



# County of Fairfax, Virginia

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**September 14, 2016**

**STAFF REPORT**

**SPECIAL PERMIT SP 2016-SP-059**

**SPRINGFIELD DISTRICT**

**APPLICANTS/OWNERS:** Inderbir Singh

**SUBDIVISION:** Lincoln Park

**STREET ADDRESS:** 11808 Washington Street, Fairfax, 22030

**TAX MAP REFERENCE:** 67-1 ((4)) 23

**LOT SIZE:** 21,901 square feet

**ZONING DISTRICT:** R-C

**ZONING ORDINANCE PROVISIONS:** 8-918

**SPECIAL PERMIT PROPOSAL:** To permit an accessory dwelling unit

**STAFF RECOMMENDATION:**

Staff recommends approval of SP 2016-SP-059 for an accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

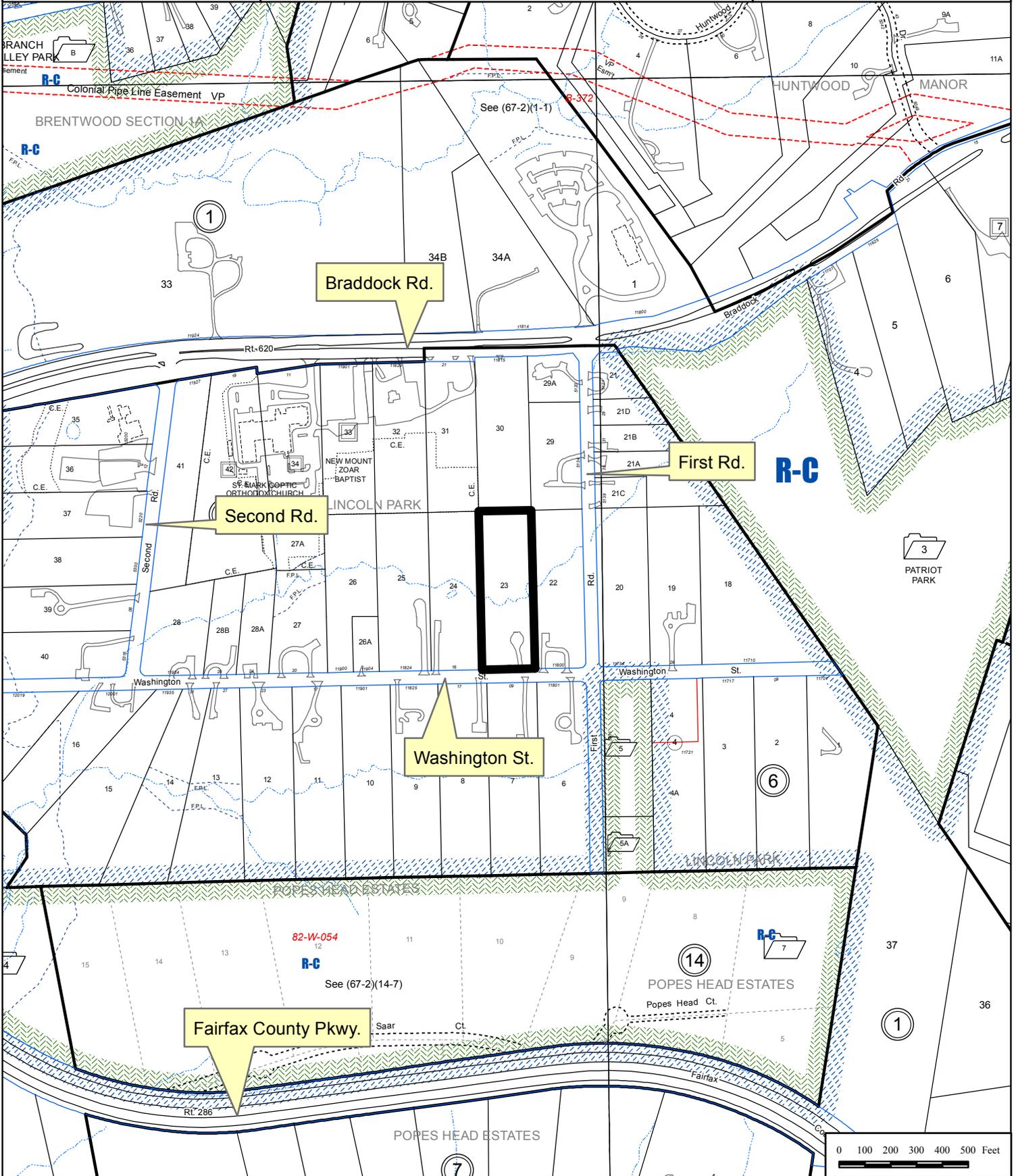
*Frances S. Dowd*

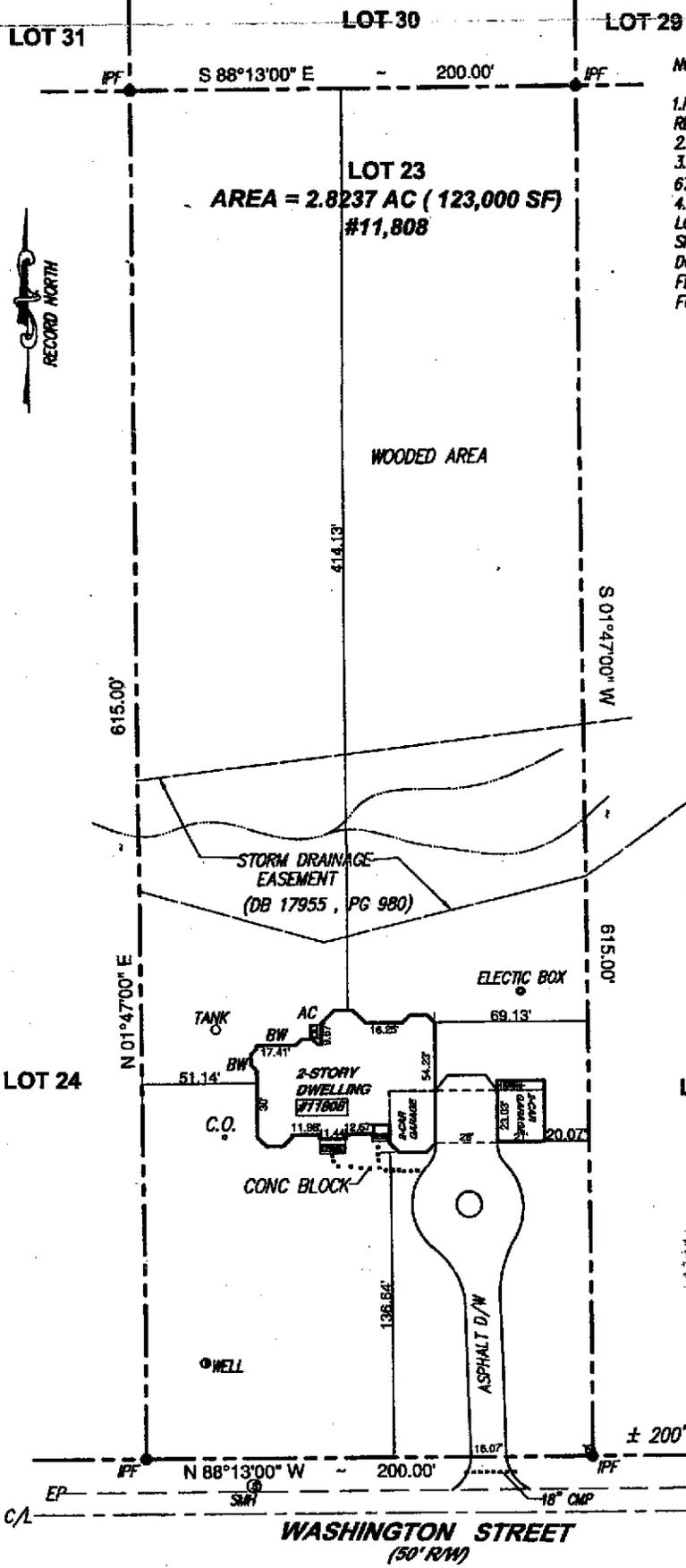
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



# Special Permit SP 2016-SP-059 INDERBIR SINGH





**NOTE:**  
 1. PLAT SUBJECT TO RESTRICTION OF RECORD.  
 2. NO TITLE REPORT FURNISHED.  
 3. REAL ESTATE ASSESSMENT NUMBER IS 67-01-((04))-023.  
 4. THIS IS NOT A BOUNDARY SURVEY. LOCATION OF DRIVEWAY & FENCES, IF SHOWN, ARE APPROXIMATE. THIS SURVEY DOES NOT DETERMINE THE OWNERSHIP OF FENCES. THIS PLAT IS NOT TO BE USED FOR CONSTRUCTION OF FENCES.

- LEGEND**
- WHC WATER HOUSE CONNECTION
  - SHC SEWER HOUSE CONNECTION
  - DW DRIVE WAY
  - EP EDGE OF PAVEMENT
  - ⊗ POWER POLE
  - IPF IRON PIPE FOUND
  - ◻ CONC TILE
  - A.C. AIR CONDITIONER
  - BW BAY WINDOW
  - SMH SEWER MANHOLE
  - C/L CENTER LINE

ZONING ADMINISTRATION DIVISION  
 DEPARTMENT OF PLANNING AND ZONING

JUL 12 2007

FINAL APPROVAL  
 LOT 23



RECEIVED  
 Department of Planning & Zoning  
 JUL 19 2007  
 Zoning Evaluation Division

**HOUSE LOCATION SURVEY**  
 LOT 23  
 LINCOLN PARK SUBDIVISION  
 DEED BOOK 468 PAGE 386  
 SPRINGFIELD DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 DATE: MAY 31, 2007.  
 SCALE: 1" = 60'

**GeoEnv Engineers**  
 Civil, Environmental & Geotechnical Engineering  
 10875 Main Street, Suite 213  
 Fairfax, VA 22030  
 Tel. 703.591.7170  
 Fax. 703.591.7074  
 website: www.geoenv1.com

## SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow an accessory dwelling unit (ADU) on the subject property.

A copy of the special permit plat, titled "House Location Survey, Lot 23, Lincoln Park Subdivision" prepared by Ibrahim Chehab, P.E., dated May 31, 2001, is included in the front of the staff report.

The proposed conditions, the applicant's statement of justification and file photographs, and the affidavit are contained in Appendices 1 through 3, respectively. A more detailed description of the proposal is provided on page two.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 2.82 acre subject property is currently developed with a two story single-family detached dwelling with a finished basement. An asphalt driveway extends from the principal dwelling to Washington Street, and a concrete block walkway provides access to the main entrance of the home. Mature vegetation screens the home from adjacent properties.



Figure 1: Aerial View of Subject Property

The subject property and properties to the North, South, East, and West are zoned R-C

and developed with single family detached dwellings. The property is north of Fairfax County Parkway, south of Braddock Road, and west of First Road.

## BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the property was purchased by the applicant in 2005 and the home was constructed in 2006.

A similar case for an accessory dwelling unit (SP 2011-SP-102) has been approved by the BZA at 11817 Washington Street, listed in Appendix 4.

## DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of an accessory dwelling unit (ADU) above the eastern two-car garage. The proposed accessory dwelling unit would be 1,100 square feet in size and account for 14.7% of the total gross floor area of the existing structure (7,462 square feet). The proposed accessory dwelling unit would contain two bedrooms, two bathrooms, an office, and a living and dining room with a full kitchen. The layout of these rooms is depicted in the attached floor plan (Attachment 1).

The applicants have indicated that their parents would reside in the accessory dwelling unit. The parents are both over 55 years old and therefore qualify as elderly under the provisions of the Zoning Ordinance. Ample parking will exist in the proposed driveway and double two-car garages for the applicants and any family members.

## ANALYSIS

### Comprehensive Plan Provisions

**Plan Area:** Area III, Pohick Planning District  
**Planning Sector:** Twin Lakes Community Planning Sector (P1)  
**Plan Map:** Residential, .1-.2 du/ac

### Zoning District Standards

Bulk Standards (R-C)		
Standard	Required	Provided
Lot Size	5 acres	2.821
Lot Width	200	200 feet
Building Height	35 feet max.	<35 feet
Front Yard	Min. 40 feet	136.6 feet

<b>Bulk Standards (R-C)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Side Yard	Min.20 feet	51.1 feet
Rear Yard	Min. 25 feet	414.1 feet

<sup>1</sup>The subject parcel was created prior to the 1978 Zoning Ordinance (platted in 1945); therefore, although the parcel does not meet the Ordinance requirements, it is grandfathered as a legal, building lot under the provisions of Sect. 2-405 (Appendix 5)

### **Zoning Ordinance Requirements (Appendix 5)**

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Additional Standards for Accessory Dwelling Units (Sect. 8-918)

### **General Special Permit Standards (Sect. 8-006)**

<b>Standards 1 and 2</b> <i>Comprehensive Plan/ Zoning District</i>	The Comprehensive Plan recommends residential uses, and the property is developed with a residential use. The Zoning Ordinance allows an ADU with special permit approval.
<b>Standard 3</b> <i>Adjacent Development</i>	No exterior alterations are proposed with this application. Staff believes that the internal ADU would be harmonious with the surrounding area and would not hinder the use or development of neighboring properties.
<b>Standard 4</b> <i>Pedestrian/Vehicular Traffic</i>	Staff believes that the proposed use would not significantly impact pedestrian or vehicular traffic. According to the applicant's statement of justification, the applicant's parents, who will reside in the ADU, do not drive.
<b>Standard 5</b> <i>Landscaping/Screening</i>	Existing vegetation will provide screening of the proposed home. No additional landscaping or screening is required.
<b>Standard 6</b> <i>Open Space</i>	The ADU request does not decrease the open space on the lot.
<b>Standard 7</b> <i>Utilities, Drainage, Parking and Loading</i>	Existing facilities appear to be able to adequately serve the ADU. In addition, staff believes there will be sufficient parking to accommodate the proposed use.
<b>Standard 8</b> <i>Signs</i>	No signage is proposed.

### **Group 9 Standards (Sect. 8-903)**

<b>Standard 1</b> <i>Lot Size and Bulk Regulations</i>	The existing lot is undersized for the R-C zoning district. However, the parcel was platted in 1945, prior to the 1978 Zoning Ordinance, so it is grandfathered in as a legal, building lot under provisions of Sect. 2-405.
<b>Standard 2</b> <i>Performance</i>	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.

<i>Standards</i>	
<b>Standard 3</b> <i>Site Plan</i>	There is no proposed change to the subject property, therefore no additional site plan requirements are required.

### **Additional Standards for Accessory Dwelling Units (Sect. 8-918)**

<b>Standard 1</b> <i>Only One ADU per Single Family Detached Dwelling</i>	The application requests approval of one ADU on a property occupied by a single family detached dwelling; this standard is met.
<b>Standard 2</b> <i>Structure Shall be Located Within Single Family Dwelling</i>	The proposed ADU would be within the proposed home, and entrances would be located to the rear of the garage, facing west.
<b>Standard 3</b> <i>GFA Shall Not Exceed 35%</i>	The ADU structure represents approximately 14.7% of the total GFA. This standard is met.
<b>Standard 4</b> <i>Max. 2 Bedrooms</i>	The application indicates that the ADU includes two bedrooms. This standard is met.
<b>Standard 5</b> <i>Occupancy Standards</i>	The applicants, who would reside in the principal unit, own the property. Their parents, who will reside in the ADU, meet the qualifications of "elderly" as defined by the Zoning Ordinance.
<b>Standard 6</b> <i>Reasonable Access for a Disabled Person</i>	The applicant has indicated that the people who will access the ADU are not disabled.
<b>Standard 7</b> <i>Sufficient Parking</i>	The property will include ample parking in both the driveway and the two garages.
<b>Standard 8</b> <i>Will Not Modify or Disrupt Character of Neighborhood</i>	Staff believes that the use of the ADU, as proposed, would not constitute sufficient change to modify or disrupt the predominant character of the neighborhood.
<b>Standard 9</b> <i>Regulations for Safety, Health, Sanitation</i>	This standard requires any ADU to meet applicable regulations for building, safety, health, and sanitation. A development condition is proposed to this effect.
<b>Standard 10</b> <i>Recorded</i>	A condition is proposed requiring the approval to be recorded among the Fairfax County land records.
<b>Standard 11</b> <i>Inspection</i>	A condition is proposed requiring the owner to allow inspections of the property by County personnel during reasonable hours upon prior notice.
<b>Standard 12</b> <i>Approved for 5 Years</i>	A condition is proposed addressing this standard.
<b>Standard 13</b> <i>Approval Prior to July 27, 1987</i>	This standard is not applicable.

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## **CONCLUSION / RECOMMENDATION**

With the implementation of the proposed development conditions, staff believes that the request is in conformance with the Comprehensive Plan and the applicable Zoning Ordinance provisions.

Staff recommends approval of SP 2016-SP-059 for an accessory dwelling unit subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

## **APPENDICES**

1. Proposed Special Permit Development Conditions
2. Applicant's Statement of Justification and Select Photographs
3. Applicant's Affidavit
4. Similar Case History
5. Applicable Zoning Ordinance Provisions

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**PROPOSED DEVELOPMENT CONDITIONS****SP 2016-SP-059****September 14, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-SP-059 located at Tax Map 67-1 ((4)) 23 to permit an accessory dwelling unit, under Sect. 8-918 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

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 approval is granted to the applicants, Inderbir Singh, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 11808 Washington Street, and is not transferable to other land.
3. This special permit is granted only for the purposes, structures, and/or uses indicated on the plat titled "House Location Survey, Lot 23, Lincoln Park Subdivision" prepared by Ibrahim Chehab, P.E., dated May 31, 2001, as submitted with this application and is not transferable to other land.
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 1,100 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
6. 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.
7. All parking shall be provided on site as shown on the special permit plat.

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, thirty 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.



Zoning Evaluation Division  
Fairfax County  
Department of Planning and Zoning  
12055 Government Center Parkway  
Suite 801  
Fairfax, VA 22035

June 6, 2016

Subject: Special Permit Application – 11808 Washington St Fairfax VA 22030 – Tax ID 0671040023

Please accept the following justification for Accessory Dwelling Unit (ADU) for the subject property.

The subject property is owned by the following:

Inderbir Singh & Dalwinder Somal (Husband & Wife)

Labh S Moher & Gurdial Kaur (Husband & Wife – both are over 55 year old) - Applicants parents

I would like to finish app 1,100 sq foot of space above the garage of the subject property with the following provisions:

2 Br, 2 bath, office, living, dining and small kitchen.

Principal Dwelling = 7,234 sqft

Basement – 228 sqft

ADU = 1,100 sqft - 14.7 % of the Area.

My parents (Labh S Moher & Gurdial Kaur) would like to use this space for privacy. Additionally, due to pet in the main house, they are developing allergies from the pet. So they would like us to finish that space.

My parents don't drive; therefore there will be no parking impact on the house or the neighborhood.

Regards

  
Inderbir Singh, P.E, PMP  
11808 Washington Street  
Fairfax, VA 22030  
703-969-4021

Zoning Evaluation Division

JUN 07 2016

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Department of Planning & Zoning

- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

Hazardous or Toxic Substances. There are no known hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

  
Applicant's Signature

JUNE 6, 2016  
Date

- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

  
Applicant's Signature

JUNE 6, 2016  
Date

RECEIVED  
Department of Planning & Zoning  
JUN 07 2016  
Zoning Evaluation Division

Department of Planning and Zoning  
12055 Government Center Parkway  
Suite 801  
Fairfax, VA 22035

May 24, 2016

Subject: Accessory Dwelling Unit (ADU) Ratio for 11808 Washington St Fairfax VA 22030

The ADU is located above the right side garage and Breeze way of the house.

Below is summary of house Square Footage (SF).

- Level 1 & 2 of the House (excluding the basement) = 7,234 SF
- Basement = 228 SF
- ADU = 1,100 SF

**ADU Ratio = ADU SF (1,100 SF) / Total SF of the residence (7,462 SF) x 100(%) = 14.7 %**

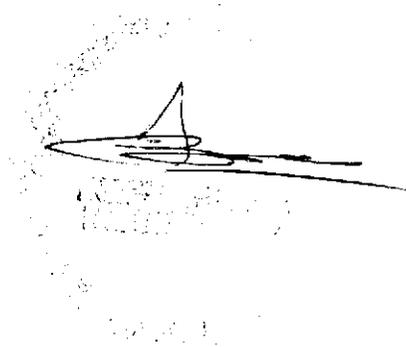
If you have any questions, please contact me at your convenience.

Sincerely,



Inderbir Singh, P.E VA Lic No: 0402026427

703-969-4021



RECEIVED  
Department of Planning & Zoning

JUN 01 2016

Zoning Evaluation Division





Application No.(s): \_\_\_\_\_  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5/18/16  
 (enter date affidavit is notarized)

135030

I, INDERBIR SINGH, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant  
                           applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
INDERBIR SINGH	11808 WASHINGTON ST. FAIRFAX VA 22030	Applicant / Title owner
DALWINDER SOMAL	11808 WASHINGTON ST. FAIRFAX VA 22030	Title owner
LABH SINGH MOHER	11808 WASHINGTON ST. FAIRFAX VA 22030	TITLE OWNER
GURDIAL KAUR	11808 WASHINGTON ST. FAIRFAX VA 22030	TITLE OWNER

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
 \*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5/18/16 135030  
(enter date affidavit is notarized)

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)**

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

*NA*

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

*NA*

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5/18/16  
(enter date affidavit is notarized) 135050

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

NA

(check if applicable) [ ] The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

NA

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5/18/16  
(enter date affidavit is notarized)

135030

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

"NONE"

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5/18/16  
(enter date affidavit is notarized) 135030

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

" NONE "

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

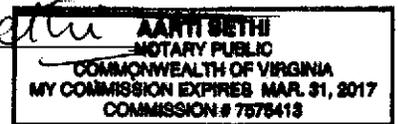
INDERBIR SINGH

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18<sup>th</sup> day of MAY, 2016, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires: 03/31/17

Aarti Sethi  
Notary Public



# Similar Case History

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ZAPS - SP - SP 2011-SP-102

Application Desc ...: ACCESSORY DWELLING UNIT

APPLICATION  
APPROVED

## Zoning Ordinance Provisions

### 2-405 Permitted Reduction in Lot Size Requirements for Certain Existing Lots

1. If a lot was recorded prior to March 1, 1941, or if a lot was recorded prior to the effective date of this Ordinance, and said lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then such lot, either as a single lot or in combination with other such lots pursuant to a Building Permit, may be used for any use permitted in the zoning district in which located under this Ordinance even though the lot(s) does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other regulations of this Ordinance can be satisfied.

This provision shall not apply to any such lot which, subsequent to the effective date of this Ordinance, is rezoned at the request of the owner or his agent or is subdivided by the owner or his agent, except for:

- A. A subdivision resulting from a voluntary dedication by the owner or a condemnation or acquisition of a portion thereof for public purposes by any governmental agency; or
  - B. A subdivision for a minor adjustment of lot lines, which may be permitted by the Director in accordance with Chapter 101 of The Code and the following:
    - (1) Such subdivision shall only be to consolidate land area of contiguous lots, or to rearrange lot lines in order to reallocate land area between contiguous lots such that the reconfigured lots contain either the same lot area as existed prior to the adjustment of the lot lines or a greater area than existed prior to the adjustment of the lot lines which results in a reduced number of lots; and
    - (2) There shall be no additional lots or outlots created, no increase in the maximum density and the resultant lot lines shall not create any new or aggravate any existing noncompliance with regard to minimum lot area, lot width, shape factor or minimum yard requirements.
2. A lot that did not meet the requirements of the Zoning Ordinance in effect at the time of recordation may be used for any use permitted in the zoning district in which located under this Ordinance, even though such lot does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided that:

- A. The lot is described or depicted in a metes and bounds description or on a subdivision plat not approved by the County, which description or plat was recorded among the land records of Fairfax County prior to March 25, 2003; and
- B. The lot described in the metes and bounds description or on the unapproved plat was identified as a separate lot on the Fairfax County Real Property Identification Map and was taxed as a separate parcel on or before March 25, 2003; and
- C. The lot contained a principal structure on March 9, 2004 that was:
  - (1) Occupied or had been occupied at any time within five (5) years prior to March 9, 2004; or
  - (2) Under construction pursuant to a Building Permit and a Residential or Non-Residential Use Permit is issued within twelve (12) months after March 9, 2004 and
- D. Except for the minimum district size, lot area, lot width and shape factor requirements of the district, all other regulations of this Ordinance shall be satisfied, including but not limited to the bulk and permitted use regulations of the zoning district in which located.

**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

**8-918 Additional Standards for Accessory Dwelling Units**

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
  - A. One of the dwelling units shall be owner occupied.
  - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
    - (1) Any person fifty-five (55) years of age or over and/or
    - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect

that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

- C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
  - (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
  - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
- 6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:
  - A. Uninterrupted access to one (1) entrance; and
  - B. Accessibility and usability of one (1) toilet room.
- 7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.
- 8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the

- neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
  10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
  11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
  12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.
  13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.