

## COUNTY OF FAIRFAX, VIRGINIA

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

MAHMOOD S. MIRZA, SP 2014-BR-259 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit. Located at 10260 Lindsey Meadow Ct., Fairfax, 22032, on approx. 10,317 sq. ft. of land zoned PDH-3. Braddock District. Tax Map 68-4 ((22)) (2) 39. (Deferred from 3/18/15 at appl. req.) Mr. Beard 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 6, 2015; 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 PDH-3.
3. The area of the property is 10,317 square feet.
4. Staff recommends approval, and the Board agrees with their rationale.
5. The applicant has read, understands, and is in agreement with the proposed development conditions.

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. This special permit is approved for the location of the accessory dwelling unit, as shown on the special permit plat, titled "House Location Survey, The Reserve at Martin's Pointe, Section 2, Lot 39," prepared by Charles Edward Porter, L.S., dated September 16, 2005, as revised and certified by Chang Soo Rhee, Architect, dated July 14, 2014.
2. This approval is granted to the applicant only, Mahmood Mirza, and is not transferable without further action of this Board, and is for the location indicated on the application, 10260 Lindsey Meadow Court, and is not transferable to other land.

3. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to final inspection. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
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 1,584 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 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 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.

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.

Ms. Theodore seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

A Copy Teste:

*Lorraine A. Giovinazzo*

Lorraine A. Giovinazzo  
Clerk to the Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of May, 2015.

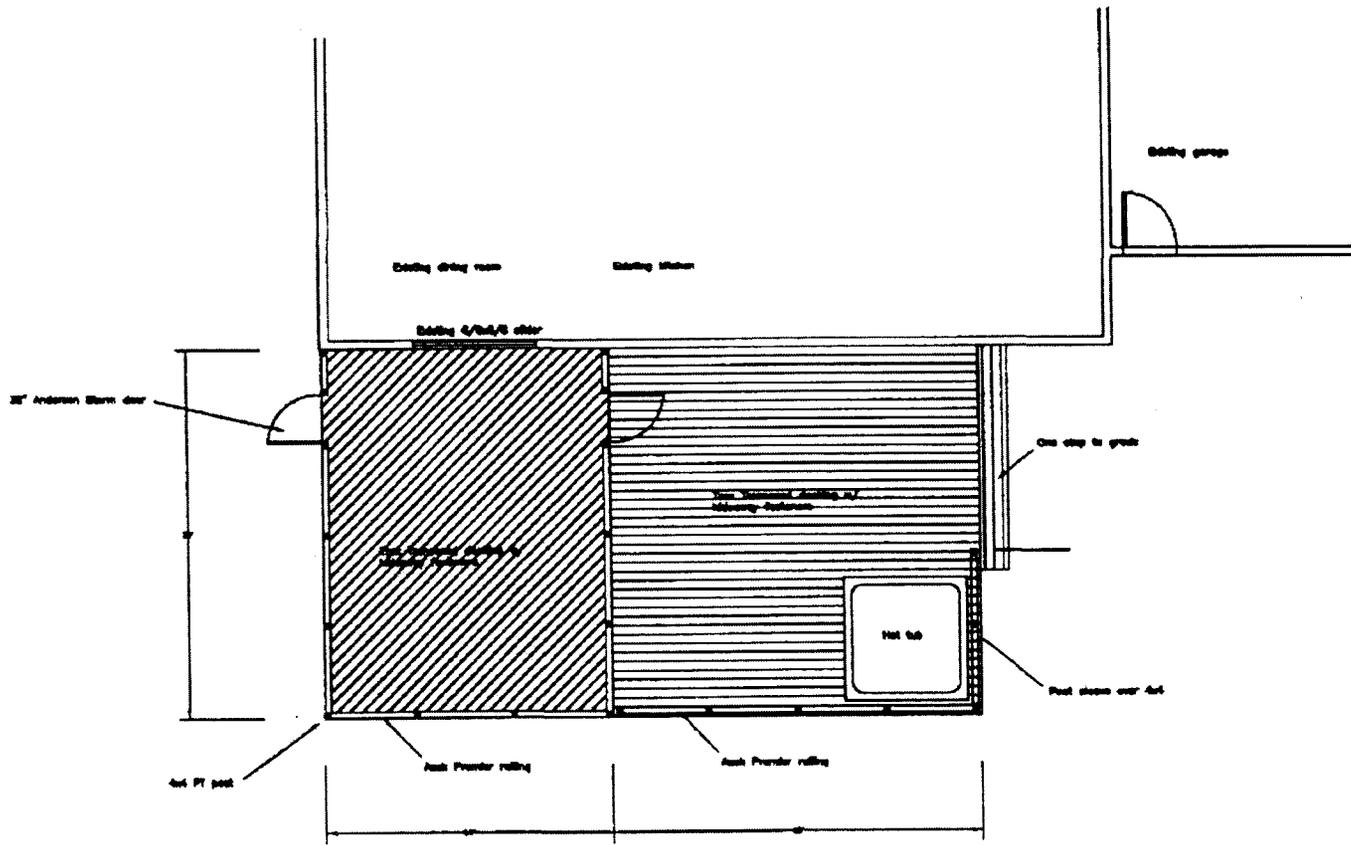
*Rachael A. Locke*

Notary Public

My commission expires: 6/30/15





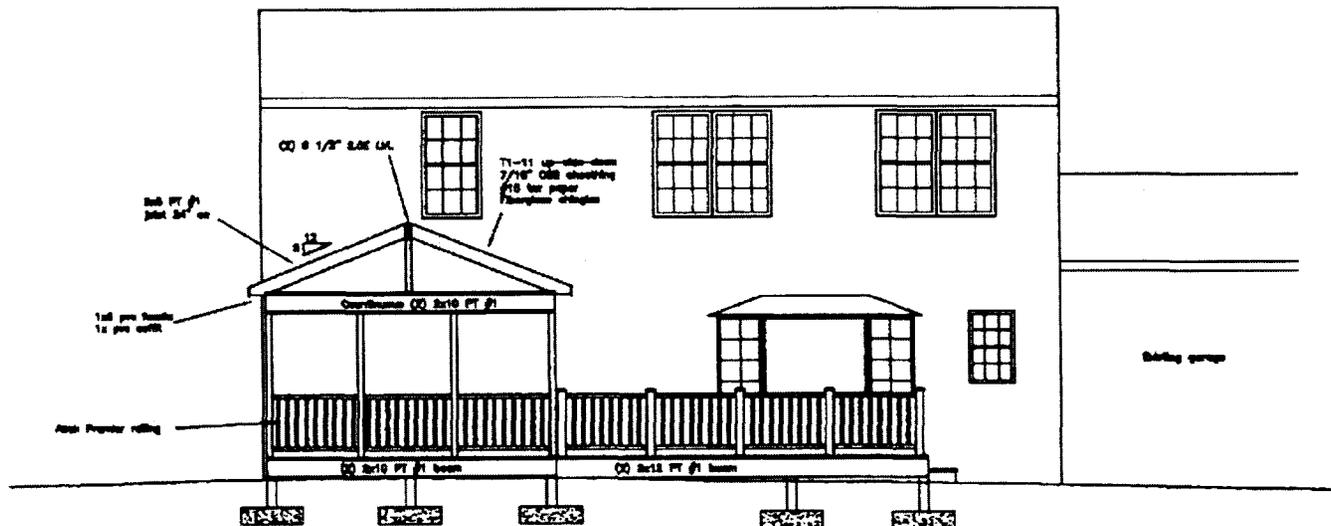


1 FLOOR PLAN  
 $\frac{1}{4}'' = 1'$

Sheet Title		
No.	Revisions/Notes	Date
No. Date and title C. A. D. HOME IMPROVEMENTS INC. P.O. BOX 301 VIENNA, VA 22183 703 926 8303		
DESIGNER CHAD MCCRELLAND 703 926 3411		
Approved and title Browning 2612 Lemon Tree Ln Vienna, VA		
Scale	Sheet	2
AS NCED		







1 REAR ELEVATION  
 $\frac{1}{2}'' = 1'$

No.	Revisions/Notes	Date

C & D HOME IMPROVEMENTS, INC.  
 P.O. BOX 301  
 VIENNA, VA 22183  
 X02.F20.0000  
 DESIGNER:  
 CHAD McCLELLAND  
 703.928.3411

Browning  
 2012 Lemon Tree Ln  
 Vienna, VA

Sheet	5
Scale	AS NOTED

