



County of Fairfax, Virginia

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

January 11, 2012

Sara V. Mariska
Walsh, Colucci, Lubeley, Emrich &
Walsh, P.C.
2200 Clarendon Blvd., 13th Floor
Arlington, VA 22201

RE: Special Exception Application SE 2011-LE-011

Dear Ms. Mariska:

At a regular meeting of the Board of Supervisors held on January 10, 2012, the Board held a public hearing on Special Exception Application SE 2011-LE-011 in the name Buckman Road Development LLC. The subject property is located at 3426 Buckman Road, on approximately 10.33 acres of land, zoned R-20 and HC in the Lee District [Tax Map 101-2 ((1)) 19]. The Board's action permits a private school of special education with a total daily enrollment of 95 students, pursuant to Sections 3-2004 and 9-310 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(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 submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Buckman Road Apartments," prepared by Vika Inc., and dated July 21, 2011, as revised through September 7, 2011, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

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4. A copy of the Special Exception SHALL BE POSTED in a conspicuous place on the property along with the Non-Residential Use Permit of the use and shall be made available to all Department of the County of Fairfax during hours of operation of the permitted use.
5. The total maximum daily enrollment for the private school of special education shall not exceed 95 students. A maximum of 40 students may utilize the school at any one time. The number of students who attend the school but do not live within the apartment complex shall be limited to 10 at any one time. There shall be no more than 6 non-residents attending classes for the private school between 7 PM and 8 PM. There shall be no non-residents attending classes for the private school after 8 PM.
6. The maximum number of employees for the private school of special education shall be five onsite at any one time. There shall be no more than three private school employees on-site after 7 PM.
7. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Friday and 11:00 a.m. to 4 p.m. on Saturday.
8. Prior to issuance of a Non-RUP for the private school of special education within the community center, the applicant shall install two rain barrels by Building #1.

This approval, contingent on the above noted conditions, shall not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicants shall be themselves 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 evidence by issuance of a non-residential use permit for the private school of special education. 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.

The Board also:

- Modified the transitional screening and barrier requirements along the southern boundary, in favor of the existing conditions shown on the Special Exception Plat.
- Modified the peripheral and interior parking lot landscaping requirement on the south property line, in favor of the existing conditions shown on the Special Exception Plat.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova
Supervisor Jeff McKay, Lee District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation