



APPLICATION ACCEPTED: October 19, 2007
BOARD OF ZONING APPEALS: January 15, 2008
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 8, 2008

STAFF REPORT

SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 97-B-024

BRADDOCK DISTRICT

APPLICANT: Marspan-Christopher Real Estate, LLC

ZONING: R-1

LOCATION: 10998 Clara Barton Drive

ZONING ORDINANCE PROVISION: 3-103

TAX MAP: 77-1 ((2)) 11

LOT SIZE: 33,280 sq. ft.
F.A.R.: 0.15

PLAN MAP: Planned Residential Community Use

SP PROPOSAL: Group 6 – To amend SP 97-B-024 previously approved for a kennel with ancillary veterinary hospital to permit change in permittee.

STAFF RECOMMENDATION: Staff recommends approval of SPA 97-B-024 subject to 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.

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.

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

O:\gchase\Change in Permittee\Marspan-Christopher\Marspan-Christopher.doc

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 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.**



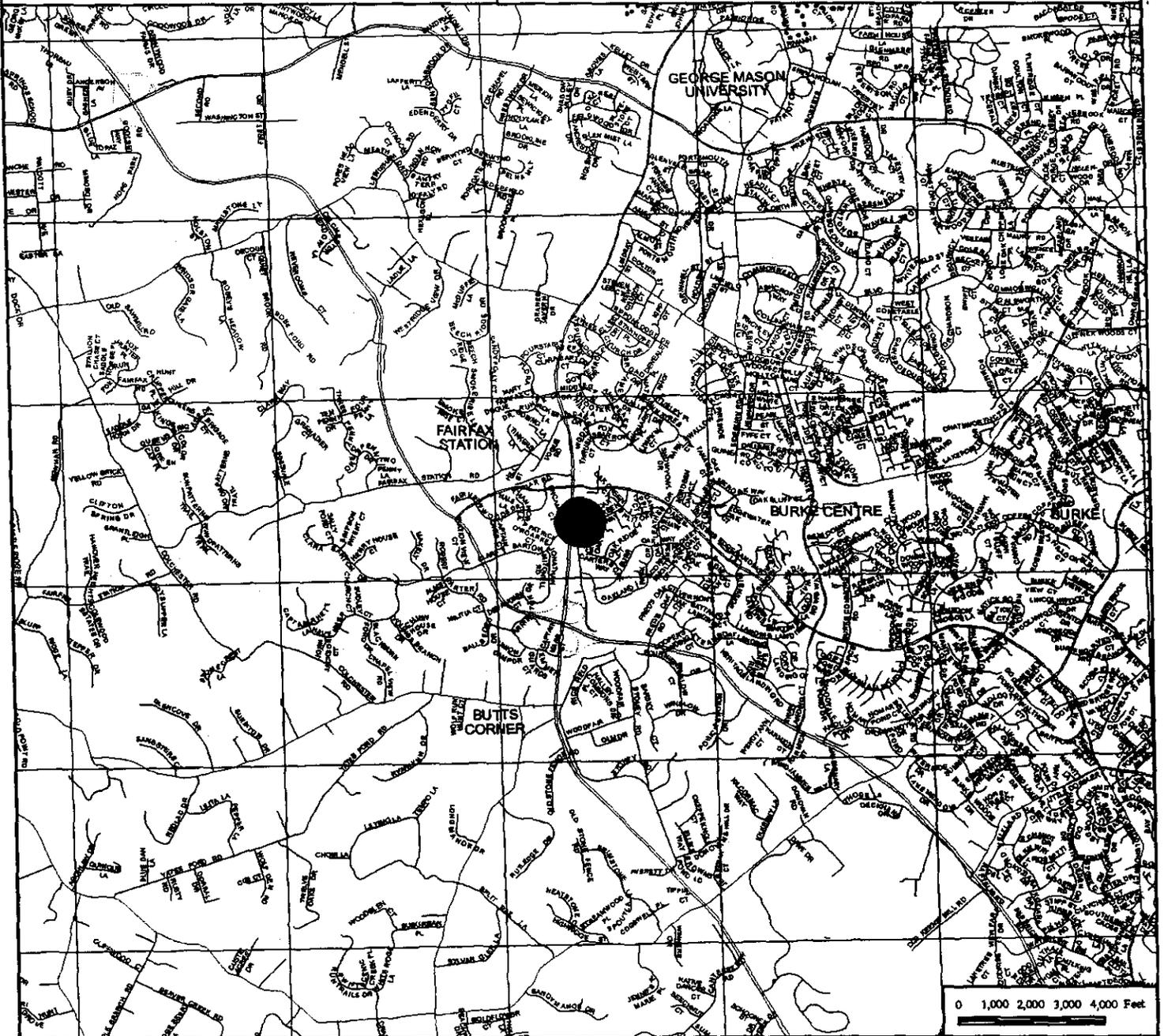
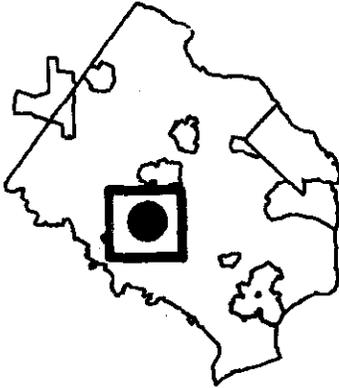
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit Amendment

SPA 97-B-024

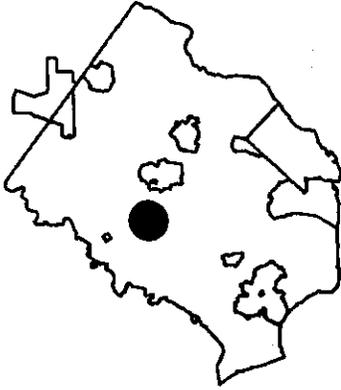
Applicant: MARSPAN-CHRISTOPHER REAL ESTATE, LLC
Accepted: 10/19/2007
Proposed: AMEND SP 97-B-024 PREVIOUSLY APPROVED FOR KENNEL WITH ANCILLARY VETERINARY HOSPITAL TO PERMIT CHANGE IN PERMITTEE

Area: 33,280 SF OF LAND; DISTRICT - BRADDOCK
Zoning Dist Sect: 03-0103
Art 8 Group and Use: 6-08
Located: 10998 CLARA BARTON DRIVE
Zoning: R- 1
Overlay Dist:
Map Ref Num: 077-1- /02/ /0011



Special Permit Amendment

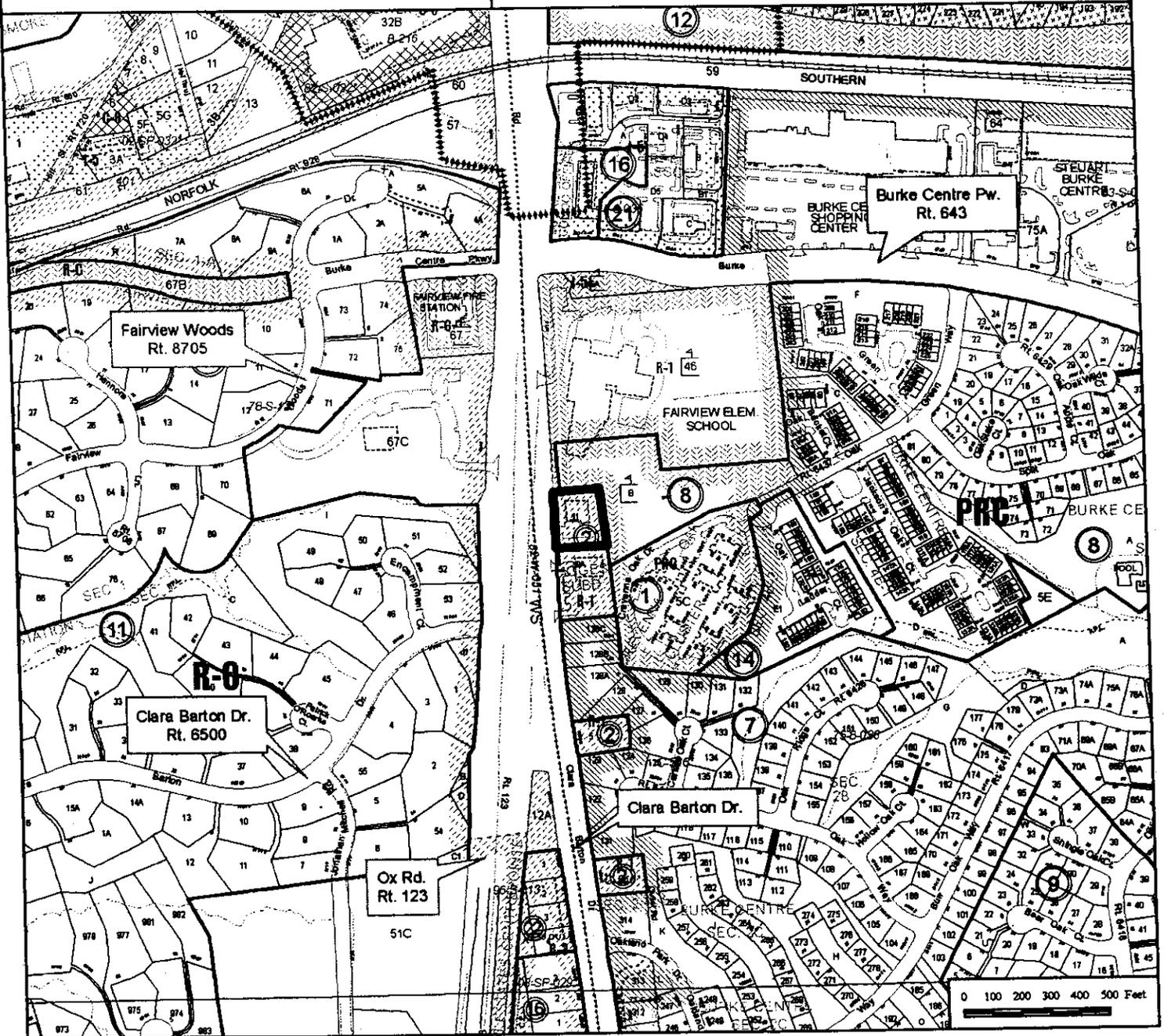
SPA 97-B-024



Applicant:
Accepted:
Proposed:

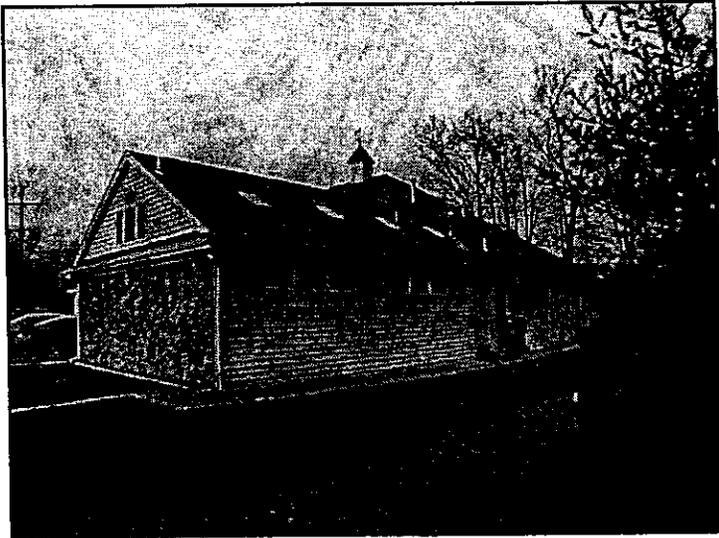
MARSPAN-CHRISTOPHER REAL ESTATE, LLC
10/19/2007
AMEND SP 97-B-024 PREVIOUSLY APPROVED
FOR KENNEL WITH ANCILLARY VETERINARY
HOSPITAL TO PERMIT CHANGE IN PERMITTEE

Area: 33,280 SF OF LAND; DISTRICT - BRADDOCK
Zoning Dist Sect: 03-0103
Art 8 Group and Use: 6-08
Located: 10998 CLARA BARTON DRIVE
Zoning: R-1
Overlay Dist:
Map Ref Num: 077-1- /02/ /0011

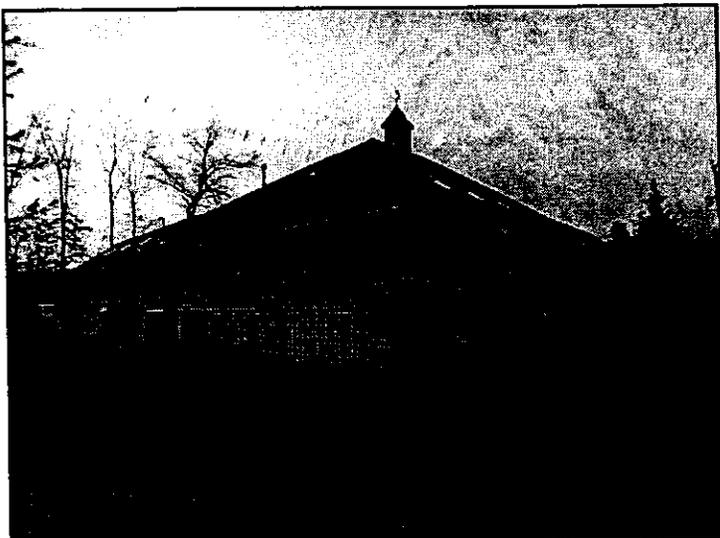




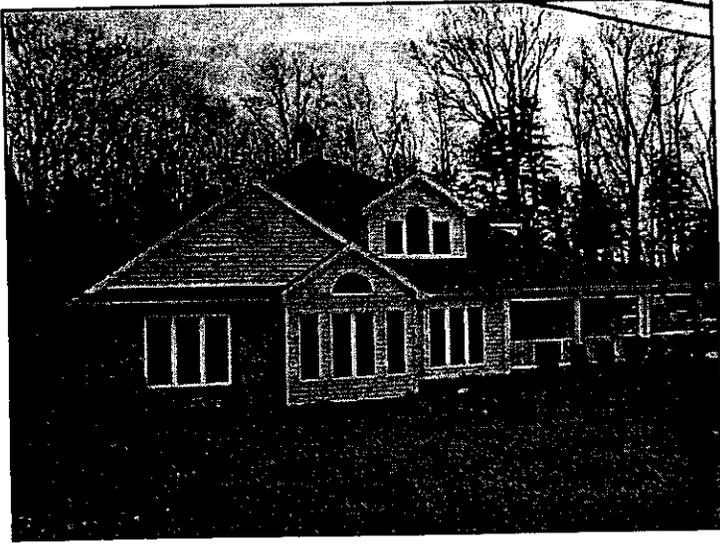
Three fourth view of front



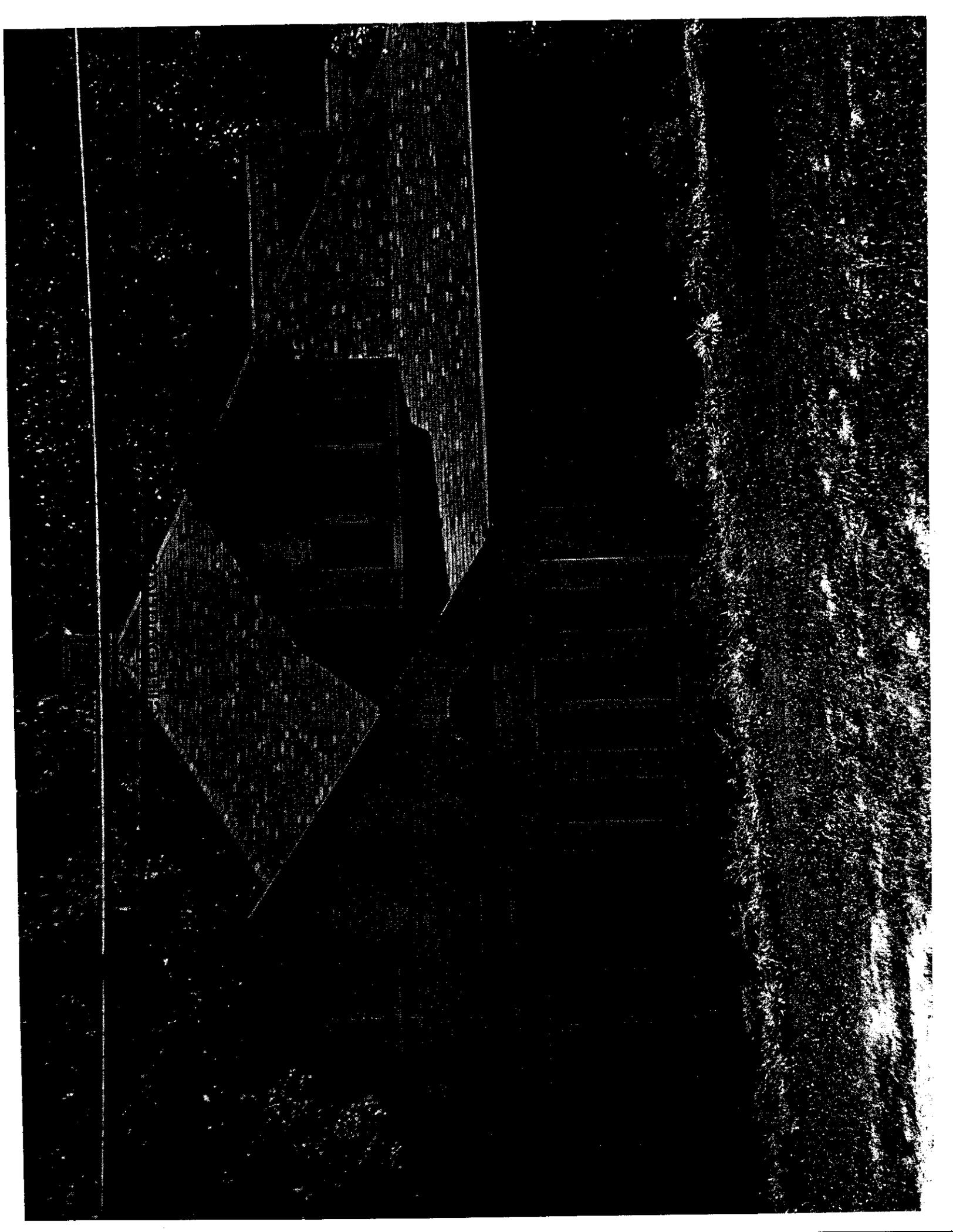
Rear and side



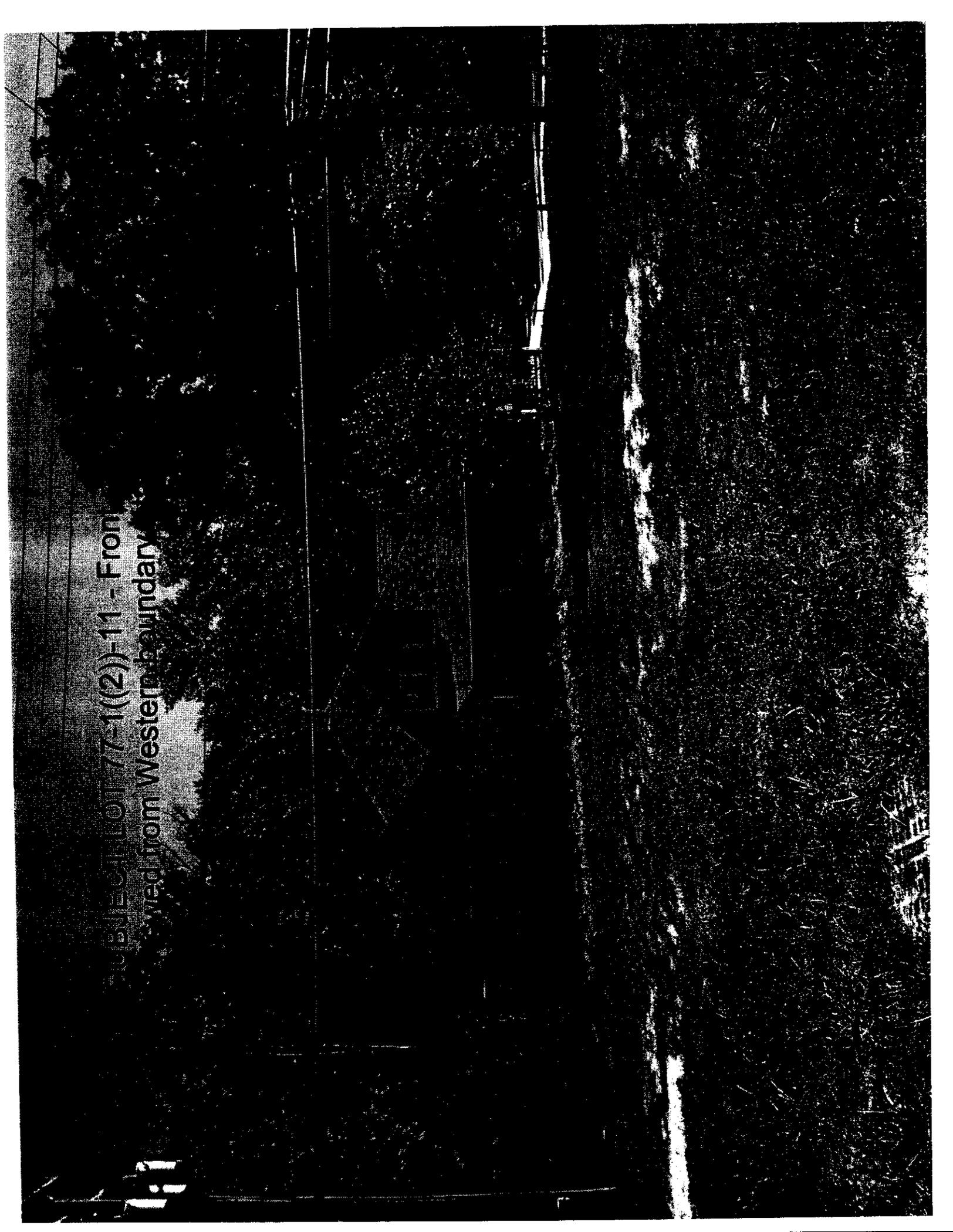
Three fourth view of rear

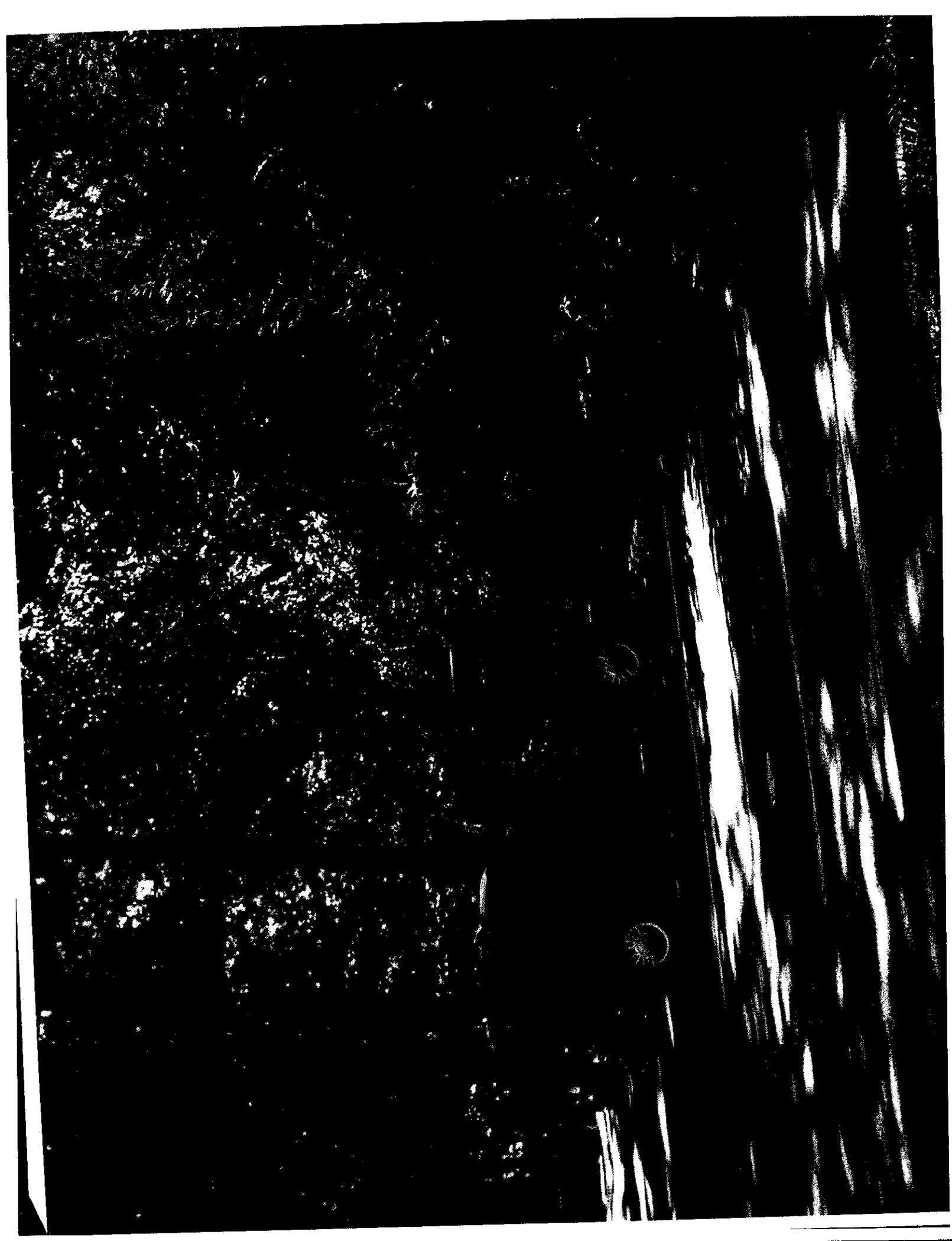


Front



SUBJECT: 77-1(2)-11 - From
viewed from Western boundary





Landscaping

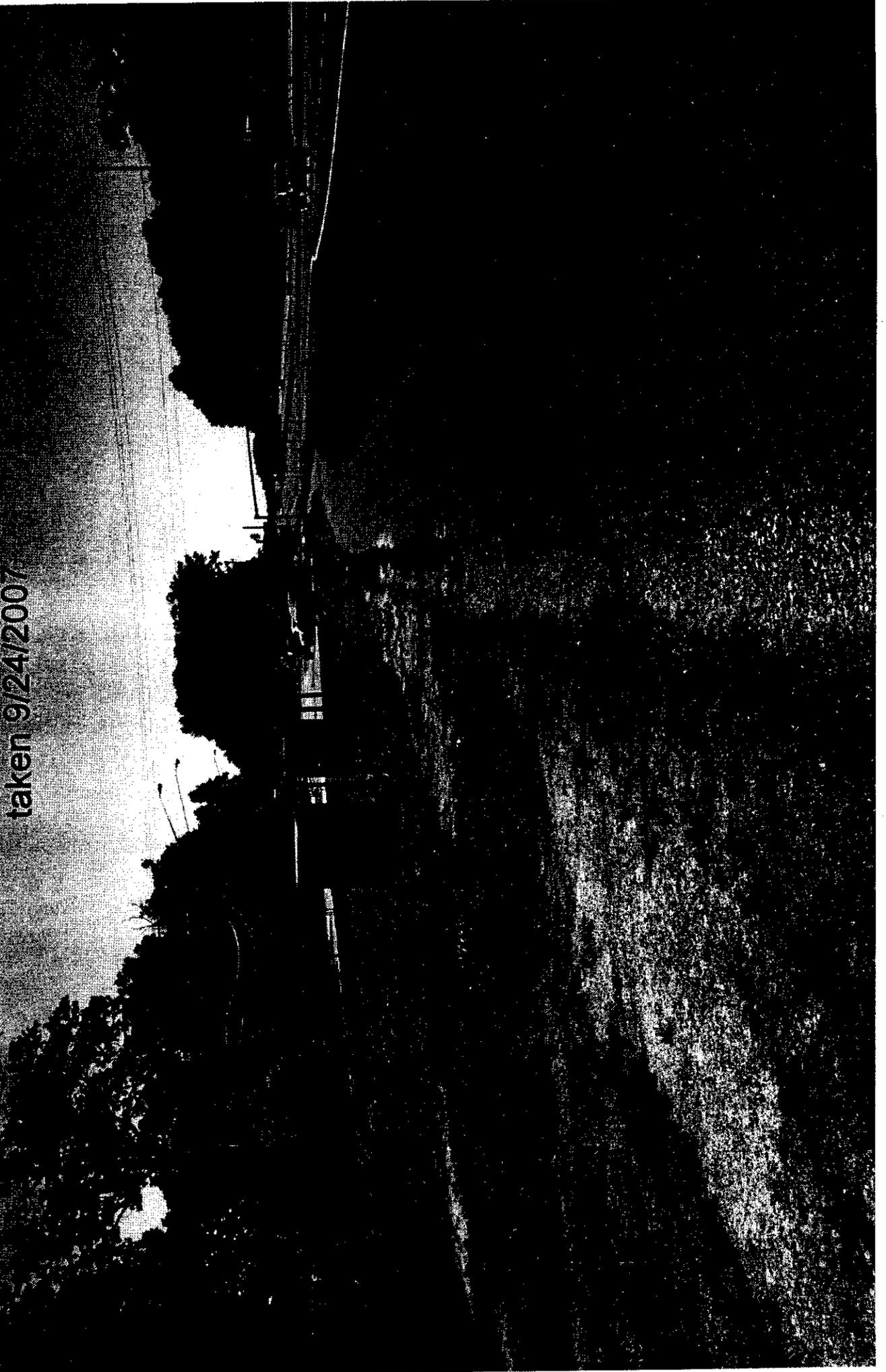
South view

subject Lo

02007

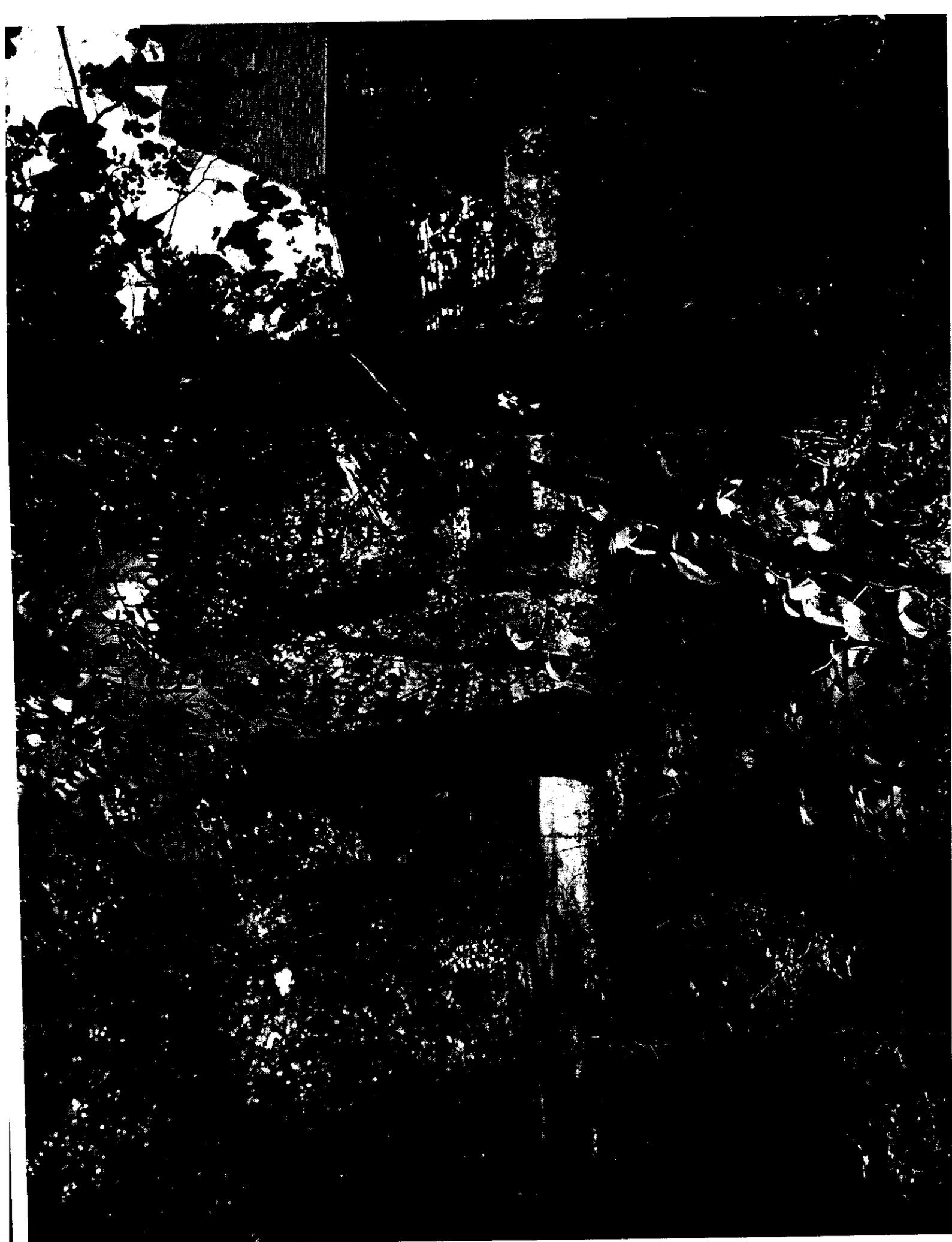


Subject to 77-1((2))-11 - Clara Barton Drive
(on Western Boundary of Lot) from the North
taken 9/24/2007



Member of
Committee on
9/24/71

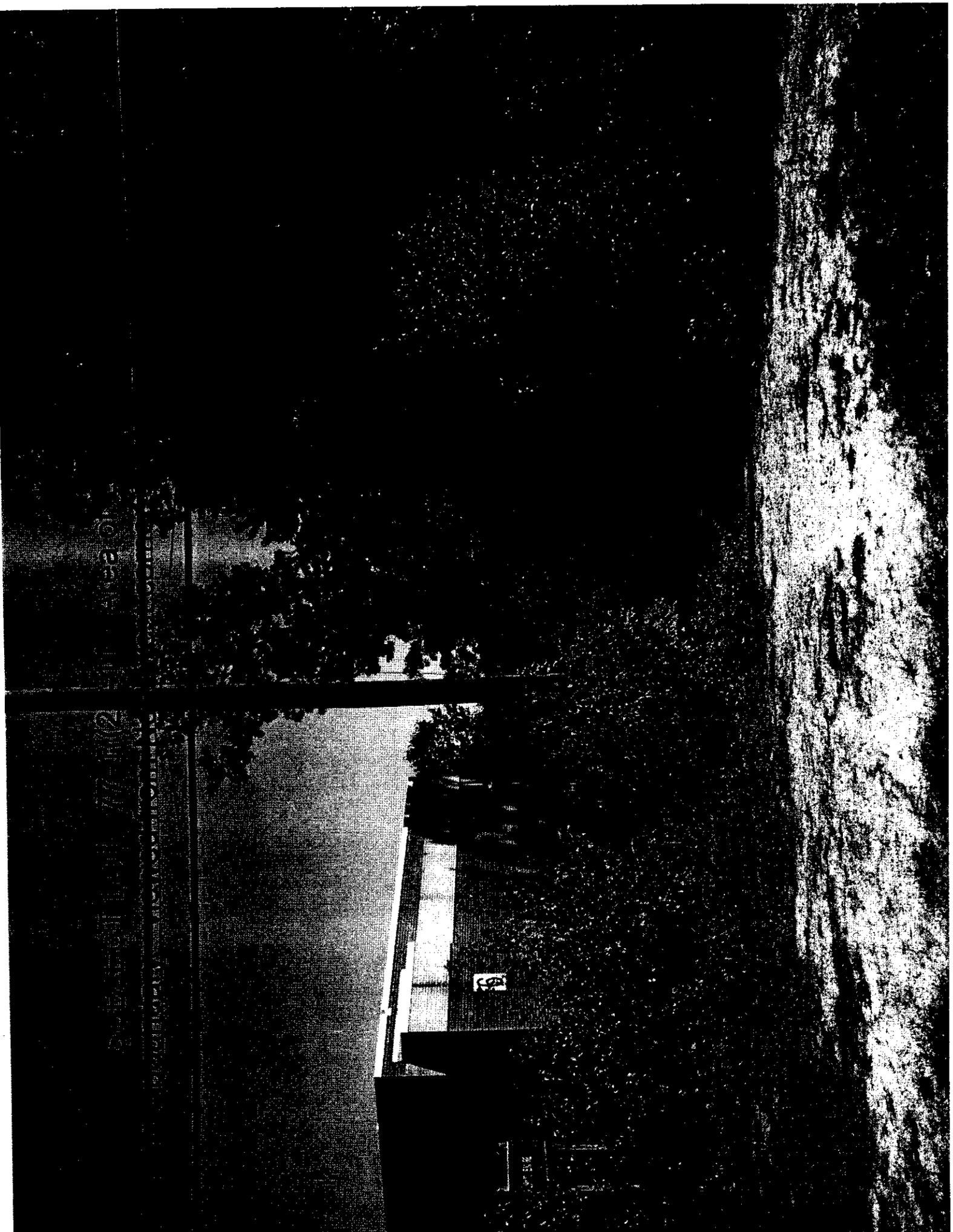






Subject Lot: 77-1((
Northern bo
from Northwest
taken 9/24/





DESCRIPTION OF THE APPLICATION

Special Permit Request: To amend SP 97-B-024 previously approved for a kennel with ancillary veterinary hospital to permit a change in permittee from Dr. Marilyn J. Thompson and Companion Animal Clinic of Virginia, Inc. to Marspan-Christopher Real Estate, LLC. No site or other modifications are proposed.

Existing and Proposed

Gross Floor Area: 4,992 square feet

Parking: 15 spaces

FAR: .015

Number of Patrons: 70 (kennels for boarding of pets)

Employees: 10

Hours:

Monday through Saturday: 8:00 a.m. to 7:00 p.m.
 Sunday: 10:00 a.m. to 2:00 p.m. (veterinary hospital)

6:00 a.m. to 9:00 p.m. seven days a week. (kennel)

LOCATION AND CHARACTER

Existing Site Description: The use is a freestanding 4,992 square foot building located on a 32,280 square foot parcel located at 10998 Clara Barton zoned R-1. Access to the site is provided by a curb cut onto Clara Barton Drive which accesses the parking lot for the site which includes 15 parking spaces. Vegetation is a mixture of deciduous and evergreen trees located along the periphery of the property. A storm water management pond is located in the southwestern quadrant of the property adjacent to the parking area.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Elementary School	R-1	Public Facilities
South	Child Care Center	R-1	Planned Residential Community
East	Elementary School	R-1	Public Facilities
West	Single Family Detached Dwellings	RC, WS	Residential .1 to .2 du/ac

BACKGROUND**Site History:**

Application	Date	Use	BZA Action*
SP 97-B-024*	8/12/1997	Kennel with ancillary hospital	Approved

* Approved with Development Conditions. The development conditions for SP 97-B-024 are included in the Appendix 4 of this report.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Pohick Planning District; Area III
Planning Sector: Middle Run Community Planning Sector (Middle Run P6)
Plan Map: Planned Residential Community Use

ANALYSIS**Special Permit Plat** (Copy at front of staff report)

Title of SP Plat: Special Permit Amendment Plat, Thompson/Clara Barton Drive
Prepared By: Dewberry and Davis
Dated: April 16, 1997, as revised through July 10, 1997

Proposed Use:

To amend SP 97-B-024 previously approved for a kennel with ancillary veterinary hospital to permit a change in permittee from Dr. Marilyn J. Thompson and Companion Animal Clinic of Virginia to Marspan-Christopher Real Estate, LLC. No site modifications or other changes are proposed. The existing structure is a freestanding 4,992 square foot building located on a 32,280 square foot parcel located at 10998 Clara Barton zoned R-1. The facility has 70 kennels and a staff of ten employees.

Land Use Analysis

According to the Comprehensive Plan Map, the site is planned for Planned Residential Community use. There are no land use issues associated with this request.

Transportation Analysis

There are no transportation issues associated with this request.

Environmental Analysis

There are no environmental issues associated with this request.

DPWES Stormwater Analysis

There are no stormwater management issues associated with this request.

ZONING ORDINANCE PROVISIONS

The application meets all bulk regulations as approved in conjunction with SP 97-B-024.

OTHER ZONING ORDINANCE REQUIREMENTS**Special Permit Requirements** (Appendix 5)

General Special Permit Standards (Sect. 8-006)
Standards for All Group 5 Uses (Sect. 8-503)

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report.

RECOMMENDATIONS

Staff recommends approval of SPA 97-B-024 subject to the Proposed Development Conditions 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.

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. Affidavit
3. Statement of Justification
4. SPA 97-B-024 Approval Resolution
5. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS**January 8, 2008**

If it is the intent of the Board of Zoning Appeals to approve SPA 97-B-024 located at Tax Map 77-1 ((2)) 11 to amend SP 97-B-024 previously approved for a kennel with ancillary veterinary hospital to permit a change in permittee pursuant to Sect. 3-103 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from previous special permits are marked with an asterisk. Minor edits have been made to these conditions to conform to current terminology. These are in **bold text**.

1. This approval is granted to the applicant, **Marspan-Christopher Real Estate, LLC**, only and is not transferable without further action of this Board, and is for the location indicated on the application, 10998 Clara Barton Drive, and is not transferable to other land.*
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Dewberry and Davis, dated April 16, 1997 as revised through July 10, 1997, approved with this application, as qualified by these development conditions. *
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.*
4. This special permit amendment is subject to the provisions of Article 17, Site Plans. **Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit amendment shall be in substantial conformance with these conditions. Minor modifications to the approved special permit amendment may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.** *
5. The area of the building utilized for an ancillary veterinary hospital shall not exceed 40% of the total gross floor area of the building. All grooming activities shall be associated with the kennel use and all grooming and veterinary hospital activities shall be ancillary to the kennel use. The kennel and ancillary veterinary hospital shall be located entirely within the structure except for the periodic walking of animals that are leashed and supervised. There shall be provisions to board a total of 70 animals, with no more than 50 animals boarding overnight.*
6. The maximum number of employees shall not exceed ten (10).*

7. A minimum of 15 parking spaces shall be provided on the site. All parking for the use shall be on-site as shown on the Special Permit Plat.*
8. The hours of operation for the kennel shall be limited to 6:00 a.m. to 9:00 p.m. seven days a week. The hours of operation for the ancillary veterinary hospital shall be limited to 8 a.m. to 7:00 p.m. Monday through Saturday, and 10:00 a.m. to 2 p.m. Sunday.*
9. The barrier requirements along all property boundaries shall be waived. **The transitional screening requirements shall be modified to the existing transitional screening on site and maintained as follows:**

North

Transitional Screening shall be provided along the northern property boundary within a planted strip with a minimum of 20 feet, as shown on the sketch contained as Exhibit A, for the purpose of maintaining the residential appearance of the building. Natural vegetation may be utilized where possible for transitional screening. The exact number, type and extent of the plant materials are subject to the determination of Urban **Forest Management, DPWES.**

East

Transitional Screening shall be provided along the eastern property boundary within a planted strip with a minimum of 25 feet, with the exception of the area surrounding the sanitary sewer lateral, as shown on Special Permit Plat, for the purpose of maintaining the residential appearance of the site. Natural vegetation may be utilized where possible for transitional screening. The exact number, type and extent of the plant materials are subject to the determination of Urban **Forest Management, DPWES.**

South

Transitional Screening shall be provided along the southern property boundary within a planted strip with a minimum width of 25 feet, as shown on the Special Permit Plat, for the purpose of softening the visual impact of the parking lot from the adjacent child care center. Natural vegetation may be utilized where possible for transitional screening. The exact number, type and extent of the plant materials are subject to the determination of Urban **Forest Management, DPWES.**

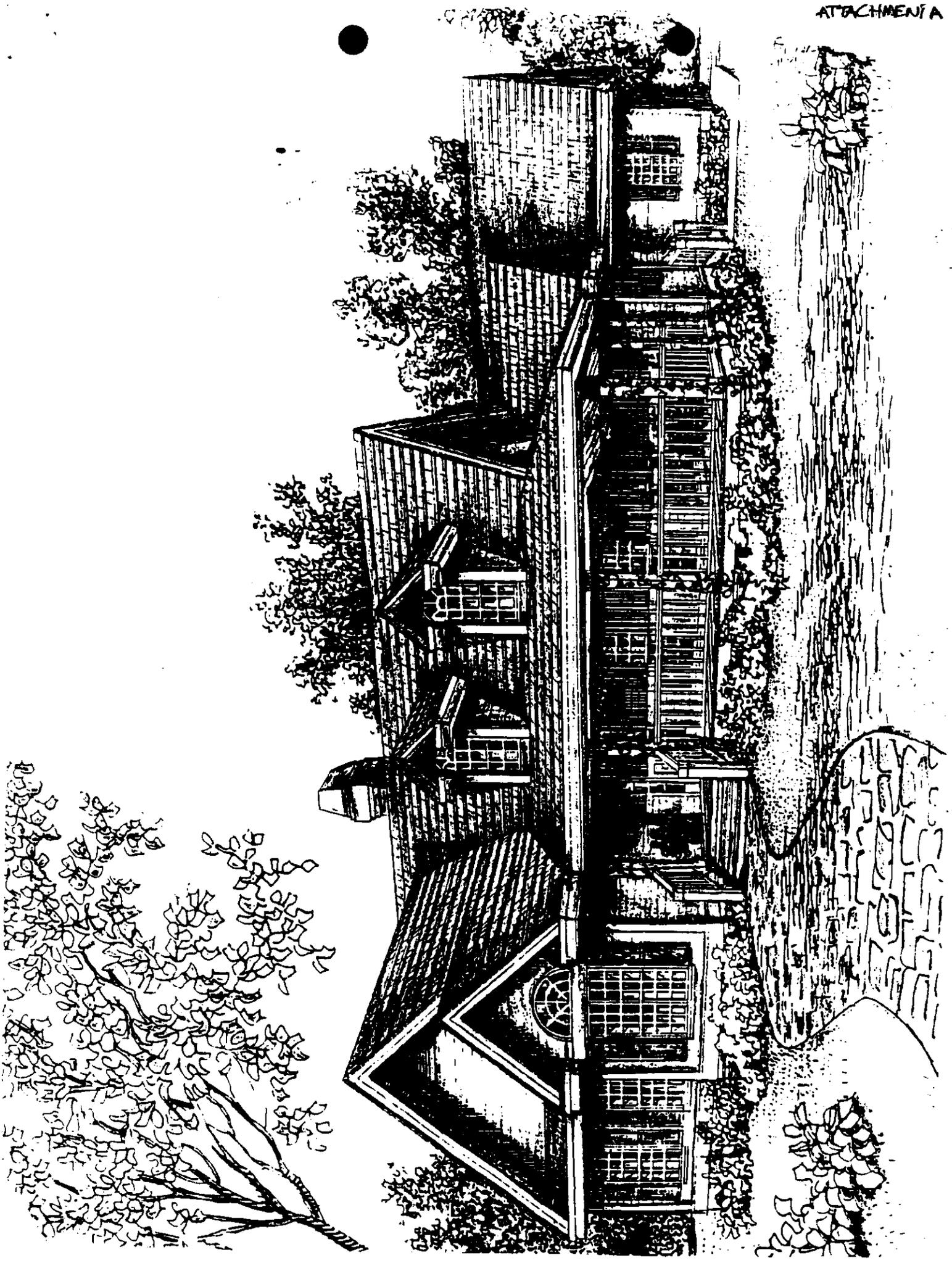
West

Landscaping shall be provided along the western property boundary within a planted strip which ranges from 13 feet to 32 feet, as shown on the sketch contained as Exhibit A, in order to maintain a residential appearance which complements the residential neighborhood on the west side of Route 123. This landscaping may be subject to the review and approval of Urban **Forest Management, DPWES** and if necessary, with VDOT. *

10. The kennel and ancillary veterinary hospital shall be in general accordance with the conceptual elevation contained in Attachment A.*
11. All signage shall be in accordance with Article 12, Signs, of the Zoning Ordinance.*
12. The operation of the kennel and ancillary veterinary hospital shall be approved by the Health Department **prior to the issuance of a Non-RUP.** *

These conditions incorporate and supersede all previous conditions. 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 responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (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.



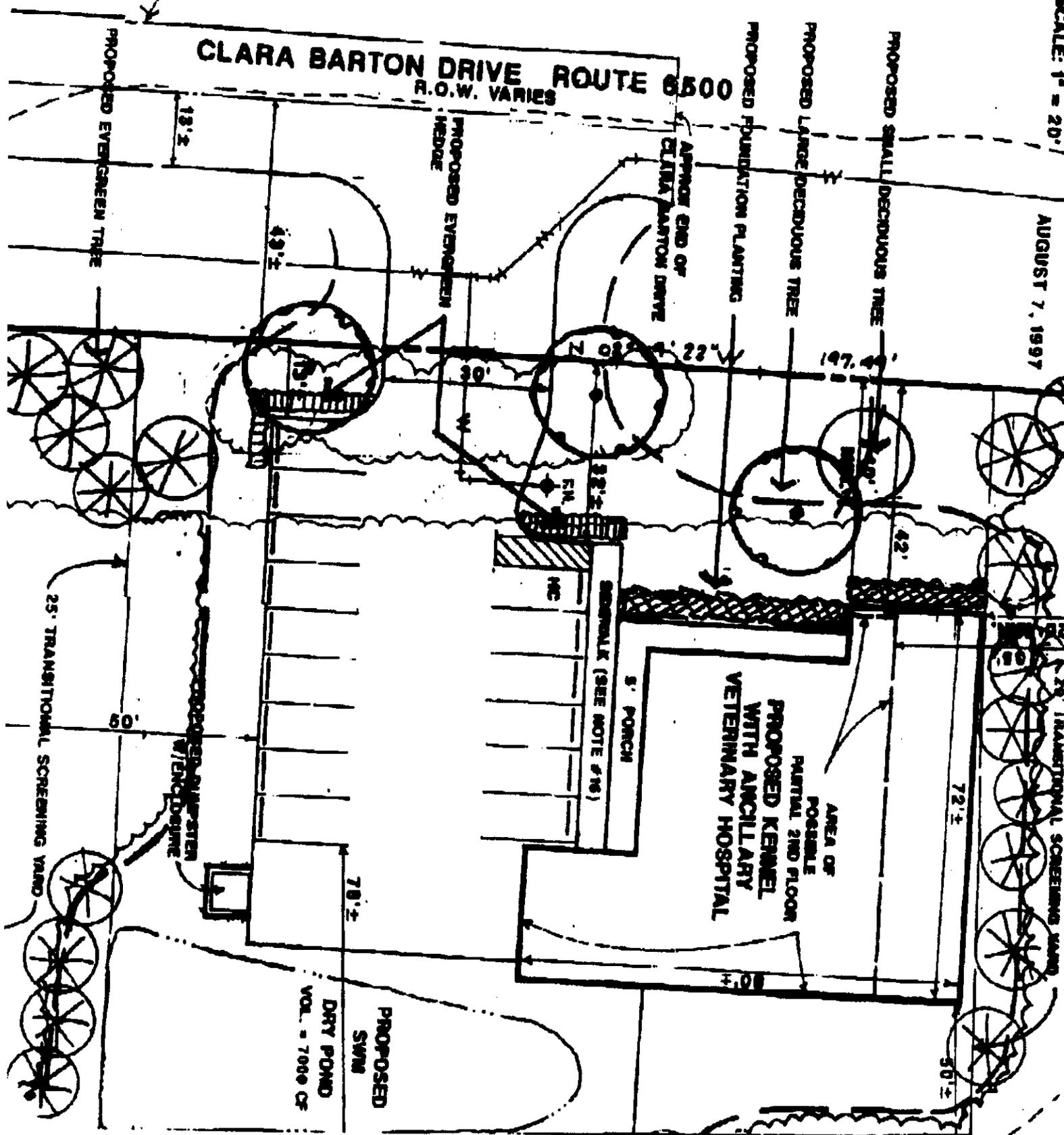
EX. 8' ASPHALT TRAIL

EX. GRASS MEDIAN

CLARA BARTON DRIVE ROUTE 6500
R.O.W. VARIES

SCALE: 1" = 20'

AUGUST 7, 1997



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: AUG 27, 2007
 (enter date affidavit is notarized)

I, MARK G. JENKINS , 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

97341

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)
Companion Animal Clinic of Virginia, Inc.	10998 Clara Barton Drive, Fairfax, VA 22039	Co - Permittee/Contract Seller of Assets
Marilyn J. Thompson	10998 Clara Barton Drive, Fairfax, VA 22039	Title Owner/Contract Seller of Land/Co-Permittee
Marspan-Christopher Real Estate, LLC	14215-L Centreville Square, Centreville, VA 20121	Applicant/Contract Purchaser of Land
Marspan-Christopher Veterinary Services, LLC	14215-L Centreville Square, Centreville, VA 20121	Contract Purchaser of Assets
Adam S. Ainspan	2763 Cody Road, Vienna, VA 22181	Agent of Applicant/Agent of Contract Purchasers

(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): _____
(county-assigned application number(s), to be entered by County Staff)

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

DATE: Aug 27, 2007
(enter date affidavit is notarized)

97341

(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)
Jay H. Margolis	13770 Henry Pond Ct., Chantilly, VA 20151	Agent of Applicant/Agent of Contract Purchasers
Susan S. Christopher	8506 Capo Ct., Vienna, VA 22182	Agent of Applicant/Agent of Contract Purchasers
Grad, Logan & Klewans, P.C.	3141 Fairview Park Drive, Suite 350 Falls Church, VA 22042	Attorney/Agent
Michael P. Logan	3141 Fairview Park Drive, Suite 350 Falls Church, VA 22042	Attorney/Agent
Mark G. Jenkins, P.C.	2071 Chain Bridge Road, Suite 400 Vienna, VA 22182	Attorney/Agent
Mark G. Jenkins	2071 Chain Bridge Road, Suite 400 Vienna, VA 22182	Attorney/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): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Aug. 27, 2007
(enter date affidavit is notarized)

97341

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)

Companion Animal Clinic of Virginia Inc.
10998 Clara Barton Drive
Fairfax, VA 22039

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)

Marilyn J. Thompson

(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 2 of 3

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

DATE: Aug 27 2007
(enter date affidavit is notarized)

97341

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

Marspan-Christopher Veterinary Services, LLC
14215-L Centreville Square
Centreville, VA 20121

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)

Adam S. Ainspan , Member
Susan S. Christoper, Member
Jay H. Margolis, Member and Manager

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

Marspan-Christopher Real Estate, LLC
14215-L Centreville Square
Centreville, VA 20121

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)

Adam S. Ainspan , Member
Susan S. Christoper, Member
Jay H. Margolis, Member and Manager

(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)

Page 3 of 3

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

DATE: Aug 27, 2007
(enter date affidavit is notarized)

97341

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

Mark G. Jenkins, P.C.
2071 Chain Bridge Road, Suite 400
Vienna, VA 22182

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)

Mark G. Jenkins

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

Grad, Logan & Klewans, P.C.
3141 Fairview Park Drive, Suite 350
Falls Church, VA 22042

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)

Randall K. Bowen
Samuel N. Klewans
Michael P. Logan

(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: Aug 27, 2007
(enter date affidavit is notarized)

97341

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.*

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Aug 27, 2007
(enter date affidavit is notarized)

97341

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: Aug 27, 2007
(enter date affidavit is notarized)

97341

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)

[] Applicant

[X] Applicant's Authorized Agent

MARIL G. JENKINS

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 27th day of August 2007, in the State/Comm. of VA, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 03-31-2011

ID 7101231

RE: Special Permit Amendment (Change of Permittee Only) SP 97-B-024
 Property: 10998 Clara Barton Drive
 Tax Map No. 77-1-((2))-11 (the "Property")
 Owner/Current Permittees: Companion Animal Clinic of Virginia, Inc.
 Dr. Marilyn J. Thompson
 Applicant: Marspan-Christopher Real Estate, LLC

**STATEMENT OF JUSTIFICATION
 AND DESCRIPTION OF PROPOSED USE**

This application is filed solely to obtain action by the Board of Zoning Appeals (BZA) to approve a change of permittee for a Special Permit (SP 97-B-024) granted in 1997, that authorizes a kennel, with ancillary veterinary hospital on the Property. The new owner of the Property will be Marspan-Christopher Real Estate LLC, a Virginia limited liability company, and the new owner of the kennel/ancillary veterinary hospital will be Marspan-Christopher Veterinary Services, LLC. No enlargement, extension or any other change to the use is proposed.

The Property is zoned R-1. In 1997 the Board of Zoning Appeals granted a Special Permit, with development conditions, "... to permit kennel with ancillary veterinary hospital." Paragraph 1 of the Development Conditions provided that "This approval is granted to the applicant only and is not transferable without further action of this Board ..." (a copy is attached for convenience). This paragraph therefore necessitates this request.

The original Special Permit approved, as Group 6 Special Permit use, a "kennel, animal shelter" under Sec. 8-601 (5) of the Zoning Ordinance and under the Additional Standards for Kennels set forth in Section 8-608 of the Zoning Ordinance. The BZA also approved a veterinary hospital as an ancillary use to the kennel and applied Additional Standards in Part 8 for that use. The foregoing provisions of the Zoning Ordinance were deleted in 2001, as part of Amendment #01-337, adopted June 25, 2001.

Section 8-014(2) of the Zoning Ordinance expressly addresses how an amendment to these former provisions is handled:

For an existing and currently valid special permit use, which use is no longer allowed by special permit or special exception in the zoning district in which it is located, the BZA, upon receipt of an application, may review and approve an amendment to said permit, provided that such amendment does not permit the use to be enlarged, extended, increased in intensity, relocated, or continued beyond any time limitations specified in the existing permit.

RECEIVED
 Department of Planning & Zoning

AUG 29 2007

Zoning Evaluation Division

This application satisfies all of the conditions of this paragraph: it does not propose any enlargement, extension, increase in intensity, relocation or continuation beyond any time limit. A kennel/veterinary hospital like the approved existing use is not allowed as a special permit use in an R-1 District and there is no provision that would allow a kennel/veterinary hospital like the approved existing use as a special exception in an R-1 District.

The following provides the information for the Statement of Justification required by Section 8-011(6) of the Zoning Ordinance, all of which were approved as part of the original Special Permit application:

A. **Type of operation:** Kennel with ancillary veterinary hospital. (Approved in the existing Special Permit.)

B. **Hours of operation:**
Kennel: 6:00 a.m. to 9:00 pm. Seven days a week
Veterinary hospital: 8:00 a.m. 7:00 p.m. Monday through Saturday
10: a.m. to 7 p.m. Sundays .
(As stated in the existing Development Conditions.)

C. **Estimated number of patrons/clients/patients/pupils/etc:**

Boarding of animals: a total of 70 animals, with no more than 50 animals boarding overnight.
(As stated in the existing Development Conditions.)

D. **Proposed number of employees/attendants/teachers/etc.:**

Maximum employees shall not exceed 10.
(As stated in the existing Development Conditions.)

E. **Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day:**
No change.

F. **Vicinity or general area to be served by the use:**
No change: the neighborhoods surrounding the Property.

G. **Description of building façade and architecture of proposed new building or additions:**
As approved in the existing Special Permit. Existing building was designed and constructed to resemble a residential dwelling.

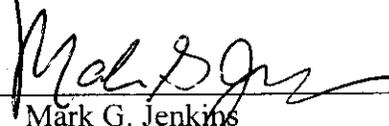
H. **A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers:**

None known

I. **A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification:**

This Special Permit will continue to be in harmony with all applicable ordinances and standards, as determined in the existing Special Permit.

Mark G. Jenkins, P.C.
Attorney for Applicant

BY: 

Mark G. Jenkins

Date: Aug 27, 2007

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

DR. MARILYN J. THOMPSON AND COMPANION ANIMAL CLINIC OF VIRGINIA, INC., SP 97-B-024, Appl. under Sect(s). 3-103 of the Zoning Ordinance to permit kennel with ancillary veterinary hospital. Located at 10998 Clara Barton Dr. on approx. .76 ac. of land zoned R-1. Braddock District. Tax Map 77-1((2))11, Mr. Kelley 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 August 12, 1997; and

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

1. The applicant is the contract purchaser.

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 Sections of the Zoning Ordinance.

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application, 10998 Clara Barton Drive, (0.76 acres), and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Dewberry and Davis, dated April 16, 1997, as revised through July 10, 1997 for a kennel and ancillary veterinary hospital, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Environmental Management. Any plan submitted pursuant to this special permit shall be in conformance with the approved Special Permit plat and these development conditions.
5. The area of the building utilized for an ancillary veterinary hospital shall not exceed 40% of the total gross floor area of the building. All grooming activities shall be associated with the

- kennel use, and all grooming and veterinary hospital activities shall be ancillary to the kennel use. The kennel and ancillary veterinary hospital shall be located entirely within the structure except for periodic walking of animals that are leashed and supervised. There shall be provisions to board a total of 70 animals, with no more than 50 animals boarding overnight.
6. The maximum number of employees shall not exceed ten (10).
 7. A minimum of 15 parking spaces shall be provided on the site. All parking for the use shall be on-site, as shown on the Special Permit Plat.
 8. The hours of operation for the kennel shall be limited to 6:00 a.m. to 9:00 p.m. seven days a week. The hours of operation for the ancillary veterinary hospital shall be limited to 8:00 a.m. to 7:00 p.m. Monday through Saturday, and 10:00 a.m. to 2:00 p.m. Sunday.
 9. A tree preservation/tree replacement plan shall be reviewed and approved by the Urban Forestry Branch prior to site plan approval which shows the definitive limits of clearing and grading and emphasizes the preservation of the areas of natural vegetation and landscaping shown on the special permit plat. If it is determined by the Urban Forestry Branch to be necessary to remove any trees previously designated to be preserved in order to locate utilities that cannot be located elsewhere, then an area of additional tree save of equivalent value as determined by the Urban Forestry Branch may be substituted at an alternate location on the site. If a suitable alternate location cannot be identified on site by the Urban Forestry Branch, then the applicant may elect to replace such trees according to the directions of the Urban Forestry Branch pursuant to the Public Facilities Manual. In the event that a waiver of the stormwater detention pond is granted at the time of site plan review, the area shown on the plat for the pond shall be retained in natural vegetation to the maximum extent feasible, as determined by the Urban Forestry Branch of DEM.
 10. The barrier requirements along all property boundaries shall be waived. Transitional Screening shall be provided as follows:

North

Transitional Screening shall be provided along the northern property boundary within a planted strip with a minimum of 20 feet, as shown on the sketch contained as Exhibit A, for the purpose of maintaining the residential appearance of the building. Natural vegetation may be utilized where possible for transitional screening. The exact number, type and extent of plant materials are subject to the determination of the Urban Forestry Branch of DEM.

East

Transitional Screening shall be provided along the eastern property boundary within a planted strip with a minimum of 25 feet with the exception of the area surrounding the sanitary sewer lateral, as shown on the Special Permit Plat, for the purpose of maintaining the residential appearance of the site. Natural vegetation, supplemented with landscaping may be utilized where possible for transitional screening. The exact number, type and extent of plant materials are subject to the determination of the Urban Forestry Branch of DEM.

South

Transitional Screening shall be provided along the southern property boundary within a planted strip with a minimum width of 25 feet, as shown on the Special Permit Plat, for the purpose of softening the visual impact of the parking lot from the adjacent child care center. Natural vegetation, supplemented with landscaping may be utilized where possible for transitional screening. The exact number, type and extent of plant materials are subject to the determination of the Urban Forestry Branch of DEM.

West

Landscaping shall be provided along the western property boundary within a planted strip which ranges from 13 feet to 32 feet, as shown on the sketch contained as Exhibit A, in order to maintain a residential appearance which complements the residential neighborhood on the west side of Route 123. This landscaping shall be subject to the review and approval of the Urban Forestry Branch of DEM, and if necessary, with VDOT.

11. Construction of the kennel and ancillary veterinary hospital shall be in general accordance with the conceptual elevation contained in Attachment A.
12. All signage shall be in accordance with Article 12, Signs, of the Zoning Ordinance.
13. The construction and operation of the kennel and ancillary veterinary hospital shall be approved by the Health Department prior to issuance of a site plan for the use.

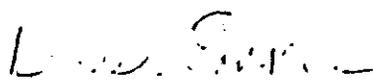
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval* unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Zoning Appeals 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 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. Dively seconded the motion which carried by a vote of 7-0.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on August 12, 1997. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:



Denise Snyder, Deputy Clerk
Board of Zoning Appeals

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.

8-503 Standards For All Group 5 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 5 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. No building designed primarily and specifically for such use shall be located within 100 feet of any adjoining property which is in an R district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.