



APPLICATION ACCEPTED: May 26, 2011
PLANNING COMMISSION: September 21, 2011
BOARD OF SUPERVISORS: Not yet Scheduled

County of Fairfax, Virginia

September 1, 2011

STAFF REPORT

SE 2011-MV-006

MOUNT VERNON DISTRICT

APPLICANT: Hamdi H. Eslaquit d/b/a Hamdi's Child Care and Selim M. Eslaquit

ZONING: PDH-2

PARCEL: 99-2 ((17)) 31

ACREAGE: 13,006 SF

PLAN MAP: Residential; 1-2 du/ac

SE CATEGORY: 6-105: Home child care facility

PROPOSAL: To permit a home child care facility for a maximum of 10 children

STAFF RECOMMENDATIONS:

Staff recommends that the Board of Supervisors approve SE 2011-MV-006, 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 proffered by the owner, 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

Kelli Goddard-Sobers

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

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

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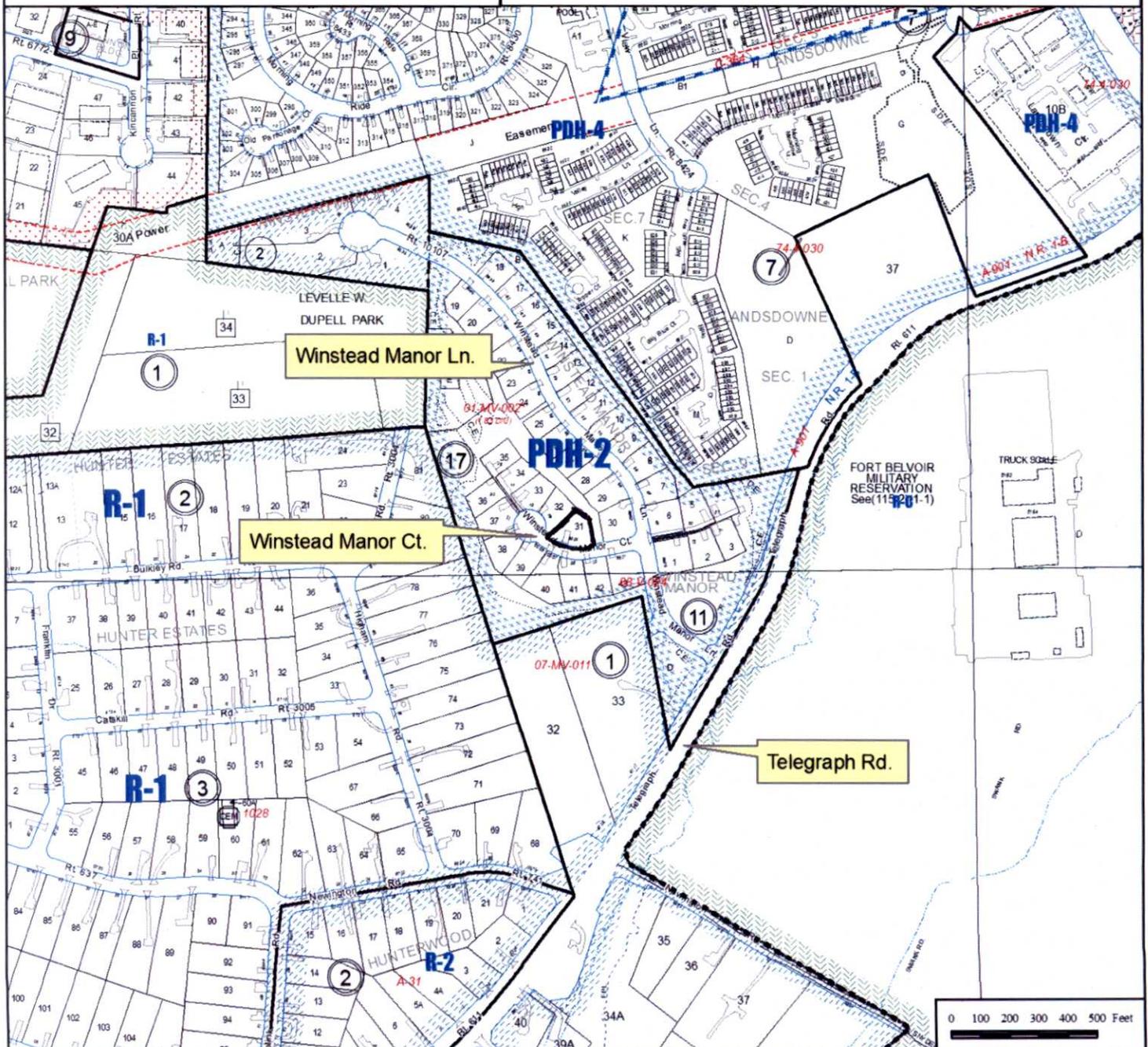
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

SE 2011-MV-006



Applicant: HAMDI H. ESLAQIT. D/B/A HAMDI'S CHILD CARE AND SELIM M. ESLAQIT
Accepted: 05/26/2011
Proposed: HOME CHILD CARE FACILITY
Area: 13006 SF OF LAND;
DISTRICT - MOUNT VERNON
Zoning Dist Sect: 06-0105
Art 9 Group and Use: 0-05
Located: 6606 WINSTEAD MANOR COURT
Zoning: PDH- 2
Plan Area: 4
Map Ref Num: 099-2- /17/ /0031

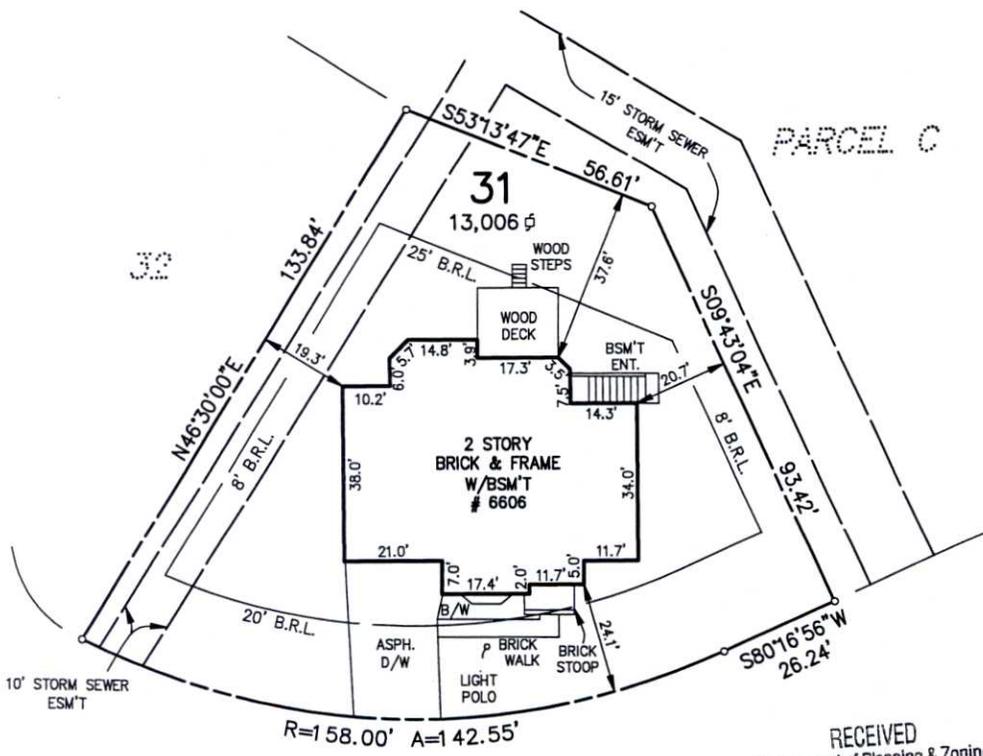
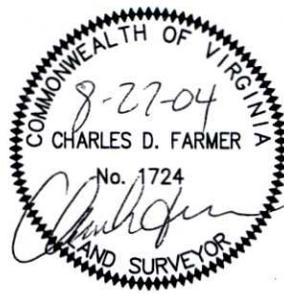


HOUSE LOCATION SURVEY

WINSTEAD MANOR

LOT 31

#6606 WINSTEAD MANOR COURT
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA



WINSTEAD MANOR COURT
(44' R/W)

RECEIVED
Department of Planning & Zoning
DEC 09 2010
Zoning Evaluation Division

THIS PROPERTY LIES WITHIN A H.U.D. DESIGNATED "X" FLOOD HAZARD AREA DETERMINED TO BE OUTSIDE A 500 YEAR FLOOD PLAIN, AS DELINEATED ON COMMUNITY MAP NO. 515525 0125 D, DATED MARCH 5, 1990.

THIS PROPERTY IS ZONED PDH-2
ALL EASEMENTS ARE RECORDED IN D.B.13626 AT PG.0164 UNLESS OTHERWISE NOTED.
FINAL PROPERTY CORNERS HAVE NOT BEEN SET.

WALL CHECK	Drn. By : JJS	FINAL SURVEY	Drn. By : TTA	RECERT	Drn. By :
Date : 3/19/04	Chk By : JAD	Date : 8/25/04	Chk By : JJS	Date :	Chk By :

SURVEYORS CERTIFICATE
I hereby certify that the position of the existing improvements shown hereon have been carefully established by accepted land surveying practices and that unless shown, there are no visible encroachments either way across the property lines. The plan is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. This drawing was prepared without the benefit of a title report.

CPJ Associates Charles P. Johnson & Associates, Inc.
PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS
3959 PENDER DRIVE SUITE 210 FAIRFAX, VIRGINIA 22030 (703)385-7555
SILVER SPRING, MD FAX(703)273-8580

Reference	Scale	File No.
D.B. 13626 PG. 0164	1" = 30'	00-537-72

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal: The applicants, Hamdi H. Eslaquit, d/b/a Hamdi's Child Care and Selim M. Eslaquit are seeking approval of a special exception to operate a home child care facility for a maximum of ten children

Hours: 7:30 a.m. – 5:30 p.m., Monday through Friday

Parking: Two spaces in the garage, four spaces in the driveway

Employees: Two; the applicant and one nonresident employee

Copies of the proposed development conditions, affidavit and statement of justification are included in Appendices 1-3, respectively.

LOCATION AND CHARACTER

The subject property is located at 6606 Winstead Manor Court within the Winstead Manor subdivision. The subdivision is located to the west of Telegraph Road, and has one access point to Telegraph Road via an internal street. The subject property, which is located near the southern end of the subdivision, is developed with a single-family detached dwelling with an attached two-car garage and a driveway that can accommodate four vehicles. Recreational space is available in both the rear and side yards and are enclosed with a wooden fence.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Single-family detached dwellings (Winstead Manor)	PDH-2	Residential, 1-2 du/ac
South	Single-family detached dwellings (Winstead Manor)	PDH-2	Residential, 1-2 du/ac
East	Single-family detached dwelling(Winstead Manor)	PDH-2	Residential, 1-2 du/ac
West	Single-family detached dwelling (Winstead Manor)	PDH-2	Residential, 1-2 du/ac

BACKGROUND

Site History:

On August 6, 2001, the Board of Supervisors (BOS) approved RZ 2001-MV-002 with proffers, to rezone 23.52 acres from the R-1 District to the PDH-2 District to permit the development of 43 single-family detached dwellings. The rezoning's final development plan (FDP) was approved by the Planning Commission on June 28, 2001 contingent on the Board's approval of the rezoning. The subject property is part of the approved development. A copy of the applicable proffers is included in Appendix 4.

On November 29, 2010, an inspector from the Fairfax County Department of Code Compliance inspected the subject property and found that the applicant was operating a home child care facility where nine children were being cared for and two nonresident employees were present.

On December 6, 2010 the Department of Code Compliance issued a notice of violation letter (see Appendix 5) to the applicant directing the applicant to reduce the number of children to seven or to apply for a special permit to allow more than seven children, and to reduce the number of non-resident employees to one. According to Section 10-103 (6) of the Zoning Ordinance, the maximum number of children permitted at any one time for home child care facilities located in a single-family detached dwelling is seven. In addition, only one nonresident person is permitted to be involved with the home child care facility in addition to the provider who uses the dwelling as their primary residence.

In conventional residential zoning districts, home child care facilities that propose more than seven children and/or more than one nonresident employee are allowed by obtaining a special permit from the Board of Zoning Appeals (BZA). However, in this instance the applicant must obtain a special exception from the Board of Supervisors as the subject property is zoned PDH-2. Section 6-105 of the Zoning Ordinance, applicable to all PDH zoning districts, states that secondary land uses, such as home child care facilities, may be permitted with the approval of a special exception when such use is not specifically designated on an approved FDP. As the home child care use is not on the FDP, it must be approved either by a special exception or an amendment to the FDP.

COMPREHENSIVE PLAN PROVISIONS (Appendix 6)

Plan Area:	Area IV
Planning District:	Springfield
Planning Sector:	S-6 Newington Community Planning Sector
Plan Map:	Residential, 1-2 du/ac

Plan Text:

On page 70 in the Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Springfield Planning District under the S-6 Newington Branch Community Planning Sector as amended through May 10, 2011, the Plan states:

The approximately 35-acre tract (Tax Map 99-2 ((1)) 36, 99-4 ((1)) 32, 33) west of Telegraph Road and south of the Landsdowne development is planned for clustered, single-family detached residential use at 1-2 dwelling units per acre. The marine clay located on the steep slopes of Parcel 36 should be avoided. Land for a public park, adjacent to existing parkland, should be provided.

ANALYSIS**House Location Survey Plat** (Copy at front of staff report)

Title of House Location Survey Plat: Winstead Manor Lot 31

Prepared By: Charles P. Johnson & Associates, Inc.

Original and Revision Dates: August 25, 2004

The SE Plat depicts a two-story brick and frame dwelling with a basement located in the center of a 13,006 square foot (SF) lot. A wooden deck with steps is located at the rear of the dwelling. The eastern side yard contains steps barricaded with a wooden gate, which lead to the basement where the home child care facility is operated.

The property is accessed via an asphalt driveway, approximately 19.5 feet wide by 38 feet long, which leads to a two-car garage incorporated into the western side of the dwelling. The driveway is large enough to park four cars without impeding pedestrian movement on the sidewalk. Pedestrian access is provided via a brick walkway located at the front of the house.

The rear and side yards are enclosed by an approximately six-foot high wooden board-on-board fence with a gate located on the eastern side to provide access to the yard. The applicant has identified a play area in the rear and eastern side yards. The improvements shown on the SE plat are all existing features, and no site changes or building modifications are proposed with this application.

Land Use Analysis

There are no land use impacts associated with the proposed use. The proposed home child care has sufficient space in the existing driveway to accommodate all drop-off and pick-up activity on-site. There is a two-car garage for the single-family dwelling and four spaces available in the driveway. The current drop-off and pick-up schedule for the children is as follows:

AM

7:30 a.m. to 8:00 a.m. – 3 children
 8:15 a.m. to 8:45 a.m. – 3 children
 9:00 a.m. to 9:30 a.m. – 4 children

PM

3:30 p.m. to 4:00 p.m. – 3 children
 4:15 p.m. to 4:45 p.m. – 3 children
 5:00 p.m. to 5:30 p.m. – 4 children

The applicant uses the two-car garage to park her vehicle, and the driveway is kept clear for the parents' arrival and departure. Therefore, space is available for four vehicles to pull into the driveway and park. Parents have pedestrian access to the house via a walkway located at the front of the house which also leads to the gate located in the fence in the eastern side yard.

Transportation Analysis (Appendix 7)

Fairfax County Department of Transportation (FCDOT) staff stated that the applicant needs to show adequate parking and circulation on the SE plat. The applicant has provided staff with exhibits (see Appendix 3) that show there is adequate parking and circulation on-site. Therefore, this issue has been resolved.

ZONING ORDINANCE PROVISIONS (Appendix 9)

Special Exception Requirements

Standards for all Group 3 Uses (Sect. 8-303)
 Additional Standards for Home Child Care Facilities (Sect. 8-305)
 General Special Exception Standards (Sect. 9-006)

Standards for all Group 3 Uses (Sect. 8-303)

All Group 3 uses shall satisfy the following standards:

1. *Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject of the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.*

No site improvements are proposed with this use. The home child care facility use would be established on a lot that complies with the lot size and bulk regulations established for the site as approved with the PDH districts.

2. *All uses shall comply with the performance standards specified for the zoning district in which located.*

The proposed use would comply with all performance standards in Article 14.

3. *Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans*

Since the proposed use is a home child care facility, this standard is not applicable.

Additional Standards for Home Child Care Facilities (Sect. 8-305)

All home child care facilities shall satisfy the following standards:

1. *The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed ten (10), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use.*

The applicant's request is to care for up to 10 children at any one time. No request has been made to involve additional nonresident persons with the use.

2. *The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.*

The existing parking on the subject property is sufficient for both the single family dwelling and the proposed child care facility. Staff advised the applicant that there should be a parking space available for the non-resident employee. Parking is provided in a two-car garage for the single family dwelling and space is also available in the driveway to accommodate four vehicles. The applicant is also proposing a staggered pick-off and drop-off schedule to minimize the occurrence of vehicles stacking in the street when parents arrive to drop-off and pick up their children. Staff finds this standard has been satisfied.

3. *The provisions of Article 13 shall not apply to home child care facilities; however, the BZA may require the provision of landscaping and screening based on the specifics of each application.*

There is adequate screening provided around the perimeter of the fence. No supplemental landscaping or screening would be needed for the proposed use at this location.

4. *Notwithstanding Par. 2 of Sect. 8-011, all applications shall be accompanied by ten copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:*
 - a. *The dimensions, boundary lines and area of the lot or parcel.*
 - b. *The location, dimensions and height of any building, structure or addition, whether existing or proposed.*
 - c. *The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.*
 - d. *The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.*

The applicant's waiver request for submission of the SE plat was approved by staff. The applicant has provided a house location survey plat in lieu of the SE plat that shows dimensions of all yards and other details. In addition, a separate exhibit which shows the outdoor recreation space and its location has been provided to staff. Therefore, staff finds this standard has been met.

5. *All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.*

This standard references the chapter in the Code of Virginia related to the licensure and registration of home child care facilities. The applicant is a licensed child care provider subject to these regulations.

General Special Exception Standards (Sect 9-006)

General Standard 1 states that the proposed use at the specified location shall be in harmony with the adopted comprehensive plan. As noted earlier in the staff Report under the Land use Analysis section, the proposed use satisfies the locational guidelines for child care facilities. Therefore, staff has concluded that this standard has been met.

General Standard 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. The purpose and intent of the of the PDH District focuses on the design and construction of dwellings, along with open space, mixed housing types, and housing affordability. The proposed use would be harmonious with this district's purpose and intent which allows such a use with Special Exception approval. The appearance of the dwelling's exterior will be maintained and the side and rear yard where the outdoor play area is located is well screened with vegetation and a wooden fence. Staff is satisfied that this standard has been met.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the Comprehensive Plan. The outdoor recreation area is located on the eastern side of the property which is adjacent to an open space area. The rear and side yards are also well screened from adjacent properties by vegetation and a fence. Therefore, staff concludes this standard has been met.



General Standard 4 states that the vehicular and pedestrian traffic associated with the proposed use not be hazardous or conflict with existing or anticipated traffic in the neighborhood. As mentioned earlier on the report, all pick-up and drop-off activities associated with the proposed use will be on-site. The arrival and pick-up times are staggered to minimize the stacking of vehicles on the street. A walkway is provided at the front of the house to provide pedestrian access to the house and child care facility. Staff is satisfied this standard has been met.

General Standard 5 notes that the provisions of Article 13 regarding transitional screening and barriers are applicable. Staff believes the existing vegetation and barrier adequately buffer the abutting areas. Therefore, staff finds this standard has been met.

General Standard 6 requires that open space be provided in accordance with the requirements of the applicable zoning district. The PDH district requires a minimum of 35% of the gross area be landscaped open space. The FDP governing the subject property indicates that this requirement has been satisfied. Also, the applicant's privacy yard exceeds the Zoning Ordinance's 200 square foot minimum.

General Standard 7 addresses utilities, drainage, parking, loading, and other facilities necessary for a proposed use. Utilities and the parking requirement have been met and continue to be met with this application. No site changes are proposed that would impact the existing utility or drainage facilities approved at the time the existing dwelling was constructed. The house's parking is in accordance with Article 11 and sufficient area exists to allow four additional parking spaces within the driveway on-site.

General Standard 8 addresses signage, noting that all signage associated with the proposed facility must meet the provisions of Article 12, Signs. Signs are not permitted for home child care facilities and none are proposed. Therefore, staff finds this standard has been met.

Summary of Zoning Ordinance Provisions

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

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant, Hamdi H. Eslaquit d/b/a Hamdi's Child Care and Selim M. Eslaquit are seeking approval of a special exception to operate a home child care facility for a maximum of ten children. Staff finds that the proposal for a home child care facility is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Recommendation

Staff recommends that the Board of Supervisors approve SE 2011-MV-006, 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 proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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 Supervisors.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification and Parking and Circulation Exhibits
4. Proffers and reduction of FDP for RZ 2001-MV-002
5. Violation Letter
6. Comprehensive Plan Citations
7. Transportation Analysis
8. Applicable Zoning Ordinance Provisions
9. Glossary

PROPOSED DEVELOPMENT CONDITIONS**SE 2011-MV-006****September 1, 2011**

If it is the intent of the Board of Supervisors to approve SE 2011-MV-006 located at 6606 Winstead Manor Court, Tax Map 99-2 ((17)) 31, for a home child care facility with up to ten children, pursuant to Sect. 6-105 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. Any plan or permit submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Winstead Manor Lot 31" prepared by Charles P. Johnson & Associates, Inc. consisting of one sheet dated August 25, 2004, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to the applicable provisions of the Zoning Ordinance.
4. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed ten.
5. Hours of operation for the home child care facility shall not exceed 7:30 AM to 5:30 PM, Monday through Friday.
6. A maximum of one nonresident person, whether paid or not for their services, may be involved in the home child care facility, provided that there is only one such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday .
7. The garage shall not be converted to any use which would preclude the parking of vehicles. At no time during the hours of operation of the home child care facility shall vehicles used by the residents be parked in the driveway.
8. The arrival and departure times of children who are being picked up and/or dropped off by automobile shall be staggered at intervals of a minimum of 15 minutes.
9. No signage shall be allowed on site.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-RUP. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 7-18-2011
 (enter date affidavit is notarized)

I, HAMDI ESLAQUIT, 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

1122776

in Application No.(s): SE 2011-MV-006
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information 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 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.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
HAMDI H. ESLAQUIT d/b/a HANDI'S CHILD CARE ^{HE}	6606 WINSTEAD MANOR CT LORTON, VA 22079	Applicant / Title Owner
SELIM M. ESLAQUIT	6606 WINSTEAD MANOR CT LORTON, VA 22079	Title Owner / Co-applicant ^{HE}

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception 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).

SPECIAL EXCEPTION AFFIDAVIT

DATE: 7-18-11
(enter date affidavit is notarized)

for Application No. (s): SE 2011-MV-006
(enter County-assigned application number(s))

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 and number, street, city, state, and zip code)

Hamdis Child Care - Sole Proprietorship
6606 Winstead Manor Ct. Lorton, VA 22079

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)

Hamdi H. Eslaguit, Sole Proprietor

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 7/18/11
(enter date affidavit is notarized)

for Application No. (s): SE 2011-MV-006
(enter County-assigned application number(s))

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, and number, street, city, state, and zip code)

(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 Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 7/18/11
(enter date affidavit is notarized)

for Application No. (s): SE 2011 - MU - 006
(enter County-assigned application number(s))

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 Supervisors, 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 Exception Attachment to Par. 2" form.

Application No.(s):

SE 2011-MV-006

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 7/18/11 (enter date affidavit is notarized)

112277

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, 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.

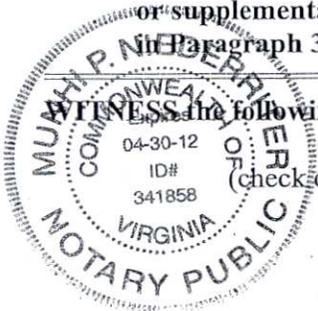
EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

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 Exception 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:

Handwritten signature of Hamdi H. Esraquit, [X] Applicant

HAMDI H. ESRAQUI T (type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 18th day of July, 2011, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public signature and title

My commission expires: 04/30/2012



Hamdis Childcare

OFFICE

6606 Winstead Manor CT
Lorton, VA 22079

PHONE

703-339-8757

EMAIL

Hamdischildcare@gmail.com

WEB

www.HamdisChildCare.com

Monday August 22, 2011

Dear Licensing department,

I'm submitting this application for a special license to up the number of children Hamdis Child Care can care for from 7 to the maximum allowed as an exception, would like 10. We have been leaving here since the community was built, we have had the child care from day one and I have always had the same amount of clients coming to me, as time went by our neighbor (2 homes next to me) requested my help on how to go about getting licensed and came to our home SEVERAL times to observe my operation, I helped her 100% of the time to achieve her goal to have her own business, not knowing that later her own neighbor would also open a day care. The complaints you hear in our neighborhood really come from their traffic area since they leave in a very small street and they both create conflict with each other and their neighbors as well. The purpose of me explaining this is because I would like you to understand what is going on between them and due to this it has bled to me. Based on the pictures provided you will clearly see that I have no problem or conflict with parking based on the space my residence has.

- A. Type of operation(s). **Home Day Care.**
- B. Hours of operation. **7:30am to 5:30pm.**
- C. Estimated number of patrons/clients/patients/pupils/etc. **10**
- D. Proposed number of employees/attendants/teachers/etc. **2, including my self. (Ratio will match required amount of children based on age, current ratio 5 to 1, capability of 10 children).**

Adult to child Ratios

1. **1:4 children from birth through 15 months of age**
 2. **1:5 children from 16 months through 23 months of age;**
 3. **1:8 children from two years through four years of age;**
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day. **No traffic impact, clients come between the hours of 7am thru 9am, 3 come between 7:30am to 8:00am, 3 between 8:15am to 8:45am and 4 between 9:am to 9:30am and pick their children up between the hours of 3:30pm to 5:30pm, 3 come between 3:30pm to 4:00pm 3 come 4:15 to 4:45 and 4 between 5:00pm to 5:30pm. I specifically purchase the property mentioned due to parking availability (if needed) and good traffic flow (if needed), when clients pick their children up it does not take more than 5 minutes per child and the norm is about 10 minutes intervals between pick ups, there is never a time when all of them show up at the same time.**
- F. Vicinity or general area to be served by the use. **Residential neighborhood.**
- G. Description of building facade and architecture of proposed new building or additions. **Residential home with basement built to meet request when home was purchased, brick front with siding on the sides. (see pictures and plan).**
- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers. **None.**

- i. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification. **I originally purchased this home with the plan of making the child care in my basement which I built specifically for that purpose as the pictures and plans will specify, I have never had a complaint from any of my neighbors in regards to disturbance or traffic issues during my last 6 years of operation. I depend on the future income to be able to support my children, pay mortgage and cost of living it is a must for me to be able to care for at least 12 children to be able to sustain my living expenses and support my 4 children.**

Sincerely

Hamdi Eslaquit





FAIRFAX COUNTY

APPENDIX 4

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

January 9, 2002

Ms. Lynne J. Strobel
Walsh, Colucci, Stackhouse, Emrich & Lubely, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

RE: Rezoning Application Number RZ 2001-MV-002
(AMENDED - to include complete set of proffers)

Dear Ms. Strobel:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on August 6, 2001, granting Rezoning Application Number RZ 2001-MV-002 in the name of Telegraph I, LLC, to rezone certain property in the Mount Vernon District from the R-1 District to the PDH-2 District, located on the west side of Telegraph Road, approximately 400 feet north of its intersection with Newington Road, subject to the proffers dated July 9, 2001, as amended, consisting of approximately 23.52 acres of land.

The Board also waived the limitation on fence height per Par. 8 of Sect. 16-401 of the Zoning Ordinance to permit an eight (8) foot fence architecturally solid privacy fence as shown on the CDP/FDP.

The Conceptual Development Plan was approved; the Planning Commission having previously approved Final Development Plan FDP 2001-MV-002 on June 28, 2001, subject to the Board's approval of RZ 2001-MV-002.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ds

cc: Chairman Katherine K. Hanley
Supervisor Hyland, Mount Vernon District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator, DPZ
Barbara A. Byron, Director, Zoning Evaluation Division, DPZ
Thomas Conry, Department Manager, GIS Mapping/Overlay
Robert Moore, Transportation Planning Division, Dept. of Transportation
Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle Brickner, Director, Site Development Services, DPWES
Kenny King, Proffer Administrator, Plans & Document Control, OSDS, DPWES
Frank Edwards, Department of Highways, VDOT
Land Acquisition and Planning Division, Park Authority
District Planning Commissioner
James Patteson, Director, Facilities Management Division, DPWES
Barbara J. Lippa, Executive Director, Planning Commission

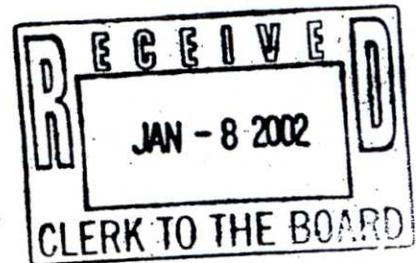
RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
JAN 10 2002
ZONING EVALUATION DIVISION

PROFFERS

Telegraph I LLC

RZ 2001-MV-002

July 9, 2001



Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, Telegraph I LLC (hereinafter referred to as the "Applicant"), for themselves, successors and assigns in RZ 2001-MV-002, filed for property identified as Tax Map 99-2 ((1)) 36, (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-2 District in conjunction with a Conceptual/Final Development Plan (CDP/FDP) for residential development. These proffers shall replace and supersede any previous proffers approved on the Application Property.

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN -

- a. Subject to the provisions of Section 16-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the CDP/FDP, consisting of six sheets prepared by Charles P. Johnson & Associates, Inc. dated December 8, 2000 and revised through May 30, 2001.
- b. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the layout, internal lot lines, and lot sizes of the proposed subdivision at time of subdivision plan submission based on final house locations, building footprints, and utility locations, provided that there is no decrease to the amount and location of open space, tree save, limits of clearing and grading, or distances to peripheral lot lines as dimensioned on the CDP/FDP. Under no circumstance shall the Zoning Administrator consider single-family attached development as a permitted use.

2. TRANSPORTATION -

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way for a public street to serve the residential community as shown on the CDP/FDP. Dedication shall be made at time of recordation of the final subdivision plat.

- b. Subject to VDOT and DPWES approval, the Applicant shall construct a public street within the residential community within the dedicated right-of-way, as shown on the CDP/FDP. Pipestem driveways shall be maintained by the lot owners utilizing said pipestem driveways. Said maintenance responsibilities and public pedestrian easements as applicable shall be disclosed to initial prospective purchasers prior to entering into a contract of sale, and shall be disclosed in the homeowners association documents established for the Application Property.
- c. On or before final bond release for the proposed development, and as a condition thereto, Applicant shall deposit into an escrow account, owned and controlled by the homeowners association established for the proposed development, the amount of One Thousand Five Hundred Dollars (\$1,500.00). This escrow shall be utilized by the homeowners association for future maintenance of the pipestem driveways within the community. Using the Board of Supervisors approval date of the rezoning application as the base date, the payment amount shall be adjusted in accordance with the Construction Cost Index at time of payment.
- d. The Applicant shall construct a four (4) foot wide concrete sidewalk on both sides of the street within the dedicated right-of-way within the residential development, as shown on the CDP/FDP.
- e. All of the improvements described herein shall be constructed concurrent with development of the Application Property.
- f. Applicant reserves density credit as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all dedications described herein or as may be reasonably required by Fairfax County or VDOT whether such dedications occur prior to or at time of subdivision plat approval.
- g. Applicant shall dedicate to the Board of Supervisors in fee simple sufficient land area and grant necessary ancillary easements to provide public street access for the benefit of adjacent Parcels 32 and 33 from the public street as shown on the CDP/FDP. The dedication of land and granting of easements, if any, shall not be construed as an obligation to construct improvements or to maintain future improvements constructed by others. The homeowners association documents established for the Application Property shall include notification of the provision of public street access to Parcels 32 and 33. All initial prospective purchasers shall be advised of this requirement in writing prior to entering into a contract of sale. A sign shall be posted on the Application Property providing notification of the future connection.

- h. Subject to VDOT and DPWES approval, Applicant shall construct a right turn lane on Telegraph Road within dedicated right-of-way to serve the Application Property. The turn lane shall be approximately two hundred (200) feet in length with a taper of approximately one hundred (100) feet.
- i. Except as necessary for the installation of trails and a waterline in proximity to Higham Road, all construction traffic shall use Telegraph Road to access the Application Property, and in no event shall construction vehicles utilize Newington Road except for waterline and trail construction. All construction personnel, including contractors, shall be informed of this restriction.
- j. At time of subdivision plan approval for the Application Property, Applicant shall contribute the sum of Ten Thousand Dollars (\$10,000.00) to Fairfax County to be utilized on Newington, Accotink, Ona and/or Hamilton Roads for traffic calming measures. A portion of this sum may be utilized for landscape features as a part of the traffic calming program. This contribution shall not be construed as an obligation to construct improvements or to maintain future improvements constructed by others. Using the Board of Supervisors approval date as the base date, the payment amount shall be adjusted in accordance with the Construction Cost Index at time of payment.
- k. Applicant may request a waiver at time of subdivision plan submission of the requirement to provide for interparcel access to the adjacent property identified among the Fairfax County tax map records as 99-2 ((1)) 35 ("Parcel 35"). Should waiver not be granted, Applicant shall provide right-of-way for interparcel access to Parcel 35 as shown on Sheet 3A of the CDP/FDP.

3. LANDSCAPING AND OPEN SPACE -

- a. Applicant shall provide landscaping on the Application Property as generally shown on the CDP/FDP.
- b. The tree save areas shown on the CDP/FDP shall remain as undisturbed open space, subject to a conservation easement running to the benefit of Fairfax County, in a form approved by the County Attorney, which prohibits removal of trees except those which are dead, diseased, noxious or hazardous. Parcels A, B, C, and D shall be owned and maintained by the homeowners' association established for the development. Parcel A shall be subject to the interparcel access described herein in Proffer 2.g. The homeowners' association covenants shall contain clear language delineating the tree save areas subject to a conservation easement, the restrictions within those areas, and the responsibility of individual homeowners.

- c. Prior to bond release, Applicant shall dedicate Parcel E on the CDP/FDP to the Fairfax County Park Authority for park purposes. Said dedication shall be subject to a conservation easement as described herein and the granting of easements for a trail as shown on the CDP/FDP at time of subdivision plat approval and/or at time of field location, and as necessary to the Fairfax County Water Authority for a waterline easement in Lavelle Dupelle Park.
- d. In addition to landscaping shown on the CDP/FDP, Applicant shall revegetate the reforestation areas on the CDP/FDP with a combination of woody seed mix and saplings in accordance with the standards of the Public Facilities Manual to ensure slope stability and to reduce sediment and erosion runoff. The proposed reforestation plan shall be submitted as part of the first and all subsequent subdivision plans to the Urban Forestry Division, DPWES for review and approval.
- e. Applicant shall use all reasonable efforts in coordination with the Urban Forestry Division to increase tree save in that area identified as "reforestation area" adjacent to the "tree save area" west of proposed lots 36-39. Applicant shall supplement existing vegetation with the planting of a minimum of twenty (20) evergreens, which may include pines and hollies, to provide year round screening. The trees shall be a minimum of six (6) feet in height at time of planting. The final location and species shall be determined at time of subdivision plan submission in coordination with Urban Forestry Division of DPWES.

4. TREE PRESERVATION

- a. The Applicant shall contract a certified arborist to prepare a tree preservation plan to be submitted as part of the first subdivision plan submission. The certified arborist responsible for preparation of the tree preservation plan shall be referred to as the Project Arborist. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread, and condition rating of all trees 12 inches in diameter or greater, and significant areas of mountain laurel within 20 feet of either side of the limits of clearing and grading. The condition analysis shall be prepared using methods outlined in the ninth edition of The Guide for Plant Appraisal. Specific tree preservation activities shall be incorporated into the tree preservation plan. Activities may include, but not be limited to, crown pruning, root pruning, mulching, and fertilization.
- b. The existing trash and outbuildings that are located within any tree preservation area or protected area, shall be removed and demolished in a

manner that minimizes the impact on individual trees and groups of trees to be preserved, as approved by the Urban Forestry Division. These methods shall be described in detail on the tree preservation plan.

- c. All trees shown to be preserved on the tree preservation plan shall be protected by fencing. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the CDP/FDP and as amended by the tree preservation plan. Materials and installation of tree protection fencing shall conform to the following standard: Four foot high, 14-gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed not further than ten (10) feet apart. The tree protection fencing shall be made clearly visible to all personnel. The fencing shall be installed as part of the initial Phase 1 Erosion and Sedimentation Control sequence on the Application Property. All tree preservation activities, including the installation of tree protection fencing, shall be performed under the supervision of the Project Arborist. Prior to the commencement of any clearing and grading activities on the Application Property, the Project Arborist shall verify in writing that the tree protection fence has been properly installed.

5. EROSION AND SEDIMENTATION CONTROL

- a. Applicant shall design, as an integral part (phase I) of the initial erosion and sediment control plan, a sediment basin located at the site of the proposed permanent SWM pond. Where Virginia Erosion and Sedimentation Control Handbook (VESCH) design differs from the Applicant's design, the permanent design dimensions of the permanent SWM pond shall supercede those in the VESCH. All clearing and earthwork necessary for the construction of this basin shall be included in the initial phase I construction limits of clearing and grading and shall be the minimum amount necessary. No other clearing and grading operations, other than those required for other sediment and erosion control practices on-site shall be permitted until basin is operational for sediment control purposes. In no event shall said basin exceed the size of the proposed SWM pond as shown on the CDP/FDP.
- b. Applicant shall direct as much on-site disturbed areas to the sediment basin during all phases of construction as is reasonably possible and shall show such drainage areas on the phase I and II erosion and sediment control plans.
- c. Once rough grade has been achieved on any portion of the Application Property, that area shall be hydroseeded to meet or exceed the Fairfax County standards for critical slope areas as set forth in the Public Facilities Manual (PFM) with an appropriate seed mixture and mulched to prevent erosion during storms.

6. PARKS AND RECREATION -

- a. Pursuant to Paragraph 2 of Section 6-110 and Paragraph 2 of Section 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall expend the sum of Nine Hundred Fifty-five Dollars (\$955.00) per approved lot. The on-site passive recreation facilities shall consist of an open play area defined by landscaping, walking trails and benches as shown on the CDP/FDP. The balance of any funds not expended on-site or Twenty-nine Thousand Dollars (\$29,000.00), whichever is greater, shall be contributed to the Fairfax County Park Authority at time of subdivision plan approval for recreation facilities, expansion and/or maintenance of Lavelle Dupelle Park, which is located in the vicinity of the Application Property.
- b. Applicant shall provide a trail connection to Higham Road as generally shown on the CDP/FDP. Trail shall be field located in a manner to minimize clearing and grading as reviewed and approved as part of the subdivision plan approval process by the Urban Forestry Division. Said trail shall connect to the pedestrian network shown on the CDP/FDP. Applicant shall grant a public pedestrian ingress-egress easement over all trails and sidewalks shown on the CDP/FDP at time of subdivision plat approval and shall disclose those easements as described in Proffer 2.b.

7. STORMWATER MANAGEMENT - BEST MANAGEMENT PRACTICE

- a. The Applicant shall provide stormwater management (SWM) and Best Management Practices (BMP) in a location as generally shown on the CDP/FDP and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless modified by DPWES. In the event that on-site stormwater management or BMPs are modified by DPWES, modification of the SWM/BMP pond shown on the CDP/FDP shall not require the approval of a proffered condition amendment or an amendment to the CDP/FDP. Any open space resulting from any modification shall remain as open space. Said modifications shall not substantially alter the lot layout configuration or the location of the retaining wall and landscaping as shown on the CDP/FDP.
- b. A landscape plan shall be submitted as part of the first and subsequent submissions of the subdivision plans and shall provide additional landscaping around and within the SWM facility in accordance with the planting policies of DPWES.

8. AFFORDABLE HOUSING –

At the time of final subdivision plat approval for the Application Property, the Applicant shall contribute to the Fairfax County Housing Trust Fund one percent (1%) of the estimated sales price of each new dwelling for the provision of affordable housing. The estimated sales price shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development (HCD) and the DPWES. The timing and amount of this contribution may be modified at the Applicant's sole option based on the adoption of a future amendment to the formula adopted by the Board of Supervisors.

9. NOISE ATTENUATION -

Applicant shall achieve an interior noise level of approximately 45 dBA Ldn in all units located within 304 feet from the centerline of Telegraph Road in the area identified as having levels between 65 through 70 dBA Ldn. All units within this impacted area as well as Lots 5, 6, and 43, will have the following acoustical attributes as determined by DPWES:

- a. Exterior walls shall have a laboratory Sound Transmission Classification (STC) of at least 39.
- b. Doors and windows shall have an STC of at least 28. If glazing constitutes more than 20 percent of any facade, they shall have the same laboratory STC ratings specified for exterior walls.
- c. Adequate measures to seal and caulk between surfaces shall be provided.

Applicant shall achieve an exterior noise level of approximately 65 dBA Ldn for all units with rear yards adjacent to Telegraph Road. Applicant shall construct architecturally solid wood fences for proposed Lots 1, 2, 3, and 4 as shown on the CDP/FDP. Said fences shall be a maximum height of 8 feet in order to satisfy the exterior noise requirement. The fences may be designed to accommodate drainage under or through the fence.

Nothing herein shall be construed to restrict or otherwise limit the use of balconies, patios or decks on residential units.

The Applicant reserves the right to pursue additional methods of mitigating highway noise impacts that can be demonstrated, through an independent noise study as reviewed and approved by DPWES, that these methods will be effective in reducing

interior noise levels to 45 dBA Ldn or less, and exterior noise levels to 65 dBA Ldn or less.

10. DESIGN -

- a. Applicant shall construct an entry feature at the entrance to the Application Property generally as illustrated on the conceptual elevations as shown on the CDP/FDP. The entry feature wall shall be constructed of a façade of stone or masonry of comparable quality.
- b. Applicant shall construct the residential dwellings as conceptually shown on the CDP/FDP. The fronts of the residential dwelling units shall include a majority of brick, masonry, stone or other comparable materials. In no event shall the Applicant utilize vinyl or aluminum siding for more than 30% of the front facade. Architectural features may include dormers, gables, bay windows and porches.
- c. A minimum side yard of eight feet shall be provided for all proposed residential dwelling units, exclusive of Zoning Ordinance extensions permitted in Article 2 for bay windows, chimneys and similar features.
- d. A minimum rear yard setback of twenty-five (25) feet shall be provided for all proposed residential dwelling units.

11. GEOTECHNICAL

- a. The Applicant shall submit a Geotechnical Report to the Geotechnical Review Board for the Application Property as required by DPWES, for review and approval, prior to subdivision plan approval, and shall implement the recommendations outlined in the approved study. The Applicant shall submit geotechnical notes outlining the method of plan implementation to DPWES for approval. The Director of DPWES may retain a geotechnical engineer to perform the services set forth in the notes. In such event, the Applicant shall reimburse Fairfax County for any reasonable expenses incurred under the monitoring memorandum.
- b. The Applicant shall remove existing fill from the Application Property rather than utilize dynamic compaction in the preparation of buildable sites for residential dwellings.
- c. Applicant shall strictly adhere within five feet to the limits of clearing and grading as shown on the CDP/FDP as amended by the tree preservation plan, except for the installation of only those trails and utilities, including water, as determined by final engineering. In order to preserve these limits, the

Applicant shall implement a variety of techniques as reviewed and approved by DPWES. Slope stabilizing structures such as piles or piers and retaining walls may be needed. Retaining walls, if constructed, shall be a facade of stone or masonry of a comparable quality, and a maximum height of eight (8) feet, exclusive of the entry wall feature, or as approved by DPWES. Retaining walls may be terraced and shall be landscaped. Retaining walls in excess of four (4) feet shall include handrails and guardrails as required by DPWES.

- d. Should the recommendations of the Geotechnical Report require a substantial modification to the lot layout, a reduction in the limits of clearing and grading as shown on the CDP/FDP in excess of that permitted in Proffer 1.b., or walls greater than eight (8) feet, exclusive of the entry wall feature, the Applicant shall request approval of a proffered condition amendment, as necessary, if administrative actions cannot be taken under Proffer 1.b., which may result in a loss of units.
- e. Applicant shall repair and stabilize any portion of the contiguous off-site properties that may be damaged as a direct and proximate result of Applicant's faulty and/or negligent grading and construction activity. If during Geotechnical Review Board review it is determined by DPWES that inspections of contiguous properties are necessary, Applicant shall survey identified properties prior to commencement of construction, subject to receipt of permission from property owner. A copy of said inspections shall be provided to DPWES prior to commencement of construction.
- f. Applicant shall have a soils engineer on site during all phases of construction that are affected by soil stability. Applicant shall have its geotechnical engineer prepare and submit written inspection reports to DPWES regarding on-site compliance with the geotechnical report approved by DPWES.

12. MISCELLANEOUS -

- a. These proffers shall bind and inure to the benefit of the Applicant and his or her successors and assigns.
- b. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.
- c. The Applicant shall establish a homeowners' association for the proposed development to own, manage and maintain the open space including the tree save areas and all other community owned land and improvements, including

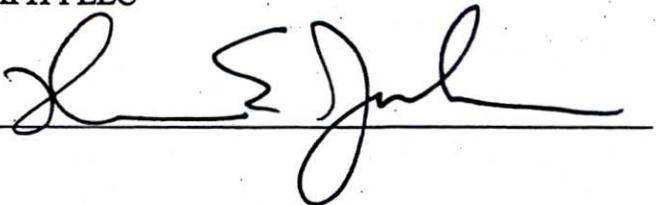
retaining walls. Restrictions placed on the use of the open space/buffer areas shall be disclosed to all prospective homeowners in a disclosure memorandum at time of contract execution and detailed in the homeowners association documents.

- d. Applicant shall notify the Newington Civic Association in writing of any waivers or PFM modifications requested under Chapter 101 of Fairfax County Code or the PFM when said waivers or modifications are submitted to DPWES, and of any major subdivision plan revisions when submitted to DPWES. In addition, a copy of the tree preservation plan identified in Proffer 4.a, shall be forwarded to the Newington Civic Association when submitted to Fairfax County.
- e. Applicant shall contribute the sum of Five Hundred Dollars (\$500.00) per market unit approved above the by-right density of the R-1 District (23 lots) to the Fairfax County Board of Supervisors for the construction of the proposed South County Secondary School as stated in the 2001 Capital Improvement Program (Lane-Hayfield-Hayfield Pyramid). Said contribution shall be made payable to the Fairfax County Board of Supervisors at time of subdivision plat approval for the Application Property.
- f. The subdivision plan shall be returned to the Mount Vernon Planning Commissioner for administrative review prior to final approval.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPLICANT/OWNER

TELEGRAPH I LLC

By: 

Name: Thomas E. Jordan

Title: Member / Manager



County of Fairfax, Virginia



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

NOTICE OF VIOLATION

DATE OF ISSUANCE: December 6, 2010

SHERIFF'S LETTER

CASE #: 201007130 **SR#:** 66488

SERVE: Selim Eslaquit
Hamdi Eslaquit
6606 Winstead Manor Court
Lorton, VA 22079

LOCATION OF VIOLATION 6606 Winstead Manor Court
Lorton, VA 22079-0000
Tax Map #: 99-2 ((17)) 31
Zoning District: PDH-2

Dear Property Owners:

An inspection of the above referenced property on November 29, 2010, revealed that a minimum of nine (9) children (unrelated to the daycare provider) are being cared for at the above referenced property, in addition to two (2) nonresident staff persons. The children being cared for are dropped off in the morning and picked up in the evening. The nonresident staff arrives in the morning and leave in the evening. Use limitations have been established that apply to home child care facilities are listed below.

§ 10-103 (6 A&D) Home Child Care Facilities:

- Seven (7) when such facility is located in a single family detached dwelling.
- Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.
- The maximum number of children specified above shall not include the provider's own children.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

Selim Eslaquit
Hamdi Eslaquit
December 6, 2010
Page 2

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by the following:

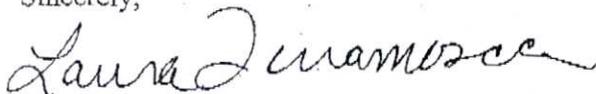
- Reduce the number of children being cared for to no more than seven (7), or
- Apply for and ultimately obtain approval for a Special Permit, by the Board of Zoning Appeals, to be permitted to care for more than seven (7) children, and
- Reduce nonresident person involved in the home child care to no more than one (1).

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1388 or 703-324-1300.

Sincerely,



Laura Ferramosca
Property Maintenance/Zoning Enforcement Inspector

LEF/

Figure 32 indicates the geographic location of land use recommendations for this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

1. Infill development of the parcels south of Hunter Estates subdivision west of Telegraph Road, and east of the Fort Belvoir Military Railroad (e.g., the Raceway Farms subdivision in the vicinity of Blanche Drive) is planned for single-family detached houses at a maximum of four dwelling units per acre.
2. The small area (Tax Map 91-3((1))8A, 9A and ((4))1A, 1B, 2, 3) on the west side of Beulah Street, adjoined on two sides by the Windsor Park townhouses, is planned for residential development at 4-5 dwelling units per acre, with coordinated, safe access to Beulah Street.
3. Commercial development in the sector should be limited to those parcels planned and zoned for such use. [Not shown]
4. The Hunter Estates subdivision is planned for residential use at 1 dwelling unit per acre. As an option, expansion of Newington Park may be appropriate through acquisition of land on the eastern boundary of the park (Tax Map 99-4((1))18; ((3))1, 2, 3, 4, 5, 6, 7, 8, 9) through purchase in fee simple, easements, dedication, donation and/or other appropriate means. Land should be consolidated and acquired in a manner to provide for the expansion of Newington Park and the development of any unconsolidated parcels in conformance with the Plan recommendation for the Hunter Estates subdivision. If Parcels 7, 8, and 9 are acquired for the Newington Park expansion, these properties should remain in their natural state. It is desirable that an evaluation be undertaken to determine whether the relocation and conversion of the house on Lot 18 to a community center is needed or feasible.
5. The area east of Telegraph Road is planned for residential use at 1-2 dwelling units per acre and private open space use; development should be sensitive to the historic and environmental constraints in the area.
6. The approximately 35-acre tract (Tax Map 99-2((1))36, 99-4((1))32, 33) west of Telegraph Road and south of the Landsdowne development is planned for clustered, single-family detached residential use at 1-2 dwelling units per acre. The marine clay located on the steep slopes of Parcel 36 should be avoided. Land for a public park, adjacent to existing parkland, should be provided.
7. The Lehigh Area is bounded by Beulah Street on the east, the Long Branch of Accotink Creek on the west, the Amberleigh subdivision on the north, and the Hunter Estates subdivision on the south (see Figure 33). The following general policies apply to development in the Lehigh Area which is north of and does not include the Hunter Estates subdivision:
 - Promote a balanced planned development community that will serve as a showcase community and future focal point of the County.
 - Plan residential densities within the planned development community to a maximum overall average of 3-4 dwelling units per acre with bonuses, as appropriate. A balanced mix of housing types is encouraged in order to promote diversity and avoid the excessive development of one type of dwelling unit. A broad range of affordable



County of Fairfax, Virginia

MEMORANDUM

DATE: July 26, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 2011-MV-006)

SUBJECT: Transportation Impact

REFERENCE: SE 2011-MV-006 Hamdi Eslaquit
Traffic Zone: 1424
Land Identification Map: 99-2 ((17)) 31

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat made available to this office dated August 27, 2004. The applicant proposes to operate a home child care facility for 10 children. There will be 3 employees including the applicant. The proposed hours of operation are 7:30 a.m. to 5:30 p.m. Monday–Friday.

The applicant is required to provide adequate parking “on site” for the proposed home child care and the existing single family residence. Until adequate parking (and circulation) is shown on the plat, this Department cannot recommend approval of the subject application.

AKR/LAH/lah

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305 Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed ten (10), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use.
2. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such 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 category or use, the Board 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 Board may impose more strict requirements for a given use than those set forth in this Ordinance.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of-way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		