DATE:    July 14, 2021

TO:      Sharon Williams, Staff Coordinator
          Zoning Evaluation Division
          Department of Planning and Zoning

FROM:    Jo Ellen Groves, Paralegal
          Office of the County Attorney

SUBJECT: Affidavit
          Application No.: SE 2021-LE-005
          Applicant: Sheehy Loisdale Property, LLC
          PC Hearing Date: Not yet scheduled.
          BOS Hearing Date: Not yet scheduled.

REF.:    161980

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 7/12/21, which bears my initials and is numbered 161980a, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Julia Nichols, Planning Technician I (Sent via e-mail)
          Zoning Evaluation Division
          Department of Planning and Zoning

Prolaw: 1483370
SPECIAL EXCEPTION AFFIDAVIT

DATE: July 12, 2021
(enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/agent, do hereby state that I am an applicant’s authorized agent listed in Par. 1(a) below

(check one) [ ] applicant [✓] applicant’s authorized agent listed in Par. 1(a) below

in Application No.(s): SE 2021-LE-005
(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.)

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>RELATIONSHIP(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheehy Loisdale Property, LLC</td>
<td>12701 Fair Lakes Circle, #250 Fairfax, VA 22033</td>
<td><img src="NAME" alt="enter applicable relationships listed in BOLD above" /></td>
</tr>
<tr>
<td>Agents: Ann H. Fowler Vincent A. Sheehy IV</td>
<td></td>
<td>Applicant/Title Owner of Tax Map 90-4 ((1)) 3, 4, 5</td>
</tr>
</tbody>
</table>

(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued on a “Special Exception Attachment to Par. 1(a)” form.

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

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).
## Special Exception Attachment to Par. 1(a)

**DATE:** July 12, 2021  
(enter date affidavit is notarized)

for Application No. (s): SE 2021-LE-005  
(enter County-assigned application number (s))

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

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>RELATIONSHIP(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walsh, Colucci, Lubeley &amp; Walsh, P.C.</td>
<td>2200 Clarendon Boulevard, Suite 1300 Arlington, VA 22201</td>
<td>Attorneys/Planners/Agents</td>
</tr>
</tbody>
</table>
| Agents: Lynne J. Strobel  
M. Catharine Puskar  
Andrew A. Painter  
Robert D. Brant  
Kathryn R. Taylor  
Elizabeth D. Baker  
Bernard S. Suchicital | | |
| Walter L. Phillips, Incorporated | 207 Park Avenue  
Falls Church, VA 22046 | Engineer/Agent |
| Agents: Monica R. Hawkins  
Jeffrey J. Stuchel  
Aaron M. Vinson  
William H. Prodo | | |
| Penney Design Group, LLC | 8120 Woodmont Avenue, Suite 450  
Bethesda, Maryland 20814 | Architect/Agent |
| Agents: Jonathan J. Penney  
Lori K. Hall | | |
| M. J. Wells and Associates, Inc. | 1420 Spring Hill Road, Suite 610  
Tysons, VA 22102 | Transportation Consultant/Agent |
| Agents: William F. Johnson  
Kevin R. Fellin  
Brian J. Horan  
Andrew C. Buntua  
Lester E. Adkins, III | | |
| Wetland Studies and Solutions, Inc. | 5300 Wellington Branch Drive, #100  
Gainesville, Virginia 20155 | Environmental Consultant/Agent |
| Agent: Benjamin N. Rosner | | |
| (check if applicable) | [ ] | There are more relationships to be listed and Par. 1(a) is continued further on a “Special Exception Attachment to Par. 1(a)” form. |
SPECIAL EXCEPTION AFFIDAVIT

DATE: July 12, 2021

for Application No. (s): SE 2021-LE-005

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

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)
Sheehy Loisdale Property, LLC
12701 Fair Lakes Circle, #250
Fairfax, VA 22033

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Members:
Sheehy Auto Stores, Inc. Ann H. Fowler ABF Realty, LLC
Vincent A. Sheehy IV VMS Realty, LLC
Paul A. Sheehy PNS Realty, LLC
Manager: Vincent A. Sheehy IV

(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 Attachment to Par. 1(b)

DATE: July 12, 2021  (enter date affidavit is notarized)

for Application No. (s): SE 2021-LE-005  (enter County-assigned application number (s))

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

Sheehy Auto Stores, Inc.
12701 Fair Lakes Circle, #250
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.

[  ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[  ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Vincent A. Sheehy, IV
Paul A. Sheehy
Ann H. Fowler

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

VMS Realty, LLC
12701 Fair Lakes Circle, #250
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.

[  ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[  ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Members:
Kathleen M. Sheehy
Vince A. Sheehy V
Kevin J. Sheehy
Manager:
Vincent A. Sheehy, IV

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a “Special Exception Attachment to Par. 1(b)” form.
Special Exception Attachment to Par. 1(b)

DATE: July 12, 2021
(enter date affidavit is notarized)
for Application No. (s): SE 2021-LE-005
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
PNS Realty, LLC
12701 Fair Lakes Circle, #250
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Members:          Manager:
Andrew P. Sheehy  Owen M. Sheehy  Paul A. Sheehy
Patrick J. Sheehy  Emily N. Sheehy

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
ABF Realty, LLC
12701 Fair Lakes Circle, #250
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Members:          Manager:
Caroline M. Fowler Kirby A. Fowler  Ann H. Fowler
Margaret M. Fowler Frederick L. Fowler IV

(check if applicable)  [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.
Special Exception Attachment to Par. 1(b)

DATE: July 12, 2021

for Application No. (s): SE 2021-LE-005

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[✓] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Wendy A. Alexander            John H. Foote            Charles E. McWilliams
David J. Bomgardner            H. Mark Goetzman        Antonia E. Miller
E. Andrew Burcher              Bryan H. Guidash        J. Randall Minchew
Jonelle M. Cameron             Michael J. Kalish       Andrew A. Painter
Thomas J. Colucci              Michael R. Kieffer      M. Catharine Puskar
Michael J. Coughlin            Walter L. Phillips, Incorporated
                                Kathleen H. Smith
                                Lynne J. Strobel
                                Erin M. Thiebert
                                Garth M. Wainman
                                Matthew A. Westover

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Walter L. Phillips, Incorporated
207 Park Avenue
Falls Church, VA 22046

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Jeffrey J. Stuchel
Aaron M. Vinson
Karen L. White

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.
Special Exception Attachment to Par. 1(b)

DATE: July 12, 2021
(enter date affidavit is notarized)

for Application No. (s): SE 2021-LE-005
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Penney Design Group, LLC
8120 Woodmont Avenue, Suite 450
Bethesda, Maryland 20814

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Jonathan J. Penney

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
M. J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 610
Tysons, VA 22102

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
M. J. Wells & Associates, Inc. is an Employee Stock Ownership Plan (ESOP). All employees are eligible Plan participants; however, no one employee owns 10% or more of any class of stock.

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.
NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Wetland Studies and Solutions, Inc.
5300 Wellington Branch Drive, #100
Gainesville, Virginia 20155

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.

[✓] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
The Davey Tree Expert Company

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
The Davey Tree Expert Company
1500 N Mantua Street
Kent, OH 44240

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.

[✓] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
An employee-owned company with the only shareholder that owns 10% or more is The Reliance Trust Company, as trustee for the Davey 401(k) SOP and ESOP. There are in excess of thousands of members in this pension fund, none of whom own 10% or more of The Davey Tree Expert Company.

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.
SPECIAL EXCEPTION AFFIDAVIT

DATE: July 12, 2021

(enter date affidavit is notarized)

for Application No. (s): SE 2021-LE-005

(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)

None

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

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

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a “Special Exception Affidavit Attachment to Par. 1(c)” form.

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

DATE: July 12, 2021
(enter date affidavit is notarized)

for Application No. (s): SE 2021-LE-005
(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: July 12, 2021
(enter date affidavit is notarized)

for Application No. (s): SE 2021-LE-005
(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.)

None

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

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a “Special Exception Attachment to Par. 3” form.

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

________________________________________
WITNESS the following signature:

[ ] Applicant

[ ] Applicant’s Authorized Agent

Lynne J. Strobel, attorney/agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 12 day of July 2021, in the State/Comm. of Virginia, County/City of Arlington.

________________________________________
Notary Public

Commission expires: 11/30/2023