



APPLICATION FILED: December 21, 2005
BOARD OF ZONING APPEALS: May 16, 2006
(MOVED WITH APPLICANT'S CONSENT)
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 30, 2006

STAFF REPORT

SPECIAL PERMIT AMENDMENT APPLICATION SPA 81-L-082
(In association with PCA C-403-02)

MOUNT VERNON DISTRICT

APPLICANT: Washington Square Homes Association

ZONING: R-8

ZONING ORDINANCE PROVISION: 3-803

TAX MAP: 108-1 ((08)) A pt.

LOT SIZE: 12,960 square feet

PLAN MAP: Residential; 5-8 du/acre

SPA PROPOSAL: To amend S-81-L-082 previously approved for two community tennis courts to permit a tennis court and multi-purpose sports court to remain.

STAFF RECOMMENDATION:

Staff recommends approval of SPA 81-L-082, subject to the development conditions contained in Appendix 2.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

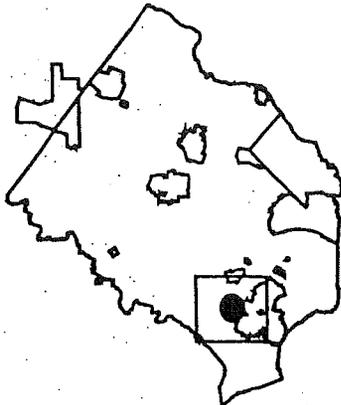
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



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

Special Permit Amendment

SPA 81-L-082



Applicant: WASINGTON SQUARE HOMES ASSOCIATION

Accepted: 12/21/2005

Proposed: AMEND SP 81-L-082 PREVIOUSLY APPROVED FOR TENNIS COURTS TO PERMIT SITE MODIFICATIONS

Area: 12,960 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 03-0803

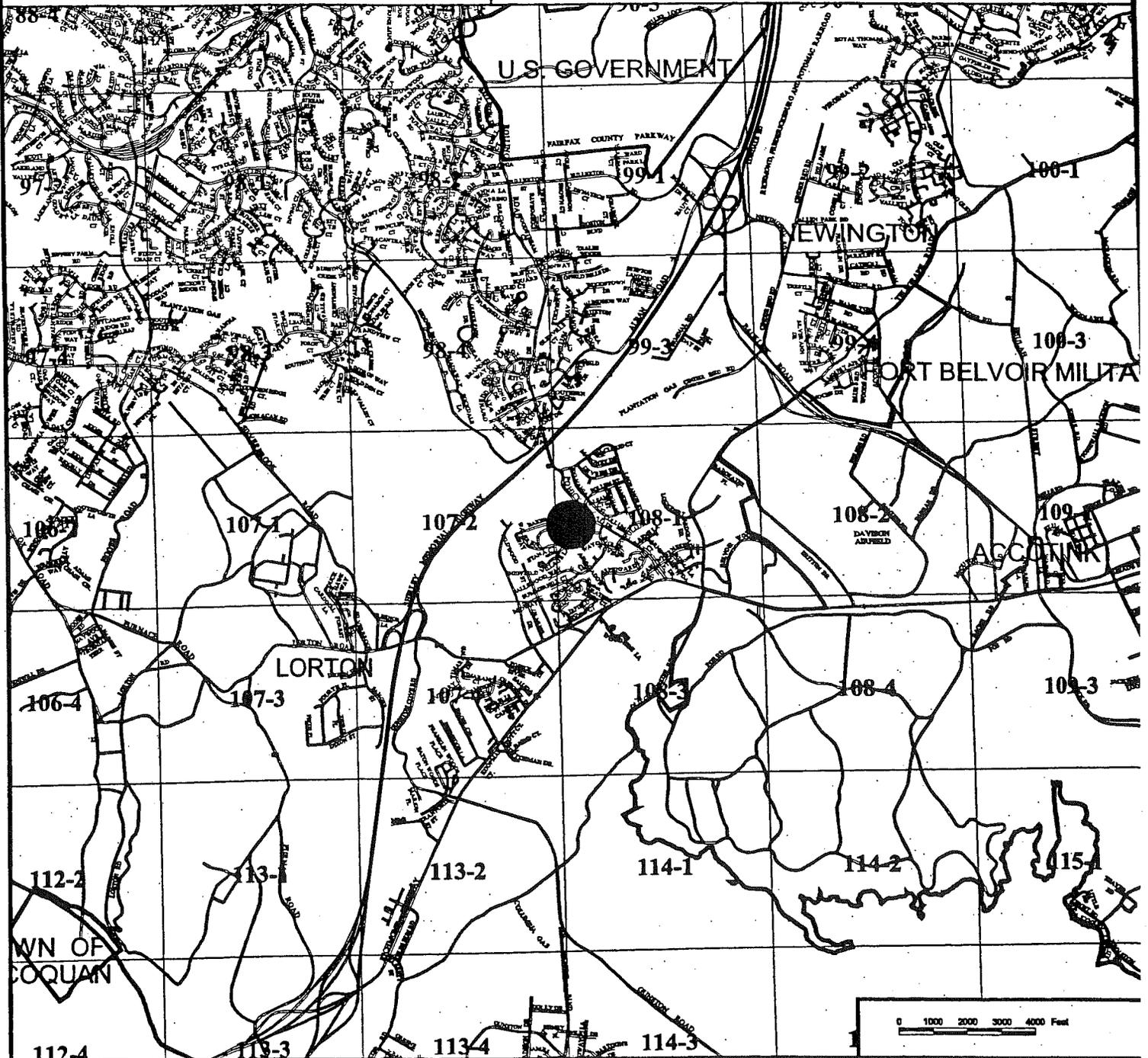
Art 8 Group and Use: 4-02

Located: 350 FEET WEST OF THE INTERSECTION OF POHICK ROAD AND WALDREN WAY

Zoning: R-8

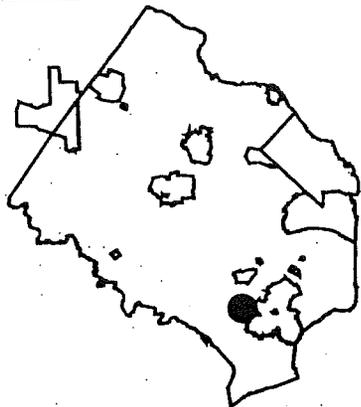
Overlay Dist:

Map Ref Num: 108-1- /08/ / A Pt.



Special Permit Amendment

SPA 81-L-082



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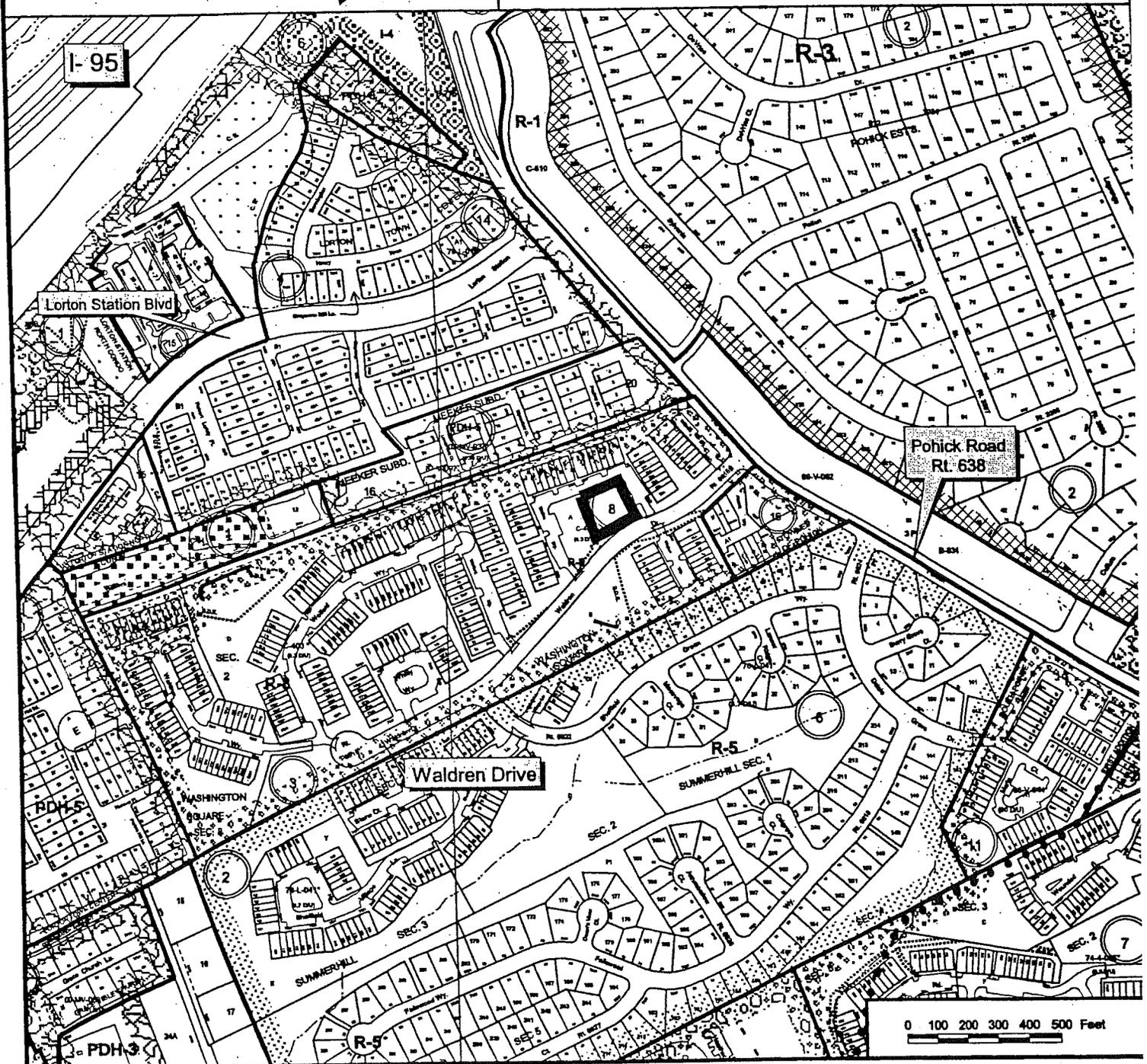
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Zoning: R-8

Overlay Dist:

Map Ref Num: 108-1- /08/ / A Pt.





APPLICATION FILED: December 21, 2005
PLANNING COMMISSION: May 11, 2006
BOARD OF SUPERVISORS: Not Scheduled Yet

County of Fairfax, Virginia

March 30, 2006

STAFF REPORT

APPLICATION PCA C-403-02
(In association with SPA 81-L-082)

MOUNT VERNON DISTRICT

APPLICANT:	Washington Square Homes Association
PRESENT ZONING:	R-8
PARCEL:	108-1 ((08) A pt.
SITE AREA:	12,960 square feet
DU/AC:	2.1 du/acre
PLAN MAP:	Residential, 5-8 du/ac
PROPOSAL:	To amend RZ C-403 previously approved for a residential development to permit modification of the approved proffers, to allow an existing tennis court and multi-purpose sports court to remain.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 403-02, subject to the proffers consistent with those contained in Appendix 1.

It should be noted that it is not the intent of the 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.

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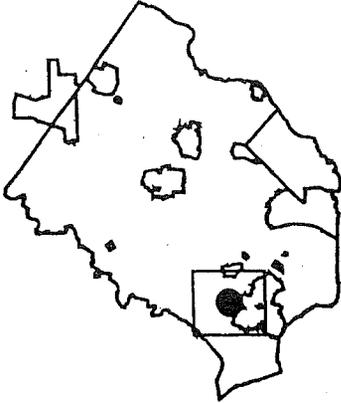
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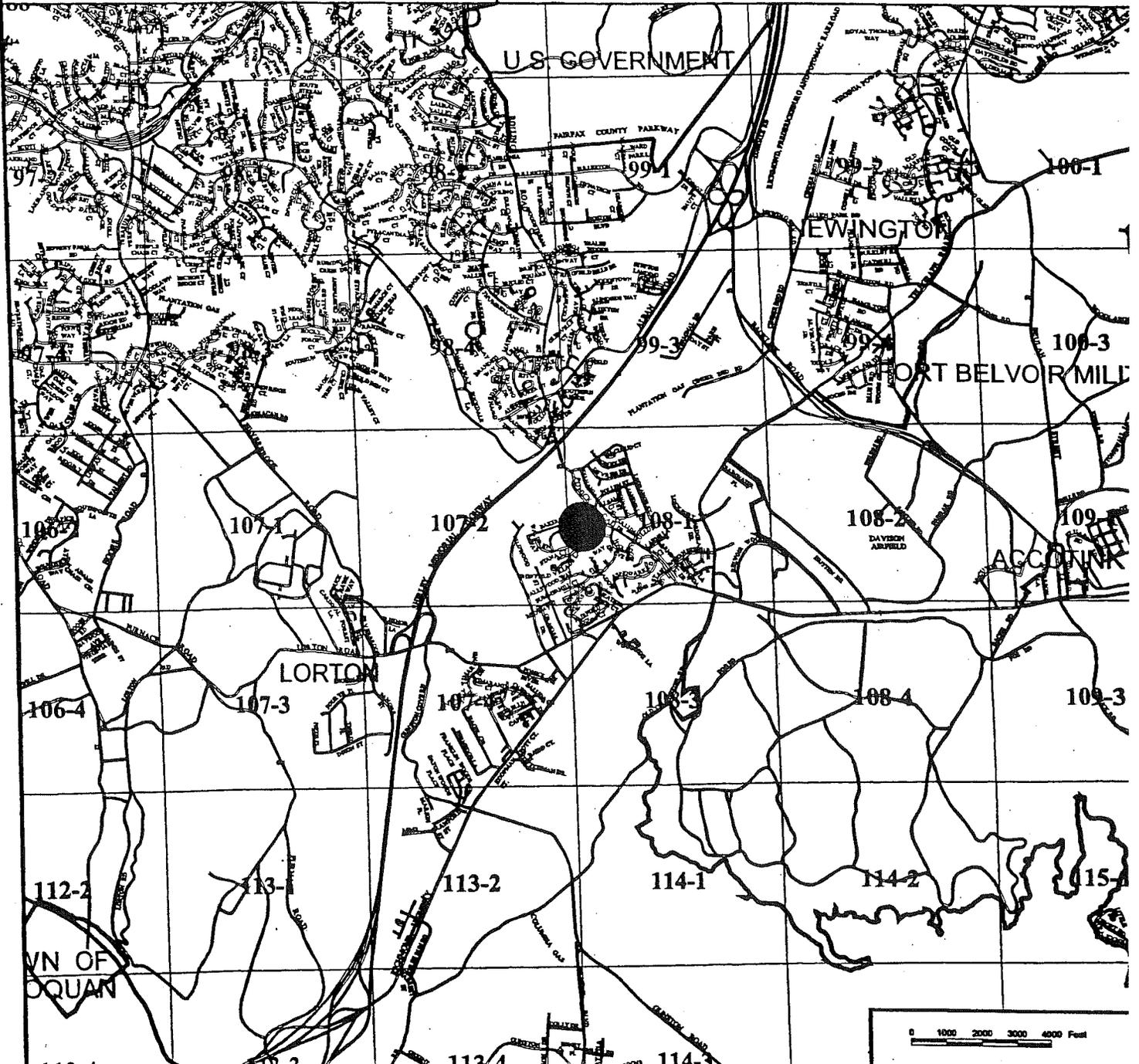
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Proffered Condition Amendment

PCA -C-403-02

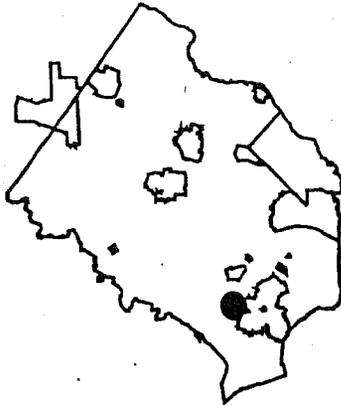


Applicant: WASHINGTON SQUARE HOMES ASSOCIATION
Accepted: 12/21/2005
Proposed: TO AMEND RZ C-403 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT A MODIFICATION OF APPROVED PROFFERS
Area: 12,960 SF OF LAND; DISTRICT - MOUNT VERNON
Located: 350 FEET WEST OF THE INTERSECTION OF POHICK ROAD AND WALDREN WAY
Zoning: R- 8
Overlay Dist:
Map Ref Num: 108-1- /08/ / A Pt.

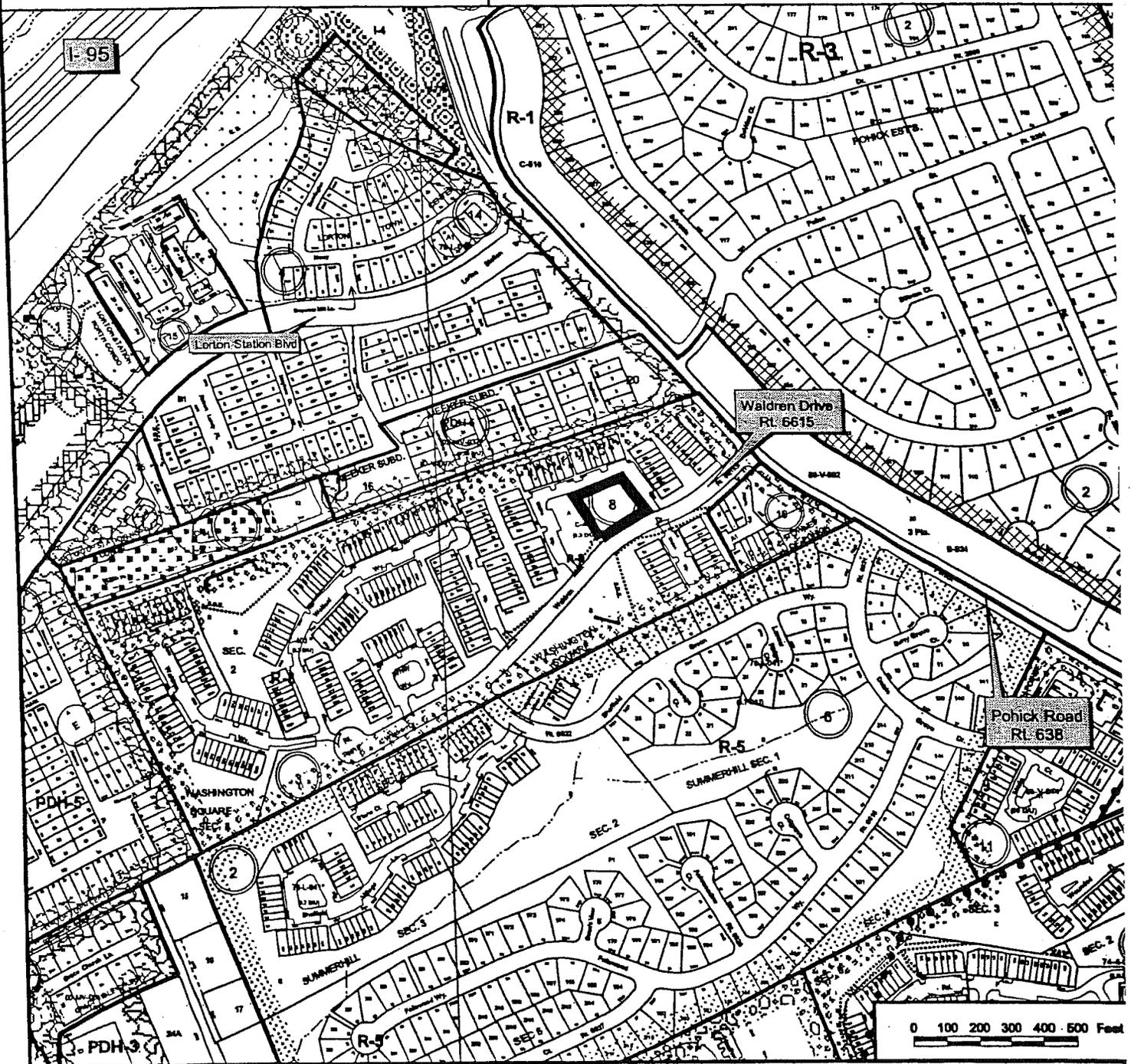


Proffered Condition Amendment

PCA -C-403-02



Applicant: WASHINGTON SQUARE HOMES ASSOCIATION
Accepted: 12/21/2005
Proposed: TO AMEND RZ C-403 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT A MODIFICATION OF APPROVED PROFFERS
Area: 12,960 SF OF LAND; DISTRICT - MOUNT VERNON
Located: 350 FEET WEST OF THE INTERSECTION OF POHICK ROAD AND WALDREN WAY
Zoning: R-8
Overlay Dist:
Map Ref Num: 108-1- /08/ / A Pt.



WASHINGTON SQUARE HOMES ASSOCIATION
 MULTI PURPOSE SPORTS COURT

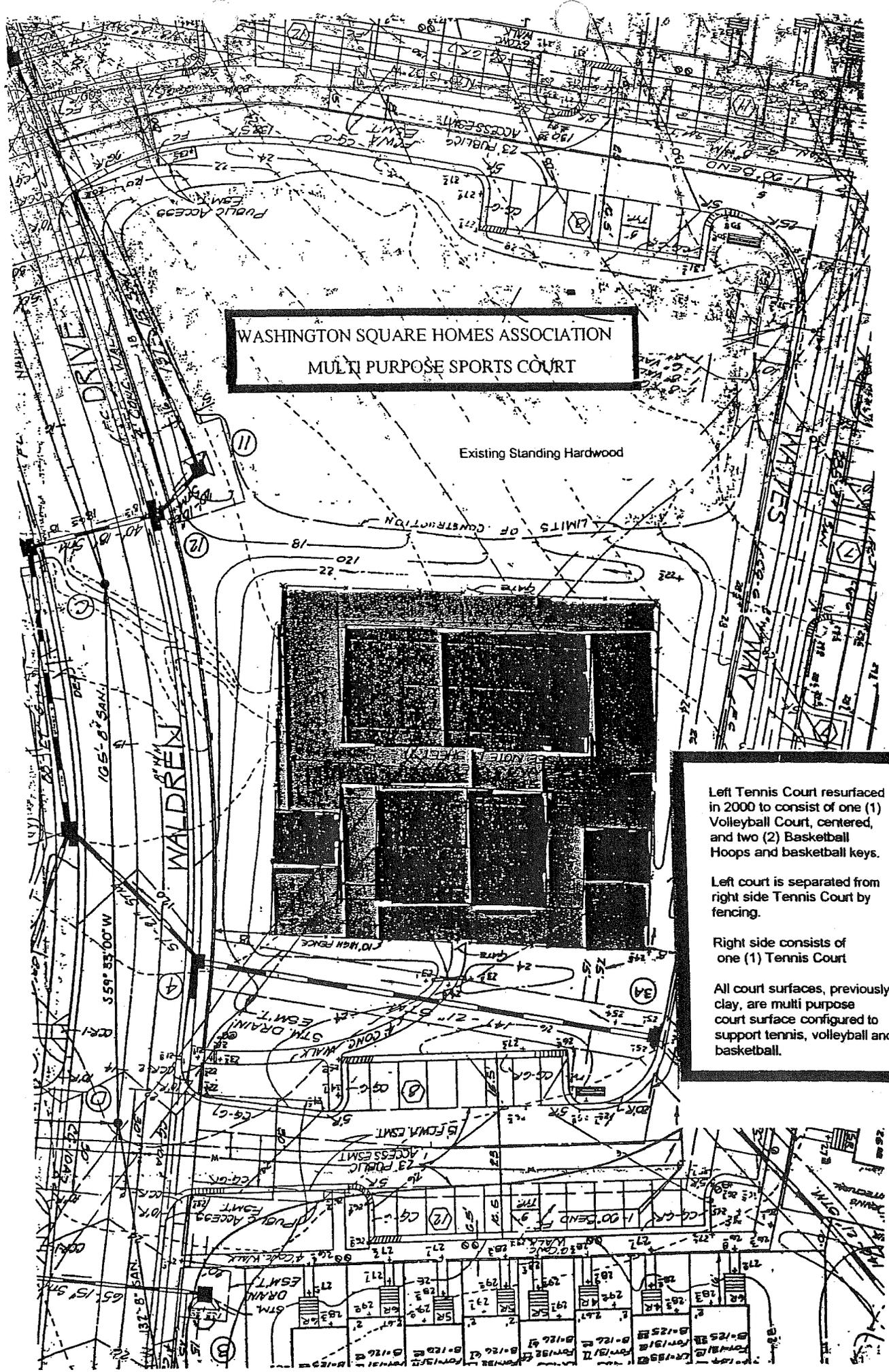
Existing Standing Hardwood

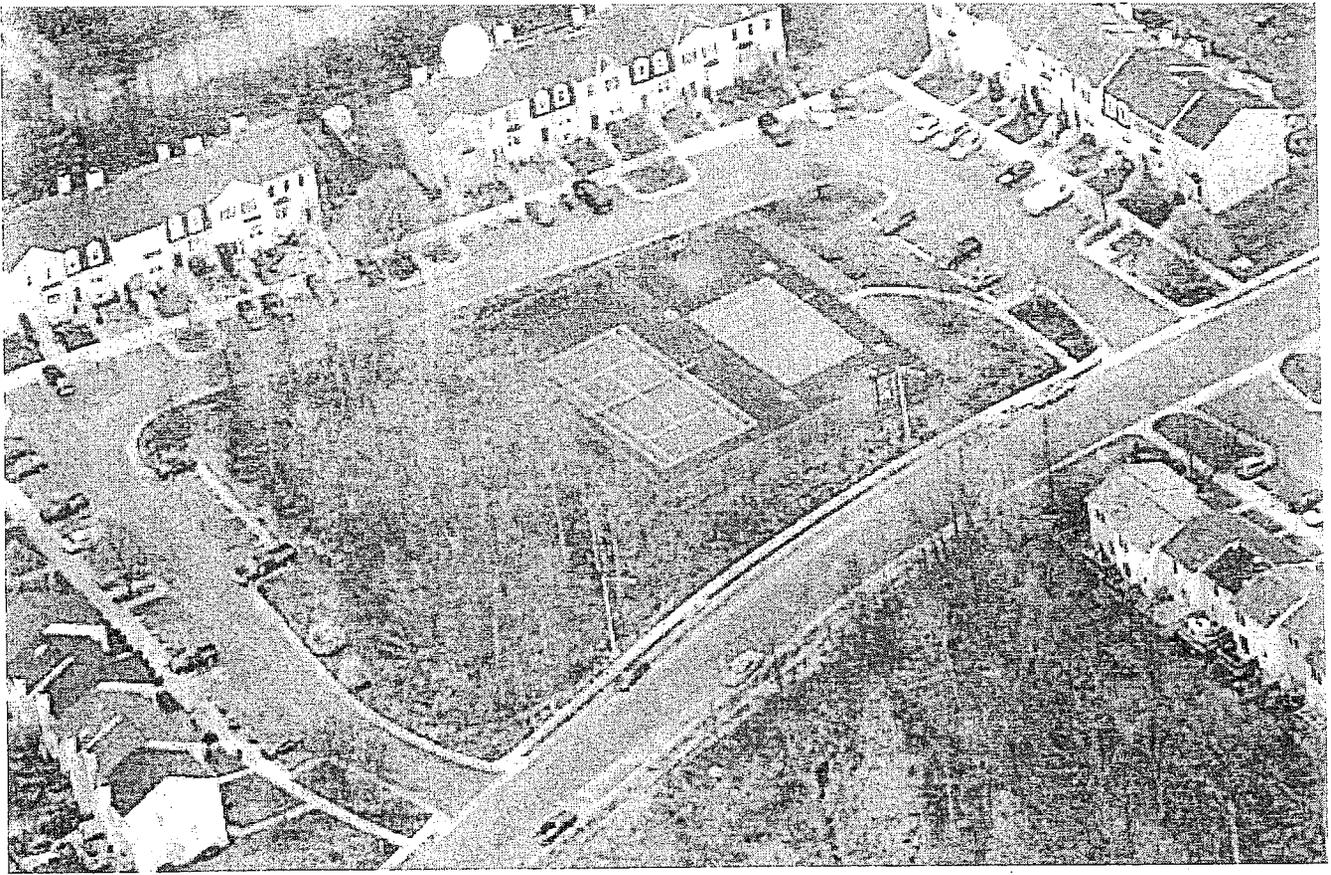
Left Tennis Court resurfaced in 2000 to consist of one (1) Volleyball Court, centered, and two (2) Basketball Hoops and basketball keys.

Left court is separated from right side Tennis Court by fencing.

Right side consists of one (1) Tennis Court

All court surfaces, previously clay, are multi purpose court surface configured to support tennis, volleyball and basketball.





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

DESCRIPTION OF THE APPLICATION

PCA C-403-02 Proposal:

The applicant, the Washington Square Homes Association seeks a proffered condition amendment, to amend the proffers previously approved with RZ C-403 for a residential development to permit an existing tennis court and multi-purpose sports court to remain.

SPA 81-L-082 Proposal:

The applicant also seeks a special permit amendment to amend S-81-L-082 previously approved for two community tennis courts to permit a tennis court and multi-purpose sports court to remain.

LOCATION AND CHARACTER

Site Description:

The subject site is part of Parcel A, Section 1, Common Area of the Washington Square subdivision. The site is 12,960 square feet, zoned R-8, and located approximately 350 west of the intersection of Pohick Road and Waldren Drive in the Mount Vernon District. The existing site contains community facilities which include 1 tennis court and multi-purpose sports court, consisting of a tennis/volleyball/basketball court combination located in the eastern portion of the Washington Square subdivision, and limited to the use of the WHSA (225 town homes) and their invited guests.

Surrounding Area Description:

	Zoning	Use
North	R-8	Single Family Attached Dwelling (Washington Square)
East	R-8	Single Family Attached Dwelling (Washington Square)
South	R-8	Single Family Attached Dwelling (Washington Square)
West	R-8	Single Family Attached Dwelling (Washington Square)

BACKGROUND

Site History:

On August 2, 1976, the Board of Supervisors approved RZ C-403 subject to proffers dated March 25, 1976, to rezone 34.5 acres from RE-1 to RTC-10 for construction of 225 townhouses at a maximum density of 6.5 du/ac. Bonus density was allowed by the applicant proffering to convey 10 units for moderate income housing. This increased the maximum density to 6.8 du/ac (235 units). Only 225 units were constructed, including 10 which were purchased by Fairfax County Redevelopment and Housing Authority. Proffer # 4 (*Appendix 6*) stated, "The general open space system shall be substantially as shown on the aforesaid development plan and at time of development the developer shall construct either two tennis courts or a swimming pool, as the developer may elect."

On January 12, 1982, the Board of Zoning Appeals approved S-81-L-082 to permit community tennis courts located at 7601 Pohick Road, Tax map 108-1((1)) 42 (*now Tax map 108-1 ((08) A pt.*). Condition #3 (*Appendix 6A*) noted that the approval was granted for the buildings and uses indicated on the plans submitted with the application, and any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board whether or not the additional uses or changes required a Special Permit, required approval of the Board (BZA).

On February 27, 1989, the Board of Supervisors approved PCA C-403, subject to proffers dated December 12, 1988, to revise the previously approved proffers for Tax map 108-1((1)) 46 (1.79 acres) to allow construction of 9 townhouse units and allow one single family detached unit to remain, in lieu of 10 townhouses units proposed with RZ C-403. (*Appendix 6B*)

In 2002 the asphalt surface was converted and resurfaced to become 1 tennis court and 1 tennis/volleyball/basketball court combination without obtaining approval of a PCA or SPA application.

In July 2005 the WSHA Board of Directors received a notice of violation (*Appendix 7*) of Par. 3 of Sect.18-204 of the Zoning Ordinance for not being in substantial conformance with the approved proffers regulating the site. The notice also acknowledged that there was also a violation of Par. 2 Sect. 8-004 of the Zoning Ordinance for not being in substantial conformance with the development conditions previously approved with S-81-L-082.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Mount Vernon Planning District, Area IV
Planning Sector: LP2-Lorton-South Route 1 Community
Planning Sector, Sub-unit E-12
Plan Map: Residential; 5-8 du/acre

The Comprehensive Plan, Area IV, Lower Potomac Planning District, as amended through June 20, 2005, LPS-Lorton-South Route 1 Community Planning Sector, pages 76 states:

Sub-unit E12 is generally located north and west of Route 1 and traversed by Pohick Road. This sub-unit contains stable residential uses which are planned for 2-3 dwelling units per acre, 5-8 dwelling units per acre, and 8-12 dwelling units per acre, as shown on the Plan map, and should be preserved and protected. Any new or infill development should conform with the planned residential density as shown on the Plan map and be of a compatible use, type and intensity to surrounding existing residential developments.

ANALYSIS

The subject application has been granted a waiver of the requirement for submission of a certified plat (Appendix 5) in association with the submitted proffered condition amendment, as the PCA & SPA have been filed to obtain approval to permit existing recreational facilities that have been constructed within the open space of the community to remain. No new construction or land disturbance is proposed with this application.

No land use issues have been identified in conjunction with this application. Issues related to the environment, transportation and public facilities were addressed at the time of the approval of RZ C-403. As this application is a request to allow community facilities which were converted and resurfaced to become 1 tennis court and 1 tennis/volleyball/basketball court combination to remain on the site, no additional issues have been raised.

ZONING ORDINANCE PROVISIONS

The proposed PCA has been filed to amend the previously approved proffer addressing the recreational facilities to serve the site. The amendment is required in order to permit existing recreational facilities that have been constructed within the open space of the community to remain, and does not impact the site's ability to meet the Zoning Ordinance provisions for the R-8 District; the site is still in conformance with the provisions of Section 800 of Articles 3 of the Zoning Ordinance.

OTHER ZONING ORDINANCE REQUIREMENTS:

Special Permit Requirements (See Appendix 8)

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

General Special Permit Standards (Sect 8-006)

The General Special Permit Standards require that the proposal be in harmony with the Comprehensive Plan, applicable Zoning District Regulations, that there be a finding of no significant negative impacts on surrounding properties, and that safe and adequate vehicular and pedestrian access be provided. *The existing tennis court and multi-purpose sports court is surrounded by a 10 foot high fence and pedestrian access to the site is provided via 4 foot wide concrete sidewalk on the eastern side of the facility. The subject application proposes no physical changes to the site. Staff believes that the use, as is exists, satisfies all of the General Special Permit Standards.*

Standards for all Group 4 Uses (Sect. 8-403)

Group 4 Special Permits are required for Community Uses, and are allowed in all R Districts, except the Rural Agricultural (R-A) District subject to the approval of the Board of Zoning Appeals. The Group 4 Standards require among other things, that all uses and their related facilities shall be under the control and direction of a board of managers composed, at least in part, of the residents of the area intended to be served by the facility, the proposed development meet lot size and bulk requirements for the Zoning District, comply with performance standards, and be subject to site plan review. *Washington Square Homes Association, as a nonprofit incorporated homeowners association duly chartered by the Commonwealth of Virginia, is managed by its Board of Directors, consisting of community members duly elected by the membership on an annual basis. Use of the subject facility is limited to the use of the WHSA and their invited guests. The subject application is a request to permit modification of previously approved development conditions to allow an existing Multi-Purpose sports court to remain on the subject site. A site plan is not required with this application, as no new construction or land disturbance is proposed with the application; therefore the proposed use meets these standards.*

Summary of Zoning Ordinance Provisions

Subject to the proposed development conditions, all applicable standards have been satisfied.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff finds that the proposed applications are in harmony with the Comprehensive Plan, and in conformance with all applicable Zoning Ordinance standards.

Recommendation

Staff recommends approval of PCA C-403-02, subject to the proffers consistent with those contained in Appendix 1.

Staff recommends approval of SPA 81-L-082, subject to the development conditions consistent with those contained in Appendix 2.

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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

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APPENDICES

1. Proposed Proffers
2. Proposed Development Conditions
- 3A. PCA Affidavit
- 3B. SPA Affidavit
4. Statement of Justification
5. Plat Submission Waiver
6. RZ C-403 Approved Proffers & Development Plan
- 6A. Resolution & Plat approved in conjunction with S 81-L-082
- 6B. PCA C-403 Approved Proffers & Development Plan
7. Notice of Violation
8. Applicable Zoning Ordinance Provisions
9. Glossary of Terms

PCA C-403-02

WASHINGTON SQUARE HOMES ASSOC

PROFFERS

March 22, 2006

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950, as amended, Washington Square Homes Association (hereinafter referred to as the "Applicant"), for the owners, themselves, successors and assigns in Proffered Condition Amendment Application PCA C-403-02 (the "Application"), proffers, for the property identified as Tax Map Reference No. 108-1 ((8)) A pt. (hereinafter referred to as the "Property"), the following items, provided that the Fairfax County Board of Supervisors approves the Application. All proffers associated with RZ C-403 dated March 25, 1976, shall remain in full force and effect, except that upon the approval of PCA C-403-02, the following revised Proffer #4 shall replace the existing Proffer #4 associated with RZ C-403 dated March 25, 1976, the development of the subject property, Tax Map No. 108-1((8)) Parcel A, shall be subject to the following commitments:

4. The general open space system shall be developed with a Multi-Purpose Sports Court consisting of One (1) tennis court and One (1) Multi-Purpose Court containing Two (2) stationary basketball hoops, One (1) Combination Tennis court/Volleyball court. Maintenance of the Tennis Court/Multi-Purpose Sports Court shall be provided by the property owners association for the community.

Washington Square Homes Association

By: _____

Name: Leslie A. Darden

Title: President

PROPOSED DEVELOPMENT CONDITIONS

SPA 81-L-082

March 30, 2006

If it is the intent of the Board of Zoning Appeals to approve SPA 81-L-082 located at Tax Map 108-1 ((8)) A pt., to amend S 81-L-082 previously approved for two community tennis courts, to permit a change in development conditions to allow a Tennis Court and a Multi-Purpose Sports Court to remain pursuant to Sect. 3-803 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from previous special permits are marked with an asterisk. Minor edits have been made to these conditions to conform with current terminology. These edits have been underlined.

1. This approval is granted to the applicant, Washington Square Homes Association, only and is not transferable without further action of this Board, and is for the location indicated on the application, Tax Map 108-1 ((8)) A pt., and is not transferable to other land.*
2. This Special Permit Amendment is granted only for the purpose(s), structures and/or use(s) approved with this application, as qualified by these development conditions.*
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.*
4. Landscaping and screening may be required in accordance with Article 13 of the Zoning Ordinance at the discretion of the Director of Urban Forest Management, DPWES.*
5. The membership shall be restricted to the residents of the 225 dwellings.*
6. The hours of operation shall be daylight hours only.*
7. Adequate parking shall be provided.*

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

Rezoning Attachment to Par. 1(a)

DATE: January 20, 2006
(enter date affidavit is notarized)

901366

for Application No. (s): PCA -C-403-02
(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)
Mark Andrew Burzenski	7666 Wolford Way Lorton, Virginia 22079	Agent/Director-at-Large of WSHA Board of Directors
Frederick Henry Cameron, Jr.	7671 Wolford Way Lorton, Virginia 22079	Agent/Director-at-Large of WSHA Board of Directors
Rees, Broome & Diaz, P.C.	8133 Leesburg Pike, 9th Floor Vienna, Virginia 22182	Attorney/Agent
Lella Amiss E. Pape	Rees, Broome & Diaz, P.C. 8133 Leesburg Pike, 9th Floor Vienna, Virginia 22182	Attorney/Agent
Community Association Management, Inc.	4455 Brookfield Corporate Drive, Suite 106 Chantilly, Virginia 20151	Agent
James Michael Kealey	Community Association Management, Inc. 4455 Brookfield Corporate Drive, Suite 106 Chantilly, Virginia 20151	Agent/President of Community Association Management, Inc.
Kim Yvonne Lee	Community Association Management, Inc. 4455 Brookfield Corporate Drive, Suite 106 Chantilly, Virginia 20151	Agent/CAM, Inc. employee

(check if applicable)

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

REZONING AFFIDAVIT

DATE: January 20, 2006
(enter date affidavit is notarized)

901364

for Application No. (s): PCA -C-403-02
(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, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

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

Washington Square Homes Association
c/o Community Association Management, Inc.
4455 Brookfield Corporate Drive, Suite 106
Chantilly, Virginia 20151

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)

Non-Stock Corporation - No Shareholders

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)

Leslie A. Darden, President
Anthony M. Bennett, Vice-President
Patricia A. Graninger, Secretary
Mark A. Burzenski, Director-at-Large
Frederick H. Cameron, Jr., Director-at-Large

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Rezoning 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.*

Rezoning Attachment to Par. 1(b)

DATE: January 20, 2006
(enter date affidavit is notarized)

90136 G

for Application No. (s): PCA -C-403-02
(enter County-assigned application number (s))

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

Community Association Management, Inc.
4455 Brookfield Corporate Drive, Suite 106
Chantilly, Virginia 20151

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 SHAREHOLDER: (enter first name, middle initial, and last name)

James Michael Kealey, President/CEO

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

James Michael Kealey, President/CEO

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

Rees, Broome & Diaz, P.C.
8133 Leesburg Pike, 9th Floor
Vienna, Virginia 22182

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)

William P. Daly, Jr.; John F. Boland; Joel M. Birken; Peter S. Philbin; Susan R. Salen; Bruce E. Titus; Raymond J. Diaz; Juan R. Cardenas; Jonathan J. Broome, Jr.; Robert E. Scully, Jr.; Andrew B. Golkow

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

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

REZONING AFFIDAVIT

DATE: January 20, 2006
(enter date affidavit is notarized)

901364

for Application No. (s): PCA - C-403-02
(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, number, street, city, state and zip code)

NONE

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

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

NONE

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Rezoning 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.

REZONING AFFIDAVIT

DATE: January 20, 2006
(enter date affidavit is notarized)

901 366

for Application No. (s): PCA -C-403-02
(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:
NONE

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 "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: January 20, 2006
(enter date affidavit is notarized)

901366

for Application No. (s): PCA -C-403-02
(enter County-assigned application number(s))

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 "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Lella Amiss E. Pape
[] Applicant

[X] Applicant's Authorized Agent

Lella Amiss E. Pape, Esquire

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20th day of January, 2006, in the State/Comm. of Virginia, County/City of Vienna

Patricia E. Hernandez
Notary Public

My commission expires: December 31, 2009

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 20, 2006
 (enter date affidavit is notarized)

I, Lella Amiss E. Pape, 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

892446

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, and, if any of the foregoing is a **TRUSTEE***, each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Washington Square Homes Association	c/o Community Association Management, Inc. 4455 Brookfield Corporate Drive, Suite 106 Chantilly, Virginia 20151	Applicant/Title Owner of TM 108-1((8)) Parcel A
Leslie Algernon Darden	8904 Waites Way Lorton, Virginia 22079	Agent/President of WSHA Board of Directors
Anthony Michael Bennett	7716 Wolford Way Lorton, Virginia 22079	Agent/Vice President of WSHA Board of Directors
Patricia Anne Graninger	8950 Waites Way Lorton, Virginia 22079	Agent/Secretary of WSHA Board of Directors
Mark Andrew Burzenski	7666 Wolford Way Lorton, Virginia 22079	Agent/Director-at-Large of WSHA Board of Directors
Frederick Henry Cameron, Jr.	7671 Wolford Way Lorton, Virginia 22079	Agent/Director-at-Large of WSHA Board of Directors

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

* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

Page 1 of 1

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

DATE: January 20, 2006
(enter date affidavit is notarized)

892440

(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)
Rees, Broome & Diaz, P.C.	8133 Leesburg Pike, 9th Floor Vienna, Virginia 22182	Attorney/Agent
Lella Amiss E. Pape	Rees, Broome & Diaz, P.C. 8133 Leesburg Pike, 9th Floor Vienna, Virginia 22182	Attorney/Agent
Community Association Management, Inc.	4455 Brookfield Corporate Drive, Suite 106 Chantilly, Virginia 20151	Agent
James Michael Kealey	Community Association Management, Inc. 4455 Brookfield Corporate Drive, Suite 106 Chantilly, Virginia 20151	Agent/President of Community Association Management, Inc.
Kim Yvonne Lee	Community Association Management, Inc. 4455 Brookfield Corporate Drive, Suite 106 Chantilly, Virginia 20151	Agent/CAM, Inc. employee

(check if applicable)

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 20, 2006
(enter date affidavit is notarized)

892440

1(b). The following constitutes a listing** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

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

Washington Square Homes Association
c/o Community Association Management, Inc.
4455 Brookfield Corporate Drive, Suite 106
Chantilly, Virginia 20151

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)

Non-stock Corporation – no shareholders.

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

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

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

Page 1 of 1

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

DATE: January 20, 2006
(enter date affidavit is notarized)

892446

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

Community Association Management, Inc.
4455 Brookfield Corporate Drive, Suite 106
Chantilly, Virginia 20151

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 Michael Kealey, President/CEO

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

Rees, Broome & Diaz, P.C.
8133 Leesburg Pike, 9th Floor
Vienna, Virginia 22182

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)

William P. Daly, Jr.
John F. Boland
Joel M. Birken
Peter S. Philbin
Susan R. Salen

Bruce E. Titus
Raymond J. Diaz
Juan R. Cardenas
Jonathan J. Broome, Jr.
Robert E. Scully, Jr.

Andrew B. Golkow

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 20, 2006
(enter date affidavit is notarized)

892440

1(c). The following constitutes a listing** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

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

NONE

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

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

NONE

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

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 20, 2006
(enter date affidavit is notarized)

892446

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:
NONE

- Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

- (check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 20, 2006
(enter date affidavit is notarized)

892441

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

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

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) [] Applicant Lella Amiss E. Pape
[x] Applicant's Authorized Agent

Lella Amiss E. Pape, Esquire
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20th day of January, 2006, in the State/Comm. of Virginia, County/City of Vienna

Patricia E. Hernandez
Notary Public

My commission expires: December 31, 2009

REES, BROOME & DIAZ, P. C.

COUNSELLORS AT LAW
8133 LEESBURG PIKE, NINTH FLOOR
TYSONS CORNER
VIENNA, VIRGINIA 22182-2706
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JOEL M. BIRKEN*
RAYMOND J. DIAZ**
JONATHAN J. BROOME, JR.
JOHN F. BOLAND*
ROBERT E. SCULLY, JR.* +
JUAN R. CARDENAS
BRUCE E. TITUS**
PETER S. PHILBIN+
WILLIAM P. DALY, JR.
ANDREW B. GOLKOW*
SUSAN RICHARDS SALEN**
RICHARD M. WARE, JR.+
EDWARD J. O'CONNELL III*
MARK P. GRAHAM
TODD A. SINKINS*

LELLA AMISS E. PAPE**
URSULA A. KOENIG
KIMBERLEY O'HALLORAN-CORDRA
RORY K. NUGENT
LESLIE S. BROWN*
EMILY HARWOOD SMITH
COURTNEY B. HARDEN
BARRETT W. THIES
CHRISTOPHER B. DEMERS
KATHERINE C. MCCARTHY
TIFFANY L. BURTON
KELLY A. CASSIDY

OF COUNSEL
DANIEL R. GROPPER-

JAMES M. REES (1941-1986)
* ALSO ADMITTED IN THE DISTRICT OF COLUMBIA
+ ALSO ADMITTED IN MARYLAND

RECEIVED
Department of Planning & Zoning

DEC 21 2005

Zoning Evaluation Division

December 20, 2005

Supplemental Statement of Justification dated December 20, 2005

Re: Washington Square Homes Association
Application for Rezoning-PCA

This letter shall serve as the Supplemental Statement of Justification for the Rezoning Application Justification made on behalf of the Applicant Washington Square Homes Association ("WSHA") for a proffer condition amendment to existing Proffer No. 4, RZ C-403 dated March 25, 1976, to permit the conversion of the proffer of "two tennis courts" to reflect the tennis court/volleyball/basketball court's configuration present at WSHA. The proffer my clients are seeking to revise is set out at No. 4, which states:

The general open space system shall be substantially as shown on the aforesaid Development Plan at time of development, the Developer shall construct either two tennis courts or a swimming pool, as the Developer may elect.

WSHA is the homeowners association for the Washington Square Homes community, and the owner of Parcel A; part of Parcel A, consisting of approximately 12,960 square feet is the subject of the application.

WSHA, as a nonprofit incorporated homeowners association duly charter by the Commonwealth of Virginia, is managed by its Board of Directors, consisting of community members duly elected by the membership at each annual meeting. Use of the facility which is the subject of this request is limited to the member of the WSHA, and their invited guests. The WSHA Board of Directors and its Open Space Committee are charged with monitoring and maintaining the site and its amenities. The WSHA maintains the existing facility in a locked condition, and members may obtain access to the facility by key entry only.

REES, BROOME & DIAZ, P.C.

Supplemental Statement of Justification
Washington Square Homes Association
Application for Rezoning-PCA
December 20, 2005
Page 2

In the late 1970's, the Declarant, Christopher-Pohick Associates Limited Partnership envisioned creating a plan to make recreational facilities available to its members. The original Declarant installed two asphalt tennis courts located and surrounded on three sides by Waites Way and bordering on Waldren Drive.

A special use permit under Section 3-803 of the Ordinance for community tennis courts, Special Permit No. S-18-L-082 was granted on March 1982. The developer sought to build two unlighted asphalt tennis courts for the community. The resolution states that "any additional structures of any kind, changes in use, additional uses or changes in the plans approved by this ... shall require approval of this Board. In late 2000, the then directors of the WSHA Board of Directors changed the configuration and playing surface of the tennis courts, in ignorance of the need to apply for an amendment to Special Permit No. S-18-L-082 or a modification of Proffer Condition No. 4.

Throughout the late 1980's and the 1990's, the tennis courts became an under utilized recreational amenity for this community. Through limited use over the years the two tennis courts eventually became in need of repair in late 1999 and early 2000. The needed repairs included a full depth repair to the asphalt court surface, as well as perimeter fence repairs. The Board of Directors at that time, after receiving complaints from some members of the community regarding the needed repairs, requested bids for the work to be done. At the same time, the Board was concerned about the following factors within the community: (a) that the young-to-teenage children in the community had no safe venue to play in, and that they were playing street games in the busy streets in the community, such as skateboarding, basketball and kickball; and (b) that the tennis courts as a resource for recreational play was under utilized by the membership as a whole.

The Board determined it was in the best interest of the community to improve the tennis court play surface. In addition, the Board considered other options to increase the use of the tennis courts, and provide a safe environment for other recreational activities for the community. As a direct result of the member's complaints about the street playing activities of their children, the Board of Directors chose to expand the facility to include added recreational opportunities for the older children and adults in the community. The Board was presented with bid(s) to repair the courts and to add a convertible volleyball/basketball/tennis court section on ~~one~~ side of the two areas to enhance the recreational opportunities to include volleyball and basketball as activities contained within the courts. In late 2000, the Board elected to have the existing asphalt courts resurfaced to become a Multiuse Sports Court, unaware that that action violated the terms of a special permit issued in 1982.

As a result of some community concerns in 2002, the Board placed the issue of conversion of the two asphalt tennis courts to a Multiuse Sports Court to include two basketball hoops, to a vote of

Supplemental Statement of Justification
Washington Square Homes Association
Application for Rezoning-PCA
December 20, 2005
Page 3

the members. An official vote of the membership of the WSHA was taken in November 2002, where the majority of the quorum of members required to adopt action by the members, at a duly called Special Meeting of the Members, voted to retain the sports court as it is currently configured. The vote was taken in accordance with the WSHA governing documents, and represents a valid election of the membership to retain the Multiuse Sports Court.

As a result of the receipt of the zoning violation from the County in July 2005, the Board again put to the membership the question of whether to proceed with an amendment to the Special Permit and Proffer Condition No. 4. On September 14, 2005, of the members responding, a majority expressed their request that the Association seek an amendment to Special Permit No. S-18-L-082 and Proffer Condition Amendment No. 4 regarding the two tennis courts. The members requested this action of its current Board of Directors to correct the actions done in ignorance of the applicable provisions of the zoning code by a volunteer membership organization, so that the existing use can be properly permitted and approved by the appropriate governmental authorities.

On accordance with the will of its members that the actions of the 2000 WSHA Board of Directors be corrected, on September 29, 2005, the Applicant submit a certified true copy of the Section 1 Site Plan for Washington Square dated August 25, 1982 obtained on or about September 19, 2005 from Fairfax County Department of Planning and Zoning, and an illustrative plan showing the current existing configuration of the area of S-18-L-082. The site plan submitted shows the footprint of the two tennis courts approved by the S-18-L-082 permit.

The Applicant has requested the amendment to the Proffer Condition No. 4, as well as the Special Permit applicable to that portion of Parcel A, consisting of approximately 12,960 square feet, encompassing the original tennis courts configuration, now configured and utilized by the membership as a Multiuse Sports Court consisting of One (1) Tennis Court, One (1) Volleyball Court/ Basketball Court combination after receiving a mandate from its membership that the Multiuse Sports Court remain in the community as a recreational amenity, in compliance with county code.

The Multiuse Sports Court consisting of One (1) Tennis Court, One (1) Volleyball Court/ Basketball Court combination are monitored and maintained by the governing body for the WSHA. As a result of the requested amendment, the existing improvements will not (a) permit a greater or lesser use of the facility, (b) result in increased parking requirements, (c) permit use of the facility other than those approved under the proffers if amended, and (d) permit changes which would adversely impact the relationship or development or part thereof of the adjacent property. The traffic impact is not anticipated to increase above the existing traffic flow for this existing amenity. On average, the amenity generates no greater than five trips, usually in the late afternoon hours after schools have dropped off students for the day.

REES, BROOME & DIAZ, P.C.

Supplemental Statement of Justification
Washington Square Homes Association
Application for Rezoning-PCA
December 20, 2005
Page 4

The existing improvements on site today are intended solely for the use and enjoyment of the community residents. Those improvements will not (a) permit a greater or lesser use of the facility, (b) result in increased parking requirements, (c) permit use of the facility other than those approved under the proffers if amended, and (d) permit changes which would adversely impact the relationship or development or part thereof of the adjacent property. In addition, the existing improvements are in keeping with the Fairfax County Comprehensive Plan and the Conceptual Development Plan originally approved for the Washington Square community, and with the General Standards as set forth in the applicable Zoning Code. This request is also in conformance with the Provisions of Group 4, Community Use.

In addition, to the best of the Applicant's knowledge, with the approval of the PCA, the proposed amendments to the proffer condition conform to all current applicable land development ordinances, regulations, and adopted standards for the community.

No land disturbing activities are contemplated with this amendment.

WSHA, as a result of its members wishes expressed in 2002 and again in 2005, now seek to have the Special Permit and Proffer Condition No. 4 modified by the County Planning Commission and Board of Supervisors to permit the continued existence of the Multiuse Sports Court currently in use within the 12,960 square feet of Parcel A that is the subject of this request.

WSHA appreciates your attention to this matter.

Please do not hesitate to contact me if you should have any questions or require additional information about the proposed amendment request(s.)

Sincerely,

REES, BROOME & DIAZ, P.C.

By: 
Lella Ammiss E. Pape
Attorney/Agent for Applicant
Washington Square Homes Association

AEP:hsb

K:\23\23496\00012\051220 Suppl Stmt of Just PCA.doc



County of Fairfax, Virginia

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

October 21, 2005

Lella Amiss E. Pape
Rees, Broome & Diaz, P.C.
8133 Leesburg Pike – Ninth Floor
Vienna, Virginia 22182

Re: Waiver of Certain Submission Requirements for Washington Square Homes, PCA and SPA applications; WSR 0509 037 & WSR 0509 038

Dear Ms. Pape:

This is in response to your requests of September 29, 2005, to waive the requirement for the submission of four copies of a certified plat and five copies of map identifying the soils classifications both required in association with the recently filed proffered condition amendment application and to waive the submission of a sports illumination plan required in association with the proposed special permit amendment application for the recreation facilities that have been constructed within the open space area of the Washington Square Homeowners Association. Your request has been approved in my capacity as the duly authorized agent of the Zoning Administrator pursuant to the provisions of Par. 6 of Sect. 18-204 of the Zoning Ordinance.

Your request was deemed appropriate in this instance because it is my understanding that the Washington Square Homeowners Association has filed a proffered condition amendment and special permit amendment application to obtain approval to permit the existing recreation facilities that have been constructed within the open space of the community to remain. It is my understanding that the existing facilities are not lighted and there are no plans to add lights to the area. No new construction is proposed with the application. As such, neither a soils map nor a sports illumination plan would be required during the staff review of the application. Further, you have provided the Site Plan for Section 1 of Washington Square dated August 25, 1982 and an illustrative plan that shows the current configuration of Parcel A, which are sufficient to allow adequate staff review of the proposal. It should be noted that additional material and/or information may be requested, as needed during the review of your application.

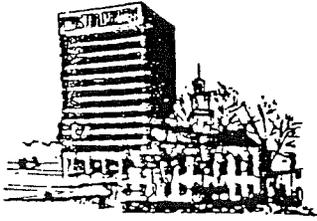
This action should not be construed to imply any staff recommendation on the application or to represent the waiver or modification of any other applicable County requirements or regulations. Should you need further information regarding this matter, please contact Regina Coyle at (703) 324-1290.

Sincerely,


Barbara A. Byron, Director
Zoning Evaluation Division

CC: Kevin Guinaw, Branch Chief, Special Projects/Applications Management Branch, ZED, DPZ
Virginia Ruffner, Senior Planner, ZED, DPZ
Application Files

Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030



August 11, 1976

John T. Hazel, Esquire
P.O. Box 547
Fairfax, Virginia 22030

Dear Mr. Hazel:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at its meeting on August 2, 1976, granting the application of POHICK ASSOCIATES (No. C-403) to rezone certain land in Lee District from RE-1 District to RTC-10 District.

Very truly yours,

Ethel Wilcox Register
Ethel Wilcox Register
Clerk to the Board

EWR/pkw

cc: Mr. Patteson
Mr. Yates ✓
Mr. Knowlton
Mr. Beales

Re: Rezoning Application C-403
Pohick Associates

REVISED PROFFER
March 25, 1976

The undersigned proffers that, providing rezoning is granted by the Fairfax County Board of Supervisors at the scheduled hearing on March 29, 1976, for a density allowing a minimum of 225 dwelling units (6.5 dwelling units per acre), development of the property which is the subject of this application shall be in accordance with the development plan prepared by Long and Rinker dated February 17, 1976, as revised herein, and shall further be subject to the following additional terms and conditions:

1. Density shall not exceed 6.5 units per acre or a total of 225 dwelling units, except as provided in paragraph 5 hereof.
2. The general road alignment shall be as shown on the revised development plan filed previously and made a part of this proffer.
3. The access road serving the subject property shall consist of 44 feet of pavement in a 60 foot right of way from its intersection with Pohick Road to the intersection of the access point to the aforesaid property to the south. Sufficient right of way to provide a Pohick Road width of 45 feet from the centerline shall be dedicated and Pohick Road widened to 32 feet from centerline with curb, gutter and sidewalks.
4. The general open space system shall be substantially as shown on the aforesaid development plan and at time of development the developer shall construct either two tennis courts or a swimming pool, as the developer may elect.
5. In the event the rezoning action now pending results in a grant of density of 235 units (6.8 units per acre) on the site which is the subject of this application, the applicant shall convey a total of 10 lots for moderate income housing to the Fairfax County Housing Authority, or its successor, at such location as applicant or successor may select providing pro rata costs of infrastructure including road, storm drainage and utility extensions shall be paid by the Fairfax County Housing Authority, or its successor, at the time said facilities are constructed. Applicant shall advise the Housing Authority at the time of site plan filing of the locations and availability of the lots and the Housing Authority shall commit reimbursement for infrastructure within 60 days after site plan filing, providing payment for such infrastructure may at the option of the

Housing Authority, or its successor, be deferred until date of release of performance bond for site plan construction.

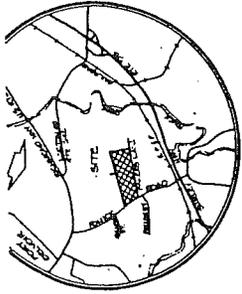
In the event the Housing Authority fails to commit infrastructure reimbursement as aforesaid within 60 days of notice of site plan filing, this provision shall terminate as to those lots tendered.

The provisions of this paragraph shall apply to land only and nothing herein shall be deemed a commitment by applicant to construct dwelling units, nor shall applicant be entitled to develop any of the 10 lots tendered by this paragraph in the event the Housing Authority declines to accept said lots.

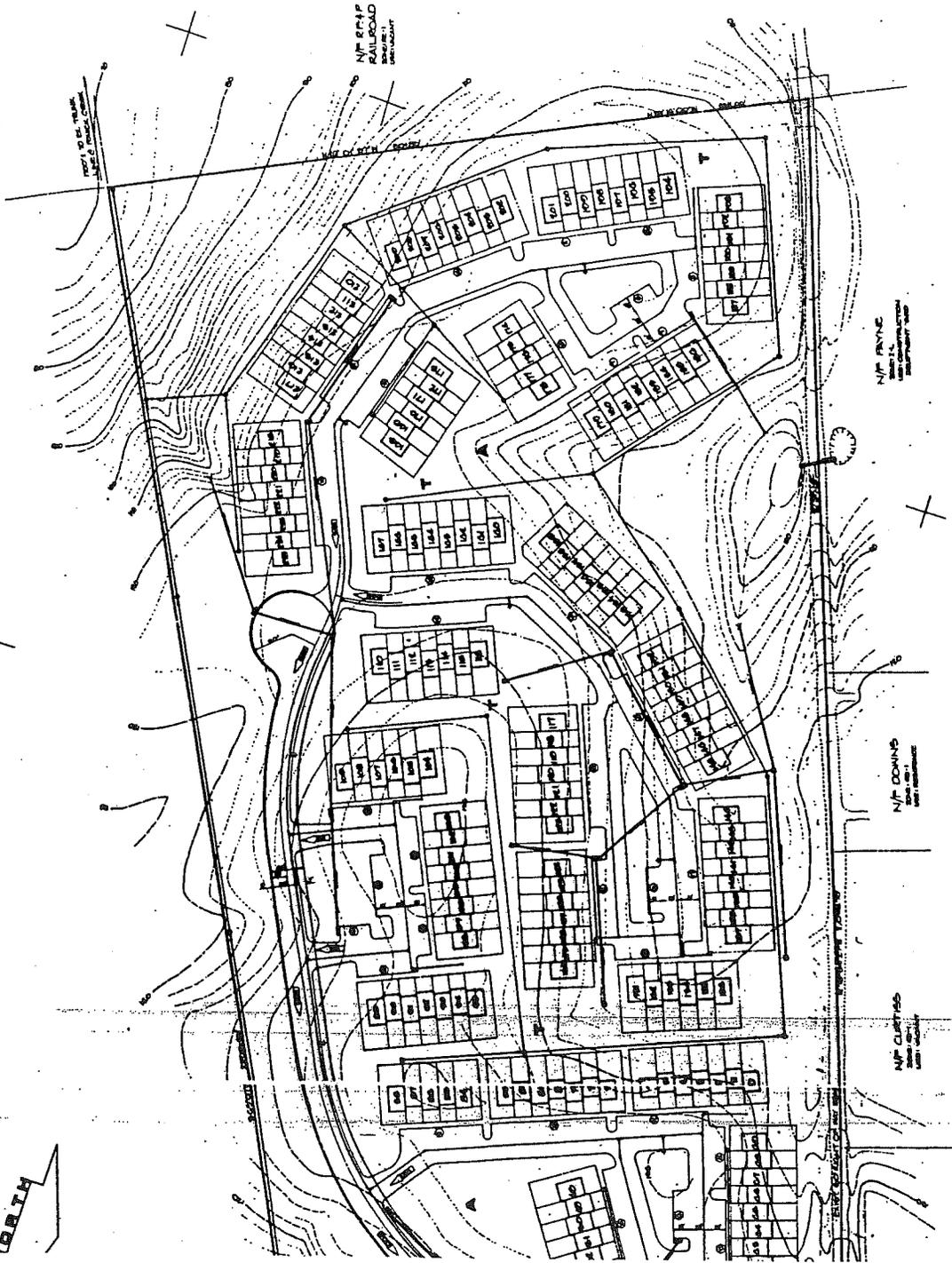
POHICK ASSOCIATES

By: George E. Haver, Partner

Date: 3/25/76



VICINITY MAP
SCALE 1" = 100'



NIP FRYE
RAILROAD
RAILROAD
RAILROAD

NIP FRYE
RAILROAD
RAILROAD
RAILROAD

NIP DOWNS
RAILROAD
RAILROAD
RAILROAD

NIP CLINTON
RAILROAD
RAILROAD
RAILROAD

I HEREBY APPROVE THAT THE DEVELOPMENT OF THE
PROPERTY SHOWN IS THE SUBJECT OF THIS PRELIMINARY
PLAN AND THAT THE DEVELOPER HAS COMPLIED WITH ALL
REQUIREMENTS OF THE CITY OF WASHINGTON AND THE
DISTRICT OF COLUMBIA AND THAT THE DEVELOPMENT
SHOWN IS IN ACCORDANCE WITH THE CITY OF
WASHINGTON AND THE DISTRICT OF COLUMBIA
PLANNING AND ZONING ACTS AND THE CITY OF
WASHINGTON AND THE DISTRICT OF COLUMBIA
PLANNING AND ZONING ACTS.

PRELIMINARY DEVELOPMENT PLAN
WASHINGTON SQUARE
LEES DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE 1" = 100' FEBRUARY 17, 1970



LOBBY

Page 295, January 12, 1982
SHIRLEY L. SHENKER
(continued)

Board of Zoning Appeals

R E S O L U T I O N

approval, shall constitute a violation of the conditions of this Special Permit.

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

5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. Landscaping and screening may be required in accordance with Article 13 of the Zoning Ordinance at the discretion of the Director of Environmental Management.

7. This special permit shall be subject to all other provisions of S-80-V-102 not altered by this resolution.

8. This permit is granted for a period of three years with the Zoning Administrator empowered to grant two additional one-year extensions upon written request from the applicant at least thirty (30) days prior to the expiration date.

Mr. DiGiulian seconded the motion.

The motion passed by a vote of 4 to 0 (Mr. Yaremchuk being absent).

Page 295, January 12, 1982, Scheduled case of

11:30 A.M. THE CHRISTOPHER COMPANIES - FREDERICK KOBER, PRESIDENT, appl. under Sect. 3-803 of the Ord. for community tennis courts, located 7601 Pohick Rd., R-8, Lee Dist., 108-1((1))42, 33.1 acres, S-81-L-082. (Deferred from December 15, 1981 for Notices).

Mr. David Wahl, Vice-President of the Christopher Companies on Old Courthouse Road in Vienna informed the Board that they were developing a 36 acre parcel in the Lee District for townhouse lots with a community area to be deeded to the homeowners. It would be built during the first portion of the development. In response to questions from the Board, Mr. Wahl stated that 225 homes would be served by the facilities. Only two tennis courts were being constructed. Mr. Wahl stated that eight parking spaces were provided. The tennis courts would not be lighted at the present time. The hours of operation would be set by the homeowners' association. Chairman Smith stated that it would only be daylight hours. Mrs. Day inquired if there were other activities on the property. Mr. Wahl responded that there was a tot lot to be included on the site for the younger people.

There was no one else to speak in support and no one to speak in opposition.

Page 295, January 12, 1982

Board of Zoning Appeals

THE CHRISTOPHER COMPANIES - FREDERICK KOBER, PRESIDENT
R E S O L U T I O N

Mrs. Day made the following motion:

WHEREAS, Application No. S-81-L-082 by THE CHRISTOPHER COMPANIES - FREDERICK KOBER, PRESIDENT, under Section 3-803 of the Fairfax County Zoning Ordinance to permit community tennis courts located at 7601 Pohick Road, tax map reference 108-1((1))42, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on January 12, 1982; and

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

1. That the owner of the property is the applicant.
2. That the present zoning is R-8.
3. That the area of the lot is 33.1 acres.
4. That compliance with the Site Plan Ordinance is required.

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

THAT the applicant has presented testimony indicating compliance with Standards for Special Permit Uses in R Districts as contained in Section 8-006 of the Zoning Ordinance,

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application and is not transferable to other land.
2. This special permit shall expire eighteen (18) months from this date unless construction has started and is diligently pursued or unless renewed by action of this Board prior to any expiration. A request for an extension shall be filed in writing thirty (30) days before the expiration date and the permit shall remain valid until the request for extension is acted upon by the BZA.

3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the Permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this Special Permit.

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

5. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. Landscaping and screening may be required in accordance with Article 13 of the Zoning Ordinance at the discretion of the Director of Environmental Management.

7. The membership shall be restricted to the residents of the 225 dwellings.

8. The hours of operation shall be daylight hours only.

9. Adequate parking shall be provided.

Mr. Hyland seconded the motion.

The motion passed by a vote of 4 to 0 (Mr. Yaremchuk being absent).

Page 296, January 12, 1982, After Agenda Items

Approval of Minutes: The Board was in receipt of Minutes for January 8, 1980; January 15, 1980; January 22, 1980; January 29, 1980 and February 5, 1980. It was the consensus of the Board to approve the minutes as written.

//

Page 296, January 12, 1982, After Agenda Items

The Clerk reminded the Board members to file their Real Estate Holdings with the County Attorney's Office by the deadline date. Mr. DiGiulian and Mr. Hyland stated that they had filed their report with the Circuit Court.

//

Page 296, January 12, 1982, After Agenda Items

Lawrence Rosen: The Board was in receipt of a note from Mr. Lawrence Rosen regarding his pending appeal for January 26, 1982. He was coming back from Europe just for the purposes of his appeal and would have jet lag. Mr. Rosen had stated that he would hate to do all of that if his appeal was deferred because of an overloaded agenda. Chairman Smith stated that the Board would proceed with the case as scheduled. He stated that it was uncertain about Mr. Yaremchuk's presence at the meeting though.

//

Page 296, January 12, 1982, After Agenda Item

Reconsideration of Albert Rajthel and Batal Builders: The Board was in receipt of a memorandum from the County Attorney dated December 17, 1983 regarding reconsideration or rehearing of the above-captioned variance applications. Chairman Smith inquired as to the Board's consensus based on the information in the memorandum. Mrs. Day stated that she felt the Board should wait for the twelve months to elapse. Chairman Smith stated that he wanted to discuss the matter with the County Attorney at the Board's next meeting. Mr. Hyland stated that the memo did not answer the question as to the authority of the Board itself to move to reconsider a decision it has made. Mr. Hyland stated that another questions that came to mind was if the BZA made a decision in a variance and then received information about the decision that was rendered, new information that had not been received at the time of the hearing, would the Board be prohibited from reconsidering its decision. Chairman Smith stated that if the decision was done at the next meeting, he felt it would be correct. He stated that the Board could not have a hearing at the next meeting but could set a date for it.

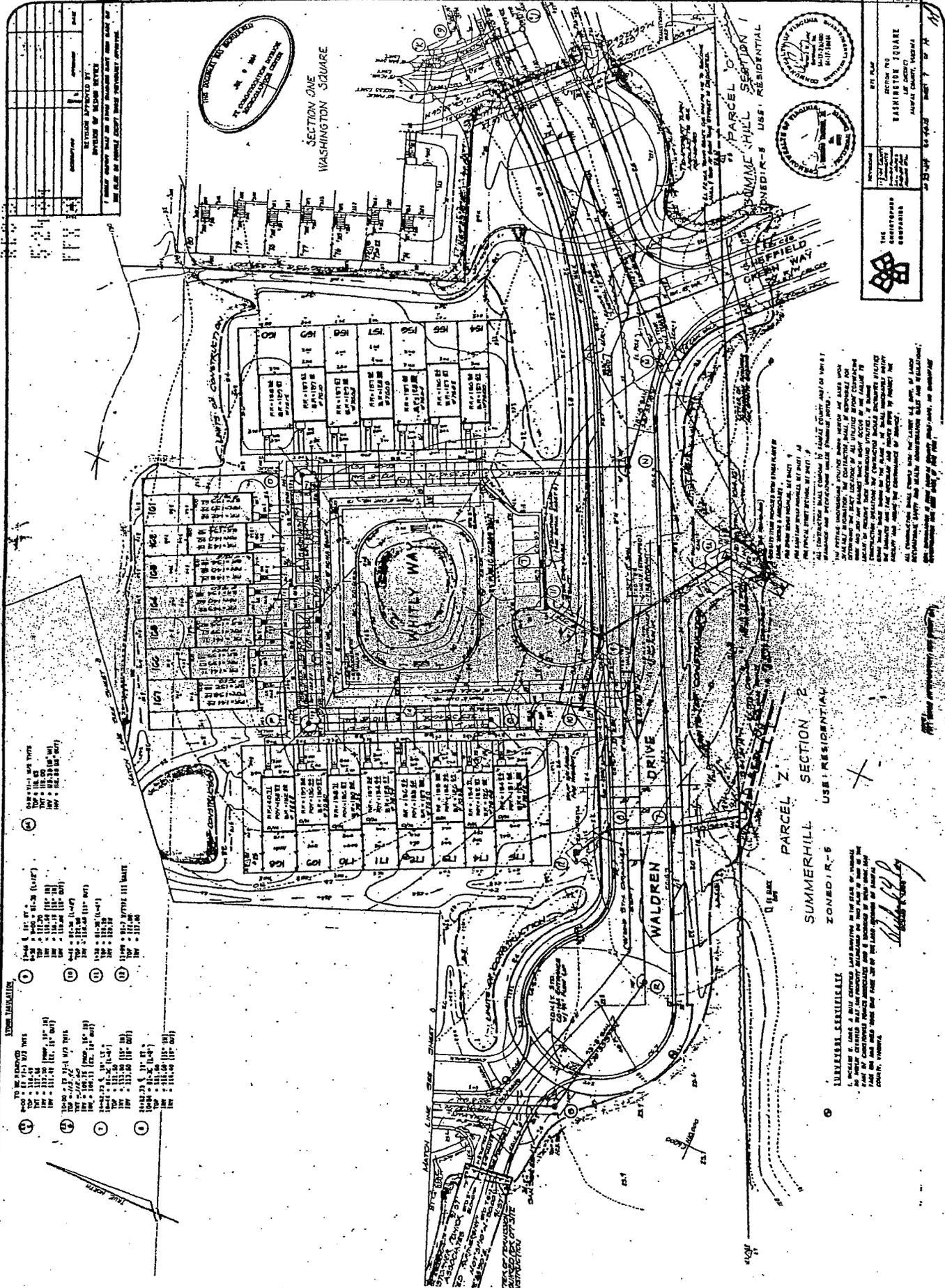
// There being no further business, the Board adjourned at 2:45 P.M.

By Sandra L. Hicks
Sandra L. Hicks, Clerk to the
Board of Zoning Appeals

Daniel Smith
Daniel Smith, Chairman

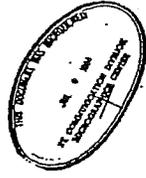
Submitted to the Board on July 7, 1983

Approved July 12, 1983
Date

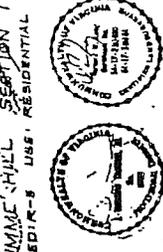


NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAN	10/1/78	JLB
2	REVISED PLAN	10/15/78	JLB
3	FINAL PLAN	10/25/78	JLB

REVISION APPROVED BY:
DIVISION OF PUBLIC WORKS
CITY OF FARMINGTON, CONNECTICUT



SECTION ONE
WASHINGTON SQUARE



THE CONTRACTORS

WASHINGTON SQUARE
SECTION TWO
SUMMERHILL SECTION 2
ZONED R-5
FARMINGTON, CONNECTICUT

DATE: 10/25/78
BY: JLB

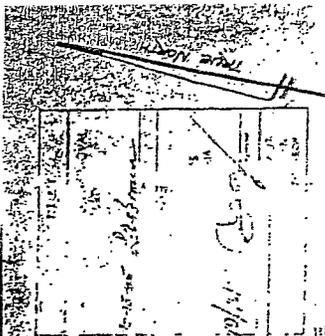
- EXISTING UTILITIES**
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 - 2. 8" WATER MAIN (8" DIA.)
 - 3. 6" WATER MAIN (6" DIA.)
 - 4. 4" WATER MAIN (4" DIA.)
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 - 6. 2" WATER MAIN (2" DIA.)
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ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY DATA. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES CAUSED BY CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES CAUSED BY CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES.

UNIVERSAL SURVEYING
SUMMERHILL SECTION 2
ZONED R-5
USE: RESIDENTIAL

DATE: 10/25/78
BY: JLB

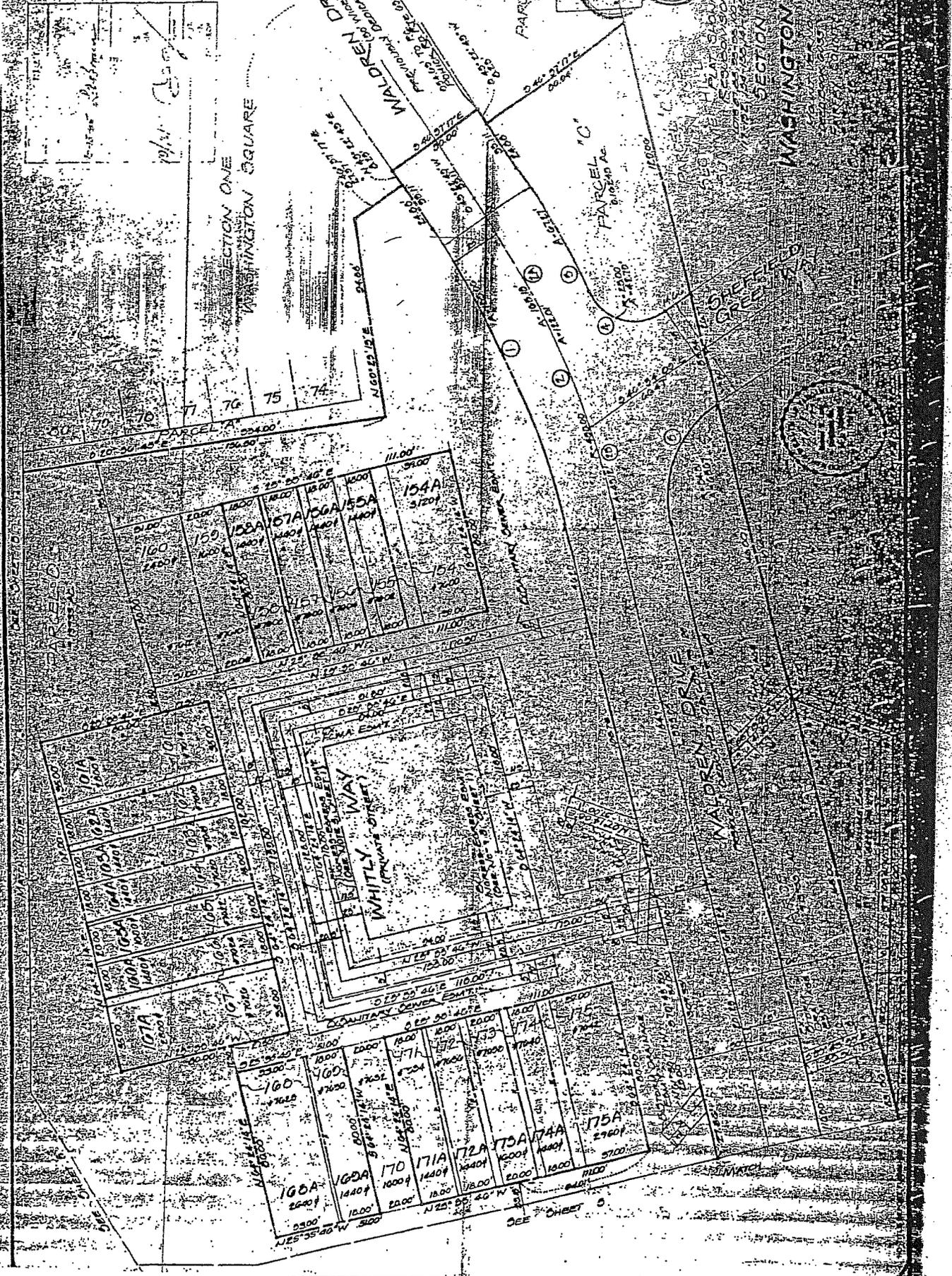
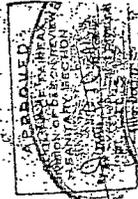
UNIVERSAL SURVEYING
1000 WEST MAIN STREET
MIDDLETOWN, CONNECTICUT 06457
TEL: 860-346-1111



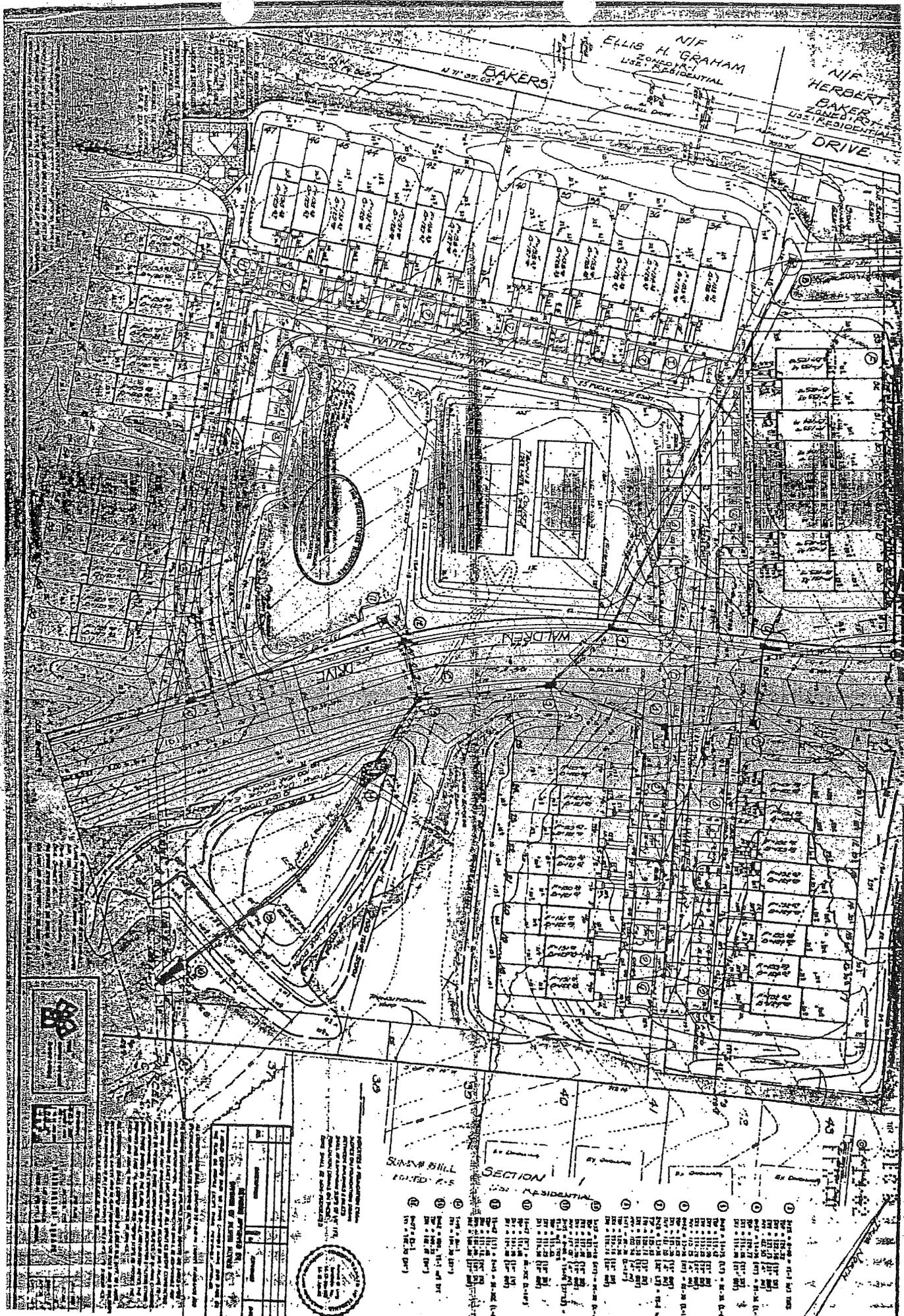
SECTION ONE
WASHINGTON SQUARE

WALDEN DRIVE
PREVIOUSLY DESIGNATED AS BLDG L

OWNER'S NOTE:
This plat was filed for
recording on 11/14/00
by the owner of the
property shown on this
plat. It is not intended
to be construed as a
warranty of any kind
and the owner makes no
warranty of any kind.



SEE SHEET 8



ELLIS H. GRAHAM
ZONING
USE: RESIDENTIAL

NIF
HERBERT
BAKER
ZONING
USE: RESIDENTIAL

BAKERS

DRIVE

SUNSHINE HILL
SECTION

USE: RESIDENTIAL

- 1. 100' x 100' (10,000 sq. ft.)
- 2. 100' x 100' (10,000 sq. ft.)
- 3. 100' x 100' (10,000 sq. ft.)
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- 16. 100' x 100' (10,000 sq. ft.)
- 17. 100' x 100' (10,000 sq. ft.)
- 18. 100' x 100' (10,000 sq. ft.)
- 19. 100' x 100' (10,000 sq. ft.)
- 20. 100' x 100' (10,000 sq. ft.)



NOTICE
This plan was prepared by the undersigned on the basis of a survey conducted by him or her or under his or her supervision and to the best of his or her knowledge and belief the same is true and correct.

STATE OF TEXAS
COUNTY OF []

I, []

Lot No.	Area (sq. ft.)	Dimensions
1	10,000	100' x 100'
2	10,000	100' x 100'
3	10,000	100' x 100'
4	10,000	100' x 100'
5	10,000	100' x 100'
6	10,000	100' x 100'
7	10,000	100' x 100'
8	10,000	100' x 100'
9	10,000	100' x 100'
10	10,000	100' x 100'
11	10,000	100' x 100'
12	10,000	100' x 100'
13	10,000	100' x 100'
14	10,000	100' x 100'
15	10,000	100' x 100'
16	10,000	100' x 100'
17	10,000	100' x 100'
18	10,000	100' x 100'
19	10,000	100' x 100'
20	10,000	100' x 100'



COMMONWEALTH OF VIRGINIA
 COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
 FAIRFAX, VIRGINIA 22030



March 23, 1989

Mr. Dennis M. Cate
 Haight, Tramonte and Siciliano, P.C.
 8221 Old Courthouse Road
 Vienna, Virginia 22180

Re: Proffered Condition Amendment
 Number PCA C-403

Dear Mr. Cate:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on February 27, 1989, approving Proffered Condition Amendment PCA C-403 in the name of John Tomlinson, subject to revised proffers dated December 12, 1988, on subject parcels 108-1 ((1)) 46 consisting of approximately 1.79 acres in Lee District.

The Board also modified the transitional screening requirements along the rear property line behind Units One through Six in lieu of a six-foot solid brick or architectural block wall as described in the revised proffers dated December 12, 1988.

Sincerely,

Theodore Austell, III
 Clerk to the Board of Supervisors (Acting)

TAIII:ns

cc: Joseph T. Hix
 Real Estate Division, Assessments
 Gilbert R. Knowlton, Deputy
 Zoning Administrator
 Barbara A. Byron, Director
 Zoning Evaluation Division
 Robert Moore, Transportation Planning Division,
 Office of Transportation
 Kathy Ichter, Transportation Road Bond Division,
 Office of Transportation
 Department of Environmental Management
 A. V. Bailey, Resident Engineer
 Virginia Department of Transportation
 Richard Jones, Manager, Land Acquisition & Planning Division
 Fairfax County Park Authority

REVISED PROFFER STATEMENT
DATE: December 12, 1988
PCA C-403-1

Pursuant to Section 15.1-491(a) of the 1950 Code of Virginia, as amended, the undersigned proffers the following conditions and the General Development Plan provided the Board of Supervisors of Fairfax County, Virginia approves this Proffered Condition Amendment PCA C-403. These proffers supersede any prior submitted proffers and all such prior submitted proffers are null and void and of no further force and effect.

1. Applicant shall develop the property with the townhouse units and single-family detached unit as shown on the uncertified plat labeled "GENERAL DEVELOPMENT PLAN", prepared by Paciulli, Simmons & Associates, Ltd., dated June 1987 and revised November 1987 and November 1988.

2. The yard requirements set forth in the Zoning Ordinance of Fairfax County, Virginia, as applicable to the townhouse units and/or the single-family unit, shall be met.

3. Acoustical fencing and/or noise abatement measures, as approved by the Department of Environmental Management, shall be provided for each townhouse unit to achieve a maximum interior noise level of 45 dBA Ldn and to achieve a maximum exterior noise level of 65 dBA Ldn.

4. To protect against excessive erosion, Applicant shall provide during grading and construction activities erosion and sediment control measures designed in accordance with the method recommended by the Virginia Soil and Water Conservation Commission in the Virginia Erosion and Sediment Control Handbook. All such measures shall be subject to the Department of Environmental Management approval.

5. Applicant shall submit a tree preservation and landscape plan which has been coordinated and approved by the County Arborist, prior to subdivision plat approval. The Applicant shall preserve, as determined by the County Arborist, specimen trees on the property and the line of Holly trees

located by the southeast side of the existing single-family structure, which structure is to be retained, and specimen trees located in the open area between Unit 6 and widened Pohick Road. Applicant requests a modification of the buffering and transitional screening requirements to allow a buffer strip reduced in width to the width from the subject property line to the rear yard lines proposed for Townhouse Units One (1) through Six (6), or in the alternative, should adequate buffering and screening not be feasible in such reduced strip, Applicant requests a two-third (2/3) reduction in the buffer and screening requirements as allowed under Zoning Ordinance Section 13-111(4) and shall, in such case, construct a six foot (6') tall brick or architectural block wall within such reduced buffer strip between the rear yardlines of Townhouse Units One (1) through Six (6) and the subject property line.

6. The dedicated strip of land along Pohick Road at a line approximately forty-five feet (45') from the center line of existing Pohick Road as shown on the General Development Plan will be conveyed in fee simple to the Board of Supervisors of Fairfax County at final site plan approval.

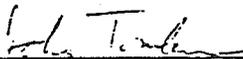
7. Applicant shall contribute TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) towards the construction of frontage improvements; said contribution to be made at the time of final site plan approval.

8. Applicant proffers that at such time approved and constructed access is provided to the nine (9) townhouse units and one (1) single-family detached unit from Waldren Drive, no unit shall have direct access to Pohick Road and the current access to Pohick Road shall be closed. Applicant proffers at such time to scarify and plant grass in the area of the current access. Access to Walden Drive from the Property shall be by means of the existing ingress-egress easement in the general location shown on the General Development Plan.

9. Applicant proffers that the height of the townhouse units proposed shall not exceed thirty-five feet (35').

10. Applicant proffers that a minimum of twenty percent (20%) of the gross area shall be open space.

11. Applicant proffers that the developed flow for the two-year storm shall be one-half ($\frac{1}{2}$) of the predeveloped flow, and for the ten-year storm, the developed flow shall be equal to the predeveloped flow. Storm water runoff shall flow into existing facilities within the adjoining Washington Square development, provided such facilities prove adequate and agreement can be reached regarding such flow and detention off-site. Should the off-site facilities prove inadequate for this project's runoff or agreement not be reached with the owner of said off-site facilities, Applicant shall provide on-site storm water management facilities to service its property in a size and location as approved by the Department of Environmental Management. If deemed feasible and approved by the Department of Environmental Management, storm water runoff shall, where possible, be conveyed over vegetated areas.

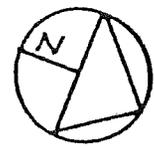


John Tomlinson, Applicant
and Agent for the Owner,
Veronica Higgins.

12-16, SE
Date

HTS:mct/12/15/88

GENERAL DEVELOPMENT PLAN TOMLINSON - POHICK ROAD



WALDRENN DR.

WHITSELL WAY

APPROVED DEVELOPMENT PLAN

PCA C-403

Application No.

(DR) (GDP) (ODP) (FDP)

SEE REFERRED CONDITIONS

Date of (BO) (PC) approval

Sheet

OPEN SPACE

2/27/89

DM

25' ACCESS ESMIT

25' MIN.

EX. HOUSE TO REMAIN

2 PARKING SPACES TO BE PROVIDED FOR EXISTING HOUSE.

EX. 40' INGRESS/EGRESS ESMIT

45' DEDICATION TO PUBLIC STREET PURPOSES

RT. 638

POHICK ROAD

NOTES

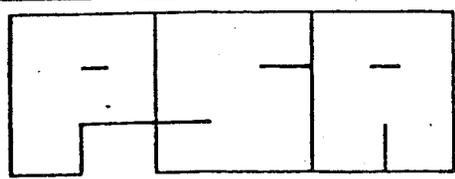
- TEN (10) TOTAL LOTS:
NINE (9) TOWNHOUSE LOTS
ONE (1) EXISTING BRICK HOUSE.
- HEIGHT OF TOWNHOUSE UNITS SHALL NOT EXCEED 35'
- MINIMUM REQUIRED OPEN SPACE: 20%

* TOTAL AREA BASED ON AVAILABLE INFORMATION.

OPEN SPACE:

REQUIRED = 20%, 0.36 ACRES
PROVIDED = 0.77 ACRES
LOT AREA ATTACHED = 0.40 ACRES
LOT AREA DETACHED = 0.25 ACRES
STREETS & PARKING = 0.37 ACRES
TOTAL AREA = 1.79 ACRES*

REMAINDER OF WASHINGTON SQUARE
RZ C-403
TAX MAP 108-1 ((1)) 46
JUNE 1987 1" = 50'
REVISION: NOV. 1987, NOV. 1988



PACIULLI, SIMMONS & ASSOCIATES, LTD.

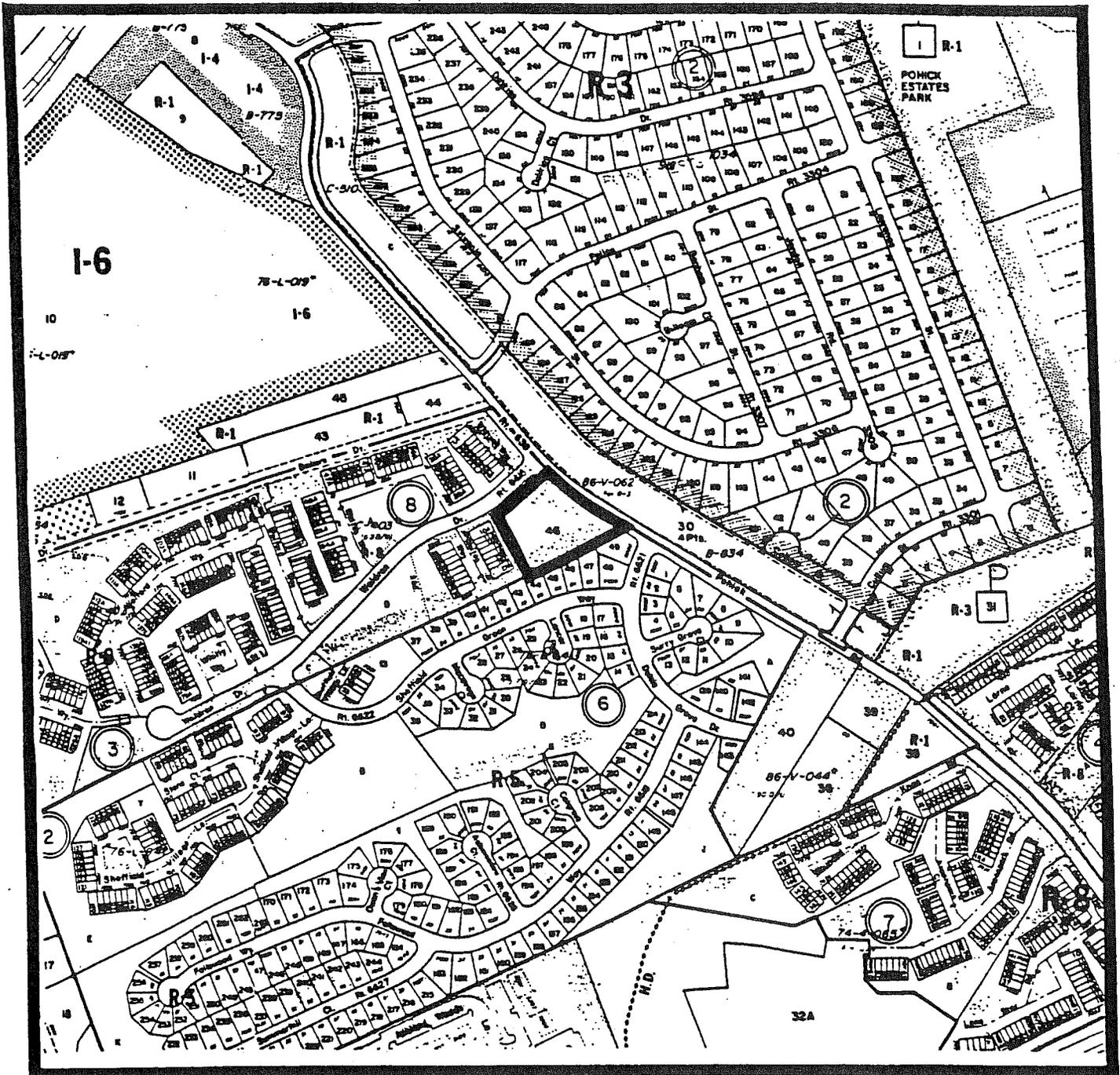
11130 Main Street, Suite 100, Fairfax, Virginia 22030
Telephone (703) 591-8880

Engineers, Planners, Surveyors, Landscape Architects

PROFFERED CONDITION AMENDMENT

PCA C-403

CA C-403 - JOHN TOMLINSON
FILED 04/08/88 PROFFERED CONDITION AMENDMENT
PROPOSED: SINGLE FAMILY ATTACHED RESIDENTIAL DEVELOPMENT
APPROX. 1.79 ACRES OF LAND; DISTRICT - MT. VERNON
LOCATED: SOUTHWEST QUADRANT OF THE INTERSECTION OF
POHICK RD. AND WALDREN DRIVE
ZONING: R-8
MAP REF 108-1- /01/ /0046-





**FAIRFAX
COUNTY**

DEPARTMENT OF PLANNING AND ZONING

Zoning Administration Division
 Zoning Enforcement Branch
 12055 Government Center Parkway, Suite 829
 Fairfax, Virginia 22035-5508

V I R G I N I A

(703) 324-1300

Fax (703) 324-1343

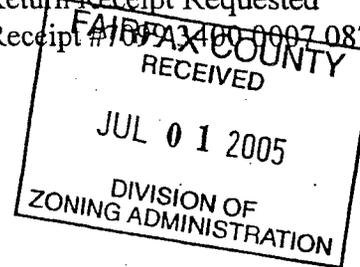
NOTICE OF VIOLATION

July 1, 2005

Anthony Bennett
 President, Washington Square HOA
 7722 Wolford Way
 Lorton, VA 22079

RE: 8927 Waites Way
 Washington Square, Lot 27A, Sec. 1
 Tax Map Ref: 108-1((8)) 27A
 Zoning District: R-8

Certified Mail
 Return Receipt Requested
 Receipt # FAIRFAX COUNTY 0007 0874 8709



Dear Mr. Bennett:

A zoning inspection of the above-referenced property, on June 20, 2005, revealed that Washington Square Homeowners Association has converted one of the tennis courts into a multi-purpose court (basketball/volleyball). A review of our files revealed that Rezoning Application C-403, subject to proffers dated January 26, 1972, and revised March 25, 1976, was approved by the Fairfax County Board of Supervisors on August 2, 1976. A copy of the proffers is enclosed.

Proffer Condition Number 4 of RZ C-403 states, in part:

The general open space system shall be substantial, as shown, on the aforesaid development plan, and at time of development, the developer shall construct either two (2) tennis courts or a swimming pool, as the developer may elect.

Therefore, you are in violation of Par. 3 of Sect. 18-204 of the Fairfax County Zoning Ordinance that states:

Such proffered conditions shall become a part of the zoning regulations applicable to the property in question, unless subsequently changed by an amendment to the zoning map, and such conditions shall be in addition to the specific regulations set forth in this Ordinance for the zoning district in question.

Anthony Bennett
Pres. Washington Square HOA
July 1, 2005
Page 2

Additionally, a review of our files revealed that Special Permit S-81-L-082 for two (2) community tennis courts was granted on January 12, 1982, by the Board of Zoning Appeals (BZA). This Special Permit was granted subject to a number of limitations. A copy of this Special Permit is enclosed. Based on the inspection, it has been determined that the change to a multi-purpose court is not in compliance with the following condition:

3. This approval is granted for the buildings and uses indicated on the plans submitted with this application. Any additional structures of any kind, changes in use, additional uses or changes in the plans approved by this Board (other than minor engineering details) whether or not these additional uses or changes require a Special Permit, shall require approval of this Board. It shall be the duty of the permittee to apply to this Board for such approval. Any changes (other than minor engineering details) without this Board's approval, shall constitute a violation of the conditions of this special permit.

Therefore, you are in violation of Par. 2 of Sect. 8-004 of the Zoning Ordinance which states:

Once established, use shall be conducted in substantial conformance with the permit, any conditions or restrictions imposed by the BZA, and all other requirements of this Ordinance. Except as may be permitted under Paragraphs 3 and 4 below, no use shall be enlarged, expanded, increased in intensity or relocated, and no condition of the special permit shall be modified unless an application is made and approved for an amendment to the special permit in accordance with Sect. 014 below or a new special permit is approved.

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

- Restoring the tennis court so that it is in conformance with the proffered conditions, special permit, and the development plan; or
- Filing for and obtaining a Proffered Condition Amendment to change the proffers and amending the Development Plan; and

Anthony Bennett
Pres. Washington Square HOA
July 1, 2005
Page 3

- Applying for and ultimately obtaining approval of an amendment, to Special Permit S-81-L-082, to allow the change from the established use (community tennis courts) to a multi-purpose court.

Information on filing for Proffer Condition Amendments, amending the Development Plan, and amending a Special Permit can be acquired by contacting the Zoning Evaluation Department at 703-324-1290, Monday through Friday, between the hours of 8:00 AM and 4:30 PM.

You may have the right to appeal, this Notice of Zoning Violation, regarding the violation of the Special Permit Conditions 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, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party, and any other information you may wish to submit, and a \$375.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

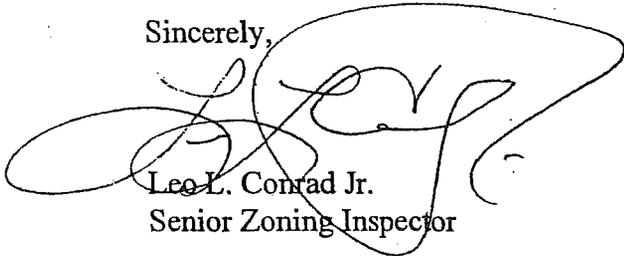
Additionally, you may have the right to appeal the Notice of Zoning Violation, regarding the violation of a proffer condition attached to Rezoning Application C-403 within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2301 of the Code of Virginia. This decision shall be final and unappealable, if not appealed within such thirty (30) days. Should you choose to appeal, a Notice of Appeal must be filed with the Clerk of the Board of Supervisors and a Notice of Appeal and filing fee must be filed with the Zoning Administrator in accordance with Par. 10 of Sect. 18-204 of the Fairfax County Zoning Ordinance. Such notice shall be a written statement specifying the grounds on which aggrieved, the basis for the appeal, and a \$375.00 filing fee. Once an appeal application is accepted, it is scheduled for consideration and a decision by the Board of Supervisors.

Failure to comply, with this notice, may result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Anthony Bennett
Pres. Washington Square HOA
July 1, 2005
Page 4

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1390 or (703) 324-1300.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'LLCJR', is written over the typed name and title.

Leo L. Conrad Jr.
Senior Zoning Inspector

LLCJR/seg
Attachment: A/S

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-403 Standards For All Group 4 Uses

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

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		

