



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

July 24, 2009

Stuart Mendelsohn
Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

Re: Special Exception Application SE 2009-BR-003

Dear Mr. Mendelsohn:

At a regular meeting of the Board of Supervisors held on July 13, 2009, the Board approved Special Exception Application SE 2009-BR-003 in the name of Bourj, Ltd. The subject property is located at 7611 Little River Turnpike on approximately 1.94 acres of land zoned C-3, HC, and SC in the Braddock District [Tax Map 70-2 ((1)) 10]. The Board's action permits a college/university pursuant to Section 4-304 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
3. This Special Exception 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 substantial conformance with the approved Special Exception Plat (As-Built) entitled "The Heritage Center Phase I" prepared by LBA Limited and dated December 1987, as revised through January 27, 1988, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of this Special Exception and the Non-Residential Use Permit (Non-Rup) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

5. The hours of operation for the College shall not exceed 7:00 a.m. to 11:00 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on weekends.
6. A maximum of ninety students and twelve employees shall be on-site at any one time during the hours of operation.
7. All existing vegetation on the property is to be maintained in good condition and replaced as necessary.
8. Prior to the issuance of a Non-Residential Use Permit (Non-Rup), the applicant shall provide a parking tabulation sheet to the County reflecting updated parking space totals and the usage of Suite 600 as a college; if the Director of DPWES determines that adequate parking has not been provided, enrollment shall be reduced accordingly.
9. All signage shall be in conformance with Article 12 of the Zoning Ordinance.

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 as evidenced by issuance of a Non-Residential Use Permit (Non-Rup). 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.

The Board also:

- Modified the transitional screening requirements in favor of the existing on-site landscaping.
- Waived the barrier requirements in favor of the existing on-site landscaping.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

Cc: Chairman Sharon Bulova
Supervisor John Cook, Braddock District
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Karyn Mooreland, Chief Capital Projects Sections, Dept. of Transportation



COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SE 2009-BR-003

(Staff will assign)
RECEIVED
 Department of Planning & Zoning

JAN 13 2009

Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME Bourj, Ltd.	
	MAILING ADDRESS 7619 Little River Turnpike, Suite 840, Annadale, VA 22003	
	PHONE HOME () WORK (703) 916-9107	
	PHONE MOBILE ()	
PROPERTY INFORMATION	PROPERTY ADDRESS 7611 Little River Turnpike, Annadale, VA 22003	
	TAX MAP NO. 70-2((1))0010	SIZE (ACRES/SQ FT) 1.94 ac./84,332 sq. ft.
	ZONING DISTRICT C-3, HC, SC	MAGISTERIAL DISTRICT Braddock
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A	
	ZONING ORDINANCE SECTION Section 9-30 paragraph 1, Section 4-304 paragraph 2	
SPECIAL EXCEPTION REQUEST INFORMATION	PROPOSED USE College	
AGENT/CONTACT INFORMATION	NAME Stuart Mendelsohn, Esq., Applicant's Authorized Agent	
	MAILING ADDRESS 1600 Tysons Boulevard, Suite 700, McLean, VA 22102	
	PHONE HOME () WORK (703) 720-8071	
	PHONE MOBILE ()	
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact	
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Stuart Mendelsohn, Esq., Applicant's Authorized Agent</p> <p><u>Stuart Mendelsohn</u> SIGNATURE OF APPLICANT/AGENT</p> <p><u>Stuart Mendelsohn</u> TYPE/PRINT NAME OF APPLICANT/AGENT</p>		

DO NOT WRITE IN THIS SPACE

Virginia Ruffner

Date Application accepted: 3/6/09

Application Fee Paid: \$5,205.00

SE 2009-0011 and 3/6/09