# County of Fairfax, Virginia

## MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

**DATE:** January 8, 2013

**TO:** Mary Ann Tsai, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

**FROM:** Bette R. Crane, Paralegal
Office of the County Attorney

**SUBJECT:** Revised Affidavit
SE 2012-PR-010
Applicant: Trustees of Emmanuel Lutheran Church
PC Hearing Date: 2/7/13
BOS Hearing Date: Not yet scheduled

**REF.:** 116322

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 1/7/13, which bears my initials and is numbered 116322a, when you prepare the staff report.

Thank you for your cooperation.

Attachment
cc: (w/attach) Amy Moxley, Planning Technician I (sent via email)
Zoning Evaluation Division
Department of Planning and Zoning

\\s17prolaw01\Documents\116322\BRC\Affidavits\479837.doc

# SPECIAL EXCEPTION AFFIDAVIT

DATE: January 7, 2013
(enter date affidavit is notarized)

I, Sarah E. Hall, 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

116322a

in Application No.(s): SE 2012-PR-010
(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:

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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) |
|---|---|---|
| Trustees of Emmanuel Lutheran Church | 2589 Chain Bridge Road<br>Vienna, Virginia 22181 | Owner/Applicant |
| Matthew Brennan, III, Trustee | | Agent |
| Kathryn S. Slade, Trustee | | Agent |
| William A. Larson, Trustee | | Agent |
| Dennis K. Moyer | | Agent |
| Walter L. Phillips, Inc. | 207 Park Avenue<br>Falls Church, Virginia 22046 | Engineers/Agents |
| Charles F. Dunlap | | Agent (formerly) |
| Aaron M. Vinson | | Agent |
| Monica R. Westgate | | Agent |
| Brian A. Richards | | Agent |
| MTFA Architecture, PLLC | 2311 Wilson Boulevard, Suite 200<br>Arlington, Virginia 22201 | Architects/Agents for Applicants |
| James P. Clark | | Agent |
| Michael T. Foster | | Agent |

(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 Attachment to Par. 1(a)**

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DATE: January 7, 2013
(enter date affidavit is notarized)

for Application No. (s): SE 2012-PR-010
(enter County-assigned application number (s))

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

| **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) |
|---|---|---|
| M. J. Wells & Associates, Inc. | 1420 Spring Hill Road, Suite 600<br>McLean, Virginia 22102 | Transportation Engineers/Agents for Applicants |
| William F. Johnson | | Agent |
| Brian J. Horan | | Agent |
| Blankingship & Keith, P.C. | 4020 University Drive, Suite 300<br>Fairfax, Virginia 22030 | Attorneys/Agents for Applicants |
| Sarah E. Hall | | Attorney/Agent |
| Jeremy B. Root | | Attorney/Agent |

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

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: January 7, 2013
(enter date affidavit is notarized)

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for Application No. (s): SE 2012-PR-010
(enter County-assigned application number(s))

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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) Trustees of Emmanuel Lutheran Church
2589 Chain Bridge Road
Vienna, Virginia 22181

**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)

Emmanuel Lutheran Church is an unincorporated association

Matthew Brennan, III, Trustee
Kathryn S. Slade, Trustee
William A. Larson, Trustee

(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 Attachment to Par. 1(b)**

DATE: January 7, 2013
(enter date affidavit is notarized)

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for Application No. (s): SE 2012-PR-010
(enter County-assigned application number (s))

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

Walter L. Phillips, Inc.
207 Park Avenue
Falls Church, Virginia 22046

**DESCRIPTION OF CORPORATION:** (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)
Jeffrey J. Stuchel
Brian G. Baillargeon
Aaron M. Vinson

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

MTFA Architecture, PLLC
2311 Wilson Boulevard, Suite 200
Arlington, Virginia 22201

**DESCRIPTION OF CORPORATION:** (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

James P. Clark
Michael T. Foster
David E. Voorhies (formerly)
Dale M. Leidich
Meagan W. Jancy
Nicole C. Topa

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(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: January 7, 2013
(enter date affidavit is notarized)

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for Application No. (s): SE 2012-PR-010
(enter County-assigned application number (s))

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

M. J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, Virginia 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[✓] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

M. J. Wells & Associates Employee Stock Ownership Trust — All employees are eligible plan participants; however, no one employee owns 10% or more of any class of stock.

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

Blankingship & Keith, P.C.
4020 University Drive, Suite 300
Fairfax, Virginia 22030

**DESCRIPTION OF CORPORATION:** (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

| | | | |
|---|---|---|---|
| John A.C. Keith | David Rust Clarke | John F. Cafferky | Mark A. Towery |
| William H. Casterline Jr. | David J. Gogal | William B. Porter | Jeremy B. Root |
| Sarah E. Hall | Elizabeth C. Morrogh | Gifford R. Hampshire | Daniel E. Ortiz |
| Paul B. Terpak | Robert J. Stoney | William L. Carey | |
| Peter S. Everett | Wm. Quinton Robinson | Mary McGowan | |

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

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: January 7, 2013
(enter date affidavit is notarized)

for Application No. (s): SE 2012-PR-010
(enter County-assigned application number(s))

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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**

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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 2012-PR-010
(county-assigned application number(s), to be entered by County Staff)



## SPECIAL EXCEPTION AFFIDAVIT

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DATE: January 7, 2013
(enter date affidavit is notarized)

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.)

Blankingship & Keith P.C. retained as an expert witness James R. Hart, who is a member of the Planning Commission and the Board of Zoning Appeals.

**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:** Sarah E Hall Attorney/Agent

(check one) [ ] Applicant [✓] Applicant's Authorized Agent

Sarah E. Hall, Attorney/Agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 7th day of January 20 13, in the State/Comm. of Virginia, County/City of Fairfax.

Susanna Price
Notary Public

My commission expires: 4-30-2014

SUSANNA PRICE
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 134347
MY COMM. EXPIRES 04/30/2014
NOTARY PUBLIC