



# County of Fairfax, Virginia

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September 25, 2015

**2015 Planning  
Commission**

**Peter F. Murphy**  
Chairman  
*Springfield District*

**Frank de la Fe**  
Vice Chairman  
*Hunter Mill District*

**James R. Hart**  
Secretary  
*At-Large*

**Timothy J. Sargeant**  
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**John Ulfelder**  
*Dranesville District*

**Earl L. Flanagan**  
*Mount Vernon District*

**Janyce N. Hedetniemi**  
*At-Large*

**Ellen J. "Nell" Hurley**  
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**John L. Litzenberger**  
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**Kenneth A. Lawrence**  
*Providence District*

**James Migliaccio**  
*Lee District*

**Julie Strandlie**  
*Mason District*

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**Jill G. Cooper**  
*Executive Director*

**Kimberly A. Bassarab**  
*Assistant Director*

**John W. Cooper**  
*Clerk to the Commission*

Quan Nguyen  
6506 Valley Court  
Falls Church, VA 22042

**Re: SEA 84-M-012-02 – QUAN Q. NGUYEN AND NGAN T. NGUYEN  
Mason District**

Dear Mr. Nguyen:

At its September 24, 2015 meeting, the Planning Commission voted 5-0-4 (Commissioners de la Fe, Flanagan, Hart, and Murphy abstained. Commissioners Lawrence, Litzenberger, and Ulfelder were absent from the meeting.) to **RECOMMEND APPROVAL** of the above-referenced application, subject to the development conditions dated September 24, 2015, as attached. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,



John W. Cooper, Clerk to the  
Fairfax County Planning Commission

Attachments (a/s)

cc: Penelope A. Gross, Supervisor, Mason District  
Julie M. Strandlie, Planning Commissioner, Mason District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of  
Supervisors, County Executive Office  
Michael Lynskey, Staff Coordinator, ZED, DPZ  
September 24, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



**PROPOSED DEVELOPMENT CONDITIONS**  
**SEA 84-M-012-02**  
**September 24, 2015**

If it is the intent of the Board of Supervisors to approve SEA 84-M-012-02, located at 4217 Evergreen Lane, Tax Map 71-2((02))-27, for a professional office use in an R-5 District, pursuant to Sect. 9-501 and 9-515 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These conditions supersede all previous conditions on the property. Previous conditions carried forward, or with only minor updates are marked with an asterisk (\*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.\*
2. This Special Exception Amendment 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 Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the approved Special Exception Amendment Plat (SEA Plat), entitled "Lot 27, Sec B, Alpine, 4217 Evergreen Lane, Annandale", prepared by Inova Engineering Consultants, Inc., and dated June 20, 2015, consisting of 8 sheets, 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.\*
4. The proposed building shall not exceed 5,516 square feet in area and 30 feet in height, as specified on the SEA Plat, and shall be constructed in general conformance with the location, orientation, and character shown on the SEA Plat. The building architecture shall generally conform to the conceptual building elevations included on Sheet 4 of the SEA Plat, and exterior materials shall be of high quality (no vinyl siding) and compatible with neighboring residential properties.
5. Cellar space and attic areas shall not include ceiling heights above 6'-6" and shall not be utilized as habitable space.
6. Parking shall be provided as shown on the SEA Plat. The three parking spaces within the front yard area shall be surfaced with "grasscrete", or equivalent reinforced turf system, in order to maintain the appearance of a grass lawn.

16. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions, providing for preservation of all trees 10 inches in diameter and greater located within 25 feet of the proposed limits of clearing and grading, subject to the review and approval of UFMD.
17. Prior to installation of plants to meet requirements of the approved landscape plan, the Contractor/Developer shall coordinate a pre-installation meeting on site with the landscape contractor and a representative of UFMD. Any proposed changes to the location of planting, size of trees/shrubs, and any proposed plant substitutions for species specified on the approved plan shall be reviewed at this time and must be approved prior to planting. Field location of planting material, when required by the approved plan, shall be reviewed at the pre-installation meeting
18. All landscaping provided shall be native to the middle Atlantic region, to the extent feasible, and non-invasive, as determined by UFMD. In addition, the quality and quantity of landscaping provided shall be in substantial conformance with the SE Plat.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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.

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 as outlined above.

Planning Commission Meeting  
September 24, 2015  
Verbatim Excerpt

SEA 84-M-012-02 – QUAN Q. NGUYEN & NGAN T. NGUYEN

Decision Only During Commission Matters  
(Public Hearing held on September 17, 2015)

Commissioner Strandlie: Thank you, Mr. Chairman. Mr. Chairman, tonight we are back to make a decision on SEA 84-M-012-02 on Mr. Nguyen. Dr. Nguyen, if you would come down, please – come down to the podium. The – everyone should've received a memo this afternoon from staff, further explaining that the legislative history of the Comprehensive Plan – so I won't go into that. I'll go ahead and make my statement and then affirm the conditions. So we'll go ahead. Tonight, we're back to make a decision on SEA 84-M-012-02 – Dr. Nguyen's application to build a new professional medical office on the same site where his practice has been located since 1984. His medical office is currently housed in a single-family dwelling built in 1941 and is the sole remaining one-story detached structure that remains on this street. The professional office is allowed under a previously-granted Special Exception. He seeks – seeks a special exemption to continue this use in a new structure. Last week, following the staff report and public hearing, several Commissioners voiced concern with language in the long-ago enacted Comprehensive Plan. The Plan language states that professional offices could be maintained in existing – emphasis added – structures, provided that these structures and their lots retain their single-family residential appearance. There's a question of whether the Comprehensive Plan Amendment should've been amended to allow this use since the medical practice would no longer be housed in an existing structure. This section of Evergreen Lane, which is substantially commercial, has a long history in planning, zoning, and construction. In addition to the information included in the previously-published staff report, staff prepared a planning history akin to a legislative history, if you will, that provides additional background information on this plot. The memo was circulated among Commissioners and submitted for the record. As explained by staff, after careful consideration, that determine was – a determination was made that, despite the word, "existing," the stability of the neighborhood was better-served by maintaining the current Plan language. The staff's position was that the word, "existing," does not hold as much importance as the stated intent of the plan, which is to provide for transitional uses in the area and to protect adjacent residential uses from commercial development. Further, the word, "existing," was used to ensure conformity with a neighborhood, as it existed in 1984. I agreed with the staff determination in this case and plan to move for approval. I believe that the new residential-looking professional office will more closely conform to the existing neighborhood look and feel than the existing 1941 one-story dwelling. There will be no change in existing use. The building will continue to house a medical practice, which serves the community – and, in particular, a senior center located steps away. The structure will continue to provide a transition between the three – and perhaps four – residences on the south side. In fact, with new buffering and a fence, the transition should be improved. The Mason District Land Use Committee reviewed the application twice. And the only concern was making sure the building maintained a residential appearance. That was accomplished in both the drawings and the conditions. And there is no community opposition that I know of to this application. Therefore, I'd like to ask the applicant to confirm the conditions for the application.

Plan Amendment in any reasonable amount of time. And I sense that under the – those types constraints, it makes it more important to single out certain cases and, perhaps, look the other way when we have Plan text saying no. I think that's a very bad idea. I think we're going to have problems justifying that to the citizens and we ought not be doing that. So I won't be able to support the motion. And I would agree with Commissioner Ulfelder's comments – he's not here tonight – Commissioner Ulfelder's comment at the previous hearing. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 84-M-012-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hart: Abstain.

Commissioner de la Fe: I'll abstain.

Chairman Murphy: And the Chair abstains. And Mr. de la Fe abstains.

Commissioner Flanagan: One more.

Chairman Murphy: And Mr. Flanagan abstains – not present for the public hearing. The motion carries. Thank you very much.

Commissioner Strandlie: I also have one further. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND CONDITIONS LISTED IN THE STAFF REPORT, which also was distributed to you on a sheet DATED SEPTEMBER 17<sup>TH</sup>, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions. Okay? Same abstentions. Thank you very much.

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(Each motion carried by a vote of 5-0-4. Commissioners de la Fe, Flanagan, Hart, and Murphy abstained. Commissioners Lawrence, Litzenberger, and Ulfelder were absent from the meeting.)

JLC



# County of Fairfax, Virginia

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## 2015 Planning Commission

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*Assistant Director*

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*Clerk to the Commission*

September 17, 2015

Quan Q. Nguyen  
6506 Valley Court  
Falls Church, VA 22042

**Re: SEA 84-M-012-02 – QUAN Q. NGUYEN & NGAN T. NGUYEN  
Mason District**

Dear Ms. Nguyen:

At its September 16, 2015 meeting, the Planning Commission voted 9-0 (Commissioners Flanagan, Lawrence, and Strandlie were absent from the meeting) to **DEFER THE PUBLIC HEARING** of the above-referenced application to a date certain of September 17, 2015. A copy of the verbatim transcript is attached.

Sincerely,



John W. Cooper  
Clerk to the Planning Commission

cc: Penelope Gross, Supervisor, Mason District  
Julie Strandlie, Planning Commissioner, Mason District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office  
Michael Lynskey, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
September 16, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

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Fairfax County Planning Commission  
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035  
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)  
[www.fairfaxcounty.gov/planning](http://www.fairfaxcounty.gov/planning)



Planning Commission Meeting  
September 16, 2015  
Verbatim Excerpt

SEA 84-M-012-02 – QUAN Q. NGUYEN & NGAN T. NGUYEN

During Commission Matters

Commissioner Hedetniemi: Second, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR QUAN Q. NGUYEN AND NGAN T. NGUYEN, SEA 84-M-012-02, TO A DATE CERTAIN OF SEPTEMBER 17, 2015.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion? All those in favor of the motion to defer the application, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 9-0. Commissioners Flanagan, Lawrence, and Strandlie were absent from the meeting.)

JLC