

## COUNTY OF FAIRFAX, VIRGINIA

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

MOHAMMAD SHEIKHABADI, SP 2016-SU-020 Appl. under Sect. 8-918 of the Zoning Ordinance to permit an accessory dwelling unit. Located at 5308 Caliper Ct., Centreville, 20120, on approx. 8,501 sq. ft. of land zoned R-3, WS. Sully District. Tax Map 44-3 ((9)) (3A) 22. Mr. Hart 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 June 15, 2016; and

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

1. The applicant is the owner of the land.
2. The applicant has read, understands, and concurs with the proposed development conditions.
3. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.
4. Development Condition 1 provides notice as to the limitation on the use of the property, and the right to use the apartment does not necessarily go with the ownership of the house. The development conditions will be recorded among the land records, so the issue would come up at the time of settlement if the house is sold.
5. It is granted to the applicant only. Therefore, a new or amended application would be necessary in order to keep the use if the applicant sells the property.
6. It is limited to a period of five years, subject to extension from the Zoning Administrator. If the use ceases or the property is sold, they would have to convert to a by-right use or have another public hearing.
7. The proposed development conditions adequately address the impact from the use.

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

THAT the applicant has 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 **APPROVED** with the following limitations:

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 special permit is granted to the applicant, Mohammad Sheikhabadi, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 5308 Caliper Court, and is not transferable to other land.
3. A copy of this special permit shall be made available to all departments of the County of Fairfax upon request.
4. The occupants of the principal dwelling unit and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
5. The accessory dwelling unit shall contain a maximum of 1,220 square feet, and the layout shall be generally as depicted on the floor plan included as attachment 1 to these conditions.
6. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health, and sanitation.
7. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
8. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.

This approval, contingent upon 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 take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

Mr. Byers seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

Mary D. Padrutt

Mary D. Padrutt, Deputy Clerk  
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

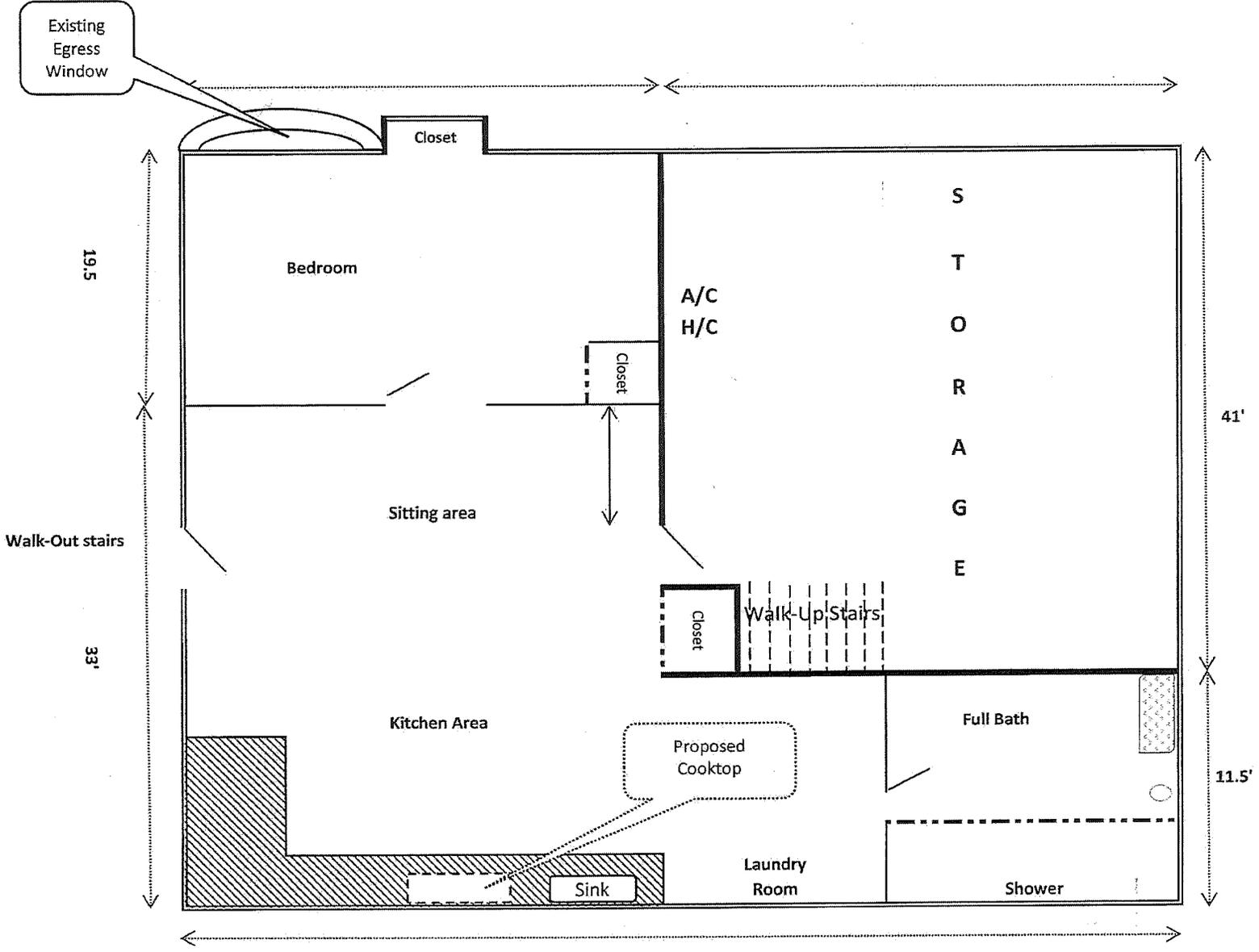
The foregoing instrument was acknowledged before me this 22 day of

June, 2016.

Robert Wyatt Harrison  
Notary Public

My commission expires: 9-30-2017





Existing Accessory Dwelling (Fully Finished Basement)