COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

KURTIS L. AND CATHLEEN M. WARNER, SP 2017-SP-055 Appl. under Sect. 8-918 of the Zoning Ordinance to permit an accessory dwelling unit. Located at 7901 Manor House Dr., Fairfax Station, 22039 on approx. 5.03 ac. of land zoned R-C and WS. Springfield District. Tax Map 96-2 ((4)) 2. Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 20, 2017; and

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

1. The applicants are the owners of the land.
2. The applicants could build a guest house by right.
3. The applicants have read, understand, and concur with the development conditions as modified.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is APPROVED with the following limitations:

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the second kitchen. A 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, Kurtis L. Warner and Cathleen M. Warner, only, is not transferable without further action of the Board, is for the location indicated on the application, 7901 Manor House Drive, Fairfax Station, 22039, and is not transferable to other land.

3. This special permit is granted only for the purposes and/or uses indicated on the plat titled, "Special Permit Plat, English Hills" prepared by Paul K. Brazier, dated August 18, 2017, as submitted with this application, and is not transferable to other land.
4. A copy of this special permit shall be made available to all departments of the County of Fairfax, upon request.

5. 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.

6. The accessory dwelling unit shall contain a maximum of 1,755 square feet, excluding the cellar, and the layout shall be generally as depicted on the floor plans included as Attachment 1 to these conditions.

7. 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.

8. 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-year periods with prior approval of the Zoning Administrator, in accordance with Section 8-012 of the Zoning Ordinance.

9. 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.

10. An infill lot grading plan shall be submitted to Land Development Services for review and approval prior to the commencement of any land disturbance.

11. At the time of construction, the applicant shall consult with a certified arborist to identify critical root zones of trees adjacent to the proposed construction, and implement tree preservation measures including root pruning in areas where the critical root zones of trees could be disturbed by construction. The applicant shall install tree protection fencing along the limits of disturbance adjacent to any trees and vegetation proposed for preservation.

12. The applicant shall exclusively use native and non-invasive species for landscaping and other plantings on the site.

13. The applicant shall install LED or fluorescent lamps to the extent required by the building code.

14. The applicant shall install Energy Star appliances and equipment for refrigerators, dishwashers, water heaters, computers, monitors, televisions, and other appliances, to the extent possible.
15. The applicant shall use low emitting (zero-VOC) and low odor paints and sealants.

16. The applicant shall increase the R-value of thermal insulation for the roof to R-38 (minimum code requires R-20) and for the cavity walls to R-21 (minimum code requires R-20.5) to reduce heat loss/gain.

17. During construction, the applicant shall have a waste management plan utilizing the dumpster for strictly construction debris, and separate all recyclable materials in appropriate recycle containers.

18. The applicant shall use MERV 8 return air grille filters or comparable air grille filters on each permanently installed air handler, and used during construction.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

A Copy Teste:

Mary D. Paarl, Senior Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 26th day of
September, 2017.

Notary Public

My commission expires: 6/30/18