

From: [Baskar](#)
To: [Vanatta, Michael](#)
Subject: Re: Special Permit - Accessory Dwelling Unit
Date: Friday, August 28, 2015 9:21:53 AM

Hello Michael,

I would like to withdraw my spacial permit application for the accessory dwelling unit at 5508, Hamlet Hill Court, Fairfax, VA, 22030 as it is a legal structure with no violation. The special permit application was filed due to the incorrect issuance of the notice of violation by Fairfax County.

Thank you
Baskaran

On Fri, Aug 28, 2015 at 9:18 AM, Vanatta, Michael <Michael.Vanatta@fairfaxcounty.gov> wrote:

I would recommend that you still withdraw the application. Whether you are in or not for the Special Permit won't affect anyone's decision regarding the refund. The other option would be to defer your public hearing date, because your hearing is scheduled for September 23rd and the notices and staff report would need to be finalized quite soon.

If you would like to contact the Director, you should do so in writing. An email to the following email address would be fine: Barbara.Berlin@fairfaxcounty.gov

From: Baskar [mailto:baskiv0@gmail.com]
Sent: Friday, August 28, 2015 9:11 AM

To: Vanatta, Michael
Subject: Re: Special Permit - Accessory Dwelling Unit

Before I do anything, is there a way I can meet the Director of Zoning Evaluation and explain my situation?

On Fri, Aug 28, 2015 at 9:09 AM, Vanatta, Michael <Michael.Vanatta@fairfaxcounty.gov> wrote:

The package is the "notification package" for what would have been your September 23rd Board of Zoning appeals hearing. The package has some materials and instructions for how to send out notices of the hearing to your surrounding neighbors. Because you are withdrawing, you don't have to deal with this.

I am sorry that we could not issue a refund. An email will suffice for the withdrawal.

Thank you,

Mike Van Atta, Staff Coordinator

County of Fairfax, Zoning Evaluation Division

[\(703\) 324-1229](tel:(703)324-1229)

Michael.Vanatta@fairfaxcounty.gov

From: Baskar [mailto:baskiv0@gmail.com]

Sent: Friday, August 28, 2015 8:58 AM

To: Vanatta, Michael

Subject: Re: Special Permit - Accessory Dwelling Unit

Good morning Michael.

Thank you for getting back to me. I forgot to mention in my previous email. The planning and zoning department had sent a package through USPS. They left a note at my door stating that it is in the post office and for me to pick it up. When my wife went to pick it up, they could not find the mail. Do you know by any chance, what did the department send me?

I am not very sure why the director of zoning evaluation thinks that my case wouldn't justify a refund. It was completely the county's fault to issue me a violation notice for the kitchen, while it was a legal structure and the county held a copy of the permit. I expect the county to refund all the expenses incurred due to thier incorrect action. Otherwise, I will have to talk to an attorney to see how I can file a claim for everything.

Do you need a letter stating my withdrawal or an email is good enough?

Thanks

Baskaran

On Fri, Aug 28, 2015 at 8:49 AM, Vanatta, Michael <Michael.Vanatta@fairfaxcounty.gov> wrote:

Good Morning Baskaran,

We ran your inquiry up to the Director of Zoning Evaluation, Barbara Berlin, and she has deemed that your situation would not justify a refund. We still need a letter stating your withdrawal.

Thank you for your patience.

Mike Van Atta, Staff Coordinator

County of Fairfax, Zoning Evaluation Division

[\(703\) 324-1229](tel:(703)324-1229)

Michael.Vanatta@fairfaxcounty.gov

From: Baskar [mailto:baskiv0@gmail.com]

Sent: Wednesday, August 26, 2015 12:38 PM

To: Vanatta, Michael

Subject: Re: Special Permit - Accessory Dwelling Unit

Hello Michael,

Hope, your branch chief is back and you had a chance to talk him about my file. Do you have any update?

Thanks

Baskaran

On Wed, Aug 12, 2015 at 9:26 AM, Vanatta, Michael

<Michael.Vanatta@fairfaxcounty.gov> wrote:

Ok I will pass on this information. Thanks for your patience.

From: Baskar [mailto:baskiv0@gmail.com]

Sent: Wednesday, August 12, 2015 9:21 AM

To: Vanatta, Michael

Subject: Re: Special Permit - Accessory Dwelling Unit

I can wait till 08/24.

When I filed for the special permit, I wanted only the kitchen to be the part of accessory dwelling unit. However, my application was sent back with a list of incompletd items and I had to talk to Deborah Lesko Pemberton. She mentioned that I have to include the entire basement for my ADU application. That was the only reason I did. From day one, our plan was to have the mother in law sleep in the guest bedroom in our main area. We never had any plans of using the basement for sleeping arrangements and I clearly told this to the inspector and to Deborah.

I received two violation notices. One for having two dwelling units, which I immediately took care of (vacated the tenants). The other one for having a kitchen in the basement. If you would like to get more information on this, you can talk to the inspector (Charles), who issued the violation notice. It clearly stated that it is an illegal structure and I will have to remove the kitchen, close all the electrical and walter line and fix the wall. I came multiple times to talk about this with the inspector and other departments at the county office to see whether I can save the kitchen for my mother in law. I was told that I have no other options, but to remove it. I got the demolition permit to go ahead and remove it. I, infact got a contractor to come and take a look and I explained my situation to him. He is the one who pointed me at the special permit route and I ended up filing for the special permit. Imagine, if I had demolished the kitchen as per the county instruction and later came to know that there was a permit? Luckily, it did not happen.

Anyhow, the point is, I was given a violation notice for illegal kitchen and I have a copy of

it. It was completely Fairfax county's mistake to issue me a violation notice, when it wasn't an illegal kitchen.

Please talk to your Branch Chief once he is back and get back to me.

Thanks

Baskaran

On Wed, Aug 12, 2015 at 9:03 AM, Vanatta, Michael
<Michael.Vanatta@fairfaxcounty.gov> wrote:

This I will have to get back to you on. Unfortunately, the Branch Chief for the Board of Zoning Appeals is on vacation and will not return until 8/24, so I may not have an answer until after that date.

Keep in mind that while you have an approved second kitchen letter, if the mother-in-law was sleeping in the basement you would likely still need the Special Permit for the Accessory Dwelling Unit. It was not clear in the statement of justification that she was going to be sleeping upstairs. In addition, the application stemmed from a Notice of Violation for having two separate dwelling units, not just because there was a second kitchen. I am still going to see if there is anything we can do.

From: Baskar [mailto:baskiv0@gmail.com]
Sent: Wednesday, August 12, 2015 8:55 AM

To: Vanatta, Michael
Subject: Re: Special Permit - Accessory Dwelling Unit

Sure. I can send a formal email. Now the question is, though the county had a copy of the permit and it was a legal kitchen, the county put me through undue expenses, loss of income (I had to come to county office multiple times skipping my work) and mental agony.

How do I claim the money I spent for the special permit application from the county?

Thanks

Baskaran

On Wednesday, August 12, 2015, Vanatta, Michael <Michael.Vanatta@fairfaxcounty.gov> wrote:

All I need is an email response stating that you would like to formally withdraw your Special Permit application for an Accessory Dwelling Unit.

Thank you,

Mike Van Atta, Staff Coordinator

County of Fairfax, Zoning Evaluation Division

[\(703\) 324-1229](tel:(703)324-1229)

Michael.Vanatta@fairfaxcounty.gov

From: Baskar [<mailto:baskiv0@gmail.com>]
Sent: Tuesday, August 11, 2015 11:36 AM
To: Vanatta, Michael
Subject: Re: Special Permit - Accessory Dwelling Unit

Hello Mike.

The inspector came by today for his final inspection and mentioned to me that everything looks fine and he is going to close the case. What will be my next step?

Thanks

Baskar

On Fri, Aug 7, 2015 at 1:36 PM, Vanatta, Michael <Michael.Vanatta@fairfaxcounty.gov> wrote:

Because the basement kitchen is already approved, it is not an illegal structure. Again, there needs to be one last inspection to finalize everything.

You do not need to pursue the Special Permit for the Accessory Dwelling Unit (because there is no Accessory Dwelling Unit), and therefore no public hearing. You would have to formally withdraw the Special Permit application, but let's wait on that until after the final inspection.

From: Baskar [<mailto:baskiv0@gmail.com>]

Sent: Friday, August 07, 2015 1:22 PM

To: Vanatta, Michael

Subject: Re: Special Permit - Accessory Dwelling Unit

Hi Mike,

Thanks a lot for getting back to me.

Going by your email, I understand the second kitchen in the basement is not an illegal structure and it has the county permit. Is this correct? If so, are we not going to have the public hearing and all that we were talking about and planning for?

An inspector can definitely visit and make an inspection. We do not have an interior door locked to make the basement operate as a separate rental unit.

Thanks again.

Baskaran

On Fri, Aug 7, 2015 at 1:16 PM, Vanatta, Michael <Michael.Vanatta@fairfaxcounty.gov> wrote:

Hi Baskaran,

The fact that your mother-in-law will be sleeping upstairs and only utilizing the basement for the kitchen changes the picture quite a bit. As your mother-in-law would not be living in the basement, then it doesn't really constitute an Accessory Dwelling Unit. It is fortunate that your property has an approved second kitchen letter and associated second kitchen building permit

(attached). Because the second kitchen is already approved, and because no one is proposed to live in the basement, we do not feel that it is necessary for you to pursue the Special Permit for the Accessory Dwelling Unit. I recommend that you withdraw your application, and your mother-in-law can still move in to the upstairs and utilize the basement kitchen.

This is all contingent upon a re-inspection of your property and a determination that the basement does not function as a separate dwelling unit. One thing in particular could be to make sure that there are no interior door locks between the basement and upstairs. The other obvious thing would be to ensure that no one is presently living in the basement.

Let me know if you have any questions

Mike Van Atta, Staff Coordinator

County of Fairfax, Zoning Evaluation Division

[\(703\) 324-1229](tel:(703)324-1229)

Michael.Vanatta@fairfaxcounty.gov

From: Baskar [<mailto:baskiv0@gmail.com>]

Sent: Friday, August 07, 2015 9:49 AM

To: Vanatta, Michael

Subject: Re: Special Permit - Accessory Dwelling Unit

Good morning Michael.

Yesterday, the inspector had visited and left his card at my door. Not sure what he came by for. We were not home though.

Meanwhile, I haven't heard anything back from you after I replied to your questions. If you need any documentation support or proof, please provide me adequate time to get them prepared.

Thanks again.

Baskararan

On Tue, Aug 4, 2015 at 12:37 PM, Vanatta, Michael <Michael.Vanatta@fairfaxcounty.gov> wrote:

Thanks Baskaran,

I'll get back to you shortly.

From: Baskar [<mailto:baskiv0@gmail.com>]
Sent: Tuesday, August 04, 2015 12:32 PM

To: Vanatta, Michael
Subject: Re: Special Permit - Accessory Dwelling Unit

Hello Mike,

Thanks a lot for your email I have provided my answers to your questions/concerns in red below.

1. There are some concerns that the Accessory Dwelling Unit (ADU) is not intended for the use of the elderly mother-in-law but to be used as an apartment to be rented out. Regardless, a development condition would specifically state that the ADU is only to be occupied by the mother-in-law. Any other residents housed in the ADU would be a zoning violation.

Originally when the Fairfax county inspector reached out to us regarding the violation of the kitchen, he clearly stated to me that I cannot rent part of the house as a separate apartment. Renting our basement as an apartment is not our choice as we have built a home theater and converted a room to be kids play room. We have no intentions of renting this unit as an apartment. You can

certainly have a development condition stating that it is to be occupied only by the mother-in-law. If you want, you can make arrangements to have follow up inspection to make sure it is not rented to anyone else.

2. Will the mother-in-law live in the ADU year-round?

To make it clear, she is not going to live in the basement. She will use only the kitchen to make her food as she has a very strict dietary requirements. She will live with us most part of the year.

3. When will the mother-in-law move in to the ADU?

She is planning to come in spring of 2016.

4. Where does the mother-in-law live now?

At present, she is living in India.

5. Do you have a way of proving that the ADU will be occupieyead by the mother-in-law?

What kind of proof can I submit? I am not sure how to prove this.

6. How will the mother-in-law access the ADU (through the front door or around the side of the house?)

Front door.

7. Do the bylaws of the Homeowners' Association permit the ADU?

It does not talk about not permitting. It says that we should abide by the county zoning regulations.

8. One of the bedrooms in the basement appears to have no window, and the other bedroom's windows are likely too high and perhaps too small to be considered emergency egress windows in order to meet fire code. Any room that serves as a bedroom needs adequate emergency egress. An alternative option to fixing the bedroom windows would be for the applicant to agree to a condition

that requires the mother-in-law to sleep in the main living room in the basement that has a door leading outside.

We are not planning to use any of the basement rooms as bedrooms. Our plan is to have my mother-in-law stay upstairs in the extra bedroom we have.

9. The house location plat shows a 4-foot high wooden retaining wall that is partially located within a conservation easement in the rear yard. The deed for this conservation easement specifies that no structures shall be located in the easement and that no grading and clearing associated with any structure shall take place in the easement. This situation may need to be rectified.

It was like that when we bought the house. I am not sure what we are supposed to do.

Thanks a lot for reaching out to me. I will be glad to clarify any concerns you or the county staff has.

Thanks again.

Baskaran

On Tue, Aug 4, 2015 at 11:17 AM, Vanatta, Michael
<Michael.Vanatta@fairfaxcounty.gov> wrote:

Hi Baskaran,

Please see the comments/questions generated from the August 3rd pre-staffing discussions:

1. There are some concerns that the Accessory Dwelling Unit (ADU) is not intended for the use of the elderly mother-in-law but to be used as an apartment to be rented out. Regardless, a development condition would specifically state that the ADU is only to be occupied by the mother-in-law. Any other residents housed in the ADU would be a zoning violation.

2. Will the mother-in-law live in the ADU year-round?
3. When will the mother-in-law move in to the ADU?
4. Where does the mother-in-law live now?
5. Do you have a way of proving that the ADU will be occupied by the mother-in-law?
6. How will the mother-in-law access the ADU (through the front door or around the side of the house?)
7. Do the bylaws of the Homeowners' Association permit the ADU?
8. One of the bedrooms in the basement appears to have no window, and the other bedroom's windows are likely too high and perhaps too small to be considered emergency egress windows in order to meet fire code. Any room that serves as a bedroom needs adequate emergency egress. An alternative option to fixing the bedroom windows would be for the applicant to agree to a condition that requires the mother-in-law to sleep in the main living room in the basement that has a door leading outside.
9. The house location plat shows a 4-foot high wooden retaining wall that is partially located within a conservation easement in the rear yard. The deed for this conservation easement specifies that no structures shall be located in the easement and that no grading and clearing associated with any structure shall take place in the easement. This situation may need to be rectified.

Please respond to these comments/questions by no later than August 14th. Feel free to email me or call me.

Best,

Mike Van Atta, Staff Coordinator

County of Fairfax, Zoning Evaluation Division

[\(703\) 324-1229](tel:(703)324-1229)

Michael.Vanatta@fairfaxcounty.gov

From: Baskar [<mailto:baskiv0@gmail.com>]
Sent: Thursday, July 02, 2015 11:50 AM
To: Vanatta, Michael
Subject: Re: Special Permit - Accessory Dwelling Unit

Hello Mike,

Thanks a lot for providing the update.

I received a letter a few days back from the county office with regard to the hearing date. What does the hearing entail? Howlong does it go?

The letter even mentioned that the county office will send instructions with regard to inviting neighbors or something about neighbors (I just don't remember exactly what it said and don't have the letter with me right now). Do you know anything about what the neighbors have to do with this?

Thank you

Baskaran

On Thu, Jul 2, 2015 at 11:45 AM, Vanatta, Michael <Michael.Vanatta@fairfaxcounty.gov> wrote:

Hi Baskaran,

I have been assigned your Special Permit application for an Accessory Dwelling Unit. You have been scheduled a public hearing before the Board of Zoning Appeals on September 23, 2015. By this time County staff will have reviewed your application and published a staff report summarizing your application. I will be in contact with you throughout the process.

Please feel free to contact me with any questions or concerns.

Thank you,

Mike Van Atta, Staff Coordinator

County of Fairfax, Zoning Evaluation Division

[\(703\) 324-1229](tel:(703)324-1229)

Michael.Vanatta@fairfaxcounty.gov