



APPLICATION ACCEPTED: August 28, 2013
SPECIAL EXCEPTION APPLICATION AMENDED: January 14, 2014
PLANNING COMMISSION: April 3, 2014
BOARD OF ZONING APPEALS: April 16, 2014 @ 9 a.m.
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

March 20, 2014

STAFF REPORT

APPLICATION SE 2013-LE-014
(in association with SP 2013-LE-062)

LEE DISTRICT

APPLICANT: Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee of the Hajimohammad Revocable Trust

ZONING: C-6 (Community Retail Commercial District)

PARCEL: 81-2 ((3)) 8A

SITE AREA: 31,451 square feet

PLAN MAP: Industrial

SPECIAL EXCEPTION PROPOSAL: The applicants seek approval of a Special Exception to permit the continued operation of an existing vehicle sale, rental, and ancillary service establishment and a waiver of the minimum lot size, lot width, and open space requirements.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2013-LE-014, subject to the proposed development conditions contained in Appendix 1.

Megan Duca

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/



Staff recommends approval of the following requested waivers and modifications:

- Modification of the minimum lot size and lot width requirements in accordance with Sect. 9-610 of the Zoning Ordinance to permit a 31,451 square foot lot with a width of 82 feet;
- Modification of the open space requirements in accordance with Sect. 9-612 of the Zoning Ordinance to allow 13.4% open space;
- Modification of the transitional screening requirements to the south and west and the barrier requirements to the south pursuant to Sect. 13-305 of the Zoning Ordinance in favor of that shown on the SE/SP Plat;
- Modification of the peripheral parking lot landscaping requirements along the eastern boundary of the property in accordance with Sect. 13-203 of the Zoning Ordinance in favor of that shown on the SE/SP Plat; and,
- Increase in the height of the fence, walls, gates, and gate posts to that shown on the SE/SP Plat in accordance with Par. 3.H of Sect. 10-104 of the Zoning Ordinance.

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.

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

It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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

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



APPLICATION ACCEPTED: August 28, 2013
BOARD OF ZONING APPEALS: April 16, 2014
ADMINISTRATIVELY MOVED FROM: March 19, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 20, 2014

STAFF REPORT

APPLICATION SP 2013-LE-062
(in association with SE 2013-LE-014)

LEE DISTRICT

APPLICANT/OWNERS: Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee of the Hajimohammad Revocable Trust

LOCATION: 5630 South Van Dorn Street

ZONING DISTRICT: C-6 (Community Retail Commercial District)

SUBDIVISION: Oakwood

TAX MAP: 81-2 ((3)) 8A

LOT SIZE: 31,451 square feet

SPECIAL PERMIT PROPOSAL: To permit a reduction of minimum yard requirements base on error in building locations to permit an existing building to remain 29.5 feet and 33.0 feet from the front lot lines.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after that decision becomes final.

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

Megan Duca

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924



For information, contact the Zoning Evaluation Division, Department of Planning and Zoning
12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505,
(703) 324-1290. Board of Zoning Appeals meetings are held in the Board Room, Ground
Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia
22035-5505.

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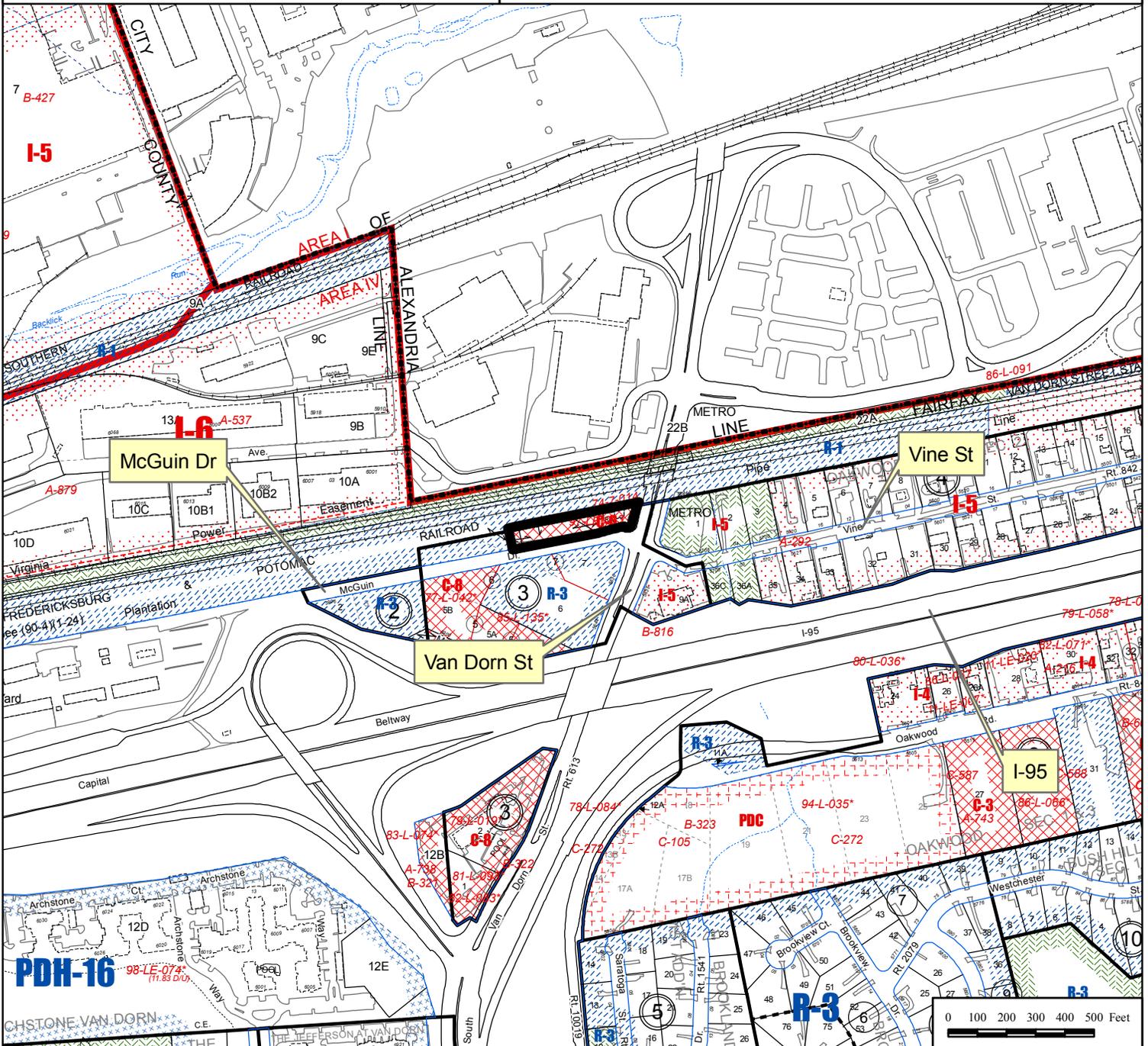
Special Exception

SE 2013-LE-014



Applicant: MOHAMMAD HAJIMOHAMMAD, TRUSTEE AND FLORA HAJIMOHAMMAD, TRUSTEE OF THE HAJIMOHAMMAD REVOCABLE TR
Accepted: 08/28/2013
Proposed: VEHICLE SALES, RENTAL AND ANCILLARY SERVICE ESTABLISHMENT, WAIVER OF THE MINIMUM LOT SIZE, LOT WIDTH AND OPEN SPACE REQUIREMENTS

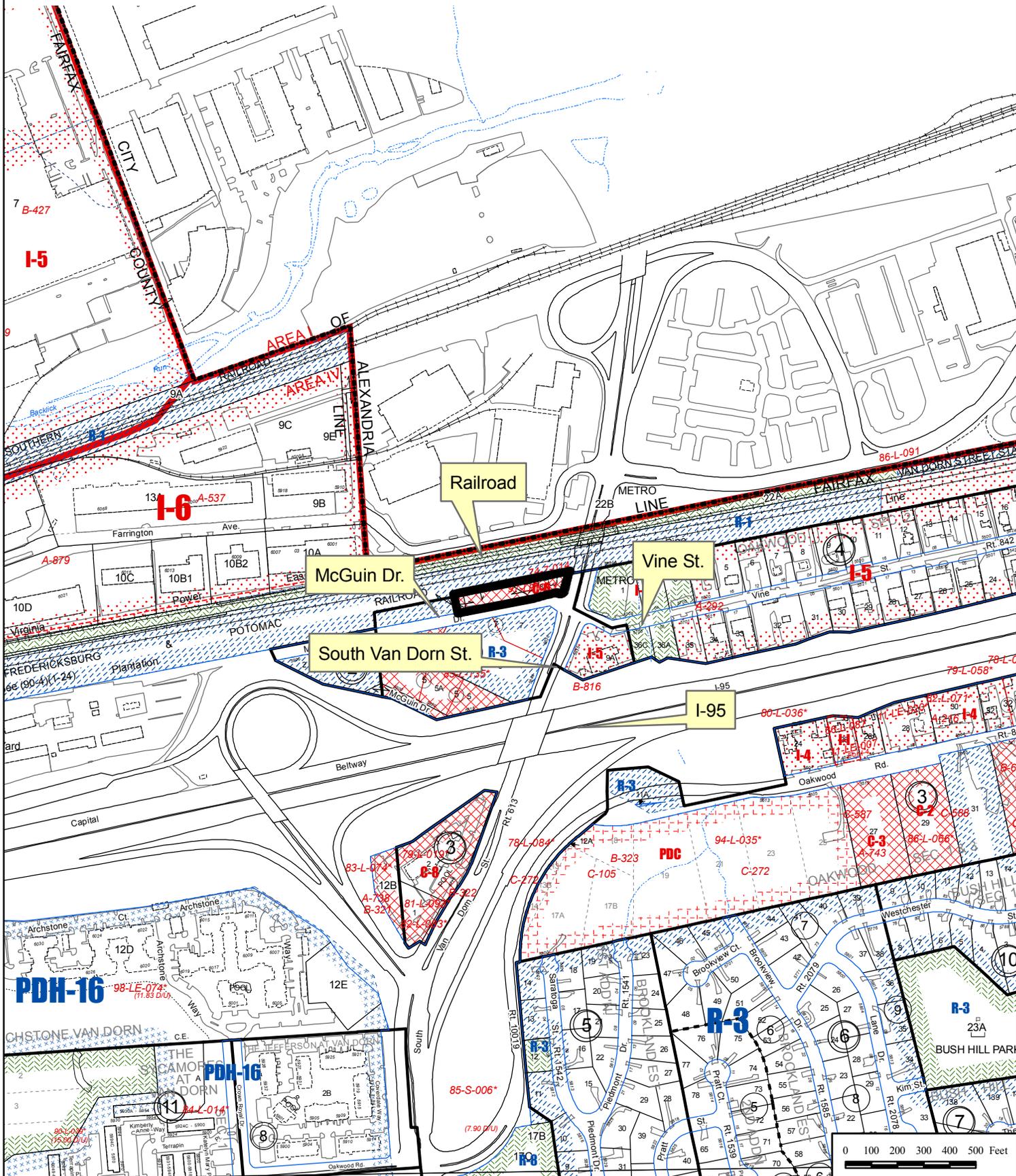
Area: 31451 SF OF LAND; DISTRICT - LEE
Zoning Dist Sect: 09-061009-061204-0604
Art 9 Group and Use: 6-06 6-09 5-25
Located: 5630 SOUTH VAN DORN STREET, ALEXANDRIA, VA 22310
Zoning: C-6
Plan Area: 4,
Map Ref Num: 081-2- /03/ /0008A



Special Permit

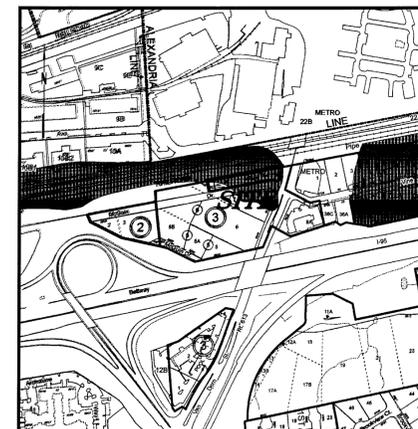
SP 2013-LE-062

MOHAMMAD HAJIMOHAMMAD, TRUSTEE AND
FLORA HAJIMOHAMMAD, TRUSTEE OF THE
HAJIMOHAMMAD REVOCABLE TR



SPECIAL EXCEPTION AND SPECIAL PERMIT PLAT SELECT AUTO IMPORTS

*JULY 10, 2013
REV. FEBRUARY 25, 2014*

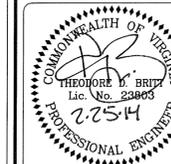


VICINITY MAP
SCALE: 1"=500'



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PROJECT TEAM

OWNER/APPLICANT

MOHAMMAD & FLORA
HAJIMOHAMMAD, TR.
5630 S. VAN DORN STREET
ALEXANDRIA, VA. 22350
PHONE: (703) 928-5500

LAND USE ATTORNEY

WALSH, COLUCCI, EMRICH,
LUBELEY AND WALSH
ATTN. LYNNE STROBEL
2200 CLARENDON BOULEVARD
13TH FLOOR
ARLINGTON, VA. 22201
PHONE: (703) 528-4700
FAX: (703) 525-3197

CIVIL ENGINEER

TRI-TEK ENGINEERING, INC.
ATTN. TED BRITT
690 CENTER STREET
SUITE 300
HERNDON, VA. 20170
PHONE: (703) 481-5900
FAX: (703) 481-5901

SHEET INDEX

- 1) COVER SHEET
- 2) NOTES & DETAILS
- 3) SPECIAL EXCEPTION AND SPECIAL PERMIT PLAT
- 4) STORMWATER MANAGEMENT
- 5) BMP COMPUTATIONS AND DETAILS

SELECT AUTO IMPORTS

FAIRFAX COUNTY, VIRGINIA

LEE DISTRICT

COVER SHEET

DATE	REVISION
06.18.13	PER COUNTY COMMENTS:
07.10.13	PER COUNTY COMMENTS:
11.06.13	PER COUNTY COMMENTS:
12.12.13	PER COUNTY COMMENTS:
01.09.14	PER COUNTY COMMENTS:
02.25.14	PER COUNTY COMMENTS:

PM: TDB SCALE: NONE
PE: TDB DATE: 03.19.13
CO: MSO SHEET 1 OF 5

GENERAL NOTES

- THE PROPERTY DELINEATED ON THIS PLAT CONTAINS 0.7220± ACRES (31,451± S.F.) AND IS LOCATED ON FAIRFAX COUNTY TAX MAP 81-2-03-0008A, THE PROPERTY IS ZONED C-6 AND IS CURRENTLY USED AS MOTOR VEHICLE SALES.
- THIS SPECIAL EXCEPTION REQUEST IS SUBMITTED FOR CATEGORY 5 - COMMERCIAL AND INDUSTRIAL USE OF SPECIAL IMPACT - VEHICLE SALES AND A CATEGORY 6 FOR A WAIVER OF MINIMUM LOT SIZE REQUIREMENTS.
- THIS SPECIAL PERMIT IS TO REQUEST A REDUCTION IN THE FRONT YARD REQUIREMENTS BASED ON AN ERROR IN BUILDING LOCATION IN ACCORDANCE WITH SECTION 8-914 OF THE FAIRFAX COUNTY ZONING ORDINANCE.
- BOUNDARY INFORMATION IS BASED ON A FIELD RUN SURVEY BY TRI-TEK ENGINEERING (JANUARY, 2013). NO TITLE REPORT FURNISHED.
- TOPOGRAPHY INFORMATION SHOWN HEREON IS AT 2 FT. CONTOUR INTERVALS BASED ON A FIELD SURVEY BY TRI-TEK ENGINEERING (JANUARY, 2013).
- THE PROPERTY DELINEATED ON THIS PLAT IS NOW IN THE NAME OF MOHAMMAD & FLORA HAJMOHAMMAD, TR. AS RECORDED IN DEED BOOK 13134 AT PAGE 1812 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
- THE SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.
- OFF STREET PARKING AND LOADING IS PROVIDED IN ACCORDANCE WITH ARTICLE 11 OF THE FAIRFAX COUNTY ZONING ORDINANCE.
- THIS PLAN IS COMPATIBLE WITH THE ADOPTED COMPREHENSIVE PLAN OF FAIRFAX COUNTY AND ADJACENT DEVELOPMENT. THERE ARE NO TRAILS INDICATED ON THE TRAILS PLAN ALONG SOUTH VAN DORN STREET OR MCGUIN DRIVE.
- TO THE BEST OF OUR KNOWLEDGE, THE PROPOSED USE DOES NOT ADVERSELY AFFECT ADJACENT OR NEIGHBORING PROPERTIES.
- TO THE BEST OF OUR KNOWLEDGE THERE ARE NO GENERAL AREAS THAT HAVE SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION AND PRESERVATION.
- THIS SITE DOES NOT HAVE AREA SUBJECT TO 100 YEAR FLOODING OR EQC CRITERIA AND NO RPA EXISTS ON THE PROPERTY.
- PRIOR CONSTRUCTION ADDED IMPERVIOUS AREA TO THE SITE IN THE LATE 1980'S. STORMWATER MANAGEMENT AND WATER QUALITY CONTROL WAIVERS WILL BE REQUESTED AT THE SITE PLAN STAGE.
- ESTABLISHMENT OF THIS USE WILL OCCUR AT SUCH TIME AS APPROPRIATE COUNTY APPROVALS HAVE BEEN OBTAINED AND SUBJECT TO THE DISCRETION OF THE OWNER.
- TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THERE IS NO EVIDENCE OF ANY GRAVE, OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL.
- TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES THAT ARE TO BE GENERATED, UTILIZED, STORED, TREATED AND/OR DISPOSED OF ON THIS SITE OTHER THAN THOSE CONSISTENT WITH THE USE OF THE PROPERTY.
- ANY NEW OR EXISTING SIGNAGE TO REMAIN AND NEW OUTDOOR LIGHTING FIXTURES ON SITE SHALL BE PROVIDED/PERMITTED IN ACCORDANCE WITH APPLICABLE STANDARDS SET FORTH BY THE COUNTY OF FAIRFAX.
- THE PROPERTY WHICH IS THE SUBJECT OF THIS APPLICATION SHALL BE DEVELOPED IN ACCORDANCE WITH THIS PLAT PREPARED BY TRI-TEK ENGINEERING, INC. PROVIDED THAT MINOR MODIFICATIONS SHALL BE PERMITTED PURSUANT TO THE PROVISIONS OF SEC. 9.004. MODIFICATIONS WILL BE DETERMINED AS PART OF THE FINAL ENGINEERING AND SITE PLAN REVIEW BY THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES).
- SITE ACCESS WILL BE FROM MCGUIN DRIVE.
- THE EXISTING BUILDING ON THE SITE IS TO BE RETAINED AND WAS CONSTRUCTED AND ADDED ON TO BETWEEN 1980 AND 1993.
- THERE ARE NO EXISTING UTILITY EASEMENTS IN EXCESS OF TWENTY FIVE (25) FT. WIDE AND NO MAJOR UNDERGROUND UTILITY LOCATED ON THE PROPERTY.
- THERE ARE NO WATERS AND/OR WETLANDS REGULATED UNDER SECTION 404 OF THE CLEAN WATER ACT IDENTIFIED ON THE PROPERTY BASED ON A SITE VISIT BY THIS FIRM AND THE CONDITIONS OF THE SITE AS IT EXISTS TODAY.
- THERE EXISTS A SIGN, FENCING AND COLUMNS THAT HAVE BEEN CONSTRUCTED IN THE ADJOINING RIGHT-OF-WAY. APPLICANT SHALL SEEK PERMISSION FROM VDOT TO ALLOW THOSE IMPROVEMENTS TO REMAIN OR REMOVE/RELOCATE IN ACCORDANCE WITH APPLICABLE ORDINANCE REQUIREMENTS.

SITE DATA

- TAX MAP LOCATION: 81-2-03-0008A
- SITE ADDRESS: 5630 S. VAN DORN ST.
- TOTAL SITE AREA: ±0.7220 ACRES OR ±31,451 S.F.
- ZONING: C-6
- USE: MOTOR VEHICLE SALES
- EXISTING BUILDING AREA: ±2,430 S.F.
- PROPOSED BUILDING AREA: ±2,430 S.F.

SITE TABULATIONS

	REQUIRED:	PROPOSED:
• LOT SIZE REQUIREMENTS(*):		
LOT AREA:	40,000 SF	31,451 SF
LOT WIDTH:	200 LF	82± LF
• BULK REGULATIONS(*):		
BUILDING HEIGHT:	40 FT.	17 FT.
YARD REQUIREMENTS:		
FRONT:	CONTROLLED BY A 45° ANGLE OF BULK PLANE, BUT NOT LESS THAN 40 FT.	30.5± FT.
SIDE:	NONE	0 FT.
REAR:	20 FT.	287.3± FT.
F.A.R.:	0.40	0.08
OPEN SPACE.:	15% OR 4,812 SF	4,213 S.F. OR 13.4%

• PARKING SCHEDULE:

REQUIRED: 1 SPACE/500 SF OF ENCLOSED SALES FLOOR AREA (1,000 SF) =	2
1 SPACE/2,500 SF OF OPEN SALES LOT AREA (0 SF) =	0
2 SPACES PER SERVICE BAY (0 SERVICE BAYS) =	0
1 SPACE PER EMPLOYEE (15 EMPLOYEES) =	15
TOTAL =	17

PROVIDED: 19 SPACES
63 (7.5'x15') VEHICLE DISPLAY/STORAGE SPACES

LOADING SPACE:
REQUIRED: 1 SPACE
PROVIDED: 1 SPACE

MODIFICATIONS/WAIVERS:

THE SITE CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS OF FAIRFAX COUNTY, EXCEPT THE FOLLOWING:

- WAIVE THE MINIMUM LOT SIZE AND LOT WIDTH REQUIREMENTS FOR THE LOT IN ACCORDANCE WITH SECTION 9.610 TO THAT WHICH CURRENTLY EXISTS.
- WAIVE THE REQUIREMENT FOR TRANSITIONAL SCREENING ALONG THE SOUTHERN AND WESTERN BOUNDARIES OF THE SITE IN ACCORDANCE WITH 13-305.2.
- WAIVE THE REQUIREMENT TO PROVIDE A BARRIER ALONG THE SOUTHERN BOUNDARY BASED ON THE BARRIER BEING PERMITTED TO REMAIN WITHIN THE ADJACENT R.O.W. IN ACCORDANCE WITH SECTION 13-305.2.
- MODIFY THE REQUIREMENT FOR PERIPHERAL PARKING LOT LANDSCAPING ALONG THE EASTERN BOUNDARY TO THAT SHOWN IN ACCORDANCE WITH SECTION 13-203.3.
- WAIVE THE OPEN SPACE TO THAT WHICH CURRENTLY EXISTS AS DEPICTED BY THE PLAN IN CONFORMANCE WITH SECTION 9-612.
- PERMIT AN INCREASE IN THE HEIGHT OF THE WALLS, GATES AND GATE POSTS TO THOSE WHICH EXIST AS SHOWN BY THE PLAN IN ACCORDANCE WITH SECTION 10-104.3H.

PERIPHERAL PARKING LOT LANDSCAPING:

PERIPHERAL PARKING LOT LANDSCAPING IS REQUIRED ALONG THE NORTHERN AND EASTERN BOUNDARY ADJACENT TO THE PARKING LOT.

NORTH BOUNDARY:

REQUIRED: 285 FT. X 1 TREE/50 FT. = 5.7 OR 6 TREES
PROVIDED: 6 TREES

EAST BOUNDARY:

REQUIRED: 75 FT. X 1 TREE/40 FT. = 1.9 OR 2 TREES
PROVIDED: 0 TREES

INTERIOR PARKING LOT LANDSCAPING CALCULATIONS:

AREA TO BE COUNTED = 23,875 S.F.
INT. LANDSCAPING REQUIRED (5%) = 1,194 S.F.
TOTAL SHADE TREE CANOPY PROVIDED.
(5 TREES @ 250 S.F. EACH) = 1,250 S.F.
TOTAL AREA REQUIRED = 1,194 S.F.
TOTAL ARE PROVIDED = 1,250 S.F.

TRANSITIONAL SCREENING:

REQUIRED: SCREENING YARD 3 - ALONG SOUTHERN AND WESTERN BOUNDARIES 50 FT. WIDTH AND PLANTED WITH:

- A MIXTURE OF LARGE AND MEDIUM EVERGREEN TREES AND LARGE DECIDUOUS TREES THAT ACHIEVES A MINIMUM TEN (10) YEAR TREE CANOPY OF SEVENTY-FIVE (75) PERCENT OR GREATER;
- A MIXTURE OF TREES CONSISTING OF AT LEAST SEVENTY (70) PERCENT EVERGREEN TREES, AND CONSISTING OF NO MORE THAN THIRTY-FIVE (35) PERCENT OF ANY SINGLE SPECIES OF EVERGREEN OR DECIDUOUS TREE; AND
- A MIXTURE OF PREDOMINATELY MEDIUM EVERGREEN SHRUBS AT A RATE OF THREE (3) SHRUBS FOR EVERY TEN (10) LINEAR FEET FOR THE LENGTH OF THE TRANSITION YARD AREA. THE SHRUBS SHALL GENERALLY BE LOCATED AWAY FROM THE BARRIER AND STAGGERED ALONG THE OUTER BOUNDARY OF THE TRANSITION YARD.

PROVIDED: A MODIFICATION IS REQUESTED TO ALLOW THE IMPROVEMENTS SHOWN PER THE PLAN.

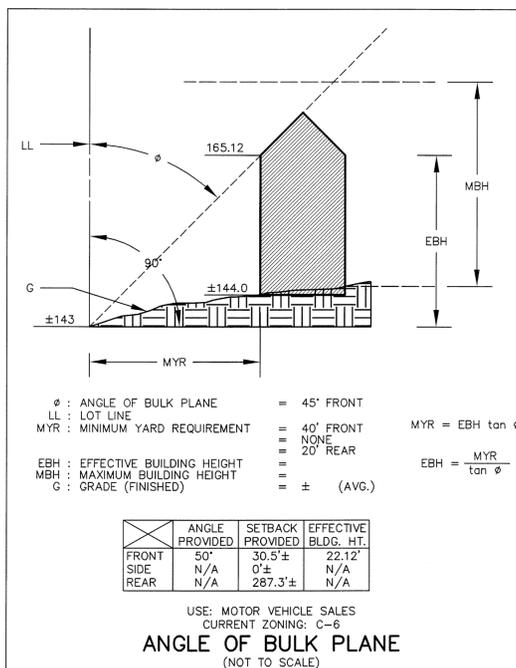
BOUNDARY	TRANSITIONAL SCREENING YARD AREA	LARGE/MEDIUM EVERGREENS/DECIDUOUS (75% CANOPY)		MEDIUM EVERGREEN SHRUBS (3 SHRUBS/10 LF)	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED
SOUTHERN	20,800 S.F.	15,600 S.F.	1,250 S.F.	125	40 (25 OFFSITE)
WESTERN	1,000 S.F.	750 S.F.	500 S.F.	6	0

BARRIERS:

BARRIERS IDENTIFIED AS EITHER AN E, F OR G BARRIER ARE REQUIRED TO BE PROVIDED ALONG SOUTHERN AND WESTERN BOUNDARIES OF THE SITE.

WESTERN BOUNDARY - A BARRIER CONSISTING OF A 6 FT. CHAIN LINK FENCE CURRENTLY EXISTS YET WAS INSTALLED JUST WEST OF THE PROPERTY LINE. THE FENCE WILL BE RELOCATED TO PROVIDE THE REQUIRED BARRIER.

SOUTHERN BOUNDARY - A 6 FT. ALUMINUM FENCE EXISTS ALONG THE SITE FRONTAGE YET IS INSTALLED WITHIN THE R.O.W. OUTSIDE OF THE PROPERTY BOUNDARY. A WAIVER OF THE REQUIREMENT TO PROVIDE THE BARRIER IS REQUESTED IN ACCORDANCE WITH SECTION 13-305.2 BASED ON THE BARRIER BEING ALLOWED TO BE RETAINED WITHIN THE R.O.W. AS IT CURRENTLY EXISTS. IF THE BARRIER IS REQUIRED TO BE REMOVED FROM THE R.O.W., IT WILL BE INSTALLED ON THE SOUTHERN PROPERTY LINE.



Tree Preservation Target Calculations and Statement		
A	Pre-development area of existing tree canopy (from Existing Vegetation Map) =	0
B	Percentage of gross site area covered by existing tree canopy =	0.00%
C	Percentage of the 10-year tree canopy required for site (see Table 12.4) =	10%
D	Percentage of the 10-year tree canopy requirement that should be met through tree preservation = (C-6)	0.00%
E	Proposed percentage of canopy requirement that will be met through tree preservation =	100%
F	Has the Tree Preservation Target minimum been met?	YES
G	If No for line F, then a request to deviate from the Tree Preservation Target shall be provided on the plan that states one or more of the justifications listed in § 12-0508.3 along with a narrative that provides a site-specific explanation of why the Tree	
H	If step G requires a narrative, it shall be prepared in accordance with § 12-0508.4 & included in the plan set. Provide sheet number where narrative is located.	

10-year Tree Canopy Calculation Worksheet

Step	Totals	Reference
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A. Tree Preservation Target and Statement

A1	Place the Tree Preservation Target Calculations and statement here preceding the 10-year tree canopy calculations	SEE ABOVE	See § 12-0508.2 for list of required elements and worksheet
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B. Tree Canopy Requirement

B1	Identify gross site area (SF) =	31,451	§ 12-0511.1A
B2	Subtract area dedicated to parks & road frontage		§ 12-0511.1B
B3	Subtract area of exemptions =		§ 12-0511.1C(1) through § 12-0511.1C(6)
B4	Adjusted gross site area (B1-B2) =	31,451	
B5	Identify site's zoning and/or use =	C-6	
B6	Percentage of 10-year tree canopy required =	10	12-510.1 and Table 12.4
B7	Area of 10-year tree canopy required (B4 x B6) =	3,145	
B8	Modification of 10-year Tree Canopy Requirements requested?		Yes or No
B9	If B8 is yes, then list plan sheet where modification request is located		List Sheet Number

C. Tree Preservation

C1	Tree Preservation Target Area =	0	
C2	Total canopy area meeting standards of § 12-0200 =	0	
C3	C2 x 1.25 =	0	§ 12-0510.3B
C4	Total canopy area provided by unique or valuable forest or woodland communities =	0	
C5	C4 x 1.5 =	0	§ 12-0510.3B(1)
C6	Total of canopy area provided by "Heritage," "Memorial," "Specimen," or "Street," trees =	0	
C7	C6 x 1.5 to 3.0 =	0	§ 12-0510.3B(2)
C8	Canopy area of trees within Resource Protection Areas and 100-year floodplains =	0	
C9	C8 x 1.0 =	0	§ 12-0510.3C(1)
C-10	Total of C3, C5, C7 and C9 =	0	If area of C10 is less than B7 remainder of requirement must be met through tree planting - go to D

D. Tree Planting

D1	Area of canopy to be met through tree planting (B7-C10) =	3,145	
D2	Area of canopy planted for air quality benefits =	0	
D3	C2 x 1.5 =	0	§ 12-0510.4B(1)
D4	Area of canopy planted for energy conservation =	0	§ 12-0510.4B(2)
D5	C2 x 1.5 =	0	§ 12-0510.4B(2)
D6	Area of canopy planted for water quality benefits =	0	§ 12-0510.4B(3)
D7	C2 x 1.25 =	0	§ 12-0510.4B(3)
D8	Area of canopy planted for wildlife benefits =	0	§ 12-0510.4B(4)
D9	C2 x 1.5 =	0	§ 12-0510.4B(4)
D10	Area of canopy provide by native trees =	0	
D11	C2 x 1.5 =	0	§ 12-0510.4B(5)
D12	Area of canopy provided by improved cultivars and varieties =	0	
D13	C2 x 1.25 =	0	§ 12-0510.4B(6)
D14	Area of canopy provided through tree seedlings =	0	§ 12-0510.4D(1)
D15	C2 x 1.0 =	0	§ 12-0510.4D(1)(a)
D16	Percentage of D14 represented by D15 =	0	Must not exceed 33% of D14
D17	Area of canopy provide by non-native trees =	0	
D18	Total of canopy area provided through tree planting =	6,200	
D19	Is an offsite planting relief requested?	NO	Yes or No
D20	Tree Bank or Tree Fund?		§ 12-0512
D21	Canopy area requested to be provided through offsite Banking or Tree Fund		
D22	Amount to be deposited into the Tree Preservation and Planting Fund		

E. Total of 10-year Tree Canopy Provided

E1	Total of canopy area provided through tree preservation (C10) =	0	
E2	Total of canopy area provided through tree planting (D18) =	6,200	
E3	Total of canopy area provided through offsite mechanism (D21) =	0	
E4	Total of 10-year Tree Canopy Provided = (E1+E2+E3)	6,200	Total of E1 through E3. Area should meet or exceed area in B7.



CIVIL ENVIRONMENTAL LAND PLANNING SURVEYING

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SELECT AUTO IMPORTS

FAIRFAX COUNTY, VIRGINIA

LEE DISTRICT

NOTES & DETAILS

DATE	REVISION	PER COUNTY COMMENTS:
06/18/13		
07/10/13		
11/06/13		
12/12/13		
01/09/14		
02/25/14		

PM: TDB SCALE: NONE
PE: TDB DATE: 03.19.13
CO: MSO SHEET 2 OF 5



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ENVIRONMENTAL
LAND PLANNING
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SELECT AUTO IMPORTS

FAIRFAX COUNTY, VIRGINIA

LEE DISTRICT

SPECIAL EXCEPTION
AND SPECIAL PERMIT
PLAT

DATE	REVISION
06/18/13	PER COUNTY COMMENTS
07/10/13	PER COUNTY COMMENTS
11/06/13	PER COUNTY COMMENTS
12/12/13	PER COUNTY COMMENTS
01/09/14	PER COUNTY COMMENTS
02/25/14	PER COUNTY COMMENTS

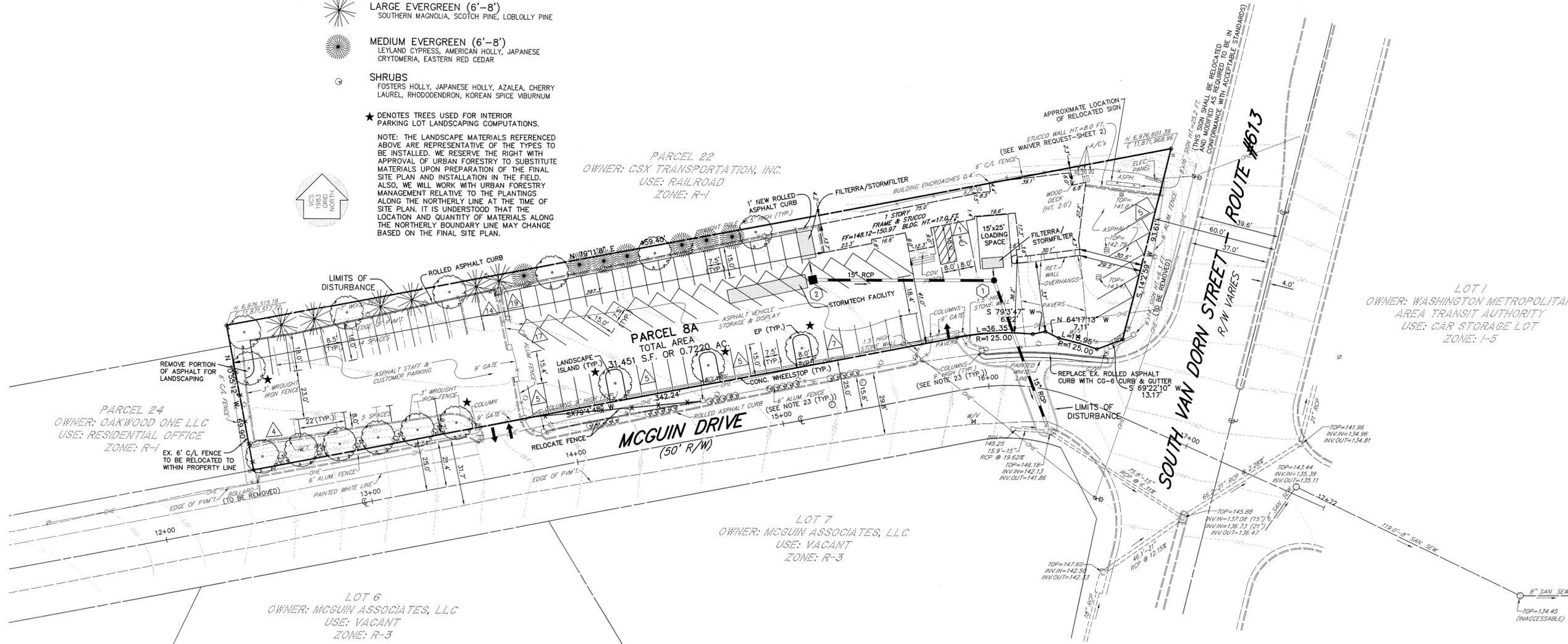
PM: IDB SCALE: 1"=25'
PE: IDB DATE: 03.19.13
CO: MSO SHEET 3 OF 5

LANDSCAPE SCHEDULE

-  LARGE DECIDUOUS (2"-3" CAL.)
RED OAK, PIN OAK, RED MAPLE,
LITTLE LEAF LINDEN, JAPANESE CRABAPPLE
-  LARGE EVERGREEN (6'-8')
SOUTHERN MAGNOLIA, SCOTCH PINE, LOBLOLLY PINE
-  MEDIUM EVERGREEN (6'-8')
LEYLAND CYPRESS, AMERICAN HOLLY, JAPANESE
CRYPTOMERIA, EASTERN RED CEDAR
-  SHRUBS
FOSTERS HOLLY, JAPANESE HOLLY, AZALEA, CHERRY
LAUREL, RHODODENDRON, KOREAN SPICE VIBURNUM

★ DENOTES TREES USED FOR INTERIOR
PARKING LOT LANDSCAPING COMPUTATIONS.

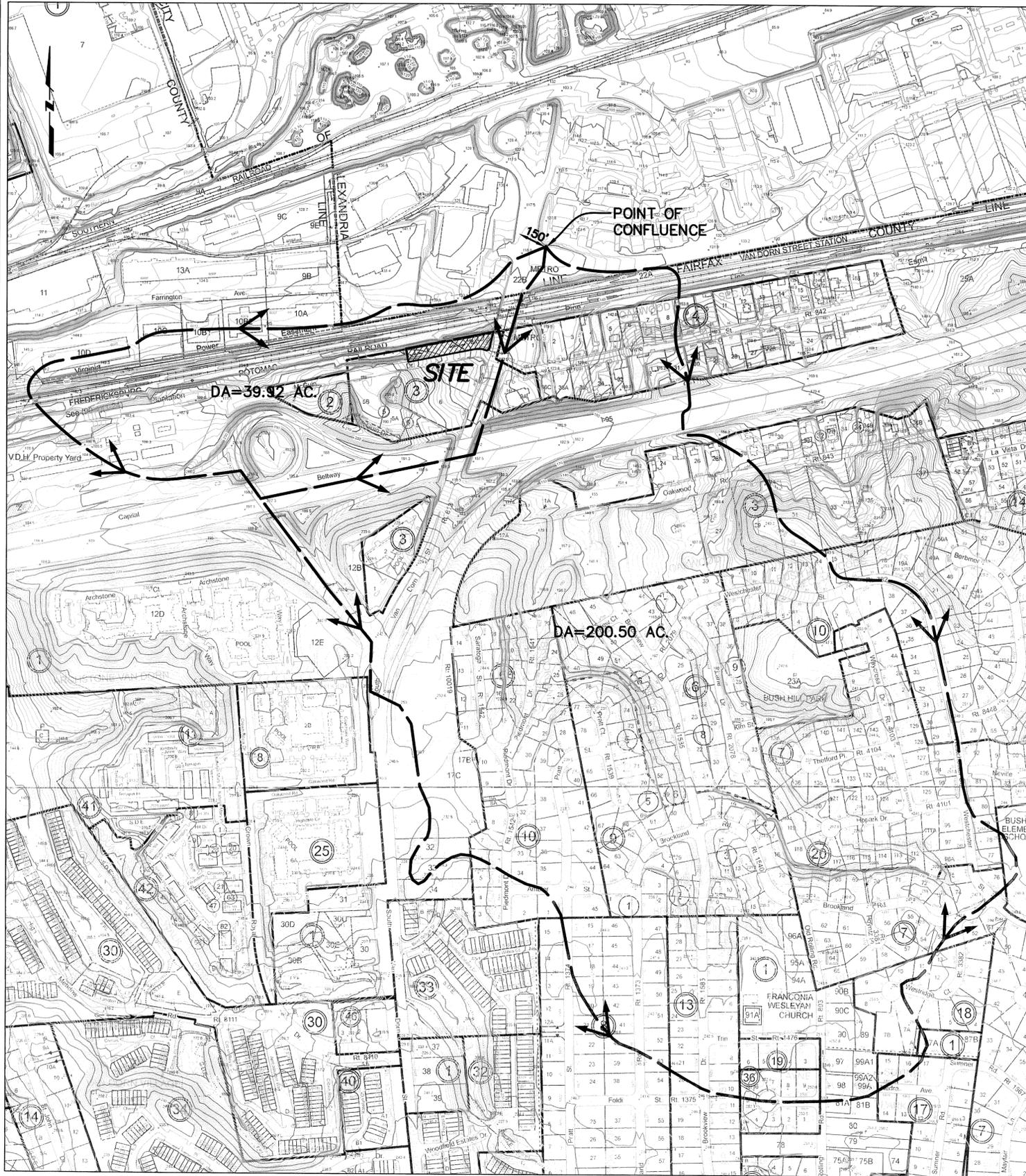
NOTE: THE LANDSCAPE MATERIALS REFERENCED
ABOVE ARE REPRESENTATIVE OF THE TYPES TO
BE INSTALLED. WE RESERVE THE RIGHT WITH
APPROVAL OF URBAN FORESTRY TO SUBSTITUTE
MATERIALS UPON PREPARATION OF THE FINAL
SITE PLAN AND INSTALLATION IN THE FIELD.
ALSO, WE WILL WORK WITH URBAN FORESTRY
MANAGEMENT RELATIVE TO THE PLANTINGS
ALONG THE NORTHERLY LINE AT THE TIME OF
SITE PLAN. IT IS UNDERSTOOD THAT THE
LOCATION AND QUANTITY OF MATERIALS ALONG
THE NORTHERLY BOUNDARY LINE MAY CHANGE
BASED ON THE FINAL SITE PLAN.



LEGEND

	SIGN
	FLAG POLE
	GROUND LIGHT
	LIGHT POLE
	POWER POLE
	POWER/LIGHT POLE
	GUY WIRE
	AIR CONDITIONER
	GAS MARKER POST
	GAS VALVE
	WATER VALVE
	ELECTRIC MANHOLE
	SANITARY MANHOLE
	STORM MANHOLE
	DROP INLET GRATE
	FENCE
	OVERHEAD ELECTRIC
	WATER LINE
	RAISED ASPHALT CURB
	CURB
	CURB AND GUTTER

O:\drawings\11-2712\11-2712-03-SEP-PLAN.dwg, 2/24/2014 4:04:19 PM, S:\oleon, Xerox 8204 - CADD.pc3, 1:1, TRI-TEK Engineering, Inc.



OFFSITE DRAINAGE AREA MAP
SCALE: 1" = 300'

MS-19 NARRATIVE

- A) ANALYSIS SHALL BE MADE TO A POINT AT LEAST 150 FEET DOWNSTREAM OF THE POINT WHERE THE RECEIVING PIPE OR CHANNEL IS JOINED BY ANOTHER THAT HAS A DRAINAGE AREA THAT IS AT LEAST 90% OF THE SIZE OF THE FIRST DRAINAGE AREA AT THE POINT OF CONFLUENCE. -POINT OF CONFLUENCE PROVIDED ON THIS SHEET.
- B) NATURAL CHANNEL SHALL BE ANALYZED USING TWO YEAR STORM FOR OVERTOPPING AND EROSION VELOCITY. -SITE OUTFALL TO PIPE OUTFALL.
- C) PROVIDE A DETAILED SITE SPECIFIC OUTFALL NARRATIVE. -OUTFALL NARRATIVE PROVIDED ON THIS SHEET.
- D) PROVIDE OUTFALL LOCATION MAP(S) AND ALL DETAILED OUTFALL ANALYSIS COMPUTATIONS. -SEE THIS SHEET FOR OUTFALL MAP.
- E) AT LEAST 3 TO 5 CROSS SECTIONS, SELECTED AT CRITICAL LOCATIONS SHALL BE USED TO VERIFY THE ADEQUACY OF OUTFALL. CROSS SECTION MUST BE BASED ON FIELD SURVEY DATA OR 2 FT CONTOUR INTERVALS. -THE OUTFALL IS INTO PIPE SYSTEM AT POINT WHERE SITE CONTRIBUTION IS LESS THAN 1%.
- F) CROSS SECTIONS MUST HAVE SAME VERTICAL AND HORIZONTAL SCALE TO GIVE CLEAR PICTURE OF BED & BANKS. -NOT APPLICABLE - PIPE OUTFALL.
- G) OUTFALL VELOCITIES SHALL BE COMPARED WITH EROSION VELOCITIES OF EXISTING CHANNEL. -NOT APPLICABLE - PIPE OUTFALL.
- H) THE USE OF 1-YR EXTENDED DETENTION IS RECOMMENDED TO REMEDY EXISTING DOWNSTREAM CHANNEL EROSION PROBLEMS. -DETENTION METHOD IS NOTED. NO DETENTION ANTICIPATED AT THIS TIME.

STORM DRAINAGE/OUTFALL NARRATIVE:

SITE STORMWATER RUNOFF FROM THE PROPERTY EITHER SHEET FLOWS AND OR DISCHARGES FROM THE SITE VIA SMALL PRIVATE INLET/PIPE CONVEYANCES TO THE NORTH TO THE RAILROAD RIGHT-OF-WAY, ONCE IN THE RIGHT-OF-WAY, THE RUNOFF FLOWS IN AN EASTERLY DIRECTION TO THE SOUTH VAN DORN RIGHT-OF-WAY WHERE IT IS COLLECTED BY A CLOSED SYSTEM AND CONVEYED UNDER SOUTH VAN DORN WHERE IT JOINS ANOTHER OUTFALL PIPE JUST SOUTH OF EISENHOWER AVENUE. THIS IS THE POINT OF CONFLUENCE AS DEFINED BY PFM SECTION 6-0203.2B. THEN IN A NORTHERLY DIRECTION INTO THE CITY OF ALEXANDRIA TO ULTIMATELY OUTFALL ON THE EASTERLY SIDE OF SOUTH VAN DORN STREET AT THE RAMP FOR ACCESS TO EISENHOWER AVENUE. RUNOFF CONTINUES ON THE SOUTHERLY SIDE OF THE NORFOLK SOUTHERN RAILROAD RIGHT-OF-WAY TO ULTIMATELY CROSS AND DISCHARGE INTO THE BED AND BANKS OF BACKLICK RUN.

STORMWATER MANAGEMENT NARRATIVE:

CALCULATIONS OF THE PRE- AND POST-DEVELOPMENT SITE RESULT IN A NET INCREASE IN RUNOFF DUE TO THIS DEVELOPMENT (SEE COMPUTATIONS THIS SHEET). IMPROVEMENTS WERE MADE TO THE SITE IN THE EARLY 90'S. RUNOFF CALCULATIONS ARE BASED ON THE IMPROVEMENTS SHOWN BY THE PRIOR SPECIAL EXCEPTION PLAT (SE 87-L-002) AND THE BALANCE OF THE SITE BEING PARTIALLY GRAVEL/UNDEVELOPED PER REPRESENTATIONS OF THE OWNER. AS INDICATED BY THE COMPUTATIONS AND SET FORTH BY THE PLAN, ADDITIONAL IMPERVIOUS AREAS EXIST BASED ON THE CURRENT IMPROVEMENTS. STORMWATER MANAGEMENT WAIVERS WILL BE REQUESTED AT THE SITE PLAN STAGE DUE TO THE MINIMAL INCREASE IN RUNOFF.

IN THE EVENT A WAIVER IS NOT APPROVED, A STORMTECH UNDERGROUND DETENTION SYSTEM WILL BE PROVIDED TO MEET SWM REQUIREMENTS.

AS SUCH, IT IS OUR OPINION THAT SWM/BMP OUTFALL REQUIREMENTS FOR THIS SITE WILL BE MET AND THE OUTFALL IS ADEQUATE.

BMP NARRATIVE:

THE PROPOSED DEVELOPMENT WILL INCREASE IMPERVIOUS AREAS ON THE SITE. THE SITE HAS BEEN DEVELOPED OVER THE YEARS TO REFLECT THE CURRENT EXISTING CONDITIONS. NO NEW IMPERVIOUS AREAS OR DEVELOPMENT OF LAND IS ANTICIPATED TO ESTABLISH THE USE, YET BMP CONTROLS ARE REQUIRED TO ADDRESS THE SITE IMPROVEMENTS CONSTRUCTED. CURRENTLY THE SITE IS 88% IMPERVIOUS. A WAIVER OF THE REQUIREMENT TO PROVIDE BMP CONTROLS WILL BE REQUESTED AT THE SITE PLAN STAGE.

IN THE EVENT A WAIVER IS NOT APPROVED FOR THIS SITE, BMP REQUIREMENTS WILL BE MET BY A COMBINATION OF FILTERRA AND STORMFILTER STRUCTURES.

AS SUCH, IT IS OUR OPINION THAT SWM/BMP OUTFALL REQUIREMENTS FOR THIS SITE WILL BE MET.

MINIMUM STORMWATER INFORMATION FOR REZONING, SPECIAL EXCEPTION, SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS

The following information is required to be shown or provided in all zoning applications, or a waiver request of the submission requirement with justification shall be attached. Note: Waivers will be acted upon separately. Failure to adequately address the required submission information may result in a delay in processing this application.

This information is required under the following Zoning Ordinance paragraphs:
 Special Permits (8-011 2J & 2L) Special Exceptions (9-011 2J & 2L)
 Cluster Subdivision (9-615 1G & 1N) Commercial Revitalization Districts (9-622 2A (12) & (14))
 Development Plans PRC District (16-302 3 & 4L) PRC Plan (16-303 1E & 1O)
 FDP P Districts (except PRC) (16-502 1F & 1Q) Amendments (18-202 10F & 10I)

- 1. Plat is at a minimum scale of 1"=50' (unless it is depicted on one sheet with a minimum scale of 1"=100').
- 2. A graphic depicting the stormwater management facility(ies) and limits of clearing and grading accommodate the stormwater management facility(ies), storm drainage pipe systems and outlet protection, pond spillways, access roads, site outfalls, energy dissipation devices, and stream stabilization measures as shown on Sheet N/A.
- 3. Provide:

Facility Name/ Type & No.	On-site area served (acres)	Off-site area served (acres)	Drainage area (acres)	Footprint area (sf)	Storage Volume (cf)	If pond, dam height (ft)
N/A <small>(e.g. dry pond, infiltration, underground vault, etc.)</small>						
Totals						
- 4. Onsite drainage channels, outfalls and pipe systems are shown on Sheet 3 & 4. Pond inlet and outlet pipe systems are shown on Sheet N/A.
- 5. Maintenance access (road) to stormwater management facility(ies) are shown on Sheet N/A. Type of maintenance access road surface noted on the plat is N/A (asphalt, geoblock, gravel, etc.).
- 6. Landscaping and tree preservation shown in and near the stormwater management facility is shown on Sheet N/A.
- 7. A 'stormwater management narrative' which contains a description of how detention and best management practices requirements will be met is provided on Sheet 4.
- 8. A description of the existing conditions of each numbered site outfall extended downstream from the site to a point which is at least 100 times the site area or which has a drainage area of at least one square mile (640 acres) is provided on Sheet 4.
- 9. A description of how the outfall requirements, including contributing drainage areas of the Public Facilities Manual will be satisfied is provided on Sheet 4.
- 10. Existing topography with maximum contour intervals of two (2) feet and a note as to whether it is an air survey or field run is provided on Sheets 2 & 3.
- 11. A submission waiver is requested for STORMWATER DETENTION AND BMP CONTROLS.
- 12. Stormwater management is not required because PROPOSED TO BE WAIVED.

	IMPERVIOUS AREA TABULATION		
	EXISTING PER SE 87-L-002 PLAT	EXISTING PER JAN. 2013 SURVEY	PROPOSED
BUILDINGS & OVERHANGS	324 SF	2,575 SF	2,575 SF
ASPHALT PAVEMENT/CURB	6,863 SF	23,637 SF	23,224 SF
STONE PAVERS	0 SF	1,159 SF	1,159 SF
WALLS/COLUMNS/AC UNITS	0 SF	121 SF	121 SF
DECK/STEPS	35 SF	67 SF	67 SF
GRAVEL	10,775 SF	0 SF	0 SF
TOTAL	17,997 SF	27,559 SF	27,146 SF

STORMWATER MANAGEMENT COMPUTATIONS:

PREDEVELOPMENT RUNOFF: Q=CIA
 $C = ((0.41 \times 0.9) + (0.31 \times 0.3)) / 0.72 = 0.64$
 $Q_2 \text{ yr, 2 HR: } 0.64 \times 5.45 \text{ IN/HR} \times 0.72 \text{ AC} = 2.51 \text{ CFS}$
 $Q_{10} \text{ yr, 2 HR: } 0.64 \times 7.27 \text{ IN/HR} \times 0.72 \text{ AC} = 3.35 \text{ CFS}$
 $V_2 \text{ yr, 2 HR: } 0.64 \times 2' / 12" \times 0.72 \text{ AC} = 0.0768 \text{ AC-FT}$

POST-DEVELOPMENT RUNOFF: Q=CIA
 $C = ((0.62 \times 0.9) + (0.10 \times 0.3)) / 0.72 = 0.82$
 $Q_2 \text{ yr, 2 HR: } 0.82 \times 5.45 \text{ IN/HR} \times 0.72 \text{ AC} = 3.22 \text{ CFS}$
 $Q_{10} \text{ yr, 2 HR: } 0.82 \times 7.27 \text{ IN/HR} \times 0.72 \text{ AC} = 4.29 \text{ CFS}$
 $V_2 \text{ yr, 2 HR: } 0.82 \times 2' / 12" \times 0.72 \text{ AC} = 0.0984 \text{ AC-FT}$

INCREASE DUE TO DEVELOPMENT:
 $Q_2 \text{ yr, 2 HR: } 3.22 \text{ CFS} - 2.51 \text{ CFS} = 0.71 \text{ CFS}$
 $Q_{10} \text{ yr, 2 HR: } 4.29 \text{ CFS} - 3.35 \text{ CFS} = 0.94 \text{ CFS}$
 $V_2 \text{ yr, 2 HR: } 0.0984 \text{ AC-FT} - 0.0768 \text{ AC-FT} = 0.0216 \text{ AC-FT}$

NOTE:

THE ABOVE RUNOFF CALCULATIONS ARE BASE ON THE IMPERVIOUS AREA AS SHOWN BY SE 87-L-002 AND THE BALANCE OF THE SITE BEING PARTIALLY GRAVEL/UNDEVELOPED AS REPRESENTED BY THE OWNER.



CIVIL
ENVIRONMENTAL
LAND PLANNING
SURVEYING

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F: (703) 481-5901
info@tritekinc.com



SELECT AUTO IMPORTS

STORMWATER MANAGEMENT

DATE	REVISION
06/18/13	PER COUNTY COMMENTS
07/10/13	PER COUNTY COMMENTS
11/06/13	PER COUNTY COMMENTS
12/22/13	PER COUNTY COMMENTS
01/26/14	PER COUNTY COMMENTS
01/29/14	PER COUNTY COMMENTS
02/25/14	PER COUNTY COMMENTS

PM: IDB SCALE: 1"=300'
 PE: IDB DATE: 03.19.13
 CO: MSO SHEET 4 OF 5

DESCRIPTION OF THE APPLICATION

The applicants request approval of a Special Exception (SE) to permit an existing vehicle sale, rental, and ancillary service establishment to remain at 5630 South Van Dorn Street. The applicants currently operate an establishment known as Select Auto Imports, Inc. on the subject property. A vehicle sale, rental, and ancillary service establishment is permitted by Special Exception in the C-6 District. The applicants received a Notice of Violation from Fairfax County for operating the existing business without approval of a valid Special Exception since the previously approved Special Exception on the property expired. The applicants seek approval of the current Special Exception application to resolve the violation. The vehicle, sale, rental, and ancillary service establishment operates from 10:00 a.m. to 8:00 p.m. on Monday through Friday, 9:00 a.m. to 7:00 p.m. on Saturdays, and 12:00 p.m. to 5:00 p.m. on Sundays. There are 30 total employees, but only 15 employees are on-site at any one time. The applicants also currently lease the adjacent property to the east zoned I-5 (General Industrial District) to store additional vehicles associated with the use; however, a storage yard is a permitted use on that parcel and, therefore, that parcel is not part of the current application.

The applicants also request the approval of an associated Special Permit (SP) application to permit the existing building to remain within the minimum required front yards along McGuin Drive and South Van Dorn Street. The applicants have expanded the building into the minimum required front yards without permit approval. The minimum front yard setback in the C-6 District is 40 feet; however, the existing building is located 29.5 feet from the property line along South Van Dorn Street and 33 feet along McGuin Drive.

The applicants request approval of the following waivers and modifications:

- Modification of the minimum lot size and lot width requirements in accordance with Sect. 9-610 of the Zoning Ordinance to permit a 31,451 square foot lot with a width of 82 feet;
- Modification of the open space requirements in accordance with Sect. 9-612 of the Zoning Ordinance to allow 13.4% open space;
- Modification of the transitional screening requirements to the south and west and the barrier requirements to the south pursuant to Sect. 13-305 of the Zoning Ordinance in favor of that shown on the SE/SP Plat;
- Modification of the peripheral parking lot landscaping requirements along the eastern boundary of the property in accordance with Sect. 13-203 of the Zoning Ordinance in favor of that shown on the SE/SP Plat; and,
- Increase in the height of the fence, walls, gates, and gate posts to that shown on the SE/SP Plat in accordance with Par. 3.H of Sect. 10-104 of the Zoning Ordinance.

The proposed Special Exception development conditions, proposed Special Permit development conditions, applicants' statement of justification, and affidavits are

contained in Appendices 1 through 5, respectively.

LOCATION AND CHARACTER

The 31,451 square-foot subject property, which is zoned C-6, is located in the northwest corner of the intersection of South Van Dorn Street and McGuin Drive. Two existing entrances from McGuin Drive provide access to the subject property. The applicants currently operate an existing vehicle sales establishment on the site. Existing improvements on the property include an approximately 2,430 square foot single-story building and parking for customers, employees, and vehicle storage. The image to the right summarizes the zoning districts and uses for the surrounding parcels. The surrounding properties are planned for industrial use according to the Comprehensive Plan map.



Source: Fairfax County GIS

BACKGROUND

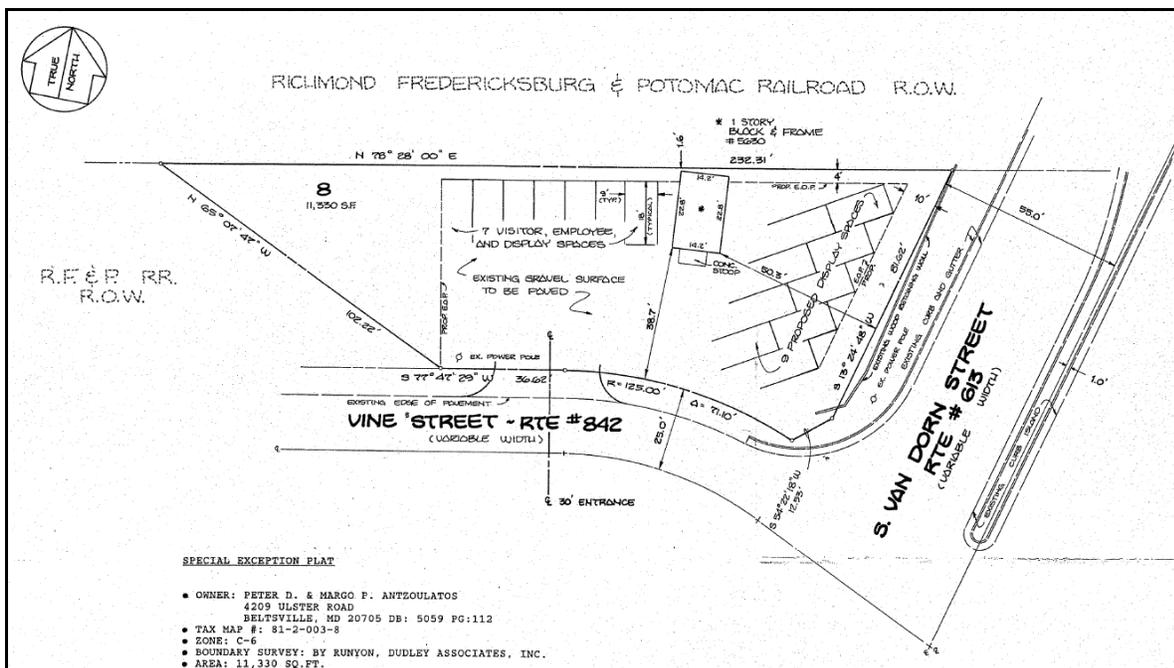
On April 12, 1976, the Board of Supervisors denied a request to rezone the subject property from the R-12.5 District to the C-G (General Commercial) District (RZ 74-4-014). However, the Board of Supervisors approved the rezoning to the C-D District, which became the C-6 District with the adoption of the current Zoning Ordinance.

On November 6, 1978, the Board of Supervisors approved SE 86-L-078 for a vehicle sales, rental and ancillary service establishment subject to development conditions, including a five year term limit. This five year limit was imposed because the Comprehensive Plan at that time recommended hotel use, and it was recognized that substantial parcel consolidation would be necessary to implement the Comprehensive Plan recommendations in the Van Dorn area.

On May 30, 1979, a Site Plan Exception was approved to permit the issuance of necessary permits to erect a structure for use as retail sales of used cars for a period of two years without site plan approval.

On December 17, 1981, a Non-Residential Use Permit (Non-RUP) was issued to Affordable Cars for an office and used car lot.

On September 14, 1987, SE 87-L-002 was approved on an 11,330 square-foot portion of the subject property to permit the continuation of vehicle sale, rental, and ancillary service establishment. The previously approved SE expired in the fall of 1984. The Board of Supervisors also modified the transitional screening and barrier requirements and waived the minimum lot area and lot width requirements. The development conditions approved with this special exception limited the use to three years with the option for a maximum of two extensions beyond that time for one year increments only. The Office of Transportation at that time (now FCDOT) noted that interchange improvements were being considered and preliminary design indicated that all or most of the site may be needed for right-of-way. It was determined that temporary approval of the SE would resolve the issue. The approved SE Plat, shown below, depicts a building with dimensions of 14.2 feet by 22.8 feet located 1.6 feet from the northern property line, 38.7 feet from the property line along Vine Street (now McGuin Drive), and 50.3 feet from the property line along South Van Dorn Street. The current applicants were not the applicants for this previously approved SE application. Since the approval of this SE, the current applicants have expanded this building. Staff was unable to locate any evidence that permits were obtained for this expansion.



Source: Approved SE Plat for SE 87-L-002

On September 16, 1987, a Non-Rup was issued to Select Auto Imports, Inc. for Retail Sales / Used Cars. This Non-RUP was later determined to be issued in error and, therefore, was null and void because the conditions of the Special Exception had not been met, as stated in a letter from the Office of Comprehensive Planning (now the Department of Planning and Zoning) dated December 26, 1990, described below.

On December 10, 1987, a sign permit was approved for a 40 square foot (10 feet by 4 feet) double sided sign that was 20 feet in height. None of the current signs on the

property fits this description.

On December 26, 1990, the Office of Comprehensive Planning issued a letter that stated SE 87-L-002 expired because the use was never validly established. The applicants at that time failed to meet a number of development conditions and did not obtain a valid Non-RUP, as the previous Non-RUP was determined to have been issued in error. This letter determined that the continued operation of the use was a violation and ordered the owner to clear the violation within 30 days of receipt of the letter.

On June 12, 1991, application SE 91-L-024 was accepted by the Department of Planning and Zoning. The SE request was to permit a vehicle sale, rental, and ancillary service establishment. On March 23, 1992, this application was deferred indefinitely. On December 15, 1997, this application was withdrawn.

On November 27, 1996, Zoning Enforcement issued a Notice of Violation to the property owners. The previously approved SE was not valid because the use was never validly established. The property owners were instructed to discontinue the use or diligently pursue the approval of an SE and obtain a Non-RUP.

On October 27, 1997, SE 97-L-066 and RZ 97-LE-053 were accepted for processing. The SE request was to permit a vehicle sale, rental, and ancillary service establishment and the rezoning request was to rezone from the R-1 and C-6 Districts to the C-6 District. A portion of Parcel 7, which is located to the south of the subject property, was included in this application. These applications were deferred numerous times by the applicants and were eventually dismissed on February 25, 2011. The applicants indicate in their current statement of justification that they encountered a number of transportation issues during the review of this application due to the unknown alignment of the future interchange at the Capital Beltway and South Van Dorn Street.

On June 14, 2012, the property owners were issued a Notice of Violation for not having a valid special exception and Non-RUP. The violation notice also included the presence of a banner sign that does not comply with the Zoning Ordinance. A copy of this Notice of Violation is contained in Appendix 6.

On June 25, 2012, a Non-RUP was issued to Select Auto Imports for a storage yard on the adjacent lot across South Van Dorn Street (Parcel 1). This property is owned by the Washington Metropolitan Area Transit Authority (WMATA), and the applicants have an agreement to store vehicles on the property.

On March 27, 2013, the current SE and SP applications were received by the Department of Planning and Zoning. The SE would permit a vehicle sale, rental, and ancillary service establishment, and the SP would permit an error in building location.

Records indicate that no other similar applications have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

COMPREHENSIVE PLAN PROVISIONS

The Comprehensive Plan map shows the subject property as planned for Industrial use. The subject property is located within the Rose Hill Planning District and the Van Dorn Transit Station Area within Land Unit A. Fairfax County Comprehensive Plan, 2013 Edition, Area IV Plan, Rose Hill Planning District, Amended through April 9, 2013, Van Dorn Transit Station Area, Land Use Recommendations, on Page 19 states:

Land Use

Environmental factors, limited road capacity, and limited access opportunities constrain the development potential of the Van Dorn Transit Station Area. With the possible improvement of the South Van Dorn Street/I-95/I-495 interchange, the current situation will improve south of I-95/I-495. The land use recommendations provided are closely tied to the provision of adequate access to each land unit. Where mixed-use development is planned, a residential component may be considered, assuming fulfillment of all applicable County policies and conditions, in order to balance transportation capacity demands. The design concepts outlined above should also be incorporated into future development of each land unit.

Land Unit A

Much of the 6+ acres west of South Van Dorn Street between the CSX tracks and the Beltway is needed for future interchange improvements. If these parcels develop prior to construction of the northern portion of the interchange, development should be a low intensity (up to .25 FAR) use such as light industrial which can be compatible with the ultimate design of the interchange and not exacerbate the access problems currently associated with the land unit. An option for development up to 1.0 FAR may be considered if the following conditions are met:

- Planned improvements to the I-95/I-495/South Van Dorn Street interchange are not precluded;*
- Transit is used as the primary access to the site by employing methods such as limited parking and alternative (non-automobile) access to the Metro station;*
- Satisfactory access to the site which does not interfere with through traffic movements is provided; and*
- Construction of or substantial contributions to future interchange improvements is provided.*

The South Van Dorn Street/I-95/I-495 interchange is shown on the Comprehensive Plan's Countywide Transportation Improvements as planned for interchange improvements. The complete Comprehensive Plan text can be found at the following link: <http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area4/rosehill.pdf>.

DESCRIPTION OF THE SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP) PLAT

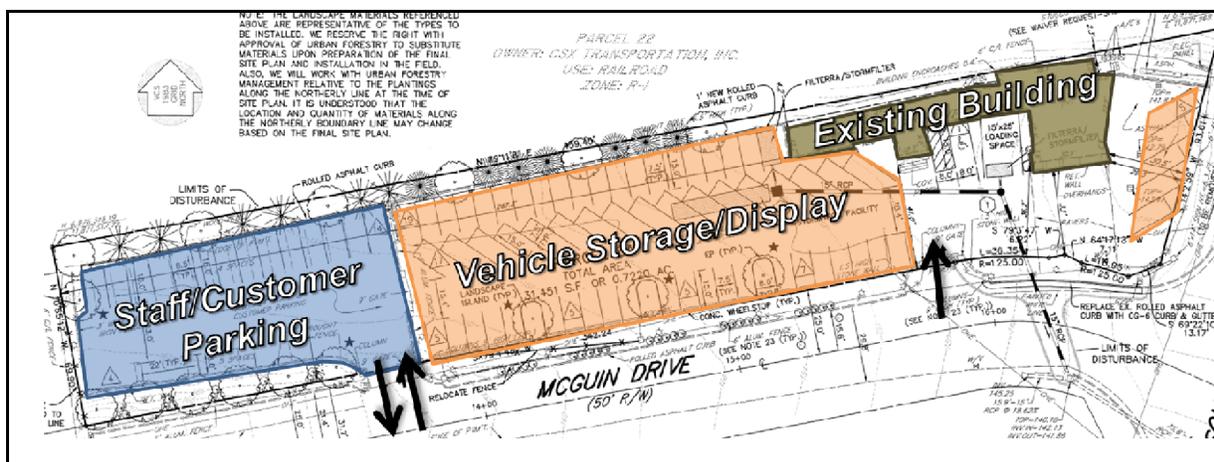
The SE/SP Plat titled "Select Auto Imports," prepared by Tri-Tek Engineering, consisting of five sheets dated March 19, 2013, as revised through February 25, 2014, is reviewed below.

Site Layout

The SE/SP Plat depicts the existing vehicle sales establishment on the 31,451 square-foot lot. The site currently contains a one-story, 2,430 square-foot building located in the northeast area of the property. The existing building is located 29.5 feet from the property line along South Van Dorn Street, 33 feet from the property line along McGuin Drive, and encroaches onto the railroad property to the north in one area by approximately 0.4 feet. The property to the north is zoned R-1, which does not permit vehicle sale, rental, and ancillary service establishments. There are no additional buildings proposed with the current applications. An existing stucco wall that is 8-feet in height is located in the northeast corner of the property, while a 6-foot high aluminum fence with 9-foot high columns and gates is located along the southern and eastern property lines. The Plat indicates that approximately 80 linear feet of the aluminum fence along the southern property line will be relocated to provide for adequate sight distance near the western access point. The majority of the fence and columns are located within the adjacent right-of-way to the south of the property. In addition, a 6-foot high chain link fence is shown off the property along the western property boundary. The Plat indicates that this fence will be relocated onto the subject property. A 7-foot high wood fence and a 6-foot high chain link fence are shown along the northern property boundary abutting the railroad. The SE/SP Plat also depicts an existing sign at the southeast corner of the property proposed to be removed and a 25.2-foot high sign located in the northeast corner of the property that is proposed to be relocated to another area and brought into conformance with Zoning Ordinance standards.

Vehicular Access and Parking

Two existing entrances from McGuin Drive would continue to provide vehicular access to the site. The westernmost entrance and exit provides access to the staff and customer parking area, which contains 18 parking spaces. The easternmost entrance provides entrance-only access to the 63 parking spaces used for vehicle storage and display. One accessible parking space is located near the building's entrance. The staff and customer parking area is separated from the vehicle storage and display areas by a 6-foot high aluminum fence and an associated gate that is nine feet in height. The Plat excerpt below illustrates the vehicular access and parking on the site. An existing rolled asphalt curb is proposed to remain along McGuin Drive between the western property line and the easternmost entrance. The applicants are proposing to replace the remaining portion of the existing rolled asphalt curb from the easternmost entrance to the corner of South Van Dorn Street with curb and gutter. A new rolled asphalt curb is also proposed along the northern boundary of the parking areas.



Source: SE/SP Plat with added graphics

Trees and Landscaping

The site does not currently contain any vegetation and primarily consists of impervious surface. Sheet 3 of the SE/SP Plat depicts the locations of proposed plantings along the northern, southern, and western property boundaries. In total, the applicants are proposing six deciduous trees, six large evergreen trees, and seven medium evergreen trees along the northern property line; nine deciduous trees along the southern property line; one additional deciduous tree along the western property line; and, shrubs in front of the fence within the right-of-way along McGuin Drive. The applicants intend to remove some of the existing asphalt along the southern and western property boundaries to accommodate four proposed trees within landscape islands to satisfy the interior parking lot landscaping requirement.

Stormwater Management and Best Management Practices (BMPs)

The site does not currently contain any stormwater management or BMPs. The SE/SP Plat provides runoff calculations for the improvements completed since the previously approved Special Exception in 1987. The Plat states the applicants intend to apply for a waiver of the detention and BMP requirements from the Department of Public Works and Environmental Services (DPWES) at the time of site plan. However, the Plat depicts how detention requirements could be met with a stormtech underground detention system and how BMP requirements could be met through a combination of filterra and stormfilter structures, in the event that the detention and BMP waivers are not approved by DPWES at the time of site plan review.

ANALYSIS

Land Use Analysis (Appendix 7)

The Comprehensive Plan calls for low intensity (up to 0.25 Floor Area Ratio) industrial

uses on the subject property. The applicants propose the continued use of a vehicle sale, rental, and ancillary service establishment at a 0.08 Floor Area Ratio (FAR). The Comprehensive Plan further recommends that the use “be compatible with the ultimate design of the interchange” and “not exacerbate the access problems currently associated with” this area. Additionally, the Comprehensive Plan recommends an interchange at South Van Dorn Street and I-95. Staff from the Fairfax County Department of Transportation (FCDOT) commented that the interchange improvement is not on the capital project list and the final design is unknown, including how much right-of-way may be needed. Given that the Comprehensive Plan calls for these interchange improvements that will impact the subject property but the timing of the improvements is unknown, staff believes that a term limit is appropriate to ensure conformance with the Comprehensive Plan. Staff has proposed a development condition that would limit the use to five years, with the opportunity for incremental two-year administrative extensions if approved by the Zoning Administrator. The Zoning Administrator would coordinate with FCDOT to determine that the continuation of the use would not interfere with the interchange improvements in order to approve an extension request. With the implementation of this development condition, staff finds that the application is in conformance with the Comprehensive Plan.

Environmental Analysis (Appendices 8 – 10)

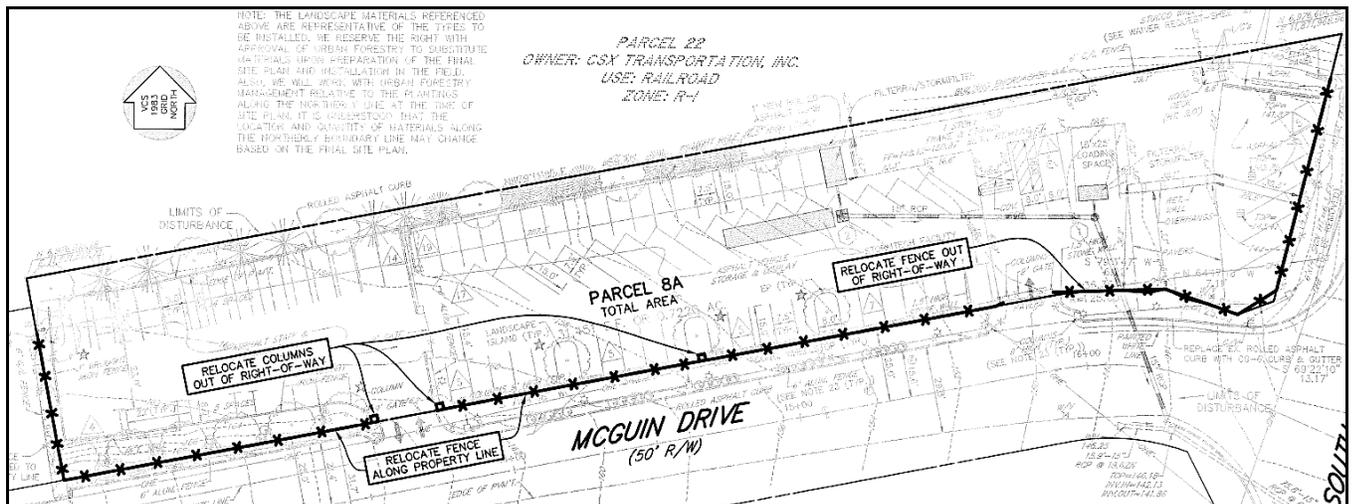
The applicants have added impervious surface to the subject property beyond that shown on the previously approved SE Plat without the proper County approvals, such as a site plan. Staff from the Park Authority commented that the runoff from the property reaches Backlick Run at Backlick Stream Valley Park and contributes to the overall degradation of the Cameron Run watershed. As a result, staff requested that the applicants provide for stormwater management controls for the increase in impervious area beyond that shown on the SE Plat approved with SE 87-L-002. The current SE/SP Plat depicts how detention requirements could be met with a stormtech underground detention system and how BMP requirements could be met through a combination of filterterra and stormfilter structures. However, the Plat states the applicants intend to apply for a waiver of the detention and BMP requirements from DPWES at the time of site plan. Staff from DPWES commented that a waiver of the BMP requirements is not likely to be approved and that a waiver of the detention requirements will need to be further justified. In addition, DPWES staff noted that the existing drain pipe installed on the property appears to be PVC, which is not a permitted material for a storm drainage pipe. The applicants will be required to meet the Public Facilities Manual (PFM) requirements at the time of site plan review, unless a waiver is otherwise approved.

Transportation Analysis (Appendix 11)

The applicants have installed an aluminum fence, walls, and gate posts within the right-of-way along McGuin Drive and South Van Dorn Street. Research completed by the applicants and staff indicates that McGuin Drive and South Van Dorn Street are both owned by the Virginia Department of Transportation (VDOT). Although McGuin Drive has not been accepted into VDOT’s maintenance system, it is evident that VDOT

has been maintaining this right-of-way because one of their facilities is located at the terminus of McGuin Drive to the west. Staff from FCDOT and VDOT requested that the applicants remove these fixed, private objects from the right-of-way due to safety and maintenance concerns. The SE/SP Plat shows how a portion of the fence would be relocated to meet sight distance requirements, but the majority of the private features remain in the right-of-way. The applicants continue to note that they will seek permission from VDOT to allow these private objects to remain in the right-of-way. Staff from VDOT indicated they are unlikely to approve a permit to allow these features to remain in the right-of-way. If VDOT does not issue a permit to allow these improvements to remain, the applicants will be required to remove or relocate these private objects in accordance with the Zoning Ordinance requirements. Although staff believes that the applicants should remove or relocate the private objects onto the subject property as part of this request, staff recognizes that VDOT has the authority to determine whether those features can remain. As a result, staff has proposed a development condition that would require the applicants to obtain permission from VDOT within 120 days of approval of the special exception for these private objects to remain in the right-of-way. If this permission is not granted, the applicants will be required to remove or relocate the private objects within six months of VDOT's permit denial.

Staff requested that the applicants revise the SE/SP Plat to demonstrate how all features associated with the use would be accommodated on the property if VDOT does not allow the private features to remain within the right-of-way. The applicants submitted the exhibit shown below to demonstrate how they would relocate the fence and columns onto the subject property. Staff notes that this exhibit is not currently part of the SE/SP Plat. Staff does not object to the concept of relocating the fence along the property line as shown, provided that adequate on-site circulation can be accomplished as described below. Staff has included this exhibit as Attachment A to the development conditions to allow for this option in the event that the applicant must relocate the features onto the property.



Source: Exhibit provided by the applicants

Given that the applicants are showing vehicle storage and display parking spaces that are 15 feet in depth across the majority of the site's McGuin Drive frontage, staff believes that the cars currently parked there may overhang into the McGuin Drive right-of-way by several feet. VDOT commented that no portion of cars being advertised as for sale should be located within the right-of-way. In response to this concern, the applicants revised the SE/SP Plat to show where wheel stops will be provided. Staff from VDOT commented that the proposed wheel stops should be located further back from the right-of-way to allow adequate space for cars to overhang before encroaching in the right-of-way. Staff has proposed a development condition that states the final location of the wheel stops shall be subject to review by VDOT and DPWES at the time of site plan in order to ensure that no portion of any vehicle for sale is located within the right-of-way. The condition also specifies that the final location of the wheel stops must also allow for adequate circulation on the site, as determined by DPWES at the time of site plan. If the applicants must reconfigure this parking area in a manner that is not in substantial conformance with the SE/SP Plat in order to provide for such adequate circulation, a Special Exception Amendment and/or a Special Permit Application will be required, as determined by the Zoning Administrator.

Finally, staff from VDOT commented that the applicant should install No Parking signs along the McGuin Drive frontage of the site. Staff has proposed a development condition that would require the applicant to install such signs if requested by VDOT at the time of site plan.

SPECIAL PERMIT REQUEST

The applicants are seeking Special Permit approval for reductions of minimum yard requirements based on errors in building locations to permit the existing building to remain 29.5 feet and 33 feet from the front lot lines.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Existing Building	Front (South Van Dorn Street)	40.0 feet	29.5 feet	10.5 feet	26.25%
Special Permit	Existing Building	Front (McGuin Drive)	40.0 feet	33 feet	7 feet	17.5%

*According to Sect. 4-607

As previously described, the applicants' existing building encroaches onto the adjacent property to the north by 0.4 feet. Staff has proposed a development condition that would require the applicants to remove the portion of the building that encroaches onto

the adjacent property within 120 days of approval of the Special Permit and/or Special Exception.

ZONING ORDINANCE PROVISIONS (Appendix 12)

The Special Exception application must satisfy the General Special Exception Standards (Sect. 9-006), Standards for all Category 5 uses (Sect. 9-503), and the Additional Standards for Vehicle Sale, Rental, and Ancillary Service Establishments (Sect. 9-518).

The Special Permit application is subject to the General Special Permit Standards (Sect. 8-006), Group 9 Special Permit Standards (Sect. 8-903), and the Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location (Sect. 8-914) of the Zoning Ordinance. Subject to development conditions, the Special Permit must meet these standards. These standards and provisions are summarized below and contained in Appendix 12.

General Special Exception Standards (Sect. 9-006) and General Special Permit Standards (Sect. 8-006)

Paragraph 1 requires that the proposed use be in harmony with the Comprehensive Plan. As previously discussed, staff believes that the application would be in conformance with the Comprehensive Plan with the implementation of the proposed development condition that limits the special exception to a five-year term limit.

Paragraph 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. The C-6 District was established to provide locations for retail commercial and service uses which are oriented to serve several neighborhoods or approximately 20,000 persons. A Vehicle Sales, Rental, and Ancillary Service Establishment is a Special Exception use in the C-6 District. Staff finds that the application meets the applicable Zoning Ordinance provisions, with the exception of the requested waivers and modifications discussed below. Therefore, in staff's opinion, the application satisfies this standard.

Paragraph 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. It further states that 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. As described in the Waivers and Modifications section of this report, the property does not currently contain any existing vegetation and the applicants are proposing to provide landscaping along the northern, southern, and western property boundaries. Staff also encouraged the applicants to provide additional landscaping along the eastern property boundary; however, at this

time the applicants are not proposing landscaping to the east given the proximity of the existing parking spaces to the property line. Overall, staff believes that the proposed plantings throughout the site will help buffer the application property from the adjacent properties. As previously discussed, the applicants have installed fences within the right-of-way along McGuin Drive and South Van Dorn Street. The proposed development conditions would require the applicants to obtain approval from VDOT to allow these fences to remain or to remove the fences from the right-of-way. With the adoption of this development condition, staff believes the proposed application will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. Therefore, this standard has been met.

Paragraph 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. In staff's opinion, the proposed use would not significantly affect pedestrian or vehicular traffic in the area. Therefore, staff finds that the application satisfies this standard.

Paragraph 5 states that in addition to the standards which may be set forth in this Article for a particular category or use, the Board of Supervisors and/or the Board of Zoning Appeals (BZA) shall require landscaping and screening in accordance with the provisions of Article 13. The applicants request approval of modifications to the transitional screening requirements to the south and west, the barrier requirements to the south, and the peripheral parking lot landscaping requirements to the east. As discussed in the Waivers and Modifications section of this report, staff does not object to the approval of these modifications. With the approval of these modifications, staff believes that the application meets this standard.

Paragraph 6 states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. The applicants request approval of a modification of the open space requirement to permit 13.4% open space rather than the required 15%. As discussed further in the Waivers and Modifications section, staff does not object to this requested modification. Staff believes that, with the approval of such modification, the application will satisfy this standard.

Paragraph 7 states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. The site is served by public water and sewer. The applicants will be required to meet the PFM requirements for stormwater management at the time of site plan review as determined by DPWES, unless a waiver is approved. The proposed use requires 17 parking spaces and one loading space. The applicants are proposing 19 parking spaces and one loading space, which staff believes is sufficient to serve the use. As a result, staff finds that the applicants meet this standard.

Paragraph 8 states that signs shall be regulated by the provisions of Article 12; however, the Board of Supervisors or the BZA may impose more strict requirements for a given use than those set forth in this Ordinance. The applicants currently have several

signs installed on the property that are not in conformance with the Zoning Ordinance, nor are there records of permits for these signs. Staff has proposed a development condition that would require the applicants to remove the existing signs that are not in conformance with the Zoning Ordinance and obtain permits for all signs to be located on the property. The proposed development conditions would also require the applicants to ensure that signs do not interfere with sight distance requirements pursuant to Sect. 2-505 of the Zoning Ordinance.

Standards for All Category 5 Uses (Sect. 9-503) and All Group 9 Uses (Sect. 8-903)

This application is also subject to the three additional standards for all Category 5 special exception uses.

Standard 1 states that all uses shall comply with the lot size and bulk regulations of the applicable zoning district. The applicants have requested modifications of the minimum lot area, lot width, and open space requirements with this application, and staff does not object to the approval of these modifications. This application satisfies the other lot size and bulk regulations of the C-6 zoning district.

Standard 2 stipulates that all uses shall comply with the performance standards for the applicable zoning district. The vehicle sale, rental, and ancillary service establishment will be required to comply with all performance standards set forth in Article 14 of the Zoning Ordinance.

Standard 3 specifies that all uses shall be subject to the provisions of Article 17, Site Plans. A development condition noting this requirement is included in Appendix 1.

In summary, with the approval of the requested modifications described in the Waivers and Modifications section of this report and the proposed development conditions, staff believes that the proposed use would satisfy the Standards for all Category 5 Uses and Group 9 Uses.

Additional Standards for Vehicle Sale, Rental, and Ancillary Service Establishments (Sect. 9-518)

The proposal must also satisfy the eight Additional Standards for Vehicle Sale, Rental, and Ancillary Service Establishments.

Standard 1 states that outdoor storage, parking and display areas shall be permitted only on the same lot with and ancillary to a sales room, rental office or service facility, which shall be entirely enclosed on all sides. The proposed vehicle parking and display areas are located on the same lot as the sales facility, which is enclosed on all sides. Although the applicants also store cars on the adjacent property across South Van Dorn Street, a storage yard is a permitted use on that parcel.

Standard 2 states that the outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved special exception plat. Such areas shall not be used for the storage or display of vehicles that are not in operating condition. As previously discussed, the applicants have designated the areas on the Plat that would be used for vehicle storage and display. Staff has proposed a development condition to ensure that vehicle storage and display is limited to the areas shown on the SE/SP Plat and that such areas are not used for the storage or display of vehicles that are not in operating condition.

Standard 3 stipulates that any outdoor area that is on the ground and open to the sky may be located in any required yard but not nearer to any front lot line than ten feet, except as may be qualified by the provisions of Article 13. In addition, all structures shall be subject to the bulk regulations of the zoning district in which located, except structures which are completely underground may be located in any required yard but not closer than one foot to any lot line. The proposed parking to the east and south are located closer than ten feet to these front lot lines. However, the applicants are requesting modifications to the peripheral parking lot landscaping requirements to the east and the transitional screening and barrier requirements to the south and west in accordance with Article 13. Staff determined that the parking can remain in this location if the Board of Supervisors approves the requested modifications. The applicants are not proposing any underground structures aside from possible stormwater facilities, which will be reviewed by DPWES at the time of site plan.

Standard 4 states all such uses shall be provided with safe and convenient access to a street. If any outdoor area is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual. A rolled asphalt curb currently exists along the McGuin Drive frontage of the site, which is not in accordance with the Public Facilities Manual. Staff requested that the applicants upgrade the existing rolled asphalt curb to provide curb and gutter from the corner of South Van Dorn Street and the easternmost entrance, and either curb and gutter or a shoulder treatment for the remainder of that frontage. Although the applicants are now proposing to upgrade the portion of the curb from South Van Dorn Street to the eastern entrance to curb and gutter, the applicants are not proposing to modify the existing rolled asphalt curb across the remainder of that frontage. Staff believes that the applicants should upgrade the curb along this frontage to a standard that is acceptable according to the Public Facilities Manual and has proposed a development condition to require compliance with the PFM.

Standard 5 requires that all outdoor areas, including aisles and driveways, shall be constructed and maintained with a surface in accordance with Par. 11 of Sect. 11-102, and shall be improved in accordance with construction standards presented in the Public Facilities Manual. The outdoor areas on the subject property are asphalt. The applicants will be required to meet the construction standards in the Public Facilities Manual at the time of site plan review.

Standard 6 states that all lighting fixtures used to illuminate such outdoor areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14. The applicants must meet the standards set forth in Article 14 of the Zoning Ordinance.

Standard 7 does not apply to uses in the C-6 Zoning District and, therefore, is not applicable to this application.

Standard 8 only applies to the Planned Tysons Corner (PTC) District. Therefore, this standard does not apply to the current application.

In summary, with the proposed development conditions and the approval of the requested waivers and modifications, staff believes that the application will satisfy all of the Additional Standards for Vehicle Sale, Rental, and Ancillary Service Establishments.

WAIVERS AND MODIFICATIONS

Provisions for Waiving Minimum Lot Size Requirements (Sect. 9-610)

With the approval of the previous Special Exception application in 1987, the Board of Supervisors modified the minimum lot size and lot width requirements. The applicants seek approval of these modifications with the current application. The applicants' lot size of 31,451 square feet is less than the required minimum lot area of 40,000 square feet in the C-6 District. The minimum required lot width in the C-6 District is 200 feet. The lot width along the South Van Dorn Street frontage is approximately 82 feet, which does not meet this minimum requirement. The Board of Supervisors may approve a modification of the minimum lot area and/or lot width requirements for a Commercial district in conjunction with the approval of a rezoning or as a special exception. However, this may only be done in accordance with the following provisions.

Paragraph 1 states that such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance. At the time of the approval of the Special Exception in 1987, the applicants' site was known as Parcel 8 and contained approximately 11,330 square feet. According to staff's review of the historic property maps, Parcel 8 eventually became known as Parcel 8A, which now contains 31,451 square feet. The applicants submitted deeds that describe the conveyance of land to clarify the expansion. Staff did not find any evidence that the subject property has been reduced in width or area since the effective date of the Zoning Ordinance. Therefore, staff believes the application meets this provision.

Paragraph 2 states that the applicants shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact. As previously discussed, there is no existing vegetation on the property. Further, the

applicants are not proposing significant changes to the existing topography and staff did not identify any historic resources or environmental features worthy of preservation on the application property. The applicants are proposing to remove several of the existing parking spaces in order to accommodate four proposed landscape islands within the existing parking lot.

There are no existing water quality controls on the subject property and the applicants are not proposing to install additional impervious surface with this application. However, staff encouraged the applicants to provide stormwater detention and water quality controls for the additional impervious surface that was added without the approval of permits or a site plan subsequent to the approval of the 1987 Special Exception. The SE/SP Plat shows where these facilities could be provided if stormwater detention and BMP requirements are not waived by DPWES at the time of site plan.

In summary, staff concludes that the application meets this provision through the removal of some of the existing parking spaces and the addition of vegetation on the property.

Paragraph 3 states that it shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways. As discussed in the General Special Exception Standards and General Special Permit Standards section of this report, staff believes the application will not hinder or discourage the appropriate development or use of adjacent or nearby properties and will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. Therefore, staff finds that the application meets this provision.

Paragraph 4 states that such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied. With the exception of the requested waivers and modifications, the application satisfies all applicable Zoning Ordinance provisions.

Provisions for Waiving Open Space Requirements (Sect. 9-612)

The applicants request a modification of the 15% (4,812 square feet) open space requirement in the C-6 District to allow 13.4% (4,213 square feet) open space on the property. Pursuant to Sect. 9-612 of the Zoning Ordinance, the Board of Supervisors may approve a waiver of the open space requirement for a given zoning district in conjunction with the approval of a Special Exception. Such waiver may be approved only in accordance with the following three provisions outlined in the Zoning Ordinance: it will further the intent of the Ordinance and the intent and implementation of the adopted Comprehensive Plan and other adopted policies; the resultant development will be harmonious with adjacent development; and, the provisions of Article 13 are satisfied. As previously discussed, staff believes that with the proposed development conditions the application is in accordance with the Comprehensive Plan and will be harmonious with adjacent development. Staff also finds that the provisions of Article 13 will be satisfied if the requested modifications of the transitional screening, barrier, and

peripheral parking lot landscaping requirements described below are granted. As a result, staff does not object to the requested modification of the open space requirement.

Modification of Transitional Screening and Barrier Requirements (Sect. 13-305)

The applicants request a modification of the transitional screening requirements to the south and west and the barrier requirement to the south pursuant to Sect. 13-305 of the Zoning Ordinance in favor of that shown on the SE/SP Plat. According to Sect. 13-303 of the Zoning Ordinance, the applicants must provide an unbroken open space strip at least 50 feet wide with required trees and/or shrubs (Transitional Screening 3) to screen the use from the adjacent vacant properties zoned R-1 to the west and R-3 to the south. One of three different barriers is also required pursuant to Sect. 13-304 of the Zoning Ordinance. There is no existing vegetation on the property. The applicants propose to provide large deciduous trees along the southern property line, as well as three additional trees along the western property line; however, this does not meet the full transitional screening requirements. There is an existing 6-foot aluminum fence primarily located off of the property along the southern frontage of the site, which does not satisfy the barrier requirement to the south. The applicants are proposing to meet the barrier requirement to the west with an existing 6-foot chain link fence, which will be relocated from slightly off-site to along the western property boundary.

Section 13-305 of the Zoning Ordinance permits the ability to waive or modify transitional screening and barrier requirements when a building, a barrier and/or the land between the building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques. A modification of the transitional screening and barrier requirements for the subject property was previously approved by the Board of Supervisors in association with the approval of SE 87-L-002. At the time of that approval, there was no existing landscaping on the property according to the staff report. With the current application, the applicants propose to provide vegetation that will serve as a buffer to the adjacent properties. Therefore, staff does not object to the modification of the transitional screening requirements along the western and southern boundaries of the property in favor of the proposed landscaping shown on the SE/SP Plat. As previously described, the applicants will be required to obtain approval for the existing fence to remain within the right-of-way along McGuin Drive. However, staff does not object to the request for a modification of the barrier requirement to the south along McGuin Drive given the previously approved modification and the proposed plantings. In addition, staff does not object to the concept of the relocation of the fence along the property line as shown in Attachment A of Appendix 1, as previously discussed.

Modification of Peripheral Parking Lot Landscaping Requirements (Sect. 13-203)

Pursuant to Sect. 13-203 of the Zoning Ordinance, the applicants must provide peripheral parking lot landscaping when a parking lot contains 20 or more spaces and transitional screening is not required. Because transitional screening is required along

the site's southern and western boundaries, peripheral parking lot landscaping is not required. However, peripheral parking lot landscaping is required to the north and east where transitional screening is not required. The applicants request a modification of the requirement along the eastern property line in favor of the plantings shown on the SE/SP Plat.

Pursuant to Par. 3 of Sect. 13-203 of the Zoning Ordinance, the Board of Supervisors, in conjunction with the approval of a special exception, may approve a waiver or modification of the peripheral parking lot landscaping requirements and the requirement to provide a 10-foot minimum distance between a front lot line and an off-street parking space set forth in Par. 8 of Sect. 11-102. Such waiver or modification may be approved for an interim use of a specific duration and/or where deemed appropriate due to the location, size, surrounding area, or configuration of the parking lot. In addition, the waiver and modification must not have a deleterious effect on the existing or planned development of adjacent properties. The SE/SP Plat does not depict any vegetation along the eastern property line where there are five parking spaces for vehicle storage and display. Although staff encouraged the applicants to provide supplemental landscaping along the eastern property line, staff does not believe that the requested modification along the eastern property line would have a deleterious effect on the existing or planned development of adjacent properties. In addition, the proposed development conditions propose a term limit and, therefore, the use could be considered an interim use. Staff notes that there is landscaping within the right-of-way along the eastern property line that helps to buffer the property along this frontage. Therefore, staff does not object to the applicants request to modify the peripheral parking lot landscaping requirements and associated modification of the requirement to provide a 10-foot minimum distance between a front lot line and an off-street parking space along the eastern property boundary.

Increase in Height of Walls, Fence, Gates, and Gate Posts (Sect. 10-104.3H)

Section 10-104 of the Zoning Ordinance provides the location regulations for accessory structures. Pursuant to this section, a fence or wall exceeding four feet in height cannot be located in a front yard on a property containing less than two acres. The subject property, which contains less than two acres, has two front yards: one along the South Van Dorn Street frontage and the other along the McGuin Drive frontage. The applicants have installed a 6-foot high aluminum fence within the front yards of the application property and within the right-of-way. In association with the fence, the applicants have also installed three 9-foot high gates and six 9-foot high gate post columns within the minimum required front yards of the property and in the associated right-of-way. Pursuant to Par. 4 of Sect. 10-104, two gates not to exceed eight feet in height are permitted to be located within any required minimum front yard. Further, the Zoning Ordinance states that only four gate posts without limit as to height or width may be placed in the minimum required front yard. The applicants have also installed an 8-foot high stucco wall near the northwest corner of the property to screen equipment that is located behind the wall.

Pursuant to Par. 3H of Sect. 10-104 of the Zoning Ordinance, the Board of Supervisors may approve an increase in fence and/or wall height, modification to the corresponding location regulations set forth in Sect. 10-104, and/or an increase in gate and/or gate post height in conjunction with the approval of a Special Exception. Such approval requires that the applicants provide the height, location, color, and materials of the proposed fence, wall, gate, and/or gate post and any associated landscaping. Such approval also requires that the fence, wall, gate, and/or gate post be in character with the existing development on the site, harmonious with the surrounding development, and not adversely impact the use and/or enjoyment of any nearby property. In this case, the features have already been installed and, therefore, are not proposed. The applicants currently use the adjacent property along South Van Dorn Street to store vehicles, and the adjacent property to the south along McGuin Drive is currently vacant. Staff believes that the existing features installed on the application property are harmonious with the surrounding development and will not adversely impact the use and/or enjoyment of any nearby property. As previously discussed, the applicants will be required to obtain permission from VDOT to allow the existing features located within the right-of-way to remain.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Special Exception

The applicants request approval of a Special Exception to permit the continuation of an existing vehicle sales, rental, and ancillary service establishment. With the adoption of the proposed development conditions, staff believes that the Special Exception application is in harmony with the land use recommendations of the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Special Permit

The applicants also request approval of an associated Special Permit application to permit the existing building to remain within the minimum required front yards. If it is the intent of the BZA to approve the Special Permit application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 2 of this report.

Recommendations

Staff recommends approval of SE 2013-LE-014, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of the following requested waivers and modifications:

- Modification of the minimum lot size and lot width requirements in accordance with Sect. 9-610 of the Zoning Ordinance to permit a 31,451 square foot lot with a width of 82 feet;
- Modification of the open space requirements in accordance with Sect. 9-612 of the Zoning Ordinance to allow 13.4% open space;
- Modification of the transitional screening requirements to the south and west and the barrier requirements to the south pursuant to Sect. 13-305 of the Zoning Ordinance in favor of that shown on the SE/SP Plat;
- Modification of the peripheral parking lot landscaping requirements along the eastern boundary of the property in accordance with Sect. 13-203 of the Zoning Ordinance in favor of that shown on the SE/SP Plat; and,
- Increase in the height of the fence, walls, gates, and gate posts to that shown on the SE/SP Plat in accordance with Par. 3.H of Sect. 10-104 of the Zoning Ordinance.

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

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

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors or Board of Zoning Appeals.

APPENDICES

1. Proposed Special Exception Development Conditions
2. Proposed Special Permit Development Conditions
3. Statement of Justification
4. Special Exception Affidavit
5. Special Permit Affidavit
6. Notice of Violation
7. Land Use Analysis
8. Environmental Analysis
9. Stormwater Management Analysis
10. Fairfax County Park Authority Analysis
11. Transportation Analysis
12. Applicable Zoning Ordinance Provisions
13. Glossary

PROPOSED DEVELOPMENT CONDITIONS**SE 2013-LE-014****March 20, 2014**

If it is the intent of the Board of Supervisors to approve SE 2013-LE-014 located at 5630 South Van Dorn Street, Tax Map 81-2 ((3)) 8A, to permit a vehicle sale, rental and ancillary service establishment pursuant to Sect. 4-604 of the Fairfax County Zoning Ordinance and waiver of the minimum lot size, lot width, and open space requirements pursuant to Sect. 9-610 and 9-612 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. A copy of the Special Exception conditions and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
3. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
4. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled "Select Auto Imports," consisting of five sheets, prepared by Tri-Tek Engineering, dated March 19, 2013, as revised through February 25, 2014, and these conditions. Minor modifications to the approved special exception may be permitted as determined by the Zoning Administrator.
5. This Special Exception shall remain valid for five years from the date of issuance of a Non-RUP. Extensions beyond that time may be granted by the Zoning Administrator for two-year increments only if the continuation of the use would not interfere with the Van Dorn Street and Capital Beltway transportation improvements. Any request for such extension shall be submitted by the applicants to the Zoning Administrator in writing.
6. Within 120 days of approval of the Special Exception and prior to the issuance of a Non-RUP, the applicants shall demonstrate through the submission of an approved Virginia Department of Transportation (VDOT) permit to the Fairfax County Department of Transportation (FCDOT) that they have obtained written permission from VDOT to allow the private features within the right-of-way to remain, such as

aluminum fencing, columns, stone walls, and gates. If any or all private features in the right-of-way are not permitted by VDOT, the applicants shall remove these features outside the right-of-way or relocate them on the property as generally shown in Attachment A of these conditions, provided this relocation does not interfere with sight distance. The applicants shall complete removal or relocation within six months of denial of a permit by VDOT. If the applicants remove or relocate the private objects in a manner that is not in substantial conformance with the SE/SP Plat or Attachment A, a Special Exception Amendment and/or a Special Permit Application will be required, as determined by the Zoning Administrator.

7. The applicants shall provide wheel stops for the vehicle storage and display area on the application property along McGuin Drive as generally shown on the SE/SP Plat for the purpose of ensuring that no portion of any vehicle for sale is located or overhanging within the right-of-way. The final location of the wheel stops shall be determined by VDOT and the Department of Public Works and Environmental Services (DPWES) at the time of site plan. The final location of the wheel stops shall allow for adequate circulation on the site, as determined by DPWES at the time of site plan. If the applicants must reconfigure this parking area in a manner that is not in substantial conformance with the SE/SP Plat in order to provide for such adequate circulation, a Special Exception Amendment and/or a Special Permit Amendment will be required, as determined by the Zoning Administrator.
8. Within 90 days of approval of the Special Exception and prior to the issuance of a Non-RUP, the applicants shall remove any signs prohibited by the Zoning Ordinance and any signs that have been installed without permit approval. The applicants shall obtain permits for all signs located on the subject property.
9. All freestanding signs shall be located in conformance with Section 2-505 of the Zoning Ordinance and shall not conflict with vehicle sight distance.
10. Prior to the issuance of a Non-RUP and if requested by VDOT at the time of site plan, the applicants shall install signs along the McGuin Drive frontage to ensure that vehicles are not parked in this area.
11. Prior to site plan approval, the applicants shall demonstrate that any existing or proposed fences and columns do not interfere with sight distance, as determined by VDOT.
12. The area devoted to vehicle storage and display shall be limited to that area so designated on the SE/SP Plat. Such areas shall not be used for the storage or display of vehicles that are not in operating condition. No parking shall be permitted within the adjacent right-of-way.
13. The applicants shall extend the existing curb and gutter from the intersection of South Van Dorn Street and McGuin Drive to the easternmost entrance along McGuin Drive. The applicants shall upgrade the existing rolled asphalt curb from the easternmost entrance along McGuin Drive to the western property line to meet the

standards of the Public Facilities Manual (PFM), as determined by DPWES at the time of site plan.

14. Prior to site plan approval, the applicants shall provide a detailed comparison of existing versus proposed impervious area tabulation/map. The existing impervious area shall be established based on Special Exception SE 87-L-002, which was approved on September 14, 1997. Based on this, stormwater detention requirements and Best Management Practices shall be met pursuant to the Public Facilities Manual, unless waived by DPWES.
15. All applicable permits and final inspections shall be obtained for the existing building within 120 days of approval of this application.
16. Within 120 days of approval of this application and prior to the issuance of a Non-RUP, the applicants shall remove the portion of the building that encroaches onto the adjacent property to the north.

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

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, eighteen (18) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted for one of the proposed buildings. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-LE-062

March 20, 2014

If it is the intent of the Board of Zoning Appeals to approve SP 2013-LE-062 located at Tax Map 81-2 ((3)) 8A to permit an error in building location under Sect. 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location of the building as shown on the plat prepared by prepared by Tri-Tek Engineering, dated March 19, 2013, as revised through February 25, 2014 as submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the existing building within 120 days of approval of this application.
3. Within 120 days of approval of this application, the applicants shall remove the portion of the building that encroaches onto the adjacent property to the north zoned R-1.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.



**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@arl.thelandlawyers.com

REVISED

January 10, 2014

Via E-mail and U.S. Mail

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

Re: Proposed Special Exception and Special Permit Applications
Applicants: Mohammad Hajimohammad, Trustee and Flora Hajimohammad,
Trustee of the Hajimohammad Revocable Trust

Dear Ms. Berlin:

Please accept this letter as a statement of justification for proposed special exception and special permit applications to permit the continued operation of a vehicle sale, rental and ancillary service establishment.

The Applicants are the owner of approximately 31,451 square feet of land located in the Lee District and identified among the Fairfax County tax assessment records as 81-2 ((3)) 8A (the "Subject Property"). The Subject Property is located in the northwest quadrant of the intersection of South Van Dorn Street and McGuin Drive. Zoned to the C-6 District, the Subject Property is adjacent to the Richmond Fredericksburg & Potomac Railroad tracks and surrounding properties are zoned to the I-5, C-8 and R-3 Districts. The residentially zoned property located in proximity to the Subject Property is not residentially developed. The Applicants currently operate an existing automotive sales business on the Subject Property known as Select Auto Imports, Inc. Existing improvements consist of a single story building containing approximately 2,430 square feet and parking for customers, employees and vehicle storage. Access to the Subject Property is from McGuin Drive. A Fairfax County Notice of Violation was issued regarding the existing business as the previously approved special exception on the Subject Property has expired.

The Applicants have operated a business on the Subject Property in good faith since 1987. A special exception was approved by the Board of Supervisors on September 14, 1987 that allowed for the operation of a vehicle sale, rental and ancillary service establishment. In accordance with that approval, the Applicants requested and received a Non-RUP from Fairfax

County prior to commencement of business operations. The Non-RUP was issued to Select Auto Imports, Inc. on September 16, 1987 and states that the allowable purpose of the Non-RUP is for retail sales and used cars. One of the conditions of the special exception approval states that the special exception remains valid for three (3) years from the date of issuance of a Non-RUP with two (2) maximum one year extensions that could be granted by the Zoning Administrator. Therefore, the special exception would expire no later than September 16, 1992.

Understanding that a new special exception was necessary to maintain the existing use located on the Subject Property, the Applicants retained counsel to process the appropriate applications which were submitted to and accepted by Fairfax County. During the processing of these applications, a number of concerns were raised by FCDOT and VDOT with regard to the unknown alignment of a future interchange at the Capital Beltway and South Van Dorn Street. Because the improvement plans were undefined, the pending applications were precluded from moving forward and were indefinitely deferred on several occasions. Unbeknownst to the Applicants, the deferred applications were dismissed by the Zoning Evaluation Division for lack of prosecution. It was not until the Notice of Violation was recently issued that the Applicants became aware that the applications had been dismissed and consequently the special exception approval expired. The proposed applications are submitted to allow the continued operation of a business that has existed on the Subject Property since 1987.

The Subject Property is located in the Van Dorn Transit Station Area of the Rose Hill Planning District in Area IV of the Comprehensive Plan (the "Plan"). Specifically, the Subject Property is located within Land Unit A. The recommendations for Land Unit A include a reference to a future interchange, however, it is my understanding that these plans are as yet undefined and there is no funding for study, design or construction. The recommendations further state that if the parcels develop prior to construction of the interchange, development should be a low intensity (up to .25 FAR) use such as light industrial. The Applicants' proposal, which includes retaining improvements that result in a .08 FAR, is compatible with this recommendation.

The Applicants propose to simply continue the operation of an existing business. All existing physical improvements are proposed to remain without modification. The existing building serves as a sales office for the administration of the business. No vehicle services or maintenance is performed on the Subject Property. In conjunction with the proposed applications, landscaping will be installed around the perimeter of the Subject Property to meet the requirements of the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

In accordance with the Zoning Ordinance requirements of Section 9-011, please accept the following information regarding the proposed special exception amendment application:

- The type of operation is a vehicle sale, rental and ancillary establishment.
- The typical hours of operation are as follows:

- Monday through Friday - 10:00 a.m. to 8:00 p.m.
 - Saturdays - 9:00 a.m. to 7:00 p.m.
 - Sundays - 12:00 p.m. to 5:00 p.m.
-
- The estimated number of patrons per day is approximately 10 to 15 persons.
 - The total number of employees is 30 persons, but only 15 employees are present on the Subject Property at one time. Employees are comprised of sales agents, administrative staff and lot attendants who move vehicles.
 - The traffic impact of the proposed use is low and potential customers generally visit the Subject Property during off peak commuting hours. Customers arrive at the Subject Property by private vehicle and typically stay for 45 minutes to an hour. There is a staggered arrival and departure of customers as they consider the purchase of a vehicle. During the week, the peak hours of use on the Subject Property are approximately from 12:00 p.m. to 1:00 p.m., and 6:30 p.m. to 7:30 p.m. when three (3) or four (4) customers visit the Subject Property. During these peak hours, the number of vehicle trips is less than twelve (12). On Saturdays, the peak hours of use on the Subject Property are approximately 11:00 a.m. to 12:00 p.m., 3:00 p.m. to 4:00 p.m. and 6:00 p.m. to 7:00 p.m. During these peak hours, approximately two (2) to three (3) customers will arrive and depart the Subject Property, resulting in approximately six (6) vehicle trips.
 - The vicinity or general area served by the use is a radius of approximately ten (10) to fifteen (15) miles and includes Springfield, Alexandria and Franconia.
 - Existing improvements consist of a single administrative building constructed of stucco that will be retained. The building is one story with architectural embellishments and a peaked shingled roof. Windows and glass doors are located along the front building façade. There are no proposed modifications to the existing building.
 - The Applicants are unaware of any hazardous or toxic substances located on the Subject Property.
 - The proposal conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions except as further described herein and stated on the plat.

In preparation of the special exception application plat, it was discovered that the existing building does not meeting Zoning Ordinance setback requirements to South Van Dorn Street and McGuin Drive, both of which are front yards. A setback of 40 feet is required to each road frontage and only 30.5 feet and 33 feet exist today. The reduced setbacks do not create any sight distance issues or otherwise interfere with vehicular traffic. Therefore, in accordance with the provisions of Zoning Ordinance Section 8-914, the Applicants hereby request a reduction in the

minimum front yard requirements based on an error in building location to allow the existing building to remain. In accordance with the provisions of Section 8-914, please accept the following information regarding the proposed special permit application:

- The error exceeds 10% of the measurement required. The Subject Property has two front yards as it has frontage on both South Van Dorn Street and McGuin Drive. The minimum front yard requirement in the C-6 District is 40 feet, and the existing building is located 30.5 feet from South Van Dorn Street and 33 feet from McGuin Drive. Both of these existing dimensions exceed four (4) feet, which is 10% of the requirement.
- The non-compliance was done in good faith through no fault of the Applicants. The Applicants retained the services of a contractor to construct the building and understood that building permits were obtained and Fairfax County procedures were followed. Unfortunately, there is no evidence of building permits having been issued by Fairfax County for the existing building.
- The reduction will not impair the purpose and intent of the Zoning Ordinance. The Zoning Ordinance requirement for a front yard setback was established to ensure an aesthetically pleasing appearance as well as the provision of adequate sight distance. The existing building is not incompatible with the surrounding area, does not adversely impact adjacent properties and does not interfere with sight distance. In addition, the Subject Property is under a hardship due to its narrow shape, small size and the two (2) front yards created by adjacent public street frontage.
- The reduced front yards will not create an unsafe condition with respect to other property or public streets. The existing building is located at a sufficient distance from the right-of-way so as not to create an unsafe condition related to access or sight distance.
- To force compliance with the minimum yard requirements will cause unreasonable hardship as the Applicants will be required to remove the existing building. The existing building has been located on the Subject Property since the 1980's and the Applicants were unaware of its non-conforming status. The Applicants are constrained in selecting an alternative location for a building on the Subject Property given its narrow shape, small size and adjacent public streets.
- The reduction will not result in an increase in density or floor area ratio from that permitted by the Zoning Ordinance. The existing building results in a .08 FAR, which is significantly less than the .4 FAR permitted in the C-6 District.

The Applicants propose to simply allow the existing building and improvements to remain as constructed on the Subject Property as further described on the special exception/special permit plat in accordance with a previously approved special exception for a

vehicle sale, rental and ancillary service establishment. In order to allow the existing improvements to remain, the following waivers and modifications are necessary:

- A waiver of the minimum lot size and lot width requirements in accordance with Section 9-610 of the Zoning Ordinance to that which currently exists. The existing lot does not meet the minimum standards as a result of existing conditions. The Applicants do not propose to modify the existing lot size or lot width.
- A modification of the requirement for peripheral parking lot landscaping along the eastern boundary of the Subject Property in accordance with Section 13-203 paragraph 3 of the Zoning Ordinance. The Subject Property is exceptionally narrow and a reasonable use of the Subject Property cannot be maintained with the provision of this requirement.
- A waiver of the requirement for transitional screening along the southern and western boundaries of the Subject Property in accordance with Section 13-305 paragraph 2 of the Zoning Ordinance. The Subject Property is exceptionally narrow and a reasonable use of the Subject Property cannot be maintained with the provision of full transitional screening requirements. The Applicants do propose planting along the northern and southern boundaries of the Subject Property, where feasible. Lastly, the surrounding uses, including the railroad and vacant lots, do not warrant the provision of transitional screening as required by the Zoning Ordinance.
- A waiver of the barrier requirement along the southern boundary of the Subject Property based on the barrier being permitted to remain within the adjacent right-of-way in accordance with Section 13-305 paragraph 2 of the Zoning Ordinance.
- A waiver of the open space requirement of 15% to allow open space of 13.4% in accordance with Section 9-612 of the Zoning Ordinance. This waiver will allow the continuation of existing conditions.
- An increase in the height of the walls, gates and gate posts to that which exists in accordance with Section 10-104, paragraph 3.H of the Zoning Ordinance. The Applicants have taken care to establish decorative walls and gates that are aesthetically pleasing and also provide security for the Applicants' business. These features do not interfere with surrounding uses.

The Applicants have operated their business on the Subject Property in good faith since 1987 believing that the prior approval remained valid during the pendency of the subsequently submitted special exception application. The Applicants' business provides a convenient and valuable service to Fairfax County residents and allowing this use to continue will benefit the

community. Given its location, size, and zoning, few other uses could be accommodated on the Subject Property.

Should you have any questions regarding the above, or require additional information, please do not hesitate to contact me. I would appreciate the acceptance of these applications and the scheduling of hearings before the Fairfax County Planning Commission and Board of Zoning Appeals, respectively, at your earliest convenience.

As always, I appreciate your cooperation and assistance.

Very truly yours,

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



Lynne J. Strobel

LJS/ms

cc: Mohammad Hajimohammad
Ted Britt
Martin D. Walsh

SPECIAL EXCEPTION AFFIDAVIT

DATE: January 17, 2014
(enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/agent, do hereby state that I am an
(enter name of applicant or authorized agent)

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

122413a

in Application No.(s): SE 2013-LE-014
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee of the Hajimohammad Revocable Trust f/b/o Mohammad Hajimohammad and Flora Hajimohammad Sole Acting Trustee: Mohammad Hajimohammad	5630 South Van Dorn Street Alexandria, Virginia 22310	Applicant/Title Owner of Tax Map 81-2 ((3)) 8A

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

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

Special Exception Attachment to Par. 1(a)

DATE: January 17, 2014
 (enter date affidavit is notarized)

122413a

for Application No. (s): SE 2013-LE-014
 (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)
Walsh, Colucci, Lubeley & Walsh, P.C. (f/k/a Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.)	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Jonathan D. Puvak Elizabeth D. Baker Inda E. Stagg Elizabeth A. Nicholson		Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
Tri-Tek Engineering	69 Center Street Suite 300 Herndon, Virginia 20170	Engineer/Agent
Agents: Theodore D. Britt Kevin E. Murray Brian R. Thomas		

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: January 17, 2014
(enter date affidavit is notarized)

122413a

for Application No. (s): SE 2013-LE-014
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code) Walsh, Colucci, Lubeley & Walsh, P.C. (f/k/a Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.)
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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)

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

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

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

Special Exception Attachment to Par. 1(b)

DATE: January 17, 2014
(enter date affidavit is notarized)

12243a

for Application No. (s): SE 2013-LE-014
(enter County-assigned application number (s))

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

Tri-Tek Engineering
69 Center Street, Suite 300
Herndon, Virginia 20170

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)

Theodore D. Britt
Kevin E. Murray

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

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)

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: January 17, 2014
(enter date affidavit is notarized)

122413a

for Application No. (s): SE 2013-LE-014
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
None

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: January 17, 2014
(enter date affidavit is notarized)

122413a

for Application No. (s): SE 2013-LE-014
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

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

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

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

None

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: January 17, 2014
(enter date affidavit is notarized)

122413a

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

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

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

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

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

WITNESS the following signature:

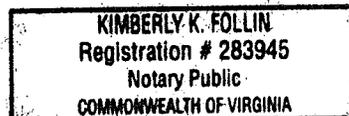
(check one) Applicant Applicant's Authorized Agent

Lynne J. Strobel, attorney/agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 17 day of January, 2014, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2015



Application No.(s): SP 2013-LE-062
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 2, 2014
 (enter date affidavit is notarized)

120511 a

I, Lynne J. Strobel, attorney/agent, do hereby state that I am an
 (enter name of applicant or authorized agent)

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

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)
Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee of the Hajimohammad Revocable Trust f/b/o Mohammad Hajimohammad and Flora Hajimohammad	5630 South Van Dorn Street Alexandria, Virginia 22310	Applicant/Title Owner of Tax Map 81-2 ((3)) 8A
Sole Acting Trustee: Mohammad Hajimohammad		

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

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

Application No.(s): SP 2013 - LE - 062
(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 2, 2014
(enter date affidavit is notarized)

120511a

(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)
Walsh, Colucci, Lubeley & Walsh, P.C. (f/k/a Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.)	2200 Clarendon Boulevard Suite 1300 Arlington, Virginia 22201	Attorneys/Planners/Agent
Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Jonathan D. Puvak Elizabeth D. Baker Inda E. Stagg Elizabeth A. Nicholson		Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
Tri-Tek Engineering Agents: Theodore D. Britt Kevin E. Murray Brian R. Thomas	69 Center Street Suite 300 Herndon, Virginia 20170	Engineer/Agent

(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): SP 2013-LE-062
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 2, 2014
(enter date affidavit is notarized)

120511a

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)
Walsh, Colucci, Lubeley & Walsh, P.C. (f/k/a Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.)
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
David J. Bomgardner, E. Andrew Burcher, Lynne J. Strobel, Garth M. Wainman,
Thomas J. Colucci, Michael J. Coughlin, Nan E. Walsh, Martin D. Walsh,
Peter M. Dolan, Jr., Jay du Von, William A. Michael J. Kalish, G. Evan Pritchard
Fogarty, John H. Foote, H. Mark Goetzman,
Bryan H. Guidash, Michael D. Lubeley,
J. Randall Minchew, M. Catharine Puskar,
John E. Rinaldi, Kathleen H. Smith,

(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): SP 2013-LE-062
(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 2, 2014
(enter date affidavit is notarized)

120511a

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

Tri-Tek Engineering
69 Center Street, Suite 300
Herndon, Virginia 20170

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)

Theodore D. Britt
Kevin E. Murray

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

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)

(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): SP 2013-LE-062
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 2, 2014
(enter date affidavit is notarized)

120511a

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)
None

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

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

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

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

Application No.(s): SP 2013-LE-062
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 2, 2014
(enter date affidavit is notarized)

120511a

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

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

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

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

None

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

Application No.(s): SP 2013-LE-062
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 2, 2014
(enter date affidavit is notarized)

120511a

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:

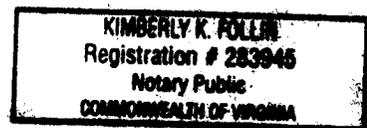
(check one) [] Applicant Lynne J. Strobel [x] Applicant's Authorized Agent

Lynne J. Strobel, attorney/agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 2 day of January 2014, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follen
Notary Public

My commission expires: 11/30/2015





County of Fairfax, Virginia

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

NOTICE OF VIOLATION

DATE OF ISSUANCE: June 14, 2012

SHERIFF'S LETTER

CASE #: 201203568 **SR#:** 83744

SERVE: Hajimohammad Revocable Trust
Hajimohammad Mohammad, Trustee
Hajimohammad Flora, Trustee
792 Stephanie Circle
Great Falls, Virginia 22066

LOCATION OF VIOLATION 5630 South Van Dorn Street
Alexandria, Virginia 22310-1021
Tax Map #: 81-2 ((3)) 8A
Zoning District: C-6

Dear Property Owners:

An inspection of the above referenced property on May 16, 2012 and June 07, 2012 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-304 (1) SPECIAL EXCEPTION

This investigation determined that Select Auto Imports, Incorporated currently occupies the above referenced location as a vehicle sale, rental and ancillary service establishment.

A review of County records has revealed that Select Auto Imports, Incorporated was issued Non-Residential Use Permit (Non-RUP) #: A-1928-87 on September 16th, 1987 for use of the listed property as a vehicle sale, rental and ancillary service establishment in a C-6 District. A vehicle sale, rental and ancillary service establishment is defined in Article 20 of the Fairfax County Zoning Ordinance as:

Buildings and premises for the sale, rental and ancillary service of vehicles in operating condition such as:

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

1. Automobiles, motorcycles, and pick-up trucks;
2. Vans, but not including any vehicle designed primarily for the transportation of ten (10) or more passengers;
3. Boats such as outboard motor boats, canoes, Sunfishes and other similar-sized boats.

For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENTS, TRUCK RENTAL ESTABLISHMENTS or VEHICLE TRANSPORTATION SERVICE ESTABLISHMENTS; however, specialized vehicles such as motor homes, campers and boat trailers with a length of no greater than seventeen (17) feet may be sold, rented and serviced as an ancillary use.

It is further noted that this Non-RUP was issued in conjunction with Special Exception #: SE 87-L-002. At a regular meeting of the Board of Supervisors (BOS) held on September 14th 1987, the BOS approved Special Exception Number SE 87-L-002, in the name of Peter Antzoulatos, located at Tax Map 81-2 ((3)) 8 for use as a vehicle sale, rental and ancillary service establishment pursuant to Section 4-604 of the Fairfax Zoning Ordinance, by requiring conformance with the following development conditions:

4. This Special Exception shall remain valid for three years from the date of issuance of a Non-Residential Use Permit. A maximum of two extensions beyond that time may be granted by the Zoning Administrator for one (1) year time increments only.

Therefore, it has been determined that Special Exception SE 87-L-002 has expired. The continued use of the property listed above as a vehicle sale, rental and ancillary service establishment requires a special exception approval from the BOS. Therefore, you are in violation of Par. 1 of Sect. 2-304 of the Zoning Ordinance That states:

No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been secured from the Board in accordance with the provisions of Article 9.

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

- Discontinue use of the above referenced property as a vehicle sale, rental and ancillary service establishment, or;
- Applying for and gaining approval of a Special Exception from the Board of Supervisors.

§ 18-701 Non-Residential Use Permit:

It has been determined that Select Auto Imports, Incorporated is occupying the above-referenced property without having obtained the required Non-Residential Use Permit (Non-RUP). Therefore, you are in violation of Sect. 18-701 of the Fairfax County Zoning Ordinance which states:

No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by either vacating the premises or obtaining the required Non-RUP within thirty (30) days of the date of this Notice.

Specific instructions and requirements relative to this permit can be obtained by contacting the Zoning Permit Review Branch, 12055 Government Center Parkway, Fairfax, Virginia, telephone 703-222-1082, between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday.

§ 12-104 (5) Banner Sign
§ 2-302 (9) Sign Not Permitted

The inspections revealed that you have installed or have allowed the installation of a banner sign on the above referenced property. This sign advertises a Certified Mercedes Spring Sales Event. Any sign erected on a lot or building for the purpose of identification or for advertising a use conducted therein or thereon shall be an accessory use to the principal use. A sign is defined in Article 20 of the Fairfax County Zoning Ordinance in part, as:

Any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or similar character which:

- Is used to announce, direct attention to, identify, advertise or otherwise make anything known; and

Hajimohammad Revocable Trust
Hajimohammad Mohammad, Trustee
Hajimohammad Flora, Trustee
June 14, 2012
Page 4

- Is visible from the public right-of-way or from adjoining property.

Banner signs are prohibited in any zoning district and in any area of the County. This prohibition is detailed in Par. 5 of Sect. 12-104 of the Zoning Ordinance which specifies, in part, that:

The following signs are prohibited in any zoning district and in any area of the County. Where applicable, these prohibitions shall apply to those signs permitted by the provisions of Sect. 103 above.

5. Any sign of which all or any part is in motion by any means, including fluttering, rotating or set in motion by movement of the atmosphere. This prohibition shall not apply to the hands of a clock, a weather vane, flags as provided for in Par. 2E of Sect. 103 above, or those temporary signs approved by the Zoning Administrator as provided for in Par. 3G of Sect. 103 above.

Therefore the display of this banner sign is a violation of Par. 9 of Sect. 2-302 which requires that:

No sign shall hereafter be erected, built or displayed and no existing sign shall be moved, remodeled, altered or enlarged unless such sign complies, or will thereafter comply, with the provisions of Article 12.

You are hereby directed to clear this violation within 24 hours after receipt of this Notice. Compliance can be accomplished by:

- Removing, on a permanent basis, the banner sign from the property.

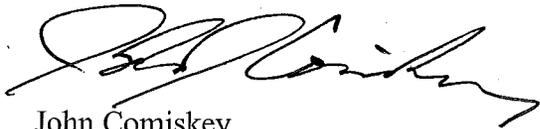
A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

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

Hajimohammad Revocabl rust
Hajimohammad Mohammad, Trustee
Hajimohammad Flora, Trustee
June 14, 2012
Page 5

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1993 or (703)324-1300.

Sincerely,

A handwritten signature in black ink, appearing to read "John Comiskey", written in a cursive style.

John Comiskey
Code Compliance Investigator



County of Fairfax, Virginia

MEMORANDUM

DATE: December 13, 2013

TO: Barbara C. Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PGN*
Environment and Development Review Branch, DPZ

SUBJECT: Land Use Analysis: SE 2013-LE-014/SP 2013-LE-062

The memorandum, prepared by Bernard Suchicital, includes citations from the Comprehensive Plan (Plan) that provide guidance for the evaluation of the Special Exception (SE) application dated August 28, 2013, as revised through November 6, 2013. The extent to which the application conforms to the applicable guidance contained in the Plan is noted.

DESCRIPTION OF THE APPLICATION

The applicant requests a Special Exception (SE) to allow a vehicle sale, rental, and ancillary service establishment and a Special Permit to allow a reduction in minimum yard requirement so that the use may remain within an existing building. The .73-acre application site is located at 5630 South Van Dorn Street, Tax Map 81-2 ((2)) 8A, and is zoned C-6 Community Retail Commercial District. A Notice of Violation (NOV) was issued for the existing business because the previously approved SE expired (approved in 1987).

LOCATION AND CHARACTER OF THE AREA

The subject property is located south of the Richmond Fredericksburg and Potomac Railroad tracks, and west of South Van Dorn Street. The subject property is adjacent to vacant land to the south which is zoned R-3; Comprehensive Plan guidance as cited below is the same for the vacant land and the subject property. Land east of the subject property and South Van Dorn Street is used as a car storage lot and zoned I-5.

COMPREHENSIVE PLAN CITATIONS:

Fairfax County Comprehensive Plan, 2013 Edition, Area III Volume, Rose Hill Planning District, as amended through April 9, 2013, Van Dorn Transit Station Area, Recommendations, page 19:

“Land Use

Environmental factors, limited road capacity, and limited access opportunities constrain the development potential of the Van Dorn Transit Station Area. With the possible improvement of the South Van Dorn/I-95/I-495 interchange, the current situation will improve south of I-95/I-495. The land use recommendations provided are closely tied to the provision of adequate access to each land unit.

Where mixed development is planned, a residential component may be considered, assuming fulfillment of all applicable County policies and conditions, in order to balance transportation capacity demands. The design concepts outlined above should also be incorporated into future development of each land unit.

Land Unit A

Much of the 6+ acres west of South Van Dorn Street between the CSX tracks and the Beltway is needed for future interchange improvements. If these parcels develop prior to construction of the northern portion of the interchange, development should be a low intensity (up to .25 FAR) use such as light industrial which can be compatible with the ultimate design of the interchange and not exacerbate the access problems currently associated with the land unit.

An option for development up to 1.0 FAR may be considered if the following conditions are met:

- Planned improvements to the I-95/I-495/South Van Dorn Street interchange are not precluded;
- Transit is used as the primary access to the site by employing methods such as limited parking and alternative (non-automobile) access to the Metro station;
- Satisfactory access to the site which does not interfere with through traffic movements is provided; and
- Construction of or substantial contributions to future interchange improvements is provided.”

COMPREHENSIVE PLAN MAP: Industrial

LAND USE ANALYSIS

The request is to maintain and continue use of a vehicle sale, rental, and ancillary service establishment operating within an existing 2,430 square foot building at .08 floor area ratio (FAR). Staff believes that the proposal for a special exception could be found to be consistent with the base land use recommendations of the Comprehensive Plan for the subject property that calls for low intensity (up to .25 FAR) use such as light industrial subject to review and comment

from Fairfax County Department of Transportation and Virginia Department of Transportation as the Comprehensive Plan further recommends that the use “be compatible with the ultimate design of the interchange” and “not exacerbate the access problems currently associated with” this area.

PGN:BSS



County of Fairfax, Virginia

MEMORANDUM

DATE: December 13, 2013

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PWN*
Environment and Development Review Branch, DPZ

SUBJECT: Environmental Assessment: SE 2013-LE-014; SP 2013-LE-062
Select Auto Imports

This memorandum, prepared by Mary Ann Welton, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. Plan citations are followed by a discussion of concerns including a description of potential impacts that may result from the proposed development as depicted on the Special Exception and Special Permit plan dated November 6, 2013. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are in harmony with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on pages 7 and 8 states:

“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County's streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation. . . .
- Encourage cluster development when designed to maximize protection of ecologically valuable land. . . .
- Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements.
- Where appropriate, use protective easements in areas outside of private residential lots as a mechanism to protect wooded areas and steep slopes. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements. ”

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on page 10 states:

“Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . .”

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on page 18 states:

“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices. . . .”

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. The subject property is located generally north of the Capital Beltway (I-495), west of South Van Dorn Street, south Fredericksburg and Potomac Railroad (CSX) and immediately north of McGuin Drive which provides access for this establishment. The applicant seeks to continue operating an existing automotive sales operation on the 31,451 square foot subject property. The operation consists of an existing 2,430 square foot single story building and parking for employees, clientele and vehicle storage. A previously approved special exception for the application property has expired.

Water Quality/Stormwater Management and Adequate Outfall: This property is located within the Cameron Run watershed. The stormwater management narrative for this application indicates that the site is currently 88% impervious surface and no new impervious surface will be added to the site. The narrative also indicates the drainage for the site currently flows east and under South Van Dorn Street and then in a northerly direction, ultimately reaching Backlick Branch within the City of Alexandria. The engineer for this application indicates that because this application proposes no new impervious surface that a waiver of stormwater management will be requested. In the event that the best management practice waiver is not granted the applicant is encouraged remove some of the existing impervious surface in order to provide low impact measures onsite. Such facilities would treat site runoff before that runoff flows off the property. Stormwater management/best management practice measures and outfall adequacy are subject to review and approval by the Department of Public Works and Environmental Services.

On May 24, 2011, the Virginia Soil and Water Conservation Board adopted Final Stormwater Regulations, which became effective September 13, 2011. The regulations require all local governments in Virginia to adopt and enforce new stormwater management requirements; these new requirements must be effective on July 1, 2014. Staff from the Department of Public Works and Environmental Services is pursuing the development of a stormwater management ordinance in order to implement this state mandate, and it is anticipated that this ordinance will become effective on the July 1, 2014 deadline. The applicant will be required to comply with these new requirements for any subject development activities for which the applicant has not, prior to

July 1, 2014, obtained VSMP permit coverage under the Virginia Stormwater Management Program General Permit for Discharges of Stormwater from Construction Activities. The proposed development will not be grandfathered from the new ordinance as a result of approval of this zoning application. While all details regarding the new stormwater management ordinance are not known at this time, the general water quality control and water quantity control parameters are included in the Virginia Stormwater Management Program Permit Regulations found at VAC50-60-10 et seq. of the Virginia Administrative Code. The applicant should, therefore, be encouraged strongly to design the proposed stormwater management system consistent with both existing and anticipated stormwater management requirements.

Tree Preservation/Restoration: Because the subject property is mostly covered with impervious surface, the applicant is encouraged to work with the Urban Forestry Management Division (UFMD) of DPWES to augment landscaping above and beyond what is shown on the proposed landscape plan wherever possible on the subject site.

COUNTYWIDE TRAILS MAP:

The Countywide Trails Plan Map depicts a major paved trail defined as asphalt or concrete 8 feet or more in width on the west side South Van Dorn Street across from the subject property. A trail currently exists on the west side of the street.

PGN/MAW



County of Fairfax, Virginia

MEMORANDUM

DATE: December 26, 2013

TO: Megan Duca, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Thakur Dhakal, Senior Engineer III
Site Development and Inspections Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Plat #SE 2013-LE-014; Select Auto Imports, Application dated December 13, 2013, Tax Map #081-2-03-0008-A; Cameron Run Watershed; Lee District

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

General Comments:

The Special Exception plat indicates that the site has more impervious area than that of the originally approved special exception plat (SE 87-L-002). The Stormwater management for this site shall be provided based on existing approved impervious area shown on approved plat #SE 87-L-002.

Stormwater Comments:

Chesapeake Bay Preservation Ordinance (CBPO)

There are no Resource Protection Areas on the site.

Floodplain

There are no regulated floodplains on the site.

Downstream Drainage Complaints

There are no recent downstream flooding complaints on file.

Water Quality Control

The plan indicates that water quality requirements will be met using filterra or stormfitters. The locations of filterra/stormfilters are depicted on the plan and preliminary phosphorus removal computations have been provided and approximately 41% phosphorus removal will be provided for the site.

The BMP narrative on sheet 4 indicates that a waiver for BMP requirement will be submitted. But, the waiver is not likely to be approved. Please revise narrative.

In site plan submission, a detail BMP computation must be provided. Furthermore, every effort shall be made to provide BMP more than that of minimum necessary.

Stormwater Detention

Detention requirements must be met if not waived (PFM 6-0301.3). The plan indicates that stormtech underground chambers will be provided to meet the detention requirements. On the site plan, the peak post development runoff for 2-year and 10-year storm shall be less than that of pre-development runoff. A detailed detention computation shall be provided on site plan submission.

Onsite Major Storm Drainage System and Overland Relief

Applicant needs show that no buildings will be flooded with a 100-year design flow, even if the minor system should fail due to blocking. Applicant needs to provide an overland relief narrative and arrows showing runoff flow path of the 100-year storm event. Cross-sections at key locations including the building entrances must be shown on the site plan submission.

Downstream Drainage System

Outfall narrative has been provided, however adequacy of the outfall is not the part of the statement. The plan proposes storm sewer structures and pipes and outfall as a concentrated flow to an existing manhole along McGuin Drive. All concentrated flows are analyzed in accordance with PFM 6-0203.2. An adequate outfall analysis and narrative shall be provided in the site plan. If the downstream drainage system is not adequate, drainage improvements or additional detention may be required to comply with the PFM requirements.

Currently the site has a storm drain pipe from the parking lot to the north without adequate channel. The existing drain pipe looks like PVC, which is not permitted material for storm drainage pipe. Please remove the pipe.

Drainage Diversion

During the development, the natural drainage divide shall be honored. If natural drainage divides cannot be honored, a drainage diversion justification narrative must be provided. The increase and decrease in discharge rates, volumes, and durations of concentrated and non-concentrated Stormwater runoff leaving a development site due to the diverted flow shall not have an adverse impact (e.g., soil erosion; sedimentation; yard, dwelling, building, or private structure flooding; duration of ponding water; inadequate overland relief) on adjacent or downstream properties. (PFM 6-0202.2A)

Stormwater Planning Comments

This case is located in Cameron Run Watershed. Please visit <http://www.fairfaxcounty.gov/dpwes/watersheds/> or call 703 324 5500 for watershed management plan information.



Dam Breach

None of this property is within the dam breach inundation zone.

These comments are based on the 2011 version of the Public Facilities Manual (PFM). A new Stormwater ordinance and updates to the PFM's Stormwater requirements are being developed as a result of changes to state code (see 4VAC50-60 adopted May 24, 2011). The site plan for this application may be required to conform to the updated PFM and the new ordinance.

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

TD/

cc: Fred Rose, Chief, Watershed Planning & Assessment Branch, Stormwater Planning Division, DPWES
Don Demetrius, Chief, Watershed Evaluation Branch, SPD, DPWES
Clinton Abernathy, Senior Engineer III, South Branch, SDID, DPWES
Zoning Application File





FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

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

FROM: Sandy Stallman, AICP, Manager
Park Planning Branch, PDD

DATE: October 4, 2013

SUBJECT: SE 2013-LE-014 w/ SP 2013-LE-062 (Select Auto Imports/Hajimohammad)
Tax Map Number: 81-2((3)) 8A

BACKGROUND

The Park Authority staff has reviewed the proposed Special Exception and Special Permit both dated July 10, 2013, for the above referenced application. The proposed SE and SP seek to permit the Applicant to continue operation of an existing vehicular sale, rental and ancillary service business. The Applicant originally obtained a SE for the business in 1987 and attempted to renew said SE prior to its expiration in 1992; however, the SE renewal application was indefinitely deferred by the county due to the then undefined transportation improvements of the future interchange at the Capital Beltway and South Van Dorn Street near the subject property. The SE renewal application was ultimately dismissed by the county unbeknownst to the Applicant until a Notice of Violation was issued to the Applicant.

COMPREHENSIVE PLAN GUIDANCE

The County Comprehensive Plan includes both general and specific guidance regarding parks and resources. The Policy Plan describes the need to mitigate adverse impacts to park and recreation facilities caused by growth and development; it also offers a variety of ways to offset those impacts, including contributions, land dedication, development of facilities, and others (Parks and Recreation, Objective 6, p.8). Resource protection is addressed in multiple objectives, focusing on protection, preservation, and sustainability of resources (Parks and Recreation Objectives 2 and 5, p.5-7).

The Van Dorn Transit Station Area guidance in the Area IV Plan describe the importance that development should be sensitive to environmental characteristics such as steep slopes, stream valleys, and eroded areas. (Area IV, Rose Hill Planning District, Van Dorn Transit Station Area, Concept for Future Development, page 18). In addition, text from the Rose Hill chapter of the Great Parks, Great Communities Comprehensive Park System Plan echoes recommendations in

the Countywide Comprehensive Plan. Specific District chapter recommendations include protecting and improving existing corridors, linkages and watersheds.

ANALYSIS AND RECOMMENDATIONS

Natural Resources Impact:

The subject property is less than 2,000 feet from Backlick Run Park and upstream to Backlick Run Stream Valley Park, both of which are owned and operated by the Park Authority.

- It is unclear in the proposed SE whether or not additional impervious surface will be constructed on the property. Plan Sheet 2, Comment 13 indicates that the “proposed construction will add impervious area to the site” which is in direct contradiction to Plan Sheet 4, BMP Narrative that indicates the “proposed development will not increase impervious areas on the site.” The Applicant should clarify its intentions.
- The property currently consists of 88% impervious surface area that affords stormwater runoff that reaches Backlick Run at Backlick Stream Valley Park and contributes to the overall degradation of the Cameron Run watershed. The proposed SE presents an opportunity to provide non-existent stormwater controls to reduce the amount of stormwater runoff leaving the site and consequent impacts to the stream valley and watershed.
- The planting list on Plan Sheet 3 includes both native and non-native species. In order to protect the environmental health of the nearby public parkland, staff recommends that all installed plants be of non-invasive species with a preference toward species native to this region of Virginia.

If there is a question as to whether a native species occurs in Fairfax County, the applicant should check the Digital Atlas of Virginia Flora at <http://vaplantatlas.org> for clarification. A list of invasive plant species for the state of Virginia can be found at the Virginia Department of Conservation & Recreation Division of Natural Heritage (DNH) website at http://www.dcr.virginia.gov/natural_heritage/documents/invlist.pdf. For a list of native plant species, see the section on the DNH website titled Native Plants for Conservation, Restoration, and Landscaping at: http://www.dcr.virginia.gov/natural_heritage/nativeplants.shtml.

SUMMARY OF RECOMMENDATIONS

This section summarizes the recommendations included in the preceding analysis section.

- Applicant should clarify if the proposed SE will increase the amount of impervious surface area onsite.
- Applicant should provide non-existent stormwater controls to reduce the amount of stormwater runoff leaving the site and consequent impacts to the stream valley and watershed.

- Applicant should only install non-invasive species with a preference toward species native to this region of Virginia.

Please note the Park Authority would like to review and comment on development conditions related to park and recreation issues. We request that draft and final development conditions be submitted to the assigned reviewer noted below for review and comment prior to completion of the staff report and prior to final Board of Supervisors approval.

FCPA Reviewer: Jay Rauschenbach
DPZ Coordinator: Megan Duca

Copy: Cindy Walsh, Director, Resource Management Division
Charles Smith, Manager, Natural Resource Management & Protection Section
Megan Duca, DPZ Coordinator
Chron Binder
File Copy



County of Fairfax, Virginia

MEMORANDUM

DATE: January 22, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief *AKR*
Site Analysis Section, DOT

FILE: 3-5(SE 87-L-002)

SUBJECT: SE 2013-LE-014/SP 2013-LE-062; Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee of the Hajimohammad Revocable Trust
Land Identification Map: 81-2 ((3)) 8A

This department has reviewed the SE and SP plat revised through January 9, 2014 and supplemental material, and we have the following comments.

The applicant needs to remove private objects, such as aluminum fencing, columns, stone walls, and gates from the right-of-way (ROW). Planting shrubs along the fence, instead of removing private objects from the ROW as requested by FCDOT and VDOT, does not resolve the previously identified safety and maintenance concerns with the fixed objects located in the right-of-way.

Additionally, the Comprehensive Plan recommends an interchange at South Van Dorn Street and I-95. Past Special Exception applications on the subject property included a development condition to allow the approval for three years with the option for a maximum of two one-year extensions in anticipation of implementation of planned improvements. The applicant is aware of the development condition included in the previous applications and that the interchange improvement is still recommended in the Comprehensive Plan. Therefore, as a condition of Board of Supervisors approval, we recommend that the Special Exception be valid for a period of only five years in addition to a development condition that requires a review of the use every five years.

AKR/AY

Sect. 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.

Sect. 8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

Sect. 8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.

- E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
- F. Means of ingress and egress to the property from a public street(s).
- G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
- H. If applicable, the location of well and/or septic field.
- I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:

- A. The error exceeds ten (10) percent of the measurement involved, and
- B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
- C. Such reduction will not impair the purpose and intent of this Ordinance, and
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
- E. It will not create an unsafe condition with respect to both other property and public streets, and

- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
 4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
 5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

Sect. 9-006 General Standards

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

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

Sect. 9-503 Standards for All Category 5 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:

1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

Sect. 9-518 Additional Standards for Vehicle Sale, Rental and Ancillary Service Establishments

1. Outdoor storage, parking and display areas shall be permitted only on the same lot with and ancillary to a sales room, rental office or service facility, which shall be entirely enclosed on all sides.
2. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved special exception plat. Such areas shall not be used for the storage or display of vehicles that are not in operating condition.
3. Notwithstanding the bulk regulations of the zoning district in which located, any such outdoor area that is located on the ground and is open to the sky may be located in any required yard but not nearer to any front lot line than ten (10) feet, except as may be qualified by the provisions of Article 13.

All structures shall be subject to the bulk regulations of the zoning district in which located, except structures which are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.

4. All such uses shall be provided with safe and convenient access to a street. If any outdoor area is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual.
5. All outdoor areas, including aisles and driveways, shall be constructed and maintained with an approved surface in accordance with Par. 11 of Sect. 11-102, and shall be improved in accordance with construction standards presented in the Public Facilities Manual.
6. All lighting fixtures used to illuminate such outdoor areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14.
7. In the C-3, C-4, I-3, I-4, I-5, PDC, PRC and PRM Districts, only vehicle rental establishments may be allowed and such use shall be subject to Paragraphs 1 through 6 above and the following:
 - A. Vehicle rental establishments shall be limited to the rental of automobiles and passenger vans and the rental of trucks or other vehicles shall not be permitted.
 - B. There may be a maximum of twenty-five (25) rental vehicles stored on site and such vehicles shall be stored in a portion of the parking lot designated

on the special exception plat for the storage of rental vehicles.

- C. There shall be no maintenance or refueling of the rental vehicles on-site.
8. In the PTC District, vehicle sale, rental and ancillary service establishments may only be permitted in accordance with the provisions of Sect. 6-505.

Sect. 9-610 Provisions for Waiving Minimum Lot Size Requirements

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirement for an R District, except for all cluster subdivisions, the minimum lot area and/or lot width requirements for a C district or the minimum district size requirement for the C-9 District, and the minimum district size, lot area and/or lot width requirements for an I district, but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.
3. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.
4. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.

Sect. 9-612 Provisions for Waiving Open Space Requirements

Except for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, the Board may approve, either in conjunction with the approval of appropriate proffered conditions or as a special exception, the waiving of the open space requirement presented for a given zoning district and/or the open space requirement for cluster subdivisions in the R-C, R-E and R-1 Districts and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, set forth in Par. 4 of Sect. 2-309, but only in accordance with the following provisions:

1. Such waiver may be approved only if it will further the intent of the Ordinance, and the intent and implementation of the adopted comprehensive plan and other adopted policies
2. Such waiver may be approved only if it is established that the resultant development will be harmonious with adjacent development.
3. Such a waiver may be approved only if the provisions of Article 13 are satisfied.

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		