

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

WILLIAM WEISS, SP 2013-DR-027 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit within a proposed single family dwelling. Located at 9416 Atwood Rd., Vienna, 22182, on approx. 36,000 sq. ft. of land zoned R-2. Dranesville District. Tax Map 19-3 ((17)) 23. (In association with PCA 86-D-108) (Deferred from 10/9/13 at appl. req.) (Admin. moved from 11/20/13 at appl. req.) 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 December 4, 2013; and

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

1. The applicant is the owner of the land.
2. Some of the opposition that has been presented to the Board seems to deal with tree removal and some issues that really are not under the purvue of this Board.
3. In any event, most of those issues seem to be resolved or mitigated by the proffer condition amendment.
4. The Board has had some opposition to this application for various reasons, and also some support, including the McLean Citizens Association.
5. The Board has a favorable staff report.
6. One of the concerns the Board had was the accessory dwelling unit, at least according to one letter of opposition, seemed to be in a detached garage. That does not appear to be the case.
7. Under the Standards 8-918, the accessory dwelling unit shall be located within the structure of the single-family detached dwelling unit.
8. External entrances for the accessory dwelling unit shall be located on the side or the rear.
9. Notwithstanding suspicions of some of the neighbors in the area, it seems to comply with the Ordinance.

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 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 applicant only, William Weiss and/or Xin Tao, and is not transferable without further action of this Board, and is for the location indicated on the application, 9416 Atwood Road (36,000 square feet), 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 prepared by SDE, Inc. and GJB Engineering, Inc., titled "9416 Atwood Road," dated February 24, 2012 as revised through November 6, 2013, as submitted with this application and is not transferable to other land.
4. A copy of this special permit **SHALL BE POSTED in a conspicuous place in the accessory dwelling unit** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
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. In addition the accessory dwelling unit shall be occupied only by immediate family members of the owner of the property.
6. The accessory dwelling unit shall contain a maximum of 1,378 square feet, and the layout shall be generally as depicted on the floor plan 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 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. 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, twelve (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

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

A Copy Teste:

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

ACKNOWLEDGEMENT

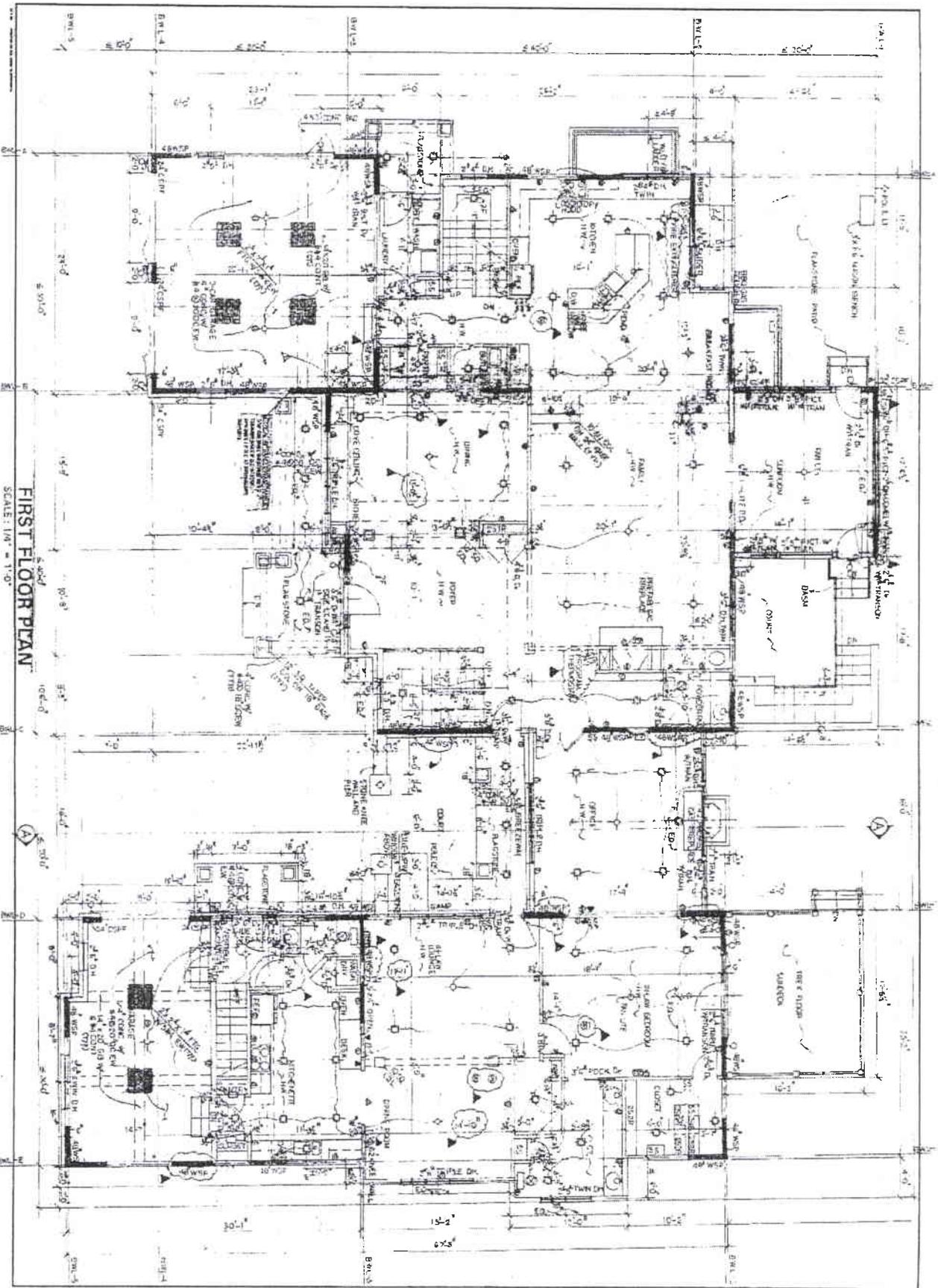
County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 12 day of
December, 2013.

Robert Wyatt Harrison
Notary Public

My commission expires: 9-30-2017





FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

ACCESSORY
Dwelling =
UNIT

Weiss - Tao Residence

YET CONSTRUCTION, Inc. DESIGN/BUILD www.yetconstruction.com (630) 983-9128

NO. 2	DATE 2/20/12
REV. 1	DATE
REV. 2	DATE
REV. 3	DATE
REV. 4	DATE
REV. 5	DATE
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