



APPLICATION ACCEPTED: August 7, 2009  
BOARD OF ZONING APPEALS: November 3, 2009  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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October 27, 2009

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2009-MA-078**

### MASON DISTRICT

**APPLICANT:** Lesley HongikSung Lee  
**OWNERS:** Lesley HongikSung Lee and Nicole Yi  
**SUBDIVISION:** Russell C. Wood  
**STREET ADDRESS:** 4108 Woodland Road  
**TAX MAP REFERENCE:** 60-3 ((12)) 6  
**LOT SIZE:** 1.0 acre  
**ZONING DISTRICT:** R-2 and HC  
**ZONING ORDINANCE PROVISION:** 8-907  
**SPECIAL PERMIT PROPOSAL:** To permit a home professional office.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2009-MA-078 ONLY with adoption of the development conditions contained in Appendix 1.

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

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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Shelby Johnson

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



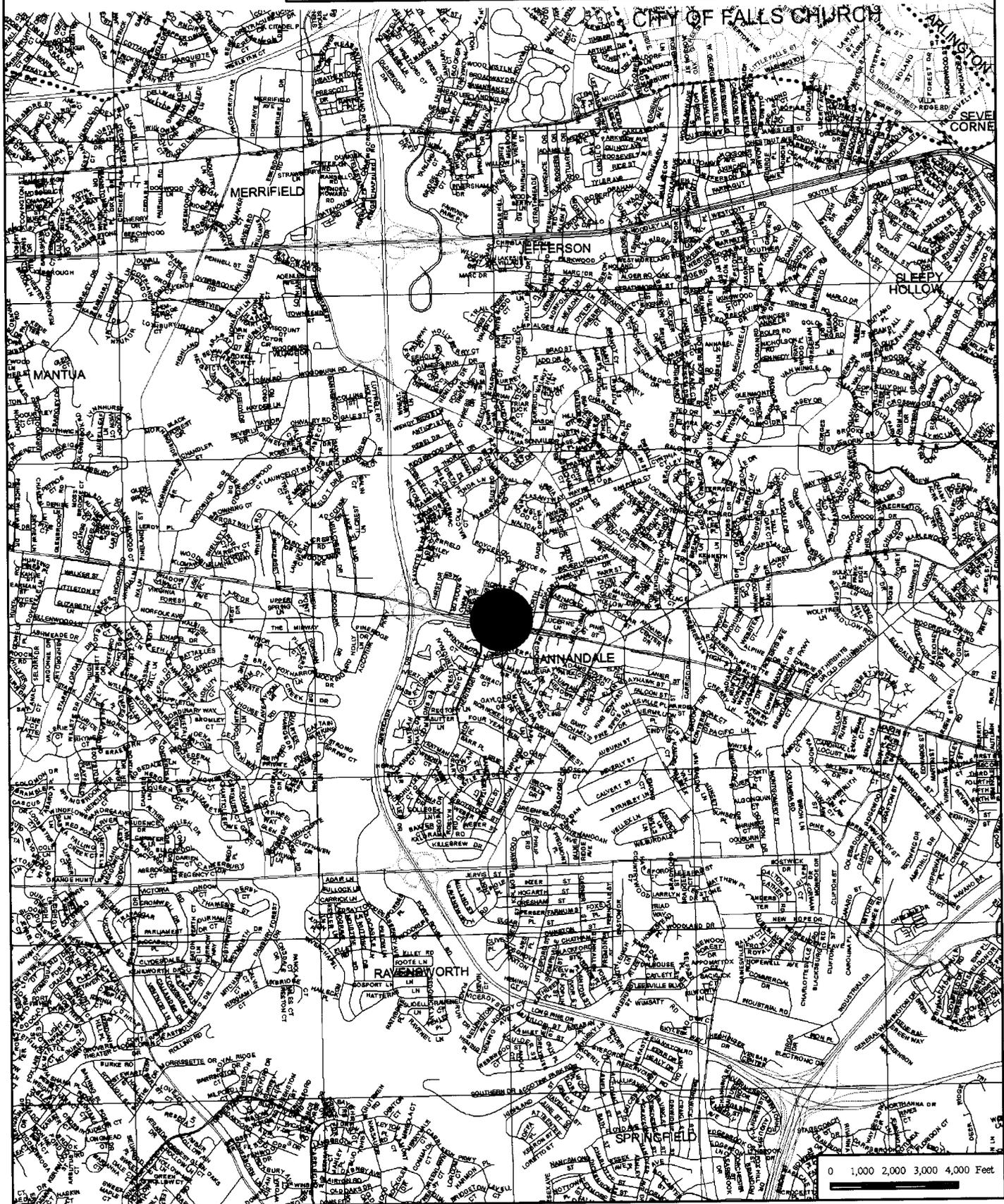
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**

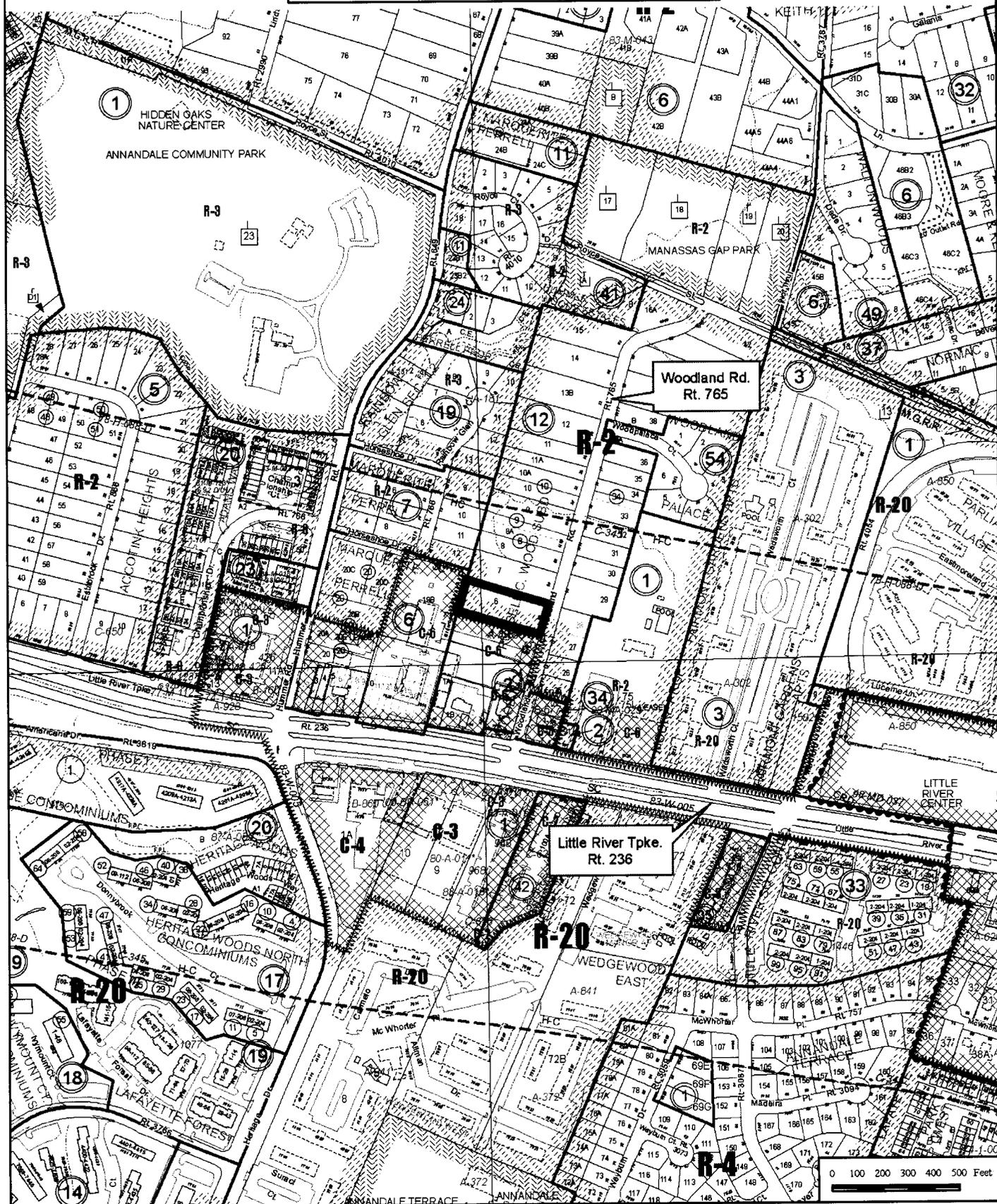


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2009-MA-078**  
**LESLEY HONGIKSUNG LEE**



**Special Permit**  
**SP 2009-MA-078**  
**LESLEY HONGIKSUNG LEE**

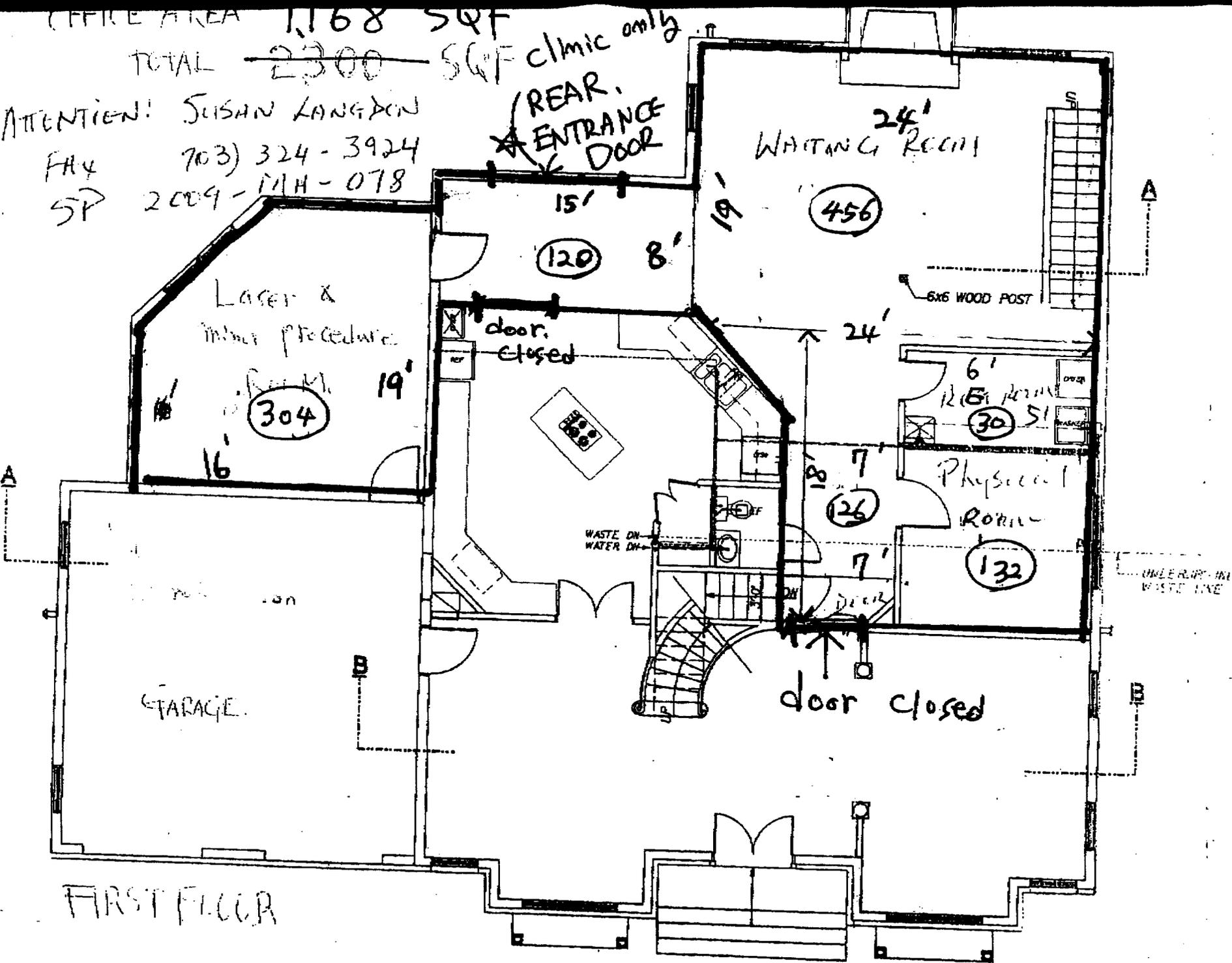




OFFICE AREA 1,168 SQF  
TOTAL ~~2300~~ SQF clinic only

ATTENTION: SUSAN LANGDON  
FAX 703) 324-3924  
SP 2009-MM-078

(REAR) ENTRANCE DOOR

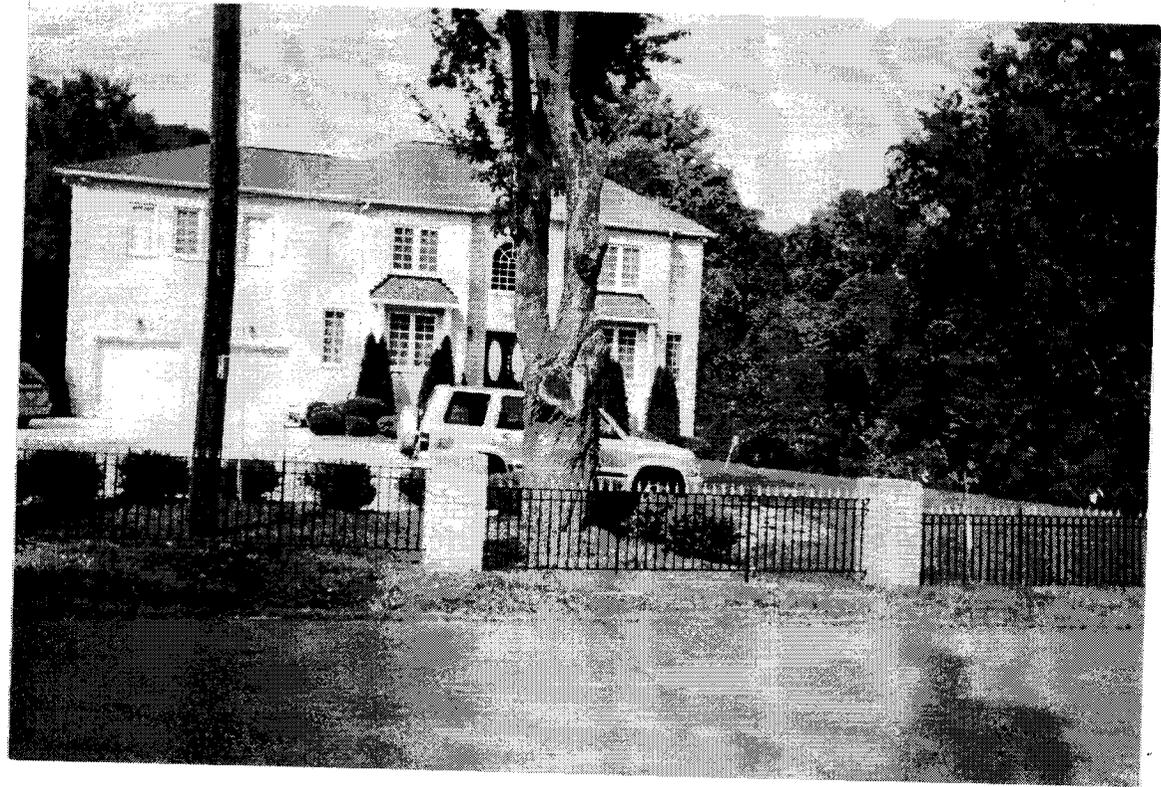


FIRST FLOOR

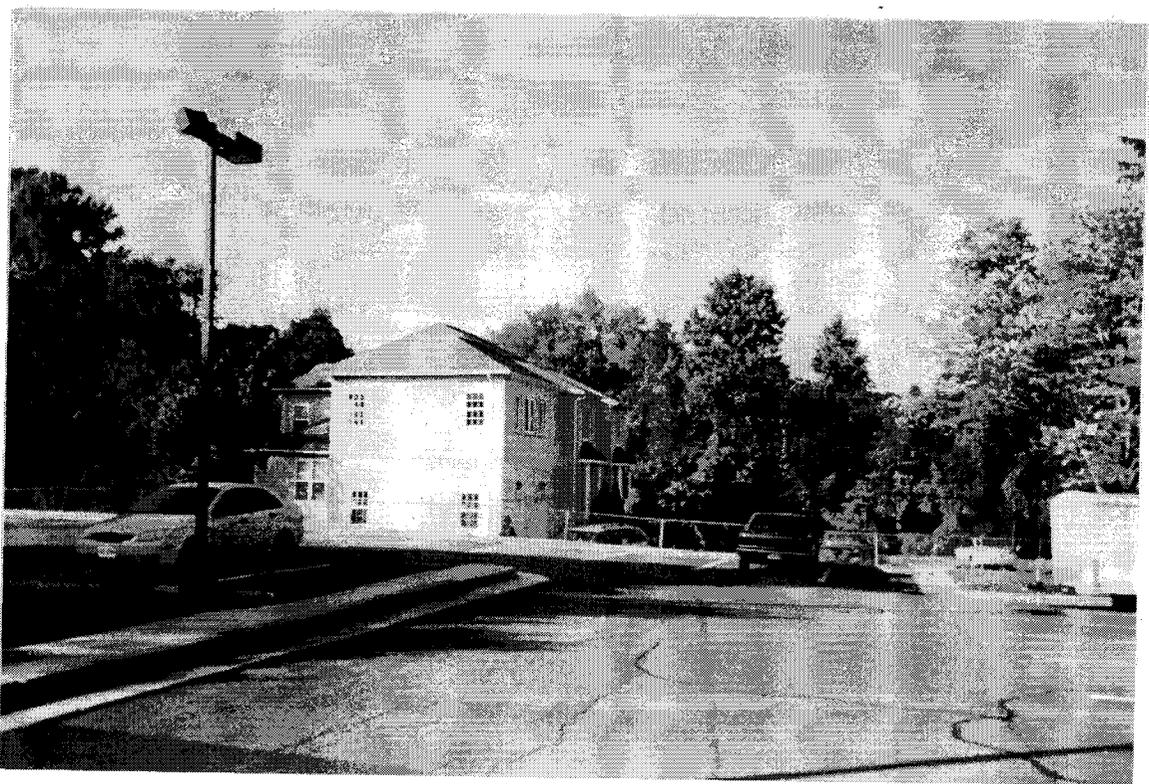
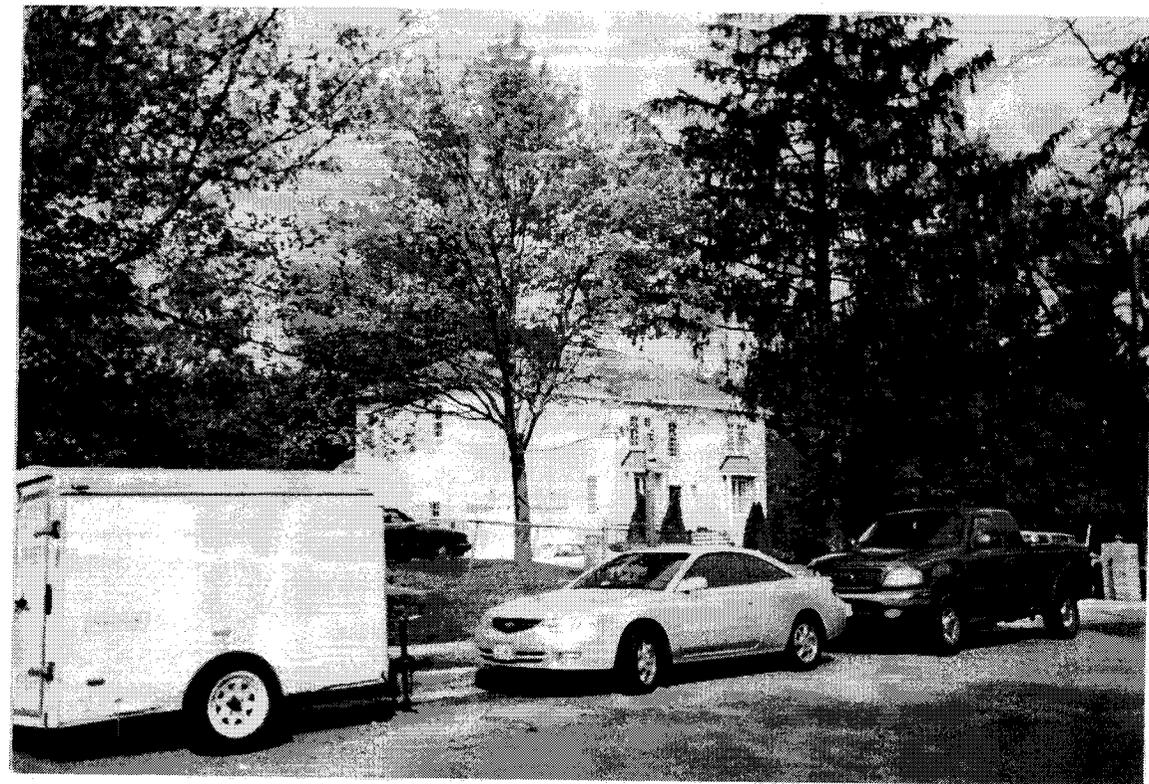
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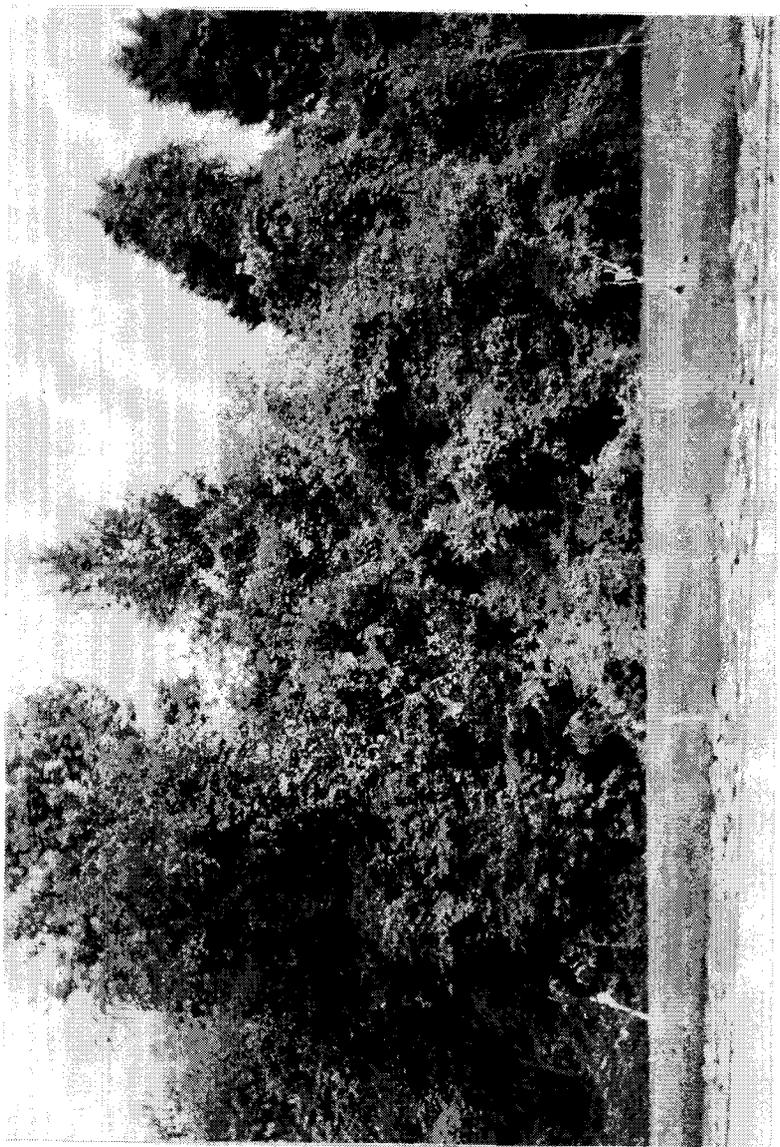
RICHARD E DURING

10/25/2009 23:55 FAX 7033706731











**DESCRIPTION OF THE APPLICATION**

**Special Permit Request:** To permit a medical home professional office for cosmetic procedures and surgeries.

**Parking:** 6 spaces provided for the requested use including 2 spaces located in the attached garage provided for the dwelling.

**Building Size:** Residential Use: Approximately 7,000 square feet  
Proposed Office: Approximately 1,168 square feet

**Office Hours:** Monday through Friday: 8:30 a.m. – 5:30 p.m.

**Employees:** 3 employees, including the applicant.

**EXISTING SITE DESCRIPTION**

The 1.0-acre site is currently developed with a two-story, brick and siding, single-family detached dwelling measuring 7,000 square feet in area, including a walk-out basement. An 828 square-foot deck is located at the rear, southwest corner of the dwelling. County records indicate that the dwelling was constructed in 2001. Access to the lot is provided via a concrete driveway that measures approximately 78 feet in length and 24 feet in width. The driveway extends from Woodland Road and terminates at the front-loading, two-car, attached garage. The driveway appears to be able to accommodate up to six (6) vehicles. Approximately five additional parking spaces are available in an adjacent gravel parking area to the north of the driveway. The driveway and gravel parking area constitutes 24.98% front yard coverage; the Zoning Ordinance restricts front yard coverage in the R-2 District to no more than 25%. The site is well landscaped and has ample existing mature vegetation along the rear or the property and the front yard property line to the north. The lot slopes upward from north to south.

**CHARACTER OF SURROUNDING AREA**

<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Single family detached dwellings	R-2, HC	2-3 du/ac Commercial: Office/Retail and Other
<b>South</b>	Community Retail (Office/Restaurant)	C-6, HC	Private
<b>East</b>	Single family detached dwellings; Greater Annandale Recreation Center	R-2, HC/R-20	Recreation Commercial: Office/Retail and Other
<b>West</b>	Community Retail (Medical Offices)	C-6, HC	Other

**BACKGROUND**

In June 2001, a Temporary Special Permit (TSP) was issued to operate a Contractor's Office in the residential dwelling that existed on site at that time. The TSP was issued for a period of one year until the construction of a new single family dwelling was completed. The previous dwelling was demolished when the existing two-story dwelling was constructed in 2001. The gravel parking area depicted on the SP Plat is not in accordance with the approved Grading and Erosion Control Plan associated with the construction of the new dwelling.

On May 2, 2008, a Notice of Violation (NOV) was issued for operating a cosmetic surgery clinic, a Category 3 Special Exception Use in the R-2 District without special exception approval (Appendix 4). In addition, prior inspections of the property revealed that at least six (6) signs were on site advertising the presence of the *Lee and Lee Cosmetic Clinic*; no approved sign permits had been issued for any of these signs. The Zoning Administration Division (ZAD) of the Department of Planning and Zoning (DPZ) provided a determination that absent medical beds for 24-hour patient care, outpatient surgery centers are deemed an office use and may be permitted as a Home Profession Office, subject to the Zoning Ordinance, Additional Standards for Home Professional Offices (Sect. 8-907). A copy of this determination is included in Appendix 5. Home Professional Offices are allowed by special permit approval in the R-2 Zoning District. That determination is the basis for this special permit application.

## COMPREHENSIVE PLAN PROVISIONS

**Plan Area:** Area I

**Planning Sector:** Annandale Planning District, A1-Masonville Community Planning Sector

**Plan Map:** Residential use at 2-3 dwelling units per acre (2-3 du/ac)

## ANALYSIS

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

**Title of SP Plat:** Special Permit Plat, Lot #6

**Prepared By:** Leslie C. Schuermann, Land Surveyor

**Dated:** January 22, 2008, as revised through September 16, 2009

**Proposed Use**

The applicant is requesting approval of a special permit for a home professional office to offer cosmetic procedures and surgeries including skin laser therapy, Botox and filler, minor skin-deep, eye lid skin removal, and laser liposuction. The 1.0-acre site is developed with a two-story, brick and vinyl, 7,000 square-foot single family detached dwelling. The home professional office is proposed to be located on the main level of the dwelling and is shown accessed via a rear door from the deck. The office is proposed to include a waiting room, physical exam room, rest room, office space and laser/minor procedure room. The applicant's statement of justification notes that the office use will consist of approximately 3,500 square feet, or 50 percent of the total square footage of the dwelling. Subsequent floor plan submissions show a reduction of the office area, now identified as 1168 square feet, in order to ensure that the office use is subordinate to the dwelling. The site can accommodate two (2) vehicles within the garage and up to approximately six (6) vehicles in the driveway. Additionally, the applicant proposes more parking spaces in a gravel parking area adjacent to the driveway for employees and clients. The applicant proposes a total of three (3) employees, including herself, and no more than eight (8) patients per day, with no more than one patient on site at any one time. The proposed hours of operation are from 8:30 a.m. to 5:30 p.m. Monday through Friday. No changes are proposed to the exterior of the house.

### **Land Use Analysis**

The site has been designated for residential uses at a density of 2-3 du/ac in the Comprehensive Plan. The use is in keeping with the Comprehensive Plan; however the proposed intensity is questionable.

### **ISSUE: Floor Area of Home Professional Office**

The applicant's initial proposal called for 3,500 square feet of office use (50% of the dwelling), four employees including the applicant and gravel parking spaces adjacent to the driveway which were to be added to the available parking in the garage and driveway. Staff believed this was too intense a use for a home office and requested that the applicant reduce the proposal.

### **RESOLUTION:**

The applicant has provided a revised floor plan of the home professional office with dimensions that depict the gross floor area calculations as 1,168 square feet, or 16.7 % of the dwelling. Additionally, the request was reduced to two employees in addition to the applicant and no more than one client on site at a time. Staff has proposed a development condition requiring the applicant to conform with the floor plan that is attached and has included conditions relating to the requested employees and number of clients. With the implementation of these conditions, this issue is resolved.

### **ISSUE: Front Yard Coverage/Parking Spaces**

At 2,518 square feet, or 24.98% of the 10,080 square-foot front yard, the site nearly meets the maximum front yard coverage permitted in the R-2 District which is 25%. Staff believes that this amount of parking is not needed to meet the parking requirements of the use and is not in keeping with the surrounding residential area. A minimum of five parking spaces (two for the residence, two for each employee and one for each patient on site at any one time) is required and can be accommodated within the garage and existing driveway. Staff requested that the applicant reduce the number of parking spaces by eliminating the remaining gravel parking area to the north.

### **RESOLUTION:**

Sect. 8-907 of the Zoning Ordinance, Par. 4 states, "In consideration of an application for a permit, the BZA shall review all non-residential uses within the area, and shall determine that such use, together with all other non-residential uses, does not constitute sufficient non-residential activity as might modify or disrupt the predominantly residential character of the area." The applicant should eliminate the gravel parking area to the north of the adjacent driveway to eliminate the appearance of a commercial use on this site. This area should be replanted and landscaped. Staff has proposed a development condition to require the applicant to remove the gravel parking area and replant it so that the site remains residential in character. Staff believes that the standard can be met, but ONLY with the adoption of this development condition

### **OTHER ZONING ORDINANCE REQUIREMENTS**

#### **Special Permit Requirements (Appendix 6)**

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Additional Standards for Home Professional Offices (Sect. 8-907)

#### **Summary of Zoning Ordinance Provisions**

The General Special Permit Standards and Group 9 Standards have been satisfied. However, the *Additional Standards for Home Professional Offices (Sect. 8-907)*, *Additional Standard 4* states that in consideration of an application for a permit, the BZA shall review all non-residential uses within the area, and shall determine that such use, together with all other non-residential uses, does not constitute sufficient non-residential activity as might modify or disrupt the predominantly residential character of the area. Staff believes that the appearance of the extended gravel parking area at the front of the residence disrupts the predominantly residential character of the area and does not satisfy this condition. However, with the implementation of the development condition to remove the gravel parking and replant that area, staff believes that this standard could be satisfied.

## **CONCLUSIONS**

With a reduction in intensity to reduce the floor area of the home professional office to 1,168 square feet so that it is subordinate to the residence, a redesign of the layout of the office use in order to provide a separate entrance for the use, and a further reduction of the parking area to eliminate the commercial appearance of the site, staff believes that the requested home professional office use can be in harmony with the Comprehensive Plan and in conformance with the applicable regulations of the Zoning Ordinance, but ONLY with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report, including Attachment 1.

## **RECOMMENDATIONS**

Staff recommends approval of SP 2009-MA-078 ONLY with the adoption of the Proposed Development Conditions contained in Appendix 1.

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

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

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

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Notice of Violation
5. Zoning Administration Home Professional Office Determination
6. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2009-MA-078****October 27, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-MA-078 located at Tax Map 60-3 ((12)) 6 to permit a home professional office pursuant to Sect. 8-907 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Lesley HongikSung Lee, and is not transferable without further action of this Board, and is for the location indicated on the application, 4108 Woodland Road, and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses, as indicated on the Special Permit (SP) Plat prepared by Leslie C. Schuermann, Land Surveyor, dated January 22, 2008, as revised through September 16, 2009, approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum hours of operation of the home professional office shall be limited to 8:30 a.m. to 5:30 p.m., Monday through Friday.
6. Appointments shall be scheduled so that there is a maximum of one (1) patient on site at any one time, and there shall be a minimum of thirty (30) minutes between the end of one appointment and the commencement of the next. The maximum number of patients shall be limited to eight (8) daily.
7. The maximum number of employees shall be limited to three (3) on-site at any one time, including the applicant.

8. The dwelling that contains the home professional office shall be the primary residence of the applicant.
9. The area utilized for the home professional office shall not exceed 1,168 square feet or 16.7% of the dwelling. The layout shall be in conformance with the floor plan included as Attachment 1 to these conditions.
10. Parking shall be limited to (2) spaces in the garage for the dwelling, and (4) spaces in the driveway for the home professional office. All parking shall be on-site on the concrete driveway depicted on the SP Plat. The parking spaces in the garage shall be kept for the parking of family automobiles and not converted to living space or preclude parking because of storage uses.
11. The gravel parking area shall be removed and shall be replanted with landscaping and/or grass.
12. No signage associated with the home professional office shall be permitted on site.
13. Lab samples shall be collected from the property no more than once per day.
14. Medical waste shall be collected from the property no more than once per week, and shall be stored within the structure between collections.
15. Deliveries related to the home professional office shall be limited to once per month.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for establishing the use as outlined above, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

OFFICE AREA 1,168 SQF

TOTAL ~~2300~~ SQF clinic only

ATTENTION: SUSAN LANGDON

FAX 703) 324-3924

SP 2009-1111-078

REAR ENTRANCE DOOR



FIRST FLOOR

Application No.(s): SP2009-MA-078  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 1-30-09  
 (enter date affidavit is notarized)

I, Leslee HongikSung Lee, 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 102859c

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

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

**(NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Lesley HongikSung Lee	4108 Woodland Road, Annandale, VA 22003	<b>OWNER/APPLICANT</b>
Nicole Yi	4108 Woodland Road Annandale, VA 22003	<b>OWNER</b>
Richard E. During, Esq.	6000 Stevenson Avenue Suite 209 Alexandria, VA 22304	<b>ATTORNEY/AGENT</b>

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

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

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

Application No.(s): SP 2009-MA-078  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 7-30-09  
(enter date affidavit is notarized)

102859c

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Richard E. During, Esquire, **SOLE PROPRIETOR**  
6000 Stevenson Avenue  
Suite 209  
Alexandria, VA 22304

**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 Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP 2008-MA-078  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 7-30-09  
(enter date affidavit is notarized)

102859c

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)  
N/A

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

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

N/A

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

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP 2009-MA-078  
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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 7-30-09  
(enter date affidavit is notarized)

102859c

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 7-30-09  
(enter date affidavit is notarized)

102859c

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

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

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

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

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

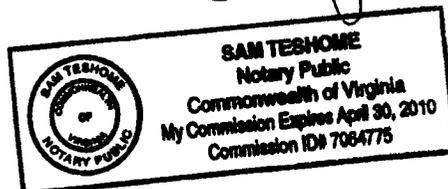
[Signature]  
 Applicant [ ] Applicant's Authorized Agent

Lesley Hongiksung Lee  
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 30 day of JULY, 2009, in the State/Comm. of VA, County/City of Alexandria

[Signature]  
Notary Public

My commission expires: 04-30-2010



July 28, 2009

Zoning Evaluation Division

### STATEMENT OF JUSTIFICATION

1. My name is Leslie HongikSung Lee and I am a physician. I jointly own, with my sister Nicole Yi, the residence located at 4108 Woodland Road, Annandale, VA 22003 and I am the sole proprietor of my medical practice. I have the permission of my sister to operate a medical home professional office at my 4108 Woodland Road, Annandale VA 22003.

2. This application for a special permit use is being made for permission to establish and operate a **medical home professional office** at my residence which is located at 4108 Woodland Road, Annandale, VA 22003.

3. The property is located at 4108 Woodland Road, Annandale, VA 22003 in the Mason District and it is also described as R C Wood, Lot 6. The Tax Map identification number is **0603 12 0006**. The property is currently zoned **R-2, HC** ; the total area of the lot is 43,562.sq. ft.

4. The Fairfax County Zoning Administrator has officially determined that: a Home Professional Office “is the offices, studios or occupational rooms which are located within the single family detached residence of a duly licensed or certified physician practicing human medicine, ...” (See exhibit #1) . In addition, the Code of Virginia as amended (§54.1-2900) defines the Practice of medicine or osteopathic medicine as “the prevention, diagnosis and treatment of human physical or mental ailments, conditions, diseases, pain of infirmities by any means or method”.( See §54.1-2900 of the Code of Virginia as amended). Dr. Lee’s practice of medicine is in the area of skin laser therapy, botox and filler, miner skin-deep, eye lid skin removal, labium minor reduction, laser liposuction. Dr. Lee proposes to use local anesthesia for all of these procedures

Furthermore, Home Professional Offices may be approved in an R-2 zoning District as a Group-9 Special Permit use (See Fairfax County Zoning Ordinance sections 8-903, 8-907)

5. The home is a 34.73 feet high, two story dwelling which is currently being used as Dr. Lee’s Residence and for the proposed use as a medical home professional office. The total interior of the home is 7,000 square feet, where 3,500 square feet is anticipated to be put to use for the medical home professional office. Entrance to the two story building is from the existing paved driveway through the concrete walk to the stairs that leads up to the front door and into the building.

6. Due to its orientation, activity in the front yard of the subject property can only be observed from the residential lots directly opposite to the property on Woodland Road (Exhibit # 2a & 2b are photographs taken from the view standing directly across the property), as well as from the commercial property (McDonalds Restaurant) adjacent to it

on its Southside (Exhibit # 3) which is currently zoned C-6, on Woodland Road. The immediately adjacent properties on Woodland Road (lot no. 7 to the North of this same block no.12) has partly been screened off their views onto the property by shrubs and vegetation (hedges and trees) of at least ten feet in height and belong to Dr. Lee.

7. Access to the property is gained only off Woodland Road to the Northwest. Ingress and egress and parking in the front yard for the clients of the proposed medical Home Professional Office, will be confined to the front yard off Woodland Road, and visible only from the residential properties directly opposite to the subject property and from the commercial property adjacent to the property on the Southside of it and partly visible from the resident immediately adjacent to it (lot no. 7 to the North of this same block no. 12).

8. The property is screened off from the view of other neighboring properties on its own Block (Exhibit # 4a & 4b) and from its rear side by a fence of a thick cluster of trees and shrubs (Exhibit # 5). The residential property exactly opposite to the property at issue has an open view of the frontage of this property ( See Exhibit # 2a & 2b); however it should be noted that this property is somewhat exposed to the commercial areas on the Southside of the property in issue. Visual impact of the proposed use upon adjacent properties in the R-2 District is to the minimal due to the trees and shrubs that partly block the view (Exhibit #6). Minimal traffic impact will occur upon adjacent properties in the R-3 District if at all, since ingress and egress to the property is only from Woodland Road, which is not within the R-3 District.

9. The business will serve the Northern Virginia Area and more specifically it will serve mostly Fairfax County residents. The number of employees including Dr. Lee, as the only full time employee, plus a visiting physician and two administrative staff members for a total number of four employees. If permitted to operate the business, Dr. Lee anticipates no more then six persons on the premises, including the employees at the time.

10. The proposed hours of operation are 9:00 a.m. to 5:30 p.m. Mondays through Fridays

11. The impact on traffic will be minimal, Dr. Lee believes, because the business will not impede nor substantially increase the flow of traffic on Woodland Road.

12. Dr. Lee believes that the use of his home for the purpose of conducting business as a medical home professional office substantially conforms to the Comprehensive Plan of the community in that the use shall be reasonable and appropriate.

13. This application is not being sought for convenience.

14. The home has a large parking area to afford ample parking to the patients and members of the family as well in front of the home. There are approximately

unpaved 8 parking spaces on the property and 5 of the parking spaces will be designated to the Home Professional Office. Parking spaces 6,7,8 and associated areas will be cleared of all rocks and grass planted. Any future revisions of the plat will reflect the changes in parking 6, 7, 8 and associated areas. The Home Professional Office will not have any vehicle designated for the business. There will be approximately a total of 5 vehicles parked in the parking spaces at any given time so as to provide ample space for patients to turn their vehicles around within the property and to avoid vehicles backing out on to Woodland Road. The working hours during weekdays will begin at 8:30am to 5:30pm where patients are not expected to arrive before 9:00am from Monday-Friday (Exhibit # 7). Four cars will remain within the premises during these hours, two of which belong to the residents and will be parked in the garage at all times, as a result the number of cars present in the parking lot at any given time will be a maximum of four cars, since it is assumed that Dr. Lee would only be able to see one patient at a time. In this case the ingress and egress expected will be confined to 2 cars at each given hour (that is 16 in total throughout the day) where 8 patients are expected to arrive and leave driving cars during the entire working hours of the day and it is anticipated that their arrival and departure will be distributed within the 8 hour and 30 minute working hour span.

15. Dr. Lee does not intend to use or store hazardous material at the proposed home professional office. If the proposed home professional office is approved, Dr. Lee will comply fully with Federal Environment laws pursuant Title 40, Code of Federal Regulations Parts 280, 116.4, 302.4, and 355. Dr. Lee will also comply with all hazardous wastes disposal as set forth in Virginia Department of Environment Quality Hazardous Waste Management Regulations.

16. The proposed use/development conforms to the provisions of all applicable ordinances, regulations and adopted standards. The application does not seek any waiver, exception or variance at this time. However if it becomes necessary to seek a waiver, exception or variance, the Applicant intends to fully comply with all applicable laws of this County or State.

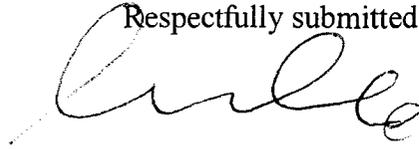
17. The property is served by public water and sewer.

18. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or if any waiver, exception or variance is sought by the Applicant, such shall be specifically noted with the Justification for such modification.

19. Dr. Lee intends to erect a free-standing sign measuring no more than 6 square feet and the sign will not be illuminated.

20. I hereby authorize my attorney Richard E. During to represent me in this matter and to act as my agent in all matters pertaining to this application

Respectfully submitted

A handwritten signature in black ink, appearing to read "Leslie Lee", written in a cursive style.

Leslie Lee, M.D.



# County of Fairfax, Virginia

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

May 2, 2008

## SHERIFF'S LETTER

Lesley Lee  
8424 Holly Leaf Court  
McLean, Virginia 22102

Re: 4108 Woodland Road  
Russell C Wood Subdivision, Lot 6  
Tax Map #: 60-3 ((12)) 0006  
Zoning District: R-2

Dear Mrs. Lee:

Zoning inspections on April 28, 2008 and April 29, 2008 revealed you are operating a cosmetic surgery clinic at the above referenced property. The use of this property is deemed to be a *medical care facility* which is defined in Article 20 of the Fairfax County Zoning Ordinance as:

Any institution, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two (2) or more non-related mentally or physically sick or injured persons, or for the care of two (2) or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, physically disabled, or crippled; including but not limited to general hospitals, sanatorium, sanitarium, assisted living facility, nursing home, intermediate care facility, extended care facility, mental hospital, mental retardation facility, medical schools and other related institutions and facilities, whether operated for profit or nonprofit, and whether privately owned or operated by a local government unit. This term shall not include a physician's office, first aid station for emergency medical or surgical treatment, medical laboratory, CONGREGATE LIVING FACILITY, GROUP RESIDENTIAL FACILITY, or INDEPENDENT LIVING FACILITY.

A medical care facility is a category 3 special exception use in the R-2 district. A review of available Fairfax County records finds no approval by the Board of Supervisors of a special exception for this use at this property. Therefore, you are in violation of Par. 1 of Sect. 2-304 of the Zoning Ordinance which states:

**2-304 Special Exception Uses**

1. No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been approved by the Board and the use has been established in accordance with the provisions of Article 9.

You are hereby directed to clear this violation within thirty (30) days receipt of this Notice. Compliance can be accomplished by ceasing to operate a *medical care facility* at this location. You are further advised that a doctor's office without the surgical component is not a permitted use in the R-2 district.

The inspections of the property also revealed you have allowed the erection of at least six (6) signs advertising in Korean the presence of the *Lee and Lee Cosmetic Clinic*. A review of available Fairfax County records finds no approved sign permits for any of these signs. The erection and display of these signs are not permitted on this property and not in conformance with Paragraphs 3 and 4 of Sect. 12-102 and Par. 1 of Sect. 12-301 of the Zoning Ordinance which state:

**12-102 Permit Required**

3. No sign, except for those signs listed in Sect. 103 below, shall be painted, constructed, erected, remodeled, relocated, or expanded until a sign permit for such sign has been obtained in accordance with the provisions of Part 3 below.
4. No permit for any sign shall be issued unless the sign complies with the following regulations: this Article 12; Chapter 61 of The Code, Buildings; and Chapter 7 of Title 33.1 of the Code of Virginia.

**12-301 Permit Requirements**

1. Except as otherwise provided herein, no sign shall be erected, altered, refaced or relocated unless a sign permit has been approved by the Zoning Administrator.

Therefore, you are in violation of Par. 9 of Sect. 2-302 which states:

No sign shall hereafter be erected, built or displayed and no existing sign shall be moved, remodeled, altered or enlarged unless such sign complies, or will thereafter comply, with the provisions of Article 12.

You are hereby directed to clear this violation within thirty (30) days receipt of this Notice. Compliance can be accomplished by removing all signage from this property.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party, and any other information you may wish to submit and a \$375.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Failure to comply with this notice **shall** result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1324 or (703) 324-1300.

Sincerely,



Michael P. Caudle  
Property Maintenance/Senior Zoning Inspector

MPC/seg

**Johnson, Leslie**

**From:** Johnson, Leslie  
**Sent:** Thursday, January 29, 2009 3:18 PM  
**To:** Langdon, Susan  
**Subject:** 4108 Woodland Road - Home Professional Office

Susan: We discussed the SP application filed for a Home Professional Office for a Doctor's office that performs cosmetic surgery at our DZA meeting. Provided that there are no beds for 24 hour patient care, outpatient surgery centers are deemed an office use and could be permitted as Home Professional Office provided the additional standards are met, i.e., practitioner must live in the house as principal residence, # of assistants, etc. I also found out that the violation was remedied and the case was closed. I would suggest that the staff coordinator talk with Mike Caudle when the case is assigned.

Leslie B. Johnson  
Senior Deputy Zoning Administrator  
703-324-1223  
leslie.johnson@fairfaxcounty.gov

Received 1/30/09

### **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

### **8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

### **8-907 Additional Standards for Home Professional Offices**

1. The premises shall have the exterior appearance of a single family detached dwelling.
2. The structure shall be the domicile of the principal practitioner and his family.
3. Additional professionals and assistants may be involved in the operation, provided that the total number of persons, whether paid or voluntary, involved in the operation shall not exceed four (4); except that on a lot of two (2) or more acres, the total number of persons shall not exceed six (6).
4. In consideration of an application for a permit, the BZA shall review all non-residential uses within the area, and shall determine that such use, together with all other non-residential uses, does not constitute sufficient non-residential activity as might modify or disrupt the predominantly residential character of the area.
5. Notwithstanding the provisions of Sect. 014 above, home professional offices 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 was originally granted, provided that the principal user is the same as the one who originally received the special permit. Thereafter, any renewal shall be subject to the provisions of this Ordinance.