



**APPLICATION ACCEPTED:** September 25, 2014

**DATE OF PUBLIC HEARING:** January 14, 2015

**TIME:** 9:00 a.m.

# County of Fairfax, Virginia

---

January 7, 2015

## STAFF REPORT

### SPECIAL PERMIT SP 2014-DR-217

#### DRANESVILLE DISTRICT

**APPLICANT/OWNER:** McLean Swimming and Tennis Association

**ZONING:** R-3

**LOCATION:** 1700 Margie Drive, McLean 22101

**ZONING ORDINANCE PROVISION:** 3-303, 8-401

**TAX MAP:** 30-3 ((1)) 26A

**LOT SIZE:** 4.0 acres

**PLAN MAP:** Commercial/Retail

**SP PROPOSAL:** Group 4 – To permit an increase in the maximum membership of a previously approved community recreation use.

#### STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-DR-217 subject to the proposed development conditions contained in Appendix 1.

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

*Erin M. Haley*

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

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

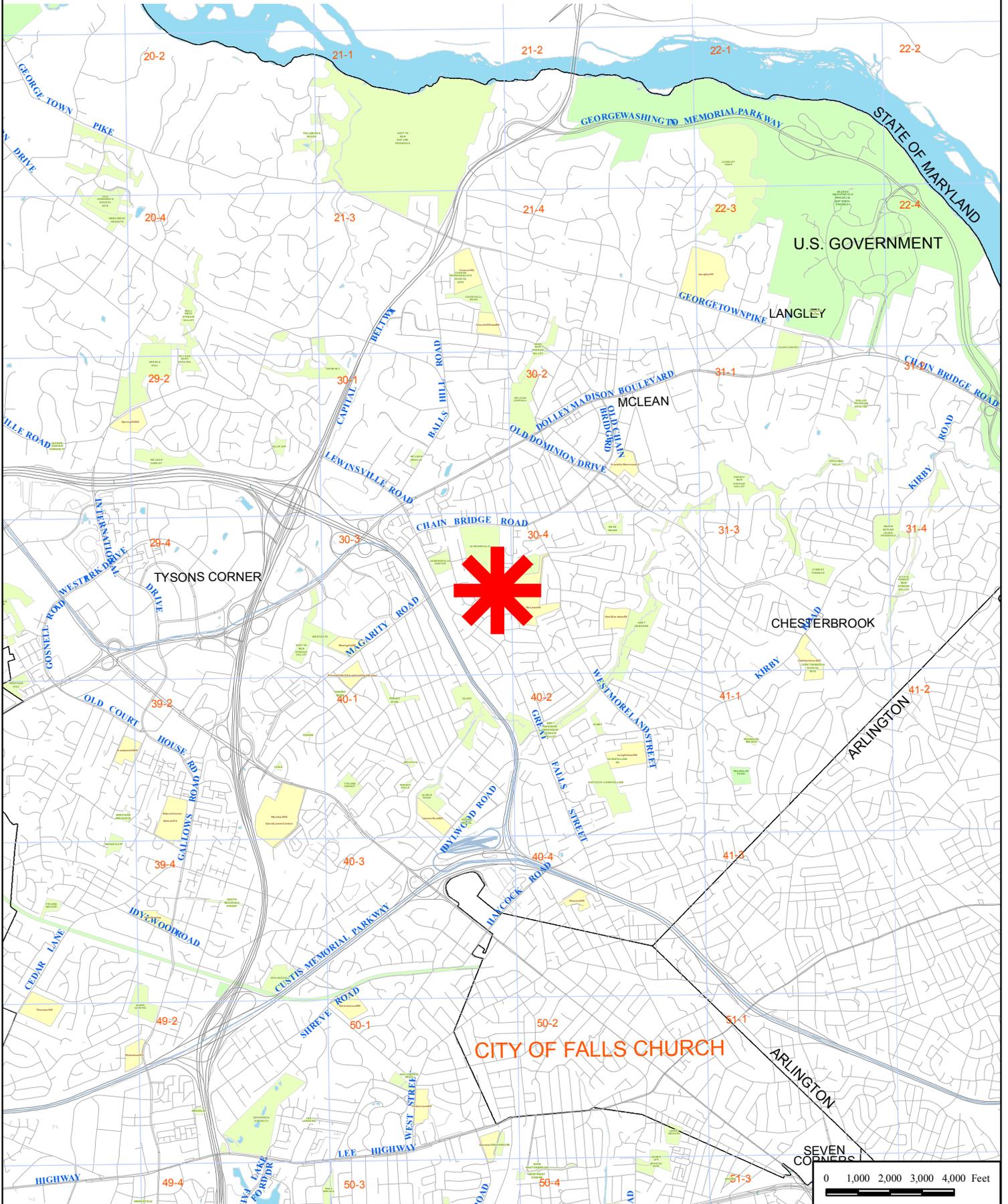


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

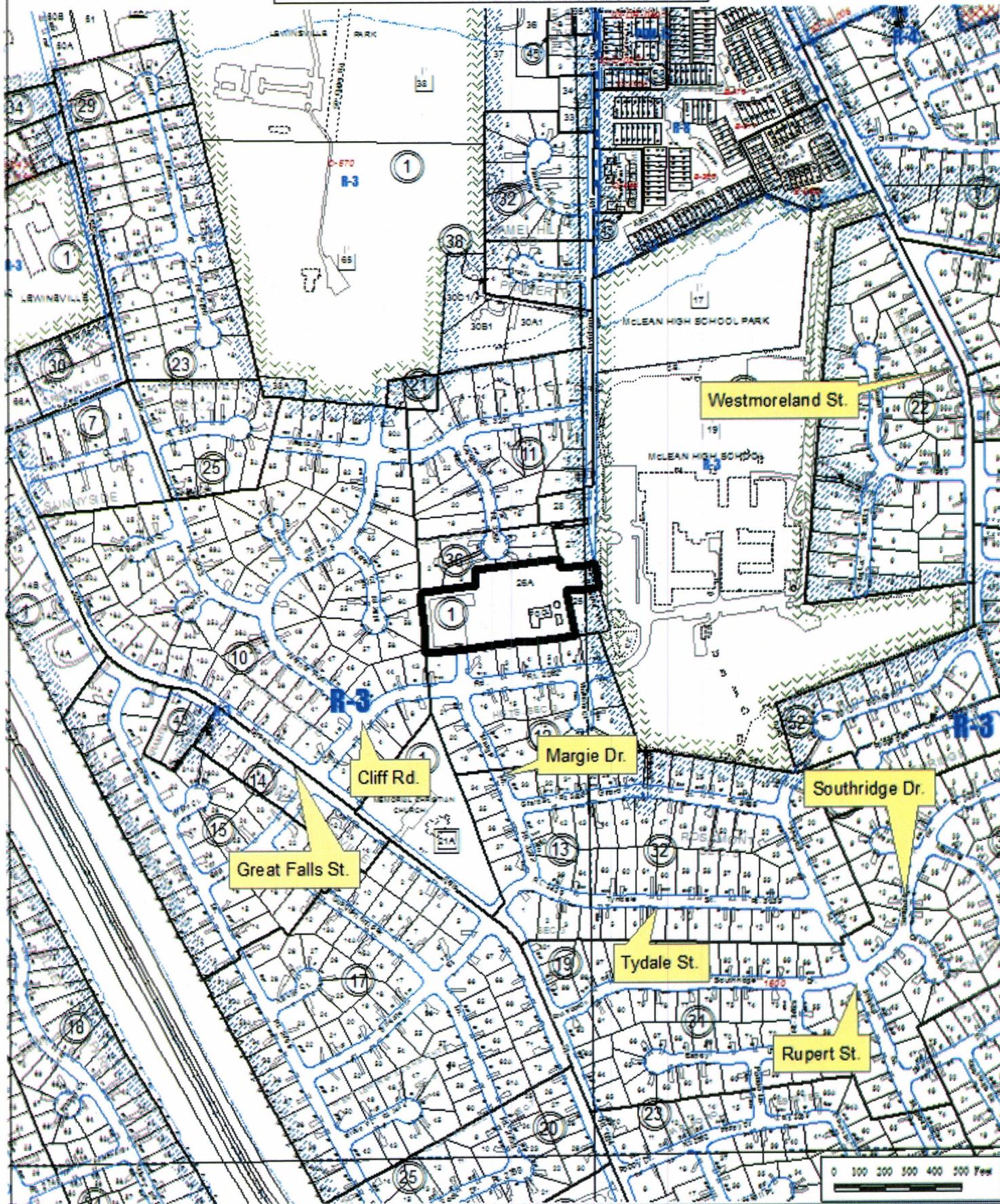
# Special Permit

## SP 2014-DR-217

MCLEAN SWIMMING AND TENNIS ASSOCIATION



**Special Permit**  
**SP 2014-DR-217**  
MCLEAN SWIMMING AND TENNIS ASSOCIATION





## DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit for an increase in the maximum membership for a previously approved community swim and tennis club. A detailed description of the application is included on page two.

<b>Size:</b>	4.0 acres
<b>Existing membership:</b>	400 families
<b>Requested membership:</b>	500 families
<b>Normal Hours:</b>	10 a.m. – 9 p.m. (pool open Memorial Day to Labor Day) 6 a.m. – 7:30 a.m. morning adult swim
<b>Employees:</b>	maximum of 5 employees on-site at any one time
<b>Parking:</b>	51 spaces
<b>Special Events:</b>	approximately 14 special events per year

### Special Permit Plat (Copy at front of staff report)

Title of SP Plat:	McLean Swim and Tennis Club
Prepared By:	Smith Engineering, Ashleigh T. Bleeker, Professional Engineer
Dated:	July 23, 2014, as revised through September 23, 2014

## CHARACTER OF THE SITE AND SURROUNDING AREA



As depicted in the photo the left, the 4.0 acre project site is located east of the Dulles Toll Road, adjacent to McLean High School. The property is developed as the McLean Swimming and Tennis Association. Margie Drive provides access to a 51 space parking lot on the west side of the property. The property is also accessible via pedestrian gates from Cecile Street to the north and McLean High School to the east.

Four tennis courts, three swimming pools, a handball wall, and a mulched playground provide the recreation uses on the site. A one story block building is located near the swimming pools. Several smaller structures are also

located around the site. A fence 6.0 feet in height surrounds the property. A separate chain link fence surrounds the pools and tennis courts. A storm drainage easement and sanitary sewer easement are located in the northern portion of the site. Mature vegetation lines the site's boundaries.

Surrounding properties consist of the following land uses and zoning:

<b>Direction</b>	<b>Use</b>	<b>Zoning</b>
<b>North</b>	Single Family Residential	R-3
<b>East</b>	Single Family Residential McLean High School Vacant Land	R-3
<b>South</b>	Single Family Residential	R-3
<b>West</b>	Single Family Residential	R-3

## **BACKGROUND**

On February 23, 1960, the Board of Zoning Appeals (BZA) approved a special permit to establish and operate a community swimming pool and recreational facilities. At that time, the applicant's state charter restricted their membership to 350, though the BZA minutes from the hearing did not state how many memberships the BZA approved. On September 10, 1963, the special permit was amended to permit a maximum membership of 400 families and the applicant stated they would obtain a new state charter to reflect that number. According to Fairfax County Tax Records the effective year built for the block building on the property is 1965. Since the adoption of the zoning ordinance, no similar commercial recreation use applications have been heard by the Board of Zoning Appeals in this area.

## **PROPOSED USE**

The applicant is requesting a special permit to allow an increase in the number of family memberships from 400 to 500. No modifications are proposed to the operation of the facility or to any of the structures.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** McLean; Area II  
**Planning Sector:** Kirby (M3)  
**Plan Map:** Private Recreation Use

## Zoning Ordinance Requirements

The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-403 Standards for All Group 4 Uses

### Special Permit Requirements (See Appendix 4)

#### General Special Permit Standards (Sect. 8-006)

*General Standards 1 and 2 require that the proposed use at the specified location be in harmony with the adopted Comprehensive Plan and with the general purpose and intent of the applicable zoning district regulations.*

The Comprehensive Plan recommends private recreation uses for the subject site. The swimming and tennis association is a private recreation use that serves the surrounding community. Other than the increase in membership, no changes are proposed to the current operation or existing structures. Staff believes that the proposed increase in membership is in harmony with the Comprehensive Plan.

*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 applicant is proposing an increase in family memberships to the existing community swimming and tennis club. Other than the increase in membership, the applicant is proposing no change to the operation or structures of the existing facility. The applicant states that 90 percent of their current membership lives within three miles of the subject property and anticipates that the increased memberships will continue that trend. Staff believes that Standard 3 has been met.

*General Standard 4 requires 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.*

The applicant states that many of their members walk to the facility since approximately half live within one mile. The facility is mostly utilized on weekends and during the summer, which tends not to coincide with commuting hours. In staff's opinion, the additional trips made by the increased membership for the swim and tennis club will have a minimal impact on traffic conditions for the surrounding community.

*General Standards 5, 6, 7 and 8 require landscaping, screening, open space, adequate utility, drainage, parking, loading, and signage to be regulated in accordance with the Zoning Ordinance; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.*

Use	Parking Requirements	Parking Spaces
<b>Community Pool</b>	1 space/7 persons allowed in pool 1 space per employee	248/7 = 36 spaces 5 employee spaces
<b>Tennis Courts</b>	4 spaces per court	4 courts x 4 spaces = 16 spaces
		36 + 5 + 16 = 57 spaces required (including 3 handicap spaces)
	Total parking provided:	51 spaces

The applicant is requesting a reduction to their parking requirements of 6 spaces. Sect. 11-106 of the Zoning Ordinance allows a reduction in the parking requirements for a community swimming pool in accordance with the number of members who live within a reasonable walking distance of the pool. Since the applicant states that half of their current membership lives within one mile, 75 percent lives within two miles, and 90 percent lives within three miles, staff believes that a reduction of 6 spaces should be allowed. Staff notes that the parking requirements are based on the size of the pool and number of tennis courts and not on the number of memberships. Therefore, an increase in memberships does not mean an increase in parking is required. However, a development condition is proposed that requires the applicant obtain agreement from McLean High School to allow overflow parking in the High School lot during special events.

There are no proposed changes to the existing landscaping, open space, drainage, signage or loading area. Staff believes that these Standards have been met.

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

The Group 4 Standards require that the proposed use comply with the lot size and bulk regulations for the R-3 District, comply with the performance standards and satisfy site plan review.

The site met these requirements at the time of site plan approval, and no site modifications are proposed.

The Group 4 Standards also state that no Group 4 use shall be operated on a profit-making basis, and the owner of the facility shall be a nonprofit organization where membership thereto is limited to residents of nearby residential areas.

The applicant is currently in operation as a nonprofit organization and therefore meets this Standard.

**CONCLUSION AND RECOMMENDATION**

Staff recommends approval of SP 2013-DR-217 subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners 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 Zoning Appeals.

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

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Statement of Justification with select file photos
3. Applicant's Affidavit
4. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-DR-217****January 7, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-217 located on property described as Tax Map 30-3 ((1)) 26A to permit a community recreation use pursuant to Section 8-401 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, McLean Swimming and Tennis Association, and is not transferable without further action of this Board, and is for the location indicated on the application, and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat titled, "Special Permit Amendment Plat, McLean Swim and Tennis Club," prepared by Ashleigh T. Bleeker, Professional Engineer, Smith Engineering, dated July 23, 2014, as revised through September 23, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum number of family memberships shall not exceed 500. If required, the applicant shall obtain a revised state charter reflecting this number of memberships prior to establishment of the use.
5. The maximum number of special events shall not exceed 14 per calendar year.
6. The applicant shall coordinate with McLean High School to allow the applicant to utilize the school parking lot for overflow parking during special events.
7. If required, the applicant shall obtain approval of a parking reduction from the Department of Public Works and Environmental Services prior to increase in membership.
8. The use shall not remain open later than 9:00 p.m.

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

adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty months (30) months after the date of approval unless a new Non-Residential Use Permit (Non-RUP) has been obtained. The Board of Zoning Appeals may grant additional time to obtain a Non-RUP if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. 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.



Sara V. Mariska  
 (703) 528-4700 Ext. 5419  
 smariska@thelandlawyers.com

**WALSH COLUCCI  
 LUBELEY & WALSH PC**

RECEIVED  
 Department of Planning & Zoning  
 JUL 29 2014  
 Zoning Evaluation Division

July 29, 2014

**Via Hand Delivery**

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

Re: Proposed Special Permit Amendment Application  
 Applicant: McLean Swimming and Tennis Association

Dear Ms. Berlin:

Please accept this letter as a statement of justification for a special permit amendment for property identified among the Fairfax County tax map records as 30-3 ((1)) 26A (the "Subject Property").

The Subject Property contains approximately four (4) acres and is located at 1700 Margie Drive. Zoned to the R-3 District, the Subject Property is located in the Dranesville Magisterial District and is developed as the McLean Swimming and Tennis Association. The Subject Property is currently subject to a special permit that was approved by the Board of Zoning Appeals (the "BZA") on September 10, 1963. The original special permit was approved on February 23, 1960 to permit the establishment and operation of a community swimming pool and recreation facilities. In 1963, the special permit was amended to permit a maximum number of 400 family memberships. The Applicant now proposes a special permit amendment to increase the number of family memberships to 500.

The Applicant is currently operating at the maximum allowable number of 400 family memberships. An increase in the number of family memberships is necessary to meet the demand for membership. The proposed increase in memberships will have limited impacts given that the Applicant serves the immediately surrounding community. Members primarily walk from the surrounding neighborhood. As such, the proposed increase in members will not significantly impact the traffic or parking needs on the Subject Property. No change of use on the Subject Property is being proposed. The proposal will not add any impervious surface or gross floor area to the Subject Property, and no building modifications are proposed.

The Subject Property is located in Area II of the Fairfax County Comprehensive Plan (the "Plan") in the McLean Planning District, within the Kirby Planning Sector (M3). There is no site-specific text applicable to the Subject Property, and the Plan map shows that the Subject

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

Property is planned for private recreation use. The Applicant's proposal to increase the allowable number of family memberships is in harmony with the Plan's recommendations for the Subject Property.

In accordance with the requirements of Section 8-011 of the Ordinance, please consider the following information regarding the Applicant's proposal:

- The type of operation proposed is the continuation of a non-profit swimming and tennis club. The Applicant does not propose any changes to the use and operation of the club. In addition to its swimming and tennis programs, the Applicant hosts a limited number of community and social activities.
- The pool is currently open from approximately Memorial Day until Labor Day. From Memorial Day to approximately June 19, the pool's hours are 2:00 p.m. to 9:00 p.m., Monday through Friday, and 10:00 a.m. to 9:00 p.m. on Saturday and Sunday. From approximately June 20 to June 25, the pool's general hours are 10:00 a.m. to 9:00 p.m. From approximately June 26 to July 26, Monday through Friday, the pool is open for early-morning adult swim between 6:00 a.m. and 7:30 a.m., the main pool hours are 12 p.m. to 9:00 p.m., and the infant pool and intermediate pool are open 10:00 a.m. to 9:00 p.m. On Saturday and Sunday, the pool is open 10:00 a.m. to 9:00 p.m. From approximately July 26 to September 2, the pool is open 10:00 a.m. to 9:00 p.m. The Applicant hosts approximately 6-7 swim meets at the pool each year. The tennis courts are open year round. No changes are proposed to the existing hours of operation.
- There are approximately five (5) staff members on-site at any one time between Memorial Day and Labor Day.
- The peak traffic impacts associated with the use are on the weekends and in the summer, primarily during off-peak commuting hours. Therefore, traffic impacts are minimal. During the peak hour of use on Saturday afternoons in the summer, approximately 50 vehicles enter the Subject Property and use the facility. Traffic impacts are greater during swim meets and other special events. Individuals arrive by private vehicles and are primarily families. The proposed increase in family memberships is not expected to significantly increase traffic impacts. The majority of members live in the surrounding neighborhood and walk, rather than drive, to the facility.
- The general area that is served is the McLean area.
- There are no exterior modifications to buildings, or construction of additions to buildings, proposed with this application.
- To the best of the Applicant's knowledge, there are no hazardous or toxic substances located on the Subject Property.

- The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards, and applicable conditions except as may be modified by this application.

In sum, the Applicant proposes to increase the maximum allowable number of family memberships to 500. No change in use is being proposed, no additional structures will be built, no exterior building modifications will be made, and no additional impervious surface will be added to the Subject Property. The Applicant looks forward to the benefits of expanded membership and plans to continue serving the community for years to come.

Should you have any questions, or require additional information, please do not hesitate to give me a call. I would appreciate the acceptance of this application and the scheduling of a hearing before the Board of Zoning Appeals at your earliest convenience. As always, I appreciate your cooperation and assistance.

Very truly yours,

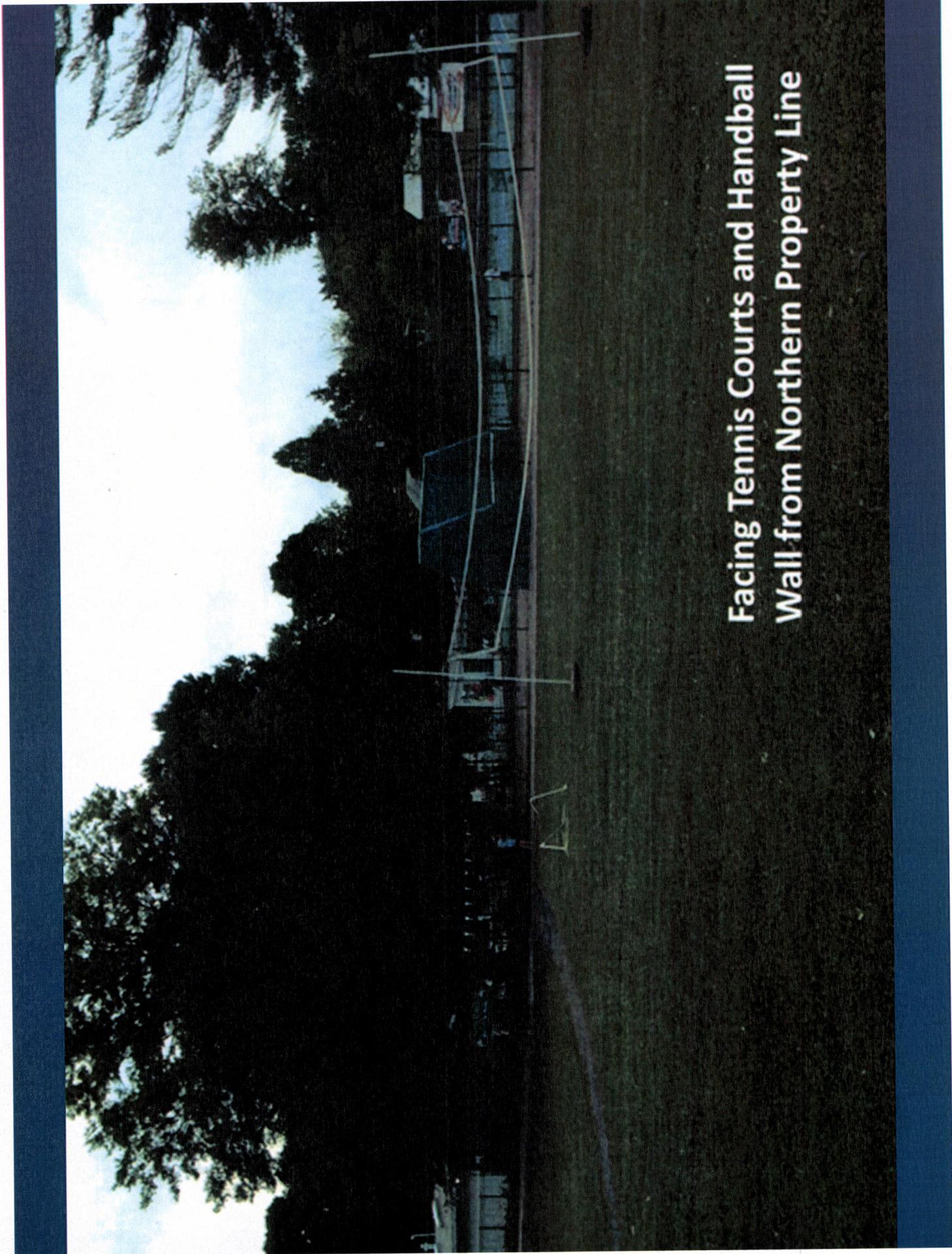
WALSH, COLUCCI, LUBELEY & WALSH, P.C.



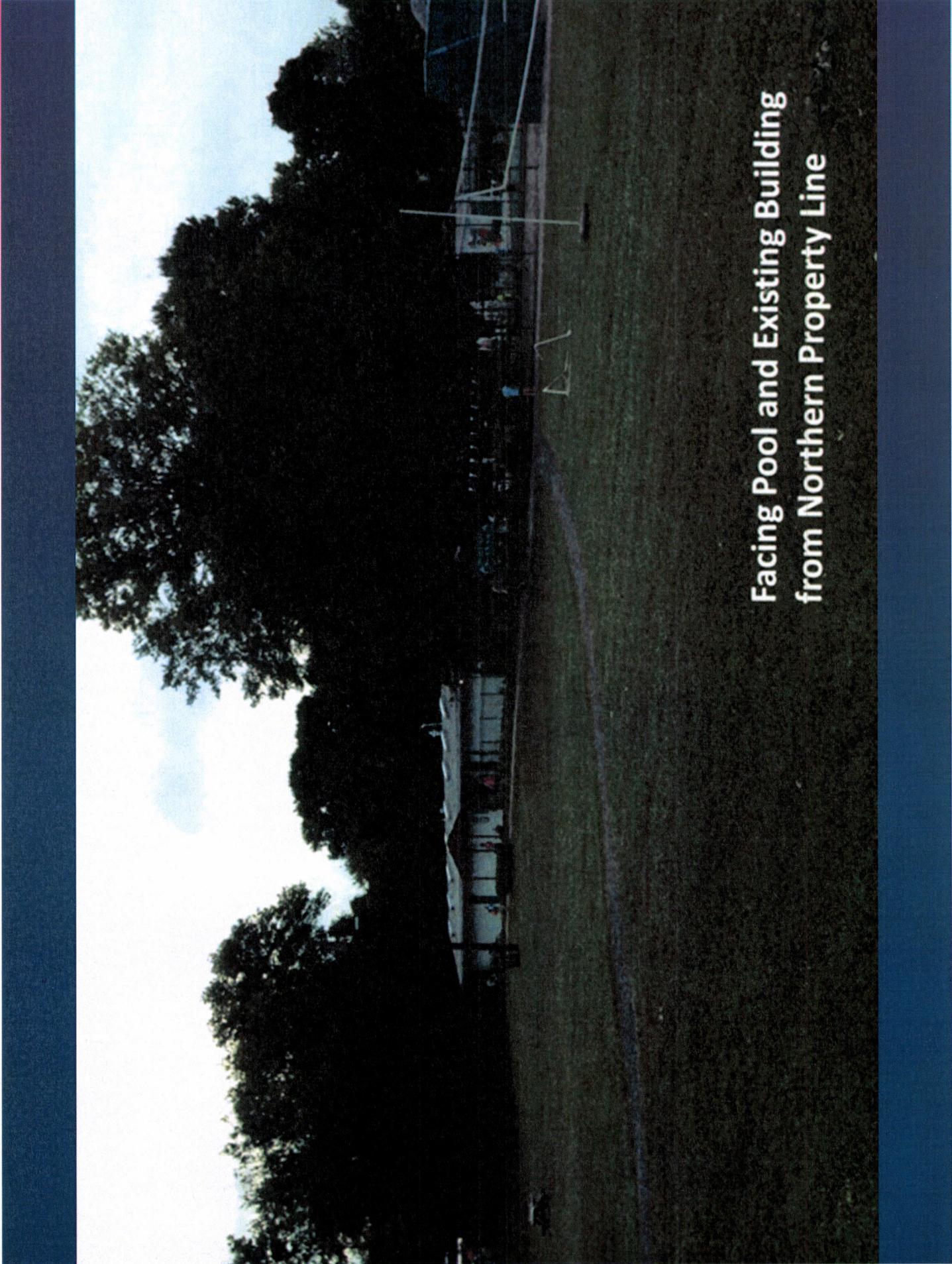
Sara V. Mariska

cc: J.J. Campbell  
Anthony Venafro  
Matthew Allman  
Lynne J. Strobel

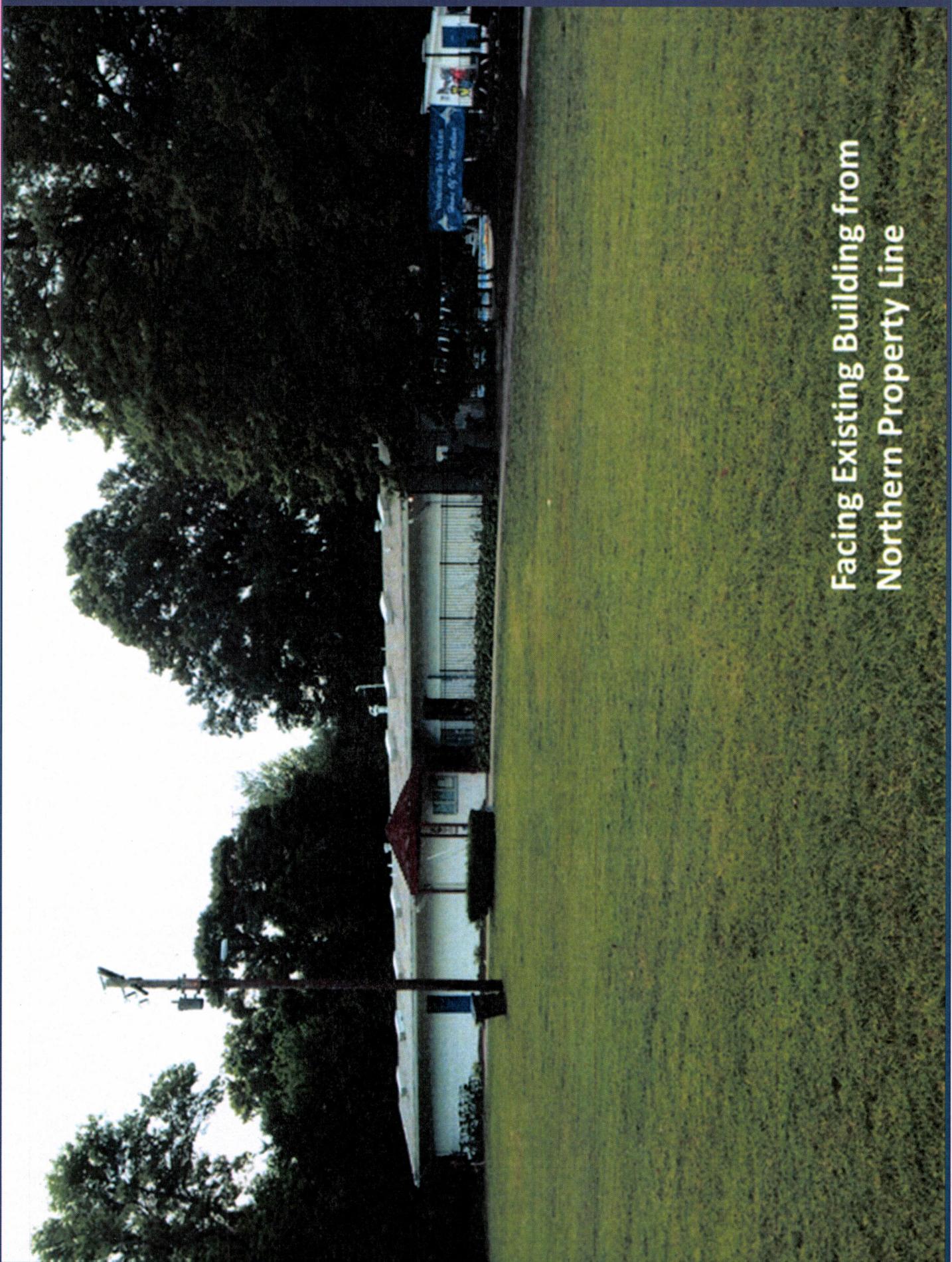




Facing Tennis Courts and Handball  
Wall from Northern Property Line



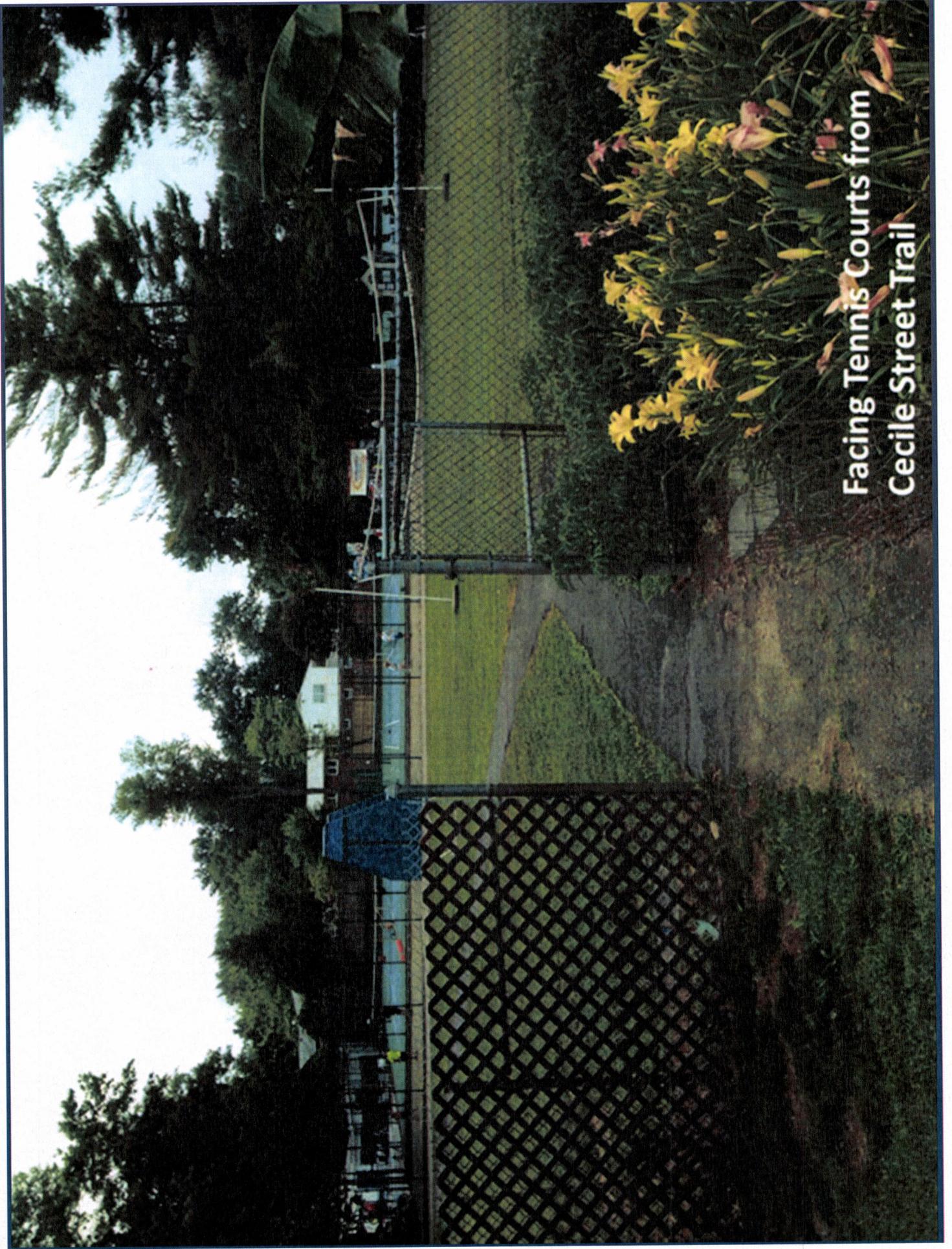
**Facing Pool and Existing Building  
from Northern Property Line**



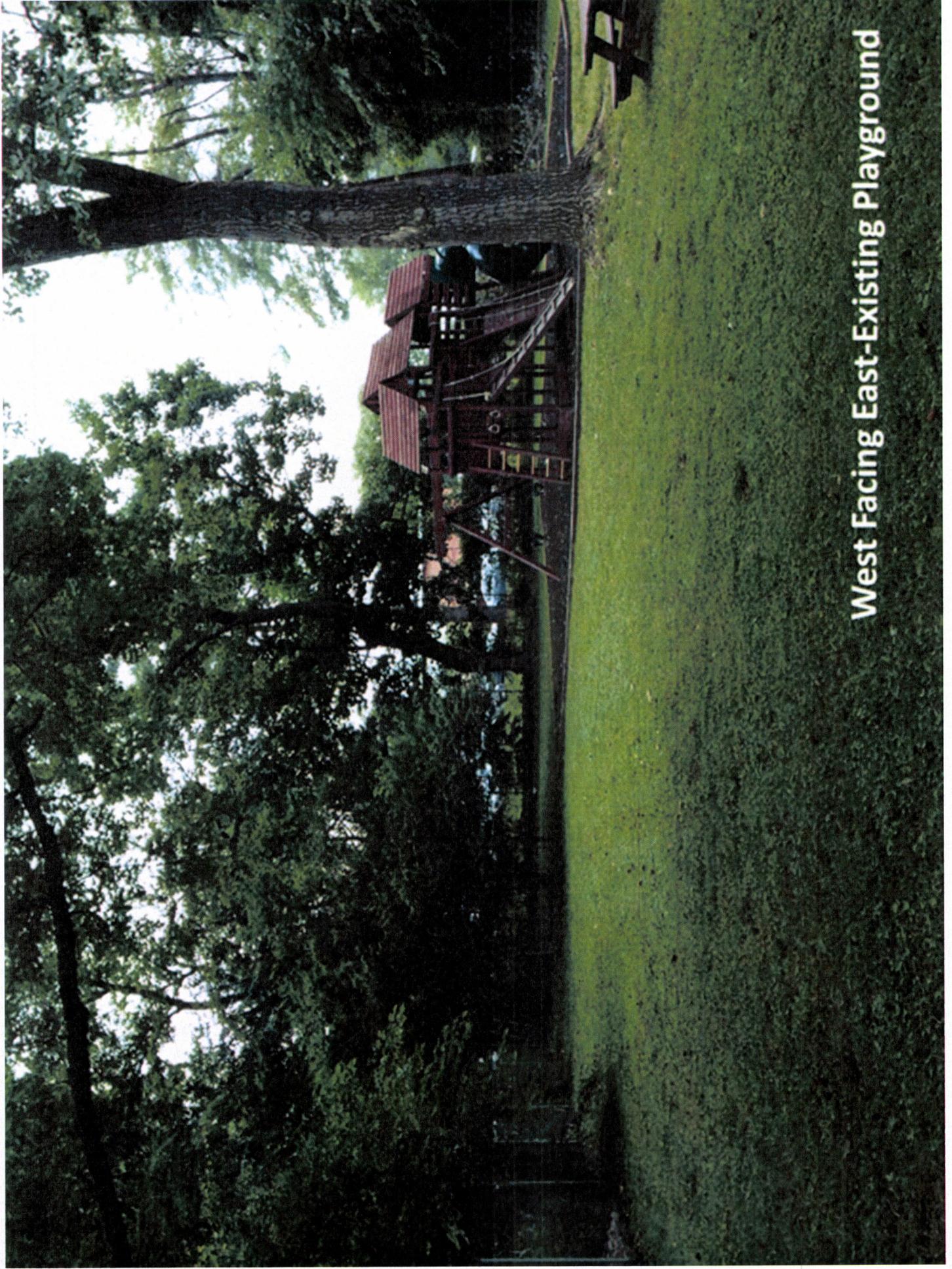
Facing Existing Building from  
Northern Property Line



Facing Cecile Street  
Entrance



Facing Tennis Courts from  
Cecile Street Trail



West Facing East-Existing Playground

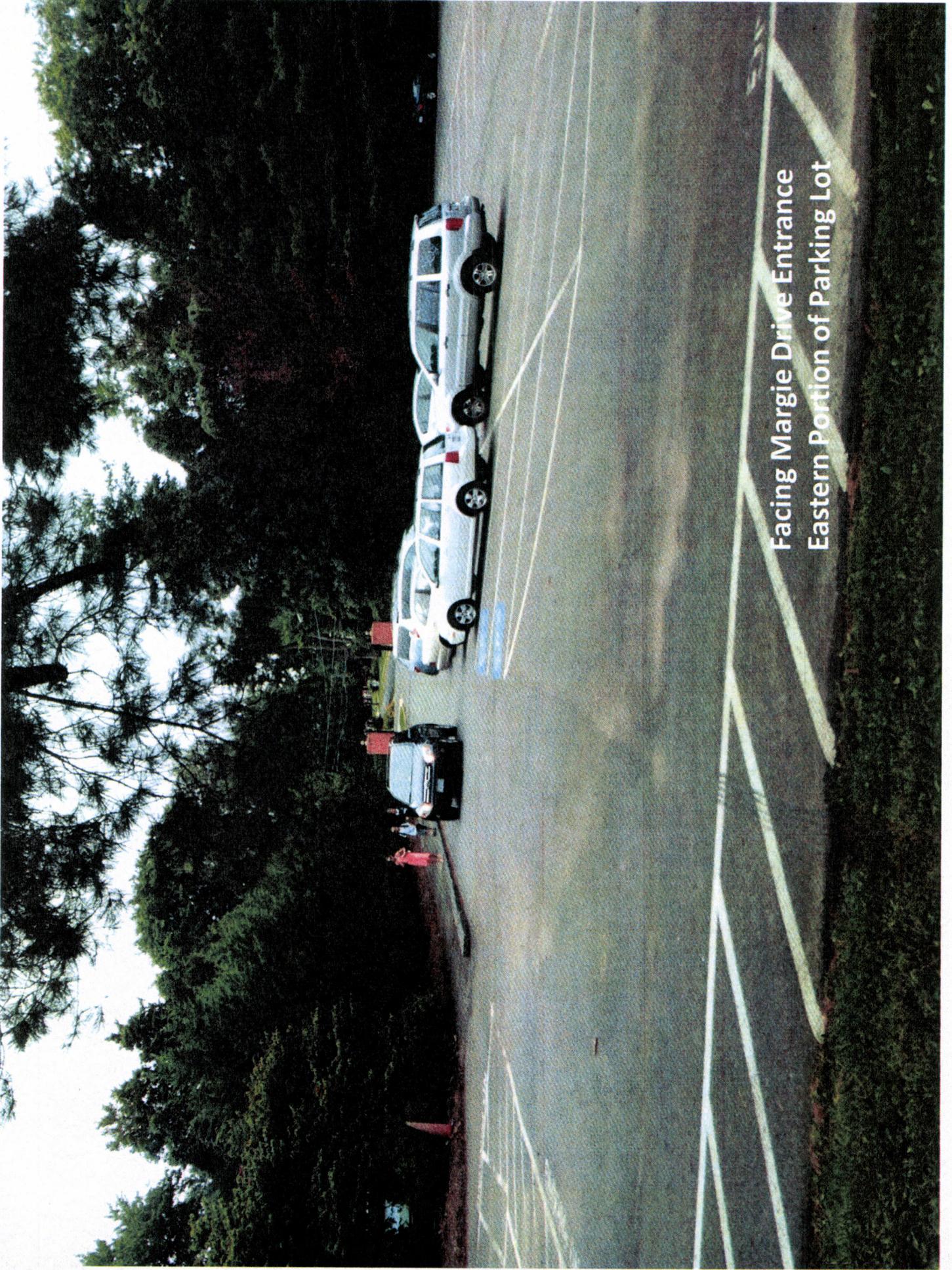


**McLean  
Swim & Tennis  
Association**

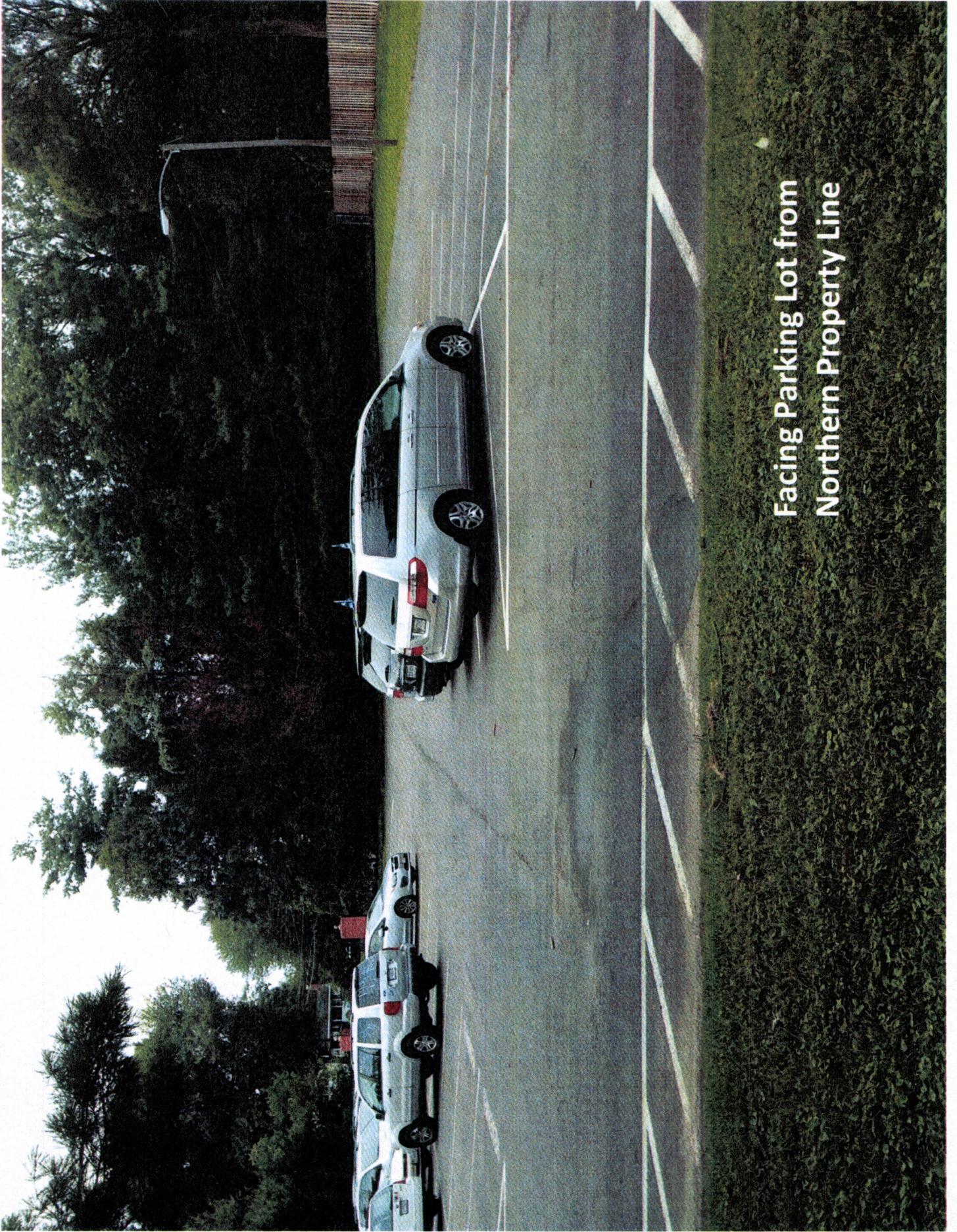


**— 703-821-9317 —**

**From East Facing West-  
Entrance to Property**



Facing Margie Drive Entrance  
Eastern Portion of Parking Lot



Facing Parking Lot from  
Northern Property Line

Application No.(s): SP 2014-DR-217  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 5, 2014  
 (enter date affidavit is notarized)

127794

I, Sara V. Mariska, attorney/agent, do hereby state that I am an  
 (enter name of applicant or authorized agent)

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

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

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

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
McLean Swimming and Tennis Association  Agent: Joel W. Campbell, Jr.	1700 Margie Drive McLean, VA 22101	Applicant/Title Owner of Tax Map 30-3 ((1)) 26A
Smith Engineering, PLLC  Agents: Blake A. Smith Anthony F. Venafro	14901 Bogle Drive, Suite 101 Chantilly, Virginia 20151	Engineer/Agent

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

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

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

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

DATE: December 5, 2014  
 (enter date affidavit is notarized)

127794

**(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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Walsh, Colucci, Lubeley & Walsh, P.C.	2200 Clarendon Boulevard Suite 1300 Arlington, VA 22201	Attorneys/Planners/Agent
Agents:		
Martin D. Walsh		Attorney/Agent
Lynne J. Strobel		Attorney/Agent
Timothy S. Sampson		Attorney/Agent
M. Catharine Puskar		Attorney/Agent
Sara V. Mariska		Attorney/Agent
G. Evan Pritchard		Attorney/Agent
Andrew A. Painter		Attorney/Agent
Matthew J. Allman		Attorney/Agent
Jeffrey R. Sunderland		Attorney*/Agent
Elizabeth D. Baker		Planner/Agent
Inda E. Stagg		Planner/Agent
Elizabeth A. Nicholson		Planner/Agent
Amy E. Friedlander		Planner/Agent

\*Admitted in New York and California.  
 Admission to Virginia Bar pending.

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

Application No.(s): SP 2014-OR-217  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 5, 2014  
(enter date affidavit is notarized)

127794

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

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

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
McLean Swimming and Tennis Association  
1700 Margie Drive  
McLean, VA 22101

**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)  
 A not-for-profit entity with no shareholders

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

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

Application No.(s): SP 2014-DR-217  
(county-assigned application number(s), to be entered by County Staff)

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

DATE: December 5, 2014  
(enter date affidavit is notarized)

127794

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Walsh, Colucci, Lubeley & Walsh, P.C.  
2200 Clarendon Boulevard, Suite 1300  
Arlington, VA 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 THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
David J. Bomgardner, E. Andrew Burcher, J. Randall Minchew, G. Evan Pritchard, Former Shareholders: Michael D. Lubeley,  
Thomas J. Colucci, Michael J. Coughlin, M. Catharine Puskar, John E. Rinaldi, Martin D. Walsh  
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, Andrew A. Painter (effective 1/1/15)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Smith Engineering, PLLC  
14901 Bogle Drive, Suite 101  
Chantilly, Virginia 20151

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

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Blake A. Smith, Sole Member

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

Application No.(s): SP 2014-DR-217  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 5, 2014  
(enter date affidavit is notarized)

127794

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

**PARTNERSHIP INFORMATION**

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

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

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

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

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

Application No.(s): SP 2014-02-217  
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1(d). One of the following boxes **must** be checked:

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

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

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

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

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

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

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

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

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

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

WITNESS the following signature:

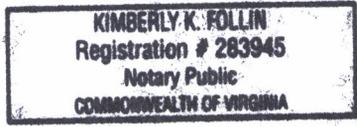
(check one) [ ] Applicant [x] Applicant's Authorized Agent

Sara V. Mariska, attorney/agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 5 day of December 2014, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin  
Notary Public

My commission expires: 11/30/2015



**8-006 General Standards**

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

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

**8-403 Standards for all Group 4 Uses**

1. Except for Use 2 set forth in Sect. 401 above, all uses and their related facilities shall be under the control and direction of a board of managers composed, at least in part, of the residents of the area intended to be served by the facility. Further, no Group 4 use shall be operated on a profit-making basis, and the owner of the facility shall be a nonprofit organization where membership thereto is limited to residents of nearby residential areas.
2. All uses shall comply with the bulk regulations of the zoning district in which located.
3. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.