



**APPLICATION ACCEPTED:** August 24, 2016  
**PLANNING COMMISSION:** January 25, 2017 @ 8:15 p.m.  
**BOARD OF SUPERVISORS:** TBD

# County of Fairfax, Virginia

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January 11, 2017

STAFF REPORT

SEA 82-P-032-07

PROVIDENCE DISTRICT



**APPLICANT:** Washington Metropolitan Area Transit Authority (WMATA)

**ZONING:** R-1, R-8, PDH-20

**PARCEL:** 48-1 ((1)) 101B, 103, 90A; 48-3 ((4)) 28; and 48-2 ((1)) 1,2

**LOCATION:** 9550 Saintsbury Dr., Fairfax, 22031

**EXISTING SITE AREA:** 33.6 acres

**PROPOSED SITE AREA:** 33.17 acres

**PLAN MAP:** Residential, 4-5 du/ac; Public Facilities

**PROPOSAL:** To amend SE 82-P-032 approved for an electrically-powered regional rail transit (WMATA) facility to delete 0.425 acres from the special exception land area.

## STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 82-P-032-07, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of the staff to recommend that the Board, in

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Casey Gresham

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



adopting any conditions proffered by the owner, 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

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 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.



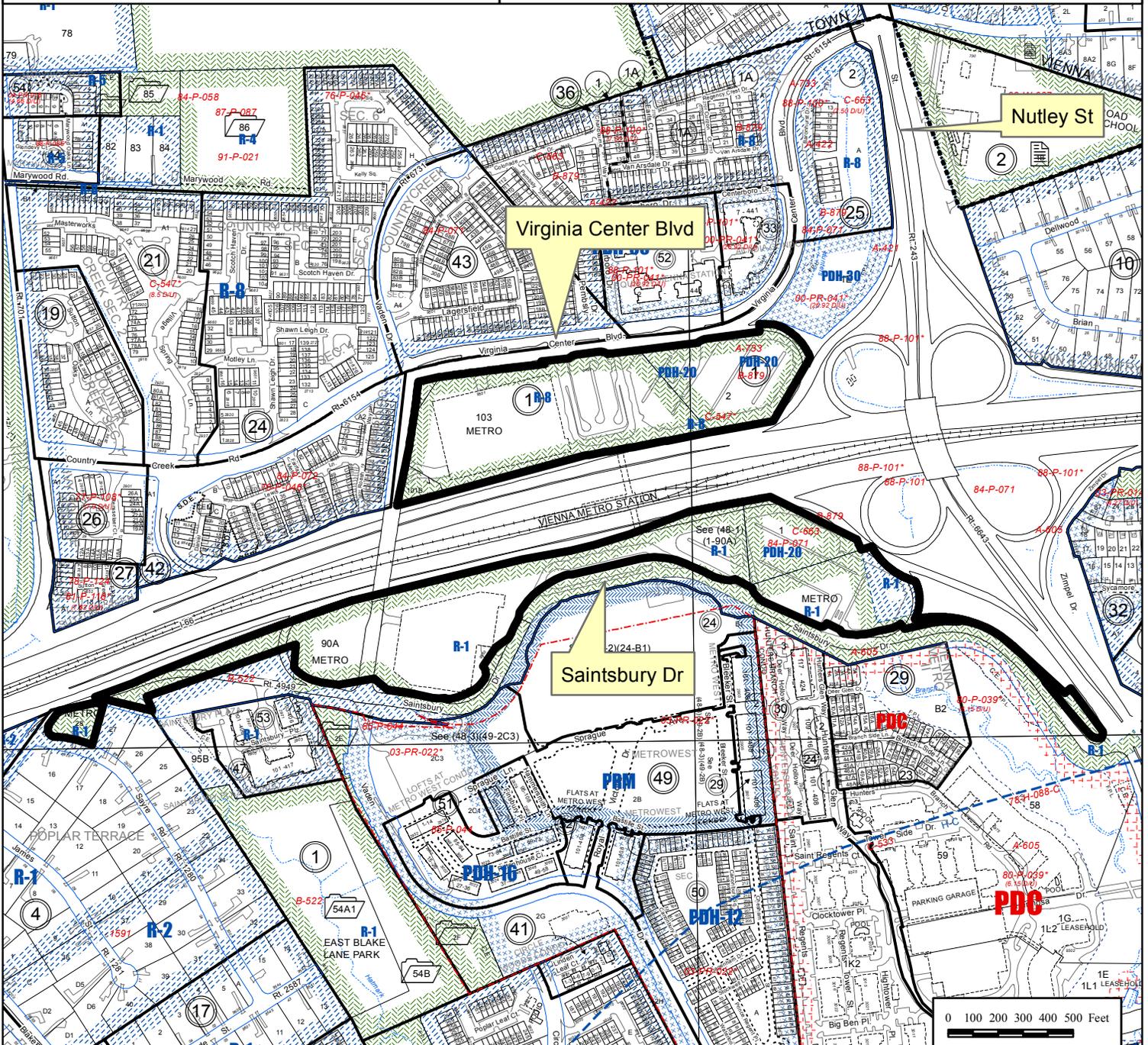
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Exception Amendment

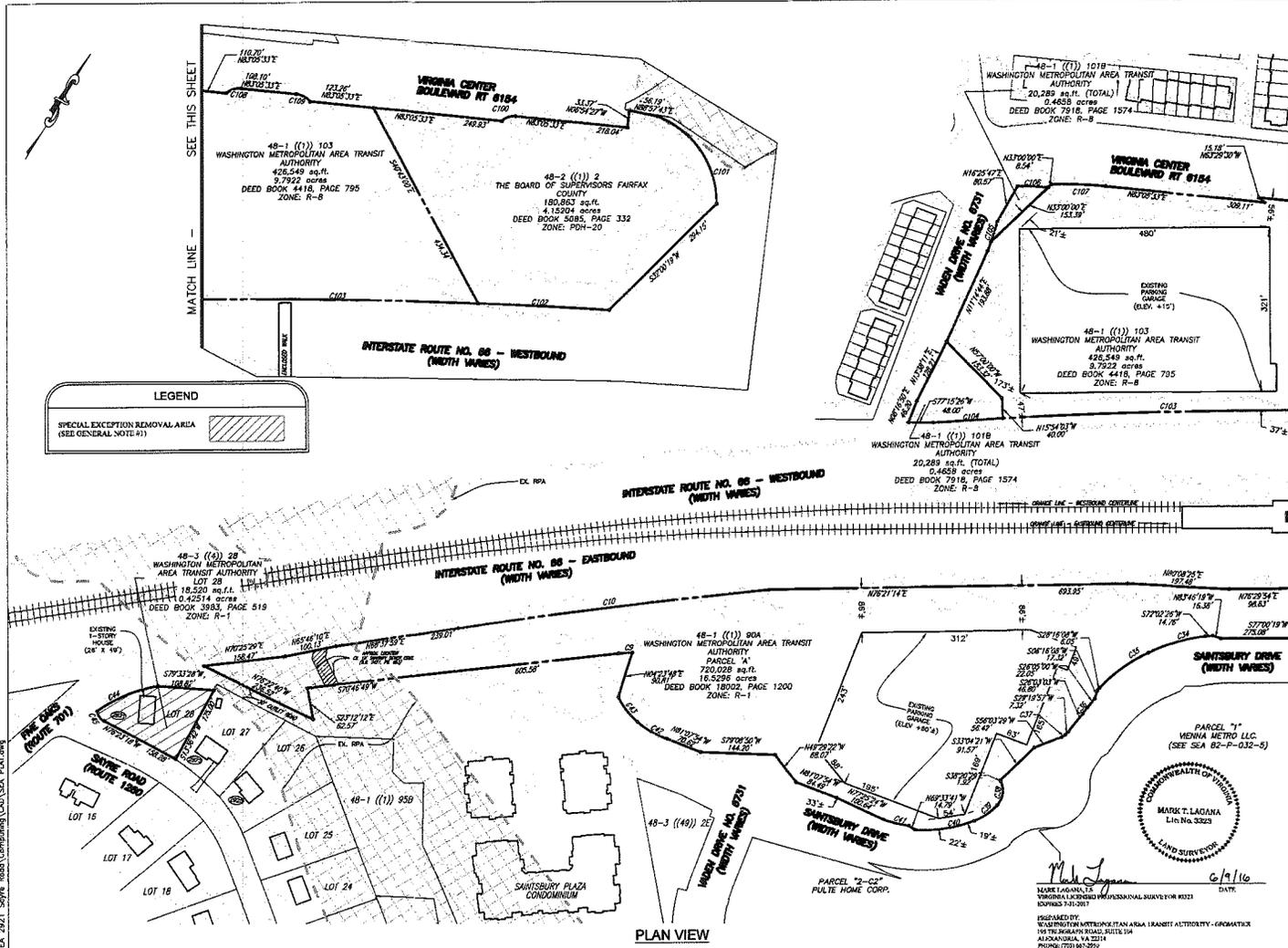
SEA 82-P-032-07



Applicant: WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)  
Accepted: 08/24/2016  
Proposed: AMEND SEA 82-P-032-1 TO DELETE LAND AREA  
Area: 33.69 AC OF LAND; DISTRICT - PROVIDENCE  
Zoning Dist Sect: 03-010403-080406-0105  
Located: 2921 SAYRE ROAD, VIENNA, VA 22031  
Zoning: R-1  
Plan Area: 2  
Map Ref Num: 048-1- /01/ /0090A /01/ /0101B /01/ /0103 048-1- /01/ /0090A /01/ /0101B /01/ /0103 048-2- /01/ /0001 /01/ /0002 048-2- /01/ /0001 /01/ /0002 048-3- /04/ /0028







CURVE TABLE - NORTH OF I-66

| CURVE | RADIUS    | LENGTH   | TANGENT | CHORD    | BEARING     | DELTA     |
|-------|-----------|----------|---------|----------|-------------|-----------|
| C100  | 37.00'    | 28.65'   | 16.37'  | 27.21'   | N57°20'0"E  | 61°18'44" |
| C101  | 182.00'   | 218.58'  | 124.63' | 205.69'  | S46°29'39"E | 68°48'44" |
| C102  | 11565.16' | 253.77'  | 126.89' | 253.76'  | S89°09'07"W | 01°15'26" |
| C103  | 11565.16' | 1083.24' | 546.17' | 1083.13' | S78°43'10"W | 05°24'28" |
| C104  | 11565.16' | 134.97'  | 67.50'  | 134.99'  | S73°45'52"W | 00°40'07" |
| C105  | 507.00'   | 60.52'   | 30.29'  | 60.48'   | N64°52'22"E | 05°30'20" |
| C106  | 740.00'   | 58.91'   | 29.47'  | 58.89'   | N69°06'16"E | 04°33'41" |
| C107  | 769.90'   | 105.05'  | 52.61'  | 104.97'  | N78°11'02"E | 07°49'02" |
| C108  | 37.00'    | 30.67'   | 16.28'  | 29.80'   | N59°20'45"E | 47°29'40" |
| C109  | 37.00'    | 30.67'   | 16.28'  | 29.80'   | S73°09'39"E | 47°29'40" |

CURVE TABLE - SOUTH OF I-66

| CURVE | RADIUS    | LENGTH  | TANGENT | CHORD   | BEARING     | DELTA     |
|-------|-----------|---------|---------|---------|-------------|-----------|
| C09   | 250.00'   | 26.39'  | 13.21'  | 26.38'  | S72°48'16"W | 6°02'59"  |
| C10   | 11263.74' | 605.00' | 302.57' | 604.93' | N77°10'17"E | 3°04'54"  |
| C34   | 318.20'   | 116.42' | 58.35'  | 114.78' | S50°14'19"W | 20°46'55" |
| C35   | 312.88'   | 116.40' | 58.85'  | 115.73' | S41°12'48"W | 21°20'10" |
| C36   | 159.90'   | 14.90'  | 7.60'   | 14.90'  | S62°28'48"W | 5°27'12"  |
| C37   | 19.00'    | 8.80'   | 4.51'   | 8.78'   | S45°41'43"W | 25°54'32" |
| C38   | 43.50'    | 50.62'  | 28.61'  | 47.91'  | S05°00'15"E | 66°47'28" |
| C39   | 111.50'   | 54.66'  | 27.88'  | 44.10'  | S42°22'25"W | 28°04'51" |
| C40   | 281.39'   | 117.09' | 59.55'  | 116.12' | S68°23'00"W | 25°39'37" |
| C41   | 254.10'   | 49.88'  | 25.02'  | 49.80'  | N88°48'51"W | 11°14'52" |
| C42   | 174.09'   | 68.16'  | 33.48'  | 65.76'  | N77°14'17"W | 21°46'24" |
| C43   | 155.90'   | 63.72'  | 31.90'  | 61.30'  | N45°50'14"W | 22°47'21" |
| C44   | 270.00'   | 132.20' | 65.17'  | 128.70' | S57°42'48"W | 27°08'52" |
| C45   | 25.00'    | 24.93'  | 13.61'  | 23.91'  | N47°49'13"W | 57°08'11" |

**ZONING DATA (NORTH SIDE OF STATION)**

PARCEL(S): 48-1 (1) 103, 48-1 (1) 101B  
 OWNER - INHATA  
 ZONING - R-8  
 BULK REGULATIONS  
 MAXIMUM HEIGHT - 65 FEET  
 FRONT YARD - CONTROLLED BY 30° ANGLE OF BULK PLANE, BUT NOT LESS THAN 20 FEET  
 SIDE YARD - CONTROLLED BY 25° ANGLE OF BULK PLANE, BUT NOT LESS THAN 10 FEET  
 REAR YARD - CONTROLLED BY 25° ANGLE OF BULK PLANE, BUT NOT LESS THAN 25 FEET

PARCEL(S): 48-2 (1) 2  
 OWNER - BOARD OF SUPERVISORS  
 ZONING - PDH-20  
 BULK REGULATIONS  
 MAXIMUM HEIGHT - MOST GENERALLY CONFORMS TO ADJACENT R-8  
 FRONT YARD - CONTROLLED BY 30° ANGLE OF BULK PLANE, BUT NOT LESS THAN 20 FEET  
 SIDE YARD - CONTROLLED BY 25° ANGLE OF BULK PLANE, BUT NOT LESS THAN 10 FEET  
 REAR YARD - CONTROLLED BY 25° ANGLE OF BULK PLANE, BUT NOT LESS THAN 25 FEET

**PARKING DATA (NORTH SIDE OF STATION)**

NORTHEAST QUADRANT  
 ZONING - R-8  
 EXISTING PARKING (STRUCTURE) - 1865 SPACES  
 FOOT FRONT - 155,000 SF  
 TOTAL AREA - 620,000 SF

CENTER AREA  
 ZONING - R-8  
 EXISTING PARKING (SURFACE)  
 KISS & RIDE/SHORT TERM - 58 SPACES  
 BUS BAYS - 8 BAYS

NORTHWEST QUADRANT  
 ZONING - R-8 & PDH-20  
 EXISTING PARKING (SURFACE) - 515 SPACES

\* SOURCE: WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY PARKING FACILITY INVENTORY - OCTOBER 2006 & SEA 82-P-032-02

\* AND CHANGES IN EXISTING PARKING TABULATIONS ARE ASSOCIATED WITH THIS SPECIAL EXCEPTION AMENDMENT - NO NEW PROPOSED PARKING

**SHEET INDEX**

1) COVER SHEET 1 OF 3  
 2) PLAT PLAN - 1 2 OF 3  
 3) PLAT PLAN - 2 3 OF 3

**VIENNA ROUTE  
 K07 - VIENNA / FAIRFAX-GMU METRO STATION  
 SPECIAL EXCEPTION AMENDMENT PLAT  
 PLAT PLAN - 1**

SCALE: 1" = 100'  
 DRAWING NO.: SEA 82-P-032-07  
 SHEET NO.: 2 OF 3

**LEGEND**

SPECIAL EXCEPTION REMOVAL AREA (SEE GENERAL NOTE #1)

SEE THIS SHEET  
 MATCH LINE

SEE THIS SHEET  
 MATCH LINE

SEE PLAT PLAN 2  
 MATCH LINE

PLAN VIEW

| REFERENCE DRAWINGS |             | REVISIONS |    |
|--------------------|-------------|-----------|----|
| NUMBER             | DESCRIPTION | DATE      | BY |
|                    |             |           |    |
|                    |             |           |    |

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**  
 DEPARTMENT OF TRANSIT INFRASTRUCTURE AND ENGINEERING SERVICES  
 OFFICE OF THE CHIEF ENGINEER, INFRASTRUCTURE

SUBMITTED: \_\_\_\_\_ DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CHIEF ENGINEER

RECEIVED  
 Department of Planning & Zoning  
 AUG 19 2016  
 Zoning Evaluation Division

DATE: 08/19/2016 10:17 AM  
 USER: MTL  
 PROJECT: SEA 82-P-032-07  
 SHEET: 2 OF 3



## DESCRIPTION OF THE APPLICATION

The applicant, Washington Metropolitan Area Transit Authority (WMATA), requests approval of a Special Exception Amendment (SEA) to amend SEA 82-P-032-1 to delete land area. The overall site is developed with the Vienna Metro Station and associated parking. Parcel 48-3 ((4)) 28 contains a single family detached home, which WMATA rents out. WMATA would now like to sell the property to a private owner. So that the property is no longer encumbered by the special exception, the applicant seeks to delete this land area from the SE prior to any sale. The property was originally included in SE 82-P-032 to widen Five Oaks Road and Saintsbury Drive during construction of the Vienna/Fairfax-GMU Metro Station. The property is no longer needed for the station construction of parking, and WMATA wishes to remove it from its ownership. No other changes are proposed to the site.

A copy of the proposed development conditions, the affidavit, and the statement of justification are contained in Appendices 1 to 3, respectively.

## LOCATION AND CHARACTER

### Site Description:

The subject property is located between the northern and southern sides of I-66 and is developed with the Vienna Metro Station, along with two multi-level parking structures and a Kiss and Ride surface parking area. The 33.6-acre site is zoned R-1, R-8, and PDH-20; the parcel slated for removal from the SE is 0.425 acres in size and is zoned R-1. This parcel is developed with a 1,287 square foot single-family detached dwelling. The Vienna Metro North entrance is accessed primarily by Nutley Street and Virginia Center Boulevard, and the Vienna Metro South entrance is accessed primarily by Nutley Street and Saintsbury Drive. The residential property proposed to be removed from the application area is located south of I-66 at the corner of Saintsbury Drive and Sayre Road.



*Figure 1: Aerial photograph of SEA application area*

A summary of the surrounding land use, zoning, and Comprehensive Plan recommendations is provided in the following table:

|               | <b>Existing Zoning:</b> | <b>Existing Use:</b>  | <b>Plan Recommendation</b>                        |
|---------------|-------------------------|---|---|
| <b>North:</b> | R-8;<br>PDH-30          | Single Family Attached Dwellings                                      | Residential                                       |
| <b>East</b>   | R-1, R-2<br>and PDH-5   | Single-Family Detached Dwellings;<br>Single Family Attached Dwellings | Residential, 1-2 du/ac;<br>Residential, 2-3 du/ac |
| <b>South:</b> | PRM                     | Mixed Use (under construction)  | Residential, 4-5 du/ac                            |
| <b>West</b>   | R-1;<br>R-8             | Single Family Detached Dwellings<br>Single Family Attached Dwellings  | Residential, 1-2 du/ac;<br>Residential, 4-5 du/ac |

## **BACKGROUND**

On June 3, 1950, the application property was subdivided. Following this subdivision, in 1960, a single family detached dwelling was constructed on this site. On March 24, 1961, the State Highway Commission of Virginia directed a portion of the subject property to be taken for future transportation improvements. Following this taking, WMATA acquired the property along with the land taken for transportation improvements on February 4, 1974.

During the review process, it was noted that the subject property does not meet the R-1 Zoning District requirements for minimum lot size, minimum lot width, or the front yard setback requirements. As this property was developed prior to the 1978 Zoning Ordinance, in consultation with the Zoning Administration Division, it has been determined that the house would constitute as a legal non-conforming use. However, should a future owner seek to demolish and rebuild a new home, the site would lose its grandfathered status. As such, a development condition has been included requiring WMATA to seek a Lot Validation Application prior to any resale of the property. The results of this lot validation process should be included in the deed of conveyance in order to inform any future owners of the restricted nature of this site. It should be noted that the removal of this property from the SEA and overall WMATA application area does not affect the current lot size, lot width, or setbacks.

On May 24, 1982, the Board of Supervisors approved SE 82-P-032 to permit a WMATA facility for a Metro station within a Floodplain Overlay District.

On March 25, 1985, the Board of Supervisors approved SEA 82-P-032 to permit site modifications, which consisted of an access relocation.

On March 13, 1989, the Board of Supervisors approved SEA 82-P-032-2 to permit construction of a multi-level parking structure on the north side of Interstate 66.

On October 11, 1999, the Board of Supervisors approved SEA 82-P-032-3 to permit construction of a multi-level parking structure on the south side of I-66 and a change in land area.

On February 28, 2005, the Board of Supervisors approved SEA 82-P-032-4 to permit the addition of a bus ticket facility at the Vienna Metro Station.

On March 27, 2006, the Board of Supervisors approved SEA 82-P-032-05 to permit a reduction in land area and associated site modifications. Information regarding this most recent approval is located at the following hyperlink:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMMain.aspx?cde=SEA&seq=4069546> .

On December 7, 2009, SEA 82-P-032-06 was withdrawn. This application had originally sought to construct a third parking garage at the Vienna Metro Station, as well as removed Parcel 48-3 ((4)) 28 from the special exception land area.

## COMPREHENSIVE PLAN PROVISIONS

|                           |   |
|---------------------------|---|
| <b>Plan Area:</b>         | II  |
| <b>Planning District:</b> | Vienna Planning District                        |
| <b>Planning Sector:</b>   | Vienna Transit Station Area, Land Units B and I |
| <b>Plan Map:</b>          | Residential 4-5 du/ac; Public Facilities        |

The Fairfax County Comprehensive Plan, 2013 Edition, Area II, Vienna Planning District, as amended through 9-20-2016, Vienna Transit Station Area Recommendations, Land Units B and I, Pages 21 – 40, the Plan, as applied to the application area, states the following:

### ***Land Unit B***

*This land unit of about 34 acres is planned for residential use at 5-8 dwelling units per acre. It is comprised entirely of the Circle Woods townhouses. This is a stable residential community that should be protected from any adverse impact that might be associated with any future development to the north (Land Unit C) or redevelopment to the east (Land Unit I).*

### ***Land Unit I***

*This land unit contains the Vienna Metro Station and related parking and transit facilities. It is planned for public facilities use as shown on the Plan Map.*

## ANALYSIS

### Special Exception Amendment Plan

**Title of SEA Plat:** Fairfax County Board of Supervisors, Washington Metropolitan Area Transit Authority, Vienna / Fairfax – GMU Metro Station, Lot 28 – 2921 Sayre Road, Special Exception Removal

**Prepared By:** Mark Lagana, LS, Washington Metropolitan Area Transit Authority - Geomatics

**Original Date:** July 25, 2016

**Revision Date:** August 1, 2016

The above-referenced exhibit (included at the front of this report) contains three sheets and details the removal of .4251 acres containing a single residential dwelling. No other changes are proposed.

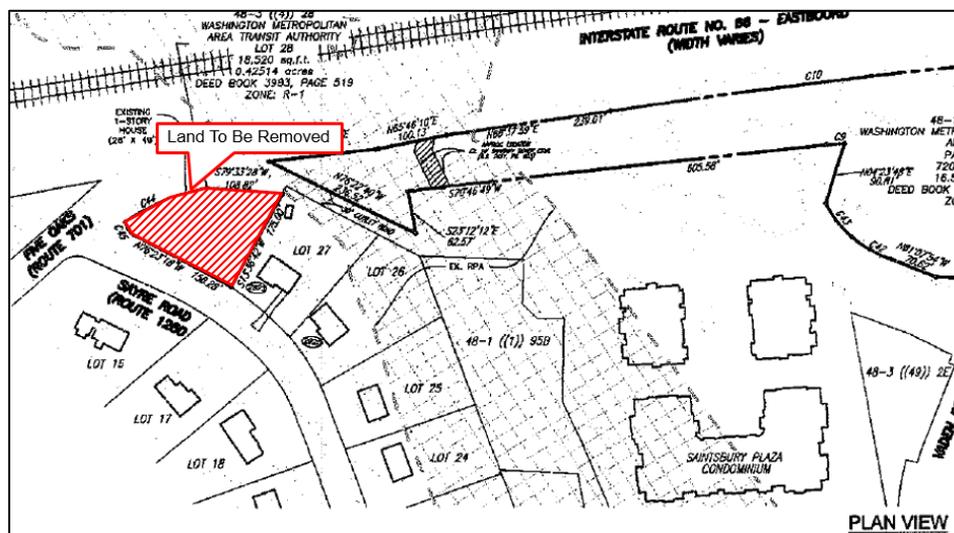


Figure 2: Land to be removed from SEA

## Land Use and Environmental Analysis

No land use or environmental issues were identified during the review of this application.

## Transportation Analysis

No transportation issues were identified during the review of this application.

## ZONING ORDINANCE PROVISIONS (Appendix 6)

### General Special Exception Standards (Sect. 9-006)

General Standards 1 and 2 require that the proposed use be in harmony with the adopted Comprehensive Plan and with the general purpose and intent of the applicable zoning district regulations. Staff finds that the removal of land area is in harmony with the Comprehensive Plan, as it has no adverse effects on the Plan objectives.

General Standard 3 requires that the proposed use not adversely affect the use or development of neighboring properties. As the land will remain as a residential use, its deletion from the SEA will have no negative impact to the adjacent residential properties. Indeed, deletion of this land area will allow WMATA to sell the single family

detached dwelling without the property being encumbered by the special exception for the Vienna Metro.

Landscaping and open space provisions of General Standards 5 and 6 and the adequate utility, drainage and parking provisions of General Standard 7 remain unchanged with this application and have been addressed in previous land use approvals. The proposed request will not impinge on the WMATA property's continuing ability to meet these standards.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff believes that the proposed Special Exception Amendment is consistent with the Comprehensive Plan and meets the applicable provisions of the Zoning Ordinance.

### **Recommendation**

Staff recommends approval of SEA 82-P-032-07, 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 proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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.

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.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. SEA 82-P-032-07, Development Conditions
5. Zoning Ordinance Provisions
6. Glossary

## **PROPOSED DEVELOPMENT CONDITIONS**

**SEA 82-P-032-07**

**January 11, 2017**

If it is the intent of the Board of Supervisors to approve SEA 82-P-032-07 located at 9550 Saintsbury Drive, Tax Map 48-1 ((1)) 101B, 103, 90A; 48-3 ((4)) 28; and 48-2 ((1)) 1, 2 to permit a deletion of 0.425 acres of land [known as Tax Map Parcel 48-3 ((4)) 28] pursuant to Section 3-104, 3-804, and 6-105 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions shall be in addition to the previously approved development conditions for SEA 82-P-032-2, SEA 82-P-032-3, SEA 82-P-032-4, and SEA 82-P-034-5, which shall remain in full force and effect.

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 Amendment Plat (SEA Plat) approved with this application, as qualified by these development conditions.
3. Prior to resale of the property [Tax Map 48-3 ((4)) 28], the Applicant shall apply for a Lot Validation Application with DPWES. The results of this application shall be included in the deed of conveyance.

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. The applicant shall be himself responsible for obtaining the required 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.

**SPECIAL EXCEPTION AFFIDAVIT**

136440

DATE: September 28, 2016  
(enter date affidavit is notarized)

I, Anabela Talaia, 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

in Application No.(s): SEA 82-P-032-07  
(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.)

| <b>NAME</b><br>(enter first name, middle initial, and last name) | <b>ADDRESS</b><br>(enter number, street, city, state, and zip code)   | <b>RELATIONSHIP(S)</b><br>(enter applicable relationships listed in <b>BOLD</b> above) |
|--|---|--|
| Washington Metropolitan Area Transit Authority                   | 600 Fifth Street, NW, Washington, DC 20001  | Applicant/Title Owner  |
| Anabela Talaia   | 600 Fifth Street, NW, Washington, DC 2001   | Agent  |
| Bruce Bourque  | 600 Fifth Street, NW, Washington, DC 2001   | Agent  |
| Parcels:   | Tax Map 0483-04-0028<br>Tax Map 0482-01-0001<br>Tax Map 0482-01-0002<br>Tax Map 0481-01-0101 B<br>Tax Map 0481-01-0103<br>Tax Map 0481-01-0090A |  |

(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 AFFIDAVIT

DATE: September 28, 2016  
(enter date affidavit is notarized)

136440

for Application No. (s): SEA 82-P-032-07  
(enter County-assigned application number(s))

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.)**

**NAME & ADDRESS OF CORPORATION:** (enter complete name and number, street, city, state, and zip code)

Washington Metropolitan Area Transit Authority  
600 Fifth Street, NW, Washington, DC 20001

**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)

The **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY** is an **INTERSTATE COMPACT** compact agency organized pursuant to Public Law 89-774, 80 Stat. 1324; Maryland Acts of General Assembly, Chapter 869-1965; Virginia Acts of Assembly, Chapter 2-1966; and Resolution of D.C. Board of Commissioners adopted November 15, 1966

(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: September 28, 2016  
(enter date affidavit is notarized)

136440

for Application No. (s): SEA-82-P-032-07  
(enter County-assigned application number(s))

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)

(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: September 28, 2016  
(enter date affidavit is notarized)

136440

for Application No. (s): SEA 82-P-032-07  
(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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: September 28, 2016
(enter date affidavit is notarized)

136440

Application No.(s): SEA 82-P-032-07
(county-assigned application number(s), to be entered by County Staff)

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.)

Supervisor Catherine M. Hudgins is a Principal Director serving on the WMATA Board of Directors.

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)

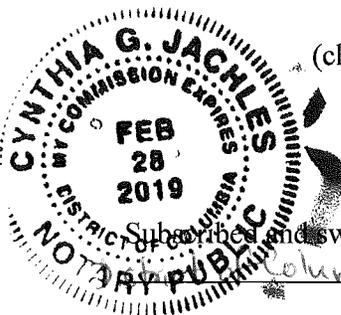
[ ] Applicant

[X] Applicant's Authorized Agent

Anabela Talaia, Program Manager, Real Estate

(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 28th day of September 2016, in the State/Comm. of Columbia, County/City of Columbia.



Cynthia G. Jackles
Notary Public

My commission expires: February 28, 2019

AUG 24 2016

Zoning Evaluation Division

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY****Special Exception Application  
Amendment to SE 82-P-032  
2921 Sayre Road  
Vienna, Virginia 22031****STATEMENT OF JUSTIFICATION****August 23 , 2016****I. INTRODUCTION**

Pursuant to Sections 9-014 of the Fairfax County Zoning Ordinance, the Washington Metropolitan Area Transit Authority (the "Applicant" or "WMATA") hereby requests a review by the Planning Commission of Fairfax County to determine whether 2921 Sayre Road, Tax Map No. 0483-04-0028 (the "Property") can be deleted from SE 82-P-032 boundaries and acreage total.

The Property does not have any potential transit use. The removal of the Property from SE 82-P-032 will not impact any current or planned uses, operations and/or developments in SE 82-P-032 or the Property.

WMATA will sell the Property with its existing residential structure if the Board approves its removal from SE 82-P-032.

**II. BACKGROUND**

The Washington Metropolitan Area Transit Authority (WMATA) was granted a Category 4 Transportation Facilities Special Exception, SE 82-P-032, to build and operate the Vienna/Fairfax-GMU Orange Line Metrorail Station.

SE 82-P-032 encompasses 33.5965 acres. The Property includes a 1,287 square foot single-family dwelling on .4251 acres of land. Accordingly, the removal of the Property from SE 82-P-032 will reduce its acreage from 33.5965 acres to 33.1714 acres. The reduction will not have any impact whatsoever on SE 82-P-032 current or planned uses, operations and/or developments.

The Property was initially included in SE 82-P-032 to widen Five Oaks Road and Saintsbury Drive during the construction of the Vienna/Fairfax-GMU Metrorail Station; subsequently, .0991 acres of land were taken for this purpose. The Property is zoned Residential R-1 (1 DU/AC) however, as a result of its inclusion in SE 82-P-032, the Property cannot be sold for residential usage.

**III. DESCRIPTION OF PROPOSAL**

WMATA proposes that Fairfax County allow the Property to be removed from SE 82-P-032 so it can be sold with its underlying residential zoning and existing residential structure for residential usage. There are no other requested changes to SE 82-P-032 and/or the Property. The removal of the property from SE 82-P-032 will not have any impact whatsoever on SE 82-P-032 current or planned uses, operations and/or developments.

**SECTION 9-001 OF THE FAIRFAX COUNTY ZONING ORDINANCE:**

The following information is provided pursuant to Section 9-001 of the Fairfax County Zoning Ordinance:

The deletion of the Property from SE 82-P-032 will not have any impact on current and/or planned usage, operations and/or development within in SE 82-P-032. The sale of the Property with its existing residential structure is compliant with its Residential R-1 (1 DU/AC) zone and compatible with the surrounding Poplar Terrace neighborhood.

**SECTION 9-011 OF THE FAIRFAX COUNTY ZONING ORDINANCE:**

The following information is provided pursuant to Section 9-011 of the Fairfax County Zoning Ordinance:

- A. Type of operation: There are no proposed changes to the type of operation, i.e., regional transportation, within SE 82-P-032, as amended. The only proposed change is the removal of the Property from SE 82-P-032 boundaries and acreage totals.
- B. Hours of operation: There is no proposed change in the hours of operation within SE 82-P-032, as amended. The only proposed change is the removal of the Property from SE 82-P-032 boundaries and acreage totals.
- C. Estimated number of patrons: There is no proposed change in the estimated number of patrons within SE 82-P-032, as amended. The only proposed change is the removal of the Property from SE 82-P-032 boundaries and acreage totals.
- D. Proposed number of employees: There is no change in the proposed number of employees within SE 82-P-032, as amended. The only proposed change is the removal of the Property from SE 82-P-032 boundaries and acreage totals.
- E. Estimate of traffic impact: There is no proposed change in the estimate of traffic impact within SE 82-P-032, as amended. The only proposed change is the removal of the Property from SE 82-P-032 boundaries and acreage totals.
- F. Vicinity or general area to be served by the use: There is no proposed change in the vicinity or general area to be served. The only proposed change is the removal of the Property from SE 82-P-032 boundaries and acreage totals.
- G. Architectural components: Not applicable. There is no proposed change to architectural components within SE 82-P-032. There are no proposed changes to the architectural components of the Property.
- H. Hazardous and toxic substances: There are no known hazardous or toxic substances within SE 82-P-032. The Property may include asbestos-containing material in the vinyl flooring in the basement and in the furnace room of the Property which will be disclosed to all prospective purchasers.

- I. Statement of conformance: To the best of Applicant's knowledge, the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards, and any applicable conditions except as noted below.

**SECTION 9-006 OF THE FAIRFAX COUNTY ZONING ORDINANCE:**

The following information is provided pursuant to Section 9-006 of the Fairfax County Zoning Ordinance:

- 1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.**

The proposed use is in harmony with the adopted comprehensive plan based on the following:

A Major Objective of the Vienna Planning District is to "Protect stable low density residential neighborhoods in the vicinity of the Vienna-Fairfax-GMU Metro Station."

There are no requested changes to current and/or planned usage of SE 82-P-032.

The deletion of the Property from SE 82-P-032 and its subsequent sale with its existing residential structure will help protect and stabilize a low density residential neighborhood in the Vienna Transit Station area.

- 2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.**

There are no proposed changes to the usage of SE 82-P-032.

The deletion of the Property from SE 82-P-032 will allow it to be sold with its existing residential structure for residential usage. The Property and its neighbors in the Poplar Terrace neighborhood are all zoned R-1 Residential District, One Dwelling Unit/Acre.

Accordingly, the proposed usage of SE 82-P-032 and the Property are in harmony with the general purposes 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 the 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.**

No changes are proposed to the usage of SE 82-P-032. Aside from its removal from SE 82-P-032, no changes are proposed to the Property.

The requested change is harmonious with and will not adversely affect the use and

development of the neighboring properties in accordance with the applicable zoning regulations and the adopted comprehensive plan.

- 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.**

There are no proposed changes to the usage within SE 82-P-032 and/or the Property.

- 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 proposed changes to the usage within SE 82-P-032 and/or the Property.

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

There are no proposed changes to the proposed usage within SE 82-P-032 and/or the Property.

- 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.**

There are no proposed changes to the usage of SE 82-P-032 and/or the Property.

- 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.**

There are no proposed changes to signage within SE 82-P-032 and/or the Property.

**SECTION 9-400 OF THE FAIRFAX COUNTY ZONING ORDINANCE:**

The following information is provided pursuant to Section 9-400 of the Fairfax County Zoning Ordinance:

SE 82-P-032 encompasses 33.5965 acres. The Property is a 1,287 square foot, single-family dwelling on a .4251 acre parcel. The removal of the Property will reduce SE 82-P-032 acreage from 33.5965 acres to 33.1714 acres. There are no other requested changes to SE 82-P-032.

Section 9-405.1 provides that "Electrically-powered regional rail transit facilities shall not have to comply with the minimum lot size requirements of the district in which located."

There are no proposed changes to the current and/or planned usage, operations and/or developments in SE 82-P-032.

**SECTION 9-601 OF THE FAIRFAX COUNTY ZONING ORDINANCE:**

Section 9-601 states that in addition to the submission requirements set forth in Section 9-011 above, all applications for a Category 6 special exception which require special approval or authorization from the Board:

**SECTION 9-610 OF THE FAIRFAX COUNTY ZONING ORDINANCE:**

Section 9-610 states the Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirement for an R district, except for all cluster subdivisions, the minimum lot area and/or lot width requirements for a C district or the minimum district size requirements for the C-9 District, and the minimum district size, lot area and/or lot width requirements for an I district, but only in accordance with the following:

- 1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.**

SE 82-P-032 encompasses 33.5965 acres. The removal of the Property will reduce SE 82-P-032 acreage from 33.5965 acres to 33.1714 acres. There are no other requested changes to SE 82-P-032. Section 9-405.1 provides that "Electrically-powered regional rail transit facilities shall not have to comply with the minimum lot size requirements of the district in which located."

The Property was constructed in the 1960's and complied with the minimum lot size requirements in effect at that time. The Property is a 1,287 square foot, single-family dwelling on a .4251 acre parcel.

WMATA, an interstate compact agency, created in 1967, is an agency and instrumentality of the District of Columbia, State of Maryland and Commonwealth of Virginia. The Property was acquired by WMATA in February 1974 for the public purpose of widening Five Oaks Road and Saintsbury Drive as part of the construction of the Vienna/Fairfax-GMU Metro station; subsequently, .0991 acres of land were taken for this purpose. The Vienna/Fairfax-GMU Metro station opened in June of 1986. There have been no other changes to the Property.

- 2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.**

There is no proposed development nor are any changes proposed to any existing vegetation, topography, historic resources and/or other environmental features within SE 82-P-032 or the Property.

- 3. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.**

There is no proposed development within SE 82-P-032 and/or the Property.

4. **Such waiver will be approved only if the remaining provisions of this Ordinance can be satisfied.**

All of the remaining provisions of this Ordinance are satisfied.

**SECTION 9-625 OF THE FAIRFAX COUNTY ZONING ORDINANCE:**

Section 9-625 states that "The Board may approve, either in conjunction with the approval of a rezoning or as a special exception for another use, a modification of any yard requirement for an existing structure or use, including but not limited to principal and accessory structures and off-street parking spaces but only in accordance with the following:

1. **It shall be demonstrated that the existing structure or use complied with the minimum required yards in effect when the use was established and that the yards have not been reduced to less than the yards required by this Ordinance since the effective date of this Ordinance, except by condemnation or by acquisition for public purposes by any governmental agency.**

SE 82-P-032 encompasses 33.5965 acres. The removal of the Property will reduce SE 82-P-032 acreage from 33.5965 acres to 33.1714 acres. There are no other requested changes to SE 82-P-032. Section 9-405.1 provides that "Electrically-powered regional rail transit facilities shall not have to comply with the minimum lot size requirements of the district in which located."

The Property was constructed in the 1960's and complied with the minimum lot size requirements in effect at that time. The Property is a 1,287 square foot, single-family dwelling on a .4251 acre parcel.

WMATA, an interstate compact agency, created in 1967, is an agency and instrumentality of the District of Columbia, State of Maryland and Commonwealth of Virginia. The Property was acquired by WMATA in February 1974 for the public purpose of widening Five Oaks Road and Saintsbury Drive as part of the construction of the Vienna/Fairfax-GMU Metro station; subsequently, .0991 acres of land were taken for this purpose. The Vienna/Fairfax-GMU Metro station opened in June of 1986. There have been no other changes to the Property.

#### **IV. CONCLUSION**

The Application for a Special Exception for the above-referenced Property proposes to fulfill an economic need that WMATA has to maximize its existing real estate assets.

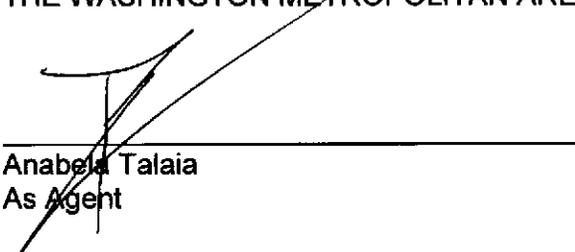
The removal of the Property will reduce the acreage in SE 82-P-032 acreage from 33.5965 acres to 33.1714 acres. There are no other requested changes to SE 82-P-032

The Property is not contiguous to the Vienna/Fairfax-GMU Metro station and has no potential transit purpose.

With approval of the Special Exception, the proposal will conform to the provisions of all applicable ordinances, regulations, standards, and conditions. Furthermore, the proposed use conforms to the spirit of the Zoning Ordinance and the recommendations of the Comprehensive Plan. Therefore, for the reasons set forth herein, the Applicant respectfully requests the approval of these applications.

Sincerely,

THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY



Anabela Talaia  
As Agent

**PROPOSED DEVELOPMENT CONDITIONS****SEA 82-P-032-5****March 24, 2006**

If it is the intent of the Board of Supervisors to approve SEA 82-P-032-5 located at 2900 Nutley Street (Tax Map 48-1 ((1)) 90A and 90B [formerly known as 48-1((1)) 90, 91B, 96, 97, 100A; 48-1 ((6)) 7A, 8B; 48-2 ((1)) 4, 4A; 48-2 ((24)) 38A]; 48-2((1)) 1; 48-3 ((4)) 28 to permit a reduction in land area and associated site modifications pursuant to Section 3-104, 6-105, 6-405 and 9-401 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions shall be in addition to the previously approved development conditions for SEA 82-P-032-2, SEA 82-P-032-3 and SEA 82-P-032-4 which shall remain in full force and effect.

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 Amendment Plat (SEA Plat) approved with this application, as qualified by these development conditions.
3. This Special Exception Amendment 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 SEA Plat entitled "WMATA Fairfax/Vienna/GMU Station," prepared by Dewberry and Davis, LLC, and dated November 18, 2005, as revised through March 7, 2006. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Upon demand by Fairfax County and/or the Virginia Department of Transportation (VDOT), WMATA shall provide any and all easements necessary to accommodate the installation of pedestrian signals at the intersection of Virginia Center Boulevard and Centerboro Drive.

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, sixty (60) months after the date of approval unless, at a minimum, 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.

## FAIRFAX COUNTY ZONING ORDINANCE

- (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:

## SPECIAL EXCEPTIONS

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

## 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                        |         |  |