



APPLICATION ACCEPTED: September 7, 2007
BOARD OF ZONING APPEALS: December 4, 2007
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 27, 2007

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2007-PR-100

PROVIDENCE DISTRICT

APPLICANT: The Christopher Companies d/b/a
Christopher Management, Inc.

TITLE OWNER: Roger Coney

SUBDIVISION: Morgan Chase

STREET ADDRESS: 7874 Promontory Court

TAX MAP REFERENCE: 39-4 ((52)) 25

LOT SIZE: 4,803 square feet

ZONING DISTRICT: PDH-4

ZONING ORDINANCE PROVISION: 8-923

SPECIAL PERMIT PROPOSAL: To permit existing fence greater than 4.0 feet
in height to remain in the front yard.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) 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.

O:\dhedr\Special Permits\SP's for Christopher Companies fences (12-4)\SP 2007-PR-100\SP 2007-PR-100 Lot 25 fence staff report.doc

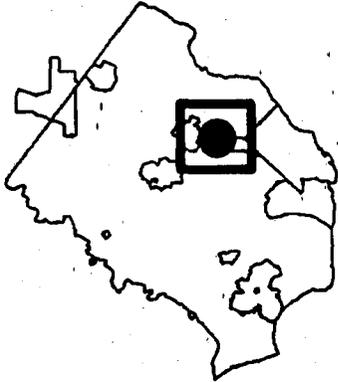
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2007-PR-100

Applicant: THE CHRISTOPHER COMPANIES D/B/A CHRISTOPHER MANAGEMENT, INC.
Accepted: 09/07/2007
Proposed: TO PERMIT EXISTING FENCE GREATER THAN 4.0 FEET IN HEIGHT TO REMAIN IN FRONT YARD



Area: 4,803 SF OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 08-0923

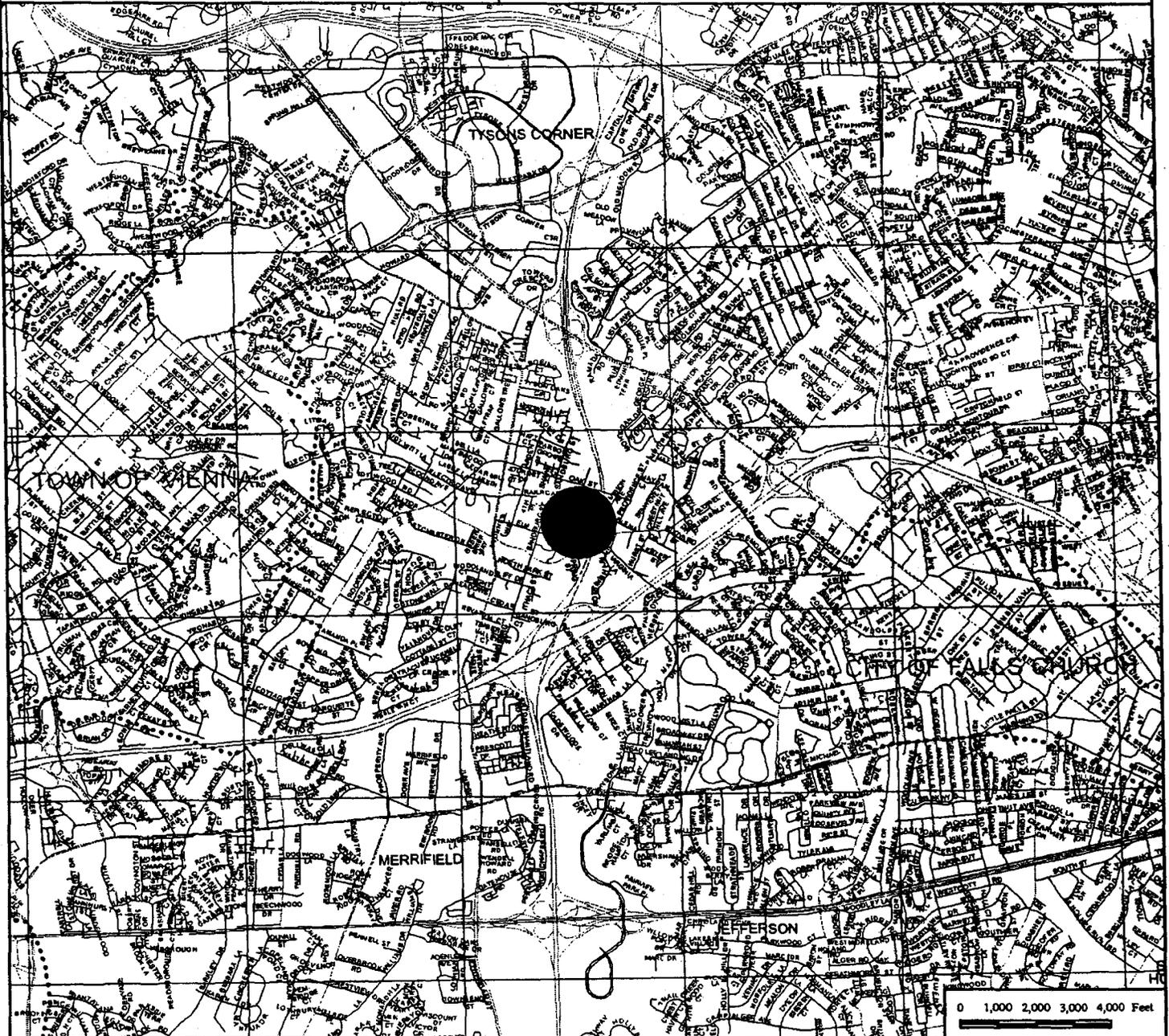
Art 8 Group and Use: 9-22

Located: 7874 PROMONTORY COURT

Zoning: PDH- 4

Overlay Dist:

Map Ref Num: 039-4 /52/ /0025

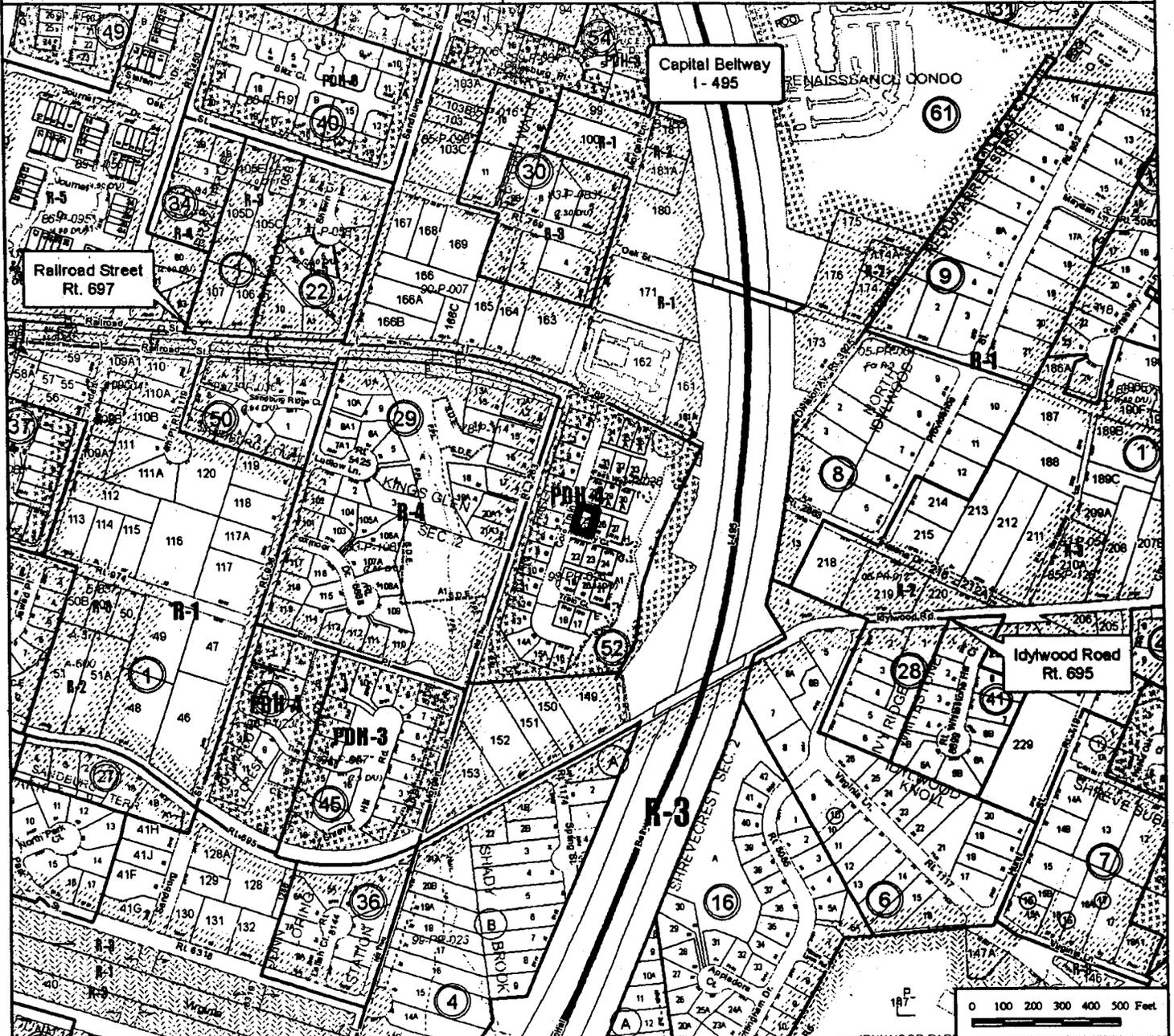
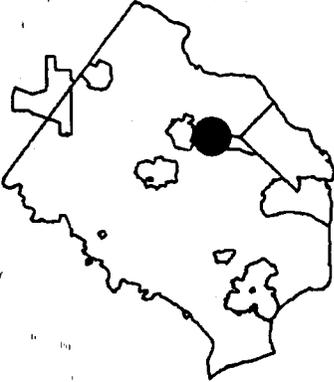


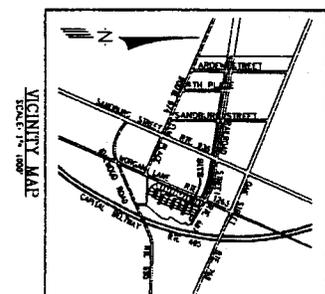
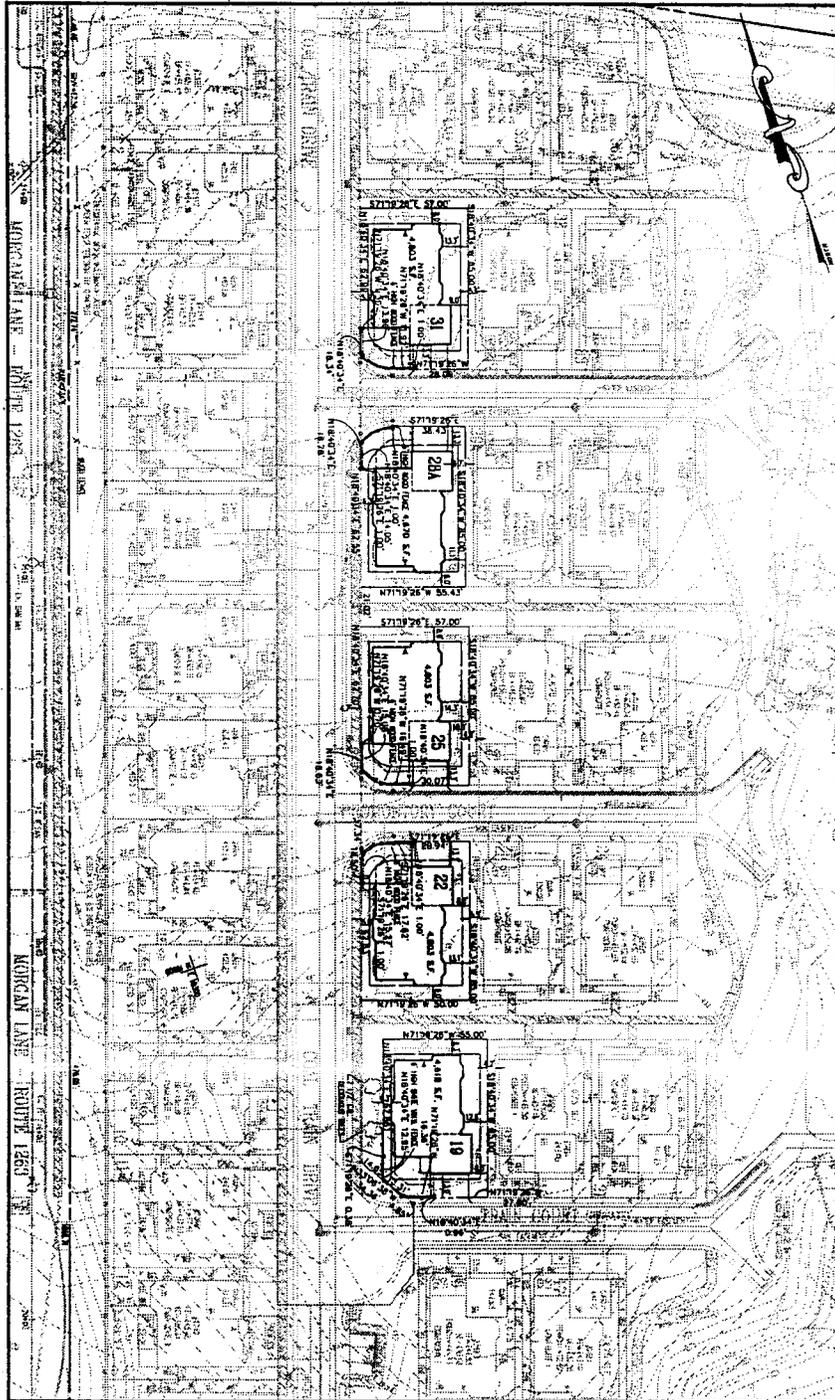
Special Permit
SP 2007-PR-100

Applicant: THE CHRISTOPHER COMPANIES D/B/A CHRISTOPHER MANAGEMENT, INC.
Accepted: 09/07/2007
Proposed: TO PERMIT EXISTING FENCE GREATER THAN 4.0 FEET IN HEIGHT TO REMAIN IN FRONT YARD

Area: 4,803 SF OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 08-0923
Art 8 Group and Use: 9-22
Located: 7874 PROMONTORY COURT
Zoning: PDH- 4
Overlay Dist:
Map Ref Num: 039-4-152/10025

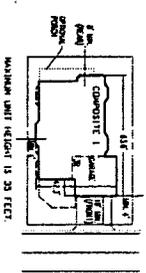




NOTES:

1. SEE PROPOSER'S SPECIFIC TO 2015, 2016 AND 2017 LOCAL BY ASSOCIATION MAP
2. THIS PLAN IS FOR A BZA SPECIAL PERMIT APPLICATION TO ADDRESS A
3. PORTION OF EXISTING FENCES AND LANDSCAPE MATERIAL TO BE PROVIDED
4. THERE ARE NO FLOOD PLAINS, RECORD PROJECTION AREAS, RECORD
5. MANUFACTURED AREAS OR ENVIRONMENTAL QUALITY CONCERNS ASSOCIATED WITH
6. THIS SPECIAL PERMIT APPLICATION.

TYPICAL UNIT DIMENSIONS AND MINIMUM YARDS



LEGEND:

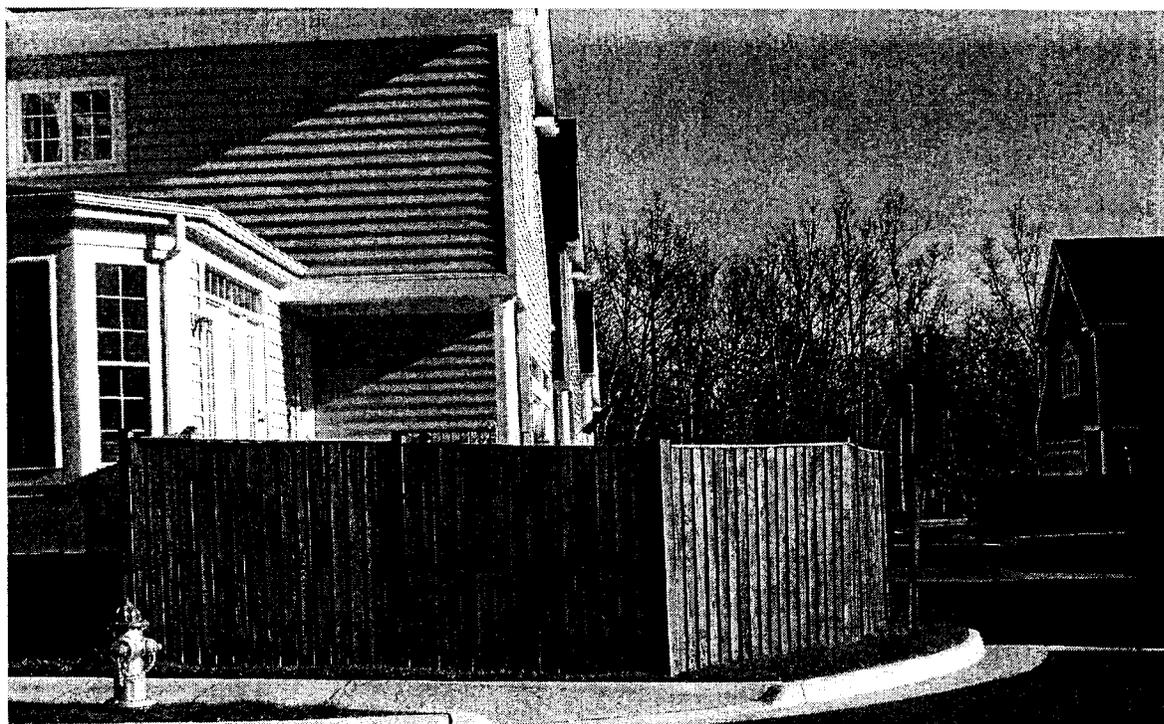


BZA SPECIAL PERMIT APPLICATION PLAT MORGAN CHASE PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA			URBAN ENGINEERING & ASSOC., INC. CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS 7711 LITTLE RIVER TURNPIKE ANNANDALE, VIRGINIA 22003 (703) 842-8800	PLANNED 01/10/07 06/15/07
SCALE: 1"=50' CI: 2 DATE: JANUARY, 2007	SHEET 1 OF 1			NO. DATE DESCRIPTION BY DATE APPROVED DATE REVISION APPROVED BY DIVISION OF DESIGN REVIEW

Tax Map # 39-4-((52))-25
Property Location: 7874 Promontory Court



View looking north from Coal Train Drive.



View looking east from Coal Train Drive.



View of double front yard.

DESCRIPTION OF THE APPLICATION

To permit an existing 6.0 foot high fence to remain in the front yard.

	Structure	Yard	Height Permitted By right	Existing Height	Modification Requested
Special Permit	Fence	Front	4.0 feet	6.0 feet	2.0 feet

Notwithstanding that the application property was advertised as a corner lot, it has since been determined that Parcel H, an outlot owned by the Morgan Chase Homeowners Association, is located between Lot 25 and Promontory Court. A copy of the recorded deed and an exhibit provided by the engineer are attached as Appendix 4, which shows this outlot. Therefore, the adjacent yard is a side yard and the property is not a corner lot.

ANALYSIS OF THE APPLICATION

- **Title of Plat:** BZA Special Permit Application Plat, Morgan Chase, Providence District, Fairfax County, Virginia
- **Prepared by:** Urban Engineering & Assoc., Inc., dated January 10, 2007 as revised through August 15, 2007

Description of Special Permit

The applicant is requesting special permit approval to permit an existing 6.0 foot high fence to remain in the front yard. The Zoning Ordinance currently permits 4.0 feet by right; however, through special permit application an applicant is able to request a fence in the front yard up to 6.0 feet in height. The dwelling faces Promontory Court. The fence is located in the yards facing Promontory Court and Coal Train Drive.

CHARACTER OF THE AREA

	Zoning	Use
North	PDH-4	Single family detached dwellings
South	PDH-4	Single family detached dwellings
East	PDH-4	Single family detached dwellings
West	PDH-4	Single family detached dwellings

BACKGROUND

Records indicated the dwelling was originally constructed in 2002.

A Notice of Violation (NOV) was issued to the developer; however, the case file has been closed while the applicant pursues the special permit for the fence to remain. The developer is under bond hold by the Department of Public Works and Environmental Services (DPWES) and the bond will not be released until this issue has been resolved.

ZONING ORDINANCE REQUIREMENTS (Appendix 5)

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application meets all of the following standards, copies of which are attached as Appendix 5:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Recorded Deed and Exhibit Referencing Outlots
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2007-PR-100

November 27, 2007

1. This special permit is approved for the location and maximum height of a fence as shown on the plat prepared by Urban Engineering & Assoc., Inc., dated January 10, 2007 as revised through August 15, 2007, as submitted with this application and is not transferable to other land.

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.

Application No.(s): SP 2007-PR-100
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: OCT 30 2007
 (enter date affidavit is notarized)

I, Lisa M. Chiblow, Land Use Planner, 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 97028a

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 BOLD above)
The Christopher Companies d/b/a Christopher Management, Inc. Agent: E. John Regan, Jr. W. Craig Havenner	10306 Eaton Place, Suite 450 Fairfax, VA 22030	Applicant/Contract Purchaser of Tax Map Nos. 39-4((52)) parcel 25
Roger Coney, Trustee aka Roger L. Coney f/b/a Roger Coney Revocable Trust Beneficiary: Roger Coney	7874 Promontory Court Dunn Loring, VA 22027	Title Owner of Tax Map No. 39-4-((52)) parcel 25
Urban Engineering & Associates, Inc. Agents: David T. McElhaney Alvis H. Hagelis	7712 Little River Turnpike Annandale, VA 22003	Engineers/Agent

(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).

Application No.(s): SP 2007-PR-100
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

Special Permit/Variance Attachment to Par. 1(a)

DATE: OCT 30 2007
(enter date affidavit is notarized)

97028a

(NOTE: All relationships to the application are to 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 BOLD above)
McGuireWoods LLP Agents: Gregory A. Riegler Carson Lee Fifer, Jr. Jonathan P. Rak David R. Gill Joanna C. Frizzell Mark M. Viani Sheri L. Hoy Lisa M. Chiblow Lori R. Greenlief	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent

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

Application No.(s): SP 2007-PR-100
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: OCT 30 2007
(enter date affidavit is notarized)

97028a

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)

The Christopher Companies d/b/a Christopher Management, Inc.
10306 Eaton Place, Suite 450
Fairfax, VA 22030

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)

E. John Regan, Jr.
W. Craig Havenner

(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.

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Special Permit/Variance Attachment to Par. 1(b)

DATE: OCT 30 2007
(enter date affidavit is notarized)

97028a

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

Urban Engineering & Associates, Inc.
7712 Little River Turnpike
Annandale, VA 22003

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Barry B. Smith
J. Edgar Sears, Jr.
Brian A. Sears

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

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: OCT 30 2007
(enter date affidavit is notarized)

97028a

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)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

(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)

Equity Partners of McGuireWoods LLP

Alphonso, Gordon R.
Anderson, Arthur E., II
Anderson, Donald D.
Andre-Dumont, Hubert
Bagley, Terrence M.
Baril, Mary Dalton
Barnum, John W.
Barr, John S.

Beane, John C.
Becker, Scott L.
Becket, Thomas L.
Beil, Marshall H.
Belcher, Dennis I.
Bell, Craig D.
Boland, J. William
Brown, Thomas C., Jr.

Busch, Stephen D.
Cabaniss, Thomas E.
Cacheris, Kimberly Q.
Cairns, Scott S.
Capwell, Jeffrey R.
Carter, Joseph C., III
Cason, Alan C.

(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.

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Special Permit/Variance Attachment to Par. 1(c)

DATE: OCT 30 2007
(enter date affidavit is notarized)

97028a

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

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

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

- | | | |
|-------------------------------|---------------------------|--------------------------|
| Cogbill, John V., III | Getchell, E. Duncan, Jr. | King, Sally Doubet |
| Costan, James M. | Gibson, Donald J., Jr. | King, Donald E. |
| Cromwell, Richard J. | Glassman, Margaret M. | Kittrell, Steven D. |
| Culbertson, Craig R. | Glickson, Scott L. | Kratz, Timothy H. |
| Cullen, Richard (nmi) | Gold, Stephen (nmi) | Krueger, Kurt J. |
| Cutchins, Clifford A., IV | Goldstein, Philip (nmi) | La Fratta, Mark J. |
| de Cannart d'Hamale, Emmanuel | Goodall, Larry M. | Lawrie, Henry deVos, Jr. |
| De Ridder, Patrick A. | Gordon, Alan B. | Lias-Booker, Ava E. |
| Dickerman, Dorothea W. | Grandis, Leslie A. | Lieberman, Richard E. |
| Dillon, Lee Ann | Greenberg, Richard T. | Little, Nancy R. |
| DiMattia, Michael J. | Grieb, John T. | Long, William M. |
| Dimitri, James C. | Harmon, Jonathan P. | Mack, Curtis, L. |
| Dorman, Keith A. | Harmon, T. Craig | Manning, Amy B. |
| Douglass, W. Birch, III | Harmon, Yvette (nmi) | Marianes, William B. |
| Dyke, James Webster, Jr. | Hartsell, David L. | Marshall, Gary S. |
| Edwards, Elizabeth F. | Hayden, Patrick L. | Marsico, Leonard J. |
| Evans, David E. | Hayes, Dion W. | Martin, George Keith |
| Feller, Howard (nmi) | Heberton, George H. | Martinez, Peter W. |
| Fennebresque, John C. | Horne, Patrick T. | Mason, Richard J. |
| Fifer, Carson Lee, Jr. | Isaf, Fred T. | Matthews, Eugene E. III |
| Foley, Douglas M. | Iselin, Benjamin B. | McArver, R. Dennis |
| Fox, Charles D. IV | Jackson, J. Brian | McCallum, Steven C. |
| France, Bonnie M. | Jarashow, Richard L. | McElligott, James P. |
| Freedlander, Mark E. | Jeffcoath, Brenton D. | McElroy, Robert G. |
| Freye, Gloria L. | Kanazawa, Sidney (nmi) | McFarland, Robert W. |
| Fuhr, Joy C. | Katsantonis, Joanne (nmi) | McIntyre, Charles Wm. |
| Germaise, Susan L. | Keenan, Mark L. | McRill, Emery B. |
| | | Menges, Charles L. |

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

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Special Permit/Variance Attachment to Par. 1(c)

DATE: OCT 30 2007
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970280

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

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

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

Menson, Richard L.
Michels, John J., Jr.
Milton, Christine R.
Murphy, Sean F.
Newman, William A.
Nunn, Daniel B., Jr.
Oakey, David N.
O'Grady, Clive R. G.
O'Grady, John B.
O'Hare, James P.
Oostdyk, Scott C.
Padgett, John D.
Pankey, David H.
Parker, Brian K.
Pellegrini, John B.
Plotkin, Robert S.
Pristave, Robert J.
Pusateri, David P.
Rak, Jonathan P.
Rappaport, Richard J.
Reid, Joseph K., III
Ricciardi, James P.
Richardson, David L.
Riegle, Gregory A.
Rifken, Lawrence E.
Riley, James B., Jr.

Riopelle, Brian C.
Robertson, David W.
Robinson, Stephen W.
Rogers, Marvin L.
Rohman, Thomas P.
Rosen, Gregg M.
Russell, Deborah M.
Rust, Dana L.
Samuels, Lawrence R.
Satterwhite, Rodney A.
Schewel, Michael J.
Schill, Gilbert E., Jr.
Schmidt, Gordon W.
Sellers, Jane Whitt
Senica, John L.
Shelley, Patrick M.
Sippelle, Keith A.
Skinner, Halcyon E.
Stone, Daniel K.
Smith, James C., III
Smith, Stuart (nmi)
Spahn, Thomas E.
Spitz, Joel H.
Stallings, Thomas J.
Steen, Bruce M.
Stein, Marta A.

Stone, Jacquelyn E.
Strickland, William J.
Summers, W. Dennis
Suzumoto, Mark L.
Swartz, Charles R.
Tarry, Samuel L., Jr.
Thornhill, James A.
Tirone, Joseph G.
Van der Mersch, Xavier G.
Van Etten, David B.
Vick, Howard C., Jr.
Walker, Howard W.
Walker, John Tracy, IV
Walsh, James H.
Watts, Stephen H., II
Wells, David M.
Werlin, Leslie M.
Westwood, Scott E.
Whittemore, Anne Marie
Williams, Steven R.
Williamson, Mark D.
Wilson, Ernest G.
Wood, R. Craig
Young, Kevin J.
Younger, W. Carter
Zirkle, Warren E.

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

Application No.(s): SP 2007-PR-100
(county-assigned application number(s), to be entered by County Staff)

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Special Permit/Variance Attachment to Par. 1(c)

OCT 30 2007

DATE: _____
(enter date affidavit is notarized)

9708a

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

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

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)
(Former Equity Partner List)

Aaronson, Russell T.
Adams, Robert T.
Ames, W. Allen, Jr.
Aucutt, Ronald D.
Baran, Barbara (nmi)
Bart, Hollis Gonerka
Blanco, Jim L.
Bolotov, Yuri A.
Bracey, Lucius H. Jr.
Broaddus, William G.
Burke, John W., III
Burkholder, Evan A.
Burrus, Robert L. Jr.
Casey, James J.
Courson, Gardner G.
Cranfill, William T.
Crystal, Jules I.
Deem, William W.
den Hartog, Grace R.
Di Cioccio, Stephen J.
Dudley, Waller T.
Ezell, Sandra Giannone
Flemming, Michael D.
Franklin, Stanley M.
Gillece, James P., Jr.

Gordon, Mark L.
Grimm, William K.
Hampton, Glen W.
Harrington, James T.
Hodes, Scott (nmi)
Howard, Marcia Morales
Johnston, Barbara Christie
Joslin, Rodney D.
Kane, Richard F.
Keefe, Kenneth M., Jr.
Kidder, Jacquelyn F.
King, Michael H.
King, William H., Jr.
Klenk, Timothy C.
Lee, John Y.
Lutter, Paul A.
McGuigan, Philip P.
McGuire, Mark J.
McMenamin, Joseph P.
Melson, David E.
Mulroy, Thomas R.
Nizio, Francis (nmi)
Page, Rosewell II (nmi)
Pelton, Russell M.

Pickens, B. Andrew, Jr.
Price, James H., III
Sable, Robert G.
Schoeneberger, Keith P.
Serritella, William D.
Smith, Stephen R.
Starkman, Gary L.
Sterling, David F.
Stroud, Robert E.
Tetzlaff, Theodore R.
Tashjian-Brown, Eva S.
Valeta, Peter J.
Waddell, William R.
Wanguard, Robert E.
Williams, Stephen E.
Zehill, Louis W.
Yorke, John B.

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

Application No.(s): SP 2007-PR-100
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

OCT 30 2007

DATE: _____
(enter date affidavit is notarized)

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: OCT 30 2007
(enter date affidavit is notarized)

97028a

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.)
Carson Lee Fifer, Jr., Esquire (McGuireWoods LLP) donated in excess of \$100.00 to Supervisor Michael Frey.

Within the twelve-month period prior to the public hearing on this application, the law firm of McGuireWoods LLP, listed in Par. 1(a) of the affidavit as the applicant's attorney/agent, hosted a fundraising event for the re-election of Gerald Connolly to the Fairfax County Board of Supervisors, the costs of which exceeded \$100.00. E. John Regan, Jr. (Christopher Management, Inc., Applicant) donated in excess of \$100 to Gerald Connolly.

(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

Lisa M. Chiblow, Land Use Planner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30th day of OCTOBER 2007, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Patricia W. Young
Notary Public

My commission expires:  Patricia W. Young
Commonwealth of Virginia
Notary Public
Commission No. : 160928
Commission Expires 12/31/11

Special Permit/Variance Attachment to Par. 3

DATE: OCT 30 2007

97028a

(enter date affidavit is notarized)
SP 2007-PR-100

for Application No. (s): _____
(enter County-assigned application number (s))

- James W. Dyke, Jr., Esquire, (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.
- Jonathan P. Rak, Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.
- Gregory A. Riegle, Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.
- Carson Lee Fifer, Jr., Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a "Special Permit/Variance Attachment to Par. 3" form.

RECEIVED
Department of Planning & Zoning
AUG 16 2007
Zoning Evaluation Division

STATEMENT OF JUSTIFICATION SPECIAL PERMIT REQUEST

Morgan Chase
Tax Map Parcel No. 39-4-((52))-25
August 13, 2007

I. OVERVIEW

The Morgan Chase community was approved for single family residential development by the Board of Supervisors on February 2, 2000. The community is fully constructed. The unit on Tax Map Parcel No. 39-4-((52))-25 is a rear loaded dwelling unit, meaning vehicular and garage access is at the rear of the unit. As such, the unit has two front yards according to the Zoning Ordinance. It has been brought to the developer's and property owner's attention that fencing in front yards may not be higher than four (4) feet in height without Board of Zoning Appeal (BZA) approval. The constructed fencing measures six (6) feet in height. The issue is also affecting 4 other lots in the community for which separate special permit applications have been filed.

II. DESCRIPTION OF PROPOSAL

The purpose of this Special Permit application is to request the Board of Zoning Appeals (BZA) approval to allow six (6) foot fencing in the front yards of the above referenced parcel in accordance with Zoning Ordinance Section 8-923. Approval of this the requested fence height modification will bring the existing fence into conformance with the Zoning Ordinance.

Although technically defined as a front yard, the referenced fenced in area serves as a rear yard. The six (6) foot fencing was installed to provide a reasonable measure of privacy in what functions as the outdoor yard space for these homes. The aesthetic design and quality of the existing fencing is compatible with the character of the community. The fencing has no adverse impact on any of the surrounding properties.

III. SPECIFIC FENCE HEIGHT CRITERIA

The following is a description of the how the proposed application meets the specific criteria of Zoning Ordinance Section 8-923.

- The maximum fence height will not exceed six (6) feet.
- The fence meets the sight distance criteria contained in Zoning Ordinance Section 2-505.
- The fence height increase is warranted based on the orientation of the principal structure on the lot and the presence of multiple front yards.
- The privacy fence maintains the character of the existing development and is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale.
- The fence height increase does not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.

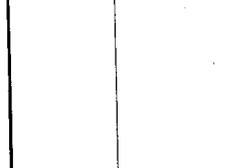
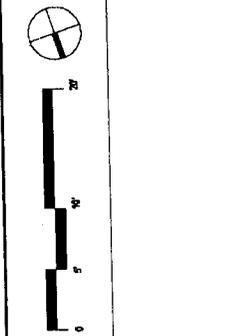
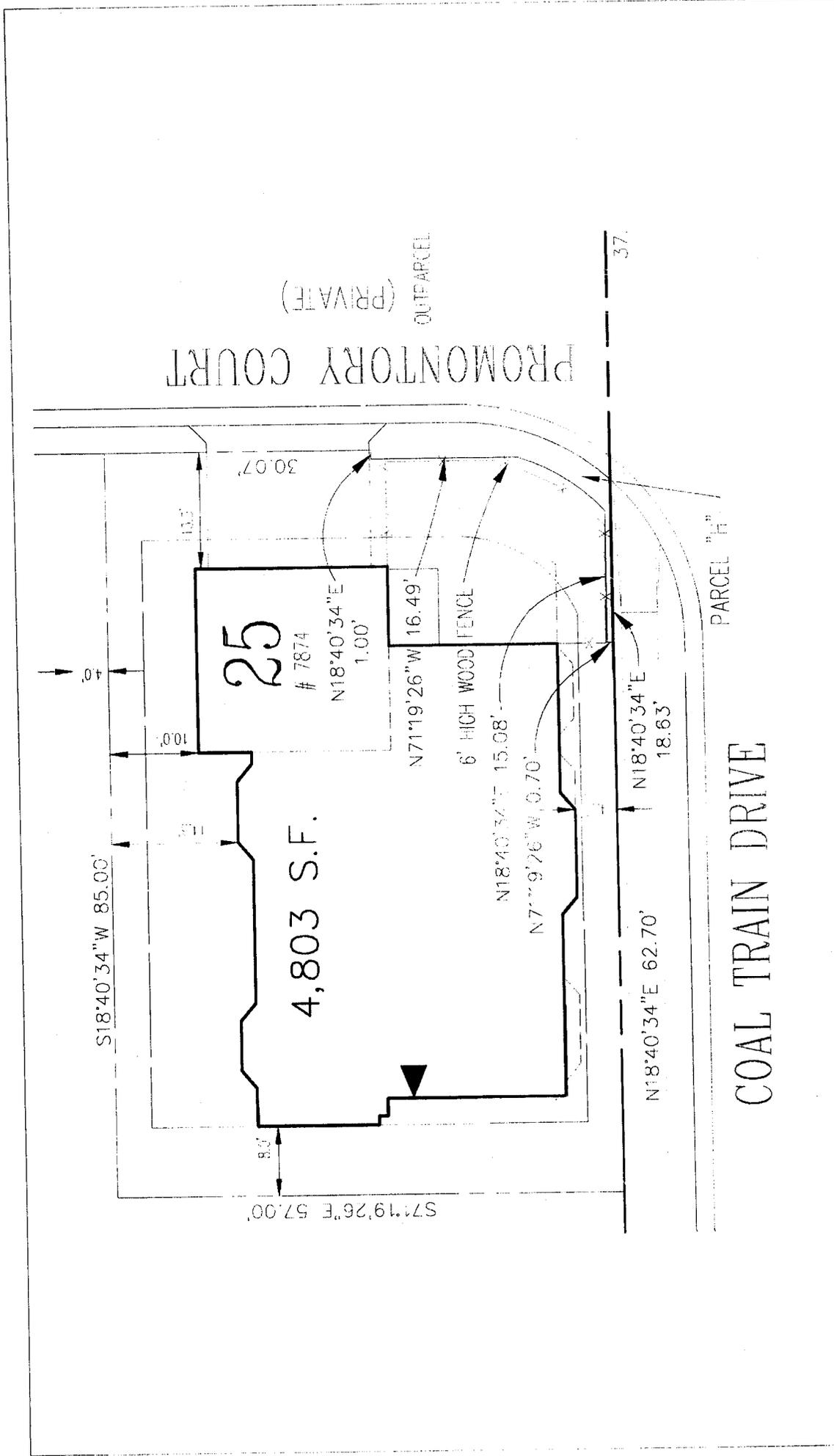
IV. CONCLUSION

The proposed development is consistent with current Comprehensive Plan recommendations and shall comply with all ordinances, regulations and adopted standards of Fairfax County. For all of the aforementioned reasons, the Applicant respectfully requests approval of this Special Permit request.

Respectfully submitted,



Lisa M. Chiblow, AICP
Land Use Planner



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.

8-923 *Provisions for Increase in Fence and/or Wall Height in Any Front Yard*

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.

- B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. If applicable, existing gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.