# CITY OF FAIRFAX, VIRGINIA

# APPLICATION PACKAGE AFFORDABLE DWELLING UNIT MODIFICATIONS

*The City of Fairfax is committed to the letter and spirit of the Americans with Disabilities Act. To request a reasonable accommodation for any type of disability, please call 703-385-7930, (TTY 711)*

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# APPLICATION PACKAGE
# AFFORDABLE DWELLING UNIT
# MODIFICATIONS

**CITY OF FAIRFAX**
**Department of Community Development and Planning**
10455 Armstrong Street, Annex Room 207
Fairfax, VA 22030

To the applicant:

To assist you in completing your request for a modification to the requirements of the City's Affordable Dwelling Unit (ADU) program, the application, affidavit forms and explanatory materials are attached for your use. **A pre-application meeting is required prior to the submission of an application and associated materials to the City.** Please contact Department of Community Development & Planning staff to arrange a pre-application meeting (Jason Sutphin, Community Development Division Chief – 703-385-7930 or jason.sutphin@fairfaxva.gov).

Once a fully completed application package is received by the Department of Community Development & Planning, the request will be evaluated and a staff report with a recommendation prepared. The report will be forwarded to the City Council for the required public hearing. The entire process, from application submittal to final action, takes approximately three to six months. Some applications will be processed in a shorter period of time, some longer, depending on the complexity of the application and whether this application is being considered concurrently with other submissions related to the applicant's proposal.

Please follow the instructions carefully, as no application will be processed until all required materials and the application fee are submitted to the Department of Community Development & Planning (Room 207A, City Hall, 10455 Armstrong Street). If you have any questions pertaining to the application process, please contact the Department of Community Development & Planning (703-385-7930).

City of Fairfax – Community Development and Planning
10455 Armstrong Street #207A Fairfax, VA 22030
Phone: 703-385-7930

Application #:_____
Receipt #:_____

# AFFORDABLE DWELLING UNIT MODIFICATION

**- $5,125.00 NON-REFUNDABLE FEE –**

## 1. PROPERTY LOCATION INFORMATION

Property Address_____Tax Map #_____

Project Name_____Project Description_____

_____

_____

_____

## 2. ☐ APPLICANT or ☐ AUTHORIZED AGENT INFORMATION (check as appropriate)

Applicant Name_____(circle one): Corporation / Gen Partnership / Ltd Partnership / Sole Proprietorship / Individual

Applicant Address _____

Phone (o)_____(c)_____Email_____

Applicant or Authorized Agent Signature _____

Relationship to project (circle one): Property owner / Contract purchaser / Lessee / Agent

## 3. APPLICANT CERTIFICATION STATEMENT Section 110-6.2.3

I certify that I have read and understand my application to comply with Zoning Ordinance Section 6.2.3 which states that an application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with the applicable requirements of this chapter; that the burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant; that each application is unique and, therefore, more or less information may be required according to the needs of the particular case; that staff has the flexibility to specify submission requirements for each application and to waive requirements as appropriate; and that the applicant shall rely on the review official as to whether more or less information should be submitted.

Applicant or Authorized Agent Signature **(REQUIRED)**_____Date_____

## 4. ENGINEER, ARCHITECT, SURVEYOR or LANDSCAPE ARCHITECT, IF APPLICABLE (Same as Applicant ☐)

Licensed Professional's Name _____

Licensed Professional's Address _____

Phone (o)_____(c)_____Email_____

***OFFICE USE ONLY***

Current status of business license and fees
Treasurer: _____

Commissioner of Revenue: _____

Application #:_____
Receipt #:_____

APPLICANT AUTHORIZATION LETTER
(Signed by property owner/s)

To Whom IT May Concern:
I/We, _____, the undersigned title owner(s) of the property identified

below do hereby authorize _____of

_____, to act on my/our behalf in the furtherance of an application

for a _____on my/our property located at:

_____

Tax Map No: _____

Thank you in advance for your cooperation.

Date: _____ By: _____

COMMONWEALTH/STATE OF: _____

CITY/COUNTY: _____, TO WIT:

The forgoing instrument was acknowledged before me this _____ day of _____.

20____, by _____.

_____
Notary Public (Signature)

AFFIX NOTARY SEAL/STAMP

Notary Registration No: _____

My Commission Expires: _____

Application #:_____
Receipt #:_____

AGENT AUTHORIZATION LETTER
(Signed by applicant)

To Whom IT May Concern:
I/We, _____, the undersigned authorized applicant(s) of the property

identified below do hereby authorize _____

of _____, to act as my/our agent(s) in the furtherance of an

application for a _____on my/our

property located at: _____

Tax Map No: _____

Thank you in advance for your cooperation.

Date: _____ By: _____

COMMONWEALTH/STATE OF: _____

CITY/COUNTY: _____, TO WIT:

The forgoing instrument was acknowledged before me this _____ day of _____.

20____, by _____.

_____
Notary Public (Signature)

AFFIX NOTARY SEAL/STAMP

Notary Registration No: _____

My Commission Expires: _____

**AFFIDAVIT**
**CITY OF FAIRFAX**

I,_____, by_____do hereby make oath or affirmation that
(Name of applicant or agent)
I am an applicant in Application Number_____and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

| Name | Address | Relationship |
|---|---|---|
| | | |
| | | |
| | | |

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

Corporation Name: _____

| Name | Address | Relationship |
|---|---|---|
| | | |
| | | |
| | | |

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary):

Partnership Name:_____

| Name | Address | Relationship |
|---|---|---|
| | | |
| | | |
| | | |

2. That neither the Mayor nor any member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state).

_____
_____
_____

3. That within five (5) years prior to the filing of this application, neither the Mayor nor any member of the City Council, Mayor, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of $100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state).

_____
_____
_____

WITNESS the following signature: _____
Applicant or Agent

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this _____day of_____, 20_____, in the State of_____

My commission expires:

_____/_____
Notary Public Registration #

# POSTED NOTICE INSTRUCTIONS

**Instructions to the Applicant or Agent** – these instructions are provided by the City so that you (applicant/agent) will know how to obtain and install on the application property the required 'Posted Notice' that invites the public to give testimony during a hearing by the appropriate decision-making body considering your request for use, development or redevelopment of the subject property.

Pursuant to Section 6.2.5.B.3 the City is required to provide the public notice sign to post on the subject property. You will need to follow these instructions that are provided to ensure that the requirements of the Code of the Commonwealth of Virginia and the requirements of the Code of the City of Fairfax are met.

**Applicability**
Rezoning, Special Exception, Special Use Permit, Variance, and Appeal Cases

**Responsibility**
The applicant/agent will:

1. Visit the Department of Community Development and Planning, 10455 Armstrong Street, Room 207, Fairfax, VA on the pre-arranged date for sign pick-up to pay for the pre-ordered signs.
2. Pay for and obtain the "Posted Notice" package that will be provided by the assigned case manager/staff planner.
3. Review the location map that identifies where signs will need to be placed on the subject property.
4. Review and sign the affidavit that gives the dates when the signs must be visible on the subject property.
5. Place the sign(s) on the subject property as directed by City staff.
6. Contact the Zoning Office by email with photo documentation to confirm the property is ready for inspection.
7. Periodically inspect the property to ensure the sign(s) are secure and visible up to and including on the date of public hearing as given on the sign(s).
8. Remove the sign(s) from the property as instructed by staff following the advertised hearing date.

# AFFIDAVIT FOR POSTED NOTICE (SIGN)

I, _____ hereby affirm that I have received, read, understand and
Applicant/Agent Name
agree to abide by the 'Posted Notice Instructions to the Applicant' and location map depicting sign placement given to me on _____ as required by City Code, Chapter 110, Article 6.2.5.B.3.
Date

The subject property will be posted visibly and securely with **insert # of signs here** signs, from **Friday, insert posting date** to **Wednesday, insert date after hearing date**, including the date of the public hearing as given on the sign(s).

Notices will not be placed on trees, utility poles, or traffic control signs or elsewhere in the public right-of-way. All posted notices will be removed no later than **insert date no more than 10 days after hearing**.

A photo confirmation of the "Posted Notice" (sign) placement will be provided to the Zoning Office on date of placement.

_____ _____
Applicant/Agent Signature Date

**APPLICANT/AGENT MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED**

The above affidavit was subscribed and confirmed by oath or affirmation before me on this _____ day of _____ , 20_____, in the State of Virginia.

My commission expires _____.

_____
Notary Public/Registration No.

***OFFICE USE ONLY***

**Receipt #** _____ **Date Paid** _____ **Fee Paid** _____

**Associated Case #** _____ **Staff Initials** _____

# AFFORDABLE DWELLING UNIT MODIFICATION REQUEST INSTRUCTIONS

Applicants submitting requests to the City Council for a modification to the City's Affordable Dwelling Unit program (City Code Section 110-3.9) will only be eligible to submit after attending the **required pre-application meeting** with the Chief of the Community Development Division. Prior to the pre-application meeting, the applicant should review City Code Section 110-6.19 (procedures for Affordable Dwelling Unit Modifications).

Modifications to the City's Affordable Dwelling Unit program require the approval of City Council following a public hearing. Community Development Division staff will notify the applicant of the hearing date, which may be held concurrently with other submissions related to the applicant's proposal, if applicable.

All Affordable Dwelling Unit Modification applications must include the following:

- ☐ Completed application form
- ☐ Applicant authorization letter
- ☐ Agent authorization letter
- ☐ Affidavit form
- ☐ Filing fee in check or money order.
- ☐ Statement of Justification (see application requirements for City Code Section 110-6.19.3.A and reference Affordable Dwelling Unit Modification Review Criteria, City Code Section 110-6.19.7)

Additional information shall be required for applications requesting modifications from the provisions of City Code Sections 110-3.9.3.C, 3.9.3.D, or 3.9.3.E in accordance with City Code Section 110-6.19.3.B (Cash Contributions to the City's Affordable Housing Trust Fund). Requested modifications to these provisions should be discussed with City staff during the **required pre-application meeting**. Applicants are advised to review the limitations regarding the reduction of Affordable Dwelling Units (City Code Section 110-6.19.8) prior to the pre-application meeting.

The information listed below may be required to complete the application package. The applicability of these items and the content of a complete submission package including the number of copies of plans/drawings will be determined on a case-by-case basis and explained during the **required pre-application meeting**:

- ☐ Copies of drawings indicated below:
  - ◆ Certified plat of property bearing a certification date within 6 months of date of filing the application (PLAT MUST BE SIGNED BY PROPERTY OWNER(S).
  - ◆ Floor layout plans with dimensions of living spaces, including bedrooms, bathrooms, kitchens, living rooms, dining rooms and any other rooms and total square footage of units
  - ◆ Building elevations

- ☐ Site layout plan (24’ x 36’ and 11’ x 17) including the following information in tabular form or depicted:
  - Tax map number of property
  - Zoning district classification
  - Gross area of property
  - Existing conditions
  - Development plan with dimensional standards
  - Floodplain area and RPA delineation where applicable
  - Number and location of units designated as Affordable Dwelling Units
  - Total number of units in the development by number of bedrooms
  - Parking (required/provided)
  - Building setbacks (required/provided)
  - Phases of development
- ☐ Documentation for associated state and federal housing programs