



APPLICATION ACCEPTED: August 7, 2009
BOARD OF ZONING APPEALS: April 14, 2010
DEFERRED AT APPLICANT'S REQUEST
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 7, 2010

STAFF REPORT

SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 80-D-035-4

DRANESVILLE DISTRICT

**APPLICANT/
CONTRACT PURCHASER:** Brittany L. Vo, DDS

STREET ADDRESS: 1300 Beulah Road

TAX MAP REFERENCE: 19-3 ((1)) 12

LOT SIZE: 35,247 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISION: 8-907

SPECIAL PERMIT PROPOSAL: To permit a change in permittee for a home professional office.

STAFF RECOMMENDATION: Staff recommends approval of SPA 80-D-035-4 subject to 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. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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.

Langdon/Reports

Susan Langdon

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.fairfaxcountv.gov/dbz/



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.**

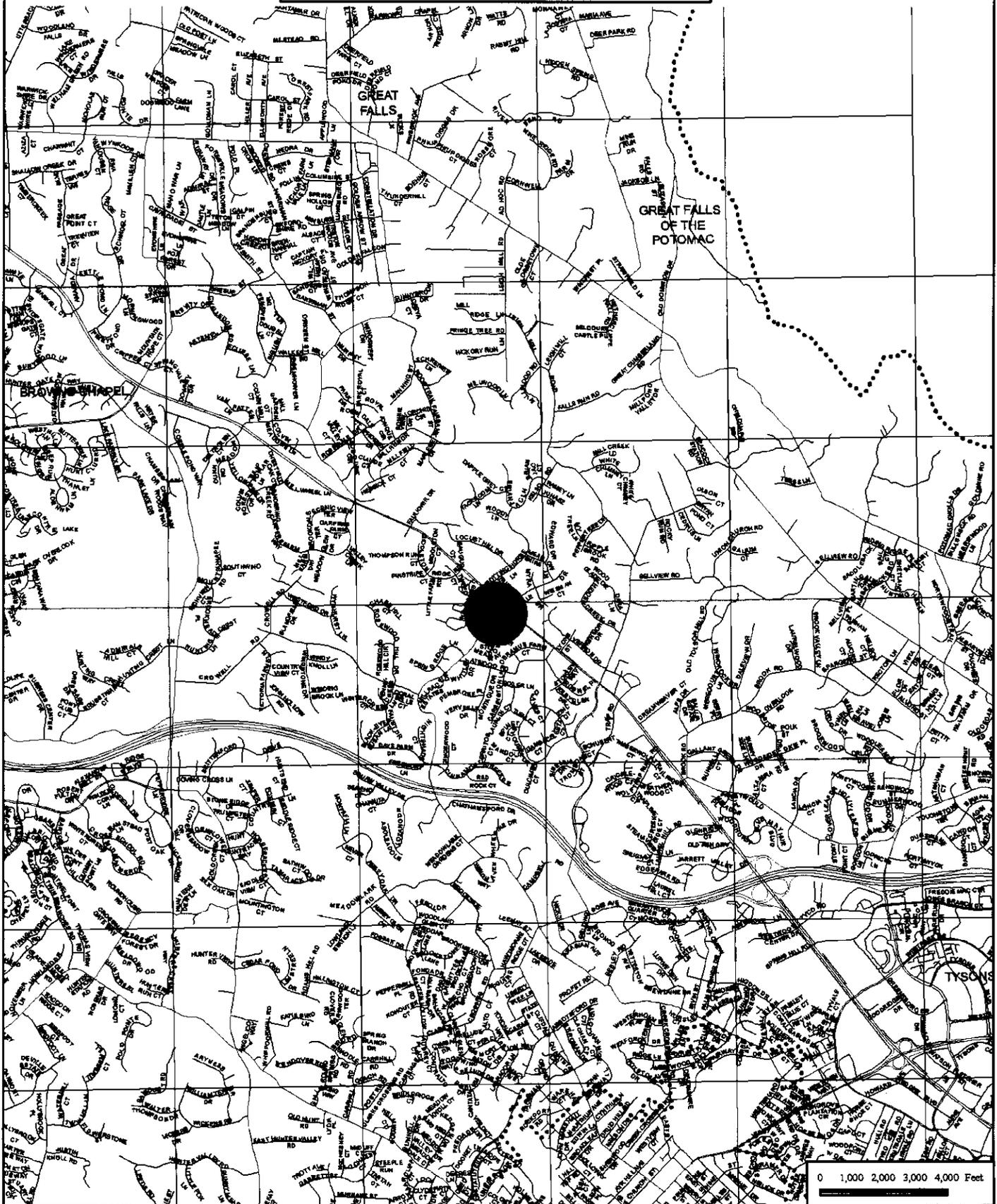


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit Amendment

SPA 80-D-035-04

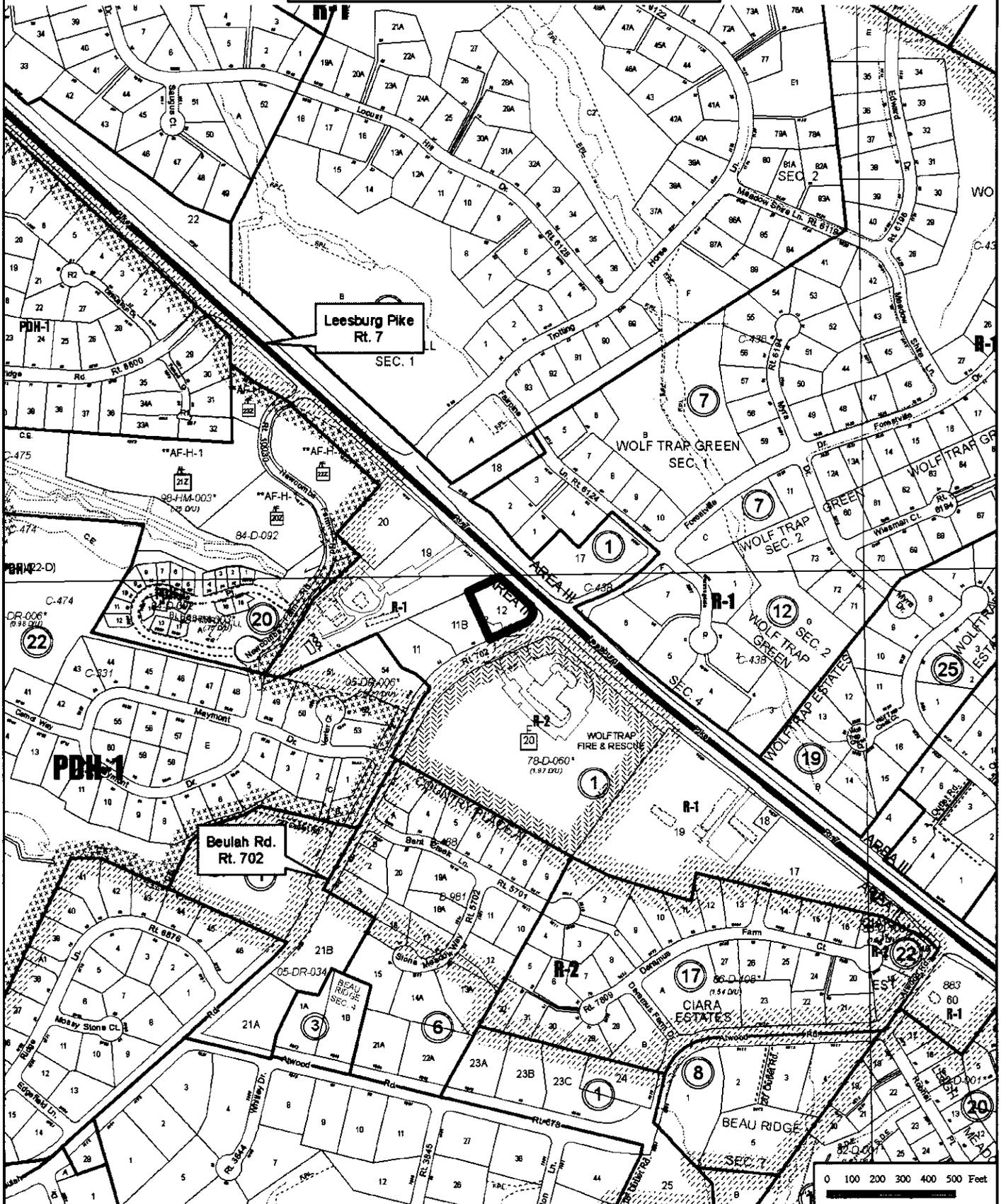
BRITTANY L. VO, DDS



Special Permit Amendment

SPA 80-D-035-04

BRITTANY L. VO, DDS



N/F EDC JOINT VENTURES

N 65°59'56" E - 128.83'

CLAY WIRE

ON 1.2'

ON 0.2'



LEESBURG PIKE
VARIABLE WIDTH - STATE ROUTE 97

S 47°36'52" E - 160.52'

CLAY WIRE

ON 1.2'

ON 0.2'

TRIPLE "L" STABLES
LOT 1

N 24°00'04" W - 207.49'

WROUGHT IRON FENCE

ON 1.2'

ON 0.2'

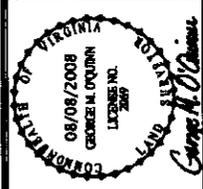
R=50.00'

POLE

ON 1.2'

ON 0.2'

PLAT
SHOWING HOUSE LOCATION ON
THE PROPERTY BELONGING TO
PATRICK S. CIEPLAK
CREED BOOK 1-4072, PAGE 438
FAIRFAX COUNTY, VIRGINIA
DIANESVILLE DISTRICT
AUGUST 6, 2008
SCALE: 1" = 20'



1. HENRY COUNTY THAT THE BOUNDARY OF
ALL THE DISTINGUISHMENTS HAVE BEEN
CAREFULLY ESTABLISHED BY ME OR BY
ANOTHER SURVEYOR AND THAT THERE ARE NO
VISIBLE ENCUMBRANCES AS OF THIS DATE.

THIS PLAT IS SUBJECT TO
RESTRICTIONS OF RECORD.

A TITLE REPORT HAS NOT BEEN OBTAINED.
NO CONVEYANCE IS SET.

CLIENT FIRST
1306 Broadway Road
McLean, Virginia 22101
703-348-2500

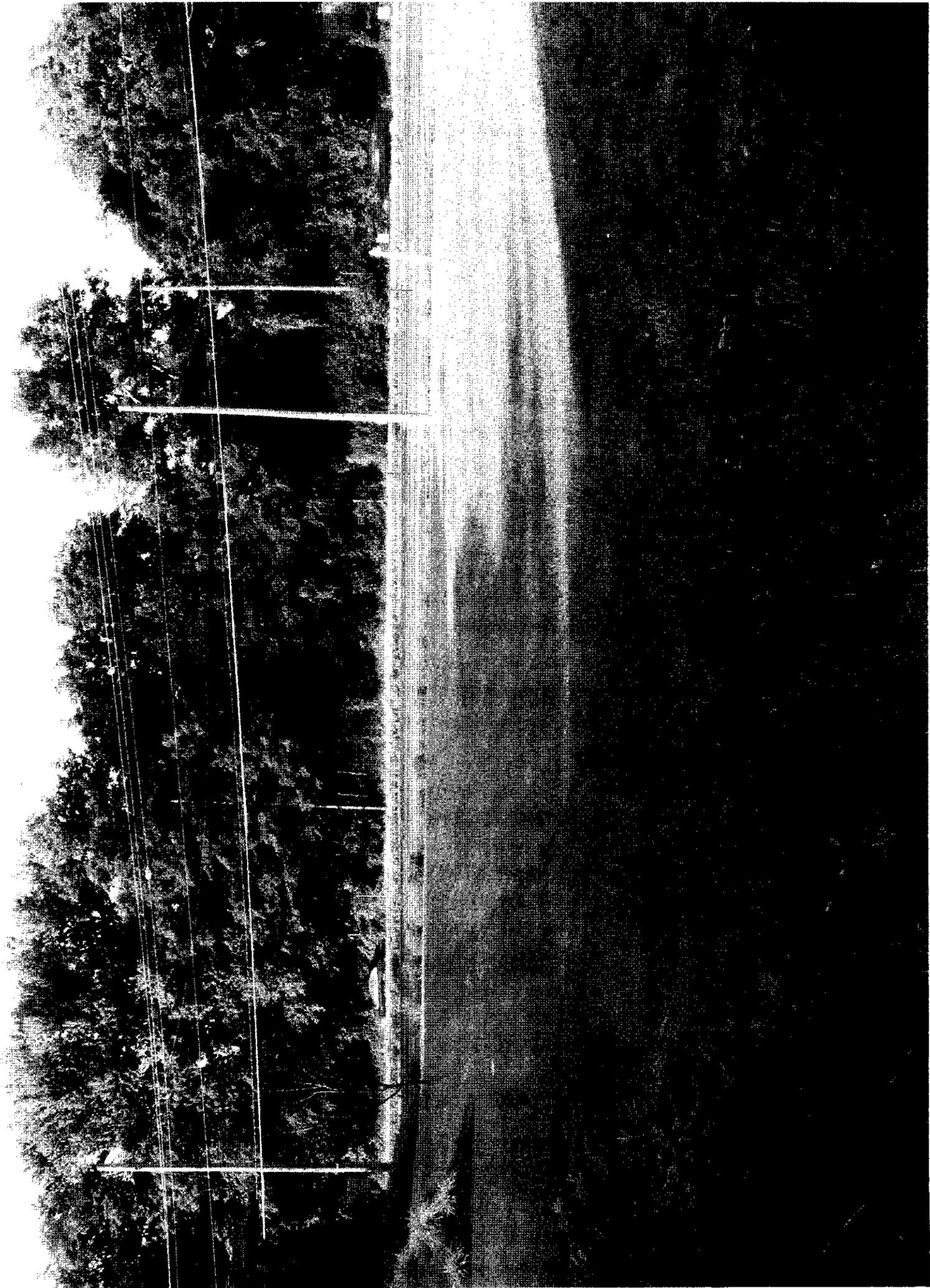
DOMINION Surveyors
8408-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
FAX: 703-348-2512

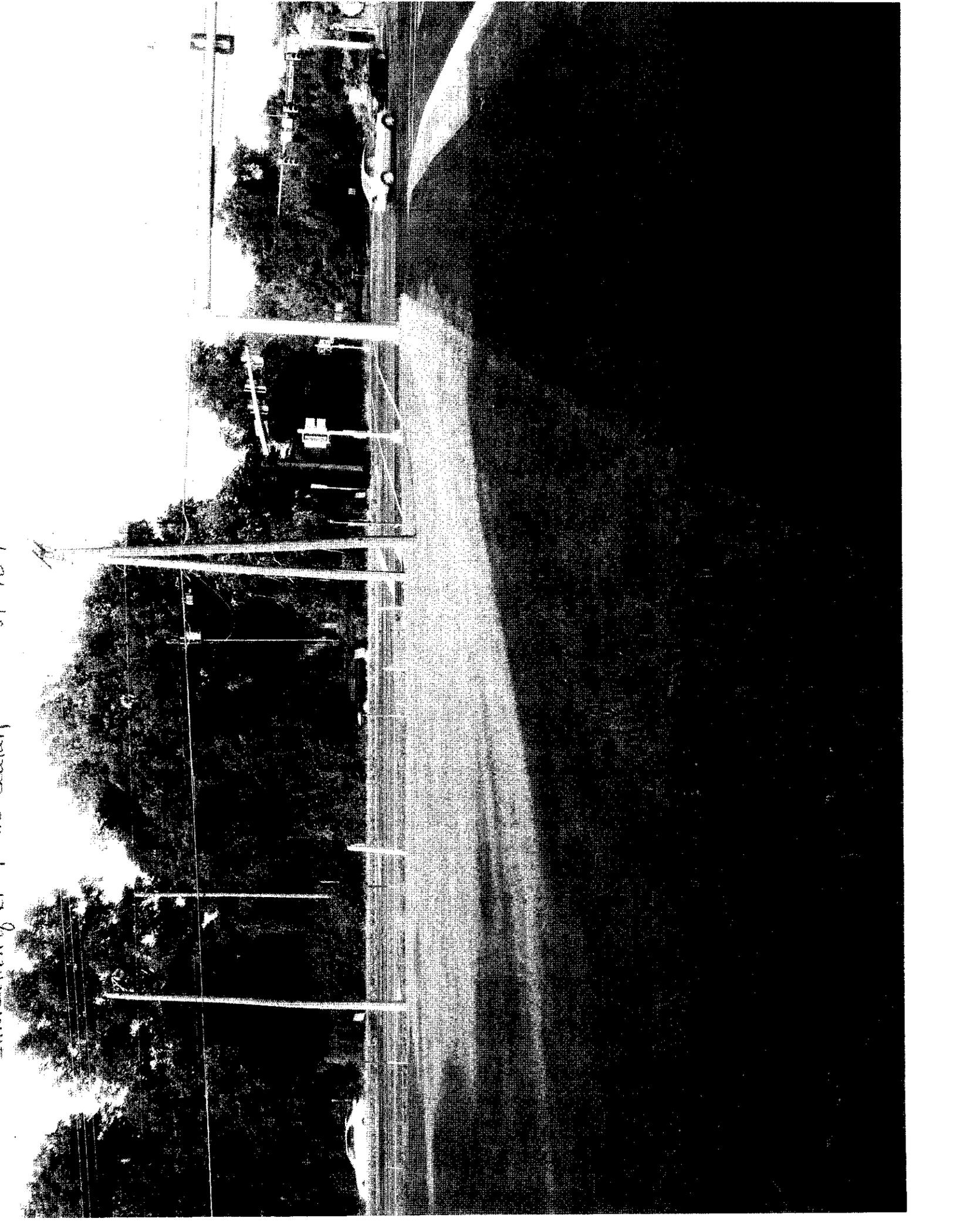
CASE NAME: CIEPLAK

11/25/17 11:00 AM



PROPERTY RECORDS E.P. 1 01-5-10-7





Summary of ...

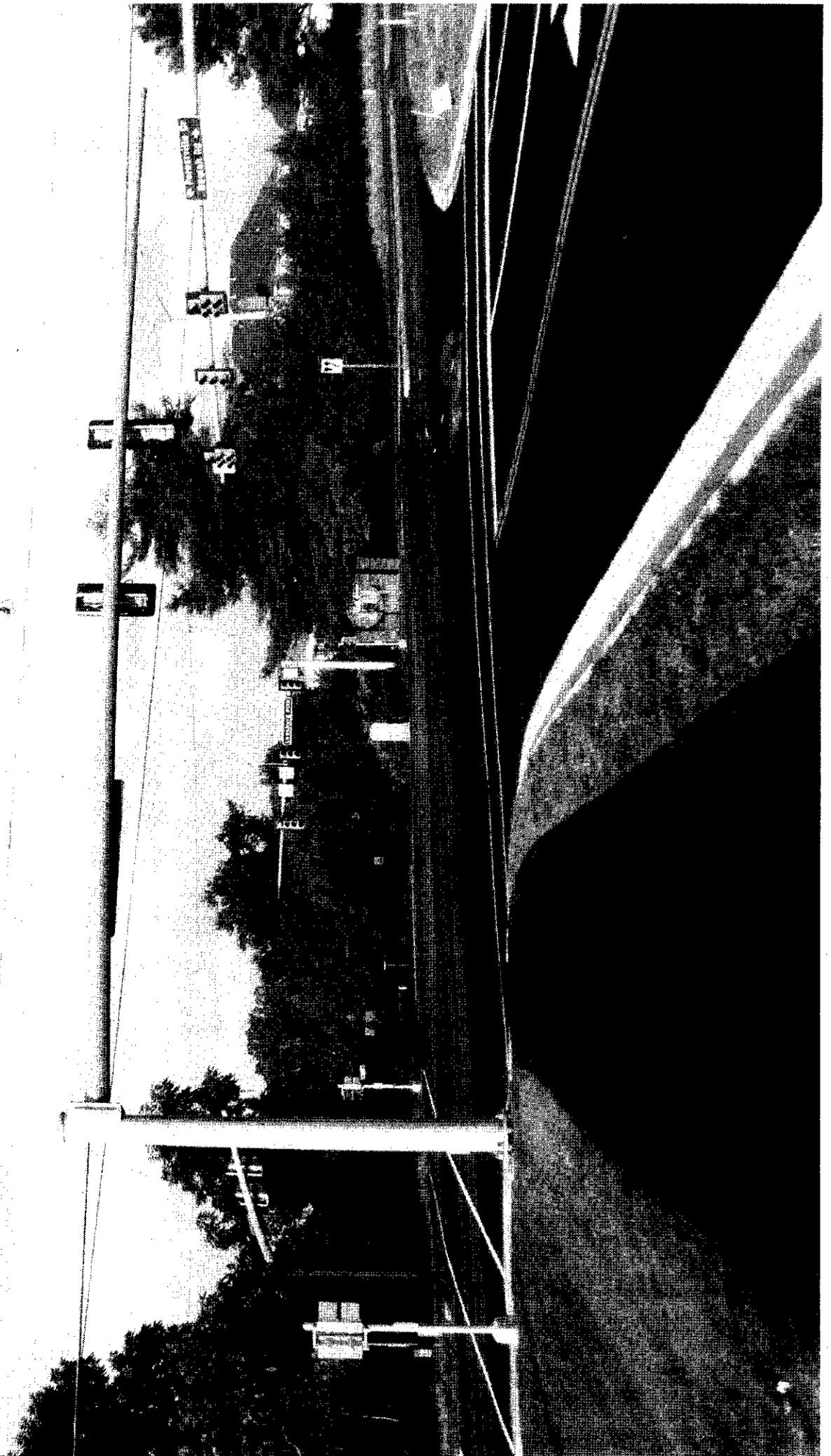
1. The document is a

01/2/04

Notes of the



10/15/10
Intersection of H-1 and Decatur

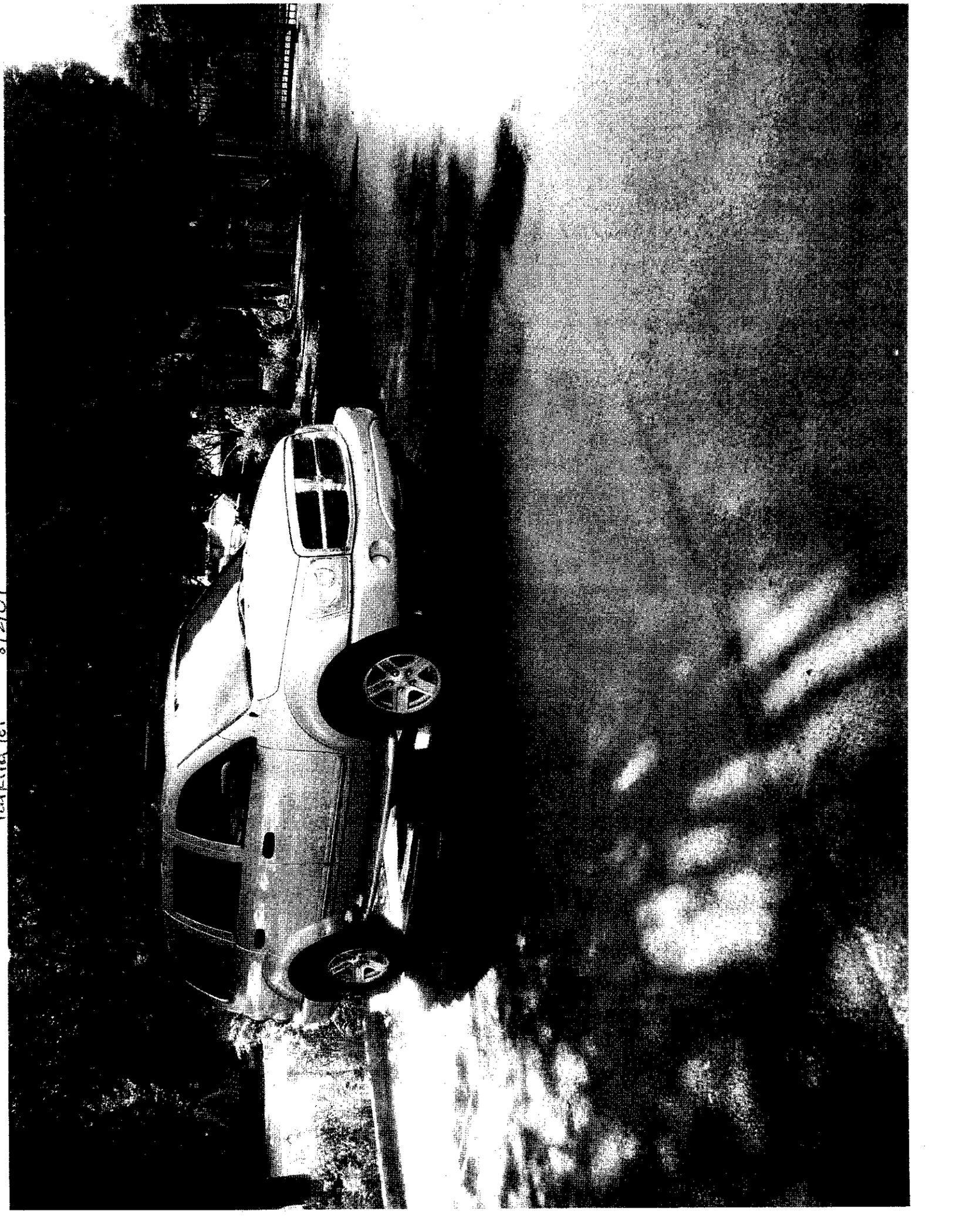


5/2/18
MONTGOMERY COUNTY / MD
VOLUME 1 PART 1



10/2/10
FRONT HOUSE





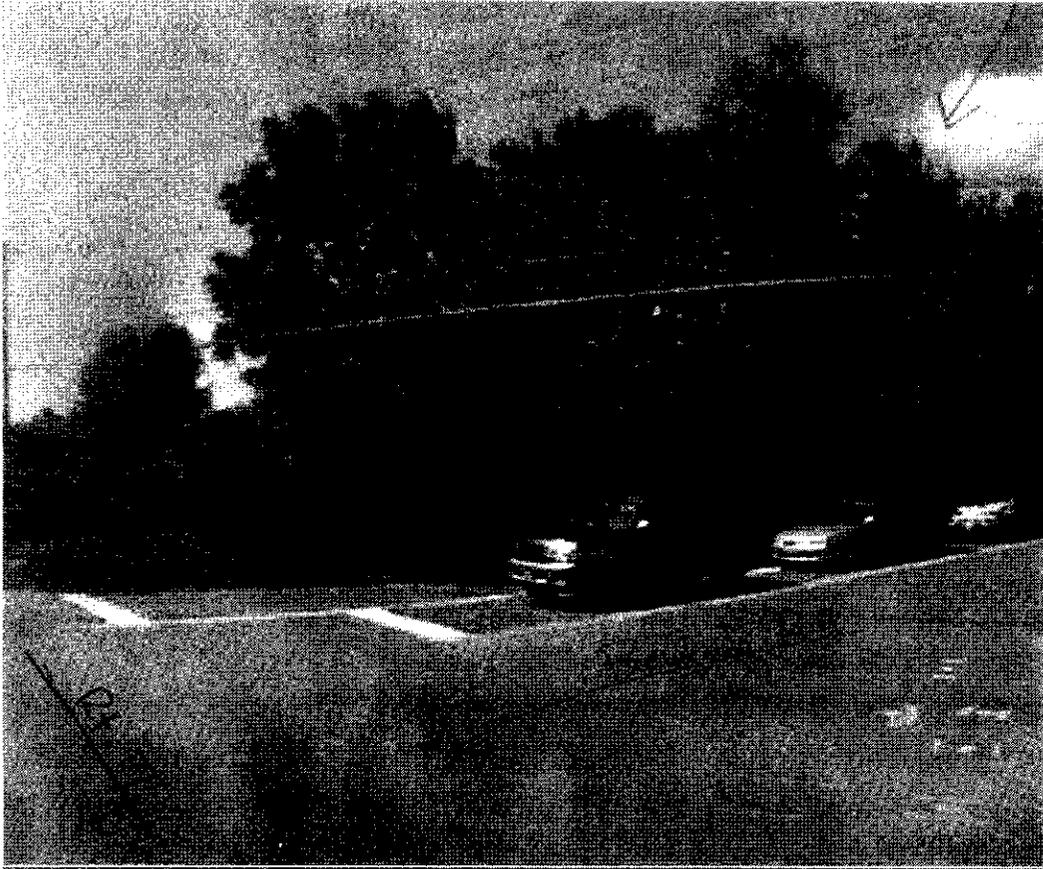
8/2/01

Google maps

Address 9503 Leesburg Pike

Address is approximate

8/3/09: Lot across from property - future fire station.



Google maps

Address **9503 Leesburg Pike**

Address is approximate

8/3/09: Rt. 7 looking east.

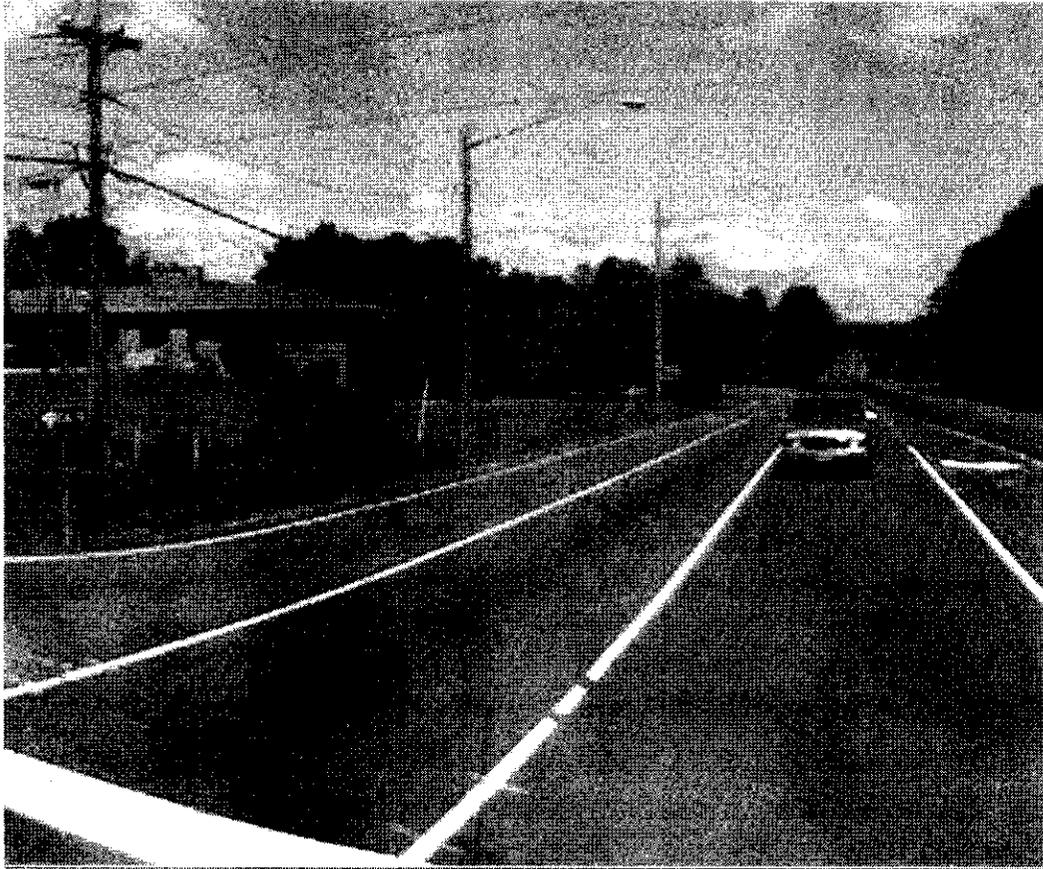


Google maps

Address **9503 Leesburg Pike**

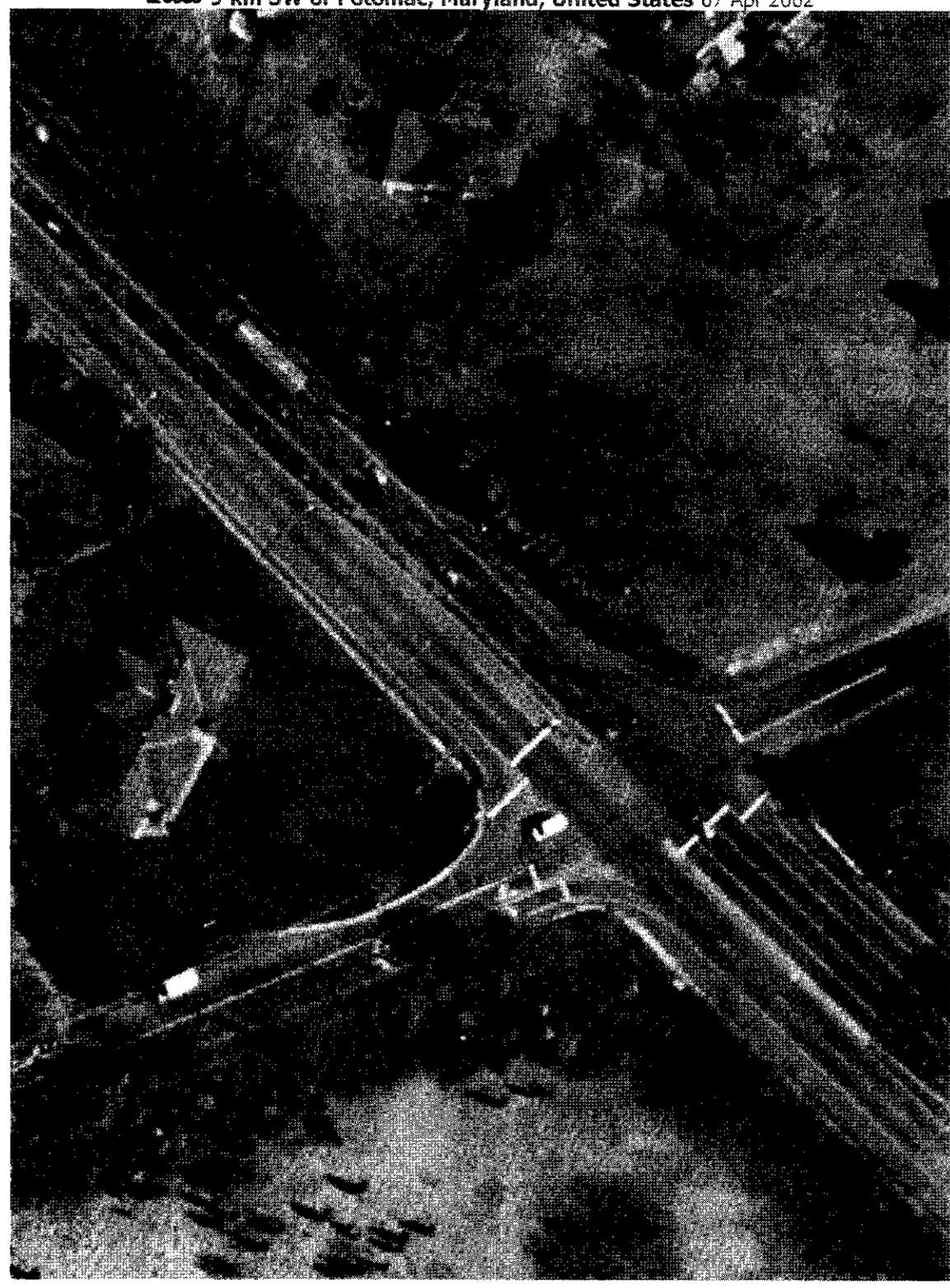
Address is approximate

8/3/09: Property is on the left. This is Rt. 7 looking west.



Send To Printer Back To TerraServer Change to 11x17 Print Size Show Grid Lines Change to Landscape

USGS 9 km SW of Potomac, Maryland, United States 07 Apr 2002



0-----25 m 0-----25 yd

Image courtesy of the U.S. Geological Survey
© 2004 Microsoft Corporation. **Terms of Use** **Privacy Statement**

Google maps

Address **9503 Leesburg Pike**

Address is approximate

8/3/09: Property is on the right. Corner of Beulah and Rt. 7 looking west.

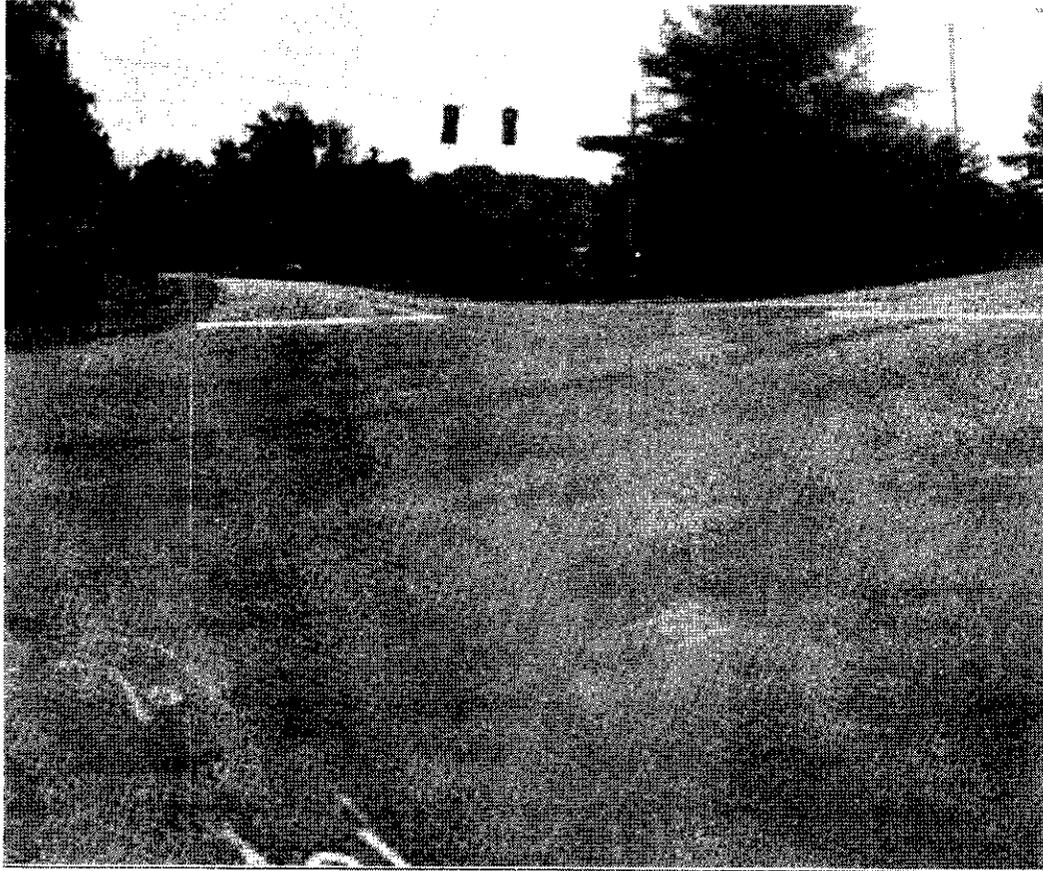


Google maps

Address **9503 Leesburg Pike**

Address is approximate

8/3/09: looking east on Beulah which becomes Forestville Rd.



DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit a change in permittee for a home professional office (dental office) from Patrick S. Cieplak D.D.S. to Brittany L. Vo, DDS.

EXISTING AND REMAINING ON SITE

Parking: 12 spaces

Building Size: Residential Use: Approximately 6,000 square feet
Office Use: Approximately 1,200 square feet

Office Hours: Monday through Friday: 7:00 am – 6:00 pm
Saturday: 7:00 am – 2:00 pm, with occasional emergencies

Employees: A maximum of four (4) including the applicant.

EXISTING SITE DESCRIPTION

The property is located on the northwest corner of Leesburg Pike (Route 7) and Beulah Road, west of Towlston Road and east of Hunter Mill Road. The site contains an existing one-story, brick dwelling constructed in 1984. A six foot high wood fence with iron gates surrounds the side and rear yards. An asphalt parking area, which provides parking for a total of 12 vehicles is located in the southwestern corner of the property and has access from Beulah Road. The entrance is approximately 1300 feet from the intersection of Beulah Road and Leesburg Pike. The intersection is signalized. The dwelling is landscaped with foundation plantings and two rows of mature evergreen trees, one along the western lot line and one along a portion of the northwestern lot line.

Lot 19 to the north of the site is the subject of SEA 86-D-059, Nobel Education Dynamics, Inc. for a private school of general education. The two acre lot to the south of the property (Lot 20) is owned by the Board of Supervisors and is developed with a fire station.

CHARACTER OF SURROUNDING AREA

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Private school of general education	R-1	Residential; 1-2 du/ac
South	Fire Station	R-1	Public Facilities
East	Residential	R-2	Residential; .5-1 du/ac
West	Residential	R-1	Residential; 1-2 du/ac

BACKGROUND

On June 3, 1980, the BZA approved special permit S-80-D-035 for a home professional office at the subject property. The development conditions included hours of operation from 8:30 am to 5:30 pm, Monday through Friday, a maximum of four employees including the applicant, twelve (12) parking spaces and a five year term limit.

On June 13, 1985, the BZA approved special permit renewal SPR 80-D-035-1 to renew the home professional office. The approval carried forward previous conditions, but modified the condition regarding hours of operation to permit occasional emergency hours. Another five year term was approved.

On September 22, 1988, the BZA denied SPA 80-D-035-1 which consisted of a request to delete the condition that specified a term limitation.

On March 14, 1989, the BZA approved SPA 80-D-035-2 to permit operation of the home professional office for a term of fifteen (15) years. The development conditions carried forward the previous conditions.

On December 9, 2003, the BZA approved SPA 80-D-035-3 to permit a change in permittee from Lawrence L. Ziemianski to Patrick S. Cieplak, DDS and a change in development conditions to extend the hours of operation to 7:00 am to 6:00 pm, Monday through Friday and 7:00 am to 2:00 pm, Saturday with occasional emergencies, and to permit the deletion of the term limit. A copy of the Resolution and plat approved in conjunction with SPA 80-D-035-3 is attached as Appendix 4.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: McLean Planning District; Area II
Planning Sector: Wolf Trap Community Planning Sector
Plan Map: Residential use at 1 to 2 dwelling units per acre

ANALYSIS

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

Title of Plan: Plat Showing House Location on the Property Belonging to Patrick S. Cieplak
Prepared By: Dominion Surveyors Inc.
Dated: August 8, 2008

Proposed Use

The applicant is requesting approval of a special permit amendment for a home professional office to continue a dental practice on-site with a change in permittee from Patrick S. Cieplak, D.D.S. to Brittany L. Vo, DDS. No physical changes to the application property are proposed. All operational practices are to remain as previously approved and outlined on page 1 of this staff report.

Land Use Analysis

The site has been designated for residential uses at a density of 1 to 2 du/ac in the Comprehensive Plan. There are no land use issues with the application. Additionally, no environmental or transportation issues have been identified for the use except that it is requested that the previous transportation condition pertaining to dedication be brought forward.

ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (Appendix 5)

- 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

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

CONCLUSIONS

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix.

RECOMMENDATIONS

Staff recommends approval with the adoption of the Proposed Development Conditions 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. Applicant's Affidavit
3. Statement of Justification
4. Resolution and Plat approved in conjunction with SPA 80-D-035-3
5. Applicable Zoning Ordinance Provisions

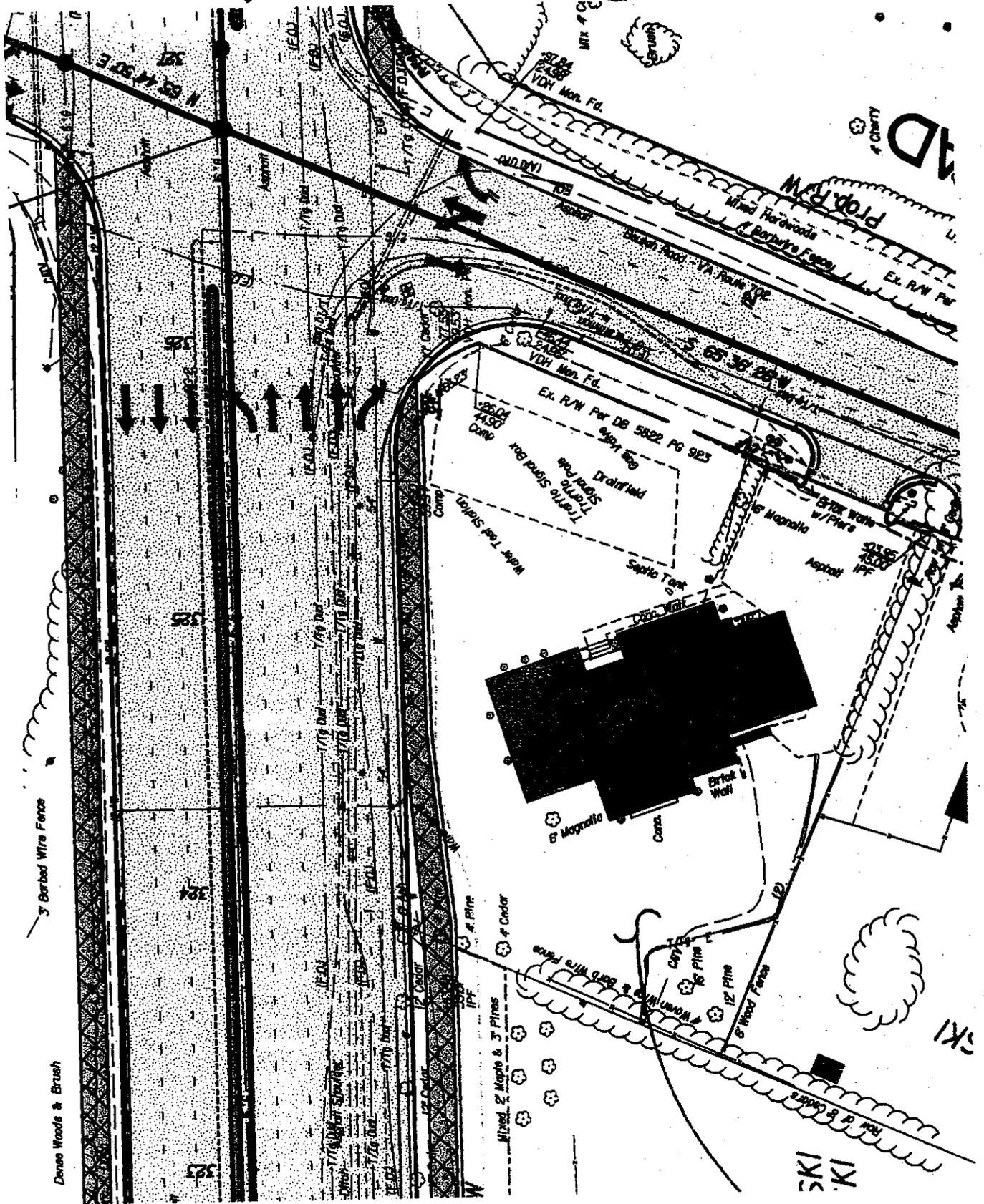
PROPOSED DEVELOPMENT CONDITIONS**SPA 80-D-035-4****April 7, 2010**

If it is the intent of the Board of Zoning Appeals to approve SPA 80-D-035-4 at Tax Map 19-3((1))12 to permit a home professional office (dental office) pursuant to Sects. 8-907 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. All conditions have been carried forward from the previous application. Minor edits have been underlined.

1. This approval is granted to the applicant, Brittany L. Vo, DDS, only and is not transferable without further action of this Board, and is for the location indicated on the application, 1300 Beulah Road (35,247 square feet) and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structures and/or use(s), as indicated on the special permit plat prepared by Dominion Surveys Inc., dated August 8, 2010, 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. The maximum number of employees including the applicant shall be four (4). The applicant shall be the only dentist operating from this property.
5. The hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday and 7:00 a.m. to 2:00 p.m. on Saturday and occasional emergencies.
6. There shall be twelve (12) parking spaces, including two garage spaces. All parking shall be on-site as shown on the plat.
7. The home professional office shall occupy no more than 1,200 square feet of the dwelling.
8. The existing vegetation on-site shall be maintained; any dead or dying plants shall be replaced.
9. The dwelling that contains the home professional office shall be the primary residence of the applicant.

10. Upon demand by the Virginia Department of Transportation (VDOT) or Fairfax County, additional right-of-way and ancillary easements, where necessary, along the Leesburg Pike frontage of the site shall be dedicated to the Board of Supervisors in fee simple, consistent with that shown on the attachment to these conditions.

These conditions incorporate and supersede all previous conditions. 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 obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.



SPA 80-D-035-03
 VDOT Project 00007-029-128, PE 102

Application No.(s): SPA 80-D-035-4
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/1/2009
 (enter date affidavit is notarized)

I, Brittany L. Vo, DDS, 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 105640 a

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.)

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)
Brittany L. Vo, DDS	7340 Gold Ring Terrace, Rockville, MD 20855	Applicant/Contract Purchaser
Patrick Cieplak, DDS	1300 Beulah Road, Vienna, VA 22182	Title Owner
Fairfax Realty	11333 Woodglen Dr., Ste. 150, Rockville, MD 20850	Real Estate Broker/Agent for Contract Purchaser
Ann Wu	11333 Woodglen Dr., Ste. 150, Rockville, MD 20850	Real Estate Broker/Agent for Contract Purchaser
Long and Foster	6862 Elm St., Ste 100, McLean, VA 22101	Real Estate Broker/Agent for Title Owner
Marianne Prendergast	6862 Elm St., Ste 100, McLean, VA 22101	Real Estate Broker/Agent for Title Owner

(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):

SPA 80-1-035-4

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/1/09 (enter date affidavit is notarized)

105640a

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)

- Long and Foster, 14501 George Carter Way, Chantilly, VA 20151
Fairfax Realty, 103 West Broad Street, Suit1 400, Falls Church, VA 22046

- Long & Foster Real Estate, Inc.
Fairfax Realty, Inc.

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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)

- Long and Foster - P. Wesley Foster
David Stevens
George T Eastment III
Bruce Enger
Betty F. Foster

Fairfax Realty - David Michalski

(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): SPA 80-D-035-4
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/1/2009
(enter date affidavit is notarized)

105640a

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)
NONE

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

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

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special 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): SPA 80-D-035-4
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/1/2009
(enter date affidavit is notarized)

105640a

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): SDA 80-D-035-4
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/1/2009
(enter date affidavit is notarized)

105640a

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.)

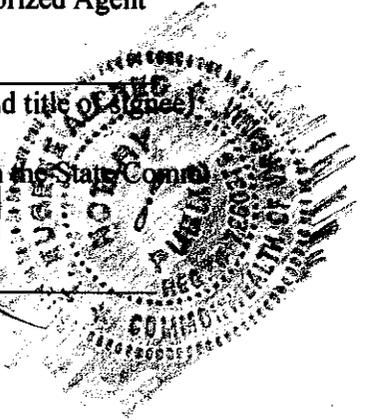
(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

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) Applicant Applicant's Authorized Agent
Brittany L. Vo, DDS
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 1st day of September 2009, in the State/County of Virginia County/City of Fairfax

[Signature]
Notary Public



My commission expires: 10-31-13

RECEIVED
Department of Planning & Zoning

AUG 03 2009

Zoning Evaluation Division

Special Permit Statement of Justification

To Whom It May Concern,

This statement has been written to assist the staff at the Department of Zoning Evaluation and member of the Board of Zoning Appeals to review the requested amendments to the special use permit #SPA-80-D-035-3. The format follows the "special permit statement of justification" format listed in the application packet. I have underlined any proposed changes from the existing permit to make it easier to see.

I am filing to continue the special permit #SPA-80-D-035-3, to practice dentistry at 1300 Beulah Road. There has been a dental practice there since 1983 that was approved by the county and the BZA. I would like to continue to practice dentistry there and merely request a change in the permittee. There would be no changes in the physical structure or appearance of this property. Please find enclosed the following submission requirements:

1. Four (4) copies of the application form and this statement.
2. Twenty-three (23) copies of the plat. I am requesting a waiver for a new special permit plat and instead to use a combination of the plat prepared by Harold Logan on 1/31/2003 and the a plat prepared by GeorgeM. O'Quinn on 8/8/2008. I am requesting this waiver because the most recent plat was prepared 12 months ago and since then, there has been no physical changes made to the property. In addition, I am not requesting any additional changes to be made to the property. This amendment to the special use permit is only for a change in permittee.
3. One copy of the current Official Zoning Map Fairfax County.
4. Photos of the property – copies have been printed out and labeled.
5. Written Statement of Justification -
 - A. Type of operation – I am applying for a home professional (dental) office permit. Enclosed is a copy of my Virginia Dental license.
 - B. Hours of operation – no changes from existing special use permit. Monday-Friday 7 am – 6 pm. Saturdays 7 am – 2 pm.
 - C. Estimated number of patients – I estimate seeing from 4-16 patients a day with an average of about 8 patients a day.
 - D. Number of employees – 3-4 employees

- E. Estimate of traffic impact – as I do not expect any changes in the number of patients seen or changes in traffic pattern compared to the existing special permit, I would state that the impact would be the same based on the following aspects:
- i. Maximum potential number of vehicles and trips. If the practice has 3-4 employees, the potential for 16 patients (normally, it would be about 8 patients) and the possibility of two parcel deliveries, this would bring a grand total of a maximum fourteen vehicles per business day. The source of the vehicles must be taken into consideration. Most patients will come from the local communities of Vienna and Great Falls so there will be no “new” traffic influx. In addition, staff members usually come from the local community. People have to see a dentist and the shorter the distance they travel, the less time they will be on the roads. Since I would be living here, it would be one less car on the road. The only NEW potential vehicular traffic would come from the possibility of two parcel deliveries and it is unlikely that there would be two deliveries in one day (normally, there is about 2-3 deliveries per week). The deliveries would be no different than a private residence receiving parcel deliveries for home use.
 - ii. Time of arrivals – the 3 staff members (not including myself, which would make four as I would be living at the property being discussed) arrive at the office about 15 minutes before the first patient is scheduled and leave about 15 minutes after the last patient has been seen. I usually see about one patient per hour with an occasional emergency seen which could make it two patients an hour. Parcel deliveries usually occur in the late morning or early afternoon. We usually don’t travel for lunch as there is a staff lounge where staff can take their lunch. This practice has been there for twenty years and I don’t think that there will be a meaningful impact on traffic.
 - iii. Statistical traffic impact – Route 7 is a major thoroughfare in Northern Virginia. According to 2008 VDOT information, between 55,000-61,000 vehicles travel on Route 7 between Reston Parkway, the Dulles Toll Road interchange, and Tysons Corner on a daily basis. Approximately 14,000 vehicles travel on Beulah Road on a daily basis. When the calculations are made factoring in the number of vehicles this home professional office would contribute to Route 7, the impact is miniscule and makes no statistical difference.
- F. Vicinity to be served – the vicinity to be served is Vienna and Great Falls or the community in which I would be living. People tend to find dentists close to where they work or live.
- G. Changes to existing building – there has been and will be no changes to the existing building.
- H. Addition of toxic/hazardous substances into the environment – there are no known or hazardous substances that will be added to the environment. OSHA and the EPA strictly regulate all dental materials, biological materials, chemicals, and their by-products in a dental office. They hold dentists accountable for any breach on the environment or to our staff. We are required to have in place strict written protocols and manuals for the use, disposal, and

clean up in case of a spill of all materials and chemicals by the end of the first year of operation. Any violations result in heavy fines. Fortunately today with modern materials and protocols, we don't have to worry about environmentally dangerous items in dentistry.

- I. My proposed use is exactly like it was before and is consistent with any previous ordinances. The property was planned and the home custom built to the specifications of the zoning code for Fairfax county and the BZA. This property has not been altered and no physical changes are requested so that it stays in compliance with all codes and ordinances so it can be continued to be used as a home professional office.
6. Notarized affidavit – enclosed.
7. Statement of ownership – the property in question is currently under a sales contract. I have a contract to purchase this property from Patrick Cieplak, DDS and have permission from him to apply for an amendment to the special use permit #SPA-80-D-035-3 to change the permittee before we go to settlement. By the time the BZA hears this application, I will be the owner of the property in question and will submit a new statement of ownership, if required.
8. Archaeological Survey Data Form – not applicable
9. Please find enclosed a check for \$341.60, the amount given by Department of Zoning Evaluation staff as the fee for this amendment application.

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

PATRICK S. CIEPLAK D.D.S., SPA 80-D-035-3 Appl. under Sect(s). 8-907 of the Zoning Ordinance to amend SP 80-D-035 previously approved for a home professional office to permit a change in development conditions and change in permittee. Located at 1300 Beulah Rd. on approx. 35,247 sq. ft. of land zoned R-1. Dranesville District. Tax Map 19-3 ((1)) 12. Ms. Gibb moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on December 9, 2003; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The use has continued for a number of years.
3. The staff report is favorable.
4. The subject house is in an area that has a lot of commercial uses.
5. The subject property has a lot of onsite parking.
6. It is appropriate to allow the new permittee and to delete the term limit.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 8-907 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Patrick S. Cieplak, D.D.S., only and is not transferable without further action of this Board, and is for the location indicated on the application, 1300 Beulah Road (35,247 square feet) and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Harold Logan dated January 31, 2003, and 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. The maximum number of employees including the applicant shall be four (4). The applicant shall be the only dentist operating from this property.
5. The hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday and

7:00 a.m. to 2:00 p.m. on Saturday, and occasional emergencies.

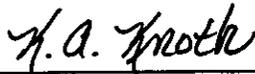
6. There shall be twelve (12) parking spaces, including two garage spaces. All parking shall be on-site as shown on the plat.
7. The home professional office shall occupy no more 1,200 square feet of the dwelling.
8. The existing vegetation on-site shall be maintained; any dead or dying plants shall be replaced.
9. The dwelling that contains the home professional office shall also be the primary residence of the applicant.
10. Upon demand by the Virginia Department of Transportation (VDOT) or Fairfax County, additional right-of-way and ancillary easements, where necessary, along the Leesburg Pike frontage of the site shall be dedicated to the Board of Supervisors in fee simple, consistent with that shown on the attachment to these conditions.

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 obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

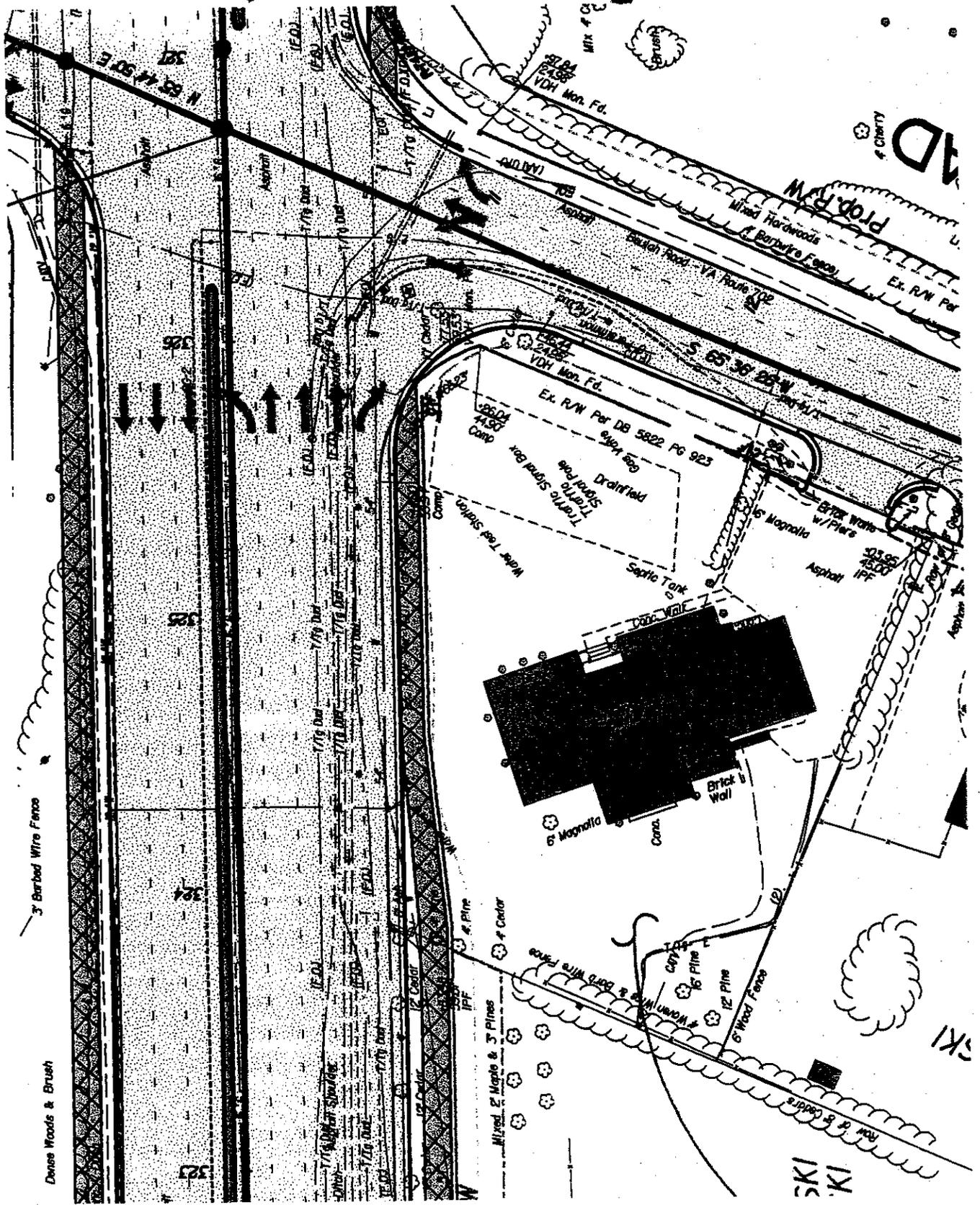
Mr. Beard seconded the motion which carried by a vote of 7-0.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on December 17, 2003. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:

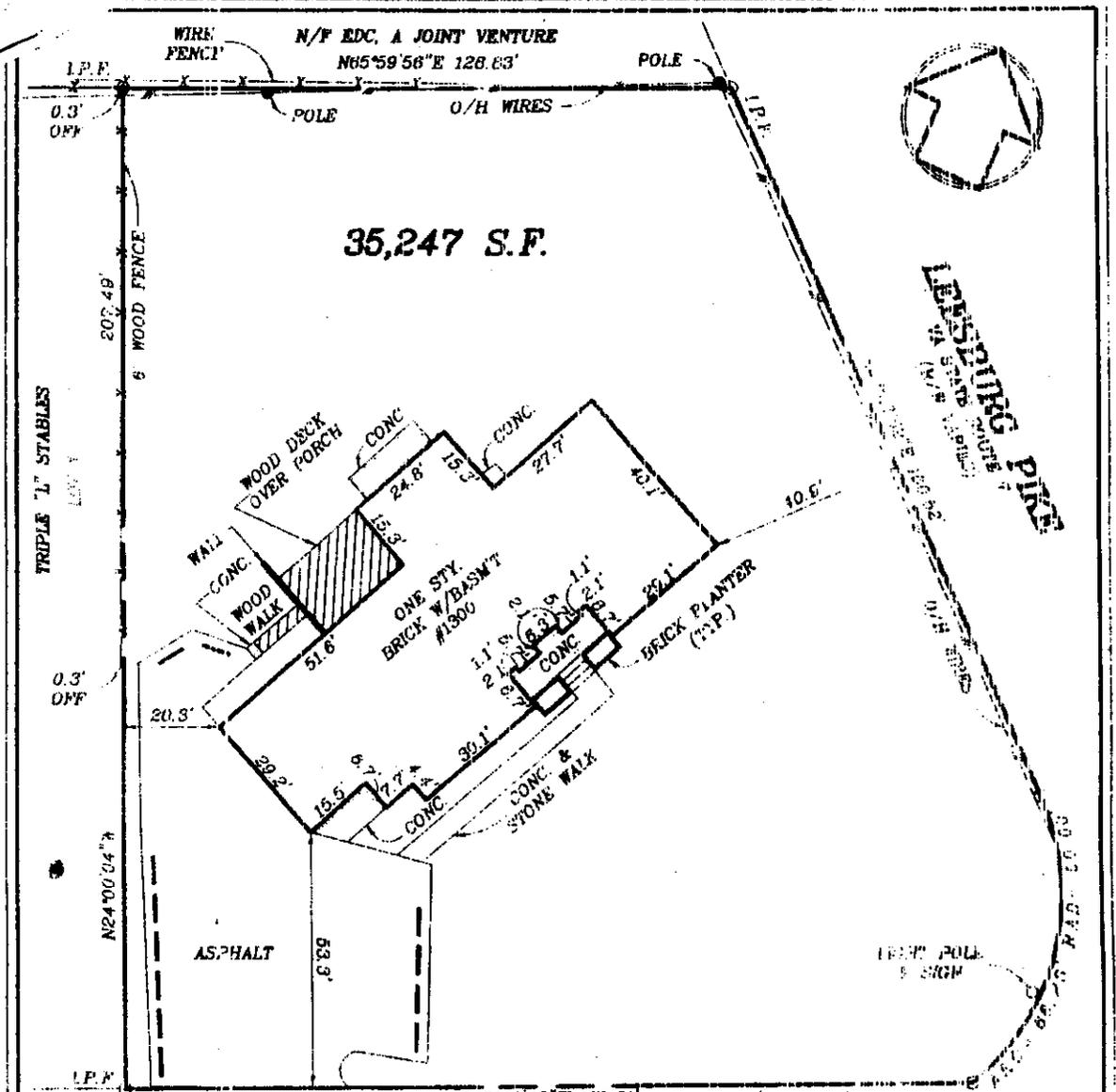


Kathleen A. Knoth
Clerk to the Board of Zoning Appeals



SPA 80-D-035-03
 VDOT Project 00007-029-128, PE 102

Attachment 1



BEULAH ROAD
VA STATE ROUTE 702
(R/W VARIES)

HOUSE LOCATION SURVEY
THE LAND OF ZIEMANSKI ET UX TRUSTEES
DEED BOOK 11674, PAGE 921
(FOR DESCRIPTION SEE DEED BOOK 5822, PAGE 923)

SPANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE 1" = 30' DATE 1-31-2003

— CONCRETE WHEEL STOP
I.P.F. - IRON PIPE FOUND
THIS IS NOT A BOUNDARY SURVEY. ELEVATIONS OF DRIVEWAY & FENCES IF SHOWN, ARE APPROXIMATE. THIS SURVEY DOES NOT DETERMINE THE OWNERSHIP OF FENCES.
THIS PLAT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES
NO TITLE REPORT FURNISHED.

I HEREBY CERTIFY THAT THE LOCATIONS OF ALL EXISTING IMPROVEMENTS ON THIS PROPERTY HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY.



HAROLD A. LOGAN ASSOCIATES P.C.
LAND SURVEYING—SITE PLANNING—SUBDIVISION DESIGN
9114 INDUSTRY DRIVE
MANASSAS PARK, VA 20111
(703) 310-1988 FAX 890-0132 E MAIL ADDRESS: loganassoc@earthlink.net



New

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.