



County of Fairfax, Virginia

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

July 30, 2014

Lynne J. Strobel
Walsh, Colucci, Lubeley and Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

Re: Special Exception Application SE 2014-MA-003

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on July 29, 2014, the Board approved Special Exception Application SE 2014-MA-003 in the name of Kenneth H. Fisher. The subject property is located at 3918 Larchwood Road, on 13,830 square feet of land, zoned R-2 and HC in the Mason District [Tax Map 61-3 ((13)) 224]. The Board's action permits a congregate living facility, pursuant to Section 3-204 of the Fairfax County Zoning, 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, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit shall be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. 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 Special Exception Plat entitled Congregate Living Facility, prepared by J2 Engineers, Inc., dated December 23, 2013, revised through May 30, 2014, consisting of two sheets and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

Office of the Clerk to the Board of Supervisors

12000 Government Center Parkway, Suite 533

Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903

Email: clerktothebos@fairfaxcounty.gov

<http://www.fairfaxcounty.gov/bosclerk>

July 30, 2014

5. Upon the issuance of the Non-RUP for this Special Exception, the maximum daily resident population shall be limited to fifteen (15) persons inclusive of minor children and the total number of resident staff persons or employees shall be limited to one (1) at any one time.
6. There shall be no administrative, business, or general intake functions conducted at the subject facility, which would be inconsistent with the definition of a congregate living facility as defined in Article 20 of the Zoning Ordinance.
7. The four driveway and two garage parking spaces shall be kept available for vehicles at all times and shall not be used for any type of materials storage.
8. An ADA accessible pathway shall be provided from the facility to Larchwood Road.
9. The proposed use shall be in conformance with all applicable Performance Standards in Article 14 of the Zoning Ordinance.
10. Before the issuance of the Non-RUP, the concrete patio at the rear of the house shall be brought into compliance with the Zoning Ordinance. The adjacent landscape retaining wall shall also be brought into compliance with the applicable provisions of the Building Code.
11. An individual shall be designated to serve as the community liaison and a point of contact for the neighborhood citizens. The name, telephone number and e-mail address of this liaison shall be provided to the Mason District Supervisor's office and a designated representative of the adjacent civic association, if available, or neighborhood resident within thirty (30) days of approval of this application and any time the community liaison changes thereafter. The neighborhood shall mutually be responsible for identifying any change in the name of its designated representative.
12. A locked box shall be provided in proximity to the front door of the dwelling unit on the property so that neighbors can submit complaints, suggestions or concerns regarding operation/maintenance of the property. The mailbox shall be accessible and clearly marked for its intended purpose. The mailbox shall be checked at a minimum of twice a week and, if contact information is provided, a written response shall be provided within seven (7) days of receipt.
13. The community liaison and the designated neighborhood representative shall coordinate to schedule a maximum of four meetings a year to discuss topics of mutual interest to the immediate neighborhood. Said meetings shall be held at the Mason District Governmental Center, schedule permitting, or at another mutually agreed location. Fewer than four meetings during the year or none at all is permissible subject to mutual agreement.
14. A telephone number shall be posted near the front door of the dwelling unit that may be called to submit complaints, suggestions or concerns twenty-four hours per day .

15. Routine maintenance shall include a pick-up of trash and litter on the property at least once a week.
16. Outdoor construction shall only be permitted between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. Outdoor construction shall not be permitted on Sunday.
17. A. Tree Preservation: The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site or minor site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of UFMD.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees located within the tree save area living or dead with trunks 12 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) and 25 feet outside of the proposed limits of clearing, in the undisturbed area and within 10 feet of the proposed limits of clearing in the area to be disturbed. All trees inventoried shall be tagged in the field so they can be easily identified. If permission is not allowed from the offsite property owner to tag trees, it shall be noted on the tree preservation plan by providing written documentation between the applicant and the offsite property owner. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of disturbance shown on the SE Plat and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, compost tea, Cambistat, radial mulching, notes and details for asphalt removal around trees, and others as necessary, shall be included in the plan.”

B. Limits of Clearing and Grading: The Applicant shall conform strictly to the limits of clearing and grading as shown on the SE Plat, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

C. Tree Preservation: Fencing All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.

D. Root Pruning: The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 - 24 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a Certified Arborist or Registered Consulting Arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

E. Native Species Landscaping: All landscaping provided shall be native to the middle Atlantic region to the extent feasible as determined by UFMD. In addition, the quality and quantity of landscaping provided shall be in substantial conformance with the SE Plat, and consist primarily of native species as reviewed and approved by UFMD.

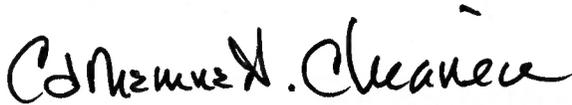
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit (Non-RUP) through established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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless a new (Non-RUP) has been issued to reflect this special exception amendment. 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 Amendment. 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:

- Waived the transitional screening and barrier requirements along the northern, western and eastern property boundaries in favor of the existing wood fence shown on the SE Plat
- Waived the trail requirements along Columbia Pike in favor of the existing side walk along the service drive

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Penelope Gross, Mason District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
Michael Davis, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



COUNTY OF FAIRFAX
 Department of Planning and Zoning
 Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SE 2014-MA-003
 (Staff will assign)

RECEIVED
 Department of Planning & zoning

JAN 07 2014

Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME Kenneth H. Fisher
	MAILING ADDRESS c/o Walsh, Colucci, Lubeley & Walsh, P.C. 2200 Clarendon Boulevard, Suite 1300 Arlington, Virginia 22201
	PHONE HOME () WORK ()
	PHONE MOBILE ()
PROPERTY INFORMATION	PROPERTY ADDRESS 3918 Larchwood Road Falls Church, Virginia 22041
	TAX MAP NO. 61-3 ((13)) 224 SIZE (ACRES/SQ FT) Approximately 13,820 sq. ft.
	ZONING DISTRICT R-2, H-C MAGISTERIAL DISTRICT Mason
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION 9-300
	PROPOSED USE Congregate Living Facility
AGENT/CONTACT INFORMATION	NAME Lynne J. Strobel, attorney/agent
	MAILING ADDRESS Walsh, Colucci, Lubeley & Walsh, P.C. 2200 Clarendon Boulevard, Suite 1300 Arlington, Virginia 22201
	PHONE HOME () WORK (703) 528-4700
	PHONE MOBILE ()
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Lynne J. Strobel, attorney/agent</p> <p><u>TYPE/PRINT NAME OF APPLICANT/AGENT</u> <u>SIGNATURE OF APPLICANT/AGENT</u></p>	

DO NOT WRITE IN THIS SPACE

SE 2013-0245

Mr. 1/2

Date Application accepted: January 23, 2014 Application Fee Paid: \$ 16,375.00

Lynne J. Strobel

SE 2014-MA-003

Zoning Application Closeout Summary Report

Printed: 8/4/2014

General Information

APPLICANT: KENNETH H. FISHER
DECISION DATE: 07/29/2014
CRD: NO
HEARING BODY: BOS
ACTION: APPROVE
STAFF COORDINATOR: BRENT KRASNER
SUPERVISOR DISTRICT: MASON

DECISION SUMMARY:

ON JULY 29, 2014, THE BOARD UNANIMOUSLY APPROVED SE 2014-MA-003 ON A MOTION BY SUPERVISOR GROSS SUBJECT TO DEVELOPMENT CONDITIONS DATED JULY 25, 2014.

APPLICATION DESCRIPTION:

CONGREGATE LIVING FACILITY

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA
				R-2	13,820.00 SQ FEET

Tax Map Numbers

0613 ((13)) ()0224

Approved Land Uses

Zoning District: R-2

LAND USE	DU'S	RES.LAND.AREA	ADU'S	W.DU'S	GFA	FAR	NRES.LAND.AREA
CONLIVFAC	1	13,830.00					SQ FEET
TOTALS	1	13,830.00					SQ FEET

Approved Waivers/Modifications

WAIVE TRAIL REQUIREMENT
 WAIVE TRANSITIONAL SCREENING REQUIREMENT

8/4/2014

Approved Development ConditionsDEVELOPMENT CONDITION STATEMENT DATE: 07-25-2014

<u>DEVELOPMENT CONDITION</u>	<u>DUE</u>	<u>TRIG #</u>	<u>TRIG EVENT</u>	<u>CONTRIB</u>	<u>EXPIR DTE</u>
SUBJECT TO SITE PLANS / SUBDIVISION PLATS	01-01-0001	0	N/A	0	01-01-0001
OTHER - GENERAL	01-01-0001	0	N/A	0	01-01-0001
LITTER/DEBRIS REMOVED DAILY	01-01-0001	0	N/A	0	01-01-0001
TREE PRESERVATION / SURVEY	01-01-0001	0	N/A	0	01-01-0001
APPROVED FOR LOCATION/STRUCTURE/USES ETC ON PLATS	01-01-0001	0	N/A	0	01-01-0001
PARKING	01-01-0001	0	N/A	0	01-01-0001
OTHER - LAND USE	01-01-0001	0	N/A	0	01-01-0001
PEDESTRIAN IMPROVEMENTS (CROSSWALKS / BRIDGES / SIGNAL)	01-01-0001	0	N/A	0	01-01-0001
USE RESTRICTIONS	01-01-0001	0	N/A	0	01-01-0001
COPY SHALL BE POSTED	01-01-0001	0	N/A	0	01-01-0001
ENROLLMENT LIMITATIONS	01-01-0001	0	N/A	0	01-01-0001

8/4/2014