



# County of Fairfax, Virginia

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

January 13, 2010

Elizabeth A. McKeeby  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, VA 22201

Re: Special Exception Application SE 2009-DR-014

Dear Ms. McKeeby:

At a regular meeting of the Board of Supervisors held on January 12, 2010, the Board approved Special Exception Application SE 2009-DR-014 in the name of Sherwood Development Group, LLC. The subject property is located at 8100 Old Dominion Drive, Suite E on approximately 1.14 acres of land zoned C-5 in the Dranesville District [Tax Map 20-4 ((1)) 27A]. The Board's action permits a quick service food store pursuant to Section 4-504 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 and/or use indicated in the Special Exception application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit shall be posted in a conspicuous space on the property of the use and be made available to all departments of Fairfax County during the hours of operation of the permitted use.

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**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](mailto:clerktothebos@fairfaxcounty.gov)  
<http://www.fairfaxcounty.gov/bosclerk>

4. 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). Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Section 9-004 of the Zoning Ordinance.
5. Existing lighting, including streetlights, security, pedestrian, and/or other incidental lighting, may remain. All new and replacement lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance.
6. Off-street parking shall be provided on-site in accordance with Article 11 of the Zoning Ordinance and per the approved site plan for the shopping center.
7. All signage shall meet the requirements of Article 12 of the Zoning Ordinance.
8. There shall be no outdoor storage of materials or equipment, or display of goods on site.
9. In order to reduce litter, a trash receptacle shall be provided outside of the quick-service food store during operation hours and brought inside when the establishment is closed.

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 Amendment shall not be valid until this has been accomplished.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, 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 Amendment. 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.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/ph

Cc: Chairman Sharon Bulova  
Supervisor John Foust, Dranesville 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  
Karyn Moreland, 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](http://www.fairfaxcounty.gov/dpz/zoning/applications)

APPLICATION No: SE 2009-DR-014

(Staff will assign)  
**RECEIVED**  
 Department of Planning & Zoning  
**JUN 16 2009**  
 Zoning Evaluation Division

**APPLICATION FOR A SPECIAL EXCEPTION**

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME	Sherwood Development Group LLC	
	MAILING ADDRESS	1133 Dogwood Drive, McLean, VA 22101	
	PHONE HOME ( )	WORK ( )	
	PHONE MOBILE (703)	819-6782	
PROPERTY INFORMATION	PROPERTY ADDRESS	8100 Old Dominion Drive, Suite E	
	TAX MAP NO.	20-4-((1))-27A	SIZE (ACRES/SQ FT) 1.14 1.135 acres (49,444 sf)
	ZONING DISTRICT	C-5	MAGISTERIAL DISTRICT Dranesville
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:	N/A	
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION	Category 5 Special Exception - ZO Section 9-500	
	PROPOSED USE	Quick-Service Food Store	
AGENT/CONTACT INFORMATION	NAME	Martin D. Walsh, Esquire	
	MAILING ADDRESS	Walsh, Colucci, Lubeley, Emrich & Walsh, PC 2200 Clarendon Blvd., Suite 1300, Arlington, VA 22201	
	PHONE HOME ( )	WORK (703) 528-4700	
	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>			
TYPE/PRINT NAME OF APPLICANT/AGENT		SIGNATURE OF APPLICANT/AGENT	
Martin D. Walsh, Esquire		<i>Martin D. Walsh by EML</i>	

SE 2009-0157

DO NOT WRITE IN THIS SPACE

Date Application accepted: 7/9/09

*Virginia Ruffen*

Application Fee Paid: \$ 5,295.00