



# County of Fairfax, Virginia

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

September 26, 2007

Keith C. Martin  
Sack Harris & Martin, P.C.  
8270 Greensboro Drive, Suite 810  
McLean, Virginia 22102

Re: Special Exception Application SE 2007-SU-002  
(Concurrent with Rezoning Application RZ 2007-SU-003)  
(Concurrent with Proffered Condition Amendment PCA 1998-SU-009-02)

Dear Mr. Martin:

At a regular meeting of the Board of Supervisors held on September 24, 2007, the Board approved Special Exception Application SE 2007-SU-002 in the name of Fair Ridge, LLC. The subject property is located on the north side of Fair Ridge Drive and the south side of Ox Hill Road, on approximately 6.94 acres of land zoned R-8, HC, and WS in the Sully District [Tax Map 46-3 ((1)) 14C]. The Board's action permits an independent living facility pursuant to Section 3-604 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat (SE Plat) approved with this application, as qualified by these development conditions. Other by-right or Special Permit uses may be permitted without amendment to this application, so long as such uses are in substantial conformance with this SE Plat.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved SE Plat entitled "Fair Ridge Independent Living" consisting of 18 sheets, prepared by Urban Engineering & Assoc., Inc., dated November 2006, as revised through June 21, 2007. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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

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

**The Board also:**

- Modified the transitional screening requirement in favor of that shown on the GDP/SE Plat and to allow the use of existing vegetation.
- Modified the barrier requirements to the north in favor of that proffered.
- Modified the Additional Standard 9 of Section 9-306 to allow a 19.8-foot setback instead of 30 feet on the eastern boundary, as shown on the GDP/SE Plat.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/dms