

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

BETTY I. MORALES, SP 2015-MA-152 Appl. under Sect. 8-918 of the Zoning Ordinance to permit an accessory dwelling unit. Located at 7405 Hamilton St., Annandale, 22003, on approx. 22,170 sq. ft. of land zoned R-4. Mason District. Tax Map 60-3 ((13)) 10. (*Admin. moved from 3/2/16 due to notices.*) (*Indefinitely deferred from 3/23/16.*) (*Reactivated on 3/30/16.*) Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 4, 2016; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-4.
3. The lot area is 22,170 square feet.
4. The staff recommends denial.
5. Specifically with regards to general permit standards per section 8-006, the application fails to meet the following:
  - a. Standards 1 and 2: The dwelling's interior layout allows for the creation of multiple dwelling units beyond the one allowed principal dwelling and the accessory dwelling unit. This observation is supported by the recent request for a wet bar in a finished basement with three additional bedrooms. The property has a history of violations. One was for multiple occupancy. The proposed ADU is not in harmony with the general purpose and intent of the R-4, district as it allows for more than two dwelling units on the property.
  - b. Standard 3: The ADU is not harmonious with the surrounding area, and hinders the use of neighboring properties by creating the appearance of a multi-family dwelling in an area of single-family dwellings.
  - c. Standard 4: The property does not have the reasonable capacity to accommodate the existing five vehicles, plus the addition of two more vehicles without vehicles needing on-street parking.
  - d. Standard 7: Although the driveway may functionally accommodate the applicant's five vehicles, plus two additional vehicles for the ADU, reasonably there is a concern that all vehicles cannot be parked off-street.
6. The application fails to meet the following additional standards for accessory dwelling units.

- a. Standard 1: By the facts before the Board there is potential for more than one ADU in a structure having the appearance of a multiple-unit dwelling.
- b. Standard 2: The architecture of the original dwelling does not match that of the addition, thus creating the appearance of two separate and distinct dwellings.
- c. Standard 3: There are concerns over whether the physical measures proposed to separate the ADU from the principal dwelling will be maintained, and therefore, the ADU could function with greater than 35 percent GFA.
- d. Standard 4: The guest room and the guest sitting room could be used as additional bedrooms.
- e. Standard 7: There are concerns that with the addition of two additional vehicles, all vehicles cannot reasonably be accommodated off-street, in the driveway.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has not presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **DENIED**.

Mr. Hart seconded the motion, which carried by a vote of 5-0. Ms. Theodore and Mr. Smith was absent from the meeting.

A Copy Teste:



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Kathleen Thompson, Deputy Clerk  
Board of Zoning Appeals