Standard 10</b> <i>Recorded</i>	A condition is proposed requiring the approval to be recorded among the Fairfax County land records.
<b>Standard 11</b> <i>Inspection</i>	A condition is proposed requiring the owner to allow inspections of the property by County personnel during reasonable hours upon prior notice.
<b>Standard 12</b> <i>Approved for 5 Years</i>	A condition is proposed addressing this standard.
<b>Standard 13</b> <i>Approval Prior to July 27, 1987</i>	This standard is not applicable.

## CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2015-HM-105 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. Elevation and Floorplan
5. Applicable Building Permits
6. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-HM-105****October 21, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-HM-105 located at Tax Map 38-3 ((20)) 51 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, William A. and Malisa A. Eaton, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 2411 Riviera Drive, and is not transferable to other land.
3. 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.
4. 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.
5. The accessory dwelling unit shall contain a maximum of 1,056 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
6. 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.
7. 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.
8. 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.

9. All parking shall be provided on site as shown on the special permit plat.
10. All applicable trade permits and final inspections shall be obtained within six (6) months of BZA approval.
11. The applicant shall adequately screen the side-facing entrance for the accessory unit from traffic on Riviera Drive in the form of landscaping and planting.

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.

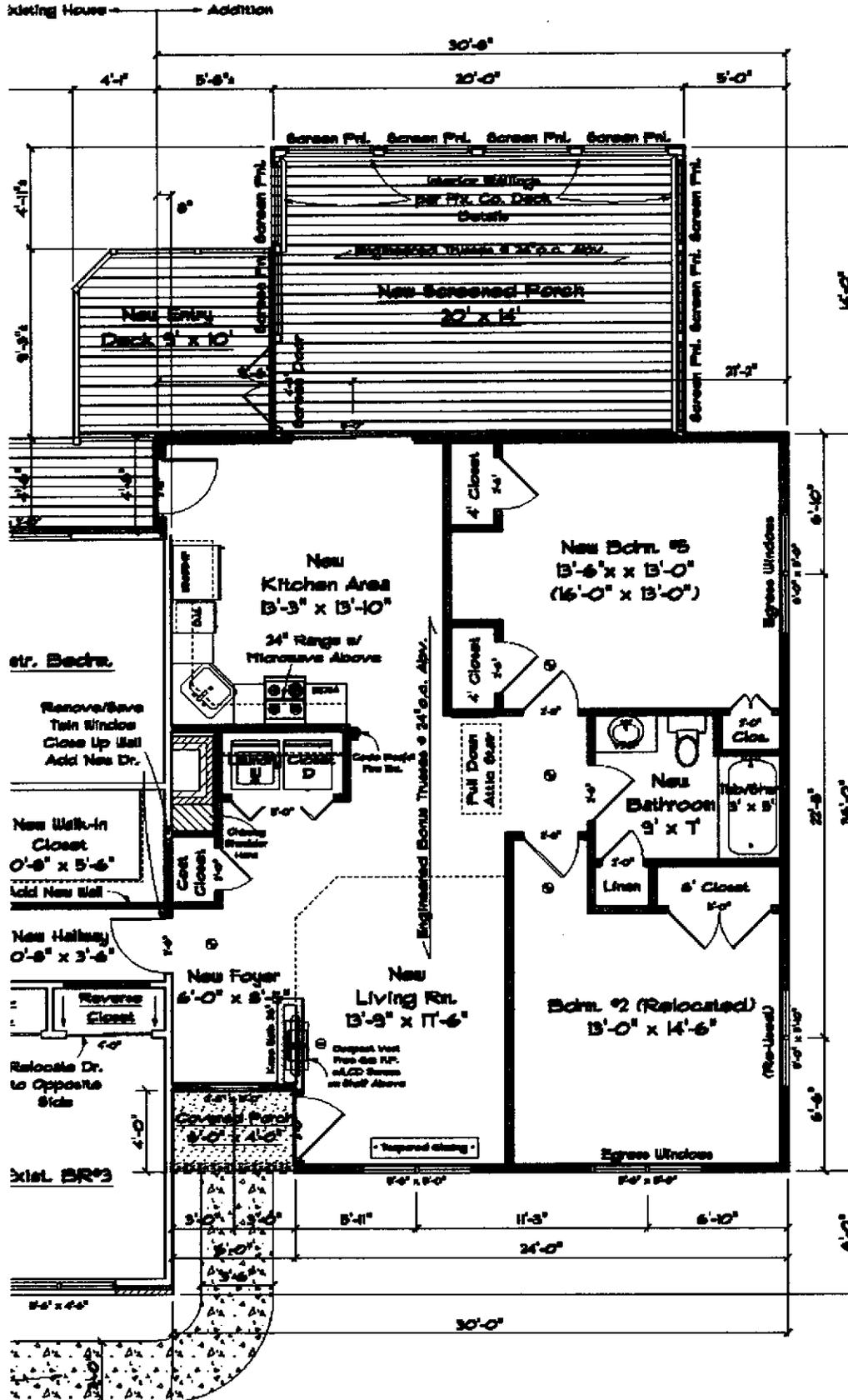
Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request 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.

Application for Special Permit

EATON / POTTS

2411 Riviera Drive, Vienna, VA 22181

(Accessory Dwelling – Interior Rooms)



# **Application for Special Permit**

## **Requirement #5 – Statement of justification**

5. A written statement of justification describing the proposed use and other pertinent data which complies with Section 8-011 contained on page 14 of this package.

Property Owners - William A. Eaton & Malisa A. Eaton

Property Address - 2411 Riviera Drive, Vienna, VA 22181

We would like build this addition to our home to provide my elderly mother (Mary K. Potts) a place for her to live independently, but also have us next door in case she would need anything. It will allow her to have her own space but also provide her with companionship and security as she gets older. We feel this will allow her to remain in her own home/space for a longer period of time.

- 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.

Malisa A. Eaton  
Applicant's Signature

7/7/15  
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.

Malisa A. Eaton  
Applicant's Signature

7/7/15  
Date





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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/31/15  
(enter date affidavit is notarized)

127008

I, Malisa A. Eaton, 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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Malisa A. Eaton	2411 Riviera Drive, Vienna, VA 22181	<b>Applicant/Property Owner</b>
William A. Eaton	2411 Riviera Drive, Vienna, VA 22181	<b>Property Owner</b>

(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: 3/31/15  
(enter date affidavit is notarized)

129008

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)

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/31/15  
(enter date affidavit is notarized) 12 9008

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

**PARTNERSHIP INFORMATION**

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

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

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

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

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

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/31/15  
(enter date affidavit is notarized)

129008

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: 3/31/15 129008  
(enter date affidavit is notarized)

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) Malisa A. Eaton  
 Applicant [ ] Applicant's Authorized Agent

Malisa A. Eaton, Applicant/owner  
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 31 day of March 2015, in the State/Comm. of Virginia, County/City of Fairfax.

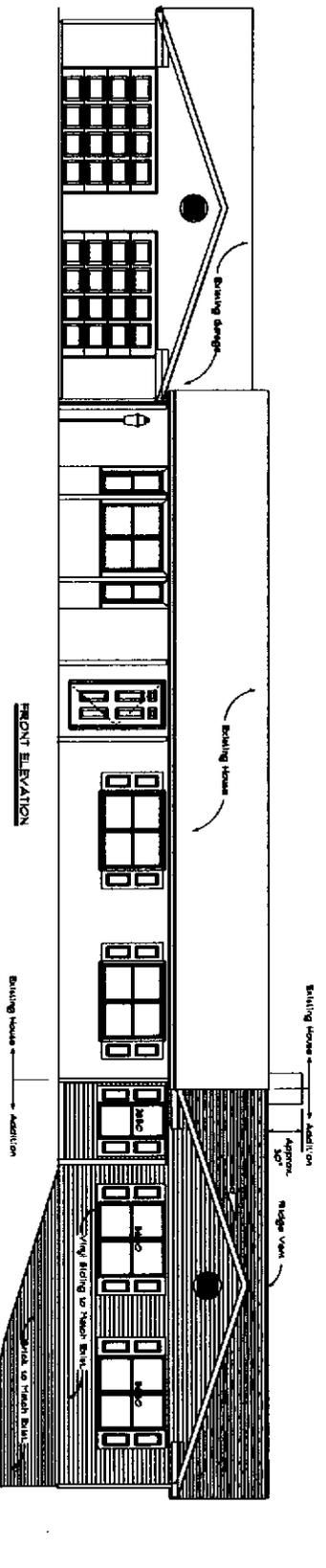
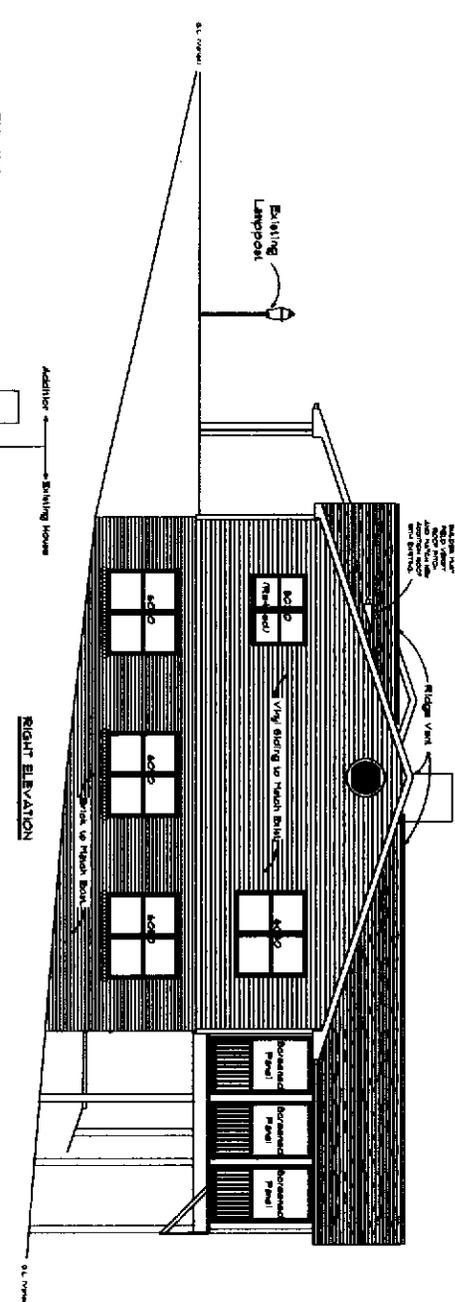
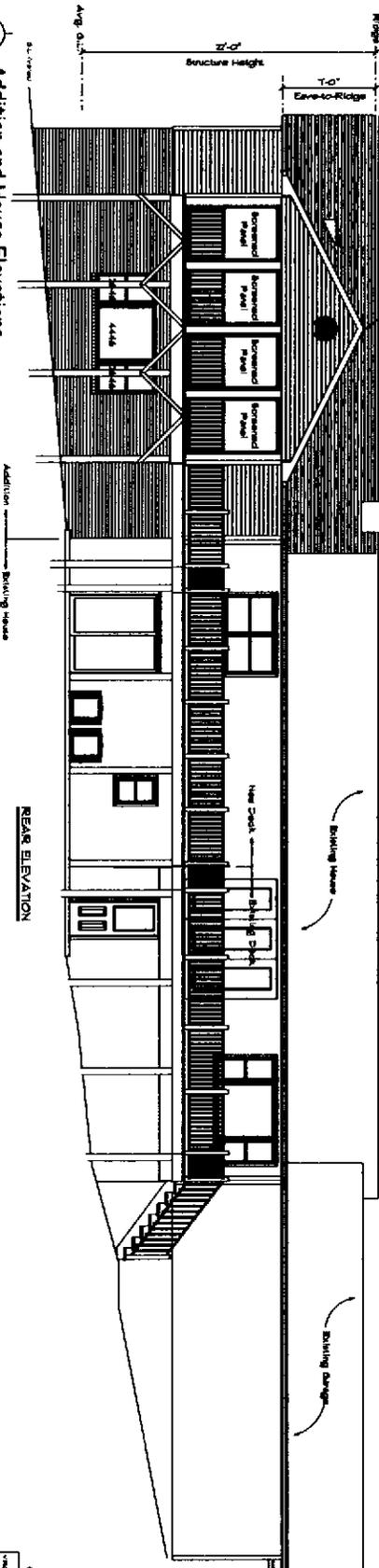
[Signature]  
Notary Public

My commission expires: 03/31/2017

[Signature]



A-1 Addition and House Elevations  
Scale: 1/4" = 1'-0"



REVISED

ILLUSTRATIONS SUBJECT TO FIELD CHECK & VERIFY ALL DIMENSIONS

APRIL 13, 2014

DRAWINGS BY DESIGN

www.drawingsofdesign.com  
Copyright 2014 Robert H. Osullivan

ELEVATIONS



**Charles R. Wood Builders, Inc.**  
8615 Quarry Road  
Manassas, VA 20110  
(703) 368-5260

**Eaton Residence**  
2411 Riviera Drive  
Vienna, VA 22181  
(703) 242-1445

04-13-15



Bldg Permit #: **151260287** **RESIDENTIAL ADDITION**

**Address:** 2411 RIVIERA DR  
VIENNA VA 22181-3120  
Bldg: N/A Floor: Suite: N/A

**Tax Map:** 0383 20 0051

**Subdiv:** **TOWN AND COUNTRY GARDENS LT 51 SEC 3** 3,164.00

**Owner:** EATON WILLIAM A  
2411 RIVIERA DR VIENNA VA 22181

**Phone Day:** (703)242-1445 x **Evening:**

**Contractor:**  
CHARLES R WOOD BUILDERS INC  
8615 Quarry Rd  
Manassas, Va 22110-0000  
(703) 368-5260

**Type of Work:** ADDITIONAL STORIES  
**Description of Work:** 2nd story addition with 2nd kitchen

**Specific Description of Work:**

1 Story Ground	1 Story Crawl	1 Story Bsmt Below	2 Story Ground	2 Story Crawl	2 Story Bsmt below	2nd Story Addn Over Exist Structure
Y	N	N	N	N	N	Y

**ZPRB Review:**

Date		Status
07/21/2015	CBARB4	Approved
07/21/2015	UGOH00	Approved

**Zoning Detail Review TAB:**

Zoning Dist.	Cluster Subdiv	Use	2nd ADU			Proffer Setback				
R-2	N	SFD	Wet	Bar	Kitchen	Subdiv				
			N	N	N		N	N		
<b>Yard/Setbacks:</b>							<b>Dimensions:</b>			
Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type	
addition	57.00	0.00	0.00	0.00	21.00	0.00	addition 36'x30'	22.00	ONE STORY	
screen porch	0.00	0.00	0.00	96.50	24.00	38.00	screen 20'x 14'	20.00		
deck	0.00	0.00	0.00	70.00	0.00	43.00	porch 27'x 14'	8.00		
<b>USE GRP</b>	<b>CNST TYPE</b>		<b>BLDGAREA</b>							
R5	VB		4,000.00							

**DETAILS COMMENTS:**

build addition to side of sfd with a sunroom behind and a attached deck w/ wetbar sink cabinets and fridge no second kitchen

7/21/2015 1:46PM Amend to remove deck and screened porch from the permit.

**SCANNED**

HOUSE LOCATION SURVEY AND  
 SETBACK CERTIFICATION  
 LOT 51 SECTION 2

JOB NUMBER: 14-1966  
 SCALE: 1"=30'

151260287

**CRES II Ltd**  
 1831 Wiehle Avenue  
 Suite 105  
 Reston, VA 20190

**TOWN & COUNTRY GARDENS**  
 FAIRFAX COUNTY, VIRGINIA

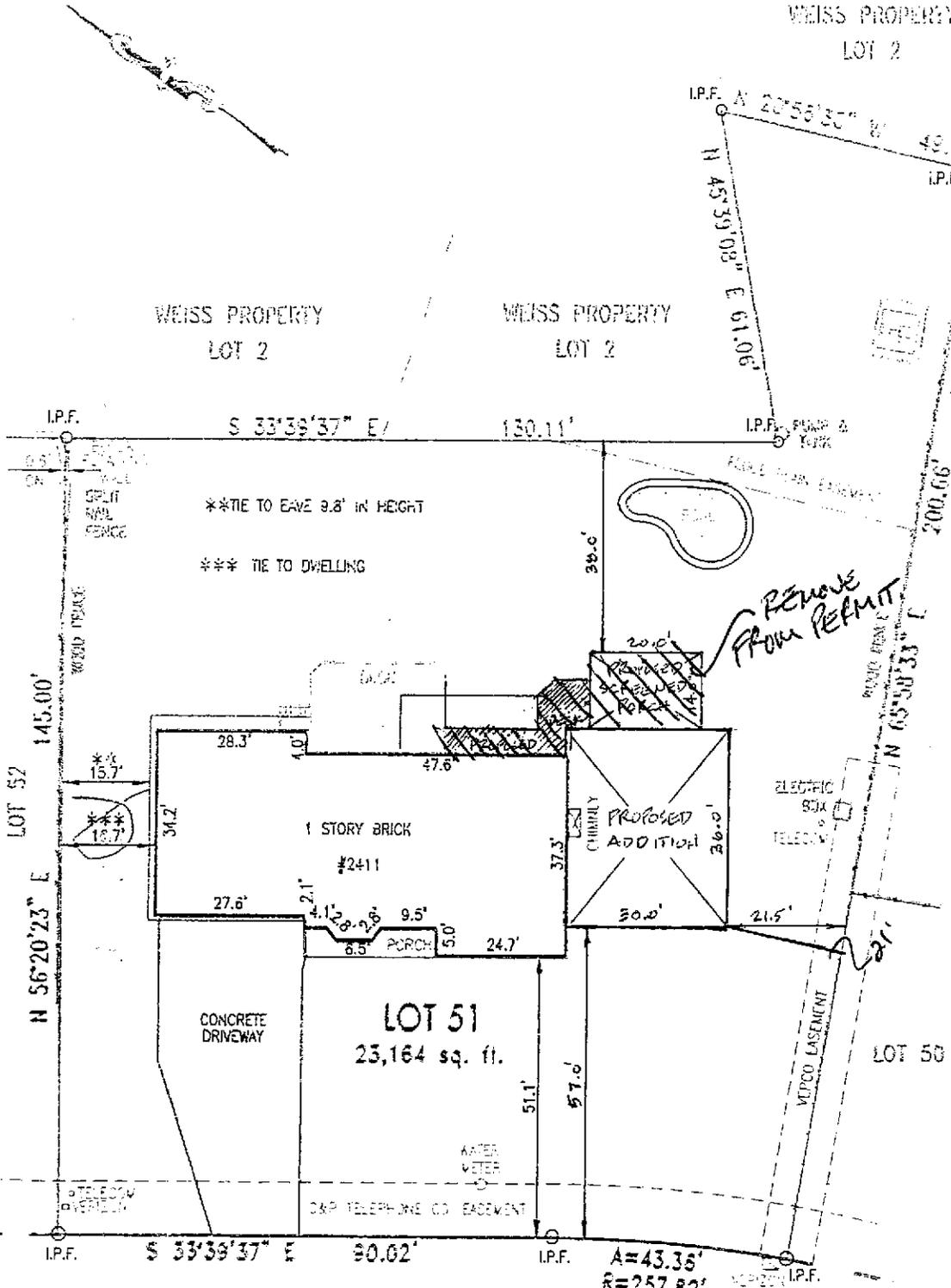
703 742 9105 f  
 703 742 9104 f

WEISS PROPERTY  
 LOT 2



APPROVED

*EB 07/20/15*  
*Eric B. Johnson*  
 Zoning Administrator



I hereby certify that the position of all existing improvements have been carefully located by a transit and/or tape or electronic measuring device and unless otherwise shown there are no encroachments.

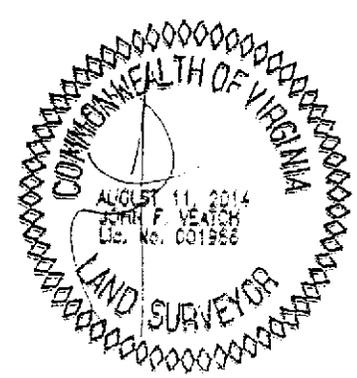
This plat is subject to restrictions and easements of record. No title report was furnished. Boundary and other site information has been provided by others. o IPF indicates monuments used for location purposes. If no monuments were found the existing improvements were located from the occupation of existing features.

Any reproduction of this document that does not bear an original signature is an unauthorized copy and may violate U.S. copyright laws. Unauthorized copies may not be in conformance with current survey requirements under Virginia State law and shall not be used for insurance and or mortgage underwriting.

**RIVIERA DRIVE**  
 (50' R/W)

A=43.36'  
 R=257.82'

*Eric B. Johnson*  
 08/19/14



**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.