



APPLICATION ACCEPTED: December 20, 2007
BOARD OF ZONING APPEALS: March 11, 2008
TIME: 9:00 am

County of Fairfax, Virginia

March 4, 2008

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2007-MA-159

MASON DISTRICT

APPLICANT: Eastwood Properties, Inc.
ZONING: R-2
LOCATION: 6271 Lincolnia Road
PARCEL(S): 72-2 ((1)) 39
LOT SIZE: 1.14 acres
FAR: N/A
ZONING ORDINANCE PROVISION: 3-203
PLAN MAP: Institutional Use
SP PROPOSAL: Group 2 Special Permit use to allow expansion of an existing cemetery on the subject property.

STAFF RECOMMENDATIONS:

Staff recommends approval of SP 2007-MA-159, 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 proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\wodonn\ZED\SP\SP 2007-MA-159 Cemetery\SP 2007-MA-159 Lincolnia Cemetery_Staff_Report_Cover.doc

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/

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It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Zoning Appeals (BZA). 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 this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290. **Board of Zoning Appeal's meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

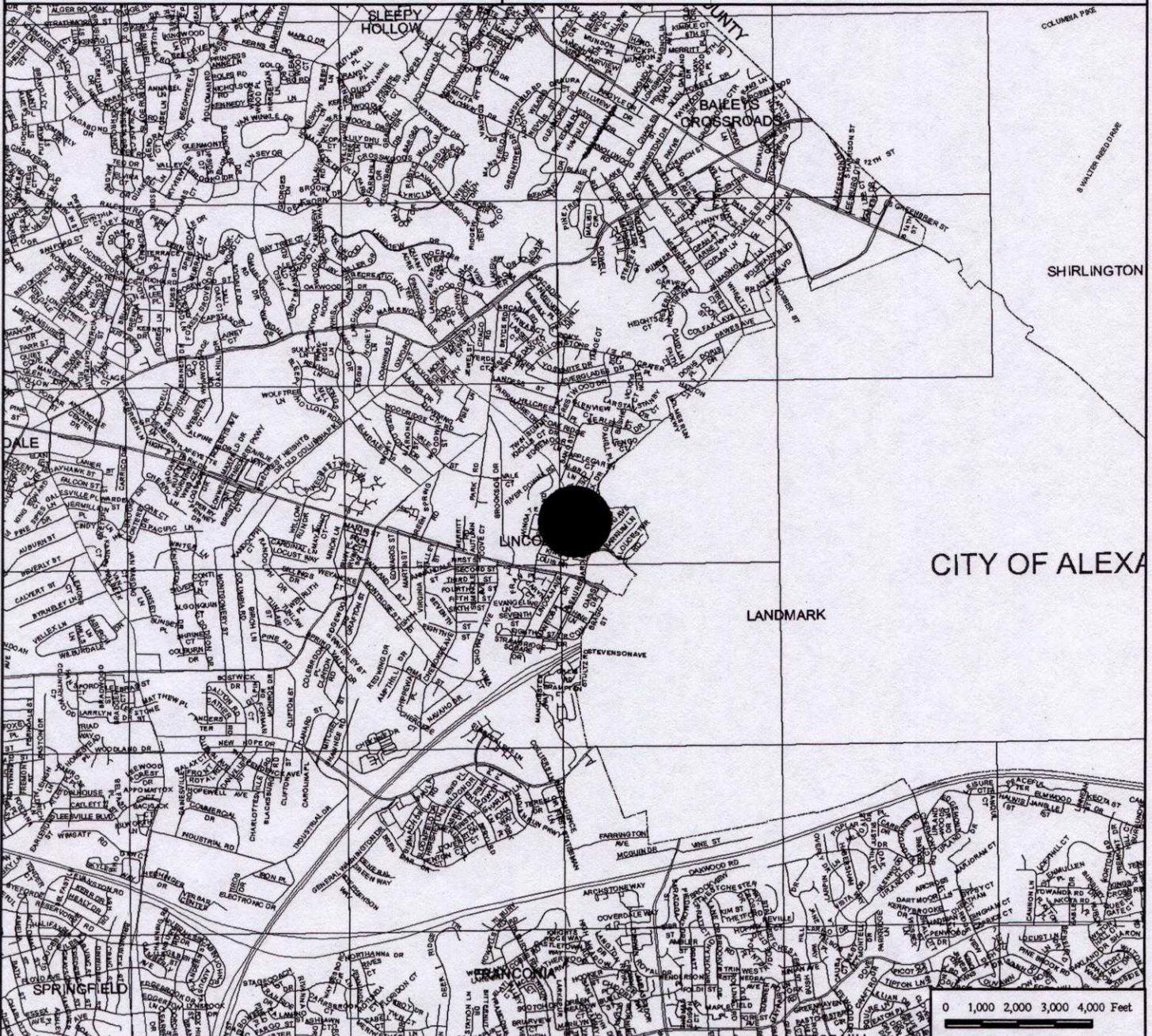
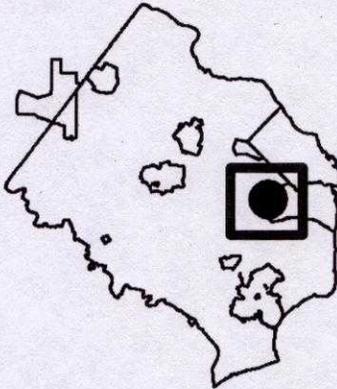


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2007-MA-159

Applicant: EASTWOOD PROPERTIES, INC.
Accepted: 12/20/2007
Proposed: TO PERMIT EXPANSION OF AN EXISTING CEMETERY

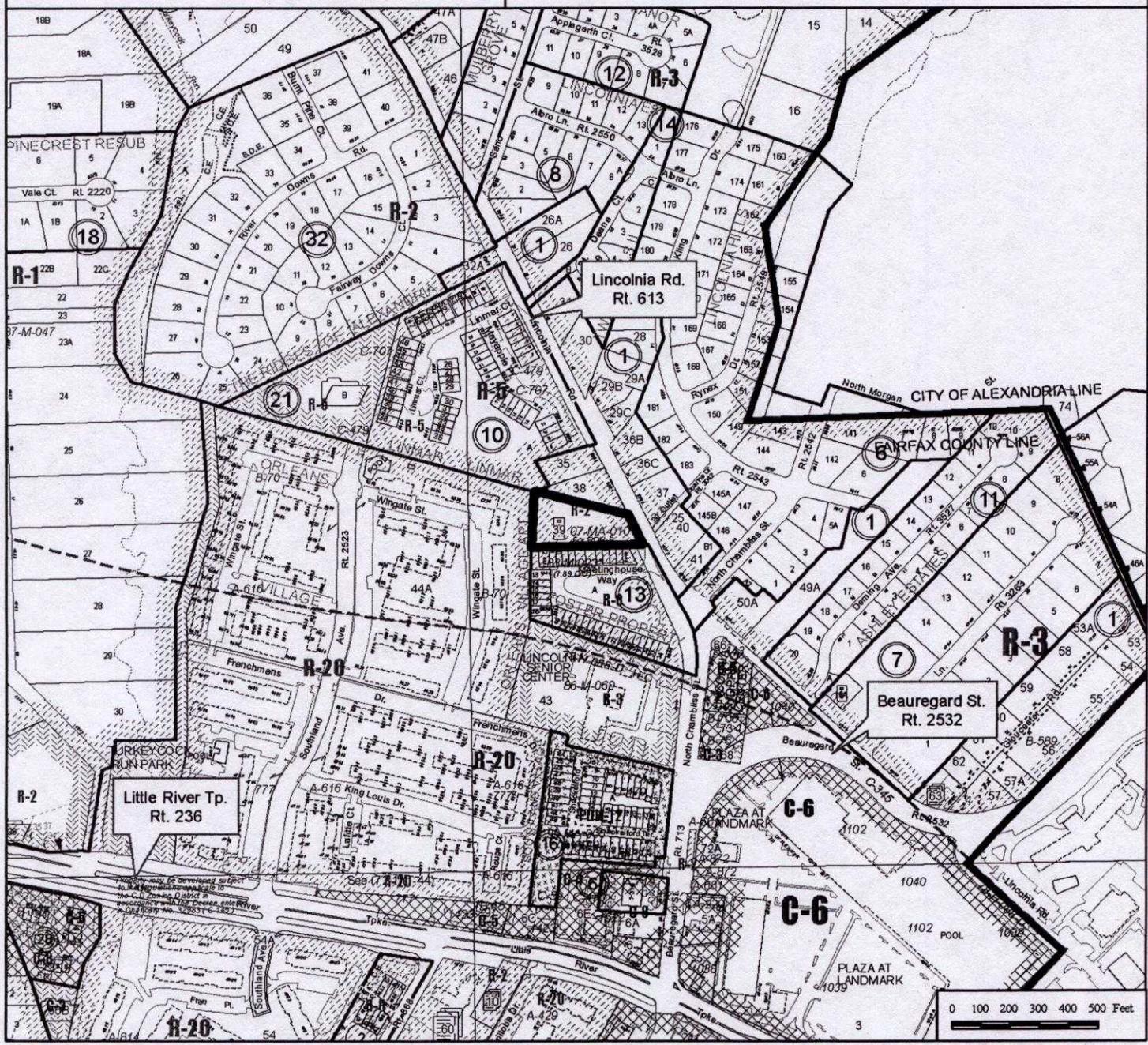
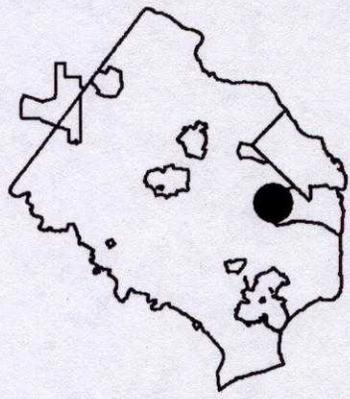
Area: 1.14 AC OF LAND; DISTRICT - MASON
Zoning Dist Sect: 03-0203
Art 8 Group and Use: 2-01
Located: 6271 LINCOLNIA ROAD
Zoning: R-2
Overlay Dist:
Map Ref Num: 072-2- /01/ /0039



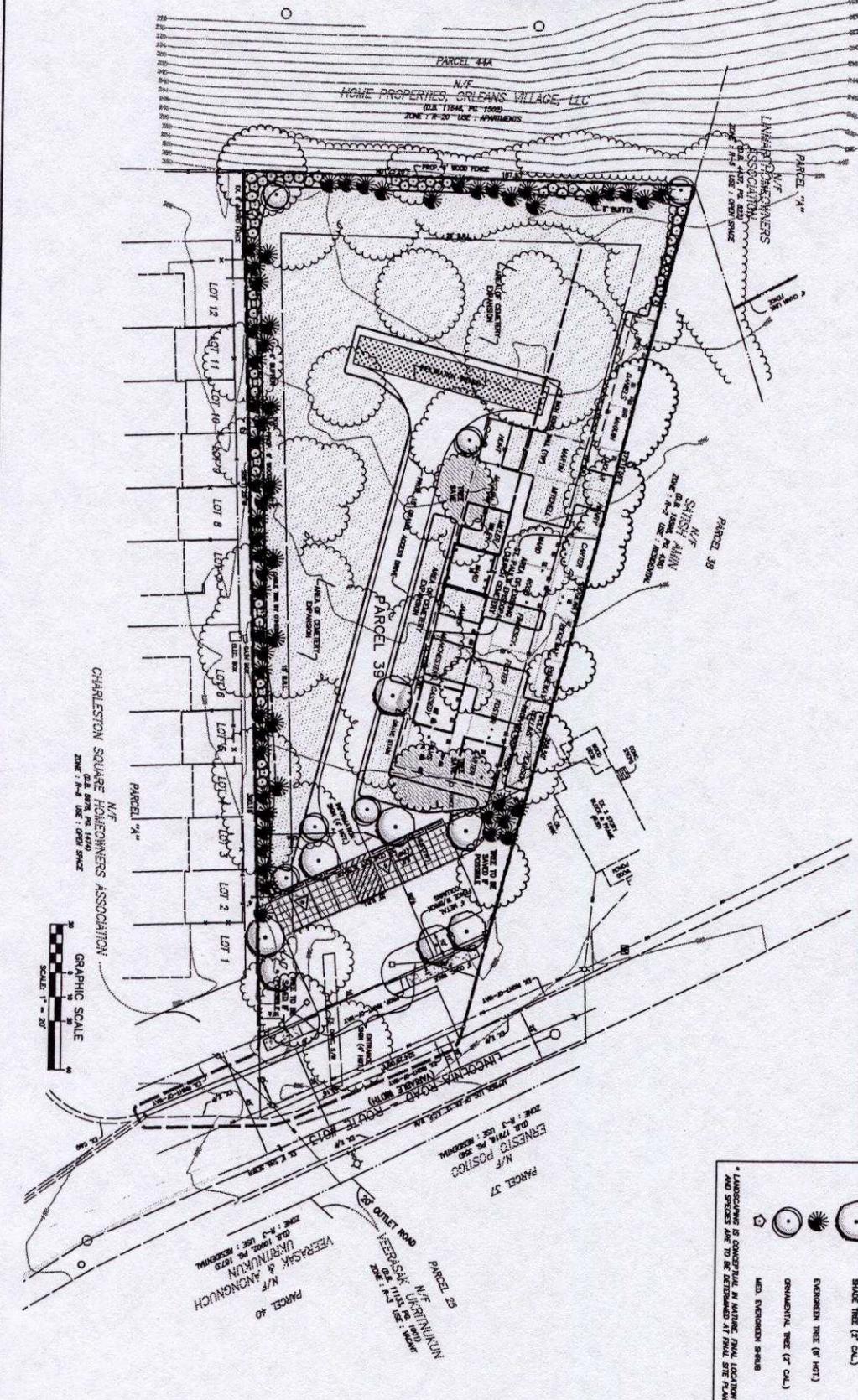
Special Permit
SP 2007-MA-159

Applicant: EASTWOOD PROPERTIES, INC.
Accepted: 12/20/2007
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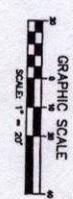
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VIRGINIA STATE GRID NORTH (NAD83)



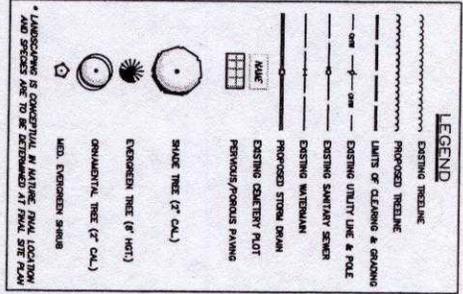
CHARLESTON SQUARE HOMEOWNERS ASSOCIATION
 OLD MAP NO. 1420
 ZONE: P-4 USE: 1-3/81 SPVZ



TREE COVER CALCULATIONS

TREE COVER REQUIRED	4,800 SF
NET SITE AREA	4,800 SF
PERCENTAGE OF TREE COVER REQUIRED	100%
TOTAL TREE COVER PROVIDED	4,800 SF

TREE COVER PROVIDED	1,200 SF
AREA OF EXISTING TREES TO BE PRESERVED	1,200 SF
(TREE REMOVAL: 62, 64, 66, 68)	330 SF
AREA OF TREES TO BE PLANT	8,100 SF
LANDSCAPE TREES	4,000 SF
ORNA. TREES	4,100 SF
TOTAL TREE COVER PROVIDED	4,800 SF
(4.8% OF SITE AREA)	4,800 SF



SPECIAL PERMIT PLAT
LINCOLNIA MEMORIAL GARDENS

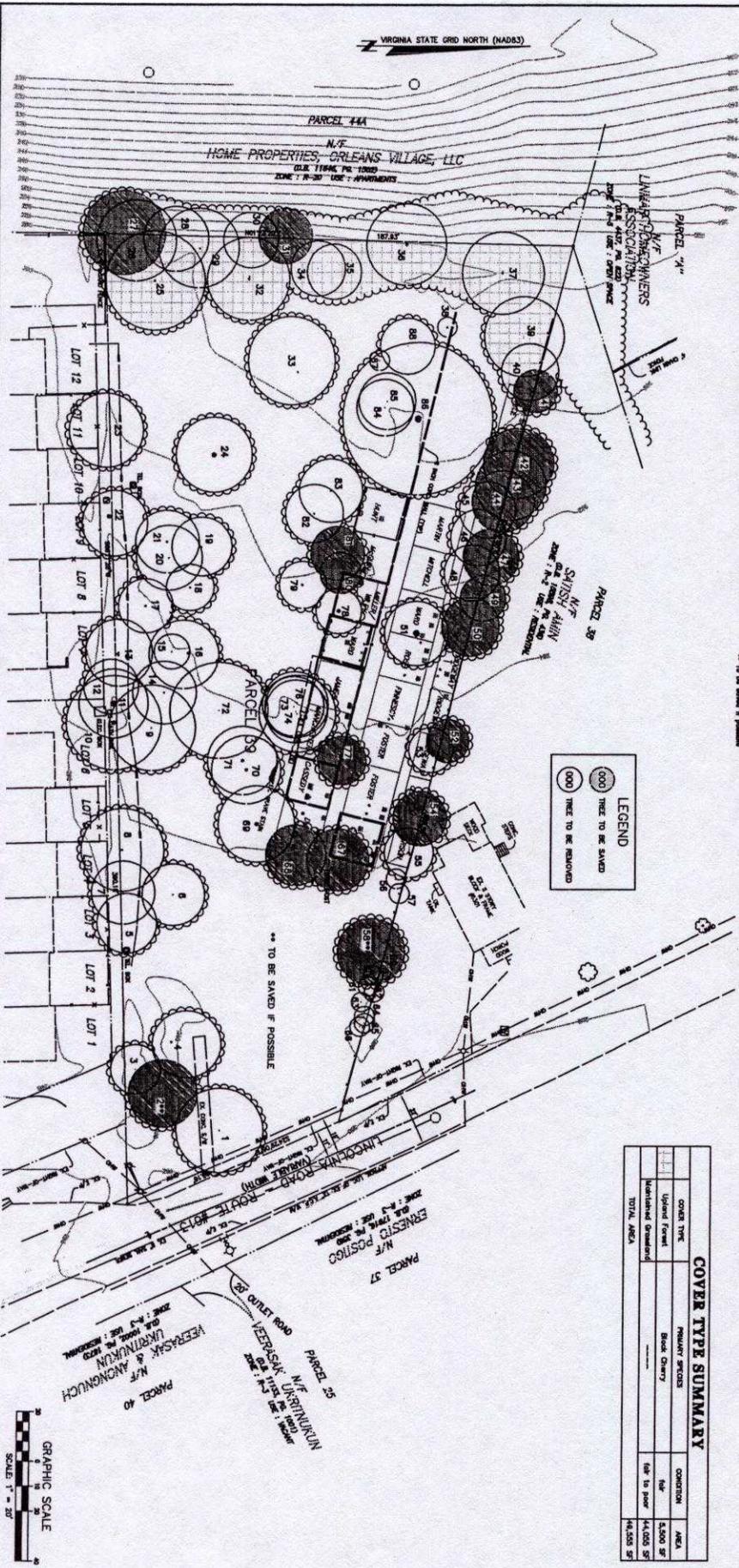
MASON DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SP 2007-MA-159



CPJ Charles P. Johnson & Associates, Inc.
 PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS
 3000 POWER DRIVE SUITE 200 FAIRFAX, VIRGINIA 22030 (703)796-1500
 SILVER SPRING, MD (301)581-1500

DESIGN DRAFT	KJV
APPROVED	DATE
NO. 1	NOV. 2007
SCALE	1" = 20'
SHEET	2 OF 4
PROJECT	SP 2007-MA-159

Printed: 3/23/2008 1:43 AM Plot: 3/23/2008 8:43 AM Sheet: 15 of 15 (3000x3000) 100% 2008



#	SIZE	COMMON NAME	BOTANICAL NAME	CONDITION	STATUS	#	SIZE	COMMON NAME	BOTANICAL NAME	CONDITION	STATUS	#	SIZE	COMMON NAME	BOTANICAL NAME	CONDITION	STATUS
1	10"	Red Maple	Acer rubrum	good	remove	51	7"	Hydrangea	Quercus tinctoria	good	remove	60	7"	Time-of-day	Adiantum	good	remove
2	7"	Eastern Redbud	Asimina speciosa	good	save	52	12"/14"	Red Maple	Quercus tinctoria	multi-stem	remove	61	6"	Time-of-day	Adiantum	good	remove
3	7"	Black Cherry	Prunus serotina	poor	remove	53	12"/14"	Black Pine	Pinus strobus	multi-stem	remove	62	6"	Time-of-day	Adiantum	good	remove
4	14"	Black Cherry	Prunus serotina	poor	remove	54	6"	Time-of-day	Adiantum	good	remove	63	6"	Time-of-day	Adiantum	good	remove
5	14"	Black Cherry	Prunus serotina	poor	remove	55	6"	Time-of-day	Adiantum	good	remove	64	6"	Time-of-day	Adiantum	good	remove
6	14"	Black Cherry	Prunus serotina	poor	remove	56	6"	Time-of-day	Adiantum	good	remove	65	6"	Time-of-day	Adiantum	good	remove
7	14"	Black Cherry	Prunus serotina	poor	remove	57	6"	Time-of-day	Adiantum	good	remove	66	6"	Time-of-day	Adiantum	good	remove
8	14"	Black Cherry	Prunus serotina	poor	remove	58	6"	Time-of-day	Adiantum	good	remove	67	6"	Time-of-day	Adiantum	good	remove
9	14"	Black Cherry	Prunus serotina	poor	remove	59	6"	Time-of-day	Adiantum	good	remove	68	6"	Time-of-day	Adiantum	good	remove
10	24"	Black Cherry	Prunus serotina	poor	remove	60	6"	Time-of-day	Adiantum	good	remove	69	6"	Time-of-day	Adiantum	good	remove
11	24"	Black Cherry	Prunus serotina	poor	remove	61	6"	Time-of-day	Adiantum	good	remove	70	6"	Time-of-day	Adiantum	good	remove
12	7"	Black Gum	Nyssa sylvatica	good	remove	62	6"	Time-of-day	Adiantum	good	remove	71	6"	Time-of-day	Adiantum	good	remove
13	7"/14"	Black Gum	Nyssa sylvatica	good	remove	63	6"	Time-of-day	Adiantum	good	remove	72	6"	Time-of-day	Adiantum	good	remove
14	7"	Black Gum	Nyssa sylvatica	good	remove	64	6"	Time-of-day	Adiantum	good	remove	73	6"	Time-of-day	Adiantum	good	remove
15	7"	Black Gum	Nyssa sylvatica	good	remove	65	6"	Time-of-day	Adiantum	good	remove	74	6"	Time-of-day	Adiantum	good	remove
16	14"	Black Gum	Nyssa sylvatica	good	remove	66	6"	Time-of-day	Adiantum	good	remove	75	6"	Time-of-day	Adiantum	good	remove
17	14"	Black Gum	Nyssa sylvatica	good	remove	67	6"	Time-of-day	Adiantum	good	remove	76	6"	Time-of-day	Adiantum	good	remove
18	14"	Black Gum	Nyssa sylvatica	good	remove	68	6"	Time-of-day	Adiantum	good	remove	77	6"	Time-of-day	Adiantum	good	remove
19	14"	Black Gum	Nyssa sylvatica	good	remove	69	6"	Time-of-day	Adiantum	good	remove	78	6"	Time-of-day	Adiantum	good	remove
20	14"	Black Gum	Nyssa sylvatica	good	remove	70	6"	Time-of-day	Adiantum	good	remove	79	6"	Time-of-day	Adiantum	good	remove
21	14"	Black Gum	Nyssa sylvatica	good	remove	71	6"	Time-of-day	Adiantum	good	remove	80	6"	Time-of-day	Adiantum	good	remove
22	14"	Black Gum	Nyssa sylvatica	good	remove	72	6"	Time-of-day	Adiantum	good	remove	81	6"	Time-of-day	Adiantum	good	remove
23	14"	Black Gum	Nyssa sylvatica	good	remove	73	6"	Time-of-day	Adiantum	good	remove	82	6"	Time-of-day	Adiantum	good	remove
24	14"	Black Gum	Nyssa sylvatica	good	remove	74	6"	Time-of-day	Adiantum	good	remove	83	6"	Time-of-day	Adiantum	good	remove
25	14"	Black Gum	Nyssa sylvatica	good	remove	75	6"	Time-of-day	Adiantum	good	remove	84	6"	Time-of-day	Adiantum	good	remove
26	14"	Black Gum	Nyssa sylvatica	good	remove	76	6"	Time-of-day	Adiantum	good	remove	85	6"	Time-of-day	Adiantum	good	remove
27	14"	Black Gum	Nyssa sylvatica	good	remove	77	6"	Time-of-day	Adiantum	good	remove	86	6"	Time-of-day	Adiantum	good	remove
28	14"	Black Gum	Nyssa sylvatica	good	remove	78	6"	Time-of-day	Adiantum	good	remove	87	6"	Time-of-day	Adiantum	good	remove
29	14"	Black Gum	Nyssa sylvatica	good	remove	79	6"	Time-of-day	Adiantum	good	remove	88	6"	Time-of-day	Adiantum	good	remove
30	14"	Black Gum	Nyssa sylvatica	good	remove	80	6"	Time-of-day	Adiantum	good	remove						

COVER TYPE SUMMARY

COVER TYPE	AREA
Upland Forest	4,500 SF
Wetland Forest	44,000 SF
TOTAL AREA	48,500 SF

GRAPHIC SCALE
SCALE: 1" = 20'

DATE: 2/23/2006
SHEET: 4 OF 4

DESIGN: KJV
CHECKED: KJV
DATE: NOV. 2007
SCALE: 1" = 20'

REVISIONS

EXISTING VEGETATION MAP & TREE INVENTORY

LINCOLNIA MEMORIAL GARDENS

MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA

SP 2007-MA-159

NO. DATE REVISION

1 2-23-06 REVISION (LAWSON) (LAWSON)
2 2-23-06 REVISION (LAWSON) (LAWSON)
3 2-23-06 REVISION (LAWSON) (LAWSON)

REVISION PRIOR TO APPROVAL

CPJ Charles P. Johnson & Associates, Inc.
PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS

ONE PINEBARK BLVD. SUITE 200 FAIRFAX, VIRGINIA 22033
TEL: 703-271-7600 FAX: 703-271-7600

**A GLOSSARY OF TERMS USED
FREQUENTLY IN STAFF REPORTS CAN BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

- Proposal:** The applicant, Eastwood Properties, Inc., requests approval of a Group 2 Special Permit to allow an expansion of an existing cemetery on the subject property. The subject property was previously owned by the Episcopal Church and established as a cemetery between 1900 and 1920. The applicant seeks approval of the special permit to preserve, improve and expand the existing cemetery.
- Size:** 1.14 acres
- Hours of Operation:** Daylight (Dawn to Dusk)
- Employees:** 2 caretakers on site on a sporadic basis
- Parking:** 0 existing spaces, 8 proposed spaces

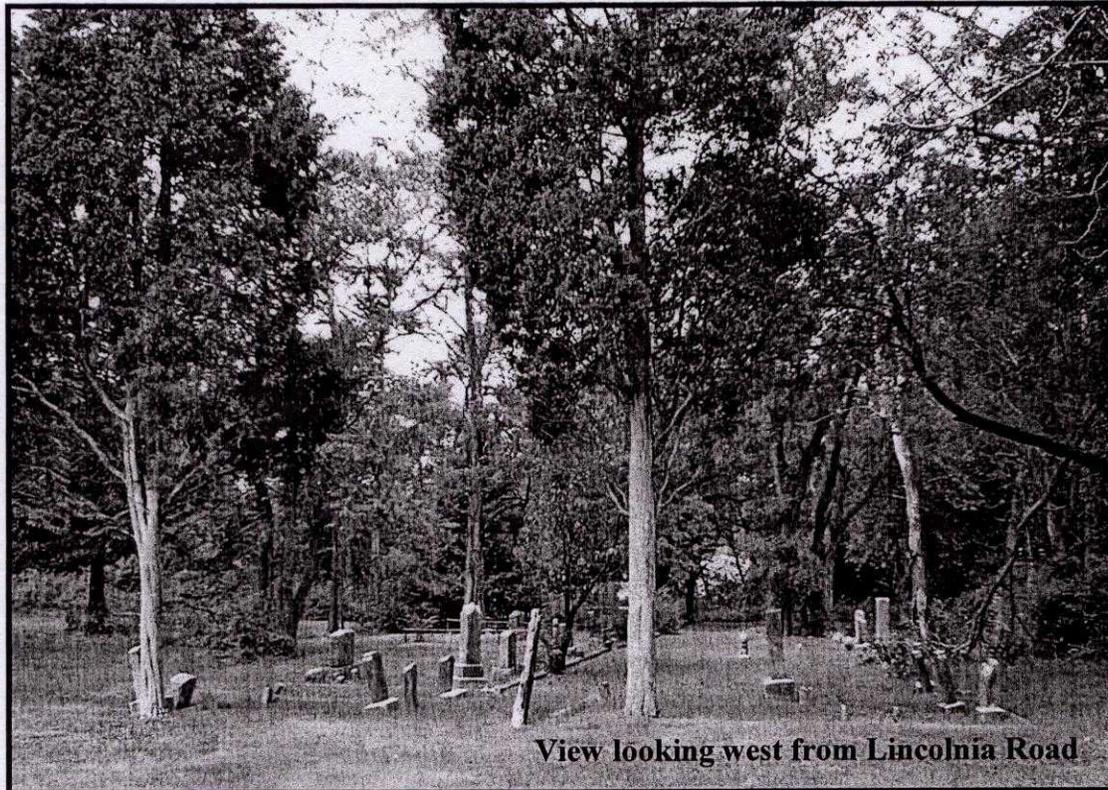
A reduced copy of the proposed Special Permit Plat (SP Plat) is included in the front of this report. The development conditions, affidavit and the statement of justification are included as Appendices 1 through 3.

LOCATION AND CHARACTER

Site Description:

The 1.14 acre subject property is located on the west side of Lincolnia Road, approximately 400 feet north of the intersection of Lincolnia Road and North Chambliss Street. The site is currently developed with a small family cemetery located along the northern portion of the site. The cemetery is rectangular in shape with graves occupying a wider section on the eastern end of the property. It measures approximately 220 feet west to east with the west end measuring approximately 5 feet in width and the east end approximately 55 feet in width. The grave markers are primarily clustered in family plots. Some family plots have chain link fences enclosing the area while others have low iron bars or low six inch wide cement walls. Graphic 1 shows these plot outlines in the background.

Graphic 1: Existing Cemetery



View looking west from Lincolnia Road

The existing vegetation on the site consists of a lawn with a few 30-40 year old locust trees along the periphery of the family plots as well as scattered throughout the cemetery. Dense vegetation currently exists along the northern boundary line.

Surrounding Area Description:

The subject property is located on the west side of Lincolnia Road and is surrounded by the following uses:

Direction	Use	Zoning	Plan
North	Residential (single-family detached residences)	R-2	Residential, 5-8 du/ac
South	Residential (single-family attached residences)	R-8	Residential, 5-8 du/ac
East	Residential (single-family detached residences)	R-3	Residential, 2-3 du/ac
West	Residential (multi-family apartments)	R-20	Residential, 16-20 du/ac

BACKGROUND

No previous rezoning, special exception, or special permit applications apply to the subject property.

RZ/FDP 2007-MA-010 was previously filed on March 30, 2007 to consolidate the subject property (tax map parcel 72-2 ((1)) 39) with tax map parcels 72-2 ((1)) 35 and 38. This rezoning application involved a request to rezone approximately 2.25 acres from the R-2 (Residential, 2 dwelling units/acre) District to the PDH-8 (Planned Development Housing, 8 dwelling units/acre) District to permit the development of a total of 12 single-family attached homes and the expansion of an existing cemetery as a secondary use. Residential development was proposed to be located on tax map parcels 72-2 ((1)) 35 and 38 and the proposed cemetery expansion was located on tax map parcel 72-2 ((1)) 39. The rezoning application was later withdrawn.

As part of the withdrawn application, staff required coordination with the History Commission to determine if a historic marker was merited for the existing cemetery site. Staff believed that if a historic marker was merited, the marker should be provided and funded according to the specifications of the History Commission. Staff continues to believe that this requirement is still warranted to further address the Comprehensive Plan guidance for the existing cemetery on the site. A development condition to address this issue is included in the proposed development conditions in Appendix 1. Imposition of the condition will address staff concerns about meeting Plan guidance for the cemetery.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 4)

- Plan Area:** Area I
- Planning District:** Lincolnia Planning District
- Planning Sector:** L1-Pinecrest Community Planning Sector
- Plan Map:** Residential Use, 5-8 du/ac and Public Facilities

Plan Text:

In the Fairfax County Comprehensive Plan, Area I volume, 2007 Edition, Lincolnia Planning District, as amended through September 11, 2006, Pinecrest Community Planning Sector (L1) on pages 17 and 18, the Plan states:

"Parcels 72-2((1)) 35 and 38 are planned for residential use at 5-8 du/ac. parcel 72-2((1)) 39 is planned for institutional use. As an option, parcels 72-2((1)) 35, 38 and 39 may be appropriate for up to a total of 12 units with full parcel consolidation, if the following conditions are met:

- *Residential development should be located on parcels 72-2((1)) 35 and 38 with parcel 72-2((1)) 39 to be maintained for cemetery use and open space.*
- *The existing cemetery use is preserved and enhanced with landscaped buffering and monument signs to better demarcate the boundary of the cemetery and parking is provided at the cemetery for cemetery visitors.*
- *Storm water management infrastructure may be appropriate for the cemetery property (parcel 72-2((1)) 39) provided that it is designed and located in a manner that does not adversely impact the cemetery.”*

ANALYSIS

Special Permit Plat (SP Plat) (Copy at the front of staff report)

Title of SP Plat: Special Permit Plat Lincolnia Memorial Gardens
Prepared By: CPJ Associates
Original and Revision Dates: December 14, 2007, with revisions through February 22, 2008

The SP Plat consists of four (4) sheets showing the following information:

	Contents
Sheet 1	Title Sheet, Notes, Site Tabulation, Vicinity Map, and Minimum Stormwater Information
Sheet 2	SP Plat, Tree Cover Calculations, and Legend
Sheet 3	Existing Vegetation Map, Tree Inventory, Tree Schedule and Tree Cover Type Summary
Sheet 4	Drainage Analysis and Stormwater Management and Best Management Practices, and Outfall Narrative

Proposed Use:

The applicant, Eastwood Properties, Inc., requests approval of a special permit to preserve, improve and expand an existing cemetery on the subject property. The existing cemetery is located along the northern portion of the site and is generally rectangular in shape with graves occupying a wider section on the eastern end than on the western end. It measures approximately 220 feet west to east with the west end measuring approximately 5 feet in width and the east end approximately 55 feet in width. The improvements include up-righting headstones, fixing pathways, clearing fallen trees, and establishing a not-for-profit corporation to maintain and operate the revamped

cemetery. In addition, the applicant proposes to provide the following features on the site that are shown on the SP Plat and include:

Proposed Access and Parking: The applicant proposes a 30 foot wide commercial entrance on the west side of Lincolnia Road that leads to a parking area with eight parking spaces constructed with porous paving materials. A 15 foot wide gravel access drive extends from the parking area into the middle of the subject property to improve access to the existing cemetery and future grave sites. The applicant indicates that this access drive could be used for overflow parking on one side if necessary. In addition, the applicant intends to request a waiver of the dustless surface requirement for the proposed gravel access drive and for the proposed parking spaces constructed with porous pavement. This request will be addressed by the Director of the Department of Public Works and Environmental Services (DPWES), during site plan review.

Proposed Dedicated Right-of-Way: Sheet 2 of the SP Plat shows approximately 45 feet of additional right of way dedication from the centerline of Lincolnia Road along the frontage of the property. No improvements for Lincolnia Road are proposed at this time. A 5-foot wide sidewalk is shown along the west side of the proposed right of way.

Proposed Cemetery Expansion Areas: The existing cemetery is shown on the northern portion of the site and three proposed expansion areas are proposed to be located on the western and southern portions of the site. The proposed 15 foot wide gravel access drive separates two of the expansion areas from the existing cemetery. A small expansion area is located to the north of the access drive.

Landscaping: The applicant has provided a Tree Schedule on Sheet 3 of the SP Plat that identifies all of the trees on the site. Most of the trees are in poor condition and are proposed to be removed. Several trees located along the northern boundary line and around the perimeter of the existing cemetery are proposed to be retained. Although there are no transitional screening or barrier requirements for the proposed use in the Zoning Ordinance, the applicant proposes to provide a row of evergreen trees along the western and southern property lines to supplement existing vegetation on the site. In addition, the applicant proposes a 6 foot high board on board fence along the northern, southern, and western property lines. Two decorative metal fences are proposed along the eastern property line that will connect to the board on board fence on the north and south side of the site. These metal fences will terminate near two proposed 4 foot high signs on either side of the 30 foot wide entrance point. A development condition has been written to ensure that the proposed signs comply with the Zoning Ordinance.

Stormwater Management: Sheet 4 of the SP Plat includes the stormwater management narratives, the best management practices, and the outfall narrative. Stormwater management (SWM) detention and best management practices (BMP) are provided through the use of an infiltration trench located at the western end of the proposed 15 foot wide gravel access drive. In the SWM/BMP narrative, the applicant indicates that the proposed infiltration trench will collect west-flowing storm runoff from 0.69 acres of on site area and 0.12 acres of offsite area and provide approximately 42 percent BMPs for the site.

Land Use Analysis

According to the Comprehensive Plan, tax map parcels 72-2((1)) 35 and 38 are planned for residential use at 5-8 du/ac and the subject property (Tax Map Parcel 72-2((1)) 39) is planned for institutional use. As an option, parcels 72-2((1)) 35, 38 and 39 may be appropriate for up to a total of 12 units with full parcel consolidation. The applicant is seeking a special permit to preserve, improve and expand an existing cemetery on the subject property (tax map parcel 72-2((1)) 39). No consolidation is proposed. Staff believes the proposal is consistent with the recommendations of the Plan. No land use issues were identified with this request.

As previously discussed in the background, a development condition has been included to address Comprehensive Plan guidance for a historic marker for the existing cemetery.

Environmental Analysis

There are no environmental issues associated with this request.

Tree Preservation and Tree Cover Requirements (Appendix 5)

The Urban Forest Management (UFM) staff has reviewed the application and identified two issues. These issues are described below.

Issue: Permission to remove offsite trees

Sheet 3 of the SP Plat shows several trees along the southern property line that are proposed to be removed. Some of these trees are located on the adjacent property to the south. UFM indicated that the applicant is required to obtain permission from the adjacent property owner to remove any trees located off site.

Resolution:

The applicant has obtained permission from the Charlestown Square Homeowners Association to remove several trees along the southern property line (see Appendix 3). Documentation of this permission will be required by Department of Public Works and Environmental Services (DPWES) at the time of Site Plan Review.

Issue: Tree Cover Calculations

Staff is concerned that the proposed landscaping does not meet the tree cover requirements in the Zoning Ordinance. The Zoning Ordinance requires 20 percent tree cover on the subject property. Sheet 2 of the SP Plat shows only 11.5 percent.

Resolution:

A development condition has been written which requires the replacement of proposed shrubs located along the southern and western property lines with larger evergreen and/or shade trees to help meet the tree cover requirement as approved by UFM.

Additional shade trees may be required to be planted throughout the site as approved by UFM. Imposition of this development condition will satisfy staff's concern.

Transportation Analysis (Appendix 6)

The Department of Transportation reviewed the application and indicated that there are no issues associated with the request.

Stormwater Management (Appendix 7)

The Environmental and Site Review Division of DPWES reviewed the application and indicated that the applicant needs to comply with the soil testing requirements for an infiltration facility in accordance with the DPWES Letter to the Industry #07-04 dated January 25, 2007. The applicant will be required to demonstrate that the proposed infiltration facility and any alternative SWM/BMP facilities are adequate to service the proposal at the time of Site Plan Review. If the proposed facilities are not in substantial conformance with the SP Plat, then the applicant may need to file for an amendment to the special permit. A development condition has been written to ensure compliance with SWM requirements.

ZONING ORDINANCE PROVISIONS

In order to approve a Group 2 Special Permit use to preserve, improve and expand an existing cemetery, the request must fulfill all applicable provisions of the Zoning Ordinance. These sections are attached as Appendix 8 and include the General Standards of Section 8-006 and the Standards for all Group 2 Uses in Section 8-203, among others.

Bulk Standards (R-2 Zoning)		
Standard	Required	Provided
Lot Size	15,000 square feet (minimum)	46,582 square feet
Lot Width	Interior Lot 100 ft	App. 110 feet after ROW dedication
Building Height	35 feet	N/A
Front Yard	35 feet	Minimum of 35 feet (Building Restriction Line)
Side Yard	15 feet	Minimum of 15 feet (Building Restriction Line)
Rear Yard	25 feet	Minimum of 25 feet (Building Restriction Line)
Open Space	No requirement	N/A
Transitional Screening & Barrier: None required		

As illustrated in the Bulk Standards chart, the proposed development meets the bulk standard requirements in an R-2 District.

Special Exception Requirements (Appendix 8)

General Special Permit Standards (Sect. 8-006)

General Standard 1 requires that the proposed use at the specified location be in harmony with the adopted Comprehensive Plan. As stated in the Land Use Analysis, staff believes the proposal is in harmony with the Plan.

General Standard 2 requires that the proposed use be in conformance with the general purpose and intent of the applicable zoning district regulations. The R-2 District permits an interment use (cemetery) use as a special permit use. The site is designed to be compatible with the adjacent residentially zoned land.

General Standard 3 requires that the proposed use be harmonious with and 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. The proposal will improve the existing conditions of an existing family cemetery. Although there are no transitional screening or barrier requirements for the proposed use in the Zoning Ordinance, the applicant proposes to provide a row of evergreen trees along the western and southern property lines to supplement existing vegetation on the site and to buffer the proposed use from adjacent properties. In addition, the applicant proposes a 6 foot high board on board fence along the northern, southern, and western property lines. It is staff's opinion that the proposal will not hinder future development of adjacent parcels.

General Standard 4 requires that the proposed use 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. Access for the site is provided from Lincolnia Road. Traffic associated with this small cemetery will be minimal. It is staff's opinion that the application will not create any hazardous traffic conditions.

General Standards 5, 6 and 7 require landscaping, screening, open space, adequate utility, drainage, parking and loading to be regulated in accordance with the Zoning Ordinance; however, the BZA may impose more strict requirements for a given use than those set forth in the Ordinance. The applicant has met or exceeded the requirements of the Zoning Ordinance with the exception of the tree cover requirements. Staff has recommended a development condition to replace the proposed smaller shrubs located along the southern and western property lines with larger evergreen and/or shade trees to help meet the tree cover requirements as approved by UFM. In addition, there are no specific parking requirements for a cemetery without a funeral home. The applicant has provided eight spaces. Therefore, staff believes that the proposed development subject

to the proposed development conditions included in Appendix 1 is in conformance with the applicable Zoning Ordinance requirements.

General Standard 8 requires that all signs be regulated by the provisions of Article 12. The applicant proposes two 4 foot high signs at the entrance point. This proposed signage will be required to meet the requirements outlined within Article 12 of the Zoning Ordinance. Staff believes that this standard has been satisfied.

Standards for all Group 2 Uses (Sect. 8-203)

Standard 1 requires that all uses shall comply with the provisions set forth in Chapter 3 of Title 57 of the Code of Virginia. The applicant indicated that they will comply with the provisions in Chapter 3 of Title 57 of the Code of Virginia, which are included in Appendix 9. In addition, the applicant indicated that a not-for-profit corporation would be created to address perpetual care requirements for cemetery maintenance found in Chapter 3 of Title 57 of the Code of Virginia. No information about the not-for-profit corporation has been provided. Staff is concerned about the ability of the applicant to form a not-for-profit corporation and has recommended a development condition to provide for ongoing maintenance and management of the cemetery. A development condition has been written to ensure that the applicant complies with the provisions of Chapter 3 of Title 57 of the Code of Virginia and creates the required entity to maintain the cemetery in the future. Imposition of this development condition will satisfy staff's concern.

Standard 2 requires that all uses shall comply with the lot size and bulk regulations of the zoning district in which located, but in no instance shall an interment in any facility for the disposal of the dead be made within fifty (50) feet of a street line. As previously stated, the proposal meets the bulk standard requirements in an R-2 District. In addition, the SP Plat shows a 50 foot setback from the future right of way line for Lincolnia Road. Staff believes that this standard has been satisfied.

Standard 3 requires that all uses shall comply with the performance standards specified for the zoning district and Standard 4 requires that all uses, including modifications or alterations to existing uses, be subject to the provisions of Article 17, Site Plans. The applicant indicated in the statement of justification that the proposal will comply with the performance standards specified in the Zoning Ordinance and the provisions of Article 17, Site Plans. Staff believes that this standard has been satisfied.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant's request to preserve, improve and expand the existing cemetery is in conformance with the recommendations of the Comprehensive Plan. The SP Plat depicts a layout that is functional and enhances an existing cemetery. The application fulfills the Plan Objectives and meets the applicable Zoning Ordinance provisions with the implementation of the development conditions contained in Appendix 1.

Recommendations

Staff recommends approval of SP 2007-MA-159, subject to the 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 proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Zoning Appeals.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification and Charleston Square Homeowners Association Letters
4. Comprehensive Plan Citations
5. Urban Forest Management Analysis
6. Transportation Analysis
7. Stormwater Management Analysis
8. Zoning Ordinance Provisions
9. Chapter 3 of Title 57 of the Code of Virginia
10. Glossary

PROPOSED DEVELOPMENT CONDITIONS**SP 2007-MA-159****March 4, 2008**

If it is the intent of the Board of Zoning Appeals to approve SP 2007-MA-159 located at Tax Map 72-2 ((1)) 39 for an expansion of an existing cemetery use pursuant to Sect. 3-203 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This approval is granted to the applicant only, Eastwood Properties, Inc., with the exception of a possible transfer of ownership to the entity required in Development Condition 9, is not transferable without further action of this Board, and is for the location indicated on the application, 6271 Lincolnia Road, (1.14 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 CPJ Associates, dated December 14, 2007, with revisions through February 22, 2008, and approved with this application, as qualified by these development conditions.
3. This Special Permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
4. A landscape plan shall be submitted concurrent with site plan review and shall be subject to the review and approval of the Urban Forest Management Department (UFM). Any dead or dying plantings may be removed as approved by UFM.
5. The applicant shall conform strictly to the limits of clearing and grading as shown on the SP Plat, subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities within of the limits of clearing and grading as shown on the SP Plat, they shall be located in the least disruptive manner necessary as determined by UFM.
6. Notwithstanding what is shown on the SP Plat, minimum tree cover requirements shall be met unless modified by the Director of DPWES. The small shrubs depicted along the southern and western property lines may be replaced with evergreen trees a minimum of 6 feet in height at the time of planting and/or shade trees with a minimum 2 inch caliper at the time of planting to help meet the tree cover requirement as determined by UFM. Additional evergreen trees with a minimum of 6 feet in height and/or shade trees with a minimum of 2 inch caliper may be planted throughout the site to meet the tree cover requirement as determined by UFM.

7. All signs shall be in conformance with the provisions of Article 12 of the Zoning Ordinance.
8. Additional improvements within the limits of the existing cemetery shall include, but not be limited to, straightening existing headstones; replacing/repairing broken pathways; and providing supplemental landscaping as determined by UFM.
9. The applicant shall conform to the provisions in Chapter 3 of Title 57 of the Code of Virginia. To provide for ongoing maintenance and management of the cemetery use, the Applicant shall facilitate the establishment of a not-for-profit or a private cemetery company organized under the relevant provisions of the Code of Virginia to operate the cemetery. Written evidence documenting the formation of this company shall be provided to Fairfax County prior to the issuance of a Non-Residential Use Permit (Non-RUP).
10. Coordination with the History Commission shall be performed to determine if a historic marker is merited on the cemetery site. If a historic marker is merited, the marker shall be provided and funded according to the specifications of the History Commission.
11. Storm water Management and Best Management Practices shall be provided, as approved by DPWES, in the areas shown on the SP Plat. If the proposed facilities are not in substantial conformance with the SP Plat, then a SPA application may be required.
12. The 4 foot high sign and the metal fence located to the south of the entrance as depicted on the SP Plat shall be placed in the least damaging way and location to the existing trees as determined by UFM.

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.

Application No.(s): SP 2007-MA-159
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Special Permit/Variance Attachment to Par. 1(a)

DATE: FEB 7 2008
 (enter date affidavit is notarized)

98092 a

(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: Carson Lee Fifer, Jr. Gregory A. Riegle Jonathan P. Rak David R. Gill Mark M. Viani Joanna C. Frizzell 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-MA-159
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: FEB 7 2008
(enter date affidavit is notarized)

98092 a

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)

Eastwood Properties, Inc.
3050 Chain Bridge Road, Suite 103
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)

Richard L. Labbe, sole shareholder

(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: FEB 7 2008
(enter date affidavit is notarized)

98092a

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

Charles P. Johnson & Associates, Inc.
3959 Pender Drive, #210
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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Charles P. Johnson
Paul B. Johnson

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): SP 2007-MA-159
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: FEB 7 2008
(enter date affidavit is notarized)

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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
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.
Bilik, R. Eric
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.
Cogbill, John V., III

(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): _____

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

DATE: FEB 7 2008
(enter date affidavit is notarized)

98092a

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)

Cromwell, Richard J.
Culbertson, Craig R.
Cullen, Richard (nmi)
Cutchins, Clifford A., IV
de Cannart d'Hamale, Emmanuel
De Ridder, Patrick A.
Dickerman, Dorothea W.
Dillon, Lee Ann
DiMattia, Michael J.
Dimitri, James C.
Dorman, Keith A.
Douglass, W. Birch, III
Downing, Scott P.
Dyke, James Webster, Jr.
Edwards, Elizabeth F.
Evans, David E.
Feller, Howard (nmi)
Fennebresque, John C.
Fifer, Carson Lee, Jr.
Foley, Douglas M.
Fox, Charles D. IV
France, Bonnie M.
Freedlander, Mark E.
Freye, Gloria L.
Fuhr, Joy C.
Germaise, Susan L.
Getchell, E. Duncan, Jr.
Gibson, Donald J., Jr.

Glassman, Margaret M.
Glickson, Scott L.
Gold, Stephen (nmi)
Goldstein, Philip (nmi)
Goodall, Larry M.
Gordon, Alan B.
Grandis, Leslie A.
Grant, Richard S.
Greenberg, Richard T.
Grieb, John T.
Harmon, Jonathan P.
Harmon, T. Craig
Harmon, Yvette (nmi)
Hartsell, David L.
Hayden, Patrick L.
Hayes, Dion W.
Heberton, George H.
Horne, Patrick T.
Isaf, Fred T.
Iselin, Benjamin B.
Jackson, J. Brian
Jarashow, Richard L.
Jeffcoath, Brenton D.
Johnston, Barbara Christie
Kanazawa, Sidney (nmi)
Katsantonis, Joanne (nmi)
Keenan, Mark L.
Kennedy, Wade M.

King, Sally Doubet
King, Donald E.
Kittrell, Steven D.
Kratz, Timothy H.
Krueger, Kurt J.
La Fratta, Mark J.
Lawrie, Henry deVos, Jr.
Lias-Booker, Ava E.
Lieberman, Richard E.
Little, Nancy R.
Long, William M.
Manning, Amy B.
Marianes, William B.
Marks, Robert G.
Marshall, Gary S.
Marsico, Leonard J.
Martin, Cecil E., III
Martin, George Keith
Martinez, Peter W.
Mason, Richard J.
Matthews, Eugene E. III
McArver, R. Dennis
McCallum, Steven C.
McElligott, James P.
McElroy, Robert G.
McFarland, Robert W.
McIntyre, Charles Wm.

(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-MA-159
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Special Permit/Variance Attachment to Par. 1(c)

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98092a

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**)

- | | | |
|-----------------------|-------------------------|---------------------------|
| McRill, Emery B. | Riley, James B., Jr. | Summers, W. Dennis |
| Menges, Charles L. | Riopelle, Brian C. | Suzumoto, Mark L. |
| Menson, Richard L. | Robinson, Stephen W. | Swartz, Charles R. |
| Michels, John J., Jr. | Rogers, Marvin L. | Swan, David I. |
| Milton, Christine R. | Rohman, Thomas P. | Tarry, Samuel L., Jr. |
| Murphy, Sean F. | Rosen, Gregg M. | Thornhill, James A. |
| Newman, William A. | Russell, Deborah M. | Tirone, Joseph G. |
| Nunn, Daniel B., Jr. | Rust, Dana L. | Van der Mersch, Xavier G. |
| Oakey, David N. | Samuels, Lawrence R. | Van Etten, David B. |
| O'Grady, Clive R. G. | Satterwhite, Rodney A. | Vick, Howard C., Jr. |
| O'Grady, John B. | Schewel, Michael J. | Walker, Howard W. |
| O'Hare, James P. | Schill, Gilbert E., Jr. | Walker, John Tracy, IV |
| Oostdyk, Scott C. | Schmidt, Gordon W. | Walsh, James H. |
| Padgett, John D. | Sellers, Jane Whitt | Watts, Stephen H., II |
| Pankey, David H. | Shelley, Patrick M. | Wells, David M. |
| Parker, Brian K. | Sipprelle, Keith A. | Werlin, Leslie M. |
| Pellegrini, John B. | Skinner, Halcyon E. | Westwood, Scott E. |
| Plotkin, Robert S. | Slone, Daniel K. | Whittemore, Anne Marie |
| Pusateri, David P. | Smith, Stuart (nmi) | Williams, Steven R. |
| Rak, Jonathan P. | Spahn, Thomas E. | Williamson, Mark D. |
| Rappaport, Richard J. | Spitz, Joel H. | Wilson, Ernest G. |
| Reid, Joseph K., III | Stallings, Thomas J. | Wood, R. Craig |
| Ricciardi, James P. | Steen, Bruce M. | Young, Kevin J. |
| Richardson, David L. | Stein, Marta A. | Younger, W. Carter |
| Riegle, Gregory A. | Stone, Jacquelyn E. | Zirkle, Warren E. |
| Rifken, Lawrence 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.

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

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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.	Gillece, James P., Jr.	Pickens, B. Andrew, Jr.
Adams, Robert T.	Gordon, Mark L.	Price, James H., III
Ames, W. Allen, Jr.	Grimm, William K.	Pristave, Robert J.
Anderson, Donald D.	Hampton, Glen W.	Robertson, David W.
Aucutt, Ronald D.	Harrington, James T.	Sable, Robert G.
Baran, Barbara (nmi)	Hodes, Scott (nmi)	Schoeneberger, Keith P.
Bart, Hollis Gonerka	Howard, Marcia Morales	Senica, John L.
Blanco, Jim L.	Johnston, Barbara Christie	Serritella, William D.
Bolotov, Yuri A.	Joslin, Rodney D.	Smith, James C., III
Bracey, Lucius H. Jr.	Kane, Richard F.	Smith, Stephen R.
Broadus, William G.	Keefe, Kenneth M., Jr.	Starkman, Gary L.
Burke, John W., III	Kidder, Jacquelyn F.	Sterling, David F.
Burkholder, Evan A.	King, Michael H.	Strickland, William J.
Burrus, Robert L. Jr.	King, William H., Jr.	Stroud, Robert E.
Casey, James J.	Klenk, Timothy C.	Tetzlaff, Theodore R.
Costan, James M.	Lee, John Y.	Tashjian-Brown, Eva S.
Courson, Gardner G.	Lutter, Paul A.	Valeta, Peter J.
Cranfill, William T.	McGuigan, Philip P.	Waddell, William R.
Crystal, Jules I.	McGuire, Mark J.	Wanguard, Robert E.
Deem, William W.	McMenamin, Joseph P.	Williams, Stephen E.
den Hartog, Grace R.	Mack, Curtis L.	Zehill, Louis W.
Di Cioccio, Stephen J.	Melson, David E.	Yorke, John B.
Dudley, Waller T.	Mulroy, Thomas R.	
Ezell, Sandra Giannone	Nizio, Francis (nmi)	
Flemming, Michael D.	Page, Rosewell II (nmi)	
Franklin, Stanley M.	Pelton, Russell M.	

(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-MA-159
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: FEB 7 2008
(enter date affidavit is notarized)

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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: FEB 7 2008
(enter date affidavit is notarized)

98092a

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.)

Richard L. Labbe (Eastwood Properties, Inc.) donated in excess of \$100 to Supervisor Michael Frey.

McGuireWoods LLP, the Applicant's 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.

Carson Lee Fifer, Jr., Esquire (McGuireWoods LLP) donated in excess of \$100 to Supervisor Michael Frey.

(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)

Lori R. Greenief
[] Applicant

Applicant's Authorized Agent

Lori R. Greenief, Land Use Planner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 7th day of FEBRUARY 2008, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires:



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

Patricia W. Young
Notary Public

Special Permit/Variance Attachment to Par. 3

DATE: FEB 7 2008

98092a

(enter date affidavit is notarized)

for Application No. (s): SP 2007-MA-159
(enter County-assigned application number (s))

James W. Duke, Jr., Esquire (McGuireWoods LLP) donated in excess of \$100 to Connolly for Chairman.

Jonathan P. Rak (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.

WRITTEN STATEMENT OF JUSTIFICATION

Lincolnia Cemetery
SPECIAL PERMIT APPLICATION
November 9, 2007

Description of Special Permit (SP) Request

The applicant, Eastwood Properties, Inc., is requesting approval of a Group 2 Special Permit use to allow expansion of an existing cemetery on the subject property. The property was previously owned by the Episcopal church which originally established the cemetery between 1900 and 1920, prior to the adoption of the Zoning Ordinance.

The property contains 1.138 acres and is zoned R-2. It is bordered on the south by the Charleston Square townhouse development, zoned R-8; on the west by Orleans Village apartment complex, zoned R-20; on the north by two lots zoned R-2, one of which contains an abandoned home and then farther north by another townhouse subdivision, Linmar, zoned R-5; and on the east by lots either vacant or developed with single family detached dwellings zoned R-3. Recently, the subject property was combined with Lots 35 and 38 to the north in a rezoning application proposing townhouse units and preservation and expansion of the existing cemetery but negotiations with those property owners resulted in the application being indefinitely deferred. The applicant would like to preserve, clean up and expand the existing cemetery and has filed this special permit request for that purpose.

Description of Special Permit (SP) Plat

The special permit plat shows:

- **Existing Cemetery.** The existing cemetery area is shown in the northern portion of the site. The applicant has been working with the families of those buried in the cemetery to form a non-profit corporation to enhance, maintain and operate the cemetery. The cemetery is in need of many repairs such as uprighting headstones, fixing pathways and clearing fallen trees and brush.
- **Proposed Expansion Area.** Expansion areas are shown around the existing cemetery and in the southern portion of the site. The applicant has worked with a cemetery planning firm to develop plan for the cemetery expansion.
- **Site Access and Parking.** A 30 foot wide commercial entrance is shown off of Lincolnia Road. Eight visitor spaces are shown in the front area of the site with an access drive to the back gravesite areas. The drive will be wide enough to allow parking on one side. The parking area will be constructed with porous pavers and the driveway will be gravel.
- **Tree Preservation.** Specific trees are shown as preserved on the special permit plat.
- **Stormwater Management.** Minimal stormwater management is necessary for the use. Filtration methods such as the porous pavers, the gravel drive and a

possible infiltration trench in the southwestern area of the site are incorporated.

- Fencing. There is no transitional screening or barrier requirement listed in Article 13. However, a wood fence and landscaped screening will be provided along the northern, western and southern lot lines. A decorative fence is shown along the Lincolnia Road frontage.

Pertinent Data

- A. Type of Operation. Group 2 Interment use, cemetery for human interment. There will not be a columbarium, mausoleum, crematory or funeral home on the property.
- B. Hours of Operation: Daylight
- C. Patronage: Except for occasional burials, there is expected to be minimal visits to the cemetery.
- D. Proposed number of employees: 1 or 2 caretakers on site on a sporadic basis
- E. Estimate of traffic impact: Except for occasional burials, little to no traffic impact. There will be traffic directing measures undertaken for any burial event.
- F. Vicinity of area to be served: Metro area
- G. Description of building and façade. None.
- H. Listing of Hazardous or Toxic Substances on site. The proposed use will not generate, utilize, store, treat and/or dispose of any hazardous or toxic substances as set forth in Title 40.
- I. Conformity of Proposed Use. The proposed changes conform to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions. See below for detailed explanation.

Discussion of Zoning Ordinance Compliance

Sect. 8-203 Standards for All Group 2 Uses

The use will comply with the provisions of Chapter 3 of Title 57 of the Code of Virginia, the lot size and bulk regulations of the R-2 District, and the performance standards specified in the Zoning Ordinance. There shall be no grave closer than 50 feet to the right-of-way line of Lincolnia Road as shown on the special permit plat.

Sect. 8-006, General Standards

1. The proposed use at this location is in harmony with the adopted Comprehensive Plan. The Plan map shows the property as planned for institutional use. The Plan language discusses as a development option, the consolidation of this parcel with the two to the north which was the objective of the rezoning application. Although that application is not being pursued, the applicant wanted to continue with the preservation and maintenance of the cemetery as described in the Plan.
2. The proposed changes are in harmony with the general purpose and intent of the applicable zoning district regulations as discussed above. The pastoral nature of the cemetery use is in harmony with the low intensity character of the R-2 District.
3. The proposed changes will not adversely affect neighboring properties and will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. The rezoning application enjoyed the support of the neighboring properties who want the cemetery cleaned up and maintained. The improvements made to the property will be an asset to the community.
4. The pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. There will be minimal traffic associated with the cemetery use.
5. There are no specific transitional screening or barrier requirements required by Article 13 of the Zoning Ordinance. However, a wood fence is shown along the northern, western and southern lot lines.
6. There is no open space requirement.
7. There is no specific parking requirement in the Zoning Ordinance for a cemetery without a funeral home. Eight parking spaces are provided for the occasional visitor(s).
8. Signs shall comply with Article 12 of the Zoning Ordinance.

CHARLESTON SQUARE HOMEOWNERS ASSOCIATION, INC.
P. O. Box 11173
Alexandria, VA 22312

January 24, 2008

Mr. Richard L. Labbe
President
Eastwood Properties, Inc.
3050 Chain Bridge Road, Suite 103
Fairfax, VA 22030

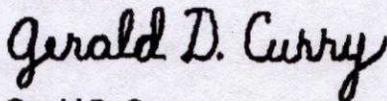
Dear Mr. Labbe:

The Board of Directors of the Charleston Square Homeowners Association, Inc., has reviewed your Special Permit Plat for the Lincolnia Memorial Gardens, dated December 14, 2007, and concurs in your plans for the renovation and expansion of the cemetery as specified therein. Further, with regard to the Existing Vegetation Map and Tree Inventory, Page 3 of 4, of the Plat, the Association specifically supports the proposed actions regarding the following trees that are on or immediately adjacent to the Association's property line as identified by number on the above referenced document:

- #3 - Black Cherry, 7" (Remove)
- #5 - Black Cherry, 6" (Remove)
- #8 - Black Cherry, 10"/6" (Remove)
- #10 - Chestnut Oak, 26" (Remove)
- #11 - Black Gum, 32" (Remove)
- #12 - Black Gum, 7" (Remove)
- #13 - Black Gum, 14"/14"/10" (Remove)
- #22 - Black Cherry, 24" (Save)
- #23 - Honeylocust, 12" (Save)

If you need to contact me, I can be reached on (703) 941-7041.

Sincerely,



Gerald D. Curry
President

CHARLESTON SQUARE HOMEOWNERS ASSOCIATION, INC.
P. O. Box 11173
Alexandria, VA 22312

February 11, 2008

Mr. Richard L. Labbe
President
Eastwood Properties, Inc.
3050 Chain Bridge Road, Suite 103
Fairfax, VA 22030

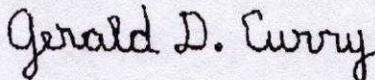
Dear Mr. Labbe:

As requested by the County, this is to confirm a revision to my letter of January 24, 2008, regarding your Special Permit Plat for the Lincolnia Memorial Gardens, dated December 14, 2007. The specific revision involves the proposed actions regarding the trees that are on or immediately adjacent the Association's property line as identified by number on the Existing Vegetation Map and Tree Inventory, Page 3 of 4, of the Plat.

In my January 24th letter, I showed trees #22 and #23 as being saved. Subsequently, in response to our specific request, you agreed to change the status of these two trees from "saved" to "removed." We sincerely appreciate your willingness to make this "last minute" change for us.

If you need to contact me, I can be reached on (703) 941-7041.

Sincerely,



Gerald D. Curry
President

2. The area north of Orleans Village and Linmar townhouses and south of Grace Baptist Church west to Turkeycock Run is planned for residential use at 1-2 dwelling units per acre.
3. Parcel 72-1((1))59 in the southwestern quadrant of the intersection of Braddock Road and Lincolnia Road is planned for residential use at 1-2 dwelling units per acre and developed for institutional uses. As conditions for any future changes or redevelopment proposed for this site:
 - Site development and provide screening and buffering to minimize the impact on adjacent areas planned for low density residential use; and
 - Design the development to be sensitive to the environmental constraints of the property, especially so as not to increase off-site storm drainage problems.
4. Limit commercial development on the north side of Route 236 to the area between Braddock Road and the Autumn Glen townhouse development at Merritt Road and to the existing development in the vicinity of Beauregard Street. As redevelopment occurs, provide pedestrian access to and from residential neighborhoods.
5. Parcel 72-2((1))44B, south of the Lincolnia Senior Center, is planned for multi-family residential development at 12-16 dwelling units per acre or single family attached residential development not to exceed 12 dwelling units per acre provided that 1) development of this site does not preclude roadway improvements planned for Beauregard Street and Lincolnia Road; 2) access to the site should be oriented to take into account the approved interchange concept for the Route 236/Beauregard Street flyover; 3) since access to Beauregard Street may become more limited with the future construction of the interchange, additional inter-parcel access should be encouraged to the west or south, to supplement the approved inter-parcel access through the Lincolnia Senior Center property; and 4) in lieu of on-site recreational facilities, consideration may be given to the enhancement of the recreational area behind the Lincolnia Senior Center, in order to better utilize and maintain this existing community recreational resource.
6. Parcels 72-1((1))27, 28, 29, 29A, 31, 32 and 34 on Merritt Road north of Autumn Glen townhouses are planned for residential use at 1-2 dwelling units per acre. With consolidation of all parcels, residential development up to 5 dwelling units per acre to continue the existing pattern of development is appropriate, provided that the project includes substantial open space along the perimeter of the tract, adjacent to the Turkeycock Run Stream Valley Park.
7. The vacant parcels located in the northwest quadrant of the intersection of Brookside Drive and Route 236, across from Turkeycock Run Park, are planned for residential development at 1-2 dwelling units per acre to be compatible with the adjacent single-family neighborhood. Dedicate portions of the tract to the Park Authority for inclusion in the Turkeycock Run Stream Valley Park.
8. Retain the Lincolnia Senior Center for public facilities use and in public ownership for school, local community and recreational use.
9. Parcels 72-2((1))35 and 38 are planned for residential use at 5-8 du/ac. Parcel 72-2((1))39 is planned for institutional use. As an option, Parcels 72-2((1))35, 38 and 39, may be

appropriate for up to a total of 12 units with full parcel consolidation, if the following conditions are met:

- Residential development should be located on parcels 72-2((1))35 and 38 with parcel 72-2((1))39 to be maintained for cemetery use and open space.
- The existing cemetery use is preserved and enhanced with landscaped buffering and monument signs to better demarcate the boundary of the cemetery and parking is provided at the cemetery for cemetery visitors.
- Storm water management infrastructure may be appropriate for the cemetery property (Parcel 72-2((1))39) provided that it is designed and located in a manner that does not adversely impact the cemetery.

Transportation

Transportation recommendations for this sector are shown on Figure 9. In some instances, site-specific transportation recommendations are included in the land use recommendations section. The figures show access orientation, circulation plans, interchange impact areas and generalized locations of proposed transit facilities. The recommendations contained in the Area Plan text and maps, the Policy Plan and Transportation Plan map, policies and requirements in the Public Facilities Manual, the Zoning Ordinance, and other standards will be utilized in the evaluation of development proposals.

Parks and Recreation

Figure 10 addresses park and recreation recommendations for this sector. The column "Park Classification" includes existing park facilities. The "Recommendations" column includes entries for both existing and proposed facilities. Prior to developing parkland, the Fairfax County Park Authority initiates a master planning process to determine the appropriate facilities and design for that park. This process involves extensive citizen review and participation. If an existing park is listed but no recommendation appears on that line, it means the park has been developed in accordance with its master plan.

Trails

Trails planned for this sector are delineated on Figure 11 and on the 1":4,000' Countywide Trails Plan Map which is referenced as Figure 2 in the Transportation element of the Policy Plan and is available at the Maps and Publications Sales Desk. Trails in this sector are an integral part of the overall County system. While some of the segments have already been constructed, the Countywide Trails Plan Map portrays the ultimate system for the sector and the County at large. In addition, the map specifies a classification for each segment, which represents the desired ultimate function and surface type of the trail. Specific construction requirements are detailed in the Public Facilities Manual.



County of Fairfax, Virginia

MEMORANDUM

February 11, 2008

TO: William J. O'Donnell, Jr. AICP, Planner II
Department of Planning and Zoning, Zoning Evaluation Division

FROM: Ineke Dickman, Urban Forester II 
Forest Conservation Branch, DPWES

SUBJECT: Lincolnia Memorial Gardens (6271 Lincolnia Road), SP 2007-MA-159

This review is based on the Special Permit Plat 2007-MA-159 stamped "Received, Department of Planning and Zoning, February 8, 2008."

All issues previously brought up by Urban Forest Management Staff have been adequately addressed in this submission with the exception of the following. Trees 22 and 23 on the adjacent property are shown to be removed, even though the letter of the Charlestown Square HOA dated January 24, 2008 giving permission to remove adjacent trees states that these trees are to be saved. In subsequent emails from the HOA they requested removal of these trees as well. Provided that an official letter from the HOA giving permission to remove these trees is submitted with the site plan, Urban Forest Management Division staff does not have any further issues with the SP.

Please call if you have any questions.

AID/
UFMID #: 133120

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes





County of Fairfax, Virginia

MEMORANDUM

January 8, 2008

TO: William J. O'Donnell, Jr. AICP, Planner II
Department of Planning and Zoning, Zoning Evaluation Division

FROM: Ineke Dickman, Urban Forester II *AD*
Forest Conservation Branch, DPWES

SUBJECT: 6271 Lincolnia Road (Lincolnia Memorial Gardens), SP 2007-MA-159
13928-ZONA-002-1

This review is based on the Special Permit Plat 2007-MA-159 stamped "Received, Department of Planning and Zoning, December 17, 2007." Site visits were conducted on May 1, 2007 and May 17, 2007 during the review of CDP/FDP 2007-MA-0010, as well as on January 8, 2008.

Site Description: The project site contains a cemetery and a grassy area. Individual trees are scattered throughout the cemetery and the rest of the project site and include species such as ailanthus, black locust, black cherry, eastern redcedar, hickory, white and chestnut oak, and American holly. Although the majority of these are not worthy of preservation there are a few that are noteworthy and in very good condition, and they should be considered a priority for preservation. These include two approximately 8 and 12" dbh eastern redcedars at the eastern edge of the cemetery and two American hollies at the southern edge of the cemetery. Additionally there are a 16" eastern redcedar along the east side of the northern property boundary and a 7" dbh eastern redcedar near the eastern portion of the southern property boundary that should be considered a priority for preservation.

- 1. Comment:** In the Statement of Justification it says that specific trees are shown as preserved on the special permit plat. However, three trees shown to be preserved are off-site and one tree shown to be preserved on-site (#77) is dead. The entire site is proposed to be cleared and there are no efforts to save any of the other existing trees that should be considered for preservation. There are two eastern redcedars (#67 and 68) in good condition at the eastern side of the cemetery and both are shown to be saved in the tree inventory. Another eastern redcedar (approx. 16" dbh, #58) is located north east of the cemetery and one approx. 7" dbh redcedar (#2) is located at the southeast corner of the property. These also should be considered for preservation.

Recommendation: Applicant should provide clear efforts to preserve more individual trees that are in good condition and that may be part of the historic character of the cemetery. The plan should also be in conformance with the tree preservation plan recommendations.

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



2. **Comment:** Tree cover credit has been taken for a dead tree and for trees that are co-owned or whose trunk is located off-site.

Recommendation: Adjust the tree cover calculations to only include trees that are alive and that are located on-site.

3. **Comment:** Expansion and therefore clearing of the project site is shown to coincide with the property boundaries. Many of the trees on the adjacent properties or on the property boundary (co-owned trees) are shown to be removed. Trees on adjacent property and co-owned trees may not be removed without the express written consent of adjacent homeowners. Additionally, grading may not take place within the critical root zone of trees to be preserved on and off-site according to the PFM.

Recommendation: Show all trees on adjacent properties to be preserved unless written proof of consent to remove said trees is provided. Move the limits of clearing approximately 15 feet away from the property boundary, in particular where large trees are present on the adjacent properties.

4. **Comment:** The proposed wood fence along the southern property boundary would be very detrimental to the health and survival of the trees to be preserved on the adjacent property, as their trunks and roots will be affected by the installation of this fence on the property boundary.

Recommendation: Locate the fence away from the property boundary (as suggested in comment 2) and at a minimum use cut-outs or zig-zags to prevent injury to existing trees to be preserved on adjacent property.

Please call if you have any questions.

AID/
UFMID #: 133120

cc: RA File
DPZ File



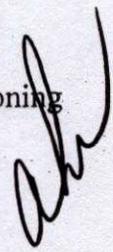


County of Fairfax, Virginia

MEMORANDUM

DATE: February 6, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver 
Site Analysis Section
Department of Transportation

FILE: 3-6 (SP 2007-MA-159)

SUBJECT: Transportation Impact

REFERENCE: SP 2008-MA-159 Lincolnia Memorial Gardens
Traffic Zone: 1410
Land Identification Map: 72-2 ((1)) 39

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to us dated December 14, 2007, and revised through January 24, 2008. The applicant wishes to expand an existing cemetery on the subject property. The cemetery was established between 1900 and 1920 and is in poor condition. The applicant has been working with the families of those buried in the cemetery to form a non-profit corporation to repair, maintain and operate the cemetery.

This department has no transportation issues with this application.

AKR/LAH/lah

cc: Michelle Brickner, Director, Office of Site Development Services, DPW&ES



County of Fairfax, Virginia

MEMORANDUM

DATE: FEB - 1 2008

TO: William O'Donnell, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum Khan, Chief Stormwater Engineer 
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Permit Application SP 2007-MA-159, Eastwood Property, Plan Dated January 25, 2008, LDS Project #13928-ZONA-002-2, Tax Map #072-2-01-0039, Mason District, Cameron Run Watershed

We have reviewed the subject application and offer the following comments related to Stormwater Management (SWM):

SWM

The applicant needs to comply with the soil testing requirements for infiltration facility in accordance with the DPWES Letter to Industry #07-04 dated January 25, 2007.

If further assistance is desired, please contact me at 703-324-1720.

QKmw

cc: Steve Aitcheson, Director, Stormwater Planning Division, DPWES
Zoning Application Files

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



SPECIAL PERMITS

PART 2 8-200 GROUP 2 INTERMENT USES**8-201 Group 2 Special Permit Uses**

1. Cemetery for human or animal interment.
2. Columbarium and mausoleum when used in conjunction with a cemetery.
3. Crematory, human or animal.
4. Funeral home, if located in an already existing cemetery of more than seventy-five (75) acres.

8-202 Districts in Which Group 2 Uses May be Located

1. Group 2 uses may be permitted by right in the following districts:
 PDH, PRC Districts: All uses when represented on an approved development plan
 I-4, I-5, I-6 Districts: Limited to use 3
2. Group 2 uses may be allowed by special permit in the R-E through R-4 Districts.

8-203 Standards for all Group 2 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 2 special permit uses shall satisfy the following standards:

1. All uses shall comply with the provisions set forth in Chapter 3 of Title 57 of the Code of Virginia.
2. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, but in no instance shall an interment in any facility for the disposal of the dead be made within fifty (50) feet of a street line.
3. All uses shall comply with the performance standards specified for the zoning district in which located.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

8-204 Additional Standards for Columbariums, Mausoleums and Crematories

1. No columbarium or mausoleum shall be located closer than 50 feet to any lot line.
2. No crematory shall be located closer than 250 feet to any lot line.
3. Crematories shall meet all applicable federal, state and local emission control standards for incinerators.

SPECIAL PERMITS

appropriate areas for such uses, all special permit uses are divided into groups of associated or related uses, hereinafter set forth in this Article 8.

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.

8-007 Conditions and Restrictions

In addition to those standards set forth in this Article, the BZA, in approving a special permit, may impose such conditions and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted comprehensive plan. Such conditions or restrictions may include but need not be limited to a time limitation on the length of the permit in accordance with the provisions of Sect. 008 below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

Code of Virginia

§ 57-22. Conveyance of land to trustees or local governing body for cemetery use.

A. Land may be conveyed to trustees, not less than five nor more than nine in number, for the use of any city, town, county, magisterial district, cemetery association, ecclesiastical or other society, as a cemetery. It shall be held by such trustees and their successors for such use and no other.

B. Land may also be conveyed to a county, city or town, in the name of the county, city or town, for use as a cemetery. Any perpetual care fund associated with the land or cemetery shall also be transferred upon such conveyance.

(Code 1919, § 50; 1997, c. 132.)

§ 57-23. Appointment, change or removal of trustees.

On the application of the governing body of a city or town, the attorney for the Commonwealth of a county, ten citizens of a magisterial district, or the proper authorities of any such association or society, for whose use such cemetery is held, the circuit court of the county in which the cemetery is situated may, from time to time, appoint, change, and remove the trustees, as provided in § 57-8, whenever it may seem to the court proper to effect or promote the purposes of the trust.

(Code 1919, § 51.)

§ 57-24. Powers and duties of trustees.

Such trustees and their successors shall have power to make such rules and regulations for the burial of the dead, the laying off, assignment and sale of burial lots, and the management, care, preservation and improvement of the grounds, as they may deem proper. They may take and hold personal property and money for the purposes of the trust, and what is so acquired and all money received from the sale of lots shall be accounted for by them and faithfully applied to such purposes.

(Code 1919, § 52.)

§ 57-24.1. Trustee for purpose of suit.

In the case of any private or family graveyard, where no trustees have been designated, and it appears that the interest of justice may be served by the appointment of a trustee or trustees for the purpose of suing or being sued, on the petition of any interested party, the court of record wherein deeds are recorded of the county or city in which such cemetery is located, may appoint a trustee or trustees for the purpose of suing or being sued. The petitioner shall bear the expense of such proceedings, provided that in the event a recovery is effected on behalf of such trustee or trustees, costs shall be taxed as provided by law.

(1970, c. 94.)

§ 57-25. Condemnation of land for cemeteries.

If it is desired at any time to establish a cemetery for the use of a city, town, county or magisterial

district, or to enlarge any such cemetery already established, and the title to land needed cannot be otherwise acquired, land sufficient for the purpose may be condemned. Application for the condemnation shall be made by the governing body of the city or town, the attorney for the Commonwealth of the county, or any ten citizens of the magisterial district, as the case may be, to the circuit court of the county or city in which the land lies, and the proceedings shall be according to the provisions of Title 25.1 for condemnation of land thereunder, so far as they can be applied to the case. The title to any land acquired under the proceedings, if for the enlargement of an existing cemetery, shall vest in the county, city or town, or in the trustees of such cemetery, as appropriate; and if for the establishment of a new cemetery, the title shall vest in the county, city or town, or in the trustees to be appointed under § 57-23, as appropriate. The land shall be held as provided by § 57-22.

(Code 1919, § 53; 1997, c. 132.)

§ 57-26. Restrictions as to location of cemeteries and as to quantity of land.

(1) Restrictions as to location. - No cemetery shall be hereafter established within a county or the corporate limits of any city or town, unless authorized by appropriate ordinance subject to any zoning ordinance duly adopted by the governing body of such county, city or town; provided that authorization by county ordinance shall not be required for interment of the dead in any churchyard or for interment of members of a family on private property; nor shall any cemetery be established within 250 yards of any residence without the consent of the owner of the legal and equitable title of the residence; provided that subject to the foregoing if the location for the proposed cemetery is separated from any residence by a state highway, it may be established upon such location without the consent of the owner of such residence if it be not less than 250' from the residence at its nearest point thereto; provided such prohibition and restriction shall not apply where the tract of land intended for use as a cemetery is separated from any residence by a state highway and now contains a public or private burial ground and is not within the corporate limits of any city or town; and no cemetery shall be hereafter established, and no burial made in any part of any cemetery, other than a municipal or city cemetery, located within 300 yards of any property owned by any city, town or water company, upon which or a portion of which are now located driven wells from which water is pumped or drawn from the ground in connection with the public water supply.

(2) Quantity of land. - Nothing contained in §§ 57-22 to 57-25 shall be so construed as to authorize a conveyance of more than 300 acres or the condemnation of more than 2 acres of land for the use of a cemetery.

(3) Action for damages. - When damage is done to adjacent land by the establishment of such cemetery, whether established by purchase or condemnation, the owners whose lands have been damaged shall have a right to action for such damage against any person, firm, corporation, or municipality, establishing the cemetery; provided such action be instituted within one year from such establishment.

(4) Exceptions. - The prohibitions and restrictions as to the location or establishment of cemeteries shall not apply to the town of Stuart, in Patrick County, to the town of Gretna, in Pittsylvania County, to the town of Shenandoah in Page County, or to the Woodbine Cemetery in the city of Harrisonburg, Rockingham County. And if the location for the proposed cemetery be in Norfolk County it may be established on such location if consent thereto be given by the owners of every residence within 250' thereof at its nearest point to any such residence, or if the location for the proposed cemetery is separated from any such residence by a state highway it may be established upon such location without the consent of the owner of such residence if it be not less than 150' from the residence at its nearest point thereto.

(Code 1919, § 56; 1926, p. 866; 1934, p. 13; 1942, p. 102; 1944, p. 462; 1948, p. 492; 1952, c. 108; 1954, c. 10; 1960, c. 161; 1994, c. 229.)

§ 57-27. City of Richmond may prohibit burials in certain cemeteries.

The governing body of the City of Richmond may, by ordinance, prohibit the burial of dead bodies in the cemeteries known as Ham's, Cedarwood, Methodist, Union Mechanics', Ebenezer, and Sycamore cemeteries, respectively, and may by such ordinance provide for penalties for violations of the same by fine not exceeding fifty dollars, or imprisonment in jail not exceeding six months.

(Code 1919, § 57.)

§ 57-27.1. Access to cemeteries located on private property; cause of action for injunctive relief; applicability.

A. Owners of private property on which a cemetery or graves are located shall have a duty to allow ingress and egress to the cemetery or graves by (i) family members and descendants of deceased persons buried there; (ii) any cemetery plot owner; and (iii) any person engaging in genealogy research, who has given reasonable notice to the owner of record or to the occupant of the property or both. The landowner may designate the frequency of access, hours and duration of the access and the access route if no traditional access route is obviously visible by a view of the property. The landowner, in the absence of gross negligence or willful misconduct, shall be immune from liability in any civil suit, claim, action, or cause of action arising out of the access granted pursuant to this section.

B. The right of ingress and egress granted to persons specified in subsection A shall be reasonable and limited to the purposes of visiting graves, maintaining the gravesite or cemetery, or conducting genealogy research. The right of ingress and egress shall not be construed to provide a right to operate motor vehicles on the property for the purpose of accessing a cemetery or gravesite unless there is a road or adequate right-of-way that permits access by a motor vehicle and the owner has given written permission to use the road or right-of-way of necessity.

C. Any person entering onto private property to access a gravesite or cemetery shall be responsible for conducting himself in a manner that does not damage the private lands, the cemetery or gravesites and shall be liable to the owner of the property for any damage caused as a result of his access.

D. Any person denied reasonable access under the provisions of this section may bring an action in the circuit court where the property is located to enjoin the owner of the property from denying the person reasonable ingress and egress to the cemetery or gravesite. In granting such relief, the court may set the frequency of access, hours and duration of the access.

E. The provisions of this section shall not apply to any deed or other written instrument that creates or reserves a cemetery or gravesite on private property.

(1993, c. 713; 2004, c. 831.)

§ 57-27.2. Correction of interment errors.

A. In any instance where the operator of a cemetery is informed or becomes aware that it has interred or permitted the interment of a body or cremains in the wrong burial space, it shall disinter the burial container wrongfully interred, identify the burial container, and reinter it in the proper burial space. The

cemetery shall give reasonable notice, in advance of the disinterment, to the nearest known next of kin of the deceased person and, if requested, the owner of such burial space. For the purposes of this section, "interment" means the same as such term is defined in § 54.1-2310.

B. At the time specified for the disinterment and reinterment, the cemetery shall permit the nearest known next of kin and, if requested, the owner of such burial space to witness the disinterment and reinterment.

C. The cemetery shall bear all costs of the disinterment and reinterment.

(1997, c. 74.)

§ 57-27.3. Authorization for interment.

A cemetery may accept the notarized signature of one next of kin of a decedent for the purpose of authorizing the interment or entombment, and for erecting a memorial on the grave, crypt or niche, unless the cemetery is on written notice that there exists a dispute between next of kin over such interment, entombment or memorialization. In the case of such a dispute, the cemetery shall have no obligation to perform the interment, entombment or memorialization until there is agreement of all next of kin, or a court order adjudicating the issue among all necessary parties.

For purposes of this section, "next of kin" means any of the following persons, regardless of the relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant to § 54.1-2825, the legal spouse, child over 18 years of age, custodial parent, noncustodial parent, siblings over 18 years of age, guardian of minor child, guardian of minor siblings, maternal grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18 years of age, or any other relative in the descending order of blood relationship.

(2004, c. 247.)

§ 57-28. Cities and counties may establish.

Any city and county, or any number of cities and counties, may jointly purchase or otherwise acquire land for the purpose of improving and establishing a jointly owned cemetery or cemeteries, and the governing bodies of the cities and counties purchasing or acquiring land for joint cemetery purposes shall have the power to plan any such cemetery and amend and revise any plans so made, to determine the perpetual upkeep requirements of such cemetery and of perpetual upkeep lots therein, to fix the purchase price of all lots therein, and to designate pauper lots and lots with and without perpetual care.

(1944, p. 326; Michie Suppl. 1946, § 53a.)

§ 57-29. Trustees.

After acquiring and planning such cemetery or cemeteries, the circuit court of the county wherein the cemetery is located shall appoint not less than five nor more than nine trustees, who shall reside in the city or county, for the purpose of managing and controlling such cemetery. The trustees shall have the power to convey lots in the cemetery in accordance with the plan thereof, without authority of court, and to include in deeds of conveyance such reasonable restrictions and conditions as they deem advisable, and shall have all other powers granted by general law to trustees of cemeteries. Such trustees shall, before entering upon the performance of their duties, give bond with approved security and in such

penalty as the court determines for the faithful performance of their duties.

(1944, p. 326; Michie Suppl. 1946, § 53a.)

§ 57-30. Funds from sale of lots and for perpetual upkeep.

The trustees shall, upon delivery of a deed for any lot or portion thereof, except a pauper lot, collect the purchase price and pay it to the designated treasurer of either the county or city establishing the cemetery. The amounts received from the sale of lots or portions thereof as herein determined shall be used by the city and county to pay for the cost of the land and improvements. All funds for perpetual upkeep shall be properly invested under the direction of the governing bodies of the city and county. The balance of the purchase price of lots or portions thereof, and so much of the income from invested perpetual care funds as may be needed, shall be paid annually to the trustees, to be used by them along with all other funds received by them for the maintenance, operation and upkeep of the cemetery and of the perpetual care lots therein.

(1944, p. 326; Michie Suppl. 1946, § 53a.)

§ 57-31. May be in perpetuity.

No disposition of property heretofore or hereafter made for the maintenance or care of any cemetery, burial ground, burial lot in a cemetery, or monument, or other erections about such cemetery or burial lot, shall fail by reason of such disposition having been made in perpetuity, but shall be valid.

(Code 1919, § 59; 1918, p. 103; 1920, p. 10.)

§ 57-32. Who may hold such property.

Any cemetery company chartered under the laws of the Commonwealth, or a church, or any trustees holding title to a cemetery, or burial ground, may take and hold any property granted, bequeathed, devised, or given upon trust to apply its income to the improvement, repair, or embellishment of the cemetery, or any burial lot or monument or tomb or vault or other erections in such cemetery, according to the terms of such grant, bequest, devise, or gift.

(Code 1919, § 59; 1918, p. 103; 1920, p. 10; 2005, c. 772.)

§ 57-33.

Repealed by Acts 1995, c. 255.

§ 57-34. Amount to defray original cost not limited.

Nothing contained in this article shall be construed as limiting the amount which may be given, bequeathed or devised to defray the original cost of the cemetery, burial lot, monument, vault or other like erection or structure, nor shall this article be construed as affecting any estate that has been distributed or settled on the basis of the law then existing.

(Code 1919, § 59; 1918, p. 103; 1920, p. 10.)

§ 57-35. Trusteeship for administering funds for perpetual care.

The board of directors of any incorporated cemetery company may by bylaw establish a trusteeship for holding and administering all funds paid to such cemetery company for the perpetual care of any lot or lots in the cemetery conducted by the company, and such trusteeship, once established, shall only be revoked, annulled or modified by and with the consent of the circuit court of the county or the corporation court of the city within whose jurisdiction the cemetery is situated.

(Code 1919, § 59; 1918, p. 103; 1920, p. 10.)

§§ 57-35.1. through 57-35.10.

Repealed by Acts 1989, c. 631.

§§ 57-35.11. through 57-35.35.

Repealed by Acts 1998, cc. 708 and 721, effective July 1, 2000.

§ 57-35.36. Cemeteries owned by localities; good faith effort required prior to interment.

Notwithstanding the exemptions provided for in § 54.1-2312, a cemetery operated by a county or city shall keep accurate records of the ownership of cemetery lots and shall make a good faith effort to ensure, prior to interment, that the ownership of a cemetery lot is vested in the decedent's estate or that permission for the interment has been granted by the person holding such ownership. This section shall not apply to lots or cemeteries which are dedicated for the burial of indigents.

(1991, c. 614.)

§ 57-36. Abandoned graveyards may be condemned; removal of bodies.

When a graveyard, wholly or partly within any county, city or town, has been abandoned, or is unused and neglected by the owners, and such graveyard is necessary, in whole or in part, for public purposes, authorized by the charter of such city or town, or by the general statutes providing for the government of counties, cities and towns, such county, city or town may acquire title to such burying ground by condemnation proceedings, to be instituted and conducted in the manner and mode prescribed in the statutes providing for the exercise of the power of eminent domain by counties, cities and towns. The court taking jurisdiction of such case may, in its discretion, require the county, city or town to acquire the whole burying ground, in which event the county, city or town may use such part thereof as may be necessary for its purposes and sell the residue. The court, however, shall direct that the remains interred in such graveyard, if possible so to do, be removed to some repository used and maintained as a cemetery.

(Code 1919, § 54; 1985, c. 95.)

§ 57-37. Costs of suits, removal and reinterment; how surplus above costs disposed of.

In the event that the proceeds from the condemnation are insufficient to defray the costs of the suit and removal, and reinterment of the remains, then the additional amount necessary therefor shall be paid by the county, city or town instituting the suit. If, after the payment of proper costs, there be any residue, the same shall be paid to the parties entitled thereto, and if there be any parties unknown who are entitled to such proceeds, the county, city or town shall hold such amount in trust for the parties so entitled, but such county, city or town shall not be charged with any interest on such amount so held. If

the amount so held is not claimed by or paid to the parties entitled thereto within seven years from the date of sale of such burying ground, or part thereof, then such amount shall pass to and become a part of the Literary Fund of the Commonwealth, as provided by the statute of escheats.

(Code 1919, § 55; 1985, c. 95.)

§ 57-38. Exemption from §§ 57-36 and 57-37.

Sections 57-36 and 57-37 shall not apply to any graveyard or cemetery owned by a church, or controlled by trustees, in which sections are sold.

(Code 1919, § 55.)

§ 57-38.1. Proceedings by landowner for removal of remains from abandoned family graveyard.

The owner of any land on which is located an abandoned family graveyard, and there has been no reservation of rights in such graveyard, or when the beneficiaries of any reservations of rights desire to waive such rights, and in which no body has been interred for twenty-five years may file a bill in equity in the circuit court of the county or in the circuit or corporation court wherein such land is located for the purpose of having the remains interred in such graveyard removed to some more suitable repository. To such bill all persons in interest, known or unknown, other than the plaintiffs shall be duly made defendants. If any of such parties be unknown, publication shall be had. Upon the case being properly matured for hearing, and proof being made of the propriety of the removal, the court may order the removal made and the remains properly deposited in another place, at the expense of the petitioner. Such removal and reinterment shall be done with due care and decency.

In determining the question of removal the court shall consider the historical significance of such graveyard and shall consider as well the wishes of the parties concerned so far as they are brought to its knowledge, including the desire of any beneficiaries of any reservation of rights to waive such reservation of rights in favor of removal, and so considering shall exercise a sound discretion in granting or refusing the relief prayed for.

(1966, c. 444; 1970, c. 377.)

§ 57-38.2. Proceedings by heir at law or descendant for removal of ancestor's remains from abandoned family graveyard.

Any heir at law or descendant of a deceased person interred in an abandoned family graveyard in which no body has been interred for twenty-five years may file a bill in equity in the circuit court of the county or city wherein the land is located for the purpose of having the remains interred in the graveyard removed to some more suitable repository. The owner of the land, any beneficiaries of any reservation of rights, and all other persons in interest, known or unknown, other than the plaintiffs shall be duly made defendants. If any of such parties are unknown, notice may be given by order of publication. Upon the case being properly matured for hearing, and proof being made of the propriety of the removal, the court may order the removal and the remains properly deposited in another place, at the expense of the petitioner. The removal and reinterment shall be done with due care and decency.

The bill may be filed and relief granted regardless of whether there has been a reservation of rights in the graveyard and regardless of whether the beneficiaries of any reservation of rights desire to waive their rights. In determining the question of removal, the court shall consider the historical significance of

the graveyard and the wishes of the parties concerned so far as they are brought to its knowledge, including the desire of any beneficiaries of any reservation in rights, and shall exercise sound discretion in granting or refusing the relief prayed for.

(1990, c. 562.)

§ 57-39. Proceedings for removal of remains and sale of land vacated.

When the owners of a graveyard, or the trustees of a graveyard left in trust, by reason of the infancy or the disability of any of them or by reason of their being numerous or partly unknown, or of the residence of any of them being unknown, cannot or cannot conveniently unite in making disposition of the same, any one or more of such owners or trustees, or, in any event, any county, city or town of this Commonwealth, if a private graveyard or pauper's graveyard (potter's field), which has been dedicated for such use either by written instrument, or by use by the public for such purpose, be within the boundaries thereof and the private graveyards be not connected with any church or church property and said graveyards be in a condition of neglect or disuse, or in the case of a pauper's graveyard is in a condition of neglect, or disuse, or is located in a location which is inappropriate for its continued use as a burial ground, may file a bill in equity in the circuit court of the county or in the circuit or corporation court of the corporation wherein the graveyard is located for the purpose of having the remains interred in such graveyard removed to some more suitable repository, and the land thus vacated sold and the costs of removal and interment and the costs of suit including reasonable attorney's fees paid out of the proceeds of the sale. To such bill all owners of the graveyard or any person having a right therein, and in the case of a pauper's graveyard the dedicator thereof, his heirs or successors in interest, if known, and if not known, such unknown parties shall be made defendants by the name of "person or persons unknown who may be the owners, heirs, or successors in interest of the unknown dedicator of the pauper's graveyard which is the subject of this suit," other than the plaintiffs shall be duly made defendants.

The bill shall show the title of the land, the interest of all parties, so far as known, and the reasons why relief is sought and that it is practicable. And upon the case being properly matured for hearing, and proofs being adduced of the propriety of the removal, the court shall have power to have the removal made and the remains properly deposited in another place, and to make sale of the grounds vacated by the removal and to have the costs of removal and reinterment, including the costs of the new place of interment, and of putting it in all respects in suitable condition and erecting upon it suitable memorials and the costs of the suit paid out of the proceeds of the sale.

Such removal and reinterment shall be done with due care and decency. But, unless the bill be filed by a city, town or county, the court shall not order such removal and reinterment until due and sufficient guaranty be given it that the proceeds of sale of the grounds proposed to be sold will be sufficient to meet all costs that may be incurred unless some party to the cause or other person gives due security to make good any deficit.

In determining the question of removal or sale the court shall consider as well the wishes of the parties concerned so far as they are brought to its knowledge as the proofs, and so considering shall exercise a sound discretion in granting or, refusing the relief prayed for, except that in case the bill be filed by a city, town or county, the court shall be guided by considerations of public welfare.

The court may distribute any surplus of the proceeds of sale according to their rights among the owners of the ground sold or the parties entitled thereto, and in the case of the sale of a pauper's graveyard wherein the original owner, his heirs and successors in interest are unknown, or there has been a dedication of said land for pauper's graveyard, the court, after the due consideration, upon application of

the county, city or town may permit the proceeds of the sale to be utilized for other public uses of a charitable nature including the purchase of land for parks, public offices and other municipal uses including the construction of buildings thereon.

No graveyard to which there is no right-of-way except over or through some person's land shall be sold hereunder without the consent of such person.

(1946, p. 407; Michie Suppl. 1946, § 58a; 1968, c. 83.)

§ 57-39.1. Improvement of abandoned and neglected graveyards.

When the owners of any private graveyard, not connected with any church or church property, abandon the graveyard and allow it to fall into a condition of neglect and disuse, so that it is unsightly and thereby lessens the desirability and value of adjacent land, and the owners fail or refuse, when requested by the owner of adjacent land or when requested by the local governing body of the county, city or town wherein the private graveyard is located, to remedy such condition of neglect and put the graveyard into suitable condition, then any owner of adjacent land or the local governing body may file a bill in equity in the circuit court of the county or city wherein the graveyard is located, for the purpose of requiring the graveyard to be placed in a suitable condition. The owners of the graveyard or any person having a right therein shall be made defendants to such court proceedings.

The court shall not enter an order requiring the owners of a graveyard in which a grave or entombment right has never been sold to improve it or place it in a suitable condition. However, after hearing the evidence the court may allow the petitioners, at their own expense, to improve the graveyard and place it in suitable condition and may also require bond to ensure that the petitioners will not injure or remove any tomb, monument, gravestone, grave marker, or vault without having first obtained court approval. Acting pursuant to court order, the petitioners may thereafter enter upon the land and improve the graveyard and place it in suitable condition. The costs in any case involving a graveyard in which a grave or entombment right has never been sold shall be paid by the petitioners.

In any case involving a graveyard in which a grave or entombment right has been sold, the court shall determine whether the owners or petitioners shall pay the costs of improving the graveyard and may require bond to insure against injury or removal of any tomb, monument, gravestone, grave marker, or vault without court approval.

(1950, p. 91; 1986, c. 55; 1990, c. 675.)

§ 57-39.1:1. Recovery of abandoned interment rights; procedure; rights of owner of record.

A. When interment rights that have been granted by the owner of a cemetery are not used for a period of fifty years or more, they shall be deemed abandoned and revert to the owner of the cemetery, provided he has complied with the provisions of subsection B. For the purposes of this section, "interment" means the same as such term is defined in § 54.1-2310.

B. The owner of the cemetery shall send notice by certified mail, return receipt requested, to the owner of the interment right, his heirs or assigns, and any next of kin known to the cemetery. The notice shall be sent to the last known address of the owner requesting the owner's current address, if different than the last known address, and the addresses of the owner's heirs or assigns. If a written response is received from the person to whom notice was sent by the cemetery, the interment rights shall not be deemed abandoned and such rights shall continue for an additional fifty years from the date the response

was received by the cemetery. If notice is returned undeliverable or if no response is received by the cemetery within thirty days after notice was sent, the cemetery shall publish a general notice of its intent to declare the interment rights abandoned in a newspaper of general circulation (i) in the county or city where the cemetery is located and (ii) in the county or city of the last known address of the record owner of the interment rights. Such notice shall contain the name and business address of the cemetery and the name of the last record owner of the interment rights. If there is no response thereto by or on behalf of the record owner or his heirs or assigns within 120 days after publication of the notice, the interment rights shall be deemed abandoned and shall revert to the owner of the cemetery. If a written response is received by the cemetery, the interment rights shall not be deemed abandoned and such rights shall continue for an additional fifty years from the date the response was received by the cemetery.

C. If, within thirty years after the interment rights have been deemed abandoned, the record owner, or his heirs or assigns, can prove to the cemetery or a court of competent jurisdiction that he is entitled to the interment rights, the cemetery shall, at no cost, provide a right of interment similar to the one that was abandoned.

(1997, c. 74.)

§§ 57-39.2. through 57-39.7.

Not set out. (1962, c. 264. —Amendments - § 57-39.2: 1964, c. 111; 1985, c. 414; 1986, c. 118. § 57-39.3: 1964, c. 111; 1986, c. 118. §§ 57-39.4 through 57-39.6: 1964, c. 111. § 57-39.7: 1964, c. 111; 1985, c. 414.])

§§ 57-39.8. through 57-39.18.

Repealed by Acts 1989, c. 631.

§ 57-39.19. Application of Title 32.1, Chapter 8, Article 4.

The provisions of Article 4 (§ 32.1-305 et seq.) of Chapter 8 of Title 32.1 shall apply to the cremation of any dead human body.

(1979, c. 724.)

§ 57-39.20. Definitions.

As used in this article, unless the context requires a different meaning:

"Burial right" means the right of interment.

"Interment" means the disposition of pet remains by earth burial, entombment in a mausoleum, or inurnment in a columbarium.

"Operator" means any person engaged in the business of selling or offering for sale any burial or interment right in a pet cemetery and representing to the public that such cemetery, single burial or interment right therein will be perpetually cared for.

"Perpetual care fund" means a fund created to provide income to a pet cemetery to provide care, maintenance, administration and embellishment of the pet cemetery.

"Pet" means an animal that has been adapted or tamed to live in intimate association with or for the pleasure of people and includes but is not limited to dogs, cats, birds, rabbits, and hamsters.

"Pet cemetery" means land, together with any structures, facilities, or buildings appurtenant thereto provided to members of the public for use or reservation for use for the individual interment, above or below ground, of pet remains. "Pet cemetery" does not include land used exclusively for landfilling or the communal burial of pets, but does include an area where a portion of the land is used for the communal burial of pets.

(1996, c. 957.)

§ 57-39.21. Duty to file declaration of land use restriction.

The owner of any land used or to be used as a pet cemetery shall file in the office of the clerk of the circuit court for the locality where the land is located a declaration restricting the use of the land to use as a pet cemetery. The owner shall execute the declaration in the same manner and with the same effect as a conveyance of an interest in land. The clerk shall record the declaration in the deed book and index it in the name of the owner. The restriction established in such a recorded declaration may be removed only as provided in § 57-39.24. Unless a restriction is so removed, no person shall use land restricted pursuant to this section for any purpose other than as a pet cemetery.

(1996, c. 957.)

§ 57-39.22. Certain representations unlawful; perpetual care trust fund required.

A. Effective July 1, 1996, it shall be unlawful to sell or offer for sale in the Commonwealth any burial right in a pet cemetery, and in connection therewith to represent to the public, in any manner, express or implied, that the entire pet cemetery or any burial or interment right therein will be perpetually cared for, unless adequate provision has been made for the perpetual care of the cemetery and all burials and interment rights therein as to which such representation has been made.

B. Each pet cemetery operator shall establish in a bank, savings and loan or other federally insured investment banking institution doing business in the Commonwealth an irrevocable trust fund in the amount of at least \$12,000 before the first lot, parcel of land, burial or interment right is sold. This fund shall be designated the perpetual care fund.

C. The moneys of a perpetual care fund shall be invested as provided by §§ 26-40 through 26-44.1 and Article 2 (§ 26-44.3 et seq.) of Chapter 3 of Title 26, except as provided otherwise herein.

D. The income from the perpetual care fund shall be used only for the maintenance, supervision, improvement, and preservation of the grounds, lots, markers, memorials, buildings, equipment, statuary, and other real and personal property of the pet cemetery and for the payment of real property taxes. Annual reports of all the assets and investments of the perpetual care fund shall be prepared and maintained by the operator, and shall be available for inspection at reasonable times to any owner of a burial right in the pet cemetery. Such records shall be subject to examination by the commissioner of revenue.

(1996, c. 957; 1999, c. 772.)

§ 57-39.23. Change of address required from owner of burial right.

It shall be the duty of a purchaser of a burial right in a pet cemetery to notify the operator of a change in address.

(1996, c. 957.)

§ 57-39.24. Removal of restriction on land.

A. After a declaration has been filed pursuant to § 57-39.21, the restriction may be removed in accordance with this section by order of the circuit court for the locality where the land is located in a proceeding brought by the pet cemetery owner or his heirs or assigns.

B. The circuit court may remove the restriction on the land upon proof satisfactory to the court that either of the following has occurred:

1. No interments have been made in the land from which the restriction is sought to be removed; or

2. If, after notice sent by registered mail, return receipt requested, to the last known address of a person who owns a burial right in a pet cemetery, the owner of the pet cemetery has received from such persons written authorization, acknowledged before a notary public, to remove the restriction from the land. If no response is received by the cemetery owner after thirty days from the date of the notice, consent to remove the restriction from the land shall be presumed. Any person granting this authorization who wishes to have a pet that is already interred in the pet cemetery removed and reinterred elsewhere shall so state on the authorization, and the pet cemetery owner shall provide proof of this removal and reinterment. A pet cemetery owner need not obtain the authorization described in this subdivision from a person who has purchased a burial right in the pet cemetery but who has not yet used that right for the interment of a pet, if the owner refunds to the purchaser or his heirs or assigns all moneys taken for the burial right, plus interest accrued in six-month increments, at a rate equal to the Federal Reserve Board discount rate as of January 1 of each year, beginning January 1, 1996.

C. A holder of a lien on the restricted land may object to the removal of the restriction, and the circuit court shall consider any such objection before issuing an order to remove the restriction.

D. An order issued by the circuit court removing a restriction pursuant to this section shall be filed in the office of the clerk of the circuit court for the locality where the land is located. The clerk shall record the order in the deed book.

(1996, c. 957.)

§ 57-39.25. Violation a misdemeanor.

It shall be unlawful for any person to violate the provisions of § 57-39.22 of this article. Any such violation shall be deemed a Class 3 misdemeanor, and any person convicted of such violation shall be punished in accordance with the provisions of § 18.2-11.

(1996, c. 957.)

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		