

## COUNTY OF FAIRFAX, VIRGINIA

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

NITIN S. & MANJUSHA N. PANDIT, SP 2014-PR-120 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit. Located at 10005 Leamoore Ln., Vienna, 22181, on approx. 4,869 sq. ft. of land zoned PDH-4. Providence District. Tax Map 48-1 ((35)) 26. (Admin. moved from 9/10/14 at appl. req.) 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 October 22, 2014; and

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

1. The applicants are the owners of the land.
2. The zoning is PDH-4.
3. The lot area is 4,869 square feet.
4. The board has utility bills and a driver's license indicating this is the owners' residence.
5. The homeowners association did meet and has interposed no written objection to this accessory dwelling unit.
6. The only reason this application is coming before the Board, is because there is a second kitchen. By right, this individual, could have renters in his home without the kitchen.
7. The Board understands the issue of parking. That is something that has been addressed in the conditions, and there is a concern about parking on the street. The Board does the same thing, for example, for church applications. The Board asks that parking be onsite, and there are occasions when onsite parking just does not work on special religious holidays, regardless of the religion.
8. The applicant has also indicated he travels a great deal. That being said, his home base is here. His office is in Washington, D.C. His wife works in Fairfax County. His daughters are here in the United States. Based on that testimony, the Board agrees that the home is the applicants' principal residence.

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 final inspection. 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 applicants only, Nitin S. Pandit and Manjusha N. Pandit, and is not transferable without further action of this Board, and is for the location indicated on the application, 10005 Leamoore Lane, and is not transferable to other land.
3. A copy of this special permit **SHALL BE POSTED IN A CONSPICUOUS PLACE IN THE ACCESSORY DWELLING UNIT** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. 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.
5. The accessory dwelling unit shall contain a maximum of 910 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 years from the final approval date of the special permit and may be extended for five-year periods with prior approval of the Zoning Administrator in accordance with Sect. 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 structure 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.
9. All parking shall be provided onsite.

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 (6) 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.

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

A Copy Teste:

Lorraine A. Giovinazzo  
Lorraine A. Giovinazzo, Deputy Clerk  
Board of Zoning Appeals

ACKNOWLEDGEMENT

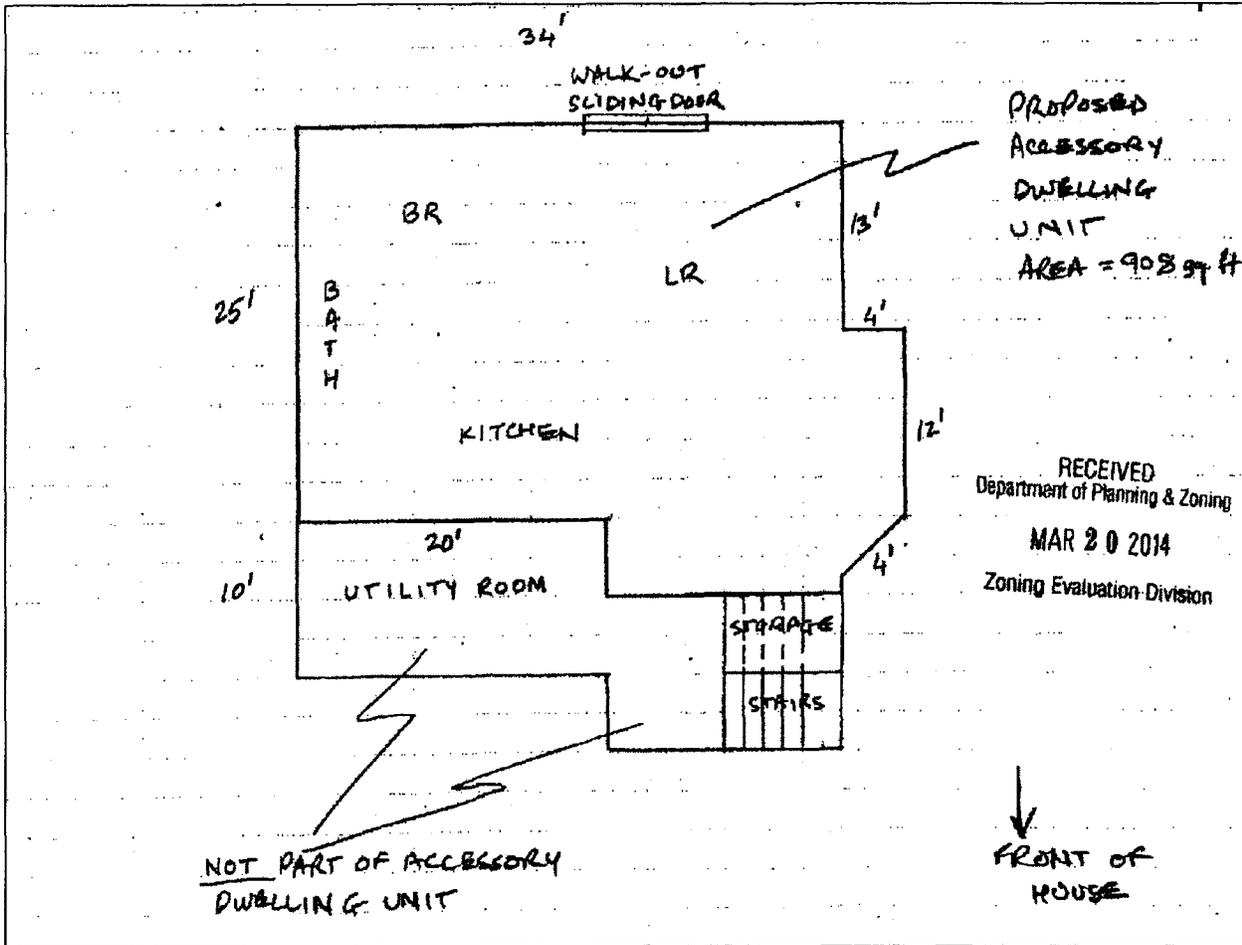
County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 28 day of October, 2014.

Cheryl Lynette Foddrell  
Notary Public

My commission expires: Sept. 30, 2017





Accessory Dwelling Unit Floor Plan