



APPLICATION ACCEPTED: September 21, 2010  
BOARD OF ZONING APPEALS: December 8, 2010  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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December 1, 2010

## STAFF REPORT

### SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 76-S-214

#### DRANESVILLE DISTRICT

**APPLICANT:** Highlands Swim and Tennis Club, Inc.  
**STREET ADDRESS:** 1515 Bryan Branch Road  
**TAX MAP REFERENCE:** 31-1 ((1)) 4A and 31-3 ((1)) 185A  
**LOT SIZE:** 9.42 acres  
**FAR:** 0.015  
**ZONING DISTRICT:** R-1  
**ZONING ORDINANCE PROVISION:** 3-103  
**SPECIAL PERMIT PROPOSAL:** To amend S 214-76 previously approved for a swim and tennis club to permit site modifications.

**STAFF RECOMMENDATION:** Staff recommends approval of SPA 76-S-214 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.

*O:\dhedri\Special Permit Amendments\12-8) Highlands SPA 76-S-214\SPA 76-S-214 staff report.doc*

*Deborah Hedrick*

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.**



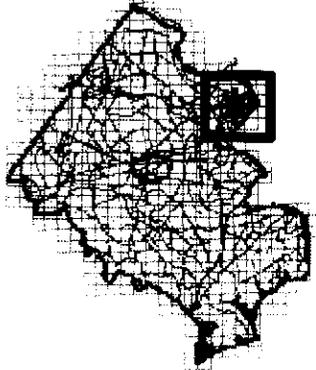
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit Amendment

SPA 76-S-214

Applicant:  
Accepted:  
Proposed:

HIGHLANDS SWIM AND TENNIS CLUB, INC.  
09/21/2010  
AMENDSP 76-S-214 PREVIOUSLY APPROVED  
FOR SWIMAND TENNIS CLUB TO PERMIT  
BUILDING ADDITIONS AND SITE MODIFICATIONS



Area:

9.42 AC OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 03-0103

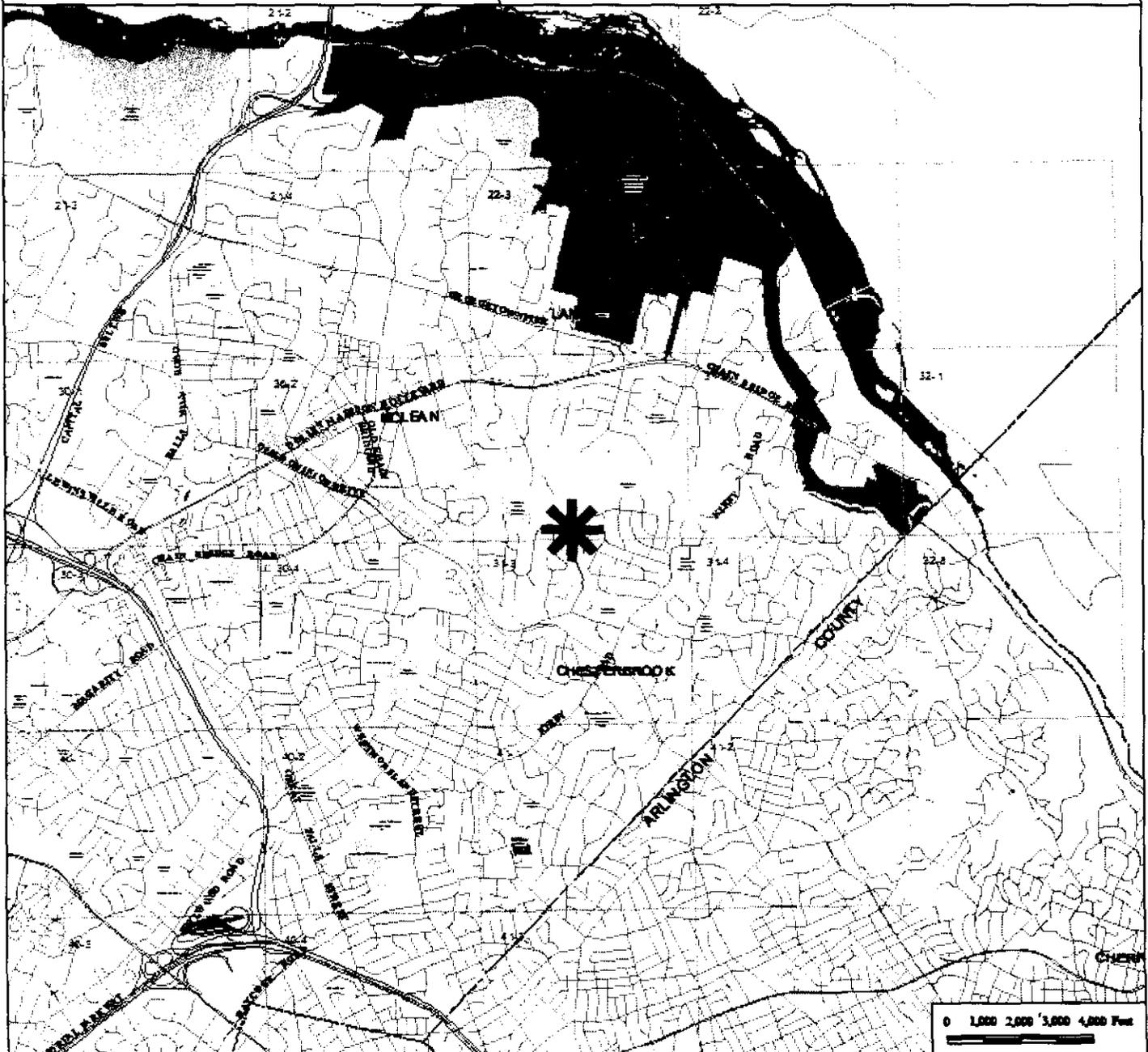
Art 8 Group and Use: 4-02

Located: 1515 BRYAN BRANCH ROAD

Zoning: R-1

Overlay Dist:

Map Ref Num: 031-1-/01/ /0004A 031-3-/01/ /0185A

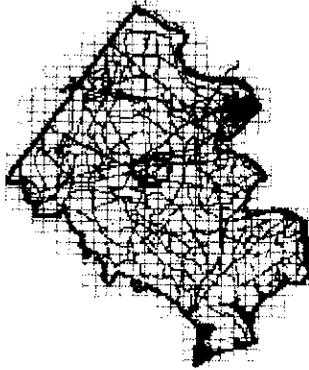


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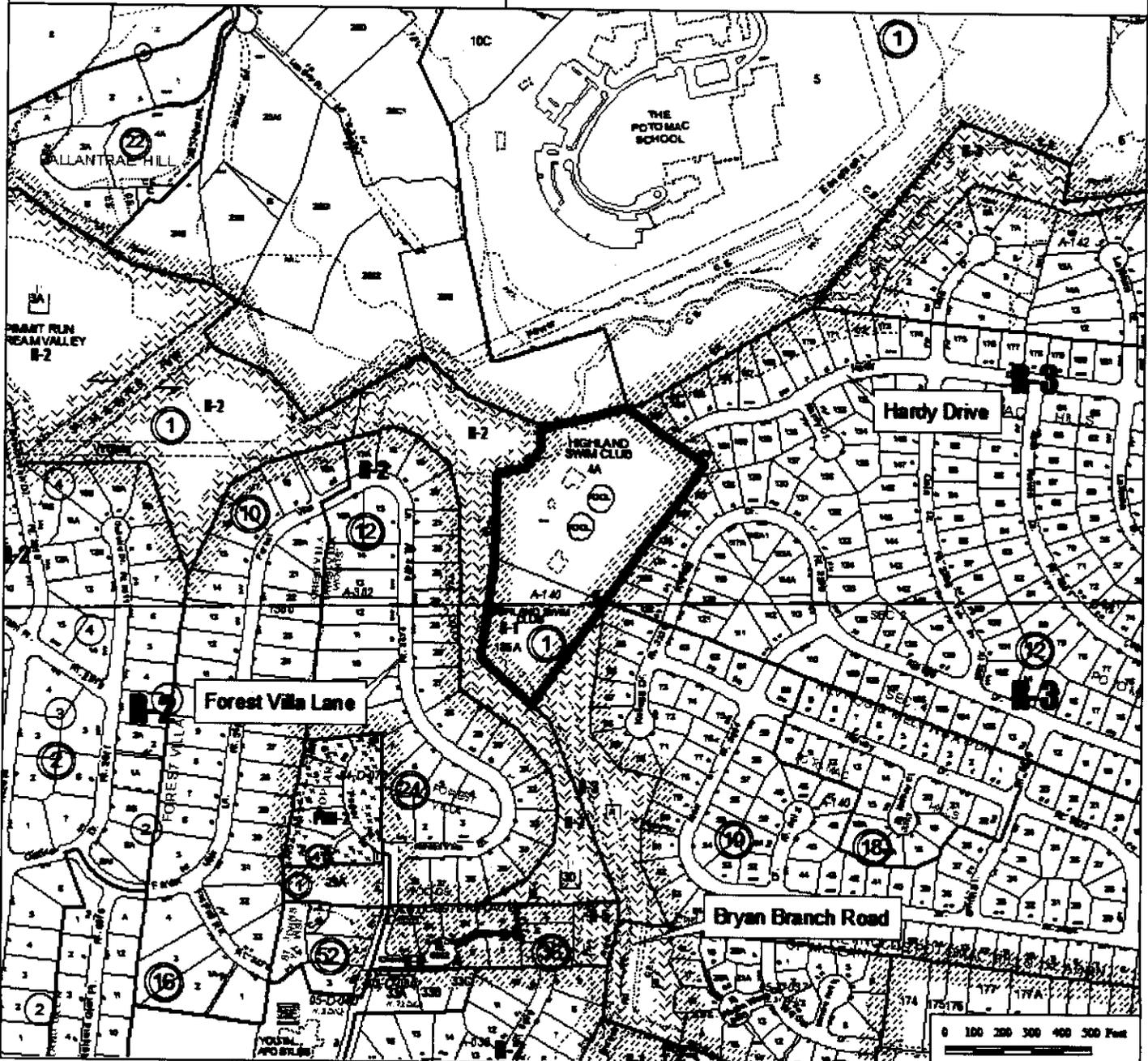
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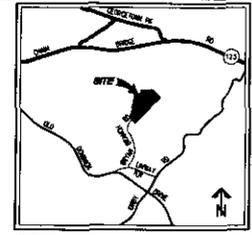
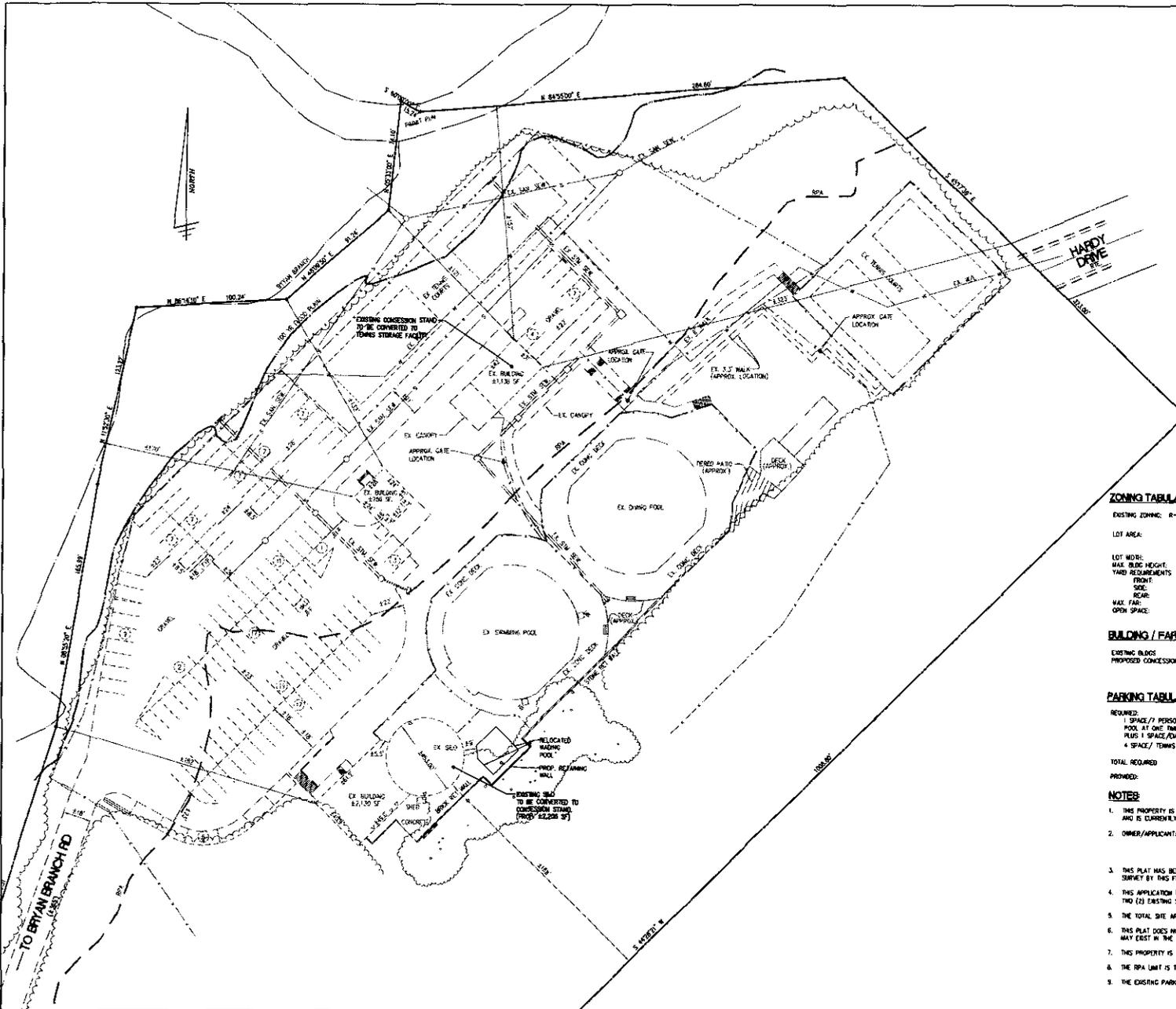
Located: 1515 BRYAN BRANCH ROAD

Zoning: R-1

Overlay Dist:

Map Ref Num: 031-1-/01/ /0004A 031-3-/01/ /0185A





VICINITY MAP

**LEGEND**

DESCRIPTION	SYMBOL
LIFE GUARD SEAT	US
EDGE OF PAVEMENT	EP
MANHOLE	MP
WATER VALVE	WV
WATER METER	WM
GAS METER	GM
LIGHT POLE	LP
LIGHT POLE WITH SIGNALS	LP/S
CLUB & OFFICE	CC-2
CC-2	CC-2
SANITARY SEWER	SS
SANITARY LATERAL	SL
CLEAN OUT	CO
STORM SEWER	SSW
WATER MAIN	WM
GAS MAIN	GM
ELECTRICAL	E
FENCE	F
TRAFFIC FLOW	TF
LIGHT	L
DOOR	D
TREES	T

**ZONING TABULATIONS**

EXISTING ZONING: R-1	RECALLED	ORIGIND
LOT AREA:	36,000 SF	\$254,074 SF (PARCEL 4A) \$116,261 SF (PARCEL 3B3) \$210,335 SF (TOTAL AREA)
LOT WIDTH:	150 FT	\$223 SF
MAX. BLDG HEIGHT:	80 FT	≤ 80 FT
YARD REQUIREMENTS		
FRONT:	40 FT	\$320 FT
SIDE:	30 FT	\$130 FT
REAR:	25 FT	N/A
MAX. FENCE:	0.15	0.015
OPEN SPACE:	NONE	N/A

**BUILDING / FAP TABULATION**

EXISTING BLDGS	\$4,024 SF / 410,335 SF = \$0.010
PROPOSED CONCESSION STAND	\$2,208 SF / 410,335 SF = \$0.005
<b>TOTAL</b>	\$6,232 SF / 410,335 SF = \$0.015

**PARKING TABULATION**

REQUIRED:		* PER HEALTH DEPARTMENT
1 SPACE / 7 PERSONS LAUNDRY PERMITTED IN POOL AT ONE TIME @ 475 PERSONS	= 68	
PLUS 1 SPACE/EMPL. X 10 EMPLOYEES	= 10	
4 SPACE/ TENNIS COURT X 4 COURTS	= 16	
<b>TOTAL REQUIRED</b>	= 94 SPACES	
<b>PROVIDED:</b>	6131 SPACES	

**NOTES**

- THIS PROPERTY IS LOCATED ON FAIRFAX COUNTY TAX MAP 0311-01-0000A & 0313-01-01088A AND IS CURRENTLY ZONED R-1.
- OWNER/APPLICANT: HIGHLANDS SWIM AND TENNIS CLUB, INC.  
1525 BRYAN BRANCH ROAD  
P.O. BOX 5  
MAGNAN, VA 22641
- THIS PLAN HAS BEEN PREPARED FROM EXISTING RECORDS AND IS NOT THE RESULT OF A FIELD SURVEY BY THIS FIRM. OWNERS/APPPLICANTS MUST TAKE FROM APPROVED SPECIAL PERMIT 03-244-2A.
- THIS APPLICATION REQUESTS A SPECIAL PERMIT AMENDMENT TO MAKE MINOR MODIFICATIONS TO TWO (2) EXISTING STRUCTURES. NO LAND DISTURBANCE ACTIVITIES ARE PROPOSED.
- THE TOTAL SITE AREA IS 43.42 ACRES OR 8410,335 SF.
- THIS PLAN DOES NOT SHOW ALL EASEMENTS, RESTRICTIONS OR DEDICATIONS THAT MAY EXIST IN THE CHAIN OF TITLE. NO TITLE REPORT FURNISHED.
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THE RPA LIMIT IS TAKEN FROM THE FAIRFAX COUNTY CHESAPEAKE BAY MAP DATED 2005.
- THE EXISTING PARKING LOTS ARE GRAVEL.

**SPECIAL PERMIT AMENDMENT PLAN**

**HIGHLANDS SWIM & TENNIS CLUB**

DRANVILLE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

**WALTER L. PHILLIPS**  
INCORPORATED



DATE	BY	APPROVED	DATE

CIVIL ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS  
202 PARK AVENUE FALLS CHURCH, VIRGINIA 22040  
(703) 535-8100 FAX (703) 535-1801  
WWW.WLPINC.COM  
SCALE: 1" = 40'





EDA Architects, Inc.  
1000 Westwood Drive, Suite 100  
Baltimore, MD 21201  
Tel: 410-528-1200  
Fax: 410-528-1201

CLIENT  
HIGHLAND SWIM AND TENNIS CLUB

ARCHITECT  
SPOKOK CONSULTING  
1000 Westwood Drive, Suite 100  
Baltimore, MD 21201  
Tel: 410-528-1200  
Fax: 410-528-1201

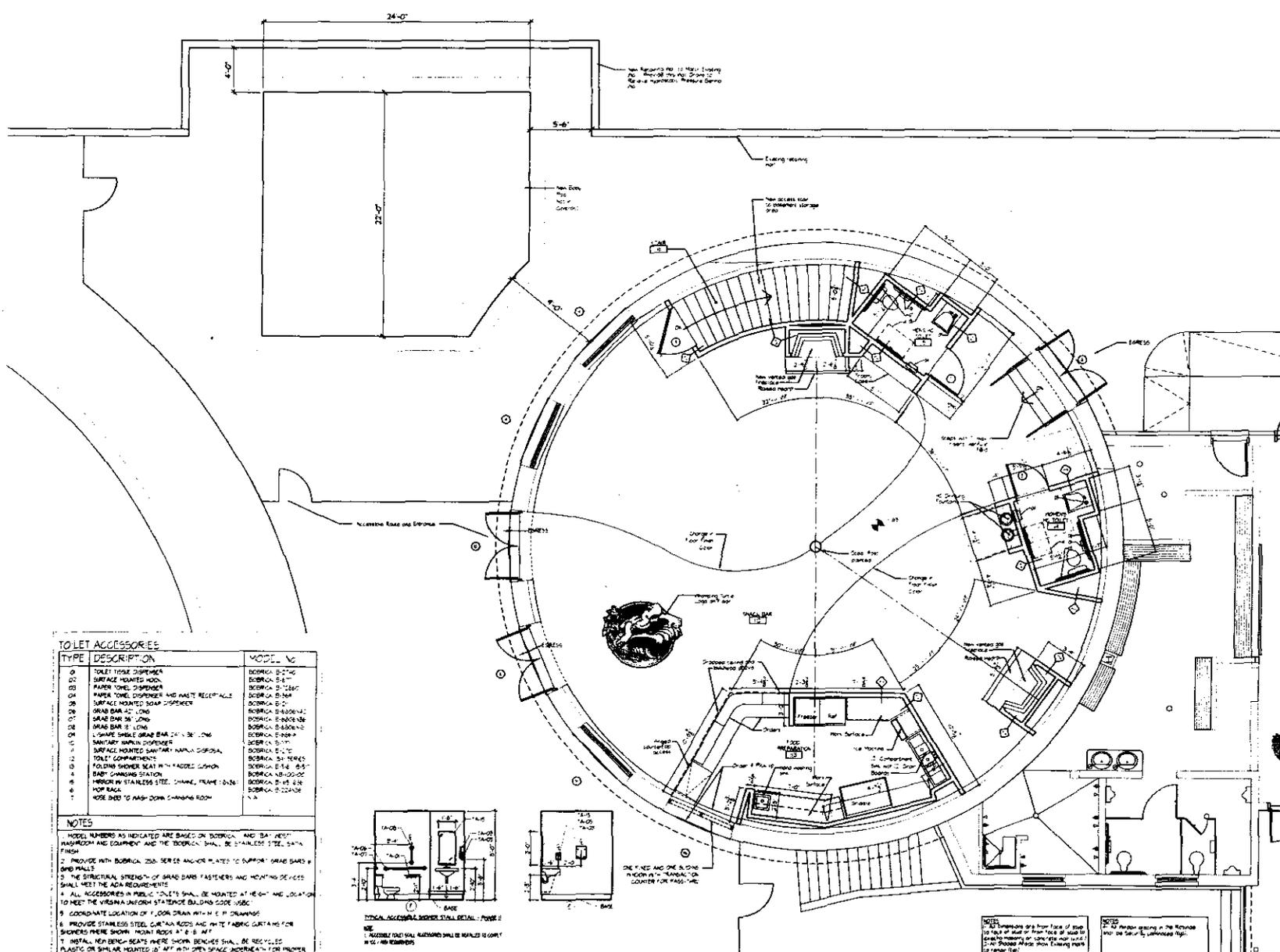
HIGHLAND SWIM and TENNIS CLUB  
SPACE RENOVATION - PHASE II  
1515 BRYAN BRANCH ROAD  
MCLEAN, VIRGINIA

SCALE: AS SHOWN  
DATE: COMPLETE  
DRAWN BY: PFB  
CHECKED BY: PFB  
JOB NO.: 102

REVISIONS


FLOOR PLAN - ROTONDA  
- PHASE II

A-102

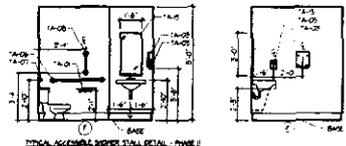


**TOILET ACCESSORIES**

TYPE	DESCRIPTION	MODEL NO.
01	TOILET TISSUE DISPENSER	BOBICA B-2140
02	SURFACE MOUNTED HOOK	BOBICA B-1171
03	PAPER TOWEL DISPENSER	BOBICA B-1280
04	PAPER TOWEL DISPENSER AND WASTE RECEPTACLE	BOBICA B-1449
05	SURFACE MOUNTED SOAP DISPENSER	BOBICA B-2111
06	GRAB BAR 42" LONG	BOBICA B-8300A
07	GRAB BAR 36" LONG	BOBICA B-8300B
08	GRAB BAR 18" LONG	BOBICA B-8300C
09	L-SHAPED SHIELD GRAB BAR 24" x 18" LONG	BOBICA B-8300A
10	STANDARD HOOKUP DISPENSER	BOBICA B-1171
11	SURFACE MOUNTED SANITARY NAPKIN DISPOSAL	BOBICA B-1172
12	TOILET COMPARTMENT	BOBICA B-1173
13	FOLDING SHOWER SEAT WITH PADDED CUSHION	BOBICA B-1448
14	BABY CHANGING STATION	BOBICA B-100-000
15	HAND DRYER IN STAINLESS STEEL, SHAMPOO, FRAMER, LOUSE	BOBICA B-1449
16	HOP BAG	BOBICA B-100-000
17	NOSE DIBB TO WASH DOWN CHANGING ROOM	N/A

**NOTES**

- MODEL NUMBERS AS INDICATED ARE BASED ON BOBICA, AND MAY VARY BASED ON BRAND AND EQUIPMENT AND THE TOOBICAL SHALL BE STAINLESS STEEL WITH FINISH.
- PROVIDE WITH BOBICA 2500 SERIES ANCHOR PLATES TO SUPPORT GRAB BARS & HOOK PLATES.
- THE STRUCTURAL STRENGTH OF GRAB BARS, FASTENERS AND MOUNTING DEVICES SHALL MEET THE ADA REQUIREMENTS.
- ALL ACCESSORIES IN PUBLIC TOILETS SHALL BE MOUNTED AT HEIGHT AND LOCATION TO MEET THE VIRGINIA UNIFORM STATEWORK BUILDING CODE (USBC).
- COORDINATE LOCATION OF FLOOR DRAIN WITH M.E.P. DRAWINGS.
- PROVIDE STAINLESS STEEL CURTAIN RODS AND WHITE FABRIC CURTAINS FOR SHOWERS WHERE SHOWER HOODS ARE 4' x 8' x 4' FT.
- INSTALL NEW BENCH SEATS WHERE SHOWN. BENCHES SHALL BE RECYCLED PLASTIC OR SIMILAR MOUNTED 20" APT WITH OPEN SPACE UNDERNEATH FOR PROMPT CLEANING AND PROPERLY SECURED TO THE WALL AND FLOOR WITH NO EXPOSED FASTENERS THAT COULD HURT PATRONS.



**2 TYPICAL RESTROOM ELEVATIONS**  
SCALE: 1/4" = 1'-0"

**1 FLOOR PLAN - PHASE II**  
SCALE: 1/4" = 1'-0"

**NOTES**

- Dimensions are from face of wall to face of wall or from face of wall to center of opening or from center to center of opening.
- ALL FINISHES IN THE ROTONDA SHALL BE STAINLESS STEEL UNLESS NOTED OTHERWISE.



# Highland Swim Club

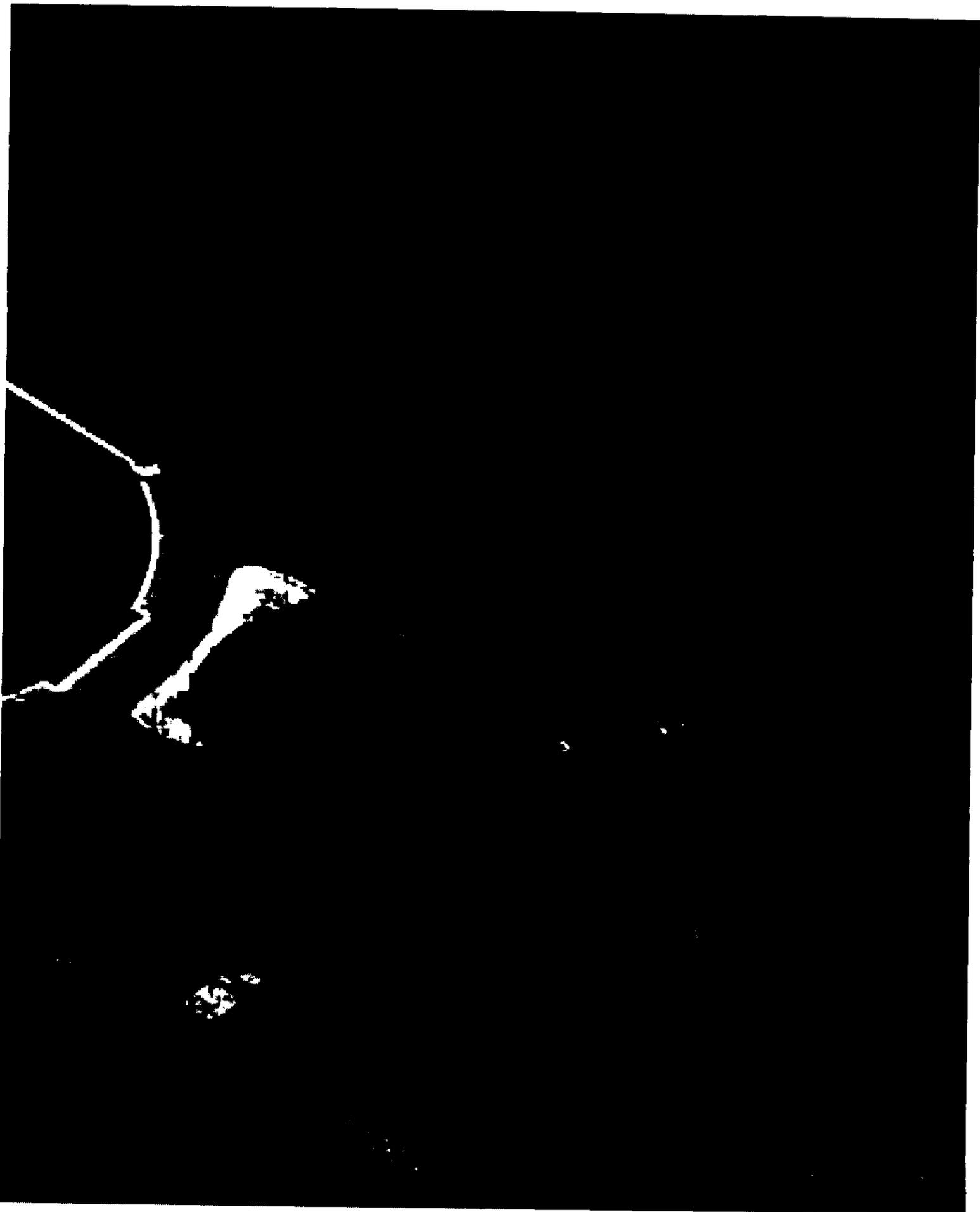


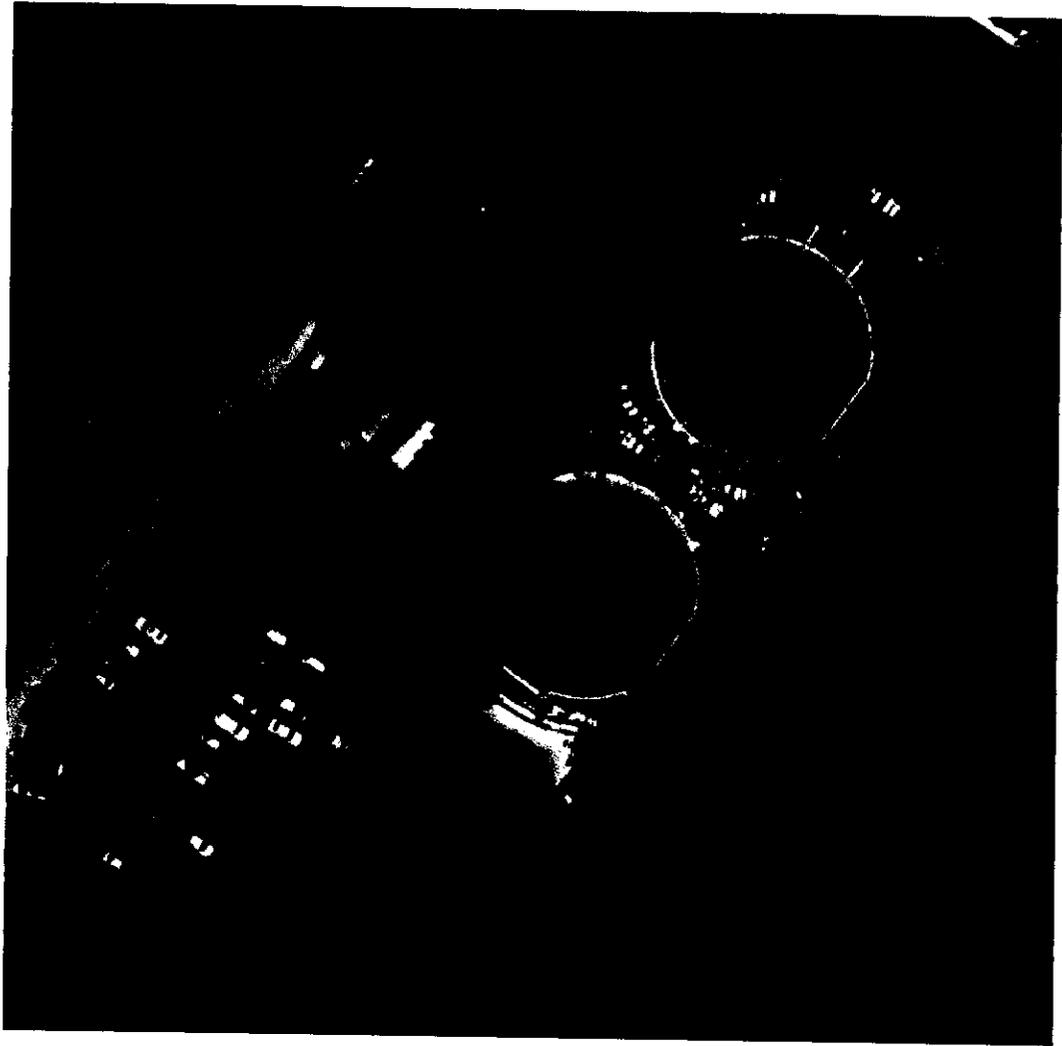
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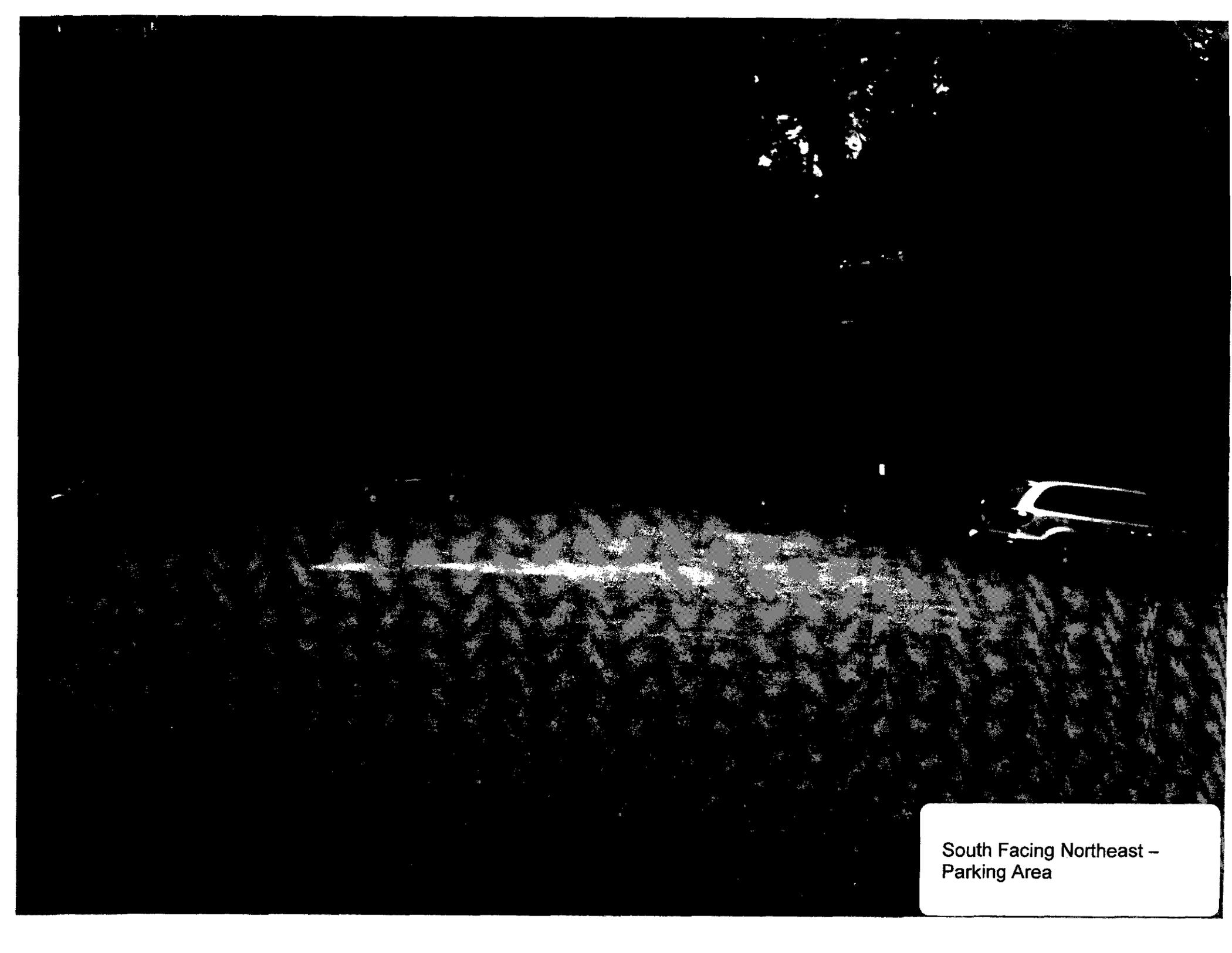
Pre-application

Fairfax County Department of Planning and Zoning  
Aerial Imagery, Copyright 2002, Commonwealth of Virginia

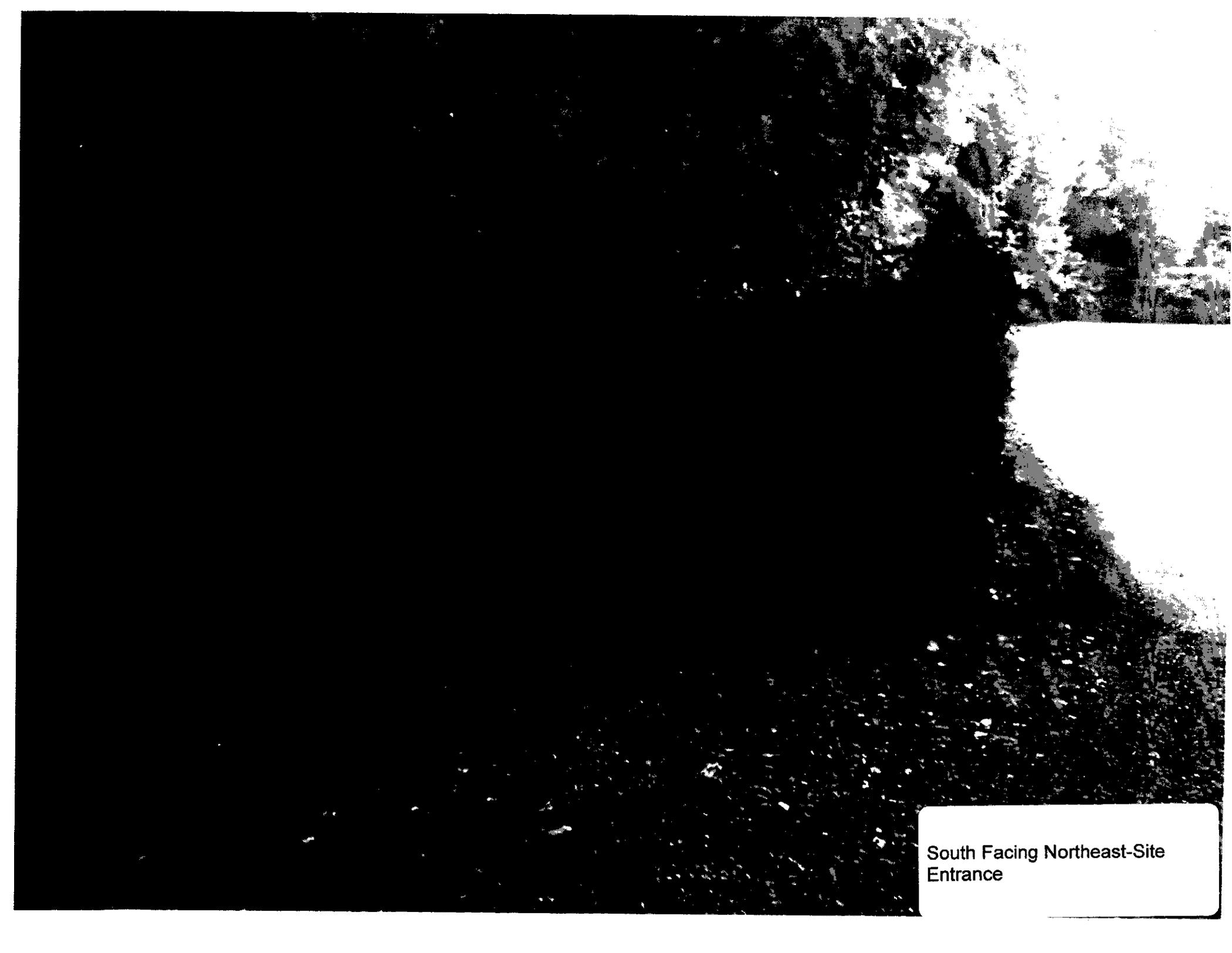








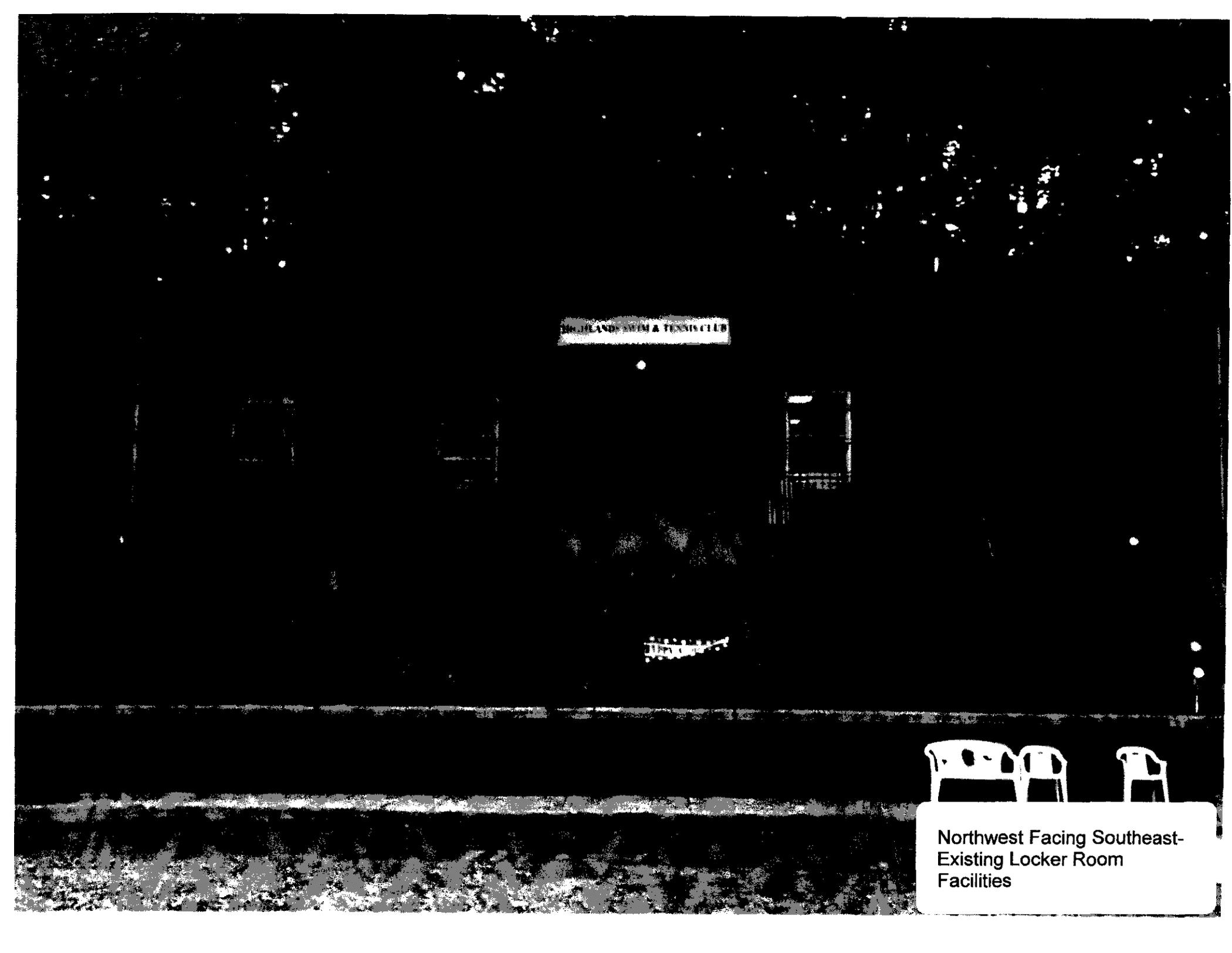
South Facing Northeast -  
Parking Area



South Facing Northeast-Site  
Entrance



North Facing South-Existing  
Silo and Wading Pool

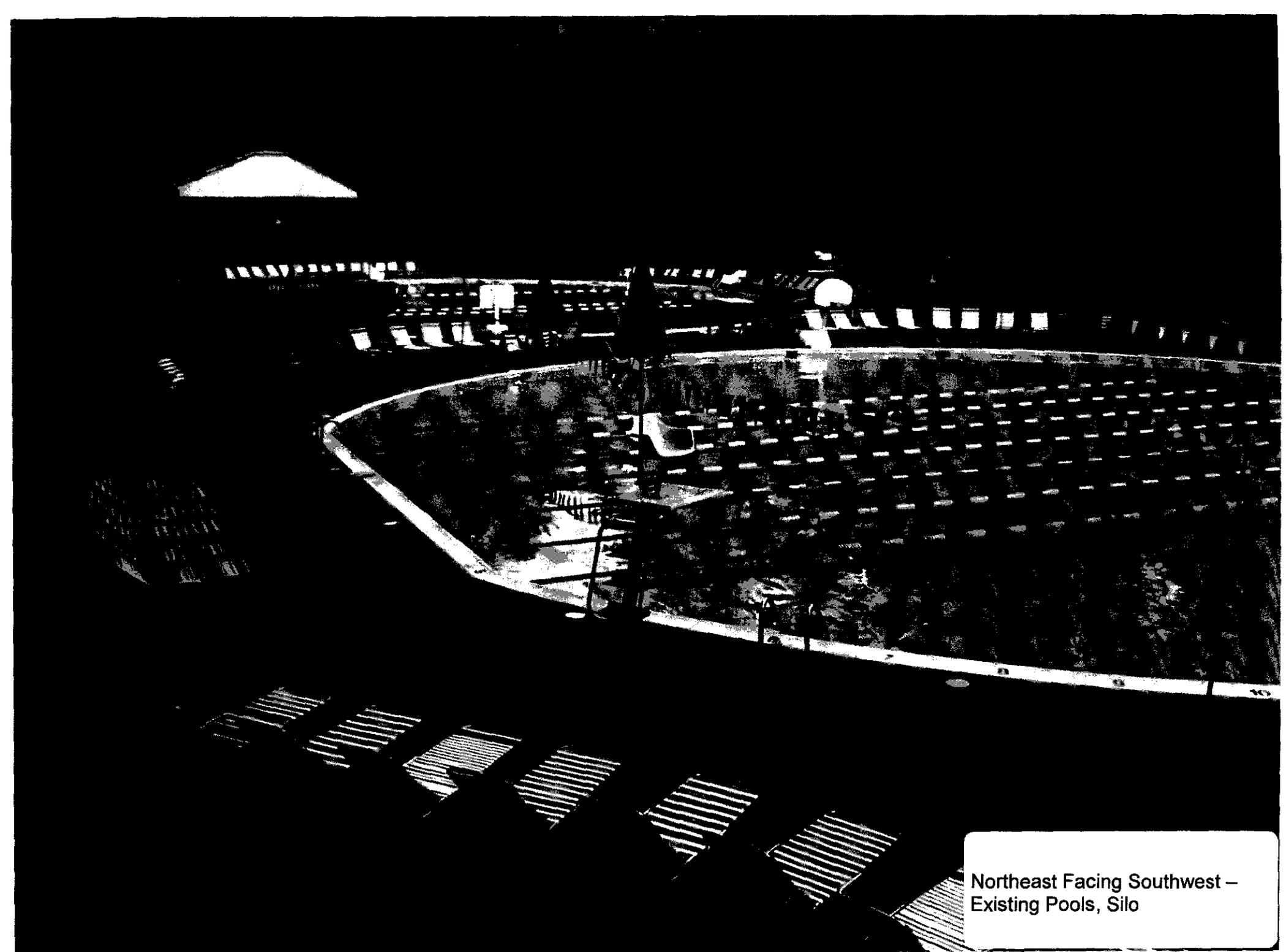


HIGHLAND SWIM & TENNIS CLUB

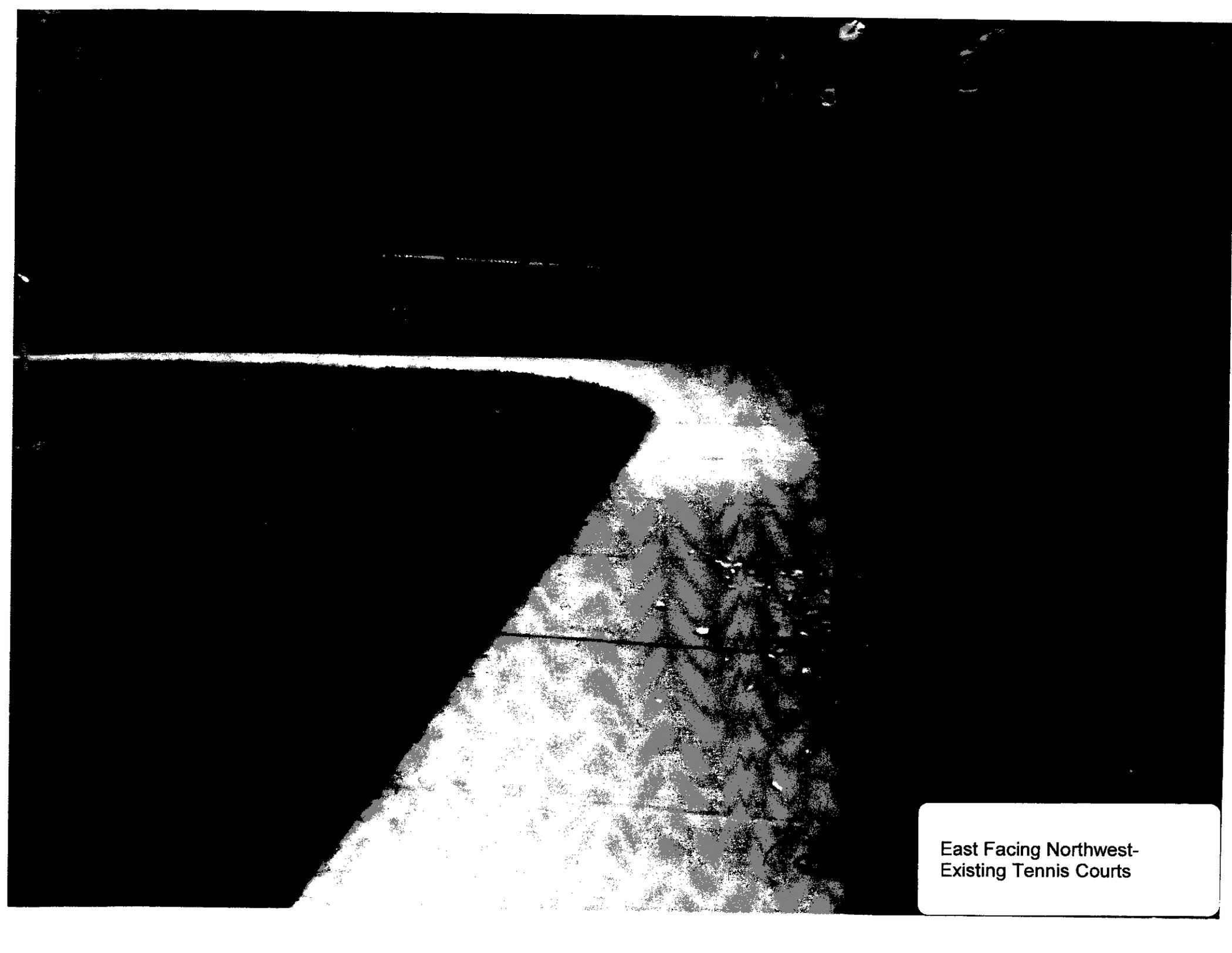
11/10/10



Northwest Facing Southeast-  
Existing Locker Room  
Facilities



Northeast Facing Southwest –  
Existing Pools, Silo



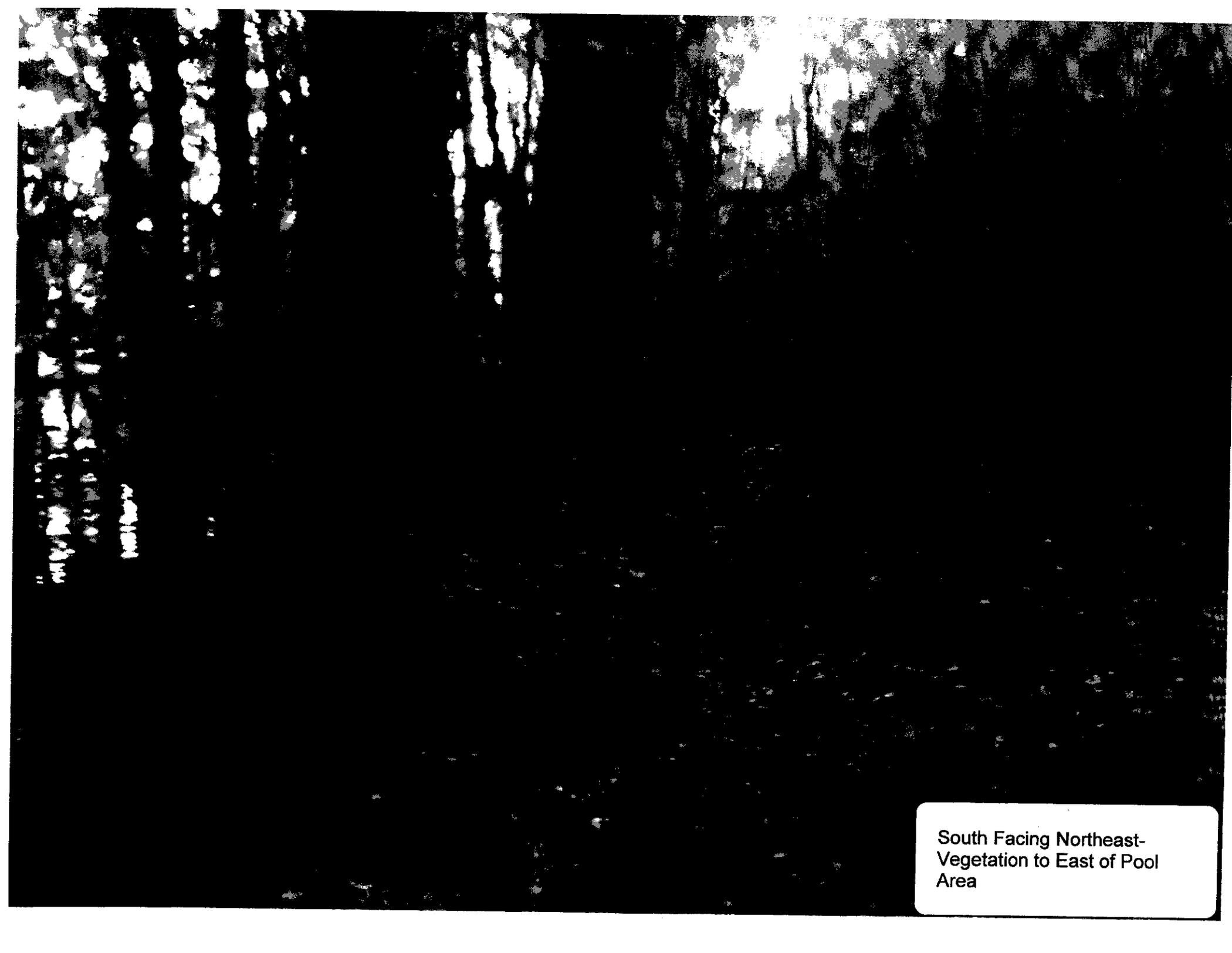
East Facing Northwest-  
Existing Tennis Courts



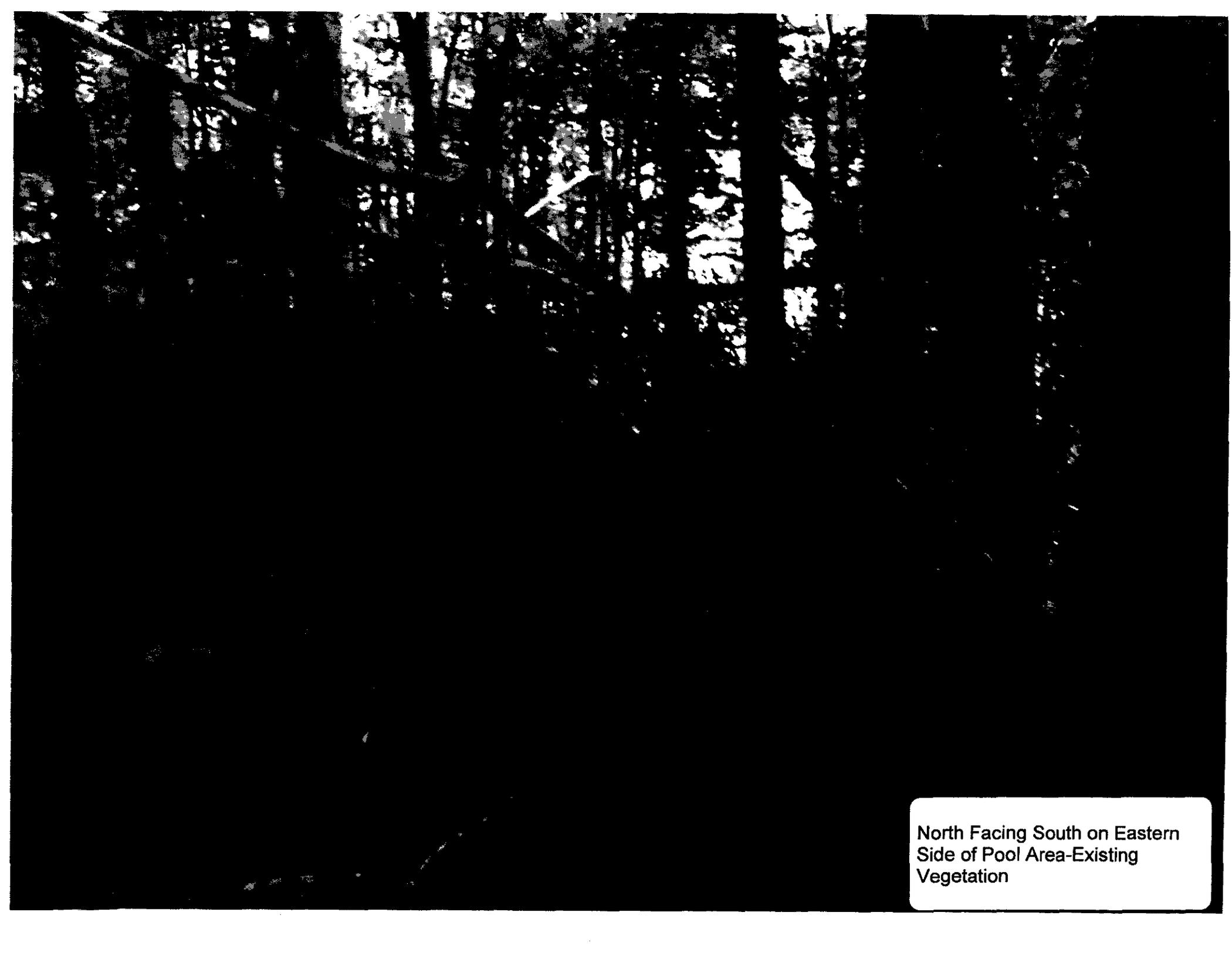
West Facing East-Existing  
Steps to Tennis Courts



Southeast Facing Northwest-  
Existing Concession Stand and  
Tennis Courts



South Facing Northeast-  
Vegetation to East of Pool  
Area



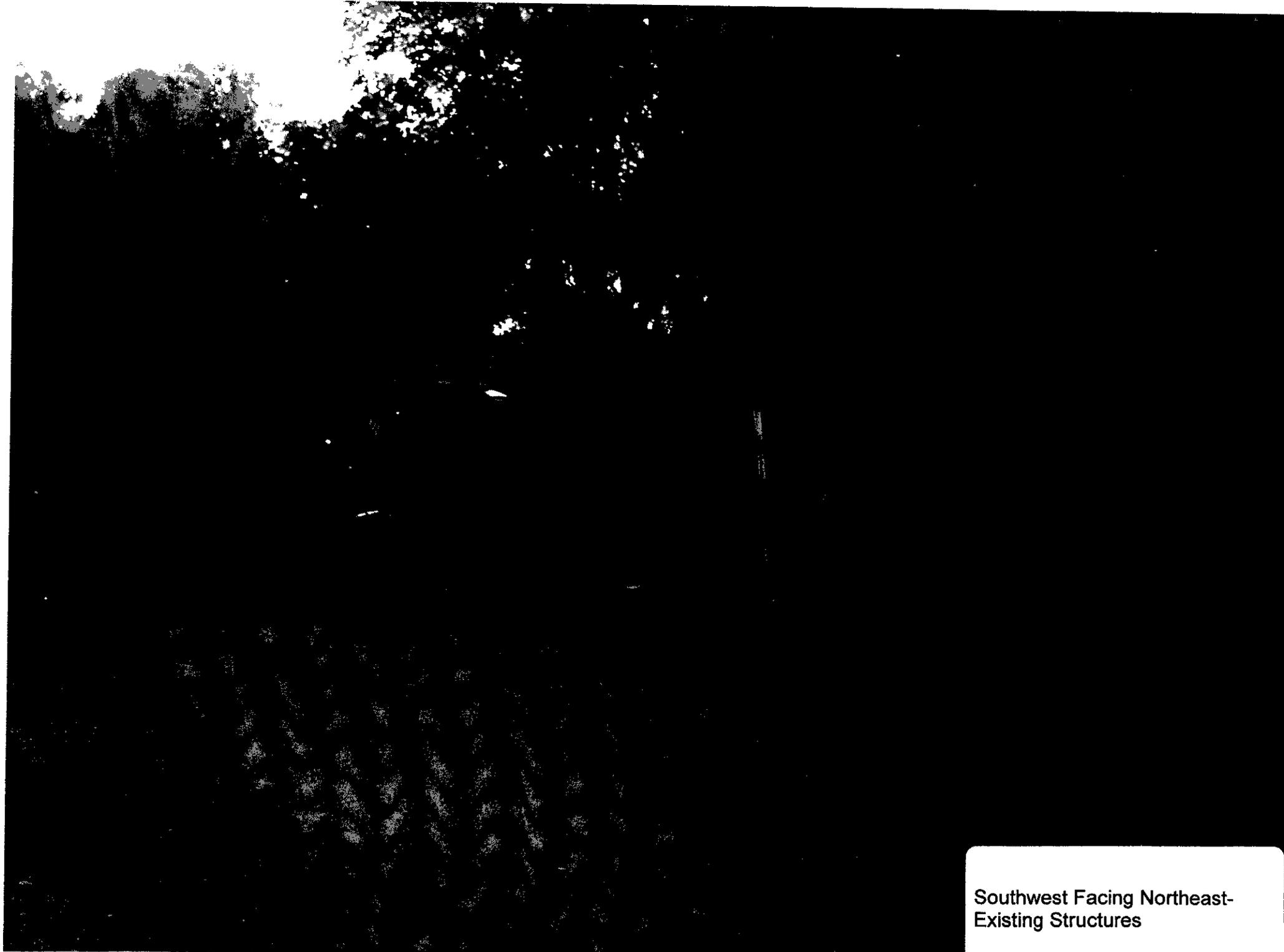
North Facing South on Eastern  
Side of Pool Area-Existing  
Vegetation



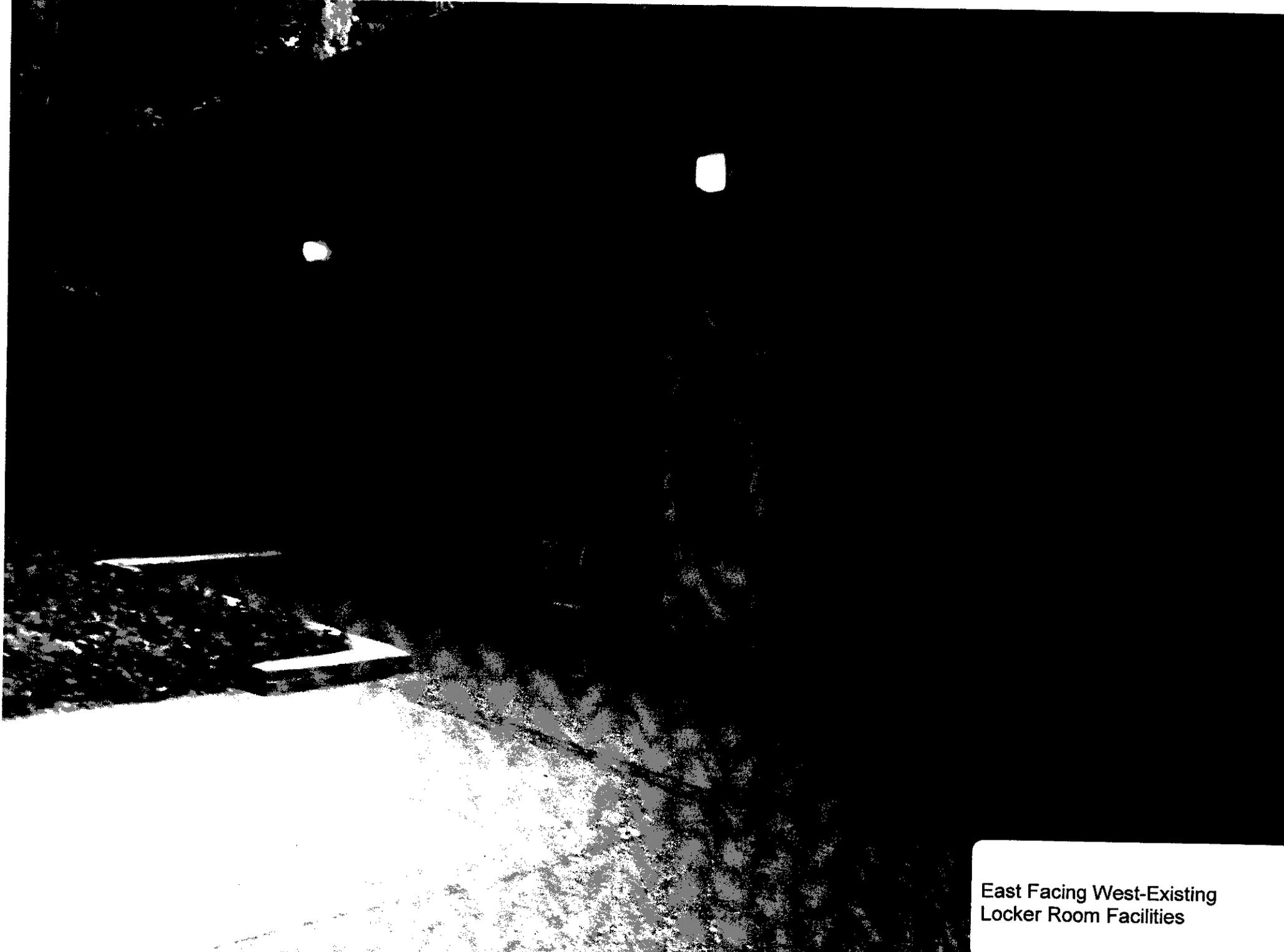
East Facing West-Existing Silo  
and Vegetation



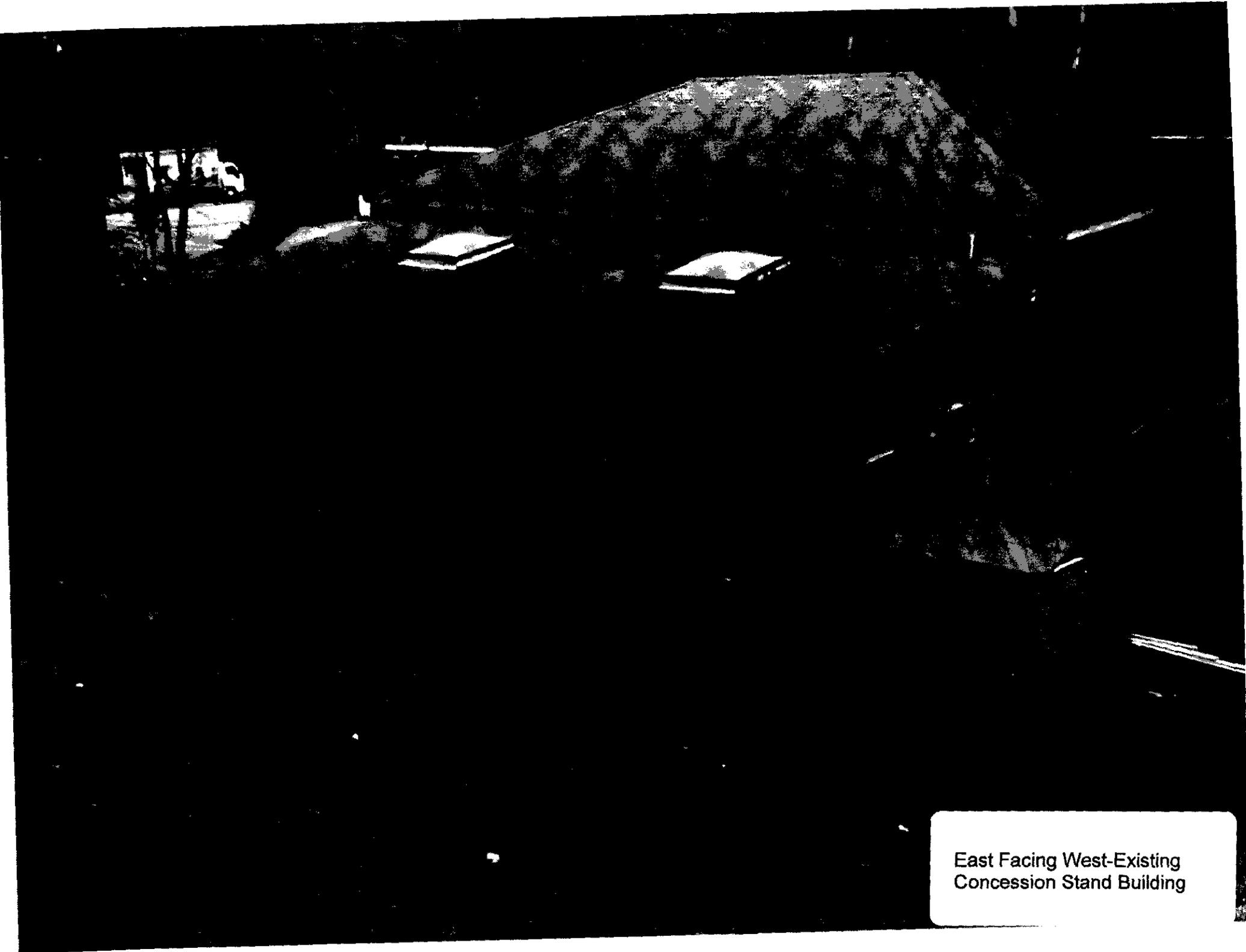
South Facing North-From  
Vegetation Facing Existing  
Pools



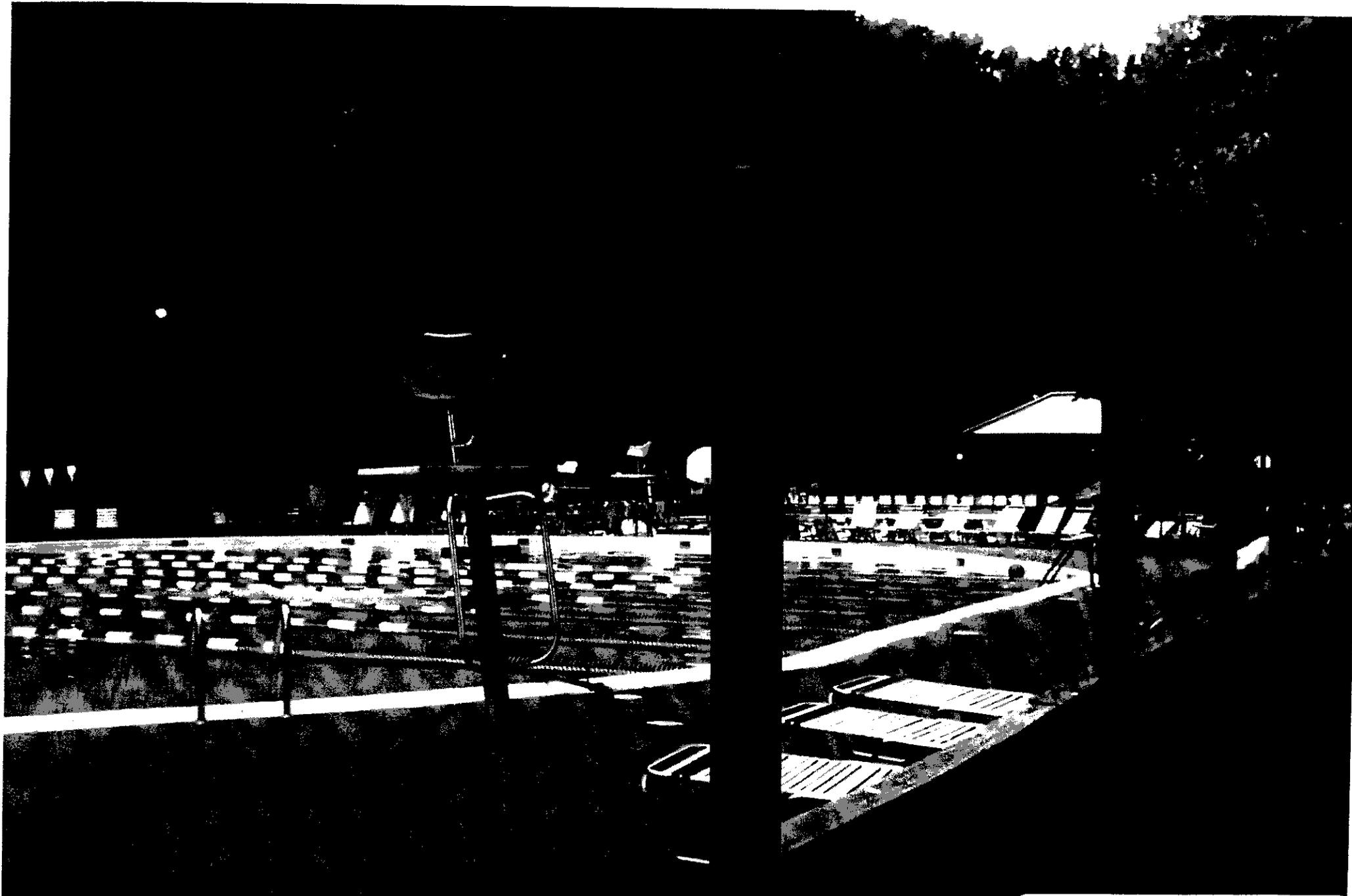
Southwest Facing Northeast-  
Existing Structures



East Facing West-Existing  
Locker Room Facilities



East Facing West-Existing  
Concession Stand Building



North Facing South-Existing  
Pools, Wading Pool, and Silo



**DESCRIPTION OF THE APPLICATION****Special Permit Amendment Request:**

The applicant seeks to amend S 214-76 previously approved for a swim and tennis club to permit the relocation of the wading pool and concession stand. No additional impervious surfaces are proposed.

**Existing and Proposed**

**Size:** 9.42 acres (site)

**Membership:** 500 maximum members

**Employees:** 10 employees

**Parking:** 131 spaces

**Hours of operation:** **Tennis Courts**  
8:00 a.m. to 9:00 p.m. (upper tennis courts)  
8:00 a.m. to 10:00 p.m. (lower tennis courts)  
seven (7) days a week

**Swimming Pools****Approved under previous conditions**

10:00 a.m. to 9:00 p.m., seven (7) days a week,  
Memorial Day through Labor Day

**Proposed**

10:00 a.m. to 9:00 p.m., seven (7) days a week,  
Memorial Day through Labor Day, with early bird  
swimmers permitted between 6:30 a.m. and 8:00 a.m.  
Monday through Friday

**FAR:**

<b><u>Existing</u></b>	<b><u>Proposed</u></b>
0.010	0.015 (maximum FAR permitted 0.15)

## LOCATION AND CHARACTER

### Existing Site Description:

The site is currently developed with a swim and tennis club consisting of two (2) large pools, a wading pool, associated pool decking, two (2) tennis courts located in the northwestern quadrant of the site and two (2) additional tennis courts located in the northeastern quadrant of the site, an open silo, a pool house / bathhouse, a concession stand and an additional freestanding storage building. The lot is heavily wooded with existing mature dense vegetation. Parking is located in the western/northwestern portion of the site and consists of a gravel surface, which can accommodate approximately 131 spaces as shown on the plat. A 100-year floodplain runs along the western side lot line. The northeastern lot line adjoins residential dwellings on Hardy Drive. The site is oddly shaped with some significant slopes to access the bathhouse and silo. The remainder of the site is relatively flat and open except for vegetation contained within the floodplain/Resource Protection Area (RPA) which encompasses a majority of the property.

### Surrounding Area Description:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Single Family Residential	R-1 and R-3	Residential
South	Fairfax County Park Pimmit Run Park	R-2	Public Park
East	Single Family Residential	R-3	Residential
West	Fairfax County Park Pimmit Run Park	R-2	Public Park

## BACKGROUND

The application site was previously developed as a sewage treatment facility, which was converted into a swim club in 1965. The existing open silo was a water processing holding tank. The property is subject to a special permit S 214-76, which was approved by the Board of Zoning Appeals (BZA) on March 22, 1977. The original special permit was approved on March 9, 1965, to permit the establishment and operation of a community swimming pool. The special permit was amended on June 17, 1969 to permit the addition of the tennis courts. In 1977 the permit was amended to permit lighting on the courts and to increase the hours of operation.

On March 7, 1977, the Fairfax County Board of Supervisors granted the applicant permission for the construction of the tennis courts in the established floodplain. This approval was conditioned upon the owner obtaining all necessary "hold harmless" agreements for construction within a County and/or public utility easement. County records do not indicate that this agreement was recorded. The applicant has indicated that they can not locate a copy of this agreement either in the Land Records or within the club's records. Therefore, staff has included a development condition which requires the applicant to provide the hold harmless agreement prior to the issuance of a new Non-Residential Use Permit (Non-RUP) for the proposed concession stand. The history of the site, to include minutes, is attached as Appendix 4.

## COMPREHENSIVE PLAN PROVISIONS

**Plan Area:** Area II

**Planning Sector:** McLean Planning District  
M3 – Kirby Planning Sector

**Plan Map:** Private Recreation Use

## ANALYSIS

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

**Title of SP Plat:** Special Permit Amendment Plat, Highlands Swim & Tennis Club

**Prepared By:** Walter L. Phillips, Incorporated

**Dated:** July 2, 2010 as revised through November 11, 2010

## Proposed Use:

The applicant seeks to amend S 214-76 previously approved for a community swim and tennis club to permit site modifications which include relocating an existing concession stand and an existing wading pool. Currently, the club's concession stand is located in a freestanding building that is located at a lower grade than the existing pools and bathhouse facility. The applicant proposes to relocate the concession area to an existing silo that is adjacent to the club's bathhouse facility. The silo is an existing structure that was previously a water holding tank that has not been operational since the 1940's. The applicant proposes to convert the open silo into a concession stand by adding a roof to the silo, as well as a floor to allow for a snack bar and an indoor seating area. The floor will be built at the same grade as the pool deck and will allow for below grade storage

associated with the snack bar. The new snack bar will be connected to the existing bathhouse facility which is currently undergoing by-right interior renovations. The newly designed concession area will add approximately 2,206 square feet of additional gross floor area to the site. The existing concession stand will become a storage and activity area for the tennis program. The existing wading pool is also proposed to be relocated in the general area where it is currently; however, will be reduced in size to provide additional pool decking around the new concession stand. No additional impervious surfaces are proposed with this application. Some exterior building modifications are proposed to the silo, which include adding windows and doors, in addition to the roof.

### **Park Authority Analysis (Appendix 5)**

The Countywide Trails Plan shows a stream valley trail located along Pimmit Run on the northern boundary of the subject property. The application property abuts Pimmit Run Stream Valley Park, which is owned and operated by the Park Authority, along their western property boundary and Pimmit Run crosses the application property along the northwestern corner of the site. There is an existing trail in the stream valley park and the Potomac School, adjacent to the northwest corner of the swim club recently provided an easement for a trail. An easement on the application property would provide for the final link needed for the connection of the stream valley trail and would support trail connectivity in this area as laid out in the Countywide Trails Plan. For approximately the last 10 years, Park Authority staff, in coordination with the Dranesville District Supervisors Office, has been pursuing an easement from Highlands Swim and Tennis Club in order to provide a trail connection through the application site. Once an easement is granted, the Park Authority will have the ability to construct the appropriate trail in this area which would provide for only one necessary crossing of the Pimmit Run stream. The Trails Plan currently shows this connection on the application site and will be in keeping with the connection provided by the Potomac School via recent special exception amendment approval.

The Park Authority has recommended that the applicant dedicate a maximum twenty (20) foot wide strip of land, though it possibly could be less, in the area adjacent to the upper tennis courts for this important link in this stream valley trail system. The location of the trail section would allow club members to access the stream valley trail system from the swim club and would also offer the club members the opportunity for pedestrian access to the club. Staff believes the dedication of this important trail connection is imperative for the final portion of the Pimmit Run Stream Valley Trail and has included a development condition which addresses this issue. An exhibit has been provided by the Park Authority showing the proposed easements location, provided as an attached to their memorandum.

### **Environmental and Site Review Analysis (See Appendix 6)**

There is a regulated floodplain and Resource Protection Area (RPA) on the site; however, no land disturbance is proposed within these areas. Water quality controls are

required for construction requiring submission of a site plan when an increase of more than 2,000 square feet of gross floor area is proposed. However, even though the FAR is increasing on the site, no land disturbing activity is taking place. As a result, the applicant can request approval of a minor site plan by the Director of the Department of Public Works and Environmental Services (DPWES). If submission of a minor site plan is approved, no water quality controls would be required. Staff believes there are no issues with regard to environmental and site review.

### **Forest Conservation Analysis (See Appendix 7)**

Transitional screening type 1 and barrier D, E, or F is required along all lot lines. The applicant requests modification of transitional screening in favor of existing vegetation, which is reasonable along the property lines adjacent to homeowner's association open space and the lots along the eastern property line because there is significant existing vegetation providing screening. Staff believes additional plantings are needed adjacent to Lot 163 located along Hardy Drive as the intent of screening is not being met in this location. However, the applicant has received a letter from the owner of Lot 163 which states that he does not want the additional screening planted in the area adjacent to his lot line. Staff has included a development condition which requires the applicant to provide screening in the future if a new property owner wishes to have vegetation planted.

### **Fire Marshal Analysis/Discussion**

Staff from the Fire Marshal's Office has indicated that the applicant will be required to provide emergency access to within 100 feet of the proposed relocated concession stand. They state that this access can be provided through a parking lot, and does not have to be an access available only to the fire department. Staff has included a development condition requiring the applicant to provide this access to the satisfaction of the Fire Marshals Office prior to the issuance of a Non-RUP for the concession stand. With adoption of the proposed development conditions, staff believes this issue has been addressed.

Additionally, the Fire Marshals Office has indicated that emergency vehicles can not make turns within the parking lot with the current parking configuration. The applicant has provided an exhibit, located at the front of the staff report, which shows the proposed method available for emergency vehicles to turn around on the site. Since the applicant will be required to file a minor site plan, the Fire Marshal's Office will have the opportunity to review the proposed configuration. Therefore, this issue will be addressed at the time of site plan review.

## **ZONING ORDINANCE PROVISIONS**

The existing swim and tennis club on the application site currently meets all bulk regulations for the R-1 Zoning District.

## **ZONING ORDINANCE REQUIREMENTS**

### **Special Permit Requirements (See Appendix 8)**

- General Special Permit Standards (Sect. 8-006)
- Group 4 Standards (Sect. 8-403)

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

All applicable standards have been satisfied with 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 1 of the Staff Report.

## **RECOMMENDATIONS**

Staff recommends approval of SPA 76-S-214 subject to 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.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Historical Background

5. Park Authority Analysis
6. Environmental and Site Review Analysis
7. Forest Conservation Branch Analysis
8. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SPA 76-S-214****December 1, 2010**

If it is the intent of the Board of Zoning Appeals to approve SPA 76-S-214 located on property described as Tax Map 31-1 ((1)) 4A and 31-3 ((1)) 185A for a community swim and tennis club to permit site modifications pursuant to Section 3-103 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from the previous special permit are marked with an asterisk (\*). Minor edits have been made to these conditions to conform to current terminology and have been underlined.

1. This approval is granted to the applicant only, Highlands Swim and Tennis Club, Inc., and is not transferable without further action of this Board, and is for the location indicated on the application, 1515 Bryan Branch Road (9.42 acres), and is not transferable to other land.\*
2. This special permit amendment is granted only for the purposes, structures and/or uses indicated on the special permit amendment plat prepared by Walter L. Phillips, Incorporated, dated June 2, 2010 as revised through November 11, 2010.
3. A copy of this special permit amendment and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted uses.\*
4. This special permit amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit amendment, shall be in substantial conformance with these conditions. Minor modifications to the approved special permit amendment may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum number of memberships shall be 500.\*
6. The hours of operation shall be from 8:00 a.m. to 9:00 p.m. for the upper tennis courts and 8:00 a.m. to 10:00 p.m. for the lower tennis courts, seven (7) days a week.\*
7. The hours of operation for the swimming pools shall be 10:00 a.m. to 9:00 p.m., seven (7) days a week, Memorial Day through Labor Day, with early bird swimmers permitted between 6:30 a.m. and 8:00 a.m. Monday through Friday.

After hour parties for the swimming pool shall be governed by the following:

- Limited to six (6) per season.
  - Limited to Friday, Saturday and pre-holiday evenings.
  - Shall end by midnight.
8. All parking shall be on-site. The layout of parking spaces and travel aisles shall generally be as shown on the SPA plat, except for changes as needed to meet the Fire Marshals requirements. The minimum number of spaces required shall be 94.\*
  9. Prior to the issuance of a Non-RUP for the proposed concession stand, at time of site plan, the applicant shall demonstrate to the satisfaction of the Fire Marshals Office that emergency access can be provided to within 100 feet of the proposed relocated concession stand.
  10. Prior to the issuance of a Non-RUP for the proposed concession stand, the applicant shall execute all necessary Hold Harmless Agreements for all structures located within the 100-Year Floodplain and existing Sanitary Sewer easement.\*
  11. Transitional screening shall be modified along all lot in favor of existing vegetation. The barrier requirements along all lot lines are waived. All dead, dying or diseased plantings in the transitional screening yards shall be replaced with like kind to maintain the screening.\*
  12. The fence around the tennis courts shall be no higher than 14 feet and interlaced with the proper material to deaden sound on the Hardy Drive side, and all other provisions of the Ordinance be met. The fencing should be of chain link design, and the evergreen trees shall be maintained. In the future, if a subsequent owner of Lot 163 requests additional screening, the applicant shall plant additional evergreen trees to meet the intent of Transitional Screening 1.\*
  13. The lights shall be permitted on the two lower tennis courts only. Any new lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.\*
  14. At the time of site plan approval and in accordance with the Trails Plan for the Pimmit Run Stream Valley Trail, the applicant shall grant to the Fairfax County Park Authority (FCPA) a maximum twenty (20) foot wide trail easement as needed in the area of the northern boundary (upper tennis courts). The FCPA agrees to construct and maintain the trail; to indemnify and hold harmless the applicant from any liability resulting from the activities of FCPA or the public in the easement area; that no motorized vehicles be permitted to use the trail, with the exception of FCPA

vehicles involved with trail maintenance. The exact location of said easement shall be determined by the Park Authority Trail Manager but shall follow the course of the stream as generally depicted in the Comprehensive Plan Trails Plan Map. The trail shall be constructed of a material as determined by FCPA.

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 (Non-RUP) through established procedures, 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 construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time 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 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.

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 7, 2010  
 (enter date affidavit is notarized)

I, Sara V. Mariska, attorney/agent, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)                applicant  
                                  applicant's authorized agent listed in Par. 1(a) below      109192

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 <b>BOLD</b> above)
Highlands Swim and Tennis Club, Inc.  Agents: Steven W. Pelak Phillip M. Battles, III	P.O. Box 9 McLean, VA 22101	Applicant/Title Owner of Tax Map 31-1 ((1)) 4A and 31-3 ((1)) 185A
Walter L. Phillips, Incorporated  Agents: Max H. Burkhalter Monica R. Westgate Charles F. Dunlap	207 Park Avenue Falls Church, Virginia 22046	Engineer/Agent

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

Page 1 of 1

**Special Permit/Variance Attachment to Par. 1(a)**

DATE: July 7, 2010  
(enter date affidavit is notarized)

109192

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

<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)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. W. Bowyer Megan C. Shilling Elizabeth A. McKeeby		

(check if applicable)

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 7, 2010  
(enter date affidavit is notarized)

109192

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)  
Highlands Swim and Tennis Club, Inc.  
P.O. Box 9  
McLean, VA 22101

**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)

A not-for-profit organization with no shareholders

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

Page 1 of 1

**Special Permit/Variance Attachment to Par. 1(b)**

DATE: July 7, 2010  
(enter date affidavit is notarized)

109192

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Walter L. Phillips, Incorporated  
207 Park Avenue  
Falls Church, VA 22046

**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 THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Brian G. Baillargeon  
Jeffrey J. Stuchel

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

**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 THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

David J. Bomgardner, E. Andrew Burcher, J. Randall Minchew,  
Thomas J. Colucci, Peter M. Dolan, Jr., M. Catharine Puskar, John E. Rinaldi,  
Jay du Von, Jerry K. Emrich, William A. Lynne J. Strobel, Garth M. Wainman,  
Fogarty, John H. Foote, H. Mark Goetzman, Nan E. Walsh, Martin D. Walsh  
Bryan H. Guidash, Michael D. Lubeley,

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 7, 2010  
(enter date affidavit is notarized)

109192

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 7, 2010  
(enter date affidavit is notarized)

109192

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: July 7, 2010  
(enter date affidavit is notarized)

109192

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)

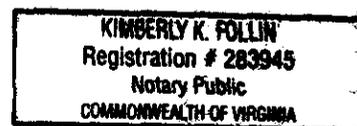
Sara V. Mariska  
 Applicant  Applicant's Authorized Agent

Sara V. Mariska, attorney/agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 7 day of July 2010, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin  
Notary Public

My commission expires: 11/30/2011





Sara V. Mariska  
 (703) 528-4700 Ext. 5419  
 smariska@arl.thelandlawyers.com

WALSH COLUCCI  
 LUBELEY EMRICH  
 & WALSH PC

RECEIVED  
 Department of Planning & Zoning

JUL 15 2010

Zoning Evaluation Division

July 15, 2010

**Via Hand Delivery**

Regina C. Coyle, Director  
 Fairfax County Department of Planning & Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax, Virginia 22035

Re: Proposed Special Permit Amendment Application  
 Applicant: Highlands Swim and Tennis Club, Inc.

Dear Ms. Coyle:

Please accept this letter as a statement of justification for a special permit amendment for property identified among the Fairfax County tax map records as 31-1 ((1)) 4A and 31-3 ((1)) 185A (the "Subject Property").

The Subject Property contains approximately 9.42 acres, is located at 1515 Bryan Branch Road, and is accessible from Linway Terrace. Zoned to the R-1 District, the Subject Property is located in the Dranesville Magisterial District and is developed as the Highlands Swim Club and Tennis Club (the "Club"). The Subject Property is currently subject to a special permit, S 214-76, which was approved by the Board of Zoning Appeals (the "BZA") on March 22, 1977. The original special permit was approved on March 9, 1965 to permit the establishment and operation of a community swimming pool. The special permit was amended on June 17, 1969 to permit regulation tennis courts on the Subject Property. In 1977, the permit was amended to permit the installation of tennis court lighting and an increase in the Club's hours of operation. The Applicant now proposes a special permit amendment to modify its existing facilities to relocate the Club's existing concession stand and renovate its locker room facility.

Currently, the Club's concession stand is located in a freestanding building that is located at a lower grade than the existing pools and locker room facility. In order to facilitate a more convenient and accessible concession stand, the Applicant proposes to relocate the concessions area to an existing silo that is adjacent to the Club's locker room facility. The silo is an existing structure that was previously a water holding tank that is no longer operational. The Applicant proposes to add a roof to the silo as well as a floor to allow for a snack bar and indoor seating. The floor will be built at the same grade as the pool deck and will allow for below-grade storage associated with the snack bar. The new snack bar facility will be connected to the existing locker room facilities which are undergoing renovation. The existing building that houses the snack bar will be converted to a tennis storage and activity area.

PHONE 703 528 4700 | FAX 703 525 3197 | WWW.THELANDLAWYERS.COM  
 COURTHOUSE PLAZA | 2200 CLARENDON BLVD., THIRTEENTH FLOOR | ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 | PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

The conversion of the silo to a concession area will facilitate more convenient and accessible use of the Club's facilities. The two large pools, small wading pool, and pool deck area will be on a single level thereby allowing Club members easy movement between the pools and snack bar area. Importantly, parents will be better able to supervise young children and the pool level will be ADA accessible. The existing concession stand building is proximate to the tennis courts of the Club. The relocation of the snack bar will create additional space that will better serve the Club's tennis programs.

The enclosure of the silo will add approximately 2, 206 square feet of gross floor area to the existing 4,024 square feet of gross floor area for a total proposed gross floor area of 6,230 square feet. With the additional gross floor area, the Subject Property will be developed at a 0.015 FAR, well below the 0.15 FAR permitted in the R-1 District. The proposal will not add any impervious surface to the Subject Property and no exterior building modifications are proposed on the Subject Property. In sum, the Applicant simply proposes enclosure of a building that adds a modest amount of additional gross floor area to greatly improve the Club's functionality.

The Subject Property is located in Area II of the Fairfax County Comprehensive Plan (the "Plan") in the McLean Planning District, within the Kirby Planning Sector (M3). There is no site specific text applicable to the Subject Property and the Plan map shows that the Subject Property is planned for private recreation use. The Applicant's proposal to improve its existing facilities is in harmony with the Plan's recommendations for the Subject Property.

In accordance with the requirements of Section 8-011 of the Ordinance, please consider the following information regarding the Applicant's proposal:

- The type of operation proposed is the continuation of a non-profit swimming and tennis club. The Applicant does not propose any changes to the use and operation of the Club. In addition to its swimming and tennis programs, the Applicant hosts a limited number of community and social activities.
- The pool is currently open from approximately Memorial Day until Labor Day. From Memorial Day to the last day of the Fairfax County Public School year the pool's hours are 3:30 p.m. to 9:00 p.m. From the last day of the school year to Labor Day, the pool's general hours are 10:00 a.m. to 9:00 p.m. The Club also permits early bird swim between 6:30 a.m. and 8:00 a.m., Monday through Friday. The tennis courts are open year round from 8:00 a.m. to 10:00 p.m. No changes are proposed to the Club's hours of operation.
- Current membership is limited to 500 families. No increases are proposed to membership.
- There are approximately ten (10) staff members working and on duty during the Club's summer months.

- The peak traffic impacts associated with the Club are on the weekends and in the summer, primarily during off-peak commuting hours. Therefore, traffic impacts are minimal. During the peak hour of use on Saturday afternoons in the summer, approximately 50 vehicles will enter the Subject Property to use the facilities. Traffic impacts are greater during swim meets and other special events. Individuals arrive by private vehicles and are primarily families.
- The general area that is served by the Club is the McLean area.
- There are no exterior modifications to buildings, or construction of additions to buildings, proposed with this application. The Applicant proposes to add a roof to an existing silo thereby adding approximately 2,206 square feet of gross floor area to the Subject Property.
- To the best of the Applicant's knowledge, there are no hazardous or toxic substances located on the Subject Property.
- The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards, and applicable conditions except as may have been modified by the previous approval.

In sum, the Applicant proposes to convert an existing silo to snack bar use, to locate the snack bar next to the Club's existing locker rooms, to create ADA accessible entrances to the snack bar from the pool deck, and to convert the existing snack bar to space for the tennis program. The enclosure of an existing silo will slightly increase the amount of gross floor area on the Subject Property; however, no additional structures will be built, no exterior building modifications will be made, and no additional impervious surface will be added to the Subject Property. The proposed FAR will increase to only 0.015 FAR. The Club looks forward to the benefits of the site modifications and plans to continue as a community serving private recreation facility for years to come.

Should you have any questions, or require additional information, please do not hesitate to give me a call. I would appreciate the acceptance of this application and the scheduling of a hearing before the Board of Zoning Appeals at your earliest convenience. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Sara V. Mariska

cc: Steve Pelak                      Thomas J. Colucci  
Lynne J. Strobel                     Martin D. Walsh  
{A0196251.DOC / 1 Statement of Justification 007022 000002}



Sara V. Mariska  
(703) 528-4700 Ext. 5419  
smariska@arl.thelandlawyers.com

**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

July 15, 2010

RECEIVED  
Department of Planning & Zoning  
JUL 15 2010  
Zoning Evaluation Division

**Via Hand Delivery**

Regina C. Coyle, Director  
Fairfax County Department of Planning & Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035

Re: Modification of Submission Requirements  
Proposed Special Permit Amendment Application  
Fairfax County Tax Map Reference: 31-1 ((1)) 4A and 31-3 ((1)) 185A (the  
"Subject Property")  
Applicant: Highlands Swim and Tennis Club, Inc.

Dear Ms. Coyle:

Please accept this letter as a request to modify the submission requirements of Section 8-011 of the Fairfax County Zoning Ordinance (the "Ordinance").

The requirements of Section 8-011 of the Ordinance include the submission of twenty-three (23) copies and a reduction of a special permit plat that contains specific information as outlined in the Ordinance. However, the Zoning Administrator may waive or modify the requirement if it is determined that the submission of a plat is clearly not necessary for the review of the application.

The Applicant has filed a special permit amendment to add additional gross floor area to an existing swim and tennis club to permit relocation of an existing concession stand. More specifically, the swim and tennis operates pursuant to special permit S 214-76. There is an existing silo to which the Applicant proposes to add a roof and a floor, thereby adding approximately 2,206 square feet of gross floor area to the Subject Property. Because the Applicant is simply adding a roof to an existing structure, no additional impervious surface area will be added to the Subject Property. Additionally, the Applicant proposes no exterior modifications to any of the existing buildings on the Subject Property. The building that currently houses the concession stand will be used as a storage and activity area for the Applicant's tennis programs.

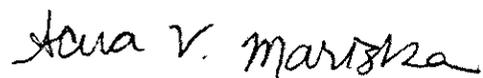
As there are no external site modifications, no additional impervious surface, and only a modest intensification from the prior special permit approval, an amended special permit plat in accordance with the strict requirements of Section 8-011 is not necessary for the review of the

special permit amendment application. Alternatively, I have enclosed a special permit plat that includes the information necessary to evaluate the application. The plat depicts the existing improvements, parking tabulation, FAR tabulation, the Subject Property's RPA line, and the proposed modifications to the Subject Property. I believe that the information presented on the plat is sufficient to evaluate the Applicant's proposal.

Should you have any questions regarding this request, or require additional information, please do not hesitate to give me a call. I would appreciate a response at your earliest convenience as the special permit amendment application has been submitted concurrently with this request. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Sara V. Mariska

Enclosure

cc: Steve Pelak  
Lynne J. Strobel  
Thomas J. Colucci  
Martin D. Walsh





Sara V. Mariska  
(703) 528-4700 Ext. 5419  
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WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC

October 27, 2010

Via E-Mail Only

Debbie Hedrick  
Fairfax County Department of Planning & Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035

RECEIVED  
DEPARTMENT OF PLANNING  
AND ZONING

OCT 28 2010

SPECIAL PERMIT &  
VARIANCE BRANCH

Re: SPA 76-S-214  
Applicant: Highlands Swim and Tennis Club, Inc.  
Subject Property: 31-1 ((1)) 4A and 41-3 ((1)) 185A

Dear Ms. Hedrick:

Pursuant to our discussions, please accept this letter in response to the issues raised during the County's pre-staffing review of the referenced application. Today, under separate cover from Walter L. Phillips, Inc., you should receive fifteen (15) full-size revised exhibits and a reduction. The exhibit has been revised to address some of the issues identified during pre-staffing. Additionally, please consider the following information:

Land Use

Comment: Please verify that the parking tabulation is correct and add information regarding the existing parking on the Subject Property.

Response: *The Applicant has revised the parking tabulation to conform to the requirements of Article 11. Pursuant to Article 11, ninety-four (94) spaces are required for the Subject Property and approximately 133 have been provided. The number of parking spaces on the Subject Property is approximate, given that the parking area is gravel. The Applicant has added Note 9 to address the fact that the parking area is gravel. The Applicant has also added dimensions to the parking spaces and travel aisles that were taken from the previously approved special permit plat to identify how the approximate number of parking spaces was calculated.*

Comment: Please provide a copy of a hold harmless agreement executed with Fairfax County.

Response: *The Applicant has searched the Fairfax County Land Records as well as the Highlands Swim and Tennis Club files. There is no evidence of any hold harmless agreement having been executed between the Applicant and the County.*

Comment: Please identify the relocation of the wading pool on the exhibit.

PHONE 703 528 4700 ■ FAX 703 525 3197 ■ WWW.THELANDLAWYERS.COM  
COURTHOUSE PLAZA ■ 2200 CLARENDON BLVD., THIRTEENTH FLOOR ■ ARLINGTON, VA 22201-3359

LOUDDOWN OFFICE 703 737 3633 ■ PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

*Response: The Applicant has added details regarding the relocation of the wading pool. The relocation will slightly decrease the size of the existing wading pool and allow for better access to the relocated snack bar.*

### **Urban Forest Management**

*Comment: Transitional screening type 1 and barrier D, E, or F is required where the Applicant's property is adjacent to single family detached dwellings on the Eastern and Northern property boundaries. It appears that the intent of the transitional screening requirement is met on the Eastern side property boundary adjacent to the single family detached dwellings with existing vegetation; however, it does not appear the intent of transitional screening requirement is being met on the northern property boundary adjacent to the single family detached dwellings.*

*Response: The Applicant requests a modification of the transitional screening requirement pursuant to Section 13-305 of the Fairfax County Zoning Ordinance. This special permit application simply represents a relocation of a snack bar from an existing structure to another existing structure on the Subject Property. No significant site modifications are proposed in conjunction with this application. The screening between the Subject Property and the adjacent single family detached dwelling on the northern property boundary represents a long-standing existing condition. No site modifications of any kind are proposed adjacent to the single family dwelling. The tennis courts adjacent to the dwelling do not have lighting and will remain un-lit. There are existing evergreen trees between the Subject Property and the adjacent single family dwelling. Additionally, there is limited area between the Subject Property and the single family dwelling to provide additional screening. The provision of additional screening in this area would disturb an area that the Applicant proposes to remain undisturbed and would thus negatively impact the adjacent single family dwelling. The screening and un-lit tennis courts have been located in such a way as to minimize adverse impact to the adjacent property. Given the limited impact of this special permit application, a modification of the required transitional screening is justified.*

### **Department of Public Works and Environmental Services**

*Comment: The Applicant shows 2,206 square feet of proposed floor area. Based on Zoning Ordinance 17-105.1A, a Site Plan and water quality controls are required when an increase of more than 2,000 square feet of gross floor area is proposed.*

*Response: This special permit amendment application simply proposes to convert an existing structure to a snack bar for the swim and tennis club. The existing snack bar location is not convenient to club patrons and the proposed location, in an existing structure, represents a more logical and convenient location that will require only the addition of a roof on an existing structure. The structure that currently houses the snack bar will be converted to storage area for the Applicant's tennis programs. The Applicant does not propose the construction of any new structures or buildings on the Subject Property. Moreover, the relocation of the snack bar will not result in a net increase in usable space on the Subject Property. The existing snack bar will*

*be converted to a storage area and will not be open to general club patrons. Given the nature of this proposal, the lack of exterior site modifications or construction, and the fact that no new structures and no impervious surface is being added to the Subject Property, preparation of a site plan and provision of water quality controls is illogical and unnecessary. The Zoning Ordinance should not be interpreted so strictly as to preclude minor improvements to existing uses. If a site plan were required subsequent to this special permit application, the minor improvements proposed by this application would become infeasible.*

Should you have any questions, or need any additional information, please do not hesitate to contact me.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

  
Sara V. Mariska

cc: Steve Pelak  
Chuck Dunlap  
Lynne J. Strobel  
Martin D. Walsh

Board of Zoning Appeals

-2-

March 15, 1977

1:20 - Highlands Swim Club, Inc., S-214-76. This use will be under site plan control. On March 7, 1977, the Fairfax County Board of Supervisors granted the owner of the subject property permission for the construction of the tennis courts in the established flood plain. This approval was conditioned upon the owner obtaining all necessary "hold-harmless" agreements for construction within a County and/or public utility easement. As of this date, the "hold-harmless" agreements have not been completed, but approval is forthcoming. It is suggested, that if the subject special use permit is granted, it be conditioned upon the owner executing all necessary "hold-harmless" agreements that are needed, satisfactory to the Director of Environmental Management.

Board of Zoning Appeals

2

December 29, 1976

2:00 - Highlands Swim Club, Inc., S-214-76. As of this date, plans have not been submitted for a flood plain study on subject property. Prior to the Board of Supervisors hearing an application for a variance for construction within a flood plain, the Director of Environmental Management must prepare a recommendation to the Board after his review of properly submitted plans. Subsequent to the Director's review and recommendation, the Board of Supervisors will be asked to render a decision on the variance application.

OSH:SWR:mlw

cc: Division of Administrative Services

1:20 - HIGHLANDS SWIM CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning p.m. Ordinance to permit installation of lights (DeVoe) on four existing tennis courts and increase hours of operation to 6:00 a.m. to 11:00 p.m., 2000' north of Route 689 (Linway Terrace), 31-3((1))4A and 185A, Dranesville District, 9.42 acres, RE-1, S-214-76. (Deferred from 10-19-76 and 11-30-76 for new plats and additional information.)

Mr. Haugh represented the applicant.

The report from Preliminary Engineering dated March 15, 1977 stated that on March 7, 1977, the Board of Supervisors granted the owner of the subject property permission for the construction of the tennis courts in the established flood plain. This approval was conditioned upon the owner obtaining all necessary "hold-harmless" agreements for construction within a County and/or public utility easement. The report stated that as of that date the agreements have not been completed, but approval is forthcoming. The report suggested that if the special use permit is granted, that it be conditioned upon the owner executing all necessary "hold-harmless" agreements that are needed, satisfactory to the Director of Environmental Management.

Mr. Haugh stated that they are also working out a "hold-harmless agreement" with the City of Falls Church for the two upper courts. He stated that they are willing to accept less than they asked for with regard to the lights. They would like to light the lower courts, if the Board feels that the upper courts would cause too much of an impact on the neighbors.

Mr. Ferguson, Hume, Virginia, owner of lots 163 and 164, adjacent to the two tennis courts at the end of Hardy Drive, spoke in opposition to the lighting of the two upper courts. He also told the Board that he would like for the Board to enforce the original use permit regarding parking. The applicant has stated that there is no parking problem, but there is. A lot of people park their cars on Hardy Drive and go into the recreation property at that location, rather than going around to the entrance. He stated that he did report this to the Zoning Administrator several years ago. He stated that the Club was also supposed to screen the tennis courts. Two years after the original permit was granted, that screening had not been put in.

100  
Page 160  
March 22, 1977

Another gentleman in the audience stated that at the previous hearing he had presented a petition signed by 12 or 14 adjacent homeowners on Hardy Drive, all of them in strong opposition to the lighting of the upper courts for reasons stated in the petition.

Mr. Smith told Mr. Haugh that it is the Club's responsibility to see that all parking connected with the use is on site.

Mr. Haugh stated that they do have a chain going across the road at the end of Hardy Drive, so people cannot drive into the property. When people come in there and park, they have to back into one of the driveways in order to turn around and go out. He stated that they would provide notice to the members that this is not allowed. He stated that with regard to the screening, they have had trouble getting shrubs to grow there. They did plant another row of trees in 1973, spending \$350.00.

Mr. Swetnam suggested that the Club place a fence all along that property line so that people cannot walk in. If they can't walk in there, they won't park their cars there for that purpose.

Mr. Haugh stated that that would be penalizing 200 people in order to cut off parking for a half dozen. A lot of people walk to this pool and it is closer for them to walk in at that location than to have to go all the way around to the main entrance which would be a couple of miles further.

Mr. Swetnam stated that this may have to be done, if the Club can't control the illegal parking at the end of Hardy Drive.

Mr. Smith noted that there were objections at the original hearing to the extended hours, particularly for the upper courts.

Mr. DiGiullian made the following motion:

WHEREAS, Application S-214-76 by Highlands Swim Club, Inc. under Section 30-7.2.6.1.1 of the Zoning Ordinance to permit installation of lights on four existing tennis courts and increase hours of operation, on property located at 2000' north of Route 689 (Linway Terrace), 31-3(1) 4A and 185A, County of Fairfax, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board held on March 22, 1977; and

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

1. That the owner of the subject property is the applicant.
2. That the present zoning is RE-1.
3. That the area of the lot is 9.42 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 30-7.1.1 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the subject application is granted in part with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated in the application and is not transferable to other land.
2. This permit shall expire one year from this date unless construction has started or unless renewed by action of this Board prior to date of expiration.
3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions

101

Page 161  
March 22, 1977

of this Special Permit.

4. This granting does not constitute an exemption from the legal and procedural requirements of this County and State. THIS SPECIAL PERMIT IS NOT VALID UNTIL A NON RESIDENTIAL USE PERMIT IS OBTAINED.

5. 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.

6. All necessary landscaping and screening shall be provided to the satisfaction of the Director of Environmental Management.

7. The maximum number of memberships shall be 500.

8. The minimum number of parking spaces shall be 148.

9. The hours of operation shall be from 8:00 a.m. to 9:00 p.m. for the upper courts and pool, seven days a week; and

from 8:00 a.m. to 10:00 p.m. for the lower courts.

10. The lights shall be permitted on the two lower courts only. The effects of all lighting are to be confined to the site.

11. A maximum of six (6) after hours parties is to be permitted upon prior written approval from the Zoning Administrator, per season.

12. All other requirements of S-44-65 and S-122-69 shall remain in effect.

13. The granting of this permit is conditioned upon the owner executing all necessary "hold-harmless" agreements with the County in a form acceptable to the Director of Environmental Management.

PRIOR CONDITIONS OF S-122-69:

--that the property be screened on the Hardy Drive side, and the fence around the tennis courts be no higher than 14 feet and interlaced with the proper material to deaden sound on the Hardy Drive side, and that all other provisions of the Ordinance be met. The fencing should be of chain link design, and evergreen trees should be planted to screen the fence from adjacent residential property.

Mr. Swetnam seconded the motion.

The motion passed unanimously.

Mr. Swetnam reminded the applicant that if they cannot work on the parking problems to get parking off Hardy Drive, then corrective action may be required by the Board.

old. to permit installation of lights (201-10) on tennis courts and increase hours of operation from 6:00 a.m. to 11:00 p.m., 2000' north of Route 689 (Linway Terrace), 31-3(1)4A and 185A, Dranesville Dist., 9.42 ac., RE-1, S-214-76. (Deferred from 10-19-76).

(The hearing began at 10:43 a.m.)

Mr. Haugh, 4049 North 41st Street, Arlington, Virginia, registered agent for the group, submitted the required proof of notification to property owners. The notices were in order.

Mr. Haugh stated that the proposed lights would be the low unobtrusive type about 14' off the playing surface.

In answer to Mr. Smith's question regarding the comments made in the staff report that two of their courts had been constructed without permission from this Board and were in the flood plain and no permission had been received from the Board of Supervisors, Mr. Haugh stated that that was true. He stated that the courts had been constructed in good faith with the understanding that approval was not necessary. It seemed to be the best place to place the courts. The courts were constructed in 1974. The association reviewed the

529

Page 529, November 30, 1976, Highland Swim Club, Inc. (continued)

geological survey maps and determined that they could build these courts entirely above the 25 year flood line.

In answer to Mr. Swetnam's question, Mr. Haugh stated that there is a 10' perimeter fence around the tennis courts.

Mr. Swetnam stated that he noted from the plats that one of the courts is constructed over a sanitary sewer line. He stated that it seemed to him that this is improper construction. The tennis court will have to be torn up if the County has to go in there and repair the line. He stated that he questioned whether the County would have permitted this court to be constructed over this line.

Mr. Haugh stated that one of the upper courts is constructed over an 8 inch water main.

Mr. Swetnam stated that the club is in as much trouble with that one too.

Mr. Smith stated that some of the required parking spaces have been deleted.

Mr. Covington stated that to his knowledge, there had been no complaints about the parking. However, the Permittee should have come back to the Board for any of these changes

Mr. Swetnam stated that the tennis courts' fence is what bothers him. The water will bring the debris up against the fence and this in turn will block the flow of water as the debris piles up.

Mr. Charles Stephan, 1801 Monza Road, McLean, President of the Board of Directors for the club, spoke in support of this application. He submitted a list of 66 signatures from members of the club and residents of the vicinity of Hardy Drive and Forest Drive to the Board.

Ms. Watkins, Chesterbrook Road, spoke in support of the application.

Mr. Tompkins, 6309 Hardy Drive, contiguous property owner, submitted a petition from 13 property owners who are adjacent to these courts expressing strong opposition to this application. He stated that he is a tennis player and a member of the club, but the lights and the usage of the courts after dark is undesirable. They already have a problem with cars parking on the street in front of the courts and in front of the homes. The courts are noisy. The lighting of these courts will have a detrimental effect on the property values of the homes that are adjacent to them. The official entrance to the courts is from Bryan Branch Road. However, the courts are near Hardy Drive and people who wish to use the courts park on Hardy Drive to use the courts.

Mr. D. L. Ferguson, President of the B & F Brick Company, 19 Winchester Street, Warrenton, Virginia, owner of lots 163 and 164 which are directly across the street from the subject property, spoke in opposition to this application. He stated that he was in the process of building two houses on these lots. He stated that in 1969 when Highland Swim Club, Inc. was granted the original Special Use Permit to construct the facilities, one of the conditions was that they provide landscaping and screening from the neighboring houses. After much discussion and delays, the club finally put in some very small evergreens and a screen on the courts. The addition of these lights to these courts will be detrimental to the whole community, he stated.

The Board was in receipt of a letter from Col. Tormey, one of the adjacent property owners, in opposition to this application.

Mr. Haugh in rebuttal stated that when Hurricane Agnes came through several years ago when almost every stream was flooded, the club had no flooding. The hours of operation have been from daylight until dark.

Mr. Durrer inquired of Dr. Tompkins if lights on the lower courts would affect him and his neighbors. Dr. Tompkins stated that they would affect them because the tennis players would still park their cars on Hardy Place in order to get to the courts.

Mr. DiGiulian moved that this case be deferred until the Board can get a drainage report from Design Review as to whether this is, in fact, in the flood plain and whether or not any hold harmless documents have been executed, and if not, why not.

Mr. Durrer seconded the motion.

The motion passed unanimously. The case was set for decision only for

OCTOBER 19, 1976  
11:00 - HIGHLAND SWIM CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ordinance to permit installation of lights (DeVoe = low) on four existing tennis courts and increase hours of operation - ( 6 A.M. to 11 P.M. ).

Mr. Leroy Haugh, 4049 North 41st Street, Arlington, represented the applicant. He could not submit the proper proof of notification to property owners of this hearing. Therefore, the hearing was deferred to 10:20 a.m. on November 30, 1976 for proper notices.

There were three people in the audience who indicated that they were in opposition to this application.

One lady stated that she had a statement in opposition, but would be unable to attend the hearing on November 30, 1976.

A gentleman also indicated that he was in opposition, but would be unable to attend the November 30, 1976. He stated that he would write a statement of opposition and submit it to someone else to present to the Board on that date.

In answer to Mr. Swetnam's question, Mr. Haugh stated that he had a statement answering the inquiry of the staff concerning two of the existing tennis courts.

Mr. Smith stated that these statements would be accepted at the time of the hearing.

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In answer to Mr. Swetnam's question, Mr. Haugh stated that he had a statement answering the inquiry of the staff concerning two of the existing tennis courts.

Mr. Smith stated that these statements would be accepted at the time of the hearing.

January 4, 1977  
P.M.  
2:00 - HIGHLANDS SWIM CLUB, INC. appl. under Sec. 30-7.2.6.1.1 of the Zoning Ord. to permit installation of lights (DeVoe) on four existing tennis courts and increase hours of operation, S-214-76. (Deferred in order for applicant to meet with County departments to determine whether or not permission had been granted to construct the upper tennis courts over a water main and to construct the lower courts in a flood plain.

The Board was in receipt of a comment from Preliminary Engineering stating: "As of this date, plans have not been submitted for a flood plain study on subject property. Prior to the Board of Supervisors hearing an application for a variance for construction within a flood plain, the Director of Environmental Management must prepare a recommendation to the Board after his review of properly submitted plans. Subsequent to the Director's review and recommendation, the Board of Supervisors will be asked to render a decision on the variance application."

The Clerk advised the Board that the water main is owned by the Falls Church Water Authority and that the applicant has been requested to furnish the Board with a copy of the "hold-harmless agreement", if they have one between the club and the water authority.

Mr. DiGiulian stated that he would like a justification from the applicants regarding the parking since the lower tennis courts have been constructed where the required parking was to be.

Mr. Haugh, representing the applicant, stated that the club had found that a lot of people walk to the facility. Even on the hottest days of summer only one-half of the parking lot is used. They do hold swim meets, but they do not overflow their parking lot during these meets. There is one occasion every three to five years where they hold a regional or divisional meet. During that time, they do overflow the parking lot. Even with 165 spaces, which was the requirement, they would not have enough parking.

Mr. DiGiulian stated that he would like to see the individual parking spaces delineated on the plat rather than just a note saying "148 spaces". He moved that the case be deferred until March 18, 1977, for the additional information and the new plats.

22

Mr. Swetnam seconded the motion.

The motion passed unanimously.

# APPLICATION: SPECIAL USE PERMIT

Fairfax County, Virginia

~~12 July~~ 16 August

19 76

Application No. S-214-76

TO THE BOARD OF ZONING APPEALS:

The undersigned hereby applies for a Special Use Permit under the provisions of Article VII of Chapter 30 of the Code of Fairfax County, Virginia, Section 30-7.2.6.1 as follows:

To be typed or printed by the applicant or his agent

Name of Applicant: Highlands Swim Club, Inc.

Name of Owner: Same

Premises located at: Bryan Beach Rd.,  
Approximately 2000 feet North of Route 689 (Linway Terrace)

Name of Subdivision: \_\_\_\_\_

Assessment Map: 51-1 & 51-3 Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

Use requested: To install lights on four (4) existing tennis courts, using the

Devoe Lighting System described in the attached material from Devoe and

Increase hours of operation from 6 P.M. to 11 P.M. recess current daylight

Lot area: 9.42 acres District Dranesville Zoning RE-1 date

LeRoy J. Haugh, Treasurer

Signature of Applicant or Agent  
4049 N. 41st Street  
Arlington, VA 22207

Address  
Home 534 3714  
Office 395 6286

Telephone Number

DO NOT WRITE BELOW THIS LINE

Dates of Hearings

To be completed by County staff during processing

Application received: 8/19/76 Planning Commission: 1/1

Fee paid  Amount 300 Board of Zoning Appeals: 10/19/76

Advertised on 1/1 Board of Supervisors: 1/1

Receipt No. \_\_\_\_\_ Adjoining property owners notified: \_\_\_\_\_

Design & Review: 1/1 Report received: 1/1

Planning Division: 1/1 Report received: 1/1

Inspection Services: 1/1 Report received: 1/1

Fire Marshal: 1/1 Report received: 1/1

Report received: 1/1

Staff Meeting: \_\_\_\_\_

Actions:

Planning Commission \_\_\_\_\_

Board of Zoning Appeals \_\_\_\_\_

Board of Supervisors \_\_\_\_\_

NOTE: If a variance is required in connection with this use, a separate application for that variance must be filed.

**\*\*MOTIONS - BOARD OF ZONING APPEALS**

June 17, 1969

In the application of KAY BEE ASSOCIATES, app. under Sec. 30-7.2.6.1.1 of the Ordinance, to permit erection and operation of swimming pool, wading pool, bathhouse and storage rooms for equipment and office and first aid room, NE corner of Cedar Lane and Electric Ave., Tysons Manor, Providence District, Mr. Yeatman moved that the application be granted according to plat presented and that the applicant provide three parking spaces and a 6 ft. fence around the property; that no noise or lights from this operation spill over onto adjacent property, and that all other provisions of the Ordinance pertaining to this application shall be met. There shall be no use of the pool until proper access is available and occupancy permit has been obtained. Seconded, Mr. Baker. Carried 5-0.

//

In the application of HIGHLANDS SWIM CLUB, INC., app. under Sec. 30-7.2.6.1.1 of the Ordinance, to permit two regulation tennis courts on Highlands Swim Club property, for use of club members, and app. under Sec. 30-6.6 of the Ordinance, to construct 18 ft. fence for tennis courts 18 ft. from property line, approx. 2,000 ft. N. of Rt. 689 (Linway Terrace), Mr. Yeatman moved that the application be granted and tied to the motion granting the facility on March 9, 1965; that the property be screened on the Hardy Drive side, and the fence around the tennis courts be no higher than 14 ft. and interlaced with the proper material to deaden sound on the Hardy Drive side, and that all other provisions of the Ordinance be met. The fencing should be of chain link design, and evergreen trees should be planted to screen the fence from adjacent residential property. Seconded, Mr. Barnes. Carried unanimously.

//

In the application of N. T. HIGGINBOTHAM, application under Sec. 30-6.6 of the Ordinance, to permit house to remain 18.9 ft. from side property line, 12601 Lee Highway, Crystal Springs, Centreville District, Mr. Yeatman moved that the application be granted because of the shape of the lot and because he believed this was an honest error and meets the requirements of the variance section of the Ordinance. All inspections should be made before an occupancy permit is granted, and occupancy of the house without an occupancy permit should not exceed thirty days. Seconded, Mr. Barnes. Carried unanimously.

//

SUN OIL COMPANY, - deferred to July 22 for new plats and percolation tests.

//

In the application of PIXIELAND SCHOOL, application under Sec. 30-7.2.6.1.3 of the Ordinance, to permit addition to school for library space, classroom space for special activities and art room (no increase in enrollment), 6349 Lincolnia Rd., Mason District, Mr. Yeatman moved that the application be approved and tied to the granting of April 18, 1967. All other provisions of the Ordinance shall be met. Construction must start within 12 months of the date of this hearing, otherwise this approval is no longer valid. Extension of

# APPLICATION: VARIANCE or APPEAL

Fairfax County, Virginia

Application No. S-122-69 13 May 19 69

TO THE BOARD OF ZONING APPEALS:

The undersigned hereby applies for a Variance/Appeal under the provisions of Article VI Chapter 30 of the Code of Fairfax County, Virginia, Section 30-6.6 as follows:

To be typed or printed by the applicant or his agent

Name of Applicant: Highlands Swim Club, Inc.

Name of Owner: Same

Premises located at: Approx. 2000 feet north of Rte 689(Linway Terrace)

Name of Subdivision: \_\_\_\_\_

Assessment Map: 31-14313 Block(s) (1) 44 + 185A Lot(s) \_\_\_\_\_

Request: To construct 18 foot fence for tennis courts, feet from Highlands Swim Club property line adjoining Lot 163 in Section V of Potomac Hills and end of Hardy Drive.

Lot area: 9.42 acres District: Dranesville Zoning: RE-1

*LeRoy A. Haugh*  
 LeRoy A. Haugh, Vice Pres &  
 Gen'l. Counsel  
 Signature of Applicant or Agent  
 1802 Sheridan Court  
 McLean, Va. 22101  
 Address  
 Home 356-2030  
 Office Oxford 64745/64848  
 Telephone Number

DO NOT WRITE BELOW THIS LINE 7 Attach one copy of your justification

### Dates of Hearings

Application received:    /   /    Planning Commission:    /   /   

Fee paid     Amount     Board of Zoning Appeals: 6 11 69

Advertised on    /   /    Board of Supervisors:    /   /   

Receipt No.     Adjoining property owners notified:    /   /   

Design & Review:    /   /    Report received:    /   /   

Planning Division:    /   /    Report received:    /   /   

Inspection Services:    /   /    Report received:    /   /   

Fire Marshal:    /   /    Report received:    /   /   

   /   /    Report received:    /   /   

Staff Meeting:    /   /   

### Actions:

Planning Commission \_\_\_\_\_

Board of Zoning Appeals \_\_\_\_\_

Board of Supervisors \_\_\_\_\_

To be completed by County staff during processing

NOTE: If a Use Permit is required in connection with this use, a separate application for that Use Permit must be filed.

ANL

N 16 41 E 34

S 44 28 21 W 1008.80'

HARDY DRIVE

323.00'  
S 45 17 39 E



Proposed Tennis Courts

HIGHLANDS SWIM CLUB  
9.42 Acres



Existing Swimming Pools

N 84 35 E  
284.60'

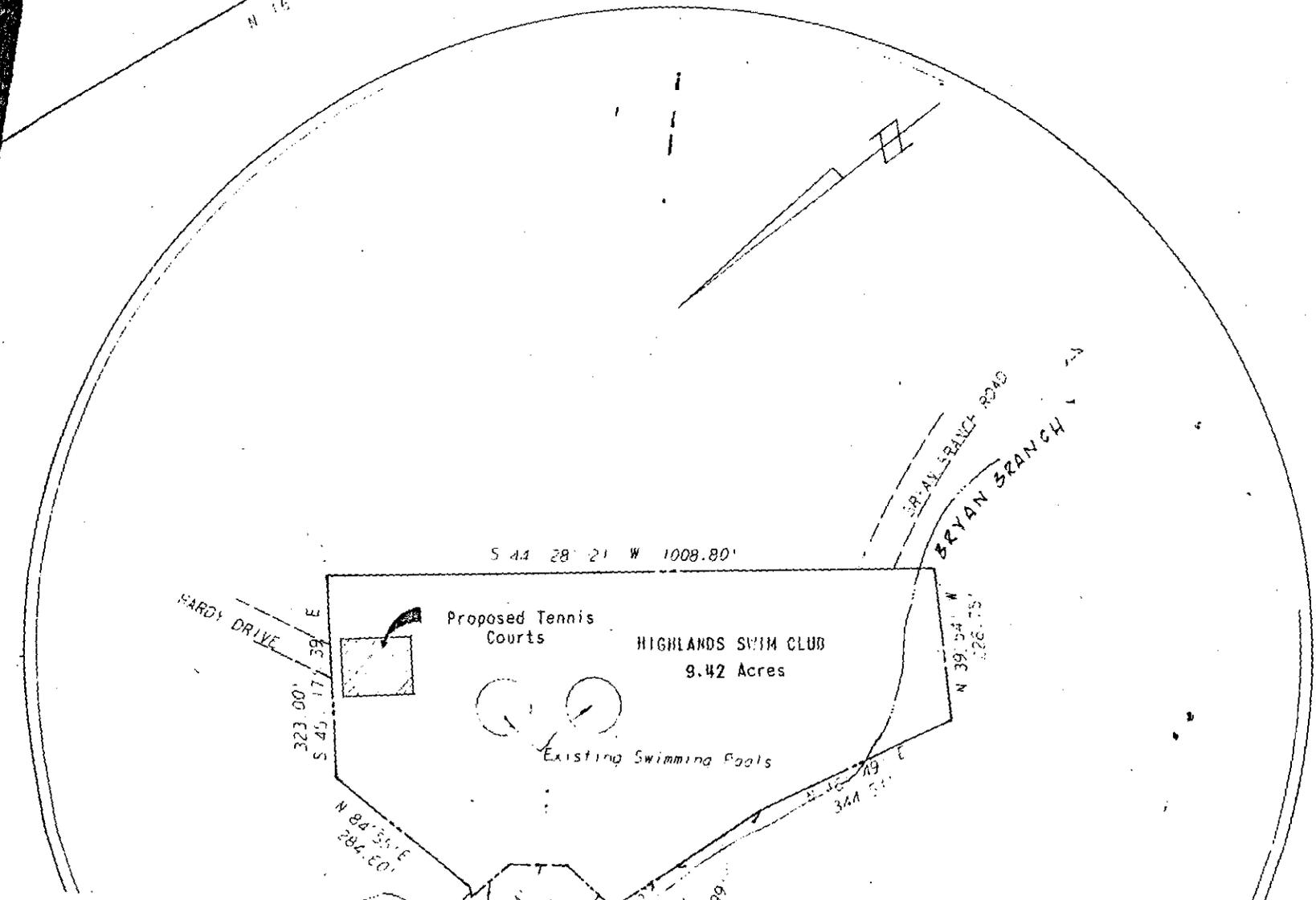
344.51' E

N 39 04 W  
326.75'

BRYAN BRANCH ROAD

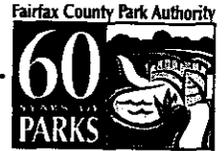
BRYAN BRANCH

E 65 59





# FAIRFAX COUNTY PARK AUTHORITY



## M E M O R A N D U M

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

RECEIVED  
DEPARTMENT OF PLANNING  
AND ZONING

NOV 30 2010

**FROM:** Sandy Stallman, Manager  
Park Planning Branch, PDD *SS*

SPECIAL PERMIT &  
VARIANCE BRANCH

**DATE:** November 29, 2010

**SUBJECT:** SPA 76-S-214; Highland Swim and Tennis Club  
Tax Map Number: 31-1 ((1)) 4A and 31-3 ((1)) 185A

### BACKGROUND

The Park Authority staff has reviewed the proposed Development Application for the above referenced application. The Development application proposes minor modifications to an existing structure to allow for re-purposing as a snack stand.

### COMPREHENSIVE PLAN CITATIONS

**FAIRFAX COUNTY COMPREHENSIVE PLAN, 20  
POLICY PLAN Parks and Recreation, Page 1**

#### **Introduction**

“ A large portion of parkland, that includes a part of the Countywide trail system, is collocated within Environmental Quality Corridors (EQC's) establishing an integrated network of stream valleys and associated lands. The purpose of this network is to conserve open space; protect wildlife habitat, biodiversity of species, riparian corridors, water quality and aesthetic values; control flooding and erosion; and provide continuity of non-motorized access between parklands, residential communities, employment and commercial centers and transit areas. The public park system is challenged, now and in the future, with completing the network by acquiring linking”

#### **Policy i:**

“Acquire those Environmental Quality Corridors (EQC) segments needed to connect and complete the public stream valley network and trail systems. Where land acquisition may not be feasible or desirable, work to obtain use of privately-owned resources through voluntary means such as conservation easements and cooperative agreements.”

**Analysis:**

The Countywide Trails Plan shows a stream valley trail located along Pimmit Run on the northern boundary of the subject property. The property abuts Pimmit Run Stream Valley Park, owned and operated by the Park Authority, along the western property boundary. Pimmit Run crosses the property along the northwest corner. There is an existing trail section in this stream valley park to which a trail located on the subject property could connect. The Park Authority has an easement for a trail in place in the adjacent Potomac School property located to the north of the site. A trail connection through this site is an important link in this stream valley trail system that will support trail connectivity in this area.

The location of this trail section would allow the club members to access the stream valley trail system from their site and would offer the club members the opportunity for pedestrian access to the club.

**Recommendation:**

The Park Authority recommends that the applicant dedicate a minimum 20' wide strip of land, except may be less as needed in the area of the tennis courts, to the FCPA for a trail section along the northern property boundary (see attached exhibit). This dedication can take place as a development condition.

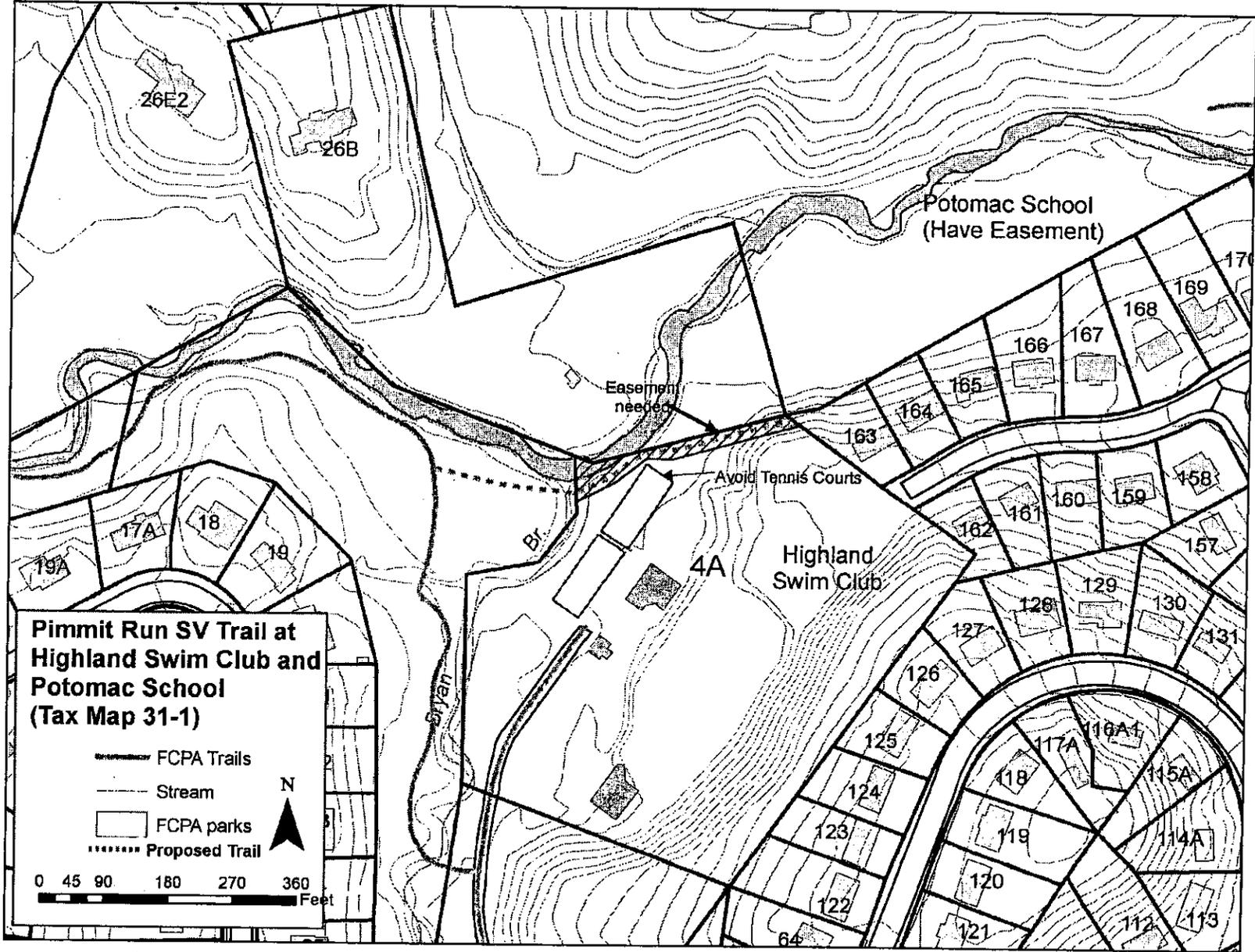
In accordance with a December 11, 2000 BOS resolution, "park, recreation or open space should be deeded directly to the Fairfax County Park Authority without first being deeded to the Board." The development condition should indicate that land will be dedicated directly to the Park Authority and a note indicating such should be added to the Development Plan.

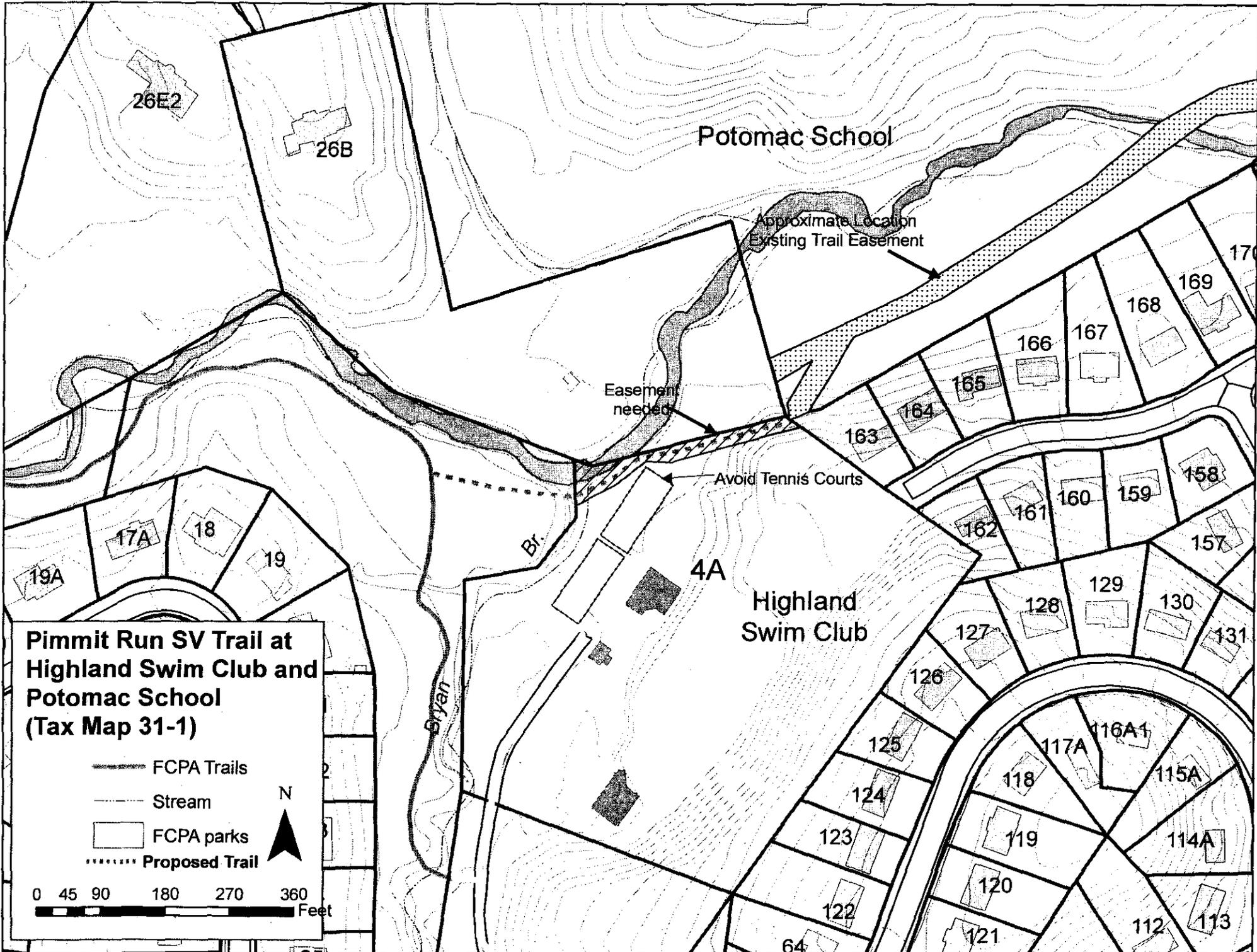
The exact location of the easement for the trail will be determined by the Park Authority Trail Program Manager. Please have the applicant contact Trails Manager, Liz Cronauer (703) 324-8629, to schedule a site visit regarding the easement location.

FCPA Reviewer: Pat Rosend  
DPZ Coordinator: Debbie Hedrick

Copy: Cindy Walsh, Director, Resource Management Division  
Liz Cronauer, Trails Manager, Planning and Development Section  
Chron Binder  
File Copy

P:\Park Planning\Development Plan Review\DPZ Applications\Sp\SPA-76-S-214\SPA 76-S-214  
RPT.doc





**Pimmit Run SV Trail at  
Highland Swim Club and  
Potomac School  
(Tax Map 31-1)**

-  FCPA Trails
-  Stream
-  FCPA parks
-  Proposed Trail

N  
▲

0 45 90 180 270 360  
Feet



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** October 25, 2010

**TO:** Debbie Hedrick, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Sharad Regmi, Stormwater Engineer  
Environmental and Site Review Division  
Department of Public Works and Environmental Services

**SUBJECT:** Special Permit Amendment Application # SPA 76-S-214 Plat dated July 2, 2010, LDS Project #25401-ZONA-001-1, Tax Map # 031-3-01-185A, Dranesville District

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We have reviewed the subject application and offer the following stormwater management comments.

### Chesapeake Bay Preservation Ordinance (CBPO)

There is Resource Protection Area (RPA) on this site. Applicant has not proposed any land disturbance within the RPA.

Water quality controls are required for construction requiring a Site Plan [ZO 17-106.30, ZO 9-011.2J (2)(a)]. The applicant shows 2206 SF of proposed floor area. Based on ZO 17-105.1A, a Site Plan is required when an increase of more than 2000 sq ft of gross floor area is proposed.

### Floodplain

There are regulated floodplains on the property. The location of Silo is outside the floodplain and there is no proposed land disturbance within the floodplain.

### Downstream Drainage Complaints

There are no downstream drainage complaints on file.

### Stormwater Detention

Stormwater detention is not required, if there is no net increase in the impervious area.

Department of Public Works and Environmental Services  
Land Development Services, Environmental and Site Review Division  
12055 Government Center Parkway, Suite 535  
Fairfax, Virginia 22035-5503  
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



Debbie Hedrick, Staff Coordinator  
Special Permit Amendment Application # SPA 76-S-214, Highlands Swim & Tennis Club  
October 25, 2010  
Page 2 of 2

Site Outfall

An outfall narrative has not been provided [ZO 9-011.2J(2)(c)].

Dam Breach

The property is not within the dam breach inundation zone (LTI 09-10).

Please contact me at 703-324-1720 if you require additional information.

SR/

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES  
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES  
Zoning Application File



# County of Fairfax, Virginia

## MEMORANDUM

October 25, 2010

**TO:** Ms. Debbie Hedrick, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Craig Herwig, Urban Forester III *CSH*  
Forest Conservation Branch, DPWES

**SUBJECT:** Highlands Swim and Tennis Club, SPA 76-S-214

**RE:** Request for assistance dated October 6, 2010

RECEIVED  
DEPARTMENT OF PLANNING  
AND ZONING

OCT 26 2010

SPECIAL PERMIT &  
VARIANCE BRANCH

This review is based on the Special Permit Amendment Plat (SPA) 76-S-214 and the Special Permit Application stamped as "Received, Department of Planning and Zoning, July 15, 2010." A site visit was conducted on October 21, 2010.

**General Comment:** The proposed relocation of the concession stand from the present location to the "silo" will have no impact to existing vegetation on this site. The Urban Forest Management Division has no comments or recommendations for this proposed amendment to the Special Permit, however it does not appear the Highlands Swim and Tennis Club is in compliance with the Transitional Screening and Barrier requirements, 13-300 of the Zoning Ordinance.

- Comment:** Transitional screening type 1 and barrier D, E, or F is required where the Applicants property is adjacent to single family detached dwellings on the Eastern and Northern property boundaries. It appears the intent of the transitional screening requirement is met on the Eastern side property boundary adjacent to the single family detached dwellings with existing vegetation, however, it does not appear the intent of the transitional screening requirement is being met on the northern property boundary adjacent to the single family detached dwellings.

**Recommendation:** A transitional screening type 1 and barrier D, E, or F should be provided adjacent to the single family detached dwellings on the northern property boundary or a transitional screening and barrier modification/waiver request with detailed justification in conformance with Section 13-305 of the Zoning Ordinance should be provided as part of the Special Permit Application.

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

CSH/  
UFMID #: 155141

cc: RA File  
DPZ File

Department of Public Works and Environmental Services  
Land Development Services, Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769  
www.fairfaxcounty.gov/dpwes



**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.

**8-403 Standards for all Group 4 Uses**

1. Except for Use 2 set forth in Sect. 401 above, all uses and their related facilities shall be under the control and direction of a board of managers composed, at least in part, of the residents of the area intended to be served by the facility. Further, no Group 4 use shall be operated on a profit-making basis, and the owner of the facility shall be a nonprofit organization where membership thereto is limited to residents of nearby residential areas.
2. All uses shall comply with the bulk regulations of the zoning district in which located.
3. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.