



**SPECIAL PERMIT ACCEPTED:** December 18, 2015  
**BOARD OF ZONING APPEALS:** March 23, 2016 @ 9:00 a.m.

# County of Fairfax, Virginia

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**March 16, 2016**

**STAFF REPORT**

**SPECIAL PERMIT SP 2015-SU-157**

**SULLY DISTRICT**

**APPLICANT / OWNER:** Niki Glassmire

**SUBDIVISION:** Hunter's Valley North

**STREET ADDRESS:** 10504 Walter Thompson Drive, Vienna, VA 22181

**TAX MAP REFERENCE:** 037-1 ((13)) 36

**LOT SIZE:** 41,903 square feet

**ZONING DISTRICT:** R-E

**ZONING ORDINANCE PROVISIONS:** 8-918

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

**STAFF RECOMMENDATION:**

Staff recommends approval of SP 2015-SU-157 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.

*Kelly Posusney*

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.**

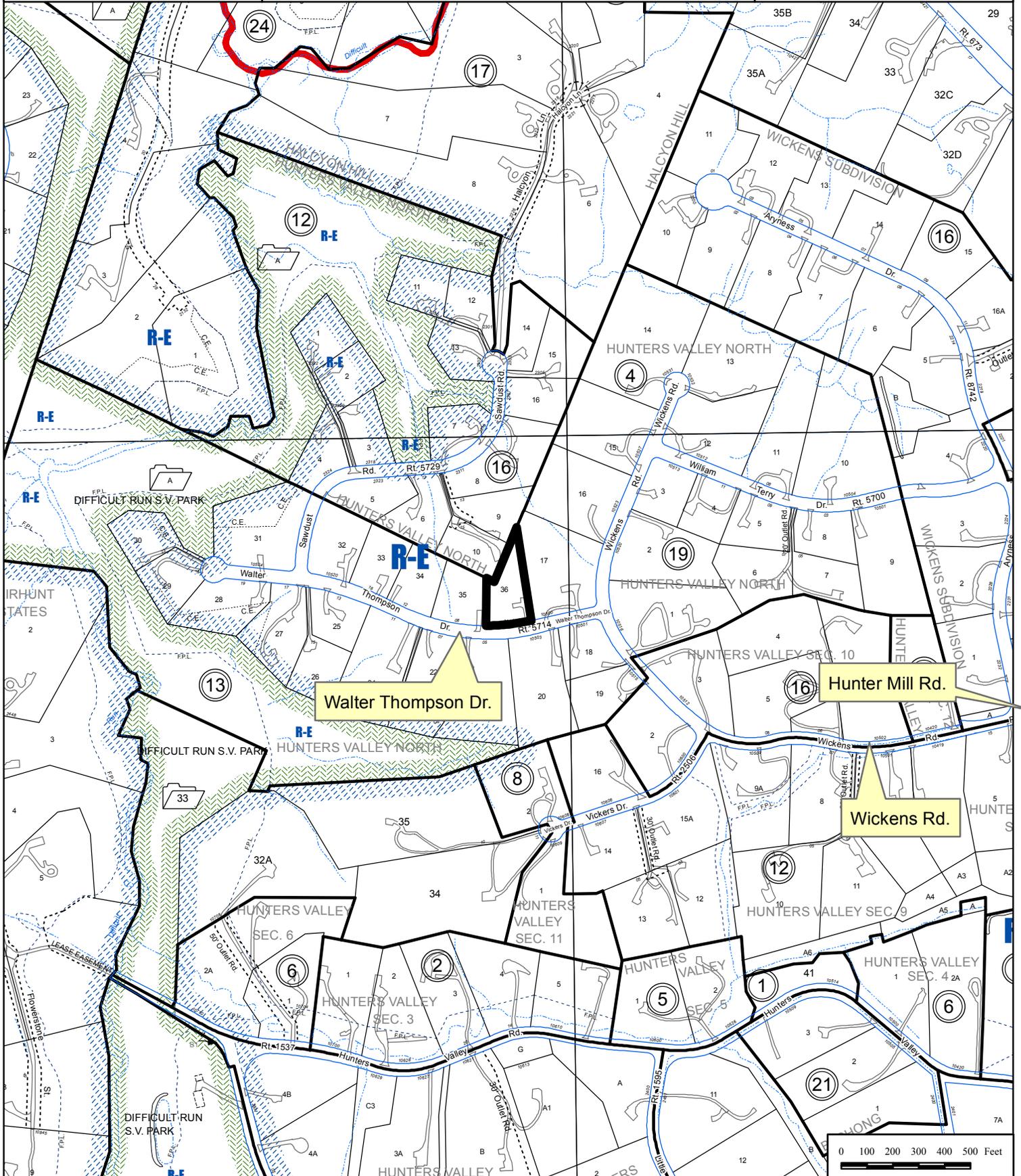
## **SPECIAL PERMIT REQUEST**



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-157 NIKI GLASSMIRE



**PROPERTY OWNER NAME/ADDRESS:**

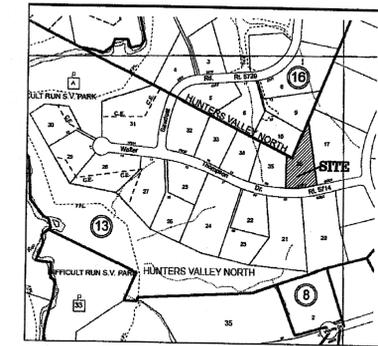
MRS. NIKI CLASSMIRE  
10504 WALTER THOMPSON DRIVE  
VIENNA, VIRGINIA 22181  
PHONE: 571-259-8472

**LEGEND**

- EX. STRUCTURE
- PROPOSED ADDITION
- IPF = IRON PIPE FOUND

**GENERAL NOTES**

1. THE PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
2. THE SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES (INCLUDING FENCES).
3. THE LOCATION OF FENCES ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
4. THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX MAP # 37-1-(13)-36.
5. NO KNOWN GRAVE SITE OR BURIAL SITE EXIST ON THE LOT.
6. THE PROPERTY IS SERVED BY PUBLIC WATER AND PRIVATE SEPTIC SYSTEM.
7. THERE ARE NO KNOWN UTILITY EASEMENTS HAVING A WIDTH OF 25 FEET OR MORE ON SITE.
8. THERE ARE NO KNOWN MAJOR UTILITY EASEMENTS ON SITE.
9. NO KNOWN TOXIC OR HAZARDOUS SUBSTANCES EXIST ON SITE.
10. THE PROPOSED DEVELOPMENT CONFORMS TO PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS.
11. NO FLOOD PLAN, RESOURCE PROTECTION OR MANAGEMENT AREAS EXIST ON SITE.



VICINITY MAP  
NOT TO SCALE

**PROPOSED USE OF ACCESSORY UNIT**

TO BE OCCUPIED BY IN MOTHER  
OVER 55 YEARS AGE. (ZO SEC 8-918-5. B(1))

**STORMWATER MANAGEMENT NOTE:**

A SITE GRADING PLAN WILL BE PREPARED FOR CONSTRUCTION OF PROPOSED NEW ADDITION TO MEET STORMWATER MANAGEMENT REQUIREMENT AS PER CHAPTER 124, COUNTY PFM AND ZONING ORDINANCE.

**FLOOR AREA CALCULATION:**

THE ACCESSORY DWELLING UNIT WILL BE PROVIDED IN THE RIGHT SIDE OF THE EXISTING DWELLING. WITH 2 BEDROOMS AND 1 KITCHEN. THE GROSS FLOOR AREA ALLOCATED FOR THE ACCESSORY UNIT WILL BE:  
PRINCIPAL DWELLING UNIT:  
EX. GROSS FLOOR AREA = 4,064 SF  
EX. PORCH = 192 SF

**FLOOR AREA ADDITIONS:**

UPPER FLOOR = 1,007 SF  
LOWER LEVEL FLOOR/GARAGE FLOOR = 1,007 SF  
OVERHANG BOX WINDOW = 8 SF  
TOTAL FLOOR AREA = 2,022 SF

PERCENTAGE OF GROSS FLOOR AREA ADDITION =  $2,022 / 4,064 \times 100 = 49.75\% < 50\%$

TOTAL GROSS FLOOR AREA  
EXISTING FLOOR AREA = 4,064 SF  
FLOOR AREA ADDITION = 2,022 SF  
TOTAL = 6,086 SF

**PROPOSED FLOOR AREA FOR ACCESSORY UNIT:**

UPPER LEVEL:  
BEDROOM, KITCHEN, LIVING ROOM = 1,007 SF  
LOWER LEVEL:  
GARAGE = 227 SF  
GUEST ROOM/STAIRWAY = 313 SF  
TOTAL FLOOR SPACE FOR ACCESSORY UNIT = 1,547 SF  
% ACCESSORY UNIT =  $1,547 / 6,086 = 25.42\% < 35\%$  OK  
NO OF BEDROOMS = 2  
PORCH AREA = 18 SF

**ZONING TABLE (R-E)**

DESCRIPTIONS	EXISTING	PROPOSED
GROSS FLOOR AREA	4,064 SF	6,086 SF
BUILDING HEIGHT *	17.71'	17.71'

REFER ARCHITECTURAL PLAN FOR ELEVATIONS

**SETBACK TABLE (ZONE R-E, INTERIOR LOT)**

	REQUIRED	PROVIDED	
		OUTER WALL	ROOF EAVE
FRONT	50' (MIN.)	50.8' (PORCH) 57.9' (EXT. WALL)	49.8' (PORCH) 57.0' (ROOF)
SIDE	20' (MIN.)	36.80' (MIN)	35.90' (MIN)
REAR	25' (MIN)	287.6'	286.7'

**SEPTIC SYSTEM STUDY AND DESIGN:**

SEPTIC STUDY, SOIL INVESTIGATION AND DESIGN IS UNDER WAY IN ACCORDANCE WITH FAIRFAX COUNTY HEALTH DEPARTMENT REQUIREMENTS. THE PROPOSED SEPTIC DRAINFIELD IS ADEQUATE TO SERVE INCREASED IN BEDROOMS FOR PROPOSED ACCESSORY UNIT.

**EX. VEGETATION AND TREE PRESERVATION NOTE:**

APPROXIMATELY 65% OF THE LOT IS COVERED BY GREEN VEGETATION. THE SITE CONTAINS SMALL, MEDIUM AND LARGE EVERGREEN AND DECIDUOUS TREES. THE EXISTING VEGETATION SHALL BE PRESERVED TO THE MAXIMUM EXTENT AND WILL COMPLY WITH PFM CHAPTER 12 REQUIREMENTS.

**SPECIAL PERMIT PLAN**

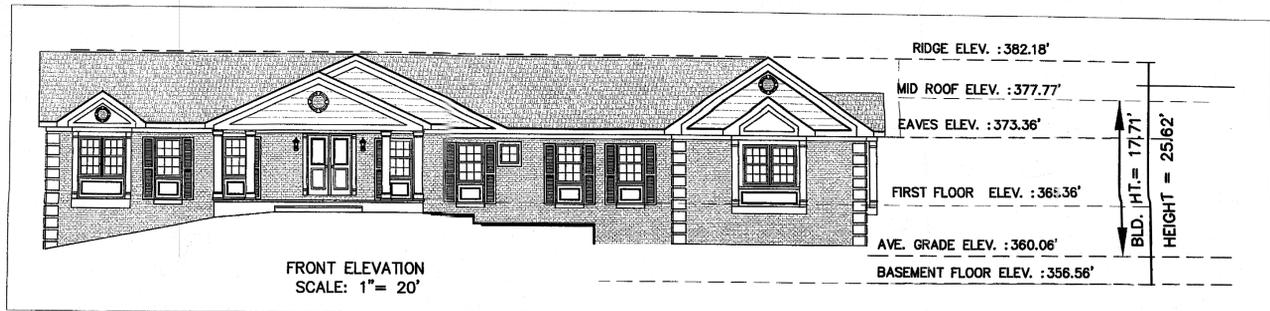
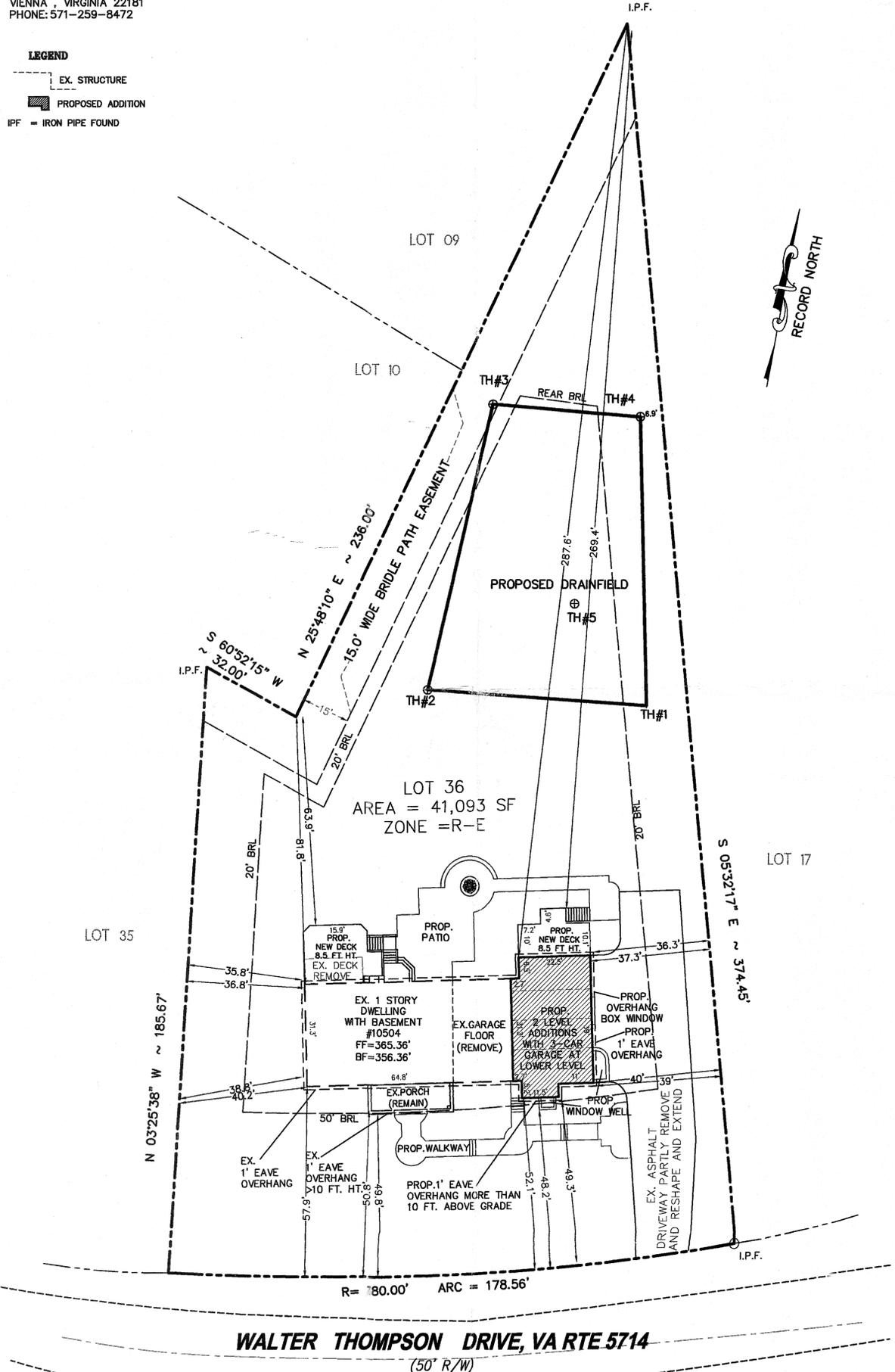
**LOT 36**  
**HUNTERS VALLEY NORTH**  
**10504 WALTER THOMPSON DRIVE, VIENNA**  
**SULLY DISTRICT**  
**FAIRFAX COUNTY, VA 22161**

NO.	DATE	DESCRIPTION	BY

TAX MAP: 37-1-((13))-36  
DESIGN BY: RLP  
DRAWN BY:  
CHECKED BY: RLP  
DATE: 12-10-2015  
SCALE: 1"=20'

RECEIVED  
Department of Planning & Zoning  
DEC 18 2015  
Zoning Evaluation Division

**Inova Engineering Consultants, Inc**  
(Engineers, Surveyors, Land Development)  
25209 Larks Terrace  
South Riding, Virginia 20152  
Phone : (703) 665-3951  
E-mail: inovaeengineers@yahoo.com



FRONT ELEVATION  
SCALE: 1" = 20'

## SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow an accessory dwelling unit (ADU) in an addition to an existing single-family detached dwelling.

A copy of the special permit plan, titled "Special Permit Plan, Lot 3, Hunters Valley North, 10504 Walter Thompson Drive, Vienna," prepared by Inova Engineering Consultants Inc., dated December 10, 2015, is included in the front of the staff report.

The proposed conditions, the applicant's statement of justification, photographs, and the affidavit are contained in Appendices 1 through 3, respectively. A more detailed description of the proposal is provided on page three.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 41,903 square foot subject property is developed with a single-family detached dwelling. Vehicular access is provided by an asphalt driveway off of Walter Thompson Drive. An existing pathway runs from the front door to the driveway. The lot is wooded and gently slopes away from the existing home.

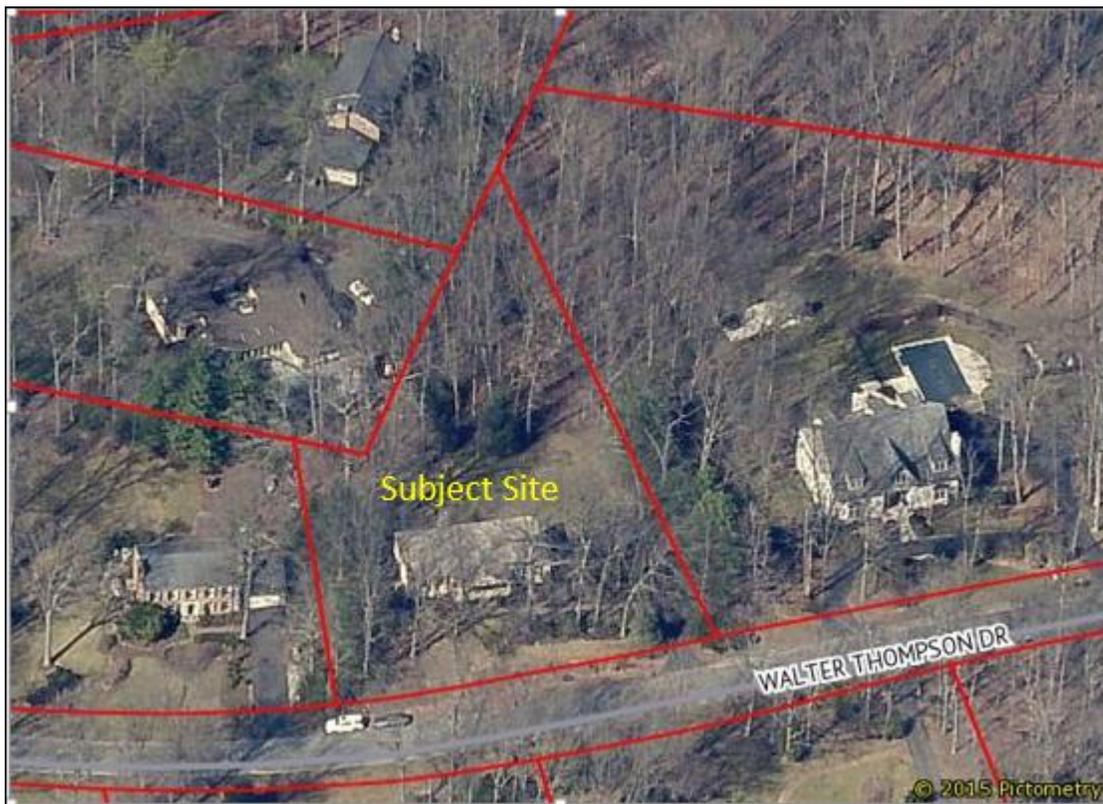


Figure 1: Ariel View of the Property

The subject property and the surrounding properties are zoned R-E and developed with single-family detached dwellings.

**BACKGROUND AND HISTORY**

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1976 and purchased by the applicant in 2012.

The existing dwelling has four bedrooms, three full baths and a two car attached garage. The total existing gross floor area is 4,064 square feet. The site is serviced by a private septic system with the drainfields located to the rear of the property. The septic system has the capacity to adequately accommodate six bedrooms.

**DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of an accessory dwelling unit (ADU) in a by-right addition to an existing 4,064 square foot single-family detached dwelling. The existing garage will be converted to living space and a new two-story addition will be added to the right side of the existing dwelling for the ADU and a three car garage. The proposed accessory dwelling unit would be 1,574 square feet in size and account for 25.42 percent of the total gross floor area of the proposed structure (6,086 square feet).

The floor plan of the ADU shows a kitchen, two bedrooms, two bathrooms, a living room and a one car garage. The layout of the ADU is depicted in the attached floor plan (Attachment 1).

The applicant is requesting the ADU to accommodate her mother, who is over the age of 55 and therefore, meets the Zoning Ordinance provisions. Ample parking exists in the proposed garage and on the driveway for the applicant and the applicant’s family members.

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area II, Fairfax Planning District  
**Planning Sector:** Fox Lake Community Planning Sector (F4)  
**Plan Map:** Residential, .2-.5 du/ac

**Zoning District Standards**

<i>Bulk Standards (R-E)</i>		
<i>Standard</i>	<i>Required</i>	<i>Provided</i>
<i>Lot Size</i>	75,000 sq. ft.	41,093 <sup>1</sup> sq. ft.

<b>Bulk Standards (R-E)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
<i>Lot Width</i>	Interior: 200 feet	178 <sup>1</sup> feet
<i>Building Height</i>	35 feet max.	21 feet 3 inches
<i>Front Yard</i>	Min. 50 feet	52.1 feet
<i>Side Yard</i>	Min. 20 feet	35.8 feet (West) & 36.3 feet (East)
<i>Rear Yard</i>	Min. 25 feet	287.6 feet

<sup>1</sup>The subject parcel was created prior to the adoption of the 1978 Zoning Ordinance; therefore, although the parcel does not meet the Ordinance requirements, it is grandfathered as a legal, buildable lot under the provisions of Sect. 2-405.

**Accessory Structures On-Site**

<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required</b>	<b>Proposed Location</b>
New Deck (East)	Side	> 20 feet	36.3 feet
New Deck (West)	Side	> 20 feet	35.8 feet
New Deck (East)	Rear	>25 feet	287.6 feet
New Deck (West)	Rear	> 25 feet	290 feet

**Zoning Ordinance Requirements (Appendix 5)**

- 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>	The addition is in keeping with the character of the existing residence. The location of the surrounding homes and

	vegetation along the property lines buffers the proposed development from neighboring properties and the roadway. Staff believes that this ADU would be harmonious with the surrounding area and would not hinder the use or development of neighboring properties.
<b>Standard 4</b> <i>Pedestrian/Vehicular Traffic</i>	Staff believes that the proposed use would not significantly impact pedestrian or vehicular traffic.
<b>Standard 5</b> <i>Landscaping/Screening</i>	The home is screened from adjacent properties with existing vegetation consisting of evergreen & deciduous trees.
<b>Standard 6</b> <i>Open Space</i>	The ADU request does not adversely impact amount of open space on the lot. Approximately 65% of the lot is covered by green vegetation.
<b>Standard 7</b> <i>Utilities, Drainage, Parking and Loading</i>	Existing facilities appear to be able to adequately serve the ADU. In addition, staff believes there is sufficient parking to accommodate the proposed use.
<b>Standard 8</b> <i>Signs</i>	No signage is proposed.

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

<b>Standard 1</b> <i>Lot Size and Bulk Regulations</i>	The property complies with the bulk regulations for the R-E District, except the lot size & lot width as noted in the chart on Page 2 & 3 of this report. The lot is grandfathered as a legal, buildable lot under the provisions of Sect. 2-405 since the subject parcel was created prior to the adoption of the 1978 Zoning Ordinance.
<b>Standard 2</b> <i>Performance Standards</i>	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> <i>Site Plan</i>	The structure is not subject to site plan review per Section 17-104, Par. 2. However, the addition does require Building Permits to assure compliance with all other applicable zoning & code requirements.

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

<b>Standard 1</b> <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.
<b>Standard 2</b> <i>Structure Shall be Located Within Single Family Dwelling</i>	The proposed ADU would be within an addition to the existing home, and an entrance would be located on the front of the addition.

<b>Standard 3</b> <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 25.42% 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 applicant, who would reside in the principle unit, owns the property. The applicant's 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 person who accesses the ADU is not disabled. However, the dwelling unit would contain uninterrupted access to one entrance.
<b>Standard 7</b> <i>Sufficient Parking</i>	The property includes ample parking in both the driveway and the garage.
<b>Standard 8</b> <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.
<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-SU-157 for an accessory dwelling unit subject to the proposed development conditions contained in Appendix 1.

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

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

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

#### **APPENDICES**

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

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**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-SU-157****March 16, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-SU-157 located at Tax Map 037-1 ((13)) 36 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, Niki Glassmire, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 10504 Walter Thompson Drive, and is not transferable to other land.
3. This special permit is granted only for the Accessory Dwelling Unit to be located in the dwelling and shown on the plat titled "Special Permit Plan, Lot 3, Hunters Valley North, 10504 Walter Thompson Drive, Vienna," prepared by Inova Engineering Consultants Inc., dated December 10, 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 1,547 square feet, and the layout shall be generally as depicted on the floor plan & elevations 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.

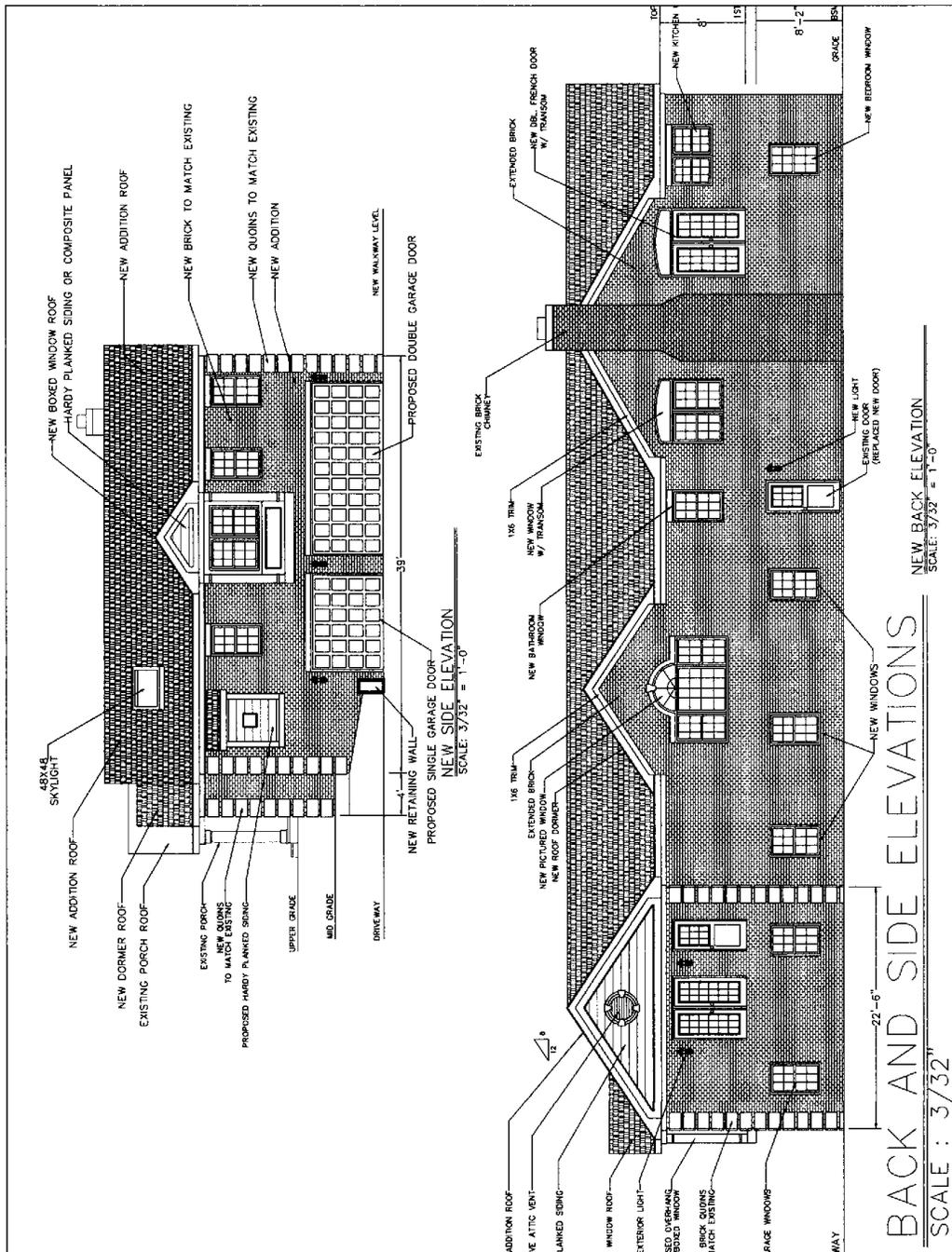
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) 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.

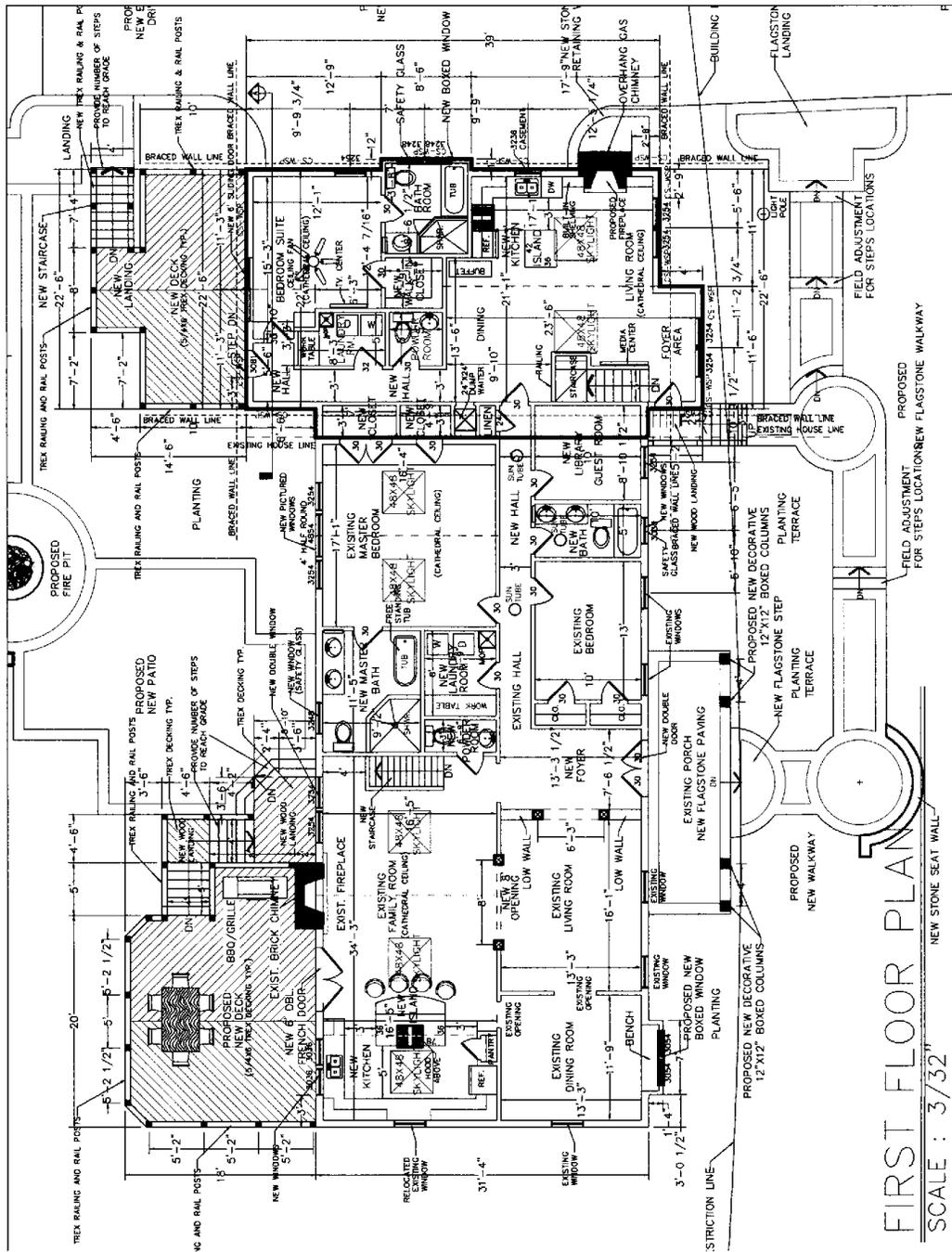
RECEIVED  
Department of Planning & Zoning

DEC 18 2015

Zoning Evaluation Division







**FIRST FLOOR PLAN**  
SCALE : 3/32"



**October 8, 2015**

Deborah Lesko Pemberton  
Senior Applications Acceptance Planner  
Special Projects/ Applications Management Branch  
Department Planning and Zoning  
Zoning Evaluation Department  
12055 Government Center Parkway  
Fairfax, Virginia 22035

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

Re: Special Permit Application – NIKI GLASSMIRE  
Applicant: NIKI GLASSIRE

Dear Ms. Deborah:

Please accept the following as statement of justification for special permit on property identified among Fairfax county tax map records as 037-1-((13))-36 (the "subject property").

The property is located residential neighborhood of Vienna, Virginia 22181. The property is under zoning district R-E and contains 41,093 SF (0.9434). The site is developed with 1-story single family dwelling basement and 2 car garage. The existing dwelling was built in 1976. The ex. house has above grade living space 3,292 sf, 2 car garage 772 sf and front covered porch 192 sf. The total ex. gross floor area is 4,064 sf. A 2-story structures will be proposed to add on right side of the dwelling for partly accessory use for in law suite and garages. The total gross floor area with proposed new addition will be 6,086 SF with 3 car garages. Out of the total gross floor area, 1,547 sf will be used for accessory unit with 1 kitchen, 2 bedrooms. The unit will be provided to live in mother. She is over 55 years age.

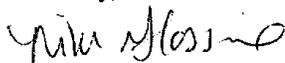
In accordance with requirements for an accessory unit under section 8-918 of the zoning ordinance, please accept the following information regarding the proposed special permit application for use of part of floor spaces of the principal dwelling as an accessory unit.

- The ex. dwelling is owned by applicant.
- The accessory unit is facilitated with 1 car garage and 2 car garage for principal occupants, from Walter Thompson Drive.
- The accessory unit is for person more than 55 years old.

- The number of bedroom will be two (2) and kitchen one (1) in the unit.
- The septic system is private. The ex. septic system has been relocated and designed for both principal and accessory uses. The total number of bedrooms 6.  
Ex. bedrooms = 4 and 2 bedrooms addition for accessory unit.
- Water is being served by public main.
- The total percentage of accessory unit in terms of the gross floor area of principal use 25.42 %.
- This dwelling unit meets all minimum required yards, building height.
- The maximum number of people living in this dwelling will be three (3) including use of accessory unit. This accessory unit is for residential use only.
- The proposed addition will be in harmony with residential neighborhood. It will be constructed per county zoning regulations and PFM.

I would like to request you for granting special use permit for approval of use of part of floor spaces as accessory unit under section 8-918 of zoning ordinance. Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call at 571-259-8472. I appreciate your cooperation and assistance for obtaining special use permit.

Sincerely,





View from Walter Thompson Road



Location of ADU (new addition to existing SFD)



Rear of the Existing House



Existing Vegetation on the Lot

Application No.(s): SP 2015-0314  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/13/2015 132238  
(enter date affidavit is notarized)

I, Niki Glassmire, 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)
Niki J. Glassmire	10504 Walter Thompson Drive Vienna, VA 22181	Applicant, Title Owner
Manjeet Singh d/b/a MS Construction & Remodeling, Inc.	518 Springvale Road Great Falls, VA 22066	Agent

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

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

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



Application No.(s): SP 2015-0314  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/13/2015  
(enter date affidavit is notarized)

132238

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)

MS Contruction & Remodeling, Inc  
518 Springvale Road  
Great Falls, VA 22066

**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)

NONE

(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.

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DATE: 11/13/2015  
(enter date affidavit is notarized)

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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.

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(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)

Niki J. Glassmire  
[x] Applicant

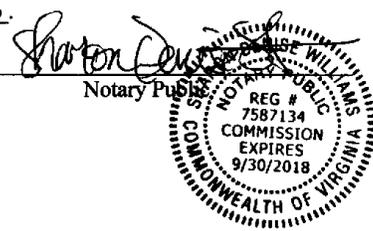
[ ] Applicant's Authorized Agent

Niki J. Glassmire, Applicant, Title Owner

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

Subscribed and sworn to before me this 13 day of November 2015, in the State/Comm. of Virginia, County/City of Fairfax Co.

My commission expires: 09/30/2018



**8-006 General Standards**

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

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

**8-903 Standards For All Group 9 Uses**

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

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

**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.