



APPLICATION ACCEPTED: November 20, 2008  
PLANNING COMMISSION: March 12, 2009  
BOARD OF SUPERVISORS: Not Scheduled

# County of Fairfax, Virginia

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February 25, 2009

## STAFF REPORT

APPLICATION SEA 84-M-012

### MASON DISTRICT

**APPLICANT:** Quan Q. Nguyen and Ngan T. Nguyen

**ZONING:** R-5, HC, SC

**LOCATION:** 4217 Evergreen Lane

**PARCEL(S):** 71-2 ((2)) 27

**ACREAGE:** 20,713 square feet

**FAR:** 0.052

**PLAN MAP:** Residential use at 2-3 dwelling units per acre

**SE CATEGORY:** Category 5; Offices

**PROPOSAL:** To amend SE 84-M-012, previously approved for an office, to permit modification of development conditions. (Hours of operation)

### STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 84-M-012 subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a modification of the transitional screening requirement in favor of existing on-site landscaping and as conditioned.

Staff recommends approval of a waiver of the barrier requirement in favor of existing on-site landscaping.

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Christopher M. DeManche

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/](http://www.fairfaxcounty.gov/dpz/)



It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

The approval of this special exception amendment 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.

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.

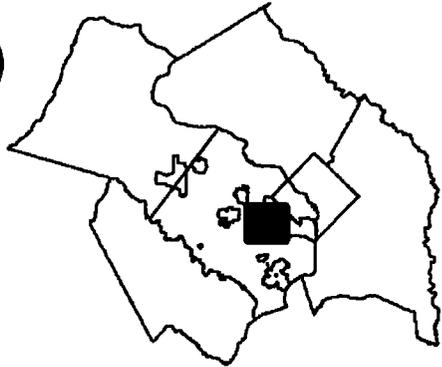
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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

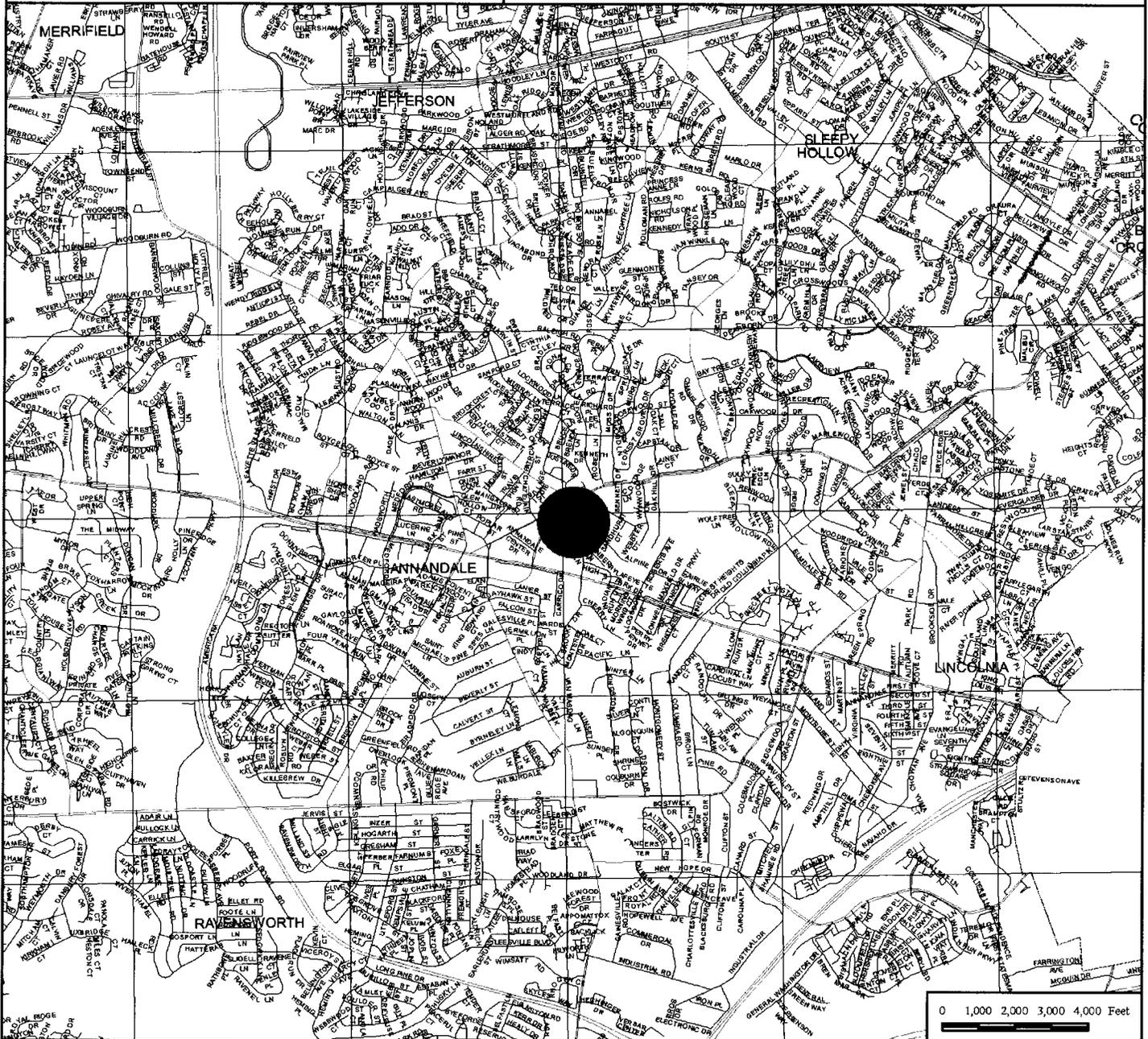
# Special Exception Amendment

## SEA 84-M-012



Applicant: QUAN Q. NGUYEN & NGAN T. NGUYEN  
Accepted: 11/20/2008  
Proposed: AMEND SE 84-M-012 PREVIOUSLY APPROVED FOR OFFICE TO PERMIT MODIFICATION OF DEVELOPMENT CONDITIONS

Area: 20,713 SF OF LAND; DISTRICT - MASON  
Zoning Dist Sect: 03-0504  
Art 9 Group and Use: 5-17  
Located: 4217 EVERGREEN LANE  
Zoning: R- 5  
Plan Area: 1,  
Overlay Dist: HC SC  
Map Ref Num: 071-2- /02/ /0027



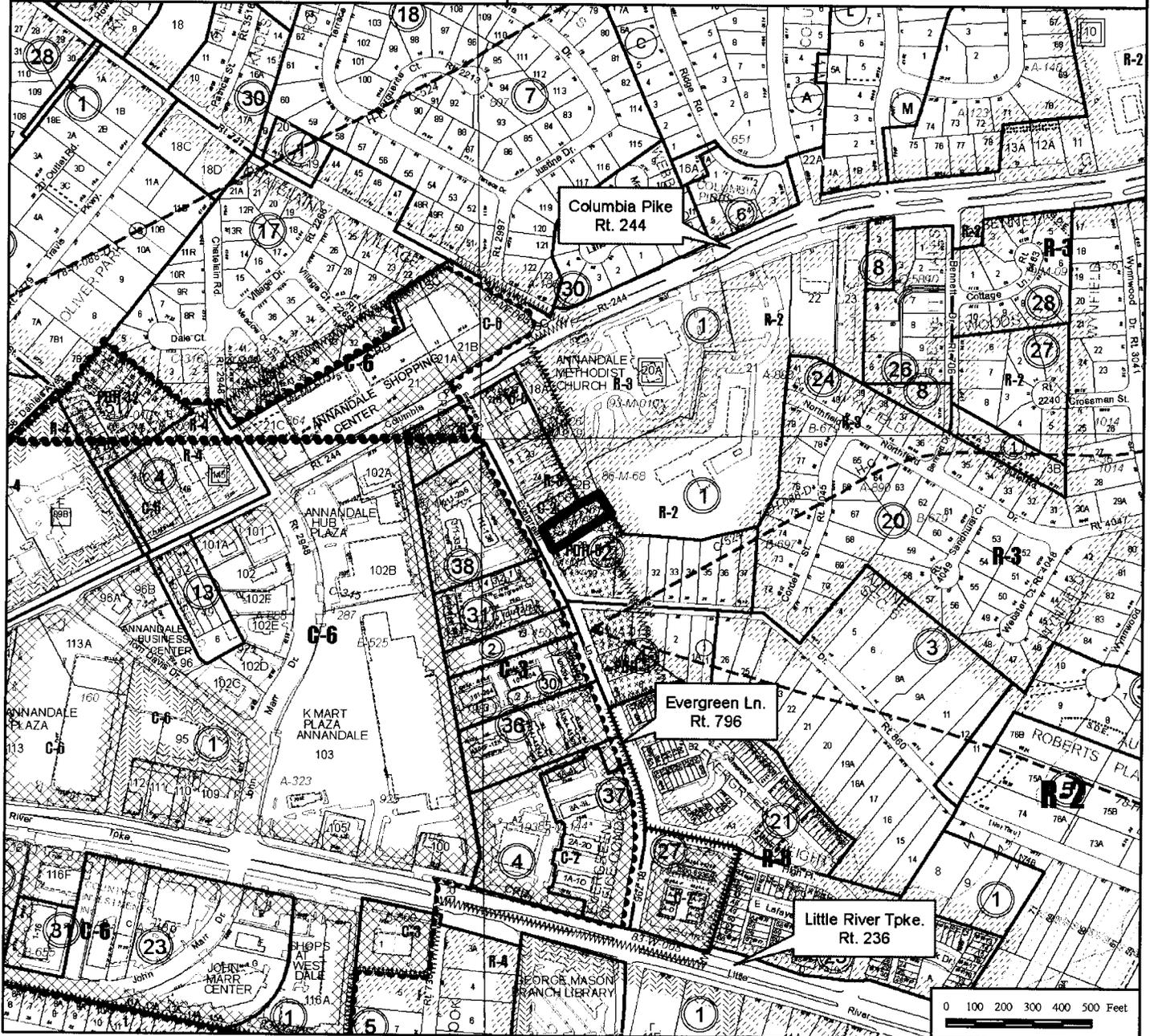
# Special Exception Amendment

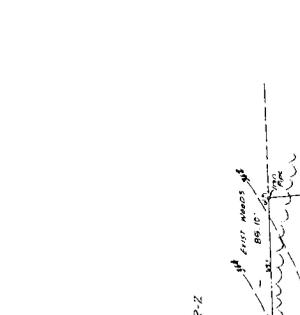
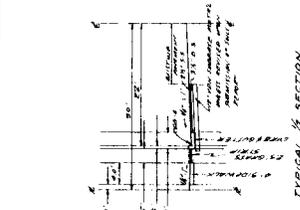
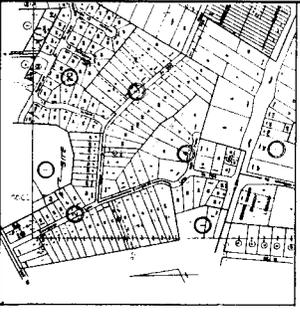
## SEA 84-M-012



Applicant: QUAN Q. NGUYEN & NGAN T. NGUYEN  
Accepted: 11/20/2008  
Proposed: AMEND SE 84-M-012 PREVIOUSLY APPROVED FOR OFFICE TO PERMIT MODIFICATION OF DEVELOPMENT CONDITIONS

Area: 20,713 SF OF LAND; DISTRICT - MASON  
Zoning Dist Sect: 03-0504  
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Located: 4217 EVERGREEN LANE  
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Plan Area: 1,  
Overlay Dist: HC SC  
Map Ref Num: 071-2- /02/ /0027





PLAN TO NORTH SIDE OF SITE 1-24-64  
 C-1-65  
 C-1-71 10'x10' 6"MAN  
 C-1-66 6" 6.5' x 7.5' 24" x 24" 6" GF5  
 AND 10' x 6" 6" 6" 6" 18" x 18" x 18"

CONTRACTOR'S COPY  
 COUNTY OF FAIRFAX  
 November 8, 1964  
 RE: Site Plan Water, Dr. Quan D. Nguyen, 4217 Evergreen Lane, Arlington, Virginia 22203  
 A waiver for the referenced site has been approved as an exception to the provisions of the Fairfax County Code and Regulations for the installation of a water main and water service line with appropriate local ordinances and regulations, including approval of the water main and water service line by the Fairfax County Code and Regulations for the installation of a water main and water service line.  
 Approval has been given subject to conditions listed below and it is hereby approved that the necessary permits to install the water main and water service line be issued by the appropriate authority.  
 Conditions:  
 Provide a water connection plan showing proposed trenching and the fire hydrant and the water main to be approved by the Fire Marshal and the Water Department.  
 Show on the site plan construction of the water main and water service line.  
 Submit to the appropriate authority for their review and approval.

NOTES:  
 OWNER'S NAME & ADDRESS: QUAN D. NGUYEN, 4217 EVERGREEN LANE, ARLINGTON, VIRGINIA 22203  
 A SPECIAL PERMITTING FEE OF \$250.00 HAS BEEN APPROVED FOR THIS SITE. THIS FEE IS TO BE PAID TO THE COUNTY ENGINEER'S OFFICE AT THE TIME OF THE SUBMITTAL OF THE SITE PLAN. THIS FEE IS NON-REFUNDABLE AND WILL BE USED TO COVER THE COSTS OF THE SPECIAL PERMITTING PROCESS.  
 CAN BE FOUND ON MAPS AND AT AN APPROVED MAPPING AGENT'S OFFICE.  
 WATER TO BE SUPPLIED BY PUBLIC SUPPLY AND PAVING SHALL BE PROVIDED BY THE OWNER.  
 ALL CONDUITS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPROVED AND ADOPTED STANDARDS OF THE FAIRFAX COUNTY DEPT. OF PUBLIC WORKS.

APPROVED  
 DIVISION OF CONSTRUCTION  
 DATE: 11/11/64  
 BY: [Signature]

5982 - WCP - 01-1

17-08

CERTIFIED CORRECT

LIST OF PLANT MATERIAL

KEY	QUANTITY	BRAND/NAME	SIZE	REMARKS
A	8	EVERGREEN PINE	4" x 6"	8" x 8"
B	8	ORANGE BLOSSOM	4" x 6"	8" x 8"

APPROVED  
 DIVISION OF CONSTRUCTION  
 DATE: 11/11/64  
 BY: [Signature]

APPROVED  
 DIVISION OF CONSTRUCTION  
 DATE: 11/11/64  
 BY: [Signature]

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

**DESCRIPTION OF THE APPLICATION**

The applicants, Quan Q. Nguyen and Ngan T. Nguyen, have requested approval to amend an existing Special Exception, previously approved to allow an office in a residential district, to permit a modification of development conditions (hours of operation). The change in hours of operation requested with this application would be extended from 2:00 p.m. to 7:00 p.m., to the hours of 9:00 a.m. to 7:00 p.m. on weekdays. The hours of operation on Saturdays would remain 9:00 a.m. to 1:00 p.m.

**Requested Waivers and Modifications:**

The applicant is requesting approval of the following waivers and modifications:

- Modification of the transitional screening requirement in favor of existing on-site landscaping.
- Waiver of the barrier requirement in favor of existing on-site landscaping.

**LOCATION AND CHARACTER**

**Site Description:**

The subject property totals 20,713 square feet in area, and is located along the east side of Evergreen Lane. The site is developed with a former single family detached dwelling constructed in 1941; the structure has been used to house the applicant's medical practice since 1984. The site is also improved with a driveway and surface parking area providing a total of nine parking spaces. The remainder of the site is characterized by existing vegetation and lawn areas. The property is zoned R-5 and is bounded by a mix of uses ranging from offices to the northwest and west, multiple family dwellings to the northeast, and single family detached dwellings to the south.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>Northwest</b>	Office Uses	C-2	2-3 du/acre
<b>South</b>	Single Family Detached Dwellings	R-5	2-3 du/acre
<b>Northeast</b>	Multiple Family Dwellings (housing for elderly)	R-2	2-3 du/acre
<b>West</b>	Office Uses	C-3, CRD	Office

## BACKGROUND

- **SE 84-M-012** approved by the Board of Supervisors on May 7, 1984, to permit an office use with development conditions. (Copy of approved conditions included as Appendix 5)
- **RZ/FDP 2001-MA-049** approved by the Board of Supervisors on June 2, 2002, rezoning 2.86 acres including the subject property (Lot 27) from the R-2 and C-2 Districts to the PDH-5 District.
- **PCA/FDPA 2001-MA-049 and RZ 2008-MA-013** approved by the Board of Supervisors on November 17, 2008, removing 2.17 acres, including the subject property (Lot 27), from the property rezoned by RZ/FDP 2001-MA-049, in order to permit 2.17 acres to be rezoned from the PDH-5 District to the R-5 District. No Proffered Conditions are associated with the applicant's property (Lot 27).

## COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

<b>Plan Area:</b>	I
<b>Planning Sector:</b>	Columbia Community Planning Sector (A2)
<b>Plan Map:</b>	Residential, 2-3 du/acre

In the Fairfax County Comprehensive Plan, 2007 Edition, Annandale Planning District, as amended through August 6, 2007, page 67, the Plan states:

- "1. Lots on the east side of Evergreen Lane north of Greenberry Lane – Parcels 71-2((2)) 23-29 and 71-2((4)) 4, 5, 6 -- are planned for single-family residential development at 2-3 dwelling units per acre. These lots provide the transition between the stable residential neighborhoods that abut them to the east and the commercial activity on the west side of Evergreen Lane. Commercial development on these lots should not be permitted. However, professional office uses may be permitted in the existing single family detached residential structures, provided that the structures and their lots retain their single family residential appearance..."

Additional Plan text may be found in Appendix 4.

## ANALYSIS

### Special Exception Plat

As no site modifications are proposed, the requirement to submit a Special Exception Plat was modified to allow the general as-built plat of the subject property to be submitted for reference purposes. The as-built plat delineates a former single family

detached dwelling, improved with an internal driveway system, parking area, and landscaped areas.

A copy of this plat is attached to the front of this report for reference.

### Land Use Analysis

The subject property is improved with a single family detached dwelling constructed in 1941. Since 1984, the site has been in use as medical office by Dr. Quan Q. Nguyen. The site has minimal improvements which include a parking space area providing 9 spaces and an internal site driveway for vehicular circulation. The site maintains a residential appearance with an existing residential structure, on-site mature landscaping, and maintained lawn areas. No exterior modifications are proposed with this application. Only a change in the hours of operation has been requested with this Special Exception Amendment. The change in hours of operation as proposed are minimal with only an earlier start time of 9:00 a.m. requested for weekdays. Staff does not believe that the change in hours of operation will have a negative impact on the surrounding community due to the nature of the use and development conditions proposed. Pursuant to the Comprehensive Plan, the subject property serves as a transition between existing commercial uses northwest of the site, along the west side of Evergreen Lane, and residential uses located to the south and northeast.

### Transportation Analysis

The Department of Transportation has no objection to the application.

### Environmental Analysis

The Environmental and Development Review Branch has no objection to the application.

### ZONING ORDINANCE PROVISIONS (Appendix 5)

Bulk Standards (R-5)		
Standard	Required	Provided
Lot Size	14,000 sq ft.	20,713 sq ft.
Lot Width	75 ft.	67 ft. *
Front Yard	20 ft.	30 ft.
Side Yard	8 ft.	North (27 ft.), South (28.5 ft.)
Rear Yard	25 ft.	218 ft.
Parking Spaces	4 spaces	9 spaces (including motorcycle)

\* The subject parcel was created prior to the advent of the 1978 Zoning Ordinance; therefore, although the parcel does not meet the Ordinance requirements, it is grandfathered as a legal, buildable lot under the provisions of Sect. 2-405

### **Waivers /modifications**

- *Modification to the transitional screening requirement*

The applicant has requested a modification to the transitional screening requirement along the northeastern and southern property lines in favor of existing on-site landscaping. The subject property is buffered by mature trees, particularly along the boundaries noted for the modification request. The northeastern property line abuts housing for the elderly, and the southern property line abuts a vacant lot, zoned for a single family detached dwelling. The Zoning Ordinance pursuant to Section 13-302, requires Transitional Screening #1 and 2, to buffer the surrounding properties from the office use. Specifically, Transitional Screening # 1 requires a twenty-five foot wide unbroken strip of open space with varying sized evergreen trees. Transitional Screening # 2 requires a thirty-five foot wide unbroken strip of open space with varying sized evergreen and deciduous trees.

In reviewing this request, staff has proposed a development condition requiring the applicant to provide additional tree plantings along the southern property line to ensure enhanced buffering. The development condition reflects the need for buffering to replace previous landscaping that was present at the time the site received Special Exception approval in 1984. Staff does not object to allowing the proposed modification of the transitional screening requirements based on the presence of existing mature landscaping and the proposed development condition requiring additional plantings.

- *Waiver of the barrier requirement*

The applicant has requested a waiver of the barrier requirement along the northeastern and southern boundary property lines in favor of existing on-site landscaping. The subject property is buffered by mature trees, particularly along the boundaries noted for the modification request. The Zoning Ordinance, pursuant to Section 13-303, requires the site to provide a Type D or F barrier requirement in addition to the transitional screening requirements. A Type D barrier consists of a forty-two to forty-eight inch high chain link fence and may be required by the Director to have inserts in the fence fabric to be coated, or to be supplemented by trees and/or shrubs. A Type F barrier consists of a six foot high solid wood or otherwise architecturally solid fence.

Existing enhanced buffering along the northeastern and southern property lines provides a transition between the subject property and surrounding residential uses. In reviewing this request, staff has proposed a development condition requiring additional tree plantings along the southern property line to ensure enhanced buffering. Without the requested waiver, a portion of the existing on-site vegetation would have to be removed in order to satisfy the barrier requirement. Staff does not object to allowing the proposed waiver of the barrier requirement based on the presence of existing mature landscaping and the proposed development condition requiring additional plantings.

**Other Zoning Ordinance Requirements:****Special Exception Requirements (Appendix 5)***General Special Exception Standards (Sect. 9-006)*

The General Special Exception Standards require that the proposal be in harmony with the Comprehensive Plan, that there be a finding of no significant negative impacts on surrounding properties, and that safe and adequate vehicular and pedestrian access be provided. As discussed in the land use analysis, staff believes these standards have been addressed.

*Standards for all Category 5 Uses (Sect. 9-503)*

The Category 5 Standards require that the proposed development meet lot size and bulk requirements for the Zoning District, comply with performance standards, and be subject to site plan review. The proposed use meets these standards.

*Additional Standards for Offices (Sect. 9-515)*

Paragraph one of the additional standards applies to offices in residential districts, and requires the following:

- A. The use be located in a Community Business District or other area where the use is specifically designated in the Comprehensive Plan.

*The site specific Comprehensive Plan text for this parcel identifies professional office use as an acceptable land use in existing single family detached dwellings. The applicant's proposal to continue operating a professional office use in an existing single family detached dwelling satisfies the Comprehensive Plan provision.*

- B. The use may be permitted only in a single family detached dwelling erected prior to February 26, 1973.

*County records confirm that the single family detached dwelling located on the subject property was constructed in 1941.*

- C. Sub paragraphs C and D do not apply to this application.

*With the imposition of the proposed development conditions, staff believes that these standards have been addressed.*

**Summary of Zoning Ordinance Provisions**

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

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Based on the above analysis, the proposed office use is in harmony with the Comprehensive Plan and the Zoning Ordinance regulations, and the proposed hours of operations are not anticipated to cause a negative impact on the surrounding community. No exterior modifications to the site are proposed. The subject property provides adequate landscape buffering, parking, and vehicular circulation.

### **Recommendation**

Staff recommends approval of SEA 84-M-012, subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a modification of the transitional screening requirement in favor of existing on-site landscaping.

Staff recommends approval of a waiver of the barrier requirement in favor of existing on-site landscaping.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this special exception 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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Comprehensive Plan Provisions
5. Approved Conditions & Plat (SE 84-M-012)
6. Applicable Zoning Ordinance Provisions
7. Glossary

## PROPOSED DEVELOPMENT CONDITIONS

## SEA 84-M-012

February 25, 2009

If it is the intent of the Board of Supervisors to approve SEA 84-M-012 located at 4217 Evergreen Lane, Tax Map 71-2 ((2)) 27, previously approved for an office in a residential district, to permit modification of development conditions (hours of operation), pursuant to Sect. 3-504 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions. New conditions and changes to previous conditions are underlined.

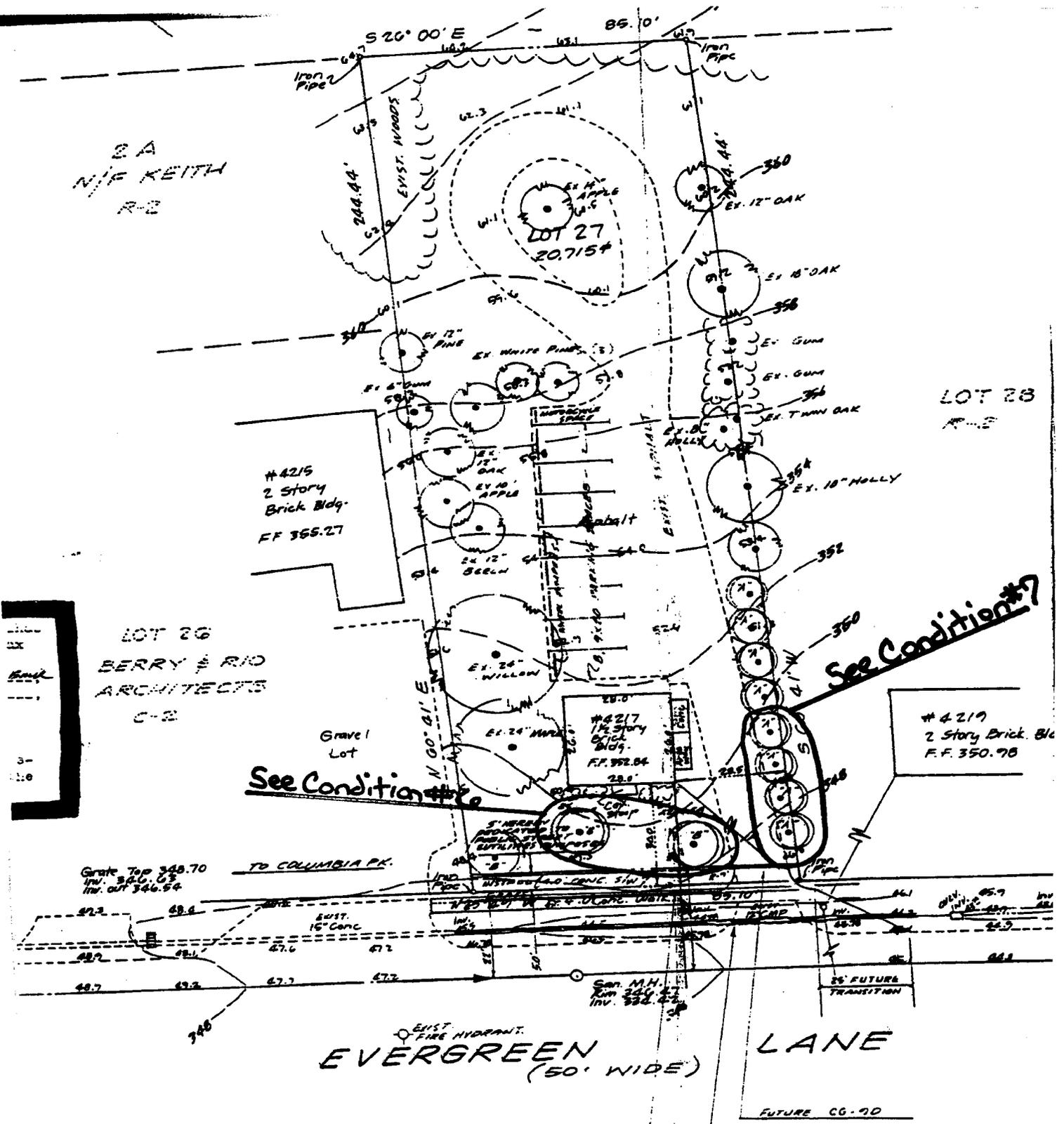
1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
3. This Special Exception Amendment 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 Exception Amendment shall be in substantial conformance with the approved Special Exception Plat entitled "Topographic Boundary Survey, Lot 27, Section "B", Alpine Subdivision" prepared by Schiller & Associates and dated October, 1984. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The hours of operation of the site shall not exceed 9:00 P.M. to 7:00 P.M. on weekdays and 9:00 A.M. to 1:00 P.M. on Saturdays.
5. All existing vegetation on the property is to be maintained in good condition and replaced as necessary.
6. Prior to the issuance of a Non-Residential Use Permit (Non-Rup), the applicant shall provide two additional tree plantings within the front yard of the subject property along Evergreen Lane. Such plantings shall include at least two Category II deciduous tree species from the Fairfax County Public Facilities Manual as approved by Urban Forestry Management. All trees shall have a minimum caliper of two (2 1/2") inches at the time of planting. See Attachment "A" for tree locations.

7. Prior to the issuance of a Non-Residential Use Permit (Non-Rup), the applicant shall provide four additional tree plantings along the southern property line. Such plantings shall include at least two Category II evergreen tree species from the Fairfax County Public Facilities Manual as approved by Urban Forestry Management. All evergreen trees species shall be a minimum height of six (6) feet at the time of planting with a distance of eight feet between each tree. See Attachment "A" for tree locations.
8. The maximum number of employees, to include the physician(s), that shall be allowed on site at any one time shall be four (4).
9. The maximum number of patients visiting the office per day shall be twenty-five (25).

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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 himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception 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 Supervisors 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 exception. 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.



See Condition #7

See Condition #2

Approved for proposed location of building as shown. Final approval subject to well check.

DEC 2 1984

Philip G. Yates  
Zoning Administrator

FUTURE STORM SEWER BY OTHERS  
120' 15" @ 1.8%

FUTURE VDHET CG-6 AND 8' SIDEWALK

FUTURE CG-70



**SPECIAL EXCEPTION AFFIDAVIT**DATE: 9-8-08I, Sue A. McWilliams (enter date affidavit is notarized), do hereby state that I am an  
(enter name of applicant or authorized agent)(check one)  applicant  
 applicant's authorized agent listed in Par. 1(a) below

102709

in Application No.(s): SEA 84-M-012  
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print 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 <b>BOLD</b> above)
Quan Q Nguyen	4217 Evergreen La., Annandale, VA 22003	<b>Title Owners/</b> <b>Applicants</b>
Ngan T. Nguyen	(same)	
Sue A. McWilliams	4905 Kingston Dr. Annandale, VA 22003	<b>Agent</b>

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: 9/8/08  
(enter date affidavit is notarized)

102709

for Application No. (s): SEA 84-M-012  
(enter County-assigned application number(s))

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

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 9/8/08  
(enter date affidavit is notarized)

102709

for Application No. (s): SEA 84-M-012  
(enter County-assigned application number(s))

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, and number, street, city, state, and zip code)

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

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

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 9-8-08  
(enter date affidavit is notarized)

102709

for Application No. (s): SEA 84-M-012  
(enter County-assigned application number(s))

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 Supervisors, 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 Exception Attachment to Par. 2" form.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: 9-8-08  
(enter date affidavit is notarized)

102709

Application No.(s): 84-M-012  
(county-assigned application number(s), to be entered by County Staff)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

NONE

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Exception 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.

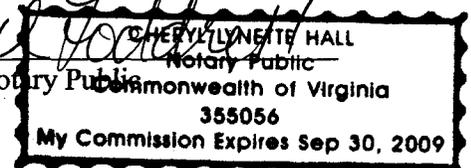
WITNESS the following signature:

(check one) D. A. McWilliams  
[ ] Applicant [x] Applicant's Authorized Agent

Sue A. McWilliams, Agent  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 8 day of September 20 08, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: Sept. 30, 2009



FEB 10 2009

Zoning Evaluation Division

Quan Q. Nguyen, M.D.  
Internal Medicine & Geriatric Medicine  
4217 Evergreen Lane  
Annandale, VA 22003  
Telephone: (703)354-2629

County of Fairfax Virginia  
Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway  
Fairfax, VA 22035  
Fax Number 703/324-3924

Re: Case #84 M.012/ Special Exception Application Informtion

I, Quan Q. Nguyen and my wife, Ngan T.Nguyen are the title owners of the property at 4217 Evergreen Lane, Annandale, VA 22003. The use of this property in my Internal Medicine practice. I have been practicing under a Special Exception since 1984 at this location. I am proposing an extension in the hours of operation to be 9 a.m. EST until 7 p.m., 5 days of the week and half day on Saturday. However, I may not operate the practice all of these hours but would like to increase my current availability and hours of operation not to exceed these times in order to provide ongoing patient care.

The estimated number of patients served in our area is 25/day. My staff consists of a full time office manager and my wife who handles the accounting and insurance filing. A couple of days during a week my son and son-in-law who are also doctors aid in helping to attend to patients.

The traffic impact will not increase but shall be spread out over the day with the proposed extension of hours which will have less of an impact on the community.

There will be no other changes for the use of this property.

I do request a waiver and modification for the following: a waiver to the barrier requirement in favor of existing on-site landscaping along the eastern and southern property lines and a modification to the transitional screening requirement in favor of existing on-site landscaping along the eastern and southern property lines.

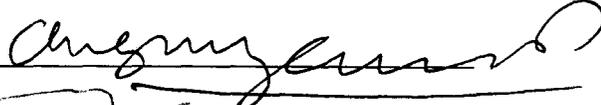
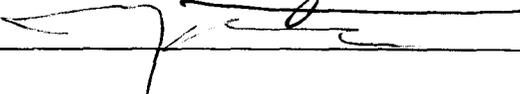
As always, the medical practice operates in compliance with the Virginia Department of Environmental Quality Waste Management regulations.

This proposed extension of hours as a Special Exception will comply with all Zoning Ordinance requirements for the use and standards of this property.

Sincerely

Quan Q. Nguyen, M.D.

Sue An McWilliams of 4905 Kingston Drive, Annandale, VA 22003, phone 703/914-9177 is to act as our AGENT in the furtherance of this application for the title owners of property located at the address listed above.

Date: 1/30/09 Quan Q. Nguyen   
Date: 1/30/09 Ngan T. Nguyen 

**Fairfax County Comprehensive Plan, 2007 Edition, Annandale Planning District, as amended through August 6, 2007, page 67, the Plan states:**

1. Lots on the east side of Evergreen Lane north of Greenberry Lane -- Parcels 71-2((2))23-29 and 71-2((4))4, 5, 6 -- are planned for single-family residential development at 2-3 dwelling units per acre. These lots provide the transition between the stable residential neighborhoods that abut them to the east and the commercial activity on the west side of Evergreen Lane. Commercial development on these lots should not be permitted. However, professional office uses may be permitted in the existing single-family detached residential structures, provided that the structures and their lots retain their single-family residential appearance. As an alternative, this area may develop as residential use at 4-6 du/ac if the following conditions are met:
  - Development should consist of single family detached or zero lot line/patio home units, with height limited to two stories (excluding the basement level);
  - Minimum consolidation of three contiguous parcels;
  - Provision of a minimum 25 foot buffer area adjacent to the single family detached housing to the east;
  - Provision of consolidated access to Evergreen Lane; and
  - Provision of streetscape along Evergreen Lane similar to that planned for the adjacent Annandale CBC as well as the provision of a treed or landscaped "gateway" to Alpine Drive which includes preserving existing mature trees.



COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030



May 9, 1984

Mr. Martin D. Walsh  
950 North Glebe Road, Suite 300  
Arlington, Virginia 22203

Re: Special Exception  
Number SE 84-M-012

Dear Mr. Walsh:

At a regular meeting of the Board of Supervisors held on May 7, 1984, the Board approved Special Exception Number SE 84-M-012, in the name of Quan Q. Nguyen, M.D., located as Tax Map 71-2 ((2)) 27 for use as an office pursuant to Section 3-204 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat and these conditions.
4. Landscaping generally as indicated in the revised preliminary site plan dated April 6, 1984, will be provided to the satisfaction of the Director, Department of Environmental Management.
5. The hours of operation of the site shall not exceed 2:00 P.M. to 7:00 P.M. on weekdays and 9:00 A.M. to 1:00 P.M. on Saturdays.

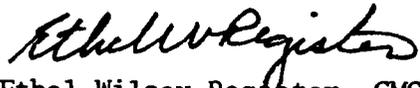
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established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

SE 84-M-012  
May 9, 1984

Under Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, eighteen (18) months after the approval date of the Special Exception unless the activity authorized has been established, or unless construction has commenced and is diligently pursued, or unless additional time is approved by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of the approval of this Special Exception. A request for additional time shall be justified in writing, and must be filed with the Zoning Administrator prior to the expiration date.

If you have any questions concerning this Special Exception, please give me a call.

Very truly yours,



Ethel Wilcox Register, CMC  
Clerk to the Board of Supervisors

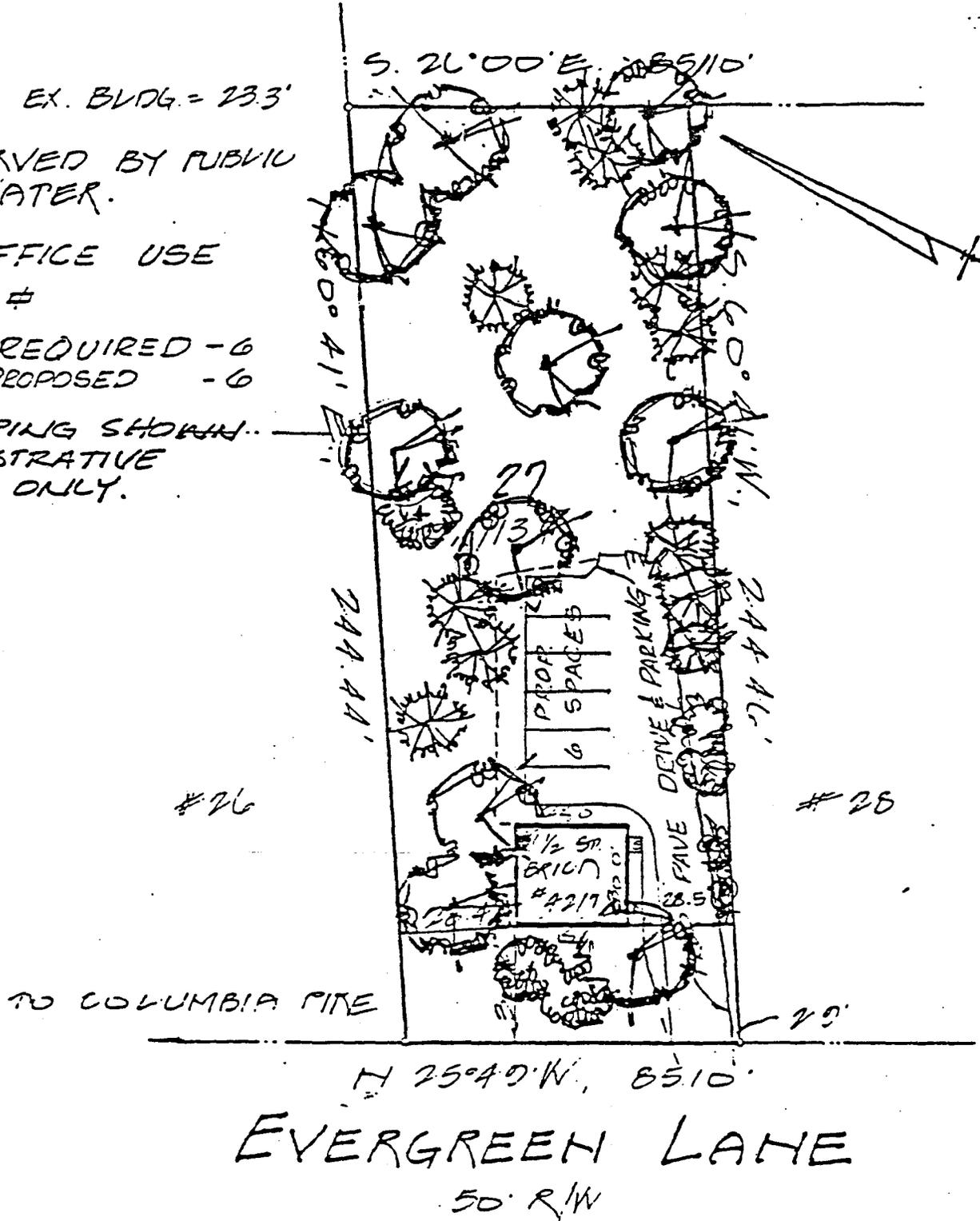
EWR/mmg

cc: Mr. Patteson  
✓ Mr. Knowlton  
Mr. Covington  
Mr. Sandhu  
Mr. Ted Austell, III  
Executive Assistant to the County Executive



NOTES:

1. HEIGHT OF EX. BLDG. = 23.3'
2. BLDG. SERVED BY PUBLIC SEWER & WATER.
3. GROSS OFFICE USE  
1,260 #
4. PARKING REQUIRED - 6  
PARKING PROPOSED - 6
5. LANDSCAPING SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.



EVERGREEN LANE

50' R/W

SPECIAL PERMIT

REV. APR. 6, 1984  
REV. FEB. 16, 1984

MASON DISTRICT  
FAIRFAX COUNTY VA

LOT 27	BLOCK	SECTION B	SUBDIVISION "ALPINE"
SCALE 1"=45'			

### **9-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such 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 category or use, the Board 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 Board may impose more strict requirements for a given use than those set forth in this Ordinance.

### **9-503 Standards for all Category 5 Uses**

In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

#### **9-515 Additional Standards for Offices**

1. The following standards shall apply to offices in residential districts:
  - A. Such a use shall be located only within a Community Business Center (CBC) as shown in the adopted comprehensive plan or such other area where such use is specifically designated in the adopted comprehensive plan.
  - B. Such a use shall be permitted only in a single family detached dwelling which was erected prior to February 26, 1973; additions erected subsequently may not be used for such activities.

**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		