



County of Fairfax, Virginia

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

July 29, 2015

Sara V. Mariska
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

Re: Special Exception Application SE 2014-SP-060
(Concurrent with Rezoning Application RZ 2014-SP-015)

Dear Ms. Mariska:

At a regular meeting of the Board of Supervisors held on July 28, 2015, the Board approved Special Exception Application SE 2014-SP-060 in the name of Sunrise Development, Inc. The subject property is located at 9617 Burke Lake Road, on approximately 4.96 acres of land, zoned R-3 in the Springfield District [Tax Map 78-3 ((1)) 4]. The Board's action permits a medical care facility, pursuant to Section 3-304 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Silas Burke Property," was submitted by Vika Virginia, LLC and consists of 18 sheets, dated July 18, 2014 and revised through April 23, 2015, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov

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4. A copy of this Special Exception 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.
5. The final architectural design of the building shall be consistent with the general design and type, quality, and proportion of materials depicted in the illustrative perspectives and renderings on Sheets A1 and A2 of the Generalized Development Plan/Special Exception Plat.
6. The maximum number of units shall not exceed 85 and the maximum number of residents shall not exceed 105.
7. Retention and preservation of the Silas Burke House, its two outbuildings and windmill shall be preserved in accordance with the Secretary of the Interior's Standards for Treatment of Historic Properties in perpetuity.
8. Prior to site plan approval, the applicant shall obtain a determination from the Zoning Administrator that the space identified in the assisted living facility as cellar space may be used as occupied cellar space.

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

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

The Board also:

- Modified Par. 5 of Sect. 9-308 of the Zoning Ordinance to permit a medical care facility to be located 28 feet from the northern property line and 75 feet from the eastern property line in lieu of the required 100-foot setback.

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- Modified Par. 6 of Sect. 9-308 of the Zoning Ordinance to permit a medical care facility to be located on a lot containing 4.96 acres of land in lieu of the required 5 acres.
- Modified of Sects. 13-303 and 13-304 of the Zoning Ordinance on the transitional screening and barrier requirements along all boundaries of the property to that shown on the Generalized Development Plan/Special Exception Plat.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova

Supervisor Pat Herrity, Springfield District

Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration

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

Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning

Thomas Conry, Dept. Manager, GIS, Mapping/Overlay

Michael Davis, Section Chief, Transportation Planning Division

Donald Stephens, Transportation Planning Division

Ken Williams, Plans & Document Control, ESRD, DPWES

Department of Highways-VDOT

Sandy Stallman, Park Planning Branch Manager, FCPA

Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division

Jill Cooper, Executive Director, Planning Commission

Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



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

APPLICATION No: SE 2014-SP-060
 (Staff will assign)

Concurrent with RZ 2014-SP-015
 Zoning Evaluation Division

JUL 18 2014

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

RECEIVED
 Department of Planning & Zoning

| | | |
|---|---|--|
| APPLICANT | NAME Sunrise Development, Inc. | |
| | MAILING ADDRESS 7902 Westpark Drive McLean, Virginia 22102 | |
| | PHONE HOME () | WORK () |
| | PHONE MOBILE () | |
| PROPERTY INFORMATION | PROPERTY ADDRESS 9617 Burke Lake Road Burke, Virginia 22015 | |
| | TAX MAP NO. 78-3 ((1)) 4 | SIZE (ACRES/SQ FT) Approx. 4.95 acres |
| | ZONING DISTRICT R-1 | MAGISTERIAL DISTRICT Springfield |
| | PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: R-3 | |
| SPECIAL EXCEPTION REQUEST INFORMATION | ZONING ORDINANCE SECTION 9-301, 3-304 | |
| | PROPOSED USE Medical care facility. | |
| AGENT/CONTACT INFORMATION | NAME Sara V. Mariska, Attorney/Agent | |
| | MAILING ADDRESS Walsh, Colucci, Lubeley & Walsh P.C. 2200 Clarendon Boulevard, Suite 1300 Arlington, Virginia 22201 | |
| | PHONE HOME () | WORK (703) 528-4700 |
| | PHONE MOBILE () | |
| MAILING | Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact | |
| <p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Sara V. Mariska, Agent</p> <p>TYPE/PRINT NAME OF APPLICANT/AGENT <u>Sara V. Mariska</u> SIGNATURE OF APPLICANT/AGENT <u>[Signature]</u></p> | | |

DO NOT WRITE IN THIS SPACE

Deborah Lester Leuberton

SE 2014-0394

MPC 8/22/14

Date Application accepted: August 22, 2014

Application Fee Paid: \$ 10,375.00