



APPLICATION ACCEPTED: December 15, 2008
PLANNING COMMISSION: April 16, 2009
BOARD OF SUPERVISORS: April 27, 2009

County of Fairfax, Virginia

April 1, 2009

STAFF REPORT

APPLICATION SE 2008-DR-037

DRANESVILLE DISTRICT

APPLICANT: Mark and Lyn McFadden

ZONING: R-3 and CRD

PARCEL(S): 30-2 ((7)) (1) 8

ACREAGE: 9,375 square feet

FAR: .11

OPEN SPACE: 8,335 square feet (89 percent)

PLAN MAP: 5-8 du/ac

SE CATEGORY: Category 5, Office in a Residential District

PROPOSAL: The applicant seeks an interim office use in an existing single-family detached dwelling and waivers and modifications in a Commercial Revitalization District (CRD).

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2008-DR-037 subject to the proposed development conditions in Appendix 1.

Staff recommends that the transitional screening required along the western property line be modified to allow the proposed landscaping as depicted in Exhibit B.

Brenda J Cho

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/



Staff recommends that the barrier requirement be modified along the northern and western property lines to allow the existing fencing as shown on the SE Plat.

Staff recommends a modification of the front yard requirements along Ingleside and Meadowbrook Avenues to permit setbacks of 25.8 and 25.3 feet along Ingleside and Meadowbrook Avenues respectively.

Staff recommends approval of the 20% reduction in required parking to permit three (3) spaces instead of four (4) spaces.

Staff recommends a waiver of the trail requirements along Ingleside and Meadowbrook Avenues.

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.

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 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.

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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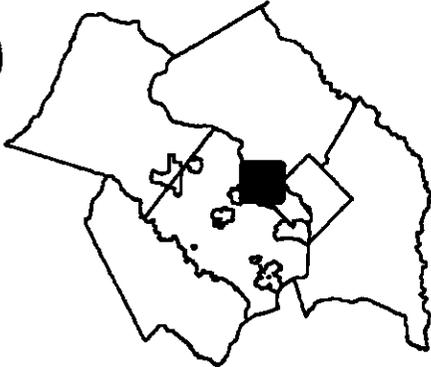


Americans with Disabilities Act (ADA); Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

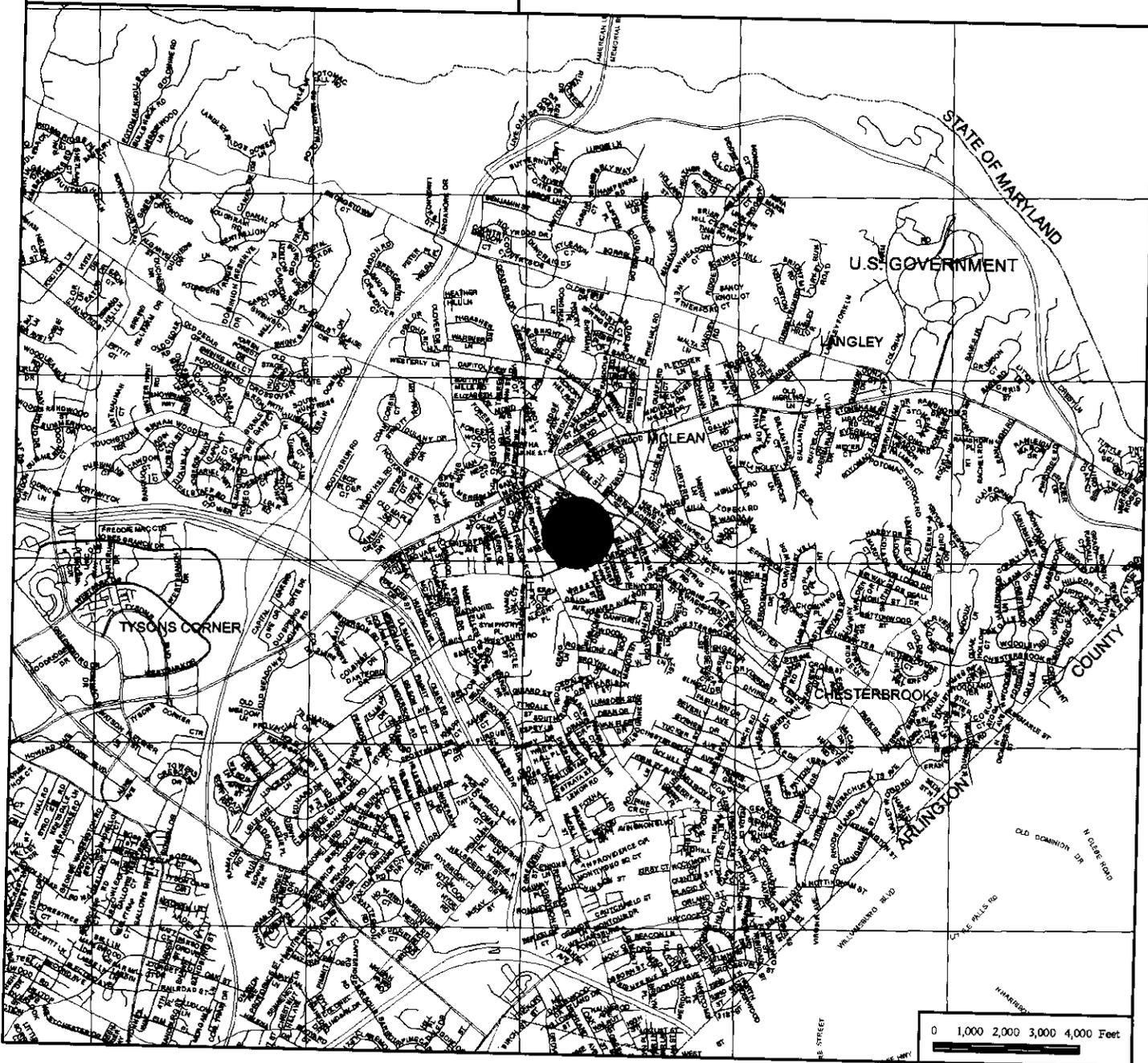
Special Exception

SE 2008-DR-037

Applicant: MARK AND LYN MCFADDEN
Accepted: 12/15/2008
Proposed: OFFICE
Area: 9,375 SF OF LAND; DISTRICT - DRANESVILLE

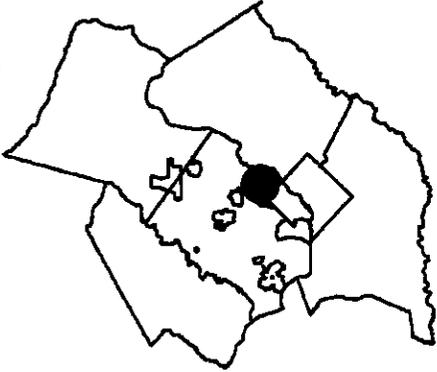


Zoning Dist Sect: 03-0304
Art 9 Group and Use: 5-17
Located: 1470 INGLESIDE AVENUE
Zoning: R- 3
Plan Area: 2,
Overlay Dist: CRD SC HC
Map Ref Num: 030-2- /07/01/0008



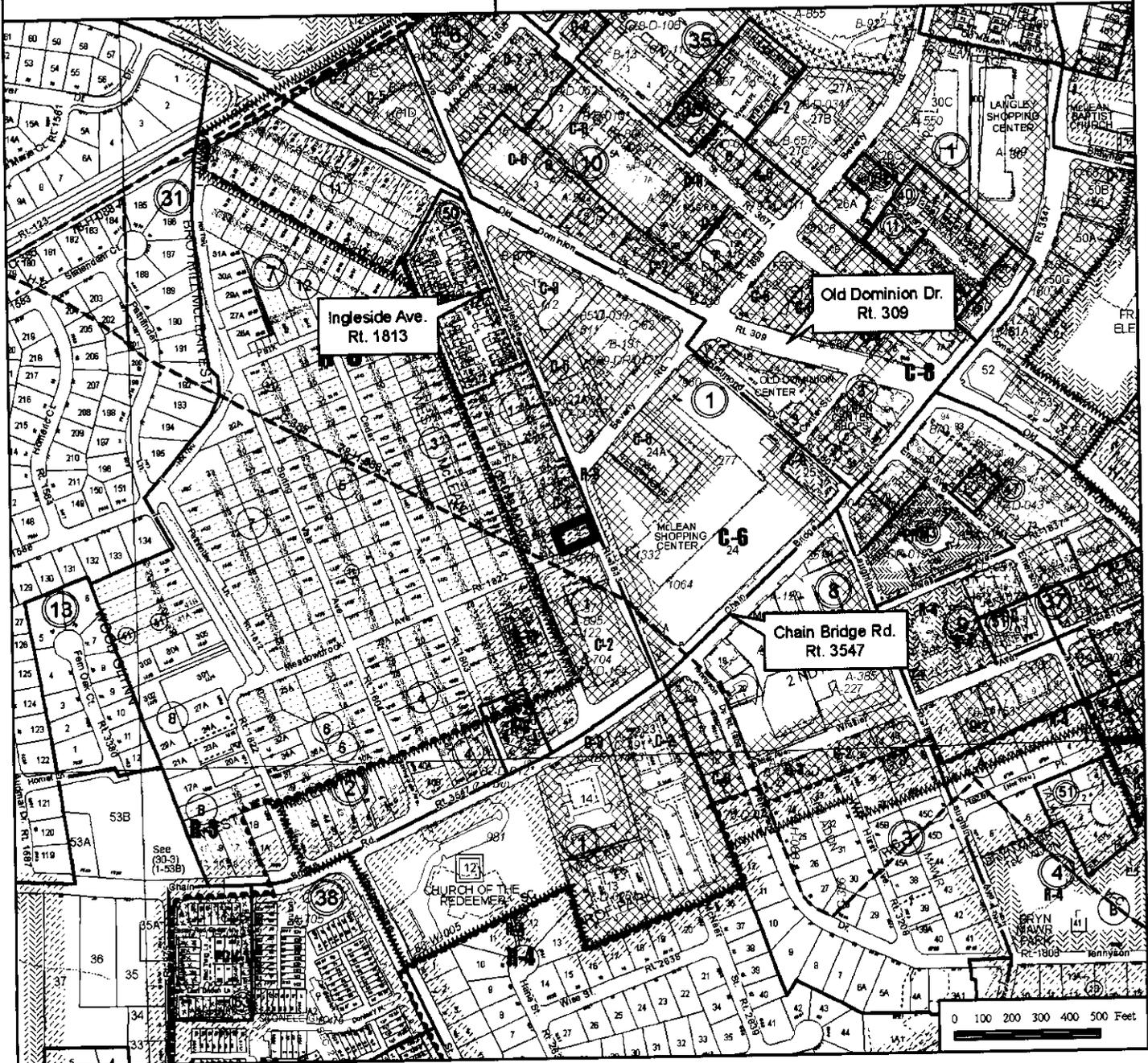
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Overlay Dist: CRD SC HC
Map Ref Num: 030-2- /07/01/0008



GENERAL NOTES

1. TAX MAP REFERENCE: 30-2 (77) (1) 8
2. PROPERTY IS ZONED R-3.
3. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
4. THERE IS NO KNOWN GRAVE, OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL ON SITE.
5. PROPERTY IS NOT WITHIN RESOURCE PROTECTION AREA OR RESOURCE MANAGEMENT AREA.
6. NO TITLE REPORT FURNISHED.
7. ALL EXISTING IMPROVEMENTS TO REMAIN UNLESS OTHERWISE NOTED.
8. UTILITIES AS SHOWN ON THE PLAN.
9. NO LAND DISTURBING ACTIVITIES OR INCREASE IN IMPERVIOUS AREA PROPOSED THEREFORE NO SWM OR BMP FACILITIES REQUIRED.

OWNER/DEVELOPER

MARK MCFADDEN
LYN MCFADDEN
7505 ROYAL OAK DRIVE
MCLEAN, VA 22102-2114

PARKING TABULATION
OFFICE = 3.6 SPACES/1000 SF GROSS
(3.6 X 1040) / 1000 = 3.7 = 4 SPACES REQUIRED
4 SPACES PROVIDED

FAR = 0.1109

* EXISTING 2 STORY BRICK WITH BASEMENT TO REMAIN MAXIMUM HEIGHT = 18.7'

THE SPECIAL EXCEPTION PERMITS OPERATION OF A NON-FRANCHISED, SATELLITE REAL ESTATE OFFICE ON THE PROPERTY

SPECIAL EXCEPTION FLAT
LOTS 8, 9, & 10
BLOCK 1
WEST MCLEAN

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30'
DATE: 4-30-2008
REV. 11-N-2008

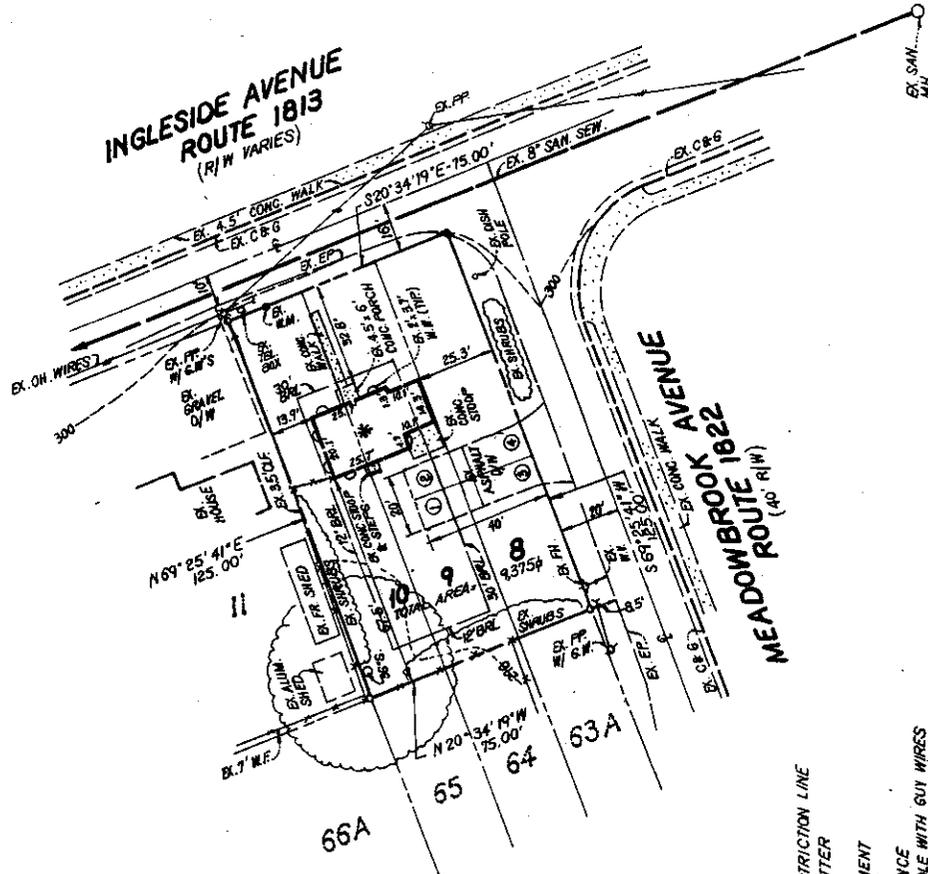
RECEIVED
Department of Planning & Zoning
NOV 26 2008
Zoning Evaluation Division

HAROLD A. LOGAN — ASSOCIATES P.C.
LAND SURVEYING — SITE PLANNING — SUBDIVISION DESIGN
8114 INDUSTRIAL DRIVE
MANASSAS PARK, VA 20111
(703) 880-1888 • FAX 880-9188

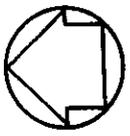
SHEET 1 OF 1
RP 2336

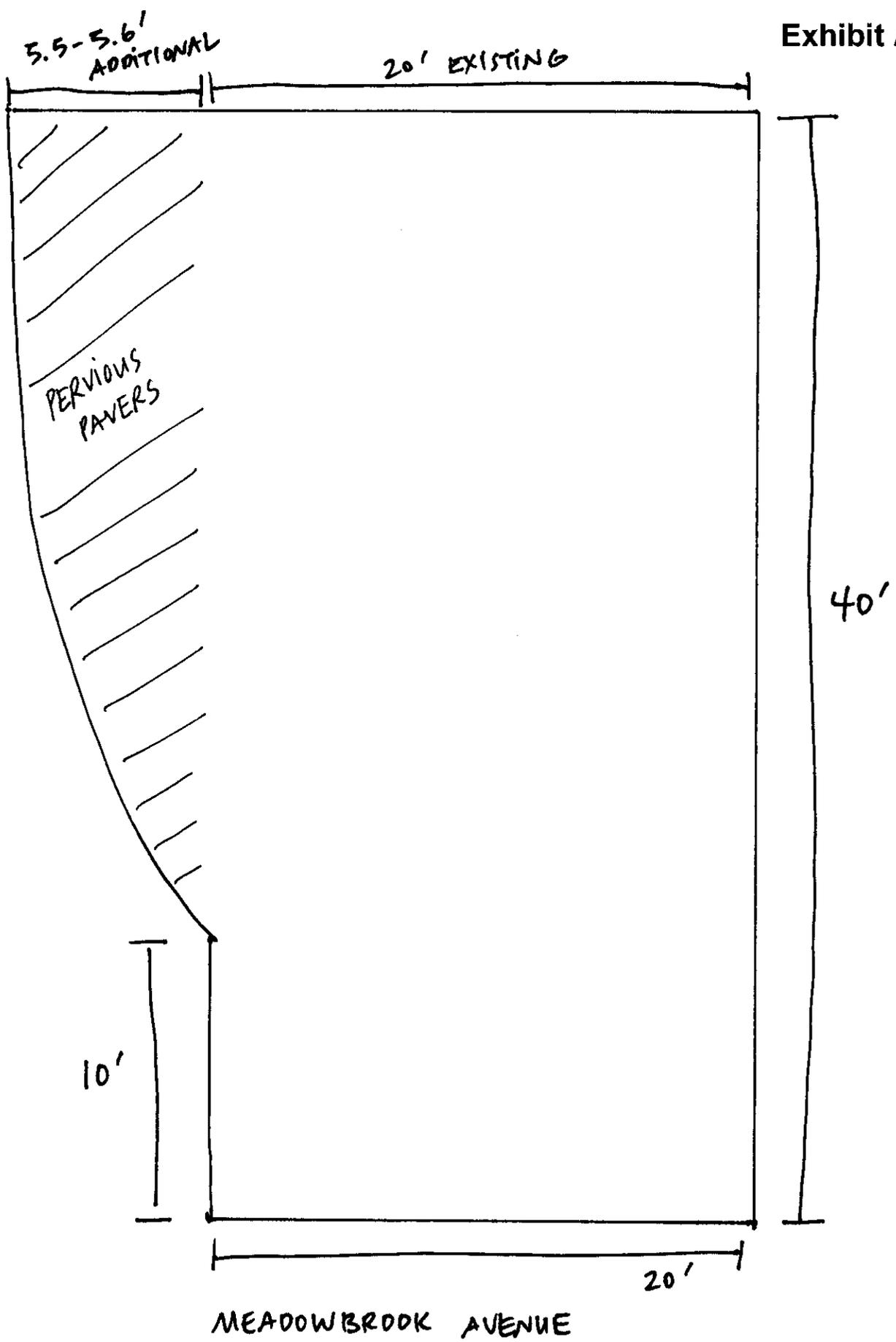
THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" PER THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 515625 00100 D D D BEARING A REVISION DATE OF MARCH 5, 1990. ZONE "X" INCLUDES AREAS THAT HAVE BEEN DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.

ZONING: R-3, SE, HC, CRD
MINIMUM SETBACKS:
FRONT = 30'
SIDE = 12'
REAR = 25'



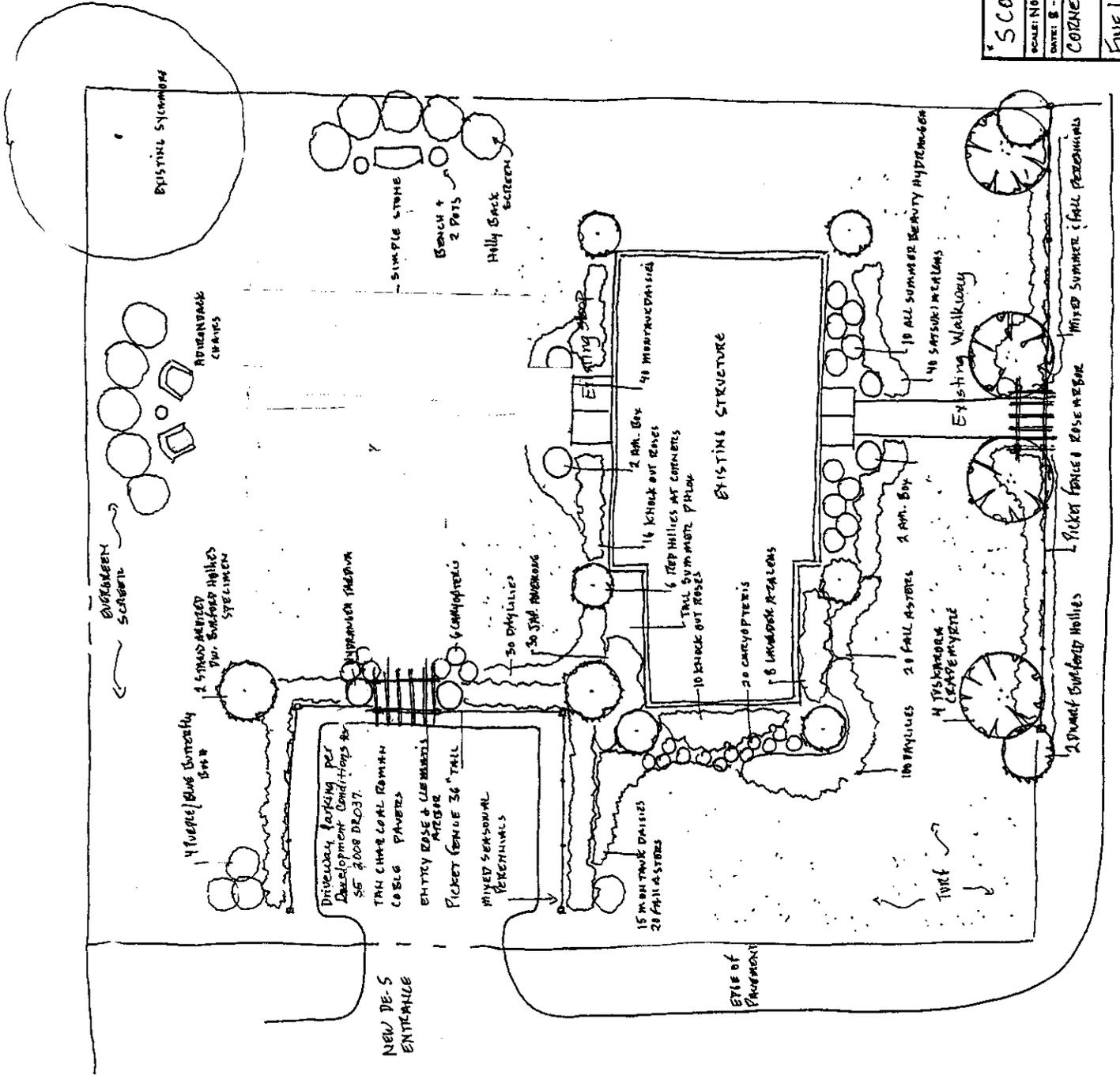
- LEGEND**
- SRL = BUILDING RESTRICTION LINE
 - C&G = CURB AND GUTTER
 - D/W = DRIVEWAY
 - EP = EDGE OF PAVEMENT
 - FH = FIRE HYDRANT
 - CLF = CHAIN LINK FENCE
 - PP W/ G.W.'S = POWER POLE WITH GUY WIRES
 - W.M. = WATER METER
 - W.W. = WINDOW WELL
 - W.V. = WATER VALVE
 - EXISTING TREE (S. STAGMORE)
 - ① PARKING SPACE NUMBER





PARKING CONFIGURATION FOR SE 2008-DR-037

Exhibit B



SCONSET IN McLEAN

SCALE: NOT TO SCALE APPROVED BY:

DATE: 8-2008

CORNER OF INGLETSIDE AVE. & MEADOW BROOK

DRAWN BY: [Signature]

REVIEWED BY: [Signature]

DRAWING NUMBER: [Blank]

FINE LANDSCAPES, LTD. CONCEPTUAL

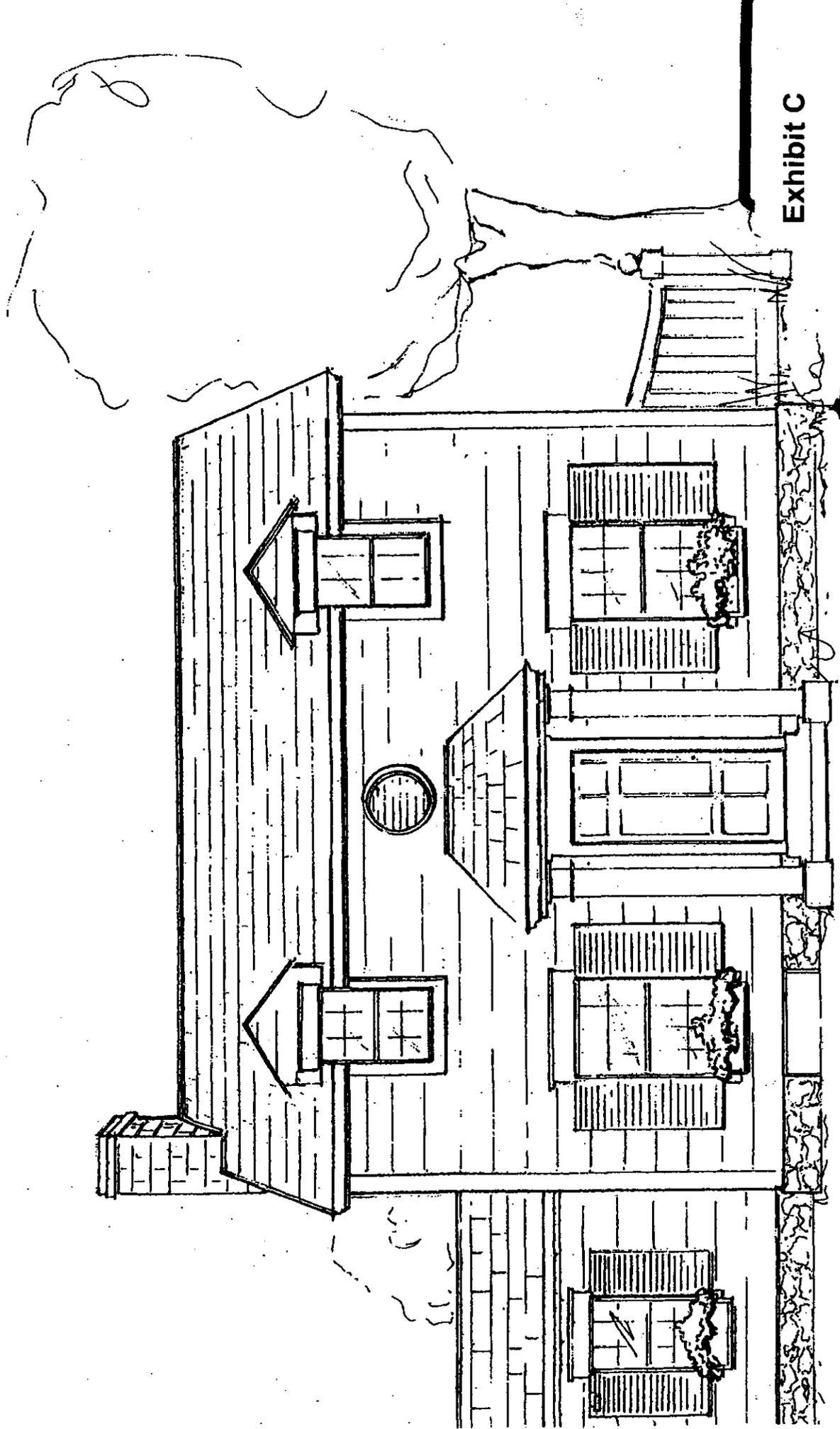
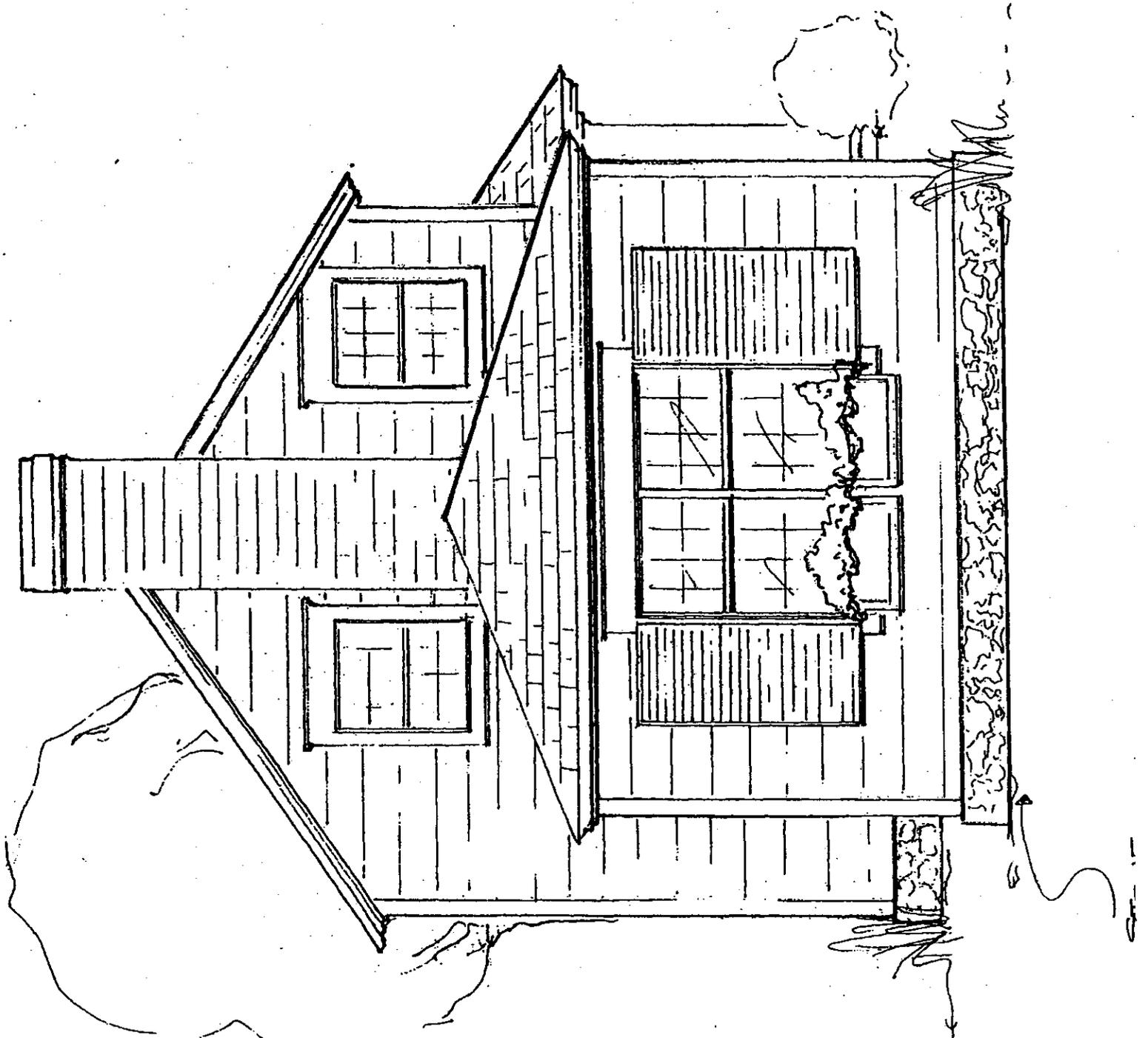


Exhibit C

STONE
CORNERS



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

DESCRIPTION OF THE APPLICATION

Proposal: The applicant requests approval of a Category 5 Special Exception for a satellite real estate brokerage office in an existing single-family residential structure in a Commercial Revitalization District (CRD). The Special Exception approval will be valid for five (5) years from the date of approval.

The applicant is also seeking approval of waivers and modifications in a CRD. The applicant is requesting a modification to the minimum required front yard of 30 feet in the R-3 District to permit setbacks of 25.8 feet and 25.3 feet along Ingleside and Meadowbrook Avenues respectively.

Hours: The office will operate between the hours of 10:00 a.m. to 6:00 p.m., Monday through Friday, as well as occasional use on evenings and weekends by appointment only.

Employees: Two (2) full-time employees maximum will be on site during operating hours with two (2) additional employees on site between and after operating hours with clients.

Waivers and Modifications:

- Modification of transitional screening requirements along the western property line in favor of proposed landscaping.
- Waiver of barrier requirements along Ingleside and Meadowbrook Avenues and modification of barrier requirements to the north and west in favor of existing barriers as depicted on the SE Plat.
- Modification of the front yard requirements along Ingleside and Meadowbrook Avenues to permit setbacks of 25.8 and 25.3 feet along Ingleside and Meadowbrook Avenues respectively.
- Reduction of 20% in the required parking to permit three (3) spaces instead of four (4).
- Waiver of the trail requirements along Ingleside and Meadowbrook Avenues.

LOCATION AND CHARACTER

The subject property comprises three parcels which measure a total of 9,375 square feet (SF) and is located within Subarea #23 of the McLean Community Business Center. The site is located in the northwest corner of the intersection of Ingleside Avenue and Meadowbrook Avenue. The property is zoned R-3, Residential District, Three Dwelling Units/Acre and is within the McLean Community Revitalization District (CRD).

The site is developed with a single-family detached residence. The brick two-story dwelling measures 1,040 SF and is currently vacant. In the rear yard, there is a paved driveway with access along Meadowbrook Drive. There is an existing sycamore tree and other vegetation along the northern and western property boundaries, which are in fair condition. There are no existing sidewalks, curbs and gutters on the site. The property to the north is a commercial business with a paved front yard which is used for parking. There is a single-family detached dwelling to the west.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Commercial (office within single-family detached dwelling)	C-2	Residential; 5-8 du/ac
South	Commercial (McLean Racquet and Health Club)	C-2	Commercial
East	Retail (McLean Shopping Center)	R-3 / C-6	Commercial
West	Residential (West McLean subdivision)	R-3	Residential; 2-3 du/ac

BACKGROUND

Site History:

According to Fairfax County tax records, the existing residence was constructed in 1947. The three lots that comprise the site were platted in 1922 as part of the West McLean subdivision, according to Fairfax County land records. Article 2, Section 405 of the Comprehensive Zoning Ordinance permits use of the lot(s) even if it may not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, but only if it was recorded prior to March 1, 1941. RZ 1998-MD-037 established the boundaries of the McLean Commercial Revitalization District, which apply to the petitioned site. No other land use applications have been filed or approved for these parcels.

COMPREHENSIVE PLAN PROVISIONS (Appendix 10)

Plan Area: Area II, McLean Planning District

Planning Sector: McLean Community Business center,
Subarea #23

Plan Map: 5-8 du/ac

Plan Text:

According to the Fairfax County Comprehensive Plan, as revised through August 6, 2007, the area bounded by Ingleside, Meadowbrook, Buena Vista and Park Avenues (Subarea 23) in the McLean Community Business Center, should develop as medium density townhouses. Since it is considered a buffer area, the elongated block is recommended as a residential buffer to be developed with townhouses at a base range of 5-8 dwelling units per acre. The subarea is primarily developed with single-family residences, particularly along Buena Vista Avenue, as well as a few commercial uses facing Ingleside Avenue. These commercial uses abut more intense commercial uses.

The area is also subject to the McLean Open Space Design Standards for the McLean Community Business Center, as amended through May 5, 2008. The guidelines include design objectives and standards that specifically address streetscape and place making improvements for sites within McLean's Central Business Center. As part of the development application review, County staff will evaluate proposed projects in the applicable area against the design standards.

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

Title of SE Plat: Special Exception Plat, Lots 8, 9, and 10,
Block 1, West McLean

Prepared By: Harold A. Logan Associates P.C.

Original and Revision Dates: April 30, 2008 through November 11, 2008

The SE Plat consists of a single sheet. The following features are depicted on the SE Plat:

- *Site Layout:* The three parcels of the site are located at the northwestern corner of the intersection of Meadowbrook and Ingleside Avenues. The site, which contains an existing single-family detached dwelling, measures 75 feet in width and 125 feet in length. The front yard along Ingleside Avenue measures 32.8 feet, and the front yard facing Meadowbrook Avenue measures 25.3 feet.

The side yard measures 13.9 feet, and the rear yard measures 67.5 feet. The existing dwelling on the site is proposed to be utilized for an office, and no structural changes to the building's footprint will be made.

- *Building:* The existing single-family detached residence measures approximately 35 feet in width, 20 feet in length and 18.7 feet in height.
- *Parking:* There is an existing asphalt driveway that measures 20 feet in width and 40 feet in length in the rear yard. Tandem parking for four (4) spaces within the existing driveway is shown on the SE Plat, but the applicant is proposing to expand the driveway to accommodate three (3) adjoining parking spaces, as shown on Exhibit A. As noted, the applicant is requesting a 20% parking reduction per the McLean Commercial Revitalization District to permit three (3) parking spaces of the required four (4).
- *Landscaping:* In the northwest corner of the rear yard, there is an existing sycamore tree as well as existing shrubs along the northern, western and southern property lines. The applicant proposes to retain the sycamore tree, enhance the evergreen screening along the western property line with additional vegetation, and place new deciduous trees, shrubs and flowering plants around the structure and site. The driveway will also be screened by shrubs and seasonal perennials.
- *Access:* The main entrance to the dwelling faces Ingleside Avenue, and there is an existing concrete walkway leading from the street to the front door. There are no sidewalks or walkways along the site's Meadowbrook or Ingleside Avenue frontages, but there are concrete sidewalks across these streets from the site. No sidewalks are proposed with this application. A chain link fence that measures three feet five inches (3'5") in height partially encloses the site along the northern boundary. Along the rear (west) property line, there is a seven feet (7') high wooden fence that is approximately 50 feet in length.

Land Use Analysis (Appendix 4)

The Comprehensive Plan states that buffer areas in the McLean Community Business Center should limit special exceptions and special permit uses to interim uses which do not preclude redevelopment nor create negative traffic impacts. The Plan also notes that these interim uses should be housed in structures with a residential appearance and provide screened parking and well-maintained landscaping. Though the Plan recommends medium density townhouses for the site, in staff's opinion, the proposed interim office use in the existing single-family residence does not hinder redevelopment possibilities in the future, including townhouses.

The applicant's proposed real estate office will operate between the hours of 10:00 a.m. to 6:00 p.m., Monday through Friday, with limited evening and weekend use. This office location will function as a satellite office for administrative needs related to the applicant's Northern Virginia business. There will be a maximum of two (2) administrative employees on site during operating hours with occasional use by the two (2) real estate agents and owners. Clients would be scheduled by appointment only, and any traffic impact derived from the new use will be minimal.

Under the applicant's proposal, the property, which is currently vacant, will undergo cosmetic improvements; the building footprint and residential nature of the structure will not change. However, the existing driveway will expand in width by five (5) feet as recommended by staff since tandem parking is not permitted for commercial uses. Staff recommends and supports a parking reduction for the site due to the lack of visitors to the site and minimal on-street parking demand to permit three (3) parking spaces rather than the required (4) spaces. The parking reduction also allows the parking area to be reduced in size which helps the site to retain its residential appearance. In order to minimize any further impact on the character of the site and any stormwater runoff, the applicant will provide pervious parking for the increased width of the existing driveway, as shown in Exhibit A.

Additional landscaping is proposed for the site, as well as additional transitional screening along the rear (western) property line. There is a single-family detached residence on the adjoining lot to the west, and the applicant proposes evergreen plantings to supplant the existing fencing as modified transitional screening. Staff finds that the proposed application will not adversely impact the adjacent uses and will not preclude future redevelopment of the site in conformance with the Plan.

Environmental Analysis (Appendix 4)

The applicant proposes improvements to the existing single-family detached dwelling, and interior improvements have already commenced. The Plan recommends ENERGY STAR® Qualified Homes designation for homes. For that reason, when installing any new appliances for the dwelling and use in the office, staff encourages the applicant to use ENERGY STAR® qualified appliances.

There is an existing sycamore tree on the site which is in uncertain condition. The Urban Forester has recommended that the applicant retain the services of a certified arborist to evaluate the sycamore tree's structure and health for possible preservation (Appendix 5). For that reason, staff has proposed a development condition requiring the applicant to retain a certified arborist or registered consulting arborist. With implementation of the proposed development condition, staff believes that this issue is resolved.

Transportation Analysis (Appendix 6)**Issue: Parking Configuration on Site**

Four (4) parking spaces are required for the proposed office use. Initially, the applicant proposed to accommodate all of the required spaces in the existing driveway through tandem parking. However, because tandem parking is not permitted for commercial uses, staff recommended that the parking be reconfigured behind and perpendicular to the existing structure. The Virginia Department of Transportation (VDOT) also noted that the driveway entrance should not be used as a parking lot.

Resolution:

A revised parking configuration for four (4) spaces would require additional paving of the rear yard and increased encroachment of the cars to the adjoining parcels, which, in turn, might detract from the residential character of the site. In order to minimize the paving and parking on site, staff recommends a 20% parking reduction, as permitted in Sect. A7-309 of the Zoning Ordinance to require 3 instead of 4 spaces in order to minimize the paving and parking on site. The parking reduction can be waived by the Board of Supervisors when it is determined that the parking reduction further advances the goals of the Commercial Revitalization District. Staff believes that the reduced paving will help the proposed use retain the residential character of the site which better meets the goals of the Comprehensive Plan.

In staff's opinion, the reduction will not adversely impact the parking needs on site nor increase demand for on-street parking due to the lack of daily demand. Only two (2) maximum employees will be on site with occasional visits from two (2) additional employees. The three (3) parking spaces could be accommodated on the existing driveway by increasing the width by five (5) feet, as depicted in Exhibit A. To lessen the impact of the increased paving, staff has recommended a development condition which would require the use of pervious pavers such as grasscrete for the additional paved area. With the implementation of the development condition and the approval of the parking reduction, staff believes this issue is resolved.

Issue: Sidewalks and Frontage Improvements along Ingleside and Meadowbrook Avenues

The Comprehensive Plan (the Countrywide Trails Plan Map) recommends sidewalks along Ingleside and Meadowbrook Avenues. Specifically, the McLean Open Space Design Standards in the Comprehensive Plan recommend a minimum sidewalk width of five (5) feet for residential frontages. Furthermore, staff recommends that curbs and gutters be provided as part of the frontage improvements.

Planned improvements for the site by the applicant are mainly limited to the existing structure and additional landscaping. Existing shrubs, a power pole and a fire hydrant hinder easy accessibility to the adjoining property along Meadowbrook Avenue. Given that the applicant only seeks to use the dwelling as an office for a five (5) year period, the applicant does not propose any new sidewalks, curbs or gutters. Therefore, the

applicant has requested that the trail recommendations be waived. So that the interim use does not preclude any sidewalk project which may occur during its five (5) year term, the applicant has agreed to dedicate seven (7) feet of right-of-way (ROW) along the site's primary frontage if a sidewalk project is proposed along Ingleside Avenue.

The Trails and Sidewalks Committee's Dranesville District representative has reviewed the proposal and recommended that the sidewalk waiver be denied (Appendix 7). However, given the interim nature of this proposed use, staff believes that the sidewalk waiver is justified – particularly with the dedication of ROW for a future sidewalk. It should be noted, however, that with any future redevelopment of the site or time extension of the office use beyond the proposed five-year period, staff will request the provision of sidewalks, curbs and gutters along the street frontages. It should also be noted that when the seven (7) feet of land is dedicated for a sidewalk, the dedication will leave the front yard facing Ingleside Avenue insufficient for the required minimum front yard setback of 30 feet. Because any dedication of this land would allow for the installation of a Plan-recommended trail, staff supports a front yard waiver to 25.8 feet.

Resolution:

A right-of-way dedication of seven (7) feet maximum along Ingleside Avenue for future sidewalk improvements has been proposed as a development condition. Though the right-of-way dedication does not require construction, in staff's opinion, the allocation of land for future, more permanent sidewalks will greatly improve the broader streetscape and goals for Ingleside Avenue and the McLean Community Revitalization District.

Fairfax County Park Authority Analysis (Appendix 8)

There are no adverse impacts on land or resources of the Park Authority.

Stormwater Management Analysis (Appendix 9)

The Department of Public Works and Environmental Services (DPWES), Stormwater and Geotechnical Section has reviewed the subject application and has no comments related to stormwater management.

Sanitary Sewer Analysis (Appendix 10)

The property is located in the Dead Run Watershed and would be sewered into the Blue Plains Treatment Plant. The sewer systems have sufficient capacity to accommodate this proposal.

ZONING ORDINANCE PROVISIONS (Appendix 11)

Bulk Standards (R-3 District)		
Standard	Required	Provided
Lot Size	10,500 square feet (minimum)	9,375 square feet ¹
Lot Width	Corner lot – 105 feet	75 feet – Ingleside Ave. ¹ 125 feet – Meadowbrook Ave.
Building Height	60 feet (non single-family dwellings)	18.7 feet
Front Yard	40° ABP ≥ 30 feet	25.8 feet – Ingleside Ave.; modification requested 25.3 feet – Meadowbrook Ave.; modification requested
Side Yard	35° ABP ≥ 12 feet	13.9 feet
Rear Yard	35° ABP ≥ 25 feet	67.5 feet
FAR	.25 (uses other than residential or public) maximum	.11
Open Space	N/A	8,335 square feet (89 percent)
Parking Parking Spaces	3.6 spaces per 1,000 square feet = 4 spaces	3 spaces (parking reduction requested)
Transitional Screening North (Office)	No requirement	N/A
South (Commercial/ recreation)	No requirement	N/A
East (Retail)	No requirement	N/A
West (Single-family detached dwelling)	TS 2 – 35 feet	Modification requested
Barrier North (Office)	No requirement	N/A
South (Commercial/ recreation)	No requirement	N/A
East (Retail)	No requirement	N/A
West (Single-family detached dwelling)	D, E or F	Existing fencing; waiver requested

¹ Sect. 2-405 of the Zoning Ordinance states that, if a lot was recorded prior to March 1, 1941, the lots may be used for any use permitted in the zoning district in which located under this Ordinance even though the lot(s) does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other regulations of this Ordinance can be satisfied.

Waivers/Modifications

- Modification of transitional screening requirements along the western property line in favor of proposed landscaping.

The applicant proposes to maintain the residential appearance of the existing building by providing plantings throughout the site, particularly around the driveway, along the property lines, and around the house. Par. 3 of Section 13-305 allows transitional screening to be modified where the building or the land between that building and the property has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

Staff believes that proposed plantings on the site between the subject site and adjoining property lines will effectively mitigate any adverse visual or noise impact. In addition, staff recommends evergreen trees at least six (6) feet tall in height at the time of planting along the rear (west) property line as supplemental transitional screening between the single-family residence and the proposed office to further maintain the residential character of the existing structure. With the implementation of the development condition, staff supports the requested modification.

- Modification of barrier requirements to the north and west in favor of existing barriers as depicted on the SE Plat and the proposed landscaping.

The existing fencing along the northern and western property lines is in fair to good condition. There is a chain link fence that measures 3.5 feet in height along the northern boundary, and a 7-foot high wooden fence along the western boundary. The wooden fence, which is in good condition, is a similar style to the adjoining fence. The chain link fence is in fair condition, but is reinforced by the vegetation growing in front of and through it. Staff believes the proposed landscaping will help improve and supplement the existing fencing and plantings that separate the properties from one another.

- Modification of the front yard requirements along Ingleside and Meadowbrook Avenues.

Par. 1(A) of Section 9-622 states that the Board may approve a modification or waiver of the minimum lot size, minimum yard and/or minimum open space requirements of the underlying zoning district regulations in conjunction with the approval of a rezoning or as a special exception. The minimum front yard requirement for a single-family detached dwelling in the R-3 District is 30 feet. The front yard currently measures 25.3 feet along Meadowbrook Avenue, and the front yard will measure 25.8 feet if the 7 feet of right-of-way is dedicated along Ingleside Avenue for a sidewalk. The applicant does not propose any changes to the building footprint of the existing single-family detached dwelling.

The lots were recorded in 1922 as part of the West McLean subdivision, according to Fairfax County land records, and the existing structure was built in 1947, according to Fairfax County tax records. Sect. 2-405 of the Zoning Ordinance states that, if a lot was recorded prior to March 1, 1941, the lots may be used for any use permitted in the zoning district in which it is located, even though the lot(s) does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other regulations of this Ordinance can be satisfied. The front yard requirement is currently satisfied along Ingleside Avenue, but due to the 7 feet of right of way dedicated along the street, the front yard is then insufficient. Staff believes that the modification of the front yard requirements for the site is justified for the existing structure.

- Waivers and modifications in the Commercial Revitalization District to include a reduction in parking (a reduction of 20%, from 4 spaces to 3 spaces).

The parking requirement for the site is four (4) spaces. Staff recommends approval of a 20% parking reduction to permit three (3) spaces. The 20% reduction is permitted by Par. 3A of Sect. A7-309, which states that the minimum off-street parking requirements for any non-residential uses may be reduced twenty (20) percent by the Board when the reduction is in furtherance of the CRD goals. Staff believes that the proposed improvements to the site, including the exterior improvements to the structure and landscaping plan support the goals of the McLean CRD and that adequate parking to serve the interim satellite office will be provided with three (3) spaces. Therefore, staff supports the requested reduction.

Other Zoning Ordinance Requirements:

Special Exception Requirements (Appendix 11)

General Special Exception Standards (Sect. 9-006)

Category 5 Standards (Sect. 9-503)

Additional Standards for Offices (Section 9-515)

General Special Exception Standards (Sect. 9-006)

Overall, staff finds that the proposed office use satisfies the general standards for special exceptions. As an interim use in a buffer area of the McLean Community Business Center, the office use is in harmony with the Comprehensive Plan and with the zoning district regulations. The proposed office use, which is within a residential zoning district, will not adversely affect neighboring properties since the character of the residential structure will be preserved and the number of visitors and employees on site will be minimal. Pedestrian and vehicular traffic associated with the new use will not be hazardous or conflict with existing traffic since few visitors are expected and will be scheduled by appointment only. Parking will be provided on site to minimize on-street parking demand. Since the building is an existing structure, utilities already

service the site, and any proposed signs will be subject to the Zoning Ordinance guidelines.

Category 5 Standards (Sect. 9-503)

The three lots that comprise the site were platted in 1922 as part of the West McLean subdivision, according to Fairfax County land records. Section 2-405 of the Zoning Ordinance permits use of the lot(s) recorded prior to March 1, 1941 although the lots do not meet the lot size and width regulations of the zoning district. The proposed use is permitted on the grandfathered lots. The proposed office use in the existing structure satisfies the lot size, comply with performance standards, and will be subject the site plan provisions. Staff supports the requested waiver for the front yard requirements.

Additional Standards for Offices (Section 9-515)

The proposed office is within the McLean Community Business Center, and the single-family detached dwelling, which the office will occupy in the interim, was built in 1947, according to Fairfax County tax records. At this time, the office use is proposed for an interim period of five (5) years. The applicant has stated that they will not be seeking a renewal. Therefore, under the proposed development conditions, this use will automatically expire within five (5) years of its approval. If the applicant seeks to extend the use, a request must be filed with the Zoning Administrator a minimum of thirty (30) days before the expiration date, as noted in Section 9-012 of the Zoning Ordinance.

Summary of Zoning Ordinance Provisions

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

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

With the implementation of the proposed development conditions, staff finds that the proposed interim office use in an existing single-family residential structure is in harmony with the Comprehensive Plan and in conformance with the application Zoning Ordinance provisions.

Recommendation

Staff recommends approval of SE 2008-DR-037 subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a modification to the transitional screening requirement along the western property line, in favor of that shown on Exhibit B (landscape plan) of the development conditions.

Staff recommends approval of a waiver of the barrier requirements along the northern and western property lines of the site, in favor of that shown on the SE Plat and Exhibit B (landscape plan) of the development conditions.

Staff recommends that the front yard requirements along Ingleside and Meadowbrook Avenues be waived to allow front yard measurements of 25.3 along Meadowbrook Avenue and 25.8 along Ingleside Avenue.

Staff recommends approval of the 20% reduction in required parking to permit three (3) spaces instead of four.

Staff recommends approval of a waiver of the trail requirements along Ingleside and Meadowbrook Avenues.

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 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. Plan Citations and Land Use and Environmental Analysis
5. Urban Forestry Management Analysis
6. Transportation Analysis
7. Public Facilities Analysis
8. Fairfax County Park Authority Analysis
9. Stormwater Management Analysis
10. Sanitary Sewer Analysis
11. Applicable Zoning Ordinance Provisions
12. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SE 2008-DR-037

April 1, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-DR-037 located at 1470 Ingleside Avenue [Tax Map Parcel 30-2 ((7)) (1) 8] for an office use in an existing single-family detached dwelling and waivers of trail requirements, front yard setbacks and other modifications, including a parking reduction, in a Community Revitalization District pursuant to Sect. 3-304, 9-515 and 9-622 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval 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), structure(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, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in general conformance with the approved Special Exception Plat, prepared by Logan Associates and dated April 30, 2008, as revised through November 11, 2008.
4. A copy of the Special Exception and Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property and be made available to all Fairfax County departments during the hours of operation of the permitted use.
5. The Special Exception shall expire five (5) years from the date of approval by Board of Supervisors unless extended pursuant to Section 9-012 of the Zoning Ordinance. The applicant(s) shall provide written notice of each extension request to the President of the West McLean Citizens Association, McLean Planning Committee and Dranesville Supervisor no later than sixty (60) days prior to submitting a request to the Zoning Administrator.
6. The property shall be maintained and kept free of debris and litter at all times. Routine maintenance shall include, but not be limited to, regular maintenance of the exterior of the structure and yard.
7. All parking shall be on site and shall be provided as depicted in Exhibit A. The expansion of the existing driveway shall only be built with a pervious parking surface such as grasscrete, subject to the review and approval of the Fairfax County Department of Public Works and Environmental Services (DPWES). No additional paved area(s) shall be added to the property beyond the outlined

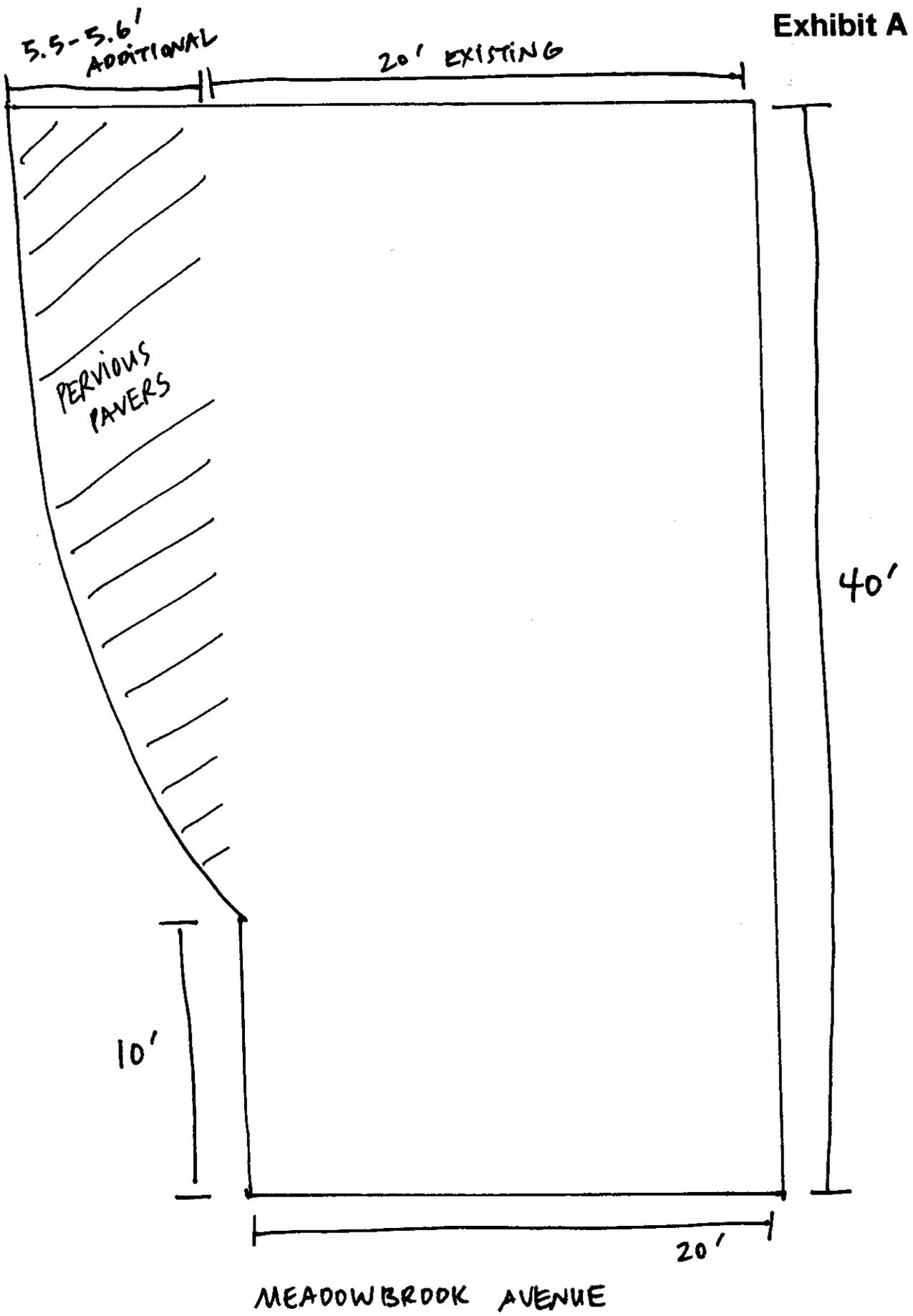
dimensions of Exhibit A. Parking for the site shall only occur on the driveway, up to three (3) cars maximum.

8. Existing and proposed lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be residential in style and in conformance with Part 9 of Article 14 of the Zoning Ordinance.
9. The regular hours of operation for the office shall be limited to 10:00 a.m. to 6:00 p.m., Monday through Friday and 12:00 p.m. to 5:00 p.m., Saturday and Sunday. The property shall not be occupied by more than three (3) employees at a time.
10. All signage shall be in conformance with Article 12 of the Zoning Ordinance and shall not be lighted.
11. Within forty-five (45) days of approval of this Special Exception, a landscape plan shall be submitted to Urban Forestry Management Division (UFMD) of DPWES for review and approval and shall provide for the number, size and species of trees and plantings consistent with that shown on the landscaping plan prepared by Fine Landscapes, Ltd, as shown on Exhibit B, for review and approval. The landscaping shall include Category II evergreen plantings, (PFM 12.19) not less than six (6) feet tall at planting, along the rear (west) property line to screen the adjacent to residential uses. Landscaping and groundcover improvements shall be completed not less than ninety (90) days after approval of the Special Exception, subject to delays caused by inclement weather, as determined by UFMD.
12. The services of a certified arborist or registered consulting arborist shall be retained to evaluate the structure and health of the twenty-four (24) inch diameter American sycamore tree located at the northwest corner of the property and prepare a report for review by the UFMD. If the tree is deemed structurally sound and in good health, a tree preservation plan shall be prepared by a certified arborist or registered consulting arborist subject to review and approval by UFMD, to include recommendations for pruning, fertilization and tree protection recommendations to reduce the impact of any activities that may occur on the site as a result of this Special Exception.
13. Exterior improvements shall be made to the property as shown on Exhibit C after the issuance of the Non-RUP. The improvements shall be performed by licensed contractors and shall be completed within six (6) months of approval of the Special Exception, subject to delays caused by inclement weather. All improvements made to the property shall keep the appearance and style of a residential property.
14. An additional seven (7) feet of right-of-way along Ingleside Avenue will be dedicated and conveyed in fee simple to the Board of Supervisors upon demand by Fairfax County and upon approval and/or funding of a sidewalk and/or frontage improvements plan for Ingleside Avenue.

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.



PARKING CONFIGURATION FOR SE 2008-DR-037

2/23/08

Exhibit B

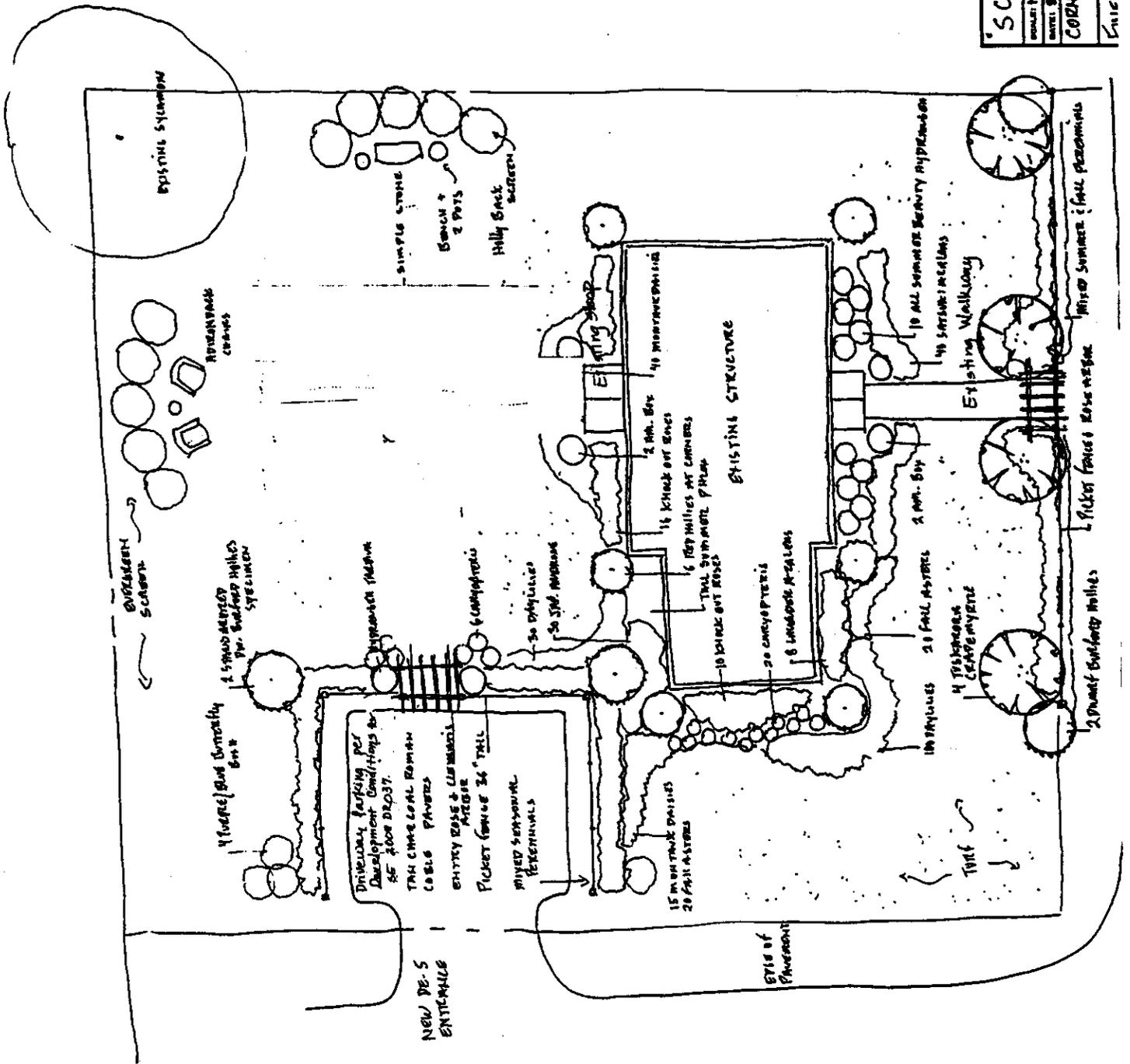
"SCONSET IN McLEAN"

DESIGNED BY: [Signature]

DATE: 8-20-88

PROJECT: CORNER OF INGLETSIDE AVE. & MEADOWS BLVD

SCALE: 1/4" = 1'-0"



EXISTING SCULPTURE

14 TREES (Blue Juniper) 6" x 8"
 15 MINUTE DRIVE
 20 PALE ASTERS

DRIVEWAY (existing) per Development Conditions to SE 4000 DR 037
 TAN CONCRETE REMAIN
 COBLE PAVEMENT
 ENTRY ROSE & LIL BUSHES
 PICKET FENCE 36" TALL
 MIXED SEASONAL PERENNIALS

25 DRAGON TREES
 25 SPYRAGUS
 25 SPYRAGUS

EXISTING STRUCTURE
 10 BRICK OUT ROOF
 20 CONCRETE
 8 UNDERPAVEMENT
 10 BRICK OUT ROOF
 6 RED BRICK AT CORNERS
 6 RED BRICK AT CORNERS
 15 CHECK OUT BENCH
 2 MR. BAY
 10 MOUNTAIN DOGS
 15 CHECK OUT BENCH
 2 MR. BAY

10 ALL SEASON BEAUTY HYDRANGEA
 10 SASSONIA ACOLITHA
 EXISTING WALKWAY
 2 MR. BAY
 10 ALL SEASON BEAUTY HYDRANGEA
 10 SASSONIA ACOLITHA
 MIXED SEASONAL PERENNIALS
 PICKET FENCE BASE WEDGE
 2 DRAGON TREES
 20 PALE ASTERS

10 ALL SEASON BEAUTY HYDRANGEA
 10 SASSONIA ACOLITHA
 EXISTING WALKWAY
 2 MR. BAY
 10 ALL SEASON BEAUTY HYDRANGEA
 10 SASSONIA ACOLITHA
 MIXED SEASONAL PERENNIALS
 PICKET FENCE BASE WEDGE
 2 DRAGON TREES
 20 PALE ASTERS

10 ALL SEASON BEAUTY HYDRANGEA
 10 SASSONIA ACOLITHA
 EXISTING WALKWAY
 2 MR. BAY
 10 ALL SEASON BEAUTY HYDRANGEA
 10 SASSONIA ACOLITHA
 MIXED SEASONAL PERENNIALS
 PICKET FENCE BASE WEDGE
 2 DRAGON TREES
 20 PALE ASTERS

EXISTING SCULPTURE

ADJACENT WALKWAY

EXISTING WALKWAY

EXISTING WALKWAY

EXISTING WALKWAY

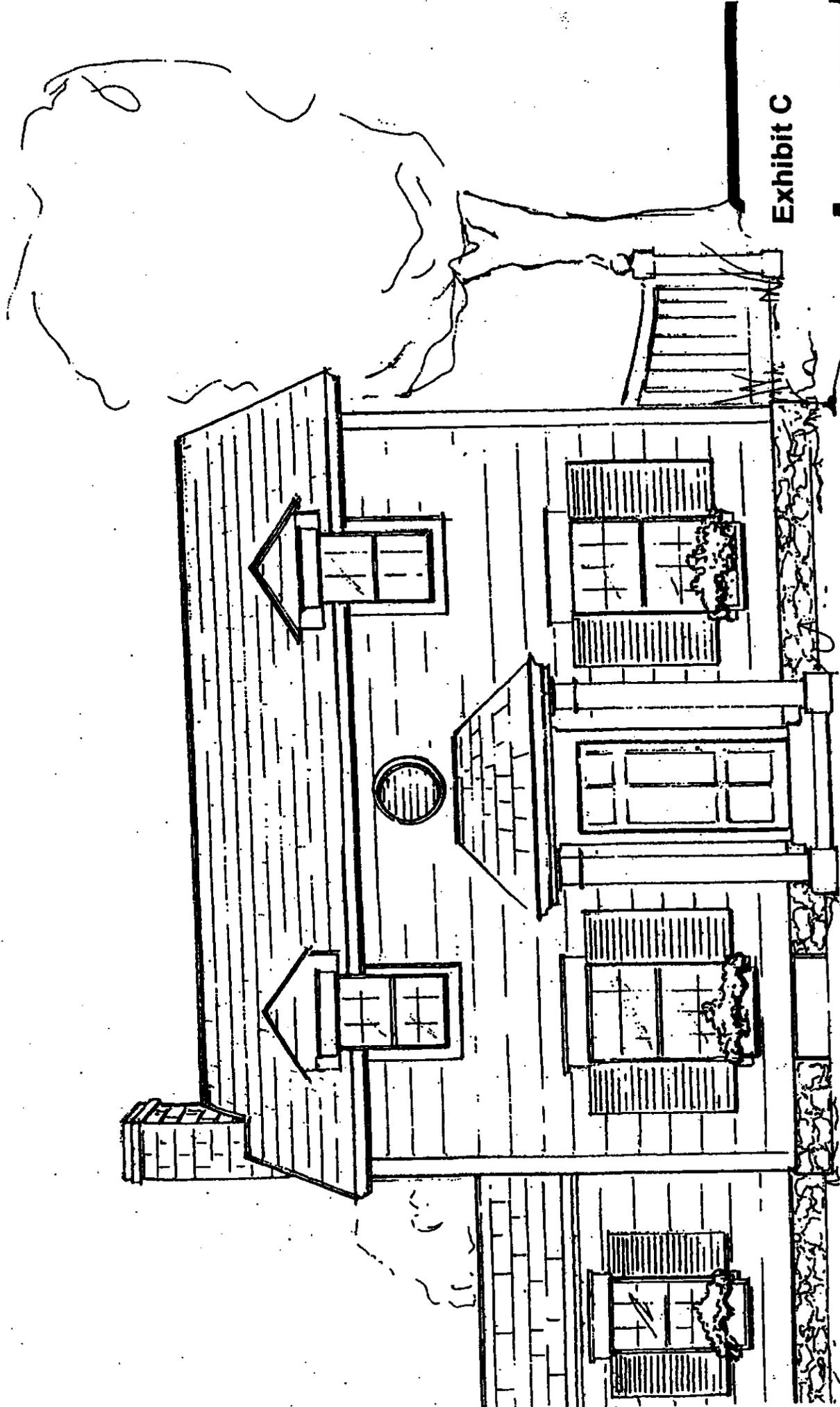
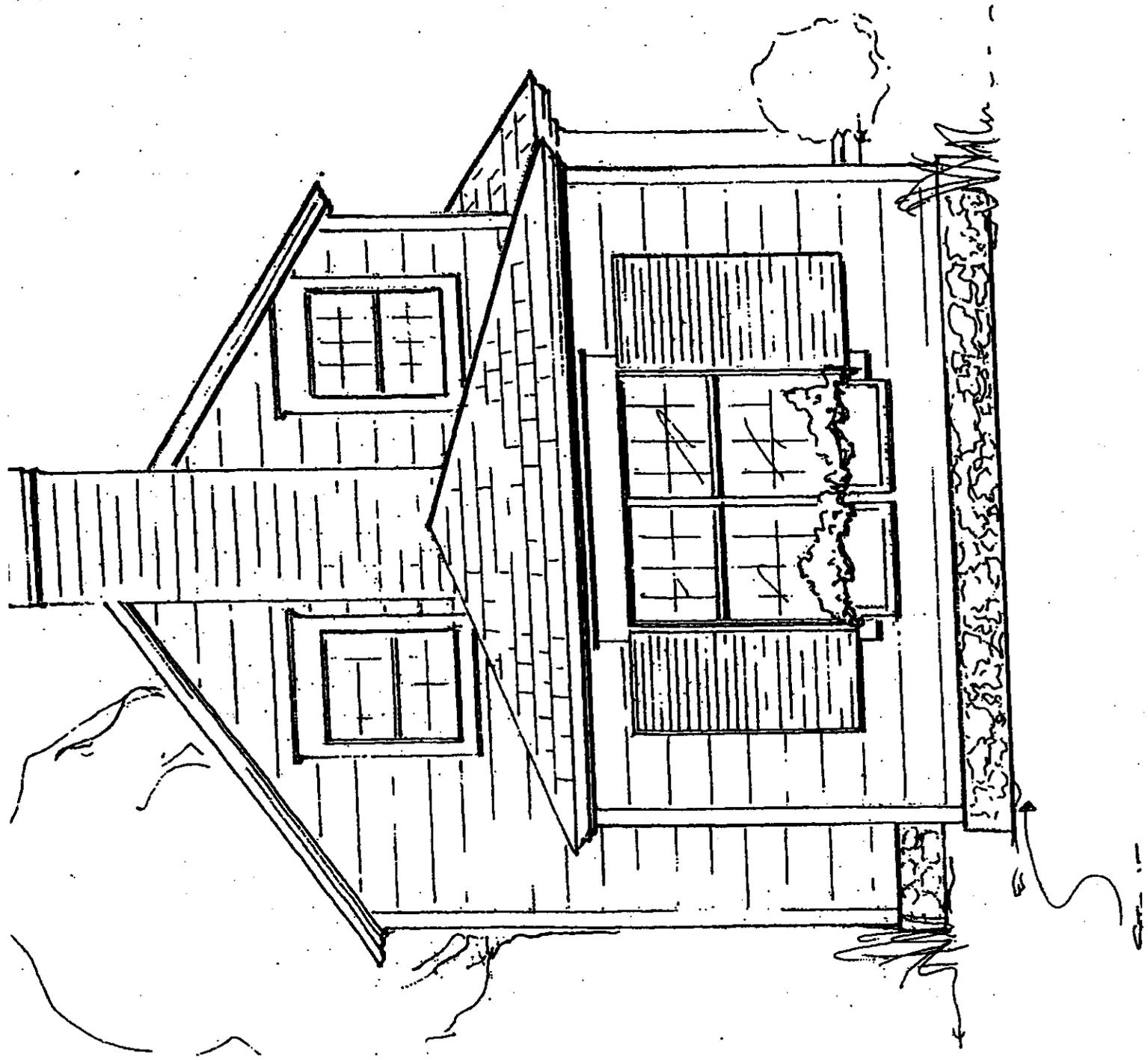


Exhibit C

STONE
CORNERS





County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: March 9, 2009

TO: ✓ Brenda Cho, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Bette R. Crane, Paralegal ✓
Office of the County Attorney

SUBJECT: Revised Affidavit
SE 2008-DR-037
Applicant: Mark and Lynn McFadden
PC Hearing Date: 4/16/09
BOS Hearing Date: 4/27/09

REF.: 103860

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 3/9/09, which bears my initials and is numbered 103860a, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: Meredith Amonson, Planning Technician
Zoning Evaluation Division
Department of Planning and Zoning

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 9, 2009
(enter date affidavit is notarized)

I, Stuart Mendelson, Applicant's Authorized Agent, 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 103860a

in Application No.(s): SE 2008-DR-037
(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 BOLD above)
Mark McFadden	7505 Royal Oak Drive McLean, Virginia 22102	Applicant/Title Owner
Lyn McFadden	7505 Royal Oak Drive McLean, Virginia 22102	Applicant/Title Owner
Holland & Knight, LLP	1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Authorized Agent/Attorney
Stuart Mendelsohn	Holland & Knight, LLP 1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Authorized Agent/Attorney
Michelle A. Rosati	Holland & Knight, LLP 1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Authorized Agent

(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 Attachment to Par. 1(a)

DATE: March 9, 2009
(enter date affidavit is notarized)

103860a

for Application No. (s): SE 2008-DR-037
(enter County-assigned application number (s))

(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)
Alice G. Haase, Esq.	Holland & Knight, LLP 1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Authorized Agent/Attorney

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 9, 2009
(enter date affidavit is notarized)

103860a

for Application No. (s): SE 2008-DR-037
(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) NONE

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: March 9, 2009
(enter date affidavit is notarized)

103860a

for Application No. (s): SE 2008-DR-037
(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)
Holland & Knight, LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

(check if applicable) [X] 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)

- Abbott, Charles W Senior Partner Retired
Abel, Michael Equity Partner
Adams, Alfred B III Equity Partner
Adams, Barbara Equity Partner
Adams, Glenn Equity Partner
Alexander, Mark G Equity Partner
Alexander, Martin J Equity Partner
Allderdice, Linda Auerbach Non Equity Partner
Allen, Roz Non Equity Partner
Allswang, David B Non Equity Partner
Andersen, Anne-Mette Non Equity Partner
Andersen, Barbara Non Equity Partner
Anderson, Rod Equity Partner
Angius, Christopher Equity Partner
Annunziato, Christopher Non Equity Partner
Arco, Barbara Mary Non Equity Partner
Arden, Thomas P Equity Partner

(check if applicable) [X] 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 Attachment to Par. 1(c)

DATE: March 9, 2009
(enter date affidavit is notarized)

103860a

for Application No. (s): SE 2008-DR-037
(enter County-assigned application number (s))

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

Holland & Knight, LLP
1600 Tysons Boulevard
Suite 700
McLean, Virginia 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)

- | | |
|------------------------|------------------------|
| Aronson, Mark I | Equity Partner |
| Arouh, Jeffrey A. | Equity Partner |
| Atcitty, Shenan Rae | Equity Partner |
| August, Adam | Non Equity Partner |
| Bacheller, Chester E | Equity Partner |
| Bailey, R. Gregory | Non Equity Partner |
| Baker, Mark E | Non Equity Partner |
| Baker-Shenk, Philip M | Equity Partner |
| Baldwin, Gregory | Equity Partner |
| Baldy, Anderson L. | Equity Partner |
| Ball, Stephen | Equity Partner |
| Banghart, Douglas | Non Equity Partner |
| Barfield, Brett Alan | Non Equity Partner |
| Barnard, Deborah E. | Equity Partner |
| Barnett, Martha | Equity Partner |
| Barnhart, Constance | Non Equity Partner |
| Barton, Bernard | Equity Partner |
| Basha, Leigh-Alexandra | Equity Partner |
| Bean, Daniel K. | Equity Partner |
| Beaton, Neal Nathan | Equity Partner |
| Beers, Meredith | Equity Partner |
| Bell, Rodney H | Equity Partner |
| Bellows, Christopher | Non Equity Partner |
| Bentz, Thomas H. Jr. | Non Equity Partner |
| Bevington, Elizabeth L | Equity Partner |
| Black, David Scott | Non Equity Partner |
| Blank, Stacy D | Equity Partner |
| Blechman, Rachel S | Senior Partner Retired |
| Bloom, William R | Equity Partner |
| Boeke, Noel Robert | Equity Partner |
| Bogorad, Stephen A | Equity Partner |
| Bohrer, Sanford L | Equity Partner |
| Boland, Michael J | Equity Partner |
| Booth, Susan Jennifer | Equity Partner |
| Boothe, Jeffrey F | Equity Partner |
| Borden, Jennifer C | Non Equity Partner |
| Boroughs, Thomas | Senior Partner |
| Borucke, David C | Non Equity Partner |
| Boyett, Christopher | Equity Partner |
| Bradley, Lawrence D | Non Equity Partner |
| Bradner, Robert | Non Equity Partner |

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

Special Exception Attachment to Par. 1(c)

DATE: March 9, 2009
 (enter date affidavit is notarized)

103860a

for Application No. (s): SE 2008-DR-037
 (enter County-assigned application number (s))

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

Holland & Knight, LLP
 1600 Tysons Boulevard
 Suite 700
 McLean, Virginia 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)

Braid, Frederick	Equity Partner
Branch, Thomas B III	Senior Partner
Brannock, Steven L	Equity Partner
Briggs, David W	Non Equity Partner
Brittin, Jocelyn	Non Equity Partner
Brockman, Christopher C	Equity Partner
Brooke, Thomas W	Non Equity Partner
Brooks, Malcolm	Equity Partner
Brothers, Henry J II	Equity Partner
Brown, Mary Carolyn	Non Equity Partner
Brownell, Thomas M	Non Equity Partner
Bucholtz, Harold	Equity Partner
Buhler, Mark J	Non Equity Partner
Burkland, Mark E.	Equity Partner
Butler, J. Todd	Non Equity Partner
Byrne, William P	Equity Partner
Cadwalader, Lynn K	Equity Partner
Calkins, Lynn E.	Equity Partner
Camarra, Christopher L	Equity Partner
Cannon, L. Kinder III	Equity Partner
Carr, James	Non Equity Partner
Carroll, Brett D	Non Equity Partner
Cartwright, Kelly-Ann	Equity Partner
Casal, Jose A	Equity Partner
Cason, Warren	Senior Partner
Castleman, Howard J	Non Equity Partner
Castro, Tanja H	Non Equity Partner
Cavanaugh, J. Michael	Equity Partner
Chapman, Michael	Equity Partner
Chasnow, Robert M	Equity Partner
Clapp, Douglas W	Equity Partner
Clary, Donald M.	Non Equity Partner
Colan, Bruce Jay	Equity Partner
Colandreo, Brian J	Non Equity Partner
Colao, Ivan	Equity Partner
Coleman, Charles L. III	Equity Partner
Coleman, Hume F	Senior Partner Retired
Collins, Christopher H	Equity Partner
Commander, Christopher	Non Equity Partner
Compagno, John	Equity Partner
Conner, Timothy J	Equity Partner

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

Special Exception Attachment to Par. 1(c)DATE: March 9, 2009
(enter date affidavit is notarized)

103860a

for Application No. (s): SE 2008-DR-037
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight, LLP
1600 Tysons Boulevard
Suite 700
McLean, Virginia 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)

Connolly, Peter M	Equity Partner
Conti, Louis T. M.	Equity Partner
Cooper, Scott E.	Equity Partner
Cosio, J. Raul	Equity Partner
Costanzo, Vito A	Non Equity Partner
Costello, Francis W	Equity Partner
Coventon, Kevin E	Equity Partner
Craft, Randal Robert Jr.	Equity Partner
Craig, Sharon Nelson	Equity Partner
Crousillat, Christine Anchia	Contract Attorney
Crowley, Richard A	Equity Partner
Currier, Maria T	Equity Partner
Curtin, Lawrence	Equity Partner
Dagle, C. Paul	Non Equity Partner
Daniel, Harold T	Equity Partner
Daniel, Laurie Webb	Equity Partner
Dannenberg, Harry S	Equity Partner
Darbut, Douglas F	Equity Partner
Davis, Jim	Non Equity Partner
DeKuiper, Kristin A	Equity Partner
DeLacy, Christopher	Non Equity Partner
DelFranco, Randolph A	Non Equity Partner
deMeza, William B Jr.	Equity Partner
Dempsey, David	Equity Partner
Detwiler, Harry R	Non Equity Partner
Dewey, Josias	Non Equity Partner
Diaz, Edward	Equity Partner
Dickson, Alan	Non Equity Partner
Dierking, John R	Non Equity Partner
Digel, Gregory J	Equity Partner
Dilweg, Rory Emerson	Non Equity Partner
Donoghue, Robert D	Non Equity Partner
Dorkin, Eric	Non Equity Partner
Dube, Steven L.	Non Equity Partner
Duckworth, Pamela A	Non Equity Partner
Dufoe, William	Equity Partner
Dunnells, G. Richard	Senior Partner
Durkin, Martin	Equity Partner
Duvall, Homer III	Equity Partner
Duvall, Richard O.	Equity Partner
Dye, Stuart	Senior Partner

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

Special Exception Attachment to Par. 1(c)DATE: March 9, 2009
(enter date affidavit is notarized)

103860a

for Application No. (s): SE 2008-DR-037
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight, LLP
1600 Tysons Boulevard
Suite 700
McLean, Virginia 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)

Eckhard, Richard D	Equity Partner
Edson, Kelli A	Non Equity Partner
Edwards, Amy L	Non Equity Partner
Edwards, Oliver	Equity Partner
Elledge, Brandon H	Non Equity Partner
Elrod, Steven	Equity Partner
Epstein, Jonathan	Non Equity Partner
Ervin, James M	Equity Partner
Evans, Philip Tucker	Equity Partner
Faigenblat, Frances Gail	Non Equity Partner
Farmer, Guy	Non Equity Partner
Faulkner, Brandon P	Associate
Fayne, Irwin J	Equity Partner
Feagin, Robert R III	Senior Partner
Ferris, Richard Jay Jr.	Equity Partner
Ferris, Robert E	Equity Partner
Filippini, Victor P	Equity Partner
Fine, Martin	Senior Partner
Fishman, Eric	Non Equity Partner
Foley, Vincent J	Non Equity Partner
Fonseca, Michelle	Non Equity Partner
Forsberg, Lars	Non Equity Partner
Fox, Shayle P	Senior Partner
Freedman, Anthony S.	Equity Partner
Frevola, Michael J	Non Equity Partner
Fridman, Daniel S	Non Equity Partner
Friedman, Peter	Equity Partner
Friedman, Robert	Equity Partner
Frink, Anthony Lewis	Equity Partner
Gaba, Michael M.	Equity Partner
Gabel, George D Jr	Equity Partner
Gallástegui Armella, Eduardo J.	Partner
Garcia, Brian M	Non Equity Partner
Garcia, Michael E	Non Equity Partner
Garrett, Steffanie	Non Equity Partner
Geller, Mitchell Jed	Non Equity Partner
Gelman, Andrew R.	Equity Partner
Germany, John F	Senior Partner Retired
Gerstein, Robert H	Senior Partner
Gibbs, Charles F	Senior Partner
Gilbert, Leonard H	Senior Partner

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for Application No. (s): SE 2008-DR-037
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight, LLP
1600 Tysons Boulevard
Suite 700
McLean, Virginia 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)

Gilbert, Suzanne E	Equity Partner
Gilleece, Mary Ann	Non Equity Partner
Gillman, Steven L.	Equity Partner
Glasgow, Norman M	Senior Partner Retired
Glasgow, Norman M Jr.	Equity Partner
Glass, W. Reeder	Senior Partner
Goeddel, Stacie Andra	Non Equity Partner
Gold, Richard	Equity Partner
Goldsmith, Donald	Senior Partner
Goldstein, Joseph Gary	Equity Partner
Gomez-Pinzon, Enrique	Non Equity Partner
Gonzalez, Alex	Equity Partner
Gordon, Steven	Equity Partner
Gorham, Robert L	Equity Partner
Grady, Frederick J	Equity Partner
Grammig, Robert J	Equity Partner
Gravenhorst, Paul	Equity Partner
Gray, T. Wayne	Senior Partner
Green, Laurie L	Non Equity Partner
Gregores, George J	Equity Partner
Grimes, Stephen H	Senior Partner
Groh, James S	Equity Partner
Guasch, Frances F	Non Equity Partner
Guay, Joseph	Equity Partner
Hadlow, Richard B.	Equity Partner
Haire, Dirk	Equity Partner
Halula, John F	Equity Partner
Hamblin Schiave, Anne	Senior Partner
Hamilton, Lawrence J II	Equity Partner
Hamilton, William F	Equity Partner
Hanback, Christopher B	Equity Partner
Hanlon, Stephen	Senior Partner
Hanselman, Theodore F	Equity Partner
Hargitai, Peter P	Equity Partner
Harrington, David J	Non Equity Partner
Harris, Patricia Ann	Non Equity Partner
Harris, Robert	Equity Partner
Hart, Damon P	Non Equity Partner
Hart, Shane	Non Equity Partner
Harvey, Kenneth L	Non Equity Partner
Hayes, G. Calvin	Equity Partner

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General Partner, Limited Partner, or General and Limited Partner)

Hayes, Robin B	Non Equity Partner
Henderson, Victor	Equity Partner
Hengen, Nancy L	Equity Partner
Hernandez, Alberto M	Equity Partner
Hernandez, Jennifer	Equity Partner
Hernandez-Toraño, Jorge	Equity Partner
Herr, Mitchell E.	Equity Partner
Heskett, Sara Christina	Non Equity Partner
Hickey, Edward R	Equity Partner
Hickey, J. Michelle	Non Equity Partner
Higgins, Sean K	Non Equity Partner
Highsmith, Robert S Jr.	Equity Partner
Hindlian, Richard J	Equity Partner
Hoffman, Jerome	Equity Partner
Hoffman, Kenneth B	Equity Partner
Hogan, John M	Equity Partner
Hohenstein, James	Equity Partner
Hole, Brian K	Equity Partner
Holifield, Marilyn J	Equity Partner
Holmes, Andrew	Non Equity Partner
Honan, William J.	Equity Partner
Hooper, Chester D	Equity Partner
Horn, Dennis	Equity Partner
Hornyak, Joseph	Non Equity Partner
Howell, George B III	Non Equity Partner
Hughes, Dennis Russell	Non Equity Partner
Husbands, Joshua	Non Equity Partner
Hutchison, Richard	Equity Partner
Ivey, Robert L.	Equity Partner
Jackson, Hank E	Equity Partner
James, Paul M	Equity Partner
Jaron, Martin J Jr	Equity Partner
Jenero, Kenneth A	Equity Partner
Jensen, Frode	Non Equity Partner
Jensen, J. Alan	Equity Partner
Jimenez, Adolfo E.	Equity Partner
Joern, Charles E	Equity Partner
Johnson, Charles S. III	Equity Partner
Johnson, Scott J	Equity Partner
Johnston, R. Scott	Non Equity Partner
Johnston, Thomas M	Non Equity Partner

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General Partner, Limited Partner, or General and Limited Partner)

Jonas, W. James III	Non Equity Partner
Jones, David A	Equity Partner
Jones, John Arthur	Senior Partner
Jones, Thomas J	Senior Partner Retired
Judas, Suzanne M	Non Equity Partner
Jung, Bryan T D	Non Equity Partner
Kahn, David S	Equity Partner
Kastner, Samuel Paul	Equity Partner
Katz, Gordon P	Equity Partner
Katz, Naomi F.	Non Equity Partner
Kaufman, Bonni	Non Equity Partner
Kecskes, Kenneth A	Non Equity Partner
Kehoe, Kerry S	Equity Partner
Keldermans, Francis	Equity Partner
Kelley, John D	Non Equity Partner
Kelly, Christopher G	Equity Partner
Kennicott, Donald	Equity Partner
Kibler, D Burke III	Senior Partner Retired
Kiernan, Paul J	Equity Partner
Kilmer, Paul F	Equity Partner
Kimbrow, Bradford	Equity Partner
Kinasz, Thomas John	Equity Partner
Kittleson, Henry M	Senior Partner Retired
Klein, Larry A	Non Equity Partner
Knight, Tammy	Equity Partner
Kokolis, Jerry	Non Equity Partner
Kolos, Chris	Equity Partner
Kolz, Tamara	Non Equity Partner
Kominers, William	Equity Partner
Korchin, Judith	Equity Partner
Koren, Edward	Equity Partner
Kreitzer, Judith E	Non Equity Partner
Krischer, Alan Samuel	Non Equity Partner
Krumholz, Joshua	Equity Partner
Kuntz, C. Edward	Non Equity Partner
Kuta, Jeffrey T	Non Equity Partner
Labate, Robert	Non Equity Partner
Lake, Elizabeth	Equity Partner
Lambert, Lyndall M	Non Equity Partner
Landau, Allan	Senior Partner
Lane, William R Jr.	Equity Partner

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Lang, Robert H	Non Equity Partner
Lannon, Paul	Equity Partner
Lansner, Ruth L.	Equity Partner
Lapatin, Philip S	Equity Partner
Laughlin, James Harold Jr.	Non Equity Partner
Lawrence, Frank Ronald	Equity Partner
Lawrence, Richard H III	Non Equity Partner
Lazarus, Jason D.	Non Equity Partner
Lear, Richard E	Non Equity Partner
Lee, Sunwoo	Equity Partner
Lee, Tiffani G	Non Equity Partner
Lefere, Marie	Equity Partner
Lehman, Kathryn Hazeem	Non Equity Partner
Leixner, Timothy C	Senior Partner
Leonard, Sean Brendan	Non Equity Partner
Lepore, Ralph T. III	Equity Partner
Leventhal, Norman P	Non Equity Partner
Levine, Jack A	Equity Partner
Levine, Jerome L	Equity Partner
Levitan, Shari	Equity Partner
Lewis, James	Non Equity Partner
Lhota, Janna Peters	Non Equity Partner
Libby, Gerold W	Senior Partner
Liebman, Lawrence R	Equity Partner
Litschgi, Byrne	Senior Partner Retired
Long, James E Jr.	Non Equity Partner
Long, Mary Chrysa	Equity Partner
Loring, Bruce	Equity Partner
Lotterhos, Fred J III	Equity Partner
Lozano Alarcón, Gerardo	Partner
Lynch, Vernon Sylvester III	Non Equity Partner
Lyon, Richard Elgar Jr	Non Equity Partner
MacCullough, Kara	Equity Partner
Machen, William F	Equity Partner
MacKenzie, Dominic C	Equity Partner
MacKichan, Robert C. Jr.	Non Equity Partner
MacLeod, Scott R	Equity Partner
Magee, George T	Non Equity Partner
Mahony, Gael	Senior Partner
Mahony, Ieuan	Equity Partner
Main, James L.	Equity Partner

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Mann, David	Senior Partner
Mannix, Michael	Equity Partner
Mansfield, Jennifer A	Non Equity Partner
Manthei, Michael R	Non Equity Partner
Manuelian, Haig	Senior Partner
Marcus, Jonathan S	Equity Partner
Marinelli, Marisa	Non Equity Partner
Maroney, Michael T.	Non Equity Partner
Marrero Priegues, Ines	Non Equity Partner
Martin, Stanley A	Equity Partner
Matsakis, Elias	Equity Partner
Matuszewski, David	Non Equity Partner
May, D. Bruce Jr.	Equity Partner
Mayer, James	Equity Partner
Mayol Lopez, Juan	Equity Partner
Mays, C. Parkhill Jr.	Senior Partner
McAleavey, Tom	Equity Partner
McAlpin, Louise	Equity Partner
McCarthy, Bridget	Non Equity Partner
McCarty, Christopher J	Non Equity Partner
McCauley, Robert G	Non Equity Partner
McCorkhill, C. Grant	Equity Partner
McDermott, James E.	Equity Partner
McDermott, John J	Senior Partner
McDowell, Brian A	Equity Partner
McKendall, Miriam	Equity Partner
Meeder, Gregory R	Equity Partner
Meehan, K. Patrick	Non Equity Partner
Melton, Howell W. Jr.	Equity Partner
Mencio, George	Equity Partner
Mendelsohn, Stuart	Equity Partner
Mercier, Judith M	Non Equity Partner
Michalowski, Mark C	Equity Partner
Milano, Nicholas G	Equity Partner
Millea, James F	Non Equity Partner
Miller, Marc Edmund	Non Equity Partner
Miller, Morris H.	Equity Partner
Miner, Martin P	Equity Partner
Mintz, Robert M	Equity Partner
Mitchell, Elizabeth M	Non Equity Partner
Mittleman, Jeffrey	Equity Partner

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General Partner, Limited Partner, or General and Limited Partner)

Moehling, James A	Equity Partner
Monaghan, John J	Equity Partner
Monchamp, Amanda	Non Equity Partner
Moore, Donald P	Non Equity Partner
Moran, John Paul	Non Equity Partner
Moreno, Esther L	Non Equity Partner
Morreale, Frank	Non Equity Partner
Morris, Francesca	Non Equity Partner
Mosner, Anita M	Equity Partner
Moss, Stephen B	Equity Partner
Mueller, James T	Non Equity Partner
Murdoch, Christopher J	Equity Partner
Murphy, Anne M	Equity Partner
Murphy, Martin P	Non Equity Partner
Mussman, John R	Non Equity Partner
Mutryn, William J	Equity Partner
Myers, Christopher	Equity Partner
Myers, Lance D	Non Equity Partner
Naftalin, Alan Y	Senior Partner Retired
Naftalin, Charles	Equity Partner
Neff, A. Guy	Equity Partner
Nesbitt, La Fonte	Equity Partner
Nesmith, Steven	Non Equity Partner
Neumann, Carl A	Equity Partner
Newman, Michael Brill	Equity Partner
Newman, Robbin	Non Equity Partner
Newman, Scott	Equity Partner
Nichols, Tracy A	Equity Partner
Niles, Stephen	Non Equity Partner
Nilles, Kathleen	Equity Partner
Norman, James M	Equity Partner
Norton, Matthew E.	Equity Partner
Notopoulos, Philip J	Equity Partner
Nyweide, John	Non Equity Partner
O'Neill, John P	Non Equity Partner
Oberto, Kathryn W	Equity Partner
Oleynik, Ronald	Equity Partner
Ordman, Morgan J	Senior Partner Retired
Orr, A. Summey III	Equity Partner
Pabian, Ilene Linda	Non Equity Partner
Packman, Kevin	Non Equity Partner

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General Partner, Limited Partner, or General and Limited Partner)

Page, Frederick D	Equity Partner
Park, James A III	Equity Partner
Parlin, Barbra Rachel	Non Equity Partner
Parrish, Paul E	Non Equity Partner
Pearce, George	Equity Partner
Perez, Richard	Non Equity Partner
Perez, Victor	Non Equity Partner
Perlman, Ronald S	Non Equity Partner
Perry, David L	Equity Partner
Petersen, Rafe	Non Equity Partner
Petersen, Scott W	Non Equity Partner
Philbrick, Charles L	Non Equity Partner
Phillips, Dianne R	Non Equity Partner
Piels, William	Equity Partner
Pike, Larry	Equity Partner
Plume, Tamsen	Equity Partner
Pollock, James	Senior Partner
Ponce, Scott D	Non Equity Partner
Potter, Harold W	Equity Partner
Poust, Teresa	Non Equity Partner
Poznansky, Roslyn	Non Equity Partner
Prieto, Peter	Equity Partner
Pritchard, John F	Equity Partner
Pupo, Roberto R	Equity Partner
Quin, Wayne	Equity Partner
Rambusch, Lennard K	Senior Partner Retired
Ramos, Eduardo A	Non Equity Partner
Ranallo, Michael J.	Equity Partner
Raymond, Mark E	Non Equity Partner
Rechtin, Michael Jr.	Non Equity Partner
Redmond, Richard	Equity Partner
Reed, M. Kasim	Non Equity Partner
Reilly, John J	Equity Partner
Reisler, Marc S	Non Equity Partner
Reitzfeld, Alan D	Equity Partner
Reynolds, Christopher J	Non Equity Partner
Rich, William M	Senior Partner
Richie, Kenneth R	Non Equity Partner
Riddle, James A	Non Equity Partner

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General Partner, Limited Partner, or General and Limited Partner)

Ríos Espinosa, Maria E.	Partner
Ritter, Adam Charles	Non Equity Partner
Robbin, Robert S	Senior Partner
Rohn, Frederick	Equity Partner
Rollins, James H	Equity Partner
Rosati, Michelle A	Non Equity Partner
Rosenberg, Arthur E	Non Equity Partner
Ross, Bruce S	Equity Partner
Rothenberg, Frederick M	Non Equity Partner
Rowley, John	Equity Partner
Royal, Erika	Non Equity Partner
Royce, Raymond W	Senior Partner
Ruane, Michael	Equity Partner
Rubinger, Jeffrey	Non Equity Partner
Russell, Gilda Tuoni	Non Equity Partner
Ryan, Rory C	Equity Partner
Rydzewski, Leo	Non Equity Partner
Salaman, Alban	Equity Partner
Salimone, Shannon Hartsfield	Non Equity Partner
Sano, Curtis L	Non Equity Partner
Santeusanio, David J	Non Equity Partner
Santiago, Louis	Non Equity Partner
Saunders, Allyson Gail	Non Equity Partner
Scanlon, Tara A	Equity Partner
Schiff, Janis Boyarsky	Equity Partner
Schneider, Todd	Non Equity Partner
Schreiber, Phillip	Non Equity Partner
Schulz, George E Jr	Senior Partner
Sciarra, Vanessa Patton	Non Equity Partner
Seay, James E. L.	Equity Partner
Segall, Harold A	Senior Partner Retired
Seligson, Damon M	Non Equity Partner
Sellers, Lawrence	Equity Partner
Sessions, William S.	Senior Partner
Seul, Jeffrey R.	Non Equity Partner
Shapiro, Mark	Equity Partner
Shapiro, Stephen	Equity Partner
Sheely, Sean C	Equity Partner
Sherman, William B	Equity Partner
Shiker, Christine	Non Equity Partner
Shimberg, James Jr.	Equity Partner

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General Partner, Limited Partner, or General and Limited Partner)

Shirley, James T	Senior Partner
Short, Jennifer A.	Non Equity Partner
Shotzberger, Keith S	Non Equity Partner
Sibley Gonzales, Michele	Non Equity Partner
Sikorski, Gerry	Equity Partner
Silber, Stacy Plotkin	Non Equity Partner
Sills, Richard	Senior Partner
Silver, David C	Equity Partner
Sims, Roger W	Senior Partner
Singleton, David R	Equity Partner
Sirven, Jose	Equity Partner
Skallas, A Thomas	Non Equity Partner
Skelton, Patrick W	Equity Partner
Sloan, David Scott	Equity Partner
Small, Daniel I	Equity Partner
Smeallie, James D.	Equity Partner
Smith, Bernard Lee	Non Equity Partner
Smith, Colin P.	Equity Partner
Smith, Lee S	Equity Partner
Smith, R. Troy	Non Equity Partner
Smith, Robert H	Equity Partner
Snively, Stephen W	Equity Partner
Solaun, Emma	Non Equity Partner
Sonberg, Steven	Equity Partner
Sorondo, Rodolfo Jr.	Equity Partner
Spelliscy, M.J.	Equity Partner
Spitzer, Jr., M. James	Equity Partner
Stenson, Todd D.	Non Equity Partner
Steger, Mark J	Non Equity Partner
Stein, Melvin "Mel"	Senior Partner Retired

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Stephens, Richard B	Equity Partner
Stephenson, Andrew	Equity Partner
Sterling, Scott Andrew	Equity Partner
Stern, Jeffrey Blake	Equity Partner
Stevens, William M	Equity Partner
Stockton, Richard	Non Equity Partner
Stone, Mark	Non Equity Partner
Strouse, Jonathan E.	Non Equity Partner
Studley, Janet R	Senior Partner
Stutts, Charles L.	Equity Partner
Subin, Ben	Equity Partner
Sung, Audrey	Non Equity Partner
Swaim, C. Thomas	Senior Partner
Taber, Stephen	Non Equity Partner
Taisey, Robert D	Senior Partner
Tam, Jane K.P.	Non Equity Partner
Tanner, Caroline J	Non Equity Partner
Tanzer, Michelle F	Non Equity Partner
Targ, Nicholas William	Non Equity Partner
Taub, Steven P	Non Equity Partner
Taylor, Michael George	Non Equity Partner
Teichner, Lee Philip	Equity Partner
Tellechea, Albert F.	Non Equity Partner
Tenev, Jovi	Equity Partner
Terrenzi, Marisa C	Non Equity Partner
Theberge, John	Equity Partner
Thomas, Natalie P	Non Equity Partner
Thomas, Paul	Non Equity Partner

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Tiedemann, Charles W	Equity Partner
Tobin, Charles D.	Equity Partner
Tofil, Lisa	Non Equity Partner
Tonn, Robert	Non Equity Partner
Toriello, John M	Equity Partner
Turra, Melissa S.	Equity Partner
Vafidis, Matthew	Equity Partner
Van Buren, Bradley	Non Equity Partner
Varick, Steven Bruce	Equity Partner
Vasios, H. Barry	Equity Partner
Verhey, David M	Non Equity Partner
Vogel, Edward W III	Equity Partner
Volinski, Benjamin	Equity Partner
von Bergen, Mark A.	Equity Partner
Voss, Susan L	Senior Partner
Vyverberg, Robert W.	Equity Partner
Wachter, Charles A	Non Equity Partner
Walker, Karen	Equity Partner
Wang, David	Non Equity Partner
Warram, Robert Allan	Equity Partner
Warren, Stephen Patrick	Non Equity Partner
Washington, Lynn C	Equity Partner
Watson, Alan J	Non Equity Partner
Webb, Paul	Senior Partner Retired
Weber, Steven John	Equity Partner
Wechselblatt, Eric	Equity Partner
Wegner, Susan	Contract Attorney
Weinberger, Mel S	Equity Partner
Weinstein, Andrew H.	Senior Partner
Weiss, Alan M	Equity Partner

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Weiss, Christopher J	Equity Partner
Weiss, Stephen J.	Senior Partner Retired
Werner, Michael J	Non Equity Partner
Wheeler, George	Equity Partner
Whitebread, Joseph B Jr.	Equity Partner
Whitestone, David	Equity Partner
Wiener, Keith M	Equity Partner
Wilkie, Austin Tack	Non Equity Partner
Williams, Richard	Equity Partner
Wilson, William B	Equity Partner
Wing, James D	Equity Partner
Winter, Richard R	Equity Partner
Wolcott, Jonathan F	Non Equity Partner
Wolk, Lawrence J	Equity Partner
Wood, Florence	Non Equity Partner
Woodrow, Thomas R.	Equity Partner
Woodson, Roderic	Non Equity Partner
Workman, Paul C	Non Equity Partner
Wright, Douglas A	Equity Partner
Wright, R. Douglas	Non Equity Partner
Wright, Steven	Equity Partner
Yadley, Barbara M	Equity Partner
Yanofsky, Richard M	Equity Partner
Yates, Leighton D	Equity Partner
Young, Paul	Non Equity Partner

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

Special Exception Attachment to Par. 1(c)

DATE: March 9, 2009
(enter date affidavit is notarized)

103860a

for Application No. (s): SE 2008-DR-037
(enter County-assigned application number (s))

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

Holland & Knight, LLP
1600 Tysons Boulevard
Suite 700
McLean, Virginia 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**)

Young, Stephen	Senior Partner
Zanger, Larry	Equity Partner
Zarin, Don	Equity Partner
Zdeb, Michael J	Equity Partner
Zhang, Hongjun Ph.D.	Equity Partner
Zimmer, Thomas	Equity Partner
Zusmann, Samuel	Senior Partner

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 9, 2009
(enter date affidavit is notarized)

103860a

for Application No. (s): SE 2008-DR-037
(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: March 9, 2009
(enter date affidavit is notarized)

103860a

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:

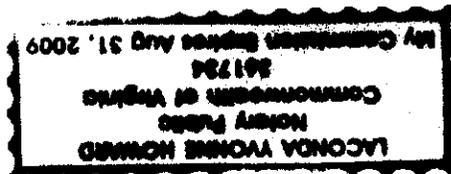
(check one) [] Applicant [x] Applicant's Authorized Agent

Stuart Mendelsohn, Applicant's Authorized Agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 9th day of March 2009, in the State/Comm. of Virginia, County/City of Fairfax

Lacinda Y. Howard
Notary Public

My commission expires: 8-31-09



November 11, 2008
As revised February 23, 2009

Stuart Mendelsohn
703 720 8071
stuart.mendelsohn@hklaw.com

VIA HAND DELIVERY

Eileen McLane, Zoning Administrator
Fairfax County Department of Planning and Zoning
Zoning Administration Division
12055 Government Center Parkway
Suite 801
Fairfax, Virginia 22305

Re: Special Exception Application
Tax Map Number 30-2 ((7)) 08, 1470 Ingleside Avenue, McLean, VA
Special Exception Category 5, Office Use and Modifications/Waivers/Increases in the
R-3 Zoning district and Commercial Revitalization District
Dranesville District

Dear Ms. McLane:

The following is submitted as a revised statement of justification in support of the above referenced Special Exception application on behalf of our clients, Mark and Lyn McFadden.

I. PROPERTY

The subject property is identified as Tax Map Number 30-2 ((7)) 08, the entirety of which consists of 9,375 square feet (the "Property"), all as shown on the plat submitted herewith, entitled "Special Exception Plat, Lots 8, 9 & 10, Block 1, West McLean" prepared by Harold A. Logan Associates, PC and dated April 30, 2008, as revised through November 11, 2008 (the "Plat"). The Property is zoned R-3.

II. STATEMENT OF PROPOSED USE

Lyn and Mark McFadden (the "Applicant") are the title owners of the property located at 1470 Ingleside Avenue in McLean, in which they are requesting approval to operate a real estate office in the existing residential structure. The Property is zoned to the R-3 district and such use is permitted pursuant to approval of a Category 5, Special Exception, Commercial and Industrial Use of Special Impact with modifications/waivers/increases. The proposed office use is shown on the Plat.

A. Type of Operation

The Applicant is a husband and wife realtor team who live in McLean and actively market and sell properties in the District of Columbia and Northern Virginia. Their primary office is in Georgetown but they desire to have a physical presence in McLean for administrative purposes; thus, they seek to open a "satellite" real estate office on the Property, within the existing building. According to County records, the brick structure was constructed in 1947 and contains a total of 1,040 square feet on a 9,375 square foot lot. The office will be staffed by up to two employees.

B. Hours of Operation

The office will generally operate from 10 a.m. to 6 p.m., Monday – Friday, with occasional use on evenings and weekends, not to exceed a cumulative total of four hours each weekend day.

C. Estimated Number of Patrons/Clients

As stated above, the real estate office is intended to be a satellite office with only one employee. The office is not intended to be utilized to meet clients but rather, to provide administrative support for the Applicant's northern Virginia business. Because of the nature of the operations, the Applicant anticipates infrequent use by clients and sporadic use by the two agents. Accordingly, the use of the property will be much less than if it were occupied as a residence.

D. Proposed Number of Employees/Attendants

The Applicant anticipates that one or two administrative staff person will work at the office five days a week. As stated above, the two real estate agents will occasionally use the office, but not on a regular basis.

E. Estimate of Traffic Impact of Proposed Use

The week-day estimated traffic to and from the office is anticipated to be less than that generated by single family detached uses, which, according to the Institute of Traffic Engineers ("ITE"), translates to ten vehicle trips per day on weekdays. The Property is located one block from the intersection Ingleside Avenue with Chain Bridge Road, which is signalized and equipped with left and right-turn lanes. The office operations and ensuing low traffic generation will have less impact on the neighborhood than a single-family residence and much less than that of the residential townhouses currently planned for future use (ITE estimates 11 vehicle trips per day for single-family attached uses).

F. Vicinity or General Area of Proposed Use

The Property is located on the west side of Ingleside Avenue, across from the Giant Shopping Center, within the McLean Community Business Center. The shopping center contains a large Giant supermarket, CVS drugstore, ABC store, four restaurants, two apparel stores, dry cleaners and other small, assorted retail users. To the north, along Ingleside Avenue, are two low impact office uses situated in former dwellings that are zoned to the C-2 district. The McLean Racquet and Health Club is the single user within the block along Ingleside Avenue to the south of the Property. Single-family detached dwelling units are located behind the Property on Buena Vista Avenue, which forms the southern boundary of Subarea 23.

G. Description of Building Façade and Architecture of Proposed Building

The Applicant intends to use the existing, two-story, cape cod style building for the office. The existing improvements and landscaping will be well-maintained and will provide an attractive setting. The exterior materials are brick with a small amount of siding. No alterations, modifications or enlargement are planned, however, the Applicant intends to point up the structure in conformity with Exhibit B, attached hereto and incorporated herein. The building will maintain a warm, residential appearance and will be aesthetically harmonious with the adjacent properties and with the neighborhood generally.

H. Listing of Hazardous or Toxic Substances

There are no known hazardous or toxic substances generated, stored, treated and/or disposed of on the proposed special exception site.

I. Statement of Conforming Use and Construction

The real estate office is anticipated to be approved pursuant to the Plat and will conform to all applicable ordinances, regulations, adopted standards and any applicable conditions of the approved Plat. As no modifications are needed or planned to the existing improvements for the intended use, there will be no need for construction plans.

J. Statement of Ownership and Applicant Interest

The subject property is owned by the Applicant.

III. COMPLIANCE WITH THE ZONING ORDINANCE

The Applicant respectfully submits that the approval of the proposed Special Exception is consistent with, and furthers the overarching goals and intent of, the Fairfax County Zoning Ordinance. Regulations for the R-3 zoning district permit offices pursuant to approval of a special exception application. The area of the Property is 9,375 square feet, but the minimum lot size under the R-3 Zoning District regulations is 10,500 square feet. However, zoning regulations permit existing lots to be used for any permitted use within the R-3 district when they are legal, non-conforming lots in accordance with the provisions of the Zoning Ordinance §2-405. That regulation permits such usage when, at the time of subdivision, the lot was recorded

prior to March 1, 1941 or it met the appropriate zoning district requirements in effect as of the recordation date. In this case, the Property was subdivided in 1922, prior to adoption of the County's first zoning ordinance in 1941. Because neither lot size requirements nor bulk regulations existed at the time of subdivision, the Property may be utilized for the real estate office, subject to the SE approval. Notwithstanding the legal non-conformity status, the Property meets or exceeds the existing bulk regulations as they pertain to the front, side and rear yard setbacks. Because no improvements are intended and no area will be disturbed, stormwater management improvements are not required. However, additional planned landscaping will improve stormwater management.

Specifically, the proposed use is consistent with the following criteria for the approval of special exceptions as set out in § § 9-006, 9-503 and 9-515 of the Fairfax County Zoning Ordinance. For clarification purposes, general standards for all special exception uses are listed first, followed by those specific to Category 5 uses, and finally, by those applicable to offices in residential districts.

A. § 9-006, General Standards

1. The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

The Property is located in the McLean Planning District (Area II) of the Fairfax County Comprehensive Plan, in the McLean Community Business Center, Subarea 23. The Comprehensive Plan recommends medium density residential townhouses to buffer the commercial uses on the east side of Ingleside from the single-family residential along Buena Vista Avenue, to the south of the Property. The intended base townhouse density

is 5-8 units per acre, which, if applied to the Property, would equate to one (1) townhouse unit (redevelopment of the entire block would permit a density increase to 12-16 units per acre or 2.6 to 3.4 units on the Property). However, the Comprehensive Plan recognizes Ingleside Avenue as a "buffer area" and as such, recommends treatment should vary as appropriate for the location with the Central Business Center.

The Property is situated on Ingleside Avenue across the street from both McLean's largest shopping center and the Racquet and Health Club, and is adjacent to an existing office housed in a former dwelling. Moreover, the back yard adjoins that of a single family detached house. To accomplish a buffer between the dense retail in the Giant shopping center and residential Buena Vista Avenue, the proposed use for a real estate office situated in the existing small building creates less density and traffic impact on the residential neighborhood than several townhouses. The proposed use is ideal as an interim use pending future redevelopment of the Property and as a buffer from the high-intensity shopping center to the adjacent residential neighborhood.

Additionally, the Comprehensive Plan for this subarea recommends sidewalks along Ingleside. To date, sidewalks have been constructed only along the east side of Ingleside adjacent to commercial properties and in two, confined stretches along the west side at either end of the street (on the southern end adjacent to the McLean Racquet Club and to on the northern end adjacent to townhouses). There are no sidewalks adjacent to the Property, or, for that matter, along the middle portion of Ingleside proximate to the detached buildings and residences on the west side of the street. Without a plan of

redevelopment for the Property, and lacking an approved plan with a sidewalk design, connection point or maintenance arrangement, etc. , sidewalk construction in front of the Property is not appropriate at this time. However, in a measure above and beyond that required for an interim SE use and upon the County's approval of a sidewalk project that includes the stretch of Ingleside adjacent to the Property, the Applicant proposes to dedicate right-of-way up to a maximum seven-feet (7') along Ingleside for such construction.

The Property is an interim use that serves as a buffer between the intense retail and residential uses in Subarea 23. For the reasons provided herein, the proposal is consistent with and furthers the goals of the Comprehensive Plan.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

The stated purpose of the R-3 zoning district is "to provide for single family detached dwellings" as well as "to allow other selected uses which are compatible with the low density residential character of the district." Offices uses are permitted in the R-3 District pursuant to approval of a special exception when conditioned so as be compatible with other uses within the proximate area. Such is the case with this application in that the immediate neighborhood alongside Ingleside, including the adjacent property, has commercial uses ranging from a large health club, retail center and offices similar to that proposed for the Property. In truth, the proposed use for a satellite real estate office will

create less of an impact than that of a residence and, particularly, than residential townhouses.

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 the 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.

As stated herein, the proposed office will be located adjacent to offices that, like the proposed application, are located within existing buildings formerly used as single family detached residences. Maintenance and updating of the existing structure for use as an office is an appropriate interim use pending redevelopment of the adjacent properties pursuant to Comprehensive Plan recommendation. These low impact office uses serve as buffers between high-volume commercial/recreation uses and low-density residential uses in the surrounding neighborhood. Plans for screening and landscaping are consistent with zoning regulations and are harmonious with the Central Business District of McLean and particularly, that portion designated as Subarea 23. However, because there is an existing, high-quality wood fence along the property line, the Applicant requests a waiver of the barrier requirement and modification of the transitional screening requirement.

The use will not have any adverse impact upon the use or development of adjacent or nearby land, nor will it 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.

Vehicular traffic, as stated, will be minimal and, in fact, less than that generated by residential use. As such, neither the pedestrian nor vehicular traffic will conflict with the existing neighborhood traffic patterns.

5. In addition to the standards which may be set forth in this Article for a particular group or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.

The real estate office is an interim use and because it will be used infrequently, no modifications, alterations or additions are required to the existing structure. Bulk regulations require a rear yard setback of 25 feet but the actual setback is 67.5 feet, more than double that required. Existing shrubbery provides landscaping along the rear and side yard, adjacent to the C-2 zoned use. The building height is only 18.7 feet, which is about half of the maximum 35-foot allowed, less than the newly constructed dwelling behind the Property and undoubtedly less than the height of any future townhouse constructed on the Property. Additionally, adjacent to the Property line is a relatively new, attractive wood fence that provides a barrier in a manner compatible with the neighborhood. To improve the overall appearance of the Property, the Applicant intends

to install landscaping in general conformance with the landscaping plan denominated "Sconset in McLean," prepared by Fine Landscapes, Ltd., and dated August 2008. For the reasons set forth above, the Applicant requests that no additional screening requirements condition the Special Exception approval, other than as described herein, and requests a waiver of barriers and modifications of transitional screening requirements.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

Open space on the subject Property is provided as shown on the Plat and for the reasons explained above, the Applicant requests that no additional open space requirements condition approval of the application.

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.

Adequate utility and drainage will be provided to the Property in order to serve the proposed real estate office. Parking regulations for the office require spaces at the rate of 3.6 cars per 1,000 square feet. The dwelling is 1,047 square feet which requires a total of four (4) parking spaces. Sufficient spaces are provided tandem-style in the existing driveway, as shown on the Plat. However, because tandem parking is prohibited in commercial settings, a broad expanse of impervious parking surface is out of character with the neighborhood, and in recognition of only two employees, the Applicant requests

a reduction by 20% of the off-street parking requirement, pursuant to the McLean Commercial Revitalization District ordinances.

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.

Signage shall be installed and maintained in accordance with the Ordinance.

B. § 9-503, General Standards applicable to Category 5 uses.

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.

Current R-3 regulations identify 10,500 square feet as the minimum lot area within a conventional subdivision lot. The area of the Property is 9,375 square feet; however, the existing lot may be used for any permitted use within the R-3 district, in accordance with the provisions of the Zoning Ordinance §2-405. That regulation permits such usage when, at the time of subdivision, the lot met the appropriate zoning district requirements in effect as of the recordation date. In this case, the subdivision was recorded in 1922, prior to the adoption of the County's first zoning ordinance in 1941, thus, there were no bulk regulations or minimum lot sizes in effect at the time of recordation. In fact, current bulk regulations include a maximum building height of 35-feet, which is substantially higher than the 18.7-foot height of the structure on the Property. Also, the front and rear setbacks meet or exceed those set forth in current R-3

regulations for conventional subdivisions lots, although at the time right-of-way is dedicated as described previously, the front yard will not meet existing setback regulations. Because the Property is a corner lot, the side setback is measured as a front yard setback. The existing 25-foot setback on the "side" yard facing Meadowbrook is short of the required 30-foot minimum. At the time of right-of-way dedication, it is understood that, notwithstanding the grandfathered setbacks, the front yard will no longer meet the current 30-foot front setback. Accordingly, a waiver is requested for the minimum 30-foot setback on the side yard facing Meadowbrook, and upon dedication of the right-of-way for sidewalks, for the minimum 30-foot setback on the front yard facing Ingleside, pursuant to the provisions of the Zoning Ordinance, § 9-622.1.A.

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.

In this instance, the Applicant intends to replace only the two existing light fixtures located in the front and back porches with new fixtures appropriate for residential use. If needed for security reasons, a third low-impact light fixture (appropriate for residential use) may be installed to provide lighting to the driveway. All of the existing light fixtures existed on the Property prior to June 17, 2003 and therefore would be lawful nonconforming uses if they do not comply.

3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

The structure was previously constructed and the Applicant does not intend to modify or alter the existing structure so as to require a site plan.

C. § 9-515 Additional Standards applicable to Office uses in Residential zoning districts

Standards § 9-515 1 A. – C. are applicable to this application:

1. 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.

The Property is located within the McLean CBC.

2. 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.

Fairfax County tax records show the Property was constructed in 1947; the Applicant is unaware of any additions thereafter.

3. Notwithstanding the provisions of Sect. 014 above, offices in residential districts approved prior to January 24, 1977 may be renewed for one five (5) year period under the ordinances in effect

The Property has been used only as a residence.

Page 15
November 11, 2008
Revised through February 23, 2009

For the reasons set forth above the Applicant respectfully requests approval of this special exception as an interim use. Please contact me if you have any questions, or require further information.

Very truly yours,

Stuart Mendelsohn
Holland & Knight LLP

5219426_v13



County of Fairfax, Virginia

MEMORANDUM

DATE: February 11, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PAN*
Environment and Development Review Branch, DPZ

SUBJECT: Land Use Analysis and Environmental Assessment: SE 2008-DR-037
McFadden

The memorandum, prepared by Jennifer Bonnette, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject Special Exception (SE) application dated April 30, 2008 as revised through November 11, 2008. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested.

DESCRIPTION OF THE APPLICATION

The applicant, Mark and Lyn McFadden, proposes to establish a non-franchised, satellite real estate office as an interim use in an existing single family detached dwelling located in a designated buffer area of the McLean Community Business Center (CBC).

LOCATION AND CHARACTER OF THE AREA

The subject property is located in the northwest quadrant of the intersection of Ingleside and Meadowbrook Avenues in the McLean Commercial Revitalization District. The site is located along the outer perimeter of the McLean Community Business Center. It is planned for residential use at five to eight dwelling units per acre and zoned R-3. Immediately bordering the site to the north and west are single family detached homes, planned for residential use at 5-8 and 2-3 dwelling units per acre respectively. The two adjacent houses on Ingleside Avenue function as businesses and are zoned C-2. Across Ingleside Avenue to the east is the loading dock area for a grocery store, planned for retail and zoned C-6. To the south is a private athletic facility, which is planned for private recreation and zoned C-2.

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/



COMPREHENSIVE PLAN CITATIONS:

Land Use

In the Fairfax County Comprehensive Plan, 2007 Edition, Area II, McLean Planning District, McLean Community Business Center, as amended through August 6, 2007, pages 27-28 and 65, the Plan states:

- “3. Subareas 23 (Ingleside, Meadowbrook, Buena Vista and Park Avenues) and 24 (Old Dominion Drive, Park Avenue, Pine Crest Avenue and Dolley Madison Boulevard) should develop in medium density townhouses. In order to contain future commercial growth within the CBC, to provide additional housing within the CBC, and to establish a residential buffer for West McLean, future development should be townhouse residential at a base range of 5-8 dwelling units per acre. A mid range density of 8-12 dwelling units per acre could be achieved provided there is consolidation of minimum areas of one acre; pedestrian amenities include five foot wide sidewalks on all streets with mid block pedestrian connections; landscaped buffers between single family residential are included; innovative design and architectural compatibility with single family detached areas is achieved; and buildings are limited to 35 feet in height. Parking should be below ground, in structures, or screened. An overlay density range of 12-16 dwelling units per acre can be achieved along Ingleside Avenue or Old Dominion Drive only, with complete block consolidation, provision of affordable dwelling units, and all design elements listed above. Development along Pine Crest Avenue and Buena Vista Avenue is encouraged to be residential detached single family housing. . . .

Subarea #23: Ingleside Avenue, Meadowbrook Avenue, Buena Vista Avenue and Park Avenue.

Guidelines

Planning Objective

Establish medium density residential townhouses as a buffer between CBC commercial uses and single-family residential outside the CBC.

Land Use Objective

Medium density residential townhouses. Base density of 5-8 du/ac; intermediate density of 8-12 du/ac with one acre consolidation; overlay density of 12-16 du/ac with full block consolidation. In existing commercial zone only, townhouse office.

Implementation Strategy

Change existing zoning to medium density residential.

Parking Requirement

As required by zoning ordinance.

Design Objective

Public Space Guidelines

North (Park Avenue): Residential Frontage type L
East (Ingleside Avenue): Residential Frontage type L
South (Meadowbrook Avenue): Residential Frontage type L
West (Buena Vista Avenue): Residential Frontage type L

Building Envelope Guidelines

Residential Frontage type L. Building materials, massing and design to be "neo-traditional" in character. Single-family detached housing encouraged along Buena Vista Avenue. Height and setback requirements as defined in zoning ordinance. Rear alleys with garages are highly encouraged.

Building Relationships	Rowhouse sited perpendicular to the street with front and rear yards; driveway may be used for half of parking requirement.
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Special Considerations	Bikeway along Ingleside Avenue. Enhance pedestrian connection to neighborhood on Meadowbrook Avenue.
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Environment

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on pages 17-18, the Plan states:

“Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.

- Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:
- Environmentally-sensitive siting and construction of development
 - Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*)
 - Optimization of energy performance of structures/energy-efficient design
 - Use of renewable energy resources
 - Use of energy efficient appliances, heating/cooling systems, lighting and/or other products
 - Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies
 - Reuse of existing building materials for redevelopment projects
 - Recycling/salvage of non-hazardous construction, demolition, and land clearing debris
 - Use of recycled and rapidly renewable building materials
 - Use of building materials and products that originate from nearby sources
 - Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-

emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY STAR® rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs...

- Policy c. Ensure that zoning proposals for residential development will qualify for the ENERGY STAR Qualified Homes designation, where such zoning proposals seek development at the high end of the Plan density range and where broader commitments to green building practices are not being applied.”

COMPREHENSIVE PLAN MAP: 5-8 dwelling units per acre

LAND USE ANALYSIS

A special exception is requested to establish a real estate office as an interim use in a single family detached dwelling. The Comprehensive Plan recommends that special exceptions in buffer areas should be limited to interim uses that do not create permanent disincentives to redevelopment. Such uses should be allowed only when they are in structures that are well maintained; residential in appearance; are uses that do not negatively impact traffic; parking is screened from adjacent properties with landscaping and decorative fences and/or walls; and existing healthy, mature trees are maintained. The applicant proposes to renovate the rundown house and greatly improve the landscaping. A landscape plan dated August 2008 has been provided as Exhibit A. It is recommended that additional evergreens be incorporated into the landscape plan along the entire western boundary to provide a solid vegetated buffer to the neighboring home. The applicant's request for a parking reduction, from the four required spaces to three spaces, furthers the goals of revitalization by limiting the area reserved for parking, which is more compatible with the surrounding residential uses. Staff has recommended that the applicant incorporate pervious pavers into the driveway's design.

The Comprehensive Plan also recommends five foot wide sidewalks be established on both Ingleside and Meadowbrook Avenues. While the sidewalks are desirable, the applicant is not proposing any new construction or additions to the existing home.

Along with renovating the house and improving the landscaping, if the applicant incorporates additional buffering along the western boundary and improves the driveway design, this application will be in harmony with the Comprehensive Plan.

ENVIRONMENTAL ANALYSIS

If the applicant plans to install new appliances in the house, it is desirable that the appliances are ENERGY STAR qualified.

COUNTYWIDE TRAILS PLAN

The subject property is located in a specially designated area on the Countywide Trails Plan Map which references the Area Plan for guidance. The Area Plan recommends five foot wide sidewalks along both Ingleside and Meadowbrook Avenues. The McLean CBC Open Space Design Standards for Residential Frontage Type L apply. No sidewalks along either street exist currently.

PGN: JRB



County of Fairfax, Virginia

MEMORANDUM

February 19, 2009

TO: Brenda J. Cho, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Craig Herwig, Urban Forester II *CH*
Forest Conservation Branch, DPWES

SUBJECT: West McLean Block 1 Lots 8-10, SE 2008-DR-037

The following comments and recommendations are based on a review of the Proposed Draft Special Exception Conditions for SE 2008-DR-037, stamped as "Received, Department of Planning and Zoning, November 26, 2008"

- 1. Comment:** Development Condition 11 states "A landscape and groundcover plan shall be submitted concurrent with each site plan submission and shall provide for the number and size of the trees and plantings consistent with that shown on the landscape plan prepared by Fine Landscapes, Ltd, as shown on Exhibit B. The landscaping shall include columnar evergreen plantings, not less than six (6) feet tall at planting along the rear (west) property line adjacent to residential uses...."

Recommendation: UFMD staff recommends this development condition be amended to something similar to "A landscape and groundcover plan shall be submitted with each site plan submission and shall provide for the number, size and species of trees and plantings consistent with that shown on the landscape plan prepared by Fine Landscapes, Ltd, as shown on Exhibit B. The landscaping shall include category II evergreen plantings, (PFM 12.19) not less than six (6) feet tall at planting along the rear (west) property line to screen the adjacent to residential uses...."

- 2. Comment:** There is an existing 24 inch diameter American sycamore tree located at the northwest corner of the property. From a visual inspection, this tree appears to be in fair to poor condition. The lower portion of the trunk is vine-covered making a visual inspection of the trunk to determine structural stability of the difficult. There is a moderate amount of deadwood in the upper crown and apparent recent storm damage evidenced by the 10 inch diameter broken branch stub and fallen limb. This tree should be considered for preservation based on the following recommendation.

Recommendation: UFMD staff recommends development condition 12 be amended to state something similar to the following: "The Applicant shall retain the services of a certified arborist or registered consulting arborist to evaluate the structure and health of

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



West McLean, Block 1, lots 8-10
SE 2008-DR-037
February 19, 2009
Page 2 of 2

the 24 inch diameter American sycamore tree located at the northwest corner of the property and prepare a report for review by the UFMD. If the tree is deemed structurally sound and in good health, a tree preservation plan shall be prepared by a certified arborist or registered consulting arborist subject to review and approval by UFMD, to include recommendations for pruning, fertilization and tree protection recommendations to reduce the impact of any site activities that may occur as a result of this Special Exception.

Please feel free to contact me at 703-324-1770 if you have any further questions or concerns.

CSH/
UFMID #: 143964

cc: RA File
DPZ File

Department of Public Works and Environmental Services
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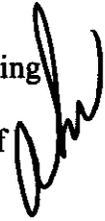


County of Fairfax, Virginia

MEMORANDUM

DATE: February 9, 2009

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

FROM: Angela Kadar Rodeheaver, Chief 
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 2008-DR-037)

SUBJECT: Transportation Impact

REFERENCE: SE 2008-DR-037; Mark and Lyn McFadden
Traffic Zone: 1460
Land Identification Map: 30-2 ((7)) (1) 8

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 this office dated April 30, 2008, and revised through November 11, 2008. The applicant proposes a non-franchised, satellite real estate office with regular hours of operation limited to 10 a.m. to 6 p.m., Monday through Friday with occasional use during evenings and weekends not exceeding a total of four hours each weekend day.

- There should be no tandem parking and no backing into Meadowbrook Avenue. Parking should be reconfigured to be behind the building and perpendicular to the building. All parking should be on-site.
- Applicant should dedicate right-of-way and provide curb and gutter, and a sidewalk along the Ingleside Avenue frontage and the Meadowbrook Avenue frontage.

AKR/LAH/lah

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



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

February 9, 2009

Ms. Regina Coyle
Director of Zoning Evaluation
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: SE 2008-DR-037, Mark and Lyn McFadden
Tax Map No.: 30-2- ((07))(1)8
1470 Ingleside Avenue

Dear Ms. Coyle,

This office has reviewed the referenced special exception plat and offers the following comment:

- The entrance on Meadowbrook Avenue should not be used as a parking lot.

If you have any questions, please call me at (703) 383-2059.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter K. Gerner".

Peter K. Gerner, P.E.
Transportation Engineer

cc: Ms. Angela Rodeheaver

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Sheng Leu 
Facilities Planning Branch, DPZ

FILE: 09.02 (ZTW)

SUBJECT: Trail Waiver (revised)
SE 2008-DR-037

DATE: March 3, 2009

I have consulted with Wade Smith, the Dranesville District representative of the Trails and Sidewalks Committee to review the request to waive the construction of sidewalks along the frontage of Ingleside and Meadowbrook Avenues. Based on Mr. Smith's comment, I recommend that the request be denied.

If you have any questions, please call me at extension 41272.

SJL

cc: Pam Nee, Environment and Development Review Branch, PD, DPZ
Wade H. B. Smith, Trails and Sidewalks Committee



FAIRFAX COUNTY PARK AUTHORITY
.....
M E M O R A N D U M



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

FROM: Sandy Stallman, Branch Manager,
Planning and Development Division 

DATE: January 28, 2009

SUBJECT: SE-2008-DR-037, 1470 Ingleside Ave.
Tax Map Number: 30-2((7))(1)8

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on land or resources of the Park Authority.

FCPA Reviewer: AG
DPZ Coordinator: BC

Copy: Cindy Walsh, Acting Director, Resource Management Division
Chron Binder
File Copy



County of Fairfax, Virginia

MEMORANDUM

DATE: FEB - 6 2009

TO: Brenda Cho, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum Khan, Senior Stormwater Engineer *QK*
Stormwater and Geotechnical Section
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application SE 2008-DR-037, McFadden Property,
Plat Dated November 25, 2008, LDS Project #4044-ZONA-001-1, Tax
Map #030-2-07-01-0008, Dranesville District

We have reviewed the subject application and offer the following comments:

Chesapeake Bay Preservation Ordinance

There is no Resource Protection Area on the property.

Floodplain

There is no floodplain on the property.

Stormwater Management

We have no comments related to stormwater management.

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

QMK/mw

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Zoning Application Files



Cho, Brenda J.

From: Smith, Russell
Sent: Thursday, February 19, 2009 3:26 PM
To: Forbes, Beth; Khan, Qayyum M.; Kharel, Durga D.; Regmi, Sharad; Salim, Elfatih; Stonefield, Jerry
Cc: Cho, Brenda J.
Subject: w attachment Review of application SE2008-DR-037 (West McLean Bank)
Attachments: DE9226pdf.pdf



DE9226pdf.pdf
(544 KB)

See attachment

From: Smith, Russell
Sent: Thursday, February 19, 2009 3:22 PM
To: Forbes, Beth; Khan, Qayyum M.; Kharel, Durga D.; Regmi, Sharad; Salim, Elfatih; Stonefield, Jerry
Cc: Cho, Brenda J.
Subject: Review of application SE2008-DR-037 (West McLean Bank)

2/19/09

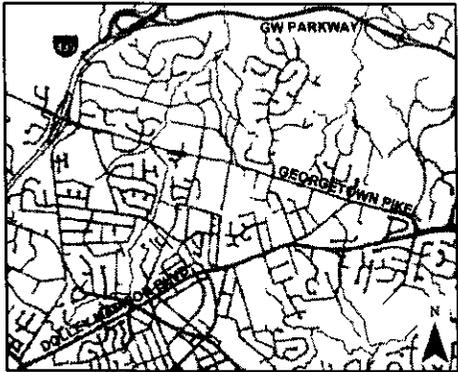
EFRD SE Application Reviewers:

Review of application SE2008-DR-037 (West McLean Bank)
SWPD offers the following recommendations and information for consideration for this Rezoning Application:

- 1) The applicant's Generalized Development Plan (received by DPZ on 11/26/08) does not propose any stormwater management.
 - SWPD encourages the applicant to employ "Better Site Design" development techniques and use LID practices to the full extent as allowed by the PFM and the Letters to Industry to minimize/reduce the volume of water that leaves the site.
 - The applicant could use *Bioretention (Vegetated) Swales and Bioretention Filters and Basins* to provide stormwater control for the site.
 - The use of multiple LID practices on the site is very effective in reducing the volume of water leaving the site and benefits the streams.
- 2) The Dead Run Watershed Plan (Middle Potomac Watersheds Plan) lists one project, DE9223 Stream Restoration Project that is 1400 feet south west of the site, see attached.
- 3) The assessment of *Dead Run is POOR and the channel evolutionary model is Level 3*, indicating that the stream has downcut and is widening to compensate for increased runoff volume. An increase in volume of water leaving the site could cause the stream to downcut and widen even further to compensate for the increased runoff. (Based on the Fairfax County Stream Physical Assessment Report 2004.)
- 4) According to the SPS Report (2001) the site is in the *SPS Watershed Restoration Level II category*. This category recommends that this site be developed with the use of innovative BMPs and a reduction in imperviousness and if appropriate, sections of on site streams that need stabilizing should be restored or stabilized. The primary goal of this category is to maintain areas to prevent further degradation.

5) Soils – The county’s soils map indicates that the soils are Glenelg which is good for infiltration. Applicant should be encouraged to use multiple infiltration measures including ***Bioretention (Vegetated) Swales and Bioretention Filters and Basins.***

Project: DE9226 Stream Restoration Project



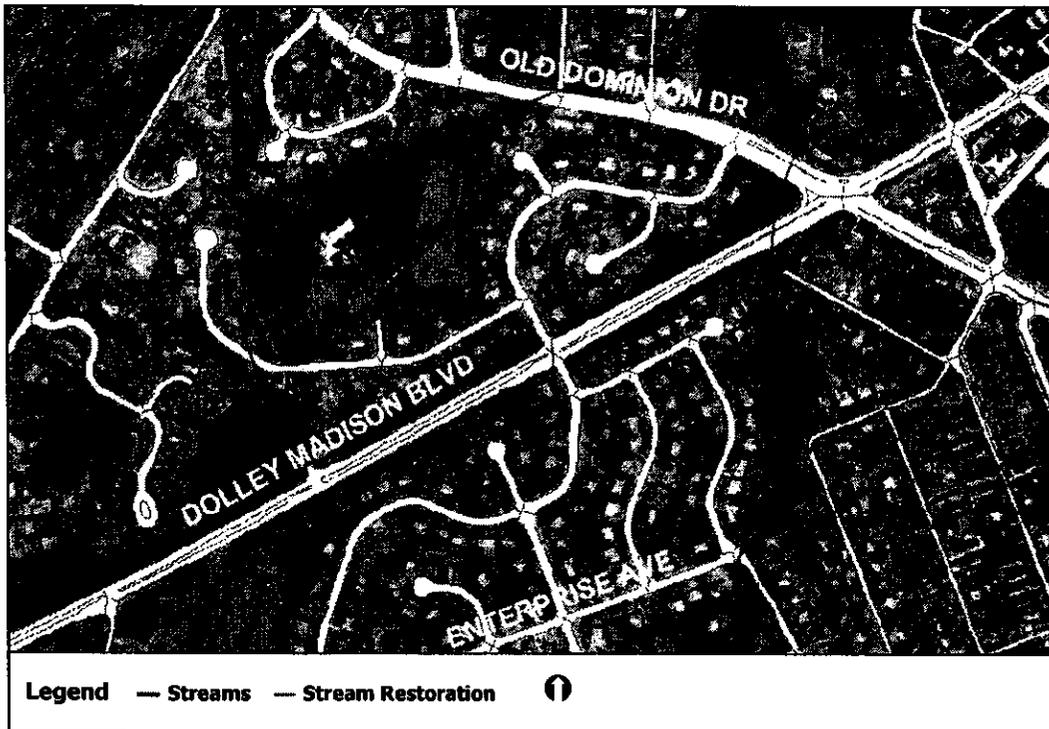
Vicinity Map

Location:	Broyhill McLean Estates Neighborhood
Land Owner:	VA Department of Transportation and Private Residential
Tax Map:	30-2
Potential Length:	1,200 linear feet
Stream Name:	Dead Run

Description: Evaluate a portion Dead Run to determine where stream restoration is necessary. The stream location to be assessed is located between Pathfinder Lane and Dolley Madison Boulevard. Proposed activities include removing gabions lining the stream, adding in-stream structures, riparian vegetation planting, and channel bed and bank reconfiguration.

Potential Benefits: Provide habitat, filters pollutants, and minimizes erosion of stream banks.

Project Design Considerations: Neighborhood Stormwater Improvement Area DE9836 is also in this neighborhood and New BMP Project DE9132 is immediately upstream of this project site. Coordination and sequencing of these projects should be considered. The entire project length is in the Chesapeake Bay Resource Protection Area which has special permitting requirements. The project may require some clearing of trees and have impacts to jurisdictional wetlands. Easements will be required.



Project Area Map

Costs:

ITEM	QUANTITY	UNITS	UNIT COST	TOTAL
Reconstruct New Pattern and Profile	700	LF	\$250.00	\$175,000.00
First 500 Linear Feet	500	LF	\$450.00	\$225,000.00
			Base Construction Cost	\$400,000.00
			Mobilization (5%)	\$20,000.00
			Subtotal 1	\$420,000.00
			Contingency (25%)	\$105,000.00
			Subtotal 2	\$525,000.00
			Engineering Design, Surveys, Land Acquisition, Utility Relocations, and Permits (45%)	\$236,250.00
			Estimated Project Cost	\$770,000.00



County of Fairfax, Virginia

MEMORANDUM

DATE: February 13, 2009

TO: Staff Coordinator
Zoning Evaluation Division
Department of Planning & Zoning

FROM: Lana Tran (Tel: 703 324-5008)
Wastewater Planning & Monitoring Division
Department of Public Works & Environmental Services

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. SE2008-DR-037
Tax Map No. 030-2-/07/01/0008

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

1. The application property is located in the Dead Run (F) watershed. It would be sewerred into the Blue Plains Treatment Plant.
2. Based upon current and committed flow, there is excess capacity in the Blue Plains Treatment Plant at this time. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 8 inch line located in the street is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

<u>Sewer Network</u>	<u>Existing Use + Application</u>		<u>Existing Use + Application Previous Rezoning</u>		<u>Existing Use + Application + Comp Plan</u>	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
Collector	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Submain	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Main/Trunk	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Interceptor	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>
Outfall	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>

5. Other pertinent information or comments:



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.

C. Notwithstanding the provisions of Sect. 014 above, offices in residential districts approved prior to January 24, 1977 may be renewed for one five (5) year period under the ordinances in effect at the time the permit/exception was originally granted, provided that the principal user is the same as the one who originally received the special permit or exception. Thereafter, any renewal shall be subject to the provisions of this Ordinance.

D. Notwithstanding the provisions of Par. A through C above, in the R-30 District, offices shall be subject only to the following standards:

(1) Such use shall be located only on the lower two (2) floors of the primary building, or in an accessory structure as may be approved by the Board.

(2) The aggregate floor area of all non-residential uses, to include offices, shall not exceed fifteen (15) percent of the total gross floor area.

(3) Adequate off-street parking shall be provided in accordance with the provisions of Par. 4 of Sect. 11-102.

2. In the C-5, C-6, C-7, C-8 and C-9 Districts, the Board may approve a special exception to allow office uses at a greater percentage of the maximum FAR than that permitted by right. For the purpose of this provision, maximum FAR shall mean the maximum FAR permitted by right, as set forth in the applicable zoning district, or as increased by an approved special exception in accordance with Sect. 618 below.

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		