



SPECIAL PERMIT ACCEPTED: August 31, 2015
BOARD OF ZONING APPEALS: December 9, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

December 2, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-SU-125

SULLY DISTRICT

APPLICANT: Robert S. Walter

OWNERS: Robert S. Walter
Sherri K. Walter

SUBDIVISION: North Hart Run

STREET ADDRESS: 6807 Hartwood Lane, Centreville, 20121

TAX MAP REFERENCE: 65-3 ((11)) 19

LOT SIZE: 10,503 square feet

ZONING DISTRICT: PDH-3, WS

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-SU-125 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.

Erin M. Haley

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

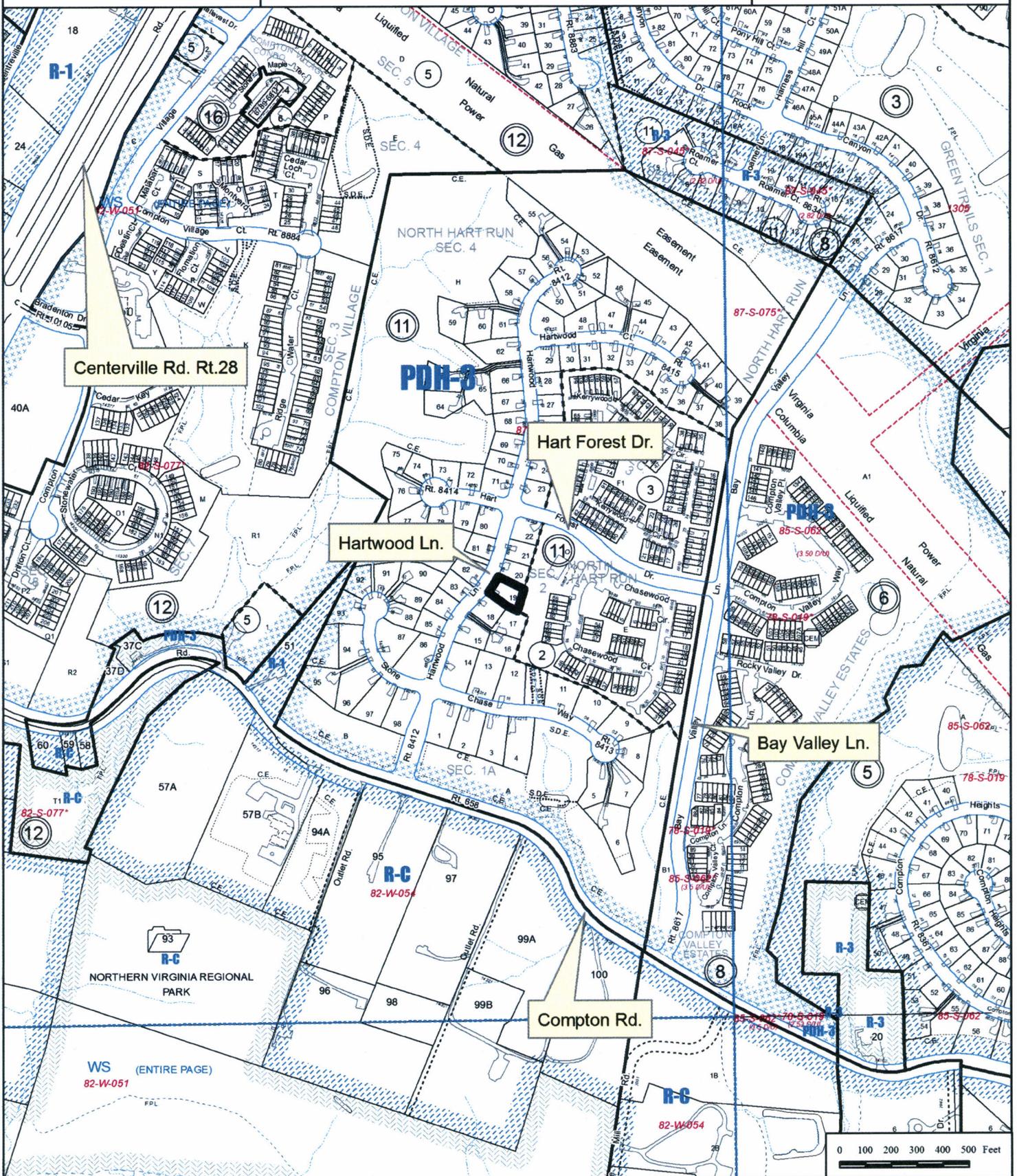
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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



Special Permit SP 2015-SU-125 ROBERT S. WALTER



SPECIAL PERMIT REQUEST

The applicants are seeking a special permit to allow an accessory dwelling unit (ADU) in the walkout basement of an existing single family detached dwelling.

A copy of the special permit plat titled, "Plat, Showing House Location on Lot 19, Section One-B, North Hart Run," prepared by George M. O'Quinn, L.S., dated December 22, 2014, as revised through August 17, 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 10,503 square foot subject property is developed with a two-story single-family detached dwelling with a full, walkout basement. An asphalt driveway provides access from Hartwood Lane, and a walkway leads from the driveway to the main entrance of the home. The concrete walkway extends from the front entrance, around the northern side of the house, to a brick patio and the walkout entrance of the basement. An elevated wood deck is located at the rear of the house. The rear yard is enclosed by a wood frame fence.

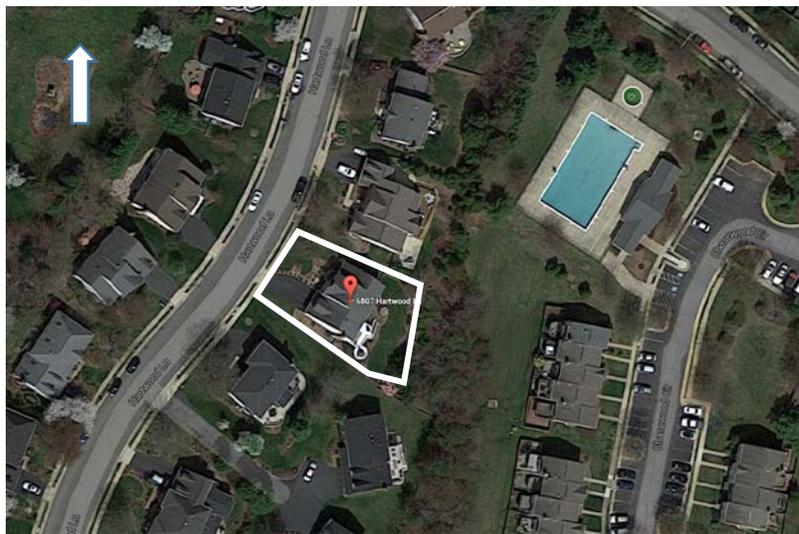


Figure 1: House Location
For illustrative purposes only

The subject property and surrounding properties are zoned PDH-3. Properties to the north, west and south are developed with single-family detached dwellings. The property to the east is privately owned open space for the North Hart Run Homeowners Association.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1994 and remodeled in 2011. The property was purchased by the applicant in January, 2015.

In 1994, a building permit and final inspection were obtained for an elevated deck with stairs 8 feet in height constructed at the rear of the house.

On May 20, 2015, the applicant applied for a building permit for interior alterations to the basement to add a second kitchen and bedroom. The applicant then filed this special permit application for an accessory dwelling unit to be located in the basement. In September 2015, plumbing and electrical permits were obtained to install laundry facilities and other fixtures in the basement. Final inspections for these alterations were obtained in October, 2015. A development condition has been included requiring all outstanding applicable permits and final inspections to be completed within six months of BZA decision.

All relevant building, electrical, and plumbing permit information is included in Appendix 4.

Since the adoption of the current Zoning Ordinance, no similar applications for accessory dwelling units have been heard by the BZA in the surrounding area.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of an accessory dwelling unit (ADU) in the walkout basement of the single family dwelling. The proposed accessory dwelling unit would be 986 square feet in size and account for 20% of the total gross floor area of the existing structure (5,027 square feet). The proposed accessory dwelling unit would contain a bedroom, recreation room #1, recreation room #2 that will contain the second kitchen, and a bathroom as depicted in the attached floor plan (Attachment 1).

The applicant is requesting the ADU to provide a living area for his parents, both of whom are over 55 and therefore meet the relevant Zoning Ordinance provisions. Ample parking exists in the driveway and attached two-car garage for the applicant and the applicant's family members.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Bull Run Planning District
Planning Sector: Centreville Community Planning Sector (BR6)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (PDH-3/R-3, cluster*)		
Standard	Required	Provided
Lot Size	8,500 s.f.	10,503 s.f.
Lot Width	Interior lot: no requirement	72 ft.
Building Height	35 ft.	30 ft.
Front Yard	20 ft.	39.7 ft.
Side Yard	8 ft., a total minimum of 20 ft.	12.9 ft. (northern side yard) 14.0 ft. (southern side yard)
Rear Yard	25 ft.	32 ft.

* The PDH-3 District takes on R-3 cluster subdivision bulk standards.

Zoning Ordinance Requirements (Appendix 7)

- 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>	There is no open space requirement for individual lots in the PDH-3 District. 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 adequate to serve the ADU. In addition, staff believes there is sufficient parking to accommodate the proposed use in the attached two-car garage and in the driveway.
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 was built in conformance with the approved Final Development Plan and therefore complies with required lot size and bulk regulations.
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 the entrance would be located at the rear of the house.
Standard 3 <i>GFA Shall Not Exceed 35%</i>	The area of the ADU represents approximately 20% of the total GFA. This standard is met.
Standard 4 <i>Max. 2 Bedrooms</i>	The application indicates that the ADU includes one bedroom. This standard is met.
Standard 5 <i>Occupancy Standards</i>	The applicant, who would reside in the principal unit, owns the property; the applicant's parents, who would reside in the ADU, both meet the qualifications of "elderly" as defined by the Zoning Ordinance.
Standard 6 <i>Reasonable Access for a Disabled Person</i>	The applicant has indicated that the persons who access the ADU are not disabled. However, the dwelling unit would contain uninterrupted access to one entrance.
Standard 7 <i>Sufficient Parking</i>	The property includes ample parking in the driveway and in the attached two-car garage.
Standard 8 <i>Will Not Modify or Disrupt Character of Neighborhood</i>	Staff believes that the use of the ADU, as proposed, would not constitute sufficient change to modify or disrupt the predominant character of the neighborhood.
Standard 9 <i>Regulations for Safety, Health, Sanitation</i>	This standard requires any ADU to meet applicable regulations for building, safety, health, and sanitation. A development condition is proposed to this effect.
Standard 10 <i>Recorded</i>	A condition is proposed requiring the approval to be recorded among the Fairfax County land records.
Standard 11 <i>Inspection</i>	A condition is proposed requiring the owner to allow inspections of the property by County personnel during reasonable hours upon prior notice.

Standard 12 <i>Approved for 5 Years</i>	A condition is proposed addressing this standard.
Standard 13 <i>Approval Prior to July 27, 1987</i>	This standard is not applicable.

CONCLUSION / RECOMMENDATION

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

Staff recommends approval of SP 2015-SU-125 for an accessory dwelling unit subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Special Permit Development Conditions
2. Applicant's Statement of Justification and Select Photographs
3. Applicant's Affidavit
4. Building Permit History
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-SU-125****December 2, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-SU-125 located at Tax Map 65-3 ((11)) 19 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, Robert S. Walter, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 6807 Hartwood Lane, and is not transferable to other land.
3. This special permit is granted only for the purposes and/or uses indicated on the plat titled, "Plat, Showing House Location on Lot 19, Section One-B, North Hart Run," prepared by George M. O'Quinn, L.S., dated December 22, 2014, as revised through August 17, 2015, as submitted with this application and is not transferable to other land.
4. A copy of this special permit shall be made available to all departments of the County of Fairfax, upon request.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 986 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
7. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
8. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance

with Section 8-012 of the Zoning Ordinance.

9. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
10. All applicable trade permits and final inspections for the finished basement and second kitchen 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.

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

The purpose of this project is to establish an Ancillary Dwelling Unit within our residence located at 6807 Hartwood Lane, Centreville, VA 20121. This additional dwelling unit will be used to house aging parents, both of whom are over the age of 55 as specified in Article 8, Part 9, Section 8-918. Per the requirements of this application the following information is provided for consideration by the Board of Zoning Appeals.

- A. *Type of Operation(s): Not Applicable*
- B. *Hours of Operation: Not Applicable*
- C. *Estimated Number of Patrons/Clients/Patients/Pupils/etc.: Not Applicable*
- D. *Proposed Number of Employees/Attendants/Teachers/etc.: Not Applicable*
- 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. Not Applicable*
- F. *Vicinity or general area to be served by the use. Not Applicable*
- G. *Description of building façade and architecture of proposed new building or additions. Not Applicable*
- 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. Not Applicable*
- 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. Please see following explanation.*

Article 8, Part 9, Section 8-918 – *Additional Standards for Accessory Dwelling Units* in summary requires the following conditions be met. The proposed project meets each of these conditions as explained in the responses to each requirement.

- a. Be located in a single family detached dwelling unit

Response: The Accessory Dwelling Unit (ADU) will be located in the walkout basement of the single family detached residence located at 6807 Hartwood Lane, Centreville, VA.

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- c. There cannot be more than one accessory dwelling unit per single family detached dwelling unit

Response: The proposed ADU will be the only ADU located within the defined primary dwelling.

- d. Be located within the structure of the single family detached dwelling unit

Response: The ADU will be within the structure of the single family detached dwelling unit.

- e. Additional external entrances to the ancillary dwelling unit must be located on the side or the rear of the single family detached dwelling unit

Response: The ADU will be accessed through the existing sliding glass door located at the back of the house (the rear of the house).

- f. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross area of the principal dwelling unit.

Response: The ADU will be established within the walkout basement of the three story primary dwelling. Even if the full basement were allocated to the ADU, the total allocation would be less than the 35% allowance. Reducing the total ADU allocation further, portions of the basement will be maintained by the owner occupant that will bring the total ADU allocation closer to 25% of the primary dwelling.

- g. The accessory dwelling unit cannot contain more than two (2) bedrooms.

Response: The existing configuration of the walkout basement contains one bedroom. This project will only add a kitchen. No additional bedrooms are needed or planned.

- h. 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

Response: The top two floors of the primary dwelling will be occupied by the owner of the residence.

- c. One of the dwelling units shall be occupied by a person or persons who qualify as elderly (over the age of 55) and/or disabled

Response: The ADU is being established for the owners aging parents whose father is 77 and whose mother is 72.

- i. The ancillary dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage

Response: The ADU will be occupied by the owner's parents (two people) who are related by blood and marriage.

- j. There must be sufficient parking to accommodate the additional residents

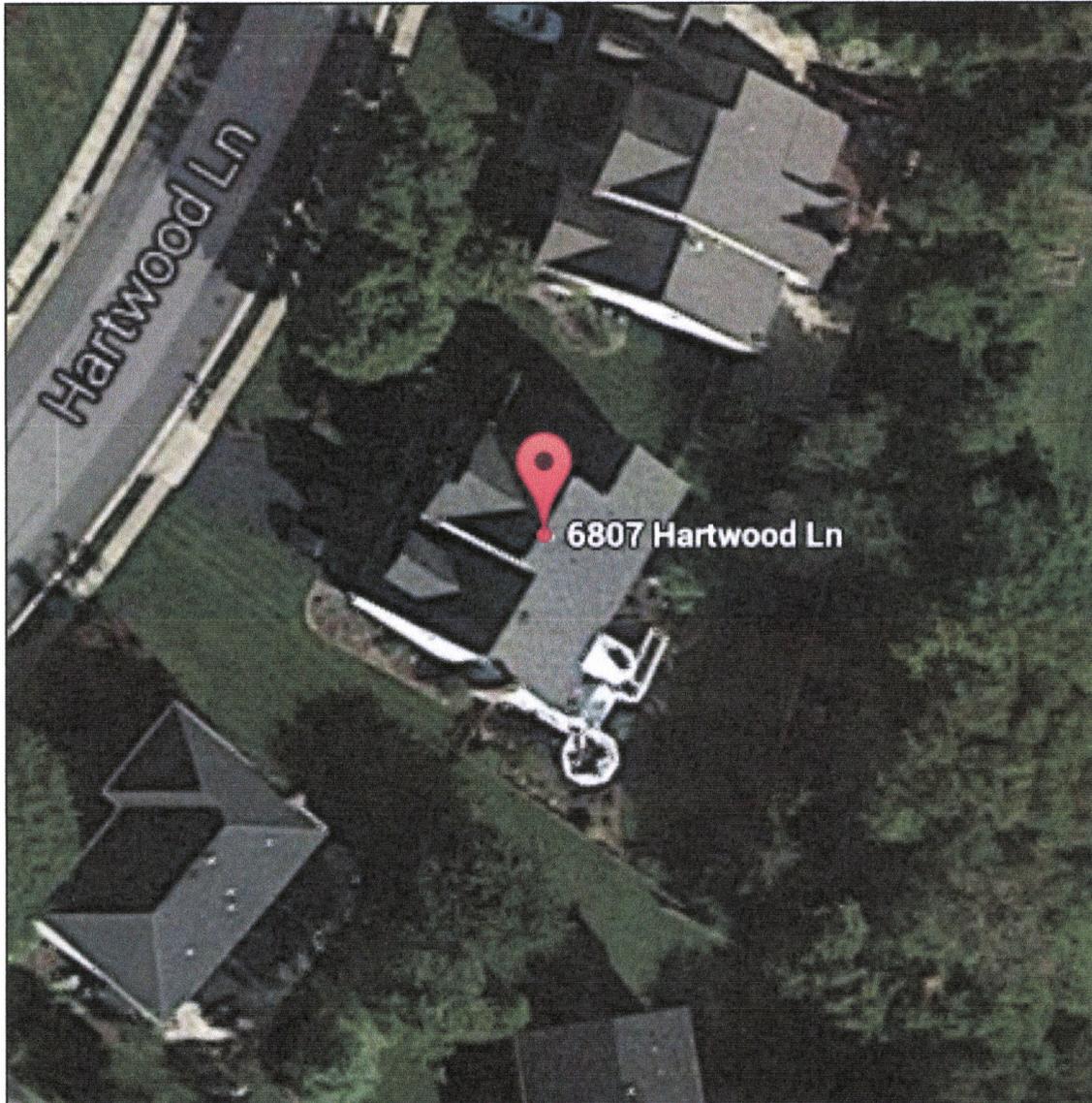
Response: Parking is available on the street in front of the primary dwelling.

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Photographs

1. Aerial View. Pulled from Google Earth, 8 June 2015



1. Street view. Photo taken November 2014



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2. Front, Northwest Corner. Photo taken 6 June, 2015



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3. Front, Southwest Corner. Photo taken 6 June 2015



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4. Back, Northeast Corner. Photo taken 6 June, 2015



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5. Back, Southeast Corner. Photo taken 6 June 2015



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6. Backyard from Southeast corner. Photo take November 2014



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7. Backyard from Northeast corner. Photo taken November 2014



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8. Basement – wall where dishwasher, sink, and refrigerator (from left to right) surrounded by base cabinets will be located. Wall cabinets will be installed immediately under the soffit.



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9. Basement – wall where pantry and range will be located. Again, surrounded by base cabinets. Wall cabinets will be installed along with a stove vent.



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Additional Photographs

1. Street view, neighbor to the North



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2. Street view, neighbor(s) to the South



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3. Back view, neighbor to the North



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4. Back view, neighbor to the South



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5. Additional ADU space - Bathroom



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6. Additional ADU space – Bedroom



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AUG 25 2015

Zoning Evaluation Division

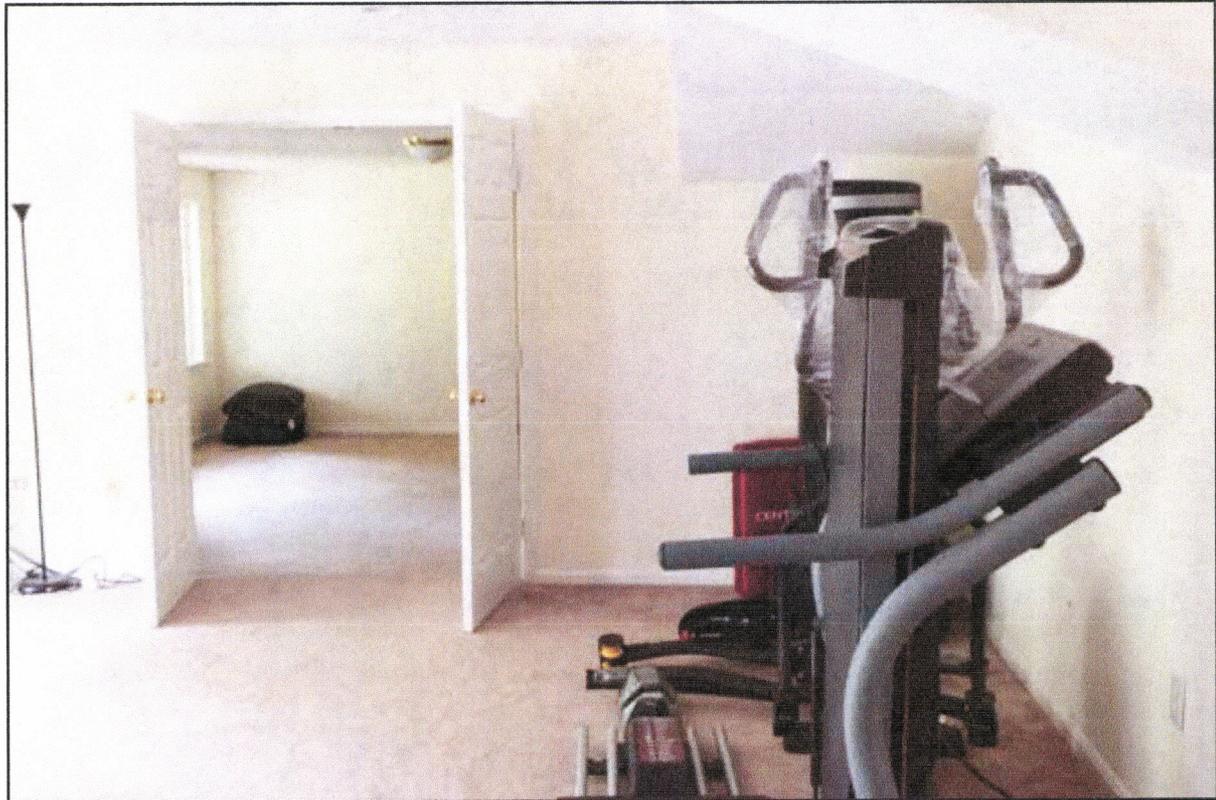
7. Additional ADU space – Living Area



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8. Additional ADU space – Living Area (2)

Note: Kitchen area pictured in initial submission is through the double doors pictured below.



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Zoning Evaluation Division

Application No.(s): SP 2015-SU-125
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6 June 2015
 (enter date affidavit is notarized)

130117

I, Robert S. Walter, 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)
Robert S. Walter	6807 Hartwood Lane, Centreville, VA 20121	Applicant, Title Owner
Sherri K. Walter	6807 Hartwood Lane, Centreville, VA 20121	Applicant, Title Owner

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
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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)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6 June 2015
(enter date affidavit is notarized)

130117

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.

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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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6 June 2015
(enter date affidavit is notarized)

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

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

None

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

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

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

WITNESS the following signature:

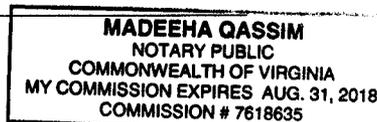
(check one) Robert S. Walter
 Applicant [] Applicant's Authorized Agent

Robert S. Walter, Applicant and Title Owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 8th day of June 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Madeeha Gassim
Notary Public

My commission expires: _____



BUILDING PERMIT APPLICATION

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 FAIRFAX COUNTY, VIRGINIA
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 (703) 222-0801

PERMIT # 93260B1070

FOR INSPECTIONS CALL: (703) 222-0455

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION:
 ADDRESS 6807 HARTWOOD LN
 LOT # 19 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION NO. HART RUN 1B
 TENANT'S NAME _____

OWNER INFORMATION: OWNER TENANT
 NAME NO. HART RUN JTY
 ADDRESS Bethel
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____

CONTRACTOR INFORMATION:
 CHECK IF SAME AS OWNER
 COMPANY NAME A.G. Van Metre Construction, Inc.
 ADDRESS 5252 Lyngate Court
 CITY Burke STATE Va. ZIP 22015
 TELEPHONE 703-425-2600
 LOCAL CONTRACTOR LICENSE # _____
 STATE CONTRACTORS LICENSE # 24214
 COUNTY BUSINESS ACCOUNT # 01-2284
 APPLICANT _____

DESCRIPTION OF WORK
NEW SFD
 HOUSE TYPE 2 1/2 STORY
 ESTIMATED COST OF CONSTRUCTION 10000
 BLDG AREA (SQ FT OF FOOTPRINT) 5124
 USE GROUP OF BUILDING 124
 TYPE OF CONSTRUCTION SB

SEWER SERVICE: PUBLIC SEPTIC OTHER
 WATER SERVICE: PUBLIC WELL OTHER
 OTHER PLEASE SPECIFY _____

DESIGNATED MECHANICS' LIEN AGENT:
 (Residential Construction Only)
 NAME: Potomac Title & Escrow
 ADDRESS: 8216C Old Courthouse Road
Vienna, Va. 22180
 NONE DESIGNATED: PHONE: 703-734-3227

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS:

# KITCHENS	<u>1</u>	EXTER. WALLS	<u>BFS</u>
# BATHS	<u>2</u>	INTER. WALLS	<u>DW</u>
# HALF BATHS	<u>1</u>	ROOF MATERIAL	<u>FG</u>
# BEDROOMS	<u>4</u>	FLOOR MATERIAL	<u>C</u>
# OF ROOMS	<u>10</u>	FIN. BASEMENT	<u>0</u> %
# STORIES	<u>2</u>	HEATING FUEL	<u>G</u>
BUILDING HEIGHT	<u>30</u>	HEATING SYSTEM	<u>FD</u>
BUILDING AREA	_____	# FIREPLACES	<u>1</u>
BASEMENT	<u>WF</u>		

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # 92-10193
 TAX MAP # 65-3

ROUTING	DATE	APPROVED BY:
ZONING	<u>9-27-93</u>	<u>TC</u>
SITE PERMITS	<u>9-29-93</u>	<u>TC</u>
SANITATION	<u>9-28-93</u>	<u>MSB</u>
HEALTH DEPT.		
FIRE MARSHAL		
BUILDING REVIEW	<u>9-28-93</u>	<u>TC</u>
LICENSING	<u>11/2/93</u>	<u>TC</u>
ASBESTOS		
<u>CBM on B115 (9-10-93) TC</u>		
FEE	\$ _____	
FILING FEE	\$ _____	
AMOUNT DUE	\$ <u>276.69</u>	

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC: J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 BY [Signature] DATE 9/28/93

ZONING REVIEW: ZONING CLASS PDA-3/WS
 USE _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS:	GARAGE: 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/>
FRONT <u>43'</u>	OPTIONS: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
FRONT _____	REMARKS: <u>NO HOT BAL</u>
L SIDE <u>13'</u>	<u>NO 2ND KITCHEN</u>
R SIDE <u>14'</u>	
REAR <u>40'</u>	

GRADING AND DRAINAGE REVIEW
 SOILS: # _____ A B C
 HISTORICAL DISTRICT _____
 AREA TO BE DISTURBED (TOTAL SQ FT) _____
 ADD'L IMPERVIOUS AREA (ADDED SQ FT) _____
 PROFFERS _____
 PLAN # 751-50-04 APPR. DATE _____

STAMPS:

 (See reverse side of application)

REMARKS:
M/F 92-132B-0320

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent [Signature] Date 9/28/93

Notary Signature _____ Date _____
 (Notarization required if owner not present at time of application)

BUILDING PERMIT APPLICATION

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 FAIRFAX COUNTY, VIRGINIA
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 (703) 222-0801

PERMIT # 94238B0650

FOR INSPECTIONS CALL: (703) 222-0455

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # _____
 TAX MAP # 065-3-11-017
 ROUTING DATE APPROVED BY:

ZONING	<u>8-26-94</u>	<u>Yes</u>
SITE PERMITS	<u>8-26-94</u>	<u>TR</u>
SANITATION		
HEALTH DEPT.		
FIRE MARSHAL		
BUILDING REVIEW		
LICENSING	<u>8/26/94</u>	<u>Owner</u>
ASBESTOS		

FEE \$ _____
 FILING FEE \$ 20.00
 AMOUNT DUE \$ _____

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC: J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 BY [Signature] DATE 8/26/94

DESCRIPTION OF WORK
328 sq ft open deck w/ stairs
As per County Detail

HOUSE TYPE _____
 ESTIMATED COST OF CONSTRUCTION \$4476.00
 BLDG AREA (SQ FT OF FOOTPRINT) _____
 USE GROUP OF BUILDING R4
 TYPE OF CONSTRUCTION _____

SEWER SERVICE: PUBLIC SEPTIC OTHER
 WATER SERVICE: PUBLIC WELL OTHER
 OTHER PLEASE SPECIFY _____

DESIGNATED MECHANICS' LIEN AGENT:
 (Residential Construction Only)
 NAME: _____
 ADDRESS: _____
 NONE DESIGNATED: PHONE: _____

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS:

# KITCHENS	_____	EXTER. WALLS	_____
# BATHS	_____	INTER. WALLS	_____
# HALF BATHS	_____	ROOF MATERIAL	_____
# BEDROOMS	_____	FLOOR MATERIAL	_____
# OF ROOMS	_____	FIN. BASEMENT	_____ %
# STORIES	_____	HEATING FUEL	_____
BUILDING HEIGHT	<u>8'</u>	HEATING SYSTEM	_____
BUILDING AREA	_____	# FIREPLACES	_____
BASEMENT	_____		

ZONING REVIEW: ZONING CLASS PDH-3
 USE _____
 ZONING CASE # Plans Attached!
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS: _____ GARAGE: 1 2 3
 FRONT _____ OPTIONS: YES NO
 FRONT N/C REMARKS: Open deck 8' x 11'
 L SIDE N/C above grade add to
 R SIDE 11' rear of deck
 REAR 32' no outside stairs

GRADING AND DRAINAGE REVIEW
 SOILS: # 62 A B C
 HISTORICAL DISTRICT _____
 AREA TO BE DISTURBED (TOTAL SQ FT) _____
 ADD'L IMPERVIOUS AREA (ADDED SQ FT) _____
 PROFFERS _____
 PLAN # _____ APPR. DATE _____

STAMPS:

(See reverse side of application)

REMARKS: _____

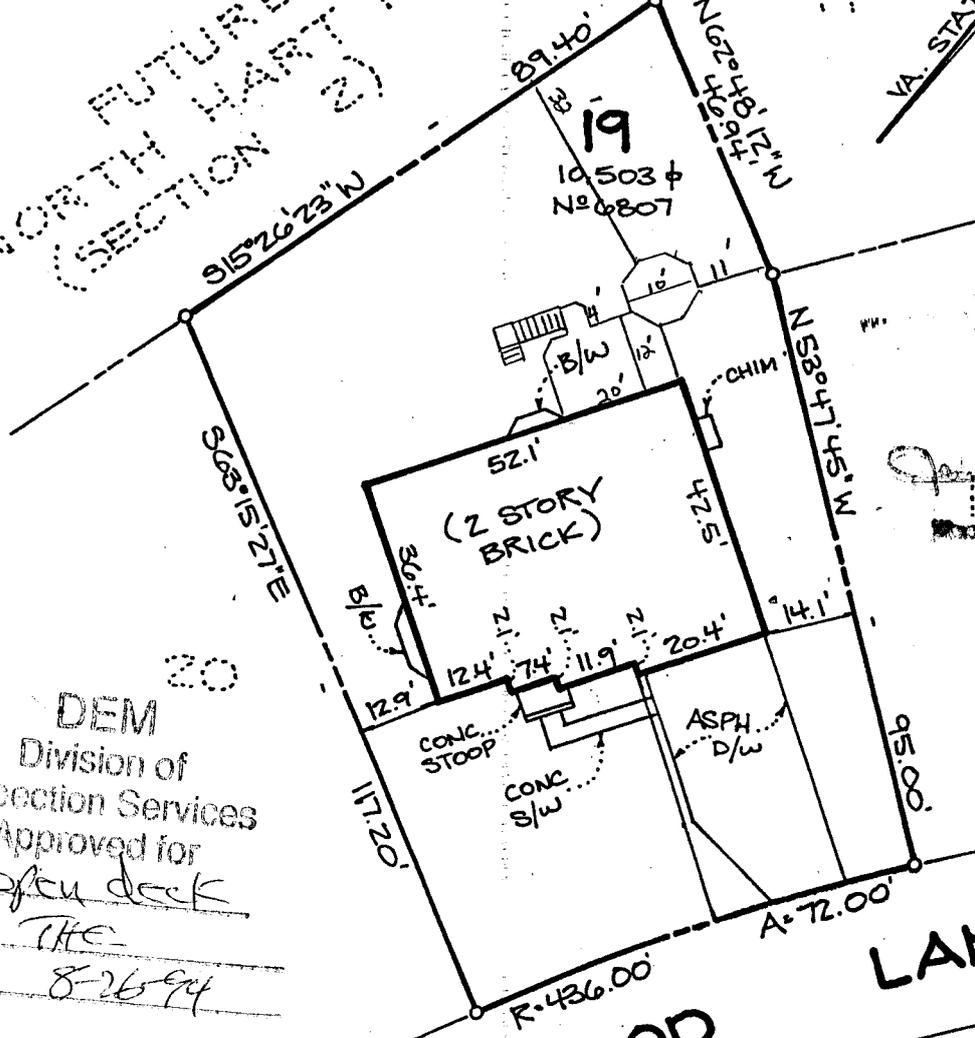
Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

[Signature] 8/26/94
 Signature of Owner or Agent Date
Steve Mustin
 Printed Name and Title

Notary Signature _____ Date _____
 (Notarization required if owner not present at time of application)

FUTURE NORTH HART RUN SECTION 2

VA. STATE GRID NORTH



8-26-94
[Signature]
 Planning Administrator

DEM
 Division of Inspection Services
 Approved for
open deck

By THE
 Date 8-26-94

The Area Depicted Hereon
 Lies in Flood Zone C
 (Minimum Flood Hazard) as
 Shown on the Flood Insurance
 Rate Map Page(s) of the
 County of Fairfax

WALL CHECK: 11-18-93
 FINAL: 3-4-94

HARTWOOD LANE
 (VARIABLE WIDTH)

Eugene A. Kiernan, Jr.
 COMMONWEALTH OF VIRGINIA
 EUGENE A. KIERNAN, JR.
 No. 1417-B
 3-7-94
 LAND SURVEYOR

HOUSE LOCATION SURVEY
 LOT 19
 SECTION ONE-B
 NORTH HART RUN
 SULLY DISTRICT
 FAIRFAX COUNTY, VIRGINIA

Eugene A. Kiernan, Jr.
 COMMONWEALTH OF VIRGINIA
 EUGENE A. KIERNAN, JR.
 No. 1417-B
 11-22-93
 LAND SURVEYOR

The BC Consultants
 Planners • Engineers • Surveyors • Landscape Architects
 1835 Alexander Bell Drive, Suite 120, Reston, Virginia 22091
 (703) 715-9000

REFERENCE	DRAWN BY: BRIAN	CHECKED: DC
DB. 8171	SCALE: 1" = 30'	DATE: 11-19-93
PG. 433	FILE NO.: 12 008-71	

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE LOCATIONS OF ALL EXISTING IMPROVEMENTS ON THIS PROPERTY HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS. NO TITLE REPORT FURNISHED.

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.