



APPLICATION ACCEPTED: July 16, 2014
PLANNING COMMISSION: December 3, 2014
BOARD OF SUPERVISORS: January 13, 2015

County of Fairfax, Virginia

November 18, 2014

STAFF REPORT

SE 2014-DR-043

DRANESVILLE DISTRICT

APPLICANT: Mark Dennis McFadden, Trustee /
Lynne Marian McFadden, Trustee

ZONING: R-3, SC, HC, CRD

LOCATION: 1470 Ingleside Avenue

PARCEL(S): 30-2 ((7)) (1) 8

ACREAGE: 9,375 sq. ft.

FAR: 0.11

PLAN MAP: Residential, 5-8 du/ac

SE CATEGORY: Category 5 – Office in a Residential
District
Category 9 – Waivers and Modifications
in a CRD

PROPOSAL: The applicant seeks to extend a
previously approved office use in an
existing single-family detached dwelling
and waivers and modifications in a
Commercial Revitalization District
(CRD).

Michael D. Van Atta

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2014-DR-043, subject to development conditions consistent with those contained in Appendix 1.

Staff recommends that the following waivers and modifications be approved:

- Modification of the transitional screening requirements along the western property line in favor of the existing landscaping as shown on the SE Plat.
- Modification of the barrier requirements to the north and west in favor of the existing barriers as shown on the SE Plat.
- Modification of the front yard requirements in a CRD to permit setbacks of 25.8 feet and 25.3 feet along Ingleside Avenue and Meadowbrook Avenue, respectively.
- Reduction of the parking requirements in a CRD to permit three parking spaces instead of four.
- Waiver of the trail construction requirements along Ingleside Avenue and Meadowbrook Avenue in favor of the dedication of 7 feet of right-of-way along Ingleside Avenue.

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

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

The approval of this Special Exception 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.

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.

O:\mvanat\Applications\SE 2014-DR-043 McFadden\Staff Report



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).

Special Exception

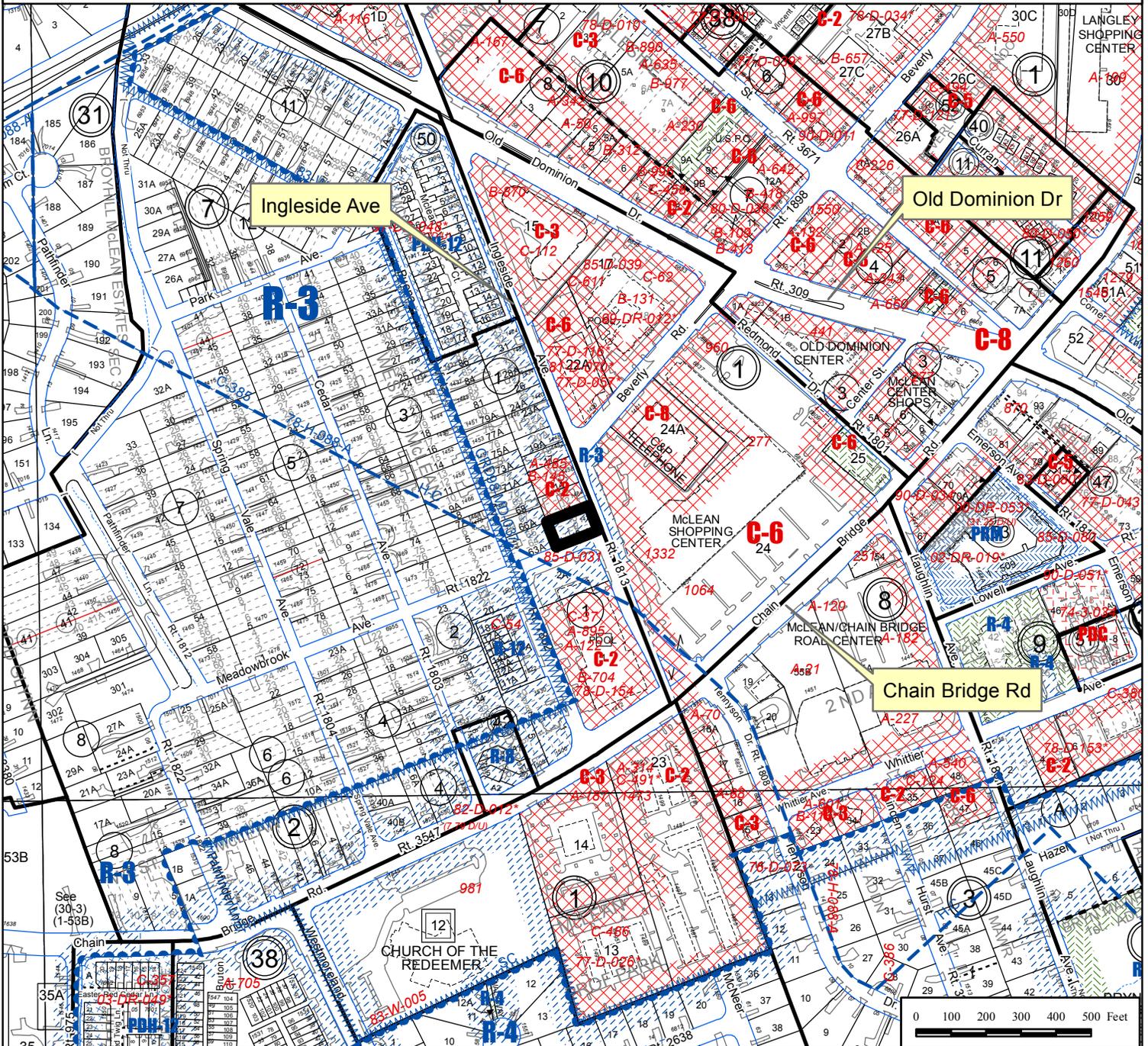
SE 2014-DR-043

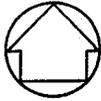


Applicant: MARK DENNIS MCFADDEN, TRUSTEE / LYNNE MARIAN MCFADDEN, TRUSTEE
Accepted: 07/16/2014
Proposed: TO PERMIT OFFICE
Area: 9375 SF OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 03-0304
Located: 1470 INGLESIDE AVENUE, MCLEAN, VA 22102

Zoning: R-3
Plan Area: 2,
Overlay Dist: CRD SC HC
Map Ref Num: 030-2- /07/01/0008

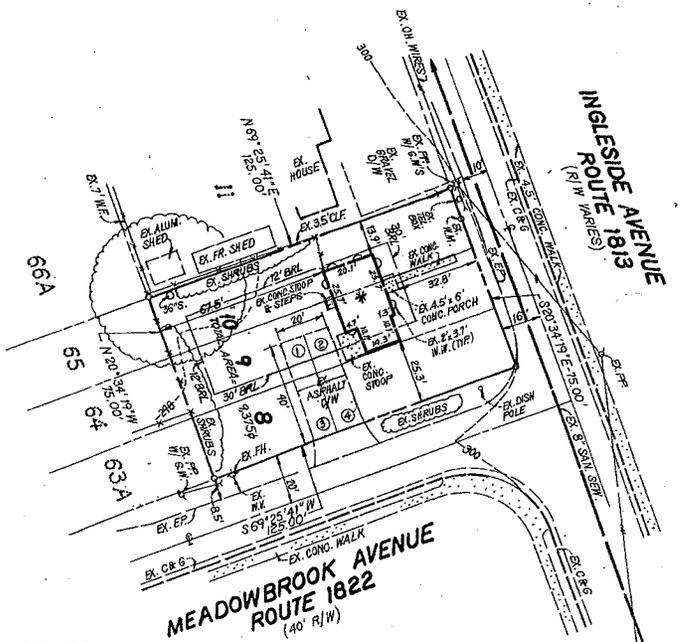




THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE 'X' PER THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 518525 00100 D BEARING A REVISION DATE OF MARCH 5, 1990. ZONE 'X' INCLUDES AREAS THAT HAVE BEEN DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.

ZONING: R-3, SE, HC, CRD

MINIMUM SETBACKS:
FRONT = 30'
SIDE = 12'
REAR = 25'



LEGEND

- BRL = BUILDING RESTRICTION LINE
- C&G = CURB AND GUTTER
- D/W = DRIVEWAY
- EP = EDGE OF PAVEMENT
- FH = FIRE HYDRANT
- CLE = CHAIN LINK FENCE
- PP.W/G.W.'S = POWER POLE WITH GUY WIRES
- W.M. = WATER METER
- W.W. = WINDOW WELL
- W.V. = WATER VALVE
- EXISTING TREE (S. SYCAMORE)
- ① PARKING SPACE NUMBER

GENERAL NOTES

1. TAX MAP REFERENCE: 30-2 (77) (1) 8
2. PROPERTY IS ZONED R-3.
3. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
4. THERE IS NO KNOWN GRAVE, OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL ON SITE.
5. PROPERTY IS NOT WITHIN RESOURCE PROTECTION AREA OR RESOURCE MANAGEMENT AREA.
6. NO TITLE REPORT FURNISHED.
7. ALL EXISTING IMPROVEMENTS TO REMAIN UNLESS OTHERWISE NOTED.
8. UTILITIES AS SHOWN ON THE PLAT.
9. NO LAND DISTURBING ACTIVITIES OR INCREASE IN IMPERVIOUS AREA PROPOSED THEREFORE NO SWM OR BMP FACILITIES REQUIRED.

OWNER/DEVELOPER

MARK MCFADDEN
LYN MCFADDEN
7505 ROYAL OAK DRIVE
MCLEAN, VA 22102-2114

PARKING TABULATION

OFFICE = 3.6 SPACES/1000 SF GROSS
(3.6)(1040)/1000 = 3.7 = 4 SPACES REQUIRED
4 SPACES PROVIDED

FAR = 0.1109

* EXISTING 2 STORY BRICK WITH BASEMENT TO REMAIN MAXIMUM HEIGHT = 18.7'

THE SPECIAL EXCEPTION PERMITS OPERATION OF A NON-FRANCHISED, SATELLITE REAL ESTATE OFFICE ON THE PROPERTY

Application No. JE 2008-PR-037 Staff BJC
APPROVED SE SP PLAN
SEE DEV CONDS DATED 5/12/09
Date of (BOS) (BZA) approval 5/19/09
Sheet 1 of 2

SPECIAL EXCEPTION PLAT

**LOTS 8, 9, & 10
BLOCK 1
WEST McLEAN**

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30'

DATE: 4-30-2008
REV. 11-11-2008

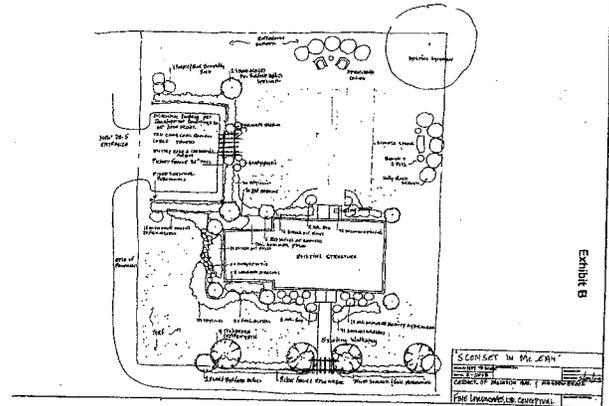
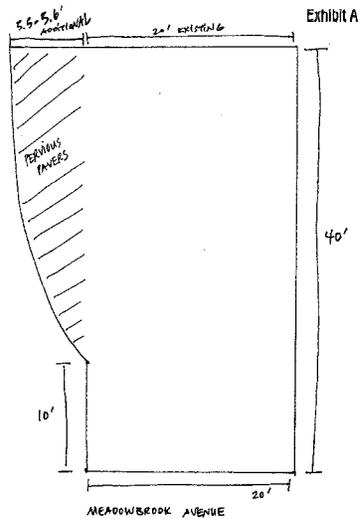


RECEIVED
Department of Planning & Zoning
NOV 26 2008
Zoning Evaluation Division



HAROLD A. LOGAN — ASSOCIATES P.C.
LAND SURVEYING — SITE PLANNING — SUBDIVISION DESIGN
8114 INDUSTRY DRIVE
MANASSAS PARK, VA 20111
(703) 350-1968 • FAX 980-8128

SHEET
1 OF 1
RP2336



PARKING CONFIGURATION FOR SE 2008-DR-037
2/22/08



NOTE: THE EXHIBITS CONTAINED ON THIS SHEET CORRESPOND WITH THE SPECIAL EXCEPTION CONDITIONS IMPOSED BY THE BOARD OF SUPERVISORS IN CONJUNCTION WITH THE APPROVAL OF SE 2008-DR-037 ("MARK AND LYN MCFADDEN"), AND SHOULD NOT BE CONSIDERED A SIGNED OR SEALED ENGINEERED DRAWING NOR PART OF THE PLAN SHEET TITLED "SPECIAL EXCEPTION PLAT LOTS 8, 9, & 10 BLOCK 1 WEST MCLEAN," PREPARED BY HAROLD LOGAN ASSOCIATES, P.C. DATED APRIL 30, 2008, AND REVISED THROUGH NOVEMBER 11, 2008 .

DESCRIPTION OF THE APPLICATION

The applicants, Mark Dennis McFadden, Trustee, and Lynne Marian McFadden, Trustee, seek a Special Exception, to permit an office use in a single-family detached dwelling unit, as well as waivers and modifications in a Commercial Revitalization District (CRD). The proposal seeks to continue use of the property for a satellite real estate office. This use was previously approved for a period of five years subject to SE 2008-DR-037. No new development or construction is proposed and the use would be continued exactly as previously approved. The office would continue to operate between the hours of 10:00 a.m. and 6:00 p.m., Monday through Friday, with limited evening and weekend hours. There would continue to be a maximum of two administrative employees on site during operation hours, with occasional use by two real estate agents and owners.

A reduced copy of the Special Exception (SE) Plat is included at the front of this report. The proposed development conditions, the letter of approval for SE 2008-DR-037, the applicants' Affidavit, and the Statement of Justification are contained in Appendices 1, 2, 3 and 4, respectively.

Waivers and Modifications

The applicants request the following waivers and modifications:

- Modification of the transitional screening requirements along the western property line in favor of the existing landscaping as shown on the SE Plat.
- Modification of the barrier requirements to the north and west in favor of the existing barriers as shown on the SE Plat.
- Modification of the front yard requirements in a CRD to permit setbacks of 25.8 feet and 25.3 feet along Ingleside Avenue and Meadowbrook Avenue, respectively.
- Reduction of the parking requirements in a CRD to permit three parking spaces instead of four.
- Waiver of the trail construction requirements along Ingleside Avenue and Meadowbrook Avenue in favor of the dedication of seven feet of right-of-way along Ingleside Avenue.

LOCATION AND CHARACTER

Site Location

The 9,375 square foot (SF) property that is the subject of the application is located in the Dranesville District. The property, located on the northwest corner of the intersection of Ingleside Avenue and Meadowbrook Avenue, is zoned R-3 and is also located in the Highway Corridor Overlay District (HC), the Sign Control Overlay District (SC), and the Mclean CRD. The site is developed with a single-family detached residence, which currently houses a satellite real estate office. The brick two-story dwelling measures

1,040 square feet. In the rear yard, there is a paved driveway with access along Meadowbrook Drive. There is an existing sycamore tree and other vegetation along the northern and western property boundaries. There is no curb and gutter on the site but there is an existing gravel sidewalk along the Ingleside Avenue frontage.

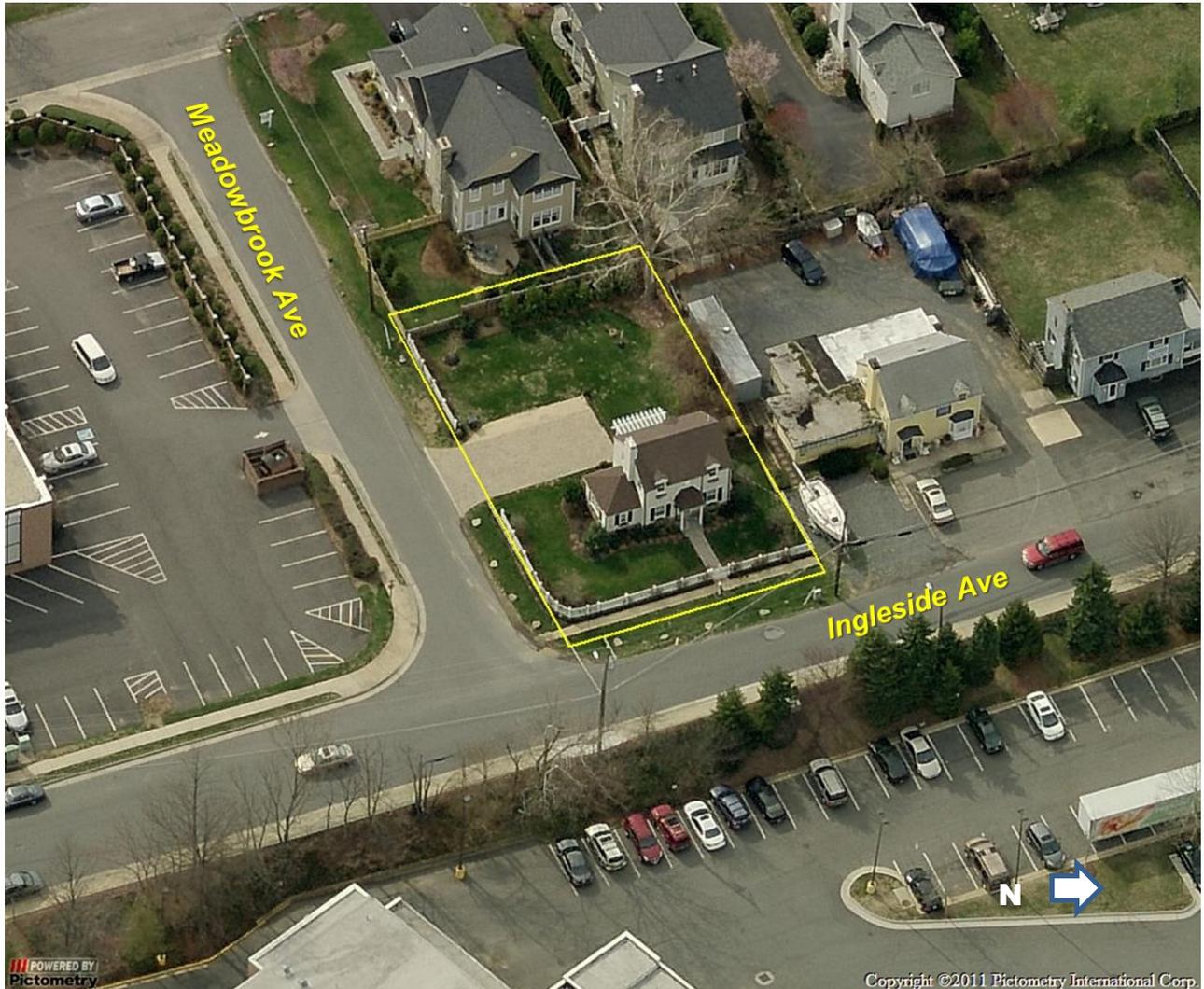


Figure 1: Ariel view of site (Source: Fairfax County GIS)

Surrounding Properties

The property is surrounded by commercial uses of similar character to the north, a shopping center to the east across Ingleside Avenue, a fitness club to the south across Meadowbrook Avenue, and single-family detached houses to the west.

	Existing Zoning:	Existing Use:	Plan Recommendation:
North:	C-2, R-3	Commercial (office within single family detached dwelling)	Residential (5-8 DU/AC)
East:	R-3, C-6	Retail (McLean Shopping Center)	Commercial
South:	R-3, C-2	Commercial (McLean Racquet and Health Club)	Commercial
West	R-3	Residential (West McLean Subdivision)	Residential (2-3 DU/AC)

Figure 2: Table of surrounding uses

BACKGROUND

According to Fairfax County records, the existing structure was constructed in 1947 as a single-family residence. The three lots that comprise the site were platted in 1922 as a part of the West McLean subdivision. Section 2-405 of the Zoning Ordinance permits use of the lot(s) even if it may not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, but only if it was recorded prior to March 1, 1941. RZ 1998-MD-037 established the boundaries of the McLean Commercial Revitalization District, which apply to the subject site.

On May 18, 2009, the Board of Supervisors approved SE 2008-DR-037 in the name of Mark and Lynne McFadden, subject to development conditions. The Special Exception approved an office use in an existing residence with accompanying waivers of minimum lot size, width, and yard requirements in a CRD. The approval permitted the applicants to use the existing house for five years as a real estate office for their non-franchise affiliated real estate company. The approval was granted subject to a Special Exception (SE) Plat, a landscape plan, and several development conditions. Copies of this approval are available with the Zoning Evaluation Division of the Department of Planning and Zoning (DPZ) as well as at the following link:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMain.aspx?cde=SP&seq=3202168>.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

Plan Area:	Area II
Planning District:	McLean Planning District
Planning Sector:	McLean Community Business Center, Subarea #23
Plan Map:	Residential use at 5-8 dwelling units per acre

In the Fairfax County Comprehensive Plan, 2013 Edition, Area II, McLean Planning District, Amended through 4-29-2014, McLean Community Business Center, Pages 20-74, the Plan, as applied to the application area, states the following:

C. Buffer Areas

The McLean CBC, as a community-serving center, gains much of its prosperity and economic strength from the close interaction of its commercial uses with the surrounding residential areas. The objective of this Plan is to concentrate intensity in the "North and South Villages," and thus maintain lower densities and heights adjacent to the CBC's borders. Any potential adverse impacts are to be mitigated by measures such as buffering and adequate transitional screening and full adherence to the McLean CBC Open Space Design Standards when reviewing new development or redevelopment within the CBC.

The buffer areas are equally affected by both the land use direction within the CBC and the need to protect surrounding neighborhoods. Although both commercial and residential are considered appropriate uses at the buffer areas, the recommendations of one use instead of another is primarily based upon its potential impact beyond the CBC boundary. A critical planning issue is the need to prevent encroachment of commercial uses within the CBC into adjacent neighborhoods. Therefore, the proposed treatment for each buffer area responds to the specific conditions of that neighborhood.

In order to encourage and facilitate redevelopment in the CBC in accordance with the Comprehensive Plan, special exceptions and special permit uses in Buffer Areas should be limited to interim uses that do not create permanent disincentives to redevelopment. Such uses in Buffer Areas should only be allowed when they are housed in structures with a well maintained, residential appearance; when applicants demonstrate that the proposed use does not create a negative traffic impact upon the adjacent neighborhood; when parking is screened from adjacent properties with landscaping and decorative fences and/or walls; and when existing healthy, mature trees are maintained.

3. *Subareas 23 (Ingleside, Meadowbrook, Buena Vista and Park Avenues) and 24 (Old Dominion Drive, Park Avenue, Pine Crest Avenue and Dolley Madison*

Boulevard) should develop in medium density townhouses. In order to contain future commercial growth within the CBC, to provide additional housing within the CBC, and to establish a residential buffer for West McLean, future development should be townhouse residential at a base range of 5-8 dwelling units per acre. A mid-range density of 8-12 dwelling units per acre could be achieved provided there is consolidation of minimum areas of one acre; pedestrian amenities include five foot wide sidewalks on all streets with mid-block pedestrian connections; landscaped buffers between single-family residential are included; innovative design and architectural compatibility with single-family detached areas is achieved; and buildings are limited to 35 feet in height. Parking should be below ground, in structures, or screened. An overlay density range of 12-16 dwelling units per acre can be achieved along Ingleside Avenue or Old Dominion Drive only, with complete block consolidation, provision of affordable dwelling units, and all design elements listed above. Development along Pine Crest Avenue and Buena Vista Avenue is encouraged to be residential detached single-family housing.

DESCRIPTION OF THE SPECIAL EXCEPTION (SE) PLAT

(Copy included at the front of the report)

Title of SE Plat: Special Exception Plat,
Lots 8, 9, and 10, Block 1, West McLean

Prepared By: Harold A. Logan Associates P.C.

Original and Revision dates: April 30, 2008 through November 11, 2008

The GDP/SE Plat consists of 3 sheets.

Proposed Use

The applicants are requesting Special Exception approval to extend the previously approved office use on the subject property with no new development or construction. The hours of operation would remain 10:00 a.m. to 6:00 p.m., Monday through Friday, with limited evening and weekend hours, and there would continue to be a maximum of two administrative employees on site during operation hours with occasional use by two real estate agents and owners. The office would continue to be operated as a satellite real estate office that provides administrative support and would not be used for client meetings.

Building and Layout

The site is located at the northwestern corner of the intersection of Meadowbrook and Ingleside Avenues. It contains an existing single-family detached dwelling, measures 75 feet in width and 125 feet in length. The front yard along Ingleside Avenue measures 32.8 feet, and the front yard facing Meadowbrook Avenue measures 25.3 feet. The side

yard measures 13.9 feet, and the rear yard measures 67.5 feet. The existing dwelling on the site would continue to be utilized as an office, with no physical changes. The existing dwelling measures approximately 35 feet in width along the Ingleside frontage, 20 feet in length along the Meadowbrook frontage, and 18.7 feet in height.

Vehicle Access, Circulation and Parking

There is an existing asphalt driveway in the rear yard that is accessed from Meadowbrook Avenue. The driveway originally measured 800 square feet and provided tandem parking for up to four vehicles, but with the approval of SE 2008-DR-037, the applicant expanded the driveway to accommodate three adjoining parking spaces, as depicted in the Special Exception Plat. Also, with approval of SE 2008-DR-037, the Board of Supervisors approved a 20 percent parking reduction in the McLean CRD to permit three parking spaces instead of the required four. The applicants are again requesting this reduction as a part of the current proposal.

The main entrance to the dwelling faces Ingleside Avenue, and there is an existing concrete walkway leading from the gravel sidewalk along the Ingleside Avenue frontage to the front door. As part of the approval of SE 2008-DR-037, the applicant installed the gravel sidewalk along the site's Ingleside Avenue frontage.

ANALYSIS

Land Use Analysis (Appendix 5)

With the review of SE 2008-DR-037, staff found that the application satisfied the Comprehensive Plan's recommendations. As the applicant does not propose any changes to the existing site and use with the current request, staff continues to find the application to be in harmony with the Comprehensive Plan.

While a time limit of five years was applied to the use with the previous application, staff does not object to the elimination of a time limit. While the Comprehensive Plan states that "special exceptions and special permit uses in Buffer Areas should be limited to interim uses that do not create permanent disincentives to redevelopment," staff does not believe that the office use will preclude future development in the area given its residential appearance and limited commercial activity.

Transportation Analysis (Appendix 6)

As stated earlier, the existing asphalt driveway was reconfigured as part of SE 2008-DR-037 in order to provide for three adjoining parking spaces (as opposed to four tandem parking spaces). In addition, a parking reduction from four to three parking spaces was approved as part of the special exception. In order to minimize the amount of paving and parking on site, as well as to maintain the residential character of the site, staff recommends a 20 percent parking reduction to permit three parking spaces instead of four as part of this request.

The Countywide Trails Plan Map recommends sidewalks along Ingleside and Meadowbrook Avenues. Specifically, the McLean Open Space Design Standards in the Comprehensive Plan recommend a minimum sidewalk width of five feet for residential frontages. Given that there are no physical changes associated with the current proposal, the applicants are not proposing any new sidewalks, curbs or gutters. However, the applicants have agreed to dedicate seven feet of right-of-way along Ingleside Avenue, which would place the gravel sidewalk within the right-of-way. In addition, the applicants would pursue a permit from the Virginia Department of Transportation (VDOT) to allow the existing fence along the site's Ingleside Avenue frontage to remain within the VDOT right-of-way. A development condition previously approved with the original Special Exception has been revised to this effect.

Urban Forestry Analysis (Appendix 7)

The Urban Forest Management Division (UFM) of DPWES has reviewed the application and has no additional comments. The landscaping on the subject property appears to be well maintained and in good condition, and in conformance with the previously approved development conditions. UFM supports the request for a modification of the transitional screening and barrier requirements in favor of that shown on the landscape plan contained in the Special Exception Plat.

Environmental Analysis

As there are no proposed site modifications to the existing building, parking lot, or any other physical features, there are no environmental issues with this application. The relevant development conditions approved with SE 2008-DR-037 would be carried forward with the approval of the subject application.

Office of Community Revitalization (OCR) (Appendix 8)

Staff from OCR reviewed the application and had no issues with the proposal.

ZONING ORDINANCE PROVISIONS (Appendix 9)

Bulk Standards (R-3)		
	Required	Provided
Minimum Lot Size	10,500 sf.	9,375 sf.*
Minimum Lot Width	Corner lot – 105 feet	Ingleside Ave: 75 ft.* Meadowbrook Ave: 125 ft.
Minimum Building Height	35 ft.	18.7 ft.

Front Yard	40° angle of bulk plane, not less than 30 ft. (30 ft.)	Ingleside Ave: 25.8 ft. (modification requested) Meadowbrook Ave: 25.3 ft. (modification requested)
Side Yard	35° angle of bulk plane, not less than 10 ft. (10 ft.)	13.9 ft.
Rear Yard	35° angle of bulk plane, not less than 25 ft. (25 ft.)	67.5 ft.
Floor Area Ratio (FAR)	0.25 maximum allowed	0.11
Parking Spaces	4 (3.6 per 1,000 sf.)	3 (parking reduction requested)

Transitional Screening		
North (Office)	None required	N/A
East (Retail)	None required	N/A
South (Commercial / Recreation)	None required	N/A
West (Single-family detached dwelling)	TS 2 – 35 feet	Modification requested
Barrier		
North (Office)	None required	N/A
East (Retail)	None required	N/A
South (Commercial / Recreation)	None required	N/A
West (Single-family detached dwelling)	D, E or F	Existing fencing, waiver requested

*Sect. 2-405 of the Zoning Ordinance states that, if a lot was recorded prior to March 1, 1941, the lots may be used for any use permitted in the zoning district in which located under this Ordinance even though the lot(s) does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other regulations of this Ordinance can be satisfied.

Waivers/Modifications:

Modification of the transitional screening requirements along the western property line in favor of existing landscaping as shown on the SE Plat.

The applicant has maintained the residential appearance of the existing single-family detached dwelling by providing plantings throughout the site, particularly around the driveway, along the property lines, and around the structure. Par. 3 of Section 13-305 allows transitional screening to be modified where the building or the land between that building and the property has been specifically designed to minimize impact through a

combination of architectural and landscaping techniques. Staff believes that existing plantings on the site between the subject site and adjoining property lines effectively mitigate any adverse visual or noise impact. In particular, evergreen trees along the rear (west) property line serve as supplemental transitional screening between the single-family residence and the proposed office and further help to maintain the residential character of the existing structure. The requested modification was also approved with SE 2008-DR-037. Staff supports the requested modification as a part of the current proposal.

Modification of the barrier requirements to the north and west in favor of the existing barriers as shown on the SE Plat

The existing wooden fences along the northern and western property lines are in good condition, and are supplemented by the existing landscaping. The requested modification was also approved with SE 2008-DR-037. Staff supports the requested modification as a part of the current proposal.

Modification of the front yard requirements in a CRD to permit setbacks of 25.8 and 25.3 feet along Ingleside and Meadowbrook Avenues, respectively, as shown on the SE Plat.

Par. 1(A) of Section 9-622 states that the Board may approve a modification of waiver of the minimum lot size, minimum yard and/or minimum open space requirements of the underlying zoning district regulations in conjunction with the approval of a rezoning or special exception. The minimum front yard requirement for a single-family detached dwelling in the R-3 District is 30 feet. The front yard currently measures 25.3 feet along Meadowbrook Avenue, and the front yard would measure 25.8 feet along Ingleside Avenue if the seven feet of right-of-way were to be dedicated. The applicant does not propose any changes to the building footprint of the existing single-family detached dwelling.

According to Fairfax County records, the lots were recorded in 1922 as part of the West McLean subdivision and the existing structure was built in 1947. Sect. 2-405 of the Zoning Ordinance states that, if a lot was recorded prior to March 1, 1941, the lots may be used for any use permitted in the zoning district in which it is located, even though the lot(s) does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other regulations of this Ordinance can be satisfied. The requested modification was also approved with SE 2008-DR-037. Staff supports the requested modification as a part of the current proposal.

Waivers and modifications in a CRD to permit a 20% reduction in parking (from four spaces to three spaces).

The parking requirement for the site is four spaces. Staff recommends approval of a 20 percent parking reduction to permit three spaces. Par. 3A of Sect. A7-309 states that the minimum off-street parking requirements for any non-residential uses may be reduced by twenty percent by the Board when the reduction is in furtherance of CRD goals. Staff believes that the proposed improvements to the site, including the exterior

improvements to the structure and landscaping plan support the goals of the McLean CRD and that adequate parking to serve the office is provided with three spaces. The requested modification was also approved with SE 2008-DR-037. Staff supports the requested modification as a part of the current proposal.

Waiver of trail construction requirements along Ingleside Avenue and Meadowbrook Avenue in favor of the dedication of seven feet of right-of-way along Ingleside Avenue.

The Countywide Trails Plan Map recommends sidewalks along Ingleside and Meadowbrook Avenues. Given the scope of the proposal and the existing gravel sidewalk along the Ingleside Avenue frontage, the applicants have instead agreed to dedicate seven feet of right-of-way along Ingleside Avenue for the future construction of a sidewalk, curb, and gutter. The requested waiver was also approved with SE 2008-DR-037. Staff supports the requested waiver as a part of the current proposal.

Special Exception Requirements

General Special Exception Standards (Sect. 9-006)

General Standard 1 states that *the proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan*. The Comprehensive Plan shows the application property to be planned for residential development at a density of 5-8 dwelling units per acre. No physical or operational changes are proposed. Because the existing dwelling will maintain its residential appearance, staff believes that the office will remain compatible with the surrounding neighborhood. In staff's evaluation, the proposed use is in harmony with the recommendations in the Comprehensive Plan.

General Standard 2 states that *the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations*. An office is permitted in the R-3 District with approval of a special exception. It is staff's opinion that the proposal remains consistent with the purpose and intent of the R-3 District which calls for such uses to be compatible with the low-density residential character of the area.

General Standard 3 requires that *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*. The property is adjacent to other office uses that are located in existing structures formerly used as single-family detached residences. The office would continue to serve as a buffer between the more intense commercial uses to the east and the established single-family residences to the west. With the approval of the proposed waivers and modifications, screening and landscaping on the subject property is in accordance with the zoning regulations and the proposed use is in harmony with the surrounding community. This standard is satisfied.

General Standard 4 states that *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.* No additional parking is proposed with this application and vehicular traffic is less than that generated by a residential use. Neither pedestrian nor vehicular traffic would create a conflict with existing and anticipated traffic in the neighborhood. This standard is satisfied.

General Standard 5 requires *that landscaping and screening be provided in accordance with the provisions of Article 13.* No physical changes to the site are proposed with the application. Existing plantings approved with the previous Special Exception will not be altered and will continue to be maintained. Therefore, the application meets this standard.

General Standard 6 requires that *open space be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.* The site is within the R-3 Zoning District, which has no formal open space requirement. There would no physical changes to the site.

General Standard 7 requires that *adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements are proposed to be in accordance with the provisions of Article 11.* Adequate utility and drainage facilities exist to serve the proposed office use. Because tandem parking is prohibited in commercial settings, and because an increase in impervious parking area is out of character with the surrounding area, the applicants received a 20 percent reduction of the off street parking requirement with SE 2008-DR-037 to permit three parking spaces. The applicants are requesting the same modification with this application.

General Standard 8 requires that *signs 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.* No additional signage is proposed along with this application. A development condition from SE 2008-DR-037, which limits the property to one sign no greater than 1.5 square feet of surface area, will be carried forward with this application.

Standards for All Category 5 Uses (Sect. 9-503)

This application is also subject to the three additional standards for all Category 5 Special Exception uses, which require conformance with the lot size and bulk regulations of the Zoning Ordinance, the performance standards specified in the applicable zoning district, and Article 17 of the Zoning Ordinance, which concerns site plans. As previously stated, Section 2-405 of the Zoning Ordinance permits use of this lot even though it does not meet the lot size and width regulations of the zoning district. In addition, the applicant is seeking a modification of the front yard setbacks. With imposition of the proposed development conditions, staff finds that these standards would be met.

Additional Standards for Offices (9-515)

The application site is located within the McLean Business Center, and the single-family detached dwelling was built in 1947. While SE 2008-DR-037 originally limited the office use to an interim period of five years, staff has no issue with eliminating a time limit with this current Special Exception proposal.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The application seeks approval of a Special Exception to continue the use of the single-family detached dwelling as an office. There are no proposed site modifications to the existing building, parking lot, or any other features with this application, and no operational changes are proposed. Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report.

Staff Recommendations

Staff recommends approval of SE 2014-DR-043, subject to the Proposed Development Conditions contained in Appendix 1.

Staff recommends approval of the following waivers and modifications:

- Modification of the transitional screening requirements along the western property line in favor of the existing landscaping as shown on the SE Plat.
- Modification of the barrier requirements to the north and west in favor of the existing barriers as shown on the SE Plat.
- Modification of the front yard requirements in a CRD to permit setbacks of 25.8 feet and 25.3 feet along Ingleside Avenue and Meadowbrook Avenue, respectively.
- Reduction of the parking requirements in a CRD to permit three parking spaces instead of four.
- Waiver of the trail construction requirements along Ingleside Avenue and Meadowbrook Avenue in favor of the dedication of seven feet of right-of-way along Ingleside Avenue.

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

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.

The approval of this special exception amendment 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.

APPENDICES

1. Proposed Development Conditions
2. Approval Letter for SE 2008-DR-037
3. Affidavit
4. Statement of Justification
5. Land Use Analysis and Comprehensive Plan Text
6. Transportation Analysis (FCDOT/VDOT)
7. Urban Forest Management Analysis
8. Office of Community Revitalization Analysis
9. Zoning Ordinance Provisions
10. Glossary

PROPOSED DEVELOPMENT CONDITIONS**SE 2014-DR-043****November 18, 2014**

If it is the intent of the Board of Supervisors to approve SE 2014-DR-043 located at 1470 Ingleside Avenue [Tax Map 30-2 ((7)) (1) 8] for an office use in an existing single-family detached dwelling and waivers and modifications in a Commercial Revitalization District (CRD) pursuant to Sects. 3-304 and 9-622 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These conditions incorporate and supersede all previous conditions.

1. This approval is granted to Mark Dennis McFadden, Trustee, and Lynne Marian McFadden, Trustee (the "Applicants"), and is not transferable, other than to an entity the Applicants solely own or control, without further action of this Board, and is for the location indicated on the Application (as defined below), 1470 Ingleside Avenue, McLean, Virginia (the "Property").
2. This Special Exception is granted only for the purpose(s), structure(s) and or use(s) indicated on the special exception plat prepared by Harold A. Logan Associates, P.C. dated April 30, 2008, as revised through November 11, 2008 (the "SE Plat"), which shall be limited to a non-franchised, satellite real estate office. The Applicants will strictly comply with the purpose and use of the Property shown on the SE Plat and be limited to all provisions of the written Statement of Proposed Use contained within the Application for Special Exception, dated May 23, 2014 (the "Application"). The Applicants shall abide by applicable laws and ordinances at all times, including, but not limited to, Fairfax County zoning regulations.
3. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and made available to all Fairfax County departments 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 general conformance with the approved Special Exception Plat, prepared by Harold A. Logan Associates, P.C. and dated April 30, 2008, as revised through November 11, 2008.
5. This Special Exception shall remain valid for ten years from the date of issuance of a Non-RUP. Extensions beyond that time may be granted by the Zoning Administrator for five-year increments. Any request for such extension shall be submitted by the applicants to the Zoning Administrator in writing, no later than thirty days prior to the

expiration date of the Special Exception. Based upon an inspection of the Special Exception use and a review of the applicant's record of compliance with conditions and restrictions imposed by the Board in this approval, the Zoning Administrator shall make a determination on whether the Special Exception use still satisfies the provisions of the Zoning Ordinance, including the conditions of this Special Exception. Upon a favorable finding, the Zoning Administrator shall approve the extension of the Special Exception. If it is determined that the use is not in compliance with all conditions and restrictions imposed by the Board of Supervisors, the Zoning Administrator shall take immediate action per the provisions of Paragraph 4 of Sect. 9-012 of the Zoning Ordinance, which may include a determination that results in the expiration of the Special Exception.

6. The Property shall be maintained and kept free of debris and litter at all times. Routine maintenance shall include, but not be limited to, exterior structure and landscaping upkeep.
7. All parking shall be on site and shall be provided as depicted on the SE Plat within 30 days of issuance of the Non-RUP. No additional paved area(s) shall be added to the Property beyond the outlined dimensions of Exhibit A. Parking for the site shall only occur on the driveway, up to three (3) cars maximum.
8. Lighting shall be provided pursuant to existing light fixtures or replacements thereof that are consistent with the style of a residential structure. No additional lighting shall be permitted on the subject site except for low-impact lighting for the parking area.
9. The regular hours of operation for the office shall be limited to 10:00 a.m. to 6:00 p.m., Monday through Friday. The property shall not be occupied on a regular basis by more than two (2) employees at any time.
10. One sign no greater than 1.5 square feet of surface area shall be permitted on the subject site and shall be residential in design style and character. The sign shall not be lighted.
11. An additional seven (7) feet of right-of-way along Ingleside Avenue shall be dedicated and conveyed in fee simple to the Board of Supervisors upon demand by Fairfax County.
12. During the term of this Special Exception, the Applicants agree not to pursue commercial redevelopment of the property, or submit a rezoning request for any commercial use, absent approval of the West McLean Citizens Association, Mclean Citizen Association and the McLean Planning Committee.

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 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 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. 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.



County of Fairfax, Virginia

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

May 29, 2009

Stuart Mendelsohn
Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

Re: Special Exception Application SE 2008-DR-037

Dear Mr. Mendelsohn:

At a regular meeting of the Board of Supervisors held on May 18, 2009, the Board approved Special Exception Application SE 2008-DR-037 in the name of Mark and Lyn McFadden. The subject property is located at 1470 Ingleside Avenue on approximately 9,375 square feet of land zoned R-3, HC, SC, and CRD in the Dranesville District [Tax Map 30-2 ((7)) (1) 8]. The Board's action permits office use in existing residence and waives the minimum lot size, width, and yard requirements in a CRD pursuant to Sections 3-304, 9-515, and 9-622 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This approval is granted to Mark and Lyn McFadden (the "Applicants") and is not transferable, other than to an entity the Applicants solely own or control, without further action of this Board, and is for the location indicated on the Application (as defined below), 1470 Ingleside Avenue, McLean, Virginia (the "Property").
2. This Special Exception is granted only for the purpose(s), structure(s) and or use(s) indicated on the special exception plat prepared by Logan Associates, dated April 30, 2008, as revised through November 11, 2008 (the "SE Plan"), which shall be limited to a non-franchised, satellite real estate office. The Applicants will strictly comply with the purpose and use of the Property shown on the SE Plan and be limited to all provisions of the written Statement of Proposed Use contained within the Application for Special Exception, dated July 11, 2008, as revised November 11, 2008 (the "Application"). The Applicants shall abide by applicable laws and ordinances at all times, including, but not limited to, Fairfax County zoning regulations.

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.fairfaxcountv.gov/bosclerk>

SE 2008-DR-037
May 29, 2009

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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 general conformance with the approved Special Exception Plat, prepared by Logan Associates and dated April 30, 2008, as revised through November 11, 2008.
4. A copy of the Special Exception and Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property and be made available to all Fairfax County departments during the hours of operation of the permitted use.
5. The Special Exception shall automatically expire five (5) years from the date of approval by Board of Supervisors. At the end of the five (5) year period, if the Applicant wishes to continue using the property as stipulated herein, the Applicant shall apply for a Special Exception Amendment.
6. The Property shall be maintained and kept free of debris and litter at all times. Routine maintenance shall include, but not be limited to, exterior structure and landscaping upkeep.
7. All parking shall be on site and shall be provided as depicted in Exhibit A within 30 days of issuance of the Non-RUP. The expansion of the existing driveway shall only be built with a pervious parking surface such as grasscrete, subject to the review and approval of the Fairfax County Department of Public Works and Environmental Services (DPWES). No additional paved area(s) shall be added to the Property beyond the outlined dimensions of Exhibit A. Parking for the site shall only occur on the driveway, up to three (3) cars maximum.
8. Lighting shall be provided pursuant to existing light fixtures or replacements thereof that are consistent with the style of a residential structure. No additional lighting shall be permitted on the Property except for low-impact lighting for the parking area.
9. The regular hours of operation for the office shall be limited to 10:00 a.m. to 6:00 p.m., Monday through Friday. The property shall not be occupied on a regular basis by more than two (2) employees at any time.
10. One sign no greater than 1.5 square feet of surface area shall be permitted on the Property and shall be residential in design style and character. The sign shall not be lighted.
11. Within forty-five (45) days of issuance of the Non-RUP, a landscape plan shall be submitted to Urban Forestry Management Division (UFMD) of DPWES for review and approval and shall provide for the number, size

SE 2008-DR-037
May 29, 2009

-3-

and species of trees and plantings consistent with that shown on the landscaping plan prepared by Fine Landscapes, Ltd, as shown on Exhibit B, for review and approval. The landscaping shall include Category II evergreen plantings, (PFM 12.19) not less than six (6) feet tall at planting, along the rear (west) property line to screen the adjacent to residential uses. Landscaping and groundcover improvements shall be completed not less than ninety (90) days after approval of the Special Exception, subject to delays caused by inclement weather, as determined by UFMD.

12. The services of a certified arborist or registered consulting arborist shall be retained to evaluate the structure and health of the twenty-four (24) inch diameter American sycamore tree located at the northwest corner of the property and prepare a report for review by the UFMD. If the tree is deemed structurally sound and in good health, a tree preservation plan shall be prepared by a certified arborist or registered consulting arborist subject to review and approval by UFMD, to include recommendations for pruning, fertilization and tree protection recommendations to reduce the impact of any activities that may occur on the site as a result of this Special Exception. The branches overhanging the adjacent properties shall be trimmed by a licensed tree trimming service in accordance with the recommendations of the certified arborist.
13. Exterior improvements shall be made to the property as shown on Exhibit C after the issuance of the Non-RUP. The improvements shall be performed by licensed contractors and shall be completed within six (6) months of approval of the Special Exception, subject to delays caused by inclement weather. All improvements made to the Property shall keep the appearance and style of a residential property.
14. An additional seven (7) feet of right-of-way along Ingleside Avenue shall be dedicated and conveyed in fee simple to the Board of Supervisors upon demand by Fairfax County and upon approval and/or funding of a sidewalk and/or frontage improvements plan for Ingleside Avenue, whichever first occurs.
15. During the term of this Special Exception, the Applicants agree not to pursue commercial redevelopment of the property, or submit a rezoning request for any commercial use, absent approval of the West McLean Citizens Association, McLean Citizens Association and the McLean Planning Committee.

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

SE 2008-DR-037
May 29, 2009

-4-

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 the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-RUP. 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 along the western property line to permit the proposed landscaping, as depicted in Exhibit B of the proposed development conditions.
- Modified the barrier requirements along the north and west, in favor of the existing barriers as shown on the SE Plat.
- Modified the front yard requirements in a Commercial Revitalization District to permit setbacks of 25.8 and 25.3 feet along Ingleside and Meadowbrook Avenues respectively as shown on the SE Plat.
- Reduced the parking requirements in a Commercial Revitalization District to permit three spaces instead of four.
- Waived the construction of the required trails construction along Ingleside Avenue and Meadowbrook Avenue, in favor of the future dedication of an additional seven feet of right-of-way along Ingleside Avenue, as set forth in the proposed development conditions.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 12, 2014
(enter date affidavit is notarized)

I, Andrew A. Painter, 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

126304a

in Application No.(s): SE 2014-DR-043
(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)
Mark Dennis McFadden, Trustee for The Mark Dennis McFadden Living Trust f/b/o Lynne Marian McFadden;	7505 Royal Oak Drive McLean, VA 22102	Applicants/Title Owners of Tax Map 30-2 ((7)) (1) 8
Lynne Marian McFadden, Trustee for The Lynne Marian McFadden Living Trust f/b/o Mark Dennis McFadden		

(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: November 12, 2014
(enter date affidavit is notarized)

126304a

for Application No. (s): SE 2014-DR-043
(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. Agents: \ Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Andrew A. Painter Matthew J. Allman \ Jeffrey R. Sunderland Elizabeth D. Baker Inda E. Stagg Elizabeth A. Nicholson \ Amy E. Friedlander	2200 Clarendon Boulevard Suite 1300 Arlington, Virginia 22201	Attorneys/Planners/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent Planner/Agent

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 12, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-DR-043
(enter County-assigned application number(s))

126304a

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.
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, J. Randall Minchew, G. Evan Pritchard, \ Former shareholders (effective 12/1/14):
 Thomas J. Colucci, Michael J. Coughlin, M. Catharine Puskar, John E. Rinaldi, Martin D. Walsh, Michael D. Lubeley
 Peter M. Dolan, Jr., Jay du Von, William A. Kathleen H. Smith, Lynne J. Strobel,
 Fogarty, John H. Foote, H. Mark Goetzman, Garth M. Wainman, Nan E. Walsh
 Bryan H. Guidash, Michael J. Kalish,

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 12, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-DR-043
(enter County-assigned application number(s))

126304a

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: November 12, 2014
(enter date affidavit is notarized)

126304a

for Application No. (s): SE 2014-DR-043
(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.

Application No.(s): SE 2014-DR-043
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: November 12, 2014
(enter date affidavit is notarized)

126304a

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:

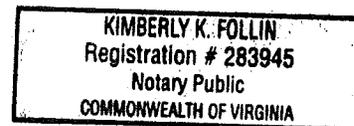
(check one) [] Applicant [x] Applicant's Authorized Agent

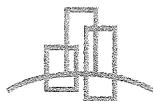
Andrew A. Painter, attorney/agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 12 day of November 2014, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2015





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

WALSH COLUCCI
 LUBELEY & WALSH PC

RECEIVED
 Department of Planning & Zoning

MAY 27 2014

Zoning Evaluation Division

May 23, 2014

Via Hand Delivery

Barbara C. Berlin, Director
 Zoning Evaluation Division
 Fairfax County Department of Planning & Zoning
 12055 Government Center Parkway, 8th Floor
 Fairfax, Virginia 22035

Re: Proposal for Special Exception Application
 Applicants: Mark Dennis McFadden, Trustee and Lynne Marian McFadden,
 Trustee
 Fairfax County Tax Map: 30-2 ((7)) (1) 8 (the "Subject Property")

Dear Ms. Berlin:

On behalf of Mark Dennis McFadden, Trustee and Lynne Marian McFadden, Trustee (the "Applicants"), please accept the following as a statement of justification for a Category 5 Special Exception Amendment to allow an interim office use in a single family dwelling unit on the Subject Property pursuant to §§ 3-304 (4) (F) and 9-011 of the Zoning Ordinance of Fairfax County, Virginia (the "Zoning Ordinance").

Containing approximately 9,375 square feet, the Subject Property is located at 1470 Ingleside Avenue in the central McLean area of the Dranesville Magisterial District. The Subject Property is located in the northwest corner of the intersection of Ingleside Avenue (Route 1813) and Meadowbrook Avenue (Route 1822), and is zoned to the R-3 District pursuant to § 3-300 et seq. of the Zoning Ordinance.

The Subject Property contains an existing two-story cape cod-style single family detached residence. The primarily brick dwelling was constructed in 1947 and is approximately 18.7 feet in height. The main entrance to the dwelling is located on Ingleside Avenue, and there is an existing landscaped gravel walkway along Ingleside Avenue. The house features an existing asphalt driveway accessed from Meadowbrook Avenue, which provides tandem parking for up to four vehicles.

ATTORNEYS AT LAW

703 528 4700 • WWW.THELANDLAWYERS.COM
 2200 CLARENDON BLVD. • SUITE 1300 • ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 • WOODBRIDGE 703 680 4664

I. Zoning History

On May 18, 2009, the Board of Supervisors (the “Board”) approved a Category 5 Special Exception for an office use on the Subject Property pursuant to SE 2008-DR-037. The approved special exception permitted the Applicants to use the existing house for five years as an interim real estate satellite office for their non-franchise affiliated real estate company. The approval was granted subject to a special exception plat, a landscape plan and several development conditions.

Development Condition 5 stated that the special exception would automatically expire five (5) years from the date of approval by the Board. Condition 5 noted that, at the end of the five (5) year period, the Applicants were required to apply for a special exception amendment if continued use of the Subject Property for an office was desired. The special exception expired on May 18, 2014 in accordance with this condition. The Applicants desire to continue to use the Subject Property for an office use. Consequently, the Applicants propose a special exception which effectively seeks an extension of the original special exception approval for ten (10) years with no new proposed development or construction. The Applicants request that the prior conditions of approval be carried forward with this request.

Since 2010, the Applicants have used the existing house on the Subject Property as a real-estate satellite office. The Applicants wish to continue the use exactly as approved in 2009. The Applicants have complied with all special exception conditions of approval, and there have been no complaints associated with the use of the Subject Property. The Applicants have renovated the interior and exterior of the Subject Property and, in accordance with Condition 6 of SE 2008-DR-037, conducted routine maintenance, including exterior structure and landscaping upkeep. Consequently, the Subject Property has been maintained, including landscaping, and kept free of debris and litter at all times.

II. Comprehensive Plan Considerations

The Subject Property is located in Subarea 23 of the McLean Community Business Center of the McLean Planning District within Area II of the Fairfax County Comprehensive Plan (the “Plan”). The Subject Property is also subject to the McLean Open Space Design Standards for the McLean Community Business Center, which include design objectives and standards that specifically address streetscape and place-making improvements.

Subarea 23 is primarily developed with single family residences, particularly along Buena Vista Avenue, as well as a few commercial uses facing Ingleside Avenue. The Plan recommends that the Subject Property be treated as a residential buffer between the more intensive commercial uses in the McLean Shopping Center on the east side of Ingleside Avenue and the established single family residential neighborhoods to the west. The Plan recommends the Subject Property be developed with townhouses at a range of five to eight dwelling units per acre.

The Plan also states that buffer areas in the McLean Community Business Center should limit special exceptions to interim uses which do not preclude redevelopment nor create negative

traffic impacts. The Plan notes that such interim uses should be housed in structures with a residential appearance and provides screened parking and well-maintained landscaping. Though the Plan recommends medium density townhouses for the Subject Property, the proposed interim office use in the existing single-family residence does not hinder redevelopment possibilities in the future, including townhouses, and is, therefore, in compliance with the Plan recommendations.

III. Conformance with § 9-011 (7) – Submission Requirements

In accordance with the requirements of § 9-011 (7) of the Zoning Ordinance, please accept the following information with regard to the proposed application:

- A. Type of Operation: This proposal is effectively an extension of the previously-approved interim office use on the Subject Property. The Applicants propose to use the Subject Property as a real estate satellite office use for their non-franchise real estate company which has primary offices in the District of Columbia.
- B. Hours of Operation: The office will generally be open for business from 10:00 a.m. to 6:00 p.m. Monday through Friday, with intermittent use by employees on the weekends.
- C. Estimated Number of Patrons/Clients: The office use will be operated as a satellite real estate office that provides administrative support and will not be used for client meetings.
- D. Estimated Number of Employees/Attendants: The office will be operated with one or two employees who will use the office on an intermittent basis.
- E. Traffic Impact: The weekday estimated traffic associated with the proposed office is anticipated to be less than that generated by single family detached home. The Subject Property is located one block from the signalized intersection of Ingleside Avenue and Chain Bridge Road (Route 3547). As use of the Subject Property is intermittent, arrivals are staggered, and there is no defined peak hour of trip generation. The estimated traffic impact is an average of (8) trips per day.
- F. Vicinity/General Area To Be Served By the Use: The office use will serve as a Virginia base for the Applicant's real estate business, and will assist the Applicant in serving its customers in the greater McLean, north Arlington, and Great Falls areas.
- G. Description of Building Façade/Architecture: The existing house is two (2) stories and constructed of brick. No alterations, modifications, or enlargement of the existing house is proposed. The building will retain its residential appearance and will be compatible with the surrounding neighborhood.

- H. Hazardous and Toxic Substances: To the best of the Applicants' knowledge; there are no hazardous or toxic substances to be generated, utilized, stored, treated, or disposed of on the Subject Property.
- I. Conformance With Ordinances: The proposed development conforms to the provisions of all applicable ordinances, regulations, adopted standards, and any applicable conditions except as modified by the previously approved special exception. The Applicants request a reaffirmation of the following waivers/modifications that were granted by the Board in SE 2008-DR-037 as follows:
- a. Modification of transitional screening requirements along the western property line in favor of existing landscaping as depicted in Exhibit B of the approved development conditions;
 - b. Modification of the barrier requirements to the north and west in favor of existing barriers as depicted on the previously approved special exception plat;
 - c. Modification of front yard requirements in a Commercial Revitalization District to permit setbacks of 25.8 feet and 25.3 feet along Ingleside and Meadowbrook Avenue, respectively as depicted on the previously approved special exception plat;
 - d. Reduction of the parking requirements in a Commercial Revitalization District to permit three spaces instead of four; and
 - e. Waiver of trail construction requirements along Ingleside and Meadowbrook Avenues in favor of the future dedication of an additional seven feet of right-of-way along Ingleside Avenue.

IV. Conformance with § 9-006 – General Standards

§ 9-006 of the Zoning Ordinance contains application evaluation criteria for approval of special exceptions. Each criterion is listed in bold below, followed by the Applicants' response in italics:

- **§ 9-006 (1) – The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.**

The Plan recommends that the Subject Property be developed with medium density residential townhouses to serve as a buffer between the more intensive commercial uses on the east side of Ingleside Avenue and the established single family residential neighborhoods to the south and west of the Subject Property. The Plan states that buffer areas in the McLean Community Business Center should limit special exceptions to interim uses which do not preclude redevelopment nor create negative traffic impacts.

The Plan also notes that such interim uses should be housed in structures with a residential appearance and provide screened parking and well-maintained landscaping.

Though the Plan recommends medium density townhouses for the Subject Property, the proposed interim office use in the existing single-family residence does not hinder redevelopment possibilities in the future, including townhouses. The Applicants intend to use the existing dwelling unit on the Subject Property as an interim office use. No alterations, modifications, or enlargement of the existing house are proposed. The building will retain its residential appearance and will be compatible with the surrounding neighborhood. Therefore, this standard is satisfied.

- **§ 9-006 (2) – The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.**

The proposed office use is permitted as a Category 5 Special Exception use in the R-3 District. This proposal is effectively an extension of the prior approval for this use pursuant to SE 2008-DR-037. The use, as proposed, will be in harmony with the purpose and intent of the R-3 District regulations.

- **§ 9-006 (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.**

The proposed office use will be located adjacent to other office uses that, similar to the proposed application, are located in existing structures formerly used as single family detached residences. The proposed use will continue to serve as a buffer between the more intense commercial uses to the east and the established single family residences to the west. Since approval of SE 2008-DR-037, the Applicants have updated and maintained the existing structure. The Applicants have improved screening and landscaping on the Subject Property in accordance with zoning regulations. The proposed use is in harmony with the surrounding community. Therefore, this standard is satisfied.

- **§ 9-006 (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.**

The impact of the proposed use on adjacent properties has been, and will continue to be, minimal. No additional parking is proposed with this application and vehicular traffic will be less than that generated by a residential use. Accordingly, neither pedestrian nor

vehicular traffic will create a conflict with existing and anticipated traffic in the neighborhood. Therefore, this standard is satisfied.

- **§ 9-006 (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.**

There are no site or structural modifications proposed with this application. Existing transitional screening and barrier conditions will not be reduced if this application is approved. Though bulk regulations require a rear yard setback of 25 feet, the existing setback is approximately 67.5 feet—more than double the required setback. Existing plantings provide attractive landscaping along the Subject Property's rear and side yards. The existing structure is 18.7 feet in height—or approximately half of the maximum height restriction of 35 feet in the R-3 District. The Applicants have also installed landscaping in accordance with the previously-approved special exception application. Accordingly, the Applicants are requesting a modification of the transitional screening and barrier requirements along the northern and southern boundaries of the Subject Property in favor of existing conditions and requests that no additional screening requirements be imposed.

- **§ 9-006 (6) – Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.**

Open space shall be provided in accordance with the Zoning Ordinance and the Applicants request no additional open space requirements be imposed with this application.

- **§ 9-006 (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.**

Adequate utility and drainage facilities exist to serve the proposed office use. As required by the Zoning Ordinance, parking in the form of four tandem parking spaces is provided in the existing driveway. Because tandem parking is prohibited in commercial settings, and because a broad expanse of impervious parking is out of character with the surrounding neighborhood, the Applicants received a reduction of 20 percent of the off-street parking requirement in the previously approved special exception. The Applicants request a similar reduction with this application.

- **§ 9-006 (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.**

The Applicants do not propose any new signs. Pursuant to Condition 10 of SE 2008-DR-037, the Applicants previously installed and maintain appropriate signs on the Subject Property in accordance with the Zoning Ordinance.

V. Conformance with § 9-503 – Standards For All Category 5 Uses

§ 9-503 of the Zoning Ordinance contains application evaluation criteria for approval of Category 5 special exception uses. Each criterion is listed in bold below, followed by the Applicants' response in italics:

- **§ 9-503 (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.**

The Subject Property contains 9,375 square feet. Although the R-3 District regulations impose a minimum lot area of 10,500 square feet, § 2-405 of the Zoning Ordinance permits existing lots to be used when, at the time of subdivision, the lot met the applicable zoning district requirements in effect as of the recordation date. In this instance, the Subject Property's respective subdivision was recorded in 1922, prior to the 1941 adoption of Fairfax County's first zoning ordinance. Accordingly, there were no bulk regulations or minimum lot sizes in effect at the time of recordation. The existing lot meets or exceeds current R-3 height and front and rear setback regulations.

The Applicants note that the Subject Property is a corner lot and, if Condition 14 of SE 2008-DR-037 is carried forward with this application (which requires the dedication of right-of-way along Ingleside and Meadowbrook Avenues), the front yard along Ingleside Avenue and the side yard facing Meadowbrook Avenue will not meet existing setback regulations. Through the prior special exception, the Applicants requested a waiver of the minimum 30-foot front and side yard setbacks along Ingleside and Meadowbrook Avenues pursuant to § 9-622 (1) (A) of the Zoning Ordinance. The Applicants request that this waiver be similarly granted with this request.

- **§ 9-503 (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.**

No changes to existing lighting on the Subject Property are proposed. Pursuant to Condition 8 of SE 2008-DR-037, the prior special exception permitted replacement of existing lighting features, and prohibited new lighting features with the exception of low-impact lighting for the driveway. The Applicants request this condition be carried forward in this request.

- **§ 9-503 (2) – Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.**

No alterations, modifications, or enlargement of the existing house is proposed. Therefore, no site plan will be required.

VI. Conformance with § 9-515 – Additional Standards For Offices In Residential Districts

§ 9-503 of the Zoning Ordinance contains application evaluation criteria for approval of offices in residential districts. Each criterion is listed in bold below, followed by the Applicants' response in italics:

- **§ 9-515 (1) (A) – Such a use shall be located only within a Community Business Center (CBC) as shown in the adopted comprehensive plan or such other area where such use is specifically designated in the adopted comprehensive plan.**

The Subject Property is located in the McLean Community Business Center. Therefore, this standard is satisfied.

- **§ 9-515 (1) (B) – Such a use shall be permitted only in a single family detached dwelling which was erected prior to February 26, 1973; additions erected subsequently may not be used for such activities.**

Department of Tax Administration records indicate the existing structure was constructed in 1947; and the Applicants are unaware of any additions constructed thereafter. Therefore, this standard is satisfied.

- **§ 9-515 (1) (C) – Notwithstanding the provisions of Sect. 014 above, offices in residential districts approved prior to January 24, 1977 may be renewed for one five (5) year period under the ordinances in effect at the time the permit/exception was originally granted, provided that the principal user is the same as the one who originally received the special permit or exception. Thereafter, any renewal shall be subject to the provisions of this Ordinance.**

The Subject Property was used as a residence until May 18, 2009, when the Applicants received approval of SE 2008-DR-037. Therefore, this standard is satisfied.

- **§ 9-515 (1) (D) – Notwithstanding the provisions of Par. A through C above, in the R-30 District, offices shall be subject only to the following standards....:**

This standard is inapplicable.

- **§ 9-515 (2) – In the C-5, C-6, C-7, C-8 and C-9 Districts, the Board may approve a special exception to allow office uses at a greater percentage of the maximum FAR than that permitted by right. For the purpose of this provision, maximum FAR shall mean the maximum FAR permitted by**

right, as set forth in the applicable zoning district, or as increased by an approved special exception in accordance with Sect. 618 below.

This standard is inapplicable.

VI. Conclusion

The proposed special exception is effectively a continuation of a previously approved office use granted by the Board with the approval of SE 2008-DR-037. No alterations, modifications, or enlargement of the existing house is proposed, and the Applicants request that the prior conditions of approval be carried forward with this application.

I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Planning Commission at your earliest convenience. Should you have any questions, or require additional information, please do not hesitate to contact me.

Very truly yours,

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



Lynne J. Strobel

Enclosures

cc: Supervisor John W. Foust
Planning Commissioner John C. Ulfelder
Lynne M. McFadden
Mark D. McFadden
Andrew A. Painter
Matthew J. Allman



County of Fairfax, Virginia

MEMORANDUM

DATE: October 22, 2014

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

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

SUBJECT: Land Use Analysis:
SE 2014-DR-043, Mark Dennis McFadden, Trustee;
Lynne Marian McFadden, Trustee

This memorandum, prepared by Brenda Cho, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject Special Exception (SE) application dated April 30, 2008, as revised through November 11, 2008. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted.

DESCRIPTION OF THE APPLICATION

The subject application is located at the corner of Ingleside and Meadowbrook Avenues [Tax Map Parcel 30-2 ((7)) (1) 8] and measures approximately 9,375 square feet in area. The site is zoned R-3 Residential District, Three Dwelling Units/Acre, Sign Control Overlay District (SC), Highway Corridor Overlay District (HC), and Commercial Revitalization District (CRD). A Special Exception application SE 2008-DR-037 was approved on May 18, 2009 for an interim office use in an existing single-family detached dwelling and associated waivers and modifications in a CRD. A time limit of five years was conditioned for the use, which expired in May 2014. The applicant requests a continuation of the use with this new SE application.

LOCATION AND CHARACTER OF THE AREA

The application property is bounded by commercial and retail uses, including a shopping center, to the north, south and east, and there are residential uses to the west of the site. The application site is within a "buffer area" of the McLean Community Business Center.

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-653-9447
www.fairfaxcounty.gov/dpz/



COMPREHENSIVE PLAN CITATIONS:

Land Use

The Comprehensive Plan Areawide Recommendations for the McLean Planning District may be accessed at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area2/mclean.pdf>

In the Fairfax County Comprehensive Plan, 2013 Edition, Area II, McLean Planning District, Amended through 4-29-2014, McLean Community Business Center, Pages 20 – 74, the Plan, as applied to the application area, states the following:

“C. Buffer Areas

The McLean CBC, as a community-serving center, gains much of its prosperity and economic strength from the close interaction of its commercial uses with the surrounding residential areas. The objective of this Plan is to concentrate intensity in the “North and South Villages,” and thus maintain lower densities and heights adjacent to the CBC’s borders. Any potential adverse impacts are to be mitigated by measures such as buffering and adequate transitional screening and full adherence to the McLean CBC Open Space Design Standards when reviewing new development or redevelopment within the CBC.

The buffer areas are equally affected by both the land use direction within the CBC and the need to protect surrounding neighborhoods. Although both commercial and residential are considered appropriate uses at the buffer areas, the recommendations of one use instead of another is primarily based upon its potential impact beyond the CBC boundary. A critical planning issue is the need to prevent encroachment of commercial uses within the CBC into adjacent neighborhoods. Therefore, the proposed treatment for each buffer area responds to the specific conditions of that neighborhood.

In order to encourage and facilitate redevelopment in the CBC in accordance with the Comprehensive Plan, special exceptions and special permit uses in Buffer Areas should be limited to interim uses that do not create permanent disincentives to redevelopment. Such uses in Buffer Areas should only be allowed when they are housed in structures with a well maintained, residential appearance; when applicants demonstrate that the proposed use does not create a negative traffic impact upon the adjacent neighborhood; when parking is screened from adjacent properties with landscaping and decorative fences and/or walls; and when existing healthy, mature trees are maintained.

3. Subareas 23 (Ingleside, Meadowbrook, Buena Vista and Park Avenues) and 24 (Old Dominion Drive, Park Avenue, Pine Crest Avenue and Dolley Madison Boulevard) should develop in medium density townhouses. In order to contain future commercial growth within the CBC, to provide additional housing within the CBC, and to establish a residential buffer for West McLean, future development should be townhouse residential at a base range of 5-8 dwelling

units per acre. A mid range density of 8-12 dwelling units per acre could be achieved provided there is consolidation of minimum areas of one acre; pedestrian amenities include five foot wide sidewalks on all streets with mid block pedestrian connections; landscaped buffers between single-family residential are included; innovative design and architectural compatibility with single-family detached areas is achieved; and buildings are limited to 35 feet in height. Parking should be below ground, in structures, or screened. An overlay density range of 12-16 dwelling units per acre can be achieved along Ingleside Avenue or Old Dominion Drive only, with complete block consolidation, provision of affordable dwelling units, and all design elements listed above. Development along Pine Crest Avenue and Buena Vista Avenue is encouraged to be residential detached single-family housing.”

COMPREHENSIVE PLAN MAP: 5-8 DU/AC

LAND USE ANALYSIS

On May 18, 2009, the Board of Supervisors approved the original Special Exception application SE 2008-DR-037 to permit the interim office use in an existing single-family detached dwelling as well as waivers and modifications in a CRD. At the time of the approval, the applicant satisfied Comprehensive Plan’s recommendations, and the applicant does not propose any changes to the existing site and use. However, a time limit may not be applied to the use with the current application, and staff does not object to the extended use. The Plan states that “special exceptions and special permit uses in Buffer Areas should be limited to interim uses that do not create permanent disincentives to redevelopment,” but staff does not believe that the office use will preclude future development in the area.

CONCLUSION

The applicant proposes to retain an existing office use in an existing dwelling, which was approved as a Special Exception use in 2009. No changes are proposed with the current Special Exception application, which was filed after the previous application’s time limit of five years lapsed for the use. A lack of time limit for the use will not likely discourage future redevelopment. Staff believes that the application is in harmony with the Comprehensive Plan.

PGN:BJC



County of Fairfax, Virginia

MEMORANDUM

DATE: October 6, 2014

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

FROM: Michael A Davis, Acting Section Chief *EH For MAD*
Site Analysis Section
Department of Transportation

SUBJECT: Transportation Impact

REFERENCE: SP 2014-DR-043; Mark Dennis McFadden/Lynne Marian McFadden,
Trustee – Real Estate Office
Land Identification Map: 30-2 ((7)) (1) 8

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on the informational packet made available to this department on July 21, 2014.

The proposed application for a ten year extension for single family detached house as an interim satellite real estate office. After reviewing the application and conducting a site visit, FCDOT had requested seven feet of right-of-way along Ingleside Avenue and shared lane markings.

The applicant is amenable to the seven feet of right-of-way along Ingleside Avenue and will pursue a permit to allow the existing fence to remain within the VDOT ROW. The applicant has declined to add shared lane markings on Ingleside Avenue as had been requested by FCDOT. Staff would like to note that shared lane markings are shown on the Bicycle Master Plan and will be requested of all future zoning applicants along Ingleside Avenue.

MAD/ma

August 8, 2014

To: Ms. Barbara Berlin
Director, Zoning Evaluation Division

From: Noreen H. Maloney
Virginia Department of Transportation – Land Development

Subject: **SE 2014-DR-043**
West McLean

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

This office has reviewed the subject application and offers the following comments.

- Additional right of way along Ingleside Avenue should be dedicated, if needed, for future curb and gutter to match existing adjacent.

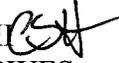


County of Fairfax, Virginia

MEMORANDUM

DATE: August 8, 2014

TO: Michael Van Atta, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Craig Herwig, Urban Forester III 
Forest Conservation Branch, DPWES

SUBJECT: West Mclean Blk 1, Lots 8-10; SE 2014-DR-043

RE: Request for assistance dated July 23, 2014

This review is based on the Special Exception Application stamped "Received, Department of Planning and Zoning, May 27, 2014", the Special Exception plat dated November 26, 2008 and the Development Conditions dated May 12, 2009. A site visit was conducted on August 6, 2014.

- 1. Comment:** The Applicant is requesting a modification of the transitional screening and barrier requirements along the northern and southern boundaries of the subject property in favor of the existing conditions.

Recommendation: The landscaping on the subject property appears to be well maintained and in good condition. The existing landscaping appears to be in conformance with development condition 11 and the landscape plan prepared by Fine Landscapes, Ltd, as shown on Exhibit B. The Urban Forest Management Division supports the request for a modification of the transitional screening and barrier requirements in favor of that shown on the landscape plan, Exhibit B.

- 2. Comment:** Based on a visual inspection, the 24-inch diameter American sycamore tree located at the northwest corner of the property, identified in Development Condition 12, appears to be continued good condition.

Recommendation: Based on a visual inspection by staff from the Urban Forest Management Division, additional evaluations of the American sycamore tree do not appear to be necessary at this time. This does not relieve the Applicant from performing continuing reasonable care for the tree including watering, mulching, pruning, insect and disease treatments and fertilization as necessary to maintain the good health of the tree.

CSH/

UFMDID #: 194063

cc: DPZ File

Department of Public Works and Environmental Services
Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550
www.fairfaxcounty.gov/dpwes





County of Fairfax, Virginia

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

DATE: July 23, 2014

TO: Barbara Berlin, Director,
Zoning Evaluation Division
Department of Planning and Zoning (DPZ)

FROM: *Barbara Byron*
Barbara Byron, Director
Office of Community Revitalization (OCR)

SUBJECT: SE 2014-DR-043, Mark Dennis McFadden, Trustee; Lynne Marian McFadden, Trustee

The Office of Community Revitalization (OCR) has reviewed the above referenced Special Exception plan date stamped as "Received by the Department of Planning and Zoning on November 26, 2008". The subject property is located within the McLean Commercial Revitalization District (CRD).

The applicant seeks to continue the use of a residential structure as a non-franchised real estate satellite office for a period of 10-years; no new development or construction is proposed. This application follows SE 2008-DR-037, approved by the BOS on May 18, 2009, which permitted the applicant to use the existing house for 5-years as a real estate satellite office, approved a 20% parking reduction, and imposed maintenance and landscaping conditions. At the end of the 5-year period, the applicant was required to apply for a SE amendment, if continued use of the subject property as an office use was desired.

The OCR does not object to permitting the continued use of the subject property as a satellite real estate office for a period of 10-years as the use is consistent with the Comprehensive Plan guidance to not preclude the redevelopment of the property or create negative traffic impacts, and will house the office use in a structure with a residential appearance. The proposed use is located adjacent to other office uses that are housed in existing residential structures, and has existing, well-maintained landscaping along the property's rear and side yards.

cc: Michael Van Atta, Staff Coordinator, DPZ
OCR File

Office of Community Revitalization
12055 Government Center Parkway, Suite 1048
Fairfax, VA 22035
703-324-9300, TTY 711
www.fcrcv.org



FAIRFAX COUNTY ZONING ORDINANCE

PART 3 3-300 R-3 RESIDENTIAL DISTRICT, THREE DWELLING UNITS/ACRE**3-301 Purpose and Intent**

The R-3 District is established to provide for single family detached dwellings at densities set forth in Sect. 308 below; to provide for affordable dwelling unit developments; to allow other selected uses which are compatible with the low density residential character of the district; and otherwise to implement the stated purpose and intent of this Ordinance.

3-302 Permitted Uses

1. Accessory uses and home occupations as permitted by Article 10.
2. Affordable dwelling unit developments.
3. Dwellings, single family detached.
4. Public uses.

3-303 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 2 - Interment Uses.
2. Group 3 - Institutional Uses, limited to:
 - A. Churches, chapels, temples, synagogues and other such places of worship
 - B. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education
 - C. Convents, monasteries, seminaries and nunneries
 - D. Group housekeeping units
 - E. Home child care facilities
3. Group 4 - Community Uses.
4. Group 5 - Commercial Recreation Uses, limited to:
 - A. Commercial swimming pools, tennis courts and similar courts
5. Group 7 - Older Structures, limited to:
 - A. Antique shops

RESIDENTIAL DISTRICT REGULATIONS

- B. Art and craft galleries
 - C. Rooming houses
 - D. Summer theatres
6. Group 8 - Temporary Uses, limited to:
- A. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities
 - B. Construction material yards accessory to a construction project
 - C. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project
 - D. Subdivision and apartment sales and rental offices
 - E. Temporary dwellings or mobile homes
 - F. Temporary farmers' markets
 - G. Temporary mobile and land based telecommunications testing facility
 - H. Temporary portable storage containers
7. Group 9 - Uses Requiring Special Regulation, limited to:
- A. Home professional offices
 - B. Accessory dwelling units

3-304

Special Exception Uses

For specific Category uses, regulations and standards, refer to Article 9.

- 1. Category 1 - Light Public Utility Uses.
- 2. Category 3 - Quasi-Public Uses, limited to:
 - A. Alternate uses of public facilities
 - B. Child care centers and nursery schools
 - C. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education
 - D. Colleges, universities

FAIRFAX COUNTY ZONING ORDINANCE

- E. Conference centers and retreat houses, operated by a religious or nonprofit organization
 - F. Congregate living facilities
 - G. Cultural centers, museums and similar facilities
 - H. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
 - I. Independent living facilities
 - J. Medical care facilities
 - K. Private clubs and public benefit associations
 - L. Private schools of general education
 - M. Private schools of special education
 - N. Quasi-public parks, playgrounds, athletic fields and related facilities
3. Category 4 - Transportation Facilities, limited to:
- A. Electrically-powered regional rail transit facilities
 - B. Regional non-rail transit facilities
4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:
- A. Commercial off-street parking in Metro Station areas as a temporary use
 - B. Convenience centers
 - C. Funeral chapels
 - D. Golf courses, country clubs
 - E. Marinas, docks and boating facilities, commercial
 - F. Offices
 - G. Plant nurseries
5. Category 6 – Miscellaneous Provisions Requiring Board of Supervisors’ Approval:
- Refer to Article 9, Special Exceptions, Part 6, Miscellaneous Provisions Requiring Board of Supervisors’ Approval, for provisions which may qualify or supplement these district regulations.

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3-305 Use Limitations

1. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.
2. All uses shall comply with the performance standards set forth in Article 14.
3. Cluster subdivisions may be permitted in accordance with the provisions of Sect. 9-615 when the cluster subdivision has a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres, and with the provisions of Sect. 2-421 when the cluster subdivision has a minimum district size of three and one-half (3.5) acres or greater.

3-306 Lot Size Requirements

1. Minimum district size for cluster subdivisions:
 - A. Cluster subdivisions containing a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres shall be subject to special exception approval.
 - B. Cluster subdivisions containing a minimum district size of three and one-half acres (3.5) acres or greater shall be subject to approval by the Director.
2. Average lot area
 - A. Conventional subdivision lot: 11,500 sq. ft.
 - B. Cluster subdivision lot: No Requirement
3. Minimum lot area
 - A. Conventional subdivision lot: 10,500 sq. ft.
 - B. Cluster subdivision lot approved by the Director: 8,500 sq. ft., except that if any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision and any portion of any lot located outside of the cluster subdivision that is contiguous to that cluster subdivision's peripheral boundary is zoned to a district that permits a maximum density equal to or less than 3 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot area of 10,500 square feet. Notwithstanding the above, when the contiguous development is zoned to the PDH-3 District or to an R-3 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall contain a minimum lot area of 8,500 square feet.
 - C. Cluster subdivision lot approved by special exception: 8,500 sq. ft.
4. Minimum lot width
 - A. Conventional subdivision lot:

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- (1) Interior lot - 80 feet
- (2) Corner lot - 105 feet

B. Except as qualified below, cluster subdivision lot approved by the Director:

- (1) Interior lot - No Requirement
- (2) Corner lot - 80 feet

If any portion of a cluster subdivision lot is located within 25 feet of a peripheral boundary of the cluster subdivision, and any portion of any lot located outside of the cluster subdivision that is contiguous to that peripheral cluster subdivision's boundary is zoned to a district that permits a maximum density equal to or less than 3 dwelling units per acre and contains a single family detached dwelling or is vacant, then such cluster subdivision lot shall contain a minimum lot width of 80 feet for interior lots and 105 feet for corner lots. Notwithstanding the above, when the contiguous development is zoned to the PDH-3 District or to a R-3 District and is developed with and/or approved for a cluster subdivision, all lots within the proposed cluster subdivision shall have no minimum required lot width for interior lots and shall contain a minimum lot width of 80 feet for corner lots.

C. Cluster subdivision lot approved by special exception:

- (1) Interior lot – No Requirement
- (2) Corner lot – 80 feet

3-307**Bulk Regulations**

- 1. Maximum building height
 - A. Single family dwellings: 35 feet
 - B. All other structures: 60 feet
- 2. Minimum yard requirements
 - A. Single family dwellings
 - (1) Conventional subdivision lot
 - (a) Front yard: 30 feet
 - (b) Side yard: 12 feet
 - (c) Rear yard: 25 feet
 - (2) Cluster subdivision lot

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- (a) Front yard: 20 feet
 - (b) Side yard: 8 feet, but a total minimum of 20 feet
 - (c) Rear yard: 25 feet
- B. All other structures
- (1) Front yard: Controlled by a 40° angle of bulk plane, but not less than 30 feet
 - (2) Side yard: Controlled by a 35° angle of bulk plane, but not less than 10 feet
 - (3) Rear yard: Controlled by a 35° angle of bulk plane, but not less than 25 feet
3. Maximum floor area ratio:
- A. 0.25 for uses other than residential or public
 - B. 0.30 for public uses

3-308**Maximum Density**

- 1. Conventional subdivisions: Three (3) dwelling units per acre.
- 2. Cluster subdivisions:
 - A. Three (3) dwelling units per acre for cluster subdivisions approved by the Director in accordance with Sect. 2-421, or that are the result of proffered rezoning from a district that allows a permitted maximum density of less than three (3) dwelling units per acre.
 - B. Three dwelling units per acre plus one (1) bonus dwelling unit for cluster subdivisions containing a minimum district size of two (2) acres or greater but less than three and one-half (3.5) acres and approved by special exception.

3-309**Open Space**

In subdivisions approved for cluster development, 25% of the gross area shall be open space.

3-310**Affordable Dwelling Unit Developments**

Affordable dwelling unit developments may consist of single family detached dwelling units, either in a conventional subdivision or cluster subdivision. Cluster subdivisions shall be subject to the approval of the Director in accordance with Sect. 2-421. In addition, single family attached dwelling units are permitted, provided that no more than forty (40) percent of the total number of dwelling units allowed within the development shall be single family attached

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- (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:
 - (a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and
 - (b) the maximum permitted FAR for the zoning district shall not be exceeded.
- C. For all approved special exception uses, any request for an addition shall require the provision of written notice by the requester in accordance with the following:
- (1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
 - (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved special exception, such modification shall require the approval of an amendment to the special exception in accordance with Sect. 014 below or a new special exception.

9-005 Establishment of Categories

For purposes of applying specific conditions upon certain types of special exception uses, and for allowing special exception uses to be established only in those zoning districts which are appropriate areas for such uses, all special exception uses are divided into categories of associated or related uses, as hereinafter set forth in this Article 9.

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:

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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.

9-007

Conditions and Restrictions

In addition to those standards set forth in this Article, the Board, in approving a special exception, may impose such conditions and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted comprehensive plan. Such conditions or restrictions may include but need not be limited to a time limitation on the length of the exception in accordance with the provisions of Sect. 008 below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

9-008

Time Limitations, Extensions, Renewals

In addition to the time limits set forth in this Article, the Board may require, as a condition of the approval of any special exception, that it shall be approved for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator; or that it

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R-A District: Limited to uses 19 and 40
 R-P District: Limited to uses 15, 17, 19, 35, 38, 40 and 42
 R-C District: Limited to uses 15, 17, 19, 35, 38, 39, 40 and 42
 R-E, R-1 Districts: Limited to uses 10, 12, 15, 17, 19, 27, 35, 37, 38, 39, 40, 41 and 42
 R-2 District: Limited to uses 5, 12, 15, 17, 19, 27, 35 and 38
 R-3, R-4 Districts: Limited to uses 5, 12, 15, 17, 19, 27 and 38
 R-5, R-8 Districts: Limited to uses 5, 12, 15, 17, 27 and 38
 R-12, R-16, R-20 Districts: Limited to uses 12, 15, 27 and 38
 R-30 District: Limited to uses 12, 15, 17, 27 and 38
 R-MHP District: Limited to uses 12, 15, 27 and 38

PDH District: Limited to uses 11, 27 and 35
 PDC District: Limited to uses 11, 16 and 27
 PRC District: Limited to uses 27, 34 and 35

C-1 District: Limited to uses 10, 27 and 38
 C-2 District: Limited to uses 6, 9, 10, 27 and 38
 C-3 District: Limited to uses 6, 9, 10, 14, 18, 21, 22, 25, 27 and 38
 C-4 District: Limited to uses 6, 9, 10, 14, 21, 22, 25, 27 and 38
 C-5 District: Limited to uses 2, 3, 6, 11, 15, 17, 20, 21, 23, 27, 33, 34, 36, 37, 38, 39 and 41
 C-6 District: Limited to uses 2, 3, 4, 6, 11, 14, 15, 17, 20, 21, 23, 25, 27, 30, 33, 34, 36, 37, 38, 39 and 43
 C-7 District: Limited to uses 2, 3, 4, 6, 7, 8, 10, 11, 15, 17, 20, 21, 23, 25, 26, 27, 30, 33, 34, 36, 37, 38, 39 and 43
 C-8 District: Limited to uses 2, 3, 4, 6, 7, 10, 11, 15, 16, 17, 20, 21, 23, 24, 25, 27, 30, 33, 34, 36, 37, 38, 39 and 43
 C-9 District: Limited to uses 2, 3, 4, 6, 10, 11, 17, 18, 20, 21, 23, 25, 26, 27, 33, 36, 37 and 43

I-I District: Limited to use 27
 I-1 District: Limited to uses 27 and 38
 I-2 District: Limited to uses 9, 14, 15, 18, 22, 27 and 38
 I-3 District: Limited to uses 3, 6, 9, 14, 15, 16, 18, 21, 22, 25, 26, 27, 29, 37, 38, 39 and kennels (outdoor)
 I-4 District: Limited to uses 3, 6, 9, 14, 15, 18, 19, 21, 22, 25, 27, 28, 32, 37, 38, 39 and kennels (outdoor)
 I-5 District: Limited to uses 3, 6, 7, 9, 11, 14, 18, 19, 20, 21, 23, 25, 27, 32, 33, 37, 38, 39 and kennels (outdoor)
 I-6 District: Limited to uses 3, 6, 7, 11, 13, 18, 19, 20, 21, 23, 27, 31, 33, 37, 38, 39 and kennels (outdoor)

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.

SPECIAL EXCEPTIONS

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.

9-504**Additional Standards for Amusement Arcades**

1. Such a use shall not be located closer than 1000 feet to any school. In addition, except when located under the roof of a shopping center, such a use shall not be located within 100 feet of any adjoining property which is in an R district.
2. Such use shall be established only after approval by the Board of a plan setting forth acceptable rules for the operation of the establishment. Such plan shall specify (a) procedures to preclude gambling and loitering; (b) regulations regarding the use of the establishment by school age children; and (c) procedures for the enforcement of the rules.
3. In addition, the Board shall impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with and will not adversely impact the adjacent area. Such conditions and restrictions may include, but need not be limited to, the following:
 - A. Hours of operation.
 - B. Number of adult attendants required to be on the premises at all times.
 - C. Size of the establishment and the number of amusement machines.

9-505**Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts**

1. In all districts where permitted by special exception:
 - A. Such a use shall have on all sides the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.
 - B. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.
 - C. The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Parking and stacking spaces shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

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how the use can be made to comply with the applicable performance standards in Article 14.

2. The Board may, in approving a special exception for a heavy industrial use, establish additional yard requirements, landscaping and screening and other standards that, in the opinion of the Board, will effect compatibility with the surrounding community.

9-512 Additional Standards for Hotels, Motels

1. When located in an I district, such a use shall be an integral design element of a site plan for an industrial building or building complex containing not less than 100,000 square feet of gross floor area.

9-513 Additional Standards for Marinas, Docks and Boating Facilities, Commercial

1. The minimum lot size requirement shall be two (2) acres.
2. Except for light poles, no structure used in connection with the use shall be located closer than 100 feet to any nonriparian lot line.
3. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in an R district.

9-514 Additional Standards for Mini-Warehousing Establishments

1. Storage units shall be primarily for dead storage and all storage shall be within a completely enclosed building.
2. Loading docks shall not be permitted.
3. There shall be no incidental parking or storage of trucks and/or moving vans except for purposes of loading and unloading or unless approved as a part of a truck rental establishment.
4. In the PDC and PTC Districts, mini-warehousing establishments may only be permitted in accordance with the provisions of Sect. 6-206 and 6-505, as applicable.

9-515 Additional Standards for Offices

1. The following standards shall apply to offices in residential districts:
 - A. Such a use shall be located only within a Community Business Center (CBC) as shown in the adopted comprehensive plan or such other area where such use is specifically designated in the adopted comprehensive plan.
 - B. Such a use shall be permitted only in a single family detached dwelling which was erected prior to February 26, 1973; additions erected subsequently may not be used for such activities.

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- C. Notwithstanding the provisions of Sect. 014 above, offices in residential districts approved prior to January 24, 1977 may be renewed for one five (5) year period under the ordinances in effect at the time the permit/exception was originally granted, provided that the principal user is the same as the one who originally received the special permit or exception. Thereafter, any renewal shall be subject to the provisions of this Ordinance.
- D. Notwithstanding the provisions of Par. A through C above, in the R-30 District, offices shall be subject only to the following standards:
- (1) Such use shall be located only on the lower two (2) floors of the primary building, or in an accessory structure as may be approved by the Board.
 - (2) The aggregate floor area of all non-residential uses, to include offices, shall not exceed fifteen (15) percent of the total gross floor area.
 - (3) Adequate off-street parking shall be provided in accordance with the provisions of Par. 4 of Sect. 11-102.
2. In the C-5, C-6, C-7, C-8 and C-9 Districts, the Board may approve a special exception to allow office uses at a greater percentage of the maximum FAR than that permitted by right. For the purpose of this provision, maximum FAR shall mean the maximum FAR permitted by right, as set forth in the applicable zoning district, or as increased by an approved special exception in accordance with Sect. 618 below.

9-516

Additional Standards for Parking, Commercial Off-Street

1. In the C-3, I-2 and I-3 Districts, such parking facilities shall be allowed only as an integral design element of a site plan for an office, commercial or industrial building or building complex containing not less than 30,000 square feet of gross floor area.
2. Notwithstanding the bulk regulations of the zoning district in which located, any parking space that is located on the ground and is open to the sky may be located in any required yard but not closer to any front lot line than ten (10) feet, except as may be qualified by the provisions of Article 13.

Parking structures and any structure accessory to a commercial parking lot shall be subject to the bulk regulations of the zoning district in which located, except parking structures which are completely underground may be located in any required yard, but not closer than one (1) foot to any lot line.
3. Such parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted in association with such a parking facility.
4. Such parking facilities shall be provided with safe and convenient access to a street. If any parking space 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.

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		