



# County of Fairfax, Virginia

---

October 19, 2016

## STAFF REPORT

### SPECIAL PERMIT SP 2016-SU-077

#### SULLY DISTRICT

**APPLICANT/OWNER:** Richard A. Williams  
Lori A. Williams

**STREET ADDRESS:** 5847 Saddle Downs Place, Centreville, 20120

**SUBDIVISION:** The Ridings at Virginia Run

**TAX MAP REFERENCE:** 53-1 ((6)) 15

**LOT SIZE:** 40,537 square feet

**ZONING DISTRICT:** R-C (cluster), WS

**ZONING ORDINANCE PROVISIONS:** 8-918

**SPECIAL PERMIT PROPOSAL:** To permit an accessory dwelling unit within an existing dwelling.

#### STAFF RECOMMENDATION:

Staff recommends approval of SP 2016-SU-077 for an accessory dwelling unit with the adoption of 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.

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*Sharon E. Williams*

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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**



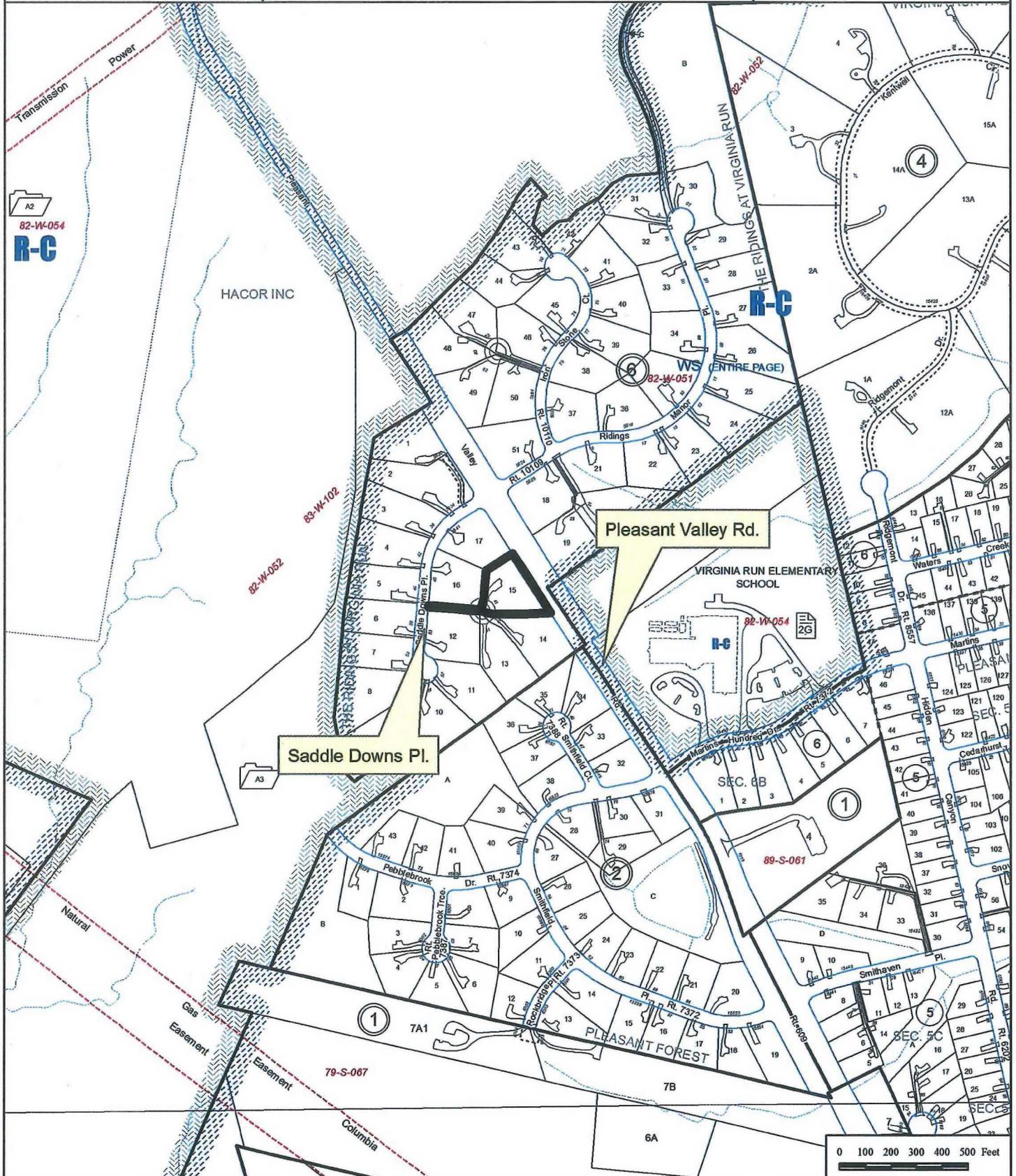
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

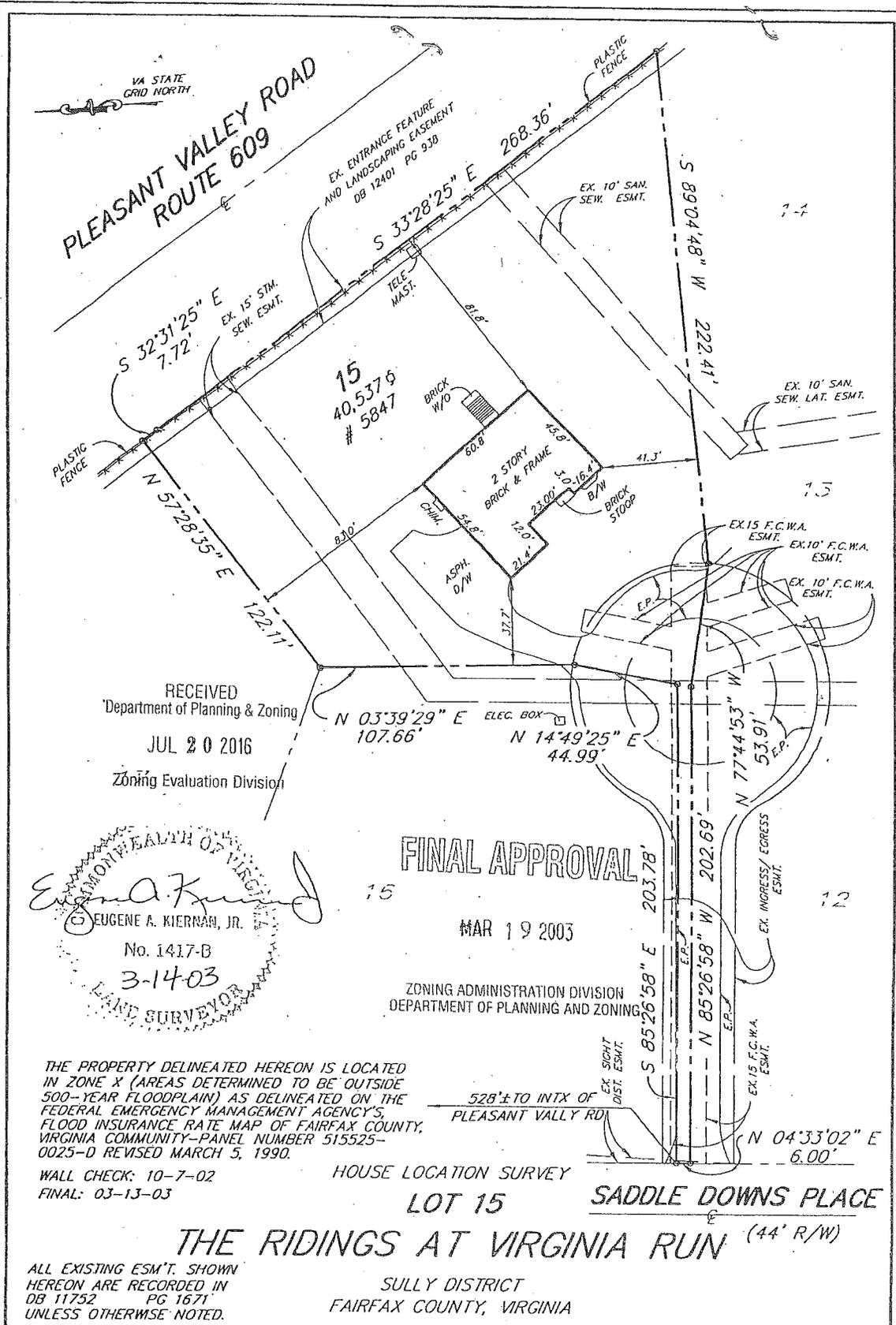


# Special Permit

## SP 2016-SU-077

RICHARD A. WILLIAMS / LORI A. WILLIAMS





VA STATE GRID NORTH  
 PLEASANT VALLEY ROAD  
 ROUTE 609

RECEIVED  
 Department of Planning & Zoning  
 JUL 20 2016  
 Zoning Evaluation Division

*Eugene A. Kiernan, Jr.*  
 EUGENE A. KIERNAN, JR.  
 No. 1417-B  
 3-14-03  
 LAND SURVEYOR

FINAL APPROVAL

MAR 19 2003

ZONING ADMINISTRATION DIVISION  
 DEPARTMENT OF PLANNING AND ZONING

THE PROPERTY DELINEATED HEREON IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN) AS DELINEATED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF FAIRFAX COUNTY, VIRGINIA COMMUNITY-PANEL NUMBER 515525-0025-D REVISED MARCH 5, 1990.  
 WALL CHECK: 10-7-02  
 FINAL: 03-13-03

HOUSE LOCATION SURVEY  
 LOT 15 SADDLE DOWNS PLACE

THE RIDINGS AT VIRGINIA RUN (44' R/W)

SULLY DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

ALL EXISTING ESM'T. SHOWN  
 HEREON ARE RECORDED IN  
 DB 11752 PG 1671  
 UNLESS OTHERWISE NOTED.

COMMONWEALTH OF VIRGINIA  
 EUGENE A. KIERNAN, JR.  
 No. 1417-B  
 LAND SURVEYOR

**BC Consultants**

Planners • Engineers • Surveyors • Landscape Architects  
 12800 Fair Lakes Circle, Suite 100, Fairfax, VA 22033  
 (703) 449-8100 (703) 449-8108 (Fax)  
 www.bccon.com

SURVEYOR'S CERTIFICATE

I, HEREBY CERTIFY THAT THE LOCATIONS OF ALL EXISTING IMPROVEMENTS ON THIS PROPERTY HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS. NO TITLE REPORT FURNISHED.

|           |                    |               |
|-----------|--------------------|---------------|
| REFERENCE | DRAWN BY: RNC      | CHECKED: MJL  |
| DB 11752  | SCALE: 1" = 50'    | DATE: 10-8-02 |
| PG. 1671  | FILE NO.: 99046-71 |               |

## SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow an accessory dwelling (ADU) to be located in the basement of an existing single family detached dwelling.

A copy of the special permit plat, titled "House Location Survey, Lot 15, The Ridings at Virginia Run," prepared by Eugene A. Kiernan on October 8, 2002, is included in the front of the staff report.

Copies of the proposed development conditions, the statement of justification and select file photographs and the affidavit are contained in Appendices 1 through 3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 40,537 square foot application property consists of a two-story single-family detached dwelling. Vehicular access to the dwelling is provided via an asphalt driveway off of Saddle Downs Place. A walkway and stoop provide access to the home. A doorway at the rear of the dwelling provides access to the basement; this entrance will serve the proposed accessory dwelling unit.

The property is located on a pipestem lot off of Saddle Downs Place, west of Pleasant Valley Road and the Virginia Run Elementary School. The subject property and surrounding properties are zoned R-C (cluster) and WS and are developed with single-family detached dwellings.

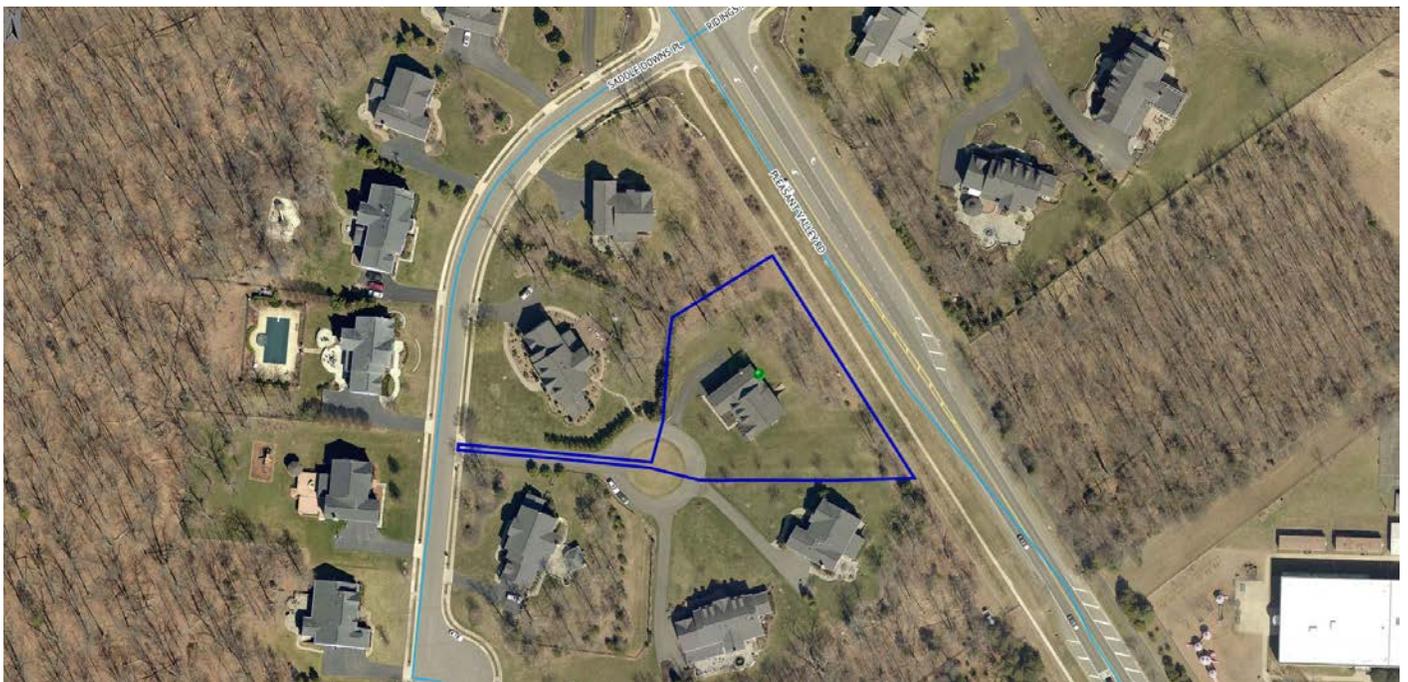


Figure 1: Aerial View

**BACKGROUND AND HISTORY**

On February 28, 2000 the Board of Supervisors approved SE 99-Y-033 to permit a cluster subdivision at the Ridings at Virginia Run. (Appendix 4)

Fairfax County Tax Records indicate that the single family dwelling was constructed and purchased by the applicant in 2003.

**DESCRIPTION OF THE REQUEST**

The applicants are requesting approval of an accessory dwelling unit (ADU) in the basement of the existing single family detached dwelling. The proposed accessory dwelling unit would be 1,527 square feet in size (including storage and utility space) and would account for 29.4% of the total gross floor area of the existing structure (5,197 square feet). The proposed accessory dwelling unit would contain a kitchen, a full bathroom, a bedroom, and a living room. The layout of the unit is depicted in the floorplan which is included as an attachment to the proposed development conditions in Appendix 1. The ADU has a separate walk-out entrance and exit to the rear of the dwelling. There is also access to the ADU from the first floor of the dwelling.

The applicants are requesting the ADU for their mother-in-law. The applicant’s mother-in-law is over the age of 55. Ample parking exists in the driveway and in the three-car garage for the applicant and the applicant’s mother-in-law.

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area III, Bull Run Planning District  
**Planning Sector:** Stone Bridge Community Planning Sector (BR5)  
**Plan Map:** Residential, .1-.2 dwelling units per acre

**Zoning District Standards**

| <b>Bulk Standards (R-C Cluster)</b> |                 |                 |
|-------------------------------------|-----------------|-----------------|
| <b>Standard</b>                     | <b>Required</b> | <b>Provided</b> |
| Lot Size                            | 36,000 sf.      | 40,537 sf.      |
| Lot Width                           | No requirement  | N/A             |
| Building Height                     | 35 feet max.    | >35 feet        |
| Front Yard                          | Min. 40 feet    | 41.3 feet       |
| Side Yard                           | Min. 20 feet    | 83.0 feet       |
| Rear Yard                           | Min. 25 feet    | 81.8 feet       |

### Accessory Structures On-Site

There are no accessory structures on-site.

### Zoning Ordinance Requirements (Appendix 5)

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

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

|  |  |
|--|--|
| <b>Standards 1 and 2</b><br>Comprehensive Plan/<br>Zoning District | 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 in the R-C District |
| <b>Standard 3</b><br>Adjacent Development                          | In Staff's opinion, the proposed ADU would be harmonious with the surrounding area and would not hinder the use or development of neighboring properties.                                    |
| <b>Standard 4</b><br>Pedestrian/Vehicular<br>Traffic               | Staff believes that the proposed use would not significantly impact pedestrian or vehicular traffic.   |
| <b>Standard 5</b><br>Landscaping/Screening                         | The proposed ADU is internal to the dwelling; therefore, no additional screening is recommended.   |
| <b>Standard 6</b><br>Open Space                                    | There is no prescribed open space requirement on individual lots in the R-C District.  |
| <b>Standard 7</b><br>Utilities, Drainage,<br>Parking, and Loading  | The proposed facilities will be able to adequately serve the ADU. In addition, staff believes that there will be sufficient parking available to accommodate the proposed use.               |
| <b>Standard 8</b><br>Signs   | No signage is proposed.  |

### Standards for all Group 9 Uses (Sect. 8-903)

|   |   |
|---|---|
| <b>Standard 1</b><br>Lot Size and Bulk<br>Regulations | The property meets the lot size and bulk regulations for the R-C District with cluster provisions.  |
| <b>Standard 2</b><br>Performance<br>Standards         | The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance. |
| <b>Standard 3</b><br>Site Plan                        | The application is not subject to the provisions of Article 17, Site Plans.                         |

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

|   |  |
|---|--|
| <b>Standard 1</b><br>Only One ADU per Single Family Detached Dwelling         | The applicant requests the approval of one ADU within a single family detached structure. This standard is met.  |
| <b>Standard 2</b><br>Structure Shall be Located Within Single Family Dwelling | The proposed ADU would be within the existing single family detached dwelling. The ADU can be accessed through the separate entrance in the rear yard.   |
| <b>Standard 3</b><br>GFA Shall Not Exceed 35%                                 | The ADU structure represents approximately 29.4% of the total GFA. This standard is met.   |
| <b>Standard 4</b><br>Max. 2 Bedrooms  | The application indicates that the ADU only includes one bedroom. This standard is met.  |
| <b>Standard 5</b><br>Occupancy Standards                                      | The applicants, who would reside in the principal unit, own the property. Their mother-in-law, who will reside in the ADU, meets the qualifications of "elderly" as defined in the Zoning Ordinance. |
| <b>Standard 6</b><br>Reasonable Access for a Disabled Person                  | The applicant has indicated that the person who access the ADU are not disabled.   |
| <b>Standard 7</b><br>Sufficient Parking                                       | The property includes ample parking in both the driveway and the garage.   |
| <b>Standard 8</b><br>Will Not Modify or Distrupt Character of Neighborhood    | Staff believes that the use of the ADU, as proposed, would not constitute sufficient change to modify or distrupt the predominant character of the neighborhood.                                     |
| <b>Standard 9</b><br>Regulations for Safety, Health, Sanitation               | This standard requires any ADU to meet applicable regulations for building, safety, health, and sanitation. A development condition has been included to to address this standard.                   |
| <b>Standard 10</b><br>Recorded  | A condition is proposed requiring the approval to be recorded among the Fairfax County land records.   |
| <b>Standard 11</b><br>Inspection  | 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><br>Approved for 5 Years                                    | A condition has been proposed to address this standard.  |
| <b>Standard 13</b><br>Approval Prior to July 27, 1987                         | This standard is not applicable.   |

## **CONCLUSION / RECOMMENDATION**

Staff believes that the request for a special permit for an accessory dwelling unit in the basement of an existing single-family detached dwelling is in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed development conditions contained in Appendix 1 of the staff report.

Staff recommends approval of SP 2016-SU-077 for the accessory dwelling unit with the adoption of 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 Development Conditions
2. Applicant's Statement of Justification and Select Photographs
3. Applicant's Affidavit
4. Clerk's Letter – SE 99-Y-033
5. Applicable Zoning Ordinance Provision

**PROPOSED DEVELOPMENT CONDITIONS****SP 2016-SU-077****October 19, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-SU-077 located at Tax Map 53-1 ((6)) 15 to permit an accessory dwelling unit pursuant to Section 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 kitchenette. 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 applicants, Richard A. Williams and Lori A. Williams, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 5847 Saddle Downs Place, 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 1,527 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.

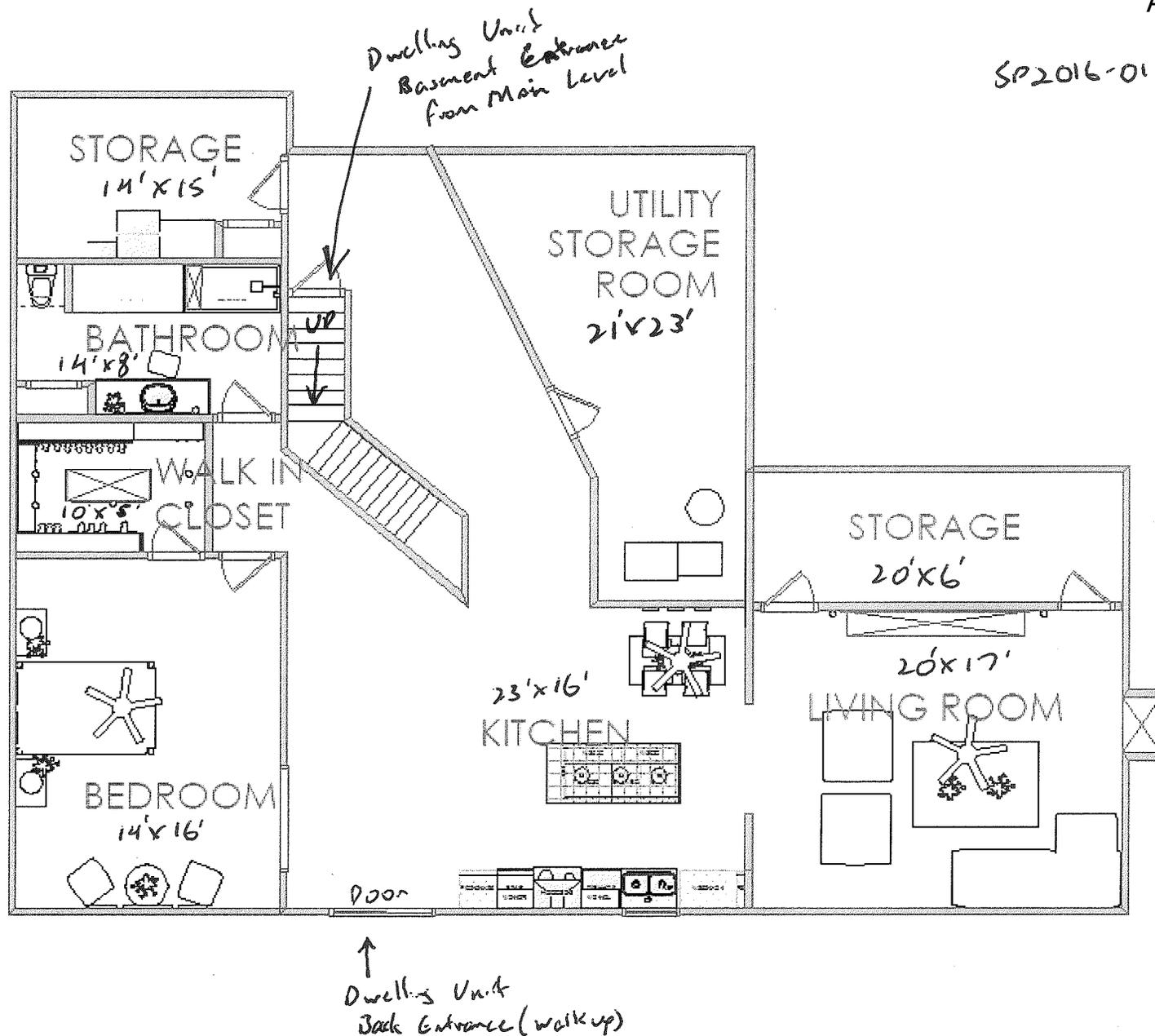
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

SP2016-0157

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Department of Planning & Zoning

JUL 20 2016

Zoning Evaluation Division

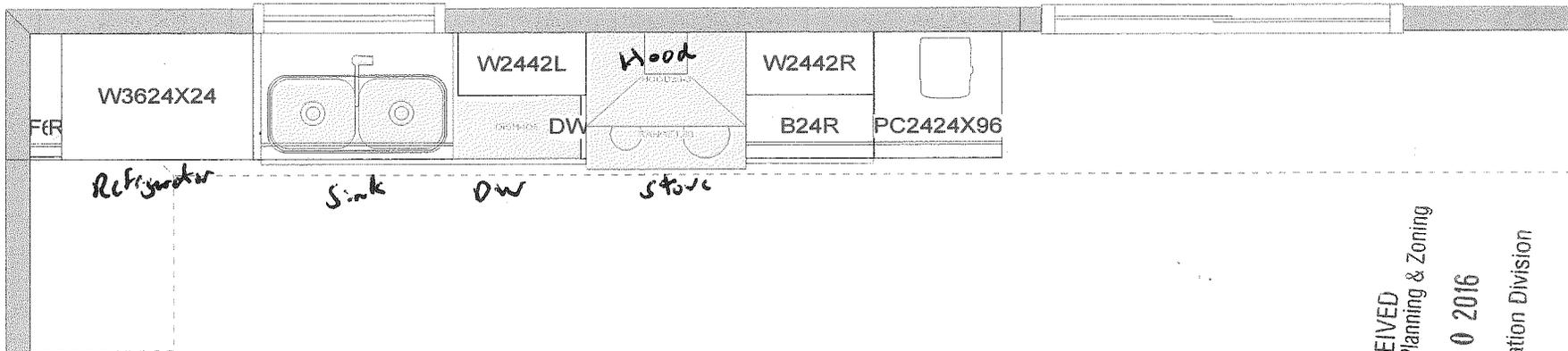


|   |   |   |   |
|---|---|---|---|
| <p>All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.</p> |  | <p>This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.</p> | <p>Designed:<br/>5/25/2016<br/><br/>Designed By:<br/>Jennie K</p> |
| <p>Design_Basement_nodim 5-24-16</p>  | <p>All</p>  | <p>Drawing #: 1</p>   | <p>Scale : 0 1/8" = 1'</p>  |

SP2016-0157

Rear of house

Door to walkway

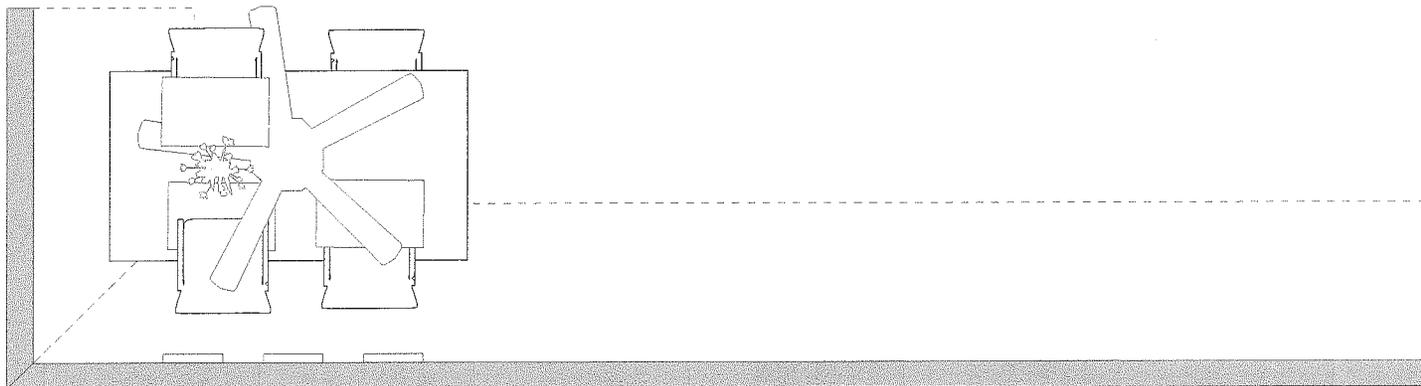
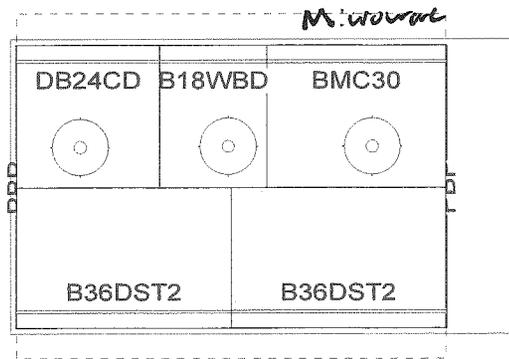


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JUL 20 2016

Zoning Evaluation Division

KITCHEN



All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.



This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 6/9/2016  
Printed: 6/9/2016

Designed & Modified By: Jennie K

July 18, 2016

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

RECEIVED  
Department of Planning & Zoning

JUL 20 2016

Zoning Evaluation Division

REF: 5847 Saddle Downs Place, Centreville, VA, 20120  
Tax Map#: 0531 06 0015  
Zoning District: RC  
Special Permit - Accessory Dwelling Unit - Section 8-918

Application # SP 2016-0157

Dear Sir/Madam:

Thank you for reviewing our application for a Special Permit for an Accessory Dwelling Unit at 5847 Saddle Downs Place, Centreville, VA 20120. We submit the following in response to the deficiencies in our special permit application as outlined in your letter.

**Deficiency Item 3.00**

Attached are photographs showing all yard areas of the property as well as all sides of the property. The photographs are dated and labeled with direction the photo was taken from.

**Deficiency Item 4.00**

The Applicant's Affidavit now includes James Park with Sky Construction, Inc. as Agent.

**Deficiency Item 5.00**

The Accessory Dwelling Unit conforms to Fairfax County Zoning Ordinance 8-918 as follows:

1. The residence is a single family detached dwelling unit and there will be only one accessory dwelling unit.
2. The accessory dwelling unit will be located within the existing structure of the single family detached dwelling unit.
3. The gross floor area of the accessory dwelling unit does not exceed thirty-five percent of the total gross floor area of the principal dwelling unit (see attached certified statement by architect). The gross square footage of the house is 5,197, and the proposed accessory dwelling unit will be 1,527 square feet, which is 29.38% of the total.

4. The accessory dwelling unit will contain one bedroom.
5. Occupancy of the accessory dwelling unit is as follows:
  - The primary dwelling unit is occupied by the homeowners (my wife and I) and our child.
  - The accessory dwelling unit will be occupied by one person, who is over the age of 55. The occupant will be my wife's mother, who is 85 years old. She is not disabled.
  - The accessory dwelling unit will not be occupied by more than two persons and the homeowners (my wife and I) will continue to occupy the house.
6. The accessory dwelling unit is not being established for use by a disabled person.
7. The existing three car garage and driveway parking are ample to accommodate an additional car.
8. There will be no changes to the structure of the existing primary dwelling unit.
9. The accessory dwelling unit will meet all building, safety, health and sanitation regulations.
10. Item to be completed by the Board of Zoning Appeals.
11. The homeowner will make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.

**Deficiency Item 5.07**

See the attached Floor Plan of the Accessory Dwelling Unit with dimensions of each area and the entrances indicated.

Bedroom 14X16  
Kitchen /Dining Room 23X16  
Living Room 20X17  
Laundry Room/Storage 14X15  
Storage 20X6  
Bathroom 14X8  
Utility Storage 21X23

The accessory dwelling unit is accessible through two entrances.

1. Access through the rear of the house through the basement door.
2. Access from the main level of the house through a stairway.

**Deficiency Item 5.08**

There are no known hazardous or toxic substances located in the house. See the attached signed hazmat statement.

**Deficiency Item 5.09**

See the attached signed conformance statement.

**Additional Documents**

--We request a waiver for the special permit plat. We make this request because there will not be any alterations to the exterior of the house. The current plat, although over ten years old, still accurately represents the current property state. Since the house was built there have not been any modifications or additions, such as a shed, deck, patio etc.

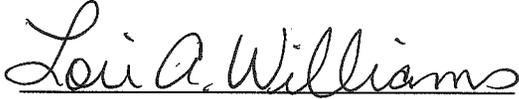
--Also attached is a certified statement by a licensed architect, Arencibia Architects, Inc., detailing and certifying the square footage of each level of the house and the percentage of the dwelling unit.

We request a special permit be approved to use part of our basement space as accessory dwelling unit under section 8-918 of the zoning ordinance.

Thank you for your consideration.

Sincerely,

  
Richard A. Williams (Applicant/Title Owner)

  
Lori A. Williams (Co-Title Owner)

SP2016-0157

**Arencibia Architects Inc.**  
Residential/Commercial Design

1 July 2016

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

Re: 5847 Saddle Downs Place  
Centreville, Virginia 20120

To Whom It May Concern;

This letter has been prepared to demonstrate that an accessory dwelling unit is allowed in this residence. The residence is located in a RC Zoning District where an accessory dwelling unit is allowed as a Special Permit per Article 8 Part 9. The accessory dwelling unit is located in basement level and has an area of 1,527 SF, the remainder of the existing basement has an area of (utilities and unfinished storage) 758 SF. Below is the summary of each level Square Footage.

- Level 2: 2,908 SF
- Level 1: 2,289 SF
- Basement Level: 2,285 SF (including Accessory Dwelling Unit = 1,527 SF)
- Total SF of the residence = 5,197 SF (Level 2 and Level 1 only)

**Dwelling Unit Ratio = 29.38%**

= Accessory Dwelling Unit SF (1,527 SF) / Total SF of the residence (5,197 SF) x 100 %

We respectful request approval of this accessory dwelling unit use. If you have any questions, please contact me at your convenience. I can be reached via email at [arenarch1@verizon.net](mailto:arenarch1@verizon.net) or by phone as listed below.

Sincerely,

Javier A. Arencibia

CC: Jin Chung









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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 18, 2016  
 (enter date affidavit is notarized)

135294

I, Richard A. Williams, 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<br>(enter first name, middle initial, and last name) | ADDRESS<br>(enter number, street, city, state, and zip code) | RELATIONSHIP(S)<br>(enter applicable relationships listed in <b>BOLD</b> above) |
|---|--|---|
| Richard A. Williams                                       | 5847 Saddle Downs Place<br>Centreville, VA 20120             | <b>Applicant/Title Owner</b>  |
| Lori A. Williams  | 5847 Saddle Downs Place<br>Centreville, VA 20120             | <b>Co-Title Owner</b>   |
| James Park<br>Sky Construction                            | 14100 Sullyfield Circle<br>Suite 200<br>Chantilly, VA 20151  | <b>Agent</b>  |

(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: July 18, 2016  
(enter date affidavit is notarized)

135294

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)

Sky Construction, Inc.  
14100 Sullyfield Circle  
Suite 200  
Chantilly, VA 20151

**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)

James Park

(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)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 18, 2016  
(enter date affidavit is notarized)

135294

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)

NONE

(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**)

(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.

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 18, 2016  
(enter date affidavit is notarized)

135294

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: July 18 2016  
(enter date affidavit is notarized)

135294

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) Richard A. Williams [x] Applicant Lou A. Welkams [ ] Applicant's Authorized Agent

Richard A. Williams (applicant title owner) Lou A. Williams (cont/owner)  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18 day of JULY 2016, in the State/Comm. of VIRGINIA, County/City of FAIRFAX

Hellen Young Shin  
Notary Public

My commission expires: 10/31/2018



ju



# FAIRFAX COUNTY

APPENDIX 4

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

March 23, 2000

Carson Lee Fifer, Jr.  
McGuire, Woods, Battle & Boothe, L.L.P.  
1750 Tysons Boulevard - Suite 1800  
McLean, Virginia 22102-3915

RE: Special Exception  
Number SE 99-Y-033

Dear Mr. Fifer:

At a regular meeting of the Board of Supervisors held on February 28, 2000, the Board approved Special Exception Number SE 99-Y-033 in the name of Hacor, Incorporated, located on the east and west sides of Pleasant Valley Road, approximately 500 feet north of the intersection with Martins Hundred Drive. (Tax Map Numbers 53-1 ((5)) 36-40, 47 pt., 48-61, 62 pt., 68 pt.-71 pt., 81 pt., 82 pt., A pt., C pt. and D pt.; 53-3 ((7)) 63 pt.- 67 pt., E; and 43-3 ((3)) B pt., 27 pt., 28-30, 35 pt.) to permit a cluster subdivision pursuant to Section 3-C04 and 9-615 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions, and subject to the reservation of a 20-foot water line easement through Land Bay B to serve the proposed golf course:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
3. This Special Exception is subject to the provisions of Chapter 101 of the County Code, Subdivision Provisions. Any plat submitted pursuant to this Special Exception shall be in substantial conformance with the Special Exception Plat entitled "Hacor Special Exception Plat", prepared by BC Consultants, (Peter Rinek, Landscape Architect) and

dated September 2, 1999, as revised through November 16, 1999, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

4. Right-of-way of up to 56 feet from centerline, with additional right-of-way to accommodate a minimum centerline radius of 955 feet, shall be dedicated in fee simple to the Board of Supervisors at the time of subdivision plat approval, or upon demand, whichever occurs first. In the event that frontage improvements are not constructed, all required ancillary easements along Pleasant Valley Road shall be provided at no cost.
5. Right and left turn lanes shall be constructed into the site's entrances subject to the review and approval of VDOT and DPWES. All internal streets for the cluster subdivision shall be constructed to VDOT and PFM Standards; provided sidewalks shall be provided on both sides of the street.
6. All areas within Land Bays A and B, except for those areas inside the limits of clearing and grading for the private road servicing Tax Map Parcels 53-1 ((5)) 23-26, and the stormwater detention pond, shall be dedicated to the Fairfax County Park Authority (FCPA) in fee simple for use as a Natural Resource Park. Active recreation uses including , but not limited to: a golf course, golf driving range, equestrian activities, (except for equestrian trails) or athletic fields shall not be permitted. As used herein, the term "Natural Resource Park" shall mean that the park shall be maintained so as to preserve, protect and perpetuate the environmental, ecological, cultural, archaeological, and scenic assets of the property. The only development permitted within the park shall be the construction, installation, and maintenance of trails, as well as parking lots, roads to parking lots, information kiosks, signs, and other appurtenant features deemed necessary by the FCPA to serve visitors to the Natural Resource Park. In addition archaeological assessments, investigations, and recovery efforts within the park shall be permitted when such actions are deemed to be appropriate. Where practical and feasible, any and all trails within the park shall be placed in a manner so as to minimize their impact on abutting property that is planned for and is occupied with single family detached homes; provided however, that trails within the park may be visible from such abutting property. Any parking lots within the park shall be in reasonably close proximity to Pleasant Valley Road and shall be screened from that road by evergreen plantings, as determined by the Urban Forestry Branch of DPWES. Any such parking lots shall be designed and constructed in accordance with applicable Fairfax County regulations to accommodate vehicles accessing the park.

The following activities shall not be permitted within the park except to the extent necessary to remedy hazardous conditions or to locate, construct, and maintain any of the features and improvements referred to above that may exist or may be built within the park by the FCPA.

- Ditching, draining diking, filling, excavating, plowing, mining, drilling, removing topsoil, sand or other materials, construction of roads or structures within the park, except for the maintenance of existing fire and foot trails, connecting roads to parking lots, and the restoration and management of the natural area habitats;
- Cutting, destruction or removal of trees or other plants, except as necessary for disease control, the control of poisonous and/or noxious plants, the removal of dead or dying trees, and the restoration and management of the natural area habitats. However, the management and trimming of existing trees, shrubbery or other vegetation may be accomplished in accordance with accepted professional practice at the time such work is performed.
- Dumping ashes, trash, garbage or any such materials within the park, and
- Operating a landfill or placing dredged material within the park.

In order to accomplish the foregoing, the applicant shall record a special warranty deed consistent with Appendix 1 prior to recordation of the record plat for the subdivision.

7. Prior to recordation of the record plat for the property, the applicant shall record a conservation easement over the areas located within Environmental Quality Corridors (EQCs), as determined by the Department of Planning and Zoning (DPZ), that are located within Tax Map Numbers 53-1 ((5)) 23-26, in accordance with the Virginia Open Space Land Act for the benefit of the Fairfax County Board of Supervisors. The conservation easement shall ensure that areas within the EQC remain in undisturbed open space, and shall prohibit the construction of any structures, including fences. The easement shall further specify that undisturbed open space shall be maintained by hand, as needed only to remove dead and dying vegetation, and there shall be no fertilizing or mowing of weeds or grass. In addition, an 8 foot wide trail shall be constructed, generally adjacent to the stream within the Ellick Run Stream Valley in the area of the above referenced parcels, connecting the existing trail within the Virginia Run development to the stream valley trail

in Land Bay A. The trail and an area on both sides of the trail of sufficient width to allow for access and maintenance shall be dedicated in fee simple to the FCPA. If it is determined that dedication will result in the creation of less than four lots within the area referenced above, the applicant may instead obtain and record a public access easement rather than a deed of dedication for the stream valley trail. Purchasers of lots within this area shall be informed of these easements and the easements shall be recorded in the Land Records of Fairfax County.

8. Stormwater management shall be provided as determined by DPWES in accordance with the Public Facilities Manual (PFM). Best Management Practices (BMPs) for the portion of the site to be developed shall be maximized to the greatest extent feasible, as determined by DPWES.
9. Irrespective of the widths of the internal streets shown on the Special Exception Plat, the widths of internal subdivision streets shall be minimized, consistent with PFM and VDOT standards, as determined by DPWES, to enable road sections that do not include curb and gutter, such as open ditch designs, to be provided.
10. The limits of clearing and grading shown on the Special Exception Plat shall be strictly adhered to. For any phase of development, a grading plan which establishes the limits of clearing and grading necessary to construct the improvements planned for that phase shall be submitted to DPWES, including the Urban Forestry Branch, for review and approval. The extent of clearing and grading for each phase of construction shall be the minimum amount necessary, as determined by DPWES. Prior to any land disturbing activities for each phase of construction, a pre-construction conference shall be held between the DPWES and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, and the erosion and sedimentation control plan to be implemented during construction. In no event shall any area on the site be left denuded for a period longer than 14 days except for that portion of the site in which work will be continuous beyond the 14 days.
11. The design and construction of the future access road to the north of proposed lots 38 and 39 shall be accomplished in a manner which minimizes disturbance. The access road and stream crossing shall be constructed and located in the least disruptive manner feasible, considering cost and engineering, as determined by DPWES, and subject to the approval of the Urban Forestry Branch. A replanting plan shall be developed and implemented, as approved by the Urban Forestry Branch, for any areas located within and immediately adjacent to any EQC area that must be disturbed due to the construction of the access road, stream crossing or other aspect of the proposed development.

12. In addition to the limits of clearing and grading shown on the special permit plat, tree preservation areas on individual lots beyond those shown on the special exception plat shall be provided where feasible and desirable as determined by the Urban Forestry Branch at the time of review and approval of the subdivision plan or grading plan for each phase of development. Areas on individual lots where the preservation of such additional trees is to be provided shall be identified and delineated with limits of clearing and grading on the subdivision plan. At the time of first submission of the subdivision plan or grading plan for any phase of development that includes residential lots, a tree preservation plan shall be provided for review and approval by the Urban Forestry Branch, and implemented as approved by that Branch. The tree preservation plan shall include a tree survey for the area subject to that phase of development, which describes the location, species, size, accurate dripline, and condition of the trees to be preserved, as well as all trees 12 inches in diameter or greater that are located 25 feet of either side of the limits of clearing and grading. The condition analysis shall be prepared by a certified arborist, using the most current edition of "The Guide for Plant Appraisal". Specific tree preservation activities shall be reflected in the tree preservation plans, including methods to be implemented to ensure preservation through the construction process.
13. In order to achieve a maximum interior noise level to a level of approximately DNL 45 dBA, for all dwelling units located between the DNL 65-70 dBA highway noise impact contours, (140 feet from centerline), the following measures shall be employed:
- Exterior walls shall have a laboratory sound transmission class of at least 39.
  - Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than 20% of any façade they shall have the same laboratory STC as walls.
  - Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
  - In order to achieve a maximum exterior noise level of 65 dBA LDN, noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof shall be provided for those outdoor recreation areas, including rear yards, that are unshielded by topography or built structures. If acoustical fencing or walls are used, they should be architecturally solid from the ground up with no gaps or openings. The method employed must be of sufficient height to break all lines of sight between a line eight (8) feet above the centerline of the highway and a plane six (6) feet above the ground in affected outdoor recreational areas. The applicant may pursue other methods of mitigating highway noise if it can be demonstrated, through an independent noise study for review and approval

of DPWES that these methods will be effective in reducing exterior noise levels to DNL 65 dBA or less and interior noise levels to DNL 45 dBA or less.

14. Prior to issuance of the first RUP for the cluster subdivision, an 8 foot wide asphalt stream valley trail shall be constructed along the Ellick Run Stream Valley within the boundaries of Land Bay A, connecting to the stream valley trail described in Development Condition 7.
15. Any subdivision identification signs within the cluster subdivision shall be constructed in accordance with Article 12 of the Zoning Ordinance.
16. If blasting is required, and before any blasting occurs on the property, approval of the Fairfax County Fire Marshal shall be obtained, including, without limitation, the use of blasting mats. In addition, a professional consultant shall be retained to perform a preblast survey of each house or residential building, to the extent that any of these structures are located within one hundred fifty (150) feet of the blast site. The consultant shall request access to houses, buildings, or swimming pools that are located within said 150 foot range if permitted by the owner, to determine the preblast conditions of these structures. The consultants shall give adequate notice of both the scheduling of the preblast survey, and of the blast event itself. The consultant shall place seismographic instruments prior to blasting to monitor the shock waves. These seismographic monitoring records shall be provided to County agencies upon request. Upon receipt of a claim of actual damage from said blasting, the applicant shall meet at the site of the alleged damage to confer with the property owner within 15 days. All subcontractors shall maintain liability insurance to cover the costs of repairing any damages to structures which are directly attributable to the blasting activity, as determined by the pre- and post blast surveys.
17. The areas outside of the limits of clearing and grading within individual residential lots 9-14 and lots 40-47 as shown on the Special Exception Plat shall be maintained as undisturbed open space. There shall be no construction of any structures, including fences, within these areas. The undisturbed open space shall be maintained by hand as needed to remove only dead or dying vegetation or the removal of undesirable vegetation such as brambles and vines.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board. 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. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

March 23, 2000

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the subdivision has been recorded among the land records of Fairfax County. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. 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.

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

Attachment

cc: Chairman Katherine K. Hanley  
Supervisor - Sully District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Frank Jones, Assistant Chief, PPRB, DPZ  
Audrey Clark, Chief, Inspection Srvs., BPRB, DPW&ES  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Robert Moore, Trnsprt'n. Planning Div., Department of Transportation  
Ellen Gallagher, Project Planning Section, Department of Transportation  
Michelle A. Brickner Acting Director, Site Development Services, DPW&ES  
DPW&ES - Bonds & Agreements  
Department of Highways, VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner

**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.